



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

WORK SESSION – *Discussion items only. No action taken*

Treasure Hill Conditional Use Permit & Sweeney open house – Informational update

ROLL CALL

ADOPTION OF MINUTES OF JUNE 23, 2010

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

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

1440 Empire Avenue – Conditional Use Permit PL-09-00725

Public hearing and continue to a date uncertain

CONSENT AGENDA – *Public Hearing and possible recommendation*

PG

114 Hillside Avenue – Plat Amendment PL-07-00184 25

6808 Silver Lake Drive – Plat Amendment PL-10-00955 37

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

692 Main Street – Amendment to Master Planned Development PL-10-00961 49

Public hearing and possible action

1310 Lowell Avenue – Conditional Use Permit PL-10-00965 133

Public hearing and possible action

1150 Deer Valley Drive, Snow Country – Amendment to Record of Survey PL-09-00768 149

Public hearing and possible recommendation to City Council

200 Ridge Avenue, Ridge Overlook – Plat Amendment PL-10-00977 173

Public hearing and discussion

Park City Heights – Pre-Master Planned Development PL-10-01014 199

Public hearing and possible action

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.
Planning Commission - July 14, 2010

MINUTES – JUNE 23, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 23, 2010

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Dick Peek, Brooke Hontz, Mick Savage, Adam Strachan

EX OFFICIO:

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

=====

REGULAR MEETING

I. ROLL CALL

Vice-Chair Peek called the meeting to order at 5:42 p.m. and noted that all Commissioners were present except Commissioners Wintzer, Luskin, and Pettit, who were excused.

III. PUBLIC COMMUNICATIONS

There were no comments.

IV. ADOPTION OF MINUTES OF JUNE 9, 2010

It was noted that the minutes and work session notes were incorrectly dated June 10, 2010.

MOTION: Commissioner Hontz made a motion to change the date of both the Work Session Notes and the Minutes to reflect the correct date of June 9, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

V. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Planning Director Eddington announced that the General Plan Neighborhood input sessions were scheduled for July 20th and July 27th at the High School from 6:00-8:00 p.m. He encouraged the Commissioners to attend at least one of those meetings. The goal is to obtain neighborhood input to help with land use and the proposed goals.

Director Eddington stated that on July 6th and July 13th the City will hold a Treasure Hill open house at the High School beginning at 6:00 p.m. The purpose is to show the public the direction Treasure Hill is taking and where they are in the negotiation process.

Commissioner Hontz disclosed that she would be recusing herself from the 6808 Silver Lake Drive plat amendment item because she has a ski instruction relationship with the owner.

Vice-Chair Peek pointed out that 6808 Silver Lake Drive would be continued to July 14th because they would lack a quorum.

Vice-Chair Peek referred to the 1310 Lowell Avenue application and disclosed that he has used the same subcontractor on that project for other projects in the past. However, he is not involved with 1310 Lowell Avenue and did not believe it presented a conflict.

Regarding the 1310 Lowell Avenue project, Commissioner Strachan disclosed that his firm represents Park City Mountain Resort on personal injury cases and a commercial disputes. He did not believe that representation would affect his vote in any way.

CONSENT AGENDA

1. 6808 Silver Lake Drive - Plat Amendment
(Application #PL-10-00955)

MOTION: Commissioner Savage made a motion to REMOVE 6808 Silver Lake Drive from the Consent Agenda for continuation. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. 1144 Woodside Avenue - Plat Amendment
(Application #PL-10-00961)

Vice-Chair Peek opened the public hearing. There was no comment. Vice-Chair Peek closed the public hearing.

MOTION: Commissioner Strachan made a motion to forward a positive recommendation to the City Council for the 1144 Woodside Avenue Plat Amendment, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the attached ordinance to the Staff report. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1144 Woodside Avenue

1. The property is located at 1144 Woodside Avenue within the HR-1 zoning district.
2. The plat amendment is for the existing Lots 20 and 21 of Block 5 of Snyder's Addition to the Park City Survey.
3. The proposed plat amendment will create one lot of record that is 50 feet wide by 75 feet deep. The minimum lot width in the HR-1 zone is 25 feet.

4. The area of the proposed lot is 3750 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet.
5. The lot is vacant with an existing asphalt driveway.
6. The neighborhood is characterized by single family and multi-family homes and condominiums.
7. All findings within the Analysis section are incorporated herein.

Conclusions of Law - 1144 Woodside Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivision and plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval - 1144 Woodside Avenue

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. A ten foot wide public snow storage easement is required along the front of the property.
4. No remnant parcels are created.
5. There are several existing encroachments on the property including a shed, two fences, and a portion of the neighboring driveway. The applicant must either remove the existing encroachments or record encroachment agreements with the neighboring property owners prior to plat recordation.
6. Modified 13-D sprinklers shall be required for all occupied structures.

2. 321 McHenry Avenue - Plat Amendment
(Application #PL-10-00973)

Vice-Chair Peek opened the public hearing. There was no comment. Vice-Chair Peek closed the public hearing.

MOTION: Commissioner Strachan made a motion to forward a POSITIVE recommendation to the City Council for the 321 McHenry Avenue plat amendment according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the attached ordinance to the Staff report. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 321 McHenry

1. The property is located at 321 McHenry Avenue within the HRL zoning district.
2. The Plat Amendment is for the existing Lot 28 and portions of Lots 3,4,5, 29,30,31,and 32 of Block 59 of the Park City Survey.
3. The proposed Plat Amendment will create one uniquely configured lot of record that is approximately 123 feet wide by a varying depth of 75 to 17 feet. The area of the proposed lot is 4,610 square feet. The minimum lot size in the HRL zoning district is 3750 square feet. The minimum lot width in the HRL zone is 35 feet.
4. There is an existing non-historic home located at 321 McHenry Avenue.
5. The neighborhood is one characterized by single family and multi-family homes.
6. A right-of-way dedication of 1195.94 square feet will be dedicated to the City upon recordation.
7. The maximum footprint based on the property owned prior to right-of-way dedication (5806.79 sf) is 2095 square feet. The maximum footprint based on the proposed lot after right-of-way dedication (4610.85 sf) is 1779 square feet. By allowing the footprint to be calculated including the dedication, the property owner receives the right to an additional 316 square feet of footprint.
8. All findings within the Analysis section are incorporated herein.

Conclusions of Law - 321 McHenry

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed subdivision.

4. As conditioned, the plat amendment is consistent with the Park City General Plan.

Conditions of Approval - 321 McHenry

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. A ten foot wide public snow storage easement is required along the front of the property.
4. No remnant parcels are separately developable.
5. A plat note will be added to the parcel, which allows a maximum footprint of 2095 square feet.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

6. 6808 Silver Lake Drive - Plat Amendment
(Application #PL-10-00955)

This item was removed from the Consent Agenda for continuation since Commissioner Hontz needed to be recused and there would not be a quorum.

MOTION: Commissioner Strachan moved to CONTINUE 6808 Silver Lake Drive plat amendment to July 14, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

7. 692 Main Street - Amendment to Master Planned Development
(Application 692 Main Street - Amendment to Master Planned Development)

Planner Brooks Robinson reviewed the application to amend the master planned development at the Marriott Summit Watch Town Lift MPD, for one building at 692 Main Street, which had been the Summit Watch Sales Gallery. It is a two-story building with a basement. In 1994, after several amendments and agreements between the City and developers in the lower Main Street area, there was a revised master plan, at which time this building was constructed and approved at 7200 square feet of commercial space, being 7.2 unit equivalents.

Planner Robinson stated that the applicant is requesting to amend that MPD to create a mixed use rather than all commercial. They propose to stay under the 7.2 UEs, but still have a mix of residential and commercial. Planner Robinson explained that one residential unit equivalent is 2,000 square feet versus 1,000 square feet for commercial. He noted that it is possible to stay under

the UEs, but increase the size of the building. The proposal is to add a third story and a fourth story that would then step back.

Planner Robinson reported that the applicants had revised their plans after the Staff report was distributed. The UEs for the residential portion shows 3.38 throughout the report. With the revisions, that number increases to 3.78. The total is 6.83 instead of 6.43. Planner Robinson noted that those numbers were also identified in Findings of Fact #9. If the Planning Commission chooses to move forward, that correction should be reflected in the motion.

Planner Robinson stated that the configuration was changed to add approximately 800 square feet for a total of 2400 square feet instead of 1600 square feet.

Vice-Chair Peek asked if the 6.83 UEs were identified in the conditions. Planner Robinson replied that it was not shown and recommended that it be included in Finding of Fact #9, "total unit equivalents would be 6.83".

Planner Robinson referred to Condition of Approval #4. He recalled discussion at the pre-MPD stage about the main floor level and the market deli and grill/bar. The applicant has stipulated that the market area would be open to the public. However, if the use changes over time, language was added to the condition to state, "...or any other commercial use of that space will be open to the public". He noted that the grill/bar may be open to general public, but is likely to be for the members of the timeshare project.

Vice-Chair Peek recalled that this issue came up last time regarding the vertical zoning ordinance. He asked if there was an allowed use. Planner Robinson explained that they need to see if a business license has been in continuous operation or if operation has been stopped for more than a year. Planner Robinson stated that even though the use went from a sales gallery/real estate office to a use that is partially sales tax generating, it would still be grandfathered under the vertical zoning ordinance.

Commissioner Hontz wanted to know when the time would expire. Planner Robinson stated that he would check with the Finance Department to see when the business license expires. He believed it was in October.

Commissioner Peek asked if the use as a sales gallery generated walk-in traffic for real estate sales. Planner Robinson explained that Summit Watch was selling their time shares out of that building. The building is currently vacant. Commissioner Peek pointed out that the use allowed public access to the building. Planner Robinson clarified that under the vertical zoning, real estate offices, because they do not generate sales tax, and law offices or other office type uses are not allowed under the vertical zoning ordinance unless it has been a continuing use. If a developer had an office on the street when the ordinance was passed, that use could continue.

Commissioner Peek reiterated that those uses are all accessed by the public. Planner Robinson agreed, noting that the purpose of vertical zoning is to put retail sales businesses on the Main Street level. It is for more than just public access. Commissioner Peek felt that a private restaurant

use was radically different and was not a contiguous use consistent with the business license. Commissioner Hontz agreed that it was not a renewal of the use.

Commissioner Strachan remarked that regardless of whether the use satisfies the vertical zoning ordinance, the Planning Commission could condition the approval to be open to the public at all times. Commissioner Hontz did not favor approving a use that did not meet the ordinance.

David Luber, representing the applicant, stated that they intend to continue selling real estate in a portion of the building. He understood that if they did not have the ongoing sales operation that is still licensed by the City, they would have a use problem. The difference is that the use would be present, but not in the entire building. Mr. Luber believed that a sales office would not prohibit them from converting this building back to its intended residential and commercial purpose, as long as they remain under the 7.2 UE's, which they would under the 6.83 designation proposed in the current plan.

Mr. Luber stated that they would continue to have commercial, residential and a degree of sales activity. Commissioner Peek asked if the uses would be open to the public or if it would be a private club use. Mr. Luber replied that the grill/bar private club is initially designed to be a ski lodge private club and not open to the public. It may be opened to the public but that is not mandated. Mr. Luber remarked that the market, which was a conversation point during the pre-application discussion, is intended to be open to the public at all times.

Mr. Luber clarified that the intent is to take a defunct or non-operating building asset and turn it into something that is profitable for the developer and for the City in terms of tax base. He believes this project would generate amenable traffic into the 7th Avenue District. Mr. Luber remarked that the mix of uses proposed meets the criteria.

Commissioner Savage understood that the developer was asking for the right, but not the obligation, to convert the restaurant space into public space. He clarified that the issue was whether or not the bar/grill would be open to the public and that Mr. Luber believes they already have the right for that option. Mr. Luber replied that this was correct. However, without question, the market will be a public facility.

Commissioner Savage asked if the Planning Commission has a right to question the public/private issue as a point of approval. If the developer's right is stipulated in the Code, he thought they should move forward.

Assistant City Attorney, Polly Samuels McLean, noted that currently it is non-commercial. However, in looking through the MPD criteria, one of the criteria addresses compliance with the General Plan and whether or not it increases livability, impacts to the neighborhood, etc. She advised the Planning Commission look at the project based on that criteria, regardless of whether the use is public or private.

Planner Robinson reviewed the building elevations and the floors going up to the residential, which is currently part of the commercial space in the existing building. The third level would be added with additional residential units. Planner Robinson presented a slide with the corrected numbers he

had outlined at the beginning of the presentation, with the three bedroom unit being larger overall. He noted that the revisions did not change the parking calculations identified in a table on Page 60 of the Staff Report. Based on the size of the units and the commercial space, the requirement is a total of 23 parking spaces. The applicant provided 23 spaces under an easement that was granted in the 1990's with the original Summit Watch development.

Planner Robinson stated that the Staff reviewed the General Plan Compliance, Historic Core Policies, as well as the MPD requirements and found compliance with each of the criteria.

Commissioner Peek pointed out that Level 4 as shown was different from what was in their packets. Mr. Luber stated that after they met with the Planning Commission on April 23, they were able to do additional market research in terms of the residential sale component. In meeting the objective of one of the historic core policies to promote residential viability on the street, they found that a three bedroom unit on the Penthouse was attractive to some of the potential buyers of the project. Square footage was added to continue the livability of residential areas in that component of the project and part of the street. However, they were still under the 7.2 UE and fall within the requirements.

Commissioner Peek clarified that the proposal provided in the Staff report had been adjusted. Planner Robinson concurred. Commissioner Peek asked if the elevations had also changed.

Kevin Horn, the project architect, stated that more historic detail had been added to the elevations. Commissioner Peek asked if the top elevation on the west side stepped back. Mr. Horn answered yes. Commissioner Peek pointed out that it steps back from the front facade, but there is no articulation and it creates one plane across the building north to south. Mr. Horn stated that the floor plan shows an indent in the spa area, which creates two elevations. Commissioner Strachan noted that it appeared to be on the 4th floor only. Mr. Horn replied that this was correct. He explained that the first and second floors were on the same plane and the third story continues that single plane.

Mr. Luber noted that this project was simultaneously going through the Historic District Review process. He recalled that on April 23rd the Planning Commission unanimously recommended sunsetting the task force of the previous concept, and that was approved by the City Council.

Commissioner Hontz asked about the exterior material on the fourth level. Mr. Horn stated that the plan was showing a stucco material, which is the same material used on the balcony of the building. They are also considering other materials. Mr. Luber stated that the material could be brick to the fourth floor, however, the market speaks to something that individualizes the penthouse. It is a smooth concrete that is intended to blend with the rest of the building and concrete work.

Mr. Horn reviewed a slide and indicated that they would cut out the arch and expand the balcony. Commissioner Peek understood that they would demolish the arch and create a new balcony in the same footprint. Mr. Horn replied that this was correct.

Mr. Luber stated that the goal was to achieve an exterior look that is a harmonious historic element, which has been lacking in the building up until now. He noted that the Design Review Staff enthusiastically supported that element.

Planner Robinson clarified the intent of the Summit Watch project in the early 1990's. He noted that some of the initial concepts were more commercial laden and the intent of the City was to have a better ratio with more residential. The Summit Watch building ended up being all commercial, even though initially it was intended to be a mixed use. Planner Robinson stated that the intent of the proposal presented this evening was to stay under the unit equivalents that were approved, and go back to the original intent of a mixed use with less commercial and more residential.

Planner Robinson remarked that the applicant was requesting action on the MPD amendment to allow a mixed use project.

Commissioner Peek noted that when the Planning Commission reviewed a pre-MPD application in April, they did not find compliance with the General Plan. He asked if that was because the original MPD was found to be in compliance with the General Plan, and there was no need to find compliance again. Planner Robinson noted that Conclusion of Law #3 in the Staff report states that the amended MPD is consistent with the Park City General Plan. He clarified that at the last meeting the Planning Commission discussed the design review process and made that recommendation to the City Council. The City Council acted on their recommendation, which consolidated that particular finding into the findings provided for this meeting.

Commissioner Peek understood that the application was an amendment to an MPD. However, the Code states that a pre-MPD meeting needs to be conducted to find compliance with the General Plan. He asked if that step is not required for an amendment to an MPD.

Mr. Horn pointed out that the original MPD was found to be in compliance and this amendment does not change the MPD.

Assistant City Attorney McLean remarked that in April this application was noticed as a pre-MPD. It did not go through the typical Staff report, but it was discussed as a pre-MPD and the language shows initial compliance with the General Plan.

Commissioner Peek clarified that the motion was a recommendation to the City Council for design review. The Planning Commission did not take action on the actual pre-MPD application. Ms. McLean requested time to review the Code before commenting on Commissioner Peek's concern.

Mr. Luber reiterated that they tried to meet the objectives of the historic core policies; specifically the point to continue the livability of residential areas around the historic commercial core. He stated that the purpose was to design a project that is commercially feasible within the guidelines currently permitted under the LMC and the MPD. Mr. Luber requested approval from the Planning Commission to move forward and build out their projects as suggested in the amendment.

Vice-Chair Peek opened the public hearing.

Rob Murphy, representing the Marriott Summit Watch Management Company commented on two issues in the Staff report. A paragraph under site planning talks about refuse facilities and indicates that the Summit Watch project has dumpster in the underground parking area. Mr. Murphy clarified that those dumpsters and the refuse facilities are paid for and operated by the Summit Watch Condominium Owners Association, which is a privately-owned entity. The trash facilities are in no way affiliated with this building and cannot be used by this project. Mr. Murphy pointed out that the only access they have to enter the property is their parking easement recorded under 384600.

Mr. Murphy noted that Paragraph 9 in the Staff report references service and delivery on the adjacent plaza and the underground parking garage. He clarified that the only rights this applicant has are 23 parking spaces granted in that easement.

Vice-Chair Peek closed the public hearing.

Commissioner Strachan remarked that the Planning Commission was looking at a totally different plan. Two floors were added, the density was increased and the plans contained in the Staff report were incomplete based on changes that were submitted after the Staff report was prepared. In addition, a trash issue was raised this evening and he was unsure if closing the bar and grille to the general public meets the intent of the General Plan. Commissioner Strachan felt that the three Commissioners who were absent this evening should have the opportunity to review this application, particularly if they look at General Plan compliance. Based on the reasons stated, Commissioner Strachan thought this item should be continued for further review.

Commissioner Hontz stated that when considering the historic core policies of the General Plan, as well as the viability and increase in traffic, they have a duty to support this end of Main Street. Therefore, allowing any part of the main floor of this building to be private would go against the plan for helping this end of Main Street become viable again. Commissioner Hontz believed the historic core policies on page 58 of the Staff report supports her comment, specifically the 2nd bullet point, "to maintain commercial viability, promote year-round demand by residents and workers for services, restaurants, entertainment and similar uses in the core". Commissioner Hontz remarked that if an approval could be conditioned to keep the entire main level open to the public, she felt that would meet the General Plan. Commissioner Hontz read bullet point #4, "Support programs that make the downtown attractive to potential businesses". She stated that if the entire area were open it would be more attractive and encourage people to spend time there. She noted that bullet point #5 talks about pedestrian-friendly environment. If the space can be utilized by the public, it would be more pedestrian-friendly, particularly if the market was located on that level. Commissioner Hontz remarked that public space speaks to the livability issue addressed in bullet point #6. She believed this project had the opportunity to meet the intent of the vertical ordinance.

Commissioner Hontz stated that she could not support the application unless that portion of the project comes into compliance with the General Plan.

Commissioner Savage felt the issue was whether or not this was an allowed use, and acknowledged that he did not have the ability to determine that with respect to the General Plan.

Commissioner Savage commented on the number of restaurants in that area and he believed the owners of those restaurants would favor less competition. He did not think the public lacked opportunities to find good places to eat. In thinking about a viable property, Commissioner Savage thought that a distinctive character like a private club inside that property would help create the value and ambience they want in terms of having the building properly occupied. He was more concerned about non-vacancy signs.

Commissioner Savage asked if there could be an alternate use for the private club space, such as a gym or spa for the homeowners. If the answer is yes, he was unsure why the space could be private for that purpose but not as a restaurant. Commissioner Savage remarked that incorporating the market would be a great value for that portion of Main Street and represents a good contribution to the neighborhood.

Commissioner Savage understood that the applicant was asking for the right, but not the obligation, to turn that space into a public facility. He thought it was likely that they would do that in any event once the units are sold and people realize the benefits of having a better economic base. Commissioner Savage clarified that he was not particularly concerned about the private space issue, unless they find that it is not allowed by Code. However, at this point, the Legal Department and the Staff recommend supporting this proposal with the understanding that it is compliant with Code.

Vice-Chair Peek agreed with Commissioners Strachan and Hontz that the matter should be continued to address the service delivery issues with the Marriott Summit Watch HOA. In addition, the Planning Commission needed to see complete updated plans with the appropriate density numbers, as well as an analysis of the vertical zoning ordinance as it applies to this use and any vested rights from the former use.

Commissioner Strachan noted that stucco was mentioned as a proposed material. In the past the Planning Commission has not been favorable to stucco, and he thought the Commissioners who were not present should have the opportunity to voice their opinion. He suggested that the Planning Commission direct the applicant to reconsider the use of stucco and provide alternative materials.

Vice-Chair Peek stated that because this would be a four-story building next to a historic structure, he would like to see an articulation of the view as seen from the Zoom Restaurant.

Assistant City Attorney McLean had researched the Code regarding the pre-MPD. She stated that even though the Planning Commission had not made a motion for compliance with the MPD, after reading the Code and the minutes from the April meeting, she was comfortable with the action taken. Ms. McLean explained that the Code requires a finding and per the minutes, the Planning Commission had discussed whether or not this initially complied with the General Plan. The minutes show that Commissioner Peek thought it did comply and the Commissioners concurred. Based on that language, Ms. McLean believe it was appropriate for the Planning Commission to consider this application as an MPD.

MOTION: Commissioner Strachan moved to CONTINUE 692 Main Street, Master Planned Development Amendment to July 14, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

8. Ratification of Little Kate Road - Ratification of Development Agreement
(Application #PL-09-00965)

Planner Kayla Sintz reported that this item was the Development Agreement for the Park City Racquet Club MPD. She noted that Section 15-6-4(G) of the Land Management Code states that once the Planning Commission has approved a master planned development for a project the approval shall be formalized in the form of a development agreement. The development agreement must be ratified by the Planning Commission, signed by the Mayor on behalf of the City Council and recorded with the Summit County recorder.

The Staff recommended that the Planning Commission review the proposed development agreement and consider ratifying the agreement as written. Planner Sintz clarified that the Planning Commission may recommend amendments to the Development Agreement, but shall consider that this action is an administrative action ratifying that the January 20, 2010 final approval is correctly memorialized in the Agreement.

MOTION: Commissioner Strachan moved to RATIFY the Development Agreement for 1200 Little Kate Road. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

9. 1310 Lowell Avenue - Conditional Use Permit
(Application #PL-10-00965)

Due to issues related to Commissioner Strachan's business association with PCMR, Assistant City Attorney McLean advised the Planning Commission to continue this item July 14 2010.

The item had been noticed for public hearing.

Vice-Chair Peek opened the public hearing.

Terry Whitney, representing the Snow Flower Condominiums stated that the Resort has been a great neighbor. Brent Child contacted the owners a month ago and met with them on site to show what they were planning. Mr. Whitney stated that his efforts helped the owners understand what the Resort was asking in this application. She remarked that the concerns relating to the height of the poles, the direction of the lighting and the lighting hours appeared to be addressed. Regarding the terrain park, Ms. Whitney was concerned that the issue of music and porta-pottys had not been addressed.

Vice-Chair Peek continued the public hearing.

Commissioner Hontz stated that Park City is a ski town and she favored the idea of adding to the night skiing terrain. She liked the concept and was happy to hear that the Resort has been good neighbors in working with the adjacent property owners. Commissioner Hontz referred to the CUP Criteria #3, Utility Capacity, and expressed concern that there might be issues with capacity in the community. She requested additional information from Staff to better understand the capacity and to make sure the Planning Commission would be approving something that is actually buildable. Commissioner Hontz suggested that they do their due diligence before July 14th.

Commissioner Savage requested an explanation of the before and after pictures contained in the Staff report.

Brent Child, representing the Resort, explained that there was very little difference between the before and after pictures. He noted that the pods shown would be new lighting and the race arena northwest of those pods already have lighting. The run to the east, towards the bottom of the picture is already lit. He clarified that the new lighting is in between those two.

Planner Jacque Mauer pointed out that currently 44-1/2 acres are lit. This proposal would increase the lighted area to 54.7 acres.

Planner Mauer noted that the Staff report states that there are 49 poles and lights. She corrected that to indicate 49 poles and 76 Metal Halide light fixtures. Planner Mauer stated that the number of lights and poles would be accurately reflected in the July 14th Staff report.

Mr. Child stated that the race arena has approximately 75 lights that are a 1,000 watt metal halides. The First Time run has approximately 40-50 1,000 watt metal halide. The 76 lights proposed for the center section are 150 watt metal halide. He noted that they would see a half to two foot candles of steady, consistent even lighting. The 1,000 watts on the other two runs would have bright spots and then feather out to half foot candles. He believed the proposed lighting would be more visually appealing and more efficient in terms of energy consumption. The old lights were 1500 watt porch halogens that were upgraded this year to 150 watt metal halides with an 82% savings in power.

Director Eddington asked if the existing poles would be utilized with the same color of lights. He was told that the lights would be the same type but the existing lights would be brighter. The new lights would be the same color but less wattage.

Commissioner Savage asked if there would be a change in total power demand after lighting is replaced, eliminated and added. He was told that the power demand would be less. Mr. Child calculated that they would use approximately 53,000 kilowatt hours less on Pay Day and 20,000-30,000 less on Three Kings. Even with the additional lighting they would still save power. Rocky Mountain Power had provided an email stating that there was enough power to support this new project.

MOTION: Commissioner Hontz moved to CONTINUE 1310 Lowell, Three Kings Ski Run lighting to July 14, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

10. 1750 Park Avenue - Conditional Use Permit
(Application #PL-10-00960)

Planner Sintz reported that the Planning Commission approved a conditional use permit on September 27, 2006. However, the applicant never pulled a building permit and the approval expired.

Planner Sintz noted that the application was under review for a conditional use permit because it is within the Frontage Protection Zone overlay on Park Avenue. The existing building has approximately 6,000 square feet and the proposed addition to the rear area would add 2,704 square feet for a total of 8,719 square feet. The total footprint would increase 590 square feet.

Planner Sintz stated that the parking area currently has 25 stalls, which exceeds the Code requirement of 21 spaces. The addition would decrease the parking to 24 stalls, which still exceeds the 21 spaces required.

The Staff recommended that the Planning Commission conduct a public hearing and approve the conditional use permit based on the findings of fact, conclusions of law, and conditions of approval.

Vice-Chair Peek opened the public hearing.

There was no comment.

Vice-Chair Peek closed the public hearing.

Commissioner Hontz asked if the plan included enhancements or changes to the exterior of the current building. David White, the project architect, replied that the current building would remain the same. Commissioner Hontz asked about paint. Mr. White believed the building was resided and painted a year ago. Commissioner Hontz asked if the materials were a continuation of the siding and existing material. Mr. White replied that this was correct.

MOTION: Commissioner Strachan moved to APPROVE the conditional use permit for 1750 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Staff report. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1750 Park Avenue

1. The property is located at 1750 Park Avenue.
2. The zoning is General Commercial (GC) within the Frontage Protection Zone (FPZ).

3. The proposed Conditional Use Permit is for construction within the FPZ.
4. The existing building is 6,015 square feet.
5. The 2704 square foot proposed addition brings the building to 8719 square feet.
6. The net leasable floor area will be 6954.5 square feet. The footprint will increase by 590 square feet.
7. 25 parking spaces currently exist.
8. The required parking for the site is 21 spaces. Proposed parking is 24 spaces.
9. The proposed addition would be to the rear 2nd story of the building. The building height will not be increased by the addition.
10. Use of the building will remain general office.
11. The building is within the flood plain area and soils district.

Conclusions of Law - 1750 Park Avenue

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

Conditions of Approval - 1750 Park Avenue

1. The City Attorney and City Engineer will review and approve the final construction plans for compliance with State law, the Land Management Code and the conditions of approval.
2. The applicant will apply for a building permit from the City within one year from the date of Planning Commission approval. If a building permit has not been granted within one year's time, this Conditional use Permit will be void.
3. Before a building permit is issued, the building department shall review plans to make sure they are appropriate in the flood area.

4. A soils mitigation plan shall be submitted and approved by the building department before construction and/or excavation may commence.
5. At the closure of the job, the soil shall be tested and approved by the building department before the certificate of compliance to the Soils Ordinance shall be re-issued.
6. Any modifications to signs, lighting, or landscaping shall be reviewed under separate application.
6. General Plan - Amendment to change the title of the Park Bonanza District to "Bonanza Park District" (Application # PL-10-00996)

Planning Director Eddington stated that the City has been working with various neighborhoods, including the Park Bonanza area, as part of the General Plan update. The proposed amendment would change the current name in the supplement to the General Plan from Park Bonanza to Bonanza Park.

Director Eddington explained that a number of property owners agreed on the name change and would like to do banners or some type of branding to identify the area as Bonanza Park. The Staff agreed to look at the name change with regard to the existing General Plan, because it could be a year or two before the new General Plan is completed.

For the sake of consistency and identification, the Staff recommended that the Planning Commission adopt the amendment for the name change.

Commissioner Savage asked if public input was required. Director Eddington stated that the Staff had met with property owners and others over the past few months on this issue. Commissioner Savage asked about noticing requirements. Director Eddington pointed out that it was noticed for public hearing on the agenda this evening. It has also been made public at other General Plan meetings.

Vice-Chair Peek opened the public hearing.

There was no comment.

Vice-Chair Peek closed the public hearing.

MOTION: Commissioner Savage made a motion to forward a POSITIVE recommendation to the City Council to adopt the amendment to the Park City General Plan to change the name "Park Bonanza" to "Bonanza Park" District. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 7:50 p.m.

Approved by Planning Commission: _____

DRAFT

CONSENT AGENDA

Planning Commission Staff Report



Subject: 114 Hillside Replat
Author: Katie Cattan
Application #: PL-07-00184
Date: July 14, 2010
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission review the plat amendment application, conduct a public hearing, and consider forwarding a positive recommendation to the City Council for the 114 Hillside Replat according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

Topic

Applicant: Dennis Peterson
Location: 114 Hillside Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat amendment require Planning Commission review and City Council approval

Background

On October 5, 2007, the City received a complete application for a plat amendment for the existing property at 114 Hillside Avenue. The property at 114 Hillside Avenue is comprised of platted old town lots (Lots 31-35 of Block 72 of the Park City Survey) and portions of vacated Chambers Street (Ordinance Entry no. 139393).

The property is listed on the Park City Historic Sites Inventory as a significant site. A historic home and historic accessory building exist on the site. Sandridge Avenue bisects the property with the home located to the west of Sandridge Avenue and the accessory building is located to the east of Sandridge Avenue (Exhibits B - Survey).

The applicant has not submitted any additional applications with the plat amendment. A building permit cannot be obtained to build across lot lines. A plat amendment must be recorded prior to issuance of a building permit to remove the interior lot line. Any future applications for an addition will require the approval of a historic district design review application.

Analysis

The application is to create one lot of record at 114 Hillside Avenue. City staff has been working with the applicant to find a resolution to protect the historic site as well as the existing street. Typically, the City requires that existing roads be dedicated to the City as street right-of-way during the plat amendment process. In this instance, a street dedication would create a substandard lot under the historic

accessory building. Staff originally requested that the street be dedicated to the City and the City would lease the property under the garage back to the owner. The owner did not agree to this proposal. After further discussion, Staff suggested that an easement for the road be included in the plat amendment and a plat note stating that “Historic preservation of the accessory building is encouraged. The easement would automatically be expanded to the east property line if the accessory building no longer exists.”

The applicant is requesting a portion of the City owned Colman Parcel in exchange for the Sandridge Easement and Hillside Avenue right-of-way dedication. The Colman open space purchase facts and figures outlines that one purpose of the property is “establish a mechanism to assist adjacent property owners in settling boundary disputes and title problems”. The parcel may also be utilized to trade/sell. The current application fits within these parameters. A portion of Lot 35 would be dedicating as right-of-way to the City (284 sf). The Sandridge Avenue easement contains 1,296 square feet. An additional area of 1206 square feet would be added to the Sandridge Avenue easement automatically if the accessory building were to no longer exist. The applicant is requesting 530 square feet of the Coleman Parcel to meet the 10 feet rear yard requirement of the historic home.

	From City	From Applicant
Coleman Parcel	530 sf	
Sandridge Easement		1,296 sf
Hillside ROW		284 sf
Area East of Sandridge Easement if shed were removed		1,206 sf
TOTALS	530 sf	2786 sf

The resulting area of the new lot would be 7,778 square feet. The total area of the proposed and possible future easements is 2,502 square feet. Within the HR-1 district, the allowable footprint for a structure is based on the total area of the lot. It is staff’s recommendation not to include the area within the easement and right of way dedication toward the footprint calculation of the lot. The footprint would be based on the new lot less the easement area and right of way dedication ($7,778 - 2,502 - 284 = 4,992$ square feet). Under the current Land Management Code (LMC), a lot area of 4,992 square feet would be allowed a maximum footprint of 1,885 square feet.

The following table explains the site requirements for lots within the HR-1 zoning district and how the proposals comply with the zoning regulations:

Required	Proposed Lot
Lot Size: Minimum 1875 square feet	7,778 square feet (4992 square feet of net area)
Density: Minimum lot size for single family dwelling is 1875 square feet and for a duplex 3,750 square feet.	Single family dwelling is an allowed use. A duplex requires a conditional use permit.
Front yard. The minimum front yard is ten feet. (10')	The minimum front yard is ten feet (10').
Rear yard. The minimum rear yard is ten feet (10')	The minimum rear yard is ten feet (10').
Side yard. The minimum side yard for a lot greater than 100 feet wide is 10 feet (10') minimum on each side with a total of thirty feet (30') combined.	Existing historic home is nine feet (9') from the south property line. The setback from the north property line must be a minimum of twenty one feet (21').
Footprint: based on 4,746 square foot lot	1,885 square feet

Planning Staff finds there is good cause for the plat amendment as it will remove interior lot lines, create a clean ownership boundary for the property, and preserve two historically significant structures. Historic preservation is highly valued in Park City. The existing home and accessory building are significant structures listed on the Park City Historic Sites Inventory. By allowing the plat amendment, the historic home will comply with the setbacks of the HR1 zone and the accessory building will remain on the same property. The plat amendment will insure that the two structures can not be sold separately. Also, the City will receive an easement for existing Sandridge Avenue for future improvements. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Department Review

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at internal Staff meetings where representatives from local utilities and City Staff were in attendance. Issues which were brought up during the staff meeting have been resolved.

Notice

Notice of this hearing was sent to property owners within 300 feet and the property was posted 14 days prior to the Planning Commission meeting. Legal notice was also placed in the Park Record.

Public Input

No comments have been received by staff at the date of this writing.

Alternatives

1. The Planning Commission may forward a positive recommendation to the City Council for 114 Hillside Avenue Replat as conditioned or amended; or
2. The Planning Commission may forward a negative recommendation to the City Council for the 114 Hillside Avenue Replat and direct staff to make Findings for this decision; or
3. The Planning Commission may continue the 114 Hillside Avenue Replat to a date certain and request staff to provide additional information.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lots would remain as is and a future building permit across the two lots could not be obtained by the owner.

Recommendation

Staff recommends that the Planning Commission hold a public hearing the 114 Hillside Avenue Replat and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Exhibits

Exhibit A – Proposed Ordinance

Exhibit B – Survey

Exhibit C – Aerial photograph

Ordinance No. 10-

AN ORDINANCE APPROVING THE 114 HILLSIDE REPLAT LOCATED WITHIN LOTS 31-35 OF BLOCK 72 OF THE PARK CITY SURVEY AND PORTIONS OF VACATED CHAMBERS STREET, PARK CITY, SUMMIT COUNTY, UTAH

WHEREAS, the owner of the properties known as 114 Hillside Avenue, has petitioned the City Council for approval of a plat amendment for the existing Lots 31-35 of Block 72 of the Park City Survey and portions of vacated Chambers Street; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 14, 2010, to receive input on the 114 Hillside Replat; and

WHEREAS, the Planning Commission, on July 14, 2010, forwarded a positive recommendation to the City Council; and

WHEREAS, on July 29, 2010, the City Council approved the 114 Hillside Replat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 114 Hillside Replat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 114 Hillside Replat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 114 Hillside Avenue within the HR-1 zoning district.
2. The plat amendment is for the existing Lots 13-35 of Block 72 of the Park

- City Survey and portions of vacated Chambers Street.
3. The proposed plat amendment will create one lot that is 7,778 square feet. The total area of the proposed and possible future easements is 2,502 square feet.
 4. Within the HR-1 district, the allowable footprint for a structure is based on the total area of the lot. The footprint would be based on the new lot less the easement area and right of way dedication ($7,778 - 2,502 - 284 = 4,992$ square feet). Under the current Land Management Code (LMC), a lot area of 4,992 square feet would be allowed a maximum footprint of 1,885 square feet.
 5. The Colman open space purchase facts and figures outlines that one purpose of the property is “establish a mechanism to assist adjacent property owners in settling boundary disputes and title problems”. The parcel may also be utilized to trade/sell. The current application fits within these parameters.
 6. The minimum lot size in the HR-1 zoning district is 1875 square feet.
 7. There are two existing historic structures located on the property. A historic accessory building and a historic home. Both structures are significant on the Park City Historic Sites Inventory.
 8. Existing Sandridge Avenue bisects the property at 114 Hillside Avenue. An easement for the existing Sandridge Avenue will be recorded within the plat amendment.
 9. The neighborhood is characterized by single family homes and accessory buildings.
 10. All findings within the Analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions and plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. No remnant parcels are created.
4. A plat note will be recorded stating that “Historic Preservation of the accessory building is encouraged. The Sandridge easement will automatically be expanded to the east property line if the accessory building no longer exists.”
5. A plat note will be recorded stating that “The maximum footprint for all

- structures on the property is 1817 square feet.”
6. Modified 13-D sprinklers shall be required for all occupied structures.
 7. An easement for the current Sandridge Avenue alignment will be provide by owner to the City. This easement will automatically be expanded to the east property line if the accessory building is removed and no longer exists.”
 - 8.

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

PASSED AND ADOPTED this 29th day of July 2010.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Exhibit A. Plat
Exhibit B. Existing Conditions Survey

SURVEYOR'S CERTIFICATE



I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey plat of the 114 HILLSIDE REPLAT and this Record of Survey plat is a true and correct representation of the same as shown on this plat. I further certify that the information on this plat is accurate.

John Demkowicz _____ Date _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the 114 HILLSIDE REPLAT, do hereby certify that we have caused this subdivision plat to be prepared, and we, Dennis L. Peterson and Peggy A. Stuber, as trustees of the Dennis L. Peterson Trust, ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, lands for local government uses, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____, 2010.

DENNIS L. PETERSON TRUST

Dennis L. Peterson, Trustee _____
Peggy A. Stuber, Trustee _____

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2010, Dennis L. Peterson and Peggy A. Stuber personally appeared before me, the undersigned Notary Public in and for said state and county, Dennis L. Peterson and Peggy A. Stuber having been duly sworn, acknowledge to me that they are the trustees of the Dennis L. Peterson Trust, dated 5-12-98, and that they have signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name _____
Residing in: _____
My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as the 114 HILLSIDE REPLAT, do hereby certify that we have caused this subdivision plat to be prepared, and we, Peggy A. Stuber-Peterson and Dennis L. Peterson, as trustees of the Peggy A. Stuber-Peterson Trust, dated 5-12-98, do hereby consent to the recording of this Record of Survey Plat of Block 20, Millsite Reservation, Park City, according to the official plat thereof on file in the office of the recorder, Summit County, Utah, and running thence along the easterly boundary of said Block 20 South 30°57'00" West 28.34 feet; thence North 03°44'48" West 37.08 feet; thence North 01°06'41" West 27.39 feet to the easterly boundary of said Block 20; thence along the easterly boundary of said Block 20 South 23°31'00" East 43.94 feet to the point of beginning.

In witness whereof, the undersigned set their hands this _____ day of _____, 2010.

Peggy A. Stuber-Peterson, Trustee _____
Dennis L. Peterson, Trustee _____

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2010, Peggy A. Stuber-Peterson and Dennis L. Peterson personally appeared before me, the undersigned Notary Public, in and for said state and county, Peggy A. Stuber-Peterson and Dennis L. Peterson having been duly sworn, acknowledge to me that they are the Trustees of the Peggy A. Stuber-Peterson Trust, dated 5-12-98, and that they have signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____
Printed Name _____
Residing in: _____
My commission expires: _____

NOTES:

1. Any additions made to the existing structure must meet current zone setbacks.
2. If for any reason the historic shed were to no longer exist, the easement of Sandridge Avenue would automatically extend to the east property line of 114 Hillside Avenue.
3. There is a hearing change for the centerline of Main Street. The hearing between Fourth Street and Third Street is South 23°38' East and the intersection approximately 74 feet south of Second Street is South 23°31' East. See the Park City Monument Control Map, Entry No. 199887.

LEGAL DESCRIPTIONS

PARCEL 1

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is South 87°21'18" East 248.86 feet from a street monument at the point of intersection of Main Street approximately 74 feet southerly of the Main Street/Second Street intersection, according to the Park City Monument Control Map, Entry No. 199887 in the office of the Summit County Recorder, said point being the northeasterly corner of Lot 31, Block 19, Block 20, Millsite Reservation, Park City, according to the official plat thereof on file in the office of the recorder, Summit County, Utah, and point also being the southeasterly corner of the Christians Replat, recorded October 4, 2006, as Entry No. 792981 in the office of the recorder, Summit County, Utah, and running thence along the easterly boundary of said Block 12, southerly 12.47 feet to the westerly boundary of said Block 12, southerly 12.47 feet to the westerly boundary of Block 72, North 23°31'00" West 22.73 feet to the corner of Block 72, North 23°31'00" West 22.73 feet to the official plat.

thence along the westerly boundary of Block 72 North 23°31'00" West 22.73 feet to the corner of Block 72, North 23°31'00" West 22.73 feet to the official plat.

PARCEL 2

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point which is South 46°33'06" East 252.12 feet from a street monument at the point of intersection of Main Street approximately 74 feet southerly of the Main Street/Second Street intersection, according to the Park City Monument Control Map, Entry No. 199887 in the office of the Summit County Recorder, said point being the easterly corner of Block 20, Millsite Reservation, Park City, according to the official plat thereof on file in the office of the recorder, Summit County, Utah, and running thence along the easterly boundary of said Block 20 South 30°57'00" West 28.34 feet; thence North 03°44'48" West 37.08 feet; thence North 01°06'41" West 27.39 feet to the easterly boundary of said Block 20; thence along the easterly boundary of said Block 20 South 23°31'00" East 43.94 feet to the point of beginning.



LINE	BEARING	DISTANCE
L1	S 66°29'00" W	12.47
L2	N 32°40'40" W	7.22
L3	N 85°34'38" E	7.95
L4	N 11°21'10" W	1.79
L5	N 66°29'00" E	12.84

**RECORD OF SURVEY PLAT OF
A LOT COMBINATION
BLOCK 72, PARK CITY SURVEY
114 HILLSIDE REPLAT**

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

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84302-2664
(435) 649-9467

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2010 A.D.
BY _____ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2010 A.D.
BY _____ CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2010 A.D.
BY _____ PARK CITY ENGINEER

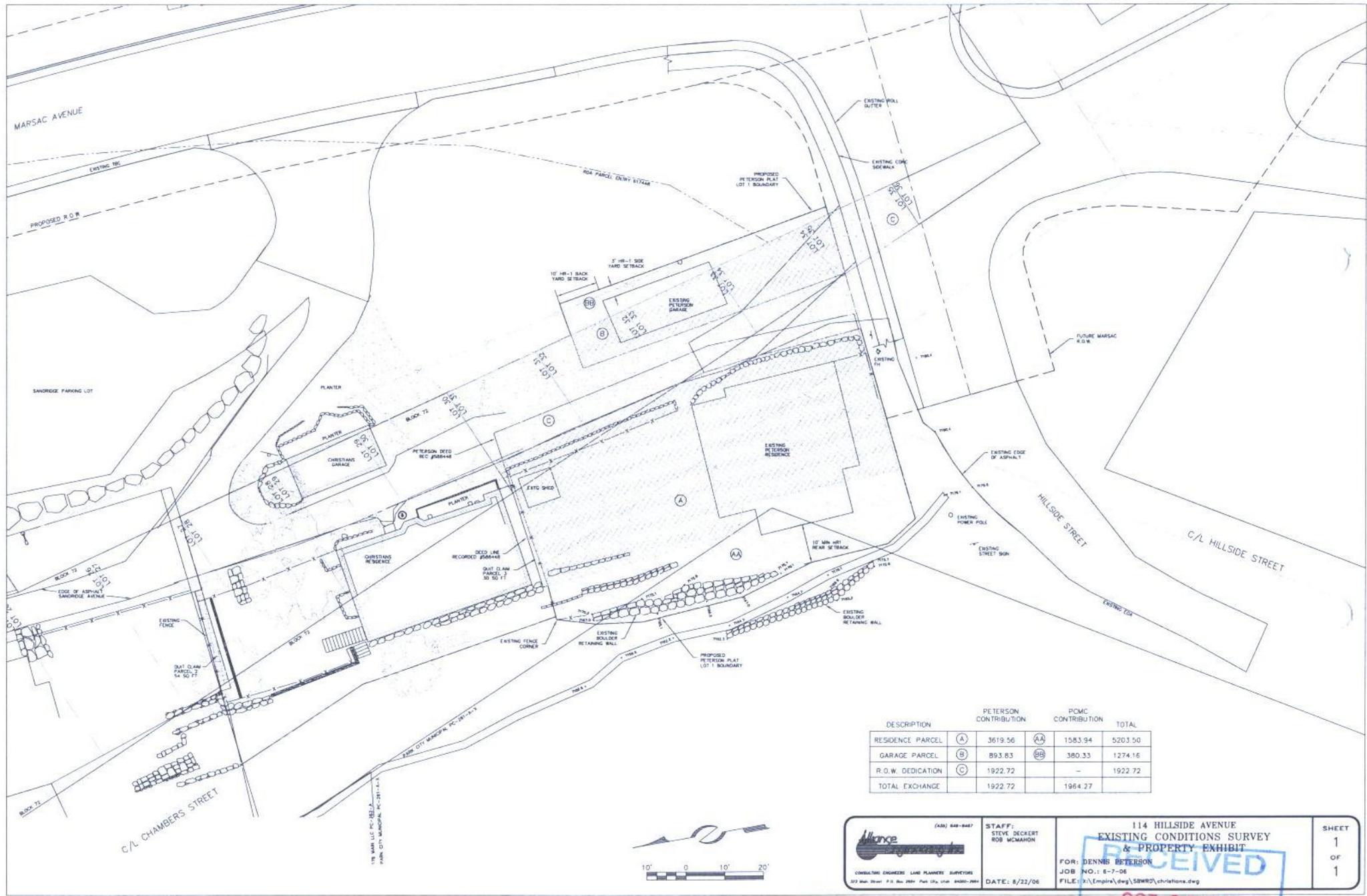
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2010 A.D.
BY _____ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY OF _____, 2010 A.D.
BY _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2010 A.D.
BY _____ MAYOR

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

2010/06 JOB NO.: 6-7-06 FILE: X:\ParkCity\Survey\dwg\sr\p1912006\060706.dwg



114 HILLSIDE AVENUE
 EXISTING CONDITIONS SURVEY
 & PROPERTY EXHIBIT

RECEIVED
 OCT 05 2007
 PARK CITY PLANNING DEPT.

STAFF:
 STEVE DECKERT
 ROB MCMAHON

FOR: DENNIS PETERSON
 JOB NO.: 6-7-06
 FILE: \\Empire\dwg\SBWRD\christians.dwg

DATE: 8/22/06

SHEET
 1
 OF
 1



PC-252-A

PC-248

PC-261-A-1

CHR-1

PC-730-G-X

PC-730

PC-249

SAL-1

PC-588

PC-730

PC-730

PC-251

PC-261-A-X

MACSRW-B-X

PC-430-R

BUSH-1-X

PC-253-X

MACSRW-A-X

PC-254

STAN-1

Planning Commission - July 14, 2010

PC-256

Page 35 of 269

PC-510-A

CEFR-1

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 6808 Silver Lake Drive
Author: Kirsten Whetstone
Date: July 14, 2010
Type of Item: Administrative – Plat Amendment
Project Number: PL-10-00955

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing and consider approving the Lots 16 and 17, Amended Plat of Evergreen plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant: Morton Phillips, owner's representative
Location: 6808 Silver Lake Drive
Zoning: Residential Development (RD)
Adjacent Land Uses: Residential and Deer Valley Resort ski runs and trails
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On May 5, 2010, the applicant submitted a complete application for a plat amendment to combine Lots 16 and 17 of the Amended Plat of Evergreen Subdivision (Exhibit A). The Amended Plat of Evergreen Subdivision was recorded at Summit County on May 17, 1988. Lots 16 and 17 are located on the uphill side of Silver Lake Drive adjacent to Deer Valley Resort's Last Chance Ski Trail. The property is located within the Deer Valley Master Planned Development.

There is an existing house on the property. The house was constructed in 1994 and straddles the common lot line between Lots 16 and 17. At the time of construction, plat amendments combining lots was not required. This plat amendment is a request to remove the common lot line between Lots 16 and 17 and create one lot of record for the existing house at 6808 Silver Lake Drive.

Approval and recordation at Summit County of the plat amendment is a condition precedent to issuance of a final certificate of occupancy for the current construction proposal to enclose an existing covered deck.

Analysis

Staff finds good cause for this plat amendment as the amended plat would create a legal lot of record for an existing house and bring the structure into compliance

with lot setbacks.

	Permitted	Existing
Front setback	10' (per plat note exception from 20' required by LMC)	30'
Rear setback	15'	27'
Side setbacks	12'	17' (west), 110' (east), 18' (southeast)
Lot size	Per subdivision plat, no minimum, no maximum	Lot 16- 12,556.68 sf Lot 17- 13,279.76 sf
House size	7,500 sf maximum per lot 11,250 sf for combined lots	10,123 sf (excluding 600 sf for garage, includes entire basement)
Parking	two spaces	three spaces within garage, additional on driveway

The house at 6808 Silver Lake Drive is a legal non-conforming structure as the building crosses the common lot line. The survey of the property indicates an encroachment by 4' of a concrete and stone retaining wall for approximately 18 linear feet within the Silver Lake Drive right-of-way. The wall varies in height from 5 to 10 feet (Exhibit B). The proposed plat amendment is consistent with the Deer Valley Master Planned Development in that no additional density is created as the number of units/lots is decreased by one. Total floor area for a lot combination in the RD zone, for a lot with a maximum house size, is 11,250 sf. The existing house contains 10,123 sf, excluding 600 sf for the garage. The proposed lot size of 25,836.44 is consistent with the range of lot sizes in the neighborhood. Lots in the Amended Plat of Evergreen range in area from 10,124 sf to 54,394 sf.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Department Review

This project has gone through an interdepartmental review. Issues raised include the encroachment of the existing retaining wall and the maximum house size for combined lots in the RD zone. These issues are addressed with conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300

feet. Legal notice was also put in the Park Record.

Public Input

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

Alternatives

- The Planning Commission may approve the Lots 16 and 17, Amended Plat of Evergreen plat amendment as conditioned or amended; or
- The Planning Commission may deny the plat amendment and direct staff to make findings for this decision; or
- The Planning Commission may continue discussion on the plat amendment to a date certain and request additional information.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lot lines would remain as they are today and the addition could not be constructed across the common lot line. The house would remain a non-complying structure.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider approving the Lots 16 and 17, Amended Plat of Evergreen plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance

Exhibit A- Proposed Plat

Exhibit B- Photos

Draft Ordinance No. 10-

**AN ORDINANCE APPROVING THE 6808 SILVER LAKE DRIVE PLAT
AMENDMENT COMBINING LOTS 16 AND 17, AMENDED EVERGREEN
SUBDIVISION PLAT,
PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 6808 Silver Lake Drive have petitioned the City Council for approval of the Lots 16 and 17, Amended Plat of Evergreen; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 14, 2010, to receive input on the proposed plat amendment; and

WHEREAS, the Planning Commission, on July 14, 2010, forwarded a recommendation to the City Council; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment to create a legal lot of record for an existing house.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Lots 16 and 17, Amended Plat of Evergreen plat amendment, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located in the Residential Development (RD) zone and is subject to Section 15-2.13 of the Land Management Code and the Deer Valley Master Planned Development.
2. The RD zone is characterized by single family permanent and second home and resort development condominiums and hotels.
3. The property is located at 6808 Silver Lake Drive in the Silver Lake part of Deer Valley. The property is located next to ski runs of the Deer Valley Resort.
4. The property consists of Lots 16 and 17 of the amended plat of Evergreen subdivision. The amended plat was recorded at Summit County on May 17, 1988. A plat amendment to combine these lots into one lot of record is

required before final building permits or certificates of occupancy for new construction can be issued.

5. There is a non- historic concrete wall with rock veneer (5' to 10' in height) in the front yard that encroaches approximately 4' into the Silver Lake Drive right of way for a distance of approximately 18 feet.
6. Maximum house size is 11,250 sf for a combination of 2 lots. The existing house contains 10,123 sf of floor area, excluding 600 sf for the garage. This includes the entire basement area. The proposed deck enclosure adds 150 sf of floor area.
7. There is no minimum or maximum lot size associated with the Amended Plat of Evergreen subdivision. The combined lot resulting from this plat amendment is 25,836.44 square feet in area.
8. Lots in the Amended Plat of Evergreen range in area from 10,124 sf to 54,394 sf.
9. The plat amendment does not increase the density allowed by the Deer Valley Master Planned Development.
10. The applicant stipulates to the conditions of approval.
11. The discussion in the Analysis section is incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law; the Land Management Code; requirements for utility, snow storage, and encroachment agreements; and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the subdivision will be void, unless the City Council grants an extension of the approval.
3. Execution and recordation of an encroachment agreement for the existing wall segment is a condition precedent to recordation of the plat amendment.
4. A note shall be included on the plat prior to plat recordation stating that the maximum house size for this lot is 11,250 sf, excluding 600 sf for the garage.

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

PASSED AND ADOPTED this _____ day of July, 2010.

PARK CITY MUNICIPAL
CORPORATION

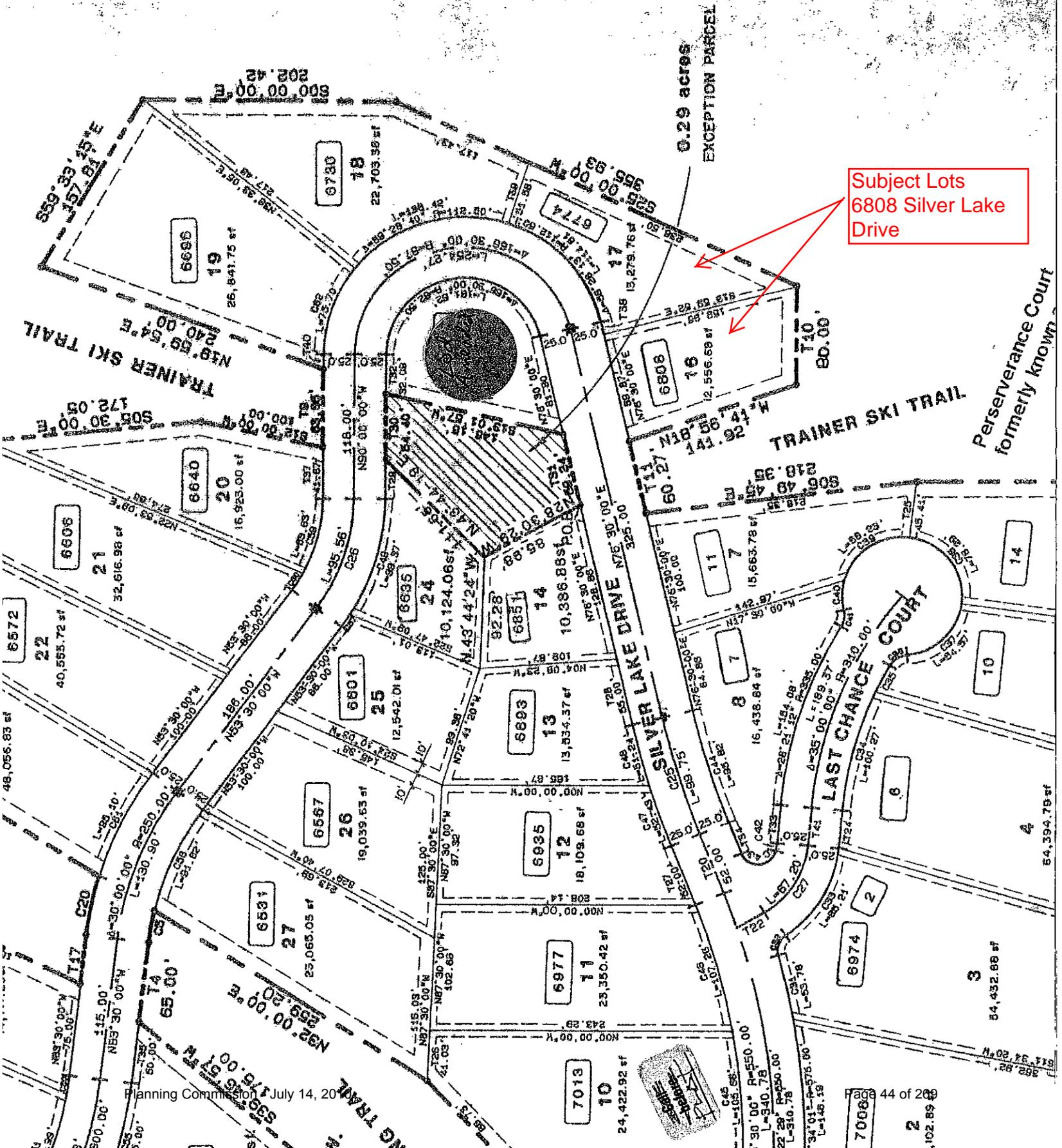
Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



Subject Lots
6808 Silver Lake
Drive

0.29 acres
EXCEPTION PARCEL

Perserverance Court
formerly known



REGULAR AGENDA

Planning Commission Staff Report



Subject: 692 Main Street (Marriot Summit Watch/Town Lift MPD)
Author: Brooks T. Robinson
Application #: PL-10-00961
Date: July 14, 2010
Type of Item: Administrative - Master Planned Development Amendment

Summary Recommendations

Staff recommends that the Planning Commission re-open public hearing, if desired, and consider approval of the Master Planned Development Amendment based on the findings of fact, conclusions of law, and conditions of approval as found in this staff report.

Description

Applicant: LCC Properties, LC, represented by Kevin Horn, architect
Location: 692 Main Street and David Luber
Zoning: Historic Recreation Commercial (HRC) with Historic Commercial Business (HCB) regulations. Master Planned Development
Adjacent Land Uses: Commercial, Summit Watch to north, Zoom restaurant to south, Residential Condominiums to the east and west.

Background

On June 23, 2010, the Planning Commission held a public hearing on the proposed amendment to the Town Lift (Summit Watch) Master Planned Development (MPD)(please see attached staff report from June 23 for additional background information- exhibit C). At the hearing the Commissioners present had several questions and made statements relating to the Land Management Code. In addition, a representative of the Summit Watch HOA made statements regarding trash pick-up and service delivery. Finally, the applicant had revised plans that had not been reviewed by staff and were not included in the Commissioners packet. The hearing was continued to July 14, 2010.

Analysis

The following staff analysis relates to the questions and statements raised at the June 23rd hearing.

Vertical Zoning/Public Access

The 1982 Agreement between the City and the owners of what became the Summit Watch project stated that the property owners may “develop their property under the HCB rules.” The Historic Commercial Business (HCB) zoning district allows restaurants and bars as allowed uses. The Land Management Code (LMC) makes no distinction between public or private access. In fact, the entire current building could be utilized as

it exists as a private restaurant and/or bar as an allowed use. The only reason this project in front of the Planning Commission is to amend the MPD to allow for mixed use by allowing a residential component to be added to the building and re-allocate the 7.2 Unit Equivalents of commercial units to a mix of commercial and residential units.

The Vertical Zoning Ordinance, adopted August 30, 2007, (Exhibit B) prohibited Office uses from Main Street storefronts. Existing non-conforming office uses may remain as long as the use hasn't been abandoned for more than one year (LMC 15-9-4). A determination of a legal nonconforming use is made by the Planning Director and may be appealed to the Board of Adjustment. In the case of a bar or restaurant, the Vertical Zoning Ordinance does not apply to restaurants and bars, whether private or public. The MPD currently permits any commercial use as permitted by the zone and the applicant is not restricted by the MPD as to what specific commercial use is in the space.

Service and Delivery

Without contesting the statements made by the Marriott Homeowners representative regarding trash disposal and service delivery, the applicant proposes two alternatives. The applicant is discussing with the owners of the adjacent Zoom restaurant joint use of the loading and garbage dock. In the alternative, the applicant will create a screened dumpster location on the south side yard. Any service delivery can also be along Main Street within the City's time limit which is allowed for every business on Main Street.

Amended Plans

The applicant has provided amended plans including a streetscape showing the building in relation to the adjacent Summit Watch and Zoom both as it exists now and how it would look with the two additional stories and other building changes. Historic District design review will follow the process as found in the LMC 15-11.

The following are proposed square foot totals for each floor:

- Basement: 3,250
- Main Level: 3,564
- Second: 3,460
- Third: 3,320
- Fourth: 2,140 (two bedroom) or 2,400 (three bedroom)

The net square footage for Unit Equivalent (UEs) calculations are 3,050 sf (3.05 UEs) of Commercial (reduced from the existing 6,556 sf of Commercial) and either 7,560 sf (3.78 UEs) of residential with the fourth floor two bedroom configuration or 7,700 sf 3.85 UEs) with the fourth floor three bedroom configuration. In either case, the total UEs would be under the 7.2 permitted in the 1992 MPD (6.83 or 6.90).

Process

Any addition to the building will be required to be reviewed under the Design Guidelines for Historic Districts and Sites. An application for Historic Design Review has been submitted and posted for public comment. A condominium record of survey must be

approved and recorded prior to the selling of any units and would reflect the Commercial and Residential ownership pattern.

Recommendation

Staff recommends that the Planning Commission re-open the public hearing, if desired, and consider approval of the Master Planned Development amendment based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property is located at 692 Main Street in the Historic Residential Commercial (HRC) zoning district. Historic Commercial Business (HCB) heights and regulations are allowed by the 1982 Agreement.
2. In September 1991, the City Council approved a Concept Plan of the Town Lift Project.
3. The building at 692 Main Street has been used as the Sales Gallery for the Marriott Summit Watch project since its construction in 1992. The Summit Watch project was originally part of the Town Lift development that included the Sweeney properties to the west but was subsequently bifurcated.
4. The September 1991 Concept Plan of the Town Lift Project laid out maximum square footages for the project as well as anticipating the project would be developed in Phases. In that approval the Council required the Historic District Commission (HDC) to review and approve the volumetrics for Phase I (p.4). The HDC was required to approve specific building design for the proposed structures prior to construction.
5. In April 1992, Planning Commission approved a small scale MPD for Town Lift Phase I. Phase I included buildings A1-A3. The building at 692 Main Street was called A1. In the MPD, Building A1 was proposed to have 6 residential units comprising 4.5 Unit Equivalents (UEs) and 1,832 square feet of commercial space (1.8 UEs) for a total of 6.3 UEs.
6. In November 1994, the City approved the Summit Watch Revised Concept Plan. The revised plan superseded the action taken to approve the original concept plan in 1991. Condition of approval 2 stated that the Town Lift Design Review Task Force shall review and approve plans for each building prior to construction commencing. At that time Building A1 was constructed and the unit configuration for that building was referenced as 7,200 square feet of commercial, or 7.2 Unit Equivalents.
7. The project will be a Timeshare as declared in the original approval of the Summit Watch project.
8. Affordable Housing requirements have been met by previous construction by the original developer.
9. The Land Management Code makes no distinction between public and private access to business for commercial use.
10. Nine residential units (up to 3.85 Unit Equivalents) and 3.05 Unit Equivalents of commercial space are proposed for a total of up to 6.90 UEs.
11. The building will increase in height by two stories while keeping within the HCB height regulations.

12. Twenty-three parking spaces are required and provided by a recorded easement.

Conclusions of Law:

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

Conditions of Approval:

1. All applicable conditions of approval of the 1994 Conceptual Approval shall apply to this amended MPD.
2. All applicable conditions of approval of the subdivision plat shall apply.
3. A condominium plat shall be recorded with Summit County prior to selling of any units.
4. The Main Floor market/deli or any other commercial use of that space will be open to the public. The grill/bar may be open to the general public.
5. The building must receive Historic Design Review approval prior to issuance of building permit.
6. All exterior lights must comply with Park City's lighting regulations.
7. Any exterior sign must receive a separate sign permit.
8. Applicant must provide to staff a written agreement with the owners of Zoom restaurant for joint use of the loading and garbage area or build an enclosed

dumpster location on their own property.

Exhibits:

Exhibit A – Proposed plans received June 29, 2010

Exhibit B – Vertical Zoning Ordinance

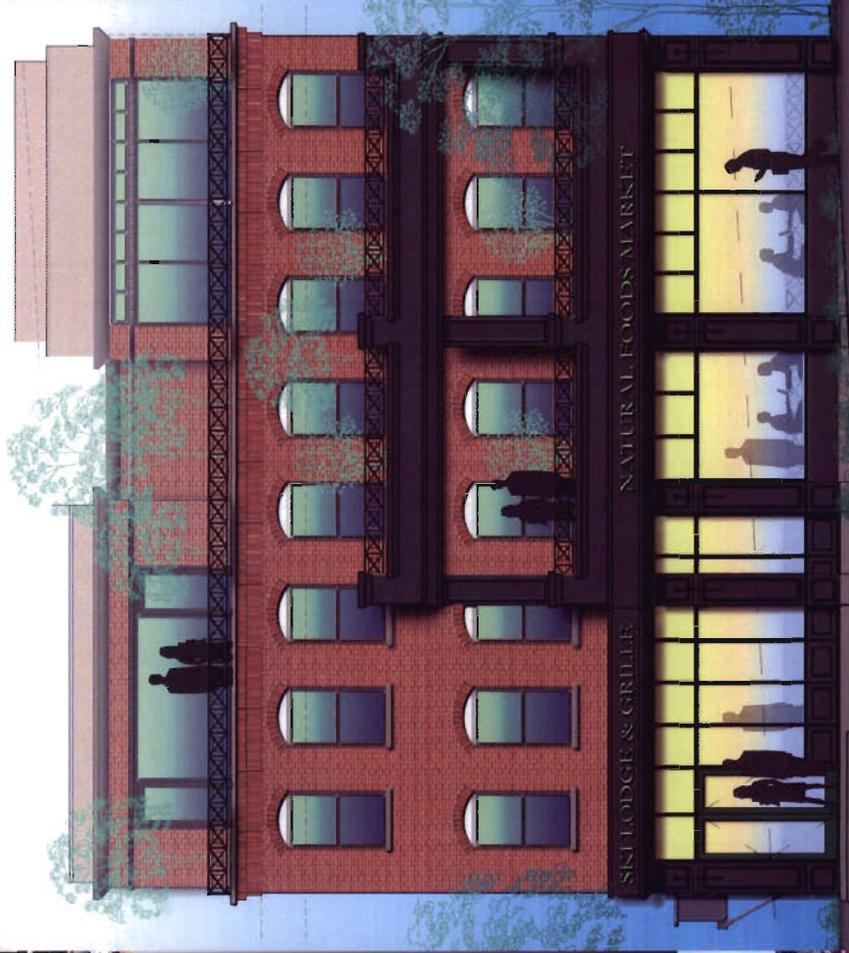
Exhibit C – Staff report from June 23, 2010

Minutes from June 23 hearing are part of the Commissioners packet for adoption.

DRAWING DATE: _____ CHECKED BY: _____ FILE NO: _____ JOB NO: _____	692 MAIN CONCEPT PLANS PARK CITY, UTAH	HORN PARTNERS ARCHITECTURE 234 W 400 N SLC UTAH 84103 PHN: 801.933.4578 FAX: 801.933.4875	LCC PROPERTIES L.C. 125 ARIZONA AVE SUITE 301 SALT LAKE CITY, UT 84119

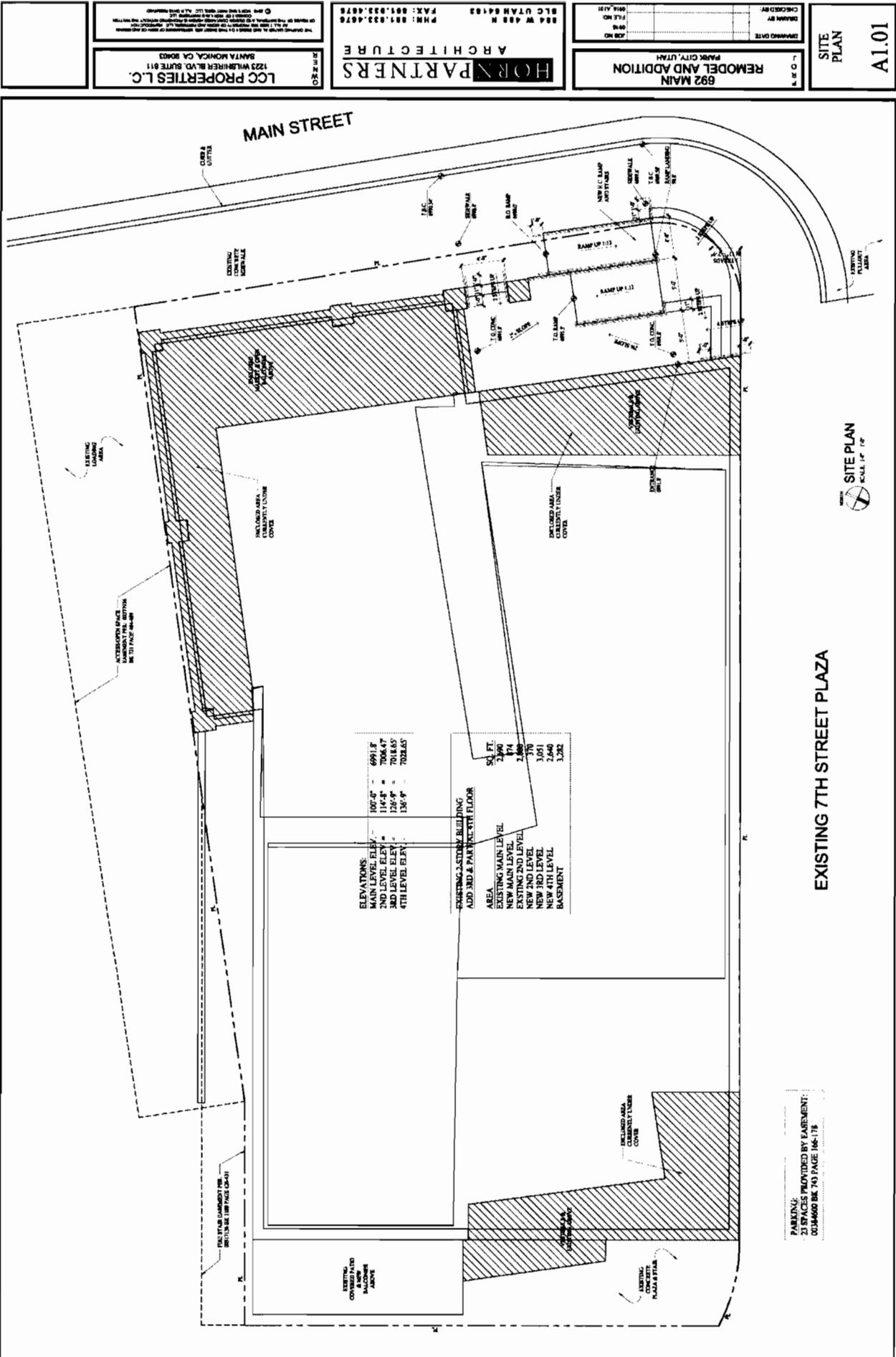


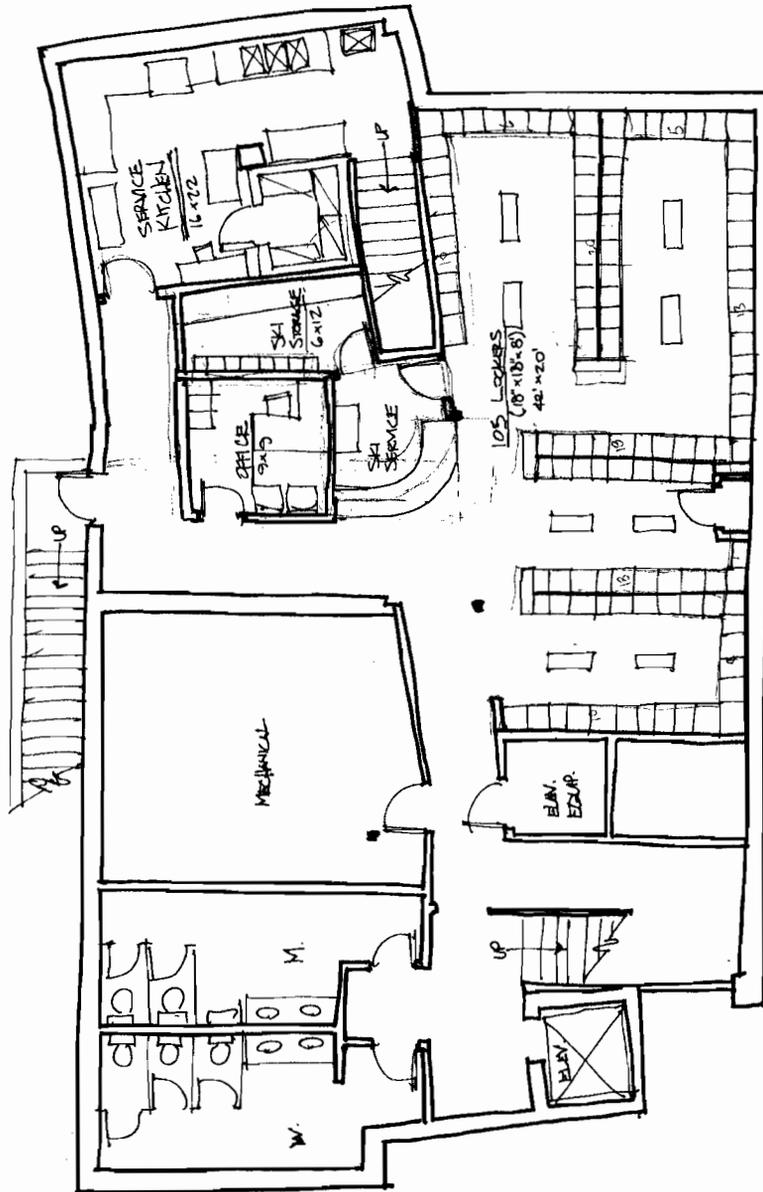
692 MAIN STREET



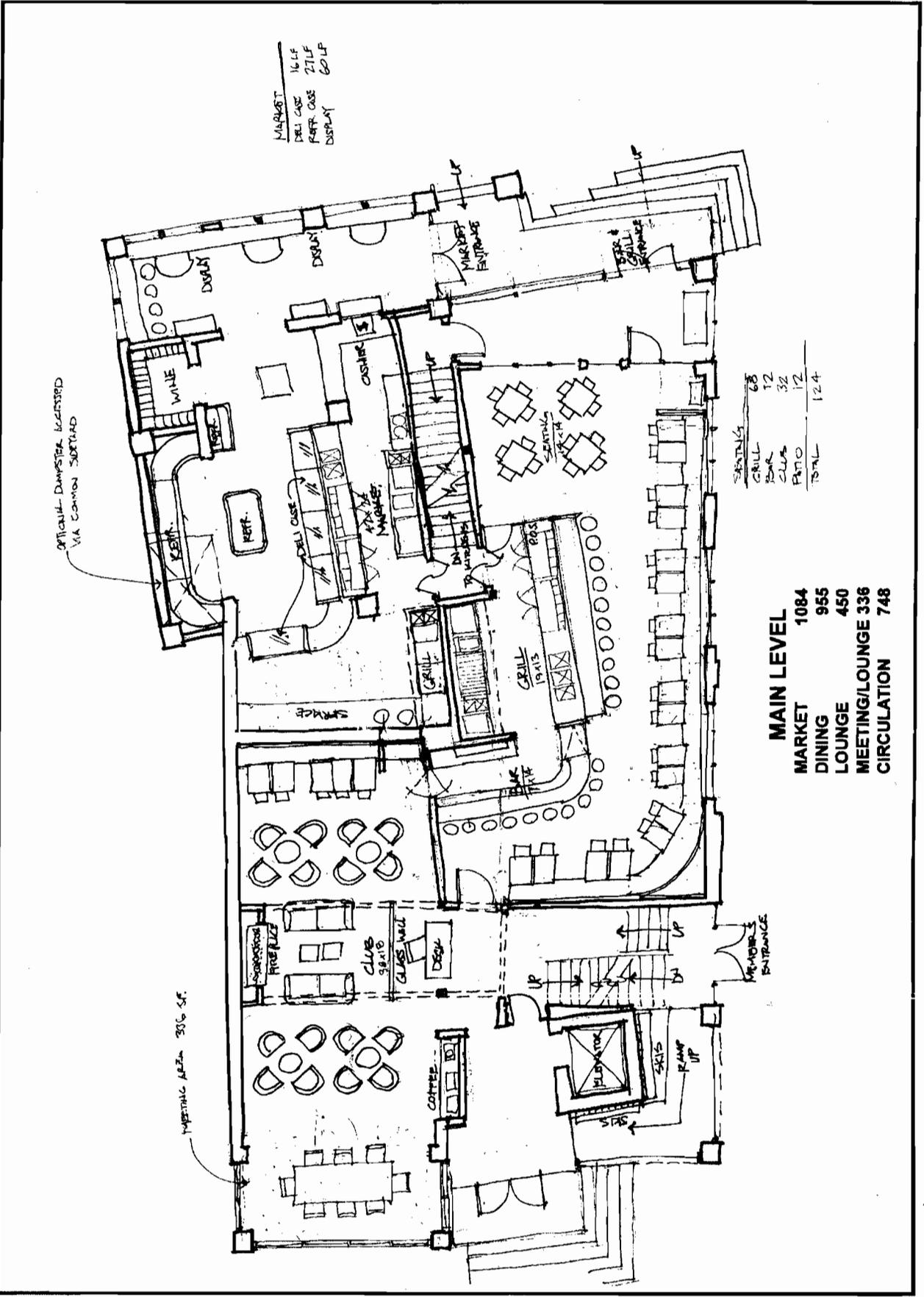
**LCC PROPERTIES
GROUP, L.C.**







LOWER LEVEL
3250 SF



SEATING	68
GRILL	12
BAR	32
CLUB	12
TOTAL	124

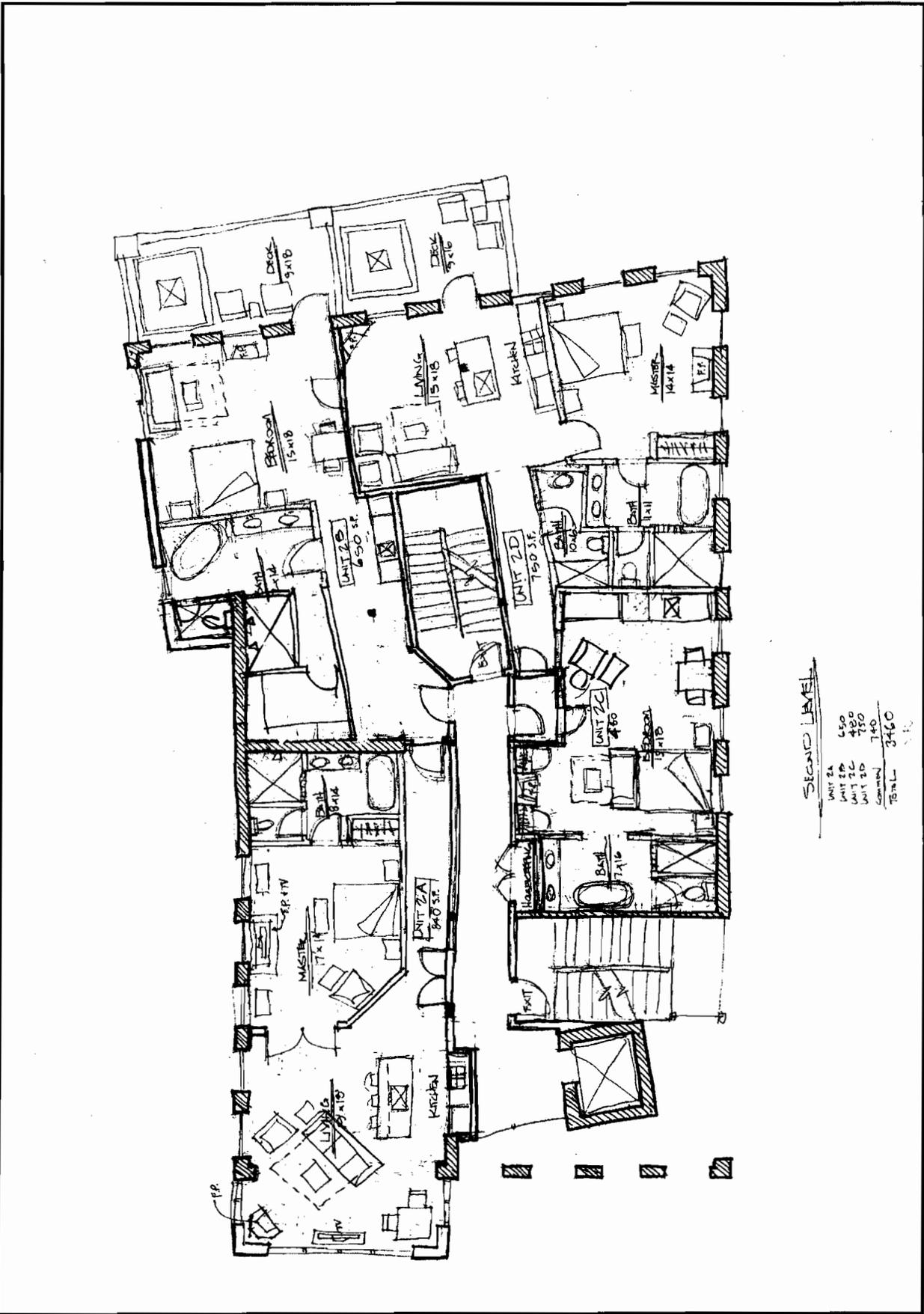
MAIN LEVEL	1084
MARKET	955
DINING	450
LOUNGE	336
MEETING/LOUNGE	748
CIRCULATION	

LCC PROPERTIES L.C.
 728 ARIZONA AVE. SUITE 301
 SANTA MONICA, CA 90401

PARTNERS
ARCHITECTURE
 224 W 400 N
 SLC UTAH 84103
 PHN: 801.933.4878
 FAX: 801.933.4878

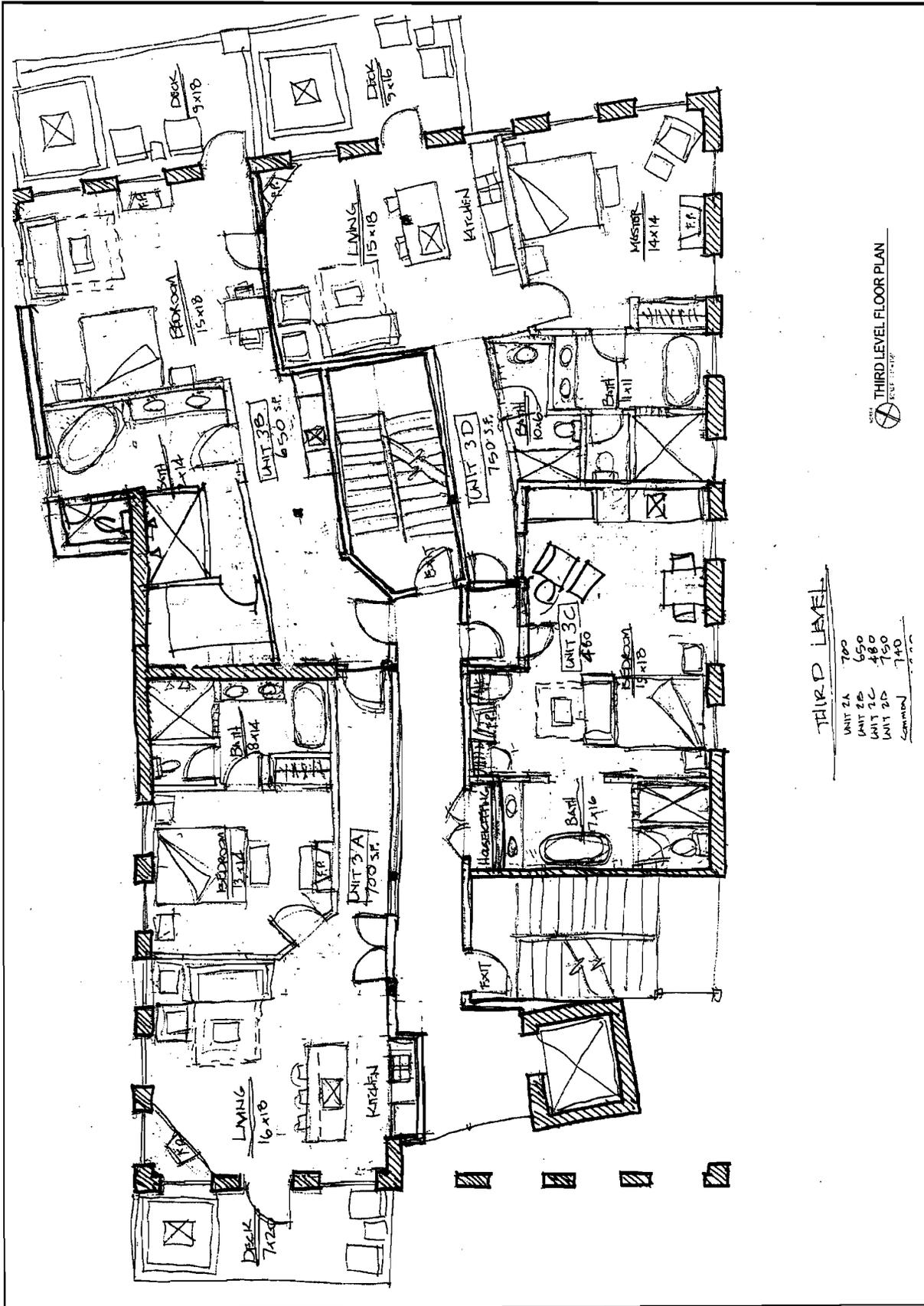
692 MAIN
 CONCEPT PLANS
 PARK CITY, UTAH

SECOND LEVEL
 A2.02

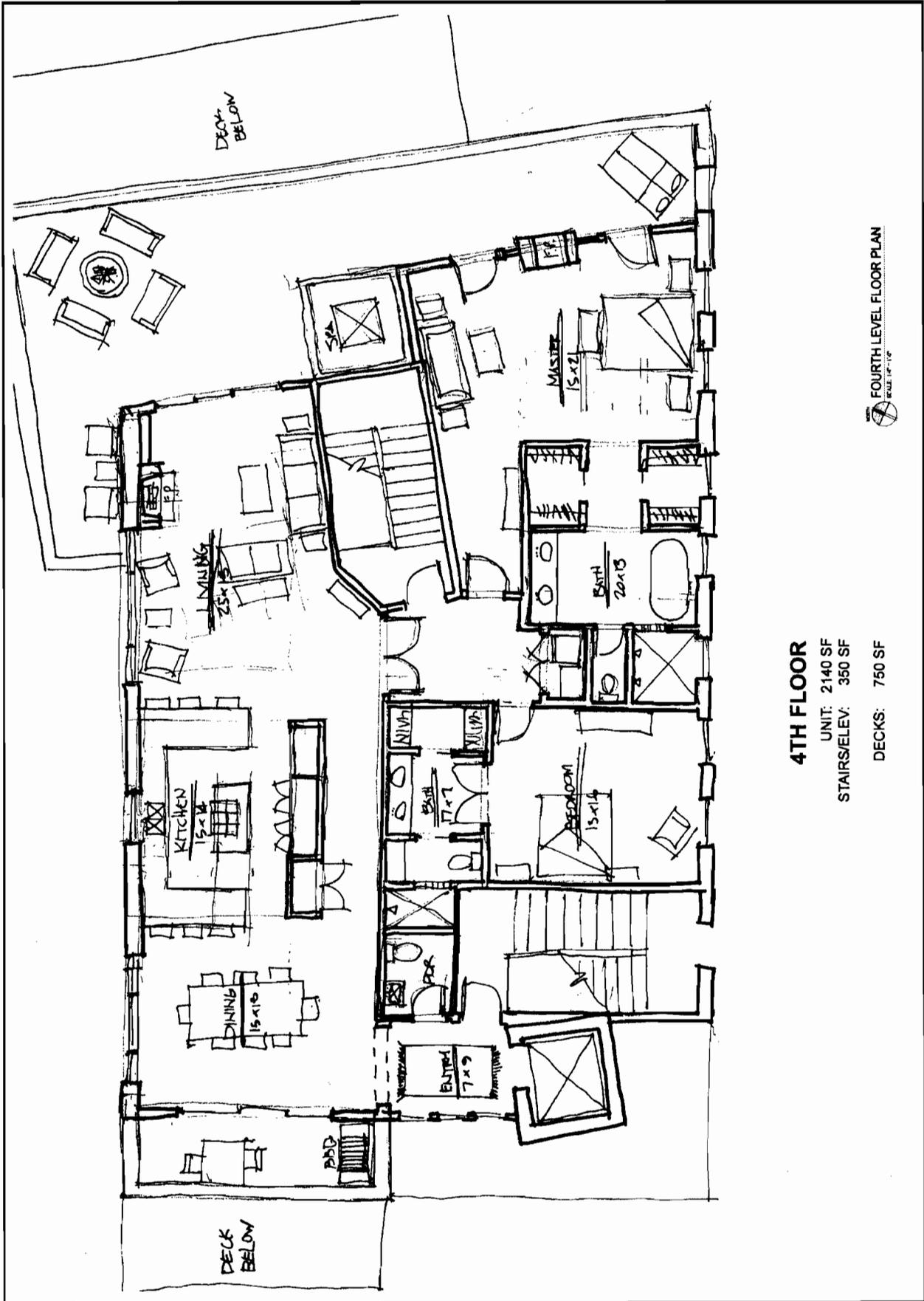


SECOND LEVEL

UNIT 2A	670
UNIT 2B	650
UNIT 2C	480
UNIT 2D	750
COMMON	740
TOTAL	3460

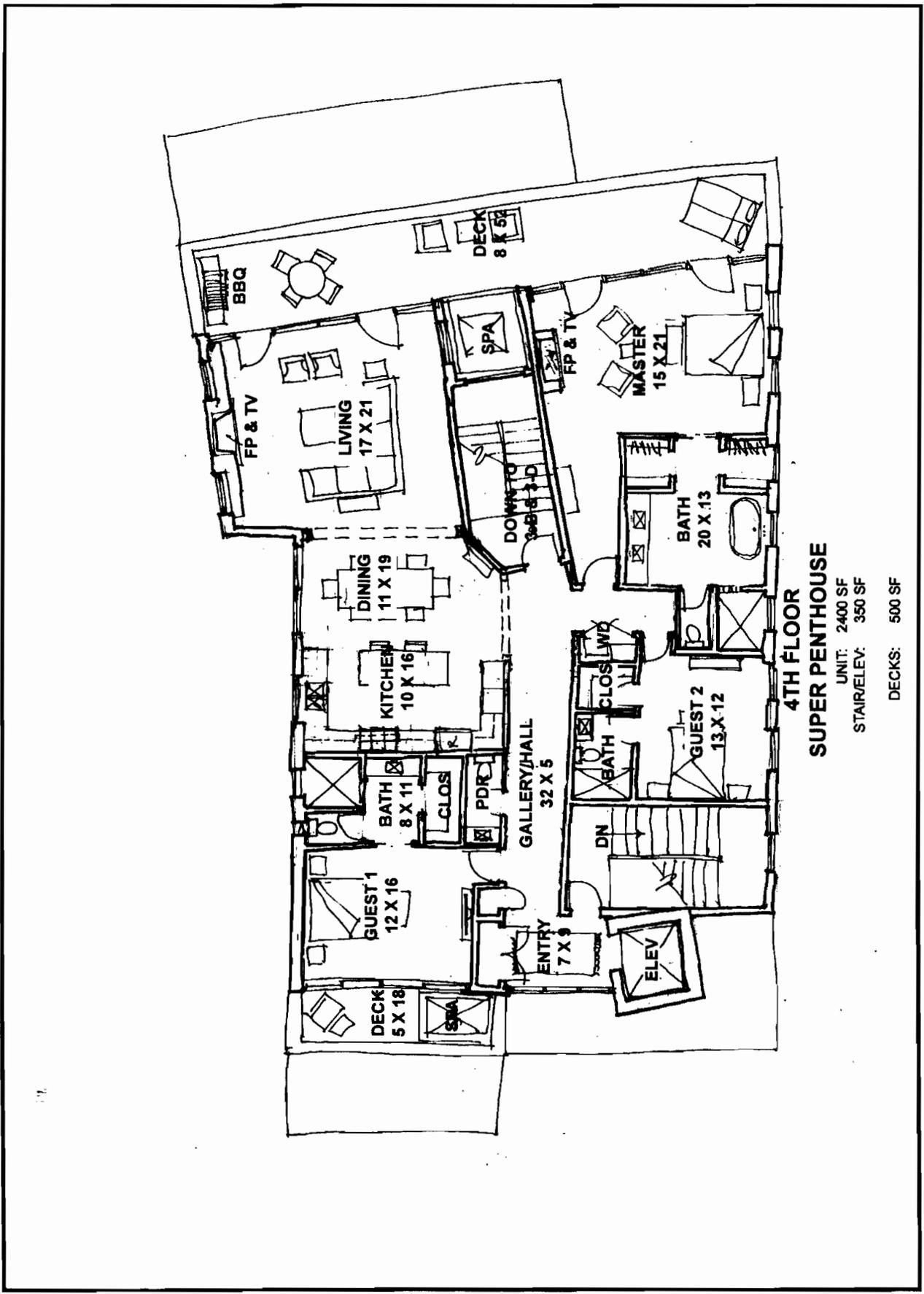


THIRD LEVEL
 UNIT 2A 700
 UNIT 2B 650
 UNIT 2C 480
 UNIT 2D 750
 Common 740

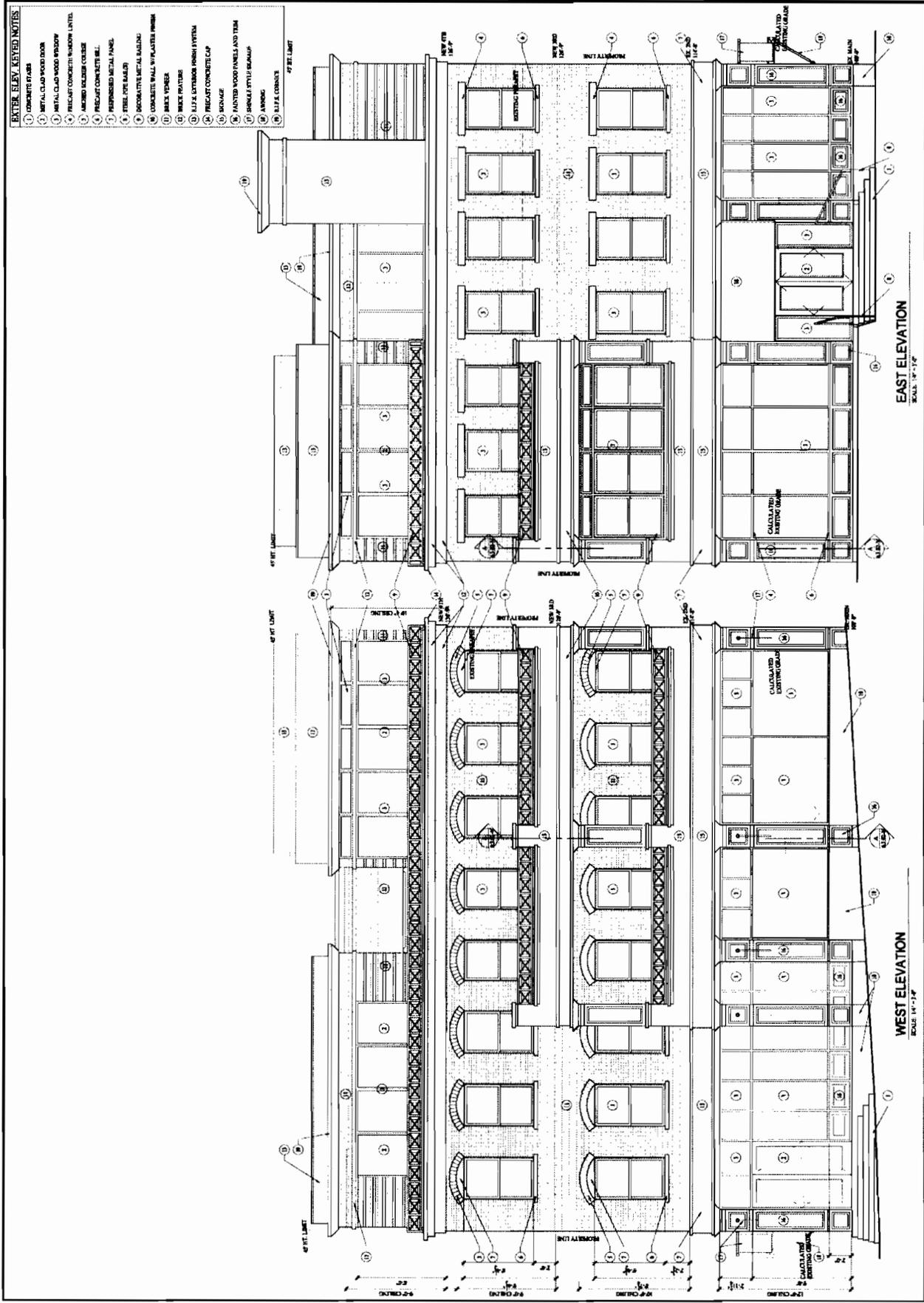


4TH FLOOR
 UNIT: 2140 SF
 STAIRS/ELEV: 350 SF
 DECKS: 750 SF

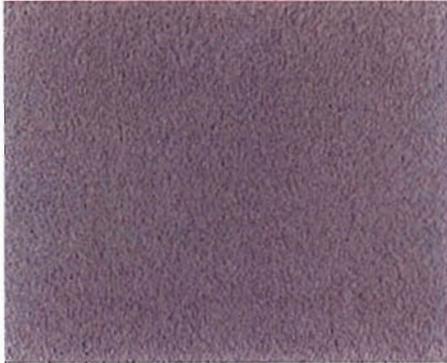
FOURTH LEVEL FLOOR PLAN
 SCALE: 1/8" = 1'-0"



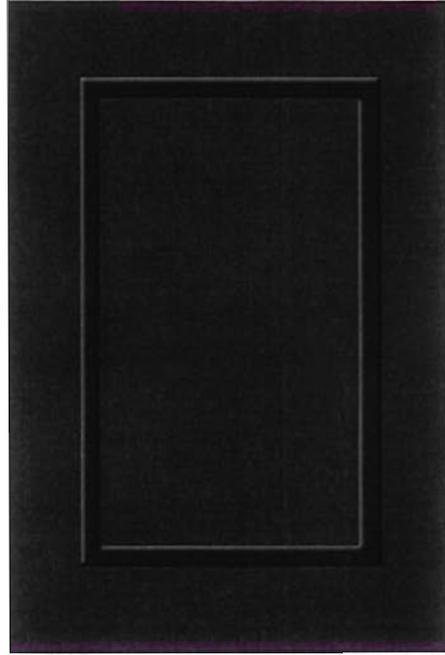
4TH FLOOR
SUPER PENTHOUSE
UNIT: 2400 SF
STAIR/ELEV: 350 SF
DECKS: 500 SF



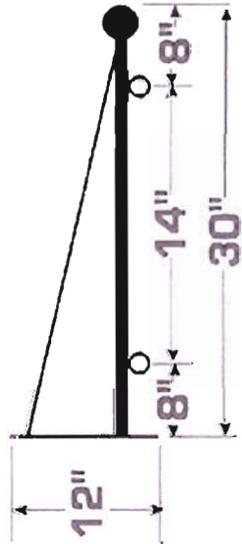
- EXTERIOR KEY PLAN NOTES**
- CONCRETE FINISH
 - METAL CLAD WOOD DOOR
 - METAL CLAD WOOD WINDOW
 - PRECAST CONCRETE WINDOW UNITS
 - MASONRY BRICK COURSE
 - PRECAST CONCRETE WALL
 - PREPRESSED METAL PANEL
 - STEEL PIPE RAILING
 - DECORATIVE METAL BALCONY
 - CONCRETE WALL WITH PLASTER FINISH
 - BRICK VENEER
 - BRICK FINISH
 - 1/2" EXTERIOR FINISH SYSTEM
 - PRECAST CONCRETE CAP
 - WOOD
 - PAINTED WOOD PANELS AND TRIM
 - SMALL STYLUS BRACKET
 - BRICK
 - 1/2" CONCRETE



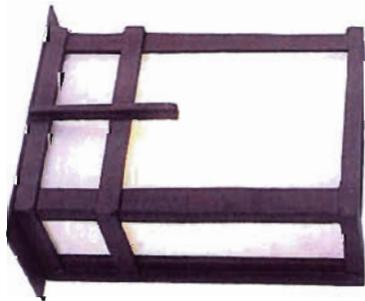
PARAPET STUCCO



MAIN LEVEL COLUMN PANELS



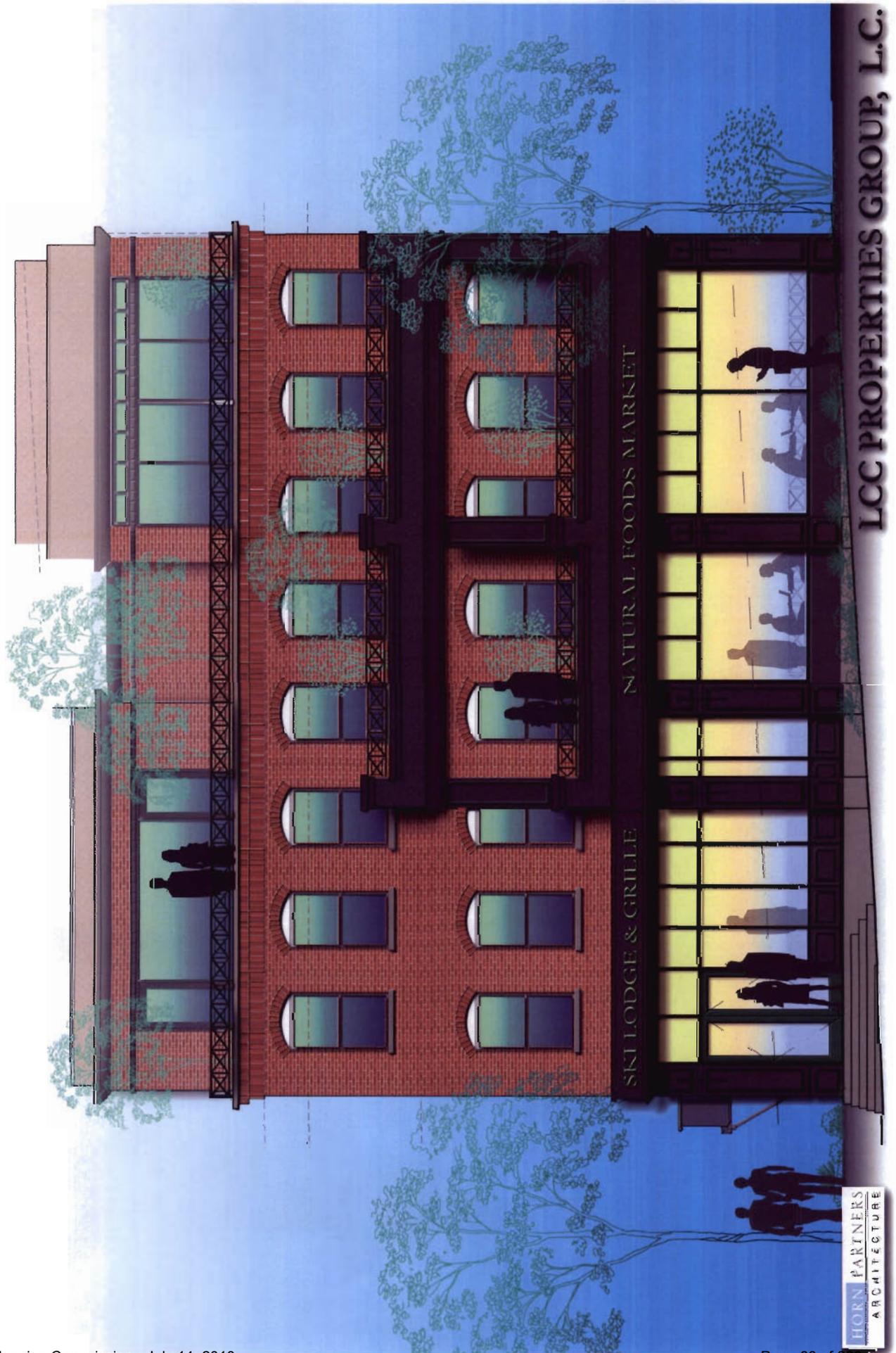
WALL BANNER SIGN BRACKET



WALL SCONCE WITH CUSTOMIZED PATTERN PER ELEVATIONS



MATCH EXISTING BRICK AND WINDOWS



LCC PROPERTIES GROUP, L.C.

HORN PARTNERS
ARCHITECTURE



692 MAIN AFTER



692 MAIN BEFORE

Ordinance No. 07-55

AN ORDINANCE APPROVING AMENDMENTS TO THE PARK CITY LAND MANAGEMENT CODE TO CHAPTERS 15-2.6: HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT AND 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, RELATING TO PROHIBITING OFFICE, RESIDENTIAL, NON-SALES TAX GENERATING USES AND OTHER SIMILAR OR ASSOCIATED USES IN THE HCB DISTRICT AND HRC DISTRICT STOREFRONTS; ALSO RELATED AMENDMENT TO LAND MANAGEMENT CODE CHAPTER 15-15-1: DEFINITIONS.

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Districts and finds it is essential to the City's long term economic and financial well-being; and

WHEREAS, The Community Economy Element of the Park City General Plan states that "Temporary or transient real estate project offices should be encouraged to locate in other areas of the City in order for Main Street to retain its primary functions"; and goes on to say Park City should "Maintain and improve the resort ambiance, which includes adequate opportunities for recreation, shopping, dining and culture"; and

WHEREAS, the 2003 Hyett Palma Park City Downtown Economic Study recommends pursuing a broad variety of uses and attractions to draw locals and visitors; and

WHEREAS, The City's Budget Department and The Main Street Business Alliance have submitted Affidavits that support these amendments; and

WHEREAS, Park City's Economic Development Plan identifies the following as Top Priorities: Facilitation and establishment of more "attractions/areas of interest" for both visitors and residents; Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies; and Protect, preserve, and promote the historic Main Street downtown area as the heart of the region; and

WHEREAS, Park City's Economic Development Strategic Plan identifies the following as High Priorities: Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities; Proactively target

business sectors that will fill voids left by departing companies or for smart redevelopment reasons; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will diminish the diverse and eclectic mix of uses and attractions necessary to sustain Park City's unique vibrant Main Street core for the general public, visitors, quests, and locals; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is an element of Main Street's attractiveness and a destination center for visitors and locals; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of commercial and mixed-use buildings and districts in and near the downtown core; and

WHEREAS, a preliminary discussion was held at the joint Planning Commission/City Council work session on April 5, 2007 regarding legislative remedies available to ensure the continuation of a successful business mix on historic Main Street; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will have a negative effect upon the overall economy and vitality of the downtown core as visitors find fewer businesses in which to shop or restaurants in which to eat. A reduction in visitor traffic will have a net negative impact to sales tax overall. A reduction in visitor numbers will also signal a change in the culture of Main Street into an elite area that is less inviting to the majority of Park City's visitors, guests, and locals; 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 Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

WHEREAS, the Council determines after evaluating issues of fairness and the overall intent of the regulation that the application of pending ordinance doctrine shall be revoked up to the date of adoption;

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

SECTION 1. APPROVAL OF AMENDMENT. CHAPTERS 15-2.5
Historic Recreation Commercial (HRC) District, 15-2.6 Historic Commercial Business

(HCB) District, and 15-15-1 Definitions, of the Land Management Code are hereby amended to read as attached hereto on Exhibits "A", "B" and "C".

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication and the pending ordinance rule shall become effective as of the date of adoption.

PASSED AND ADOPTED this 30th day of August, 2007.

PARK CITY MUNICIPAL CORPORATION

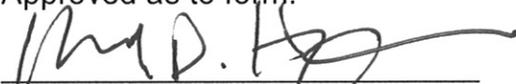


Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



EXHIBIT A - HRC

TITLE 15 - LAND MANAGEMENT CODE (LMC) **CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT**

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources.
- (I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.**

15-2.5-2. USES.

Uses in the HRC are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Single Family Dwelling
 - (2) Duplex Dwelling
 - (3) Secondary Living Quarters

- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family³
- (10) Child Care, Family Group³
- (11) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General⁵
- (19) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES.**

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁷
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions

¹Nightly rental of Lockout Units requires a Conditional Use permit

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

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative Conditional Use permit

⁵**Prohibited in Storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue (excluding those HRC zoned areas north of the 8th Street) rights-of-way; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street.**

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

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

- (12) Private Residence Club Project and Conversion⁴
- (13) Office, Intensive
- (14) Office and Clinic, Medical
- (15) Financial Institution, without drive-up window⁸
- (16) Commercial Retail and Service, Minor⁷
- (17) Commercial Retail and Service, personal improvement⁷
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli⁷
- (20) Restaurant, General⁷
- (21) Restaurant and café, Outdoor Dining⁴
- (22) Outdoor Events⁴
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces
- (25) Temporary Improvement
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (28) Recreation Facility, Commercial, Public, and Private
- (29) Entertainment Facility, Indoor
- (30) Fences greater than six feet (6') in height from Final Grade⁴
- (31) Private Residence Club, Off-Site⁵**

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

(Amended by Ord. Nos. 04-39; 06-69)

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

EXHIBIT B

TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,
- (G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- (I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- (J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.**

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES.**

- (1) Single Family Dwelling⁹
- (2) Multi-Unit Dwelling¹
- (3) Secondary Living Quarters¹
- (4) Lockout Unit^{1,10}
- (5) Accessory Apartment^{1,11}
- (6) Nightly Rental¹²
- (7) Home Occupation¹
- (8) Child Care, In-Home Babysitting¹
- (9) Child Care, Family^{1,13}
- (10) Child Care, Family Group^{1,5}
- (11) Child Care Center^{1,5}
- (12) Accessory Building and Use¹
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn¹⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General¹
- (19) Office, Moderate Intensive¹
- (20) Office and Clinic, Medical¹
- (21) Financial Institution, without drive-up window
- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Display¹⁵

⁹Prohibited in Storefronts adjacent to the Main Street, Heber Avenue, or Swede Alley Rights-of-Way.

¹⁰Nightly Rental of Lock Units requires a Conditional Use permit

¹¹See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

¹²Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

¹³ See LMC Chapter 15-4-9 for Child Care Regulations

¹⁴Requires an Administrative Conditional Use permit

¹⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License.

(B) **CONDITIONAL USES.**

- (1) Group Care Facility¹
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna⁷
- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁸
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major
- (8) Timeshare Projects and Conversions¹
- (9) Timeshare Sales Office, Off-Site within an enclosed Building¹
- (10) Private Residence Club Project and Conversion⁵
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive
- (13) Restaurant, Outdoor Dining⁵
- (14) Outdoor Events
- (15) Hospital, Limited Care Facility
- (16) Parking Area or Structure for five (5) or more cars
- (17) Temporary Improvement
- (18) Passenger Tramway Station and Ski Base Facility
- (19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (20) Recreation Facility, Public or Private
- (21) Recreation Facility, Commercial
- (22) Fences greater than six feet (6') in height from Final Grade⁵
- (23) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁹
- (24) Private Residence Club, Off-Site¹

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

(Amended by Ord. No. 02-38; 04-39; 06-69)

⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

Exhibit C

TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1.44. Club.

(E) Club, Private Residence, Off-Site. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

Storefront Property

A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

1. A window and/or entrance within 50 lateral/horizontal feet of the back (inside building edge) of the public sidewalk; and
2. A window and/or entrance that is not more than 8 feet above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the street as set forth above shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

Planning Commission Staff Report



Subject: 692 Main Street (Marriot Summit Watch/Town Lift MPD)
Author: Brooks T. Robinson
Application #: PL-10-00961
Date: June 23, 2010
Type of Item: Administrative - Master Planned Development Amendment

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and consider approval of the Master Planned Development amendment based on the findings of fact, conclusions of law, and conditions of approval as found in this staff report.

Description

Applicant: LCC Properties, LC, represented by Kevin Horn, architect
Location: 692 Main Street and David Luber
Zoning: Historic Recreation Commercial (HRC) with Historic Commercial Business (HCB) regulations. Master Planned Development
Adjacent Land Uses: Commercial, Summit Watch to north, Zoom restaurant to south, Residential Condominiums to the east and west.

Background

The building at 692 Main Street has been used as the Sales Gallery for the Marriott Summit Watch project since its construction in 1992. The Summit Watch project was originally part of the Town Lift development that included the Sweeney properties to the west but was subsequently bifurcated. The Town Lift project was subject to a Property Exchange Agreement with Park City which paved the way for the development of Lower Main Street and a two subsequent 1992 Amendments (documents available at Planning Offices)

In September 1991, the City Council approved a Concept Plan of the Town Lift Project (Exhibit B). In that Concept Plan, the Council laid out maximum square footages for the project as well as anticipating that the project would be developed in Phases.

In April 1992, Planning Commission approved a small scale MPD for Town Lift Phase I. Phase I included buildings A1-A3. The building at 692 Main Street was called A1. Initially, Building A1 was proposed to have 6 residential units comprising 4.5 Unit Equivalents (UEs) and 1,832 square feet of commercial space (1.8 UEs) under the LMC at the time. Under the 1992 MPD, Building A1 was allocated a total of 6.3 UEs.

The 1994 revised Concept Plan indicated Building A1 to be allocated 7,200 square feet of Commercial with no Residential. Conditions of Approval for both 1992 and 1994 Concept Plans included the review and approval of building plans by the Town Lift

Design Review Task Force. Building plans dated August 1993 for building A-1 reflect the as built conditions.

The applicant is a contract purchaser of the Building at 692 Main Street, formerly known as Building A-1. The Pre-MPD meeting held on April 28, 2010, was a public hearing where the applicant presented preliminary concepts for the Master Planned Development and the public could address neighborhood concerns. There was no public input. The Planning Commission reviewed the concepts and found no issues and could make a finding that the project initially complies with the General Plan and zoning regulations in the Land Management Code. The finding of General Plan compliance is included in the Findings for this report.

Also on April 28th, the Planning Commission forwarded a positive recommendation to the City Council to modify the 1991 Concept Plan condition of approval approved by the City Council to no longer require a Design Task Force and instead follow the current Historic Design Review process as found in the Land Management Code. The City Council heard this request on May 20, 2010 and approved the following modified Condition of Approval #3(c):

“The **Planning Department** ~~Historic District Commission~~ will be required to review and approve volumetrics for Phase I which will address maximum building heights, necessary stepping, acceptable building materials and colors as well as general design features. The **Planning Department** ~~HDC~~ will also be required to approve specific building design for the proposed structures **or additions within the original Town Lift Concept Plan area pursuant to the Historic Design Review process as found in the Land Management Code. The review process shall be the same as the Historic Design Review.**”

Analysis

The existing Marriott Summit Watch project was built under the 1994 revised Concept Plan. The overall project is a mixed use development with commercial and residential uses and underground parking. The 1991 Concept Plan proposed Building A1 as 1.8 UEs of commercial and 4.5 UE of residential. The subsequent 1994 Concept Plan indicated an already completed building with an allocation of 7,200 square feet of commercial and no residential. The actual built condition is 6,556 square feet (net) of Commercial space. It is two stories with a basement. A second story balcony protrudes from the front of the building towards Main Street. At the April 28 meeting, it was discussed that the applicant could make minor modifications to the building subject to design review to increase the net square footage up to 7,200 square feet commercial.

The Land Management Code calculates Commercial Unit Equivalent (UEs) at one UE for every 1,000 square feet and Residential UEs at one UE for every 2,000 square feet. The difference is a calculation based on the intensity of use. At the time of the original approval, the LMC calculated Residential UEs based on a table that allocated fractions of UEs based on individual unit sizes. Today's Code takes the entire square footage of the residential component and divides by 2,000 to get a UE number. The Commercial UE calculation has remained unchanged.

The applicant proposes to remodel and add two stories to the existing building and create a mix of Commercial and Residential. Therefore, applicant is asking to change the envelope of the building by increasing the height by two stories and to change part of the use of the building. This proposal reduces the current Commercial uses from 6,556 square feet (net) to 3,050 square feet (net) and adds Residential use while staying below the total 7.2 Unit Equivalents (UEs) allocated in the 1994 Concept Plan. The Unit Equivalents, under today's Land Management Code, would be 3.05 UEs of Commercial and 3.38 UEs of Residential. The total UEs shown in the 1994 Concept Plan are 7.2. The combined UEs in the 1992 MPD was 6.3UEs. Currently proposed are 6.43 UEs. The footprint of the building increases with the minor addition and enclosure under the deck facing Main Street.

The current proposal is for a remodel and addition to an existing two story (with basement) building. The basement level will maintain the mechanical, elevator equipment, service kitchen and restrooms, while converting storage space to ski lockers and a ski service/storage area. The Main Street level will be a restaurant/bar along with a market/deli. The restaurant/bar space may open to the public or may be for timeshare members only. The market/deli would be open to the public. The second floor would be converted to four residential units of 480, 650, 700 and 750 square feet. The new third story will also contain four residential units of the same size as the second floor. The fourth story will contain one residential unit of 1,600 square feet. Under the proposal, there would be a total of 9 residential time share units which, based on their square footage are the equivalent to 3.38 UEs.

The development of the project was allowed under the HCB zone rules per the 1982 Agreement. Included in the HCB zone is a Floor Area Ratio (FAR). The lot area is 5,074 square feet with an FAR of 4.0 yielding a total possible building square footage 20,296 square feet. The proposal, including the existing two story building and basement, shows a total of 13,797 square feet.

Height is also determined under the HCB zoning regulations and an establishment of "Natural Grade". The current maximum height in the HCB is 45 feet. Both the Main street façade and the rear façade may only extend up to 30 feet and then angle back at 45 degrees to the maximum building height. The proposed building meets this requirement (see Exhibit A).

The staff report for the 1992 Phase I small scale MPD showed a comparison of the commercial/residential ratio from the original plan. The Planning Commission at that time had indicated that the commercial square footage be decreased (which it did by half). Again, in 1994, the staff report for the Summit Watch project indicates the commercial square footage "has been dramatically decreased" to almost a third of the 1991 concept plan. The intent of the City was for less commercial and more residential in the entirety of the MPD. The proposal for 692 Main in this MPD amendment meets the intent of the previous MPD and Concept Plans and discussions in reducing the amount of commercial square footage and increasing the amount of residential.

General Plan compliance

Staff analysis in *italics*. The specific elements of the General Plan that apply to this project are included.

Historic Core Policies

The designated historic district, which is subject to special design and preservation regulations, best defines the historic core of the City. Citizens feel strongly that the core must continue to provide a range of services for residents, while also functioning as an attraction for tourists. The goal for the historic district is to maintain it as the center of the community, not just as a stage set for tourism. The following policies will help accomplish this goal:

- Keep City and other government offices and services in the downtown, to maintain the function of the historic core as a gathering place. Similarly, concentrate in the historic area certain commercial uses that attract and encourage interaction among local residents (e.g., bookstores, card shops, coffee shops, and post office). **Complies.** *The proposed addition and remodel changes a Timeshare Sales Gallery into a mixed-use building with a Market/Deli and Grill/Bar on the Main Street level.*
- To maintain commercial viability, promote year-round demand by residents and workers for services, restaurants, entertainment, and similar uses in the core. **Complies as conditioned.** *The public market/deli portion of the building on the Main Street level meets this goal. The restaurant/bar area may be open to the public.*
- Maintain the historic character of buildings. **This policy is not applicable.** *The existing building is not historic.*
- Support programs that make the downtown attractive to potential businesses. **This policy is not applicable.**
- Promote the continuation and augmentation of a pedestrian-friendly environment in the downtown. **Complies.** *The commercial Main Street level uses promote a pedestrian friendly downtown.*
- Work to ensure the continued livability of residential areas around the historic commercial core. **Complies.** *Although a Timeshare project, the residential uses will generate business for Old Town commercial uses and help provide a few jobs. The project would have no impact either way on the livability of the residential areas around the historic core.*

Community Design Policies

- Encourage comprehensive, efficient developments that consider the overall impact on surrounding properties. Phasing plans for such projects will be necessary to avoid the premature expansion of utilities and other public facilities. **Complies.** *A single phase of construction is proposed.*
- Encourage distinct neighborhoods surrounded by open space. Develop neighborhood-specific design guidelines to promote neighborhood cohesiveness. **This policy is not applicable.**
- Approve development only when adequate public services and facilities are available, or will be available when needed to serve the project. **Complies.**

Adequate public services and facilities are available.

- Encourage affordable housing in close proximity to lodging, bus routes, resorts and such essential services as shopping, recreation, and medical services.

Complies. *The Summit Watch project provided affordable housing on Park Avenue on the bus route. Because the overall UEs of the building (and the entire Summit Watch project) is not changing, this amendment does not require additional mitigation.*

- Encourage a mix of housing styles within new developments with a preference for second homes and housing units that provide bed base for tourists.

Complies. *The timeshare project will provide additional bed base across from the Town Lift.*

Master Planned Development Criteria

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 the Density located in the most appropriate locations.*

Complies. Density is determined by Unit Equivalents. The approved density for this building is 7.2 UEs of Commercial pursuant to the 1994 revised concept plan. This amendment would be a reduction in density to 6.43 UEs although an increase in building size. Under the 1991 MPD approval, a mix of commercial and residential was allocated as 6 residential units comprising 4.5 Unit Equivalents (UEs) and 1,832 square feet of commercial space (1.8 UEs) for a total of 6.3 UEs.

(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.*

Not Applicable the setbacks for the building are not changing.

*(D) **OPEN SPACE.** All Master Planned Developments shall contain a minimum of sixty percent (60%) open space.*

Complies. The open space for the entire Summit Watch project was previously determined at greater than 60% with the open plazas and the green space to the east.

(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.

Complies. Parking is already provided for with a 23 spaces recorded as an easement within the greater Summit Watch project. The amount of parking is sufficient to meet the size of each of the proposed uses as follows:

Use	Ratio	Quantity	Required	Provided
Multi-family <650sf	1/unit	4 units	4	4
Multi-family <1000sf	1.5/unit	4	6	6
Multi-family >1000sf	2/unit	1	2	2
Restaurant/Bar	5/1000sf	955	5	5
Lobby/Market (Retail & Services)	3/1000sf	1764	5.3	6
Total			23	23

*(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.*

Complies. The proposed addition is planned to meet the height of the HCB zone (45 feet) with the angles back from the front and rear property lines. The Summit Watch height is based on a grade line interpolated from “a grade extending from the back of curb on the east side of Park Avenue to the back of curb on the West side of Deer Valley Drive.” (Condition of Approval#1, City Council action September 23, 1991).

*(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.

Complies. The building will increase in height two stories but there are no changes to the site planning.

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

Not Applicable.

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

Not Applicable.

(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.

Not Applicable.

(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.

Not Applicable.

(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.

Not Applicable.

(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 Summit Watch project has dumpsters in the underground parking area for use by this 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.

Not Applicable to this amendment. Summit Watch has drop off areas and the Main Street trolley serves the west side.

(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. Service and delivery are located along Main Street and in the adjacent plaza as well as from the underground parking garage.

*(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.

Not Applicable.

*(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.

*(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.*

Complies. The Summit Watch project provided affordable housing at the time of initial construction. No additional affordable housing is required with this amendment as there is not an overall increase in Unit Equivalents.

*(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. Staff does not recommend that a Child Care Center be provided on-site. Limited permanent Child Care demands will be generated by the mixed use building.

Process

Any addition to the building will be required to be reviewed under the Design Guidelines for Historic Districts and Sites. An application for Historic Design Review has been submitted and posted for public comment. A condominium record of survey must be approved and recorded prior to the selling of any units and would reflect the Commercial and Residential ownership pattern.

Recommendation

Staff recommends that the Planning Commission hold a public hearing and consider approval of the Master Planned Development amendment based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property is located at 692 Main Street in the Historic Residential Commercial (HRC) zoning district. Historic Commercial Business (HCB) heights are allowed by the Conceptual Plan approval.
2. In September 1991, the City Council approved a Concept Plan of the Town Lift Project.
3. The building at 692 Main Street has been used as the Sales Gallery for the Marriott Summit Watch project since its construction in 1992. The Summit Watch project was originally part of the Town Lift development that included the Sweeney properties to the west but was subsequently bifurcated.
4. The September 1991 Concept Plan of the Town Lift Project laid out maximum square footages for the project as well as anticipating the project would be

developed in Phases. In that approval the Council required the Historic District Commission (HDC) to review and approve the volumetrics for Phase I (p.4). The HDC was required to approve specific building design for the proposed structures prior to construction.

5. In April 1992, Planning Commission approved a small scale MPD for Town Lift Phase I. Phase I included buildings A1-A3. The building at 692 Main Street was called A1. In the MPD Building A1 was proposed to have 6 residential units comprising 4.5 Unit Equivalents (UEs) and 1,832 square feet of commercial space (1.8 UEs) for a total of 6.3.
6. In November 1994, the City approved the Summit Watch Revised Concept Plan. The revised plan superseded the action taken to approve the original concept plan in 1991. Condition of approval 2 stated that the Town Lift Design Review Task Force shall review and approve plans for each building prior to construction commencing. At that time Building A1 was constructed and the unit configuration for that building was referenced as 7,200 square feet of commercial, or 7.2 Unit Equivalents.
7. The project will be a Timeshare as declared in the original approval of the Summit Watch project.
8. Affordable Housing requirements have been met by previous construction by the original developer.
9. Nine residential units (3.38 Unit Equivalents) and 3.05 Unit Equivalents of commercial space are proposed.
10. The building will increase in height by two stories while keeping within the HCB height regulations.

Conclusions of Law:

1. The amended MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The amended MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The amended MPD, as conditioned, is consistent with the Park City General Plan.
4. The amended MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The amended MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The amended MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The amended MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The amended MPD provides amenities to the community so that there is no net loss of community amenities.
9. The amended 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 amended MPD, as conditioned, meets the provisions of the Sensitive Lands

provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.

11. The amended MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The amended MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

1. All applicable conditions of approval of the 1994 Conceptual Approval shall apply to this amended MPD.
2. All applicable conditions of approval of the subdivision plat shall apply.
3. A condominium plat shall be recorded with Summit County prior to selling of any units.
4. The Main Floor market/deli or any other commercial use will be open to the public. The grill/bar may be open to the general public.
5. The building must receive Historic Design Review approval prior to issuance of building permit.
6. All exterior lights must comply with Park City's lighting regulations.
7. Any exterior sign must receive a separate sign permit.

Exhibits:

Exhibit A – Applicant's narrative and proposed plans

Exhibit B – 1991 Council approval of Conceptual Town Lift Project

Exhibit C – 1992 MPD Approval for Town Lift Phase I

Exhibit D – 1994 Amended Concept Plan

Exhibit E – Minutes from Planning Commission pre-MPD meeting of April 28, 2010


 HORN PARTNERS

ARCHITECTURE

MEMO

**MPD MODIFICATION PRE-APPLICATION HEARING FOR:
SUMMIT WATCH REVISED CONCEPT PLAN PHASE I, BUILDING A-1**

To: Park City Planning Department
 From: LCC Properties, L.C. and Horn and Partners Architecture
 Subject: Application to modify MPD Summit Watch Revised Concept Plan Phase I, Building A-1
 Re: Pre-Application Hearing for overall review of 1994 MPD Modification and
 Decision to not reconvene Town Lift Design Review Task Force (TLDRTF) for purposes of
 Processing the application
 Date: March 9, 2010

This is a request for a Planning Commission Pre-Application Meeting to accomplish two things:

- A) To review the application to modify the 1994 Summit Watch Revised Concept Plan MPD for the purposes of converting 7200 SF allowable commercial net leasable space in Building A1, Phase I into a combination of Residential and Commercial space not exceeding the Unit Equivalent of the original 7200 SF commercial. And to determine if a reconvene of the Town Lift Design Review Task Force (TLDRTF) is required to accomplish this.
- B) To separately determine if staff can review and approve an enclosure of only 549 SF of the Existing Covered Patios (see table in item 4 below) on the Existing Building without an MPD Modification or a reconvene of Town Lift Design Review Task Force (TLDRTF) so long as the enclosure remains within the 7200 SF commercial allowed by the existing MPD.

Explanations:

1. The project consists of the existing building located at 692 Main Street located within the Historic Commercial (HCB) District with the "Town Lift Project Phase I" Master Planned Development (MPD) overlay. The project proposes retaining the existing Commercial, Retail and Sales Office Space on the Main Level; retaining the existing Mechanical and Restroom spaces on the lower level; converting Lower Storage to residential; and remodeling the existing 2nd floor into Residential Units and adding 3rd and 4th floor within the allowed Floor Area Ratios, Maximum Building Volume and Height of the overlying Historic Commercial (HCB) District (see items 6 & 7 below). This requires that the applicant modify the 1994 MPD to convert 7.2 Commercial Unit Equivalents (UE's) to a combination of Commercial UE's and Residential UE's.
2. The building is located on the Park City zoning map in the Historic Commercial Business district (HCB) with a Master Planned Development (MPD) overlay. The MPD overlay is "The Town Lift Project Phase I" modified in November 1994.
3. The Park City Planning Department Staff Report (dated Nov. 23, 1994) and Planning Commission Approval thereof (dated November 30, 1994) provide for 7200 SF Net Leasable Commercial which equals 7.2 Commercial Unit Equivalents (UE) per the Land Management Code 15-6-8.E. (see attachment A and B).
4. The existing structure has been built out to the following area based on the approved construction drawings dated August 17, 1993 and as-built verification. The table shows that 6,556 SF of Net Leasable area has been built of the 7,200 SF Net Leasable allowed by the 1994 MPD.

HORN AND PARTNERS, L. L. C.
 284 West 400 North, Salt Lake City, Utah 84103
 Phone : 801 - 933 - 4676, Fax : 801 - 933 - 4675

Email: hornandpartners.com

Page 1 of 4

EXISTING LOWER FLOOR: SHEET A1.0

AREA	TOTAL	GROSS*	NET LEASABLE**
MECHANICAL	309		
ELEVATOR EQUIP	75		
RESTROOMS	409	409	
STAIRS	209	209	
ELEVATOR	60	60	
ELEVATOR LOBBY	68	68	
HALL	215	215	
STORAGE 1	955	955	955
STORAGE 2	966	966	966
SUBTOTAL	3266	2882	1921

EXISTING MAIN FLOOR: SHEET 1.1

AREA	TOTAL	GROSS*	NET LEASABLE**
ELEVATOR	***		
DUCTS	55		
REAR STAIRS	160	160	
REAR ENTRY	200	200	
OPEN STAIRS	121	121	
ROOM 1	955	955	955
ROOM 2	675	675	675
ROOM 3	639	639	639
SUBTOTAL	2805	2750	2269
REAR COVERED PATIO	126		
FRONT COVERED PATIO	423		

EXISTING UPPER FLOOR: SHEET 1.2

AREA	TOTAL	GROSS*	NET LEASABLE**
ELEVATOR	***		
REAR STAIRS	***		
STAIR OPENING	***		
DUCTS	***		
REAR LOBBY	200	200	
ROOM 1	1372	1372	1372
ROOM 2	364	364	364
ROOM 3	630	630	630
SUBTOTAL	2566	2566	2366
DECK	297		

RECAP ALL FLOORS:

	TOTAL	GROSS*	NET LEASABLE**
EXISTING TOTAL	8637	8198	6556
BALANCE OF 7200 ALLOWED			644
DECKS & PATIOS	846		

- * LMC CH. 15 1.100(B)
- ** LMC CH. 15 1.100 (C)
- *** SHAFT CALCULATED IN FLOOR BELOW

HORN AND PARTNERS, L.L.C.
 284 West 400 North, Salt Lake City, Utah 84103
 Phone : 801-933-4676, Fax : 801-933-4675
 Email: hornandpartners.com
 Page 2 of 4

5. Conversion of UE's in the 1994 MPD

Based on our concept plans, we are proposing to modify the 1994 MPD and break down the 7.2 Commercial UE's (see Land Management Code 15-6-8.E) into Commercial and Residential UE's totaling less than the 7.2 allowed in the 1994 MPD and LMC 15-6 as follows:

<u>Use</u>	<u>Proposed SF</u>	<u>Proposed UE</u>	<u>Allowed SF</u>	<u>Allowed UE</u>
Lower Comm.	450 (n)	0.45		
1 st Commercial	2600 (n)	2.60		
Less 5% Support	-338	-0.33		
<u>Less 5% Meeting</u>	<u>-338</u>	<u>-0.33</u>		
Subtotal Comm.	2374 (n)	2.37	7200 (n)	7.2
Lower Residential Storage 1471 (n) (below grade residential SF does not count per LMC Ch. 15 1-100)				
2 nd Residential	2580 (g)	1.29		
3 rd Residential	2580 (g)	1.29		
4 th Residential	1600 (g)	0.80		
<u>Subtotal Res.</u>	<u>6760 (g)</u>	<u>3.38</u>		
Totals	9134 (n)	5.75	7200 (n)	7.2

(n) = net leasable commercial square footage per Land Management Code Ch 15 1-100 C

(g) = gross residential square footage per Land Management Code Ch 15 1-100 A

6. The building height for the MPD was addressed in the Conceptual Approval of the Town Lift Project approved by the Planning Commission in the Sept. 19, 1991. Condition of Approval Item 1. states: "These maximum building heights represent building heights as permitted in the HCB zone with a redefinition of natural grade." This Conceptual Approval was again restated in the April 16, 1992 Staff Report. The maximum building height for the HCB Zone is currently 30' on the Main Street and Rear face and then can be increase at a 45 deg. Angle to a height of 45' above existing grade. An additional 5' is permitted for sloped roof structures above the height limit. This will allow for a third floor to be added to the existing height of approximately 29' as long as it is set back from the Main Street and Rear façade at the 45 deg. angle, and a loft can extend up into the roof structure above the third floor. This Application is compliant with the height requirement for an HCB zone. (See attached plans demonstrating compliance)

7. 15-2.6-4 requires a maximum Floor to Area Ratio (FAR) of 4.0 which means that a building with zero setbacks all around (which is the same footprint as the site) could be 4 stories tall or 4 times the area of the site. This building will meet this requirement with the three stories plus the loft.

8. According to 15-3-12 A and B the residential and commercial parking requirements are as follows:

<u>Use</u>	<u>Ratio</u>	<u>Quantity</u>	<u>Required</u>	<u>Provided</u>
Multi Family<650 sf	1/BR	6 Units	6	6
Multi Family<1000 sf	1.5/BR	4 Units	6	6
Multi Family>1000 sf	2/BR	1 Unit	2	2
Café (Including lower kitchen)	3/1000 SF	955 SF	3.18	3
Lobby, Store & Lower (Retail & Services minor)	3/1000 SF	1764 SF	5.88	6
Totals			23	23

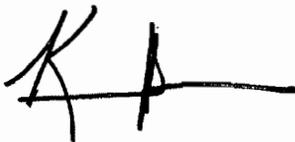
A parking easement exists and is recorded in: record no. 00384600, Book 00743, Page 00178, Summit County. The easement provides for 23 permanent parking spaces which will be used to meet the parking calculation indicated above.

11. In accordance with the MPD declaration requirement the Applicant intends to sell Timeshares for this Project as part of its own ownership program under a Condominium Plat. A Nightly Rental program shall be provided as well. Pending the initial review under this Application, neither the timeshare documents nor nightly rental program have been finalized at this time ("Program") The City Attorney will review those documents for compliance with the regulations set forth in Chapter 8 of the Land Management Code but will be generally consistent with the previous Marriott Ownership type program approved in 1993. Further, it is anticipated that the Applicant will be before the Planning Commission for approval of a Condominium Plat in 2010.

Conclusion:

The Remodel, Addition, Use and Sale described above and as indicated on the conceptual drawings attached indicate compliance the proposed modification to the 1994 MPD, the overlying HCB Zoning for the parcel and the Park City Land Management Code. It is our request to accomplish two things:

- A) To review the application to modify the 1994 Summit Watch Revised Concept Plan MPD for the purposes of converting 7200 SF allowable commercial net leasable space in Building A1, Phase I into a combination of Residential and Commercial space not exceeding the Unit Equivalent of the original 7200 SF commercial. And to determine if a reconvene of the Town Lift Design Review Task Force (TLDRTF) is required to accomplish this.
- B) To separately determine if staff can review and approve an enclosure of only 549 SF of the Existing Covered Patios (see table in item 4 below) on the Existing Building without an MPD Modification or a reconvene of Town Lift Design Review Task Force (TLDRTF) so long as the enclosure remains within the 7200 SF commercial allowed by the existing MPD.



Kevin D. Horn, A.I.A.

DRAWING DATE:	
CHECKED BY:	
FILE NO.:	
JOB NO.:	0916

692 MAIN
CONCEPT PLANS
PARK CITY, UTAH

284 W 400 N
SLC UTAH 84103
PHN: 801.933.4676
FAX: 801.933.4675

HORN PARTNERS
ARCHITECTURE

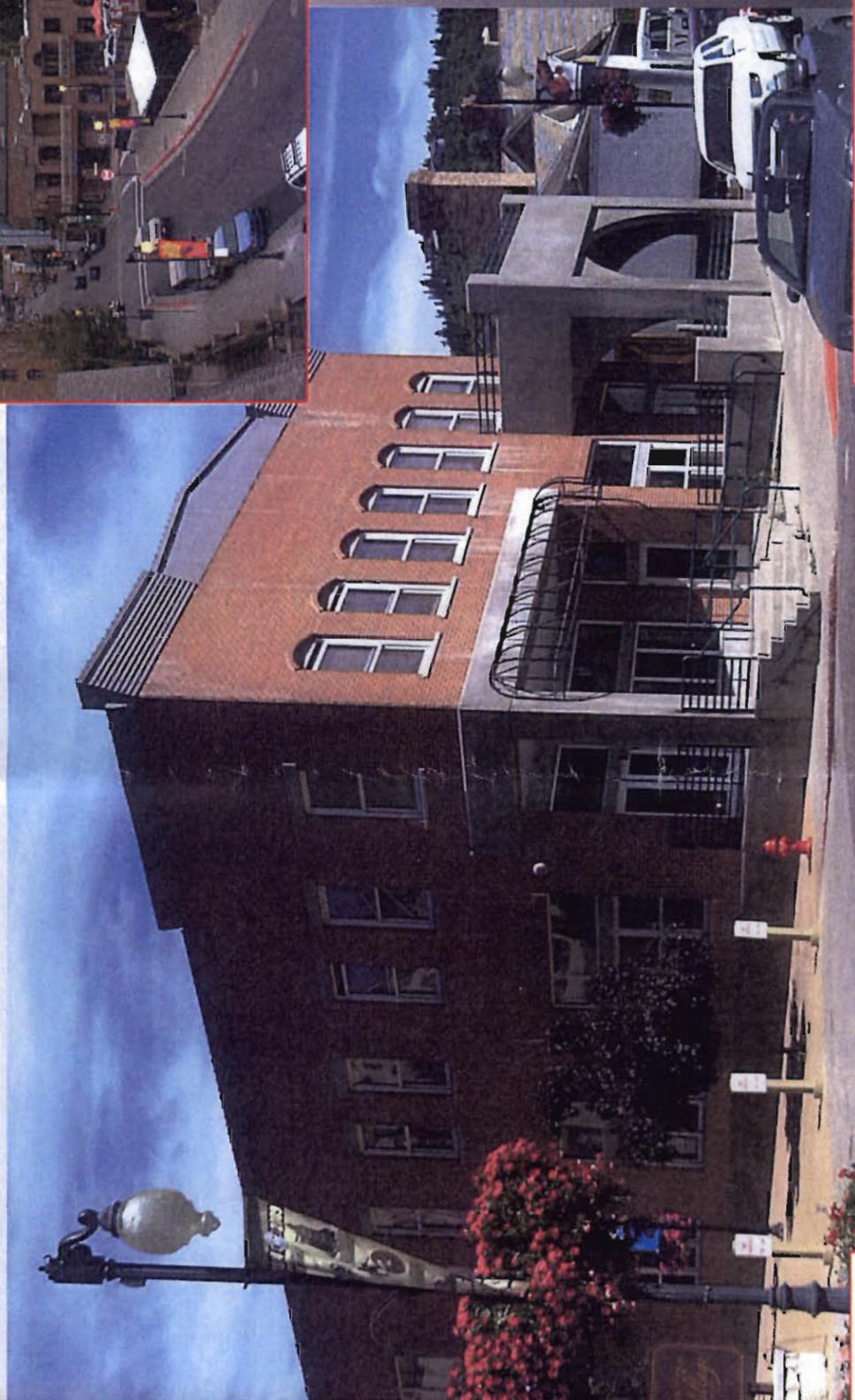
THE GRAPHIC MATTER IS TO BE USED ON THIS SHEET AND ANY REPRODUCTION OR REUSE OF THE MATERIAL AND DESIGN OF HORN AND PARTNERS, L.P.C. REPRODUCTION OR REUSE OF THE MATERIAL AND DESIGN OF HORN AND PARTNERS, L.P.C. WITHOUT THE WRITTEN CONSENT OF HORN AND PARTNERS, L.P.C. ALL RIGHTS RESERVED.
© 2009 HORN AND PARTNERS, L.P.C.

LCC PROPERTIES L.C.
725 ARIZONA AVE, SUITE 301
SANTA MONICA, CA 90401

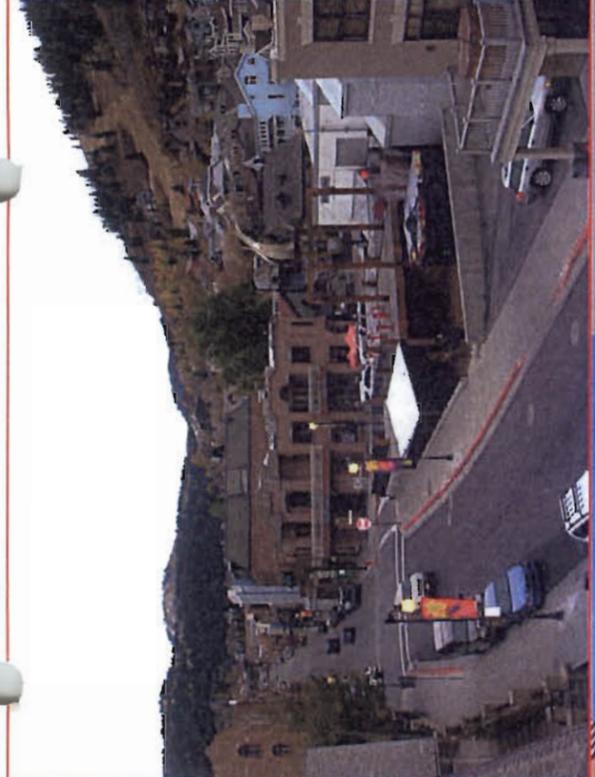
REV
NO



**LCC PROPERTIES
GROUP, L.C.**

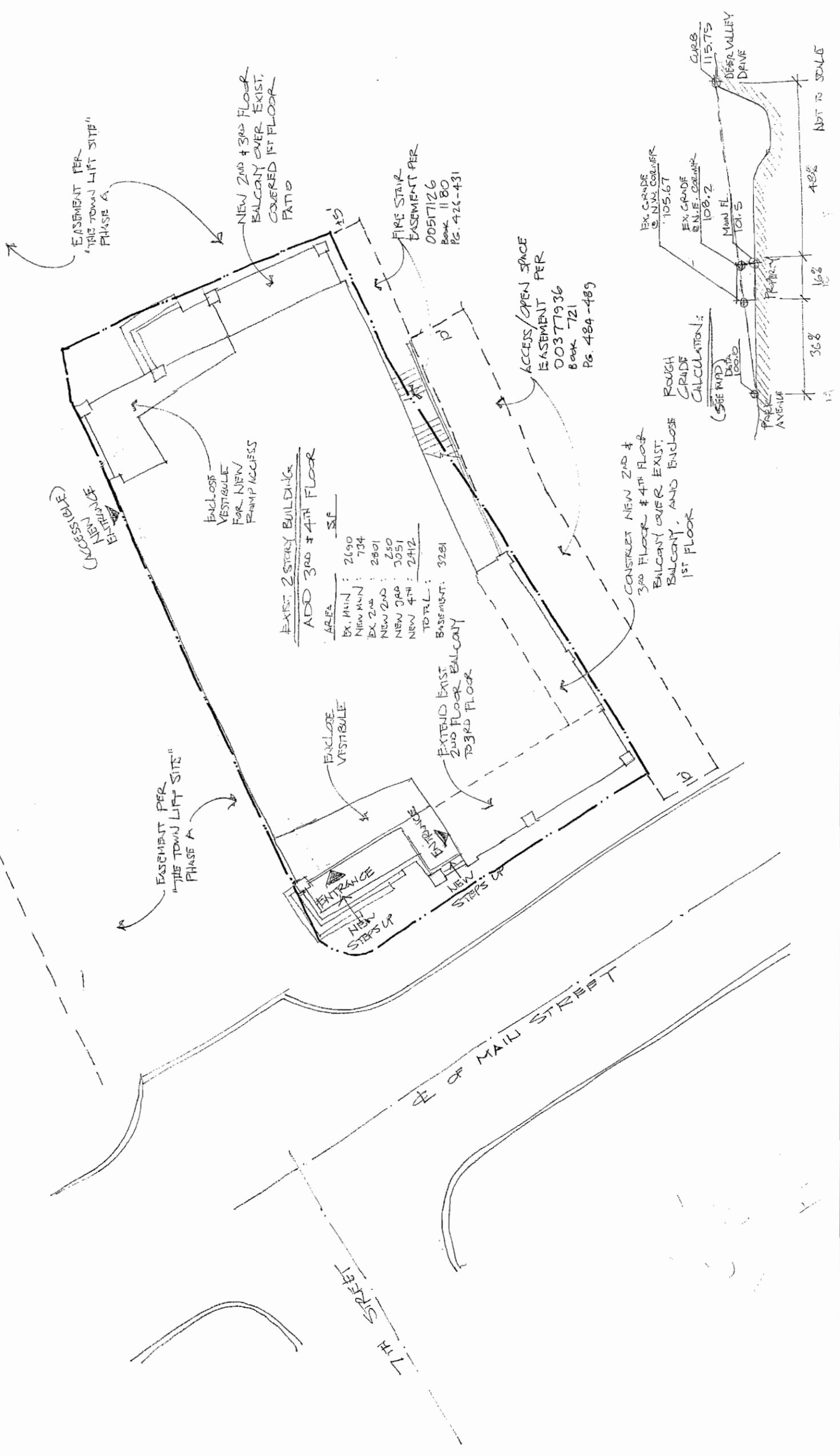


692 MAIN STREET



PARKING CALCULATIONS
23 STALL PROVIDED BY EASEMENT
00384600 Book 743 Pg. 166-178

RES. UNITS (10) 10 SPACES
COMMERCIAL 5.5
LOBBY/BASEMENT 2.9
REQUIRED 18.4



THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN THE PROPERTY OF HORN AND PARTNERS, L.P.C. ANY REPRODUCTION OR USE OF THIS MATERIAL AND DESIGN WITHOUT THE WRITTEN CONSENT OF HORN AND PARTNERS, L.P.C. IS PROHIBITED.

© 2009 HORN AND PARTNERS, L.P.C. ALL RIGHTS RESERVED.

LCC PROPERTIES L.C.
725 ARIZONA AVE. SUITE 301
SANTA MONICA, CA 90401

RENZO

HORN PARTNERS ARCHITECTURE

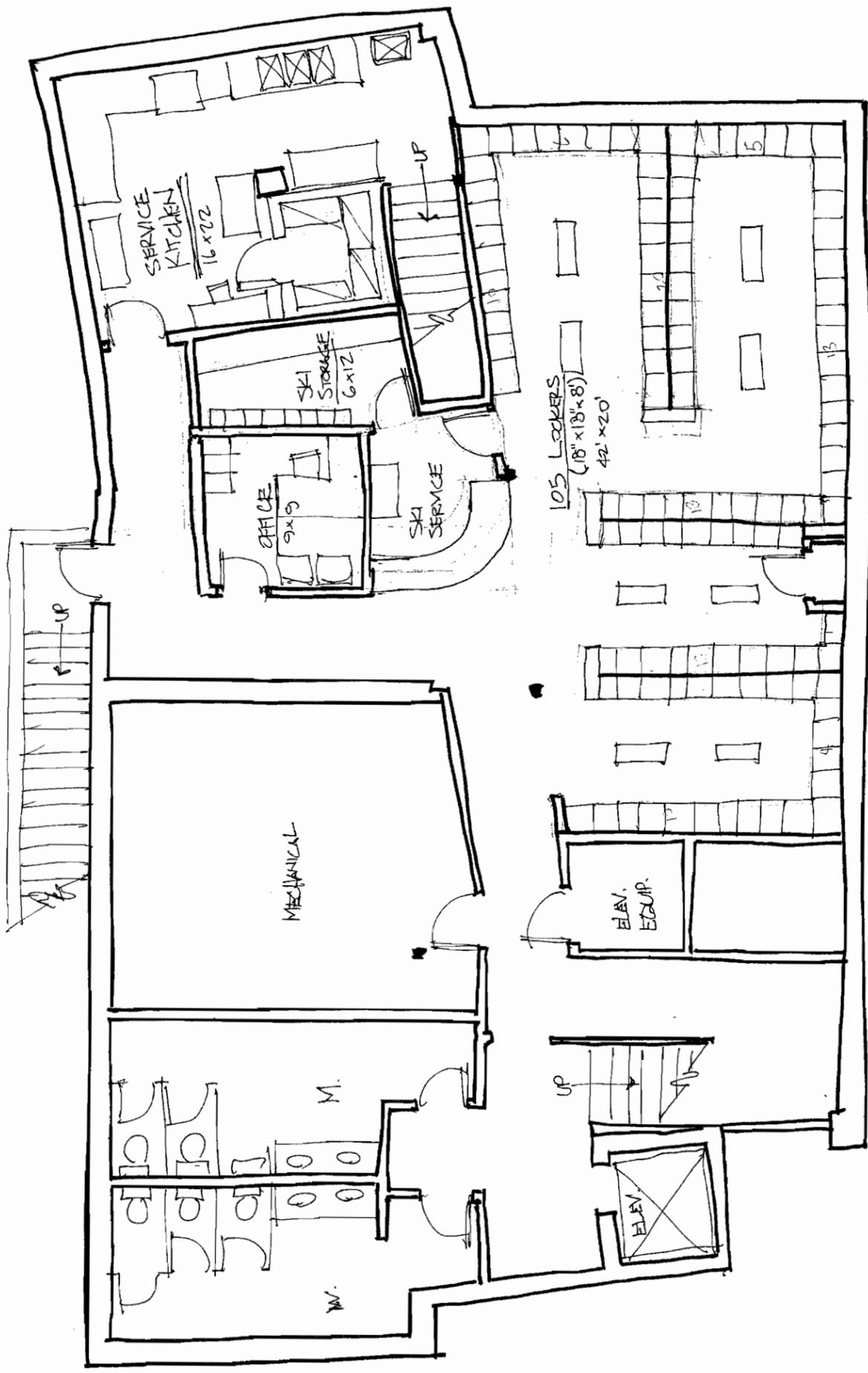
284 W 400 N
SLC UTAH 84103
PHN: 801.933.4878
FAX: 801.933.4875

FORM
692 MAIN
CONCEPT PLANS
PARK CITY, UTAH

DRAWING DATE: 2/19/10
DRAWN BY: [blank]
CHECKED BY: [blank]

JOB NO. 0916
FILE NO. [blank]

LOWER LEVEL
A2.0



1214

LOWER LEVEL

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN THE PROPERTY OF HORN AND PARTNERS, L.L.C. REPRODUCTION OR RELEASE OF THE MATERIAL AND DESIGN HEREON IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF HORN AND PARTNERS, L.L.C.
 © 2009 HORN AND PARTNERS, L.L.C. ALL RIGHTS RESERVED.

LCC PROPERTIES L.C.
 725 ARIZONA AVE. SUITE 301
 SANTA MONICA, CA 90401

284 W 400 N
 SLC UTAH 84103
 PHN: 801.933.4678
 FAX: 801.933.4675

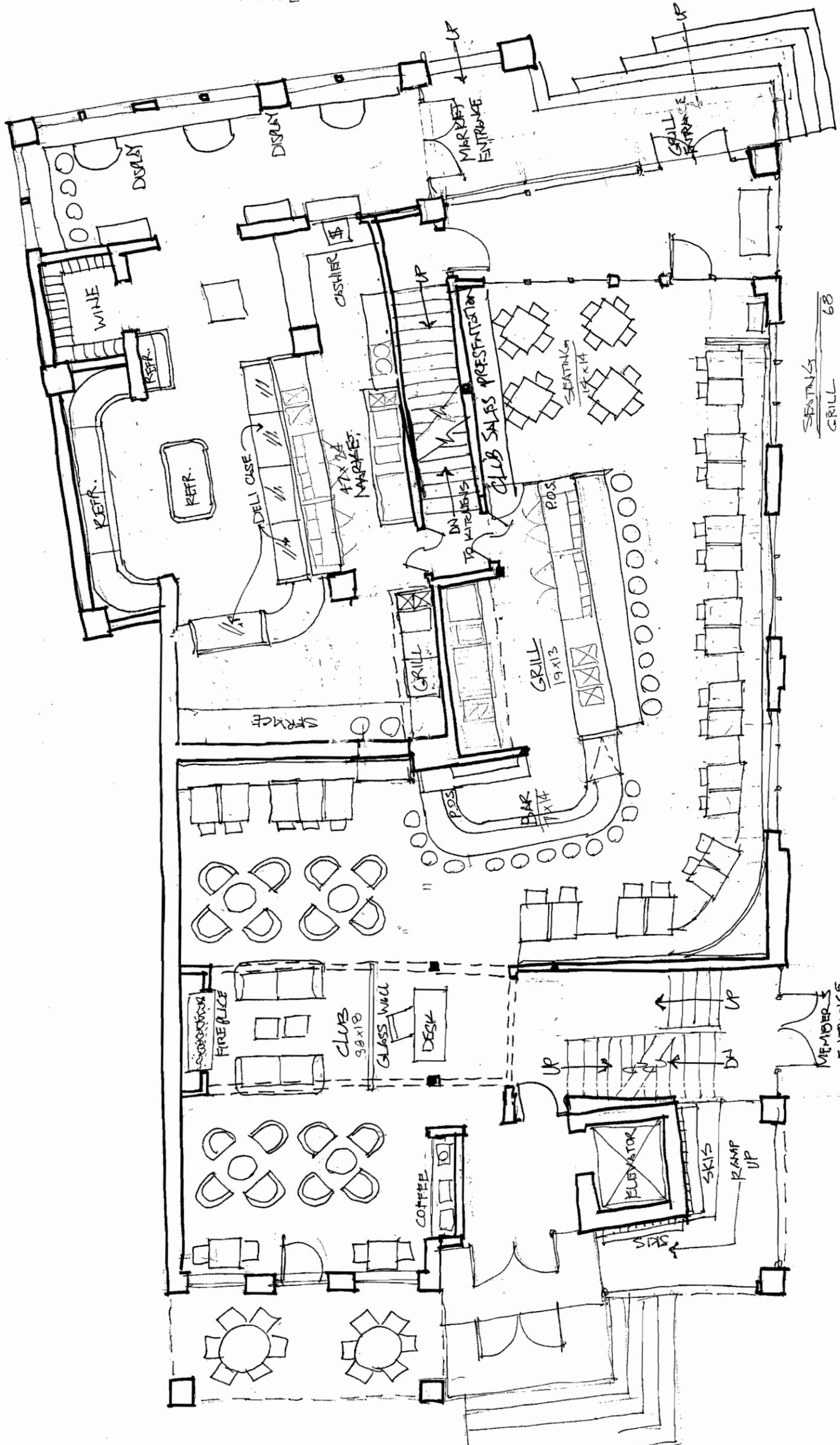
HORN PARTNERS
 ARCHITECTURE

CHECKED BY: _____
 DRAWN BY: _____
 2/19/10
 JOB NO. _____
 FILE NO. _____

692 MAIN
 CONCEPT PLANS
 PARK CITY, UTAH

MAIN LEVEL
 A2.01

MARKET 16 LF
 DELI CASE 27 LF
 REFR. CASE 60 LF
 DISPLAY



SEATING	68
GRILL	12
BAR	32
CLUB	12
PATIO	12
TOTAL	124

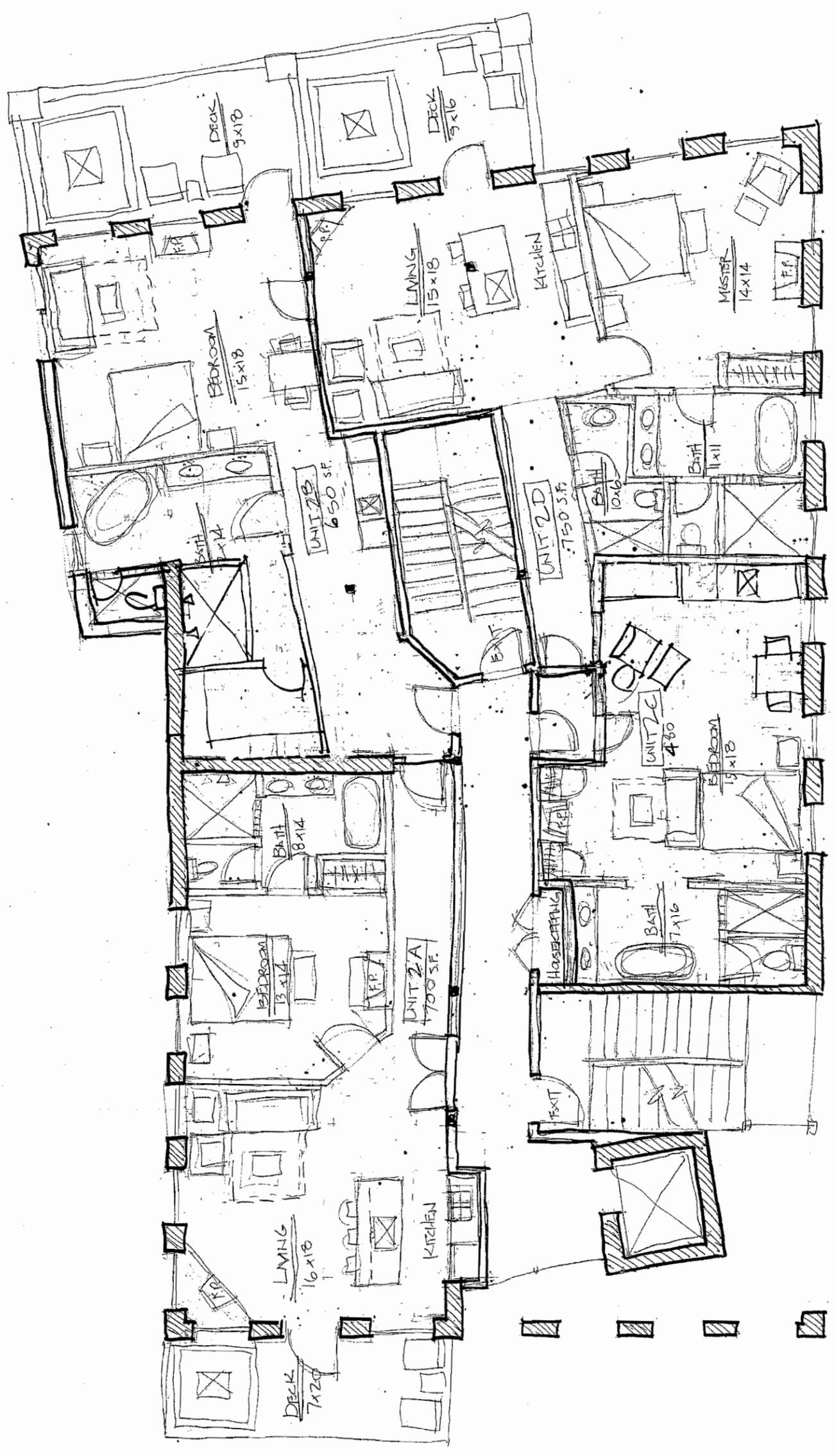
MAIN LEVEL

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND HEREBY AT ALL TIMES THE PROPERTY OF HORN AND PARTNERS, L.L.C. REPRODUCTION OR REUSE OF THE MATERIAL AND DESIGN CONTAINED HEREIN IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF HORN AND PARTNERS, L.L.C.
 © 2008 HORN AND PARTNERS, L.L.C. ALL RIGHTS RESERVED.
 RENO NV
 LCC PROPERTIES L.C.
 725 ARIZONA AVE, SUITE 301
 SANTA MONICA, CA 90401

HORN PARTNERS
 ARCHITECTURE
 284 W 400 N
 SLC UT 844103
 PHN: 801.933.4676
 FAX: 801.933.4675

JOB NO. _____
 FILE NO. _____
 DRAWN BY: *2/10/10*
 CHECKED BY: _____
 692 MAIN
 CONCEPT PLANS
 PARK CITY, UTAH

SECOND LEVEL
 A2.02



SECOND LEVEL

UNIT 2A	700
UNIT 2B	650
UNIT 2C	480
UNIT 2D	750
Common	740
TOTAL	3320

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE RIGHTS RESERVED BY SERVICE AND DESIGN AT ALL TIMES THE PROPERTY OF HORN AND PARTNERS, L.P. REPRODUCTION OR USE OF THIS MATERIAL WITHOUT WRITTEN PERMISSION OF HORN AND PARTNERS, L.P. © 2008 HORN AND PARTNERS, L.P. ALL RIGHTS RESERVED.

LCC PROPERTIES L.C.
725 ARIZONA AVE, SUITE 301
SANTA MONICA, CA 90401

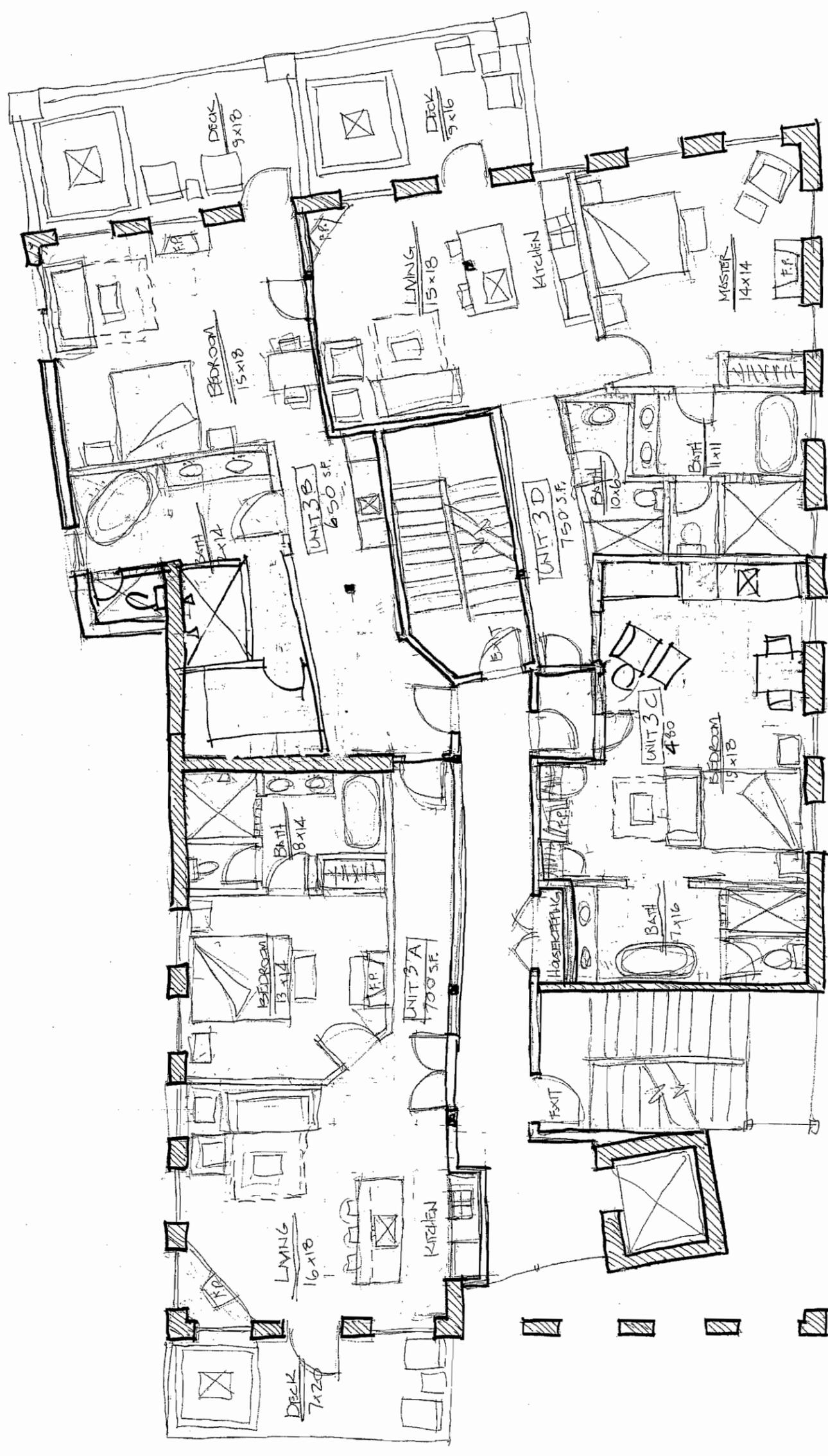
284 W 400 N
SLC UTAH 84103
PHN: 801.933.4676
FAX: 801.933.4675

HORN PARTNERS
ARCHITECTURE

CHECKED BY:
DRAWN BY:
FILE NO:
JOB NO:

692 MAIN
CONCEPT PLANS
PARK CITY, UTAH

THIRD LEVEL
A203



THIRD LEVEL

UNIT 3A	700
UNIT 3B	650
UNIT 3C	480
UNIT 3D	750
Common	740
TOTAL	3320

© 2009 HORN AND PARTNERS, LLC. ALL RIGHTS RESERVED.
 THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN
 THE PROPERTY OF HORN AND PARTNERS, LLC. NO REPRODUCTION OR USE OF THE MATERIAL
 OR DESIGN IS PERMITTED WITHOUT THE WRITTEN CONSENT OF HORN AND PARTNERS, LLC.

LCC PROPERTIES L.C.
 725 ARIZONA AVE, SUITE 301
 SANTA MONICA, CA 90401

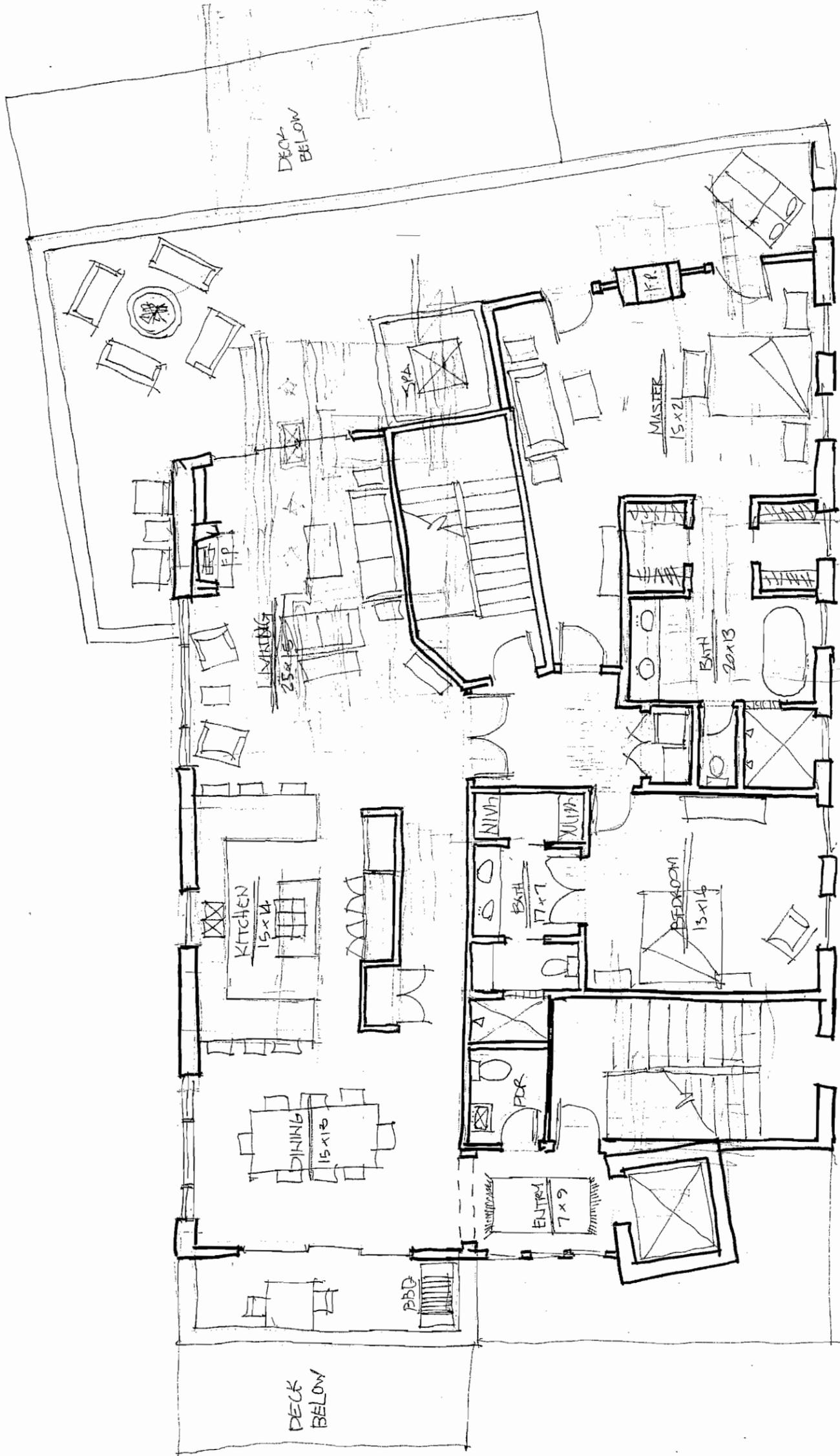
HORN PARTNERS ARCHITECTURE
 284 W 400 N
 SLC UTAH 84103
 PHN: 801.933.4676
 FAX: 801.933.4675

692 MAIN
 CONCEPT PLANS
 PARK CITY, UTAH

JOB NO. 0916
 FILE NO.

DRAWING DATE:
 DRAWN BY:
 CHECKED BY:

FOURTH LEVEL
 A2.04



FOURTH LEVEL

WALL	1600
STAIRS	240
DECKS	760
TOTAL	2600

ELEVATION
A3.01

JOB NO. 0816
FILE NO.
DRAWING DATE: 2/19/10
CHECKED BY:

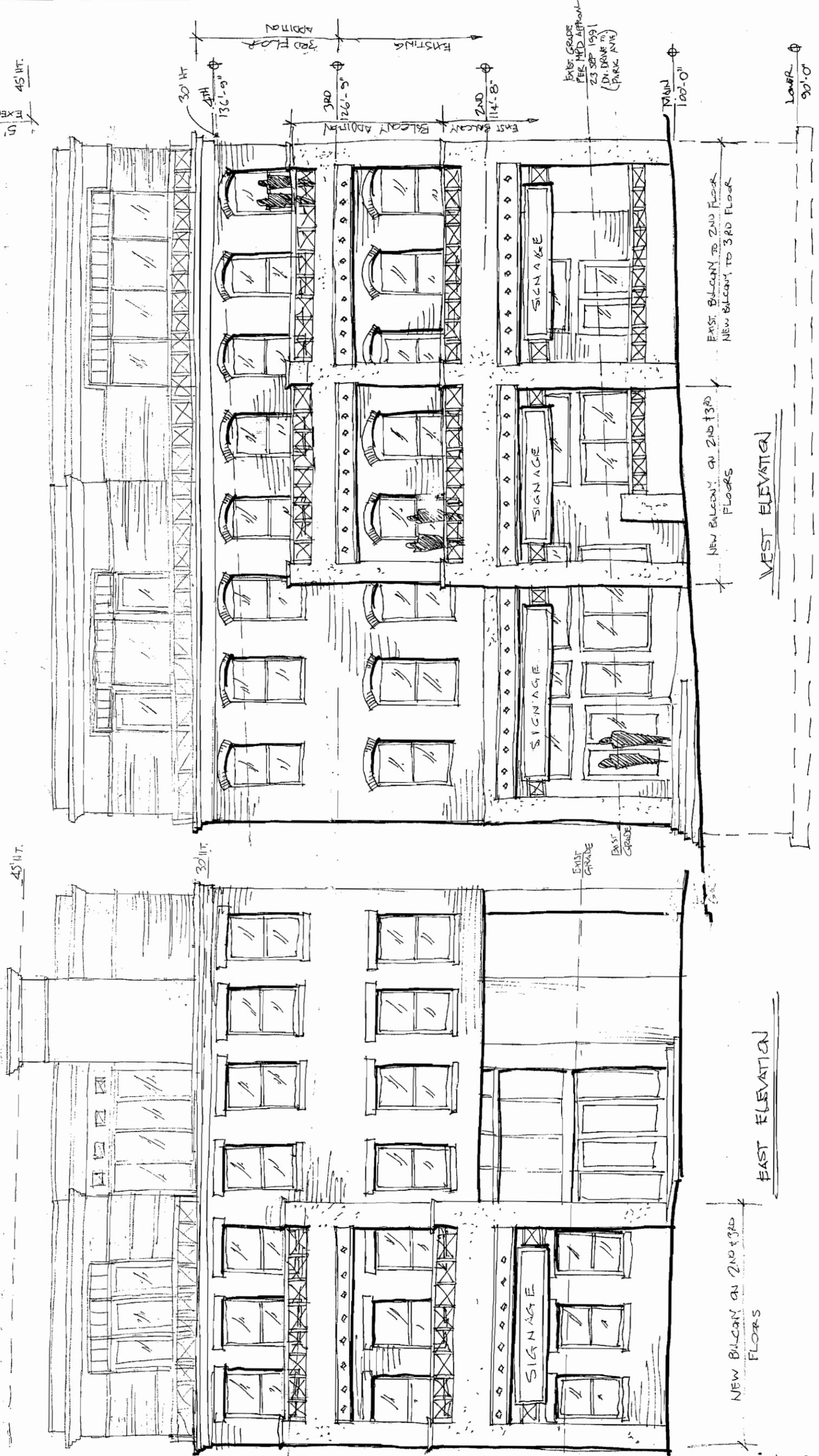
692 MAIN
CONCEPT PLANS
PARK CITY, UTAH

HORN PARTNERS
ARCHITECTURE

284 W 400 N
SLC UTAH 84103
PHN: 801.933.4676
FAX: 801.933.4676

THE GRAPHIC MATERIAL AND DESIGN ON THIS SHEET ARE INSTRUMENTS OF SERVICE AND REMAIN THE PROPERTY OF HORN AND PARTNERS, L.L.C. REPRODUCTION OR REUSE OF THE MATERIAL AND DESIGN OF HORN AND PARTNERS, L.L.C. WITHOUT THE WRITTEN CONSENT OF HORN AND PARTNERS, L.L.C. IS PROHIBITED.
© 2009 HORN AND PARTNERS, L.L.C. ALL RIGHTS RESERVED.

LCC PROPERTIES L.C.
725 ARIZONA AVE, SUITE 301
SANTA MONICA, CA 90401



WEST ELEVATION

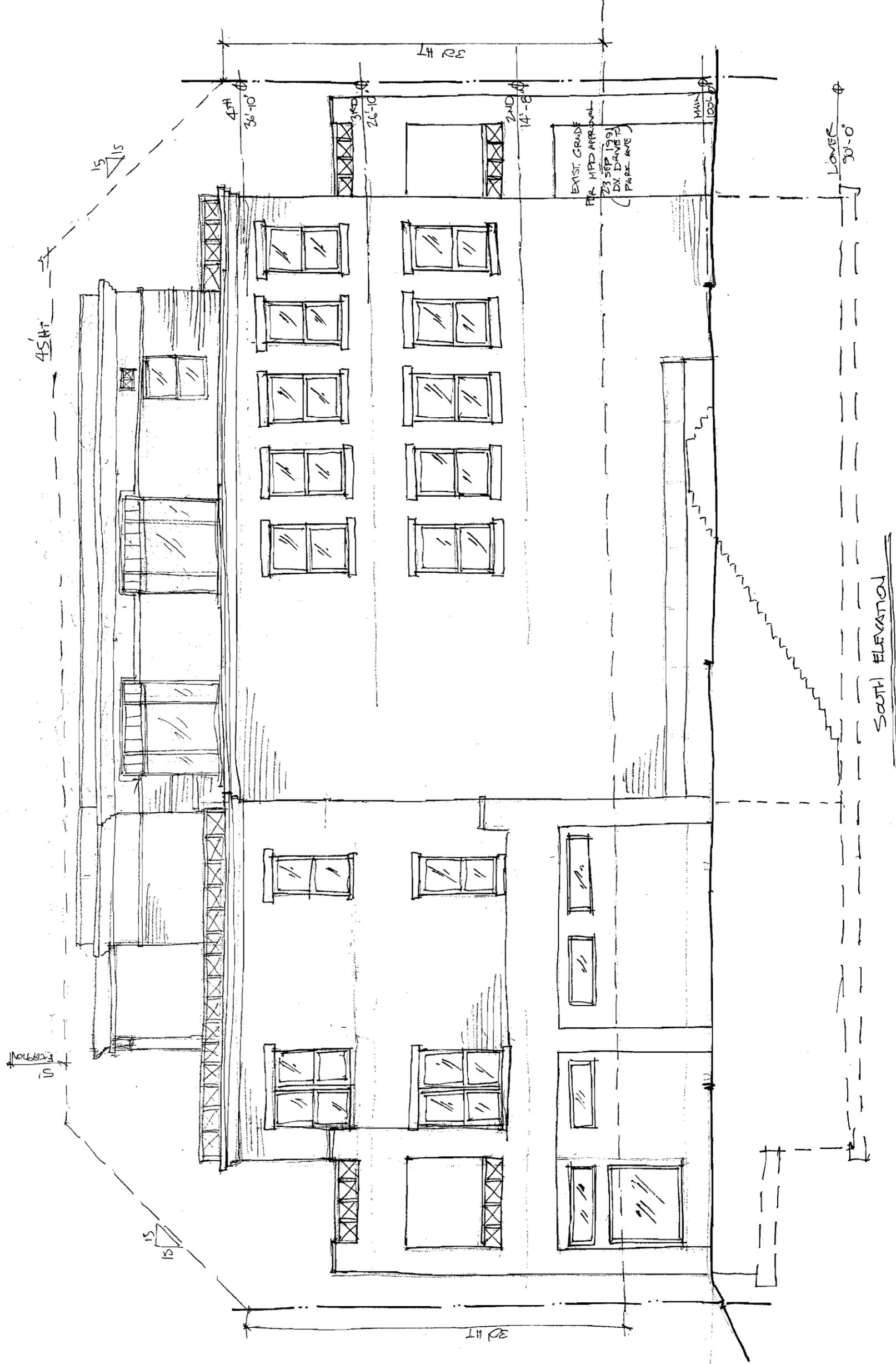
EAST ELEVATION

LCC PROPERTIES L.C.
 725 ARIZONA AVE, SUITE 301
 SANTA MONICA, CA 90401
 RPN:WMO

HORN PARTNERS ARCHITECTURE
 284 W 400 N
 SLC UTAH 84103
 PHN: 801.933.4676
 FAX: 801.933.4675

692 MAIN
 CONCEPT PLANS
 PARK CITY, UTAH
 JOB NO. 0916
 FILE NO. 219/10
 DRAWING DATE: 2/9/10
 CHECKED BY:

ELEVATION
 A303



1994
1004 MPD SUMMARY

MPD RES: 135 UNITS
RECORDED RES: 135 UNITS
MPD COMM: 50496 SF
RECORDED COMM: 44581 SF

PLAT: PHASE 3
MPD: PHASE 5: A5

	APPVD	REC'D
UNITS	20	20
COMM	9194	8952

PLAT: PHASE 3A
MPD: PHASE 4: A6

	APPVD	REC'D
UNITS	33	33
COMM	5536	2471

PLAT: PHASE 2A
MPD: PHASE 3a LOBBY

	APPVD	REC'D
UNITS	20	20
COMM	3160	3058

PLAT: PHASE 2
MPD: PHASE 3b: A4

	APPVD	REC'D
UNITS	14	14
COMM	9170	8209
	1455	

PLAT: PHASE 1A
MPD: PHASE 2: A3

	APPVD	REC'D
UNITS	28	28
COMM	6358	6298

PLAT: PHASE I
MPD: A2

	APPVD	REC'D
UNITS	20	20
COMM	8393	8393+-

PLAT: PHASE I
MPD: A1

	APPVD	REC'D
UNITS	0	0
COMM	7200	



9-23-91

Department of Community Development
Engineering • Building Inspection • Planning

September 23, 1991

McIntosh Mill
P. O. Box 1330
Park City, Utah 84060

MPE, Inc.
P. O. Box 2429
Park City, Utah 84060

NOTICE OF CITY COUNCIL ACTION

Project Description: Conceptual Approval of Town Lift Project

Date of Meeting: September 19, 1991

Action Taken By City Council: APPROVED

FINDINGS:

The following principles on development for the Town Lift site were agreed to by the City Council. The proposed concept plans are consistent with the principles:

1. The site is suitable for commercial development. Such development should be massed in the downtown area and anchor projects at both ends of the Main Street district (Brewpub on the south and the Town Lift on the north) is a desirable development pattern.
2. The site is zoned for commercial and resort development.
3. Main Street should be extended through the project and should connect back into Park Avenue. Historic District guidelines should apply to this extension of Main Street.
4. A 1982 Agreement exists for which the City received a quid pro quo, but this Agreement in and of itself is not sufficient to insure either quality development or the rights to develop what was contemplated under the Agreement.
5. The Town Lift chair connecting the ski area to town exists. It was constructed with the expectation that significant commercial development, including tourist housing and retail space, would be built on this site in the future.

6. Open space, pedestrian paths and connections to the neighborhood are important aspects of developing this property.

7. Phasing the development so as to (a) not overwhelm the commercial absorption and viability of current Main Street; and (b) insure that each phase is complete in and of itself, is of utmost importance.

8. A comprehensive concept plan should be a prerequisite of approval and this should modify the 1982 Agreement.

9. Under no circumstances will building height be approved which results in heights in excess of HCB zone height based upon a redefined natural grade from back of curb on the east side of Park Avenue to the back of curb on the west side of Deer Valley Drive. Any height in excess of this cannot be supported as this will overwhelm the scale and feel of the Historic District which is Park City's major tourist draw. The Council may desire to further reduce the building heights as a part of the comprehensive renegotiation of the 1982 Agreement. It is understood that the Sweeney Master Plan is not included in the 1982 Agreement and is therefore not subject to this limitation. The Sweeney MPD sets forth maximum building heights for that portion of the project.

10. It is advantageous for the community to maintain future options for open space, plazas, and a ski run, even if these elements are not decided on at this time.

11. It is in the public interest that development on adjoining properties be coordinated, especially as this relates to the Sweeney properties which have already received master plan approval.

12. It is important that balanced growth is fostered in Park City. The impacts and demands on facilities and services generated by residential development (including primary and secondary homes), tourist and resort facilities, and commercial development must be balanced so that the overall fees and revenues they generate will insure a high quality of living environment.

13. If a comprehensive agreement based on these principles cannot be reached and the applicants seek to develop in a piecemeal fashion, the City will strictly apply all its laws and ordinances to insure that such development is as close to these principles as is legally possible.

CONDITIONS OF APPROVAL:

1. This approval is for a conceptual plan for the Town Lift Project. The Town Lift Project is a mixed use residential and commercial project which includes the extension of Main Street. The maximum square footages for the project are as follows:

	<u>Gross</u>	<u>Net</u>	<u>Cars</u>
Street Level Commercial	56,910	51,220	154
Level 6980 Skier Service	16,710	15,040	45
Podium/Plaza Commercial	78,670	70,800	212
Support/Service	34,550	31,100	31
Resid./Accom. Unit	<u>208,500</u>	<u>166,800</u>	<u>167</u>
Total	395,340	334,960	609

The project is anticipated to be developed in Phases. Attachment A is a breakdown of maximum square footages and associated required parking by phase. These phases represent a preliminary phasing plan for planning purposes only and is referenced in these conditions of approval. The phasing and square footages may change slightly if the Sweeney Master Plan proceeds as currently approved.

The maximum building heights for the project are shown on Exhibit 1. These maximum building heights represent building heights as permitted in the HCB zone with a redefinition of natural grade. Natural grade is redefined as a grade extending from the back of curb on the east side of Park Ave. to the back of the curb on the west side of Deer Valley Drive. The Planning Commission has considered the requirements for height exceptions in Section 10.9.c of the Land Management Code and no further height exceptions will be considered. In no case shall any building exceed the maximums set forth except as specifically excepted in these conditions as it relates to the replication of the Coalition Building and as specified in the Sweeney MPD as it applies to the Sweeney properties included in this project.

2. This approval does not include seasonal or permanent closures of any roadways to accommodate an extension of the Town Lift Ski Run.

3. A number of special agreements are required which are addressed in these conditions of approval. Because of the length and complexity of the necessary negotiations, the City will consider the processing of applications necessary to allow commencement of construction. A subphase of Phases A and B will be permitted to proceed with processing and will be referred to as Phase 1. Phase 1 will require the following discretionary approvals and be subject to the following conditions:

a. Prior to commencement of construction of Phase 1, the 1982 Agreement must be revised to reflect the building height as approved in this conceptual approval.

b. The Planning Commission must review and approve an MPD for Phase I. Phase I must be consistent with the concept plan approval and will include details on public improvements, landscaping, circulation especially as it relates to public transit, street and pedestrian improvements and other items normally reviewed in the MPD process. A preliminary landscape and pedestrian circulation plan will be approved by the Community Development Staff for the entire project. Each phase will have a final landscape plan and public improvements plan approved prior to construction which shall be consistent with the preliminary landscape plan.

As a part of the MPD review process, the Planning Commission will ~~consider the establishment of~~ require an employee housing fund to be established which would contribute a proportionate share of the 26 proposed employee housing units.

c. The Historic District Commission will be required to review and approve volumetrics for Phase I which will address maximum building heights, necessary stepping, acceptable building materials and colors as well as general design features. The HDC will also be required to approve specific building design for the proposed structures prior to construction.

d. The Planning Commission and City Council will review and approve any subdivisions necessary pursuant to the subdivision regulations of the Land Management Code.

e. A Master Property Owners Association will be formed which will be responsible for the maintenance of all landscaping within the project, the walkways and plazas. The City staff shall review and approve the documents which establish this Master Association. The developer and City shall enter into an agreement specifying that the Master Property Owners Association shall be responsible for maintenance of the landscaping and plaza areas. Said agreement shall indicate the minimum level of maintenance acceptable to the City. The developer shall provide the City with an acceptable financial guarantee in the amount of one year's maintenance cost as a part of the agreement.

f. An Open Space Enhancement Plan will be required to be approved as a part of the MPD for phase I. That plan shall address the level of improvement for the open areas which are not to be developed at this time between extended Main Street and Park Ave. and between Park Ave. and Woodside Ave. This plan shall include a comprehensive plan to address the lift base which shall include, but not be limited to, public

restrooms, drinking fountains, signage, landscaping and lighting. It shall also address pedestrian and trail access. When plans are finalized for these areas, trail easements will be required to be dedicated to provide winter and summer access. At some time in the future, these areas may contain development parcels consistent with the existing Sweeney MPD.

g. As a part of the approval of Phase I, a portion of the Sweeney Master Plan will be formally amended. That amendment will include the consolidation of the Coalition East buildings into one structure and will commit to leave the balance of the property open until at least January of 1993. After that time, the Coalition West buildings and a part of the Coalition East North Building within the boundaries of Phase B4 as shown on Exhibit 1 will be allowed to proceed with the conditional use process consistent with the existing Sweeney MPD.

h. Financial guarantees will be required for public improvements associated with the first phase of construction.

i. The City Engineer shall review and approve all grading, drainage and utility plans.

4. Prior to any activity on the Town Lift Project beyond Phase I, the following conditions must be met:

a. The 1982 Agreement shall be comprehensively renegotiated. The revised agreement will contain provisions of the concept approval and will include the revised plan reflecting this approval as an attachment, including a revised phasing plan. A revised phasing plan shall be produced as a part of the revisions of the 1982 agreement which shall indicate an increase in the early phase residential and concurrent reduction in total commercial space for the project. The phasing plan shall consider Hillside Avenue improvements and shall give as much consideration as possible to further reductions in height, not at the expense of residential square footage.

As a part of this comprehensive renegotiation of the 1982 agreement, the City Council will determine the level of appropriate mitigation necessary to achieve the desired building heights for the project.

b. Design Guidelines and building volumetrics will be approved for each building or group of buildings. An independent consultant will be hired to assist in the formulation of these Guidelines. The Planning Commission and Historic District Commission will establish the scope of work for the consultant. Two members of the Planning Commission will work with the HDC in the formulation of the Guidelines. The Planning Commission will be required to approve the final Guidelines.

The Guidelines shall include volumetrics of each building describing necessary stepping and maximum heights. The Guidelines shall also address acceptable building materials and colors as well as general design features which may be reflective of Park City's mining history.

c. Final Phasing Plans, including an economic analysis of commercial demand, shall be submitted and approved by the Community Development Staff. These plans shall include the timing and staging of public improvements and construction staging plans. The construction staging plans shall include staff approval of areas of disturbance and material storage and necessary screening for each phase. Each phase shall be designed to stand on its own and represent a complete project without reliance of future phases for completion. The revised phasing plan shall also include those items listed in condition 4(a).

d. The City Council shall enter into a land trade agreement for the RDA property. This shall include requirements and restrictions for the control of the 26 proposed employee housing units. The employee housing units can be built any time, but shall not occur later than Phase C (as shown on the concept approval plans).

e. Main Street extended shall be completed to Park Ave. and shall be built to standards approved by the City.

f. At least 50% of the buildings and required parking in Phase 1 shall have received certificates of occupancy and 75% of the retail spaces for which certificates of occupancy have been issued shall be occupied with long term leases of not less than 1 year.

5. There are other conditions which refer the preliminary phasing plan as shown on the concept plan. Before future phases commence construction, a minimum build-out is required for previous phases. These conditions refer to the preliminary phasing plan, and shall be revised when the final phasing plan is approved:

a. Prior to commencement of any construction on Phase C:

- Street and utility construction must be 100% complete on Main Street extended and the connection to Deer Valley Drive.

- All public improvements associated with phases A and B shall be completed.

- At least 50% of the buildings and required parking in Phases A and B shall have received certificates of occupancy and 75% of the ~~completed~~ retail spaces for which certificates of occupancy have been issued shall be occupied with long term leases of not less than 1 year.

- Vacant parcels in Phases A and B shall be landscaped according to an approved plan.

- Financial guarantees to assure the installation of public improvements associated with Phase C will be required to be posted.

b. The following conditions are required as a part of construction of Phase C and must be completed prior to any construction commencing on Phase D:

- At least 75% of the buildings and required parking in Phases A and B must have received certificates of occupancy. At least 75% of the ~~completed~~ retail spaces for which certificates of occupancy have been issued must be occupied with long term leases of not less than 1 year.

- The employee housing shall be constructed prior to or concurrent with the commencement of construction for any other structures in Phase C. The employee housing shall be completed no later than Phase C.

- Vacant parcels in Phase C will be landscaped according to an approved plan.

- All public improvements associated with Phase C shall be completed.

- Financial guarantees to assure that installation of public improvements associated with Phase D will be required to be posted.

c. The following conditions are required as a part of construction of Phase D and must be completed prior to any construction commencing on Phase E:

- At least 50% of the buildings and required parking in Phase D must have received certificates of occupancy. At least 75% of the retail spaces for which certificates of occupancy have been issued shall be occupied with long term leases of not less than 1 year.

- Vacant parcels in Phase D shall be landscaped according to an approved plan.

- All public improvements associated with Phase D shall be completed.

- Financial guarantees to assure that installation of public improvements associated with Phase E will be required to be posted.

6. As indicated in attachment A, the minimum parking required is 609 spaces. If building square footages are reduced significantly during project build-out, the Planning Commission may consider reductions in the total amount of parking required. Parking spaces in excess of demand should be designated to accommodate open parking.

7. No density (gross or net square footages or building height) transfers will be allowed between phases. If a project chooses to use less than the maximum densities, it has no effect on any other portion of the project and cannot be used elsewhere in the project.

8. The plans shall be revised to include the possibility of a Coalition Building replica and exclude the small commercial space located in the edge of the originally proposed ski run extension. The Coalition Replica shall require approval by the Historic District Commission and will be as close as possible to the original design and location.

9. The plans shall be modified to address the concerns raised by the traffic report as deemed appropriate by the Staff.

10. The project is in an identified Flood Plain and will be subject to the Flood Plain Ordinance. If the buildings need to be modified to meet the Ordinance, no additional building height and no parking reduction will be considered. If parking is required to be reduced as a result of compliance with the Flood Plain Ordinance, associated reductions in square footage will also be required.

11. Before, after and during all phases of construction, access shall be provided to the Avise property. Plans for each phase shall reflect this access.

12. Amendments to this concept plan will be considered by the Community Development Department. If the amendment is determined to be substantive, the amendment will be referred to the Planning Commission for review and approval. For purposes of amendments, the revised property agreement and this approval shall be considered the base line and no consideration will be given to prior agreements or approvals on the property.

Conceptual Approval of Town Lift Project
September 23, 1991
Page Nine

Nora L. Seltenrich
Nora L. Seltenrich, AICP
Planning Director

9/23/91
Date

ACKNOWLEDGEMENT

I, the undersigned, hereby acknowledge the conditions by which the project referred to above was approved.

_____ Date _____

NO CONSTRUCTION SHALL BE PERMITTED UNTIL A SIGNED COPY OF THIS LETTER, SIGNIFYING CONSENT TO THE CONDITIONS OUTLINED ABOVE, HAS BEEN RETURNED TO THE PLANNING DEPARTMENT.

PARK CITY PLANNING DEPARTMENT
STAFF REPORT

TO: PLANNING COMMISSION
 FROM: PLANNING STAFF NS
 DATE: APRIL 16, 1992
 RE: MPD APPROVAL FOR TOWN LIFT PHASE I

=====

I. PROJECT STATISTICS

Project Name: Town Lift Phase I
 Applicant: McIntosh Mill
 Location: Extended Main Street, North of Heber Ave.
 Proposal: MPD for Phase I of the Town Lift
 Zoning: HRC with special agreements allowing the
 use of the HCB zoning
 Adjacent Land Uses: Commercial, Residential, Vacant
 Project Planner: Nora Seltenrich
 Recommended Action: Approval with Conditions

II. BACKGROUND INFORMATION

In September of 1991, the City Council granted conceptual approval of the Town Lift Project. That approval was subject to a lengthy list of conditions which must be satisfied prior to construction commencing on the site. The conditions and findings for that approval are attached for your review.

It was anticipated that the applicants would come forward with an application for a first phase of the project fairly quickly. Their goal is to be able to commence construction this building season.

A Town Lift Design Review Task Force was set up to review the architectural drawings for the first phase. That group has met several times and has granted preliminary approval to the design of the buildings in the first phase. Prior to commencement of construction of any structure, final design approval must be granted.

There are a number of conditions which have to be satisfied prior to the first phase commencing construction. The most critical of which is an amendment in the 1982 agreement dealing with the building height. The applicants are working with the City Manager and the City Council on this requirement. The applicants are anxious to conduct negotiations and do a revision to the 1982 Agreement at this time.

III. PROJECT DESCRIPTION

The first phase contains three structures which are broken up into 11 smaller building elements. A common parking structure is proposed under two of the three buildings and surface parking is proposed to the east of the three buildings until later phases are constructed. All the structures lie on the east side of what would be extended Main Street. The structures to the west side are now under different ownership.

The phase would consist of 29 residential units which are 1250 sq. ft. in size, 15,153 net square feet of commercial space. The commercial space would front both extended Main Street and the Podium Plaza level. The building square footages break down as follows:

	GROSS	NET	UNITS	U.E.'s
BUILDING A1				
Commercial	2,036	1,832		1.8
Residential	12,780	7,446	6 @ 1250 SF =	4.5
BUILDING A2				
Commercial	8,497	7,648		7.6
Residential	21,175	18,805	15 @ 1250 SF =	11.25
BUILDING A3				
Commercial	6,304	5,673		5.7
Residential	10,696	10,294	8 @ 1250 SF =	6.0
TOTALS				
Commercial	16,837	15,153		15.1
Residential	44,651	36,546	29 @ 1250 SF =	21.75

IV. STAFF ANALYSIS

Comparison with Original Plan - The concept plan for this phase showed quite a bit more commercial space and slightly less residential space. One of the Planning Commission conditions of approval was that the commercial/residential ratio be changed to decrease the amount of commercial proposed. That ratio has changed significantly as is shown:

	GROSS COMM.	NET COMM.	GROSS RESID.	NET RESID.	TOTAL NET SQ. FTG.
Conceptual Plan	30,900	28,091	32,102	26,752	54,843
Current Plan	16,837	15,153	44,651	36,546	51,699

Street Elevation Modifications - In the past couple of months, the applicant has been trying to meet the new American Disabilities Act requirements while satisfying the Flood Plain Requirements. A number of alternatives have been explored and the result changes the original concept slightly. The pedestrian level along extended Main Street was anticipated originally to follow the Main Street grade as it heads downhill to the north of the site. A podium pedestrian level was anticipated to be elevated one level from Main Street and follow that grade one level higher. The current proposal flattens the Main Street pedestrian level so that at the south end of the project, the pedestrian level is about 2 feet higher than Main Street, and at the North end of building A3, the pedestrian level is about 12 feet above Main Street.

This was discussed during a Planning Commission work session and the Planning Commissioners expressed concern over how this separation might be treated. Revised plans have been submitted which show a number of stairways connecting the two levels, combined with planter boxes and landscaping. As the separation between the pedestrian arcade and Main Street increases, the buildings are stepped back from Main Street to allow for landscaping and buffering of the elevation difference. Where there is the most separation, the applicants are now proposing some shallow storefronts under the arcade level.

The podium level would no longer be elevated, but would follow the Main Street pedestrian arcade level. This would provide better opportunities for delivery and service access as well as emergency access.

Construction Phasing - Buildings A1, A2 and A3 are all being reviewed as part of Phase I because it is important to understand how the pedestrian arcade idea works. Only buildings A1 and A2 are being proposed to be built at this time, however. The parking plan and construction phasing plan therefore only addresses buildings A1 and A2. Eventually, the parking structure between buildings A2 and A3 will be connected. Until building A3 is constructed, a portion of the parking structure will be exposed.

There is a construction staging area shown on the plans which is proposed to be fenced. The exact location of this area will be determined in the field to avoid significant existing vegetation. The applicant has agreed that the security for public improvements for the project will include adequate funds to restore this area if construction does not continue on the project for any reason.

Parking - Since only buildings A1 and A2 are being planned to be constructed at this time, the parking plan proposed addresses only those buildings. A portion of the parking structure will be constructed and there will be surface parking to the east of the buildings until future phases are constructed. For the first two buildings, 64 parking spaces are required and 82 are proposed.

Prior to commencement of construction on building A3, a revised parking plan will have to be submitted.

The current proposal includes modifying the entrance to the parking structure. The original plan indicated that the primary entrance for the first phases would be off of extended 7th street. The revised plans show the entrance on the north side of building A2. In the future, a Main Street entrance is proposed under the pedestrian bridge.

Construction Access - It is important that construction access occur so that it does not impact Park Ave. and Heber Ave. A temporary construction access is therefore proposed off of Deer Valley Drive. In order to accommodate this access, the bike path will have to be rerouted somewhat. The applicants have agreed that the security required for public improvements will include sufficient funds to restore this area if construction does not continue for any reason.

Ownership - The applicants have indicated that they intend to sell timeshares for this project as a part of the Marriott Ownership program. That approval will be part of this Planning Commission action. The program is set up so that an owner owns a time period. Although they receive a deed for a specific unit, they may not stay in that particular unit. There are other such Marriott resorts and the intervals are exchangeable. In addition, ownership of an interest can also translate into time at other Marriott hotels and discounts for other travel services. The interiors of all of the units will be very similar in size and design.

The timeshare documents have not been finalized at this time. The City Attorney will review those documents for compliance with the regulations set forth in Chapter 8 of the Land Management Code. The applicants do not intend to begin marketing the project until at least this fall. The timeshare documents shall have been approved by the City prior to the marketing of the project.

Subdivision - Along with the MPD approval and approval of the timeshare use, a subdivision plat is being processed. This is vital in order to create Main Street and 7th Street. The Plat is covered under a separate staff report.

Architectural Details - The Town Lift Design Review Task Force has granted a preliminary approval of the building design for phase I. That design will change as a result of the change in the pedestrian plan. The Task Force has met once to discuss the revisions and they will review more detailed plans on Monday, April 20, 1992. Since the Task Force was set up specifically to deal with building design issues on this project, the Planning Commission's time would be better spent addressing the MPD and subdivision review.

Employee Housing - The concept approval included an employee

housing project of 26 units to be constructed in a later phase. That project was originally offered by the developer and is not a requirement specified in the Land Management Code. The applicant has taken the position that they are not willing to commit to the employee housing requirement at this time since the project has been changed substantially by the decrease in building height and associated density and by the elimination of the extension of the Town Lift Ski Run. The City Council felt strongly about this component of the plan and it will be part of the discussion on the renegotiation on the 1982 agreement.

V. COMPLIANCE WITH MPD REQUIREMENTS

Section 10.9 of the Land Management Code specifies general criteria for review. An analysis of that criteria follows:

a) Uses Permitted. The proposed uses of transient residential and retail commercial are permitted in the HCB Zone District. The Timeshare ownership is a conditional use which is being considered concurrently by the Planning Commission. The Master Planned Development is consistent with the Comprehensive Plan which designates this area as Historic Commercial. In addition, it is an extension of Main Street types of uses and is therefore compatible with the neighborhood.

b) Density. There is no maximum density in the HCB Zone.

c) Open Space. MPD's generally have a requirement of 60% Open Space. Phase I of the Town Lift Project certainly meets that requirement, since the majority of the Town Lift Site is not being developed at this time and will remain Open Space. At buildout, however, 60% Open Space can only be achieved by including the ski run to the west of the project. However, the 60% Open Space requirement does not apply to projects on Main Street since the historic pattern of development did not include open space and this is an area which was intended to be very dense.

d) Off-Street Parking. As mentioned above, this phase proposed parking in excess of that required by Code. In addition, the project as a whole is expected to provide Code required parking at buildout.

e) Setbacks. There are no required setbacks in the HCB Zone.

f) Building Height. The building height for this project is controlled through a special agreement which occurred in 1982 and was amended in the concept approval for the project which occurred in 1991. Phase I is consistent with that concept approval and is below that which would have been allowed by the 1982 agreement.

g) Nightly Rental and Timeshare Use. The Code requires that if the project is to be nightly rented or timeshared, a declaration must

occur at the MPD stage. This project will be nightly rented and timeshared and will be back before the Planning Commission for a condominium plat in the future.

h) Site Planning. This phase of the Town Lift project is planned to fit into future structures both as a part of the Town Lift and adjacent developments. This area was intended to be densely developed and has been planned as such with consideration of pedestrian circulation and plaza spaces. Those areas will be maintained by a property owners association. The Main Street grade will generally follow the existing grade. A significant amount of utility relocation will be necessary for Main Street to extend from its current location.

The project is designed to be an extension of Main Street while maintaining an identity of its own. For the first phase, the existing bike path will have to be relocated temporarily to accommodate construction access to the site. Pedestrian circulation shall be provided all the way to Park Avenue, even though not all of the area is to be developed at this time.

Landscaping and streetscape elements are vital to the success of this plan and a final, detailed plan will be required to be submitted by the applicant and approved by Staff. The City's Landscape Architects will be consulted during the review of these plans.

i) Building and Lot Requirements. The building and lot configuration are consistent with the Historic District Guidelines and with the conceptual approval for the Town Lift Project.

j) Commercial Facilities. Commercial uses are permitted in the HCB zone. At the direction of the Planning Commission, however, the amount of commercial square footage in this phase has been decreased from the concept approval.

k) Limits of Disturbance. A limits of disturbance plan will be required prior to construction commencing on the site. That plan shall attempt to retain as much of the significant vegetation on the site as possible. The majority of the larger trees are along the channel adjacent to Deer Valley Drive and will not be disturbed as a part of this phase.

VI. STAFF RECOMMENDATION

The staff recommends APPROVAL of the Town Lift Phase I MPD and the conditional use request for Timeshare based upon the following findings:

1. The MPD is consistent with the general criteria for review as outlined in Section 10.9 of the Land Management Code.

2. The MPD is consistent with the Comprehensive Plan which designates this area as Historic Commercial and anticipated dense development.

3. The MPD is consistent with the Concept Plan approval for the Town Lift Project.

4. There was an agreement executed in 1982 which sets forth unusual criteria for development on the parcel.

The following conditions of approval are recommended:

1. Prior to commencement of construction, the 1982 agreement must be revised to reflect the building height as approved in the conceptual approval.

2. Prior to commencement of construction, a final landscape and streetscape plan shall be submitted by the applicant and approved by the City's Landscape Architect. A security shall be required to be posted to ensure installation of the improvements.

3. The subdivision plat creating extended Main Street and 7th Street shall be recorded prior to commencement of construction.

4. The Town Lift Design Review Task Force has granted a preliminary design approval for Phase I. It shall review and approve the final plans for the buildings in Phase I prior to commencement of construction of those buildings.

5. A construction phasing and staging plan shall be submitted and approved prior to the commencement of construction. That plan shall address the limits of disturbance for construction, fencing and screening of construction staging areas, and relocation of the bikepath to accommodate construction access. A security shall be required to be posted to ensure restoration of the areas disturbed during construction and restoration of the Bike Path if future phases do not proceed.

9. Pedestrian circulation will be required to be provided along Extended Main Street to the new intersection with Park Ave. as a part of this phase of construction. A security to ensure placement of this shall be included in the security for the subdivision unless other arrangements are agreed to by the City Council.

10. Prior to recordation of a condominium plat for any of the buildings, a Master Homeowners Association will be formed which will be responsible for the maintenance of all landscaping within the project, the walkways and plazas. The City staff shall review and approve the documents which establish this Master Association. The developer and the City shall enter into an agreement specifying that the Master Association shall be responsible for maintenance of

the landscaping and plaza areas. Said agreement shall indicate the minimum level of maintenance acceptable to the City. The developer shall provide the City with an acceptable financial guarantee in the amount of one year's maintenance cost as a part of the agreement. Until such an association is set up, it is the responsibility of the developer to install and maintain facilities.

11. The commercial or residential square footage not used as a part of this phase will not be allowed to be used in later phases.

12. The documents creating the timeshare uses shall be reviewed and approved by the City Attorney and shall be found to be consistent with the City requirements prior to marketing of the units as timeshares.

13. The City Engineer shall review and approve all grading, drainage and utility plans.

PARK CITY PLANNING DEPARTMENT

STAFF REPORT

TO: PLANNING COMMISSION
 FROM: PLANNING STAFF NS
 DATE: NOVEMBER 23, 1994
 RE: SUMMIT WATCH REVISED CONCEPT PLAN

I. PROJECT STATISTICS

Project Name: Summit Watch Revised Concept Plan
Applicant: Marriott Ownership Resorts Inc. (MORI) and
 McIntosh Mill, Ltd. (MML)
Location: Town Lift Area, North of Heber Ave. and East of
 Extended Main Street
Proposal: Revised Large Scale MPD
Zoning: HRC/HCB
Adjacent Land Uses: Historic Residential, Commercial, Timeshare, Nightly
 Lodging
Project Planner: Nora Seltenrich

II. BACKGROUND INFORMATION/PROJECT DESCRIPTION

In April of this year, the City Council reviewed an appeal of the Planning Commission denial of Phase II of the Summit Watch Project (aka Town Lift). During that review, the Council granted the staff the authority to work with the applicant to develop an acceptable design of the next building for construction, building A3. Permits have been issued for construction of A3.

Over the past few months, the following has occurred:

Architectural Review of Building A-3. This review is complete. The bike path has been rerouted prior to excavation commencing on the site.

Acquisition of Avise Property. The applicants have purchased the Avise property. This has the following implications:

-7th Street east of extended Main Street no longer has to be a public street accessing a future development parcel. As such, it can be decreased in width and can take on a more "plaza-like" appearance. It will be a private plaza with public easements for access and utilities rather than a public street.

-Emergency Access will be maintained in 7th Street and plaza areas to the satisfaction of the Chief Building Official. A maintenance agreement shall be entered into to insure adequate maintenance.

-The Avise parcel will become open space and the structure demolished. The applicant is discussing deeding the property to the City.

RDA Parcel. 7th Street was anticipated as the primary access to the RDA parcel which exists in the area. The parcel contains the bike path and a significant amount of vegetation. Given the configuration of the site and the vegetation on the site, it is unlikely that it would be developed independently. There is a possibility that it could be combined with other parcels. The other parcels would access off of Heber Avenue. Although there will be a public access easement for the 7th Street Plaza, it is unlikely that this access would be adequate to serve a development on the RDA parcel.

Finalization of Plans of the Aquacade - A building permit has been issued for the aquacade.

III. PLANNING COMMISSION ACTION REQUIRED

The Planning Commission is being asked to take two actions. The first is approval of a revised concept plan, or Large Scale Master Plan Development for the entire project. This will supersede the action taken to approve the original concept plan in 1991. A revision of the first phase of the project was previously approved by the Planning Commission and this action will revise the balance of the project. A revision to the Sweeney portion of the Master Plan was also previously granted by the Planning Commission. This concept plan covers the property on the east side of extended Main Street. The original conditions of approval of the concept plan must be reviewed and modifications made.

The second action is covered in a separate staff report and involves the Conditional Use Approval of items related to Phase II of the project. Consistent with Chapter 10 of the Land Management Code, each portion or phase of a Large Scale Master Plan must receive Conditional Use Approval.

The Town Lift Design Review Task Force will be required to review and approve the revised concept plan as well as final plans for each individual building.

VI. PROJECT DESCRIPTION

UNIT CONFIGURATION

The Summit Watch Project consists of 8 buildings. Buildings A1 and A2 have been constructed and buildings A3 and the Aquacade are currently under construction. The project buildings and phases are as follows:

Phase 1

Building A1		7200 sq.ft. commercial
Building A2	20units	8393 sq.ft. commercial
<u>Phase 2</u>		
Aquacade		support commercial only
Building A3	28units	6358 sq.ft. commercial
<u>Phase 3a</u>		
Lobby	20units	3160 sq.ft. commercial
<u>Phase 3b</u>		
Building A4	14units	9170 sq.ft. commercial
Conversion of old Lobby area in A2 to comm. 1455sq ft		
<u>Phase 4</u>		
Building A6	33units	5563 sq.ft. commercial
<u>Phase 5</u>		
Building A5	20units	9194 sq.ft. commercial

The residential units are 1250 sq.ft. (or .75 unit equivalent) and the commercial numbers represent net leasable square footage.

The total project consists of 135 residential units and 50,496 sq.ft. of net leasable commercial square footage.

ARCHITECTURAL THEME AND BUILDING HEIGHTS

The project as proposed will follow the architectural themes which have been established by the construction of the first 2 buildings and by the approval of plans for Building A3. The buildings along Main Street will be flat roofed structures which will be broken up in modules through the use of different facade treatments. The "arcade" commercial frontage will continue down Main Street with Building A4. Building A5 will not have commercial frontage along Main Street.

The buildings to the east, along Deer Valley Drive are proposed to have more of a mining theme. They will have pitched roofs and provide roof and facade variation. Preliminary design concepts have been submitted and have been distributed for your review. The Town Lift Design Review Task Force will be required to approve the preliminary plans and the final plans for each building. The Planning Commission will also have the opportunity to review more detailed designs at the Conditional Use stage for each phase.

The proposed building heights for the balance of the project are within the building height plane as defined and approved in the 1992 amendment to the 1982 agreement. Buildings A3, Lobby and A6 are 4 levels above the plaza (or parking structure) level. The plaza level steps down between the Lobby Building and Building A6. Building A4 will be 3 stories along Main

Street and 4 along the plaza, with an increasing difference in elevation between Main Street and the arcade level. Building A5 will be 4 stories.

PARKING

Buildings A2, A3, A4, A5 and A6 are built upon a common parking structure which will contain a total of 337 spaces at buildout. During some of the phases there will be a deficit of parking in the structure. During those times, the applicant is proposing to provide spaces in surface lots. During the conditional use approval of each phase the number, exact location and surfacing requirements of the lots will be specified. A plan has been submitted which shows how the parking requirements will be met with each phase. At buildout, the parking provided will meet the minimum required based upon a ration of 1.25 spaces per unit and 3 spaces per 1000 sq.ft. of net leasable commercial.

PHASING CONTINGENCY PLANS

A major concern with a large, phased project such as this one is that the project may not proceed and that there may be long periods of time between phases moving forward. This developer has certainly indicated their intention to continue to move the project along to completion, but we must plan for every eventuality.

The applicant has prepared phasing contingency plans which indicate how the project area will be restored, how minimum required parking will be provided, how pedestrian and vehicular circulation will work and how utilities will be provided for each phase. Those contingency plans will become part of the approved plans for the Summit Watch Project. Prior to construction commencing on any of the buildings, the City will require that a security posted to cover the cost of site renovation and installation of contingency plans, should the project not move to the next phase. There are specific conditions of approval which address this issue.

PLAZA

The staff and the applicants have been working on plans for the pedestrian plaza area which is over what was 7th Street and is between the buildings. Plaza improvements will include planters, window boxes, hanging planters, benches, trash containers, and light fixtures with banners. The plaza will be privately maintained. It is necessary to maintain a 20 foot fire lane through the plaza. A maintenance agreement is being finalized to ensure that the plaza is maintained to a minimum standard and that snow removal occur so as to allow for adequate fire and emergency access.

EMPLOYEE HOUSING

According to the 1992 amendment to the 1982 agreement, the applicant has an obligation to provide employee housing. This housing requirement is based upon the buildout of the square footage of the project. Based upon this revised concept plan, the requirement would kick in at phase 4. Based upon input received by the Planning Commission at a previous work session, the City is exploring a number of options for provision of City property. The staff will keep the Planning Commission updated as that research progresses.

V. ISSUES FOR DISCUSSION

COMPARISON WITH 1991 CONCEPT APPROVAL

When this project came before the Planning Commission in April, 1994, the staff raised serious concerns regarding the revisions to the concept plan and recommended denial of the revised concept plan at that time. Since then, the applicant has worked to resolve those staff concerns. Improvements to the plans include:

- modification of building design to provide more variation in facade and building height
- detailed planning for the plaza and public features of the project
- revision to Building A6 to provide more opportunity for a pleasing entry to the project and to Main Street
- revision to the plans in order to enhance the stream corridor and bike path
- a greater degree of commitment to work with the City to make the Summit Watch Project as good as it can be

Although there is still quite a bit of detail which has to be finalized, the plans received at this time are a significant improvement over what was proposed earlier this year. The staff can identify no major issue.

The current proposal is significantly smaller than the 1991 concept plan. The residential square footage is virtually the same while the commercial component has been dramatically decreased (from 137,060 sq. ft to 50,496 sq. ft.).

COMPLIANCE AND REVISION TO 1991 AND 1994 CONDITIONS

The 1991 conditions of approval have been reviewed by the staff. Some of the conditions apply to what is now the Sweeney portion of the Town Lift Project and have been attached to those approvals. Many of the conditions of approval have been complied with or have been superseded by the 1992 amendment to the 1982 agreement. Since the project is now being developed by one party, rather than individual parcels being sold for development, as was originally anticipated, many of the conditions no longer apply. New conditions of approval are drafted as a part of this approval and will supersede the 1991 conditions.

The 1994 conditions are being complied with through this revision to the concept plan and the Conditional Use approval of Phase 2.

UTILITIES

The City Engineer has expressed concerns over the adequacy of fire flow for the project as it builds out. The applicant continues to work with the City Engineer on complete preliminary

utility plans. Final plans for the entire project have not yet been agreed upon, but the Conditional Use approval for each phase shall require that utilities adequate to serve that phase are approved. Conditions of approval are included to address the utility issues.

STREAM CORRIDOR AND BIKE PATH IMPROVEMENTS

The staff has been concerned with the stream channel/bike path corridor which runs east of the buildings and west of Deer Valley Drive. This is a heavily used corridor and it is important that it remains a pleasing pedestrian experience. The current plans show the stream channel being reconstructed adjacent to building A6. This is unavoidable due to the construction of the Deer Valley Drive-Main Street intersection, the removal of 2 existing culverts and the construction of the driveway to the Lobby building. South of this area, every attempt will be made to retain as much existing vegetation as possible. The acquisition of the Avise parcel has enabled the applicants to propose that the 4 foot "soft surface" path be separated from the 10 foot hard surfaced bike path. The work will be done by hand and will involve minimal vegetation removal.

PRELIMINARY NATURE OF PLANS

The Large Scale MPD process is intended to approve preliminary plans with the understanding that the details for each phase must be worked out in the Conditional Use process. The plans submitted to date are of greater detail than is customary or anticipated in Chapter 10 of the Land Management Code. This greater level of detail was deemed necessary by the staff for a project of this size and prominence. The plans are still preliminary, however, and conditions of approval have been drafted to address this preliminary nature and to make clear that more detailed plans will be required to be submitted and approved.

VI. FINDINGS AND CONDITIONS

The staff has reviewed the plans submitted and recommends **APPROVAL** of the revised Large Scale MPD for the Summit Watch Project.

FINDINGS

1. In 1991, the Planning Commission and City Council approved a concept plan for the Town Lift Project which included the Summit Watch project currently under review. The current proposal for the Summit Watch Large Scale MPD proposes revisions to that concept plan. Those revisions require review and approval by the Planning Commission.
2. This project is unique in that there are prior agreements which apply to it. The City has entered into a 1992 amendment to the 1982 agreement which applied to this project. In terms of the Master Plan Development Review, the agreement gives the property owners the right to use HCB zoning, establishes natural grade for measuring building height, imposes an employee housing requirement and addresses stream channel modifications.
3. The project is being reviewed as an amendment to a Large Scale Master Plan. The applicant has provided information consistent with requirements for review.

4. This project is large in scale and is in a prominent location in Park City's Historic District.
5. This area is identified as Historic Commercial in the Park City Comprehensive Plan.
6. Plans have been submitted and, once approved, will be part of the approval record.
7. The applicants have worked diligently with the City and have revised the plans to address concerns raised by the Staff, Planning Commission and City Council.

CONCLUSIONS OF LAW

1. The proposed project is consistent with the Historic Commercial designation in the Park City Comprehensive Plan.
2. The project and proposed uses are consistent with the HCB zoning which is allowed to be applied to it.
3. The project is generally consistent with the 1992 amendment to the 1982 agreement and with the findings and conditions of the 1991 approval. Some of the terms and conditions are no longer applicable and some terms and conditions are modified as a part of this approval and are necessary due to changes in the project and in circumstances.
4. The project complies with the Criteria for Review of a Master Planned Development as outlined in Section 10.9 of the Land Management Code.
5. The Master Plans relationship to its surrounding have been considered in order to avoid adverse impacts caused by traffic circulation, building height or bulk, lack of screening, ridgeline and view corridor intrusion, wetland encroachments or intrusions on privacy.
6. Additional detailed plans and conditions of approval are deemed necessary to ensure compliance with section 10.9 of the Land Management Code, such as detailed landscape plans and architectural drawings.

CONDITIONS OF APPROVAL

1. This approval is for a Large Scale Master Planned Development. Every phase shall require conditional use approval by the Planning Commission.
2. The Town Lift Design Review Task Force shall review and approve plans for each building prior to construction commencing.
3. Uses in the project shall be governed by the HCB zone. Any use which is shown as conditional in the HCB zone shall require conditional use approval by the Planning Commission.

71

4. A phasing plan has been submitted and is a part of this project approval. During the Conditional Use review of each phase, final details of the contingency plans shall be reviewed and approved. Prior to commencement of construction of any phase, a security shall be posted which shall be adequate to allow site restoration and completion of the contingency plan.
5. The Conditional Use review for each phase shall include review and approval of temporary and permanent pedestrian, vehicular and construction circulation plans.
6. No phase or building may proceed unless the City Engineer reviews and approves the utility plans.
7. No building permits will be issued unless and until the City Engineer and Fire Marshall review and approve plans which adequately address fire and emergency access and fire flow.
8. The Conditional Use review for each phase shall include the review and approval of landscape, streetscape and lighting features which are consistent throughout the project and are consistent with this approval. The landscape plans shall include specimen size trees, particularly between Deer Valley Drive and the buildings.
9. A Master Property Owners Association will be formed which shall be responsible for maintenance of all plaza streetscape and all landscaping. A Maintenance Agreement shall be entered into which guarantees the level of maintenance.
10. The building heights and density shall not exceed what is shown in this approval.
11. The applicant shall be required to provide employee housing consistent with the terms of the 1992 amendment to the 1982 agreement.
12. All signage shall receive appropriate review and approval.

72

3. Neither the public nor any person will be materially injured by the proposed amended record of survey.
4. Approval of the amended record of survey, subject to the conditions state below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - Nakoma Condominiums

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Flagstaff Mountain Resort Phase II (Pod B-1) Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
5. 692 Main Street, Town Lift Project, Phase 1 - Pre Master Planned Development (Application #PL-10-00928)

Due to a conflict, Commissioner Pettit recused herself and left the room.

Planner Robinson reported that the application for 692 Main Street was part of the Marriott Summit Watch Town Lift master planned development. The building has been used by the Marriott Corporation as a sales gallery for the Summit Watch project. The building has subsequently been for sale. The contract purchaser was represented this evening by Kevin Horn, the architect and Mr. David Luber with LCC properties.

Planner Robinson reported that the original Town Lift concept included McIntosh Mill, the Sweeney Brothers and what became the Caledonia Hotel and the Town Lift as part of the Sweeney project and Treasure Hill. Through the early discussions, Main Street did not extend past Heber Avenue and there were discussions on elements that might apply to one side of Main Street but not required on the other. Planner Robinson stated that the City Council adopted a concept plan that bifurcated the agreement between the McIntosh Mill Partnership and the Sweeney Brothers and their partnership. Therefore, each party acted independently to comply with the 1991 concept plan.

Planner Robinson noted that in April 1992 the Planning Commission approved a small scale MPD, which became the Town Lift Phase I and included Buildings A1-A3. Building A-1 was 692 Main Street. Buildings A-2 and A-3 became part of the Marriott Summit Watch Project. In 1994 a building permit had been issued and the project at 692 Main was under construction. An amended concept plan was proposed and approved, at which time Marriott took over the

project. Building A-1 was constructed and what was reflected in the 1994 Concept plan was a 7200 square foot commercial building. The actual building is slightly less.

Planner Robinson stated that throughout that project, there were requirements for a Town Lift Design Review task force to review all the buildings in the project. The Task Force was comprised of members from the Historic District Commission, members of the Planning Commission and one City Council member. The Task Force was reconstituted with the Town Lift Bridge several years later.

Planner Robinson presented plans of the existing building and explained the proposed changes for a minor addition. The applicant was requesting to modify the building by adding to the 2nd story balcony and enclosing the space underneath. The modification would add 549 square feet to the building for a total of 7,105 net leasable square feet. The footprint of the building would remain the same except for the minor addition and enclosure under the deck facing Main Street.

Planner Robinson stated that the question was whether to reconstitute the Design Review Task Force in some manner, and whether that would be under the current process. Currently, any historic design review goes through the Staff Design Review Team and any appeal of that decision would go to the Historic Preservation Board. Another option would be to reconstitute the Task Force with members from the HPB, the Planning Commission and the City Council.

Planner Robinson stated that in addition to the minor addition, the applicant was proposing a major addition and a remodel which would include adding additional floors to the building, keeping under the height requirement of the LMC and the MPD. The use would be a mixed use of residential and commercial, which was contemplated in the earlier concept plan. Planner Robinson asked if the Planning Commission would want to recommend a Design Review Task Force for this phase, and in what manner.

Planner Robinson reviewed three questions on Page 195 of the Staff report for the Planning Commission to consider. The first was whether the Task Force should be comprised of the HPB. He amended that to replace HPB with the current Staff Design Team. The second question asked if the composition of the Task Force should include other members. The third question was whether an amendment to the 1991 Concept Plan be should be referred to the City Council to remove the requirement that Design Review go before the Historic Board.

Planner Robinson clarified that the application was a pre-master planned development and the Staff requested general consensus from the Planning Commission as to compliance with the General Plan.

David Luber, representing the applicant, stated that for the last several months they have worked diligently with the Staff and the Legal Department to research the history of the project back to 1992, when it was first developed by McIntosh Mill. What they learned was that the original density and configuration of buildings goes back to the 1992 MPD. Building A-1 has not had much use over the past year. They are looking at this as a reclamation project and would like to do something productive for the tax base and the user base.

Mr. Luber clarified that they do not intend to change the footprint of the existing building. The original MPD from 1992 was a mixed use of commercial and residential. In 1994 the Marriott took over this project and changed the use to a commercial sales office. An amendment was approved in 1994 and the building was turned into approximately 7200 square feet of net leasable space.

Mr. Luber stated that the applicant would like to return the building back to its original intended purpose of commercial and residential use. He pointed out that their proposal would not increase the density, they are using the existing footprint, the setbacks would remain the same, and there would be no changes to the open space. There would be no on-street parking issues because the users of the property are confined on site.

Mr. Luber requested feedback from the Planning Commission in terms of how complex or easy the MPD process would be, based on an application for an amendment to the 1994 plan to allow reconfiguration.

Mr. Luber stated that under the original 1992 and 1994 plans, design review of this project was done by the Design Review Task Force. At that time there was not a functioning Staff and functioning Historic Design Review process. Mr. Luber asked the Planning Commission whether the design review could be handled in a process with the City Staff and the existing HPB, rather than reconstituting the Task Force.

Mr. Luber requested direction from the Planning Commission regarding the MPD process. Kevin Horn, the project architect, reviewed the proposed modifications. Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Peek asked if there was a way to enhance the pedestrian plaza on 7th Street and generate pedestrian traffic on that side of the building to draw people into that plaza. He noted that the plaza is currently under utilized. Mr. Luber replied that the building has been significantly under utilized. It is intended to be as significant as the Ski Lodge Club and the members entrance would draw foot traffic to that area. Mr. Luber noted that the applicants have discussed ways to better utilize that area.

Chair Wintzer asked if this would be a private club or open to the public. Mr. Luber stated that the intent is to have a members private ski club/public restaurant and lounge. Mr. Luber remarked that the intent is to provide something that is not available on the hill at Park City Mountain Resort.

Commissioner Peek asked if there would be a sales component to the use similar to the Talisker Restaurant. Mr. Luber replied that there would be a modest sales element.

Commissioner Strachan recalled an ordinance prohibiting first floor members dining clubs.

Chair Wintzer clarified that his questions were based on that ordinance, but he was unsure where the ordinance stops. Planner Robinson explained that it is commonly called a vertical zoning ordinance and it would include this building. The ordinance prohibits office space, non-retail space, restaurant space such as what is being proposed, or a club grille.

Mr. Luber remarked that they were trying to multi-task and find the best uses for the building.

Commissioner Strachan liked the concept, particularly the idea of having a store on Main Street. That type of store is no where to be found and it is totally essential. Mr. Luber clarified that the market would be open to the public.

The Commissioners discussed the purpose of the Design Review Task Force. Chair Wintzer explained that the Task Force was set up because of the controversy of the project, not because the Staff was unable to handle the job. It was a way to ensure the public that they would have the ability to provide input. Assistant City Attorney McLean thought the Staff report clearly laid out the options for the Planning Commission to consider. She noted that the 1991 Concept Plan specifically designated the Historic District Commission as the design task force. All the documents subsequent to that were all the buildings plans to be reviewed by that task force.

Commissioner Strachan clarified that the HDC is now the HPB. Ms. McLean replied that this was correct.

Chair Wintzer asked if the Planning Commission had the ability to circumvent the requirements of the 1991 Concept Plan. Ms. McLean explained that the Planning Commission could either re-affirm the HPB as the Task Force, or they could refer this to the City Council to and recommend that the Council amend the 1991 Concept Plan so the review could just go to the Staff and no longer need to go to the HPB. Another option would be to recommend that the City Council reconvene the Task Force but include other members with the HPB.

Commissioner Strachan felt the question was whether the Planning Commission should solve the problem now so the Task Force would not need to be reconvened each time there is an issue. The Planning Commission could recommend that the City Council remove the requirement for a Task Force and allow the applicants to go through the Staff Design Review Team.

Commissioner Peek remarked that remodels of existing buildings should not rise to the standards of a Design Review Task Force. He believed it should go to the City Council for policy direction on whether the Design Review Task Force is still enforced on all applications.

Commissioner Strachan agreed. Commissioner Hontz was comfortable with reviewing the MPD and eliminating the task force.

Assistant City Attorney McLean remarked that just for the minor remodel, the Staff interpreted that as only needing approval by either the task force or another type of design review. That would not be part of the MPD. The major addition of adding stories would be part of the MPD

because it would substantially change the building. The Planning Commission has the purview to determine that filling in the balcony is also a substantial change and it should also be part of the MPD. The Staff opinion was that it was minor enough not to require opening the MPD.

Commissioner Strachan thought that was reasonable. Commissioner Peek noted that the minor addition falls under the HDDR and would still be reviewed by Staff.

Mr. Luber was unclear on what the Planning Commission would recommend to the City Council. Assistant City Attorney McLean stated that the Planning Commission would recommend to the City Council that the 1991 Concept Plan be amended. Therefore, instead of this being referred to the HPB, it would be referred to Staff for design review and the task force need not be convened. Because the 1991 Concept Plan was passed by the City Council, they would need to make that determination.

Ms. McLean clarified that the applicant would need to wait until the City Council makes their determination before moving forward with review of the minor addition. The proposal for additional stories would require an MPD.

Mr. Luber asked for a general nos from the Planning Commission as to whether they would look favorably on their proposal if it comes back as an MPD application. Commissioner Peek felt it was headed in the right direction. The Commissioners concurred. Planner Robinson noted that typically in pre-MPD meetings they look for general compliance with the General Plan.

MOTION: Commissioner Strachan made a motion to forward a POSITIVE recommendation to the City Council that the 1991 Concept Plan be amended to remove the requirement that the design review go before the Historic Board, as outlined on Page 195 of the Staff report. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously. Commissioner Pettit was recused.

The Park City Planning Commission meeting adjourned at 10:15 p.m.

Approved by Planning Commission _____

Planning Commission Staff Report



Subject: Three Kings Ski Run Lighting
Author: Jacquelyn Mauer
Project #: PL-10-00965
Date: July 14, 2010
Type of Item: Administrative - Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Three Kings Ski Run Lighting Conditional Use Permit, discuss the lighting impacts and proposed mitigation, and consider approving the application based on the findings of fact, conclusions of law and conditions of approval as found in the staff report.

Description

Applicant: Park City Mountain Resort (PCMR) represented by Brian Suhadolc, Operations Manager
Location: 1310 Lowell Avenue
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Park City Mountain Resort ski area
Reason for Review: Conditional Use Permits require Planning Commission Approval

Background

This item was continued from the June 23, 2010 Planning Commission meeting because there was not a quorum able to review and vote on the project. On May 13, 2010, the City received a completed application for a Conditional Use Permit (CUP) from Park City Mountain Resort to install Recreational Lighting on the Three Kings, Quicksilver, and Pick-n-Shovel ski runs. See Exhibit B. The property is located at 1310 Lowell Avenue in the Recreation and Open Space (ROS) zoning district.

Park City Mountain Resort proposes to install lighting in the Three Kings Pod to provide skiers and riders an expanded opportunity to recreate at night. The project is located on the mountain terrain of PCMR between the two existing night skiing areas of Eagle Race Arena and First Time Run. Recreational Lighting requires a Conditional Use Permit in the Recreation and Open Space zoning district.

Analysis

The total project area to install lights on the Three Kings, Quicksilver, and Pick-n-Shovel ski runs is 7.12 acres with excavation occurring within approximately 2.75 acres. Existing ski runs will be used to access the trenching and pole placement areas. Only grass and scrub oak will be disturbed by the installation of the light poles. Trails

disrupted during construction will be re-routed. After construction, the disturbed areas will be re-vegetated.

The proposed lighting will increase Park City Mountain Resort's night skiing area from 44.5 acres to 54.7 acres. This is a 23% increase of the night skiing area. The proposed hours of operation for the lights will be sundown through 10:00 p.m. beginning December 15th and ending April 1st. Forty-nine (49) wood poles and seventy-six (76) metal halide lights are proposed. The visibility of the lighting from town will be comparable to that of the current night ski area lighting; however a greater area (10.2 acres) will be lighted. The proposed lighting is a white light. Majority of the proposed light poles' height will be forty feet (40'). The maximum height of any of the light poles is forty-five feet (45').

The angle of the lights is between ten (10) and twenty (20) degrees from horizontal ground. They will be placed on ski runs that average ten (10) degree slopes causing the lights to be positioned at twenty (20) to thirty (30) degrees. The lights will be appropriately shielded to be completely down directed; that is, no light past the horizontal. See Exhibit C.

Conditional Use Permit Review

Chapter 15, Section 1-10, of the Land Management Code (LMC), Conditional Use Permit, Standards for Review, calls for the consideration of the following items for review:

(1) Size and location of the Site

No unmitigated impacts identified. The location for the project starts at the top terminal of Three Kings Lift and includes Three Kings, Quicksilver, and Pick-n-Shovel runs. The three runs proposed to be lit are north to northeast from the top terminal and follow to the bottom of the lift. The project area is not adjacent to any property lines or residential areas. The total area of the project is 7.12 acres. Excavation will occur within approximately 2.75 acres which includes trenching and pole placement.

(2) Traffic considerations including capacity of the existing Streets in the Area

No unmitigated impacts identified. The additional night skiing area proposed with the Three Kings Lighting project will be available to existing winter users of the resort. Parking and access to the existing parking areas will not change as a result of the expansion of the night skiing area. Traffic may increase due to the increased ski area, but this is in the off-peak period.

(3) Utility capacity

No unmitigated impacts identified. Park City Mountain Resort has the electrical energy capacity to operate additional recreational lighting. The existing 1500 watt court halogen lights on the Payday run are going to be replaced with the 150 watt metal halide lights also proposed on the Three Kings Pod ski run lighting project. The upgrade to the lights on the Payday run will save 138,979 kWh per year. Park City Mountain Resort anticipates using 10,000 kWh per year on the proposed Three Kings lighting

project. Attached as Exhibit D is information from Rocky Mountain Power explaining there is an adequate power supply to generate the electricity needed to support the Three Kings run lights.

(4) Emergency vehicle access

No unmitigated impacts identified. Primary emergency access is from the Resort Base.

(5) Location and amount of off-Street parking

No unmitigated impacts identified. Adequate parking is available in the existing resort parking lots. Staff finds that the proposed amenity will not significantly increase parking demand, particularly during the night hours.

(6) Internal vehicular and pedestrian circulation system

No unmitigated impacts identified. A section of the Silver Spur Trail (Spiro Connector) used during the summer as a hiking and biking trail will be affected during construction. The trail will be re-routed and appropriate signs will be added during the construction phase. The applicant will coordinate with Mountain Trails Foundation, Park City Municipal Corporation Trails Coordinator and the Snyderville Basin Reclamation District during construction.

(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses

No unmitigated impacts identified. No fencing or specific screening is proposed. Re-vegetation of areas disturbed during construction will be required and enforced with a Construction Mitigation Plan.

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots

No unmitigated impacts identified. The proposed lights will match the size of the existing ski run lighting at Park City Mountain Resort.

(9) Usable Open Space

No unmitigated impacts identified. The 3300 acres of PCMR ski lease are open space.

(10) Signs and lighting

No unmitigated impacts identified. This application is for Recreational Lighting to be located between and adjacent to two areas already lit and utilized for night skiing. They are the Eagle Race Arena to the north and First Time Run to the east. The proposed lights comply with Land Management Code Section 15-5-5-(I) (11) which addresses the Recreational Lighting Requirements. These lights will require a Building Permit. Signs require a separate sign permit and are not proposed with this application. There will be additional lighting impacts due to the additional acres proposed for night skiing. The proposed lighting is on the lower mountain area, not higher than the top of the Three Kings lift.

(11) Physical design and compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing

No unmitigated impacts identified. The ROS zone height is twenty-eight feet (28'). However, Recreational Lighting is not to exceed seventy feet (70') above natural grade. The maximum height of the proposed ski run light poles is forty-five feet (45'). This is compatible with the existing surrounding Recreational Lighting.

(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site

No unmitigated impacts identified. No mechanical factors will affect people and property off-site. The light produced from the proposed Three Kings ski run lighting will be similar to the lighting that currently exists on the night skiing runs at Park City Mountain Resort.

(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas

No unmitigated impacts identified. No delivery or service vehicles will be required for every day operation.

(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities

No unmitigated impacts identified. The proposed lights will be owned by PCMR.

(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the Site

No unmitigated impacts identified. Erosion control and re-vegetation will be completed following the trenching and installation of the new light poles. A construction mitigation plan that will be approved by the Building Department will be followed. No off-site impacts are anticipated.

Recreational Lighting Criteria Review

Section 15-5-5(l) (11), of the Land Management Code (LMC), Recreational Lighting calls for the consideration of the following items for review:

(a) The height of outdoor recreational posts shall not exceed seventy (70') above Natural Grade. The average Horizontal Foot Candle shall not exceed 3.6 across the Area boundary with a uniformity ratio of 4:1. Ski area lighting may require higher illumination levels in some instances. Those levels shall be reviewed and approved by the Planning Commission under the Conditional Use Process outlined in the LMC. The maximum pole height is forty-five feet (45'). According to LMC section 15-5-5(l), Metal Halide light sources such as those proposed shall be permitted only for recreational sport field or ski Area Uses and installed only in one hundred percent (100%) fully enclosed Luminaries. Metal Halide lights shall also be filtered. Metal Halide lights are allowed a maximum of 1,500 watts per fixture. Park City

Mountain Resort is proposing 150 watts per light fixture. The average Horizontal Foot Candle proposed is 1.1 foot candle with a maximum foot candle of 2.2 (worst case).

(b) All fixtures used for event lighting shall be fully shielded as defined in Section (4) herein, or be designed or provided with sharp, cutoff capability, so as to minimize up-light, spill light, and glare. The lights have shields to completely down direct the lighting as shown in Exhibit C. Installation of shields to prevent light trespass past the horizontal is required.

(c) Recreational lighting shall be turned off within thirty (30) minutes of the completion of the last game, practice, or event. In general, recreational lighting shall be turned off after 11:00 p.m., unless an exception is granted by the Planning Director for a specific event or as approved as part of a Master Festival license. The Recreation Lights will be turned off by 10:00 p.m. This will provide adequate time for ski patrol to make sure the area is clear and safe at the close of night skiing.

Process

The applicant will have to submit plans for a building permit to the Park City Building Department. The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Posting of a Building Permit is considered public noticed and is not subject to review by the Planning Commission unless appealed.

Department Review

This project has gone through an interdepartmental review. Any issues that were brought up at that time have been addressed in this report.

Notice

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

Public Input

At the time of this report, Staff received one phone call from a nearby resident inquiring about the project. The neighbor was concerned about the time frame the lights are on. After learning there was a proposed condition of approval for the project restricting the ski run lights to only be on from sundown until 10:00 pm, the neighbor found that time frame to be appropriate and had no further concerns. Also, during the public hearing at the June 23, 2010 Planning Commission meeting, a representative for nearby condos expressed concerns that portable restrooms and stereo music may be a consequence of the proposed lighting. Portable restrooms and/or music are not part of this application. All noise will need to comply with Title 6 of the Park City Municipal Code.

Alternatives

- The Planning Commission may approve the Three Kings Lighting Conditional Use Permit as conditioned or amended; or

- The Planning Commission may deny the Three Kings Lighting Conditional Use Permit.
- The Planning Commission may continue the discussion on the Three Kings Lighting Conditional Use Permit.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The additional ski run lights would not be installed and night skiing would not take place in the Three Kings Pod ski area.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Three Kings Lighting Conditional Use Permit, discuss the lighting impacts, and consider approving the application based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The zoning is Recreation Open Space.
2. The Three Kings lighting project is located within PCMR at the Three Kings, Quicksilver, and Pick-n-Shovel ski run areas. These areas are on the lower portion of the mountain between existing night skiing areas of Payday and the Race Arena. No lighting is proposed higher than the top terminal of the Three Kings lift.
3. The proposed lighting will increase Park City Mountain Resort's night skiing area from 44.5 acres to 54.7 acres. This is a 23% increase of the night skiing area.
4. Forty-nine (49) wood poles are proposed. The maximum pole height measures forty-five feet (45').
5. Seventy-six (76) metal halide lights are proposed at 150 watts each.
6. Recreational Outdoor Lighting is a Conditional Use in the Recreation and Open Space (ROS) District.
7. Hours of operation for the lights are sundown until 10:00 p.m. December 15th through April 1st.
8. Rocky Mountain Power has indicated in a letter dated July 6, 2010 that it has adequate power to serve this usage.

Conclusions of Law:

1. The CUP is consistent with the Park City Land Management Code, Chapter 15-1-10, Chapter 15-2-7, and 15-5-5(I) (11).
2. The proposed CUP is consistent with the Park City General Plan.
3. The proposed lighting will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All standard conditions of approval apply to this Conditional Use Permit.
2. The lights will be turned off by 10:00 p.m.
3. A Construction Mitigation Plan and any required building permits will be approved by the Building Department prior to installation.
4. The closure and re-route of any trails must be approved by Park City Municipal Corporation's Trails Coordinator.
5. The lights are shielded to direct all of the light downward. Installation of shields to prevent light trespass past the horizontal is required.
6. The existing 1500 watt court halogen lights on the Payday run must be replaced with 150 watt metal halide lights to reduce energy usage.

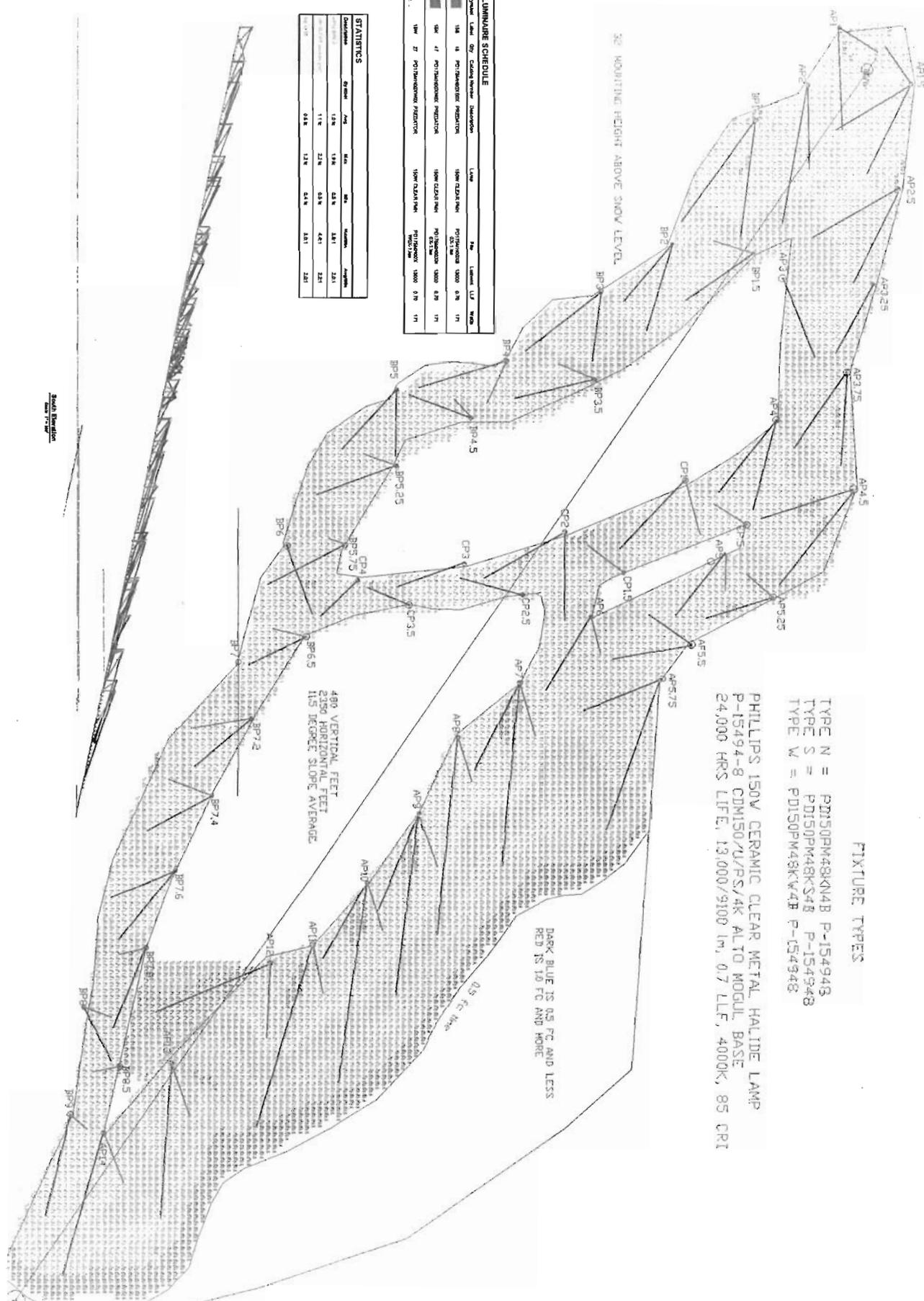
Exhibits

- Exhibit A – Lighting Documents
- Exhibit B – Proposed Project Area
- Exhibit C – Shielded Light
- Exhibit D – Letter from Rocky Mountain Power

PARK CITY MOUNTAIN RESORT
THREE KINGS, PICK AND SHOVEL,
AND QUICKSILVER SKI RUNS
CONDITIONAL USE PROPOSAL



RECEIVED
MAY 13 2010
PARK CITY
PLANNING DEPT.



32' MOUNTING HEIGHT ABOVE SNOW LEVEL

LUMINAIRE SCHEDULE

Mounting Height	Quantity	Model	Wattage	Beam Angle	Mounting Height	Quantity	Model	Wattage	Beam Angle
32'	116	PHILLIPS 150W CERAMIC CLEAR METAL HALIDE LAMP	150W	48°	32'	116	PHILLIPS 150W CERAMIC CLEAR METAL HALIDE LAMP	150W	48°
32'	116	PHILLIPS 150W CERAMIC CLEAR METAL HALIDE LAMP	150W	48°	32'	116	PHILLIPS 150W CERAMIC CLEAR METAL HALIDE LAMP	150W	48°
32'	116	PHILLIPS 150W CERAMIC CLEAR METAL HALIDE LAMP	150W	48°	32'	116	PHILLIPS 150W CERAMIC CLEAR METAL HALIDE LAMP	150W	48°

STATISTICS

Quantity	Wattage	Beam Angle	Mounting Height	Wattage	Beam Angle	Mounting Height
116	17400	48°	32'	17400	48°	32'
116	17400	48°	32'	17400	48°	32'
116	17400	48°	32'	17400	48°	32'

FIGURE TYPES

TYPE N = P2150PM48K4B P-15494B
 TYPE S = P0150PM48K34B P-15494B
 TYPE W = P0150PM48K47B P-15494B

PHILLIPS 150W CERAMIC CLEAR METAL HALIDE LAMP
 P-15494-8 CDM150/4K/PS/4K ALTO MODUL BASE
 24,000 HRS LIFE, 13,000/9100 lm, 0.7 LLF, 4000K, 85 CRI

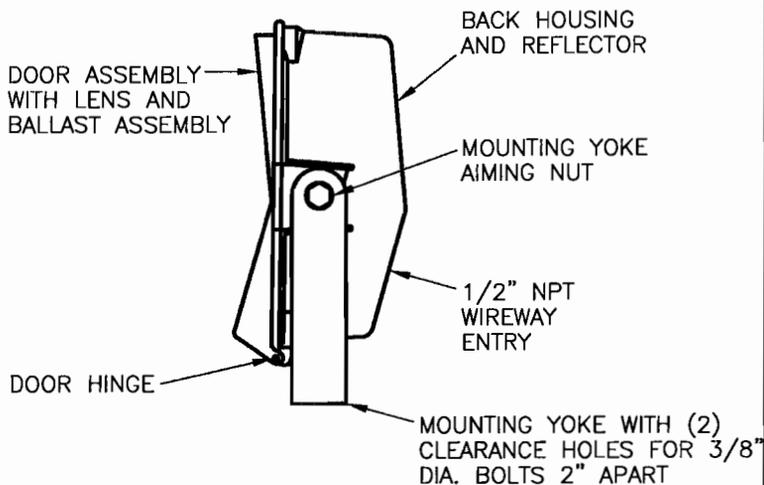
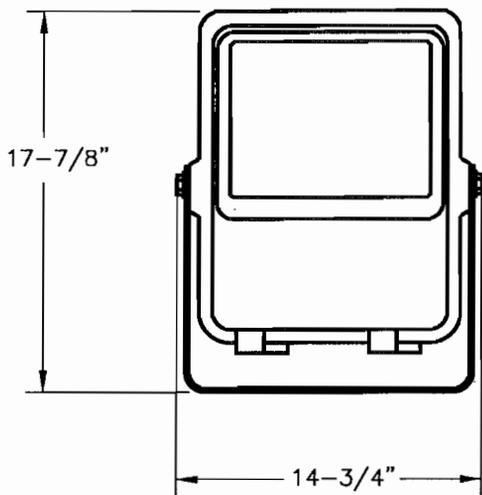
480 VERTICAL FEET
 2350 HORIZONTAL FEET
 115 DEGREE SLOPE AVERAGE

DARK BLUE IS 0.5 FC AND LESS
 RED IS 10 FC AND MORE

PREDATOR®

"PD" SERIES LUMINAIRES

MAX WEIGHT: 11kg (25lbs)
EPA: 1.60 sq. ft.



SMALL PREDATOR
SERIES LUMINAIRE

CATALOG NUMBER

PD 150PM 48 K

WATTAGE AND LAMP

050HP=50W HPS (120V ONLY)
070HP=70W HPS
100HP=100W HPS
15AHP=150W/55V HPS
175MH=175W MH *
175PM=175W PM
150PM= 150W PM WITH 050HP)

VOLTAGE

12=120V
20=208V
24=240V
27=277V
34=347V **
48=480V **
MT=MULTIVOLT (NOT AVAILABLE)

U.L. CATEGORY

H=CLASS I ONLY
J=CLASS I, CLASS II, CLASS III, AND MARINE OUTSIDE
K=WET LOCATION
L=MARINE OUTSIDE

REFLECTOR

N=NARROW DIST.
W=WIDE DIST.
S=SPOT DIST. AVAILABLE WITH U.L. "K" OR "L" ONLY

MOUNTING

3=STAINLESS STEEL YOKE
4=ZINC PLATED YOKE (AVAIL. WITH U.L. "K" ONLY)

FINISH

B=BRONZE
G=GRAY

* NOT AVAILABLE FOR SHIPMENT IN THE US AFTER 12-31-08 DUE TO EISA 2007 LEGISLATION

** NOT AVAILABLE IN 175PM



HOLOPHANE®
LEADER IN LIGHTING SOLUTIONS

An Acuity Brands Company

ORDER NO: _____
TYPE: _____

DRAWING NO. _____
CAD MODEL: PD4.DWG
DATE: 11/25/08
Sheet 1 of 2

©2002 ACUITY LIGHTING GROUP INC., 214 OAKWOOD AVE., NEWARK, OH 43055

PREDATOR® "PD" SERIES LUMINAIRES

OPTIONS (ADD TO CATALOG NUMBER):

- A=GRAY TOP VISOR
- C=BRONZE TOP VISOR
- D=GRAY SIDE SHIELD (AVAILABLE WITH U.L. "K" ONLY)
- E=BRONZE SIDE SHIELD (AVAILABLE WITH U.L. "K" ONLY)
- PS=PROTECTED STARTER (HPS UNITS ONLY)
- PNEMA050HP=NEMA LABEL 50W HPS
- PNEMA070HP=NEMA LABEL 70W HPS
- PNEMA100HP=NEMA LABEL 100W HPS
- PNEMA150HP=NEMA LABEL 150W HPS
- PNEMA175MH=NEMA LABEL 175W MH
- PCD-6=SIX FEET OF SUPPLY CORD (AVAILABLE WITH U.L. "K" ONLY)

ACCESSORIES (TO SEPARATE ORDER):

- LAMP P-154948
- F1=SINGLE FUSING FOR 120V, 240V, 277V & 347V (AVAILABLE WITH U.L. "K" ONLY)
- F2=DOUBLE FUSING FOR 208V, 240V & 480V (AVAILABLE WITH U.L. "K" ONLY)
- PDWG=WIRE GUARD
- 08657-GR=GRAY POLE ADAPTER (AVAILABLE WITH U.L. "K" ONLY)
- 08657-BZ=BRONZE POLE ADAPTER (AVAILABLE WITH U.L. "K" ONLY)
- PDPR12=PHOTOCONTROL FOR 120V (AVAILABLE WITH U.L. "K" ONLY)
- PDPR=PHOTOCONTROL FOR 208V, 240V & 277V (AVAILABLE WITH U.L. "K" ONLY)
- PDPR34=PHOTOCONTROL FOR 347V

09128 wood cross arm mount



HOLOPHANE®
LEADER IN LIGHTING SOLUTIONS

An **Acuity** Brands Company

ORDER NO: _____

TYPE: _____

DRAWING NO. _____

CAD MODEL: PD4.DWG

DATE: 6-20-06

Sheet 2

©2002 ACUITY LIGHTING GROUP INC., 214 OAKWOOD AVE., NEWARK, OH 43055

FIXTURE SCHEDULE

Three Kings, Pick and Shovel, Quicksilver

T1	2	PD 150 PM 48 KN 4B	1	PD 150 PM 48 KW 4B		
T2	2	PD 150 PM 48 KN 4B	1	PD 150 PM 48 KS 4B		
T3	1	PD 150 PM 48 KN 4B	1	PD 150 PM 48 KS 4B		
T4	1	PD 150 PM 48 KN 4B	1	PD 150 PM 48 KS 4B	1	PD 150 PM 48 KW 4B
T5	1	PD 150 PM 48 KN 4B				
T6	2	PD 150 PM 48 KN 4B				
T7	2	PD 150 PM 48 KS 4B				
T8	1	PD 150 PM 48 KS 4B				
T9	1	PD 150 PM 48 KN 4B	1	PD 150 PM 48 KW 4B		
T10	1	PD 150 PM 48 KS 4B	1	PD 150 PM 48 KW 4B		
T11	1	PD 150 PM 48 KW 4B				

All fixtures use # 09128 Mounting Bracket

All fixtures use Option PCD

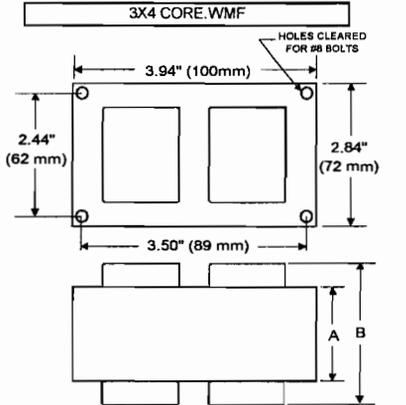
All fixtures use Lamp P 154948



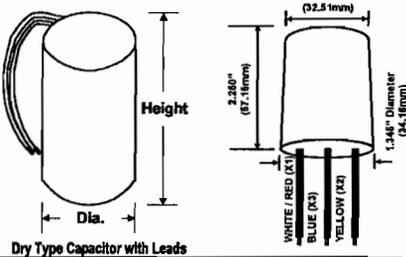
BALLAST SPECIFICATION

150W M102
Pulse Start Metal Halide
V90Y7110T
60 Hz CWA

Input Volts	480
Line Current (Amps)	
Operating	0.40
Open Circuit	0.40
Starting	0.25
Recommended Fuse (Amps)	1
Regulation	
Line Volts	±10%
Lamp Watts	±6%
Temperature Ratings	
Insulation Class	180 (H)
Coil Temperature Code	C
Benchtop Coil Rise	80.7
Power Factor (Min)	90%
Input Watts	188 W
Efficiency	80%
NOM. Open Circuit Voltage	245
Input Voltage At Lamp Dropout	190
Min Ambient Starting Temp	-20°F/-30°C*
60 HZ TEST PROCEDURES	
High Potential Test (Volts)	
1 Minute	2,000 V
1 Second	2,500 V
Open Circuit Voltage Test (V)	220 - 270
Short Circuit Current Test (A)	
Secondary Current	Min 2.05 Max 2.55
Input Current	Min 0.15 Max 0.25
CORE and COIL Specifications	
Dimension (A)	2.75 in
Dimension (B)	4.10 in
Weight	8.8 lb's
Lead Lengths	12"
Capacitor Requirement	
Microfarads	16.0 uf
Volts (Min)	330 V



Capacitor:	ACG301	Ignitor:	BVS-041
Microfarads:	16.0 uf	Case Temp (Max):	105 °C
Volts (Max):	330 V	BTL Distance (Max):	2 ft
Case Temp (Max):	100 °C		
Height (Max):	2.76 in		
Dia (Max):	1.62 in		



Ordering Information Add Suffix for options
 C - With Capacitor
 K - Prewired, with Capacitor and Bracket Kit
 B - With Welded Bracket, no cap
 CB - With Capacitor and Welded Bracket

* -40°F/-40°C Min Ambient Starting Temp with Venture Lamp
 Coil material: primary Cu and secondary Cu

RoHS compliant on all manufactured products after August 1, 2007
 Data is based upon tests performed by Venture Lighting in a controlled environment and is representative of relative performance. Actual performance can vary depending on operating conditions. Specifications are subject to change without notice.

10/8/2008 Production

MEETS TEMPERATURE EXCLUSION OF PL 110-140

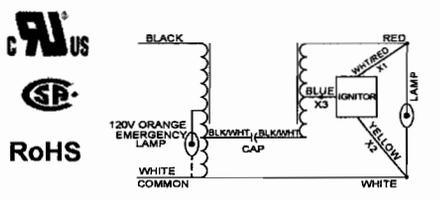
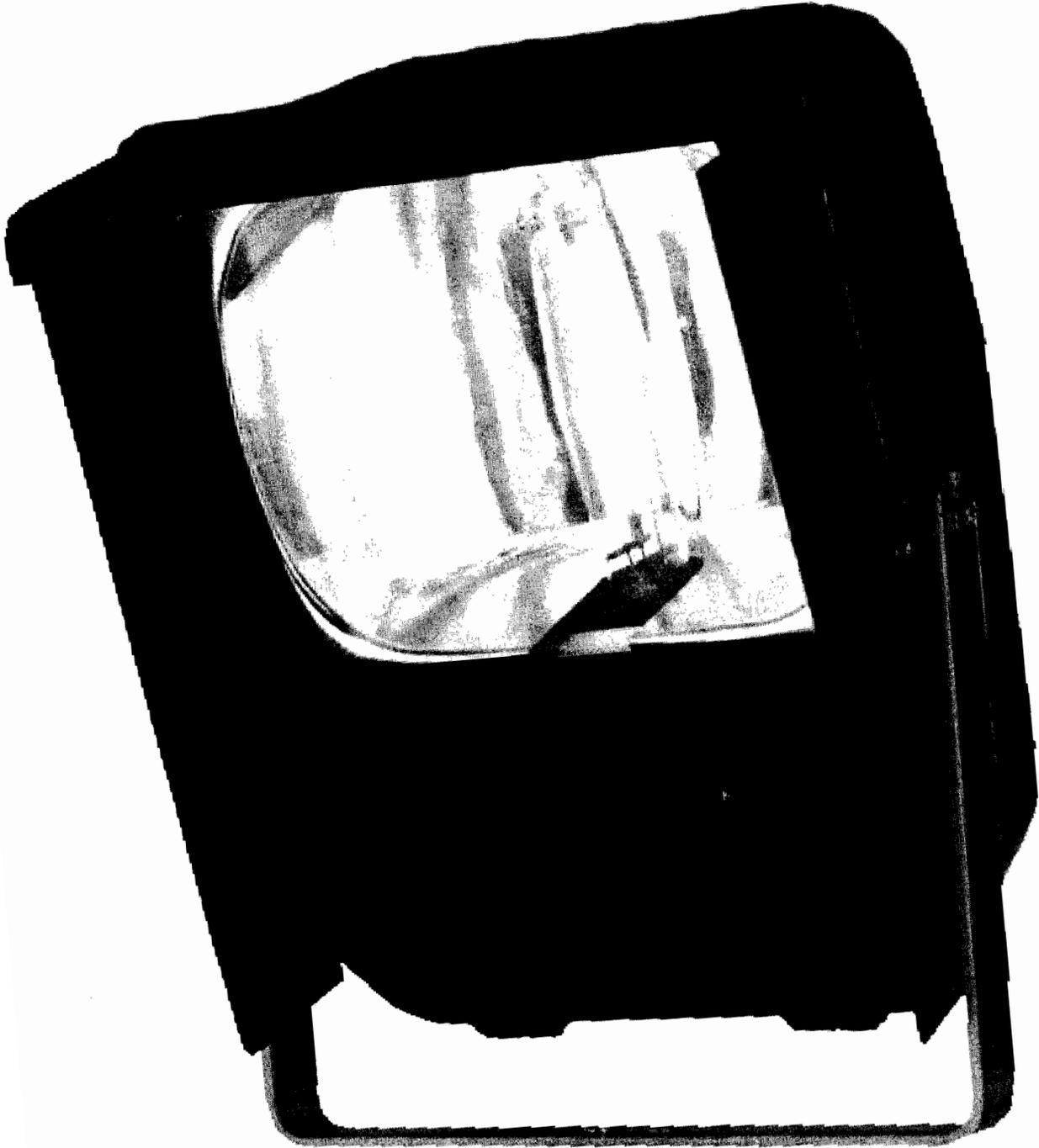




Exhibit C.



JUN 02 2010

Planning Commission Staff Report



Subject: Snow Country Condominiums
Author: Francisco Astorga
Project Number: PL-09-00768
Date: July 14, 2010
Type of Item: Administrative – Amendment to Record of Survey

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Snow Country Condominiums Amendment to Record of Survey Plat and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Snow Country Condominiums HOA
represented by Brandon Bertagnole and Chris Haynes
Location: 1150 Deer Valley Drive
Zoning: General Commercial (GC) with Frontage Protection Zone
(FPZ) Overlay
Adjacent Land Uses: Commercial and Open Space
Reason for Review: Amendments to Record of Survey Plats require Planning
Commission review and City Council approval

Background

On August 14, 2009 the City received a completed application for the Snow Country Condominiums Amendment to Record of Survey Plat. Snow Country Condos is located at 1150 Deer Valley Drive between Park Avenue and the Bonanza/Deer Valley Drive intersection. It is a 71-unit condominium complex. The plat was recorded with the County in 1976 (Exhibit C). The proposed amendment converts 556 square feet of common area into a private area. The proposed amendment will also clarify a discrepancy between the built area and the recorded plat in the area located on the northwest corner of the site. The HOA is the applicant requesting the amendment to the record of survey. The HOA submitted a letter indicating that they held vote relating to the conversion and received over 66.6% of votes in favor of converting the unit.

The plat shows an area within one of the buildings that is platted common and labeled "laundry". According to the applicant, the laundry facility has not been in operation for at least six (6) years. The HOA has submitted an application to amend the Record of Survey to change the common laundry to a private one (1) bedroom dwelling unit (Exhibit D). The subject area has exactly the same layout as a one (1) bedroom lower level unit. The applicant has represented that the room is plumbed and wired and will not require any structural or exterior modifications. The HOA has indicated that the once

the area is platted private, the HOA would rent out the unit to an on-site property manager.

This application was first heard during the October 28, 2009 Planning Commission work session and regular meeting. At that meeting the Commission recommended to the applicant to consider other options for complying with the Code as the parking on the site was recognized as non-compliant. The application was continued to the December 09, 2009 meeting.

During the December 9, 2009 meeting the Planning Commission opened the public hearing and continued the item to a date uncertain since the applicant did not put forward any other options at the time to address the non-compliant parking. The only comments made were from a Snow Country Condominium resident opposing to the applicant's request.

In December 2009, the applicant submitted a Conditional Use Permit application for the construction of two (2) parking spaces within the Frontage Protection Zone. During the April 28, 2010 meeting the Planning Commission reviewed the Conditional Use Permit and the Amendment to the Record of Survey applications concurrently. During this meeting the Commission requested to review the snow storage plan, landscape plan, and also compliance with the contaminated soils ordinance.

Analysis

Purpose of the GC District

The purpose of the General Commercial District is to:

- A. allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- B. allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- C. protect views along the City's entry corridors,
- D. encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- E. allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- F. encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- G. encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and public art.

The proposed amendment to the Record of Survey plat creates one (1) additional dwelling unit in the existing multi-unit dwelling. There are currently 71 units on site. Staff has reviewed the proposed amendment to the Record of Survey plat and has found it compliance with the Land Management Code (LMC) requirements. The Planning Director and City Engineer have inspected the site and have both found compliance with appropriate landscaping, snow storage, and parking areas.

Landscaping - LMC § 15-3-3(D)(3)

Each parking area must have an interior landscaped area equivalent to twenty percent (20%) of the total parking area, including drive aisles. [...]

The parking area is approximately 24,179 square feet. There is approximately 5,788 square feet of interior landscaping which equates to twenty-four percent (24%) of the total parking area (Exhibit E –Interior Landscaping Areas & 2007 Landscape Plan).

Snow Storage - LMC § 15-3-3(E)

Where parking availability will be affected by weather conditions, the owner must provide adequate non-hard surfaced and landscaped snow storage areas. Said snow storage areas must be on-site and equivalent to fifteen percent (15%) of the total hard-surfaced areas; including, parking spaces, aisles, driveways, curbing, gutters, and sidewalks adjacent to each surface lot in a usable, readily accessible location. Landscaping of these areas shall accommodate snow removal and storage on-site.

LMC § 15-3-3(D)(6) states that snow storage areas may be included in the interior or perimeter landscaped areas if they are landscaped to accommodate snow storage.

There is approximately 12,544 square feet of area that can be utilized as snow storage (Exhibit F). Given the parking area is 24,179 SF, this equates to 52% of the total hardscaped area. The City Engineer has inspected the site and has found this area as readily accessible locations for snow storage. The layout of the parking area with the adjacent landscaping/snow storage area is very typical to other parking areas found in Park City.

Soils Ordinance compliance

A certificate of compliance was issued for this site in October 2008. Park City's Environmental Coordinator has received documentation that validates that fact and the related assessment leading up to the issuance of the certificate of compliance.

Parking

In previous Planning Commission meetings and their corresponding staff reports (October 28, 2010, December 9, 2009, and April 28, 2010) staff identified the site as legal non-compliant and also that the requested conversion would increase the degree of non-compliance due to the lack of parking. Given this updated and researched information listed below, which includes a submitted parking analysis, number of parking spaces indicated on the plat, and the fact that Snow Country Condominiums

has kept a reserved parking space for the proposed unit; staff still identifies the site as legal non-compliant but finds that the conversion of the common laundry area to a private unit request does not increase the degree of non-compliance relating to parking. Staff recognizes that this new determination was opposite to what was determined in the past.

The existing complex was approved by the City in 1976 which at the time required one (1) parking space per dwelling unit, which was a minimum of 71 spaces. The plat has a note identifying two (2) areas on site accommodating 74 parking spaces, 50 along the front of the buildings and 24 along the east of the buildings. It is not known why the three (3) extra parking spaces were included on the plat. The plat note only indicates the general area of the parking spaces and the corresponding number of spaces. The plat note did not specify the exact placement or dimensions of the parking spaces.

There currently exist a total of 81 parking spaces, which have been accommodated by the HOA in the same parking area that called for 74 parking spaces on the plat. The 81 parking spaces are currently managed as 72 spaces (one for each unit totaling 71 spaces, and one extra parking space that was allocated for the laundry room), four (4) spaces for rental by the HOA to unit owners, and five (5) spaces for visitors.

The City acknowledges that there have been overflow parking issues from Snow Country Condos into City Park. The City recognizes that through enforcement efforts of both the City and Snow Country Condos management, this is no longer the case.

The applicant has submitted a parking analysis for Snow Country Condominiums (Exhibit G) which indicates that during the summer season the parking lot usage averages approximately 37% and in the winter season the parking lot usage averages approximately 74%. Staff agrees that the provided numbers are an accurate range. Staff does not recommend adding additional parking to a site that has sufficient parking area.

The current LMC requires that a condominium unit not greater than 650 square feet to have one (1) parking space. There is already an assigned parking space for the laundry area; therefore converting it into a dwelling unit would not require any additional parking spaces.

According to the number of existing units and their corresponding floor areas and also the proposed unit and its corresponding floor area the LMC mandates a total of 90 parking spaces. The site currently has 81 parking spaces. The site is considered legal non-compliant because although it does not comply with the current parking standard it did comply with the Code at the time it was built.

Chapter 15-9 of the LMC regulates non-conforming uses and non-complying structures. While non-complying structures may continue, this chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by

the LMC. Applications are reviewed to ensure that they are reducing the degree of non-compliance. Section 15-9-6(A) indicates the following:

Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.

Currently the site accommodates a total of 81 parking spaces. The site accommodates seven (7) additional parking spaces from the original plat approval that shows a total of 74. Due to the fact that the site has more parking (81 parking spaces) than what was contemplated in 1976 (74 parking spaces) staff finds that the proposed amendment to the record of survey does not increase the discrepancy between the existing condition and the development standards prescribed by the LMC. Staff finds because there are seven (7) additional parking spaces than what was indicated on the plat the degree of existing non-compliance has not been increased. Staff recognizes that these findings were not included in previous discussions and reports prepared for the Commission.

Staff finds good cause for this amendment to Record of Survey Plat for Snow Country Condominiums as the request does not increase the degree of non-compliance. Neither the public nor any person will be materially injured by the proposed amendment. The proposal does not does not adversely affect the health, safety and welfare of the citizens of Park City. With 81 total spaces; the configuration will remain the same with 72 spaces dedicated to each of the 72 units and four (4) spaces for rental by the HOA, and five (5) spaces for visitors.

Building Code Compliance for Accessibility

If this application is approved the applicant will be able to move forward and apply for a building permit. At that stage the Park City Building Department will be able to work with the applicant to come up with an accessibility compliance plan. The applicant has met with the Building Official to inquire as to the appropriate requirements that the Building Department will suggest to come up with their accessibility compliance plan.

Mylar/built environment discrepancy

The proposed amendment will also modify the plat reflecting the area located on the northwest corner of the site to match what has been built. The applicant requests to redraw the line to show what has been built. Staff is unable to confirm the exact date of deviation from the approved plat and the reason why the northwest corner was built in such manner. An Aerial photograph confirms that the site was in its current state in 2003 (Exhibit H). The deviation includes the area that separates the parking area from the area utilized for landscaping on the northwest corner of the property as indicated on the Exhibit H. The amendment takes place over common area and it is a simply request to clean up the plat.

Conditional Use Permit withdrawn

In December 2009 the applicant submitted a Conditional Use Permit application for the construction of two (2) parking spaces within the Frontage Protection Zone. This application was heard contemporaneously with the amendment to the record of survey application during the April 28, 2010 Planning Commission meeting. Due to the recognition of not needed any more on-site parking this application has been withdrawn by the applicant.

Process

The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Department Review

This project has gone through an interdepartmental review. All items have been addressed throughout this staff report.

Notice

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

Public Input

Staff has received negative verbal public input by a resident at Snow Country Condominiums. The resident claims that there is not enough snow storage and that the proposal does not meet the landscaping requirements.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Snow Country Condominiums Amendment to Record of Survey Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Snow Country Condominiums Amendment to Record of Survey Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Snow Country Condominiums Amendment to Record of Survey Plat.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The laundry area would remain as is and no improvements could take place.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Snow Country Condominiums Amendment to Record of Survey Plat and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Amendment to Record of Survey Plat

Exhibit B – Aerial & Vicinity Map

Exhibit C – Original Record of Survey Plat

Exhibit D – Official letter request

Exhibit E – Interior Landscaping Areas & 2007 Landscape Plan

Exhibit F – Snow Storage Areas

Exhibit G – Snow Country Parking Analysis

Exhibit H – 2003 Aerial Photograph

Exhibit A – Draft Ordinance No. 10-

**AN ORDINANCE APPROVING THE SNOW COUNTRY CONDOMINIUMS
AMENDMENT TO RECORD OF SURVEY PLAT LOCATED AT 1150 DEER VALLEY
DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 1150 Deer Valley Drive have petitioned the City Council for approval of the Snow Country Condominiums Amendment to Record of Survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 28, 2009, December 9, 2010, April 28, 2010, and July 14, 2010, to receive input on the Snow Country Condominiums Amendment to Record of Survey Plat;

WHEREAS, the Planning Commission, on July 14, 2010, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Snow Country Condominiums Amendment to Record of Survey Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Snow Country Condominiums Amendment to Record of Survey Plat as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1150 Deer Valley Drive.
2. The property is located within the General Commercial (GC) District.
3. There are currently 71 units on site.
4. The existing Record of Survey Plat shows an area within one of the buildings that is platted common and labeled "laundry".
5. The applicant requests to amend 556 square feet from common (laundry) area to private area.
6. The proposed amendment adds one (1) additional dwelling unit in the existing multi-unit dwelling.
7. The parking area is approximately 24,179 square feet.
8. There is approximately 5,788 square feet of interior landscaping which equates to twenty-four percent (24%) of the total parking area.

9. There is approximately 12,544 square feet of area that can be utilized as snow storage.
10. The City Engineer has inspected the site and has found the same areas identified as interior landscaping as readily accessible locations for snow storage.
11. The layout of the parking area with the adjacent landscaping/snow storage area is very typical to other parking areas found in Park City.
12. A certificate of compliance was issued for this site in October 2008, relating to the soils ordinance.
13. The existing complex was approved by the City in 1976 which at the time required one (1) parking space per dwelling unit, which was a minimum of 71 spaces.
14. The plat has a note identifying two (2) areas on site accommodating 74 parking spaces, 50 along the front of the buildings and 24 along the east of the buildings.
15. There currently exist a total of 81 parking spaces.
16. The applicant has submitted a parking analysis which indicates that during the summer season the parking lot usage averages approximately 37% and in the winter season the parking lot usage averages approximately 74%.
17. The current LMC requires that a condominium unit not greater than 650 square feet to have one (1) parking space.
18. According to the number of existing units and their corresponding floor areas and also the proposed unit and its corresponding floor area the LMC mandates a total of 90 parking spaces.
19. The site is considered legal non-compliant because it does not comply with the current parking standard.
20. The site accommodates seven (7) additional parking spaces from the original plat approval that shows a total of 74.
21. The site has more parking (81 parking spaces) than what was approved in 1976 (74 parking spaces)
22. The proposed plat amendment to the record of survey plat does not increase the discrepancy between the existing condition and the development standards prescribed by the LMC.
23. The request does not increase the degree of non-compliance.
24. With 81 total spaces; the configuration will remain the same with 72 spaces dedicated to each of the 72 units and four (4) spaces for rental by the HOA, and five (5) spaces for visitors.

Conclusions of Law:

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

Conditions of Approval:

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

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

PASSED AND ADOPTED this ____ day of _____, 2010.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR
ATTEST:

Jan Scott, City Recorder

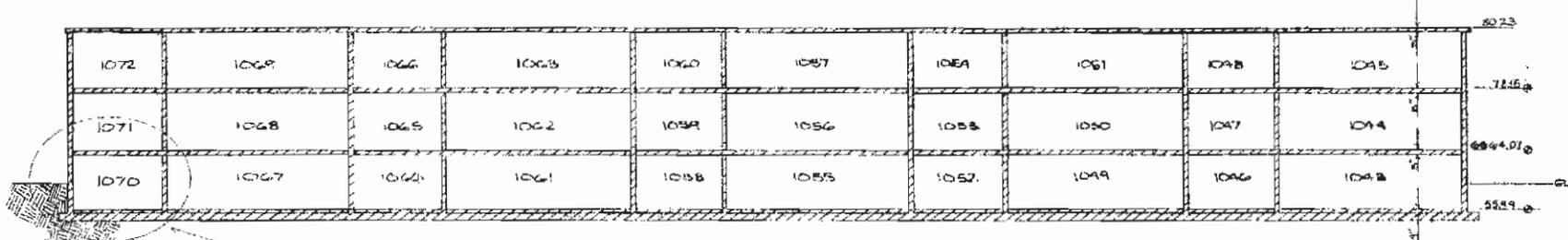
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Amendment to Record of Survey Plat

Attachment A - Proposed Amendment to Record of Survey Plat

Proposed Snow Country Modification



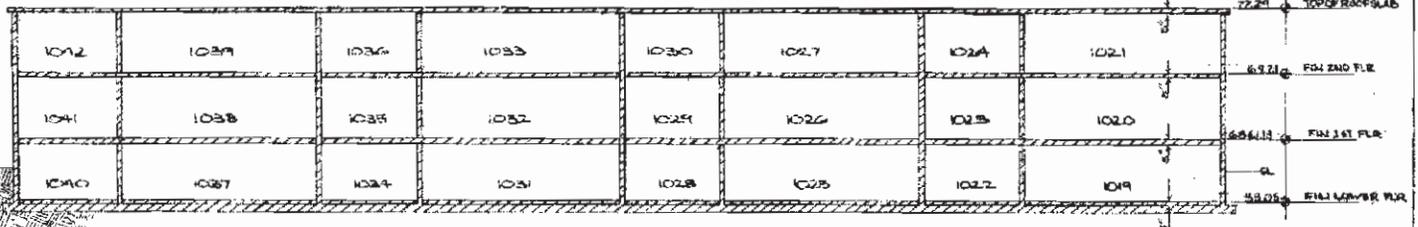
Unit 1070 will be created pursuant to this proposed plat amendment. The existing laundry area will become a unit

BUILDING NO. 3 (3 MODULE) SECTION A-A
 NOTE: ALL CROSS-HATCHED AREAS TO THE COMMON OWNERSHIP ARE NOT CROSS-HATCHED TO BE PRIVATE OWNERSHIP

I CERTIFY THAT THE BUILDING DIMENSIONS OF THE TYPICAL BAYS OF BUILDING #1 WITH 3 BAYS, BUILDING #2 WITH 4 BAYS, AND BUILDING #3 WITH 5 BAYS OF SNOW COUNTRY CONDOMINIUMS UTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAT

Aug 7, 2009
 DATE

James G. West
 JAMES G. WEST
 LICENSE NO. 3082



BUILDING NO. 2 (4 MODULE) SECTION A-A

EXHIBIT A RECORD OF SURVEY MAP OF

SNOW COUNTRY CONDOMINIUMS UTAH CONDOMINIUM PROJECT

LOCATED IN THE SW 1/4 OF SEC. 9 TOWNSHIP 2 SOUTH RANGE 4 EAST S.L.C. BASE & MERIDIAN

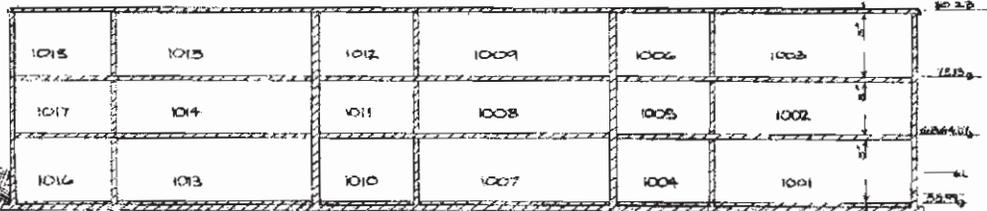
PREPARED BY: J. JOHNSON & ASSOCIATES
 1515 PARK AVENUE P.O. BOX 1661
 PARK CITY, UTAH 84060

RECORDED (ENTRY) NO. 133157
 STATE OF UTAH, COUNTY OF SUMMIT
 RECORDED & FILED AT THE REQUEST OF
 BY:

DATE 8.27.09 TIME 1.05
 BOOK --- PAGE ---
 FEE SUMMIT COUNTY RECORDER

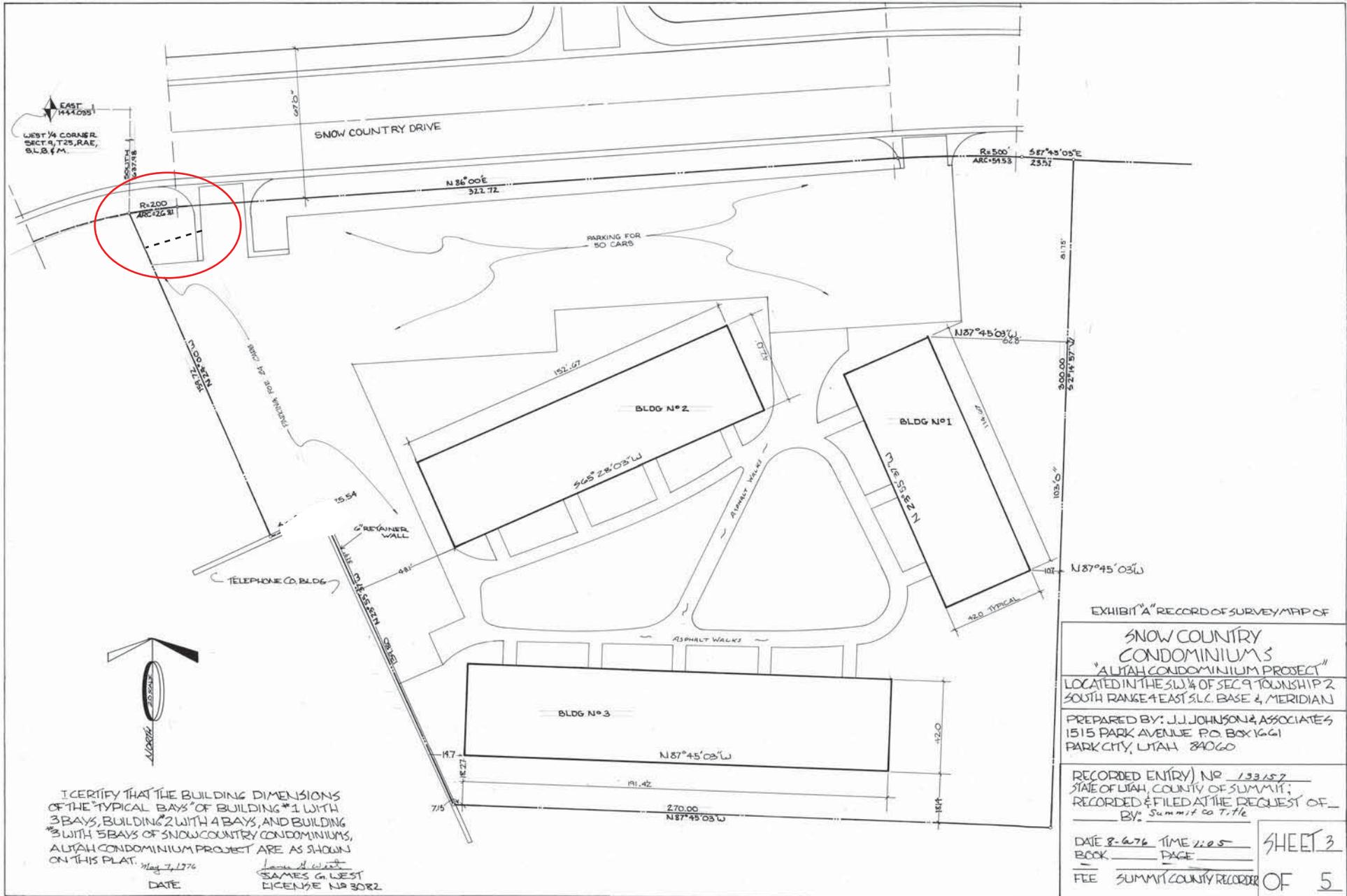
SHEET 2 OF 5

OWNER _____
 LAND SURVEYOR _____
 BOARD _____
 MAYOR _____
 CITY RECORDER _____
 PLANNING COMMISSION CHAIR _____
 CITY ENGINEER _____
 CITY ATTORNEY _____



BUILDING NO. 1 (3 MODULE) SECTION A-A

AUG 14 2009





OWNER'S CERTIFICATE OF CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT WE, RAY I. JOHNSON, PRESIDENT AND MERLE H. HUSETH, VICE PRESIDENT, TREASURER, OF GREATER PARK CITY COMPANY, A UTAH CORPORATION, WHO ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED HEREON AND SNOW COUNTRY CONDOMINIUMS, A UTAH CONDOMINIUMS PROJECT, LOCATED ON SAID TRACT OF LAND, DO HEREBY MAKE THIS CERTIFICATE FOR AND ON BEHALF OF SAID CORPORATION BY AUTHORITY OF DULY PASSED RESOLUTION BY ITS BOARD OF DIRECTORS OF SAID CORPORATION, THAT SAID CORPORATION HAS CAUSED A SURVEY TO BE MADE AND THIS RECORD OF SURVEY MAP CONSISTING OF 5 SHEETS TO BE PREPARED AND SAID CORPORATION HAS CONSENTED AND DOES HEREBY CONSENT TO RECORDATION OF THIS RECORD OF SURVEY MAP IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 24th DAY OF June; A.D. 1976

GREATER PARK CITY COMPANY
A UTAH CORPORATION

Ray I. Johnson
RAY I. JOHNSON
PRESIDENT

Merle H. Huseth
MERLE H. HUSETH
VICE PRESIDENT
TREASURER

PARK CITY APPROVAL

ON THIS 19 DAY OF Aug., 1976, THE CITY OF PARK CITY, A BODY POLITICAL AND CORPORATE OF THE STATE OF UTAH AND THE MUNICIPALITY IN WHICH THE SNOW COUNTRY CONDOMINIUMS ARE LOCATED, HEREBY GIVES FINAL APPROVAL TO SAID PROJECT, TO THE DECLARATION RECORDED CONCURRENTLY HEREWITH, TO THE RECORD SURVEY MAP CONSISTING OF FIVE SHEETS NUMBERED 1-5 AND TO THE ATTRIBUTES OF SAID PROJECT WHICH ARE MENTIONED IN SECTION 57-8-25 (3) OF THE UTAH CONDOMINIUM OWNERSHIP ACT AS AMENDED AND EXPANDED BY THE LAW OF UTAH, 1975, CHAPTER 173, SECTION 173.

PARK CITY ATTEST:
BY Seon Urwin Mayor
Bruce C. Dukes Recorder

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT
BE IT REMEMBERED THAT ON THIS 24th DAY OF June A.D. 1976, PERSONALLY APPEARED BEFORE THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, RAY I. JOHNSON, PRESIDENT, AND MERLE H. HUSETH, VICE PRESIDENT, TREASURER OF GREATER PARK CITY COMPANY, A UTAH CORPORATION WHO BEING BY ME DULY SWORN DID SAY THAT THEY ARE THE PRESIDENT AND VICE PRESIDENT, TREASURER OF SAID CORPORATION AND THAT THE WITHIN AND FOREGOING OWNER'S CERTIFICATE OF CONSENT TO RECORD WAS SIGNED FOR AND IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BY-LAWS AND A RESOLUTION DULY PASSED BY ITS BOARD OF DIRECTORS, AND RAY I. JOHNSON AND MERLE H. HUSETH DULY ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

Standa Y. Spriggs
NOTARY PUBLIC

RESIDING IN Wasatch COUNTY, UTAH
MY COMMISSION EXPIRES 6-1-77
DATE

SURVEYOR'S CERTIFICATE

I JAMES G. WEST, SALT LAKE CITY, UTAH, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD LICENSE NO 3082, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT EAST 1444.03 FEET & SOUTH 1637.98 FEET FROM THE WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, SAID POINT BEING ON A CURVE TO THE RIGHT, THE RADIAL POINT OF WHICH IS SOUTH 11°40'50" EAST 200.00 FEET; AND RUNNING THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 26.81 FEET TO A POINT OF TANGENCY; THENCE NORTH 86°00' EAST 322.72 FEET TO A POINT OF A 500.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE EASTERLY ALONG THE ARC OF SAID CURVE 54.53 FEET TO A POINT OF TANGENCY; THENCE SOUTH 87°45'03" EAST 23.51 FEET; THENCE SOUTH 2°14'57" WEST 300.00 FEET; THENCE NORTH 87°45'03" WEST 270.00 FEET; THENCE NORTH 23°55'37" WEST 139.20 FEET; THENCE SOUTH 65°28'03" WEST 25.54 FEET; THENCE NORTH 24°00' WEST 19.72 FEET TO THE POINT OF BEGINNING. AREA BEING APPROXIMATELY 2.295 ACRES.

I FURTHER CERTIFY THAT THE ABOVE DESCRIPTION DESCRIBES THE LAND SURFACE UPON WHICH HAS BEEN CONSTRUCTED "SNOW COUNTRY CONDOMINIUMS" IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT. I FURTHER CERTIFY THAT THE REFERENCE MARKERS AS SHOWN ON THIS PLAT ARE LOCATED AS SHOWN, AND ARE SUFFICIENT TO READILY RETRACE OR RE-ESTABLISH THIS SURVEY.

DATE 28 May 7, 1976

James G. West
JAMES G. WEST
LICENSE NO 3082

EXHIBIT "A" RECORD OF SURVEY MAP OF

SNOW COUNTRY
CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT

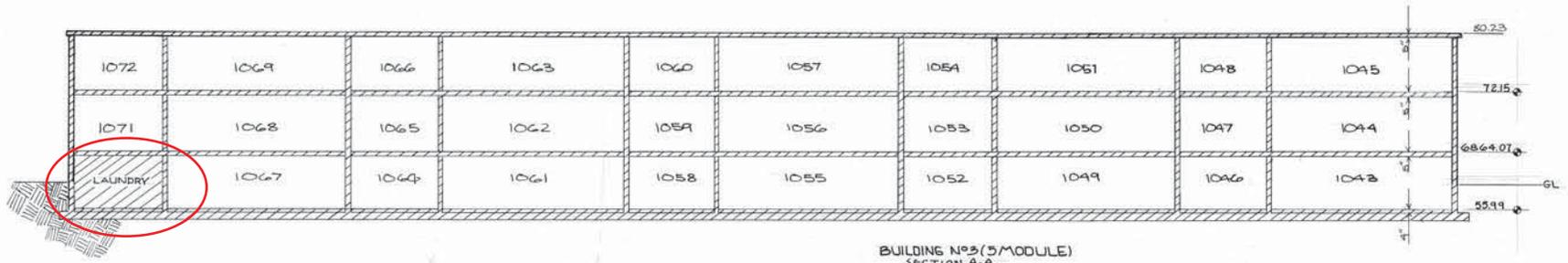
LOCATED IN THE S.W. 1/4 OF SEC 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST SLC BASE & MERIDIAN.

PREPARED BY: J.J. JOHNSON & ASSOCIATES
1515 PARK AVE. PARK CITY, UTAH

SHEET 1
OF 5

RECORDED ENTRY NO 135157 STATE OF UTAH,
COUNTY OF SUMMIT;

RECORDED & FILED AT THE REQUEST OF Summit Co. Title
BY: _____
DATE 8-26-76 TIME 1:05 BOOK _____ PAGE _____
FEE \$ 22.00
Standa Y. Spriggs
SUMMIT COUNTY RECORDER



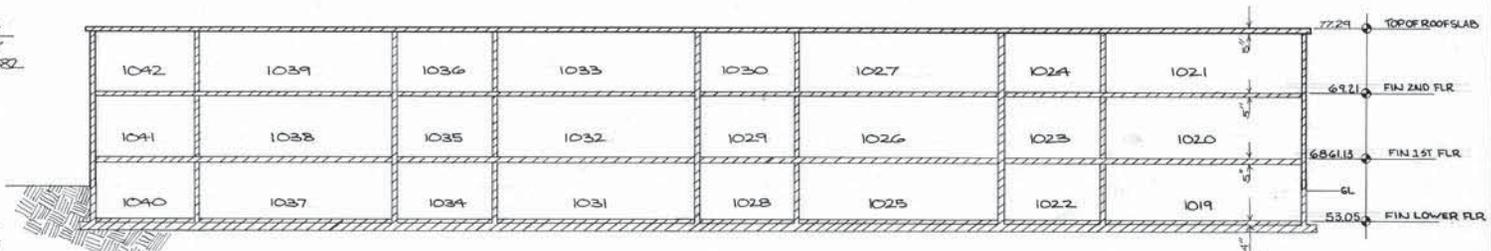
BUILDING NO. 3 (5 MODULE)
SECTION A-A

NOTE - ALL CROSS-HATCHED AREAS TO BE COMMON OWNERSHIP AREAS NOT CROSS-HATCHED TO BE PRIVATE OWNERSHIP

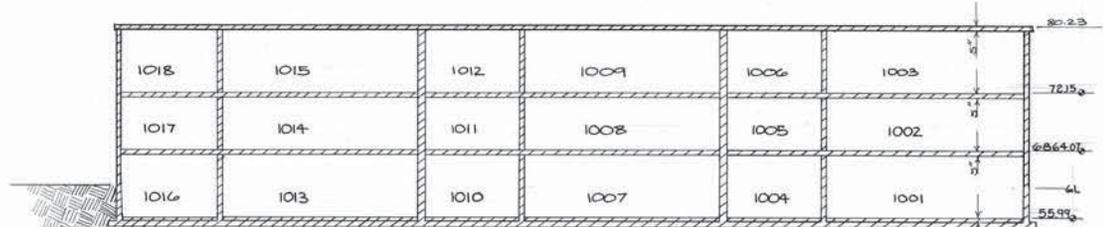
I CERTIFY THAT THE BUILDING DIMENSIONS OF THE TYPICAL BAYS OF BUILDING NO. 1 WITH 3 BAYS, BUILDING 2 WITH 4 BAYS, AND BUILDING 3 WITH 5 BAYS OF SNOW COUNTRY CONDOMINIUMS UTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAN.

May 7, 1976
DATE

James G. West
JAMES G. WEST
LICENSE NO. 3082



BUILDING NO. 2 (4 MODULE)
SECTION A-A



BUILDING NO. 1 (3 MODULE)
SECTION A-A

EXHIBIT 'A' RECORD OF SURVEY MAP OF

SNOW COUNTRY
CONDOMINIUMS
"UTAH CONDOMINIUM PROJECT"

LOCATED IN THE SW 1/4 OF SEC 9 TOWNSHIP 2
SOUTH RANGE 4 EASTS L.C. BASE & MERIDIAN

PREPARED BY: J. JOHNSON & ASSOCIATES
1515 PARK AVENUE, P.O. BOX 1661
PARK CITY, UTAH 84060

RECORDED (ENTRY) NO. 133157
STATE OF UTAH, COUNTY OF SUMMIT;
RECORDED & FILED AT THE REQUEST OF
BY: _____

DATE 8.6.76 TIME 1:05
BOOK _____ PAGE _____

FEE SUMMIT COUNTY RECORDER

SHEET 2
OF 5

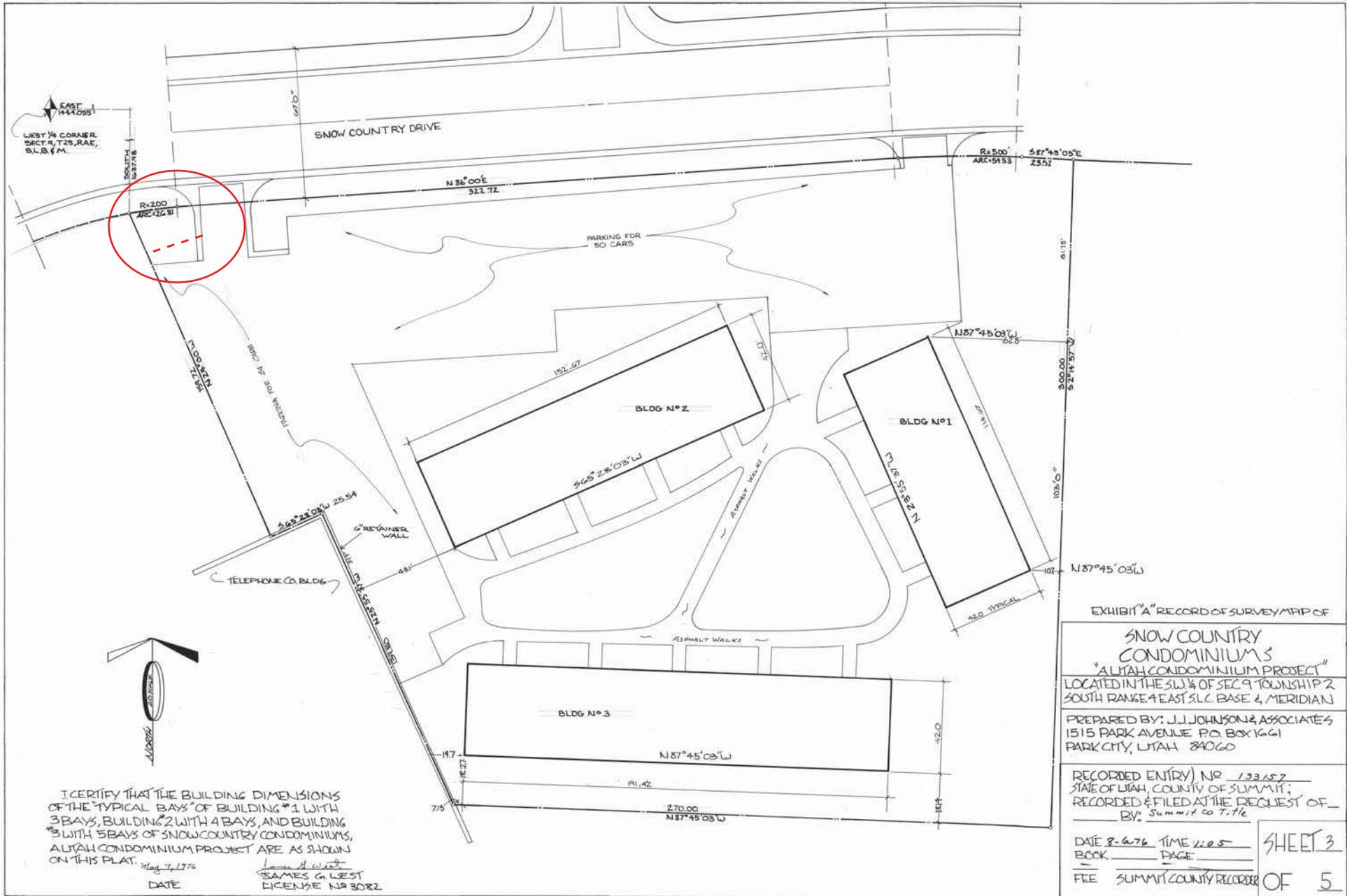


EXHIBIT "A" RECORD OF SURVEY MAP OF

**SNOW COUNTRY
CONDOMINIUMS**
"ALTAH CONDOMINIUM PROJECT"

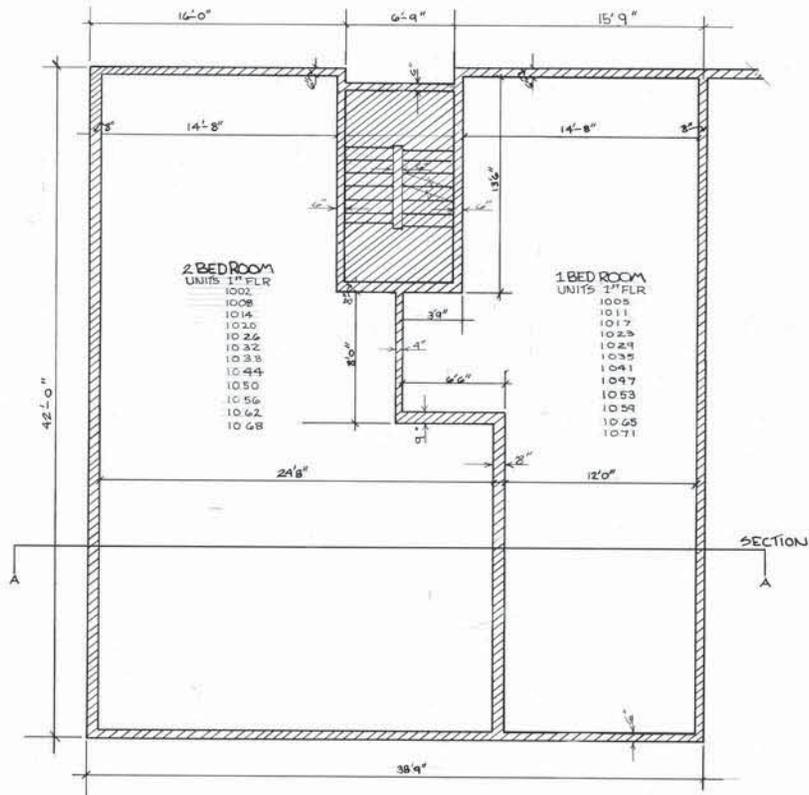
LOCATED IN THE SW ¼ OF SEC 9 TOWNSHIP 2
SOUTH RANGE 4 EAST S.L.C. BASE 4, MERIDIAN

PREPARED BY: J.J. JOHNSON & ASSOCIATES
1515 PARK AVENUE P.O. BOX 1661
PARK CITY, UTAH 84060

RECORDED ENTRY NO. 133157
STATE OF UTAH, COUNTY OF SUMMIT;
RECORDED & FILED AT THE REQUEST OF
BY: Summit Co Title

DATE 8-6-76 TIME 11:05 SHEET 3
BOOK PAGE
FEE SUMMIT COUNTY RECORDER OF 5

SNOW COUNTRY 3405

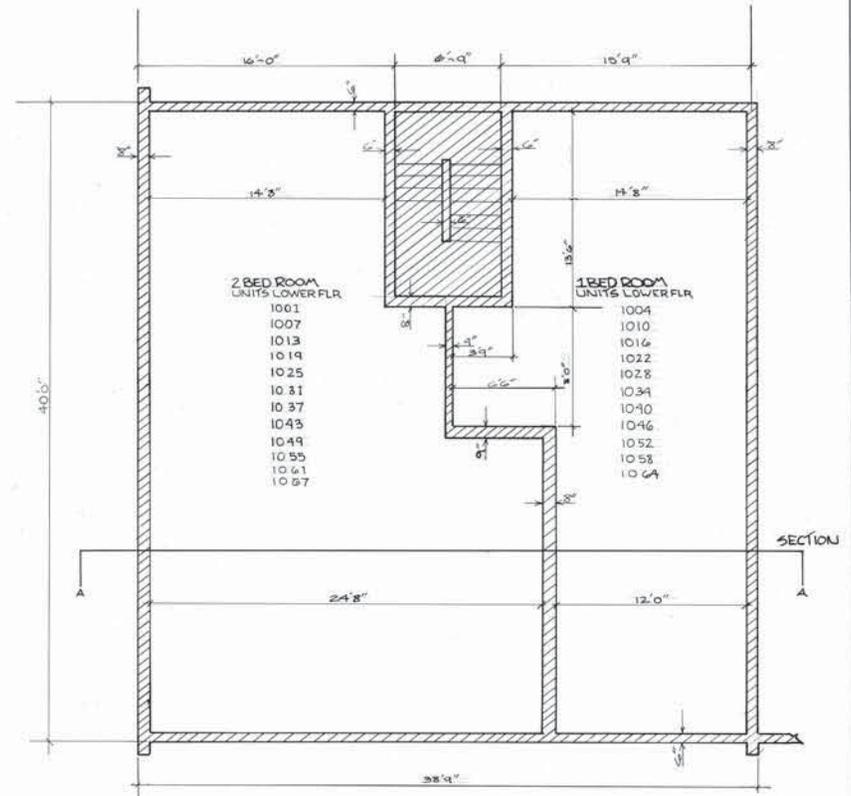


TYPICAL BAY (FIRST FLOOR)

SCALE 1/4" = 1'-0"
DIMENSIONS TYPICAL
1ST & 2ND FLOORS

NOTE ALL CROSS-HATCHED AREAS
TO BE COMMON OWNERSHIP
AREAS NOT CROSS-HATCHED TO
BE PRIVATE OWNERSHIP

ALL DIMENSIONS ARE TO
THE FINISHED SURFACE



TYPICAL BAY EXHIBIT A RECORD OF SURVEY MAP OF

(LOWER FLOOR)
1/4" = 1'-0"

NOTE ALL CROSS-HATCHED AREAS
TO BE COMMON OWNERSHIP
AREAS NOT CROSS-HATCHED
TO BE PRIVATE OWNERSHIP
ALL DIMENSIONS ARE TO
THE FINISHED SURFACE

I CERTIFY THAT THE BUILDING DIMENSIONS
OF THE TYPICAL BAYS OF BUILDING #1 WITH
3 BAYS, BUILDING 2 WITH 4 BAYS AND BUILDING
3 WITH 5 BAYS OF SNOW COUNTRY CONDOMINIUMS,
UTAH CONDOMINIUM PROJECT ARE AS SHOWN
ON THIS PLAT

May 7, 1976
DATE

James G. West
JAMES G. WEST
LICENSE N19302

SNOW COUNTRY CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT LOCATED
IN THE SW 1/4 OF SEC 9, TOWNSHIP 2 SOUTH, RANGE
4 EAST S.L.C. BASE & MERIDIAN

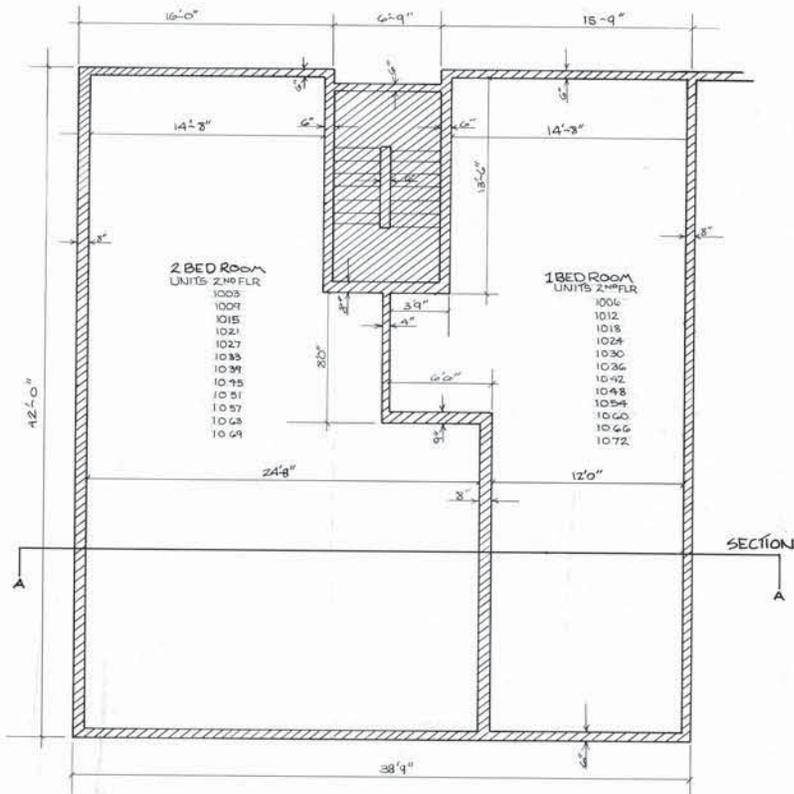
PREPARED BY: J.J. JOHNSON & ASSOCIATES
1515 PARK AVENUE, P.O. BOX 1661
PARK CITY, UTAH 84060

RECORDED (ENTRY) NO. 133157
STATE OF UTAH, COUNTY OF SUMMIT;
RECORDED & FILED AT THE REQUEST OF
By Summit Co Title

DATE 8-26-76 TIME 1:05
BOOK PAGE
FEE SUMMIT COUNTY RECORDER

SHEET 4
OF 5

SNOW COUNTRY 4/85



TYPICAL BAY (SECOND FLOOR)

SCALE 1/4" = 1'-0"

NOTE: ALL CROSS-HATCHED AREAS TO BE COMMON OWNERSHIP ARE NOT CROSS-HATCHED TO BE PRIVATE OWNERSHIP

ALL DIMENSIONS ARE TO THE FINISHED SURFACE

I CERTIFY THAT THE BUILDING DIMENSIONS OF THE "TYPICAL BAYS" OF BUILDING #1 WITH 3 BAYS, BUILDING 2 WITH 4 BAYS, AND BUILDING 3 WITH 5 BAYS OF SNOW COUNTRY CONDOMINIUMS, UTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAT.

May 7, 1976
DATE

James G. West
JAMES G. WEST
LICENSE NO. 3082

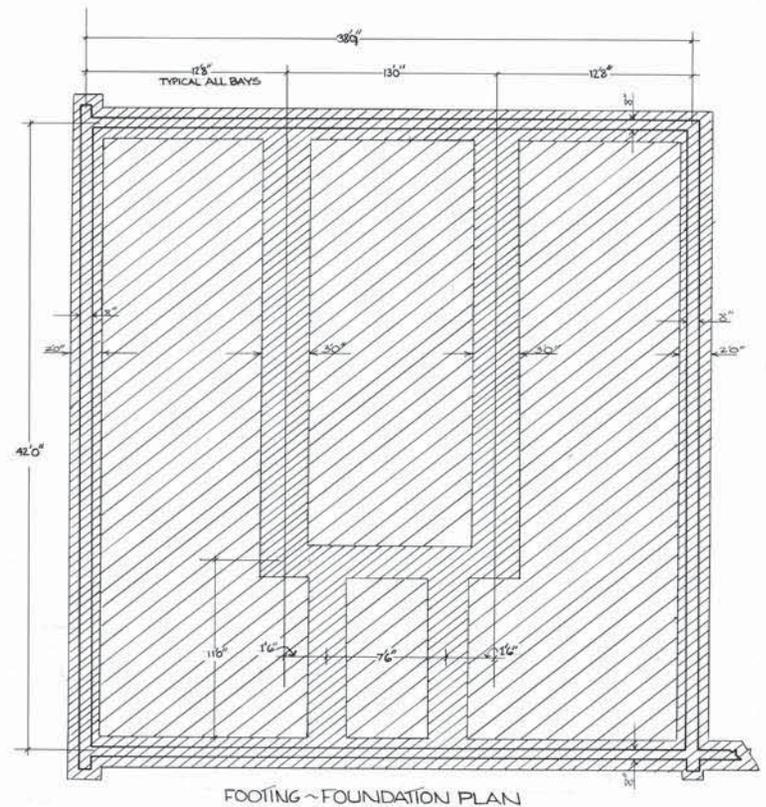


EXHIBIT "A" RECORD OF SURVEY MAP OF

SNOW COUNTRY
CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT

LOCATED IN THE S.W. 1/4 OF SEC. 9 TOWNSHIP 2
SOUTH RANGE 4 EAST S.L.C. BASE & MERIDIAN
PREPARED BY: J.J. JOHNSON & ASSOCIATES
1515 PARK AVENUE, P.O. BOX 10661
PARK CITY, UTAH 84300

RECORDED (ENTRY) NO. 133157
STATE OF UTAH COUNTY OF SUMMIT;
RECORDED & FILED AT THE REQUEST OF
BY: Summit CO T-11e

DATE 8-6-76 TIME 1:05
BOOK PAGE
FEE SUMMIT COUNTY RECORDER

SHEET 5
OF 5

SNOW COUNTRY 5055

Exhibit D - Official letter request

June 21, 2010

Park City Planning Comm.
435 Marsac Avenue
Park City, Utah 84060

Francisco Astorga and Tom Eddington,

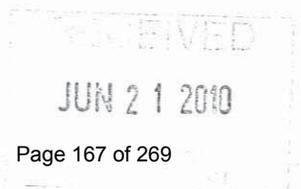
The community and HOA Board of Snow Country Condominiums would like to formally request the laundry room on the plat map to be changed to private. This area has not been used as a laundry room for at least the past 6 years, possibly even longer.

Snow Country Condominiums has 71 units in the complex. Of the 71 units only 4 have voted against privatizing the laundry room. In consideration of the positive support from our community, the HOA Board of Snow Country is requesting a plat adjustment changing the label on the current plat from laundry room to private.

Sincerely,

Snow Country HOA

Brandon Bertagnole,
Chris Haynes
Dave Kenton
David Rudd
Jim McMahan



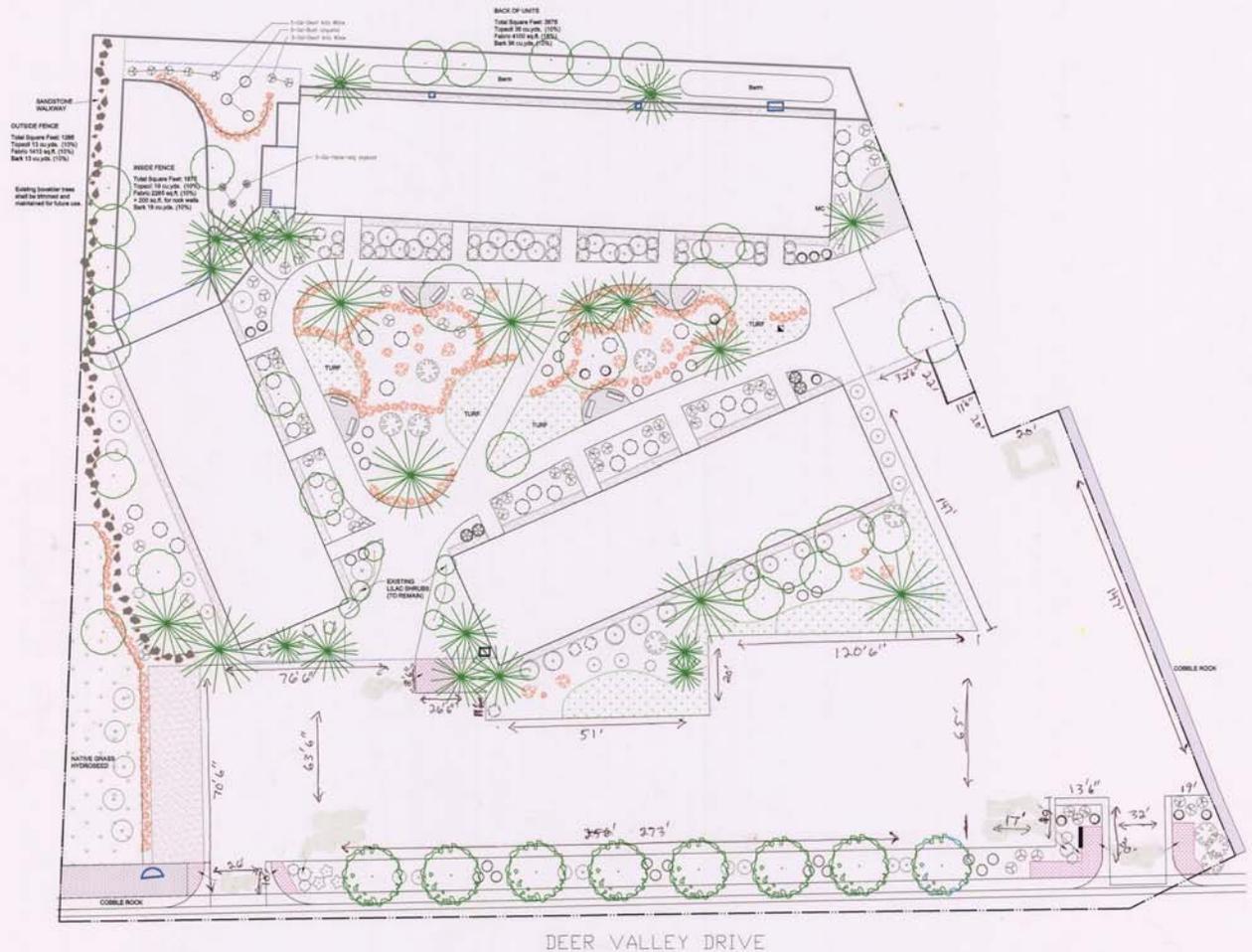


INTERIOR LANDSCAPING AREAS

RECEIVED
JUN 0 1 2010
PARK CITY PLANNING DEPT.

EXHIBIT "A" RECORD OF SURVEY/MAP OF
SNOW COUNTRY CONDOMINIUMS
 "ALTAH CONDOMINIUM PROJECT"
 LOCATED IN THE SW ¼ OF SEC 9 TOWNSHIP 2 SOUTH RANGE 4 EAST S1C BASE 4, MERIDIAN
 PREPARED BY: J.J. JOHNSON & ASSOCIATES
 1315 PARK AVENUE, P.O. BOX 16641
 PARK CITY, UTAH 84060
 RECORDED ENTRY) NO. 133257
 STATE OF UTAH, COUNTY OF SUMMIT;
 RECORDED & FILED AT THE REQUEST OF
 BY: Summit Co Title
 DATE 8-2-20 TIME 11:25 SHEET 3
 BOOK _____ PAGE _____ OF 5
 FEE SUMMIT COUNTY RECORDER

I CERTIFY THAT THE BUILDING DIMENSIONS OF THE TYPICAL BAYS OF BUILDING #1 WITH 3 BAYS, BUILDING #2 WITH 4 BAYS, AND BUILDING #3 WITH 5 BAYS OF SNOW COUNTRY CONDOMINIUMS, ALTAH CONDOMINIUM PROJECT ARE AS SHOWN ON THIS PLAT.
 DATE May 7, 2010
 License of Surveyor
 SAMUEL G. WEST
 LICENSE NO 30322



- Notes:**
1. THE CONTRACTOR SHALL LOCATE ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
 2. ALL LANDSCAPED AREAS SHALL BE GRADED TO DRAIN AWAY FROM EXISTING STRUCTURES AND OTHERWISE FOLLOW THE EXISTING DRAINAGE PATTERN.
 3. ALL MATERIAL QUANTITIES ARE ESTIMATED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE ACCURATE TAKE-OFFS.
 4. TO MEET CURRENT SOIL STANDARDS, ALL PLANTED BEDS SHALL HAVE A MINIMUM OF 3" OF TOP SOIL AND 3" OF BARK MULCH. ALL TURF AREAS SHALL HAVE A MINIMUM OF 4" OF TOP SOIL, FOLLOWED BY SOD.
 5. ALL EXPOSED ROOTS FROM THE EXISTING TREES SHALL BE COVERED WITH A MINIMUM OF 2" OF TOPSOIL, NOT TO EXCEED 3" BEFORE PLACEMENT OF BARK MULCH.
 6. ALL ROCK TERRACES SHALL BE DRY SET BOULDERS RANGING FROM 2-3' DIA.
 7. ALL ROCK TERRACES AND WALKWAYS ARE CONCEPTUAL. THE CONTRACTOR IS RESPONSIBLE FOR THE ESTIMATING AND PLACEMENT OF ALL ROCK, ACCORDING TO THE NATURAL TOPOGRAPHY AND WITH THE APPROVAL OF THE H.O.A. PRESIDENT.
 8. ALL LANDSCAPED AREAS WILL BE COVERED 100% BY AUTOMATIC SPRAY (TURF) OR DRIP (SHRUBS AND TREES) IRRIGATION.
 9. ALL BENCHES SHOWN SHALL BE PLACED BY THE H.O.A.

↓ N
SCALE 1:20

The above drawings and specifications and the ideas, design and arrangements represented therein are and shall remain the property of DCM Landscaping. No part thereof shall be copied, reprinted or otherwise used in connection with any work or project or by any other person for any purpose other than for the specific project for which they have been prepared and designed, without the written consent of DCM Landscaping. Changes and/or additions, deletions, or omissions shall be made only by written agreement, in the form and subject to the terms and conditions of the contract. No part of this drawing shall be used for any other project without the written consent of DCM Landscaping. These drawings are submitted for review and evaluation by clients, associated contractors, government agencies, vendors, and other personnel only in accordance with the scope.

Further dependence on these drawings shall have provisions over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and this office must be notified of any variances from the dimensions and conditions shown by these drawings. These details must be submitted to this office for approval before proceeding with installation.



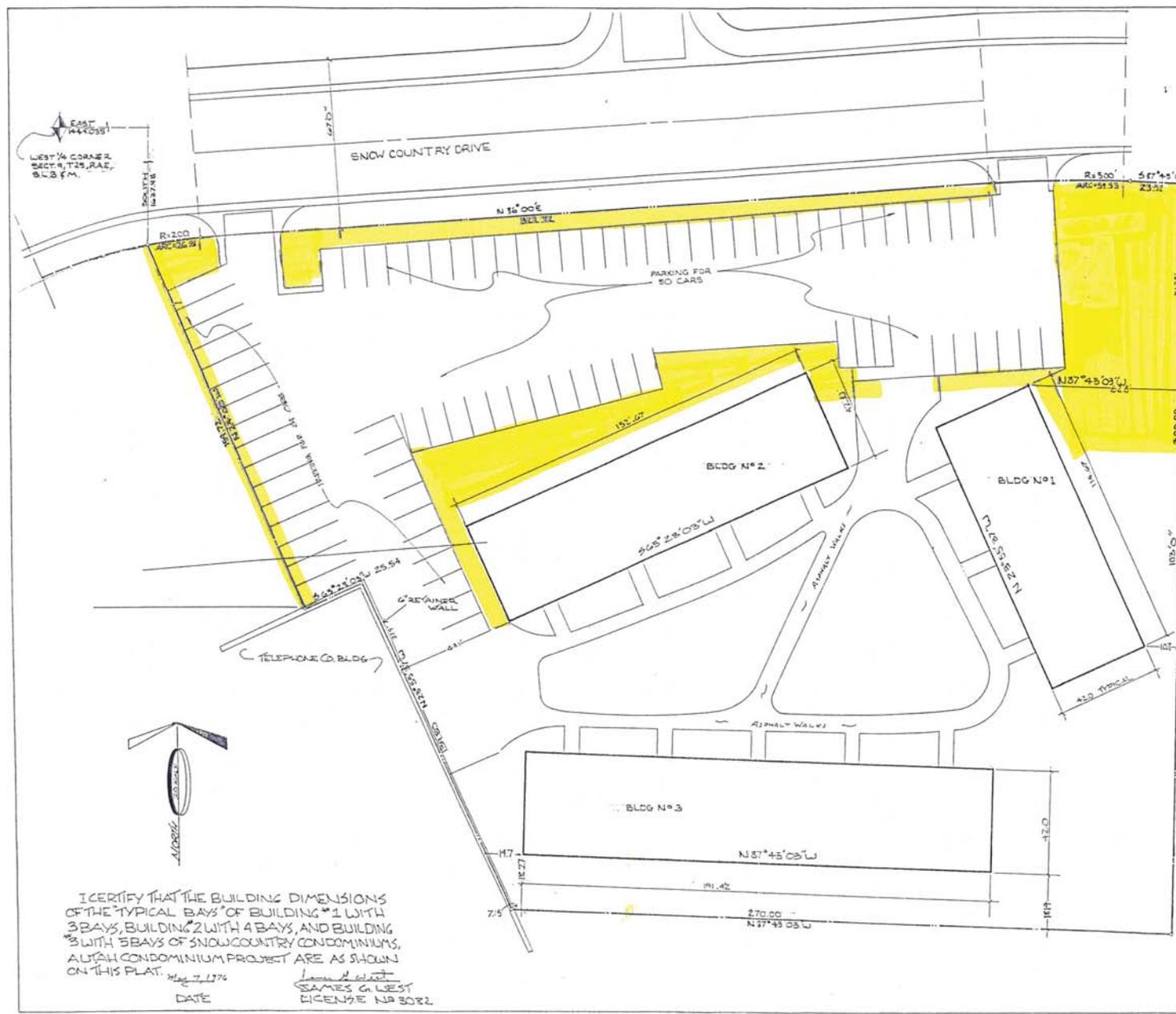
HDA Snow Country Condos
Snow Country Condos
Deer Valley Drive
Park City, UT

RECEIVED
JUN 01 2010

Landscape Plan
Sheet 1 of 1

COPY

Exhibit F - Snow Storage Areas



RECEIVED
 JUN 01 2010
 PARK CITY
 PLANNING DEPT.

EXHIBIT "A" RECORD OF SURVEY MAP OF
**SNOW COUNTRY
 CONDOMINIUMS**
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SW ¼ OF SEC 9 TOWNSHIP 2
 SOUTH RANGE 4 EAST 31. C. BASE 4, MERIDIAN
 PREPARED BY: J.J. JOHNSON & ASSOCIATES
 1515 PARK AVENUE P.O. BOX 1661
 PARK CITY, UTAH 84060
 RECORDED ENTRY NO. 133157
 STATE OF UTAH, COUNTY OF SUMMIT;
 RECORDED & FILED AT THE REQUEST OF
 BY: Summit Co Title
 DATE 8-6-76 TIME 1:25
 BOOK _____ PAGE _____
 FEE SUMMIT COUNTY RECORDER OF 5

I CERTIFY THAT THE BUILDING DIMENSIONS
 OF THE TYPICAL BAYS OF BUILDING #1 WITH
 3 BAYS, BUILDING #2 WITH 4 BAYS, AND BUILDING
 #3 WITH 5 BAYS OF SNOW COUNTRY CONDOMINIUMS,
 A UTAH CONDOMINIUM PROJECT ARE AS SHOWN
 ON THIS PLAT.
 DATE MAY 7, 1976
James G. West
 JAMES G. WEST
 LICENSE NO 3022

Exhibit G - Snow Country Parking Analysis

June 17, 2010

Park City Planning Commission
445 Marsac Avenue,
Park City, Utah 84060

Francisco Astorga and Tom Eddington,

The Snow Country Home Owners Association would like to submit to the commission a parking analysis for Snow Country Condominiums.

During the summer season the Snow Country parking lot usage averages approximately 37%. If you were to drive by tomorrow you would see many empty parking spaces.

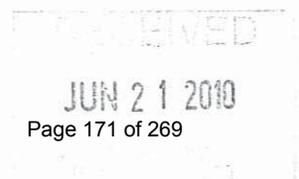
During the winter season the Snow Country parking lot usage averages approximately 74%. If you were to drive by during Sundance you would still see at least 25% of the parking spaces unused.

Our current number of parking spaces exceeds the number required in the original plat by 14%.

Sincerely,

Snow Country HOA Board

Brandon Bertagnole
Chris Haynes
Dave Kenton
David Rudd
Jon McMahon





Snow Country Condominiums (2003 Aerial)
1150 Deer Valley Drive



1 inch = 50 feet

Planning Commission Staff Report



Subject: Ridge Overlook Subdivision – 200
Ridge Avenue
Project #: PL-10-00977
Author: Kayla Sintz
Date: July 14, 2010
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning open public hearing, discuss the Ridge Overlook subdivision plat amendment and provide direction to staff and the applicant. No final action is requested at this meeting.

Topic

Applicant: Market Consortium, LC. Represented by Jason Gyllenskog
Location: 200 Ridge Avenue
Zoning: Historic Residential Low Density (HRL)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On May 26, 2010 the City received an application for the Ridge Overlook Subdivision. The application was deemed complete on June 2, 2010. The property is located at 200 Ridge Avenue (between Daly Avenue and the Ridge Avenue switchback) in the Historic Residential Low Density (HRL) zoning district. The proposed plat combines all or portions of lots 75-89 and 27-32, Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots, into six lots of record.

A previous application, which went through considerable Planning Commission review, a positive recommendation to City Council and City Council approval in 2007, consisted of a three lot subdivision. The Planning Commission agreed that the proposed density of three lots was appropriate for the challenging site. That plat was never recorded and has expired.

Based on previous discussions at Planning Commission in 2006 and 2007 under the old application and interdepartmental Development Review, the applicant provided additional information including utility plans, geotechnical report, field staked lot locations and story poles to identify height of retaining walls for past site visit. Previously the applicant agreed to work with the adjacent property owners, including the developer of 255 Ridge, to provide further refinements to the plan. The other applications have since been put on hold, are currently inactive and/or are subject to new ownership.

This application proposes six smaller lots instead of the three larger lots that were previously approved. The applicant has indicated market conditions for smaller homes and changes to the Land Management Code in the steep slope CUP criteria (limiting story and height) have helped generate the current proposed layout. Minimum lot size in the HRL zoning district is 3,750 square feet.

The proposed six lot sizes are:

- Lot 1 6,172 square feet
- Lot 2 3,775 square feet
- Lot 3 3,800 square feet
- Lot 4 3,758 square feet
- Lot 5 3,808 square feet
- Lot 6 3,846 square feet

Ridge Avenue is a substandard street that does not exist within its platted right of way in this location. The lots steeply fall away from existing Ridge Avenue to a lower, relatively level platform where vacated Anchor Avenue was. Historically, several small homes were located on this flatter area. The property then falls steeply away towards Daly Avenue.

The applicant wishes to combine the lots into six lots of record in order to construct six single family homes. A Steep Slope Conditional Use Permit and Historic District Design Review will be required for each of the proposed homes. Since the time of the previous approval the Land Management Code has changed in regards to maximum stories, height exceptions and final grade in relation to existing grade. Further, new Historic District Guidelines have also been adopted.

Analysis

The subject property is located in the HRL zoning district. **The purpose of the Historic Residential Low-Density (HRL) District is to:**

- (A) reduce Density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) provide an Area of lower Density residential Use within the old portion of Park City,
- (C) preserve the character of Historic residential Development in Park City,
- (D) encourage the preservation of Historic Structures,
- (E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- (F) establish Development review criteria for new Development on Steep Slopes,

(G) define Development parameters that are consistent with the General Plan policies for the Historic core.

The Land Management Code, 15-15-1.52. Compatible or Compatibility, defines Compatibility as:

Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Buildings, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

Standards for HRL are:

	Permitted
Height	27' (maximum 3 stories with 10' step in third story)
Front setback	15'
Rear setback	15'
Side setbacks	5' min, 10' total
Lot size	3,750 square feet minimum
Footprint	Zone Minimum is 1,519 square feet on a 3,750 square foot lot
Parking	Two required per lot

The applicant and staff prepared an exhibit (previously presented) of the surrounding properties in the HRL zone and the HR-1 properties within the 300 foot noticing radius. The following is a summary of the results:

	Lot Size	Lot Sq Ft	Footprint Sq Ft	House Size Sq Ft
HRL Average	0.13 acres	5,677	1,917	2,748
Daly Ave Averages	0.09 acres	4,001	1,535	2,131
Combined Averages	0.11	4,839	1,726	2,439
Proposed Lot sizes/Footprints	Lot 1 0.14 acres	6,172	2,182	
	Lot 2 0.09 acres	3,775	1527	
	Lot 3 0.09 acres	3,800	1535	
	Lot 4 0.09 acres	3,758	1521	
	Lot 5 0.09 acres	3,808	1537	
	Lot 6 0.09 acres	3,846	1549	

The previous study also examined the relationships of the HRL and HR-1 lots, footprints and built house sizes. The HRL zone encourages lot combinations and has a minimum lot size equivalent to two Old Town lots (3,750 sq ft). What is shown is that the HRL averages lot sizes 42% larger than the neighboring HR-1 lots, a 25% larger footprint and a 29% larger house size. Even though the houses and footprints are bigger, there is also greater open space around the houses.

In the sample of HRL and HR-1 lots, there is a correlation between footprint and house size that is similar in both zoning districts. In the HR-1, the house size is 39% greater than the maximum allowed footprint and the HRL houses are 43% larger than the maximum allowed footprints. House size information is from the County Assessor's Office and does not include basements or garages.

The Planning Commission may wish to consider smaller footprint sizes of any proposal in order to create smaller lots compatible with the HRL zone within the range of neighboring properties. Previous Planning Commission direction on access was to provide individual driveways from Ridge Avenue, which this current application utilizes. The previous application included approximately 6,242 square feet dedicated to the City for Ridge Avenue right-of-way. The current application would propose dedicating a smaller area to the City but would include the Ridge Avenue right-of-way.

Staff would also like to discuss whether or not the Planning Commission would like to schedule a site visit at the next available Work Session in order to understand the complexities associated with the site.

The following meeting minutes have been included regarding the previously approved application for review:

- October 24, 2007 Planning Commission work session
- November 14, 2007 Planning Commission regular agenda (where positive recommendation was forwarded to City Council)
- November 29, 2007 City Council (approval)

Reference exhibits showing overlays and perspective sketches from previous applications/approval have also been included.

Department Review

This project has gone through an interdepartmental review. Issues that were brought up at that time are continuing to be addressed with the City Engineer and Chief Building Official. Issues include driveway locations and the general sub-standard condition of Ridge Avenue. A final utility plan will be reviewed prior to plat recordation. Each proposed home will be required to have fire protection in the form of modified 3D sprinklers.

Notice

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

Public Input

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

Significant Impacts

There are no significant fiscal impacts to the City from this application. Construction on the site will require a detailed Construction Mitigation Plan in order to protect the houses on Daly Avenue below the site. A geotechnical report has been submitted and reviewed. Each of the lots will require a Steep Slope Conditional Use Permit and Historic District Design Review prior to home design and construction.

Recommendation

Staff recommends the Planning Commission open a public hearing, discuss the Ridge Overlook plat amendment and provide direction to staff and the applicant regarding the proposed configuration of lots. Staff is not requesting action at this time.

Exhibits

- Exhibit A – Park City Survey (project location)
- Exhibit B – Concept Plan and Record of Survey
- Exhibit C - October 24, 2007 Planning Commission Work Session minutes
- Exhibit D – November 14, 2007 Planning Commission minutes
- Exhibit E – November 29, 2007 City Council minutes
- Exhibit F – Previous application/approval reference exhibits

EXHIBIT A – Park City Survey (project location)

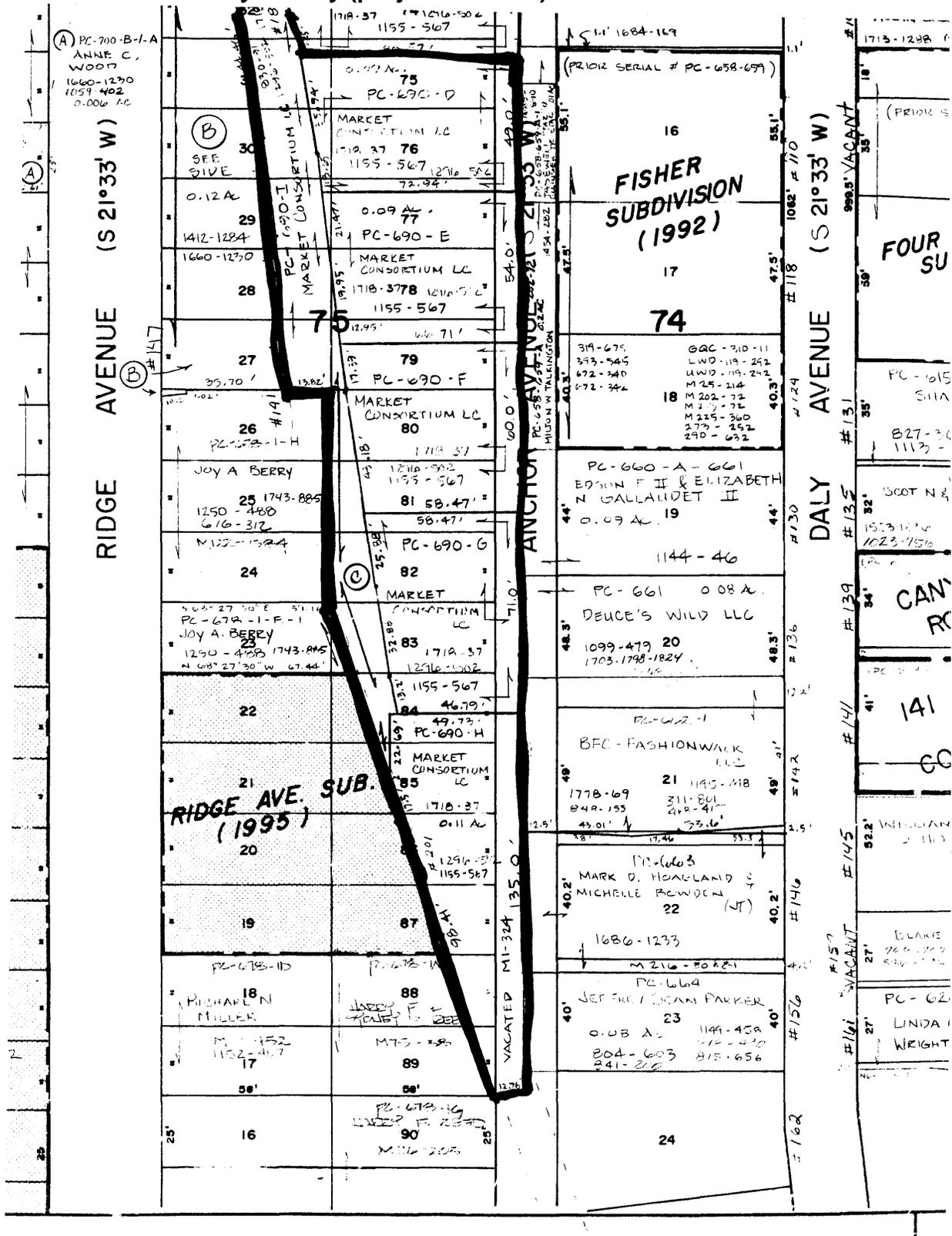
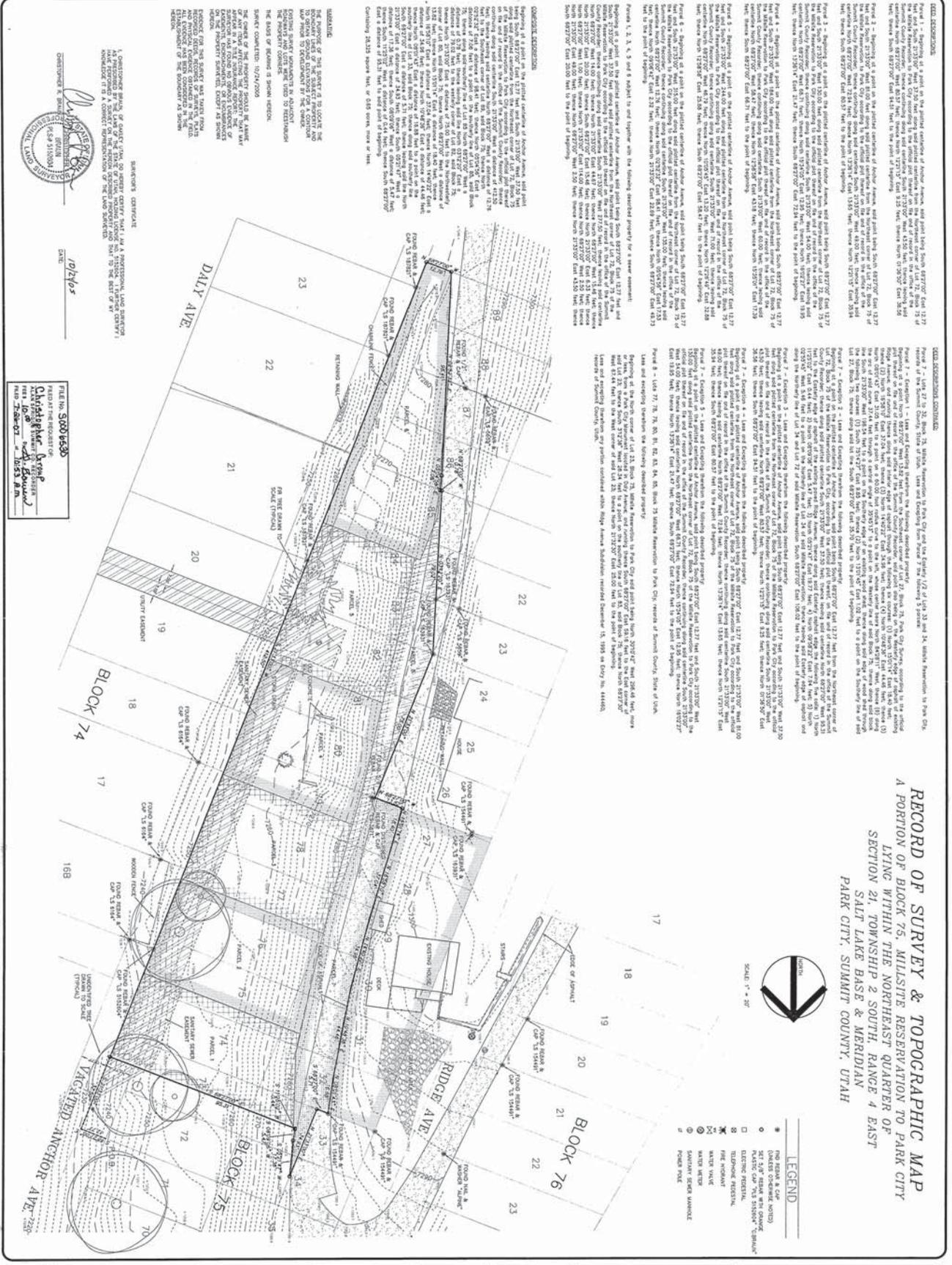


Exhibit B continued - Survey



PARK CITY SURVEYING
 PARK CITY, UTAH 84303
 (435) 640-2918

RECORD OF SURVEY & TOPOGRAPHIC MAP
 A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY
 SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

DATE: _____
 BY: _____
 COMMENTS: _____

PARK CITY SURVEYING
 PARK CITY, UTAH 84303
 (435) 640-2918

RECORD OF SURVEY & TOPOGRAPHIC MAP
 A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY
 SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
October 24, 2007**

PRESENT: Jim Barth, Evan Russack, Julia Pettit, Jack Thomas, Charlie Wintzer, Brooks Robinson, Ray Milliner, Polly Samuels McLean

Commissioner O'Hara was excused. Commissioner Thomas was Chair Pro Tem in his absence.

WORK SESSION ITEMS

200 Ridge Avenue - Plat Amendment

Planner Robinson noted that the Planning Commission has previously discussed this item. The applicant, Jason Gyllenskog, had set out lot corners; as well as story poles to show the height of the retaining wall on the proposed driveway location on the east side of each of these properties.

Planner Robinson presented a slide showing the total property. He indicated the number of lots along Ridge Avenue and noted that Ridge is in a right of way. Anchor Avenue was previously vacated to the property owners on either side. Planner Robinson stated that the proposal for all the lots is to have three lots of record, with dedication of the right-of-way for the road on the properties that the applicant owns, in order to meet the master plan of streets on this side. If they receive subsequent proposals from the property owners on the other side, they would also get additional right-of-way.

Planner Robinson presented a slide showing the ridge, the existing grade, and scaled model of a house with the maximum building height. The proposed driveway would be on the east side with a retaining wall dropping down. He stated that the applicant was prepared to present larger prints that show the grade going all the way down to Daly Avenue.

In looking at a number of other properties in the area, the Staff prepared an analysis on 255 Ridge Avenue, some of the Daly Avenue properties, and everything on the Ridge/King/Sampson area in the HRL zone. That analysis resulted in interesting numbers regarding footprints and lot sizes. In addition, they found plat restrictions on the Anchor development sites at 83,55, and 57 King Road.

Planner Robinson indicated a sewer easement to the right of Lot 1 which makes the effective footprint of Lot 1 smaller than the potential footprint size. He noted that Lots 2 and 3 are close to what the footprint would allow. These footprints are within the range of what is typical in the area. Also, in looking at house size limitation, the floor area is defined by the Land Management Code. The basement areas that are totally buried would not count towards the floor area. Planner Robinson stated that they are looking at a restriction of approximately 43% over the footprint.

Planner Robinson stated that another issue for discussion is the access and the retaining wall. He noted that Commissioner Pettit asked the question at the last meeting about whether approving this plat amendment would tie in the driveway. He stated that an approval would not tie in the driveway. However, it would not preclude having it in that location because it is an access easement; unless during the steep slope CUP process, they find that the impacts of the driveway cannot be mitigated at that particular access.

Planner Robinson referred to a previous proposal on this site from ten years ago. Commissioner Pettit wanted to know what the square footage would have been for the structures in the previous

proposal. Planner Robinson replied that the files are being archived and he was not able to pull up that information. He understood that the proposal was approved by the Planning Commission and forwarded to the City Council. After significant discussion at the City Council level, the applicant withdrew his application.

Jason Gyllenskog, the applicant, presented information regarding the elevation change between Daly Avenue and the proposed private driveway; as well as from the proposed driveway and Ridge Avenue. He stated that the elevation between as-built Ridge and the private driveway down at the flat area is approximately 28 feet. From the private driveway down to Daly Avenue is 58 feet in elevation change. Mr. Gyllenskog believed this would give the Planning Commission some perspective of the topography.

The Planning Commission left the dias to review the drawings provided by Mr. Gyllenskog. Commissioner Wintzer was comfortable with the three lots, but he was concerned with the access. He did not have a problem with Lot 1 accessing from the side; however, his concern was with the other two lots creating a 400' driveway and the suggestion of it being a heated driveway. Commissioner Wintzer was also bothered by a 400 foot retaining wall that ranged in height from 3 feet to 12 feet. In looking at the Land Management Code, he referred to Item (e) that addresses roads on both sides of lots. He also believes the neighbors on the downhill side envisioned their backyard being against another backyard. Commissioner Wintzer did not think a 400 foot long key stone wall is compatible with what they have been doing in Old Town. Commissioner Wintzer would not have a problem approving the subdivision if the easement was taken out of the proposal. Leaving in the easement leaves the door open for future conversations.

Commissioner Pettit agreed with Commissioner Wintzer regarding the easement. She stated that leaving the easement in the plat amendment does not necessarily mean that access would be approved during the CUP application process. Commissioner Pettit stated that from her perspective she preferred that the access not be for all three units and create a 400 driveway. She commented on issues of setting precedent and compatibility with mass, size, and scale in terms of other projects in Old Town. Commissioner Pettit referred to the Staff analysis and the recommendations regarding the footprint reduction for Lot 1. She was definitely in favor of reducing the footprint in the range of 2000 square feet. She would also support a reduction of the building size to be consistent with the patterns of development in the HRL District. Commissioner Pettit wanted to know why they would not place the same square footage limitations on the other two lots. She understood that Lot 1 was smaller, but she was concerned about the ability to yield a home incompatible in size with the pattern seen in that area.

Planner Robinson stated that he would look at the other two lots and take a queue from what the City Council does on 255 Ridge Avenue in terms of square footage and house size.

Commissioner Pettit stated that compatibility is her biggest hot button issue with respect to the Code and the guidance they are provided in the objectives and goals. One is compatibility of creating a private driveway with the length and retaining walls as proposed. The Planning Commission had this same issue with the 255 Ridge Avenue project and it is something that is not seen in Old Town. In her opinion, it creates an incompatible type pattern of development. The second compatibility issue relates to the size of the homes and making sure the Planning

Commission facilitates a pattern of development consistent with the HRL District and the surrounding HR1 District.

Mr. Gyllenskog stated that he spoke with Planner Robinson regarding these issues. When he originally presented this proposal he was made aware that there would be some issue with size and compatibility. At that time he suggested limiting the footprint. In lieu of new information compiled from the analysis, Mr. Gyllenskog understood that the current mind set is to take a buildable footprint and multiply it by this 1.43 factor to determine the floor square footage. Mr. Gyllenskog did not have a problem going with something along those lines, but he had already talked about voluntarily restricting the buildable footprint on the smaller lots. He did not have a problem restricting the footprint on the larger lot beyond what the LMC allows and still use the .43 factor. Mr. Gyllenskog stated that he had asked Planner Robinson to allow him to go off the LMC footprint. In that case, Lot 2 would be 1768 square feet and Lot 3 would be 1640 square feet, multiplied by the factor. The result would be a floor area of 2528 square feet for Lot 2 and 2345 for Lot 3. Using the 2200 square foot limitation on the footprint for Lot 1 results in 3136 square feet. That would give an average of 2673 square feet on all three houses, which is below the average in the area.

Mr. Gyllenskog stated that there are multiple contemporary subdivisions in the area that have access off of a private driveway and front on to a City street. He used the Ridge Avenue subdivision directly across the street as an example. He did not believe his proposal sets this precedent and he offered additional examples throughout Old Town. Mr. Gyllenskog remarked that after working with the Staff, they felt the disadvantage of the previous submittal was the number of garages off the streetscape. Putting in a private driveway costs a lot of money and it physically restricts the size of the houses. The reason for proposing the private driveway is to clean up the streetscape and make it more compatible. In addition, accessing off of as-built Ridge would require a variance from the Board of Adjustment for the garage height. Mr. Gyllenskog preferred to get through the plat amendment process first and determine the most compatible design through the steep slope CUP.

Commissioner Pettit clarified that the Ridge Avenue subdivision Mr. Gyllenskog referred to does not have retaining walls anywhere near the size being proposed with this proposal. She asked if the Staff has done any studies to support the Planning Commission's thoughts about the incompatible size of the retaining wall and the length of private driveways. Planner Robinson stated that the Staff reviewed the Park City Survey and the Snyder's Addition to the Park City survey and found that the City has vacated a lot of pieces of roads and whole sections of roads in a number of places. There are also structures that were built in the rights-of-ways, which include City stairs, a number of different walls, dumpster enclosures, driveways, and other structures. In this case, because the applicant is proposing a private driveway and a retaining wall that is not within the right-of-way, it would be similar to the end of Upper Norfolk going into the Sweeney properties where there is a larger keystone wall. Planner Robinson noted that there are other walls that basically hold up public streets such as Sampson Avenue and King Road. However, in general and as far as providing a private driveway across lots and having a wall, the Staff could not find anything similar.

Commissioner Barth referred to Section 15-2.1.1 of the Land Management Code which talks about encouraging construction of historically compatible structures. He could not find the retaining wall to be historically compatible. Commissioner Barth asked if the retaining wall would be processed

separately through a conditional use permit. Planner Robinson replied that if this retaining wall comes in under a steep slope CUP, they would also need a CUP for a wall in a setback area over 6 feet in height. This retaining wall would be in the rear setback. Commissioner Barth anticipated interesting challenges from a design perspective due to a 400 foot long cul-de-sac. He could not support the size of the retaining wall in that location based on historic compatibility.

Mr. Gyllenskog provided additional examples of retaining walls in the Old Town area. Commissioner Wintzer was familiar with the retaining wall Mr. Gyllenskog used in his example; however, that retaining wall is not as tall and it is not on the property line.

Commissioner Russack stated that previous comments echoed his sentiments on this matter. He struggled with the same issues as stated by Commissioner Barth. Commissioner Russack was comfortable with the density and he believes the Staff is going in the right direction in looking at square footage reductions for the footprints. He struggled with the access off Ridge Avenue down that road as a private driveway, supported by a very long and tall retaining wall. He also struggled with the potential for widening Ridge Avenue to handle more traffic. If they reach the point of discussing bringing the access in from the front, he would suggest a reduction of the front setback to bring the garage closer to the road and to eliminate the need for widening Ridge Avenue. Commissioner Russack had a hard time finding historic compatibility for the private driveway.

Commissioner Wintzer noted that the Land Management Code section related to setbacks allows a driveway or walk. He believes they eliminated the setback on the east lot line by having a road the entire length of it. Planner Robinson explained that the Code allows a driveway leading to an approved garage in both the side and rear setbacks. Whether or not that is appropriate or compatible is an issue for discussion. He believed the consensus from the Planning Commission is that it is not compatible.

Planner Robinson noted that the road dedication is dictated by the master plan of streets. Anytime there is a substandard width road in the right-of-way or, in this case, not in the right-of-way, the master plan of streets looks at whether additional right-of-way is needed and how much. The City may look to that dedication of right-of-way, but that does not mean the road will be widened.

Chair Pro Tem Thomas agreed with his fellow Commissioners and shared the same concerns. He was comfortable with the number of lots and their size. Chair Pro Tem Thomas thought that ingress from the street versus the back might be resolved in the conditional use permit process. Chair Pro Tem Thomas believed there was commonality in the hesitation for a rear access. He asked the Commissioners if they were willing to move forward with stipulations on the plat amendment with regards to accepting the three lots, and address some of the other issues during the CUP process. Planner Robinson noted that this item was scheduled for public hearing this evening but no action was being requested. The Planning Commission could provide specific direction for conditions on the plat for any CUP's that come forward. Commissioner Pettit asked about the process if they choose to take that direction. If they wait until the CUP process to determine the access, would they need to go through another plat amendment to add the access. Planner Robinson stated that another plat amendment is one possibility. They could also have a deeded access easement that gets recorded with the CUP but does not show up on the plat. Chair Pro Tem Thomas clarified that if the lots were created without the easement, there would still be

access from Ridge Avenue. Planner Robinson replied that this was correct.

Commissioner Wintzer remarked that the access to Lot 1 made sense. The issue relates to two houses on the road.

Mr. Gyllenskog stated that he was open to alternatives. His objective is to get through the plat amendment process so they can begin designing the project.

Planner Robinson commented on issues with 255 Ridge Avenue that are similar to the issues in this proposal. Commissioner Russack felt the pending application for 255 Ridge Avenue, currently in front of the City Council, has definitive impacts on this proposal. From the comments heard this evening, he felt it was prudent to wait for the decisions on 255 Ridge Avenue before moving forward.

Commissioner Wintzer was more comfortable approving the three lots without the easement in the back. Mr. Gyllenskog was not opposed to an approval without the easement. He just wanted to know that he could proceed with designing three units and the parameters to work with.

Chair Pro Tem Thomas liked the idea of allowing the design professionals to study the access based on the design of the structures and come back with a resolution. Commissioner Wintzer asked if it was possible to move forward with a finding of fact that says the Planning Commission approved the subdivision without the easement. Planner Robinson stated that the Planning Commission would ask the applicant to modify the drawing to show the plat without the easement.

Planner Robinson summarized that the three lot subdivision is acceptable to the Planning Commission; without the access until the CUP process. He understood that the Planning Commission favored a reduction in the footprint and a maximum floor area based on 43%. He reviewed the footprint formula and the square footage for each lot that Mr. Gyllenskog had outlined earlier.

Planning Commission Meeting
November 14, 2007
Page 1

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 14, 2007

COMMISSIONERS IN ATTENDANCE:

Chair Michael O'Hara, Jack Thomas, Jim Barth, Julia Pettit, Evan Russack, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Planning Director, Patrick Putt; Principle Planner, Brooks Robinson; Ray Milliner, Planner; Kirsten Whetstone, Planner; Katie Cattan, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING - 6:30 p.m.

6. 200 Ridge Avenue - Plat Amendment

Planner Robinson announced that the public hearing that was opened in September 26 would be continued this evening.

Planner Robinson reviewed the proposal to combine a number of Old Town lots, some bisected by Ridge Avenue, into three lots of record. During a previous discussion, the Planning Commission requested that the public utility and driveway easement on the east side of each of these three lots be shown on the plat. Each lot would be accessed from that private driveway. Planner Robinson noted that the driveway would necessitate a retaining wall up to 13 feet high on the east property line. The Planning Commission concurred that it was better to have the access come directly off of Ridge Avenue, not precluding the possibility for Lot 1 to have the access proposed.

Planner Robinson remarked that in earlier discussions, the Planning Commission discussed lot sizes and footprints and limiting the size of the footprint for Lot 1. That footprint restriction was a maximum of 2,000 square feet, based on the Staff analysis of the HR-L District within the noticing area.

Planner Robinson stated that another discussion point was limiting the total square footage on the above ground floor area to 143% of the footprint for each of the three lots. Planner Robinson noted that a condition of approval was added which sets the minimum setback for a garage coming off of Ridge Avenue. The only height exception would be for that garage. Due to the steepness from Ridge Avenue, the height would undoubtedly be above the 27 feet

requirement of the HRL zone.

The Staff report included an ordinance with findings of fact, conclusions of law, and conditions of approval for a positive recommendation to the City Council, following a public hearing and any further discussion.

Commissioner Wintzer wanted to know at what point they would calculate the existing grade. Planner Robinson explained that Anchor Avenue, which used to be the access to the smaller historic houses, is at the eastern property line. He believed that would be within the setback and the utility easement that runs across the eastern side. Planner Robinson stated that they would look at the current existing grade.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

Jason Gyllenskog, representing the applicant, addressed the limitations for Lot 1, as outlined in the Staff report. Mr. Gyllenskog felt that 2,000 square feet was significantly more restrictive than what was imposed on anyone else in this area with an equivalent lot size. When he originally met with Staff they had talked about 2200 square feet and at the time he felt that size was restrictive. Mr. Gyllenskog stated that the closest parcel is 55 King, which is 11,963 feet, and that footprint is 3,000 square feet. He requested that the size be increased to a moderate 2200 square feet.

Planner Robinson stated that on the 255 Ridge Avenue plat amendment, those three lots were smaller than the largest lot proposed for 200 Ridge Avenue, and the City Council looked at having a restriction of 2120 square feet on an 11,000 square foot lot.

Commissioner Pettit remarked that the Ridge Avenue study shows the average footprint at 1917 square feet. The median was 1830 square feet. Commissioner Pettit stated that she was personally comfortable with keeping the 2,000 square feet footprint because it fits with the average.

Commissioner Wintzer recalled that preserving the trees was one reason for eliminating the retaining wall. He requested that the applicant show where those trees are and how they worked around them when they come back for the steep slope analysis.

Commissioner Russack asked for clarification on what the City Council applied to 255 Ridge Avenue and the ratios. Planner Robinson explained that there were three lots at 255 Ridge. Lot 1 was a larger lot and in looking at the study, the City Council felt the potential footprint was not compatible with what was found in the study area. Lots 2 and 3 were within the range as far as size and the footprint for those lots were 2117 and 2118 square feet. Planner Robinson remarked that those footprints were similar to the Anchor Development subdivision immediately to the north. The City Council restricted the footprint on Lot 1 to be the same size as Lots 2

and 3. He noted that there are fairly large houses to the north that come in off of King Road and then the houses step back down in scale with 200 Ridge Avenue.

Commissioner Pettit noted that the Daly study had the average footprint at 1535 square feet and the median at 1433 square feet. She reiterated her comfort level with 200 square feet.

Commissioner Thomas noted that the Planning Commission would have the opportunity to look at the plan and how it all fits on the lot during the Steep Slope CUP review. He preferred to give a larger footprint to work with to allow a more site specific design. Commissioner Thomas felt that 2200 square feet could lend itself to a better solution.

Planner Robinson stated that the Planning Commission has always been diligent in looking at the steep slope conditional use applications and how the building mass and form work for the individual project, as well as in context with the neighborhood.

Commissioner Wintzer stated that if the footprint is restricted, he would agree with Commissioner Thomas because the biggest mass would be at the bottom of the building. Less mass at the top could result in less impact on the overall site.

MOTION: Commissioner Barth moved to forward a POSITIVE recommendation to the City Council for the Subdivision No. 1 Millsite Reservation, aka Ridge Overlook, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report, with the modification to Condition of Approval #8, to read, "A plat note will be added to restrict Lot 1 to a maximum footprint of 2200 square feet." The remainder of the condition would remain the same. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - No. 1 Millsite Reservation

1. The property is located at 200 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The proposed plat combines all or portions of Lots 75-89 and 27-32, Block 75 of the Millsite Reservation to Park city, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. The three lots will be 13,413 square feet, 4,570 square feet, and 4,140 square feet in size. The lot sizes are consistent with lot sizes in the neighboring HRL zone.
5. Existing Ridge Avenue crosses the property and will be dedicated as a public right-of-way to the City in the subdivision as Parcel A. Parcel A will be 6,242 square feet, and 1,640 square feet based on proposed lot sizes.
6. Code maximum footprints for the proposed lots are 3,156 square feet, 1,768 square feet, and 1,640 square feet based on proposed lot sizes.
7. The average lot size in the HRL zone in the area is 5,677 square feet. The average footprint in the HRL and HR-1 zones around the property is 1,917 square feet with an aver house size, excluding basements and garages, 2,748 square feet.
8. The lot 1 footprint at 3,156 square feet is not compatible with neighboring properties

- because the footprint is 65% larger than the average for the area.
9. Built house sizes in the HRL zoning district around the subject property have an average A.
 10. The lots have slopes greater than 30% and a Steep Slope Conditional Use Permit will be required for each of the proposed homes.
 11. All homes within the HRL zoning district require Historic District Design Review.
 12. A 25-foot public utilities easement is proposed on the eastern property line of the three lots. No house construction can encroach into the easement.
 13. The applicant stipulates to the Findings, Conclusions, and Conditions.

Conclusions of Law - No.1 Millsite Reservation

1. There is good cause for this plat amendment because, as conditioned, all or portions of 22 lots will be combined to create three lots of record and a parcel consisting of a portion of Ridge Avenue will be dedicated to the public.
2. The plat amendment, as conditioned, is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public interest nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval - No. 1 Millsite Reservation

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A final utility plan is required to be approved by the City Engineer prior to plat recordation.
4. A financial security for public improvements, in an amount approved by the City Engineer and in a form approved by the City Attorney, is required prior to plat recordation.
5. A snow shed easement or roof design acceptable to the Chief Building Official will be required at the time of a Steep Slope CUP.
6. A note will be added to the plat that requires the installation of Modified 13-D sprinklers in each house.
7. Construction mitigation plan, which will include controlling loose rocks, must be approved prior to granting building permits.
8. A plat note will be added to restrict the Lot 1 to a maximum footprint of 2200 square feet. Lots 2 and 3 maximum footprints are to be limited to 1,768 and 1,640 square feet.
9. A plat note will limit the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area. The

maximum floor area will be as follows: Lot 1: 3,146 square feet; Lot 2: 2,528 square feet; Lot 3: 2,345 square feet.

10. The garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and must have an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria.
11. No other portion of the house is eligible for a height exception.
12. Except for condition of Approval #10, nothing herein limits the scope of review by the Planning Commission during their review of a Steep Slope Conditional Use Permit.
13. Driveways into the garages whose elevation is above the Ridge Avenue grade cannot exceed 1/4 inch per foot, the minimum slope necessary for drainage away from the garages.
14. The Public Utility Easement shall not be used as driveway access to the lots unless specifically approved by the Planning Commission during Steep Slope Conditional Use Permit review. Otherwise, driveways shall access Ridge Avenue from the western property lines of each lot.

The Park City Planning Commission meeting adjourned at 7:30 p.m.

Approved by Planning Commission _____

Page 5
City Council Meeting
November 29, 2007

7. Consideration of an Ordinance approving the Subdivision No. 1 Millsite Reservation Plat Amendment located at 200 Ridge Avenue, Park City, Utah – Planner Brooks Robinson explained that the plat amendment contemplates combining all or portions of 22 lots plus the vacated area of Anchor Avenue into three lots of record and plat notes are recommended limiting a footprint on Lot 1 to 2,200 square feet and limiting the floor area to 143% of the footprint. There can be no request for a height except as a part of the steep slope conditional use approval process. Garages will be accessed off Ridge Avenue and a number of conditions mirror those for 255 Ridge Avenue. In response to a question from Mayor Williams regarding the remnant piece, Mr. Robinson explained that it is not part of this subdivision, and is owned by the seller who has no development plans. The Mayor opened the public hearing.

Steve Deckert, Daly Avenue resident, stated that the backyard driveway is his major concern and the conditions still provide the opportunity at the steep slope conditional use permit process to reconsider this location, acknowledging the Ridge Avenue access note. He feared that a retaining wall would be required in order to accommodate the 25 foot wide utility easement and drainage on the plat. Mr. Deckert also hoped the old cottonwood trees could be preserved to some extent.

With no further comments, the public hearing was closed. There was discussion on whether the garages would be attached to the residences or built as separate structures and limiting the height of the garage. Mr. Robinson explained that there was no limit on garage height because the topography is different than 255 Ridge Avenue and this condition is really not applicable. In response to a comment from Jim Hier about conditioning access to the residences, Mr. Robinson explained that the Planning Commission did not want too much design criteria created as plat notes and decided to have these details memorialized in the steep slope CUP deliberations or other decisions by the Planning Commission. Marianne Cone asked if the project can be engineered without the retaining wall structure. The applicant indicated that it would be *ridiculous* to design a 15 foot wall for storm drainage; there is a sewer easement on the east side of the property. It was never his intention to build a retaining wall for drainage purposes and the whole idea of rear access originated from the planning staff because of a provision the LMC discouraging front garages on the street.

Brooks Robinson suggested amending Condition No. 14 to clarify the retaining wall element. It could be amended to read that *the public utility easement shall not have a retaining wall and shall not be used as driveway access to the lots unless for Lot 1 only as specifically approved by the Planning Commission during steep slope review*. Joe Kernan, "I move we approve the Ordinance, approving the Subdivision No. 1 Millsite Reservation Plat Amendment located at 200 Ridge Avenue with the amendment Brooks (Robinson) just made to Condition No. 14". Jim Hier seconded. Motion approved.

Marianne Cone	Aye
Candace Erickson	Nay
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

8. Consideration of an Ordinance approving the Empire Park Subdivision, located at 1215 Norfolk Avenue, Park City, Utah – The Mayor opened the public hearing and with no comments from the audience, closed the hearing. He asked for a motion to continue to a date uncertain. Marianne Cone, “I so move”. Joe Kernan seconded. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 1 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney; Myles Rademan, Public Affairs Coordinator; Alison Butz, Environmental Specialist; Brooks Robinson, Planner; Matt Twombly, Project Manager; Jon Weidenhamer, Project Manager; Jerry Gibbs, Public Works Director; and Kathy Lundborg, Water Manager. Jim Hier, “I move to close the meeting to discuss property, litigation and personnel”. Marianne Cone seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Roger Harlan, “I move to open the meeting”. Marianne Cone seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder



EXHIBIT F continued Aerial from 2007 approval

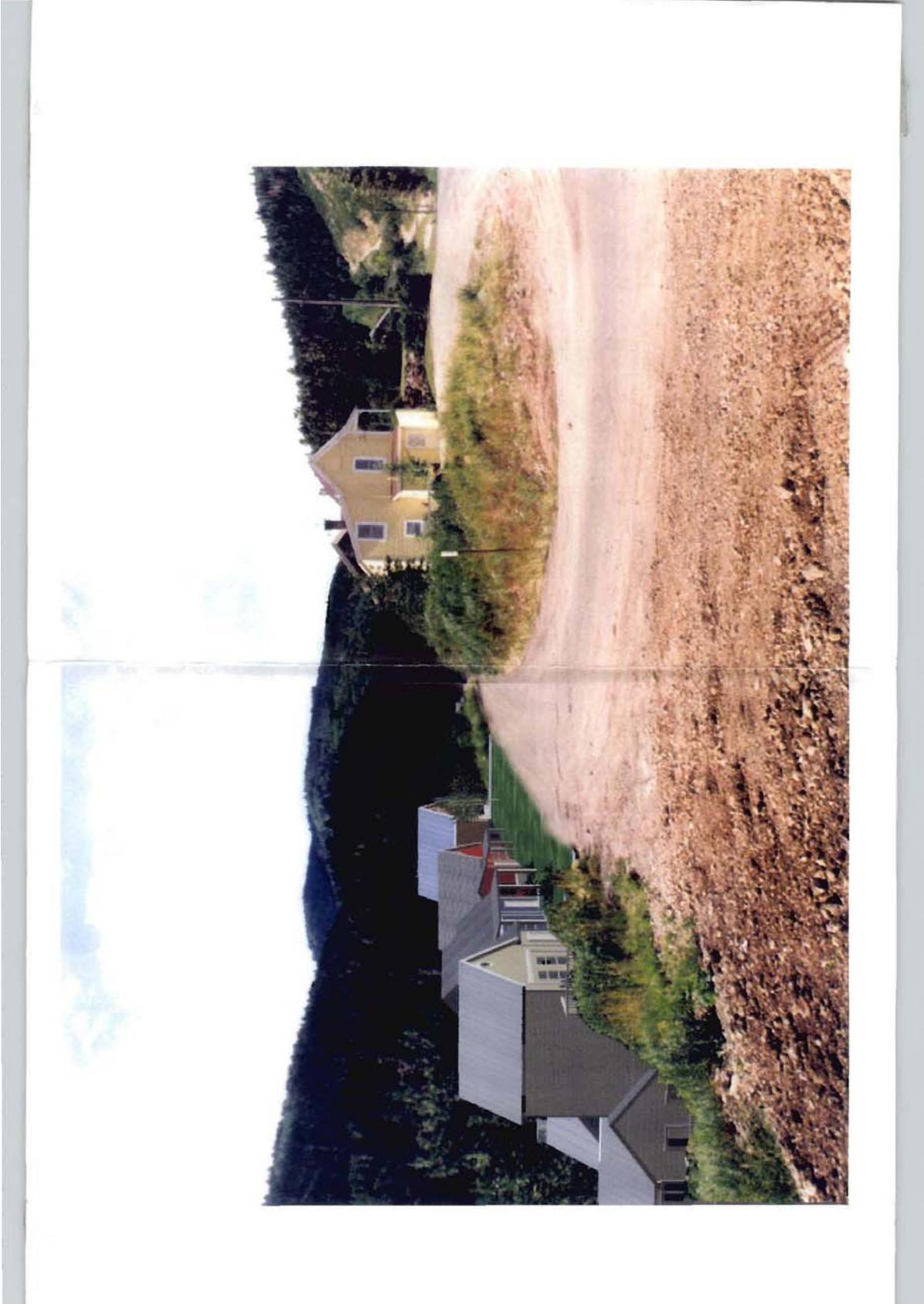


RECEIVED
MAY 15 2006
PARK CITY
PLANNING DEPT.

Exhibit F continued – Previous Ridge Avenue Plan (circa 1997)



Exhibit F continued – Previous Ridge Avenue Plan (circa 1997)



Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Park City Heights Pre-MPD
Author: Kirsten A. Whetstone, AICP
Date: July 14, 2010
Project Number: PL-10- 01014
Type of Item: Pre-Master Planned Development

Summary Recommendation

Staff recommends the Planning Commission review the Park City Heights pre-Master Planned Development (MPD) application and conceptual plan, take public input, and consider approving findings of initial compliance with the Park City General Plan.

The purpose of this meeting is to:

- Discuss the proposed MPD conceptual plan
- Take public input
- Discuss findings prepared by staff
- Consider finding initial compliance with the Park City General Plan
- Provide direction to the applicants regarding the MPD submittal

Description

Project Name: Park City Heights pre-Master Planned Development
Applicant: Boyer Park City Junction, L.C. and Park City Municipal Corporation
Location: Southwest corner of the intersection of State Highway 248 and Highway US 40- the MPD application includes approximately 239 acres of the 286 acres of recently annexed land.
Zoning: Community Transition (CT)
Adjacent Land Uses: Municipal open space; single family residential subdivisions; vacant parcel to the north zoned County- RR; and vacant parcel to the south zoned County- MR; Park City Medical Center (IHC) and the Park City Ice Arena/Quinn's Fields Complex are on the northwest corner of the intersection.
Reason for Review: Pre-Applications for MPDs require Planning Commission review and finding of initial compliance with the General Plan in order to go forward.
Owner: Park City is 50% owner with The Boyer Company of the larger parcel (175 acres) to the south and 24 acres of the front open space parcel. Park City owns outright approximately 40 acres, 20 within the open space to the north and 20 at the north end of the development parcel.

Pre-Master Planned Development public meeting

The Land Management Code (LMC) (Section 15-6-4 (B)) requires a pre-application public meeting to discuss a Master Planned Development (MPD) conceptual plan and determination of whether the proposal is in initial compliance with the Park City General

Plan prior to the applicant submitting a final MPD application. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts early in the planning process.

The Planning Commission must make findings of initial compliance with the General Plan prior to a formal MPD application being submitted and can provide direction to the applicant regarding items that need to be addressed with the MPD submittal.

Background

After a process that took many years, on May 27, 2010, the City Council voted to annex 286.64 acres of the area known as Park City Heights (see Exhibit A). When the Planning Commission reviewed the annexation application on April 9, 2008, it asked that final MPD application address several areas of concern, including:

- overall density in terms of number of single family/market rate lots,
- location of units on the site in consideration of sensitive lands (ridgelines, etc),
- better integration of the affordable units within the overall project,
- entry area needed to be redesigned to provide a neighborhood gathering location and better sense of arrival,
- sustainability and water conservation, and
- a greater overall design/appearance as a residential community that relates to Park City's resort identity rather than as a "cookie cutter" suburban subdivision.

On November 12, 2009, Council approved a land purchase agreement to acquire a 50% interest in approximately 200 acres of the 286 acre annexation property. A condition of the Purchase and Sale Agreement with Boyer Company, the annexation petitioner, required the parties to enter into a Co-Tenancy Agreement prior to closing. Additionally, prior to November 12th, the City acquired the two Talisker parcels within the Annexation property (approximately 40 acres) and became a co-applicant in the annexation.

On November 19, 2009, Council conducted a public hearing and approved the Co-Tenancy Agreement. This agreement creates a two (2) year window for additional public process, planning, and negotiation regarding the form the public/private partnership will take. If an agreement on the Development Plan for Park City Heights is not reached within two (2) years, Boyer may exercise an option and the City will buy the remaining 50% interest in the property. On May 27, 2010 the Council adopted an Ordinance approving the annexation. Now that the property has been annexed, Master Planned Development (MPD) approval from the Planning Commission is required prior to any development or site work or building permit approvals.

Since November 2009, the applicants and City Staff have worked together on amendments to the concept site plan to address the Planning Commission's concerns, as well as direction from the City Council including amendments to the affordable housing plan, water agreement, and details of the overall annexation agreement.

Staff and the applicants finalized the annexation agreement, including a water agreement between the City and the applicants (Exhibit B).

On May 27, 2010, the City Council voted to adopt an ordinance approving the Park City Heights Annexation agreement which included the water agreement. The Council also voted to approve Community Transition (CT) zoning for the entire 286 acres.

On June 17, 2010, the applicant provided an updated pre-MPD submittal, including a revised conceptual site plan for a mixed residential development on 239 acres of the total 286 acres annexed (Exhibit C). The remaining annexed area is owned by separate parties and is not subject to this MPD. A pre-MPD application was submitted with the revised annexation application in 2005 as required by the code. The pre-MPD provided the basis of the density discussion during the annexation review process. The revised conceptual plan consists of 239 residential units, including:

- 160 market rate units in a mix of cottage units on smaller (6,000 to 8,000 sf lots) and single family detached units on 9,000 to 10,000 sf lots,
- 44.78 Affordable Unit Equivalents configured in approximately 28 deed restricted affordable units to satisfy the IHC MPD affordable housing requirement,
- 32 Affordable Unit Equivalents configured as approximately 16 deed restricted affordable units to meet the CT zone affordable housing requirement, and
- 35 deed restricted affordable units that Park City Municipal proposes to build consistent with one of its stated public purposes in the acquisition of an ownership interest in the land.

Affordable housing units are proposed as a mix of stacked condominiums, townhouses and cottage style units. The total unit count of 239 includes all of the affordable units, including those that could be exempted from maximum density calculations per the LMC.

The plan includes approximately 175 acres of open space (73% open space), a community play field, club house, and interconnecting trails throughout the development with connections to the city wide trail system, including an extension to the Rail Trail.

Analysis

Density

The revised conceptual plan includes a reduction from 200 to 160 market rate units reflecting a 20% decrease in the number of market units from earlier plans. The proposed density is consistent with the Annexation Agreement. The conceptual plan includes 79 affordable deed restricted units for a total of 239 dwelling units on the 239 acre MPD property. The density ratio is one (1) unit per acre, including the affordable units. This density is consistent with the CT zone for residential MPDs. If the 46 required affordable housing units (IHC and CT zone obligations of 20%) are excluded from the density calculations, as allowed by the LMC, the net density ratio is 0.81 units per acre.

Staff requests discussion on the idea of converting some residential UEs to commercial for small neighborhood support commercial, such as a general store/café with a neighborhood oriented office component on the second floor. One (1) residential UE (2000 sq. feet) could be reserved for future commercial in an effort to be more sustainable. The entry area would be an appropriate location for a little “depot stop” near the Rail Trail bike path, for snacks, sandwiches, coffee, cold drinks, as well as having a second story office component to collect year round rent to support the neighborhood

commercial use. **Staff requests discussion on the proposed density and potential of including neighborhood commercial uses within the MPD. Is the proposed density consistent with the General Plan goals and objectives as discussed later in the report?**

Revised Conceptual Site Plan

The conceptual site plan has been revised to address Planning Commission concerns for:

- greater integration of the affordable and market units,
- greater clustering of units around a common green area,
- enhanced backyards adjacent to open space,
- locating units 60' to 70' lower on the slope,
- enhanced neighborhood entry and identity,
- further minimize visual impact by moving development off the ridge closest to the Rail Trail at the northern portion of the site,
- enhanced resort character with a winter tubing hill amenity proposed on a portion of the interior neighborhood open space to provide a neighborhood winter recreation amenity,
- enhanced trail locations and connections, and
- enhanced community play field within common area near entry and multi-family units.

A final detailed site plan will be a required element of the Master Planned Development application. **Staff requests discussion on the revised conceptual site plan (see below Annexation Agreement and Water Agreement for discussion of required Green Building, water conservation, and other best planning practices for site planning, etc.)**

Annexation Agreement

The Annexation Agreement (Exhibit B) specifically addresses the Council's direction on the Park City Heights annexation, pertaining to affordable housing, residential density, trails, transportation improvements, and sustainable design, including water conservation requirements, in addition to the usual subjects of annexation agreements. The conceptual plan complies with the general direction provided by the Council.

The Annexation Agreement includes specific requirements for sustainability, including green building and water conservation requirements as follows:

All construction within the Final MPD shall utilize sustainable site design, development and building practices and otherwise comply with requirements of the CT Zone. Unless otherwise approved in the final MPD in compliance with the current Environmental/Sustainability Element of the General Plan, each home in the development must receive National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the MPD approval) OR reach LEED for Homes Silver Rating (minimum of 60 points)...

In addition to requiring specific Green Building standards the Annexation Agreement identifies specific water conservation requirements as follows:

... to achieve water conservation goals, the builder must either:

- Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR
- Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist.

Water Agreement

The water agreement limits initial water delivery to the project by capping the number of initial UEs that may be occupied until the Quinn's water treatment plant is completed. Phase I is limited to a maximum of 180,000 sf of residential development and shall not exceed 90 UEs or 90,000 gallons of water per day of demand.

Subsequent development is required to be phased to provide time for the City to construct a water treatment plant capable of increasing the City's water source capacity by a minimum of 1,500 gallons per minute (gpm). The City anticipates the water treatment plant will be operational and capable of increasing the City's water source capacity by a minimum of 1,500 gpm on or before October 14, 2011. The agreement limits issuance of temporary or permanent certificates of occupancy to any development beyond Phase I to the date on which the water treatment plant is operational as stated.

Other notable elements of the water agreement include:

- Location and construction of a culinary water tank and culinary water distribution lines.
- Provision of rights of way for potential future City-owned water infrastructure including an additional raw water tank.
- Cost sharing of water systems and infrastructure.

Phasing of Development

Phase I is anticipated to include the IHC and CT zone required affordable units and market units that can be accommodated with the existing water infrastructure. Phase I includes the entry area, community play field, trail connections to the Rail Trail, and the multi-family and cottage units located within the northern most development pod and loop road located closest to Richardson's Flat Road (see Exhibit D). Construction of the upsized water tank would not occur with this phase and infrastructure would be limited to that necessary to provide service to the Phase I units. Anticipated timeframe is for the construction phase for Phase I to begin Spring of 2011.

Phase II will be timed to market demand. The owners have confirmed that they would not proceed with bonding and/or installation of infrastructure without documentation of market feasibility and preliminary developer interest in the property. Given current economic climate it is likely that infrastructure for the bulk of Park City Heights would not occur prior to 2012.

Land Management Code

The Community Transition (CT) zoning requirements are as follows:

CT Zone	CODE REQUIREMENT	PROPOSED
SETBACKS:		
*FRONT:	25' (minimum of 100' to SR 248 ROW per ECPO)	Varies from 150' to 270'
*SIDES	25'	25' or greater
*REAR	25'	25' or greater
HEIGHT	28' plus 5' (33') for pitched roof with a minimum slope of 4:12	33' with pitched roofs anticipated for all cottage units and single family detached units. Height exception may be requested for multi-family unit buildings.
DENSITY	Maximum density is 1 dwelling unit per acre for MPDs- excluding required affordable housing units	239 units on 239 acres (this includes all required affordable housing units per the Annexation Agreement)
LOT SIZE/FLOOR AREA RATIO	No minimum lot size, no maximum floor area of Floor Area Ratio (FAR)	No lot size, floor area ratio information available.
OPEN SPACE	Minimum of 70% for MPDs	73%.
**PARKING	2 per dwelling unit	2 per dwelling unit

*Master Planned Developments require a 25' setback around the perimeter of the MPD. Sensitive Lands Overlay (SLO) requires additional setbacks. Setbacks from property lines of individual platted lots within the MPD shall be determined by the Planning Commission at the time of the MPD approval.

**Parking in an MPD in the CT zone is required to be 60% in a structured/tiered arrangement. All parking for the residential units is proposed to be within garages or structures. Parking requirements maybe increased or decreased by the Planning Commission during the MPD review.

General Plan Discussion

The specific elements of the General Plan that apply to this project are included in the following analysis.

Goals

The General Plan, in the Community Direction section, establishes goals designed to address foreseeable problems and express community aspirations. The following key goals are applicable:

- Preserve the mountain resort and historic character of Park City.
 - Future development should complement the existing historic and resort qualities of our mountain community.
 - New development... should be modest in scale and utilize historic building and natural building materials. New structures should blend in with the landscape.
- Preserve environmental quality, open spaces, and outdoor recreational opportunities.
 - Preserve an attractive, healthy environment with clean air and natural landscapes. To preserve the natural views of the mountains and meadows, new development... should be focused in less visible areas.
 - Retain maximum possible amount of natural vegetation, screen structures, and preserve natural quality of the landscape.
- Maintain high quality of public services and facilities.
 - Community should continue to provide excellence in public services and community facilities to meet the needs and desires of residents and visitors.
 - Maintain the unique identity and character of an historic community

Community Character Element

The project is located adjacent to the Highway 40/248 planning area, also in the Quinn's Junction planning area. New residential developments should be modest in scale and utilize historic and natural building materials.

Applicable "Developing Areas Actions" include:

- Promote the use of such building materials as wood siding, rock accents, earth tones, and metal roofs that have historic precedents in a mountain community context.
- Minimize parking expanses between the street and the front facades of buildings. Require landscaped entries that connect with streets to provide easy, safe pedestrian access.
- Minimize architectural styles and signage that are clearly not in keeping with the mountain resort (and historic) character of the community.
- On development near City entries, enact special controls regarding setbacks, landscaping, building mass, and character.

Land Use Element

The General Plan's Land Use Plan identifies the subject site as undeveloped open land and possible low density residential receiving zone.

- The General Plan discusses the following elements for development: architectural character, controlling lighting and size, requiring well-engineered streets, maintain pedestrian linkages from neighborhoods to commercial areas minimize expanses of parking, enhance landscape buffers at street edge and at entrances, etc.
- Community Design policies encourage comprehensive, efficient developments that consider overall impacts on surrounding properties.

Open Space Element

The Open Space element seeks to support a community preference for retaining the openness unique to Park City and avoiding the planning and development pitfalls that can result from urban sprawl. This element also incorporates visual preferences of residents regarding the value of a variety of types of open spaces, including the openness of entry corridors.

- Demand special attention to the entryway areas, including Highways 40, 224, and 248 with site planning parameters that create open space corridors.

Environment Element

This element focuses on policies and actions that protect and enhance the environment, aesthetics, and unique natural resources of the community.

- Encourage comprehensive, efficient developments that consider the overall impact on surrounding properties. Phasing plans for such projects will be necessary to avoid the premature expansion of utilities and other public facilities.
- Approve development only when adequate public services and facilities are available, or will be available when needed to serve the project.
- Wildlife habitat and migration routes should be considered in developments.
- A balance must be maintained between development, recreational activities and the natural environment. It is important to work cooperatively with State and Federal government agencies to resolve issues. Environmental considerations must be part of the community planning, recreational development, and planning of large-scale events.
- Water resources, Air quality, Energy, Material Resources, and Aesthetics are important considerations for development in Park City.

Staff finds that the pre-MPD conceptual plan generally complies with these General Plan elements and that additional details, as described below, are required as part of the final MPD application in order for the Park City Heights development to fully comply with the intent and purposes of the General Plan. **Staff requests discussion and direction from Planning Commission regarding these General Plan Elements.**

Process

Approval of the pre-application is the first step in the MPD process and focuses on General Plan and zoning compliance for the proposed MPD. Based on public input, Planning Commission direction, and findings of initial compliance with the General Plan,

the applicant may submit a MPD application. The MPD application shall address the following:

- detailed site planning issues (development areas, open space, sensitive lands, visual analysis, character of the development, lot layout, etc.);
- setback requirements for individual lots and buildings within the MPD;
- architectural character (building design, materials, height exceptions, etc.);
- green building requirements, landscaping, and water conservation;
- parking and circulation (vehicular, pedestrian, trails, emergency vehicles, public transit, etc.);
- land uses, such as allowed MPD support uses and integration of affordable units; and
- general compliance with all applicable requirements of the LMC for Master Planned Developments and the CT zone.

Master Planned Developments require a public hearing and final action by the Planning Commission. A development agreement is required to be ratified by the Planning Commission before any development work can begin. A subdivision plat, to create legal lots of record, dedicate streets and easements, and identify open space parcels, trails, common areas, etc. is a requirement prior to site work and building permits. Subdivision plats are reviewed by the Planning Commission with final approval by the City Council. Building Permits are required prior to any construction activity.

Notice

Notice was published in the Park Record and posted according to requirements of the LMC. Courtesy notice letters were sent to affected property owners according to requirements of the LMC.

Public Input

Public input was received at public hearings conducted in 2008- 2010 regarding the annexation and proposed development plans. Public input from members of the Hidden Oaks/upper Deer Valley neighborhoods has consistently requested that no through streets be permitted connecting the Park City Heights property to the Hidden Oaks/upper Deer Valley neighborhoods. Staff received an email from a resident in Solamere indicating that he had no objections to the annexation however, requests assurance that there will “never be direct access from this or any other development through the Oaks and thus Solamere.” At the time of writing this report, no public input has been received regarding the pre-MPD application.

Recommendation

Staff recommends the Planning Commission discuss the findings, amend them as necessary, and approve the findings for the pre- Master Planned Development application for Park City Heights.

Findings of Fact

1. The 239 acre Park City Heights Master Planned Development property is located within the Community Transition (CT) zoning district.
2. This property is subject to the Park City Heights Annexation plat and Annexation Agreement, including the Water Agreement, as approved by the Park City Council on May 27, 2010.

3. On April 9, 2008, the Planning Commission voted to forward a positive recommendation to the City Council on the 286.64 acre Park City Heights Annexation that included the 239 acre MPD property. A pre-MPD application was submitted with the revised annexation application on July 5, 2007 and reviewed by the Planning Commission and City Council as part of the annexation review.
4. The Planning Commission found the proposed annexation in compliance with the General Plan, with the caveat that the final MPD application addresses several areas of concern. Those areas of concern include 1) overall density (reduction of market units and limit on total units, including affordable units), 2) location of units on the site in consideration of sensitive lands, 3) better integration of the affordable units within the overall project, 4) enhanced entry area to better identify a neighborhood gathering area and sense of arrival, 5) sustainability and water conservation requirements, and 6) a greater overall design/appearance as a residential community that relates to Park City's resort identity rather than as a "cookie cutter" suburban subdivision.
5. On November 12, 2009, Council approved a land purchase agreement to acquire a 50% interest in approximately 200 acres of the 239 acre annexation property.
6. On May 27, 2010, City Council voted to adopt an ordinance approving the Park City Heights Annexation approving an annexation agreement and water agreement. The Council also voted to approve Community Transition (CT) zoning for the entire 286 acres.
7. On June 17, 2010, the applicant provided an updated pre- MPD submittal, revising the July 5, 2007 application submitted with the revised annexation application. The revised application included a revised conceptual site plan, for a mixed residential development consisting of 239 dwelling units on 239 acres.
8. The pre-MPD application consists of 1) 160 market rate units in a mix of cottage units on smaller (6,000 to 8,000 sf lots) and single family detached units on 9,000 to 10,000 sf lots, 2) .44.78 Affordable Unit Equivalents configured in approximately 28 units to satisfy the IHC MPD affordable housing requirement, 3) 32 Affordable Unit Equivalents configured as approximately 16 units to meet the CT zone affordable housing requirement for Park City Heights, and 4) approximately 35 affordable units the City proposes to construct consistent with the stated public purposes in the acquisition of an ownership interest in the land.
9. Affordable housing units are proposed as a mix of stacked condominiums, townhouses and cottage style units. The final configuration and mix will be determined prior to submittal of the MPD application.
10. The plan includes approximately 175 acres of open space (73% open space), a community play field, club house, and interconnecting trails throughout the development with connections to the city wide trail system, including an extension to the Rail Trail.
11. The plan includes approximately 175 acres of open space (73% open space), a community play field, club house, and interconnecting trails throughout the development with connections to the city wide trail system, including an extension to the Rail Trail.
12. Setbacks within the CT zone are twenty five feet (25') from the perimeter of the MPD property. The conceptual plan complies with these setback requirements.
13. The Planning Commission may approve decreased setbacks for individual lots within the MPD at the time of MPD and subdivision plat approval.
14. Approval of a final subdivision plat is a condition precedent to issuance of building permits.

15. A phasing plan and overall construction mitigation plan will be reviewed as part of the final MPD review.
16. Trails and linkages to trails shown on the City's Master Trail Plan will be reviewed as part of the final MPD review.
17. Residential development requires a Conditional Use permit in the CT zone to be reviewed concurrently with the final MPD review.
18. Intermountain Health Care's affordable housing units were transferred to the Park City Heights property per the Park City Heights Annexation Agreement and the Intermountain Health Care/USSA/Burbidge Annexation Agreement.
19. Utilities, such as water, sewer, electricity, phone, and cable will need to be extended to the site and a utility phasing plan will be reviewed as part of the final MPD review.
20. Access to the property is from Richardson's Flat Road, a public road and the two upper estate lots have access from Sunridge Cove within the Hidden Oaks at Deer Valley Subdivision.
21. The pre-MPD application complies with the Quinn's Junction Joint Planning Principles in that the proposal results in significant public benefits due to the inclusion of a significant amount of affordable housing in a residential community with a range of housing types, and the proposed affordable housing relates to Park City's recreation and tourism industry.
22. A finding of compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use permit.
23. Compliance with applicable criteria outlined in the Land Management Code, including the CT zone (Section 15-2.23) and MPD (Section 15-6) is required as part of the final MPD review.
24. Planning Commission action for General Plan compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.
25. The discussion in the Analysis section is incorporated herein.

Conclusions of Law

1. The pre-MPD application complies with the Land Management Code, Section 15-6-4(B) Pre-Application Public Meeting and Determination of Compliance.
2. The proposed pre-MPD application initially complies with the Park City General Plan, as conditioned.

Conditions of Approval

1. The following items shall be submitted with the MPD/CUP application, in addition to all required MPD submittal information:
 - a detailed site plan (lot layouts for development areas and phases, setbacks for individual lots and multi-family buildings, demonstration of the integration of affordable and market units) consistent with the General Plan Elements;
 - preliminary subdivision plat;
 - statement of architectural objectives and character, including architectural elevations, exterior materials/colors/details, and building height;
 - statement of green building objectives and compliance with annexation agreement requirements, including landscaping and water conservation objectives;
 - consideration of additional land uses, such as allowed support uses and amenities;

- parking and circulation objectives and plans (vehicular-street widths, pedestrian, trails, emergency vehicles, public transit, bike lockers, bus stops, etc.);
 - visual analysis from identified vantage points (revised to reflect proposed site plan);
 - phasing plan for development and extension of utilities and trails;
 - existing and final grading plan identifying cut and fill areas, grade retaining structures, storm water detention areas, etc;
 - an affordable housing plan consistent with the Annexation Agreement describing unit sizes, configurations, rental and sale restrictions, occupancy requirements, etc
 - wildlife corridors and proposed mitigation for impacts to these corridors and additional information regarding mitigation for sage grouse habitat losses.
2. All conditions of the Park City Heights Annexation Agreement, including the Water Agreement shall be complied with.

Exhibits

Exhibit A- Minutes of the April 2009 Planning Commission meeting

Exhibit B- Annexation Agreement (includes the annexation plat and Water Agreement)

Exhibit C- Conceptual site plan

Exhibit D- Conceptual phasing plan

Exhibit E- Visual Analysis from previous conceptual plan

Exhibit F- Sensitive lands analysis

MOTION: Commissioner Pettit moved to CONTINUE the Nakoma Condominiums matter to April 23, 2008 and the 154 McHenry Avenue matter to May 28, 2008. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

1. Park City Heights - Annexation Request

Planner Kirsten Whetstone reviewed the request to annex approximately 286 acres in the Quinn's Junction area in the southwest corner of SR248 and US40. The applicants are requesting a Community Transition Zone with an MPD. An MPD was submitted as a requirement of the annexation submittal and includes 157 market rate lots and 64 affordable housing units, which will come from three places. The first is the 157 Lots proposed with the MPD, the second are 28 units transferred from the IHC Hospital site, and third are the 16 stacked flat units from the Talisker/Empire Pass project. Those affordable housing units are not included in the overall density. An additional 82 deed restricted affordable housing units are also being proposed with this master plan. The master plan includes 239 acres and a proposed density of 239 units at a 1:1 ratio, per the CT zone and the master planned development.

Planner Whetstone reported on issues that were left unresolved at the last meeting regarding the School Board. The Staff report contained information on the school district, as well as the affordable housing.

Gary Hill reported that School Board Member Mike Boyle was ill and was unable to represent the School District this evening. He asked Mr. Hill to express his apologies to the Planning Commission and to convey some of his comments. Mr. Boyle felt the information provided in the Staff report accurately reflects the School Board's position relative to the annexation, specifically the last paragraph on page 2 which says, "The overarching sentiment from the District representatives, however, was that regardless of the annexation, if growth occurs in the district boundaries, the School District will build its programs to meet the need." Mr. Hill noted that Mr. Boyle followed up his comment by saying that the School District responds to growth, but they do not encourage nor discourage it. Therefore, the School District does not have a formal position on this annexation. However, the School District believes there are beneficial offsets, including the additional affordable housing and additional tax revenue.

Planner Whetstone understood that Phyllis Robinson was planning to attend this meeting to answer their questions regarding affordable housing.

Planner Whetstone noted that the Staff had provided alternative findings for Planning Commission consideration. Findings A were prepared for a recommendation to the City Council for the annexation and MPD as currently proposed. Findings B would eliminate the 30 Talisker affordable deed restricted twin homes. Findings C were findings for denial. If the Planning Commission chooses to deny the application, the Staff would like the opportunity to craft Findings C a little differently.

The Staff recommended that the Planning Commission forward a positive recommendation with Findings A to the City Council.

Spencer White, representing the applicant, stated that he went back into the archives and found the comprehensive plan in the Land Management Code that was in effect at the time the pre-annexation settlement agreement was put in place with the original property owners. He noted that the settlement agreement talks about low to medium density residential. In the Code at that

time, the low density residential was 3 dwelling units per acre and the medium density residential was 5 to 8 dwelling units per acre. Mr. White submitted a copy of that document for the record.

Mr. White had also compiled a summary of the Park City Heights project from the General Plan as it applies to Highway 40 and 248 southwest. He also submitted a copy of that document for the record.

Mr. White stated that the applicants had met with the School District since the last meeting and he believed they had addressed all of the issues concerns raised at that meeting.

David Smith, representing the applicant, reviewed an aerial map and outlined the history of how the density was determined. He recalled that the initial submittal was made in January 2005. In the Spring of 2006, United Park was asked by the City to consider joining with Boyer Plumb in creating a comprehensive plan submittal for the site. By the time the Task Force was formed in the Fall of 2006, the 200,000 square feet of commercial had been eliminated by Boyer Plumb and the joint submittal at that point was for 352 units. In May 2007, halfway through the Task Force, those units had been reduced to a range between 317 and 335. By the time they emerged from the Task Force process in the Fall of 2007, the density had been further reduced to 275 units. At that point the 28 units from IHC were also included for a total density of 303 units.

Mr. Smith identified the five acre site on the aerial map where the IHC units were originally proposed before they were pushed into the joint application area. That five acre site on the IHC property would now remain open. Mr. Smith believed that the total density of 303 units includes units that should not be in the calculation. He noted that the density calculation also includes the deed restricted, affordable/attainable units. Mr. Smith stated that of the 82 affordable/attainable units, 52 of those units are the balance of the off-site required affordable housing of United Park under the '99 and 2007 development agreement. That leaves a balance of the so called 30 extra. For purposes of this discussion and in an effort towards a positive recommendation, Mr. Smith remarked that the Planning Commission could consider removing the 30 extra units from United Park and reserve that discussion for the City Council in the event the City would want to include those 30 units to address its affordable housing needs.

Commissioner Russack asked if the 52 units would fulfill the remaining requirements for the United Park obligation. Mr. Smith replied that the off-site obligation would be fulfilled with those 52 units. Commissioner Russack asked if the application for Marsac Avenue would be withdrawn. Mr. Smith was not prepared to answer that question without knowing what would be approved on any of these other applications.

Commissioner Peek asked if the 52 units reflect the recent Prospector acquisitions of affordable housing. Mr. Smith answered no.

Commissioner Pettit understood from the amendment to the housing technical report that currently 15.6 AUE's are either completed or under construction. There are another 170.25 AUE's in submitted applications, which include the application related to Park City Heights, and

another 35.4 potential AUE's in other locations being explored. Commissioner Pettit understood that United Park is appropriately hedging because they have no idea what will happen or where. She just wanted to understand of how these units fit in the overall picture.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

Commissioner Russack asked if the City has ever approved an annexation without defining a specific density. City Attorney Mark Harrington remarked that the City has had smaller annexations come in with base zoning designated. It really depends on the annexation. Commissioner Russack thought that most applications would not want an annexation approval without some density associated with it. Commissioner Russack stated that in looking at the benefit to the community, he wanted to know at what point in the process they would define the most appropriate type of affordable housing for the community. Planner Whetstone explained that an official affordable housing plan is required at the time of the master plan development for Planning review and recommendation; but the City Council, acting as the Housing Authority, actually finalizes that plan. At that time, the Housing Authority would also finalize the mix of housing. She outlined the process for determining the appropriate mix.

Commissioner Wintzer stated that the difficulty is trying to establish the benefit. It is easy to establish the benefit of open space; but it is harder to identify the benefit of affordable housing without knowing more specifics about the units in relation to the community need. He wants to make sure this is a benefit since that is why the developer is getting the increased density.

Phyllis Robinson pointed out that the chart in the Staff report is concurrent with Housing Resolution 17-99, which is the housing resolution that would govern this project, with the exception of a few units. Ms. Robinson stated that the Planning Commission should be looking at the requirements for affordable housing within this project and not so much at the benefit. The Housing Resolution sets the parameters at 80% area median income and that varies based on household size and unit size. Ms. Robinson remarked that they do go into more depth at the master planned development stage in terms of density approvals and the specifics of the affordable housing. Regarding the benefit, Ms. Robinson pointed out that the benefit is the units being offered over and above the base requirements.

Mr. Smith stated that when United Park was first approached by the City about the possibility of joining together for a cohesively planned joint development, one of the priorities communicated by the City was to look at affordable and attainable housing that would apply to a range of incomes and pricing. The applicants have consistently affirmed throughout this process that they are willing to take the City's lead in terms of meeting those objectives.

Commissioner Russack asked if the number could still be adjusted if Talisker decides at the MPD stage that they do not want to build 52 units because 10 or 20 units can be built

somewhere else. Planner Whetstone stated that it would depend on how the master planned development is approved, but that number could be reduced through an amendment to the MPD.

Mr. Harrington stated that it would also depend on timing, because the MPD for this project could go forth prior to final decisions on the other parcels. He preferred that the Planning Commission focus on what they believe is an appropriate density for the general parameters. They could include a general recommendation to the City Council to address the possibility of units being built somewhere else.

Commissioner Pettit referred to paragraph 10 of the Annexation Agreement that addresses the affordable housing requirement. She noted that subparagraph A talks about the affordable housing requirement for the Park City Heights MPD and states that, "This requirement shall be satisfied by the construction of said units within the Park City Height MPD property." Subparagraph B references the IHC affordable housing units. Commissioner Pettit thought the language in subparagraphs C and D, suggests "may be satisfied" and "may be allowed to be constructed." Mr. Harrington replied that the language was drafted that way to provide the Planning Commission with more flexibility. He stated that the intent was also for the Planning Commission to refine that language as part of their recommendation.

Commissioner Pettit noted that the paragraph also states that, "Affordable employee housing shall be provided in a manner consistent with the findings and conditions with the understanding and agreement of the parties." In the conditions attached to the Staff report, she did not see additional references to any findings that relate to affordable housing. The resolution talks about a housing plan but she could not find any correlation with the MPD section of the Land Management Code in terms of submission of the housing plan. Commissioner Pettit asked if it made sense for the findings to memorialize the requirements and how it relates to the next step moving forward, with regards to how that housing plan will be laid out throughout the process.

Mr. Harrington replied that there is an incorporation by reference of compliance with the resolution that would address the plan process. He noted that findings 7 through 10 incorporate that resolution. If the Planning Commission and City Council move forward, the findings would be updated to reflect the specifics.

Planner Whetstone pointed out that the Task Force findings were also referenced with regard to the specifics.

Commissioner Murphy asked if the School District is aware of the projected deficit. Mr. Hill stated that the School District does not believe there would be an operating deficit because the property tax revenue generated by new development would offset additional operating costs. The deficit would occur if it becomes necessary to build a new elementary school. Mr. Murphy pointed out that the applicant's fiscal analysis identified a deficit for the School District. Mr. Hill explained that the opinion was based on a conversation with the School District last Monday where they were asked to carefully review the fiscal analysis. The School District is aware of what the fiscal analysis indicates and they disagree.

Commissioner Murphy remarked that the applicant's economist indicated that if there is a deficit, the State would come in and fund it. However, that was not the impression he got when he spoke with someone from the School Board. He asked if Mr. Hill had discussed how a deficit would be dealt with. Mr. Hill answered yes, and explained that there are multiple revenue sources to the School District. He was under the impression that the additional revenue to offset the additional increase in per pupil spending would come from additional property tax revenue and not from the State.

Mr. White stated that the affordable housing fiscal analysis does not include the Empire Pass market rate units. He was willing to adjust the fiscal analysis to include those units. Mr. White explained that the fiscal analysis was prepared to provide a rough estimate of the impacts on the affordable units with just the MPD. If they include the market rate units from Empire Pass, the negative will disappear and the revenue to the School District will be significant. He believes the School District is aware of this fact.

Mr. White noted that the school numbers change from year to year and the School District does a five year projection. One of their concerns is potential future impacts and the possible need to build a new elementary school.

Commissioner Peek recalled a previous comment that if there is a deficit for the School District, taxes would be increased on the Park City Heights project. He wanted to know why taxes would not be increased School District wide? Mr. Hill replied that if for some reason the new growth, including the Empire Pass developments, did not cover the increased operational costs, the School District would have to increase their District wide property tax. However, they do not anticipate that happening.

Commissioner Russack asked if the applicants had considered reducing the density. Mr. White replied that at this point it is not a consideration. He felt Mr. Smith had been clear in the history of where they started and what they are proposing today. With the pre-annexation and settlement agreement, they feel the density has been reduced to a satisfactory number and they are ready to move forward from that point.

Commissioner Murphy asked if the slide shown of the annexation plat included the Byer property. Planner Whetstone replied that the Byer parcel was included. Commissioner Murphy wanted to know if that parcel would be given CT zoning. Planner Whetstone answered yes. Mr. Spencer noted that the Byer's have approximately 12 acres. Mr. Murphy clarified that it is a 12 acre parcel that some day could come in with an MPD and CT zoning.

Mr. White stated that he had done a slope/sensitive lands analysis and that analysis included the Byer's property to give an idea of the potential for development. He indicated the location where they are providing an access through the Park City Heights project to the Byer parcel. The intent was to provide a second access to that property to avoid it from being landlocked.

Commissioner Murphy understood that most of the Byer property is relatively undevelopable, with the exception of the piece that comes off of a cul-de-sac from Park City Heights. Mr. Spencer stated that the applicants have had multiple conversations with the Byers and they had

joined the Task Force on their first site visit of the Park City Heights property. At that time the Byers did not want to join the MPD process.

Planner Whetstone clarified that because the density in the MPD is 239 acres, the Byer property sits by itself. It would have the CT zoning but no assigned density.

Commissioner Peek asked if the property could be annexed without the SLO overlay? Planner Whetstone replied that it could. Commissioner Peek pointed out that the Byer portion appears to have 15 to 45 degree slopes on 25% of the property. He wanted to know if the City would be committing that a future MPD would not to have an SLO overlay. Planner Whetstone explained that the CT zone includes language regarding the sensitive lands.

Commissioner Murphy asked if there are any development restrictions on the City parcel. Planner Whetstone believed it was identified as recreation and open space but she did not think it was restricted. Commissioner Murphy asked Planner Whetstone to identify the UDOT parcel and the number of acres. Planner Whetstone clarified that Parcel 4 belongs to UDOT and Parcel 5 is the City property. Mr. White pointed out that Parcel 5 is separate from the land this applicant is proposing to dedicate to the City as open space. Walter Plumb, the applicant, noted that the City can use the dedicated land for whatever purpose they wish and not just open space.

Mr. Harrington remarked that the Task Force findings show that in order for the density bonus, that land would remain open space. He expected the new City parcel would be deed restricted open space.

Mr. White clarified that the 200 foot frontage protection zone only applies to the Park City Heights property. Their plan shows it going further north and further south, but that was done for visual value to help the Planning Commission understand it. They were not implying that it is specific to those properties or those property owners.

Commissioner Murphy referred to Alternative Findings B, finding 8, which talks about the MPD versus the annexation. He felt the findings clearly state that the MPD shall substantially comply with the annexation plat. He asked if the Planning Commission would be de facto approving the configuration the applicant has proposed. Commissioner Murphy stated that he would feel more comfortable if the language was revised to say that the MPD shall substantially comply with the density of the annexation plat.

Mr. Plumb stated that Commissioner Murphy was right because they have not shown the Planning Commission any road grades or cuts on the roads. This was done with the Task Force but not the Planning Commission. He agreed that the road alignments could change.

Planner Whetstone remarked that the language specifically talks about complying with the annexation plat. Commissioner Murphy clarified that it does not include the configuration shown. Planner Whetstone replied that this was correct.

Chair O'Hara pointed out that with five Commissioners present, he would not be voting this

evening. He commented on the number of times the Planning Commission has reviewed an application they really liked and wanted to see go forward, but they were unable to forward a positive recommendation because the LMC did not give them the ability to do so. Chair O'Hara asked the Planning Commission to base their findings and their vote on the Land Management Code and the General Plan. When he reads the General Plan, he personally thinks it is clear what Park City is intended to look like now and in the future. When he reads the zoning, he reads that the CT zone is a community transitional zone and not a residential zone. Chair O'Hara stated that if they trump the Land Management Code and the General Plan with affordable housing, they could expect to see 300 units on the farm in the near future.

Chair O'Hara requested that the Planning Commission continue the discussion and reach a point where someone could formulate a motion for a recommendation to the City Council this evening.

Commissioner Pettit stated that she had read the General Plan from cover to cover to get a good feel for the overriding theme of what the General Plan is trying to accomplish in the community. From that, she tried to figure out how this project fits with that theme. Commissioner Pettit believed that the overriding theme throughout the General Plan is protection of open space, maintain Park City's small mountain town character and enhancement of the resort, and the importance of maintaining a viable and healthy tourism economy. She felt that much of the language in various elements of the General Plan speaks to many of the things outlined in the findings for a negative recommendation. Commissioner Pettit stated that based on her review and analysis of the Land Management Code and the annexation criteria, she could not support this application and would be voting for a negative recommendation.

Commissioner Wintzer stated that in reading the General Plan, he agrees with Chair O'Hara that some areas of this proposal do not fit. He also agrees that the CT zone does not fit the residential units as proposed. However, he would not like to see any other zone in that area besides the CT zone. Commissioner Wintzer believed that any application that comes into the City in that location needs to come into the CT zone. He felt that what the applicants are providing in terms of the entry corridor is a bonus. He was not happy with the amount of density on the hillside but felt that issue could be discussed at a later time. Commissioner Wintzer favored the amount of open space being provided. He liked the idea of having affordable housing on a rail trail system and having a bus route. It is the first community affordable housing he has seen that actually fits the location, regardless of whether or not it fits on the site. Commissioner Wintzer still struggled with some of the issues, but he was leaning towards voting in favor of this annexation.

Commissioner Peek stated that he was also torn because the location is excellent for this project based on the sports facility, supplying affordable housing to the IHC facility, and the rail trail. He believes the park and ride with its transit use would be a benefit to this parcel. Commissioner Peek felt the proposal was heavy on density and suggested that some of that density could be trimmed down.

Commissioner Murphy shared many of the comments voiced by his fellow Commissioners. He appreciated how the applicants responded to his list of items in an exemplary fashion.

Commissioner Murphy also appreciated the offer by the applicants to make the roads private. He was struggling with the density and how it conforms with the General Plan; but he sees extensive benefits to the City from a plan that has been well-thought out. Commissioner Murphy stated that he is very favorable towards an affordable housing project at this location and understands that they would not get that without a market project. His biggest issue is the proposed density for the market project. Commissioner Murphy noted that the Planning Commission would not be entertaining this proposal if it were not for the '92 settlement agreement and he wanted to know how much weight that agreement carries in terms of this application. Commissioner Murphy stated that he came in this evening with a clear idea of how he would vote, but now he was 50/50 for and against.

Chair O'Hara stated that he was not a party to the '92 settlement agreement, but during that time he had a conversation with Toby Ross, the City Manager, when they first looked at this annexation when it was the Park City Country Club Estates. Chair O'Hara remarked that Mr. Ross thought it was very important for the City to control everything they could out in the County. Mr. Ross thought the City should annex the Country Club Estates and everything else along Highway 40. Chair O'Hara pointed out that he had disagreed with Mr. Ross based on the General Plan. Chair O'Hara stated that he could see where that '92 agreement came about and he could see what the Planning Commission was required to do. For the amount of time and effort the City has put into this through Task Force and Planning Commission meetings and Staff time, they have kept their end of the bargain to favorably address the annexation. He remarked that nothing in the '92 agreement says that the City will annex, because there is a specific constraint against binding future City Councils and Planning Commissions. Chair O'Hara further stated that nothing in the '92 agreement says that the developer would get maximum density if annexation occurs.

Mr. Harrington remarked that the '92 settlement agreement speaks for itself. He stated that annexation is a political question as well as a land use question. When a government entity looks to decide legislatively to expand its boundaries, it is usually for more reasons and other jurisdictions than just a land use element. He noted that the land use element is a dominant component for Park City, but because the agreement says "favorably consider" it removes some of that political question. Mr. Harrington believes the balance is right because the Planning Commission is favorably considering the annexation in accordance with the Code in effect at the time of this application. He clarified that the '92 agreement gives this application a higher priority from the political question as opposed to the land use element. Mr. Harrington encouraged the Commissioners who were 50% to 60% in favor to be more specific in terms of a favorable density reduction.

Mr. White wanted it clear that the settlement agreement was not just to be annexed into the City. It also went with the water. That water is tied to the settlement agreement and that water was taken by the City and is in use today.

Commissioner Russack stated that from the beginning he has consistently had an issue with the density. He thought Talisker's offer to remove their 30 units was a step in the right direction for overall density reduction. Commissioner Russack believed a reduction in the market rate units would be necessary in order for the Planning Commission to feel comfortable about the density. With reduced density he could see this project fit and he could see clustering and units off the

hillside. It would also reduce the visual impacts on the entry corridor. Even with the reduction of the 30 Talisker units, he still believes the density is too high. Commissioner Russack could see good benefits from this project but he did not want to set a precedent by approving something that does not meet with the Land Management Code and the General Plan.

Commissioner Pettit remarked that density is her main issue in terms of compliance with the General Plan. Based on all the comments, she asked if there was a number or a range of numbers that could be incorporated into the annexation that would bring them closer to compliance and make the Commissioners more comfortable. From a low density standpoint, she favored something in the range of 1 per 10 versus the one to one ratio proposed. She agreed that this is an appropriate location for this type of project but they need to determine what the trade off would be.

Chair O'Hara felt they also needed to address the zone itself. Everyone agrees that the CT zone is appropriate for that area, but the application is for residential use. He noted that the first point in the purpose statement for the CT zone is to encourage low density public, quasi-public, or institutional uses as defined in the Land Management Code that relates to community open space, recreation, sports training development, tourism, community health. Chair O'Hara reiterated that this project does none of those. He noted that the purpose statement also says to prohibit highway service, commercial, regional commercial, and limit residential land uses. Whether or not he likes this proposal, he has never seen it fitting the Land Management Code for the General Plan or for the zone.

Planner Whetstone pointed out that further CT zone language states that master planned developments are conditional uses and that single family dwellings are allowed. Duplexes are allowed as a conditional use and multi-family dwellings as approved master planned developments. Residential units cannot exceed one unit per acre. She believes the language intends that if there is to be residential development in the CT zone it needs be low density development and it can have single family, duplexes and multi-family units.

Chair O'Hara did not disagree, but he felt the purpose of the CT zone was to find a way to get the density IHC needed, to get the USSA out there, and to get affordable housing.

Mr. Harrington disagreed with Chair O'Hara and stated that Planner Whetstone was more correct in her interpretation. The City knew there would be a residential component on the south side of this quadrant, therefore, the CT zone did contemplate residential development. However, if the majority of the Planning Commission agrees with Chair O'Hara, one alternative would be to reject the zone recommendation from the subcommittee and recommend another district that has a hard-coded low density. Under State Code conditional uses are permitted if the conditions can be mitigated. Mr. Harrington felt it was an over-characterization to say that the zone was not permitted for predominantly residential use. Mr. Harrington outlined additional options the Planning Commission could consider in working towards a positive recommendation.

Commissioner Murphy recalled an earlier comment regarding a 200,000 square foot reduction in commercial entitlement. He wanted to know where that number came from. Mr. White

replied that it was part of the original application submitted in January 2005. That was just Park City Heights and did not include Talisker. It was 200,000 square feet of commercial on the 24 acre parcel next to SR248, as well as 352 market rate residential units on the other property. Planner Whetstone explained that at the time the General Plan identified that area as a residential and commercial receiving zone.

Mr. White wanted it clear that the 239 acres in the MPD always included the 82 deed restricted attainable/affordable units as part of the Talisker obligation. If you include the 52 units as affordable coming from the Empire Pass development agreement and the reduction of the 30 units, that puts the market rate units at 157 units.

Planner Whetstone asked if there was agreement among the Planning Commission to remove the 30 Talisker units. Commissioner Peek remarked that a starting point would be to take the 82 units, remove the 30 attainable Talisker units and the 8 Prospector units, and go from there. That leaves 44 units as a starting point.

In fairness to the applicants, Commissioner Wintzer felt they should also remove the IHC units. The Planning Commission could then decide if it is more important to have the open space at the IHC campus or at Park City Heights. Commissioner Wintzer stated that in his opinion, taking those units off the IHC campus was a visual benefit.

After further discussion regarding density, Spencer White stated that throughout this entire process the applicant has been extremely willing to work with any recommendations given and they are willing to work through the MPD process in moving lots and looking at different configurations. However, through this 3-1/2+ year process and with the settlement agreement, they have gone from a point they believed was allowed by the settlement agreement to a point where the developer is comfortable with those market rate units. In terms of the direction by the City Attorney to reduce the density to a number everyone is comfortable with, Mr. White believes that is something that can be worked on through the MPD process.

Commissioner Peek stated that with the 750 car park and ride, a transit hub, the density, and the rail trail, the City needs to decide if a neighborhood commercial use is an appropriate trade for density.

Commissioner Wintzer felt they should reduce the market rate units rather than the affordable units. He did not believe anyone objected to the density of the affordable housing units. Commissioner Russack thought the density could probably work if the market rate units were reduced by 30 units.

Commissioner Murphy stated that personally he could wrap the General Plan around the affordable housing element, because it is a clear benefit to the resort community. He agreed that any density reduction should come from the market rate units and not the affordable housing element.

The Planning Commission took a five minute recess.

Chair O'Hara reconvened the Planning Commission meeting.

Chair O'Hara noted that the CT zone says "may" allow up to one unit per acre; however the zone does not require the City to grant that density. Therefore, during the MPD process if the applicant meets all the requirements within that zone to get the extra density, that would be the maximum density at the MPD. Chair O'Hara wanted to know if approval of the annexation agreement would vest 303 units and if it would tie their hands at the MPD process.

Jim Carter pointed out that the Planning Commission would not be signing the annexation agreement. He felt it was safe to say that nothing is vested by virtue of a recommendation to the City Council. To the extent that the Planning Commission is able to agree on a recommendation to the City Council that says they are generally comfortable with certain things but there needs to be additional work on reducing market rate units, that might open the door might to discuss commercial, etc. That type of direction clearly avoids pinning down numbers and committing anyone to anything in particular. It would give the City Council a sense of the Planning Commission's point of view and what they think it would take to make the project better.

Chair O'Hara felt the City Council was looking for the Planning Commission to determine that the application complies with the General Plan and conforms to the zone. At that point the City Council writes the annexation agreement and that becomes the law.

Mr. Harrington stated that if the majority of the Commissioners believe this does not comply, they should be crafting a negative recommendation based on Findings C. Otherwise, they should be looking at a recommendation that forwards a positive recommendation on Option B with additional direction for the City Council to consider a reduction in the overall density of the project and specifically consider looking at additional support commercial.

Commissioner Pettit was inclined to forward a positive recommendation with language that would be tied to reduction in density that is consistent with the CT zone and the General Plan elements that guide annexation and development in this particular area. As she reads the purpose statements for the CT zone, there is contemplation of some limited residential development and they need to look to the General Plan to define that. Commissioner Pettit did not believe the one to one relationship fits the concept of the General Plan. However she was unsure what would fit in the range between 1 to 20 and one to one without the benefit of a site plan.

Commissioner Wintzer thought the City Council would want a recommendation from the Planning Commission with specific direction with regards to a density reduction.

Mr. Harrington proposed language for a motion in an effort to bridge the gap and provide more specificity. The motion would forward a recommendation in accordance with Findings B with an affirmative statement to the City Council that the Planning Commission does not find a maximum one to one residential density as consistent with the General Plan for this area. Therefore, the Planning Commission recommends that the City Council further explore a reduction in density in addition to some limited support commercial.

Mr. White asked Mr. Harrington if he meant the MPD application when he made reference to the planning area. Mr. Harrington answered yes. Mr. White pointed out that through the MPD process there may be the ability to change the scope of the master plan to get to a one to one density. Mr. Harrington agreed.

Commissioner Murphy felt it would be difficult to reconcile with Findings B because the density is referenced so often in the document. He suggested that a recommendation as proposed by Mr. Harrington would necessitate a re-write of the findings. Mr. Harrington clarified that the Planning Commission could give a recommendation and add that the findings should be modified accordingly. The intent would be to keep this moving forward and at the same time give the direction that the General Plan and the annexation process contemplates for the City Council to make an informed decision. Mr. Harrington stated that if the Planning Commission continues to get hung up over specifics he encouraged them to provide a general recommendation to keep the process moving forward.

Commissioner Pettit agreed with Commissioner Murphy's earlier comment that it would be difficult to address the density without knowing how the findings are re-written. She believed they could work through it but they need to be clear on exactly what they are recommending to the City Council.

Commissioner Wintzer suggested forwarding a positive recommendation based on Findings B with a percentage of reduction on the market rate units.

Mr. Plumb stated that the reality today is that there is no market. In addition, they have a water tank to build and they need to meet the requirements for traffic improvements. If they are forced into too much of a reduction, the entire project is not feasible. He used their project at the Canyons as an example of how bad the market really is.

Commissioner Wintzer clarified that his suggestion was to move this forward to the City Council with a recommendation. The City Council ultimately makes the final decision and the applicants can make their plea at that level. He was only trying to provide the City Council with some guidance and direction. Commissioner Wintzer agreed that after a certain point it does become infeasible.

Mr. Smith wanted it clear that they do not harbor the illusion that the findings would constitute a vested right.

Setting aside the 22 findings, Mr. Carter asked if there was an action the Planning Commission could take to convey their preferences to the City Council in their own words rather than adopting drafted findings. He agreed that editing those 22 findings tonight would not work.

MOTION: Commissioner Russack moved to forward a POSITIVE recommendation to the City Council for the Park City Heights annexation based on Findings B as outlined in the Staff report with the removal of the 30 Talisker twin homes; and charge the City Council with determining the final density for the market rate units as applicable as defined by the Land Management

Code and the General Plan as it relates to the CT zone.

Commissioner Pettit asked if Commissioner Russack wanted to adopt the findings as currently written.

Commissioner Russack modified his motion to reflect that the findings should be modified accordingly.

Mr. Harrington requested that they wait until the motion was seconded before discussing the motion.

Commissioner Wintzer seconded the motion with further discussion.

Commissioner Pettit amended the motion to be clear to the City Council that the recommendation is to significantly reduce the density to reflect the purpose statements of the CT zone regarding residential development and the General Plan guidelines for this particular area.

Commissioners Russack and Wintzer accepted the amendments to the motion.

Commissioner Murphy clarified that the motion was to forward a positive recommendation with the reduction of the 30 attainable housing units, that there is no expectation with regards to the configuration of the MPD, and that the Planning Commission was giving specific direction to the City Council that the density proposed by the applicant is not appropriate and needs to be reduced in order to comply with the CT zoning and the General Plan. The Commissioners concurred.

VOTE: The motion passed unanimously.

Findings B/Annexation Agreement Points - Park City Heights Annexation

2. Boyer Plumb Park City, L.L.C. ("Park City Heights") a Utah limited liability company, filed an Annexation Petition on January 28, 2005. An amendment to the petition was filed on February 16, 2005 to complete the annexation petition.
3. The City Council accepted the Annexation Petition on March 10, 2005.
4. The City Council established the Park City Heights Annexation Task Force on May 4, 2006 (Resolution No. 13-06) for purposes of formulating specific recommendations relating to the annexation's proposed zoning, land uses, affordable housing, transportation, and community economics/fiscal impacts. On May 3, 2007, the City Council extended the terms of the Park City Heights Annexation Task Force (Resolution No. 06-07) to August 3, 2007.

On July 10, 2007, the Task Force forwarded a unanimous positive recommendation to the Planning Commission to zone the annexation area to the Community Transition Zone (CT) District, which includes specific provisions addressing residential master planned

developments, open space, density, affordable housing, sensitive lands, trails, public transit facilities, public benefit dedication, and sustainable green building practices.

The Task Force forwarded a unanimous positive recommendation the Planning Commission on the economic impact/fiscal analysis, traffic and transportation impacts and mitigation, and general parameters related to the MPD, Task Force findings (Exhibit E) are included herein.

5. The property subject to the Annexation Petition (The "Annexation Property") is currently undeveloped, consists of 286.64 acres, and is located in unincorporated Summit County at the southwest corner of the State Route 248/Highway 40 interchange.
6. The Annexation Property currently is zoned in Summit County Developable Lands (DL), with a base density of 1 units/20 acres and 1 unit/40 acres (depending on the extent of any environmentally sensitive lands which need to be managed or preserved in compliance with any applicable laws, rules and regulations, including without limitation the City's Sensitive Lands development standards in terms of the location of development with setbacks from streams and wetlands; protecting sensitive areas such as slopes, ridge tops, and entry corridors; and providing a visual analysis to determine impacts. The density determination is not applicable to the CT zone, unless the SLO overlay zoning is applied.
7. The Annexation Property is to be zoned, as shown on the attached Annexation Plat, Community Transition District-Master Planned Development (CT-MPD). The Community Transition Zone (CT) has a base density of 1 units/20 acres. The Community Transition Zone permits density bonuses up to a maximum of 1 units/acres for residential Master Planned Developments provided specific standards are met relating to open space, Frontage Protection Zone (FPZ) setbacks, parking, affordable housing and public land/facilities. The CT zone permits a residential density of up to 3 units per acre provided additional standards are achieved.
8. The land uses proposed on the Annexation Property include a mixed use residential development consisting of 157 market rate units (preliminary proposal includes 81 single family lots ranging in size from 12,000 to 15,000 square feet and 76 single-family cottage lots ranging from 8,000 to 9,500 sf.), 23.55 AUE of affordable housing required for the market rate lots, 44.78 AUE to partially fulfill the housing obligation as outlined in the Intermountain Healthcare/USSA/Burbidge Annexation Agreement, 20 AUE of affordable housing to partially fulfill the Talisker/Empire Pass housing obligation as outlined in the Flagstaff amended and restated Annexation Agreement, and an additional **(0 to 127.25 depending on the Planning Commission recommendation)** AUE as proposed by Talisker on the 20 acre Quinn's Junction parcel identified in the amended and restated Flagstaff Annexation Agreement. Other support uses, as approved by the Planning Commission and consistent with the LMC, during the Master Planned Development review, may be allowed.
9. The MPD shall substantially comply with the Annexation Plat. The proposed total

density for the 239 acre annexation area is 157 units (each lot is one residential unit with maximum house size/building footprint to be determined during the MPD review) and **0 to 82 affordable units (0 to 127.25 AUE) equating to less than 1 unit/acre (the number will depend on the PC recommendation).**

10. The Petitioner offers and the City accepts donation of 24 acres of the Property, known as Parcel SS-92, for open space and public recreation uses.
11. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 17-99. The base employee/affordable housing requirements for the MPD associated with the 157 market units is 23.55 AUE (20 units). One Affordable Unit Equivalent equals 800 square feet.
12. July 10, 2007, the Park City Heights Annexation Task Force forwarded a unanimous recommendation to the Planning Commission on traffic and transportation mitigation. The Task Force recommendation is based, in part, on traffic impact study provided by Petitioner's traffic consultants, Hales Engineering (dated June 7, 2007).

The Petition will be responsible for improving and dedicating all necessary access to the property from SR248 and all necessary intersection improvements including a signalized intersection at SR248, when warranted, as described in the June 7, 2007, Hales traffic impact study. Petitioner will be responsible for all coordination and costs associated with providing access to the development site as required in the Subdivision Chapter of the LMC Sections 15-7.2 & 15-7.3, including primary access, a signalized intersection as necessary, all to be determined and agreed as part of the MPD and subdivision approval process.

The City has agreed to consider other potential cost-sharing traffic and transportation mitigation strategies which may include, but are not limited to the development of additional employee/affordable housing linked to the community transit system and physical improvements such as, but not limited to a transit hub, park and ride lot, Rail Trail and other trail improvements, and van/shuttle programs.

13. The Planning Commission held public hearings on the Annexation Agreement on February 27 and March 26, 2008.
14. The City, the Petitioner and any affected parties, shall and hereby acknowledge and agree that the Annexation, the Annexation Agreement and the obligations of the Petitioner (and its successors or assigns) hereunder are subject to reasonable discretion, confirmation, determination and agreement of the parties with respect to the Final MPD and Subdivision Plat; any necessary Development Agreement for each parcel of the Property; Construction Mitigation; Landscaping Plans; Lighting; Related Access, Utilities and Roads, Public amenities and Trails, Affordable Housing and all related provisions of the Land Management Code.
15. Recitals of the Ordinance, annexing the 286.64 acres of property known as Park City Heights, are hereby incorporated herein.

16. The Planning Commission finds that the requested density of one unit per acre is in the range of low density residential development under the Land Management Code and that the annexation complies with the purpose statements of the proposed Community Transition (CT) zone regarding low density development, provided the MPD can comply with the other purpose statements for the CT zone and be in substantial compliance with the General Plan. According to the LMC, areas zoned in the Estate District are designated very low density, environmentally sensitive residential and this zone allows for a maximum density of one unit per 3 acres. According to the General Plan, areas zoned Residential Development (RD) and Single Family (SF) are designated as low density residential and these zones allow 3 to 5 units per acre. The LMC also provides that medium density residential development is in the range of 5 to 8 units per acre.
17. The Planning Commission finds that the requested land uses of a mix of single family residential and affordable multi-family units (townhouses to stacked flats) are consistent with the purpose statement of the CT zone in that they are clustered development preserving the natural setting and scenic entry corridor by providing significant open space and landscape buffers between the development and highway corridor. The General Plan identifies this area as a low density residential receiving zone that allows for clustered development.
18. The Planning Commission finds that while 239 units on the 239 acre MPD site is consistent with the maximum allowable density for the CT zone for residential Master Planned Developments that meet certain standards, reduction in the allowable maximum density during the MPD process may be appropriate to meet the purpose statements of the CT zone and the General Plan. The specific site plan and layout of the MPD is not approved with the annexation and there is no entitlement to the maximum density allowable for the CT zone.
19. The Planning Commission finds that the proposed annexation complies with the General Plan regarding the establishment of an open space buffer around park City's expanded boundaries to encompass the natural and visual basin that defines the community in that open space is provided to the north, south, and west of the propose MPD. The proposed development is clustered on the site and is setback from entry corridors by 250' to 1,300', with proposed enhancements to the community trail system and open space.
20. The Commission finds that with a reduction in the proposed density, the pattern, location, and appearance of the development would not intrude on the visual quality of Park City and surrounding areas and that further visual analysis of the site plan shall be conducted prior to approval of the MPD. During the MPD process, the Planning Commission may recommend appropriate reductions in density in order to mitigate the visual impacts of the MPD.
21. The Planning Commission finds that with a reduction in density, the proposed annexation does maintain the mountain resort character and does preserve and

enhance the open space, community facilities, visually important view corridors and resort character of Park City. Specific design characteristics of the site plan and MPD will be required prior to MPD approval to meet the criteria that the development is not a typical suburban subdivision.

22. Section 2.10.5 of the Flagstaff Amended and Restated Development Agreement states that affordable housing at Quinn's Junction is subject to Planning Commission recommendation and is not vested by the Development Agreement. The Planning Commission recommends that in evaluating density reductions to the MPD, alternatives to development of the Talisker/Empire Pass housing obligation at Quinn's Junction be considered or further explored, including 1) the donation of the 20- acre Quinn's Junction property to the City, 2) building the units on an alternative parcel, or 3) payment of a fee in lieu.
23. The Planning Commission finds that the annexation complies with the Quinn's Junction Joint Planning Principles in that the proposal results in significant public benefits due to the inclusion of a significant amount of affordable housing in a residential community with a range of housing types. The affordable housing relates to Park City's recreation and tourism industry.

The Park City Planning Commission meeting adjourned at 9:00 p.m.

Approved by Planning Commission _____

Ordinance 10-24**AN ORDINANCE ANNEXING APPROXIMATELY 286.64 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE SR248 AND US40 INTERCHANGE IN THE QUINN'S JUNCTION AREA, KNOWN AS THE PARK CITY HEIGHTS ANNEXATION, INTO THE CORPORATE LIMITS OF PARK CITY, UTAH, AND APPROVING AN ANNEXATION AGREEMENT AND A WATER AGREEMENT, AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY TO ZONE THE PROPERTY COMMUNITY TRANSITION (CT)**

WHEREAS, on January 28, 2005, the majority property owner of the property known as the Park City Heights Annexation, as shown on the attached Annexation Plat (Exhibit A, the "Property"), petitioned the City Council for approval of an annexation into the Park City limits; and

WHEREAS, the Property is approximately 286.64 acres in size and is located southwest of the intersection of State Road 248 and US-40 as described in the attached Legal Description (Exhibit B); and

WHEREAS, the Property is included within the Park City Annexation Expansion Area, and is not included within any other municipal jurisdiction; and

WHEREAS, on February 16, 2005, additional information was included in the annexation submittal and the submittal was deemed complete; and

WHEREAS, the Park City Council accepted the Park City Heights petition for annexation on March 10, 2005; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code; and

WHEREAS, On April 8, 2005, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, giving notice that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests were filed by any "affected entities" or other jurisdictions within the 30-day protest period and the petition was considered accepted on May 11, 2005; and

WHEREAS, the City Council established the Park City Heights Annexation Task Force (Resolution No. 13-06) on May 4, 2006, for purposes of formulating specific recommendations to the Planning Commission and City Council relating to the annexation's proposed zoning, density, land uses, affordable housing, transportation, and community economic/fiscal impacts; and

WHEREAS, the Task Force, on July 10, 2007, forwarded a unanimous positive recommendation to the Planning Commission to, among other things, zone the annexation area Community Transition (CT) and recommend a conceptual site layout; and

WHEREAS, the Planning Commission, after proper notice, conducted a public hearing on February 27, 2008. The public hearing was continued to March 26, 2008, where additional input was received; and

WHEREAS, on April 9, 2008, the Planning Commission conducted a public hearing and voted to forward to City Council a recommendation on the proposed annexation and also recommended that the property be zoned Community Transition (CT); and

WHEREAS, on April 24; May 22; June 5, 19, and 17; July 17; August 28; September 11 and 18; October 16, and December 18, 2008 the City Council conducted public hearings and discussed the annexation proposal; and

WHEREAS, on April 30, 2009, the City Council further discussed outstanding issues regarding conceptual site planning, density, affordable housing, and infrastructure cost sharing.

WHEREAS, on May 6, 2009, the property was re-posted and properly noticed for a public hearing on May 21, 2009, and the City Council conducted the public hearing and continued the hearing to June 4, 2009. Additional public hearings were held on June 25, July 9 and 30, August 20, September 3, and October 8, 2009, when the item was continued to a date uncertain.

WHEREAS, on May 12, 2010, the property was re-posted and properly noticed for a public hearing on May 27, 2010.

WHEREAS, on May 27, 2010, the City Council conducted a public hearing and took public testimony on the matter, as required by law; and

WHEREAS, the Council finds that the requested Community Transition (CT) zoning, is consistent with the Park City General Plan and Quinn's Junction Joint Planning Principles; and

WHEREAS, the requested CT zoning allows for residential density of up to one unit per acre subject to compliance with 1) Master Planned Development (MPD) requirements described in Section 15-6 of the Land Management Code (LMC) and 2) CT-MPD requirements described in Section 15-2.23-4 of the LMC; and

WHEREAS, an application for a Master Planned Development (the "Proposed MPD") on 239.58 acres of the annexation Property was submitted with the complete annexation petition; and

WHEREAS, an Annexation Agreement, between the City and Petitioner pursuant to the Land Management Code, Section 15-8-5 (C), setting forth further terms and conditions of the Annexation and Master Planned Development, including a Water Agreement, is herein included as Exhibit D;

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

SECTION 1. ANNEXATION APPROVAL. The Property is hereby annexed into the corporate limits of Park City, Utah according to the Annexation Plat executed in substantially the same form as is attached hereto as Exhibit A and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below.

The Property so annexed shall enjoy the privileges of Park City as described in the Annexation Agreement attached as Exhibit D and shall be subject to all City levies and assessments as described in the terms of the Annexation Agreement.

The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 2. ANNEXATION AGREEMENT. Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto as Exhibit D and as approved by the City Attorney. The Annexation Agreement shall include an executed Water Agreement (as an attachment) between the City and Applicant to be recorded concurrently with the Annexation Agreement.

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and The Annexation Policy Plan - Land Management Code Chapter 8, Annexation. The CT zoning designation is consistent with the Park City General Plan and Annexation Policy Plan.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said Property in the CT zoning district, as shown in Exhibit C.

SECTION 5. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact

1. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 17-99. One Affordable Unit Equivalent equals 800 square feet.
2. Land uses proposed in the Proposed MPD include market rate residential units, affordable units, and required affordable housing units, as described in the Annexation Agreement. It is anticipated that the Petitioner will submit a revised MPD application to the Planning Commission for review and final action. Other support uses, as approved by the Planning Commission during the Master Planned Development review, consistent with the CT zone and Land Management Code, may be allowed. Final configuration and integration of the market rate and affordable units will be determined at the time of MPD review.
3. The proposed land uses are consistent with the purpose statement of the CT zone and shall be presented in the revised MPD as a clustered development preserving the natural setting and scenic entry corridor by providing significant open space and landscape buffers between the development and highway corridor.
4. The revised MPD, when approved, shall substantially comply with the Annexation Agreement.
5. Parcel SS-92, a 24 acre parcel within the annexation area, is donated to the City for open space, public recreation and utility uses.
6. The annexation complies with the Quinn's Junction Joint Planning Principles in that the proposal results in significant public benefits due to the inclusion of a significant amount of affordable housing in a residential community with a range of housing types, and the proposed affordable housing relates to Park City's recreation and tourism industry.
7. The recitals above and findings of the Technical Committee dated July 10, 2007, are incorporated herein.
8. The requirement for 44.78 Affordable Unit Equivalents (AUEs) associated with the IHC Hospital, as described in the Intermountain Healthcare/USSA/Burbidge Annexation Agreement, will be transferred to and satisfied by the construction of said AUEs within the Property.

Conclusions of Law

1. The Annexation and Zoning Map amendment are consistent with the Park City Land Management Code and General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

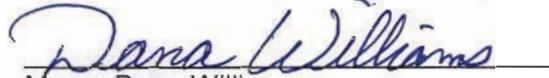
1. The Official Zoning Map shall be amended to include the Park City Heights Annexation property in the Community Transition (CT) Zoning District.
2. The Annexation Agreement shall be fully executed and recorded with the Annexation Plat.

3. The affordable housing density transferred from the IHC parcel is hereby permanently removed from within the IHC MPD and no affordable density shall be allowed on City-owned 5 acre parcel known as Lot 4 of the Subdivision Plat (Second Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication of this Ordinance, recordation of the Annexation Plat and Annexation Agreement, and compliance with state annexation filing requirements, pursuant to the Utah Code Annotated Section 10-2-425.

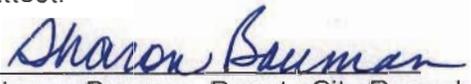
PASSED AND ADOPTED this 27th day of May, 2010.

PARK CITY MUNICIPAL CORPORATION



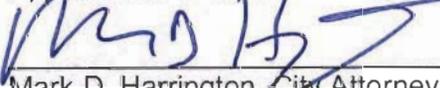
Mayor Dana Williams

Attest:



Sharon Bauman, Deputy City Recorder

Approved as to form:



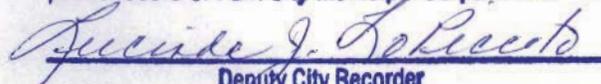
Mark D. Harrington, City Attorney



Exhibits

- Exhibit A- Annexation Plat
- Exhibit B- Legal Description
- Exhibit C- Zoning Map amendment
- Exhibit D- Annexation Agreement

On this 2nd day of July, 2010, I certify that the foregoing document is a true copy of the original public record of Park City Municipal Corporation. *Ord 10-24*

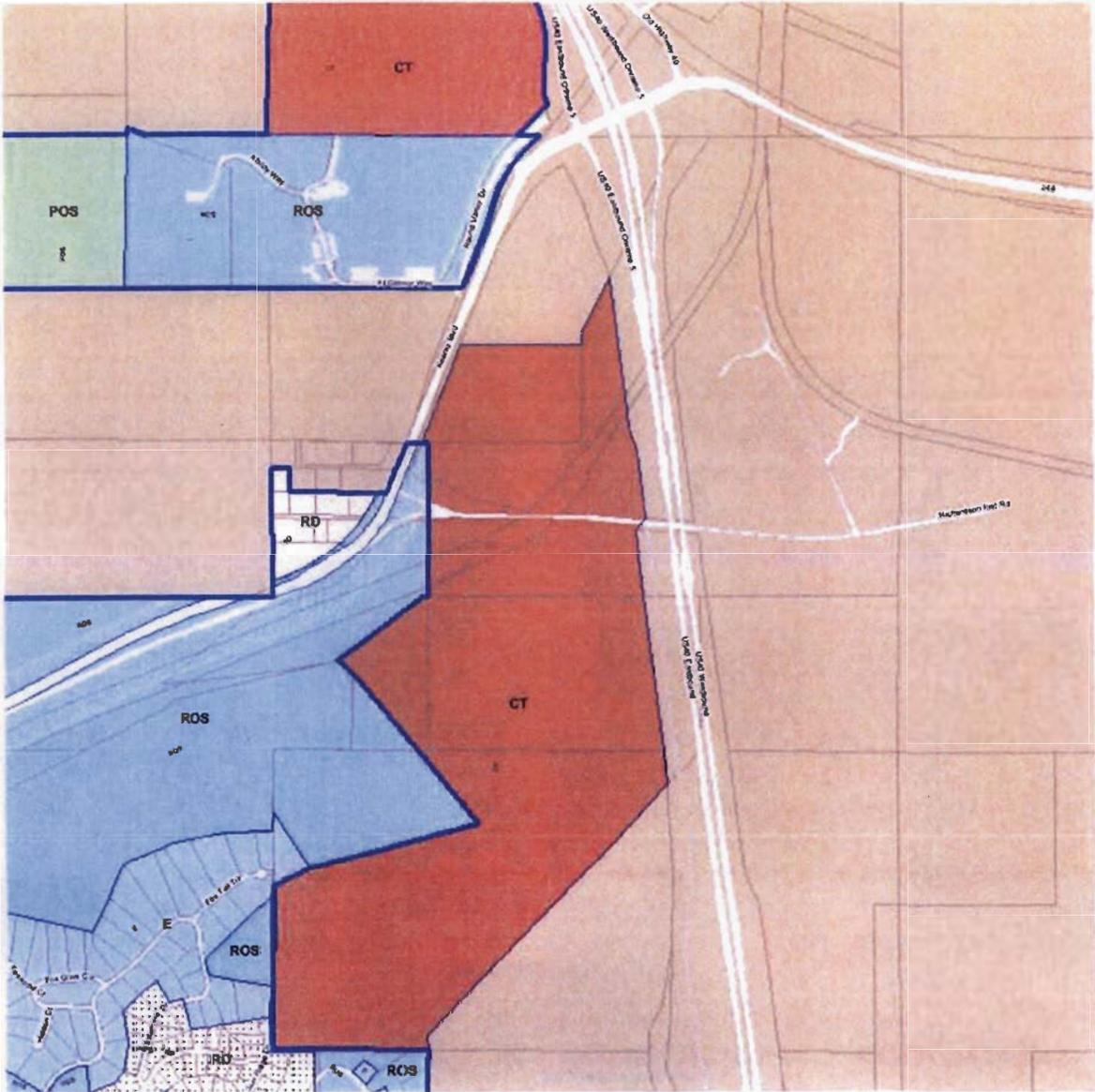


Deputy City Recorder

EXHIBIT B

LEGAL DESCRIPTION

Beginning at the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence along the west line of Section 11, North 00°19'41" East 1474.01 feet to the Hidden Meadow Subdivision Boundary; thence along said boundary the following five (5) courses: 1) North 63°17'52" East 344.36 feet; 2) North 75°52'07" East 1,501.92 feet; 3) North 38°46'13" West 606.70 feet; 4) North 39°40'23" West 608.58 feet; 5) North 41°00'00" West 654.95 feet; thence North 53°50'33" East 894.32 feet; thence South 89°22'45" East 47.22 feet; thence North 00°03'07" West 89.53 feet; thence North 00°03'09" West 1,234.47 feet; thence North 89°52'42" West 88.45 feet; thence North 21°56'10" East 214.48 feet; thence North 26°13'31" East 401.12 feet; thence North 21°56'10" East 273.53 feet; thence South 89°57'30" East 1,087.40 feet; thence North 00°26'18" East 109.93 feet; thence North 25°15'30" East 568.97 feet; thence South 07°07'13" East 1,241.62 feet; thence South 18°25'48" East 203.96 feet; thence South 07°07'13" East 751.89 feet; thence South 84°20'15" East 30.76 feet; thence South 07°07'13" East 2,093.95 feet; thence South 42°41'40" West 209.44 feet; thence continue along said line South 42°41'40" West 3,003.21 feet; thence South 00°29'50" East 116.56 feet; thence North 89°30'59" West 1,368.96 feet to the POINT OF BEGINNING.
Containing 286.64 acres, more or less.



Fee Exempt per Utah Code
Annotated 1953 21-7-2

When recorded, please return to:
PARK CITY MUNICIPAL CORPORATION
City Recorder
P O Box 1480
Park City UT 84060

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this "Agreement") is made by and between Park City Municipal Corporation (hereinafter, "Park City" or the "City") and Boyer Park City Junction, L.C. , a Utah liability company (hereinafter, "Boyer" or "Petitioner") to set forth the terms and conditions under which Park City will annex certain land owned by Petitioner as Tenants In Common with Park City, consisting of approximately 286.64 acres (which includes land owned by other landowners, as set forth in the next paragraph) and located in unincorporated Summit County, Utah, at the southwest corner of State Route 248 and Highway 40 (as further defined below, the "Petitioner's Property"), and known as Park City Heights Annexation, into the corporate limits of Park City and extend municipal services to the Property. The City and Boyer are sometimes collectively referred to in this Agreement as the "Parties" or individually as a "Party". This Agreement is made under authority of §§ 10-2-401 et. seq. of the Utah Code, Annotated 1953, as amended "MLUDMA").

WHEREAS, included in the 286.64 acre annexation Property are the following parcels: parcel 1- M. Bayer/J. Bayer (SS-89-A); parcel 2- Boyer/Park City Municipal Corporation (PCMC) (SS-122); parcels 3, 7, and 8- Park City Municipal Corporation (PCMC) (SS-88); parcel 4- Utah Department of Transportation (UDOT) (SS-92-A-2-X); parcel 5- Park City Municipal Corporation (PCMC) (SS-92-A-X-X); and parcel 6- Boyer/Park City Municipal Corporation (PCMC) (SS-92). The annexation Property also includes the right-of-way of Old Dump Road through the Property and the State of Utah Parks and Recreation Rail Trail right-of-way through the Property.

WHEREAS, in furtherance of the foregoing, the Petitioner desires to annex the Property into the corporate limits of the City and, to that end, an annexation petition (the "Annexation Petition") for the Property was filed with the City on January 28, 2005. Additional information was included in the annexation petition and on February 16, 2005, the City deemed the application complete. The petition was accepted by the City on March 10, 2005.

WHEREAS, in connection with any such annexation (the "Annexation"), the Property is proposed to be zoned Community Transition ("CT Zone"), a City zoning district that allows for low density, clustered development as part of a Master Planned Development as more fully described in the City's Land Management Code. The zoning district allows uses including, but not limited to, public/quasi-public institutional uses, public recreation uses, affordable/employee housing, residential, and open space land uses on the Property.

NOW, THEREFORE, in furtherance of the Annexation Petition, in consideration of Park City's agreement to annex Petitioner's property and in consideration of the mutual promises contained herein,

as well as the mutual benefits to be derived here from, the Parties agree that the terms and conditions of Annexation shall be as follows:

1. **Property.** The property to be annexed is approximately 286.64 acres in size, as depicted on the annexation plat attached as Exhibit A (the "**Annexation Plat**") and as more fully described in the legal description attached as Exhibit B (hereafter referred to as the "**Property**").

2. **Zoning.** Upon Annexation, the Petitioner's Property will be zoned Community Transition District (CT).

3. **Master Plan Approval; Phasing.** Pursuant to Land Management Code Section 15-8-3 (D), on July 5, 2007, a complete revised application for a Master Planned Development on 239.58 acres of the Property (as submitted, the "**MPD**") was filed with the City. Concept Site Plan is attached as Exhibit D. Annexation parcels 1, 4, 5 as described above are not included in the MPD. The Petitioner plans to submit a revised MPD application. The allowable residential density of the MPD project area is 239 units. Of those 239 units, no more than 160 units shall be market residential units. This allowable density does include all required affordable housing units as specified in Paragraph 10 below. This Agreement does not represent approval or vesting of the submitted MPD or any subsequent MPD proposal. Rather, the MPD and the land use development of the Property shall be governed by the zoning designations provided herein and, shall be finalized (and, as necessary, amended) as soon as reasonably practicable following completion of the Annexation process pursuant to Utah Code Annotated § 10-2-425(5) (the "**Final MPD**"). Moreover, any substantive amendments to the MPD or this Agreement shall be processed in accordance with the Park City Land Management Code in effect at the time. Further, as part of the Final MPD and subdivision approval process, the phasing of the development of the Property shall be determined, to ensure the adequacy of public facilities that may be required to support any such development.

4. **Trails.** A condition precedent to subdivision approvals for the Property is the grant to the City of non-exclusive, public easements across the Petitioner's Property, and the construction of non-vehicular pedestrian trails as determined by the Planning Commission during the Final MPD and Subdivision Plat review process (collectively, the "**Trails**"). In any event, the trail easements shall include, but are not limited to, existing trails and those easements necessary to extend and/or relocate existing non-vehicular pedestrian trails to connect to other public trail easements existing or planned for the future on adjacent developed or undeveloped properties. Any obligations with respect to the construction of any such trails shall be governed by the terms and conditions of the Final MPD for the Property.

5. **Fire Prevention Measures.** Because of significant wild land interface issues on the Property, the Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to implement a fire protection and emergency access plan, to be submitted prior to the issuance of any building permits, and to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes.

6. **Roads and Road Design.** All streets and roads within and to the Property, which are to be dedicated to the City, shall be designed according to the City's road design standards or retained as private roads. The roads in the affordable housing area are anticipated to be public and shall be granted,

conveyed and/or dedicated to the City for purposes of a public thoroughfare and, upon acceptance thereof by the City, the maintenance and repair thereof shall be by the City. Unless bond funds are used in connection with the construction of the roads in the market rate housing area, such portion of the roads shall remain private and maintenance and repair of all such streets and roads shall remain with the Petitioner (or its assigns) including any Owner's Association, until such time as any such streets and roads shall be accepted by Park City pursuant to the City's applicable ordinances governing any such dedication (the "Subdivision Ordinance"). All roadways within the Property and subject to the Subdivision Ordinance (the "Subdivision") shall be not less than thirty (30) feet wide, back of curb to back of curb. The final determination of which roadways, or portions thereof, are to be publicly dedicated shall be made during the Subdivision Plat review process; provided that the terms and conditions of grading and constructing roadway access across any City property shall be agreed to as part of any Development Agreement approval process.

Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location is approved by the Planning Commission. Non-motorized paths separate from the road right-of-way may be preferable and determined by the Planning Commission.

The Development Agreement shall not propose a road or street connection from Park City Heights to The Oaks at Deer Valley Subdivision, Hidden Meadows Subdivision, or to the Morning Star Estates Subdivision. The two proposed single family lots with access onto Sunridge Cove shall be restricted at the time of the Final MPD to single family uses, consistent with the uses allowed in the Oaks at Deer Valley Subdivision. These lots may, if approved by the Oaks at Deer Valley Subdivision, be included in the Oaks at Deer Valley HOA at the time of the Final Subdivision Plat approval.

7. Sanitary Sewer, Line Extensions and Related Matters. Construction and alignment of the sanitary sewer shall be established as part of the Final MPD and the Final Subdivision Plat for the Property (as accepted by the City and filed in the official real estate records of Summit County, Utah, the "Subdivision Plat"). The preferred alignment of the sanitary sewer shall be that alignment which results in the least visual impact and site disturbance while meeting the site design and construction requirements of the Snyderville Basin Water Reclamation District. Further, as part of the Development Agreement, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall enter into a latecomer's agreement to reimburse the City for a portion of its costs in extending sewer facilities adjacent to the Property.

8. Water Rights and Water Source Capacity. The 1992 Pre-Annexation and Settlement Agreement conveyed 235.5 acre-feet of water rights to the City for the Park City Heights property and memorialized the fact that development on that property would be treated as if it had dedicated water rights to the City. Accordingly, the LMC Section 15-8-5 (C) (1) requirement to dedicate paper water rights is satisfied by Boyer.

9. Water Impact Fees and Other Water Facilities and Systems Costs. Certain water facilities and systems internal to Petitioner's Property shall be required to be constructed and, to the extent to be dedicated to the City, easements therefore granted to the City, all of which shall be determined, and agreed to, by the affected parties and the City during the Final Development Agreement and final Subdivision review process (the "Water Facilities and Systems"). Any and all such Water Facilities and Systems shall be constructed to not less than the specifications reasonably required by the

City Engineer. A Water Agreement, between the City and the Petitioner substantially in the form attached hereto as Exhibit C, shall be executed pursuant to this Annexation Agreement, to be recorded concurrently.

In connection with the Development Agreement and subdivision approval process, on-site storm runoff detention facilities, or approved alternatives, as approved by the Park City Engineer, may be required. The timing for the construction of such storm run-off improvements shall be determined at the time of final Subdivision Plat and Final Development Agreement approval (the “Storm Detention Facilities”).

10. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the conditions of the Final MPD, with the understanding and agreement of the parties that:

- a. The base Employee/Affordable Housing requirement for the development associated with the Park City Heights Annexation and Final MPD will be determined as defined in the City’s Land Management Code and in a manner consistent with Affordable Housing Resolution 17-99 and the CT Zone. This requirement shall be satisfied by the construction of said AUEs within the Property. These AUEs do not count towards the 160 unit maximum residential market rate unit density.
- b. The requirement for 44.78 Affordable Unit Equivalents (AUE’s) associated with the IHC Hospital, as described in the Intermountain Healthcare/USSA/Burbidge Annexation Agreement, will be transferred to and satisfied by the construction of said AUEs within the Property. These AUEs, currently configured in 17.91 Unit Equivalents, do not count towards the 160 unit maximum residential market rate unit density as set forth above.
- c. Park City may elect to build additional affordable housing units beyond those described above. These units do not count toward the 160 unit maximum residential market rate density as set forth above, but shall be included in the overall density calculation for the Community Transition Zone.
- d. Affordable units shall be made available for occupancy on approximately the same schedule as or prior to a project’s market rate units or lots; except that Certificates of Occupancy (temporary or permanent) for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the inclusionary units (subparagraph (a) above). A schedule setting forth the phasing of the total number of market units in the proposed MPD, along with a schedule setting forth the phasing of the required inclusionary units (subparagraph (a) above) shall be approved as part of the Final MPD prior to the issuance of a building permit for either the affordable or market rate units.

11. **Sustainable Development requirements.** All construction within the Final MPD shall utilize sustainable site design, development and building practices and otherwise comply with requirements of the CT Zone. Unless otherwise approved in the final MPD in compliance with the current Environmental/ Sustainability Element of the General Plan, each home in the development must

receive National Association of Home Builders National Green Building Standards Silver Certification (or other Green Building certification as approved by the Planning Commission at the time of the Master Planned Development approval) **OR** reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification and LEED rating criteria to be used shall be those applicable at the time of building permit submittal.

In addition to the builder achieving the aforementioned points on the Green Building or LEED for Homes checklists, to achieve water conservation goals, the builder must either:

- Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR
- Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist.

Points achieved in these resource conservation categories will count towards the overall score.

12. **Planning Review Fees.** Owner, as to its development portion of the annexed Property, shall be responsible for all standard and customary, and generally-applicable planning, building, subdivision and construction inspection fees imposed by the City in accordance with the Land Management Code.

13. **Impact and Building Fees.** All property owners within the annexed property shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact, park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Property at the time of application for any building permits. In the event that additional inspections of roads and structures are required, based on the Geotechnical report prepared by GHS Geotechnical Consultants, Inc. dated June 9, 2006 and supplemental report dated March, 2008, these additional fees shall be borne by the Petitioner.

14. **Acceptance of Public Improvements.** Subject to fulfillment of all the conditions of the Subdivision Ordinance and, further, Park City's final approval of the construction of any such public improvements, those roads, streets, water facilities, utilities, and easements as may be agreed by Parties in connection with the Final MPD and Subdivision Plat review and approval process (the "**Public Improvements**"), shall be conveyed and dedicated to the City, for public purposes. Following any such dedication, Park City shall be responsible for the maintenance, repair and replacement of any and all such Public Improvements.

15. **Snow Removal and Storage.** Other than as may be necessary or appropriate for the Trails, Park City shall not be obligated to remove snow from private roads, streets or similar improvements within the Property, until acceptance of the dedication thereof to the City pursuant to the City's Subdivision Ordinance. Park City shall not be obligated to remove snow from private roads, streets, or other similar private improvements to be further identified on the final subdivision plat.

16. **Fiscal Impact Analysis.** The Fiscal Impact Analysis, prepared for the Petitioner by Lodestar West, Inc. and dated June 6, 2007, was reviewed by the Park City Heights Annexation Task

Force and forwarded to the Planning Commission for further review. The Fiscal Impact Analysis concludes that the Annexation will result in an overall positive impact on the City. The analysis includes revenue and cost assumptions related to the Annexation and development of the Property, concludes that there will be a net fiscal gain to the School District for the market rate units and a net fiscal loss to the School District for the affordable housing portion of the development, however, if aggregate property taxes to the District generated from local sources are not adequate to cover the expenditures required for the budget, then additional State funds would be redistributed per the State Code, to compensate for the shortfall. The fiscal Impact Analysis is hereby accepted and approved by the City as part of this Agreement.

17. **Traffic Mitigation.** A comprehensive traffic review and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by Petitioner's traffic consultant, Hales Engineering, dated June 7, 2007 on file at the Park City Planning Department. The mitigation measures (including traffic calming) outlined in the Hales Engineering, June 7, 2007, Park City Heights Traffic Impact Study shall be implemented in a manner consistent with the Final MPD. The Parties anticipate that the Petitioner (or, as specified in connection with any such assignment, its assigns) shall bear all financial costs, except land acquisition costs, for the construction of a signalized intersection on State Road 248 and the connection of that intersection with a roadway to the Property, as shown in the Traffic Impact Study. Construction of this intersection and its connection with Richardson Flat Road shall meet all applicable Utah Department of Transportation and Park City Municipal Corporation standards and, at a minimum, shall include the improvements detailed in a-d below:

a. A southbound left turn lane, deceleration lane and taper shall be constructed on SR-248 to accommodate more than 10 vehicles per hour making left-hand turning movements.

b. A northbound right turn pocket, deceleration lane and taper shall be constructed on SR-248 to accommodate more than 10 vehicles per hour making right-hand turning movements.

c. A westbound to northbound right turn acceleration lane and taper shall be constructed on SR-248 to accommodate more than 50 vehicles per hour. When the intersection is signalized, this improvement would not be necessary.

d. The Old Dump Road (Richardson Flat Road) shall be built to Park City Municipal Corp. standards at a minimum width of 39 feet back-of-gutter to back of gutter within a 66 foot right-of-way. This width is not inclusive of turn pockets or the improvements described in 1-3 below) to the easternmost Park City Heights intersection at the expense of the Petitioner. Turn pockets shall be constructed on Richardson Flat Road at each of the Property's intersections with the Richardson Flat Road. These turn pockets will be constructed per standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) and/or by the American Association of Highway Transportation Officials (AASHTO). The Richardson Flat Road at its intersection with SR-248 will be of sufficient paved width to accommodate (at the stop bar):

i. 18" wide eastbound lane tapered per standards set forth in the MUTCD and/or by the AASHTO.

ii. 12' wide westbound left-hand/thru traffic lane (with adjoining right turn lane) for a minimum of 150', then tapered per standards set forth in the MUTCD and/or by the AASHTO.

iii. 5' wide bike lanes.

e. The cost sharing methodology (between Petitioner and any assigns) for the above projects shall be agreed to by the Petitioner and assigns prior to Final MPD approval. The cost sharing formula and timing for construction of the above improvements shall be detailed in the Final MPD document.

18. **Effective Date.** This Agreement is effective upon recordation of the annexation plat and the filing and recordation of the annexation ordinance.

19. **Governing Law; Jurisdiction and Venue.** The laws of the State of Utah shall govern this Agreement. The City and Boyer agree that jurisdiction and venue are proper in Summit County.

20. **Real Covenant, Equitable Servitude.** This Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property. This Agreement, a certified copy of the ordinance approving the Annexation, and the Annexation Plat shall be recorded in the County Recorder's Office of Summit County, Utah.

21. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Petitioner or its successors or assigns; provided that, notwithstanding the foregoing, the City hereby consents to the assignment of the rights and responsibilities, and the benefits, of this Agreement, in whole or in part, to Boyer upon written notice to the City; and provided that, in connection with and to the extent of any such assignment, Petitioner shall not have any further rights or responsibilities under this Agreement as and to the extent accruing from and after the date of any such assignment.

22. **Compliance with City Code.** Notwithstanding Paragraph 17 of this Agreement, from the time the Park City Council (the "**City Council**") formally approves this Agreement and upon completion of the Annexation by recordation of the annexation plat, the Property shall be subject to compliance with any and all City Codes and Regulations pertaining to the Property.

23. **Full Agreement.** This Agreement, together with the recitals and exhibits attached to this Agreement (which are incorporated in and made a part of this Agreement by this reference), and the written agreements expressly referenced herein, contain the full and complete agreement of the Parties regarding the Annexation of the Property into the City and there are no other agreements in regard to the

Annexation of the Property. Only a written instrument signed by all Parties, or their successors or assigns, may amend this Agreement.

24. **No Joint Venture, Partnership or Third Party Rights.** This Agreement does not create any joint venture, partnership, undertaking or business arrangement among the Parties. Except as otherwise specified herein, this Agreement, the rights and benefits under this Agreement, and the terms or conditions hereof, shall not inure to the benefit of any third party.

25. **Vested Rights.** Subject to the provisions of this Agreement, Petitioner (or its assigns) shall have the right to develop and construct the proposed Project in accordance with the uses, densities, intensities, and configuration of development approved in the Final MPD when approved, subject to and in compliance with other applicable ordinances and regulations of Park City.

26. **Nature of Obligations of Petitioner.** Boyer is liable for performance of the obligations imposed under this Agreement only with respect to the portion of property which it owns and shall not have any liability with respect to the portion of the property owned by the other Party. Boyer agrees to cooperate with each other to coordinate performance of all of their respective obligations under this Agreement. Park City as Co-Tenant has authorized Boyer to petition and execute this Agreement on its behalf and is liable for performance of the obligations imposed under this Agreement only with respect to the portion of property which it owns and shall not have any liability with respect to the portion of the property owned by the other Party.

(Signatures begin on following page)

PARK CITY MUNICIPAL CORPORATION,
a political subdivision of the State of Utah

By: *Dana Williams*
Dana Williams, Mayor

Dated this 2 day of July, 2010.

ATTEST:

Sharon Bauman
Sharon Bauman, Deputy City Recorder



Dated this 2 day of July, 2010.

APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney

Dated this 2 day of July, 2010.

BOYER PARK CITY JUNCTION, L.C.,
A Utah liability company, by its manager

The Boyer Company, L.C.,
a Utah limited liability company

By: _____
Name: _____
Its: _____

Dated this _____ day of _____, 2010

- Exhibits
- A. Annexation Plat
 - B. Legal Description
 - C. Water Agreement
 - D. Concept Site Plan

PARK CITY MUNICIPAL CORPORATION,
a political subdivision of the State of Utah

By: _____
Dana Williams, Mayor

Dated this _____ day of _____, 2010.

ATTEST:

Sharon Bauman, Deputy City Recorder

Dated this _____ day of _____, 2010.

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Dated this _____ day of _____, 2010.

BOYER PARK CITY JUNCTION, L.C.,
A Utah liability company, by its manager

The Boyer Company, L.C.,
a Utah limited liability company

By:  _____
Name: Dan Olden
Its: Manager

Dated this 2 day of July, 2010

- Exhibits
A. Annexation Plat
B. Legal Description
C. Water Agreement
D. Concept Site Plan

**EXHIBIT C TO ANNEXATION AGREEMENT
WATER AGREEMENT**

This WATER AGREEMENT (the "Agreement") is made and entered into as of the 2nd day of July, 2010, by and between PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah (the "City"); Boyer Park City Junction L.C. ("Boyer"), (individually, a "Party" and, collectively, the "Parties"). The City is also a "Co-Tenant" with Boyer for the purposes of developing the Project, as described herein, and will be referred to as "Co-Tenant" as needed.

RECITALS

A. Boyer Park City Junction L.C. and City, Co-Tenants, each own certain real property located in Summit County, State of Utah, as more particularly described and shown in attached Exhibit "A" (the "Property"); and

B. Co-Tenants intend to improve the Property in phases, as described below, for residential development (the "Project"), which is within the Park City Heights subdivision ("PCH"); and

C. The Parties have entered into an Annexation Agreement, dated July 2, 2010, (the "Annexation Agreement"), under which the City annexed the Property into the corporate limits of the City and agreed to extend municipal services to the Property and the Project; and

D. Under the Annexation Agreement, the Parties agree to enter into this separate Water Agreement for the purpose of implementing Sections 9 of the Annexation Agreement relating to, among other matters, the design and construction of and payment for the "Water Delivery System," as defined in this Water Agreement and as may be further defined in any future written agreement addressing that defined term;

NOW, WHEREFORE, in consideration of the terms and conditions of this Agreement, as well as the mutual benefits to be derived from those terms and conditions, the Parties agree as follows:

AGREEMENT

1. Water Delivery System and Project Peak Daily Demand. The Parties agree to cooperate in the construction of a Water Delivery System, as defined in this Water Agreement, which will be adequate to meet the water demand of the Project, as phased, while also providing additional capacity to the City for the delivery of water to customers outside of the Property. The City shall and subject to the terms of the Water Agreement and the Annexation Agreement hereby agrees to provide culinary water and irrigation water sufficient to meet the projected peak daily water demand for the use and development of the Project as phased, subject to the terms and restrictions contained in, or as may be adopted as part of, the Water Code, Title 13 of the Municipal Code of Park City, including emergency and drought restrictions. The Water Delivery System shall also be

capable of delivering water at flows and pressures meeting the requirements of R309-105-9 of the Utah Department of Environmental Quality Rules for Public Drinking Water Systems, as amended. The Parties understand, acknowledge and agree that the peak daily water demand for the Project shall not exceed 350 gallons per minute and that allowable residential density for Market Units and Affordable Unit Equivalents (AUEs) is set forth in the Annexation Agreement. Phase I shall not exceed ninety (90) Unit Equivalents as described below. Except as otherwise specified in this Water Agreement or the Annexation Agreement, or any future written agreement, the City shall have no further obligation to provide any water, water rights, source capacity and/or infrastructure to the Project or the Property.

2. Initial Certificates of Occupancy.

- a. Initial Building Permits. Co-Tenants agree that the Project may be developed in phases. The Parties understand and agree that City is in the process of designing and constructing a water treatment plant. If the first phase of development ("Phase I") is prior to the plant becoming operational, Co-Tenants agree that Phase I of the Project shall be limited to a maximum of one-hundred eighty-thousand (180,000) square feet of residential development and that Phase I shall not exceed the lesser of ninety (90) Unit Equivalents, or ninety-thousand (90,000) gallons per day of demand. The Phase I service area shall be limited to locations and elevations serviceable off of the Boot Hill Pressure Zone. Co-Tenants shall provide a hydraulic model which will delineate the development boundaries of the Project.
 - b. Subsequent Phases. Co-Tenants understand and agree that City is unable to meet the water demand beyond Phase I of the Project without the Quinn's Junction Water Treatment Plant (Quinn's WTP) being operational and capable of increasing City's water source capacity by a minimum of one-thousand five-hundred gallons per minute (1,500 gpm). Co-Tenants further understand and agree that City anticipates the Quinn's WTP will be operational and capable of increasing City's water source capacity by a minimum of one-thousand five-hundred gallons per minute (1,500 gpm) on or about October 14, 2011. Accordingly, Co-Tenants understand and agree that City will not issue a temporary or permanent certificate of occupancy to any development beyond Phase I of the Project prior to the date on which the Quinn's WTP is operational and capable of increasing City's water source capacity by a minimum of one-thousand five-hundred gallons per minute (1,500 gpm).
 - c. Upon the Quinn's WTP being operational and capable of increasing City's water source capacity by a minimum of one-thousand five-hundred gallons per minute (1,500 gpm), the limitation in paragraphs 2(a) and 2(b) shall not apply.
3. Water Delivery System Infrastructure. Co-Tenants shall provide as-built drawings of the infrastructure identified below and GPS coordinates for all water surface features. The City Water Department shall have access to the construction sites at all times.

- a. Phase I Infrastructure. Concurrent with the construction of Phase I, the City shall design and construct a water transmission line that will run parallel to water lines included in the Rail Trail Water Lines Project from the Quinn's WTP to a point that is approximately 2,600 feet in a southwesterly direction from the intersection of the Rail Trail and Richardson Flat Road. This point is near the existing dirt road south of the Rail Trail and Silver Creek. This segment of the transmission line will be constructed as a part of the Rail Trail Water Lines Project during the summer and fall of 2010. This segment of the transmission line will also include a connection to the Fairway Hills Pressure Zone with a backup connection to the Boot Hill Pressure Zone, including all valves, vaults, and appurtenances. Phase I service area shall be limited as defined in Paragraph 2(a) of this Agreement. Co-Tenants shall design and construct an extension from the transmission line to the upper end of the Phase I distribution system. The transmission line will be designed with adequate pressure and flow capacity such that it can be extended as a part of Phase II to the Culinary Water Tank (as defined in Paragraph 3(b) of this Agreement) and the existing Snow Park Pressure Zone. Phase I shall also include water distribution lines to Phase I together with all required valves and other appurtenances.
- b. Culinary Water Tank. Concurrent with the construction of Phase II, Co-Tenants shall design and construct a Culinary Water Tank, together with all required transmission lines, valves, valve vaults, access roads, and other appurtenances, within the Property, subject to City's approval. The purpose of the Culinary Water Tank is to provide fire suppression and operational storage for the Project. Co-Tenants agree to upsize the Culinary Water Tank at the request of the City. The City agrees to pay all costs associated with the upsizing as provided in Paragraph 4(b) below.
- c. Culinary Water Pump Station (Park City Heights Pump Station). Concurrent with the construction of Phase II, Co-Tenants shall design and construct a Culinary Water Pump Station complete within the Quinn's WTP, together with all required pumps, mechanical piping, valves, valve vaults, SCADA, VFD's, soft starts, and other appurtenances, relating to the Park City Heights Pump Station. The Quinn's WTP has been designed to provide the space for the future addition of this pump station. The purpose of the Park City Heights Pump Station is to deliver water to the Culinary Water Tank and the Snow Park Zone. The Park City Heights Pump Station shall be upsized as provided in Paragraph 4(c) of this Agreement.
- d. Culinary Water Distribution Line. Concurrent with the construction of Phase II, Co-Tenants shall design and construct a Culinary Water Distribution Line, together with all required, valves, and other appurtenances, for the purpose of conveying culinary water from the Culinary Water Tank to the entire Project. At this time, the connection to the Boot Hill and Fairway Hills Pressure zones shall be terminated and abandoned. The design and construction of the water distribution line shall be subject to City's approval. The Culinary Water Distribution Line shall be upsized as provided in Paragraph 4(d) of this Agreement.

- e. Culinary Water Transmission Line. Concurrent with the construction of Phase II, Co-Tenants shall design and construct a culinary water transmission line extension from Phase I, together with all required pumps, valves, and other appurtenances, for the purpose of conveying treated water from the Quinn's WTP to the Culinary Water Tank. The Culinary Water Transmission Line shall be upsized as provided in Paragraph 4(e) of this Agreement.
 - f. Snow Park – Oaks Water Transmission Line. Concurrent with the construction of Phase II, Co-Tenants shall design and construct the Snow Park – Oaks Water Transmission Line, together with all required pumps, valves, and other appurtenances, for the purpose of conveying water from the Snow Park pressure zone to the Water Delivery System. The design and construction of the water transmission line shall be subject to City's approval. The Snow Park - Oaks Water Transmission Line shall be upsized as provided in Paragraph 4(f) of this Agreement.
4. Cost of Water Delivery System. The Parties agree that, pursuant to the terms of the Annexation Agreement and this Water Agreement:
- a. Phase I Infrastructure. Co-Tenants shall reimburse the City for the full cost of the design and construction of the water transmission line that will run parallel to water lines included in the Rail Trail Water Lines Project from the Quinn's WTP to the existing dirt road south of the Rail Trail and Silver Creek within thirty days of approval by the City Engineer. Co-Tenants shall pay all costs associated with the design and construction of the transmission extension from the transmission line to the upper end of the Phase I Culinary Water Distribution Line, as described in Paragraph 3(a) of this Agreement, and all related pumps, valves, and other appurtenances.
 - b. Culinary Water Tank. Co-Tenants shall pay all costs associated with the design and construction of the Culinary Water Tank and all related pumps, valves, pipes, security, access roads, re-vegetation, slope stability, and electrical service extensions. If City elects to upsize the Culinary Water Tank, City shall pay the Co-Tenants its ratable share of the costs of the Culinary Water Tank within thirty (30) days of approval by the City Engineer, following request for inspection pursuant to the Subdivision Ordinance and associated public improvement guarantee. The City's ratable share shall be determined during the design process based on gallons of storage required for the City divided by the sum of the gallons of storage required for the Project plus the gallons of storage required for the City. By way of example, if the City upsizes the tank by 500,000 gallons and the Co-Tenants require 450,000 gallons for the Project, the City's ratable share would be 52.6%.
 - c. Culinary Water Pump Station (Park City Heights Pump Station). Co-Tenants shall reimburse City for its ratable share of the costs of the design and construction of the Park City Heights Pump Station within thirty days of approval by the City Engineer. Co-Tenants' ratable share shall be determined during the design process

based on horsepower (HP) required for the Project divided by the total horsepower required with the City's upsized. By way of example, if Co-Tenants require 40 HP for the Project and the City's upsized pump station requires 100 HP, Co-Tenants' ratable share would be 40%.

- d. Culinary Water Distribution Line. Co-Tenants shall pay all costs associated with the design and construction of the Culinary Water Distribution Line and all related pumps, valves, and other appurtenances. Within thirty (30) days of the completion of the Culinary Water Distribution Line, the Parties shall determine the incremental costs incurred by Co-Tenants over and above the cost of having designed and constructed the required Project size determined during design (minimum of eight (8) inch) culinary transmission line. The incremental cost increase of the actual Culinary Water Distribution Line, which the Parties understand and agree may be larger than the required Project size (minimum of eight (8) inches), shall represent City's ratable share of the cost of design and construction of the Culinary Water Distribution Line. City shall reimburse Co-Tenants their ratable share of the costs of the Culinary Water Distribution Line within thirty (30) days of City accepting the Culinary Water Distribution Line by ordinance.
- e. Culinary Water Transmission Line. Co-Tenants shall pay all costs associated with the design and construction of the Culinary Water Transmission Line and all related pumps, valves, and other appurtenances. Within thirty (30) days of the completion of Culinary Water Transmission Line, the Co-Tenants and City shall determine the incremental costs incurred by Co-Tenants over and above the cost of having designed and constructed the required culinary water transmission line size as determined during design (minimum of eight (8) inch). The incremental cost of the actual Culinary Water Transmission Line, which the Parties understand and agree may be larger than the required Project size (minimum of eight (8) inches), shall represent City's ratable share of the cost of design and construction of the Culinary Water Transmission Line. City shall reimburse Co-Tenants their ratable share of the costs of the Culinary Water Transmission Line within thirty (30) days of approval by the City Engineer, following request for inspection pursuant to the Subdivision Ordinance and associated public improvement guarantee. No costs in excess of the estimated cost of construction used for the public improvement guarantee shall be part of the City reimbursement unless approved in advance and in writing by the City.
- f. Snow Park – Oaks Water Transmission Line. Co-Tenants shall pay all costs associated with the design and construction of the Snow Park – Oaks Water Transmission Line and all related pumps, valves, and other appurtenances. Within thirty (30) days of the completion of Snow Park - Oaks Water Transmission Line, the Parties shall determine the incremental costs incurred by Co-Tenants over and above the cost of having designed and constructed the required transmission line size as determined during design (minimum of eight (8) inch). The incremental cost increase of the actual Snow Park –Oaks Water Transmission Line, which the Parties understand and agree may be larger than the required Project size (minimum

of eight (8) inches), shall represent City's ratable share of the cost of design and construction of that line. City shall pay Co-Tenants their ratable share of the costs of the Snow Park – Oaks Water Transmission Line within thirty (30) days of approval by the City Engineer, following request for inspection pursuant to the Subdivision Ordinance and associated public improvement guarantee. No costs in excess of the estimated cost of design and construction used for the public improvement guarantee shall be reimbursed unless approved in advance and in writing by the City.

- g. Incremental costs as defined by this section shall include the incremental cost of design and construction associated with inches of increased trench width from upsizing the tanks, pumps, or pipe diameter, including any incremental additional backfill, excavation, haul off, and import of suitable backfill, and the incremental material costs..
5. Specifications of Water Delivery System. Subject to the terms and conditions of the Annexation Agreement and this Water Agreement or as otherwise agreed in writing, Co-Tenants shall submit all required plans and specifications to City for approval and, thereafter, shall construct and install such approved Water Delivery System within the Project subject to the terms of this Water Agreement.
 6. Conveyance of Easements. Co-Tenants shall convey such easements to City as needed, concurrent with recordation of the final subdivision plat for Phase I, for the location of infrastructure as defined in the Annexation Agreement and this Water Agreement. Co-Tenants agree that all easements conveyed for these purposes shall be in accordance with the limitations and conditions of the City-approved utility plan.
 7. Conveyance of Property. Co-Tenants shall convey its interest in property in fee to City within the PCH annexation boundary, as needed and as approved by the City, for the location of the Culinary Water Tank, provided that such conveyance and location does not diminish (i) the densities described in the Annexation Agreement, or (ii) the ability to secure Master Planned Development approvals and permits related to such densities. Co-Tenants agree that all property conveyed for these purposes shall be free from financial liens and other encumbrances.
 8. Miscellaneous. The Parties further agree as follows:
 - a. Binding Terms; Entire Agreement. The terms, covenants and conditions herein contained shall be binding upon and inure to the benefit of the successors, transferees and assigns of the Parties. This Agreement and the exhibits attached hereto constitute the entire agreement among all the Parties hereto with respect to the subject matter hereof, incorporates all prior agreements, and may only be modified by a subsequent writing duly executed by the Parties.
 - b. No Public Dedication. Nothing contained in this Agreement shall, or shall be deemed to, constitute a gift or dedication of any part of the PCH Property to the

general public or for the benefit of the general public or for any public purpose whatsoever, it being the intention of the Parties that this Agreement will be strictly limited to and for the purposes expressed herein.

- c. **Waivers.** No waiver of any of the provisions of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver be a continuing waiver. Except as expressly provided in this Agreement, no waiver shall be binding unless executed in writing by the Party making the waiver. Any Party may waive any provision of this Agreement intended for its benefit; provided, however, that any such waiver shall in no way excuse any other Party from the performance of any of its other obligations under this Agreement.
- d. **Interpretation; Recitals.** This Agreement shall be interpreted and construed only by the contents hereof and there shall be no presumption or standard of construction in favor of or against any Party. The recitals stated above and the exhibits attached to this Agreement shall be and hereby are incorporated in and an integral part of this Agreement by this reference.
- e. **Governing Law; Captions.** This Agreement shall be construed and enforced in accordance with, and governed by, the law of the State of Utah. The captions in this Agreement are for convenience only and do not constitute a part of the provisions hereof.
- f. **Applicability.** If any term or provision of this Agreement or the application of it to any person, entity or circumstance shall to any extent be invalid and unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.
- g. **Authority; Further Assurances.** Each Party hereto represents and warrants that it has the requisite corporate power and authority to enter into and perform this Agreement and that, to their respective, current, actual knowledge, the same will not contravene or result in the violation of any agreement, law, rule, or regulation to which any such Party may be subject. Each Party to this Agreement shall use reasonable efforts and exercise reasonable diligence to accomplish and effect the transactions contemplated and, to that end, shall execute and deliver all such further instruments and documents as may be reasonably requested by the other Party in order to fully carry out the transactions contemplated by this Agreement.
- h. **No Third Party Beneficiaries.** Nothing in this Agreement is intended to or shall create an enforceable right, claim or cause of action by any third person, entity or party against any Party to this Agreement.
- i. **Counterparts; No Recording.** This Agreement may be executed by facsimile and in one or more counterparts, each of which shall be deemed an original, but all of

which together shall constitute one and the same instrument. This Agreement may not be recorded in the official real estate records of Summit County, Utah, or elsewhere, without the express, written consent of the Parties.

- j. Force Majeure. If any Party is delayed or prevented from performance of any act required hereunder by reason of a "force majeure" event, and such Party is otherwise without fault, then performance of such act shall be excused for the period of the delay. For purposes of this Agreement, "force majeure" shall mean any delay caused by acts of nature or the elements, acts of terrorism, weather, avalanche, fire, earthquake, flood, explosion, war, invasion, insurrection, riot, malicious mischief, vandalism, including without limitation, except with respect to the City, governmental or regulatory action or inaction, beyond the control of the Party claiming "force majeure" or any other person or entity delayed.
- k. Notices. Unless otherwise designated in writing, all notices, demands and other communications under this Agreement shall be in writing and mailed by first class registered or certified mail, postage prepaid, sent by receipted hand delivery, sent by nationally-recognized, overnight courier, sent by confirmed facsimile and, in any case, shall be addressed as set forth in the Annexation Agreement for each such Party (or their legal counsel).
- l. Relationship of Parties; Limitation of Liability. Nothing herein contained shall be deemed or construed as creating a relationship of principal and agent, partnership or joint venture among the Parties, or any of them, it being agreed that neither any provision contained herein, nor any acts of the Parties hereto, shall be deemed to create any relationship between the Parties except as otherwise specified in this Agreement.
- m. Remedies Cumulative; No Waiver; Injunctive Relief. The various rights and remedies herein contained and reserved to each of the Parties shall not be considered as exclusive of any other right or remedy of such Party, but shall be construed as cumulative and shall be in addition to every other remedy now or hereafter existing at law, in equity, or by statute. No delay or omission of the right to exercise any power by any Party shall impair any such right or power, or be construed as a waiver of any default or as acquiescence therein. Further, the Parties agree and acknowledge that a non-defaulting Party may not have an adequate remedy at law by reason of any breach of default of the terms or conditions of this Agreement and, as such, the non-defaulting Party shall be entitled to injunctive or similar relief from any breach or anticipated or threatened breach of this Agreement by the defaulting Party, in addition to and without waiver of any other remedies available at law or in equity.

DATED as of the ___ day of _____, 2010.

PARK CITY MUNICIPAL CORPORATION,
A political subdivision of the State of Utah

By: *Dana Williams*
Dana Williams, Mayor

Dated this 2 day of July, 2010.

ATTEST:

Sharon Bauman
Sharon Bauman, Deputy City Recorder



Dated this 2 day of July, 2010

APPROVED AS TO FORM:

[Signature]
Thomas A. Daley, Sr., Deputy City Attorney

Dated this 2 day of July, 2010.

BOYER PARK CITY JUNCTION, L.C.
A Utah liability company, by its manager

The Boyer Company, L.C.,
A Utah limited liability company

By: _____
Name: _____
Its: _____

Dated this _____ day of _____, 2010

Exhibit A- Annexation plat

PARK CITY MUNICIPAL CORPORATION,
A political subdivision of the State of Utah

By: _____
Dana Williams, Mayor

Dated this _____ day of _____, 2010.

ATTEST:

Sharon Bauman, Deputy City Recorder

Dated this _____ day of _____, 2010

APPROVED AS TO FORM:

Thomas A. Daley, Sr., Deputy City Attorney

Dated this _____ day of _____, 2010.

BOYER PARK CITY JUNCTION, L.C.
A Utah liability company, by its manager

The Boyer Company, L.C.,
A Utah limited liability company

By: 
Name: Dan H
Its: Manager

Dated this 2 day of July, 2010

Exhibit A- Annexation plat

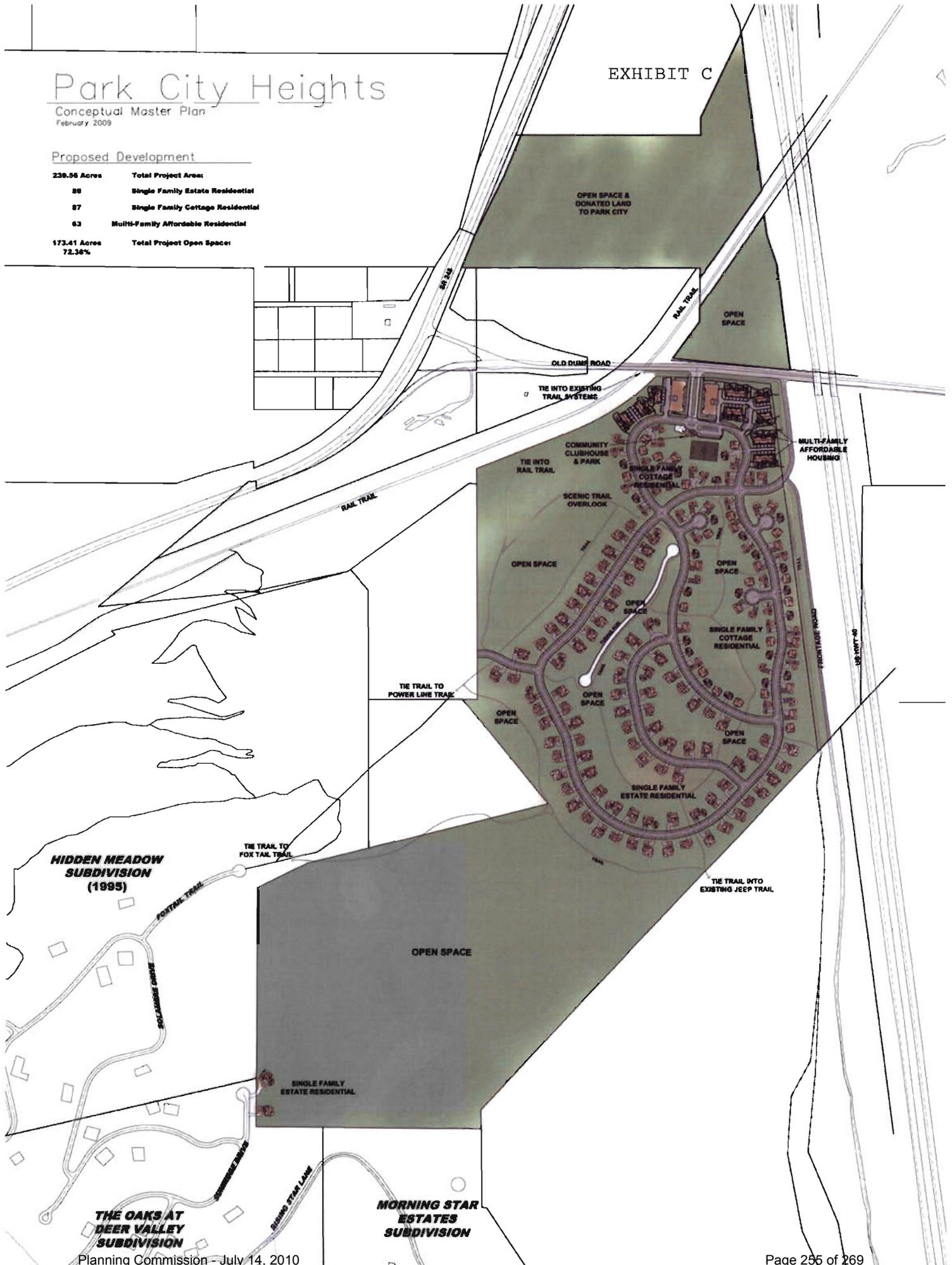
Park City Heights

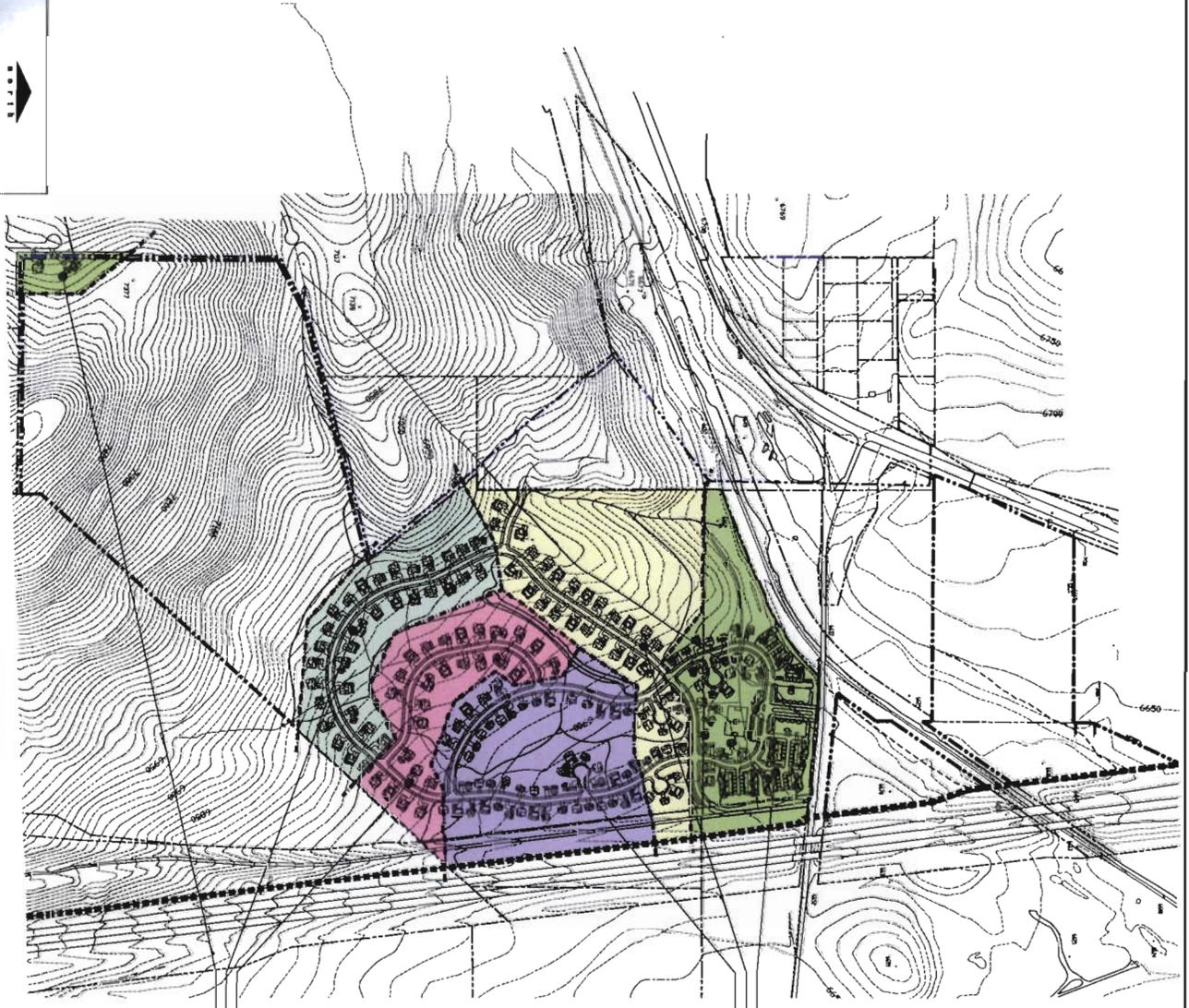
Conceptual Master Plan
February 2009

Proposed Development

239.56 Acres	Total Project Area:
88	Single Family Estate Residential
87	Single Family Cottage Residential
63	Multi-Family Affordable Residential
173.41 Acres	Total Project Open Space:
72.36%	

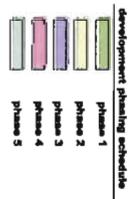
EXHIBIT C





PHASE 4
PHASE 3
PHASE 1

PHASE 2
PHASE 3
PHASE 1



park city heights
park city, utah & emmett county, utah

phasing plan

January 2010

Planning Commission - July 14, 2010

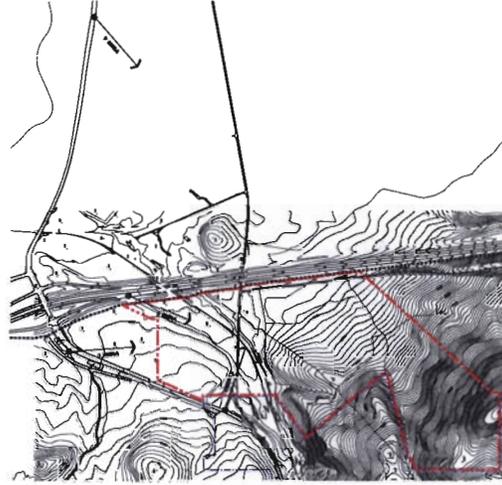
Page 256 of 269

DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS PRESENT WITHIN OR ADJACENT TO THE SITE

- VIEW 1**
- UTAH HIGHWAY 248 AT THE TURN-OUT ONE QUARTER MILE WEST FROM U.S. HIGHWAY 40

OTHER DESIGNATED VANTAGE POINTS

- VIEW 2**
- UTAH HIGHWAY 248 AT THE TURN-OUT TO OLD BUMP ROAD
- VIEW 3**
- U.S. HIGHWAY 40 SOUTHWOUND AT TOP OF ON-RAMP FROM UTAH HIGHWAY 248
- VIEW 4**
- UTAH HIGHWAY 248 WESTBOUND AT SIDE OF ROAD FROM KAMAS



after development - view 1



after development - view 2



before development - view 1



before development - view 2

PARK CITY HEIGHTS

Sensitive Land Overlay Summary

1. Slope/Topographic Map

0-15% Slope	= 132.86 Acres
15-30% Slope	= 52.39 Acres
30-40% Slope	= 25.48 Acres
40+% Slope	= <u>28.83 Acres</u>

Total = 239.56 Acres (Total acreage within the MPD)

Development is proposed primarily in areas of 0-15% slope. With approximately 36 units proposed within the 15-30% slope areas. No development is located on slope areas of 30-40% or within 50' of the very steep slope area (greater than 40%). At least 75% of the steep slope areas (15% to 40%) remain undeveloped.

2. Ridge Line Areas

The property within the Annexation area has three prominent ridge line areas (fourth ridge line area is shown as being a secondary ridge behind the northern most ridge line). Development is not located within 100' of the prominent ridge line areas. Three units are proposed within 100' of the secondary ridge.

3. Vegetative Cover

The property is mostly covered with sage and grasslands as well as gamble and scrub oak. There are areas with coniferous trees at the higher elevations. There are no agricultural crops on the property. Development is proposed primarily in areas currently vegetated with sage and grasses.

4. Designated Entry Corridor and Vantage Points

The designated vantage point for this property is from Utah Highway 248 at the turn-out one quarter mile west from U.S. Highway 40. Before and after photos depict how development might look as viewed from this vantage point. A visual assessment was also done from three other vantage points as directed by the Planning Commission. The study will need to be revised to reflect the revised site plan.

5. Wetlands

Wetland delineation has been done. No development is proposed on or within 50' of any wetland area.

6. Stream Corridors, Canals, and Irrigation Ditches

The Silver Creek drainage is the only significant stream corridor near the property. A flood plain analysis was also completed to show the 100 year flood plain area. No development is proposed on or within 50' of the ordinary high water mark or flood plain area.

7. Wildlife Habitat Areas

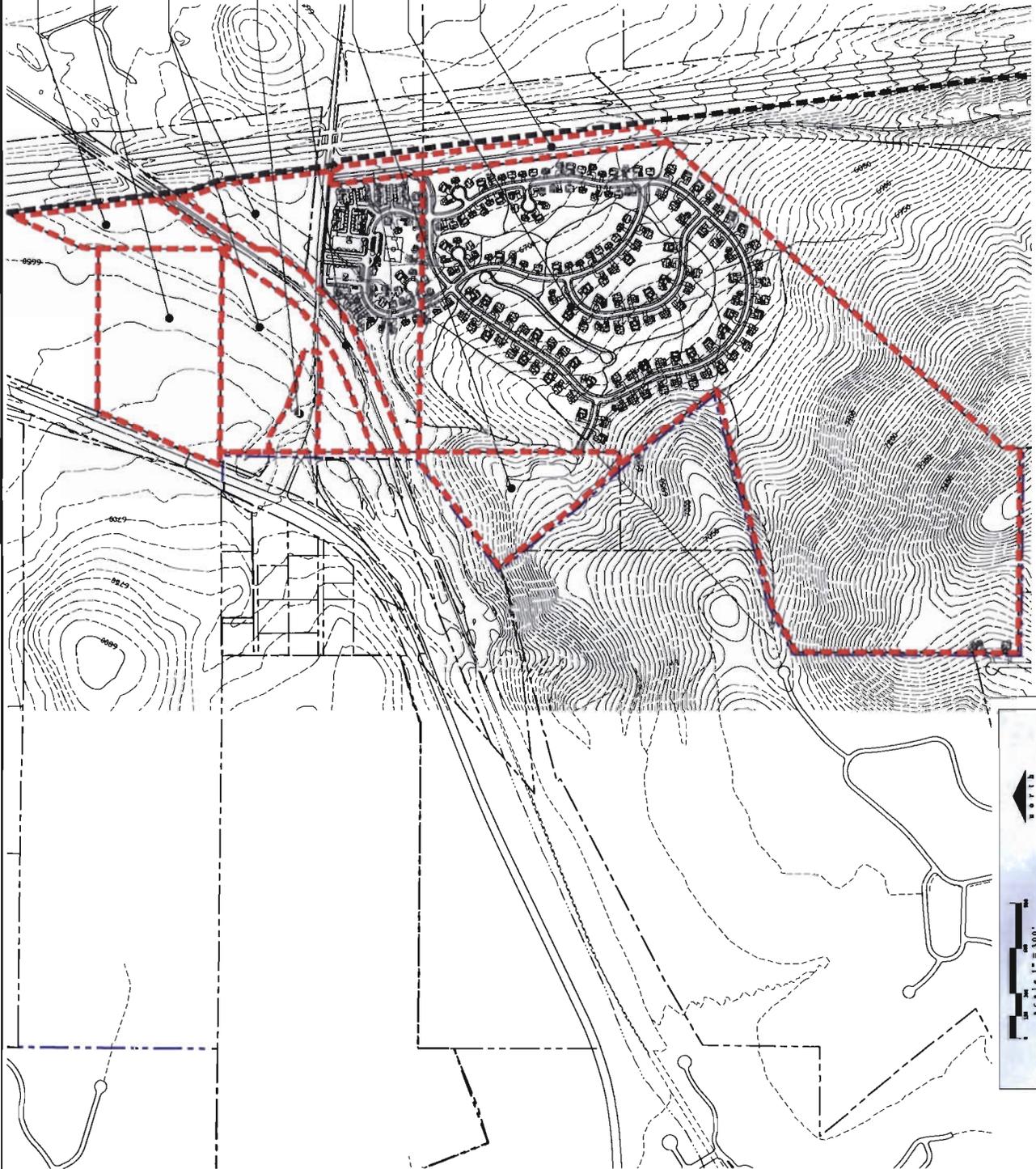
A study was done at time of application that included maps provided by the Utah Division of Wildlife Resources, which show the species, type of habitat, and value rating of those animals that may have the potential to occur on the project area. Of the Federal and State listed wildlife species, none of those species make substantive use of the proposed development area. The upland and heavily vegetated areas will remain available to wildlife making use this area. Wildlife corridors should be identified and mitigation measures proposed. Additional information regarding mitigation for sage grouse habitat will need to be provided with the MPD.

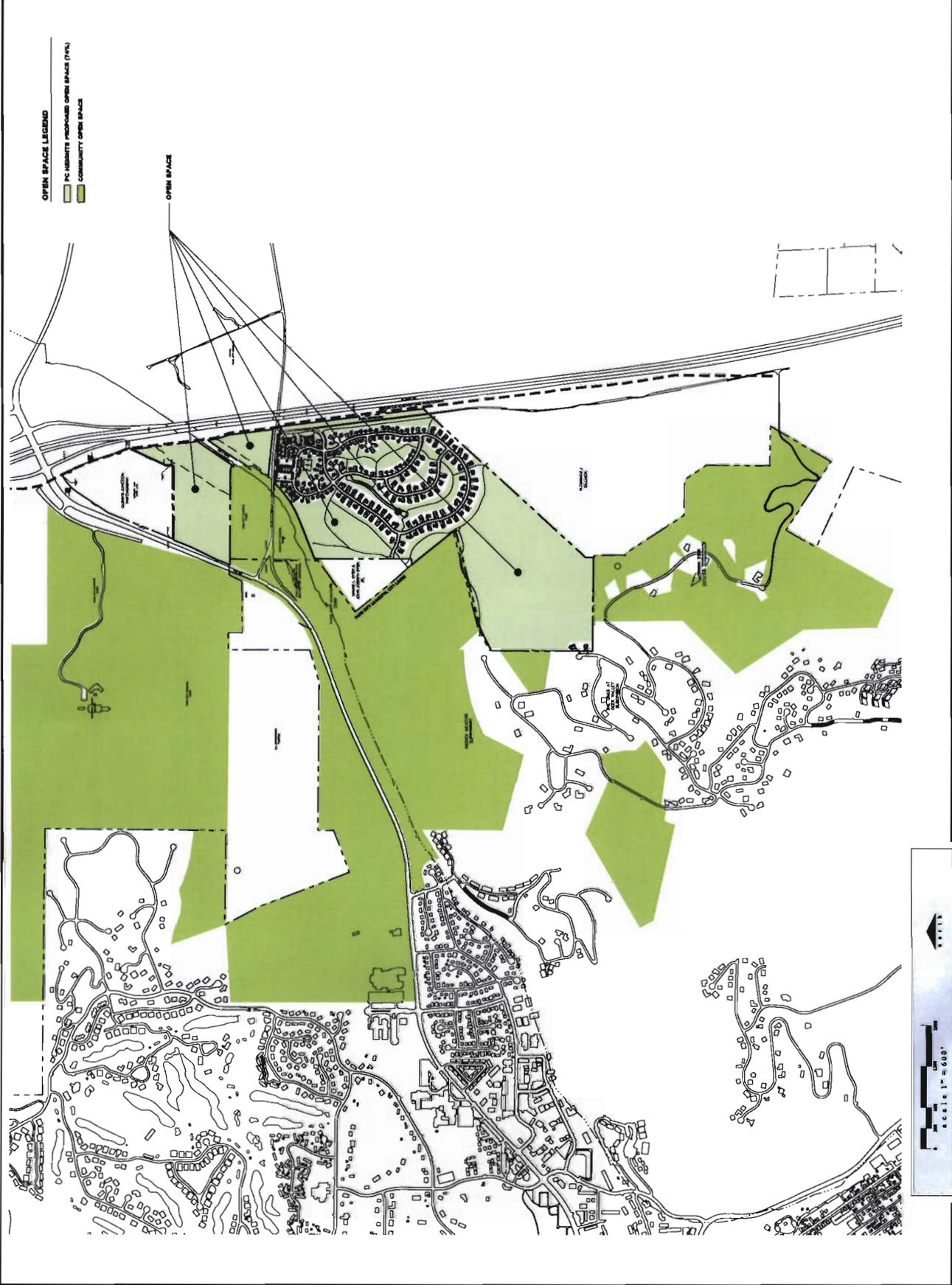
8. Density

Proposed density of 239 units on 239 acres (including the affordable housing units) complies with the maximum allowed units in the CT zone of 1 unit per acre.

Additional information has been submitted as part of the annexation review, visual analysis, soils investigation report and geotechnical report.

- Park City Municipal Corp.
- Boyer Park City Junction, LC & Park City Municipal Corp.
- Park City Municipal Corp.
- UDOT
- STATE OF UTAH Parks & Recreation
- Mamie L. & John Joseph Byer
- Boyer Park City Junction, LC & Park City Municipal Corp.
- UDOT

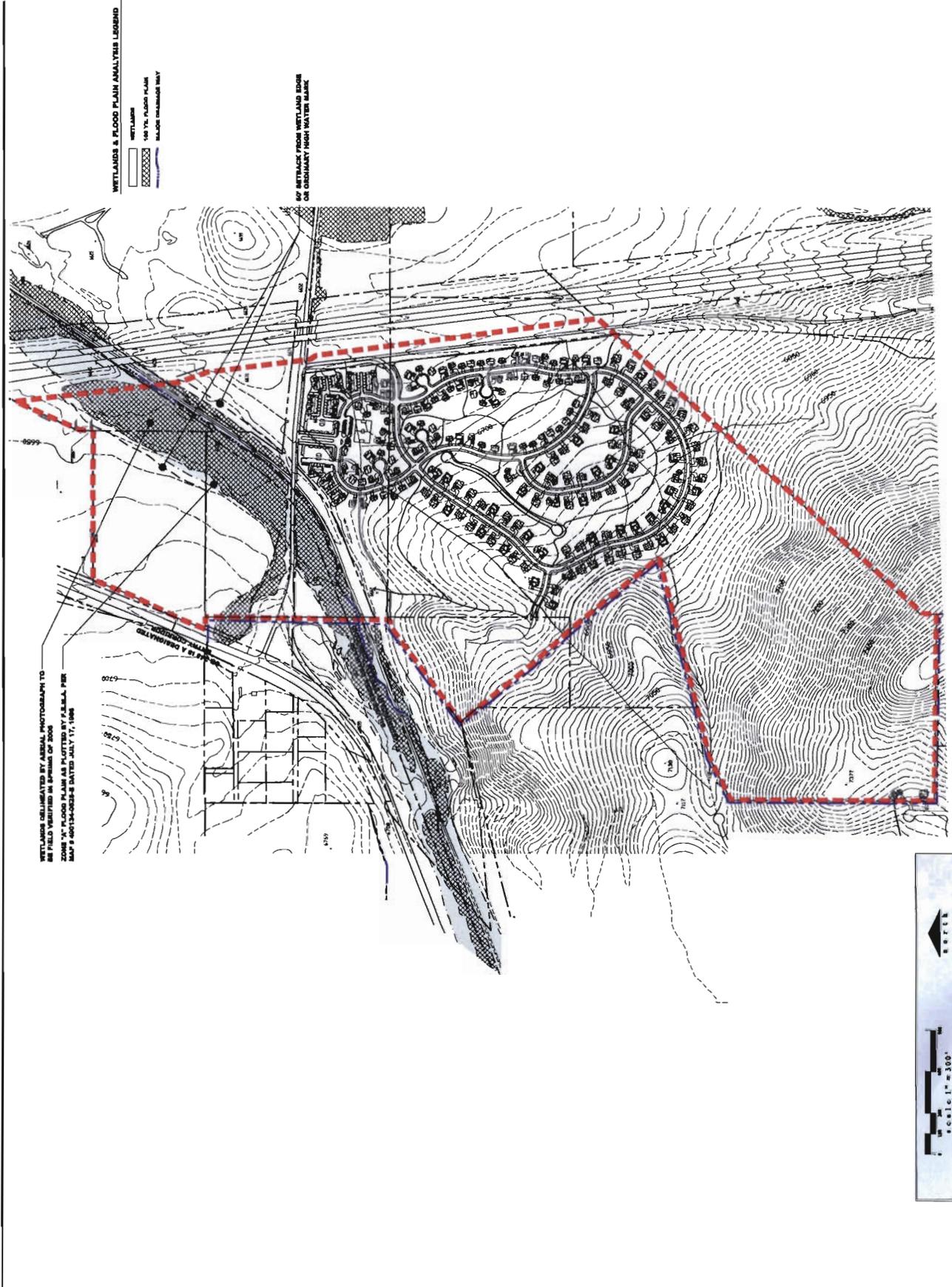




sensitive lands wetlands & flood plain analysis

park city heights
park city, utah &
summit county, utah

june 2010



SLOPE ANALYSIS LEGEND

[Light Blue Box]	0-10% SLOPE
[Medium Blue Box]	10-20% SLOPE
[Yellow Box]	20-40% SLOPE
[Red Box]	40%+ SLOPE

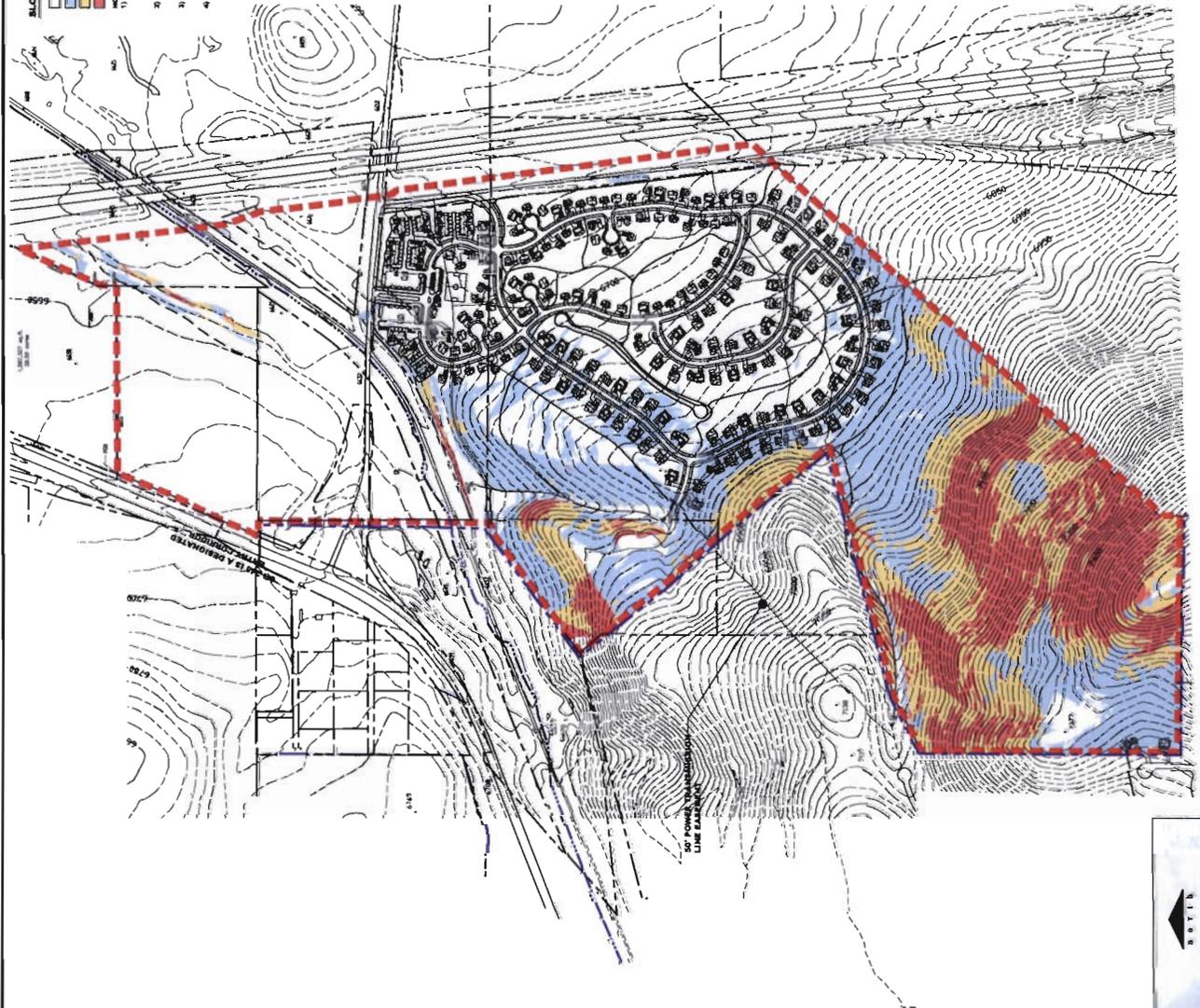
NOTE: THESE ARE NOT SIGNIFICANT GEOLOGIC FEATURES, AREAS OF HIGH GEOLOGIC HAZARD, OR AREAS PRONE TO LAHARS WITHIN THE ANNEXATION PETITION BOUNDARY.

1) THESE AREAS ARE NOT SIGNIFICANT GEOLOGIC FEATURES, AREAS OF HIGH GEOLOGIC HAZARD, OR AREAS PRONE TO LAHARS WITHIN THE ANNEXATION PETITION BOUNDARY.

2) THESE AREAS ARE NOT SIGNIFICANT GEOLOGIC FEATURES, AREAS OF HIGH GEOLOGIC HAZARD, OR AREAS PRONE TO LAHARS WITHIN THE ANNEXATION PETITION BOUNDARY.

3) THESE AREAS ARE NOT SIGNIFICANT HISTORICAL FEATURES FOUND WITHIN ANNEXATION PETITION BOUNDARY.

4) PART OF THE ANNEXATION PETITION AREA IS WITHIN THE CITY OF PARK CITY AND WILL BE COVERED BY THE CITY OF PARK CITY POINT; 3/16/10 WEST OF 400.







Mule Deer Habitat Winter Range



Moose Habitat Winter Range



Sage Grouse Winter Habitat Range



Elk Habitat Winter Range



Sage Grouse Brooding Habitat Range



Blue Grouse Habitat



Ruffed Grouse Year Long Habitat Range



UTILITY CONNECTION NOTES

Water
Currently there is no existing water service to the site. Per the IHC annexation submission, Park City intends to extend a 12" main line from the existing main line to the site. The mainline would extend from a JESD tank located approximately 2 miles south of the Project east of US-63 and will parallel cross US-63 and follow the old landfill access road to SR-248. A connection for the project should be available along this route.

Sewer
Snyderville Basin Water Reclamation District currently has a trunk line running through the site. The trunk line is currently at capacity and has been constructed regarding the project and need that there is ample capacity in the trunk line to serve the project.

Storm Water
It is anticipated that all project generated storm water will be captured and treated on site. The site is located in a drainage corridor discharging to the existing drainage corridor through the project. Improvements in terms of grading, drainage, detention basins, storm water management, and storm water treatment/elimination systems (UPDES) permit will be part of this Project.

Power
There are existing Rocky Mountain Power lines running through the project. It is assumed that the existing lines will be able to provide service to the project. Further investigation and discussion will be needed with Rocky Mountain Power on power service for the site.

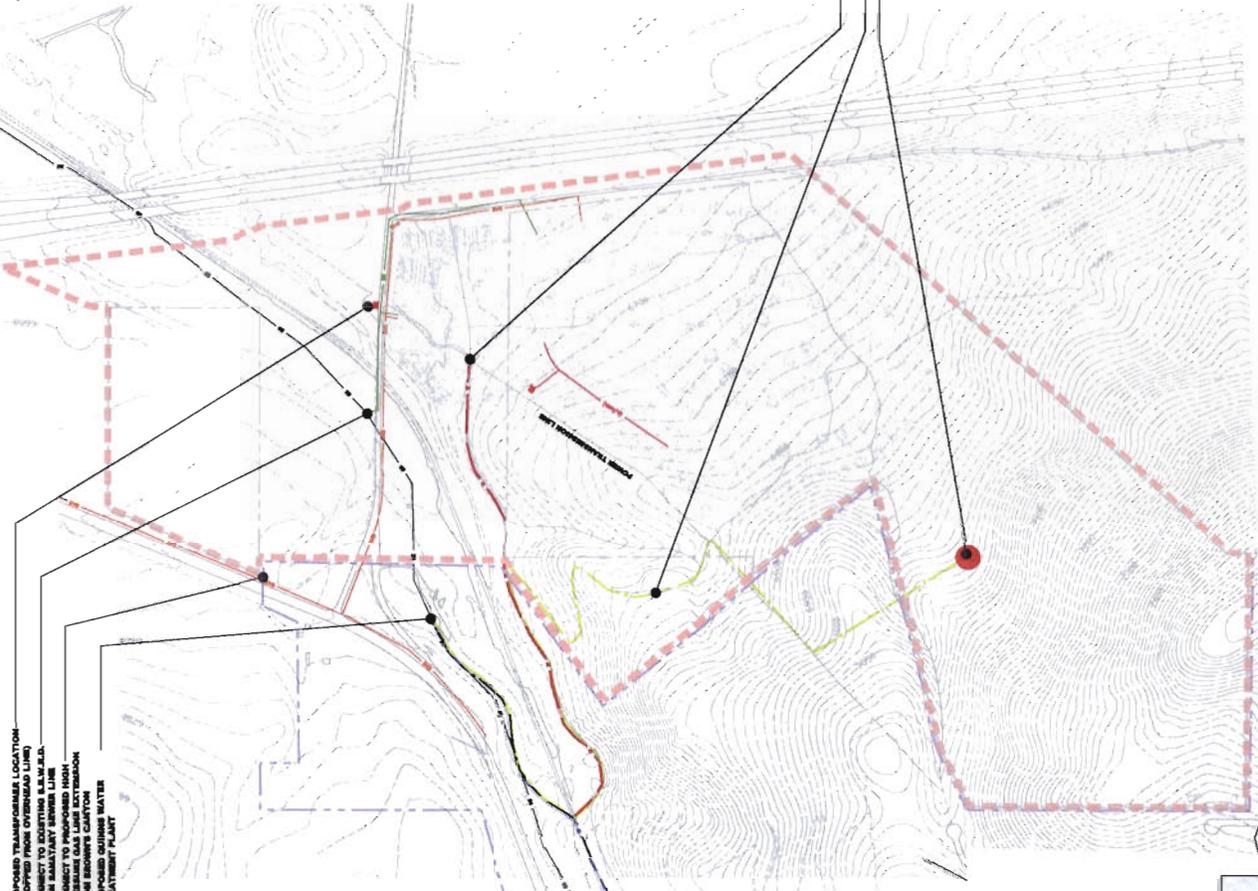
Gas
Per the IHC annexation submission, Queasar Gas can provide services to the site. A connection from the intersection of Browns Canyon and SR-248. The line will be extended along SR-248 and cross US-63 to the project location. The project location is currently not zoned for gas service and will require the dedication of a small parcel for a Pressure Regulator Station.

Telephone
A Street Fiber Optic line crosses the project following the rail track. It is assumed that Street has the ability of providing service to the project site from this location.

Cable Television (CATV)
Comcast has no service in the area but is currently in the process of bringing service within the next year or two.

Satellite Dish
Satellite service is a possible alternative to CATV.

PHASE 1 WATER CONNECTION
FUTURE PHASE WATER CONNECTION
PROPOSED FUTURE PHASE WATER TAKE



PROPOSED TRANSFORMER LOCATION
(CONNECT TO EXISTING S.W.M.A.
CONNECTION TO EXISTING MAIN
CONNECTION TO PROPOSED MAIN
PROPOSED GAS LINE EXTENSION
FROM BROWN'S CANYON
PROPOSED STORM WATER
TREATMENT PLANT

Scale 1" = 300'
North arrow pointing up

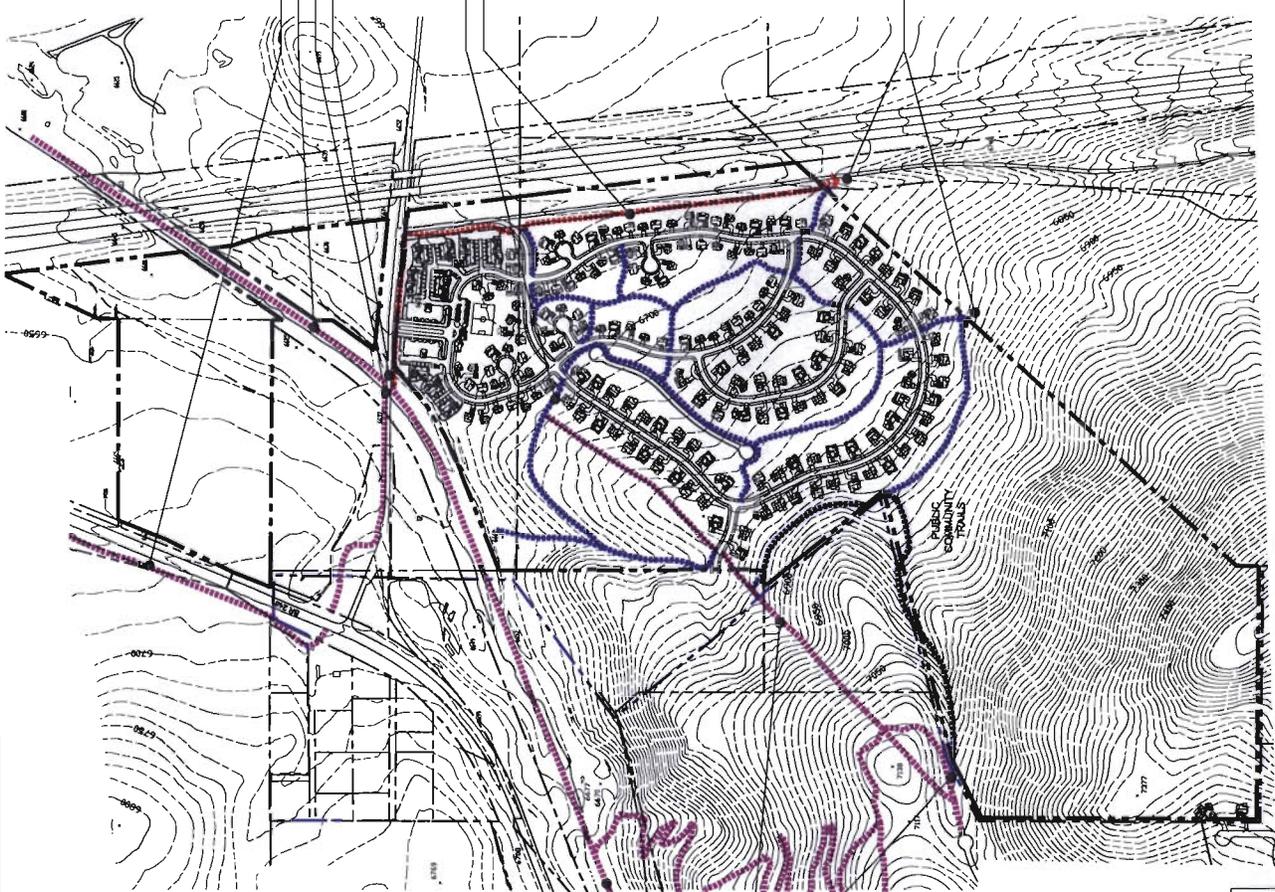
TRAIL LEGEND

-  EXISTING TRAILS
-  PROPOSED SOFT SURFACE TRAILS
-  PROPOSED PAVED TRAIL

PAVED TRAIL TO CITY FIELDS COMPLEX
 RAIL TRAIL
 CONNECT TRAIL TO RAIL TRAIL
 PROVIDE IMPROVED RAIL TRAIL CROSSING

PUBLIC COMMUNITY TRAILS
 NEW PAVED TRAIL ALONG FRONTAGE WITH CONNECTION TO RAIL TRAIL

FUTURE TRAIL CONNECTIONS



RAIL TRAIL
 SOFT SURF TRAIL
 POWERLINE TRAIL
 THE TRAIL INTO FOX TAIL TRAIL

PUBLIC COMMUNITY TRAILS

Scale: 1" = 300'