



AGENDA

SITE VISIT AT 5:00 PM

200 Ridge Avenue – Staff requests that Planning Commissioners meet at the pull off adjacent to 147 Ridge Avenue. Public is welcome to attend. No action will be taken.

MEETING CALLED TO ORDER IN CITY HALL COUNCIL CHAMBERS AFTER SITE VISIT

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

200 Ridge Avenue, Ridge Overlook – Plat Amendment	PL-10-00977	5
Park City Heights – Master Planned Development overview and discussion	PL-10-01014	11

ROLL CALL

ADOPTION OF MINUTES OF AUGUST 25, 2010

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Treasure Hill – Conditional Use Permit update
General Plan – Public outreach meeting summary

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

200 Ridge Avenue – Plat Amendment	PL-10-00977	
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Public hearing and continue to a date uncertain

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

601 Deer Valley Drive, The Lofts on Deer Valley Drive Condominiums – Condominium Conversion	PL-10-00987	49
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Public hearing and possible recommendation to City Council

603 Deer Valley Drive, Deer Valley Place Condominiums – Condominium Conversion	PL-10-00972	65
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Public hearing and possible recommendation to City Council

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.

WORK SESSION

Planning Commission Site Visit and Work Session



Subject: Ridge Overlook Subdivision – 200
Ridge Avenue
Project #: PL-10-00977
Author: Kayla Sintz
Date: September 22, 2010
Type of Item: Administrative – Plat Amendment

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

The Planning Commission heard this item on their July 14, 2010 Work Session, where staff and the applicant presented the current proposal. 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. The minimum lot size in the HRL zoning district is 3,750 square feet.

The Commission was provided an overview of the proposed six lots, to include background information from previously processed applications. The Planning Commission requested a site visit to better understand the proposed six lot layout, platted Ridge Avenue, and existing Ridge Avenue.

The proposed six lot sizes are:

Lot 1 6,172 s.f. (2,182 s.f. footprint)
Lot 2 3,775 s.f. (1,527 s.f. footprint)
Lot 3 3,800 s.f. (1,535 s.f. footprint)
Lot 4 3,758 s.f. (1,521 s.f. footprint)
Lot 5 3,808 s.f. (1,537 s.f. footprint)
Lot 6 3,846 s.f. (1,549 s.f. footprint)

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 is located. Historically, several small homes were located on this flatter area. The property then falls steeply away towards Daly Avenue.

A previous application, which went through considerable Planning Commission review and City Council approval in 2007, consisted of a three lot subdivision. At that time the Planning Commission agreed that the proposed density of three lots was appropriate for the challenging site. That plat was never recorded and has now expired.

Recommendation

Staff recommends the Planning Commission obtain familiarity with the site and proposed lot layout. The applicant has staked the proposed lots. Staff will provide on site large scale neighborhood overlay aerial maps relating to platted lots and future possible build-out affecting the infrastructure and capacity of existing Ridge Avenue. During Work Session staff would like input on the following:

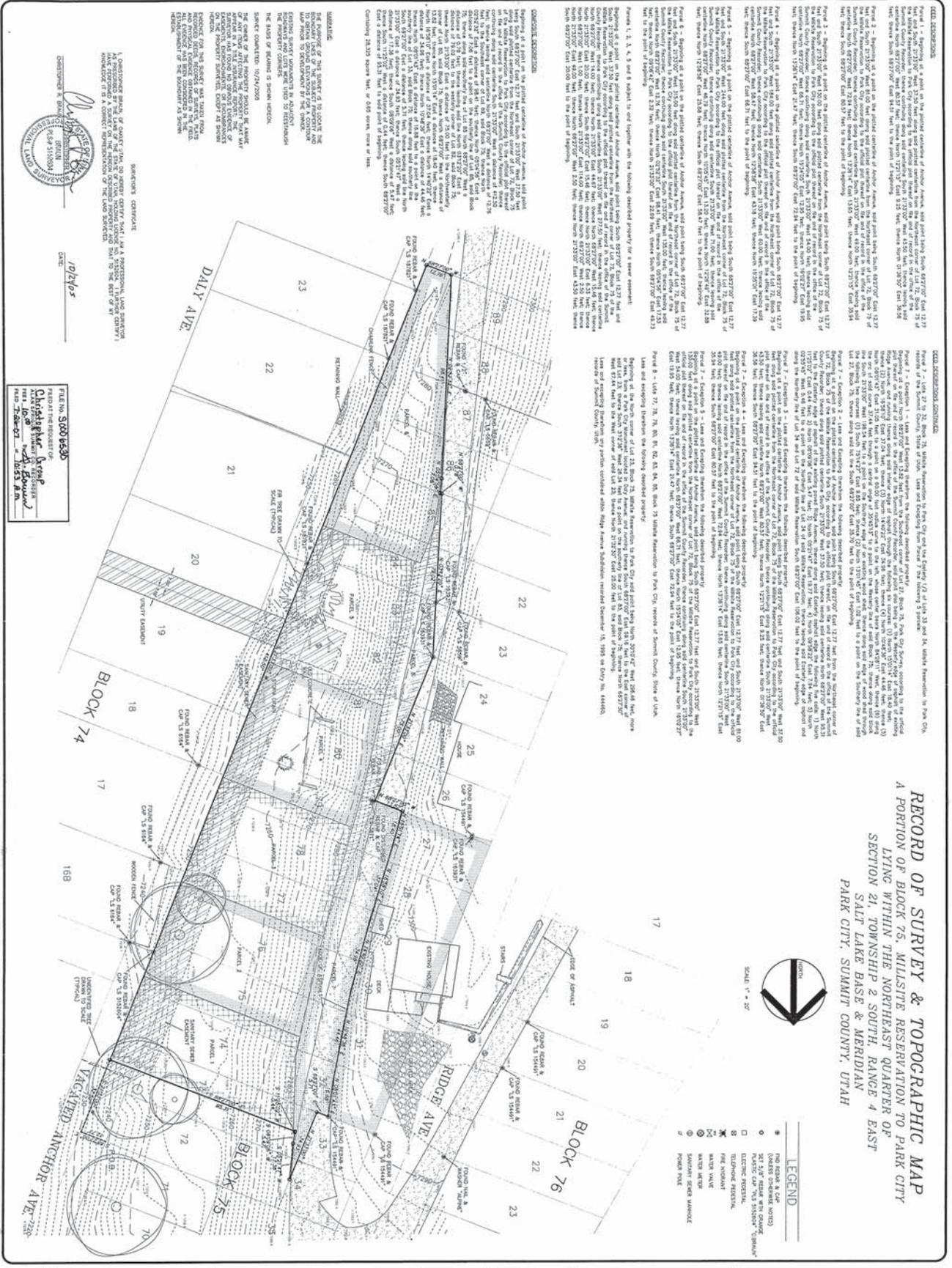
- Proposed number of lots
- Proposed lot configuration
- Ridge Avenue capacity of additional development
- Additional studies or analysis needed by the Commission

Exhibits

Exhibit A - Plat of application location

Exhibit B – Concept Plan

Exhibit C – Survey with proposed lot layout



RECORD OF SURVEY & TOPOGRAPHIC MAP A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY		SURVEYED BY TAYLOR DATE OCTOBER 2005	DRAWN BY DAN/OBR
TOP FLIGHT BUILDERS RIDGEAVEYTOPO.DWG		DATE BY COMMENTS	

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Park City Heights MPD
Author: Kirsten A. Whetstone, AICP
Date: September 22, 2010
Project Number: PL-10- 01028
Type of Item: Work Session

Recommendation

Staff recommends the Planning Commission review the outline regarding the MPD review process, binder/tool kit for review, and proposed timeline and provide to staff any input regarding these items. Staff requests the Commission provide any additional direction regarding proposed revisions to the concept plan.

Objectives

The purpose of this report is to outline the Master Planned Development review process, identify a tool kit for MPD review, and provide a timeline for review of the Park City Heights MPD application. This item will be discussed at work session only and a public hearing will be held on October 13, 2010. This staff report outlines the following items:

- I. Background
- II. Review Process
 - A. Overall review process (annexation to building permit)
 - B. Specific Master Planned Development Review
- III. Tool Kit for Review (see PC Heights Binder)
- IV. Timeline
- V. Applicants' response to July 14 and August 11, 2010 Commission comments

Description

Project Name: Park City Heights Master Planned Development
Applicants: The Boyer Company and Park City Municipal Corporation
Location: Southwest corner of the intersection of SR248 and US40
Zoning: Community Transition (CT)
Adjacent Land Uses: Municipal open space; single family residential; vacant parcel to the north zoned County- RR; vacant parcel to the south zoned County- MR; Park City Medical Center (IHC) and the Park City Ice Arena/Quinn's Fields Complex northwest of the intersection.
Reason for Review: Applications for Master Planned Developments require Planning Commission review and approval
Owner: Park City Municipal Corporation is 50% owner with The Boyer Co. of the larger parcel to the south and 24 acres of the front open space. Park City owns approximately 40 acres, 20 within the open space on north and 20 at the north end of the development parcel, outright.

I. Background

On May 27, 2010, Park City Council voted to adopt an ordinance approving the Park City Heights Annexation agreement, including an associated water agreement. The Council also voted to approve Community Transition (CT) zoning for the entire 286 acres (see Annexation Agreement in Binder). During the Planning Commission's review of the annexation (April 9, 2008), prior to the Council approval, the Commission requested the following items be addressed with the MPD application:

- 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
- 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 June 17, 2010, the applicant submitted a pre-MPD application based on the annexation approval and agreement, including a revised conceptual site plan for a mixed residential development on 239 acres of the total 286 acres annexed. The remaining annexed area is owned by separate parties and is not subject to this MPD. The pre-MPD conceptual plan consists of 239 residential dwelling 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.

The plan includes approximately 175 acres of open space (73% open space), a community park and splash pad play feature, neighborhood club house, bus shelters on both sides of Richardson's Flat Road, trails throughout the development with connections to the city wide trail system, including connections to the Rail Trail.

The Planning Commission reviewed the pre-MPD application on July 14 and August 11, 2010 and found the application in initial compliance with applicable elements of the Park City General Plan. The Commission provided direction to the applicants (see Minutes in Binder) to consider the following items in the development of the detailed Master Planned Development site plan and supporting documents:

- Affordable housing needs in the community;

- Traffic mitigation, transit options, trails and connections for alternative modes of transportation;
- Support commercial elements;
- Environmental, wildlife and sensitive lands considerations- preserving more of the meadow lands balanced with keeping development off of ridgelines and steeper slopes and understanding wildlife issues; and
- Site planning details that are not typical of suburban development.
- Creation of a neighborhood that reflects Park City's natural environment and resort character and that creates a sense of place as a neighborhood while at the same time provides community amenities or attractions that connect it to other Park City neighborhoods.

II. Review Process

A. Overall Review Process

The overall review process was described in greater detail in the August 11, 2010 staff report (see binder).

A simplified review process flow chart is as follows:

- Annexation and Zoning (PC and CC) (completed May 27, 2010)
- ▼
- Pre-Master Planned Development meeting (PC) (completed August 11, 2010)
- ▼
- Master Planned Development submittal and review (PC)
- ▼
- Preliminary plat/site plan submittal and review (PC and CC)
- ▼
- Final plat/utility plan submittal and review (PC and CC)
- ▼
- Conditional Use Permit (CUP) review for certain uses/buildings, as conditioned by the MPD and/or CT zoning (PC or Staff)
- ▼
- Building permits (Staff)
- ▼
- Occupancy permits (Staff)

B. MPD Review Process

The MPD review process allows the Commission to take a detailed look at the specific site plan including lot layout, building site location, street layout, utility systems, locations of trails and trail connections, type and location of open space, location of bus stops, relationships between buildings and parking, architectural theme or character, building materials, requirements for specific building practices

such as green/sustainable building, water efficient landscaping, types and occupancy of units, affordable housing units and configuration, location and amount of support commercial uses, and other items. The MPD is also required to comply with the terms of the annexation agreement.

The Land Management Code (Chapter 6) specifies the following steps:

- Pre-application public meeting and determination of initial compliance.
- Application submittal and reviewed for completeness.
- Planning Commission is the primary review body.
- At least one work session is required prior to a public hearing.
- At least one formal public hearing with notice provided per the LMC Notice Matrix (LMC Section 15-1-21).
- Planning Commission review per the underlying zoning district (CT) and the MPD requirements of LMC Section 15-6-5
 - Density
 - Setbacks
 - Open Space
 - Off street parking
 - Building Height
 - Site Planning
 - Landscape and Streetscape
 - Sensitive Lands Compliance
 - Employee/Affordable housing
 - Child Care
- Planning Commission must make required findings and conclusions of law as listed in LMC Section 15-6-6.
- Development Agreement drafted according to requirements of LMC Section 15-6-4 (G) within 6 months of MPD approval.
- Development Agreement formally ratified by Planning Commission, signed by the City Council and Applicant, and recorded with Summit County Recorder.
- Construction, as defined by the Building Code, is required to commence within 2 years of the date of the execution of the Development Agreement.

III. Binder/Tool Kit for Review

The following items are included in the Tool Kit for review of the Park City Heights MPD application:

- The Park City General Plan (not included in the binder)
- Quinn's Planning Principals
- Park City Heights Task Force Recommendations
- Park City Heights Annexation Agreement and Ordinance
- Land Management Code- Master Planned Development Chapter 6
- Land Management Code- Community Transition (CT) zone Chapter 2.23

Staff has provided a binder for the Commission that includes the above items as well as the staff reports and minutes of the July 14th and August 11th Planning Commission meeting. Staff recommends the Commission update the binder with staff reports, minutes, and handouts related to the PC Heights MPD at subsequent meetings.

IV. Timeline

The following is a preliminary timeline for the MPD review:

- September 22, 2010- work session- overview of process and applicants' response to Commission comments on the Pre-MPD concept plan.
- October 13, 2010- work session/public hearing- transportation/traffic, trails, utilities, site plan overview, and environmental/SLO compliance.
- November 10, 2010- work session/public hearing - "sense of place"/neighborhood character, architectural design (e.g. design guidelines), recreation/amenities, sustainable elements, including water conservation/landscaping details and housing issues.
- December 8, 2010- work session/public hearing- draft development agreement.
- January 2011- final action.

V. Applicant's response to Commission comments

At the work session the applicants will present a draft working MPD site plan incorporating revisions based on the Commission's comments and input during the pre-MPD review (Exhibit B). The applicants are seeking input from the Commission at the work session to better understand the Commission's comments at the previous meetings and to gain an understanding as to whether the MPD plan is generally addressing the Commission's overall concerns and moving in the right direction. Staff has met with the applicants to review the revised site plan and provided additional input. The Commission should discuss the revised site plan at the work session and provide additional input to the applicants and staff.

Notice

This item is scheduled as a work session item only. Notice of the October 13, 2010, public hearing will be published in the Park Record and posted according to requirements of the LMC. Courtesy notice letters will be sent to affected property owners according to requirements of the LMC prior to future public hearings.

Public Input

At the time of writing this report, no public input has been received.

Recommendation

Staff recommends the Planning Commission review the above outline regarding the process, binder/tool kit for review, and proposed timeline and provide to staff any input regarding these items. Staff requests the Commission provide additional direction to the applicant and staff regarding the revised concept plan.

Exhibits

Exhibit A- Park City Heights Binder/Tool Kit

Exhibit B- Revised MPD site plan



EXISTING RAIL TRAIL
 TIE INTO RAIL TRAIL
 IMPROVE RAIL TRAIL CROSSING
 PROPOSED BUS STOPS
 TOT LOT
 SPLASH PARK
 ENTRANCE ROAD

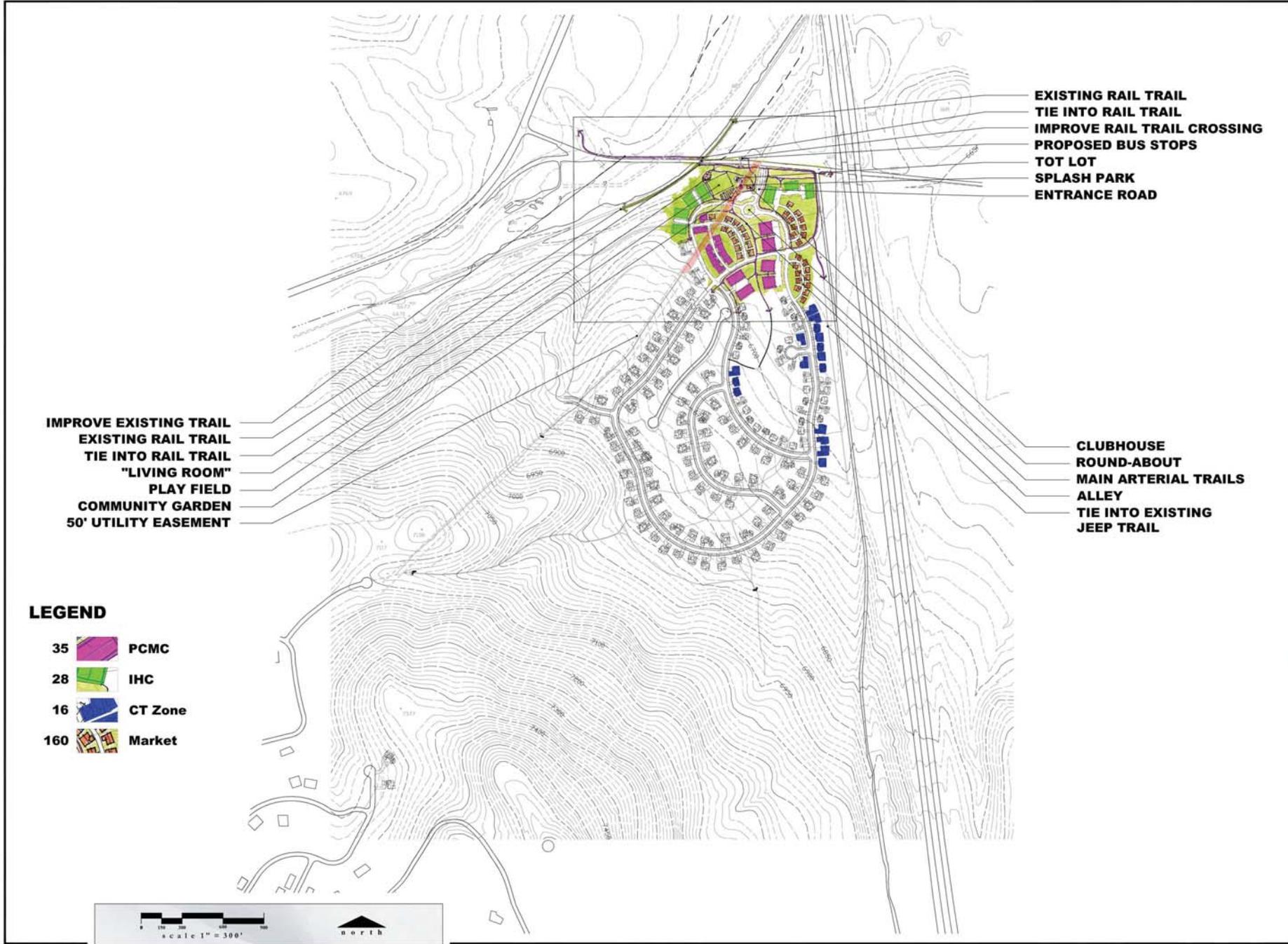
IMPROVE EXISTING TRAIL
 EXISTING RAIL TRAIL
 TIE INTO RAIL TRAIL
 "LIVING ROOM"
 PLAY FIELD
 COMMUNITY GARDEN
 50' UTILITY EASEMENT

CLUBHOUSE
 ROUND-ABOUT
 MAIN ARTERIAL TRAILS
 ALLEY
 TIE INTO EXISTING
 JEEP TRAIL

LEGEND

- 35  PCMC
- 28  IHC
- 16  CT Zone
- 160  Market





EXISTING RAIL TRAIL
 TIE INTO RAIL TRAIL
 IMPROVE RAIL TRAIL CROSSING
 PROPOSED BUS STOPS
 TOT LOT
 SPLASH PARK
 ENTRANCE ROAD

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LEGEND

35		PCMC
28		IHC
16		CT Zone
160		Market



park city heights

park city, utah & summit county, utah

september 2010

WORK SESSION NOTES – AUGUST 25, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
AUGUST 25, 2010**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julie Pettit, Mick Savage, Adam Strachan, Thomas Eddington, Kirsten Whetstone, Francisco Astorga, Polly Samuels McLean

Work Session Items

Rocky Mountain Power - Planning for electric services in Wasatch/Summit Counties

Planning Director Eddington stated that for the past few months a task force comprised of community leaders and key stakeholder have been working with Rocky Mountain Power to create a plan that prepares for long term growth of Summit and Wasatch Counties. The objective this evening was to update the Planning Commission on what the task force has been discussing in terms of land use and planning efforts and coordinating that with Rocky Mountain Power's electrical network.

Chad Ambrose, representing Rocky Mountain Power, stated that he is a customer community manager. He works with all of Summit County with the exception of Park City. Mr. Ambrose introduced Lori Hansen, the RMP representative who works with Park City.

Mr. Ambrose remarked that this has been a new process for Rocky Mountain Power. He thanked Director Eddington, Matt Cassel, Liza Simpson, Diane Foster, Sara Brennan and Jacquely Mauer for their involvement in this effort. Having Park City so well represented made a significant difference in the process.

Mr. Ambrose reported that in 1970 the population in Summit County was 6,000. By 2008 that number had grown to 36,000 for all of Summit County. Mountain Lands projects that 83,000 people will be living in Summit County in the year 2030. From the utilities perspective of being able to deliver reliable power, the capacity will more than double in many of these locations.

To address the issue of capacity to service the need, Rocky Mountain Power visited Idaho Power, who has been successful working with their community on permitting new substations and transmission lines to serve rapid growth. Idaho Power began by developing a community task force and that concept was brought back to Utah. Mr. Ambrose stated that Summit, Wasatch and Salt Lake Counties are the first three counties that Rocky Mountain Power started to work with to put together a task force. Working with the task force allows RMP to work hand in hand with the community to determine the necessary improvements.

Mr. Ambrose explained how the task force was formed. Eight meetings were held a years time. During that time Rocky Mountain Power helped the task force members understand how a regulated utility operates and the basic designs of substations, transmission structures, distribution poles, and spacing requirements. From there, the task force had the opportunity to develop siting criteria, which is key to developing a good plan for where a substation and transmission lines should be located and the impacts.

Mr. Ambrose remarked that the first criteria is to expand existing facilities before building new ones.

The criteria lists several reasons why that is important and why it is a priority. He pointed out that the process developed a significant number of criteria that Rocky Mountain Power needs to consider before coming to the Planning Commission and siting a new facility. He believed this was a major step in the right direction in terms of progress for the communities and the power company.

Mr. Ambrose stated that the next step in the process was to develop the map. The task force looked at all of Summit and Wasatch County to determine the best location for substations and transmission lines as a starting point for discussion. Mr. Ambrose emphasized that it was only a starting point and not fixed locations. He stated that the map, the siting criteria, and a final documented plan is currently in process. He anticipated that it would be completed and ready for final review by the task force on September 28th.

Mr. Ambrose stated that Rocky Mountain Power hired a third party facilitator to work with the task force. Rocky Mountain was available for technical support and background, but for the most part they were hands off in the process. The intent was to make sure the meetings were for the task force and not Rocky Mountain Power. Mr. Ambrose believed that Rocky Mountain Power was on the path of working hand and hand with the communities on preparing infrastructure out to the year 2030. Working together will create improvement in inter-jurisdictional coordination among the communities because their lines cross all boundaries.

Mr. Ambrose stated that once the plan is complete, the task force members will have the opportunity to come before the Planning Commission and the City Council to review the plan and hear feedback. The goal is for Park City to consider it as part of their plan because it will help the citizens and Rocky Mountain customers.

City Council Member, Liza Simpson, stated that in one of the earlier meetings the task force made it clear that having all the planning and zoning maps would help with the process. If they were going to project growth geographically or where they would not want something built, having that zoning information was critical. Council Member Simpson remarked that the process went well and she applauded Rocky Mountain Power for trying to do a collaborative process.

Commissioner Pettit asked if the process would come before the Planning Commission when the time comes for siting either a substation or transmission line within the Park City boundaries. Lori Hansen replied that it would be a conditional use permit process. Commissioner Pettit commended Rocky Mountain Power for taking the steps to involve the community and working with the task force. She believed it was the right approach in terms of understanding the full lay of the land from a planning and zoning perspective. Commissioner Pettit stated that if the process comes before the Planning Commission as a CUP, she wanted to make sure their hands would not be tied in terms of the ultimate application and the merits and criteria that must be applied. She understood that it was an effort by Rocky Mountain Power to take the best step forward in the process, but the Planning Commission should still have the ability to apply the normal criteria.

Mr. Ambrose remarked that growth is a real thing and they all need electricity. The primary objective was to get everyone together to improve the predictability of when RMP would come before the City through the conditional use process to request a permit to build a new facility. Forming the task force allows everyone to be on the same page to begin discussing a likely

location. A second objective is to improve inter-jurisdictional planning and coordination with the utility company.

Commissioner Pettit asked if the growth projection to 2030 was based to meet the load demand in the current geographical area or if they were talking about transmission lines and substations that would serve broader power needs. Mr. Ambrose replied that they were only focusing on Summit and Wasatch Counties. He stated that RMP is looking at a regional substation as part of the Evanston to Silver Creek Transmission Project, which would eventually add great benefit to Morgan County. However, the objective of this task force is to focus on assets and infrastructure that can benefit and serve the residents of Summit and Wasatch County.

Ms. Hansen stated that Rocky Mountain Power would need to let the citizens know what type of facilities are needed to adequately serve them and the best place to locate the facilities to provide that service.

Commissioner Pettit stated that given it is a 2030 plan and there is a push towards the integration of more distributed generation type resources, she asked if there was some prediction about where customers within the region might be headed, given the current net metering and interconnection regulations. She pointed out that Park City has been moving forward in energy efficiency.

Council Member Simpson noted that Diane Foster was on the task force and they did have a good discussion on energy efficiency. She remarked that another benefit from the task force process is that Rocky Mountain Power will have gained local knowledge throughout both counties and within each of the communities to help them understand the importance of that issue. They also talked about conservation and whether the projections actually take into consideration what they see as more efficient technologies in the future and better use of the kilowatts used.

Commissioner Hontz commented on the products and hoped they could expect language in the General Plan. She asked if there was a time line on when that would be available. Director Eddington remarked that it was fortunate that the task force process was simultaneous to the General Plan. He believed the Rocky Mountain Power Plan would be done first so they could incorporate it into the General Plan.

Commissioner Savage asked about the relationship between the LMC and the zoning, and the applicability of the zones for a conditional use permit relative to what some of the projects may look like.

Director Eddington stated that in Park City specifically they would not be looking at many new substations. He anticipated expanding or improving the existing substations. In looking at the CUP permitting process for a substation, currently utilities are located in open space zoning. A substation is currently located at the Ontario Mine and in the General Commercial zone in Bonanza Park. Director Eddington noted that utilities are often a conditional use permit in commercial zones.

Commissioner Savage stated that as the Bonanza Park plan begins to materialize, he thought the substation location would be an issue. Director Eddington replied that Bonanza Park was a lively

discussion with the task force. Rocky Mountain Power has pointed out a future need for expansion in the Bonanza Park area. The task force discussed whether or not that would be an appropriate location and whether it could be covered or hidden; or whether there was a better and more concealed location within a quarter-mile radius that would maintain the network. Director Eddington pointed out that costs and benefits are associated with all the decisions.

Commissioner Savage clarified that the initial plan that would be presented to the Planning Commission would incorporate the current development recommendations as it relates to that particular substation. Director Eddington replied that the plan would be more general than what Commissioner Savage was asking; however it would have the basis for that recommendation. Council Member Simpson believed this was a perfect example of the tension in the process. She remarked that Rocky Mountain Power has an obligation to the rate payers to be financially responsible. On the other side is the community's desire for aesthetics. Both issues contributed to lively discussions during the task force meetings. Council Member Simpson pointed out that the task force also discussed the efficiency of underground lines and found that underground lines lose far more electricity than above ground lines.

Training Overview with Legal

Assistant City Attorney, Polly Samuels McLean, reported that the Planning Commission had done Open Public Meeting Act training in January, which is required annually. She had received feedback from the Commissioner for additional legal training on different issues. The training this evening would focus on the standards for subdivisions and plat amendments, as well as the role of the Planning Commission. Ms. McLean intended to do legal training three to four times a year and encouraged the Commissioners to contact her with specific topics.

Assistant City Attorney McLean noted that the Planning Commission had previously asked about the standard of review for subdivisions. She remarked that there is a real distinction and the Code is very explicit in terms of outlining major and minor subdivisions. However, for a plat amendments, the only language they have to rely on is the State Code. Ms. McLean explained that these types of decisions are administrative and must be based on substantial evidence. They cannot be arbitrary or capricious. The Planning Commission is required to keep their review within the criteria, even though the criteria is not very explicit.

Assistant City Attorney McLean stated that the Code classifies subdivisions as major and minor. She acknowledged that the Staff needs to be more explicit in informing the Planning Commission on what is a major subdivision or a minor subdivision. The criteria for the two types of subdivisions is different in terms of the steps taken in the process. Some of the requirements for a major subdivision can be waived, which is often done. By definition, a major subdivision is four or more lots or a new street.

Assistant City Attorney McLean noted that the Planning Commission sees more plat amendments and she understands that they struggle with not knowing the criteria for determining whether a plat amendment should occur. The LMC does not talk about plat amendments other than to say that they can be done. The State Code says there must be good cause for the amendments, which

raises the issue of what is good cause. Ms. McLean pointed out that there is not a definition for “good cause” in the LMC and she believes the Staff should define “good cause” in the next list of LMC amendments. A good definition would provide a consistent level and understanding of good cause when reviewing plat amendments.

Commissioner Pettit felt it was important to understand that “detrimental effects” is the flip side of “good cause”. She noted that detrimental effects is also a loose term, since the “detrimental effects” of who and how far it should extend is unclear. Commissioner Pettit believed they have seen detrimental effects and impacts in some of the reasons supporting good cause. Assistant City Attorney McLean thought it would be helpful to have language that talks about the factors that can be considered for good cause. Assistant City Attorney McLean understood that the Planning Commission would support a change to the LMC to make those terms more specific.

Chair Wintzer stated that his biggest problem with plat amendments and lot line adjustments is that the Planning Commission is asked to consider moving lot lines without knowing the end result of what could be built. When the Planning Commission expresses that concern, they are told by Staff that it should not be a consideration until the CUP process. Chair Wintzer did not believe that was good planning. The Planning Commission should know the cause and effect of moving around lot lines before deciding on a plat amendment.

Assistant City Attorney McLean stated that with the plat amendment process, the Planning Commission knows the location of the building envelope because the zone will determine the setbacks and the allowed footprint. Commissioner Savage remarked that the Planning Commission should just assume that someone will build to the maximum permitted once the plat amendment has been approved. Ms. McLean stated that one of the struggles she has seen with the Planning Commission is trying to balance the idea of density and more houses with the tension of less density, but a much larger house. She asked the Planning Commission to be ready to discuss that balance when the Staff comes back with proposed language for “good cause”, because it is allowed by Code.

Director Eddington stated that if the Planning Commission found it hard to make a decision on a subdivision because they could not see the design, if there is good cause, he believed the Planning Commission could request an analysis of surrounding building footprints and possibly reduce the footprint on the lot to something comparable. He understood the concern that it is hard to make a decision without knowing what the applicant plans to do.

Assistant City Attorney McLean distributed a handout and referred to sub (c) Subdivision Standard. She pointed out that State Codes says that if the plat amendment meets the City ordinance it must be approved. However, the LMC places explicit restrictions that address ridgeline development, clustering, character of the land, fire sprinkling. The LMC addresses general lot design requirements that talks about lot arrangement and building sites and square footage. Ms. McLean remarked that the language deals more with big subdivisions as opposed to a plat amendment, but she felt the same concepts would apply and the Planning Commission could use the basis of the subdivision language when doing a plat amendment.

Commissioner Savage asked if the Planning Commission reviewed a four-lot subdivision, if they could request additional drainage and landscaping or other items prior to approving the subdivision.

Ms. McLean stated that the Planning Commission could make those requests for consideration. The problem is that with a plat amendment, many times there are existing buildings. In her handout she cited preservation of natural features and amenities, which talks about preserving existing features which add value to the community. Buildings shall be cited in a manner that preserves significant views. Ridges should be protected from development visible from the skyline from prominent areas in Park City.

Commissioner Peek noted that Ron Ivie was able to get 100% compliance with fire sprinkling all the buildings on Main Street. If there is a benefit to fire sprinkling historic structures, he asked if it was appropriate to place a condition of approval on the subdivision stating that any building permit shall include fire sprinkling. Ms. McLean stated that nearly every plat she sees has a note requiring 13D sprinklers for new construction. She noted that the Building Department can make that same requirement on existing structures for health, safety and welfare. She was unsure what the Building Code requires.

Commissioner Pettit felt sprinkling was also important for historic structures, coupled with parts of town that bump up against the wildfire areas or areas accessed by substandard roads. Commissioner Peek thought it would be helpful to see an analysis of what is or is not sprinkled and what areas are at risk.

Assistant City Attorney McLean referred to the last page of the handout, which was a checklist for subdivision approvals by Planning Commissions. Commissioner Pettit had obtained this information from the League of Cities and Towns training.

Chair Wintzer stated that the new Code has requirements for bringing grade back to within 4 feet, as well as height requirements. When subdividing land, it is possible for the Planning Commission to unintentionally create an unbuildable lot based on meeting those requirements. If that occurs, the lot would automatically go to the Board of Adjustment and probably be approved as a hardship. He wanted to know how the Planning Commission could avoid creating unbuildable lots. Ms. McLean replied that it should be part of the Staff analysis. Creating a lot that would automatically violate the Code would not be good cause and it would be non-compliant. Chair Wintzer pointed out that doing that analysis would be difficult without a set of plans. Ms. McLean noted that the Staff has topos and visit the site as part of their analysis. Chair Wintzer and Ms. McLean both agreed that to their knowledge a subdivision had not created an unbuildable lot. However, Chair Wintzer believed the steeper lots would be harder to build on and there was the potential for that to happen.

Commissioner Hontz supported Chair Wintzer's comment. She referred to one subdivision that was approved in the City where the lots were buildable as approved. However, many architects have not wanted to follow the restrictions within that building sensitive area and have tried to apply for hardship. Commissioner Hontz stated that all the land left would be hard to build on, and she felt the Planning Commission should be very careful in their review and analysis and make sure the record is clear. Chair Wintzer clarified that his primary concern was to make sure the Planning Commission was not creating a hardship by giving someone two lots when they originally had one. Assistant City Attorney McLean appreciated the concern and stated that she would emphasize that point with Staff when those application come forward. Ms. McLean stated that ideally that would be the key for the Staff analysis in finding good cause or detrimental impacts.

Chair Wintzer asked if the Planning Commission could make an applicant prove that they could build a house on the lot that would be created by the subdivision. Ms. McLean stated that if the Planning Commission had legitimate questions tied to the criteria about whether or not something could be built, they could make that request of the applicant. She reiterated that their concerns should be addressed in the Staff analysis. Chair Wintzer thought it would be difficult for the Staff to do that analysis without a set of plans specific to that lot. Ms. McLean clarified that under Utah law the Planning Commission could not require an applicant to submit even a rough sketch of plans, because it goes beyond what is required.

Commissioner Savage asked if there was a definition of buildable. Chair Wintzer replied that it is a structure that meets Code. Commissioner Savage asked if it would be possible to request a simplistic rendering of a structure that would satisfy Chair Wintzer's concern. Ms. McLean stated that the Planning Commission could amend the Code to include that, but she was cautious about doing so and preferred that the Planning Commission talk to Staff if they have questions regarding the ability to build on the lot. However, she believed that could also become onerous because a plat amendment application is approval of the lot and not a specific house.

Chair Wintzer clarified that he was not suggesting that applicants submit a set of plans with every subdivision application. He only wanted to know what tools the Planning Commission had to make an applicant prove the lot would be buildable. He believed it could be done with little effort on the part of the applicant. Without that tool, Chair Wintzer was certain they would end up creating unbuildable lots that would require an exception.

Assistant City Attorney believed that most of the challenging lots were existing Old Town lots. She pointed out that with Old Town lots, most often the request for a plat amendment is to remove a lot line to make the lot easier to build on. In their review, the Planning Commission would need to determine whether adjusting the lot lines would create additional challenges or make the lot more buildable. Ms. McLean remarked that their tool box is the Land Management Code.

Assistant City Attorney commented on the Planning Commission authority balanced with what they can request from the applicant and the entitlement of the applicants. In her handout, she had outlined general land use authority taken from the State Code, which is their purpose as a Planning Commission. Commissioner Pettit referred to the language in the State Code, "To protect and insure access to sunlight for solar energy". She did not think the City had carried that over to the LMC. Ms. McLean recalled that the LMC had been amended to include solar energy. She offered to research it to make sure. Commissioner Pettit felt solar energy should be actively pursued since it is supported by Utah Code. Director Eddington stated that solar energy was added to the Historic District Design Guidelines, but he did not believe it was carried over to the LMC.

Commissioner Pettit remarked that an interesting question, particularly with regard to building on steep lots in Old Town, is the impact to the downhill neighbors in terms of blocking access to sunlight for solar energy. She was pleased to see solar energy addressed in the State Code as an issue that falls within their purview.

Chair Wintzer asked if State Code takes precedence over the LMC or if they were conjoined. Ms. McLean replied that in the case of conflicts, State Code would take precedence over the LMC.

However, if the LMC is more restrictive than State Code, the LMC would apply.

Assistant City Attorney McLean noted that the handout included language from the LMC outlining the functions within the scope of the Planning Commission authority. The Planning Commission should recognize that their scope review is limited to those twelve points of authority. Ms. McLean noted that page 4 of the handout listed the scope of information the Planning Commission could require from applicants. Once they go outside that scope, the applicants have the ability to challenge the requirements as arbitrary because it is not linked to the criteria.

Commissioner Pettit presented the scenario of a subdivision application in an area in Old Town that had former mining operations, hazardous mine tailings, etc. She assumed it would be appropriate to request reports or studies that delve into safety issues that fall under restrictions due to character of the land, since it is tied to a review of the criteria. Ms. McLean felt that was an interesting example because the Code is not as clear as it should be on that issue. She and Director Eddington plan to draft language for the statute to be more explicit about it being a requirement for mine hazards.

Using the example of creating an unbuildable lot by granting a subdivision, Commissioner Pettit wanted to know how much they could request from the applicant in terms of trying to determine whether or not the lot would be buildable. Ms. McLean advised that the Planning Commission should always refer to the Code to make sure the basis of anything they request is Code related. She asked the Planning Commission to understand that the Staff also has limited resources and any request they make of Staff should also be related to the LMC criteria.

Commissioner Savage asked Ms. McLean to explain the relationship between the LMC and the General Plan in terms of their responsibilities as a Planning Commission. Ms. McLean suggested a training session on the General Plan prior to the next General Plan session. She explained that the specifics of the LMC are the most controlling. The General Plan purpose statements are more of a guideline, whereas the actual ordinance and specifics are mandatory. Ms. McLean stated that if there is a conflict, the mandatory would usurp the advisory.

Commissioner Pettit felt it was important to understand that the LMC theoretically flows from the General Plan. Therefore, the tools to implement the goals and the objectives of the General Plan come from the LMC. When there is a disconnect in terms of day to day review of applications between the intent of the General Plan and the requirements of the LMC, a change to the LMC may be appropriate to better meet the intent of the General Plan. Commissioner Savage stated that his question came from the discussion at the last meeting related to the Park City Heights Pre-MPD approval process and the comments by Commissioner Strachan. In looking at the General Plan, Commissioner Savage felt that was a good example of a catch-22 and he was unsure how to reconcile that.

Commissioner Strachan clarified that there is a catch 22 because the pre-MPD section of the Land Management Code says that in order to get a pre-MPD the proposal must comply with the General Plan. Therefore, the LMC requires that there be General Plan compliance. He pointed out that in any other analysis, the General Plan is a guideline for guiding the principles, but it is not required. Commissioner Strachan stated that his preference would be to eliminate the pre-MPD process and

just have it be a work session item, because it is impossible to comply with every section of the General Plan.

Assistant City Attorney McLean stated that the Staff would be bringing forth some LMC amendments and the pre-MPD process may be something to consider.

Commissioner Wintzer remarked that the Planning Commission needs to have a conversation about the General Plan. Based on the definition of compliance, a proposal does not have to comply with all the elements in the General Plan to be considered compliant. The General Plan looks at the big picture and sometimes that can be vague.

Director Eddington stated that Chair Wintzer's comment was an important issue as they move forward with the General Plan. In writing the new General Plan, he believed there was an opportunity to make it more specific and provide guidance to support their decisions. Chair Wintzer pointed out that in every case, two Commissioners can be on opposite sides and both believe they are right in interpreting the General Plan as currently written.

Commissioner Luskin was not uncomfortable with the General Plan as written. Referencing a legal term, "spirit of the law", he felt the same thing applied to the General Plan. Commissioner Luskin stated that he gets the "spirit" of things from the General Plan and the specifics from the LMC. He does not have a problem reconciling the two.

Commissioner Strachan believed the General Plan should be more general than it is now and the Land Management Code should have the specificity. He thought it was pointless to put specificity in the General Plan because it is not mandatory to follow it.

Chair Wintzer thought the General Plan should identify the vision for specific areas or neighborhoods in terms of uses, transportation, traffic, etc. He agreed that it should be general, but it needs to provide some direction.

Commissioner Luskin stated that regardless of how words are used or how specifically defined they are, everyone interprets it differently and through their own lens. He did not think the General Plan should be specific.

Commissioner Savage used the analogy of Disneyland as a place where everything flows together but each area, such as Tomorrow Land, Fantasy Land, etc, all have a separate purpose and identity. He views the General Plan in the same way. Park City is Disneyland and Bonanza Park, Old Town, etc. are the separate areas that have their own identity but relate to Park City as a whole.

Assistant City Attorney McLean stated that State Code is very explicit on what can be in the General Plan and she would schedule a training on that issue. She noted that page 7 of her handout contained the general requirements for the General Plan based on State Code. Ms. McLean pointed out that the language states that the General Plan is an advisory guide unless otherwise provided in local ordinance. She suggested that the Planning Commission continue this discussion at a future training.

Assistant City Attorney McLean noted that her handout also included a General Land Use

Administration document regarding legal justifications of Land Use Controls and General Land Use Administration. This was a harsh analysis of the Planning Commission role and explains the role of the Planning Commission and how it is tied to the criteria and the administration. Ms. McLean clarified that most of what the Planning Commission does is administrative. They are not elected and they do not have representatives. Their role is only to apply the criteria, which can be very frustrating with certain applications. Ms. McLean stated that if an application meets all the criteria of the Code, the Planning Commission must approve it based on State Code. State Code also states that the applicants have a right for reasonable diligence for review. Ms. McLean believed the Planning Commission was diligent in trying to move projects forward and she has seen a marked improvement in their efforts to not continue an item several times.

Chair Wintzer remarked that when the Planning Commission continues an item, they need to provide enough direction so the Staff and the applicant clearly understand what the Planning Commission wants. If an item is continued, they need to make sure it is with good cause.

Commissioner Pettit commented on lengthy agendas and items that they do not begin to discuss until late in the evening. In those situations, she asked if it would be appropriate to continue an item to the next meeting when the Commissioners are less tired and could give the application the proper scrutiny and discussion. Ms. McLean answered yes. She pointed out that many times the item is discussed and the Planning Commission continues it anyway, because they cannot focus on a decision due to the late hour. Ms. McLean stated that the Staff is trying to do better calendar management to avoid long agendas and late meetings.

Chair Wintzer was not opposed to continuing items because of the late hour, but it is difficult to continue a project when applicants or their representatives come from out of town to attend that specific meeting. He requested that the Staff be aware of applicants who come in from out-of-state and try to schedule them early on the agenda.

Commissioner Savage recalled that at the last meeting he had asked for deadlines and time lines regarding Park City Heights. Ms. McLean had told him that the Planning Commission should not be concerned with deadlines. He believed the deadlines and time lines relate to the process of due process in general and he wanted to understand the expected schedules and time lines the Planning Commission should adhere to in terms of working through Park City Heights.

Assistant City Attorney McLean stated that she does not like to use pending applications as examples in general discussion, however, her comment at the last meeting was that every applicant has a due process right to move forward. Many times for many reasons, an applicant will request that the Planning Commission take a vote rather than continue to another meeting. Part of the process is the applicant working with Staff to make sure times are adequately scheduled on the agenda. The City is very concerned about timing and how long applications are sit in various City Departments. A system is in place that measures the progress and many times they find projects that are within the City departments for a long time. Sometimes it is because the City is waiting for additional information from the applicant. Ms. McLean remarked that the Staff is making an effort to move things along at a quicker pace.

Commissioner Savage asked if it was reasonable for someone to provide the Planning Commission

with a time line of what they should expect to come before them. At this point he has no idea what will be on the agenda from one meeting to another.

Chair Wintzer stated that his most valuable learning tool has been meeting with the Staff on his own time when he has questions on projects. He encouraged the other Commissioners to do the same.

DRAFT

MINUTES – AUGUST 25, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 25, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan

EX OFFICIO:

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

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:30 p.m. and noted that all Commissioners were present.

II. ADOPTION OF MINUTES - August 11, 2010

Commissioner Strachan referred to page 5 of the Work Session notes, first paragraph, and replaced Commissioner **Strachan** with Commissioner **Pettit**. The corrected sentence would read, "Commissioner Pettit questioned whether this stakeholder group was the right group, particularly if they are the ones driving the parameters." Commissioner Pettit acknowledged that she was the one who made the statement.

Commissioner Strachan referred to Page 17 of the Minutes, the last full paragraph, third line down and replaced MPD with **pre-MPD**. The corrected sentence would read, "An annexation is one standard under the Code and the **pre-MPD** is another standard.

Commissioner Hontz referred to Page 20, the motion on Park City Heights, and corrected Commissioner **Savaged** to Commissioner **Savage**.

Commissioner Savage noted that the minutes reflected a discussion at the last meeting about providing the Planning Commission with an overview of the City's affordable housing plan. Director Eddington replied that Phyllis Robinson from the Sustainability Department was planning to provide that overview at the first meeting in October.

Commissioner Savage asked about the Quinn's Junction Joint Planning Principles referenced in the minutes. Commissioner Pettit believed it was in the General Plan. Director Eddington stated that the Quinn's Junction Joint Planning Principles were done by resolution and were online. Commissioner Savage requested that Patricia Abdullah send him the link so he could find them.

Commissioner Savage recalled that during the last meeting Assistant City Attorney, Polly Samuels McLean had offered to provide a time line of key decisions associated with the Park City Heights approval process. He was still interested in seeing that time line.

MOTION: Commissioner Pettit moved to APPROVE the minutes of August 11, 2010 as corrected. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Planner Francisco Astorga invited the Planning Commission to the American Planning Association Utah Chapter Fall Conference on September 30th and October 1st in Salt Lake City. The Conference is a two-day workshop format where the planners discuss various planning scenarios throughout the valley. Planner Astorga requested that two or more Commissioners participate with the Staff at this local conference. He would forward the agenda via email.

Director Eddington noted that a variety of sessions were scheduled during different time slots and he thought it would benefit the Planning Commission to see some of what goes on. If the Commissioners could not find time for both days, he encouraged them to attend at least one day or a few sessions if possible. August 31st was the registration deadline. If interested, they should register through Patricia Abdullah.

Chair Wintzer recalled another conference that Commissioners Pettit and Strachan had attended and that other Commissioners had expressed an interest in attending if it was repeated. Commissioner Pettit replied that it was a training through Utah Land Use Law. Director Eddington believed another training specific to Planning Commissions was scheduled for late Fall. He would follow through and notify the Commissioners.

Since many of the Commissioners and Staff would be on City Tour, the September 8th Planning Commission meeting would be cancelled. Commissioner Savage thought they had previously talked about cancelling the meeting on September 22nd. Based on that assumption, he had another commitment on September 22nd and would not be able to attend the Planning Commission meeting.

Planner Whetstone noted that Park City Heights was scheduled for work session on September 22nd. The applicants had originally planned to discuss traffic and transportation; however, they are now looking at the big picture and would like to discuss amenities and location of certain elements within the bubble areas.

Director Eddington noted that the Planning Commission had requested updates on the General Plan outreach sessions. The Staff had compiled the data would provide it at the next meeting.

In response to Chair Wintzer's concern regarding abandoned projects, Director Eddington reported that the Building Department had provided a list of 12 abandoned sites. The Planning Department and the Building Department will try to work with property owners on those projects. Director Eddington would email the list to the Planning Commission and schedule the projects for a future work session discussion.

Commissioner Peek asked if the Staff could also detail the projects that are not compliant with Code in terms of expired inspections or other violations.

Chair Wintzer remarked that in addition to abandoned projects, many projects are completed but the construction area was never cleaned up. He believed the issue was bigger than just abandoned projects. Director Eddington stated that non-compliant projects are harder to identify and he would work with the Building Department on that matter.

Commissioner Pettit asked about projects such as the Claim Jumper, the Imperial Hotel or other historic buildings where interior gutting was started and the structures are sitting unfinished and unoccupied. Commissioner Peek would like to know the status of those structures in terms of building safety and the basic elements of saving the historic structure.

Chair Wintzer disclosed that he would be recusing himself from the 310-350 items since he is one of the property owners.

CONTINUATIONS(S) - Public Hearing and Continue

1. 50 Shadow Ridge - Amendment to Record of Survey
(Application #PL-10-00938)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to CONTINUE 50 Shadow Ridge - Amendment to Record of Survey to a date uncertain. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

2. 811 Norfolk Avenue - Plat Amendment
(Application #PL-10-00988)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to CONTINUE 811 Norfolk Avenue - Plat Amendment to a date uncertain.

VOTE: The motion passed unanimously.

3. SA-139-A - Plat Amendment

(Application #PL-10-00989)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to CONTINUE SA-139-A - Plat Amendment to a date uncertain.

VOTE: The motion passed unanimously.

4. 29 & 39 Silver Strike Trail - Amendment to Record of Survey
(Application #PL-10-01023)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to CONTINUE 29 & 39 Silver Strike Trail - Amendment to Record of Survey to a date uncertain. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

5. 200 Ridge Avenue - Plat Amendment
(Application #PL-10-00977)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE 200 Ridge Avenue - Plat Amendment to September 22, 2010. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

6. 310-350 McHenry Avenue - Zone Changes
(Application #PL-10-01040)

Chair Wintzer recused himself and left the room. Vice-Chair Peek assumed the Chair.

Planner Whetstone reported that this item and the 310-350 McHenry plat amendment were related applications. The plat amendment is subject to approval of the zone change.

Planner Whetstone reviewed the request for a zone change from Estate to HRL, historic residential low density, for the eastern portion of the properties at 310 and 320, 330 and 350 McHenry. The Staff report contained a plat map showing the existing zoning. Planner Whetstone explained that the HRL zone was created in 1993 by the residents of McHenry primarily to achieve low density, residential zoning. When the zone was adopted, the description of the zone line followed the east property line of the properties of Block 61 of the

Park City Survey. It did not follow the ownership boundary, leaving the eastern portions in the Estate zone.

Planner Whetstone stated that the requested zone change would clean up some of the non-conforming situations and the Estate zoned property into the HRL. The property would then be subject to the design guidelines and a steep slope CUP, as well as other requirements of the HRL zone. The zone change would also reduce the non-compliance for the majority of the structures. Planner Whetstone presented charts showing the lot areas and the footprints. The Staff report contained a table of the zoning requirements for the setbacks in the HRL the Estate zones and the existing conditions for each property.

Commissioner Pettit referred to the table on page 50 of the Staff report, as well as the condition of approval, and noted that excluding the 20-foot no-build zone in the footprint calculations reduced the allowed footprint on some of the lots. Commissioner Peek asked if the first lot area shown on the table on page 50 included the Estate zone. Planner Whetstone answered yes. Planner Whetstone stated that she had done a rough calculation of the building footprint in the subdivision report, which showed the allowed footprint for each lot area.

Planner Whetstone remarked that part of the zone change request is that the Sensitive Lands Boundary moves to follow the HRL. She noted that HRL zones are not to be considered under the Sensitive Lands Ordinance. When the SLO was adopted, there was specific discussion that the Historic District would not be part of the Sensitive Lands. Since that time, the Steep Slope CUP was adopted, which addresses many of the same issues addressed in the SLO.

Assistant City Attorney McLean recommended removing the condition of approval from the zone change and include it in the subdivision. The decision on the zone approval should be based on the pattern in the neighborhood and cleaning up non-conformities. Ms. McLean understood that the applicants wanted to limit the amount of density, however, it would be more appropriate to address it in the subdivision.

Planner Whetstone pointed out that the rezone creates larger areas of HRL zoning. The HRL has a minimum lot size of 3,750 square feet. Three of the lots are large enough to subdivide into two 3,750 square feet. She noted that a condition of approval cannot be placed on the rezone; however, the applicants have stipulated to a condition with the subdivision plat, that there would be no re-subdivision of these lots and that there would only be one house per lot. She noted that the rezone would allow for additional footprint on some of the lots.

Commissioner Savage clarified that someone could purchase an existing home, demolish it because it is not historic, and rebuild a house with a larger footprint as designated in the table. The home could be larger but it would still be restricted to one residence per lot. Assistant Attorney McLean remarked that the Planning Commission should be aware that might happen, but reiterated that the subdivision was the proper venue for adding conditions of approval.

Commissioner Pettit was unclear on the exact criteria for evaluating whether or not to allow a zone change. She understood that part of the rationale for allowing a rezone for this application was the fact that the applicants were agreeable to the condition that would be imposed in the subdivision, which is not to create or add additional density. Without that agreement, the rezone could result in a situation where more density is created in that area. From a precedent standpoint, she thought it should be clear that if the Planning Commission allows this zone change for the purpose of cleaning up issues between the Estate and HRL zones, without the condition of approval they may not be inclined to allow the zone change.

Assistant City Attorney McLean understood the concern and pointed out that it was partly a matter of good faith. Regarding precedent, zone changes are more legislative in terms of discretion because the Planning Commission must also think about the planning for that area. In this case, someone could increase the density, but the appropriate channel would be through the subdivision process. Ms. McLean believed the underlying question was whether HRL was the right zone for this area and whether the fact that four houses are bisected by two different zones was enough reason to change the zone.

Commissioner Savage asked if it was possible for the Planning Commission to approve the subdivision first, and as a condition of approval, have the zone change approved by City Council. He thought that procedure could eliminate the catch 22. Assistant City Attorney McLean replied that it would be a "chicken and egg" situation because they would need to analyze the subdivision based on the known zone. Commissioner Savage pointed out that under the current process the Planning Commission forwards a positive recommendation to the City Council for the zone change and another positive recommendation for the subdivision. He felt a better concept would be to forward a positive recommendation for the subdivision to be conditioned on the zone change. Therefore, once the zone change occurs, the subdivision is already pre-determined. Ms. McLean stated that the Planning Commission could legally do that. Commissioner Savage remarked that since the lot owners were willing to agree to that condition, he thought they should facilitate the process with the understanding that if the zone change was not approved, the conditions of the subdivision would not be met.

Assistant City Attorney McLean emphasized that the zone change is what it is. There will be plat notes, however plat notes has its own process. Twenty years from now someone could request that the plat note be changed. The minutes of this meeting would reflect the discussion and the concern for increased density and hopefully the change would not occur. Ms. McLean felt it was important for the Planning Commission to separate the zone change and the subdivision process. She understood the difficulty of approving a subdivision for a zone that does not yet exist. She suggested that it could be done with a condition of approval that the zone change go through prior to recordation of the subdivision. The other option is to approve the zone change, recognizing that there is a slight risk that the subdivision plat would not go through. Ms. McLean did not question the good faith of the applicants.

Planner Whetstone stated that if the zone is changed and more area becomes HRL, to create another lot would require a subdivision plat or a plat amendment. She pointed out that most of

the lots are not platted. Applying for a building permit would require an owner to create a legal lot of record, which would require Planning Commission and City Council action. Commissioner Peek clarified that all four lots have lot lines that would impede pulling a building permit. Planner Whetstone replied that this was correct. For that reason he believed that all the owners would be motivated to continue with the subdivision. Commissioner Pettit stated that if the condition of approval is removed from the zone change, she suggested revising Finding of Fact #9 to create a record making it clear that this was a factor the Planning Commission weighed in their determination of the zoning change. She revised the finding to read, "The zone change would allow increased density on Lots 1, 3, and 4 due to the minimum lot size in the HRL zone. The property owners have submitted a subdivision application under which Staff has recommended a condition of approval that a note be added to the subdivision plat being reviewed concurrently with this zone change, that there shall only be one house per Lot and the lots shall not be re-subdivided. The property owners agree to this condition". Assistant City Attorney McLean replied that the finding as revised was appropriate.

Commissioner Strachan asked why the zone line was put there in 1993.

Helen Alvarez, an applicant/owner, stated that she was a City Council member in 1993, as well as a property owner. Like Chair Wintzer, she had abstained from the discussion and did not vote. At that time there was only one planning staff and Bush and Gudgell were the consulting engineers. Ms. Alvarez explained that the owners requested that their properties be rezoned and the presentation called for a valuation of the property. She noted that the County considers your property as one when you add to it, so they all paid one property tax bill on all the parcels owned. Ms. Alvarez stated that Bush and Gudgell apparently had no knowledge that properties had been sold from the Millsite to the owners. United Park City Mines granted a parcel of property to Tim Hayden, combined City lots, and Millsite property. That was how the line happened to be drawn. Ms. Alvarez pointed out that the town site line does not lie on the boundary line.

Ms. Alvarez remarked that it was a mistake made by Bush and Gudgell, and the City Council made a mistake by not carefully reading the description. At that time surveys were not required. Ms. Alvarez pointed out that these mistakes happen when the City is not adequately staffed. She believed they were very fortunate now to have good professional Staff to help the City Council and the Planning Commission with their decisions.

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

Commissioner Hontz was comfortable with Finding of Fact #9 as revised by Commissioner Pettit and with removing Condition of Approval #1.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council for the zone change to the east boundary of the HRL zone and SLO boundary between 310-350 McHenry Avenue based on the amended Findings of Fact and Conclusions of Law, and the removal of the Condition of Approval, in the attached ordinance. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Finding of Fact - 310-350 McHenry Avenue - Zone Change

1. Currently there are four homes located at 310, 320, 330 and 350 McHenry Avenue that are located within three zoning district, namely the Historic Residential Low-Density (HRL) zone, the Estate (E) zone and the Sensitive Lands Overlay Zone (SLO) that currently exists as an overlay on the Estate (E) zone portion.
2. The Planning Department is requesting a zone change to move the HRL and SLO boundary line to the east boundary of the above properties replacing the Estate zoned portion with HRL. The primary reason for the request is to change the zone boundary line to match the ownership property lines.
3. There are no existing HRL properties with the sensitive lands overlay (SLO) designation.
4. The HRL zone was in part created by the residents of McHenry Avenue to specifically reduce the density allowed in the area under the previous HR-1 zone.
5. When the HRL zone was adopted, the description of the zone line followed the East property line of Block 61 of the Park City Survey. It did not follow the ownership boundary that exists within NW 1/4, SW 1/4, Section 15 of the Park City Survey. The property owners of 310, 320, 330, and 350 McHenry Avenue owned the parcels of land East of Block 61 in 1983. These parcels were zoned Estate.
6. LMC Section 15-1-6(B) states, "where the zoning district lines appear to have intentionally divided a lot or parcel between two (2) or more districts, the applicable zoning for each portion of the lot or parcel must be determined by using the scale shown on the map".
7. If the rezone is not approved, any future improvements to these properties would have to follow the HRL zone lot and site requirements in the front yard and the Estate zone lot and site requirements in the back yard. With existing homes, the current zoning creates many instances of non-conformity.
8. No non-complying structure may be moved, enlarged, or altered, except in the manner provided in Section 15-9-6 of the LMC or unless required by law. By moving the HRL and SLO zone boundary lines to the East ownership boundary, the majority of the non-conformities will not exist, due to the decreased setback requirements in the HRL. The structures will be more compliant with the zone.
9. The zone change would allow increased density on Lots 1, 3 and 4 due to the minimum lot size in the HRL zone. The property owners have submitted a subdivision application under which Staff has recommended a condition of approval that a note be added to the subdivision plat being reviewed concurrently with this zone change, that there shall be

- only one house per lot and the lots shall not be re-subdivided. The property owners agree to this condition.
10. Notice for this application was sent to all property owners within 300' of the affected properties and was noticed in the Park Record.
 11. The Park City Zoning Map shall be amended at the time of Council Action.
 12. The findings in the Analysis section are incorporated herein.

Conclusions of Law - 310-350 McHenry Avenue - Zone Change

1. There is good cause for this rezone.
2. The rezone 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 rezone.
4. The rezone is consistent with the Park City General Plan.

2. 310-350 McHenry Avenue - Plat Amendment
(Application #PL-10-00983)

Planner Whetstone reviewed the application for a four-lot subdivision to create four lots of record for four existing homes at 310, 320, 330 and 350 McHenry. The requested plat amendment would reduce some of the non-compliance issues.

Planner Whetstone remarked that the subdivision is subject to the requested rezone previously reviewed by the Planning Commission. She noted that a dedication of right-of-way from McHenry is proposed, as well as the dedication of a 372 square foot meditation parcel on the west side of the ROW dedication from McHenry. The Staff recommended that the plat identify this parcel as a non-developable parcel that would not be counted in the lot area of any of the lots for the purposes of building footprint calculations, and that a legal description of the parcel be provided on the plat.

The Staff recommended that the Planning Commission conduct a public hearing, consider any input, and forward a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval stated in the draft ordinance.

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

Commissioner Strachan referred to Condition of Approval #5 and changed mediation to meditation. Vice-Chair Peek referred to Condition of Approval #6, bullet point one, and deleted, "The cross-hatched area along the east side of the property" and replaced it with, "the eastern most 20 feet of the property is designated as a no-build in which no structures may be erected".

Commissioner Savage stated that if the cross hatched area on the plat is defined as the easternmost 20 feet, Lot 4 is inconsistent with the angle. Based on that definition, it ends up

being a diagonal following the other line coming down the other direction on that lot. He felt that inconsistency should be rectified.

Commissioner Strachan pointed out that Exhibit A was attached with the zone change application, which was a surveyors description of where the zone line would be. He suggested basing the line 20 feet west of that zone line. He pointed out that it would still not address Commissioner Savage's concern.

Ms. Alvarez thought the point of their discussion was only to clarify the language and make it the 20 feet west of the zone line of the eastern boundary.

Commissioner Hontz believed the language as written was correct. She suggested replacing the word "property" with "subdivision", to read, "The cross-hatched area along the east side of the subdivision is designated as a no-build zone in which no structure may be erected. This area shall not be included in the maximum building footprint calculation". She understood that the Planning Commission was only trying to delineate that it was 20 feet.

Assistant City Attorney McLean remarked that the plat is an exhibit to the ordinance which is being approved. The Planning Commission could amended the condition of approval to add the language stated by Commissioner Peek, "the eastern most 20 feet of the property is designated as a no-build...", with additional language, "as indicated on the plat map.

Commissioner Strachan pointed out that in looking at Lot 4 on the plat map, the cross-hatched area is the same amount of square footage. Planner Whetstone agreed with Commissioner Hontz to change the word property to subdivision, because Lot 2 is a property. Commissioner Strachan felt the plat map was specific enough to address their concerns. Vice-Chair Peek read the amended bullet point, "The easternmost 20 feet of the subdivision as indicated on the plat map, is designated as a no-build, in which no structures may be erected. This area shall not be included in the maximum building footprint". The Commissioner concurred with the revisions as read.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council for the subdivision for 310-350 McHenry Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval as amended in the draft ordinance. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 310-350 McHenry - Plat Amendment

1. The property is located at 310, 320, 330, and 350 McHenry Avenue within the HRL zoning district.

2. The Plat Amendment is for the existing lots 1-9 of Block 61 of the Park City Survey and nine parcels of land located in the southwest quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian in Park City, Summit County, Utah.
3. The proposed Plat Amendment will create four (4) platted lots of record. The minimum lot area in the HRL zoning district is 3750 square feet. The minimum lot width in the HRL zone is 35 feet. Each of the four (4) lots complies with the minimum lot area and the minimum lot width of the HRL zone.
4. There is an existing non-historic home located on each of the proposed lots and the density is not increased with this subdivision. One home is allowed per lot.
5. The neighborhood is characterized by single family and multi-family homes.
6. A right-of-way dedication of 976.52 square feet will be dedicated to the City upon recordation.
7. The Planning Department is processing an application for a zone change at this location. The existing lots are split within two zones; Estate and HRL. The zone change, if approved, will designate the four lots within the HRL zoning district in their entirety.
8. The applicant has proposed a cross-hatched area along the east side of the subdivision. This area is twenty (20) feet in depth from the property line. The applicant is proposing that this area be a no-build area in which no structures may be erected. This area may not be included in the maximum footprint calculation.
9. All findings within the Analysis section are incorporated herein.

Conclusions of Law - 310-350 McHenry - Plat Amendment

1. There is good cause for this subdivision.
2. The subdivision 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 subdivision is consistent with the Park City General Plan.

Conditions of Approval - 310-350 McHenry - Plat Amendment

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 may be required along the front of the property. The City Engineer will make a final determination during his review and approval of the plat prior to recordation.
4. No remnant parcels are separately developable and a note shall be included on the plat indicating this.
5. The meditation parcel shall be legally described on the plat and a note shall indicate that it is not a developable parcel and that the area of the parcel shall not be used in the calculation of maximum building footprint for any of the lots.

6. As a condition precedent to recordation, plat notes shall be added to the plat stating the following:
 - The easternmost 20 feet of the subdivision as indicated on the plat map, is designated as a no-build, in which no structures may be erected. This area shall not be included in the maximum building footprint;
 - The quit claimed parcel shall not be utilized for access;
 - The quit claimed parcel shall not have any structures(s) built upon it;
 - The quit claimed parcel shall not be included in any calculation for building footprint now or in the future.
 - The meditation parcel is not a developable parcel and the area of the parcel shall not be included in calculations for building footprint for any of the lots.
7. If the sale of the quit claim parcel is not executed and sold to the owner of Lot 1 prior to plat recordation, then the quit claim parcel will be removed from the plat.
8. A note shall be added to the plat as a condition precedent to recordation of the plat stating that there shall be only one house per lot and the lots shall not be re-subdivided.

The Planning Commission returned to Work Session for the training overview with Legal. The training discussion is found in the Work Session Notes.

The Park City Planning Commission meeting adjourned at 8:35 p.m.

Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Report



Subject: Deer Valley Drive Condominium
Author: Francisco Astorga
Project Number: PL-10-00987
Date: September 22, 2010
Type of Item: Administrative – Condominium Record of Survey Plat

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Deer Valley Place Condominiums Record of Survey Plat located at 601/603 Deer Valley Drive and consider forwarding a positive recommendation the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: SFG Properties, LLC represented by Tracy Doughett,
Location: 601/603 Deer Valley Drive
Lot 1, 601 Deer Valley Drive Subdivision
Zoning: Residential-Medium Density (RM) District
Adjacent Land Uses: Residential
Reason for Review: Condominium Record of Survey Plats require Planning Commission review and City Council approval

Background

On June 7, 2010, the City received a completed application for a Condominium Record of Survey for an existing duplex located at 601/603 Deer Valley Drive (Lot 1, 601 Deer Valley Drive Subdivision) in the Residential-Medium Density (RM) District. Approval of the Condominium Record of Survey would allow for each unit in the duplex to be sold separately. The duplex received a certificate of occupancy by the Park City Building Department in November 2008.

This same application was requested by the previous property owner. The Park City Planning Commission and City Council reviewed the condominium record of survey plat in June 2008. The application was approved however, the applicant did not meet the condition of approval of recording the record of survey plat within one (1) year of the City Council approval date, and therefore the approval was void. The current property owner, SFG Properties, LLC filed the same request to be able to sell both units separately. Physical changes have not been made to the structure from the time that it was previously reviewed.

Analysis

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

- a) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- b) encourage new Development along an important corridor, that is Compatible with Historic Structures in the surrounding Area,
- c) encourage the rehabilitation of existing Historic Structures,
- d) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- e) encourage affordable housing,
- f) encourage Development that minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas.

The duplex is located at 601 Deer Valley Drive (Lot 1, 601 Deer Valley Drive Subdivision). A duplex is an allowed use in the RM District. The minimum lot size for a duplex is 3,750 square feet. The area of the lot is 7,180 square feet. The front yard setback for a duplex is fifteen feet (15') minimum, rear yard setback is ten feet (10') minimum, and side yard setbacks are five feet (5') minimum. The existing conditions comply with required minimum setbacks.

Parking requirements for the duplex have been met with the site. The parking ratio requirement for a duplex (LMC § 15-3-6) is two (2) parking spaces per dwelling unit, requiring a total of four (4) parking spaces. The individual garages for each unit contain two (2) parking spaces each.

As shown on the 601 Deer Valley Drive Subdivision (Exhibit B) the drive access for Lot 1 is currently through the 20-foot-wide access, snow storage, and parking easement on Lot 2 parallel to Deer Valley Drive. The condominium Record of Survey further memorializes the access, snow storage, and parking easement. Another condominium conversion application has been submitted by the adjacent duplex owner, The Lofts on Deer Valley Drive Condominium, at 605/607 Deer Valley Drive.

The two (2) condominium units vary in floor area. Unit 601 has 5,067.6 square feet of private area and unit 603 has 4,862.5 square feet of private area. Shared entry area and open space are identified as common ownership. The decks are identified as limited common areas. The CC&Rs to be recorded with the plat will outline the tie breaker process.

Staff finds good cause for this condominium conversion as the units will be able to be sold separately and the plat memorializes the conditions of approval regarding t access, snow storage and parking.

Non-compliances

Access and Parking

In the recent years the City has noticed that there have been various vehicles that have not utilized the access and parking easement as it was intended per the subdivision plat (601 Deer Valley Drive Subdivision Plat) conditions of approval:

- Pursuant to Land Management Code (LMC) § 15-7.3-3(E)(2), access to both lots shall be by a single combined access drive. The driveway shall be designed consistent with the requirements of sections 15-7.3-3(E)(2) and 15-3-3 of the LMC.
- Substantial turn around area shall be provided on site to ensure that automobiles do not back onto Deer Valley Drive.

The City has also noticed a boat and several vehicles parked right in front of the 601 Deer Valley Drive duplex, including the City Right-of-Way (Deer Valley Drive), because of the rolled curb and gutter.

The existing shared driveway is twenty-four feet (24') wide. The maximum driveway width allowed by the Land Management Code is twenty-seven feet (27'). Staff will allow the applicant to expand the driveway width to the maximum to assist in complying with the subdivision condition of approvals. Staff recommends a condition of approval to expand the width of the driveway in order to facilitate the required use of the driveway.

To mitigate the access and parking Staff will also allow the applicant to build planter boxes along the front on the City Right-of-Way behind the existing five foot (5') sidewalk and allow the driveway to be expanded towards the back of the proposed planter boxes (see Exhibit C). The incorporation of these planter boxes will facilitate compliance by limiting access to the lot through the future landscaped front yard and existing rolled curb and gutter and will direct access to take place through the required access and parking easement (shared driveway) as conditioned. The applicant shall work with the City Engineer to obtain encroachment agreements for these improvements. Staff recommends a condition of approval that the encroachment agreements be executed and recorded prior to plat recordation.

Retaining walls

The approved building permit for the duplex contains a site plan which only shows a retaining wall towards the rear of the structure. There are currently three (3) retaining walls on site between this duplex the other duplex to the east ranging from two (2') to six feet (6') in height.

The major issue with the built retaining walls was the use of simulated stone. City codes indicate that simulated stone, cultured stone, synthetic stone products, pre-cast stone, or concrete imbedded with stone fragments have proved to be unsuitable for use in Park City and accordingly, are not permitted.

The applicant has covered the synthetic stone block. The applicant followed staff recommendation to use timbers held with vertical I-beams for the retaining walls. Both the Planning Department and the Building Department have inspected the site related to the built retaining walls and find that these walls are compliant with applicable City codes.

The retaining wall located towards the rear is yet to be built. Staff recommends a condition of approval that will indicate that applicant will work with the City to receive the appropriate permits to build the approved retaining wall located in the rear of the structure prior to plat recordation.

Landscaping and site clean up

The applicant shall submit a comprehensive landscape plan for the entire project including the planter box (small trees or tall shrubs). Excess remnant concrete throughout the site needs to be removed. The applicant needs to also apply top soil, gently grade and plat native seed mix (hydro-seed). Staff recommends a condition of approval which includes the following above.

Process

Planning Commission will make a recommendation to City Council, and the decision by the City Council constitutes final action that may be appealed in District Court within thirty (30) day of approval.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

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

Public Input

No public input has been received prior to the time this report was written.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Deer Valley Place Condominium Record of Survey Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Deer Valley Place Condominium Record of Survey Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Deer Valley Place Condominium 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 duplex could not have separate ownership.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Deer Valley Place Condominiums Record of Survey Plat located at 601/603 Deer Valley Drive and consider forwarding a positive recommendation 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 Condominium Record of Survey

Exhibit B – 601 Deer Valley Drive Subdivision Plat

Exhibit C – Driveway expansion/Planter boxes

Exhibit A – Draft Ordinance No. 10-

AN ORDINANCE APPROVING THE DEER VALLEY PLACE CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 601/603 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 601/603 Deer Valley Place have petitioned the City Council for approval of the Deer Valley Place Condominiums Record of Survey Plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 22, 2010, to receive input on the Deer Valley Place Condominiums Record of Survey Plat;

WHEREAS, the Planning Commission, on September 22, 2010, forwarded a recommendation to the City Council; and,

WHEREAS, the City Council held a public hearing on October 14, 2010, to receive input on the Deer Valley Place Condominium Record of Survey Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Deer Valley Place Condominiums 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 Deer Valley Place Condominiums Record of Survey Plat 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 601/603 Deer Valley Drive.
2. The property is located in the Residential-Medium Density (RM) District.
3. The structure is a built duplex.
4. A duplex is an allowed use in the RM District.
5. The area of the lot is 7,180 square feet.
6. The existing conditions comply with required minimum setbacks.
7. Two (2) parking spaces are required for each unit.
8. Each unit has two (2) dedicated parking spaces within the site.
9. Unit 603 has 5,067.6 square feet of private area.
10. Unit 605 has 4,862.5 square feet of private area.

- 11. Shared entry area and open space are identified as common ownership.
- 12. There are existing non-compliances relating to access and parking, retaining walls, landscaping, and site clean up.
- 13. The findings within the Analysis section are incorporated within.

Conclusions of Law:

- 1. There is good cause for this condominium Record of Survey.
- 2. The Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats.
- 3. Neither the public nor any person will be materially injured by the proposed Record of Survey Plat.
- 4. Approval of the 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 Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
- 3. The CC&Rs shall include a tie breaker mechanism.
- 4. The applicant shall expand the driveway in order to facilitate the required use of the driveway to a maximum of twenty seven feet (27').
- 5. The applicant shall work with the City Engineer to obtain encroachment agreements to build planter boxes along the front on the City Right-of-Way behind the existing five foot (5') sidewalk. This work shall be complete as a condition precedent to plat recordation.
- 6. The applicant will work with the City to receive the appropriate permits to build the approved retaining wall located in the rear of the structure. This work shall be complete as a condition precedent to plat recordation.
- 7. The applicant will submit a landscape plan. Excess remnant concrete throughout the site shall be removed. This work shall be complete as a condition precedent to plat recordation.

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

PASSED AND ADOPTED this 14th day of October, 2010.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

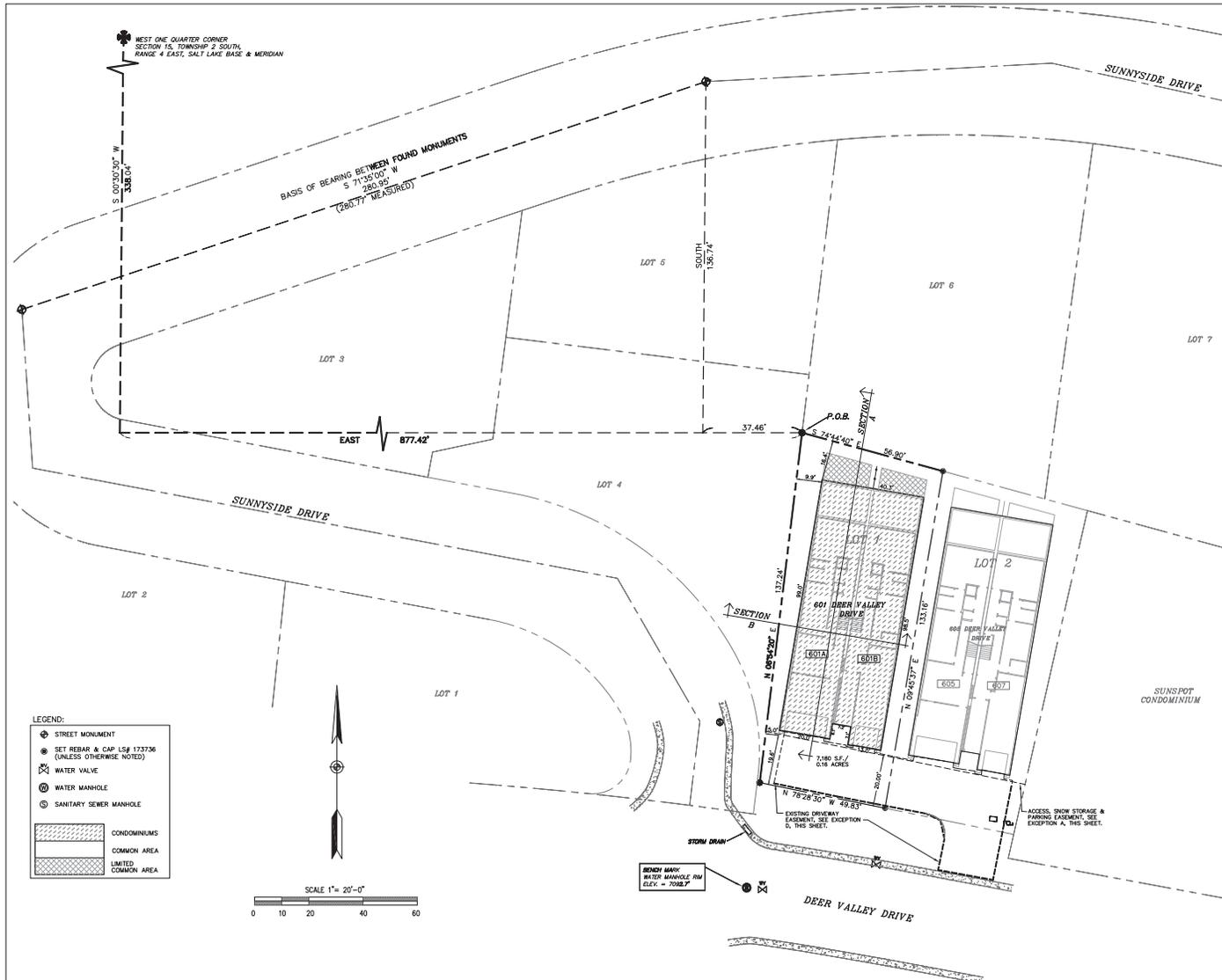
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Condominium Record of Survey Plat

Attachment A - Proposed Condominium Record of Survey Plat



SURVEYOR'S CERTIFICATE

I, Jack Harmon, do hereby certify that I am a Registered Land Surveyor and that I hold certificate No. 176966 as prescribed under the laws of the State of Utah. I certify that buildings shown on this plat, but not under construction of the time the plat is recorded will, when completed, be substantially as shown on the plat. I further certify that a survey has been made of the land shown and described hereon, that this survey is a correct representation of the land surveyed, and that this survey has been prepared in conformity with the minimum standards and requirements of the law.

Jack Harmon L.S. 176966 Date _____

BOUNDARY DESCRIPTION

Commencing at a street monument located northerly from the center of Lot 5 of the Sunnyside Subdivision, on file and of record in the office of the Summit County Recorder, file number 158192, (basis of bearing being S 71°35'00" W, 280.77 feet along the Sunnyside Drive center monument line as shown on said plat to a street monument southerly of Lot 20 of said Subdivision); thence leaving said monument line, South, a distance of 136.74 feet, thence East, a distance of 37.46 feet to the POINT OF BEGINNING, said point also being S 0°30'30" W, a distance of 338.04 feet along the west line of said Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being the southwest corner of Lot 6 of the Sunnyside Subdivision, on file and of record in the office of the Summit County Recorder, file number 158192, thence along the southerly line of said Subdivision S 74°44'40" E, a distance of 56.90 feet; thence S 09°45'37" W, a distance of 133.16 feet; thence N 78°28'30" W, a distance of 49.83 feet; thence N 06°54'20" E, a distance of 137.24 feet to the POINT OF BEGINNING.

Containing 7,180 square feet or 0.160 acres, more or less.

Excepting therefrom all coal, gas, mines, metals, gravel and all other minerals of whatsoever kind or nature in subject property excepted by United Park City Mines Company, a Delaware Corporation, in that certain warranty deed, dated October 11, 1976, recorded January 28, 1976, as Entry No. 130323 in Book M76 at Page 453 of official records.

Excepting the following:

A. A 20 foot Access, Snow Storage & Parking Easement, together with incidental rights thereto, over the southerly portion of the land as shown on the recorded plat.

B. Questor Right-of-Way Easement:
Entry No. 673873,
Book 1570,
Page 1819.

C. Snowshed Easement Agreement:
Entry No. 795433,
Book 1827,
Page 0032.

D. A legal description of an existing driveway used for ingress and egress by Lot 1 and Lot 2, more particularly described as follows:
Beginning at a point which is N 06°54'20" E 0.39 feet along the Westerly property line of Lot 1 and S 83°05'40" E 5.56 feet from the Southwest property corner of said Lot 1. Said POINT OF BEGINNING also being the Southwest corner of said driveway. Thence running: N11°39'25"E 20.47 feet along the westerly edge of said driveway to an existing garage; thence along said garage S 81°01'13"E 15.44 feet; thence S 6°08'54"E 1.34 feet; thence S 80°27'30"E 8.81 feet; thence S 11°39'25"W 0.54 feet; thence S 80°27'30"E 2.70 feet; thence N 11°39'25"E 0.90 feet to an existing garage; thence along said garage S 80°27'30"E 8.40 feet; thence S 4°44'54"W 1.36 feet; thence S 78°13'55"E 15.45 feet; thence N 11°39'25"E 1.66 feet to an existing garage; thence along said garage S 81°01'13"E 15.57 feet; thence S 4°54'40"W 1.93 feet; thence S 80°50'33"E 8.64 feet; thence S 5°33'16"W 0.97 feet; thence S 79°05'51"E 2.66 feet; thence N 5°33'16"E 2.00 feet to an existing garage; thence along said garage S 78°46'45"E 8.83 feet; thence S 5°33'16"W 1.78 feet; thence S 78°46'45"E 3.48 feet to the Easterly edge of said existing driveway; thence along Easterly side of driveway S 11°06'16"W 39.47 feet to the Easterly entry of said driveway; thence along said driveway entry N 79°44'25"W 21.73 feet to the Westerly edge of said driveway entry; thence N 11°20'41"E 12.38 feet more or less to the beginning of a curve to the left; thence the following two chords 1: N 12°00'58"W 7.36 feet; 2: N 65°24'31"W 6.37 feet more or less to the end of said curve; thence continuing along the Southerly edge of said driveway N 79°03'40"W 34.99 feet; thence N 78°17'15"W 25.24 feet to the POINT OF BEGINNING.

Driveway contains 2,312 +/- square feet.

OWNER'S CERTIFICATE OF CONSENT TO RECORD

Know all men by these presents, that the undersigned are the Owners of the hereon described tract of land known hereafter as DEER VALLEY PLACE CONDOMINIUMS, having caused this CONDOMINIUM RECORD OF SURVEY PLAT to be prepared, further consents to the recordation of the same in accordance with Utah Law.

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

SFG PROPERTIES, L.L.C.
A Washington Limited Liability Company

BY: _____ TITLE: _____
Greg Elderkin

State of Utah } ACKNOWLEDGEMENT
County of _____ } :ss

On this _____ day of _____, 2010, personally appeared before me, the undersigned Notary Public, in and for said State and County, _____ who after being duly sworn, acknowledged to me that they are the _____ SFG PROPERTIES, L.L.C., A Washington Limited Liability Company, that they signed the foregoing Owner's Certificate of Consent to Record on behalf of the L.L.C. with full authority of its bylaws.

Notary Public My Commission Expires: _____
Residing at _____

DEER VALLEY PLACE CONDOMINIUMS CONDOMINIUM RECORD OF SURVEY PLAT

A CONDOMINIUM PROJECT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

JACK HARMON LAND SURVEYING
725 EAST REDDEN ROAD
PARK CITY, UTAH 84098
(435) 649-6511

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.

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

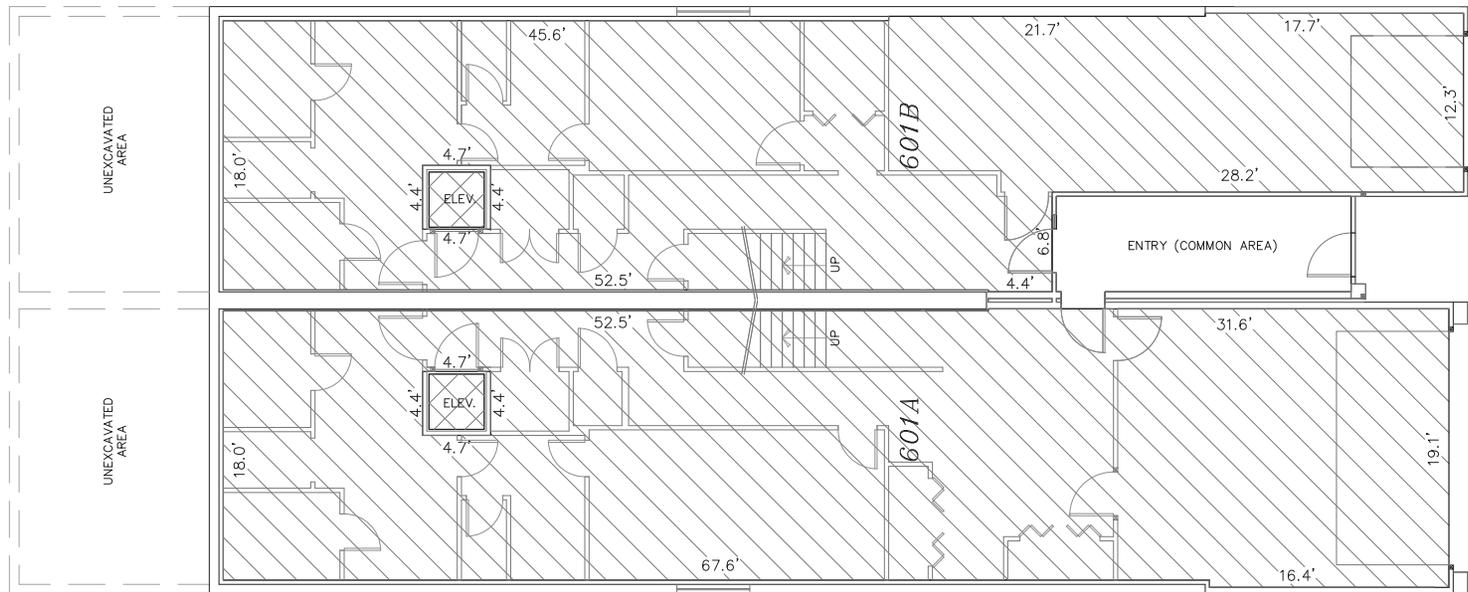
COUNCIL APPROVAL AND ACCEPTANCE
ADMINISTRATIVELY APPROVED BY AUTHORITY OF THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2010 A.D.
BY _____
MAYOR

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

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

RECORDED

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



BASEMENT FLOOR PLAN

UNIT #	NET SF	ELEVATION
601A	1543.0 SF	7094.00
601B	1375.8 SF	7094.00

LEGEND:

	PRIVATE OWNERSHIP
	LIMITED COMMON AREA
	COMMON AREA

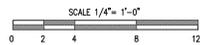
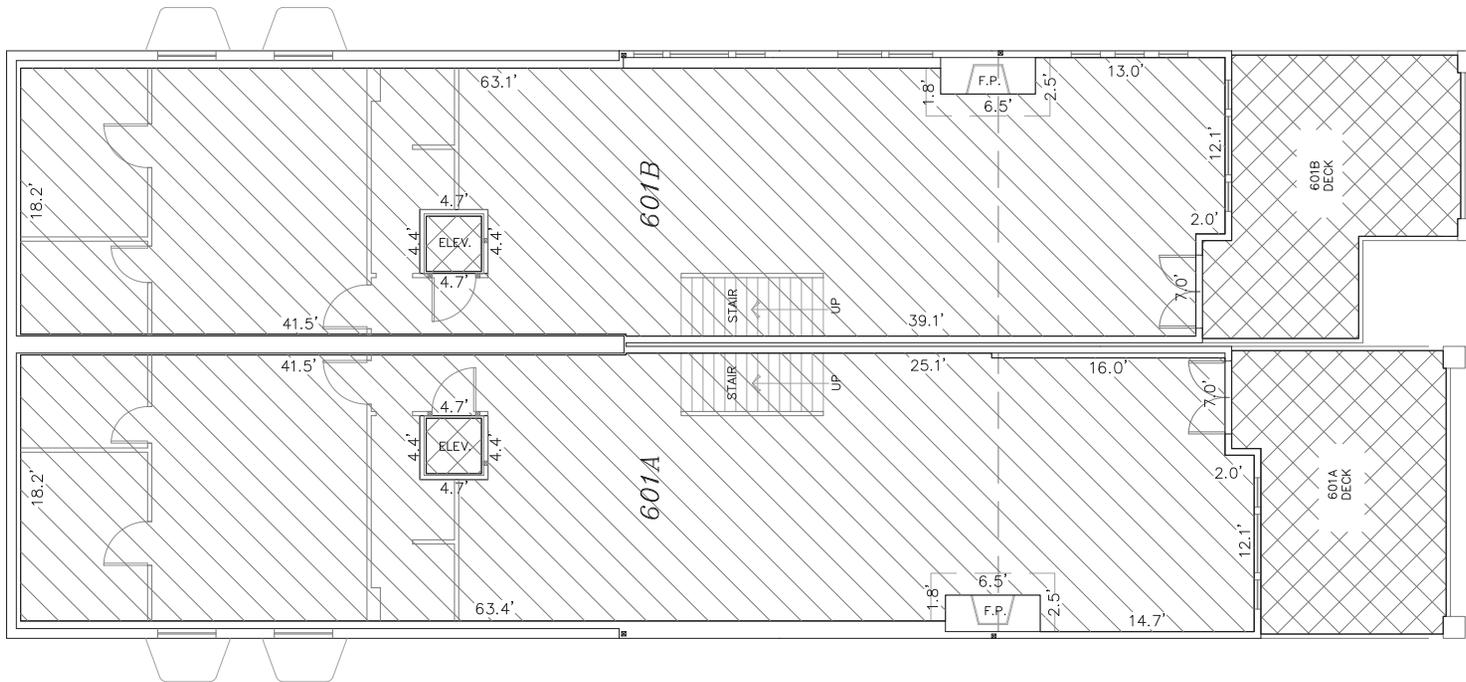
DEER VALLEY PLACE CONDOMINIUMS

CONDOMINIUM RECORD OF SURVEY PLAT

A CONDOMINIUM PROJECT LOCATED IN THE SOUTHWEST
 QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE
 4 EAST, SALT LAKE BASE AND MERIDIAN

SHEET 2 OF 6

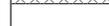
RECORDED			
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF			
DATE	TIME	BOOK	PAGE
_____	_____	_____	_____
FEE	RECORDER		
_____	_____		



MAIN LEVEL FLOOR PLAN

UNIT #	NET SF	ELEVATION
601A	1512.0 SF	7103.15
601B	1474.1 SF	7103.15

LEGEND:

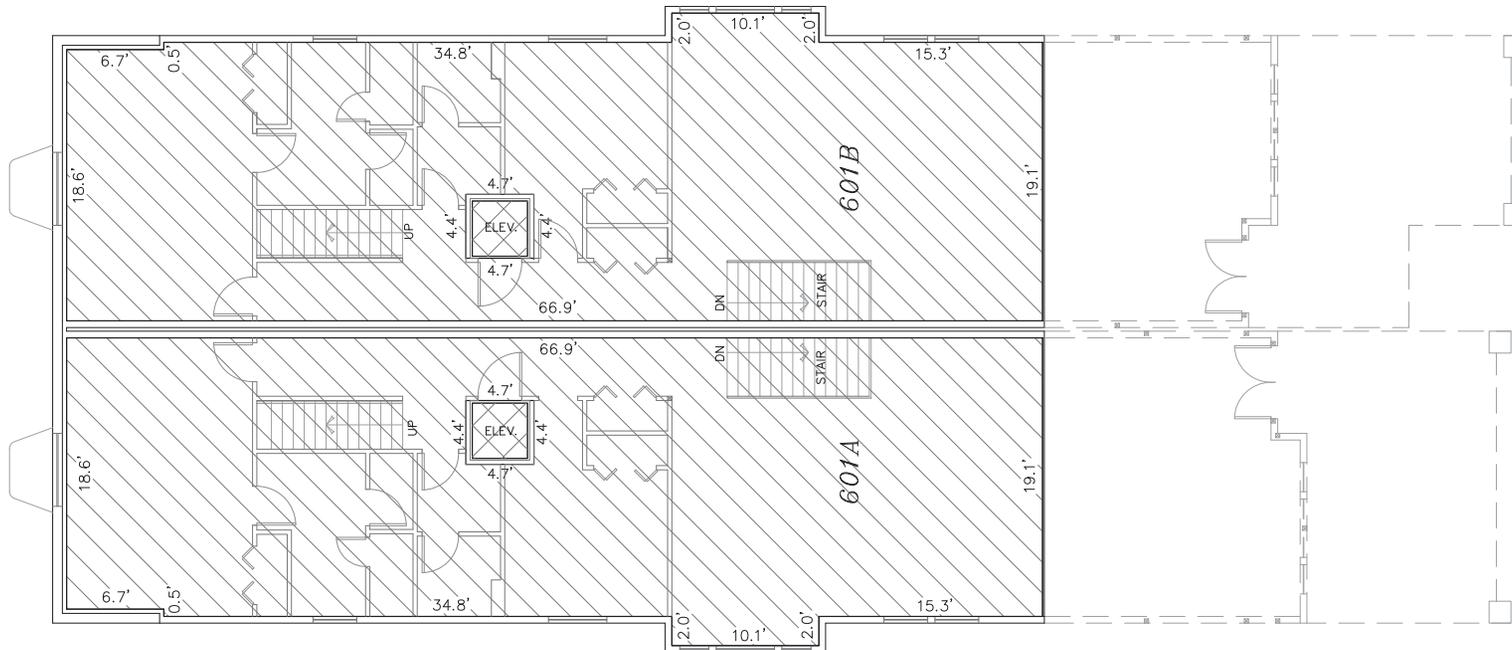
	PRIVATE OWNERSHIP
	LIMITED COMMON AREA
	COMMON AREA

DEER VALLEY PLACE CONDOMINIUMS

CONDOMINIUM RECORD OF SURVEY PLAT
 A CONDOMINIUM PROJECT LOCATED IN THE SOUTHWEST
 QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE
 4 EAST, SALT LAKE BASE AND MERIDIAN

SHEET 3 OF 6

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



SECOND LEVEL FLOOR PLAN

UNIT #	NET SF	ELEVATION
601A	1273.4 SF	7112.29
601B	1273.4 SF	7112.29

LEGEND:

- PRIVATE OWNERSHIP
- LIMITED COMMON AREA
- COMMON AREA

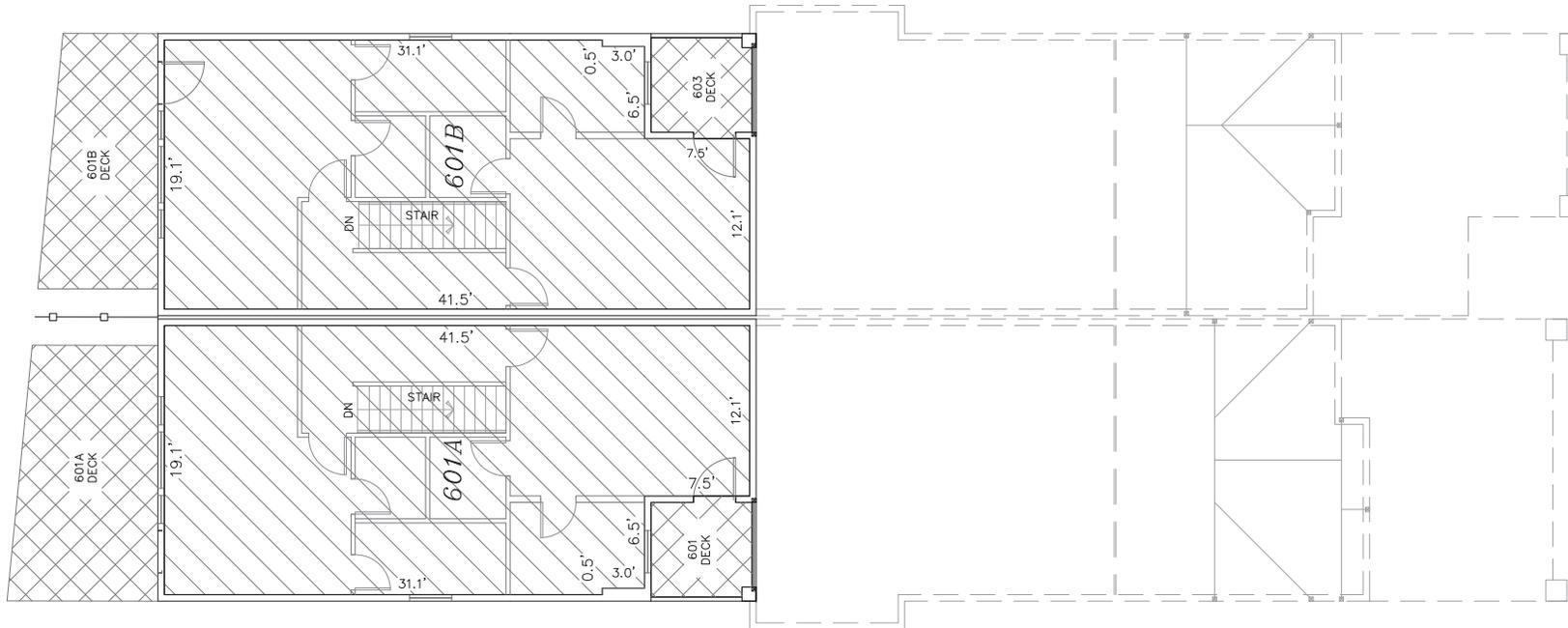
DEER VALLEY PLACE CONDOMINIUMS

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SHEET 4 OF 6

<i>RECORDED</i>			
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF			
DATE	TIME	BOOK	PAGE
FEE	RECORDER		



THIRD LEVEL FLOOR PLAN

UNIT #	NET SF	ELEVATION
601A	739.2 SF	7121.44
601B	739.2 SF	7121.44

LEGEND:

	PRIVATE OWNERSHIP
	LIMITED COMMON AREA
	COMMON AREA

TOTAL NET SQUARE FOOTAGE

UNIT #	NET SQUARE FEET
601A	5062.3 SF
601B	4862.5 SF

DEER VALLEY PLACE CONDOMINIUMS

CONDOMINIUM RECORD OF SURVEY PLAT

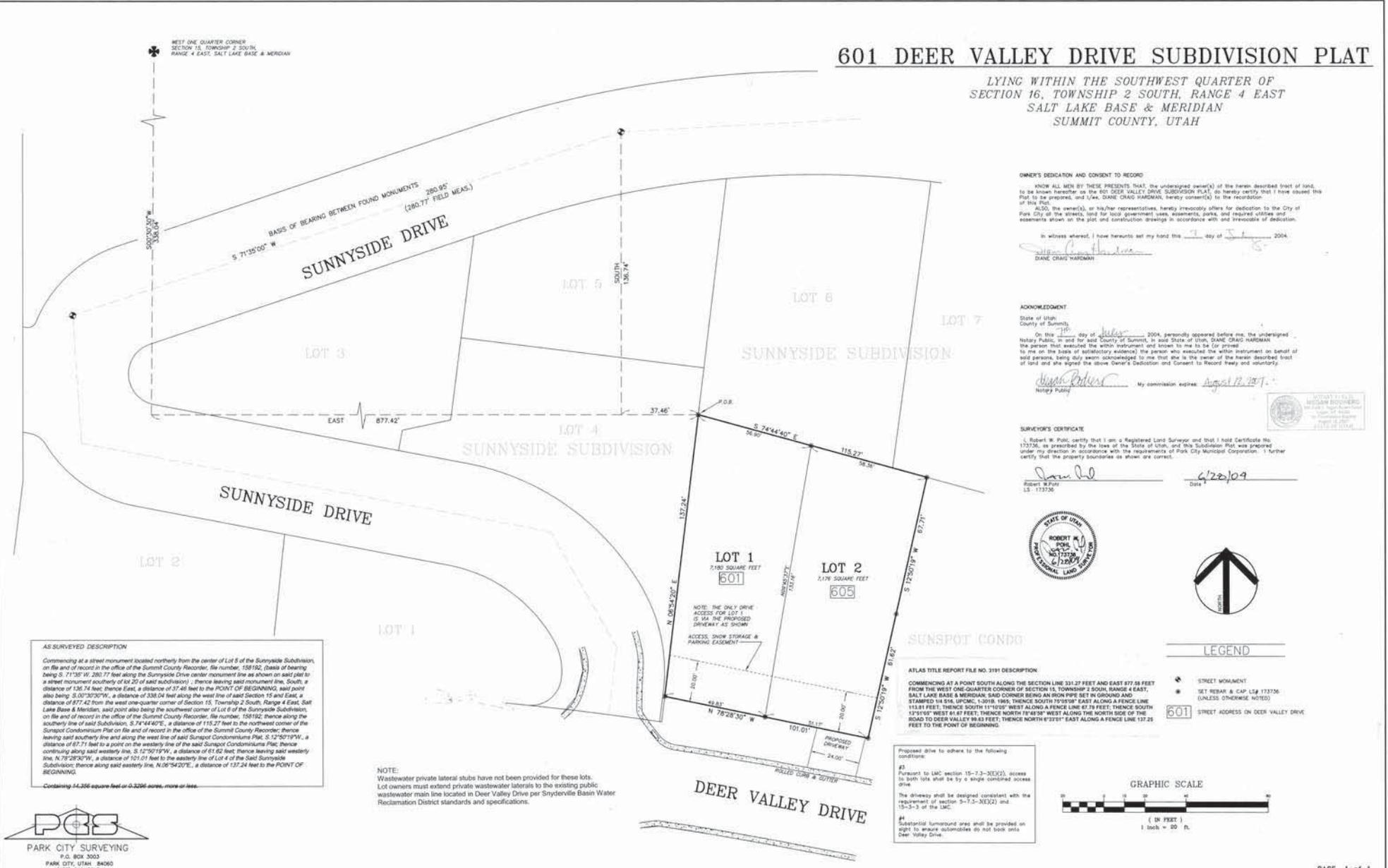
A CONDOMINIUM PROJECT LOCATED IN THE SOUTHWEST
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SHEET 5 OF 6

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

601 DEER VALLEY DRIVE SUBDIVISION PLAT

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, SUMMIT COUNTY, UTAH



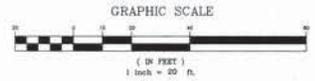
OWNER'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS, that the undersigned owner(s) of the herein described tract of land, to be known hereafter as the 601 DEER VALLEY DRIVE SUBDIVISION PLAT, do hereby certify that I have caused this Plat to be prepared, and I, (NAME CRAIG HARDMAN, surveyor) consent(s) to the recording of this Plat.
I, (NAME CRAIG HARDMAN, surveyor), on his/her representative, hereby irrevocably offers for dedication to the City of Park City of the streets, land for local government uses, assessments, parks, and required utilities and easements shown on the plat and construction drawings in accordance with and irrevocable dedication.
In witness whereof, I have hereunto set my hand this 17 day of July, 2004.
Diane Craig Hardman
DIANE CRAIG HARDMAN

ACKNOWLEDGMENT
State of Utah
County of Summit
On this 17 day of July, 2004, personally appeared before me, the undersigned Notary Public in and for the County of Summit, in said State of Utah, DIANE CRAIG HARDMAN, the person that executed the within instrument and known to me to be (or proved) to me on the basis of satisfactory evidence) the person who executed the within instrument on behalf of said persons, being duly sworn acknowledged to me that she is the owner of the herein described tract of land and she signed the above Owner's Dedication and Consent to Record freely and voluntarily.
Diane Craig Hardman
Notary Public My commission expires: August 17, 2017.

SURVEYOR'S CERTIFICATE
I, Robert W. Palk, certify that I am a Registered Land Surveyor and that I hold Certificate No. 173736, as prescribed by the laws of the State of Utah, and this Subdivision Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.
Robert W. Palk
Date: 7/22/04
13 - 173736

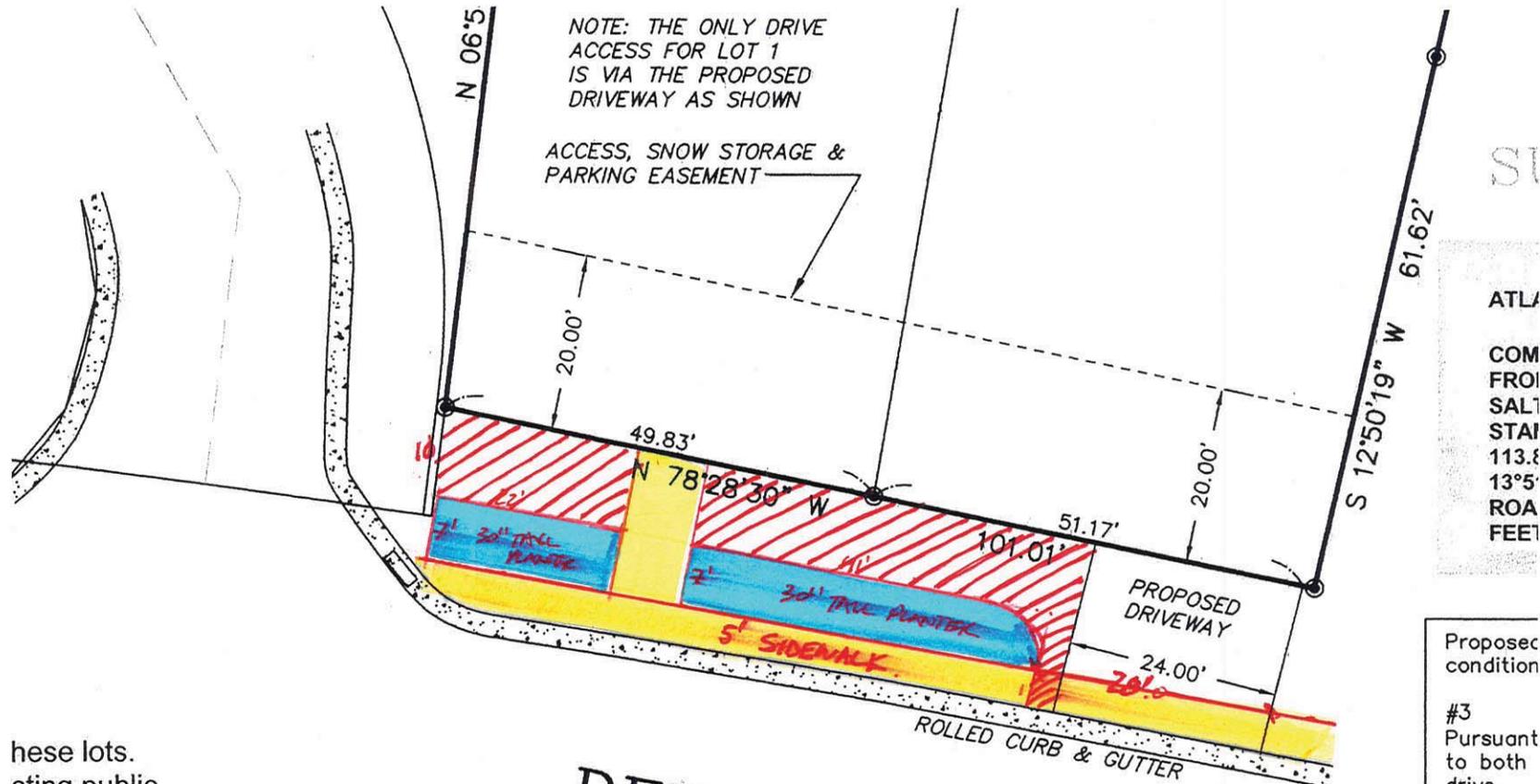


LEGEND
 STREET MONUMENT
 STREET ADDRESS ON DEER VALLEY DRIVE
 STREET NAME & CAP LINE 173736 (UNLESS OTHERWISE NOTED)



PARK CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 22 DAY OF July, A.D. 2004. <i>[Signature]</i> CHAIRMAN	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY WAS APPROVED BY PARK CITY COUNCIL THIS 22 DAY OF July, A.D. 2004. <i>[Signature]</i> PARK CITY RECORDER	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 22 DAY OF July, A.D. 2004. BY <i>[Signature]</i> S.B.W.R.D.	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22 DAY OF July, 2004 A.D. BY <i>[Signature]</i> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 22 DAY OF July, 2004 A.D. BY <i>[Signature]</i> PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 22 DAY OF July, 2004 A.D. BY <i>[Signature]</i> MAYOR	# 706170 RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ALIAS THE INSURANCE DATE 7-30-2004 THIS 22 PAGE 8.20.04 FEE <i>[Signature]</i> RECORDER PAGE 1 of 1
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Exhibit C - Driveway expansion/Planter boxes



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Proposec condition

#3 Pursuant to both drive.

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#4 Substant sight to Deer Val

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sting public
ville Basin Water

-  SCHOOL BUS STOP
-  PROPOSED PLANTERS
-  EXISTING SIDEWALK
-  PROPOSED DRIVEWAY/ENCROACHMENT

1"=20'

↑ N

ATION DISTRICT | ENGINEERS CERTIFICATE | APPROVAL AS TO FOR

**Planning Commission
Staff Report**



Subject: The Lofts on Deer Valley Drive
Condominiums
Author: Francisco Astorga
Project Number: PL-10-00972
Date: September 22, 2010
Type of Item: Administrative – Condominium Record of Survey Plat

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for The Lofts on Deer Valley Drive Condominiums Record of Survey Plat located at 605/607 Deer Valley Drive and consider forwarding a positive recommendation the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: 603 Deer Valley Drive, LLC represented by Tracy Doughett,
Location: 605/607 Deer Valley Drive
Lot 2, 601 Deer Valley Drive Subdivision
Zoning: Residential-Medium Density (RM) District
Adjacent Land Uses: Residential
Reason for Review: Condominium Record of Survey Plats require Planning Commission review and City Council approval

Background

On July 15, 2010, the City received a completed application for a Condominium Record of Survey for a duplex located at 605/607 Deer Valley Drive (Lot 2, 601 Deer Valley Drive Subdivision) in the Residential-Medium Density (RM) District. Approval of the Condominium Record of Survey would allow for each unit to be sold separately. Construction of this duplex is nearing completion.

This same application was requested by the previous property owner. The Park City Planning Commission and City Council reviewed the condominium record of survey plat in June 2008. The application was approved however, the applicant did not meet the condition of approval of recording the record of survey plat within one (1) year of the City Council approval date, and therefore the approval was void. The current property owner, 603 Deer Valley Drive, LLC filed the same request to be able to sell both units separately. Physical changes have not been made to the structure from the time that it was previously reviewed.

Analysis

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

- a) allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- b) encourage new Development along an important corridor, that is Compatible with Historic Structures in the surrounding Area,
- c) encourage the rehabilitation of existing Historic Structures,
- d) encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- e) encourage affordable housing,
- f) encourage Development that minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas.

The duplex is located at 605 Deer Valley Drive (Lot 2, 601 Deer Valley Drive Subdivision). A duplex is an allowed use in the RM District. The minimum lot size for a duplex is 3,750 square feet. The area of the lot is 7,176 square feet. The front yard setback for a duplex is fifteen feet (15') minimum, rear yard setback is ten feet (10') minimum, and side yard setbacks are five feet (5') minimum. The existing conditions comply with required minimum setbacks.

Parking requirements for the duplex have been met with the site. The parking ratio requirement for a duplex (LMC § 15-3-6) is two (2) parking spaces per dwelling unit, requiring a total of four (4) parking spaces. The individual garages for each unit contain two (2) parking spaces each.

As shown on the 601 Deer Valley Drive Subdivision (Exhibit B), Lot 2 has a twenty-foot (20') wide access, snow storage, and parking easement for Lot 1. The condominium Record of Survey further memorializes the access, snow storage, and parking easement. Another condominium conversion application has been submitted by the adjacent duplex owner, Deer Valley Place Condominiums, at 601/603 Deer Valley Drive.

The two (2) condominium units vary in floor area. Unit 605 has 5,037.3 square feet of private area and unit 607 has 4,825.9 square feet of private area. Shared entry area and open space are identified as common ownership. The decks are identified as limited common areas. The CC&Rs to be recorded with the plat will outline the tie breaker process.

Staff finds good cause for this condominium conversion as the units will be able to be sold separately and the plat memorializes conditions of approval regarding access, snow storage, and parking.

Non-compliances

Access and Parking

In the recent years the City has noticed that there have been various vehicles that have not utilized the access and parking easement as it was intended per the subdivision plat (601 Deer Valley Drive Subdivision Plat) conditions of approval:

- Pursuant to Land Management Code (LMC) § 15-7.3-3(E)(2), access to both lots shall be by a single combined access drive. The driveway shall be designed consistent with the requirements of sections 15-7.3-3(E)(2) and 15-3-3 of the LMC.
- Substantial turn around area shall be provided on site to ensure that automobiles do not back onto Deer Valley Drive.

The existing shared driveway is twenty-four feet (24') wide. The maximum driveway width allowed by the Land Management Code is twenty-seven feet (27'). Staff will allow the applicant to expand the driveway width to the maximum to assist in complying with the subdivision condition of approvals. Staff recommends a condition of approval to expand the width of the driveway in order to facilitate the required use of the driveway.

To mitigate the access and parking Staff will also allow the applicant to build planter boxes along the front on the City Right-of-Way behind the existing five foot (5') sidewalk and allow the driveway to be expanded towards the back of the proposed planter boxes (see Exhibit C). The incorporation of these planter boxes will facilitate compliance by limiting access to the lot through the future landscaped front yard and existing rolled curb and gutter and will direct access to take place through the required access and parking easement (shared driveway) as conditioned. The applicant shall work with the City Engineer to obtain encroachment agreements for these improvements. Staff recommends a condition of approval that the encroachment agreements be executed and recorded prior to plat recordation.

Retaining walls

The approved building permit for the duplex contains a site plan which only shows a retaining wall towards the rear of the structure. There are currently four (4) retaining walls on site. There are three (3) retaining walls between this duplex the other duplex to the west ranging from two (2') to six feet (6') in height. The other retaining wall is located towards the front, along the (east) side property line, which ranges from two (2') to six feet (6') high.

The major issue with the built retaining walls was the use of simulated stone. City codes indicate that simulated stone, cultured stone, synthetic stone products, pre-cast stone, or concrete imbedded with stone fragments have proved to be unsuitable for use in Park City and accordingly, are not permitted. City codes also state that the height of retaining walls in the front yard may only exceed four feet (4'), measured from final grade, if approved by the Planning Director and City Engineer, and may only exceed six feet (6') in height subject to approval of an Administrative Permit.

The applicant has covered the synthetic stone block. The applicant followed staff recommendation to use timbers held with vertical I-beams for the retaining walls. Both the Planning Department and the Building Department have inspected the site related to the built retaining walls and find that these walls are compliant with applicable City codes.

The retaining wall located towards the rear is yet to be built. Staff recommends a condition of approval that will indicate that applicant will work with the City to receive the appropriate permits to build the approved retaining wall located in the rear of the structure prior to plat recordation.

Landscaping and site clean up

The applicant shall submit a comprehensive landscape plan for the entire project including the planter box (small trees or tall shrubs). Excess remnant concrete throughout the site needs to be removed, especially along the east side yard area. The applicant needs to also apply top soil, gently grade and plat native seed mix (hydro-seed). Staff recommends a condition of approval which includes the following above.

Process

Planning Commission will make a recommendation to City Council, and the decision by the City Council constitutes final action that may be appealed in District Court within thirty (30) day of approval.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

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

Public Input

No public input has been received prior to the time this report was written.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for The lofts on Deer Valley Drive Condominiums Record of Survey Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for The Lofts on Deer Valley Drive Condominiums Record of Survey Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on The Lofts on Deer Valley Drive Condominiums 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 duplex could not have separate ownership.

Recommendation

Staff recommends the Planning Commission hold a public hearing for The Lofts on Deer Valley Drive Condominiums Record of Survey Plat located at 605/607 Deer Valley Drive and consider forwarding a positive recommendation 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 Condominium Record of Survey

Exhibit B – 601 Deer Valley Drive Subdivision Plat

Exhibit C – Driveway expansion/Planter boxes

Exhibit A – Draft Ordinance No. 10-

**AN ORDINANCE APPROVING THE LOFTS ON DEER VALLEY DRIVE
CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 605/607 DEER
VALLEY DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 605/607 Deer Valley Drive have petitioned the City Council for approval of the Lofts on Deer Valley Drive Condominiums Record of Survey Plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 22, 2010, to receive input on The Lofts on Deer Valley Drive Condominiums Record of Survey Plat;

WHEREAS, the Planning Commission, on September 22, 2010, forwarded a recommendation to the City Council; and,

WHEREAS, the City Council held a public hearing on October 14, 2010, to receive input on The lofts on Deer Valley Drive Condominiums Record of Survey Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve The Lofts on Deer Valley Drive Condominiums 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 Lofts on Deer Valley Drive Condominiums Record of Survey Plat 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 605/607 Deer Valley Drive.
2. The property is located in the Residential-Medium Density (RM) District.
3. The structure is a built duplex.
4. A duplex is an allowed use in the RM District.
5. The area of the lot is 7,176 square feet.
6. The existing conditions comply with required minimum setbacks.
7. Two (2) parking spaces are required for each unit.
8. Each unit has two (2) dedicated parking spaces within the site.

9. Unit 605 has 5,037.3 square feet of private area.
10. Unit 607 has 4,825.9 square feet of private area.
11. Shared entry area and open space are identified as common ownership.
12. There are existing non-compliances relating to access and parking, retaining walls, landscaping, and site clean up.
13. The findings within the Analysis section are incorporated within.

Conclusions of Law:

1. There is good cause for this condominium Record of Survey.
2. The Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey Plat.
4. Approval of the 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 Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The CC&Rs shall include a tie breaker mechanism.
4. The applicant shall expand the driveway in order to facilitate the required use of the driveway to a maximum of twenty seven feet (27').
5. The applicant shall work with the City Engineer to obtain encroachment agreements to build planter boxes along the front on the City Right-of-Way behind the existing five foot (5') sidewalk. This work shall be complete as a condition precedent to plat recordation.
6. The applicant will work with the City to receive the appropriate permits to build the approved retaining wall located in the rear of the structure. This work shall be complete as a condition precedent to plat recordation.
7. The applicant will submit a landscape plan. Excess remnant concrete throughout the site shall be removed. This work shall be complete as a condition precedent to plat recordation.

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

PASSED AND ADOPTED this 14th day of October, 2010.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

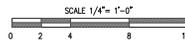
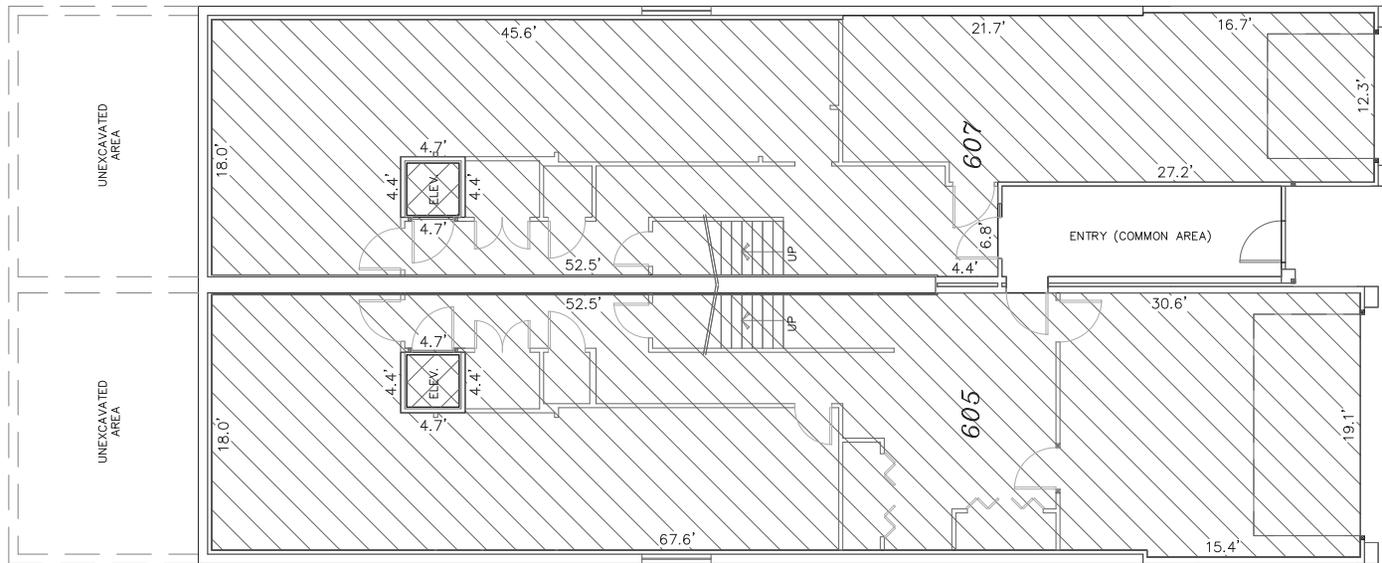
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Condominium Record of Survey Plat



BASEMENT FLOOR PLAN

UNIT #	NET SF	ELEVATION
605	1523.9 SF	7094.00
607	1363.5 SF	7094.00

LEGEND:

	PRIVATE OWNERSHIP
	LIMITED COMMON AREA
	COMMON AREA

THE LOFTS ON DEER VALLEY DRIVE CONDOMINIUMS

CONDOMINIUM RECORD OF SURVEY PLAT

A CONDOMINIUM PROJECT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

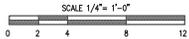
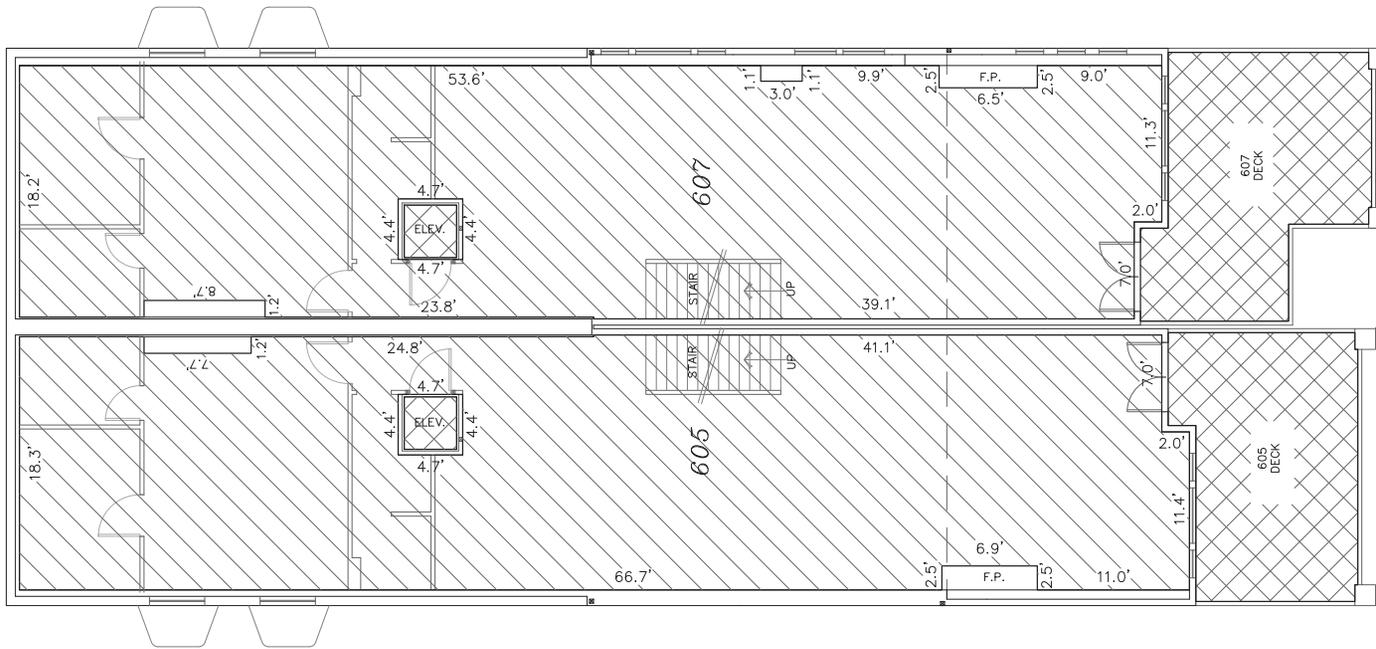
SHEET 2 OF 6

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF

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FEE _____ RECORDER _____



MAIN LEVEL FLOOR PLAN

UNIT #	NET SF	ELEVATION
605	1496.6 SF	7103.15
607	1445.6 SF	7103.15

LEGEND:

- PRIVATE OWNERSHIP
- LIMITED COMMON AREA
- COMMON AREA

THE LOFTS ON DEER VALLEY DRIVE CONDOMINIUMS
CONDOMINIUM RECORD OF SURVEY PLAT

A CONDOMINIUM PROJECT LOCATED IN THE SOUTHWEST
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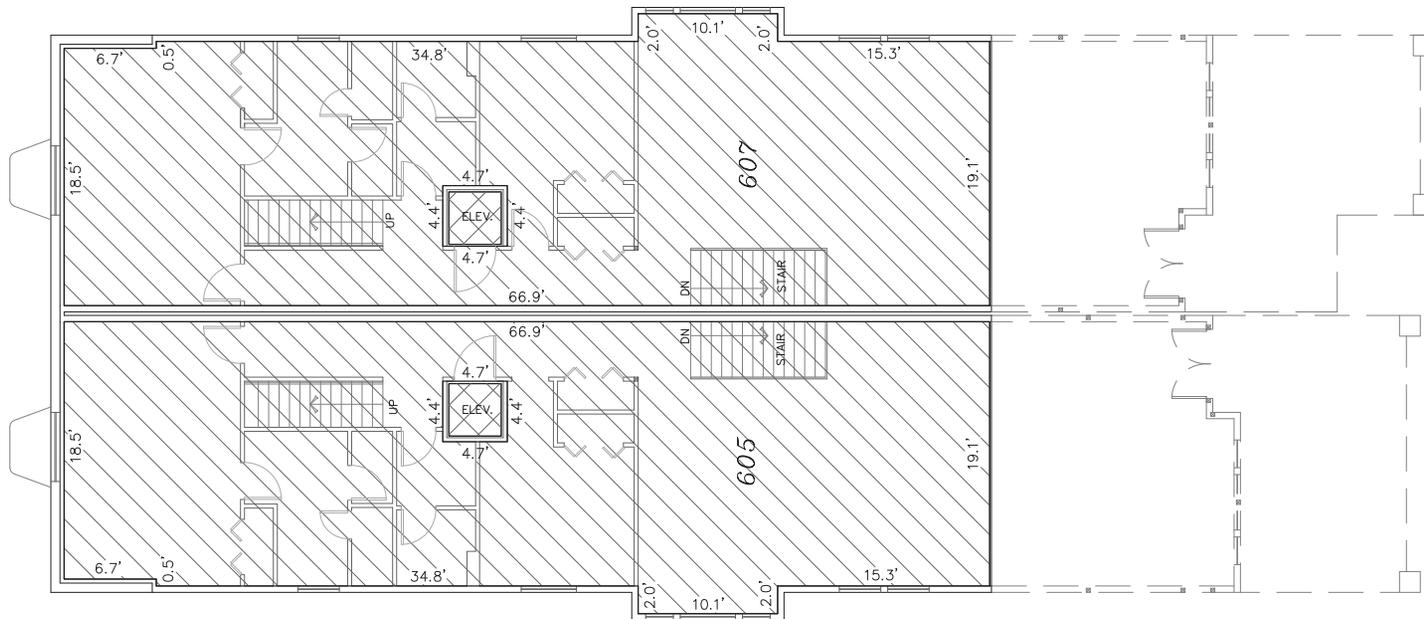
SHEET 3 OF 6

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STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____

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FEE _____ RECORDER _____



SECOND LEVEL FLOOR PLAN

UNIT #	NET SF	ELEVATION
605	1277.8 SF	7112.29
607	1277.8 SF	7112.29

LEGEND:

	PRIVATE OWNERSHIP
	LIMITED COMMON AREA
	COMMON AREA

THE LOFTS ON DEER VALLEY DRIVE CONDOMINIUMS

CONDOMINIUM RECORD OF SURVEY PLAT

A CONDOMINIUM PROJECT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

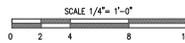
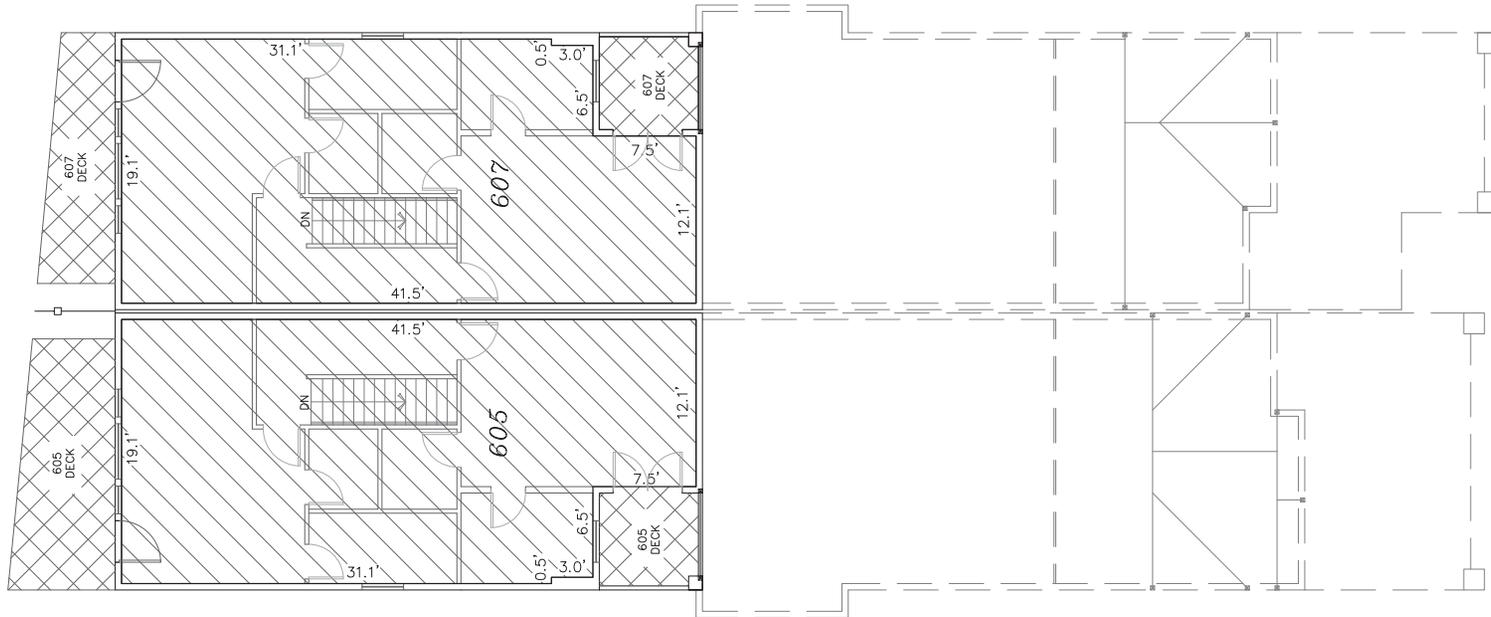
SHEET 4 OF 6

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FEE _____ RECORDER _____



THIRD LEVEL FLOOR PLAN

UNIT #	NET SF	ELEVATION
605	739.0 SF	7121.44
607	739.0 SF	7121.44

LEGEND:

	PRIVATE OWNERSHIP
	LIMITED COMMON AREA
	COMMON AREA

TOTAL NET SQUARE FOOTAGE

UNIT #	NET SQUARE FEET
605	5037.3 SF
607	4825.9 SF

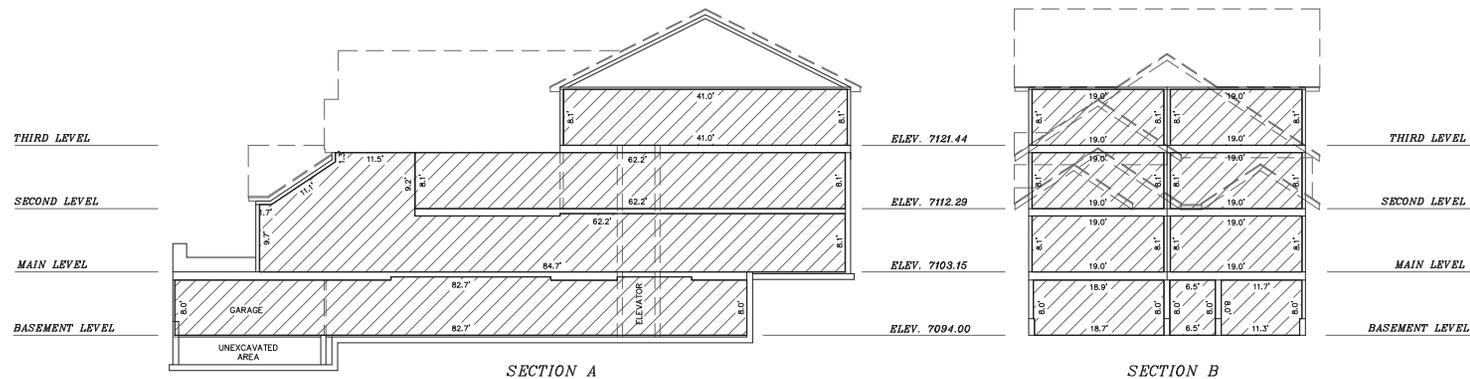
THE LOFTS ON DEER VALLEY DRIVE CONDOMINIUMS

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SHEET 5 OF 6

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THE LOFTS ON DEER VALLEY DRIVE CONDOMINIUMS

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SHEET 6 OF 6

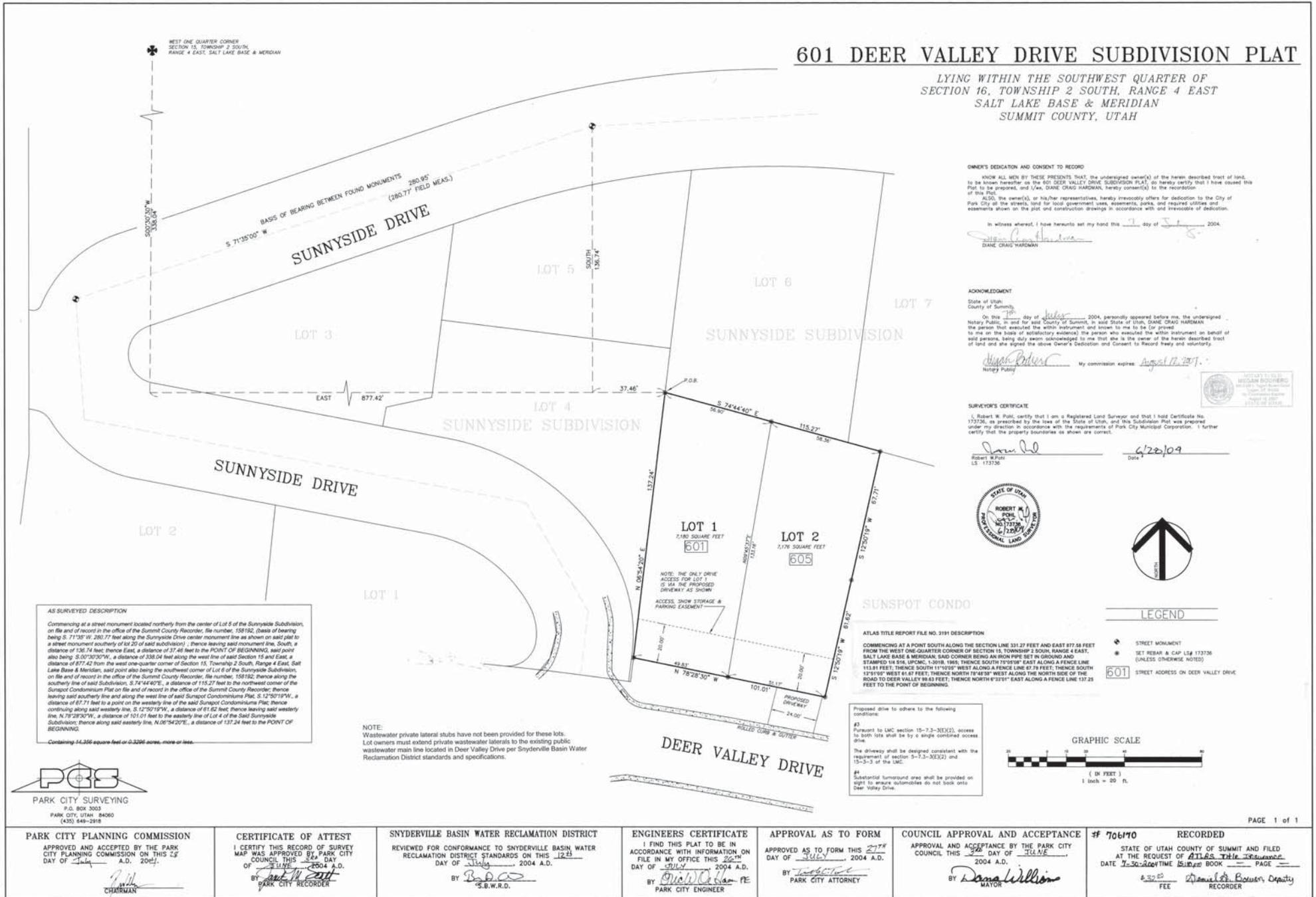
RECORDED

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FEE _____ RECORDER _____

Exhibit B - 601 Deer Valley Drive Subdivision Plat



601 DEER VALLEY DRIVE SUBDIVISION PLAT

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD
 KNOW ALL MEN BY THESE PRESENTS, that the undersigned owner(s) of the herein described tract of land, to be known hereafter as the 601 DEER VALLEY DRIVE SUBDIVISION PLAT, do hereby certify that I have caused this Plat to be prepared, and I, DANE CRAIG HARDMAN, hereby consent(s) to the recording of this Plat.
 ALSO, the owner(s), or his/her representatives, hereby irrevocably offers for dedication to the City of Park City of the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with and irrevocable dedication.
 In witness whereof, I have hereunto set my hand this 17 day of July, 2004.
 DANE CRAIG HARDMAN

ACKNOWLEDGMENT
 State of Utah
 County of Summit
 On this 17 day of July, 2004, personally appeared before me, the undersigned Notary Public in and for the County of Summit, in said State of Utah, DANE CRAIG HARDMAN, the person that executed the within instrument and known to me to be (or proved) to me on the basis of satisfactory evidence) the person who executed the within instrument on behalf of said persons, being duly sworn acknowledged to me that she is the owner of the herein described tract of land and she signed the above Owner's Dedication and Consent to Record hereby and voluntarily.
 My commission expires: August 17, 2007.

SURVEYOR'S CERTIFICATE
 I, Robert W. Palk, certify that I am a Registered Land Surveyor and that I hold Certificate No. 173736, as prescribed by the laws of the State of Utah, and this Subdivision Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.
 Robert W. Palk Date: 8/22/04
 13 173736



LEGEND

- STREET MONUMENT
- ◆ SET BEAM & CAP L&B 173736 (UNLESS OTHERWISE NOTED)
- 601 STREET ADDRESS ON DEER VALLEY DRIVE



AS SURVEYED DESCRIPTION
 Commencing at a street monument located northerly from the center of Lot 5 of the Sunnyside Subdivision, on file and of record in the office of the Summit County Recorder, file number, 158182, (base of bearing being S. 71°35'00" W, 280.77 feet along the Sunnyside Drive center monument line as shown on said plat to a street monument (southerly of lot 20 of said subdivision) - thence leaving said monument line, South, a distance of 136.74 feet; thence East, a distance of 37.48 feet to the POINT OF BEGINNING, said point also being S. 00°30'30" W, a distance of 338.04 feet along the west line of said Section 16 and East, a distance of 874.42 feet from the west one-quarter corner of Section 15, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said point also being the southwest corner of Lot 6 of the Sunnyside Subdivision, on file and of record in the office of the Summit County Recorder, file number, 158182; thence along the southerly line of said Subdivision, S. 74°44'40" E, a distance of 115.27 feet to the northeast corner of the Sunspot Condominium Plat on file and of record in the office of the Summit County Recorder; thence leaving said southerly line and along the west line of said Sunspot Condominium Plat, S. 12°50'19" W, a distance of 87.71 feet to a point on the westerly line of the said Sunspot Condominium Plat; thence continuing along said westerly line, S. 12°50'19" W, a distance of 61.62 feet; thence leaving said westerly line, N. 75°29'07" W, a distance of 101.01 feet to the easterly line of Lot 4 of the said Sunnyside Subdivision; thence along said easterly line, N. 06°54'20" E, a distance of 137.24 feet to the POINT OF BEGINNING.
 Containing 14,356 square feet or 0.3286 acres, more or less.

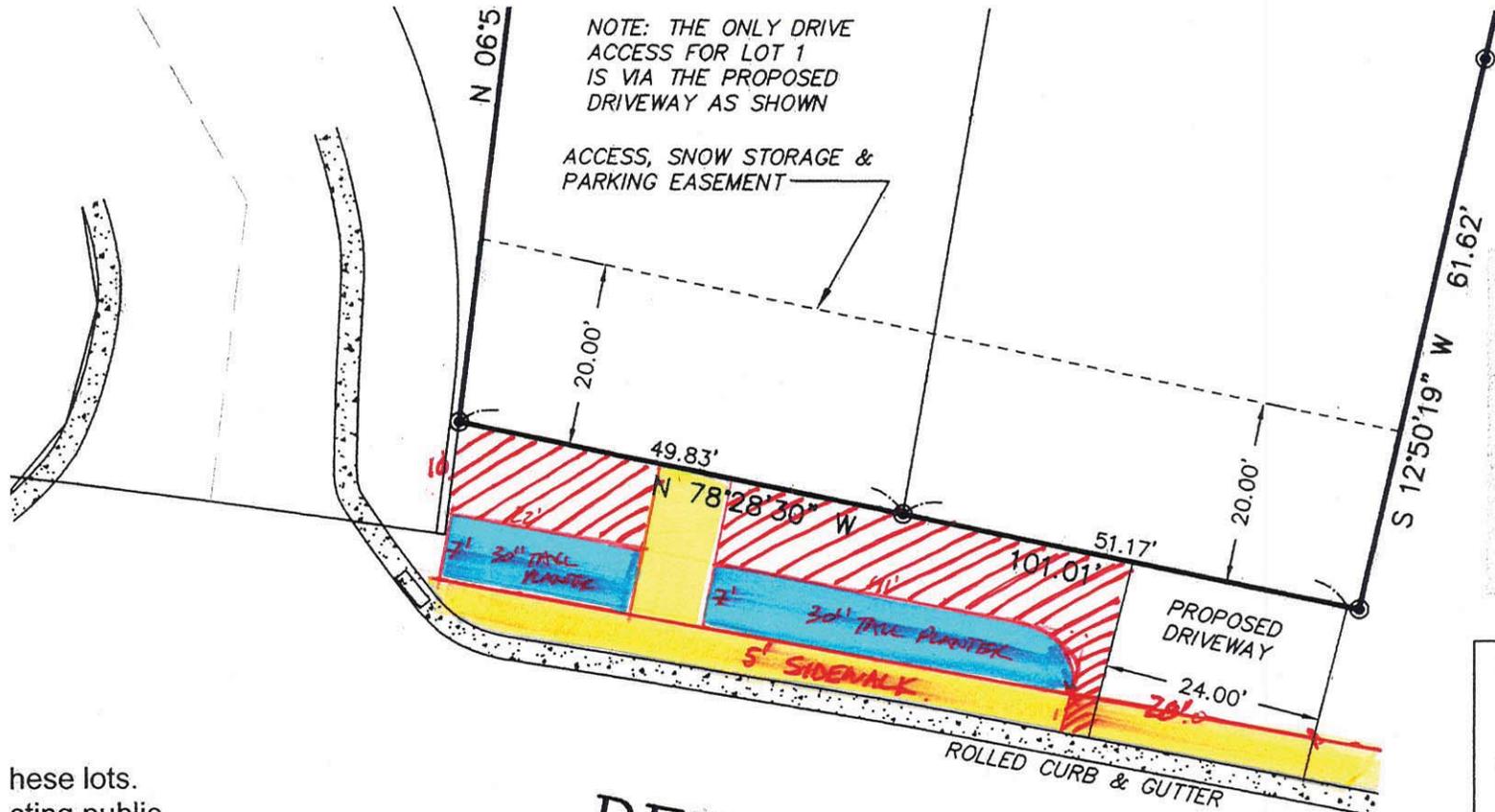
NOTE:
 Wastewater private lateral stubs have not been provided for these lots. Lot owners must extend private wastewater laterals to the existing public wastewater main line located in Deer Valley Drive per Snyderville Basin Water Reclamation District standards and specifications.

Proposed drive to adhere to the following conditions:
 #3 Pursuant to LMC section 15-7-3-3(X)(2), access to both lots shall be by a single combined access drive.
 The driveway shall be designed consistent with the requirement of section 5-1-3-3(X)(2) and 15-5-3 of the LMC.
 Seasonal turnaround area shall be provided on right to ensure automobiles do not back onto Deer Valley Drive.



<p>PARK CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 22 DAY OF July, A.D. 2004. [Signature] CHAIRMAN</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY WAS APPROVED BY PARK CITY COUNCIL THIS 22 DAY OF July, A.D. 2004. [Signature] PARK CITY RECORDER</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 22 DAY OF July, 2004 A.D. BY [Signature] S.B.W.R.D.</p>	<p>ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22 DAY OF July, 2004 A.D. BY [Signature] PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS 22 DAY OF July, 2004 A.D. BY [Signature] PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 22 DAY OF July, 2004 A.D. BY [Signature] MAYOR</p>	<p># 706170 RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ATLAS THE INSURANCE DATE 7-30-2004 TIME 10:00 AM PAGE 1 of 1 8.30 FEE [Signature] RECORDER</p>
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Exhibit C - Driveway expansion/Planter boxes



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FROI

SALT

STAI

113.8

13°5'

ROA

FEET

Proposed condition

#3 Pursuant to both drive.

The drive requirem 15-3-3

#4 Substant sight to Deer Val

these lots. sting public ville Basin Water

-  SCHOOL BUS STOP
-  PROPOSED PLANTERS
-  EXISTING SIDEWALK
-  PROPOSED DRIVEWAY/ENCROACHMENT

1"=20'

↑ N

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