



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

WORK SESSION – Discussion items only, no action will be taken

- General Plan – long range planning for Bonanza Park – Informational discussion 5
- Affordable housing update – Presentation by Sustainability

ROLL CALL

ADOPTION OF MINUTES OF OCTOBER 13, 2010

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

- Elect Chair
- Electronic participation policy

CONTINUATION(S) – Public hearing and continuation as outlined below

- 543 Park Avenue – Conditional Use Permit PL-10-01066
- Public hearing and continue to November 10, 2010*

CONSENT AGENDA – Public hearing and possible action

- 310 Park Avenue – Plat Amendment PL-09-00758 39
- Public hearing and possible recommendation to City Council*

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

- 2169 Monarch Drive – Condominium Conversion PL-10-01049 49
- 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.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.
Planning Commission - October 27, 2010

WORK SESSION

Planning Commission Staff Report



Subject: Long Range Planning &
General Plan Update
Author: Thomas Eddington &
Francisco Astorga
Date: October 27, 2010
Type of Item: Informational & Discussion

“The proportion of people living in urban areas has risen to fifty percent and will continue to grow to two-thirds, or 6 billion people, by 2050.”

-World Urban Forum III

Summary Recommendations

Staff recommends the Planning Commission hold a discussion concerning the Bonanza Park Planning Area District and provide input to the Planning Department relative to the long range planning of the area.

Description

Location: Park Avenue to Bonanza Drive; Kearns Boulevard to Deer Valley Drive
Zoning: General Commercial (GC) and Light Industrial (LI), with Frontage Protection Zone (FPZ) Overlay
Adjacent Land Uses: Commercial, retail, office, residential, utility, event space, storage, and industrial
Reason for Discussion: The Planning Commission has the primary responsibility to update the City General Plan. The Commission considers long-range zoning and land use objectives.

Background

The Bonanza Park district is the oldest commercial district outside of the City’s historic Main Street area. As a planning area, the boundaries are Bonanza Drive to the East, Park Avenue to the west, Kearns Boulevard to the north, and Deer Valley Drive to the south. According to the Park Bonanza Planning District supplement to the existing General Plan, the area includes those properties along both sides (including the east side, e.g. Park Plaza, etc.) of Bonanza Drive from Iron Horse Drive to Kearns Boulevard.

The area is currently a broad mix of land uses ranging from resort commissary and parking, to shops and restaurants, banking, public works buildings and a special events venue. Other uses include a storage area, small art and consignment shops, banks and

real estate offices. The only movie theater in the City is within the area as well as one of the two main grocery stores. The area is currently zoned General Commercial (GC) and Light Industrial (LI). The area includes housing along Kearns Boulevard and within the Rail Central project.

Discussion

An essential part of the General Plan update includes the formation of small area master plans. The Planning Department has been working with residents, business owners, and property owners within the Bonanza Park area to gain input on the Department's proposed plan. Additionally, the Department has received positive feedback and buy-in from one property owner in particular, Mark Fischer, as well as his design consultant, Elliot Work Group. Their involvement in our planning process has led to opportunities to brainstorm and expand initial concepts relating to the redevelopment of the area and the possible formation of a small area master plan. At this beginning stage, staff has received community support relating to the redevelopment efforts of this area, which is a critical component of the General Plan update.

Staff has identified the following components as discussion points necessary to move forward with research and analysis of the Bonanza Park Planning Area. Discussion with the Planning Commission is requested regarding the following:

- Exiting Rights-of-Way – the rights-of-way in the Bonanza Park district should be thoroughly reviewed relative to property owners with existing frontages vs. the expanded opportunities for increased street frontages per the proposed “grid” system to determine the potential/impacts of these new frontages along rights-of-way. Look at improved streetscape design, walkability, and increased opportunities for retail/office/entertainment facilities at street level. Should Planning and Engineering begin to meet with property owners to discuss proposed layout and determine initial property owner buy-in/support?
- Circulation – look at possible transit locations; what is most realistic alternative modes – bike, pedestrian, gondola (to PCMC), BRT, light rail, etc.?
- Street types – new urbanism ideology requires narrow streets to control traffic speeds and encourage visitors/residents to revert to other modes, specifically walking.
- Conceptual master plan – the proposed grid layout for the sub-area Bonanza Park district plan reinforces transportation connections, a dense building fabric, a central green area, parking as a secondary/hidden land use, all in a mixed-use form. The Planning Commission should discuss these concepts to ensure understanding and how these concepts relate to form-based (e.g. use of the massing and physical form rather than current “use” zoning) codes. Does the Planning Commission want to see a possible form-based code overlay for this area?
- Overall massing – the existing General Commercial (GC) zoning permits heights up to three stories (35’), with a possible additional five feet (provided certain criteria are met). The massing as recommended is mixed – ranging from two

stories to four; similar to Main Street. The concept of form-based coding and/or Transfer of Development Rights should be considered for some areas within the Bonanza Park district. Does the Planning Commission wish to see some specific analyses indicating the result of these planning concepts?

- Land use patterns – the proposed concept is fully mixed-use in nature; not separating uses by zoning and less restrictive in terms of setbacks. The existing GC zoning may not fully support this proposed concept. Does the overlay and/or form-based concept seem to be a logical next step to realize the proposed plan?
- Open Space – the proposed open space in the Department’s proposed concept is consolidated space; to be shared rather than broken up on individual parcels. New zoning/LMC requirements may be required to make this a reality.

Recommendation

Staff recommends the Planning Commission hold a discussion concerning the Bonanza Park Planning Area District and provide input to the Planning Department relative to the long range planning of the area. Additionally, the Planning Commission should actively reach out to the property owners to hear their input and see how this public/private partnership might evolve.

WORK SESSION NOTES – OCTOBER 13, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
OCTOBER 13, 2010**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Mick Savage, Adam Strachan, Kirsten Whetstone, Francisco Astorga, Brooks Robinson, Roger Evans

Work Session Items

Building Department Informational update of unfinished/abandoned construction

Roger Evans, the Interim Building Official, remarked on the number of requests for extensions of building permits. He distributed a copy of the commentary in the Building Code that talks about time limitations on applications, validity of permits, and expirations. He noted that the State of Utah, under the Uniform Building Standards Act adopts the Codes and the Codes have associated time frames.

Mr. Evans stated that when he first started looking at the matter, he noticed that Park City Municipal Code, under Building and Building Regulations, has a definition of start-up construction. He assumed that was in the Municipal Code to clarify what constitutes the start of construction and when the 180 days begins. Mr. Evans noted that often developers believe that if they mark the limits of disturbance area and excavate, that constitutes starting construction. However, the Municipal Code describes specific activity defined as the start of construction.

Mr. Evans stated that in the last 60 days he asked all the inspectors to make a list of the projects that have stopped due to lack of money or the ability to obtain financing. He noted that a group of people have applied for permits but never requested that the permits be issued within that 180 day period. In the past, the Building Department has granted an extension if the extension request was submitted in writing. Mr. Evans remarked that he and the inspectors are currently working on compiling that list and he could update the Planning Commission at their next meeting.

Mr. Evans stated that he made a special request for an Eden Permit System, which tracks all the permits that have been issued in Park City, but have not had an inspection within the last 180 days. He would then compare that list with the files in the Building Department. He anticipated that he would be ready to provide an accurate list to the Planning Commission in the near future. His intent is to hold applicants to very specific dates. When an extension is requested, the Building Department requires that shoring must be in place and footings and foundations must be poured by a specific date before the extension is granted.

Mr. Evans encouraged the Commissioners to email him with questions or concerns they may have on specific projects. He needs everyone in the community to help with the process. Mr. Evans noted that he provides a monthly building inspection report on the radio. He commented on the difference between six months of 2010 compared with the same six months of 2009. He believed the numbers were gradually starting to increase for the building industry in Park City. Once he runs the projects on the Eden System, he would be able to compare the 180 days time frame with the "ugly list", where people call and inquire on a specific address.

Chair Wintzer stated that he originally raised the issue of unfinished projects and other

Commissioners shared his concern. He commented on a particular project on Main Street that is in its third winter of a temporary sidewalk. Two adjacent businesses have suffered for two years and there is no process to push the project to completion. Chair Wintzer suggested that the City find a way to limit the impact to adjacent property owners. If the developer runs out of money, there should be some mechanism that allows them to finish the facade.

Mr. Evans agreed. He stated that on private properties, the City collects 75 cents per square foot. For public ways, he is currently pushing for a guaranteed bond to guarantee that the construction area would be put back in place. He explained that the project on Main Street went into receivership and just sat there. The contractor came back and did interior work in an effort to completely enclose the building. Mr. Evans noted that there are several properties with similar situations in Park City that need to be pushed. Once he receives a complete list, he would like to take the most high profile projects through an abatement process.

Chair Wintzer clarified that the Planning Commission was not interested in policing unfinished projects. However, in the future, he would like to find a way to force people on Main Street and in other important areas to at least enclose the building and finish the facade to minimize impacts to the neighbors.

Commissioner Savage asked if someone could write down a statement of the objectives they hope to achieve from the process. Once a list is compiled it would be helpful to understand the state of repair or disrepair of a project, as well as a reasonable expectation of outcomes and time frames as a mechanism for monitoring. Mr. Evans replied that the Planning Commission should have that information prior to their next meeting.

Park City Heights - Master Planned Development (Application #PL-10-01028)

Chair Wintzer announced that the Planning Commission would take public comment on the Park City Heights MPD during the regular meeting.

Planner Whetstone reported that the applicants had provided an overview of the project during the work session on September 22. The Planning Commission expressed concerns related to traffic and trails and the applicants offered to come back with an update on the traffic study. Planner Whetstone noted that the Staff report contained the first part of the 2007 Hales Engineering traffic impact study for Park City Heights in June 2007. The Staff report also included a letter updating that study based on the reduced density, revised site plan, and improvements that have been made since 2007.

Planner Whetstone stated that the applicant had also provided a trails and pedestrian circulation and connectivity plan, as well as revisions to the site plan based on direction at the last meeting.

Planner Whetstone reviewed the application for a master planned development for 160 market rate units and approximately 79 deed restricted work force housing units, for a total of 239 units on 249 acres. The project also includes 28 deed restricted housing for the IHC project. In addition, the market rate units carry an affordable housing obligation. There are also 35 additional City-sponsored units related in part to the Talisker obligation at Empire Pass that has not been satisfied

through actual units. Planner Whetstone noted that the Planning Commission had requested a greater integration of market and affordable units.

The project is located at the intersection of SR248 and US40, south of Richardson Flat and the Rail Trail.

Spencer White, representing the applicant, introduced Cordell Braley with Hales Engineering. Mr. Braley was present to explain the traffic study and answer any questions. Mr. White assumed the primary concern was traffic on SR248. He noted that the original traffic analysis that was prepared in 2007 was based off of 303 units and a worst case scenario that all 303 units would be year-round residences. The revised Park City Heights project proposes a maximum of 239 units, which includes all market and affordable units.

Mr. Spencer pointed out that the 28 affordable units from IHC would add traffic on SR248, regardless of where they are built.

Planner Whetstone noted that Brooks Robinson, the traffic representative from the City Transportation Department, was also present to answer questions.

Mr. Braley with Hales Engineering, provided a brief background of the original traffic study and the updates to the study. He noted that the study was originally conducted in 2006, before he was employed by Hales Engineering. He joined the company shortly after and has been involved in all the revision processes. He is also familiar with the area.

Mr. Braley explained that they looked at traffic volumes in 2006 and 2007, when the original study was done. They also looked at data collected by UDOT to see what has happened from that time to present day. He noted that the market statewide and nationwide have affected the number of trips on most roads. They have seen stagnation of growth on most UDOT roads in terms of traffic.

Mr. Braley remarked that they looked at data specific to the area of Park City that was studied in 2006 to see if that had been affected. They found that growth has occurred approximately 1% per year, which is close to flat over a few years period. Over several years it would be considered an increase in traffic. Mr. Braley stated that they also looked at the new land use, which decreased from 303 units to 239 units. That reduction effectively reduced the overall trips in and out of the development. They concluded that the mitigation measures and improvements recommended during the original study would still hold today, because traffic on SR248 has not significantly changed and the development project has decreased in size and intensity.

Commissioner Savage asked if the 1% growth takes into consideration a time frame associated with the peaks. Mr. Braley replied that it is based on annual average daily traffic. They add up all the traffic over 365 days and divide that number by 365 to reach the projected number. He pointed out that the number is the equivalent of what they would see half way between the shoulder season and a peak season. Commissioner Savage did not believe that was the most relevant number. Mr. Braley agreed, however, if they compare the same number in 2006 to the equivalent number in 2009, the determination is that traffic has stayed the same over the three year period with only 1% growth per year. It was possible that the peaks have fluctuated from year to year, but overall the traffic appears to have stayed the same. Commissioner Savage stated that based on his own

experiences at Quinn's Junction over the last few years, he believes there is significantly more early morning and late afternoon traffic now than in years past. He would be interested in knowing if that was just intuition or quantitatively the case. Mr. Braley replied that they only have the data to go off of and it shows that the traffic is approximately the same.

Commissioner Hontz questioned portions of the data. She noted that page 47 of the report references the 2006 traffic report and the fact that the counts were collected in August. She asked if the traffic counts were done with the cord you drive over of if they were counted by a live person. Mr. Braley replied that they were a.m. and p.m. peak counts and they are counted by a live person.

Commissioner Hontz clarified that the counts were only done in August. Mr. Braley replied that this was correct. Commissioner Hontz pointed out that August is not when Park City has its peak loads of tourists and school is not in session. She was unsure if August accurately reflected the times during the year when they would have problems. Commissioner Hontz referred to the 2009 ADT data from UDOT and asked if that study was done by running cars over a cord. Mr. Braley replied that it done by tube count and the count is averaged over a year period.

Commissioner Hontz stated that she has worked with other traffic engineers and she does not consider those studies apples to apples. She has been told by other traffic engineers that people who physically count cars do a much better job than the tubes. Commissioner Hontz remarked that the 2006 study was a good analysis of the data available, but it was not what she wanted to know. She wanted to know the apples to apples data. She preferred to have a study done when residents and visitors experience the worst traffic. Commissioner Hontz suggested a traffic count at a different time of year.

Mr. Braley believed Commissioner Hontz had raised valid points. He pointed out that they determined the growth rate by looking at the 2006 UDOT ADT numbers, which is an apples to apples comparison. It would be unfair to compare an August peak count with a daily count, and that would only be done as a last resort. Mr. Braley agreed that in a city like Park City and similar resort areas, it is difficult to define the design period. One school of thought is to study Presidents Day weekend in February. Others feel that summer is a higher traffic period because more people are out of school and traveling. There is also an argument for doing something in the middle to avoid over-designing the roads. He assumed Park City would rather have periods of congestion rather than wider boulevard type streets. Mr. Braley was open to suggestions in the event a re-study would occur.

Commissioner Hontz appreciated Mr. Braley's clarification because she had mis-interpreted the report as she read it.

Mr. White asked Brooks Robinson if the City had done recent studies with regard to numbers in that area. Brooks Robinson reported that currently InterPlan is working on the transportation master plan. More important than what might come from Park City Heights, is development outside of Park City in Wasatch and Summit Counties. The traffic patterns that occur now will only increase. The City is looking at ways to reduce the number of single occupancy cars and how to best manage it from a traffic and transit component. The philosophy for the City is not to increase road width. He used the example of creating a shopping mall with parking to accommodate the day after Thanksgiving crowds. The better scenario is to live with a little congestion at certain times and to look at acceptable levels of service in intersections and roadways. There is also the question of

whether congestion adds to the vibrancy of the town or just creates annoyance.

Chair Wintzer asked if Park City has a level of service standard. Mr. Robinson replied that currently there is not a standard level. He stated that A, B, and C levels for both intersections and roads are acceptable. When they begin getting to D level, a few less cars make it through the light and the wait time is longer. Mr. Robinson noted that the standards are based on average wait time in number of seconds. On roadways the levels are based on the amount of congestions and proximity to cars in front, behind and beside you. Levels E and F result in increased wait time at intersections.

Mr. Robinson stated that in resort or commuter towns, it is not uncommon to have Level of Service F for roads or intersections on specific days. The question is whether that is acceptable for 12-15 days a year, if the remainder of the year averages a Level C. Mechanisms for peak days or hours, such as police manpower or signalized methods, can make traffic flow a little better, but the Level of Service is still lower due to the number of cars and people.

Chair Wintzer remarked that a traffic study will say that any street works, however, the City has the responsibility to identify an acceptable Level of Service as a standard to adhere to. Chair Wintzer agreed that the streets should not be designed to accommodate three or four peak days a year. His question was whether or not the City was trying to achieve a specific level of service. He recognized that this was a larger issue beyond Park City Heights, but the City Council and the Planning Commission should look at ways to address this issue. Mr. Robinson stated that parts of that issue are being considered in the Transportation Master Plan process and modeling.

Chair Wintzer believed that the amount of traffic at the intersection of SR248 and US40 would not be affected by the subdivision. It will affect the tourists who come to ski and the workers. For that reason, level of service is not an immediate problem. However, in terms of long term planning, it would be helpful to have a model adopted by the City that is a standard for Park City. Mr. Robinson pointed out that as the surrounding areas builds out, that particular intersection becomes a smaller percentage of the total on that road. Chair Wintzer remarked that a target goal would help the City determine alternative transportation options to achieve that goal. Mr. Robinson stated that a concept plan includes the Park and Ride further down the road. The City will be providing bus service in the future to integrate with the Park City Heights project, the Park and Ride, the Hospital and the Recreation Fields on the other side of the highway, as a way to reduce traffic. They are also looking at methods for moving the buses through traffic at a quicker and easier pace to increase the desirability for using the transit system.

Mr. Robinson noted that the Transportation Master Plan would be presented to the Planning Commission and the City Council with the next few months.

Chair Wintzer remarked that the Dump Road has now turned into an entrance to Park City and it is much busier than in the past. He asked if the traffic study had considered that change in traffic. Mr. Braley did not believe that was considered with the original study because it was not seen as a problem at that time. Since then, Hales Engineering has done other work in that are for other clients and the Dump Road was considered in those studies based on the concern of increased cut-through traffic. Mr. Braley stated that he compared the Park City Heights traffic study with ones

done more recently, and the result did not change the Level of Service. He believed this was a valid concern and designing the development correctly could help mitigate the issues. Chair Wintzer clarified that he did not want to stop the cut-through on the road, but he wanted to make sure they accounted for the increased traffic at the intersection. He noted that it also affects the Rail Trail at the crossing.

Planner Whetstone asked if the more recent traffic study considered traffic from the Park and Ride. Mr. Braley answered yes. Planner Whetstone suggested that Hales Engineering provide a summary of the improvements to that intersection that were recommended during the annexation process. That would help give an idea of whether those mitigations are still valid. Mr. Braley replied that the update conducted this year concluded that the recommendations are still valid because the traffic volumes have not changed significantly and the land use was reduced. Mr. Braley referred to comments regarding the Transportation Master Plan. He noted that the master plans are updated every few years and new developments and new planning issues are taken into account when those updates occur. He felt it was possible that at the end of the Transportation Master Plan process, the volumes may be different from what was shown in the original traffic study. At that point, they may need to re-look at the future long-term improvements.

Mr. Braley reviewed the recommendations on page 41 of the Staff report from the 2006 Traffic Study. He noted that the traffic study referred to the Old Dump road as Landfill Road. The traffic study found that the intersection would meet the warrants for traffic signalization with the Park City Heights project. A study conducted in 2005 or 2006 by Horrocks Engineers recommended a signal at that intersection. Hales Engineering agreed that overall a signal would be beneficial because signals along the corridor would slow traffic and improve traffic flow. Mr. Braley stated that Hales Engineering added recommendations for turn pocket lanes coming out of the Dump Road. He referred to UDOT guidelines for acceleration and deceleration lanes. The language talks about having a southbound lane coming into the project from US40, a northbound right-turn pocket, and a westbound to northbound right turn acceleration lane. Mr. Braley believed the acceleration lane would not be necessary with a signal. UDOT would require the acceleration lane without a signal.

Mr. Braley pointed out that the observations projected to 2020 were the same recommendations. Signalizing would improve the flow of traffic in the corridor, but without the project, that would not be as critical. For 2020, there was some discussion about one signal versus two signals. At the time of the original traffic report, Mr. Braley did not believe the signal going to the IHC property was installed. Mr. White recalled that the light was not installed but it was counted in the traffic study. He clarified that the recommendation for 2020 would be to add an additional signal at the intersection going in to IHC.

Commissioner Savage understood that the recommendation was for a signal. Mr. Robinson explained that the City has contracted with JB Engineering to do the design work for that intersection, using the recommendations from the Hales study regarding turns lanes, lights, distances, etc. The improvements should begin next year. When the signal itself will go in depends on build out of the Park City Heights project. Commissioner Savage asked Planner Whetstone to point out the existing signal. He thought it appeared that the two signals would be close in proximity. Chair Wintzer remarked that the existing signal is further down from where it looks on the map. Mr. Robinson stated that the initial turn that came into the sports complex off of US40 was too close by UDOT standards, and the intersection needed to be moved down for the light. He agreed

that the lights for IHC, the Sports Complex and the Dump Road are minimum distances for UDOT standards.

Chair Wintzer recalled that years earlier UDOT had agreed to put a signal at the Sports Park or the Dump Road and another signal at the Park Bonanza area. At that time, UDOT thought those would be sufficient signals for the entire road. He asked if they still had that same thought. Mr. Robinson explained that the City had entered into an agreement with UDOT on the Corridor Preservation Plan, and he believed one other signal may be installed somewhere in the Park Bonanza area. Chair Wintzer pointed out that the school has the greatest impact on traffic because it all stops in that area. He believed that would be somewhat improved with the tunnel.

Planner Whetstone pointed out that in the Park City Heights binder that were provided to all the Commissioners, the annexation agreement specifically outlines recommended traffic mitigation based on build out. Mr. White remarked that the traffic update supports the same recommendations from the 2007 study, due to the reduced number of units. He reiterated that in 2007, the study was based on the scenario that the units would be primary year-round residences.

Commissioner Peek asked about que lengths at the lights and how it would affect commuters on the Rail Trail and buses. Commissioner Hontz stated that when she read the traffic study she inferred that the study had not compared apples to apples. She was comfortable with the finding after hearing Mr. Braley's clarification. However, she suggested that they conduct a count at a different time of year. Commissioner Hontz thought the Planning Commission should provide feedback as to what they would like to see on that specific issue. Planner Whetstone remarked that they may already have that information. Mr. Robinson would see what dates and information the City could provide.

Mr. Braley understood that the bottleneck was occurring over by the school to the west. Looking at the intersections going into Park City Heights in a vacuum, there would not appear to be a problem.

To address the problem, they would need to study traffic all the way to the school. He pointed out that those issues are not related to this project. It is a result of traffic occurring in the west that backs up near the project. Commissioner Peek remarked that it also affects the que length of the light heading westbound and turning left on to SR248. Mr. Robinson stated that the City can computerize the numbers and adjust the signals accordingly as the area builds out.

Chair Wintzer reiterated his belief that the school, and not this project, creates the traffic problem. The bigger picture is the City standards and at what point they determine that a level of service is unacceptable, and what they need to do to make it acceptable.

Commissioner Peek remarked that trail connectivity is important because with 239 homes a fair number of children will be going to the sports fields, the Rail Trail, school, etc. Mr. White stated that having the Rail Trail paved to the project is a benefit. The transit stop hits the tipping point when transit starts running on a regular basis to Park City Heights and the Park and Ride Lot. As part of the project, they also plan on improving the Rail Trail as it crosses the Old Dump Road. Mr. White noted that the applicants looked at all the factors in an effort to mitigate the traffic. Commissioner Peek remarked that they also need to consider the other direction for the trail users to reach the Sports Complex. In his opinion, the connectivity does not appear to be adequate in the current plan. Commissioner Peek requested additional information on peak counts and que line lengths.

Commissioner Strachan asked about the current level of service on SR248. Mr. Robinson replied that it depends on the time of day and time of year. On average, it is probably a Level B or C, and a Level F at peak times. Commissioner Strachan asked if the levels of services are standardized throughout the industry. Mr. Braley stated that the standards that defines each level of service are the same nationwide. The acceptable level is determined by individual cities and situations.

Mr. White reviewed the revised site plan. On September 22nd, the Planning Commission requested a more grid-like pattern in placing the homes and combining connectivity with that layout. He had color coded the units for easy reference and identification. Purple were the Park City Municipal Corporation affordable housing units, bright green were the IHC affordable units, blue was the CT zone affordable units, and the salmon color were the market rate units. Mr. White explained how they tried to maintain a consistent mix of housing units and housing types, both affordable and market. He noted that the single-family detached units would be alley loaded and all would face into green space connected with sidewalks and trails. The intent is to create a community where people get to know their neighbors and their homes are accessible to the amenities at the entrance.

Mr. White presented a slide showing the connectivity with regards to sidewalks and trails. Sidewalks were only proposed on one side of the road to reduce the amount of impervious surface and as a cost-cutting benefit for the developer. Soft surface trails were identified in orange. To address Commissioner Peek's concern regarding access to the Sports Complex, Mr. White showed the current access from the Sports Complex to Old Dump Road. Part of the proposal has always been to improve the trail along Old Dump Road from the tunnel down to the Rail Trail on the north side of Old Dump Road. It would be an improved Rail Trail crossing across Old Dump Road. The improvements would include surfacing and possible signals. Coming from Park City Heights, there would be paved access from the clubhouse to the Rail Trail and from the Rail Trail in to the City. Mr. White indicated sidewalks all the way around the detached homes. The power line corridor will have a major trail that connects to Hidden Meadows. He presented a slide showing various trails connections proposed. They have spoken with the Snyderville Basin Recreation District about having an asphalt trail along the frontage road that would eventually connect to the Deer Valley gondola. From that point there would be access under Highway 40 to Jordanelle.

Mr. White pointed out that the larger green units are four-plexes with garages. The fronts of those units would face out to the open space. For the attached units shown in purple, the parking is along the back so the units would face into the project. Chair Wintzer asked for the size of those units. Mr. White replied that the units are eight-plexes and the square footage has not been decided. They are a stacked unit product with garages.

Commissioner Savage asked if Park City Municipal specifies the configuration of those particular units and IHC specifies the configuration of their units. Mr. White replied that IHC has their own unit type that they would like to have built. Ivory Builders would construct the units for IHC. The City units are a completely different product.

Commissioner Savage asked if the process for individuals to acquire those units is controlled by IHC and/or the City. Phyllis Robinson, representing the City, explained that the deed restrictions on the units for IHC would give first priority to employees of IHC. Any available units that are not purchased by IHC employees would go into the traditional City process, which includes length of tenure in town, being a City employee, a first time home buyer, income qualifications, etc.

Commissioner Savage asked about the PCMC units or the CT zone units. Ms. Robinson replied that the deed restriction used by the City apply to all affordable units in terms of priority. Commissioner Savage clarified that being a City employee would not have any advantage for purchasing an affordable unit labeled PCMC. Ms. Robinson replied that this was correct in terms of the CT zone units. When the Snow Creek Cottages were constructed, the City set aside two units for City employees because there was a direct City contribution into that project. Whether or not that would be the case with this project still needs to be decided by the City Council. She clarified that the Park City Heights units were not being designed as City employee workforce housing. Commissioner Savage wanted to know what distinguishes a PCMC affordable unit from a CT zone affordable unit. Ms. Robinson replied that the CT zone units are developed within the MPD and the PCMC units will be developed by the City.

Commissioner Savage asked if the specifications for the CT zone units would be determined by Boyer Company. Ms. Robinson explained that the CT zone units would also be determined by the City Council acting as the Housing Authority. The applicant would still need to present an affordable housing plan to the City Council sitting as the Housing Authority. Commissioner Savage asked if Ms. Robinson expected a differentiation between the PCMC and the CT zone affordable units in terms of design or quality of construction. Ms. Robinson stated that the only difference is that the footprints of the CT zone units appear to be larger than the PCMC units. She would come back at a future work session with the design guidelines that would apply to all the units.

Commissioner Strachan asked about the mechanics of the sale from one bonafide purchaser to another for the affordable units. Ms. Robinson explained that Park City Municipal retains the right of first refusal for all units that are put up for sale. This assures that the City is always notified of a unit that is being proposed for sale. Commissioner Strachan asked if the seller would ever get equity. Ms. Robinson stated that the current existing units have a 3% equity cap per year based on the purchase price of the unit, not the equity investment of the unit. If a house was purchased for \$100,000 it could be sold the next year for \$103,000. Commissioner Peek noted that it is based on equity growth. If someone owns their home for 20 or 30 years, they would have a hundred percent equity at a 3% growth cap per year. Ms. Robinson replied that this was correct.

Planner Whetstone asked if a draft affordable housing plan would be available in the near future. Ms. Robinson remarked that the presentation before the Planning Commission on October 27th would be a more global discussion of the City Housing Resolution and the affordable housing element of the LMC, as well as a market demand analysis. She would come back with an affordable discussion specific to the Park City Heights project as they begin to discuss design guidelines and architectural criteria.

Chair Wintzer clarified that the market rate units and the affordable units were the same size. Mr. White replied that this was correct. Chair Wintzer understood that the affordable units shown in purple could be intermixed with the market rate units. Mr. White clarified that the placement of the color coded units was more for the purpose of keeping track of the unit count. He stated that the intention is to mix the affordable and market rate units and to also mix the affordable units ranging from the four-plexes to stacked flats, to single family detached. There is also a range in size for the market rate units to achieve different price points within the market rate units. The project proposes a wide variety of unit types and unit styles.

Ms. Robinson explained that the way they ultimately decide to intersperse the units will depend on infrastructure more than timing.

Mr. White presented a utilities plan showing power lines, sewer lines, etc. Chair Wintzer preferred to address the utility issues later in the design process.

Commissioner Peek was still uncomfortable with the connectivity issue. He asked if the improved trail proposed north of the Dump Road would be separate from the wide shoulder. Mr. White remarked that there are issues with wetlands and narrow road right-of-way widths. State Parks is the adjacent property owner. Mr. White explained that the trail is within the road right-of-way and it is not separated from the travel lanes. The asphalt would extend to include its own painted lines for the trail itself, but it would be part of all the asphalt surface in that location. Commissioner Peek noted that the existing trail going to the tunnel that pops out at the road, appears to be the UDOT parcel. The adjacent parcel to that is Park City Municipal designated open space. The next is the State Parks and Recreation property. He assumed an easement by those groups would create a safe connective Rail Trail from this project to the sports fields. Chair Wintzer agreed with Commissioner Peek on the importance of separating the trails from the roads if possible.

Commissioner Strachan stated that a separation would be a determinative issue in his opinion. It is important to have safe access for children walking or biking to the sports fields. In his opinion, if safe access cannot be achieved, it could be a deal breaker. Commissioner Strachan suggested that this might be an opportunity for ingenuity. Tunnels are a preferred method in Park City, but this may be a good time to consider a bridge.

Mr. White pointed out that the trails are completely separated from the road on the south side. Commissioner Peek asked if the existing berm adjacent to the parcel next to the Old Dump Road would be removed. Mr. White replied that the berm would be removed in order to separate the trail from the road.

Planner Whetstone clarified that there was consensus by the Planning Commission to explore separation from the road to the trails.

The Planning Commission held further comments until after the public hearing scheduled for the regular meeting.

The work session was adjourned.

MINUTES – OCTOBER 13, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
October 13, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Mick Savage, Adam Strachan

EX OFFICIO:

Kirsten Whetstone, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 7:00 p.m. and noted that all Commissioners were present except Commissioners Pettit and Luskin, who were excused.

II. APPROVAL OF MINUTES - September 22, 2010

MOTION: Commissioner Strachan moved to ADOPT the Work Session Notes of September 22, 2010. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by those who attended that meeting. Commissioner Savage abstained since he had not attended.

MOTION: Commissioner Strachan moved to ADOPT the Minutes of September 22, 2010. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by those who attended that meeting. Commissioner Savage abstained since he had not attended.

II. PUBLIC COMMUNICATIONS

There was no comment.

III. STAFF & COMMISSIONER COMMUNICATIONS/DISCLOSURES

Commissioner Peek disclosed that his brother is involved in trails and he had mentioned that the Planning Commission would be discussing trails this evening. His was in attendance to hear the discussion.

Chair Wintzer disclosed that he owns the property adjacent to the Yard on Kearns Boulevard. He did not believe it presented a conflict or would affect his decision.

CONTINUATION(S) AND PUBLIC HEARING.

Park City Heights - Master Planned Development (Application #PL-10-01028)

The Planning Commission discussed traffic, trails, and the revised site plan during the work session.

Chair Wintzer opened the public hearing.

Charlie Sturgis, the Executive Director for Mountain Trails, commented on the issue related to the Old Dump Road. He would like the name to remain because it has been there for 25 to 30 years and changing the name would not change the specifications of the road. It is still the Old Dump Road. Mr. Sturgis stated that the Rail Trail, which crosses the Old Dump Road has significantly increased in use over the years. Access to the sports park and the skating rink is significant. Increased trail use, combined with increased traffic on the Dump Road, has created a dangerous situation at the intersection and he is amazed that a significant accident has not occurred. He believed the Park City Heights project was a good time to look for outside of the box solutions, and to improve the Old Dump Road to the acceptable level it should be to accommodate additional traffic from US40, from the development and expected vehicle/pedestrian traffic from this transportation/recreation corridor. Mr. Sturgis remarked that this is one of the wimpiest pedestrian/vehicular intersections in town and it has never been considered in any part of the Walkability Plan. He suggested that they consider ways to improve this road for pedestrians and vehicle traffic to make it safer.

Mr. Sturgis pointed out that there are significant drainage issues where the Rail Trail crosses the Old Dump Road and grade changes would possibly create additional problems. He thought it was important to be aware of those issues from the State Parks' point of view. Mr. Sturgis explained that Mountain Trails manages the Rail Trail for State Parks. During the winter there are issues with the ability to run a snow cat in that area. They currently run a snow cat through the tunnel underneath the SR248 area. Any plans for the Dump Road/Rail Trail intersection should be wide enough to easily accommodate snow equipment.

Chair Wintzer encouraged Mr. Sturgis to stay involved in the process. Spencer White, representing the applicant, offered to meet with Mr. Sturgis to address the issues he raised.

Mark Fischer felt it was important to study the transportation corridor from the Park and Ride lots up the Rail Trail into Bonanza Park in anticipation of possible improvements and transit 20 to 30 years into the future.

Chair Wintzer closed the public hearing.

Commissioner Strachan agreed with Chair Wintzer's earlier comment regarding the bike path. He thought Mr. Sturgis made a good point about room for snow cats. That area is becoming increasingly popular for cross country skiing and he would like to see that continue. Mr. White recalled that the minimum standard is 8 foot paved. Commissioner Strachan stated that the

route parallel to US40 to the Deer Valley gondola should be installed because it is an important connection.

In terms of the site plan, Commissioner Strachan wanted to know why the four-plexes and eight-plexes were clustered at the entrance and not interspersed around the entire project. Mr. White explained that a number of issues played into that decision, including walkable proximity to the transit stop and utility issues. Depending on the type of unit, they tried to look at mass with regards to single family detached units in an effort to achieve a grid pattern that emphasizes something you would see in Old Town. Mr. White stated that interspersing attached units with single family detached units throws off the balance of the design concept. He has conducted studies with the attached units on the interior, but they somehow gravitate to the outside of the project and act as a buffer for going from single family units to attached units.

Phyllis Robinson, representing the City, asked if Commissioner Strachan was referring to the placement of the units within this phase or within the project as a whole. Commissioner Strachan replied that it was the project as a whole. Ms. Robinson remarked that it was a phasing issue. The City wants to make sure that the green units, which represent the units associated with the Burbs IHC annexation, are built in Park City Heights and not across the street in front of the USAA. She pointed out that the lower piece is Phase One of the project. If those units are moved elsewhere in the project, it could potentially be several years before they are built. Ms. Robinson noted that timing is an issue because currently there is a deferred application to build those units on the five acre parcel across the street.

Commissioner Savage asked for clarification on why those units should not be built across the street. Ms. Robinson explained that when the City went through the annexation process for the Burbs annexation, the preference was not to have the units built on site. The land had already been donated to the City for that project and the City Council asked the Burbs and IHC if they would be willing to wait and see if there was an alternative location. At that point the planning process was beginning for Park City Heights and they were able to look at moving those units to that project. The applicant for the IHC units is getting restless and wants to move forward to complete the project. They submitted an application for an MPD to construct the units on that site and the period of time has gone beyond the time they agreed to wait. Ms. Robinson remarked that the units would create a better community in the Park City Heights project, as opposed to having a few units isolated across the road. Commissioner Savage understood that the property on the other side would never be developed. Ms. Robinson replied that the property is in City ownership and would be converted to open space.

Commissioner Strachan understood that those are realities they need to deal with, but he did not believe it was a good answer to the philosophy of interspersing the housing. He believes a better philosophy for development is to mix affordable housing throughout the entire development, since that is how good communities thrive. Commissioner Strachan was fearful of creating something similar to the Prospector Apartments next to the Rail Trail that are clustered, individualized and separate from the rest of the suburban neighborhood of Prospector. In his opinion, that is not a good community and it presents a problem. When he looks at this plan, he thinks of Prospector and the Prospector Apartments.

Mr. White explained that they are trying to reach a critical mass at the entrance area where there is more activity. People would be able to sit on their porches and communicate with their neighbors, and have easy access to the clubhouse and amenities. At this point, they are unsure whether the units further up into the project would be primary residences or second homes. Mr. White reiterated that their focus was the critical mass at the entrance and it had nothing to do with separating larger homes from affordable units. That was the reason for bringing market rate units into the mix of affordable units.

Commissioner Strachan remarked that the reasons for creating mass at the entry were valid; however, he still questioned whether it was correct.

Chair Wintzer like the revised plan. He thought it was better to have the affordable units and the market rate units off the main road. Chair Wintzer agreed with Commissioner Strachan's concern, and he understood the reasons explained by Mr. White. However, he would like to see the units mixed so all the eight-plexes and four-plexes are not clustered into one spot and separated from the other homes. Chair Wintzer suggested moving the green units further off the road. Mr. White pointed out that there is a natural berm that would screen the units from the road. Chair Wintzer preferred to push some of the four-plexes up the hill if possible. He agreed with idea of creating mass around the parks and the entrance.

Chair Wintzer recalled from the plan proposed years earlier, that there was a mix of duplexes with affordable on one side and market rate on the other. He like the idea of tightly intermixing the units to avoid any type of distinction between market rate and affordable. Mr. White replied that the same goal could be easily accomplished with architecture. Chair Wintzer believed the plan had come a long way in terms of creating a neighborhood community.

Commissioner Hontz concurred with Commissioners Peek and Strachan regarding the trails and connectivity. She also concurred with Chair Wintzer on the site plan. Commissioner Hontz stated that she was still struggling with the design and requested that the Staff Google some earth maps to show a birds eye comparison with other developments. She suggested the New Park/Redstone area and Bear Hollow. She offered to email the Staff with names of subdivisions and small communities outside of Jackson and White Fish. Commissioner Hontz understood the reasons for creating energy at the entrance, but she was not completely comfortable with the design. She agreed that this plan was better than the first or the second iterations that were presented and she particularly liked the second entrance.

Commissioner Hontz was still concerned about traffic. She was using the traffic study to come up with numbers, recognizing that it was not an accurate method. However, she believed this project would generate significant additional traffic to that portion of SR248. Commissioner Hontz appreciated receiving the 2009 Traffic on Utah Highways, because that one page had important data and you could calculate the ADT numbers on particular roads. When she ran the numbers for Park City Heights, the project would add approximately 20% to the current ADT. Commissioner Hontz remarked that background traffic volumes are good and it helps to understand the current and to project forward. However, she wanted to know how this project relates to the road and the added traffic. She appreciated how the current design reduces the number of vehicles, but she needed to understand it better.

Mr. Braley explained that currently the ADT on SR248 in that area is approximately 9,000-10,000. The trip generation for this development, as currently planned for primary occupancy, is approximately 2,000 new trips per day at full buildout, assuming that it is 100% primary homes. Twenty years from now it could be 20,000 plus, so that percent would be smaller. Mr. Braley pointed out that not all the trips would be to Park City. In addition, the numbers assume that nobody rides bikes. Hopefully the trails and transit system would reduce those numbers. Mr. Braley stated that some of the traffic would be going between Park City Heights and IHC. He did not believe the number was as bad as the 20% calculated.

Commissioner Savage felt an important aspect was tying the project into the large scale Transportation Master Plan so they can see where the real problems would occur. He commented on the berm that runs along the side of Highway 40 and curb appeal. In his opinion, the curb appeal from SR248 or the front of the complex, is all the houses that are tucked down on the inside like a fortress. He suggested that if the units were tucked further back into the berm and interspersed to taper up, it would make the appearance from the road more attractive. Mr. White pointed out that there is not much of a berm and the highway is elevated as it goes over Old Dump Road. Looking down from US40 at that point, you would be looking down on the rooftops. It then shifts as you go further up the frontage road as the highway starts to go further down. Commissioner Savage clarified that his comment was to find a way to tuck the larger buildings into the berm, even if they are moved down a little ways, and to taper other units to avoid the appearance of a wall of large buildings.

Commissioner Savage liked the clubhouse, but noticed that it was quite small. Mr. White replied that the clubhouse is 2,000 square feet. Based on other projects, smaller clubhouses are used more often than larger clubhouses.

Planner Whetstone noted that the Planning Commission should be seeing visuals very soon, and that would help them visualize the project from different perspectives. The visuals have not been provided because the site plan is still evolving.

Since it is apparent that construction would continue for several years before the project is completed, Commissioner Savage suggested that they plant large trees at the entrance early in the process to distract from the construction activity and to make this a community friendly development project.

Commissioner Peek concurred with the comments of his fellow Commissioners. He asked if a sound study was done for that area and whether the sound from US40 exceeds the standards, whereby future residents could petition for a sound wall. Commissioner Peek agreed with interspersing the affordable units up the hill, however, he was concerned that it would raise the houses into the amphitheater of sound projected from US40. For that reason, it could be a benefit to be under the berm. Commissioner Peek felt it was important to work towards connectivity with the Mayflower Trail, which is the Deer Valley gondola.

Commissioner Savage asked if the Mayflower Trail connection would require a joint meeting with Wasatch County. Planner Whetstone stated that she would look at the Wasatch County Trails Plan to see how far north they have come with the trails. Commissioner Peek echoed

Chair Wintzer regarding the safety of the Rail Trail/Dump Road Intersection.

Commissioner Peek clarified that even though the focus has been on the first phase site plan, his comments regarding the subdivision still hold for the upper area. Nothing has changed other than bringing the units down the hill to make it more dense. Commissioner Peek liked the improvements to the lower first phase, but thought there was still a situation with the subdivision parade of driveways. Planner Whetstone asked if there was consensus among the Planning Commission on Commissioner Peek's comment regarding the rest of the subdivision. Commissioners Hontz and Strachan concurred with Commissioner Peek. Planner Whetstone noted that they tried to make it more connected, but it takes up the open space and eliminates the trails. Chair Wintzer suggested that the applicants show the Planning Commission what they tried to do and why it would not work.

Mr. White stated that once an engineer is hired, they can begin to look at retaining walls and grades of roads. He noted that the layout is based on the topography. None of the roads are over 10% and they tried to minimize cuts, fills, and retaining walls. Commissioner Peek assumed that is why so many subdivisions are planned as they are. However, the General Plan discourages subdivision-like development in Park City.

MOTION: Commissioner Peek moved to CONTINUE the Park City Heights MPD to November 10, 2010. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 2700 Deer Valley Drive - Amendment to Record of Survey
(Application #PL-10-01042)

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

2. 1251 Kearns Blvd. - The Yard Subdivision
(Application #PL-10-01058)

Chair Wintzer remarked that the discrepancies in the survey is that they were all interior parcels. It did not affect any of the outside property lines.

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

MOTION: Commissioner Strachan moved to APPROVE the Consent Agenda. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2700 Deer Valley Drive - Amendment to Record of Survey

1. The property is located at 2700 Deer Valley Drive East.
2. The property is subject to the Deer Valley Resort Tenth Amended and Restated Large Scale Master Planned Development.
3. The Courchevel Condominium record of survey plat was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.
4. The Courchevel Condominium record of survey plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage.
5. November of 1989, an amended record of survey plat was approved and recorded increasing the number of residential condominium units to forty-on (41) (Exhibits B and C).
6. Two of the three (3) approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was not constructed. Currently there are 27 condominium units and 29 parking spaces. Each existing condominium unit contains 759 square feet for a total of 20,493 sf and a developed unit equivalent of 10.25 UE.
7. The Deer Valley Resort MPD assigned 20.5 Ues for the Courchevel parcel, under the unit equivalent formula. The MPD was amended in 2001 to transfer 7 Ues as 14,000 sf to the Silver Baron condominium project, adjacent to the north, leaving 13.5 Ues for the Courchevel property. Of the 13.5 Ues, 10.25 are currently developed and 3.25 UE remain. There are not sufficient Ues remaining to construct Building A as shown on the plat.
8. On May 10, 2010, Courchevel Condominium owner's association voted to approve construction of additional floor area and the transfer of common space to private space for units B301 and B303. The only exterior changes proposed are the addition of windows on the north side of Building B.
9. On September 3, 2010, the City received a completed application for a condominium record of survey plat amendment requesting conversion to private area, of 608 square feet of common attic area above each of Units B301 and B303 (1,216 sf total). These units are located on the third floor of Building B.
10. The total proposed increase in residential floor area is 1,216 sf equating to a 0.61 UE increase to 10.86 UE total. This increase is allowed under the existing Deer Valley Resort, Tenth Amended and Restated Large Scale MPD (Deer Valley MPD). If the increase in residential floor area is approved, 2.64 UE remain undeveloped.

11. Twenty-nine parking spaces exist in the parking structure. No additional parking is proposed. The expanded units comply with the current LMC requirement of 2 spaces for each of the amended units. The other units of 759 sf are existing non-conforming regarding parking.
12. There is undeveloped land on the property available for construction of additional off-street parking; however lack of parking for this property has not been an issue in the past. The property is located at the base area for Deer Valley Resort and on the Park City bus route. Given the relatively smaller unit size the existing parking situation is adequate.
13. The LMC allows the Planning Commission to reduce parking requirements within Master Planned Developments per Section 15-3-7 provided the base requirements is at least 8 parking spaces.

Conclusions of Law - 2700 Deer Valley Drive

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 10th amended and restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of the record of survey, subject to the conditions state below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 2700 Deer Valley Drive

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, including the removal of Building A, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments.

4. Any future construction of units requires parking to be provided according to the Land Management Code requirements in effect at the time of the building permit.

Findings of Fact - 1251 Kearns Boulevard - Subdivision

1. The site is located at 1251 & 1225 Kearns Boulevard.
2. The site is located within the General Commercial District with the Frontage Protection Zone Overlay.
3. The overall site contains 200,276 square feet (4.6 acres).
4. The site consists of eight (8) separate metes and bounds parcels.
5. Some of these parcels overlap, have gaps, or do not close.
6. Any future development will have to comply with the development standards of the current zoning district.
7. The subdivision will create one lot of record.

Conclusions of Law - 1251 Kearns Boulevard - Subdivision

1. There is good cause for this subdivision as the site contains eight (8) separate metes and bounds parcels which overlap, have gaps, or do not close.
2. The subdivision will eliminate the overlaps, gaps, or errors in the descriptions and unify the eight (8) parcels into one (1) lot of record.
3. The subdivision is consistent with the Park City Land Management Code and applicable state law regarding subdivisions.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 1251 Kearns Blvd. - Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will submit the subdivision plat for recordation 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.

REGULAR AGENDA - DISCUSSION, PUBLIC HEARING, AND POSSIBLE ACTION

3. 1251 Kearns Boulevard, The Yard - Extension of Conditional Use Permit
(Application #PL-08-00481)

Planner Francisco Astorga reviewed the application to extend the Conditional Use Permit for the Yard located at 1251 Kearns Boulevard. Last year the Planning Commission granted a conditional use permit for an indoor entertainment facility and a commercial parking lot. A condition of that approval required a one-year review for extension of the conditional use permit.

Planner Astorga noted that the CUP was approved in July 2009. Staff workload was the reason this review was not scheduled until October.

The Staff recommended that the Planning Commission grant the extension as requested based on the findings of fact, conclusions of law and conditions of approval.

Chair Wintzer asked about the length of this extension. Planner Astorga replied that a conditional use permit runs with the land and typically there is not a time frame. However, this CUP had a one year approval and the Planning Commission has the discretion to specify another review period if they choose.

Commissioner Peek recalled that a condition of the original approval required a review by the Planning Commission if three complaints were received from residents. Planner Astorga replied that the condition would still apply with the extension. He noted that in the last fifteen months they only received one complaint from an event that took place in 2009. That event was not approved as part of this indoor entertainment facility. There was an outdoor component that was approved through Special Events.

Chair Wintzer clarified that under the conditional use permit, any outdoor activity would go through the Special Events process. Planner Astorga replied that this was correct. The CUP is specifically for indoor uses.

Chair Wintzer opened the public hearing.

Mary Cook, representing the Homestake Condominiums, stated that generally the neighbors have a good relationship with the Yard. She remarked that the City only received one complaint from the Summer 'Ween event, because that was the only written complaint. She believed other comments were made. Ms. Cook was concerned that like any other situation, boundaries get overstepped. She preferred that it be a year-to-year conditional use permit until decisions are made about the Bonanza Park Development area. Ms. Cook remarked that once things begin working, the limits of noise and traffic can get stretched to higher levels. She believed that a one year, year to year approval would help keep the neighborhood livable for the residents.

Chair Wintzer closed the public hearing.

Commissioner Savage believed there has been responsible behavior as it relates to the conditional approval and that the three complaints rule would work effectively.

MOTION: Commissioner Savage moved to APPROVE the extension of the conditional use permit for an Indoor Entertainment Facility and Commercial Parking lot at 1251 Kearns Boulevard, the Yard, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report, with the understanding that three complaints would cause the CUP to come back to the Planning Commission for review.

Commissioner Hontz asked if one person could make three complaints on the same event. Planner Astorga stated that they could. However, if that were to occur, the Planning Commission would have the purview to decide if that was appropriate.

Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Chair Wintzer thanked the applicant, Mark Fischer, for his contribution to the community through events at the Yard. He noted that a number of free events occur at the facility that people never hear about. It has been a great community asset.

Findings of Fact - 1251 Kearns Blvd. - CUP Extension

1. The property is located at 1251 Kearns Boulevard.
2. The zoning is General Commercial (GC) within the Frontage Protection Overlay Zone (FPZ).
3. The site is approximately 4.57 acres.
4. The site is bounded by Kearns Blvd. (Highway 248), Homestead Road, and Woodbine Way.
5. The site has existing sewer, electrical, and water capacity.
6. The parking area has enough room to handle 329 parking spaces.
7. An Indoor Entertainment Facility with the square footage of 14,110 will require seventy-two (72) parking spaces (5 parking spaces per 1,000 sq. ft.).
8. The medical office uses seven (7) parking spaces mandated by the LMC towards the front of the building.
9. The existing buildings on site will not be changed with this application.

10. The site does not contain any usable open space.
11. The property owner has worked in the past with the Building Department regarding compliance with the Soils Ordinance. Currently the paved areas are in compliance with such ordinance.
12. The site has a legal non-conforming sign within the Frontage Protection Zone which has recently been updated.
13. The site has not changed since it was a lumber yard. The existing buildings on site will not be changed with this application.
14. The applicant does not expect any issues that might affect people other than what is currently found in a commercial area. The site will need to comply with the Park City Noise Ordinance.
15. The site plans (Exhibit A) shows the drop-off, loading, and (screened) dumpster areas located east of the building. The access to these areas is through the front, off Kearns Blvd.
16. The loading/unloading of the event equipment will take place prior to the actual events making the area free and clear when pedestrians are utilizing the same area for circulation.
17. The ownership is a limited liability company and has no unusual affects on taxing entities.
18. It is on relatively flat land and requires no slope retention and the buildings are pre-existing (no new buildings or remodeling on the outside on the buildings.)
19. The applicant requests to use temporary restroom facilities similar to that which is used for special events to meet this requirement depending on the events going on at the Yard.
20. Conditions of approval have been met by the applicant.

Conclusions of Law - 1251 Kearns Blvd, - CUP Extension

1. The application complies with all requirements of the LMC;
2. The uses will be compatible with surrounding structures in use, scale, mass and circulation;
3. The uses are consistent with the Park City General Plan, as amended; and

4. The effects of any differences in uses or scale have been mitigated through careful planning.

Conditions of Approval - 1251 Kearns Blvd. - CUP Extension

1. The internal layout of the parking plan shall be compliant with the applicable codes. The driving lanes shall be twenty-four (24') minimum.
2. The parking lot may be accessed via the entrance on Homestake Road, while the pedestrian circulation system may be located at the entrance to the site directly off Kearns Blvd. As noted on the site plan (Exhibit A).
3. All uses must comply with the Park City Noise Ordinance.
4. The detailed submittal must be submitted to the Park City Planning Department at least two (2) weeks (ten business days) before any event for review and approval by the Chief Building Official and the Planning Department. The detailed submittal includes without limitation, a traffic mitigation plan that includes consideration of safety concerns for access to parking off of Homestake Road.
5. All exterior lights must conform to park City lighting regulations for height, type, wattage and shielding.
6. Permanent use of the property must conform to requirements for landscaping, snow storage, lighting and screening.
7. This CUP does not include any events programmed for the site that goes through the City Special Events licensing or Master Festival Special Event permitting or master festival license process, i.e. outdoor events, etc.
8. If the City receives more than three complaints from residents, the CUP would come back to the Planning Commission for modifications to the CUP.

The Park City Planning Commission meeting adjourned at 7:55 p.m.

Approved by Planning Commission _____

CONSENT AGENDA

Planning Commission Staff Report



Subject: 310 Park Avenue
Author: Katie Cattan
Project Number: PL-09-00758
Date: October 27, 2010
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 310 Park Avenue Plat and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Thea Leanord and Andy Beerman, Owners
Location: 310 Park Avenue
Zoning: Historic Residential (HR-2A) District
Adjacent Land Uses: Residential, Hotel, Commercial
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On July 28, 2009 the City received a completed application for the 310 Park Avenue Plat. The property is located at 310 Park Avenue in the Historic Residential (HR-2A) District. The proposed plat combines Lot 31 and the westerly 50' of Lot 32 of Block 11 of the Park City Survey into one lot of record. Lot 31 is a typical 25 feet wide by 75 feet deep old town lot. Lot 32 is 25 feet wide by 50 feet deep. The proposed new lot will be 3202.1 square feet in size. There is an existing single family home on Lots 31 and 32 and the lot line bisects the house. The existing home was built in 1995 and is not historic.

The applicant wishes to combine the lots into one lot of record to create a legal lot of record reflecting current ownership. No future plans for an expansion of the existing house have been received. A building permit cannot be issued for construction across a lot line.

The property is located in the Historic Residential (HR-2A) zoning district. All future application must comply with the HR-2A requirements of the Land Management Code (LMC) and the Historic District Design Guidelines.

Analysis

The application is to create one lot of record at 310 Park Avenue. Currently, the existing historic home is situated upon an interior lot line. The plat amendment will

reflect the current ownership and will bring the existing home into compliance with the Land Management Code for setbacks in the HR-2A district.

The proposed plat amendment will create one lot of record that is 50 feet wide and varies in depth from 50 to 75 feet. The area of the proposed lot is 3,202.1 square feet. The minimum lot size in the HR-2A zoning district is 1,875 square feet. The minimum lot width in the HR-2A zone is 25 feet. The maximum allowed footprint for a 3,202 square foot lot is 1,337 square feet.

The following table explains the site requirements for lots within the HR-2A zoning district and how the proposal complies with the zoning regulations:

| Required | Proposed Lot |
|--|--|
| Lot Size: Minimum 1875 square feet | 3,202 square feet |
| Density: Minimum lot size for single family dwelling is 1875 square feet and for a duplex 3,750 square feet. | Single family dwelling. Complies |
| Front yard. The minimum front yard is ten feet. (10') | Existing home is 10' from front property line. Complies |
| Rear yard. The minimum rear yard is ten feet (10') | Existing home is 10' from rear lot line. Complies |
| Side yard. The minimum side yard is five feet (5'). | Existing side yard is 4' feet on north side. Existing non-conforming. Existing side yard is 7' on the south side. Complies |
| Footprint: based on 3,202 square foot lot | 1,337 square feet maximum. Existing is approximately 1200 square feet. Complies |

The applicant has been working with adjacent landowners to the East to clean up encroachment issues. The buildings at 301 Main Street and 305 Main Street each have a small sliver of their buildings encroaching on to the property at 310 Park Ave. An encroachment easement for each building has been recorded with the county.

Planning Staff finds there is good cause for the plat amendment as it will remove an interior lot line, combine a lot and a substandard parcel, and create a clean ownership boundary for the property and a lot of record for the existing single family house. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and the existing house is brought further into compliance with the code. All future development will be reviewed for compliance with requisite Building Code and Land Management Code requirements.

Process

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

Department Review

This project has gone through an interdepartmental review. Encroachment issues which were raised during this meeting have been resolved. No other issues were raised.

Notice

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

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 310 Park Avenue plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 310 Park Avenue plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 310 Park Avenue plat to the November 10, 2010 meeting.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The house would remain as is and no construction could take place across the existing lot lines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 310 Park Avenue Plat and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Ordinance with Plat

Exhibit B – Site plans and elevations

Exhibit A

Ordinance No. 10-

AN ORDINANCE APPROVING THE 310 PARK AVENUE PLAT LOCATED IN LOTS 31 AND 32 OF BLOCK 11 OF THE PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 310 Park Avenue have petitioned the City Council for approval of the 310 Park Avenue Plat combining all of Lot 31 and the westerly 50' of Lot 32 of Block 11 of the Park City Survey into one lot of record; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 27, 2010, to receive input on the 310 Park Avenue Plat;

WHEREAS, the Planning Commission, on October 27, 2010, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 310 Park Avenue Plat to allow an existing house to sit on one lot.

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 310 Park Avenue Plat as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 310 Park Avenue.
2. The zoning is Historic Residential (HR-2A).
3. The proposed lot is 3202 square feet in size.
4. Maximum footprint for a 3202 square feet lot size is 1337 square feet and the existing footprint is approximately 1,200 square feet.
5. Maximum height is 27 feet above existing grade.
6. The proposed lot is fifty feet wide and varies between fifty and seventy-five feet in depth.
7. The required front and rear setbacks are 10 feet. The side yard setbacks are 5 feet. The existing home complies with all setback except the north side yard. The north side yard is four feet wide and is existing non-complying.

8. There is an existing non-historic home on the property. A single family home is an allowed use in the HR-2A zone.
9. The buildings located at 301 Main Street and 305 Main Street each encroach onto the property at 310 Park Avenue. Encroachment easements have been recorded at the county for each of the buildings.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. No remnant parcels are separately developable.

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

PASSED AND ADOPTED this XXnd day of November, 2010.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

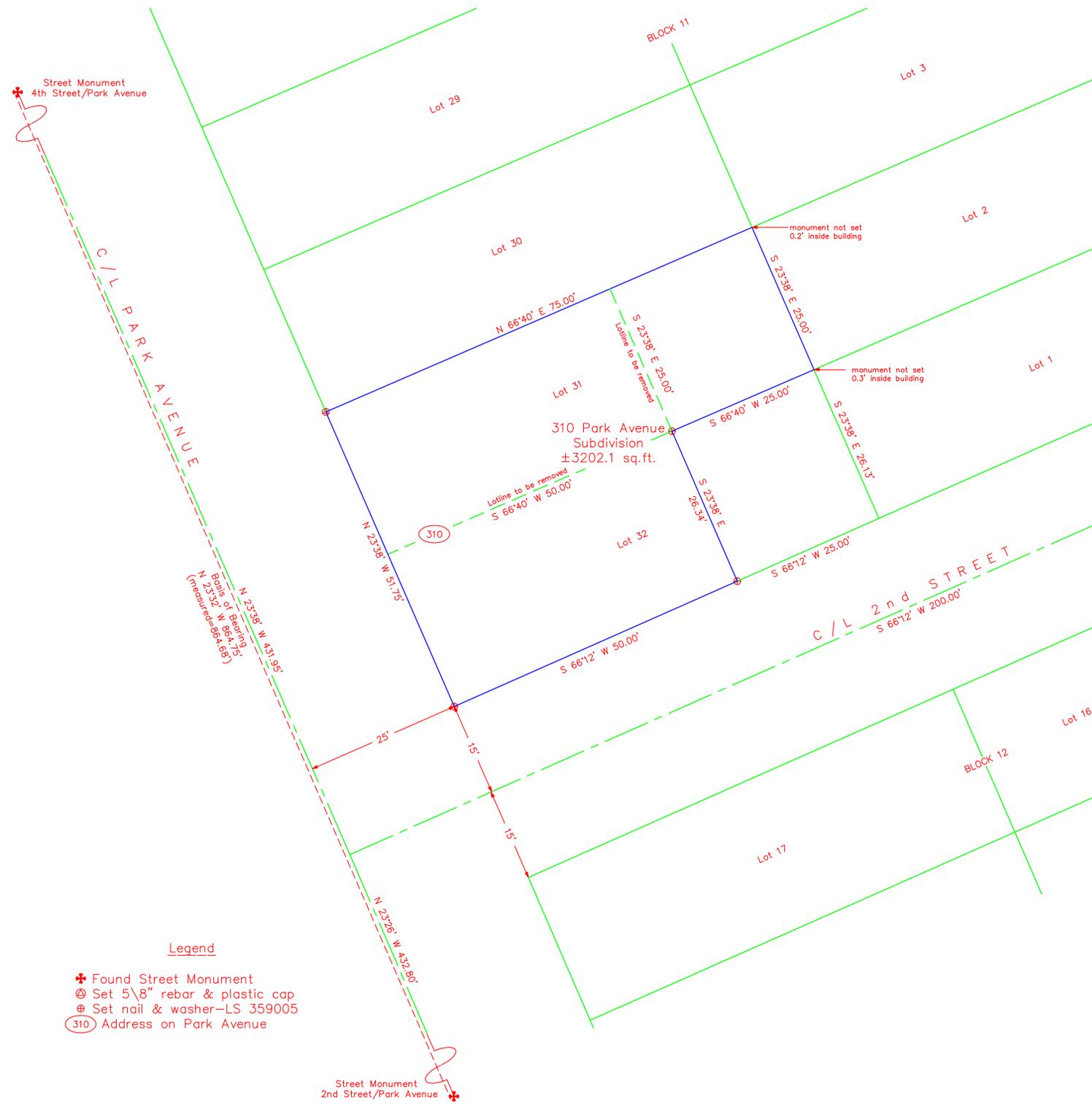
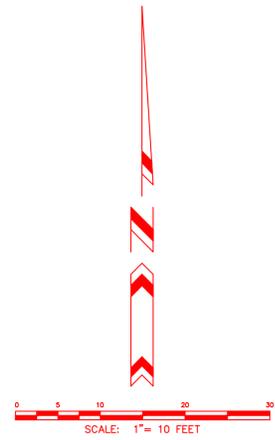
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

310 Park Avenue Subdivision

An amendment to Lots 31 & 32
Block 11, Park City Survey



NARRATIVE

1. Survey requested by: Andrew T. Beerman.
2. Basis of survey: found street monuments as shown.
3. Date of survey: June 23, 2009.
4. Property monuments set or found as shown.
5. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.

LEGAL DESCRIPTIONS

310 Park Avenue Subdivision

Beginning at the Southwesterly corner of Lot 32, Block 11, Park City Survey, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence North 23°38' West, along the Westerly line of Lots 32 & 31 of said Block 11, and the Easterly right of way of Park Avenue, 51.75 feet, more or less, to the Northwesterly corner of said Lot 31; thence North 66°40' East along the Northerly line of said Lot 31, 75.00 feet, more or less, to the Northeasterly Corner of said Lot 31; thence South 23°38' East along the Easterly line of said Lot 31, 25.00 feet, more or less, to the Southeasterly Corner of said Lot 31; thence South 66°40' West along the Southerly line of said Lot 31, 25.00 feet, more or less, to a point on said Southerly line; thence South 23°38' East, 26.34 feet, more or less, to a point on the Southerly line of said Lot 32; thence South 66°12' West, along said Southerly line of Lot 32 and the Northerly right of way of Third Street, 50.00 feet, more or less, to the point of beginning; containing 3202.1 square feet, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that Andrew T Beerman is the owner of 310 Park Avenue Subdivision Block 11. Park City Survey, and having caused this Plat Amendment to be made, does hereby consent to the recordation of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law.

Also, the owners hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned has set his hand this ____ day of _____, 2009.

By: _____
Andrew T. Beerman

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this ___ day of _____, 2009, Andrew T. Beerman personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is the owner of 310 Park Avenue Subdivision, and that he has signed the above Owner's Dedication and Consent to Record freely and voluntarily for the purposes set forth hereon.

My commission expires: _____

NOTARY PUBLIC
RESIDING IN _____ COUNTY, _____

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

Date J.D. Gailey RLS#359005

Legend

- ✦ Found Street Monument
- ⊗ Set 5/8" rebar & plastic cap
- ⊕ Set nail & washer—LS 359005
- ③10 Address on Park Avenue



**SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT**

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS
ON THIS _____ DAY OF _____, 2009.

BY: _____
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 2009 A.D.

BY _____
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____
DAY OF _____, 2009 A.D.

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____
DAY OF _____, 2009 A.D.

BY _____

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____, 2009 A.D.

BY _____
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____,
2009 A.D.

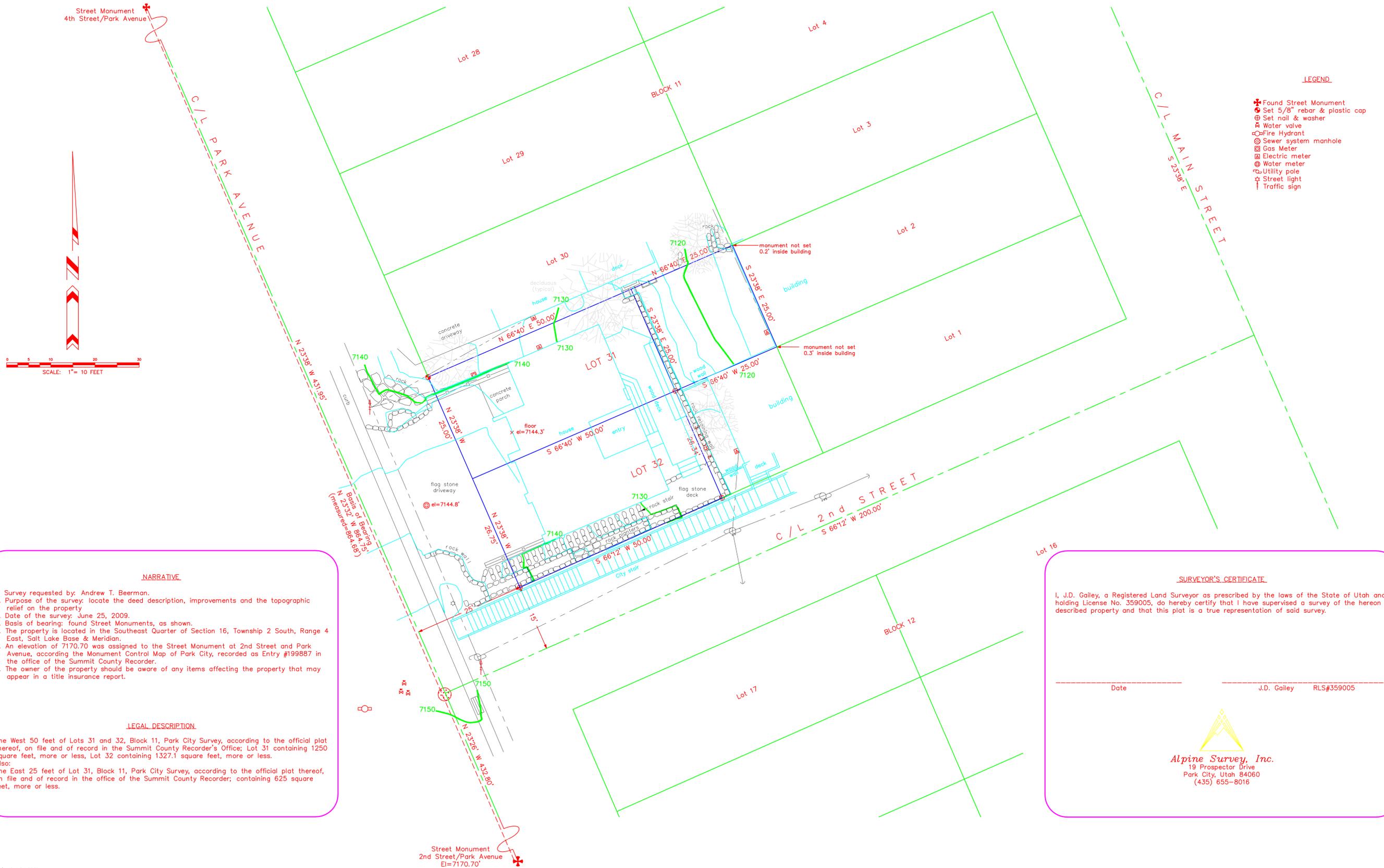
BY _____
MAYOR

RECORDED

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

FEE _____ RECORDER _____

Park City Survey, Block 11, Lot 31 & a portion of Lot 32



LEGEND

- ⊕ Found Street Monument
- ⊕ Set 5/8" rebar & plastic cap
- ⊕ Set nail & washer
- ⊕ Water valve
- ⊕ Fire Hydrant
- ⊕ Sewer system manhole
- ⊕ Gas Meter
- ⊕ Electric meter
- ⊕ Water meter
- ⊕ Utility pole
- ⊕ Street light
- ⊕ Traffic sign

NARRATIVE

1. Survey requested by: Andrew T. Beerman.
2. Purpose of the survey: locate the deed description, improvements and the topographic relief on the property
3. Date of the survey: June 25, 2009.
4. Basis of bearing: found Street Monuments, as shown.
5. The property is located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. An elevation of 7170.70 was assigned to the Street Monument at 2nd Street and Park Avenue, according to the Monument Control Map of Park City, recorded as Entry #199887 in the office of the Summit County Recorder.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.

LEGAL DESCRIPTION

The West 50 feet of Lots 31 and 32, Block 11, Park City Survey, according to the official plat thereof, on file and of record in the Summit County Recorder's Office; Lot 31 containing 1250 square feet, more or less, Lot 32 containing 1327.1 square feet, more or less.
Also:
The East 25 feet of Lot 31, Block 11, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; containing 625 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

Date

J.D. Gailey RLS#359005



REGULAR AGENDA

Planning Commission Staff Report



Subject: Monarch Condominiums
Author: Kayla Sintz
Project Number: PL-10-01049
Date: October 27, 2010
Type of Item: Administrative – Condominium Record of Survey Plat

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for Monarch Condominiums Record of Survey Plat located at 2169 Monarch Drive and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicants: Erin Shaw, Robert Stephens, Roger Stephens and Harriet Stephens
Location: 2169 Monarch Drive
Lot 81, Prospector Village Subdivision
Zoning: Single Family (SF) District
Adjacent Land Uses: Residential
Reason for Review: Condominium Record of Survey Plats require Planning Commission review and City Council approval

Background

On August 26 2010, the City received a completed application for a Condominium Record of Survey for a duplex located at 2169 Monarch Drive (Lot 81, Prospector Village Subdivision) in the Single Family (SF) District. Approval of the Condominium Record of Survey would allow for each unit to be sold separately. The existing duplex is a legal duplex as identified on the original subdivision map, and was constructed in 1978.

Analysis

The purpose of the Single Family (SF) District is to:

- A) Maintain existing predominately Single Family detached residential neighborhoods
- B) Allow for Single Family Development compatible with existing developments
- C) Maintain the character of mountain resort neighborhoods with compatible residential design; and
- D) Require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile

The duplex is located at 2169 Monarch Drive (Lot 81, Prospector Village Subdivision). A duplex dwelling is an allowed use in the SF District (permitted only on Lots designated for Duplexes on the official Subdivision Plat). The area of the lot is 9,147 square feet. The setbacks for Prospector Village (which are less restrictive than the zone) are as follows:

- Front yard setback: twenty feet (20') for main buildings and ten feet (10') for garages;
- Side yard setback: five feet (5')
- Rear yard setback is ten feet (10')

The existing building conditions comply with required minimum setbacks. Parking conditions are noted below.

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 two (2) condominium units have the same floor area. Unit 1 has 1,670 square feet of private area and unit 2 has 1,670 square feet of private area. Separate entry stairs, decks, parking and open space are identified as common ownership. The CC&Rs to be recorded with the plat will outline the tie breaker process. Snyderville Basin Water Reclamation District will require a plat note stating the condominium is served by common private sewer lateral and is the responsibility of the Condominium home owner's association (HOA). The HOA would then be responsible for water and sewer bills.

Staff finds good cause for this condominium conversion as the units will be able to be sold separately.

Non-compliances

Parking

As an approved duplex lot in the Prospector Village subdivision, parking was required at two spaces per unit, for a total of four (4). Four spaces are already accommodated on site. Further, the duplex was originally built with two garages. Since the date of original construction one garage unit has been filled in and converted to living area. However, code required parking is still accommodated on the existing exterior driveway.

The applicant has also expanded overflow parking of two additional cars into a paved area which encroaches into the City right-of-way. Parking has occurred here previously but parking in this area does not meet the Land Management Code due to:

- Parking not allowed in the side yard setback
- Parking not allowed in the City right-of-way
- Parking spaces must meet minimum dimensions according to LMC § 15-3

Staff recommends Condition of Approval #4 stating the applicant shall not be allowed to park in the paved area within the side yard setback or in City right-of-way nor may the applicant store snow in the City right-of-way. The applicant shall meet all requirements by the Planning Director and City Engineer to mitigate future potential use of this area for excess parking as a condition precedent to plat recordation.

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. Issues were raised regarding the paved area in the City right-of-way and area adjacent which are being used for additional parking, beyond the required 4 total spaces. The separation of utilities were also discussed. Both of these issues have been addressed in this report.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also 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 a positive recommendation to the City Council for Monarch Condominiums Record of Survey Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Monarch Condominiums Record of Survey Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Monarch 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 Monarch Condominiums Record of Survey Plat located at 2169 Monarch Drive and consider forwarding a positive recommendation to City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A –Proposed Condominium Record of Survey

Ordinance No. 10-

AN ORDINANCE APPROVING THE MONARCH CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 2169 MONARCH DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 2169 Monarch Drive have petitioned the City Council for approval of the Monarch 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 October 27, 2010, to receive input on the Monarch Condominiums Record of Survey Plat;

WHEREAS, the Planning Commission, on October 27, 2010, forwarded a recommendation to the City Council; and,

WHEREAS, the City Council held a public hearing on _____, 2010, to receive input on the Monarch Condominiums Record of Survey Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Monarch 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 Monarch Condominiums Record of Survey Plat shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2169 Monarch Drive.
2. The property is located in the Single Family (SF) District.
3. The structure is a built duplex.
4. A duplex is an allowed use in the SF District on this cul-de-sac lot as identified on the Prospector Village Subdivision plat.
5. The area of the lot is 9,147 square feet.
6. The existing building conditions comply with required minimum setbacks.
7. Two (2) parking spaces are required for each unit, for a total of four (4).
8. Each unit has two (2) dedicated parking spaces, for a total of four (4).
9. The duplex was originally constructed with two garages. Since the date of original construction one garage unit has been filled in and converted to living area.

- 10. There are existing non-compliances relating to additional parking which consist of a paved parking pad encroaching into the City Right-of-Way, minimum parking dimensions, and parking within the side yard setbacks.
- 11. Unit 1 has 1,670 square feet of private area.
- 12. Unit 2 has 1,670 square feet of private area.
- 13. Separate stair entry areas, rear wood decks and driveway parking and open space are identified as common ownership.
- 14. The property is within the Park City Soils Ordinance boundaries.
- 15. 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 not be allowed to park in the paved area within the side yard setbacks or in City right-of-way nor shall the applicant store snow in the City right-of-way. The applicant shall meet all requirements by the Planning Director and City Engineer to mitigate future potential use of this area as parking as a condition precedent to plat recordation.
- 5. The site shall be in compliance with the Soils Ordinance. Any additional required 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 _____ day of November, 2010.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

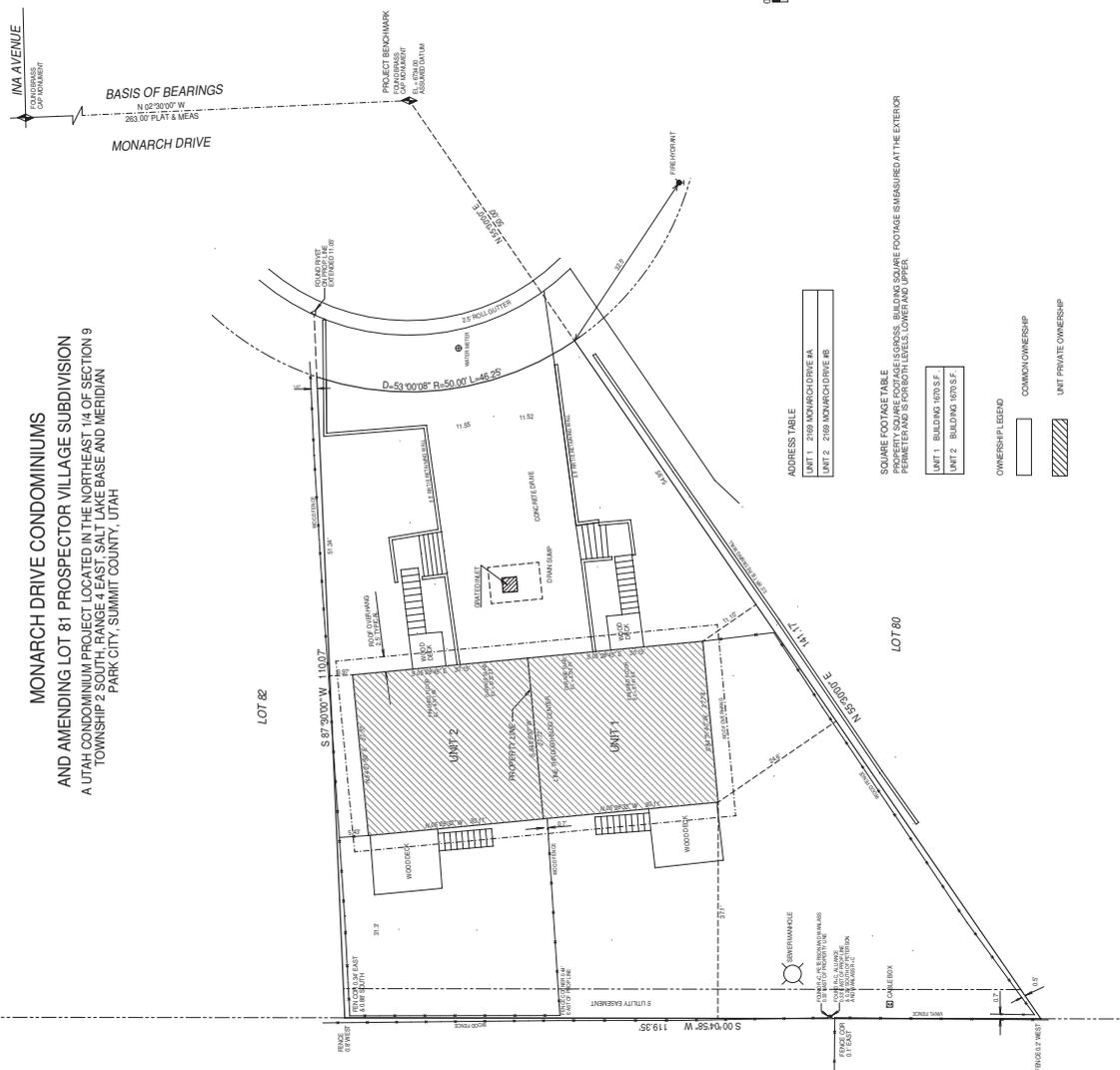
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

**MONARCH DRIVE CONDOMINIUMS
AND AMENDING LOT 81 PROSPECTOR VILLAGE SUBDIVISION
A UTAH CONDOMINIUM PROJECT LOCATED IN THE NORTHEAST 1/4 OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH**



SURVEYORS CERTIFICATE

I, BRUNO CURTIS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I AM A MEMBER OF THE NATIONAL SOCIETY OF PROFESSIONAL LAND SURVEYORS. I HAVE CAUSED TO BE MADE AND I AM HEREBY SUBSCRIBING TO THIS RECORD OF THE SURVEY AND THE PLAT THEREON IN ACCORDANCE WITH THE PROVISIONS OF SECTION 107-1-3(1) OF THE UTAH CONDOMINIUM OWNERSHIP ACT.



BY: BRUNO CURTIS _____ DATE _____

LEGAL DESCRIPTION

LOT 81, PROSPECTOR VILLAGE SUBDIVISION ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, CONTAINING 8223 SQUARE FEET OR 0.171 ACRES, MORE OR LESS, IN THE SALT LAKE MERIDIAN.

NARRATIVE

PROPERTY SURVEYED AT THE REQUEST OF THE CLIENT FOR THE PURPOSE OF PREPARING A TWO LOT CONDOMINIUM PROJECT. THE PROJECT IS A TWO UNIT CONDOMINIUM PROJECT. THE PROJECT IS A TWO UNIT CONDOMINIUM PROJECT. THE PROJECT IS A TWO UNIT CONDOMINIUM PROJECT.

OWNERS DEDICATION AND CONSENT TO RECORD

I, ROBERT STEPHENS, MARRETT M. STEPHENS, ROBERT STEPHENS, AND ERIN SHAW, THE OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, HEREBY DEDICATE AND CONSENT TO RECORD THE PROJECT AS SET FORTH IN THE DECLARATION OF CONDOMINIUM FOR THE MONARCH DRIVE CONDOMINIUMS, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM FOR THE MONARCH DRIVE CONDOMINIUMS, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM FOR THE MONARCH DRIVE CONDOMINIUMS.

RECORDED THIS _____ DAY OF _____, 2010 A.D.
ROBERT STEPHENS, MARRETT M. STEPHENS, ROBERT STEPHENS, AND ERIN SHAW

BY: ROBERT STEPHENS _____ MARRETT M. STEPHENS _____
ROBERT STEPHENS _____ ERIN SHAW _____

ACKNOWLEDGEMENT

STATE OF _____ : SS _____

ON THIS GENERAL PUBLIC RECORD, 2010, I PERSONALLY APPEAR BEFORE ME, THE NOTARY PUBLIC, AND I HAVE IDENTIFIED TO ME THAT THEY ARE THE OWNERS (BEFORE OR AFTER) OF THE PROPERTY DESCRIBED IN THE FOREGOING OWNERS CONSENT TO RECORD.

NOTARY PUBLIC _____ RESIDING AT: _____
MY COMMISSION EXPIRES: _____

GENERAL NOTES:

1. A DECLARATION OF CONDOMINIUM IS RECORDED CONCURRENTLY HERewith.
2. THE HOMEOWNERS ASSOCIATION IS RESPONSIBLE FOR THE MAINTENANCE OF ALL COMMON AREA SANITARY SEWER LATERALS, AND ALL OTHER COMMON AREAS.
3. ALL COMMON AREAS ARE SUBJECT TO AN EXCLUSIVE PUBLIC UTILITY EASEMENT, FOR ACCESS, TO THE COMMON AREAS, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM.
4. THE COMMON AREA IS MASTER-PLANED OTHER SPACE, AND MAY NOT BE SOLD SEPARATELY.
5. THE STREET ADDRESS IS 2158 MONARCH DRIVE, WITH UNIT NUMBERS SHOWN.
6. THIS PLAT IS TO CONVERT THE EXISTING DUAL APARTMENT INTO A UNIT CONDOMINIUM.
7. ALL NOTES AND COVENANTS OF THE "PROSPECTOR VILLAGE" SUBDIVISION PLAT AS RECORDED AT ENTRY NO. 128867, IN THE OFFICE OF THE SUMMIT COUNTY RECORDER REMAIN UNREPEATED.
8. WHETHER FOR THE GOVERNMENT SURFACE, THE ENCLICLES IS NOT SET FORTH.

CURTIS & ASSOCIATES, INC.
LAND SURVEYORS
1480 S. MAIN ST. SUITE 204
PARK CITY, UT 84302
PHONE: 435.243.1111
FAX: 435.243.1112

**MONARCH DRIVE CONDOMINIUMS
AND AMENDING LOT 81 PROSPECTOR VILLAGE SUBDIVISION
A UTAH CONDOMINIUM PROJECT LOCATED IN THE NORTHEAST 1/4 OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH**

RECORDED
BY: _____ SUMMIT COUNTY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 107-1-3(1) OF THE UTAH CONDOMINIUM OWNERSHIP ACT.
DATE: _____ TIME: _____
BY: _____ MAYOR

CERTIFICATE OF ATTEST
I, _____, CLERK OF THE CITY OF PARK CITY, DO HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN THE OFFICE OF THE CLERK OF THE CITY OF PARK CITY ON _____ DAY OF _____, 2010 A.D.

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

ENGINEERS CERTIFICATE
I, _____, REGISTERED PROFESSIONAL ENGINEER, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
THIS _____ DAY OF _____, 2010 A.D.
BY: _____ PARK CITY ENGINEER

SNYDERVILLE BASIN SEWERAGE IMPROVEMENT DISTRICT
REPRESENTED BY _____, CHAIRMAN OF THE SNYDERVILLE BASIN SEWERAGE IMPROVEMENT DISTRICT, DO HEREBY APPROVE THIS INSTRUMENT.
THIS _____ DAY OF _____, 2010 A.D.
BY: _____ SECRETARY

PARK CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON _____ DAY OF _____, 2010 A.D.
BY: _____ CHAIRMAN