



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

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

Discussion of density transfer options – General Plan

5

ROLL CALL

ADOPTION OF MINUTES OF OCTOBER 13, 2010

ADOPTION OF MINUTES OF OCTOBER 27, 2010

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Elect Chair

CONSENT AGENDA – Public hearing and possible action

7175 Little Belle Court – Plat Amendment

PL-10-01067

75

Public hearing and possible recommendation to City Council

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

543 Park Avenue – Conditional Use Permit

PL-10-01066

89

Public hearing and possible action

Park City Heights – Master Planned Development

PL-10-01028

119

Discussion, public hearing, and continuation to December 8, 2010

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 - November 10, 2010

WORK SESSION

Planning Commission Staff Report



Subject: Transfer of Development Rights
Author: Katie Cattan
Date: November 10, 2010
Type of Item: Legislative – Work Session

Overview of Discussion Item

Recently, the planning concept of Transfer of Development Rights (TDR) has been mentioned within work session discussions; specifically relative to the dialogue surrounding the General Plan. The TDR concept has not been utilized in Park City and is not currently incorporated within the Land Management Code (LMC). The concept is consistent with many of the goals of the General Plan in that TDRs can be utilized as planning tool for environmental protection, open space preservation, view shed protection, and historic preservation efforts.

Staff has attached a model Transfer of Development Rights (TDR) Ordinance as Exhibit A. It should be noted that the attached model utilizes Floor Area Ratios (FARs). The current LMC does not utilize FARs so therefore a different calculation and/or Unit Equivalents (UEs) would be utilized to coincide with the LMC.

The following are the regulations for TDRs under current Utah state code:

10-9a-103 (51) Definitions.

Transferrable development right means the entitlement to develop land within a sending zone that would vest according to the municipality's existing land use ordinances on the date that a completed land use application is filed seeking the approval of development activity on the land.

10-9a-509.7. Transferrable Development Rights:

A municipality may adopt an ordinance:

- (1) designating sending zones and receiving zones within the municipality; and
- (2) allowing the transfer of transferrable development rights from an owner of land within a sending zone to an owner of land within a receiving zone.

The concept of transferrable development rights and the model ordinance will be the topic of the work session discussion.

CHAPTER 4.6

Model Transfer of Development Rights (TDR) Ordinance



PRIMARY SMART GROWTH
PRINCIPLES ADDRESSED:

- Preserve open space and farmland
- Direct development toward existing communities

This model ordinance establishes a general framework for severing development rights involving net density and intensity (through FARs) from a sending parcel and transferring them to a receiving parcel. Section 101 of the ordinance authorizes a transfer of development rights (TDR) for a variety of purposes, including environmental protection, open space preservation, and historic preservation, which are the most typical.

Under section 104, the local government has two options in setting up the TDR program. The first involves the use of overlay districts, which would zone specific areas as sending and receiving parcels. The second involves identifying which zoning districts would be sending and receiving districts in the text of the ordinance itself, rather than through a separate amendment to the zoning ordinance. In both cases, the designations must be consistent with the comprehensive plan. Section 105 of the ordinance contains a table that shows, by use district, the permitted maximum increases in density and FAR that can be brought about through TDR.

Section 106 outlines a process by which the zoning administrator would determine the specific number of development rights for a sending parcel in terms of dwelling units per net acre or square feet of nonresidential floor area (for commercial and industrial parcels) and issue a certificate to the transferor. Sections 107 and 108 describe the instruments by which the development rights are legally severed from the sending parcel through instruments of transfer and attached to the receiving parcel. Section 107 describes how the applicant for a subdivision or other type of development permit would formally seek the use of development rights in a development project (e.g., a subdivision). Note that the transfer would apply not to rezonings but only to specific projects where a development permit is going to be issued in order that development may commence.

Commentary to the ordinance describes, in section 109, a development rights bank, a mechanism by which the local government purchases development rights before they are applied to receiving parcels, retains them permanently in order to prevent development, or sells them as appropriate in order to make a profit or direct development of a certain character to a specific area. Whether this is an appropriate role for local government or should be left to nonprofit organizations (e.g., land trusts) is matter for local discussion and debate. No ordinance language is provided, although the description in the commentary should be sufficient for local government officials to draft language establishing the bank.

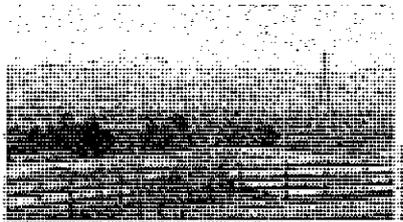


Figure 4.6.1. Transfer of development rights can be used to preserve open space, scenic views, critical and sensitive areas, and natural hazard areas.

101. Purposes

The purposes of this ordinance are to:

- (a) preserve open space, scenic views, critical and sensitive areas, and natural hazard areas;
- (b) conserve agriculture and forestry uses of land;
- (c) protect lands and structures of aesthetic, architectural, and historic significance;
- (d) retain open areas in which healthful outdoor recreation can occur;
- (e) implement the comprehensive plan;
- (f) ensure that the owners of preserved, conserved, or protected land may make reasonable use of their property rights by transferring their right to develop to eligible zones;
- (g) provide a mechanism whereby development rights may be reliably transferred; and
- (h) ensure that development rights are transferred to properties in areas or districts that have adequate community facilities, including transportation, to accommodate additional development.

Comment: The local government may tailor this list of purposes to its particular planning goals and objectives or leave it with a wide range of purposes and implement the ordinance to achieve specific goals and objectives.

102. Authority

This ordinance is enacted pursuant to the authority granted by [cite to state statute or local government charter or similar law].

Comment: It is important to determine whether the local government has legal authority to enact a TDR program because not all local governments in all states have identical powers. In addition, enabling legislation for TDR may require that the transfers be done in a manner other than is described in this model.

103. Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

Density or Net density. The result of multiplying the net area in acres times 43,560 square feet and then dividing the product by the required minimum number of square feet per dwelling unit required by the zoning ordinance for a specific use district. "Density" or "Net density" is expressed as dwelling units per acre or per net acre.

Development rights. The rights of the owner of a parcel of land, under land development regulations, to configure that parcel and the structures thereon to a particular density for residential uses or floor area ratio for nonresidential uses. Development rights exclude the rights to the area or height of a sign.

Comment: Unless sign area and height are excluded from the definition of "development rights," it is possible to transfer them to another parcel, resulting in larger or taller signs. In some cases, development rights might extend to impervious surface coverage, and a transfer of such rights would allow more extensive lot coverage.

Floor area. The gross horizontal area of a floor of a building or structure measured from the exterior walls or from the centerline of party walls. "Floor area" includes the floor area of accessory buildings and structures.

Floor area ratio. The maximum amount of floor area on a lot or parcel expressed as a proportion of the net area of the lot or parcel.

Net area. The total area of a site for residential or nonresidential development, excluding street rights-of-way and other publicly dedicated improvements—such as parks, open space, and stormwater detention and retention facilities—and easements, covenants, or deed restrictions that prohibit the construction of building on any part of the site. "Net area" is expressed in either acres or square feet.

[**Overlay district.** A district superimposed over one or more zoning districts or parts of districts that imposes additional requirements to those applicable for the underlying zone.]

Comment: This definition is necessary only if the TDR designation is accomplished via an overlay district.

Receiving district. One or more districts in which the development rights of parcels in the sending district may be used.

Receiving parcel. A parcel of land in the receiving district that is the subject of a transfer of development rights, where the owner of the parcel is receiving development rights, directly or by intermediate transfers, from a sending parcel and on which increased density or intensity is allowed by reason of the transfer of development rights.

Sending district. One or more districts in which the development rights of parcels in the district may be designated for use in one or more receiving districts.

Sending parcel. A parcel of land in the sending district that is the subject of a transfer of development rights, where the owner of the parcel is conveying development rights of the parcel and on which those rights so conveyed are extinguished and may not be used by reason of the transfer of development rights.

Transfer of development rights. The procedure prescribed by this ordinance whereby the owner of a parcel in the sending district may convey development rights to the owner of a parcel in the receiving district or other person or entity, whereby the development rights so conveyed are extinguished on the sending parcel and may be exercised on the receiving parcel in addition to the development rights already existing regarding that parcel or that may be held by the receiving person or entity.

Comment: This definition recognizes that development rights may be sold to an entity (e.g., the local government or a nonprofit organization) that will hold them indefinitely.

Transferee. The person or legal entity, including a person or legal entity that owns property in a receiving district, that purchases the development rights.

Transferor. The landowner of a parcel in a sending district.

104. Establishment of Sending and Receiving Districts

[Alternative 1: Amend the zoning map using overlays]

(1) The [local legislative body] may establish sending and receiving districts as overlays to the zoning district map by ordinance in the manner of zoning district amendments. The [planning director] shall cause the official zoning district map to be amended by overlay districts to the affected properties. The designation "TDR-S" shall be the title of the overlay for a sending district, and the designation "TDR-R" shall be the title of the overlay for a receiving district.

Comment: When a zoning map is amended, one practice is to list the ordinance number and the enactment date in a box on the map, along with the signatures of the planning director and the clerk of the local legislative body (e.g., the clerk of council). This allows for an easy reference if there should be any later questions about whether the map amendment accurately reflects the legal description in the ordinance.

(2) Sending and receiving districts established pursuant to Paragraph (1) shall be consistent with the local comprehensive plan.

[Alternative 2: Specify zoning districts that can serve as sending and receiving districts]

(1) The following zoning districts shall be sending districts for the purposes of the transfer of development rights program:
[list districts]

(2) The following zoning districts shall be receiving districts for the purposes of the transfer of development rights program:
[list districts]

Comment: Since the sending and receiving districts are being established as part of the ordinance rather than through separate overlays, the local government would need to make a declaration of consistency with the comprehensive plan for such districts as part of the enactment of these two paragraphs.

105. Authority to Transfer Development Rights

(1) Each transferor shall have the authority to sever all or a portion of the rights to develop from the parcel in a sending district and to sell, trade, or barter all or a portion of those rights to a transferee consistent with the purposes of section 101, above.

(2) The transferee may retire the rights, resell them, or apply them to property in a receiving district in order to obtain approval for development at a density or intensity of use greater than would otherwise be allowed on the land, up to the maximum density or intensity indicated in Table 4.6.1.

TABLE 4.6.1. MAXIMUM DENSITY AND INTENSITY ALLOWED IN ZONING DISTRICTS THROUGH TRANSFER OF DEVELOPMENT RIGHTS (TDR)

Zoning District Title	Maximum Density in DU/Net Acre	Maximum Intensity in Floor Area Ratio	Maximum Density with TDR	Maximum Intensity in Floor Area Ratio with TDR
R-1	4		8	
R-2	8		16	
R-3	16		32	
C-1		0.2		0.4
C-2		1.0		2.0
C-3		2.0		4.0
C-4		4.0		8.0
I-1		0.75		1.5

Note: District names, densities, and intensities are hypothetical examples only.

(3) Any transfer of development rights pursuant to this ordinance authorizes only an increase in maximum density or maximum floor area ratio and shall not alter or waive the development standards of the receiving district, including standards for floodplains, wetlands, and [other environmentally sensitive areas]. Nor shall it allow a use otherwise prohibited in a receiving district.

Comment: In some cases, it may be desirable to allow the transfer of the right to additional impervious surface coverage on a site. For example, if a certain zoning district limits the amount of surface parking by a maximum impervious surface parking ratio and additional parking is needed, Table 4.6.1 should be amended to authorize this.

106. Determination of Development Rights; Issuance of Certificate

- (1) The [zoning administrator] shall be responsible for:
- (a) determining, upon application by a transferor, the development rights that may be transferred from a property in a sending district to a property in a receiving district and issuing a transfer of development rights certificate upon application by the transferor.
 - (b) maintaining permanent records of all certificates issued, deed restrictions and covenants recorded, and development rights retired or otherwise extinguished and transferred to specific properties; and
 - (c) making available forms on which to apply for a transfer of development rights certificate.
- (2) An application for a transfer of development rights certificate shall contain:
- (a) a certificate of title for the sending parcel prepared by an attorney licensed to practice law in the state of [name of state];
 - (b) [5] copies of a plat of the proposed sending parcel and a legal description of the sending parcel prepared by [licensed or registered] land surveyor;
 - (c) a statement of the type and number of development rights in terms of density or FAR being transferred from the sending parcel and calculations showing their determination.
 - (d) applicable fees; and
 - (e) such additional information required by the [zoning administrator] as necessary to determine the number of development rights that qualify for transfer.

Comment: A local government should consult with its law director or other legal counsel to determine the requirements for an application for a TDR. Consequently, this paragraph as well as other sections of the ordinance may need to be revised to reflect state-specific issues concerning real property law and local conditions.

- (3) A transfer of development rights certificate shall identify:
- (a) the transferor;
 - (b) the transferee, if known;
 - (c) a legal description of the sending parcel on which the calculation of development rights is based;
 - (d) a statement of the number of development rights in either dwelling units per net acre or square feet of nonresidential floor area eligible for transfer;
 - (e) if only a portion of the total development rights are being transferred from the sending property, a statement of the number of remaining development rights in either dwelling units per net acre or square feet of nonresidential floor space;
 - (f) the date of issuance;
 - (g) the signature of the [zoning administrator]; and
 - (h) a serial number assigned by the [zoning administrator].
- (4) No transfer of development rights under this ordinance shall be recognized by the [city or county] as valid unless the instrument of original transfer contains the [zoning administrator's] certification.

107. Instruments of Transfer

- (1) An instrument of transfer shall conform to the requirements of this section. An instrument of transfer, other than an instrument of original transfer, need not contain a legal description or plat of the sending parcel.
- (2) Any instrument of transfer shall contain:
- (a) the names of the transferor and the transferee;
 - (b) a certificate of title for the rights to be transferred, prepared by an attorney licensed to practice law in the state of [name of state];
 - (c) a covenant the transferor grants and assigns to the transferee and the transferee's heirs, assigns, and successors, which assigns a specific number of development rights from the sending parcel to the receiving parcel;
 - (d) a covenant by which the transferor acknowledges that he has no further use or right of use with respect to the development rights being transferred; and
 - (e) any other relevant information or covenants.
- (3) An instrument of original transfer is required when a development right is initially separated from a sending parcel. It shall contain the information set forth in paragraph (2), above, and the following information:

- (a) a legal description and plat of the sending parcel prepared by a licensed surveyor named in the instrument;
 - (b) the transfer of development rights certificate described in section 106(3), above;
 - (c) a covenant indicating the number of development rights remaining on the sending parcel and stating the sending parcel may not be subdivided or developed to a greater density or intensity than permitted by the remaining development rights;
 - (d) a covenant that all provisions of the instrument of original transfer shall run with and bind the sending parcel and may be enforced by the [city or county] and [list other parties, such as nonprofit conservation organizations]; and
 - (e) [topics of other covenants, as appropriate].
- (4) If the instrument is not an instrument of original transfer, it must include information set forth in paragraph (2), above, and the following information:
- (a) a statement that the transfer is an intermediate transfer of rights derived from a sending parcel described in an instrument of original transfer identified by its date, names of the original transferor and transferee, and the book and the page where it is recorded in the [land records of the county]; and
 - (b) copies and a listing of all previous intermediate instruments of transfer identified by its date, names of the original transferor and transferee, and the book and the page where it is recorded in the [land records of the county].
- (5) The [city or county law director] shall review and approve the form and legal sufficiency of the following instruments in order to affect a transfer of development rights to a receiving parcel:
- (a) An instrument of original transfer
 - (b) An instrument of transfer to the owner of the receiving parcel
 - (c) Instrument(s) of transfer between any intervening transferees.

Upon such approval, the [law director] shall notify the transferor or his or her agent, who shall record the instruments with the [name of county official responsible for deeds and land records] and shall provide a copy to the [county assessor]. Such instruments shall be recorded prior to release of development permits, including building permits, for the receiving parcel.

Comment: The procedures in paragraph (5) may need to be modified based on the structure of local government in a particular state and the responsibilities of governmental officials for land records and assessments. The important point is that the TDRs must be permanently recorded, and the property of the owner of the sending parcel, the value of which is reduced because of the transfer, should be assessed only on the basis of its remaining value.

108. Application of Development Rights to a Receiving Parcel

(1) A person who wants to use development rights on a property in a receiving district up to the maximums specified in Table 4.6.1 in section 105, above, shall submit an application for the use of such rights on a receiving parcel. The application shall be part of an application for a development permit. In addition to any other information required for the development permit, the application shall be accompanied by:

- (a) an affidavit of intent to transfer development rights to the property; and
- (b) either of the following:
 1. a certified copy of a recorded instrument of the original transfer of the development rights proposed to be used and any intermediate instruments of transfer through which the applicant became a transferee of those rights; or
 2. a signed written agreement between the applicant and a proposed original transferor, which contains information required by section 106(2), above, and in which the proposed transferor agrees to execute an instrument of such rights on the proposed receiving parcel when the use of those rights, as determined by the issuance of a development permit, is finally approved.

(2) The [city or county] may grant preliminary subdivision approval of a proposed development incorporating additional development rights upon proof of ownership of development rights and covenants on the sending parcel being presented to the [local government] as a condition precedent to final subdivision approval.

(3) No final plat of subdivision, including minor subdivisions, shall be approved and no development permits shall be issued for development involving the use of development rights unless the applicant has demonstrated that:

- (a) the applicant will be the bona fide owner of all transferred development rights that will be used for the construction of additional dwellings, the creation of additional lots, or the creation of additional nonresidential floor area;
- (b) a deed of transfer for each transferred development right has been recorded in the chain of title of the sending parcel and such instrument restricts the use of the parcel in accordance with this ordinance; and
- (c) the development rights proposed for the subdivision or development have not been previously used. The applicant shall submit proof in the form of a current title search prepared by an attorney licensed to practice law in the state of [name of state].

109. Development Rights Bank [optional]

Comment: This section establishes a development rights bank, otherwise referred to as a "TDR Bank." The local government or any other existing or designated entity may operate the bank. The TDR Bank should:

- have the power to purchase and sell or convey development rights, subject to the local legislative body's approval;
- have the power to recommend to the local legislative body property where the local government should acquire development rights by condemnation;
- have the power to hold indefinitely any development rights it possesses for conservation or other purposes;
- receive donations of development rights from any person or entity; and
- receive funding from the local government, the proceeds from the sale of development rights, or grants or donations from any source.

Language for the creation of the TDR Bank is not included because the specifics of such must be determined by the operating entity.

REFERENCES

- Fruita (Colo.), City of. *Land Use Code*. Chapter 17.09, "Transfer of Development Rights/Credits." Available at www.fruita.org/pdf/LUC_4_2004/Chapter_17_comp.pdf.
- Howard County (Md.). 2004. *Rural Cluster Development Density/Cluster Exchange Option (DEO/CEO)*. Agricultural Land Preservation Program. Available at www.co.ho.md.us/DPZ/DPZDocs/ClusterDEO070104.pdf.
- King (Wash.), County of. 2006. *County Code*. Chapter 21A.37, "General Provisions-Transfer of Development Rights (TDR)." Available at <http://dwr.metrokc.gov/wlr/tdr/pdf/21A-37.pdf>.
- Pruetz, Rick. "TDR Case Studies Updates." Available at www.beyondtakingsandgivings.com/updates.htm.
- Redmond (Wash.), City of. 2007. *Community Development Guide*. Section 20D.200, "Transfer and Purchase of Development Rights (TDR) Program." Available at www.codepublishing.com/WA/redmond.html.
- Sarasota County (Fla.). *Zoning Code*. Section 4.11, "TDR Overlay District Intent Statements," and Section 6.12, "TDR Overlay District Development Standards." Available at www.scgov.net/Frame/ScgWebPresence.aspx?AAA498=AFC1BA AFC0A89CB7B9BBBAA7C0A4B273C8B5B3B5C86FBBAAC981B0ABB8A2C2B1C980ADB9C2B9.
- St. Mary's County (Md.). 2007. *Zoning Ordinance*. Chapter 26, "Transferable Development Rights." Available at www.co.saint-marys.md.us/lugm/docs/currentczo.pdf.

WEST VALLEY CITY TDR Ordinance

Chapter 7-26 TRANSFER OF DEVELOPMENT RIGHTS OVERLAY ZONE
(Ord. 01-53, Amended, 11/20/2001, Prior Text; 00-19, Enacted, 04/25/2000)

Section 7-26-101 PURPOSE.

The goals of the Transfer of Development Rights Overlay Zone are:

- (1) To promote development in areas that more appropriately accommodate growth by providing the opportunity to increase density in those areas.
- (2) To encourage the preservation of public open space, wetland habitats, and upland habitats located in West Valley City which are designated in the West Valley City General Plan as important to preserve.
- (3) To establish a well maintained park and trail system.
- (4) To discourage development of environmentally sensitive lands with high water tables and/or wetland conditions by allowing the transfer of density from such property.

(Ord. 01-53, Amended, 11/20/2001, Prior Text; 00-19, Enacted, 04/25/2000)

Section 7-26-102 DEFINITIONS.

- (1) "Base Zoning" means existing zoning without the addition of the overlay zone.
- (2) "Conservation Easement" means an easement, covenant, restriction, or condition in a deed, will, or other instrument signed by or on behalf of the record owner of the underlying real property for the purpose of preserving and maintaining land or water areas predominantly in a natural state, scenic, or open condition, or for recreational, agricultural, cultural, wildlife habitat, or other use or condition consistent with the protection of open land. Conservation easement(s) granted under this Ordinance shall be subject to The Land Conservation Easement Act, Sections 57-18-1 (et seq.), Utah Code Annotated, 1953 as amended.
- (3) "Development Approval" means final plat approval by the City Council for subdivisions and final approval by the Planning Commission for apartment developments.
- (4) "Development Credit" means a credit measured in residential units that denotes the amount of density on sending site property which may be transferred. Development credits represent all the development potential on the site.
- (5) "Development Credit Certificate" means the certificate issued by the Community and Economic Development Department at West Valley City that represents the total number of development credits recognized for and derived from the sending site that may be transferred.

(6) "Development Right" means the right held by a fee simple property owner to build on a legally established parcel of real property. This right is limited by applicable zoning ordinances.

(7) "Receiving Site (TDR-R)" means a parcel of real property denoted as a receiving site in the Transfer of Development Rights Overlay Zone which means any non TDR-S property west of 4800 West. A receiving site is the site to which development credits may be transferred.

(8) "Sending Site (TDR-S)" means a parcel of real property denoted as a sending site in the Transfer of Development Rights Overlay Zone, as shown on West Valley City's zoning map. A sending site is the site from which development credits may be transferred.

(9) "Transfer" means any action which results in the sale, exchange, or joint venturing of development credits.

(Ord. 01-53, Amended, 11/20/2001, Prior Text; 00-19, Enacted, 04/25/2000)

Section 7-26-103 SENDING SITE ELIGIBILITY.

All properties located within the TDR-S overlay zone are eligible to transfer development credits.

(Ord. 01-53, Amended, 11/20/2001, Prior Text; 00-19, Enacted, 04/25/2000)

Section 7-26-104 DEVELOPMENT CREDIT DETERMINATION.

(1) The total number of development credits available to a sending site parcel shall be determined as follows:

(a) Two development credits per gross acre if the property remains private property with a conservation easement, and the property is located in the Transfer of Development Rights Overlay Zone South of the Riter Canal.

(b) Three development credits per gross acre if the property is dedicated (including water rights) to West Valley City, and is located in the Transfer of Development Rights Overlay Zone South of the Riter Canal.

(c) Three development credits per gross acre if the property remains private property with a conservation easement, and the property is located in the Transfer of Development Rights Overlay Zone North of the Riter Canal.

(d) Four development credits per gross acre if the property is dedicated (including water rights) to West Valley City, and is located in the Transfer of Development Rights Overlay Zone North of the Riter Canal.

(2) This calculation will be made by the Community and Economic Development Department of West Valley City, and will be evidenced by a Development Credit Certificate. If the calculation results in a fraction it shall be rounded to the nearest whole number. Development Credit Certificates shall only be issued for whole development credits.

(Ord. 00-19, Enacted, 04/25/2000, Amended by Ord.01-54, 7/19/01.)

Section 7-26-105 SENDING SITE PROCEDURE.

(1) TDR-S property owners may choose to develop their property under base zoning, or they may choose to sell, transfer, or joint venture their development rights.

(2) TDR-S fee property owners must request a Development Credit Certificate from the West Valley City Community and Economic Development Director to become eligible for the transfer program.

(3) If dedicated, TDR-S fee property owners must certify to the City that they are in compliance with all statutes, rules, and regulations pertaining to the wetlands on their property. Any noncompliance with applicable regulations shall remain the responsibility of the property owner and the City reserves the right to reject dedication based on noncompliance.

(4) Upon receipt of a Development Credit Certificate a TDR-S property owner is eligible to negotiate the sale, transfer, or joint venture of the development credits owned.

(5) A development credit may only be sold, conveyed, or otherwise transferred on the records of the West Valley City Community and Economic Development Department by the owner(s) or their legal representative. The sale, conveyance, or transfer shall occur upon surrender of the development certificate which authorizes the West Valley City Community and Economic Development Director, or designee to transfer the Development Credit Certificate to the stated transferee by reissuing the Development Credit Certificate in the transferee's name, and recording the re-issue certificate in the real property records of Salt Lake County.

(6) With each transfer or sale, a conservation easement, or deed restriction shall be recorded covering the entire site, or if only a portion of the available development credits are sold then the easement shall cover a proportional amount of the site to be determined by the West Valley City Community and Economic Development Department Director or a designee. Purchases should be aggregated to yield parcels greater than an acre, so the need to record conservation easements for very small properties is discouraged.

(7) When all available development credits on a sending site have been purchased, no uses other than those enumerated in the conservation easement are allowed. Any mitigation activities being conducted by agreement between the property owner and any agency shall remain the responsibility of the sending site property owner except upon agreement by the City.

(8) The final transfer of development credits will be completed upon development approval on a receiving site.

(9) TDR-S property owners shall notify any lien or mortgage holders of the sale of the development credits, and such notification shall be demonstrated by written approval submitted to the City.

(10) TDR-S property owners shall be responsible for notification of the county tax assessor regarding possible changes in property value.

(11) A petition to rezone an area not designated as a TDR-S zone may be considered by the Planning Commission and City Council under the procedures set forth in Chapter 7-5. The reasons for an addition to the TDR-S zone must be compelling and must include a minimum area of ten acres.

(Ord. 01-53, Add, 11/20/2001)

Section 7-26-106 RECEIVING SITE ELIGIBILITY.

Any non TDR-S property recommended to have residential use or mixed use in the West Valley City General Plan, located west of 4800 West, is a receiving site. All non-profit organizations, governmental agencies and/or properties located within the TDR-R overlay zone are eligible to purchase development credits. Receiving sites shall only be located within the TDR-R overlay.

(Ord. 01-53, Amended, 11/20/2001, Prior Text; 00-19, Enacted, 04/25/2000)

Section 7-26-107 RECEIVING SITE PROCEDURES.

(1) All regulations governing zoning, subdividing, and approval processes remain as currently adopted. If any development within the TDR overlay requests a density greater than 3.5 units per gross acre, the increased density shall be realized through development credits. Any development requesting the higher densities shall bring evidence of development credits in the form of options to purchase, ownership, or joint ventures at the time of development approval.

(2) Areas zoned for densities greater than 3.5 units per acre at the time of the passage of this Ordinance may develop at that density without purchasing development credits. If these properties desire to increase their densities beyond the existing zone, then development credits shall be required and new base densities shall be used as described below:

Current Zoning Designation	Base Density (units/gross acre)
R-1-8, RB	4.5
R-1-6	6.0
R-1-4, R-2	8.5
R-4, RM	10.0
Any Other	3.5

(3) Any residential development approval process, using development credits, shall follow the standard procedures as prescribed in the zoning ordinances except that all conditional use applicants shall simultaneously submit an additional set of site plans with elevations.

(4) All development using development credits within a receiving site shall follow this criteria in order to ensure a quality development:

(a) Architecture: Development with up to five units per acre shall incorporate a minimum of 50 percent of each structure as brick or brick veneer. Development with over five units per acre shall incorporate a minimum of 50 percent of each structure as brick/brick veneer and the remainder shall be constructed with masonry, stucco, or stone. Roof materials shall be constructed of architectural shingles that simulate the depth of wood shingles or may be constructed of tile or other materials approved by the Planning Commission.

(b) Design: For single-family dwellings, development with up to five units per acre shall incorporate at least five of the following criteria:

- (i) a minimum of two 2-inch caliper trees per unit;
- (ii) streetscape enhancements such as, but not limited to, landscaped medians, roundabouts, eight foot or greater width park strips;
- (iii) subdivision entrance feature;
- (iv) specialty/pedestrian scale lighting along sidewalks, streets, and trails;
- (v) minimum 5:12 roof pitch;
- (vi) front porches with at least 60 square feet;
- (vii) garages flush, side entry, or setback from the front building face and/or other decorative architectural features as approved by the Planning Commission;
- (viii) common front yard maintenance;
- (ix) a minimum of 1,350 square feet of finished floor area;
- (x) gated community;
- (xi) three or more housing types for every 15 acres, this may include varying lot sizes and densities within the development.

(ix) a minimum of 1350 square feet of finished floor area for a rambler and 1500 square feet of finished floor area for a two-story or multi-level home.

Development with over five units per acre shall incorporate six or more of the above criteria and shall include front porches.

For multi-family development, projects with up to eight units per acre shall incorporate at least five of the following criteria:

- (i) 35 foot plus setback;
- (ii) additional buffering (architecturally interesting walls, intense landscaping, greater setbacks, compatible building heights/mass, etc.) to adjacent uses;
- (iii) subdivision entrance feature;
- (iv) specialty/pedestrian scale lighting along sidewalks, streets, and trails;
- (v) distinct project identity demonstrated through architectural style and landscape excellence;
- (vi) linked activity areas;

- (vii) interior trails and exterior trail connections;
- (viii) entrance identification features;
- (ix) three or more housing types for every 100 units; having varied architecture with a central, somewhat consistent theme;
- (x) a minimum of one 2-inch caliper tree per unit;
- (xi) specialty/pedestrian lighting;
- (xii) deeded ownership for at least 50 percent of the units;
- (xiii) effective parking lot landscaping including landscaped islands and/or projections;
- (xiv) gated community with 24-hour security;
- (xv) two car garages;
- (xvi) "smart" home technology.

Development with over eight units per acre shall incorporate at least ten of the above criteria.

(c) Open Space: Development with up to five units per acre, shall provide at least 15 percent of the gross project area as landscaped open space. Development with over five units per acre, and less than ten units per acre, shall provide at least 20 percent of the gross project site as landscaped open space. Development with over ten units per acre shall provide at least 25 percent of the gross project area as landscaped open space.

(d) The above-listed requirements may be superseded by a development agreement incorporating other appropriate criteria as determined by the City.

(5) No development shall exceed 15 units per acre unless an increase is requested by the applicant, recommended by the Planning Commission, and approved by the City Council.

(6) A petition to rezone an area not included in the TDR-R zone may be considered by the Planning Commission and the City Council under the procedures set forth in Chapter 7-5. The reasons for an addition to the TDR-R zone must be compelling and must include a minimum area of four acres.

(7) No development approval will be final until a sending site conservation easement is recorded for the number of development credits used to achieve the higher density for the project.

(Ord. 02-43, Amended, 07/16/2002, Prior Text; Ord. 01-53, Amended, 11/20/2001, Prior Text; 00-19, Enacted, 04/25/2000)

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 _____

WORK SESSION NOTES – OCTOBER 27, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
OCTOBER 27, 2010**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Dick Peek, Katie Cattan, Francisco Astorga, Kayla Sintz, Phyllis Robinson, Polly Samuels McLean

Commissioners Luskin, Savage and Strachan were excused

WORK SESSION ITEMS

Affordable Housing Update

Phyllis Robinson with the Sustainability Department provided a training overview of how the affordable housing program operates in the City.

Ms. Robinson reported that housing has been City Council goal since the early 1990's. Beginning in 1993 and through current day, housing resolutions have been in place and each resolution becomes more refined in terms of addressing housing needs. The first resolutions were only for annexations. They later proceeded to annexations and large scale master plans, which were 50 units or more. In 2006 the resolution was modified when the City went through the LMC and realized that the term "large scale master plan" was no longer used. Therefore, all MPDs and Annexations are the subject of housing resolutions.

Ms. Robinson remarked that affordable housing is a top priority under the goal of preserving Park City character. During the visioning, the number one response to the question of what people do not like to admit about Park City, is that people do not like to admit concerns about growing income gaps and people being pushed out. Ms. Robinson stated that this has been a continual issue/concern/discussion point, going back prior to the first housing resolution in the early 1990s.

Ms. Robinson reported that in 2003 the City Council adopted a set of housing vision goals and strategies, with the vision to provide a range of affordable quality housing opportunities for all economic levels. The City does not target a specific income group. The Council also adopted a benchmark, with a City goal of 10% of the housing stock being reserved as deed restricted affordable units. She noted that currently they are at 6.3% and each year the goal is increased. The goal for 2011 is to reach 6.5%. Ms. Robinson stated that 10% is an aggressive goal that many communities throughout the Country adopted a few years ago. In resort communities where there is a mix of permanent housing stock, as well as significant seasonal or second home owner stock, 10% appeared to be a reasonable benchmark. Twice a year the Sustainability Department reports back to the City Council on that benchmark.

Ms. Robinson stated that the City Council adopted a set of housing goals primarily to create a continuum of housing in the community, consisting of a range of owner occupied housing and rental housing types. Recognizing that these are homes where people live, the housing should be quality housing, energy efficient, and environmentally sensitive.

Ms. Robinson explained that affordable housing is not a "thing". It is not a type of unit or type of ownership. HUD defines housing as percentage of income. If what you pay for housing exceeds 30% of your income, housing is considered to be non-affordable. That becomes less of an issue as salaries increase. Ms. Robinson stated that HUD looks at the formula as a relative concept,

therefore affordability is relative across all income levels. It also ties into underwriting because underwriters use 30% as an initial benchmark.

Chair Wintzer clarified that the 30% benchmark means that the mortgage payment is 30% of what you earn. Ms. Robinson replied that for home ownership, it is a mortgage payment, including taxes and insurance. For those renting, it is the combination of rent and basic utilities. She noted that Park City uses the HUD benchmark when setting unit prices for targeted incomes.

Ms. Robinson noted that affordable housing is also a percentage of AMI, which is Area Median Income. An AMI is produced every year by HUD and it puts all the earned income together in a community. For Summit County, the AMI is \$93,400. Ms. Robinson stated that they are waiting for new census data, but what they have seen over time in looking at tax returns, the AMI is becoming bifurcated. People are either considerably above \$93,400 or far below. There is very little in the middle range.

Ms. Robinson commented on the terms, "very low income", "low income", and "moderate". HUD defines those very specifically based on AMI. A very low income household in Park City and Summit County is considered a household that makes \$28,000 or less. Low income is at \$47,000 or less and moderate is \$74,000 or less. A household that makes \$93,400 is considered a median income household. Ms. Robinson stated that most of the programs that assist lower income households are targeted to the 80% or less number, and that does not always work in resort and destination communities. It is important to have a range of housing. If assistance cuts off at 80% and someone is making \$94,000, they would be able to obtain an affordable home because they would not qualify for many of the assistance programs. Ms. Robinson stated that the City is looking for different solutions in terms of how to finance the back end for housing.

Ms. Robinson stated that Park City is considered a rural community based on its size. There are several tiers or programs, one of which goes higher than the 80%. It is a mortgage guarantee that provides a guarantee to the lender for the top 20% of that loan.

Ms. Robinson referred to a study done at Harvard that stated that affordable housing in resort communities is very difficult in any type of housing. This is partly because the types of units being built do not economically make sense and there is competition for the land value. It is a matter of supply and demand and who is willing to pay. This was called out in the study as an area for special concern and special research. Ms. Robinson remarked that the Urban Land Institute is doing more of that as well, realizing that world resort communities have some of the greatest challenges in terms of meeting housing needs.

Ms. Robinson noted that Utah is too small to qualify for a lot of federal assistance. Because of their size, Salt Lake City and Washington County gets a direct infusion of "home funds" from HUD to help provide assistance for their affordable housing. They also get direct infusions of CDBG. Park City and Summit County are part of the Mountainlands Association of Government Regions and they have to compete against every community for the available funds allocated. Park City typically does not score well because of the income levels compared to smaller communities such as Francis.

Ms. Robinson remarked that the State has the perception that Park City is a rich community and the City can take care of their own problem. That perception is a disadvantage for people who are

trying to move into affordable housing in Park City in terms of accessing resources. Park City continues to lobby the State on that issue.

Ms. Robinson stated that in 2006 the City adopted the Park City Work Force Housing Wage. It addresses people who live in Park City, have at least one-and-a-half full-time equivalents working in the household, and they work in one of the core industries in hospitality/leisure. The current wage is approximately \$52,000 and the City decided to benchmark off of that number rather than a random number. Ms. Robinson pointed out that if Park City was separated from the rest of Summit County, their AMI would be approximately \$110,000.

Ms. Robinson stated that in the current housing resolution, projects should be affordable on average to households who earn the Work Force Housing wage. For owner-occupied housing, the households are earning 150% of that on average. She noted that the "on average" is important because they do not want every house or rental unit being identical. Units can rent for more or less, as long as they remain affordable at that income level.

Ms. Robinson remarked that a frequent question is what affordable housing means and why they should care about it. It can mean different things in different places, but Park City looks at it from an economic, community, and individual perspective. In a survey five years ago when Park City did their last housing update, they looked at both employee turnover from both the employer side and the employee side, the cost of employee turnover, and the changes in reduction of the supply of labor. When they begin their next five year planning cycle in 2011, she would be interested to see if some of those issues have been moderated. Ms. Robinson commented on places or employers who have purchased employee housing units to help subsidize some of their work force, particularly seasonal housing. For example, Deer Valley owns quite a bit of their own housing for seasonal employees. She noted that Park City has tried to stay away from seasonal housing and in the last five years has focused on long-term individual housing needs. Recognizing that seasonal housing is an important issue, the City has a service contract with Mountainlands Community Housing Trust and they started the Housing Resource Center twelve years ago to provide assistance to seasonal employees looking for housing.

Ms. Robinson reported on State Housing requirements established under HB295 adopted in 1996 and reaffirmed by Senate Bill 60, adopted in 2005. All cities for their municipalities, and all counties for their unincorporated areas, are required to prepare five year moderate income housing plans. The plan specifically looks at special needs housing, whether the existing housing meets community needs, and whether it will meet expectations of community needs over the next five years. The City is required to provide a progress report to the State every two years. Non-profits such as Habitat for Humanity and Mountainlands cannot apply for funds if the City is not in compliance with State requirements. The last planning cycle was 2005-2010. The City is beginning the planning process and data collection for the next five year cycle beginning 2011. They are primarily waiting on census materials to avoid doing projections off of old projections.

Ms. Robinson stated that when the City projected the five year housing program in 2005, they focused on economic development and the supply and price of housing. It looked at whether the available housing was affordable at some level to a percentage of people in the key industries who contribute to the economy. It also looked at what would occur in the future. The projections assume a set of growth numbers. In 2005-2007 everything moved forward at a faster pace and

then slowed down again towards the end of the decade. She believed the census data would help with those projections in terms of the rate of job growth. The census will also provide information on how far people drive to work. Ms. Robinson stated that historically Park City has been 34-35% location substitution, which is the number of jobs in Park City that are held by people who live in Park City. The goal is to maintain that percentage. The policy is based more towards maintaining rather than pushing the envelope.

Ms. Robinson stated that in 2005 the City had a projected work force housing need of 323 additional units. Since that time, 73 units have come on line and there are 178 units, plus or minus 20-25 units, that are somewhere in the pipeline of development for the next couple of years. She pointed out that the order of magnitude is more important than the exact number because it helps to set the policies. Ms. Robinson explained that 323 units is an order of magnitude and a snapshot of the present time. The unit number does not take into consideration pent-up demand, which are renters who are cost-burden or renters looking for home ownership. Being able to move people out of rental units and into home ownership frees up additional units.

Ms. Robinson reported that the City has strategies that are already in place. The LMC allows a density bonus to a maximum of 20 units per acre for affordable MPDs. She noted that parking, open space and other requirements must be met, but it is a generous LMC policy. The City also provides general fund fee waivers up to 5,000 per unit, such as planning and engineering fees, application fees, plan check fees, etc. Impact fees are not part of this waiver. Ms. Robinson stated that it helps non-profits if they can show a local contribution into a project.

Ms. Robinson stated that over time the City has been providing financial assistance for land acquisition and construction and bridge financing, using both housing funds and the RDA, depending on the project. It is unusual for cities to do that and Park City is fortunate to have a City Council that has been willing to help for the past fifteen years. As they move into the next decade, the question is how to use the funds differently to meet changing needs. Ms. Robinson remarked that the City also has Staff with housing backgrounds that can provide technical assistance to developers and suggest resources.

Ms. Robinson stated that as they begin planning for the next five year cycle, the City contracted with Mountainlands Association of Governments, who was already doing a required consolidated plan, and for an additional fee they broke out each community separately rather than regional. The study was prepared by the Bureau of Economic and Business Research and it is looked forward at household growth over the next five years and what it means for housing needs. It did not look at unfulfilled existing need or unmet pent-up demand. Based on the assessment, they projected 400 housing units based on household growth over the next five years. The study was further broken out to identify the types of units needed. Ms. Robinson reviewed the breakdown. She remarked that Park City is fortunate that Holiday Village and Parkside were built in the 1970's. They would not be able to build them today and they are the best rental housing that exists. The City was able to secure Federal subsidies and at one point Holiday Village was the model for how rural development was working with other resort communities across the country to bring in housing subsidies. Ms. Robinson stated that all the units at Holiday Village have a housing voucher and the tenant never pays more than 30% of their income. Ms. Robinson was surprised that the study identified the need for 120 affordable rental units. She believed a factor was the number of people who remain in rental housing and do not free up additional units.

Ms. Robinson stated that when incomes were escalating in Park City from year to year, affordable units were renting for approximately \$1300 per month. The result is overcrowding and conditions that are not ideal to the community and to the residents living in those units. Rents have moderated over the past few years, however if the market picks up, Ms. Robinson expects the rents to increase. Ms. Robinson noted that the study also identified another 200 owner-occupied units above median income.

Ms. Robinson stated that the next step is to begin the 2011 update to the five year housing assessment and do another survey of employer and employee housing needs. They will be looking at projections through 2015 of employee generation and housing based on economic growth, not just projected population growth. The City looks at employee generation in conjunction with residential. Both commercial and residential projects are subject to the Housing Resolution.

Ms. Robinson stated that the City will also look at special needs and/or senior housing. A senior housing and special needs survey was done last year and there is defined interest for a senior housing product. It does not need to be an affordable product but there is a definite interest from people who want to stay in the community. Park City needs to look at a continuum to make sure they have a good fit for all stages of life in the community. They have looked at assisted living with a number of developers, but there is not enough land in Park City to make it work from a financial model perspective. Ms. Robinson pointed out that there are other models that provide services for seniors that could be an interesting fit in Park City.

Ms. Robinson stated that the Housing Resolution will be updated, taking a new look at the work force housing wage and in-lieu fees. She noted that in-lieu fees are the least desirable option and the City prefers that the developer be responsible for creating the housing. However, in some circumstances it does not make sense, particularly if the development is small. Ms. Robinson remarked that the City was smart enough to set aside previous in-lieu fees and dedicated funds so when Snow Creek was built those fees were available to subsidize.

Ms. Robinson stated that the last piece is looking at regional coordination of the Snyderville Basin. She noted that the numbers for Park City are separate from the numbers for Snyderville Basin. From a planning perspective they are looking at what makes the most sense in terms of what develops where. The Basin is currently struggling with a lack of rental housing. Ms. Robinson stated that the City has been sensitive to the fact that the solution is not to build housing in Snyderville Basin. At the same time, Park City would not want the Snyderville Basin Planning Commission to approve a project in Park City to meet their housing needs.

Ms. Robinson offered to send Director Eddington a copy of her presentation so he could provide it to the Commissioners.

Commissioner Pettit asked if there has been any discussion about creating a Regional Housing Authority for coordination between the City and the County. She asked if the goals the County is trying to achieve through their affordable housing policy aligns with the Park City goals. Ms. Robinson replied that it has been discussed. Park City has a Housing Authority in place and while they do not do vouchers, they have the ability to do bonds separate from the City's bonding

capacity. Chair Wintzer asked for the housing boundary. Ms. Robinson replied that it is within City limits, but that boundary could be expanded. From time to time the City has discussed the ability to look at another tool. She thought a good solution would be to take housing out of the political process. Groups like Mountainlands are important because they can provide housing with different issues and objectives. Ms. Robinson remarked that the County has a stronger focus on tiering income. The City is different because they believe it is important to have a range of housing available so people can live in Park City. The County is newer into the housing business and only adopted their plan in 2007.

Commissioner Hontz asked if the full report from Mountainland Association of Governments would also be available to the Planning Commission. Ms. Robinson answered yes and offered to email a copy to the Commissioners.

Chair Wintzer remarked that a common problem is that everyone favors affordable housing, but not in their backyard. He cautioned the City to keep that in mind when they accept in-lieu fees. Chair Wintzer felt it was nearly impossible to put an affordable housing project next door to existing residents.

City Council member, Alex Butwinski, clarified that currently the City Council is not taking in-lieu fees and at this point there is no plan to begin taking them again.

General Plan - Long Range Planning for Bonanza Park - Informational Discussion

Chair Wintzer disclosed that he owns property in the Bonanza Park area. Planning Director Thomas Eddington stated that the Planning Department had devised a new plan for how to approach the General Plan, and they wanted to resume discussions with the Planning Commission after a delay of the past few months. The Staff recently held a retreat to discuss the General Plan process and to re-affirm their commitment. The Staff set parameters and percentages of time as part of their commitment.

Director Eddington stated that the Staff wanted to update the Planning Commission on what they believe is important for the Bonanza Park District. The Staff has been in contact with some of the residents and property owners in that area to discuss Bonanza Park. Director Eddington stated that the objective is to take the initial concept to the next level and effectuate the plan with the property owners who live in that area.

Director Eddington stated that Craig Elliott and Mark Fischer had put together opportunities to meet the General Plan concepts that the Planning Commission and the Staff put forward. Rather than coming in with a typical MPD application, Mr. Elliott and Mr. Fischer had prepared a concept plan for the area to see if it is in line with what the Planning Commission and Staff would like to see for the Bonanza Park District.

Chair Wintzer clarified that Mr. Elliott and Mr. Fischer were in agreement with the new General Plan concept and not the existing Bonanza Park Supplement. Director Eddington replied that this was correct.

Director Eddington noted that the Staff report outlined issues relative to street pattern, the grid pattern, density, variations in building heights, zero lot lines and mixed-use, mixed-income, and mixed age appeal in this area. Director Eddington pointed out that the current zoning bifurcates everything and does not allow them to do what they have suggested individually or qualitatively. Part of the appeal of Bonanza Park is the ability to look at this type of re-development area and the opportunity to mix the uses in the village center that everyone says they like. Director Eddington noted that Craig Elliott had done work with regard to massing, design, and layout that ties into the plan presented this evening.

Craig Elliott stated that he did not believe there was any reason to jump into a high level of architectural detail before they understood the massing and relations, and for that reason the computer drawings presented this evening were a general, broad brush concept.

Mr. Elliott presented the original aerial site plan with an overlay of the newer concept to show the buildings. He indicated the footprints and all the different property boundaries and lines. The next step was how to merge all the concepts and blend them with the existing property lines so they make sense with minimal impact. Mr. Elliott stated that they collaborated with the City and met with the Staff to look at different solutions. Based on those discussion, he presented a first blush right-of-way plan. Mr. Elliott remarked that he started adding skin around the perimeter to understand the texture of the spaces.

Mr. Elliott remarked that one of the issues is utilities. He pointed out the existing substation and noted that the utility company would like to have something close to 150 x 150 in size. In looking at how the plan expands moving to the west, Mr. Elliott believed that it could become a possibility if they can work closer with the property lines and existing boundaries along each side. He presented the idea of creating a buffer around the perimeter to create an internal core with green space.

Mr. Elliott stated that the primary focus this evening was the area of the Fischer and Dejoria properties, including PCMR properties and some Park City property. Transportation is a key piece that is frequently discussed. He pointed out the primary arterials as they exist today, which include Kearns, Bonanza and Park Avenue. Mr. Elliott noted that they looked at how to promote use on the perimeters of those as primary arterials and still have other access use. He promoted a concept that provides perimeter circulation that creates a boulevard system. That is a system where you have a primary arterial with a secondary form of transportation that allows access to the property.

Mr. Elliott stated that the next level of detail was where to locate the prime commercial streets in the first phases. He identified places where it made sense to have the first commercial streets. Mr. Elliott remarked that the secondary commercial streets come into play in terms of where to place them and how to use them for service and commercial activity. At that point they started to blend in the primary transportation for mass transit. He noted that it was close to the scheme Director Eddington was looking at, and more detail would come forth in future studies to determine if it would actually work. Mr. Elliott stated that the next evolution is to consider this as a possible location for intermodal transportation or a transit center because it has relationship to the rail trail, the automobile and future mass transit.

Mr. Elliott moved into other studies that showed what the streets would look like. In planning for transportation, it is important to understand what the street looks like and how it is used. He presented a cut-through of what they call the Mountain Boulevard scenario. Mr. Elliott stated that the next step was to look at a commercial core. He showed buildings on both sides to help them visualize the appearance of the commercial street. He indicated a 24 foot drive lane for two lanes of traffic. The intent is to keep it narrow with parallel parking on each end and 15 foot sidewalks on the outside.

Mr. Elliott stated that a continual discussion is how to create life in this area. He commented on opportunities that would draw people to the center and expands the internal spaces where people can gather along the street fronts. Mr. Elliott remarked that civic type structures could be used for events such as meetings or conferences, and the relationship to those civic areas could be very interesting.

Mr. Elliott identified the areas they would see as being consumed by the Fischer/Dejoria properties that would take right-of-way space. There are different ways to approach it, however if someone submits an MPD, that would require a site suitability analysis. In that analysis you take all the individual properties and figure out the square footages for each building. Once that analysis is completed, all the pieces are put together and the setbacks are determined based on the Code. At that point the maximum footprints are developed. Based on that formula, a three story structure would have a maximum above grade of 350,000 square feet. Putting that same 350,000 square feet on the property showed five stories using the same amount of density and eliminating the areas for the right-of-ways.

Mr. Elliott referred to the Yard parcel and commented on the number of pieces to that parcel. There is long term history on how the pieces were carved up. Mr. Elliott stated that he did not try to take advantage of the height exceptions and instead chose to balance those between the height exceptions on the roof forms with any kind of perimeter variation. That was how they calculated the initial baselines. Mr. Elliott showed various configurations using the same 350,000 square feet to give an idea of what the analysis might look like to understand the scope.

Mr. Elliott remarked that the next step in the study was how to look at the uses. After meeting with Powder Corp. he had included areas that added an additional 200,000 to 300,000 square feet based on preliminary analysis. Mark Fischer stated that yesterday he had received authority from Powder Corp. to include their property in this conceptual study.

Mr. Elliott noted that the buildings shown in yellow were three to four story mixed-use buildings with first level retail and office and residential on the upper levels. The buildings in dark purple were residential all the way to the ground. The buildings shown in light purple represented institutional type uses. Mr. Elliott stated that the lower mixed-use commercial buildings is important to create the livelihood on the commercial streets. Moving density to the perimeter on the north allows solar access into all the structures.

Mr. Elliott presented a video that rotated the plan to help the Commissioners understand the scale of the buildings and textures of the space. Mr. Elliott stated that the next step is to start processing underneath this new concept and to begin what might be phase one of the Yard. He reiterated that this concept provides a rough, broad stroke vision of underlying zoning densities, potential layouts,

certain ways to think about space, and how the streets might interact.

Commissioner Peek asked if the left hand street going up to the upper left was Iron Horse. Mr. Elliott answered yes. He believed there was an opportunity to develop off of the Mountain Boulevard service area into another street that could have commercial aspects that front on the other side. From a transportation perspective it makes sense because it lines up in the right places.

Chair Wintzer referred to Mr. Elliott's comment that they were only looking at the Yard area first. He noted that if they change the General Plan, it needs to fit the entire Park Bonanza area. Chair Wintzer thought they needed to look at including the whole boundary and assume that whatever is approved for the first site would eventually come through the whole area. Mr. Elliott clarified that he had not developed the other areas due to time constraints. Chair Wintzer felt the presentation this evening showed the amount of surface parking that currently exists at the entrance corridor. Mr. Elliott agreed. In working through this plan, he was amazed at the impacts. Chair Wintzer pointed out that during the 1980's, people thought that if parking was not visible, people would not shop at their establishment. He was unsure of the basis for that logic, but the logic prevailed.

Chair Wintzer asked about the next phase in the procedure. He noted that the last time the Planning Commission revised the General Plan for this area they were forced into doing it. The result was that the General Plan was done in defensive mode rather than offensive mode. He believed that the concept plan proposed this evening would change the character of Park City and it would change the traffic patterns and shopping habits. It would change Park City so significantly that he questioned how they would go into the next phase.

Director Eddington agreed that from a functional standpoint it would change the entry corridor to the City. Currently the entry corridor is car dominated and it is not pedestrian or user friendly. The approach would be through a recommendation to the General Plan. Director Eddington assumed they would end up changing the zoning or adding an overlay zone. It could be an overlay form based code or an overlay new code. They would need to create a zone that allows a mixed concept.

Director Eddington remarked that the Planning Commission is on the offense with this revision. They talked about doing this type of sub-area planning as part of the General Plan and he felt they were lucky to have property owners and others who were interested in this concept. Rather than have individual owners come forward with a typical MPD that would fit in the General Commercial zone and have areas of parking and open space that may or may not be useful, they are instead talking about tying into a system of walkable streets.

Director Eddington summarized that the steps in the next phase would be a General Plan recommendation, zone changes and zone overlay. At that point, Mr. Elliott and others could move forward based on the zoning. Chair Wintzer noted that ten years ago no one would have considered this concept plan because it is so radical. He felt it was important to get the community to accept this plan and to get involved before it goes too far into the process. Chair Wintzer wanted to make sure that they look at the whole neighborhood and not just individual pieces, since other property owners will realize this is what they are getting.

Director Eddington stated that the area by the bank and the Christian Center would probably be the final phase of the Bonanza Park plan, and he agreed with Chair Wintzer that those property owners will look at it from the standpoint of "this is what we get". However, from the Planning standpoint, they look at it as, "this is what we want." Director Eddington stated that people will only build what the market dictates. He felt it was incumbent upon the City and the residents to help towards making this successful. It has to be something they want not something they fear, and everyone will have to buy into it. Those are some of the issues that need to be addressed with regard to a new design layout.

Commissioner Pettit was concerned that they may be putting the cart before the horse. She liked having visualization in terms of the "ifs" and "what can be". However, she thought they were still unclear on their vision for this particular part of town and how it interacts or relates to Historic Main Street in Old Town and other parts of the City from a holistic standpoint. Commissioner Pettit felt this discussion was important in the context of the General Plan, because the General Plan encompasses the entire community. She thought they should have a distinct general idea that is specific enough to understand the vision. From there, they can begin to identify visions for specific areas and what changes need to be made to facilitate that vision. Commissioner Pettit stated that in terms of how this concept is radically different from the current vision for Park Bonanza, she questioned the height of the buildings on the north side of the project. She recalled that the Planning Commission had initially discussed bearing the height on the internal part of this particular part of town. This concept is a dramatic change and it goes to the question of what they would be creating for the view shed corridor and any unintended consequences. Commissioner Pettit believed there was much to talk about and she liked the fact that they were looking at it visually and then thinking about putting it into words. She reiterated the importance of finding ways to connect these different parts of town in terms of the overall planning process.

Chair Wintzer believed it also comes down to traffic plans and alternative routes. If this plan brings more people and traffic into town, who would be responsible for taking care of that. Chair Wintzer pointed out that if you add the number of units or total square footage proposed for the Bonanza Park area and laid it over town, it would cover a very large area.

Director Eddington agreed that the density is significant and that issue would need to be confronted. The vision for this area is a discussion he would like to have with the Planning Commission on a more specific basis. The objective this evening was to get an understanding of what could be under an old MPD that no longer meets their vision and what should be considered under the new concepts. Director Eddington envisioned the Bonanza Park area as a type of mountain town village. It will have the opportunity to serve as new office development, it will have affordable mixed-income housing, and it has the opportunity to create a better connection for this area over to PCMR. Director Eddington remarked that the Bonanza Park area will define itself and it can be independent to a certain degree. He noted that Old Town is independent of Park Meadows. They are distinct and different and that makes both areas enjoyable in their own unique way. Looking at its connectivity to other areas is good, but Bonanza Park should be allowed to be independent and unique and funky. It needs to grow with each phase, because the area will not develop all at one time. Director Eddington believed Bonanza Park would grow piecemeal, which is how cities used to grow before they were too planned out.

Chair Wintzer pointed out that Park City has never grown piecemeal and without planning. Director Eddington stated that Main Street naturally developed in a grid pattern and it developed one building at a time. Chair Wintzer remarked that this concept was exciting to look at and he felt it was important to make a similar presentation to the community. He was unsure how the public would react, but they should all have the opportunity to see this plan and respond because everyone would be affected.

Commissioner Hontz liked the presentation because it would stimulate better conversations. She hoped the issues were connecting for everyone, regardless of whether or not they liked what they saw. She personally liked what she saw and found it fascinating. Commissioner Hontz would like to encourage more people to do what Craig Elliott and Mark Fischer have done and come to the Planning Commission with their ideas. It would help the Planning Commission put input into words in a better form for the General Plan in terms of what the community sees for this area.

Commissioner Hontz referred to the details on each of the parcels that were highlighted in purple, and asked if that was under the existing Code and the allowed square footage. Mr. Elliott replied that the intent was to use the existing LMC for each individual parcel. For an MPD, each parcel is calculated to get the baseline density and that is used in developing the MPD. Commissioner Hontz asked if Park Bonanza already has a density. After meeting with the City Council, she hoped they would see an analysis that would support more density in that area to create the market for affordable housing and to create places where they can transfer density from other areas where they want less density. After seeing the presentation, Commissioner Hontz believed that it was probably densified into a level she was comfortable with, without a huge uptick that people in the community would not want to see. She found that to be insightful. Commissioner Hontz assumed that if they could see the entire area developed, there would probably be less density.

Chair Wintzer stated that Mr. Elliott had done enough of the parcels to know the density per square foot or per acre. Based on that calculations, he should be able to calculate the density of everything in Bonanza Park. Director Eddington stated that when the Staff proposed a form-based code and four-stories give or take, they ended up with approximately 4-1/2 million square feet in this area for all of Bonanza Park. However, under the current zoning, they could do up to 5.81 million square feet if parking is located underground. Director Eddington remarked that more density could be obtained with the current zoning, however, the layout would not be as good.

Chair Wintzer suggested that the City take the 5.81 million square feet and assume that within the next 30 years all that ground would be developed. That needs to be looked at in long range planning in terms of transportation and other services, and how Park City can function with that much additional density.

Brooks Robinson stated that the City is going through that process and they will provide updates to the Planning Commission. They are starting a model of the town, including the Basin and the surrounding counties and region, and how that would affect Park City. He noted that the Bonanza Park area will play a role in that model. He remarked that the stakeholder groups working on the master transportation model have discussed which corridors to keep and how they want to potentially use them. Mr. Robinson stated that it tends to be social engineering in terms of finding ways to get people out of their cars.

Chair Wintzer remarked that the allowed use is a scary number and he hoped that number was considered in the transportation plan. Chair Wintzer pointed out that transferring density from one side to the other still creates the same amount of traffic.

Planner Francisco Astorga noted that the 5.81 million square feet allowed under the current zoning is without the grid system network. He asked the Planning Commission to think about how that much density could be accommodated without the appropriate street system. Director Eddington stated that the development of Bonanza Park needs to be viewed as a node within Park City. Old Town will always be a node and the question is how to transfer people back and forth between the two places. Director Eddington remarked that there are other nodes the City does not control. Kimball Junction is a powerful node that the City will have to deal with in the future, specifically as the new Summit County Research Park comes on line. He stated that nodal development is an issue to be addressed. A major challenger will be tying the transportation together and creating a sense of place, without making it so unique that it does not fit into Park City.

Chair Wintzer requested that Director Eddington outline an order of how this would progress so the Planning Commission would have a timeline to work from. He applauded Director Eddington for this approach to the planning process.

Planner Katie Cattan requested that the Planning Commission encourage the public to attend the General Plan Outreach being held the next evening.

Planner Astorga thanked Craig Elliott and Mark Fischer for the time and effort they put into their presentation.

Planner Cattan noted that the Staff has re-committed to the General Plan and every Friday they spend the day working on the General Plan. She invited the Commissioners to drop by any time during the day and participate in their discussions. Director Eddington invited the public to come by as well, or to email the Staff with any ideas or suggestions.

Mark Fischer asked if the Staff had a goal for completing the General Plan. Director Eddington stated that they hoped to be finished in 12-15 months. Planner Cattan recalled a projected completion date of March 2012.

The work session was adjourned.

MINUTES – OCTOBER 27, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 27, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Julia Pettit,

EX OFFICIO:

Planning Director, Thomas Eddington; Kayla Sintz, Planner; Katie Cattan, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

I. ROLL CALL

Chair Wintzer called the meeting to order at 7:10 p.m. and noted that all Commissioners were present except Commissioners Luskin, Savage and Strachan, who were excused.

II. PUBLIC COMMUNICATIONS

There were no comments.

III. ADOPTION OF MINUTES OF OCTOBER 13, 2010

MOTION: Commissioner Peek moved to TABLE the approval of the minutes of October 13, 2010 to the next meeting, due to the fact that two Commissioners who were present on October 13th were absent this evening. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

IV. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Director Thomas reported that Summit County is working on potential language changes to address opportunities for increased development in the annexation declaration areas, which is the boundary around Park City's boundary. The Snyderville Basin Planning Commission discussed this issue at their meeting earlier this month. Since the Park City Planning Commission has requested regional planning opportunities in conjunction with the County, Director Eddington asked the Snyderville Basin Planning Commission if they would consider a joint meeting with the Park City Planning Commission. It would be a good opportunity for both Commissions to discuss the annexation declaration area, as well as general plan and regional planning ideas. Director Eddington pointed out that what Park City does impacts the County and vice-versa.

Director Eddington asked if the Planning Commission would consider meeting with Snyderville Basin on a Tuesday in November. He noted that the second Planning Commission meeting was canceled due to the Thanksgiving holiday. The Planning Commission discussed dates and

tentatively scheduled November 23rd, pending coordination with the Snyderville Basin Planning Commission and the Commissioners who were absent this evening.

Director Eddington noted that it was time for the Planning Commission to elect a new Chair and Vice-Chair. Commissioner Peek recommended that they wait until the next meeting since three members were absent. The Commissioners concurred.

Director Eddington announced that due to the holidays and Sundance, the Planning Commission would only have one meeting in November, December and January.

Assistant City Attorney, Polly Samuels McLean, provided an update and clarification on the Electronic Participation Policy. She noted that the Planning Commission had discussed electronic meetings in February 2008 during a joint work session with the Historic Preservation Board and the City Council; and it was mentioned again in January of this year.

Assistant City Attorney McLean stated that during those discussions some of the comments included 1) The public deserved to have a full Commission present at each meeting; 2) The importance of individuals being able to fully participate in a meeting, which requires having accessibility to materials presented at the meeting and the ability to observe presentations; 3) It is crucial to permit a Commissioner who is unable to physically attend a meeting to at least listen to comments; 4) A valid need for the ability to participate in electronic meetings.

Assistant City Attorney McLean stated that back in February 2008, the Planning Commission adopted Rule 08-01, which allowed for electronic participation in meetings, and that rule is still valid. The status quo currently is that Commissioners can participate in an electronic meeting.

Assistant City Attorney McLean reviewed the legal requirements and what the resolution allows them to do. Ms. McLean stated that Utah State Code supports and allows electronic meetings. Per State law the Planning Commission must adopt a resolution, which they have already done, and the resolution may prohibit or limit meetings based on budget, public policy, or logistical considerations. They can require a quorum of the public body to be present at a single anchor location for the meeting and require a vote to approve establishment of an electronic meeting. They can require that the request for a public meeting be submitted three days prior to the meeting. They can restrict the number of separate connections for members and establish any other procedures.

Assistant City Attorney McLean remarked on the noticing requirements, which include making sure that the electronic meeting is noticed and complies with the requirements of the Open Public Meetings Act. It also requires informing the public that one or more of the Commissioners would be participating off-site and the mode of communication by which they would be participating electronically. People must be allowed to come to the anchor location so the meeting takes place at a central location.

Assistant City Attorney McLean stated that the actual Planning Commission Rule 08-01 allows electronic participation for Planning Commission meetings and for joint meetings. It requires a quorum of members at the normal meeting location. The rule also requires a majority vote by the attending members to allow a member to participate electronically. Ms. McLean noted that the Rule

requires three day noticing, however less time may be acceptable provided that noticing requirements can be met. At a minimum, the members participating electronically must be able to hear the public hearing and member comments.

Assistant City Attorney McLean remarked that since electronic participation was first discussed in 2008, there are now more virtual meeting rooms, skype, and traditional conference calls. The only limitations for doing electronic meetings is budgeting and time constraints in terms of involving the IT Department. Ms. McLean had spoken with the IT Department and researched various options for electronic participation. She noted that the IT Department has a camera but it was uncertain whether the camera could tie in with the audio system in the Council Chambers. Those issues could be resolved if the Planning Commission is interested in pursuing electronic participation.

Assistant City Attorney McLean pointed out that an electronic meeting contemplates a Commissioner participating, speaking, voting and being an active part of the meeting. However, there is no prohibition against a Commissioner listening in on the meeting without participating. She believed that option could be facilitated.

Assistant City Attorney McLean remarked that the rule is already in place to allow electronic participation. The question was whether the Planning Commission wanted to allow it and to what extent. If the Planning Commission chooses to pursue electronic participation and use the rule already in place, she requested that they provide direction on the preferred technology.

Chair Wintzer asked if there was a process where a Commissioner could submit written comment to the Staff if he or she would be absent from a meeting but wanted their opinion heard on a particular agenda item. Ms. McLean replied that a Commissioner could communicate with the Planning Department through written comment, however, it is not an ideal approach. Ms. McLean discouraged that type of participation and preferred electronic participation with open dialogue and an open process.

Commissioner Pettit stated that she often comes to a meeting with an opinion on a particular application, and after participating in the discussion, her opinion may change after hearing additional input and clarification. She felt those were important elements that support the reason why participating in an open meeting is key to the decision making process. Ms. McLean clarified that there is no prohibition against a Commissioner speaking with another Planning Commissioner and asking them to take their concerns to the Planning Commission meeting on their behalf. She felt that was a better venue than submitting comments to the Staff.

Commissioner Pettit stated that she had advocated for the ability to have electronic participation as an option when she was out of town and was not able to attend an important meeting. She recalled mixed sentiment from other Commissioners for supporting electronic participation, and she was unsure whether that sentiment had changes with the new Commissioners.

Commissioner Hontz favored the idea that the Planning Commission was required to have a physical quorum at the meeting location, but others could still participate through skype or another mechanism.

Chair Wintzer commented on why it may be difficult to participate electronically and he assumed that it would only be done for major projects. However, he felt it was a good option to have that ability. He was concerned that the Commissioner participating electronically would lose the benefit of presentations and being able to see drawings.

Commissioner Pettit remarked that they would need to be more verbal in identifying visual materials so the person who was not physically present would understand what they were looking at. The participant would have the benefit of visual material if there is a camera, however, the challenge is not being able to look at materials such as a letter or drawing that is handed to the Commissioners. She pointed out that there are ways to accommodate those challenges, such as reading letters into the record or verbally explaining a drawing. Commissioner Pettit stated that she has participated in enough virtual court hearings to know that it can be done successfully.

Commissioner Pettit pointed out that three Commissioners were absent this evening and they should have the ability to provide input before the Planning Commission makes a decision and provides direction. Assistant City Attorney McLean reiterated that since February 2008 the Planning Commission has had the ability for electronic participation, however, since that time no one has requested to use it. Ms. McLean distributed copies of Rule 08-01 to the Commissioners and offered to update the Commissioners who were not present this evening.

Commissioner Pettit thought it would be helpful if someone from IT would provide a list of options that would trigger the ability to participate electronically, and include limitations and associated costs. Chair Wintzer felt it was important for IT to also include equipment or items the participant would need on their end. Another question is the time frame IT would need to set up the equipment for electronic participation. Ms. McLean stated that the City could begin researching the options to have it in place so it could be done within the required three days notice.

Commissioner Pettit stated that the challenge with the three-day request is that the Commissioners do not know what items are on the agenda until they receive their packet on Friday. That may not be enough time to submit a three-day request for a meeting on Wednesday. Ms. McLean stated that she would ask IT if they could put together basic options and illustrate how it works. Based on that information, the Planning Commission could move forward. She noted that if a Commissioner requests to participate electronically, the Planning Commission would have to vote to allow that person to participate before they begin the meeting.

Commissioner Peek suggested a trial run with a Staff discussion or discussion with IT, and include graphics, so the Planning Commission could see how it works.

Chair Wintzer asked if it was possible for the Planning Commission to send the agenda to the Planning Commission earlier than the packet. Director Eddington replied that they could email a copy of the agenda to the Commissioners when it is noticed in the newspaper. Anything earlier than that would be a draft or tentative agenda. Chair Wintzer stated that even a draft agenda would be helpful notice for the Commissioners if they are planning to be away.

CONTINUATION(S) And PUBLIC HEARING

1. 543 Park Avenue - Conditional Use Permit
(Application PL-10-01066)

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

MOTION: Commissioner Pettit moved to CONTINUE 543 Park Avenue to November 10, 2010. Commissioner Peek seconded the motion.

CONSENT AGENDA

1. 310 Park Avenue - Plat Amendment
(Application PL-09-00758)

Commissioner Pettit referred to language on page 39 of the Staff report under the Analysis, that refers to an existing "historic" home. She assumed that was an error and it should read, "non-historic" home. Planner Katie Cattan replied that this was correct. The home is non-historic.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council for the 310 Park Avenue Plat Amendment in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 310 Park Avenue - Plat Amendment

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 - 310 Park Avenue - Plat Amendment

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

Conditions of Approval - 310 Park Avenue - Plat Amendment.

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.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

4. 2169 Monarch Drive - Condominium Conversion
(Application PL-10-01049)

Planner Kayla Sintz reviewed the application for a condominium record of survey for a legal duplex, Lot 81, of the Prospector Village subdivision, located at 2169 Monarch Drive. The property is jointly owned and the applicants were represented by one of the owners, Roger Stephens. Planner Sintz reported that the official subdivision plat as recorded allowed duplexes on cul-de-sac lots. Lot 81 is one of those lots.

The Staff supported the requested condominium Conversion. Planner Sintz explained that the non-compliance issue discussed on pages 50 and 51 of the Staff report relates to a parking issue and

encroachment into the City right-of-way. She pointed out that the parking issue is not under review by the Planning Commission. Planner Sintz stated that the parking requirement for two parking stalls per unit, a total of four spaces, is already accommodated on site without the additional encroachment.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the condominium conversion, based on the findings of facts, conclusions of law and conditions of approval found in the draft ordinance.

Roger Stephens remarked that parking is a problem at Prospector Village and he was not in favor of taking out parking spaces. He had photos of parking on other cul-de-sacs and felt it was unfair to approve parking in the right-of-way for others but not for them.

Chair Winter did not believe the City had ever approved parking in the City right-of-way or in setbacks. Director Eddington stated that when it is allowed, it is by approval of the City Engineer.

Assistant City Attorney McLean clarified that the Planning Commission could not approve the parking because it is not on Mr. Stephens' property. She understood the issue and noted that as written, the condition of approval allows the City to work through the issue as a global problem within that community. Mr. Stephens would be treated the same as his neighbors. Ms. McLean understood Mr. Stephens concern that he was being singled out, but since this condominium conversion is before the Planning Commission, a condition of approval allows the property to meet the regulations and lets the Planning Director and the City Engineer determine how it should be addressed in that neighborhood.

Mr. Stephens did not object to the condition of approval or the process; however, he encouraged the Planning Commission to view photos he had taken of other duplexes that park in the right-of-way. Mr. Stephens pointed out that most of the properties on the end cul-de-sac have concrete from property line to property line. Chair Wintzer reiterated that even if people park there, that does not mean it was approved by the City. He agreed with Ms. McLean that the parking issue was outside of the Planning Commission purview.

Commissioner Pettit was unclear on the parking issue. In reading the Staff report and the condition of approval, she understood that a paved area exists in the side yard setback and in the City right-of-way. Commissioner Pettit asked Mr. Stephens if that was an area that he and others who reside on the property have used for parking. Mr. Stephens replied that he has personally used that area for parking since 1978. Chair Wintzer pointed out that Mr. Stephens has been parking on property that he does not own.

Assistant City Attorney McLean clarified that there is sufficient parking on site to meet the requirements of the plat amendment application. She advised the Planning Commission not to discuss the parking because they do not have the ability to approve parking with this application.

Commissioner Pettit wanted to know why the parking issue was addressed as a condition of approval if it was outside of the Planning Commission purview to approve it. Ms. McLean

explained that currently it is a compliance issue and compliance issues are typically corrected when applications go through the City. As an example, they would not approve a conditional use permit if they know it would violate other issues. A property needs to be in compliance in order to move forward with a pending application. In reviewing this application, the Staff noticed that it did not meet the LMC and needed to come into compliance. Because this same problem exists throughout the community, the condition of approval allows some flexibility so this owner is not treated differently from everyone else. The City cannot ignore areas of non-compliance when it is identified through the application process.

Commissioner Pettit assumed that the condition of approval as written does not allow the applicant to utilize the City right-of-way for snow storage. Ms. McLean replied that this was correct, which is another requirement by the City Engineer. The area cannot be used for personal snow storage because the City uses it for snow storage.

Commissioner Peek asked if the concrete was fresh. Mr. Stephens replied that the concrete was put down three years ago when it was brought into soil compliance. Prior to that time it was a gravel parking area. He preferred not to remove the concrete but he would if it is required. Planner Sintz noted that the concrete is in the City right-of-way across the property line. Commissioner Peek pointed out that typical soils mitigation would not have been paving. Chair Wintzer noted that paving creates an issue with regard to utility repairs.

MOTION: Commissioner Peek moved to forward a POSITIVE recommendation to the City Council for the condominium record of survey plat for the Monarch Condominiums at 2169 Monarch Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2169 Monarch Drive

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 req 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-compliance relating to additional parking which consists 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 - 2169 Monarch Drive

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 - 2169 Monarch 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, 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.

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

Approved by Planning Commission: _____

DRAFT

CONSENT AGENDA

Planning Commission Staff Report



Subject: Little Belle Condominiums 5th
Amended Plat Unit 3
Author: Katie Cattan
Application #: PL-10-01067
Date: November 10, 2010
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission review the Plat Amendment application, conduct a public hearing, and consider forwarding a positive recommendation to the City Council for the Little Belle Condominiums 5th Amended Plat Unit 3 according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

Topic

Applicant: Amy Unger
Location: 7175 Little Belle Court Unit 3
Zoning: RD-MPD (Deer Valley MPD)
Adjacent Land Uses: Residential and Deer Valley Ski Resort
Reason for Review: Plat amendment requires Planning Commission review and City Council approval

Background

On May 25, 2010, the City received a completed application for a Plat Amendment for the existing property at 7175 Little Belle Court. The Plat Amendment extends the private area of unit 3 into limited common and common area bound by the westerly exterior walls of units 2 and unit 4. The amendment extends the wall fifteen feet three inches (15'3") for a total of four hundred twenty-five square feet (425 sf). This is the 5th Amendment to the original plat.

Prior to the first amendment to the Little Belle Condominium Plat, a proposal was approved by 17 of the 20 owners authorizing the management committee to make an amendment to the common and/or limited areas bounded by the westerly exterior walls of units 1,2,3,4,5,6,7,8 and the easterly walls of units 13, 14, 15, 16, 17, 18, 19, 20 and lying within the furthest extension of the exterior walls of the end units of those buildings. The current application is for Unit 3 to extend portions of the private area to the westerly exterior walls within the furthest extension of the exterior walls of the end units (1 and 4) of that building.

The previous plat amendments were recorded in 2000, 2001, 2004, and 2006. The City has approved four previous amendments to the Little Belle Condominium Plat to change the common and limited common areas as described above and consistent with the home owners associations approval.

Analysis

The property is located within the RD-MPD zone. The proposed amendment will change limited common and common area to private area. The applicant is proposing to extend the existing living area to the furthest extensions of the exterior walls of the end units. The amendment extends the wall fifteen feet three inches (15'3") for a total of four hundred twenty-five square feet (425 sf).

The Little Belle Condominiums are within the Deer Valley Master Plan Development. Unit equivalents within the Deer Valley MPD for the Little Belle Condominiums were calculated as an apartment unit containing one bedroom or more shall constitute a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations. The wall extension is within the building footprint area of the original plat, therefore the open space calculation has not been altered. The proposed change does not affect allocated unit equivalents, parking requirements, setbacks, height, or open space. The unit equivalents have not increased so therefore no additional parking is required as a result of this floor area expansion.

Planning Staff finds there is good cause for the Plat Amendment as it will be consistent with the other modifications made by homeowners and not negatively affect the open space of the development. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

Department Review

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

Notice

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

Public Input

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

Alternatives

1. The Planning Commission may forward a positive recommendation to the City Council for Little Belle Condominiums 5th Amendment Plat Unit 3 as conditioned or amended; or
2. The Planning Commission may forward a negative recommendation to the City Council for the Little Belle Condominiums 5th Amendment Plat Unit 3 and direct staff to make Findings for this decision; or
3. The Planning Commission may continue the Little Belle Condominiums 5th Amendment Plat Unit 3.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The condominium plat would remain as is and a future building permit for an addition could not be obtained by the owner.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Little Belle Condominiums 5th Amendment Plat Unit 3 and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Exhibits

Exhibit A – Proposed Ordinance

Ordinance No. 10-

AN ORDINANCE APPROVING THE LITTLE BELLE CONDOMINIUMS FIFTH AMENDED PLAT UNIT 3 TO EXPAND THE PRIVATE OWNERSHIP AREA OF UNIT 3 LOCATED AT 7175 LITTLE BELLE COURT, PARK CITY, SUMMIT COUNTY, UTAH

WHEREAS, the owner of the properties known as 7175 Little Belle Court, has petitioned the City Council for approval of a Little Belle Condominiums 5th Amendment Plat Unit 3 for the existing Unit 3; 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 November 10, 2010, to receive input on the Little Belle Condominiums 5th Amendment Plat Unit 3; and

WHEREAS, the Planning Commission, on November 10, 2010, forwarded a positive recommendation to the City Council; and

WHEREAS, on November 21, 2010, the City Council conducted a public hearing on Little Belle Condominiums 5th Amendment Plat Unit 3; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Little Belle Condominiums 5th Amendment Plat Unit 3.

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 Little Belle Condominiums 5th Amendment Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7175 Little Belle Court within the RD-MPD zoning district.
2. The Plat Amendment is for the existing Unit 3 within the Little Belle Condominiums Plat.
3. The proposed amended record of survey adds a 425 square feet footprint of private living space to Unit 3 and changes limited common and common area to private ownership.

4. A vote exceeding 66.66% for approval of the amendment was received by the members of the homeowners association. Record of this vote has been received by the Planning Department.
5. The addition will not encroach into the required setbacks for the project.
6. The addition will not leave the project below the required 60% open space for the MPD.
7. The unit equivalents have not increased so therefore no additional parking is required as a result of this floor area expansion.
8. All findings within the Analysis section are incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

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

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

PASSED AND ADOPTED this ___th day of November 2010.

PARK CITY MUNICIPAL
CORPORATION

Dana Williams, Mayor

Attest:

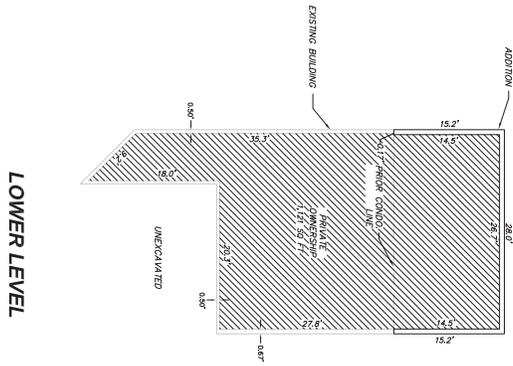
Janet M. Scott, City Recorder

Approved as to form:

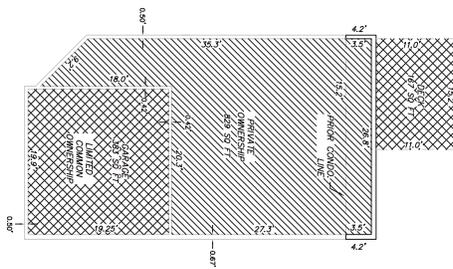
Mark D. Harrington, City Attorney

LITTLE BELLE CONDOMINIUMS 5TH AMENDED PLAT UNIT 3

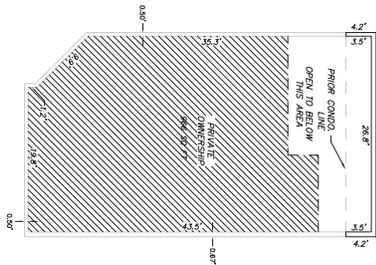
LOCATED IN THE NORTHEAST QUARTER
SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



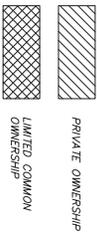
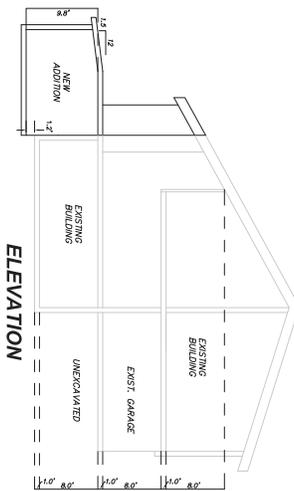
LOWER LEVEL



MAIN LEVEL



UPPER LEVEL



SQUARE FEET	LIMITED COMMON	PRIVATE OWNERSHIP
LOWER LEVEL:	0	1,121
MAIN LEVEL:	550	829
UPPER LEVEL:	0	868
TOTALS	550	2,818



November 2010 SHEET 2 OF 2
RECORDED
ENTRY NUMBER: _____ PAGE: _____
STATE OF UTAH, COUNTY OF _____
FILED: _____ TIME: _____
RECORDED AND FILED AT THE REQUEST OF:
COUNTY RECORDER

LITTLE BELLE HOMEOWNERS' ASSOCIATION
9 WHITESHORE
NEWPORT COAST, CALIFORNIA 92657
TEL. 949 494 6174 FAX 949 494 6707
Email jimfrisbie@cox.net

September 9, 2010

Park City Municipal Corporation
PO Box 1480
Park City, UT 84060
Attn: Planning Dept

Re: Plat Amendment to Condominium Declaration

The Condominium Declaration for Little Belle Condominium was recorded on December 21, 1981, Summit County Book 206 beginning page 359.

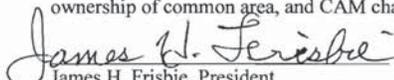
Article XII, paragraph 1.(b) of the Condominium Declaration for Little Belle Condominiums states that the "Management Committee has the authority to execute and record, on behalf of all Unit Owners, any amendment to the Declaration or Map which has been approved by the vote or consent necessary to authorize such amendment."

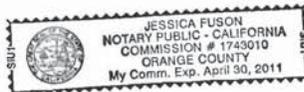
Article XXVII further states that "...this Declaration and/or Map may be amended upon the affirmative vote or approval and consent of owners having ownership of not less than 66.66 percent of the undivided interest the Common Areas and Facilities"

A proposal authorizing the Management Committee to make an Amendment to the Common and or Limited Areas bounded by the westerly exterior walls of units 1, 2, 3, 4, 5, 6, 7, 8 and the easterly walls of units 13, 14, 15, 16, 17, 18, 19, and 20 and lying within the furtherest extensions of the exterior walls of the end units of those buildings has been presented in writing to the membership. This letter certifies that written ballots in the affirmative have been received from 17 of the twenty owners which is greater than 66.66% of the common interest ownership of the membership. The Management Committee is thus authorized to make Amendments to Common Areas so defined.

The Management Committee now approves changes to the Common and/or Limited Common Area as they are defined by the plans prepared by Steve Coombs of Habitation Designs and Chris Braun of Park City Surveying as apply to Unit 3 of Little Belle Condominiums. In accordance with the authority of the above-cited Declaration Articles, the Management Committee now also approves an amendment to the surveyors plat of Little Belle condominiums to reflect the changes shown in the proposed plat amendment number 5 by Christ Braun of Park City Surveying. A copy of an exhibit to the ballots voting to approve this change which shows the areas of common area involved is attached.

A revised Exhibit C, dated October 1, 2010, showing the updated square footages, percentage ownership of common area, and CAM charges is also attached and is also to be recorded.


James H. Frisbie, President
Little Belle Homeowners Association



ACKNOWLEDGMENT

State of California
County of Orange

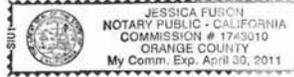
On September 9, 2010 before me, Jessica Fuson, Notary Public
(insert name and title of the officer)

personally appeared James H. Frisbie
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

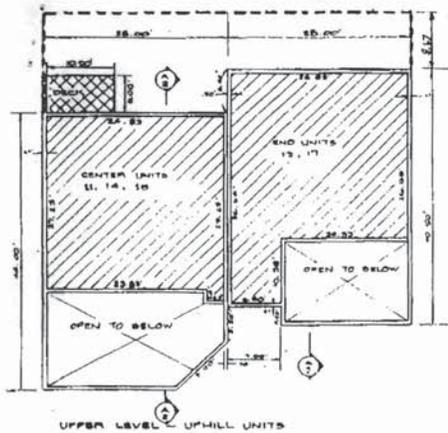
Signature [Handwritten Signature]



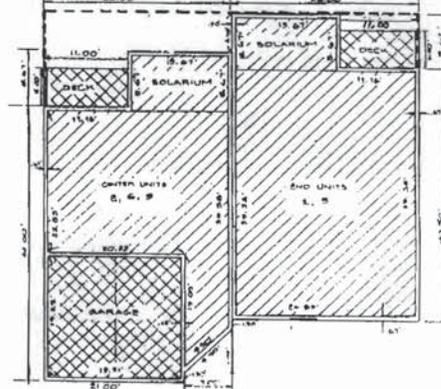
(Seal)

EXHIBIT "C"					
OWNERSHIP OF COMMON AREAS					
C.A.M. --OCTOBER 1, 2010					
UNIT NO.	\	(APPROX)	PERCENT OF OWNERSHIP	BUDGET	
				CURRENT-	YEARLY
				PER QUARTER	
CURRENT BUDGET				\$137,000.00	
DEDICATED RESERVES 20%				\$40,000.00	
IMPROVEMENT RESERVES				\$12,256.00	
TOTAL				\$189,256.00	
1		2956	5.26	\$2,487.27	\$9,949.08
2		2485	4.42	\$2,090.32	\$8,361.29
3		2504	4.45	\$2,106.73	\$8,426.92
4		2956	5.26	\$2,487.27	\$9,949.08
5		3135	5.57	\$2,637.37	\$10,549.47
6		2860	5.09	\$2,406.25	\$9,624.99
7		2970	5.28	\$2,498.46	\$9,993.84
8		3135	5.57	\$2,637.37	\$10,549.47
9		2812	5.00	\$2,365.61	\$9,462.45
10		3100	5.51	\$2,607.92	\$10,431.68
11		2725	4.84	\$2,292.33	\$9,169.32
12		2725	4.84	\$2,292.33	\$9,169.32
13		1948	3.46	\$1,638.60	\$6,554.42
14		2725	4.84	\$2,292.33	\$9,169.32
15		2725	4.84	\$2,292.33	\$9,169.32
16		2987	5.31	\$2,512.85	\$10,051.39
17		2987	5.31	\$2,512.85	\$10,051.39
18		2725	4.84	\$2,292.33	\$9,169.32
19		2725	4.84	\$2,292.33	\$9,169.32
20		3056	5.43	\$2,571.15	\$10,284.61
			56236	100	
TOTALS-QUARTERLY				\$47,314.00	
TOTALS-ANNUAL				\$189,256.00	\$189,256.00
To add 188 sq. ft to unit 3.					

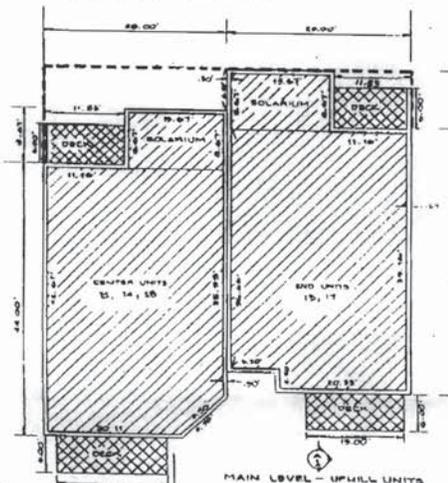
NOTE: UNITS 4, 7, 8, 15, 16, 19, AND 20 ARE REVERSED FLOOR PLANS FROM THOSE SHOWN BELOW. ALL DIMENSIONS ARE EXACTLY THE SAME.



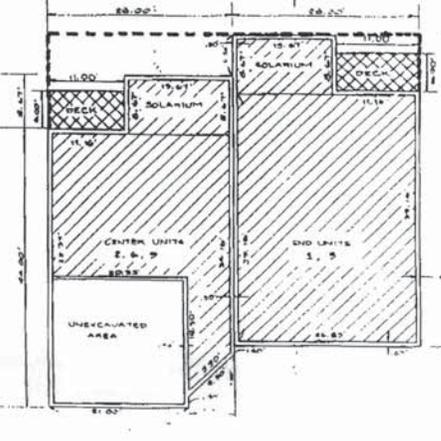
UPPER LEVEL - UPHILL UNITS



MAIN LEVEL - DOWNHILL UNITS



MAIN LEVEL - UPHILL UNITS



LOWER LEVEL - DOWNHILL UNITS

--- DEFINES AREA OF ADDED PRIVATE OWNERSHIP.

REGULAR AGENDA

Planning Commission Staff Report



Subject: Washington School Inn at 543 Park Avenue
Author: Kayla Sintz
Date: November 10, 2010
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider approving the Conditional Use Permit based on the findings of fact, conclusions of law, and conditions of approval.

Topic

Applicant: Washington School House, LLC / PCE
Representative: Steve Schueler (Alliance Engineering) & Michael Elliott (Project Manager)
Architect: F.H. Bennett III, (Bennett and Associates architect)
Location: 543 Park Avenue
Zoning: HR-1 Historic Residential
Adjacent Land Uses: Single Family and Multi Family and vacant lot to the north
Reason for Review: Conditional Use Permits must be approved by the Planning Commission

Background

On September 9, 2010, the City received a completed application for a Conditional Use Permit (CUP) for a private recreation facility. The property is located at 543 Park Avenue in the Historic Residential (HR-1) zoning district and is home of the historic Washington School Inn, a bed and breakfast. In this zone a Conditional Use Permit is required for a 'private recreation facility'. The applicant is requesting approval of a 10 foot by 40 foot lap pool (which includes an attached hot tub/spa) at the Washington School Inn. A private lap pool for the bed and breakfast guests falls under the definition of a private recreation facility within the Land Management Code (LMC). Approval of a CUP would allow a lap pool behind the Washington School Inn.

The Washington School Inn is a landmark structure listed on the Park City Historic Sites Inventory and the National Register for Historic Places (listed 1978), and has a recorded Façade Easement with the State of Utah. The stone building was built in 1889. According the Park City Historic Sites Inventory, when the site was nominated to the National Register in 1978, the building was vacant and in disrepair. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to be

rehabilitated and adaptively reused as a bed and breakfast. The site continues to be used as a bed and breakfast.

During the 1983 approval of the CUP for a bed and breakfast, two conditions of approval were placed on the permit. They were:

1. That an agreement acceptable to the City Attorney that commits the developer to provide 11 parking stalls for the Washington School be recorded.
2. That if the land to the north of the Sun Classics building is under City ownership, that the developer reach an acceptable agreement with the City for the use of the land for stairways and parking access. The agreement should protect the possibility of closing the driveway to Main Street if necessary.

Both conditions were satisfied in 1984. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey. Also, on October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.

On June 7, 2001, the City Council approved a plat amendment to combine seven old town lots into one lot of record for the historic building. Following the plat amendment, the owners submitted a Historic District Design Review (HDDR) application for the renovation of the existing, non-historic detached two car garage located adjacent (to the north of) the Washington School Inn. During the application review, the Community Development Director made a finding that the Washington School Inn's two car garage was an allowed use as an Accessory Building due to 1983 CUP approval. This determination was appealed by neighboring resident, John Plunkett. The Planning Commission reviewed the appeal on December 21, 2001 and affirmed the Community Development Directors application of the LMC.

Within the December 21, 2001 appeal, discussion on large assemblies was raised. During the Planning Commission appeal an additional finding of fact was added to prevent large assemblies of people at the Washington School Inn. The additional finding of fact is "Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval. Organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 conditional use permit." Staff has added this finding of fact to the current CUP application. Staff has also added a condition of approval (#3) that states "This approval is for a private recreation facility. Any additional uses, including public assemblies, must be reviewed independently and are outside the scope of the 1983 bed and breakfast conditional use permit and the 2010 private recreation facility conditional use permit."

Analysis

The site is within the HR-1 zoning district, which allows private recreation facilities as a conditional use reviewed by the Planning Commission. The applicant is requesting approval of a year-round heated lap pool with connected hot tub/spa behind the Washington School Inn. A private recreation facility is defined by the LMC 15-15-1.203(B) as "Recreation facilities operated on private Property and not open to the general public. Including Recreation Facilities typically associated with a homeowner or Condominium association, such as pools, tennis courts, playgrounds, spas, picnic Areas, similar facilities for the Use by Owners and guests."

Setbacks are based on the lot size. The front yard setback is 15 feet. The side yard setbacks are a 5 foot minimum for a total of 18 feet. The applicant has identified one 5 foot setback and one 13 foot setback, which complies.

The passive lap pool is proposed to be located behind (to the west of) the Washington School Inn. The pool is approximately ten feet wide by forty feet long and includes a connected hot tub/spa. Included in the plans are a new patio area with shade structure and fireplace, rock retaining walls and landscaping, pathways, and mechanical pad enclosure for pool equipment. A wood walkway will lead up to the patio from the Inn. The proposed pool will be heated and used year-round. Various rock retaining walls are proposed within the project area. New concrete steps will lead from the patio up to Woodside Avenue. An Encroachment Agreement must be obtained for the steps proposed in the City right-of-way (Condition of Approval #12). The Washington School Inn owners also have ownership of the single vacant lot located to the north of the property off of Woodside Avenue. This lot is under a separate entity and is not part of the Washington School Inn plat. A new boulder retained walkway is proposed through the vacant lot connecting to the Washington School Inn property.

The property is currently over the allowed footprint for the lot configuration with the existing historic structure and accessory building located to the north. No additional enclosed building could be placed on this site.

Proposed interior modifications and exterior historic building renovations are not part of this application and would not trigger review by the Planning Commission. A Historic District Design Review would be required for any exterior building modifications which would be handled at a staff review level.

To approve a CUP, the Planning Commission must make findings of compliance with the CUP Standards for Review of LMC 15-1-10(D) as follows:

1. The application complies with all requirements of the LMC
2. The use is compatible with surrounding structures in Use, Scale, Mass, and Circulation.
3. The use is consistent with the Park City General Plan, as amended.

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

Per LMC 15-1-10(E), the Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

1. Size and location of the Site;

No unmitigated impacts

The lap pool and connected hot tub/spa is to be located behind the Washington School Inn. It is proposed to be ten feet wide by forty feet long. Included in the plans are a new patio area with non-enclosed shade structure, mechanical equipment slab/ fenced-in area, rock retaining walls, pathways, and landscaping. A wood walkway will lead up to the patio from the Inn. Rock retaining walls are proposed within the area with heights up to six feet. New concrete steps will lead from the patio up to Woodside Avenue. A new boulder retained walkway is proposed through the vacant lot. The proposed pool will be heated and used year round. All proposed improvements comply with the Land Management Code in terms of size and location on the Site.

2. Traffic considerations including capacity of the existing Streets in the area;

No unmitigated impacts

The proposed use is not expected to increase the existing traffic in the area. The proposed lap pool does not require additional parking per the requirements of the Land Management Code. Adherence to previously approved associated parking with the original Bed & Breakfast conditional use permit will be followed. Guests and employees will not be allowed to park on Woodside Avenue. Deliveries and servicing of the pool and rear yard area will occur off of Park Avenue per existing servicing of the Inn.

3. Utility capacity;

No unmitigated impacts

Additional utility usage will occur with the addition of the heated year-round pool/spa and landscape patio enhancements. The applicant is proposing solar collectors on top of the shade structure roof for partial utility offsets.

4. Emergency vehicle access;

No unmitigated impacts

The proposed lap pool will not interfere with existing access routes for emergency vehicles. The most direct emergency access to the pool would be from Woodside Avenue.

5. Location and amount of off-street parking;

No unmitigated impacts

The proposed lap pool will not require additional parking. See also Criteria #2 above. The original CUP for approval of a bed and breakfast required 11 parking spaces. These parking spaces exist across the street from the Bed and Breakfast. On October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a

private easement for the 11 automobile parking spaces within the existing parking structure.

6. Internal vehicular and pedestrian circulation system;

No unmitigated impacts

Minor modifications to the pedestrian circulation are proposed. New concrete stairs are proposed leading down from Woodside Avenue to the back yard of the Washington School Inn. This is for private use of the guests staying at the Bed and Breakfast and provides pedestrian access to public ski access via stairs from Woodside Avenue. As the proposed stairs are in the City right-of-way, an Encroachment Agreement with the City must be in place prior to building permit issuance (Condition of Approval #12).

7. Fencing, Screening, and Landscaping to separate the use from adjoining uses;

No unmitigated impacts

The applicant is proposing terraced bolder rock walls to retain the steep slope in the back yard. Extensive landscaping (consisting of trees and shrubs) is proposed which will screen the pool, shade structure and mechanical pad from adjacent uses. Metal fencing is proposed around the entire rear pool area and is a requirement for safety in the use of the pool. Wood fencing and/or rock walls are proposed around the mechanical pad. (See additional discussion on Criteria 15.)

8. Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

No unmitigated impacts

No external changes to the main Building are proposed. The proposed shade structure meets accessory structure setbacks and has been designed to be bunkered in to the adjacent hill side with the stepping of retaining walls.

9. Usable open space;

No unmitigated impacts

Not applicable.

10. Signs and Lighting;

No unmitigated impacts

Building signage modifications have not been proposed. All exterior signs must be approved by the planning department prior to installation. Condition of approval #5 has been added to address signage modifications. Lighting of the pool, pool deck and shade structure have been proposed. Lighting of the pool and pool decking will be specifically required by the Summit County Health Department. The applicant has provided cut sheets for proposed fixtures, fixture heights, and fixture layout. Landscaping has been proposed to mitigate the effects of lighting requirements and shielded fixtures have been selected to mitigate unwanted light in other areas. Extra lighting of the proposed pool area outside of the requirements of the Health Department will be restricted to hours of pool operation, 7 am to 10 pm. Condition of Approval #8 has been added to address lighting.

11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

Discussion requested

No external changes to the Building are proposed as part of this CUP. Staff met onsite with the architect and project representatives to discuss the proposed retaining walls and site layout. Retaining walls have been stepped in the steepest areas of the site to avoid large retaining walls. Concern has been given to the proposed boulder retaining walls and adjacent properties. Retaining wall stone sizes will be reviewed as part of the Historic District Design Review application, a requirement outlined in Condition of Approval #7. Retaining wall heights are regulated to a maximum of six feet within the side and front yards. (See additional discussion on Criteria 15).

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;

Discussion Requested

Currently, there is a hot tub located inside the Washington School Inn (basement level) which will be removed along with other interior renovations. The new hot tub/spa will be connected to the lap pool. Mechanical equipment for the pool and spa will be located on an exterior mechanical pad to the south of the pool. The mechanical pad is proposed to be screened by fencing and/or stone walls. Landscape screening is also indicated. The noise level emitted by the equipment is mandated by the Park City Municipal Code, Chapter 6-3-9 (Condition of Approval #10). The location of the mechanical pad and pool designed lower on the site will be blocked by the site slope massing to the west and the Inn itself to the east. In order to mitigate noise by users of the pool after hours, Staff recommends condition of approval #2 that states "The outdoor pool and spa shall only be used from 7 am to 10 pm. A sign must be posted by the pool area stating the operating hours of the pool."

As stated previously, during the December 21, 2001 appeal, discussion on large assemblies was raised. During the Planning Commission appeal an additional finding of fact was added for the clarification of preventing large assemblies of people in relation to the original Bed & Breakfast CUP. The additional finding of fact is "Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval. Organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 conditional use permit." Staff has added this finding of fact to the current CUP application. Staff has also added a condition of approval #3 that states "This approval is for a private recreation facility. Any additional uses, including public assemblies are outside the scope of the 1983 bed and breakfast conditional use permit and the 2010 private recreation facility conditional use permit."

13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas;

No unmitigated impacts

Delivery and service vehicles will continue to operate for the Washington School Inn from Park Avenue. Condition of Approval #9 has been added to address concerns of vehicles and deliveries from Woodside Avenue.

14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities

No unmitigated impacts

Ownership of the current building business use will not change. The use is limited to owners and guests of the property.

15. Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

No unmitigated impacts

The use is proposed on a steep slope but does not trigger Steep Slope CUP review as defined in LMC 15-2.2-6 due to improvements being under 1,000 sq. ft. The pool and improvements are proposed towards the flattest portions of the lot for easiest access from the existing Inn rear entry. An approximate ten foot (10') natural grade change occurs across the portion of the lot planned for the pool and patio. Retaining will be necessary to create a level area for the pool and decking. Stepped retaining walls have been proposed to the west of the shade structure to mitigate a single vertical retaining wall. Stepped retaining also gives the opportunity for planting beds, which are proposed.

Section 15-4-2 allows fences and retaining walls to be six feet (6') in the side and rear yard setbacks and four foot (4') high in the front yard setback (as measured from final grade). Exception (1) allows fences and retaining walls in the front yard to increase from 4 feet to 6 feet, subject to approval by the Planning Director and City Engineer (added as Finding of Fact #10). Additionally, the exception allows an increase over 6 feet as part of an Administrative CUP or CUP. Staff would be in agreement on a maximum of 6 feet in the front yard (along Woodside Avenue). Condition of approval #11 has been added to address fences and retaining walls.

Department Review

This project has gone through an interdepartmental review. Issues pertaining to the proposed private recreational facility were discussed and have been highlighted as discussion items within the CUP. Staff has suggested conditions of approval to mitigated issues.

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

Staff met with an adjacent property owner(s) to discuss the application. Public input is provided for your review. Adjacent owners have concerns regarding usage noise,

mechanical noise and light fixture pollution generated from the pool, as well as, user access off of Woodside Avenue. These concerns are discussed within the report.

Alternatives

1. The Planning Commission may approve the 543 Park Avenue Conditional Use Permit as conditioned or amended, or
2. The Planning Commission may deny the 543 Park Avenue Conditional Use Permit and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the 543 Park Avenue Conditional Use Permit to December 8, 2010

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lap pool would not be built. A patio could be built in the proposed location without a conditional use permit provided the uses are consistent with the approved bed and breakfast CUP.

Future Process

Approval of the Conditional Use Permit is required for the prior to issuance of a building permit. Approval of this application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The applicant must also submit a Historic District Design Review application for compliance with the Historic District Design Guidelines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 543 Park Avenue Conditional Use Permit and approve the application based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

1. The property is located at 543 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. The proposed Conditional Use Permit is for a private recreation facility (lap pool).
4. The Washington School Inn is a landmark structure listed on the Park City Historic Sites Inventory and the National Register for Historic Places (listed 1978). The stone building was built in 1889. According the Park City Historic Sites Inventory, when the site was nominated to the National Register in 1978, the building was vacant and in disrepair.
5. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to rehabilitated and adaptively reused as a bed and breakfast. The site continues to be used as a bed and breakfast.
6. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as

the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey.

7. On October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.
8. On June 7, 2001, the City Council approved a plat amendment to combine seven old town lots into one lot of record on the site where the Inn is located.
9. The dimensions of the proposed lap pool are ten feet wide by forty feet long.
10. Retaining walls are necessary due to the steepness of the existing grade in the rear yard. The proposed retaining walls exceed six feet in height in some locations within the building pad area. Six foot high retaining walls and fences within the side yard setbacks and four foot high retaining walls and fences within the front setbacks are permitted by the code. 15-4-2 (1) allows an increase to six foot high retaining walls and fences in the front yard setback.
11. Additional parking requirements for the site are not affected by this application. Parking by guests or employees shall only occur in designated parking associated with the original Conditional Use Permit for the bed & breakfast.
12. The lap pool is for the use of the Washington School Inn guests. No additional traffic will be produced by the addition of a lap pool on the property.
13. The heated lap pool will not be enclosed. No enclosed structures are included within this application. The pool will be fenced.
14. The application includes an open shade structure and landscape improvements. Approval for compliance with the historic district design guidelines is required prior to issuance of a building permit.
15. Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval. Organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 condition use permit.
16. The Washington School Inn is identified as a Landmark Structure on the Historic Sites Inventory with a recorded Façade Easement with the State of Utah.

Conclusions of Law:

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

Conditions of Approval:

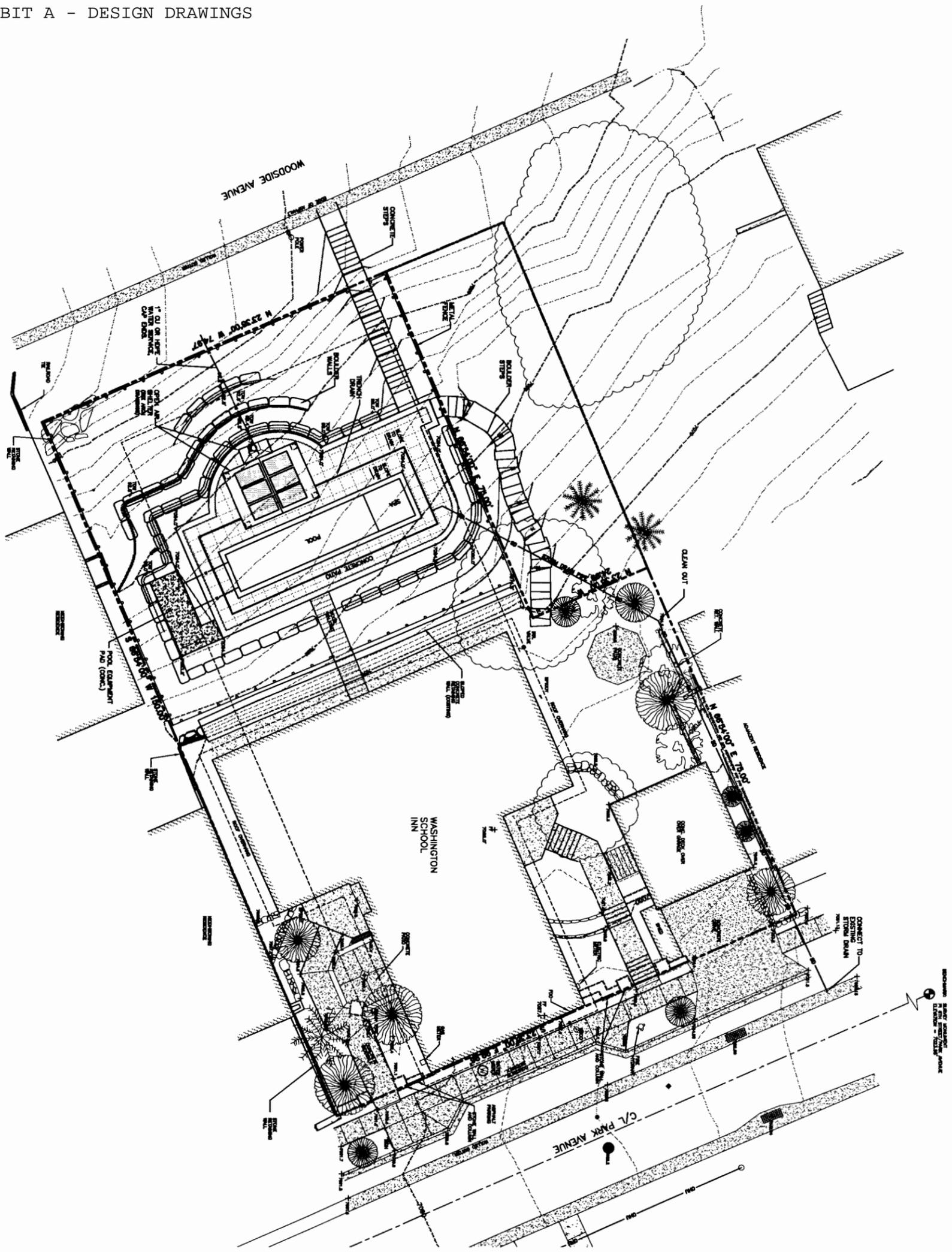
1. New retaining walls and fences proposed within the private recreation facility conditional use permit may not exceed six feet (6') in height.

2. The outdoor pool and spa shall be restricted to use between the hours of 7 am to 10 pm. A sign must be posted by the pool area stating the operating hours of the pool.
3. This approval is for a private recreation facility. Any additional uses, including public assemblies, must be reviewed independently and are outside the scope of the 1983 bed and breakfast conditional use permit and the present private recreation facility conditional use permit.
4. No guest or employee parking shall occur on Woodside Avenue or Park Avenue. Guest and employee parking shall adhere to the 1983 Bed & Breakfast conditional use permit approval.
5. The applicant will apply for a building permit from the City within one year from the date of Planning Commission approval. If a building permit has not been granted within one year's time, this Conditional Use Permit will be void.
6. Any modifications to signs shall be reviewed under separate application.
7. An approved Historic District Design review is required prior to building permit issuance.
8. Lighting of the proposed pool area outside of the requirements of the Health Department will be restricted to hours of pool operation, 7 am to 10 pm.
9. Delivery and service vehicles to the Washington School Inn and related pool area will occur off of Park Avenue. Woodside Avenue shall not be used for delivery or maintenance vehicles.
10. Noise Levels will comply with 6-3-9 of the Park City Municipal Code.
11. Retaining walls and fences up to six feet (6') in height will be allowed in the front yard setback and side yard setbacks.
12. Improvements in the City right-of-way will require an Encroachment Agreement with the City prior to building permit issuance.

Exhibits

Exhibit A - Proposed Plans

Exhibit B – Public Input with attachment



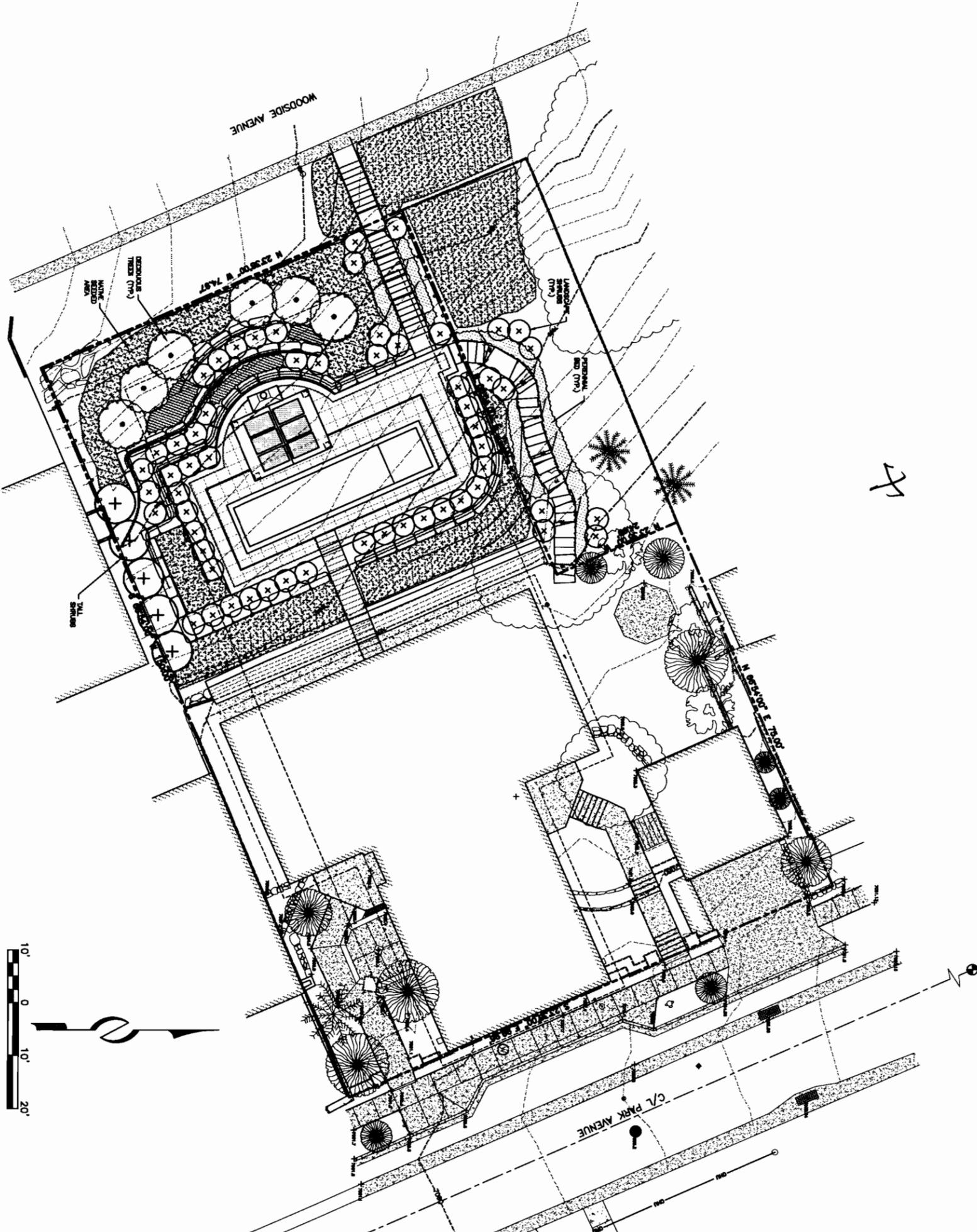
SEP 09 2010

<p>CONSULTING ENGINEERS, L.L.C. 222 Main Street, P.O. Box 2000, A Salem, Oregon 97301-2000 (503) 546-4447 www.mange.com</p>	<p>STAFF: JOHN DEMKOWICZ STEVE SCHUELER</p>
	<p>DATE: 9/8/10</p>
<p>FOR: GRADING AND UTILITY PLAN 543 PARK AVENUE WASHINGTON SCHOOL INN</p>	
<p>JOB NO.: 17-4-10 FILE: X:\Punch\Survey\09\10\0110 SITE AND GRADING PLAN.dwg</p>	
<p>SHEET 1 of 4</p>	

RECOMMENDED PLANT MATERIALS

QTY.	SYMBOL	BOTANICAL NAME	
EMERGENCY TREES			
18 R.	EMG	Frax americana	BBB
18 R.	SLB	Alnus incana	BBB
PERENNIAL TREES			
20 GAL.	AG	Acacia greggii	BBB
10 gal. container, Tree-form	CRD	Prunus virginiana	BBB
3" cal. BB3	ASP 3	Populus tremuloides	BBB
2" cal. BB3	ASP 2	Populus tremuloides	BBB
1.5" cal. BB3	ASP 1	Populus tremuloides	BBB
SHRUBS			
5 GAL.	OQ	Potentilla fruticosa 'Yellow Dwarf'	BBB
14" - 18" BB3	LP	Pinus mugo 'mughina parvula'	BBB
5 GAL.	DO	Cornus alba 'Rubra'	BBB
5 GAL.	AI	Amelanchier canadensis 'Brookwood'	BBB
5 GAL.	SU	Ribes tibeticum	BBB
5 GAL.	SN	Symphoricarpos alba	BBB
PERENNIALS & GROUNDCOVER			
1 Gal. 18" cal.	CL	Aquilegia canadensis	BBB
1 Gal. 14" cal.	AS	Asarum canadense	BBB
1 Gal. 18" cal.	CF	Echinacea purpurea	BBB
4" Pots 12" cal.	GR	Lithospermum erythrorhizon	BBB
1 Gal. 18" cal.	RS	Rudbeckia hirta 'Goldstrum'	BBB
1 Gal. 14" cal.	SE	Sedum rupestris 'Blue Spruce'	BBB
1 Gal. 18" cal.	PC	Psychotria caribaea	BBB
MAINT. GRASS SEED MIX			
4%		Hard Fescue	BBB
25%		Sheep Fescue	BBB
20%		Creeping Fescue	BBB
10%		Rocky Mountain Penstemon	BBB
5%		Blue Fescue	BBB
5%		White Yarrow	BBB

Seed mix shall be applied at a rate of 70 lbs. P.L.S. (Pure live seed) per acre. Contact Genesis Seed 1687 W. 2100 S. L&L, UT 84003-8551 (801) 788-4422 www.geniusseed.com



SEP 09 2010

Worce
CONSULTING ENGINEERS, LANDSCAPE ARCHITECTS
222 East Street, 7th Floor, Salt Lake City, Utah 84103-2888
(435) 544-5447

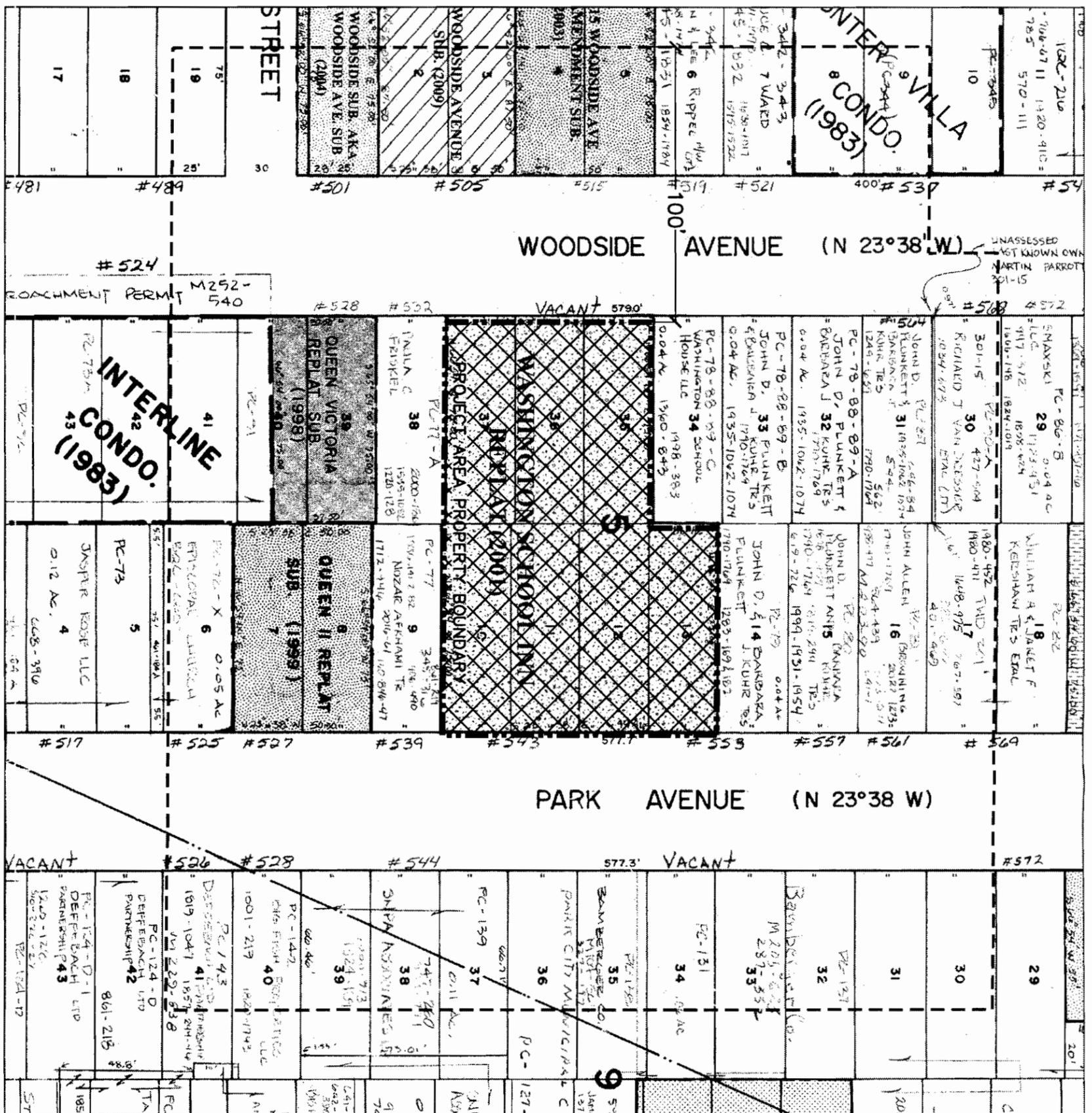
STAFF:
MARSHALL KING
STEVE SCHUELER

DATE: 9/9/10

FOR:
JOB NO.: 17-4-10
FILE: X:\Venchy\Survey\dwg\17-4-10\070410.dwg

LANDSCAPE PLAN
543 PARK AVENUE
WASHINGTON SCHOOL INN

SHEET 2 OF 4



NOTES:
 ALL PROPERTIES WITHIN 100 FEET OF THE PROJECT AREA CONSIST OF OVERNIGHT ACCOMMODATIONS AND RESIDENTIAL USES.



SEP 09 2010

Worce
 CONSULTING ENGINEERS, L.L.C.
 222 1/2 N. 1st St., Ste. 200
 WASHINGTON, DC 20001-2001

STAFF:
 JOHN DENKOWICZ
 STEVE SCHUELER

DATE: 6/9/10

FOR:
 JOB NO. 17-4-10
 FILES: X:\Venchy\Survey\eng_1-10\11.0 SITE AND GRADING PLAN.dwg

100-FOOT ADJOINING NEIGHBORS
 543 PARK AVENUE
 WASHINGTON SCHOOL INN

SHEET
 4
 OF
 4



STONE MASONRY CHIMNEY

ROOF TO MATCH MAIN BLDG

SOLAR PANELS

3 "STEPPED" STONE RETAINING WALLS

FIREPLACE

12 X 16 HEAVY TIMBER SHADE STRUCTURE

HEATED POOL & SPA

HEATED CONCRETE PATIO

washington school house

View of proposed shade structure

RECEIVED
SEP 09 2010
PARK CITY
PLANNING DEPT.

washington school house

Proposed Lighting for Pool and Rear Yard Areas

October 26, 2010

General lighting for pool and rear area yard is meet all requirements of required by the Health Department of Summit County and the Utah Administrative Code, Rule R392-302. The exterior general lighting is comprised of 4 different type of fixtures.

A Pathways and Stairways:

- 30 inch high, Low Voltage, Bollard type with downward reflector. Fixtures to be arranged and spaced to provide a lumen output to provide an average 5 foot candles minimum – 8 foot candles maximum over pathways and stairways, only.

B Pool Deck:

- 48 inch high, Low Voltage, Bollard Type with downward reflector. Fixtures to be arranged and spaced to provide a lumen output to provide an average 5 foot candles minimum – 8 foot candles maximum over entire deck area, only.

C Shade Structure:

- 1-2 ceiling hung, 120 volt, decorative exterior light fixtures, with dimmable ballast, to provide an average of 5 foot candles minimum – 10 foot candles maximum, underneath roofed area, only.

D Pool Interior:

- Water proof incandescent pool light fixtures, mounted to inside face of pool wall, to be arranged and spaced to provide a minimum of 15 lamp lumens to a maximum of 18 lamp lumens per sq.ft. pool surface area. (minimum is per UT Administrative code, Section RS392-302-23)

C Shade Structure:

- 1-2 ceiling hung, 120 volt, decorative exterior light fixtures

D Pool Interior:

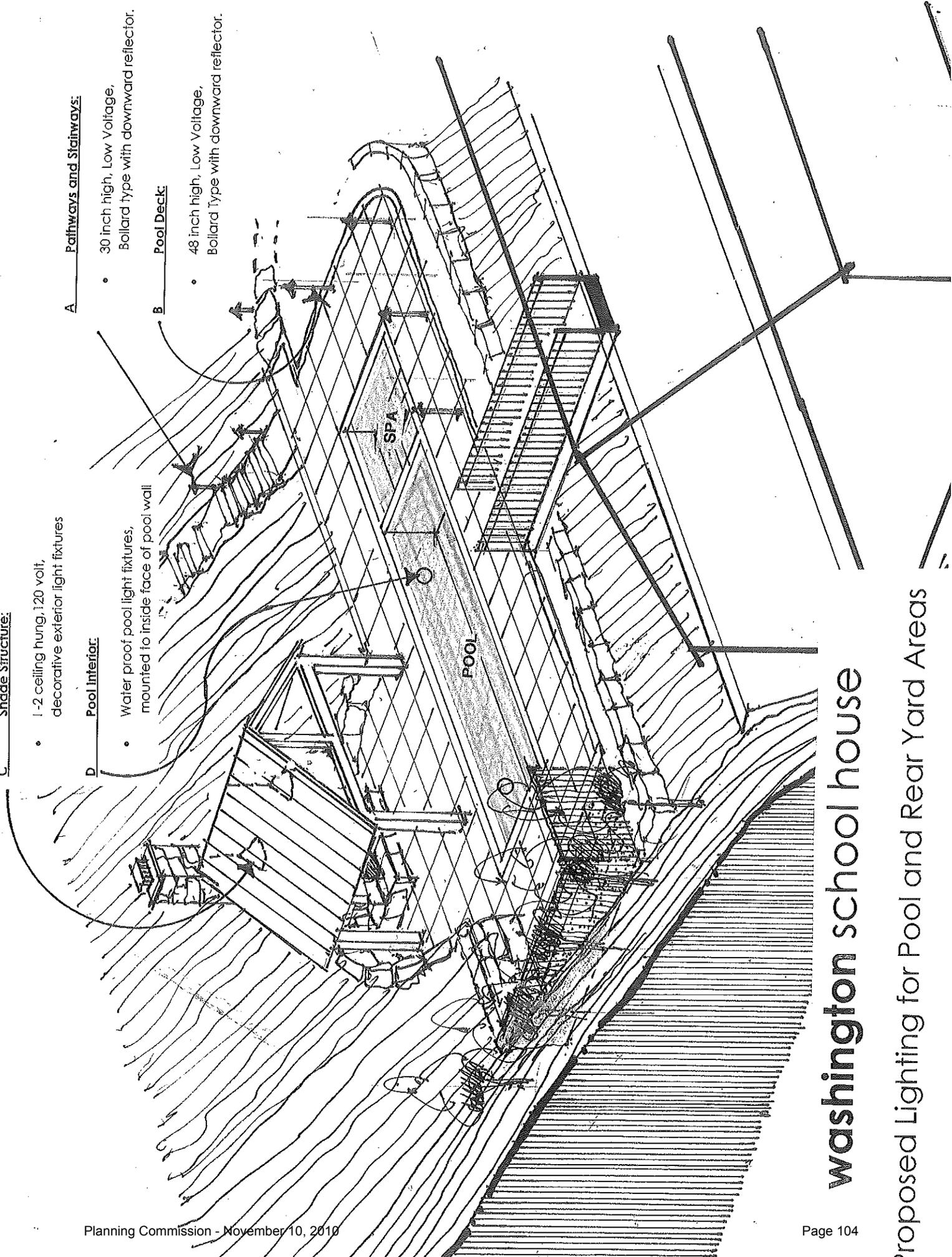
- Water proof pool light fixtures, mounted to inside face of pool wall

A Pathways and Stairways:

- 30 inch high, Low Voltage, Ballard type with downward reflector.

B Pool Deck:

- 48 inch high, Low Voltage, Ballard Type with downward reflector.



washington school house

Samples of Bollard style lighting Fixture

October 26, 2010



Type: _____
 Model: _____
 Project: _____

SPECIFICATION SHEET

MODEL: 1441 - 120-Volt Series: Bollards and Beacons

SPECIFICATIONS:

LAMP TYPE:

A19- Incandescent, 75W Maximum. Lamp not included with fixture, order separately.

(See back page for LED lamp specifications)

HOUSING:

Die-cast, copper-free aluminum.

POST:

3" diameter, heavy-gauge, extruded aluminum (1/8" wall thickness).

FINISH:

Polyester powder-coated finish available in Black, Verde, Architectural Brick, Architectural Bronze, Granite, Pewter, Terracotta, Rust, Hunter Green, Mocha, Weathered Bronze, Weathered Iron, and White.

SOCKET/LAMP HOLDER:

Top grade porcelain, medium base 4KV pulse rated socket with spring center contact and a silicone rubber jacket protector to prevent moisture/debris from entering socket.

LENS:

Clear, frosted or prismatic threaded and gasketed, tempered glass vapor globe.

MOUNTING:

Direct-burial post. (Post extended 12" for in-ground or concrete mounting.)

FASTENERS:

All fasteners are stainless steel.

WIRING:

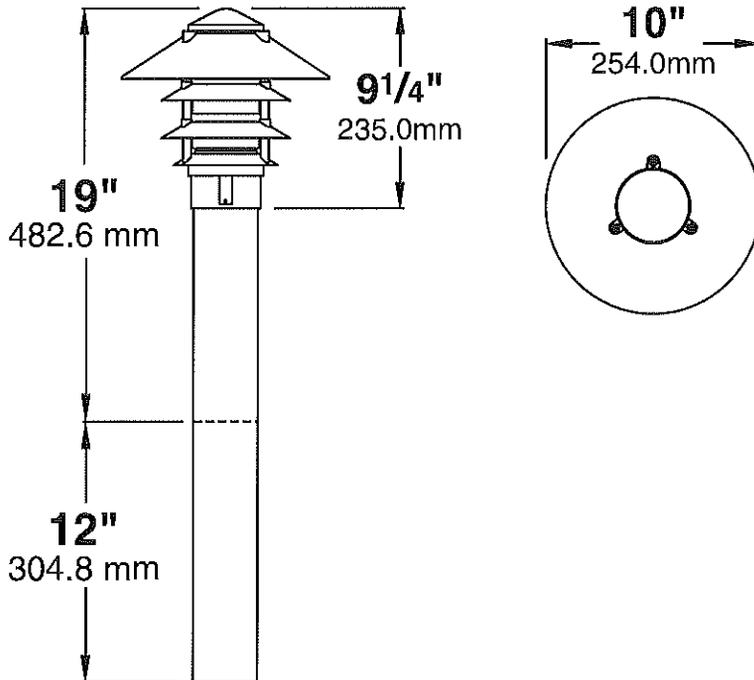
Prewired with 200°C-rated wire along with a grounded lead.

CERTIFICATION:

UL Listed to U.S. and Canadian safety standards for line voltage landscape luminaires (UL 1598). The maximum wattages allowed by Underwriters Laboratories (UL) for the U.S. and Canadian markets may vary. Maximum wattages specified are Underwriters Laboratories U.S. standard. Please contact Vista for any questions about the maximum wattages allowed by UL Canadian standards.

All Vista luminaires are **MADE IN THE U.S.A.**

DIMENSIONS:



In an effort to improve product design U.S.T.E., Inc. reserves the right to modify the specifications of this fixture.

1625 Surveyor Avenue • Simi Valley, CA 93063 • (805) 527-0987 • (800) 766-VISTA (8478)

FAX: (888) 670-VISTA (8478) • email@vistapro.com • www.vistapro.com



**VISTA
PROFESSIONAL
OUTDOOR
LIGHTING**

Type: _____

Model: _____

Project: _____

SPECIFICATION SHEET

MODEL: 9225 - 12V SERIES: Bollards and Beacons

SPECIFICATIONS:

HOUSING:

Die-cast, copper-free aluminum with a silicone gasket to provide a superior weather-tight seal.

POST:

Heavy-gauge extruded aluminum (1/8" wall thickness).

FINISH:

Polyester powder-coated finish available in Black, Verde, Architectural Brick, Architectural Bronze, Granite, Pewter, Terracotta, Rust, Hunter Green, Mocha, Weathered Bronze, Weathered Iron, and White.

SOCKET/LAMP HOLDER:

Top grade ceramic socket with nickel contacts, stainless steel springs, and Teflon-jacketed wire leads.

LENS:

Clear, prismatic, high-impact, polycarbonate lens fitted to the housing with a flat neoprene gasket to provide a superior weather-tight seal.

LAMP TYPE:

T3 - 20W maximum. LN-10 T3 Halogen (10W) Standard.

(See back page for LED lamp specifications)

OPTICS/AIMING:

Adjustable lamp bracket provides up to $\pm 25^\circ$ of tilt for precise beam control. Lamp bracket can be locked into

place to prevent disrupting lamp position when relamping.

MOUNTING:

Direct-burial post. (Post extended 12" for in-ground or concrete mounting.)

FASTENERS:

All fasteners are stainless steel.

WIRING:

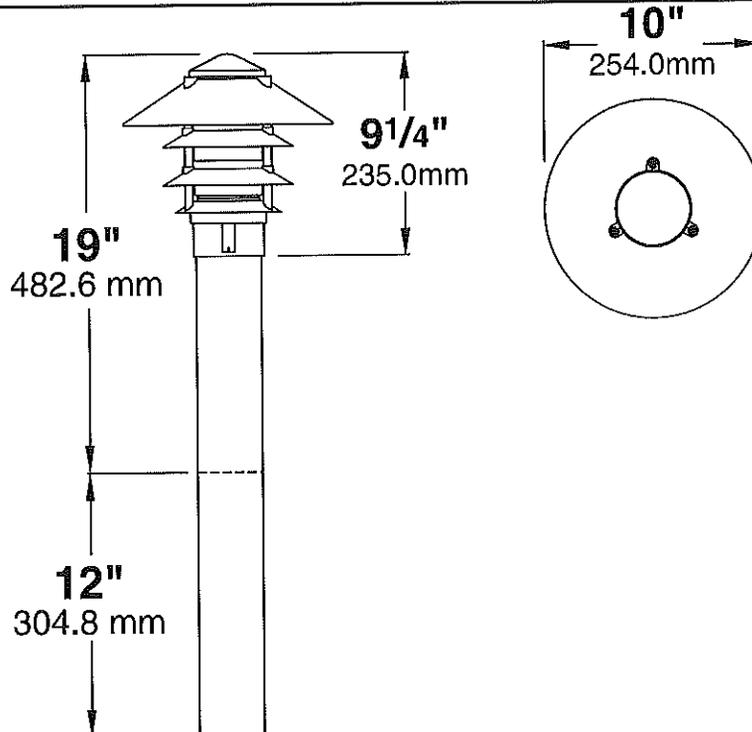
Provided with a three-foot pigtail of 18-2 direct-burial cable and underground connectors for a secure connection to the supply cable.

CERTIFICATION:

UL Listed to U.S. and Canadian safety standards for low voltage landscape luminaires (UL 1838). The maximum wattages allowed by Underwriters Laboratories (UL) for the U.S. and Canadian markets may vary. Maximum wattages specified are Underwriters Laboratories U.S. standard. Please contact Vista for any questions about the maximum wattages allowed by UL Canadian standards.

All Vista luminaires are **MADE IN THE U.S.A.**

DIMENSIONS:



In an effort to improve product design U.S.T.E., Inc. reserves the right to modify the specifications of this fixture.

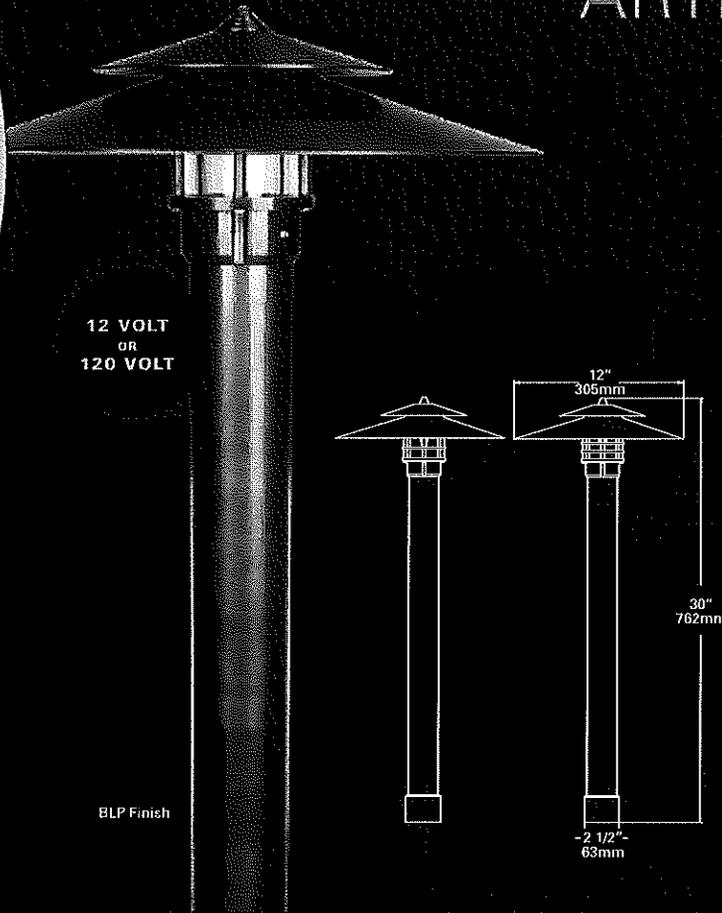
1625 Surveyor Avenue • Simi Valley, CA 93063 • (805) 527-0987 • (800) 766-VISTA (8478)

FAX: (888) 670-VISTA (8478) • email@vistapro.com • www.vistapro.com

9225 (11/06)

ARTEMIS 12 BOLLARD

ARTEMIS 12 BOLLARD



12 VOLT
OR
120 VOLT

BLP Finish

The grand styling and regal beauty of the Artemis series make it at home in the finest of estates. This is our flagship product sure to capture everyone's attention. For those familiar with Auroralight, the quality engineering and performance will come as no surprise. The Artemis is engineered and manufactured without compromise, it is assembled with stainless fasteners, Pyrex™ glass and high-temperature silicone O-rings so unwanted moisture is completely sealed out. The larger Artemis 12 is suitable for lighting driveways or large lawn areas with the 10" Artemis used on smaller scale areas of the same project. The Artemis features an indirect light source with a segmented micro-reflector for exceptional performance without glare. Available with three, two, or no discs, external shielding, frosted or clear lens, a choice of five mounting options to include: an oversized ground stake, standard ground stake, a leveling pedestal with copper trim, 1/2" universal adapter, or a 4" surface mount with copper trim.

ORDERING GUIDE: BD-A-300-12

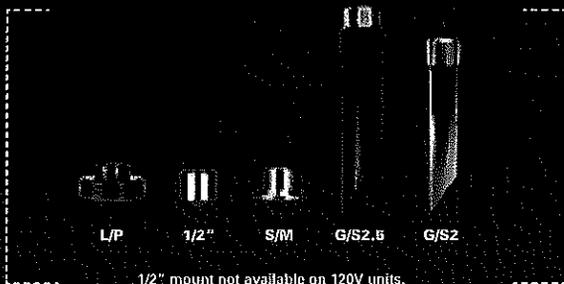
BD (BOLLARD) A (ARTEMIS) 300 (3" DIAMETER) 12 (12" SHADE SIZE)

LAMP OPTIONS	# OF DISCS	VOLTAGE OPTIONS	MOUNT OPTIONS	FINISHES	ACCESSORIES
[11] 10W 10° MR11 (2,000 hr)	[3] THREE DISCS	[12V] 12 VOLT	[G/S2] GROUND STAKE	[NAT] NATURAL	[ES180°] EXTERNAL GLARE SHIELD
[21] 20W 10° MR11 (2,000 hr)	[2] TWO DISCS	[120V] 120 VOLT	[G/S2.5] GROUND STAKE	[BLP] BRONZE LIVING PATINA	[F] FROSTED LENS
[31] 35W 10° MR11 (2,000 hr)	[0] NO DISCS		[L/P] LEVELING PEDESTAL		
			[S/M] SURFACE MOUNT		
			[1/2"] UNIVERSAL 1/2" MALE ADAPTER*		

*Not recommended for 24" & 30" models

EXAMPLE

BD-A-300-12-11-3-12V-G/S2-NAT-ES180°



1/2" mount not available on 120V units.

Utah Administrative Code

The Utah Administrative Code is the body of all effective administrative rules as compiled and organized by the Division of Administrative Rules (Subsection [63G-3-102 \(5\)](#); see also Sections [63G-3-701](#) and [702](#)).

NOTE: For a list of rules that have been made effective since October 1, 2010, please see the [codification segue](#) page.

NOTE TO RULEFILING AGENCIES: Use the RTF version for submitting rule changes.

Download the [RTF file](#)

Rule R392-302. Design, Construction and Operation of Public Pools.

As in effect on October 1, 2010

Table of Contents

- [R392-302-1. Authority and Purpose of Rule.](#)
- [R392-302-2. Definitions.](#)
- [R392-302-3. General Requirements.](#)
- [R392-302-4. Water Supply.](#)
- [R392-302-5. Sewer System.](#)
- [R392-302-6. Construction Materials.](#)
- [R392-302-7. Bather Load.](#)
- [R392-302-8. Design Detail and Structural Stability.](#)
- [R392-302-9. Depths and Floor Slopes.](#)
- [R392-302-10. Walls.](#)
- [R392-302-11. Diving Areas.](#)
- [R392-302-12. Ladders, Recessed Steps, and Stairs.](#)
- [R392-302-13. Decks and Walkways.](#)
- [R392-302-14. Fencing.](#)
- [R392-302-15. Depth Markings and Safety Ropes.](#)
- [R392-302-16. Circulation Systems.](#)
- [R392-302-17. Inlets.](#)
- [R392-302-18. Outlets.](#)
- [R392-302-19. Overflow Gutters and Skimming Devices.](#)
- [R392-302-20. Filtration.](#)
- [R392-302-21. Disinfectant and Chemical Feeders.](#)
- [R392-302-22. Safety Requirements and Lifesaving Equipment.](#)
- [R392-302-23. Lighting, Ventilation and Electrical Requirements.](#)
- [R392-302-24. Dressing Rooms.](#)
- [R392-302-25. Toilets and Showers.](#)
- [R392-302-26. Visitor and Spectator Areas.](#)
- [R392-302-27. Disinfection and Quality of Water.](#)
- [R392-302-28. Cleaning Pools.](#)
- [R392-302-29. Supervision of Pools.](#)
- [R392-302-30. Supervision of Bathers.](#)
- [R392-302-31. Special Purpose Pools.](#)
- [R392-302-32. Hydrotherapy Pools.](#)
- [R392-302-33. Advisory Committee.](#)
- [R392-302-34. Cryptosporidiosis Watches and Warnings.](#)

(5) Where no lifeguard service is provided in accordance with Subsection R392-302-30(2), a warning sign must be placed in plain view and shall state: WARNING - NO LIFEGUARD ON DUTY and BATHERS SHOULD NOT SWIM ALONE, with clearly legible letters, at least 4 inches high, 10.16 centimeters. In addition, the sign must also state CHILDREN 14 AND UNDER SHOULD NOT USE POOL WITHOUT RESPONSIBLE ADULT SUPERVISION.

(6) Where lifeguard service is required, the facility must have a readily accessible area designated and equipped for emergency first aid care.

TABLE 2

Safety Equipment and Signs

	POOLS WITH LIFEGUARD	POOLS WITH NO LIFEGUARD
Elevated Chair 1,000 through 2,999 sq. ft., 92.9 through 278.61 sq. meters, of surface area	1	None
Each additional 2,000 sq. ft., 185.8 sq. meters, of surface area or fraction	1 additional	None
Backboard	1 per facility	None
Room for Emergency Care	1 per facility	None
Ring Buoy with an attached rope equal in length to the maximum width of the pool plus 10 feet, 3.05 meters	1 per 2,000 sq. ft., 185 sq. meters, of pool area or fraction	1 per 2,000 sq. ft., 185 sq. meters, of pool area or fraction
Rescue Tube	1 per 2,000 sq. ft., 185 sq. meters, of pool area or fraction	None
Life Pole or Shepherds Crook	1 per 2,000 sq. ft. 185, sq. meters, of pool area or fraction	1 per 2,000 sq. ft. 185, sq. meters, of pool area or fraction
First Aid Kit	1 per facility	1 per facility

(7) A spa pool is exempt from Section R392-302-22, except for Section R392-302-22(3).

(8) The water temperature in a spa pool may not exceed 105 degrees Fahrenheit.

R392-302-23. Lighting, Ventilation and Electrical Requirements.

(1) A pool constructed after September 16, 1996 may not be used for night swimming in the absence of underwater lighting. The local health officer may grant an exemption to this if it can be demonstrated to him that a 6 inch, 15.24 centimeters, diameter black disk on a white background placed in the deepest part of the pool can be clearly observed from the pool deck during night time hours. The local health department shall keep a record of this exemption on file. The pool operator shall keep a record of this exemption on file at the facility.

(2) Where night swimming is permitted and underwater lighting is used, refer to Table 3 for illumination requirements.

TABLE 3

Underwater Illumination Requirements

Class	Application	Lamp lumens per square foot of pool surface area- Indoor	Lamp lumens per square foot of pool surface area- <u>Outdoor</u>	Illuminance Uniformity: Maximum to Minimum
I	International, Professional, Tournament	100	60	2.0 : 1
II	College and Diving	75	50	2.5 : 1
III	High School Without Diving	50	30	3.0 : 1
IV	Recreational	30	15	4.0 : 1

(3) Where night swimming is permitted and underwater luminaires are used, area lighting must be provided for the deck areas and directed away from the pool surface as practical to reduce glare. The luminance must be at least 5 horizontal foot candles of light per square foot, 929 square centimeters, of deck area, but less than the luminance level for the pool shell.

(4) Electrical wiring must conform with Article 680 of the National Electrical Code, as adopted by the State.

(a) Wiring may not be routed under a pool or within the area extending 5 feet, 1.52 meters, horizontally from the inside wall of the pool as provided in Article 680 of the National Electric Code, without the written approval of the department. The department may deny the installation and use of any electrical appliance, device, or fixture, if its power service is routed under a pool or within the area extending 5 feet, 1.52 meters, horizontally from the inside wall of the pool, except in the following circumstances;

- (i) For underwater lighting,
- (ii) electrically powered automatic pool shell covers, and
- (iii) competitive judging, timing, and recording apparatus.

(5) Buildings containing indoor pools, bathhouses, dressing rooms, shower rooms, and toilet spaces must be ventilated in accordance with American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 62.1-2004, which is incorporated and adopted by reference.

R392-302-24. Dressing Rooms.

(1) All areas and fixtures within dressing rooms must be maintained in a clean and sanitary condition. Dressing rooms must be equipped with minimum fixtures as required in Subsection R392-302-25(1). The local health department may exempt any bathers from the total number of bathers used to calculate the fixtures required in Subsection R392-302-25(1) who have private use fixtures available within 150 feet, 45.7 meters of the pool.

(2) A separate dressing room must be provided for each sex. The entrances and exits must be designed to break the line of sight into the dressing areas from other locations.

(3) Dressing rooms must be constructed of materials that have smooth, non-slip surfaces, and are impervious to moisture.

(4) Floors must slope to a drain and be constructed to prevent accumulation of water.

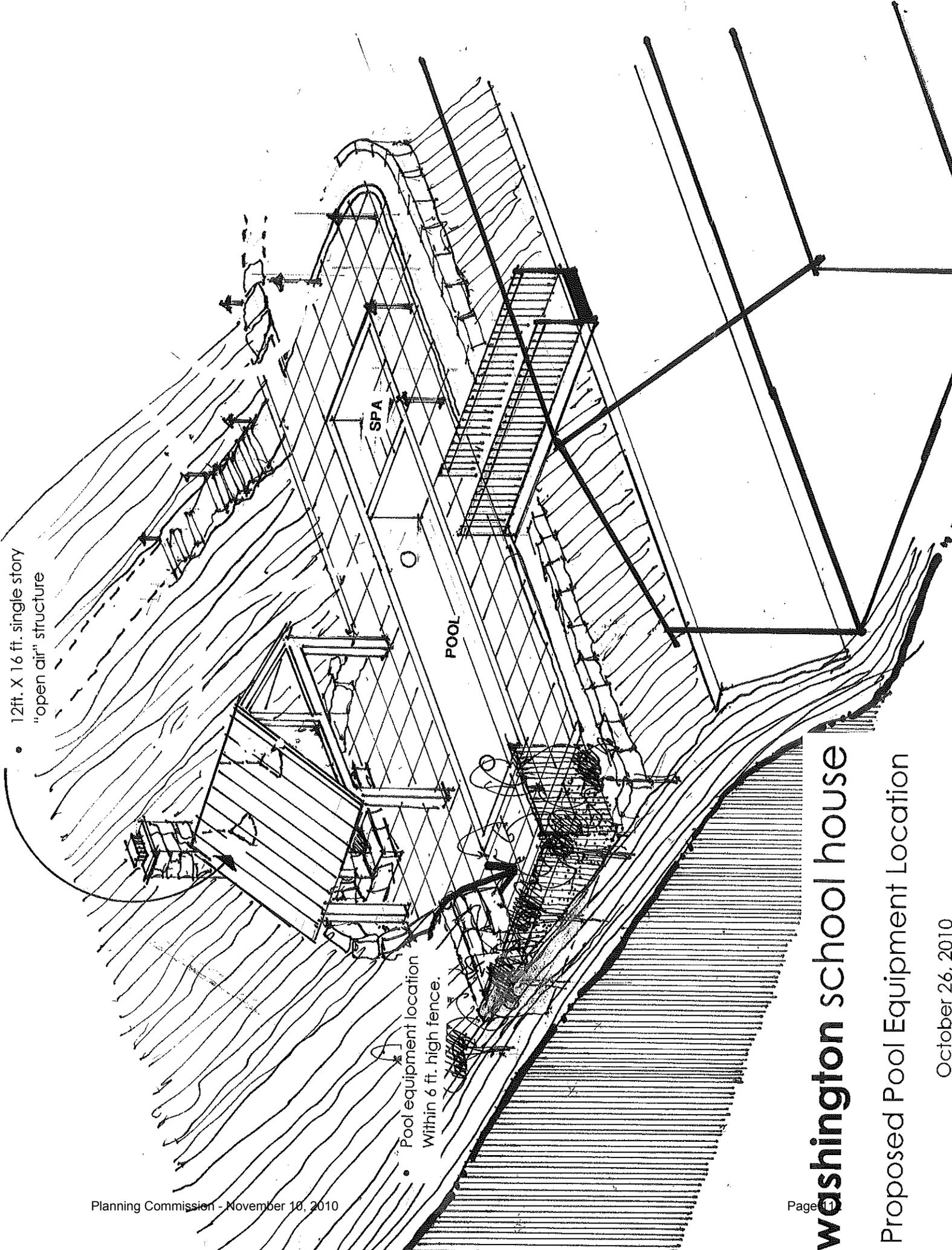
(5) Carpeting may not be installed on dressing room floors.

(6) Junctions between walls and floors must be coved.

(7) Partitions between dressing cubicles must be raised at least 10 inches, 25.4 centimeters, above the floor or must be placed on continuous raised masonry or concrete bases at least 4 inches, 10.16 centimeters, high.

(8) Lockers must be set either on solid masonry bases 4 inches, 10.16 centimeters, high or on legs elevating the bottom locker at least 10 inches, 25.4 centimeters, above the floor.

• 12ft. X 16 ft. single story
"open air" structure



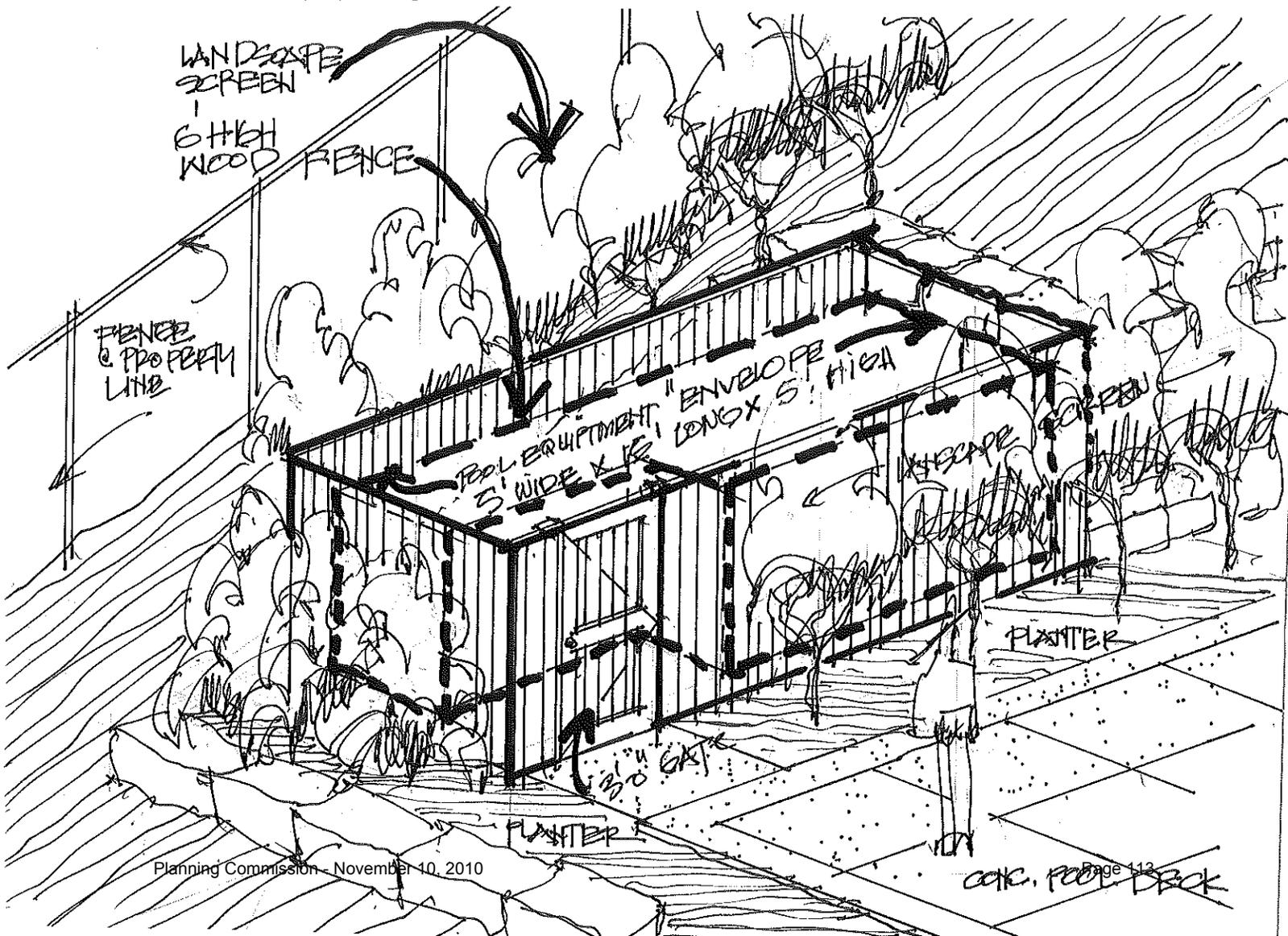
• Pool equipment location
Within 6 ft. high fence.

washington school house

Proposed Pool Equipment Location

October 26, 2010

- Pool equipment for new pool and spa to be located at south end of pool on a 6ft. X 16ft. concrete slab.
- All pool equipment will fit inside a 5 ft. wide x 15ft. long X 5ft. high "envelope".
- Sound generated from pool equipment will not exceed allowed decibel maximum, per the Park City Municipal code for the R-1 Zone.
- Pool equipment to be screen on all 4 sides with 6 ft. high (above concrete slab) solid wood fencing or stone retaining wall, with a 3ft. wide, solid wood, access gate. (to screen visually and attenuate equipment sound).
- Wood fencing to be further "screened" from south property and pool to the west with landscape plantings.



Kayla Sintz

From: John Plunkett [john@plunkettkuhr.com]
Sent: Thursday, November 04, 2010 8:26 AM
To: Kayla Sintz
Cc: Kuhr Barbara
Subject: 543 Park Avenue -- Washington School Inn C.U.P Application

Attachments: 1983_WSI CUP application.pdf; ATT106856.txt



1983_WSI CUP
application.pdf (...)



ATT106856.txt
(248 B)

Dear Planning Commissioners:

We are the property owners immediately downhill (north) of the Washington School Inn and as such, we're probably the residents who will be most directly affected by the Inn's plans. We've lived here for nearly 20 years now, and over time have purchased and improved the

5 lots with three houses next to the Inn, between Park and Woodside Avenues. We live at 557 Park, work at 564 Woodside, and rent out the house at 553 Park to local residents on a yearly lease. Our two vacant Woodside lots form a communal backyard for all three houses, and connect with the Inn's back yard.

One reason we've spent a lot of time and money improving these properties, with their views of the Washington School, is that we think it's the most beautiful building in town (and one of Park City's very few national landmark buildings). So its safe to say that we're fully 'invested', in almost every sense of the word, in what happens on the grounds surrounding the Inn and us.

We had a contentious -- and litigious -- relationship with the Inn's previous owners. To gain their CUP in 1983 (at a time when B&Bs were a Prohibited use in HR-1), they made promises in both their written application and verbal presentations to the City that were never kept, even though the CUP approval was based upon them. But because many elements of their presentation were not written up as Conditions of Use, the City had no way to enforce them, we've been told.

Then in 2001, the previous owners told us of their plans to construct a 'Victorian Wedding Chapel' on the grounds. This eventually led to a Public Hearing before the Planning Commission in 2001, which found that organized events for WSI patrons like parties or weddings are not permitted in the HR-1 zone.

So it may surprise you that we are writing today in support of the applicant's project. The Inn's new owners, Marcy and Tom Holthus, have made sure to inform us of their plans. Marcy and her architect Trip Bennett have worked with us to address most of our concerns. And working with the Planning Department, the final details seem to have fallen into place this week.

However we'd still like to state our concerns here for the record. We believe they have all been addressed as Conditions of Use. As long as that is the case then the project has our support.

Our concerns are all related to Use; not appearances. We're sure that whatever is built will be beautiful -- we just want to make sure that it's also quiet and dark at night (after 10pm).

The original owners promised in their 1983 CUP application letter (copy attached) that the Woodside lots would be "dedicated green space". That's what we and others have enjoyed for the last 27 years, without any illumination at all. So we hope it can still remain dark and quiet, at least after 10pm, going forward.

1. Type of Use. Its our understanding that use will be governed by the Dec, 2001 Planning Commission Action.
2. Hours of Use. We're assuming Park City's normal 7am to 10pm hours will apply here.
3. Low, Shielded Lighting. This may seem straight-forward, but because of all the property's steep hillsides it's actually a real challenge to prevent us from staring up at bare light-bulbs. The WSI has proposed short, vented bollards, which make sense to us. As long as that is all that is required by the City and County then we support it.
4. Hours of Lighting. Its our great hope that the lighting will not have to remain on all night. This one thing could make the biggest difference in how well a commercial business with a CUP continues to fit into this Historic Residential neighborhood, and is worth a special legal exception if needed.
5. Mechanical Noise. We hope that our homes will be as shielded as possible from any mechanical equipment that can't be located within the Inn itself, as it all has been up to now. Our understanding is that the Only mechanical equipment outside of the Inn's walls will be located in an enclosure at the south end of the pool. We'd appreciate it if this could be made an explicit Condition, that any and all mechanical systems outside of the original Inn must be located within this enclosure.
6. The Proposed Stairway to Woodside Ave. There has never been a stairway up to Woodside from the Inn. All access and parking is required to come via Park Avenue. Its our understanding that Conditions will prohibit parking or deliveries from Woodside by the Inn's suppliers, employees and guests. But the potential for abuse is high. It's our hope that the Inn will propose landscaping the City's Right-of-Way as a way to prevent any parking (and improve the street's appearance), as we've done with our property next door.

We appreciate your consideration of our concerns, and regret that we'll be unable to attend the November hearing because of business obligations on the east coast. Please email or call if you have any questions or wish to discuss further: 435-901-2980.

Sincerely,

John Plunkett and Barbara Kuhr

attachment: copy of original 1983 CUP application letter

RECEIVED
SEP 06 1983
PARK CITY
MUNICIPAL CORP.



CUSTOM BUILDERS/DEVELOPERS

HDC-rec-Sept.
Bl. HJ. Oct. 4th

September 1, 1983

Mr. Bill Ligety
Director of Planning
Park City, Utah 84060

Re: Washington School Application for
Conditional Use Permit #378

Dear Mr. Ligety:

Regarding our application yesterday for restoration of the Washington School, we would like to provide some additional information for your consideration. Please be advised that we are working closely with the Utah State Historical Society, the Utah Heritage Foundation and the National Trust for Historical Preservation on this project.

Our purpose is to renovate the 100 year old historic school house to the Washington School Inn in order to save the building from demolition or accidental loss, to provide overnight lodging facilities for guests, and to provide education and pleasure for the community in the preservation of an important and beautiful Park City landmark.

The exterior of the building will be restored as completely as possible to the original detail of the building including the fabulous roof and bell tower. The building sits on a lot 75' x 75'. The adjacent lot on Woodside Avenue of 75' x 75' will be dedicated green space and provide garden area for the restored building. Total site square footage is 11,250.

The interior of the building will be refurbished and professionally decorated to reflect the historical value of the structure and to meet all current building and safety codes for lodging of overnight guests.

Parking will be provided in an adjacent parking structure provided by agreement with Old Town Associates.

The Inn will provide overnight lodging facilities with (14) rental bedrooms, public rooms such as lounge, spa, sauna, locker rooms and dining room for serving continental breakfast to guests. The

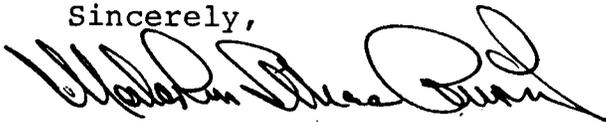
Mr. Bill Ligety
Page two
September 1, 1983

Inn will also contain living quarters for the innkeeper.

The Inn should influence other property owners in the neighborhood to restore and maintain buildings. The use of the school house as the Washington School Inn will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity.

We are appreciative of your assistance with this project.

Sincerely,



Malcolm S. MacQuoid

MSM/nb

Planning Commission Staff Report



PLANNING DEPARTMENT

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

Recommendation

Staff recommends the Planning Commission continue to discuss at the work session the revised site plan and provide input regarding the second phase area and overall mix of housing types. The applicants are also seeking direction on design guidelines for the neighborhood and will present an update on trails. Staff recommends the Commission conduct a public hearing and continue the hearing to December 8, 2010.

Description

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

The MPD currently consists of 239 residential dwelling units, including:

- 160 market rate units in a mix of cottage units on smaller (6,000 to 8,000 sf lots) and single family detached units on 9,000 to 10,000 sf lots,
- 44.78 Affordable Unit Equivalentents configured in approximately 28 deed restricted affordable units to satisfy the IHC MPD affordable housing requirement,
- 32 Affordable Unit Equivalentents configured as approximately 16 deed restricted affordable units to meet the CT zone affordable housing requirement, and
- 35 deed restricted affordable units that Park City Municipal proposes to build consistent with one of its stated public purposes in the acquisition of an ownership interest in the land.

The plan includes approximately 175 acres of open space (73% open space), a community park with a splash pad play feature and active and passive park uses, neighborhood club house, bus shelters on both sides of Richardson's Flat Road, and trails throughout the development with connections to the city-wide trail system, including improved connections to the Rail Trail and to the Quinn's Recreation Complex via the SR 248 underpass.

Background

On October 13th the Commission conducted a public hearing and discussed the revised site plan. The Commission focused most of the discussion on the layout of Phase One closest to Richardson's Flat Road. The Commission requested the applicant consider impacts of US 40 on the units and vice versa, and explain the reasoning for orientation of units and the way various unit types are integrated.

An updated traffic letter was also reviewed. Traffic mitigation as required by the annexation agreement was presented. Due to the reduction in total units and UDOT findings that average traffic counts had not changed significantly since the traffic study counts were conducted, the proposed mitigation measures are still recommended as described in the annexation agreement.

The Commission requested additional information to better understand impacts on queuing at the intersections with SR 248. The applicants will provide additional traffic information at the December 8 meeting. Additionally, the City is currently working on a transportation plan, including modeling to understand impacts of traffic from beyond the city limits on the SR 248 corridor. This transportation plan information will be presented to the Commission at future meetings.

There was public input regarding the importance of getting the trails and trail connections right and considering the different users, such as pedestrians, cyclists, mountain bikers, Nordic skiers, etc. There was also input regarding consideration of the future use of the Rail Trail from the Park and Ride to the Park Bonanza area in design of the trails and transit system.

On October 26th City Staff and the applicants visited the site to better understand challenges and opportunities for trails, trail connections, and road crossings in the area. The applicant is working on revising the site plan to incorporate these trail improvements and will present an update on the trails at the work session.

Staff and the applicants continue to consider the following concerns as the MPD concept plan is finalized into a site plan from which a subdivision plat, utility plans, open space layout and trail system can be drafted:

- Affordable housing integration in the neighborhood;
- Traffic mitigation, transit options, trails and connections for alternative modes of transportation;
- Support commercial opportunities;
- Environmental, wildlife and sensitive lands considerations- preserving sensitive lands, protecting wetlands, keeping development off of ridgelines

and steeper slopes, understanding wildlife issues, and being sensitive to the uniqueness of the existing site;

- Site planning details that are not typical of suburban development;
- Architectural and landscape design guidelines to guide building design that consider energy efficiency, water conservation, solar access, building materials, architectural character and massing, impacts of garages and driveways, encourage pedestrian access and neighborhood interaction, porch elements, etc; and
- Creation of a neighborhood that reflects Park City's natural environment and resort character and that creates a sense of place as a neighborhood while at the same time provides community amenities or attractions that connect it to other Park City neighborhoods.

Work session

The following items will be presented for discussion at the work session:

- Phase 1 site plan revisions
- Phase 2 site plan revisions- methodology and objectives for a revised layout
- Architectural guidelines concepts and request for direction
- Update on trails and trail connections
- Site plan examples/visuals from other resort towns

MPD Requirements

Master Planned Development review criteria (LMC Section 15-6-5) relevant to the work session discussion items include density, setbacks, open space, off-street parking, building height, site planning, landscape/streetscaping, sensitive lands, affordable housing, and child care.

Density- does the proposed density comply with LMC Section 15-6-6 (A)?

The Park City Heights Annexation Agreement set the density at 0.8 units per acre (excluding affordable units) or 1 unit per acre (with all units included). The MPD requires density of a site to be looked at in its entirety and requires the Density to be located in the most appropriate locations. A site suitability analysis was used during the annexation process that looked at Sensitive Lands, open space, utilities, transportation, and community objectives as stated in the General Plan to make a density determination consistent with the CT zoning district.

The LMC allows the Planning Commission to increase the density 10% over the zone based on compliance with certain criteria related to open space, affordable housing, and protection of significant environmentally or visually sensitive lands.

The Park City Heights Annexation Agreement decreased the density allowed by the zone (from 1 unit per acre to 0.8 units per acres (excluding affordable units).

Setbacks- do the proposed setbacks comply with requirements of LMC Section 15-6-6 (C)?

Proposed perimeter setbacks exceed the 25' and are in the range of (150' to 270') with a minimum of 200' from Frontage Protection Zones. The applicants are requesting reduced interior setbacks consistent with setbacks within a residential neighborhood (such as the RD zone) similar to other residential zoning districts, however not less than the setbacks required by the International Building Code (minimum of 6').

The minimum setbacks around the exterior boundary of an MPD shall be 25' or greater. The Planning Commission may decrease the required perimeter setback with an MPD. The Planning Commission may also decrease setbacks within the MPD provided the project meets Building Code minimums.

The applicants are not seeking a reduction in the perimeter setbacks and are requesting interior setbacks that are consistent with setbacks in the RD zoning district to a minimum of 6'.

Open Space- does the proposed open space comply with open space requirements of LMC Section 15-6-6(D)?

The current plan provides approximately 175 acres of open space (74%) for the 239 acre site.

The LMC requires a minimum of 60% open space for MPDs. MPDs within the CT zone are required to provide a minimum of 70% for a residential density of 1 unit per acre.

The Planning Commission shall designate the preferable type and mix of open space for each MPD base on guidance from the General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plaza, and similar Uses. Open space may not be utilized for streets, parking, commercial uses, or buildings that require a building permit.

Off-Street parking- is the proposed parking in compliance with the off-street parking requirements of LMC Section 15-6-6 (E)?

The LMC allows the Planning Commission to increase or decrease parking requirements within an MPD based on a parking analysis. The applicants are providing 2 parking spaces per dwelling unit and are not requesting a decrease in the required space.

Building Height- are the proposed building heights in compliance with the Building Height requirements of LMC Section 15-6-6 (F)?

The LMC allows the Planning Commission to increase or decrease height limits within an MPD. The applicants are not requesting additional building height. The Commission should consider whether height reductions would further mitigate impacts on visually sensitive areas. Additional visual analysis can be provided to assist in making this recommendation once a final site plan has been determined.

Site Planning- does the proposed site plan comply with the site planning criteria of LMC Section 15-6-6 (G)?

MPD shall take into consideration the characteristics of the Site. The following shall be addressed in the Site planning:

- Clustered units
- Open space corridors and protection of existing Significant Vegetation
- Minimize grading
- Minimize large retaining structures
- Roads, utility lines, and buildings need to be designed to work with the grade not opposed to it.
- Minimize cuts and fills
- Incorporate existing trails into open space elements
- Dedicate easements for new trails
- Trails shall be constructed to standards consistent with the Trails Master Plan
- Adequate internal vehicular and pedestrian circulation shall be provided
- Private internal streets may be considered if emergency and safety requirements are met
- Adequate areas for snow storage shall be provided on site
- Refuse storage and collection, including recycling shall be addressed on the site plan that are convenient to the residents
- Include transportation amenities, such as drop-off areas, bus stops, bike racks, etc.
- Service and delivery access, loading and unloading areas shall be incorporated into the site plan and kept separate from pedestrian areas.

The applicants will review the site plan for these elements. The Planning Commission should provide input and direction during the work session.

Landscape and Streetscape- does the proposed landscape and streetscape comply with the requirements of LMC Section 15-6-6 (H)?

- MPDs shall, to the extent possible, maintain existing Significant Vegetation on site and shall protect such vegetation during construction.
- Where landscaping does occur, it shall be primarily of appropriate drought tolerant species.
- Lawn or turf areas need to be limited to 50% of the area of a lot not covered by buildings (the Annexation Agreement further limits irrigated areas and requires water conservation measures throughout the MPD).
- Landscape and Streetscape shall use native rock and boulders.
- Lighting must meet the requirements of LMC Chapter 15-5.

Sensitive Lands Compliance- does the proposed MPD comply with the requirements of LMC Section 15-6-6 (I)?

The LMC requires MPDs to comply with the Sensitive Lands Provisions as outlined in LMC Section 15-2.21. A site suitability analysis was used during the annexation

process that looked at Sensitive Lands, open space, utilities, transportation, and community objectives as stated in the General Plan to make a density determination consistent with the CT zoning district and the Sensitive Lands provisions of the code. Once there is a final site plan, Staff will provide further analysis regarding Sensitive Lands Compliance, concerning steep slopes, ridgelines, wetlands, frontage protection, wildlife, and streams.

Employee/Affordable Housing- does the MPD comply with the requirements of LMC Section 15-6-6 (J)?

MPD applications shall include a housing mitigation plan. The Park City Heights MPD proposes to meet the required 15% affordable housing requirement per the City's affordable housing resolution plus an additional 5% affordable housing as required by the CT zone.

Child Care- does the MPD comply with requirements of LMC Section 15-6-6 (K)?

The MPD has not addressed this issue. The LMC states that a site for a Child Care center may be required for all new single family and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care. Staff will provide additional information regarding this criterion at the December 8th meeting in order for the Commission to make this determination.

Notice

This item is scheduled as a work session and public hearing. Notice of the public hearing was published in the Park Record and posted according to requirements of the LMC. Courtesy notice letters were sent to affected property owners according to requirements of the LMC.

Public Input

Staff received 2 letters from near-by property owners expressing 1) concern that an access road from Park City Heights to Hidden Oaks and Morning Star subdivisions not be considered and 2) loss of open space and concern about wildlife and environmental impacts of the development. The letters are attached as Exhibits to this report.

Recommendation

Staff requests the Commission provide direction regarding the revised plan and continue the public hearing to December 8, 2010.

Exhibits

- Exhibit A- Park City Heights Binder/Tool Kit (handed out at the September 22nd work session and posted on the City's web site as a pdf)
- Exhibit B- Revised MPD site plan (under separate cover)
- Exhibit C- Letters from near-by property owners

October 12, 2010

Mr. Thomas Eddington
Park City Municipal Corporation
Planning Department
445 Marsac Avenue
P.O. Box 1485
Park City, UT 84060

RE: Park City Heights Project

Dear Mr. Eddington:

I am President of the Morning Star Estates Homeowners Association ("MSEHA"). In connection with the planning approval process for the development of the Park City Heights Project ("the Project"), MSEHA is concerned with the access routes that will be approved by the City for the Project. Specifically, in connection with any Master Plan Development Agreement approved for the Project, MSEHA advocates that the Master Development Agreement specify that the Fire Escape Road to Morning Star Estates cannot be used for any access or egress to the Project and that the Master Plan Development Agreement include language clearly limiting the access routes available for use with land included in the Project to Richardson Flats.

We appreciate your consideration of our views. MSEHA is extremely concerned about access decisions having potentially adverse impacts on its homeowners. We request that you inform us of any decisions made about access for the Project and inform us of all opportunities to have input before any decisions are made with regard to access for the Project.

Very truly yours,

Sally Fuegi

3742 Rising Star Ln
Park City, UT 84060
sallyfuegi@hotmail.com

From: Patricia Abdullah
Sent: Wednesday, October 13, 2010 9:18 AM
To: Kirsten Whetstone
Subject: FW: Boyer and 239 new units



Patricia Abdullah
Park City Municipal Planning Department
445 Marsac Avenue, PO Box 1480
(435) 615-5060

From: jennifer seabury [mailto:jenandpaul55@hotmail.com]
Sent: Wednesday, October 13, 2010 08:24 AM
To: Patricia Abdullah
Subject: Boyer and 239 new units

Dear Planning Commission:

Just concerned about the Boyer/Park City deal for 239 units. Don't we have enough empty, undervalued condos in this town now? And is just this another let Boyer get rich deal? And what about wildlife and environmental impact studies? The last low income housing was pushed in on wetlands behind the new post office and police station. And now another huge project on our open space we paid for?

And what's going on with the asphalt garbage dump by the ball fields under PC hill? That was our open space also, and now it looks like a NJ dump. Thank you for all your very hard work. We appreciate it.

Best wishes,
Jen Seabury