



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

ROLL CALL

ADOPTION OF MINUTES OF NOVEMBER 11, 2010

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

1825 Three Kings Drive, Silver Star – Parking update	PL-03-09096	33
CONTINUATION(S) – Public hearing and continue as outlined below		
Park City Heights – Master Planned Development	PL-10-01028	
<i>Public hearing and continuation to January 11, 2011</i>		
CONSENT AGENDA – Public hearing and possible action		
9100 Marsac Avenue – Amendment to Record of Survey	PL-10-01082	41
<i>Public hearing and possible recommendation to City Council</i>		
REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i>		
8680 Empire Avenue – Plat Amendment	PL-09-00861	57
<i>Public hearing and possible recommendation to City Council</i>		
1555 Lower Iron Horse Loop Road – Master Planned Development	PL-10-00899	75
<i>Public hearing and possible action</i>		
1440 Empire Avenue – Conditional Use Permit	PL-09-00725	147
<i>Public hearing and possible action</i>		
1502 Seasons Drive – Extension of Conditional Use Permit	PL-10-01086	227
<i>Public hearing and possible action</i>		
WORK SESSION – Discussion items only, no action will be taken		
Park City Heights – Master Planned Development	PL-10-01028	339

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.



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

ROLL CALL

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

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

Land Management Code – Amendments to Chapter 1, General Provisions; Chapter 2.16, RC Zone; Chapter 3, Off-Street Parking; Chapter 5, Architectural Review; Chapter 6, Master Planned Development; Chapter 7, Subdivision Procedure including requirements for identification of Physical Mine Hazards during Master Planned Development, Conditional Use Permit, and Subdivision application review; Chapter 11, Historic Preservation; Chapter 15, Definitions PL-10-01103

Public hearing and possible recommendation to City Council

Land Management Code – Consideration of an additional chapter titled Chapter 2.24 Transfer of Development Rights Overlay Zone PL-10-01104

Public hearing and possible recommendation to City Council

ADJOURN

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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 - December 8, 2010

WORK SESSION NOTES – NOVEMBER 11, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
NOVEMBER 10, 2010**

PRESENT: Charlie Wintzer, Brooke Hontz, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan, Thomas Eddington, Katie Cattan, Polly Samuels McLean

Commissioner Luskin was excused.

WORK SESSION ITEMS

Discussion of Density Transfer Option - General Plan

Planner Katie Cattan stated that the concept of Transfer of Development Rights has not been utilized in Park City and it is not currently incorporated within the Land Management Code. She remarked that when putting together a transfer of Development Rights Ordinance, much of it relates to the legal aspects in creating the right mechanisms for collection of the development rights, the transfer and the application. Planner Cattan noted that the model ordinance provided in the Staff report contained a significant amount of legal language that the Planning Commission would not focus on this evening.

Planner Cattan presented an overview of how TDRs work. The TDRs can be historic preservation, open space, hillsides, view sheds. By preserving the land that has development rights, the development rights transfer to another area.

Planner Cattan stated that purpose statements was the first item for discussion this evening. The second would be to identify sending and receiving zones. A third discussion would be density bonus for transfer of receiving zones as an incentive for someone to give up their land. A final discussion would be the receiving zones and how much density should be allowed on a receiving zone.

Planner Cattan requested that the Planning Commission brainstorm ideas and identify purposes they would like to see in a TDR.

Chair Wintzer noticed that the model ordinance did not address traffic. In his opinion, one reason to have a sending zone would be to improve traffic circulation within the City. Commissioner Pettit agreed, particularly in areas where the roads are substandard. Chair Wintzer thought the idea should be to stop traffic further out towards the edge of the city limits and not just in areas like Old Town. Rather than sending traffic further up Empire Pass, it would be logical to stop it closer to the City limits.

Commissioner Peek remarked that sending areas could be areas with inadequate infrastructure, as well as platted City street right-of-ways that are platted but not in place. Planner Cattan noted that TDRs are used a lot for sprawl and to transfer density into outer boundaries. Commissioner Peek asked how specific the sending areas could be. Director Eddington remarked that the definitions for a sending area and a receiving area would need to be very specific. Commissioner Peek stated that some areas bordering the HRL and HR-1 zones may be good sending areas.

Planner Cattan remarked that the Planning Commission could identify certain zones on the

zoning map as sending areas or they could define certain parcels as sending areas. She suggested the parcel by parcel approach. Commissioner Savage asked if it was possible to have a sending area inside a receiving area or visa-versa. Commissioner Strachan asked if they could designate the entire town as both a sending and receiving area. Commissioner Hontz believed that it could be done, but it would not be a benefit moving forward with their goals. One project could go above and beyond and receive a large amount of density adjacent to an areas where someone else had decided to eliminate the density. Director Eddington pointed out that it would work in areas where they were trying to create commercial node development. Commissioner Hontz cautioned against overlapping sending and receiving areas. It is important to have defined districts.

Commissioner Strachan thought it could be worthwhile if the transferor and the transferee have some flexibility to make transfer deals. Commissioner Hontz agreed, as long as transfers occur in designated spaces where the community wants density. Commissioner Strachan asked if the community would have the ability to veto a TDR. Director Eddington answered no. Once the tool is enabled it can be utilized.

Director Eddington believed he and Commissioner Hontz were saying the same thing. If the entire city was a sending zone and as an example, Bonanza Park and the PCMR parking lot were two receiving zones, those would not be receiving and sending zones. They would strictly be geographically defined areas for receiving density, and the whole town could have the opportunity to place density there. Director Eddington clarified that it would be a receiving district in a larger sending zone, based on the planning decision to put density in that location.

Chair Wintzer noted that the Deer Valley parking lot is difficult to reach by car. If the Planning Commission wanted, they could transfer density from that area to reduce the amount of traffic through Old Town. As another example, if they wanted to reduce the amount of traffic going to the top of the mountain, they could send density from a mountain top project back to the Deer Valley parking lot. In those scenarios, Chair Wintzer asked if the Deer Valley parking lot would be considered a sending and receiving area. Director Eddington stated that the Planning Commission would need to make that decision. The first step would be to look at the Deer Valley MPD to see how many UEs they have available to build. The next step would be to do a traffic analysis to see if development could be supported.

Commissioner Savage stated that you run a business opposite from how you read a book. When you run a business you start at the end and do everything possible to achieve that. In his mind the end is the General Plan. Commissioner Savage believed the concept of TDRs significantly interplays with what they believe the General Plan will look like. The only problem is the deadline imposed for approving TDRs in a short time frame. Rather than worrying about what could happen in the Deer Valley parking lot, Commissioner Savage suggested that they step it up a level and present information in a way that helps the Planning Commission analyze the matter on a more directed pathway.

Planner Cattan stated that her advice would be not to read the end of the book at this point, because they are not prepared for the final chapter. She explained that under a TDR ordinance, sending and receiving zones must be created. She suggested that they keep the sending and receiving zones at a minimum to at least get an ordinance in place. Planner

Cattan noted that the sending and receiving zones can be changed at any time, just as the zoning map can be changed. Commissioner Savage clarified that the ability to get in under any potential legislative cut-off dates would not impede the ability to re-assign the sending and receiving zones if deemed necessary at any point. Planner Cattan replied that this was her understanding. Commissioner Savage thought it was a critical question.

Director Eddington remarked that the City is already looking at the General Plan and the Staff is working with Matt Cassel, the City Engineer, and Kent Cassel, the Public Works Director, to create a transportation plan as one element of the General Plan. That information led to the discussion on TDRs and the Staff is beginning to identify areas where issues could arise. Director Eddington believed the Staff was looking at TDRs more comprehensively than what it appears. He was confident about most of the H zones and other areas in the City. Director Eddington thought that Bonanza Park, the Deer Valley and PCMR parking lots, and Treasure Hill are the four main areas that are still loose and ill-defined and those areas need to be further addressed.

Commissioner Savage felt the fundamental question was whether they needed to be definitive on sending and receiving zones prior to the time of the legislative deadline. He wanted to make sure they would have flexibility to modify, add, and adjust the sending and receiving zones once they are incorporated into the Land Management Code.

Assistant City Attorney, Polly Samuels McLean, stated that the City is aware that the State Legislature may try to tamper with this area of the law during the next legislative session. The idea is to have a TDR ordinance in place in case it is not allowed in the future. Currently State Code specifically allows for TDRs. Ms. McLean clarified that the objective this evening was to define general concepts of the policy. There should not be a problem as long as they have a pending ordinance prior to the start of the legislature. Ms. McLean stated that the ordinance starts pending when the Planning Commission conducts a public hearing. She thought it would be noticed for public hearing and proposed language on either December 8th or a second meeting in December.

Commissioner Savage asked Ms. McLean if the Planning Commission would have the flexibility of changing the boundaries and re-defining sending and receiving zones at any future time once it is added to the Land Management Code. Ms. McLean answered yes. It can always be amended the same way that zoning can be changed through the public process. Commissioner Savage clarified that there was no urgency in having a definitive map of sending and receiving zones at any point in time. Director Eddington stated that they would need the base framework and base sending and receiving for a pending ordinance.

Chair Wintzer wanted to know how assigning receiving and sending zones would affect developers rights in those zones. Director Eddington replied that it provides the developer with another tool. Ms. McLean stated that it is an overlay zone and a developer would always have the underlying zoning rights for development under the zone.

Planner Cattan stated that the next discussion point was to identify sending and receiving zones. She noted that the Staff had identified Treasure Hill as a sending zone, and the Deer Valley parking lot, the PCMR parking lot and Bonanza Park as receiving zones.

Commissioner Peek thought sending zones should be unimproved platted lots and street right-of-ways bordering the H Districts. Commissioner Hontz remarked that the City has a great map of the open space showing what was acquired and where development has occurred. She thought that map could be helpful when looking for sending and receiving zones.

Commissioner Pettit commented on pockets of platted lots that border the H Districts. The lots are uphill on steep slopes and some are on ridge tops. She thought it made sense to identify those lots as potential sending zones. Director Eddington agreed. Many of those are sensitive areas that may have inadequate road infrastructure.

Commissioner Hontz commented on four points that make a good TDR ordinance work. One is to define the clear sending and receiving zones. The second is understanding what you have and the value of an unplatted lot that is unbuildable. Since Park City has a small geographical area to study, if they can understand what they have it could be incentivized so people would want to participate.

Commissioner Hontz liked the idea of the market driving the value and the price versus the City being involved. The Commissioners discussed values and the worth of remaining development rights. Director Eddington stated that whatever value the developer pays for the unit equivalent, they have to make sure it was added into the square foot costs to see if they could still build it and sell it for a decent profit. If it does not work in the private market no one will utilize the tool. Chair Winter stated that there needs to be an incentive for both the receiver and the sender. Commissioner Peek recalled a previous comment about land trusts getting involved in a TDR bank. He was concerned about big deals that could occur in purchasing and selling and moving the development rights. Planner Cattan explained that someone could come in and instead of putting density rights into a receiving area, they could be bought into a conservation agreement. Commissioner Peek asked if people could purchase and sell development rights. Director Eddington stated that if someone had public money and utilized a bond to buy down density rights, they would have purchased density rights. If someone wanted to preserve certain areas, they could hold the density rights in abeyance. Chair Wintzer asked if there was a time limit from when the rights are purchased and sold. Director Eddington stated that he has seen states and government entities holding development rights for 20 or 30 years. As an example, Commissioner Savage asked if Park City could purchase density from Treasure Hill, bank it and then sell that density to a developer who wanted more density in another location. Director Eddington replied that this was correct. It would require community support and a bond that supported it. Commissioner Peek pointed out that a private investor could do the same thing. Director Eddington replied that a private investor could do it as long as the tool was in place.

Assistant City Attorney McLean pointed out that for purposes of the ordinance the City needs to set a sending zone and a receiving zone. Planner Cattan stated that the ordinances she has research do not have banks. Banks can be confusing and very involved. Director Eddington thought it would be difficult for Park City to set up a bank. He felt it was better to leave it to the private market because Park City is manageable. Commissioner Peek asked if it would be contained within the municipal borders. He was told that it would.

Chair Wintzer understood that the property owner of a sending zone could dispense the units one at a time for the rest of his life. Director Eddington stated that he could as long as that tool is in place.

Commissioner Strachan understood that a receiving zone could not develop more than what is allowed under the original zone. Planner Cattan stated that they would look at the maximums allowed in the zone and create a new maximum as a receiving zone. She noted that receiving areas can be rated to say which areas are appropriate for more or less density.

Commissioner Hontz felt it was important to specify development parameters for individual receiving zones to make sure they understand what development would look like with additional density. Chair Wintzer was concerned about controlling variation in height. Assistant City Attorney McLean stated that currently they have requirements for height variation and they could do the same thing for the receiving zones. Another option would be to allow more density in the center of the receiving zone with a maximum height in the middle. As development branches out the height is reduced to be more compatible with surrounding structures.

Commissioner Savage requested an additional work session in November to further discuss TDRs prior to the public hearing on December 8th. He thought it would help the Commissioners be better prepared for public comment. Chair Wintzer concurred. The Commissioners agreed to meet in work session on Tuesday, November 23rd at 5:30.

Commissioner Pettit requested that the Staff provide visuals at the next meeting similar to what was presented at a previous meeting for the Bonanza Park area. It would help them understand the volumetrics of the key areas and what it would look like with additional density. Commissioner Hontz requested that the Staff include the Silver Lake area in their presentation.

Chair Wintzer asked if Park City Heights would be an appropriate receiving zone and whether it was worth considering for additional density in the future. Planner Cattan remarked that properties with development agreements need to be reviewed differently before they can be considered. Commissioner Savage believed the challenge was how to resolve the conundrum of not having the specificity needed for the implementation they want.

Director Eddington stated that the Staff would look at the areas mentioned this evening and put them in the map. They would also try to do sketch up modeling to help identify potential receiving zones. He noted that the Staff had drawn up maps, but they needed to be put on to the GIS system before they could be presented to the Planning Commission.

Planner Cattan reported that Treasure Hill would be a sending zone for unit equivalents. Commissioner Pettit understood that there was discussion about expanding the sending zone beyond just Treasure Hill. Planner Cattan replied that this was correct. She clarified that the Planning Commission wanted to look at an open space map to identify other opportunities, as well as looking at unimproved platted lots around the HR-1 zone. Commissioner Peek added platted street right-of ways that are not improved.

Regarding the purpose statements, Planner Cattan summarized that the Planning Commission wanted to include improved traffic circulation to make sure development occurs in an appropriate location. She understood that the areas to be further considered as receiving zones included the Deer Valley parking lot, the Silver Lake parcel, PCMR parking lots, Bonanza Park/Iron Horse District. Planner Cattan stated that the Planning Commission favored creating a density bonus and the Staff would come back with suggestions for discussion.

Commissioner Pettit asked if there was the ability to transfer residential for commercial or if it needed to be residential for residential and commercial for commercial. Planner Cattan replied that there is the ability to transfer residential for commercial. However, it is based on the unit equivalent formula. Commissioner Peek felt that would call into question the affordable housing component and whether a developer would want to sell off their affordable housing obligation to a receiving zone.

Commissioner Strachan was unsure whether they should allow a transfer for affordable housing because those locations were carefully planned. Chair Wintzer understood that the only affordable housing that could be transferred is the percentage of affordable housing that does not get used. Commissioner Strachan believed the affordable units should have to remain in their originally designated location. Chair Wintzer stated that if there is no development, a hundred percent of the affordable units could be transferred to another area. Commissioner Pettit agreed and found that to be a desirable approach. Commissioner Strachan was concerned that developers would continue to transfer deed restricted units because they are not as profitable. Planner Cattan clarified that currently affordable housing does not have to occur on the site of the development. Chair Wintzer understood the point Commissioner Strachan was making, however, he thought it was appropriate for the affordable units to go where the density goes. Commissioner Strachan agreed, but he could see the potential for developers to continually transfer affordable units and only keep the commercial units. The Commissioners concurred that further discussion and clarification was needed regarding the transfer of affordable housing units.

Chair Wintzer asked if the City or the Planning Commission were obligated to approve a transfer. Commissioner Strachan asked if density transfers would come before the Planning Commission for review and approval. He noted that Section 106 in the proposed ordinance only talks about an administrator. Commissioner Peek asked if there would be a TDR conditional use in the zone. Assistant City Attorney McLean explained that by having receiving zones, it would be a new underlying entitlement and would not come before the Planning Commission. These discussions are the opportunity for the Planning Commission to identify appropriate locations for development and density. They have the ability to place restrictions in terms of affordable housing, but once the ordinance is set, people can act on that expectation.

Chair Wintzer suggested that the Commissioner read through the Staff report and email the Staff with any ideas or suggestions prior to the next work session.

The work session was adjourned.

MINUTES – NOVEMBER 11, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
November 10, 2010

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Kayla Sintz, Planner; Phyllis Robinson; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:50 p.m. and noted that all Commissioners were present except Commissioner Luskin, who was excused.

II ADOPTION OF MINUTES

October 13, 2010

MOTION: Commissioner Hontz moved to APPROVE the minutes of October 13, 2010 as written. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously by all who had attended. Commissioner Pettit abstained since she was absent from that meeting.

October 27, 2010

MOTION: Commissioner Hontz moved to APPROVE the minutes of October 27, 2010 as written. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously by all who had attended. Commissioners Strachan and Savage abstained since they were absent from that meeting.

III. PUBLIC COMMENT

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Director Eddington reported that during work session the Planning Commission agreed to schedule a special work session on Tuesday, November 23rd, 2010 at 5:30 p.m. to continue their discussion on TDRs. He noted that the next regularly scheduled meeting was December 8th. Director

Eddington asked if the Planning Commission would be willing to meet on December 15th to discuss issues related to the General Plan and Land Management Code. The regular meeting on the fourth Wednesday, December 22nd would be cancelled due to the holidays. Commissioner Pettit stated that she would be out of town on December 15th. The other Commissioners were available and Director Eddington would tentatively schedule that meeting.

Director Eddington remarked that a date was still not finalized for a joint meeting with the Snyderville Basin Planning Commission. He thought it would be in December and he would update the Planning Commission on possible dates.

Due to the Sundance Film Festival, the Planning Commission would only have one scheduled meeting in January, on the second Wednesday. Chair Wintzer requested that Director Eddington email the Planning Commissioners with the scheduled meeting dates for the next three months.

Director Eddington referred to an article in the newspaper regarding 657 Park Avenue. Planner Francisco Astorga had drafted an outline to help the Planning Commission understand what had occurred in the process. He explained that 657 Park Avenue was a reconstruction project that was approved under the old guidelines. Director Eddington reviewed drawings to show how the newly proposed structure would match what was existing and take it back to a more accurate representation of the historic structure. He indicated the proposed addition at the back of the historic home.

Commissioner Pettit asked if the demolition would have been allowed under the new guidelines. Director Eddington did not think it would have been allowed. Under the new guidelines there could have been panelization and some of the siding would have been required to be milled and re-attached. Planner Sintz pointed out that the front had been modified so significantly that the front facade would have been the portion least likely to be panelized. Director Eddington noted that there was four or five different types of siding on the home and a number of additions. The window openings and other elements had been altered on the structure. Director Eddington remarked that panelization would have been difficult, but under the new guidelines they would have tried to save as much as possible. Director Eddington explained that under the old guidelines the structure was approved for reconstruction. It is not being raised and would remain at the same elevation. He believed it would be a good reconstruction. Director Eddington acknowledged that many people were shocked to see the structure demolished.

Commissioner Pettit felt the City needed to do a better job of informing the public when a structure in Old Town is torn down or taken apart. This project was on a flat lot and did not come before the Planning Commission. The City went through a lot of effort to change the historic district design guidelines and to take a more serious approach towards historic preservation, and it is imperative to help the citizens understand what is happening. Director Eddington stated that the Historic Preservation Board voiced those same concerns at their last meeting and discussed opportunities and methods for communicating with the public. The Staff is currently working with the HPB on ways to publicize information.

Commissioner Pettit disclosed that fourteen years ago she worked part-time at the Washington School Inn. She did not believe that association would impact her decision on the application this evening.

Election of Chair and Vice-Chair

MOTION: Commissioner Pettit moved to re-elect Charlie Wintzer as the Planning Commission Chair for another year. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Peek moved to re-elect Dick Peek as the Vice-Chair for another year. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

7175 Little Belle Court - Plat Amendment
(Application #PL-10-01067)

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

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council for the Little Belle Condominium 5th Amended Plat, Unit 3, according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the draft ordinance. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 7175 Little Belle Court - Unit 3

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 - 7175 Little Belle Court - Unit 3

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 - 7175 Little Bell Court - Unit 3

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.

REGULAR AGENDA/PUBLIC HEARINGS

3. 543 Park Avenue - Conditional Use Permit
(Application #PL-10-01066)

Planner Sintz reviewed the application for a private lap pool for a bed and breakfast at the Washington School Inn located at 543 Park Avenue. Under the Land Management Code, a lap pool for this use would be considered a private recreation facility, which is a conditional use in the HR-1.

Planner Sintz noted that significant interior modifications and exterior historic building restoration was not part of the application being reviewed this evening. Those would be reviewed by Staff as part of the Historic District Design Review. The building is an extremely important landmark structure on the Historic Sites Inventory. It is one of the only structures in the State of Utah that has a facade easement with the State. The building has significant history and the applicants are going to great efforts to make these modifications.

As part of the CUP, Planner Sintz requested discussion on items 11 and 12 as outlined in the Staff report.

Planner Sintz reported that the facility received a CUP for a bed and breakfast in 1983. In 2001 a plat amendment occurred which added one lot and combined all the lots into one lot of record. She noted that a single 25' x 75' lot referenced in the Staff report was not included in the plat. Planner Sintz commented on two public input letters from adjacent property owners, John Plunkett and Barbara Kuhr, and indicated the proximity of their lots to the Washington School Inn.

Planner Sintz handed out copies of a modification that was received that day. She noted that based on significant public input, the applicant had chosen to remove the boulder walkway that occurred in the separate lot. She reviewed the modified drawing without the walkway, which also modified the landscaping plan.

Commissioner Peek clarified that the separate lot was still part of the Washington School Inn property, but not part of this application. Planner Sintz replied that it is owned by the same owners under a separate LLC, and it is not a platted lot in the Washington School Inn plat. It is a separate residential lot. The applicants would have the ability to build any allowed use on that lot in the future. Commissioner Peek asked if that lot was included in the original CUP. Planner Sintz replied that the original CUP did not contemplate that lot.

Planner Sintz commented on the impacts referenced in the CUP criteria and the concern regarding the lighting levels required by Utah State Code and Summit County for a pool. She explained that Summit County and State Code have different designations for commercial pools versus private pools. Assuming that night swimming would be permitted, the Staff proposed restricting the hours from 7:00 a.m. to 10:00 p.m. Where night swimming is permitted, lighting must be provided in the pool as well as in the deck area. When the pool is closed and secured, the lights would be turned off. Planner Sintz remarked that noise issues and lighting levels were the major impacts that needed to be mitigated.

Chair Wintzer wanted to know how much light is generated from 5 foot candles. Planner Sintz believed that parking lot light globes are approximately 1 foot candle.

Planner Sintz noted that the applicant was requesting a 10 x 40 pool with connected hot tub/spa, a shade structure with a possible gas fire element, a designated mechanical equipment pad, and a connecting stair that goes up to Woodside Avenue.

Planner Sintz stated that the applicant had obtained a grading permit to get a road staging area in place for extensive interior construction beginning in the Spring. The LOD fencing is currently in place and she had personally reviewed that with the City Engineer and the Chief Building Official. If the CUP is approved, the applicant would have a construction staging plan if these improvements are approved.

Commissioner Pettit commented on the stairs going up to Woodside and public concern that servicing of the pool area could be accessed from Park Avenue rather than Woodside. She asked for clarification on the intent of the stairway up to Woodside. Mike Elliott, representing the applicant, replied that it was strictly access for skiers coming down. Adding the elevator to the building would allow people to come down, take off their skies and walk into the building. Commissioner Pettit wanted it clearly understood that the purpose was not to access the pool for servicing.

Planner Sintz pointed out that the applicant was requesting a modification of the second sentence to Condition of Approval #9. The proposed sentence would read, "Woodside Avenue may be used by maintenance vehicles to service rear landscaping and pool area only." She explained that the applicants were unsure if the equipment could be brought through to service the pool effectively, particularly if the boulder walkway is removed. For that reason, the applicant asked the Planning Commission to consider allowing special circumstances for rear yard landscaping and for the pool itself.

Commissioner Savage wanted to know why the Planning Commission would be concerned with that allowance. Planner Sintz explained that there are significant concerns in the HR1 Zone for any type of business activity that occurs on Park Avenue in terms of delivery and servicing. Commissioner Savage thought they were talking about restricting Woodside Avenue. Planner Sintz replied that this was correct. However, the adjacent neighbor is concerned that with the walkway there would be deliveries to the Washington Inn that came off of Park Avenue in the past, but would now occur off of Woodside. Planner Sintz stated that the condition of approval was initially written to state that deliveries and service would still need to occur off of Park Avenue. Commissioner Savage clarified that all of the requirements were new with this application and do not currently exist. Planner Sintz replied that this was correct. Commissioner Savage asked if there was any spatial hindrance about allowing service vehicles to be on Woodside. Planner Sintz stated that this is already a conditional use in the HR-1, and Park Avenue is in the HR-1. The intent is to make sure they mitigate the impacts of service vehicles off of Park Avenue or Woodside.

Commissioner Pettit asked if the Park Avenue residents who would be impacted by the service vehicles were noticed for this application. If they were not noticed, those residents were not given the opportunity to make comment regarding their concerns. Commissioner Pettit stated that Woodside is very narrow and difficult to navigate in the winter. Any vehicle parked there for an extended period of time would create traffic issues. Mr. Elliott pointed out that there is a wide shoulder in that area to keep the parking off the street. Commissioner Pettit believed that would address the issue as long as the snow is cleared in the winter time. Planner Sintz remarked that the City prohibits parking on the downhill side. Therefore no parking would be allowed on the downhill side of Woodside Avenue.

Commissioner Savage referred to the plat map and understood that at some point the area being turned into the swimming pool presumably be two or more 25 foot single family lots. Planner Sintz replied that it was single family lots until the plat amendment was done. Because the building is so large they cannot increase the footprint. Commissioner Savage remarked that the separate lot would be suitable for a single family residence, which would have to accommodate parking. Planner Sintz stated that in that scenario, two parking stalls would have to be accommodated on site.

Commissioner Savage remarked that as a Planning Commissioner, he believed it was in the best interest of the applicant and guests of the Washington Inn to find a mechanism to accommodate the allowance so the service people do not have to park on Park Avenue and haul their equipment through the building. He recommended that the Planning Commission and Staff find a way to accomplish that.

Commissioner Peek stated that he previously lived on the 400 Block of Woodside and in the winter it is brutal and the road is nearly impassable. He felt it was important to maintain access for the residential users.

Chair Wintzer suggested that the Planning Commission could review the condition of approval in one year to see if the City receives any complaints and how well they were able to service the pool off the back of the building. The Staff could conduct the one year review to see if the condition was abused. Commissioner Savage agreed.

Commissioner Hontz suggested that they implement the three strike policy for neighbor complaints rather than waiting a year to address any impacts. The Commissioners concurred. The applicant was comfortable adding that policy as a condition of approval. Commissioner Pettit noted that the policy should be limited to pool servicing.

Commissioner Peek asked about the fence line shown on the site plan. Mr. Elliott stated that it was a continuous fence with a required 5 foot barrier. Planner Sintz remarked that Utah Code requires a 6 foot height for a pool. Commissioner Peek noted that typically there would be a 10 foot snow storage easement for residential property. However, that would not be allowed in this case because of the 6 foot fence. Planner Sintz noted that the plat approved in 2001 did not indicate snow storage on this lot. Commissioner Peek understood the health and safety requirements related to the pool, but he suggested terracing the fence to reduce the visual impacts. He pointed out that the back of this historic structure would be hidden by the fence. Chair Wintzer asked if the fence could be lowered at the edge of the pool deck. Mr. Elliott believed the fence could be dropped down in slope to even out the elevation.

Commissioner Peek wanted to know the elevation change being retained on the east side of the pool. Mr. Elliott replied that each tier is 4 feet. Commissioner Peek asked about the span of the cat walk. Mr. Elliott indicated that there is a sloped retaining wall on the back side of the building that he believed to be historic, and the causeway goes across the top. Commissioner Peek clarified that the foundation of the Washington School Inn was isolated from the retaining wall. He assumed a geo-technical analysis was done to know the pool would not impact the foundation. Mr. Elliot replied that a geo-technical report was done and the existing sloped retaining wall is currently retaining most of the slope. He noted that all the water on the patio would be captured with a trench grade and run out to the storm drain.

Planner Sintz modified Condition of Approval #8 to read, "Lighting of the proposed pool **and deck area** will be restricted to hours of pool operation, 7 a.m. to 10, p.m".

Commissioner Savage noticed that the mechanical area for equipment to operate the pool and Jacuzzi is open at the top. He asked if the applicant would consider some type of roofing over the top to screen the equipment that would compliment the roof over the outdoor patio area. Commissioner Strachan agreed and further suggested soundproofing efforts to reduce the noise impacts to the neighbors on the south. Planner Sintz explained that currently mechanical equipment is allowed in the side yard setback if it is screened and three feet from the property line. She noted that there is a 13 foot side yard setback in that area due to the width of the lot. The Staff

would support enclosing the mechanical area and adding a cover as long as it can be done in compliance with the Park City Municipal Code. Commissioner Strachan reiterated his request for soundproofing if possible. Mr. Elliott was willing to look into soundproofing.

Planner Sintz clarified that the building is currently over footprint and adding an enclosed structure would further increase the footprint. Another option may be to request a concrete stone faced wall surrounding that structure with a roof structure on top. It would still need to be partially open as opposed to completely enclosed due to the footprint requirements. Commissioner Strachan assumed the applicants would want to reduce the noise impacts for their own guests.

Director Eddington asked if the applicants had concerns about darkness if a roof was put over the mechanical equipment and walls to help with noise mitigation. Mr. Elliott did not believe the enclosure would be tall enough to cast large shadows. They had originally discussed enclosing it for sound and the life span of the equipment.

Commissioner Peek asked about language to address the "three strike" issue for complaints. Assistant City Attorney, Polly Samuels McLean, recalled that when this policy was implemented with the Yard, it was subject to a one year review. For this project, they could add language requiring that the CUP come back to the Planning Commission after two complaints. If no complaints are received, there would be an administrative review after one year.

Commissioner Savage recommended that if there are more than two unresolved complaints pertaining to the service use of that entrance, it would come back to the Planning Commission for review. However, if a complaint could be satisfactorily resolved between the applicant and the neighbors, it would not come back to the Planning Commission. Commissioner Pettit pointed out that there is always dispute as to whether or not a problem has been resolved. Commissioner Savage replied that whether or not the problem was resolved would be at the discretion of the one who filed the complaint.

Assistant City Attorney McLean recommended that the condition should state that if the City receives two or more complaints, the CUP would come back before the Planning Commission for review. After one year, the Staff would administratively review the CUP. The Planning Commission concurred with that language.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Hontz referred to the original landscape plan with the stairway and stated that she liked that design solution better than the retaining wall. She asked if the Planning Commission would have the opportunity to review that plan in the future. Assistant City Attorney McLean believed that it would come in as a CUP, since it would be related to the Inn use. Planner Sintz pointed out that typically a CUP would not be required for a walkway.

Planner Sintz summarized the modified conditions of approval. Condition #8, "Lighting of the proposed pool and deck will be restricted to hours of pool operation, 7 a.m. to 10 p.m. Condition #9, "Delivery and service vehicles to the Washington School Inn and related pool area will occur off of Park Avenue. Woodside Avenue may be used by maintenance vehicles to service pool only. Two or more complaints will require Planning Commission review. An administrative review would be conducted by Staff one year from the date of approval". Add Condition #13, "Mechanical equipment pad shall have roof structure shielding the mechanical equipment from view above." Add Finding of Fact #17, "The stone walkway and landscape improvements through adjacent lot have been removed and are reflected in the drawings dated November 10, 2010".

Commissioner Pettit expressed concern with the parking issue. Based on current parking regulations, people would be required to park on the opposite side of the street. Planner Sintz clarified that the City was not advocating parking on the downhill side of Park Avenue during the winter months as part of servicing the pool during the winter months.

MOTION: Commissioner Peek moved to APPROVE the conditional use permit for the Washington School Inn at 543 Park Avenue according to the Findings of Facts, Conclusions of Law, and Conditions of Approval as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 543 Park Avenue

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, 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 and 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 conditional use permit.
16. The Washington School Inn is identified as a Landmark Structure on the Historic Sites Inventory with a recorded Facade Easement with the State of Utah.
17. The stone walkway and landscape improvements through adjacent lot have been removed and are reflected in the drawings dated November 10, 2010.

Conclusions of Law - 543 Park Avenue

1. There is good cause for this Conditional Use Permit.
2. The Conditional Use Permit is consistent with the Park City Land Management Code and applicable State law.

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

Conditions of Approval - 543 Park Avenue

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 and deck 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 may be used by maintenance vehicles to service pool only. Two or more complaints will require Planning Commission review. An administrative review will be conducted by Staff one year from the date of approval.
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.

13. Mechanical equipment pad shall have roof structure shielding the mechanical equipment from view above.
2. Park City Heights - Master Planned Development
(Application #PL-10-01028)

Planner Kirsten Whetstone recommended that the Planning Commission conduct a public hearing and discuss the revised site plan and overall mix of housing types. The applicant was also looking for direction on design guidelines for the neighborhood. The applicant was also prepared to present an update on the trails.

Planner Whetstone remarked that the proposed MPD consists of 239 residential dwelling units consisting of a mix of affordable or deed restricted units and market rate units. The Planning Commission has previously reviewed this MPD at several meetings. The objective for this meeting was to focus on the revisions to Phase 1, which is the northern area closest to Richardson Flat Road, trails and trail connections, design guidelines for the neighborhood, and review and discussion of the MPD criteria contained in the Staff report.

Spencer White, representing the applicant, presented the revised site plan and reviewed the changes since the last meeting. He noted that the previous meetings focused on Phase 1. This evening they were interested in discussing details for the entire site. Mr. White stated that at some point they would like to put the concept plan into Auto CAD for additional detail. The revisions to the site plan were based on comments from the Planning Commission and the direction that the applicant and the Commissioners hoped to achieve. Most of the concepts of the Phase 1 element were incorporated into the entire site. Mr. White pointed out that they were looking at incremental growth outward from the core, a real sense of community, varying widths and sizes, and streets that link together.

Mr. White recalled that previously the Commissioners expressed a desire to see a grid pattern. That grid pattern was done throughout the project, keeping in mind that there are topography issues. He showed how they stepped up the hill, trying to keep the grid pattern intact but still working with the topography. All the roads are 8% or less, which should avoid major issues for large retaining walls. Mr. White noted that Commissioner Luskin had requested that they address the edge along Highway 40. In response to his concern, they designed a meandering detention basin. As the water drains down to the low spots, the retention basin can be dug out and moved up to create berming with landscaping to form a meandering edge for the development as well as the detention basin.

Mr. White stated that in an effort to address a previous comment regarding noise, the development was moved off the highway corridor as much as possible. He remarked that throughout the entire project they tried to locate homes along green space. From the community park area a central trail corridor was created through the project with neighborhood greens such as native grasses and wildflowers. The landscaping would require minimal maintenance and water usage. Mr. White pointed out that the feel was more like open space rather than a manicured neighborhood green.

Mr. White reviewed the trail linkages. A project loop trail goes all the way around the project with trail connections to multiple trails. There was also trail access from the streets to the trail loop around the project. Mr. White noted that the applicants met with Matt Twombly and Heinrich Deters at the site and walked the project. One concern was the trail linkage to the existing pedestrian trail under Highway 248. The objective was to put the trail as far from Old Dump Road as possible. The engineer hired by Boyer Company and Park City has already started looking at that connection. There are also wetlands in that area where it connects to the Rail Trail and those issues will be addressed.

Mr. White remarked that on the south side of Old Dump Road, the previous plan showed the trail parallel to Old Dump Road. The revised plan pulls the trails away from Old Dump Road and brings it into the project. It is closer to the play area and has a good connection to the Rail Trail. That continues along the outside of the project and eventually goes down along the frontage road.

Mr. White stated that other items addressed included maintaining a sense of openness and de-emphasizing the impact of the automobile on the residential environment. Garage were moved to the rear with a large number of alley-loaded or skinny-street loaded residents. Front porches face the central trail corridor and the streets. This was also done with some of the multi-family units. Mr. White remarked that they tried to emphasize the community space by having social events. A small amphitheater was added for possible Friday night movies, etc. The tot lot/splash pad remained from the last version and the open space around the play field was enhanced. Mr. White referred to the entrance of the project and noted that they tried to pull some of the multi-family housing closer to the street to create a street edge building with porches fronting the street. Instead of providing a separate parking area for the clubhouse, they would use on-street parking on the main street and parallel parking on the multi-family side. There would still be a community garden, but it was moved away from the community park and would be placed in a different location.

Mr. White pointed out the different product types designed throughout the project and how they would be interspersed. The cluster concept enables residents to live near each other in a small village-like community. Mr. White presented photos of homes as a starting point for dialogue with the Commissioners.

Ron Moffat with the Boyer Company stated that Jonathan DeGray and Eric Lingbard would be creating the design guidelines and landscaping for the project. Both were in attendance this evening to hear comments and direction from the Planning Commission.

Chair Wintzer opened the public hearing.

Brooks Robinson, representing Public Works, expressed concerns with the design related to snow plowing, water runoff and snow storage. He noted that a number of units on the plans that are accessed from alleys presents a problem in terms of emergency response. Mr. Robinson remarked that increasing the amount of hard surface by having additional alleys also increases the amount of runoff. Simple streets and cul-de-sacs with a driveway would provide parking for the residents and guests.

Chair Wintzer assumed all the roads and alleys would be public roads maintained by the City. Mr. White answered yes. He noted that they intend to speak with all the service providers, including Public Works, once the plans are more detailed. They received a list of items from the service providers that have been considered throughout the plan.

Commissioner Savage wanted to know the difference between an alley and a street. Mr. White replied that for purposes of this discussion the difference is road width. Some municipalities allow a narrower width; however, that discussion has not been started with Public Works. In addition to width, access is an issue, particularly with regard to emergency vehicles.

Chair Wintzer closed the public hearing.

Commissioner Hontz felt the revised site plan indicated that the applicants heard their comments at the last meeting. She believed the trails and trails connectivity, circulation to avoid the feel of a drive-thru subdivision, resort character and other revisions were much better with the new plan. Commissioner Hontz remarked that the revised master plan respects the topography much better for both the layout of the units and the trails, as well as the utility corridor. She thought the mix of units and the integration were significantly better with the new plan. Commissioner Hontz believed the project was heading in the right direction.

Commissioner Hontz pulled up Daybreak, Redstone, and Park Meadows on Google Earth as examples of what she considers to be good and bad design. She explained why Daybreak and Park Meadows were examples of good design and Redstone was an example of bad design.

Mr. White was pleased that Commissioner Hontz had raised the topography issue. He noted that the Phase 1 area is relatively flat and there is more topo than what one would realize. He believed the revised plan takes into account more of the topography issues.

Commissioner Pettit agreed that the revised plan was a better design and more consistent with the feedback from the Planning Commission. She noted that there was no reference to potential support commercial and she highly encouraged the applicant to create a place for it. As the project builds out there may be opportunities to incorporate support commercial into the project. Mr. White replied that support commercial was discussed at a previous meeting when Commissioner Pettit was absent. They have had experience with other projects where support commercial did not work, but they are planning to provide enough space in the clubhouse area that could accommodate some type of commercial. Mr. White noted that the clubhouse would be small and the amount of commercial space has not been determined. He noted that Park City Municipal Corp. has not determined their units at this point and they are still talking about live/work spaces.

Commissioner Pettit asked if the problem with support commercial that has not worked in larger projects was due to the costs associated with renting the space. Mr. Moffat replied that it was mainly because they were not high marketing goods. With a limited number of people coming in, it is difficult to get enough volume to justify the cost. Commissioner Pettit remarked that this area is isolated from ready access to a convenience store or a suburban type environment. Adding the recreational component would also draw people outside of the project. In her opinion support commercial is an important element and she did not want to assume it would not work based on

other situations or examples. Commissioner Pettit wanted to make sure that support commercial continues to be considered as part of the plan.

Commissioner Pettit thanked the applicant for including the community garden concept. She believes it is a fantastic amenity for a community. She also suggested that they change the name "neighborhood green" to "neighborhood open space" to avoid the perception of lawns and high water consumption. Commissioner Pettit was pleased with the concept of native grasses. Mr. White remarked that landscape guidelines would be part of the design guidelines. He recalled previous discussions about transition zones where people can have small turf areas around their homes before moving into native grasses and plants. They would update the Planning Commission on landscape details at a later meeting.

Commissioner Pettit stated that snow storage would be critical for snow removal during the winter. She believed that snow removal in Old Town would be easier if there was adequate snow storage. Commissioner Pettit felt this project provided an opportunity to have narrow streets and alleyways with adequate snow storage. She encouraged the applicants to keep the narrow streets as proposed, but try to solve snow removal problems with adequate snow storage. She pointed out that narrow streets should meet the requirements for emergency vehicles and access.

Chair Wintzer clarified that all the roads would be 8% or less in grade. Mr. White answered yes, noting that a small percentage of the roads were 8%. Chair Wintzer asked about the dirt road shown at the bottom of the site plan. Mr. White replied that it was an existing road that would be improved up to the entrance to the project. Chair Wintzer liked the new design, however, he believed there was more square footage of asphalt than in previous designs. He pointed out that in some places there are roads on two sides of the house. Mr. White stated that the square footage was approximately the same as previous designs. Once he puts everything into the CAD, he should know the exact lengths of road, etc. Chair Wintzer was cautious about designing a subdivision off of engineering and preferred a project that balances efficiency with personality.

Chair Wintzer referred to a node of houses on the plan and he encouraged the applicant to repeat that node in another location because it creates a neighborhood within a neighborhood. Chair Wintzer thanked the applicants for listening to their comments and direction.

Commissioner Peek appreciated all the revisions and believed it vastly improved the concept. He concurred with Commissioner Pettit regarding support commercial. Commissioner Peek suggested that they stagger driveways down the alleys to create an opportunity for snow removal. He recommended that they look for shared driveway opportunities on the Estate lots. Commissioner Peek commented on the possibility of creating permanent easements with a landscaping restriction where snow could be pushed directly across from a driveway. He favored the detached tunnel trail and believed it was better to make that connection to the Rail Trail and ease the crossing to the Rail Trail. Commissioner Peek suggested locating the clubhouse commercial in that area to draw business from the sports fields.

Mr. White indicated a trail connection on the north side of Old Dump Road that goes all the way to Highway 40. That connection would eventually go to the Park and Ride lot and the City wanted to

maintain a trail corridor through there. At this point the trail would not be built but the applicants would provide a trail easement along there.

Commissioner Savage asked if the Park and Ride lot is accessed off of Old Dump Road. Mr. White answered yes. He stated that they have also proposed a bus stop along Old Dump Road. The transit will go out to the Park and Ride lot, turn around and come back. Commissioner Savage asked about changing the name of the road. Brooks Robinson remarked that with the improvements and the Park and Ride, the County was calling it Richardson Flats Road. The City is using that name with the intersection improvements currently being designed.

Commissioner Savage noted that the Park and Ride facility is in close proximity to the project and the buses come by the project on their way into Park City. He believed there was an opportunity to create a significant child care center with an associated convenience store that could service the development and possibly families outside of the development. Mr. Moffat was willing to provide land for a day care use. Mr. White noted that a day care had been discussed in the past.

Commissioner Peek referred to the architectural examples at the top of the concept plan. He stated that generally garages are subservient to the architecture of the structure, with the exception of the Old Miners Lodge Cottage House. Commissioner Peek favored varied architecture and hidden garages.

Commissioner Strachan felt the revised plan was a step in the right direction. He still thought the multi-family housing should be interspersed throughout the entire site plan. He concurred with his fellow Commissioners regarding the support commercial. Without the commercial the project would be an island to itself. If people have to drive whenever they need something, it defeats the objective they are trying to reach.

Commissioner Strachan stated that the trail adjacent to the Dump Road was great on the concept plan, but he was unsure if it was feasible. If they are able to do the trail as proposed, it would alleviate the concerns he raised at the last meeting. In terms of the architectural examples shown, he was not convinced they were to that point. Commissioner Strachan thought the site plan needed more fine tuning before they could start talking about the architecture of the structures. He noted that there were no examples of the multi-family housing. Mr. White remarked that the pictures furthest to the right were the IHC units. The structures are four two-story units. Commissioner Strachan stated that the picture of the IHC units reinforced his opinion that the multi-family houses could be interspersed throughout the entire site. Planner Whetstone pointed out that the multi-family houses have a larger footprint and would require significant excavation in some areas. Mr. White stated that another issue is trying to keep the IHC units close and on board for the first phase. He noted that IHC is beyond the time frame for building and they are anxious to have their units built. Mr. White offered to look at interspersing as many of the units as possible. Chair Wintzer remarked that the IHC units have very little outside space and did not belong on the hill. He believed the very dense units would fit better around the park where people would have a place to recreate and use the amenities.

Planner Whetstone stated that the concept for the affordable or deed restricted housing was in different phases and the units could transfer from one phase to another. Mr. White remarked that the market units would definitely be mixed with the affordable units and there would be very little difference architecturally. The IHC units would be the first affordable units to be completed.

Commissioner Strachan acknowledged that the applicants had done their best with what they had to work with. Ideally he would like something different but accepted the fact that it could not be done. Mr. White stated that they would continue to look at interspersing as much as possible.

Chair Wintzer supported the idea of having a day care with a commercial component to service the project.

Chair Wintzer called for comments on the architecture. Commissioner Peek reiterated his previous comment about the garages being subservient. He thought it was too soon to comment on the specifics of the architecture. Mr. White remarked that the intent is to incorporate historic details from Old Town Park City into the architecture. Chair Wintzer preferred to have more porches because porches help create a neighborhood. He personally did not want a reproduction of Old Town because it would look out of place in that area. Chair Wintzer was not opposed to incorporating some historic into the project if it can relate to the type of project being proposed.

Mr. White remarked that during the pre-MPD application, many of the Commissioners made comments about making the project look more like the resort center and core of Park City. Chair Wintzer stated that he was one who made that comment; however, he was talking about the grid system in Park City rather than architectural design. Commissioner Peek used the condos on Deer Valley Drive as an example where the architecture is not the most pleasing, but parking is behind the structure and people congregate on their front porches. Commissioner Pettit thought Commissioner Peek had described the experience that occurs in the Harvard/Yale area in Salt Lake. It is more historic in terms of many garages being on the side and the back and accessed by alleyways. The elements are at street level and people can walk the neighborhoods and feel a sense of connection. She had the same experience walking through the historic parts of Cresta Butte and Telluride.

Commissioner Hontz liked the idea of more porches and enhancing the size of the porches to make them more usable. However, she was concerned about the location being too windy to make the porches usable. Commissioner Hontz commented on Dutch Fields development in Midway that she finds offensive. Even though the houses have great design elements it is not authentic. She suggested that if the applicants could use that same concept with more authenticity, it would be the right balance. Commissioner Hontz concurred with the comments of her fellow Commissioners regarding architecture and garages.

Commissioner Savage suggested that if the applicant wanted serious input related to architectural styles, they should provide a more creative presentation of alternative formats. It would help the Planning Commission see what the applicant would propose in terms of architecture.

Planner Whetstone noted that the Staff had questions regarding setbacks as outlined in the Staff report. She pointed out that the Planning Commission has the ability to reduce setbacks within an MPD. Chair Wintzer asked for clarification on some of the houses shown in yellow and asked if there would be common area between the houses. Mr. White replied that all the houses shown in yellow would be lots. He felt the next step would be the CAD level so the Commissioners would have a better idea of the lots and setbacks. He noted that with the design guidelines, they will break down the mix of housing types and identify heights, setbacks, details, colors, etc. Planner Whetstone stated that the information would be helpful for the Staff when determining compliance with the Master Plan.

Planner Whetstone remarked that another issue was height. The Planning Commission has the ability to increase heights, however, she understood that all heights would be within the requirements. Mr. White did not anticipate any height concerns and offered to take a second look. Planner Whetstone commented on a list of site planning issues that would be addressed in future meetings.

Commissioner Savage pointed out that the development has Park City in its name and it is partially owned by Park City. It is a big initiative that compliments Park City's objectives and ideals as it relates to affordable housing, and it should be something the City can be proud of and people can be excited about. Commissioner Savage remarked that because Park City is a co-applicant, they need to be part of the solution and not part of the problem, which may require creativity with the CT zone.

Commissioner Peek addressed the concern regarding wind and suggested that creativity in the design may help mitigate that concern.

Commissioner Pettit requested that the applicants consider whether the current site plan would help facilitate solar installation on roof tops. With respect to the design guidelines and the CC&R's, she asked that they think about solar access and easement issues to allow the community the opportunity to take full advantage of renewable energy resources. She suggested that wind may be another option.

MOTION: Commissioner Strachan moved to CONTINUE Park City Heights discussion to December 8th. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:15 p.m.

Approved by Planning Commission _____

STAFF COMMUNICATION



Silver Star Parking and Traffic Update

Memorandum

To: Park City Planning Commission
From: Kirsten Whetstone, AICP - Senior Planner
Date: December 8, 2010
RE: 2009-2010 Parking Update for Spiro Tunnel (aka Silver Star) Conditional Use Permit and Master Planned Development

On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use permit for the mixed use Silver Star resort development. Located at 1825 Three Kings Drive the development has obtained certificates of occupancy for all of the units and uses as of October 2009.

One of the conditions of approval of the CUP/MPD requires an annual review of the overall traffic and parking related to the development for three consecutive years as follows:

An annual review of the overall traffic and parking situation (including effectiveness of restricting day skier parking) associated with the Spiro Tunnel MPD (resort support commercial, artist-in-residence, and office portions) shall be conducted by the Applicant (or Condominium Association) and presented to the City for three consecutive years upon issuance of a certificate of occupancy for these uses. The report shall identify any traffic or parking impacts that have occurred and shall make recommendations as to ways to mitigate these impacts.

This 2009-2010 report is the first of three reports to provide an update on overall traffic and parking issues related to the Silver Star development.

On September 14, 2010, the Planning Department received from Paladin Development and Silver Star HOA, a parking report for 2009-2010 for the Silver Star development (Exhibit A). City Staff has reviewed the report and has the following comments:

- The current mix of uses, with different seasonal users, appears to allow sharing of surface parking spaces throughout the year with few conflicts. The busiest season for the condominium units coincides with the busiest time for Sundance, however the condominium parking in the underground structures is not used by Sundance and conflicts are minimal.
- Observed traffic is not impacting service levels on Three Kings Drive or at the intersection of Thaynes Canyon Drive and SR 224.



Silver Star Parking and Traffic Update

Memorandum

- Silver Star should continue to monitor parking associated with winter ski use to ensure that parking for Sundance and the residences is not impacted. A parking count and analysis should be conducted by a traffic consultant during the peak ski season for 4 or 5 days and for the peak summer season for a similar length of time. The results should be included in the 2010-2011 report.

SILVER STAR PARKING REPORT 2009-2010

September 14, 2010

Kirsten Whetstone, Senior Planner
Community Development Department
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Dear Kirsten,

As per the Silver Star Master Plan Agreement with PCMC, we are submitting this Parking Plan for the years 2009 and 2010. Overall, the parking situation has been very manageable and we have not had significant parking issues for the last two years (or since construction has ended). Silver Star's above-ground parking has periods, both hourly and seasonally, where it needs to be monitored, but that is required only rarely. The below-ground parking has not been an issue at all and is not likely to become an issue in the foreseeable future.

Above-ground Parking

Silver Star has a total of 122 marked above-ground parking places. There are currently several user groups that have parking rights at Silver Star, including PCMC (approx. 30 spaces), Sundance (approx. 80 spaces), Affordable Housing (10 spaces) and Spiro Trailhead (approx. 10-20 spaces). In addition, the public may park at Silver Star for access to the café, the HOA/Resorts West offices and to the ski shop. All of the various parking demands, save the affordable housing, are seasonally-based and tend to complement each other very well. In Table 1, we have outlined the various above-ground parking pressures on Silver Star and what their seasonal impacts are on the whole project.

Table 1.

Use	Total Spaces Avail.	Total Spaces Used	Summer	Winter

Sundance	80	80	yes (@30)	yes
PCMC	30	30	yes	no
Affordable House	10	10	yes	yes
Trailhead	10-20	10	yes	no
Silver Star retail	10-20	10-20	yes	yes
All Other Uses	5-10	5-10	yes	yes

It is important to note that although the “Maximum” parking pressure may approach the total number of spaces at the Silver Star lots, the scenarios where this may occur are remote and would be rare. This is due to the daily and weekly fluctuation demands of the Silver Star parking. For example: while the Sundance summer use is in theory 40 spaces, they would only be present during the work week, Monday through Friday. The Trailhead parking, due to its inherent nature, is mostly in demand during weekends or after work M-F.

Sundance

Sundance has strong seasonal demands for parking. At the height of the Fest period (basically from Dec. 1st through Jan. 15th), they use their maximum allotment of 80 spaces. The rest of the year the parking demands are significantly less, with about 30 spaces being occupied during the summer months. The parking demands are usually confined to the work week (M-F), with this distinction blurring in the days leading up to the fest.

Spiro Trailhead

Spiro trailhead parking is active only from April 1st through October 15th. It is then closed to the public due to the pressure of lift-oriented parking. The demand is during the day, with peaks on weekends and holidays.

PCMC

PCMC has legal rights to the parking lot located near the water treatment plant, but has acknowledged that the lot is to be shared with Sundance for overflow parking during peak periods surrounding the fest. The City uses approximately 30 spaces during the golf course maintenance season (April 1st-October 15th) and very few, if any, in the other months.

Affordable

The affordable housing units have each been given an assigned space in front of the units. This accounts for 10 spaces year-round with the most significant pressure during the nighttime hours.

Retail Uses

The café, the ski shop and Resorts West all place pressure on the lot that is directly adjacent to the lift. Due to the relatively small size and nature of these businesses, there has to date not been a time when parking demands of retail have exceeded the available supply. The demand is year-round, with higher demands during the Dec. 25th-Jan. 3rd period, and the Feb. 15th-Feb. 26th period. The ski shop has been utilizing 2-3 spaces in front of their shop in recent months to promote their summer business. There is a CUP in process for this activity.

Ski Lift

Other than periodic maintenance work, there is virtually no official demand on Silver Star parking from the lift operations. Even the employees are trucked back and forth. However, the greatest impact on

the parking in general, during its busiest times, is due to the lift operations. There is a constant demand for parking from people wishing to access the ski lift via the Silver Star lots. The only time monitoring is required has been when the high-demand Sundance occupancy (Dec. 1st-Jan 15th) occurs and the lift is running.

Mining Operation

Periodically, the Spiro Mine needs to undergo maintenance and construction related activity. The Public Works Department has been excellent thus far in communicating this to Silver Star and there have not been any disruptions in parking from this activity. The Mine operations may use 8-10 spaces due to the type of activity.

Monitoring

Silver Star will, on occasion, monitor the parking to ensure that only legitimate users are accessing and utilizing the lots. This activity is monitored by and the responsibility of the Silver Star HOA. To date, according to Steve Perkins, General Manager of Silver Star HOA, this occurs between 5 and 10 days a year, during Christmas week and special events.

Outdoor Special Events

Silver Star has occasionally hosted special events, such as this year's Jupiter Peak Steeple Chase as well as summer outdoor concerts. During events such as these, the parking lot does fill up, but is monitored and controlled through on-site personnel. When overflow occurs, drivers are directed to park underground, or in the case of large events, such as the Jupiter Peak event, they are directed to park at the PCMR parking lots.

Underground Parking

Silver Star has a total of 152 underground garage spaces and 44 Cottage garage spaces. Currently, Silver Star is utilizing one space in an underground garage for a cooler walk-in for the restaurant. The space is common and the use was approved by the Silver Star Master HOA. Silver Star has to date had far more available underground spaces than the demand. At peak Christmas and Presidents weeks, even with employee parking underground as well, we have only achieved maybe 80% maximum occupancy. Some of that impact is bound to be from unauthorized users accessing the ski lifts. In any event, Silver Star is very secure with our underground parking situation and expect to be so for the foreseeable future. The current trend is that most people are not renting cars these days, preferring to use the shuttles to and from the airport and public transportation while in town.

Summary

In summary, the parking situation at Silver Star is adequate and stable and is likely to remain so into the future. Although there are a myriad of user groups, everyone tends to get along and we have had very few actual parking issues. When the lure of the ski lift becomes too enticing, there is a requirement to monitor the lots and actively deny access to unauthorized users. It needs to be stressed that the monitoring to date has been incident-free and we have not towed cars. Should someone sneak in, the HOA has a "boot" that is opened only upon the violator's complete understanding of the Silver Star parking procedures. There have been no second offenders. The HOA will continue to take the lead and have the responsibility of monitoring the parking into the future.

If you have any questions or concerns whatsoever, please do not hesitate to contact me (435-640-5068). Thank you for the opportunity to submit this report.

Sincerely,



Rory Murphy, President
Silver Star HOA

CONSENT AGENDA

Planning Commission Staff Report



Subject: The Hotel and Residences at Empire Canyon Resort Record of Survey
aka The Montage

Author: Kirsten A Whetstone, AICP

Date: December 8, 2010

Type of Item: Administrative – Condominium Record of Survey Amendment

Project Number: PL-10-01082

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing to amend the Hotel and Residences at Empire Canyon Resort record of survey plat and consider forwarding to City Council a positive recommendation of approval, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: DV Luxury Resort, LLC
Talisker Empire Pass Hotel, LLC

Location: 9100 Marsac Avenue, adjacent to the Deer Valley Empire Day Lodge and located on Lot C of the Parcel B-2 Empire Village Subdivision.

Zoning: Residential Development as part of the Empire Pass Master Planned Development (RD-MPD)

Adjacent Land Uses: Ski terrain of Deer Valley Resort

Reason for Review: Condominium Record of Survey plat amendments require Planning Commission review and recommendation to City Council

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.

The Development Agreement (DA) specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space. On February 1, 2007, the City Council approved amendments to the DA allowing additional density and three additional acres to be utilized in the pod known as the B-2 area encompassed by the Empire Village Subdivision plat. In exchange, United Park City Mines Company petitioned the City for annexation of the Park City Mountain Resort ski lease area (removing all residential

development potential) and agreed to construct a Park and Ride facility at Richardson Flats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which any MPD and preliminary/final plat will be reviewed.

On March 29, 2007, the City Council approved the Parcel B-2 Empire Village Subdivision final plat. The plat includes the former Parcel A of the Empire Village Subdivision (the location of the Empire Day Lodge) and created two additional lots for the Jordanelle Special Services District (JSSD) ownership of the Daly West Head Frame (Lot B) and Lot C, the location of the Montage Resort and Spa. A future subdivision will encompass the proposed condominiums to the east of the Empire Day Lodge. Concurrent with the subdivision application was the Master Planned Development (MPD) for B-2 and the Conditional Use Permit for phase one of the MPD, which is the Montage hotel. The Planning Commission approved both the MPD and the CUP on March 14, 2007. An excavation permit was issued on June 6, 2007, and a building permit for construction of the hotel was issued on March 12, 2008.

On June 18, 2009, the City Council approved the Hotel and Residences at Empire Canyon Resort record of survey plat. Talisker Empire Pass Hotel, LLC is the fee simple owner of the land and DV Luxury Resort, LLC has a 999-year leasehold interest. The record of survey plat was recorded at Summit County on January 20, 2010.

The condominium record of survey contains 174 hotel rooms and 84 condominiums utilizing 182 Unit Equivalents. In addition, the record of survey memorializes 59,765 square feet of commercial space and approximately 15,000 square feet of meeting rooms and support space to the meeting rooms. No support commercial is proposed other than room service, which does not utilize additional space. Ten Affordable Housing Units totaling 6,235 square feet (7.8 Affordable Unit Equivalents) are provided within the hotel. The affordable units are platted as private space and are proposed to be owned by the DV Luxury Resort, LLC. In addition, five ADA units are provided; three owned by the hotel and two within the sale units. All five are platted as Private and count towards the unit counts and UEs.

On October 15, 2010, the City received a completed application for an amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat amending Sheets 1, 8, 9, and 11 (see Exhibit A). The request includes:

- Page 1- identification of a September 10, 2010 recorded JSSD access easement.
- Page 1- identification of a July 1, 2010 recorded Rocky Mountain Power underground right-of-way easement on Page 1.
- Page 8- amends the square footage of Unit 740 from 2,684 sf to 2,675 sf (a reduction of 9 sf or 0.0045 UE)

- Page 9 and 11- ADA designation of Unit 821 is moved to Unit 1021 (2 stories directly above from Level 4 to Level 6 in the same configuration)
- Page 11- is amended to switch unit numbering of Units 1041,1043,1040,1042 to 1043, 1041, 1042 and 1041 in order to have the numbering increase in numeric order as one proceeds down the corridor on Level 6. Also Unit 1021 is designated as an ADA Unit.

Analysis

The zoning for the subdivision is Residential Development. The MPD is subject to the following criteria:

	Permitted through MPD/CUP	Proposed
Height	A height exception to 114 feet above a benchmarked grade (USGS 8346') was requested and granted in the Master Plan. (i.e. height may go to USGS 8460)	Maximum height is at USGS 8458, under the USGS 8460 height maximum.
Front setback	20', 25' to front facing garage	No setback reductions. Approximately 280 feet from all buildings to front property line
Rear setback	15' from Lot boundary	87' from Lot boundary
Side setbacks	12' from Lot boundary	13' from Lot boundary at closest point to south.
Unit Equivalents	183.6 UEs	182 UEs (amendment reduces Unit 740 by 9 sf which is 0.0045 UE which does not change the total UE when rounded).
Hotel Rooms	192 rooms	174 rooms
Condominium units	94 units	84 units
Commercial space	63,000 square feet	59,765 square feet
Meeting Rooms and Support (5% of Gross Floor Area (GFA))	Gross Floor Area, excluding the garage, is approximately 780,173 square feet. 5% is 39,000 square feet.	Approximately 15,000 square feet.
Support Commercial (5% of GFA)	39,000 square feet	None proposed (room service only)
Parking	530 spaces with 192 spaces in tandem (valet parking)	526 total with 184 in tandem

For those elements that were approved by the MPD and are not currently within the project (total rooms, units, commercial space and Unit Equivalents), the applicant retains the vested rights and these may be added in the future following the appropriate review and approval processes.

The 84 Condominium units range in size from 1,221 square feet to 6,858 square feet. The condominiums and ADA units are located on levels four through nine with the exception of three units on level three and three ADA units on levels two and three. The 174 hotel rooms and the ten Affordable Housing Units (level B1 and platted as private space) are located on the floors below level four.

Staff finds good cause for this amended record of survey as this condominium plat is consistent with the Amended and Restated Development Agreement for Flagstaff Mountain and the recorded Hotel and Residences at Empire Canyon Resort condominium plat. The proposed plat amendment complies with the Land Management Code.

Department Review

This project has gone through an interdepartmental review on October 26, 2010, and no issues were raised pertaining to the requested plat amendments.

Notice

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

Public Input

Staff has not received any public input at the time of this report. No public comment was received at the Planning Commission public hearing.

Future Process

The approval of this condominium record of survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

Alternatives

- The Planning Commission may recommend that the City Council approve the First Amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat as conditioned or amended, or
- The Planning Commission may recommend that the City Council deny the First Amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the First Amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat and provide Staff and the Applicant with specific direction regarding additional information necessary to find compliance with the criteria listed in this report.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

Unit 740 would be incorrectly recorded as the existing plat does not reflect the as built condition and the Unit numbering on Level 6 would either remain confusing to the guest or would not be consistent with the plat. The utility easements are recorded and that would remain, they just would not be easily identified on the plat.

Recommendation

Staff recommends the Planning Commission conduct a public hearing and discuss the request for approval of the First Amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat and consider forwarding to City Council a positive recommendation of approval based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Amended plat (pages 1, 8, 9, and 11)

Ordinance No. 11-

AN ORDINANCE APPROVING THE FIRST AMENDED HOTEL AND RESIDENCES AT EMPIRE CANYON RESORT RECORD OF SURVEY PLAT LOCATED AT 9100 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Hotel and Residences at Empire Canyon Resort record of survey plat, Lot C of the Parcel B-2 Empire Village Subdivision, have petitioned the City Council for approval of amendments to the recorded Hotel and Residences at Empire Canyon Resort record of survey plat to Pages 1, 8, and 11; 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 December 8, 2010, to receive input on the amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat;

WHEREAS, the Planning Commission, on December 8, 2010, forwarded a positive recommendation to the City Council; and,

WHEREAS, on January 6, 2011, the City Council held a public hearing on the amended Hotel and Residences at Empire Canyon Resort record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended Hotel and Residences at Empire Canyon Resort Record of Survey.

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 First Amended Hotel and Residences at Empire Canyon Resort record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 9100 Marsac Avenue, Lot C of the Parcel B-2 Empire Village Subdivision
2. The Hotel and Residences at Empire Canyon Resort record of survey plat is located in the Residential Development zoning district as part of the Flagstaff Mountain Master Planned Development (RD-MPD).
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development

Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

4. The City Council approved an amendment to the Development Agreement on February 1, 2007, that increased the allowable density by 80 Unit Equivalents, including the 192-room Montage Hotel.
5. The Planning Commission approved the B-2 Master Planned Development on March 14, 2007. The Montage is Phase I, while a second, residential, project will be Phase II.
6. The City Council approved the Parcel B-2 Empire Village Subdivision on March 29, 2007.
7. The Hotel and Residences at Empire Canyon Resort record of survey plat is for a 174 room hotel with an additional 84 condominiums utilizing a total of **182 Unit Equivalents**. In addition, there is 59,765 square feet of Commercial Space (**59.8 Commercial UEs**) and approximately 15,000 square feet of meeting/conference space and lounge areas (up to 39,000 square feet or 5% of building allowed). Total square footage, excluding the garage, is approximately 780,173 square feet. For those elements that were approved by the MPD and are not currently within the project (total rooms, units, commercial space and Unit Equivalents), the applicant retains the vested rights and these may be added in the future following the appropriate review and approval processes.
8. The City Council approved the Hotel and Residences at Empire Canyon Resort record of survey plat on June 18, 2009 and the plat was recorded at Summit County on January 20, 2010.
9. On October 15, 2010 a complete application was submitted to the Planning Department for amendments to the Hotel and Residences at Empire Canyon Resort record of survey plat. The proposed amendments to document recorded easements on Page 1, renumber Units 1040 to 1042, 1042 to 1040, 1041 to 1043, and 1043 to 1041 on Page 11, and to record a 9 square foot reduction in floor area for Unit 740 on Page 8, are consistent with the recorded Hotel and Residences at Empire Canyon Resort record of survey and are consistent with the approved Master Planned Development and Conditional Use Permit for Pod B-2.
10. On September 10, 2010 an access easement for JSSD was recorded at Summit County and on July 1, 2010 a Rocky Mountain Power underground right of way easement was recorded at Summit County. These easements have been added to the cover sheet of the amended plat.
11. The plat amendments do not change the purchase agreements.
12. Ten Employee Housing Units (EHUs) totaling 6,235 square feet (**7.8 AUEs**) are provided within the hotel. The EHU units are platted as private space and are proposed to be owned by the Montage, although this is not a requirement. The plat amendments do not change the employee housing agreements.
13. Five ADA units are provided, three owned by the hotel and two within the for sale units. All five are platted as Private and count towards the unit counts and UEs. The plat amendment removes ADA designation from Unit 821 and designates Unit 1021 as an ADA unit. Unit 1021 is on Level 6 which is two stories directly above Unit 821

in the same configuration. There are no other changes to the number or sizes of the ADA units.

14. Parking is provided at less than 75% of the Code requirement consistent with the Development Agreement. No change to parking is proposed with the plat amendments.

Conclusions of Law:

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 and with the approved Master Planned Development and Conditional Use Permit for the Montage Resort and Spa at Pod B-2.
3. Neither the public nor any person will be materially injured by the proposed record of survey.
4. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey plat for compliance with State law, the Land Management Code, the recorded plat, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the record of survey plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Montage Resort Master Planned Development and the Parcel B-2 Empire Village Subdivision plat shall continue to apply.
4. All conditions of approval of the Hotel and Residences at Empire Canyon Resort record of survey plat shall continue to apply.

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

PASSED AND ADOPTED this ___th day of ____, 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

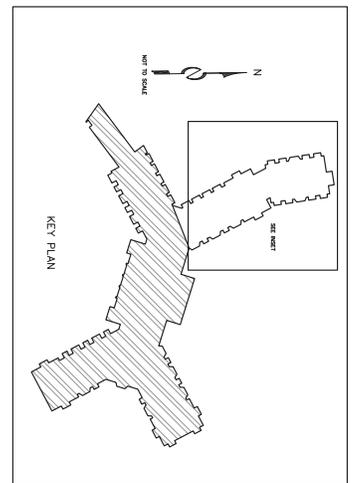
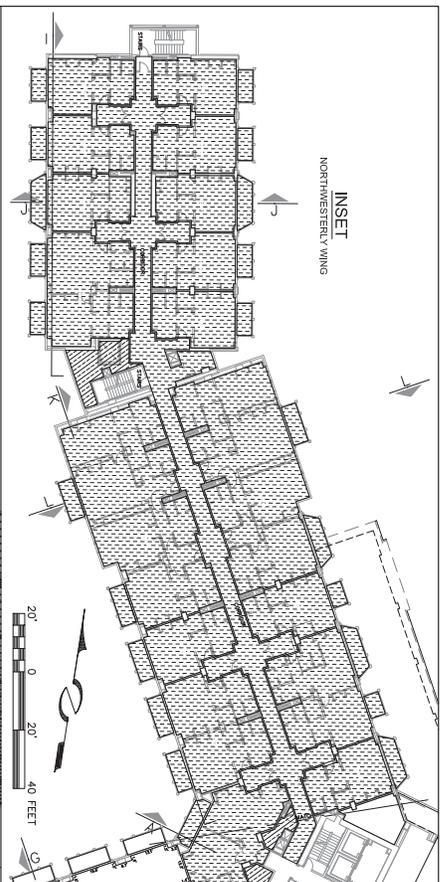
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Amended Record of Survey plat (pages 1, 8, 9, and 11)

INSET
NORTHWESTERLY WING



NOTES

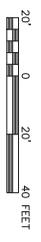
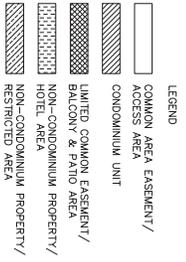
1. The dimensions of the units and square footage calculations shown on this Condominium Plat are concluded in accordance with the act and the Residential Declaration. Such calculation (specially determined by the architect or others using the method that has provided ownership area of the Unit) shall be conclusively and automatically adjudged to be the boundaries of such as-Unit Completed Unit as described in the Declarations.
2. Although columns, bearing walls and other structural elements shown on this plat may not be deemed access areas. All common structural elements are designated as Non-Hotel Use and Pursuant to the Declarations, each Unit Owner and the Residential Association (in common with Hotel Owner) are granted the following non-exclusive common use, which shall be open to each Unit Owner, and shall be open to each Unit Owner by all structural members, columns, footings and foundations which are a part of the Hotel and which are necessary for the support of any Unit.
3. Pursuant to the Declarations the Balcony/Patio Areas as depicted on this Condominium Plat are to be used for the exclusive use of the Unit Owners, except as otherwise designated herein, the use of each respective patio, deck or balcony is to be the exclusive use of the Unit Owner. Balcony/Patio Areas are adjacent to each Unit shown herein, subject to the rights of the Hotel Owner as described in the Declarations.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
733	1,866 SF
740	2,875 SF
771	2,290 SF

FLOOR LEVEL ELEVATION 8,369.0'

LEVEL 3

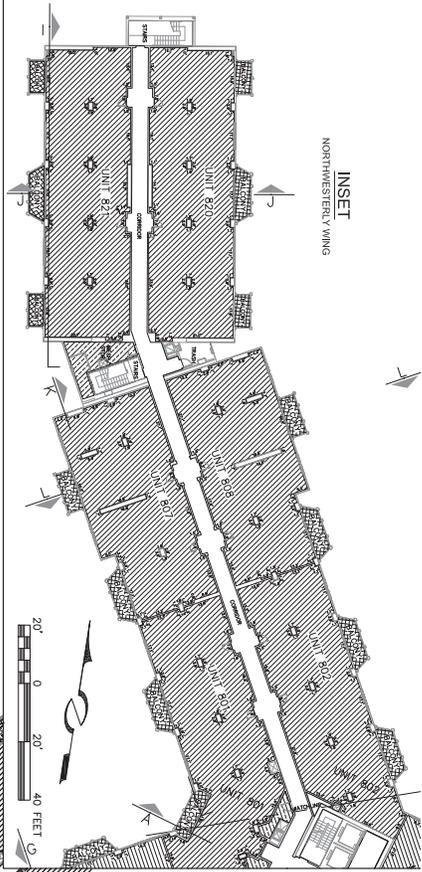


FIRST AMENDMENT TO
CONDOMINIUM PLAT
**THE HOTEL & RESIDENCES AT
EMPIRE CANYON RESORT**

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST 1/4, SECTION 29, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SAN JUAN COUNTY, UTAH

RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
JOB NO: 2-1-08
SHEET 8 OF 8
FEE: _____ RECORDER: _____

INSET
NORTHWESTLY WING

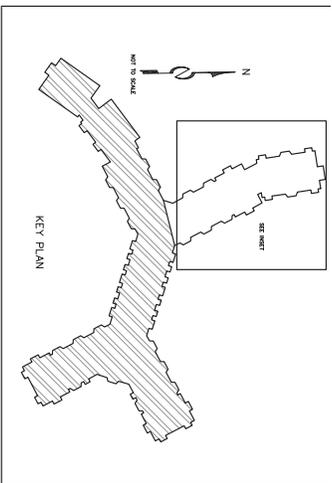
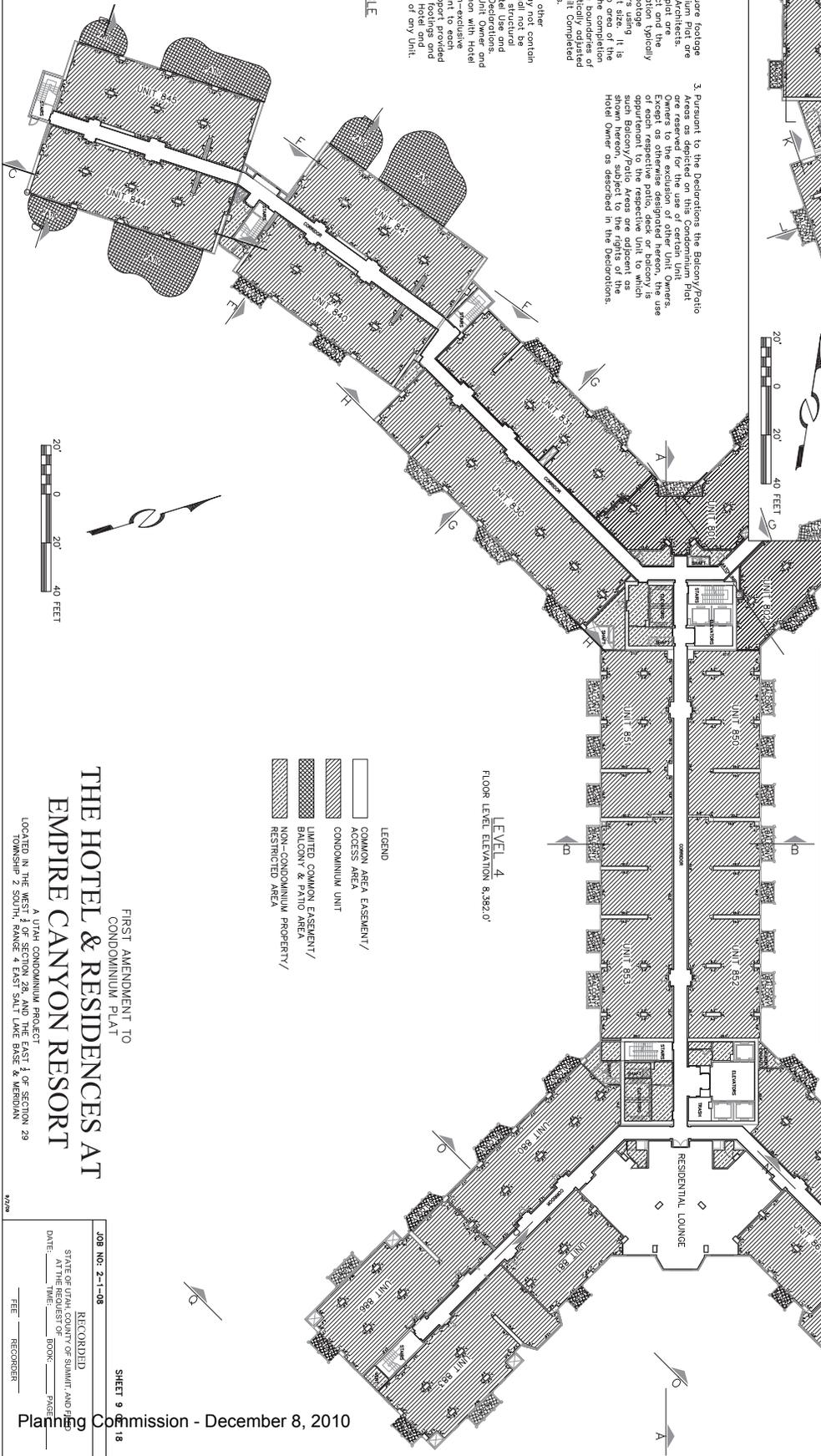


NOTES

- The dimensions of the Units and square footage calculations shown on this Condominium Plat are based on drawings supplied by HKS Architects. Such calculations shall be subject to field verification in accordance with the Act and the Residential Declaration. Such calculation typically differs somewhat from the square footage offered on the floor plan. It is the intent that the private ownership area of the Units will be as constructed. Upon the completion of the Units, the private ownership area of the Completed Unit shall be automatically adjusted to be the boundaries of such as-built Completed Unit as described in the Declarations.
- Although columns, bearing walls and other structural elements within a Unit may not contain any crosscutting, such elements shall not be considered as structural elements. Structural elements are designated as Non-Hotel Use and Support Areas, as described in the Declarations. Pursuant to the Declarations, each Unit Owner and Owner of the Completed Unit shall be responsible for the repair and maintenance of the Unit (including the Owner) are granted the following non-exclusive easements, which shall be appurtenant to each Unit: Structural and Mechanical Support provided by the Hotel and other units of the Hotel and foundations which are a part of the Hotel and which are necessary for the support of any Unit.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
801	2,627 SF
802	2,470 SF
807	2,325 SF
808	2,325 SF
820	2,167 SF
821	2,168 SF
830	2,630 SF
840	2,212 SF
841	2,215 SF
844	2,215 SF
845	2,215 SF
850	1,889 SF
851	1,891 SF
852	2,477 SF
853	2,469 SF
880	2,177 SF
881	1,243 SF
882	2,524 SF
880	2,216 SF
881	1,221 SF
883	2,284 SF
888	2,249 SF



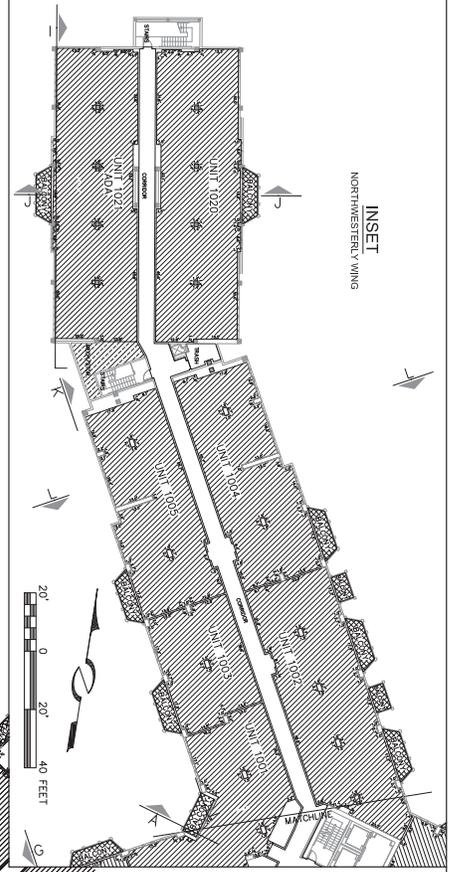
LEGEND

	COMMON AREA EASEMENT/ ACCESS AREA
	CONDOMINIUM UNIT
	LIMITED COMMON EASEMENT/ BALCONY & PATIO AREA
	NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA

FIRST AMENDMENT TO
CONDOMINIUM PLAT
**THE HOTEL & RESIDENCES AT
EMPIRE CANYON RESORT**
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST 1/4 OF SECTION 28, AND THE EAST 1/4 OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

JOB NO. 2-1-08
STATE OF UTAH, COUNTY OF SUMMIT, AND DISTRICT OF CANYON
DATE: _____ TIME: _____
BOOK: _____ PAGE: _____
FEE: _____ RECORDER: _____

INSET
NORTHWESTERN WING

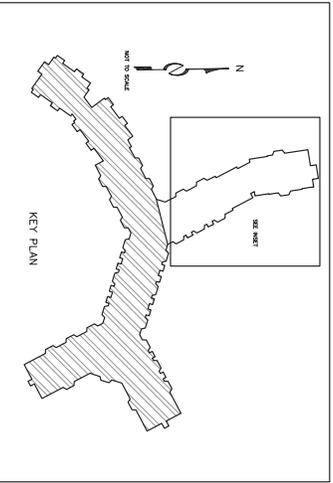
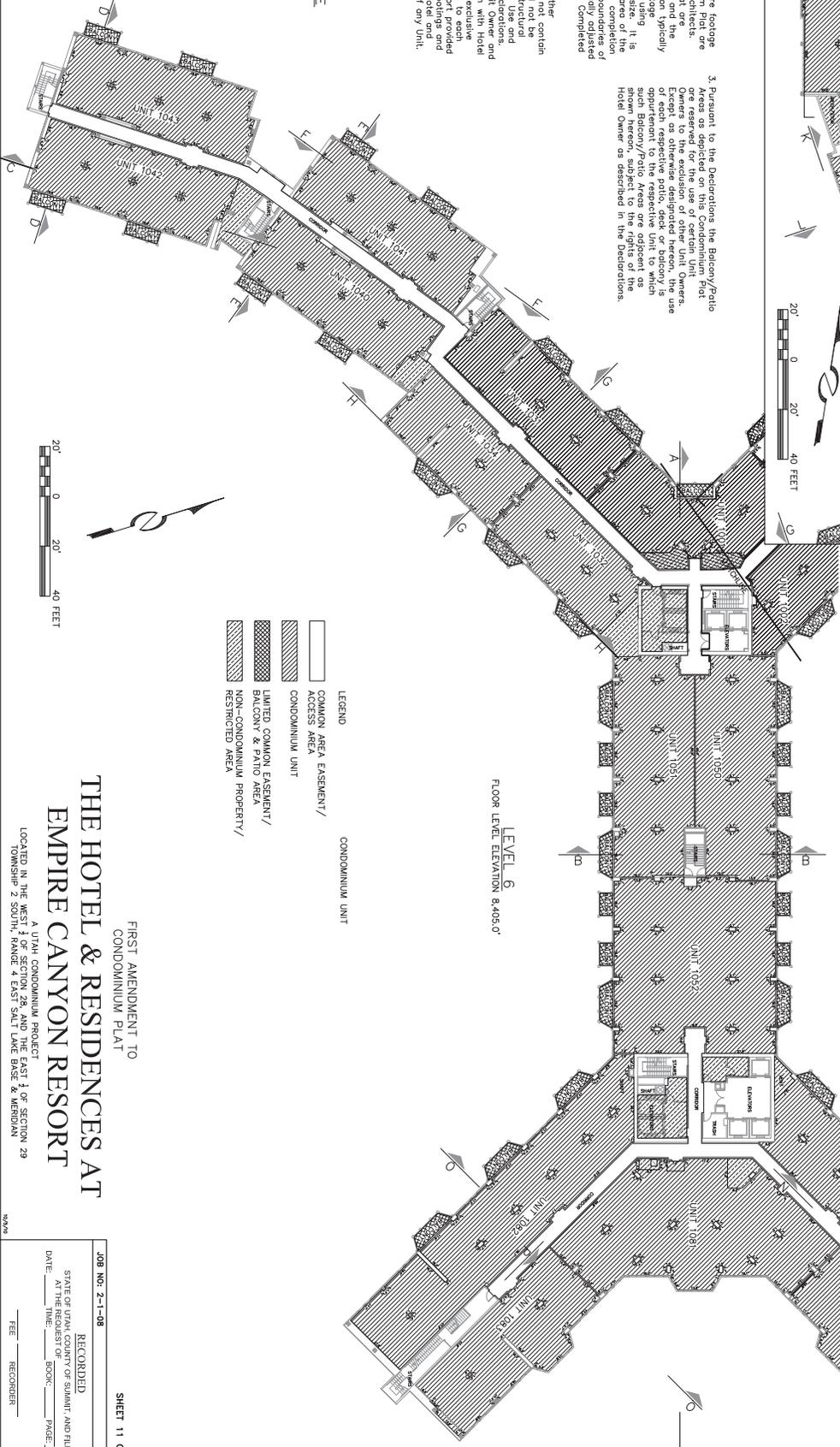


NOTES

1. The dimensions of the Units and square footage calculations shown on this Condominium Plat are based on the dimensions of the Units as shown on this plat. The square footages shown on this plat are calculated in accordance with the Act and the Residential Declaration. Such calculations (specially determined by the architect or others using different methods of determining unit size. It is the intent that this provide ownership area of the Unit as shown on this plat. The boundaries of each Unit ("Completed Unit"), the boundaries of the Completed Unit shall be automatically adjusted to be the boundaries of such as-Unit Completed Unit as described in the Declarations.
2. Although columns, bearing walls and other structural elements are shown on this plat, they are not to be construed as structural elements. All common structural elements are designated as Non-Hotel Use and are not to be construed as structural elements. Pursuant to the Declarations, each Unit Owner and the Residential Association (in common with Hotel Owner) are granted the following non-exclusive common use, which shall be appurtenant to each Unit. Such use shall include, but not be limited to, all structural members, columns, footings and foundations which are a part of the Hotel and which are necessary for the support of any Unit.
3. Pursuant to the Declarations the Balcony/Patio Areas as depicted on this Condominium Plat Owners to the exclusion of other Unit Owners. Except as otherwise designated hereon, the use of each respective patio, deck or balcony is shown hereon, subject to the rights of the Hotel Owner as described in the Declarations.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
1001	2,148 SF
1002	2,480 SF
1003	1,747 SF
1004	1,997 SF
1005	1,943 SF
1006	2,770 SF
1007	2,255 SF
1008	1,741 SF
1009	1,688 SF
1010	2,156 SF
1011	2,156 SF
1012	2,207 SF
1013	2,207 SF
1014	2,207 SF
1015	2,207 SF
1016	2,207 SF
1017	2,207 SF
1018	2,207 SF
1019	2,207 SF
1020	2,207 SF
1021	2,207 SF
1022	2,207 SF
1023	2,207 SF
1024	2,207 SF
1025	2,207 SF
1026	2,207 SF
1027	2,207 SF
1028	2,207 SF
1029	2,207 SF
1030	2,207 SF
1031	2,207 SF
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1035	2,207 SF
1036	2,207 SF
1037	2,207 SF
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1089	2,207 SF
1090	2,207 SF
1091	2,207 SF
1092	2,207 SF
1093	2,207 SF
1094	2,207 SF
1095	2,207 SF
1096	2,207 SF
1097	2,207 SF
1098	2,207 SF
1099	2,207 SF
1100	2,207 SF



LEGEND

[Symbol]	COMMON AREA EASEMENT/ ACCESS AREA
[Symbol]	CONDOMINIUM UNIT
[Symbol]	LIMITED COMMON EASEMENT/ BALCONY & PATIO AREA
[Symbol]	NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA

FIRST AMENDMENT TO
CONDOMINIUM PLAT
**THE HOTEL & RESIDENCES AT
EMPIRE CANYON RESORT**
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST 1/4 SECTION 29
TOWNSHIP 2 SOUTH, RANGE 1 EAST, 5th EASE & MERIDIAN

RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
JOB NO: 2-1-08
FEE: _____ RECORDER: _____

REGULAR AGENDA

Planning Commission Staff Report



Subject: First Amendment to the Village at Empire Pass Phase 1 Subdivision- Lot 9
Author: Kirsten A Whetstone, AICP
Date: December 8, 2010
Type of Item: Administrative – Subdivision plat amendment
Project Number: PL-10-00861

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing to amend The Village at Empire Pass Phase 1 subdivision plat and consider forwarding to City Council a positive recommendation of approval, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: Talisker/ United Park City Mines Company
Location: 8680 Empire Club Drive- Lot 9 The Village at Empire Pass Phase I Subdivision.
Zoning: Residential Development as part of the Empire Pass Master Planned Development (RD-MPD)
Adjacent Land Uses: Residential units of Empire Pass Master Plan and Ski terrain of Deer Valley Resort
Reason for Review: Subdivision plat amendments require Planning Commission review and recommendation to City Council

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.

The Development Agreement (DA) specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space. On February 1, 2007, the City Council approved amendments to the DA allowing additional density and three additional acres to be utilized in the area known as the B-2 area encompassed by the Empire Village Subdivision plat. In exchange, United Park City Mines Company petition the City for annexation of the Park City Mountain Resort ski lease area (removing all residential development potential) and agreed to construct a Park and Ride facility at Richardson Flats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which any MPD and preliminary/final plat will be reviewed.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A, including the Empire (now Tower) Club building and residential units.

On September 30, 2004, the City Council approved the Village at Empire Pass Phase 1 subdivision plat. The plat was found to be in compliance with the Flagstaff Mountain Development Agreement and the Master Planned Development for the Village at Empire Pass. The subdivision plat created two parcels and eleven (11) lots with this subdivision. Lot sizes range in size from 11,138 square feet (.25 acres) to 86,711 (3.55 acres) which is consistent with the RD zoning District and Village at Empire Pass MPD. These lots have separate condominium plats as part of the Larkspur Townhomes, Paintbrush PUD-style cluster homes, the Empire Club (now known as the Tower Club and previously known as the Alpine Club) on Lot 9 and Shooting Star on Lot 8. The Village at Empire Pass Phase 1 subdivision plat was recorded at Summit County on November 24, 2004 (Exhibit C).

Tower Club phase 1 has been constructed. Tower Club phase 2 has not been constructed. On February 11, 2009, the Planning Commission approved a CUP extension for the Tower Club phase 2 until July 1, 2010. Re-platting of the boundary was a condition of approval of the February 11, 2009 CUP extension approval. Prior to expiration of the CUP on July 1, 2010, the applicant submitted a complete application for revisions to the MPD for the Village at Empire Phase and the Tower Club phase 2 CUP. The applicant has requested the applications for these amendments be placed on hold until an issue between owners is resolved or until February 1, 2011 when the applications will be considered inactive.

-
- The lot arrangement, building site, square footage, lot dimension, and access, and road design are consistent with the Land Management Code, Section 15.7.3-3: Subdivisions- General Lot Design Requirements.

On October 21, 2010, the City received an updated and complete application for an amendment to the Village at Empire Pass Phase 1 subdivision plat. The application requests the following amendments to Sheet 2 (see Exhibit A):

- Identification of a December 17, 2009 recorded private parking easement on Lot 9 for the parking constructed off of Village Way for Shooting Star (see Exhibit B).
- Identification of a December 17, 2009, recorded private trail easement on Lot 9.
- Move a lot line between Lot 9 and the Village Way private drive and expand Lot 9 and decrease the area of private road for Village Way previously anticipated

for a pullout. A permanent shuttle stop was constructed near the entrance to the Empire Club on Lot 9 (see Exhibit B).

- Lot 9 increases from 61,030 sf to 65,956 sf. Lot 8 is not changed in lot area because the amendment is between Lot 9 and the Village Way private road.

Analysis

The zoning for the subdivision is Residential Development. Lot 9 is subject to the following criteria:

	Permitted through MPD/CUP	Proposed
Height	Empire Club (now known as the Tower Club) height exception to 86 feet above natural grade was granted with the Master Plan. RD zone height is 28' plus 5' for a pitched roof.	Phase 1 height is 51' from natural grade. Height of great room is 38'. Complies.
Front setback	20', 25' minimum distance from Lot boundary, platted street, or existing curb to front facing garage	Minimum of 20' from building and 25' from garage. Complies.
Rear setback	15' minimum distance from Lot boundary, platted street, or existing curb from Lot boundary	Minimum of 15'. Complies.
Side setbacks	12' minimum distance from Lot boundary, platted street, or existing curb	Minimum of 12'. Complies.
Floor area	10,000 square feet was approved in the Construction and Development Phasing Plan for Phase I Tower Club (Exhibit 10 of the Technical Reports) and amended to 8,900 sf by the revised Phasing Plan.	8,887 square feet. This total is less than the 8,900 square feet approved by the revised Phasing Plan Complies.
Lot size- Lot 9	No minimum lot size. 61,030 sf prior to plat amendment	65,956 sf with plat amendment

Staff finds good cause for this subdivision plat amendment in order to place an unused area of private drive into an existing Lot in order that it be owned, landscaped, and maintained in a manner appropriate to the existing uses on Lot 9. The subdivision plat is consistent with the Amended and Restated Development Agreement for Flagstaff

Mountain and the recorded Village at Empire Pass Phase 1 subdivision plat. The proposed plat amendment complies with the Land Management Code and no non-conforming situations are created. The plat includes parking easements for the constructed parking pull out at Shooting Star off of Village Way private road. The plat also dedicates a public access easement. Re-platting of the boundary was a condition of approval of the February 11, 2009 CUP extension approval

Department Review

This project has gone through an interdepartmental review. No issues were raised pertaining to the requested plat amendment.

Notice

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

Public Input

Staff received input from a property owner in the adjacent Shooting Star condominium project. The property owner has concerns with the proposed CUP amendments which are not before the Planning Commission at this time. Staff has provided the owner with the staff report and exhibits.

Future Process

The approval of this subdivision plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

Alternatives

- The Planning Commission may recommend that the City Council approve the First Amendment to The Village at Empire Pass Phase 1 subdivision plat as conditioned or amended, or
- The Planning Commission may recommend that the City Council deny the First Amendment to The Village at Empire Pass Phase 1 subdivision plat and direct staff to make findings for this decision, or
- The Planning Commission may continue the discussion on the First Amendment to The Village at Empire Pass Phase 1 subdivision plat and provide Staff and the Applicant with specific direction regarding additional information necessary to find compliance with the criteria listed in this report.

Significant Impacts

Based upon a review of the Flagstaff Mountain Development Agreement, the Planning Commission approved technical reports, and the Land Management Code, Staff finds that there are no significant fiscal or environmental impacts from this final subdivision plat as conditioned. The plat provides parking easements for the parking off of Village Way private road and a public access easement on Lot 9. Re-platting of the boundary was a condition of approval of the February 11, 2009 CUP extension approval

Consequences of not taking the Suggested Recommendation

The area would remain as part of the Village Way private road. Parking pullout area for Shooting Star will remain.

Recommendation

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

Exhibits

Exhibit A- Proposed plat

Exhibit B- Photos

Exhibit C- Recorded plat

Ordinance No. 11-

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE VILLAGE AT EMPIRE PASS, PHASE I, SUBDIVISION, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Village at Empire Pass, Phase I Subdivision have petitioned the City Council for approval of amendments to the approved subdivision plat for the Village at Empire Pass, Phase I; and

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

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

WHEREAS, the Planning Commission held a public hearing on December 8, 2010, to receive input on the amended subdivision plat;

WHEREAS, the Planning Commission, on December 8, 2010, forwarded a recommendation to the City Council; and,

WHEREAS, on January 6, 2011, the City Council conducted a public hearing on the amended subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Village at Empire Pass Phase 1 amended subdivision plat.

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

SECTION 1. APPROVAL. The amended subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Village at Empire Pass Phase I Plat is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.

4. A maintenance agreement addressing snow removal and maintenance of the water system exists between Park City Municipal Corporation and the Village at Empire Pass Master Homeowners Association.
5. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A, including the Empire (now Tower) Club building and residential units.
6. On September 30, 2004 the City Council approved The Village at Empire Pass Phase I subdivision plat creating two (2) parcels with eleven (11) lots and the plat was recorded at Summit County on November 24, 2004.
7. On April 13, 2005 the Planning Commission approved a CUP for the Empire (now Tower) Club located on Lot 9.
8. On February 13, 2008, the Planning Commission approved a CUP for the residential component of the Empire Club (i.e. Phase 2) and the name changed to the Tower Club. Phase 2 includes 25 units (38.9 UEs) and one 650 sf accessible ADA unit platted as common.
9. On October 21, 2010, the Planning Department received a complete application for a plat amendment to amend the Village at Empire Pass Phase I subdivision plat. The amendments include the following: a) move a lot line between Lot 9 and the Village Way private road to expand Lot 9 and decrease the area of private road for Village Way previously used for the temporary shuttle stop until the permanent shuttle stop was constructed near the entrance to the Empire Club on Lot 9, and 2) memorializing recorded easements. Parking pull out for Shooting Star will remain.
10. With the re-plat between Lot 9 (Tower Club) and the private right-of-way, the Tower Club residential building will comply with all setback requirements.
11. Re-platting of the boundary was a condition of approval of the February 11, 2009 CUP extension approval.
12. The plat amendment does not create any non-conforming situations.

Conclusions of Law

1. There is good cause for this amended subdivision plat.
2. The amended subdivision plat is consistent with the Flagstaff Annexation and Development Agreement, the Village at Empire Pass Master Plan Development, the Village at Empire Pass Phase I subdivision plat, the Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed amended subdivision plat.
4. Approval of the amended subdivision plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. All conditions of approval of the Flagstaff Annexation and Development Agreement and the Village at Empire Pass Master Planned Development, and the Village at Empire Pass Phase I subdivision plat continue to apply. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
2. The City Attorney and City Engineer will review and approve the final form and content of the amended subdivision plat for compliance with State law, the Land

- Management Code, and the conditions of approval prior to recordation of the plat.
3. The applicant will record the subdivision plat 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.
 4. The final plat shall contain a note that Village Way is a private road
 5. A note on the plat shall state that the maintenance of the water system is the private responsibility of the Village at Empire Pass Master Homeowners Association.
 6. The plat amendment does not approve any changes to any Conditional Use or Master Planned Development approvals on the property.

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

PASSED AND ADOPTED this 6th day of January, 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney









SURVEYOR'S CERTIFICATE
I, **John Demkowicz**, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I have read and examined the plat and certify that the survey of the tract of land shown on this plat and described herein and subdivided into lots, blocks, private rights-of-way, and easements to be hereinafter known as THE VILLAGE AT EMPIRE PASS, PHASE 1 and that the same has been or will be correctly located on the ground as shown on this plat.

John Demkowicz
JOHN DEMKOWICZ
Date: 11-10-04



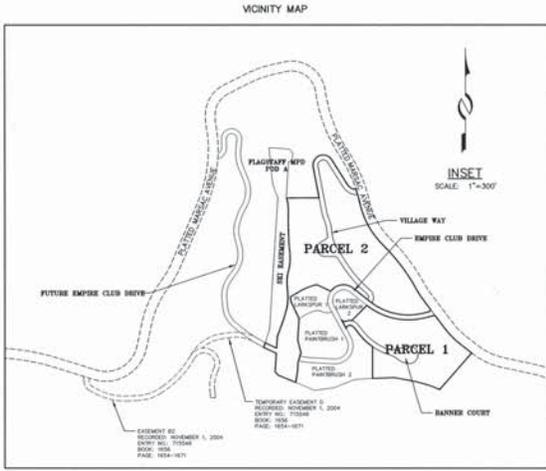
BOUNDARY DESCRIPTIONS

PARCEL 1
A parcel of land located in the northern quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
Beginning of a point that is North 89°24' East 798.51 feet along section line and South 790.05 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly boundary of Marissa Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point being the point of beginning of the following three (3) courses: (1) South 37°47' East 84.65 feet to a point on a curve to the left having a radius of 423.00 feet, of which the radius point bears North 32°43' East; thence (2) along the arc of said curve 110.79 feet through a central angle of 14°56'10"; thence (3) South 52°23' East 74.79 feet; thence South 41°23' West 246.36 feet; thence North 48°23' West 53.89 feet; thence North 74°44' West 74.14 feet; thence North 79°47' West 114.33 feet; thence South 89°28' West 112.35 feet to the southeast corner of Fairbairn Homes, Parcel 2, Amended and Restated, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the easterly and northerly boundaries of said Fairbairn Homes, Parcel 2, Amended and Restated, the following the (5) courses: (1) North 18.24 feet to a point on a non tangent curve to the right having a radius of 312.55 feet, of which the radius point bears North 34°21' East; thence (2) southeasterly along the arc of said curve 95.01 feet through a central angle of 17°21'11"; thence (3) North 38°13' West 62.45 feet to a point on a curve to the left having a radius of 27.50 feet, of which the radius point bears South 51°46'42' West; thence (4) along the arc of said curve 40.09 feet through a central angle of 83°10'6" to a point of compound curve to the left having a radius of 13.00 feet, of which the radius point bears South 31°14' East; thence (5) southerly along the arc of said curve 15.19 feet through a central angle of 87°01'18" to a point on the westerly boundary of Empire Club Drive, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence North 20°42' West 32.46 feet along said Empire Club Drive to a point on a non tangent curve to the left having a radius of 17.77 feet, of which the radius point bears North 81°18' East; thence (6) along the arc of said curve 11.77 feet through a central angle of 10°11'18" to a point on the westerly boundary of Empire Club Drive, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the westerly boundary of said Fairbairn Homes, Parcel 2, the following three (3) courses: (1) westerly along the arc of said curve 28.18 feet through a central angle of 88°23'50" to a point on a non tangent curve to the right having a radius of 32.50 feet, of which the radius point bears South 23°04' East; thence (2) easterly along the arc of said curve 21.21 feet through a central angle of 34°33'50"; thence (3) North 45°18' East 110.12 feet to a point on a non tangent curve to the left having a radius of 143.18 feet, of which the radius point bears North 32°30' East; thence (4) southerly along the westerly boundary of said Empire Club Drive, thence along the westerly boundary of Empire Club Drive the following four (4) courses: (1) easterly along the arc of said curve 27.97 feet through a central angle of 45°24'32" to a point of compound curve to the left having a radius of 47.21 feet, of which the radius point bears North 16°17'27" West; thence (2) southerly along the arc of said curve 10.58 feet through a central angle of 49°09'10" to a point of reverse curve to the right having a radius of 30.00 feet, of which the radius point bears South 29°42' East; thence (4) westerly along the arc of said curve 13.22 feet through a central angle of 25°15'18" to the point of beginning.

Description contains 3.55 acres, more or less.

PARCEL 2
A parcel of land located in the north half of Section 28 and the southeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
Beginning of a point that is North 89°24' East 290.39 feet along section line and South 118.28 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly boundary of Marissa Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point being the point of beginning of the following three (3) courses: (1) South 37°47' East 84.65 feet to a point on a curve to the left having a radius of 423.00 feet, of which the radius point bears North 32°43' East; thence (2) along the arc of said curve 110.79 feet through a central angle of 14°56'10"; thence (3) South 52°23' East 74.79 feet; thence South 41°23' West 246.36 feet; thence North 48°23' West 53.89 feet; thence North 74°44' West 74.14 feet; thence North 79°47' West 114.33 feet; thence South 89°28' West 112.35 feet to the southeast corner of Fairbairn Homes, Parcel 2, Amended and Restated, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the easterly and northerly boundaries of said Fairbairn Homes, Parcel 2, Amended and Restated, the following three (3) courses: (1) North 18.24 feet to a point on a non tangent curve to the right having a radius of 312.55 feet, of which the radius point bears North 34°21' East; thence (2) southeasterly along the arc of said curve 95.01 feet through a central angle of 17°21'11"; thence (3) North 38°13' West 62.45 feet to a point on a curve to the left having a radius of 27.50 feet, of which the radius point bears South 51°46'42' West; thence (4) along the arc of said curve 40.09 feet through a central angle of 83°10'6" to a point of compound curve to the left having a radius of 13.00 feet, of which the radius point bears South 31°14' East; thence (5) southerly along the arc of said curve 15.19 feet through a central angle of 87°01'18" to a point on the westerly boundary of Empire Club Drive, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence North 20°42' West 32.46 feet along said Empire Club Drive to a point on a non tangent curve to the left having a radius of 17.77 feet, of which the radius point bears North 81°18' East; thence (6) along the arc of said curve 11.77 feet through a central angle of 10°11'18" to a point on the westerly boundary of Empire Club Drive, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the westerly boundary of said Fairbairn Homes, Parcel 2, the following three (3) courses: (1) westerly along the arc of said curve 28.18 feet through a central angle of 88°23'50" to a point on a non tangent curve to the right having a radius of 32.50 feet, of which the radius point bears South 23°04' East; thence (2) easterly along the arc of said curve 21.21 feet through a central angle of 34°33'50"; thence (3) North 45°18' East 110.12 feet to a point on a non tangent curve to the left having a radius of 143.18 feet, of which the radius point bears North 32°30' East; thence (4) southerly along the westerly boundary of said Empire Club Drive, thence along the westerly boundary of Empire Club Drive the following four (4) courses: (1) easterly along the arc of said curve 27.97 feet through a central angle of 45°24'32" to a point of compound curve to the left having a radius of 47.21 feet, of which the radius point bears North 16°17'27" West; thence (2) southerly along the arc of said curve 10.58 feet through a central angle of 49°09'10" to a point of reverse curve to the right having a radius of 30.00 feet, of which the radius point bears South 29°42' East; thence (4) westerly along the arc of said curve 13.22 feet through a central angle of 25°15'18" to the point of beginning.

Description contains 3.55 acres, more or less.



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT PANTHRUSH RESIDENCES, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE 1, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown herein.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov., 2004.

PANTHRUSH RESIDENCES, LLC
A Delaware limited liability company
By: *John Hill*
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 10th day of Nov., 2004 by James M. Hill, the Vice President of HF HOLDING CORP., a Colorado corporation, Manager of PANTHRUSH RESIDENCES, LLC, a Delaware limited liability company.
Mary G. Carney
Notary Public
Reading in: Park City
My commission expires: 6-13-2008

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT SHOOTING STAR RESIDENCES, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE 1, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown herein.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov., 2004.

SHOOTING STAR RESIDENCES, LLC
A Delaware limited liability company
By: *James M. Hill*
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 10th day of Nov., 2004 by James M. Hill, the Vice President of HF HOLDING CORP., a Colorado corporation, Manager of SHOOTING STAR RESIDENCES, LLC, a Delaware limited liability company.
Mary G. Carney
Notary Public
Reading in: Park City
My commission expires: 6-13-2008

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE 1, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown herein.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov., 2004.

EMPIRE MOUNTAIN VILLAGE, LLC
A Delaware limited liability company
By: *James M. Hill*
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 10th day of Nov., 2004 by James M. Hill, the Vice President of HF HOLDING CORP., a Colorado corporation, Manager of EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company.
Mary G. Carney
Notary Public
Reading in: Park City
My commission expires: 6-13-2008

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT UNITED PARK CITY MINES COMPANY, a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE 1, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown herein.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov., 2004.

UNITED PARK CITY MINES COMPANY
A Delaware Corporation
By: *Mark Thorne*
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 10th day of Nov., 2004 by Mark Thorne, the Vice President of UNITED PARK CITY MINES COMPANY, a Delaware corporation.
Mary G. Carney
Notary Public
Reading in: Park City
My commission expires: 6-13-2008

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE 1, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown herein.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov., 2004.

MOUNTAIN DEVELOPMENTS I, INC.
A Delaware Corporation
By: *Mark Thorne*
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 10th day of Nov., 2004 by Mark Thorne, the Vice President of MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation.
Mary G. Carney
Notary Public
Reading in: Park City
My commission expires: 6-13-2008

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE PASS CLUB, LLC, a Utah limited liability company, formerly known as ALPINE CLUB, LLC, a Delaware limited liability company, by its manager, United Park City Mines Company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE 1, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown herein.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov., 2004.

EMPIRE PASS CLUB, LLC
United Park City Mines Company, its Manager
By: *Mark Thorne*
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 10th day of Nov., 2004 by Mark Thorne, the Vice President of UNITED PARK CITY MINES COMPANY, Manager of EMPIRE PASS CLUB, LLC, by its manager.
Mary G. Carney
Notary Public
Reading in: Park City
My commission expires: 6-13-2008

THE VILLAGE AT EMPIRE PASS PHASE 1

LOCATED IN SECTIONS 21 AND 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 12th DAY OF November, 2004 A.D.
BY: *John M. B. W.D.*

PLANNING COMMISSION
I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 11th DAY OF November, 2004 A.D.
BY: *James M. B.*
CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 11th DAY OF November, 2004 A.D.
BY: *John M. B.*
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 15th DAY OF November, 2004 A.D.
BY: *W. H. H.*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 14th DAY OF November, 2004
BY: *James M. B.*
PARK CITY RECORD

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30th DAY OF September, 2004 A.D.
BY: *Dana Williams*
MAYOR

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City TITLE DATE 11-24-04 ROUTINE MARK BOOK 124 PAGE 1 FEE \$12.00 *Dana Williams* RECORDER

From: Dave Conant [dconant2@thecargroup.com]

Sent: Wednesday, December 01, 2010 6:36 PM

To: Kirsten Whetstone

Subject: PL-09-00861

Kirsten,

Having received your Notice regarding the above Application, I tried to go to the city website to see if I could find any renderings, drawings or additional info. I was unable to locate anything. Can you email me anything that pertains to this please?

I own the property at 7718 Village Way and expect to be significantly impacted by this project. The bus pullout described is used heavily all day, everyday in the winter. Most foot traffic into and out of the Shooting Star condos and the property management office within the building, use the pullout as a temporary parking place. There is no other place for all these people to stop. In the future it is also unrealistic to expect guests from that building to walk clear around the expanded Tower Club and up the (often slippery) hill to get to the transit stop in front of the Tower Club.

This needs to be reconsidered. The Tower Club expansion is already going to severely impact everyone along Village Way. Adding even more congestion by removing this current bus pullout and building right up to that area of the street is seriously over the top.

Any info you can share is appreciated. I hope my opinion will be of value to you as well.

Thanks,

David Conant

From: Ted Dobos [tdobos@gmail.com]
To: Kirsten Whetstone
Cc: tdobos@gmail.com; stcdobos; hey.patrick@sbcglobal.net;
nrundel@taliskermountain.com
Subject: Request for full Information application# pl-09-00861
Dear Kirsten,

My name is Ted Dobos and my wife Stacey and I own 7724 Village Way in Park City. We purchased our townhouse very early and in fact expected the Empire Club (now called the Tower Club) to be built with the entrance right next to our property on Village Way-- our sales disclosures showed the map with this design. I understand things have changed (although I frankly never really understood how changing the street a building was on could be determined a minor change that was allowed to happen after people had purchased property); I was never very happy that the entrance was changed to Empire Drive. In addition, at my driveway on Village Way (again 7724 Village Way), the builders of the Tower Club used Village Way as a major point of entry for building the swimming pool, etc--- in which considerable damage to the street and planting occurred at my driveway. Everything is beautiful now and certainly the development makes us very happy--- but the disclosure on what was happening was never very good.

It is my latest understanding (from a year ago) that their will be some "Tower Club Residences" that will be condos attached to the Tower Club [and I know plenty of my neighbors are VERY concerned at the height of these residences surpassing even the height of the Tower that is there currently].

This all being said, I am very interested in being fully informed on what is going on next to my front door and especially given I was expecting originally to have there be a nice "turn-around entrance" that went well into the Tower Club property on Village Way-- I absolutely do not feel there should be any structure or use coming any closer to my property than what was originally designed. Also, I have an agreement with East West that when the new structures are build that they will have right on Village Way an elevator in which homeowners on Village Way may use a key-card to access the structure [not sure this impacts what is going on now but did want to mention it...below is the email confirmation of this from Nathan Rundel, VP Construction at Tallisker].

Please call me at: Ted Dobos 650-533-3078 (cell), and information can be mailed to my primary residence at 10 Stacey Court, Hillsborough, CA, 94010. I currently can only guess at what the current project is and definitely thank you in advance for helping me understand what is going on so that we and our neighbors can be informed and take appropriate action if needed.

I appreciate your time and attention in this matter (below is a 2008 email from Nathan Rundel, VP Construction at Tallisker).

Respectfully,
Ted Dobos

Owner, Larkspur#13, 7724 Village Way
650-533-3078

On Tue, Jul 22, 2008 at 7:42 AM, Nathan Rundel <nrundel@taliskermountain.com>
wrote:
Ted-

It was a pleasure talking to. Hopefully I was able to answer your questions?

To confirm our conversation yesterday, Talisker's plan in the design of the new Talisker Tower Residence is to give the Larkspur unit owners access to the existing Tower Club through the new Tower Residence building. That route will consist of card key access to the stairwell entrance of the building on Village Way. From there you will be able to go up the stairwell to the desired Club floor or across the garage to the elevator and then up. The card key access will be programmed to follow the hours of operation of the Tower Club.

Currently, this is programmed into the design and construction plans for the new project and I can provide you a pdf of the plans, showing the designated access door. As we get further into the process, we will formalize this into the homeowner documents. I am not sure the exact form this will take, but we can copy you when we get it finalized. In terms of time frame, we are probably 8-10 weeks away from putting the homeowner documents together.

(Sorry for the delay in getting this out, our email server was down yesterday...)

Please call with questions,
Nathan

Nathan Rundel
Vice President, Construction
Talisker Mountain, Inc.
900 Main Street, Suite 6111
P.O. Box 4349
Park City, UT 84060
Direct: 435-487-0208
Fax: 435-608-0968
Mobile/Blackberry: 415-531-8135
nrundel@taliskermountain.com

Planning Commission Staff Report



Subject: Iron Horse Mixed Use Building
Author: Katie Cattan, Planner
Jacquy Mauer, Planner
Project #: PL-10-00899
Date: December 8, 2010
Type of Item: Master Planned Development

Summary Recommendations

Staff recommends that the Planning Commission review the 1555 Lower Iron Horse Master Planned Development (MPD), open a public hearing, and consider approving the MPD according to the finding of fact, conclusions of law, and conditions of approval within.

Topic	Iron Horse Mixed Use Master Planned Development
Applicant:	Mark Fischer, represented by Craig Elliott, Architect
Location:	1555 Lower Iron Horse Loop Road
Zoning:	Light Industrial (LI)
Adjacent Land Uses:	General Commercial, Rail Trail, Multi-family condominiums
Reason for Review:	Master Planned Developments require Planning Commission review and approval

Background

A requirement for any Master Planned Development (MPD) is a pre-application public meeting and determination of initial compliance with the General Plan (LMC 15-6-4(B)). On August 26, 2009, the Planning Commission held a pre-application public hearing for the Iron Horse Mixed Use Building MPD located at 1555 Lower Iron Horse Loop Road. At this public hearing, the Planning Commission unanimously found the conceptual plans to be in initial compliance with the General Plan.

On February 3, 2010, the City received a complete application for a Master Planned Development to be located at 1555 Lower Iron Horse Loop Road. The property is situated on the east side of Bonanza Drive and the south side of the rail trail across from the Rail Central Phase I project. The property is comprised of one lot, known as Lot 1 of the Iron Horse Industrial Subdivision, and totals 1.47 acres.

The property is in the Light Industrial (LI) zoning district. It is currently occupied by the 6,540 square foot Deer Valley Lodging building, and a 2,160 square foot Park City Transportation building. These buildings have been used as maintenance, laundry, and transportation fleet facilities. A portion of the lot is currently used for transportation fleet parking. Underground fuel storage tanks and fuel pumps exist on the property.

The Master Planned Development process is required for any residential project larger than ten (10) units or new commercial projects greater than 10,000 square feet Gross Floor Area (LMC 15-6-2(A)). The MPD process is necessary for the Iron Horse Mixed Use Building since the proposed commercial area exceeds 10,000 square feet.

The applicant proposes to remove the two existing buildings and build three connected mixed-use buildings with a combined footprint of 19,184 square feet. The buildings range from two (2) to four (4) stories above ground with a single story below ground. The mixed use project includes commercial, office, and residential units.

Residential Units	4 units
Residential Area	7,918 sq. ft.
Commercial/Retail Area	7,661 sq. ft.
Office	16,265 sq. ft.
Number of Parking Spaces	91 spaces

The applicant provided an introduction to the building design at the August 26, 2009 Planning Commission pre-application work session meeting. On April 28, 2010, the Planning Commission reviewed the Master Planned Development application during work session and opened a public hearing during the regular agenda. No public input was received. The Planning Commission discussion focused on the following items:

- Façade variation and façade lengths
- New tunnel across Bonanza and how it works with the design
- Perpendicular parking on Iron Horse Drive and safety (biggest concern)
- Bridge location for connection to rail trail and bus
- Materials board

These items are discussed within the analysis section of the report. The applicant has made modifications to the plans to address pedestrian circulation and façade variation. An additional story was added to the portion of the building furthest to the East. The internal layout was changed to include more office space and less residential space. The overall internal parking increased with a new parking area included on the first floor of the building. At the recommendation of staff, the building shifted five feet to the north to accommodate greater pedestrian circulation to the south along Iron Horse Drive, a private road.

Analysis

Section 15-6-1 of the LMC states that the goal of the MPD section “is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;

(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
(I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
(J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.”

LMC Section 15-6 -5 (A – K) outlines the minimum requirements of MPDs applications. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the MPD.

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

The proposed density does not exceed the maximum density of the Light Industrial (LI) zone. Within the LI zone, density is the resulting mass of the setbacks, height, and open space. Sections C, D, and F address setbacks, open space, and height of the proposed MPD.

A Site Suitability Analysis is defined in LMC 15-15-1.237 as “A comprehensive analysis of a property or site used in making a determination of appropriate density considering such factors as sensitive lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the general plan.”

The site is not located within the Sensitive Lands Overlay zone. There is a stream located to the north of the sites between the project and the rail trail. The design introduces a pedestrian bridge over the stream which connects the project to the rail trail and rail central. This bridge has been approved by the City Council with the agreement that it will be built when the new building at 1555 Lower Iron Horse Drive is being erected. The City is building a second bridge to the east for a necessary pedestrian connection from the adjacent apartments to the rail trail. The applicant provided the City with an easement along Bonanza Drive for utilities during the recent Bonanza Drive improvements. There is a bus pull off area located in front of the project along Bonanza Drive. The internal circulation proposed in the project creates safe pathways to the rail trail, to rail central, to the bus stop, and to the new pedestrian tunnel. Staff finds that the proposed location of the project is suitable based on the existing conditions of the site (pavement and two building), improved pedestrian circulation, and open space/landscaping along Bonanza Drive and adjacent to the stream.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 AND HR-2 DISTRICTS. Not Applicable

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

Setbacks in the LI zone are as follows:

Front yard	30 feet
Side yard	10 feet
Rear yard	30 feet

MPD Setbacks 25 feet on all sides. Applicant requesting decrease to 20 feet on North Side

During the April 28, 2010 Planning Commission meeting, pedestrian circulation along the southern property line along Iron Horse Loop Road was discussed at length. Prior to that meeting, the applicant had worked with the Planning Director and City Engineer to create perpendicular parking spaces that would be safer for cars entering and exiting the retail component of the project. They had resolved to make the spaces five feet longer in order to gain greater visibility when exiting into the private street. Within the five foot area behind the parking spot, a material change was proposed to make the area look and act as a sidewalk. The Planning Commission requested that the applicant return with a safer solution to the parking/pedestrian circulation.

The project was submitted with twenty-five feet setbacks on all sides. The Planning Commission has the authority to decrease the setbacks provided the project meets minimum uniform building code and fire code requirements, does not increase the project density, maintains the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and meets open space criteria set forth in Section 15-6-5(D). After the April 28, 2010 Planning Commission meeting, staff worked with the applicant to find a solution to the pedestrian circulation. Staff recommended to the applicant that they request a decrease in the side yard setback on the north side of the building to create space on the south for a sidewalk between the buildings and the parking spaces. The applicant agreed and is requesting a decrease in the north side yard setback from twenty-five feet to twenty feet. This change complies with the requirements of the LMC as stated above for building code, fire code, density, mass, scale, spacing, and open space. The movement of the building 5 feet does not impact any existing vegetation. Edge of asphalt along the north property line is at approximately sixteen to eighteen feet from the property line.

(D) OPEN SPACE

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

(2) TYPE OF OPEN SPACE. The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

The following is the breakdown of the Open Space for the Iron Horse Mixed Use MPD.

BUILDINGS/DRIVES/PARKING		
	SQ. FT Total	Percentage
Building Footprint	19,184	30.00%
Driveways	3,426	5.30%
Parking	3,342	5.20%
Street	9,273	14.35%
Trash Compartment	86	0.15%
TOTAL	35,311	55.00%
OPEN SPACE		
Landscape	14,615	22.75%
Sidewalks and Walkways	14,276	22.25%
TOTAL	28,891	45.00%
OVERALL SITE AREA	64,202	100%

This is a redevelopment project, so a minimum of 30 percent open space could be allowed by the Planning Commission “in exchange for project enhancements” as stated above. The applicant is proposing 45 percent open space. The majority of the open space is landscaped open space with walkways and sidewalk (22.25%) and landscaping (22.75%). A portion of the open space includes the upgraded sidewalk along bonanza drive creating safer pedestrian circulation between the pedestrian tunnel, the bus pull-off area, and the rail trail. This is a benefit to the public. During

previous Planning Commission meeting, the Commission had not commented on the type of open space.

The applicable statement within the Bonanza Park District supplement to the General Plan for open space are:

*3.4.1 Open Space requirements would remain as in the current code to maintain equity between all GC and LI zoned properties whether in the District or in other Planning Areas. Plazas, decks at or near ground surfaces, outdoor seating areas, outdoor displays of public art areas; areas for outdoor music and similar uses are appropriate for consideration as Open Space. These spaces must be open to the public for use. Areas of plazas, decks and outdoor seating areas that are part of restaurant, bar or other similar uses are not considered to meet the open space requirements. **Complies.***

The site plan includes a sidewalk on the private property, a standing area for the bus pull off, and various walkways. The onsite plaza may be utilized for a future restaurant so this area would not be included in the Planning Commissions assessment of useable open space for public use.

*3.4.2 The Frontage Protection Zone (FPZ) requirements of a 30 foot setback from Park Avenue, Kearns Boulevard and Deer Valley Drive would be maintained. The FPZ setback of 30 feet should be maintained along both sides of Bonanza Drive to allow for improved sidewalks and snow storage areas. At grade plazas and decks are appropriate within the 30 foot setback as long as snow storage and walkways meet the intent of the other elements of the Planning Area. Decks may be up to one foot above grade within the setback area, but grading, and/or berms, may not be used to increase the height of the deck above the elevation of the existing roadway and adjacent properties. **Complies***

The building is setback thirty feet from Bonanza Drive

*3.4.3 Parking that is completely below grade, except for Open Space plaza spaces on the exposed level, not exceeding existing grade level, could be considered between the 30 foot setback area and the zone required setback and can be considered in determining the appropriate amount and location of setbacks and open space. **Not Applicable***

The underground parking is not within the setback area.

*3.4.4 Within MPD's, setbacks between buildings can be reduced to the minimum Fire Code requirements and Open Space combined in the most appropriate area. Snow storage must be considered in determining the appropriate amount and location of setbacks and open space. **Not Applicable***

3.4.5 For redevelopment of housing areas, open space requirements should not be less than the existing project. Required open space could be located within an MPD in

the most appropriate location to support all the intentions of the planning areas.

Complies

The open space is greater under the proposed MPD. The existing site is covered with asphalt for parking and two buildings.

The project enhancements include improved pedestrian circulation, utility improvements within an easement along Bonanza Drive and affordable housing. The applicant began the design of this MPD because the City requested an easement along the front property line on Bonanza Drive for the piping of the creek and utilities. The applicant wanted to make sure that future plans aligned with the requested easement area. The Iron Horse Mixed Use MPD improves pedestrian circulation between the adjacent condominiums, the rail trail, Bonanza Drive, the bus pull off area, and the new pedestrian under tunnel. The MPD includes pedestrian walkways that connect from the rear of the building (east) to the rail trail and Bonanza Drive. A new pedestrian crossing over the stream, proposed with this MPD, will provide a safe, more direct option to accessing the rail trail and the bus.

(E) OFF-STREET PARKING.

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

- (a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.*
- (b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.*
- (c) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.*
- (d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.*
- (e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.*
- (f) Provisions for overflow parking during peak periods.*

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

The proposal is for a mixed use development. It is important to realize that in a mixed use development the uses may change over time, as the title implies. The applicant

has provided a parking analysis which spans different intensities of uses from commercial retail and service major to office space. The applicant has provided a total of 91 parking spaces. The required parking for the site is 88 spaces per the LMC with the currently proposed uses. The staff agrees with including four extra spaces in case the intensity of one of the units should increase.

The applicant provided the following parking analysis based on the currently proposed uses:

Non Residential Parking Ratio Requirements	
Uses	Parking Ratio (Number of Spaces)
Retail and Service Commercial, Minor, Personal Service	3 Spaces for Each 1,000 SF of Net Leasable Floor Area
Office General	3 Spaces for Each 1,000 SF of Net Leasable Floor Area
Retail and Service Commercial, Major	5 Spaces for each 1,000 SF of Net Leasable Floor Area

Residential Parking Ratio Requirements	
Uses	Parking Ratio (Number of Spaces)
Multi Unit Dwelling apartment/condominium 2,500 SF floor area or more	3 Spaces per dwelling unit
Multi Unit Dwelling apartment/condominiums greater than 1,000 SF and less than 2,500 SF floor area	2 Spaces per dwelling unit

Non Residential Parking Requirements				
Use	Square Feet	Required Stalls		
Retail Major	2,700	14		
Retail Minor	4,961	15		
Offices	16,265	49		
Total non-residential		78		
Residential Parking Requirements				
Use	Quantity	SF	Factor	Required Stalls
Residential Unit 1	1	3,137	X3	3
Residential Unit 2	1	2,595	X3	3
Residential Unit 3	1	1,486	X2	2
Affordable Housing 1	1	700	X2	2
Total Residential				10
Total Required for Project				88
Proposed				91

The applicant has requested the City to allow a parking area right off Lower Iron Horse Loop Road and to permit the vehicles parking in this short-term surface parking area to back out directly onto Lower Iron Horse Loop Road. Although Section 15-2.19-3 of the LMC states, "Open yards used for storage or parking may not adjoin any public right-of-way and must be fully screened from public rights-of-way and adjoining properties," the proposed parking configuration does not violate this section of the code since Lower Iron Horse Loop Road is a private drive and the section of drive affected by this parking configuration is actually located within the project property. Furthermore, Section 15-3-3(G) of the Land Management Code states, "Off-Street Parking Areas must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways." Again, because the road is private, this section of the code is not being violated.

Changes have been made to the configuration of the off-street parking since the Planning Commission last reviewed the project. The City Engineer and the Planning Director had written the property owner a letter stating they will allow the parking configuration as it is now being proposed with the recommendation that the space between the edge of the private road and the proposed parking stalls are maximized and speeds be reduced to ten (10) to fifteen (15) miles per hour. (Exhibit C). Planning and Engineering find five feet of space as a buffer between the parking stalls and edge of road would help to significantly alleviate any possible obstructed views. The applicant included a five (5) foot wide buffer between the parking space and the road.

In response to the Planning Commission's concern for pedestrian safety and the City Engineer's request for a five foot wide buffer, the applicant is asking for a side yard reduction to the North side yard to introduce a pedestrian pathway between the parking and the building on the South side. The applicant has requested a decrease in the north side yard from 25 feet to 20 feet. The Planning Staff agrees with the proposal for the twenty perpendicular parking for the vitality of the commercial area. The remaining seventy-one parking spaces will be within the structure as covered, enclosed parking. This results in a more pedestrian friendly design with more permeable surface area and less visible emphasis on the automobile.

(F) BUILDING HEIGHT. The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1 and HR-2 Zoning Districts.

The Applicant will be required to request a site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

- (1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building*

- Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;*
- (2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;*
- (3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;*
- (4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;*
- (5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;*

The zone height of the LI zone is 30 feet above existing grade. During the April 28, 2010 review by the Planning Commission, the discussion for the height exception focused on requirement number one (1) above, architectural variation and façade variation. A change in façade length and variation is a requirement of LMC (section 15-5-8) as follows:

15-5-8. FACADE LENGTH AND VARIATIONS.

- (A) Structures greater than sixty feet (60'), but less than 120 feet in length must exhibit a prominent shift in the facade of the Structure so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a ten foot (10') change in Building Facade alignment or a ten foot (10') change in the Building Height, or a combined change in Building Facade and Building Height totaling ten feet (10').*
- (B) Structures that exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.*
- (C) The special facade and volume requirement of the Historic District are found in LMC Chapter 15-2 and in the Historic District Architectural Design Guidelines.*
- (D) The facade length and variation requirements apply to all sides of a building.*

The Planning Commission favorably reviewed the previously requested height exception. Per the work session minutes, three of the Commissioners stated the following: "Commissioner Hontz felt that the height exception was appropriate in this location. She would not be opposed to the building being taller. Commissioner Strachan agreed that the project could be denser in this zone. Commissioner Peek stated that the toe of the slope is the place to add more height." The applicant listened to the

Commissioners concerns and modified the plans to create greater height in Building C. Originally, the height of Building C was 5 feet above the zone height. The modified plans added an additional floor to Building C and a total height of 49.5 feet above existing grade. The request is for a 19.5 feet height exception for the rear building. The LMC Section 15-6-5 (F) grants the Planning Commission the authority during review of an MPD to allow additional building height based upon site-specific analysis provided the Commission can make the previously stated findings. The applicant bears the burden of proof to the Planning Commission. The following is the Applicant's explanation on how the proposed height exception complies with the findings:

Letter Dated November 12, 2010 from Craig Elliott, AIA (Exhibit B)

"As requested, below is the supporting documentation for the increase in building height as required by the Master Planned Developments section of the Land Management Code.

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

Response: The Footprint of the allowed building envelope using the facade variation (see drawing GI-2) is 26,034 square feet. With a 30 foot height allowance, three stories can be constructed above grade. This would allow 78,102 square feet of building floor area. The total floor area above grade is 54,814 square feet. Project complies with Item 1.

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

Response: The project was designed to step back and rise in height from Bonanza Drive to the west. The property to the south is a significant hillside and the topography rises above the project proposed roof. To the north is the rail trail which has an approximately 100 foot wide right-of-way and has minimal impact. To the east is an apartment project that is approximately 140 feet from the primary building mass facing the project. The apartment buildings within the project are placed approximately 20 feet apart. Increased height on this project has virtually no impact to the surrounding properties. Project complies with Item 2.

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

Response: See response to Item (2) above for increased setbacks. Additionally, significant vegetation is being proposed as shown on the Site Plan. Project complies with Item 3.

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

Response: The design encourages a better pedestrian traffic flow from the apartment complex to the east. It also provides 45% open space which is greater than the 30% required for redevelopment sites. Project complies with Item 4.

Item (5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

Response: The building as designed complies with the Design Guideline requirements for variation in form also referred to as "Facade Length and Variation". This guideline requires 15' of variation combined between the roof and building facade for buildings that exceed 120 feet in length. The building as designed is broken into three areas with actual physical separation at two locations in the building. Physical separation actually creates an infinite number because the depth of shift is not a measurable distance. Irregardless of the ability to measure depth, the roofs as proposed provide over 25 feet of change in elevation and variation. Project complies with Item 5.

Since the project complies with all of the items in the Building Height section of the code it warrants the opportunity to be considered for an increase in height.

Respectfully Submitted,
Craig Elliott, AIA"

Staff has reviewed the Applicants explanation and agrees with the applicant's findings. Page two of the applicant' submittal, shows the maximum allowed massing on the site including setbacks, zone height, open space, and façade variation. The maximum massing is 781,020 square feet. The massing of the project, including the height exception, is 716,051 square feet. The applicant also illustrated within response #1 how the project complies with the allowable floor area, and does not exceed what would be allowed on the site.

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

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open

*space corridors should be designed so that existing Significant Vegetation can be maintained on the Site. **Complies***

Staff Analysis: The building is in the middle of the site. There is very little existing vegetation on the site. Currently the site is covered with asphalt and gravel. There are two existing buildings. The majority of the proposed open space is located as a buffer along Bonanza Drive and the rail trail.

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

Staff Analysis: Grade is minimized. The only retaining structures will be for access to the underground garage.

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

Staff Analysis: The proposed development works with the existing grade. Cut and fill will be minimized.

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

Staff Analysis: There are no existing trails on the site. The development is next to the rail trail. The applicant is creating new public walkways, including a pedestrian bridge, to create better connectivity for the project and the surrounding residents.

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

Staff Analysis: Discussed at length within Open Space (D) and Parking Requirements (E).

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

Staff Analysis: Snow can be contained on site. The open patio roofs will have a snow melt system. There is space on the eastern edge of the property for snow storage from the pathways and parking. There are also areas of vegetation between the perpendicular parking that will be utilized as snow storage for the pathways.

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

Staff Analysis: The refuse storage and collection area is located to the east of the building. Screening is required per the Land Management Code.

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

Staff Analysis: There is a City bus stop in front of the project along Bonanza Drive. The property also includes the improved sidewalk leading to the pedestrian tunnel and rail trail along Bonanza Drive. .

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

Staff Analysis: There is adequate loading and unloading areas located along the private drive and within the Eastern portion of the property.

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

Staff Analysis: Condition of Approval #5 states "Upon receipt of a building permit, Planning Staff will review the final landscape plan to ensure that Landscaping consists primarily of drought tolerant species, lawn or turf will be limited to a maximum of fifty percent of the area not covered by buildings and other hard surfaces and no more than seventy-five percent of the above area may be irrigated, landscape and streetscape will use native rock and boulders, and lighting must meet the requirements of the Land Management Code." The applicant accepts this condition of approval.

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

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

According to the 2007 Housing Resolution applicable to this application, the Developer is required to provide affordable housing units in an amount equal to fifteen percent (15%) of the total residential units constructed. The 2007 Housing Resolution also states the Developer shall be required to mitigate housing for twenty percent (20%) of the employees generated. Employee generation is determined by a formula that takes into account the type of commercial use. The Housing Authority (City Council) will need to approve the Housing Mitigation Plan. The Housing Mitigation Plan will go before the Housing Authority for approval prior to the final development agreement being approved by the Planning Commission. Affordable Housing must comply with the 2007 Housing Resolution.

The applicant has created a Housing Mitigation Plan. (Exhibit A, Page AH-1) Utilizing the formula of the 2007 Housing Resolution, the applicant is required to provide 6.14 unit equivalents of affordable housing. One unit equivalent of affordable housing is equal to 900 square feet. There is a single affordable housing apartment measuring 1,124 sf proposed within the MPD. The applicant's remaining affordable housing requirement (4,402 sf) will be met using all 24 units from the adjacent Rail Central Development (4,443 sf). At the present time, these units are not deed restricted. The applicant will deed restrict the units to comply with the 2007 Housing Resolution. The future rents will comply with the 2007 Housing Resolution. Twenty-five individual apartments of affordable housing will be created by this application.

(K) CHILD CARE. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care. **Not Applicable.**

The four residential units included in the MPD do not create the demand of a child care center. A childcare facility is allowed within the zone if a private entrepreneur chose to begin a business within the commercial area of the MPD, but it is not a requirement of the MPD due to the small amount of residential proposed.

Additional Consideration – Environmental Cleanup

In addition to the MPD requirements, the site will be required to do significant environmental clean up. The site is located or in proximity of a listed CERCLIS site known as the Old Park City Dump – UTD988078606. The CERCLIS listing identifies sites that are considered contaminated, therefore needing remediation and/or further testing under Superfund. The Site is also within the Park City soils ordinance boundary

which also will require the site to be cleaned up to meet the requirements of the soils ordinance. There is an underground fuel storage tank at the CFN facility that will be removed. The removal of an underground storage tank triggers a UDEQ-UST permit and work plan. This information can be incorporated into the solids ordinance work plan. Also, a portion of the property is within a FEMA regulated Zone of AE according to a 1996 FIRM map. Lastly, the proposed bridge may trigger the need for a DNR Stream Alteration Permit. If there is an encroachment into the riparian zone of Silver Creek an Army Corp General Permit may be required. During the building permit process, the City Environmental Specialist will review the plan and require documentation that the environmental regulations are being adhered to. Exhibit E is the documentation provided from the Staff Environmental Specialist.

Department Review

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

Public Notice

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

Alternatives

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

Future Process

Approval of the Master Planned Development is required for the project to move forward. Approval of this application by the Planning Commission constitutes final action that may be appealed following the procedures found in LMC 1-18. A development agreement must be approved by Planning Commission within six months of the approval of the Master Planned Development by Planning Commission. The applicant requested that the Master Planned Development be approved for a longer period, rather than the typical two year period after following the approved development agreement. The applicant began the project earlier than anticipated to work out the logistics of the easement area. Staff finds the request to be reasonable due to the history of the easement but there is no ability through the LMC to extend the two year period. Staff recommends that a phasing plan be included in the development agreement.

Recommendation

Staff recommends the Planning Commission open a public hearing, discuss the proposal, and consider approving the Iron Horse Mixed Use Building Master Planned Development based on the findings of fact, conclusions of law, and conditions of approval included in this report for the Commission's consideration.

Findings of Fact:

1. The Iron Horse Mixed Use Building Master Planned Development is located at 1555 Iron Horse Loop Road. The Lot consists 1.474 acres.
2. The property is located in the Light Industrial (LI) zoning district.
3. The total proposed building footprint is 19,184 sf and gross square footage is 54,814 sf.
4. This property is Lot 1 of the Iron Horse Industrial Subdivision Plat.
5. The maximum Building Height in the Light Industrial (LI) zoning district is 30 feet. The application includes a height exception request for an additional 19.5 feet for the rear portion of the building. The front portion of the building is under zone height at 24 feet, the center portion of the building is on average four feet over zone height at 34 feet, and the rear portion of the building is ranges from 9 to 19.5 feet over the zone height. The application complies with the height exception requirements of LMC Section 15-6-5(F)(1-5) as stated within the analysis section of the report.
6. The master planned development process is required for any residential project larger than ten units or new commercial projects greater than 10,000 square feet gross floor area. The MPD is necessary for the Iron Horse Mixed Use Building since the new commercial area is greater than 10,000 square feet.
7. The building ranges from two to four stories above ground with a single story below ground.
8. The Planning Commission has reviewed this application during a pre-application work session on August 26, 2009 and during a work session and regular agenda on April 28, 2010. No public input was received during either meeting. The Planning Commission reviewed the application on December 8, 2010 on the regular agenda. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.
9. The proposed density does not exceed the maximum density of the Light Industrial (LI) zone. Within the LI zone, density is the resulting mass of the setbacks, height, and open space.
10. The applicant is requesting a decrease in the north side yard setback from twenty-five feet to twenty feet. This change complies with the requirements of the LMC for building code, fire code, density, mass, scale, spacing, and open space.
11. This is a redevelopment project, so a minimum of 30 percent open space could be allowed by the Planning Commission in exchange for project enhancements. The applicant is asking for a reduction in the open space requirement from 60 percent to 45 percent. The project enhancements include a public transit improvement and improved pedestrian circulation.
12. The applicant has provided a total of 91 parking spaces. The required parking for the site is 87.17 spaces per the LMC with the currently proposed uses.
13. The City Engineer and the Planning Director will allow the parking configuration as it is now being proposed with the recommendation that the space between the edge of the private road and the proposed parking stalls are maximized and speeds be reduced to ten (10) to fifteen (15) miles per hour.

14. The MPD was designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project was designed to fit the Site, not the Site modified to fit the project.
15. The MPD is not located within the Sensitive Lands Overlay zoning district.
16. The MPD is located within the Park City Soils Ordinance boundary.
17. The site is located or in proximity of a listed CERCLIS site known as the Old Park City Dump – UTD988078606. The CERCLIS listing identifies sites that are considered contaminated, therefore needing remediation and/or further testing under Superfund.
18. There is an underground fuel storage tank at the CFN facility that will be removed. The removal of an underground storage tank triggers a UDEQ-UST permit and work plan.
19. A portion of the property is within a FEMA regulated Zone of AE according to a 1996 FIRM map.
20. The proposed bridge may trigger the need for a DNR Stream Alteration Permit. If there is an encroachment into the riparian zone of Silver Creek an Army Corp General Permit may be required.
21. The project is required to provide 6.14 unit equivalents of affordable housing. One unit equivalent of affordable housing is equal to 900 square feet. There is a single affordable housing apartment measuring 1,124 sf proposed within the MPD. The applicant's remaining affordable housing requirement (4,402 sf) will be met using all 24 units from the adjacent Rail Central Development (4,443 sf). At the present time, these units are not deed restricted. The applicant will deed restrict the units to comply with the 2007 Housing Resolution. The future rents will comply with the 2007 Housing Resolution. Twenty-five units of affordable housing will be created by this application.
22. The four residential units included in the MPD do not create the demand of a child care center.
23. The *Analysis* section of this staff report is incorporated herein.

Conclusions of Law:

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

9. The MPD, as Conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD is not subject to the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and lease visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections and an easement for a bus pull-off area.
12. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

1. All standard conditions of approval apply to this MPD.
2. All applicable conditions of approval of the Ironhorse Industrial Subdivision shall continue to apply to this MPD.
3. A building permit, issued by the Park City Building Department is required prior to any construction.
4. All exterior lights must conform to the City lighting ordinance. Parking lot and security lighting shall be minimal and approved by Planning Staff prior to issuance of a certificate of occupancy.
5. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
6. Upon receipt of a building permit, Planning Staff will review the final landscape plan to ensure that Landscaping consists primarily of drought tolerant species, lawn or turf will be limited to a maximum of fifty percent of the area not covered by buildings and other hard surfaces and no more than seventy-five percent of the above area may be irrigated, landscape and streetscape will use native rock and boulders, and lighting must meet the requirements of the Land Management Code.
7. Exterior building materials and final design details must be in substantial compliance with the elevations and material details exhibits and photos reviewed by the Planning Commission on December 8, 2010, and shall be approved by staff prior to building permit issuance.
8. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on December 8, 2010.
9. The City Engineer prior to Building Permit issuance must approve utility, storm water systems and grading plans, including all public improvements.
10. Staff must approve the Construction Mitigation Plan to issuance of any building permits and shall include appropriate contact information as required. Signs posted on site will indicate emergency contacts.
11. A limit of disturbance area will be identified during the building permit review. Limits of disturbance fencing shall be required, including silt fencing or other means of controlling erosion and protecting the adjacent stream.

12. All applicable Environmental regulations must be adhered to during the development of the site. The Park City Environmental Specialist must approve the mitigation plan and all environmental permits required for the site.
13. A development agreement must be approved by the Planning Commission within six months of the Planning Commission approval. Following the development agreement, a building permit must be approved within two years of the development agreement. The development agreement may include a staging plan.

Exhibits

Exhibit A – Iron Horse Mixed Use Building Plans

Exhibit B – Letter from applicant regarding height

Exhibit C – Letter from Planning Director and City Engineer

Exhibit D – Meeting minutes from April 28, 2010 Planning Commission meeting

Exhibit E – Environmental Information

Exhibit F- Pedestrian Bridge Staff Report to City Council

Mark Fischer

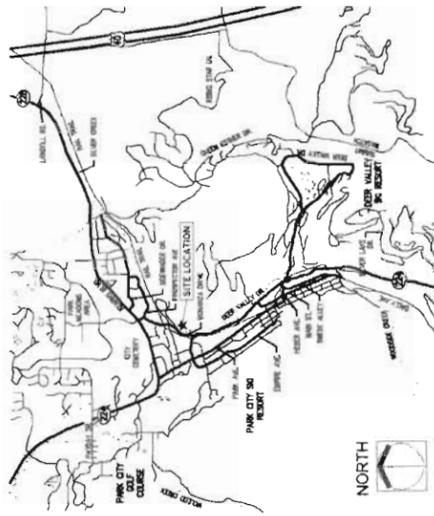
Iron Horse Mixed Use Building

Iron Horse Loop Road
Park City, Utah 84060

Master Planned Development

June 11th, 2009 (Revised 11/11/2010)

VICINITY MAP



PROJECT CONTACT INFORMATION

OWNER	ARCHITECT	BUILDER
IHI, LLC PARK CITY, UTAH 84060 P.O. BOX 3419 PARK CITY, UTAH 84060 CONTACT: MARK FISCHER 801.415.1839	ELLIOTT WORKGROUP 449 MAIN STREET P.O. BOX 3419 PARK CITY, UTAH 84060 CONTACT: CRAIG ELLIOTT, AIA	
CIVIL ENGINEER	INTERIOR DESIGN	LANDSCAPE ARCHITECTURE
T.B.D.	T.B.D.	T.B.D.
STRUCTURAL ENGINEER	PLUMBING ENGINEER	ELECTRICAL ENGINEER
T.B.D.	T.B.D.	T.B.D.

SERVICE CONTACTS

Rocky Mountain Power
201 South Main St, Suite 2300
Salt Lake City, UT 84111
(888) 870-3419

Park City School District
2700 Kearns Blvd
Park City, UT 84060
(435) 645-5600

Comcast Cable
1354 Park Ave
Park City, UT 84060
(435) 658-9471

Questar Gas
P.O. Box 45360
Salt Lake City, UT 84145
(800) 541-2824

Snyderville Post Office
6440 Hwy 224
Park City, UT 84098
(800) 275-8777

West Phone Company
Salt Lake City, UT
(800) 922-7387

Park City Fire Department
730 Blinn Rd
Park City, UT 84098
(435) 649-6706

Concast Cable
1777 Sun Peak Dr. #105
Park City, UT 84098
(435) 649-4020

Division of Water Quality
288 South 1460 East
Salt Lake City, UT 84112
(801) 538-6146

Snyderville Basin Water
Reclamation District
2800 Homestead Rd
Park City, UT 84098
(435) 649-7593

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 - SV - 1
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- SITE PLAN
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 - 3D VIEWS



Master Planned Development
June 11th, 2009 (Revised 11/11/2010)

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architecture

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Mark Fischer
Iron Horse
Mixed Use Building
Park City, Utah 84060

EXTERIOR AREA	Level 1	Level 2	Level 3	Level 4	TOTAL
2000 MAIN AND WALKWAY	14,776				14,776 SF
DRIVEWAY	1,249				1,249 SF
STREET	9,771				9,771 SF
TRAIL	86				86 SF
TOTAL	25,882	1,082	3,612	2,571	33,147 SF

FLOOR AREA	Level 1	Level 2	Level 3	Level 4	TOTAL
OFFICE	7,841	12,348	3,317	3,317	26,823 SF
RESIDENTIAL - APARTMENTAL HOUSING	442	4,084	4,084	4,084	12,694 SF
MECHANICAL/ELECTRICAL	1,398	887	771		3,056 SF
CIRCULATOR	1,398	1,086	1,086		3,570 SF
STORAGE	442	442			884 SF
TOTAL	12,511	18,847	9,258	8,401	48,817 SF

BASEMENT AREA	Level 0	TOTAL
MECHANICAL/ELECTRICAL	442	442 SF
STORAGE	17,667	17,667 SF
TOTAL	18,109	18,109 SF

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
OFFICE	2.50
APARTMENTAL HOUSING	1.00
TOTAL	1.64

RESIDENTIAL PARKING RATIO REQUIREMENTS	
OFFICE	1.00
APARTMENTAL HOUSING	1.00
TOTAL	1.00

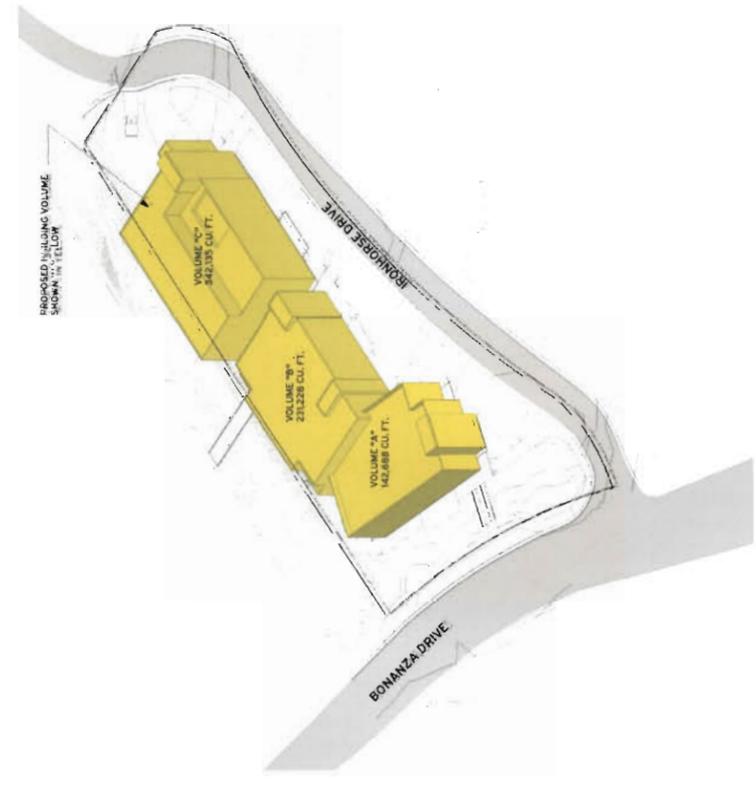
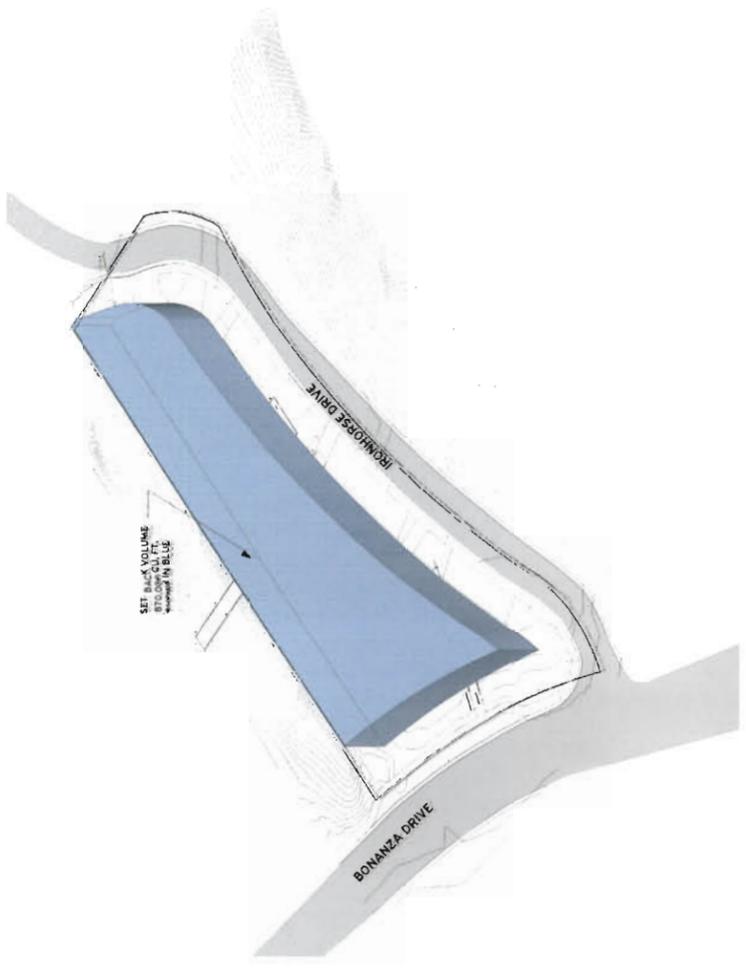
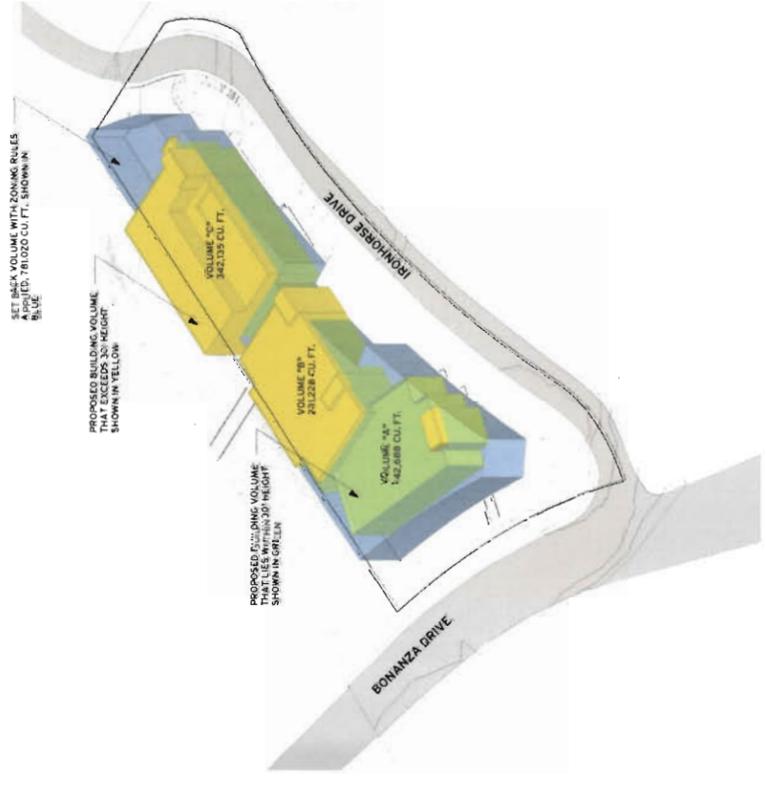
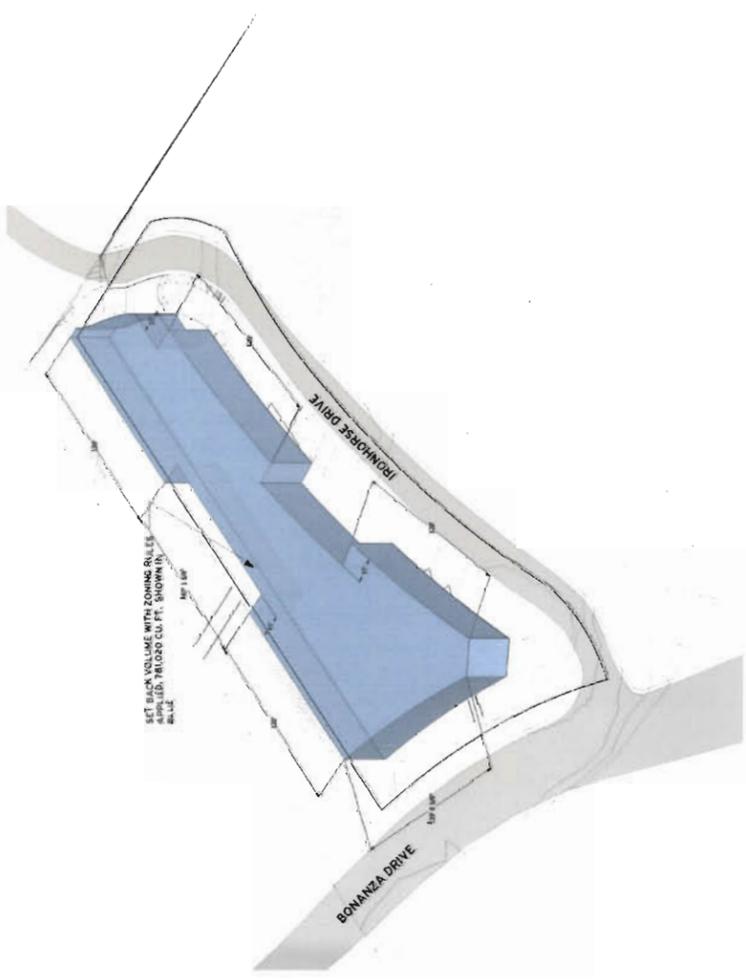
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GI - 1

Master Planned Development
June 11th, 2009 (Revised 11/11/2010)



Iron Horse
Mixed Use Building
Mark Fischer
Iron Horse Loop Road
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VOLUME REPORT
GI - 2



VOLUME REPORT	AREA (SQ. FT.)	(X) AVERAGE HEIGHT (FT.)	VOLUME (CU. FT.)
SET BACK VOLUME	781,020	1.00	781,020
PROPOSED BUILDING VOLUME	972,000	1.00	972,000
TOTAL VOLUME	1,753,020	1.00	1,753,020
NET VOLUME	190,980	1.00	190,980

*Average heights are calculated based on the height of the structure. The height of the structure is the average of all the structural heights within the volume.



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UNIT EQUIVALENTS & AFFORDABLE HOUSING STUDY
AH - 1

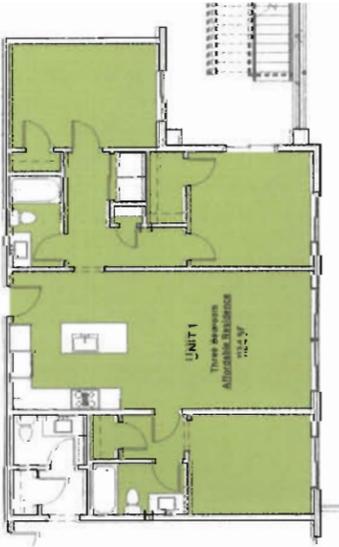
AFFORDABLE HOUSING REQUIREMENT					
	SQUARE FEET	NUMBER OF EMPLOYEES	MITIGATION RATE	WORKERS PER HOUSEHOLD	UNIT EQUIVALENTS
COMMERCIAL / RETAIL	7,661	25.28	5.05	3.37	1.68
OFFICE	16,265	60.16	12.03	8.02	4.01
RESIDENTIAL	3				0.46
TOTAL					6.14

TOTAL SQ. FT. OF AFFORDABLE HOUSING REQUIRED FOR DEVELOPMENT			
UNIT EQUIVALENTS	SQ. FT. OF ONE AFFORDABLE UNIT		TOTAL SQUARE FEET
AFFORDABLE HOUSING REQUIRED	6.14	900	5,526
AFFORDABLE HOUSING IN PROJECT			1,124
AFFORDABLE HOUSING NEEDED FROM RAIL CENTRAL			4,402

NOTE: Affordable housing requirement not met by development shall be met using 674 affordable units from Rail Central Development.

UNIT EQUIVALENTS - COMMERCIAL & RESIDENTIAL - DENSITY OF DEVELOPMENT			
	TOTAL SQUARE FOOTAGE	UNIT EQUIVALENT FACTOR	TOTAL UNIT EQUIVALENT
COMMERCIAL / OFFICE	23,926	1000	23,926
RESIDENTIAL	8,345	2000	4,172.5
Rail Central Affordable Housing Total			4,443 sq. ft.
Iron Horse Affordable Housing Total			1,124 sq. ft.
Total			5,567 sq. ft.
Total Needed			5,526 sq. ft.

Rail Central Affordable Housing Total
Iron Horse Affordable Housing Total
Total
Total Needed



1 IRON HORSE AFFORDABLE HOUSING
SCALE: 1/8" = 1'-0"



2 RAIL CENTRAL AFFORDABLE HOUSING
SCALE: 1/8" = 1'-0"

AERIAL VIEW

A - 0.1



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1 AERIAL VIEW
SCALE: 1" = 40'-0"



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June 1 July 31 th, 2009(11/2010)



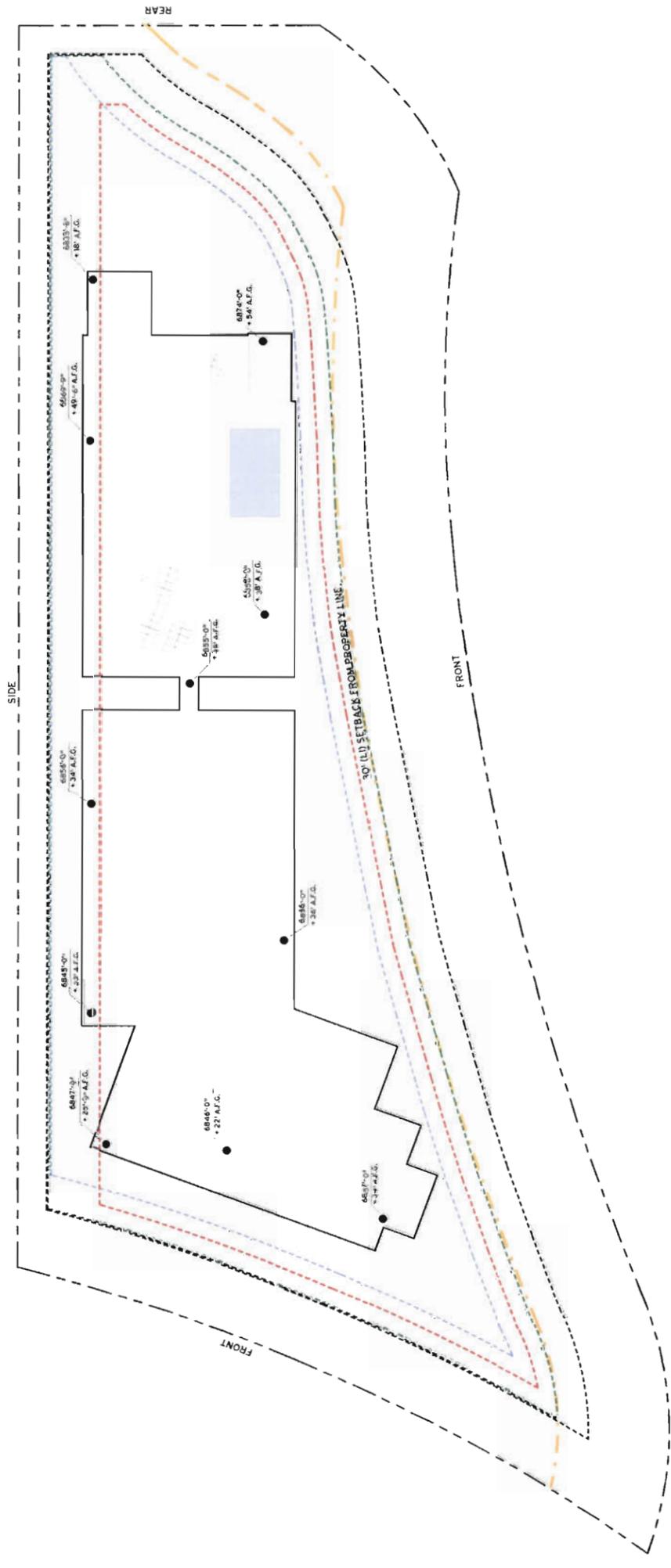
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A - 0.3

SET BACK LINES

- MPD - 25' From Exterior Boundary
- LI - LIGHT INDUSTRIAL
 - *Front.....30'
 - *Rear.....10'
 - *Side.....10'
- GC - GENERAL COMMERCIAL
 - *Front.....20'
 - *Rear.....10'
 - *Side.....10'
- EXISTING EASEMENT LINES



1 Set Backs And Roof Over Topo Plan
SCALE: 1" = 20'-0"

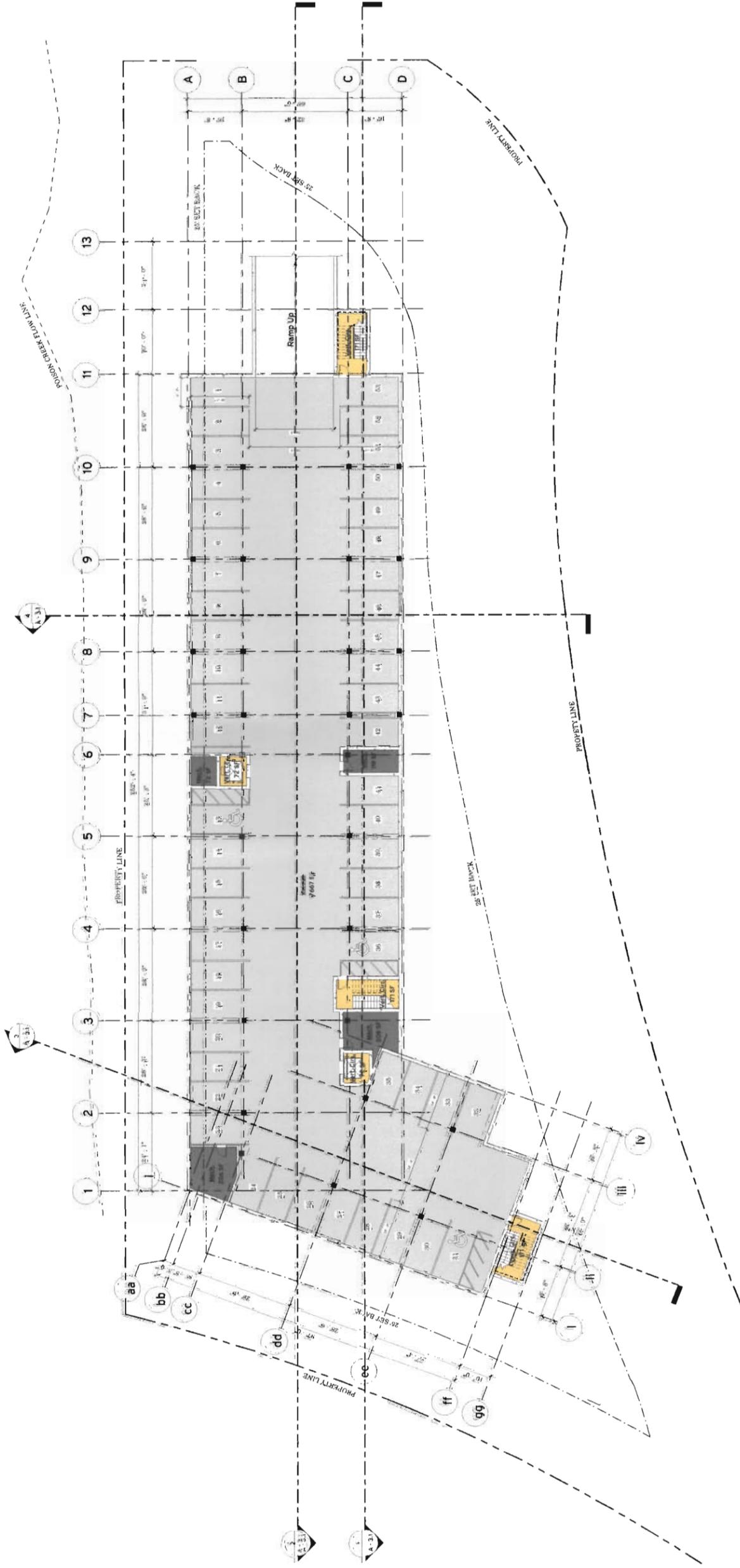
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Mark Fischer
Iron Horse Building
Mixed Use Building
Iron Horse Loop Road
Park City, Utah 84060



A - 1.0



UNITS PER TYPE		TOTAL UNITS	
1-BED	14	14	14
2-BED	41	41	41
3-BED	0	0	0
TOTAL	55	55	55

RESIDENTIAL PARKING RATIO REQUIREMENTS		TOTAL RESIDENTIAL PARKING SPACES	
1-BED	1.0	14	14
2-BED	1.5	61.5	61.5
3-BED	2.0	0	0
TOTAL	1.5	75.5	75.5

RESIDENTIAL PARKING RATIO REQUIREMENTS		TOTAL RESIDENTIAL PARKING SPACES	
1-BED	1.0	14	14
2-BED	1.5	61.5	61.5
3-BED	2.0	0	0
TOTAL	1.5	75.5	75.5

- Legend
- Vert. Core
- Garage
- Int. St.

1 FLOOR PLAN LEVEL 0
SCALE: 1/16" = 1'-0"

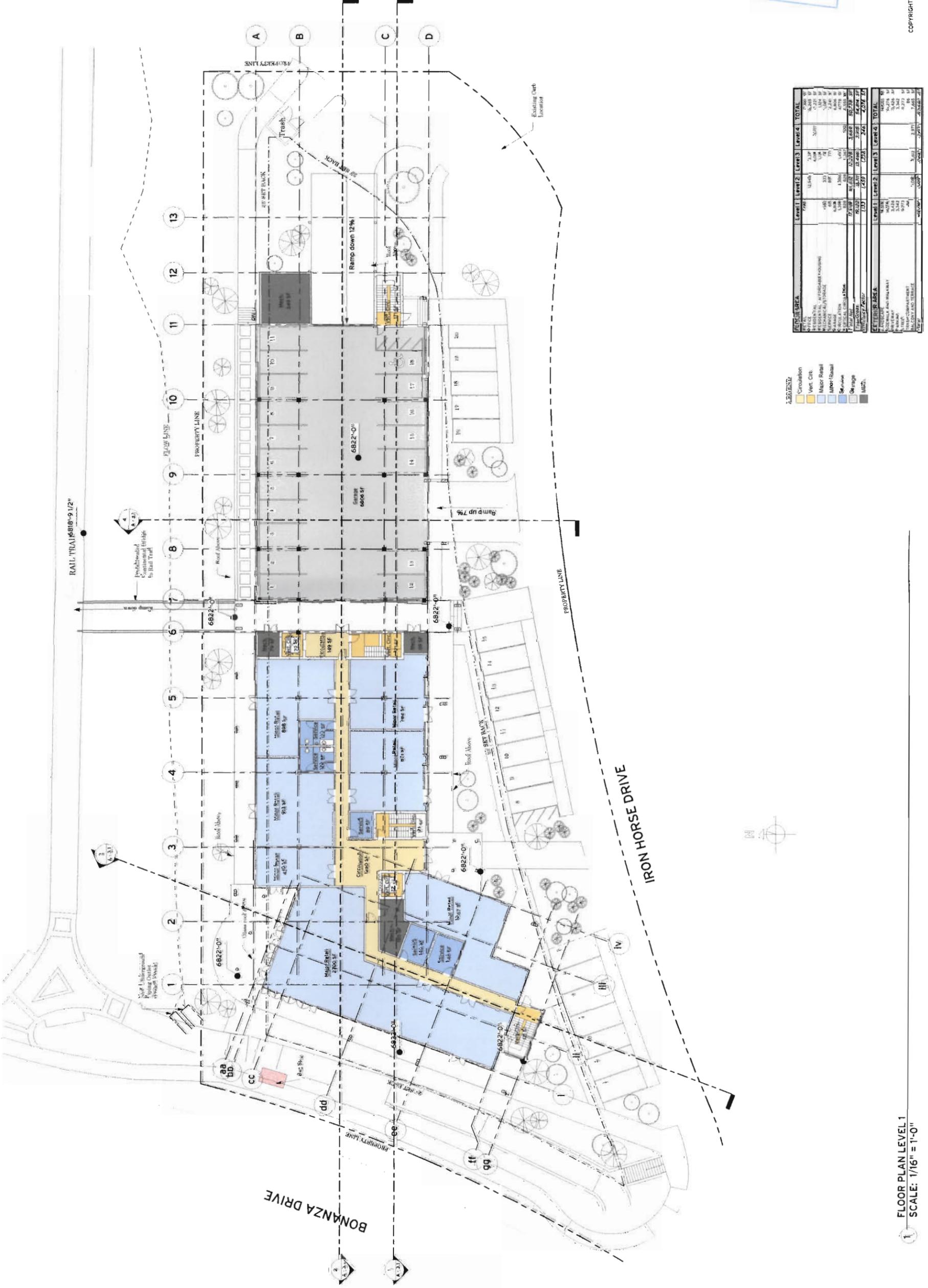
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 FLOOR PLAN LEVEL 1

A - 1.1

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FLOOR PLAN LEVEL 1
 SCALE: 1/16" = 1'-0"

Master Planned Development
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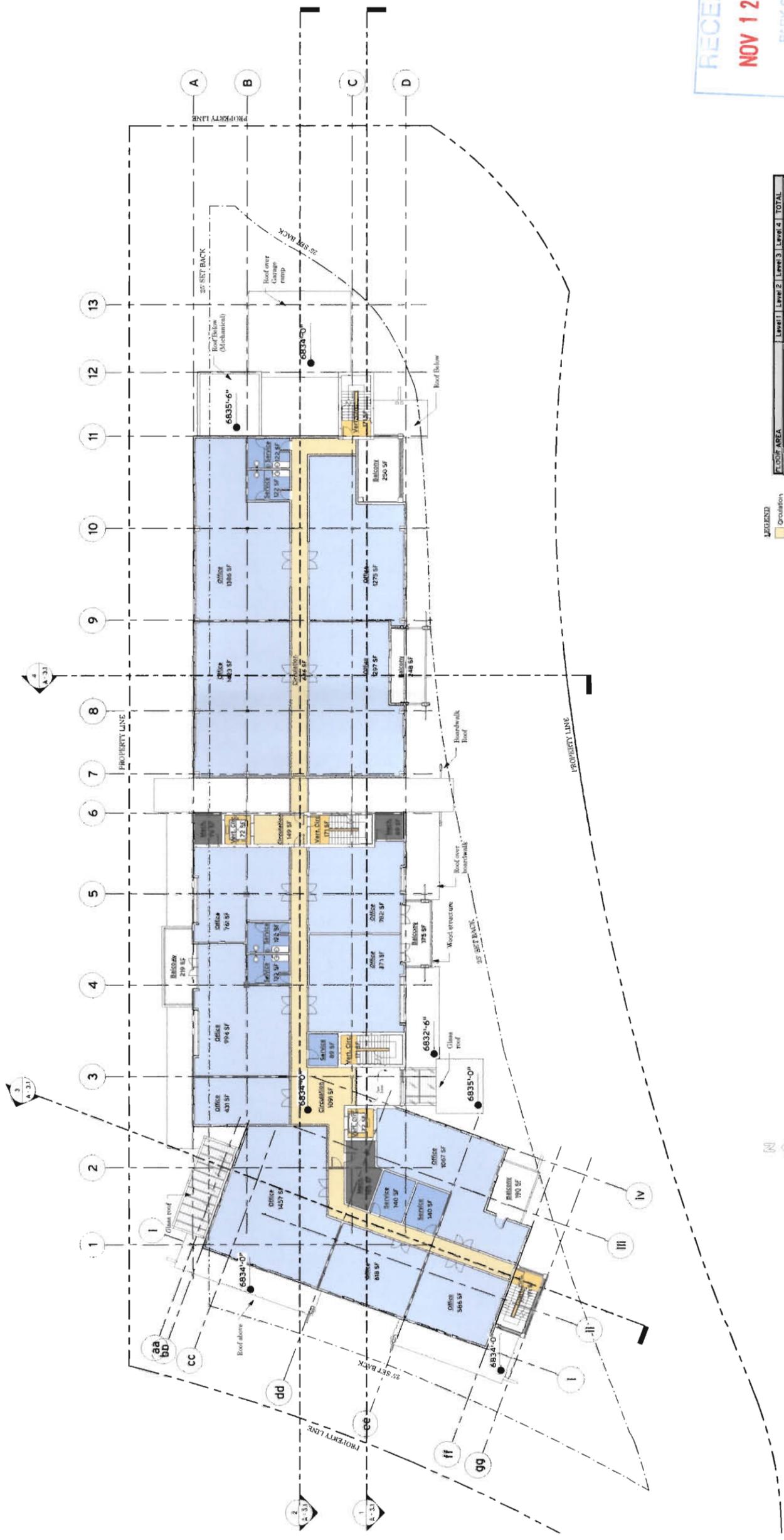


Iron Horse Building
Mixed Use Building
Mark Fischer
Iron Horse Loop Road
Park City, Utah 84060



FLOOR PLAN LEVEL 2

A - 1.2



LEGEND

- Circulation
- Mt. Ctr.
- Office
- Service
- Balcony
- Mech.

FLOOR AREA	Level 1	Level 2	Level 3	Level 4	TOTAL
MT. CTR.	5748				5748 SF
OFFICE	10544	10544	3217	3137	27442 SF
SERVICE	482	303	124		909 SF
MECH.	413	817	771		2001 SF
CIRCULATION	1399	1866	1493		4758 SF
BALCONY	885	829	1547		3261 SF
MECH. EQUIPMENT	2283	3622	2255		8160 SF
MECH. EQUIPMENT	1133	1489	1288		4110 SF
PROPOSED TOTAL					42978 SF

EXISTING AREA	Level 1	Level 2	Level 3	Level 4	TOTAL
MT. CTR.	5748				5748 SF
OFFICE	14276				14276 SF
SERVICE	3426				3426 SF
MECH.	9473				9473 SF
BALCONY	84				84 SF
TOTAL	28037	1382	3162	2897	35486 SF



1 FLOOR PLAN LEVEL 2
SCALE: 1/16" = 1'-0"

Master Planned Development
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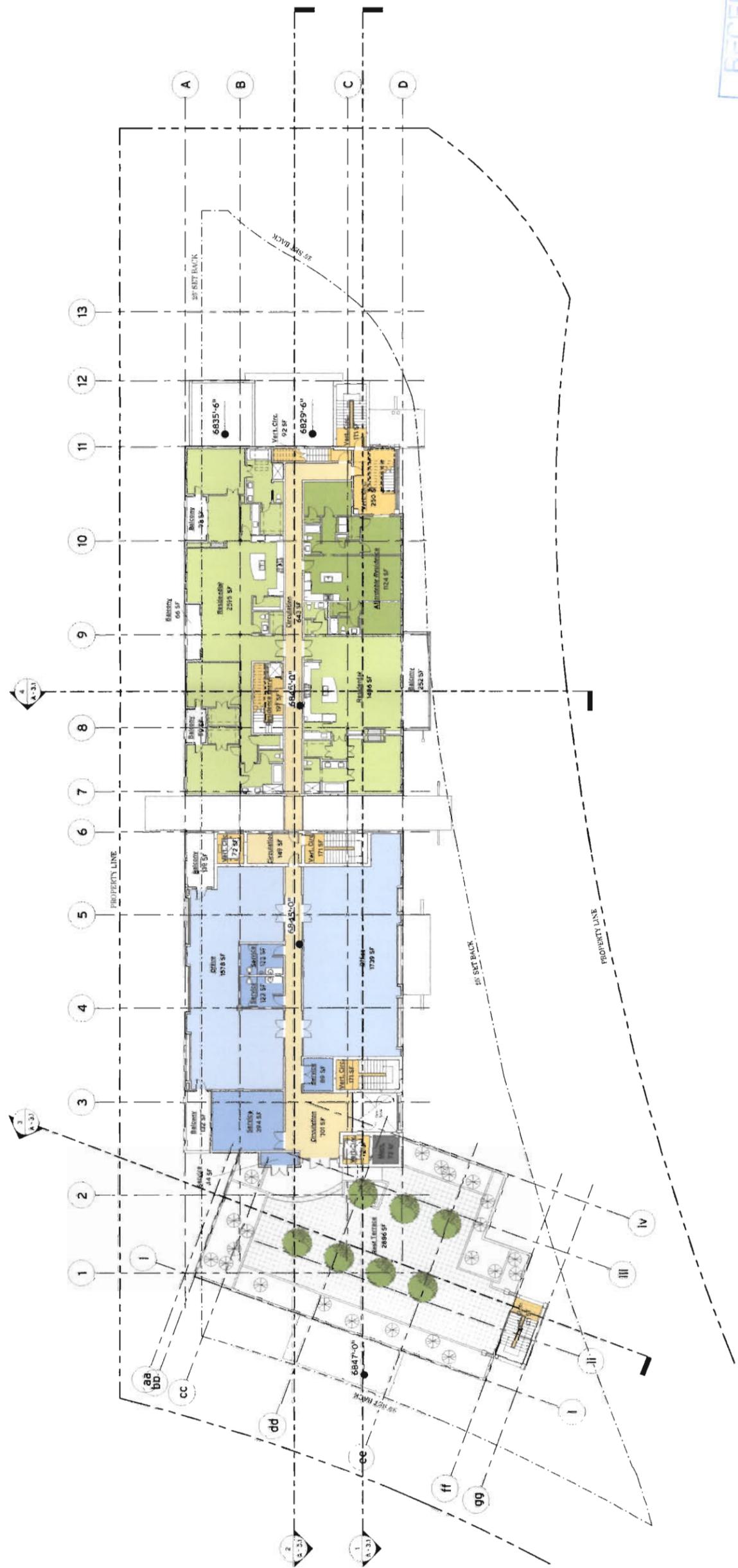


Iron Horse
Mixed Use Building
Mark Fischer
Iron Horse Loop Road
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FLOOR PLAN LEVEL 3

A - 1.3



LEGEND

- Corridor
- Vert. Circ.
- Residential Entry
- Residential
- Affordable Residential
- Office
- Service
- Balcony
- Roof Terrace
- Mech.

FLOOR AREA	Level 1	Level 2	Level 3	Level 4	TOTAL
OFFICE	14,344	23,317	13,317	3,527	54,505 SF
RESIDENTIAL - AFFORDABLE RESIDING	467	1,034	1,034	1,034	4,569 SF
RESIDENTIAL - MARKET RATE	467	333	333	333	1,466 SF
RESIDENTIAL - MIXED USE	1,034	1,034	1,034	1,034	4,136 SF
RESIDENTIAL - TOTAL	1,968	2,401	2,401	2,401	9,170 SF
OFFICE	14,344	23,317	13,317	3,527	54,505 SF
RESIDENTIAL - AFFORDABLE RESIDING	467	1,034	1,034	1,034	4,569 SF
RESIDENTIAL - MARKET RATE	467	333	333	333	1,466 SF
RESIDENTIAL - MIXED USE	1,034	1,034	1,034	1,034	4,136 SF
RESIDENTIAL - TOTAL	1,968	2,401	2,401	2,401	9,170 SF
Total Area	16,312	25,718	15,718	6,958	64,706 SF
Program Factor	1.03	1.43	1.28	2.01	4.076 SF

EXTENSION AREA	Level 1	Level 2	Level 3	Level 4	TOTAL
WALKWAYS AND WALKWAYS	14,276	14,276	14,276	14,276	57,104 SF
STAIRWAYS	3,342	3,342	3,342	3,342	13,368 SF
STREET COMMITMENT	9,375	9,375	9,375	9,375	37,500 SF
WALKWAYS AND TERRACES	1,082	1,082	1,082	1,082	4,328 SF
Total	28,075	28,075	28,075	28,075	112,525 SF

1 FLOOR PLAN LEVEL 3
SCALE: 1/16" = 1'-0"

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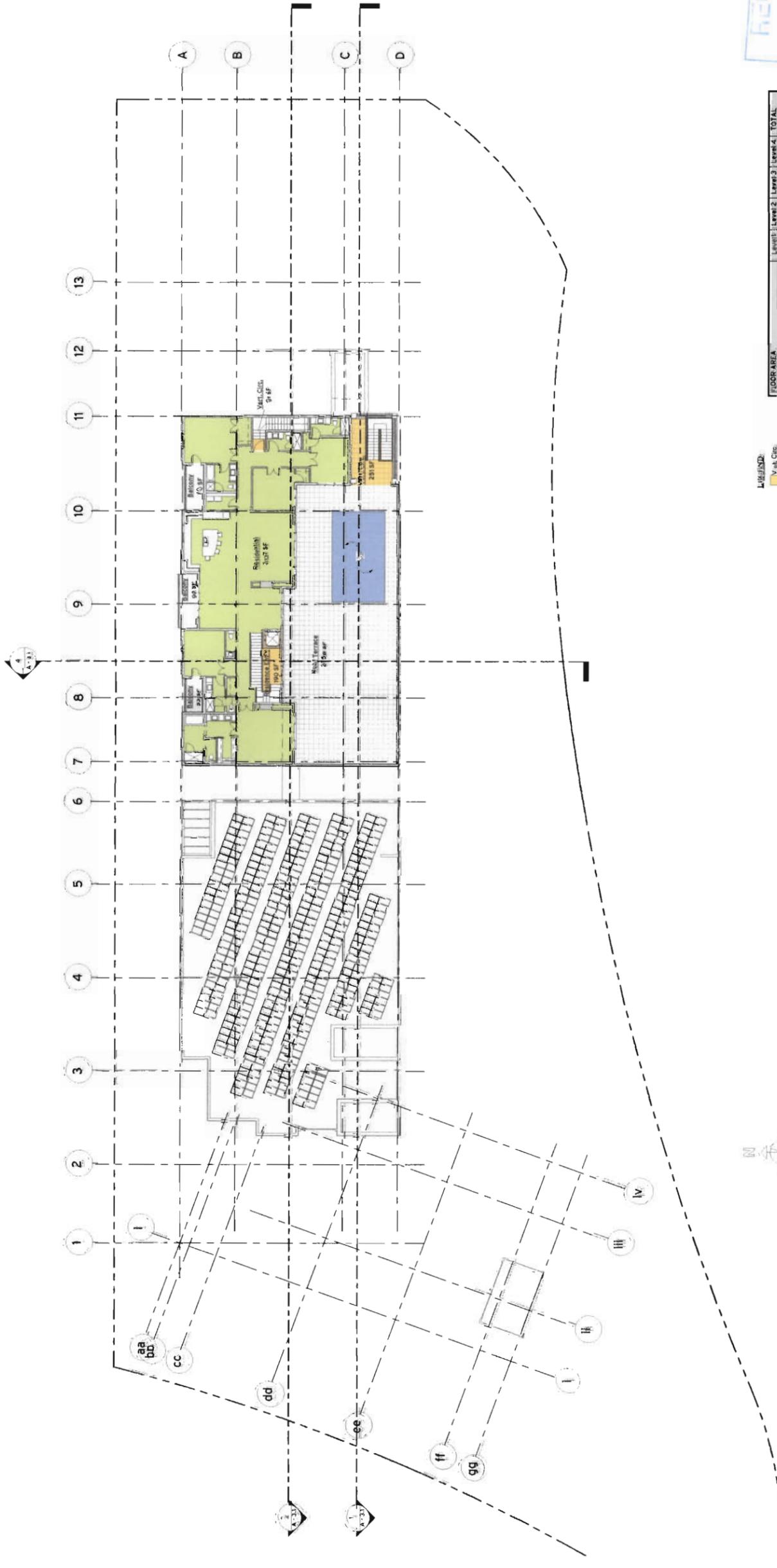


Iron Horse
Mixed Use Building
Mark Fischer
Iron Horse Loop Road
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FLOOR PLAN LEVEL 4

A - 1.4



- LEGEND:
- V A. Ctr.
 - R Residential
 - M Mechanical
 - B Bakery
 - Rz Retail

FLOOR AREA	Level 1	Level 2	Level 3	Level 4	TOTAL
OFFICE	7,207 SF	10,544 SF	3,307 SF	7,207 SF	28,265 SF
RESIDENTIAL	4,483 SF	7,033 SF	4,664 SF	3,337 SF	19,517 SF
Mechanical	1,771 SF	1,771 SF	1,771 SF	1,771 SF	6,884 SF
Service	2,248 SF	2,248 SF	2,248 SF	2,248 SF	8,992 SF
Architect	3,307 SF	3,307 SF	3,307 SF	3,307 SF	12,928 SF
Other	4,778 SF	4,778 SF	4,778 SF	4,778 SF	18,832 SF
TOTAL AREA	27,801 SF	37,685 SF	22,506 SF	30,625 SF	118,617 SF
Program Factor	1.03	1.25	1.25	1.25	1.25

EXTERIOR AREA	Level 1	Level 2	Level 3	Level 4	TOTAL
North Terrace	2,700 SF	2,700 SF	2,700 SF	2,700 SF	10,800 SF
Other	1,324 SF	1,324 SF	1,324 SF	1,324 SF	5,296 SF
TOTAL	4,024 SF	4,024 SF	4,024 SF	4,024 SF	16,120 SF

FLOOR PLAN LEVEL 4
SCALE: 1/16" = 1'-0"

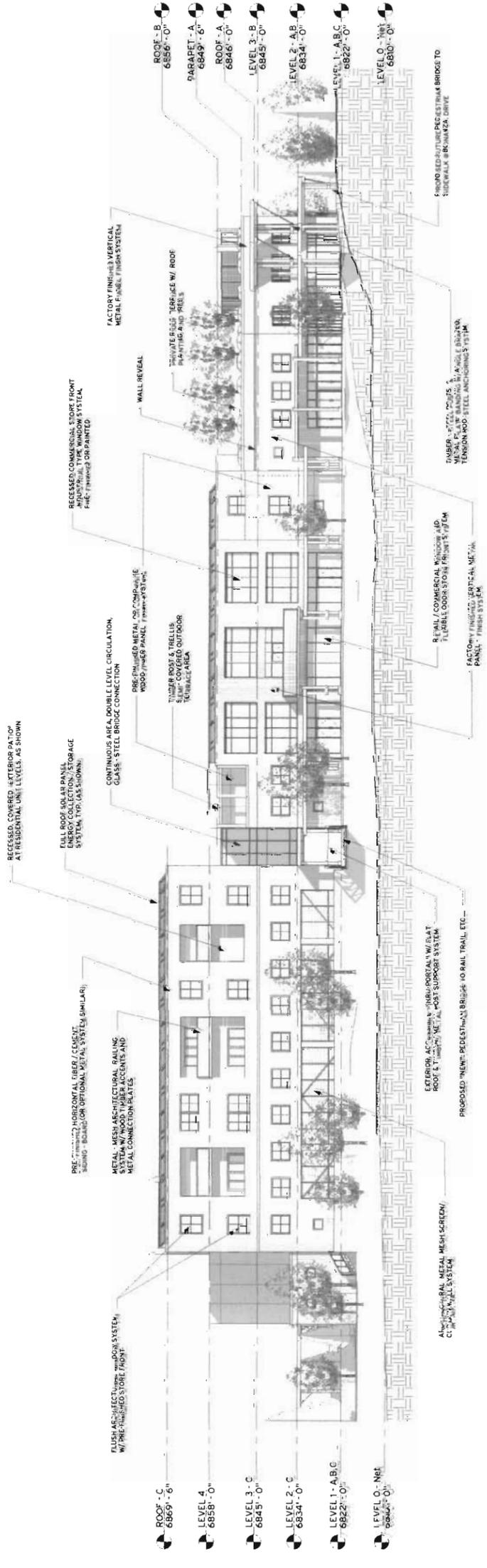
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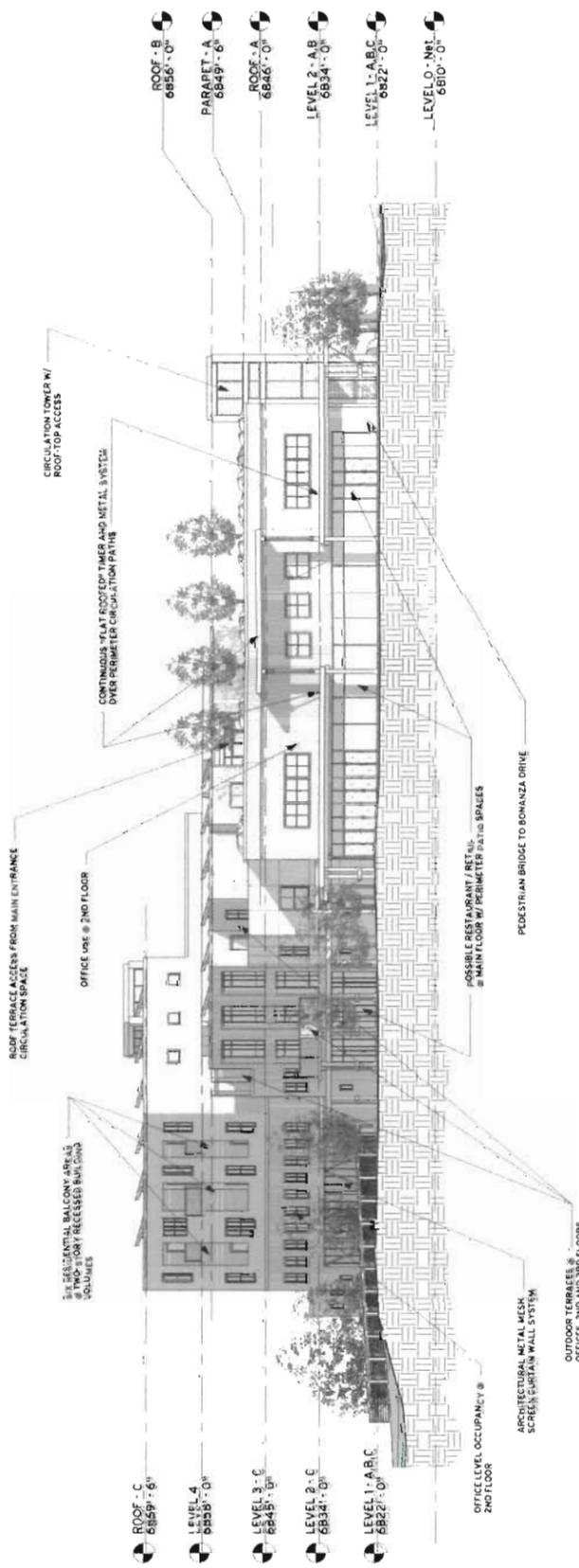


1 MPD-SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

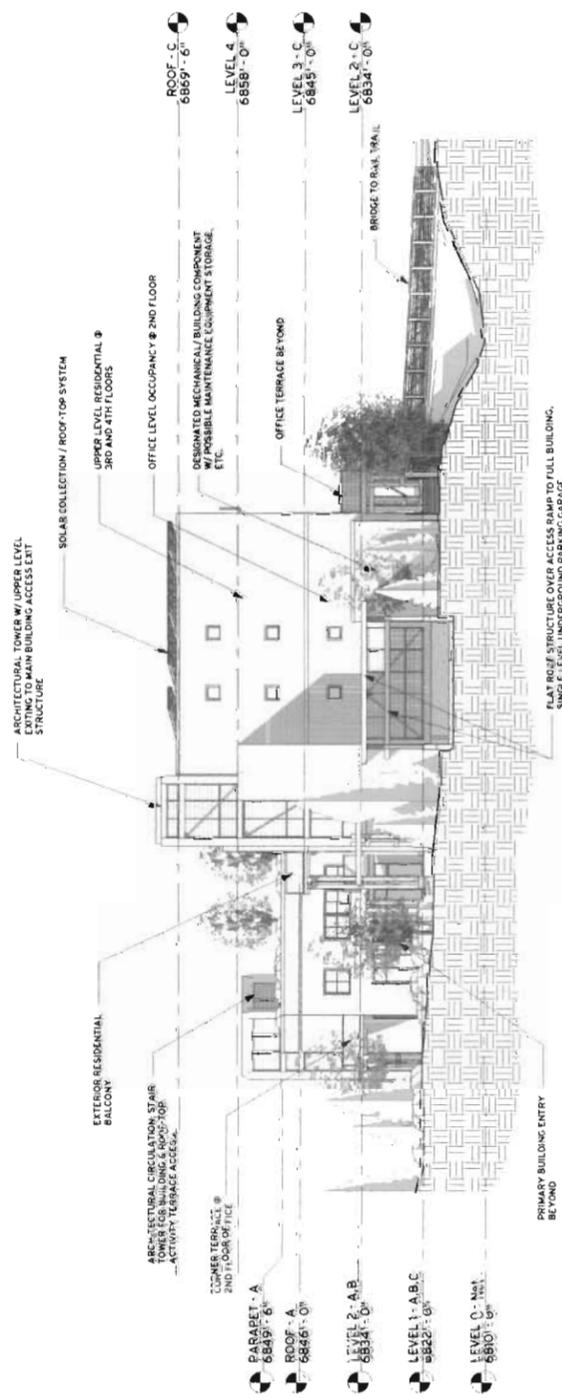


2 MPD-NORTH ELEVATION
SCALE: 1/16" = 1'-0"

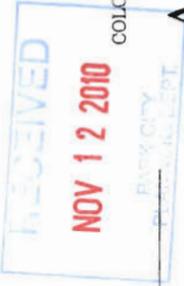
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1 MPD-WEST ELEVATION
SCALE: 1/16" = 1'-0"



2 MPD-EAST ELEVATION
SCALE: 1/16" = 1'-0"



1 SOUTH ELEVATION - COLOR
SCALE: 1/16" = 1'-0"



2 NORTH ELEVATION - COLOR
SCALE: 1/16" = 1'-0"



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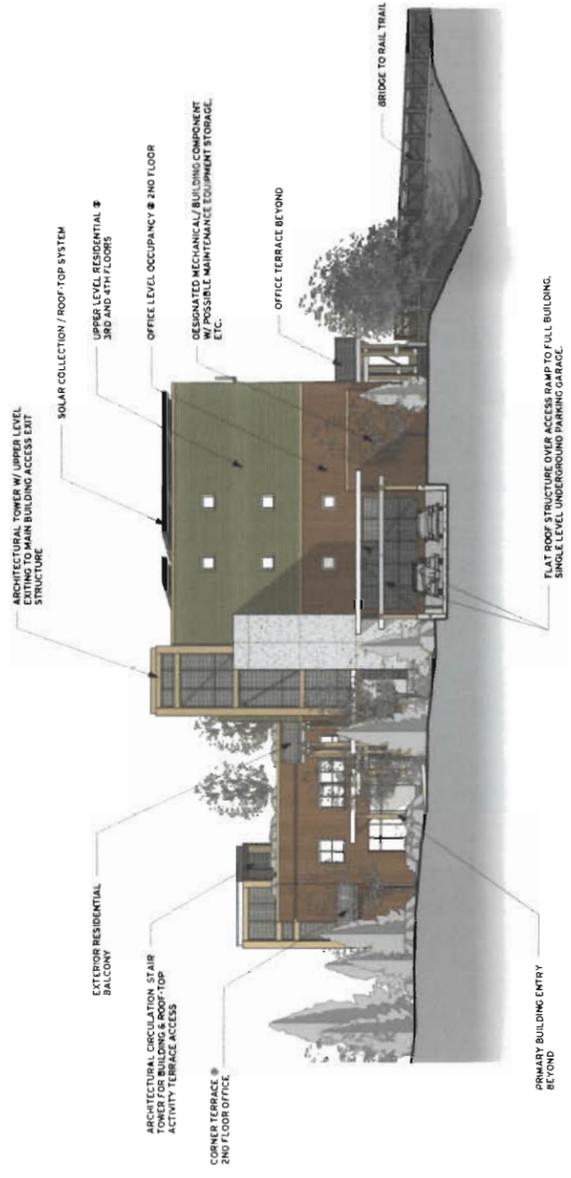


COLOR ELEVATIONS

A - 2.4



1 WEST ELEVATION - COLOR
SCALE: 1/16" = 1'-0"



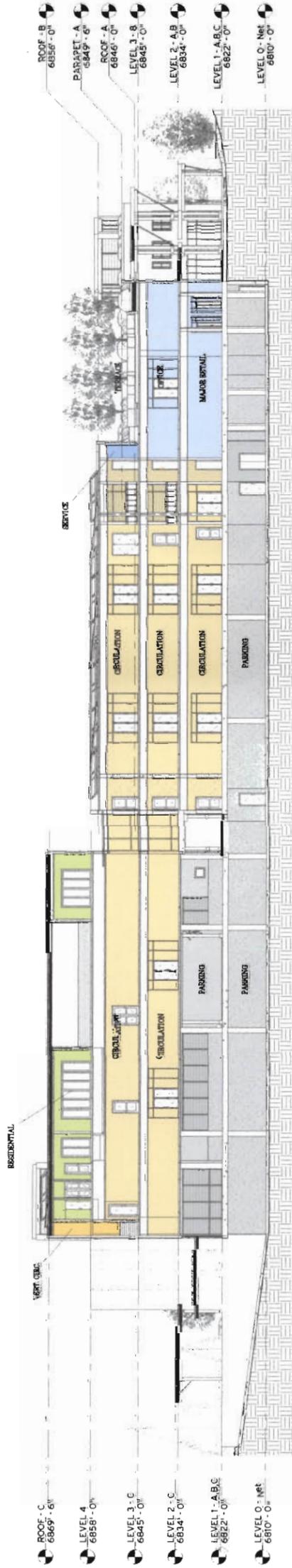
2 EAST ELEVATION - COLOR
SCALE: 1/16" = 1'-0"

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BUILDING SECTIONS

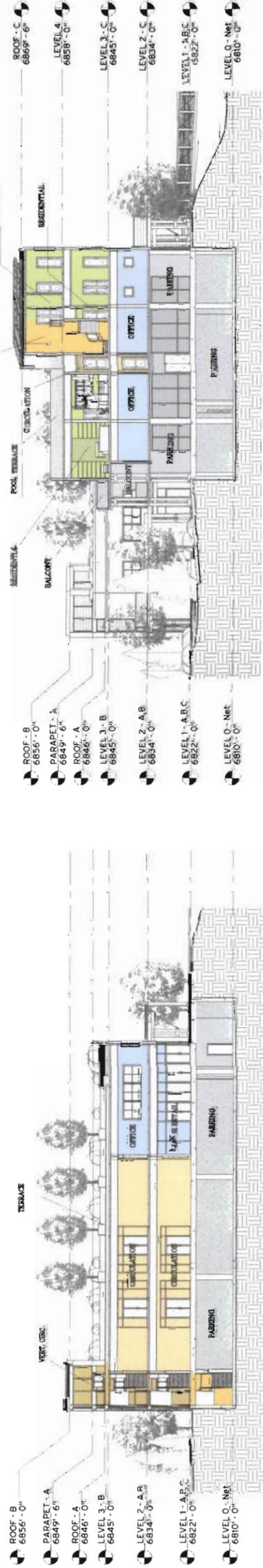
A - 3.1



1 LONGITUDINAL SECTION 1
SCALE: 1/16" = 1'-0"



2 LONGITUDINAL SECTION 2
SCALE: 1/16" = 1'-0"



3 CROSS SECTION 1
SCALE: 1/16" = 1'-0"



4 CROSS SECTION 2
SCALE: 1/16" = 1'-0"

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PARK CITY 3D VIEWS
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1 View from Lower Iron Horse
SCALE:



2 View from Bonanza Drive
SCALE:

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3D VIEWS
PLANNING DEPT.

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architecture

November 12, 2010

Katie Cattan, Planner
Planning Department
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060

re: Ironhorse Mixed Use Building (ewg# 2009-09)
Master Planned Development Application
Building Height

Katie:

As requested, below is the supporting documentation for the increase in building height as required by the Master Planned Developments section of the Land Management Code.

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

Response: The Footprint of the allowed building envelope using the facade variation (see drawing GI-2) is 26,034 square feet. With a 30 foot height allowance, three stories can be constructed above grade. This would allow 78,102 square feet of building floor area. The total floor area above grade is 54,814 square feet. Project complies with Item 1.

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

Response: The project was designed to step back and rise in height from Bonanza Drive to the west. The property to the south is a significant hillside and the topography rises above the project proposed roof. To the north is the rail trail which has an approximately 100 foot wide right-of-way and has minimal impact. To the east is an apartment project that is approximately 140 feet from the primary building mass facing the project. The apartment buildings within the project are placed approximately 20 feet apart. Increased height on this project has virtually no impact to the surrounding properties. Project complies with Item 2.

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

Response: See response to Item (2) above for increased setbacks. Additionally, significant vegetation is being proposed as shown on the Site Plan. Project complies with Item 3.

NOV 12 2010

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

Response: The design encourages a better pedestrian traffic flow from the apartment complex to the east. It also provides 45% open space which is greater than the 30% required for redevelopment sites. Project complies with Item 4.

Item (5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

Response: The building as designed complies with the Design Guideline requirements for variation in form also referred to as "Facade Length and Variation". This guideline requires 15' of variation combined between the roof and building facade for buildings that exceed 120 feet in length. The building as designed is broken into three areas with actual physical separation at two locations in the building. Physical separation actually creates an infinite number because the depth of shift is not a measurable distance. Irregardless of the ability to measure depth, the roofs as proposed provide over 25 feet of change in elevation and variation. Project complies with Item 5.

Since the project complies with all of the items in the Building Height section of the code it warrants the opportunity to be considered for an increase in height.

Respectfully Submitted,



Craig Elliott, AIA

*



February 18, 2010

Mr. Mark Fischer
1790 Bonanza Drive
Park City, Utah 84060

RE: Parking along Lower Iron Horse Loop
Iron Horse Mixed-Use Building Development

Dear Mark:

As part of your proposed Iron Horse Mixed Use Building Development, you have requested the City to allow vehicles parking in your short-term parking area to back out directly onto Iron Horse Loop Road. As you are aware, Iron Horse Loop Road is a private road and the section of road affected by this parking area is actually on your property.

As a follow up to our discussions concerning this proposed parking, I have reviewed Park City Municipal Code, Title 9 - Parking Code and Title 15 of the Land Management Code, Chapter 3 – Off-Street Parking. Backing out directly onto a private road does not appear to violate our Parking Code as outlined in Title 9.

Chapter 15-3-3 of the Land Management Code, Paragraph G states “Off-Street Parking Areas must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways.” Because your road is private, I do not believe your request violates this code either.

In summary, Engineering and Planning will allow your proposed parking configuration for the Iron Horse Mixed Use Building Development. Additionally, we recommend you maximize the space between the end of the proposed parking stalls and the edge of road (5 feet of space would help to significantly alleviate any possible obstructed views) and to post slower speed limits on this section of road in the range of 10 to 15 mph.

If you have any questions or concerns, please call Matt at (435) 615-5075 or matt.cassel@parkcity.org or Thomas at (435) 615-5008 or Thomas.eddington@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Eddington".

Thomas Eddington
Planning Director

A handwritten signature in black ink, appearing to read "Matt Cassel".

Matthew Cassel, P.E.
City Engineer

**Park City Municipal Corporation ~ 1255 Iron Horse Drive ~ P.O. Box 1480 ~ Park City, UT 84060-1480
435/ 615-5055 (PH) 435/ 615-4906 (FAX)**

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
APRIL 28, 2010**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Dick Peek, Julie Pettit, Adam Strachan, Thomas Eddington, Brooks Robinson, Kayla Sintz, Francisco Astorga, Jacque Mauer; Polly Samuels McLean

Commissioners Luskin and Savage were excused.

Work Session Items

1555 Iron Horse Loop Road

Planner Jacquy Mauer reviewed the application for an MPD of the Iron Horse mixed use building, located at 1555 Lower Iron Horse Loop Road. She reported that on August 26, 2009 the Planning Commission held a pre-application public hearing for the Iron Horse mixed use building and found it to be in initial compliance with the General Plan.

Planner Mauer noted that the property is currently occupied by a building formerly used as the Deer Valley Lodging and the Park City Transportation building. Fuel storage tanks and pumps are also located on site. The applicant was proposing to remove the two buildings and construct three connected mixed-use building to be used for a commercial office and residential space. Planner Mauer stated that 21 residential units are proposed, ten being live/work units, and over 10,000 square feet of commercial area. Seventy-three parking spaces are required and proposed.

The Staff requested input from the Planning Commission prior to scheduling the application as an action item. Following a presentation by the project architect, Planner Mauer requested that the Planning Commission provide direction on five discussion items outlined in the Staff report.

Craig Elliott, the project architect, used a model during his presentation to show that the proposed project is actually one building that has the appearance of looking like three buildings. As they look through the project, he explained how the project changes the application of the Code. Mr. Elliott pointed out that the public view of the building would be coming from Bonanza and down Iron Horse. He noted that the building itself is approximately 250 feet long. Each piece is approximately 100 feet. Mr. Elliott explained that the lower level was designed for commercial use and the upper level would have residential uses. He indicated the access to the lower parking structure. He showed how they created a boardwalk around the building to create a traditional walking experience along the commercial uses. Many of the elements in the Rail Central remodel were mimicked in this project. However, they looked at this building in a slightly different context based on its location and the uses.

Mr. Elliott indicated that parking on the south side of the building would be accessed off of the road and provide in and out parking for commercial on the lower level. The primary use of the parking structure would be for residential. Users of the office/commercial space on the first level would also have the opportunity to use the parking structure. Mr. Elliott remarked that the facade along Bonanza Park was developed with a lower building height. It is two floors with an outdoor space on top to create additional interest with the view shed. He believed the design worked with the context and scale of the adjacent buildings.

Mr. Elliott indicated the residential units and a road that services Fireside. The plans showed the current bus pull out, but they did not have drawings for the proposed tunnel so it was not included on the plans. If the tunnel is not constructed, a bridge structure would be needed, which was shown on the plans. If the tunnel is constructed, Mr. Elliott assumed there would be other solutions to provide access across. He commented on a previously approved bridge and stated that they have been looking at where that might connect to the building. The model showed the bridge in a location that they believe is a logical and appropriate connection that links through the building structures and provides connection to the Rail Trail across. A set of stairs would come down from the Rail Trail and cross over.

Mr. Elliott stated that the intent was to design the building in ways that breaks up the mass. He noted that a building over 120 feet is required to have facade shifts and he explained what was done to meet the intent of the Code. Mr. Elliott presented the elevations showing the architectural materials.

Commissioner Pettit referred to the outside parking and asked where the pedestrian traffic links with the buses that drop off school kids. She was trying to put that into context with the location of the proposed parking. Mr. Elliott replied that a combination of things occur. Pedestrians either go down the road or walk across the Rail Trail and down across the creek. He also indicated a beaten path that comes up over the hillside. Two places are next to the building and a sidewalk runs out from the building. They worked with Engineering so they could make the parking spaces 5 feet deeper to improve the performance. This allowed more room for the cars and more visibility and created a safer environment.

Chair Wintzer understood from the report that Engineering was comfortable with cars backing out and that it complied with Code. Planner Mauer replied that this was correct.

Chair Wintzer felt the bridge location was right for the building, but he questioned whether it was the right location to encourage people to get off the bus and walk past this project to the residential area. He pointed to an alternative location that he thought would better accommodate pedestrian traffic. Mr. Elliott pointed out that the location Chair Wintzer identified was on property that the applicant did not own.

Director Eddington believed the City was working on a proposal to redo the existing bridge, which could assist this project and address the issue. Chair Wintzer stated that 30 school children walking through the project twice a day is not advantageous and he encouraged finding a way to place the bridge at the other end. Director Eddington stated that the secondary bridge is deteriorating and the City is currently discussing options. Commissioner Pettit felt that it would be helpful if the Staff could provide a general report on things planned in the area that might resolve some of their concerns.

Commissioner Pettit stated that her main parking concern was foot traffic in conflict with people backing out of parking spaces. She noted that when parking spaces are parallel rather than angled, it is difficult to see what might be coming, particularly since so many vehicles have tinted windows. From a design perspective she asked if there was an advantage to angling the parking versus making it parallel. Mr. Elliott replied that it was the same issue as making the 90 degree turn as you come in. He noted that they looked at several different orientations. He did not disagree with

the angled parking solution, but he was concerned that it may not function as well.

Mr. Elliott noted that the proposed material was vertical metal panel and composite wood panel systems. Timber structure elements would be use to create shade canopies and boardwalk covers.

The Planning Commission discussed the five points requested by Staff.

The first point was to provide feedback on the new parking configuration.

Chair Wintzer thought the parking was in the right location to make the building function, but as a community, they need to find a way to make the parking back out so it does not become a safety issue. Directing the pedestrian path down the Rail Trail or to other locations help him feel more comfortable and he believes it is a good solution for the businesses in front.

Commissioner Pettit stated that the safety issue with cars backing out was still a concern. She understood that the City Engineer had looked at the configuration, but in reading the letter it was basically recognition that the City does not have LMC oversight because it backs off on to a private road versus a public road. Commissioner Pettit remarked that the effort to move the parking forward and provide more of a buffer was a good start in the right direction and she needed to let the experts determine that the safety alternatives have been maximized in the proposed configuration. She was still unsure whether the parking proposed was the best solution.

Director Eddington stated that when the Staff worked with the City Engineer they all had the same concerns. He believed that the different material and the five foot buffer would help significantly. Director Eddington recognized that there is an inherent conflict due to the retail on the first floor. They did look at angling the parking spaces, but getting in and out creates a 3-point turn in the road, which is equally as dangerous because it requires two back-ups rather than one. Director Eddington agreed that it may not be the perfect solution, but he felt it was the best they could get and still meet the intent of servicing the retail. He clarified that the Staff had looked at every possible option.

Commissioner Pettit explained why she believed the angled scenario would provide more visibility and would be safer than the current configuration. She reiterated the visibility limitations of tinted windows. Commissioner Pettit was not convinced that there was no other solution.

Director Eddington acknowledge the challenge and offered to look for other alternatives. Mr. Elliott presented the overall aerial photograph and noted that it was all 90 degree parking to the dry lot. Everyone coming to the site would access through that driveway. He felt the proposed parking was consistent with is there.

Commissioner Peek pointed out that the parking Mr. Elliott identified was residential parking versus repetitive retail use. Chair Wintzer suggested that a solution would be to make it easier for the pedestrians to come in over the Rail Trail. He agreed that the residential parking lot is a different use from someone in a hurry to run in and out of a business.

Commissioner Peek stated that parking was the number one concern because children over decades would continue to use this route. If a bridge solution happens that uses the rail trail either at the corner of the property or the adjacent property, he was unsure if the bus would do two drop offs. Commissioner Hontz asked about the current bus drop off. Chair Wintzer replied that the bus drop off is near the crosswalk on the upper road, but it will eventually be moved down. That was his reason for suggesting that they find a way to encourage people walk on the Rail Trail and not behind the building.

Commissioner Strachan agreed with Chair Wintzer.

The second point was to discuss the proposed pedestrian bridge regarding the location and circulation it provides for the project and surrounding areas.

Planner Mauer stated that the City Council would approve the design of the pedestrian bridge; however, it was appropriate for the Planning Commission to whether the location is appropriate for the circulation of the project.

Chair Wintzer reiterated that the location of the bridge was perfect for the building, but he felt another bridge was needed in order to make the parking work. He was unsure if that would be a joint effort between the City and the applicant or all the property owners and the applicant. Chair Wintzer believed that a second bridge would resolve the parking issue.

Commissioner Peek stated that the bridge worked well for the two commercial uses across the Rail Trail. However, because the proposed project would create a more intense use adjacent to a residential intense use, they would need something to absorb the demand,

Commissioner Hontz recalled that a State agency was involved in discussions on the second bridge. Mr. Elliott recalled that a portion of the Rail Trail was purchased with City open space funds and it goes down past this project. He believed the City would be involved regarding this project. Any additional issues would be addressed with Stream Crossing.

Commissioner Pettit concurred that making an alternative access to the upper residential area more appealing and usable could be a potential mitigation factor for parking and traffic issues.

The third point was to provide feedback on the requested height exception and whether the requirements for a height exception have been met.

Planner Mauer presented a report showing what the cubic feet would be to the project if all the setbacks and height were maxed out. She used a slide to show the proposed height exception. The proposed building volume was 565,000 and the setback volume a maximum would be 870,000 cubic feet.

Mr. Elliott used the model to show the areas for the height exception. He noted that typically when requesting height exceptions, they look at compatibility to adjacent zones. He was comfortable that the height was compatible with the GC zone having a 35 foot maximum height with a five foot exception.

Chair Wintzer clarified that the applicant was requesting a two-foot height exception on two buildings. The front building would be 4 to 5 feet lower in height.

Commissioner Hontz felt that the height exception was appropriate in this location. She would not be opposed to the building being taller. Commissioner Strachan agreed that the project could be denser in this zone. Commissioner Peek stated that the toe of the slope is the place to add more height.

Commissioner Pettit understood that Criteria #5 would not apply because it was out of the Historic District. Planner Mauer clarified that it needs to comply with Chapter 5 as stated in the criteria, but not with the design guidelines. Commissioner Pettit asked for clarification as to why the Staff analysis says that the proposed height request does not comply. Planner Mauer explained that Chapter 5 - Architectural Review, states that height exceptions need to provide transitions in roof elements. The Staff found that the height exception did not comply with that statement since it was straight with no variation.

Commissioner Pettit asked if the Planning Commission could make a finding for allowing a height exception if it does not comply with one of the criteria.

Assistant City Attorney, Polly Samuels McLean, believed the criteria is clear and that it needs to be met. Mr. Elliott remarked that the determination of compliance was with the Planning Commission. The Staff made their analysis and Planning Commission determination was part of the review process.

Commissioner Pettit asked Mr. Elliott to explain how the Planning Commission could make a finding of compliance. Mr. Elliott stated that based on his interpretation of the language, they were not adding additional volume, they added different architectural character, they have stepped the building masses up and down. There are areas in the development where they could have had structure, but the pieces were removed that added volume to the project.

Chair Wintzer pointed out that this was similar to how the Planning Commission approached the potential project to the Yarrow. The Planning Commission looked at that project to see if they were trading height from one building to the other. It was done as an architectural feature and did not increase the square footage or the density.

Commissioner Pettit asked if the Planning Commission could find that it provides a transition in roof elements. Assistant Attorney McLean stated that the Planning Commission needed to make the determination of whether or not there is enough of a transition to comply with Chapter 5. Ms. McLean noted that the language reads, "shall comply with the following criteria."

Director Eddington suggested that Mr. Elliott explain the upper portion of the roof. He thought there appeared to be an eave that extends out from the upper portion of the roof that provides a transition or differentiation of material. Mr. Elliott explained the changes to the building mass, identified areas of vertical circulation, and places where the building drops down and goes back up. He stated that the intent was to keep the structure in context with the neighboring buildings.

Planner Sintz reviewed the exterior elevations in the Staff report. In looking at the east elevation, she believed they could interpret the stepping of the building forms as a variation and transition in forms. She pointed out that the massing model showed that Building A was at 24 feet, which is under height. Therefore, the two buildings proposed at 32 feet would be a shift in mass and form, which is the intent of the MPD in being able to move density around and to allow for a height exception. Based on Planner Sintz comments, Director Eddington clarified that the variation required by the LMC could be the height, as opposed to having all three elements of the building at the same height. Planner Sintz believed a finding could be made that there is variation and transition in roof forms required for a height exception.

Commissioner Strachan was comfortable with that interpretation.

Commissioner Peek noted that the east elevation showed two stories. He asked Mr. Elliott to point out the third story. Mr. Elliott replied that there is a break that may not be shown as a full floor. There is a parapet around the lower roof that acts as a guardrail. Instead of having a ten foot transition, there is a six foot transition between parapets. Commissioner Peek clarified that the south elevation, which would be north, reflects three stories. The east elevation, which would be south, only reflects two stories. Mr. Elliott explained that it was showing the two story building 200 feet away.

Commissioner Hontz stated that she was never concerned with height exception and always felt there was adequate transition when looking at the entire project.

The fourth point was to discuss whether the proposed project meets the language and intent of Chapter 15-5-8 of the LMC regarding facade and building height.

Planner Mauer read from the LMC, "Structures that exceed 120 feet in length shall provide a prominent shift in the mass of the structure at each 120 foot interval, reflecting a change in function or scale. The change shall either be in the form of either a 15 foot change in building facade alignment or a 15 foot change in the building height".

Mr. Elliott used the model to explain the dimensions and design elements that they believe meets the language in the LMC.

Commissioner Pettit asked if there was a way to create a little more variation with one of the two big fitter buildings. She felt that more variation would make the buildings more aesthetically pleasing and more compliance with the goals of the LMC.

Commissioner Hontz recalled that Commissioner Strachan had made a similar comment and she concurred, particularly in terms of the height. Chair Wintzer thought it was fine as designed, but he agreed that it could be better. He suggested that they emphasize the end of one of the buildings and create a larger height exception in the corner. Chair Wintzer was confident the details could be worked out.

Planner Sintz clarified that the Commissioners concurred with having additional height on Building

C. Commissioner Peek suggested a more articulated corner towards the residential use.

The fifth point was to provide direction on whether or not additional demand for child care would be needed for the project.

Planner Mauer noted that LMC 15-6-5(K) states that the Planning Commission may determine whether or not a project would create additional demand. She explained that the Staff would conduct an analysis of the child care currently provided in the area and weigh that against the number of residential units proposed and number of bedrooms. Planner Mauer asked if the Planning Commission would like the Staff to consider anything else in that analysis.

Commissioner Pettit stated that this was the first time the Planning Commission has been asked to comment on child care. She noted that this was a mixed-use project and at this time the uses are unknown and no one knows whether any of the residents will have children. Commissioner Pettit needed a better understanding of the elements of the Land Management Code and why or how that plays into this project.

Chair Wintzer suggested that the Planning Commission wait to address this issue when they look at the different occupants of the building. He remarked that every project creates a demand for child care, but it was too early to assess whether the demand from this project would be different.

Commissioner Pettit did not want her comments this evening to indicate that she was opposed to this proposal. She supports the project and looked forward to seeing it evolve. Commissioner Pettit clarified that her issues related to parking and safety concerns. With respect to massing, she believed that more articulation would make it a better project. Commissioner Pettit stated that this was the right project for the location.

Commissioner Hontz asked if the applicant would pursue the voluntary clean up program. Mr. Elliott assumed they would need to address the tanks and other issues on the site. Commissioner Hontz understood that they would need to deal with the issues, but she was unsure of what would be required in terms of clean up. She asked the Staff to provide a history of the clean up that was done by the residential development behind this project, since that site was the Park City Dump at one time. Planner Mauer offered to research her request with Jeff Schoenbacher.

Echo Spur on Rossi Hill - Plat Amendment

Planner Francisco Astorga reviewed the plat amendment application for the Echo Spur on Rossi Hill. He presented the Echo Spur and Rossi Hill vicinity map and 2009 aerial to show where the applicant was proposing to reconfigure 13 lots into 9 lots of record. The site is located off of platted McHenry. Planner Astorga noted that the applicant was hired by the City to complete platted McHenry Road.

Planner Astorga noted that the Planning Commission had previously reviewed this application. At that time the lots were configured differently and the lots were located on the right-of-way, which required a street vacation. Based on comments at that meeting, the applicant revised the plans and

Jacquelyn Mauer

From: Jeff Schoenbacher
Sent: Monday, February 22, 2010 9:29 AM
To: Jacquelyn Mauer
Cc: Thomas Eddington; Building_Mail; Brooks Robinson; Patricia Abdullah; Engineering_Mail
Subject: RE: Development Review packet 02/23/10
Attachments: 1555LILFEMA.pdf; WorkingOrdinance032706.pdf

Jacquelyn;

Related to 1555 LOWER IRON HORSE LOOP there are four issues that need to be conveyed regarding this proposed development.

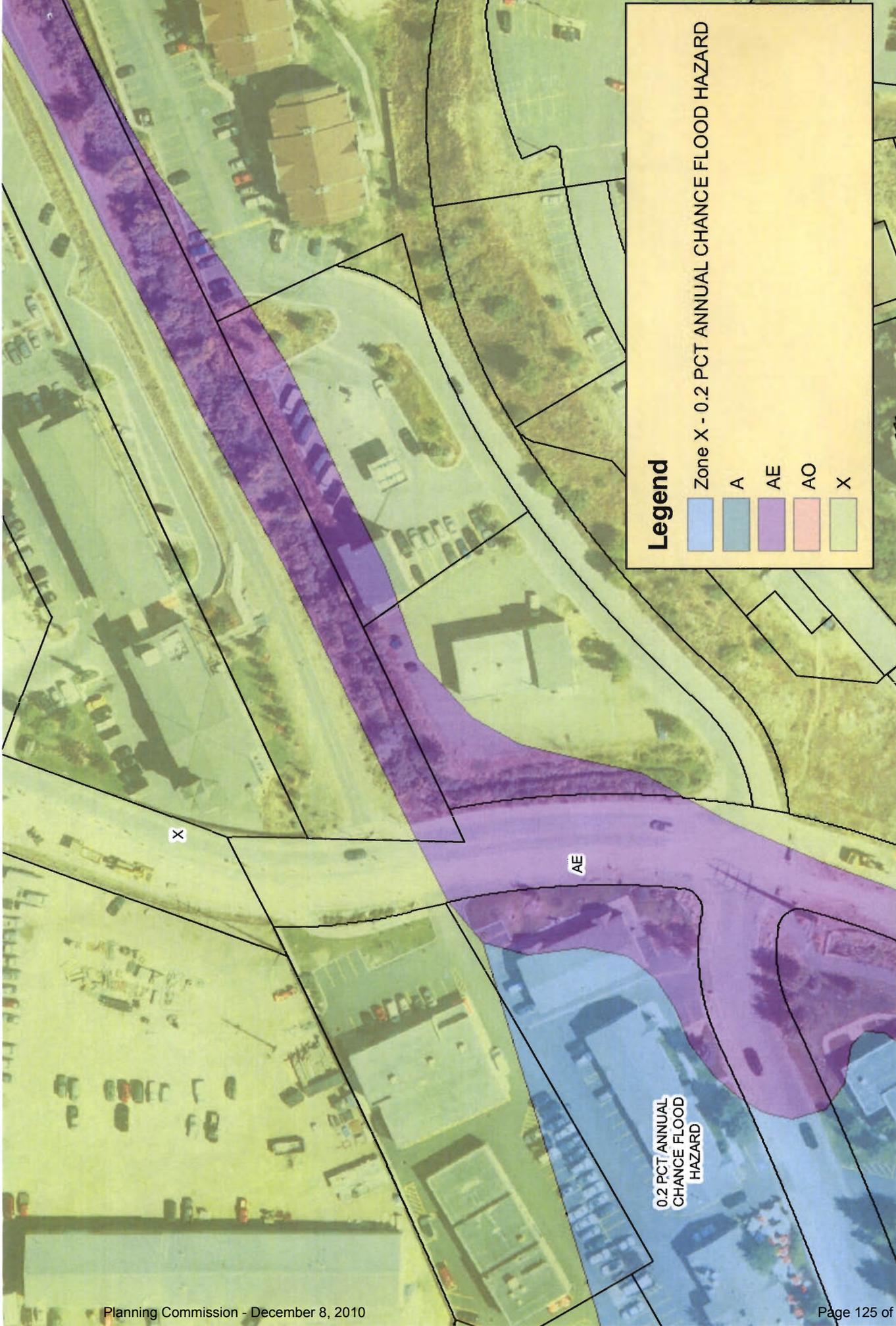
- First, the site is located within or in proximity of a listed CERCLIS site known as Old Park City Dump - UTD988078606. The CERCLIS listing identifies sites that are considered to be contaminated, therefore needing remediation and/or further investigation under Superfund. In the past, remediation that has occurred in this area has been done under the Soils Ordinance. Nonetheless, construction in this area has resulted in extremely "hot" soils being generated – 10,000 ppm lead and 350 ppm arsenic. As a result, it should be anticipated that any development in this area will need characterize generated soils and arrangements made with a disposal facility as a requirement of the plan check. Additionally, under the Soils Ordinance, Worker Health and Safety notices must also be a component of the work plan. Finally, if the goal is to have this particular site delisted from CERCLIS, the applicant should consultant with UDEQ under the Voluntary Clean-up Program.
- Secondly, it appears the underground storage tank (UST) at the CFN facility will be removed, thereby triggering a UDEQ – UST permit and work plan. This information can be incorporated into the soils ordinance work plan as mentioned above.
- Third, a portion of the property is within FEMA regulated Zone of AE according to the 1996 FIRM map.
- Lastly related to permits, in the event a bridge is going to be constructed over Silver Creek a DNR Stream Alteration Permit may be required. If there is encroachment into the riparian zone of Silver Creek an Army Corp General Permit may be required. During actual construction, it should be anticipated that shallow ground water will have to be managed, so a UDEQ dewatering permit and tertiary treatment should be a component of this project.

This is kind of a difficult site, so I wanted to give you a heads up on the issues up front. If you need clarification or need any more documentation from me, let me know and I will accommodate.

Thanks,

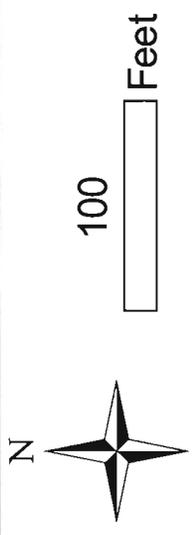
Jeff

From: Patricia Abdullah
Sent: Friday, February 19, 2010 4:34 PM
To: Brian Andersen; Brooke Hontz; Dave Gustafson; Dawn Jensen; Deb Wilde; Heinrich Deters; Jeff Schoenbacher; Jonathan Weidenhamer; Kathy Lundborg; Kent Cashel; Kyle Macarthur; Mark Harrington; Matt Cassel; Matt Twombly; Michelle Downard; Pacificorp; Pacificorp; PCFD; Phyllis Robinson; Planning_Mail; Polly Samuels McLean; Questar; Ron Ivie; SBWRD; SBWRD; Summit County; Tyler Poulson; Adam Strachan; Charlie Wintzer; Julia Pettit; Richard Luskin (Rick@bdel.com); Richard Peek
Subject: Development Review packet 02/23/10



Legend

	Zone X - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
	A
	AE
	AO
	X



1555 Lower Iron Horse Loop

CHAPTER 15 - PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER

11-15- 1. AREA.

This Chapter shall be in full force and effect only in that area of Park City, Utah, which is depicted in the map below and accompanied legal description, hereinafter referred to as the Soils Ordinance Boundary.

(Amended by Ord. No. 03-50)



MAP OF AREA SUBJECT TO LANDSCAPING AND TOPSOIL REQUIREMENTS (ORIGINAL MAP AMENDED BY THIS ORDINANCE ON FILE IN THE CITY RECORDER'S OFFICE) and as described as follows:

Beginning at the West 1/4 Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian; running thence east along the center section line to the center of Section 10, T2S, R4E; thence north along the center section line to a point on the easterly Park City limit line, said point being South 00°04'16" West 564.84 feet from the north 1/4 corner of Section 10, T2S, R4E; thence along the easterly Park City limit line for the

following thirteen (13) courses: North 60°11'00" East 508.36'; thence North 62°56' East 1500.00'; thence North 41°00' West 30.60 feet; thence North 75°55' East 1431.27'; thence North 78°12'40" East 44.69 feet; thence North 53°45'47" East 917.79 feet; thence South 89°18'31" East 47.22 feet; thence North 00°01'06" East 1324.11 feet; thence North 89°49'09" West 195.80 feet; thence South 22°00'47" West 432.52'; thence South 89°40'28" West 829.07 feet; thence North 00°09'00" West 199.12 feet; thence West 154.34 feet to a point on the west line of Section 2, T2S, R4E; thence south on the section line to the southerly right-of-way line of State Route 248; thence westerly along said southerly right-of-way line to the easterly right-of-way line of State Route 224, also known as Park Avenue; thence southerly along the easterly line of Park Avenue to the west line of Main Street; thence southerly along the westerly line of Main Street to the northerly line of Hillside Avenue; thence easterly along the northerly line of Hillside Avenue to the westerly line of Marsac Avenue, also known as State Route 224; thence northerly along the westerly line of Marsac Avenue to the westerly line of Deer Valley Drive; thence northerly along the westerly line of Deer Valley Drive, also known as State Route 224, to the southerly line of Section 9, T2S, R4E; thence easterly to the west line of Section 10, T2S, R4E; thence northerly to the point of beginning.

Together with the following additional parcels:

Spiro Annexation Area Legal Description:

A parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is South 396.80 feet and West 1705.14 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being a 5/8" rebar on the westerly right-of-way line of Three Kings Drive, as described on the Arsenic Hall Annexation Plat, recorded no. 345954 in the office of the Summit County Recorder, said point also being on a curve to the left having a radius of 625.00 feet of which the radius point bears North 71°08'49" East; and running thence southeasterly along said right-of-way line the following three (3) courses: (1) southeasterly along the arc of said curve 352.91 feet through a central angle of 32°21'09"; thence (2) South 51°12'20" east 141.13 feet to a point on a curve to the right having a radius of 290.00 feet, of which the radius point bears South 38°47'40" West; thence (3) along the arc of said curve 70.86 feet through a central angle of 14°00'00"; thence along the southwesterly right-of-way line of Three Kings Drive and along the arc of a 680.00 foot radius curve to the left, of which the chord bears South 47°16'17" East 235.91 feet; thence along the westerly boundary of the Dedication Plat of Three Kings Drive and Crescent Road, recorded no. 116010 in the office of the Summit County Recorder, the following eight (8) courses: (1) South 57°12'20" east 39.07 feet to a point on a curve to the right having a radius of 495.00 feet, of which the radius point bears South 32°47'40" West; thence (2) along the arc of said curve 324.24 feet through a central angle of 37°31'50"; thence (3) South 19°40'30" East 385.45 feet to a point on a curve to the left having a radius of 439.15 feet, of which the radius point bears North

70°19'30" East; thence (4) along the arc of said curve 112.97 feet through a central angle of 14°44'21" to a point of reverse curve to the right having a radius of 15.00 feet, of which the radius point bears South 55°35'09" West; thence (5) southerly along the arc of said curve 22.24 feet through a central angle of 84° 57'02" to a point of compound curve to the right having a radius of 54.94 feet, of which the radius point bears North 39°27'49" West; thence (6) westerly along the arc of said curve 115.99 feet through a central angle of 120°57'49"; thence (7) North 08°30'00" West 31.49 feet to a point on a curve to the left having a radius of 105.00 feet, of which the radius point bears South 81°30'00" West; thence (8) along the arc of said curve 378.43 feet through a central angle of 206°30'00" to a point on the easterly line of Park Properties, Inc. parcel, Entry no. 129128, Book M73, page 31, in the office of the Summit County Recorder; thence along the easterly boundary of said parcel the following five (5) courses: (1) North 42°30'00" West 220.00 feet; thence (2) North 11°00'00" West 235.00 feet; thence (3) North 21°32'29" West 149.57 feet (deed North 21°30'00" West 150.00 feet) to a 5/8" rebar; thence (4) North 42 30'49" West 195.18 feet (deed North 42°30'00" West 195.29 feet) to a 5/8" rebar; thence (5) North 89°57'46" West 225.95 feet (deed West 224.19 feet) to a 5/8" rebar; thence along a boundary of Park Properties, Inc. parcel, Entry no. 324886, Book 565, Page 717, in the office of the Summit County Recorder the following three (3) courses: (1) North 02°45'19" East 99.92 feet (deed North 100.20 feet) to a 5/8" rebar; thence (2) North 89°51'20" West 496.04 feet to a 5/8" rebar; thence (3) North 89°35'52" West 481.94 feet (deed North 89 45'00" West 992.17 feet for courses (2) and (3) to a point on the west line of the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Basin and Meridian; thence along said quarter section line North 00°15'24" West 407.62 feet to a point on the Bernolfo Family Limited Partnership parcel, Entry no. 470116, Book 1017, Page 262, in the office of the Summit County Recorder, thence North 89°59'54" East 482.91 feet (deed East 493.92 feet) to a point on the Vince D. Donile parcel, Entry no. 423999, Book 865, Page 287, in the office of the Summit County Recorder, said point being a 5/8" rebar and cap; thence along said parcel the following five (5) courses: (1) South 89°59'49" East 358.30 feet (deed East 358.35 feet) to a point on a non tangent curve to the right having a radius of 110.00 feet, of which the radius point bears South 88°41'47" East (deed South 88°44'18" East); thence (2) northerly along the arc of said curve 24.32 feet (deed 24.14 feet) through a central angle of 12°39'58" to a 5/8" rebar cap; thence (3) North 13°46'17" East 49.98 feet (deed North 13°50'00" East 50.00 feet) to a 5/8" rebar and cap on a curve to the right having a radius of 60.00 feet (chord bears North 27 16'47" East 28.00 feet); thence (4) northeasterly along the arc of said curve 28.26 feet (deed 28.27 feet) through a central angle of 26°59'09" to a 5/8" rebar and cap; thence (5) North 40°46'38" East 83.23 feet (deed North 40°50'00" East 83.24 feet) to the point of beginning.

The basis for bearing for the above description is South 00°16'20" West 2627.35 feet between the Northeast corner of Section 8, and the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base & Meridian. TAX SERIAL NOS. PP-25-A AND PCA-1002-C-1

To be combined with a parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is West 1727.82 feet and South 310.72 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly right-of-way of Three Kings Drive and running thence West 417.99 feet; thence South 246.59 feet; thence East 358.35 feet to a point on a curve to the right, the radius point of which bears South 88°44'18" east 110.00 feet; thence northeasterly along the arc of said curve 24.14 feet to the point of tangency; thence North 13°50'00" East 50.00 feet to the point of a 60.00 foot radius curve to the right; thence northeasterly along the arc of said curve 28.27 feet to the point of tangency; thence North 40°50'00" East 83.24 feet to a point on the westerly right-of-way of Three Kings Drive, said point being on a curve to the right, the radius point of which bears North 71°07'38" East 625 feet; thence northwesterly along the arc of said curve and along the right-of-way 89.33 feet to the point of beginning. TAX SERIAL NOS. PCA-1002-F

Also including the Park City High School and Elementary School properties identified as Tax Serial Numbers (PCA-2-2300-X, PCA-2-2300-A-1-X, PCA-2-2101-6-A-X, PCA-2-2101-6-X).

EXCEPTING THEREFROM all lots and parcels platted as Chatham Crossing Subdivision, Hearthstone Subdivision, Aerie Subdivision and Aerie Subdivision Phase 2, according to the official plats thereof recorded in the office of the Summit County Recorder.

(Amended by Ord. No. 03-50)

11-15- 2. MINIMUM COVERAGE WITH TOPSOIL OR OTHER ACCEPTABLE MEDIA.

- (A) All real property within the Soils Ordinance Boundary must be covered and maintained with a minimum cover of six inches (6") of approved topsoil and acceptable cover described in Section 11-15-3 over soils exceeding the lead levels specified in Section 11-15-7, except where such real property is covered by asphalt, concrete, permanent structures or paving materials.
- (B) As used in this Chapter, "approved topsoil" is soil that does not exceed 200 mg/Kg (total) lead representatively sampled and analyzed under method SW-846 6010.
- (C) Parking of vehicles or recreational equipment shall be contained on impervious surfaces and not areas that have been capped with acceptable media.

(Amended by Ord. No. 03-50)

11-15- 3. ACCEPTABLE COVER.

- (A) All areas within the Soils Ordinance Boundary where real property is covered with six inches (6") or more of "approved topsoil" defined in Section 11-15-2 (B) must be vegetated with grass or other suitable vegetation to prevent erosion of the 6" topsoil layer as determined by the Building Department.
- (B) Owners that practice xeriscape are allowed to employ a weed barrier fabric if the property is covered with six inches (6") of rock or bark and maintained to prevent soil break through.
- (C) As used in this Chapter, "soil break through" is defined as soil migrating through the fabric and cover in a manner that exposes the public and shall be deemed in violation of this Chapter.
- (D) As used in this Chapter, "xeriscape" is defined as a landscaping practice that uses plants that grow successfully in arid climates and a landscaping design intended to conserve City water resources.

(Amended by Ord. No. 03-50)

11-15- 4. ADDITIONAL LANDSCAPING REQUIREMENTS.

In addition to the minimum coverage of topsoil requirements set forth in Section 11-15-2 and the vegetation requirements set forth in Section 11-15-3, the following additional requirements shall apply:

- (A) **FLOWER OR VEGETABLE PLANTING BED AT GRADE.** All flower or vegetable planting beds at grade shall be clearly defined with edging material to prevent edge drift and shall have a minimum depth of twenty-four inches (24") of approved topsoil so that tailings are not mixed with the soil through normal tilling procedures. Such topsoil shall extend twelve inches (12") beyond the edge of the flower or vegetable planting bed.
- (B) **FLOWER OR VEGETABLE PLANTING BED ABOVE GRADE.** All flower or vegetable planting beds above grade shall extend a minimum of sixteen inches (16") above the grade of the six inches (6") of approved topsoil cover and shall contain only approved topsoil.
- (C) **SHRUBS AND TREES.** All shrubs planted after the passage of this Chapter shall be surrounded by approved topsoil for an area, which is three times bigger than the rootball and extends six inches (6") below the lowest root of the shrub at planting. All trees planted after the passage of this Chapter shall have a minimum of eighteen inches (18") of approved topsoil around the rootball with a minimum of twelve inches (12") of approved topsoil below the lowest root of the tree.

(Amended by Ord. No. 03-50)

11-15- 5. DISPOSAL OR REMOVAL OF AREA SOIL.

- (A) Following any work causing the disturbance of soils within the Soils Ordinance Boundary, such as digging, landscaping, and tilling soils, all disturbed soils must be collected and reintroduced onsite by either onsite soil capping specified in Section 11-15-2 or off-site disposal as required by this Chapter and/or State and/or Federal law.
- (B) All soil generated from the Soils Ordinance Boundary that cannot be reintroduced within the Soils Ordinance Boundary and are destined for off-site disposal must be sampled and characterized with representative sampling and tested at a State Certified Laboratory.
- (C) Soils exhibiting a hazardous characteristic exceeding the following Toxic Characteristic Leaching Procedure (TCLP) standards, must be managed as a hazardous waste and disposed of within a Utah Department of Environmental Quality permitted facility:

Arsenic – 5.0 mg/L (TCLP) Method 6010 B

Lead – 5.0 mg/L (TCLP) Method 6010 B

- (D) Soils not failing the TCLP standards may be disposed within a non-hazardous landfill facility providing a “Disposal Acceptance Letter” to the Building Department is issued by the disposal facility.
- (E) No soils generated within the Soils Ordinance Boundary are allowed to be exported for use as fill outside the Soils Ordinance Boundary.
- (F) Reuse of generated soils within the Soils Ordinance Boundary is acceptable provided the receiving property is covered with six inches (6”) of clean topsoil or covered with an acceptable media, i.e. vegetation, bark, rock, as required by this Chapter.
- (G) Soils that are relocated within the Soils Ordinance Boundary must be pre-approved by the Building Department before being relocated and reused.

(Amended by Ord. No. 03-50)

11-15- 6. DUST CONTROL.

Contractor or owner is responsible for controlling dust during the time between beginning of construction activity and the establishment of plant growth sufficient to control the emissions of dust from any site. Due care shall be taken by the contractor or owner, to protect workmen while working within the site from any exposure to dust emissions during construction activity by providing suitable breathing apparatus or other appropriate control.

11-15- 7. CERTIFICATE OF COMPLIANCE.

- (A) Upon application by the owner of record or agent to the Park City Building Department and payment of the fee established by the department, the Park City Building Department shall inspect the applicant's property for compliance with this Chapter. When the property inspected complies with this Chapter, a Certificate of Compliance shall be issued to the owner by the Park City Building Department.
- (B) Verifying soil cap depth and representative samples results that are equal to or below the following standards will result in full compliance and eligibility for the certificate:

Occupied Property – Lead 200 mg/Kg (Total) Method SW-846 6010

Vacant Property – Lead 1000 mg/Kg (Total) Method SW-846 6010

(Amended by Ord. No. 03-50)

11-15- 8. TRANSIT CENTER DISTURBANCE

All construction activity, utility modification, and landscaping that results in the breach of the installed protective cap or the generation of soils must be conducted in accordance to the implemented Site Management Plan, which is retained within the Building Department.

(Amended by Ord. No. 02-32; 03-50)

11-15- 9. PROPERTY WITH KNOWN NON-COMPLIANT LEVELS OF LEAD

- (A) Property exceeding the lead levels defined in Section 11-15-7 that have been representatively sampled and have not been capped per Section 11-15-2 are required to comply with this Chapter by December 31, 2004.
- (B) Non-compliant lots exceeding the criteria within Section 11-15-7 will be sent two (2) warning notices in an effort to correct the non-compliance issue.

(Amended by Ord. No. 03-50)

11-15- 10. WELLS.

All wells for culinary irrigation or stock watering use are prohibited in the Area (Soils Ordinance Boundary).

11-15- 11. NON-SAMPLED AND UNCHARACTERIZED LOTS.

- (A) Lots that have not been characterized through representative sampling and are

within the original Soils Ordinance Boundary are required to be sampled by the year 2006.

- (B) After the property has been sampled, lots exceeding the lead levels within Section 11-15-7 are required to comply with this Chapter within a 12-month period.

11-15- 12. FAILURE TO COMPLY WITH CHAPTER.

Any person failing to landscape, maintain landscaping, control dust or dispose of tailings as required by this Chapter and/or comply with the provisions of this Chapter, shall be guilty of a Class B misdemeanor. Any person failing to comply with the provisions of this Chapter may be found to have caused a public nuisance as determined by the City Council of Park City, and appropriate legal action may be taken against that person.

(Amended by Ord. No. 03-50)



City Council Staff Report

Subject: Rail Central Pedestrian Connection
Author: Matthew A. Twombly
Department: Sustainability
Date: July 15, 2010
Type of Item: Administrative

Summary Recommendations:

Review the request and approve the pedestrian connection (bridge) between the Rail Trail/Rail Central Building and the Iron Horse Mixed Use Buildings project.

Topic/Description:

Rail Central pedestrian connection (bridge) design approval.

Background:

In 2003 PCMC and Centura Rail Central entered into an agreement for an encroachment permit and access easement for the Rail Central Development. In 2006 there was a first addendum to add parking for the Rail Trail, guarantee for landscape completion and to extend the date of the pedestrian connection or bridge. In 2008 there was a second addendum (attached as Exhibit A) to extend the date of the Council approval on the bridge design to December 2010.

In order to facilitate and coordinate pedestrian improvements in the area in conjunction with forthcoming WALC recommendations, Council allowed a time extension and amended the Encroachment Permit for a period of three (3) years. As part of the WALC study, a bridge connection from the Rail Trail to the Iron Horse Condominiums was identified as a priority. Currently, there is a significant amount of pedestrians crossing the creek at the location shown on Exhibit B as Bridge #2. The heavy use has led to erosion issues at this location.

On April 28th the Park City Planning Commission reviewed the plans for the Iron Horse Mixed Use Buildings during Work Session. The Park City Planning Commission was supportive of the location of the bridge between the Rail Central and Iron Horse project for pedestrian circulation. The Commission also commented that an additional bridge in the area proposed by the City will help with overall pedestrian circulation for the area.

As part of the original easement and First Addendum that added parking along the north side of the driveway adjacent to White Pine Touring; there were some parking issues over the crossover use. Additional signage was placed at the parking area, and there have not been complaints regarding this issue over the past two years.

Analysis:

Since the WALC recommendation approvals, the City has coordinated with Mark Fisher on the possibility of providing one bridge to accommodate both pedestrian circulation

needs. It was determined that moving the bridge location in the middle would not satisfy either parties needs. Due to the negative impacts to the stream and soils cap within the Soils Ordinance boundary; the distance between bridges; the support of the Planning Commission; and the approval of the second addendum for the first bridge, staff is recommending that two bridges be planned, permitted and installed at the locations shown on Exhibit A. Planning and permitting the two bridges jointly is not only more cost effective, it would also be required for a stream alteration permit.

Elliott Work Group, the representatives for MJF Investment Partnership have proposed an 8' wide by 65' long pedestrian bridge as depicted in the renderings on Exhibit C1 – C6. The location of the bridge will be directly across from the stairway between the Rail Central Building 1, and the Rail Trail.

The bridge #2 as proposed by the City connects the Rail Trail to the Iron Horse Condominium property. The bridge proposed by the City will be similar in design to the one proposed by the developer. The City will need to obtain an encroachment permit for this bridge from the adjacent property owners (Iron Horse Condominiums).

Department Review:

City Manager, Legal, Sustainability, and Planning have reviewed this report and all comments have been incorporated into the report.

Alternatives:

A. Approve: Staff Recommendation

Approve the design of the Pedestrian Connection (bridge) consistent with the Second Addendum to Encroachment Permit for Public Improvements in City Property and Easement for Public Access.

B. Deny:

Denying the request will leave the existing Encroachment Permit and all other terms in place and the developer would not be allowed to construct a pedestrian connection.

C. Modify:

Council may wish to modify the requested design for the bridge. Staff will need to return to Council at a later date with the modifications.

D. Continue the Item:

Council may need additional time to discuss this item. Staff will need to return to Council at a later date.

E. Do Nothing:

Doing nothing will delay the project.

Significant Impacts:

The maintenance of the bridge is to be performed by the developer according to the original encroachment permit. The installation will likely impact the Rail Trail at this location for a day or two. For the City's bridge there is currently \$85,000 estimated in the WALC recommendations. There is a Conservation Easement on the Rail Trail

Parcel. Although the bridges appear consistent with the Reserved Rights, notification will need to be made to Summit Land Conservancy.

Consequences of not taking the recommended action:

The consequences of denying the item will not provide adequate pedestrian circulation in this area. The other actions will likely delay the project.

Recommendation:

Review the request and approve the pedestrian connection (bridge) between the Rail Trail/Rail Central Building and the Iron Horse Mixed Use Buildings project.

Attachments:

Exhibit A – Second Addendum

Exhibit B – Site Map

Exhibit C – Drawings and Renderings

SECOND ADDENDUM TO ENCROACHMENT PERMIT FOR IMPROVEMENTS IN CITY PROPERTY AND EASEMENT FOR PUBLIC ACCESS

THIS SECOND ADDENDUM is made and entered into in duplicate this day of _____, 2008, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("City"), M.J.F. 1998 INVESTMENT PARTNERSHIP, LT, a Georgia limited partnership company ("MJF Investment Partnership"), to amend the ENCROACHMENT PERMIT FOR IMPROVEMENTS IN CITY PROPERTY AND EASEMENT FOR PUBLIC ACCESS signed and executed by the Parties, and recorded on November 19, 2003

WITNESSETH:

WHEREAS, the parties entered into ENCROACHMENT PERMIT FOR IMPROVEMENTS IN CITY PROPERTY AND EASEMENT FOR PUBLIC ACCESS (hereinafter "Original Agreement"); and

WHEREAS, the 2007 Walkable/Bikeable Neighborhood Study identified a pedestrian bridge as a high priority; and

WHEREAS, the Study identified a pedestrian bridge approximate to the pedestrian connection identified in the encroachment permit; and

WHEREAS, MJF Investment Partnership requires additional time to prepare plans for a pedestrian connection; and

WHEREAS, the parties desire to amend the Original Agreement to provide sufficient time for such performance.

NOW, THEREFORE, in consideration of the mutual promises made herein and other valuable consideration, the parties hereto now amend the Original Agreement as follows:

1. **Section (2)(D) Pedestrian Connection.** Subject to the approval of the City Council of Park City, MJF Investment Partnership may construct a pedestrian connection connecting the Rail Trail and Rail Central parcel in a southerly direction across the creek to parcel(s) located south of the Rail Trail. The Parties hereby agree that the City Council of Park City, as owner of the Rail Trail Parcel, has unfettered discretion to approve or deny the pedestrian connection for any reason, including but not limited to aesthetics and scale. If the City Council of Park City has not approved design plans for said pedestrian connection on or before December 31, 2010, then this subsection (2D) shall be null and void and MJF Investment Partnership request to construct said pedestrian bridge shall be considered denied.
2. **OTHER TERMS.** All other terms and conditions of the Original Agreement shall continue to apply.
3. **ENTIRE AGREEMENT.** This Second Addendum is a written instrument pursuant to Section 8 of the Original Agreement between the parties and cannot be altered or amended except by written instrument, signed by all parties

8-17-2008

IN WITNESS WHEREOF the parties hereto have caused this Second Addendum to be executed the day and year first herein above written.

DATED this _____ day of _____, 2008.

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
P.O. Box 1480
Park City UT 84060-1480

Dana Williams, Mayor

Attest:

City Recorder's Office

Approved as to form:

City Attorney's Office

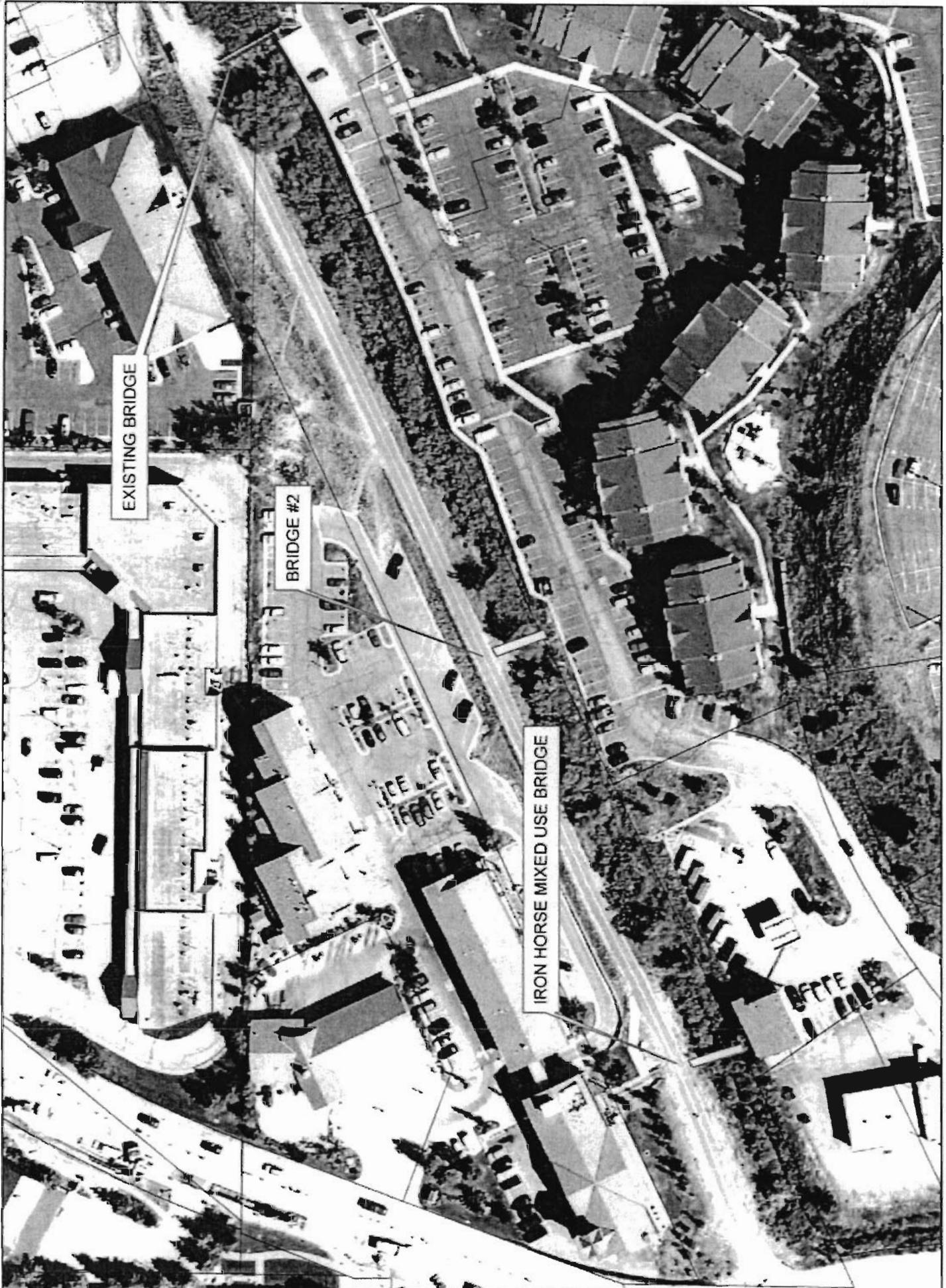
M. J. F. 1998 INVESTMENT PARTNERSHIP, LP
2245 Monitor Drive
Park City, UT 84060

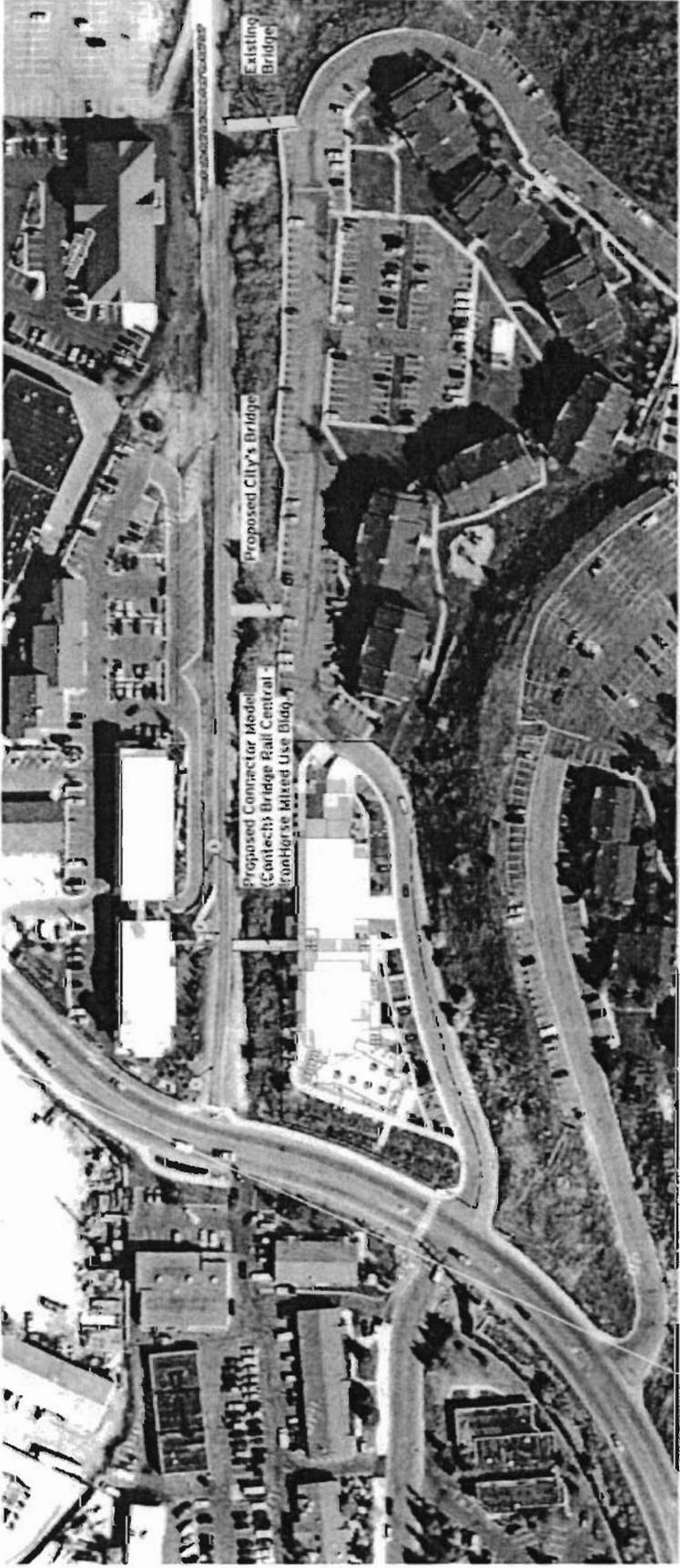
Mark J. Fisher, Manager

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

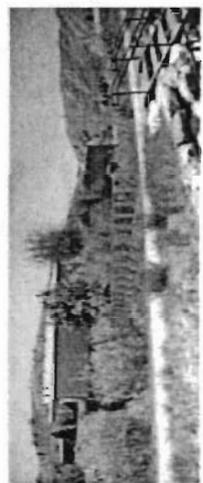
On this _____ day of _____, 2008, before me, the undersigned notary, personally appeared _____ Mark J. Fisher, personally known to me proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he signed it voluntarily for its stated purpose as Manager for M.J.F. Investment Partnership, a limited liability corporation.

Notary Public

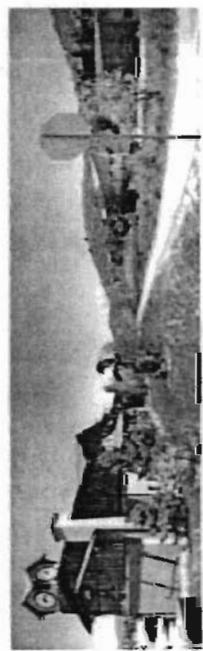




3 View from Ball Trail to Bonanza Park
SCALE: N.T.S.



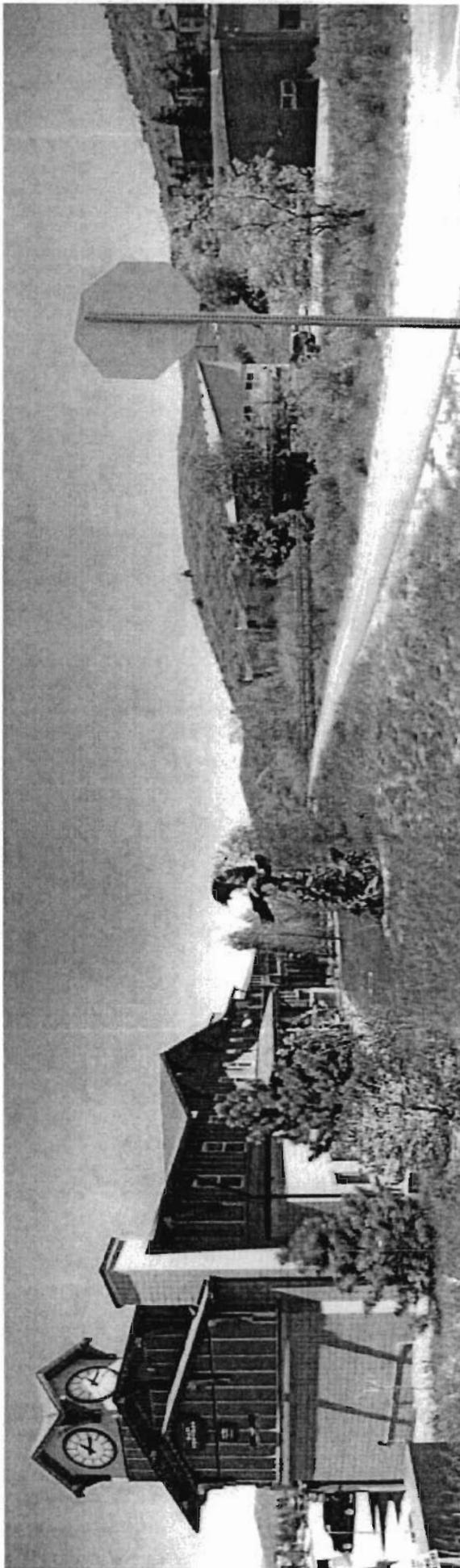
4 View from Rail Central Body Ramp
SCALE: N.T.S.



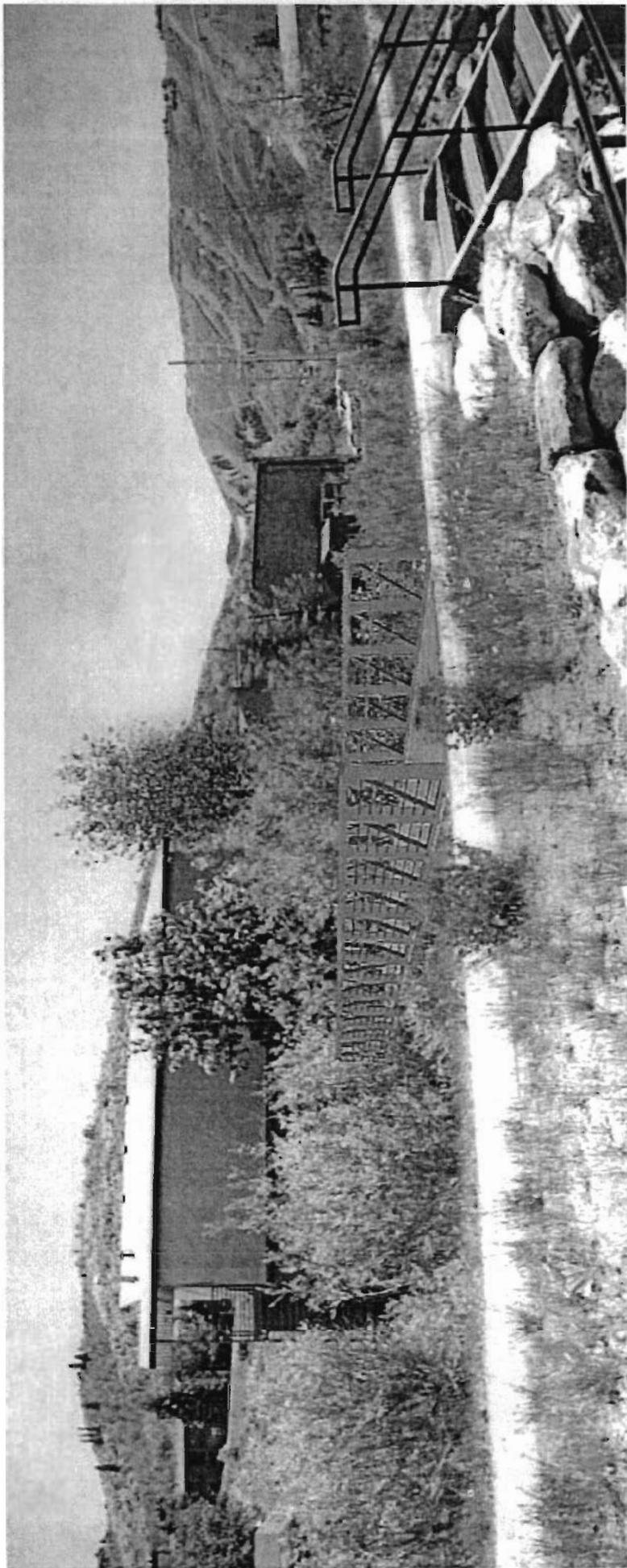
5 View from Bonanza Park
SCALE: N.T.S.

**elliott
workgroup**
architecture

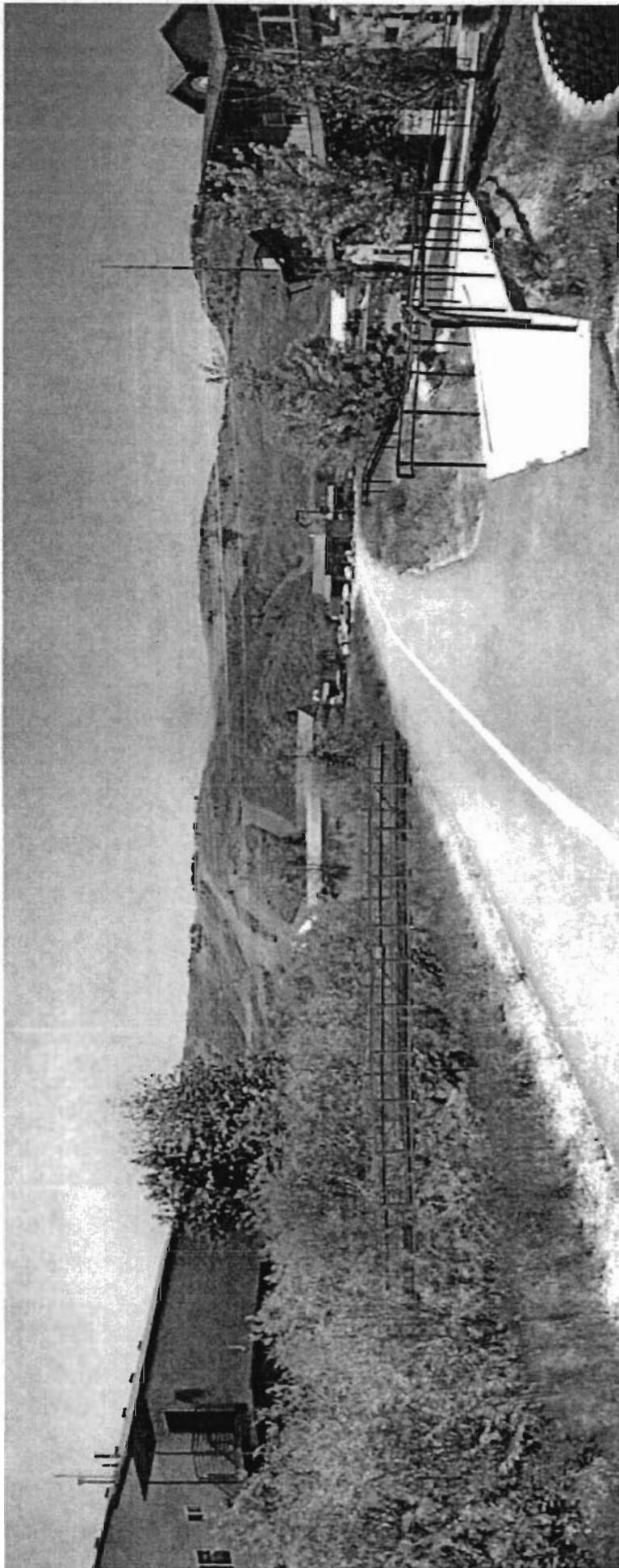
EXHIBIT C-1



2-7

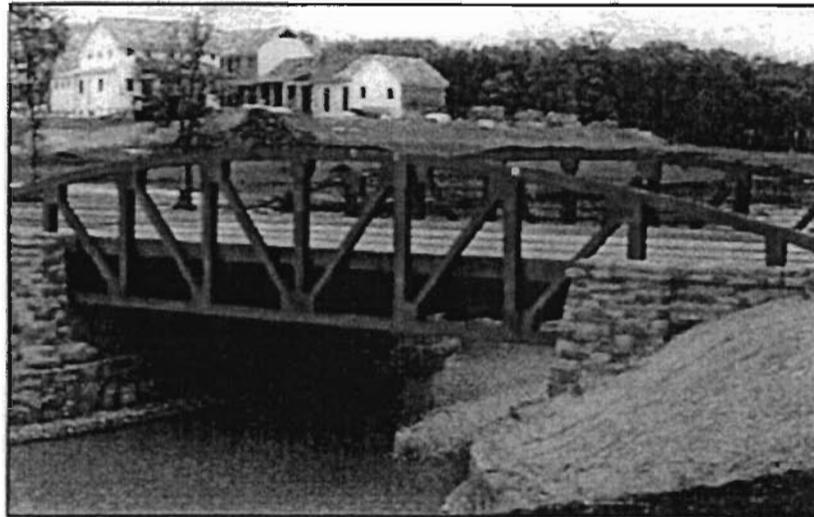


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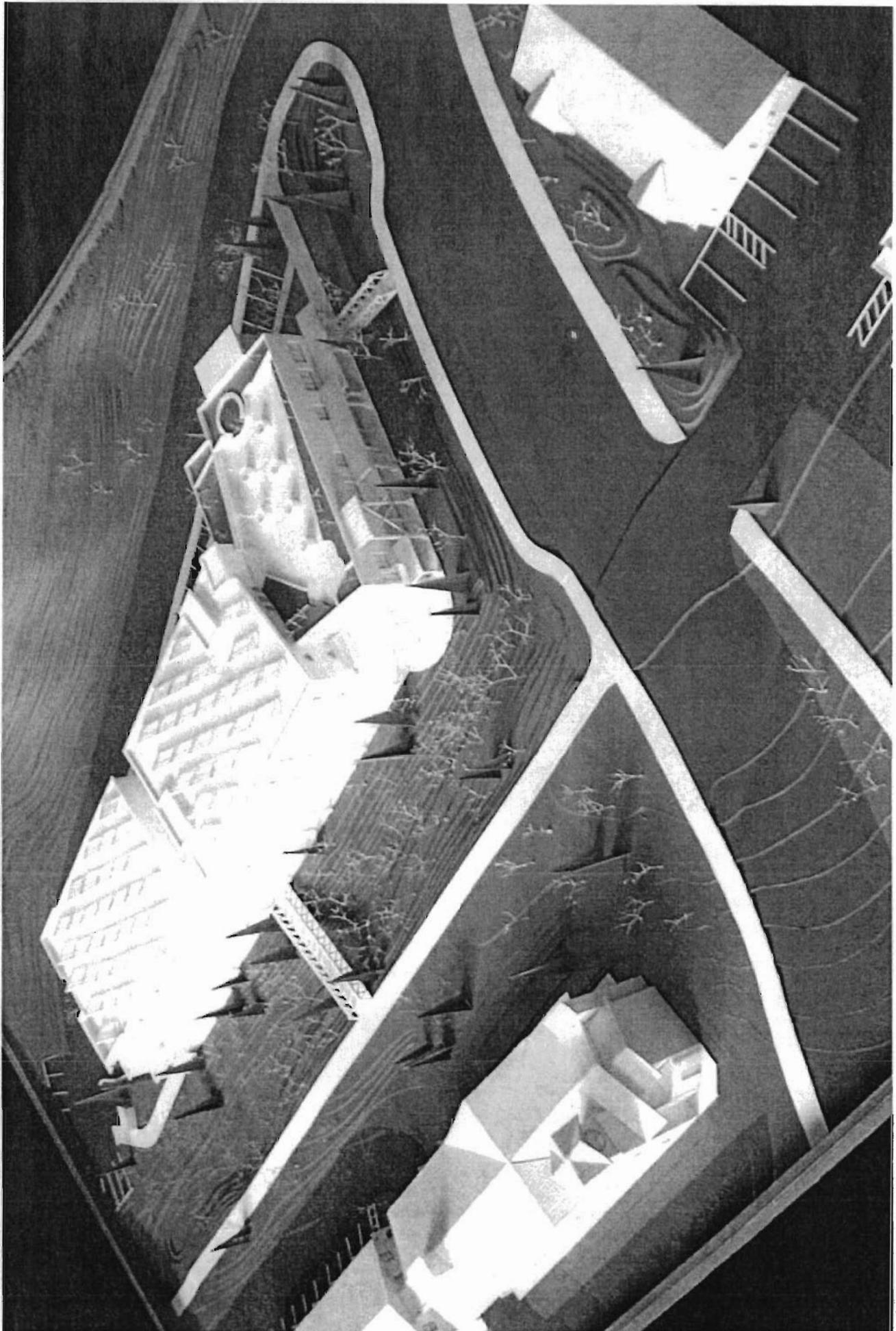
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Weathering Steel

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2-5

Planning Commission Staff Report



Author: Kayla S. Sintz
Application #: PL-09-00725
Subject: 1440 Empire Avenue Multi-Unit Dwelling
Date: December 8, 2010
Type of Item: Administrative – Conditional Use Permit: City Council Remand

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and consider approval of the Conditional Use Permit remand according to the findings of fact and conclusions of law and discussion herein.

Topic

Applicant: John Paul DeJoria
Applicant Representatives: Mark Fischer and Craig Elliott (Architect)
Location: 1440 Empire Avenue
Zoning: Recreation Commercial (RC)
Adjacent Land Uses: Residential (Single Family and Multi-Unit)
Reason for Review: Multi-Unit Dwellings and Parking Area with five (5) or more stalls must be approved by the Planning Commission

Background

The Planning Commission approved this Conditional Use Permit on December 9, 2009, after hearing the project on September 9, 2009, and October 14, 2009. The decision was appealed to the City Council on December 21, 2009 by David and Rosemary Olsen, Rick Margolis, and Dianne and Bill Newland. The City Council heard the appeal on February 25, 2010. City Council granted the appeal in part and denied the appeal in part, and adopted the findings of fact, conclusions or law, conditions of approval and order on March 4, 2010 (Exhibits B & C).

On May 12, 2010, during Work Session, the Planning Commission reviewed modifications to the rear façade of the building (Exhibit D), per the Remand directed by Council. During the discussion, the Commission asked whether or not the applicant would consider moving the entire building forward, close to Empire Avenue. Meeting minutes are attached for review (Exhibit E).

The subject property exists as three vacant parcels located at 1440 Empire Avenue. A Multi-Unit Dwelling is a Conditional Use in the Recreation Commercial District (RC). A Plat Amendment combining Parcels 1, 2 and 3 into Lot A, totaling 12,882.62 square feet

was approved by the City Council on February 25, 2010. The plat has not yet been recorded.

The following Findings were modified and added by Council and adopted on March 4, 2010:

10. The City Council agrees with the dissenting Planning Commissioners regarding non-compliance with LMC Section 15-1-10(E)(8), particularly Commissioner's Hontz findings regarding adverse impacts on the historic structures as incorporated on Pages 90 and 91 of the February 25, 2010 staff report. (See Exhibit D for pages 90 and 91).

11. By utilizing maximum zone height and the 5 foot exception for roof pitches of 4:12 or greater, the design fails to transition to historic property to the east. Despite a rear setback fluctuation of approximately 10 feet as proposed structure moves north, the design creates a wall effect as viewed from the east. Both the applicant's and the appellants' supplemental visual analysis distributed at the hearing confirm that this design has unmitigated impacts on the historic property to the east, including visual impacts, loss of light and building orientation.

The following Conclusions of Law were modified and adopted by the Council on March 4, 2010:

1. The application satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling and a Parking Area as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)], except for subsection (8).

3. The effects of any differences in Use or scale have been mitigated through careful planning, except for adverse impacts on the adjacent historic property resulting from the rear façade.

4. The Planning Commission erred by issuing the CUP without further consideration of the design as such relates to the transition to and unmitigated impacts on the existing historic structure to the east.

The Council indicated previous Conditions of Approval remain intact unless modified or added to based on the Planning Commission's review of subject Remand Order.

Order:

The appeal was granted in part and denied in part. The CUP was remanded to the Planning Commission for further consideration limited to only the following matters:

- 1. The height, scale, mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8);**
- 2. Further design changes with consideration for ensuring that the proposed development transitions to and complements the existing historic structure to the east shall be reviewed and /or further conditioned.**

LMC 15-1-10(E)(8): Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots.

Analysis

The applicant has responded directly to the Planning Commission's May 12, 2010 Work Session in which a number of the Commission wished to see the project moved completely forward on the site (to the west), up towards Empire Avenue and away from the historic properties to the east. Commissioner concerns during this meeting included:

- Shadowing on historic properties
- Massing adjacent to historic properties
- Snow shedding issues

It was expressed by the Commission that moving the building forward towards Empire Avenue may address the specific concerns of the Remand and also:

- Respond to the site layout and patterning of other projects along Empire Avenue
- Provide greater distance from the historic properties on Woodside Avenue
- Mitigate shadowing to historic properties on Woodside Avenue
- Eliminate potential snow shedding

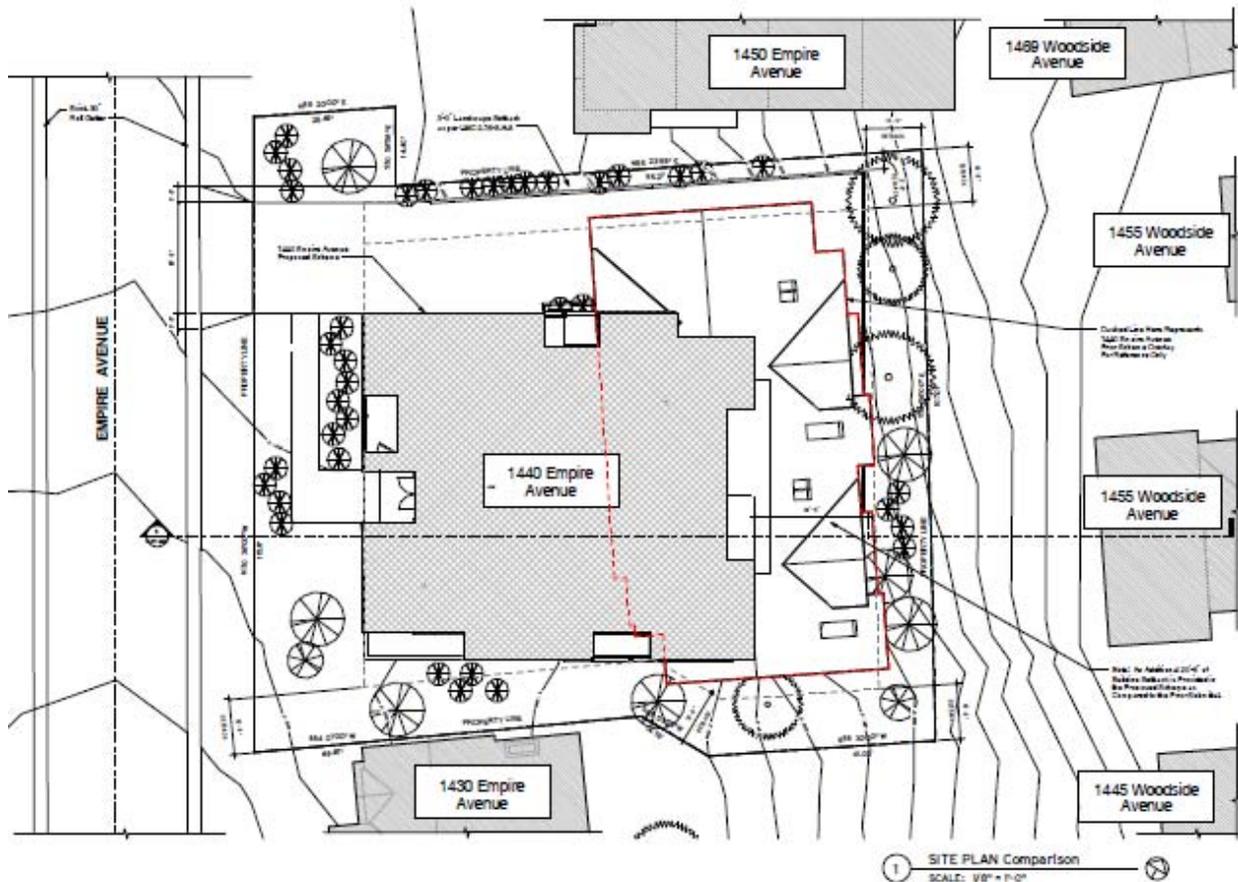
Proposed new design with project moved towards Empire Avenue:

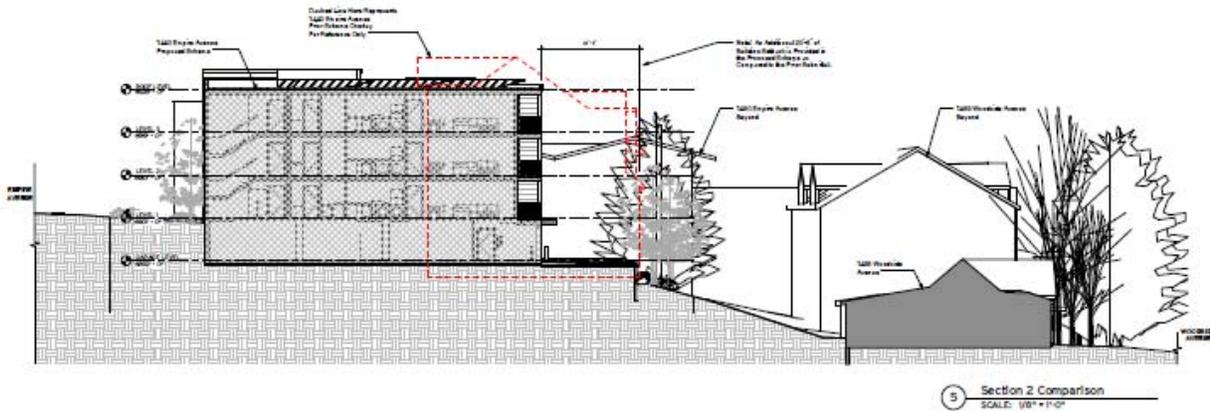
The applicant indicated at the May 12, 2010, that moving the building forward would necessitate a modified layout, due to the size and shape of the lot, slope of natural grade towards the back (east) of the lot, and building efficiencies for construction budgets. The building layout, shape and roof forms have changed, as well as, the parking scenario and driveway configuration. The applicant's new proposal is attached (Exhibit A) and includes the following:

- Four levels (parking garage lowest level underground, three additional floors with same layout)
- Nine (9) units:
 - Six (6) two-bedroom units (645 square feet per unit)
 - Three (3) four-bedroom units (1,365 square feet per unit)
- Twelve (12) parking spaces required and provided, based on unit size (underground and enclosed)
- FAR (Floor Area Ratio) of 1.0 = 12,883 square feet allowable. New FAR proposed is 12,874 square feet (or 0.91 FAR)
- Side yard setback (north) uses Code exception for driveways leading to a parking area = 3'-0" min. required to be landscaped
- Side yard setback (south); 10 feet required, provided 10 feet at closest point
- Rear yard setback = 10 feet: remains at 10 feet (to edge of parking garage driveway)

In regards to the March 4, 2010 Order by Council, the height, scale, mass and bulk of the rear building (and overall building in whole) has been modified in the following manner:

- **Building moved forward on site** (towards Empire Avenue and away from historic properties on Woodside Avenue)
 - Creates an additional 20'-4" of space and separation from previous design; location of driveway to parking garage east of building creates additional buffer and eliminates previous mass
- **Height reduction of overall building:** The Zone height is 35 feet plus an additional 5 feet for roof pitches 4:12 or greater, for a total of 40 feet. The previous design used this code exception. The new design has a flat roof, and meets zone height of 35 feet or a reduction in height from previous design of 5 feet.





While parking was not part of the City Council remand, the new building moved forward affects the design in the following manner:

- Parking is now completely underneath the building and enclosed. The building location forward on the lot allows the parking driveway to utilize the natural grade to reach the parking garage grade. The trash enclosure area is also off of the driveway to the north. All vehicular and pedestrian traffic is focused off of the north side of the property.
- Shadowing effects on historic properties further minimized (both a result from height reduction and distance of new building 20'-4" further to the west)

The modified design also is proposing roof mounted solar collectors, to take advantage of the new flat roof design.

It should be noted that a majority of the Commissioners indicated that the design changes to the rear façade presented at May 12, 2010 did satisfy the City Council remand, however, several felt it would be beneficial to see the building moved forward prior to making a final determination based on the assumption that creating a greater distance between the historic structures on Woodside Avenue and the proposed building could have a greater impact than modifying the rear façade without moving the building.

Staff finds the Commission's request at the May 12, 2010 meeting specifically asked for a design in which the building would be pushed forward on the site. This change has ultimately removed the mass and scale concerns of the rear façade in relation to the adjacent historic property below, directly addressing the Remand from City Council. The new design not only removes the rear façade massing issues but also has other positive outcomes which address previous concerns during the initial original CUP approval which are:

- Underground parking: asset to building occupants and adjacent owners
- Meeting zone height without utilizing height exceptions
- Vehicular access and parking oriented away from concerned Empire Avenue property owners to the south.
- Reduced shadowing of historic properties to east
- Opening up rear yard view shed areas similar to other single family homes along Empire Avenue
- Similar Empire Avenue building patterning of buildings located closer to front yard setbacks

The new building design does not include separate storage as the previously approved CUP design accommodated. Many discussions on the surface parking scenario included storage occurring in the covered (but exposed to the street) parking areas.

The City Engineer provided input regarding the driveway into the parking garage and increasing the drive width at the arc turn in order to ease two-way traffic. The applicant has provided an alternate driveway width expansion (allowed under the code for rear yard exceptions dealing with parking areas) which is shown as a red dashed line on sheets CUP-001 and CUP-101 (Garage Level). This expansion would still allow the intensive rear yard landscaping as proposed.

Staff further recommends the Commission review whether or not Condition of Approval #9, as proposed, should be modified or deleted with the proposal of underground parking.

Notice

The property was re-noticed to include published notification, on-site sign and courtesy letters addressed to property owners within 300 feet.

Public Input

Staff received an email from Bruce Baird, who represents several neighbors adjacent to this project (Exhibit F). These same interested parties met with staff at different times to review the current proposal. Comments received were in relation to the new design being pushed towards Empire Avenue (the proposed building's relationship to the single family home next door to the south and how architectural elements were placed), architectural materials, and driveway slope and possible car headlight impact to the east.

Alternatives

1. The Planning Commission may approve the CUP Remand for 1440 Empire Avenue Multi-Unit Dwelling as conditioned or amended; or
2. The Planning Commission may continue the discussion on the CUP Remand for 1440 Empire Avenue Multi-Unit Dwelling; or
3. The Planning Commission may deny the CUP Remand for 1440 Empire Avenue Multi-Unit Dwelling and direct staff to make Findings for this decision.

Consequences of not taking action on the Suggested Recommendation

The applicant would have to modify the current design based on specific input from the discussion items relating to the Remand.

Recommendation

Staff recommends that the Planning Commission hold a public hearing and review the Remand based on the proposed design changes, and consider approval of the CUP pursuant to the Remand according to the Findings of Fact, Conclusions of Law and Conditions of Approval incorporated herein:

Findings of Fact

1. The subject property is at 1440 Empire Avenue, Park City, Utah.
2. The subject property was approved as 1440 Empire Avenue Replat by City Council on February 25, 2010, but has yet to be recorded
3. The subject property is 12,882.62 square feet or 0.295 acres.
4. The property is located in the Recreation Commercial (RC) District.
5. A Multi-Unit Dwelling is permitted under a Conditional Use Permit within the RC zone.
6. The Planning Commission approved a Conditional Use Permit (CUP) for a Multi-Unit Dwelling at this location on December 9, 2009 which contained eight (8) two-bedroom units and two (2) four-bedroom units, with surface parking occurring towards the front of the parcel off of Empire Avenue.
7. The CUP was appealed by adjacent owners David and Rosemary Olsen, Rick Margolis, and Dianne and Bill Newland on December 21, 2009.
8. On February 25, 2010 the City Council heard the appeal. The City Council granted the appeal in part and denied the appeal in part, remanding it back to the Planning Commission for further review of just these two items: (1) The height, scale, mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8); and (2) Further design changes with consideration for ensuring that the proposed development transitions to and complements the existing historic structure to the east shall be reviewed and /or further conditioned.
9. On March 4, 2010 the City Council ratified the Remand.
10. On May 12, 2010 the applicant's attended a Work Session with the Planning Commission which proposed changes to the rear façade, modifying roof firms, height, and materials.
11. On September 10, 2010 the applicant submitted modified CUP drawings for a Multi-Unit Dwelling. The drawings were supplemented on September 16, 2010 and December 1, 2010.
12. The September 10, 2010 design has moved the building away from the historic property on Woodside Avenue an additional 20'-4" from the rear setback, moving it closer to Empire Avenue, includes underground parking and has a flat roof meeting zone height without utilizing height exceptions.
13. The site allows a Floor Area Ratio (FAR) of 1.0 totaling 12,882.62 square feet. The proposed project is 12,874 square feet. Underground parking garages are not calculated in the FAR.
14. The Multi-Unit Dwelling contains 4 total stories, 3 stories above ground and a parking garage below grade.
15. The proposed project contains (9) units; (6) two-bedroom units and (3) four-bedroom units.
16. The Multi-Unit Dwelling is required to have twelve (12) parking spaces. A Parking Area of five (5) or more parking spaces is a Conditional Use in the Recreation Commercial (RC) District. Parking is proposed in an underground parking garage.
17. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The application satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling and a Parking Area as established by the LMC's Conditional Use Review process [Section 15-1-10 (E) (1-15)].
2. The Use is consistent with the Park City General Plan, as amended; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and parking garage layout is a condition precedent to building permit issuance. A shoring plan is required prior to excavation.
4. A landscape plan is required with the building permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.
5. This approval will expire on December 8, 2011 if a building permit has not been issued.
6. This Conditional Use Permit is only effective upon approval of the concurrent subdivision. Recordation of Plat is required prior to building permit issuance.
7. Modified 13-D fire sprinkler system will be required.
8. Any modification of approved unit layout as shown on drawings date stamped September 10, 2010, September 19, 2010 and December 1, 2010 which changes bedroom configuration or unit size, requiring modification to required parking, will require amendment to Conditional Use Permit.
9. A tenant/owner parking management plan will be required prior to building permit issuance that limits the occupant's vehicles per unit to those required in the LMC. Said plan must include an annual report to the City for two years after the Certificate of Occupancy is granted, a responsible party for enforcement and must be approved by the Planning Director and City Engineer. The Plan may also include assigning spaces to specific units.
10. If the Multi-Unit Dwelling is used to fulfill a future affordable housing obligation, then the project must meet the deed restriction and requirements of the Affordable Housing Resolution in effect at the time of the obligation.

Exhibits

- Exhibit A: Applicant's Project Drawings dated 9/10/10, 9/19/10 and 12/1/10
- Exhibit B: City Council Meeting Minutes February 25, 2010
- Exhibit C: City Council adopted Findings, March 4, 2010 with Meeting Minutes
- Exhibit D: May 12, 2010 Staff Report – Work Session
- Exhibit E: May 12, 2010 Meeting Minutes
- Exhibit F: Public Input

1440 Empire Avenue Affordable Housing

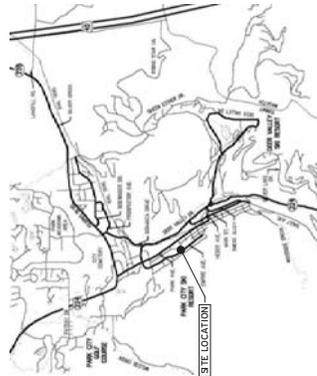
1440 Empire Avenue, Park City

Conditional Use Permit Set

Sep. 09, 2010
2008-06

Planning Commission - December 8, 2010

VICINITY MAP



PROJECT CONTACT INFORMATION

OWNER North of Main, LLC 301 Main Street, 10 Box 9419 46930-0009	ARCHITECT Elliott Workgroup 254 Main Street, PO Box 3419 Park City, Utah 84060 435.649.0992 www.elliottworkgroup.com	BUILDER
CIVIL ENGINEER	INTERIOR DESIGN	LANDSCAPE ARCHITECTURE
STRUCTURAL ENGINEER	PLUMBING ENGINEER	ELECTRICAL ENGINEER
Mechanical Engineer		

DRAWING INDEX

CONDITIONAL USE PERMIT SET	
G-000	Cover Sheet
G-001	Zoning Analysis
G-002	Survey
SV-1	Survey
CONDITIONAL USE PERMIT SET	
CUP-001	Site Plan
CUP-101	Floor Plans
CUP-102	Floor Plans
CUP-103	Floor Plans
CUP-201	Elevations
CUP-301	Site Sections
CUP-302	Building Sections
CUP-401	Site Comparison
CUP-402	Section Comparison

SERVICE CONTACTS

Beck, Neal & Pines 201 South Main St., Suite 2000 Salt Lake City, UT 84111 (801) 970-3449	Over People Company 6500 9527 7387
Park City School District Park City, UT 84060 (435) 646-5500	Park City Fire Department Park City, UT 84098 (435) 646-6706
Park City Municipal Corp 254 Main Street, PO Box 3419 Park City, UT 84060 (435) 658-3471	Comcast Cable 1777 Sun Peak Dr., #405 Park City, UT 84098 (435) 646-4020
Questar Gas P.O. Box 45360 Salt Lake City, UT 84145 (800) 546-2824	Division of Water Quality 288 South 1460 East Salt Lake City, UT 84112 (801) 536-8646
Sprinklers, Inc. Office 6440 Hwy 224 Park City, UT 84098 (801) 679-0777	2800 Homestead Rd Park City, UT 84098 (435) 646-7993



Conditional Use Permit
Sep. 09, 2010

PLANNING CODE ANALYSIS SUMMARY

Title 15 - Land Management Code

Chapter 2.16 - Recreation Commercial (RC) District

15-2.16.2 Uses

- (B) Conditional Uses
- (1) Multi-Unit Dwelling

15-2.16.3 Lot and Site Requirements

- (B) Development Floor Area Ratio (FAR) is one (1.0). The maximum Floor Area Ratio (FAR) is one (1.0). Not including Underground Parking Structures.
- (C) Front Yard
The minimum setback is twenty feet (20'-0").
- (D) Front Yard Exceptions
- (5) Sidewalks, Patios, and Pathways.
- (E) Rear Yard
The minimum Rear Yard is ten feet (10'-0").
- (F) Retaining Walls, Excavations, and Retaining Walls not more than six feet (6'-0") in height. Retaining Walls may have multiple steps, however, each exposed face cannot exceed six feet (6'-0") in height and the exposed face must be at least three feet (3'-0") and planted with approved vegetation.
- (G) Side Yard
The minimum Side Yard is ten feet (10'-0").
- (H) Side Yard Exceptions
(1) Retaining Walls and Retaining Walls not more than six feet (6'-0") in height. Retaining Walls may have multiple steps, however, each exposed face cannot exceed six feet (6'-0") in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3'-0") and planted with approved vegetation.
- (I) Open Space
On any lot greater than 25,000 sq. ft. in area, at least sixty percent (60%) of the area must be devoted to the following Development Right (DDR) Open Space.

15-2.16.4 Building Height

- No Structure shall be erected to a height greater than thirty-five feet (35'-0") from Existing Grade. This is the Zone Height.
- (A) Maximum Building Volume and Building Height Exceptions
- (5) Elevation Penhouses may extend up to eight feet (8'-0") above the Zone Height.

Chapter 3 - Off-Street Parking

15-3.3.1 General Parking Area and Driveway Standards

- (A) Grading and Drainage
- (4) Driveways must not exceed a fourteen percent (14%) Slope.
- (E) Snow Storage
Where parking availability will be affected by weather conditions, the snow storage area shall be located on the exterior side of the building. Snow Storage Areas must be on Site and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area, including any existing snow storage areas, and shall be adjacent to each surface lot on a location readily accessible location.
- (F) Parking Space Dimensions
(1) Parking Spaces must be at least nine feet (9'-0") wide by eighteen feet (18'-0") long.
- (H) Driveway Widths and Spacing
Residential Multi-Unit, 5 or more Parking Spaces,
Minimum Width (18'-0"), Maximum Width (30'-0")

15-3.4 Parking Ratio Requirements for Specific Land Use Categories

- (A) Residential Uses
Multi-Unit Dwelling
Apartment/Condominium
Not greater than 650 sq. ft. area
= 1 per Dwelling Unit
Greater than 1,000 sq. ft. and less than 2,500 sq. ft. area
= 2 per Dwelling Unit

15-3.5 Bicycle Parking Requirements

- (A) New Construction of Multi-Unit Dwellings must provide at least three (3) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles.

15-5-6 Facade Length and Variations

- (A) Structures greater than sixty feet (60'-0"), but less than 120 feet in length must exhibit a prominent shift in the facade of the Structure so that no greater than seventy-five percent (75%) of the length of the Facade appears unbroken. Each building facade shall be broken by a change in building height, a change in facade alignment or a ten foot (10'-0") change in Building Height, or a combined change in Building Facade and Building Height totaling ten feet (10'-0").

Cover Sheet

G-000

Floor Area Analysis

Name	Level	Area	Comments
Area	LEVEL 3	3896 SF	
Area	LEVEL 2	3896 SF	
Area	LEVEL 1	3896 SF	
Area	GARAGE LEVEL	4364 SF	Parking Basement Area Not Included in FAR
Grand Total		16051 SF	

Site Area Analysis

Name	Level	Area	Comments
Site Area	LEVEL 1	12874 SF	

Floor Area Ratio (FAR)

Chapter 2.16 - Recreation Commercial (RC) District

1.E.2.1.E.3 Lot and Site Requirements

(B) Development Floor Area Ratio. The maximum Floor Area Ratio (FAR) is one (1.0). Not including Underground Parking Structures.

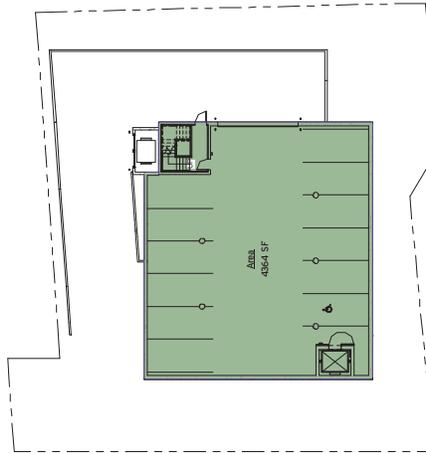
FAR = Building Area / Site Area

FAR = 3 (3,896 sf) / 12,874 sf

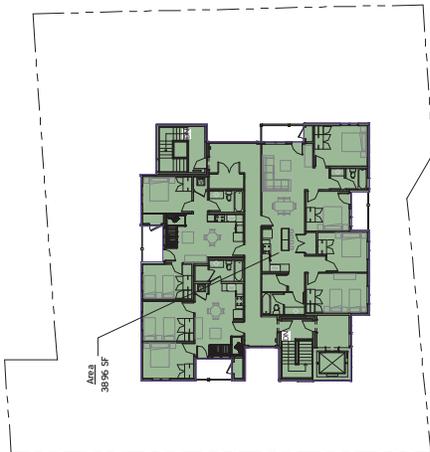
FAR = 0.91



1 LEVEL 1 - gross
SCALE: 1/16" = 1'-0"



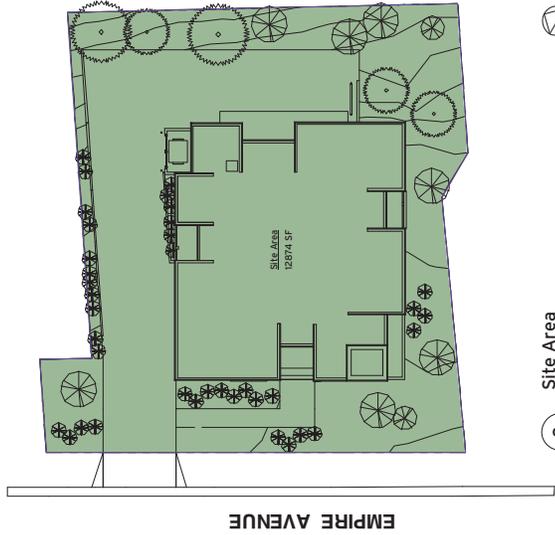
0 GARAGE LEVEL - gross
SCALE: 1/16" = 1'-0"



3 LEVEL 3 - gross
SCALE: 1/16" = 1'-0"



2 LEVEL 2 - gross
SCALE: 1/16" = 1'-0"



S Site Area
SCALE: 1/16" = 1'-0"

1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

Zoning Analysis
G-001
Sep. 09, 2010

elliott
workgroup
architecture

Dwelling Unit Area Analysis

Name	Level	Area	Comments
Unit Area A	LEVEL 3	1385 SF	2 Parking Stalls
Unit Area B	LEVEL 3	645 SF	1 Parking Stall
Unit Area C	LEVEL 3	645 SF	1 Parking Stall
Unit Area A	LEVEL 2	1385 SF	2 Parking Stalls
Unit Area B	LEVEL 2	645 SF	1 Parking Stall
Unit Area C	LEVEL 2	645 SF	1 Parking Stall
Unit Area A	LEVEL 1	1385 SF	2 Parking Stalls
Unit Area B	LEVEL 1	645 SF	1 Parking Stall
Unit Area C	LEVEL 1	645 SF	1 Parking Stall
Parking Area	GARAGE LEVEL	4005 SF	(12 Parking Stalls (1 ADA Stall))

Site Area Analysis

Name	Level	Area	Comments
Building	LEVEL 1	4390 SF	
Hardscape	LEVEL 1	3822 SF	
Landscape	LEVEL 1	4782 SF	
Grand Total		12974 SF	

Parking Analysis

Chapter 3 - Off-Street Parking

15.3.3. General Parking Area and Driveway Standards

(E) Snow Storage
Where parking availability will be affected by weather conditions, the Owner must provide adequate Non-Hard Surfaced and Landscaped Snow Storage Areas. Said Snow Storage Areas shall be located adjacent to the parking area, and shall be designed to provide adequate Parking Spaces, aisles, driveways, curbing, gutters, and sidewalks adjacent to each surface lot in a usable, readily accessible location.

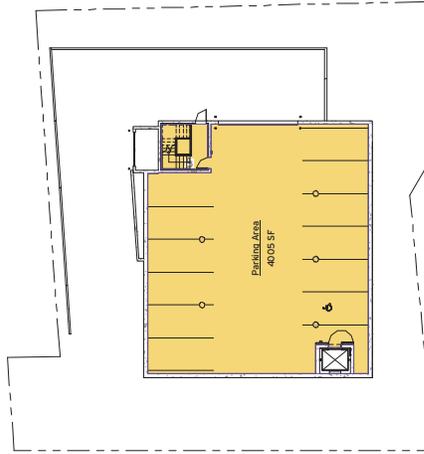
Hardscape Area x 15% = Landscaped Snow Storage Area Required
3,822 sf x 15% = 574 sf of Landscaped Snow Storage Area Required

15.3.4 Parking Ratio Requirements for Specific Land Use Categories

(A) Residential Use, Multi-Unit Dwelling, Apartment/Condominium
Greater than 1,000 sf and less than 2,500 sf floor area = 2 per Dwelling Unit



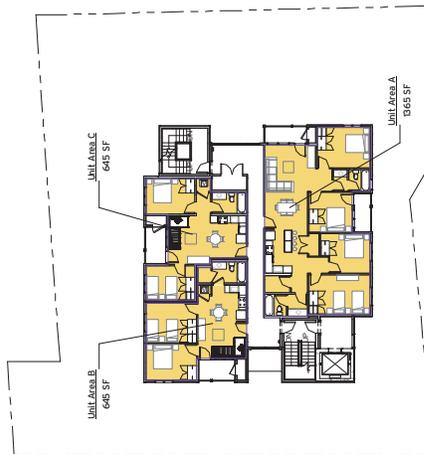
1 LEVEL 1 - net
SCALE: 1/16" = 1'-0"



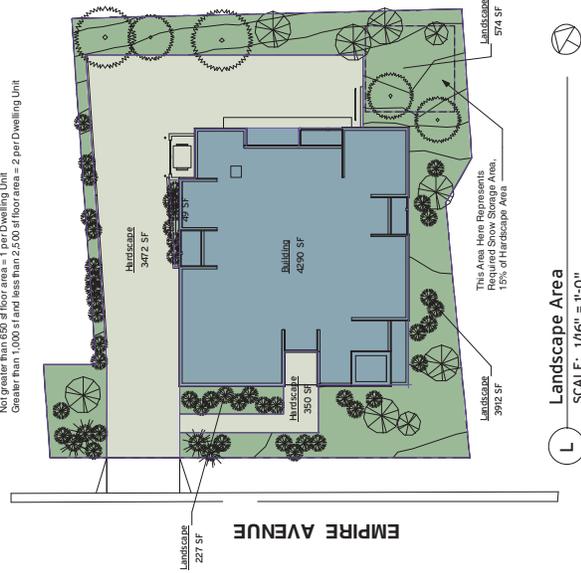
0 GARAGE LEVEL - net
SCALE: 1/16" = 1'-0"



3 LEVEL 3 - net
SCALE: 1/16" = 1'-0"



2 LEVEL 2 - net
SCALE: 1/16" = 1'-0"



L Landscape Area
SCALE: 1/16" = 1'-0"

1440 Empire Avenue Affordable Housing
1440 Empire Avenue, Park City

Area Analysis
G-002
Sep. 09, 2010

elliott workgroup
architecture

SURVEYOR'S CERTIFICATE

I, Robert J. McMahon, do hereby certify that I am a registered Professional Surveyor in the State of Utah, License No. 349961, and that the survey and plat shown on this plat were made under the laws of the State of Utah, and that a topographic survey has been made of the land shown on this plat, and that the survey shown on this plat is a correct representation of the land shown at the time the field work was completed.



LEGEND

- SET REBAR & CAP "ALTA ENGINEERING/LS 349961
- ⊙ SET NAIL & WASHER
- ⊙ FOUND REBAR AND CAP (UNLESS OTHERWISE NOTED)
- ⚡ FOUND STREET MONUMENT

1440 STREET ADDRESS

NARRATIVE:

The purpose of this survey is to show the existing conditions of the subject property for a plat amendment.

Property corners were found as shown.

The Basis of Bearing of this survey, Found street monuments as shown from the Amended Park City Monument Control Map by Bush Recorder, Summit County Utah, Survey No. 199857 in the Office of the Recorder, Summit County Utah.

Project Benchmarks: SWARD SSM1 located adjacent to the subject property as shown. Elevation = 6899.80'

Date of survey, August 9, 2008

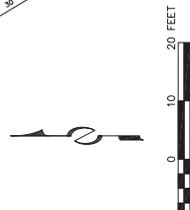
The architect/owner is responsible for verifying building setbacks, zoning requirements, and building heights.

The owner of the property should be aware of any items that may appear in a title insurance report. The surveyor has found no such items, but the surveyor does not warrant or assume any responsibility on the property surveyed except as shown hereon.

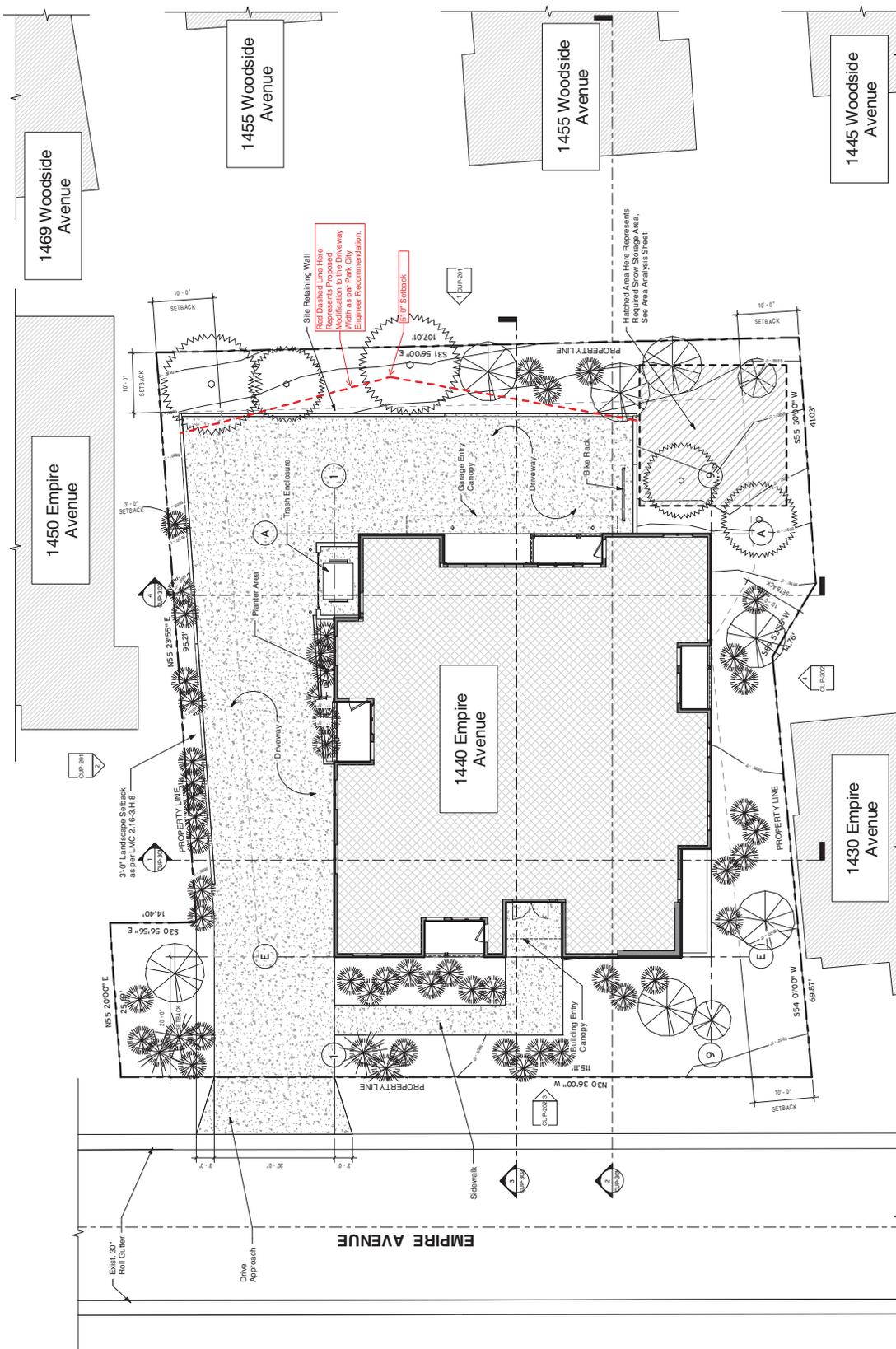
**EXISTING CONDITIONS
& TOPOGRAPHIC SURVEY
1440 EMPIRE AVENUE**

FOR: MARK FISHER

JOB NO.: 06-08-046



PROJECT BENCHMARK
SWARD SSM1
ELEVATION = 6899.80



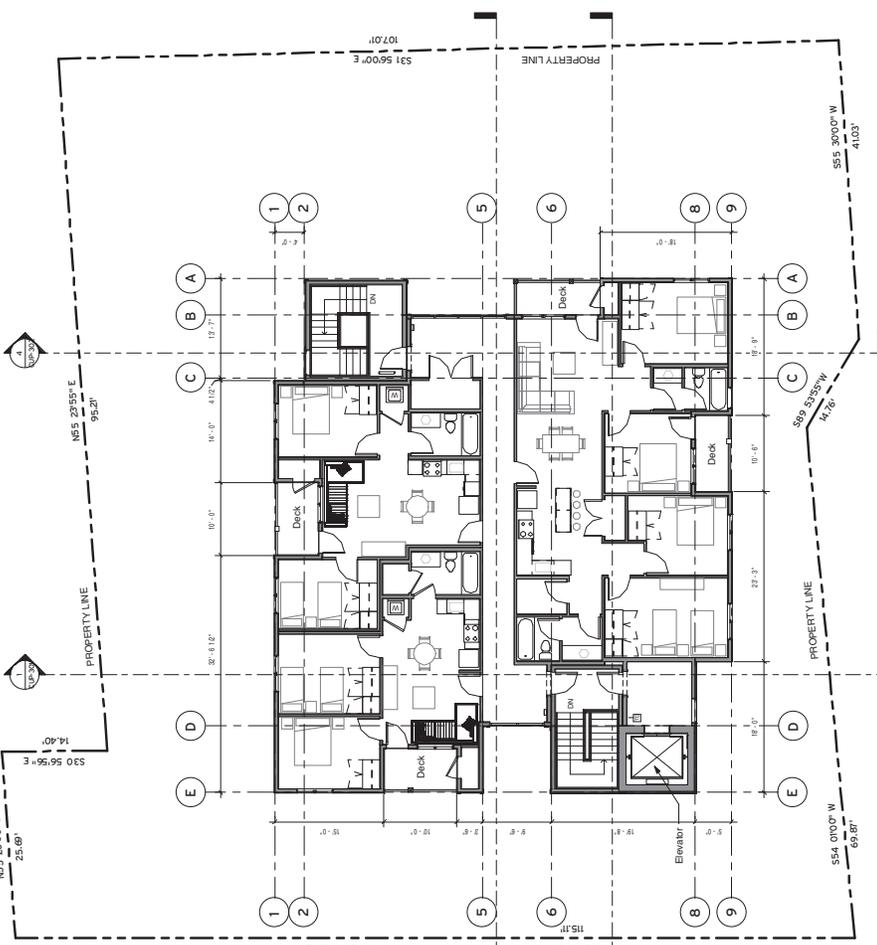
1 SITE PLAN
SCALE: 1/8" = 1'-0"

1440 Empire Avenue Affordable Housing

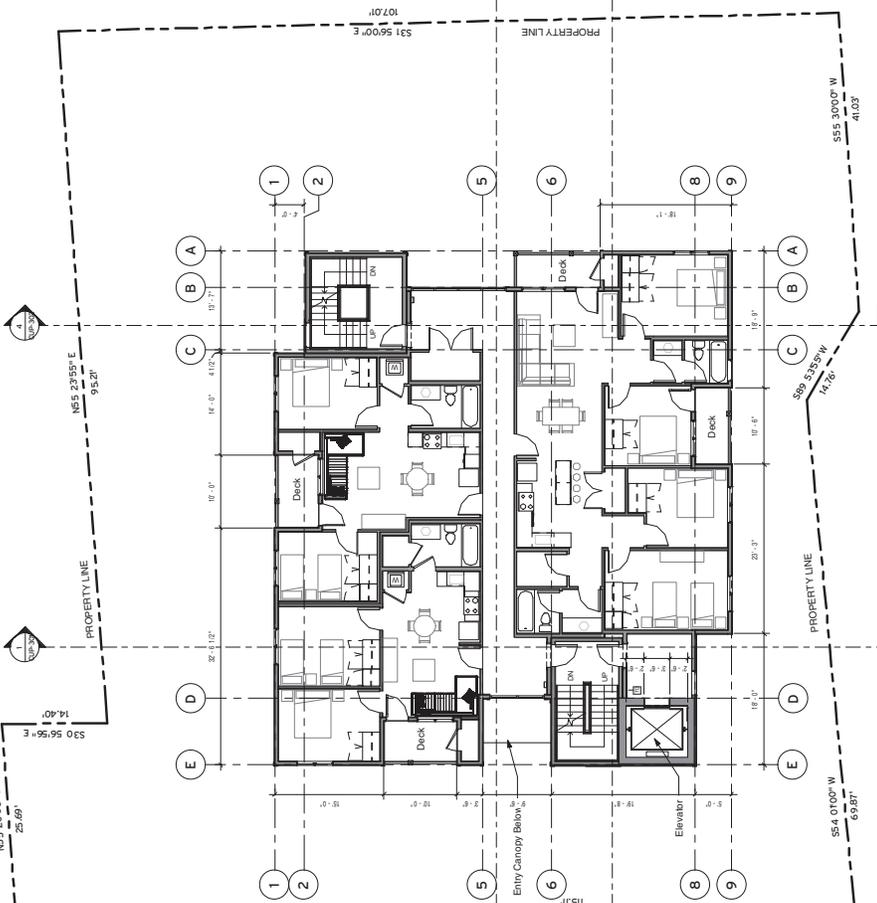
1440 Empire Avenue, Park City

Site Plan
CUP-001
Sep. 09, 2010





3 LEVEL 3
SCALE: 1/8" = 1'-0"



2 LEVEL 2
SCALE: 1/8" = 1'-0"

GENERAL NOTES

Chapter 2.16 - Recreation Commercial (RC) District

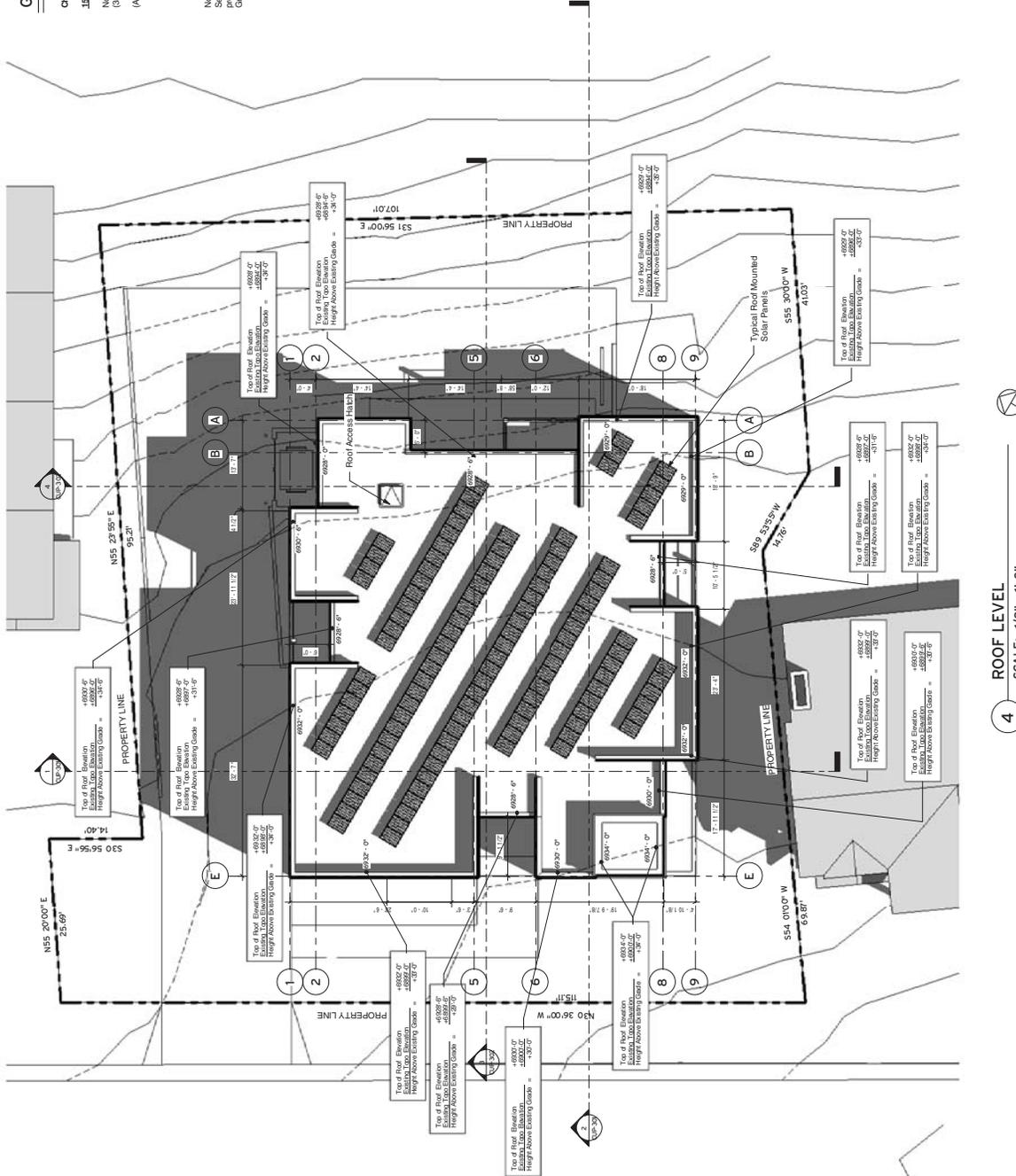
15.2.16.4. Building Height

No. Structure shall be erected to a height greater than thirty-five feet (35'-0") from Existing Grade. This is the Zone Height.

(A) Maximum Building Volume and Building Height Exceptions

(5) Elevator Penthouses may extend up to eight feet (8'-0") above the Zone Height.

Note: Roof Over Topo Elevations are referenced to Existing Grade. See Elevations where Existing Grade is taken at the face of the proposed building with dimensioned height where it meets the Existing Grade.



4 ROOF LEVEL
SCALE: 1/8" = 1'-0"

GENERAL NOTES

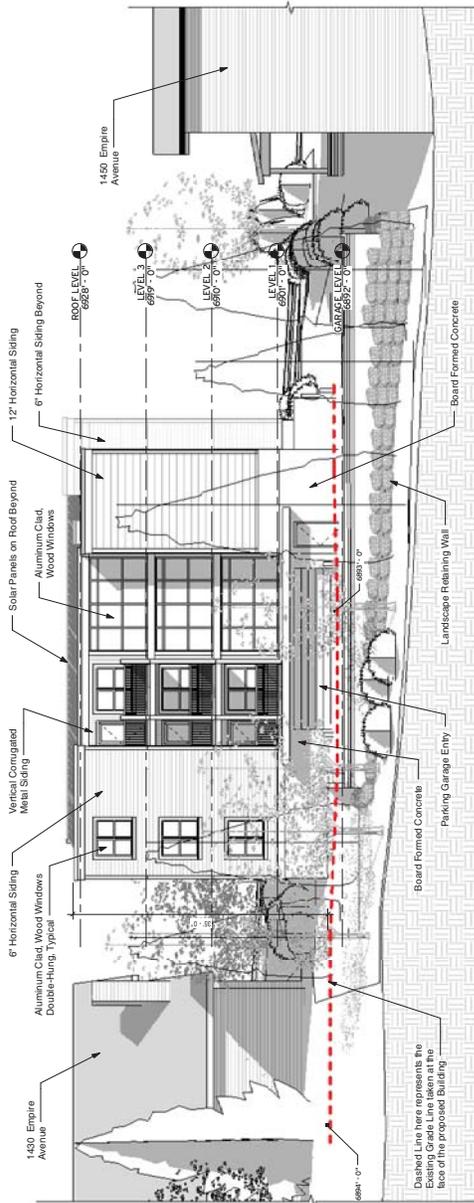
Chapter 2.16 - Re-creation Commercial (RC) District

15.2.16.4 Building Height

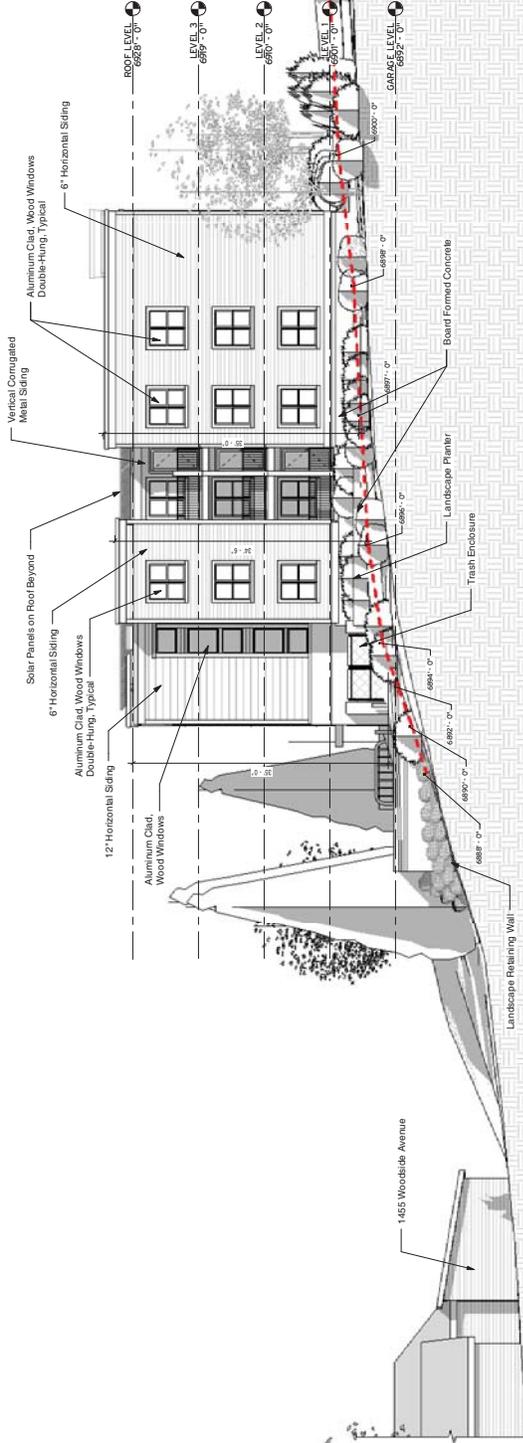
No Structure shall be erected to a height greater than thirty-five feet (35'-0") from Existing Grade. This is the Zone Height.

- (A) Maximum Building Volume and Building Height Exceptions
 - (5) Elevator Penthouses may extend up to eight feet (8'-0") above the Zone Height.

Note: Existing Grade is shown on Elevation taken at the face of the proposed building with dimensioned height where it meets the existing grade.



1 East Elevation
SCALE: 1/8" = 1'-0"



2 North Elevation
SCALE: 1/8" = 1'-0"

**1440 Empire Avenue
Affordable Housing**
1440 Empire Avenue, Park City

Elevations
CUP-201
Sep. 09, 2010



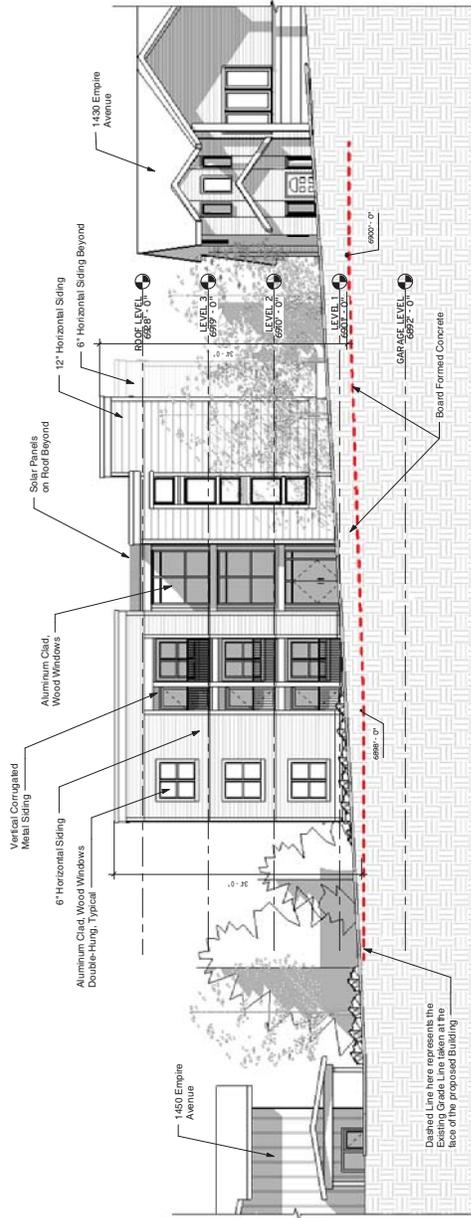
GENERAL NOTES

Chapter 2.16 - Recreation Commercial (RC) District

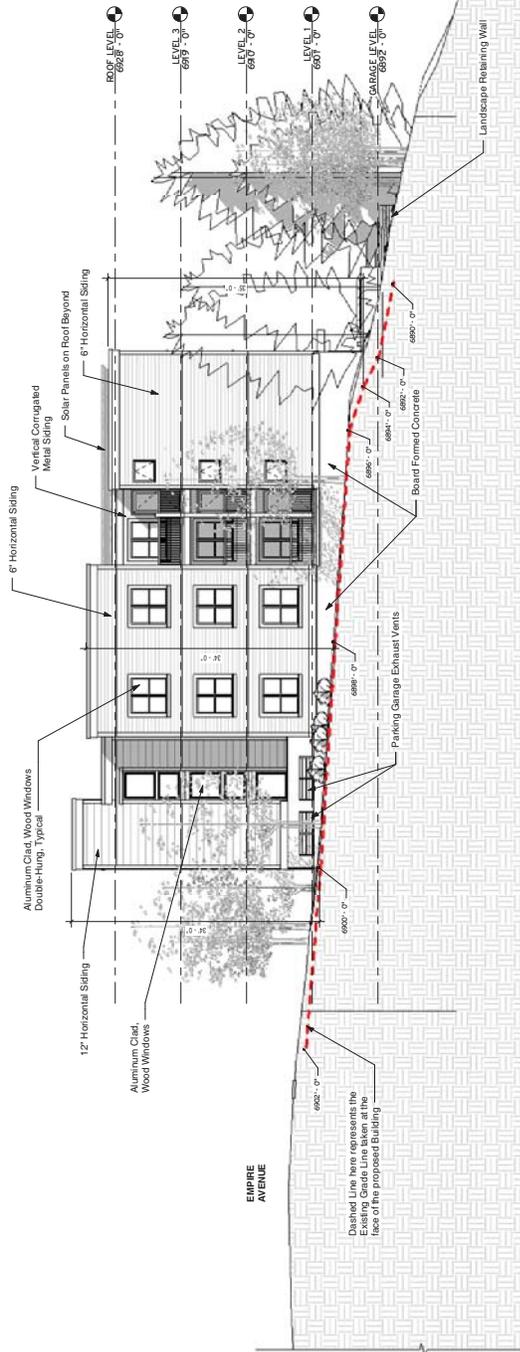
15.2.15.4 Building Height

- No Structure shall be erected to a height greater than thirty-five feet (35'-0") from Existing Grade. This is the Zone Height.
- (A) Maximum Building Volume and Building Height Exceptions
- (B) Easements
- (C) Easements
- (D) Easements
- (E) Easements
- (F) Easements
- (G) Easements
- (H) Easements
- (I) Easements
- (J) Easements
- (K) Easements
- (L) Easements
- (M) Easements
- (N) Easements
- (O) Easements
- (P) Easements
- (Q) Easements
- (R) Easements
- (S) Easements
- (T) Easements
- (U) Easements
- (V) Easements
- (W) Easements
- (X) Easements
- (Y) Easements
- (Z) Easements

Note: Existing Grade is shown on Elevations taken at the face of the proposed building with dimensioned height where it meets the existing grade.



3 West Elevation
SCALE: 1/8" = 1'-0"

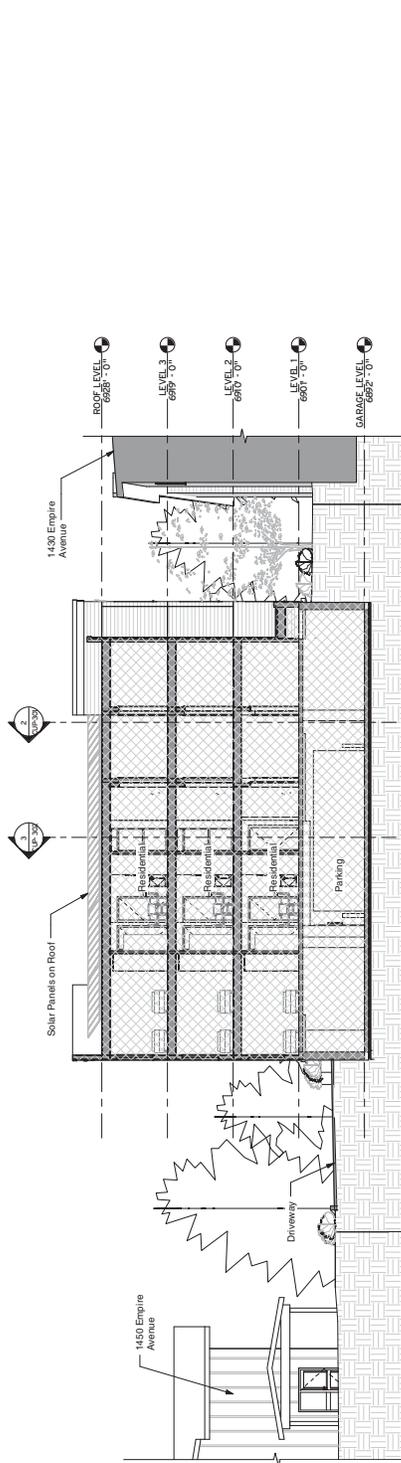


4 South Elevation
SCALE: 1/8" = 1'-0"

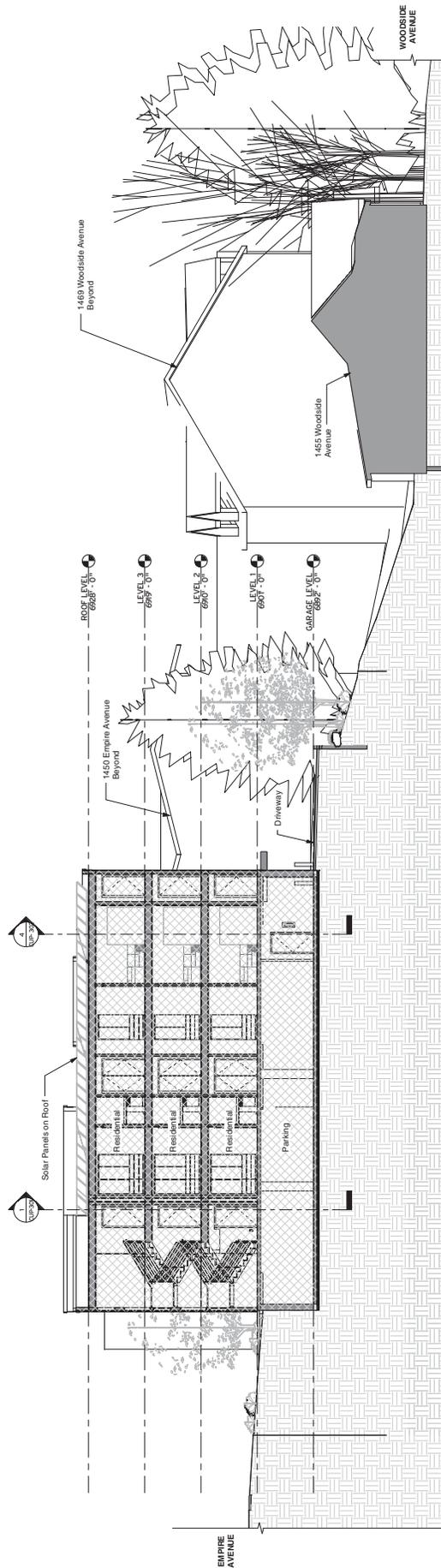
**1440 Empire Avenue
Affordable Housing**
1440 Empire Avenue, Park City

Elevations
CUP-202
Sep. 09, 2010





1 Section 1
SCALE: 1/8" = 1'-0"



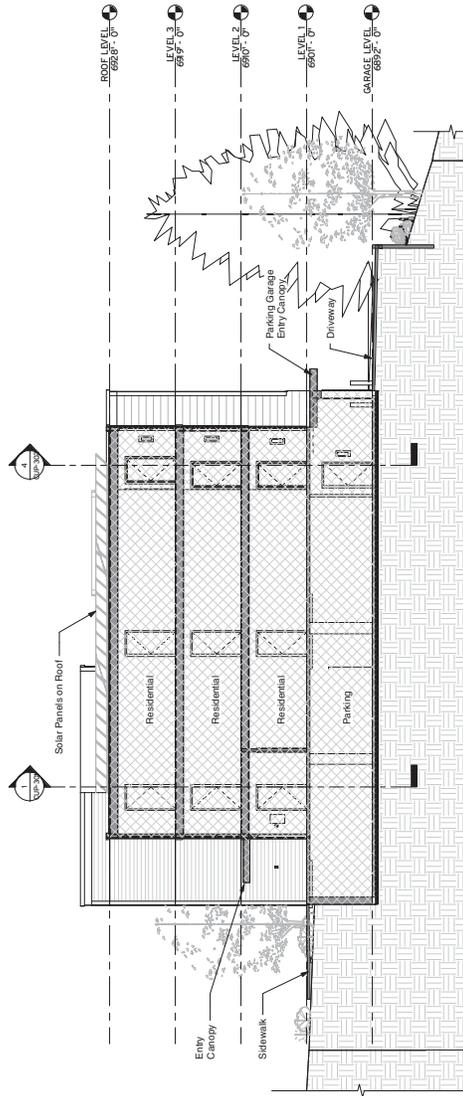
2 Section 2
SCALE: 1/8" = 1'-0"

1440 Empire Avenue Affordable Housing

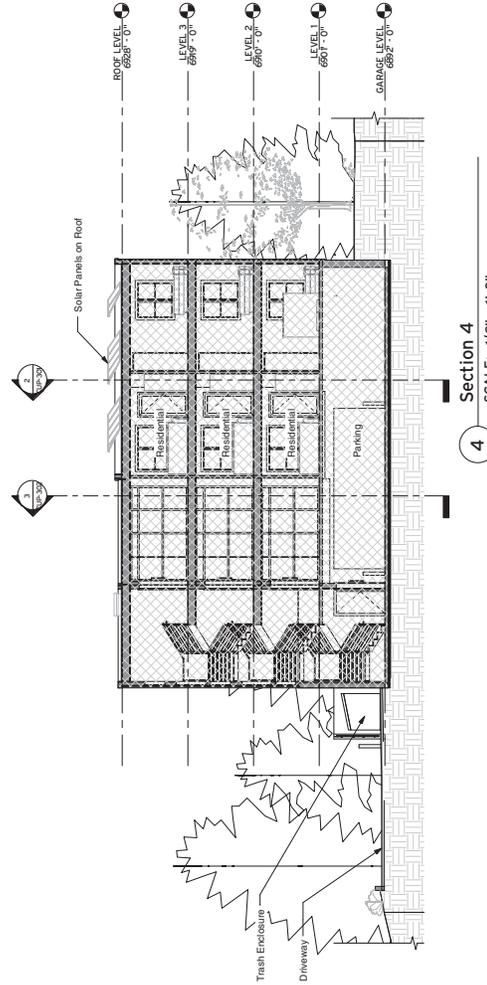
1440 Empire Avenue, Park City

Site Sections
CUP-301
Sep. 09, 2010





3 Section 3
SCALE: 1/8" = 1'-0"

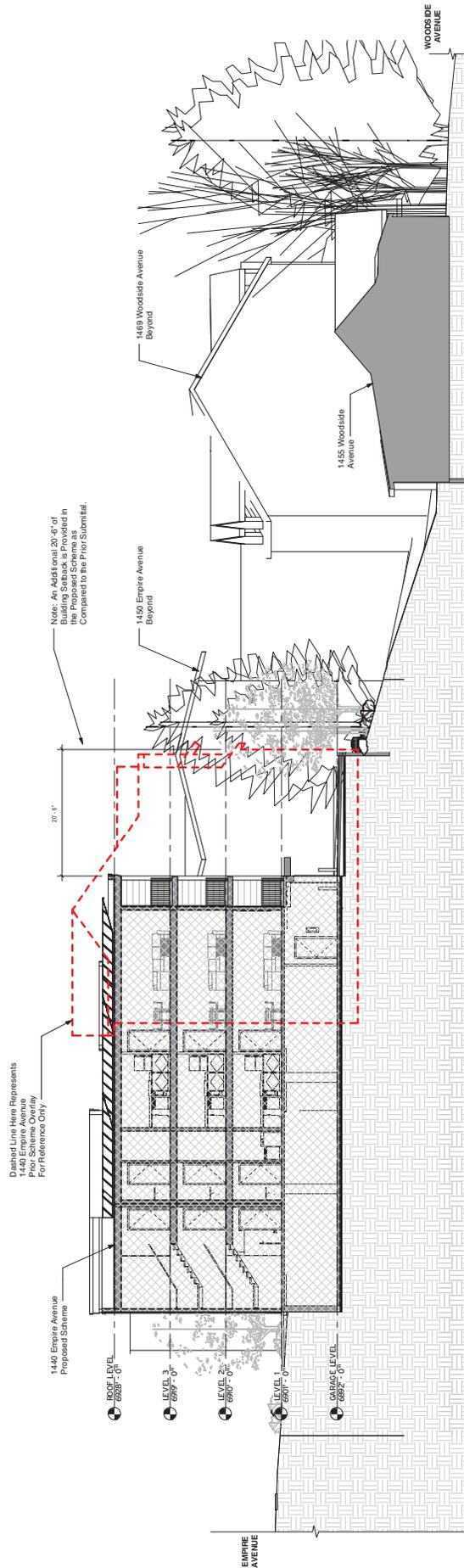


4 Section 4
SCALE: 1/8" = 1'-0"

Building Sections
CUP-302
Sep. 09, 2010

1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

elliott
workgroup
architecture



5 Section 2 Comparison
SCALE: 1/8" = 1'-0"

**1440 Empire Avenue
Affordable Housing**
1440 Empire Avenue, Park City

Section Comparison
CUP-402
Sep. 09, 2010









**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 25, 2010**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 25, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Wade Carpenter, Chief of Police; Mark Harrington, City Attorney; Brian Anderson, Parking Manager; Matt Cassel, City Engineer; Francisco Astorga, Planner; Kayla Sintz, Planner; and Jon Weidenhamer, Economic Development Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Swearing-in of Police Officers Jed Hurst and Cameron Thor – Chief Wade Carpenter introduced the City’s newly hired police officers and the Mayor administered the oath of office.

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF FEBRUARY 4, AND FEBRUARY 11, 2010

Candace Erickson, “I move we approve the work session notes and minutes of the meetings of February 4 and February 11, 2010”. Alex Butwinski seconded. Motion unanimously carried.

V NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of a Master Event License and City Services Agreement with the Park Silly Sunday Market for an initial three-year term, in a form approved by the City Attorney – Also see work session notes. The Mayor opened the public hearing.

Kevin Valaka, resident, business owner, and Chairman of the Restaurant Association, stated that he supports PSSM 100%. Anything that brings people to Main Street is a good thing. The Association includes Summit County businesses and the organization produces Savor the Summit and Libation the Nation. However, he is not in favor of a 50% increase in parking fees and feels it’s shocking. He would like to better understand the structure of the revenue plan and distribution of funds.

Condominiums and Snow Creek Cottages. He stated the applicant would be willing to condition the approval as necessary.

Mark Harrington advised that the review CUP discussion is more appropriate to address use as opposed to the lot combination. He stated by the neighbors' logic, commercially designated areas in red would be the only place for commercial uses. Clearly, that is not the intent. He pointed out that the low density areas on the map have been developed in different zoning schemes. The General Plan purpose statements can not override the more specific enabling regulations of the zoning district.

The Mayor clarified that the review criteria is the same regardless of the affordability.

Liza Simpson, "I move we approve an Ordinance approving the 1440 Empire Avenue Subdivision, located at 1440 Empire Avenue". Cindy Matsumoto seconded. Motion unanimously carried.

8. Consideration of an Appeal of the Planning Commission's December 9, 2009 approval of a Conditional Use Permit for 1440 Empire Avenue, applicant Craig Elliott AIA - Appellants David and Rosemary Olsen, Rick Margolis, and Bill and Dianne Newland – Members agreed to permit public input. Alex Butwinski, "I move we expand the scope of the appeal to include a public hearing." Candace Erickson seconded. Motion unanimously carried.

Kayla Sintz stated that on December 9, 2009, the Planning Commission approved by 4:3 vote, a conditional use permit for a multi-unit dwelling located at 1440 Empire Avenue and on December 21, 2009, the CUP approval was appealed. The Commission discussed compatibility and transitioning at its December 9 meeting and reviewed CUP criteria at the October 14, 2009 meeting. She emphasized that this project is not located in an historic zone. Staff recommends affirming the Planning Commission's decision to approve the CUP.

Liza Simpson understood this application is not being processed as an Affordable Housing MPD, but pointed out that at one time affordable housing appeared in a finding which was later removed and Kayla Sintz explained the various iterations.

Attorney Bruce Baird displayed photographs and stated that the RC area to the east serves as a transition zone to lower densities and transitioning isn't building the highest optimal density that can be crammed on the site. This area also transitions to the Historic District to Woodside Avenue. He displayed the proposed building and detailed shadow analyses and potential impacts on the Newland House. The height in the RC District is limited to 35 feet but there is a five foot exception for the roof, but it adds extra storage to the building. He asked how a building can be approved higher than the allowable height; conditional uses do not waive height restrictions and variances are not allowed. Mr. Baird displayed photos and discussed the height issue and the negative impacts to the Newland House with regard to views and light. He displayed and spoke

at length about using one of Mr. Elliott's digital renderings and editing it to reflect their impression of the look of the building. There was discussion about using the same grade for consistency and Mr. Baird indicated that they don't have access to the CAD files to verify and provide more information. It's difficult to determine what the structure will look like from the applicant's drawings.

Mr. Baird argued that none of the applicant's drawings show more than one car in the parking lot and they inserted the cars on their drawing. He insisted that it is impossible to get into the parking stalls if they are full, making them useless and alleged that a motorist has to make five point turns to exit. It is unrealistic to think that 11 parking spaces can serve 48 beds. The parking plan has no detail and should be finalized. He pointed out the three snow storage areas and stated that they simply don't work with the parking configuration.

Mr. Baird alleged that Planning Commissioner Strachan indicated that he believed that the Planning Commission's role in considering the CUP was to maximize the value of what the developer can gain from the property. He argued that that is not a matter of law. Joe Kernan interjected that that is not how the minutes read and Mr. Baird argued that he was there and heard the comment. Mr. Baird continued that a conditional use must mitigate any adverse conditions. While this project maximizes the value for the applicant, it destroys value for the Newlands and the Olsens. He indicated that the Planning Commission acted like the affordable housing was a laudatory goal. Mr. Baird stated that this is not affordable housing, but simply the densest building allowed with no guarantee that it will be anything other than a profit maximizing effort. Every bit of discussion on affordability was nothing more than a red herring or a bait and switch and he believed that made a difference in the Planning Commission's vote.

Diane Newland stated that she and her husband are really going to be impacted because the project is located directly behind their residence. They have lived in Old Town for 30 years and in their current home on Woodside Avenue for 20 years. The size, scope and scale of this project are not in keeping with the surrounding homes. Other structures on Empire Avenue are single family homes set in front on the property not on the rear property line. She stated that she and her husband could have expanded their home or sold it but they haven't. They have to follow Historic District Guidelines while they are surrounded by huge projects. She began speaking about owning a home on Sampson Avenue and her experiences there and the Mayor asked that she keep on track. Ms. Newland continued to explain that this project is so large that their home will be engulfed in shadows for most of the day and it will look out of proportion with the historic homes. Because of the slope, it will be like looking at a six story building and they will not have privacy or light. Ms. Newland believed that there will be a constant turnover in tenants since it is not deed-restricted affordable housing. There could be up to four people in an apartment and there is only one parking space per unit and she believed that tenants will use her property to park. She cited a number of illegal parking violations in the neighborhood. She didn't feel long term residents

should take a back seat to developers who are long gone after a project. Photos of illegally parked vehicles on Woodside Avenue were distributed.

Doug Willwright, land planning consultant for appellants, discussed his analysis of the drawings submitted by the Elliott Work Group and what they felt is more representative of the plan. He indicated that the project will be debilitating to the Newland property and suggested removing a story from the building or shifting the building to the west. Most of the buildings on Empire Avenue are located on the front of the parcel. Another technique is to step the building up the slope to reduce the street height. Joe Kernan pointed out that the camera angle can make a dramatic difference in arguing visual height impacts.

Rick Margolis again addressed the height and storage issue and did not believe the project meets Code requirements for vehicular and pedestrian circulation as stated in the Conclusions of Law. No vehicle is allowed to back up onto the street and he questioned how an emergency vehicle will access the parking lot and exit without backing up. He believed that one of the biggest issues resulting in the split vote was parking. There are 12 parking spaces for 48 beds and no spaces for visitors, deliveries or services or adequate circulation. Parking and circulation have not been mitigated. He reiterated that the General Plan represents goals and aspirations and not a picture of what is there now. The CUP process requires compliance with the General Plan contrary to the opinion of the City Attorney, despite the fact that it designates low density residential in this area. Low density means something and medium density requires 50% open space. There is no open space associated with the project and Mr. Harrington seems to be saying that there is no difference between low and high density because Shadow Ridge, a high density project, is within the low density area on the map. The goal and aspiration of new development outlined in the General Plan is low density residential and CUPs must be consistent with the General Plan but he is hearing that it doesn't matter. Allowed uses like a bed and breakfast are still subject to the CUP requirements. The lot's development potential is maximized and he questioned how that fits with low density. There is not enough parking for 48 beds and charging for parking will result in an empty parking lot. He read a comment from Commissioner Petit about her concern that overflow parking on the street can not be managed by the owner.

Dave Olsen, adjacent neighbor, felt that the owner is trying to do too much on the parcel at 10 units and 48 beds. The mention of residential in the General Plan is meaningful because single family residential is what has been built on Empire Avenue. The project is too dense in this transition zone. Additionally, the units lack storage and he spoke about people needing to park in the Empire Avenue neighborhood, parking in their driveway. Snow removal and storage is a problem. The developer should be forced to build something consistent with the General Plan and the transition zone should have projects with less impacts. Mr. Olsen spoke about the project overshadowing Ms. Newland's property.

Rosemary Olsen commented about living in Old Town at various locations and discussed at length the creative ways people park on private property. This is a real problem and there is not enough parking for the project on its property or the street. She felt that things will be stored in the carports and feared that if an owner has an illegally parked car towed away, the violator will retaliate. She complained about snow storage and that the project will create a burden for the neighborhood. This project is not compatible with historic structures, does not fit with the General Plan and will reduce property values.

Craig Elliott emphasized that they have followed the Code and have appropriately met all requirements. He reviewed elements of the parking lot and pointed out its compliance. He discussed meeting the purpose of the transition zone and pointed out related design elements. All of the multi-unit buildings in the area are much larger. Through illustration of renderings, he pointed out the massing of the building on the site and other buildings on the street. Mark Harrington asked about the accuracy of the renderings presented by the appellants, and Mr. Elliott explained that he can't comment since he doesn't have information on their point of reference. The floor area ratio of this project is less than the average single family unit in the neighborhood. He emphasized the goal of affordable housing and expressed that he is amenable to changes in the conditions of approval clarifying the commitment to the goal of providing transient housing that supports resort commercial. Mr. Elliott relayed that not all employees have cars because many are visiting from countries all over the world and their living requirements are minimal and simple.

Kayla Sintz referred to the LMC section on the height exception quoted by the appellant, which may have mislead listeners to believe the statement was worded that way in the Code. She read the actual wording of the five foot height allowance exception and the Mayor invited public input.

Bob McAllister, owner of the Woodside Inn, felt the proposal borders on the *insane*. Operating as a six bedroom bed and breakfast, the City required him to have one parking space for each bedroom, plus two for him and his wife as residents. Their underground garage is 2,200 square feet accommodating eight cars and the property has one off-street parking space. He remarked that the new Woodside Avenue sidewalk is used for parking. If this project is approved, the Council should approve parking on both sides of Empire Avenue, which will never happen.

Ruth Meintsma, resident, explained her perspective of the Planning Commission meeting where the *yeas* were for high density and affordable housing and the *nays* supported preserving historic character and she stated that she agrees wholeheartedly with both sides. The density is in keeping with the resort nature of the area but the homes to the east will be affected by the size and wall-like effect of the structure and the arguments are equally balanced but she felt there are issues that tip in favor of the historic homes. The proposed project is in a transition zone, intended to buffer the historic area from the resort's high density. This project creates more impact on historic

enclaves. Owners of historic structures are asked to protect them for the benefit of the community with little support. She claimed that 1445 Empire Avenue is close to its original condition and there are very few sites designated as landmarks. She believed that with balanced arguments, the historic one must have the final advantage. Affordable housing can be reconsidered; historic character is finite and irreplaceable. She spoke about the challenge of preserving the character of historic structures when the streetscape changes dramatically. Ms. Meintsma suggested that the design be broken up into two structures and proposed developing an off-site parking plan for tenants. She reiterated that the wall effect is inconsistent with the historic area.

Attorney Bruce Baird repeated concerns about the design of the parking lot with no accommodation for deliveries, guest parking, etc. and a parking plan was not resolved. The snow storage problem is serious. The parking management plan should be part of the CUP process and subject to public comment. The way the applicant is proceeding precludes public input and solving it later in private negotiations is inappropriate and illegal. It is a provision of the CUP. He clarified that they were drawing a conclusion with the statement on the height exception provision not claiming that the language was there and argued that the design violates the LMC. He spoke about the Newland's views being blocked by the massive building which is not transitional. Rick Margolis interjected that he feared the project would return to the Planning Commission as an Affordable Housing MPD and obtain more density.

David Olsen stated that he received an opinion that the value of his home would decrease not less than 25% if this project is built and he again addressed the density on the site.

Liza Simpsons asked if a triplex with the same footprint would be allowed on the site without a CUP and Kayla Sintz advised that single family, duplex or triplex are allowed uses. Cindy Matsumoto stated that she has reviewed the materials and visited the site and appreciates everyone's input. Affordable housing is not an issue for her but she finds that the building mass, bulk and orientation of the building, especially as it relates to the historic buildings, are not appropriate and she felt a better structure could be designed for the site. The land owners are asked to step up to the plate and comply with Historic District Guidelines and she felt the developer should do the same and mitigate any outstanding issues. The parking needs to be solved.

Liza Simpson stated that she shares the same concerns about parking and referred to the Planning Commission minutes where there was interest in continuing the item to discuss parking further. Other than the parking, Ms. Simpson stated that she did not feel any other aspects of the appeal have merit. She suggested remanding the project to the Planning Commission on a very narrow scope to consider breaking up the rear façade stating that she did not feel that the Commission erred in any other way. The Commission did not finish its discussion on parking.

Alex Butwinski agreed with Council members Matsumoto and Simpson and relayed that it should be remanded to the Commission for another look to review the rear façade and possibly considering moving the building forward. Candace Erickson agreed. Joe Kernan interjected that he did not believe the Planning Commission erred in any way. Discussion ensued on what specific criteria to identify and Mark Harrington advised that staff will return to Council with written findings and conclusions memorializing its direction on the appeal.

Liza Simpson, "I move that we remand 1440 Empire to the Planning Commission with direction to further mitigate Criteria #8, with specific direction to review the rear façade facing the historic homes". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Nay
Cindy Matsumoto	Aye
Liza Simpson	Aye

9. Consideration of a Master Event License and City Services Agreement with the Park Silly Sunday Market for an initial three-year term, in a form approved by the City Attorney (continued) – Jon Weidenhamer distributed revised agreements which contains extended hours, removes references to the expansion up to 5th Street, and allows Council to approve an expanded venue based on feedback from the HMBA as part of the review of a supplemental plan. He reviewed other sections of interest in the Agreement and pointed out provision for a mid-event review, if necessary. He stated that PSSM will receive \$30,000 for marketing media and cross-promotion and \$10,000 for the expanded market, if approved, special event fees will be waived, and the \$10,000 in-kind value is still in place. The HMBA will receive \$40,000 for programming upper Main Street. PSSM would like Council to approve the Agreement tonight and he emphasized that all parties will work together on an expansion to 5th Street during the next two weeks. If a plan does not materialize, the Agreement stands as approved. Joe Kernan, "I move that we approve the contract with the Park Silly Sunday Market, as amended by Jonathan and shown on the hand-out". Liza Simpson seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Nay
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

VI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Michael Kovacs, Assistant City Manager; Jon Weidenhamer, Economic Development Manager; and Mark Harrington, City Attorney. Joe Kernan "I move to close the meeting to discuss property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 5:00 p.m. Liza Simpson, "I move to open the meeting". Cindy Matsumoto seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder, City Recorder



City Council Staff Report



PLANNING DEPARTMENT

Subject: 1440 Empire Avenue
Application: PL-10-00907
Author: Kayla Sintz
Date: March 4, 2010
Type of Item: Quasi-Judicial - Appeal of CUP Application

Summary Recommendation

Staff requests that the City Council review the proposed Findings, Conclusions of Law and Order regarding the Council's determination to partially grant the appeal of the Conditional Use Permit (CUP) and remand the matter back to the Planning Commission.

Topic

Appellant(s): David & Rosemary Olsen, Rick Margolis, Bill and Dianne Newland
Location: 1440 Empire Avenue
Zoning: Recreation Commercial (RC)
Adjacent Land Use: Ski resort area and residential (single family and multi-unit)
Reason for review: Appeals of Planning Commission are reviewed by City Council

Background

On December 21, 2009, the appellant submitted an appeal for the Conditional Use Permit (CUP) approval of 1440 Empire Avenue. The Planning Commission approved the CUP on December 9, 2009. The City Council held a hearing on February 25, 2010 and voted to expand the scope of the appeal to allow public input.

After hearing from staff, the appellants, the applicant, and the public, the Council voted 4-1 to remand the application back to the Planning Commission for the limited re-consideration of height, scale, mass and bulk of the rear façade.

Alternatives

- The City Council may adopt the Findings as proposed; or
- The City Council may make changes to the proposed Findings so long as the changes reflect the Council's determination at the hearing and are based upon evidence on the record.

Recommendation

Staff recommends the City Council review the proposed findings, conclusions, and order as proposed below to make sure they reflect the basis of the Council's determination:

Findings of Fact

1. The subject property is at 1440 Empire Avenue, Park City, Utah.
2. The subject property is Parcel 1, Parcel 2 and Parcel 3 proposed to be combined into Lot A – 1440 Empire Avenue Replat as part of Plat Amendment application also under review.
3. The subject property is 12,882.62 square feet or 0.295 acres.
4. The property is located in the Recreation Commercial (RC) District.
5. A Multi-Unit Dwelling is permitted under a Conditional Use Permit within the RC zone.
6. The Multi-Unit Dwelling contains eight (8) two-bedroom units and two (2) four-bedroom units as currently proposed.
7. The Multi-Unit Dwelling is required to have twelve (12) parking spaces as currently proposed.
8. A Parking Area of five (5) or more parking spaces is a Conditional Use in the Recreation Commercial (RC) District.
9. The Findings in the Analysis section of the February 25, 2010 staff report and the prior report dated October 14, 2009, are incorporated herein, except as qualified below.
10. The City Council agrees with the dissenting Planning Commissioners regarding non-compliance with LMC Section 15-1-10(E)(8), particularly Commissioner's Hontz findings regarding adverse impacts on the historic structures as incorporated on Pages 90 and 91 of the February 25, 2010 staff report.
11. By utilizing maximum zone height and the 5 foot exception for roof pitches of 4:12 or greater, the design fails to transition to historic property to the east. Despite a rear setback fluctuation of approximately 10 feet as the proposed structure moves north, the design creates a wall effect as viewed from the east. Both the applicant's and the appellants' supplemental visual analysis distributed at the hearing confirm that this design has unmitigated impacts on the historic property to the east, including visual impacts, loss of light and building orientation.

Conclusions of Law

1. The application satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling and a Parking Area as established by the LMC's Conditional Use Review process [Section 15-1-10 (E) (1-15)], except for subsection (8).
2. The Use is consistent with the Park City General Plan, as amended; and
3. The effects of any differences in Use or scale have been mitigated through careful planning, except for adverse impacts on the adjacent historic property resulting from the rear facade.

4. The Planning Commission erred by issuing the CUP without further consideration of the design as such relates to the transition to and unmitigated impacts on the existing historic structure to the east.

Conditions of Approval- the following conditions remain intact unless modified or added to by the Planning Commission upon remand:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout is a condition precedent to building permit issuance. A shoring plan is required prior to excavation.
4. A landscape plan is required with the building permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.
5. This approval will expire on February 25, 2011 if a complete building permit submittal has not been received.
6. This Conditional Use Permit is only effective upon approval of the concurrent subdivision. Recordation of Plat is required prior to building permit issuance.
7. Modified 13-D fire sprinkler system will be required.
8. Any modification of approved unit layout as shown on drawings date stamped October 21, 2009 and November 3, 2009, which changes bedroom configuration or unit size will require amendment to Conditional Use Permit.
9. A tenant/owner parking management plan will be required prior to building permit issuance that limits the occupant's vehicles per unit to those required in the LMC. Said plan must include an annual report to the City, a responsible party for enforcement and must be approved by the Planning Director and City Engineer. The Plan may also include assigning spaces to specific units.
10. If the Multi-Unit Dwelling is used to fulfill a future affordable housing obligation, then the project must meet the deed restriction and requirements of the Affordable Housing Resolution in effect at the time of the obligation.
11. Snow shedding issues must be met to the satisfaction of the Chief Building Official, per section 100 of the International Building Code, prior to building permit issuance.
12. Outside storage will be prohibited. This includes storage within the covered parking spaces under the building.

Order:

The appeal is granted in part and denied in part. The CUP is remanded to the Planning Commission for further consideration of only the following matters:

1. The height, scale, mass and bulk of rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8);
2. Further design changes with consideration for ensuring that the proposed development transitions to and complements the existing historic structure to

the east shall be reviewed and/or further conditioned.

Adopted March 4, 2010

Dana Williams, Mayor

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 4, 2010**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 4, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Craig Sanchez, Director of Golf; Michael Kovacs, Assistant City Manager; Kathy Lundborg, Water Manager; Kayla Sintz, Planner; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Council comments, questions and/or disclosures – Candace Erickson informed members to expect to see bills that did not pass this year, return next year in some form. Museum activities were discussed. Cindy Matsumoto reported on the School District planning committee. Liza Simpson noted that she attended the Lodging Association where members seemed optimistic about the market. She discussed a pending study of properties rented by owners rather than property management companies and hoped the City could provide some information. Alex Butwinski spoke about the Public Art Advisory Board meeting.

The Mayor commented on an environmental meeting held in Salt Lake and the importance of Utah remaining a member of the Western Governors Conference on Climate Change. He stated that the City has been working with USSA on recognizing our Olympians. A resolution will be presented to Council next week and an event will be planned once the athletes return to town. Liza Simpson added that the Ambassadors are looking at honoring the athletes at the 4th of July Parade and Craig Sanchez reported on USSA schedules. The Mayor spoke about Google's invitation to cities to apply for a build and test ultra high-speed broadband network, and Park City's application will be coming to Council in two weeks.

2. Legislative update – Michael Kovacs reported on a water rights bill and an associated City amendment, and noted that the last day of the session is March 11. He updated members on school equalization measures and felt that this bill will return next year. The status of the property transfer tax, state retirement plan, anti-trust, off-highway vehicles, and MIDA bills were discussed. Joe Kernan believed off-highway vehicles may be an efficient way to travel in Park City in milder weather and Candace Erickson pointed out the dangers of traveling SR224 or SR248 in a small unprotected vehicle. Renewable energy grants to citizens were discussed and Mark Harrington believed a program could be designed similar to the Historic District Grant Program and Ms. Erickson suggested using the special improvement district approach to utilities.

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

None.

IV NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of a professional service agreement, in a form approved by the City Attorney, with Bowen, Collins and Associates for engineering services related to the design and construction management of the Judge Tunnel Pipeline in an amount of \$699,769 – Kathy Lundborg introduced Clint McAfee, project manager. She explained that the contract is for the design of the pipeline from the portal to the Quinns Junction treatment plant and will allow the City to divert or blend water. Construction is anticipated in the fall. In response to a question from the Mayor about routing to the Ontario, Ms. Lundborg explained that an analysis was conducted on this option and it was determined that costs were much higher and there is more flexibility for the City with this approach. The Mayor invited public input; there was none. Alex Butwinski, “I move that Council authorize the City Manager to execute a professional service agreement, in a form approved by the City Attorney with Bowen, Collins and Associates for engineering services related to the design and construction management of the Judge Tunnel Pipeline, in an amount of \$699,769”. Joe Kernan seconded. Motion unanimously carried.

2. Consideration of findings of fact, conclusions of law and order regarding the appeal of a Conditional Use Permit for 1440 Empire Avenue heard by the City Council on February 25, 2010 – Kayla Sintz pointed out a few recommended changes to the draft in the packet and read them into the record. Liza Simpson questioned the loss of light finding and Mark Harrington explained that it is included in the criteria for a CUP and referred to the shadow studies. Alex Butwinski felt it should be removed because he didn't feel the decision to remand was based on loss of light. After discussion, a majority of members felt the loss of light finding should remain. The Mayor invited public input.

John Stafsholt, Woodside Avenue, stated that he attended some of the hearings and encouraged the Council to look at a realistic number of parking spaces because 12 can not accommodate the number of beds.

Liza Simpson, “I move we approve the findings of fact, conclusions of law and order regarding the appeal of a Conditional User Permit for 1440 Empire Avenue heard by the City Council on February 25, as amended by Kayla”. Alex Butwinski seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Abstention

Cindy Matsumoto	Aye
Liza Simpson	Aye

V ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 6:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Matt Cassel, City Engineer; Michael Kovacs, Assistant City Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property, litigation and personnel". Liza Simpson seconded. Motion carried unanimously. The closed session adjourned at approximately 9 p.m.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder



Planning Commission Staff Report



Author: Kayla S. Sintz
Application #: PL-09-00725
Subject: 1440 Empire Avenue Multi-Unit Dwelling
Date: May 12, 2010
Type of Item: Administrative – Conditional Use Permit: City Council Remand
 Work Session Discussion

Summary Recommendations

Staff recommends that the Planning Commission discuss the proposed redesign, provide staff with direction, and open the public hearing during the regular meeting.

Topic

Applicant: John Paul DeJoria
Applicant Representative: Mark Fischer and Craig Elliott (Architect)
Location: 1440 Empire Avenue
Zoning: Recreation Commercial (RC)
Adjacent Land Uses: Residential (Single Family and Multi-Unit)
Reason for Review: Multi-Unit Dwelling and Parking Area with five (5) or more stalls must be approved by the Planning Commission

Background

The Planning Commission approved this Conditional Use Permit on December 9, 2009, after hearing the project on September 9, 2009, and October 14, 2009. The decision was appealed to the City Council on December 21, 2009 by David and Rosemary Olsen, Rick Margolis, and Dianne and Bill Newland. The City Council heard the appeal on February 25, 2010. City Council granted the appeal in part and denied the appeal in part, and adopted the findings of fact, conclusions or law, conditions of approval and order on March 4, 2010 (Exhibits B & C).

The subject property exists as three vacant parcels located at 1440 Empire Avenue. A Multi-Unit Dwelling is a Conditional Use in the Recreation Commercial District (RC). A Plat Amendment application combining Parcels 1, 2 and 3 into Lot A, totaling 12,882.62 square feet was approved by the City Council on February 25, 2010. The plat has not yet been recorded.

The following Findings were modified and added by Council and adopted on March 4, 2010:

10. The City Council agrees with the dissenting Planning Commissioners regarding non-compliance with LMC Section 15-1-10(E)(8), particularly Commissioner's Hontz findings

regarding adverse impacts on the historic structures as incorporated on Pages 90 and 91 of the February 25, 2010 staff report. (See Exhibit D for pages 90 and 91).

11. *By utilizing maximum zone height and the 5 foot exception for roof pitches of 4:12 or greater, the design fails to transition to historic property to the east. Despite a rear setback fluctuation of approximately 10 feet as proposed structure moves north, the design creates a wall effect as viewed from the east. Both the applicant's and the appellants' supplemental visual analysis distributed at the hearing confirm that this design has unmitigated impacts on the historic property to the east, including visual impacts, loss of light and building orientation.*

The following Conclusions of Law were modified and adopted by the Council on March 4, 2010:

1. *The application satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling and a Parking Area as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)], except for subsection (8).*

3. *The effects of any differences in Use or scale have been mitigated through careful planning, except for adverse impacts on the adjacent historic property resulting from the rear façade.*

4. *The Planning Commission erred by issuing the CUP without further consideration of the design as such relates to the transition to and unmitigated impacts on the existing historic structure to the east.*

The Council indicated previous Conditions of Approval remain intact unless modified or added to based on the Planning Commission's review of subject Remand Order.

Order:

The appeal was granted in part and denied in part. The CUP was remanded to the Planning Commission for further consideration of only the following matters:

1. **The height, scale, mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8);**
2. **Further design changes with consideration for ensuring that the proposed development transitions to and complements the existing historic structure to the east shall be reviewed and /or further conditioned.**

Analysis

Original approved CUP Design:

The applicant's original approved CUP consisted of:

- Four levels
- Ten (10) units:

- Eight (8) two-bedroom units (averaging 624 square feet per unit based on layout)
- Two (2) four-bedroom units (1,497 and 1,507 square feet)
- Twelve (12) required parking spaces (based on size of units for Multi-Unit Dwelling use)
- FAR of 1.0 = 12,883 square feet allowable. Proposed is 12,568 square feet (315 square feet under allowable)

Proposed Remand CUP Design:

In response to Appeal Remand the applicant met with staff to discuss possible modifications to the rear of the building's rear façade, roof forms and rear mass and bulk. The applicant originally proposed an option to staff which was unacceptable and did not have adequate variation in the rear of the building. The applicant's second proposal is attached (Exhibit A) and includes the following:

- Four levels
- Ten (10) units:
 - Two (2) one-bedroom units (538 square feet per unit)
 - Six (6) two-bedroom units (538 and 624 square feet depending on layout)
 - Two (2) four-bedroom units (1,497 and 1,507 square feet)
- Twelve (12) required parking spaces, unchanged per code requirement
- FAR of 1.0 = 12,883 square feet allowable. New proposed is 12,398 square feet (reduction of 170 square feet over previous or 485 square feet under allowable)

In regards to the Order by Council listed above, the height, scale, mass and bulk of the rear of the building has been modified as can be seen below:

- Modified roof forms & pitches previously of predominate 4:12 pitch and secondary 8:12 pitch now redesigned to predominate 8-1/2:12 pitch with a small section only at 4:12 pitch, which is more in line with the Historic Guidelines and recent LMC changes in historic zones (which require all roof pitches to be between 7:12 and 12:12)
- Broken up rear façade with shed roof forms added at second floor height
- Strong differentiation in materials and forms (darker, narrower siding layout now extends vertically and horizontally across building defining form in relation to lighter color board & batten siding)
- Shift of rear building mass and bulk in section/elevation as can be seen on North and South Elevations stepping down to historic structure on Woodside Avenue
- Height reduction of roof from in the rear of the building: The Zone height is 35 feet plus an additional 5 feet for roof pitches 4:12 or greater, for a total of 40 feet.
 1. The main ridge of the roof structure has been moved back towards the west (towards Empire Avenue) 3'-6", but remains essentially at the same height (minor reduction in height of 3/8") as the previous main ridge. Moving the ridge east accommodates the steeper roof pitch to reduce ridge height on the Woodside Avenue facing façade allowing the additional modifications below.

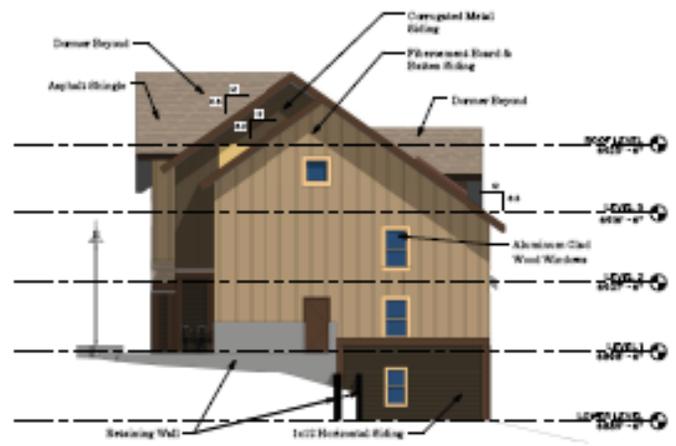
2. Two large gable dormers on Woodside Avenue (rear) façade are more residential in form than previous roof form. The gable roof forms start 10 feet east of new ridge and are further down the roof slope. The gables are 7'-2" lower than new main ridge height.
3. Roof eave heights at Woodside (rear) façade have been reduced from over 8'-10" to 11'-7" from previous design. Previous roof eave heights were 39'-6" and 38'-7". New eave heights on the rear façade are 27', 28' and 30'-7".

OLD DESIGN

NEW PROPOSED DESIGN



3 South Elevation
SCALE: 1/8" = 1'-0"



4 South Elevation
SCALE: 1/8" = 1'-0"



1 East Elevation
SCALE: 1/8" = 1'-0"

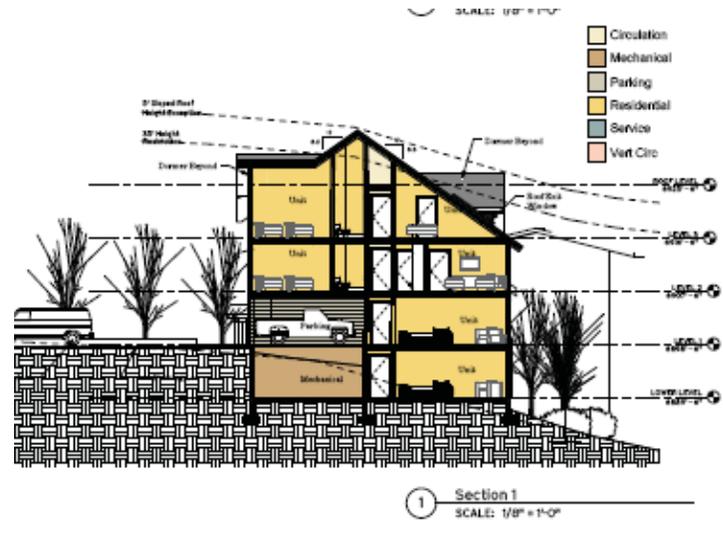


2 East Elevation
SCALE: 1/8" = 1'-0"

OLD DESIGN



NEW PROPOSED DESIGN



LMC 15-1-10(E)(8): Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots.

Direction

Staff is requesting direction:

- Does the Planning Commission agree the proposed new design is responsive to Council's remand as outlined in this report?
- Does the Commission find the rear of the building transitions to the historic structure on Woodside Avenue?
- If the Commission agrees the project does not transition appropriately or meet the intent of the Remand, what are specific design changes the Commission feels appropriate in order to meet the intent of the Remand?

Notice

The property was re-noticed to include published notification, on-site sign and courtesy letters addressed to property owners within 300 feet. The property was originally noticed for April 28, 2010. A public hearing was opened on that date and continued to May 12, 2010.

Public Input

Staff has not received new public input since the time of the writing of this report.

Exhibits

Exhibit A: Applicant's Project Drawings dated March 23, 2010

Exhibit B: City Council Meeting Minutes February 25, 2010

Exhibit C: City Council adopted Findings, March 4, 2010 with Meeting Minutes

Exhibit D: Pages 90 and 91 of February 25, 2010 Council Appeal

SURVEYOR'S CERTIFICATE

I, Robert J. Mulhahn, do hereby certify that I am a registered land surveyor and that I have certified No. 1440. I further certify that a topographic survey has been made of the lands hereon and that the same is a correct representation of the lands shown at the time the field work was completed.



1440 STREET ADDRESS

NARRATIVE

The purpose of this survey is to show the existing conditions of the subject property for a plot amendment.
 The Basis of Bearing of this survey, the Amended Park City Monument Control Map by Bush & Gungel, Inc. recorded as Entry No. 118887 in the Office of the Recorder, Summit County, Utah.
 Project Benchmark: SBMD 35M1 located adjacent to the subject property as shown. Elevation = 6999.80'
 Property Corners were not set.

Date of Survey: August 9, 2008

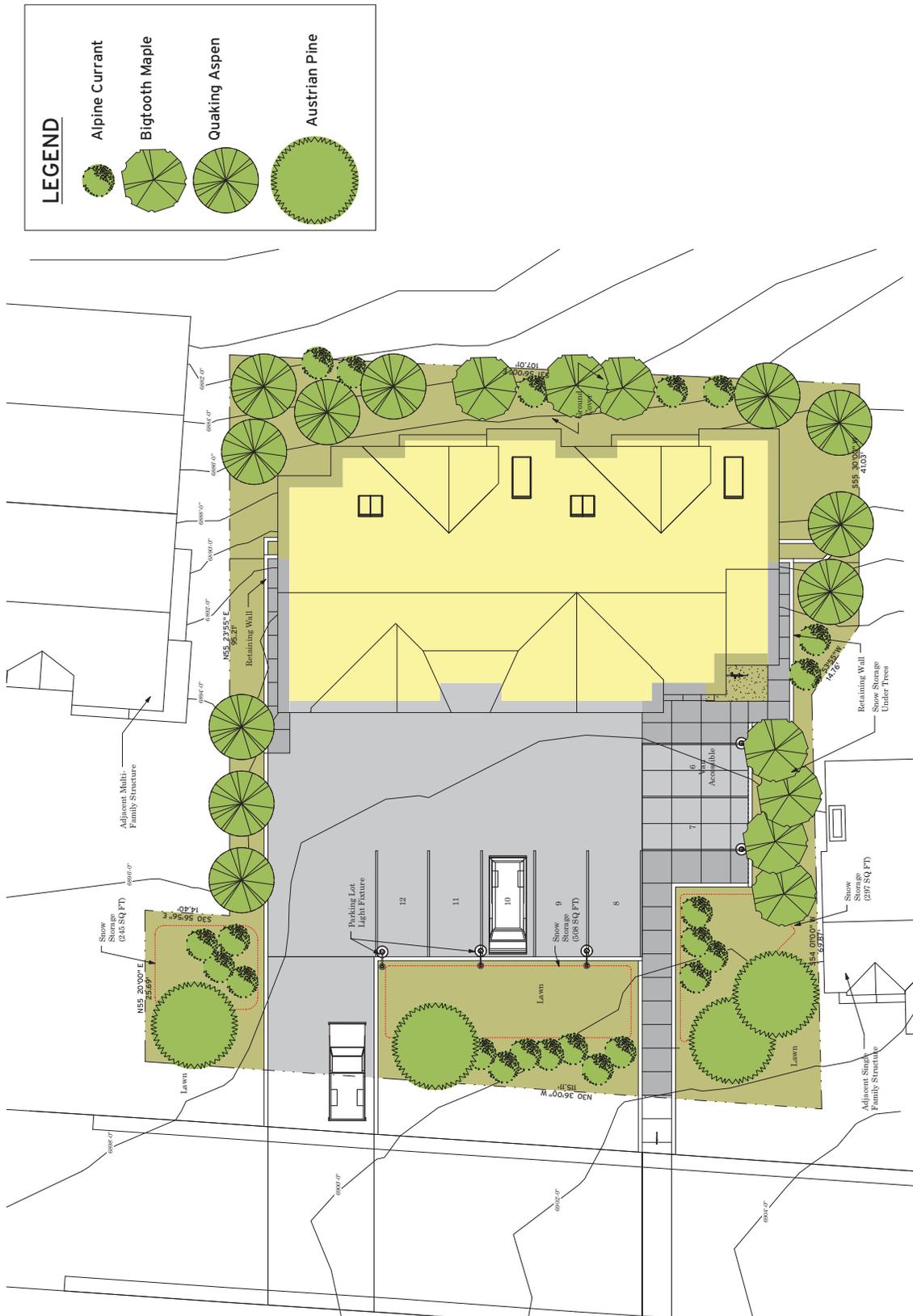
The architect/owner is responsible for verifying building setbacks, zoning requirements, and building heights.

The owner of the property should be aware of any items that may appear in a title insurance report. The surveyor is not responsible for any items on the property surveyed except as shown hereon.

**EXISTING CONDITIONS
& TOPOGRAPHIC SURVEY
1440 EMPIRE AVENUE**

FOR: MARK FISHER JOB NO.: 06-08-06





LEGEND

- Alpine Currant
- Bigtooth Maple
- Quaking Aspen
- Austrian Pine

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

elliott
architecture
364 Main Street, PO Box 3419, Park City, Utah 84060
435.643.0992, 801.412.1839, www.elliottworkgroup.com

1440 Empire Avenue, Park City
Affordable Housing

Landscape Plan

LS - 0.1

1 Landscape Plan
SCALE: 1/8" = 1'-0"



CUP OPEN SPACE REPORT

	SOFT TOTAL	PERCENTAGE
BUILDING FOOTPRINT	3313	26.7%
CURBWAY & PARKING	3445	26.7%
OPEN SPACE	6125	47.5%
TOTAL AREA	12883	100%
TOTAL GROSS	12674	100.00%



2 Site Plan
SCALE: 1/8" = 1'-0"

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1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

Site Plan
A - 0.1



Conditional Use Permit
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1440 Empire Avenue, Park City
Affordable Housing

Aerial View

A - 0.2

Conditional Use Permit
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1440 Empire Avenue, Park City
Affordable Housing

Roof Over Topo

A - 1.2

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2 Roof Over Topo Plan
SCALE: 1/8" = 1'-0"

Conditional Use Permit
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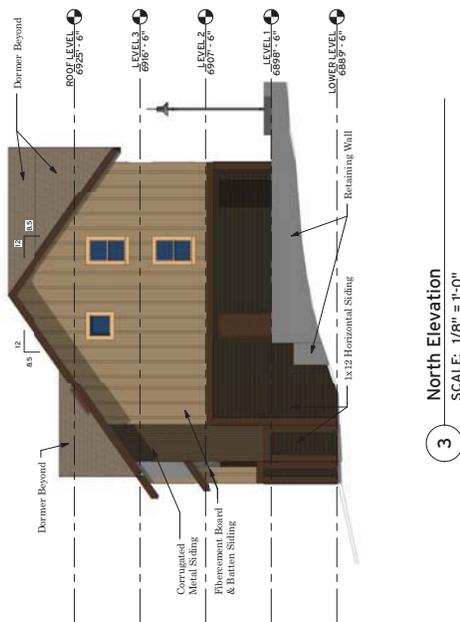
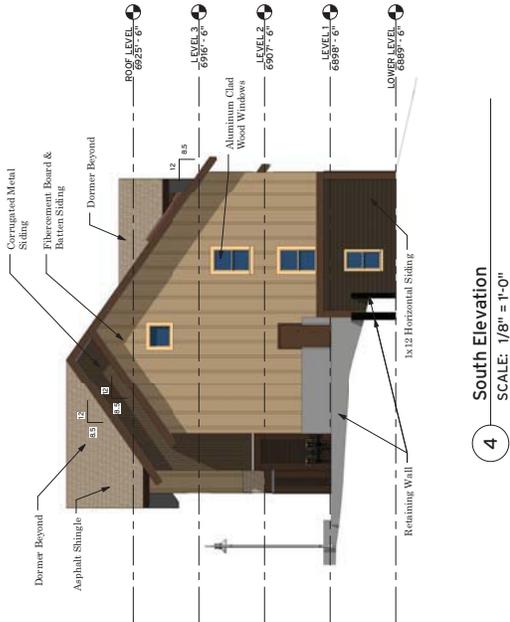
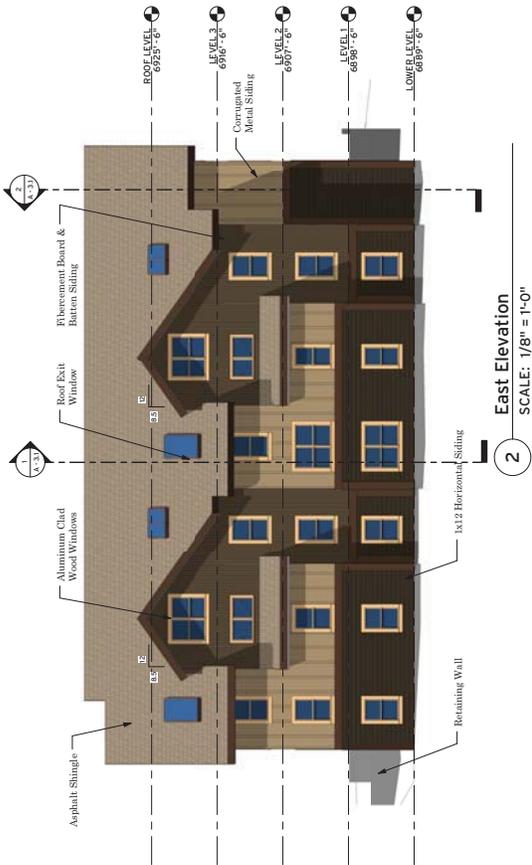


1440 Empire Avenue
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1440 Empire Avenue, Park City

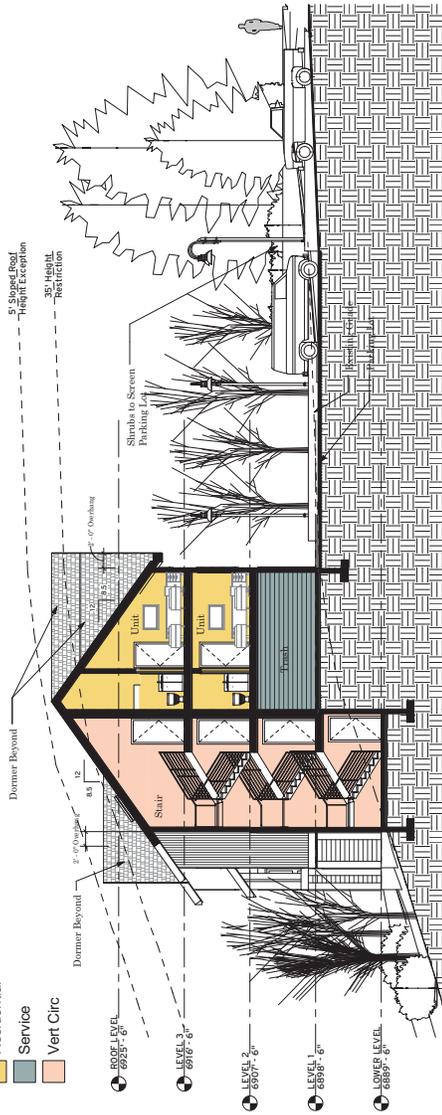
Elevations

A - 2.1

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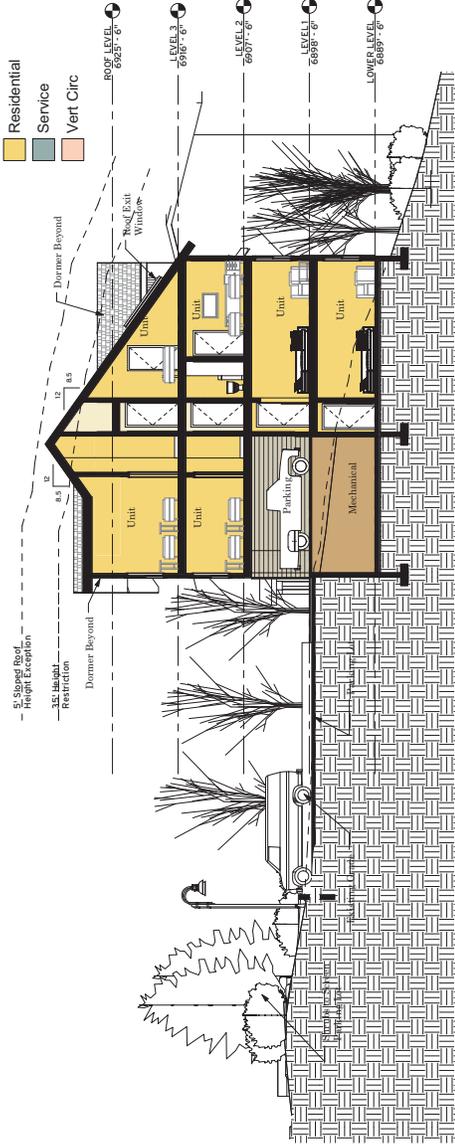


- Circulation
- Mechanical
- Parking
- Residential
- Service
- Vert Circ



2 Section 2
SCALE: 1/8" = 1'-0"

- Circulation
- Mechanical
- Parking
- Residential
- Service
- Vert Circ



1 Section 1
SCALE: 1/8" = 1'-0"

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)



1440 Empire Avenue
Affordable Housing
1440 Empire Avenue, Park City

Sections

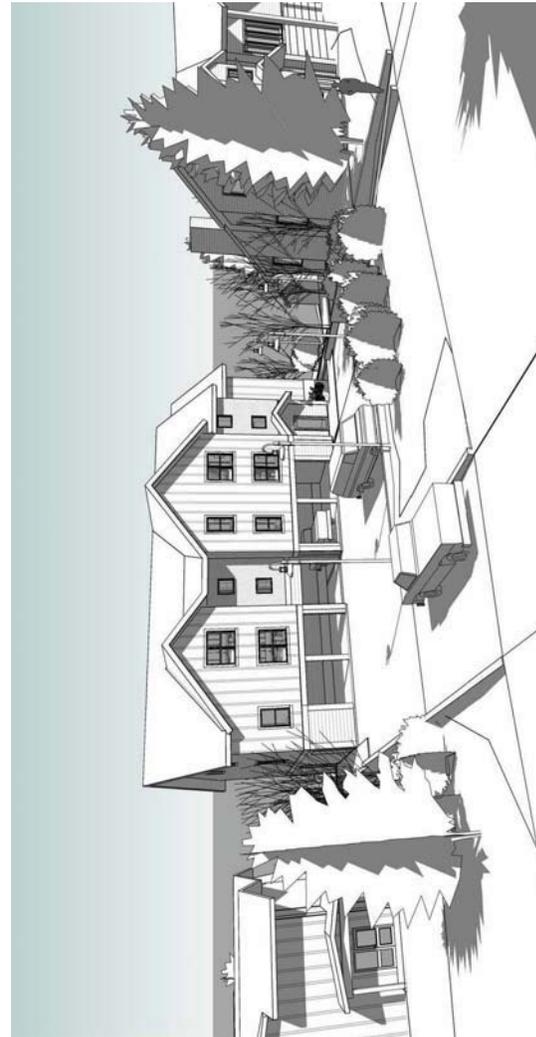
A - 3.1



3 Rear Perspective
SCALE: N.T.S.



2 Front Entry Perspective
SCALE: N.T.S.



1 Front Perspective
SCALE: N.T.S.

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

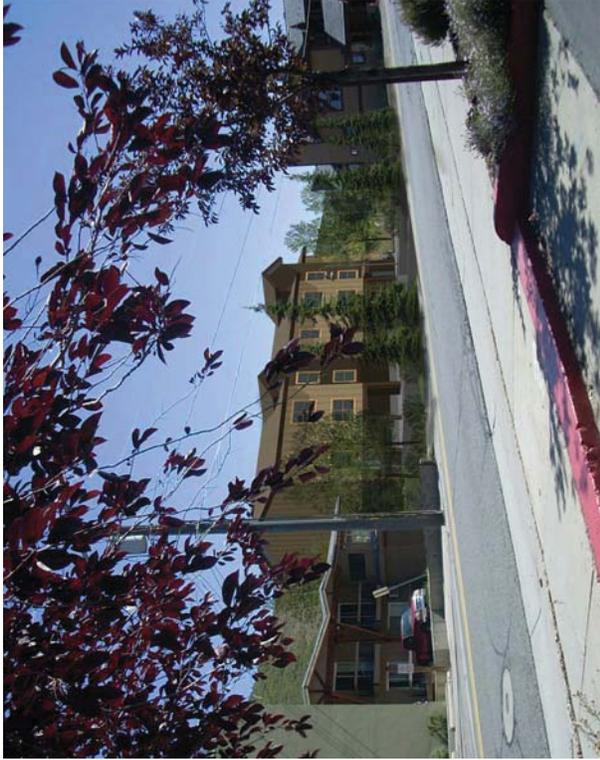


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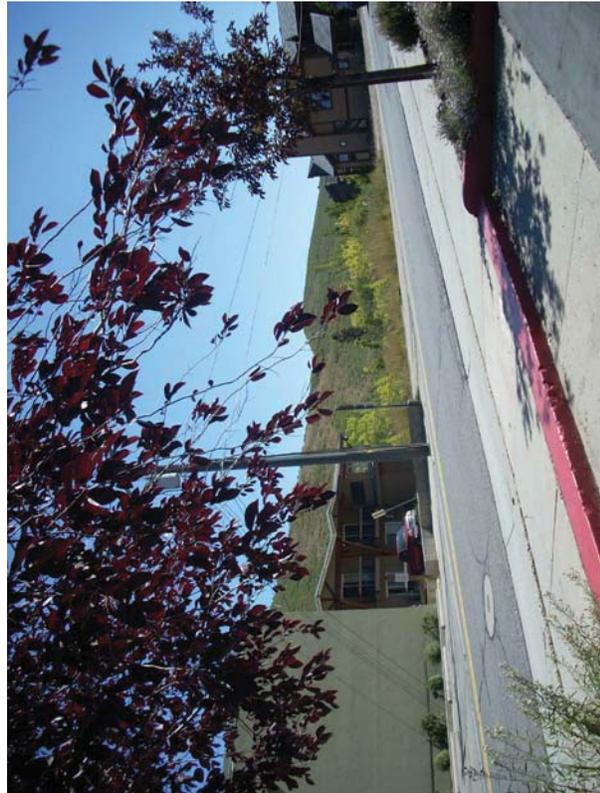
1440 Empire Avenue, Park City
Affordable Housing

Perspectives

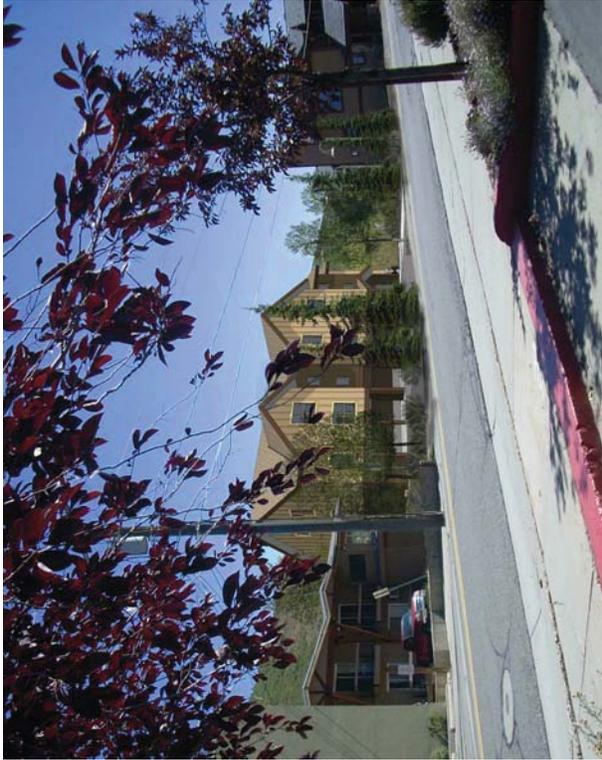
A - 4.0



EXISTING CONDITIONS



OLD OPTION



NEW OPTION

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

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1440 Empire Avenue, Park City
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View Looking Up Empire Ave.

A - 4.2

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

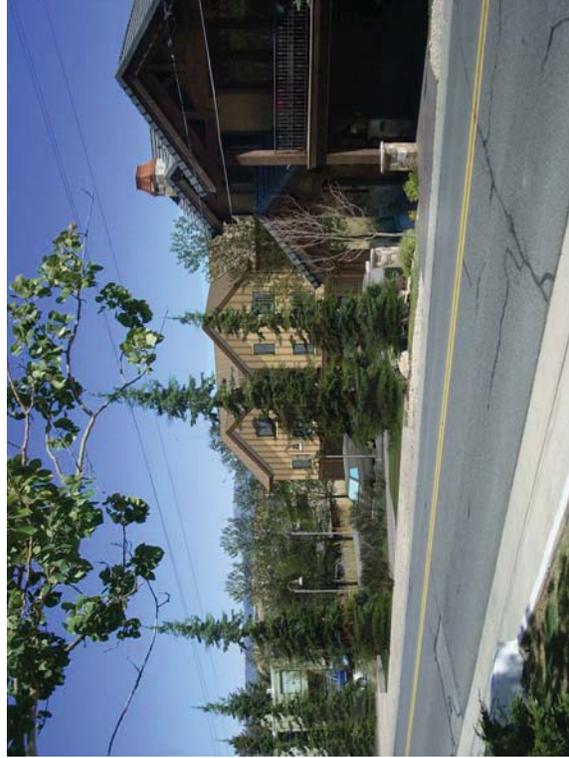


1440 Empire Avenue, Park City
Affordable Housing

View Looking Down Empire Ave.

A - 4.3

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1440 Empire Avenue, Park City
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View Looking Down Woodside Ave.

A - 4.4

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View Looking Up Woodside Ave.

A - 4.5

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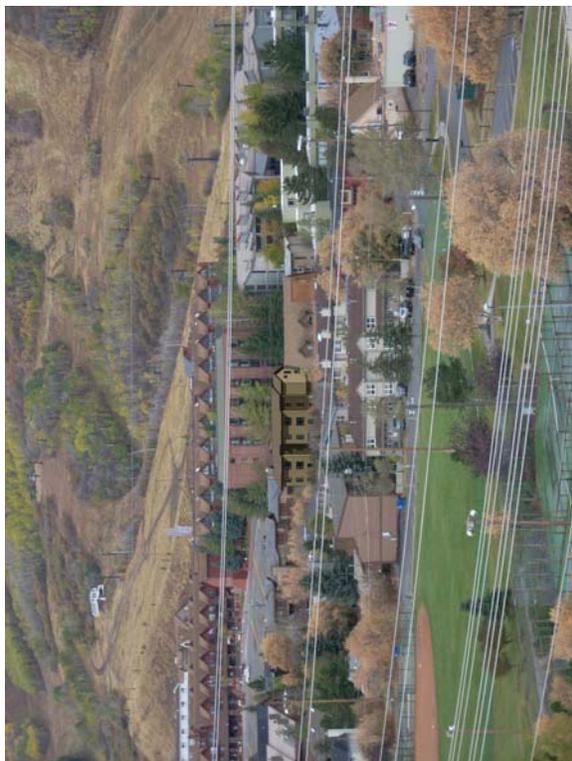
EXISTING CONDITIONS



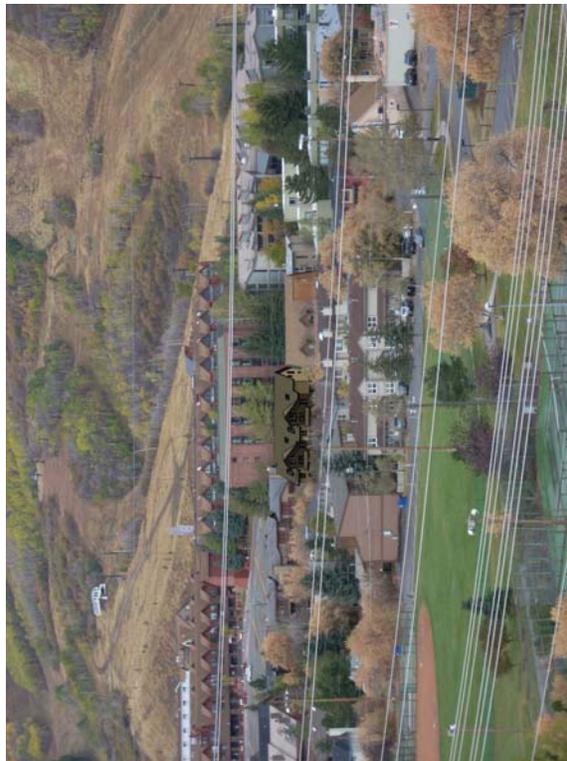
NEW OPTION



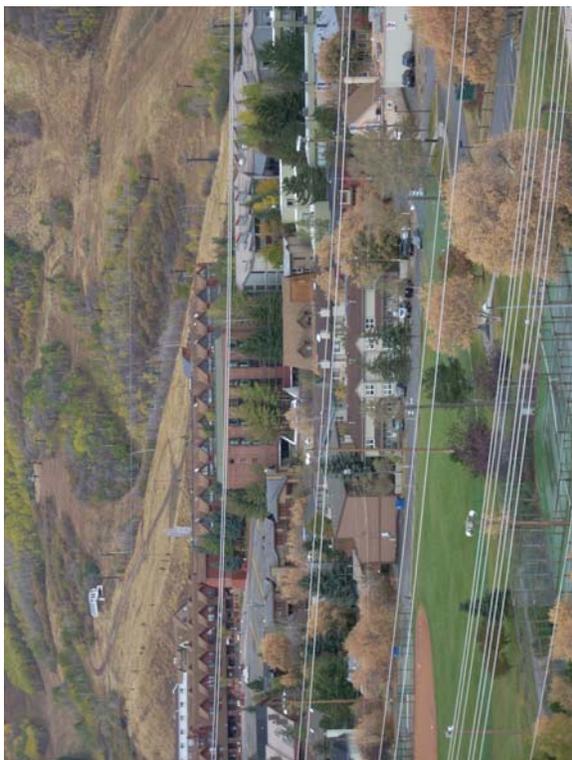
OLD OPTION



OLD OPTION



NEW OPTION



EXISTING CONDITIONS

Conditional Use Permit
June 11, 2009 (Revised 03.23.10)

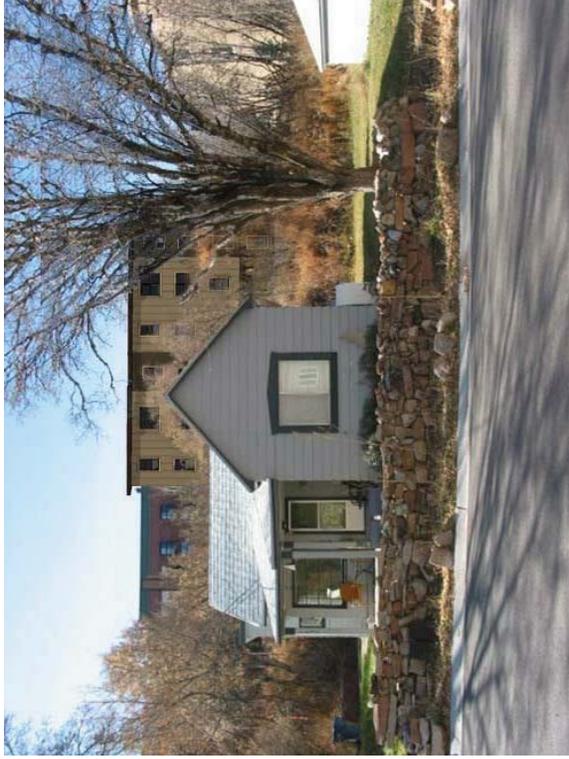


1440 Empire Avenue, Park City
Affordable Housing

View From Woodside Ave.

A - 4.7

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OLD OPTION



NEW OPTION



EXISTING CONDITIONS

EXHIBIT E

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 12, 2010

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

=====

REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 5:50 p.m. and noted that all Commissioners were present except Commissioner Hontz, who was expected to arrive late.

Chair Wintzer welcomed Mick Savage, the new Commissioner on the Planning Commission.

II ADOPTION OF MINUTES OF APRIL 28, 2010

MOTION: Commissioner Pettit moved to APPROVE the minutes for the work session and regular agenda for April 28, 2010 as written. Commissioner Strachan seconded the motion.

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

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS

Planning Director, Thomas Eddington, asked if the Planning Commission was interested in having a City-issued email account for Staff reports and other Planning Commission related correspondence.

Assistant City Attorney, Polly Samuels McLean, highly recommended that the Commissioners have a separate email aside from their personal or business email. In the event of a lawsuit or a GRAMMA request, someone could obtain a court order to search their home or business computer if it was used for communication between the City and the Planning Commission. Ms. McLean felt it was important for the Commissioners to be on the City system and that all communications between the City and the Planning Commission be done through that email.

Chair Wintzer asked if emails from the public would still go through the City email or if the public would be sending emails to individual Commissioners. Ms. McLean replied that the public should go through the City and not use individual email addresses. The Commissioners should hear public input during the meeting or as part of the packet.

Director Eddington noted that the City holds all communication and information in storage, and it is available if requested.

Chair Wintzer was concerned about having to check two different emails and forgetting to check the City address.

Commissioner Pettit agreed with the legal recommendation for the purpose of insulating themselves and their workplace from subpoenas and discovery requests. However, she shared Chair Wintzer's about checking two emails. If there was a reason to notify the Commissioners on a specific issue that needed an immediate response, she could not guarantee that she would be checking the City email address regularly. Commissioner Pettit favored a City email account with a noticing procedure to alert the Commissioners that they need to check their email.

City Council Member, Liza Simpson, stated that the City Council has a policy that if the Staff requests a response to an email within 24 hours, they are to call each Council member. She recommended the same policy for the Planning Commission.

The Planning Commission concurred to have City-issued email accounts with a policy that the Staff would call each Commissioner if a response is needed within 24 hours. For all other emails, the Staff would send an email to their personal accounts notifying them that an email was sent to their City account.

Julia reported that she, Commissioners Luskin and Commissioner Strachan had attended the Utah Land Use Institute Training Session. She highly recommended the session to her fellow Commissioners in terms of getting an overview on land use law and how the State of Utah Code is broken down and what has been delegated to local communities for purposes of planning. They came away with a great handbook that had checklists and other helpful information.

Commissioner Pettit stated that the training session gave her food for thought as they work through the General Plan process, recognizing that it is the starting point for Land Management Code changes. They often think of themselves as being in a State that does not allow the flexibility to regulate. However, she now understands that there are opportunities that are not prohibited in terms of regulations. Commissioner Pettit encouraged the Planning Commission to keep an open mind in terms achieving community goals.

Commissioner Pettit commented on how often they look at the different zoning areas in the LMC and how they have created the list of uses and conditional uses, assuming that in the list of conditional use they are protected in shaping what those look like. However, they have less flexibility than what they think because uses are deemed to be allowed with conditions. Commissioner Pettit thought the Planning Commission should keep this in mind as they revisit

the different zoning areas and think about uses they may not want in that category. There are other ways to come in with an overlay zone so they can have more control over an application and become more legislative versus administrative. Commissioner Pettit realized from the training session that the Planning Commission has more tools available than what they think.

Director Eddington stated that Patricia would send out an email to all the Commissioners for the next scheduled training. Commissioner Strachan requested that the email include a list of topics for that seminar to make sure the sessions are relevant to the Planning Commission.

Director Eddington announced that a joint meeting with the City Council was scheduled for Thursday, June 17th, from 5:00-6:00 p.m. The discussion would be Bonanza Park and other redevelopment opportunities that the Planning Commission could tie into the General Plan.

Commissioners Wintzer and Luskin stated that they would be out of town on June 17th. Director Eddington offered to speak with the City Council and possibly schedule a different date.

CONTINUATION(S) - Open public hearing and continue to date specified.

1. 1150 Deer Valley Drive - CUP
(Application #PL-09-00858)

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

MOTION: Commissioner Pettit moved to CONTINUE 1150 Deer Valley Drive - CUP to a date uncertain. Commissioner Strachan seconded the motion.

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

2. 1150 Deer Valley Drive - Amendment to Record of Survey
(Application #PL-09-00768)

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

MOTION: Commissioner Pettit moved to CONTINUE 1150 Deer Valley Drive - Amendment to Record of Survey to a date uncertain. Commissioner Strachan seconded the motion.

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

3. 1440 Empire Avenue - Conditional Use Permit
(Application #PL-09-00725)

MOTION: Commissioner Peek made a motion to MOVE 1440 Empire Avenue CUP to the last item on the regular agenda for discussion and public hearing. Commissioner Strachan seconded the motion.

between the property owner and Park City, as a condition precedent to recordation of the plat amendment.

5. A preservation plan and a preservation guarantee, the amount to be determined by the Planning and Building Departments upon review of the construction plans, shall be provided to the City by the owner, as a condition precedent to issuance of a building permit for the addition.

Commissioner Hontz arrived at 6:15.

3. 1440 Empire Avenue - Conditional Use Permit
(Application #PL-09-00725)

Planner Kayla Sintz stated that this item was remanded from the City Council due to an appeal of the Planning Commission decision. The CUP heard the appeal on February 25, 2010 and the appeal was granted in part and denied in part. The City Council remanded the CUP to the Planning Commission for further review on two matters:

- 1) the height, scale, mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8); and
- 2) Further design changes with consideration for ensuring that the proposed development transition to and complements the existing historic structure to the east shall be reviewed and/or further conditioned.

Planner Sintz noted that page 11 of the Staff report outlined the proposed CUP and re-design. Bulleted items described the changes proposed by the applicant.

Because this item was originally scheduled for work session, Planner Sintz requested dialogue between the Planning Commission and the applicant. The Planning Commission should also open a public hearing.

Craig Elliott, representing the applicant, compared the concepts of the originally proposed project and the proposed revisions. He explained that the roof eave was moved down one entire floor. The roof was moved down to spring line from the floor of Level 3. It made the roof pitch steeper and reduced the setbacks at the rear and upper levels of the building to step back and away from the historic structures. Mr. Elliott stated that dormers were added to break down the mass of the rear building. He explained how they had reduced the impression of the building and its relationship to the historic structure by ten feet, or one story, at the rear.

Mr. Elliott presented boards showing the existing conditions, the originally proposed building and the revised building.

Chair Wintzer understood that the building footprint and the length of the facades remained the same, and that the only change was the back roof pitch. Mr. Elliott stated that he had also changed the front roof pitch by bringing down the roof form in the front.

Mr. Elliott reviewed shadow studies of the original proposal and the revised proposal. Based on City Council discussion, one drawing showed the building moved forward on the site. Mr. Elliott noted that the Winter Solstice only went to 4:00 p.m. The other shadow studies went to 5:00 p.m. He noted that changes in the shadows are typically seen between 2:00 and 5:00 p.m.

Commissioner Luskin asked if the applicant was considering moving the structure to the front. Mr. Elliott remarked that it was a question raised at the City Council meeting, but doing so would put parking at the rear of the building and in the backyards of the historic homes, instead of along the busy street. The applicant felt that option created greater impacts to the neighbors.

Mr. Elliott presented the shadow study of the Spring equinox. He noted that the study went to 5:00 p.m. because the shadows change. Mr. Elliott showed the Summer Solstice, which is considered the longest day of the year and the point in which the sun is at the highest angle in the sky. He noted that in the summer shadow study the changes begin between 4:00 and 6:00.

Mr. Elliott pointed out that the Fall Equinox was similar to the Spring Equinox.

Commissioner Savage asked Mr. Elliott for his interpretation of the study results. Mr. Elliott explained that in the winter the lower setting sun is more affected by the building across the street due to the height and scale of those buildings. The summer has extended distances and times. He noted that the trees in the area were not shown on the study. Based on the shadow study, Mr. Elliott believed impacts were relatively minor. He thought the difference between moving the building forward to the street or back from the street was interesting. His analysis was that there was very little difference between the two.

Mr. Elliott noted that based on direction from the City Council they were asked to make changes to the exterior and work towards bringing the building into context with scale and transition. Mr. Elliott presented a board showing how they made the transition from Shadow Ridge to single family residences on Woodside and back to multi-family on the other side of Woodside. They tried to be more in tune to the character and scale by changing the exterior in the rear elevation, reducing the heights in the rear, and working towards a better connection that transitions down to the smaller single family.

Chair Wintzer asked for the distance between the proposed building and the existing house behind it. Mr. Elliott did not have that information available.

Planner Sintz requested direction from the Planning Commission on the discussion points outlined on page 13 of the Staff report. Chair Wintzer stated that the Planning Commission would address those points following the public hearing.

Chair Wintzer opened the public hearing.

Bruce Baird, legal counsel representing David and Rosemary Olsen, Rick Margolis and Dianne and Bill Newland, understood that the issues of the remand were limited; however, he wanted it clear that his clients were not waiving the claims made in previous statements, even if those claims could not be reiterated this evening.

Based on the remand, Mr. Baird felt it was made evident during the City Council meeting that this was not a low-income project. He believed the idea of a low-income project colored some of the decisions of the original approval. It is an apartment building and that fact should be clear. For information purposes only, Mr. Baird reported that his clients had filed a suit on the plat amendment.

Mr. Baird acknowledged that the pictures presented by the applicant this evening were prettier than what was shown in the past. However, using a political metaphor, Mr. Baird believed it was nothing more than putting lipstick on a pig. He noted that height, scale, mass and bulk were the four issues specifically remanded by the City Council.

Mr. Baird stated that the height of the building was lowered three-eighths of an inch. He acknowledged that the building was slid 3'6" forward for that height, but that was all the applicant did in response to the height issue raised by the City Council. Mr. Baird remarked that in looking at the revisions, nothing changes in terms of the impacts to the house below. The building slides backwards three feet but the scale impacts viewed from that property is essentially the same. Mr. Baird stated that by definition, the change was not responsive to the City Council's issue regarding height.

Mr. Baird remarked that the shadow studies was one effect of the height. He referred to the Spring Equinox at 4:00 p.m. as an example, and pointed out that there was only an arc-degree difference on the 4:00 p.m. shadow between the old design and the revised design. Mr. Baird stated that there was no material difference between the old plan and the new plan on the Summer 4:00 p.m. study. He indicated a dramatic and positive difference in impacts when the building was moved forward as suggested by the City Council. Mr. Baird stated that this building still dwarfs the historic structures below it in height, physical size and footprint. The footprint remained the same and it is 3 times the size of the house below. Therefore, the scale has not changed.

In terms of mass, Mr. Baird stated that the floor area ratio had gone down exactly 170 square feet, which is 1.3% reduction in floor area ratio. He did not think that percentage represented the change directed by the City Council.

Mr. Baird was unclear on the difference between bulk and mass, but he strongly believed the building was still too large. He stated that the building was pushed to the back to maximize already insufficient parking, because parking would not work if the building were moved forward.

Mr. Baird stated that moving the building that far back and maintaining its same size, it looms over, darkens and does not transition to or protect the historic houses below, which is the precise mandate the applicant was given.

Mr. Baird remarked that the Staff report indicates that the applicant submitted one application that was unacceptable to Staff, and then came back with a second application that they wanted presented to the Planning Commission. Mr. Baird believed this was why the Staff report was neutral on the matter and why the Staff was requesting direction from the Planning Commission on whether or not the revised design complies with the four-part mandate from the City Council.

Mr. Baird argued that it does not comply and it does not resolve any of the other associated problems. They can no longer use the excuse of affordable housing and there is no reason for the Planning Commission to support this plan.

Dianne Newland stated that she and her husband live at 1455 Woodside Avenue, which is the property directly behind and below the proposed project. Ms. Newland has lived in Old Town for over 30 years and in their present home for over 20 years. She is a geography teacher and her husband was on full-time ski patrol at PCMR for 25 years. They have given a lot to the community and they keep to themselves.

Ms. Newland stated that at the City Council meeting on March 4th, the City Council voted 4-1 in favor of a remand for Planning Commission review. At that time, Council Member Matsumoto stated that she had reviewed the materials and visited the site and she found that the building mass, bulk and orientation to the building, particularly as it relates to historic buildings, are not appropriate and a better structure could be designed for the site. Council Member Matsumoto also stated that the parking issue needed to be resolved. Ms. Newland remarked that Council Members Butwinski, Simpson and Erickson also agreed with Council Member Matsumoto and relayed that it should be remanded to the Planning Commission to review the rear facade and possible consideration for moving the building forward. Ms. Newland read the findings adopted by the City Council on March 4th, as outlined in the Staff report.

Ms. Newland stated that both the applicant's visuals and the supplemental visual that she brought to the appeal hearing confirm that the design has unmitigated impacts on the historic property to the east, including visual impacts, loss of light, and building orientation. She believes the size, scope and scale of this project is not in keeping with the surrounding homes. Ms. Newland stated that she and her husband have a large parcel that could have been a large condo if they had sold their property. Instead, they have chosen to live there and not develop their property, but they already are surrounded by gigantic condo projects. She remarked that because this project is so large, her 1100 square foot home would be engulfed in shadows and darkness for most of the day and she would have to endure adverse, unmitigated impacts. Ms. Newland disagreed with the shadow studies. She actually lives there and has sunlight during the day in summer, winter, spring and fall. The study generated by a computer is not real and does not reflect what she experiences as a real person.

Ms. Newland used a tape measure to demonstrate the short distance of 3'6" that the building was moved away from her home. She noted that the new structure was designed with a very steep roof form, which creates a snow shedding issue between the proposed structure and her backyard. Ms. Newland passed around a picture of her backyard. Her property line is 10 feet from the proposed structure and there is nowhere for the snow to go when it comes off the roof except into her yard. Ms. Newland wanted to know who would be responsible for this project's snow removal and the effect it places on surrounding property owners.

Ms. Newland pointed out that the project does not propose a retaining wall or any type of slope stabilization. She wanted to know what would keep the project from sliding down the hill on to her home. Ms. Newland questioned why the building could not be moved forward or angled in a different direction on the lot. She noted that the other homes built on Woodside and adjacent to this project are single family. The homes were built to the front to create a large area in the back to separate those homes from the historic homes below. Ms. Newland commented on the drop of the slope down into her property. From her backyard it would be like looking up six stories high to the top of the roof of the proposed building. She will have lack of privacy and

lack of natural light. She believed there was no way to mitigate the difference in scale between this proposed project and her existing structure, unless they reduce the overall height. Ms. Newland noted that the Planning Commission could require a reduction in building height to minimize its visual mass and to mitigate difference in scale between the proposed structure and an existing residential structure.

Ms. Newland recognized that the comments should focus on the issues of the remand, however, she wanted to comment on parking. She stated that by forcing tenants to pay \$25 to park in their lot would create a huge problem. With only twelve parking spaces provided, this would force tenants and their visitors and guests to park on Woodside or somewhere else. People who park on Woodside would walk through her yard and hike up to get to their units. Ms. Newland remarked that the project management cannot control who parks where and cannot control the trespassing that would occur on her property due to the lack of parking for this project. Ms. Newland stated that there are unmitigated impacts on her property, including visual impacts, the wall effect, loss of light, building orientation, lack of privacy and snow shedding, and she urged the Planning Commission to take that into consideration.

Dave Olsen, a resident at 1430 Empire Avenue, adjacent to this property, stated that the one thing that has not been changed through this process is the applicant's unwillingness to reduce the size to anything similar to the surrounding structures. He noted that the transitioning argument by the applicant is that they are not transitioning to the historic homes or the density of the historic district, which would allow them a story and a half with 60% open space. Instead, they are trying to transition down and then transition up. Mr. Olsen did not believe that was directed by the City Council, nor was it according to Code requirements or the General Plan. Mr. Olsen remarked that the structure is too massive for the size of the lot and that is reflected in size, parking, views, and shadow studies. He identified turnaround problems with the two parking spots adjacent to his home.

Chair Wintzer requested that Mr. Olsen focus his comments on the issues remanded from the City Council. Mr. Olsen believed his comments related to the mass of the project. Chair Wintzer advised Mr. Olsen to speak to the mass of the project and not the parking.

Mr. Olsen stated that the neighbors had not had the opportunity to look at the shadow studies before this evening. It would have been nice to see them beforehand so someone with more experience could analyze them on their behalf. Mr. Olsen believed Mr. Baird had stated most of their objections. However, he was particularly concerned that the north/south had actually increased in footprint and that the side yard setback next to his property was smaller. He asked if that was a fact or if it just appeared that way when the drawing was printed.

Mr. Elliott replied that there was no difference.

Mr. Olsen remarked that the solution for protecting the neighbors and the smaller historic structures would be to scale down the project. He asked the Planning Commission to require that of the applicant because it was consistent with the City Council directive and the General Plan. Mr. Olsen did not believe transition means something bigger. He believes the intent is to transition to historic. This project as designed would be the tallest and largest building on his

side of the street. He requested that this application be denied and that the Planning Commission consider requiring a reduction in size. Mr. Olsen suggested that the Planning Commission ask the applicant to consider consulting with the neighbors, which they have not done.

Ms. Newland invited the Planning Commission to visit her home and stand in her back yard to understand her concerns.

Rick Margolis stated that he lives two houses away from the proposed apartment building. He echoed all the previous comments. Mr. Margolis thought it was clear from the shadow studies that the impacts on the existing houses does not change at all between the old project and the revised project. In addition, it does not comply with the request to reduce the size and mass of the project. Mr. Margolis stated that parking was an issue discussed during the City Council meeting. The City Council raised the question that reducing the mass of the building would create more land and could possibly resolve the parking issue.

Chair Wintzer clarified that the building footprint and the building location remained the same in the revised plan. Mr. Elliott replied that it was the same as in the previous design.

Commissioner Hontz asked Planner Sintz to clarify the affordable housing component. She noted that page 33 of the Staff report quotes Council Member Simpson as saying that this application was not being processed as an affordable housing project. The fact that it was not affordable housing was also mentioned during the public hearing.

Planner Sintz stated that the project may be used as affordable housing for a future project. However, the City Council and the Planning Commission reviewed this application as a CUP for a multi-unit dwelling. Commissioner Hontz recalled a finding related to affordable housing in their approval. Commissioner Peek pointed out that Condition of Approval #10 states that if it is used as affordable housing, it must meet the housing resolution in effect at the time.

Mark Fischer, the applicant, stated that this is an affordable housing project and he took offense at the attorney telling him what his building is and is not. Mr. Fischer remarked that he would not be building this project if it was not an affordable housing/work force housing project. He found it frustrating that people who chose to purchase homes in a resort commercial (RC) zone are now causing problems for a use that is allowed in the zone. Mr. Fischer stated that at his direction, Mr. Elliott complied with every criteria of the Code in designing this project and they are not requesting any variances or other things not allowed under the Code. He is frustrated by the way this project has ping-ponged back and forth and seemingly has no end. Mr. Fischer emphasized that he has tried to comply with the intent of the zone and the Code for that piece of land.

Mr. Baird was unsure if the public hearing had been closed, but if the Planning Commission intended to hear comment from the applicant, he advised that the public be given the same consideration. If the public hearing was closed, it should be closed to both side. Mr. Baird remarked that the applicant needed to decide whether or not he wants an affordable housing project. As it stands now it is not affordable housing, even though the applicant was trying to sway the Planning Commission to that thinking. Mr. Baird believed the applicant has not

complied with Code. In addition, the neighbors built what they were entitled to build.

Mr. Baird recommended that the Planning Commission close the public hearing and discuss the issues among themselves, otherwise it runs the risk of becoming a due process violation.

Chair Wintzer stated that the typical process is that the applicant presents the project, the Planning Commission takes public input, and the applicant has the opportunity to respond. He asked if that was an appropriate format.

Assistant City Attorney McLean stated that the Planning Commission could make the decision on whether to close the public hearing or leave it open for public response. She explained that it was within their right to close the public hearing and have a dialogue with the applicant.

Assistant City Attorney McLean clarified the issue of affordable housing. Because the application was not submitted as an affordable housing MPD, the City is not treating it as an affordable housing project. Mr. Fischer has indicated his intention for affordable housing, and the Planning Commission can take that into consideration. Ms. McLean noted that Condition #10 states that if it is used as an affordable housing project it would need to be deed restricted. Currently, there is no deed restriction requirement and the applicant is not receiving any City benefits from the City for being an affordable housing project.

Chair Wintzer did not believe the Planning Commission had ever made pro or con comments based on the project being affordable housing. The Planning Commission has looked at mass and scale of the building. Chair Wintzer clarified that the use could be either affordable housing or an apartment.

Chair Wintzer closed the public hearing.

Commissioner Luskin suggested that moving the structure to the front could alleviate some of the concerns expressed by the public. He realized that it may not change the mass and bulk, but it might have an effect on its relationship to the historic homes and snow shedding. He asked Mr. Elliott whether moving the building was a realistic possibility.

Mr. Elliott stated that the unintended consequence of moving the building forward puts the parking lot in the rear of the project. He explained that they tried to mitigate the parking impacts by keeping it in a location consistent with what is on the street. It keeps the parking associated with the visual side on Empire and it addresses safety issues. Mr. Elliott stated that the purpose of moving the building on the shadow study was to see if there was a significant change. The result was a relatively minor change. Mr. Elliott remarked that the site is taller and much higher than the building below. They found that the buildings across the street have a similar impact on the shadows. Mr. Elliott believed it was kinder and more relative to the fabric to put the building to the rear of the site.

Commissioner Luskin asked Mr. Elliott to address the snow shedding concerns. Mr. Elliott remarked that 95% of his work is in Park City and 70% of that is in Old Town. The dilemma is that everyone wants steep roofs to match the historic nature and character. Unfortunately, that

leads to health, safety and welfare issues. Mr. Elliott stated that he has designed a number of steep roofs three feet from property lines and he has worked with the Building Department to provide ways to manage and hold the snow. He was comfortable that snow shedding could be managed. Mr. Elliott stated that this project provided more distance than what is typical in most historic projects. He noted that the Building Department would not issue a permit if snow shedding is not satisfactorily proven in their documentation.

Planner Sintz stated that the Chief Building Official had done a study on snow shedding due to the issue of small side yard setbacks in the Historic District. The study was based on a 9:12 roof pitch and it was determined that snow would shed off of a metal roof a distance of 7 feet. That is an important number because 25' x 75' Old Town lots have 3 foot setbacks. In those cases, the Building Department requires a reciprocal snow shed agreement so if snow sheds off of one property and breaks windows on the adjacent property, an agreement is already in place. If a property owner cannot obtain that agreement from his neighbor, a re-design of the roof is required before pulling a building permit.

Planner Sintz stated that in the scenario for this particular project, where there is a 10 foot rear yard setback that handles the 7 foot distance, the proposed roof re-design minimizes the effect of snow shedding from the previous roof design. The way the building is positioned on the site, the setbacks become greater as it moves to the north.

Chair Wintzer referred to the side elevations and asked if the slope at the back of the building was accurate. Mr. Elliott replied that the survey information was put into the computer and that was as accurate as he could say it was. Chair Wintzer did not think the topo was consistent with the picture Ms. Newman had passed around. Mr. Elliott identified the topo line that runs from the corner and noted that it was steeper on one side than the other and it angles back to a cross slope on the site. Chair Wintzer recalled that the slope was steeper than what was shown on the topos. Mr. Elliott offered to check it again, but he did not think the result would be different.

Commissioner Hontz was pleased that the application was remanded back to the Planning Commission for the reasons specified by the City Council, since they addressed her original concerns at the time the Planning Commission voted to approve the application. Commissioner Hontz favored the design revisions and felt they went a long way in terms of the roof element, the appearance of the mass and scale, and the materials.

Commissioner Hontz liked the shadow study, but she believed there was a huge difference in allowing more light by moving the structure to the front. She recalled her comment at the time of the original review regarding continual erosion of the historic nugget and thought the revised design was more compatible with Old Town and the neighborhood feel. However, she personally wanted to see the building moved forward with the parking lot in the back. She understood there were design pros and cons if the building was moved, but she thought it was a better solution from the standpoint of addressing the remand and her original concerns.

Commissioner Hontz stated that she previously had concerns about snow shedding from the front of the building on to the parking lot. She believed the current solution did more to reduce

the impacts on vehicles and pedestrians. Commissioner Hontz stated that she was thrilled with the majority of the application as revised.

Commissioner Pettit echoed Commissioner Hontz. She agreed that the design had definitely evolved and was more sensitive to the historic properties adjacent to the project. In looking at the aerial view and orientation of the single family homes to the south of the project and the building below, she concurred with Commissioner Hontz that bringing the building forward would provide greater space between the project and the historic home on Woodside. It would be more consistent with the single family homes and mitigate the effects of the shadowing. Commissioner Pettit believed that the design elements included in the re-design, as well as the separation, minimized the wall effect and other impacts that were a concern in the previous review. Commissioner Pettit was interested in seeing what the project would look like with the building moved forward and believed it would do more to meet the intent of the City Council remand.

Chair Wintzer agreed that moving the building forward would help the three houses behind. However, he was concerned about creating a wall effect going down Empire. Chair Wintzer was also concerned about creating an uncomfortable living environment by having the window 12' feet from the street. He thought it would be helpful to see the scenario of moving the building forward, but he was not convinced it was the right solution. Chair Wintzer commended the applicant on a better design and he believed it softened the project significantly.

Commissioner Peek stated that lowering the main eave line a full story and changing the dormers to a massing that relates to the dormer element of the historic structure had improved the east elevation. Snow shed issues are consistently resolved at the plan review stage with the Building Department and he was confident that issue would be addressed. Commissioner Peek stated that he would need to see a drawing of the building moved forward before he could determine if it was a viable option.

Commissioner Strachan agreed with Commissioners Wintzer and Peek. The revised project was better than the design that was initially approved, even though the original design met the CUP criteria and the Code requirements. Commissioner Strachan was concerned that if the allowed uses in that zone were built, it would completely overshadow the historic home. He pointed out that the applicant could simply change the use and build a triplex that would dwarf every structure to the east, and the Planning Commission would have no control because it is an allowed use. In their attempt to tweak and move and micro-manage this project, they may lose it entirely and end up with something much worse. Commissioner Strachan believed that was a real threat. If the intent is to keep the historic fabric of Old Town, they need to weigh the lesser of all the evils. In his opinion, this project meets the criteria of the CUP and transitions as best as possible with the structures to the east. He agreed that the situation was not ideal because of how the zoning map is structured, but it is as good as it can get.

Commissioner Strachan believed the revised plans were moving in the right direction in terms of meeting the Code criteria and reducing the building mass, bulk and scale.

Commissioner Savage asked how much the revised plan changed the volume of the building.

Mr. Elliott replied that he had not done that study, but he believed it would be significantly less because the mass was reduced in the front and the rear. Commissioner Savage wanted to know the height difference in eave height between the original design and revised design. Planner Sintz replied that it was 8'10 to 11'5 as the grade changes across the setback.

With respect to the concept of moving the building forward, Commissioner Savage understood that the rear of the building would be landscaped if the parking remained in front. Mr. Elliott replied that this was correct. Commissioner Savage asked if doors were proposed as access at the rear of the building. Mr. Elliott answered no. Commissioner Savage pointed out that if the building was moved to the front, there would be a parking lot in the back with no landscaping, people coming in and out of the building, and more noise and activity. He felt that fact should also be considered in terms of neighbor impacts.

Commissioner Savage stated that he was new to the Planning Commission, but in his brief assessment, he believed the applicant had complied with the City Council request. Commissioner Luskin complimented the applicant on the revisions and felt the project was much better than originally designed. He was a dissenting vote in the original approval and he believed the remand proves that the system works. Commissioner Luskin agreed with Commissioner Strachan that the changes were beneficial and because of the zoning something far worse could occur. He was still troubled by some elements of the project and he was still concerned about the incremental losses in Old Town.

Commissioner Luskin believed the applicant had done as much as possible to mitigate the impacts and meet the direction of the City Council. He commended them on the design and its compatibility with the historic structures. Commissioner Luskin understood opposing positions for moving the building to the front and he wrestled with whether or not it would be beneficial. Overall, Commissioner Luskin was comfortable that the project fulfilled all the obligations of the LMC and it was a better project than originally presented.

Commissioner Hontz noted that in the RC zone, the height would be the same for any of the allowed uses. However, if the applicant proposed an allowed use larger than 3500 square feet, it would come back to the Planning Commission as a CUP.

The Planning Commission discussed the three points raised by the Staff.

Does the Planning Commission agree that the proposed new design responds to the City Council remand as outlined in this report.

Commissioners Strachan, Peek, Wintzer, Luskin and Savage believed the revised project adequately responded to the remand. Commissioner Pettit did not believe it did. Commissioner Hontz thought it only partially responded to the remand. Her issue was still with the building location on the site.

Does the Planning Commission find that the rear of the building transitions to the historic structure on Woodside Avenue.

Commissioners Strachan, Peek, Luskin and Savage answered yes to the building transition.

Commissioners Peek and Hontz answered no. Chair Wintzer thought the transition had improved, but he still had concerns.

If the Commission agrees the project does not transition appropriately or meet the intent of the remand, what specific design changes the Commission feel is appropriate in order to meet the intent of the remand.

Planner Sintz summarized the Commissioners answers on the first two questions and suggested that the third question would go to Commissioners Hontz, Pettit and Wintzer.

Commissioner Pettit stated that the Planning Commission had seen the shadow study with the building moved forward, but she thought it would be helpful to see the design impacts of moving the project forward and how that might respond to the direction given by City Council. In order to fully evaluate the newly proposed design, Commissioner Pettit needed to see the alternative option. Commissioner Hontz concurred.

Commissioner Savage commented on the measurement used in the shadow study. He believed that the incremental benefit associated with moving the building would be minor because of the obtuse nature of the angle of the sun during the long winter days. Mr. Elliott agreed and pointed out that the setting sun is always lower and the shadow impact on the site comes from the setting sun. He stated that this was another reason for placing the building in its proposed location.

Commissioner Peek remarked that the movement of the shadow would equal the movement of the building. Chair Wintzer stated that the shadow was only one issue. The other issue is what the neighbors would be looking at in their backyard. For that reason he was interested in seeing the benefits and impacts of moving the building to the front.

The Planning Commission discussed the need for a site visit. Chair Wintzer thought a site visit would be helpful. He requested a section that incorporates the back yard of the historic house beyond the property line. Planner Sintz noted that the applicant had provided that section drawing but it was not included in the Staff report. Mr. Elliott presented the requested drawing.

Planner Sintz clarified that there was a majority consensus from the Planning Commission for the applicant to provide an analysis of moving the building from the back of the lot to the front. Commissioner Hontz stated that she could not support the project without seeing that analysis.

Mr. Elliott offered to ask the applicant if he was willing to pay for additional renderings to show both building locations. He pointed out that moving the structure to the front would require a complete re-design of the building because it is a significantly different application.

MOTION: Commissioner Pettit moved to CONTINUE 1440 Empire Avenue Conditional Use Permit to June 9, 2010. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Park City Planning Commission Meeting
May 12, 2010
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The Park City Planning Commission Meeting adjourned at 7:45 p.m.

Park City Planning Commission

Kayla Sintz

EXHIBIT F

From: Bruce Baird [bbaird@difficultdirt.com]
Sent: Thursday, December 02, 2010 4:19 PM
To: Kayla Sintz; Polly Samuels McLean
Cc: 'David R. Olsen'; 'rosemary olsen'; 'Rick Margolis'; 'Jason Merrill'; wheelsdk57@q.com; ddnewland@yahoo.com
Subject: 1440 Empire - Submission to Planning Commission

Kayla:

As you know, I represent the Olsens, Mr. Margolis and Ms. Newland in this matter.

We obtained a copy of the new plans for this project just a day or so before Thanksgiving. We got a copy of new changes to those new plans yesterday. The plans we received are not scaled and are difficult to analyze because of that problem and the delays in timing. Also, we understand that the applicant may be intending to present additional information at the Planning Commission.

As you know, those delays and problems are self-inflicted by the applicant's making the specious claim that we could not get a copy of the plans because of copyright issues. As I quickly pointed out, and as your legal counsel ultimately agreed, the "fair use" doctrine clearly gave us a right to a copy of the plans. The only reason that I can think of for the applicant to refuse to give us a copy of the plans when we asked for them a few months ago was to impede our analysis thus denying my clients' rights to due process and fair play. That delay also impacts the Planning Commission's ability to be fully informed in considering its decision.

Also, despite making a GRAMA request, we have yet to receive any other materials or communications between the applicant and Staff since the Planning Commission last considered this matter several months ago.

We are in the process of making a detailed analysis of the plans and comparing them with the applicable legal standards. We have already discovered what we believe to be some potentially serious and, likely, fatal issues. Unfortunately, we cannot, because of the delays caused by the applicant, have this analysis completed in time for inclusion in the Planning Commission's packets that are going out shortly after you receive this email. We are working to have that analysis to you for circulation to the Planning Commission as soon as possible but I cannot say exactly when it will be completed. (Completion of the work is also being delayed a little because Mr. Olsen is with his family in Logan at this time for the birth of a grandchild.)

Again, I request that the Planning Commission continue this matter until the applicant has given us the complete plans in electronic format so that we can fully analyze them.

I will transmit any detailed analysis as soon as I can and I will be at the hearing on the 8th with my clients.

Please transmit this email to the Planning Commission with the packets.

Thx. brb

BRUCE R. BAIRD P.C.

2150 SOUTH 1300 EAST, 5TH FLOOR

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12/2/2010

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Planning Commission Staff Report

Subject: 1502 Seasons Drive
Author: Kirsten A Whetstone, AICP
Date: December 8, 2010
Project Number: PL-10-01086
Type of Item: Administrative – Extension of Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission open a public hearing and approve a request for a one year extension of approval of a Conditional Use Permit for a single family house located at 1502 Seasons Drive according to the findings of fact, conclusions of law, and conditions of approval as stated in this staff report.

Topic

Applicant: Henry Sigg, owner
Location: 1502 Seasons Drive
Zoning: Residential Development- April Mountain MPD (RD-MPD)
Adjacent Land Uses: Residential and open space
Reason for Review: Extensions of Conditional Use Permits require approval by the Planning Commission

Background

On October 20, 2010, the applicant submitted a complete application requesting an extension of the Conditional Use Permit (CUP) approval for construction of a single family home on Lot 21 of the April Mountain Subdivision. A CUP is required for construction of a house on Lot 21 of April Mountain subdivision plat per the April Mountain MPD and subdivision plat.

On May 27, July 8, August 12, and November 11, 2009, the Planning Commission conducted public hearings on the Conditional Use permit application. On November 11, 2009, the Planning Commission approved the CUP with a one- year expiration date conditioned on a building permit being issued prior to that date. The condition reads as follows:

This approval will expire on November 11, 2010 unless a building permit has been issued by the City Building Department prior to this date.

The Land Management Code allows the Planning Commission to grant a one-year extension for CUP approvals. If the CUP extension is not approved, the applicant may resubmit the same plans or submit revised plans as a new Conditional Use application for Planning Commission review and action. The applicant is requesting an extension due to extenuating circumstances of the economy and timing of construction (Exhibit A). No revisions to the approved plans are proposed. The final November 11, 2009 CUP

staff report and exhibits are attached as Exhibit B and if the extension is granted, will continue to reflect the approved CUP. The final action letter is attached as Exhibit C and minutes of the November 11, 2009, Planning Commission meeting are attached as Exhibit D that reflect the changes between the November 11, 2009 staff report conditions and the conditions in the final action letter.

Analysis

Staff reviewed the analysis (see Exhibit E) included with the original approval, taking into consideration LMC Amendments approved since the November 11, 2009 CUP approval, pursuant to LMC 15-1-10(G) which states in part:

“Unless otherwise indicated, Conditional Use permits expire one year from the date of Planning Commission approval, unless the Conditionally Allowed Use has commenced on the project. The Planning Commission may grant an extension of a Conditional Use permit for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact.”

A building permit has not been issued due to extenuating circumstances due to the economy and timing of construction. The owner is requesting an extension in order to begin construction in the spring of 2011. Planning Staff and the applicant met in late August to discuss the timing of this permit and the applicant agreed to request an extension of the CUP rather than pulling an excavation permit to keep the CUP active for 180 days.

The standard of review for an extension is as follows: “the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact.” The approved plans were reviewed for compliance with the current code, including amendments to the LMC approved since the original CUP was submitted, and found to comply (see Exhibit E). There is no change in circumstance that would result in an unmitigated impact or non-compliance with the current LMC. The applicant is not proposing any changes to the approved plans.

An extension of CUP approval is preferable to an applicant pulling a grading or excavation permit to maintain an approval and risking a site being graded or excavated without confidence that further construction will begin expeditiously.

In addition to meeting the minimum site requirements as stated on the April Mountain subdivision plat, development of this lot requires a Conditional Use Permit. The April Mountain Subdivision plat, recorded on October 29, 2002, includes a note stating that “development on Lot 21 is subject to a Conditional Use Permit with the HR-1 and HRL Steep Slope criteria used as additional review criteria.”

Staff review of compliance with the LMC is outlined in Exhibit E.

On November 11, 2009, the Planning Commission approved the CUP based on compliance with the Land Management, the April Mountain Subdivision, and the April

Mountain MPD as stated in the findings of fact, conclusions of law, and conditions of approval found in the November 11, 2009 staff report, and re-stated in this staff report.

Staff reviewed the proposal against the platted subdivision and lot and site requirements of the Land Management Code as follows:

	<u>MPD/Platted</u>	Proposed with CUP
Lot Size	35,711 sf (0.82 acres)	35,711 sf (0.82 acres)
Building Zone Area	14,965 sf	13,095 sf- <u>Complies</u>
Allowed Site Disturbance (LODA)	20,000 sf	19,988 sf- <u>Complies</u>
Area of reserved open space (ROS) approx.	11,595 sf	12,207 sf- <u>Complies</u>
Front and Rear Yard Setbacks*	15' minimum	Front- 15' to 50' Rear- 27' to 50' <u>Complies</u>
Side Yard Setbacks*	12' minimum	27' to 46' west side 90' to 125' for east side <u>Complies</u>
Building Height	19' to ridge of roof is the maximum building height per April Mountain MPD and Subdivision plat. This is a 14' decrease in the allowed height of the RD zone of 33'.	Complies with 19' maximum building height per the April Mountain MPD and subdivision plat. <u>Complies</u>
Parking	Two spaces, Minimum	Four spaces- <u>Complies</u>

*Setbacks are to property lines, unless further restricted by the ROS lines. Setbacks of 10' to 15' are generally recommended but not required from platted ROS lines in order to allow adequate distance for construction purposes.

Department Review

The CUP application was reviewed by the Development Review committee prior to Planning Commission approval and all issues raised by the committee have been addressed.

Notice

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

Public Input

Staff has been contacted by a representative of a neighboring property owner who requests that only one, one year extension be granted. The Commission may impose this more restrictive condition if it desires. If the CUP expires the applicant may submit

the same plans or may submit revised plans. In each case, a public hearing and Planning Commission review and approval would be required prior to issuance of any building permits. The Commission has in the past granted a one year extension more than one time provided that the standard of review is met each time.

Alternatives

- The Planning Commission may approve a one year extension to the Conditional Use Permit as conditioned or amended to restrict the applicant from applying for a future one year extension, or
- The Planning Commission may deny the one year extension to the Conditional Use Permit and direct staff to make Findings for this decision and the applicant would need to submit a new application for a Conditional Use Permit prior to submittal of a building permit, or
- The Planning Commission may continue the discussion on the extension to the Conditional Use Permit and provide specific direction to the applicant and staff.

Significant Impacts

There are no significant fiscal or environmental impacts to the City from this application for an extension. An extension of CUP approval is preferable to an applicant pulling a grading or excavation permit to maintain an approval and risking a site being graded or excavated without confidence that further construction will begin expeditiously.

Consequences of not taking the Suggested Recommendation

The Conditional Use Permit would expire and construction on the single family house could not begin until a new CUP is approved after review, further public hearings, and final action by the Planning Commission.

Recommendation

Staff recommends that the Planning Commission open a public hearing, consider input, and approve the request for a one year extension of approval of the Conditional Use Permit for construction of a single family house at 1502 Seasons Drive according to the findings of fact, conclusions of law, and conditions of approval stated herein.

Findings of Fact:

1. The property consists of Lot 21 of the April Mountain Subdivision and is located at 1502 Seasons Drive.
2. The zoning is Residential Development (RD-MPD) subject to the April Mountain MPD (approved June 12, 2002), the April Mountain Development Agreement and April Mountain Subdivision plat (recorded on October 29, 2002) that require approval of a conditional use permit for development on Lot 21, with HR1 and HRL Steep Slope review criteria used as additional review criteria.
3. The approved subdivision plat created Lot 21 with lot restrictions for Height, Setbacks, Limits of Disturbance area, total building zone area, and platted ROS (reserved open space) consistent with the April Mountain MPD.
4. No construction is proposed within the platted ROS area.

5. Lot 21 is 35,711 square feet (0.82 acres) in lot area consistent with the MPD. A maximum building zone area of 14,965 sf is allowed within the 20,000 sf allowed limits of disturbance area. A 13,095 sf building zone area is proposed within a 19,988 sf limits of disturbance area. The proposed building pad fits entirely within the approximate building pad shown on the April Mountain subdivision plat.
6. Access to the lot is from Seasons Drive per the MPD and plat.
7. Under the current LMC, the minimum front yard setback is 15 feet, subject to the location of platted reserved open space (ROS). Applicant proposes 15' to 50' front setbacks in compliance with the plat and MPD.
8. Under the current LMC, the minimum rear yard setback is 15 feet, subject to the location of platted reserved open space (ROS). Applicant proposes 27' to 50' rear setbacks in compliance with the plat and MPD.
9. Under the current LMC, the minimum side yard setback is 12 feet, subject to the location of platted reserved open space (ROS). Applicant proposes 27' to 46' west side setbacks and 90' to 125' for east side setbacks in compliance with the plat and MPD.
10. The April Mountain MPD and subdivision plat notes restrict Lot 21 to a maximum building total height of 19'. The applicant proposes a maximum building height of 19' with portions of the house less than 19' in compliance with the MPD and the RD zone Height requirements.
11. Parking is required at a rate of two parking spaces per house. The applicant proposes 4 parking spaces within garages.
12. The applicant proposes a 10,000 sf house, including the basement and floor areas. The building footprint is approximately 7,000 sf. There are no plat restrictions on total building floor area. The plat restricts location of the footprint within a designated building zone. House sizes in the April Mountain subdivision range from 5,000 to 8,000 sf and are a function of building zone, setbacks, and building height.
13. Massing requirements of the MPD are met in that the Floor Area directly above the lowest floor level does not exceed 85% of the Floor Area of the floor template directly beneath it, whether such lowest floor is finished, unfinished, or crawl space. Floor Area of the top or intermediate floor templates does not exceed 65% of the area of the floor templates directly beneath them. Floor Area calculations will be provided with the building permit plans and verified prior to building permit issuance.
14. The highest ridge of the central massing is at elevation 7463'0". The port-cochere roof peak is at 7462'0" and the northern garage roof peak is at 7461'0". The two-story elements on the south elevation are at elevation 7451'0". No portion of the house exceeds the 19' height limit, a 14' height restriction from the zone height.
15. The central massing of the dwelling steps down in height and reduces in bulk as it reaches the edges of the Dwelling to blend the building mass into the natural setting.
16. The applicant provided dimensions of each exterior wall plane demonstrating that there are no wall planes at or greater than 30' without a minimum break of 3'.
17. The applicant provided a visual analysis from the Stew Pot and across the valley demonstrating that the proposed dwelling mitigates and reduces visibility of the dwelling from the Stew Pot. The house is situated below the grade of the road and lower on the ridge than the houses on the uphill side of the road, as viewed from both the Stew Pot and from across the valley.

18. The applicant proposes to use the USBC Green Building Standards for residential construction, utilizing passive solar heating, active solar water heating (including solar heating for the driveway snow melt and pool), photo voltaic solar cells for electricity generation, a 1,000 sf green planted roof, and a clay rammed earth north wall among other sustainable construction items.
19. The findings in the Analysis section of the November 11, 2009 staff report and the December 8, 2010 staff report and exhibits are incorporated herein.
20. On May 27, July 8, August 12, and November 11, 2009, the Planning Commission conducted public hearings on the Conditional Use permit application.
21. On November 11, 2009, the Planning Commission approved the CUP for a single family house at 1502 Seasons Drive with an expiration date of one year from the date of approval unless a building permit had been issued prior to this date.
22. On October 20, 2010, the Planning Department received a request for a one year extension of the approval for the 1502 Seasons Drive CUP for a single family house.
23. There has been no changes in circumstance that would result in unmitigated impacts.
24. The applicant stipulates to the conditions of approval.
25. On December 8, 2010, the Planning Commission conducted a public hearing on the extension request application.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically Section 15-1-10 and Sections 15-2.21-6 (B) and Section 15-2.2-6 (B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. All applicable conditions of approval of the April Mountain MPD and April Mountain Subdivision plat continue to apply.
3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Chain link construction mitigation fencing along the ROS areas may be necessary to prevent disturbance of these areas during construction of the house.
4. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan consistent with the April Mountain Master Planned Development and the April Mountain Subdivision plat shall be submitted for review and approval by the City Planning Department and/or City landscape architect, prior to building permit issuance. Lawn shall be a minor component of the overall landscape plan. No more than 25% of the water demanding area shall be planted in high water demand lawn (such as Kentucky blue grass). An additional 5% of the water demanding area may be planted in drought tolerant lawn species (such as

Blue Grama, Smooth Brome, Tall Fescue, Buffalo Grass, Creeping Red Fescue, Perennial Ryegrass, or Alpine Bluegrass)

6. No building permits shall be issued for the house unless and until the building plans are reviewed and approved by the Planning Department staff for compliance with the building plans reviewed by the Planning Commission on November 11, 2009, and specifically reviewed for compliance with the 19 foot height limit. All exterior finishes and landscaping shall be approved prior to installation and shall be consistent with the plans reviewed by the Planning Commission. The Planning Director may approve minor changes, excluding materials, height and massing. No single exterior wall plane shall measure more than thirty feet in length (30') before a change in depth of at least three feet. Building massing shall be verified prior to the issuance of a building permit for compliance with the April Mountain MPD and these conditions of approval.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey (one foot contours) of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges. The platted height restriction is 19' from existing grade.
8. Prior to the issuance of a building permit the applicant shall, if deemed necessary by the Chief Building Official based on the geo-technical report, submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer as required by the Building Department.
9. All exterior lighting shall be shown on the final building plans and shall conform to requirements of the City's lighting ordinance and shall be minimal and subdued in nature. No signs may be installed without approval of a sign permit and in compliance with the City's Sign Code.
10. This approval will expire on November 11, 2011 unless a complete building permit application has been submitted to the City Building Department and a building permit has been issued by this date.

EXHIBITS

Exhibit A- Applicant's letter

Exhibit B- November 11, 2009 final staff report and plans

Exhibit C- Action letter

Exhibit D- Minutes from November 11, 2009 Planning Commission approval

Exhibit E- CUP Analysis comparison from previous approval

October 11, 2010

Park City Planning Commission
455 Marsac Ave.
Park City, UT 84060

RE: 1501 Seasons Drive CUP extension

Dear Planning Commission,

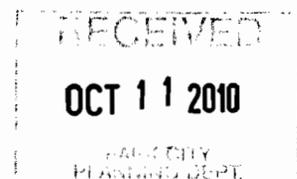
This letter is a formal request for an extension of the Conditional Use Permit (CUP) granted on November 11, 2009 for the property located at 1501 Seasons Drive in Park City, Utah. As the owner of the property and the applicant, I hereby request that the Park City Planning Commission grant a one year extension to the existing CUP.

Thank you for your consideration in this matter.

Sincerely,



Henry Sigg



Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 1502 Seasons Drive
Author: Kirsten A Whetstone, AICP
Date: November 11, 2009
Type of Item: Conditional Use Permit for single- family house proposed on Lot 21 April Mountain Subdivision

Summary Recommendations

Staff recommends that the Planning Commission conducts a public hearing and considers approving a conditional use permit for a single-family house at 1502 Seasons Drive. Findings of fact, conclusions of law and conditions of approval are provided for the Commission's consideration.

Topic

Applicant: Henry Sigg, owner, represented by Don Bloxom, designer
Location: 1502 Seasons Drive, Lot 21 April Mountain Subdivision
Zoning: RD-MPD (Residential Development subject to the April Mountain Master Planned Development)
Adjacent Land Uses: Residential, open space
Reason for Review: April Mountain MPD and Subdivision plat notes require a Conditional Use Permit for construction on Lot 21, "with HR-1 Steep Slope criteria used as additional review criteria". Conditional Use Permits require a public hearing with review and final action by the Planning Commission.

Background

This staff report is supplemental to the previous 1502 Seasons Drive staff reports dated April 8, May 13, May 27, and July 8, 2009. This matter was continued to August 12th after discussion and public hearing on July 8th. The Planning Commission provided direction to the applicant to redesign the house to meet the language of Condition 17 of the April Mountain MPD/Development Agreement regarding stepping of the central mass. The Commission also requested dimensions on the site plan demonstrating that no exterior wall plane measured more than 30' in length before a change in depth of at least 3'. This information has been provided (Exhibit A).

On August 12 the item was continued at the applicant's request to September 9 and then to October 14th. On October 14th the item was continued to November 11th. Notice of the November 11, 2009, hearing and discussion was provided in the Park Record, re-posted and courtesy letters were mailed again to property owners within 300 feet of the Lot.

Analysis

See attached May 27 and July 8 staff reports (Exhibit C) for complete analysis of the proposed use per the Land Management Code, Conditional Use and April Mountain

MPD and plat requirements. The following table is a summary of the MPD, plat and Residential Development (RD) zoning requirements.

:

	MPD/Platted/RD zone	Proposed
Lot Size	35,711 sf (0.82 acres)	35,711 sf (0.82 acres)
Building Zone Area	14,965 sf	13,095 sf
Allowed Site Disturbance (LODA) (not including those areas disturbed for the road and utilities per the MPD)	20,000 sf	19,988 sf
Area of platted reserved open space (ROS) approx.	11,595 sf	11,595 sf
Front and Rear Yard Setbacks*	15' minimum	15' – 50' front 27' to 50' rear
Side Yard Setbacks*	12' minimum	27' to 46' west side 90' to 125' east side
Building Height	19' to ridge of roof from existing grade per subdivision plat	House meets the 19' height restriction as measured from existing grade (see Exhibit E).
Parking	Two spaces, Minimum	Four spaces in garages

*Setbacks are to property lines and may be further restricted by the ROS lines.

April Mountain Subdivision and MPD

The property is subject to the June 12, 2002, April Mountain MPD memorialized by the April Mountain Development Agreement and the April Mountain Subdivision plat (recorded on October 29, 2002) (Exhibit B). The MPD provided the basis for the layout of the subdivision, lot sizes and configurations, setback and building area restrictions, height and massing restrictions, and other specific development parameters for the lots.

Per conditions of approval of the MPD, notes were included on the subdivision plat that require a “conditional use for development on Lot 21, with HR1 and HRL Steep Slope review criteria used as additional review criteria”. The MPD approval required a CUP for development on Lot 21 “to mitigate and reduce visibility from the Stew Pot”. Lot 21 was platted consistent with the size, configuration, and restrictions identified by the MPD. Consistent with the MPD and plat notes the applicant submitted a conditional use permit for development on Lot 21 and staff provided review of the HR1 and HRL Steep Slope review criteria in the May 27 report (Exhibit C).

Conditional Use Permit review

The May 27th staff report includes staff’s analysis of the underlying Master Planned Development, the April Mountain subdivision plat, and the LMC Conditional Use Permit criteria. Lot and site restrictions, plat notes, landscaping, massing, and other development parameters and restrictions are included in the May 27th report.

Revised Plans

On June 17th the applicant submitted revised plans identifying proposed exterior materials (primarily reclaimed barn wood and gray stone with gray, nickel roofing with copper elements.) Four cross sections through the house were provided (one length wise and 3 across the width) and keyed to the elevations. Background documents and analysis of compliance, a revised site plan, and floor plans were included as attachments to the July 8th staff report.

At the meeting on July 8th the applicant provided a 3 dimensional model of the single family house and provided samples of exterior materials and colors, namely barn wood stained cedar red #14, gray natural stone, dark green aluminum clad wood windows, gray-green architectural roofing shingles with copper roofing elements, and 2 by 12 and 2 by 4 stacked cedar fascia stained to match the barn wood with stone fascia on the east, south, and west elevations. The applicant provided a 24" by 36" colored plan for the Commission's review.

Prior to the July 8th meeting, the applicant revised the site plan to reduce the building envelope/pad to 13,095 sf from the previous 14,849 sf (14,965 sf is allowed by the MPD/plat) and to reduced the limits of disturbance area to less than the 20,000 sf allowed. Setbacks to the platted reserved open space areas are no longer minimal having been increased from a minimum of 3' to a minimum of 9'. The east side setback exceeds 90' as platted and the west side setback is 27' exceeding the 12' required by the LMC and plat. Front and rear setbacks comply with the LMC and plat.

After the July 8 meeting, the applicant submitted a revised site plan and elevations to address the issue of stepping of the central mass down in height and bulk as it reaches the edges of the Dwelling, as discussed in length at the meeting (Exhibit D). The highest ridge of the central massing has been redesigned and is now at elevation 7463'0". The port-cochere roof peak is at 7462'0", the northern garage roof peak is at 7461'0", and the ridge over the western massing is 7459'10". No portion of the building exceeds the 19' height restriction. The central massing of the dwelling steps down in height and reduces in bulk as it reaches the edges of the Dwelling to blend the building mass into the natural setting. See height calculations in Exhibit E.

The applicant also provided dimensions for each exterior wall plane demonstrating that there are no wall planes at or greater than 30' without a minimum of a 3' break as required by the Master Planned Development. Staff has included this requirement as a condition of approval. Additional changes since the July 8 meeting include the following:

1. Garages have been revised to be at 90 degrees to each other.
2. The building has been realigned to match the contours more closely.
3. As a consequence of #2 the house has been raised one foot saving approximately 80 loads of excavation (no roof ridge exceeds the 19' height limit).
4. The guest quarters have been moved back from the 15' front setback to 25'.
5. The green house and potting areas have been reconfigured slightly, providing greater setback to the ROS area.
6. Driveway grade has been reduced from 14% to 10%.

7. All retaining walls in the front setback area are less than 4' in height.
8. The proposed building fits entirely within the approximate building pad shown on the April Mountain subdivision plat.

These changes are consistent with requirements and conditions of the April Mountain MPD and subdivision plat and the Conditional Use Permit criteria. Staff finds that the proposed house complies with all of the April Mountain Subdivision plat and April Mountain MPD requirements and conditions.

Recommendation

Staff recommends the Planning Commission conduct a public hearing and consider approving a conditional use permit for a single family house located at 1502 Seasons Drive, Lot 21 of the April Mountain Subdivision, based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

1. The property consists of Lot 21 of the April Mountain Subdivision and is located at 1502 Seasons Drive.
2. The zoning is Residential Development (RD-MPD) subject to the April Mountain MPD (approved June 12, 2002), the April Mountain Development Agreement and April Mountain Subdivision plat (recorded on October 29, 2002) that require approval of a conditional use permit for development on Lot 21, with HR1 and HRL Steep Slope review criteria used as additional review criteria.
3. The approved subdivision plat created Lot 21 with lot restrictions for Height, Setbacks, Limits of Disturbance area, total building zone area, and platted ROS (reserved open space) consistent with the April Mountain MPD.
4. No construction is proposed within the platted ROS area.
5. Lot 21 is 35,711 square feet (0.82 acres) in lot area consistent with the MPD. A maximum building zone area of 14,965 sf is allowed within the 20,000 sf allowed limits of disturbance area. A 13,095 sf building zone area is proposed within a 19,988 sf limits of disturbance area. The proposed building pad fits entirely within the approximate building pad shown on the April Mountain subdivision plat.
6. Access to the lot is from Seasons Drive per the MPD and plat.
7. Under the current LMC, the minimum front yard setback is 15 feet, subject to the location of platted reserved open space (ROS). Applicant proposes 15' to 50' front setbacks in compliance with the plat and MPD.
8. Under the current LMC, the minimum rear yard setback is 15 feet, subject to the location of platted reserved open space. Applicant proposes 27' to 50' rear setbacks in compliance with the plat and MPD.
9. Under the current LMC the minimum side yard setback is 12 feet, subject to the location of platted reserved open space. Applicant proposes 27' to 46' west side setbacks and 90' to 125' for east side setbacks in compliance with the MPD.
10. The April Mountain MPD and subdivision plat notes restrict Lot 21 to a maximum building total height of 19'. The applicant proposes a maximum building height of 19' with portions of the house less than 19' in compliance with the MPD.
11. Parking is required at a rate of two parking spaces per house. The applicant proposes 4 parking spaces within garages.
12. The applicant proposes a 10,000 sf house, including the basement and floor areas. The building footprint is approximately 7,000 sf. There are no plat restrictions on

building floor area or footprint. House sizes range from 5,000 to 8,000 sf and are a function of building zone, setbacks, and building height.

13. Massing requirements of the MPD are met in that the Floor Area directly above the lowest floor level does not exceed 85% of the Floor Area of the floor template directly beneath it, whether such lowest floor is finished, unfinished, or crawl space. Floor Area of the top or intermediate floor templates does not exceed 65% of the area of the floor templates directly beneath them. Floor Area calculations will be provided with the building permit plans and verified prior to building permit issuance.
14. The highest ridge of the central massing is at elevation 7463'0". The port-cochere roof peak is at 7462'0" and the northern garage roof peak is at 7461'0". The two-story elements on the south elevation are at elevation 7451'0". No portion of the house exceeds the 19' height limit, a 14' height restriction from the zone height.
15. The central massing of the dwelling steps down in height and reduces in bulk as it reaches the edges of the Dwelling to blend the building mass into the natural setting.
16. The applicant provided dimensions of each exterior wall plane demonstrating that there are no wall planes at or greater than 30' without a minimum of a 3' break.
17. The applicant proposes to use the USBC Green Building Standards for residential construction, utilizing passive solar heating, active solar water heating (including solar heating for the driveway snow melt and pool), photo voltaic solar cells for electricity generation, a 1,000 sf green planted roof, and a clay rammed earth north wall among other sustainable construction items.
18. The applicant provided a visual analysis from the Stew Pot and across the valley demonstrating that the proposed dwelling mitigates and reduces visibility of the dwelling from the Stew Pot. The house is situated below the grade of the road and significantly lower on the ridge than the houses on the uphill side of the road, as viewed from both the Stew Pot and from across the valley.
19. The findings in the Analysis section are incorporated herein.
20. On May 27, July 8, and November 11, 2009, the Planning Commission conducted public hearings on this application.
21. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically Section 15-1-10 and Sections 15-2.21-6 (B) and Section 15-2.2-6 (B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. All applicable conditions of approval of the April Mountain MPD and April Mountain Subdivision plat continue to apply.
3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Chain link construction mitigation fencing along the ROS areas may be necessary to prevent disturbance of these areas during construction of the house. Disturbance of the ROS areas disturbed during previous

construction is allowed only subject to an approved landscaping and restoration plan for these areas as a separate permit. Additional disturbance fencing may be required during the restoration work to prevent further disturbance.

4. City Engineer review and approval of all grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan consistent with the April Mountain Master Planned Development and the April Mountain Subdivision plat shall be submitted for review and approval by the City Planning Department and/or City Landscape Architect, prior to building permit issuance. The landscape plan shall include details for grading, landscaping, temporary irrigation and low profile boulder retaining walls required for restoration of the currently disturbed ROS areas within the lot, in addition to the required landscape plan for the house. Lawns shall be a minor component of the overall landscape plan. No more than 25% of the water demanding area shall be planted in high water demand lawns (such as Kentucky blue grass). An additional 5% of the water demanding area may be planted in drought tolerant lawn species (such as Blue Grama, Smooth Brome, Tall Fescue, Buffalo Grass, Creeping Red Fescue, Perennial Ryegrass, or Alpine Bluegrass)
6. No building permits shall be issued for the house unless and until the building plans are reviewed and approved by the Planning Department staff for substantial compliance with the building plans reviewed by the Planning Commission on November 11, 2009. All exterior finishes and landscaping shall be approved prior to installation and shall be substantially consistent with the plans reviewed by the Planning Commission. The Planning Director may approve minor changes. No single exterior wall plane shall measure more than thirty feet (30') in length before a change in depth of at least three feet. Building massing shall be verified prior to issuance of a building permit for compliance with the April Mountain MPD.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges. The platted height restriction is 19' from existing grade.
8. Prior to the issuance of a building permit the applicant shall, if deemed necessary by the Chief Building Official based on the geotechnical report, submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer as required by the Building Department.
9. This approval will expire on November 11, 2010 unless a building permit has been issued by the City Building Department prior to this date.
10. All exterior lighting shall be shown on the final building plans and shall conform to requirements of the City's lighting ordinance and shall be minimal and subdued in nature. No signs may be installed without approval of a sign permit and in compliance with the City's Sign Code.

Exhibits

Exhibit A- Revised plans

Exhibit B- April Mountain Development Agreement and conditions of the plat and MPD

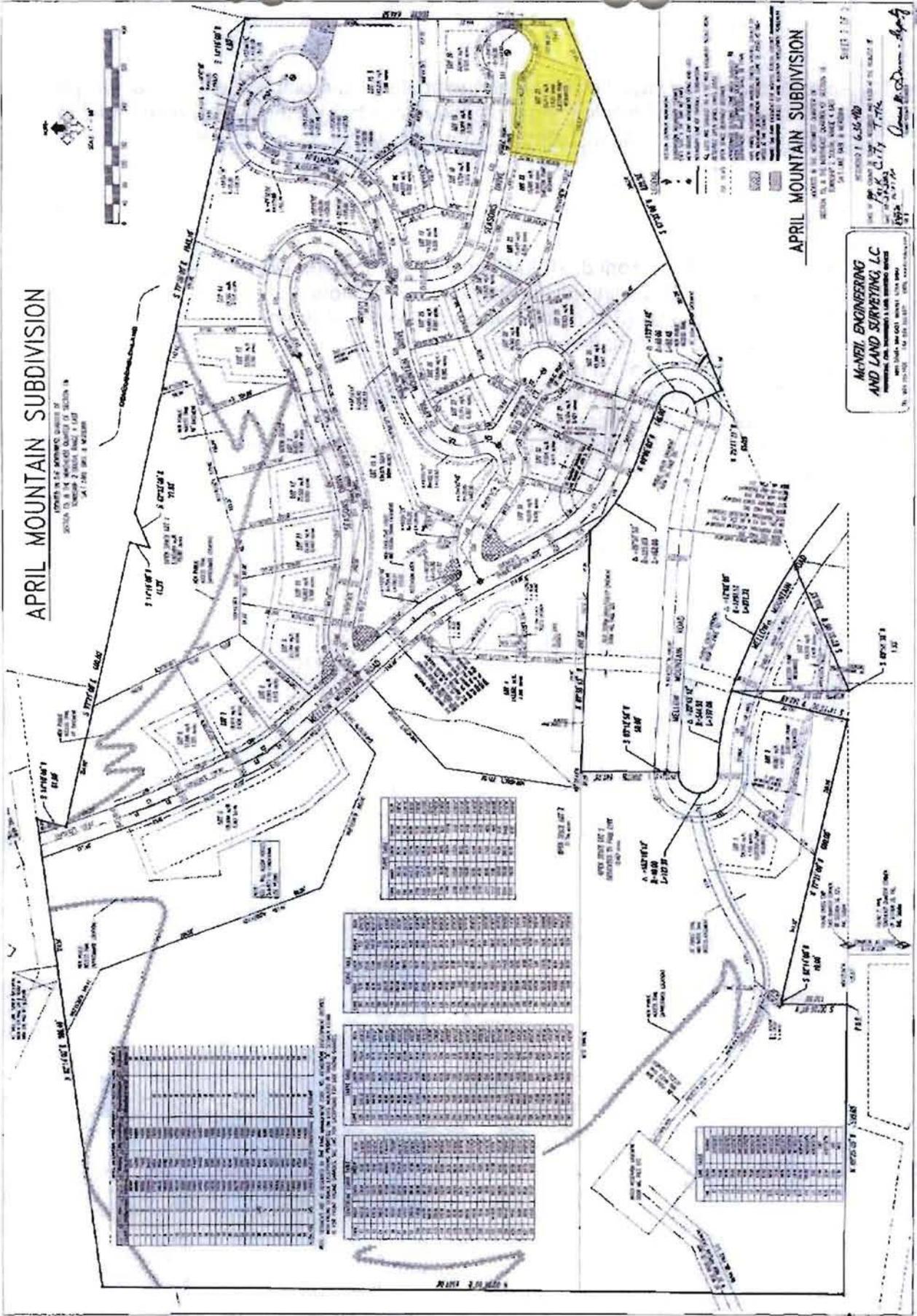
Exhibit C- May 27, 2009 and July 8, 2009 staff reports

Exhibit D- Minutes from July 8, 2009 meeting

Exhibit E- Height calculations

APRIL MOUNTAIN SUBDIVISION

FOR THE CITY OF HOUSTON, TEXAS
SECTION 15.03, SUBSECTION 15.03.01, CHAPTER 151, TEXAS LOCAL GOVERNMENT CODE
APRIL MOUNTAIN SUBDIVISION

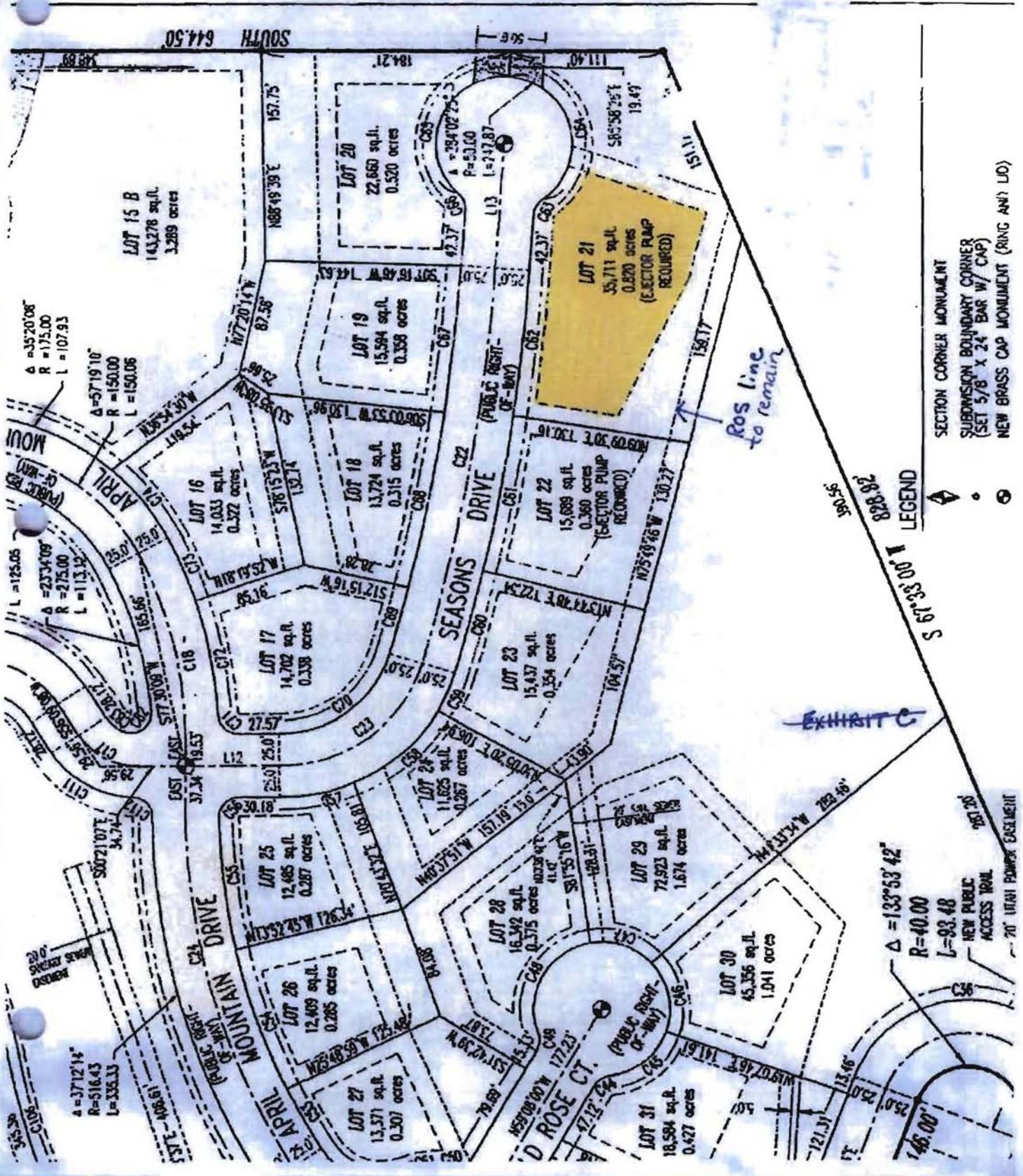


APRIL MOUNTAIN SUBDIVISION

SECTION 15.03, SUBSECTION 15.03.01, CHAPTER 151, TEXAS LOCAL GOVERNMENT CODE
APRIL MOUNTAIN SUBDIVISION
SECTION 15.03, SUBSECTION 15.03.01, CHAPTER 151, TEXAS LOCAL GOVERNMENT CODE
APRIL MOUNTAIN SUBDIVISION

McNEIL ENGINEERING
AND LAND SURVEYING, L.C.
HOUSTON, TEXAS
APRIL MOUNTAIN SUBDIVISION
SECTION 15.03, SUBSECTION 15.03.01, CHAPTER 151, TEXAS LOCAL GOVERNMENT CODE
APRIL MOUNTAIN SUBDIVISION

APRIL MOUNTAIN SUBDIVISION
SECTION 15.03, SUBSECTION 15.03.01, CHAPTER 151, TEXAS LOCAL GOVERNMENT CODE
APRIL MOUNTAIN SUBDIVISION



N 82°14'00" E 986.40'

NEW PUBLIC
ACCESS TRAIL
(APPROXIMATE LOC)

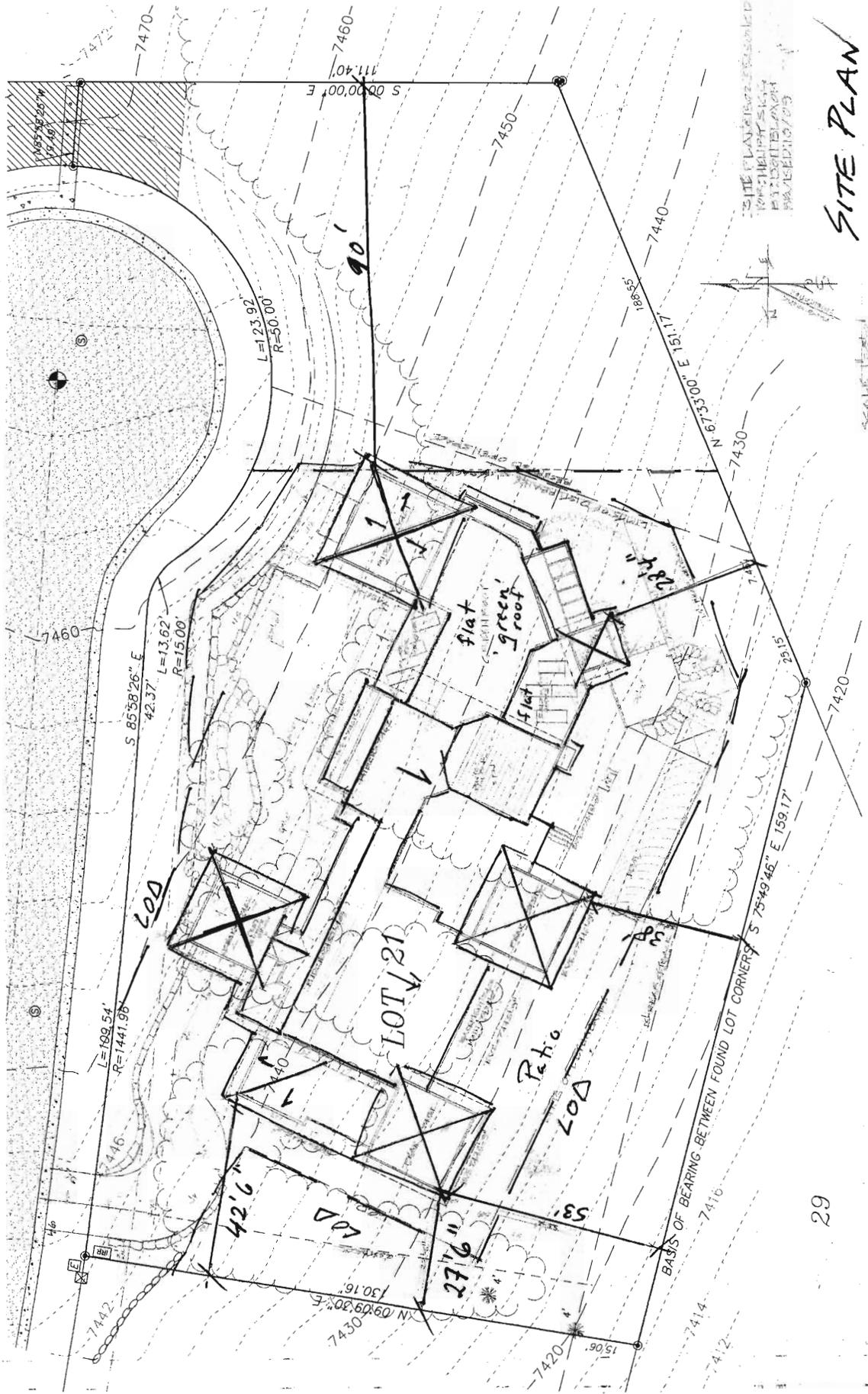
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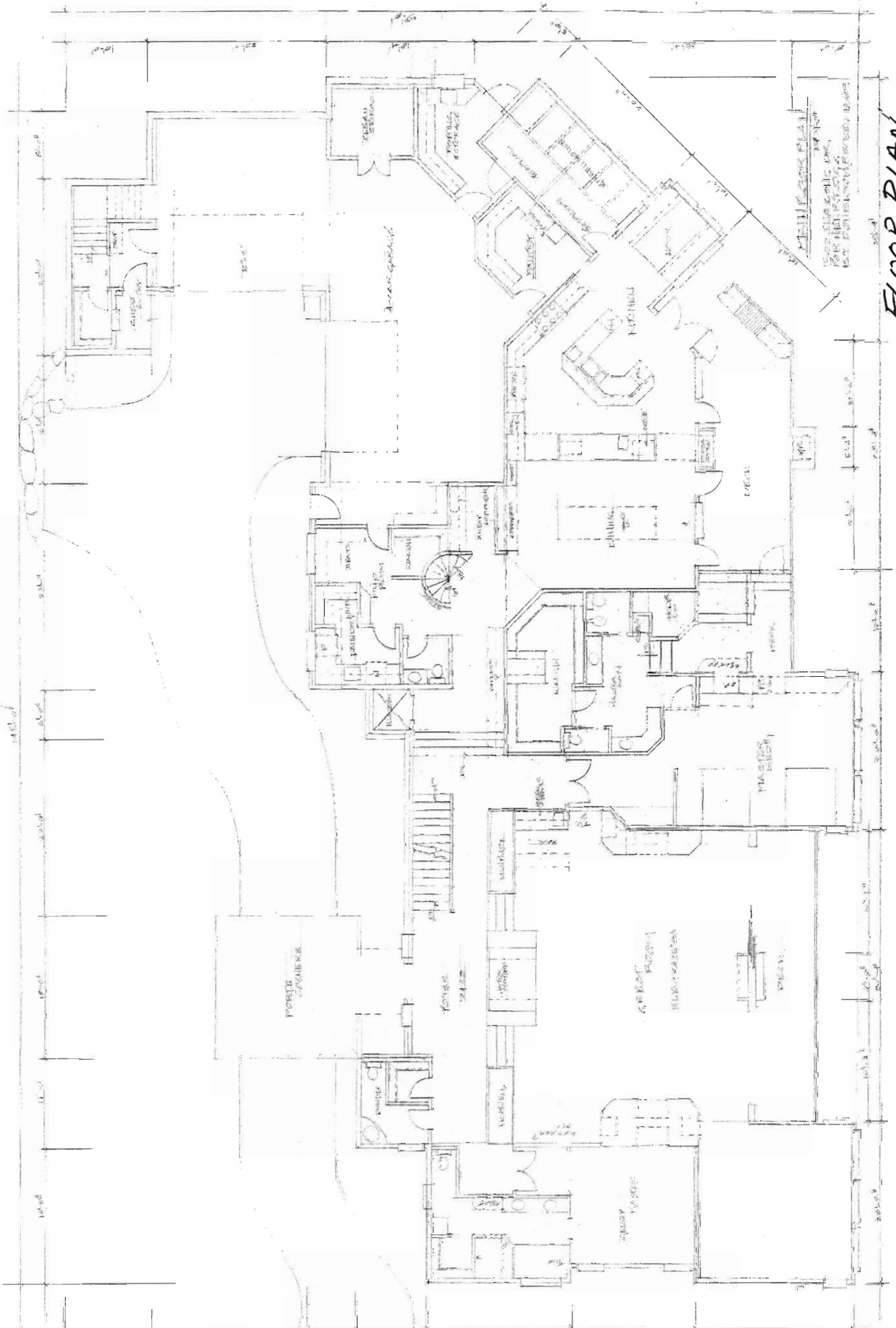
- 1.) A LANDSCAPE PLAN SHALL BE SUBMITTED FOR CITY REVIEW AND APPROVAL FOR EACH SINGLE LOT PRIOR TO BUILDING PERMIT ISSUANCE. A LANDSCAPE PLAN SHALL BE REQUIRED AT THE TIME OF SUBMITTAL OF CONDITIONAL USE PERMIT FOR THE MULTI-FAMILY LOT, AND A FINAL LANDSCAPE PLAN FOR THE CONDOMINIUMS SHALL BE APPROVED BY THE CITY PRIOR TO ISSUANCE OF A FOOTING AND FOUNDATION PERMIT.
- 2.) EXTERIOR LIGHTING SHALL CONFORM TO REQUIREMENTS OF THE CITY'S LIGHTING ORDINANCE.
- 3.) ALL SIGNS SHALL COMPLY WITH THE PARK CITY SIGN CODE. EACH SIGN REQUIRES A SIGN PERMIT, REVIEWED AND APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT PRIOR TO INSTALLATION.
- 4.) ALL CONDITIONS OF APPROVAL OF THE AMENDED APRIL MOUNTAIN MPD (JUNE 12, 2002) APPLY.
- 5.) ALL CONSTRUCTION ON LOTS IS SUBJECT TO REVIEW AND APPROVAL, BY THE PARK CITY COMMUNITY DEVELOPMENT DEPARTMENT OF A LIMITS OF DISTURBANCE PLAN AND A VEGETATION PLAN, AS PART OF THE SPECIFIC BUILDING PERMIT APPLICATION.
- 6.) AT THE TIME OF THE BUILDING PERMIT SUBMITTAL THE PLANNING COMMISSION SHALL REVIEW, AND MAY APPROVE, DEVELOPMENT ON LOT 21 AS A CONDITIONAL USE PERMIT WITH THE LAND MANAGEMENT CODE STEEP SLOPE CRITERIA, FROM THE HR-1 AND HRL ZONING DISTRICTS, USED AS ADDITIONAL REVIEW CRITERIA.
- 7.) DEVELOPMENT OF THE CONDOMINIUM LOTS 4, 15A, 15B, IS SUBJECT TO A CONDITIONAL USE PERMIT.
- 8.) MODIFIED 13-0 RESIDENTIAL FIRE SPRINKLERS ARE REQUIRED AND NO WOOD ROOFING IS PERMITTED.
- 9.) DEVELOPMENT ON THESE LOTS IS SUBJECT TO THE APRIL MOUNTAIN DEVELOPMENT AGREEMENT BETWEEN THE CITY AND APRIL MOUNTAIN DEVELOPMENT L.L.C.
- 10.) TEN (10) FOOT SNOW STORAGE EASEMENTS ARE GRANTED ALONG AND OUTSIDE THE PUBLIC RIGHT-OF-WAY
- 11.) CITY ACCEPTANCE OF THE PUBLIC STREETS FOR MAINTENANCE AND SNOW PLOWING SHALL NOT OCCUR UNTIL AT LEAST 50% OF BOTH SINGLE-FAMILY HOUSES AND ALSO THE CONDOMINIUM UNITS HAVE RECEIVED A CERTIFICATE OF OCCUPANCY.
12. NIGHTLY RENTALS ARE PROHIBITED IN ACCORDANCE WITH THE AGREEMENT ENTERED INTO BETWEEN THE APRIL MOUNTAIN DEVELOPERS, LLC AND THE AERIE OWNERS ASSOCIATION.
13. SEE LOT RESTRICTIONS TABLE "A" FOR SETBACK REQUIREMENTS AND EXCEPTIONS TO THE RD, RESIDENTIAL DEVELOPMENT ZONING DISTRICT, AS STATED IN THE LMC, AS AMENDED.

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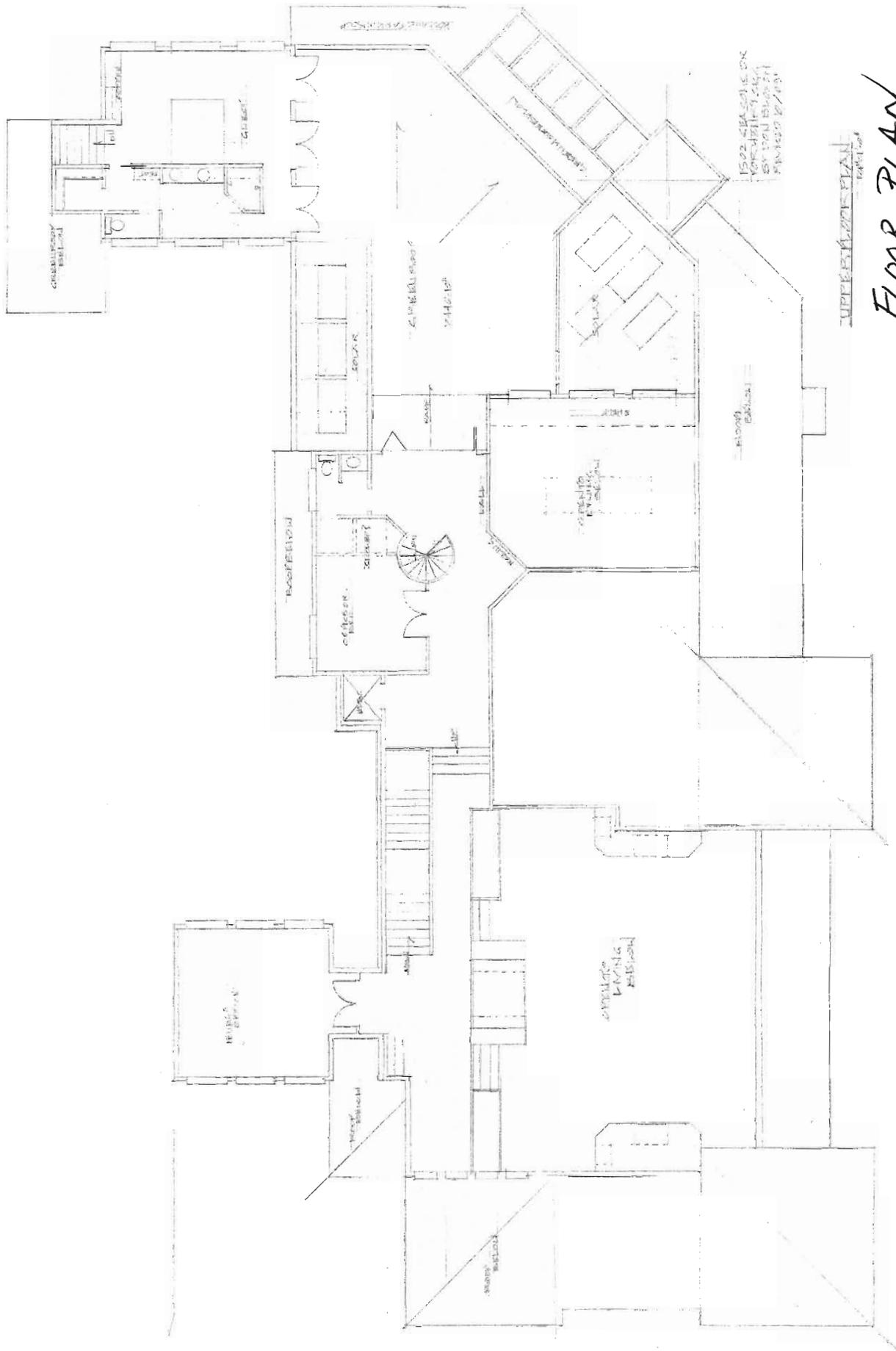
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PLAT NOTES
APRIL MOUNTAIN SUBDIVISION



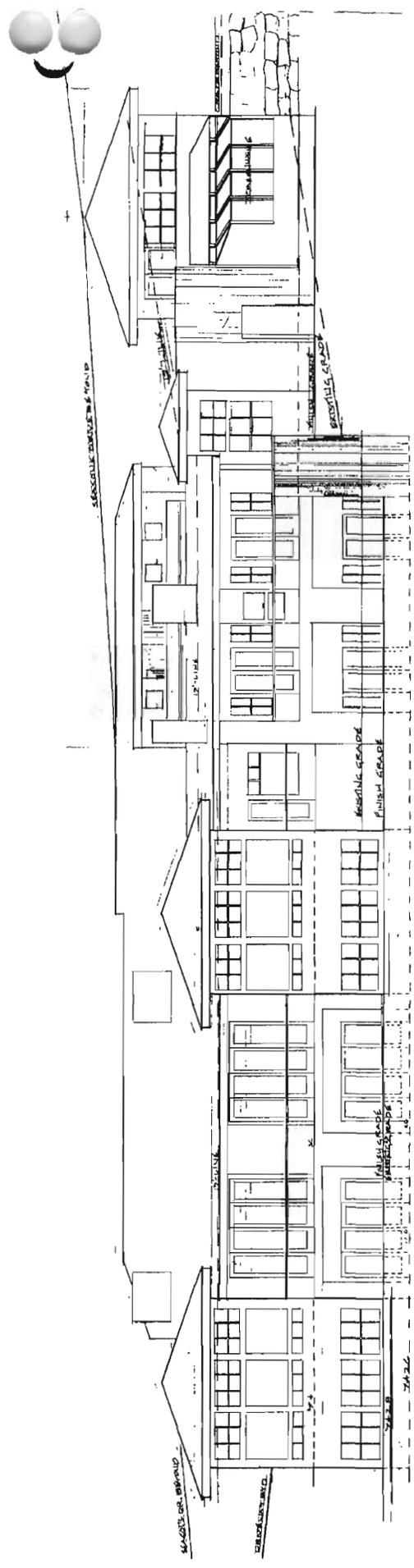


**FLOOR PLAN
MAIN LEVEL**

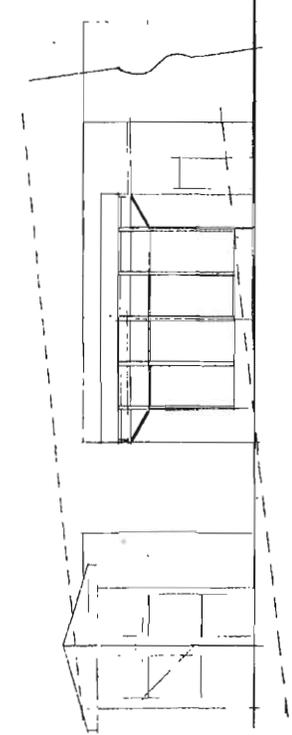


UPPER LEVEL

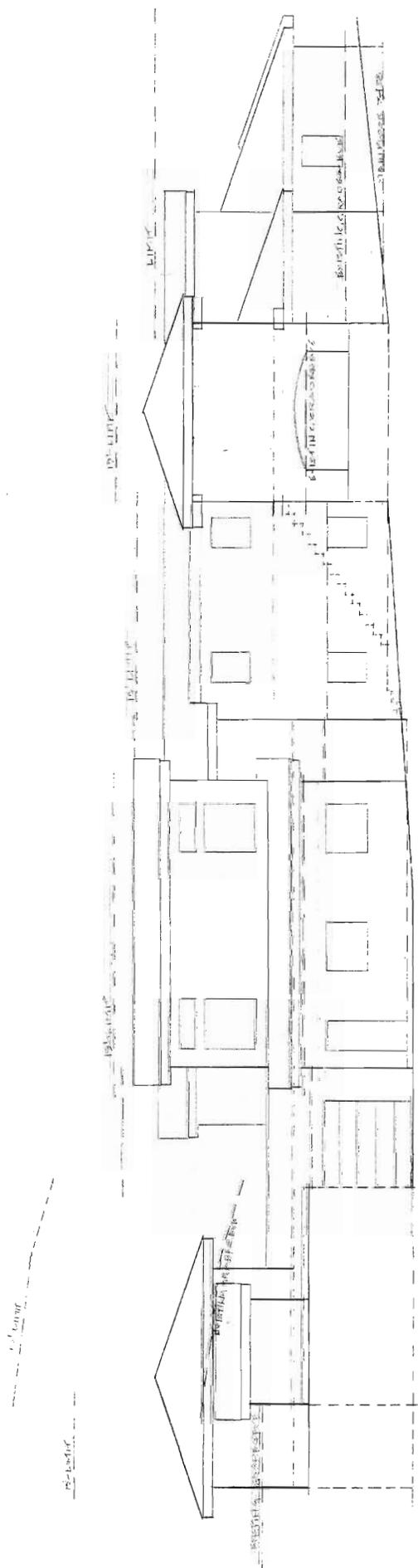
FLOOR PLAN
UPPER LEVEL



BEARS SOUTH ELEVATION
 1/24/10

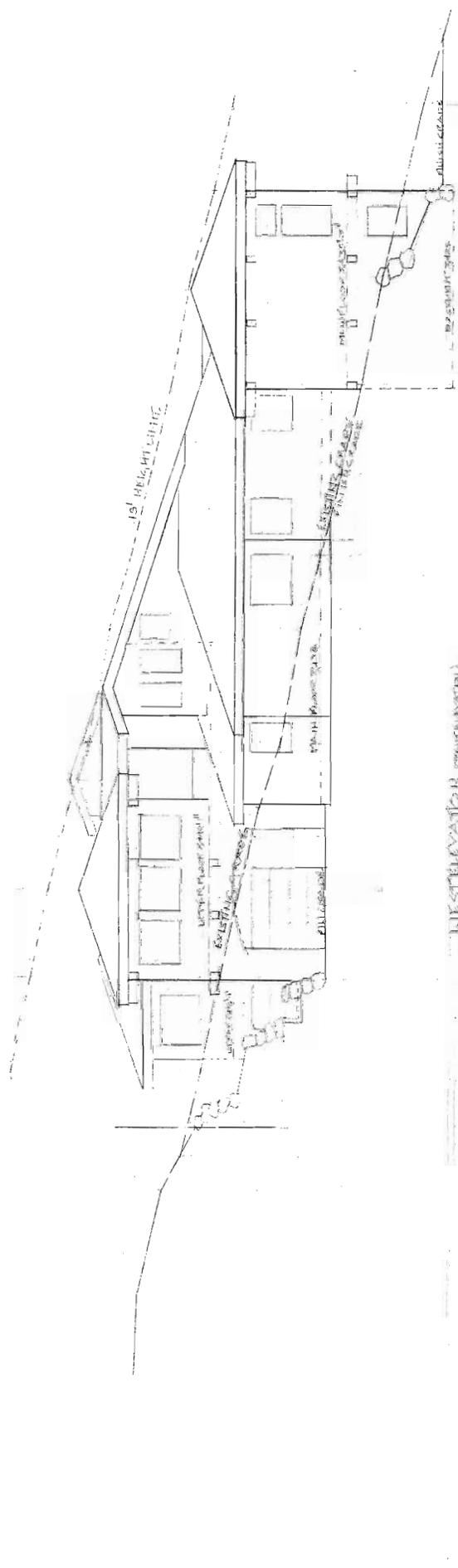


SOUTH ELEVATION



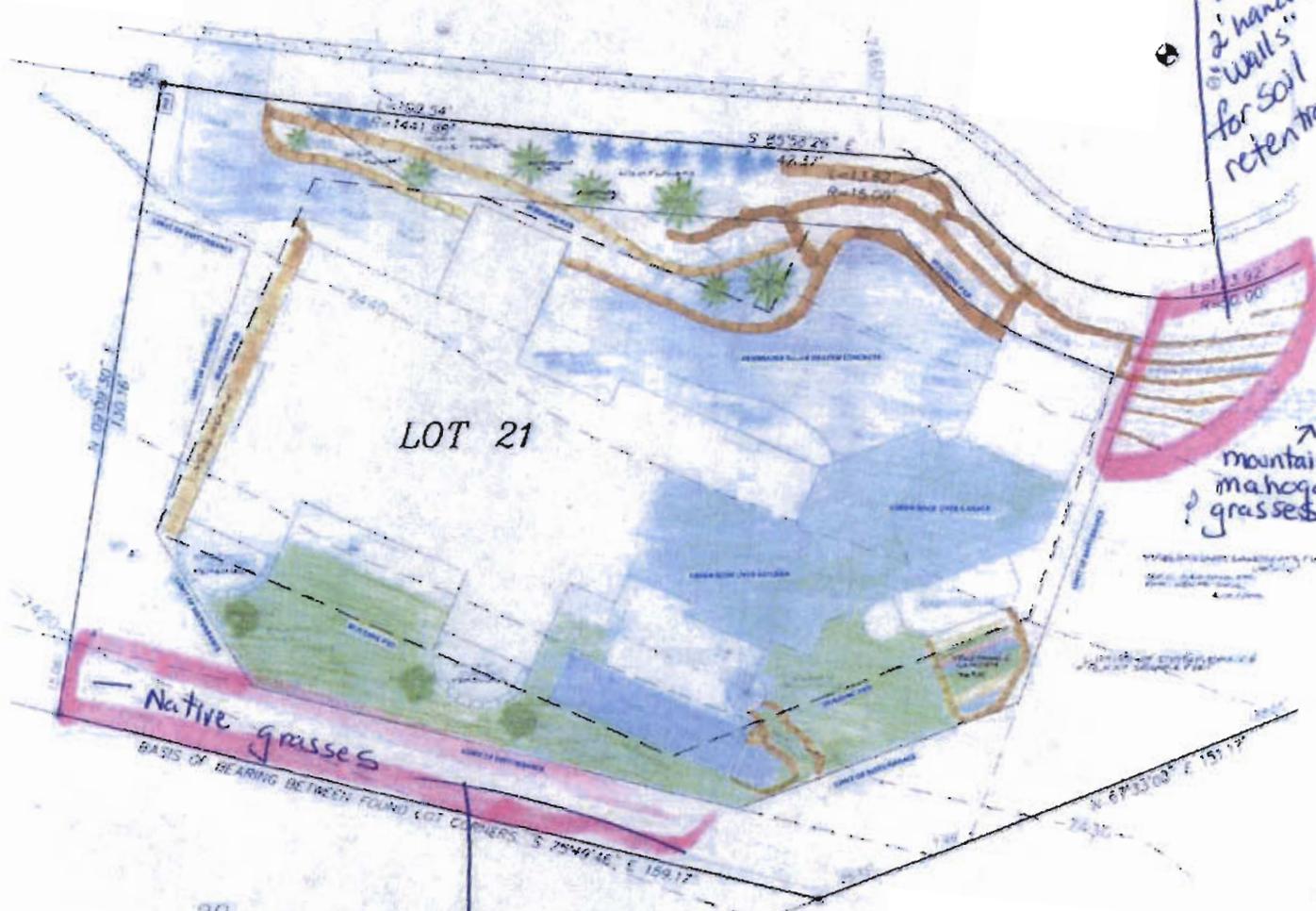
NORTH ELEVATION

FRONT ELEVATION (CURRENT)



WEST ELEVATION

REAR ELEVATION (CURRENT)



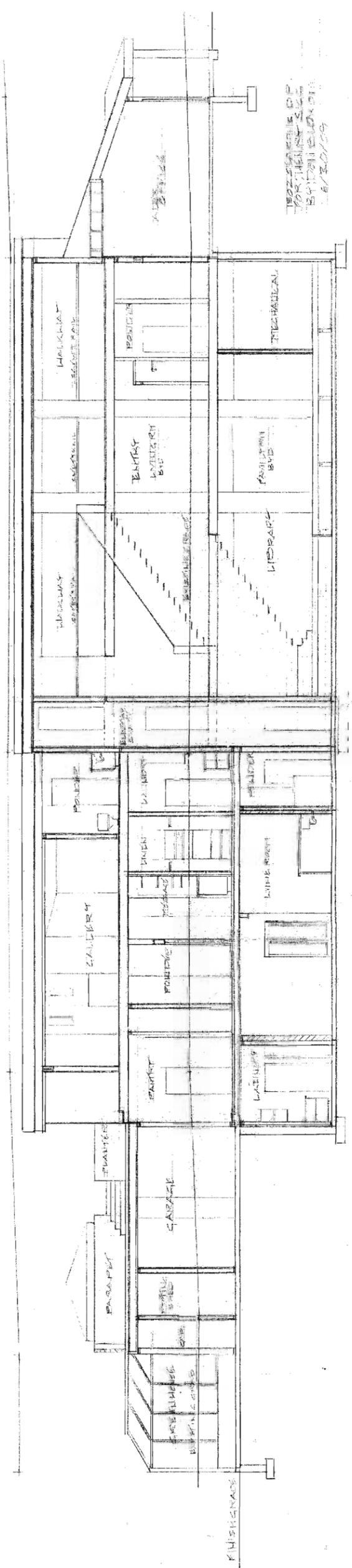
restoration area -
2' hand stacked
walls for soil
retention

mountain
mahogany
& grasses

Native grasses

Restoration
Area (utilities were installed
here with lot development)

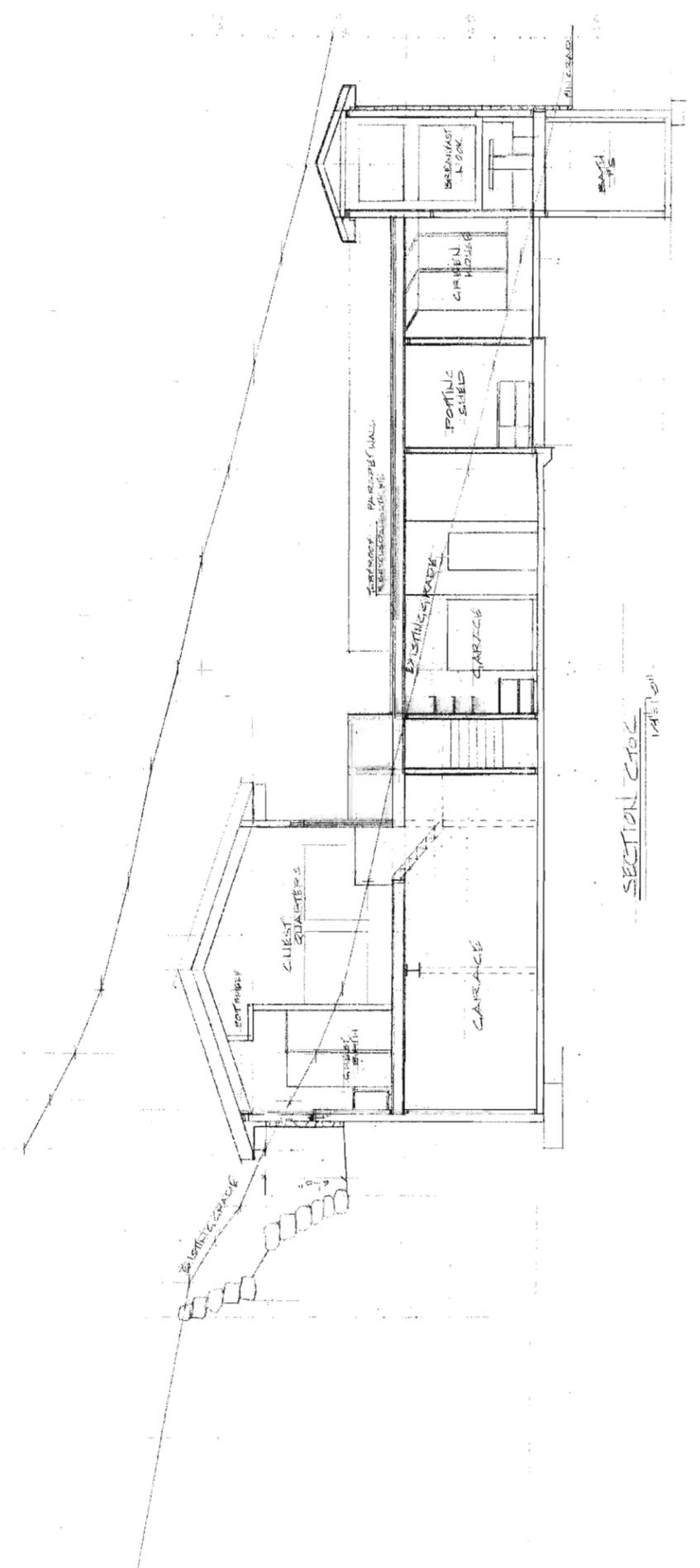
Preliminary Landscape
Plan



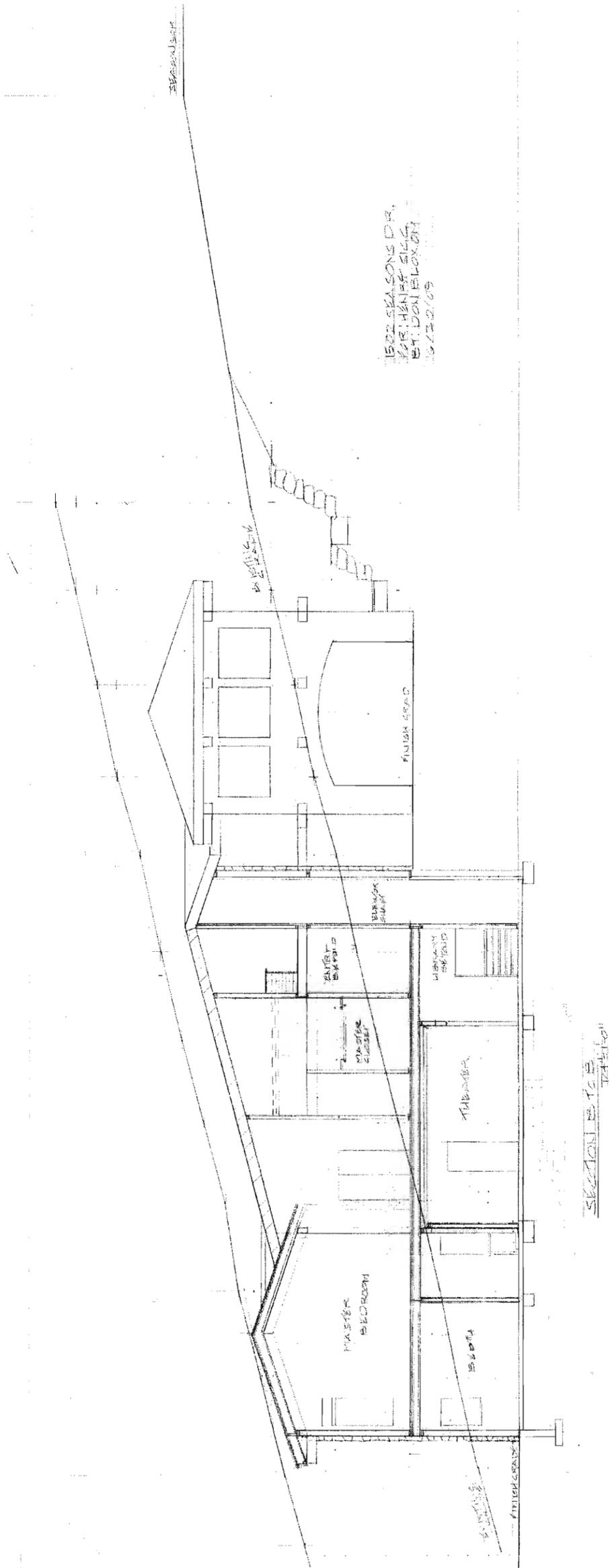
FOR THE ARCHITECT
BY THE ARCHITECT
6/30/09

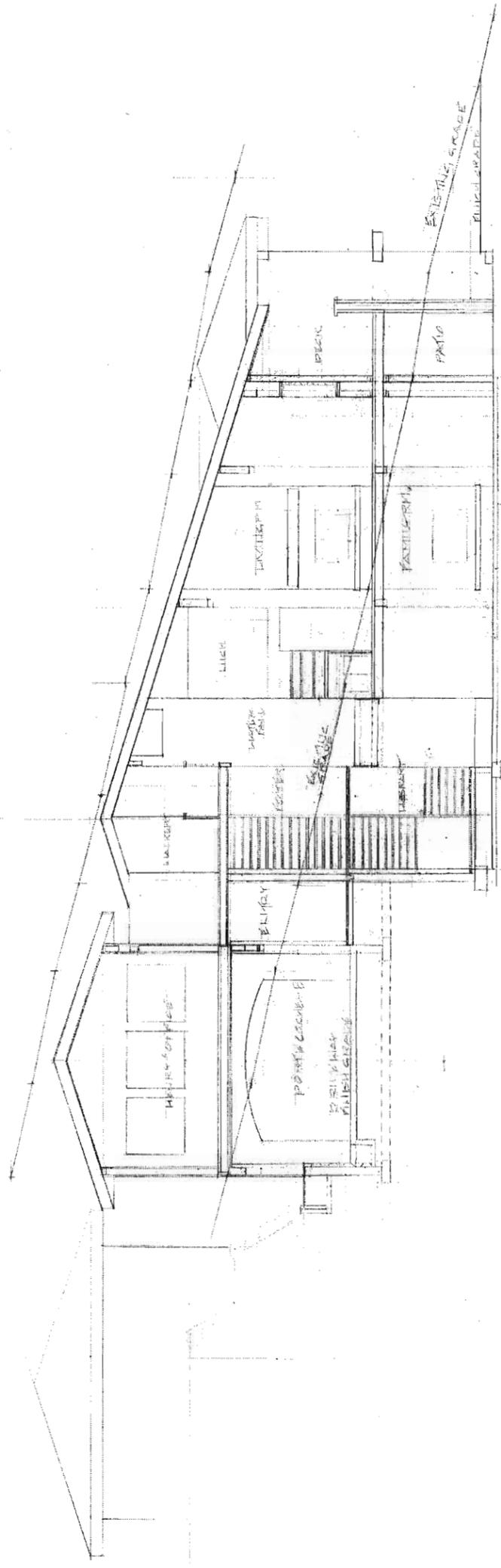
SECTION D-D (MECHANICAL)

BOZ SIMPSON'S DR
FOR JENNIFER SUE
BAPTIST CHURCH
11/30/09



SECTION C-C



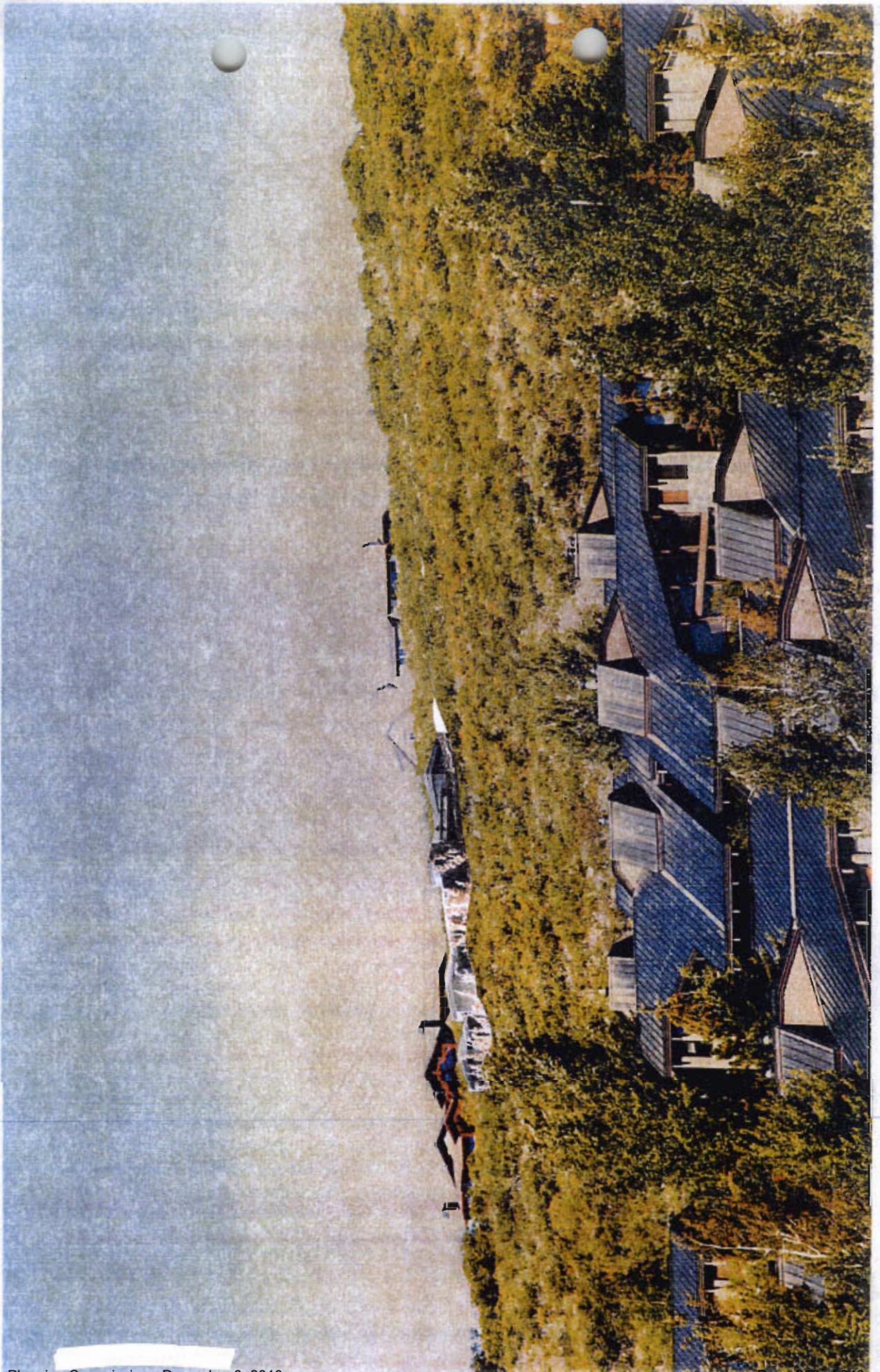


1502 SKASONG DR
 FOR PLANS SEE
 EXHIBIT 1
 6/2/08

SECTION AREA

1/24/08







FROM SEASON'S PRIME - REVISED PLAN

3.24.09



HOUSES ACROSS THE CUL-DE-SAC

Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060

Fee Exempt per Utah Code
Annotated 1953 21-7-2

ORIGINAL

**DEVELOPMENT AGREEMENT
FOR THE APRIL MOUNTAIN MASTER PLANNED DEVELOPMENT
PARK CITY, SUMMIT COUNTY, UTAH**

This Development Agreement is entered into as of this 24 day of October, 2002, by and among April Mountain Developers, LLC ("Developer") as the owner and developer of certain real property located in Park City, Summit County, Utah, on which they propose the development of a project known as the April Mountain Master Planned Development, and Park City, a municipality and political subdivision of the State of Utah, by and through its City Council.

RECITALS

- A. April Mountain Developers, L.L.C. ("Developer") is the owner of approximately 74 acres of real property located in Park City, Summit County, Utah, as reflected in Exhibit A, which is attached hereto and incorporated herein by this reference (the "Property"), on which it has obtained approval for the development of a residential subdivision known as April Mountain Master Planned Development, which includes 31 single family lots and 3 lots for the development of 39 condominium units as more fully described in the incorporated Exhibits and as set forth below (the "Project").
- B. Park City requires development agreements under the requirements of the Park City Land Management Code ("LMC") for all Master Planned Developments.
- C. Developer is willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals and objectives of the Park City General Plan, and address other issues as more fully set forth below.
- D. Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Development Agreement.

Now, therefore, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Park City hereby agree a

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1. **Project Conditions:**

ALAN SPRIGGS, SUMMIT CO RECORDER
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REQUEST: PARK CITY MUNICIPAL CORP

- a. The Site Plan dated May 21, 2002 and reviewed by the Planning Commission on May 22, 2002, and Findings of Fact, Conclusions of Law and Conditions of Approval attached as Exhibit B are incorporated herein as the Project; subject to changes detailed herein.
- b. The Findings of Fact, Conclusions of Law and Conditions of Approval recommended by the Planning Commission on June 26, 2002 and approved with conditions by City Council on August 8, 2002 are memorialized in the Ordinance approving the Final Subdivision Plat executed by the Mayor which Ordinance is attached as Exhibit C and is incorporated herein.

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c. The Public Recreation Access Agreement attached as Exhibit D shall be executed concurrently with this Development Agreement. Nothing in the Public Recreation Access Agreement or this Development Agreement shall purport to affect the Developers grant of an access easement to the Leo Rhea Partnership nor extinguish or otherwise affect any claimed prescriptive road or access rights, if any, of the U.S. Bureau of Land Management, the Blue Ledge Corporation or any other member of the public, individually or collectively, to the Gambel Oak parcel. To the extent any party quiets title to a claimed interest, Developer may agree with such party to accommodate or grant access via the new road system and the area subject to the Public Recreation Access Agreement as necessary. The Public Recreation Access Agreement shall provide that the Recreation Access reverts to a six foot wide public pedestrian access easement should the City's lease with the BLM expire.

d. A fifty (50) foot wide public right-of-way access to the Hope Parcel in an approved location shall be offered for dedication on the plat, which shall be subject to the Owners of the Hope Parcel and Developer entering into a Right-of-Way and Cost Reimbursement Agreement ("Agreement") prior to the approval of any Development Activity on the Hope Parcel. The City shall not accept dedication of the public right-of-way or approve development on the Hope Parcel until execution of the Agreement. The Agreement shall provide for the payment of long-term maintenance costs and shall contain provisions for the upfront reimbursement to Developer of costs incurred by it during the development of April Mountain, from which the Hope parcel derives or will derive a benefit from. Reimbursement shall be proportional to the actual costs incurred by Developer during the development of April Mountain, including but not limited to, the installation of sewer, water and utility infrastructure, roadways, curb and gutter and other related improvement costs and expenses. The public right-of-way shall be limited to vehicular and pedestrian access to the Hope Parcel as designated on the April Mountain Plat or as otherwise approved by the City and Developer. If the parties and City cannot agree to the terms of the Agreement, the parties shall within fourteen (14) days of request by either party appoint a mutually acceptable mediator to assist them in attempting to resolve any such dispute. The parties shall meet with the mediator within thirty (30) days of his appointment in a good faith attempt to resolve any such disputes prior to initiating any legal action.

e. Developer and its successors agree to pay the then current impact fees imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future.

2. **Vested Rights and Reserved Legislative Powers**

2.1 Subject to the provisions of this Agreement, Developer shall have the right to develop and construct the Project in accordance with the uses, densities, intensities, and general configuration of development approved by this Agreement, subject to compliance with the other applicable ordinances and regulations of Park City,

2.2 **Reserved Legislative Powers.** Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the Existing Land Use Regulations which are applicable to the Project under the terms of this Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Agreement applicable to the Project shall be of general application to all development activity in the City; and, unless the City declares an emergency, Developer shall be entitled to the required notice and

an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

3. **Subdivision Plat Approval and Compliance with Park City Design and Construction Standards**

Developer expressly acknowledges and agrees that nothing in this Development Agreement shall be deemed to relieve Developer from the obligation to comply with all applicable requirements of Park City necessary for approval and recordation of subdivision plats for the Project, including the payment of fees and compliance with all other applicable ordinances, resolutions, regulations, policies and procedures of Park City, including but not limited to, the Park City Subdivision Ordinance as set forth in the LMC and Design and Construction Standards.

4. **Successors and Assigns.**

4.1 Binding Effect. This Agreement shall be binding on the successors and assigns of Developer in the ownership or development of any portion of the Project.

4.2 Assignment. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developer or its successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Agreement.

5. **General Terms and Conditions.**

5.1 Term of Agreement. This Agreement shall continue in force and effect until all obligations hereto have been satisfied. The Master Plan approval for the Project shall continue in force and effect for a minimum of four years from its issuance and shall be effective so long as construction is proceeding in accordance with the approved phasing plan. Upon expiration of the minimum four-year period, approval will lapse after two additional years of inaction following the expiration of such four-year period, unless extended for up to two years by the Planning Commission as provided in the LMC.

5.2 Agreement to Run With the Land. This Development Agreement shall be recorded against the Property as described in Exhibit A hereto and shall be deemed to run with the land and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

5.3 No Joint Venture, Partnership or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

5.4 Integration. This Development Agreement contains the entire Agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

5.5 Severability. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

5.6 Attorney's Fees. If this Development Agreement or any of the exhibits hereto are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement of the non-breaching party.

6. Phasing.

6.1 Project Phasing. The Project may be platted in phases; however the first phase shall include dedication and construction of Gambel Oak Court. The Developer may proceed by platting and constructing the Project all at one time or by phase for portions of the Project as market conditions dictate, as long as each phase provides a logical extension of the road system, infrastructure and facilities through the Project in conformance with the requirements of this Agreement and the LMC.

6.2 Construction of Access. Developer has commenced grading access to all phases of the Project as approved by the City Engineer according to generally accepted engineering practices and standards, and pursuant to permit requirements of the LMC and Uniform Building Code/Uniform Fire Code. Developer shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

7. Water Reservoir.

In addition to public trail access rights, the City has a 30 foot water tank access easement over a portion of Lot 3 as shown on the April Mountain Subdivision Plat ("Access Road"). The Access Road is gated and crosses a portion of Lot 3 which may be needed for access to a home when constructed on Lot 3. The City has requested the transfer of 10.467 acres of open space located on Lot 3 ("Open Space Parcel") to the City and the Developer is amenable to transferring the Open Space Parcel as long as: 1) the City shall cooperate with Developer when it chooses the form of transfer i.e. dedication, donation, conservation easement or otherwise; 2) the transfer will not negatively affect current approvals for the Project; 3) suitable driveway access from the Access Road to a home when constructed on Lot 3 will be available; 4) use of the Open Space Parcel shall be directly related to maintaining the water reservoir and trail access; and 5) future use of the Open Space Parcel will not increase existing impacts on the Project whether visual, noise or otherwise.

8. Affordable Housing.

The Developer shall provide or pay in lieu of constructing employee/affordable housing a fee of 3.3 u.e. which fee shall be paid as follows: 1) one half (1/2) shall be provided or paid at the time the first condominium unit receives a certificate of occupancy; 2) the remaining balance shall be provided or paid at the time the twentieth (20th) condominium unit receives a certificate of occupancy.

IN WITNESS WHEREOF, this Development Agreement has been executed by April Mountain Developers, LLC by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the 24th day of October, 2002.

PARK CITY MUNICIPAL CORPORATION

By: Dana Williams
Dana Williams, Mayor

ATTEST: City Clerk

By: Janet Scott
Janet Scott, City Recorder



APPROVED AS TO FORM:

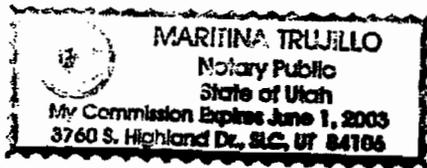
Mark Harrington
Mark Harrington, City Attorney

DEVELOPER:
April Mountain Developers, LLC

Jeffrey A. Coleman
By: Jeffrey A. Coleman
Title: Authorized Representative

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

On this 24 day of October 2002, before me, Martina Trujillo, the undersigned Notary Public, personally appeared Jeffrey A. Coleman, personally known to me to be the Authorized Representative of April Mountain Developers, LLC, on behalf of the company named herein, and acknowledged to me that the company executed it. Witness my hand and official seal.



Martina Trujillo
Notary Public, State of Utah
Residing in Park City, Utah

EXHIBITS

Exhibit A - April Mountain Developers, LLC Property Description

Exhibit B - May 22, 2002 Planning Commission Findings of Fact, Conclusions of Law and Conditions
of Approval

Exhibit C - Ordinance approving the Final Subdivision Plat

Exhibit D - Public Recreation Access Agreement

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EXHIBIT A

APRIL MOUNTAIN SUBDIVISION LEGAL DESCRIPTION

BEGINNING AT A POINT NORTH 89°25'09" WEST ALONG THE CENTER OF SECTION LINE 125.61 FEET FROM THE EAST 1/4 CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN; AND RUNNING THENCE NORTH 89°25'09" WEST 599.69 FEET ALONG THE CENTER OF SECTION LINE; THENCE NORTH 00°36'00" EAST 1507.04 FEET ALONG THE WEST LINE OF THE SURPRISE NO. 1 MINING CLAIM AND THE WEST LINE OF THE SURPRISE NO. 2 MINING CLAIM (MS 5553); THENCE NORTH 82°14'00" EAST 986.40 FEET ALONG THE NORTH LINE OF THE SURPRISE NO. 2 MINING CLAIM AND THE NORTH LINE OF THE SILVER QUEEN NO. 2 MINING CLAIM (MS 5553); THENCE SOUTH 14°10'00" WEST 61.60 FEET ALONG THE EAST LINE OF THE SILVER QUEEN NO. 2 MINING CLAIM; THENCE SOUTH 77°21'00" EAST 600.00 FEET ALONG THE NORTH LINE OF THE SILVER QUEEN MINING CLAIM (MS 5553); THENCE SOUTH 14°10'00" WEST 41.79 FEET ALONG THE EAST LINE OF THE SILVER QUEEN MINING CLAIM; THENCE NORTH 67°33'00" EAST 77.03 FEET ALONG THE NORTHWESTERLY LINE OF THE APRIL FRACTION MINING CLAIM (MS 5711); THENCE SOUTH 77°36'00" EAST 1043.10 FEET ALONG THE NORTH LINE OF THE APRIL FRACTION MINING CLAIM; THENCE SOUTH 14°10'00" WEST 4.80 FEET ALONG THE EAST LINE OF THE APRIL FRACTION MINING CLAIM; THENCE SOUTH 644.50 FEET ALONG THE EAST LINE OF THE APRIL FRACTION MINING CLAIM (MS 5711); THENCE SOUTH 67°33'00" WEST 828.92 FEET ALONG THE SOUTH LINE OF THE APRIL MINING CLAIM; THENCE NORTH 25°11'21" WEST 61.59 FEET TO A POINT ON A 40.00 FOOT RADIUS CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS NORTH 25°11'21" WEST, THENCE ALONG THE ARC OF SAID CURVE 93.48 FEET THRU A CENTRAL ANGLE OF 133°53'42" TO A POINT OF TANGENCY; THENCE NORTH 69°05'03" WEST 146.00 FEET TO A POINT ON A 323.03 FOOT RADIUS CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS NORTH 20°54'57" EAST, THENCE ALONG THE ARC OF SAID CURVE 152.03 FEET THRU A CENTRAL ANGLE OF 26°57'53"; THENCE NORTH 87°38'43" WEST 497.50 FEET; THENCE SOUTH 147.75 FEET; THENCE SOUTH 03°12'58" WEST 50.00 FEET TO A POINT ON A 40.00 FOOT RADIUS CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS SOUTH 03°12'58" WEST, THENCE ALONG THE ARC OF SAID CURVE 127.97 FEET THRU A CENTRAL ANGLE OF 183°18'12" TO A POINT ON A 544.93 FOOT RADIUS REVERSE CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS SOUTH 00°05'14" EAST, THENCE ALONG THE ARC OF SAID CURVE 197.06 FEET THRU A CENTRAL ANGLE OF 20°43'12" TO A POINT ON A 1293.51 FOOT RADIUS COMPOUND CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS SOUTH 20°37'58" WEST, THENCE ALONG THE ARC OF SAID CURVE 271.72 FEET THRU A CENTRAL ANGLE OF 12°02'09"; THENCE SOUTH 67°33'00" WEST 283.33 FEET ALONG THE SOUTH LINE OF THE APRIL MINING CLAIM; THENCE SOUTH 89°58'38" WEST 1.93 FEET ALONG THE NORTH LINE OF THE MAZEPAH MINING CLAIM (LOT 301B); THENCE NORTH 237.01 FEET ALONG THE WEST LINE OF THE APRIL MINING CLAIM; THENCE SOUTH 14°10'00" WEST 242.49 FEET ALONG THE EAST LINE OF THE SILVER QUEEN MINING CLAIM; THENCE NORTH 77°21'00" WEST 600.00 FEET ALONG THE SOUTH LINE OF THE SILVER QUEEN MINING CLAIM; THENCE SOUTH 82°14'00" WEST 10.00 FEET ALONG THE SOUTH LINE OF THE SILVER QUEEN NO. 2 MINING CLAIM; THENCE SOUTH 00°36'07" WEST 130.90 FEET ALONG THE EAST LINE OF THE SURPRISE MINING CLAIM AND THE EAST LINE OF THE SURPRISE NO. 1 MINING CLAIM TO THE POINT OF BEGINNING.

PC-740, PC-740-A, SA-400-B, PC-S-321-A AND PC-S-321.

CONTAINS 73.09 ACRES.

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Exhibit B

Findings of Fact

1. The property is located in the Residential Development District (RD) and the Recreation Open Space District (ROS). Thirty-nine acres are located in the RD District and 33.9 acres are in the ROS District. No development, with the exception of trails, is proposed within the ROS portion. The City's water tank and access road exist within the ROS parcel.
2. On July 25, 2001 the Planning Commission approved the April Mountain MPD for 54 single family lots and up to 15 condominiums, for a total unit count of 69.
3. On March 5, 2002 a request to amend the April Mountain MPD was submitted. The original amendment request was for 44 attached units and 32 single family lots (76 total units). The current revised April Mountain MPD, dated May 21, 2002 consists of 31 single family lots, 7 detached and 32 attached (in pairs) single family condominiums for a total of 70 units (Exhibit A).
4. The revised April Mountain MPD does not change the configuration of single family lots located on the south facing slope above Deer Valley Drive. The revised MPD shifts the northern portion of the inner loop road 50' to 80' to the south, reducing road grade, road cuts, and total disturbance. The loop road is lower in elevation by 0' to 20'.
5. The applicant is proposing a single phase subdivision plat with construction of infrastructure, including dedication of April Mountain Road and an access easement to permit public access to the Gambel Oak park, in one phase.
6. Due to the number of units (greater than 10 units) and size of the property in acres, this proposal requires a Master Planned Development.
7. A final recorded subdivision plat and issuance of building permits are required prior to development of any Dwelling Units. Grading permit issuance is permitted subject to compliance with UBC and these conditions of approval as determined by the Community Development Department.
8. Findings specific to the Master Planned Development chapter of the LMC, as listed in the Analysis section, are incorporated herein.
9. On April 25, 2001 the Planning Commission ratified the findings of fact and conditions of approval regarding the Sensitive Lands Analysis and the Density Determination for this property. Based on the SLO findings the density range for the April Mountain property is 43.6 units without transfers off of sensitive slopes to a maximum achievable density of 102 units with transfers and application of the Master Planned Development criteria. The proposed density of 70 units is within the approved density range.
10. The revised plan for 70 units is one more than the previous plan and provides additional benefits of guaranteed access to the Gambel Oak park prior to plat recordation, 3.3 unit equivalents of affordable housing, a mix of housing types, decreased building mass,

better clustering of units, additional open space and preservation of vegetation, and placement of the loop road lower on the hillside by 0' at the intersection with Mellow Mountain Road to 20' further up in the development. These elements provide additional community benefit as compared to the previous plan.

11. Public hearings on the revised April Mountain MPD, duly noticed and posted, were conducted by the Planning Commission on May 8 and May 22. An initial public hearing on the subdivision plat was held on April 24, 2002.
12. The April Mountain MPD and subdivision includes dedication of existing Mellow Mountain Road as a public street. Access to the Hope Parcel and Gambel Oak park (BLM parcel to the east) is included as part of the MPD, with any conditions or restrictions of access to be addressed in the Development Agreement. Mellow Mountain Drive has the capacity to accommodate traffic considerations of this development, as well as anticipated traffic to the Gambel Oak park.
13. Utilities are available to sustain the anticipated property uses. Detailed utility and construction plans for the project will be reviewed by the Community Development Department and utility/service providers, including the Snyderville Basin Water Reclamation District, at the time of final subdivision plat review.
14. The site plan addresses fire and emergency access to the subdivision and to the Gambel Oak park. A final fire protection plan that addresses modified 13-D residential fire sprinkler systems and restrictions on roof materials is required due to the location within a wild land interface zone.
15. A financial guarantee for all public improvements, including trails and any landscaping or re-vegetation of common areas, is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.
16. There is significant vegetation on this site and it is in the interest of the community to maintain the vegetation in all areas designated as ROS, with the exception of trails. It is also valuable to the community to preserve existing, native vegetation in all areas within the lots that are not disturbed with construction of approved improvements.
17. Water is a precious commodity in this semi-arid alpine desert climate and any choice of vegetation materials should consider the irrigation needs of that material. The City has prepared Approved Plant lists, found in the Park City Water Conservation Program documents, that identifies drought tolerant plants that are recommended for this climate.
18. Land Management Code Section 15-15-1.189. Vantage Points. states the following definition for Vantage Points: A height of five feet above a set reference marker in the following designated vantage points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes: 1) Osguthorpe Barn, 2) Treasure Mtn Middle School, 3) Intersection of Main Street and Heber Avenue, 4) Park City Ski Area Base, 5) Snow Park Lodge, 6) Park City Golf Course Clubhouse, 7) Park Meadows Golf Course Clubhouse, 8) Utah Hwy 248 at the turn-out 1/4 mile west from

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US Hwy 40, 9) Highway 224, one-half mile south of the intersection with Kilby Road. The April Mountain MPD is visible from the Snow Park Lodge Vantage Point.

19. The above Vantage Points are referred to in the Sensitive Lands Ordinance. As viewed from Snow Park Lodge the visual analysis presented by the applicant on May 8 and May 22 demonstrates that the proposed site plan, as conditioned, complies with the requirements of the SLO regarding protection of designated ridge lines.
20. The Stew Pot vantage point was suggested by the Commission at the June 13, 2001 meeting, during review of the initial April Mountain MPD, to ascertain a worst case scenario. At the April 24, 2002 meeting the Commission requested the revised plan be reviewed from the same vantage points.
21. To mitigate and reduce the visibility from the Stew Pot, two lots at the end of the long cul-de-sac were combined (in the previous approval) to allow a larger building pad to more realistically accommodate a one and a half story "ranch style" house with a 19' height limit. The larger building pad allows a house to step up away from the ridge as viewed from the Stew Pot. This Lot is now Lot 21 on the April Mountain Subdivision plat and remains as previously approved and conditioned.
22. The proposed April Mountain MPD visual analysis also includes views from the Stew Pot, Snow Park Lodge, Deer Valley parking lot, and Norfolk Avenue. The proposed April Mountain MPD is visible from a limited number of sites (documented by the applicant and staff in a series of photographs presented at the May 22, 2002 Planning Commission meeting). Based on the visual analysis, the proposed development does not negatively impact view sheds or significant ridge lines from prominent public locations or identified vantage points.
23. The applicant stipulates to the conditions of approval.
24. A Development Agreement, between the City and the developer, is required to satisfy requirements of the Land Management Code. The development agreement will include the affordable housing obligation of 3.3 unit equivalents; trails and open space; access conditions to Gambel Oak Park and to the Hope parcel; any outstanding utility issues; legal description of the property and form of ownership; zoning parameters incorporating these findings, conclusions, and conditions of approval; copies of the approved plans; Developer's agreement to pay all specified impact fees; and a project phasing plan.
25. Specific review of the architectural details, snow shedding and snow storage, landscape plans, signs and lighting, open space, and pedestrian circulation within the condominium lots will occur during review of the conditional use permit applications for the condominiums.

Conclusions of Law

1. The April Mountain MPD as conditioned complies with all requirements outlined in the Sensitive Lands Ordinance and is consistent with the findings of fact, conclusions of law, and conditions of approval regarding the sensitive lands analysis, ratified by the Planning Commission on April 25, 2001.

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2. As revised and conditioned the April Mountain MPD complies with the Land Management Code and the Park City General Plan.
3. The use as conditioned is compatible with surrounding property and structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply.
2. Development on the single family lots is limited to Single Family Dwellings.
3. Development of the condominiums is subject to review and approval of a conditional use permit.
4. At the time of final subdivision approval, a note shall be added to the plat stating that a landscape plan shall be submitted for City review and approval for each single family lot, as a precedent to building permit issuance and a final landscape plan for the condominium units shall be reviewed and approved by the City as a precedent to building permit issuance for the condominium units.
5. All exterior lighting shall conform to requirements of the City's lighting ordinance.
6. A Construction Mitigation Plan (CMP) submitted to and approved by the Community Development Department is required prior to issuance of any building permits and shall meet all requirements of the municipal code. A detailed limits of disturbance plan shall be submitted as part of the CMP.
7. Approval of this Master Planned Development expires two years from the date of Planning Commission ratification of the Development Agreement, unless construction has commenced prior to the expiration date.
8. A financial guarantee, in a form and amount acceptable to the City, for the value of all public improvements, pedestrian amenities and trails, and any re-vegetation or landscaping of common areas to be completed according to the final approved plans shall be provided to the City prior to final plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
9. Recordation of a final subdivision plat, reviewed and approved by the City Engineer, City Attorney, and City Council, is a condition precedent to issuance of any building permits. Grading permit issuance is permitted subject to compliance with UBC and these conditions of approval as determined by the Community Development Department. The final plat shall be consistent with the site plan, reviewed and approved by the Planning Commission as part of the MPD approval. Pending final plat recordation, the applicant shall give the City a temporary access easement to Gambel Oak Park in a form approved by the City Attorney.

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10. The City Engineer shall review and approve all associated utilities, public improvements, grading and drainage plans for compliance with City standards as a condition precedent to recordation of the final subdivision plat and subsequent building permit issuance.
11. The Snyderville Basin Water Reclamation District review and approval of the sewer plans is a condition precedent to final subdivision plat recording and prior building permit issuance.
12. Public trail easements in the open space areas shall be shown on the final plat.
13. The lot restriction table, amended and approved as a part of the amended Master Planned Development, showing the variation in setbacks and height limitations shall be included on the final subdivision plat.
14. Prior to approval of a final subdivision plat and utility plans, a final soil and ground water report shall be submitted for review by the City Engineer.
15. ROS boundaries shall be shown on the final plat and a Limits of Disturbance table, including all disturbance restrictions, shall be included with the final subdivision plat, consistent with the approved MPD.
16. Ownership and maintenance of the ROS areas by individual lot owners or condominium HOA, when the ROS land is within a Lot or part of the condominium project, and by the Master April Mountain HOA, when the ROS land is not within a lot, shall be included on the final subdivision plat.
17. The following language shall be included as part of the final plat approval:

Architectural Design Standards and Siting of Improvements

Dwellings and other improvements must blend into the natural setting and not dominate it. There shall be a diversity of design and materials within a uniform architectural approach that respects each building site and that is compatible with the mountain landscape and community. Improvements shall be sited and designed to minimize cuts and fills and other un-necessary site disturbances. The following standards and conditions are placed on development on all single family lots within the April Mountain MPD. Standards and conditions for development within the condominium parcels shall be subject to the conditions of approval of the April Mountain Condominiums conditional use permit.

Placement of Limits of Disturbance Area (LODA).

Each Owner shall locate the LODA to minimize disturbance of Significant Vegetation and in accordance with the Lot Restrictions Table (Exhibit B). The LODA for each Lot shall be clearly designated on the construction plans submitted for review and approval by the City. The LODA must be contained by the ROS boundary (if applicable) and by the minimum side and rear setbacks to the extent feasible, but not by the minimum front setback. Installation of utilities and driveways and preparation of the site for construction will generally occur within the front setback. On all Lots, and on Lots 5, 21 and 33 in particular, the amount of disturbance within the front setback shall be minimized to the

extent feasible and generally limited to driveway and utility installation. On lots with special height reductions, strict adherence to the height reduction, roof orientation, massing, and landscaping shall take precedent over LODA's side and rear setback containment. In no case shall any construction disturbance occur within the ROS area.

Permitted Uses and Improvements within the LODA.

All Dwellings and Improvements, and the entire construction disturbance (including the grading, excavation and storage of excavated materials) must be confined within the LODA. All pools, tennis courts, decks, irrigated landscaping, patios, spas, swing sets, trampolines, play ground equipment, dog runs, etc. shall be contained within the LODA.

Permitted Uses and Improvements within the Natural Open Space (NOS) Area. Natural Open Space Area is that portion of a lot not included within the LODA or the ROS. No Improvement, excavation, fill, or other surface disturbance shall be constructed, installed, maintained, or allowed to stand in the NOS Area, with the exception of those disturbances related to roadway, utility facilities, structures, devices, traffic controls and accessories within the boundary at the time of the MPD approval and minor disturbances related to construction, maintenance and use of proposed Trails or permitted fences.

The NOS shall be perpetually devoted to sustaining the character of the natural landscape. No removal of native vegetation or surface disturbance is allowed within the NOS, although removal of dead materials and noxious weeds may be approved by the City. Planting of native vegetation, with temporary irrigation for two or three years until established, to repair damage to natural vegetation, to enhance existing materials, provide additional screening and buffering of the house, and to provide additional privacy, may be approved subject to a City approved landscape plan. Aspens and spruce are not appropriate in this area.

Permitted Uses and Improvements within the Recreation Open Space (ROS) Area.

No Improvement shall be installed, constructed, maintained, or allowed to stand in the ROS area except as provided below:

- (A) The construction, maintenance, and use of underground electrical, telephone, and cable television lines, services, and vaults and appurtenances for supplying utility services to any portion of the Subdivision; any above-ground transformers, junction boxes, and other similar utility control and transfer points and above ground appurtenances and related facilities must be screened with vegetation and shall not exceed three (3) feet in height above the natural grade and provided said construction, maintenance, and use causes little or no disturbance to the natural open space; and
- (B) The construction, maintenance, and use of underground natural gas, water, sanitary sewer, and storm drainage pipelines and related valve boxes, controls, access points and similar appurtenances which shall not exceed more than twelve (12") in height above natural grade and shall not be visible from Public View and provided said construction, maintenance, and use causes little or not disturbance to the natural open space; and
- (C) The continued use, maintenance, and eventual replacement of the existing city water tank located on the property and within the ROS Zone, including the access road; and
- (D) The construction, maintenance, and use of trails and permitted trail markers within the easements described on the plat for non-motorized travel only.

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Placement and Massing of Dwellings

The massing and orientation of above-ground Improvements should reflect the general slope of the Lot and natural contours. The major axis and central mass of the Dwelling must be reasonably parallel to the natural contours of the Lot. The central mass of the Dwelling should step down in height and reduce in bulk as it reaches the edges of the Dwelling to blend the building mass into the natural setting. No single, continuous exterior wall plane shall measure more than thirty (30) feet in length before a change in depth of at least three (3) feet. The Floor Area of a top or intermediate floor template shall not exceed 75% of the Floor Area of the floor template directly beneath it, excluding the basement.

Dwelling Heights and Massing for Restricted Lots

In addition to the above standards the following standards apply for dwellings on lots with a reduced height allowance. The Floor Area of a top or intermediate floor template shall not exceed 65% of the area of the floor template directly beneath it. The Floor Area directly above the lowest floor level, shall not exceed 85% of the Floor Area of the floor template directly beneath it, whether such lowest floor level is finished, unfinished or crawl space.

Irrigation of Lots

All permanently irrigated landscaping is limited to the LODA. A landscape plan shall be submitted for review and approval by the City as a precedent to issuance of a building permit. Plants are generally limited to those drought tolerant plants described in the Park City Water Conservation Program Approved Plant lists. Owner's are strongly encouraged to submit landscape plans that comply with the Park City Water Conservation Program and will be eligible for water fee rebates when they comply with the Program's restrictions.

Lawns shall be a minor component of the overall landscape plan. No more than 25% of the water demanding area shall be planted in high water demand lawns (such as Kentucky blue grass). An additional 5% of the water demanding area may be planted in drought tolerant lawn species (such as Blue Grama, Smooth Brome, Tall Fescue, Buffalo Grass, Creeping Red Fescue, Perennial Ryegrass, or Alpine Bluegrass). (Note that the Water Conservation Program is more strict regarding lawn areas.)

Vegetation Removal

No clear-cutting, thinning, or denuding of wooded areas is permitted except in conjunction with the construction and maintenance of approved Improvements, in which case all such clearing must be limited to the LODA. Only so much of the natural vegetation shall be removed, as is necessary to complete construction of the Improvements. As much of the natural vegetation shall be preserved as is reasonably possible. An Owner may selectively cut and remove dead, diseased or unhealthy trees, noxious or non-native plants, or trees that present a reasonable risk of property damage or personal injury or fire. All such activities shall be consistent with good forestry management practices.

Re-vegetation of Disturbed Areas

All disturbed areas that are not landscaped, shall be re-vegetated with native vegetation or with plants on the Approved Plant lists. Temporary irrigation, for a season or two, may be required to adequately establish this plant material.

18. Nothing herein shall restrict the applicability of future ordinances or amendments to the Land Management Code.
19. A Development Agreement, consistent with the approved April Mountain MPD and requirements of the Land Management Code, shall be ratified by the Planning Commission and recorded at Summit County within six (6) months of project approval by the Planning Commission or the Planning Commission approval shall expire. The affordable housing obligation of 3.3 u.e. and access to Gambel Oak Park and the Hope parcel shall be addressed in the Development Agreement, in addition to requirements stated in Section 15-6-4 (G) of the LMC.
20. Construction, as defined by the Uniform Building Code, shall commence within four years of the date of execution of the Development Agreement or the Planning Commission approval of the MPD shall expire.
21. Development on Lot 21 requires a conditional use permit with Land Management Code steep slope criteria from the HR-1 and HRL zoning districts used as additional review criteria.
22. Modified 13-D residential fire sprinklers are required and no wood roofs are permitted.

48464.1

00636481 Bk01483 Pg01620

EXHIBIT C

00636481 Bk01483 Pg01621

**AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT
KNOWN AS THE APRIL MOUNTAIN SUBDIVISION,
LOCATED ON MELLOW MOUNTAIN ROAD, SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH**

WHEREAS, the owner, April Mountain Development LLC, of the property known as April Mountain MPD, located off of Mellow Mountain Road in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah and also known as the April Mountain Subdivision, have petitioned the City Council for approval of a final subdivision plat; and

WHEREAS, proper notice was published and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on April 24 and June 26, 2002, the Planning Commission held public hearings to receive public input on the proposed subdivision plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on July 18, 2002 the City Council held a public hearing and reviewed the proposed subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed subdivision plat;

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the RD and ROS zoning districts.
2. On June 12, 2002 the Planning Commission approved the amended April Mountain MPD with conditions.
3. The property is subject to the amended April Mountain Master Planned Development (6/12/02).
4. A Development Agreement between the City and the Owner will be recorded prior to recordation of the plat, to memorialize the specific conditions of approval of the MPD.
5. The proposed subdivision plat includes 31 single family lots and 3 lots for development of 39 condominium units, in detached and attached (in pairs) single family units with private garages, in accordance with the amended April Mountain MPD (6/12/02).
6. The proposed subdivision plat provides to the City, a 50' access easement for public access

and utilities to the Gambel Oak park, contingent on the City's lease.

7. The proposed subdivision plat provides a 50' ROW access, as spelled out in the Development Agreement, to the adjacent parcel, known as the "Hope Parcel", with specific conditions of access agreed to by the City and spelled out in the Development Agreement. This ROW access reserves access to the public street system and utilities for the owner of the Hope Parcel.
8. A financial guarantee is necessary for all public improvements, including streets, utilities, trails, landscaping, etc. to protect the health, safety, and welfare of the general public.
9. The approved April Mountain MPD (June 12, 2002) allows Front Yard Setback reductions on specific lots, spelled out in the Lot Restrictions Table. The Lot Restrictions table is included on the plat.
10. On April 25th, 2001, the Planning Commission ratified the findings of fact and conditions of approval regarding the Sensitive Lands Analysis and the Density Determination for the April Mountain site.
11. The findings of the **Analysis** section of this report are included herein.
12. Public hearings were held by the Planning Commission on the proposed subdivision plat on April 24 and June 26, 2002.
13. Snow storage easements are required along the public ROW to provide additional snow storage area due to heavy winter snow fall in this location.
14. On June 26, 2002 the Planning Commission voted to forward to the City Council a positive recommendation to approve the April Mountain Subdivision plat with findings, conclusions of law, and conditions of approval as stated in the June 26, 2002 staff report.
15. On July 18, 2002 the City Council conducted a public hearing to receive input on the April Mountain Subdivision plat.
16. The applicant stipulates to the conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed plat. Approval of the subdivision plat, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats. The plat is consistent with the April Mountain Master Plan approved on June 12, 2002.

SECTION 3. PLAT APPROVAL. The final plat for the April Mountain Subdivision is hereby approved as shown on Exhibit A, with the following conditions:

1. City Engineer and City Attorney review and approval of the final form and content of the

subdivision plat, for compliance with State subdivision laws, the Land Management Code, and the conditions of approval is a condition precedent to plat recordation.

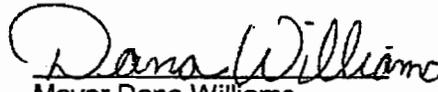
2. City Engineer approval of the project utility and drainage plan is a condition precedent to plat recordation.
3. A note shall be included on the plat indicating that all conditions of approval of the amended April Mountain MPD (June 12, 2002) apply.
4. Development of the condominium lots is subject to a conditional use permit, which will include conditions of approval specific to these lots.
5. Development of Lot 21 is subject to a conditional use permit with Land Management Code steep slope criteria from the HR-1 and HRL zoning districts used as additional review criteria.
6. Community Development Department approval of a construction mitigation plan (CMP) is a condition precedent to the issuance of any grading or building permits.
7. Modified 13-D residential fire sprinklers are required and no wood roofs are permitted.
8. The applicant shall record the subdivision plat within one (1) year from the date of the City Council approval. If recordation has not occurred within one year, this approval shall be void.
9. A financial guarantee for all public improvements, necessary to serve development of these lots, in an amount to be approved by the City Engineer, and in a form approved by the City Attorney, shall be in place prior to plat recordation.
10. The Development Agreement shall be signed and recorded prior to recordation of the plat.
11. A landscape plan shall be submitted for City review and approval for each single family lot, as a precedent to building permit issuance and a final landscape plan for the condominium units shall be reviewed and approved by the City as a precedent to building permit issuance.
12. The width and specific construction details of the trails shall be approved by the City trails coordinator prior to beginning construction of the trails and shall be consistent with the April Mountain MPD and Master Trail Plan. All trails shall be completed prior to issuance of a certificate of occupancy for any unit and/or a guarantee shall be posted to ensure completion of trails. **Six foot wide public pedestrian access easements shall be shown on the plat, over the public access easements to the Hope and Gambel Oak parcels that are subject to specific conditions of the Development Agreement. These public pedestrian access easements provide access until such time as the ROW to the Hope parcel is dedicated and provide continual pedestrian access to the Gambel Oak Parcel should the City's lease with the BLM expire.**
13. Ten (10') foot snow storage easements along and outside the public ROW are required.

14. City acceptance of the public streets for maintenance and snow plowing shall not occur until at least 50% of both single family houses and also the condominium units have received a Certificate of Occupancy. Specifically, 16 single-family houses and also 20 condominium units must be legally occupied prior to City acceptance of snow plowing responsibility.
15. In general, a single one-inch irrigation supply line is the maximum water source for each condominium parcel landscaped area.
16. **A note shall be added to the plat stating that no Nightly Rentals are allowed on lots or condominiums described by this plat or any future record of survey plat.**

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 8th day of August 2002.

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:

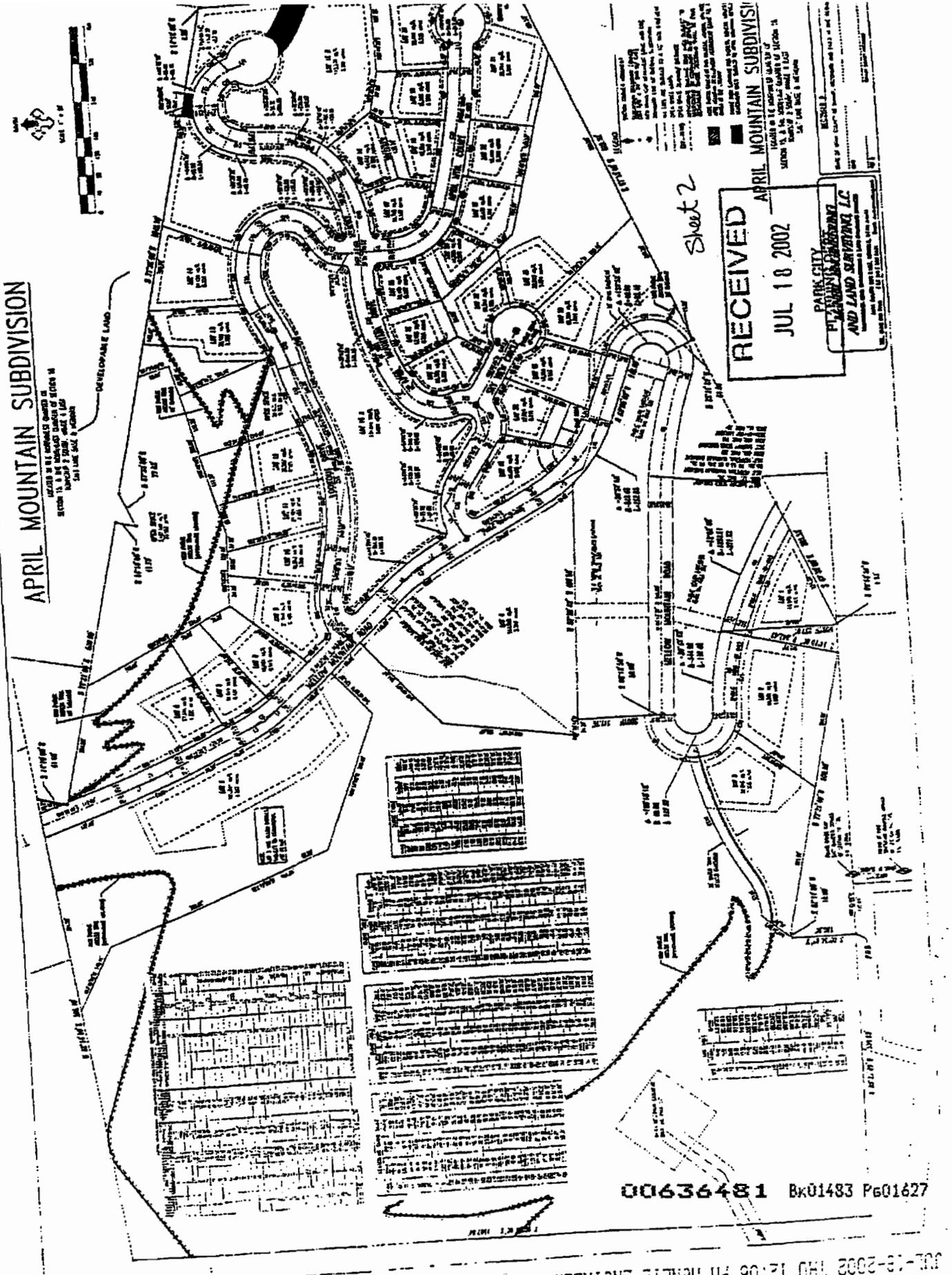

Mark D. Harrington, City Attorney



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APRIL MOUNTAIN SUBDIVISION

SECTION 11, T. 10 N. R. 10 E. SEC. 11
 TOWNSHIP 10 NORTH, RANGE 10 EAST
 COUNTY OF HENRI, MISSOURI



APRIL MOUNTAIN SUBDIVISION
 LOCATED IN THE COUNTY OF HENRI, MISSOURI
 SECTION 11, T. 10 N. R. 10 E. SEC. 11
 TOWNSHIP 10 NORTH, RANGE 10 EAST

Sheet 2

RECEIVED
 JUL 10 2002

**PARK CITY
 PLANNING AND LAND SURVEYING, L.C.**

Lot No.	Area (Ac.)	Owner
1	0.12	...
2	0.15	...
3	0.18	...
4	0.20	...
5	0.22	...
6	0.25	...
7	0.28	...
8	0.30	...
9	0.32	...
10	0.35	...
11	0.38	...
12	0.40	...
13	0.42	...
14	0.45	...
15	0.48	...
16	0.50	...
17	0.52	...
18	0.55	...
19	0.58	...
20	0.60	...
21	0.62	...
22	0.65	...
23	0.68	...
24	0.70	...
25	0.72	...
26	0.75	...
27	0.78	...
28	0.80	...
29	0.82	...
30	0.85	...
31	0.88	...
32	0.90	...
33	0.92	...
34	0.95	...
35	0.98	...
36	1.00	...
37	1.02	...
38	1.05	...
39	1.08	...
40	1.10	...
41	1.12	...
42	1.15	...
43	1.18	...
44	1.20	...
45	1.22	...
46	1.25	...
47	1.28	...
48	1.30	...
49	1.32	...
50	1.35	...
51	1.38	...
52	1.40	...
53	1.42	...
54	1.45	...
55	1.48	...
56	1.50	...
57	1.52	...
58	1.55	...
59	1.58	...
60	1.60	...
61	1.62	...
62	1.65	...
63	1.68	...
64	1.70	...
65	1.72	...
66	1.75	...
67	1.78	...
68	1.80	...
69	1.82	...
70	1.85	...
71	1.88	...
72	1.90	...
73	1.92	...
74	1.95	...
75	1.98	...
76	2.00	...
77	2.02	...
78	2.05	...
79	2.08	...
80	2.10	...
81	2.12	...
82	2.15	...
83	2.18	...
84	2.20	...
85	2.22	...
86	2.25	...
87	2.28	...
88	2.30	...
89	2.32	...
90	2.35	...
91	2.38	...
92	2.40	...
93	2.42	...
94	2.45	...
95	2.48	...
96	2.50	...
97	2.52	...
98	2.55	...
99	2.58	...
100	2.60	...

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EXHIBIT D

00636481 Bk01483 Pg01628

PUBLIC RECREATION ACCESS EASEMENTS

WHEREAS, April Mountain Developers, L.L.C., a Utah limited liability company ("Owner") is the owner of real property known as April and April Fractional Lode Mining Claims located within Summit County, Utah ("Property"); and

WHEREAS, PARK CITY MUNICIPAL CORPORATION (the "City") desires to access and install improvements for a public park which requires vehicle and public access across the Property; and

WHEREAS, the Property is appropriate for such recreational purposes and the public will not be charged an entry fee to enter the Property; and

WHEREAS, Owner and the City have expressly relied upon the provisions and protections of the Utah Limitation of Landowner Liability- Public Recreation Act in opening the Property up to public access; and

WHEREAS, the City leases the adjacent parcel from the U.S. Bureau of Land Management according to a "Recreation or Public Purposes Lease" serial U-29830 B (BLM Lease") and the parties wish to cooperatively facilitate a park connection between the City's leased parcel and Mellow Mountain Road, which connects to Aerie Drive, while minimizing any potential adverse impacts on Owner's Property and respecting the private property rights of the Owner; and

Now therefore, in consideration of Ten Dollars (\$10.00) and the mutual covenants and agreements hereof, the sufficiency and receipt of which are hereby acknowledged, Owner and the City agree as follows:

1. Owner grants to the City public access easements for the sole purpose of creating and maintaining dirt, public park access drives ("Drives") as required by the BLM Lease. Said Easements are contingent upon the City meeting all requirements of said BLM Lease, and any amendments or renewal thereof, to the satisfaction of the BLM. The Easements shall be over the Property, more particularly described as follows:

See Attached Exhibit A and as shown on the April Mountain Subdivision plat as recorded at the Summit County Recorder's Office, and which is specifically incorporated herein.

2. The City shall only use the Drives for purposes of installing improvements, and public parking and access to the BLM Lease property as required by the BLM. The Owner has received MPD approval and subdivision approval to build and dedicate a public road adjacent to these Easements. The City shall be responsible for maintenance and connection of the Drives to the BLM Lease Property. Until the roads are complete, the City and public are permitted to use the existing dirt road for access and construction

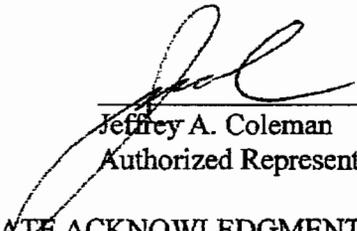
purposes as required by the BLM, unless otherwise provided in the City approved Construction Mitigation Plan.

- 3. Owner and the City intend that the use of Owner's Property be for a Recreational Purpose as defined in Section 57-14-2 of the Utah Code. Nothing herein shall constitute the City's waiver of any portion of the Utah Government Immunity Act, the Utah Limitation of Landowner Liability- Public Recreation Act or any defense arising therefrom. Nothing herein shall constitute the Owner's waiver of any portion of the Utah Limitation of Landowner Liability- Public Recreation Act or any defense arising therefrom and the parties enter this agreement in reliance on the protections of said Act.
- 4. These Easements shall automatically renew annually until such time as it is terminated as provided below.
- 5. These Easements shall terminate automatically with the termination of the BLM Lease. In the event these Easements are terminated, Owner shall concurrently permanently dedicate public, six foot pedestrian access easements to City within the original easement areas.

DATED this 24 day of October, 2002.

OWNER

APRIL MOUNTAIN DEVELOPER, LLC



 Jeffrey A. Coleman
 Authorized Representative

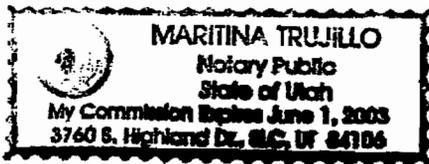
CORPORATE ACKNOWLEDGMENT

STATE OF Utah)
 : ss.
 COUNTY OF Salt Lake)

On this 24 day of October, 2002, personally appeared before me Jeffrey A. Coleman, who being duly sworn, did say that he is the Authorized Representative of April Mountain Developers, and acknowledged to me that the preceding Easement was signed on behalf of said company, by their authority and he acknowledged that the company did execute the same for its stated purpose.



 NOTARY PUBLIC



00636481 Bk01483 Pg01630

EXHIBIT A

PUBLIC RECREATION ACCESS EASEMENTS

PROPERTY DESCRIPTION

50' WIDE EASEMENT FOR PUBLIC ACCESS TO PARK

BEGINNING AT A POINT AT THE END OF SEASONS DRIVE, ON THE BOUNDARY LINE OF THE CUL-DE-SAC, DEDICATED ON THE APRIL MOUNTAIN SUBDIVISION (NOT YET RECORDED, SAID POINT BEING NORTH 711.10 FEET AND EAST 1892.07 FEET FROM THE EAST 1/4 CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN; AND RUNNING THENCE SOUTH 88°14'58" EAST 24.73 FEET TO THE EASTERLY BOUNDARY LINE OF APRIL MOUNTAIN SUBDIVISION (NOT YET RECORDED); THENCE ALONG SAID BOUNDARY LINE SOUTH 50.00 FEET; THENCE NORTH 88°14'58" WEST 27.48 FEET TO A POINT ON A NON-TANGENT CURVE, SAID CURVE BEING THE BOUNDARY LINE OF SEASONS DRIVE CUL-DE-SAC; THENCE ALONG THE ARC OF A SAID 50.00 FOOT RADIUS CURVE TO THE LEFT (RADIUS BEARS NORTH 56°50'44" WEST) THROUGH A CENTRAL ANGLE OF 60° 00'28" A DISTANCE OF 52.37 FEET TO THE POINT OF BEGINNING.

CONTAINS: 0.0248 ACRES

00636481 Bk01483 Pg01631

50' WIDE EASEMENT FOR PUBLIC ACCESS TO PARK
FROM APRIL MOUNTAIN DRIVE

10/24/2002

BEGINNING AT A POINT AT THE END OF APRIL MOUNTAIN DRIVE, ON THE BOUNDARY LINE OF THE CUL-DE-SAC, DEDICATED ON THE APRIL MOUNTAIN SUBDIVISION (NOT YET RECORDED), SAID POINT BEING NORTH 1112.01 FEET AND EAST 1843.57 FEET FROM THE EAST 1/4 CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN; AND RUNNING THENCE ALONG THE ARC OF A 125.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 36°49'29" EAST) THROUGH A CENTRAL ANGLE OF 22°09'21" A DISTANCE OF 48.34 FEET TO A POINT OF TANGENCY; THENCE SOUTH 75°19'52" EAST 30.96 FEET TO THE EASTERLY BOUNDARY LINE OF APRIL MOUNTAIN SUBDIVISION (NOT YET RECORDED); THENCE ALONG SAID BOUNDARY LINE SOUTH 51.68 FEET; THENCE NORTH 75°19'52" WEST 44.04 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 175.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 24°22'35" A DISTANCE OF 74.45 FEET TO A POINT ON A NON-TANGENT CURVE, SAID CURVE BEING THE BOUNDARY LINE OF APRIL MOUNTAIN DRIVE CUL-DE-SAC; THENCE ALONG THE ARC OF A SAID 50.00 FOOT RADIUS CURVE TO THE LEFT (RADIUS BEARS NORTH 15°12'50" WEST) THROUGH A CENTRAL ANGLE OF 60° 26'11" A DISTANCE OF 52.74 FEET TO THE POINT OF BEGINNING.

CONTAINS: 0.1082 ACRES

Planning Commission Staff Report



Subject: 1502 Seasons Drive
Author: Kirsten A Whetstone, AICP
Date: May 27, 2009
Type of Item: Conditional Use Permit for single family house on Lot 21 April Mountain Subdivision

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and consider approving the conditional use permit for a single family house at 1502 Seasons Drive. Findings of fact, conclusions of law, and conditions of approval are attached for the Commission's consideration.

Topic

Applicant: Henry Sigg, owner, represented by Don Bloxom, designer
Location: 1502 Seasons Drive, Lot 21 April Mountain Subdivision
Zoning: RD-MPD (Residential Development subject to the April Mountain Master Planned Development)
Adjacent Land Uses: Residential, open space
Reason for Review: April Mountain Subdivision plat note requires a Conditional Use Permit for construction on Lot 21, "with HR-1 Steep Slope criteria as additional review criteria". Conditional Use Permits require a public hearing with review and final action by the Planning Commission.

Background

On March 16, 2009, the Planning Department received a completed application for a Conditional Use Permit for construction of a single family house on Lot 21, April Mountain Subdivision, located at 1502 Seasons Drive. This lot is located on the downhill side of Seasons Drive at the end of the cul-de-sac. The property is currently vacant. Development of Lot 21 is subject to a Conditional Use Permit, per the April Mountain Subdivision plat notes. Plat notes require use of the HR-1 and HRL Steep Slope criteria as additional review criteria. Lot 21 contains 35,711 sf of lot area.

During the June 12, 2002, April Mountain MPD approval process, the Planning Commission made the following finding of fact regarding this property, as follows:

"To mitigate and reduce visibility from the Stew Pot (Vantage point), two lots at the end of the long cul-de-sac were combined (in a previous approval) to allow a larger building pad to more realistically accommodate a one and a half story "ranch style" house with a 19' height limit. The larger building pad allows a house to step down and away from the ridge as viewed from the Stew Pot. This Lot is

now Lot 21 on the April Mountain Subdivision plat and remains as previously approved and conditioned."

The April Mountain Subdivision plat, recorded on October 29, 2002, includes a note stating that "development on Lot 21 is subject to a Conditional Use Permit with the HR-1 and HRL Steep Slope criteria used as additional review criteria."

The applicant submitted a plat amendment to re-configure the platted reserved open space (ROS) and to shift the building pad location in order to accommodate plans for a proposed single-family house. On March 11, 2009, the Planning Commission reviewed the plat amendment at a work session and conducted a public hearing. An adjacent neighbor expressed concerns about amending the plat to locate the house to the east of the approved location. On March 12, 2009, the applicant submitted a letter and formally withdrew the plat amendment application.

On April 8, 2009, the Planning Commission (Exhibit B) considered the conditional use permit at a work session and provided direction to the applicant on the following items:

- *Is the proposed CUP consistent with the intent of the April Mountain Master Plan? Is the house characteristic of a one and one-half story "ranch style" house?*

The Planning Commission requested information from the Chief Building Official regarding the one and one-half story "ranch style" house. The applicant lowered the basement floor level an additional 2' from the plans reviewed at work session. The applicant, planner, and Chief Building Official met on April 20th to review the revised plans. A determination was made that the lower level of the house as proposed meets the IBC and LMC definitions of a basement and the floor above meets the IBC and LMC definition of First Story. Therefore the main level of the house is the first story and floor area above the main floor is within the roof area. Planning Staff believes this is what the Planning Commission meant by 1 ½ stories in the April Mountain MPD findings (see Exhibit C- IBC and LMC Definitions). It was important to Ron Ivie that this language regarding 1 and ½ stories is not on the plat as a plat note.

The upper floor areas closest to the road (the office and guest area above the garage) are not located over the excavated basement areas or main floor area. Ranch style houses are typically built on flat lots and may or may not have basements or second stories. The walkout basement is a function of the sloped lot and good hillside design does not typically include benching out a site to create a building pad where the lowest floor is entirely above grade, as one might see on a large flat "ranch" lot.

Staff reviewed minutes of the MPD approval (which involved several meetings and over a year to go through the process) and did not find additional clarification on this finding or wording. Proposed construction includes a stepped excavation and foundation that are appropriate for hill side development. Staff finds that the proposed plans meet the intent of the MPD language.

- *Is the request for a height exception consistent with the intent of the April Mountain MPD and subdivision plat? If so, the Height Exception criteria of LMC Section 15-2.2-6 (B) (10) will be applied to the request where applicable. Does the Commission agree that the requested height exception does not require an amendment to the plat if the plans are found to be consistent with the criteria of Section 15-2.2-6 (B) (10)?*

The applicant has lowered the house and is not longer requesting a height exception. The recently approved LMC Amendments no longer include Section 15-2.2-6 (B) (10). The revised plans are consistent with the 19' height restriction from existing grade to the peak of the roof.

- *Are there additional Vantage Points that the Planning Commission would like to see in the visual analysis? The applicant has provided views from the Stew Pot.* The Planning Commission did not suggest additional vantage points. Staff requested the applicant provide a view from Royal Street, which is the "across valley" view. The applicant has also provided a streetscape from Seasons Drive (Exhibit D).

Prior to the public hearing on May 13, 2009, the applicant requested this item be continued to allow time to resolve some issues that had come up by a neighbor. The Planning Commission opened and continued the public hearing to May 27, 2009. Staff met with the neighbor and his legal representative on Friday, May 15, 2009 (see summary of the meeting and letters in Exhibit I). The applicant made changes to the site plan in response to some of the issues raised by the neighbor, including the following:

- Increased the east side setback to 90' from 71'
- Increased the setback to the ROS from 4' to 14'
- Provided a revised roof over topographic elevations site plan to demonstrate that the house steps towards the center and with the slope of the lot and identified all eave heights
- Move all retaining walls greater than 4' out of the 15' front setback area

Analysis

The applicant is requesting a minor change to the building area as shown in Exhibit E with a subsequent reduction in building area to 14,849 sf. Staff finds that the minor change is acceptable and allowed by the existing plat notes. This change locates the house lower on the lot and reduces visibility of the house from the Stew Pot vantage point. No changes are requested to the 11,595 sf platted ROS (reserved open space) area; therefore a plat amendment is no longer required. The applicant is showing a minimal setback to the ROS line to accommodate construction. Provided that no disturbance occurs in the ROS area, due to construction of the house, this can be allowed.

The limit of disturbance area will be required to be shown on the building plans submitted for permitting and construction fencing is required on the lot to delineate this LOD area. An inspection of the fencing is required prior to issuance of any permits. This LOD will have to be monitored through-out construction.

The lot is currently vacant and vegetated with maples, oaks, and various grasses and wildflowers. On the western portion of the lot the maple and oak range in height from 10' to 18' and are fairly dense and undisturbed. On the eastern portion of the lot, contiguous to the Gamble Oak open space, the maple and oak are generally shorter, averaging 8' in height and are sparser. In this eastern portion of the lot, the fill from construction of the cul-de-sac, visible from across the valley, is lightly vegetated with low grasses. Staff recommends this area be re-vegetated with additional shrubs and trees appropriate to the hillside to mitigate visual impact of the cul-de-sac scar.

A condition of approval is recommended to require the final landscape plan, to be submitted at the time of building permit application, to include details for grading and landscaping of the area disturbed by construction of the road and utilities, in addition to the required landscape plan for the house. Short (less than 2' in height) hand stacked boulder retaining walls, additional soil, and temporary irrigation may be necessary to restore vegetation in the restoration area (see Exhibit G for preliminary landscape plan and area of restoration photographs). Over time these walls will be obscured with vegetation.

The applicant proposes a 10,000 sf house, including all basement floor areas. The building footprint is approximately 7,800 sf. Houses on Season's Drive range in size from 6,500 sf to 8,000 sf. There is no total floor area restriction on the plat or in the RD Zone. House size in the April Mountain subdivision is a function of building zone, setbacks, and building height. The applicant proposes to use the USBC Green Building Standards for residential construction, utilizing passive solar heating, active solar water heating (including solar heating for the driveway snow melt and pool), photo voltaic solar cells for electricity generation, a 1,000 sf green planted roof, and a clay rammed earth north wall among other sustainable construction items.

The exterior is proposed to be a natural ledge stone in grayish tones with some greens and red hues. The roof is proposed to be a combination of sheets and tiles of mouse gray zinc. Aluminum clad wood windows are proposed in a pewter or gray color. Stone chimneys and either stone or rough sawn cedar wood window trim are proposed. Other wood elements will be rough sawn cedar. An exterior materials and color board will be presented at the meeting.

Land Management Code and April Mountain subdivision plat notes review:

	MPD/Platted/RD zone	Proposed
Lot Size	35,711 sf (0.82 acres)	35,711 sf (0.82 acres)
Building Zone Area	14,965 sf	14,849 sf
Allowed Site Disturbance (LODA) (not including those areas disturbed for the road and utilities per the MPD)	20,000 sf	20,000 sf

Area of platted reserved open space (ROS) approx.	11,595 sf	11,595 sf
Front and Rear Yard Setbacks*	15' minimum	15' – 68' front 27' to 40' rear
Side Yard Setbacks*	12' minimum	15' to 31.6' west side 90' to 108' east side
Building Height	19' to ridge of roof from existing grade per subdivision plat	House meets the 19' height restriction as measured from existing grade.
Parking	Two spaces, Minimum	Four spaces in garages

*Setbacks are to property lines and may be further restricted by the ROS lines.

Review Criteria

In addition to meeting the site requirements as stated on the April Mountain subdivision plat, development of this lot requires a Conditional Use Permit, applying the HR-1 and HRL Steep Slope CUP as additional review criteria.

LMC Conditional Use Permit Criteria (Section 15-1-10)

Staff has reviewed the plans for 1502 Seasons Drive using criteria in Section 15-1-10 of the Land Management Code as outlined below:

1. Size and location of the site. The lot is approximately 0.8 acres and is of sufficient size to accommodate the proposed house within the 14,940 sf building zone, amended as shown on Exhibit E. The house is proposed to maintain all required setbacks and building zone area and limits of disturbance restrictions. The proposed house and driveway covers approximately 40% of the lot. **No unmitigated impacts.**
2. Traffic considerations. The single family house will not create additional traffic impacts over that contemplated by the traffic study reviewed with the MPD. **No unmitigated impacts.**
3. Utility capacity. Adequate utility capacity exists to this lot. **No unmitigated impacts.**
4. Emergency vehicle access. Access for emergency vehicles is adequate via the constructed streets within the subdivision. The house is located on a cul-de-sac with adequate emergency vehicle turning radius. **No unmitigated impacts.**
5. Location and amount of off-street parking. Two parking spaces are required off-street and the applicant is providing four spaces within garages on the property. **No unmitigated impacts.**
6. Internal circulation system. The driveway to the site is approximately 12% slope. This is within the allowable slope. The applicant proposes a solar heated snow melt system and a pervious driveway surface for the entire driveway. **No unmitigated impacts.**
7. Fencing, screening and landscaping to separate uses. In conformance with the landscape requirements of the April Mountain Subdivision, including limitations on irrigated lawn area and drought tolerant plant species, the applicant is

proposing limited lawn areas and primarily drought tolerant landscaping. The applicant will also restore the previously disturbed areas along Seasons Drive and on the fill slope of the cul-de-sac. Staff recommends a condition of approval that a final landscape and grading plan be submitted as a condition precedent to issuance of a building permit and that the landscape plan include detailed grading and planting plans for the re-vegetation and restoration of the area below the cul-de-sac. **No unmitigated impacts as conditioned.**

8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. The applicant proposes a 10,000 sf house, including all basement floor areas, on a 35,711 square foot lot. The building footprint is approximately 7,800 sf with a sunken basement on the lower level. Upper living areas above the main level are located within the roof area. Additional upper living areas are located above the garage and porte-cochere. These areas are not located above the basement, as the foundation steps with the slope. Houses on Season's Drive range in size from 5,500 sf to 8,000 sf. Building mass is stepped with the slope and oriented parallel to the contour lines. The building is located low on the slope to minimize intrusion on the sky line as viewed from the Stew Pot vantage point. South by southwest orientation allows good solar access. The applicant proposes to use the USBC Green Building Standards for residential construction, utilizing passive solar heating, active solar water heating (including solar heating for the driveway snow melt and pool), photo voltaic solar cells for electricity generation, a 1,000 sf green planted roof, and a clay rammed earth north wall. Massing requirements of the MPD are met in that the main Floor Area is not more than 85% of the basement Floor Area (including crawl space) and the upper Floor Area is not more than 65% of the main Floor Area. Additionally wall heights and roof heights step up towards the central massing and building height steps up with the slope of the lot. The entire house is located below the elevation of the cul-de-sac. **No unmitigated impacts.**
9. Usable open space. No changes to the platted reserved open space area are proposed. The applicant is requesting permission to re-vegetate areas of the platted reserve open space, located on this lot, below the cul-de-sac that have been compromised during construction of the roads and adjacent houses. Staff recommends conditions of approval that specific plans for the restoration and grading of the reserve open space below the Seasons Drive cul-de-sac be submitted with the building permit plans and be approved by the Planning Department prior to issuance of any building permits. The restoration shall be complete prior to issuance of any certificates of occupancy. **No unmitigated impacts as conditioned.**
10. Signs and lighting. The following conditions are recommended: 1) all signs shall be consistent with the Park City Sign Code and no signs may be installed without approval of a sign permit (note that signs are limited in residential areas per the Sign Code) and 2) all exterior lighting shall be shown on the final building plans, shall conform to requirements of the City's lighting ordinance and shall be minimal and subdued in nature. **No unmitigated impacts.**

11. Physical design and compatibility with surrounding structures in mass, scale and style. The physical design is architecturally compatible with the contemporary mountain architecture at April Mountain. The house has a low profile from the street and the Stew Pot vantage point. The house has a horizontal orientation and is less vertical than the surrounding structures. While larger in total square footage, there is less above grade massing as compared with surrounding structures. The house is compatible with the dwelling volume of existing contemporary single family homes on Seasons Drive, given the increase lot size and building zone allowance. The house is in scale with surrounding structures given the larger lot size and reduced height requirement (19' versus 28' for the surrounding houses). The applicant provided a 3-D model, visual analysis from the Stew Pot vantage point, and streetscape visuals to demonstrate that the proposed design mitigates any difference in scale between the volume of the proposed structure and existing surrounding structures. **No unmitigated impacts.**
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. The proposed single family house is not expected to create additional mechanical factors that require mitigation. **No unmitigated impacts.**
13. Control of delivery and service vehicles, loading and unloading zones, and screening. **Not applicable to a residential structure.**
14. Expected ownership and management of the property. The house is proposed to be owner occupied or used as a second home. Nightly rentals are not permitted within the April Mountain MPD. There is no restriction on long term rentals, unless restricted by the CC and R documents. **No unmitigated impacts.**
15. Sensitive Lands Review. The application complies with the sensitive lands review conducted at the time of the April Mountain MPD. The MPD required this property be reduced from 2 lots to one and restricted the building height to 19' due to potential impacts as viewed from the Stew Pot (parking lot), as reflected in the recorded plat. The applicant submitted photos of the adjacent properties, a photo montage of the proposed house as viewed from the Stew Pot, and created a model of the proposed house to demonstrate that the house will not impact sensitive slopes or break a sensitive ridge line. There are no wetlands, streams or waterways and the lot is not within an entry corridor area. Wildlife concerns were addressed at the time of the MPD and subdivision plat review. Restoration of the disturbed ROS area below the cul-de-sac and conditions of approval related to the limits of disturbance area are recommended to mitigate impacts to these sensitive lands. **No unmitigated impacts.**

LMC Steep Slope Criteria

Staff has reviewed the plans for 1502 Seasons Drive against the HR-1 and HRL Steep Slope criteria in LMC Sections 15-2.1-6 (B) (1)-(9) and 15-2.2-6 (B)(1)-(9) as outlined below.

Criteria 1: Location of Development. Development is located and designed to reduce visual and environmental impacts of the Structure. To reduce visual impacts

the primary massing is proposed as low on the lot as possible. Stepping of the excavation and living areas is proposed. The upper portion is proposed within the main sloping roof area and the lower level is sunken below final grade. **No unmitigated impacts.**

Criteria 2: Visual Analysis. The applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine the potential impacts of the access, building mass, and design and to identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

The proposed construction is in the RD District, subject to the April Mountain MPD and Subdivision. The visual analysis approved with the April Mountain MPD resulted in a larger lot with a 19' height restriction. The applicant provided a visual analysis from the Stew Pot vantage point. At the work session the Planning Commission did not identify additional vantage points. The proposed house does not impact the sensitive hillside or ridgeline as viewed from this vantage point. The primary massing is proposed to be located low on the lot and is articulated with architectural elements that break up the overall massing. Landscaping, vegetation protection, and vegetation restoration of disturbance areas are proposed. **No unmitigated impacts as conditioned.**

Criteria 3: Access. Access points and driveways must be designed to minimize grading of the natural topography and to reduce overall building scale.

The proposed house takes access from existing Seasons Drive. The driveway is designed to minimize grading of natural topography with stepped retaining walls. The driveway grade is steeper than originally proposed, due to lowering the house to meet the 19' height, but is within the maximum grade allowed by the City Engineer. A solar snow melt system is proposed. The steeper driveway is consistent with the reduction in overall building scale as the house is proposed to be lower on the hill with less exposed overall wall height. **No unmitigated impacts.**

Criteria 4: Terrace. The project may include terraced retaining structures if necessary to regain natural grade.

The property is steepest at the street due to construction of Seasons Drive and becomes more gradually sloped in the area of the building pad. Stepped and terraced retaining walls are provided to retain natural grade. **No unmitigated impacts.**

Criteria 5: Building Location. Building, Access and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the site. The site design and building footprint must coordinate with adjacent properties to maximize opportunities for open areas and preserve natural vegetation, minimize driveway and parking areas, and provide variation of front yard.

The proposed house is set into the hillside with final grade proposed within 2'- 4' of natural grade along the sides of the building, minimizing cut and fill that alters the perceived natural topography of the site. The site plan and building footprint are compatible with adjacent properties in size and scale appropriate to the size of the lots. The lot includes approximately 11, 590 sf of platted reserved open space and additional open space is adjacent on the east. On the west there are between 27' and 43' of space

between this house and the adjacent house with opportunity for open space and natural vegetation. The applicant proposes to restore areas of this open space that were previously disturbed, using native and appropriate drought tolerant plant species, such as Mountain Mahogany and various grasses and wildflowers. The house has a low profile from the street due to the height restriction that pushed the house into the hill. **No unmitigated impacts.**

Criteria 6: Building Form and Scale. Where building masses orient against the Lot's existing contours, the structures must be stepped with the grade and broken into a series of individual smaller components that are compatible with the District. Low profile buildings that orient with existing contours are strongly encouraged.

The building footprint is oriented with the existing contours. The building mass does not orient against existing contours, but the excavation and footprint steps with the grade and the building form is broken into a series of individual smaller components. A flat green roof is proposed over a portion of the eastern building mass that provides additional vertical articulation. **No unmitigated impacts.**

Criteria 7: Setbacks. The Planning Commission may require an increase in one or more setbacks to minimize the creation of a wall effect along the Street front and/or rear Property Line. The Setback variation will be a function of the building, site constraints, proposed Building scale, and Setbacks on adjacent Structures.

The proposed house complies and exceeds the required setbacks of the zone and plat. The proposed front, side, and rear setbacks are at and greater than required by the plat and the house complies with the zone setbacks. A wall effect is not created along the Street or rear property line due to the placement of the house low on the lot and along the natural contour lines with varying setbacks. The applicant has provided a streetscape that illustrates how the proposed house fits into the lot and relates to the adjacent structures.

No unmitigated impacts.

Criteria 8: Dwelling Volume. The maximum volume of any structure is a function of the Lot size, Building height, setbacks and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed structure to minimize its visual mass and/or to mitigate difference in scale between a proposed structure and existing structures.

The design is larger than, but compatible with the dwelling volume of existing contemporary single family homes on Seasons Drive, with less above grade massing visible than existing uphill houses in the neighborhood. The building zone allowed by the subdivision plat is larger than that of adjacent lots, but it is in scale with existing structures given the larger lot size and reduced height requirement. The applicant provided a 3-D model, visual analysis from the Stew Pot vantage point, and streetscape visuals that demonstrate that the proposed design mitigates any difference in scale between the volume of the proposed structure and existing surrounding structures. **No unmitigated impacts.**

Criteria 9: Building Height (Steep Slope). The maximum Building Height in the HR-1 and HRL Districts is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed structure to minimize its visual mass and/or to mitigate differences in scale between a proposed structure and existing residential structures.

The HRL and HR-1 District Building Heights do not apply. The building height is restricted to 19' by the April Mountain Subdivision plat notes. The proposed height is at or below 19'. **No unmitigated impacts.**

Department Review

This project has gone through an interdepartmental review. Staff discussed the massing, disturbance areas, building zone amendment, vantage points for the visual analysis, driveway grade, and the overall floor area of the house. No further issues were brought up at that time.

Notice

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

Public Input

Staff has received communication from and met with an adjoining neighbor to discuss concerns regarding the plat amendment proposal to shift the platted ROS area. One neighbor expressed concern that he had relied on the existing platted configuration in the design and construction of his house across the cul-de-sac. Public input regarding the plat amendment was received at the Planning Commission meeting on March 11, 2009. As mentioned previously, the plat amendment has been withdrawn. Staff received a letter from three neighbors regarding the plat amendment with comments that relate to the house plans for the Conditional Use Permit (Exhibit H).

Process

Per the April Mountain Subdivision plat, a building permit for construction on this lot requires an approved Conditional Use Permit. Conditional Use Permit applications require a public hearing with action by the Planning Commission. The applicant requested an initial work session and the Planning Commission provided direction at the April 8th meeting. The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. City Council hears appeals of final Planning Commission action on Conditional Use Permits. Building permits are reviewed by the Planning, Engineering and Building departments. Building permits are not publicly noticed nor subject to review by the Planning Commission unless appealed.

Alternatives

- The Planning Commission may approve the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the Conditional Use Permit to June 10 or to a date uncertain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The house could not be constructed as designed.

Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for construction of a single-family home on Lot 21, April Mountain Subdivision and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 1502 Seasons Drive.
2. The zoning is Residential Development (RD-MPD) subject to the April Mountain MPD and April Mountain Subdivision plat that required a conditional use for development on Lot 21, with HR1 and HRL Steep Slope review criteria used as additional review criteria.
3. The approved plat created Lot 21 with lot restrictions for Height, Setbacks, Limits of Disturbance area, total building zone area, and platted ROS (reserved open space). No construction is proposed within the platted ROS area.
4. Lot 21 is 35,711 square feet (0.82 acres) in lot area. A maximum building zone area of 14,940 sf is allowed within the 20,000 sf allowed limits of disturbance area.
5. Access to the lot is from Seasons Drive.
6. Under the current LMC, the minimum front yard setback is 15 feet, subject to the location of platted reserved open space (ROS). Applicant proposes 15' to 68' front setbacks.
7. Under the current LMC, the minimum rear yard setback is 15 feet, subject to the location of platted reserved open space. Applicant proposes 27' to 40' rear setbacks.
8. Under the current LMC the minimum side yard setback is 12 feet, subject to the location of platted reserved open space. Applicant proposes 15' to 31' for west side setbacks and 90' to 108' for east side setbacks.
9. The April Mountain plat notes restrict Lot 21 to a maximum building total height of 19'. The applicant proposes a maximum building height of 19' with portions of the house less than 19'.
10. Parking is required at a rate of two parking spaces per house. The applicant proposes 4 parking spaces within garages.
11. The applicant proposes a 10,000 sf house, including all basement floor areas. The building footprint is approximately 7,800 sf. Houses on Season's Drive range in size from 6,500 sf to 8,000 sf. There is no total floor area restriction on the plat. House size in the April Mountain subdivision is a function of building zone, setbacks, and building height.
12. Massing requirements of the MPD are met in that the main Floor Area (approx 4,750 sf) is not more than 85% of the basement Floor Area (approx 5,500 sf

including finished, unfinished and crawl spaces) and the upper Floor Area (approx. 1,250 sf) is not more than 65% of the main Floor Area. Exact Floor Area calculations will be verified prior to building permit issuance.

13. The applicant proposes to use the USBC Green Building Standards for residential construction, utilizing passive solar heating, active solar water heating (including solar heating for the driveway snow melt and pool), photo voltaic solar cells for electricity generation, a 1,000 sf green planted roof, and a clay rammed earth north wall among other sustainable construction items.
14. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically Section 15-1-10 and Sections 15-2.21-6 (B) and Section 15-2.2-6 (B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. All applicable conditions of approval of the April Mountain MPD and April Mountain Subdivision plat continue to apply.
3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Chain link construction mitigation fencing along the ROS areas may be necessary to prevent disturbance of these areas during construction of the house. Disturbance of the ROS areas is allowed only subject to an approved landscaping and restoration plan for these areas. Additional disturbance fencing may be required during the restoration work to prevent further disturbance.
4. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department and/or City Landscape Architect, prior to building permit issuance. The landscape plan shall include details for grading, landscaping, temporary irrigation and low profile boulder retaining walls required for restoration of the currently disturbed ROS areas within the lot, in addition to the required landscape plan for the house.
6. No building permits shall be issued for this project unless and until the building plans of the houses are reviewed and approved by the Planning Department staff for substantial compliance with the building plans reviewed by the Planning Commission on May 27, 2009. All exterior finishes and landscaping shall be approved prior to installation and shall be consistent with the LMC. Building massing shall be verified prior to issuance of a building permit for compliance with the April Mountain MPD.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and

U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.

8. Prior to the issuance of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer if required by the Building Department.
9. This approval will expire on May 27, 2010, if an application for a building permit has not been received by the City Building Department prior to this date.
10. All exterior lighting shall be shown on the final building plans and shall conform to requirements of the City's lighting ordinance and shall be minimal and subdued in nature. No signs may be installed without approval of a sign permit.

Exhibits (not included)

Exhibit A- Plat

Exhibit B- Minutes of the April 8, 2009 Planning Commission work session

Exhibit C- IBC and LMC Definitions of Story and First Story

Exhibit D- Visual Analysis (3-D model will be presented at the hearing)

Exhibit E- Building Zone Area/Limit of Disturbance

Exhibit F- Proposed house plans

Exhibit G- Preliminary landscape and restoration plan

Exhibit H- Letter from neighbors

Exhibit I- Summary of neighbors issues, letter from neighbors attorney, applicant's response

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 1502 Seasons Drive
Author: Kirsten A Whetstone, AICP
Date: July 8, 2009
Type of Item: Conditional Use Permit for single family house proposed on Lot 21 April Mountain Subdivision

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and consider approving a conditional use permit for a single family house at 1502 Seasons Drive. Findings of fact, conclusions of law, and conditions of approval, for the Commission's consideration, are included in the revised and attached May 27, 2009 staff report.

Topic

Applicant: Henry Sigg, owner, represented by Don Bloxom, designer
Location: 1502 Seasons Drive, Lot 21 April Mountain Subdivision
Zoning: RD-MPD (Residential Development subject to the April Mountain Master Planned Development)
Adjacent Land Uses: Residential, open space
Reason for Review: April Mountain MPD and Subdivision plat notes require a Conditional Use Permit for construction on Lot 21, "with HR-1 Steep Slope criteria used as additional review criteria". Conditional Use Permits require a public hearing with review and final action by the Planning Commission.

Background

This staff report is supplemental to the previous 1502 Seasons Drive staff reports dated April 8, May 13, and May 27, 2009. This matter was continued to July 8th after the public hearing on May 27, 2009, with direction from the Planning Commission for staff to provide analysis of the underlying Master Planned Development (Exhibit B) and provide a copy of the Development Agreement (Exhibit F); and for the applicant to provide additional architectural plans with more detailed elevations, exterior finishes and building cross-sections (see attached Exhibits A-C).

April Mountain MPD

The property is subject to the June 12, 2002, April Mountain MPD (Exhibit D) memorialized by the April Mountain Development Agreement (Exhibit F) and the April Mountain Subdivision plat (recorded on October 29, 2002) (Exhibit G). The MPD provided the basis for the layout of the subdivision, lot sizes and configurations, setback and building area restrictions, height and massing restrictions, and other specific development parameters for the lots.

Per conditions of approval of the MPD, notes were included on the subdivision plat that require a “conditional use for development on Lot 21, with HR1 and HRL Steep Slope review criteria used as additional review criteria”. Lot 21 was platted consistent with the size, configuration, and restrictions identified by the MPD. Consistent with the MPD and plat notes the applicant submitted a conditional use permit for development on Lot 21 and staff provided review of the HR1 and HRL Steep Slope review criteria in the May 27 report. See highlighted sections of the May 27 staff report for staff’s analysis of the underlying Master Planned Development, including lot and site restrictions, plat notes, landscaping, massing, and other development parameters and restrictions.

Revised Plans

On June 17th the applicant submitted revised plans identifying all proposed exterior materials and including several cross sections through the house (Exhibit C). The applicant also revised the site plan to reduce the building envelope/pad to 13,023 sf from the previous 14,849 sf (14,965 sf allowed by the MPD/plat) and to reduce the limits of disturbance area to less than the 20,000 sf allowed. The building footprint was reduced to 6,300 sf from 7,800 sf. Setbacks to the platted reserved open space areas are no longer minimal having been increased from 3’ to between 10’ (at a minimum) and 35’ .

Recommendation

Staff recommends the Planning Commission conduct a public hearing and consider approving a conditional use permit for a single family house at 1502 Seasons Drive. Findings of fact, conclusions of law, and conditions of approval, for the Commission’s consideration, are included in the attached May 27, 2009 staff report (with conditions of approval revised to reflect correct dates).

Exhibits

- Exhibit A- Minutes of May 27, 2009 Planning Commission meeting
- Exhibit B- May 27, 2009 Staff report (revised with correct dates in conditions of approval)
- Exhibit C- June 17, 2009 revised plans and photos
- Exhibit D- June 12, 2002, staff report for April Mountain MPD approval
- Exhibit E- Minutes from June 12, 2002 MPD approval
- Exhibit F- April Mountain Development Agreement
- Exhibit G- April Mountain plat action letter

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 8, 2009

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Evan Russack, Rory Murphy, Dick Peek, Adam Strachan, Charlie Wintzer

EX OFFICIO:

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

=====

REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Vice-Chair Russack called the meeting to order at 6:30 p.m. and noted that all Commissioners were present with the exception of Commissioners Thomas and Pettit, who were excused.

II. ADOPTION OF MINUTES - June 24, 2009

MOTION: Commissioner Murphy moved to CONTINUE the adoption of the minutes of June 24, 2009. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Wintzer abstained since he had not attended that meeting.

III PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Planning Director announced that the City Employee Picnic was schedule for August 8th at City Park. The Commissioners would be receiving a formal invitation through email.

Commissioner Murphy disclosed that he has had several conversations with the applicant for 1439 Woodside Avenue and he would be recusing himself from that discussion.

Assistant City Attorney, Polly Samuels McLean, announced that she would be on maternity leave for the next six weeks. City Attorney, Mark Harrington, would attend the meetings in her absence. After her maternity leave she would be working half time for the next twelve weeks. She noted that the Planning Commission would be able to communicate to her or Mr. Harrington during that twelve week period.

V. PUBLIC HEARINGS AND CONTINUATIONS

1. 1897 Prospector Avenue, Park City Lodging - CUP

Vice-Chair Russack opened the public hearing.

There was no comment.

Chair Thomas continued the public hearing.

MOTION: Commissioner Peek moved to CONTINUE 1897 the Prospect Avenue CUP to August 12, 2009. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

2. 1897 Prospect Avenue - Park City Lodging - Plat Amendment

Vice-Chair Russack opened the public hearing.

There was no comment.

Vice-Chair Russack continued the public hearing.

MOTION: Commissioner Peek moved to CONTINUE 1897 Prospect Avenue Plat Amendment to August 12, 2009.

VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS

(other items not included)

3. 1502 Seasons Drive - Conditional Use Permit

Planner Kirsten Whetstone reviewed the application for a single family home on Lot 21 of the April Mountain subdivision. She noted that the MPD and the subdivision plat required a conditional use permit for construction on Lot 21, using the HR-1 steep slope criteria as additional review criteria.

The Planning Commission had reviewed this application on several occasions and their last review was May 27, 2009. At that time the Planning Commission requested additional clarification on the elevations and cross sections through the house. The applicant had provided those documents, as well as additional information and the proposed materials.

Planner Whetstone stated that on May 27th, the Planning Commission also requested information regarding the other controlling documents. She clarified that this application is a conditional use permit as required by a plat note and a condition of the master planned development for the entire

April Mountain Subdivision. Planner Whetstone remarked that the MPD has a development agreement, which memorialized the conditions of approval of the MPD.

Planner Whetstone outlined the documents that were included in the Staff report. She noted that the plan had been modified slightly and the limits of disturbance and the footprint was made smaller. The house is 6406 square feet, excluding the garage and basement.

Vice-Chair Russack asked if the Staff still found the application in compliance after reviewing the additional documents. Planner Whetstone noted that she had done a full review prior to the May 27th meeting; however, the documents were not provided to the Planning Commission at that time. Planner Whetstone remarked that the recorded version of the Development Agreement was included in the Staff report. The conditions of approval of the MPD were an exhibit of the Development Agreement and Planner Whetstone suggested that the Planning Commission pay close attention to Condition #17, which addressed architectural design standards, siting, limits of disturbance, irrigation, dwelling height, mass, etc. She noted that the conditions apply to all the lots. Planner Whetstone stated that the Staff found the application to be in compliance.

The Staff recommended that the Planning Commissioner conduct a public hearing, consider any input, and consider approving this conditional use permit according to the findings of fact, conclusions of law, and conditions of approval outlined in the Staff report.

Commissioner Strachan stated that the recent Staff report did not contain the findings and asked if they should follow the May 27, 2009 Staff report. Planner Whetstone answered yes, noting that the findings were attached as Exhibit B to the current Staff report. She had identified the changes to those findings in red.

Commissioner Strachan wanted to know why Findings 6 and 7 were changed to read compliance with the plat and the MPD. He recalled that on May 27 the Planning Commission was told that the application complied with the MPD, but they had asked to see the MPD for themselves. Planner Whetstone replied that the language was only added for clarification and it was specific to the setbacks. Commissioner Strachan asked if the findings of fact in the May 27th Staff report were sufficient to comply with the MPD. Planner Whetstone answered yes.

Commissioner Peek asked if the building footprint of 5,098 square feet in findings of fact 11 would be the number in the final document. Planner Whetstone replied that this was correct.

Don Bloxom, the project architect, clarified that 5,098 square feet would not include the garage. Planner Whetstone clarified that the building footprint of 5,098 is the main floor and not the actual floor area. She noted that 7800 square feet is the actual footprint. Planner Whetstone pointed out that there is no footprint in the April Mountain subdivision. It is just a building zone, but it needs to fit within the massing requirements, the limits of disturbance and the height.

Vice-Chair Russack recalled that on May 27th the Planning Commission continued the matter because the plans were insufficient in terms of communicating materials, etc.

Mr. Bloxom presented a materials board that he had prepared. The siding would be cedar red #4, which is a semi-solid stain. He reviewed the stone materials proposed. The windows are dark green, aluminum clad wood windows, the pure metal hip roof would be a copper roof and the remaining roofs would be done in a 50 year architectural grade, in gray-green. The fascia will be a 2x12, 2x4 stacked cedar, stained in #1 cedar redwood. Mr. Bloxom stated that the west fascias are almost completely stone with a small amount of wood to brake up the fascia in the upper sections. The entire south fascia is stone except for small sections in the deep areas. The east fascia is nearly entirely stone. Mr. Bloxom stated that the facade is approximately 70% stone.

Mr. Bloxom remarked that the eastern portion of the building sits exactly where it was up against the 90 foot setback. However, the western portion was moved 9'10" to the east. This was done to save as many of the gamble oaks as possible. The entire west end of the building was shoved over ten feet, which reduced the footprint.

Vice-Chair Russack opened the public hearing.

Jodi Hoffman, representing Bill and Molly Morris, stated that during the public hearing on May 27th she had expressed several concerns and she was pleased to see that many of those concerns had been addressed. Ms. Hoffman complimented the designer and the applicant for pulling the limits of disturbance out of the ROS space and for reducing the overall site plan of the structure. Ms. Hoffman remarked that a few issues are still troubling. She had recently received the plans and found it hard in their dimension to put a scale to all the exterior wall surfaces. At a minimum, she felt the Planning Commission should have a complete set of actual plans available prior to approval. As an additional assurance, Ms. Hoffman recommended adding a condition of approval stating that, "No single continuous extra wall plane shall measure more than 30 feet in length before a change in depth of at least 3 feet". Ms. Hoffman stated that the language came directly out of the development agreement. It is a requirement for all structures in this zone, especially this structure, since it requires a CUP. Ms. Hoffman remarked that there could be some type of shift, but based on the plans, it was impossible to know.

Ms. Hoffman stated that a main issue, which she has discussed at length with the Staff and the applicant, is language in the development agreement that her clients believe is critical. That language reads, "The central mass of the dwelling should step down in height and reduce in bulk as it reaches the edges of the dwelling to blend the entire building mass into the natural setting". Ms. Hoffman felt everyone agreed that the central mass of the structure is the central roof line, which is parallel to the contours of the lot. She noted that the heights keeps changing from plan to plan, and in her opinion, not for the better. The heights increase a foot each time they see it. Ms. Hoffman remarked that the objectionable portion is two feet higher than it was May 27th. The last time she looked at the central roof line, it was an elevation of 7459. Ms. Hoffman used the drawing to explain her point. She remarked that the central mass should step down in height and reduce in bulk. She believed the bulk was reduced because the structures are smaller, but it does not step down in height. Ms. Hoffman stated that after a cursory look at the plans, she believes they are five feet to high.

Ms. Hoffman stated that another condition of the development agreement says that the structure needs to follow the contours in order to blend in. She noted that one argument is that it does follow

the contours, so it could be higher. Ms. Hoffman pointed out that it could not be higher and comply with the requirement that the central mass of the dwelling is the highest point and it steps down. Ms. Hoffman requested that the Planning Commission ask the applicant to take the literal meaning of the development agreement. In addition, she requested that conditions be added to the conditions of approval that clearly delineates that the exterior wall surfaces cannot be more than 30 feet in length.

Vice-Chair Russack closed the public hearing.

Planner Whetstone noted that Condition of Approval #2 states that, "All applicable conditions of the MPD and the subdivision plat continue to apply", and those conditions include "that no exterior wall surface may exceed 30 feet". She had scaled peak to peak on the site plan and identified it as 46 feet. It was peak to peak and had nothing to do with the wall plane.

Planner Whetstone commented on the central massing issue. The application was reviewed through an inter-departmental Staff review. Based on their interpretation of the language, the central massing was identified and they determined that it stepped down.

Planner Whetstone presented the most current site plan and noted that the difference was that the garage element had shifted.

Mr. Bloxom stated that the Staff was provided with a full set of floor plans. In addition, he always reads the development agreements before he begins the design to make sure he is compliant. Mr. Bloxom believed the proposed structure was compliant to the letter of the development agreement and not just the spirit. He felt the controlling statement is that the building needs to step down in relationship to the mass and to the slope.

Vice-Chair Russack asked Planner Whetstone what plans were reviewed to determine that there are no planes greater than 30 feet long. Planner Whetstone replied that it was measured from the full scale drawings. She noted that they would be measured again at building permit. Planner Whetstone recommended adding a condition stating that the building permit plans shall be in substantial compliance with the plans reviewed by the Planning Commission on a specific date. Commissioner Peek asked if the level of detail on file was sufficient to meet that condition. Planner Whetstone replied that it was.

Commissioner Wintzer pointed out that the level of detail that was provided to the Planning Commission was insufficient.

Commissioner Strachan noted that Condition of Approval #6 already states that, "No building permit shall be issued for this project unless or until the building plans for the houses are reviewed and approved by the Planning Department Staff for substantial compliance with the building plans reviewed by the Planning Commission".

Commissioner Murphy was willing to add a condition of approval that clarifies the 30 foot plane and the 3 foot shift. Planner Whetstone agreed that it was good to call it out in a condition of approval. Commissioner Murphy believed it was a subjective interpretation of the language regarding the slope down as outlined in the development agreement. He could see both sides of the argument and deferred to the Staff. Commissioner Murphy did not think this particular application was overly

imposing on the site or the view from the neighbors. In his view, it could be looked at as an architectural enhancement rather than as the central plane.

Commissioner Strachan disagreed with Commissioner Murphy because a guest house and an office are not architectural enhancements. They are substantive structures that are rooms and dwelling spaces within the house. In his opinion, those need to be sloped down from the central mass of the building. If there is no disagreement about the point of central massing and that it needs to slope down, then the office and guest quarters do not slope from that central massing.

Commissioner Peek agreed with Commissioner Strachan. On the visible plane from across the street looking to the edge of the pavement and out over the slope, very little of the roof forms would be visible to the neighbors. However, the MPD requires that it steps down to the edges and he takes that as being an east-west stepping.

Commissioner Wintzer was disappointed in the quality of the plans. Based on the comments Commissioner Thomas had made during previous meetings, he expected better drawings that would help clear up some of the issues. The only change he could see were colored lines that were added to the elevations. Commissioner Wintzer could not get a clear understanding of the house from the plans provided. He thought the side elevation looked like the first draft of a preliminary set of drawings.

Commissioner Peek concurred. Based on the MPD requirement, he thought the length of the wall planes should also be dimensioned.

Vice-Chair Russack agreed with Commissioners Strachan, Peek and Wintzer. He was concerned with the peak on the edge closest to the road.

Mr. Bloxom remarked that every lot on the street had the exact same set of conditions. Using the model he indicated the central mass of the house and a three story tower element at the back. He stated that the bulk of the CUP is about the vision from Stew Pot and there is no language anywhere that talks about what the neighbors might see. Mr. Bloxom stated that the Staff has had full scale floor plans to work from for a long time and he has always been willing to add more detail if requested, as long as they were comfortable with the massing. Mr. Bloxom noted that there was unanimous approval for compliance during the inter-departmental Staff review.

Director Eddington confirmed that the plans had been reviewed that morning and the Staff concurred that the plan did comply with the central massing.

Mr. Bloxom further explained his plans and believed it was in parody with every house in the neighborhood. Commissioner Wintzer replied that every house in the neighborhood did not require a CUP and did not go through the Planning Commission. Planner Whetstone clarified that all the homes were subject to the same conditions.

Commissioner Strachan pointed out that even though the Staff unanimously found compliance, the Planning Commission can overrule the Staff. Commissioner Strachan preferred to continue this

item to give the applicant the opportunity to come back with revised plans that step in accordance with the comments expressed by the majority of the Commissioners.

Mr. Bloxom asked if the Planning Commission would be satisfied with a flat roof covered with the same green roof, which would eliminate any type of roof form. Commissioner Strachan pointed out the concern is having insufficient drawings to make that determination. Vice-Chair Russack stated that he would need to see a flat roof before making a decision.

Planner Whetstone stated that she spoke with Commissioner Thomas and he felt the plans presented would be adequate, as long as they identified all of the materials proposed. Planner Whetstone clarified that the level of detail provided this evening was based on her conversation with Chair Thomas. She apologized for not having the level of detail the other Commissioners had wanted.

Assistant City Attorney McLean suggested that the Planning Commission ask the applicant if he preferred to have a vote this evening or if he wanted to come back with revised plans. Commissioner Strachan put the question to the applicant. Mr. Bloxom stated that based on the comments and the direction of the vote, there was no point in pushing it through. He believed he has been very clear about the massing throughout the process and candid about the direction he was taking with the design. Mr. Bloxom expressed his frustration because he has been working with the Staff for over nine months.

Vice-Chair Russack understood Mr. Bloxom's frustration and his situation. Mr. Bloxom apologized for not having the floor plans included in the Staff report. (Note- floor plans were included in the 11 by 17 packet that was provided to the Planning Commission, as well as 4 sections through the building identified on the elevations.) He pointed out that the Planning Commission had reviewed the plans on three or four occasions and they were always included in previous Staff reports. Mr. Bloxom stated that the plans have always been submitted to the Staff and he has complied with every request. Mr. Bloxom did not believe he had any choice except to ask for a continuance this evening.

MOTION: Commissioner Murphy moved to CONTINUE 1502 Seasons Drive to August 12, 2009. Commissioner Peek seconded the motion.

Planner Whetstone asked for clarification on the amount of detail the Planning Commission wanted. She noted that the Staff had looked at the flat roof option but they were not enamored with the design. It did not balance with the characteristic roof form.

Commissioner Wintzer stated that the east elevation was very unclear in terms of materials or which walls come forward or go back. He should be able to look at a set of plans and see what the building looks like. Vice-Chair Russack requested clearer articulation of materials, as well as the dimensions to insure that the wall plane is less than 30 feet.

Commissioner Wintzer understood that the Staff could go back and measure; but he needs to see the design of the building he is approving. In his opinion, the plans provided are nothing more than

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preliminary work session drawings. If the Staff or the applicant have more detailed drawings, they need to be reduced in size and included in the packet.

Mr. Bloxom felt that he was being held hostage by the neighbor across the street and that the process was being abused by the neighbor. Commissioner Wintzer stated that he was being held hostage by an incomplete set of plans. He has looked at the plans for a long time and nothing has changed.

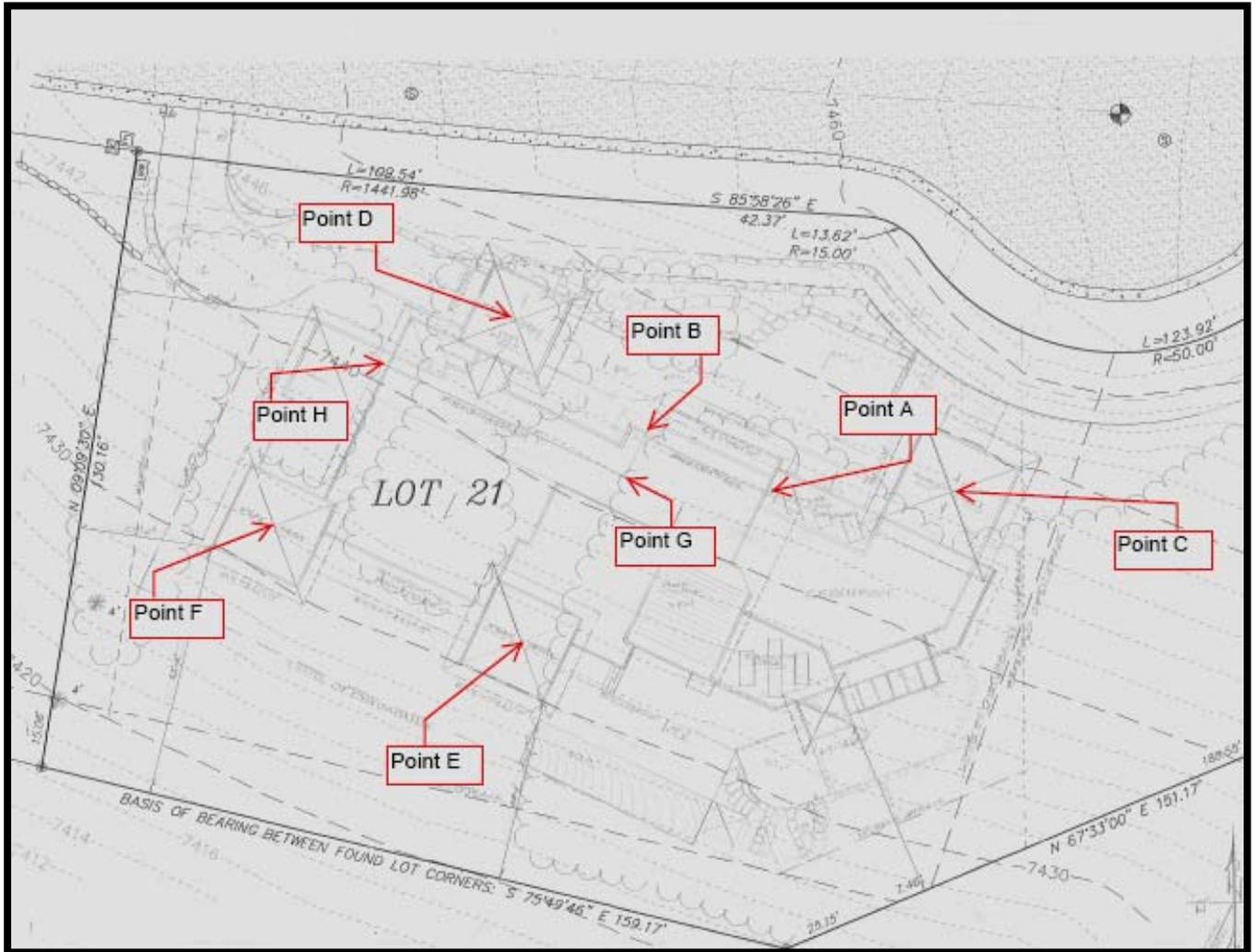
VOTE: The motion passed unanimously.

Exhibit E-

Height Calculations for 1502 Seasons Drive CUP

Ridge Point	A	B	C	D	E	F	G	H
Ridge Elevation	7463'	7463'	7461'	7462'	7451'	7451'	7459'10"	7459'10"
Existing Elevation	7444'	7444'3"	7447'	7446'	7432'3"	7432'	7442'	7441'
Building Height	19'	18'9"	14'	16'	18'9"	19'	17'10"	18'10"

Site Plan for Ridge Points A-H



November 13, 2009

Henry Sigg
C/o Don Bloxom
PO Box 980
Park City, UT 84098

NOTICE OF PLANNING COMMISSION ACTION

Project Name: 1502 Seasons Drive
Project Description: Conditional Use Permit for single family home on Lot 21 April Mountain Subdivision
Date of Action: November 11, 2009

Action Taken by City Council: The Planning Commission **APPROVED** the Conditional Use Permit, based on the following findings of fact, conclusions of law, and conditions of approval as revised by the Planning Commission:

Findings of Fact:

1. The property consists of Lot 21 of the April Mountain Subdivision and is located at 1502 Seasons Drive.
2. The zoning is Residential Development (RD-MPD) subject to the April Mountain MPD (approved June 12, 2002), the April Mountain Development Agreement and April Mountain Subdivision plat (recorded on October 29, 2002) that require approval of a conditional use permit for development on Lot 21, with HR1 and HRL Steep Slope review criteria used as additional review criteria.
3. The approved subdivision plat created Lot 21 with lot restrictions for Height, Setbacks, Limits of Disturbance area, total building zone area, and platted ROS (reserved open space) consistent with the April Mountain MPD.
4. No construction is proposed within the platted ROS area.
5. Lot 21 is 35,711 square feet (0.82 acres) in lot area consistent with the MPD. A maximum building zone area of 14,965 sf is allowed within the 20,000 sf allowed limits of disturbance area. A 13,095 sf building zone area is proposed within a 19,988 sf limits of disturbance area. The proposed building pad fits entirely within the approximate building pad shown on the April Mountain subdivision plat.
6. Access to the lot is from Seasons Drive per the MPD and plat.
7. Under the current LMC, the minimum front yard setback is 15 feet, subject to the location of platted reserved open space (ROS). Applicant proposes 15' to 50' front setbacks in compliance with the plat and MPD.

8. Under the current LMC, the minimum rear yard setback is 15 feet, subject to the location of platted reserved open space. Applicant proposes 27' to 50' rear setbacks in compliance with the plat and MPD.
9. Under the current LMC the minimum side yard setback is 12 feet, subject to the location of platted reserved open space. Applicant proposes 27' to 46' west side setbacks and 90' to 125' for east side setbacks in compliance with the MPD.
10. The April Mountain MPD and subdivision plat notes restrict Lot 21 to a maximum building total height of 19'. The applicant proposes a maximum building height of 19' with portions of the house less than 19' in compliance with the MPD.
11. Parking is required at a rate of two parking spaces per house. The applicant proposes 4 parking spaces within garages.
12. The applicant proposes a 10,000 sf house, including the basement and floor areas. The building footprint is approximately 7,000 sf. There are no plat restrictions on building floor area or footprint. House sizes range from 5,000 to 8,000 sf and are a function of building zone, setbacks, and building height.
13. Massing requirements of the MPD are met in that the Floor Area directly above the lowest floor level does not exceed 85% of the Floor Area of the floor template directly beneath it, whether such lowest floor is finished, unfinished, or crawl space. Floor Area of the top or intermediate floor templates does not exceed 65% of the area of the floor templates directly beneath them. Floor Area calculations will be provided with the building permit plans and verified prior to building permit issuance.
14. The highest ridge of the central massing is at elevation 7463'0". The port-cochere roof peak is at 7462'0" and the northern garage roof peak is at 7461'0". The two-story elements on the south elevation are at elevation 7451'0". No portion of the house exceeds the 19' height limit, a 14' height restriction from the zone height.
15. The central massing of the dwelling steps down in height and reduces in bulk as it reaches the edges of the Dwelling to blend the building mass into the natural setting.
16. The applicant provided dimensions of each exterior wall plane demonstrating that there are no wall planes at or greater than 30' without a minimum of a 3' break.
17. The applicant proposes to use the USBC Green Building Standards for residential construction, utilizing passive solar heating, active solar water heating (including solar heating for the driveway snow melt and pool), photo voltaic solar cells for electricity generation, a 1,000 sf green planted roof, and a clay rammed earth north wall among other sustainable construction items.
18. The applicant provided a visual analysis from the Stew Pot and across the valley demonstrating that the proposed dwelling mitigates and reduces visibility of the dwelling from the Stew Pot. The house is situated below the grade of the road and significantly lower on the ridge than the houses on the uphill side of the road, as viewed from both the Stew Pot and from across the valley.
19. The findings in the Analysis section are incorporated herein.
20. On May 27, July 8, and November 11, 2009, the Planning Commission conducted public hearings on this application.
21. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically Section 15-1-10 and Sections 15-2.21-6 (B) and Section 15-2.2-6 (B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. All applicable conditions of approval of the April Mountain MPD and April Mountain Subdivision plat continue to apply.
3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Chain link construction mitigation fencing along the ROS areas may be necessary to prevent disturbance of these areas during construction of the house.
4. City Engineer review and approval of all grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan consistent with the April Mountain Master Planned Development and the April Mountain Subdivision plat shall be submitted for review and approval by the City Planning Department and/or City Landscape Architect, prior to building permit issuance. Lawns shall be a minor component of the overall landscape plan. No more than 25% of the water demanding area shall be planted in high water demand lawns (such as Kentucky blue grass). An additional 5% of the water demanding area may be planted in drought tolerant lawn species (such as Blue Grama, Smooth Brome, Tall Fescue, Buffalo Grass, Creeping Red Fescue, Perennial Ryegrass, or Alpine Bluegrass)
6. No building permits shall be issued for the house unless and until the building plans are reviewed and approved by the Planning Department staff for compliance with the building plans reviewed by the Planning Commission on November 11, 2009 and specifically compliant with the 19' height limit. All exterior finishes and landscaping shall be approved prior to installation and shall be consistent with the plans reviewed by the Planning Commission. The Planning Director may approve minor changes, excluding materials, height, and massing. No single exterior wall plane shall measure more than thirty feet (30') in length before a change in depth of at least three feet. Building massing shall be verified prior to issuance of a building permit for compliance with the April Mountain MPD and these Conditions of Approval.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey (1' contours) of the property with roof elevations

over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges. The platted height restriction is 19' from existing grade.

8. Prior to the issuance of a building permit the applicant shall, if deemed necessary by the Chief Building Official based on the geotechnical report, submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer as required by the Building Department.
9. This approval will expire on November 11, 2010 unless a building permit has been issued by the City Building Department prior to this date.
10. All exterior lighting shall be shown on the final building plans and shall conform to requirements of the City's lighting ordinance and shall be minimal and subdued in nature. No signs may be installed without approval of a sign permit and in compliance with the City's Sign Code.

If you have any questions or if I can be of additional assistance, please do not hesitate to call me at 435-615-5066, or e-mail me at [Kirsten@ parkcity.org](mailto:Kirsten@parkcity.org).

Sincerely,

Kirsten A. Whetstone, AICP
Senior Planner

Cc File

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 11, 2009

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Principal Planner, Brooks Robinson; Kirsten Whetstone, Planner; Kayla Sintz, Planner; Mark Harrington, Assistant City Attorney

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REGULAR MEETING

I. ROLL CALL

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

II. ADOPTION OF MINUTES

Commissioner Strachan noted that his comments during the work session for 1150 Deer Valley Drive were not reflected in the discussion. He was sure he had made comments and requested that someone re-listen to the recording for verification. He preferred to continue the minutes until the matter was clarified.

MOTION: Commissioner Strachan moved to CONTINUE the Minutes and Work Session Notes for October 28, 2009 to a date uncertain. Commissioner Russack seconded the motion.

III. PUBLIC COMMUNICATIONS

Walt Brett requested that the Planning Commission and Staff consider reviewing the current architectural review Code within the City regarding the use of stucco and stone. His brother-in-law was doing a house remodel and he was applying river rock stucco stone on the bottom. The CC&R's for that portion of Park Meadows does not prohibit or require any rock on the structure. Mr. Brett stated that in 2006 the City Code was revised to prohibit the use of stucco stone on structures. He encouraged the Planning and the Staff to consider recommendations for Building Code modifications to reconsider the use of synthetic stone.

Mr. Brett provided a handout to the Planning Commission to support his request.

Planning Director, Thomas Eddington, stated that historically Park City has not allowed synthetic stone. As the City continues to look at the Land Management Code, specifically Section 15-5, Architectural Guidelines, he would be willing to research new synthetic stone products that might be better than products used in the past.

IV STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Director Eddington reported that on November 18th at 5:30, the Planning Commission was scheduled to hold another General Plan work session. At that meeting the Staff will provide a rough outline of the time frame in terms of laying out the General Plan and the data collected. The Staff would be asking the Planning Commission for general and creative ideas for visioning. On November 18th the Planning Commission and Staff will begin to discuss specific areas.

Chair Wintzer asked if the idea for having the Planning Commission meet three times a month had been abandoned. Director Eddington replied that currently the plan is for the Planning Commission to continue meeting on the 2nd and 4th Wednesday. However, the first meeting each month would continue to be for regulatory site plan and CUP applications. The second meeting of the month would be a General Plan meeting.

Director Eddington pointed out that the Planning Commission would meet the 2nd and 3rd Wednesday in November and December due to the Thanksgiving and Christmas holiday. Director Eddington reported that the following evening, November 12th, the City Council would hear the North Silver Lake Appeal at 6:00 p.m. The Commissioners were invited to attend if interested.

Director Eddington noted that the City has updated the website regarding Park City Heights. The City Council is considering a partnership with the Boyer Group on the Park City Heights property. It would be an acquisition for \$5.5 million and the City would have 50% of the rights as a partner for development on that site. Affordable housing would be integrated into the site. A possible density reduction and open space conservation areas are also being discussed. The discussion for partnering with the Boyer Group was also on the agenda for the November 12th City Council meeting.

City Council Member, Liza Simpson, stated that when the City Council hears an appeal on a Planning Commission decision, it is very helpful to have at least one Commissioner in attendance.

Commissioner Strachan noted that he and Commissioner Peek had attended the last City Council meeting on the North Silver Lake appeal. He would not attend tomorrow evening because he has his biases against the project and did not believe he was the appropriate Commissioner to represent the Planning Commission.

OPEN PUBLIC HEARING AND CONTINUE TO DATE CERTAIN

1. 1440 Empire Avenue - Conditional Use Permit
(Application #PL-09-00725)

Planner Kayla Sintz reported that during the October 29th City Council meeting, the Council remanded back the plat for 1440 Empire Avenue. Part of that decision included agreement by the applicant to continue the 1440 Empire CUP to the same meeting, which would be December 9th. The Planning Commission can expect to review the plat amendment and the CUP on December 9th.

Chair Wintzer opened the public hearing.

Rick Margolis, a homeowner at 1422 Empire, stated that the last time the CUP came before the Planning Commission he was given two days notice. During that public hearing, he spoke in terms of what he thought made sense for the area, based on what he was told and without the opportunity to review the Code himself. Mr. Margolis remarked that since the last meeting, he had a chance to read the Code himself and he attended the City Council meeting. He noted that adequate findings were not made, which is why the plat amendment was remanded back. Some of the findings required address the analysis between the use and integration between traffic and the added density from this project. Mr. Margolis stated that since there was no analysis on what could be built on these specific properties without the lot adjustment, it was impossible to make a finding that consolidating the property would not cause additional congestion. Mr. Margolis remarked that this was also remanded back because some of the findings were not consistent with the LMC because the Land Management Coder requires that it be consistent with the General Plan. He pointed out that there was no discussion during the CUP hearing or the plat amendment hearing as to whether or not the proposal complies with the General Plan. Mr. Margolis stated that the General Plan has a specific set of rules for properties east of Empire. The specific neighborhood this relates to is proper use of Empire, which is called resort base area in the General Plan.

Mr. Margolis felt it was possible to condense the process in December if they address the General Plan issues earlier as opposed to later. He noted that the General Plan specifically says that although the entire area is zoned RC, which allows uses of primary residential, it also allows conditional uses upon certain findings. One of those findings is that it must comply with the General Plan. The General Plan, for all properties east of Empire, specifically states that it must be skier bed base residential and low density residential. Mr. Margolis believes this particular project involves neither of those. There is no reason for this process to even be taking place because they cannot make a finding specific to the General Plan. This project does not meet the General Plan and consolidating the parcels allows for maximizing development, which is absolutely prohibited by the General Plan. Mr. Margolis requested input from the Planning Commission and the Planning Staff on the requirements of the General Plan that are not close to being addressed.

Ruth Meintsma, a resident at 305 Woodside, referred to the rear views included in the Staff report, and noted that the views do not take into consideration the historic site that sits directly below this property. Ms. Meintsma remarked that the rear views provided did not show anything that would be in perspective to the historic house. She requested that the applicant provide a visual in response to design guideline #5 for new construction, which states, "The rear element should be compatible with neighboring historic sites". She noted that this was an adjacent historic site. Guideline #6 states, "The scale and height of new structure should have special consideration given to historic site." Ms. Meintsma stated that if special consideration should be given to historic sites, the Planning Commission should have a visual to look at before making a decision. Ms. Meintsma read Guideline #70, "...compatible with historic sites in the neighborhood, and also adjacent". Another guideline states that a new building should be visually compatible with the surrounding historic sites. She did not believe there was any indication of compatibility without seeing a visual.

Chair Wintzer continued the public hearing.

MOTION: Commissioner Russack moved to CONTINUE the CUP for 1440 Empire Avenue to December 9, 2009. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Peek requested that the public comments made this evening be incorporated into the Staff report for the December 9th meeting. Commissioner Pettit requested a General Plan analysis. Commissioner Strachan would like to know if the General Plan provides a definition for resort skier bed base.

2. 518 Deer Valley Drive - Subdivision
(Application #PL-09-00733)

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer continued the public hearing.

MOTION: Commissioner Russack moved to CONTINUE the subdivision for 518 Deer Valley Drive to December 9, 2009. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

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

This item was scheduled on the regular agenda and the Staff requested that it be continued. Additional information was provided by the appellant that was not included in the Staff report. The Staff needed time to prepare a response and provide that information to the Planning Commission in a timely manner. The appellant, John Stafsholt, had agreed to a continuance.

Chair Wintzer opened the public hearing.

Ruth Meintsma felt the situation for 637 Woodside was similar to her comments for 1440 Empire Avenue. The property is very dynamic in terms of sitting right below the Treasure Hill property and it will be visual from the chair lift and the bridge. Ms. Meintsma noted that the applicant has not provide any type of visual showing how this new project would look among historic structures. She reiterated that the design guidelines request a visual and it has not been presented. Ms. Meintsma referred to a specific photo taken from a chair lift on a grade showing Paul Kimball's house and the Stafsholt house. She thought it would be helpful if the project at 637 Woodside could be imposed into the photograph for a real idea of what it would look like. She thought everyone could make a better judgment if that visual was provided.

Chair Wintzer continued the public hearing.

MOTION: Commissioner Russack moved to CONTINUE the quasi-judicial hearing for 637 Woodside Avenue to December 9, 2009. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 750 Round Valley Drive, Physicians Holdings - Master Planned Development
(Application #PL-09-00787)
2. 1502 Seasons Drive - Conditional Use Permit
(Application #PL-08-00559)

Planner Whetstone handed out copies of an 11x17 site plan, floor plan and elevations.

Planner Kirsten Whetstone reviewed the conditional use permit for a single family home on Lot 21 of the April Mountain Subdivision at 1502 Seasons Drive. Planner Whetstone stated that Lot 21 requires a conditional permit per the Master Planned Development and the April Mountain Subdivision plat, and specific conditions of approval pertain to Lot 21. The lot has a height limit of 19 feet. Lot 21 was platted consistent with the size, configuration and restrictions identified by the MPD.

Planner Whetstone stated that the Planning Commission initially reviewed this application in April and the last review was July 8, 2009. At that time the Planning Commission provided direction to the applicant to redesign the house in order to meet the conditions of the April Mountain Development Agreement.

Planner Whetstone noted that following the July meeting, the applicant submitted a revised site plan and elevations to address the issues raised by the Planning Commission. Planner Whetstone pointed out that no portion of the building exceeds the 19' height restriction. The central mass of the dwelling steps down in height and reduces in bulk as it reaches the edges of the dwelling to blend the building mass into the natural setting. The height calculations were provided in the Staff report.

Planner Whetstone remarked that another issue was to identify on the site plan the maximum exterior wall plane to demonstrate that there are no wall planes at or greater than 30 feet without a minimum 3' break as required by the MPD. The Staff had included that requirement as a condition of approval.

Don Bloxom, the project architect, reviewed the revised house design. The house was pulled forward in to the lot, which allowed him to raise the major ridge line by a couple of feet. He indicate two elements that were pulled down a couple of feet, which brought all the other elements down lower than the primary ridgeline. Mr. Bloxom size of the two elements were reduced two feet in each direction, which pulled the peak points down another eight inches. He noted that the ceiling heights were reduced to 8'1". The garages were reconfigured 90 degrees from the previous 45 degree and the building was shortened overall by 20 feet. Mr. Bloxom indicated another element

that was pushed back from the street an additional ten feet. He indicated the point that was six feet below the center of cul-de-sac. Mr. Bloxom remarked that all the buildings across the street start approximately 13 feet higher than the ridge line.

Mr. Bloxom stated that the minor changes allowed him to twist the building so it lines up perfectly with the contours of the property. That change saved 80 loads of excavation. Mr. Bloxom stated that the previous building configuration required a change in the shape of the original building pad from the MPD, which is allowed as long as the square footage stays the same. The revised plan now fits entirely within the building pad that was designed with the MPD.

Mr. Bloxom noted that the east side, which is visible from the trail, will barely exceed the height of the average gamble oaks on that side. He stated that only one elevation is truly visible by the neighbors. It is only visible when approaching the house and that can be mitigated with landscaping. Mr. Bloxom noted that the house is solar and solar thermal heats the driveway. He believed they did everything they could to get as close to a sustainable home as possible.

Henry Sigg, the applicant, remarked that the side yard setbacks were increased significantly as a result of changing the angle of the garage. He noted that the gamble oaks stand on the west side is completely preserved.

Chair Wintzer asked for the distance from the building to the zone change line of the ROS zone. Mr. Bloxom stated that at the very top it is approximately 13 feet parallel to the ROS line. Commissioner Russack asked about the setback line on the drawing that crosses the building. Planner Whetstone stated that the line goes to the foundation and not to the eave. Mr. Bloxom explained that an eave is allowed to extend over the setback line and then falls away from the setback. He clarified that the closest they approach the ROS line is 11 feet.

Chair Wintzer opened the public hearing.

Jodi Hoffman, representing Bill and Molly Morris, residents at 1511 Seasons Drive, stated that this was her third presentation before the Planning Commission; however because there are new Commissioners she wanted to reiterate that there are three confirming documents on Lot 21. One is the MPD, which controls the 31 single family lots and 39 condominium lots, which have specific conditions of approval. The second document is the development agreement with 22 requirements applicable to this lot and specific finding requirements. Ms. Hoffman noted that the plat also has specific requirements, as well as the CC&R's which mimic the prior documents. She noted that the CUP process permits a structure such as this only if measures are taken to mitigate potential impacts, over and above those required within the development agreement. Ms Hoffman stated that upon that process there is the HR-1, HRL steep slope criteria.

Ms. Hoffman stated that when she previously presented before the Planning Commission, she outlined a list of criteria that were problematic with the application. She admitted that the revised design is better in that it complies more closely with the agreement than before. However, in some ways it is worse in the sense that it creates more visual impacts than the prior design. Because it complies closer with the documents and the obligations on the lot, the neighbors are willing to live

with simple compliance with the actual documents. Ms. Hoffman stated that unfortunately it does not comply with the documents controlling Lot 21. First, is that the condition of approval that states the dwelling steps down in height and reduces the bulk as it reaches the edges of the structure. She stated the Staff and the applicant have set one parameter; whether any point of the structure is below the dominant roof line. Ms. Hoffman pointed out that the language actually states that the structure must step down in height and reduce in bulk as it reaches the edges. She reviewed the south elevation where the guest quarters are located and identified the highest point where it steps down in bulk and mass, but then steps back up. In the location of Mr Sigg's office, the height steps down to the ridgeline but it then steps back up again.

Ms. Hoffman read from the documents that the lots were combined to anticipate a ranch style structure that was one-and-a-half stories. She stated that the design did not even pretend to be a one-and-a-half story house. Ms. Hoffman remarked that the applicant is proposing a 10,000 square foot structure in a neighborhood with homes ranging from 5,000 to 8,000 square feet. She believed the applicant had over-programmed the lot. Ms. Hoffman stated understood that the Planning Commission direction at the last meeting was to eliminate Mr. Sigg's office and the guest quarters because they cannot fit in and comply with the criteria.

Ms. Hoffman pointed out that this application is a conditional use permit over and above the conditions of approval of the MPD. She stated that even though the revised design is better and provides more detail, it still creates visual impacts to the neighbors. It was warranted to the neighbors that this house would not be visible. Ms. Hoffman stated that if those two elements of the structure were eliminated, they would be closer to the original concept.

Ms. Hoffman stated that if the Planning Commission was inclined to accept her argument that stepping down the central mass in height and bulk means more than what the applicant has represented, Finding of Fact #15 would need to be abide by. However, if they choose to move forward with the design as proposed, Condition of Approval #5 would need to be revised. Allowing the applicant to step outside the limits of disturbance in to disturbed ROS space as part of this conditional of approval, is specifically prohibited in the development agreement. Also prohibited in the development agreement is the use of anything other than native vegetation within or without the limits of disturbance. Ms. Hoffman noted that the Staff was recommending a low profile boulder retaining wall. Not only do the Morris' disagree that this is a benefit to the aesthetics of the neighborhood, they agree that this is not within the purview of the Planning Commission or the Staff to allow because it is prohibited in the development agreement.

Ms. Hoffman recommended revising Condition of Approval #6. She read the second sentence of the condition and added, "...and specifically consistent with the 19 foot height limitation for each ridge line". Ms. Hoffman stated that this was roof over topo on two-foot contours and at the maximum point on every single part. She would like one-foot contours at the building plan approval stage with actual assurance that the 19 foot height limitation is respected. Ms. Hoffman agreed with the third sentence of Condition #6, which states that the Planning Director may approve minor changes. However, that pertains only to the design as long as it does not impact height, materials or massing. She noted that the applicant was offering substantial high-quality materials and the neighbors would like assurance that this would not change at some point in time.

Ms. Hoffman pointed out that every time this project has come before the Planning Commission, the Staff has recommended that the application complies with all the pertinent agreements, and each time the Planning Commission has determined that the Staff was incorrect.

Ms. Hoffman noted that Condition #6 also states that, "The building mass shall be verified prior to issuance of a building permit or compliance with the April Mountain MPD. She felt "and these conditions" should be added to that sentence to make sure that the Building Department would be looking at the specific direction upon the approval and not an extrapolation of the MPD.

Ms. Hoffman referred to Condition #7 and stated that the topographic contours were an issue.

Chair Wintzer closed the public hearing.

Mr. Sigg stated for the record that this property was purchased from a third party who originally purchased the property from the developer. He was an owner in that trust but it was not a direct purchase from the April Mountain developers. Therefore, no representations were made from the third party seller other than what is stated in the MPD and the development agreement. Ms. Sigg also stated for the record that the lot was not publicly available for sale at the time Mr. Morris wanted to purchase the lot.

Mr. Sigg reviewed the elevations and photographs to respond to Ms. Hoffman's comments about stepping down the building. He referred to a photograph of the Morris' home and identified an element that was no different than the element they were opposing on this project. He felt the element on the Morris home more directly impacted the ridge line. In terms of mitigation to the neighbors, Mr. Sigg stated that he has rights in this process as well.

Mr. Sigg pointed out that the lot configuration makes it difficult to design a structure without a significant amount of hallway space. Mr. Bloxom pointed out that the slope of the lot prohibits building a Ranch-style home. The structure is primarily a flat house with a walk out basement. The only place where the basement daylight in the rear elevation. The rest of the basement is subterranean. Mr. Bloxom stated that he had done everything possible to mitigate any impacts to the neighbors and there is no portion where the house approaches more than a story-and-a-half above grade. In many places it is well below that. He disputed the assertion that this house touches the 19 foot line at every point. He took great pains to work with the topography, and he sees significant air under the 19 foot lines on the sides where the neighbors would be impacted. Mr. Bloxom found it hard to believe that anyone would think this house would be required to have a flat roof with dirt over it. That would be the only way he could remove the roof from the view of a house where the main floor is 13 feet higher than the ridge point of the proposed house. As designed, the house does not impact views and it does not affect the property values of the neighbors in any way.

Regarding the size in relationship to other buildings in the neighborhood, Mr. Bloxom stated that this lot is in excess of twice the size of the lot across the street because two lots were combined. He noted that the only neighbor voicing opposition was the Morris'. Mr. Bloxom believed they had

complied with all the requirements for the lot and they worked hard to meet the requests of the Planning Commission.

Mr. Sigg stated that this neighborhood is 75-85% built out. He recalled that the majority of the lots have a height restriction, but not a conditional use permit requirement. Most of the lots in the subdivision were restricted to 28 feet. With respect to the Morris' and Ms. Hoffman, Mr. Sigg remarked that the Planning and Building Departments had done a good job mitigating height issues raised by other neighbors throughout the process.

Planner Whetstone clarified that the comment indicating that the Staff had said that one or two feet did not matter was absolutely incorrect. She stated that when buildings plans are submitted they need to be shown at 19 feet and all the ridges need to show that they are 19 feet from existing grade. Planner Whetstone reported that when Mr. Morris visited the Planning Department she told him that a typical survey has an error of one to two feet, which is standard for a certified survey. The City takes that into consideration and once the foundation is poured, the City requires a certified survey of exactly that foundation. Planner Whetstone explained the process and noted that the Staff goes back to make sure that the plans submitted can meet the 19 feet height.

Commissioner Strachan asked for clarification as to which point was considered the roof line. Planner Whetstone reviewed the drawings to show the point of the roof line and the central massing.

Commissioner Russack felt the issue was whether or not the building reduces its mass as it gets closer to the edges. He struggled with the guest room component. Mr. Sigg pointed out that the guest room was a roof over the garage. It is not a freestanding, independent feature. In looking at the east and west elevations, Commissioner Russack believed they were stepping the mass from the center. He was still uncomfortable with the guest suite and felt that was the crux of the issue.

Commissioner Strachan referred to Exhibit D, point G, and asked if that was the central mass Planner Whetstone had pointed out on a different drawing. Planner Whetstone stated that point G and H are actually lower because they are the next mass down the hill. Commissioner Strachan wanted to make sure that G was the central mass Planner Whetstone previously pointed out. Planner Whetstone replied that she had previously identified points A and B.

Commissioner Russack stated asked if point E was Mr. Sigg's office. Planner Whetstone replied that point B was the office. In terms of height calculations, Commissioner Russack pointed out that point E is at 18'9" and point F is at 19 feet. Mr. Bloxom replied that this was correct because the topography moves slightly. Planner Whetstone noted that those building heights were from existing grade and not from a topography standpoint. If they want topography, the Planning Commission needs to look at ridge elevations.

Commissioner Peek stated that in looking at the front elevation, from Seasons Drive it crosses to the east and steps down in both height and massing. It also steps down in height to the west. From the south angle it again steps down in mass. Commissioner Peek believed the design complied with the condition to reduce the dwelling height and bulk.

Commissioner Pettit stated that after watching Commissioner Peek sketch out his comments, she became comfortable with Finding of Fact 15. She was comfortable making the finding, which is consistent with the requirements of the development agreement. However, before moving forward, she would like to revisit some of the conditions of approval.

Commissioner Hontz referred to Condition #5 and noted that she found that information on pages 183 and 188 of the development agreement. She felt the language in the condition was almost verbatim to what the development agreement requires. Additional words were added but the language was very similar. Commissioner Hontz did not like the word "substantially", as it was used in Condition #6. She favored adding clarification about the 19 feet height and the materials.

Commissioner Pettit liked Ms. Hoffman's suggestion with respect to the language stating that, "The Planning Director may approve minor changes." She wanted to make sure they added clear language to specify, "except as to height, materials, and massing". Commissioner Pettit suggested adding language to the end of the last sentence in Condition #6 to say, "Building mass shall be verified prior to issuance of a building permit for compliance with the April Mountain MPD and these conditions. Commissioner Pettit felt the issue was how to leave in the comment regarding the 19 foot height limitation.

City Attorney, Mark Harrington, stated that the suggestion was that following November 11, 2009, add, "and consider it compliant with the 19 foot limit". Mr. Harrington asked if the Commissioners objected to adding a "one-foot contours" reference to Condition #7.

Planner Whetstone recommended leaving the first sentence of Condition #3 and deleting the rest of the language regarding the ROS areas and vegetation. If the landscaping is not done to the satisfaction of the City, the Staff could request that the developer add additional native vegetation.

Commissioner Peek believed the requirement for a shoring plan in Condition #8 would address any disturbance over the ROS line. Commissioner Wintzer was more comfortable revising Condition #3 to prohibit going into the ROS zone.

The Planning Commission and Planner Whetstone discussed deleting language in Condition #5.

Mr. Harrington recommended incorporating the changes made on the record to Conditions of Approval 3, 5, 6, and 7.

MOTION: Commissioner Pettit made a motion to APPROVE the conditional use permit for a single family house at 1502 Seasons Drive in accordance with the findings of fact, conclusions of law and conditions of approval as amended with respect to Conditions of Approval 3,5,6 and 7 as noted on the record. Commissioner Peek seconded the motion.

Commissioner Strachan stated that he is never comfortable making significant changes to conditions of approval without seeing them in writing first. He understood that it would require a continuance but he wanted to see it one more time.

Commissioner Pettit asked if the Planning Commission could approve the motion and ask that the findings and conditions come back for ratification. Planner Whetstone noted that the revised conditions would be included in the minutes. Commissioner Strachan remarked that it would be after the fact and too late.

Mr. Harrington stated that ratification is not anything different in terms of final action. He suggested that the Planning Commission decide whether to adopt the conditions as revised with a read back, or follow Commissioner Strachan's request for a continuance. Mr. Harrington stated that ratification is typically used only in appeals. It is never a final action until written findings are officially adopted.

Chair Wintzer asked if Commissioner Strachan was comfortable with a read back or if he preferred to see the conditions in writing. Commissioner Strachan was comfortable having them read back. Mr. Harrington suggested that the Planning Commission could defer voting on this matter until after the LMC discussion, to allow him time to edit the conditions prior to their vote. The Commissioners favored deferring the vote.

Commissioner Pettit withdrew her motion to allow the City Attorney the opportunity to edit the conditions of approval prior to voting later in this meeting.

MOTION: Commissioner Strachan moved to CONTINUE this item for a short period of time. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

3. Flagstaff Mountain Resort, Phase II - Amendment to Master Planned Development (Application #PL-09-00759)

1502 Seasons Drive (Continued)

Commissioner Pettit read the revised conditions of approval as follows:

Condition #3 - City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Chain link construction mitigation fencing along the ROS areas may be necessary to prevent disturbance of these areas during the construction of the house.

Commissioner Pettit noted that the remaining language of Condition #3 as original written was deleted.

Condition #5 - Final landscape plan consistent with the April Mountain master planned development and the April Mountain Subdivision plat shall be submitted for review and approval by the City Planning Department and/or City landscape architect, prior to building permit issuance. Lawn shall be a minor component of the overall landscape plan. No more

than 25% of the water demanding area shall be planted in a high water demand lawn (such as Kentucky blue grass). An additional 5% of the water demanding area may be planted in drought tolerant lawn species (such as Blue Grama, Smooth Grome, tall Fescue, Buffalo Grass, Creeping Red Fescue, Perennial Ryegrass or Alpine Bluegrass).

Condition #6 - No building permits shall be issued for the house unless and until the building plans are reviewed and approved by the Planning Department Staff for compliance with the building plans reviewed by the Planning Commission on November 11th, 2009, and specifically compliance with the 19 foot height limit. All exterior finishes and landscaping shall be approved prior to installation and shall be consistent with the plans reviewed by the Planning Commission. The Planning Director may approved minor changes, excluding materials, height and massing. No single exterior wall plane shall measure more than thirty feet in length (30') before a change in depth of at least three feet. Building massing shall be verified prior to the issues of a building permit for compliance with the April Mountain MPD and these conditions of approval.

Condition #7- As part of the building permit review process, the applicant shall submit a certified topographical survey (one foot contours) of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade As well as the height of the proposed building ridges. The platted height restriction is 19' from existing grade.

MOTION: Commissioner Pettit moved to APPROVE the conditional use permit for a single family house at 1502 Seasons Drive in the accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended and read into the record this evening. Commissioner Peek seconded the motion.

Planner Whetstone commented on the types of materials and asked about modifications to specific locations of those materials as shown on the plans. Commissioner Peek pointed out that the condition reads, "All exterior finishes and landscaping shall be approved prior to installation and shall be consistent with the plans reviewed by the Planning Commission." He believed the Staff could determine whether or not the final plans are consistent with the approval. The Commissioners concurred.

VOTE: The motion passed unanimously.

Findings of Fact - 1502 Season Drive

1. The property consists of L9ot 21 of the April Mountain Subdivision and is located at 1502 Seasons Drive.
2. The zoning is Residential Development (RD-MPD) subject to the April Mountain MPD (approved June 12, 2002), the April Mountain Development Agreement and April Mountain Subdivision plat (recorded on October 29, 2002) that require approval of a conditional use

permit for development on Lot 21, with HFR1 and HRL Steep Slope review criteria used as additional review criteria.

3. The approved subdivision plat created Lot 21 with lot restrictions for Height, Setbacks, Limits of Disturbance area, total building zone area and platted ROS (reserved open space) consistent with the April Mountain MPD.
4. No construction is proposed within the platted ROS area.
5. Lot 21 is 35,711 square feet (0.82 acres) in lot area consistent with the MPD. A maximum building zone area of 14,965 sf building zone area is proposed within a 19,988 sf limits of disturbance area. The proposed building pad fits entirely within the approximate building pad shown on the April Mountain subdivision plat.
6. Access to the lot is from Seasons Drive per the MPD and plat.
7. Under the current LMC, the minimum front yard setback is 15 feet, subject to the location of platted reserved open space (ROS). Applicant proposes 27' to 50' rear setbacks in compliance with the plat and MPD.
8. Under the current LMC, the minimum rear yard setback is 15 feet, subject to the location of platted reserved open space (ROS). Applicant proposes 15' to 50' front setbacks in compliance with the plat and MPD.
9. Under the current LMC, the minimum rear yard setback is 15 feet, subject to the location of platted reserved open space. Applicant proposes 27' to 46' west side setbacks and 90' to 125' for east side setbacks in compliance with the MPD.
10. The April Mountain MPD and subdivision plat notes restrict Lot 21 to a maximum building total height of 19'. The applicant proposes a maximum building height of 19' with portion of the house less than 19' in compliance with the MPD.
11. Parking is required at a rate of two parking spaces per house. The applicant proposes 4 parking spaces within garages.
12. The applicant proposes a 10,000 sf house, including the basement and floor areas. The building footprint is approximately 7,000 sf. There are no plat restrictions on building floor area or footprint. House sizes range from 5,000 to 8,000 sf and are a function of building zone, setbacks and building height.
13. Massing requirements of the MPD are met in that the Floor Area directly above the lowest floor level does not exceed 85% of the Floor Area of the floor template directly beneath it, whether such lowest floor is finished, unfinished, or crawl space. Floor Area calculations will be provided with the building permits plans and verified prior to building permit issuance.

14. The highest ridge of the central massing is at elevation 7463'0". The port-cochere roof peak is at 7462'0" and the northern garage roof peak is at 7461'0". The two-story elements on the south elevation are at elevation 7451'0". No portion of the house exceeds the 19' height limit, a 14' height restriction from the zone height.
15. The central massing of the dwelling steps down in height and reduces in bulk as it reaches the edges of the Dwelling to blend the building mass into the natural setting.
16. The applicant provided dimensions of each exterior wall plane demonstrating that there are now all planes at or greater than 30' without a minimum of a 3' break.
17. The applicant provided a visual analysis from the Stew Pot and across the valley demonstrating that the proposed dwelling mitigates and reduces visibility of the dwelling from the Stew Pot. The house is situated below the grade of the road and significantly lower on the ridge than the houses on the uphill side of the road, as viewed from both the Stew Pot and from across the valley.
18. The applicant provided a visual analysis from the Stew Pot and across the valley demonstrating that the proposed dwelling mitigates and reduces visibility of the dwelling from the Stew Pot. The house is situated below the grade of the road and significantly lower on the ridge than the houses on the uphill side of the road, as viewed from both the Stew Pot and from the across the valley.
19. The findings in the Analysis section are incorporated herein.
20. On May 27, July 8, and November 11, 2009, the Planning Commission conducted public hearings on this application.
21. The applicant stipulates to the conditions of approval.

Conclusions of Law - 1502 Seasons Drive

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically Section 150-1-10 and Sections 15-2.221-6 (B) and Section 15-2.2-6 (B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - 1502 Seasons Drive

1. All Standard Project Conditions shall apply.

2. All applicable conditions of approval of the April Mountain MPD and April Mountain Subdivision plat continue to apply.
3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Chain link construction mitigation fencing along the ROS areas may be necessary to prevent disturbance of these areas during the construction of the house.
4. City engineer review and approval of all grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. Final landscape plan consistent with the April Mountain master planned development and the April Mountain Subdivision plat shall be submitted for review and approval by the City Planning Department and/or City landscape architect, prior to building permit issuance. Lawn shall be a minor component of the overall landscape plan. No more than 25% of the water demanding area shall be planted in a high water demand lawn (such as Kentucky blue grass). An additional 5% of the water demanding area may be planted in drought tolerant lawn species (such as Blue Grama, Smooth Grome, tall Fescue, Buffalo Grass, Creeping Red Fescue, Perennial Ryegrass or Alpine Bluegrass).
6. Condition #6 - No building permits shall be issued for the house unless and until the building plans are reviewed and approved by the Planning Department Staff for compliance with the building plans reviewed by the Planning Commission on November 11th, 2009, and specifically compliance with the 19 foot height limit. All exterior finishes and landscaping shall be approved prior to installation and shall be consistent with the plans reviewed by the Planning Commission. The Planning Director may approved minor changes, excluding materials, height and massing. No single exterior wall plane shall measure more than thirty feet in length (30') before a change in depth of at least three feet. Building massing shall be verified prior to the issues of a building permit for compliance with the April Mountain MPD and these conditions of approval.
7. Condition #7- As part of the building permit review process, the applicant shall submit a certified topographical survey (one foot contours) of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade As well as the height of the proposed building ridges. The platted height restriction is 19' from existing grade.
8. Prior to the issuance of a building permit, the applicant shall, if deemed necessary by the Chief Building Official based on the geo-technical report, submit a detailed licensed structural engineer as required by the Building Department.
9. This approval will expire on November 11, 1010 unless a building permit has been issued by the City Building Department prior to this date.

10. All exterior lighting shall be shown on the final building plans and shall conform to requirement of the City's lighting ordinance and shall be minimal and subdued in nature. No signs may be installed without approval of a sign permit and in compliance with the City's Sign Code.

The Park City Planning Commission meeting adjourned at 9:45 p.m.

Approved by Planning Commission: _____

Exhibit E

Conditional Use Permit Analysis

I. LMC Conditional Use Permit Criteria (Section 15-1-10) **(No change in Code requirements)**.

Staff reviewed the plans for 1502 Seasons Drive using criteria in Section 15-1-10 of the Land Management Code as outlined below. This analysis was included in the May 27, 2009 staff report that is an exhibit to the November 11, 2009 staff report and part of the record of approval of the 1502 Seasons Drive CUP.

1. Size and location of the site. The lot is approximately 0.8 acres and is of sufficient size to accommodate the proposed house within the 14,940 sf building zone, amended as shown on final exhibits. The house is proposed to maintain all required setbacks and building zone area and limits of disturbance restrictions. The proposed house and driveway covers approximately 40% of the lot. **No unmitigated impacts. (No change in Code requirements).**
2. Traffic considerations. The single family house will not create additional traffic impacts over that contemplated by the traffic study reviewed with the MPD. **No unmitigated impacts. (No change in Code requirements).**
3. Utility capacity. Adequate utility capacity exists to this lot. **No unmitigated impacts. (No change in Code requirements).**
4. Emergency vehicle access. Access for emergency vehicles is adequate via the constructed streets within the subdivision. The house is located on a cul-de-sac with adequate emergency vehicle turning radius. **No unmitigated impacts. (No change in Code requirements).**
5. Location and amount of off-street parking. Two parking spaces are required off-street and the applicant is providing four spaces within garages on the property. **No unmitigated impacts. (No change in Code requirements).**
6. Internal circulation system. The driveway to the site is approximately 12% slope. This is within the allowable slope. The applicant proposes a solar heated snow melt system and a pervious driveway surface for the entire driveway. **No unmitigated impacts. (No change in Code requirements).**
7. Fencing, screening and landscaping to separate uses. In conformance with the landscape requirements of the April Mountain Subdivision, including limitations on irrigated lawn area and drought tolerant plant species, the applicant is proposing limited lawn areas and primarily drought tolerant landscaping. The applicant will also restore the previously disturbed areas along Seasons Drive and on the fill slope of the cul-de-sac. Staff recommends a condition of approval that a final landscape and grading plan be submitted as a condition precedent to issuance of a building permit and that the landscape plan include detailed grading and planting plans for the re-vegetation and restoration of the area below the cul-de-sac. **No unmitigated impacts as conditioned. (No change in Code requirements).**

8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings on adjacent lots. The applicant proposes a 10,000 sf house, including all basement floor areas, on a 35,711 square foot lot. The building footprint is approximately 7,800 sf with a sunken basement on the lower level. Upper living areas above the main level are located within the roof area. Additional upper living areas are located above the garage and porte-cochere. These areas are not located above the basement, as the foundation steps with the slope. Houses on Season's Drive range in size from 5,500 sf to 8,000 sf. Building mass is stepped with the slope and oriented parallel to the contour lines. The building is located low on the slope to minimize intrusion on the sky line as viewed from the Stew Pot vantage point. South by southwest orientation allows good solar access. The applicant proposes to use the USBC Green Building Standards for residential construction, utilizing passive solar heating, active solar water heating (including solar heating for the driveway snow melt and pool), photo voltaic solar cells for electricity generation, a 1,000 sf green planted roof, and a clay rammed earth north wall. Massing requirements of the MPD are met in that the main Floor Area is not more than 85% of the basement Floor Area (including crawl space) and the upper Floor Area is not more than 65% of the main Floor Area. Additionally wall heights and roof heights step up towards the central massing and building height steps up with the slope of the lot. The entire house is located below the elevation of the cul-de-sac. **No unmitigated impacts. (No change in Code requirements).**
9. Usable open space. No changes to the platted reserved open space area are proposed. The applicant is requesting permission to re-vegetate areas of the platted reserve open space, located on this lot, below the cul-de-sac that have been compromised during construction of the roads and adjacent houses. Staff recommends conditions of approval that specific plans for the restoration and grading of the reserve open space below the Seasons Drive cul-de-sac be submitted with the building permit plans and be approved by the Planning Department prior to issuance of any building permits. The restoration shall be complete prior to issuance of any certificates of occupancy. **No unmitigated impacts as conditioned. (No change in Code requirements).**
10. Signs and lighting. The following conditions are recommended: 1) all signs shall be consistent with the Park City Sign Code and no signs may be installed without approval of a sign permit (note that signs are limited in residential areas per the Sign Code) and 2) all exterior lighting shall be shown on the final building plans, shall conform to requirements of the City's lighting ordinance and shall be minimal and subdued in nature. **No unmitigated impacts. (No change in Code requirements).**
11. Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing. The physical design is architecturally compatible with the contemporary mountain architecture at April Mountain. The house has a low profile from the street and the Stew Pot vantage point. The house has a horizontal orientation and is less vertical than the surrounding structures. While larger in total square footage, there is less above grade massing as compared with surrounding structures. The house is compatible with

the dwelling volume of existing contemporary single family homes on Seasons Drive, given the increase lot size and building zone allowance. The house is in scale with surrounding structures given the larger lot size and reduced height requirement (19' versus 28' for the surrounding houses). The applicant provided a 3-D model, visual analysis from the Stew Pot vantage point, and streetscape visuals to demonstrate that the proposed design mitigates any difference in scale between the volume of the proposed structure and existing surrounding structures. **No unmitigated impacts. (No change in Code requirements).**

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. The proposed single family house is not expected to create additional mechanical factors that require mitigation. **No unmitigated impacts. (No change in Code requirements).**
13. Control of delivery and service vehicles, loading and unloading zones, and screening. **Not applicable to a residential structure. (No change in Code requirements).**
14. Expected ownership and management of the property. The house is proposed to be owner occupied or used as a second home. Nightly rentals are not permitted within the April Mountain MPD. There is no restriction on long term rentals, unless restricted by the CC and R documents. **No unmitigated impacts. (No change in Code requirements).**
15. Sensitive Lands Review. The application complies with the sensitive lands review conducted at the time of the April Mountain MPD. The MPD required this property be reduced from 2 lots to one and restricted the building height to 19' due to potential impacts as viewed from the Stew Pot (parking lot), as reflected in the recorded plat. The applicant submitted photos of the adjacent properties, a photo montage of the proposed house as viewed from the Stew Pot, and created a model of the proposed house to demonstrate that the house will not impact sensitive slopes or break a sensitive ridge line. There are no wetlands, streams or waterways and the lot is not within an entry corridor area. Wildlife concerns were addressed at the time of the MPD and subdivision plat review. Restoration of the disturbed ROS area below the cul-de-sac and conditions of approval related to the limits of disturbance area are recommended to mitigate impacts to these sensitive lands. **No unmitigated impacts. (No change in Code requirements).**

II. LMC Steep Slope Criteria

Staff reviewed the plans for 1502 Seasons Drive against the HR-1 and HRL Steep Slope criteria in LMC Sections 15-2.1-6 (B) (1)-(9) and 15-2.2-6 (B)(1)-(9) as outlined below. **Changes to Code requirements approved since the submittal date are in italics and underlined.** ***Staff analysis of CUP per changes to Code since the application date is in italics.***

Criteria 1: Location of Development. Development is located and designed to reduce visual and environmental impacts of the Structure. To reduce visual impacts the primary massing is proposed as low on the lot as possible. Stepping of the excavation and living areas is proposed. The upper portion is proposed within the main

sloping roof area and the lower level is sunken below final grade. **No unmitigated impacts. (No change in Code requirements).**

Criteria 2: Visual Analysis. The applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine the potential impacts of the access, building mass, and design and to identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

The proposed construction is in the RD District, subject to the April Mountain MPD and Subdivision. The visual analysis approved with the April Mountain MPD resulted in a larger lot with a 19' height restriction. The applicant provided a visual analysis from the Stew Pot vantage point. At the work session the Planning Commission did not identify additional vantage points. The proposed house does not impact the sensitive hillside or ridgeline as viewed from this vantage point. The primary massing is proposed to be located low on the lot and is articulated with architectural elements that break up the overall massing. Landscaping, vegetation protection, and vegetation restoration of disturbance areas are proposed. **No unmitigated impacts as conditioned. (No change in Code requirements).**

Criteria 3: Access. Access points and driveways must be designed to minimize grading of the natural topography and to reduce overall building scale. Common driveways and parking areas, and side Access to garages are strongly encouraged.

The proposed house takes access from existing Seasons Drive. The driveway is designed to minimize grading of natural topography with stepped retaining walls. The driveway grade is steeper than originally proposed, due to lowering the house to meet the 19' height, but is within the maximum grade allowed by the City Engineer. A solar snow melt system is proposed. The steeper driveway is consistent with the reduction in overall building scale as the house is proposed to be lower on the hill with less exposed overall wall height. **The garage includes 2 bays that are turned to the side i.e. side access. A common driveway is impractical for this lot because there is not a buildable lot to the east and the house to the west has an existing driveway that accesses directly to the street facing garage. No unmitigated impacts.**

Criteria 4: Terrace. The project may include terraced retaining structures if necessary to regain natural grade.

The property is steepest at the street due to construction of Seasons Drive and becomes more gradually sloped in the area of the building pad. Stepped and terraced retaining walls are provided to retain natural grade. **No unmitigated impacts. (No change in Code requirements).**

Criteria 5: Building Location. Building, Access and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the site. The site design and building footprint must coordinate with adjacent properties to maximize opportunities for open areas and preserve natural vegetation, minimize driveway and parking areas, and provide variation of front

yard. The proposed house is set into the hillside with final grade proposed within 2'- 4' of natural grade along the sides of the building, minimizing cut and fill that alters the perceived natural topography of the site. The site plan and building footprint are compatible with adjacent properties in size and scale appropriate to the size of the lots. The lot includes approximately 11, 590 sf of platted reserved open space and additional open space is adjacent on the east. On the west there are between 27' and 43' of space between this house and the adjacent house with opportunity for open space and natural vegetation. The applicant proposes to restore areas of this open space that were previously disturbed, using native and appropriate drought tolerant plant species, such as Mountain Mahogany and various grasses and wildflowers. The house has a low profile from the street due to the height restriction that pushed the house into the hill. **No unmitigated impacts. (No change in Code requirements).**

Criteria 6: Building Form and Scale. Where building masses orient against the Lot's existing contours, the structures must be stepped with the grade and broken into a series of individual smaller components that are compatible with the District. Low profile buildings that orient with existing contours are strongly encouraged. **The garage must be subordinate in design to the main building. In order to decrease the perceived bulk of the main building the Planning Director and/or Planning Commission may require a garage separate from the main structure or no garage.** The building footprint is oriented with the existing contours. The building mass does not orient against existing contours, but the excavation and footprint steps with the grade and the building form is broken into a series of individual smaller components. A flat green roof is proposed over a portion of the eastern building mass that provides additional vertical articulation. **The garage is subordinate in design to the main house and is not the focus of the design. The garage is separated into two masses off-set at a 90 degree angle. A portion of the side facing garage obscures the front facing garage door. The garage doors are situated 15' to 20' below the grade of the adjacent street. The MPD and CCRs require a garage.** No unmitigated impacts.

Criteria 7: Setbacks. The Planning Commission may require an increase in one or more setbacks to minimize the creation of a wall effect along the Street front and/or rear Property Line. The Setback variation will be a function of the building, site constraints, proposed Building scale, and Setbacks on adjacent Structures. The proposed house complies and exceeds the required setbacks of the zone and plat. The proposed front, side, and rear setbacks are at and greater than required by the plat and the house complies with the zone setbacks. A wall effect is not created along the Street or rear property line due to the placement of the house low on the lot and along the natural contour lines with varying setbacks. The applicant has provided a streetscape that illustrates how the proposed house fits into the lot and relates to the adjacent structures. **No unmitigated impacts. (No change in Code requirements).**

Criteria 8: Dwelling Volume. The maximum volume of any structure is a function of the Lot size, Building height, setbacks and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed structure to

minimize its visual mass and/or to mitigate difference in scale between a proposed structure and existing structures. (No change in Code requirements).

The design is larger than, but compatible with the dwelling volume of existing contemporary single family homes on Seasons Drive, with less above grade massing visible than existing uphill houses in the neighborhood. The building zone allowed by the subdivision plat is larger than that of adjacent lots, but it is in scale with existing structures given the larger lot size and reduced height requirement. The applicant provided a 3-D model, visual analysis from the Stew Pot vantage point, and streetscape visuals that demonstrate that the proposed design mitigates any difference in scale between the volume of the proposed structure and existing surrounding structures. **No unmitigated impacts. (No change in Code requirements).**

Criteria 9: Building Height (Steep Slope). The maximum Building Height in the HR-1 and HRL Districts is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed structure to minimize its visual mass and/or to mitigate differences in scale between a proposed structure and existing residential structures.

The HRL and HR-1 District Building Heights do not apply. The building height is restricted to 19' by the April Mountain Subdivision plat notes. The proposed height is at or below 19'. **No unmitigated impacts. (No change in Code requirements).**

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Park City Heights MPD
Author: Kirsten A. Whetstone, AICP
Date: December 8, 2010
Project Number: PL-10- 01028
Type of Item: Work Session

Recommendation

Staff recommends the Planning Commission review the attached exhibits that show architectural patterns/character concepts for the various housing types and provide initial comment to the applicant. The applicant is drafting a design guidelines document based on the three architectural patterns and the conditions of approval of the annexation- regarding green building and water conservation. The applicant desires Planning Commission comment on the three concepts prior to completing the draft document. The item should be continued to January 12, 2011.

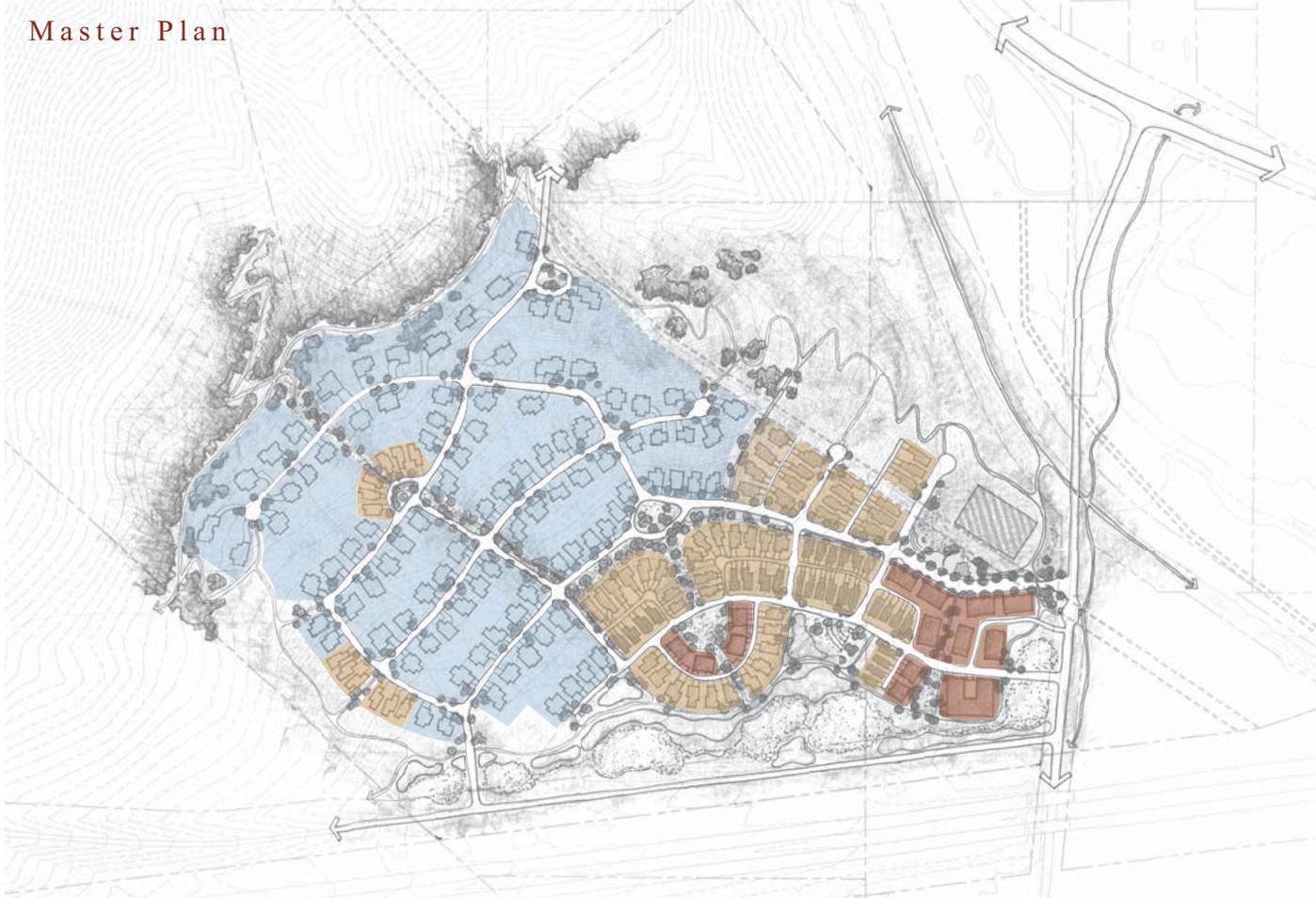
Description

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.

Exhibits

Exhibit A- Architectural Patterns for Park Homes, Cottage Homes, and Homesteads

Master Plan



Home Types:

Park City Heights offers a variety of lot and home types ranging from Multi-Family Condominiums and Townhomes to Single Family Lots from 35' to 125' wide. Particular interest must be paid to all homes within the project as they relate to one another as well as how the homes are viewed from the adjacent roadways and trails. Care must be taken to de-emphasize the garage from the Street. Providing garages as secondary elements of the home and placing an emphasis on the front of the home is a priority within the development with special consideration for all homes that are near the Highway 40 corridor. All Multi-family homes have parking that is accessed from a rear lane to a garage, carport or structured parking. Each of these homes is designed to front a public green of various types. All Cottage Single Family lots are accessed from a rear lane to a garage or paved parking space with Homes fronting the Street or public green spaces with walkways and trails. Street access must be provided to all Homestead Single Family Lots with a number of the homes providing garages at or near the front facade of the home.



Park Homes

Cottage Homes

Homesteads

Architecture Patterns - Lot Types

Mining Meets Modern



Exposed Structural Elements in
Roofs and Porches

Grouped Windows

All Garages Accessed from Rear Local
Roads or Structured Parking

Emphasis on Raised Front Porches



Expressive Trim

Wood/Hardi-Board Siding

Stone and Stucco Accents

Colorful Earth Tones

Unpainted Metal Roofing and
Shingled Roofs



Low Sloping or Flat Roofs
- Deep Overhangs



Building/Front
Doors Oriented to
the Street or Public
Open Space



Not Resort Mountain Timber



Mountain Contemporary
Simple Forms



Varied Wall Planes

Asymmetric but Balanced Window
and Door Composition



Architecture Patterns - Park Homes



Ornamentation Restrained and Limited to Porches and Cornices

Small Front Yards emphasizing connection between Homes and Street



Emphasis on Broad, Raised Front Porches

Second Story Porches or Patios

Indoor Spaces connected to the Outdoors



Grouped Windows Vertical Proportions for Windows and Doors



Expressive Trim Wood/Hardi-Board Siding Shingle Siding Unpainted Metal Roofing and Shingled Roofs



Vibrant, Eclectic and Historical Color Schemes



Exposed Structural Elements in Roofs and Porches



Garages Secondary to Home and Street



Architecture Patterns - Cottage Homes



Emphasis on Front Door with Varied Porch and Accesses to work with Grades



Simple Forms with Side wings and Porches added to Create more Complex Shapes



Grouped Windows

Garages tucked under Second Story Elements or Side Loaded



Mountain Contemporary



Second Story Porches or Patios



Exposed Structural Elements in Roofs and Porches



Expressive Trim
Wood/Hardi-Board Siding
Shingle Siding
Stone and Stucco Accents
Unpainted Metal Roofing and Shingled Roofs



Architecture Patterns - Homesteads