

considered as part of the process.

Matt Rifkin, representing InterPlan, stated that another piece of the study was the travel model. When the Planning Commission approves a new development they will be able to see how much traffic it would generate on the road system and what it looks like. Mr. Rifkin presented samples to demonstrate how the model would work in different situations. He explained that there are two parts to the model. The first was a spread sheet with numbers based on assumptions, estimates and other collected data from various entities and agencies. The second piece of the model was a traffic simulation, which showed cars driving on the road. Mr. Rifkin noted that the simulation was done twice. One was for the peak/peak condition, which is Christmas week. He noted that the highest day in 2010 was during Sundance. He stated that another period modeled was 5:00 p.m. on a day during mud season at the beginning of summer. Those numbers were average and it took less time to get through an intersection.

Mr. Rifkin showed the Empire Avenue/Park Avenue intersection during crowded Christmas week conditions, based on existing traffic data. Mr. Rifkin stated that a primary value of the model is the ability to look at the impacts of a new development. Using the Empire/Park Avenue intersection, Mr. Rifkin presented a model scenario for the year 2020, assuming that nothing new is built in Park City. The growth would be external from Summit and Wasatch Counties, Salt Lake County, and steady growth was projected for Park City Mountain Resort.

Mr. Rifkin noted that the model was color coded. The green cars were HOV with two or more people, the orange cars were single occupant vehicles. Transit was also routed into the model.

Chair Wintzer referred to the que from the intersection back to the Yarrow and assumed it would take two to three light changes to get through the intersection. Mr. Rifkin had not collected that specific data, but he assumed Chair Wintzer was correct. Under those circumstances, the level of service would be a bad F. Commissioner Pettit clarified that the assumptions were based on no growth within Park City. Mr. Rifkin replied that this was correct; however, it assumed external growth from various counties and ski resorts.

Commissioner Savage questioned why external growth would cause such significant increase in traffic coming into Park City at 5:00 p.m. Mr. Rifkin pointed out that 5:00 p.m. during the ski season is a peak time. One explanation is that many people come to Utah on vacation, stay in Salt Lake, ski at other resorts, and only come to Park City for the night life. Commissioner Savage asked if the model factored in anticipated increase in skier days. Mr. Rifkin replied that Park City and Deer Valley grew based on the trend. He could model a scenario that shows no growth in skier days in Park City. As they make decisions in the future, they could hold everything constant and only look at one specific scenario. Mr. Rifkin remarked that background growth is a major issue and sometimes it's difficult to have as much control over traffic as you would like.

Commissioner Savage asked about the number of model locations. Mr. Rifkin replied that it was a complete city-wide model.

Chair Wintzer asked if it would be complicated to add specific items to the model. Mr. Rifkin stated that items could be added, however, the length of time to do it would depend on the amount of

detail requested.

Commissioner Pettit understood that the model was a ten year projection. Given the price of oil and the efforts to create public transportation options, she asked if those types of assumptions could be built in to see how policy considerations might impact traffic flows if certain methods were adopted to reduce car traffic. Mr. Rufkin replied that things such as gas prices are more difficult and are not inherently built into the model. He offered suggestions that would be easy to include in the model as a way to study options to reduce traffic. Mr. Rufkin pointed out that the model is a prediction tool and it is not 100% accurate. It is a formalized method and they do not get the same answer every time. However, it provides a better starting point than what currently exists.

Commissioner Savage asked Mr. Cassel asked about ownership of the plan and whether the City would have rights to the model in future years separate from InterPlan. Mr. Cassel stated that the City owns the model. It does not own the software but they can obtain rights to the software if necessary. He pointed out that no one within the City has the ability to run the model. It is a standard system and any transportation engineer could run it.

Director Eddington explained that the model is VISSIM and the City could hire any consultant that uses VISSIM to change the model. Mr. Rifkin remarked that InterPlan tried to document the model so it could be used by others.

Commissioner Pettit was excited to have the opportunity to test the model in a future development. Mr. Cassel noted that the model would be used on the SR224 Corridor Study to try different scenarios and alternatives for the corridor.

Chair Wintzer requested that Mr. Cassel work with Director Eddington to make sure the Planning Commission is made aware of projects that affect traffic where the model would be useful.

General Plan – Information Update and Discussion

Planner Cattan handed out copies of a Comprehensive Plan Timeline prepared for the General Plan. She noted that positions were restructured in the Planning Department and she was tasked with managing the General Plan and to make sure they meet a deadline of April 15, 2012 for the final product. Planner Cattan stated that over the past few weeks the Staff organized the individual elements of the General Plan and last week they began with housing.

Planner Cattan reviewed the Gant chart. The Planning Department schedule was revised and they have committed 20% of Staff time to work on the General Plan. The Staff works on the General Plan every Friday. Planner Cattan stated that she and Director Eddington created scopes for individual planners for a more organized method of assigning tasks. An internal resource committee was established to brainstorm ideas with project managers and planners. The committee members are Matt Cassel, Phyllis Robinson, Michael Kovacs, and Craig Sanchez.

Planner Cattan stated that the Staff has been working on the General Plan layout, which was included as an exhibit in the Staff report. Requests for Proposals have been started and they should be published within the next couple of weeks. Planner Cattan remarked that the largest

piece of work related to the introduction and connection to visioning. It was broken down to the Core Values from visioning. The first one, which was small town, would include land use, housing, growth management, transportation and community facilities. Due to the amount of information, Planner Cattan assumed the Staff would spend five months on that specific element. The second core value is sense of community, which includes community character and community and economic development. That piece should take approximately four months. The core value of natural setting, which includes open space, environmental conservation, parks and recreation, and the core value of historic preservation would require a smaller amount of time. Planner Cattan remarked that the Core Values would be followed by a community scorecard.

Planner Cattan reported that the Staff would update the Planning Commission monthly on the General Plan progress. It would be very high level at the beginning because they were gathering information to hopefully have something more concrete to present in November or December. She reiterated that creation of the draft plan is ongoing; however the completion goal for a full draft report is April 15, 2012.

Planner Cattan commented on the intent to create a community task force. However, that task force would not be created until they have actual Chapters to present for input. She anticipated that would occur in late August. Director Eddington noted that the timing also ties into possibly receiving RFP documentation and analysis. Planner Cattan stated that the community task force would include members from the resorts and other areas of the community. The task force first meeting would be an overview of the direction they are taking with the General Plan. The intent is to hear feedback and to see if the Staff has missed any elements. Planner Cattan reported that the Transportation Master Plan also involved a community member task force.

Commissioner Savage asked when the task force members would be identified and their commitment to participate secured. Planner Cattan expected to send out invitations in July. The Staff had started a list of potential members, but the list needed to be refined to keep the task force from being too large. Director Eddington noted that at the last meeting the Planning Commission suggested additional groups who should be involved. The goal is to consolidate the list and contact people to see if they have an interest in participating.

Commissioner Pettit recalled that the list includes for profit and non-profit organizations in the community that would provide input on the General Plan as it relates to the scope of what they do within their organization. Director Eddington replied that this was correct.

Commissioner Savage stated that development of the new General Plan presents an opportunity to change the nature of how Park City as a corporation engages with the citizens of Park City. He believed the task force was a strong step in that direction. Commissioner Savage suggested the possibility of expanding the task force to include four or five citizens from Park City who are not affiliated with a specific organization. This could be done through an open house where the Staff presents the plan and asks for interested participation. People could then apply and a committee could choose from those applications. He thought it was important to engage the broad based community. Commissioner Savage thought the citizens selected should be ones who actively participated in Visioning.

Commissioner Pettit asked if the task force would be reviewing all of the elements of the General

Plan or if they would only provide input on items relevant to their specific interest. Planner Cattan stated that as the General Plan progresses, the task force would be given drafts as they occur. Director Eddington clarified that the task force would review all the elements because they would not be catering to any one group.

Commissioner Pettit referred to Commissioner Savage's comment about using the task force as an opportunity to engage the broader community. She assumed the monthly updates would be part of the Staff report and noticed on the agenda. Commissioner Pettit suggested that the Planning Commission incorporate public comment into the time allocated for the General Plan. Director Eddington agreed, noting that the Staff would also provide updates on the website in an effort to keep the community involved.

Commissioner Hontz concurred that a community task force is imperative for having a great General Plan. However, she has been involved in many general plans and the downfall of each one that failed was caused by pieces that were not controlled. As much as she favors involving the community, it is important to rein it in and make sure the process is clear and directed to be successful. Planner Cattan pointed out that once the draft is completed on April 15, 2012 it will be extensively reviewed by the Planning Commission and the City Council. At that point the Staff would like to hear public feedback on the finished product. Planner Cattan remarked that the Staff was using all the input from visioning and the public outreach meetings to prepare the General Plan document. For that reason, she felt they already had important public input. Director Eddington explained that the task force process would be limited. He believed the intended process would address Commissioner Hontz's concern about keeping control.

Chair Wintzer noted that the current General Plan lists the names of people who were on the previous public task force. He suggested that Planner Cattan contact some of those people for their comments on how it worked and what was right or wrong with the process. Planner Cattan stated that the next item on the chart was creation of the draft comprehensive plan for presentation for departmental review. The housing element would be given to Phyllis Robinson to evaluate the draft. She pointed out that in addition to the community, the General Plan is being drafted with the help of other departments within the City. Sustainability and Public Works would have a significant role in the transportation element.

Planner Cattan stated that revisions to the draft would be ongoing. The Staff hopes to be able to compile the draft and include all illustrations from January through April 2012. Planner Cattan remarked that the timeline was reasonable, but it would be a challenge.

Commissioner Pettit requested that the artwork and illustrations include photographs taken by the community as part of the visioning process. Planner Cattan replied that the disc of photos would be included. Chair Wintzer stressed the importance of having more pictures and graphs and less verbiage. Planner Cattan replied that the Staff had talked about using graphics for 50% of the General Plan.

Commissioner Hontz referred to the General Plan elements assigned to each Planning Commissioner. Since Dick Peek was no longer on the Planning Commission, she requested that her element be changed to Land Use and Growth and suggested that one of the two new

Commissioners could fulfill Historic Preservation and Economic Development.

Commissioner Pettit stated that she was tasked with Environment/Conservation and Sustainable Development. However, if one of the new Commissioners had a preference for taking on that element, she would be interested in changing to Community Character and Historic Preservation.

Commissioner Savage had not been assigned an element and asked if he could be part of the community task force. Assistant City Attorney Polly Samuels McLean stated that they would first need to decide if the task force should have a liaison from the Planning Commission. Commissioner Savage was not opposed to taking on an element of the General Plan, but he was more interested in participating with the task force and preferred to pursue that first. Commissioner Hontz expressed a willingness to keep Community Character and Economic Development in addition to Land Use and Growth Management if necessary. Planner Cattan offered to look into the possibility of Commissioner Savage being a liaison on the task force.

Director Eddington presented slides of conceptual ideas for branding. There are four components to the General Plan and the Staff had discussed ways to layout the General Plan. Rather than lay it out element by element, the intent is to make the General Plan a story and tie it to visioning. The end result is four chapters that focus on the four core elements. Director Eddington stated that as a brand or title that identifies the General Plan, the Staff was currently suggesting "Beyond Altitude: Our Community Actualized". He explained the thinking behind the slogan. As they move forward with the four chapters based on the four core elements of visioning, the idea is to focus everything towards the goals, objectives and strategies and how to actualize or implement it. They are trying to keep the General Plan from becoming a proverbial shelf document.

Director Eddington and Planner Cattan reviewed the components for each Chapter as shown in the Staff report.

Commissioner Pettit noted that State law had certain required elements in the General Plan. She thought the Staff had included the statute required elements and tied them more to the general and broader components that came out of visioning. Director Eddington replied that this was correct. In earlier meetings on the General Plan, the Planning Commission recommended folding the elements together.

Planner Cattan pointed out that emphasis on recreation was a missing element that was crucial and unique to Park City. The Staff was making an effort to include the recreation component in the new General Plan because of its importance.

Commissioner Savage stated that in reading the Staff report, he was negatively impacted by the seeing the word "fluff" used many times. He cautioned the Staff about labeling anything "fluff" and encouraged them to think of using a different word. Commissioner Savage remarked that the concept of actualization is vague in its meaning and he felt the word "actualization" should be substantiated if they intend to use it for the General Plan. Planner Cattan explained that in relation to the General Plan, actualization means to "get it done" or "to implement". She noted that the facts would be stated at the beginning of the chapters. It then goes into the filter and how to utilize the filter of community vision, which sets the goals for the community. For each of the goals, the

Staff will begin to create measureable indicators. Planner Cattan remarked that actualization is implementing the goals into new projects and then measuring what is done later with the indicators. She preferred to keep actualization as the key word because it is more unique than implementation.

Commissioner Pettit understood that the LMC changes might be one mechanism utilized for the implementation of goals. The LMC is subservient to the General Plan. She assumed it would be part of the process in terms of action items once they recognize and understand the goals.

Planner Cattan reiterated that the Staff was putting out RFPs which they were still fine-tuning. She reviewed the different RFPs, which included human health and land use, primary versus secondary residences, artists, year-round economic generator study, local versus national chains, natural resource study, growth management study.

Commissioner Savage asked if the Chamber of Commerce was part of the community task force. He was told it was. Commissioner Savage asked if there was room in the process for marketing and branding consultation. Director Eddington believed the branding of Park City would come about as a result of the document. When people see the data and the analysis, he believed it would achieve the actual branding of Park City by saying ski resorts, Main Street, Bonanza Park, Chamber of Commerce, etc. Commissioner Savage cautioned the Staff to be careful about emphasizing the branding at the beginning of the document because people will react in a different way than what is intended.

Planner Cattan reported that she, Director Eddington and Chair Wintzer met with the University of Utah. It was a productive meeting and the Staff would be following up with ideas of professional studies. One or two interns could fulfill their professional studies by assisting the Staff with the General Plan. Director Eddington noted that the University has a new Professor who will focus on visual technology with regard to narrative document. There may be the opportunity to tie the Park City General Plan into a class project in the Fall. He and Planner Cattan would try to meet with that Professor when he arrives in July to discuss any opportunities.

Commissioner Pettit favored the idea of taking advantage of working with in-state local groups or resources to help a student, class or professor meet their goals, and at the same time allow the City to utilize Best Practices thinking. Planner Cattan believed an association with the University would be a long range relationship beyond the General Plan.

The work session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
June 8, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Julie Pettit, Mick Savage

EX OFFICIO:

Planning Director, Thomas Eddington; Katie Cattan, Planner, Kirsten Whetstone Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 6:45 p.m. and noted that all of the Commissioners were present except Commissioner Strachan who was excused.

ADOPTION OF MINUTES – May 11, 2011

MOTION: Commissioner Pettit moved APPROVE the minutes of May 11, 2011. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington noted that the Planning Commission was scheduled for legal training at their next meeting on June 22nd. He encouraged all the Commissioners to attend if possible. Two new Commissioners were appointed and June 22nd would be their first meeting on the Planning Commission.

Director Eddington noted that the Staff was in the process of scheduling a joint meeting with the Planning Commission and City Council for the afternoon of Thursday, July 7th to discuss pre-development planning, economic development planning, general planning issues. The Commissioners would be notified when the exact time is confirmed.

Chair Wintzer announced that he would be unable to attend the meeting on June 22nd.

Regarding the joint meeting with the Snyderville Basin Planning Commission, Director Eddington stated that because both Planning Commissions had new members coming on this summer, the joint meeting was postponed until late August or early September. He would notify the Commissioners when that meeting is formalized.

CONTINUATION(S) – Public Hearing and Continue to Date Specified

1555 Iron Horse Loop – Development Agreement for MPD
Application #PL-10-00899)

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

MOTION: Commissioner Pettit moved to CONTINUE 1555 Iron Horse Loop – Development Agreement to a date uncertain. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 929 Park Avenue – Plat Amendment
(Application #PL-11-01236)

Planner Kirsten Whetstone reviewed the application for a plat amendment to combine two old town lots and two remnant parcels located at 929 Park Avenue within the Snyder's Addition of the Park City Survey. The two remnant parcels resulted from a plat amendment on Woodside that combined two lots wide and 50 feet deep, known as the Helm replat. The rear 25 feet of Lots 25 and 26 were not included in the Helm replat since they were owned by the 929 Park Avenue property owner at the time.

Planner Whetstone presented a slide showing the existing conditions of the property, as well as an existing historic structure that was deemed significant on the Site Inventory. She noted that due to previous additions and alterations, the structure was not eligible for landmark status. The house is currently not eligible for listing on the national Register of Historic Places.

Planner Whetstone stated that in 2007 the Building Official deemed the structure to be unsafe and requested that it be abated. At that time it was owned by a family in Park City who was not able to fix the house. Another order was issued in 2009. The owner worked with the Planning Staff and the Chief Building Official and came to an agreement for the house to be mothballed. A maintenance agreement allowed the owner six years to make the property safe. Planner Whetstone remarked that the property has since been sold to another property owner on Park Avenue.

Planner Whetstone noted that the Staff had done an analysis based on concerns related to similar plat amendments in the past. The analysis was contained in the Staff report. Planner Whetstone

presented slides of other homes on the street to give the Planning Commission an idea of what currently exists.

Planner Whetstone stated that the proposed plat amendment would yield a lot size of 5,000 square feet and a maximum footprint of 1888. Based on the neighborhood compatibility study, the average lot size was approximately 4,277, excluding the condominium lots, with a footprint of approximately 1500 square feet. Planner Whetstone explained that the numbers were based on the maximums possible from the formula in the Code. Planner Whetstone noted that due to the historic nature of the structure, any addition would need to be placed in the rear.

The Staff found good cause for the plat amendment to remove the non-complying lot line, which would allow the owner to pull a building permit for the restoration and a future addition. Since the addition must be located in the rear, it would not impact the streetscape.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the draft ordinance.

Commissioner Pettit understood that from where the historic home currently sits the setback is 25 feet from the property line. Planner Whetstone replied that the setback is 24 feet. An extra deep lot requires more of a front setback than a standard lot. Commissioner Pettit clarified that the house as currently positioned on the lot would meet the minimum 18 foot setback required by Code.

Jonathan DeGray, representing the applicant, stated that it currently complies with the front yard setback. The only non-complying setback was the north property line. He stated that with the 100 feet of depth and the two remnant lots, there would be enough room in the back. Planner Whetstone noted that a Finding of Fact indicates that the owner does not intend to move the house. It would be lifted for a foundation, but placed back in the same location.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Pettit stated that it is always difficult to go through a plat amendment process and still comply with the purpose statement in terms of encouraging single family development and combinations of 25' x 75' lots. She understood that in this situation, the house sits across two lots, which mandates some form of a lot combination in order to meet the other parts of the purpose statement, which is to encourage preservation of historic structures. Commissioner Pettit was not uncomfortable with combining the two lots the house sits on, but she struggled with adding the additional structure in the back, which significantly increases the maximum building footprint for the home.

Commissioner Pettit was inclined to move forward with this plat amendment to preserve this historic structure, and she believed an addition could be done to the back in a way that would compliments

this home and not detract from its historic nature. Commissioner Pettit understood that the applicant did not intend to move the home, but she was more comfortable adding a condition of approval prohibiting the home from being moved. That condition would be necessary before she could consider this plat amendment.

Commissioner Pettit appreciated the compatibility analysis. She drives up and down Park Avenue every day and she is continually reminded that this is one of the entry corridors into the heart of Old Town. It is a fabric that is worth preserving and protecting. Commissioner Pettit stated that she would be more favorable to the requested plat amendment if the footprint was limited to a number closer to the average of 1521 square feet, based on the calculations of the analysis.

Commissioner Hontz concurred with Commissioner Pettit and she supported the proposed conditions. Assistant City Attorney McLean stated that the conditions proposed would be appropriate and legally defensible as long as they are tied to the purpose statements and the compatibility of what could be built. Commissioner Pettit recalled that this had been done with other plat amendments, particularly on Daly. In some cases they allowed the plat amendment to combine lots, but created a no-build area that could not be used for the footprint calculation. The result was a reduction in footprint. Chair Wintzer noted that the Planning Commission also increased setbacks in other cases. He believed Commissioner Pettit's suggestion was consistent with what has been done in the past.

Commissioner Hontz referred to the table on page 91 of the Staff report and asked if the setback would be 12 feet. Planner Whetstone replied that if the remnant parcels are included, the depth of the lot would require a 12 foot setback. Commissioner Hontz revised Finding of Fact #22 to eliminate all the language after the first sentence, which relates to the structure itself. Until she sees actual plans for the building, she was not willing to say that the resulting structure would be compatible in mass and scale. Assistant City Attorney McLean stated that the Planning Commission needs to rely on the requirements of the Code. A Historic District Design review would also be required. Commissioner Hontz was not comfortable with the language as written. Ms. McLean suggested that they change "would be compatible" to "shall be compatible" and make it a condition of approval. Commissioner Hontz was satisfied with the language as a condition of approval.

Commissioner Hontz summarized that Condition #5 would state that the house could not be moved; Condition #6 would reduce the footprint; and Condition #7 would be the language from Finding #22 with the change from "would" to "shall".

Mr. DeGray stated that his client currently lives in a condominium on Park Avenue and they have been looking for a single family home or a lot where they could have a larger home to accommodate their family. They worked with the Sullivan's on this property for nearly two years to acquire it because of the size of the property. Moving forward, they asked Mr. DeGray about the possibilities for the property. He used the LMC and the Historic District Guidelines to explain the size of home that would be allowed on the property and the caveats for meeting mass and scale and compatibility with adjacent properties.

Mr. DeGray stated that the existing building is approximately 960 square feet of the available 1800 square feet. That building cannot have an addition on top and per Code the addition must be to the back of the house. The owners already have restraints in dealing with a historic structure and its preservation and reconstruction, as well as the limitation it provides in terms of maintaining a single story structure against the street. Mr. DeGray noted that dealing with 1,000 square feet of existing structure leaves 800 square feet of footprint behind the building. He needs to separate the structures and step back the new addition to create that separation. If they are able to have a garage, that would be an additional 300 square feet. Mr. DeGray stated that there would be approximately 1500 square feet of possible building, plus the 900 to 1,000 square feet of the existing structure. The result would be a 2500 square foot house, which fits in with the lower to mid range of buildings shown on the analysis. Mr. DeGray wanted to utilize the entire footprint as provided in the Code in order to spread the building over the lot. The existing building is 22 feet high and the addition would be held to a 27 foot height. The difference is five feet and he expected to be back at least 20 feet from the ridge of the building. Mr. DeGray remarked that the addition would not been seen at all. The front of the property is well covered by the existing structure.

Mr. DeGray reiterated that his clients sought a larger lot to build a 2500 square foot, four bedroom home for their family. He pointed out that a 1500 square foot home would not meet their objective. Mr. DeGray believed he could meet the aspects of the Historic District Guidelines with the allowed footprint for the lot. He requested that the Planning Commission allow his clients the opportunity to move forward with the design application in an effort to show what he believes is possible. If it is not possible, he would work with the Staff through the design process and reduce the footprint and the mass and scale at that point.

Chair Wintzer clarified that the issue for the Planning Commission was that they would not have the opportunity to see the building plans. Mr. DeGray replied that the Planning Commission needed to have faith in the Staff, the Historic District Guidelines and the requirements of the Code.

Commissioner Savage concurred with Mr. DeGray. He pointed out that applicants made a conscious decision to purchase the property and used diligent and professional interpretation of the Land Management Code as guidelines in making their decision. They put plans together that were consistent with the Land Management Code and they worked through the planning process with the understanding that the design is subject to further review. Commissioner Savage felt the applicants had done what they were told to do under the terms of the Land Management Code. Imposing arbitrary constraints is not the job of the Planning Commission and they should approve the plat amendment as requested.

Commissioner Hontz stated that this could have been an empty lot in Old Town or it could have been a non-historic home where those constraints, which are not arbitrary, would have not been in place. She remarked that this was a significant structure in a significant part of town, and faith has failed them because they are losing the beauty and historic nature of their core. If someone wants a larger home, there are many neighborhoods where that could occur where there are no historic structures. Commissioner Hontz believed the compatibility analysis showed what needs to be done to maintain a compatibility neighborhood. Lack of restrictions has failed them over and over again, and she was not willing to do it here.

Planner Whetstone pointed out that there were new historic district guidelines that have not yet been used on Park Avenue. The purpose of the discussion several years ago was to create new guidelines. The footprint formula was discussed as an overall change to the footprint formula in the LMC so it would be something people could rely on. However, that was taken out when the LMC was changed to address three-story massing. Planner Whetstone clarified that the LMC was changed to address massing issues along with the design guidelines. The new design guidelines are in place and this house would be subject to those new guidelines.

Commissioner Pettit concurred with Commissioner Hontz and echoed her comments. She stated that in this district the purpose statement dictates house sizes by the fact that the purpose is to encourage single family development combinations of 25' x 75' historic lots, which has a footprint limitation. When talking about a plat amendment and combining lots, they are deviating from that pattern of development in the HR-1 District as it relates to historic structures. Commissioner Pettit was not willing to move forward on the plat amendment without the two conditions of approval she mentioned earlier.

Planner Whetstone explained that the Staff's finding based on the compatibility analysis and the footprint that was available with the Code was that this would result in a structure that was compatible with the surrounding neighborhood.

Mr. DeGray stated that he had consulted with Staff and communicated those discussions to the owners prior to them purchasing the property. He would not have disputed the facts if the Staff analysis had shown incompatibility; however, the reality is that the analysis shows that they are within range.

Chair Wintzer stated that the biggest problem is that they have lost the scale of Old Town. Every lot has been built to the maximum and that is not the character of Old Town. With every situation of creating a larger lot, they get a larger house. Chair Wintzer remarked that whether or not a structure is historically or architecturally compatible was not the issue. The issue is scale and mass. He agreed with Commissioners Hontz and Pettit.

Mr. DeGray requested that the Planning Commission continue the item to allow him time to consult with his clients.

MOTION: Commissioner Hontz moved to CONTINUE 929 Park Avenue Plat Amendment to June 22, 2011.

Commissioner Savage wanted it clear on the record that from his perspective this part of the process is broken.

Commissioner Pettit seconded the motion.

VOTE: The motion passed 2-1. Commissioners Pettit and Hontz voted in favor of the motion. Commissioner Savage voted against the motion.

2. North Silver Lake Subdivision, Lot 2B – Appeal of Extension of CUP
(Application PL-11-01252)

Planner Katie Cattan reported that the City Staff received an extension request for a conditional use permit. Per the LMC, the Planning Director reviews the extension request for the first year. Director Eddington conducted the review and granted the extension. Planner Cattan read from LMC Section 15-1-10(G), “The Planning Director may grant an extension of a CUP for one additional year when the applicant is able to demonstrate that no changes in circumstances that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the property or surroundings”.

Planner Cattan clarified that the focus for discussion this evening was solely on the appeal and whether or not the Planning Director erred in his determination to extend the conditional use permit.

Planner Cattan noted that because there was an appeal, the applicant submitted for a building permit for compliance with their conditional use permit, which stated that they must obtain a building permit by July 1st in order to keep the CUP active. However, the building permit and phasing plan currently under review with the Building Department could not be discussed as part of this appeal. Planner Cattan stated that neighborhood meetings were held as a separate process.

The Staff had reviewed the appeal submitted by Lisa Wilson and recommended that the Planning Commission deny the appeal and uphold the Planning Director’s decision. The Staff found no changes in circumstance that would result in unmitigated impacts. The applicant provided the same set of plans that were approved on July 1, 2010. The applicant also had to demonstrate that the CUP extension would not result in a finding of non-compliance with the Park City General Plan and Land Management Code in effect at the time of extension request. Planner Cattan stated that in terms of the conditional use permit criteria, the criteria has not changed within the LMC and the Park City General Plan has not changed since the 2010 review and approval.

Planner Cattan corrected errors that were made in the Staff report. She explained that she had received public comment from Lisa Wilson pointing out the errors. Planner Cattan prepared a Staff report for Director Eddington’s review of the extension request, and the errors were mentioned in that Staff report. The first was that Finding of Fact #9 of the 2010 approval incorrectly identified Lot 2B rather than Lot 2D as the open space utilized by the Bellemont Subdivision. Planner Cattan pointed out that all prior references within the Staff analysis identified Lot 2D as the open space. Therefore, the typographical error did not affect the open space calculation. Planner Cattan clarified that the correct lot was identified in the August 13, 2008 Staff report. The error occurred in the February 5, 2009 Staff report. On July 8, 2009 the error was corrected within the analysis, however, it was not corrected in the finding of fact, which showed Lot 2B as the open space. Planner Cattan noted that from that point on the error was never corrected in Finding of Fact #9. However, in Finding of Fact #8 it was clear that within the Deer Valley MPD Lot 2D was allowed to be utilized towards Lot 2B, with a reference to the plat note. Planner Cattan stated that throughout the appeal process the analysis was correct. The Bellemont utilized a quarter acre of Lot 2D which was the designated open space. Planner Cattan clarified that in the extension approval Finding of Fact #9 was corrected.

Planner Cattan reported that the second typo occurred on May 26, 2009 and the discussion of the commercial area of the project. She noted that the correct maximum allowance under the Deer Valley master Plan is 14, 525 square feet of commercial. The May 26, 2009 Staff report incorrectly stated 14,552 square feet in Finding of Fact #3. Planner Cattan believed she had inverted the numbers when she wrote the Staff report and the error was carried throughout future Staff reports. When Lisa Wilson pointed out the error, it was corrected in the analysis of the Staff report for the extension review and Finding of Fact #3 was amended to state the correct number of 14,515 square feet.

Planner Cattan stated that there were many aspects within the appeal that the Staff believes was not within the purview of the Planning Director's extension review. In reading the appeal, the changes of circumstance were never identified. One comment that could apply was that the trees had grown, and for that reason an updated study could possibly be done. Planner Cattan remarked that she and Director Eddington did not believe the tree growth between 2008 to 2011 would be substantial enough to create or demonstrate a new circumstance that would result in an unmitigated impact.

Planner Cattan reiterated her request that the Planning Commission focus their discussion on the review and determination made by the Planning Director.

Chair Wintzer clarified that the Planning Commission should only discuss the appeal and not the process that previously occurred. He noted that the CUP was appealed twice and those issues should have been addressed at that time.

Matt Muir, an attorney representing the appellant Lisa Wilson, acknowledged that a significant amount of information in the appeal package was outside of the scope of discussion this evening. Mr. Muir stated that before they discuss whether there or not there was a change in circumstance that results in unmitigated impact, he felt it was important to first talk about whether the administrative extension of the permit was done legally in accordance with the requirements of the Land Management Code. On behalf of Ms. Wilson, he submitted that it was not done legally because the administrative extension was a modification of the permit and not just an extension. The Land Management Code itself in 15-1-10 says that, "The City must follow the procedures outlined therein in relation to conditional use permits". Section 15-1-10(C) provides that, "After notice, the Planning Commission shall hold a hearing regarding any approval, denial or modification of a conditional use permit". Mr. Muir stated that the Administrative Extension provision, 15-1-10(G) only allows the Planning Director to extend a permit, not to modify it.

Mr. Muir remarked that several modifications took place in the permit, however he would only focus on the change in the open space allocation relating to 2B and 2D. He noted that Finding of Fact #9 in the original CUP says, "A quarter acre of open space was allocated from 2B to 1A, the Bellemont subdivision. That was changed in the administrative extension to say that the quarter acre comes from 2D instead of from 2B.

This modification results in a decrease of the open space for the North Silver Lake 2B of a quarter acre. Mr. Muir remarked that it may not seem like much and it would not make a huge difference in calculating the percentage of open space, however, a quarter acre in Deer Valley is significant. Mr. Muir stated that in the same finding of fact, the quarter acre coming from 2B in order to support 2A was exhaustively reviewed and

considered in the City record at all levels and over the course of three plus years. It had existed in at least six Planning Commission meetings, three City Council meetings, various administrative review meetings, and in an appeal before the State Property Rights Ombudsman. It was always the same and has never been changed.

Mr. Muir suggested that it may not be a typo. He noted that this was a Deer Valley Master Planned Development, which is governed by the Deer Valley Master Plan. He noted that the Deer Valley Master Plan indicates in its own Exhibit 1, that 2D open space may only be used for Lot 2B, not Lot 2A. Therefore it would make sense that the open space to support 2A came from somewhere else, which he believed was 2B, as the City record exhaustively supports.

Mr. Muir stated that if the City modifies the conditional use permit it should be done correctly through a hearing before the Planning Commission and properly noticed to the public. He believed that was enough reason for overturning the administrative extension of the conditional use permit.

Mr. Muir stated that a second aspect is whether there are conditions that would result in unmitigated impacts or non-compliance with the Park City General Plan or LMC. His client was very concerned that the development appeared to lack any specific construction or phasing plan.

Planner Cattan informed the Planning Commission that construction and phasing related to the building permit and was not part of this appeal. Chair Wintzer would not allow Mr. Muir to proceed with his comments regarding construction. Mr. Muir asked if the Planning Commission would allow him to speak to any reasons why the permit does not comply with the requirements of the Land Management Code. Chair Wintzer clarified that any comments pertaining to the building permit were outside of this appeal and would not be heard.

Mr. Muir submitted that the administrative extension was illegally done and not in compliance with the requirements of the Land Management Code because it was modified rather than just extended. On behalf of the appellant, he objected to the Planning Commission's refusal to hear their additional arguments.

Assistant City Attorney McLean clarified that substantive facts cannot be modified but it is allowable to modify typos. If the Planning Commission agreed with the Staff analysis that the errors were typos based on the context and the history of the alteration, it would make sense to ratify the findings based on correcting a typo. Ms. McLean counseled the Planning Commission that correcting the typos as outlined would not result in a substantive modification.

Mr. Muir argued that three solid years of City record suggests that it was not a typo, and the plain language of the LMC does not allow the permit to be administratively modified.

Planner Cattan stated that when she did the calculation, the quarter acre was taken out of Lot 2D, open space. It was never taken out of the overall size of Lot 2B. She reiterated that even with the typo, the open space calculation never changed. It was only referred to incorrectly within Finding of Fact #9. Therefore, the statement that the open space calculation was incorrect was an incorrect statement because the quarter acre was taken out of Lot 2D for the Bellemont Subdivision. It was not taken out of both. If it were taken out of both, the open space would actually increase.

Mr. Muir expressed a request by Ms. Wilson to allow them to speak about the Deer Valley Master Plan as the controlling document and why that makes the permit invalid. Chair Wintzer emphasized that all comments should only relate to the appeal and not the past process.

Chair Wintzer opened the public hearing.

Richard Lichtenstein, representing the developer, believed the administrative review was clear and properly enunciated in the Staff report. Mr. Lichtenstein requested that the Planning Commission reject the appeal and confirm the Planning Director's extension. He stated that as part of the extension the developer is obligated to revegetate the property. The revegetation work was started and it would be completed in a timely manner before the end of June.

Lisa Wilson, the appellant, noted that Planner Cattan had mentioned the possibility of discussing the trees. She had walked the property down the Silver Dollar ski run and taking large steps, she took approximately 100 steps down the ski run of aspens. Mr. Wilson was certain that none of the aspens were included in the tree count. She had contacted the Building Department to ask how aspens were counted and she was told that perhaps the map should have shown a large area of aspens. Ms. Wilson believed the tree count was incorrect.

Chair Wintzer closed the public hearing.

Commissioner Pettit stated that the Planning Commission is very limited in the appeal process and they do not have the opportunity to revisit history. Given the history of the process with both the Planning Commission and the City Council, substantive issues that were raised in the appeal went far beyond the scope of the Planning Commission purview. However, she understood and sympathized with the efforts that Ms. Wilson and the neighbors went through to address their concerns related to the project. Commissioner Pettit advised that the next step to address the substantive issues outlined in the appeal package would be in another forum. For purposes of the discussion this evening, based on the Staff's explanation regarding the typos and excerpts from several Staff reports that support the fact that it was a typo and not a substantive change, Commissioner Pettit was inclined to uphold the Planning Director's determination on the CUP extension. There has been no change in circumstance that would result in unmitigated impacts and there has not been a change either in the General Plan or the Land Management Code that would render granting the extension of the CUP to be in non-compliance.

Commissioner Hontz commended the appellant on her efforts to prepare the appeal package. She regretted the fact that she was not on the Planning Commission when the North Silver Lake Project was discussed numerous times in the process. Commissioner Hontz concurred with Commissioner Pettit regarding the Planning Commission's limited scope of review. Due to that limitation and the strict focus in the appeal process, Commissioner Hontz felt the Planning Commission had no choice but to support the Staff and deny the appeal.

Commissioner Savage stated that his typical inclination is to support Staff recommendations whenever possible. He was not on the Planning Commission when this project was approved and he would not pretend to understand the details. However, he was counseled that his vote was

necessary and abstaining was not an option. Without that option, Commissioner Savage concurred with his fellow Commissioners.

Chair Wintzer stated that he has lived in Park City 40 years and neighborhoods are the most important thing in Park City. He completely understood Ms. Wilson's point because he has seen his own neighborhood change. However, based on the scope of the appeal process, he concurred with upholding the Staff decision to extend the CUP.

MOTION: Commissioner Pettit moved to DENY the Appeal and support the Planning Director's decision to approve the extension of the conditional use permit in compliance with the Findings of Fact, Conclusions of Law and Conditions of Approval attached to the Staff report. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – North Silver Lake Subdivision – Lot 2B Appeal

1. The subject property is at 1701 North Silver Lake Drive. This property is also known as lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5102 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The north Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.

8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating, "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont Subdivision was allowed to also utilize Lot 2D towards the 60% open space requirement. The Bellemont Subdivision utilized $\frac{1}{4}$ acre of the Lot 2D parcel to comply with the open space requirement.
10. The current application site plan contains 70.6% of open space on the site including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development Zoning District (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit, with the one allowance of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with Section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.
15. The Planning Commission held public hearings on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009 and July 8, 2009.
16. The Planning Commission approved the CUP on July 8, 2009.
17. An appeal of the CUP approval was received July 17, 2009 within ten days per LMC 15-1-18.
18. The City Council reviewed the appeal of North Silver Lake Lot 2B on October 15, 2009 and on November 12, 2009.
19. On November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
20. The Planning Commission reviewed the North Silver Lake Conditional Use Permit remand on November 11, 2009 and January 13, 2010 and two Planning Commission

regular agenda meetings on March 10, 2010 and April 28, 2010. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.

21. The Conditional Use Permit was appealed by two separate parties within ten days of the Planning Commission approval.
22. The design for Building 3 decreased the overall square footage of the Building 3 twenty-five percent (24%), reoriented the building on the site, and divided the original single building into two interconnected buildings of smaller scale and size than the original single building.
23. The landscape plan was modified to comply with the Wild Land Interface regulations.
24. Construction phasing and additional bonding beyond a public improvement guarantee has been required.
25. On July 1, 2010, the City Council approved the North Silver Lake Lot 2B Conditional Use Permit. The approval is scheduled to expire on July 1, 2011 if no building permits are issued within the development.
26. On March 17, 2011, the Planning Department received a complete application for an extension of the Conditional Use Permit. No permits for development have been issued or applied for at time of application. The extension request was submitted prior to the expiration of Conditional Use Permit.
27. The Conditional Use Permit Criteria within LMC Section 15-1-10 has not changed since the 2010 City Council Approval.
28. The Conditional Use Permit application for North Silver Lake Lot 2B has not changed since the July 1, 2010 City Council Approval. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
29. Within the July 1, 2010 approval, Condition of Approval #18 states, "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released." This requirement has not been completed at the time of extension submittal. The approved extension will be void if this condition is not met prior to July 1, 2011.
30. The building department collected a bond to ensure that the existing impacts of the site will be repaired at the time of CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18') new trees that vary in height from 10 to 12 feet and installing an irrigation system for the establishment of

the grass and ongoing watering of the new trees. This work must be completed by July 1, 2011 to comply with the July 1, 2010 City Council conditions of approval.

31. The Planning Director granted a one year extension to the Conditional Use Permit on April 28, 2011 to July 1, 2012.
32. An appeal of the Planning Director's approval was submitted on May 9, 2011.

Conclusions of Law – North Silver Lake Subdivision – Lot 2B Appeal

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The use is compatible with surrounding structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. No change in circumstance is proposed within the extension that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code.

Conditions of Approval – North Silver Lake Subdivision – Lot 2B Appeal

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. This plan must address mitigation for construction impacts of noise, vibration and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. 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.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.

6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the urban wild land interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire July 2, 2012, 12 months from July 1, 2011, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.
15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space, and commercial space as shown in the plans reviewed by the City Council on June 24, 2010.
16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
17. A phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil c aping for any new disturbance and previous disturbance of the site, and clean-

up of all staging areas. Prior to building department action on approving each phase of the phasing plan, the developer and building department shall conduct a neighborhood meeting, with minimum courtesy mailed notice to both appellants, each appellant's distribution list as provided to planning staff, and the HOAs registered with the City within the 300 foot notice area.

18. The approved extension will be void if Condition of Approval #18 from the July 2, 2010 City Council approval is not completed by July 2, 2011. The condition states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the exiting impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released."
19. No lockout units are permitted within this approval.
20. The conditions of approval of the original July 1, 2010 Conditional Use Permit approval continue to apply.

Order

1. The appeal is denied in whole. The Conditional Use Permit extension is approved with the amended Finding of Fact, Conclusions of Law and Conditions of Approval as stated above.

The Park City Planning Commission meeting adjourned at 7:45 p.m.

Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Report



Application #: PL-11-01236
Subject: 929 Park Avenue plat amendment
Author: Kirsten Whetstone, MS, AICP
Date: June 8, 2011 (revised for June 22, 2011)
Type of Item: Administrative – Plat Amendment

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council regarding the plat amendment for 929 Park Avenue based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Jonathan DeGray for Grandview Holdings
Location: 929 Park Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential single family, duplexes, and Park Station Condominiums
Reason for Review: Plat amendments require Planning Commission review and City Council action

Summary of Proposal

This is a request to combine two (2) Old Town lots and 2 adjacent remnant parcels into one (1) lot of record for an existing historic structure located at 929 Park Avenue. The existing historic house was constructed across the common property line.

Purpose

The purpose of the Historic Residential (HR-I) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On April 4, 2011, the City received a complete application for the 929 Park Avenue plat amendment (Exhibit A). The property is located in the Historic Residential (HR-1) District across from the Park Station condominiums. Surrounding structures also include historic and contemporary single family and duplex homes in a wide range of size, height, setbacks, and mass (Exhibit B). The proposed plat amendment combines Lots 7 and 8 and the eastern 25' of Lots 25 and 26, Block 3 of the Park City Survey into one (1) 5,000 sf lot of record for an existing historic house. The proposed lot would be 50' wide and 100' deep.

The adjacent remnant parcels are the result of a 1998 lot line combination of Lots 25 and 26 at 944 Woodside, known as the Helm Replat. The Helm Replat did not include the rear 25' of Lots 25 and 26 as they were owned by the 929 Park Avenue property owner at that time (Exhibit C). The allowable footprint of the 2,500 sf Helm Replat lot is 1086.56 sf, a 433 sf reduction in building footprint from the 1,519 sf allowed by the LMC for 2 Old Town lots. The allowable footprint of 1,888 sf for the 929 Park Avenue plat amendment is a 389 sf increase in building footprint from the 1,519 sf allowed for 2 lots. There is a net decrease of 44 sf in allowable building footprint as a result of the two plat amendments when using the building footprint formula of LMC Section 15-2.2-3 (D).

The historic house at 929 Park Avenue was constructed circa 1889 across the existing common property line. The existing single family, one story house is 39' wide and 40' deep. It is situated within one foot of the north property line and approximately 9.5' from the south property line. There are no encroachments on the property. There is a non historic 96 sf accessory tool shed on the property that will remain on the property (Exhibit D).

The existing house is vacant and was deemed un-safe and a nuisance by the Chief Building Official in 2007 and again in 2009. Following approval of a preservation plan on October 16, 2009, the property was "mothballed" in September of 2010. Pending rehabilitation and restoration of the house to meet building codes for a safe, habitable structure, the City and owner signed and recorded a maintenance agreement (Exhibit E) on September 20, 2010. This agreement states that the property shall be maintained in a secure and stabilized manner and shall be made habitable within 6 years or the City would invoke the previous order to abate the nuisance.

The structure is currently listed as a Significant historic site on Park City's Historic Site Inventory. The house is not a Landmark site due to additions and alterations made between 1949 and 1968 which diminish the site's historic character. The house is not currently eligible for listing on the National Register of Historic Places.

The current owner would like to restore the house and construct an addition to the rear per the approved preservation plan and agreement. A pre-HDDR application was submitted a pre-HDDR application. A reconstruction/panelization is not contemplated at this time. This plat amendment is necessary in order to receive a building permit for any construction due to the common lot line.

On June 6, 2011, the Planning Commission conducted a public hearing on this plat amendment. There was no public input. The Planning Commission discussed the plat

amendment and requested a condition of approval be added to not allow the house to be moved from the existing location. The Commission discussed a reduction in the allowable footprint. The applicant requested a continuation of the item to allow time to get input from the property owner.

Planning staff has reviewed the compatibility analysis and determined that it is appropriate to include the property located at 841 Park Avenue in one of the building footprint average comparisons. This is a residential condominium property located within the 300' linear distance used in the analysis that has a presence on the east-side Park Avenue streetscape. Including this property yields an average footprint of 1,625 sf.

Staff also included additional factual information about the property that further substantiates staff's finding that there is not a basis in the record for imposing additional building footprint limitations on this property from the reductions already required by the LMC footprint formula. This is due to the location of the property, physical properties of the lot, location of the historic house, and limitations on the location of additions to historic houses with the current Historic District Design Guidelines.

Analysis

The proposed plat amendment creates one (1) lot of record from two (2) Old Town lots plus two (2) remnant lots (625 sf each) within the HR-1 District. The applicant wishes to eliminate the lot line under the historic structure. Because the site is designated as a Significant site within the Historic Site Inventory (HSI) and because there are requirements to restore the historic house according to the approved Historic Preservation plan, any addition to the structure will be located in the rear and will not be allowed to be constructed over the existing historic portion of the house. The existing building footprint is 962 sf. The applicants do not propose to move the house.

Additions to the house are limited by the location of the historic structure on the lot and the increased setback requirements due to the lot dimensions. Two (2) single family dwellings could not be built on the two (2) lots as the historic structure takes up the width of the property. Due to the location of the existing house and the increased front and rear setbacks due to the proposed lot depth, any addition would be located behind the existing structure with a minimum 12' rear setback. Staff has reviewed the proposed plat amendment application and finds compliance with the following Land Management Code (LMC) requirements for lot size and width:

| | LMC requirement | Proposed |
|-------------------|-----------------|---------------|
| Minimum lot size | 1,875 sq. ft. | 5,000 sq. ft. |
| Minimum lot width | 25 ft. | 50 ft. |

The square footage of the structure is currently 962 square feet (which is also roughly the building footprint) with a 120 sf front porch. A native stone and partial concrete foundation exists. The proposed lot meets the lot and site requirements of the HR-1 District; however the structure does not meet the required 5' side yard setback on the north property line.

The existing house is approximately 40' wide on the 50' of lot width. The lot is relatively flat with 5' rise in grade from front property line to rear setback line. There is a 3' rise in the area where an addition could be placed. In compliance with the Historic District Design Guidelines, any addition to the historic structure is required to be located behind and off-set from the structure. Compliant additions may not be constructed over the historic roofline. The 27' height limit is measured from existing grade and the grade is relatively flat.

Any addition would be required to meet all lot and site requirements. The owner's do not propose to move the structure. Other than the north setback, there are no other non-complying situations or encroachments identified on the existing conditions survey. The following lot and site development parameters are outlined below:

| | Existing | Permitted |
|---------------------|---|---------------------------------------|
| Height | 22' +/- | 27 feet maximum |
| Front setback | 16' | 12 feet minimum |
| Rear setback | 43.5' | 12 feet minimum |
| Front/Rear combined | 59.5' | 25 feet minimum |
| Side setbacks | 9.5' south/1' north (existing legal non-complying) | 5 feet minimum |
| Footprint | 962 sf | 1,888 sf maximum |
| Parking | none | None required for historic structures |

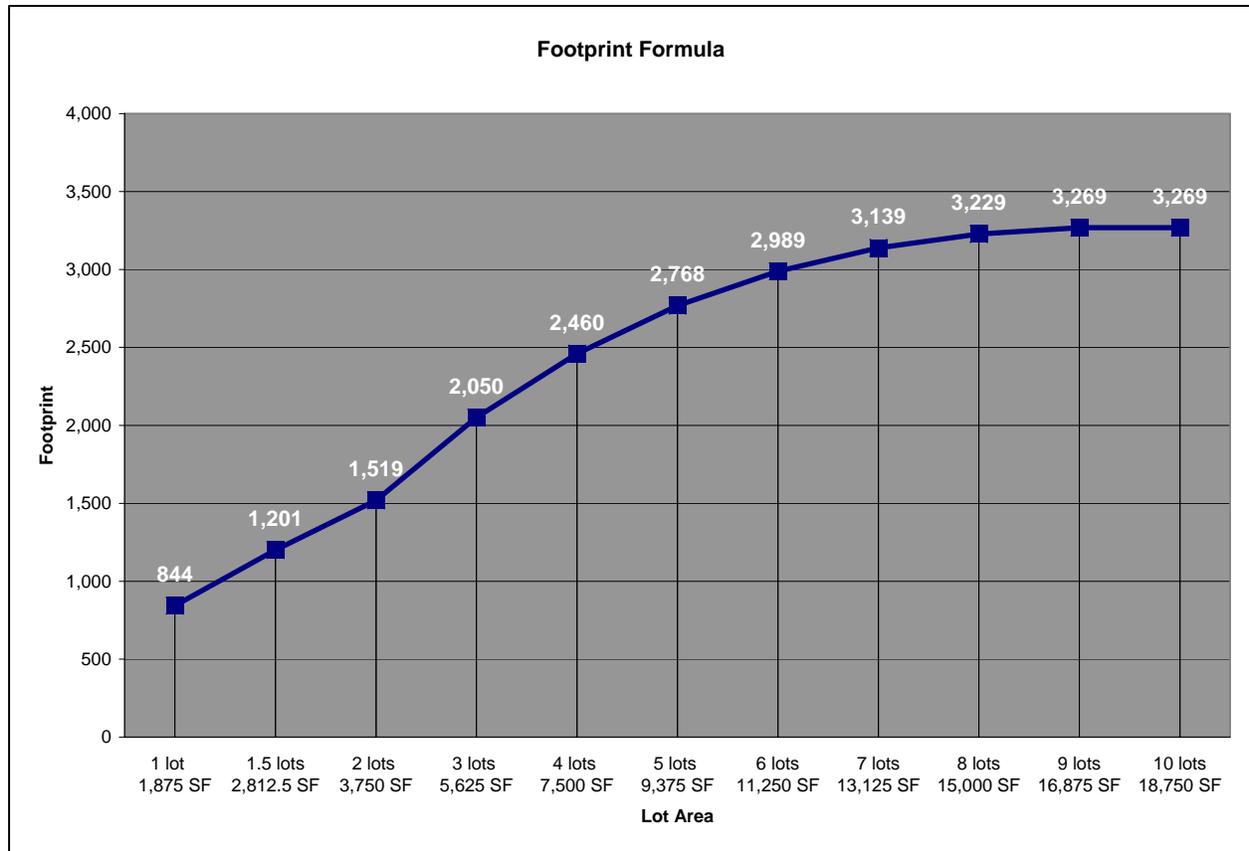
Building footprint is calculated per the formula stated in LMC Section 15-2.2-3 (D). The formula exponentially decreases the amount that the footprint may increase as the lot size increases. Standard Old Town lots (1,875 sf) are allowed a footprint of 844 sf. This formula applies to all properties in the HR-1 zone equally.

Hypothetically, without this exponentially decreasing footprint formula (see graph below), and if each 1,875 square foot of lot area were allowed 844 sf (or fraction thereof), the 2.67 lots would result in a footprint of 2,251 sf. However, applying the required LMC footprint formula to this lot combination, the allowable footprint of these 2.67 lots is reduced to 1,888 sf.

Staff prepared a neighborhood compatibility analysis to compare lot, house size floor area, and maximum allowable footprint within three hundred feet (300') along Park Avenue (See Exhibit F). The study was made possible through the information available from Summit County public records retrieved in May 2011 from the EagleWeb on-line system. The maximum footprint of each site was calculated using the acreage of each lot and the adopted LMC footprint formula:

$$\text{Maximum Footprint} = (\text{area}/2) \times 0.9^{(\text{area}/1875)}$$

To better illustrate the building footprint Staff prepared the following graph below showing the parameters of the footprint formula:



The proposed plat amendment lot area yields a lot size of 5,000 sf and a maximum footprint of 1,888 sf per the formula above. According to the neighborhood compatibility analysis (Exhibit F) the average lot size (excluding condos and commercial property) is 4,278 sf. The average maximum footprint for lots in the area is 1,521 sf (excluding condos and commercial lots which are significantly larger buildings with larger footprints). **The average maximum footprint is 1,625 sf if the 841 Park Avenue condominium property is included.** According to the compatibility analysis the average square footage of the structures within 300' is 2,079 sf (excluding condominiums and commercial structures).

Except for when found necessary to mitigate adverse impacts during original subdivision or the plat amendment process, the LMC currently does not limit the square footage of a structure. However; the LMC does limit minimum setback, maximum footprint, maximum height, and maximum number of stories within the HR-1 District. Given the existing location of the historic structure and the new setbacks established

with the proposed plat amendment application Staff finds that the lot combination would not result in a significantly larger house than exist in this neighborhood and that the streetscape will not be impacted by an addition to the rear of the structure. The proposed lot size is consistent with the pattern of development in this neighborhood. Therefore, staff does not find a basis in the record for imposing additional size limitations in this plat amendment.

All historic structures within the historic districts have to comply with the Historic District Design Guidelines (adopted 2009). There are specific guidelines dealing with additions to historic structures and relocation and/or reorientation of intact buildings. In this case, where the historic structure covers the front of the lot, the available area for an addition is behind the historic structure. Therefore, impacts on the existing streetscape, due to this plat amendment are minimized because the addition must be located to the rear and not over the top of the historic house.

Staff finds good cause for this plat amendment in order to remove the non-complying lot line that exists through the Significant historic structure and to allow a future building permit to be issued to restore and construct an addition to this threatened historic structure.

Process

Approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code Section 15-1-18.

If an addition is contemplated in the future, the applicant will have to submit a Historic District Design Review (HDDR) application to the Planning Department, which is reviewed administratively by the Planning Staff. An initial pre-Historic District Design Review is conducted by the Design Review Team, consisting of members of the Planning and Building Departments, the applicant, and the City's Historic Preservation Specialist. This pre-HDDR review is conducted prior to the applicant filing for a full HDDR. Historic Design Review applications require two separate noticing periods; the first immediately after submittal of the full HDDR application, and the second after a staff approval.

A Steep Slope Conditional Use Permit application is not required for this property because the lot does not have a slope of 30% or more.

A building permit application, reviewed by Building, Planning, and Engineering is required prior to beginning any construction related work. A preservation guarantee will be required prior to issuance of any building permit.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

No public input had been received at the time this report was written. Any public input received between now and the public hearing will be forwarded to the Planning Commission.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council to approve the 929 Park Avenue plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council to deny the 929 Park Avenue plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion to a date certain and request additional information from the Staff or Applicant as deemed necessary to complete review of the application.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

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

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to approve the 929 Park Avenue plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Draft Ordinance

Exhibit A- Proposed Plat

Exhibit B- Aerial photo

Exhibit C- Existing county plat of the area

Exhibit D- Existing conditions survey

Exhibit E- Agreement to stabilize and secure

Exhibit F- Compatibility Analysis

Exhibit G- photos of neighborhood

DRAFT
Ordinance No. 11-

**AN ORDINANCE APPROVING THE 929 PARK AVENUE PLAT AMENDMENT
LOCATED AT 929 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 929 Park Avenue has petitioned the City Council for approval of the plat amendment combining Lots 7 and 8 and the eastern 25' of Lots 25 and 26, Block 3 of the Park City Survey into one lot of record; and

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

WHEREAS, proper legal notice was sent to property owners within 300 feet; and

WHEREAS, the Planning Commission held a public hearing on June 8, 2011, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 22, 2011, forwarded a recommendation to the City Council; and,

WHEREAS, on July 21, 2011, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause for and it is in the best interest of Park City, Utah to approve the 929 Park Avenue Plat Amendment in order to remove the non-complying lot line that exists through the Significant historic structure, to create a single lot of record for the structure, and to allow a building permit to be issued for an addition to and restoration of this threatened historic structure.

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

SECTION 1. APPROVAL. The 929 Park Avenue plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 929 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 5,000 square feet in area.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is fifty feet (50').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing footprint of the structure is 962 square feet.
8. The maximum footprint for a lot this size is 1,888 square feet.

9. The proposed plat amendment combines Lots 7 and 8 and the eastern 25' of Lots 25 and 26, Block 3 of the Park City Survey into one 5,000 sf lot of record for an existing Significant historic house. The proposed lot is 50' wide and 100' deep.
10. The remnant parcels of Lots 25 and 26 are the result of a 1998 lot line combination of Lots 25 and 26 at 944 Woodside, known as the Helm Replat. The Helm Replat did not include these remnants as they were owned by the 929 Park Avenue property owner at that time. The allowable footprint of the 2,500 sf Helm Replat lot is 1086.56 sf, a 433 sf reduction in building footprint from the 1,519 sf allowed by the LMC for 2 Old Town lots. The allowable footprint of 1,888 sf for the 929 Park Avenue plat amendment is a 389 sf increase in building footprint from the 1,519 sf allowed for 2 lots. There is a net decrease of 44 sf in allowable building footprint as a result of the two plat amendments.
11. The existing one story historic house at 929 Park Avenue was constructed circa 1889 across the property line between Lots 7 and 8. The existing house is 39' wide and 40' deep.
12. There are no encroachments on this property. The structure does not encroach onto adjacent property.
13. The property is listed as a significant site on the Park City Historic Sites Inventory.
14. There is a 96 sf non-historic accessory shed on the property that will remain on the property. This shed is listed as an improvement to the property.
15. The existing structure complies with the lot and site requirements, with the exception of an existing non-conforming 1 foot setback on the north side yard.
16. The current use of the property is a single family dwelling.
17. The existing house is vacant. In 2009 the house was deemed un-safe and a nuisance by the Chief Building Official. Following approval of a preservation plan on October 16, 2009, the property was "mothballed" in September of 2010.
18. Pending rehabilitation and restoration of the house to meet building codes for a safe, habitable structure, the City and owner signed and recorded a maintenance agreement on September 20, 2010.
19. No remnant parcels of land are created with this plat amendment.
20. The proposed plat amendment yields a lot size of 5,000 sf and this lot area yields a maximum footprint of 1,888 square feet per the LMC footprint formula. According to the compatibility analysis the average lot size (excluding condos and commercial property) within 300' on Park Avenue is 4,277 sf. The average maximum footprint for lots in this area is 1,521 sf (excluding all condos and commercial lots which are significantly larger buildings with larger footprints). The average maximum footprint for lots in this area is 1,625 sf (excluding the Park Station Condominiums and the Commercial lots, but including the condominiums at 841 Park Avenue).
21. According to the compatibility study the average square footage of the structures within 300' is 2,079 sf (excluding condominiums and commercial structures).
22. The proposed lot size is consistent with the pattern of development in this neighborhood and the building footprint that results from application of the Building Footprint formula in LMC Section 15-2.2-3 (D) is compatible with the average footprints in the neighborhood that include a mix of historic and contemporary single family homes, duplexes, and condominiums.

23. Any requested additions are required to comply with the adopted Park City Design Guidelines for Historic Districts and Sites and all additional applicable LMC criteria pertaining to additions to historic Significant structures.
24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
25. The existing house is approximately 39' wide on the 50' of lot width. The lot is relatively flat with 5' rise in grade from front property line to rear setback line. There is a 3' rise in the area where an addition could be placed. In compliance with the Historic District Design Guidelines, any addition to the historic structure is required to be located behind and off-set from the structure. Compliant additions may not be constructed on top of the historic roofline. The 27' height limit is measured from existing grade and the grade is relatively flat. Therefore, impacts on the existing streetscape, due to this plat amendment, are minimized because the addition must be located to the rear and not over the top of the historic house.

Conclusions of Law:

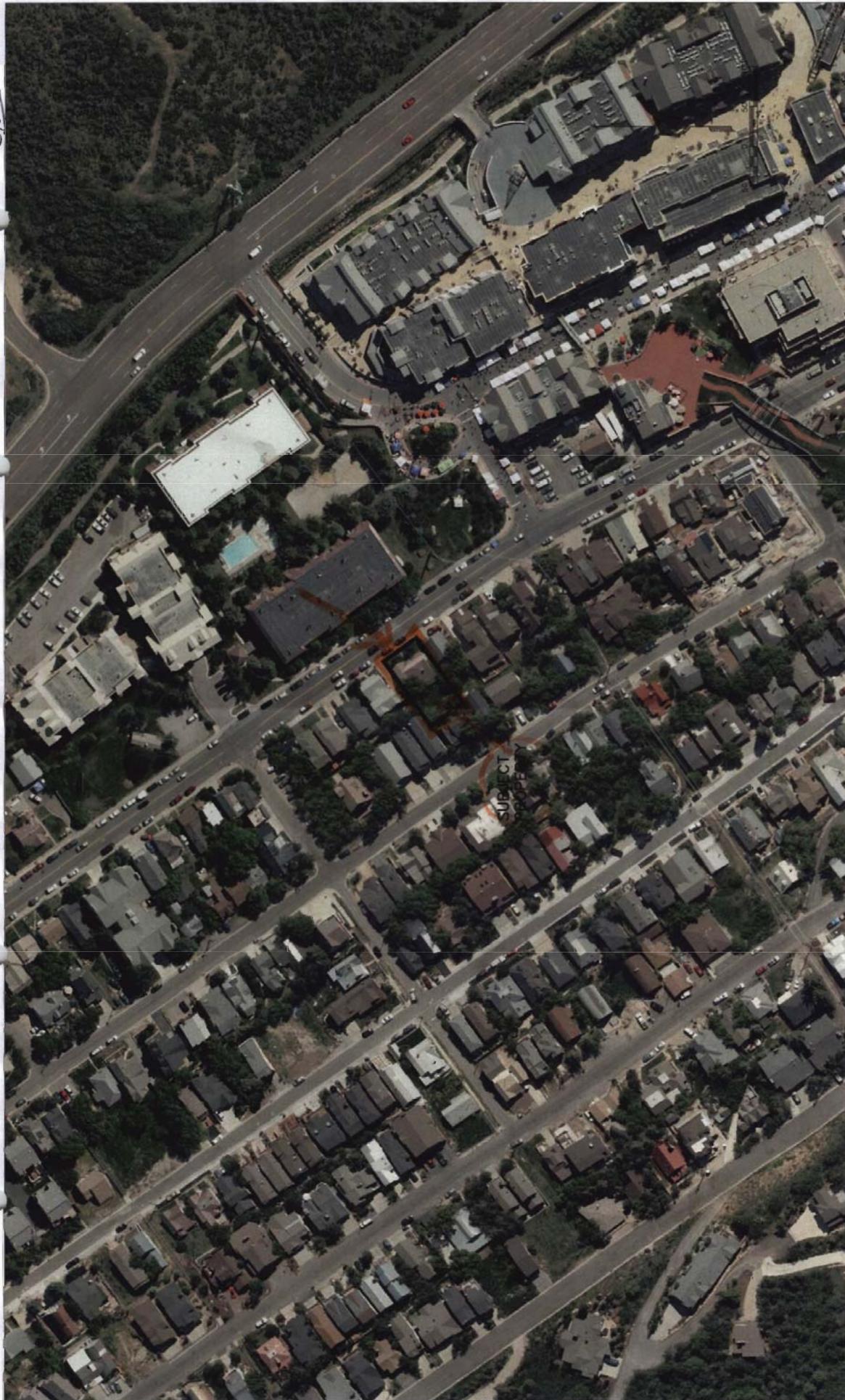
1. There is good cause for this plat amendment in that the combined lot will remove the lot line going through the historic structure.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Park Avenue.
4. Include a note on the plat that modified 13-D sprinklers are required.
5. Upon final restoration, the house shall be returned to the existing location.

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

EX B

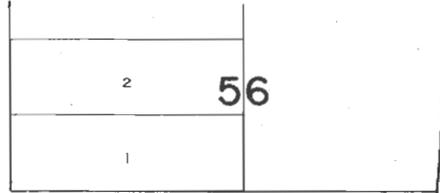
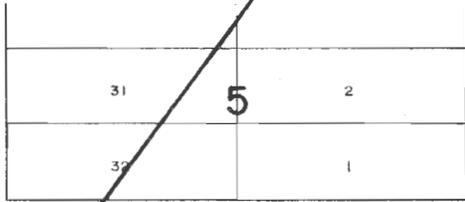


| | | |
|--|------------------------|--|
| | STAFF: MERRILL KING | SHEET 1 of 1 |
| | DATE: 3/22/11 | AERIAL PHOTOGRAPH 929 PARK AVENUE BLOCK 3, SNYDER'S ADDITION FOR: JAMES & MARY ELLEN ROBERTSON JOB NO.: 4-3-11 FILE: S:\SnyderAddition\img\Aerial\0229park_ave_wfhm.dwg |

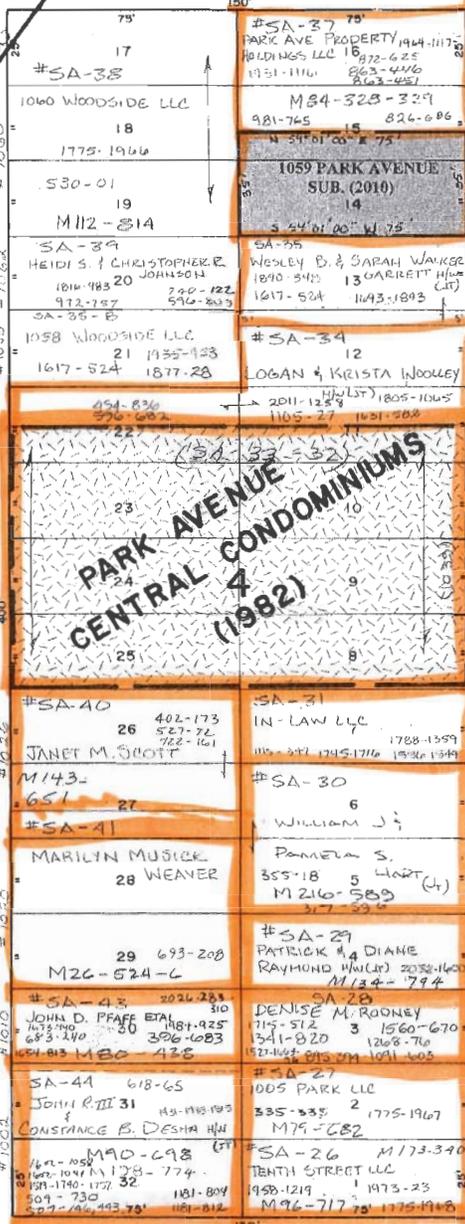
3 BLOCKS 4, 9, 55, SECTION 16, T2S R4E, S.L.B. 8 M.



NOTE: # REFERS TO STREET ADDRESS



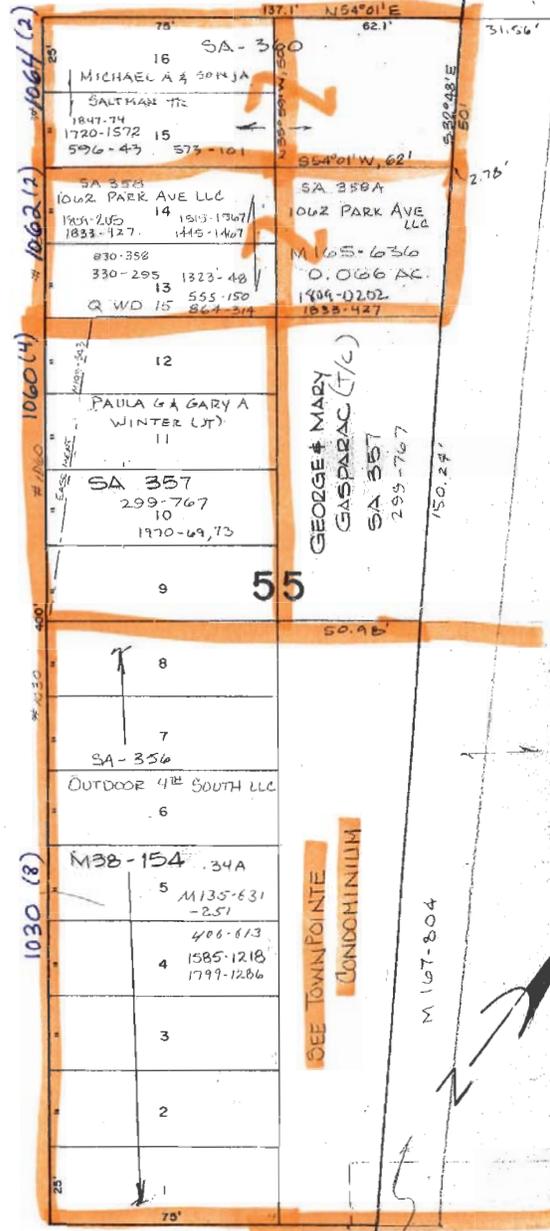
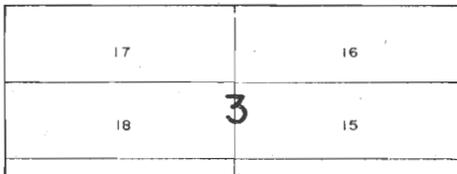
CRESCENT STREET (N 54°01' E)



WOODSIDE AVENUE (N 35°59' W)

PARK AVENUE (N 35°59' W)

HALLADAY STREET (N 54°01' E)



NOTE: SEE NE 1/4 SEC 16, T 2 S, R 4 E.

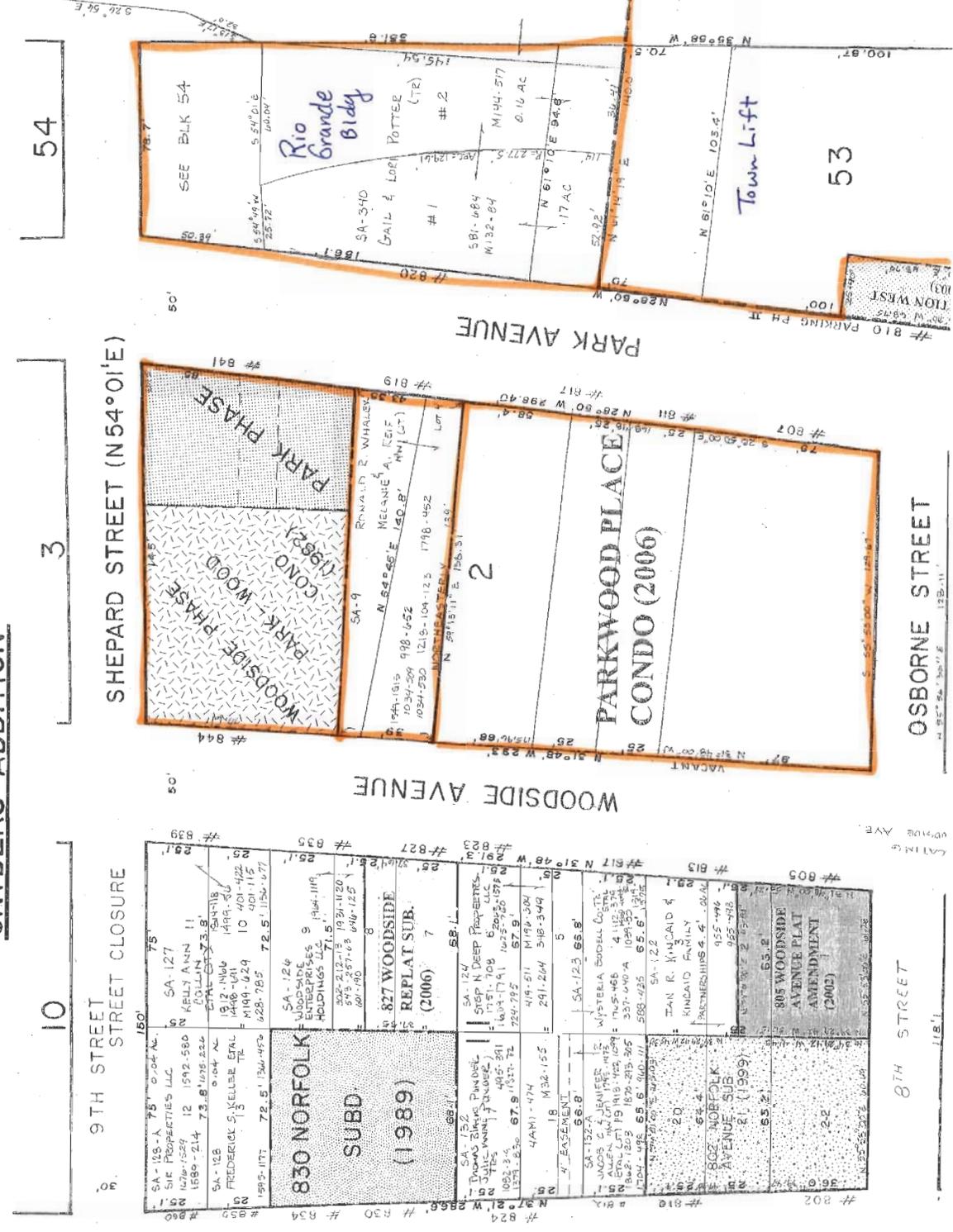
NOTE: SEE M171-453 FOR A PARKING EASEMENT

SUMMIT COUNTY, UTAH

SUMMIT COUNTY UTAH

**PARK CITY - BLOCKS 1, 2, 11, 12, 53, SECTION 16, T2S R4E, S.L.B.&M.
 SNYDERS ADDITION**

NOTE: # REFERS TO STREET ADDRESS



SEE SW 1/4 NE 1/4 SEC. 16, T2S, R4E

EX D

SURVEYOR'S CERTIFICATE

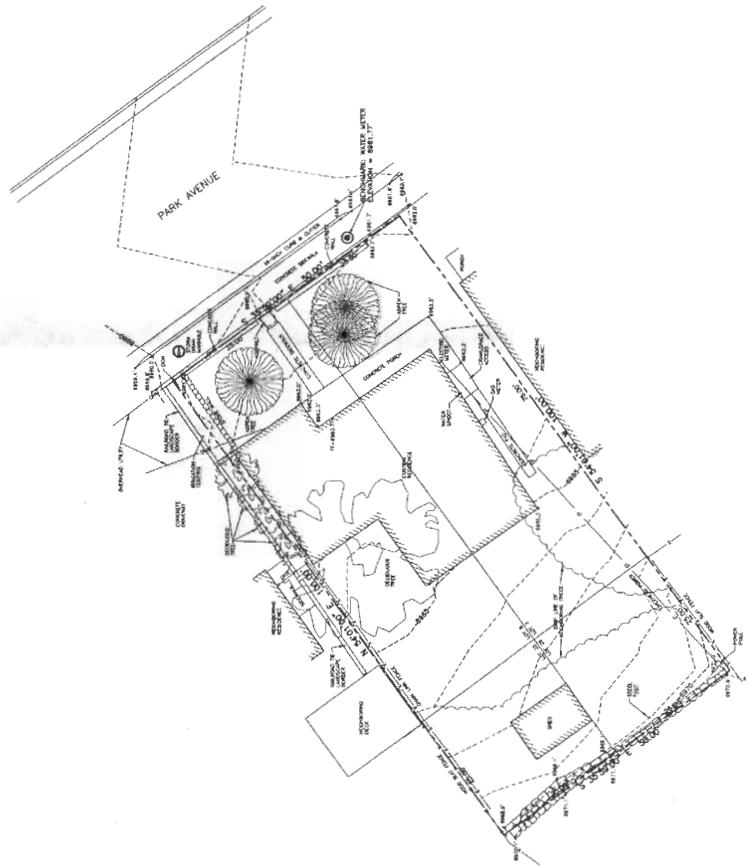
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that this plat, certificate, no. 4523739, as prescribed by the laws of the State of Maryland, is a true and correct representation of the field work made under my supervision and that the field work was completed and is in compliance with generally accepted industry standards for accuracy.



11-10-09

NOTES

1. See Beaconsfield Meter meter
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on November 4, 2009.
4. Property corners were not set.



RECEIVED
 APR 04 2011
 PARK CITY
 PLANNING DEPT.

| | | | |
|--|---|---|-------------------------------------|
|  <small>(410) 667-4447 CONSULTING ENGINEERS LAND SURVEYORS PLANNERS 222 East Street, 2nd Floor, Park City, Utah 84302-2224</small> | STAFF: BILL SULLIVAN MARTY MORRISON | EXISTING CONDITIONS AND TOPOGRAPHIC MAP 929 PARK AVENUE BLOCK 3, SNYDER'S ADDITION FOR: BILL SULLIVAN JOB NO.: 1-11-09 FILE: K:\SnyderAddition\dwg\mva\topo2009\011008.dwg | SHEET 1 OF 1 |
| | DATE: 11/10/09 | | |

EX E.

When recorded return to:
Park City Municipal Corporation - City Recorder
P O Box 1480, Park City, Utah 84060
Fee Exempt per Utah Code
Annotated 11-13-102

AGREEMENT TO STABILIZE AND SECURE 929 PARK AVENUE

PROJECT NAME: 929 Park Avenue
OWNER'S NAME: Sullivan, William R (JT), Sullivan, Shelia A (JT) et al.
OWNER'S ADDRESS: 175 Verde Drive, Santa Cruz, CA 95060 Phone number 831-429-1043 or Bill Sullivan at verdedrive@msn.com

This Agreement is made by and between Sullivan, William R (JT), Sullivan, Sheila A (JT) et al. ("Owner") and Park City Municipal Corporation ("City") (collectively the "Parties"). Owner has proposed stabilizing and securing a historic structure which currently has been deemed dangerous. Owner's project has a street address or legal description of 929 Park Avenue, Park City, Utah (also known as Parcel SA-14, all of Lots 7 and 8 and the easterly 25 feet of Lots 25 and 26, Block 3, Snyder's Addition to the Park City Survey). Owner shall mean current owner, successors, or assigns.

Owner has requested that the City grant the necessary permit, or permits, required by the Municipal Code and the Land Management Code ("LMC") for the stabilization and security of the building to remediate the dangerous conditions. All construction shall be completed according to the approved plans on which the stabilization building permits are issued.

NOW THEREFORE, in consideration of the mutual promises, terms, and conditions hereof, City and Owner agree as follows:

1. Owner covenants and warrants performing all construction, development, mothballing and/or other permitted activity affecting the historic structure in accordance with the approved stabilization and security (mothballing) plans upon which the stabilization building permit may be issued. Owner, for itself and for its successors and assigns, grants to the Chief Building Official, or his designee, the right of entry on the stabilization project for the purposes of inspecting the stabilization project and assessing compliance with the approved stabilization and security plans.
2. Owner will apply for a building permit to secure the building against entry, vandalism or community disruption and will stabilize the building from hazards due to structural failure on or before September 20, 2010 and the work shall be initiated as soon as the contractor can schedule the work. All efforts will be made to complete the work not later than November 1, 2010. The building shall be secured and stabilized in a manner that is visually appealing when viewed from the public right-of-way and from the neighbors' vantage points.
3. The City may at any time inspect the condition of the building. If the building is not sufficiently secured or stabilized, the City will issue a written notice to come into compliance. The Owner will initiate the necessary action within seven (7) days of receipt of written notice to bring the building into compliance.

ENTRY NO. 00906959

09/20/2010 11:44:42 AM B: 2048 P: 0532

Agreement PAGE 1/5
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE 0.00 BY PARK CITY MUNICIPAL CORP



4. On or before submittal of the building permit application and no later than September 20, 2010, Owner will submit a building maintenance and monitoring plan to the City's reasonable satisfaction. That plan will include a plan for regular inspection of the site for sign of human intrusion or natural deterioration. The Owner will maintain and monitor the building as detailed in the stabilization plans or as detailed in subsequent plans submitted by any future owner and as agreed to by the City.
5. Owner shall improve the Property to make it habitable by submitting a building permit application to make such improvements within six (6) years of the execution of this Agreement and pursuant to the approved Historic Preservation Package as revised on July 26, 2010. The Preservation Package, dated October 16, 2009, submitted to the City on behalf of the Owner by The Elliott Workgroup, 364 Main Street, Park City, Utah, is approved and the approval runs with the property.
6. The Owner agrees to maintain the landscape/yard in a manner that is consistent with applicable Park City Municipal Corporation codes.
7. It is the intent of the Parties that the Owner will have the obligation to ensure that the building stabilization and security project be completed according to the approved building stabilization plans submitted on behalf of the Owner by the Elliott Workgroup. The Owner accepts responsibility for the actions or omissions of any contractors, sub-contractors, or other individuals under their employ or supervision working on the building stabilization project which result in a declaration of default or non-compliance.
8. The building is not habitable. Until the Building Department issues a Certificate of Occupancy (or Temporary Certificate of Occupancy) the building shall not be inhabited.
9. Owner agrees to make the conditions of this Agreement applicable to its successors and assigns.
10. Owner will record this Agreement with the Summit County Recorder within ten (10) business days after executing this Agreement and provide a recorded copy to the City.
11. The Parties understand that none of the terms herein abrogate or affect the City's right to pursue criminal sanctions for any violation or violations of City ordinances.
12. This Agreement to Stabilize and Secure the Property known as 929 Park Avenue, Park City, Utah, together with all documents incorporated herein by reference, constitutes the entire and only agreement between the Parties and cannot be altered except by written instrument signed by both Parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed this
13th day of September, 2010.

OWNER

Sign: William R. Sullivan
Print Name: William R. Sullivan
Title: OWNER

Mailing Address:

175 VERDE DRIVE
SANTA CRUZ, CA 95060

ACKNOWLEDGMENT

CALIFORNIA
STATE OF ~~UTAH~~)
Private Seal) ss.
COUNTY OF SUMMIT)

On this 13th day of September, 2010, before me, Michael Jones,
the undersigned notary public, personally appeared William R. Sullivan,
personally known to me / proved to me on the basis of satisfactory evidence to be the person
whose name is subscribed to the within instrument, and acknowledged that he or she executed
the same.

SEE ATTACHED
CALIFORNIA ACKNOWLEDGMENT _____
Notary Public

PARK CITY MUNICIPAL CORPORATION

Sign: K.A. Whetstone
Print Name: Kirsten A. Whetstone
Title: Sr. Planner

See attached acknowledgement

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Cruz

On 09-13-2010 before me,

before me,

Michael Burns, Notary Public
Here Insert Name and Title of the Officer

personally appeared

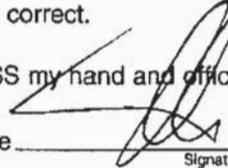
William R. Succivan
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature



Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Agreement to Sell 929 Park Ave

Document Date:

09-13-2010

Number of Pages:

3

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing:

Signer's Name:

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing:

ACKNOWLEDGMENT

State of Utah
County of Summit

On this 14 day of Sept, 2010, Kirsten Whetstone personally appeared before me,
 who is personally known to me,
_____ whose identity I verified on the basis of _____,
_____ whose identity I verified on the oath/affirmation of _____,
a credible witness,
to be the signer of the foregoing document, and he/she acknowledged that he/she signed it.



Sharon C Bauman
Notary Public

My Commission Expires: _____

Attribution Clause: This Certificate is prepared for, and exclusively belongs to, the accompanying document entitled
Agreement to Stabilize and Secure 929 Park Ave Apt 906959 Page 5 of 5 Summit County 1010
which consists of _____ pages and is dated Sept 10
If this Certificate is appropriated to any document other than the one described herein, it shall be deemed null and void.

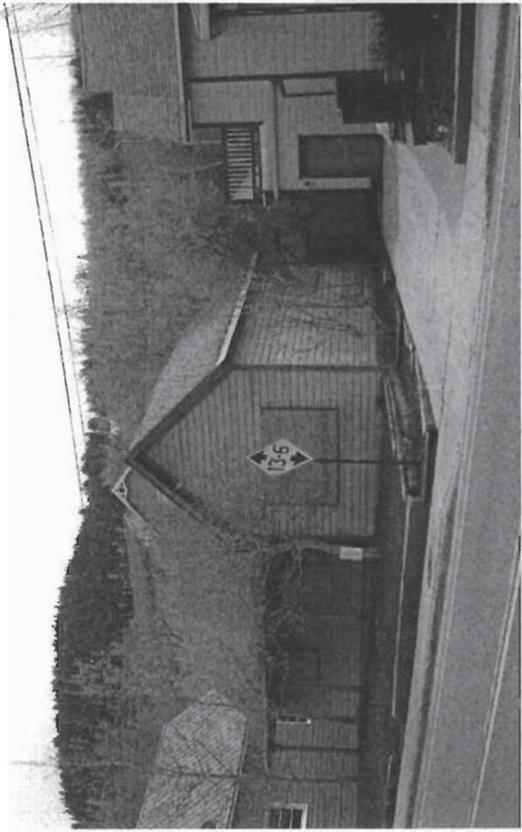
929 Park Avenue Neighborhood Compatibility Analysis

| Address | Historic site | Lot Size (SF) | Living Area | Basement | Garage/s hed | Total Square Footage (SF) (not sheds) | Maximum Footprint (FP) Allowed per LMC | Type of Structure | Addition to historic? |
|--|---------------|---------------|-------------|----------|-----------------|---|--|----------------------|-----------------------------|
| 929 PARK | significant | 5,000 | 1,208 | | 96 | 1,208 | 1,888 | sfd | yes |
| 841 PARK | no | 12,325 | 13,081 | | | 13,081 | 3,083 | condos | n/a |
| 901 PARK | no | 3,050 | 2,654 | 1,568 | | 4,222 | 1,285 | sfd/duplex | n/a |
| 909 PARK | significant | 2,614 | 1904 | 1,205 | | 3,109 | 1,128 | sfd | yes |
| 915 PARK | significant | 3,920 | 2384 | | 300 | 2,684 | 1,573 | sfd | yes |
| 923 PARK | significant | 4,356 | 973 | | | 973 | 1,705 | sfd | no |
| 937 PARK | significant | 3,485 | 2,107 | 1,198 | 216 | 3,305 | 1,433 | sfd | yes |
| 943 PARK | significant | 3,050 | 1,084 | | | 1,084 | 1,285 | sfd | yes |
| 949 PARK | significant | 3,050 | 1,357 | | 100 | 1,357 | 1,285 | sfd | yes |
| 953 PARK | no | 1,742 | 2007 | | 204 | 2,211 | 790 | sfd | n/a |
| 959 PARK | landmark | 5,663 | 649 | | | 649 | 2,060 | sfd | no |
| 1001 PARK | no | 1,742 | 1620 | 548 | | 2,721 | 790 | sfd | n/a |
| 1005 PARK | no | 1,742 | 1520 | 677 | | 2,197 | 790 | sfd | n/a |
| 1030 PARK | no | 14,810 | 1071 | | 600 | 1,671 | 3,222 | sfd | n/a |
| 950 PARK | no | 50,600 | PS condo | n/a | | n/a | n/a | condos | n/a |
| 820 PARK | significant | 31,000 | commercial | n/a | n/a | n/a | n/a | commercial | no |
| 819 PARK | significant | 5,663 | 1,710 | | 48 | 1,710 | 2,060 | sfd | yes |
| AVERAGE LOT SIZE | | 9,048 | | | | | | | |
| AVERAGES w/o PS condo/comr | | 4,278 | 1,589 | | | 2,810 | 1625 | | |
| AVERAGES w/o PS condo/841 Park condos/comm | | | | | | 2,079 | 1521 | | |



937 Park

* 929 Park



937 Park

* 929 Park



915 Park

923 Park



923 Park

* 929 Park



943 Park

937 Park

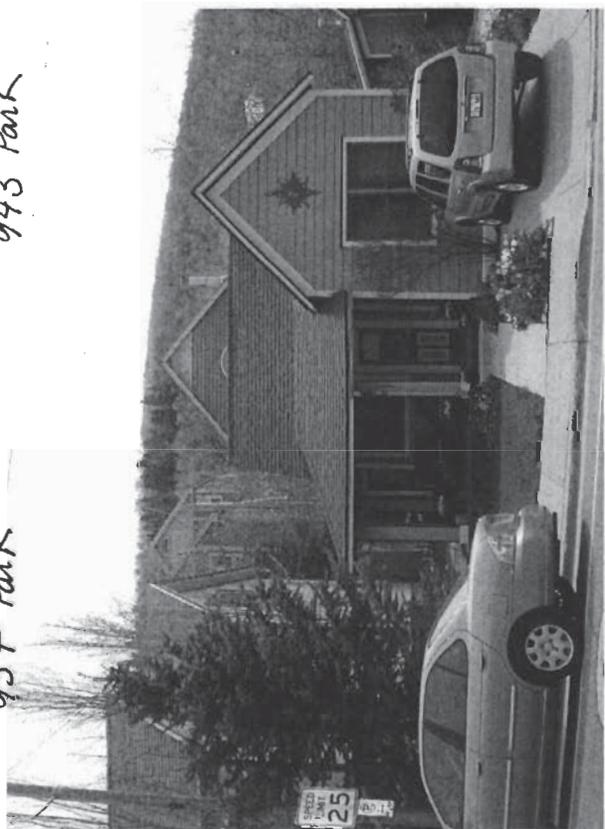


949 Park



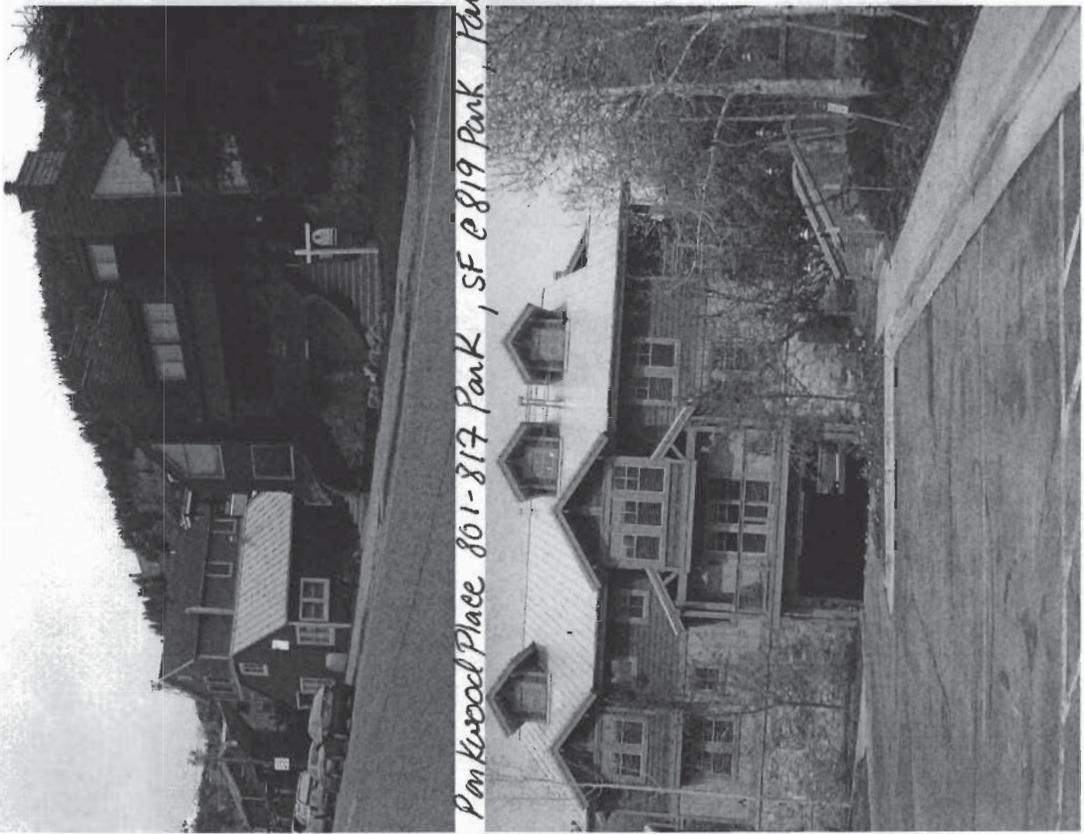
943 Park

937 Park



943 Park

1



Parkwood Place 801-817 Park, SF @ 819 Park, Parkwood
 Condos 841 Park

Town Pointe Condo minimums Across the Street



953 Park

949 Park



959 Park

953 Park



923 Park * 929 Park

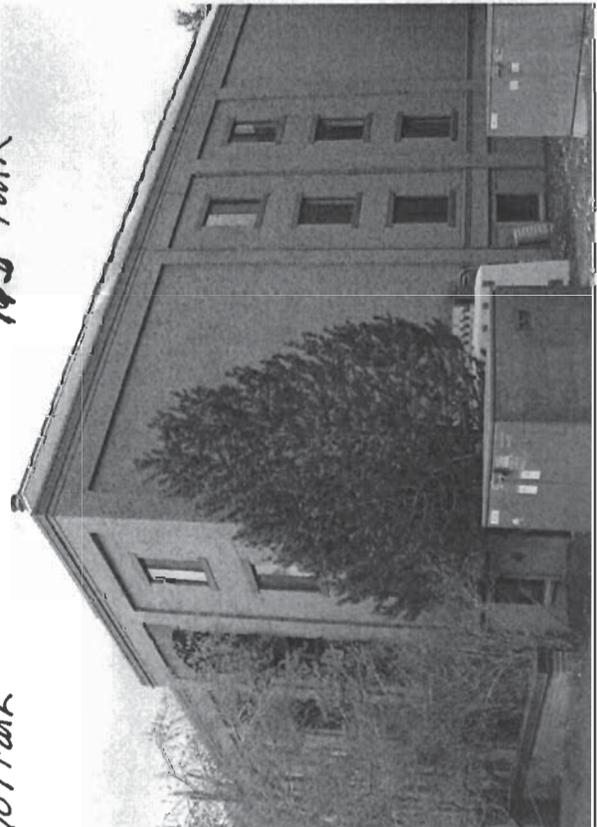


901 Park 909 Park 915 Park



905 Park

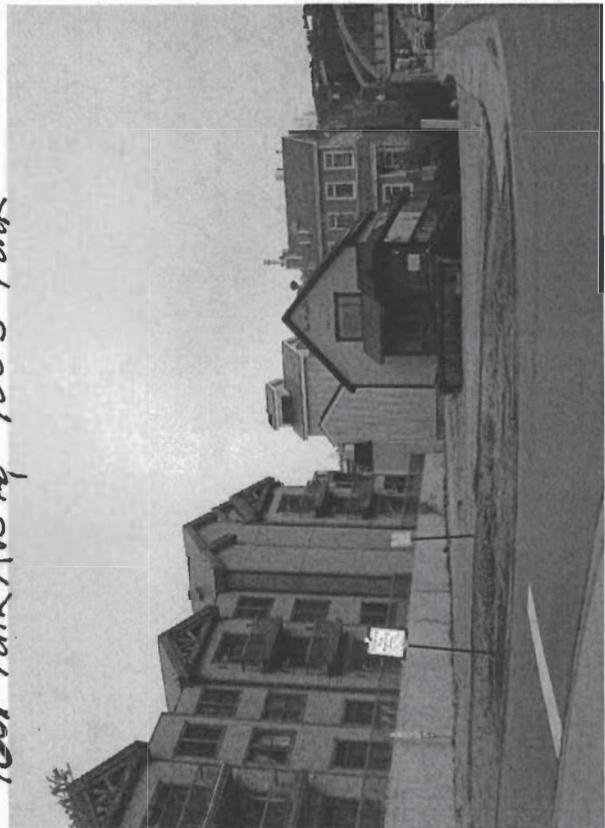
909 Park



Park Station 950 Park



1001 Park Ave # 1005 Park

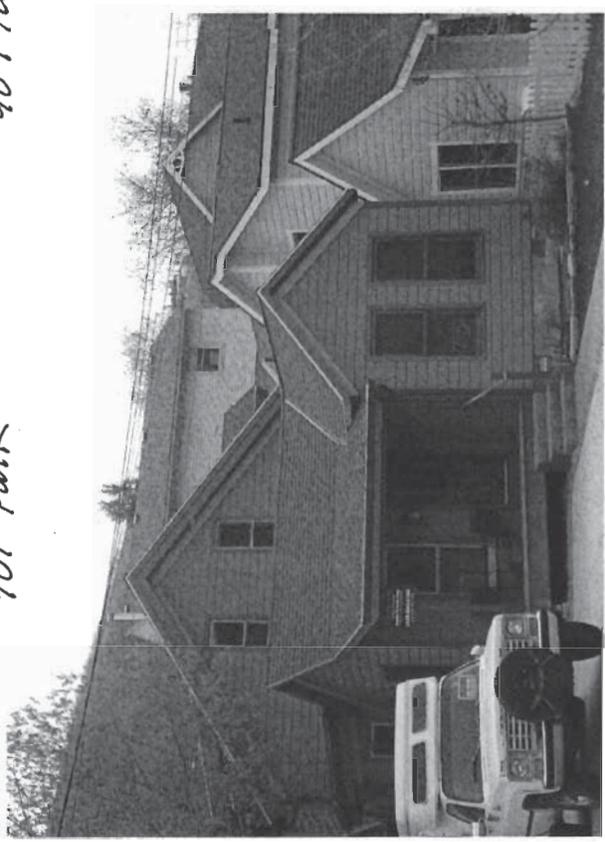


Townlift + Rio Grande Bldg
810 + 820 Park Avenue



901 Park

909 Park



909 Park

915 Park

Planning Commission Staff Report



Subject: Park City Racquet Club - 1200 Little
Kate Road
Project No.: PL-11-01269
Author: Kayla Sintz
Date: June 22, 2011
Type of Item: Administrative – Modification of MPD Development Agreement

Summary Recommendation

Staff recommends the Planning Commission open a public hearing, discuss the modification to the Master Planned Development Agreement (DA) approval regarding construction hours on Saturday mornings, and consider approving the change according to the findings of fact, conclusions of law and conditions of approval included in this report for the Commission's consideration.

Topic

Applicant: Park City Municipal Corporation
Location: 1200 Little Kate Road
Zoning: Residential Development (RD) District
Adjacent Land Uses: Residential
Reason for Review: Modifications to Development Agreements require Planning Commission review and approval

Background

On June 2, 2011 the Planning Department received a complete application for the Modification of Approval in regards to the Racquet Club Master Planned Development (MPD) Development Agreement approval. The MPD was approved by the Planning Commission on January 20, 2010. On June 23, the Commission ratified the Development Agreement.

The modification request is in regards to Condition of Approval #10 which states:

10. Work is restricted to Monday through Friday 7 am to 6pm. Saturday work time is restricted from 9 am to 6pm. Work will not be allowed on the following holidays: New Years, Easter, Memorial Day, Labor Day, 4th of July, Thanksgiving and Christmas. This would include the time for start up of heavy equipment and start up of any vehicles. Idling of vehicles will not be allowed. Auxillary lighting will also be restricted to these hours and work days.

The applicant has indicated (Exhibit A), that the severe winter and unseasonably wet spring have caused excessive construction delays. **The applicant is requesting the Saturday construction start time be moved to two hours earlier from 9 am to 7 am.** It is anticipated this change will allow the Recreation Center construction to remain on schedule for a mid-November completion date. Previous notification letter distributed

to the neighbors (sent prior to the commencement of construction) indicated construction was to be completed by the end of September, 2011. Currently, due to the weather delays, completion is scheduled for the end of November.

The applicant has not identified where the work will take place, but it is anticipated the full job site should be available for the modification in work hours to allow the most flexibility. Previous discussion on work hours did not contemplate exterior work hours from interior work hours.

Analysis

This MPD was approved on January 20, 2010. There was significant discussion both by the Commissioners and public in regards to construction work hours and impacts on the adjacent residential neighborhood. Meeting minutes are attached and highlighted for your review (Exhibit C). During the discussion the Commission was considering eliminating work on Saturdays altogether. Through a discussion with the Project Manager, Matt Twombly, and Owner Representative, Steve Brown, the Commission came to agreement it was more beneficial to keep work hours on Saturday in order to shorten the overall construction schedule. As a compromise work hours were restricted to 9 am – 6pm on Saturdays and specific holidays were listed in which work could not take place.

The applicant sent out a flyer (Exhibit B) with the City's normal application noticing letter scheduling a Recreation Center Open House on Monday, June 20 from 4:30-6:30 pm at the Library Education Building. Due to the publishing date of this report, staff will verbally update the Commission regarding input received on June 20, 2011.

Based on the construction hour restriction deliberations of the Commission on January 20, 2010 staff recommends the current Commission weigh public comments given at the June 20, 2011 construction open house meeting and a summary of complaints over the course of construction thus far prior to considering a lengthening of Saturday construction hours.

Summary of formal complaints to date per Code Enforcement:

- CE-11-00060 – March 2, 2011: *Caller reported that she heard noise from "steel" at 6:30 am this morning. Contractor was called and he advised that they did not start until 7 but that a pump truck did arrived just prior to 7. Verbal warning at this time.*
- CE-11-00119 – March 29, 2011: *Police received a noise complaint and found that the contractor was pouring after approved hours. It was found that they were not pouring but just working the wet cement. Violation was for working after approved hours.*

The applicant has indicated multiple incidences in which the Chief Building Official has extended work hours in special circumstances on this project. Per the Park City

Municipal Code – Title 11 Buildings and Building Regulations 11-14-6(B) Extended Hours Special Permit:

The Building Official may authorize extended hours for construction operations or procedures in which, by their nature, require continuous operation or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants. In such cases, the Building Official shall issue a special permit identifying the extended hours. The contractor shall display the special permit on site.

The applicant has indicated a special public noticing internal policy when the Chief Building Official has granted the previous extended work hour permit. This internal policy includes notifying property owners on each occasion.

Department Review:

The MPD DA modification has been reviewed by the Planning, Building, Engineering and Legal departments. No additional issues were raised during the review.

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.

Staff received one phone call outside of the above correspondence indicating agreement with the construction time change in order to avoid further delays.

Alternatives:

- The Planning Commission may approve the MPD development agreement modification for the Racquet Club as conditioned and/or amended or;
- The Planning Commission may deny the MPD development agreement modification and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

Future Process

Approval of this modification by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Staff Recommendation

Staff recommends the Planning Commission open a public hearing, discuss the modification to the (MPD) development agreement approval regarding construction hours on Saturday mornings, and consider approving the change according to the findings of fact, conclusions of law and conditions of approval included in this report.

Findings of Fact:

1. The Racquet Club MPD was approved by the Planning Commission on January 20, 2010.

2. The Planning Commission ratified the MPD development agreement on June 23, 2010.
3. Construction work hours on Saturdays were limited in the DA from 9 am to 6 pm (Condition of Approval #10).
4. The applicant is requesting extending Saturday's work hours to begin work at 7 am due to the extremely wet and cold spring weather which has caused the project to be behind schedule. The project has a completion date the end of November, 2011.
5. The applicant held a public open house for the Park City Racquet Club construction work hour change on June 20, 2011.
6. The *Analysis* section of this staff report is incorporated herein.

Conclusions of Law:

1. This amendment is a minor, administrative modification which does not require revision of the development agreement.

Conditions of Approval:

All previous conditions from the DA stand, with the modification of Condition #10:

10. Work is restricted to Monday through **Saturday_9 7am to 6pm**. Work will not be allowed on the following holidays: New Years, Easter, Memorial Day Labor Day, 4th of July, Thanksgiving and Christmas. This would include the tie for start up of heavy equipment and start up of any vehicles. Idling of vehicles will not be allowed. Auxillary lighting will also be restricted to these hours and work days.

Exhibits

- A – Applicant's request for MPD Modification
- B – Applicant's Open House flyer for construction hour change
- C – Planning Commission meeting minutes - January 20, 2010
- D – Public Input

Memo

To: Kayla Sintz
Author: Matt Twombly, Project Manager
Subject: Recreation Center – Modification of
Condition of Approval #10 Hours of Work
Date: June 1, 2011

Park City Municipal Corporation as owner of the project on behalf of Okland Construction is requesting a modification of the Planning Commission Condition of Approval #10 regarding the hours of work for the Recreation Center construction. The request is to adjust the work hours on Saturdays from the approved 9 AM – 6 PM to 7 AM – 6 PM.

This past Winter and Spring have far exceeded the recorded average snow and precipitation in Park City causing significant delays to the progress of the Recreation Center construction. The anticipated completion date through approved change orders to the construction contract due to weather delays is November 23, 2011. There has been almost a month's worth of work lost due to the weather.

In order not to lose additional days of work, the City and contractor would like to extend the work hours on Saturdays (only) from a 9 AM start time to a 7 AM start time. The contractor has had a difficult time getting the subcontractors to work Saturdays with the late start time. The employees much rather prefer starting earlier and ending earlier. The additional hours on Saturday will not necessarily allow for an earlier completion, but will help insure that if a work day is missed during the week, say due to rain, that the hours can be made up on Saturday. We do not wish to jeopardize losing additional days for completion of the project due to weather.

I believe it is in the community and neighborhood's best interest to complete the Recreation Center as quickly as possible and not risk pushing the construction further into another winter causing additional construction impacts to the neighbors. Affording the contractor a little leeway after such a formidable winter for construction may go a long way toward the success and completion of the project.



**RECREATION CENTER CONSTRUCTION OPEN HOUSE
MONDAY, JUNE 20
4:30p – 6:30p
LIBRARY AND EDUCATION BUILDING
1255 PARK AVENUE
ROOM 205**

The severe winter and unseasonably wet spring has created unforeseen construction difficulties for the Recreation Center. Park City Municipal is proposing extending the Saturday construction hours to begin work at 7:00a until 6:00p. Currently Saturday construction is allowed between 9:00a and 6:00p. This change in work schedule will allow the Recreation Center to remain on schedule for a mid-November completion. City staff and the contractor will be available to answer questions and receive input on this proposed change.

The Planning Commission will consider this request at a public hearing on Wednesday, June 22. Comments received at the June 20 open house will be forwarded to the Planning Commission. For more information contact Project Managers Matt Twombly at 435-615-5177 or Steve Brown at 801-201-2813.

EXHIBIT C

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 20, 2010

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Thomas called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Strachan, who was excused.

II ADOPTION OF MINUTES OF OCTOBER 22, 2008

MOTION: Commissioner Peek moved to APPROVE the minutes of December 16, 2009 as written. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS

Planning Director, Thomas Eddington, stated that Treasure Hill would come before the Planning Commission on February 10th. The applicants were creating a model of the site and asked if it would be appropriate to present that model during the February 10th meeting. The Commissioners were interested in seeing the model.

Chair Wintzer asked if the applicants would only present the model or talk about the project. Director Eddington stated that in addition to the model, the applicants intend to key up the project. Planner Cattan would prepare a Staff report and address the issues, which were similar to the issues outlined in the last report.

Assistant City Attorney, Polly Samuels McLean, recommended that the Planning Commission conduct a public hearing for Treasure Hill on February 10th. The Planning Commission could decide whether to have the model presented during work session and schedule a public hearing for the regular meeting, or whether it was better to do it all at the regular meeting.

Chair Wintzer was concerned about the adequate time needed for Treasure Hill versus other projects on the agenda. Director Eddington assumed that a couple of hours would be dedicated to Treasure Hill.

Commissioner Peek recalled that in the past the Planning Commission held a work session with public input. Chair Wintzer was concerned about seeing the model for the first time and expecting people to comment without having the opportunity to think about it. He suggested that it might be better to have one meeting where the Planning Commission and the public could see the model and hear the presentation and then have the public come back for comment.

Commissioner Pettit stated that she would be unable to attend the February 10th meeting, but requested the opportunity to view the model. Director Eddington stated that he would ask the applicants to make the model available for display either before or after the February 10th meeting.

Commissioner Pettit noted that in the past, specific elements of the Treasure Hill project have been discussed at certain meetings. She was concerned that the public comments on February 10th would be too broad and open up areas that the Planning Commission was not ready to address. Commissioner Pettit felt they should find a way to set parameters for the public hearing.

Assistant City Attorney McLean suggested that the Planning Commission provide their comments immediately after the presentation of the model to give their initial view prior to the public hearing. In addition, the Planning Commission could take public comment and ask that input be limited to specific topics being discussed that evening. If people stray from those topics, the Chair should bring them back to the discussion points and let them know there would be other opportunities to comment on different issues.

Chair Wintzer thought it was best to let the Staff determine the structure for Treasure Hill on February 10th.

To avoid possible quorum issues, Assistant City Attorney McLean requested that other Commissioners contact the Staff if they cannot attend the February 10th meeting, since Commissioner Pettit would be gone.

Commissioner Pettit asked about potential timing for when the City Council would fill the vacant seat left by Commissioner Russack. Director Eddington replied that the posting for applications was open until the end of January. They would not know until then how many applications are received. He would keep the Planning Commission updated on the process.

Planner Sintz updated the Planning Commission on the Planning Department's involvement with Sundance. The Staff has been actively reviewing and approving conditional use permits for any tag-on business that comes in just for Sundance. That also includes a permit that might be triggered from a business use change. In addition, the Staff reviews any signs associated with those changes to make sure temporary signs uphold the requirements of the regular sign code.

Planner Sintz noted that there are approximately 26 different tag-on addresses this year, which is the same amount as last year. Permits are approved right up to the minimum legal noticing date. Several in the Planning Department are involved throughout Sundance to go out with Code Enforcement to make sure the conditions of the approval are being followed.

Chair Wintzer disclosed that he would be recusing himself from the Racquet Club item, due to a potential business conflict if the application is approved.

REGULAR AGENDA/PUBLIC HEARINGS

1200 Little Kate Road, Racquet Club - Master Planned Development

Chair Wintzer recused himself from this item. Vice-Chair Peek assumed the Chair.

Planner Kay Sintz introduced Ken Fisher, the Park City Recreation Manager, Selesia Carson and Brent Tippets, with VCBO Architects, Steve Brown with Millcreek Consulting, and Matt Twombly, the project manager.

Planner Sintz reported that at the last meeting, the applicants provided updates on the architectural changes, which included facade modifications and building footprint changes, as well as materials and color changes. At that time construction mitigation concerns were also addressed. Planner Sintz noted that direct responses to their concerns were included in the Staff report.

Planner Sintz stated that during the last meeting, a couple of items were added to construction mitigation, which included no idling or start-up of vehicles and no site lighting prior to the 7:00 a.m. start time. Planner Sintz reported that Commissioner Strachan had suggested eliminating Saturdays from the construction work schedule and Commissioner Pettit felt the neighborhood should be kept notified of the process as the project moves forward.

Planner Sintz remarked that in response to the suggestions from the Planning Commission, the applicant added, no idling or start up of vehicles prior to the 7:00 a.m. and included auxillary lighting. Conditions of approval were added to address that issue. In regards to the request to eliminate work on Saturday, the applicants believe that allowing work on Saturday is important to keep current with the project schedule. Eliminating Saturdays would prolong the length of construction. As a compromise, the applicants offered a 9:00 a.m start time on Saturday.

Planner Sintz noted that Commissioner Peek had requested a graphic showing the interpolated grade and that graphic was included in the Staff report.

Planner Sintz stated that additional items addressed this week and included in the Staff report was discussion about the required volume for tennis play and questions on how the mechanical and duct layout affected the height exceptions being requested. Planner Sintz pointed out that VCBO has designed over 100 facilities and based on their experience with USTA requirements, they have designed a facility that has been proven to work. Planner Sintz stated that based on comments from the last meeting, the applicant re-looked at arranging the courts to minimize the affects of the mechanical system and came back with a reduction from the last layout. Exhibits were included in the Staff report.

Planner Sintz stated that another issue raised by Commissioner Strachan was a review of

Conclusion of Law #9 regarding affordable housing. She noted that a condition was added to indicate that affordable housing requirements were being met based on the number of employees. If the number of employees increase at the time of Certificate of Occupancy, the project would be subject to the conditions of the Housing Ordinance.

Planner Sintz noted that at the last meeting they talked about the architecture in relation to the facade, the new entry feature, the clerestory and changes to the exterior. Planner Sintz stated that height information was withheld to allow the Staff to verify the height and provide a clear description for the Planning Commission. She pointed out that the entry feature was reduced 6'7" over interpolated grade. The tennis ridge was reduced two feet from the last iteration. The existing tennis ridge height is 37'9". Planner Sintz stated that height exceptions are based on interpolated grade. The new tennis ridge will be two feet over the existing tennis ridge.

Planner Sintz reviewed the height exception analysis. She noted that the main tennis ridge is looking for a 5" height exception over the 1977 approval of 40 feet. The applicant is requesting different height exceptions for the north clerestory and south clerestory because interpolated grade falls from south to north. Therefore, the clerestories on the south appear lower than the north clerestories. The clerestory to the north is a 9" height exception and the clerestory to the south is a 1" height exception over the previously approved 40 foot height. Planner Sintz pointed out that the front entry is the tallest feature in the building and the request is for a 2'8" height exception over the previously approved 40 foot height.

Planner Sintz noted that a parking analysis was included in previous discussions and that 148 stalls was being proposed.

Planner Sintz reported on an increase in footprint and building square footage area in response to public comment and facade variation requirements.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the proposal and approve the Park City Racquet Club Master Planned Development based on the findings of fact, conclusions of law and conditions of approval included in the Staff report.

Commissioner Pettit noted that condition of approval 16 states that the Planning Commission would evaluate future phases. She wanted to know the process for that review and asked if future uses would be based on the same criteria used to evaluate this MPD. Planner Sintz replied that future phases would be subject to review criteria in Chapter 15-6-4 as indicated in the condition of approval.

Commissioner Luskin recalled a previous discussion about shortening the Saturday work day to 3:00 p.m., similar to construction hours in Old Town, as a convenience to the residents. Planner Sintz stated that Commissioner Strachan had requested completely eliminating construction on Saturday. The applicant has indicated that not working on Saturday was not acceptable given the time frame for building the project. She reiterated that the applicant had offered the compromise of a 9:00 a.m. start time on Saturday but still ending at 6:00 p.m. The Planning Commission could decide whether or not to accept that compromise.

Commissioner Luskin stated that he lived in another neighborhood during a construction project and he is sensitive to the impacts that Saturday construction has on a neighborhood.

Vice-Chair Peek believed that a 9:00 a.m. to 3:00 p.m. work day would be inefficient.

Steve Brown stated that he had addressed the question raised by Commissioner Strachan to a number of General Contractors. The basic response was that the more the hours of operation are restricted, the more risk mitigation they need to address. If the hours are reduced on Saturday, they would want to attach additional time to the length of the contract. Mr. Brown did not believe that would be palatable to the Planning Commission. The intent is to complete the project as quickly as possible to be sensitive to the neighborhood. Mr. Brown pointed out that the 9:00 start time was an attempt to keep noise to a minimum in the early hours on a Saturday. He noted that Saturday is typically a catch up day in the construction industry. He was not opposed to asking the contractors for a shorter work day, but he assumed they would ask for additional time on the length of the project overall.

Commissioner Luskin asked for an estimate of the overall construction period. Mr. Brown anticipated no longer than 18 months. Language would be written in the bid documents indicating that the shortest construction time would be a significant decision criteria. They would not know a realistic time until the bids come back from the General Contractors.

Commissioner Pettit wanted to know the Code requirement with respect to holidays. Director Eddington was unsure of the Code language, but the Planning Commission could stipulate that a holiday be treated as a weekend. Commissioner Pettit stated that she has personally experienced the impacts of people working on a construction site on Thanksgiving and Christmas. She felt it was incumbent upon the Planning Commission to insure that holidays are a day for family and friends and that the neighbors do not have to endure construction impacts.

Mr. Brown requested that the Planning Commission identify specific holidays so they could be added to the contract. Planner Sintz suggested using the same holidays that the City observes.

Vice-Chair Peek opened the public hearing.

Amanda Halsee, a resident at 1391 Little Kate, stated that she is a direct neighbor to the Racquet Club. Proximity to the Racquet Club was one reason why she purchased her home in that location and she and her family use the Club on a regular basis. Ms. Halsee was surprised to hear through this process that the facility does not meet USTA standards. She asked the Planning Commission to consider that they have one shot to do this right. Ms. Halsee was comfortable with the height exception, especially since the height exception is primarily the front entrance, which is what her home directly faces. Ms. Halsee expressed her personal preference to have people on the job site as long as possible Monday through Saturday to get the project completed quickly. Ms. Halsee believes an attractive, updated facility that no longer needs constant repair and meets the needs of the community would also help neighboring real estate values.

Scooter Mastain stated that he is a USTA Certified Tennis Pro and taught at the Racquet for 2-1/2 years. He was also the Boy's Tennis Coach for three years and has a personal interest in the Racquet Club situation. He understood that some people objected to the height increase and on behalf of his family he read a prepared statement. Their family includes four passionate tennis players and lifetime USTA members and tournament players, as well as tennis season pass holders at the Racquet Club for over fifteen years. The Park City Racquet Club has been a central focus, not only amongst countless tennis players, but also a facility for numerous revenue generating National USTA tournaments. To deprive an entire tennis playing community of the opportunity to engage in competitive play at their home club would be a travesty. Additionally, the City would reap the benefits generated by these National Tournaments, not only at the club but also in terms of lodging, food and shopping. Mr. Mastain and his family strongly urged the Planning Commission to very seriously consider the enormous negative impact caused by a ridiculous height restriction of a few feet.

Tom Odin, a resident of the Racquet Club Condos asked Planner Sintz to put up the slide that showed the mountain view from the parking lot. Mr. Odin remarked that building time and Saturday construction is a red herring because the neighborhood has endured construction projects since he's lived at the Racquet Club. Mr. Odin remarked that the second statement of the Park City Mission Statement talks about open space, mountain views, functional pathways and trails. He believes that is significant and some of his neighbors share that same view. He understood that the open space provided is still within Code, but the number has gone from 55.9% to 44.7%. In his opinion, that is a significant reduction. Mr. Odin appreciated the design but he was concerned about the increased footprint in a residential area. He believed this was an important element because it reduces their open space and affects their views. The building extends an additional 68 feet and puts the Racquet Club 20 feet closer to his home. Mr. Odin encouraged the applicants to keep the design within the existing footprint.

Vic White stated that he commented at previous public hearings and he commended the Planning Commission, the Staff and the architects for listening to the concerns and reducing the height. It is impossible to please everyone and felt that the height reduction proposed was a good compromise. Mr. White stated until today he had not realized that adjusting the tennis courts would extend the building 20 feet further to the north. That impacts the view of the mountains from the north looking south. In addition, the proposal also expands the building to the east 68 feet. Mr. White noted that it would put the building into the white tent that was recently erected for Sundance. He stated that his previous remark was that the City was trying to hide an elephant in short grass. After understanding the full size of the Racquet Club as proposed, he has changed that to hiding a Brontosaurus in short grass. The size is enormous and he could not understand why they would consider allowing a structure that size in a residential area. Mr. White stated that the Racquet Club is a family facility for everyone of all ages. It is not a place for National USTA tournaments. If the City wants that type of facility, they should find another place to build it where it is not in a residential neighborhood. Mr. White agreed that the Racquet Club should be improved and refurbished, but the problem is the size and it is too big.

Chris Ruen, a resident on American Sadler, asked if the current design meets USTA standards

or if the setbacks between the tennis courts were narrowed down.

Planner Sintz noted that the Staff report talks about a compromise on the baseline of the last row of lighting. Ken Fisher explained that per USTA standards the lights must be 20 plus feet off the court. The last bank of three lights would be lower, but he was unsure of the exact height. Mr. Fisher was comfortable with that based on the idea that if a tennis ball hits the light, it will not go over.

Mr. Ruen thought the re-design was beautiful and he commended the architects on a great facility. He noted that construction delays always occur and he suggested that they create incentives to get the building constructed in the shortest time possible. Mr. Ruen has been a resident in the area for 3-1/2 years and he joined the Club as an annual tennis member within two weeks of moving there. He and his family all play tennis. He opposed the suggestion of returning to the same size tennis courts because without the proper setbacks players get injured. Mr. Ruen urged the Planning Commission not to push for further restrictions on the tennis courts.

Jeff Lonn stated that he lives in one of the Racquet Club condos directly to the east parking lot. At the last meeting he provided a history of the Racquet Club from his point of view over the past 25 years. Mr. Lonn felt this project was being pushed through quickly and he wondered if all the alternatives had been considered. He referred to a letter someone had written to the Planning Commission suggesting the possibility of building a new facility at Quinn's. Mr. Lonn stated that at his request, Ken Fisher provided him with the 2006 Park City Recreation Survey. In that survey 53% favored renovating the Racquet Club over all other options. However, he was unsure of those in favor intended for it to be turned into a world-class facility in a residential neighborhood. He remarked that the Racquet Club is the most used workout facility in Park City and 80% rated the facility as good to excellent. Ten percent rated it fair and only 1% rated it poor. Mr. Lonn stated that 40% of the people feel the need for outdoor tennis courts and 28% surveyed wanted indoor tennis courts. Of that 28%, 70% said the present courts meet their needs and ten percent would like larger, regulation tennis courts. Mr. Lonn did not dispute that Park City should have regulations tennis courts, but it is not worth the impacts on the neighborhood to provide regulation courts at the Racquet Club. He noted that world-class is popular buzz word. He was unsure exactly what it means, but he was fairly certain that it has little bearing on the quality of life or the livability of a town. In order to obtain a world-class tennis facility, the Racquet Club needs to be expanded, which will only increase the number of events and impact the lives of the Racquet Club condo residents. Mr. Lonn believed the question was how to meet the needs of the tennis players without greatly impacting the lives of the neighbors. He suggested that one option would be to have three indoor regulation tennis courts within the current footprint and put bubbles over the outdoor regulation courts in the winter. Mr. Lonn stated that if it is important to build a world-class facility, it should be built next to the Ice Rink at Quinn's Junction.

Mr. Lonn commented on construction mitigation. He was certain that construction staging would occur 50 feet from his condo like it has in the past. During the sidewalk construction last Fall they worked 7:00 a.m-9:00 p.m. six days a week for four months. Mr. Lonn stated that during the public meeting in December at the Racquet Club, he was assured that strict limits would be

placed on construction because it is a residential neighborhood. He requested that the Planning Commission consider limiting construction from 7:00 a.m.-5:00 p.m. Monday through Friday, which is a 50 hour work. The residents should not have to endure anything more than that.

Glenda White stated that as a tennis player she uses the Racquet Club year-round. In the afternoon the courts are being used by children taking lessons and they do not need huge regulation courts. She was concerned about the comments from people encouraging regulations courts because of the number of tournaments and other events sit would attract. This is a residential area and not an area for tournaments. Ms. White stated that the Racquet Club should be upgraded and remain a neighborhood facility. A world-class USTA regulation facility needs to be at Quinn's Junction or Kimball Junction.

Lucy Depler, stated that she was speaking on behalf of tennis players in favor of bringing the facility up to USTA standards. She had played tennis for over 75 years and has played tournaments in Europe and throughout the United States. Ms. Depler stated that Park City is a classy city with high standard ski areas and it is time they do the same with the Racquet Club and bring the tennis courts up to standards.

Charles Lloyd, a resident in American Flag, stated that he is a tennis player and uses the Racquet Club throughout the summer. He believes indoor courts are necessary even in the summer because the weather is unpredictable. The current courts are small and it would be nice to have USTA regulation courts. He plays on a weekly basis at the Eccles Tennis Center at the University of Utah where the courts are regulation size. There is a big difference between playing at Eccles and playing at the Racquet Club because of the space between the sidelines and the room behind the courts. Mr. Lloyd understood that the local residents would be affected by both construction and the size of the structure, but he believed the Staff had done a good job of trying to fit the design within the available footprint and still providing more open space that required by Code. Mr. Lloyd stated that while the height of the building may affect some view corridors, the impacts are considerably less than they would be with the 37' allowed height that could be built along the setback. In terms of construction impacts, as someone who lived with the Empire Pass construction traffic for three years, he understands that it is something you deal with until the project is completed. Regarding the construction hours, he believed it was better to get the project built as quickly as possible.

Vic White wondered if the last two people who spoke would change their mind if this building was built in their backyards. He pointed out that this is not the place for world-class facilities and they do not have the traffic patterns, infrastructure or services to accommodate world-class facilities. Park City has other places that can accommodate world-class facilities, but the Racquet Club is not the place.

Michele Dietrich, a resident in the Racquet Club condos appreciated the concern from the Planning Commission regarding construction work hours. She requested that the Planning Commission push for no construction on Saturday. Since the estimated length of construction is so long, a two day break at the end of the week would be much appreciated. Ms. Dietrich was also concerned about increasing rates for those who use the Racquet Club, due to the

price tag on the renovation. In an effort to build a world-class facility, she worried that the everyday user would be priced out of the Club.

Len Bowss stated that he is a tennis player and he has lived in the area for 20 years. He noted that tournaments bring in a lot of visitors to Park City. In response to the question of having it in his backyard, he would love to have this facility in his backyard. He believes that the Racquet Club will raise property values surrounding it. Mr. Bowss believed regulations courts are necessary, not only for national competitors, but also for the juniors who are learning to play because they will have the advantage of playing on regulation courts. Mr. Bowss commented on the difference in playing under a bubble, noting that the bubble limits the height. He encouraged the City to keep the four indoor courts and bring them to USTA standards.

Meeche White, stated that she is a 25 year resident of Park City and a user of the Racquet Club. She is excited about the design of the facility and believes it fits well within the neighborhood. Ms. White felt the Racquet Club was unfairly given the name world-class because it is not a world-class design. It is a community based facility design. A world-class design would have stadium seating and other features. Ms. White stated that she is a professional in the recreation field and while regulation courts are great for tennis players in terms of how they play, it is also very important for safety. She believed that building a \$12 million facility but not upgrading the tennis courts to regulation size would be a waste of taxpayer dollars. Ms. White was sympathetic to the construction concerns, but from personal experience, she believed it was best to get it done as quickly as possible. She supported reasonable Saturday hours.

Cameron Chin, a resident on Little Kate Road, stated that he was not a tennis player but he supported the regulation size tennis courts. He has been involved in other sports and knows the importance of having a regulation facility.

Vice-Chair Peek closed the public hearing.

Vice-Chair Peek expressed his appreciation for the modifications in the height. In looking at the section showing the mechanical, he asked if the interior shaded element was the regulation envelope. Planner Sintz answered yes. Vice-Chair Peek asked about the horizontal member that the regulation element runs in to. Brent Tippetts replied that the dark gray area represents the mechanical, and that runs between the courts. Vice-Chair Peek thought that the gable ridge of the lower tennis envelope appeared to be restricted by a horizontal element. Mr. Tippetts explained that vertically the mechanical equipment is within the envelope, but it was moved outside of the tennis play area to the out-of-bounds area.

Vice-Chair Peek wanted to know what would keep the bottom cord of the rafter trusses from touching the top line of the tennis envelope. Planner Sintz pointed out a girder at the top.

Commissioner Luskin complimented the applicants on the revisions. He thought they did a great job adjusting the height and changing the architectural appearance. Commissioner Luskin felt people used the term world-class fairly freely. He believes that like himself, most people live in Park City for the quality of life. Commissioner Luskin pointed out that at the last meeting

Commissioner Strachan felt strongly about keeping Saturday free from construction so the residents could enjoy their homes. He agreed with Commissioner Strachan that Saturdays and Sundays are important days for unwinding from the week. After listening to the comments this evening, he realized it was a difficult balance because it could prolong the project. Commissioner Luskin did not have an answer, but since Commissioner Strachan was not present this evening, he thought it was important to consider how strongly he felt about stopping work on Saturdays. Commissioner Luskin asked if there was a solution that would keep the matter open ended. He would feel guilty if in six months the entire neighborhood was complaining about their weekends being ruined. Commissioner Luskin acknowledged that construction occurs all over Park City and everyone lives through it. However, most people want a quality of life and not "world class".

Steve Brown wanted it clear that the term "world-class" came from the public hearings and not from them. He agreed with Meeche White that a world class design would look considerably different and the cost would be significantly higher. Mr. Brown stated that the Racquet Club as proposed would remain a family-friendly facility.

Regarding the construction issue, Mr. Brown pointed out that there had been no resistance to eliminating Sunday work completely. However, if they take away Saturday, he was fearful it would extend and prolong the overall nature of construction and that the overall cost would potentially rise. It could present a difficult situation when the bids are returned. Mr. Brown did not feel he was in a position to respond to the question about leaving it open-ended because contractors respond to open-ended issues with risk mitigation. Mr. Brown remarked that the Saturday scenario could become a major roadblock. He proposed adding language in the bid documents that would ask the contractors to attempt to quantify their Saturday work hours. As a criteria for bid selection, they could consider those who could minimize work on Saturday.

Commissioner Luskin asked if Saturday hours of 9:00 a.m.-3:00 p.m. were too restrictive. Mr. Brown was hesitant to impose that on the contractors without first hearing their feedback.

Commissioner Hontz preferred a shorter construction duration for the entire project rather than eliminating Saturday work. No one can control the weather and it is impossible to know what the contractors will face in terms of construction conditions within the next year to 18 months. Commissioner Hontz has lived through construction and she prefers a shorter time frame.

Vice-Chair Peek agreed with a shorter construction period. However, as a concession to local residents, he suggested special considerations for certain holidays so the residents can enjoy a long weekend without construction. For example, Labor Day falls on a Monday and there would be no construction on that Saturday. If a holiday falls on the weekend there would be no construction on that Friday or Monday, which ever day the holiday is observed.

Planner Sintz stated that during their discussion she had drafted a condition of approval to address holidays. She read, "Work days would be restricted on City-related observed holidays and actual holidays when it falls on a Saturday".

Commissioner Pettit agreed with Commissioners Hontz and Peek in their preference for a

quicker construction period. However, she felt strongly about stressing “no work” on holidays. She also favored the idea of adding language in the bid that would encourage minimizing Saturday construction hours. Commissioner Pettit was comfortable with the 9:00 a.m. start time. The question was with the stop time. Mr. Brown stated that an important criteria in the bid selection would be the length of the construction schedule and concessions for Saturday work.

After hearing their comments, Commissioner Luskin deferred to his fellow Commissioners on the preference for a shorter construction time period.

Commissioner Pettit stated that the LMC that governs the process of evaluating the master planned development and includes criteria that guides their review. She recognized that the process began with the Recreation Board and a lot of work was done to identify the needs and wants of the community. Based on that information, the City moved forward with a proposal. Commissioner Pettit clarified that the job of the Planning Commission is look at the criteria in the Land Management Code that addresses density, open space, building footprint and related issues. While she struggled with where to draw the line on expanding the facility 20,000 square feet to provide additional amenities for the tennis courts and whether or not it was necessary, the fact is, the proposal falls within the criteria outlined in the MPD section of the Land Management Code. Commissioner Pettit noted that the applicants had responded to their comments by reducing the height to a more reasonable level and she was leaning in favor of making findings of compliance with the MPD criteria. The project is where it needs to be and the applicant had met its burden.

Commissioner Hontz stated that the budget and price tag of the project are outside of Planning Commission purview and is not something they review. She agreed that the projects meets the Land Management Code and the MPD criteria and she was pleased with the changes to the facade and height and the overall architecture. Commissioner Hontz also favored the changes made in the conditions of approval for the construction hours. She was prepared to move forward this evening.

Vice-Chair Peek referred to the site plan and asked if the dumpster could be moved to a location on the west end, away from the residents. Mr. Tippetts offered to work with Staff to find another location if possible. Vice-Chair Peek was unsure of the on-site parking needs during construction, but suggested parking on the east property line to lessen impacts to the neighbors.

Mr. Brown stated that the intent is to be sensitive to the neighbors to the east in terms of staging. Related language would be included in the bid documents.

To address Saturday work hours and holidays, Planner Sintz revised Condition of Approval #10 to read, “Work is restricted to Monday through Friday 7 a.m to 6 p.m. Saturday start time is 9 am to 6:00 p.m. Work would not be allowed on City observed holidays and actual holidays falling on a Saturday. This would include the time for start up of heavy equipment and start up of any vehicles. Idling of vehicles will not be allowed. Auxillary lighting will also be restricted to these hours.”

Mr. Brown requested that the Planning Commission identify specific holidays for clarification.

Assistant City Attorney McLean recommended that specific holidays could be included as part of the development agreement. The Planning Commission will ratify the development agreement and could make changes at that time. Based on that recommendation, the reference to holidays was eliminated from the revised Condition #10. Vice-Chair Peek pointed out that the added 6:00 stop time should remain to specify the Saturday hours as 9 a.m. to 6 p.m.

Commissioner Pettit asked if the development agreement should also include language that addresses the issue of creating bid language that encourages a shorter construction period. Mr. Brown remarked that the language would be drafted in the bid prior to the development agreement. Commissioner Pettit suggested adding that as a condition of approval to make sure it carries over to the development agreement. Ms. McLean suggested that the Planning Commission keep things general rather than specific to allow the Staff the opportunity to draft language that reflects their intention.

Vice-Chair Peek wanted to know who the development agreement would be with. Ms. McLean replied that it is an agreement with the applicant. Vice-Chair Peek pointed out that the City is the building owner, which is the City Council. Mr. Brown requested the drafted language as early as possible so he could provide it to the contractors.

Commissioner Pettit asked if it was appropriate to add a condition stating that, "Proposed language for the bid addressing minimization of Saturday construction shall be approved by the Planning Commission".

Matt Twombly stated that because it is a public bid, the Planning Commission does not have the jurisdiction approve a bid. Ms. McLean agreed, but thought it was appropriate to include language in the document indicating the importance of minimizing work on Saturday. Mr. Twombly made it clear that the language written in the development agreement with regards to the bid would not apply to the selection of the bidder. As a public agency, they need to select the lowest bidder.

Ms. McLean recommended that the Planning Commission set clear parameters for Saturday work and separate parameters for specific holidays. She pointed out that if a City observed holiday falls on a weekend, they are off either Friday or Monday. Vice-Chair Peek believed that following that practice would be sufficient to satisfy their intent for a quiet, long weekend. Ms. McLean suggested specifying that work could not occur on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas. The Commissioners concurred with those holidays and suggested that they be named in Condition #10.

MOTION: Commissioner Pettit moved to APPROVE the MPD application for the Racquet Club at 1200 Little Kate Road, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval, with Condition of Approval #10 to be amended to read, "Work is restricted to Monday through Friday 7 am to 6 pm. Saturday work is restricted to 9 am to 6 pm. Work shall not occur on New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas". The remainder of Condition #10 would remain as written. Commissioner

Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Racquet Club

1. The Racquet Club Master Planned Development is located on Lot 1 of the Racquet Club Subdivision. Lot 1 consists of 7.5 acres. The lot is sufficient area to accommodate the 85,015 s.f. (Gross area), 66,030 s.f. (footprint) public recreation facility, circulation, parking, future phases, and provide the minimum required minimum 30% open space for redeveloped areas.
2. The proposed facility open space is 44.7% and includes exterior tennis and pools as well as future phases.
3. The total proposed building footprint is 66,030 s.f. and gross square footage is 85,015.
4. The property is located in the Residential Development (RD) zoning district.
5. The Racquet Club received a Conditional Use Permit in 1977 for Recreation Commercial which granted an overall 40 foot building height.
6. The property is subject to the Racquet Club subdivision plat and any conditions of approval of that plat.
7. The maximum Building Height in the Residential Development (RD) zoning district is 28 feet (33 feet with a pitched roof). Previous CUP approval granted a 40 foot building height for a public recreation facility. The application includes a height exception request (per interpolated grade) for 2'8" (over previous CUP approval) of additional building height for the entry feature, 5" of additional building height for the main tennis ridge, 1" of additional height for the south clerestories and 9" of additional height for the north clerestories.
8. The existing Racquet Club contains 155 parking spaces.
9. A reduction in parking is requested at 148 parking spaces. A bicycle rack will be provided adjacent to the main entrance.
10. Setbacks within the Residential Development (RD) are twenty feet (20') in the front, fifteen feet (15') in the rear, and twelve feet (12') on the sides. The MPD requires twenty-five (25') foot setbacks from all sides. The building complies with these setback requirements. The parking area which is being restriped and reoriented, and not expanded, does not meet the front yard setback and an exception has been requested to maintain the existing six feet (6') in the front yard.
11. The Analysis section of this staff report is incorporated herein.

Conclusions of Law - Racquet Club

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 use 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 by the location on a proposed bus route. Bicycle parking racks will be provided.
12. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval - Racquet Club

1. All standard conditions of approval apply to this MPD.
2. All applicable conditions of approval of the Racquet Club subdivision shall apply to this MPD.
3. A final water efficient landscape and irrigation plan that indicates snow storage areas

- and native drought tolerant plant materials appropriate to this area, is required prior to building permit issuance.
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. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on January 20, 2010, and shall be approved by Staff prior to building permit issuance. Materials shall not be reflective and colors shall be warm, earth tones that blend with the natural colors of the area.
 7. 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 January 20, 2010.
 8. The City Engineer prior to Building Permit issuance must approve utility, storm water systems and grading plans, including all public improvements.
 9. 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.
 10. Work is restricted to Monday through Friday 7:00 am to 6:00 p.m. Saturday work is restricted to 9:00 am to 6:00 p.m. This would include the time for start up of heavy equipment and start up of any vehicles. Work shall not occur on New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas. Idling of vehicles will not be allowed. Auxiliary lighting will also be restricted to these hours.
 11. Lay down and staging area will be restricted to existing parking lots and disturbed construction area. Applicant will minimize placement adjacent to housing units as much as possible.
 12. Transportation of labor to and from the job site from an off-site parking location shall be a condition of the construction contract. On site parking shall be restricted to those authorized and controlled by the project superintendent in coordination with Recreation Center Officials.
 13. The applicant will notify all affected property owners within 300 feet prior to construction commencing of conditioned work hours, contact information and general project description.

14. A limit of disturbance area will be identified during the building permit review.
15. The applicant shall submit a total employee count at time of building permit. Prior to Certificate of Occupancy, the applicant shall provide verification that the employee count has not increased. Should there be an increase in the total employee count the applicant shall be subject to the terms and conditions of Housing Resolution 20-07; Section E Redevelopment.
16. Future phases of Natatorium, Restaurant and Gymnasium expansion are included in this master plan and would be subject to an Amendment to this MPD. The Development Agreement will stipulate per 1-(l) the amendment will not justify a review of the entire master plan. Future phases will be subject to minimum open space requirements of 30%.
17. An internal parking review will occur one year after Certificate of Occupancy (or the facility is fully operational) to analyze parking load and demand.
2. Land Management Code - Amendments to Chapter 2.3 (HR-2 District), Chapter 5, Chapter 6, Chapter 10 and Chapter 11 regarding the Master Planned Development within HR-2 District and the application and appeal process of the Historic Design Review (Application PL-09-00784)

Chair Wintzer resumed the Chair.

Planner Kirsten Whetstone noted that the Planning Commission previously discussed these amendments on November 11th. Minutes from that meeting were included in the Staff report.

Planner Whetstone remarked that four general issues were before the Planning Commission this evening for a public hearing and recommendation to the City Council.

The first issue was Chapter 10, regarding the time frame for appeals and making the 45 day time frame consistent for the Board of Adjustments and the Planning Commission.

The second issue was Chapter 11, Historic Preservation, and the modification to streamline the Historic District Design Review process for projects and applications.

The third issue was a continued discussion on Upper Park Avenue to allow innovative design solutions within the transition area between the Main Street commercial and the Park Avenue residential neighborhood. Also for consideration were proposed amendments to Chapter 6, the Master Planned Development.

The fourth issue were amendments to clarify how the 5% support commercial and meeting space square footages are calculated within a master planned development.

Planner Whetstone commented on Chapter 11, the Historic Design Review process, noting that

June 15, 2011

Dear Planning Commission Members,

I want to thank you for your support of our neighborhood concerning the Racquet Club Construction. It has been a pleasure to eat my dinner in peace most evenings and when construction has gone past the allotted hours, the police have rectified the situation. I owe that contentment to all of you and your consideration for the neighborhood surrounding the soon to be Recreation Center.

I will be out of town during the meeting for this matter, so I am writing a letter expressing my concerns. I understand that winter conditions can make construction difficult. I would hope that Okland Construction planned on at least 8-10 snow days in their time estimates with their bid. Park City is known for harsh winters, it would be naïve at best to assume that construction would be unfettered by weather in this town. If they did not, I am not sure that the residents of Park Meadows should suffer due to bad planning.

My understanding is that snow is not the only thing that has held back Okland construction. I noticed many sunny days where construction did not happen or was cut short last fall. Okland had difficulties paying subcontractors and this might explain the wasted good weather days. They also had difficulties with one company working on the metal beams. It seems they picked a company that had numerous other commitments and did not get to the Racquet Club as planned. Work was delayed again due to bad planning. Extra time and variances were granted to work beyond the designated work hours to mitigate that situation.

Okland has consistently pushed the designated work hours. As I write this letter it is 6:30 a.m. and I am hearing back up beeps from trucks next door. They generally rattle through the gate around 6 am and start work before 7. So, if you grant a 7am start on Saturdays, it will be a 6:30 am start or earlier. The first time that I called the police, I had to plead with them to call somebody to check the actual permitted hours. The police originally believed Okland could work till 9 pm. The police officer was willing to look into the situation and discovered that indeed there were limited work hours. Being the only number to call, the police should have been well apprised of the work permit by the city project managers.

Finally, Okland has not followed commission direction to shuttle workers to the site. Numerous cars are parked along the road each day, so I wonder how seriously they take the limits that they agreed to when they took the job.

Two hours on Saturday mornings is not a lot to ask. My concern is that in a month they will ask to work till 7 each evening, then 8 then, 9 and then who knows. When bids were considered, Okland told the city that they could easily “work within those guidelines” but now they are changing their tune. Okland has already asked for a number of variances to work beyond the limits and they are asking now for a permanent variance. Okland has pushed the hour limits throughout construction so far, this concerns me when they ask for further variances that they can push even farther.

Please take into consideration the reason for the limitations. They have not changed. This is still a huge construction project in a quiet residential neighborhood. Okland has had both management and weather issues all of which should have been anticipated at least to some extent. If this is granted, what is next?

Thanks for your consideration in this matter.

Sincerely,

Michele M Dieterich

Planning Commission Staff Report



Subject: Park City Heights preliminary plat
and Design Guidelines
Author: Kirsten A Whetstone
Date: June 22, 2011
Project # PL-10-01028
Type of Item: Administrative

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider approving the preliminary plat and final Park City Heights Design Guidelines according to the findings of fact, conclusions of law, and conditions of approval as outlined in this staff report.

Topic

Applicant: The Boyer Company and Park City Municipal Corporation
Location: Richardson Flat Road, west of US 40 and south of the Rail Trail
Zoning: Community Transition (CT)
Adjacent Land Uses: US 40 corridor; municipal open space; single family residential and associated open space; 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 preliminary plats require Planning Commission review and approval. Master Planned Developments require Planning Commission review (the design guidelines and the preliminary plat are part of the MPD application).

Proposal

The Park City Heights Master Planned Development (MPD) application included a preliminary subdivision plat and Design Guidelines for the Park City Heights development (Exhibits A and B). On May 11, 2011, the Planning Commission approved the Park City Heights MPD with conditions, including conditions regarding platting and approval of the final Design Guidelines. The applicants are requesting approval of the final Design Guidelines and approval of a preliminary overall subdivision plat. Final subdivision plats will be submitted for approval as the project is phased in accordance with the requirements of the Land Management Code and conditions of the MPD.

Condition of approval #2 states:

A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the Planning Commission and City Council and shall be recorded prior to issuance of building permits for individual units within that plat. The plats shall be consistent with the LMC, preliminary plat and the PC Heights site plan and documents reviewed and approved by the Planning Commission during the MPD approval. Final street design, including final cut and fill calculations and limit of disturbance areas, shall be submitted with all final subdivision plats to be reviewed and approved by the Planning Commission during final subdivision review. Off-street guest parking areas shall be identified on the final plats.

Condition #57 states:

The Park City Heights Design Guidelines shall be approved by the Planning Commission prior to the submittal of the Development Agreement to the Planning Commission and before any activity or permits can be pulled for the MPD. No predevelopment work, including grading, clearing, etc. can occur prior to approval of the Design Guidelines by the Planning Commission.

Background

On June 30, 2010 a complete Master Planned Development application for the Park City Heights property was submitted to the Planning Department. The application included a draft Design Guidelines and a preliminary subdivision plat.

On September 22, October 13th, November 10th, and December 8th, 2010 and February 9th and 23rd, March 9th and 23rd, April 27th, and May 11th, 2011, the Planning Commission conducted public hearings on the MPD, including the site plan, preliminary plat, road cross sections, grading and drainage plans, preliminary utility plans, and Design Guidelines.

At the May 11th, 2011 meeting the Commission discussed in detail the findings of fact, conclusion of law, and conditions of approval and voted to approve the Park City Heights MPD with specific conditions including conditions that the subdivision plats and Design Guidelines are brought back before the Commission for formal approval.

Analysis

Preliminary Plat

The Land Management Code (LMC) in Section 15-7.1-4 (C) requires subdivision plats to be reviewed simultaneously with a Master Planned Development. During review of the Park City Heights MPD, a preliminary overall subdivision plat was submitted and reviewed by the Planning Commission. The final MPD action did not specifically include an approval of the preliminary plat.

LMC Section 15-7.1-5 requires Planning Commission approval of all preliminary subdivision plats. Approval of the final subdivision plat, or phased final plats, must be obtained from the Planning Commission and City Council within one year of approval of the preliminary plat, unless an extension of the approval is granted by the Planning Director per LMC Section 15-7.1-5 (H). Preliminary plats do not require City Council approval. The preliminary plat is signed by the property owner, the City, and the Planning Commission Chairperson. The preliminary plat is maintained in the Planning files and is not recorded at Summit County.

- Approval of a final subdivision plat, including phasing and associated utility plans, is required for the project to move forward and building permits to be issued. Final subdivision plats require final action by the City Council. The townhouse and multi-family lots will be required to have separate condominium plats upon completion of construction to record individual ownership of units.

LMC Section 15-78.1-5 (D) specifically addresses requirements and procedures for Preliminary Plats with particular attention to the following:

- Arrangement, location and width of Streets.
- Relation of streets to sewer service, drainage, erosion, topography and natural features of the Property, Physical Mine Hazards and geologic hazards.
- Relation of streets to Lot sizes and arrangement.
- Relation of streets to the further Development of adjoining lands as yet un-subdivided.
- Requirements of the Official Zoning Map, General Plan, and Streets Master Plan.

The preliminary plat identifies 187 lots for detached single family dwellings, 28 lots for 28 townhome units configured as seven (7) four-plex townhouse buildings with zero lot line construction, sixteen (16) duplex lots for eight (8) duplexes consisting of two (2) units each, and one (1) 23,000 square foot lot for a multi-family building of up to 8 units. Additional parcels are identified for the Public Park (4.11 acres), support uses (31,535 sf total 2 parcels), and open space areas (approximately 171 acres in multiple platted parcels).

Single family lots range in area from approximately 3,580 square feet (sf) to 26,000 sf, duplex lots range from 2,300 sf to 4,500 sf, and townhouse lots range from 1,898 sf to 4,800 sf consistent with the approved Park City Heights MPD and the CT zoning District. There is not minimum lot size in the CT zone.

Street ROW widths (not pavement width) range from 60' for the Minor Residential Collector, to 40' for Local Residential Streets, to 20' for Local Drives. Street profiles and design is highlighted in the Design Guidelines for the different areas of the MPD. The Collector provides the main access and loops from Richardson Flats Road to the

frontage road. The majority of lots are located on the Local Residential Streets with the garage access for the Park and Cottage Homes located on the Local Drives.

- The proposed preliminary subdivision plat has been reviewed by Staff and at a Development Review Meeting and found to be in substantial compliance with the Park City Heights MPD site plan and the Land Management Code Section 15-7.1-5- Preliminary Subdivision Plat. Location of the proposed lots and streets is consistent with the MPD site planning and Sensitive Lands Overlay criteria. The street and lot arrangement, building site, square footage, lot dimension, access, and road design are consistent with the Land Management Code, Sections 15-7.3-3 General Lot Design Requirements and 15-7.4-1 Preliminary Plat, the approved Park City Heights MPD, and the Park City General Plan.

Final road design will be submitted with final plats as conditioned with the May 11, 2011 MPD conditions of approval. Preliminary roadway cross sections and the erosion control/limits of disturbance plans are provided as Sheets C4 and C5 with the preliminary subdivision plat. Preliminary overall grading and drainage plans and utility plans are provided as Sheets C2.0- C3.6.

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- Water is provided by connecting to existing City water lines located in the vicinity of the Rail Trail. Water improvements for the subdivision are subject to the Water Agreement approved as an attachment to the Annexation Agreement for the Park City Heights Annexation approved by the City Council on May 27, 2010 per Ordinance 10-24.
- Sanitary sewer mains exist on the property adjacent to the Rail Trail. The developer is responsible for providing sewer lines and connections throughout the subdivision subject to approval by the Snyderville Basin Water Reclamation District (SBWRD) per their specific requirements and standards. SBWRD is required to sign the final plat as a condition subsequent to final plat recordation. On May 16, 2011, the SBWRD Board of Trustees accepted a Line Extension Agreement for the Park City Heights development.
-
- Preliminary storm water plans are outlined on Sheets C2.1- C2.6. The applicant has met with all utility and service providers during this preliminary plat review process, except for a specific meeting regarding storm water management. A final utility coordination meeting with all utility providers is required prior to issuance of building permit plans for construction of roads and utilities. Additional storm water management plans will be required to be submitted with the final plats for reviewed by the City Engineer.

Staff finds that there is Good Cause for approval of the preliminary plat in that The preliminary plat provides an overall lot and street layout consistent with the approved MPD site plan, the Land Management Code, the Official Zoning Map, General

Plan, and the Streets Master Plan. The preliminary plat provides a general lot, street, and utility layout from which individual phased final subdivision plats can be designed for compliance with and in consideration of the overall MPD approval

Design Guidelines

The Design Guidelines and final plats provide additional details regarding setbacks, house size, limits of disturbance, landscaping, re-vegetation, debris and waste, construction mitigation, fencing, architectural character and design. At the May 12, 2011 meeting the Planning Commission requested the following items be addressed in the Design Guidelines:

- History of the site and Quinn's Junction area;
- House size limitations;
- Language reflecting a preference for smaller homes consistent with "best practices" in sustainable design and development;
- Language encouraging achievement of higher LEED for Homes rating to establish Park City Heights as a leading example in Park City's sustainable goals and objectives;
- Language regarding use of solar equipment as recommended by the Commission;
- Address materials and energy impact of larger homes;
- Language reflecting the historic pattern of residential development in Old Town;
- Reference to the CCRs for the Oaks at Deer Valley for the 2 lots accessed from Deer Valley;
- Additional language regarding flat roofs and green roofs;
- Minor language changes and typos;
- Revised some photographs as recommended by Planning Commission;
- Addition of retaining wall criteria and illustration and photographs;
- Language regarding clearing and grubbing minimized from April to July per wildlife study;
- Language regarding on-site construction storage area;
- Additional language regarding defensible space, fire resistive landscaping, and clearing of deadwood; and
- Remove language allowing outdoor wood burning fireplaces.

Department Review

On October 26th, 2010, the preliminary plat, road cross sections, grading plans, and preliminary utility plans were reviewed by the development review team consisting of representatives from City Departments including the Planning, Building, Engineering, Sustainability, Public Works, Recreation, and Legal departments as well as by local and state utility providers (Snyderville Basin Water Reclamation District, Questar, Rocky Mountain Power, Fire District, Park City School District, Qwest, Comcast, and Mountain Trails Foundation). Comments were provided to the applicant's engineer following the

meeting. On January 18, 2011, the applicant submitted a revised preliminary plat that was reviewed by the City Departments with comments provided to the applicant on April 22, 2011. On May 18, 2011, Staff received a further revised set of plans, including an overall preliminary plat, a preliminary overall grading and drainage plan, and a preliminary utility plan, roadway cross sections, and erosion control plan. Issues raised during the review process have been adequately addressed and/or mitigated by revisions to the plans or by conditions of approval. Additional review of specific storm water management plans is necessary and will be required to be submitted with the final plats.

Planning Staff has reviewed the final Design Guidelines and find that the revisions reflect comments and concerns raised by the Planning Commission and public at the public hearings for the MPD.

Future Process

Approval of the preliminary subdivision plat by the Planning Commission is effective for a period of one year. Final approval of the final subdivision plat must be obtained from the Planning Commission and City Council within one year of approval of the preliminary plat, unless an extension of the approval is granted by the Planning Director per LMC Section 15-7.1-5 (H). Preliminary plats do not require City Council approval. Approval of a final subdivision plat, including phasing and associated utility plans, is required for the project to move forward and building permits to be issued. Final subdivision plats require final action by the City Council.

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 as required by the Land Management Code.

Alternatives

- The Planning Commission may approve the Park City Heights preliminary plat and Design Guidelines as conditioned and/or amended; or
- The Planning Commission may deny the Park City Heights preliminary plat and Design Guidelines and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information.

Significant Impacts

Based upon a review of the Park City Heights Master Planned Development conditions of approval and applicable sections of the Land Management Code, Staff finds that there are no significant fiscal or environmental impacts from this preliminary subdivision plat as conditioned. The Park City Heights Design Guidelines is an important element of the approved MPD.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider approving the preliminary plat and final Park City Heights Design Guidelines according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. On June 30, 2010, the applicants submitted a complete MPD application, including a preliminary plat and draft Design Guidelines, for a 239 unit residential development on 239 acres known as the Park City Heights MPD. The property is within the Community Transition (CT) zoning district.
2. The Park City Heights MPD is subject to the Park City Heights Annexation Agreement, including the Water Agreement, approved by the City Council on May 27, 2010 by Ordinance 10-24.
3. On May 11, 2011, the Planning Commission approved the Park City Heights MPD with conditions, including a condition of approval that subdivision plats and the final design guidelines are returned to the Planning Commission for review and approval.
4. The preliminary plat and design guidelines are subject to the May 11, 2011, MPD approval as conditioned.
5. Access to the site is from Richardson Flats Road, a public road previously known as Old Dump Road and from the US 40 Frontage Road. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement.
6. Utilities are available on or adjacent to the property. Extension of utilities and utility upgrades for the development are identified on the preliminary plat. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes.
7. The plat identifies 187 lots for detached single family dwellings, 28 lots for 28 townhome units configured as seven (7) four-plex townhouse buildings with zero lot line construction, sixteen (16) duplex lots for eight (8) duplexes consisting of two (2) units each, and one (1) 23,000 square foot lot for a multi-family building of up to 8 units. Additional parcels are identified for the Public Park (4.11 acres), support uses (31,535 sf total 2 parcels), and open space areas (approximately 170 acres in multiple parcels).
8. Locations of the proposed lots are consistent with the MPD site planning and Sensitive Lands Overlay criteria. Building setbacks are identified in the Design Guidelines and will be noted on the final subdivision plats.
9. Design Guidelines for the Park City Heights MPD address site planning, architecture and design, sustainability and best practices, landscaping and water conservation, construction impacts, retaining wall design, and other requirements of the CT zoning

district, Land Management Code, Park City Heights Annexation Agreement and Master Planned Development approval.

10. A Geotechnical Study for the Park City Heights Development was provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay soils were encountered across the site in the upper two and one-half to nine and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils, and other mitigations are spelled out in the Study and will be noted on the final subdivision plats.
11. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.
12. On September 22, October 13th, November 10th, and December 8th, 2010 and February 9th and 23rd, March 9th and 23rd, April 27th, and May 11th, 2011, the Planning Commission conducted public hearings on the MPD, including the site plan, preliminary plat, road cross sections, grading and drainage plans, preliminary utility plans, and Design Guidelines.
13. The preliminary plat provides an overall lot and street layout consistent with the approved MPD site plan, the Land Management Code, the Official Zoning Map, General Plan, and the Streets Master Plan. The preliminary plat provides a general lot, street, and utility layout from which individual phased final subdivision plats can be designed for compliance with and in consideration of the overall MPD approval.
14. Final road and utility design will be provided to the Planning Commission for review with the final subdivision plats.
15. The applicant stipulates to the conditions of approval.
16. The discussion in the Analysis section of this report is incorporated herein.

Conclusions of Law

1. The preliminary plat is consistent with the May 11, 2011 Park City Heights MPD and the Park City Land Management Code.
2. Neither the public nor any person will be materially injured by the proposed preliminary plat.
3. Approval of the preliminary plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. Approval of the Park City Heights Design Guidelines is consistent with the conditions of approval of the Park City Heights MPD.
5. There is good cause for this preliminary plat.

Conditions of Approval

1. All future phased final subdivision plats are subject to the May 11, 2011, Park City Heights MPD approval, including the conditions of approval, and shall be consistent with the preliminary plat.
2. The City Attorney and City Engineer will review and approve the final form and content of the preliminary plat prior to filing the plat in the Planning files and returning a copy of the plat to the applicant.

3. Consistent with LMC Section 15-7.1-5 (H), approval of the preliminary plat is effective for a period of one (1) year, at the end of which time final approval of the final subdivision plat must have been obtained from the Planning Commission and City Council and the final phased plat filed with the County recorded within one (1) year of approval, unless an extension is granted by the Planning Director.
4. Public improvements for each phased final plat, including such improvements as streets, sidewalks, utilities, fire hydrants, landscaping, storm management facilities, trails, parks, and all other public improvements as required by the Master Planned Development and the Land Management Code, shall be installed and dedicated prior to the signing of the final phased subdivision plat by the Planning Commission Chairperson, unless the Planning Commission approves a financial guarantee, in compliance with requirements of the Land Management Code and as recommended by the City Engineer, for these improvements. The financial guarantees for each phase shall be posted prior to recordation of each phased final plat.
5. Substantive revisions to the Design Guidelines are subject to approval by the Planning Commission and shall comply with the intents and purposes of the Park City Heights Master Planned Development.

Exhibits

Exhibit A- Preliminary subdivision plat, grading and drainage plan, utility plan, roadway cross sections, erosion control, and phasing plan.

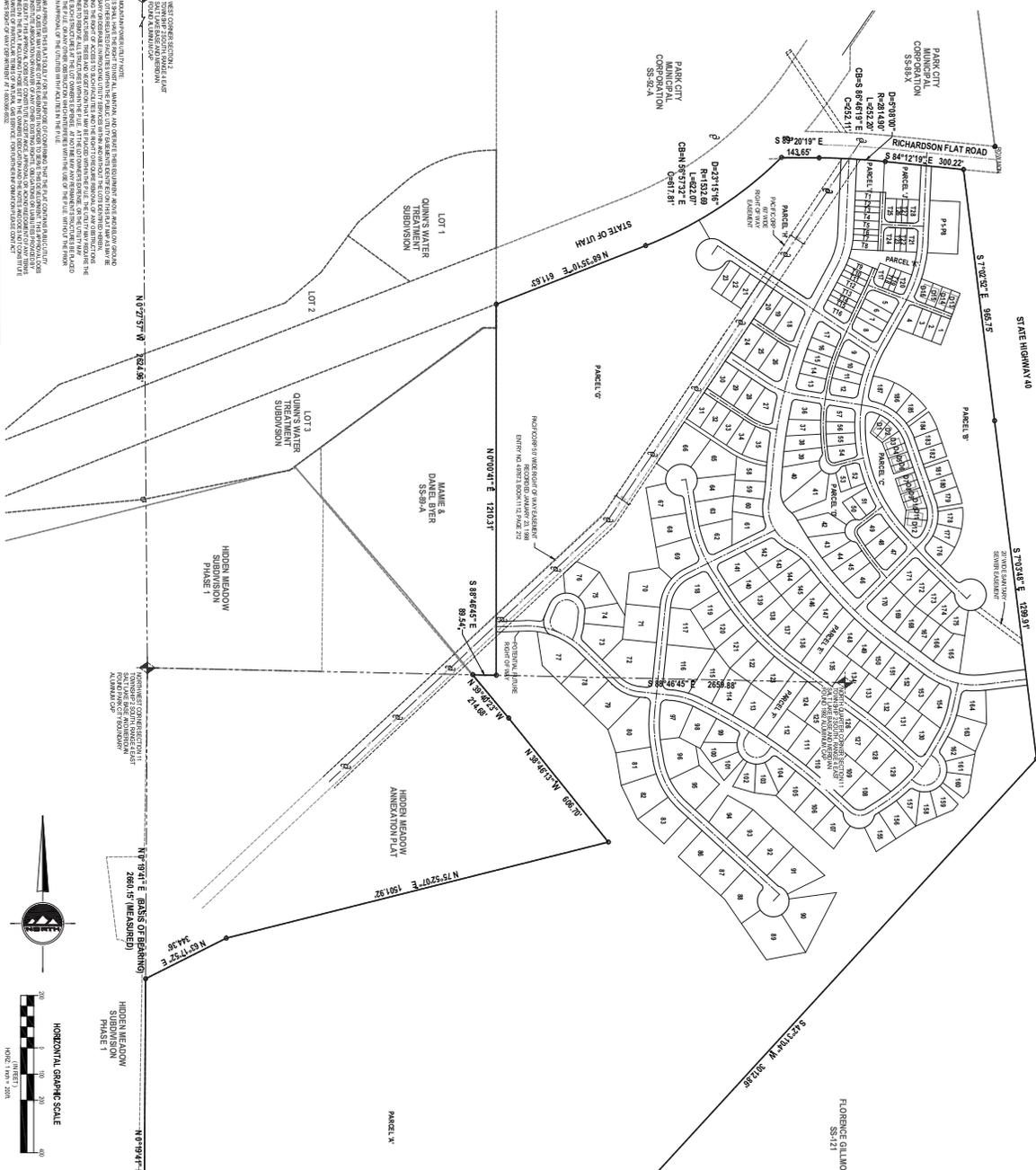
Exhibit B- Park City Heights Design Guidelines (under separate cover)

Exhibit C- May 11, 2011 Park City Heights action letter

Exhibit D- May 11, 2011 approved Park City Heights MPD site plan

PARK CITY HEIGHTS SUBDIVISION

LOCATED IN PORTIONS OF SECTION 11,
TOWNSHIP 2 SOUTH RANGE 4 EAST SALT LAKE BASIN & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SALT LAKE CITY
PLANNING COMMISSION
2011 JUNE 22, 2011

PROJECT NUMBER: 002
DRAWN BY: RHM
CHECKED BY: RHM
DATE: 10/11

DEVELOPER: BOYER PARK CITY, INC./JUNCTION, LC
90 SOUTH BOSTON STREET, 200
SALT LAKE CITY, UT 84143
(801) 524-4181

ENGINEER: SENEVILLE BASKIN WATER
RECLAMATION DISTRICT
1000 WEST 1000 SOUTH, SUITE 200
SALT LAKE CITY, UT 84119
(801) 466-1100

PLANNING COMMISSION: BOYER PARK CITY, INC./JUNCTION, LC
90 SOUTH BOSTON STREET, 200
SALT LAKE CITY, UT 84143
(801) 524-4181

ENGINEER'S CERTIFICATE: SENEVILLE BASKIN WATER
RECLAMATION DISTRICT
1000 WEST 1000 SOUTH, SUITE 200
SALT LAKE CITY, UT 84119
(801) 466-1100

APPROVAL AS FOUNDED: BOYER PARK CITY, INC./JUNCTION, LC
90 SOUTH BOSTON STREET, 200
SALT LAKE CITY, UT 84143
(801) 524-4181

CERTIFICATE OF ATTEST: BOYER PARK CITY, INC./JUNCTION, LC
90 SOUTH BOSTON STREET, 200
SALT LAKE CITY, UT 84143
(801) 524-4181



OWNERS DEDICATION:
I, the undersigned, do hereby dedicate to the public use of the State of Utah, the following described property, to-wit: **PARK CITY HEIGHTS SUBDIVISION**, located in portions of Section 11, Township 2 South, Range 4 East, Salt Lake Basin & Meridian, Summit County, Utah. The dedication is made for the use and benefit of the people of the State of Utah, and the same shall be held in trust for the people of the State of Utah. Witness my hand and the seal of my office, this 22nd day of June, 2011.

STATE OF UTAH
PLANNING COMMISSION

PLANNING COMMISSION: BOYER PARK CITY, INC./JUNCTION, LC
90 SOUTH BOSTON STREET, 200
SALT LAKE CITY, UT 84143
(801) 524-4181

ENGINEER'S CERTIFICATE: SENEVILLE BASKIN WATER
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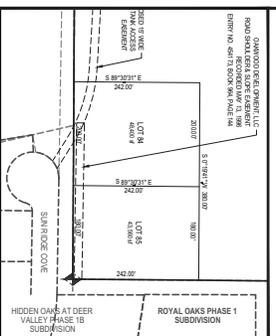
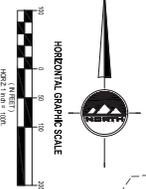
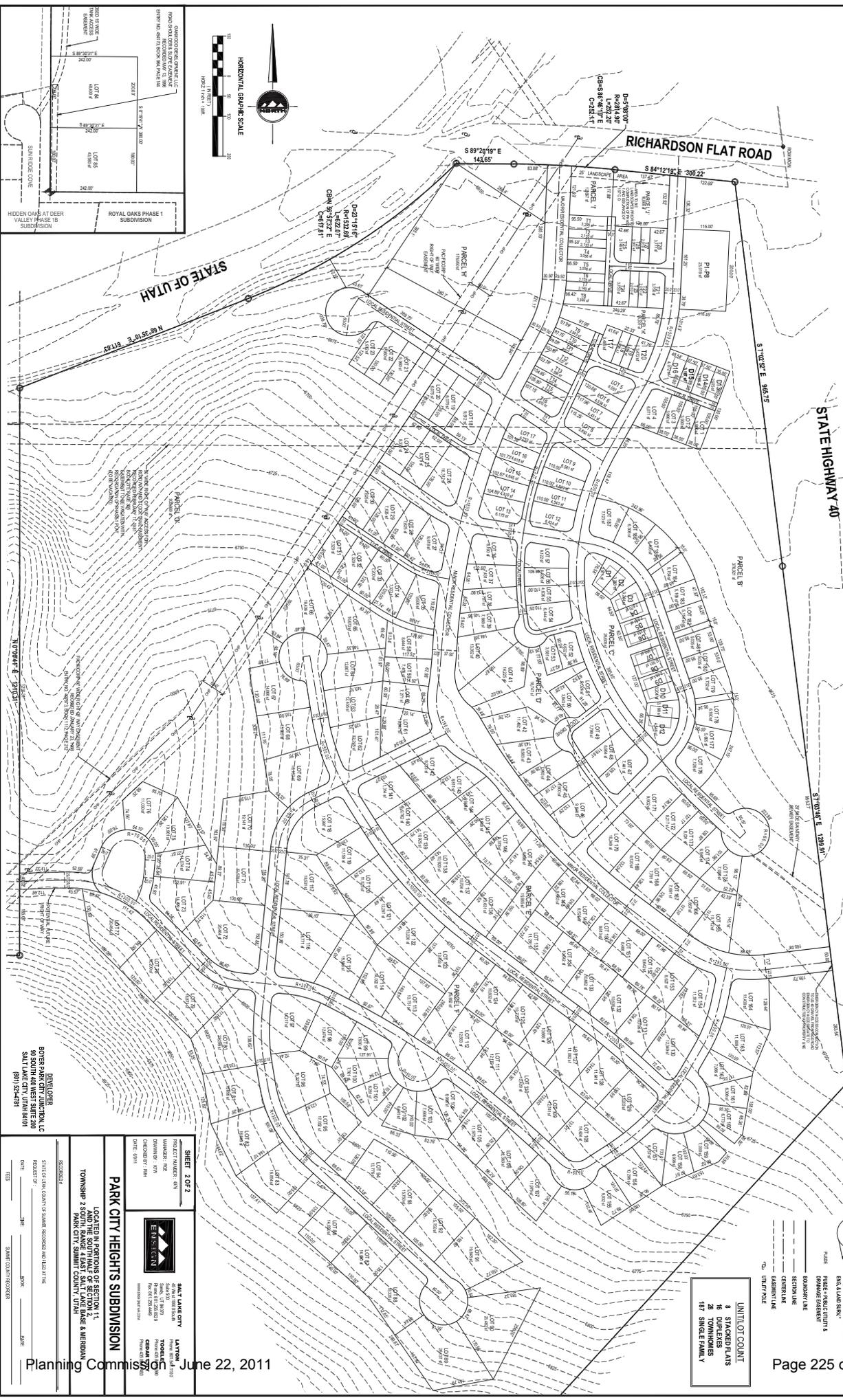
- PLATNOTES
1. THIS PLAT IS A PART OF A LARGER PLAT OF THE SOUTH RANGES PARCELS 2.
 2. EXISTING WATER MAIN LINE EQUIPMENT REMAINS AND IS TO BE REMOVED TO BE EXPOSED.
 3. PROPERTY LOCATED WITHIN THE PLAT MAY BE SUBJECT TO BE ACQUIRED BY THE STATE OF UTAH.
 4. PROPERTY LOCATED WITHIN THE PLAT MAY BE SUBJECT TO BE ACQUIRED BY THE STATE OF UTAH.

PARK CITY HEIGHTS SUBDIVISION

LOCATED IN PORTIONS OF SECTIONS 11, 12 AND 13 TOWNSHIP 2 SOUTH RANGE EAST SALT LAKE MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

LEGEND

- SECTION CORNER SET-UP
- BEAR WITH YELLOW LASC
- ENC. STAKE SURV. SYSTEM
- PHOT. - SURVEY CONTROL
- BOUNDARY LINE
- SECTION LINE
- CENTERLINE
- EASEMENT LINE
- UTILITY POLE
- UNIT/LOT COUNT
- 8 STAGED FLATS
- 16 DUPLEXES
- 28 TOWNHOMES
- 187 SINGLE FAMILY



DEVELOPER
BOYER PARK CITY JUNCTION, LLC
80 SOUTH 400 WEST SUITE 200
SALT LAKE CITY, UTAH 84119

SHEET 2072

PROJECT NUMBER: 091

OWNER: BOYER PARK CITY JUNCTION, LLC

DESIGNER: ENRICHEN

DATE: _____

SCALE: _____

BY: _____

FOR: _____

PARK CITY HEIGHTS SUBDIVISION

LOCATED IN PORTIONS OF SECTIONS 11, 12 AND 13 TOWNSHIP 2 SOUTH RANGE EAST SALT LAKE MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

PLANNING COMMISSION

APPROVED: _____

DATE: _____

BENCHMARK
 2000 NATIONAL GRID COORDINATE SYSTEM
 ELEVATION
 81.00000000
 COMMENCEMENT OF ANY
 CONSTRUCTION



HORIZONTAL GRAPHIC SCALE
 1" = 100'
 1/2" = 50'

MATCHLINE
 SEE SHEET C 33

| | | | |
|--|--|---|--|
| | SALT LAKE CITY 46 WEST 1000 SOUTH SUITE 500 9407 SALT LAKE CITY, UT 84119 PHONE: 801.255.4444 FAX: 801.255.4444 | PARK CITY HEIGHTS PARK CITY, UTAH | PLANNING COMMISSION 307-1 C 332 |
| | LAYTON PHONE: 801.257.1111 CEGAR CITY PHONE: 435.895.1653 TOOELE PHONE: 435.863.3990 INVESTMENT/ANALYST | NAME: [REDACTED] ADDRESS: [REDACTED] PHONE: [REDACTED] FAX: [REDACTED] | UTILITY PLAN |

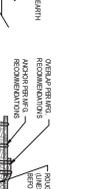
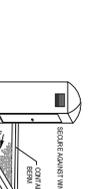
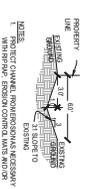
C 332

Planning Commission -



PARK CITY HEIGHTS

PARK CITY, UTAH





May 12, 2011

Patrick Moffat
The Boyer Company
90 South 400 West, Suite 200
Salt Lake City, UT 84101

Phyllis Robinson
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: Park City Heights Master Planned Development

Project Numbers: PL-10-01028

Project Location: Richardson Flats Road, west of US 40 and southeast of SR 248

Date of Final Action: May 11, 2011

Action Taken: Planning Commission conducted a public hearing and APPROVED the Park City Heights Master Planned Development in accordance with and subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The Park City Heights MPD includes the following:
 - a. 160 market rate units distributed in a mix of: cottage units on smaller lots (lots are approximately 6,000 to 8,600 sf in size); single-family detached units on approximately 8,000 sf to 27,000 sf lots; and single-family detached on two upper lots which are approximately 44,000 and 48,000 sf each. The approximate distribution of types of product is identified in the Design Guidelines.
 - b. 28 deed restricted townhouse units (44.78 affordable unit equivalents or AUE). These 28 units meet the required IHC affordable units under their affordable housing obligation and are configured as seven four-plexes.

- c. 16 deed restricted units (32 AUE). These 16 units meet the affordable housing required by the CT zone (LMC 15-2.23-4(A) (8)) and the Affordable Housing Resolution 17-99. These units are configured as a mix of single-family detached, cottage homes, and townhouse units.
- d. 35 additional non-required deed restricted affordable units in a mix of unit types.
- e. All units (including all deed restricted units) will be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.
- f. A total of 171.5 acres of open space (not including open space within individual lots) is provided. This is approximately 72% of the entire 239 acres. This total includes the 24 acre parcel located adjacent to Highway 248 that is deeded to the City for open space.
- g. An additional 5 acres of deeded open space is provided on Round Valley Drive adjacent to US 40 south of the Park City Medical Center. This open space is not included in the 72% figure. This is in exchange for transferring the 28 IHC deed restricted townhouse units to the PC Heights neighborhood. This parcel is deed restricted per requirements of the Burbidge/IHC Annexation and Development Agreements.
- h. A dedicated 3.55 acre (155,000 sf) public neighborhood City Park with field, tot lot and playground equipment, shade structure, paths, natural area, and other amenities to be designed and constructed by the developer and maintained by the City. This park is included in the open space calculations. Bathrooms are proposed in the club house with exterior access for the park users.
- i. A 15,000 sf (approx.) community gardens area within the PC Heights neighborhood. This area is included in the open space calculations.
- j. 3 to 4 miles of soft surface trails within and around the property and additional mile or so of hard surfaced sidewalks and paths along the Project's streets.
- k. Trail connections to the Rail Trail and Quinn's trail, including trail on the north side of Richardson Flat Road from the 248 underpass to the Rail Trail and trail on the south side of the Road from the project to the Rail Trail. Trail connection to the south property line for future connections to the Jordanelle area. Trail easement on north side of Richardson Flat Road from Rail Trail to east property line. Trail connections to the Park City and Snyderville Basin back country trails system. Trails are further described in Finding #11.
- l. Transit bus shelters along Richardson Flat road including "dial-a-ride signs" (City bus service expected to be extended to Park City Heights and the Park and Ride).
- m. Bike racks at the club house and public park.
- n. Cross walk across Richardson Flat road at the rail trail.
- o. A 3,000 sf community center/club house area to be constructed by the developer with dedicated future ancillary support uses or possible daycare center parcels (Parcels I and J as shown on the preliminary plat). Exterior

- access bathrooms will be available for park users. Construction of a daycare facility would be by the owner of the daycare facility and not by the Park City Heights development.
- p. Water infrastructure improvements that enhance the City's overall water system and provide redundancy as required by the Water Agreement executed as part of the Annexation Agreement. Water shares were dedicated to the City as part of a pre-annexation agreement.
 - q. Transportation improvements to the Richardson Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) and putting the Park and Ride facility and Park City Heights on the City bus route. These transportation improvements meet the requirements in the Annexation Agreement.
 - r. Following Wildlife recommendations as identified in the Biological Resources Overview prepared by Logan, Simpson Design, Inc. amended March 17, 2011.
 - s. Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley, or equivalent.
 - t. No sound barrier walls or structures along US 40 within or related to the MPD.
2. The Park City Heights MPD is subject to the Park City Heights Annexation Agreement approved by the City Council on May 27, 2010. The Annexation Agreement sets forth terms and conditions of annexation, zoning, affordable housing, land use, density, transportation and traffic, phasing, trails, fire prevention, road and road design, utilities and water, fiscal impact analysis, snow removal, fees, and sustainable development requirements for the 239 acre Park City Heights MPD. The MPD as conditioned is in compliance with the requirements of the Annexation Agreement.
 3. The Park City Heights Annexation Agreement includes a Water Agreement as an integral component. The Water Agreement sets forth terms and conditions related to water facilities, restrictions regarding water, and phasing of development as it relates to completion of water infrastructure. The MPD as conditioned is in compliance with the Water Agreement.
 4. On June 17, 2010, the applicants submitted a pre-MPD application based on the annexation approval and agreement. The Planning Commission reviewed the pre-MPD application at two (2) meetings (July 14 and August 11, 2010) and found the application to be in initial compliance with applicable elements of the Park City General Plan.
 5. On June 30, 2010, the applicants submitted a complete MPD application.
 6. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.
 7. Public hearings on the MPD were held on October 13th, November 10th, and December 8th, 2010 and on February 9th, February 23rd, March 9th and March 23rd, 2011 and on April 27, 2011.
 8. The property is located within the Community Transition (CT) zone. The MPD is in compliance with all applicable requirements of the CT zone, including density, uses,

- building setbacks, building height, parking, open space, affordable housing, and sustainable development requirements.
9. Access to the site is from Richardson Flat Road, a public road previously known as Old Dump Road. Access is also proposed to the currently unimproved US 40 frontage road (UDOT) along the east property line. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement.
 10. Utilities are available in the area, however extension of utilities or utility upgrades to the development site are required. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes. Location of utility boxes shall be shown on the final utility plans. The MPD phasing plan shall be consistent with conditions of the Annexation Agreement related to provision of public services and facilities.
 11. The MPD includes 1) a paved connector trail on the south side of and separated from Richardson Flat Road, from the project to the Rail Trail, 2) a paved connector trail on the north side of and separated from Richardson Flat Road, from the SR 248 underpass to the Rail Trail, 3) a trail connection from trails within the project to the south property boundary line, 4) a trail easement along the north side of and separated from Richardson Flat Road from the Rail Trail to the east property boundary line, and 5) several miles of paved and soft surfaced trails throughout the development. All trails will be constructed by the developer consistent with the Park City Trails Master Plan.
 12. The MPD includes a dedicated neighborhood public park to be constructed by the developer according to the City's parks plan, and as further directed by the City Council. Bathrooms are provided at the clubhouse with exterior access for the park users.
 13. Parking within the MPD is proposed at two spaces per unit within private garages. Additional surface parking is provided for guests, the community gardens/park area, and the neighborhood clubhouse/meeting area. The streets have been designed to allow for parking on one-side per the City Engineer. Final street design will be determined at the time of the final plat and additional off-street guest parking areas will be incorporated into the design.
 14. The proposed MPD density of 1 unit per acre complies with the density allowed by the CT zone. (239 units on 239 acres) The net density is 0.82 units per acre (195 units on 239 acres), excluding the 44 required deed restricted housing units. The density is consistent with the Annexation Agreement. If the additional 35 deed restricted affordable units are included in this analysis the net density is 0.67 units per acre (160 units on 239 acres).
 15. The LMC requires a Sensitive Lands Analysis for all Master Planned Development applications. The MPD application included a Sensitive Lands Analysis.
 16. A portion of property is located within the designated SR 248 Entry Corridor. This area is identified in the MPD as open space and all required entry corridor setbacks of 200' are complied with.

17. The property contains SLO designated steep slopes, ridgelines and wetland areas. These areas are identified in the MPD as open space areas and all required wetland and stream setbacks are complied with.
18. A wildlife study was conducted and a report (December 2010) was prepared by Logan Simpson Design, Inc. A revised report was prepared on March 17, 2011. The wildlife study addresses requirements of the Land Management Code and provides recommendation for mitigation of impacts on wildlife.
19. The site plan complies with the minimum MPD required 25' setback around the perimeter of the property. Setbacks range from 25' to 690' (and greater to the south property line).
20. The locations of the proposed units are consistent with the MPD site planning and Sensitive Lands Overlay criteria.
21. The property is visible from the designated LMC Vantage point along State Road 248 and a visual analysis was conducted by the applicant from this Vantage point. Additional visual analysis was provided from the intersection of Richardson Flat Road and SR 248. Units along the western perimeter are most visible along the minor ridge from SR 248. Any units that are over the 28' height limit as measured in the zone will be required to obtain an Administrative Conditional Use Permit. .
22. Structures containing more than four units and future non-residential structures on Parcels I and J will be more visible due to the location along Richardson Flat Road and the potential massing. Additional review through the conditional use process is warranted for these parcels and uses.
23. Design Guidelines for the Park City Heights MPD address site planning, architecture and design, sustainability and best practices, landscaping and water conservation, and other requirements of the Annexation Agreement.
24. A comprehensive traffic study and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by the Applicant's traffic consultant, Hales Engineering, dated June 7, 2007, on file at the Park City Planning Department. An updated traffic volume and trip generation report was provided by Hales Engineering on September 27, 2010. An additional traffic update was provided in 2008 by InterPlan Co at the request of the City Transportation Department. The Hales Engineering study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. The City's Transportation Department is preparing a Short range Transit Development Plan studying demand for transit, routes, efficiency of the transit system, etc to be completed in July of 2011. This Transit Plan will address the timeline for bus service in the Quinn's Junction area. The City's Transportation Master Plan update will include the projected traffic from Park City Heights MPD in the recommendations for transportation improvements within the City.
25. Construction traffic is required to be addressed in the Construction Mitigation Plan.
26. A Geotechnical Study for the Park City Heights Development was provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay soils were encountered across the site in the upper two and one-half to nine and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils, and other mitigations are spelled out in the Study.

27. A Fire Protection Report (March 2011) identifies potential Wildland urban interface areas within the MPD. Prior to issuance of building permits the Building Department will review individual building fire protection plans for compliance with recommendations of the Fire Protection Report and applicable building and fire codes. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by development of the site.
28. Affordable housing obligations of the MPD are consistent with the affordable housing described by the Park City Heights Annexation Agreement, Housing Resolution 17-99 and as required by the CT zone. The MPD provides up to an additional 35 deed restricted housing units over the 28 deed restricted townhouse units (44.78 affordable unit equivalents (AUE) required by the IHC MPD and the 16 deed restricted units (32 AUE) required by the CT zone for the 160 market rate units). These affordable units are configured as a mix of single-family detached, duplexes, cottage units, and attached townhouse units. The additional 35 non-required deed restricted affordable units are proposed to be a mix of unit types as part of this MPD consistent with the needs described in Housing Market Assessment for Park City, dated September 2010. As part of the mix of unit types, rental housing will be considered consistent with the needs described in the September 2010 Housing Market Assessment.
29. No building height exceptions have been requested and all buildings will comply with the height limitations of the CT zone.
30. Lots have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as further described in the Park City Heights Design Guidelines.
31. Utilities must be extended to the site to sustain the anticipated uses. Thirty (30') foot wide non-exclusive utility easements are generally necessary for long term maintenance and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities.
32. Off-site trail and intersection improvements may create traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general. Construction Mitigation Plans are required and shall be required to include mitigation for these issues.
33. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management.
34. Final road designs will be provided to the Planning Commission for review with the final subdivision plats. To minimize visual impacts and to minimize disturbance of existing vegetation due to large areas of cut and fill slopes, low retaining structures (in steps of 4' to 6') are recommended. These low retaining structures may be stepped to minimize their height. Design of these retaining structures is included in

- the PC Heights Design Guidelines to ensure consistency of design, materials, and colors throughout the development.
35. A storm water run-off and drainage plan is necessary to ensure compliance with Park City's Storm Water Management Plan and storm water Best Management Practices for storm water during construction and post construction with special considerations to protect the wetlands delineated on and adjacent to the site.
 36. A financial guarantee for all landscaping and public improvements 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 in a timely manner. This financial guarantee is required prior to building permit issuance.
 37. Parcels I and J are identified on the preliminary subdivision plat as potential future support commercial and/or child care center or similar uses pad sites. These parcels are currently used as a temporary, dirt parking lot. Construction of a daycare center is not the responsibility of the applicant/developer of Park City Heights.
 38. A master sign plan is required for Planning Department review and approval and all individual signs require a sign permit prior to installation.
 39. Sound mitigation may be desired by owners of units along US 40. Conditions of approval prohibit sound barrier walls within the MPD. However, other sound mitigation measures may be accomplished with landscaping, berming, smart housing design and insulation, and sound barriers constructed as part of the dwelling units.
 40. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement.
 41. The applicant stipulates to the conditions of approval.
 42. The discussion in the Analysis sections of this report and the Analysis sections of the March 23, 2011 Planning Commission Staff Report (Exhibit A) are incorporated herein.
 43. The applicants have met with Rocky Mountain Power and have increased the Rocky Mountain Powerline setbacks as required by this Utility.
 44. The site plan for the proposed MPD has been designed to minimize the visual impacts of the development from the SR 248 Entry Corridor and has preserved, through open space, the natural views of the mountains, hillsides and natural vegetation consistent with Park City's "resort character".
 45. The 171.5 acres of open space adjacent the development, the trail connections and improvements, and proposed neighborhood public park, as conditioned, will provide additional recreational opportunities to the Park City community and its visitors, which strengthens and enhances the resort character of Park City.
 46. The opportunities for mixed affordable housing types, including rental units, within the development will strengthen the resort economy by providing attainable housing options in a sustainable and energy efficient community for workers in Park City's tourism/resort based industries.
 47. Surrounding uses include open space, Highway 248, US 40, the Rail Trail, the Municipal Water Treatment Plant, Quinn's recreation complex (fields and ice rink), and the IHC medical center and offices

48. The MPD provides direct connection to and critical improvements of the Rail Trail and provides alternative transportation opportunities for recreation and commuting, such as biking, walking, in-line skating, and cross country skiing to Park City's business district at Prospector Square (within 2 miles) and to the IHC medical complex.

Conclusions of Law

1. The MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6- Master Planned Developments Section 15-6-5 as stated in Exhibit A, March 23, 2011 Planning Commission Staff Report.
2. The MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, is consistent with the Park City Heights Annexation Agreement.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City
6. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood Compatibility.
7. The MPD provides amenities to the community so that there is no net loss of community amenities.
8. The MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
9. The MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible.
10. The MPD promotes the Use of non-vehicular forms of transportation through the site design and by providing trail connections.
11. The MPD has been noticed and public hearings held in accordance with the LMC.

Conditions of Approval

1. All standard project conditions shall apply (Attached).
2. A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the Planning Commission and City Council and shall be recorded prior to issuance of building permits for individual units within that plat. The plats shall be consistent with the LMC, preliminary plat and the PC Heights site plan and documents reviewed and approved by the Planning Commission during the MPD approval. Final street design, including final cut and fill calculations and limit of disturbance areas, shall be submitted with all final subdivision plats to be reviewed and approved by the Planning Commission during final subdivision review. Off-street guest parking areas shall be identified on the final plats.
3. A limit of disturbance area (LOD), maximum building footprint and/or house size limitation and a setback requirement table for the lots shall be included on the final plats consistent with the Park City Heights Design Guidelines.

4. A note shall be added to the final plats stating that a landscape plan shall be submitted for City review and approval for each lot, prior to building permit issuance for that lot.
5. A note shall be added to the final plats stating that all units (including all deed restricted units) shall be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided to confirm compliance with the standards. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.
6. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines.
7. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance.
8. All exterior lighting, including any street and/or path lighting shall be designed to limit the trespass of light into the night sky as much as possible and shall conform to the LMC Sections 15-5-5-(I) and 15-3-3(c) and the Park City Heights Design Guidelines.
9. All exterior lighting, with the exception of bollard lighting at the park shall be privately maintained.
10. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service. The CMP shall include a site and landscape plan for the sales office building (either within the clubhouse or within a finished unit) to address landscaping, lighting, and parking for the sales office. Construction Mitigation Plans shall provide mitigation measures for traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general.
11. The CMP shall address disposal and treatment of all excavated materials. The capping of exposed soils within the City's Soils Ordinance Boundary is subject to all applicable regulations and requirements of the Park City Soils Ordinance Title 11, Chapter 15- Park City Landscaping and Maintenance of Soil Cover. A detailed Limit

- of Disturbance (LOD) plan shall be submitted as part of the CMP. The Limits of Disturbance for the entire site shall be minimized to the greatest extent possible, using best construction practices, and shall include the use of additional low retaining walls and steeper slopes to prevent unnecessary disturbance of native vegetation.
12. A construction recycling area and an excavation materials storage area shall be provided within the development to reduce the number of construction trips to and from the development. This condition applies at a minimum to the first two phases of development and may be waived for subsequent phases of development upon request by the applicant and upon review by the Planning, Building, and Engineering Departments.
 13. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed pre-development drainage conditions and special consideration shall be made to protect the wetlands delineated on and adjacent to the site.
 14. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the public park and public trails, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the final subdivision plats.
 15. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC Subdivision Regulations, for the value of all public improvements, pedestrian amenities and trails, sidewalks, bus stop amenities, landscaping (including landscaping to re-vegetate and re-landscape areas disturbed by construction related to the MPD) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance for new construction within each phase of construction. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.
 16. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plats. Utility plans shall be reviewed by the Interdepartmental staff members and the utility service providers as the Development Review Team. Utilities for the MPD shall be placed underground.
 17. The City Engineer shall review and approve all associated utility and public improvements plans (including streets and sidewalks, grading, drainage, trails, public necessity signs, street signs and lighting, and other required items) for compliance with the LMC and City standards as a condition precedent to final subdivision plat recordation. This shall include phasing plans for street construction to ensure adequate fire turn-around that minimize disturbance of native vegetation. Due to expansive soils in the area, grading and drainage plans shall include a comprehensive lot drainage plan for the entire phase of each final subdivision plat.
 18. Above ground utility boxes must be shown on the final utility plans. The location of these boxes shall comply with best practices for the location of above ground utility boxes. These boxes shall be located in the most efficient, logical, and aesthetic

locations, preferably underground. If located above ground the boxes shall be screened to minimize visual impacts and locations shall be approved by the City Engineer.

19. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plats, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
20. All construction, including grading and trails, within the Park City Soils Ordinance area shall comply with restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15).
21. Trail improvements necessary to connect the Rail Trail to the Hwy 248 tunnel trail on the north side of Richardson Flat Road, as well as the trail connection from the Rail Trail to the public park on the south side of Richardson Flat Road, will likely impact the wetlands in this area. Precedent to issuance of a building permit for these trails a wetlands impacts and enhancements plan shall be reviewed by the Planning Staff. All required wetlands permits shall be obtained from the required agencies.
22. Mitigation for the disturbance of any wetland areas shall be identified on the trail construction plan and shall include enhancements of wetlands as an amenity feature for users of the trail system.
23. Enhancements to wetland areas and other disturbed areas within the MPD could include but are not limited to: educational signs, such as identification of plants and animals, ecological processes, wetlands ecology, and insights into seasonal changes to the landscape; plantings that encourage and/or provide food sources for wildlife; additional on-site water sources; clean up of degraded areas; and new nesting habitat/bird and small mammal boxes.
24. Lots 89 and 90 of the preliminary subdivision plat shall be shifted to match the trail phasing plan to locate the trail connection on the open space.
25. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006, Geotechnical Study for the Park City Heights Development provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Special construction methods, removal of unsuitable soils, and other mitigation measures are recommended in the Study. Additional soils studies and geotechnical reports may be required by the Building Department prior to issuance of building permits for streets, utility installation, and structures.
26. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.
27. Fire protection and emergency access plans shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire protection plans shall include any required fire sprinkler systems and landscaping restrictions within the Wildland interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected by the development.
28. A limit of disturbance area shall be identified during the building permit review and construction fencing will be required to mitigate construction impacts. Silt fencing is required during construction in areas where run-off and construction may impact adjacent wetlands, water ways, and undisturbed areas as determined by the

Building Department.

29. Trail easements for all proposed trails in the MPD shall be platted on the final recorded subdivision plats. All trails shall be constructed consistent with the Park City Trails Master Plan and the Snyderville Basin Trails Master Plan. Connections to undeveloped property to the south providing future connections to the Wasatch County shall be consistent with the Wasatch County Trails Plan.
30. Construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the findings, and other neighborhood amenities associated with the first phase, shall commence upon issuance of the 40th building permit for Phase I (as described in the Annexation Agreement) and shall be complete within 9 months from commencement of construction, unless otherwise directed by City Council. In subsequent phases, trails, amenities, and other improvements shall be completed prior to issuance of 50% of the certificates of occupancy for the units within that phase, or as otherwise stated in the Development Agreement.
31. The neighborhood public park shall be developed in accordance with standards set forth and required by the City Council, Recreation Advisory Board and city standards. A minimum area of 100 by 80 yards shall be initially free from fixed improvements until final field design is approved or further conditioned at subdivision approval. The park will include bathrooms in the club house with exterior access for park users.
32. An Affordable Housing Plan, consistent with the Park City Heights Annexation Agreement and as required by LMC Section 15-6-5 (J), shall be reviewed by the Planning Commission and a recommendation shall be forwarded to the Park City Housing Authority. The Park City Housing Authority shall approve the final Park City Heights Affordable Housing Plan prior to issuance of any building permits for units within the MPD.
33. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.
34. A master sign plan for the neighborhood shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.
35. No sound barrier walls or structures along Hwy 40 are permitted within the MPD. To the extent sound mitigation measures are utilized within the MPD, such measures shall be limited to landscaping and berms, energy efficient housing design and insulation, and sound mitigation constructed as part of the design of the dwelling units and shall be reviewed by the Planning Department for compliance with the Design Guidelines.
36. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.
37. Pursuant to Section 15-6-4 (G) of the LMC, once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission within 6 months of this approval. The Development Agreement shall be

- signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
38. The Park City Soils Boundary shall be identified on the final plats (if applicable).
 39. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
 40. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.
 41. A re-vegetation plan for Parcels I and J and the open space parcel at the northeast corner of the development area of Phase I shall be submitted with the final road and utility plans. Re-vegetation of these parcels shall be completed prior to issuance of the 28th certificate of occupancy for the Park City Heights MPD. If this area is used as a construction staging, construction recycling area, and excavated materials storage area, a new construction staging area will need to be approved by the Planning Department for the remainder of Phase I and for subsequent phases and shall be re-vegetated in a like manner with the issuance of certificates of occupancy for the final units in the respective phase.
 42. Noxious weeds shall be managed per the Summit County noxious weeds ordinances during construction and in perpetuity by including regulations in the CMP, Design Guidelines, and CCRs.
 43. One additional site visit is required by certified biologists during May or June 2011 to: a) validate the observations of the preliminary biological report and, b) to further study and identify wildlife movement corridors, evidence of species of high public interest (Elk, Moose, Deer, and other small mammals), locations of den or nesting sites, and any areas of high native species diversity. The report shall include additional recommendations on mitigating impacts of the development on wildlife and wildlife corridors. The report shall be provided to the Planning Department and reviewed by the Planning Commission prior to issuance of any grading or building permits.
 44. Clearing and grubbing of vegetation and soils shall be minimized from April through July to avoid disturbance of nesting birds, unless a detailed search for active nests is conducted and submitted to the Planning Director for review by a certified wildlife biologist.
 45. As a condition precedent to building permit issuance for any structure containing more than 4 units, and for any non-residential structure proposed to be constructed on Parcels I and J of the preliminary subdivision plat, a conditional use permit shall be approved by the Planning Commission.
 46. Due to the visual exposure of these lots on the minor ridge, as a condition precedent to building permit issuance for construction of a house on the western perimeter lots, namely Lots 23, 24, 30, 31, 66, 67, 76 and 77 of the preliminary subdivision plat prepared by Ensign and dated 1/17/11, a conditional use permit shall be obtained if the proposed building height is greater than 28 feet.
 47. The applicants shall approach the adjacent property owner to the west to explore a mutually agreeable plan for incorporating the parcel into the Park City MPD and transferring density to the Park City Heights neighborhood in exchange for open space designation of this highly sensitive and visible parcel of land and the potential to relocate the upper western cul-de-sac to a less visible location.

48. All work within the Rail Trail ROW requires review by and permits issued by the Utah State Parks/Mountain Trails Foundation, in addition to the City. The Rail Trail shall remain open to pedestrians during construction to the extent possible.
49. High energy use amenities, such as snow melt systems, heated driveways, exterior heated pools and fireplaces, shall require energy off-sets and/or require the power to be from alternative energy sources.
50. All conditions, requirements, and stipulations of the Park City Heights Annexation Agreement and Water Agreement continue to apply to this MPD.
51. The final MPD phasing plan shall be consistent with conditions of the Water Agreement as to provision of public services and facilities.
52. All transportation mitigation requirements, as stated in the Annexation Agreement, continue to apply to this MPD.
53. The Applicant must meet all applicable bonding requirements.
54. Bus shelters on both the north and south sides of Richardson Flat Road shall be constructed within 60 days of issuance of the 40th certificate of occupancy. The shelter design and location shall be approved by the City Planning, Engineering, Building, and Transportation Departments and shall include a sign with the phone number of the Park City Bus service dial-a-ride. Information regarding the dial-a-ride service shall be posted within the shelters.
55. Sheet c4.0 (LOD Erosion Control Plan) shall be amended as follows: Note 1 shall read that the LOD for roadways is not to extend beyond 3' from the cut/fill limits as shown on the plan. Note 2: A 4 to 6 foot engineered wall shall be used in areas outside the limits of future home and driveway construction and where proposed cut/fill is in excess of 10' vertical as measured from the top back of curb to cut/fill catch point. Note 3: Proposed retaining walls shall not exceed 6 feet where they are necessary. A system of 4' to 6' walls with no individual wall exceeding 6', (i.e. tiered walls) may be used. The walls shall be separated by a 3' landscaped area from top back of lower wall to toe of upper wall. Note 4: Exceptions to these standards may be granted by the Planning Commission at the time of final subdivision plat review as necessary to minimize overall total disturbance.
56. House size limitations for all lots within the MPD shall be identified in the Design Guidelines subject to further appropriate reduction if found necessary during the final subdivision plat process, taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, solar access of adjacent lots, onsite snow storage, and ability to achieve LEED for Homes Silver rating to meet the applicable standards of LMC 15-7.3-3. Nothing herein shall preclude the applicant from proposing alternative methods of mitigation. Specifically, and without limitation, the Design Guidelines shall provide that house sizes of the Homestead lots shall be no greater than the following (as delineated below by lot numbers per the preliminary plat prepared by Ensign and dated 1/17/11)

Lots 58 thru 66- 4000 square feet
Lots 130 thru 154- 4000 square feet
Lots 163 thru 164- 4000 square feet
Lots 70 thru 72- 5000 square feet
Lots 105 thru 129- 5000 square feet
Lots 155 thru 156- 5000 square feet

Lots 77 thru 98- 6000 square feet

The Design Guidelines shall reflect a preference for smaller homes consistent with (a) "best practices" in sustainable design and development to address the materials and energy impacts of larger homes and (b) the historic pattern of residential development in Old Town

57. The Park City Heights Design Guidelines shall be approved by the Planning Commission prior to the submittal of the Development Agreement to the Planning Commission and before any activity or permits can be pulled for the MPD. No pre-development work, including grading, clearing, etc. can occur prior to approval of the Design Guidelines by the Planning Commission.
58. The Park City Heights Design Guidelines are an integral component of the Park City Heights MPD and substantive amendments to the Design Guidelines require Planning Commission approval. Minor amendments shall be reviewed by the Planning Director for consideration and approval.
59. Adequate snow storage easements, as determined in consultation with the Park City Public Works, will be granted to accommodate for the on-site storage of snow. Snow storage shall not block internal pedestrian sidewalks and circulation trails. Removal of snow from the Park City Heights MPD is discouraged with the final decision to haul snow from this area to be made by the City's Public Works Director.
60. To further encourage non-vehicular transportation, trail maps will be posted in the clubhouse for the benefit of future residents. There will also be a ride-share board located within the clubhouse that residents may utilize in order to plan carpooling which will further limit trips from the development. The dial-a-ride phone number shall be posted at the ride-share board. The HOA shall post information and consider a bike-share program.
61. The Park City Heights Design Guidelines and CCRs shall include information related to the history of the site and Quinn's Junction region.
62. All transportation mitigation elements, as required by the Park City Heights Annexation Agreement (July 2, 2010) continue to apply to this MPD. The Applicants, as required by the Annexation Agreement, shall complete, with the first Phase (first 90 UEs) of the MPD (as described in the Annexation Agreement), the SR 248/Richardson Flat intersection improvements with all required deceleration and acceleration lanes; and shall include the required infrastructure (fiber optic, control boxes, computer links, etc.) to synchronize this traffic signal with the UDOT coordinated signal system on SR 248, within the Park City limits at the time of this MPD. At the time the traffic signal is installed, the Applicants shall request in writing that UDOT fully synchronize signals along SR 248, with supporting data as applicable. Required improvements to Richardson Flat Road, including 5' wide bike lanes, as stated in the Annexation Agreement, shall be complete with the first Phase (first 90 UEs) of the MPD. The cost sharing methodology between the Applicants and any assigns, for these mitigation elements, shall be detailed in the Park City Heights Development Agreement. The Applicant shall provide an annual assessment of traffic counts and bus needs generated by the MPD for five (5) consecutive years following issuance of the first certificate of occupancy. The applicants shall participate with the City to conduct an annual assessment, which

shall include peak period counts of both summer and winter traffic in the vicinity of the SR 248/Richardson Flat Road intersection, and submit such to UDOT. This information shall be coordinated with best available UDOT data and analysis. This assessment shall be incorporated into ongoing Park City Transportation Master Plan and the Park City Transit planning efforts with UDOT. This information shall be presented annually to the Planning Commission in conjunction with an update of the City Transportation Master Plan.

If you have any questions regarding this letter, please do not hesitate to call me at 435-615-5066.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirsten A. Whetstone, MS, AICP
Senior Planner

File

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of

building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or

assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007



PARK CITY HEIGHTS

NEIGHBORHOOD MASTER PLAN