



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

ROLL CALL

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ADOPTION OF MINUTES OF JUNE 8, 2011

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ADOPTION OF MINUTES OF JUNE 22, 2011

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Treasure Hill – Status update per letter of intent

CONTINUATION(S) – *Items continued as outlined below*

Land Management Code – Amendments to Chapter 1 (General Provisions), Chapter 11 (Historic Preservation), and Chapter 15 (Definitions) – to amend the review process of reconstructions and panelizations to include the Historic Preservation Board PL-11-01203

Public hearing and continue to July 27, 2011

633 Woodside Avenue – Conditional Use Permit PL-11-01270

Public hearing and continue to July 27, 2011

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

1159 Empire Avenue – Record of Survey PL-11-01228 65

Public hearing and possible recommendation to City Council

1555 Iron Horse Loop Road – Modification of Master Planned Development and Ratification of Development Agreement PL-10-00899 73

Public hearing and possible action

Land Management Code – Amendments to Chapter 2.1 (HRL), Chapter 2.2 (HR-1), Chapter 2.3 (HR-2), Chapter 15 (Definitions), Chapter 7 (Subdivisions) including subsections 7.1, 7.2, 7.3, and 7.4 – to limit footprint resulting from lot combinations in the HR-1, HR-2, and HRL Zoning Districts and to limit maximum building sizes in those zones PL-11-01281 157

Public hearing and possible recommendation to City Council

ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted.

Park City Planning Commission

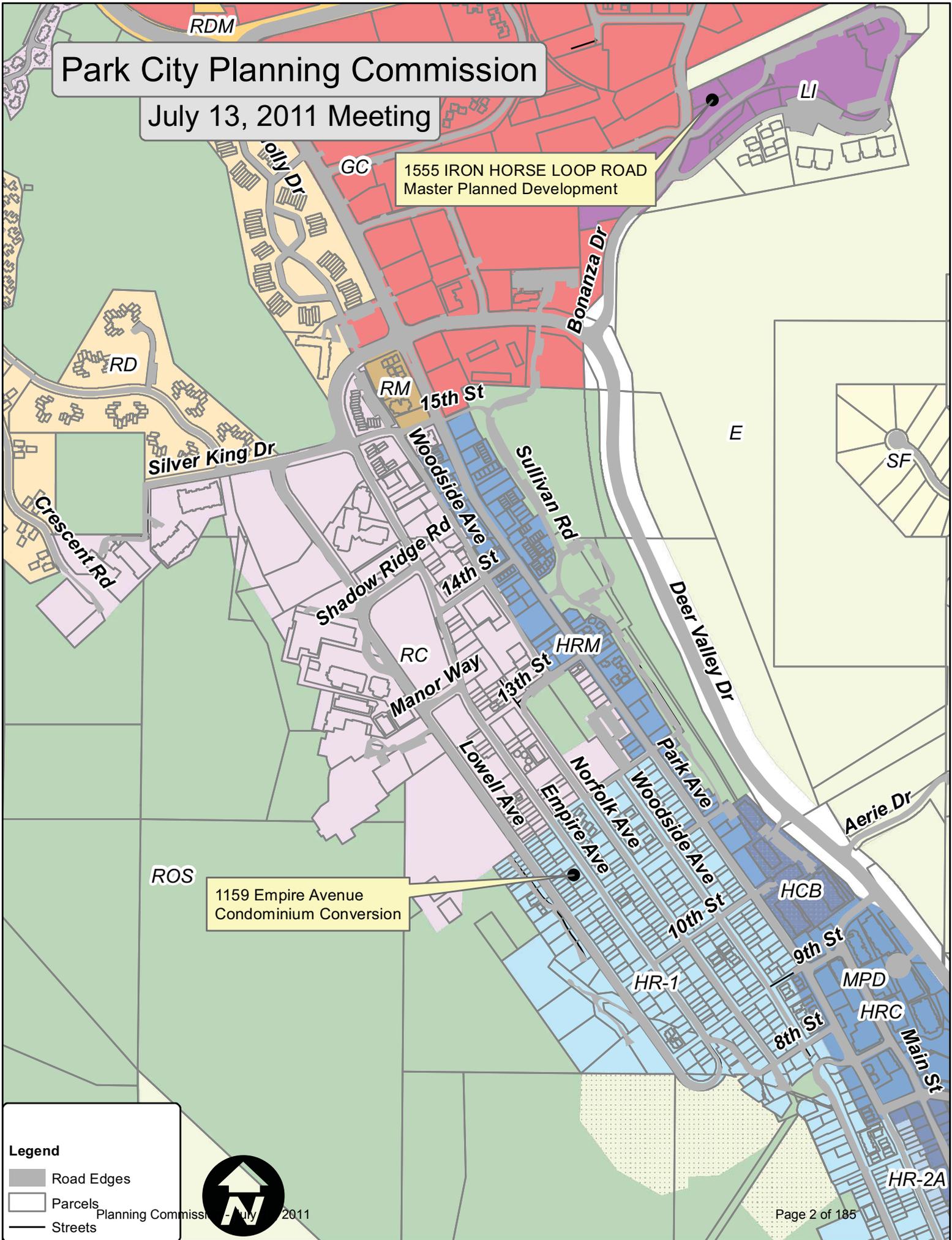
July 13, 2011 Meeting

1555 IRON HORSE LOOP ROAD
Master Planned Development

1159 Empire Avenue
Condominium Conversion

Legend

- Road Edges
- Parcels
- Streets



MINUTES – JUNE 8, 2011

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
June 8, 2011**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Thomas Eddington, Katie Cattan, Matt Cassel, Polly Samuels McLean

WORK SESSION ITEMS

Transportation Plan – Information Update

City Engineer, Matt Cassel, introduced Matt Rifkin and Andrea Olson from InterPlan, the consultants who completed the draft Park City traffic and transportation master plan. Mr. Cassel noted that the objective this evening was to review and discuss three elements of the plan with the Planning Commission and incorporate any concerns or suggestions into the master plan. The next step would be a work session with the City Council and ultimate adoption by the City Council. The three elements presented were the transportation goals, the road cross sections, and the power of the model.

Mr. Cassel noted that the appendix contained objectives and the intent of the goals was to create a report card. Each year the City would revisit the goals and use the objectives to measure progress and the effectiveness of each goal. This would help them track on a yearly basis whether they were advancing, if one of the goals was not working, or whether a set goal could not be met. Mr. Cassel remarked that the goals were set to be a complete street philosophy. They looked at all modes of movement; pedestrian, transit, cars, and bicycles in an effort to make the car less important in Park City. The goals reflect the objective to encourage people to use other modes of transportation to move around the City.

Mr. Cassel presented the draft road cross sections. The guiding principles used for the cross sections were complete streets. The design or reconstruction of a road includes the elements of walk, pedestrian, cars, bicycles and transit. The problem is lack of space to accommodate most of the elements. Mr. Cassel noted that each cross section has a prioritization list to determine which element goes first if there is not enough space for all the elements. For example, parking in Old Town is such a key concern that it is the highest prioritized element. If it comes to a choice between parking or sidewalks in Old Town, the sidewalk could be the first element eliminated.

Commissioner Pettit noted that some road improvements in Old Town have tried to incorporate parking and sidewalks. In some cases sidewalks still get used for parking or they are not used as much during the winter if they are not cleared from snow. Commissioner Pettit felt an alternative to consider would be to have residents of Old Town park their vehicles in another location instead of in front of their houses. This would help minimize the amount of cars on the street that impedes safe walking or a snow removal problem. Commissioner Pettit encouraged the City to think pro-actively about other ways to address vehicle problems in Old Town.

Mr. Cassel stated that early in the process, parking in Old Town was considered a piece of the puzzle. It is impossible to manipulate parking without fully understanding the parking inventory and the number of people who want to use it. Mr. Cassel remarked that parking in Old Town is an element that needs to be done by itself after the primary study. Due to the cost, the budget prohibited doing both at the same time. Commissioner Pettit was pleased to know that it was being

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.

DRAFT

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 capping 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: _____

MINUTES – JUNE 22, 2011

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
JUNE 22, 2011**

PRESENT: Julia Pettit, Brooke Hontz, Adam Strachan, Jack Thomas, Nann Worel, Thomas Eddington, Francisco Astorga, Kirsten Whetstone, Polly Samuels McLean, Matt Cassel

WORK SESSION ITEMS

Fiscal 2012 Capital Improvement Program – Informational Update

City Engineer, Matt Cassel, stated that on May 11, 2011 the 2012 CIP Plan was presented to the Planning Commission. At that time the Planning Commission requested an update on how the projects were prioritized. In response to their request, Mr. Cassel explained the process and the ranking system developed by the Budget Department that the CIP Committee uses to rank and score individual projects submitted by each department. A prioritization list is created from that analysis. The ranking system includes five criteria for scoring the project.

**2002 Euston Drive – Zone Change Request
(Application #PL-11-01174)**

Planner Francisco Astorga reviewed the request for a zone change from Estate (E) to Residential Development (RD), for a five acres vacant parcel located at 2002 Euston Drive, south of the Chatham Crossing Subdivision and west of the open space area of the Canyon Crossing Condominiums. The Staff and applicant were seeking direction from the Planning Commission as to whether or not the proposed Zone change is compatible with the surrounding area. The parcel is not part of any subdivision and it is not a lot of record.

Planner Astorga noted that the subject property is surrounded on four sides by RD District. The site contains a 12' wide road and a 14" City water transmission line, as well as a 15' wide easement traversing the site from north to south. Planner Astorga reported that at one time Canyon Crossing was part of Chatham Hill, until it was developed as its own subdivision with two or three condos.

The applicant has requested to move forward with a zone change and preferred to meet with the Planning Commission during a work session prior to public hearing and action.

Planner Astorga reviewed the zoning map for the area. He indicated the required open space for the MPD that was approved for Canyon Crossing. He pointed out the ROS property to the south and the Estate zoning areas. He also reviewed the subdivision map showing the adjacent subdivisions and roads.

Planner Astorga noted that the Staff and the applicant reached out to four or five different HOAs in the area to inform them of this request and to let them know that a public hearing would be scheduled at a later date.

Planner Astorga reported that the Planning Commission reviewed a pre-application for a master plan development in 2001, at which time there were 15 affordable housing units and two single-

family dwellings. The Planning Commission found general compliance with the 2001 pre-application. In 2002 the Planning Commission reviewed the same request that is currently proposed to rezone the parcel from Estate to RD. At that time the Planning Commission requested that the Planning Department provide an analysis to determine whether the zone change from Estate to RD was appropriate for the density and the development parameters. The Staff did the analysis but was unable to make a positive recommendation for the zone change. At that time the Planning Commission directed the Staff to prepare findings for denial. However, the application was withdrawn the next day and final action was never taken.

Planner Astorga remarked that the Staff analysis on the current application indicates that the land has not changed and there have been no significant changes to the Land Management Code. The Staff finds that the analysis and findings from 2002 still apply.

Planner Astorga presented a slide that supported the Staff's findings. It would be more appropriate to keep the parcel in the Estate zone rather than changing to RD due to low density development, ridge line protection, sensitive hillsides and the actual topography of the site. Additional concerns included single access, fire safety and utilities.

Planner Astorga reviewed the findings from the 2002 minutes, which were included in the Staff report. Vice-Chair Pettit read the third bullet point on page 20 of the Staff report, "Based on the sensitivity of the site, the proposal appeared to be an over use." She asked if the 2002 proposal was a different proposal from what this applicant was requesting. Planner Astorga replied that the proposal was definitely different from the 15 affordable housing units and two single family dwellings. He understood that the applicant would like to have more than one dwelling on the property, but not as many as five or ten.

Planner Astorga stated that the first item for discussion was in regards to the Sensitive Lands Overlay District. The Code requires that seven different studies be submitted in order for the Planning Commission to make a determination for compliance with the Sensitive Lands Overlay. At this point, the Staff had only received the first one, which deals with the slope. The remaining studies had not been submitted. The seven studies were outlined on page 23 of the Staff report. Planner Astorga reported that the Staff had a small disagreement with the applicant in terms of what is defined as a development application. The Code states that for any development application within the Sensitive Lands Overlay, the applicant shall provide the seven items.

Planner Astorga remarked that the Planning Commission has the right to request additional information related to the Sensitive Lands Overlay. The studies are written in the LMC, which include the visual assessment, soil investigation, geo-technical report and fire protection report. He clarified that these were in addition to the seven studies outlined.

Planner Astorga requested discussion from the Planning Commission on whether or not they concur with the Staff determination that it would be more appropriate to keep the zoning designation of the site in the Estate District.

Robin Patterson, the applicant, stated that she has owned the property since 2003. She was unsure how Mountainlands Community Housing Trust could have put 15 condos and two homes on

this property. Ms. Patterson recognized that there are sensitive land issues and she intends to place homes in areas that would not disturb the sensitive land areas. Ms. Patterson stated that Steve Schuler from Alliance Engineering had engineered a plan to show the maximum number of lots on the property. She pointed out that the homes would be congruent with the upper homes at Chatham Hills. Her property enters up at the top on Victoria Circle, of which there would two, possibly three lots going up to that area to the one true passage on the street. Ms. Patterson thought that by itself would remove much of the distrust and the problems that occurred in 2001 and 2002. At that time, many people were concerned that the real estate values in Chatham Hills would be negatively affected. Ms. Patterson stated that she also concurred with those concerns at the time.

Ms. Patterson clarified that she was trying to do a continuation because the land is connected to the street going in and there are two accesses; one at the top and one at the bottom.

Regarding sensitive lands, Ms. Patterson referred to the engineered drawing and noted that the trees coming into Euston Drive would not be disturbed. Homes would only be placed on the flat areas. Ms. Patterson believed that four homes would be the possible maximum to match Chatham Hills at the bottom. She suggested two at the top, because she could not see how a third one would fit.

Ms. Patterson referred to the Staff recommendation and stated that unless she breaks specific rules or ordinances, personal opinions should not matter. She remarked that when Chatham Hills was developed it involved sensitive lands and some of the hills where homes were built are steeper than her property. She pointed out that within a building envelope nothing could be built on a slope steeper than 25%. Ms. Patterson emphasized that any building plan would be followed within the rules.

Ms. Patterson stated that when Chatham Hills was being developed, Mr. Cunningham, the owner of this five acres estate, lived in California. She was told that he was only contacted to be told that the parcel was being annexed and the land around him would be developed. It was with the understanding that his land could be developed when he was ready. Unfortunately, he passed away before it was developed. Ms. Patterson believed that the parcel is a continuation of Chatham Hills and it is not supposed to be saved for any other reason. Ms. Patterson tried to find out why this property was originally registered into an Estate, but no one seems to know the answer. The only assumption is that it was a result of rules and regulations that were applied in the 1970's or 1980's.

Ms. Patterson reported that Mr. Cunningham had agreed to allow the City to put a high pressure water system through the property, but to put it in the area where it is currently located. He required that the pipeline that was installed through the property at the bottom of Euston Drive was to follow the dirt road. Allowing the line to go through his property was a goodwill gesture and he did not charge the City for the easement. Ms. Patterson noted that the City Water Department approached her with a request to use her property again for water pipes. She felt like her land was being used in that fashion and she believed it was done with the intent of trying to decline development. Ms. Patterson noted that under the Estate zone she could build a house in that area and have it be the only home. Ms. Patterson remarked that the Estate zone only requires three acres. Therefore, the

five acre parcel could be divided.

Regarding the water line proposed, Ms. Patterson spoke with Clint McAfee and informed him that the easement would not be free to Park City this time. She was asking for certain accommodations, after which she might consider it. Ms. Patterson had done some research and found that the City has two other options to run the water lines that would not involve her property; however, using those options would double the cost.

Ms. Patterson pointed out that she was paying high-end taxes on her property for sensitive lands, and it is being used by the public. If she fences her property the public could no longer use it as a trail. If people want to use her property for hiking, they can purchase it from her. It is residential property that was supposed to be developed, and it was set up that way as far back as the 1970's and 1980's. When the owner died, his estate did nothing with it. Ms. Patterson stated that the individual who presented it to the City was a realtor and not the owner. He was given the property to sell and Mountainlands Community Housing Trust offered to purchase it if they could develop the land with 15 affordable housing units and two single homes.

Ms. Patterson understood that there were conversations with the previous owner about privately using the property as a trade-off so Chatham Hills could be developed and this parcel could be used as Estate and traded off. That was never documented; therefore, this piece of property could not be used for that process.

Vice-Chair Pettit asked Ms. Patterson why she had not submitted required studies 2 through 7 as outlined in the Staff report. Ms. Patterson replied that she did intend to do the studies until the Estate zone issues were resolved. She was not willing to spend the money on the chance that her request could be denied. Ms. Patterson clarified that Planner Astorga had not asked for the studies. Planner Astorga replied that he had sent her and her son an email and he had her response documented on file. Her response was that she would meet the first requirement, which was the slope analysis, but there was a disagreement as to whether or not the remaining studies were necessary. Ms. Patterson stated that she did not see where the studies were required in the original application. She could not recall the email exchange with Planner Astorga and requested that he send her a copy.

Ms. Patterson noted that Mountainlands had done many of the studies before the application was withdrawn, and she would try to obtain some of the information from them.

Commissioner Thomas asked Ms. Patterson how many lots she anticipated. Ms. Patterson replied that she asked Steve Schuler to engineer the parcel and to fit as many lots as possible based on the slope analysis and sensitive lands. Ms. Schuler went to the extreme and engineered seven lots. Ms. Patterson assumed that six lots would be the maximum; four on the bottom and two on the top.

Commissioner Thomas clarified that Ms. Patterson was referring to Lots 2, 3, 4, 5, 6, 7. Ms. Patterson passed around a sheet she had prepared with the marked lots. Commissioner Thomas stated that it would be helpful to have that delineated on the slope analysis prepared by Alliance Engineering.

Commissioner Hontz noted that the calculations in the slope analysis were not done with the correct slopes. The correct analysis would need to be done in order to follow the rules mandated by Code. Commissioner Hontz remarked that in addition to be inaccurate, the analysis was too broad.

Vice-Chair Pettit clarified that the purpose of the slope analysis is to determine site location. Ms. Patterson remarked that Chatham Hills was all sensitive lands and they built right over the top of it. She intended to be sensitive to the sensitive lands area.

Commissioner Hontz referred to the water lines and access. She noted that the development concept prepared by Alliance Engineering shows an existing easement. Ms. Patterson replied that the easement is 15 feet wide. Ms. Patterson noted that the water lines and utilities were put in place when Chatham Hills was developed. Planner Astorga clarified that the Water Department would like a 30 feet easement, recognizing that the requested easement has nothing to do with the Zone change application.

Commissioner Hontz noted that the City is allowed to use the 15 foot easement. Ms. Patterson agreed, noting that what the City wants to do will not fit within the 15 foot easement. Ms. Patterson stated that after the application was withdrawn in 2002, the property was up for sale and several groups looked at purchasing the property, including the City. For whatever reason, those groups decided again purchasing but the City is still using her property and she is paying the taxes. Ms. Patterson guaranteed the Planning Commission that something would change, whether it was the tax schedule or fencing. She is aware of the sensitive lands issue and the fact that specific requirements need to be followed. However, the issue in 2001 and 2002 was the 15 units and the two single homes, and not sensitive lands. She wanted to assure people from the Chatham hills area that her proposal is different and it would not affect their property values.

Ms. Patterson was anxious to work out the issues and she was not opposed to another work session if necessary. She pointed out that the seven studies were not requested in the application, but she was willing to do them at the appropriate time. Planner Francisco clarified that Ms. Patterson had not done a Sensitive Overlay Application. The question is whether she falls into the overlay, which would trigger the SLO.

Vice-Chair Pettit called for public input.

Carol Dalton stated that she is a member of the Chatham Hills Board. Ms. Dalton stated that there was a huge reaction to this zone change and she could not recall another time when the Board received so many emails in two days. Many of the points raised by the neighbors were the same ones raised in 2002. Ms. Dalton thought the access was a safety issue. There is one way into the neighborhood and one way out. She was concerned that allowing the zone change would open a can of worms because it is unclear how many units would be approved. Ms. Dalton understood that Ms. Patterson was talking about a maximum of seven homes, but that is still significant for a neighborhood that is built out at 143 units with only one access in and out. Ms. Dalton acknowledged that people do hike through the property, but they could live with the fact that the trails would no longer be available if the property is fenced.

Vice-Chair Pettit informed the public that this was only a work session and there would be other opportunities to make public comment.

Ms. Patterson noted that the property was set aside to be developed and the residents of Chatham Hills had the responsibility to research that before they developed their property. She was still in the process of trying to find out why that property was ever designated Estate. She was beginning to think that the original owner may not have known that it was zoned Estate when it was annexed. In her opinion, there was no reason to keep the Estate zoning because it is a private piece of residential property.

Commissioner Hontz stated that a request to change from one zoning designation to another must follow a specific process. The process that the Staff established was well documented in the Staff report. Commissioner Hontz believed all the required studies and information would need to be submitted, as well as an update to the slopes map to make it match the Code. In order for her to consider any number of lots, the applicant would also need to include the additional studies mentioned, which include the visual assessment, soil investigation report, geo-tech, fire protection and hydrological report. However, if the applicant wanted an idea of whether or not the zone change could occur before spending money on the studies, just looking at the slope map and going up into the neighborhood, Commissioner Hontz stated that she would need to weigh the information presented very carefully to see if it made sense to consider a rezone. Based on the information provided, there is no way she would rezone the property. In her opinion there was no reason to go from Estate to RD.

Ms. Patterson asked Commissioner Hontz to explain her reasoning. Commissioner Hontz referred Ms. Patterson to page 31 of the Staff report and noted that she concurred with the Staff's response as to why the property should remain Estate designation. She could not support changing the zoning from Estate to RD for those same reasons.

Commissioner Thomas agreed with Commissioner Hontz's interpretation. He also agreed with the evaluation made by the previous Planning Commission years ago, as well as the Staff's interpretation with regard to the Code and the use. Commissioner Thomas stated that it would be a long, uphill battle and only Ms. Patterson could decide whether or not to choose that fight through the process. If she chose to move forward, the Planning Commission would look at the criteria as objectively as possible.

Ms. Patterson reiterated that the person who went through the process in 2001 and 2002 was a realtor and not the property owner, working with an entity that wanted to put in moderate income housing. That created problems and concerns at the time, and she did not believe the residents in the area could get past that even though her proposal was different.

Commissioner Worel understood why Ms. Patterson was not willing to spend money on the studies without feeling that there was a reasonable chance for success. However, she agreed with her fellow Commissioners that they could not make a valid evaluation and decision without the supporting documentation.

Ms. Patterson reiterated that the studies were done by Mountainlands the land has not changed.

Those studies should be on file and she would try to find them.

Commissioner Strachan concurred with his fellow Commissioners. He believed it would be an uphill battle because nothing has changed in either the Code or the land itself from 2001 and 2002. Without a substantive change in either the law or the facts, there is no reason to change the existing zone. If Ms. Patterson submits the required materials the Planning Commission would look at them objectively and possibly discover a new reason for changing the zoning designation.

Ms. Patterson felt they were overlooking the fact that if Chatham Hills had owned that parcel, it would have already been developed.

Vice-Chair Pettit replied that regardless of the history or what might have been, the parcel was zoned Estate and the Planning Commission has the responsibility to apply the Land Management Code criteria to determine whether it is appropriate to rezone for a more intense use based on the surrounding area, the use, and other SLO criteria. Vice-Chair Pettit pointed out that the Wildlife Habitat Study may have changed since 2002 and that study would need to be updated.

Upper Ridge Subdivision – Plat Amendment (Application # PL-11-01238)

Planner Whetstone reviewed the request for a plat amendment at Upper Ridge Avenue, which is an area of Old Town located above where King Road and Ridge Avenue and Sampson all come together. The request is to reconfigure 42 lots of the Millsite Subdivision into six residential lots and two open space parcels and dedicated right-of-way areas. Planner Whetstone clarified that not all of the lots are 25' x 75 feet, even though they are full lots.

Commissioner Hontz noted that the plat showed 28 parcels with dimensions of 25' x 59', which equates to 1475 square feet. There are also eleven portions of parcel that are smaller than 25' x 59'. The smallest was 199 square feet. Commissioner Whetstone concurred. She reiterated that the smaller lots were still 42 individually platted lots.

Planner Whetstone noted that a project was previously submitted, however, that application expired and a new application was submitted. This item was scheduled for work session this evening and public hearing would be held on July 27th. A neighborhood meeting was scheduled for July 6th. Everyone within 300 feet would be noticed for both the neighborhood meeting and the public hearing.

Planner Whetstone reviewed items for discussion that were highlighted in the Staff report. She presented slides showing the existing site conditions and the proposed site plan, as well as the proposed utility plan. The exhibits provided to the Planning Commission included the slope analysis, a visual analysis with views from Prospect, Hillside, Alice Claim and Daly Avenue. Schematic drawings were also included showing the proposed houses on the lots.

Jeremy Pack, representing the applicant Avenues Land Co., stated that he has lived in Park City for 20 years and he has built over a hundred houses and three residential subdivisions. He explained the process they use when building in Park City to keep control over every aspect of the

development to completion.

Mr. Pack stated that when they decided to re-open the application they met with the Planning Department to discuss ideas for socially responsible development for those 42 lots. They came up with various models and determined that 6 single family home sites with limited square footage would be the best approach. In addition, three parcels would be dedicated to the City. Mr. Pack clarified that the application was for a plat amendment to achieve six lots that are accessed via a public right-of-way platted street.

Mr. Pack noted that the proposal is for actual structures and they were prepared to show the different views from all the aspects around town. Traffic studies and geo-tech studies were also completed.

Commissioner Hontz asked if Avenues Land Co., LLC was the same company as the previous applicant. Mr. Pack answered yes, noting that he purchased part of the company. Commissioner Hontz understood that Avenues Land Co. represented multiple property owners who own the parcels. Mr. Pack stated that three property owners combined equal 42 lots.

Commissioner Hontz assumed that access would be provided up the platted Ridge to Lot 4 of the Ridge Avenue subdivision if they were able to proceed. She understood that Lot 4 was not addressed in the plat because it was not part of the application, but it would result in seven lots that would be accessed off of platted Ridge. Mr. Pack replied that access would be provided to the current lot.

Commissioner Hontz noted that the appendices to the geo-tech report were missing and she would need those for proper evaluation. Planner Whetstone replied that the appendices were not included with the exhibits, but they are on file at the City. Commissioner Hontz asked Planner Whetstone to provide those for the next meeting.

Commissioner Hontz asked if the property was within the soils ordinance area. She was told that it was not. Commissioner Hontz asked if the applicant understood the TDR process and how it works. Mr. Pack stated that he only proposed partial TDRs to see how well it was received. Planner Whetstone clarified that the comments from the Development Review Committee was that they needed to do all TDRs on the property or nothing. Commissioner Hontz recalled that when the Planning Commission discussed sending zones in the TDR process, this property and some of the surrounding area was considered one of the best locations for sending density. Being on top of a ridge with unstable soils went into understanding why this particular piece was an ideal sending zone for TDRs. Director Eddington recalled that the unit equivalents for Upper Ridge were set at 17.65. If they continue through the process and the applicants are allowed a certain number of lots, Commissioner Hontz was concerned that it would limit the potential to get back to 17 unit equivalents. Mr. Pack clarified that it was a secondary request. He did not understand that it was an all or nothing process and he was willing to strike the TDRs from the proposal. Commissioner Hontz suggested that Mr. Pack go through the exercise to understand what they would actually have with TDRs.

Commissioner Hontz reiterated that 28 parcels have dimensions of 25' x 59.15, which is 1475

square feet. She noted that the smallest Old Town lot allowed by Code in any zone is 1875 square feet. Commissioner Hontz stated that these were not lots. In the HRL zone the minimum lot size is 2,750 square feet. Based on those calculations, she believed the number could possibly be 11 without taking into consideration access, steep slopes or good cause. To people who do not understand development in Old Town, 42 lots seems excessive.

Commissioner Hontz remarked that there was a reason why the unbuilt platted roads in Old Town were never built. She read from page 2-5 of the Streets Master Plan, "Many of the platted rights-of-way are on ground too steep to allow the construction of safe roadways. Park City's long and sometimes harsh winters require that streets be passable when snow covered or icy. In many areas the cost of construction would be very expensive because of the need for extensive retaining and retaining walls. In these instances the platted right-of-way should be deemed unbuildable". Commissioner Hontz noted that the Ridge right-of-way was listed on page 2-6, Table 1 - Existing right-of-way considered unbuildable. She stated that the Streets Master Plan was currently being updated because it is somewhat deficient, but it was not deficient in this manner. Someone had good foresight when the Streets Master Plan was developed, to recognize that the Ridge right-of-way, on a ridge in the heart of Old Town, was not a place to ram a road.

Mr. Pack argued that even though the name is Ridge Avenue, it is merely the flattened part of a slope and not an actual ridge. Any structure built would not be visible above any ridge line. Commissioner Hontz appreciated his interpretation, but when she reads topo she interprets it as a ridge. Without the hill behind it they would be able to see sky and light from everywhere.

Gus Sherry with Canyon Engineering stated that the spirit of the Code was to prevent homes and buildings from projecting into the skyline. Those are the kinds of ridges that the Code addresses; not a minor topographical instance that does not cause the buildings to project into the sky or cause the loss of view. Commissioner Hontz believed the visual and environmental impacts from this project would be enormous.

Commissioner Hontz had reviewed the traffic impact study, and if this project moves forward it would have to be looked at again. The study counted the traffic but it did not address the real issue, which is that King and Ridge are substandard roads. Ridge could not handle any additional traffic in summer and winter. In winter conditions, Daly, Ridge and King are very steep one-lane roads and Ridge is not plowed. How that would have to change and the resulting impacts to the City and taxpayers to upgrade the maintenance is something to be considered. Commissioner Hontz clarified that the issue was not the intersections that are studied in the traffic impact study, but rather how you get to the site on those substandard roads after you get through the intersection.

Mr. Pack speculated that the road impacts from 6 single-family homes would be minimal.

Commissioner Hontz stated that if this concept were to move forward, she would need to understand the difference between going wider at 10% and how the grades and the retaining would look, versus going narrow and steeper, as well as the environmental impacts that would be created. At this point she believed the impacts were too great to put development on unbuilt platted Ridge versus the existing conditions.

In terms of good cause, Commissioner Hontz had concerns with every measurement in Section 15-15-14 of the Code, Definition of Good Cause. Commissioner Hontz could not find good cause on any of the points and had copious notes on each one indicating why she could not support an application for 6 lots in this location.

Mr. Sherry clarified that they were actually proposing 10% and not 14% for the roadway slope. The turnaround would only be 5%. It is safe and well within the City guidelines. Commissioner Hontz replied that she had read 14% in the application. Planner Whetstone stated that 14% was the allowable maximum, which would require a Board of Adjustment variance. Mr. Sherry offered to provide the information requested by Commissioner Hontz.

Planner Whetstone noted that the applicants had committed to LEED for Homes Silver.

Commissioner Strachan was concerned with the amount of cut and fill required on such steep slopes. In his opinion, the geo-tech report did not do enough. Commissioner Strachan referred to page 110 of the Staff report, and Section 6.5 of the slope grading recommendation, and noted that the language indicates that an opinion on the cut and fill for the entire plat could not be given until there is a lot by lot analysis of the potential cut and fill necessary per lot. Commissioner Strachan thought it would be putting the cart before the horse if they approve the houses and then figure out the cut and fill. They first need to figure out the cut and fill for the plat itself.

Mr. Sherry stated that with the 10% profile the roadway would be completely cut and they would be exporting off site. The result would be level front yards and driveways and a convenient plateau to build on. The cuts would be on the order of 5 feet to 15 feet under the center of the access. There would be some retainage on the west side more than the east side. From the new road surface the retaining wall would come up at approximately 3 to 6 feet to get back to existing grade. The wall would zero out as it works uphill towards the end of the street.

Commissioner Strachan recommended that Mr. Sherry include that explanation in the materials submitted to the Planning Commission. He requested that he also include the cubic footage of the amount of dirt being removed. Commissioner Strachan noted that the purpose statements of the HRL zone touch on cut and fill, particularly on ridge areas. He suggested an analysis that looks at the purpose statements and tries to reduce the amount of cut and fill as much as possible.

Commissioner Strachan concurred with Commission Hontz regarding the purpose statements. Letter A of the purpose statement was to reduce the density that is accessible by only substandard streets. He believed that would be difficult to meet. Another difficult point is to provide an area of lower density in the HRL zone. Commissioner Strachan thought they may be able to satisfy the other purpose statements.

Commissioner Strachan remarked that whether or not Ridge Avenue is a ridge is a matter of interpretation. He was of the opinion that it is a ridge and there would be a skyline behind these structures if they are built. It is called Ridge Avenue for a reason. Commissioner Strachan felt the impacts could be minimized with good design.

Mr. Pack did not understand how they could not be proposing decreased density by taking lots that

front platted Ridge or Ridge Avenue and converting all the lots into 6 platted buildable lots. Commissioner Strachan replied that the proposal assumes that all the lots are buildable, which they are not. Another obstacle is that any increase in the amount of houses or unit equivalents would be an increase in density. The question is how to know that, which is a constant tug of war between the applicant and the City. It is not a given to assume that density is reduced just because the number of houses was reduced. It needs to be looked at from the viewpoint that any addition to the number in Old Town is an increase in density.

Planner Whetstone summarized that the Planning Commission wanted an analysis of the lots and square footages.

Vice-Chair Pettit thought it was clear that none of the lots meet the HRL zone for lot size as they currently exist. The Commissioner concurred. Planner Whetstone stated they are all platted lots in the Millsite subdivision. A lot combination of some type would be required in order to meet the 3750 square feet. The combined lots must be contiguous and meet other criteria.

Mr. Pack was still confused as to why their proposal was not reducing density. Regardless of whether or not there is a house, the lot is a platted lot and is technically buildable if it meets the criteria. Mr. Sherry offered to do the analysis to come up with a starting point.

Commissioner Thomas concurred with the comments of his fellow Commissioners. He referred to Exhibit C, the site plan showing the building pads, and compared that with the images in Exhibit G, etc. He wanted an idea of the distances between the building footprints. Commissioner Thomas stated that in looking at the site plan and lots 1, 2, and 3, there appeared to be a dimension of a few feet between each of the building pads.

Mr. Sherry stated that the narrowest space between the buildings is 5 feet on each side for a total of 10 feet between the building pads. Commissioner Thomas remarked that the rendering images provided were not accurate in terms of scale and the space between the buildings. He felt it was a misrepresentation of what would actually occur. Mr. Pack agreed, but he did not think the scale was that egregious. He was willing to make the images more accurate.

Commissioner Thomas stated that in looking at the elevations from Exhibit H, the lower level of the unit, there appears to be a grade platform and fill that drops off until it reaches natural grade. Mr. Pack stated that area is very steep and prone to erosion. As a mitigation measure they created a limit of disturbance line on the plat to avoid touching any of the super sensitive slopes. In response to Commissioner Thomas, Mr. Pack noted that it would be natural grade, but the color was shown wrong in the rendering. Planner Whetstone clarified that originally it was shown as meeting grade, but it was the fourth story, which is no longer allowed by Code. Commissioner Thomas pointed out that if it is a fill over four feet it would not meet the Steep Slope criteria. Mr. Pack believed those issues would be addressed in the CUP design process. Commissioner Thomas replied that it would still have an implication on whether the lots work and the mitigation of grading issues are adequate. For that reason it is helpful to see everything upfront to help make their determination.

Planner Whetstone summarized that Commissioner Thomas was requesting cross sections showing the existing grade and the proposed final grade.

Commissioner Worel concurred with her fellow Commissioners, particularly regarding access and the ridgeline. She echoed the concerns that had already been stated.

Vice-Chair Pettit believed the list of concerns and issues were longer than what they were asked to address this evening. Commissioner Thomas requested a site visit. The Planning Commission agreed to a site visit on July 13th, prior to the public hearing on July 27th. Vice-Chair Pettit asked if this item would be scheduled for work session on July 27th. Planner Whetstone replied that it would be a regular agenda item and the Staff would prepare a recommendation for action. The Commissioners requested a work session on July 27th to further address all the issues. A public hearing would be held on July 27th but no action would be taken.

Vice-Chair Pettit called for public input.

A member of the public stated that he supports the project.

Mr. Sherry asked if projection of buildings into the skyline was the issue with the ridge. Vice-Chair Pettit stated that in addition to the buildings she had concerns with the road, retainage, and other impacts associated with putting in the road to access the homes.

Director Eddington asked if the Planning Commission wanted the applicant to look at locating the houses off the ridge by utilizing actual Ridge Avenue. Vice-Chair Pettit replied that that was the direction the prior Planning Commission gave on a similar proposal. She did not believe this Planning Commissioner had a full understanding of why there is not access off of Ridge Avenue. She wanted to see a more detailed analysis of the alternatives.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 22, 2011

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Julia Pettit, Brooke Hontz, Jack Thomas, Adam Strachan, Nann Worel

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

Vice-Chair Pettit called the meeting to order at 7:15 p.m. and noted that all Commissioners were present except Commissioners Wintzer and Savage who were excused.

Vice-Chair Pettit welcomed the new Commissioners, Nann Worel and Jack Thomas.

ADOPTION OF MINUTES – June 8, 2011

The Planning Commission lacked a quorum of Commissioners who had attended the meeting on June 8, 2011. Approval of the minutes was continued to the next meeting.

MOTION: Commissioner Hontz moved to CONTINUE the minutes of June 8, 2011 to the next meeting. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Thomas Eddington reported that a joint meeting with the City Council and Planning Commission was scheduled for Thursday, July 7th at 6:30 p.m. A number of planning items will be on the agenda for discussion.

Director Eddington stated that a Temporary Zoning regulation was submitted to the City Council with regard to lot combinations and building footprint issues. That was scheduled to be heard by the City Council the next evening, June 23 at 6:00 p.m. The regulation would begin a 6 month study analysis of lot combinations and building footprints and to expand on issues that have been

complex for both the Planning Commission and the City Council. A draft ordinance had been prepared for the City Council if they decide to adopt it.

Director Eddington noted that Commissioner Pettit was the Planning Commission liaison to the Board of Adjustment and she was ready to step down. He asked if anyone was interested in assuming the role of liaison to the Board of Adjustment. Commissioner Hontz volunteered.

MOTION: Commissioner Pettit made a motion to nominate Commissioner Brooke Hontz as the Planning Commission liaison to the Board of Adjustment. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Director Eddington reported that he was still working with Kimber at Summit County to schedule a joint meeting with the Snyderville Basin Planning Commission. That meeting would be held the end of September once the new Commissioners were in place and everyone was back from summer vacations. He would notify the Planning Commission when a date is confirmed. It was noted that the East Side Planning Commission was also interested in a joint meeting. Director Eddington would contact them as well.

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

1555 Iron Horse Loop Road – Modification of Master Planned Development (Application #PL-10-00899)

MOTION: Commissioner Strachan moved to CONTINUE 1555 Iron Horse Loop Road – Modification to a Master Planned Development to July 23, 2011. 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 distributed a list of plat amendments that occurred in the HR1 or HR-L zones since 2009, as background information on what has been done in the past.

Planner Whetstone reviewed the request for 929 Park Avenue for a plat amendment to combine two 25' x 75' Old Town lots, plus two remnant parcels that are the back 25' of two lots on Woodside. She presented a slide showing surrounding properties and projects.

Planner Whetstone noted that the Planning Commission reviewed this application on June 8th and opened a public hearing. There was no public input. At that time the Planning Commission discussed the plat amendment and requested a condition of approval that would not allow the

existing historic structure to be moved. That condition was added to the June 22nd Staff report. Planner Whetstone stated that the applicant would like to put an addition on the rear. The side setback would provide access to the rear.

Planner Whetstone reported that during the June 8th meeting the applicant requested a continuation when the discussion related to the footprint identified by the LMC and the footprint in the HR1 zone. Planner Whetstone noted that in the HR-1 zone, the maximum footprint is determined by the footprint formula in Section 15-2.2-3(D) of the LMC. She referred to a graphic display in the Staff report showing how as a lot increases in size the amount of additional footprint allowed decreases. Therefore, the footprint decreases with lot combinations.

For the benefit of the new Commissioners, Planner Whetstone provided a brief history of the project. In 2007 and 2009 the Building Department deemed the existing house as unsafe and a nuisance. The Planning Staff worked with the previous owner and a preservation plan was approved to "mothball" the structure pending rehabilitation and restoration of the house. The negotiated agreement, which was included in the Staff report, allowed six years to restore the structure to make it safe and habitable. Planner Whetstone pointed out that during that six year period the property was sold to the current owner, who was also the applicant on this plat amendment.

Planner Whetstone presented slides of comparable structures in the area. The Staff had conducted a compatibility analysis of footprints in the area, shown on page 185 in the Staff report. She noted that the average in the area was 1521 square feet. Planner Whetstone stated that based on the new analysis the average footprint was 1625 square feet compared to 1500 square feet from the previous report. However, regardless of the average, the Staff did not change their previous recommendation. The Staff found no evidence in the record to recommend changing the way the footprint would be calculated for this lot combination. Planner Whetstone remarked that it was consistent with what has occurred over the past few years with lot combinations of this nature. They were standard lots that followed the formula in the LMC because the formula has a built-in footprint reduction.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council for this plat amendment according to the findings of fact, conclusions of law, and with the amended conditions of approval as listed in the draft ordinance.

Vice-Chair Pettit opened the public hearing.

Karen Keating stated that she represented the buyers when they recently purchased this home and it took many years to find the right parcel. They are seasonal residents and they own a condo at Alpine Shadows. The owners have two small children and they are big Ambassadors of Park City. When their kids go to college they plan to become full-time residents of Park City. Ms. Keating stated that the owners went through a significant process to acquire the right property. She pointed out that the owners came to the Planning Department many times to discuss different pieces of property, but nothing worked and would not meet their needs. Since they currently live on Park Avenue this was an ideal property location. She remarked that 929 Park Avenue has been

abandoned for a long time and the owners were interested in acquiring the property. Mr. Keating explained that she worked with the Sullivan family who were the inherited owners, and it took a long time for the family to agree among themselves. They also met with the Planning Department. When the property was under contract, Jonathan DeGray worked with the City on their behalf to make sure a plan was possible to accommodate their needs. Therefore, Ms. Keating was very surprised when she received a phone call from the owners, upset that they had invested in Park City to build a home to fit their needs and the footprint was being reduced.

Ms. Keating requested that the Planning Commission allow the owners to build what is allowed under the LMC and based on the size of the homes sites.

Vice-Chair Pettit closed the public hearing.

Vice-Chair Pettit was disappointed that the Staff report did not include the recommendations supported by at least three of the Planning Commissioners at the last meeting.

Jonathan DeGray, representing the applicant, reiterated that his clients worked very hard to acquire the property with certain limited expectation of what could be done with the property. They spoke with the Building and Planning Departments prior to the purchase and were not given any direction or indication that further footprint reductions would be requested at the plat amendment process. He believed the Staff looked at this as a typical replat in terms of lot size. Mr. DeGray stated that his clients did expect a possible reduction in footprint in order to meet the design guidelines in terms of mass and scale and the building design in relationship to other buildings in the area. Mr. DeGray pointed out that as previously stated, the LMC allows a footprint of 1880 square feet. He believed the analysis the Staff was asked to prepare supports that fact in terms of a reasonable square footage footprint for the site. His clients were requesting that the Planning Commission consider the application of that footprint in this case.

Mr. DeGray stated that if the historic building did not exist and they were only dealing with a lot combination of a vacant lot, being held to 1500 square feet would be more palatable than what they have with the existing historic structure. He noted that 1500 square feet on a vacant lot would yield a 3000 square foot home. With the restriction of the existing structure, 900 square feet of footprint is occupied by the historic home, and he could not build on top of it. To restrict this lot further to 1500 square feet makes his client bear the burden of renovating this structure, which they have taken on freely, but penalizes them further.

Mr. DeGray noted that the owner was not looking to build a large home. He remarked that under the 2500 square foot footprint, with the existing structure, he calculated a home between 1900 and 2000 square feet of living space. He would be comfortable with a 2400 square foot footprint. Mr. DeGray suggested a compromise to the Planning Commission and offered 1688 square feet. That would allow him enough footprint to meet his client's needs. He believed it was a fair footprint considering the the restrictions on the lot and that the historic homes takes up 900 square feet of footprint that cannot be built on. Mr. DeGray noted that the project would still need to go through an HDDR, which would further manipulate the mass and scale of the building appropriately. Mr. DeGray felt there was good cause for this plat for the reasons required by Code. With the proposed

square footage footprint, the project could be built to the satisfaction of his client and the spirit of the Code. In addition, Criteria A-E of the zoning purpose statement would be met with his proposal. Criteria F would not apply.

Mr. DeGray requested that the Planning Commission consider his proposal and allow his clients to move forward.

Vice-Chair Pettit clarified that the proposed compromise would be a footprint of 1688 square feet. Mr. DeGray replied that this was correct. It would be a reduction in footprint from 1888 to 1688.

Commissioner Strachan asked for the livable square footage area. Mr. DeGray anticipated a house approximately 2400 square feet.

Commissioner Thomas asked if the 1688 square feet included the footprint of the garage. Mr. DeGray replied that it would include all of the existing structures.

Vice-Chair Pettit stated that in looking at the plat maps and the pattern of lots that exist, she believed the remnant parcels provided the ability to increase the square footage, which could lead to a lot size inconsistent with the pattern of development in the area for single family homes. Only combining the two lots where the house currently sits results in a building footprint of 1519 square feet. Vice-Chair Pettit outlined the options available to the Planning Commission based on the proposed compromise and the average footprint outlined in the analysis based on the inclusion of the condo properties. She believed those options focused on compatibility and historic character, particularly in connection with the historic structures.

Commissioner Thomas stated that given the historic house and its awkward position on the property that limits the volumetric and form, he believed 1688 square feet was a reasonable choice.

In addition to lesser impacts on the neighborhood, establishing 2400 square feet takes away the mystery in the plat amendment process of trying to anticipate what could occur. He thought they had a much better idea with this proposal. Commissioner Thomas supported the plat amendment.

Commissioner Strachan concurred. He was comfortable that the HDDR would determine which design is suitable. The reduction was only 200 square feet, but it allowed the architect and the Design Review Team a little room to work on a compatible structure. Commissioner Strachan was surprised to see the forced inclusion of the condominiums in the Staff report as a way to increase the average square footage.

Planner Kirsten clarified that the intent was not to manipulate the average. The condos were always on the list, but she had to do the first analysis quickly and the footprint information was not available. She noted that the condominiums across the street were excluded because they did not relate at all.

Commissioner Strachan recommended that the Staff create a methodology for their analysis, particularly since other Park Avenue lots would be going through the same process. He did not

think they should skew the statistics comparing multi-unit dwellings to a single-family Old Town historic structure.

Commissioner Strachan thought the compromise proposed by Mr. DeGray was a good solution.

Commissioner Hontz appreciated the compromise and echoed the comments of Commissioners Pettit and Thomas in terms of understanding the results of 2400 square feet. She was comfortable moving forward with the number proposed by Mr. DeGray.

Vice-Chair Pettit concurred. Vice-Chair Pettit disclosed that she owns a historic home in Old Town. She would not be able to put another story on her historic home and would experience the same limitations. She was sensitive to the concerns of property owners, however, that is a choice you make as a historic homeowner.

Mr. DeGray remarked that the conditions require a note on the plat to include that a house must be sprinkled with 13D modified sprinkler system. He noted that a City ordinance requires all properties in Old Town to be sprinkled, and asked if it was necessary to have that note on the plat. Planner Whetstone replied that it is a Code requirement but the Building Department prefers it on the plat.

Assistant City Attorney McLean stated that the former Chief Building Official, Ron Ivie, always asked to have it as a plat note to make sure it would show up in a title search. Because of its importance to the City, he wanted the requirement to be clear. Mr. DeGray suggested that the City revisit the plat note requirement since sprinklers are required by Code.

Commissioner Strachan referred to Finding of Fact #20 and suggested amending the finding to say, "The proposed plat amendment yields a maximum footprint of 1688 square feet" and delete the remainder of the finding.

Assistant City Attorney recommended moving Finding #20 as amended to the conditions of approval. Commissioner Strachan removed Finding of Fact #20 in its entirety and added Condition of Approval #6 to read, "The maximum footprint size is 1688 square feet. The applicant consents to the maximum."

Assistant City Attorney McLean referred to Finding #22 and suggested revising the language to read, "The proposed building footprint size as conditioned..."

After further discussion, Finding #22 was revised to read, "The proposed footprint size, as conditioned, is consistent with the pattern of development in this neighborhood and the building footprint that results is compatible with the average footprints in the neighborhood that include a mix of historic and contemporary single family homes, duplexes and condominiums".

Commissioner Strachan suggested that they delete the highlighted portions of Finding of Fact #10.

Commissioner Pettit revised Finding #8 to add a sentence, "The applicant has agreed to limit the building footprint size to 1688 square feet".

Commissioner Hontz referred to Condition of Approval #5 and changed “existing location” to “current/historic location”.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council regarding a plat amendment for 929 Park Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance as amended as identified in the June 22, 2011 meeting. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 929 Park Avenue

1. The property is located at 292 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. The applicant has agreed to limit the footprint size. The applicant has agreed to limit the building footprint size to 1688 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’ feet 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.
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’ feet 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 in 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. According to the compatibility study the average square footage of the structures within 300' is 2,079 sf (excluding condominiums and commercial structures.)
21. The proposed footprint size, as conditioned, is consistent with the pattern of development in this neighborhood and the building footprint that results is compatible with the average footprints in the neighborhood that include a mix of historic and contemporary single family homes, duplexes and condominiums
22. 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.
23. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
24. The existing house is approximately 39' wide on the 50' of lot width. The lot is relative 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 – 929 Park Avenue

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 – 929 Park Avenue

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 feet) 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 current/historic location.
6. The maximum footprint size is 1688 square feet. The applicant consents to the maximum.

**2. 1200 Little Kate Road – Modification to Master Planned Development
(Application #PL-11-01269)**

Planner Kayla Sintz introduced the Project Manager for the Sustainability Department, Matt Twombly, Project Representative, Steve Brown and Ken Fisher, Recreation Manager.

Planner Sintz noted that the request this evening related to Condition of Approval #10 of the Development Agreement, which was ratified by the Planning Commission on June 23rd, 2010. That condition of approval restricted work hours on Saturday from 9:00 a.m. to 6:00 p.m. The applicant has requested that the Planning Commission consider a modification to that condition to allow

construction to begin at 7:00 a.m. Planner Sintz explained that the request was made due to significant weather delays.

Planner Sintz stated that because the Planning Commission extensively discussed restricting work hours and holiday hours during the June 2010 approval process, she felt it was important for the Commissioners to understand the reason for extending the hours. Since that time two formal complaints were submitted to the Code Enforcement Department and those were included on page 192 of the Staff report. The Code Enforcement Department indicated that any calls to the police department are forwarded to Code Enforcement as long as they are not criminal in nature. She verified that the two complaints mentioned were the only complaints listed on the project.

Planner Sintz stated that Municipal Code Title 19, Buildings and Building Regulations, 11-14-6B, allows an extended hour special permit, in which the Chief Building Official can give an extended work hour permit. She noted that the applicant has a process in place to notify neighbors that the permit has been issued.

Planner Sintz had received a public input letter from Michele Dietrich that was included in the packet. She also received two additional emails with positive input for extending the Saturday hours that were received after the Staff report was prepared. Planner Sintz reported that the Staff also received one phone call in support. The support was based on the fact that neighbors are tired of construction and want the project completed sooner.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the modification to the Development Agreement to extend the work hours on Saturday mornings, and consider approving the change according to the findings of fact, conclusions of law and conditions of approval.

Planner Sintz reported that the applicants held a public input open house meeting on Monday. Matt Twombly noted that the public open house was open for two hours and no one attended.

Steve Brown stated that as they dealt with the wettest winter in 30 years and the wettest May on record, they encountered significant weather delays. Oakland Construction has registered 62 weather specific delays over the course of the year, and requested an extension of completion dates of 15 days. Mr. Brown believed Oakland Construction properly assessed typical issues of building in Park City, but could not foresee unusual weather this season. Based upon a 62 day registration and a 15 day extension, a number of meetings were held with the officials from Oakland Construction. The officials indicated that when the project was approved last year and they agreed to a delay a start work time on Saturday mornings until 9:00 a.m., it created a disincentive for the crews to work on Saturday. The standard procedure in the construction industry is a 7:00 a.m. start time. On Saturday the crews are anxious to start early and complete their job in enough time to return home, take care of their chores and have time with their families. The delayed start time impeded efficient Saturday work.

Mr. Brown clarified that the purpose for requesting a 7:00 a.m. start time was to create efficient utilization of Saturday work days. Mr. Brown emphasized that Oakland Construction was not dismissing sensitivity to the neighbors. As a consultant to the City in a third party role, he was

confident in saying that Oakland Construction has done a good job on this project in spite of facing recessionary and weather circumstances.

Mr. Brown stated that in consideration of the neighbors who have been supportive of the project, if the Planning Commission grants a 7:00 a.m. start time on Saturday, they would restrict those two hours from any utilization of heavy equipment. They will not utilize cranes or any high decibel equipment during those early morning hours on Saturday. Mr. Brown acknowledged that the annoying alarms from backing equipment or equipment in active mode would have to be allowed. They would also need to utilize lifts for materials as they finish the roof and sheetrock the second levels. He clarified that it would not be a quiet construction site from 7:00 to 9:00 a.m., but heavy equipment activity would be restricted between those hours.

Mr. Brown remarked that this was not a meaningless request and it would not pick up time lost. Extending the hours would provide a higher level of assurance that they would be able to meet the current completion date and turn the facility over to the City on November 23rd.

Vice-Chair Pettit noted that the restrictions as stated by Mr. Brown were not captured in the conditions of approval. Mr. Brown offered to work with Planner Sintz to include those in a motion. Planner Sintz referred to the third sentence of Condition #10 regarding the start up of heavy equipment and vehicles, and suggested that the language would need to be modified because the applicant only intended to restrict heavy equipment.

Vice-Chair Pettit remarked that what was missing from the condition of approval was the reference to the time period between 7:00 a.m. and 9:00 a.m. on Saturdays. Currently the language reads, "Work is restricted to Monday through Saturday, 7:00 a.m. to 6:00 p.m., but there is no reference as to what is restricted between 7:00 a.m. and 9:00 a.m.

Mr. Brown clarified that Oakland Construction talked about the restriction yesterday and he had not relayed the conversation to Planner Sintz.

Commissioner Hontz thought they should be careful in crafting the condition. She appreciated the offer to restrict heavy equipment, but she felt it was important to do what was necessary to complete the project as soon as possible.

Vice-Chair Pettit opened the public hearing.

John Halsey, a resident at 1391 Little Kate, directly across the street, stated that Oakland Construction has been a fantastic neighbor. The construction has been non-intrusive and there have not been road problems. Mr. Halsey felt he could speak on behalf of his neighbors in supporting this request.

Vice-Chair Pettit closed the public hearing.

Commissioner Thomas questioned why the Planning Commission would hinder the intent for completing construction by restricting some of the equipment. Most of the equipment is not that noisy or obstructive. He was one who would like to see the project completed early.

Commissioner Strachan concurred, particularly in light of the lack of public objection. He thought they should give the contractor full rein to complete the project.

The Commissioners concurred that heavy equipment would not be restricted between 7:00 a.m. to 9:00 a.m. on Saturdays.

Vice-Chair Pettit encouraged the contractor to continue to be a good neighbor and to use discretion. If there is the opportunity to reduce the use of heavy equipment during those early hours on Saturday it would be encouraged but not required.

Vice-Chair Pettit noted that the word "tie" should be changed to "time" in Condition #10.

MOTION: Commissioner Hontz moved to APPROVE the modifications to the Development Agreement for the MPD at the Park City Racquet Club at 1200 Little Kate Road, with the Findings of Fact, Conclusions of Law and Condition of Approval as amended per the discussion at this meeting. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1200 Little Kate Road

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: a.m. to 6 p.m. (Condition of Approval #10).
4. The applicant is requesting extending Saturday's work hours to begin work at 7 a.m. 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 – 1200 Little Kate Road

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

Conditions of Approval – 1200 Little Kate Road

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

10. Work is restricted to Monday through Saturday 7: a.m. to 6: p.m. 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. Auxiliary lighting will also be restricted to these hours and work days.

**3. Park City Heights – Review of Preliminary Plat and Design Guidelines
(Application #PL-10-01028)**

Planner Whetstone reviewed the application for a preliminary plat and approval of the Design Guidelines for Park City Heights. The MPD was approved on May 11, 2011 with a condition for platting. Planner Whetstone noted that a preliminary plat is typical as a starting point for a development as large as Park City Heights.

Planner Whetstone noted that a condition of approval also required Planning Commission approval of the final Design Guidelines. She had provided redlined copies of the draft design guidelines. A photograph related to the area history would be included in the final document.

Planner Whetstone noted that the Planning Commission received 11" x 17" drawings for the Park City Heights Subdivision, consistent with the site plan that was approved on May 11th. Per the Land Management Code, a preliminary plat review should look at the arrangement, location and width of streets. Those dimensions were included on the plat. It should also include the relation of the streets and utilities, drainage, topography, natural features and potential mine hazards and geologic hazards. Planner Whetstone pointed out that any information that was not included in the Staff report was available in the Planning Department. She had not included everything because some of the information was provided with the MPD. Additional items for preliminary plat review include relation of the streets to the lots sizes and the arrangement, and consideration of the Streets Master Plan, the General Plan and the MPD.

The Staff recommended approval of the preliminary plat as conditioned in the Staff report. She pointed out that a preliminary plat is approved by the Planning Commission and not the City Council. The document is signed by the Chair and filed in the Planning files. The applicants have one year to obtain final subdivision plat approval before the preliminary plat expires, unless an extension is granted. Planner Whetstone stated that Park City Heights intends to phase the final subdivision plat and either come in with the phase that is consistent with the Master Plan Development or come back to the Planning Commission with a revised phasing plan.

The Staff found good cause for the approval in that it provides the overall lot and layout consistent with the approved Master Plan Development, the Land Management Code, the Official Zoning Map and the General Plan and the Streets Master Plan.

Planner Whetstone referred to the design guidelines and comments that were made at a previous meeting. The Staff went through the design guidelines and verified that the list of items shown on page 19 of the Staff report was addressed in the redlined version. The red lines would be removed in the final version.

The Staff recommended approval of the design guidelines.

Vice-Chair Pettit opened the public hearing.

There was no comment.

Vice-Chair Pettit closed the public hearing.

Commissioner Thomas referred to the number of lighting sconces suggested on page 23 of the final draft of the Park City Heights design guidelines, and noted that some had exposed bulbs. He has worked in communities where exposed bulbs were not allowed and the face of the lamp must be shielded to deflect the light either up or down. Commissioner Thomas felt that was a good idea, particularly in this scenario with the houses rising up, because they could begin to see a tremendous amount of lighting on garages and front doors. He was concerned about creating negative lighting impacts. Commissioner Thomas recommended that the applicants look at different lighting sconces.

Commissioner Thomas thought the CC&Rs were well done and he liked the graphic representation.

Commissioner Hontz thanked the Staff and the applicant for adding the area history in response to her request. Commissioner Hontz stated that the edge of the property is a quarter-of-a-mile from a CERCLA site and she thought there should be language that expands on that relationship. Because of the City's involvement with this project, she felt it was imperative to let people know about that history in the region.

Commissioner Hontz referred to the preliminary plat and the second page of the 11" x 17" drawings. She noted that everything was labeled on the drawing except for the three eyebrows, which she thought should be identified.

Spencer White, representing the applicant, stated that the "eyebrow area" was located within the right-of-way and he assumed that it would be dedicated with the right-of-way. Planner Whetstone noted that the site plan calls it as landscaping. Mr. White clarified that it would be reseeded but there would be no irrigation.

Commissioner Worel understood that two lots would be accessible from the Oaks. Mr. White replied that the lots labeled Lots 84 and 85 would be accessed from the Oaks. He clarified that there is no direct access down to the rest of the project. Mr. White stated that at the request of the Hidden Oaks developer, the two homes on Lots 84 and 85 would go through the design review for Hidden Oaks to make sure they fit within the design guidelines of that subdivision.

Commissioner Thomas asked if fencing was discussed during the MPD process. He remembered from seeing the model how the site climbs up and is very visible. Commissioner Thomas was concerned about the visual impacts and visual clutter that would be created by a plethora of white fences around individual properties.

Mr. White replied that fencing was addressed on page 36 of the design guidelines. He noted that fences are not allowed within the Homestead lots, with the exception of pet enclosures or pool fencing. Mr. White stated that the intent is to minimize the use of fencing in the Homestead, Cottage and Park Homes product.

Eric Langvardt, representing the applicant, recalled that Commissioner Wintzer raised the issue of fencing early in the process. Commissioner Wintzer wanted fences to be open. Mr. Langvardt remarked that color may be the question. The front and side yard fences were limited in height and material.

Commissioner Thomas questioned the need for allowing fences at all. Mr. White stated that they felt it was appropriate to allow fences to separate the yards within the Cottage product where there is more density. However, property line fencing would not be allowed on the Homestead lots because those lots go up the hill and are more visible. Planner Whetstone recommended language prohibiting property line fences on the Cottage homes that are higher up on the hill.

Vice-Chair Pettit asked if Commissioner Thomas was comfortable with limited fencing in the lower units. Commissioner Thomas preferred to look at the terrain again to see the visual impacts. He understood the issue with the Cottage homes being on smaller properties; however, he thought the materials and color should be restricted to avoid reflective bright white fences.

Commissioner Hontz favored prohibiting property line fencing on the upper three pods of Cottage lots.

Mr. Langvardt did not believe that fences would be objectionable if they were done right. He suggested adding more specific language in the guidelines related to color and material. He noted that open picket fences or rail fences were discussed. Mr. Langvardt offered to address fences in more detail.

Mr. White summarized that vinyl white, or painted white fences should be prohibited. Solid colors should also be discouraged.

Commissioner Strachan referred to Conclusion of Law #1, "The preliminary plat is consistent with the Land Management Code". He noted that the Land Management Code requires that it be

consistent with the General Plan. It has been his position from the beginning that this project is not consistent with the General Plan, and for that reason he could not vote in favor of the preliminary plat.

Commissioner Hontz asked if the Commissioners were comfortable approving the guidelines this evening and trusting that the applicants would make the requested changes. Vice-Chair Pettit did not think it needed to come back to the Planning Commission.

MOTION: Commissioner Pettit moved to APPROVE the preliminary plat for Park City Heights and the Design Guidelines associated with the MPD for Park City Heights, as discussed and amended at this meeting, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report. Commissioner Worel seconded the motion.

VOTE: The motion passed 4-1. Commissioners Pettit, Hontz, Worel and Thomas voted in favor of the motion. Commissioner Strachan voted against the motion.

Findings of Fact – Park City Heights

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 US40 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 – Park City Heights

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 the approval of the Park City Heights MPD.
5. There is good cause for this preliminary plat.

Conditions of Approval – Park City Heights

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 the 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, 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.

The Park City Planning Commission meeting adjourned at 8:45 p.m.

Approved by Planning Commission: _____

DRAFT

REGULAR AGENDA

Planning Commission Staff Report



Subject: 1159 Empire Avenue Condominiums
Author: Katie Cattan
Project Number: PL-11-01228
Date: July 13, 2011
Type of Item: Administrative – Condominium Record of Survey Plat

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1159 Empire Avenue Condominiums Record of Survey Plat located at 1159 Empire Avenue and consider forwarding a negative recommendation the City Council based on the Findings of Fact and Conclusions of Law as attached.

Description

Applicant: Alliance Engineering, Inc., Owner's Representative
Location: 1159 Empire Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Condominium Record of Survey Plats require Planning Commission review and City Council approval

Background

On March 28, 2011, the City received a completed application for a Condominium Record of Survey for an existing four-plex located at 1159 Empire Ave in the Historic Residential (HR-1) District. Applicant is not proposing to change the footprint of the building. However, approval of the Condominium Record of Survey would allow for each unit in the four-plex to be sold individually. The four-plex received a certificate of occupancy by the Park City Building Department in 1979 and is considered a legal non-conforming use and a legal non-complying structure. The four-plex is located within the HR-1 District which only allows for detached, single-family residential dwelling units, and duplexes as a conditional use. Any building with more than two-attached are prohibited within the HR-1 District. The structure does not comply with the setback and footprint requirements of the current LMC.

Analysis

The purpose of the Historic Residential 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.

The four-plex is located at 1159 Empire Ave. The four-unit building was originally approved and built in 1979. At that time a four-plex was an approved use in the zone. However, since that time the zoning has changed and only detached single-family dwellings are a permitted use, and duplexes (two-attached units) are a conditional use. Multi-family dwellings are not listed as an allowed or conditional use in the zone and are therefore prohibited. Therefore, the use as a four-plex is a legal non-conforming use.

The units are stacked on two floors, with two units on each floor. Each of the units is less than 1,000 square feet.

Unit 1	769 sf
Unit 2	771 sf
Unit 3	780 sf
Unit 4	826 sf

Because multi-family housing is not a permitted use within the HR-1 zone, the LMC does not identify a minimum lot size for a four-plex. The structure currently exists on three individual old town lots that are 25' x 75'. The condominium conversion would combine the three lots into one lot that would be 5625 square feet or 0.13 acres. The resulting lot would be seventy-five feet (75') wide by seventy-five feet (75') deep.

The setback requirements for a seventy-five feet (75') wide by seventy-five feet (75') deep lot are ten feet (10') front yard, ten feet (10') rear yard, and five feet (5') with a combined minimum of eighteen feet (18') side yards. The existing four-plex does not comply with the current side yard setback requirements. The structure is located five feet (5') from the property line on each side. The combined minimum of eighteen feet (18') has not been met. Therefore the structure is legal non-complying.

The overall footprint of the structure is 2,058.5 square feet. Per Title 15 LMC Chapter 2.2, Table 15-2.2, the maximum footprint is 2,050 square feet. Therefore the structure is legal non-complying.

Parking requirements for the four-plex have been met within the site. The parking ratio requirement for a multi-unit dwelling with units between 650 -1000 sf (LMC § 15-3-6) is 1.5 parking spaces per dwelling unit, requiring a total of six (6) parking spaces. There are six interior parking spaces in the garage and two in front of the building.

Chapter 9 of the Land Management Code (LMC) regulates non-conforming uses and non-complying structures. Per LMC 15-9-1 the purpose of the chapter is to limit enlargement, alteration, restoration, or replacement which would increase the

discrepancy between existing conditions and the development standards prescribed by the code. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.

Section 15-9-2 requires that the owner bears the burden of establishing the non-conforming use or non-complying structure lawfully exists. The Planning Director then determines the non-conforming or non-complying status of properties. A building department permit for a four-plex was approved in 1979. The Planning Director has determined that the use is a legal non-conforming use as to the four units and legal non-complying structure as to the side yard setbacks being less than 18 feet in total and the footprint being over the allowed maximum under the current code.

The application is to approve a condominium conversion for the legal non-complying structure which contains a non-conforming use. The structure is currently under one ownership. A condominium conversion will allow the four units to be sold individually. LMC Section 15-9-5, regulates that “no non-conforming use may be moved, enlarged, altered, or occupy additional land, except as provided within section 15-9-5. Although the existing non-conforming use is not being physically moved, enlarged, or expanded into additional land, the ownership interest is being altered in a manner which would increase the degree of non-conformity since it would allow for individual ownership of the four units. If the condo-conversion plat was approved and recorded, the likelihood of the structure to ever come into compliance would be significantly reduced due to the likelihood of four different owners as opposed to just one owner for the entire parcel of property.

Due to the issues as outlined in this report, staff does not find good cause for this condominium conversion. Currently, the four units can not be sold individually. If approved, the conversion would allow for four separate dwellings with individual ownership of each unit. The likelihood of the legal non-conforming use and legal non-complying structure being brought into compliance is highly unlikely if each unit is permitted to be sold individually and any future compliance with current zoning standards are highly diminished.

Due to the non-conforming status, staff does not recommend that the condominium conversion be approved. The Application does not fit within the purpose statements of the HR-1 zoning district and will create a greater chance that the non-compliances will continue in perpetuity. Per LMC Section 15-7.1-6(C), the Planning Commission shall make a findings as to whether there is Good Cause prior to making a positive recommendation to City Council. If the Planning Commission decides to forward a positive recommendation for the condominium conversion, they must direct staff on their findings of good cause.

Process

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

Department Review

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

Notice

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

Public Input

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

Alternatives

- The Planning Commission may forward a negative recommendation to the City Council for 1159 Empire Avenue Condominium Record of Survey Plat according to the findings of fact and conclusions of law; or
- The Planning Commission may forward positive recommendation to the City Council for 1159 Empire Avenue Condominium Record of Survey Plat, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 1159 Empire Avenue Condominium Record of Survey Plat.

Significant Impacts

The applicant will not be able to sell each unit within the four-plex separately.

Consequences of not taking the Suggested Recommendation

If the condominium plat is approved each unit could potentially be sold separately.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 1159 Empire Avenue Condominiums Record of Survey Plat and consider forwarding a negative recommendation the City Council based on the Findings of Fact and Conclusions of Law.

Exhibits

Exhibit A - Proposed Condominium Record of Survey

Findings of Fact:

1. The property is located at 1159 Empire Avenue.
2. The owners of the property located at 1159 Empire Avenue have petitioned the City Council for approval of the 1159 Empire Avenue Condominiums Record of Survey Plat
3. The property is located in the Historic Residential (HR-1) District.
4. The structure is a built multi-unit dwelling which contains four units.
5. The building was approved as a multi-unit dwelling in 1979.
6. A multi-unit dwelling is currently a prohibited use in the HR-1 district.
7. The multi-unit dwelling is a legal non-conforming use.
8. There is not a minimum lot size for a four-plex in the HR-1 because a four-plex is a prohibited use.
9. Based on Title 15 LMC, Chapter 2.2, Table 15-2.2, the maximum footprint allowed for this lot is 2,050 square feet, and the footprint of the existing structure is 2,058.5 square feet, making the structure a legal noncomplying structure.
10. The area of the lot is 5625 square feet.
11. The setback requirements for a seventy-five (75) feet deep by seventy-five feet (75') wide lot are ten feet (10') front yard, ten feet (10') rear yard, and five feet (5') with a combined minimum of eighteen feet (18') side yards. The existing four-plex does not comply with the side yard setback requirements. The structure is located five feet (5') from the property line on each side. The combined minimum of eighteen feet (18') has not been met. Therefore, the structure is a legal non-complying structure.
12. Parking requirements for the four-plex have been met within the site. The parking ratio requirement for a multi-unit dwelling with units between 650 -1000 sf (LMC § 15-3-6) is 1.5 parking spaces per dwelling unit, requiring a total of six (6) parking spaces. There are six interior parking spaces in the garage and two in front of the building.
13. The total size of the habitable living space is 3,146 square feet, with unit 1 being 769 square feet, unit 2 being 771 square feet, unit 3 being 780 square feet, and unit 4 being 826 square feet.
14. The four-plex is both a non-conforming use and a non-conforming structure. Currently, the four units can not be sold individually.
15. If the Condominium Conversion were approved, the four units could potentially be sold individually.
16. Per LMC 15-9-1 the purpose of the chapter is to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the code. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.
17. LMC Section 15-9-5, regulates that "no non-conforming use may be moved, enlarged, altered, or occupy additional land, except as provided within section 15-9-5. Although the existing non-conforming use is not being physically moved, enlarged, or expanded into additional land, the ownership interest is being altered in a manner which would increase the degree of non-conformity since it would allow for

individual ownership of the four units. If the condo-conversion plat was approved and recorded, the likelihood of the structure to ever come into compliance would be significantly reduced and there could potentially be four different owners of each unit as opposed to just one owner for the entire parcel of property.

18. The findings within the Analysis section are incorporated within.

Conclusions of Law:

1. There is not good cause for this condominium Record of Survey.
2. The Record of Survey Plat is not consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats.
3. A Record of Survey Plat would increase the degree of non-conformity since it would allow for four owners instead of one. The likelihood of the structure to ever come into compliance would be therefore be reduced.



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 1159 EMPIRE AVENUE CONDOMINIUMS, a Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify that the information on this plat is accurate.

John Demkowicz _____ Date _____

BOUNDARY DESCRIPTION

LOTS 5, 6 and 7 of BLOCK 27, SNYDERS ADDITION TO PARK CITY, according to the official plat thereof on file in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 1159 EMPIRE AVENUE CONDOMINIUMS, does hereby certify that he has caused this Plat to be prepared, and I, Glenn Goldman, Manager of 1159 Empire Avenue, LLC, a Utah limited liability company, do hereby consent to the recordation of this Plat.
 ALSO, the owner or its representative, hereby irrevocably offers for dedication to the city of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this _____ day of _____, 2011.

Glenn Goldman
 Manager, 1159 Empire Avenue, LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of _____ ss: _____
 County of _____

On this _____ day of _____, 2011, _____ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Glenn Goldman acknowledged to me that he is the Manager of 1159 Empire Avenue, LLC, a Utah limited liability company, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

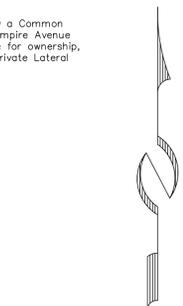
Printed Name _____
 Residing in: _____
 My commission expires: _____

NOTE

The units of this condominium are served by a Common Private Lateral Wastewater Line. The 1159 Empire Avenue Condominium Association shall be responsible for ownership, operation and maintenance of all Common Private Lateral Wastewater Lines.

OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP



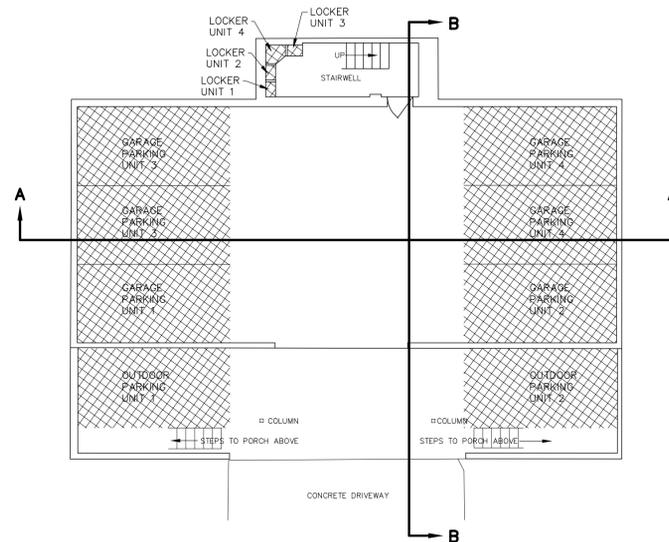
1159 EMPIRE AVENUE CONDOMINIUMS

A COMBINATION OF LOTS 5, 6 AND 7 IN BLOCK 27, SNYDER'S ADDITION TO PARK CITY

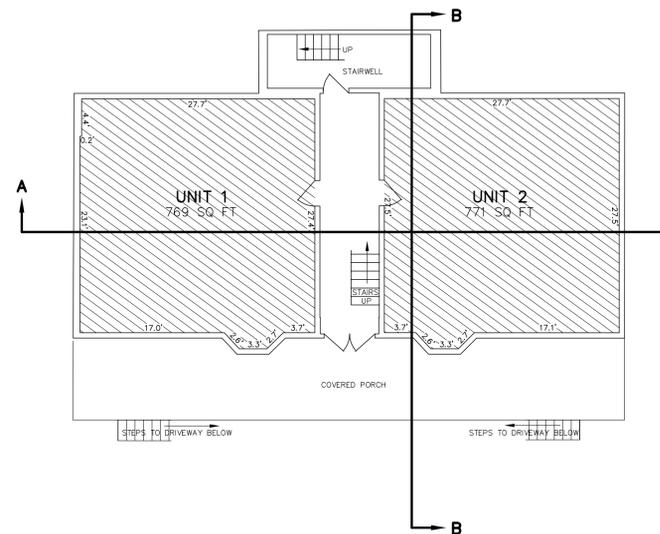
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

5/17/11 JOB NO.: 5-4-10 FILE: X:\SnydersAddition\dwg\sr\plat2010\050410.dwg

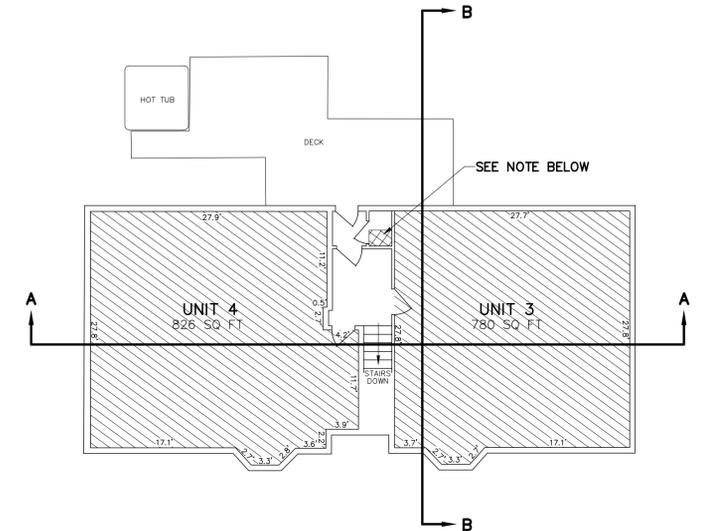
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2011 A.D. BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2011 A.D. BY _____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2011 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____
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LEVEL 1

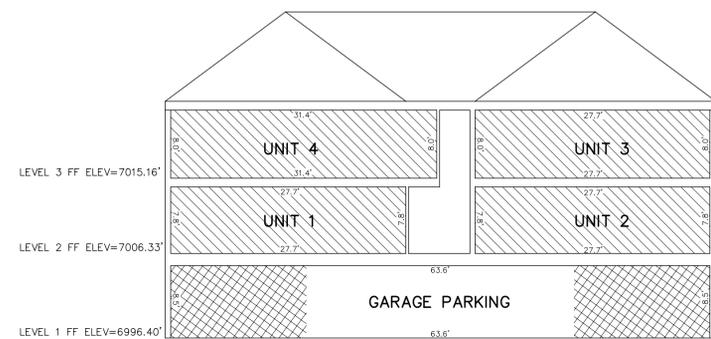


LEVEL 2

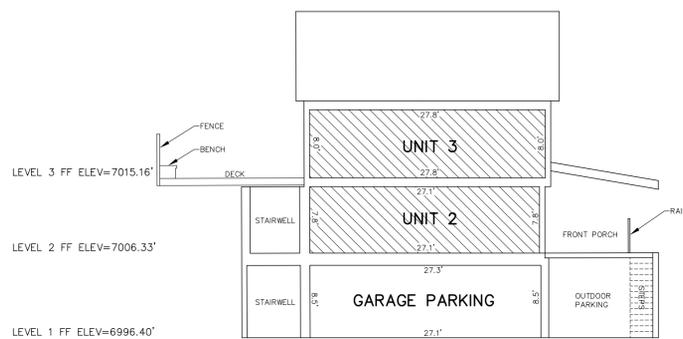


LEVEL 3

NOTE
This area is Limited Common Ownership subject to use by Unit 3 for purposes of maintaining a water heater for Unit 3 as set forth more fully in the Declaration of Condominium.



SECTION A-A



SECTION B-B

OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP



(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

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

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 1555 Lower Iron Horse Loop Road
Author: Katie Cattan
Date: July 13, 2011
Type of Item: Ratification of Development Agreement and Modifications to Master Planned Development Finding of Fact

Summary Recommendation

Staff recommends that the Planning Commission review the modifications to the Master Planned Development finding of fact, review the proposed development agreement and consider ratifying the agreement as written with the modified finding of fact.

Topic

Project Name: 1555 Lower Iron Horse Loop Road Mixed Use MPD
Applicant: Iron Horse LLC
Location: 1555 Lower Iron Horse Loop Road
Zoning: Light Industrial (LI)
Reason for review: Master Planned Developments require ratification of a development agreement , Modifications of MPDs are review by Planning Commission.

Development Agreement Ratification

Attached is the 1555 Lower Iron Horse Loop Road MPD Development Agreement. Section 15-6-4 (G) of the Land Management Code states that once the Planning Commission has approved a Master Planned Development for a project, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission, signed by the Mayor on behalf of the City Council, and recorded with the Summit County Recorder. The Development Agreement must be submitted to the City within six (6) months of the approval of the MPD. The 1555 Lower Iron Horse Loop Road MPD was approved by the Planning Commission on December 8, 2010. The Development Agreement was submitted to the City on April 26, 2011. Within in the Development Agreement there is a proposed phasing plan which is also being approved as part of the Development Agreement.

Modifications to the December 8, 2010 Findings

Within the December 8, 2010 approval, the MPD is required to have 6.14 unit equivalents of affordable housing. The applicant proposed to have a single affordable housing apartment on-site that is 1,124 square feet. The remaining affordable housing requirement will be met using all 24 units from the adjacent Rail

Central Development (4,442 sf). The applicant has asked to change finding of fact #21 to modify the one on-site apartment to be allowed on an alternate location, most likely within 1440 Empire Avenue. Finding of fact #21 currently states:

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

The applicant is requesting the following change to Finding of Fact #21:

"The project is required to provide 6.14 unit equivalents of affordable housing. One unit equivalent of affordable housing is equal to 900 square feet. The applicant is using all 24 units from the adjacent Rail Central Development (4,443 sf) to comply with 4.94 unit equivalents of the affordable housing requirement. The remaining 1.20 affordable units will be satisfied prior to certificate of occupancy either on or off site. The applicant will deed restrict the units to comply with the 2007 Housing Resolution. The future rents will comply with the 2007 Housing Resolution."

The applicant has also brought to staff's attention that the final uses within the Master Planned Development may change. The ratio of housing to commercial may change dependent on the future owner's needs and it is possible that the project may solely be for commercial use as opposed to a mixed use. Use within the MPD was not regulated as a finding of fact or condition of approval. The footprint and exterior of the design, massing, and substantial change to the materials may not change without an amendment to the MPD. The use must be an allowed use within the Land Management Code. The applicant asked that this be noted as to not misrepresent the project with the MPD name "1555 Lower Iron Horse Loop Road Mixed Use MPD".

Finally, the Conditions of Approval did not reflect the Land Management Code requirement that the Development Agreement be submitted within 6 months (as was done here) as opposed to being approved by Planning Commission within 6 months.

Department Review

The Legal and Planning Departments have reviewed the agreement for conformance with the December 8, 2010, 1555 Lower Iron Horse Loop Road MPD approval and today's modifications.

Recommendation

Staff recommends that the Planning Commission review the proposed changes to

the Findings of Fact, and Conditions of Approval and consider ratifying the development agreement as written. The Planning Commission may recommend amendments, but shall consider that this action is an administrative action ratifying that the December 8, 2010 final approval as correctly memorialized in the Agreement.

Exhibit

Exhibit 1 – Development Agreement with attached exhibits as follows

EXHIBIT A – Legal Description

EXHIBIT B – Approved Site Plan

EXHIBIT C – Finding of fact, conclusions of law and conditions of approval date December 8, 2010 (modified July 13, 2011) (attached hereto as Exhibit 3)

EXHIBIT D – Approved MPD Plans

EXHIBIT E – Pedestrian Bridge Agreement

EXHIBIT F - Phasing Plan

EXHIBIT G – Mine Hazard List

Exhibit 2 – Minutes from December 8, 2010 meeting

Exhibit 3 – Modified Findings of Fact, Conclusions of Law and Conditions of Approval of the Lower Iron Horse MPD

**DEVELOPMENT AGREEMENT
FOR THE
1555 LOWER IRON HORSE LOOP ROAD MIXED USE BUILDING
MASTER PLANNED DEVELOPMENT
PARK CITY, SUMMIT COUNTY, UTAH**

This Development Agreement is entered into as of this ____ day of _____, 2011, by and between IRON HORSE, LLC, a Utah limited liability company (“Developer”), as the owner and developer of certain real property located in Park City, Summit County, Utah, on which Developer proposes the development of a project known as the 1555 Lower Iron Horse Loop Road Mixed Use Building Master Planned Development, and PARK CITY MUNICIPAL CORPORATION, a municipality and political subdivision of the State of Utah (“Park City”), by and through its City Council.

RECITALS

A. Developer is the owner of approximately 1.474 acres of real property located in Park City, Summit County, Utah, which real property is more particularly described on Exhibit A attached hereto and incorporated herein by reference, and which real property is depicted on the site plan attached hereto as Exhibit B and incorporated herein by reference (the “Property”).

B. Developer has obtained approval for the development on the Property of a commercial and/or mixed use residential and commercial project known as the 1555 Lower Iron Horse Loop Road Mixed Use Building Master Planned Development (the “Master Planned Development Approval”), as more fully described in the incorporated Approval Documents (hereinafter defined) and as set forth below (the “Project”).

C. Park City requires development agreements under the requirements of the Park City Land Management Code (“LMC”) for all Master Planned Developments.

D. Developer is willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals and objectives of the Park City General Plan, and address other issues as more fully set forth below.

E. Park City has reviewed the Project in light of the LMC and has determined that, subject to the terms and conditions of this Development Agreement, Developer has complied with the provisions thereof, and has found that the Project is consistent with the purpose and intent of the relevant provisions of the LMC.

F. Following a lawfully advertized public hearing, Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Development Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Park City hereby agree as follows:

1. Project Conditions:

1.1. The (i) Findings of Fact, Conclusions of Law and Conditions of Approval dated December 8, 2010 and revised on July 13, 2011, attached hereto as Exhibit C, and (ii) Iron Horse Mixed Use Building, Iron Horse Loop Road, Park City, Utah 84060, Master Planned Development, prepared by Elliott Work Group Architecture, dated June 11, 2009 (Revised 11/11/2010), attached hereto as Exhibit D, together with related documents attached thereto, are both hereby incorporated herein by reference (the "Approval Documents") and shall govern the development of Project, subject to any modifications specifically set forth in this Development Agreement. The Project is located in the Light Industrial Zoning District, and includes a commercial and/or mixed use residential and commercial, multi-story building containing 54,814 gross square feet of floor area above grade, with commercial space, together with the right (but not the obligation) of Developer to include up to four (4) residential units, as well as 19,979 gross square feet of floor area below grade, and includes exterior, interior and underground parking, and a pedestrian bridge. The Approval Documents contemplate a mixed-use residential and commercial building and related improvements, and will evolve based upon actual tenant uses and mixes, which uses and mixes shall be governed by the Approval Documents, including the portions of the LMC incorporated therein as they exist as of the date of this Development Agreement. A building permit from the Park City Building Department is required prior to the commencement of any construction in connection with the Project.

The construction by Developer of a pedestrian bridge between the Project and the Rail Trail (the "Pedestrian Bridge") is subject to that certain "Encroachment Permit for Improvements in City Property and Easement for Public Access dated the 6th day of November, 2003, and approved by the Park City Council on August 17, 2006 (as extended, and together with all current and future amendments and addenda thereto, the "Pedestrian Bridge Agreement"), attached hereto as Exhibit E.

1.2. Developer agrees to pay the then-current impact fees lawfully imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future.

1.3. Developer and its successors agree that the following are required to be entered into and approved by Park City prior to the issuance of a Building Permit: (a) a construction mitigation plan; (b) a utility plan; (c) a storm water plan; (d) a grading plan; and (e) a landscape plan in compliance with condition of approval number 6 of the December 8, 2010 MPD approval.

1.4. Developer is responsible for compliance with all local, state and federal regulations regarding the soils, and the removal of the of the underground fuel storage. Furthermore, Developer is responsible for receiving any Army Corp of Engineer Permits required related to the riparian zone of Silver Creek.

2. Vested Rights and Reserved Legislative Powers

2.1 Subject to the provisions of this Development Agreement, Developer is hereby granted the vested right to develop and construct the Project in accordance with the uses, densities, massing, intensities, and general configuration of development approved in this Development Agreement, in accordance with, and subject to the terms and conditions of, the Approval Documents, and subject to compliance with the other applicable ordinances and regulations of Park City.

2.2 Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Project under the terms of this Development Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Development Agreement applicable to the Project shall be of general application to all development activity in the City of Park City; and, unless Park City declares an emergency, Developer shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

3. General Terms and Conditions.

3.1 Term of Agreement. The Master Planned Development is subject to Section 15-6-4 (H) of the Land Management Code. A building permit must be approved within two years of the execution of this Development Agreement as required by Condition of Approval number 13 of the December 8, 2010 Master Planned Development.

3.2 Binding Effect; Agreement to Run With the Land. This Development Agreement shall be recorded against the Property as described on Exhibit A hereto, and shall be deemed to run with the land and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

3.3 Assignment. Neither this Development Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Development Agreement and without the prior written consent of the City directed to the City Recorder, which consent shall not unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developer or its successors or assigns. If no response is given by the City within 14 calendar days following Developer's delivery of a request for consent, the City consent will be deemed to have been granted. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Development Agreement.

3.4 No Joint Venture, Partnership or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

3.5 Integration. This Development Agreement and the Approval Documents collectively contain the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

3.6 Severability. If any part or provision of this Development Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a

decision shall not affect any other part or provision of this Development Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Development Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

3.7 Attorney's Fees. If this Development Agreement, any of the Exhibits hereto or the Approval Documents are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement incurred by the non-breaching party.

3.8 Minor Administrative Modification. Minor, immaterial administrative modification may occur to the approvals contemplated and referenced herein without revision of this Development Agreement.

3.9 No Waiver. Failure to enforce any rights under this Development Agreement or applicable laws shall not be deemed to constitute a waiver of such right.

3.10 Default. No failure to perform by Developer under this Development Agreement shall constitute a default by Developer under this Development Agreement unless and until: (i) the City gives Developer written notice of the failure to perform; (ii) Developer shall thereafter fail to commence to cure such failure within 14 calendar days following the receipt of such notice; and (iii) Developer shall thereafter fail to diligently pursue the cure of such failure to perform to completion within a reasonable period time following commencement, considering the nature of such failure to perform. This provision does not apply to any failure of Developer to meet deadlines of the LMC or the Approval Documents.

4. Phasing; Access.

4.1 Project Phasing. If desired by Developer, the Project may be constructed in phases in accordance with the phasing plan approved together with this Development Agreement (the "Phasing Plan") (attached hereto as Exhibit F), and in accordance with the LMC. Developer may proceed by constructing the Project all at one time or by phase within this approved project Phasing Plan. In the event of such phasing, the issuance of a building permit on the first such phase shall be deemed to satisfy the requirement of issuance of a building permit in Section 3.1 above. Any modifications or elaborations to the approved Phasing Plan must be approved by the Chief Building Official prior to the commencement of construction of the applicable phase. If such proposed modifications or elaborations are substantial as determined by the Chief Building Official and the Planning Director, such modifications or elaborations will come before the Planning Commission for approval.

4.2 Construction of Access. Developer may commence grading access to the Project as approved by the City Engineer according to generally accepted engineering practices and standards, and pursuant to permit requirements of the LMC, the International Building Code (or if such Code is no longer then in effect, according to the code that is, in fact, then in effect), the Uniform Fire Code, and the Army Corps of Engineers. Developer shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

4.3 Form of Ownership Anticipated for Project. The Project will consist of a commercial building and related improvements, or, at Developer's option, a mixed-use commercial and residential building including one (1) or more residential units and related improvements. Developer anticipates that the commercial portions and, if applicable, the residential portions of the Project will be owned by a

corporation, a limited liability company or another business entity customarily used in connection with projects similar to the Project, and/or by end-users, residents or occupants, or their respective trusts, subsidiaries or affiliates. Any condominiumization of the Project for private ownership and common ownership of land and common facilities shall be in compliance with applicable law.

5. Affordable Housing. The Project is required to provide 6.14 Unit Equivalents (“UEs”) of Affordable Housing, with each UE being equal to 900 net square feet. 4.89 UEs, or 4,402 net square feet, of Affordable Housing square footage of the Affordable Housing requirement of will be deemed satisfied through the deed restriction or imposition of restrictive covenants, as appropriate, of Developer’s 24 existing residential units located at the adjacent Rail Central Development. As a condition to submitting the Building Permit application for the first phase of the Project, recorded deed restrictions or restrictive covenant, as appropriate, on those 24 units in compliance with the 2007 Resolution Adopting Affordable Housing Guidelines and Standards for Park City, Utah (the “2007 Housing Resolution”) must be provided and recorded by Developer. Rents associated with those 24 deed or covenant restricted units shall comply with the 2007 Housing Resolution. Prior to the certificate of occupancy being granted on any part of the Project, the deed restriction or restrictive covenant, as appropriate, must be recorded and subject to any required final approval of the Park City Housing Authority on either, at Developer’s election; (i) one (1) single Affordable Housing Apartment Unit measuring 1,124 net square feet located within the Project, (ii) 1.25 UEs located at Developer’s project at 1440 Empire Avenue, or (iii) as otherwise permitted under Park City’s applicable Affordable Housing Resolution.

6. Physical Mine Hazards. A list and map of all known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner as well as a description and GPS coordinates of those Physical Mine Hazards are hereby attached and incorporated as Exhibit G.

7. Notices. All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developer:

PO Box 683010
Park City, UT 84068

To Park City:

445 Marsac Avenue
Park City, UT 84060
Attn: City Attorney

Such communications may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

8. **List of Exhibits.**

Exhibit A – Legal Description

Exhibit B – Site Plan

Exhibit C – Master Planned Development Findings of Fact, Conclusions of Law and Conditions of Approval dated December 8, 2010 and revised on July 13, 2011

Exhibit D - Master Planned Development Plans dated June 11, 2009 (Revised 11/11/2010)

Exhibit E - Pedestrian Bridge Agreement approved by the Park City Council on August 17, 2006

Exhibit F - Phasing Plan

Exhibit G- List of all known Physical Mine Hazards on the property (None)

IN WITNESS WHEREOF, this Development Agreement has been executed by Developer by a person duly authorized to execute the same, and by Park City acting by and through its City Council, as of the ____ day of _____, 2011.

DEVELOPER:

IRON HORSE, LLC,

a Utah limited liability company

By: _____

Mark J. Fischer, Manager

“Developer”

STATE OF UTAH)

: ss

COUNTY OF SUMMIT)

On this ____ day of _____, 2011, personally appeared before me _____, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he is authorize to act on behalf of Iron Horse, LLC.

Notary Public

PARK CITY MUNICIPAL CORPORATION

By: _____
Dana Williams, Mayor

ATTEST:

By: _____
Janet M. Scott, City Recorder

“Park City”

APPROVED AS TO FORM:

Mark D. Harrington, City Attorney

EXHIBIT A

Legal Description:

LOT 1, IRONHORSE INDUSTRIAL SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

Containing approximately 1.474 acres

EXHIBIT B

SITE PLAN OF PROPERTY

EXHIBIT C

Master Planned Development Findings of Fact, Conclusions of Law and Conditions of Approval dated December 8, 2010 and revised on July 13, 2011

EXHIBIT D

MPD PLANS

EXHIBIT E

PEDESTRIAN BRIDGE AGREEMENT

EXHIBIT F

PHASING PLAN

EXHIBIT G

LIST OF KNOWN PHYSICAL MINE HAZARDS:

NONE KNOWN

**DEVELOPMENT AGREEMENT
FOR THE
1555 LOWER IRON HORSE LOOP ROAD MIXED USE BUILDING
MASTER PLANNED DEVELOPMENT
PARK CITY, SUMMIT COUNTY, UTAH**

This Development Agreement is entered into as of this ____ day of _____, 2011, by and between IRON HORSE, LLC, a Utah limited liability company (“Developer”), as the owner and developer of certain real property located in Park City, Summit County, Utah, on which Developer proposes the development of a project known as the 1555 Lower Iron Horse Loop Road Mixed Use Building Master Planned Development, and PARK CITY MUNICIPAL CORPORATION, a municipality and political subdivision of the State of Utah (“Park City”), by and through its City Council.

RECITALS

A. Developer is the owner of approximately 1.474 acres of real property located in Park City, Summit County, Utah, which real property is more particularly described on Exhibit A attached hereto and incorporated herein by reference, and which real property is depicted on the site plan attached hereto as Exhibit B and incorporated herein by reference (the “Property”).

B. Developer has obtained approval for the development on the Property of a commercial and/or mixed use residential and commercial project known as the 1555 Lower Iron Horse Loop Road Mixed Use Building Master Planned Development (the “Master Planned Development Approval”), as more fully described in the incorporated Approval Documents (hereinafter defined) and as set forth below (the “Project”).

C. Park City requires development agreements under the requirements of the Park City Land Management Code (“LMC”) for all Master Planned Developments.

D. Developer is willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals and objectives of the Park City General Plan, and address other issues as more fully set forth below.

E. Park City has reviewed the Project in light of the LMC and has determined that, subject to the terms and conditions of this Development Agreement, Developer has complied with the provisions thereof, and has found that the Project is consistent with the purpose and intent of the relevant provisions of the LMC.

F. Following a lawfully advertized public hearing, Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Development Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Park City hereby agree as follows:

1. Project Conditions:

1.1. The (i) Findings of Fact, Conclusions of Law and Conditions of Approval dated December 8, 2010 and revised on July 13, 2011, attached hereto as Exhibit C, and (ii) Iron Horse Mixed Use Building, Iron Horse Loop Road, Park City, Utah 84060, Master Planned Development, prepared by Elliott Work Group Architecture, dated June 11, 2009 (Revised 11/11/2010), attached hereto as Exhibit D, together with related documents attached thereto, are both hereby incorporated herein by reference (the "Approval Documents") and shall govern the development of Project, subject to any modifications specifically set forth in this Development Agreement. The Project is located in the Light Industrial Zoning District, and includes a commercial and/or mixed use residential and commercial, multi-story building containing 54,814 gross square feet of floor area above grade, with commercial space, together with the right (but not the obligation) of Developer to include up to four (4) residential units, as well as 19,979 gross square feet of floor area below grade, and includes exterior, interior and underground parking, and a pedestrian bridge. The Approval Documents contemplate a mixed-use residential and commercial building and related improvements, and will evolve based upon actual tenant uses and mixes, which uses and mixes shall be governed by the Approval Documents, including the portions of the LMC incorporated therein as they exist as of the date of this Development Agreement. A building permit from the Park City Building Department is required prior to the commencement of any construction in connection with the Project.

The construction by Developer of a pedestrian bridge between the Project and the Rail Trail (the "Pedestrian Bridge") is subject to that certain "Encroachment Permit for Improvements in City Property and Easement for Public Access dated the 6th day of November, 2003, and approved by the Park City Council on August 17, 2006 (as extended, and together with all current and future amendments and addenda thereto, the "Pedestrian Bridge Agreement"), attached hereto as Exhibit E.

1.2. Developer agrees to pay the then-current impact fees lawfully imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future.

1.3. Developer and its successors agree that the following are required to be entered into and approved by Park City prior to the issuance of a Building Permit: (a) a construction mitigation plan; (b) a utility plan; (c) a storm water plan; (d) a grading plan; and (e) a landscape plan in compliance with condition of approval number 6 of the December 8, 2010 MPD approval.

1.4 Developer is responsible for compliance with all local, state and federal regulations regarding the soils, and the removal of the of the underground fuel storage. Furthermore, Developer is responsible for receiving any Army Corp of Engineer Permits required related to the riparian zone of Silver Creek.

2. Vested Rights and Reserved Legislative Powers

2.1 Subject to the provisions of this Development Agreement, Developer is hereby granted the vested right to develop and construct the Project in accordance with the uses, densities, massing, intensities, and general configuration of development approved in this Development Agreement, in accordance with, and subject to the terms and conditions of, the Approval Documents, and subject to compliance with the other applicable ordinances and regulations of Park City.

2.2 Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited.

Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Project under the terms of this Development Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Development Agreement applicable to the Project shall be of general application to all development activity in the City of Park City; and, unless Park City declares an emergency, Developer shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

3. General Terms and Conditions.

3.1 Term of Agreement. The Master Planned Development is subject to Section 15-6-4 (H) of the Land Management Code. A building permit must be approved within two years of the execution of this Development Agreement as required by Condition of Approval number 13 of the December 8, 2010 Master Planned Development.

3.2 Binding Effect; Agreement to Run With the Land. This Development Agreement shall be recorded against the Property as described on Exhibit A hereto, and shall be deemed to run with the land and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

3.3 Assignment. Neither this Development Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Development Agreement and without the prior written consent of the City directed to the City Recorder, which consent shall not unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developer or its successors or assigns. If no response is given by the City within 14 calendar days following Developer's delivery of a request for consent, the City consent will be deemed to have been granted. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Development Agreement.

3.4 No Joint Venture, Partnership or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

3.5 Integration. This Development Agreement and the Approval Documents collectively contain the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

3.6 Severability. If any part or provision of this Development Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Development Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Development Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

3.7 Attorney's Fees. If this Development Agreement, any of the Exhibits hereto or the Approval Documents are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement incurred by the non-breaching party.

3.8 Minor Administrative Modification. Minor, immaterial administrative modification may occur to the approvals contemplated and referenced herein without revision of this Development Agreement.

3.9 No Waiver. Failure to enforce any rights under this Development Agreement or applicable laws shall not be deemed to constitute a waiver of such right.

3.10 Default. No failure to perform by Developer under this Development Agreement shall constitute a default by Developer under this Development Agreement unless and until: (i) the City gives Developer written notice of the failure to perform; (ii) Developer shall thereafter fail to commence to cure such failure within 14 calendar days following the receipt of such notice; and (iii) Developer shall thereafter fail to diligently pursue the cure of such failure to perform to completion within a reasonable period time following commencement, considering the nature of such failure to perform. This provision does not apply to any failure of Developer to meet deadlines of the LMC or the Approval Documents.

4. Phasing; Access.

4.1 Project Phasing. If desired by Developer, the Project may be constructed in phases in accordance with the phasing plan approved together with this Development Agreement (the "Phasing Plan") (attached hereto as Exhibit F), and in accordance with the LMC. Developer may proceed by constructing the Project all at one time or by phase within this approved project Phasing Plan. In the event of such phasing, the issuance of a building permit on the first such phase shall be deemed to satisfy the requirement of issuance of a building permit in Section 3.1 above. Any modifications or elaborations to the approved Phasing Plan must be approved by the Chief Building Official prior to the commencement of construction of the applicable phase. If such proposed modifications or elaborations are substantial as determined by the Chief Building Official and the Planning Director, such modifications or elaborations will come before the Planning Commission for approval.

4.2 Construction of Access. Developer may commence grading access to the Project as approved by the City Engineer according to generally accepted engineering practices and standards, and pursuant to permit requirements of the LMC, the International Building Code (or if such Code is no longer then in effect, according to the code that is, in fact, then in effect), the Uniform Fire Code, and the Army Corps of Engineers. Developer shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

4.3 Form of Ownership Anticipated for Project. The Project will consist of a commercial building and related improvements, or, at Developer's option, a mixed-use commercial and residential building including one (1) or more residential units and related improvements. Developer anticipates that the commercial portions and, if applicable, the residential portions of the Project will be owned by a corporation, a limited liability company or another business entity customarily used in connection with projects similar to the Project, and/or by end-users, residents or occupants, or their respective trusts, subsidiaries or affiliates. Any condominiumization of the Project for private ownership and common ownership of land and common facilities shall be in compliance with applicable law.

5. Affordable Housing. The Project is required to provide 6.14 Unit Equivalents (“UEs”) of Affordable Housing, with each UE being equal to 900 net square feet. 4.89 UEs, or 4,402 net square feet, of Affordable Housing square footage of the Affordable Housing requirement of will be deemed satisfied through the deed restriction or imposition of restrictive covenants, as appropriate, of Developer’s 24 existing residential units located at the adjacent Rail Central Development. As a condition to submitting the Building Permit application for the first phase of the Project, recorded deed restrictions or restrictive covenant, as appropriate, on those 24 units in compliance with the 2007 Resolution Adopting Affordable Housing Guidelines and Standards for Park City, Utah (the “2007 Housing Resolution”) must be provided and recorded by Developer. Rents associated with those 24 deed or covenant restricted units shall comply with the 2007 Housing Resolution. Prior to the certificate of occupancy being granted on any part of the Project, the deed restriction or restrictive covenant, as appropriate, must be recorded and subject to any required final approval of the Park City Housing Authority on either, at Developers election; (i) one (1) single Affordable Housing Apartment Unit measuring 1,124 net square feet located within the Project, (ii) 1.25 UEs located at Developer’s project at 1440 Empire Avenue, or (iii) as otherwise permitted under Park City’s applicable Affordable Housing Resolution.

6. Physical Mine Hazards. A list and map of all known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner as well as a description and GPS coordinates of those Physical Mine Hazards are hereby attached and incorporated as Exhibit G.

7. Notices. All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developer:

PO Box 683010
Park City, UT 84068

To Park City:

445 Marsac Avenue
Park City, UT 84060
Attn: City Attorney

Such communications may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

8. List of Exhibits.

EXHIBIT A – Legal Description

EXHIBIT B – Approved Site Plan

EXHIBIT C – Finding of fact, conclusions of law and conditions of approval date December 8, 2010 (modified July 13, 2011) (attached hereto as Exhibit 3)

EXHIBIT A

LEGAL DESCRIPTION:

LOT 1, IRONHORSE INDUSTRIAL SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE

EXHIBIT B

ATTACH SITE PLAN OF PROPERTY

LOT 1 PARK CITY TRANSPORTATION INC.

& BONANZA PARTNERS AS THEIR

INTERESTS MAY APPEAR

Effective 6-1-1999 parcel ownership will not be updated on this plat

For current ownership see computer indexes.

PRIOR SERIAL #'s SA-254-11-A

SA-254-11-B

SA-254-6-B

NEW SERIAL # IHI - 1



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 6164, as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner (S), a survey of the herein described tract of land, to be hereafter known as IRONHORSE INDUSTRIAL SUBDIVISION, and that the same has been or will be correctly staked on the ground as shown on this Record of Survey Map.

John Demkowicz, L.S. #6164
DATE 4-14-95

BOUNDARY DESCRIPTION

Beginning at a point on the Southern right-of-way line of the Union Pacific Railroad, which point is South 89°44'14" East 15.473 feet along the center of section line and South 438.78 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 6°24'48" East 387.80 feet along said right-of-way; thence South 25°35'12" East 83.68 feet to a point on a 115.00 foot radius curve to the right (radius point bears North 82°22'45" West); thence along the arc of said curve 88.59 feet thru a central angle of 34°10'22" to a point on a 457.50 foot radius reverse curve to the left (radius point bears South 17°43'51" East); thence Southwesterly along the arc of said curve 110.49 feet thru a central angle of 13°50'14" to a point on a 847.50 foot radius compound curve to the left (radius point bears South 31°34'05" East); thence Southwesterly along the arc of said curve 241.29 feet thru a central angle of 18°19'58" to a point on a 116.57 foot radius reverse curve to the right (radius point bears North 47°54'03" West); thence Southwesterly along the arc of said curve 84.37 feet thru a central angle of 41°28'07" to a point on the Eastern right-of-way line of Bonanza Drive and on a 58.42 foot radius curve to the left (radius point bears North 80°27'21" West); thence Northerly along the Eastern right-of-way line of said Bonanza Drive along the arc of said curve 217.19 feet thru a central angle of 20°47'39" to the point of beginning.

DESCRIPTION CONTAINS: 1.474 ACRES

EASEMENT DESCRIPTION

Subject to and together with the non-exclusive easement to utilize a 30 foot wide parcel of property for the purpose of ingress and egress, the center line of which is described as follows: Beginning at a point which is South 89°44'14" East 18.899 feet along the center of section line and South 654.717 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on a 116.57 foot radius curve to the left (radius point bears North 02°25'58" West); thence Northwesterly along the arc of said curve 84.374 feet thru a central angle of 41°28'07" to a point on a 847.500 foot radius curve to the right (radius point bears South 47°54'02" East); thence Northwesterly along the arc of said curve 310.075 feet thru a central angle of 20°57'48" to a point on a 100.00 foot radius curve to the left (radius point bears North 28°56'18" West); thence Northwesterly along the arc of said curve 105.825 feet thru a central angle of 60°31'06" to a point on a 100.00 foot radius curve to the right (radius point bears South 87°27'23" East); thence Northwesterly along the arc of said curve 107.983 feet thru a central angle of 61°52'11"; thence North 6°24'48" East to a point on a 115.00 foot radius curve to the right (radius point bears South 25°35'12" East); thence Southwesterly along the arc of said curve 332.054 feet thru a central angle of 16°25'15" to a point on a 100.00 foot radius curve to the left (radius point bears South 40°08'56" East); thence Southwesterly along the arc of said curve 64.317 feet thru a central angle of 36°51'04"; thence South 13°00'00" West 154.878 feet to a point on a 100.00 foot radius curve to the left (radius point bears South 77°00'00" East); thence Southwesterly along the arc of said curve 51.976 feet thru a central angle of 28°48'48"; thence South 16°46'48" East 32.732 feet to a point which is South 89°44'14" East 575.068 feet along the center of section line and South 513.934 feet from the center of Section 9.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that PARK CITY TRANSPORTATION SERVICES, INC. aka PARK CITY TRANSPORTATION, INC., a Utah corporation, the undersigned owner of the herein described tract of land to be hereafter known as IRONHORSE INDUSTRIAL SUBDIVISION, certifies that it has caused this survey to be made and this record of survey plat to be prepared. PARK CITY TRANSPORTATION SERVICES, INC. hereby consents to the recording of this record of survey plat and dedicates to Park City Municipal Corporation a non-exclusive public utility and drainage easement and a public access easement over these areas shown on this plat.

Park City Transportation Services, Inc.
By: David Novelle, President

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss
On this 14th day of April, 1995 personally appeared before me, the undersigned Notary Public in and for said state and county, David Novelle, who being duly sworn, did say that he is president of PARK CITY TRANSPORTATION SERVICES, INC., a Utah corporation, that he signed the owner's consent to record freely and voluntarily for and on the behalf of said corporation and acknowledged that said corporation did execute the same.

Notary Public
My commission expires Residing at Park City, UT

NOTES

1. The boundary description is a compilation of the following deeds:
WARRANTY DEED ENTRY No. 288477 BOOK 472 PAGES 834-835
WARRANTY DEED ENTRY No. 266403 BOOK 420 PAGES 214-215
SPECIAL WARRANTY DEED ENTRY No. 267554 BOOK 422 PAGES 580-581

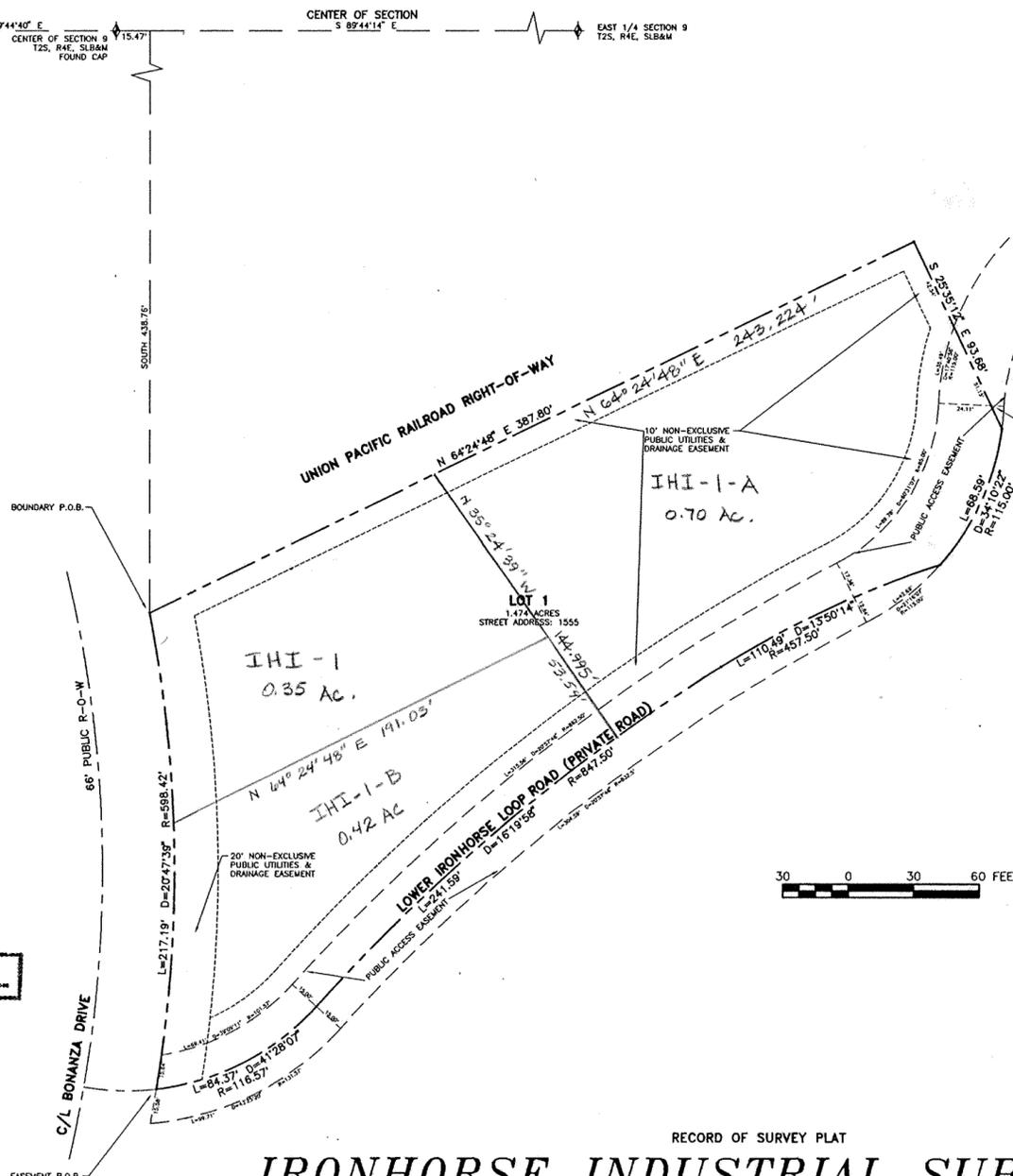
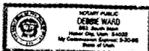
OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that David Novelle, a General Partner of Bonanza Partners, a Utah Limited Partnership, being the owner of the tract of land in Park City, Summit County, Utah, described on this plat, to be hereafter known as IRONHORSE INDUSTRIAL SUBDIVISION, certifies that it has caused a survey to be made and this Record of Survey Plat to be prepared. Bonanza Partners has hereby consented to the preparation of this Record of Survey Plat and dedicates to Park City Municipal Corporation a non-exclusive public utility and drainage easement and a public access easement over these areas shown as easements on this plat.

Bonanza Partners
A Utah Limited Partnership
David Novelle
General Partner

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss
On this 20th day of August, 1995 personally appeared before me, the undersigned Notary Public in and for said State and County, David Novelle, who being duly sworn did say that he is a general partner of Bonanza Partners, a Utah Limited Partnership and that the foregoing instrument was signed freely and voluntarily on behalf of said limited partnership by authority of its partnership agreement, and said David Novelle acknowledged to me that he executed this same.
Notary Public
Residing at Heber, UT
My Commission Expires: May 20, 1995



RECORD OF SURVEY PLAT

IRONHORSE INDUSTRIAL SUBDIVISION

LOCATED IN THE SE 1/4 OF SECTION 9, T2S, R4E, SLB&M
PARK CITY, SUMMIT CO., UTAH

PAGE 1 OF 1

ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(801) 649-9467

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 24th
DAY OF May, 1995 A.D.
BY: [Signature]
CHAIRMAN

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 17th
DAY OF May, 1995 A.D.
BY: [Signature]
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 3rd
DAY OF August, 1995 A.D.
BY: [Signature]
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 3RD DAY
OF JUNE, 1993 A.D.
BY: [Signature]
PARK CITY RECORDER

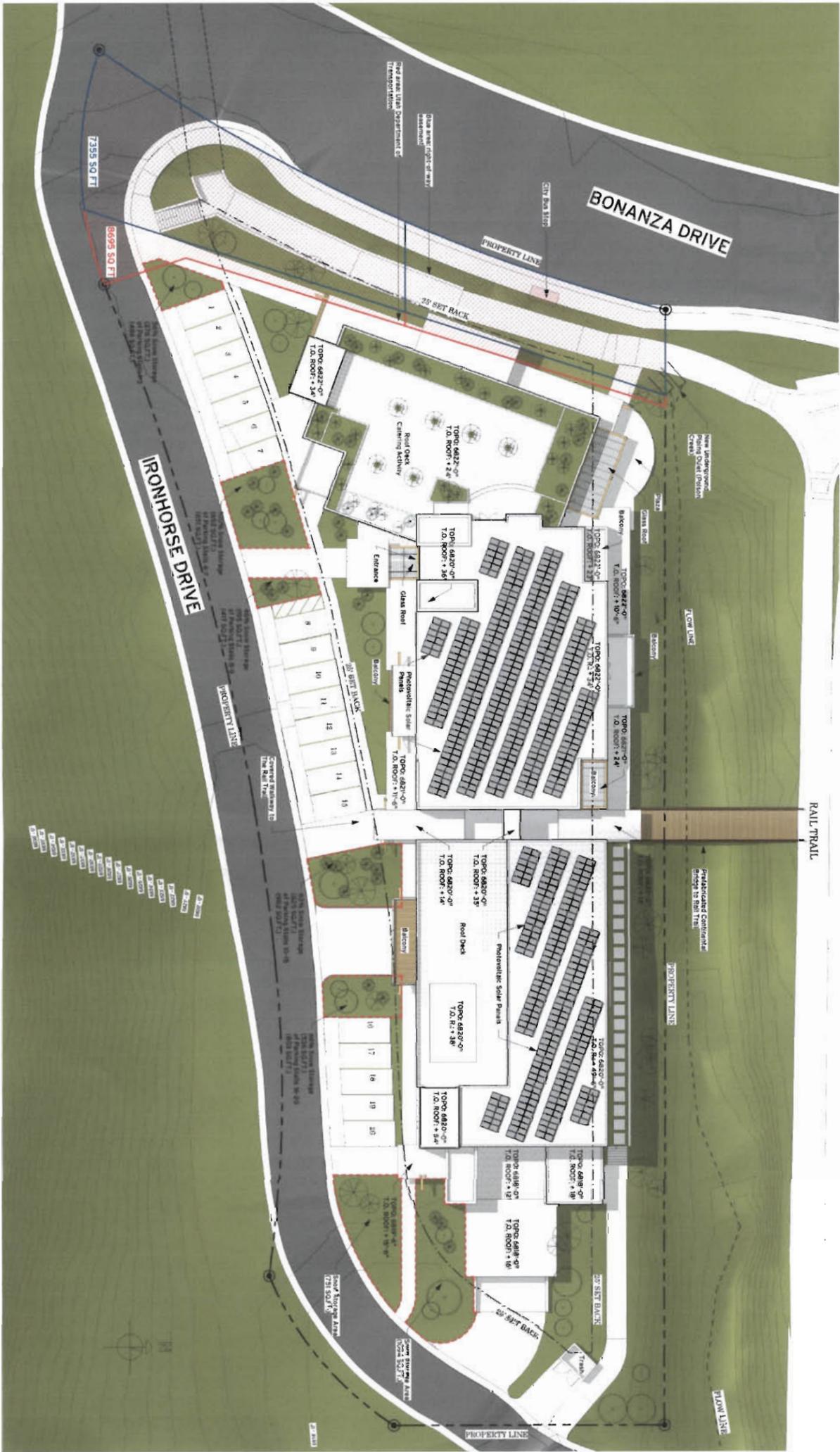
COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 30th DAY OF JULY,
1992 A.D.
BY: [Signature]
MAYOR

586533 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Park City, UT
DATE 07-25-93 TIME 13:12:24 BOOK PAGE
FEE 1.30
RECORDER [Signature]





1 SITE PLAN
SCALE: 1" = 20'-0"

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
TYPE OF USE	REQUIREMENTS
OFFICE, PROFESSIONAL, SERVICE	2 Spaces for each 1,000 sq ft of New Construction (Floor Area)
OFFICE, GENERAL	3 Spaces for each 1,000 sq ft of New Construction (Floor Area)
RETAIL, RESTAURANT, SERVICE	5 Spaces for each 1,000 sq ft of New Construction (Floor Area)
RETAIL, SERVICE	8 Spaces for each 1,000 sq ft of New Construction (Floor Area)
RETAIL, SERVICE (SMALLS)	10 Spaces for each 1,000 sq ft of New Construction (Floor Area)

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
TYPE OF USE	REQUIREMENTS
OFFICE, PROFESSIONAL, SERVICE	2 Spaces for each 1,000 sq ft of New Construction (Floor Area)
OFFICE, GENERAL	3 Spaces for each 1,000 sq ft of New Construction (Floor Area)
RETAIL, RESTAURANT, SERVICE	5 Spaces for each 1,000 sq ft of New Construction (Floor Area)
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RETAIL, SERVICE (SMALLS)	10 Spaces for each 1,000 sq ft of New Construction (Floor Area)

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
TYPE OF USE	REQUIREMENTS
OFFICE, PROFESSIONAL, SERVICE	2 Spaces for each 1,000 sq ft of New Construction (Floor Area)
OFFICE, GENERAL	3 Spaces for each 1,000 sq ft of New Construction (Floor Area)
RETAIL, RESTAURANT, SERVICE	5 Spaces for each 1,000 sq ft of New Construction (Floor Area)
RETAIL, SERVICE	8 Spaces for each 1,000 sq ft of New Construction (Floor Area)
RETAIL, SERVICE (SMALLS)	10 Spaces for each 1,000 sq ft of New Construction (Floor Area)

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PARK CITY
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SITE PLAN

A - 0.2

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

**elliott
workgroup**
architecture
364 Main Street PO Box 3418 Park City, Utah 84060
435.649.0092 801.415.1839 www.elliottworkgroup.com

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

Approved Set
Planning Comm 12.8.2010

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EXHIBIT C

MPD FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF
APPROVAL

Revised Findings (redlined) dated July 13, 2011 for the Iron Horse Mixed Use Building Master Planned Development located at 1555 Iron Horse Loop Road

Findings of Fact:

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

private road and the proposed parking stalls are maximized and speeds be reduced to ten (10) to fifteen (15) miles per hour.

14. The MPD was designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project was designed to fit the Site, not the Site modified to fit the project.
15. The MPD is not located within the Sensitive Lands Overlay zoning district.
16. The MPD is located within the Park City Soils Ordinance boundary.
17. The site is located or in proximity of a listed CERCLIS site known as the Old Park City Dump – UTD988078606. The CERCLIS listing identifies sites that are considered contaminated, therefore needing remediation and/or further testing under Superfund.
18. There is an underground fuel storage tank at the CFN facility that will be removed. The removal of an underground storage tank triggers a UDEQ-UST permit and work plan.
19. A portion of the property is within a FEMA regulated Zone of AE according to a 1996 FIRM map.
20. The proposed bridge may trigger the need for a DNR Stream Alteration Permit. If there is an encroachment into the riparian zone of Silver Creek an Army Corp General Permit may be required.
21. ~~The project is required to provide 6.14 unit equivalents of affordable housing. One unit equivalent of affordable housing is equal to 900 square feet. There is a single affordable housing apartment measuring 1,124 sf proposed within the MPD. The applicant's remaining affordable housing requirement (4,402 sf) will be met using all 24 units from the adjacent Rail Central Development (4,443 sf). At the present time, these units are not deed restricted. The applicant will deed restrict the units to comply with the 2007 Housing Resolution. The future rents will comply with the 2007 Housing Resolution. Twenty five units of affordable housing will be created by this application.~~ The project is required to provide 6.14 unit equivalents of affordable housing. One unit equivalent of affordable housing is equal to 900 square feet. The applicant is using all 24 units from the adjacent Rail Central Development (4,443 sf) to comply with 4.94 unit equivalents of the affordable housing requirement. The remaining 1.20 affordable units will be satisfied prior to certificate of occupancy either on or off site. The applicant will deed restrict all the units to comply with the 2007 Housing Resolution. The future rents will comply with the 2007 Housing Resolution
22. Although this project is called the Iron Horse Mixed Use Building Master Planned Development, it is possible that the developer may develop the project as solely a commercial use project, or may develop it as a mixed use residential and commercial project.
23. The four possible residential units included in the MPD do not create the demand of a child care center.
24. The *Analysis* section of this staff report is incorporated herein.

Conclusions of Law:

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.

4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as Conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD is not subject to the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and lease visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections and an easement for a bus pull-off area.
12. The MPD has been noticed and public hearing held in accordance with this Code.

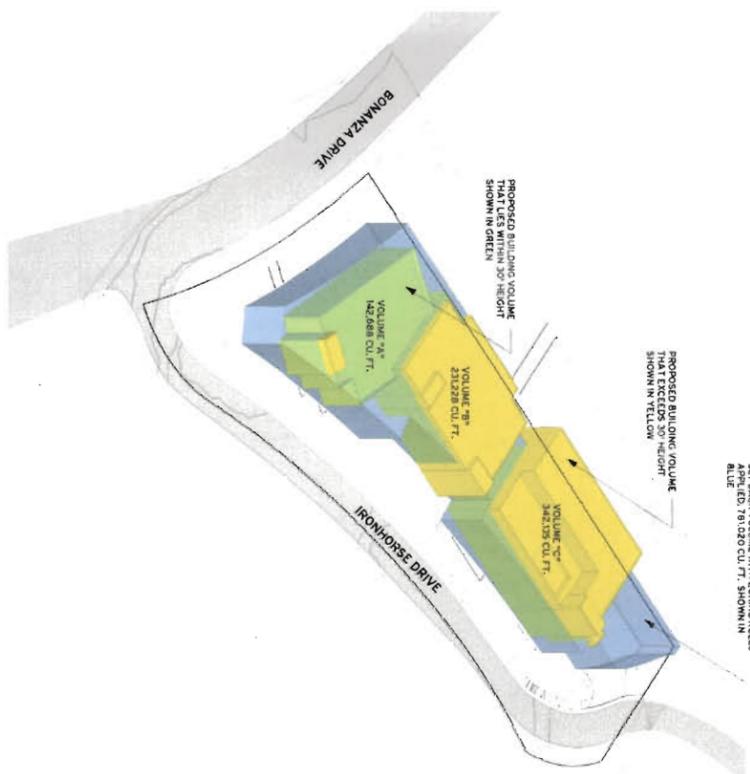
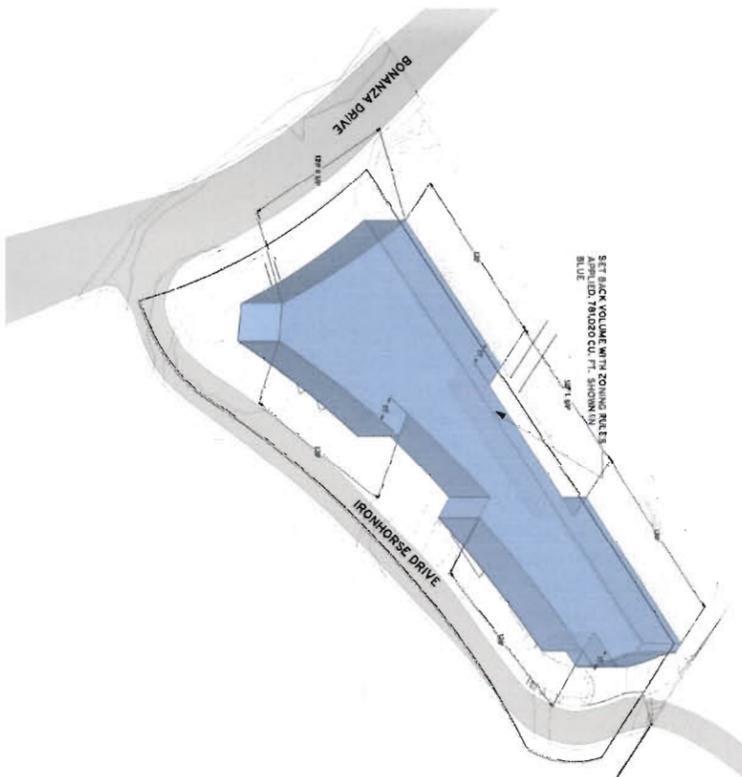
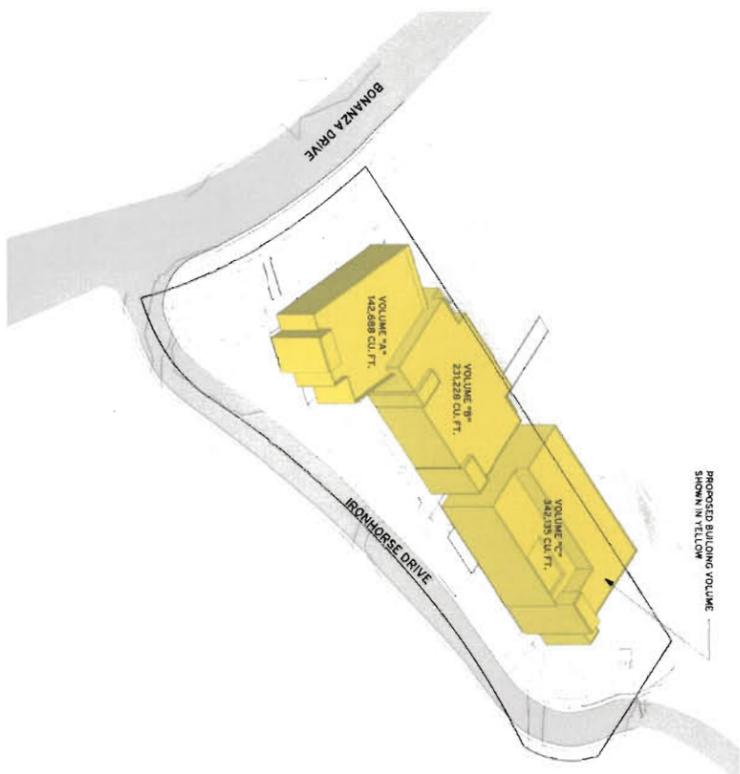
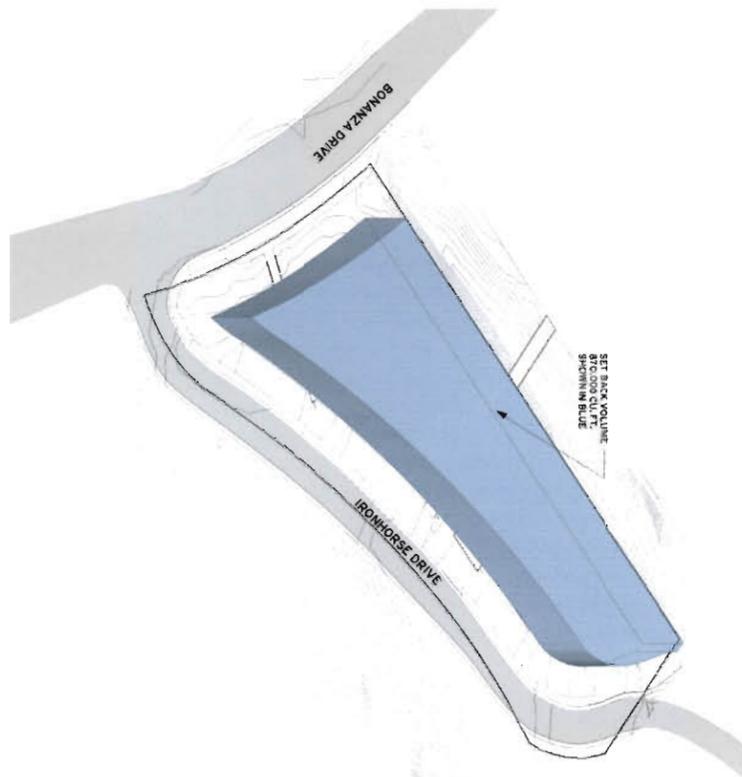
Conditions of Approval:

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

10. Staff must approve the Construction Mitigation Plan to issuance of any building permits and shall include appropriate contact information as required. Signs posted on site will indicate emergency contacts. During construction the road must be open to the development to the east with approval of the City Engineer and Fire Marshall.
11. A limit of disturbance area will be identified during the building permit review. Limits of disturbance fencing shall be required, including silt fencing or other means of controlling erosion and protecting the adjacent stream.
12. All applicable Environmental regulations must be adhered to during the development of the site. The Park City Environmental Specialist must approve the mitigation plan and all environmental permits required for the site.
13. A development agreement must be submitted to the City ~~approved by the Planning Commission~~ within six months of the Planning Commission approval of the MPD and subsequently be approved by the Planning Commission. Following the development agreement, a building permit must be approved within two years of the development agreement ratification. The development agreement may include a phasing ~~staging~~ plan.
14. Per section 15-3-9 of the LMC, the project must provide ten percent of the required off street parking spaces for the temporary storage of bicycles. This equals 9 bicycle parking spaces.

EXHIBIT D

APPROVED MPD AND RELATED DOCUMENTS



VOLUME REPORT			
RENDERING	AREA (SQ. FT.)	CU. FT. VOLUME	HEIGHT (FT.)
PROPOSED BUILDING VOLUME	44,433	233,228	53
SET BACK VOLUME	7,600	115	
SET BACK VOLUME WITH ZONING RULES APPLIED	29,800	780,000	115
PROPOSED BUILDING VOLUME THAT EXCEEDS ZONING RULES	14,633	153,228	105

*Note: Volume report contains 2' height for maximum height in blue and the average of all the included heights above the volume.

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Approved Set
Planning Comm 12.8.2010

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

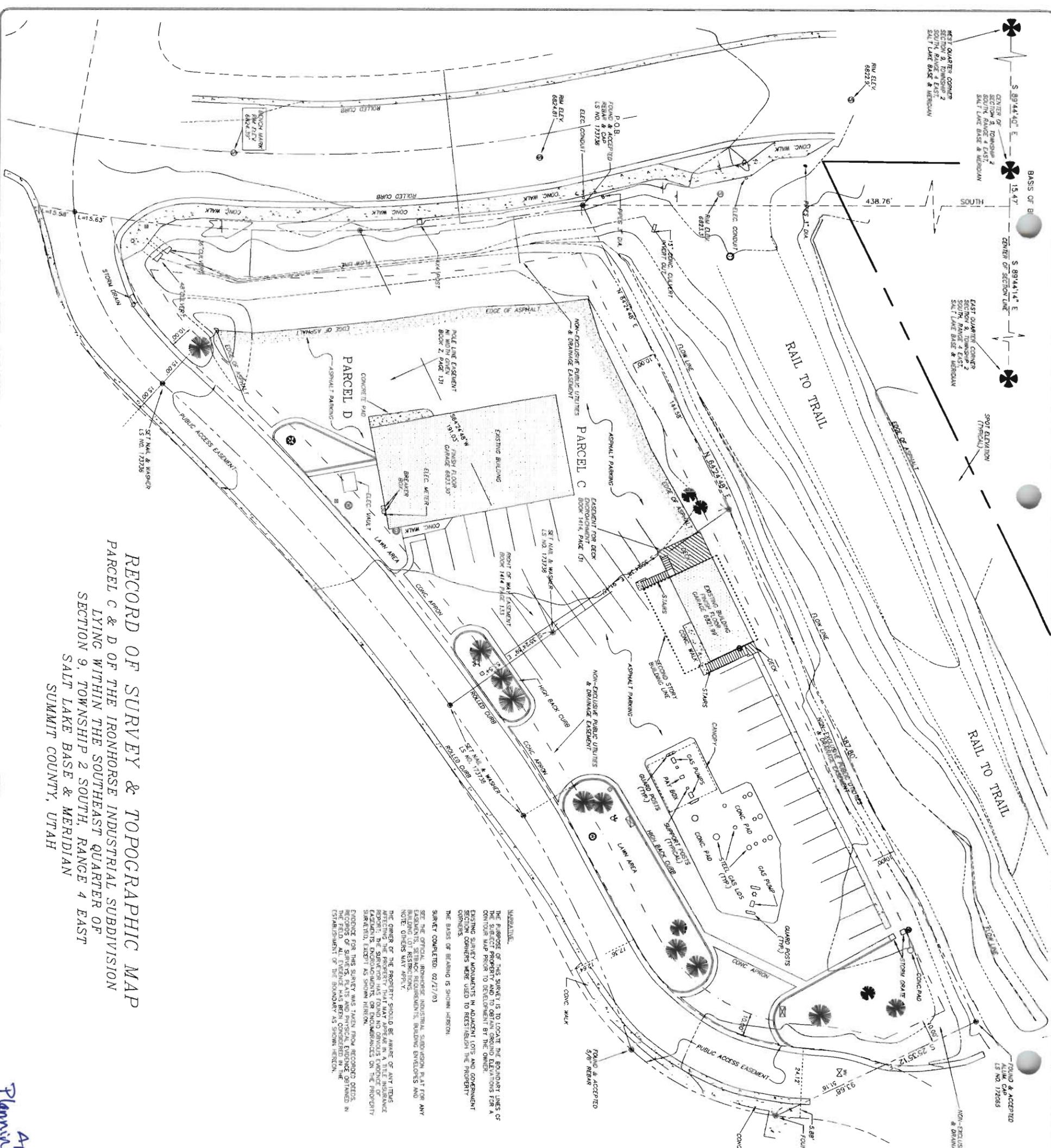
**elliott
workgroup**
architecture
364 Main Street PO Box 3419 Park City, Utah 84060
435.649.0092 801.415.1839 www.elliottworkgroup.com

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

VOLUME REPORT
GI - 2

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11/11/2010 8:23:50 AM



RECORD OF SURVEY & TOPOGRAPHIC MAP
PARCEL C & D OF THE IRONHORSE INDUSTRIAL SUBDIVISION
 LYING WITHIN THE SOUTHEAST QUARTER OF
 SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 SUMMIT COUNTY, UTAH

WARRANTY:
 THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY AND TO OBTAIN GRADE ELEVATIONS FOR A CONTROL MAP FOR DEVELOPMENT BY THE OWNER.
 EXISTING SURVEY MONUMENTS IN ADJACENT LOTS AND GOVERNMENT SECTION CORNERS WERE USED TO REESTABLISH THE PROPERTY BOUNDARIES.
 THE BASIS OF BEARING IS SHOWN HEREON.
 SURVEY COMPLETED: 02/27/03
 SEE THE OFFICIAL IRONHORSE INDUSTRIAL SUBDIVISION PLAT FOR ANY RESTRICTIONS, EASEMENTS, BUILDING EASEMENTS AND BUILDING LOT RESTRICTIONS.
 NOTE: OTHERS MAY APPLY.
 THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY TITLES AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF SUCH TITLES AND IS NOT PROVIDING ANY OPINION ON THE MATTER. SURVEYOR, EXCEPT AS SHOWN HEREON.
 EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED ORDERS, DEEDS, PLATS, AND OTHER RECORDS. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF SUCH TITLES AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF SUCH TITLES AND IS NOT PROVIDING ANY OPINION ON THE MATTER. SURVEYOR, EXCEPT AS SHOWN HEREON.



- LEGEND**
- SET REBAR & CAP LEG 11/3/36 (UNLESS OTHERWISE NOTED)
 - ELECTRIC PRESTRESS
 - ⊗ FIRE HYDRANT
 - ⊕ WATER VALVE
 - ⊕ WATER METER
 - ⊕ SANITARY SEWER MANHOLE
 - ⊕ GAS METER
 - ⊕ IRRIGATION CONTROL BOX
 - ⊕ WATER SHUT OFF
 - ⊕ TELEPHONE MANHOLE
 - ⊕ FIRE TREE
 - ⊕ ASPEN TREE

PARCEL C:
 THE BOUNDARY LINES OF PARCEL C ARE SHOWN BY THE DASHED LINE. THE BOUNDARY LINES OF PARCEL D ARE SHOWN BY THE SOLID LINE. THE BOUNDARY LINES OF PARCEL E ARE SHOWN BY THE DOTTED LINE. THE BOUNDARY LINES OF PARCEL F ARE SHOWN BY THE LONG DASHED LINE. THE BOUNDARY LINES OF PARCEL G ARE SHOWN BY THE SHORT DASHED LINE. THE BOUNDARY LINES OF PARCEL H ARE SHOWN BY THE WAVE DASHED LINE. THE BOUNDARY LINES OF PARCEL I ARE SHOWN BY THE COMB DASHED LINE. THE BOUNDARY LINES OF PARCEL J ARE SHOWN BY THE SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL K ARE SHOWN BY THE SOLID DASHED LINE. THE BOUNDARY LINES OF PARCEL L ARE SHOWN BY THE DOTTED DASHED LINE. THE BOUNDARY LINES OF PARCEL M ARE SHOWN BY THE LONG SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL N ARE SHOWN BY THE SHORT SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL O ARE SHOWN BY THE WAVE SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL P ARE SHOWN BY THE COMB SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL Q ARE SHOWN BY THE SPACED SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL R ARE SHOWN BY THE SOLID SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL S ARE SHOWN BY THE DOTTED SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL T ARE SHOWN BY THE LONG SPACED SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL U ARE SHOWN BY THE SHORT SPACED SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL V ARE SHOWN BY THE WAVE SPACED SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL W ARE SHOWN BY THE COMB SPACED SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL X ARE SHOWN BY THE SPACED SPACED SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL Y ARE SHOWN BY THE SOLID SPACED SPACED DASHED LINE. THE BOUNDARY LINES OF PARCEL Z ARE SHOWN BY THE DOTTED SPACED SPACED DASHED LINE.

DESCRIPTION OF PLAT BOUNDARY:
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EASEMENT DESCRIPTION:
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	SURVEYED BY: POHL DRAWN BY: POHL DATES: FEBRUARY 27, 2003	RODMAN JORDAN IRONHORSE.DWG 03-19	RECORD OF SURVEY & TOPOGRAPHIC MAP PARCEL C & D, IRONHORSE INDUSTRIAL SUBDIVISION SHEET 1 OF 1
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Approved
 Planning Comm. 12-8-2010

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03-19

SHEET 1 OF 1



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



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

AFFORDABLE HOUSING REQUIREMENT					
	SQUARE FEET	NUMBER OF EMPLOYEES	MITIGATION RATE	WORKERS PER HOUSEHOLD	UNIT EQUIVALENTS
COMMERCIAL / RETAIL	7,661	25.28	5.05	3.37	1.68
OFFICE	16,265	60.16	12.03	8.02	4.01
RESIDENTIAL	3				0.45
TOTAL					6.14

TOTAL SQ. FT. OF AFFORDABLE HOUSING REQUIRED FOR DEVELOPMENT			
	UNIT EQUIVALENTS	SQ. FT. OF ONE AFFORDABLE UNIT	TOTAL SQUARE FEET
AFFORDABLE HOUSING REQUIRED	6.14	900	5,526
AFFORDABLE HOUSING IN PROJECT			1,174
AFFORDABLE HOUSING NEEDED FROM RAIL CENTRAL			4,402

NOTE: Affordable housing requirements met by development shall be figured using 8174 Affordable units from Rail Central Development.

UNIT EQUIVALENTS - COMMERCIAL & RESIDENTIAL - DENSITY OF DEVELOPMENT			
	TOTAL SQUARE FOOTAGE	UNIT EQUIVALENT FACTOR	TOTAL UNIT EQUIVALENT
COMMERCIAL / OFFICE	29,928	1000	29,928
RESIDENTIAL	8,345	2000	4,172.5

Rail Central Affordable Housing Total: 4,443 sq. ft.
 Iron Horse Affordable Housing Total: 1,174 sq. ft.
 Total: 5,567 sq. ft.
 Total Needed: 5,526 sq. ft.

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



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



AH-1

Approved Set
 Planning Comm. 12.8.2010



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

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Planning Comm 12.8.2010

A - 0.1

AERIAL VIEW

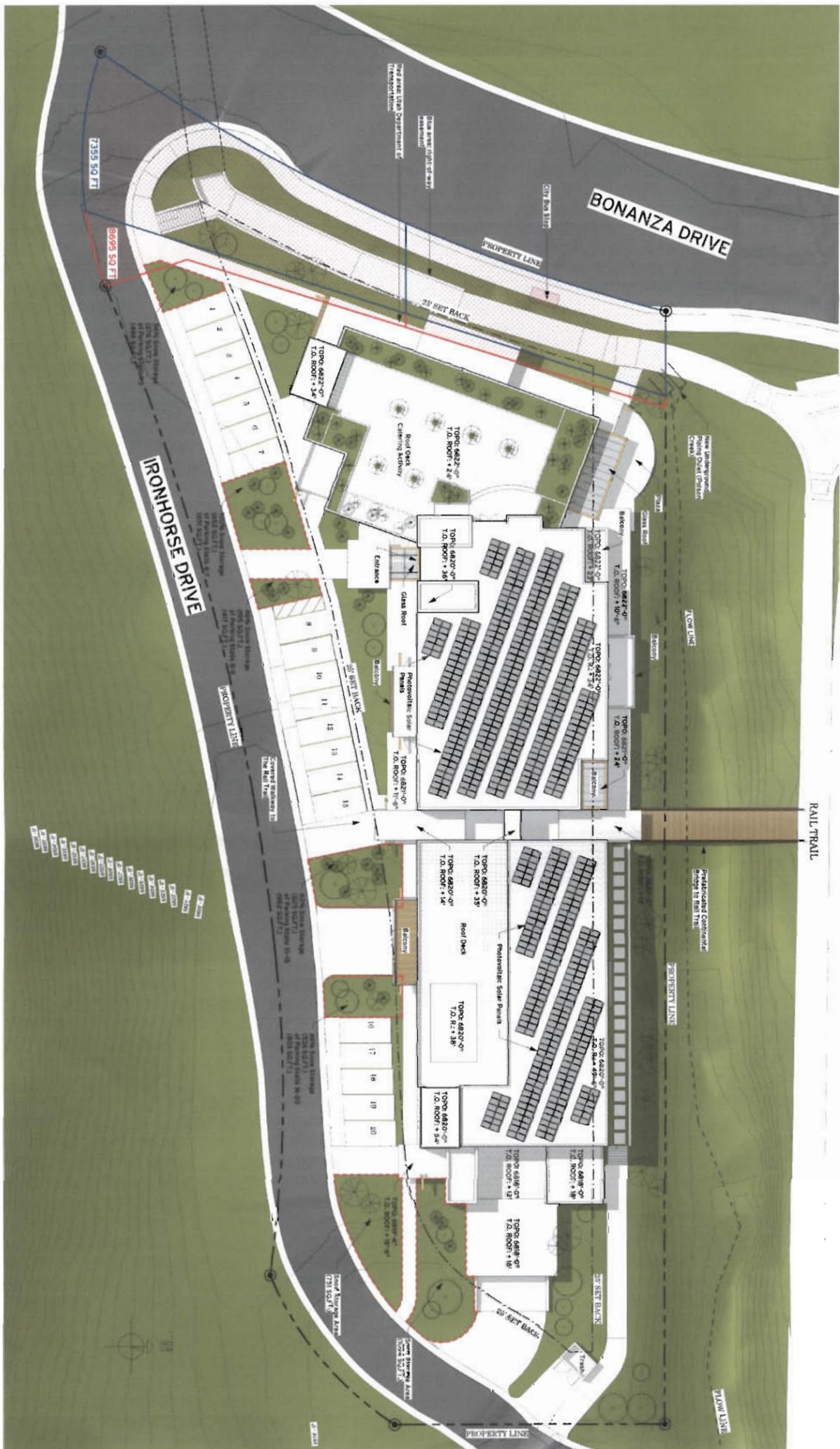
Mark Fischer
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Mixed Use Building**
Iron Horse Loop Road
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Master Planned Development
June 11th, 2009 (Revised 11/11/2010)

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11/11/2010 08:24:55 AM



1 SITE PLAN
SCALE: 1" = 20'-0"

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
TYPE OF USE	REQUIREMENTS
OFFICE, BUSINESS, PROFESSIONAL, SERVICE	2 Spaces for Each 1,000 SF of Net Leasable Floor Area
OFFICE, GENERAL	3 Spaces for Each 1,000 SF of Net Leasable Floor Area
RETAIL, RESTAURANT, SERVICE	5 Spaces for Each 1,000 SF of Net Leasable Floor Area
RETAIL, SERVICE	8 Spaces for Each 1,000 SF of Net Leasable Floor Area
RETAIL, SERVICE (SMALLS)	10 Spaces for Each 1,000 SF of Net Leasable Floor Area

NON-RESIDENTIAL PARKING RATIO REQUIREMENTS	
TYPE OF USE	REQUIREMENTS
OFFICE, BUSINESS, PROFESSIONAL, SERVICE	2 Spaces for Each 1,000 SF of Net Leasable Floor Area
OFFICE, GENERAL	3 Spaces for Each 1,000 SF of Net Leasable Floor Area
RETAIL, RESTAURANT, SERVICE	5 Spaces for Each 1,000 SF of Net Leasable Floor Area
RETAIL, SERVICE	8 Spaces for Each 1,000 SF of Net Leasable Floor Area
RETAIL, SERVICE (SMALLS)	10 Spaces for Each 1,000 SF of Net Leasable Floor Area

MFR OVERLAP REPORT	
DATE	12/1/2010
PROJECT	IRON HORSE
PREPARED BY	ELLIOTT WORKGROUP
DATE	12/1/2010
PROJECT	IRON HORSE
PREPARED BY	ELLIOTT WORKGROUP

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SITE PLAN

A - 0.2

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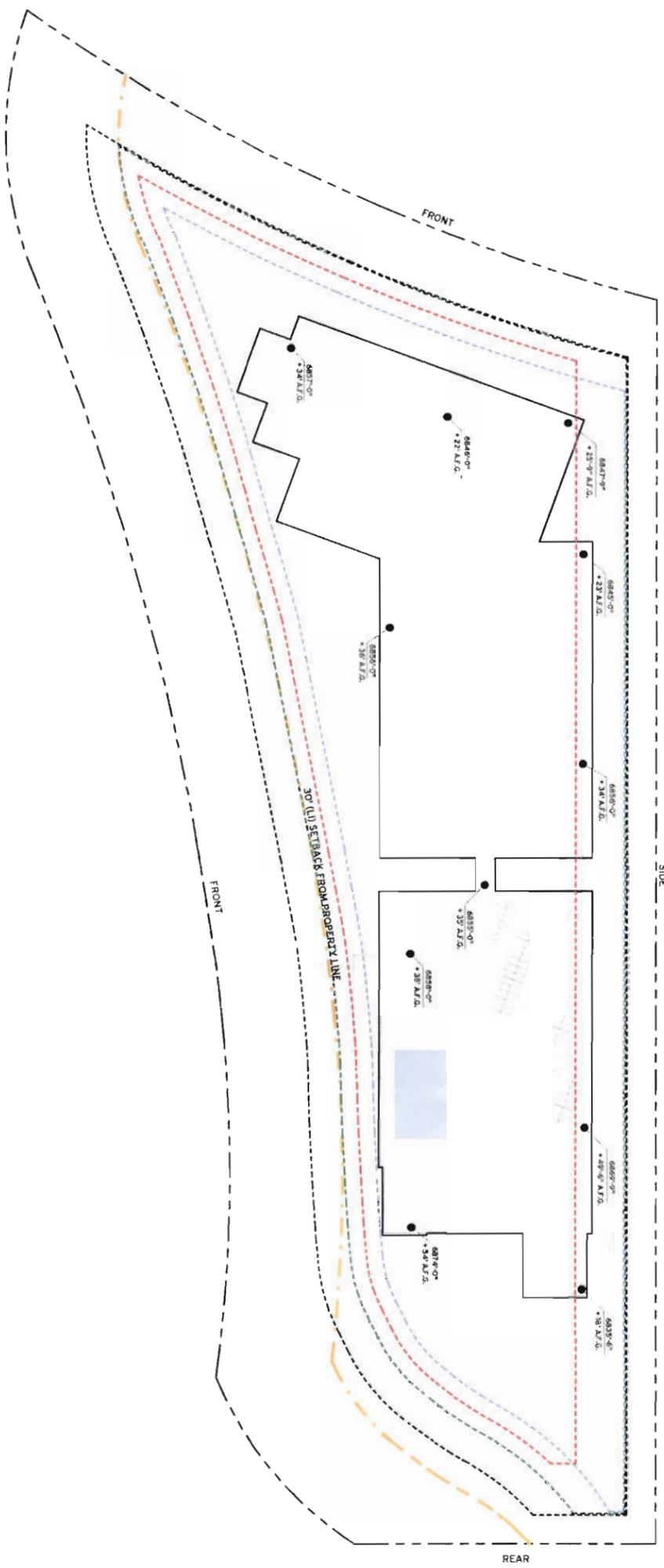
**elliott
workgroup**
architecture
364 Main Street PO Box 3410 Park City, Utah 84060
435.649.0092 801.415.1839 www.elliottworkgroup.com

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

Approvals
Planning Comm 12.8.2010

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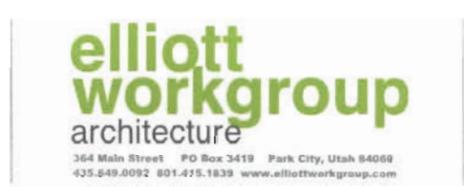
SET BACK LINES	
-----	MPD - 25' From Exterior Boundary
-----	L - LIGHT INDUSTRIAL
-----	GC - GENERAL COMMERCIAL
-----	EXISTING EASEMENT LINES
-----	30' (L) SETBACK FROM PROPERTY LINE
-----	25' A.F.C.
-----	20' A.F.C.
-----	10' A.F.C.
-----	5' A.F.C.



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

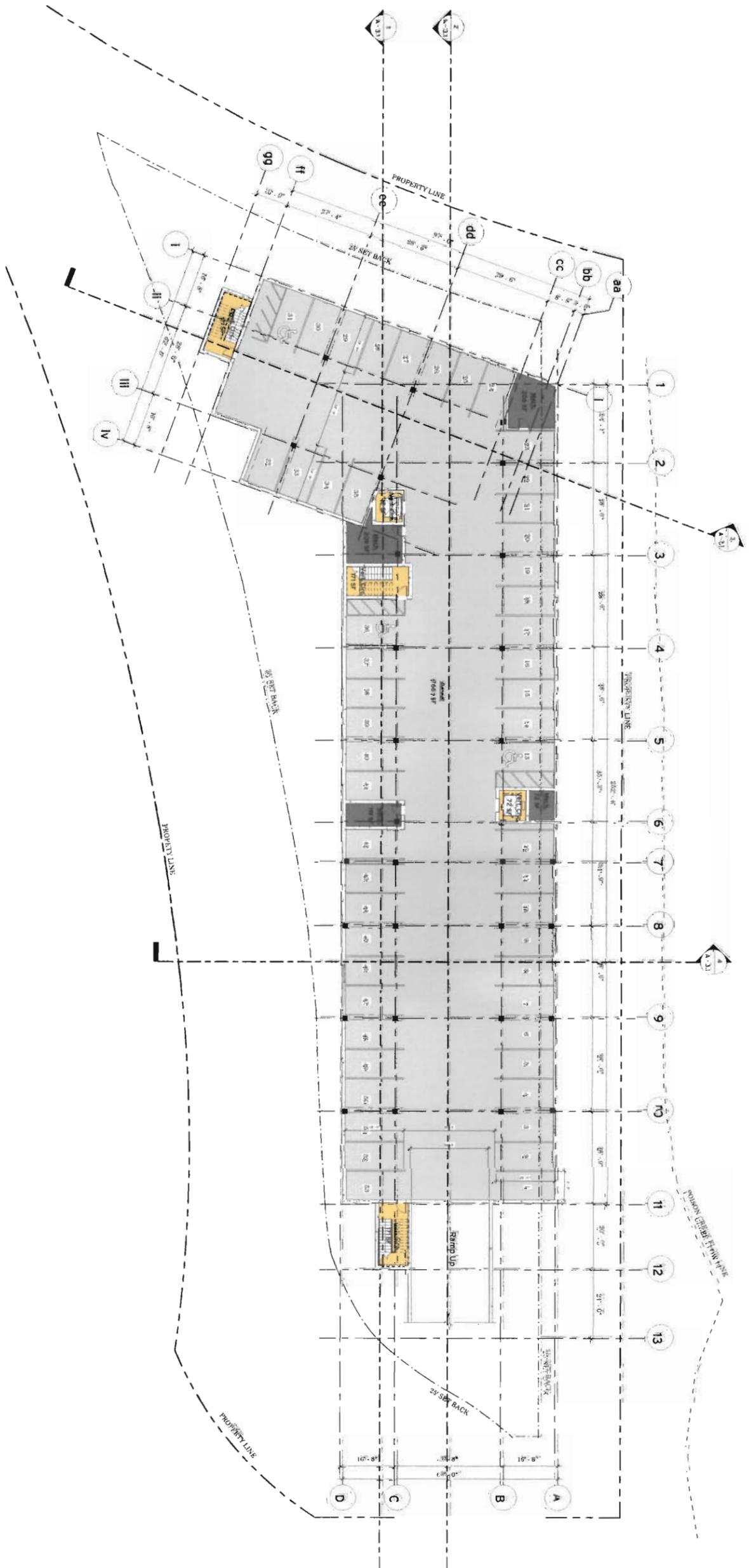
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APPROVED SET
Planning Comm 12.8.2010
A - 0.3
SET BACKS & ROOF OVER TOPO PLAN

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



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

1 FLOOR PLAN LEVEL 0
SCALE: 1/8" = 1'-0"



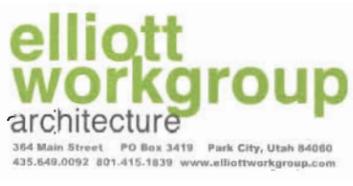
LEGEND
 ■ Unit Ctr.
 ■ Change
 ■ Amend

SECTION	REVISIONS	DATE	BY	DESCRIPTION
NON-RESIDENTIAL PLANNING BOARD REQUIREMENTS	1	11/11/2010	MF	Initial Review
	2	11/11/2010	MF	Final Review
RESIDENTIAL PLANNING BOARD REQUIREMENTS	1	11/11/2010	MF	Initial Review
	2	11/11/2010	MF	Final Review

SECTION	REVISIONS	DATE	BY	DESCRIPTION
NON-RESIDENTIAL PLANNING BOARD REQUIREMENTS	1	11/11/2010	MF	Initial Review
	2	11/11/2010	MF	Final Review
RESIDENTIAL PLANNING BOARD REQUIREMENTS	1	11/11/2010	MF	Initial Review
	2	11/11/2010	MF	Final Review

Approved Set
Planning Commission
12. 8. 2. 010

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

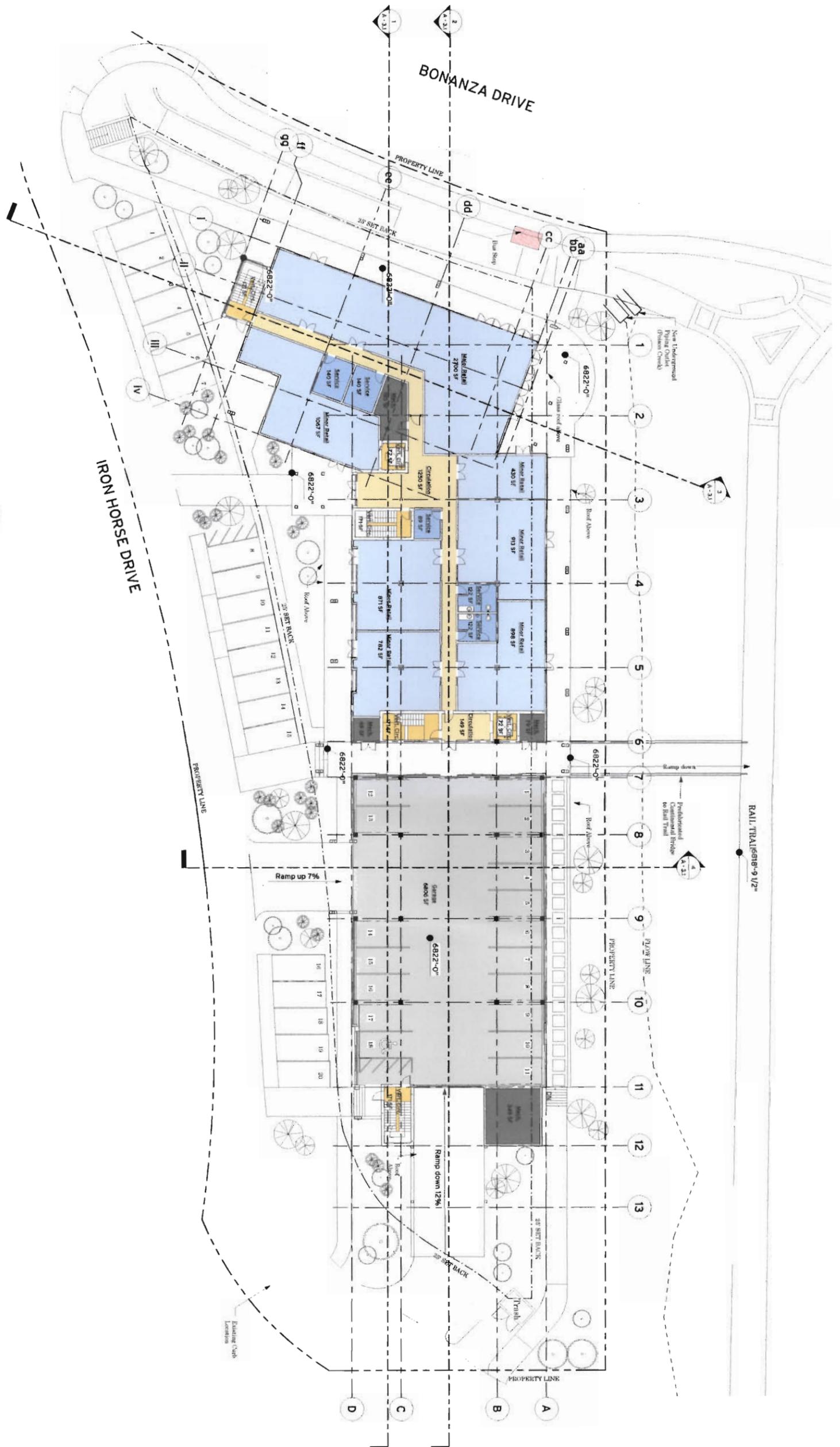


Master Planned Development
 June 11th, 2009 (Revised 11/11/2010)



A - 1.0

FLOOR PLAN LEVEL 0



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

- ◻ Unshaded
- ◻ Circulation
- ◻ Vent. Core
- ◻ Major Retail
- ◻ Minor Retail
- ◻ Service
- ◻ Garage
- ◻ Mech.

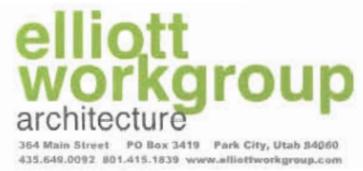
FLOOR AREA	LEVEL 1				LEVEL 2				LEVEL 3				LEVEL 4				TOTAL
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	
RETAIL	14,276	13,244	4,044	3,817	14,276	13,244	4,044	3,817	14,276	13,244	4,044	3,817	14,276	13,244	4,044	3,817	
OFFICE	3,348	3,348	3,348	3,348	3,348	3,348	3,348	3,348	3,348	3,348	3,348	3,348	3,348	3,348	3,348	3,348	
RESIDENTIAL	4,044	4,044	4,044	4,044	4,044	4,044	4,044	4,044	4,044	4,044	4,044	4,044	4,044	4,044	4,044	4,044	
MECH.	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
STAIR	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
TRAIL	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	
TOTAL	24,668																

Approved Set Planning Comm. 12.8.2010

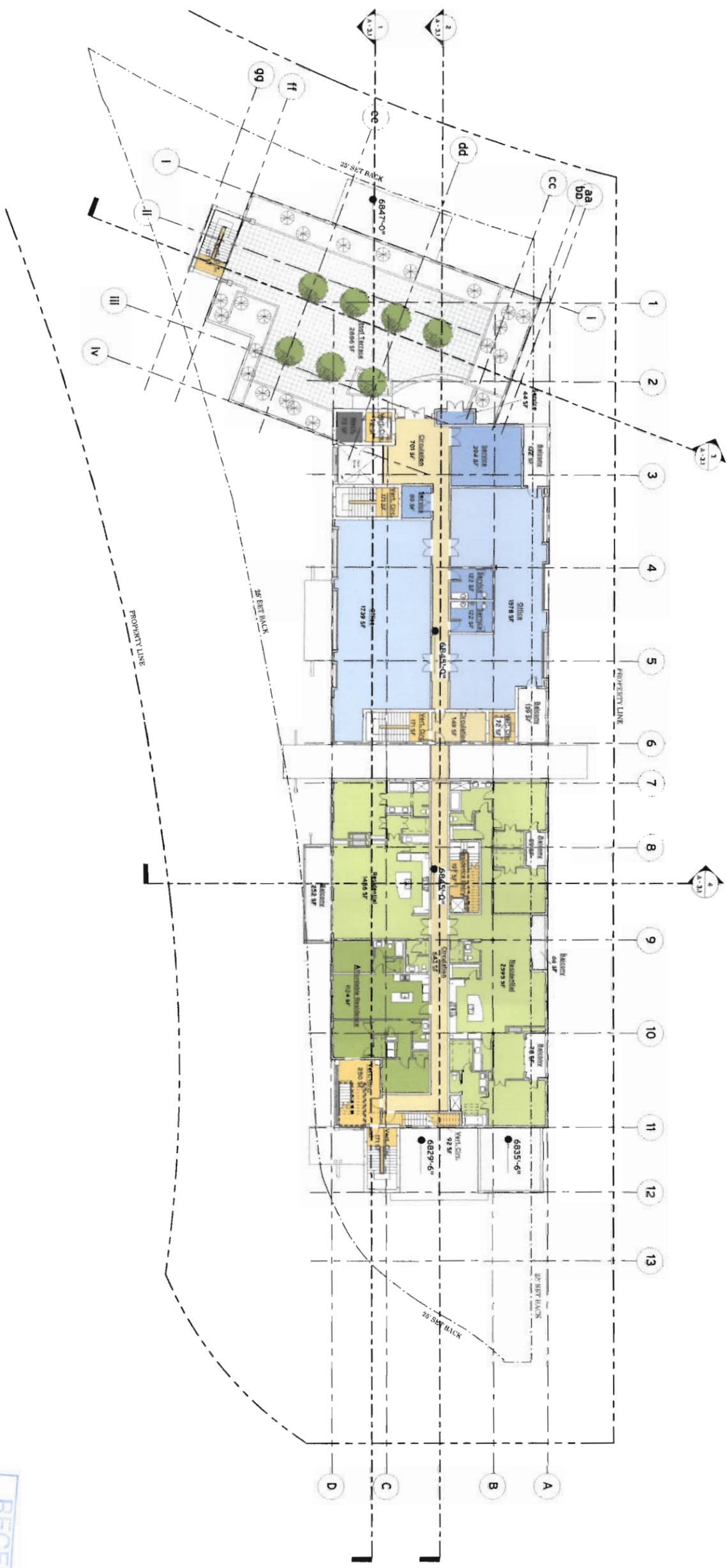
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 Iron Horse Loop Road
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1 FLOOR PLAN LEVEL 3
SCALE: 1/16" = 1'-0"



LEGEND

- Circulation
- Vent. Grp.
- Residential Entry
- Residential
- Residential Residence
- Office
- Service
- Bakery
- Road Terrace
- Mech

FLOOR AREA	Level 1	Level 2	Level 3	Level 4	TOTAL
	Office	1348	1348	1348	1348
Residential	1348	1348	1348	1348	5392
Residential Entry	1348	1348	1348	1348	5392
Residential Residence	1348	1348	1348	1348	5392
Office	1348	1348	1348	1348	5392
Service	1348	1348	1348	1348	5392
Bakery	1348	1348	1348	1348	5392
Road Terrace	1348	1348	1348	1348	5392
Mech	1348	1348	1348	1348	5392
TOTAL	1348	1348	1348	1348	5392



Iron Horse Mixed Use Building
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A - 1.3

FLOOR PLAN LEVEL 3

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



LEGEND

- Vent. Core
- Stairdown Entry
- Residential
- Bakery
- Shared Entrance

FLOOR AREA	Level 1	Level 2	Level 3	Level 4	TOTAL
	Residential	10,100	10,100	10,100	10,100
Commercial	10,100	10,100	10,100	10,100	40,400
Other	10,100	10,100	10,100	10,100	40,400
Total	30,300	30,300	30,300	30,300	121,200

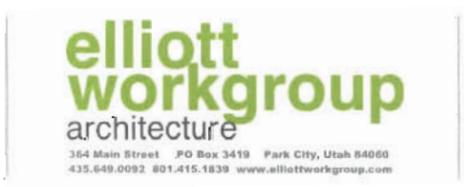


FLOOR PLAN LEVEL 4

A - 1.4

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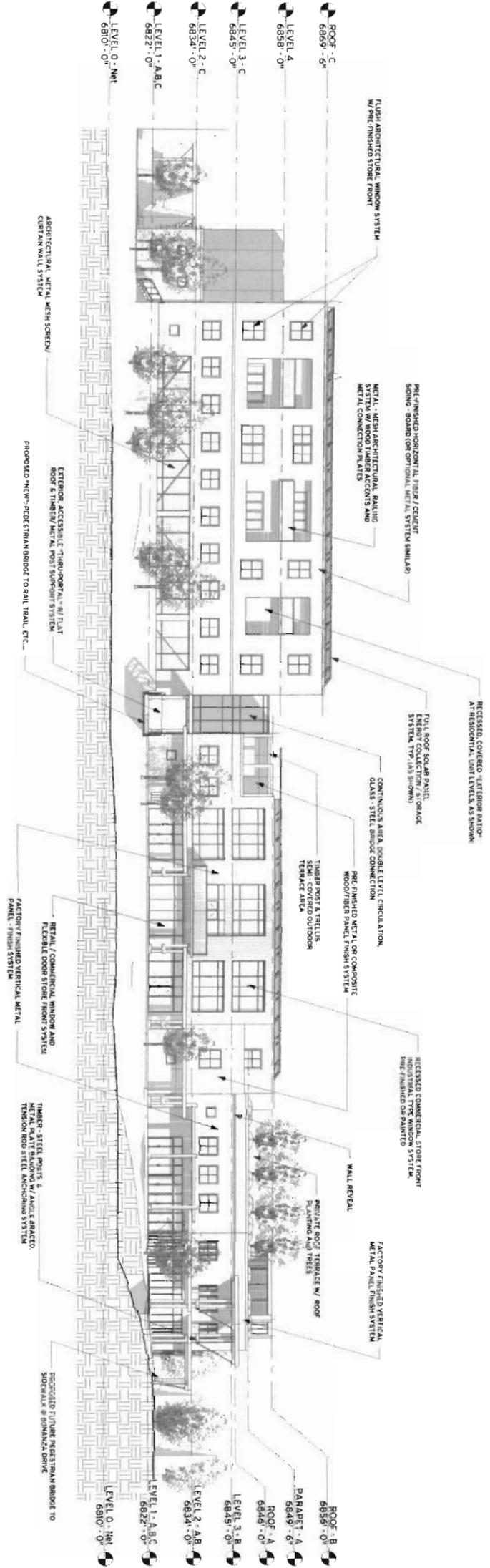
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Master Planned Development
June 11th, 2009 (Revised 11/11/2010)



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



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

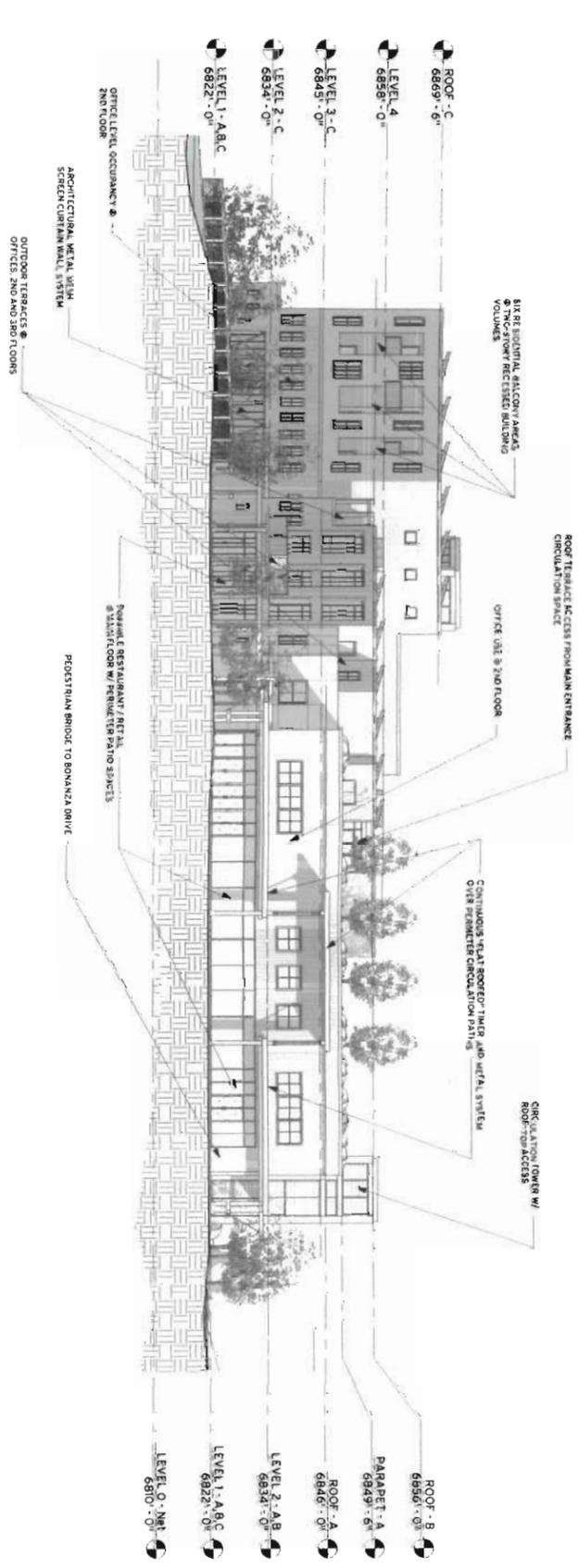
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ELEVATIONS
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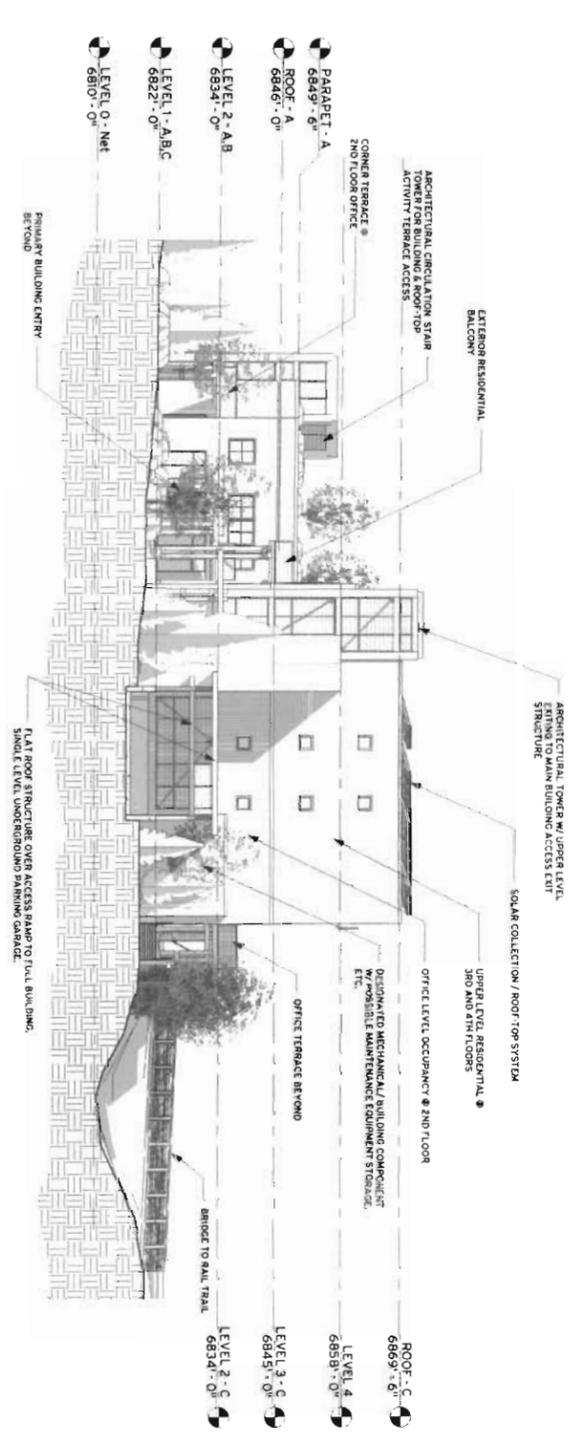
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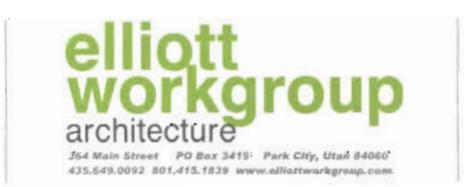


1 MPD-WEST ELEVATION
SCALE: 1/16" = 1'-0"



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

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COLOR ELEVATIONS

A - 2.4



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



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

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



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Iron Horse Loop Road
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A - 4.0



1 View from Lower Iron Horse
SCALE:



2 View from Bonanza Drive
SCALE:

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12.8.2010*

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



Approved Set Planning Comm
12.8.2010

EXHIBIT E

PEDESTRIAN BRIDGE AGREEMENT

*Mailed for recording
November 19, 2003 jsi*

When recorded please return to:
PARK CITY MUNICIPAL CORPORATION
Legal Department
P O Box 1480
Park City UT 84060

Fee Exempt per Utah Code
Annotated 1953 21-7-2

**ENCROACHMENT PERMIT FOR IMPROVEMENTS
IN CITY PROPERTY AND EASEMENT FOR PUBLIC ACCESS**

THIS AGREEMENT is made by and between **PARK CITY MUNICIPAL CORPORATION** (hereinafter City) and **CENTURA RAIL CENTRAL, L.L.C., FORMERLY KNOWN AS CENTURA CANYONS L.L.C.**, a Utah limited liability company (hereinafter Centura) and **OL MINER PARTNERS, L.L.C.**, a Utah limited liability company (hereinafter Ol Miner) to set forth the terms and conditions under which the City will permit Centura to build, maintain, and use certain improvements within the City property and right-of-way known as the Rail Trail Parcel, Park City, Utah, and whereby Centura and Ol Miners will grant a public access easement across their properties to a parking area on the Rail Trail Parcel for use as Rail Trail parking only.

1. This encroachment permit and easement agreement shall be appurtenant to the following described property:

A. Centura Commons, a two lot subdivision containing Lots A and B, located at 1790 and 1800 Bonanza Drive, as more specifically described at Exhibit A, attached hereto and incorporated herein by reference (hereinafter "Centura Commons property"); and

B. Rail Trail Parcel, as more specifically described at Exhibit B, attached hereto and incorporated herein by reference (hereinafter "Rail Trail Parcel").

This agreement is not transferable to other property, but is freely transferable with the title to each of the properties identified above. The license and conditions as stated in the agreement, are binding on the successors in title or interest of Centura and Ol Miner.

2. Centura is hereby permitted to build, maintain, and use the following improvements¹ within the City's Rail Trail Parcel (All improvements contemplated by this agreement shall be installed

¹ Unless otherwise stated herein, Centura shall be solely responsible for all costs of installing, building and maintaining the improvements discussed herein.

and/or constructed in substantial conformance with the locations and scales depicted on the site plan dated November 3, 2003 and approved by the City Council of Park City, attached hereto and incorporated herein as Exhibit C):

- A. Driveway: Centura shall construct and maintain an asphalt driveway beginning at a location between Buildings One and Two of the Rail Central Development (hereinafter “Rail Central”) and running easterly behind Building Two to the Rail Trail Parking Lot and connecting to the Rail Central parking located to the north of the Rail Trail. The driveway shall be limited to a maximum of sixteen feet (16’) in width. No parking shall be allowed on the driveway.
- B. Rail Trail Parking Lot: Centura shall construct and maintain an asphalt eleven (11) space parking lot for use as Rail Trail parking only. Centura shall install signs marking the lot as “Parking for Rail Trail Users Only.”
- C. Landscaping and Irrigation: Centura shall landscape and irrigate the areas surrounding the driveway and Rail Trail Parking Lot discussed herein at Paragraphs 2A and 2B for the full length of Centura’s property line to the east. City will landscape and irrigate the Rail Trail Parcel lying south of Rail Central Building One—the City intends to landscape as close to the property line as possible adjacent to Centura’s deck/patio and also intends to place a few picnic tables on said property to encourage use of the area.
- D. Pedestrian Connection: Subject to the approval of the City Council of Park City, Centura may construct a pedestrian connection connecting Rail Central Building One to the Rail Trail, and continuing in a southerly direction across the creek located south of the Rail Trail. The Parties hereby agree that the City Council of Park City, as owner of the Rail Trail Parcel, has unfettered discretion to approve or deny the pedestrian connection for any reason, including but not limited to aesthetics and scale. If the City Council of Park City has not approved design plans for said pedestrian connection on or before December 31, 2005, then this subsection (2D) shall be null and void and Centura’s request to construct said pedestrian bridge shall be considered denied.
- E. ADA Connection to Rail Trail: Centura shall construct an ADA compliant ramp

connecting the Rail Trail Parking Lot to the Rail Trail. City shall pay the full cost of constructing this ADA connection to the Rail Trail.

- F. Public Art: The City, at its sole discretion, may install public art on the Rail Trail. If the City elects to install public art on the Rail Trail, Centura agrees to match the City's contribution to the cost of said public art up to a maximum of Five Thousand Dollars (\$5,000.00). If the City elects to install public art in a location other than the Rail Trail, then Centura at its sole discretion may elect to match the City's contribution to the public art up to a maximum of Five Thousand Dollars \$5,000.00).
- G. Public Restrooms: Centura agrees to build and maintain public restrooms on the ground floor, east end of Rail Central Building One. Centura agrees that said public restrooms will remain open to the public during normal Park City Parks operating hours (ie., same hours of operation as the Park City Skate Park).
- H. Public Access Easement: Centura and Ol Miner hereby grant and convey a public access easement across the Centura Commons property (Lots A and B) for access between Bonanza Drive and the Rail Trail Parking Lot, as shown on Exhibit C herein. City hereby grants and conveys to Centura and Ol Miner a site circulation easement on those portions of the driveway discussed herein at Paragraph 2A lying within the Rail Trail Parcel.
- I. Soil Exportation/Fill Materials: Except as expressly provided otherwise herein, Centura shall not export soil from the Centura Commons property to the Rail Trail Parcel. Centura shall be solely responsible to pay all costs associated with the exportation of any/all hazardous soils from the Centura Commons property—no hazardous soils shall be exported from the Centura Commons property to the Rail Trail parcel. Subject to review and approval by the City's Environmental Specialist and/or Chief Building Official, non-hazardous soils may be exported from the Centura Commons property to the Rail Trail Parcel for use as fill material in areas to be landscaped by the City.
- J. Project Coordination: Centura hereby agrees to coordinate the construction and/or installation of improvements discussed herein with the City's Rail Trail improvements project.

3. Development Review Process Unaffected by this Agreement: Centura acknowledges that the City is party to this agreement solely as property owner. Nothing in this Agreement constitutes nor shall be construed as a waiver of any development code provisions applicable to Centura's Rail Central development project, including but not limited to the Park City Land Management Code, Municipal Code, Sign Code, and International Building Code. This agreement shall not be construed to create any assumption of development approvals. Centura's Rail Central development, including any/all improvements contemplated by this agreement, shall be subject to all applicable development processes and requirements.

4. No permanent right, title, or interest of any kind shall vest in Centura or OI Miner in the Rail Trail Parcel by virtue of this agreement. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

5. Centura or its successors shall maintain the improvements described herein at Paragraph 2 in a safe, functional, and good state of repair at all time, and upon notice from the City, will repair any damages, weakened, or failed sections. Centura shall have complete maintenance responsibility for all improvements described herein, less and excepting any improvements installed or constructed by City on the Rail Trail Parcel. Centura agrees to hold the City harmless and indemnify the City for any and all claims arising from Centura's use of the Rail Trail Parcel, or from the failure of the Centura's improvements.

6. In the event that Centura or its successors or assigns fails to maintain the improvements described herein at Paragraph 2 in a safe, functional, and good state of repair at all times, City may elect, at its sole discretion, one or more of the following remedies after providing thirty (30) days written notice to Centura of such failure to maintain and opportunity to cure:

- A. Require specific performance of Centura of maintenance necessary to render the offending improvement safe and functional;
- B. Perform the necessary maintenance and recover the costs and expenses therefore from Centura;
- C. Close, stabilize, demolish, or remove the offending improvement if the improvement represents a hazard to the public health or safety if the offenses are not promptly cured;

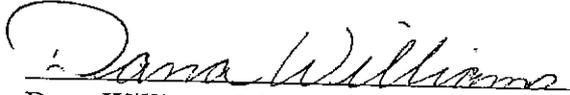
- D. All other remedies available at law or equity;
- E. Terminate this agreement; and
- F. Obtain reimbursement from Centura for City's costs, including administrative time and legal fees, incurred in pursuing its remedies under this agreement.

7. This agreement shall be perpetual unless terminated pursuant to Paragraph 6 herein. In the event that this agreement is so terminated, Centura shall remove the pedestrian bridge at its sole expense. The City may elect, at its sole discretion, to maintain the driveway and/or Rail Trail Parking Lot or remove said improvements at its sole expense.

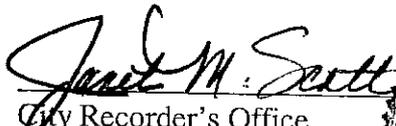
8. This agreement represents the entire integrated agreement between City and Centura and OI Miner and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written modification signed by both parties.

DATED this 6 day of NOVEMBER, 2003.

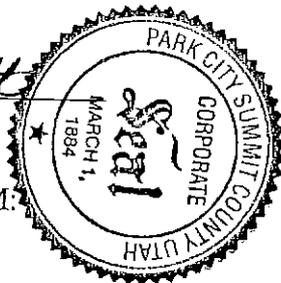
PARK CITY MUNICIPAL CORPORATION

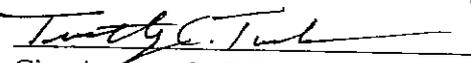

 Dana Williams, Mayor

ATTEST:


 City Recorder's Office

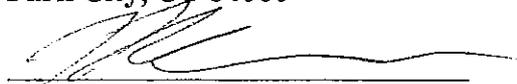
APPROVED AS TO FORM:




 City Attorney's Office

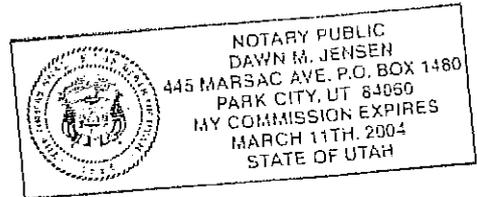
CENTURA RAIL CENTRAL, L.L.C., FORMERLY KNOWN AS CENTURA CANYONS L.L.C.

**2476 Aspen Springs Drive
Park City, UT 84060**

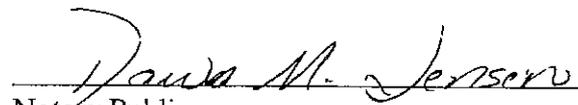

Rodman W. Jordan, Corporate Manager

Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

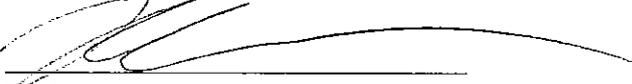


On this 18th day of Nov., 2003, personally appeared before me Rodman W. Jordan, whose identity is personally known to me or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he is the Corporate Manager of Centura Rail Central, L.L.C. by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged to me that said L.L.C. executed the same.


Notary Public

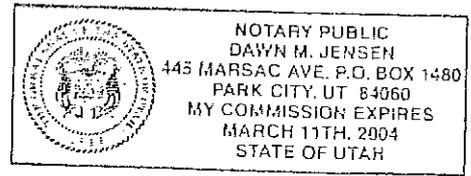
OL MINER PARTNERS, L.L.C., A UTAH LIMITED LIABILITY COMPANY

**2476 Aspen Springs Drive
Park City, UT 84060**


Rodman W. Jordan, Corporate Manager

Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)



On this 18th day of Nov., 2003, personally appeared before me Rodman W. Jordan, whose identity is personally known to me or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he is the Corporate Manager of Ol Miner Partners, L.L.C. by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged to me that said L.L.C. executed the same.

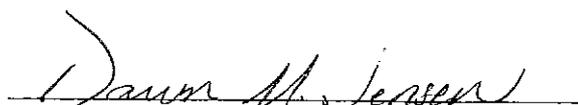

Notary Public

EXHIBIT A

Order Number: 13852

LEGAL DESCRIPTION

PARCEL 1:

LOT A, CENTURA COMMONS, A TWO LOT SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

(TAX SERIAL NO. CCOM-A)

PARCEL 2:

LOT B, CENTURA COMMONS, A TWO LOT SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

(TAX SERIAL NO. CCOM-B)

ADDRESSES:

PARCEL 1

1790 BONANZA DRIVE, PARK CITY, UTAH 84060

PARCEL 2

1800 BONANZA DRIVE, PARK CITY, UTAH 84060

UNION PACIFIC RAILROAD COMPANY
Park City, Summit County, Utah

EXHIBIT "A"

A 100 foot wide strip of land situate in the NW ¼ of the SE ¼ of Section 9, Township 2 South, Range 4 East Salt Lake Meridian, Summit County, Utah, said strip of land lying 50.0 feet on each side of the centerline of main track of the Union Pacific Railroad Company, as was constructed and operated, extending southwesterly from the north line to the west line of said SE ¼ of Section 9.

Containing an area of 1.977 acres, more or less

Office of Real Estate
Omaha, Nebraska
January 6, 2000

Written by: JCO
41998.leg

Exhibit B
Rail Trail Parcel

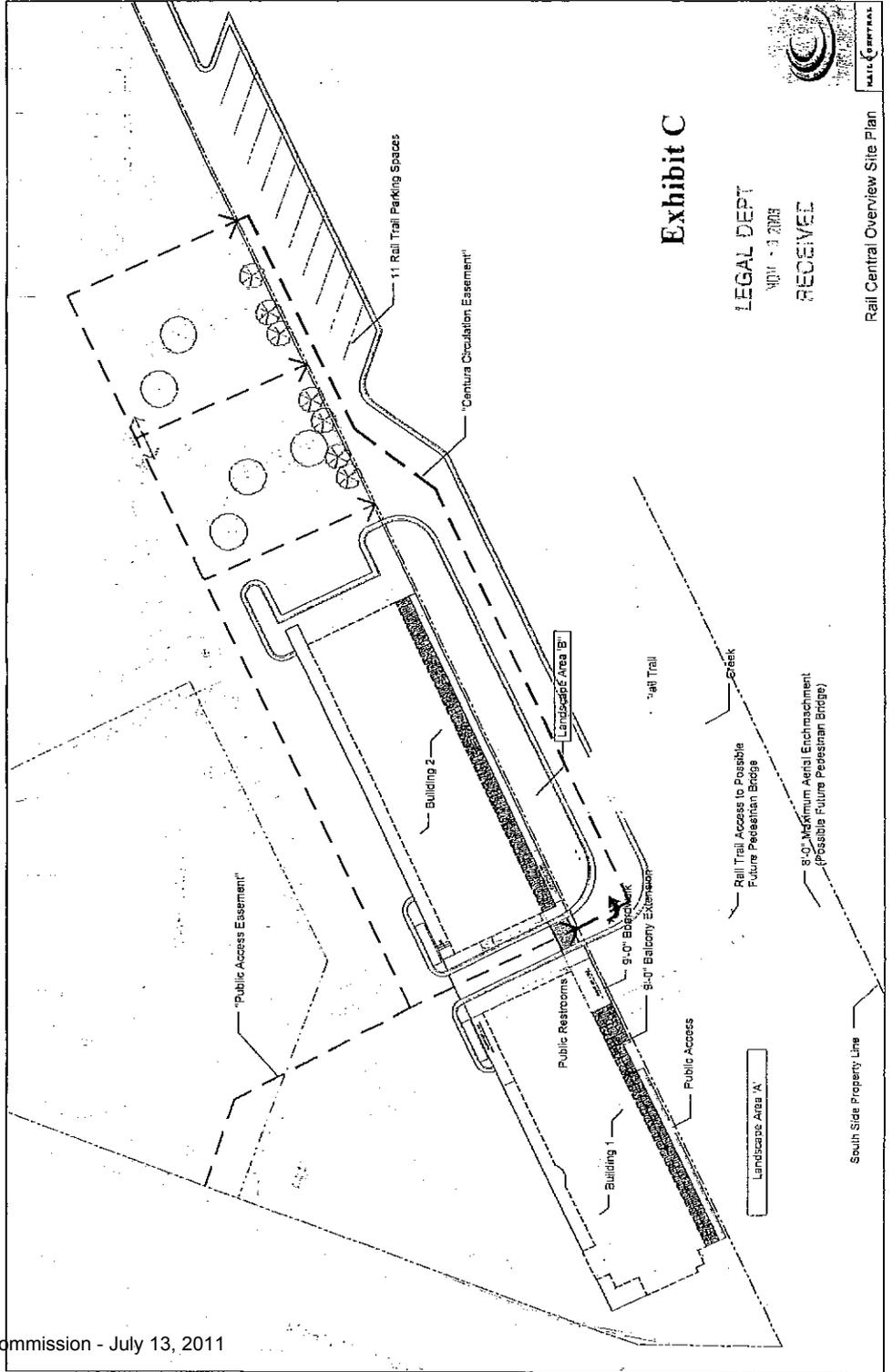


Exhibit C

LEGAL DEPT
 NOV - 3 2008
 RECEIVED



Rail Central Overview Site Plan

Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder

**FIRST ADDENDUM TO AN ENCROACHMENT PERMIT FOR IMPROVEMENTS IN CITY
PROPERTY AND EASEMENT FOR PUBLIC ACCESS**

THIS FIRST ADDENDUM is made and entered into in duplicate this 17th day of August, 2006, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("City"), Centura Rail Central, LLC, a Utah limited liability company ("Centura"), and Ol' Miner Partners, LLC, a Utah limited liability company ("Ol' Miner"), to amend the ENCROACHMENT PERMIT FOR IMPROVEMENTS IN CITY PROPERTY AND EASEMENT FOR PUBLIC ACCESS signed and executed by the Parties, and recorded on November 19, 2003.

WITNESSETH;

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

WHEREAS, more parking is needed for Rail Trail usage; and

WHEREAS, space exists in the area lying south of Building Two for an additional twelve spots; and

WHEREAS, Centura requires additional time to prepare plans for a pedestrian connection; and

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

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

1. **Section (2)(B) Rail Trail Parking Lot.** Centura shall construct and maintain an asphalt eleven (11) space parking lot and a twelve (12) space parking lot for use as Rail Trail parking only. The twelve space parking lot shall be located in the area lying south of Building Two and shall contain one handicapped van parking stall. Centura shall install signs marking all spaces in both lots as "Parking for Rail Trail Users Only." The parking lot construction shall be completed on or before October 15, 2006. None of the parking herein shall count towards code required parking for any permit or master plan proposed by Centura. Centura as landlord will also be held responsible for tenant violations of Rail Trail only parking spaces. Repeated violations shall be subject to the default provisions of Paragraphs 6 and 7 of the Original Agreement.

2. **Section (2)(C) Landscaping and Irrigation.** Centura shall landscape in conformance with the Prospector Landscaping and Maintenance of Soil Cover Ordinance (03-50), the areas surrounding the driveway and the 11 space Rail Trail Parking Lot discussed herein at Paragraphs 2A and 2B for the full length of Centura's property line to the east on or before October 15, 2006. City will landscape and irrigate the Rail Trail Parcel lying south of Rail Central Building One – the City intends to landscape as close to the property line as possible adjacent to Centura's deck/patio and also intends to place a few picnic tables on said property. Should the City remove the new parking Lot pursuant

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REAN SPRIGGS, SUMMIT CO RECORDER
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REQUEST: PARK CITY MUNICIPAL CORP
BK1814 PG0630

to Section 7, Centura shall landscape the area in conformance with plan approved with the Original Agreement.

3. **Section (2)(D) Pedestrian Connection.** Subject to the approval of the City Council of Park City, Centura may construct a pedestrian connection connecting the Rail Central Building One to the Rail Trail, and continuing in a southerly direction across the creek located south of the Rail Trail. The Parties hereby agree that the City Council of Park City, as owner of the Rail Trail Parcel, has unfettered discretion to approve or deny the pedestrian connection for any reason, including but not limited to aesthetics and scale. If the City Council of Park City has not approved design plans for said pedestrian connection on or before December 31, 2007, then this subsection (2D) shall be null and void and Centura's request to construct said pedestrian bridge shall be considered denied. This approval is in no way intended to contradict the Land Management Code requirement for on-site parking and accordingly is not intended to facilitate the use of parking on the south side of the Rail Trail for development on Centura property to the north.
4. **Section (2) (E) ADA Connection to the Rail Trail:** Centura shall construct an ADA compliant ramp connecting the Rail Trail to the Public Restrooms in Building One. City shall pay the full cost of constructing this ADA connection to the Rail Trail. Centura shall construct a paved ramp from the 11 space Rail Trail parking lot at the Southeast end of the driveway to the Rail Trail. Centura shall pay the full cost of constructing this ramp to the Rail Trail. The ramp shall be completed on or before October 15, 2006.
5. **OTHER TERMS.** In the event that Centura fails to complete all of the work required herein within the time limit set out above, then for each partial or complete day during which the work remains uncompleted thereafter, Centura agrees to pay the City **Two Hundred Dollars (\$200.00)**, which the parties believe, due to the difficulty of actually assessing the damages the City will suffer in the event of such a delay, is a fair estimate of the loss the City will suffer. The parties agree that the daily liquidated damages provided for herein is reasonable and fair, and is not a penalty. **TIME IS OF THE ESSENCE IN THIS AGREEMENT.** All other terms and conditions of the Original Agreement shall continue to apply.
6. **ENTIRE AGREEMENT.** This First Addendum is a written instrument pursuant to Section 8 of the Original Agreement between the parties and cannot be altered or amended except by written instrument, signed by all parties.

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

DATED this 17th day of August, 2006.

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

Dana Williams
Dana Williams, Mayor

Attest:

Janet M. Scott
Janet M. Scott City Recorder

Approved as to form:

Polly S. McLean
Polly Sarquels McLean, Assistant City Attorney



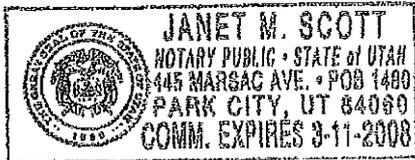
CENTURA RAIL CENTRAL, LLC
2476 Aspen Springs Drive
Park City, UT 84060

Rodman W. Jordan
Rodman W. Jordan, Corporate Manager

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 21 day of August, 2006, before me, the undersigned notary, personally appeared Rodman W. Jordan, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she signed it voluntarily for its stated purpose as Corporate Manager for Centura Rail Central, a limited liability corporation.

Janet M. Scott
Notary Public



OL MINER PARTNERS, LLC
2476 Aspen Springs Drive
Park City, UT 84060


Rodman W. Jordan, Corporate Manager

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 21 day of August, 2006, before me, the undersigned notary, personally appeared Rodman W. Jordan personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she signed it voluntarily for its stated purpose as Corporate Manager for Ol Miner Partners, a limited liability corporation.


Notary Public



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

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

WITNESSETH;

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

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

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

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

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

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

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

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

DATED this _____ day of _____, 2008.

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

Dana Williams, Mayor

Attest:

City Recorder's Office

Approved as to form:

City Attorney's Office

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

Mark J. Fisher, Manager

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

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

Notary Public

EXHIBIT F
PHASING PLAN

July 8, 2011

Ironhorse Mixed-Use MPD Phasing Plan

Phase 1

The first phase includes preparing exterior fencing, excavation, removal of contaminated soils, preparation of foundation sub-base materials, site rough grading, construction of underground parking, construction of the first floor plate, installation of paving and curbs, and installation of the bridge from property to rail trail.

Time Frame: *Approximately one year from commencement of construction.*

Phase 2

The second phase includes construction of the building shell (structure, all exterior materials, interior exit systems, and code required life safety systems) from grid lines (aa) through (gg) and grid lines (1) through (6). Completion of site landscaping from the same grid lines.

Time Frame: *Approximately one year from completion of Phase 1.*

Phase 3

The third phase includes construction of the remainder of the building shell from grid lines (6) through (13). Final construction of site landscaping.

Time Frame: *Approximately 18 months from completion of Phase 2.*

EXHIBIT G

LIST OF KNOWN PHYSICAL MINE HAZARDS:

NONE KNOWN

Planning Commission Meeting
December 8, 2010
Page 9

3. The applicant will record the subdivision plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
 4. The final plat shall contain a note that Village Way is a private road.
 5. A note on the plat shall state that the maintenance of the water system is the private responsibility of the Lot 9 Sub Association.
 6. The plat amendment does not approve any changes to any Conditional Use or Master Planned Development approvals on the property.
2. 1555 Lower Iron Horse Loop Road - Master Planned Development
(Application #PL-10-00899)

Planner Katie Cattan reviewed the application for a master planned development located at 1555 Lower Iron Horse Loop Road, within the light industrial zone. Planner Cattan outlined the concerns expressed at the last meeting and explained how those concerns had been addressed. The interior of the building was changed, the residential units were decreased to four, one of which is an affordable unit, and there is significantly more office space. There is underground parking under the structure, as well as interior parking on the first story for a total of 91 parking spaces.

Planner Cattan recalled a discussion regarding facade variation and facade lengths. Craig Elliott, representing the applicant, had prepared a model showing how the facade was modified. At the last meeting, the Planning Commission was concerned with how the new tunnel across Bonanza would work with the design. The applicants had addressed that issue in the model.

Planner Cattan stated that the major concern during the last meeting was the perpendicular parking on the south side of the building that comes off of Lower Iron Horse Drive. Prior to that, the City Engineer had asked for a 5 foot buffer behind the parking and a proposed material change. She reported that Matt Cassel, the City Engineer, believes that five foot area is essential for making the parking spots work safely in terms of visibility around Iron Horse towards the condos. Planner Cattan noted that within the setback requirements the Planning Commission is allowed to decrease the setback requirement. She and Planner Mauer met with Craig Elliott and asked if the project could be shifted five feet to the north. This would allow for adequate sidewalks between the parking and the building, rather than having people walk behind them within that five foot buffer. Planner Cattan clarified that the building was shifted five feet, however, the shift was not reflected in the model.

Planner Cattan stated that another issue of pedestrian circulation was the discussion of the two bridges. She pointed out that one bridge connects from the Rail Trail directly to this project. With the Walkability Analysis, the City identified an area closer to the condominiums located behind or to the east of this project. There has been a board across the stream and the City intends to put in a pedestrian bridge. The Sustainability Department felt it was not appropriate to put a bridge between the two locations, but each should have their own due to the soils and existing erosion issues.

Planner Cattan remarked that the distance between the two proposed bridges is approximately 320 feet. The Staff believes both pedestrian bridges would be utilized for each project. She noted that page 139 of the Staff report showed the layout of the two bridges.

Craig Elliott reviewed the model and reiterated that it did not show the five foot building shift. He stated that the original intent was to use a separate material to break up the parking. In meetings with the City Engineer and the Planning Staff, a concern was that people would use that area for a sidewalk. The City Engineer preferred a 23 feet stall versus an 18 foot stall with space in back. Therefore, the space was removed and the building was pushed five feet to the north, which allows for a nice sidewalk and rooms across the inside face of the building, and connects to the closes point of the neighboring parcels.

Mr. Elliott commented on a number of revisions that occurred since the last meeting. He pointed out that the model showed the tunnel and the stair connection. He noted that originally parking was sited along the perimeter on the corner. That parking was removed and another parking level was created underground. That would reduce the amount of on-street parking and provide direct access into commercial spaces on the first floor. Mr. Elliott stated that conceptually, the revision created a unique solution and it took the parking off the area with the most concern for safety. Mr. Elliott noted that the building was also revised by removing a portion of the building that was raised at the rear. Further discussions occurred with potential tenants and the mix of use between residential and commercial had increased. Mr. Elliott noted that they previously talked about mixed use and how that might change in the future. Using the model, Mr. Elliott pointed out the primary conceptual changes to the project.

Chair Wintzer pointed out that the hill was twice or three times the height of the building next to it. He wanted the Commissioners to understand that the back part is set up against the hill. Mr. Elliott agreed and indicated the highest portion of the building and how it moves up the road.

Mr. Elliott presented the site plan showing the property boundaries and setbacks. He noted that the red dash line was the 25 foot setback of the master planned development. Master planned developments are allowed to set back to the adjoining properties, the setbacks that are in the existing zone, or abutting properties. He pointed out two different setbacks. One is a light industrial and the other is general commercial, which is an adjacent zone. He believed both setbacks on that side were ten feet, and they were still 20 feet from the property line. The closest property is Rail Central. Mr. Elliott believed the Rail Trail has a 100 foot right-of-way. Therefore, the building would be a 120 away from the closest private property with development. He felt that improving the site access and the sidewalk connections was a good choice in providing access, and it is allowed in the MPD under Planning Commission discretion.

Mr. Elliott presented the volume analysis. He noted that the setbacks in blue showed the setback variations required for an MPD. The yellow on the bottom left showed the building volume as proposed. The bottom one showed the two merged together. Mr. Elliott remarked that the goal was to demonstrate that they were under the requirements for building mass and volume.

Mr. Elliott walked through the floor plans to show how mixed use works and what they did with the residential versus the commercial units. He also showed how they planned to meet the affordable housing obligation for the project.

Chair Wintzer asked Mr. Elliott to review the materials in the colored elevations. Mr. Elliott explained that each color represents a different material form. The materials included a series of timbers and structural elements that are used to screen the vertical. The entry point had primary glazing and a metal canopy. Metal mesh with screen inside was used as a shading device on the south facing glazing. He indicated glass in the bridge, which is similar to Rail Central on the other side of the Rail Trail. Mr. Elliott pointed out areas where horizontal composite siding was proposed. He explained that the architectural approach is to have a series of layers to create variety and depth to the building and try to accentuate each form of the building.

Planner Jacquy Mauer added a condition of approval #14 to state, "Per Section 15-3-9 of the LMC, the project must provide 10% of the required off-street parking spaces for the temporary storage of bicycles that equals nine parking spaces". The applicant was comfortable with adding condition of approval #14 as stated.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Savage liked the project as proposed.

Chair Wintzer commented on the location of the bridge that would be constructed by the City. He felt it was important for the trail to link both Lower Iron Horse and Upper Iron Horse and for the City Council to invest in a set of stairs going up to Upper Iron Horse. If they move the bridge over and put it along the edge of the 1555 Iron Horse property and add a sidewalk, people could walk across and go up a set of stairs to the Upper Iron Horse area.

Commissioner Peek concurred that it would be beneficial to bring the pedestrian demand down the hill from the condos to the Rail Trail. Mr. Elliott clarified that the applicants have encouraged that connection, however, they have no control over that property. Director Eddington offered to take their suggestion to the City Council.

Commissioner Pettit asked if there would be an issue with the Army Corp of Engineers if the bridge was moved as suggested by Chair Wintzer. Planner Mauer replied that the Army Corp of Engineers were aware of both bridges and were comfortable with the proposed bridge locations. Any change would need to be approved by the Army Corp of Engineers. Director Eddington explained that the City may also need to deal with the Army Corp of Engineers with regard to the plaza at the intersection of the Rail Trail and Bonanza, since it may change with this project.

Planner Cattan noted that a question was raised regarding condition of approval #5 and whether each individual sign would need its own permit. Condition of approval #5 states, "All exterior signs

require a separate sign permit. Application for sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.” Planner Cattan clarified that sign applications would go through the normal process. Because there will be multiple tenants, the owner would apply for a master sign plan for the development and as individual tenants come in, they need to pull a sign permit for each tenant. Commissioner Pettit clarified that sign permits are Code required under an administrative process. Planner Cattan replied that this was correct. It was added as a condition to indicate that any signs proposed or shown on the plans are not approved and must go through the proper process.

Chair Wintzer referred to condition of approval #10, which states, “must have a construction mitigation plan.” He asked if the condition should state that “the road must be open”, to make sure that during construction the road going out is open. Mr. Elliott remarked that an easement requires them to leave the road open. He was not opposed to adding that language as a condition on the construction mitigation plan. Chair Wintzer requested that the language be added in the construction mitigation plan.

Commissioner Hontz liked the changes and believed they significantly enhance the project. However, she was having difficulty grasping a feel for the materials and felt that portions of the building appeared to be cold and prison-like versus a colorful industrial facility and mixed use building. She liked the concept and hoped the end product would be warmer and more friendly.

Planner Cattan referred to the condition of approval #13 and changed “staging plan” to phasing plan”.

Planner Cattan read the proposed changes to the conditions of approval:

- Condition of Approval #10 - Add, “During construction the road must be open to the development to the east with approval of the City Engineer and the Fire Marshal.”
- Condition of Approval #13 - Change “staging” to “phasing.”
- Add Condition of Approval #14, “Per Section 15-3-9 of the LMC, the project must provide 10% of the required off-street parking spaces for the temporary storage of bicycles. This equals 9 bicycle parking spaces.”

MOTION: Commissioner Pettit moved to APPROVE the Iron Horse Mixed Use Master Planned Development for 1555 Lower Iron Horse Loop Road, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1555 Iron Horse Loop

1. The Iron Horse Mixed Use Building Master Planned Development is located at 1555 Iron Horse Loop Road. The lot consists of 1.474 acres.
2. The property is located in the Light Industrial (LI) zoning district. The maximum Building Height in the Light Industrial (LI) zoning district is 39 feet, is 30 feet. The application includes a height exception request for an additional 19.5 feet for the rear portion of the building. The front portion of the building is under zone height at 24 feet, the center portion of the building is an average four feet over zone height at 34 feet, and the rear portion of the building ranges from 9 to 19.5 feet over the zone height. The application complies with the height exception requirements of LMC Section 15-6-5(F)(1-5) as stated within the analysis section of the report.
3. The total proposed building footprint is 19,184 sf and gross square footage is 54,814 sf.
4. This property is Lot 1 of the Iron Horse Industrial Subdivision Plat.
5. The maximum Building Height in the Light Industrial (LI) zoning district is 39 feet, is 30 feet. The application includes a height exception request for an additional 19.5 feet for the rear portion of the building. The front portion of the building is under zone height at 24 feet, the center portion of the building is an average four feet over zone height at 34 feet, and the rear portion of the building ranges from 9 to 19.5 feet over the zone height. The application complies with the height exception requirements of LMC Section 15-6-5(F)(1-5) as stated within the analysis section of the report.
6. The master planned development process is required for any residential project larger than ten units or new commercial projects greater than 10,000 square feet gross floor area. The MPD is necessary for the Iron Horse Mixed Use Building since the new commercial area is greater than 10,000 square feet.
7. The building ranges from two to four stories above ground with a single story below ground.
8. The Planning Commission has reviewed this application during a pre-application work session on August 26, 2009 and during a work session and regular agenda on April 28, 2010. No public input was received during either meeting. The Planning Commission reviewed the application on December 8, 2010 on the regular agenda. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.
9. The proposed density does not exceed the maximum density of the Light Industrial (LI) zone. Within the LI zone, density is the resulting mass of the setbacks, height and open space.
10. The applicant is requesting a decrease in the north side yard setback from twenty-five feet to twenty-feet. This change complies with the requirements of the LMC for building Code, Fire Code, density, mass, scale, spacing and open space.

11. This is a redevelopment project, so a minimum of 30 percent open space could be allowed by the Planning Commission in exchange for project enhancements. The applicant is asking for a reduction in the open space requirement from 60 percent to 45 percent. The project enhancements include a public transit improvement and improved pedestrian circulation.
12. The applicant has provided a total of 91 parking spaces. The required parking for the site is 87.17 spaces per the LMC with the currently proposed uses.
13. The City Engineer and the Planning Director will allow the parking configuration as it is now being proposed with the recommendation that the space between the edge of the private road and the proposed parking stalls are maximized and speeds be reduced to ten (10) to fifteen (14) miles per hour.
14. The MPD was designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project was designed to fit the Site, not the Site modified to fit the project.
15. The MPS is not located within the Sensitive Lands Overlay zoning district.
16. The MPD is located within the Park City Soils Ordinance boundary.
17. The site is located or in proximity of a listed CERCLIS site known as the Old Park City Dump - UTD988078606. The CERCLIS listing identifies sites that are considered contaminated, therefore needing remediation and/or further testing under Superfund.
18. There is an underground fuel storage tank at the CFN facility that will be removed. The removal of an underground storage tank triggers a UDEQ-UST permit and work plan.
19. A portion of the property is within a FEMA regulated Zone of AE according to a 1996 FIRM map.
20. The proposed bridge may trigger the need for a DNR Stream Alteration Permit. If there is an encroachment into the riparian zone of Silver Creek, an Army Corp General Permit may be required.
21. The project is required to provide 6.14 unit equivalents of affordable housing. One unit equivalent of affordable housing is equal to 900 square feet. There is a single affordable housing apartment measuring 1,124 sf proposed within the MPD. The applicant's remaining affordable housing requirement (4,402 sf) will be met using all 24 units from the adjacent Rail Central Development (4,403 sf). At the present time, these units are not deed restricted. The applicant will deed restrict the units to comply with the 2007 Housing Resolution. The future rents will comply with the 2007 Housing Resolution. Twenty-five units of affordable housing will be created by this application.

22. The four residential units included in the MPD do not create the demand of a child care center.
23. The Analysis section of this staff report is incorporated herein.

Conclusions of Law - 1555 Iron Horse Loop Road

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. I The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD is not subject to the Sensitive Lands Requirements of the Land Management Code. The project has been designed to place Development on the most developable land and lease visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections and an easement for a bus pull-off area.
12. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval - 1555 Iron Horse Loop Road

1. All standard conditions of approval apply to this MPD.

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

13. A development agreement must be approved by the Planning Commission within six months of the Planning Commission approval. Following the development agreement, a building permit must be approved within two years of the development agreement. The development agreement may include a phasing plan.
14. Per Section 15-3-9 of the LMC, the project must provide 10% of the required off-street parking spaces for the temporary storage of bicycles. This equals 9 bicycle parking spaces.
3. 1502 Seasons Drive - Extension of Conditional Use Permit
(Application #PL-10-01086)

Director Thomas Eddington reviewed the request for a one year extension of a CUP for 1502 Seasons Drive. He noted that the Planning Commission previously reviewed the CUP during several meetings with regards to architectural design. At that time the neighbor across the street expressed concerns with the height. The height of the building was reduced and the Planning Commission approved the CUP on November 11, 2009.

Director Eddington stated that the request was a formal one year extension. He handed out correspondence from the attorney representing the neighbor across the street, indicating support for a one year extension, but stating that they would challenge a subsequent one year extension.

Director Eddington referred to pages 335 and 336 of the Staff report, and noted that when a CUP extension is requested, the Staff makes sure that no interim changes to the LMC would impact the extension. He pointed out that Criteria #3 indicates that the Planning Commission changed the steep slope criteria in the LMC and one section encourages common driveways, parking areas, and side access to garages. Director Eddington stated that Planner Whetstone had reviewed the proposed house design and it does include two bays that are turned to the side, which provides side access. Therefore, the existing layout would meet the new LMC criteria.

Director Eddington noted that the property is not in the HR-1 zone; therefore, the height issue regarding the three story limitation would not apply. The design was reviewed for compliance with the requirements of the RD zone.

Commissioner Pettit struggled with the fact of the steep slope criteria being applied in the RD zone. Director Eddington clarified that this particular lot had a special criterion put on the plat that required it to meet the Steep Slope criteria.

Director Eddington referred to criteria on page 336 that talks about the garage being subordinate to the design. He noted that the garage was lowered per Planning Commission recommendation and it is subordinate to the design.

Commissioner Pettit understood that the Planning Commission was allowed to grant up to a one year extension per Code, but they could not grant anything longer than one year. Director Eddington explained that the Planning Commission can only grant an extension up to twelve months, but the applicant could come back in a year and request another one year extension.

Exhibit 3

Revised Findings (redlined) dated July 13, 2011 for the Iron Horse Mixed Use Building Master Planned Development located at 1555 Iron Horse Loop Road

Findings of Fact:

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

private road and the proposed parking stalls are maximized and speeds be reduced to ten (10) to fifteen (15) miles per hour.

14. The MPD was designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project was designed to fit the Site, not the Site modified to fit the project.
15. The MPD is not located within the Sensitive Lands Overlay zoning district.
16. The MPD is located within the Park City Soils Ordinance boundary.
17. The site is located or in proximity of a listed CERCLIS site known as the Old Park City Dump – UTD988078606. The CERCLIS listing identifies sites that are considered contaminated, therefore needing remediation and/or further testing under Superfund.
18. There is an underground fuel storage tank at the CFN facility that will be removed. The removal of an underground storage tank triggers a UDEQ-UST permit and work plan.
19. A portion of the property is within a FEMA regulated Zone of AE according to a 1996 FIRM map.
20. The proposed bridge may trigger the need for a DNR Stream Alteration Permit. If there is an encroachment into the riparian zone of Silver Creek an Army Corp General Permit may be required.
21. ~~The project is required to provide 6.14 unit equivalents of affordable housing. One unit equivalent of affordable housing is equal to 900 square feet. There is a single affordable housing apartment measuring 1,124 sf proposed within the MPD. The applicant's remaining affordable housing requirement (4,402 sf) will be met using all 24 units from the adjacent Rail Central Development (4,443 sf). At the present time, these units are not deed restricted. The applicant will deed restrict the units to comply with the 2007 Housing Resolution. The future rents will comply with the 2007 Housing Resolution. Twenty five units of affordable housing will be created by this application.~~ The project is required to provide 6.14 unit equivalents of affordable housing. One unit equivalent of affordable housing is equal to 900 square feet. The applicant is using all 24 units from the adjacent Rail Central Development (4,443 sf) to comply with 4.94 unit equivalents of the affordable housing requirement. The remaining 1.20 affordable units will be satisfied prior to certificate of occupancy either on or off site. The applicant will deed restrict all the units to comply with the 2007 Housing Resolution. The future rents will comply with the 2007 Housing Resolution
22. Although this project is called the Iron Horse Mixed Use Building Master Planned Development, it is possible that the developer may develop the project as solely a commercial use project, or may develop it as a mixed use residential and commercial project.
23. The four possible residential units included in the MPD do not create the demand of a child care center.
24. The *Analysis* section of this staff report is incorporated herein.

Conclusions of Law:

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.

4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as Conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD is not subject to the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and lease visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections and an easement for a bus pull-off area.
12. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

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

10. Staff must approve the Construction Mitigation Plan to issuance of any building permits and shall include appropriate contact information as required. Signs posted on site will indicate emergency contacts. During construction the road must be open to the development to the east with approval of the City Engineer and Fire Marshall.
11. A limit of disturbance area will be identified during the building permit review. Limits of disturbance fencing shall be required, including silt fencing or other means of controlling erosion and protecting the adjacent stream.
12. All applicable Environmental regulations must be adhered to during the development of the site. The Park City Environmental Specialist must approve the mitigation plan and all environmental permits required for the site.
13. A development agreement must be submitted to the City ~~approved by the Planning Commission~~ within six months of the Planning Commission approval of the MPD and subsequently be approved by the Planning Commission. Following the development agreement, a building permit must be approved within two years of the development agreement ratification. The development agreement may include a phasing ~~staging~~ plan.
14. Per section 15-3-9 of the LMC, the project must provide ten percent of the required off street parking spaces for the temporary storage of bicycles. This equals 9 bicycle parking spaces.

Planning Commission Staff Report



Application No: PL-11-01281
Subject: LMC Amendments
Author: Thomas Eddington, AICP
Francisco Astorga, Planner
Date: July 13, 2011
Type of Item: Legislative

Summary Recommendations

Staff recommends that the Planning Commission review and discuss proposed amendments to the Land Management Code (LMC) for Chapter 2.1 Historic Residential-Low Density (HRL), Chapter 2.2 Historic Residential (HR-1) District, and Chapter 2.3 Historic Residential (HR-2), as described in this report. Staff recommends the Commission conduct a public hearing, consider input, and consider continuing the public hearing to August 10, 2011

Topic

Project Name: LMC Amendments to Chapters 2.1 HRL District, 2.2 HR-1 District, and 2.3 HR-2 District
Applicant: Planning Department
Proposal: Revisions to the Land Management Code concerning lot combinations and limiting the maximum building sizes in Historic Residential Districts

Background

On June 23, 2011, the City Council adopted a Temporary Zoning Ordinance (TZO) which prohibits the approval of plat amendment applications filed after June 15, 2011 in the Historic Residential Districts (HRL, HR-1, and HR-2) for a period not to exceed six (6) months until the City Council considers limits on the maximum building footprint allowed as a result of lot combinations those zones.

These proposed Land Management Code (LMC) amendments were noticed on June 15, 2011 and were drafted in order to address the concerns which motivated the TZO. In fact, the proposed LMC amendments are broader than the TZO as they address overall massing in the historic residential districts and are not limited to only the building size on lot combinations, although such buildings are also addressed.

As far back as 1990, there have been concerns expressed by some members of the public, the Planning Commission, the City Council, and the Historic Preservation Board that the zoning regulations result in unacceptable development density and/or incompatible building sizes in the historic residential districts. In the early 1990s, a critical development occurred when the Chief Building Official and City Attorney confirmed that the Uniform Building Code and state law did not allow construction across platted lot lines even when both lots were owned by the same entity. That

decision fundamentally altered the City's ability to regulate new construction, remodels, and additions to historic structures by mandating plat amendments prior to building permit.

Concerns have also been expressed that the existing LMC plat amendment process allows the possibility of larger lots of record yielding larger structures that are incompatible with historic neighborhood development patterns and existing topography. Amendments to the LMC in the form of Floor Area Ratio and Footprint Formulas were made in 1990, 1995, 1999, and 2000. These issues were last discussed in 2007. The outcome of the 2007 discussions was the 2009 LMC amendments which reduced the massing and size of buildings and adoption of new Design Guidelines for Historic Districts and Historic Sites.

More recently, there have been a number of plat amendments taken before the Planning Commission and City Council where there has been heightened concern for the size and massing of the structures which would be enabled by the lot combinations. The Commission and Council have requested additional information as a result of the lot combinations and resulting footprint compared to the existing structures and lots in the neighborhood as shown on Exhibit E. Due to the continued concern for a trend toward incompatible structure sizes within the historic district the TZO has been adopted and changes to the LMC are now proposed.

Analysis

Four (4) general development parameters are proposed within the LMC amendments. All amendments are suggested only for the Historic Residential Districts (HRL, HR-1, and HR-2). The parameters are as follows:

1. Lot combinations – Restrict lot combinations to sites with Historic Structures as identified on the Historic Site Inventory (HSI) that currently exist over a lot line.
2. Footprint Formula – Footprint Formula – Ten percent (10%) decrease for lots greater than 1,875 (25'x75' configuration) square feet with a maximum total footprint of 1,367 square feet.
3. Stories – Maximum of two (2) stories.
4. Setbacks – Increased setbacks to increase the separation between buildings.

Lot Combination Discussion

Current LMC: The LMC does not limit the amount of lots that can be combined. The LMC identifies that the minimum lot size within the HRL District 3,750 square feet. The minimum lot size within the HR-1 and HR-2 Districts is 1,875 square feet.

Staff finds that the configuration of the historic Park City/Snyder's Addition Survey should be preserved. Staff has also identified the issues with the historically built

structures which do not respect property lines, setbacks, etc. Staff recognizes the need to have historic structures comply with this basic development parameter.

Proposed Change: The proposed amendment only allows lot combinations of lots with historic structures on them, which necessitate a plat amendment due to a current property encroachment. Limiting lot combinations in this way is reflective of how the historic structure historically existed on the lots.

Discussion Requested: Does the Planning Commission support the plat amendment/lot combination limitation to only historic structures?

Footprint Formula Discussion

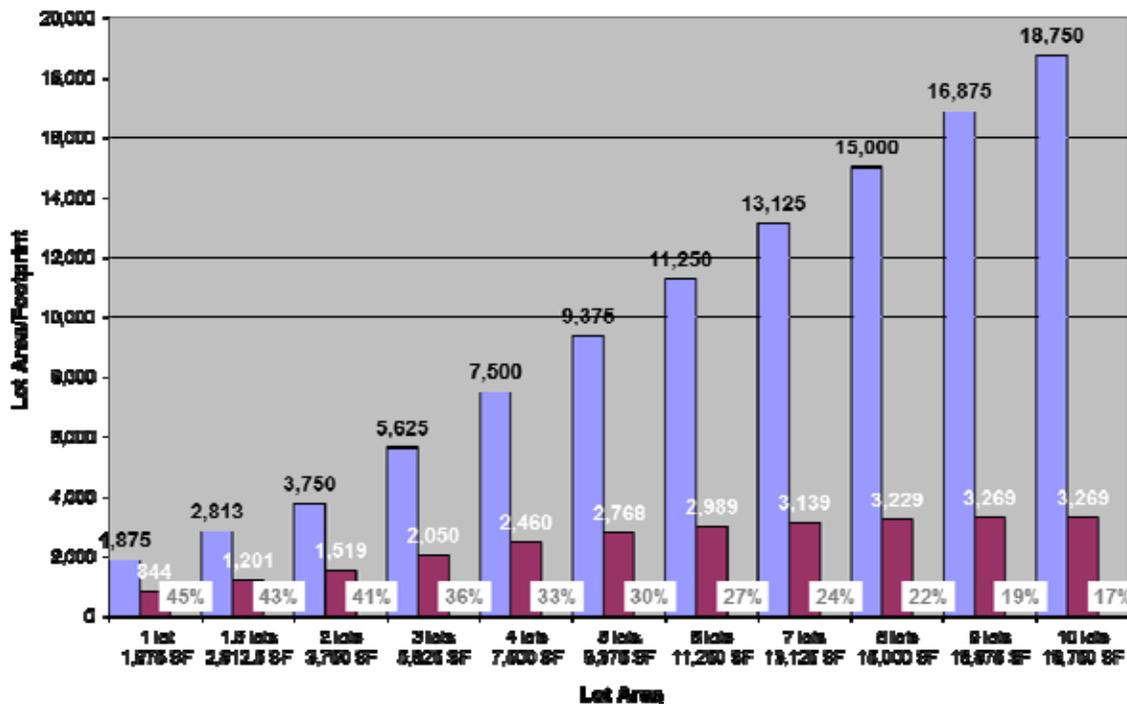
Current LMC: Within the HRL, HR-1, and HR-2, a maximum footprint calculation is established through applying the following formula:

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = \underline{1,519 \text{ sq. ft.}}$

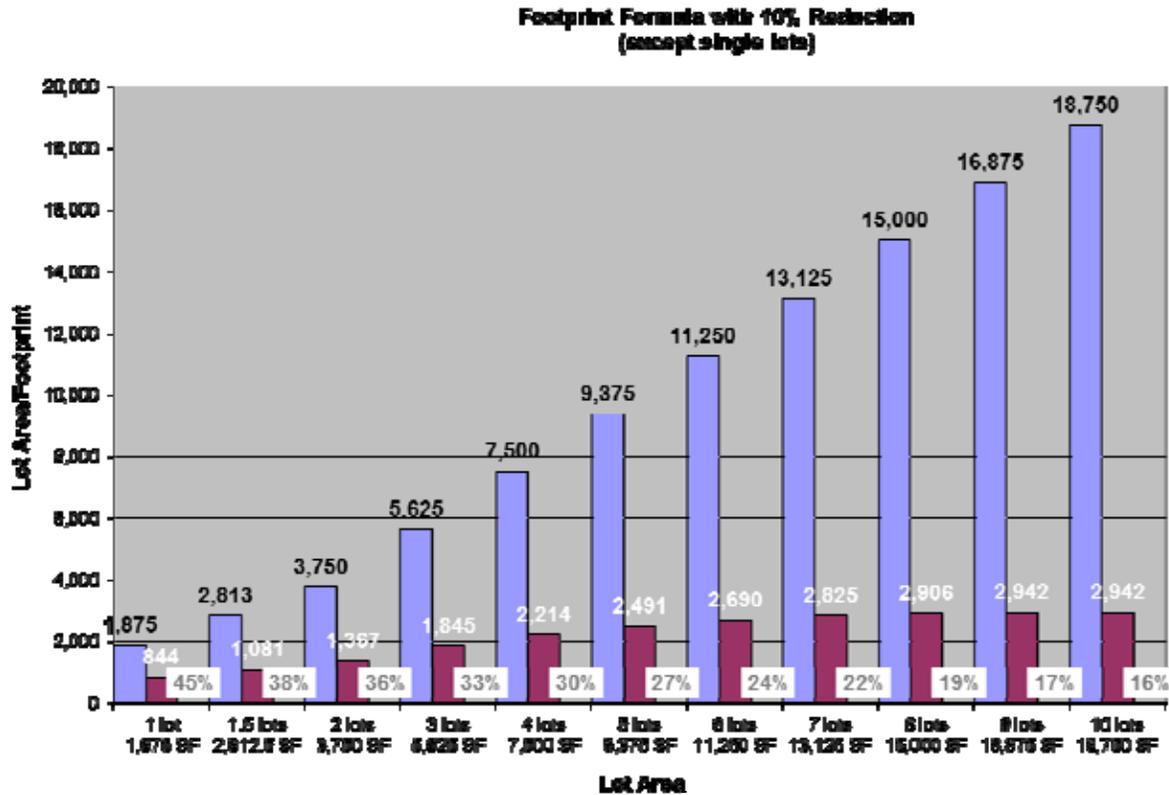
Current Footprint Formula



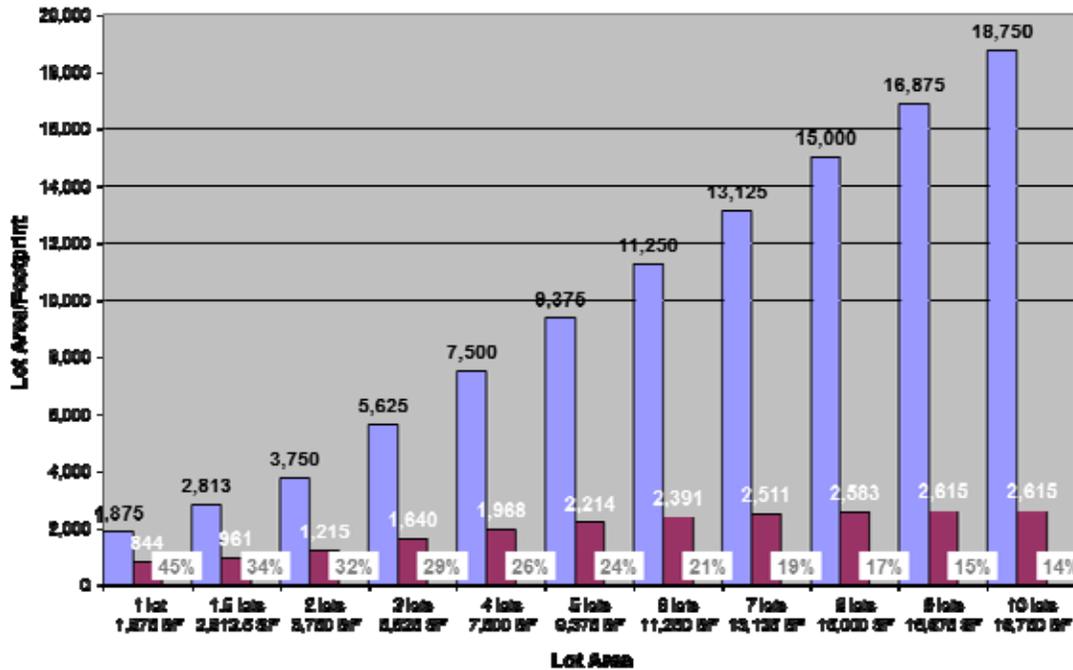
Staff prepared the graph above to illustrate the currently adopted footprint formula in the HRL, HR-1, and HR-2 Districts. To simplify the results of the footprint formula staff added the percentage of each footprint compared to its corresponding lot size. As a

result, one can see that the purpose of the formula was to decrease the footprint shown as a percentage as the size of the lot increases.

The following charts show a ten percent (10%) and twenty percent (20%) reduction (except single lots). The percentages shown on the charts are the area of lot coverage of the homes (not including walkways, driveways, or patios).

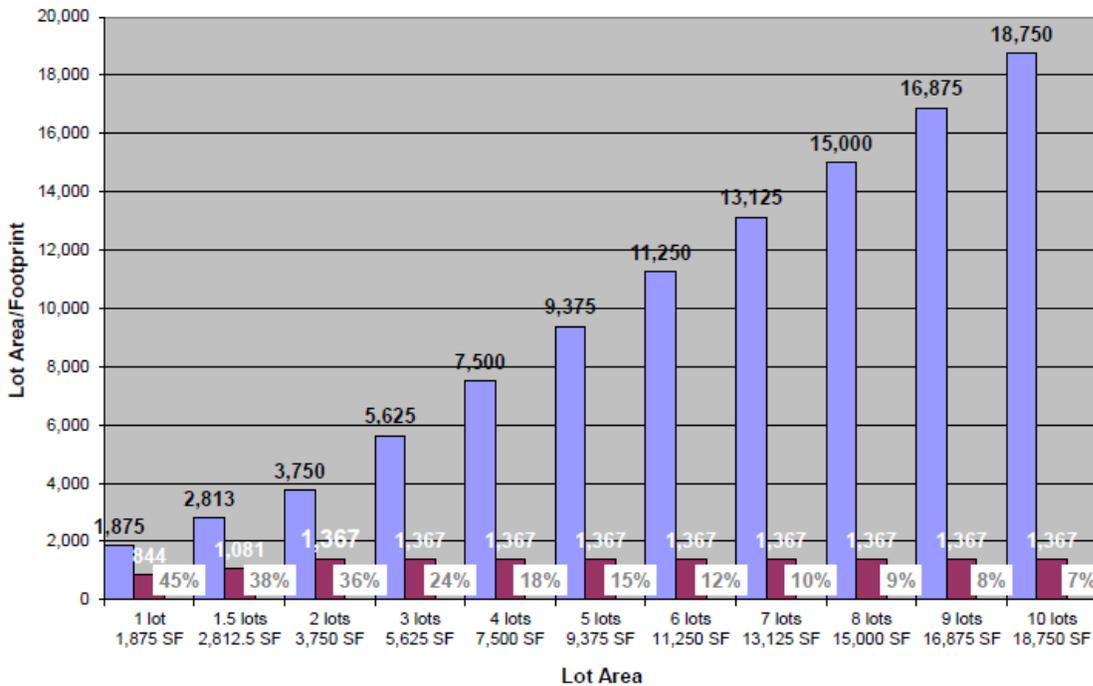


**Footprint Formula with 20% Reduction
(except single lots)**



Proposed Change: The proposed LMC amendment decreases the allowable footprint by ten percent (10%) for lots greater than 1,875 square feet and creates a maximum footprint of 1,367 square feet for all lots containing 3,750 square feet or more.

**Proposed Footprint with 10% reduction for lots over 1,875 sf
with a max. footprint of 1,367 sf**



Discussion Requested: Does the Planning Commission support the decrease of footprint for any lot size over 1,875 square feet and maximum footprint of 1,367 square feet for all lots measuring 3,750 square feet or more?

Discussion Requested: There are lots within the North Star Subdivision that are currently in the HR-1 District. The size of these lots within this subdivision ranges from approximately 9,000 square feet to 63,000. Should the footprint of these lots also be limited to 1,367 square feet? Does the Planning Commission want to see analysis for possible zone changes for this area as part of the General Plan re-write?

Story discussion

Current LMC: Within the HRL, HR-1, and HR-2 Districts, structures are allowed a maximum of three (3) stories with a ten feet (10') step required on the top story on the downhill side. A basement counts as a first story.

Proposed Change: The proposed LMC amendment decreases the maximum stories from three (3) to two (2). This change is proposed because a majority of historic structures in Old Town did not have three (3) stories

If the Planning Commission finds this recommendation to be too restrictive, Staff could explore the opportunity to allow for an underground story (e.g. basement, garage, etc.) that can be carefully mitigated through the use of the recently adopted Design Guidelines for Historic Districts and Historic Sites. Staff has identified rehabilitation treatments to historic structures throughout Old Town that have successfully added another story underneath a historic structure and yet the scale, mass, proportion of a two (2) story structure has been maintained. OR the existing LMC language limiting height to three (3) stories could remain given that all development in the historic residential districts must comply with the Design Guidelines for Historic Districts and Historic Sites

Discussion Requested: Does the Planning Commission support the two (2) story limitation?

Side Yard Setbacks

Current LMC: Within the HR-L, HR-1, and HR-2 Districts, the setback requirements are a reflection of the lot width (see strike through in chart below).

Proposed Change: The proposed changes maintain the front and rear yard setbacks. The side yard setbacks have been increased to ensure that adequate spacing is provided on larger lots where larger structures are permitted.

Lot Depth, </= ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 5 ft.	6 10 ft.	2,813	1,733 1,512.5	1,201 1,081
75 ft.	50.0	5 10 ft.	10 20 ft.	3,750	2,200 1,650	1519 1,367
75 ft.	62.5	5 10 ft.	14 22 ft.	4,688	2,668 2,227.5	1,801 1,367
75 ft.	75.0	5 15 ft.	18 30 ft.	5,625	3,135 2,475	2,050 1,367
75 ft.	87.5	10 20 ft.	24 40 ft.	6,563	3,493 2,612.5	2,269 1,367
75 ft.	100.0	10 25 ft.	24 50 ft.	7,500	4,180 2,750	2,460 1,367
75 ft.	Greater than 100.0	10 25 ft.	30 50ft.	Greater than 7,500 ft.	Per Setbacks and Lot Area	Per formula 1,367

Discussion Requested: Does the Planning Commission support the increase in side yard setbacks? Do the proposed increase setbacks allow enough flexibility in design for the architect?

Department Review

These amendments have been reviewed by the City’s Planning and Legal Departments.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC §15-1-18.

Notice

Notice of the public hearing was published in the Park Record June 18 and June 25, 2011 and posted according to the requirements in the Land Management Code. The original noticing for the TZO and LMC amendments were on June 15, 2011.

Public Input

The Planning Department has received many inquiries about the TZO and the pending ordinance. Staff has received correspondence from concerned residents (Exhibit D)

Alternatives

- Conduct a public hearing on the LMC amendments describe herein or as amended and forward a positive recommendation to the City Council.

- Conduct a public hearing and forward a negative recommendation to the City Council.
- Continue action on the LMC amendments to a date certain. **This is the recommended alternative.**

Significant Impacts

The proposed changes to the LMC are intended to protect the historic district and create greater compatibility within infill to the historic district. By not allowing lot combinations for individual lots, the infill will be compatible with the historic structures in Old Town.

Consequences of not taking the Suggested Recommendation

Not taking the suggested recommendation will leave the LMC unchanged and may result in incompatible house sizes in the historic district.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, discuss the proposed amendments to the Land Management Code as described in this report and as redlined in Exhibits A - C, and consider continuing the discussion until August 10, 2011.

Exhibits

Ordinance

Exhibit A – HRL District LMC Section 15-2.1 redlines

Exhibit B – HR-1 District LMC Section 15-2.2 redlines

Exhibit C – HR-2 District LMC Section 15-2.3 redlines

Exhibit D – Public Comment

Exhibit E – Sample Neighborhood Compatibility Analysis

Ordinance No. 11-____

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE (LMC) OF PARK CITY, UTAH TO LIMIT ON THE MAXIMUM BUILDING FOOTPRINT AND BUILDING SIZE ALLOWED IN THE HISTORIC ZONING DISTRICTS SPECIFICALLY AMENDING LMC §15-2.1 – Historic Residential-Low Density (HRL) District, LMC §15-2.2 – Historic Residential (HR-1) District, LMC §15-2.3 – Historic Residential (HR-2) District;

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote and protect the health, safety and welfare of the present and future residents, businesses, visitors, and property owner's of Park City;

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan and promote Council goals to protect and enhance the vitality of the City's resort-based economy, overall quality of life, historic character, and unique mountain town community; and

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings;

WHEREAS, the City's historic districts are among its most important cultural, educational, and economic assets;

WHEREAS, the mass and scale of buildings within the City's historic districts must continue to maintain the fabric that was historically established;

WHEREAS, the creation of large out-of-scale structures could permanently alter the character of a neighborhood, community and City;

WHEREAS, the scale of the proposed buildings in the Residential Historic District zones on lots greater than 1,875 square feet have been too large for the scale and character of the neighborhood and community both in size of footprint and overall massing;

WHEREAS, the Planning Department duly noticed and conducted a public hearing at the regularly scheduled meeting on July 13, 2011, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2011; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City

Council to protect health, safety, and welfare; to maintain and enhance quality of life for its residents and visitors; preserve and protect the environment, ensure preservation of the community's unique character, and enhance the vitality of Park City's resort economy.

NOW THEREFORE, be it ordained by the City Council of the City of Park City, Utah, as follows:

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.1 – Historic Residential-Low Density (HRL) District. The recitals above are incorporated herein as findings of fact. Chapter 2.1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.2 – Historic Residential (HR-1) District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.3 – Historic Residential (HR-2) District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

Dated this ____ day of _____, 2011

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

EXHIBIT A
TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 2.1 - HISTORIC RESIDENTIAL-LOW DENSITY (HRL) DISTRICT

15-2.1-3. LOT AND SITE REQUIREMENTS.

....

(D) **BUILDING FOOTPRINT AND SIDE YARDS (HRL DISTRICT).** The maximum Building Footprint of any Structure shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.1. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet. The maximum Building Footprint of any Structure shall be 1,367 square feet. The maximum Building Footprint of Lots that do not comply with the minimum Lot Area stated on LMC § 15-2.1-3(A) shall be determined by the Planning Director. The minimum Side Yards are illustrated on Table 15-2.1.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519 \text{ sq. ft.}$

See the following Table 15-2.1. for a schedule equivalent of this formula.

TABLE 15-2.1.

Lot Depth, </= ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	<u>35 ft.</u>	<u>610 ft.</u>	2,813	1,733 <u>1,512.5</u>	<u>1,201</u> <u>1,081</u>
75 ft.	50.0	<u>510 ft.</u>	<u>1020 ft.</u>	3,750	2,200 <u>1,650</u>	<u>1519</u> <u>1,367</u>
75 ft.	62.5	<u>510 ft.</u>	<u>1422 ft.</u>	4,688	2,668 <u>2,227.5</u>	<u>1,801</u> <u>1,367</u>
75 ft.	75.0	<u>515 ft.</u>	<u>1830 ft.</u>	5,625	3,135 <u>2,475</u>	<u>2,050</u> <u>1,367</u>
75 ft.	87.5	<u>1020 ft.</u>	<u>2440 ft.</u>	6,563	3,493 <u>2,612.5</u>	<u>2,269</u> <u>1,367</u>
75 ft.	100.0	<u>1025 ft.</u>	<u>2450 ft.</u>	7,500	4,180 <u>2,750</u>	<u>2,460</u> <u>1,367</u>
75 ft.	Greater than 100.0	<u>1025 ft.</u>	<u>3050ft.</u>	Greater than 7,500 ft.	Per Setbacks and Lot Area	<u>Per formula</u> <u>1,367</u>

*~~f~~For existing 25' wide lots, Use HR-1 standards.

~~**f~~For lots > 75' in depth use footprint formula and Table 15-2.1a for Front and Rear Setbacks.

.

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) A Structure may have a maximum of ~~three (3)~~ two (2) stories. A basement counts as a Story within this zone. Attics that are not Habitable Space do not count as a Story.

~~(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish grade on all sides of the Structure. On a Structure in which the First Story is located completely under finish grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.~~

EXHIBIT B
TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 2.2 - HISTORIC RESIDENTIAL (HR-1) DISTRICT

15-2.2-3 LOT AND SITE REQUIREMENTS.

....

D) **BUILDING FOOTPRINT AND SIDE YARDS (HR-1 DISTRICT).** The maximum Building Footprint of any Structure shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.1. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet. The maximum Building Footprint of a Lot containing 1,875 square feet shall be 844 square feet. The maximum Building Footprint of any lots containing more than 1,875 square feet shall be calculated according to the following formula for Building Footprint illustrated in Table 15-2.2 and shall not exceed 1,367 square feet. The maximum Building Footprint of Lots that do not comply with the minimum Lot Area stated on LMC § 15-2.2-3(A) shall be determined by the Planning Director. The minimum Side Yards are illustrated on Table 15-2.2.

$$\text{MAXIMUM FP} = ((A/2) \times 0.9^{A/1875}) \times .9$$

Where FP= maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. Lot: $((3,750/2) \times 0.9^{(3750/1875)}) \times .9 = 1,875 \times 0.81 \times .9 = 1,519$
1,367 sq. ft.

See the following Table 15-2.1. for a schedule equivalent of this formula.

TABLE 15-2.2.

Lot Depth, </= ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 <u>5 ft.</u>	6 <u>10 ft.</u>	2,813	1,733 <u>1,512.5</u>	1,201 <u>1,081</u>
75 ft.	50.0	5 <u>10 ft.</u>	10 <u>20 ft.</u>	3,750	2,200 <u>1,650</u>	1,519 <u>1,367</u>
75 ft.	62.5	5 <u>10 ft.</u>	14 <u>22 ft.</u>	4,688	2,668 <u>2,227.5</u>	1,801 <u>1,367</u>
75 ft.	75.0	5 <u>15 ft.</u>	18 <u>30 ft.</u>	5,625	3,135 <u>2,475</u>	2,050 <u>1,367</u>
75 ft.	87.5	10 <u>20 ft.</u>	24 <u>40 ft.</u>	6,563	3,493 <u>2,612.5</u>	2,269 <u>1,367</u>
75 ft.	100.0	10 <u>25 ft.</u>	24 <u>50 ft.</u>	7,500	4,180 <u>2,750</u>	2,460 <u>1,367</u>

75 ft.	Greater than 100.0	40 <u>25 ft.</u>	30 <u>50ft.</u>	Greater than 7,5 <u>00</u> ft.	Per Setbacks and Lot Area	Per formula <u>1,367</u>
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* for Lots > 75' in depth use footprint formula and Table 15-2.2a for Front and Rear Setbacks.

.....

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) A Structure may have a maximum of ~~three (3)~~ two (2) stories. A basement counts as a Story within this zone. Attics that are not Habitable Space do not count as a Story.

~~(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish grade on all sides of the Structure. On a Structure in which the First Story is located completely under finish grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right of Way is allowed.~~

EXHIBIT C
TITLE 15 - LAND MANAGEMENT CODE (LMC) CHAPTER 2.3 - HISTORIC RESIDENTIAL (HR-2) DISTRICT

15-2.3-4. LOT AND SITE REQUIREMENTS.

.....

(D) BUILDING FOOTPRINT AND SIDE YARDS (HR-2 DISTRICT).

(1) The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.3. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per Dwelling Unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint greater than 3,500 square feet. The maximum Building Footprint of a Lot containing 1,875 square feet shall be 844 square feet. The maximum Building Footprint of any lots containing more than 1,875 square feet shall be calculated according to the following formula for Building Footprint illustrated in Table 15-2.3 and shall not exceed 1,367 square feet. The maximum Building Footprint of Lots that do not comply with the minimum Lot Area stated on LMC § 15-2.3-4(A) shall be determined by the Planning Director. The minimum Side Yards are illustrated on Table 15-2.3.

(2) See Section 15-6-5(B) for maximum allowed Building footprint for Master Planned Developments within the HR-2 District.

$$\text{MAXIMUM FP} = ((A/2) \times 0.9^{A/1875}) \times .9$$

Where FP= maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. Lot: $((3,750/2) \times 0.9^{(3750/1875)}) \times .9 = 1,875 \times 0.81 \times .9 = 1,519$
1,367 sq. ft.

See the following Table 15-2.1. for a schedule equivalent of this formula.

TABLE 15-2.3.

Lot Depth, </= ft. *	Lot Width, ft. Up to:	Side Yards Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 <u>5 ft.</u>	6 <u>10 ft.</u>	2,813	1,733 <u>1,512.5</u>	1,201 <u>1,081</u>
75 ft.	50.0	5 <u>10 ft.</u>	10 <u>20 ft.</u>	3,750	2,200 <u>1,650</u>	1,519 <u>1,367</u>
75 ft.	62.5	5 <u>10 ft.</u>	14 <u>22 ft.</u>	4,688	2,668 <u>2,227.5</u>	1,801 <u>1,367</u>
75 ft.	75.0	5 <u>15 ft.</u>	18 <u>30 ft.</u>	5,625	3,135 <u>2,475</u>	2,050 <u>1,367</u>

75 ft.	87.5	10 <u>20 ft.</u>	24 <u>40 ft.</u>	6,563	-3,493 <u>2,612.5</u>	2,269 <u>1,367</u>
75 ft.	100.0	10 <u>25 ft.</u>	24 <u>50 ft.</u>	7,500	-4,180 <u>2,750</u>	-2,460 <u>1,367</u>
75 ft.	Greater than 100.0	10 <u>25 ft.</u>	30 <u>50ft.</u>	Greater than 7,500 ft.	Per Setbacks and Lot Area	Per formula <u>1,367</u>

* for Lots > 75' in depth use footprint formula and Table 15-2.2a for Front and Rear Setbacks.

15-2.3-6 BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.

Final Grade must be within four vertical feet (4') from Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The Planning Commission may grant an exception to the Final Grade requirement as part of a Master Planned Development within Subzone A where Final Grade must accommodate zero lot line Setbacks. The following height requirements must be met:

(A) A Structure may have a maximum of ~~three (3)~~ two (2) stories. A basement counts as a Story within this zone. Attics that are not Habitable Space do not count as a Story. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.

~~(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish Grade on all sides of the Structure. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A consistent with MPD requirements of Section 15-6-5(F). On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.~~

Exhibit D -Public Comment

July 3, 2011

Dear Members of the Park City Planning Commission,

For more than 20 years, we have been enjoying Park City. Our love for the area sparked our year long search for a “getaway” home, which we purchased in the heart of Old Town in 2005. Not long after buying our condo, we were convinced that Park City would become the place we would move to once our children graduated from high school. With that thought in mind, we actively began looking for a larger place. In the short term, we wanted to be able to entertain larger groups of friends and family when we spent time at our “home away from home”...but our thoughts were also geared toward finding a place which was centrally located and roomy enough to comfortably retire.

After looking in Deer Valley and other areas, we circled back to the area we feel most “at home”: Old Town. Throughout the last five years, we put offers on at least three homes. For different reasons, (mostly due to the limitations that zoning restrictions or personal finances would put on our ability to remodel a place to suit our needs), we fell out of escrow on all of them. (Thomas Eddington could attest to the fact that on at least one of these properties, we met with him to see exactly what we could legally achieve within the confines of the HR1 zoning.)

During this process, whenever we would stroll through town, our imagination was always captivated by the sad and lonely eyesore at 929 Park Avenue. Boarded up, condemned, and obviously suffering from years of neglect, it seemed to beckon to us. With the help of our realtor, the indefatigable Karen Keating, we began a three year journey, which started by her locating the owners of the property, and eventually, coaxing them to sell it to us.

At the same time, we were befriended by local neighbors, like Rhoda and Pete Smith, who invited us into their homes and shared their design ideas and stories, which seemed similar to ours. Like many current Park City residents, those we know here are a lot like us – they might not have been born and raised in town, but feel that it is more their home than any place they’ve ever lived. We got more and more excited about being part of this special community and it being part of the “Chapter Two” in our lives.

For us, owning a place in Park City was never about making a “financial investment”. (In fact, we never rented out our condo until we purchased 929 Park; even now, we do so very infrequently). Rather, it’s been an “emotional investment”, as it’s now the place we “reconnect, relax and ‘recharge our batteries’ ”. We can “escape”, but still be part of a community, which is so important to us, as we are very involved in our local community, as well as our children’s schooling and sports programs. We can’t think of another place we know of that makes us feel this way.

Nor are we real estate speculators, looking to take advantage of changes in the market to “flip” properties. As such, we appreciate that the Planning Commission and City Council have been reevaluating the process by which properties are conveyed, built and remodeled. We realize that restrictions of some sort are vital in order to maintain the enduring charm of the town. We don’t want our beloved home to become overrun with modern day “McMansion” type properties that could ultimately detract from the period integrity of the area.

At the same time, we question whether some of the currently contemplated “one size fits all” restrictions take owners like us into consideration.

As we moved forward through the process of purchasing our property, we were made aware that under the design guidelines, our proposed remodel and addition would need to be sensitive to mass and scale and fit with in the neighboring homes. We understood that the home size might need to be smaller to address these criteria. We accepted those possible requirements and moved forward with the purchase. ***It was never explained by city staff that additional reduction in home size or footprint, beyond that in the code, would be required as we went through the plat amendment process.***

Nevertheless, during our plat amendment review by Planning Commission, we agreed to reduce that footprint from the Land Management allowable of 1888 sq. ft. to 1688 sq. ft. in an effort to be cooperative and to show we do not intend to build a huge home. **The plat was approved with this reduced footprint.** Yet, we are now told that if the proposed regulation passes, our footprint would be further decreased to 1519 square feet as would every other home on two or more lots in the district.

While that might seem like a modest reduction, it represents a significant difference in home size, primarily because of the historic home we need to deal with on our site. As our architect explained during the planning commission meeting for

our plat amendment, if our property was a vacant lot, then a home with a 1519 sq. ft. print might yield two stories of living space and a total of 2500 to 2700 sq. ft. Since we have a historic home with a 900 sq. ft. footprint, the design guidelines do not allow us to build a second floor over the historic home. That means the maximum house size we could expect under the proposed regulations is 1900 – 2000 sq. ft. of living area. This could mean as much as an 800 sq. ft. reduction in home size compared to a new home built under the same proposed regulation!

To be forced to conform to the size of every other property to be built in the future under this proposed restriction seems punitive – especially since we are taking on the added responsibility of preserving a historic home. Additionally, there are currently homes in the vicinity on smaller lots (WITH LARGER SQUARE FOOTAGE THAN WE WOULD BE PERMITTED TO BUILD) which bear Park City Historical Society ribbons.

Most frustrating for us, the proposed regulations mean that all of the time, expense and aggravation we went through to finally purchase this property was in vain, because it ultimately won't allow for a home much larger than our condo. Had these potential guidelines been in effect at the time we were trying to acquire 929 Park, we can say with certainty that we never would have purchased the property.

Added to this irony, had this home not been in such disrepair that it needed to be so drastically rebuilt, it is conceivable that we could have been able to have a size that worked better for us if we only needed to “remodel” and not “rebuild”.

It bears mentioning that the longer it takes for us – or anyone, should we find ourselves forced to sell the property because we are not able to achieve what we hope to with it – the longer nearby property values are compromised, as the blight that 929 Park Avenue poses on the neighborhood continues to linger. Our intention to build as soon as possible would have undoubtedly added a few jobs to the local economy. Without question, there are others who, like us, will either have to forfeit or postpone their plans to purchase or remodel in Park City if the proposed measures are enforced. One can only wonder how the local economy, which benefits from any building construction, might suffer with this pending legislation.

In consideration of all the above, we would like to earnestly request of those engaged in the review processes to evaluate the proposed code revisions being considered and determine that such revisions would be unfair. It is our hope that in appealing to your common sense, sound judgment and compassion, you will see that a one size fits all approach to footprint does not work and that the code as written offers a more reasonable amount of flexibility to address varying conditions than that which is being proposed.

Respectfully,

Mary Ellen (“Mel”) and Jim Robertson

Kirsten Whetstone

From: Heidi Gatch [heidi@pru-utah.com]
Sent: Tuesday, July 05, 2011 10:03 PM
To: Kirsten Whetstone
Cc: Michael Jorgensen
Subject: Re: Temporary Zoning Ordinance

Dear Kirsten,

I don't usually weigh in on TZO issues but I have to agree with the Jorgensens letter below. Please let me know if there is anything else I should do or anyone else I should contact about this.

Thanks very much.

Cheers,
Heidi

Sent from my iPad

On Jul 5, 2011, at 7:58 PM, "michael jorgensen" <hojopc@gmail.com> wrote:

> To Kirsten Whetstone and Park City Planning Staff/Commission:

>

> We've lived in Park City (including Old Town) full time for 14 years and have owned a lot on 30 Sampson Avenue since 1998. The lot had a plat amendment dated February, 1995. We bought the lot after due diligence and a determination from the Community Development Director Richard E. Lewis. Our determination was recorded in April of 1998. The plat amendment gave a maximum size for a residential structure and additional square footage for a garage. We bought this lot secondary to this, and currently are in preliminary discussions with our architect to begin the building process.

>

> We strongly oppose any revisions to the current land management code in the HR-L zone, most specifically, the reduction of footprint and the reduction of three stories to two stories. This will make it extremely difficult to build on a sloping lot; thereby, potentially removing a garage, having to place parking pads with long walks with exposed stairs to our home. Furthermore, the land management code underwent change in 2009 and to our knowledge the current design guidelines haven't been applied or tested due to the lack of new construction.

>

> The current code allows for a planning commission review and requires applicants to show compatibility with adjacent buildings in terms of mass and scale. This proposed revision is excessive and appears arbitrary. The potential reduction in foot print will further limit any type of architectural diversity which is unique to Old Town.

>

> It is our hope that the Planning Staff reconsiders this revision and takes time to study all of the issues and impacts.

>

> Sincerely,
> Michael & Laurie Jorgensen
> 30 Sampson Avenue
> 3648 Wrangler Way
> Park City

Park City Municipal Corporation
445 Marsac Avenue
Park City, UT. 84060
Attention: **Kirsten Whetstone, AICP**
Senior Planner

July 6, 2011

Dear Kirsten

I am an owner of a residence at 1096 Lowell Avenue in the Old Town Historic district and I am writing to you regarding the Temporary Zoning Ordinance (TZO), modifying to the existing Historical district regulations, of which our architect Jonathan DeGray, informed us on June 25, 2011.

Specifically, I would like to address the proposed two-story height limit on residences in the Historic District. As a property owner, I strongly oppose these new changes, that in my opinion, are not 1) in the benefit of existing or future owners in the area, 2) not helpful in reducing the density of the Historical District, nor 3) helpful to the already fragile economy. Other opposing reasons are as follows:

- My residence on Lowell Avenue is an existing two story structure on a 35'X 75' lot without a garage. The reason I purchased this property a year ago, was because it allowed me to expand the structure and add a third level with a garage in the future. By adding a third story, my new entrance will be at street level providing easier access to my house from the street. This will be an important consideration in my senior years. More important it will allow me to park my car within my property and out of the street, which is a great benefit to the traffic congestion that occurs on Lowell Avenue during the winter months.
- This proposed change in the zoning ordinance will impact greatly the Real Estate business in the area by limiting the opportunities of existing owners to sell, and of future buyers to build new structures or remodel existing ones.
- This new ordinance change will also punish new owners buy not allowing them to have the same benefits that their existing neighbors with three-story homes possess.
- The existing Park City Municipal Code for the Historical district goes to great efforts to maintain the esthetic appearance of the area by regulating the scale, building height and rooflines of the houses. This new zoning change will go against the uniformity of neighborhood by altering the scale, height and rooflines of the houses by reducing them from three stories to two, and thus loosing the charm and consistency that the Historical District so ardently seeks to maintain.
- Finally, it is a proven fact that the construction industry generates the largest number of jobs and dollars to the economy. By not disallowing owners like me to add a third story and remodel their homes, this negatively impacts the local economy which is already suffering from hard times, by lost revenue and job creation.

I hope that the city leaders realize the damage that these proposed limits will cause to the owners and the economy, and will reconsider their position.

Sincerely,

Please forward this to the Park City Planning Commission and City Counsel.

Because of the TZO with an effective date of 15 June 2011 and the guidance that the PC Planning Department is providing in respect to the TZO, two separate transactions for a total of five separate parcels have been canceled because of the TZO. These canceled contracts can be verified by contacting the listing agents. Brad Jensen @ Sotheby's represents the seller at 220 Grant, 210 Grant and 206 Grant and Bronson Calder @ Prudential represents the seller at 520 Park and 522 Park. The PC Planning Commission and City Counsel need to understand that their actions in respect to the TZO and threat of additional zoning restrictions in the Historic District have negative consequences to the property owners in Old Town.

Regards,

Jeff Love
REALTOR

P.O. Box 1836
Park City, UT. 84060
435-602-0138

grandloveshack@msn.com

Francisco Astorga

From: Kate Riggs <kate@parkcityrealtors.com>
Sent: Friday, July 08, 2011 12:44 PM
To: Francisco Astorga
Cc: Thomas Eddington; Katie Cattan
Subject: FW: TIME SENSITIVE: Old Town Regulation Changes for Lot Combinations

Here's another letter from one of our members.

Thanks, Kate.

From: KRISTY BRACY [mailto:kristybracy@gmail.com]
Sent: Friday, July 08, 2011 12:19 PM
To: kate@parkcityrealtors.com
Subject: Re: TIME SENSITIVE: Old Town Regulation Changes for Lot Combinations

To Whom it may concern,

As owners of vacant land in Old Town, we have concerns over the proposed changes of the land management code. We are not in favor of any changes, however if you are going to modify existing regulations please limit the size based on overall footprint or liveable square footage and not by reducing the number of stories.

Kristy and Richard Bracy
kristybracy@gmail.com

Kristy Bracy
Keller Williams Park City Real Estate
435-602-0908 (M)
877-266-6905 (F)
kristybracy@gmail.com
www.kristybracy.com



Kate Riggs

GOVERNMENTAL AFFAIRS & COMMUNICATIONS DIRECTOR

Kate@ParkCityRealtors.com

Direct: 435-200-6904

VIA Email: C/O Francisco Astorga FAstorga@parkcity.org
Thomas Eddington Thomas.Eddington@parkcity.org

July 8, 2011

Charlie Wintzer, Chairman
Members: Mick Savage, Adam Strachan, Jack Thomas, Brooke Hontz & Nann Worel
Board of Adjustment Liaison, Julia Petit
Park City Planning Commission
445 Marsac Avenue
Park City, UT 84060

Re: Current TZO/Pending Ordinance on Lot Combinations

Dear Chairman Wintzer & Members of the Planning Commission,

On behalf of our members and their clients who have purchased, or are interested in purchasing, homes in Old Town, I urge you to uphold the current 3-story restriction. During your evaluation should any density reductions be deemed necessary, we ask that you base reductions on footprint and/or livable square footage restrictions, thereby leaving the ability for an entry level garage in place.

We understand the City's intentions as well as its right and duty to reevaluate its Land Management Code from time to time. Of course, as stewards of this community, REALTORS® understand the importance of upholding the character of Old Town as it certainly is a major draw for our community. We believe the third story allowance that was added in recent years has been a critical solution to addressing the parking challenges of the Old Town district. As you are aware, the first story of the 3-stories is typically a garage. We therefore, ask you to make any density reductions through overall footprint or calculations in livable square footage.

We are grateful for your careful evaluation of this important issue and hope that through input and constructive dialogue the Planning Commission makes a determination that is best for all impacted parties.

Kindest Regards,

Kate Riggs

Francisco Astorga

From: Kate Riggs <kate@parkcityrealtors.com>
Sent: Friday, July 08, 2011 1:51 PM
To: Patricia Abdullah; Francisco Astorga; Thomas Eddington
Subject: FW: Old Town Regulation Changes for Lot Combinations - Clients at 1096 Lowell Ave.

From: Debbie Sexton [mailto:debbies@sothebysrealty.com]
Sent: Friday, July 08, 2011 12:37 PM
To: kate@parkcityrealtors.com
Cc: micasabeachrentals@gmail.com; 'Octavio Tudela'
Subject: RE: Old Town Regulation Changes for Lot Combinations - Clients at 1096 Lowell Ave.

Hi Kate,

My clients Octavio and Julie Tudela would be willing to speak to the Park Record, if Jay is doing an article.

As I mentioned during our phone conversation, the Tudelas purchased the non-historic duplex at 1096 Lowell Ave. in June of 2010. They worked with Jonathan DeGray in cooperation with Park City Municipal to do some immediate remodeling to bring the home, especially the windows, up to code.

One of the key reasons the Tudelas chose 1096 Lowell Ave. was because it offered the flexibility of being an immediate residence for use, but it could also be enhanced or replaced at some point. Octavio is a professional architect in CA, so he brings an especially insightful perspective to this situation. The home currently sits one story below street level and it does not have a garage, which makes it look a bit out of sync with the rest of the neighborhood's newer 3+ story homes. The Tudelas have intended all along to work with a local architect to enhance the home by adding a third story to allow a garage and entrance from the street level. One of the most distressing implications of the proposed changes is that they eliminate the possibility of the Tudelas having a garage for their new home. One would think that a planning commission in a town with narrow streets and snow 6-7 months of the year would support building codes that allow homes to be built with garages to get cars off the Old Town streets! Yes, the city planners could argue that 2-story homes could still have garages, but with the proposed reduced footprint there is a very good chance people will choose living space over garage for uphill lots. Its my understanding that for downhill lots, the 2 stories will most likely sit below street level to maximize the height restriction and allow for the much-sought-after vaulted ceilings. This scenario makes garages impossible or suggests impossible driveways.

Another frustration with this issue is that the Tudelas did an extensive amount of due diligence prior to finalizing their purchase. They met with members of the planning commission, communicated with other city building officials, and met with local and well-respected architect Jonathan DeGray. Mr. DeGray is well-versed with designing homes to meet the Park City Historic District building specifications. The Tudelas gathered information from all angles thinking they had their bases covered. The city planning commission had just instituted changes for building in Old Town's Historic District in 2009. For the planning commission to initiate another set of drastic changes just two years later in a down economy when the 2009 changes have hardly been tested is alarming.

I will attend the meeting next week. In the meantime, thank you Kate for facilitating communications regarding this important discussion.

The Tudela's contact information is as follows. I have copied them on this email.

Octavio Tudela - otudela@tudelaint.com

Julie Tudela - micasabeachrentals@gmail.com

Thanks again Kate.

Best regards,

Debbie

Debbie Sexton, REALTOR®

Residential & Resort Homes Specialist
Summit Sotheby's International Realty
1750 Park Avenue PO Box 2370
Park City, UT 84060

DebbieS@SothebysRealty.com

Cell: 435-901-4065 / Fax: 800-886-4929

Please visit my website at www.HomeInParkCity.com

Visit our latest issue of **Collections** magazine at <http://SummitsSothebysRealty.com/collections>

From: PCBoard [mailto:Pcboard@parkcityrealtors.com]

Sent: Friday, July 08, 2011 10:40 AM

To: debbies@sothebysrealty.com

Subject: TIME SENSITIVE: Old Town Regulation Changes for Lot Combinations



Kate Riggs

GOVERNMENTAL AFFAIRS & COMMUNICATIONS DIRECTOR

Kate@ParkCityRealtors.com

Direct: 435-200-6904



Dear members,

As allowed by Utah State Code, Park City recently placed a moratorium on zoning applications via a temporary land use regulation that allows City officials to consider modifications to existing regulations on allowable development size for lot combinations in Old Town. This deals specifically with lot combinations (lot sizes: 50' wide x 75' deep) in the residential areas of Old Town zoned HRL, HR-1 and HR-2 and does not include Main Street.

Development is currently restricted to 3-stories with a maximum allowable footprint. There have been a number of plat amendments taken before the Planning Commission and City Council in which there has been heightened concern for lot combinations and the associated allowable density. The Commission and Council have requested more information on lot combinations and resulting allowable footprint compared to the existing homes in the neighborhood. Due to the continued concern for a trend toward larger incompatible home sizes

within the historic district, the temporary zoning regulation has been adopted and changes to the Land Management Code will be proposed.

The Planning Department is currently finalizing a proposed ordinance, as directed by the City Council, which will be heard on July 13, 2011, at the Planning Commission meeting which will address footprint size, number of stories, etc., in the HRL, HR-1, and HR-2 Districts. The Planning Commission staff report and proposed Land Management Code amendments will be published this Friday and will be available on the City's website at: <http://www.parkcity.org/index.aspx?page=541&parent=7016>

The Planning Commission meeting on July 13 will be held in Council Chambers at City Hall and will begin at 5:30 pm. Should you have concerns over this matter, I request that you forward written comments directly to me by 5 p.m. on Monday, July 11 for submittal to the Planning Commission. You are also welcome to attend the meeting in person.

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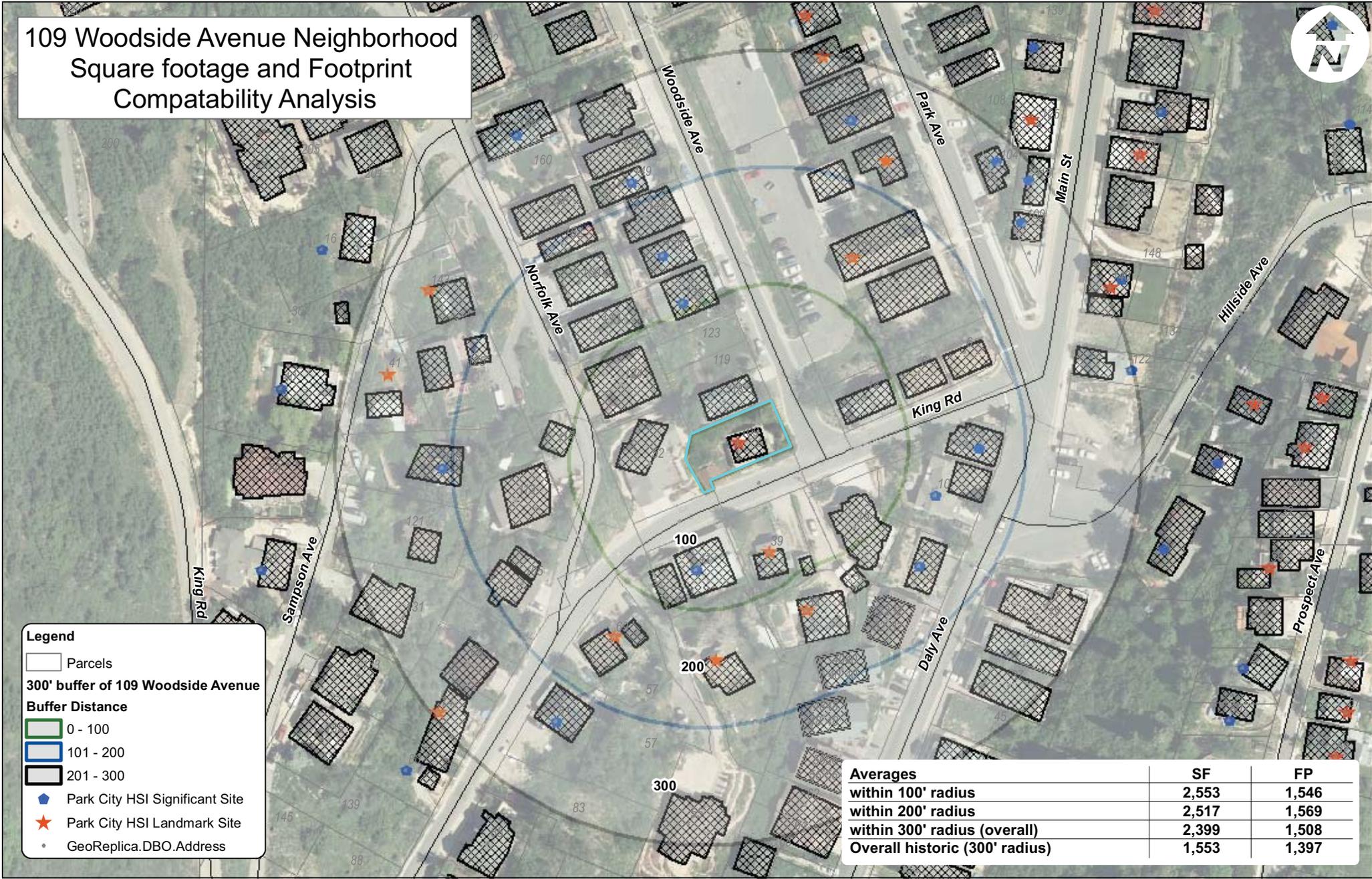
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109 Woodside Avenue Neighborhood
Square footage and Footprint
Compatibility Analysis



Legend

- Parcels
- 300' buffer of 109 Woodside Avenue**
- Buffer Distance**
- 0 - 100
- 101 - 200
- 201 - 300
- ◆ Park City HSI Significant Site
- ★ Park City HSI Landmark Site
- GeoReplica.DBO.Address

Averages	SF	FP
within 100' radius	2,553	1,546
within 200' radius	2,517	1,569
within 300' radius (overall)	2,399	1,508
Overall historic (300' radius)	1,553	1,397

Exhibit E - Sample Neighborhood Compatibility Analysis

109 Woodside Avenue Neighborhood Compatibility Analysis

Address	Parcel no.	Acres*	Historic site	Living Area*	Basement Area*	Attached Built-in Garage Area*	Unattached Improvements*	Total Square Footage (SF)	Maximum Footprint (FP) Allowed per LMC
115 WOODSIDE AVE	PC-399	0.05		1,080	417			1,497	964
133 WOODSIDE AVE	PC-401	0.09	significant	1,836				1,836	1,573
139 WOODSIDE AVE	MLCH-A-AM	0.06	significant	1,943	712	503		3,158	1,128
145 WOODSIDE AVE	MLCH-B-AM	0.06		2,509		529		3,038	1,128
149 WOODSIDE AVE	PC-404	0.04	significant	675				675	790
157 WOODSIDE AVE	PC-406	0.04		2,306	458	320		3,084	790
171 WOODSIDE AVE	HARDING-1	0.09		2,043	1,320			3,363	1,573
5 KING RD	PC-645	0.05	significant	1,168				1,168	964
6A KING RD	KR-B2-AM	0.05		1,554		472		2,026	964
6B KING RD	KR-B1-AM	0.04		1,391		461		1,852	790
14 KING RD	KR-A	0.06		1,518		473		1,991	1,128
15 KING RD	10-DALY-1AM-2	0.10		1,768	1,117	473		3,358	1,705
33 KING RD	LEC-1	0.13	landmark	899			175	1,074	2,060
39 KING RD	PC-685	0.10	landmark	674			189	863	1,705
41 SEVENTH ST (KING R	PC-684	0.08	significant	1,925	560			2,485	1,433
52 KING RD	52-KR-1	0.13		3,112	596	506		4,214	2,060
NO ADDRESS	PC-678	0.24	landmark	790				790	2,905
55 KING RD	ANCH-2-2AM	0.27		2,318	1,313	708		4,339	3,037
68 KING RD	PC-711	0.07		2,183	684			2,867	1,285
69 KING RD	PC-681	0.14	landmark	819			288	1,107	2,165
74 KING RD	PC-722-A	0.11	landmark	1,228				1,228	1,830
81 KING RD	ANCH-4-2AM	0.11	significant	1,382				1,382	1,830
10 DALY AVE	10-DALY-1AM-1	0.13	significant	2,218	597	406		3,221	2,060
17/19 DALY AVE	DALY AVENUE COM	0.12		4,620				4,620	1,948
24 DALY AVE	PC-648	0.07	significant	1,022				1,022	1,285
25 DALY AVE	PC-603	0.07		2,110	824	461		3,395	1,285
32 DALY AVE	EMPIRE CANYON C	0.09		4,357				4,357	1,573
37 DALY AVE	PC-603-A	0.10		2,907		369		3,276	1,705
40 DALY AVE	EMPIRE CANYON C	0.90		4,365				4,365	2,166
48 DALY AVE	EMPIRE CANYON C	0.90		4,365				4,365	2,166
56 DALY AVE	EMPIRE CANYON C	0.90		4,468				4,468	2,166
62 DALY AVE	62-DALY-A	0.06		1,339	406			1,745	1,128
68 DALY AVE	PC-652	0.05		1,521				1,521	964
109 MAIN ST	PC-209	0.01	significant	496				496	213
115 MAIN ST	PC-210	0.03	significant	894				894	607
122 MAIN ST	CLTR-1	0.04	significant	978	624			1,602	790
140 MAIN ST	PC-245	0.05	landmark	990	1,024	246		2,260	964
104 PARK AVE	PC-233	0.03	significant	791	791			1,582	607
121 PARK AVE	PC-3-X	0.67	landmark						
145 PARK AVE	PC-4	0.06	significant	1,758	1,234			2,992	1,128
151 PARK AVE	PC-5	0.04		1,858	867			2,725	790
157 PARK AVE	157-PA-14A	0.06	landmark	947		240		1,187	1,128
105 NORFOLK AVE	DEGRAY-1	0.17		3,773	1,088			4,861	2,442
113 NORFOLK AVE	PC-724-A	0.10		3,425		385		3,810	1,705
124 NORFOLK AVE	PC-410-411	0.11		2,000	1,114	350		3,464	1,830
125 NORFOLK AVE	PC-718-C-3	0.17		2,001			301	2,302	2,442
130 NORFOLK AVE	PC-401-A	0.06		2,987	865	525		4,377	1,128
143 NORFOLK AVE	PC-719	0.11	landmark	788			79	867	1,830
150 NORFOLK AVE	PC-402-A	0.09		1,024	1,024			2,048	1,573
152 NORFOLK AVE	PC-403-A	0.04		934				934	790
156 NORFOLK AVE	ROSS-2	0.06		2,052		482		2,534	1,128
164 NORFOLK AVE	PC-407	0.04	significant	1,589	517	264		2,370	790
41 SAMPSON AVE	DON-1	0.11	landmark	908			150	1,058	1,830
115 SAMPSON AVE	PC-718-1	0.18	significant	784				784	2,523
121 SAMPSON AVE	121-1	0.15		927	927			1,854	2,263
131 SAMPSON AVE	GATCH-ALL	0.14		1,359	1,234	626		3,219	2,165

Street Average	SF	FP
Woodside Avenue	2,041	1,117
King Road	2,305	1,637
Daly Avenue	3,245	1,819
Main St/Park Avenue	1,547	777
Norfolk Avenue	2,658	1,566
Sampson Avenue	1,687	1,568

Averages	SF	FP
within 100' radius	2,553	1,546
within 200' radius	2,517	1,569
within 300' radius (overall)	2,399	1,508
Overall historic (300' radius)	1,553	1,397

*Source: Summit County, Public Records, EagleWeb (Property), Retrieved by Francisco Astorga, Park City Planning Dept. April 2011