

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 Whetstone 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 form 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 agrees 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 Hontz 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: _____