



**AGENDA**

<b>MEETING CALLED TO ORDER - 5:30 PM</b>		<i>pg</i>
<b>ROLL CALL</b>		
<b>ADOPTION OF MINUTES OF APRIL 25, 2012</b>		5
<b>ADOPTION OF MINUTES OF MAY 9, 2012</b>		87
<b>PUBLIC COMMUNICATIONS</b> – <i>Items not scheduled on the regular agenda</i>		
<b>STAFF AND BOARD COMMUNICATIONS/DISCLOSURES</b>		
1825 Three Kings Drive, Silver Star – Parking update		119
<b>CONTINUATION(S)</b> – <i>Public hearing and continuation as outlined below</i>		
Richards/PCMC Parcel – Annexation Petition	PL-12-01482	
<i>Public hearing and continuation to June 27, 2012</i>		
30 Sampson Avenue – Steep Slope Conditional Use Permit	PL-12-01487	
<i>Public hearing and continuation to June 27, 2012</i>		
543 Woodside Avenue – Steep Slope Conditional Use Permit	PL-12-01507	
<i>Public hearing and continuation to June 27, 2012</i>		
80 Daly Avenue – Plat Amendment	PL-12-01488	
<i>Public hearing and continuation to June 27, 2012</i>		
200 Ridge Avenue – Plat Amendment	PL-10-00977	
<i>Public hearing and continuation to a date uncertain</i>		
573 Main Street, Claimjumper – Plat Amendment	PL-10-01105	
<i>Public hearing and continuation to June 27, 2012</i>		
<b>REGULAR AGENDA</b> – <i>Discussion, public hearing, and possible action as outlined below</i>		
14 Silver Strike Trail, Belles at Empire Pass – Amended Record of Survey	PL-12-01527	127
<i>Public hearing and possible recommendation to City Council</i>		
2700 Deer Valley Drive #B-202 – Amendment of Record of Survey	PL-12-01513	143
<i>Public hearing and possible recommendation to City Council</i>		
7700 Marsac Avenue – Subdivision	PL-10-01070	163
<i>Public hearing and possible recommendation to City Council</i>		
7700 Marsac Avenue – Condominium Conversion	PL-10-01071	175
<i>Public hearing and possible recommendation to City Council</i>		
2175 Sidewinder Drive, Prospector Square – Amended Record of Survey	PL-12-01522	189
<i>Public hearing and possible recommendation to City Council</i>		
<b>ADJOURN</b>		

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.



## **MINUTES – APRIL 25, 2012**



**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
APRIL 25, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel, Thomas Eddington, Matt Evans, Mark Harrington

**WORK SESSION ITEMS**

**200 Ridge Avenue – Plat Amendment**

Planner Matt Evans reviewed the application for the 200 Ridge Overlook Subdivision. He noted that the background section of the Staff report contained a detailed summary of the minutes from the September 22, 2012 Planning Commission meeting. He also handed out summary notes from 2007 that were not included in the Staff report.

Planner Evans reported that the Planning Commission has reviewed this application at previous meetings. The Staff report contained an analysis of each lot. Planner Evans noted that the Staff report outlined issues for discussion that were concerns for the Planning Commission during the last review in September 2010.

Planner Evans stated that the applicant would like to move forward with the last proposal for six lots on Ridge Avenue. He pointed out that the issue over widening the street needs to be addressed with the City Engineer because he has concerns regarding that street. Planner Evans requested that the Planning Commission discuss how Ridge Avenue would function. He understood that past sentiment by the Planning Commission was to keep the street narrow. The City Engineer had not provided official input; however, based on his comments, Planner Evans did not believe the City Engineer shared their sentiment. It was noted that the City Engineer was not in attendance this evening.

Commissioner Strachan referred to the Analysis section of the Staff report and asked for clarification of Subparagraph F, which read, "Establish Development review criteria for new Development on Steep Slopes. He recalled that subparagraph F in the Management Code talks about mitigating the impacts on the mass and on the environment. Commissioner Strachan questioned whether it was a typo in the Staff report.

City Attorney Harrington remarked that the language in the Staff report was not a typo, but it was incomplete. An additional phrase states, "...which mitigate impacts of mass and scale and environment".

Jason Gyllenskog, representing the applicant, was available to answer questions.

Chair Wintzer stated that he had visited the site again today. Whether it is three lots or six lots, he needed to be convinced that a house could be built that meets the Code and has access on to the street, before he would be willing to create a lot that could potentially be a substandard lot that would allow someone to come back with a hardship.

Mr. Gyllenskog stated that since the last meeting, Gus Sherry with Cannon Engineering put a box of a house on each of the six lots proposed. He had submitted cross sections showing the lots and

box houses to show that it would meet the new LMC changes. Planner Evans stated that the cross sections were not included in the Staff report because he had inadvertently provided the wrong attachment. Planner Evans had seen the visual analysis Mr. Gyllenskog talked about and it was just boxes without any articulation or design.

Commissioner Hontz remarked that the purpose of the entire Land Management Code includes “to enforce and promote public health, safety and welfare”. The only reason Ridge Avenue is currently a viable street is because there are no structures and no homes use that road for primary access. Commissioner Hontz stated that Ridge Avenue cannot support the number of vehicle trips per day that six lots would generate. The point of the HRL District is to reduce density that is accessible only by substandard streets so the streets are not impacted beyond their reasonable carrying capacity. Commissioner Hontz remarked that regardless of the City Engineer’s comments to Staff, the current Streets Master Plan indicates that this particular street, in this section, should remain narrow. She questioned why the City would go through the process of trying to acquire a right-of-way for a development for other people to build on. That was referenced in the Streets Master Plan, which has worked since 1984. In addition, the Streets Master Plan says that Ridge Avenue can be used as an alternate route for streets such as Sampson, Upper Norfolk, King and Daly in an event of an emergency, but it is not meant to carry a significant amount of traffic.

Commissioner Hontz noted that the minutes from previous meetings indicate the number of times that the Planning Commission has said no to this proposal. She previously questioned whether the three lots that were approved were supportable by the existing width and condition of Ridge Avenue. Commissioner Hontz stated that the HRL requires the protection of significant vegetation. This particular site has amazing Cottonwood trees that in 2007 Steve Deckert identified as being important to save.

Commissioner Pettit disclosed that she lives on Daly Avenue and has very good insight as to how Ridge Avenue is utilized year-round. From her personal observation, she completely agreed with Commissioner Hontz. Adding one additional home on that road would have a major impact on traffic flow, particularly in an emergency situation. Based on the Code requirements and the role and responsibility of the Planning Commission, she could never support six homes on that road. She was part of the original approval process and she felt that approving three lots was pushing it. In spite of their past comments, they continue to see them same thing. From her perspective the answer was still no for all the reasons stated.

Mr. Gyllenskog agreed that this was the second work session, but he could not recall ever being told no. The six lot application has only been reviewed at a regular meeting twice. A positive recommendation was forwarded to the City Council for six lots once, and another time for three lots. Mr. Gyllenskog pointed out that those were the only two times this application was addressed outside of work session.

Commissioner Pettit agreed that the Planning Commission has not said no through a formal vote, but their sentiment that six lots were too many was made clear in their comments at the last meeting.

Mr. Gyllenskog stated that they heard that sentiment and based on their comments they tried to

address some of their issues and concerns. One was whether they could build on that flat area, and the answer is yes. Could they build to meet Code, the answer is yes. Mr. Gyllenskog noted that they have to live by the LMC and HRL defines the size. Per the LMC, six lots are allowed. Mr. Gyllenskog stated that currently there are 21 full and partial lots, so they are definitely reducing density.

Commissioner Pettit stated that six lots may be a reduction, but it was not enough, and that is within their purview. She clarified that the Planning Commission also has the ability under the LMC to reduce lot size and house size for compatibility with other structures in the HRL and the HR1 District. At this level the Planning Commission has the ability to match up the property owner's expectation with their responsibility under the Land Management Code. This process was an effort to find common ground.

Commissioner Thomas remarked that that three lots were better than six lots for all the reasons and impacts stated.

Commissioner Strachan could see nothing different today from what they saw in September of 2010. The concerns he had with Sections A and F as referenced in the minutes, particularly regarding mitigating impacts of size, mass, and the environment had not been mitigated. Until the applicant could show that a significant amount of dirt would not be excavated from the side of the hill and that the vegetation would not be disturbed, they were in the same place they were in 2010.

Mr. Gyllenskog thought it was unfortunate that the Planning Commission did not have the cross sections that were prepared by Cannon Engineering. As a builder he was certain that there would be significantly less excavation on these sites by building on the flat section than there would be if he built on a completely flat lot and excavated for a basement. As proposed, building would start at ground level in the flat section and go up. Commissioner Strachan recalled that at the last meeting he requested estimates of cubic yards of dirt that would be excavated, and comparing it to slopes that are different angles and not as steep. Mr. Gyllenskog stated that he could provide those numbers easily and show the comparison between building on the flat portions versus building on a flat lot and digging out a basement. Commissioner Strachan replied that until he had that information his position was the same as two years.

Commissioner Savage stated that since he was not present for the 2010 discussions he did not have the same history as his fellow Commissioners. He understood that at one point there was a 6 lot proposal that was converted to 3 lots; and the applicant was now trying to go back to six lots. Commissioner Savage felt the question was what the LMC dictates as it relates to the property rights associated with those particular parcels. He was respectful of all the comments made by the other Commissioners regarding impacts and how they can be mitigated; however, he thought the applicant's proposal falls within the purview of what should be allowed on that site based on his current understanding.

In terms of the life safety issues, Chair Wintzer thought there was a big difference between six cars backing out of a driveway onto a substandard road versus three cars backing out. He believed that was the crux of what the majority of Commissioners were saying. Six lots create greater impacts and make the road even more substandard.

Commissioner Pettit point out that it would only take one car or one delivery truck parked on the road to make Ridge Avenue impassable under its current condition. Mr. Gyllenskog agreed that Ridge Avenue is a substandard road, which is why the HRL designation is the over zone of that. However, the same situation occurs on Ontario, Prospector and other areas that are zoned HRL, and those streets have significantly more houses than Ridge Avenue. Chair Wintzer did not believe any of the streets Mr. Gyllenskog mentioned were as narrow or as dangerous as Ridge Avenue. Mr. Gyllenskog replied that the roads were compared in their first proposal and the other streets have sections that are just as narrow.

Chair Wintzer remarked that Ridge Road is two feet away from a cliff on a narrow road; and that creates a different image in your mind that a narrow road on a flat surface. For that reason alone he felt Ridge Avenue was more substandard and dangerous than any other street.

Commissioner Hontz stated that in her opinion this proposal was not a reduction in density from 21 lots. She pointed out that that many of the lots are 8' x 2' and others are 20' x 40' and those parcels are not buildable. They would have to be combined in order to create a buildable lot. Commissioner Hontz remarked that if you add up all that area, as well as vacated Anchor Avenue and the space that includes the platted right of way for Ridge, it brings it up to a certain amount of space that could be converted and made into HRL. She outlined the formula she used to come to that conclusion.

Mr. Gyllenskog asked if Commissioner Hontz was saying that those were not real lots as recorded. Commissioner Hontz replied that they were platted lots of record. Under the HRL, they were undevelopable as individual platted lots of record. Mr. Gyllenskog stated that a certain portion of those lots would be buildable with a variance. Commissioner Hontz welcomed a variance application.

Director Eddington believed the applicant had sufficient direction to move forward. Mr. Gyllenskog requested that the Planning Commission be given the information prepared by Cannon Engineering so they could see that the lots are buildable. He understood that the Planning Commission did not support six lots; however, he needed to pass on that information to his investment partner since he was the ultimate decision maker. He would either come back with a different proposal or request a vote on six lots.

Commissioner Savage asked who would be the arbiter on matters of public safety, health and welfare concerns. If it was previously decided that Ridge Avenue was safe enough for three lots, he wanted to know who determines if it becomes unsafe with four lots. City Attorney Harrington stated that the determination is made through planning decisions that the Planning Commission is charged with making, and that determination could be passed along with their recommendation. He noted that the decision has to be based on recorded evidence and not just speculation; however, evidence can also be personal observation and experience, as well as information provided by the Staff or the applicant. The Planning Commission has to weigh those various aspects to balance out their decision.

Commissioner Savage encouraged the applicant to take that into consideration as they move towards the next step.

The work session was adjourned.

DRAFT



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
APRIL 25, 2012

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Matthew Evans, Planner; Francisco Astorga, Planner; Mark Harrington, City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Wintzer called the meeting to order at 6:15 p.m. and noted that all Commissioners were present.

**ADOPTION OF MINUTES**

March 14, 2012

Commissioner Hontz noted that a statement she had made was not reflected in the minutes and because she felt it was important, she amended page 17 of the minutes to include her statement, **Understanding that questions regarding the General Plan and annexation were outside the purview of the IBI Group, Commissioner Hontz asked if a representative for the applicant was present to address those questions. She was told that no other representative was present.**

MOTION: Commissioner Pettit moved to APPROVE the minutes of March 14, 2012 as amended. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously by the Commissioners who had attended the meeting on March 14<sup>th</sup>. Commissioner Savage abstained since he was absent from that meeting.

April 11, 2012

MOTION: Commissioner Strachan moved to APPROVE the minutes of April 11, 2012. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously by the Commissioners who had attended the meeting on April 11<sup>th</sup>. Commissioner Pettit abstained since she was absent from that meeting.

## **PUBLIC INPUT**

There were no comments.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Commissioner Thomas commented on the project that was juried on Iron Horse Drive. Twelve students from the U of U graduate school of Architecture presented concepts for a hypothetical project in Park City. He has championed this for a long time and it was exciting to see it occur. Commissioner Thomas noted that three of the presenters would attend the Planning Commissioner work session on May 9<sup>th</sup>. He requested that the public be notified because it was a worthwhile effort and it was fun to see something outside of the box. Commissioner Thomas thanked Charlie and Mary Wintzer for making their property available for this project.

Director Eddington reported that the joint meeting with the Snyderville Basin Planning Commission was scheduled for Wednesday, May 30<sup>th</sup> at 6:00 p.m. The plan was to utilize someone from Envision Utah to facilitate that meeting as a general regional information provider.

Director Eddington stated that a joint meeting with the City Council was scheduled for Thursday, May 31<sup>st</sup>. Charles Buki would give his balanced growth report that evening.

Chair Wintzer stated that he would be out of town for both joint meetings.

## **CONTINUATION(S) – Discussion, Public Hearing and Possible Action**

### **200 Ridge Avenue – Plat Amendment** **(Application #PL-10-00977)**

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

MOTION: Commissioner Pettit moved to CONTINUE the 200 Ridge Avenue plat amendment to May 23, 2012. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

## **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

### **1. 573 Main Street & 564/572 Park Avenue – Plat Amendment** **(Application #PL-10-01105)**

Planner Francisco Astorga handed out copies of public input he received after the Staff report was prepared.

Planner Astorga introduced the applicant's representatives; Andrew Moran with Evergreen Engineering, Jonathan DeGray, the project architect and Joe Rona, legal counsel representing the applicant.

Planner Astorga reviewed the application for a plat amendment at 573 Main Street. He presented a copy of a survey of what used to be known as the Claim Jumper Site at 573 Main Street. The property owner also owns the three Park Avenue lots towards the rear. The plat amendment combines seven lots of record and a portion of two lots into three lots of record. Planner Astorga presented the County plat map and the zoning map, which showed the subject area.

Joe Rona, representing the applicant, stated that he learned that day that Joe Tesch was representing several neighboring lot owners who had concerns with this plat amendment. Mr. Rona remarked that in the spirit of being good neighbors, the applicant felt it was more appropriate to try and work with the Mr. Tesch and his clients to address the concerns and try to resolve them before moving forward with the Planning Commission. Mr. Rona requested that their presentation be continued to another meeting to allow the opportunity to work with the neighbors. Since this was scheduled for a public hearing, Mr. Rona suggested that the Planning Commission could hear public input this evening.

Chair Wintzer opened the public hearing.

Joe Tesch concurred with Mr. Rona. He explained that the intent was to have joint meetings with the Planning Staff in an effort to come to some agreement. Mr. Tesch clarified that as citizens, his clients were happy about the Claim Jumper and believed the applicant was doing the right thing. However, they had concerns regarding neighborhood impacts and impacts to Old Town in general.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the plat amendment for 573 Main Street and the public hearing to May 23, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Chair Wintzer thanked Mr. Rona and Mr. Tesch for their willingness to resolve the issues outside of the public meeting.

2. **7700 Marsac Avenue - Subdivision**
3. **7700 Marsac Avenue - Condominium Conversion**

Planner Matt Evans reported that the applicant was requesting to continue these items to the May 9, 2012 meeting. Two owners are associated with this particular property and after relooking at

the plans, one of the owners wanted to tweak the proposal. The Staff was comfortable with the requested continuance.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 7700 Marsac Subdivision and Condominium conversion applications to May 9, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

#### **4. Quinn's Junction Partnership - Annexation**

Planner Whetstone reviewed the request to annex 29.55 acres of undeveloped land into Park City, located at the southwest quadrant of SR248 and US40. She presented items that the Planning Commission had requested at the last meeting, which included the Annexation Declaration Boundary Map. Planner Whetstone also provided a redlined map showing the annexation declaration boundary, and noted that everything to the west of the line was planned annexation. The map did not include the Park City Heights city limits, which was below the studio project. Planner Whetstone presented another map showing the context and a massing study, which was amended to tie in the buildings with the visual analysis showing the stepping and the building articulation and layout from several locations.

Planner Whetstone noted that this project was unique because it was tied to a settlement agreement and an annexation agreement that was entered into by the City Council and the applicant. Planner Whetstone remarked that the Planning Commission had provided good direction regarding General Plan compliance; however, due to the unique situation, the Master Planned Development was attached to the annexation, which made the decisions more difficult. She stated that in looking at the actual parcel, it was clear that the property should be in Park City and the City should have control over this project and future projects and activities. It made sense for this property to be included within the annexation expansion area.

Commissioner Savage understood that the square shown on the map was the subject property. Planner Whetstone replied that this was correct. The green line on the map was the annexation boundary, which was determined when the annexation policy plan was written and incorporated into the Land Management Code. The area shown in red was the existing boundary, with the exception of Park City Heights. Commissioner Savage asked if Park City Heights was the only significant change that was not shown on the map for that area. Planner Whetstone answered yes.

Commissioner Savage indicated an area that he assumed would be an island of unannexed property. City Attorney, Mark Harrington, explained that there is a pending application for the area

to the west, which is the Osguthorpe area and the rest of the Gillmore area. An insert triangle would remain, but it is contiguous to County land to the east. It would not create an island; however, a peninsula inward to the City would be left out.

Planner Whetstone stated that after significant consideration, the Planning Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact and conclusions of law in the attached ordinance that the Staff had used to determine their recommendation. She noted that 37 conditions of approval were drafted in the ordinance that the Staff believed were appropriate for the master planned development. Most of the conditions relate back to the future conditional use permit. Any conditional use permit submitted would be compliant with the annexation agreement, the LMC, and the master planned development. Planner Whetstone stated that the Commissioners were given a packet prepared by the applicant which was the MPD. Another packet that was not provided to the Planning Commission contained 50 pages of documents that the Commissioners had seen in previous submittals.

Planner Whetstone requested that the Planning Commission review the conditions of approval in detail and make any amendments. She noted that the conditions addressed administrative CUPs, site planning, building layout and circulation, building massing, heights, articulation, architecture, parking, traffic mitigation, support uses, landscaping, lighting, fencing details, best management practices for storm water, access, special events and outdoor activities, trails, transit turnaround and bus shelters, grading, recycling conditions, LEED conditions, rooftop mechanicals screened, permanent power for the trailers, signs and utilities.

Doug Rosecrans with IBI Group and representing the applicant, reviewed the packet they had provided this evening. Page 2 of the packet outlined a list of changes that were made since the last meeting. Pages 12 and 13 showed the updated massing study. The trees were shrunk down to reflect what the initial plantings would be in reality. Page 14 was the same condition with the size of the trees reduced to show the screening they would provide. Page 17 was a view from US40 northbound. In response to a request by Commission Hontz, the white strip was darkened to make it less visible.

Mr. Rosecrans stated that pictures were taken of Park City Heights from the frontage road, as requested by Commissioner Savage. They were unable to go onto the property because it is private. Therefore, because the pictures taken were similar to the same view previously shown, they were not created as an exhibit for the revised packet.

Mr. Rosecrans referred to page 27 and noted that square footage was added to the snow storage plan to meet the Code requirement for 88,000 square feet of snow storage area. Page 28 responded to the request to estimate the number of acres of parking. He reported that the calculation was 8.33 acres of surface parking. The hotel underground parking was not included in the calculation. Page 31 was an updated transit plan. He noted that earlier a transit stop was added to the center of the parcel, but it was not reflected on the plan until this evening. On Page 39 one of the undesirable fencing images was removed. The images shown were ones the Planning Commission was willing to consider.

Commissioner Thomas asked for clarification of the sketches on page 149 of the Staff report. Planner Whetstone stated that she had hoped to have a new replacement sheet but the applicant had not provided that until this evening. She referred to page 2 of the packet handed out by the applicant, and noted that the area identified as long vehicle parking would be for trailers and longer vehicles. Planner Whetstone stated that the intent is to have 5+ feet of additional landscaping between the trellises and the long vehicle parking, which would add to the depth and screening and add ambiance for the trailers. The area would be striped for long vehicle parking and not available for individual parking spaces as originally shown on page 149. Planner Whetstone remarked that the Staff also requested that the applicant provide shade trees in the public parking area. Another item was to look into whether the applicant could receive permission from UDOT to feather the landscaping into the UDOT right-of-way.

Planner Whetstone requested that the applicant provide the notes and information that were missing this evening for the City Council meeting. Mr. Rosecrans stated that it would be provided.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Based on comments at the last meeting from individual Commissioners, the Staff had prepared findings of fact, conclusions of law and conditions for approval, as well as findings and conclusions for denial, for whichever way the Planning Commission would vote. If the majority of Commissioners supported forwarding a negative recommendation to the City Council, the motion could request that the conditions of approval be considered if the negative recommendation was overturned. The Planning Commission reviewed and revised the conditions of approval and findings as follows:

Chair Wintzer referred to Condition #9, and asked if reference to the west secondary access was the right direction; or whether it was south. Planner Whetstone replied that the correct direction was south.

Commissioner Hontz referred to Condition #1 which talked about amending the Official Zoning Map. She stated that in order for the Zone Map to be amended to have an annexation properly listed, an updated and accurate annexation plat must be provided. The annexation plat that was submitted was not recent and it did not tie into the fact that the adjacent property has already been annexed in. It also references old ownerships. Commissioner Hontz noted that the updated map would need to be submitted in order to have a complete application.

Commissioner Hontz referred to Condition #4 the references to an Administrative Conditional Use permit. She understood that it was the process but it was not consistent. She preferred that the language consistently say Administrative Conditional Use Permit. Planner Whetstone agreed, noting that the Staff had already identified the inconsistency.

In Condition #4, Commissioner Thomas referred to the sentence addressing his participation as a liaison in the CUP process relative to design and architecture. He requested clarification on his role as liaison and who he would be interacting with. City Attorney Harrington explained that Commissioner Thomas would interact with the Staff and report back to the Planning Commission as the liaison between the two. It was suggested that the language be revised to read, "Liaison with Staff."

Commissioner Hontz referred to Condition #5 and asked if they should include timing with regards to putting in the landscaping. Director Eddington stated that at the CUP level the Staff would require a phasing and construction plan for buildings and landscaping, and everything would need to be completed prior to the certificate of occupancy.

Commissioner Hontz referred to Condition #6 and recommended strengthening the language by replacing the word to with shall, to read "...and lighting design in zones **shall** comply with best lighting practices as recommended by the Dark Skies organization". She thought the current lighting standards were insufficient to accomplish the goals they have discussed.

Commissioner Hontz asked if the lighting ordinance was updated prior to the time this project was built, whether it would have to comply with the new code. Assistant City Attorney Harrington replied that it would depend on the timing of the submittal.

Commissioner Hontz noted that security fencing was not called out in either the annexation agreement or the settlement agreement in terms of amount of fencing. Therefore, she believed the Planning Commission could have more control over fencing. She was terrified by the amount of fencing and the nebulous understanding of it. Commissioner Hontz stated that in reducing the amount of parking, the amount of fencing should also be reduced. She thought the fencing could be eliminated from below Buildings 7A, 7 and around and over.

Commissioner Hontz recommended that they strike the last sentence in Condition #7, which gave the owner latitude for having taller security walls.

Chair Wintzer asked if Commissioner Hontz was concerned with the amount of fencing or what it could look like. Commissioner Hontz replied that it was both. Chair Wintzer stated that the language could be amended to say, "Security fencing would follow the phased parking plan, if amended." Therefore, if the parking is reduced, the fencing is reduced. Commissioner Hontz agreed with that to address her first concern. She believed that striking the last sentence would help alleviate her second concern; and the details of the fencing could be negotiated under the CUP. Commissioner Thomas thought it was appropriate to strike the last sentence.

Commissioner Hontz referred to Condition #8 and preferred that the language indicate that the applicant is allowed one ingress/egress access point from the site per the agreements. As the project is being built, they can come back to the City to demonstrate why another access would make the project better. Commissioner Hontz was uncomfortable putting the decision on to UDOT because they do not have concern for the well-being of the community. The purpose of this exercise is to gain local control, and she could not understand why they would pass it off again.

City Attorney Mark Harrington noted that the condition as written incorporates the current Corridor Preservation Agreement which limits access to one point. Commissioner Hontz understood that the Corridor Preservation Agreement was through UDOT. Mr. Harrington replied that it was through the City; however, any amendment would need to be approved by the City and UDOT.

Commissioner Hontz referred to Condition #15, the 8<sup>th</sup> line, "The Planning Commission hereby approves the Staff's parking analysis including reductions for shared parking as well as support uses from the number of 957 to 668, based on the information provided with the MPD..." For better clarification, she suggested including the words, from 957 to 668 **total parking spaces**.

Commissioner Pettit stated that this condition of approval goes with the ordinance and the Planning Commission would not be approving the initial parking analysis. City Attorney Harrington agreed that there was a lack of clarity in the language because the Staff and the applicant were still proposing different numbers. The Staff provided their best analysis based on the information given to date. The condition should be clear that regardless of whether this moves forward with a positive or negative recommendation, the Planning Commission wanted a reduction in parking to at least what the Staff recommended in their analysis, and adjusting that number 20% either way based on data as the project moves forward.

Commissioner Hontz remarked that in addition to the number of parking stalls, the Planning Commission wanted a reduction in the actual impervious surface. Commissioner Thomas suggested revising the language to say, 668 or less parking stalls. Commissioner Hontz did not want the applicant to have the ability to decide up to 20% either way. If they want additional parking they should have to come back to the City with that request.

Chair Wintzer wanted the Staff to tie square footage to the number of parking stalls. He would not want the applicant to think they could leave the hard surface as long as it was not striped.

Commissioner Savage wanted to know why the Staff calculation of 668 parking spaces was so different from the 886 total stalls the applicant was proposing. He asked if the Staff calculation included the underground parking. Planner Whetstone answered yes. City Attorney Harrington explained that the Staff had done a preliminary analysis based on their assumption of the uses inside the building and the buildings that would have shared uses, and applied that under the parking ratios of the LMC. That calculation came up to 668 parking spaces. The applicant had not yet agreed with the Staff number, which is why it was addressed in a condition of approval.

Commissioner Savage asked if he was correct in assuming that there were very few significant discrepancies between the MPD application and the conditions of approval. City Attorney Harrington believed that parking was the primary discrepancy.

Commissioner Worel wanted to know how they would address the impervious area. Chair Wintzer did not think it was necessary to put the actual language in Condition #15. The Planning Commission could recommend that the Staff tie the number of parking stalls to a square footage of impervious surface, and let the Staff calculate the number.

Director Eddington stated that the Staff would tie the 668 total number of parking spaces to the phasing and assign a square footage.

Commissioner Strachan thought the language in Condition #15 was fine, but the 20% should be tied to the square footage of surface and not the number of stalls. Commissioner Pettit suggested that they strike the language, Planning Commission hereby approves, and build into the condition of approval what the applicant can and cannot do.

Commissioner Worel returned to the fencing issue in Condition #7. If they phase parking, she asked if they also needed to phase the security fencing. Chair Wintzer believed the issue had been addressed with the revised language in Condition #7 stating that the security fencing would match the phased amount of parking. The fencing would shrink or grow with the parking plan.

Commissioner Pettit referred to Condition #30, which specified the use of PV Solar panels to generate the power for heat melt and such systems. Given the variety of different technologies available, she preferred to add, "...or other renewable energy resource to generate the power for such systems". Commissioner Pettit was concerned with the wording, "technically and economically reasonable feasible".

Commissioner Thomas stated that research has shown that PV panels and ground source heat pumps may not be a great option long term because of the impacts that occur. He noted that the City could not force the applicant into technology that may not be safe or practical. He suggested that they eliminate the reference to heating surfaces completely. Mr. Rosecrans stated that there were no specific plans for heat melt at this time, but that could change. Commissioner Pettit questioned whether the Planning Commission had the purview to prohibit heated surfaces. Chair Wintzer thought they should let the City Council make the decision. Commissioner Pettit proposed to revise the language in Condition #30 to read, "Areas of plazas, pedestrian walkways, patios etc., **shall not be** heat melted."

Commissioner Pettit thought Condition #33 had a similar issue in terms of building and the use of some type of renewables. The condition specified the use of solar PVs. Commissioner Pettit recommended eliminating solar PVs and revised the condition to read, "Permanent power shall be provided for the trailer parking area and the applicant shall **use best efforts to use solar or other renewable energy resource if technically and economically feasible**".

Commissioner Worel was concerned that there was no penalty for abandoning the project for whatever reason after construction had started. City Attorney Harrington explained that bonding is required by the Building Department and the bond varies depending on the plan. Commissioner Pettit shared Commissioner Worel's concern, particularly since the project is in the entry corridor. Commissioner Thomas asked if there was a way to reinforce the bonding for the landscaping and berming along the edge.

City Attorney Harrington suggested adding Condition #38 to state that as part of the construction plan, the bonding shall sufficiently address revegetation of the site and berming along the edges if the project is not completed.

Chair Wintzer suggested that the Staff find a way in the phasing plan to make sure that as the project moves forward the berms are put in and landscaped in a timely manner. Planner Whetstone agreed and thought it should be addressed as a finding of fact.

Planner Whetstone noted that Condition #37 addressed concerns raised at the public open house regarding future uses in the neighborhood.

Commissioner Strachan referred to Condition #37 and added language to the end of the first sentence to read, "...such approval should not be considered precedent for future zoning amendments **or annexation petitions** to this or neighboring properties in the Quinn's/CT zone area." He wanted it clear that any other annexation petition should never be decided in any way other than whether it comports with the General Plan.

Condition of Approval #39 was added to prohibit woodburning devices on the property.

The Planning Commission reviewed the findings for a negative recommendation.

Commissioner Savage asked if the findings of fact for a positive recommendation that were discussed at the previous meeting were incorporated into the conditions. Mr. Harrington replied that they were included in the ordinance itself. If the majority of the Commissioners vote to forward a negative recommendation, it would be done in accordance with the findings of fact on page 121 of the Staff report. Mr. Harrington explained that if the majority of Commissioners voted to forward a positive recommendation, those who dissent could still reference the findings for a negative recommendation as the basis for their vote and ask that those be considered by the City Council.

Commissioner Savage clarified that neither the findings for a negative recommendation or the conditions for a positive recommendation were meant to imply a consensus position of the Planning Commission. He was told that this was correct.

City Attorney Harrington stated that one option would be for the Planning Commission to take a straw poll to see where the majority was leaning, and then discuss the appropriate findings based on that outcome.

Commissioner Strachan disagreed with the idea of a straw poll. He preferred to review the findings first because the discussion could influence a Commissioner's decision.

Commissioner Strachan thought Finding of Fact #2 for a negative recommendation was poorly written and it was difficult to understand. In his opinion, the finding did not make sense. He thought the finding should be stricken, unless someone could explain what it meant.

Commissioner Savage interpreted the finding to mean that the primary reasons for making a positive recommendation fall outside the purview of the Planning Commission. As a consequence, it is not their business to try and make decisions on the bigger picture. They should only focus on issues specific to the Land Management Code. Commissioner Strachan agreed with Commissioner Savage's statement, but he did not believe that was what the finding said.

Commissioner Pettit revised the finding to read, "The unique circumstances due to the County settlement agreement and some of the perceived vision of the "gets" are beyond the scope of the Planning Commission's authority in applying the Land Management Code and the City's General Plan". Commissioner Strachan thought that language was more understandable. After further discussion, Commissioner Pettit thought it would be appropriate to strike the finding completely. Commissioner Strachan stated that the Planning Commission should take the application and apply the General Plan to see if the two comport, and then make findings accordingly. He did not believe they should make findings about their perceived purview.

Commissioner Hontz stated that from the beginning, the framework that they continued to see in the Staff reports was that the Planning Commission should focus on the potential benefits of design control and that the City would be better at this than other entity. She rejected that idea primarily because how the LMC describes the role of the Planning Commission and what they are allowed to do is outside of the scope of what the City typically lets them do. The Planning Commission should not be able to ignore the Land Management Code or ignore or waiver the General Plan. The Planning Commission is supposed to operate within a small box and she was uncomfortable with the fact that this was even put on them. It was a responsible exercise for the Planning Commission to review the application since this body is where MPDs and Annexations are supposed to be reviewed. It was important to go through the process, but they were at the point where they needed to say absolutely not based on what they are and are not allowed to do. Commissioner Hontz was sorry she could not help the City Council in the possible benefit scenarios, but she felt obligated to do her job.

Commissioner Strachan stated that if the Planning Commission decided to forward a negative recommendation, he would suggest striking Finding #2 and strike the word However out of Finding #3. That would be part of the motion made to support the negative recommendation.

Commissioner Pettit withdrew the language she originally proposed for Finding #2 because after further thought she did not believe it was necessary. Everything that precedes it was the Planning Commission doing their job in terms of making findings as to whether it does or does not comply. Commissioner Pettit stated that an outside litigation settlement agreement and perceived benefits of taking ownership of the project should not matter in what the Planning Commission is assigned to do. She pointed out that the Commissioners have taken the position that it either complies with the General Plan or not. If it does not comply, other things that may be important to the City are not for the Planning Commission to decide.

Commissioner Strachan felt that Finding #3 was more of a recommendation to the City Council than an actual finding for the Planning Commission doing their job. He suggested that the Planning Commission could state on the record that they would like the City Council to consider all the conditions of approval that the Commissioners worked hard on over the past four meetings; but it was not a finding.

City Attorney Harrington stated that it would be appropriate for the Planning Commission to recommend that the conditions were necessary in order for the current proposal to be more compliant. He stated that typically they try to incorporate the integration either through a condition

or finding, but it could be incorporated into the motion. He noted that Finding #3 was a finding of the work that was done by the Planning Commission and the changes that were made, versus what was the original submittal. Mr. Harrington stated that if the intent is to acknowledge the record, a finding would carry more continuity and be incorporated into the record.

Commissioner Savage stated that regardless of the ultimate decision of the Planning Commission, he asked if it was reasonable to have a similar list of findings for a positive recommendation as part of the document. He was not convinced that the ordinance in a point by point basis conveys the same information as the negative recommendation. City Attorney Harrington replied that the Planning Commission had that ability; however the City Council has already put the annexation steps in process based on assumptions, and he did not believe they needed to be as forceful in an advocacy role for a positive recommendation.

Chair Wintzer asked if there was consensus to delete Findings #2 and #3. Commissioner Strachan thought they should delete Finding #2 and leave Finding #3 with revisions to remove the word However and the words based upon #2 above. Commissioner Strachan also recommended changing the word recommends to **notes**. If the Planning Commission chooses to forward a negative recommendation, it is important to send a clear message that the project was so far out of line with the General Plan that they could not come close to finding compliance; and that the City Council should think long and hard about whether to consider denying this annexation because it does not meet any goals of the General Plan. With the proposed revisions, Finding #3 would read, "Should the City Council determine to annex the property, the Planning Commission **notes** the conditions of Approval as included in the attached draft ordinance".

Chair Wintzer understood what Commission Strachan was trying to convey, and he agreed that it did not meet even one goal of the General Plan. However, he did not believe that meant that the City would be better off having the project occur through the County. Chair Wintzer was not ready to make that determination. Commissioner Strachan clarified that he was not going that far. He was only suggesting that they strike the word "recommend" and replace it with "notes" as a way to tell the City Council that the Planning Commission worked hard to come up with 39 conditions of approval that reflect their best efforts to polish this "turd", but they were not forwarding a positive recommendation to annex.

Commissioner Pettit agreed with Commissioner Strachan's comment about the use of the word "recommend". However, she suggested language stating that, "In order for the annexation petition and the MPD to be more compliant or closer with the LMC and General Plan, the Planning Commission notes the conditions of approval in the attached ordinance". She asked if that language was still too much endorsement. Commissioner Strachan remarked that using the words more compliant assumes that it was compliant in the first place.

Chair Wintzer stated that if the matter ends up in court, he would not be comfortable having the word "recommends" in the findings. He favored replacing it with "notes". The Commissioners concurred.

Commissioner Hontz stated that one thing she has learned while sitting on the Planning Commission is that she never says enough personally and they never say enough as a Planning

Commission. When she reads old minutes that reference either approvals or denials, they are helpful in trying to get a flavor for what people were thinking at that time and how they reached their decisions. She wanted it crystal clear that whether the project is developed in the County or the City, lawsuit or not, the proposed use does not fit the site. To take a County property that at most should have one unit of density in the entry corridor, she was devastated that it had come down to this. Commissioner Hontz stated that it never mattered to her how they were dealing with the situation, the issue was that it did not fit. There was never a grasping at straws moment when she looked at the ways it did not meet the General Plan or the things deficient in the LMC. In her opinion, nothing works and it did not make sense.

Commissioner Hontz commented on items that were required as part of the annexation, the MPD and the zoning, but were never submitted. An accurate annexation plat was never submitted. A report was provided on the assessed valuation of revenues versus costs and the tax consequences and impact of Summit County, but it was horrific and the information was never submitted to the quality and level required in the LMC. Commissioner Hontz pointed out that the wildlife study submitted did not meet the standards of the Code. In addition, wild fire or additional information required as part of the overlay was not provided.

Commissioner Hontz recalled mentioning that submittals were missing at the very first work session, and that the required information would need to be submitted in order for the application to be complete. She was told that due to the 90 day timing issue the materials did not need to be submitted. Commissioner Hontz read from page 2 of the Annexation Agreement, "Park City shall use all reasonable efforts to either approve or reject the QJP Annexation Petition within 90 days. If reasonable circumstances require additional time, such as QJP failure to provide legally required information, both parties shall..." She noted that the Planning Commission had the ability to lengthen out the process. Commissioner Hontz recommended a thorough review of the required information. She pointed out that some of the information may not seem important, but it is demanded by the Code and they demand it of every applicant. Commissioner Strachan noted that the Forensic County Report was included on page 146 of the packet from the first meeting on February 22, 2012.

Commissioner Hontz stated that part of the game of approval is to submit something subpar and then make the Planning Commission feel good about making the project look better. She was not fooled because this project would never look as bad as when it first came in. She was not willing to buy into the idea that they had even "polished the turd". What the applicant did was try to make the Planning Commission and the public feel that progress was made. Commissioner Hontz stated that at the end of the day she would feel good about her decision because she can tell future generations that she did her job and what she felt was right.

Commissioner Pettit stated that as a practical matter she understood why the City took the action it did. From the beginning of the process she struggled with how to get from that decision to where the Planning Commission has to apply the Code and make findings they could believe in. She recalled her initial comment at the first meeting that it would be a tough sell to get her to the point where she could embrace this project and support it. She appreciated that the applicant's representatives listened to the Planning Commission and worked with the Staff to make improvements in response to their comments and concerns. However, in spite of the changes,

she could not make findings that the project somehow complies with the General Plan and the LMC. Commissioner Pettit stated that she, too, would like to tell people 10 or 20 years from now that she did her job. It was not an easy decision and the Planning Commission tried to be sensitive to what the City Council faced and to the growing tension in that particular part of town. It is another entry corridor and she questioned whether they would be happy with some of what already occurred in that area, without adding this project. Commissioner Pettit stated that she would not be able to forward a positive recommendation for this use.

Commissioner Worel thanked the IBI Group for the work they did and for listening to the Planning Commission as the plan progressed. She thought it was unfortunate that there was not more public input in the process; and more unfortunate that the applicant chose not to attend even one meeting to provide input. Commissioner Worel felt that the Planning Commission was making important decisions without all the facts. She stated that the Planning Commission is charged with long-range planning for Park City, and in her opinion, part of that is the need to protect the entry corridors. They cannot provide that protection if they cannot control the corridors. Commissioner Worel noted that Goal 6 of the General Plan says that Park City should expand its boundaries when expansion helps to preserve gateway into the City. She remarked that this project was not what anyone would have chosen for the area, but it is what they were given. Commissioner Worel stated that part of the development area policy of the General Plan says to, "Design large scale commercial buildings and development to reflect traditional Park City patterns, as well as to support the mountain character and charm of Park City by making sure that new commercial development relates to the mining historical architecture in Park City". She recognized that this project was not there, but she felt they had made tremendous strides in the process and she had a lot of confidence in the talent of the Planning Department to continue the project in that direction.

Commissioner Worel stated that based on the conclusions of law in the ordinance, the application meets the requirements of the annexation policy plan and Quinn's Junction Study area, and the 2009 General Plan. She particularly liked Condition #37, which makes sure that approval would not be considered precedent in future zoning amendments to this or neighboring properties in the CT zone area.

Commissioner Worel had mixed feelings; however, she believed the Park City Planning Department could effectuate a far better result than the County. She would vote to forward a positive recommendation.

Commissioner Strachan stated that with General Plan projects he always asks himself if the project a) meets the requirements; and b) Knowing that everything in life is a compromise to some degree, whether you feel good about it at the end of the day. As a community representative on the Planning Commission, he needs to be able to defend his actions when he attends the next public event. He cannot defend this project. When the project is built and someone asks how it was ever allowed to happen, he would have to engage in a long explanation about a settlement agreement and an annexation petition, and why the Planning Commission forwarded a negative recommendation with conditions of approval. Commissioner Strachan believed a better answer for the person asking the question would be to say he voted against it because it did not meet the General Plan and because it was ill-conceived from day one. This project was nothing he would

want to have happen on his watch as a Planning Commissioner. Those are the reasons why you vote against projects. It has nothing to do with their hand was forced and this was the best they could come up with, or that the County would do a worse project. Commissioner Strachan stated that this project did not meet any of the goals in the General Plan or any of the visioning goals identified by the community. In his opinion, if built, it would be a disgrace to future generations. This project is not close to anything he could feel good about. He believed this was the time for the Planning Commission to draw a line in the sand and say that projects like this, in whatever form they come to them, would be denied if they do not meet the General Plan, the Land Management Code or the community desires. Commissioner Strachan stated if it ends up that the County builds this project, at least the Planning Commission did what the General Plan required them to do and they said no. He would vote to forward a negative recommendation.

Commissioner Savage stated that he spent a lot of time trying to think about the issues from both sides. It was hard to quantify but not to qualify. Going through the process he looked at it from the standpoint of a Planning Commissioner and a citizen. He was not willing to say that the County would do a worse job than the City; but if this project is going to be in Park City's front yard, he would like the opportunity to participate in the process that determines the outcome. Commissioner Savage remarked that his position was based on the assumption that this project is inevitable and it would be built in a gateway location. The City has the opportunity to condition the uses and he felt the Planning Commission has an obligation to support the City Council's ability to make things happen in a positive way. Commissioner Savage stated that his reference point was also what future generations might think. This is an opportunity to orchestrate a process through Staff to come up with a project that the City can be proud of as opposed to what might be achieved if they give the County total control. As a consequence of that analysis and looking at it from a bigger picture point of view, he would vote to forward a positive recommendation.

Commissioner Thomas remarked that he took an active role as an architect to participate with the IBI Group to improve the plans. He took issue with the concept of "polishing the turd" because the applicant came forth with a reasonable design given the massing they were trying to accomplish. He also believed the IBI Group made an honest effort to represent what was actually occurring and he did not believe there was any gaming involved. Commissioner Thomas stated that this was a difficult decision and he was certain that the project would move forward and be built. The question was whether they should positively affect it or negatively affect it. To some extent he was influenced by the fact that he shared in the design process. It bothered him to recommend changes that were adhered to and then vote against it. However, as a Planning Commissioner he has consistently adhered to the General Plan and it was clear that this project was absolutely inconsistent with the General Plan. Commissioner Thomas stated that he could not support this project based on the principles of the General Plan and he would vote to forward a negative recommendation.

Commissioner Thomas thanked his fellow Commissioners for their passion and objectivity.

Chair Wintzer appreciated the work that Commissioner Thomas and the IBI Group did to revise this project and make it better. He felt the Planning Commission was clear at every meeting that the process was backwards, since typically they talk about the General Plan before the design.

Chair Wintzer did not feel bad asking the applicant to make the change and then determine that it still did not meet the General Plan. The idea was to pass on as much information as possible to the City Council. He was not conflicted at all with the General Plan decision because the project did not meet any one of the goals. He agreed that regardless of their recommendation this project would be built, but the reasons for their decision would be on the record and possibly used in future litigations. Chair Wintzer pointed out that the City Council knew the Planning Commission's position on the matter from the beginning. If he had to break a tie vote, he would probably vote against it.

MOTION: Commissioner Pettit moved to forward a NEGATIVE recommendation for the Quinn's Junction Partnership Annexation in accordance with the proposed Findings of Fact and Conclusions of Law in the Staff report with the amendment to strike Finding #2 in its entirety, renumbering Finding #3 to Finding #2, and changing the new Finding #2 to read, "Should the City Council determine to annex the property, the Planning Commission notes the conditions of approval as amended and included in the attached draft ordinance". Commissioner Strachan seconded the motion.

VOTE: The motion passed 4-2. Commissioners Strachan, Thomas, Hontz and Pettit voted in favor of the motion. Commissioners Savage and Worel voted against the motion.

Chair Wintzer complimented the Planning Commission and the Staff on their efforts. It was an uncomfortable project and a lot of good work was done.

Mr. Rosecrans agreed with Chair Wintzer. He was disappointed with the vote, but he completely understood the reason. Mr. Rosecrans thought the plan was much better having gone through the process.

The Park City Planning Commission meeting adjourned at 8:00 p.m.

Approved by Planning Commission: \_\_\_\_\_





**TRANSCRIPT – APRIL 25, 2012**



VERBATIM TRANSCRIPT OF APRIL 25<sup>TH</sup> DISCUSSION AS REQUESTED BY THE  
PLANNING COMMISSION ON MAY 9, 2012

**Quinn's Junction Partnership - Annexation**

Planner

Whetstone:

All right. We're back with the Quinn's Junction Partnership and the request for annexation and zoning. This is a request to annex 29.55 acres of undeveloped land into Park City, located at the southwest quadrant of State Road 248 and US40. At the last meeting we got a lot of direction and a few items that the Planning Commission was interested in having. The Annexation Declaration Boundary Map. This is the entire map. This next one has been enacted on a number of pages. This redline is the annexation declaration boundary. Everything to the west of that line is shown on this plan. And I did go ahead and---and this does not have the Park City Heights City limits, which would be just below this project and come down right here on the map there. The area in the white box showing on your screen, that is the---so it's the green---on this map it's the green boundary, the annexation boundary. And so everything then to the west [inaudible]. So that was something that was requested.

This is a map showing the context and then you have the massing study. This was amended, the visual analysis, so I think you wanted them to tie the buildings in with the building diagram that showed the different buildings and heights. They tied it to this visual analysis showing the stepping and the building articulation in several locations; and the building layout. This one was also revised, I think, as well as the color, but I'll let--- the applicants can go into a little more detail on some of these.

I I'm just going to jump right in. There's kind of, there's been a lot of good discussion on this annexation and it's a little unique in that it's tied to a settlement agreement and an annexation agreement that was entered into by the City Council and the applicant. [Inaudible] is really unique and so we've got a lot of good direction on General Plan compliance and whether the---because of the unique situation with having the Master Planned Development attached to it really---well, not an easy decision. The actual parcel itself, I think, when you look at the map here, it's pretty clear, really, this property should be in Park City and should be under local control for this project and projects in

the future, activities in the future, administrative signs, lighting, you know, just a lot of different reasons. It does make, that's why it was included as being in the, within the annexation expansion area.

Commissioner  
Savage:

Could you go back to that previous slide for just a second? I wasn't able to follow when you went through this before. The square is, that's the subject property, right in there. That little tiny itsy bitsy triangular there?

Planner  
Whetstone:

Right, right. Right in there. And then the green line on this particular map is the annexation boundary. So this is the area that was determined when the annexation policy plan was written and incorporated into the Land Management Code.

Commissioner  
Savage:

And the red is the current, existing...

Director  
Eddington:

It's not quite current. There is a section right below that white box that includes PC Heights. This is an older version.

Commissioner  
Savage:

That's what I was wondering.

Director  
Eddington:

That is correct.

Commissioner  
Savage:

That would be different than that? Okay.

Planner  
Whetstone:

Yes, the red line should come up here and then following this green and then...

Commissioner  
Savage:

That's what I was trying to understand. Okay. Thank you.

Planner  
Whetstone: I'm sorry that we didn't get an updated version.

Commissioner  
Savage: So what we end up doing here is we basically end up with an island of unannexed property, is that correct?

City Attorney  
Harrington: No. Technically an island is a term [inaudible]. So you do have a pending application for the area to the west of the block, which is the Osguthorpe area and the rest of our Gillmore area and the area to the north. So what you have is an insert triangle that's remaining. It is contiguous to County land to the east so there it is not an island technically, but it's a peninsula inward to the City that's, that would be left out. Does that make sense?

Commissioner  
Savage: Yeah.

Planner  
Whetstone: Okay, so after a lot of consideration, the Planning Staff is recommending that the Planning Commission forward a positive recommendation to the City Council, and outlined in the ordinance that's attached to the Staff report, the various findings and conclusions that we used to come to our decision. We also provided about 37 conditions of approval that the Planning Staff feels are appropriate for the master planned development. Most of them do relate back to the future conditional use permit. We'll just make sure that any conditional use permit that is submitted is compliant with the annexation agreement, the Land Management Code, that there's not a conflict. Is compliant with the Master Planned Development, which will essentially be the---these packets, this last package that you got, and then one which you don't have, which is sort of, we call an appendices that's another 50 pages of documents that you've seen in previous submittals. So rather than make another 800 pages of this, Thomas has one we can pass this around. But this would then be the Master Planned Development packet that's referred to in the ordinance and in the conditions of approval.

And I just wanted to go through really quickly---we don't have to go through all the conditions. I would anticipate that if there were any conditions that you want to amend, let's look at those in detail. But I just wanted to run through these general conditions. Obviously admin CUPs, site planning, building layout and circulation, we had a lot of discussion about. The building massing, the heights, the articulation as identified in here, as well as being compliant with the Land Management Code. Your architecture, so we have a lot of precedent images and so beginning to look at some vernacular for this site. Parking, one of the conditions is requesting a detailed analysis at the time of the conditional use permit, because at this time we really don't have the---we know the uses but not so much the specifics that the Staff could really get down to an analysis. We did one and provided that number and then recommended a reduction in that for shared parking. So also requiring that the parking be phased and requiring some traffic mitigation, that they really look at that at the conditional use permit stage, with a shuttle, different hours of operations, support uses. If there's that many employees, 300 employees there, that those cafes and restaurants be available and open during the times that employees are there, especially during lunch, so they're not driving into town or somewhere to get lunch. A lot of discussion on landscaping, light, fencing details, Best Management Practices for storm water. And those are identified under [inaudible] and identified in the conditions more specifically.

Also, conditions related to access. There's the one main public access that is at the signalized intersection. And then coordination with UDOT and the Transportation Department and the Corridor Preservation Plan for any additional. The applicants have been working with UDOT. I don't think they're going to get the one to east. The one to the west they needed for fire access. There's already a process in place where--- amending anything other than the one access.

And also, as conditions of approval for special events and outdoor activities, noise ordinance, providing trails and bike racks when they construct the trail. Transit turnaround, bus shelters should be in before the CO's are issued for any of the buildings. And then grading, [inaudible]. Recycling conditions, LEED conditions, our

recommendation that PVs be used in any heat melt. Rooftop mechanicals are architecturally screened. That's something that I heard at the last meeting. I love that term. Permanent power for the trailers. PVs if that's---you know, we'd like that. A master sign plan will be required so there's a comprehensive sign plan for the whole site. And then all of that has to be in compliance with the Park City Sign Code, and additional sign permits would be permitted through the City if it's annexed. And then there's conditions regarding water and other utilities.

At this point I'm going to turn it over to, to Doug Rosecrans who is representing the owner, and he can go over some of the changes that have been made since the last meeting.

Doug Rosecrans  
IBI Group

Good evening. I'm here because Peter Pillman is gone somewhere, so I'll muddle through without him. On page 2 there's a list of the changes we've made since we were last in front of you. Page 12 and 13 is the massing study was updated looking southeast. We've shrunk the down to what we think would be more likely for the first initial. They are 20 feet tall instead of the taller ones that we talked about last time, so you can get a better feel more, a more realistic of how the trees will look when they initially go in. Page 14 is the same condition. We just reduced the size of the trees so you could see what they will and will not screen better. Page 17 is a view from US40 northbound. We, at your request, darkened the white strip. That was Commissioner Hontz's request so that you couldn't see it like you can see the, part of the storage units in the background. So we changed the color of that

And we did go out and look at the frontage road and Park City Heights. Couldn't get on the property, it's private property, took some pictures. But basically, and that was Commissioner Savage's request, it's the same view so we didn't create another one. It's so close to the same view that it really wasn't worth making another exhibit.

Page 27, the snow storage plan. We added some square footage to meet the Code requirement so there's 88,000 square feet provided. Page 28, the parking counts. You asked us to give you an estimate of how many square feet, how many acres of parking. Its 8.33 acres of

parking, and that is surface. We didn't include the hotel underground parking. So there is that number that you requested. Page 31 is an update of the transit plan. We added, two meetings ago, a transit stop in the center of the parcel, but we didn't update the plan until this time so you could see that they can come in and go out at the transit stop. And Page 39, we just took out one of the fencing images that nobody liked. And these are the fencing images that we now have. So we changed that. We put in some---added some sheets back in from earlier submittals so the submittal was complete. But basically you've seen everything.

Planner  
Whetstone:

And as you pointed out at the bottom, on the pages that says conceptual plan, there's a date. That date will be the date that you, that you saw that.

Doug  
Rosecrans:

You saw those. Yeah.

Planner  
Whetstone:

So there's another---obviously the 25<sup>th</sup> is now and then there's the 11<sup>th</sup>, and there's some March ones in there, too, so you can see all those.

Commissioner  
Thomas:

I'd just---I'm looking for you to clarify page 149 in the packet with the---of the sketches. The hieroglyphics in those.

Planner

Whetstone: Well we were hoping to have a new sheet here to replace this, but we didn't, didn't get it from the applicants. The Staff has talked about that area where they had removed the parking but left the paint. What we were, what we'd like---since that's going to be the trailer parking, if you look on page 2 of the packet that was just handed out to you, you can see that area where it's long vehicle parking. That's for the trailers and any sorts of longer vehicles. And that will be in the packet that was handed out at this meeting. So see that area where there's a---what we're hoping to have the five or more feet additional landscaping between the trellises and the long vehicle parking. Make that more---well it would add to the depth and the screening and it would put two

layers of landscaping in there, but also add to sort of the ambiance for the trailers. But then that area would be essentially striped for long vehicle parking. It would not be available for as many parking spaces as were originally shown on page 149 of the packet where our, those comments were. Those were comments that Doug and I talked about and went through the whole thing to get that page done. But it wasn't, there wasn't time. Then the other things on there were to provide some shade trees in this public parking. Or you could do three, four shade trees in there where you might have some compact spaces. You can provide shade trees in between parking and then you'll often times get a shorter stall that can be a compact stall. But you can provide shade trees within that parking so that was something the Staff was recommending. Then the other item on here was just to see if they could get permission from UDOT to feather the landscaping in a little bit to the UDOT right-of-way. Like you could start with some grasses and then move to some shrubs and get some trees on their property. If they could do that we'd get more than just a [inaudible] and be more against the edge of this property.

Chair

Wintzer:

Are these notes in your big packet that we haven't seen? I mean, do you incorporate this stuff into your big packet?

Planner

Whetstone:

I was hoping it would be in this big packet but it's---I would like them to provide it for the Council.

Chair

Wintzer:

So the answer's no right now?

Planner

Whetstone:

Right.

Doug

Rosecrans:

But we, we'll have, we're happy to do that to answer your question.

Chair

Wintzer: All right. Commissioners, I think we just ought to open the public hearing and then we can have a conversation. Anybody from the public that wishes to speak on this matter? See a lot of lack of public hearing I'll close the public hearing.

Tom, do you have any direction for us or you want us to start jumping into stuff?

Director  
Eddington:

No, I think you guys should go ahead and discuss what you think the, if there are any specific questions or amendments to the conditions, any of the findings, any of the conclusions. And then you simply have to make a decision.

Chair  
Wintzer:

All right. Commissioner's, let's find what page the conditions of approval and all of those are on. Let's try, does anybody have any comments on the Findings of Facts? I know you're getting ready but I'm going in order here. Don't jump in.

Commissioner  
Pettit:

Which set? The negative recommendation findings or the findings attached to the ordinance?

Chair  
Wintzer:

Both.

Planner  
Whetstone:

Well, the conditions---start with the conditions since those were the ones that you asked the Staff for---for us to provide.

Director  
Eddington:

There are findings for a negative recommendation on 121, and then after the approval is findings for the positive.

Commissioner  
Pettit:

I think, yeah, let's start with conditions first and we can talk about what they---which findings of fact we want to have a conversation.

Planner

Whetstone: They start on page 127 of your packet.

Chair Wintzer: Commissioners, any comments on the conditions. I have one on, on Condition 9. You said the west secondary access. Is that the right direction or is that the south?

Planner  
Whetstone: Oh, west secondary access is approved. Oh, I was, that's this one. Yeah, the south.

Chair  
Wintzer: Okay. That's what...

Planner  
Whetstone: That's really more like the south. Yeah. So we should probably change that to south.

Commissioner  
Hontz: I have plenty of comments.

Chair  
Wintzer: Okay, we'll start with you.

Commissioner  
Hontz: Do you want to start with 1 and then just, people pile on.

Chair  
Wintzer: Sure. Yes.

Commissioner  
Hontz: Condition of Approval #1, "The official Zoning Map shall be amended..." etc. In order for the Zone Map to be amended to have an annexation properly listed, we---you would need to be provided and updated and accurate annexation plat, which was not submitted. The annexation plat that was submitted was submitted originally in 2000 and whatever---it doesn't matter. Wasn't submitted recently and it doesn't tie into the fact that the adjacent property has already been annexed in. And it references old ownerships. And so that would need to happen in order to even have #1 happen. That's not [inaudible] with one to change, I'm just saying that on the record that

that would need to happen in order for us to continue on, to have a complete application.

Condition or Approval #4, this is a hard question. I noticed throughout that it's referenced as Administrative Conditional Use Permit. And I think that's the process but it's not consistent. So I was just---as a wordsmith, I would prefer it to always say Administrative Conditional Use Permit, even though [inaudible]. But, you know what I'm saying.

Planner  
Whetstone:

We've caught that in a few places, but you're right, that should be in all of it.

Chair  
Wintzer:

Hold it. Let's do something---does anybody else have any comments on anything from 1-4 before we move ahead. That way we can just keep it in order.

Planner  
Whetstone:

Yeah, that's a good idea.

Chair  
Wintzer:

Seeing nobody, okay, go ahead, you're on a roll.

Commissioner  
Hontz:

On #5, I was just curious if wanted anything regarding when landscaping would go in. Was that---is that somewhere else and I missed it, requirements for timing on landscaping. Does that come with the CUP?

Planner  
Whetstone:

Well, a landscape plan would be required to be submitted with the conditional use permit. But the landscaping is not put in until after the building permit, you know, after the---prior to CO.

Commissioner  
Hontz:

[Inaudible] in the manner? The timing of it?

Director

Eddington: That's typically how we do it unless you wanted it to be...

City Attorney  
Harrington: They---typically that comes out with the phasing and construction mitigation [inaudible].

Commissioner  
Hontz: I've got plenty of other things that....

Director  
Eddington: When we get the CUP we'll have---when we do the CUP we'll have a phase and construction plan for buildings and landscaping. And any, anything that's in there will have to be complete prior to CO.

Commissioner  
Hontz: Great.

Commissioner  
Thomas: Back to four, let's go with clarification on what---the condition of what Jack Thomas is willing to do. So I just want to, you know, if this things moves forward in some way, shape or form, is that something that we're all comfortable with?

All  
Commissioners: Yes.

Commissioner  
Thomas: Okay. In terms of liaison, how do I interact? That implies an interaction with the Planning Commission, but is it with the Planning Commission or City Council, or just in conjunction with the applicant or Staff.

Director  
Eddington: I think that would be in conjunction with Staff actually. Staff and Planning Commission.

City Attorney  
Harrington: Yes, it's similar to what we utilize some of the HPB liaison roles in some of the design review [Inaudible].

Commissioner

Thomas: So why don't we just modify that to say, "A liaison with Staff." I just want that to be clear. [Inaudible.]

Commissioner  
Savage: Is the right word liaison or is the right word consultant?

City Attorney  
Harrington: No, liaison.

Commissioner  
Thomas: Liaison is fine.

Commissioner  
Savage: So between Staff and whom?

City Attorney  
Harrington: And the Planning Commission.

Commissioner  
Savage: But the Planning Commission doesn't have any role in this thing.

Director  
Eddington: Planning Commissioner and Staff. Jack and Staff.

City Attorney  
Harrington: But he would still a liaison from the Planning Commission to the Staff for purposes of the Admin CUP. And so he, you know, provides you guys updates. Say, hey, the application came, [inaudible]. The Staff is ultimately the Planning Director so he'll make the decision on the Admin CUP, but there will be, you know, information [inaudible] you will have made, you know, provide input. And it is really, exactly the same role as providing input to the Staff [inaudible].

Commissioner  
Hontz: Number 6. On Number 6 I was hoping just to strengthen that a little bit because when we visit our current lighting standards you realize that they're insufficient to accomplish the goals that we've been talking about. So, you're down on the third line down, where it starts "in zones", add the word, take out "to" and add the words "and shall comply with Best Lighting Practices". I think that strengthens it a little

bit. But, Mark, if we were to update our lighting code between now and when this got built, would it have to comply with that?

City Attorney  
Harrington:

It would depend on the timing of their next submittal and [inaudible].

Commissioner  
Hontz:

Okay. Number 7, so security fencing is not called out in either the annexation agreement or the settlement agreement in terms of how much they get to have. So this is purely, in my opinion, something that we get to have some control over. And I'm totally terrified by the thought of the amount of fence and kind of the nebulous understanding we have of it. And then there's a line that says, and it could be taller and uglier, basically. Okay, this says taller. And so, I'm just---can we work on this? Is anyone else uncomfortable with that much fence? Because I want to reduce the amount of parking, I think that the amount of fencing should actually be reduced to just that.---if we're looking at the screen that we have now and you see this 7A building--- coming off the end of that going around the perimeter and back up and tying by the Number 9; and eliminating all that fencing from below 7A and 7 and around and over.

If it's high security fencing it could be horrific. It absolutely is terrifying of what that could be. And there's no requirement in the settlement. Of all the things that we have to do, it doesn't have to be this. So I don't know why on earth we've given this much latitude in this condition.

Chair  
Wintzer:

Is our comment related to the amount of fencing or what the fencing looks---could look like or both?

Commissioner  
Hontz:

Both. It's two-fold.

Chair  
Wintzer:

'Cause the, I mean it could be amended, "The security fencing will be, would follow the final parking plan, if that's amended". So the---if the parking plan get less, the fence gets less.

Commissioner  
Hontz:

That's part one. [Inaudible.] And then I guess maybe we strike that last sentence, and then they can negotiate under the CUP. "Taller security walls interior to the site may be allowed." I'm at a loss. I have totally different language saying that they couldn't do taller security fencing.

Planner  
Whetstone:

Let me go back to---where that comes in it has to do with areas where---so this is a public area. If there is a guard house there and then they may have architectural features are more like retaining walls, but interior to the site. They're not visible from the public right-of-way and may be taller, but...

Commissioner  
Hontz:

Ask---but they can have permission during their CUP, right?

Planner  
Whetstone:

And then that would be something...

Commissioner  
Hontz:

We don't have to allow it right now and say, ooh, come in with whatever then. Let's see what they want to proposed then, and if it makes sense then it makes sense.

Planner  
Whetstone:

Right. And it all has to be provided with the Admin CUP.

Commissioner  
Hontz:

So I'm not comfortable just throwing, you know, "Taller security walls interior to the site may be allowed..."

Commissioner  
Thomas:

Why don't we strike that sentence.

Commissioner

Hontz: Yeah, then I get, then I could warm up on that one. Okay, eight. Sorry we're going so slow. Number 8.

Chair  
Wintzer: Okay. Anybody have any other comments from, up to number 8? Okay.

Commissioner  
Hontz: My concern on number 8 is, I'd like this to say that they're out of compliance.

Director  
Eddington: And Kirsten, just for the record, Number 7, I guess that's page 39 of the packet provided...

Planner  
Whetstone: Okay, yes.

Commissioner  
Hontz: This is similar to---there is only one required access, ingress/egress point from the site per the agreements. So I'd really like to see this be that they are allowed the one. And then if they put these in and they are moving forward in good faith in terms of what they're doing and how they're doing it, they could come back at that time and say, this is going to make this project better and better for SR248. But I'm uncomfortable with putting it on to other bodies, like UDOT. They don't have a concern for the well-being of the community. The whole purpose of this exercise is that we're supposed to be getting local control, and we're going to pass it off again. So my comment is one access period and then they can come back.

Planner  
Whetstone: Well, I think that's what it says.

Commissioner  
Hontz: That was not---that's not what that says to me.

Planner  
Whetstone: Well, the Planning Commission [inaudible] technical information right now to limit it to one access point. It already is limited. At this time it is limited to one access point.

Commissioner  
Hontz: So let's say that.

Planner  
Whetstone: It does say.

City Attorney  
Harrington: It does indirectly because it incorporates the current Corridor Preservation Agreement which limits it to one access.

Commissioner  
Hontz: Isn't that through UDOT or is that our Corridor...

City Attorney  
Harrington: It's ours.

Commissioner  
Hontz: I always heard that that was UDOT's Corridor.

City Attorney  
Harrington: But any amendment needs to be approved by both.

Commissioner  
Hontz: I, I totally thought that was UDOT's agreement, not ours.

Planner  
Whetstone: No, that is the City's.

Commissioner  
Hontz: All right. I don't have another comment until 14.

Chair

Wintzer: Okay, let's hold it for a second. Anybody have any comments up to 14? You're up Brooke.

Commissioner  
Hontz: Actually, I noticed that the current plan increased the snow storage area. Am I right, gentleman?

Doug  
Rosecrans: Yes.

Commissioner  
Hontz: So we can skip that. Number 15. I would like to read this condition and get down to the, one, two, three four, the eighth line. Let me start the sentence, "The Planning Commission hereby approves the Staff's initial parking analysis including reductions for shared parking as well as support uses from the number of 957 to 668, based on the information provided with the MPD..." Let's just clarify that sentence. So I think you just need to add the words, from the number of 957 total parking spaces to 668 total parking spaces. Or just say it once. But I think you need it right there to clarify that sentence.

Commissioner  
Pettit: Can I stop you right there?

Commissioner  
Hontz: Sure.

Commissioner  
Pettit: This is a condition of approval that goes with the ordinance and it's not the Planning Commission that's approving it, it's---I mean, I suppose if we recommend---I don't know that seems to be [inaudible].

City Attorney  
Harrington: It's really the one I think you should focus on if you're going to spend any time on any one of these, this is the one because there is a lack of clarity currently, because the applicants are still proposing different numbers and the Staff has given you their best analysis based on the information to date at that number. And so I think what the Staff is trying to do is build in in a process to make sure that it was clear, regardless of whether this is moving forward to Council with an

affirmative or negative recommendation, that you wanted a reduction in parking to, at a minimum, where---and starting where the Staff was. And based on further information and data as the project moves forward, that would adjust somewhat and built in 20%. But I think you guys should discuss whether that's appropriate or not or whether to give more detail; or whether that's sufficient to send to the Council the direction that you want it to go in and what you did with some of the issues at PC Heights, when you said, hey, we're forwarding this now but we want you to further address these items. And parking could be one of the things in your recommendation. You could say, hey, this is the best we could do with the data we have, but what we really want is---the [inaudible] in parking is a paramount issue that we want you to continue to address before you vote on this finally

Commissioner  
Hontz:

And it's not just the number of stalls. It's the actual impervious surface.

Chair Wintzer:

That's right.

Commissioner  
Hontz:

'Cause, I mean, we have 11.6 acres of undeveloped space and 8.33 acres of, you know, parking.

City Attorney  
Harrington:

So just I think you guys should just really, you know, dial that down because I think that's a concern for everybody.

Commissioner  
Thomas:

What if we were to say 668 or less parking.

Commissioner  
Hontz:

Okay.

Commissioner  
Thomas:

And I think [inaudible].

Commissioner  
Hontz:

I don't want to put [inaudible] if he gets to decide up to 20% either. And I actually think if they want more, they can come back and ask us.

Otherwise--- they no---you go down and there's no limit. You can approve whatever you want. See that, that piece.

Chair

Wintzer:

You know, the other thing I would like to do is, I'd like somebody to calculate and put in this, if you go with 668 or less, if that equals so many square feet. I don't want the applicant to feel they can just go expand---just not stripe and still have that much hard surface. So let's try to tie a square footage to the number of parking stalls. And whether you put 300 square feet of parking stall or whatever you do, and come up with a number so we don't end up with more asphalt than we need. And how we---I mean, are people comfortable with just saying 668 or less.

Commissioner  
Savage:

Help me reconcile this number that we have in the package of 886 with the 668. What am I missing? Page 28 has a total of 886 total stalls on it, but that includes the underground parking. So does the 668 include the underground parking.

Planner  
Whetstone:

Yes.

Commissioner  
Savage:

So help me understand the relationship between the 668 and the 886. 'Cause I'm---I see there's 220 parking spots that are not being...

City Attorney  
Harrington:

Two meeting ago Staff did a preliminary analysis for you based on their assumption of the uses inside the building and the buildings that would have shared uses, and applied that under the parking chapter of the LMC ratio and came up with 668.

Commissioner  
Savage:

Right. But what I'm not seeing, I'm not seeing the applicant come to terms...

City Attorney  
Harrington: No, they haven't yet. That's why it's a condition of approval as opposed to just a reference to what is being submitted.

Commissioner  
Savage: Okay.

City Attorney  
Harrington: So that's something they'll have to continue to negotiation with City Council.

Commissioner  
Savage: Am I correct that there aren't many other discrepancies of significance between what's in this MPD application and the conditions of approval.

City Attorney  
Harrington: Yeah, that's probably the biggest primary...

Commissioner  
Savage: So that is correct. Okay. I just wanted to make sure that there wasn't something else in there that we needed to be paying attention to. Okay, thanks Mark.

Commissioner  
Worel: So how do you say that about the impervious areas [inaudible]. What do you call it?

Chair Wintzer: Well, I think that---what we can put---we don't necessarily have to work this number 15. What we need to do is make a recommendation that Staff ties the number of parking stalls to a square footage of impervious surface and they'll work it. They'll have to go through math and figure that out. You know, if like a parking stall is 300 square feet, and then you need circulation and you need some of that in there, but they should come up with a number that works and amount of square footage. And that's where the negotiations start when they go back to parking.

Commissioner

Pettit: Well do we go with---did they already come up with that?

Director  
Eddington: Staff did 668, but not of square footage. We don't know square  
footage.

City Attorney  
Harrington: [Inaudible] how to address the [inaudible], so you know, that's one  
step. So long as, at a minimum, I think we're very much on the same  
in terms of ensuring that the development and the impervious  
surfaces progress only with the progression of the development. It's  
tying it back to a mutually agreed upon area and whether, you know,  
we agree [inaudible].

Chair  
Wintzer: Okay. So do you have---Thomas, you feel comfortable---or whoever  
is doing it...

Director  
Eddington: Yeah. I think what we'll do is we'll tie the number of parking spaces---  
we're looking at 668---we'll tie that to the phasing and we'll assign a  
square footage for that for each phase.

Chair  
Wintzer: Okay.

City Attorney  
Harrington: You should clarify what the last sentence should be for---

Commissioner  
Strachan: Well, I think if I can speak to that first, I guess, I think that sentence is  
fine, but I think that the 20% has to be tied to the square footage of  
[inaudible] stalls. The percentage should stay [inaudible].

Chair  
Wintzer: That's fine.

Commissioner  
Thomas: Yeah. That will allow for circulation and not excessive circulation or excessive impervious space. What we're really trying to avoid.

Commissioner  
Strachan: Yeah, I mean, we don't want a parking lot where we've got, you know, five cars going through the access space to the stall.

Chair  
Wintzer: Well, do you want a sentence in there that goes, the best effort will be made to keep square footage of asphalt...

City Attorney  
Harrington: Well, we'll do a calculation.

Chair  
Wintzer: Okay, okay.

Commissioner  
Thomas: There's a standard number for circulation and parking space and I can't remember what the number is off the top of my head.

Director  
Eddington: It varies between 250 and 300. It depends on the drive aisle widths for some of the bigger trucks, and we'll have to calculate that.

Commissioner  
Thomas: You might---and we have to have some consideration for their long vehicle parking, as well. And that's [inaudible]. So our emphasis is to keep it to a minimum and not allow a lot of other impervious area.

Planner  
Whetstone: All right. And those---that ties in with...

Commissioner  
Pettit suggested: Kirsten, just---I mean take out the language, Planning Commission hereby approves. This is a condition of approval so just build in to the

condition of approval what they can and can't do. They have to come back and---not that we're in this...

Planner

Whetstone: Okay. We can just start with the Staff's initial parking analysis.

Chair

Wintzer: Right.

Commissioner

Pettit: Or based on.

Planner

Whetstone: Or based on, based on, yeah. Okay. And then we'll put that impervious tie. And I'm glad you mentioned that, the long vehicle. That will---maybe 20 spaces for long vehicles and maybe circulation. So I'll have to take that into consideration. But when it comes back to the conditional use permit, then you've got something that the Planning Staff would certainly be looking at. Well, on the screen here above Building 7 there's that big vacant space. We're not going to look at that and say, oh no parking there. We're not going to do that. We're going to look at that and we're going to say, well let's not do parking. That would be striped so it's got to be circulation and parking. But we're certainly not going to look at that and count it as zero when it looks like they could get 100 cars in there.

Chair

Wintzer: Okay.

Commissioner

Hontz: You're not going to believe it. That was my last change.

Commissioner

Worel: Well I have a question going back to fencing. All the way back to fencing. But if we're phasing parking, then do we need to phase the security fencing.

Commissioner

Hontz: Didn't we do that. That's what I thought we were doing.

Chair  
Wintzer: Well that's what---the sentence that I suggested was that the security fencing will match the final amount of parking, or the amount of parking [inaudible]. So it, it would shrink or grow with the parking plan.

Commissioner  
Thomas: The final amount.

Planner  
Whetstone: I'll add that to 7.

Chair  
Wintzer: The phase amount.

Commissioner  
Thomas: The phased amount. Did you get that? That was not the final.

Commissioner  
Pettit: I have some additional. So I would move to 30, and just a couple of comments in terms of how this is worded and what we're trying to get to here. "Areas of plazas, pedestrian walk ways, patios, etc that are heat melted shall use..." and you specify PV Solar panels to generate the power for such systems. Again, given the variety of different technologies available, I'd like to make that, "shall utilize", you can stick with solar and add, "or other renewable energy resource to generate the power for such systems". And then I'm a little concerned about the "technically and economically reasonably feasible" language. It seems to me you're basically saying, you know, you don't really have to do it. So...

Commissioner  
Thomas: So let me weigh in on that for a second because there's a---I've learned something every day, and I [inaudible] yesterday that [inaudible] may not be a great option for long term because of the impact that [inaudible.] And the experts are now saying, well maybe should think about it. They're not as excited about the PV panels and it's not their first choice for energy [inaudible]. And ground source heat pumps don't pencil out [inaudible] surface areas. So I don't know

how you deal with that. And you can't force them into technology that in the long run isn't safe or isn't practical. So I don't know how you want to---what that means with regard to that issue, but we shouldn't be referencing heating panels [inaudible.]

Chair

Wintzer: Can we change that to make it---that it would be a...

Commissioner

Thomas: Why are heating surfaces in here. I mean, I'd just say take out the heating surface and call it a day. [Inaudible.]

Commissioner

Hontz: I agree with that. I have no problem with that.

Commissioner

Thomas: I want to know what---I think we're getting an eyebrow from the applicant.

Doug

Rosecrans: I don't have plan for heated at this point, but---and that could change if...

Commissioner

Thomas: [Inaudible.]

Commissioner

Pettit: Do we have the power to say no heated. And that's the question

Chair

Wintzer: Well, put it in there and the Council is going to---send it to Council and let Council have to deal with it.

Commissioner

Pettit: So what I would then, what I propose---how I propose to change that, then would be “Areas of plazas, pedestrian walkways, patios etc., **shall not be** heat melted”.

Planner  
Whetstone: Okay.

Commissioner  
Pettit: I guess the---you know, I think33 has a similar issue in terms of building and the use of some sort of renewables. It references specifically solar PV, but I would have no trouble here saying, “Permanent power shall be provided for the trailer parking area and the applicant shall **use best efforts to use solar or other renewable energy resource if technically and economically feasible**”. Take out the reasonably, you don’t need that. Don’t say solar PV. Just say solar or other renewable energy resource.

Planner  
Whetstone: Okay. If technically...

Commissioner  
Pettit: So, yes, shall use best efforts to use if technically and economically feasible. It’s not really tying your hands, but you’re going to at least try to do it if you can. And that’s all I have for the conditions.

Chair  
Wintzer: Okay. Commissioners, does anybody else have any comments on the conditions?

Commissioner  
Worel: I have a questions. I’m concerned that there’s no penalty in here if the---and I don’t know if you ever put them in here---but if they get started building and for whatever reason the project stopped. I mean, how do you deal with that?

Planner  
Whetstone: That’s usually addressed at the conditional use stage or with the building permit. If they start and a building permit’s been issued, it’s

really out of this realm. But it's definitely in the Chief Building Officials [inaudible].

City Attorney  
Harrington"

You mean site restoration?

Commissioner  
Worel:

Yeah, I mean if they run out of money and they've got...

City Attorney  
Harrington:

There's bonding required by the Building Department that can vary depending on the phasing plan. And so you saw that go to---probably the biggest extreme was North Silver Lake, which had a very aggressive one because of the past problems, and rightfully so, to more of single family areas worried about restoration of the site when people know that there are combinations. Ultimately the City has full authority to go in and remedy it themselves and by leasing the property if it really goes too far. Obviously, in economic times like this, [inaudible] in viewing the project as a whole. So it really is at the Building Official's power under the Building Code mostly and that's where it's handled, unless you have specific concerns they should then be raised at this point.

Commissioner  
Pettit shared:

Mark, from a bonding perspective, and I don't remember what---it seems that we had some sort of say in the North Silver Lake that we ultimately had on how that process is unfolding. So are there lessons learned in terms of trying to set, you know, a number or a percentage of---I, you know, I am a little concerned that it gets left to somebody that really doesn't necessarily really think about the picture. Because, and again I say that, I mean, it's a great comment because of its location in, you know, the entry corridor of our City. This is visibly an area that, if we had blight there because, you know, a project that started and didn't finish, we would be [inaudible] on that. So I think it's a great comment.

Commissioner

Thomas: So if I might draw your attention to the berms and landscaping along the edge. He was curious if there was any to reinforce the bonding of that landscaping and that berming to soften the edge.

City Attorney  
Harrington: You could add a Condition #38 that says, in the event of [inaudible] or as part of the construction mitigation plan, the bonding shall sufficiently address visual impacts of the project.

Commissioner  
Thomas: With revegetation of the site and berming along the edges [inaudible]. Something to that effect.

City Attorney  
Harrington: And I think parallel to that authority you shine a bright light on that, that you want that to get more attention [inaudible.]. And Kirsten do you, do you have that [inaudible].

Planner  
Whetstone: Yeah, I do. Yeah.

City Attorney  
Harrington: And we can probably---between the next three meetings that we have this, we can get further articulation of that from the Building Department. Get their recommendations.

Commissioner  
Pettit: Just to be honest. Just how---we've seen it in our community with booms and busts and, you know, projects that look really great and...

City Attorney  
Harrington: Telluride had one of their large projects remain in steel vertical to be a community art of the various busts and booms that were attributed to it. Before they got, I think they ended up wrapping it [inaudible.]

Chair

Wintzer: And one other thing in the same context, Mark, is you might want to find a way to, in the phasing plan, that as the project moves forward the berms are put in and landscaped in a timely manner. I know that they need to gather dirt from wherever they dig and do that stuff, but that you, whatever you're working in front of, you make sure you have the berms in those areas as you go along. You don't wait until the projects is done before you put in, start putting in the berms.

Planner

Whetstone: [Inaudible] the berms and then the landscaping can come in after there's water for irrigation.

Chair

Wintzer: Right.

Planner

Whetstone: That's a great point. Especially given where it is, which can be a finding that we get---that it's a visually significant parcel. I'm reminded about Island Outpost.

Commissioner

Pettit: Yeah, I would agree that we should have that finding.

Planner

Whetstone: Does everybody remember skiing around Island Outpost [inaudible], which is Hotel Park City. That as a couple years of [inaudible].

Okay, and I did also want to point out in 37, there had been---at the public, the little open house we had and as well as some other public input we had about what happens if it's not this and we have a structure out there. And so that---Condition number 37 talks about future uses. So this MPD is for this use. And this talks about the future uses of that neighborhood.

Commissioner

Pettit: Did we limit or exclude woodburning devices? I don't remember seeing that.

Planner  
Whetstone: That is something---that's building permit. I don't think the condominiums, they don't allow that.

Commissioner  
Hontz: Who's to say that a movie studio works on that side but not in the burning area.

Planner  
Whetstone: Well, there's still, you might need to...

Commissioner  
Hontz: Nothing else on to that side.

Planner  
Whetstone: No burning of wood.

Commissioner  
Hontz: Like I said, I think the air quality....

Commissioner  
Thomas: Yeah, I think in the low elevation that that's probably a reasonable suggestion.

Commissioner  
Hontz: To be sitting there and---it could sit in that basin and its stuck.

Commissioner  
Thomas: So let [inaudible] wood burning process.

Commissioner  
Worel: No wood burning devices?

Commissioner  
Thomas: [Inaudible.]

Commissioner  
Worel: Do you put it in a separate...

Commissioner  
Hontz: [Inaudible], yeah. Let's say...

Planner  
Whetstone: And typically they allow one in the lobby of a hotel.

Commissioner  
Hontz: Yeah, but it's not this one.

Commissioner  
Thomas: Well, they can do a gas appliance.

Chair  
Wintzer: Any other comments on the conditions of approval? All right. Are people comfortable with the findings of fact and the...

Commissioner  
Strachan: Sorry, I just had something. It's Condition of Approval #37, the one about precedent. The last part of that first sentence should say, "...such approval should not be considered precedent for future zoning amendments **or annexation petitions** to this or neighboring properties in the Quinn's/CT zone area." I want to make it clear that any other annexation petition that ever comes before us should never be decided in any way other than whether it comports with the General Plan.

Chair  
Wintzer: Do you have some wording?

City Attorney  
Harrington: I got it.

Commissioner  
Thomas: That's good.

Chair  
Wintzer: Does anybody have any comments on the findings of fact?

Commissioner  
Hontz: Just findings of fact on page 122.

Chair  
Wintzer: Yes, 121 and 122. Does anybody have any comments on those?

Commissioner  
Thomas: [Inaudible] positive and the negative.

Commissioner  
Hontz: Let's do the negative first, I guess. 121 is the negative.

City Attorney  
Harrington: The way we envisioned this is we took kind of the general direction from the last meeting to come back, you know, to have an opportunity to [inaudible] the option to go with a negative based on the General Plan, but forward conditions of approval. If the majority goes that way, that's what these findings on 121 and 122 are for. If the majority wants to favor a positive recommendation, you can just do that by referencing the ordinance as written. You know, you guys can make additional findings. We would certainly add to the findings a ton of the---and incorporate additional approval elements at Council's level. So you could see this ordinance get a lot bigger at the Council level, versus making your recommendation, is not in the record; and the ordinance would move forward if you vote positive [inaudible] the ordinance. If the majority wants to go negative, you'd reference these findings here.

Commissioner  
Savage: So help me understand something, Mark. The prior meeting we had a discussion around the findings of fact that would have supported a positive recommendation. And this is a list of findings of fact that support the negative recommendation.

City Attorney  
Harrington: We heard both. So we prepared both.

Commissioner

Savage: Okay. So are the---are all of the findings of that fact that support a positive recommendation that were discussed at the previous meeting in some form incorporated into the conclusions?

City Attorney  
Harrington: Yes.

Commissioner  
Savage: Or the conditions?

City Attorney  
Harrington: In the ordinance itself.

Commissioner  
Savage: Okay. In the ordinance.

City Attorney  
Harrington: You just reference the ordinance. Yes.

Commissioner  
Savage: So those would just [inaudible].

City Attorney  
Harrington: [Inaudible] ordinance at moving forward.

Commissioner  
Savage: So when we come to our discussion about taking a vote on our sentiment about the situation, do we---is there any value in us discussing these findings of fact as to whether we agree or disagree with them, or does that really matter.

City Attorney  
Harrington: The ones on 121, 122?

Commissioner  
Savage: Pages 121 and 122.

City Attorney

Harrington: Not if the majority wants to forward a positive recommendation. These are relevant for a negative recommendation. If the majority of you want to forward a negative recommendation.

Commissioner  
Savage: And certainly, even if you---if you, the majority were to vote-the exception would be if the majority were to vote forward a positive recommendation, those in dissent could still reference these as sort of their basis to still forward for consideration by the City Council.

Commissioner  
Savage: Okay. And then the reason I ask the question is, just as I reviewed this is clearly one of these things where every point there's, perhaps not an equal, but an opposite counter point. And it didn't seem to me to be productive for us to go through that because I think a lot of that information exists either in the,,,

City Attorney  
Harrington: Yeah, most of these are made by one Commissioner and there wasn't a clear majority. So we just tried to make sure that everything that was stated affirmatively by at least one Commissioner were drafted in these, in your General Plan discussion.

Commissioner  
Savage: Okay. So this is not---this doesn't in any way mean to represent a consensus decision as it relates to...

City Attorney  
Harrington: Well, that's what you're deciding tonight.

Commissioner  
Savage: Thank you, thank you.

Commissioner  
Pettit: So Mark---well I guess, Charlie, the point is. I mean I do have one comment to the negative findings of fact---or the negative recommendation findings of fact. I don't know if it makes to give that now or wait until we go through, kind of go through the group and decide where people are at?

City Attorney  
Harrington:

Well, one option is you may vote to kind of see where people are and then have further discussion on the appropriate findings, depending on where you're going; negative or positive.

Commissioner  
Strachan:

I might respectfully disagree with that because I think that going through at least just two of the negative findings of fact will probably--- it may influence some of the other Commissioner's decision. You know, if we talk about those negative findings of fact that may change someone's mind. And whereas before they might have issued a positive recommendation, now after discussing the negative findings of fact they decided to forward a negative recommendation. Maybe it would be the same thing for the positive recommendations, too. And that discussion might change a Commissioner's mind. I don't think we should have the straw poll now and then discuss how to amend the findings.

Chair  
Wintzer:

Do the Commissioner's agree with that?

Commissioner  
Savage:

Well that's the reason I asked the question originally, was to try to reconcile exactly what Adam's talking about. In, in the process of reviewing the materials, and they're substantial. You know Benjamin Franklin was one of the great leaders of our Country. And when he had a difficult decision to make, what he'd do is he'd take a piece of paper. He'd draw a line down the middle and a line across the top. And on one side he'd write yes and on the other side he'd write no. And then he'd put all of the reasons for or against the decision on either side of that. And when he was done he'd count it up, and you know, the answer became pretty obvious because one typically had a lot more things on it than the other one does.

And that's fine in certain circumstances, but the problem here is these things are very difficult to quantify and to weigh out appropriately. So for us to have a meaningful debate at the level of the pros and cons about this thing is hard to do. And I don't think we have the data

presented in the way here to where we can have kind of a comprehensive construction conversation along those lines.

So I'm not sure what the best way is to reconcile this, you know. So we can---I think we can talk through every one of these points. And I guess the question is, are we equally prepared to talk about both sides of the equation. And we should be 'cause that's probably what we're teed up to do tonight. So, you know, if that's the right way to go to start with, and maybe have a discussion about that, then I'm fine with it.

Commissioner  
Strachan:

Well let me, why don't I throw out my comments 'cause I don't think it's going to engender the overall discussion yet. I think it's more of like a textualist raid. This finding ought to be drafted rather than a theoretical, philosophical [inaudible].

Then on Page 22, Finding of Fact #2, that doesn't make any sense. The wording just doesn't make any sense. It's not written well, nobody can understand it.

Commissioner  
Pettit:

That's the one that I have a comment. That's the one I want to...

Commissioner  
Savage:

Let me---I mean, I can't, I just think it ought to be stricken. It doesn't say anything that is comprehensible. I mean let me just read it without the parenthetical for instance, just so you get an idea. "The unique circumstances due to the County Settlement agreement and visioning "gets" are beyond the Planning Commission's authority to support the waiver of specific General Plan elements and goals and CT zone as outlined above". I mean, that just doesn't even---who can tell me what that means.

Commissioner  
Savage:

What it means is that the---the primary reasons for making a positive recommendation fall outside the purview of the Planning Commission. As a consequence it's not really our business to try to make decisions on the bigger picture. We just need to focus on the stuff that's specific to the Land Management Code.

Commissioner  
Strachan: Then say the LMC.

Commissioner  
Savage: That's what I think it's supposed to say. Is that correct?

Commissioner  
Strachan: Yeah. But it doesn't say that. I mean that's not what that says. I agree with you that that should be said, but...

Commissioner  
Pettit: So how about if we---I mean, I guess we can question whether we want to include in, and some of the, you know, visioning "gets". But I had rewritten it to say, "The unique circumstances due to the County settlement agreement and some of the perceived vision of the "gets" in the plan are beyond the scope of the Planning Commission's authority in applying the Land Management Code and the City's General Plan". Period.

Commissioner  
Strachan: That seems more understandable to me. I mean...

Chair  
Wintzer: Can you say that again?

Commissioner  
Pettit: But it's still missing something. I mean, really what it...

Commissioner  
Strachan: It doesn't get to---but the parenthetical doesn't make any sense because a visioning get was never, I mean the visioning process happened before this application was even pending. So it can't be right to say design control of County vested rights density on the City entry corridor. Whatever that means.

Commissioner

Pettit: And I mean, if we put, just put visioning, then I think of it as four things.

Commissioner  
Strachan: Yeah.

Commissioner  
Pettit: And I know we had the applicant come before us and give us their take on how this fits within that, those four boxes. I mean, I would be happy to just strike that because I'm not sure, you know, that's debatable as to, you know what---maybe that's what underlies the City's desire to enter into agreement, or to support the agreement and the annexation. But...

Commissioner  
Strachan: Yeah. I mean, shouldn't it be that we take the application and take the General and see if the two jive. And then make findings accordingly.

Commissioner  
Pettit: Right.

Commissioner  
Strachan: I mean we shouldn't be making findings about what our perceived purview is. You know, we shouldn't be able to say, hey we don't have the authority to deal with visioning "gets" and settlement agreements, and we should just be making findings.

Commissioner  
Hontz: That's where I, from the beginning of this, you know, the framework that was constructed and we kept seeing over and over in our Staff reports, is that we should, um, we should focus on the potential benefits and design control. And there was like some, maybe trying to do this ego pumping that we would be better at it than other entities. And I completely rejected that not only because I don't think it was necessarily true that we might be best entity in the world to review this, but because if you open the Land Management Code and you look at what the Planning Commission is allowed to do, we, it's outside of the scope of what the State lets us do. It's nice that everyone wants to share the role and responsibility that's heaped on our elected officials' shoulders, unfortunately. But it's not---we

shouldn't be able to say, no Land Management Code we're going to ignore you. No General Plan, we're going to ignore or waiver. That's not what we're allowed to do. We are only---going back to Commissioner Savage's Franklin analysis, you know, unfortunately our paper can't just say no/yes. It's a very tiny box that we're supposed to be operating within.

And so I'm uncomfortable with even it kind of being put on us that we were ever allowed to conceive this. I think it was a responsible thing for us to do to review the application. I think because we're a Planning Commission and do this regularly and this is where MPDs and Annexations are supposed to be reviewed, it was very important to go through that process and setting aside the procedural role. But then at this point, this is where I have to say, absolutely not. I know what we're allowed to do and what we're not allowed to do. I'm sorry, City Council, that I can't help you in those possible benefit scenarios, but I'm going to do my job.

Commissioner  
Strachan:

Yeah, I think maybe the way to cut this discussion off and get into a discussion of whether we forward a positive or negative recommendation is, in my view, if we decided to forward a negative recommendation, is to strike number 2 and strike the "however" out of finding 3. And that would be part of the motion made in support of a negative recommendation. And whoever brings that motion can either make that amendment if we're not---it's up to that person, but that would be my suggestion. And then, we will just let the motion made carry the---or determine.

Chair  
Wintzer:

Julia, what was your amendment to number 2? What was...

Commissioner  
Pettit:

Well, I---you know, and---frankly I'm actually changing my mind about it right now because I don't think it's necessary. I think that everything that precedes it...

Commissioner  
Savage:

It's redundant.

Commissioner  
Pettit:

It, well it's, in a way it's redundant and in a way it's just---it's not. I mean everything that precedes it is us doing our job in terms of making findings as to whether it complies or doesn't comply. And it doesn't matter that there's this outside litigation settlement agreement and some perceived benefits that taking ownership of this project. I mean the bottom line is---and I the position some of us have been taking all along is, either it complies or it doesn't comply. And if it doesn't comply, then these other things may be important to the City, but it's not something for us to decide. But I don't think we need to make a finding about that, necessarily. That's kind of where I'm coming out.

Chair  
Wintzer:

Okay.

Commissioner  
Strachan:

And now, Julia, what do you think about finding number 3? I mean, that's not really a finding either, that's a recommendation, you know, what City Council should do. But it's not us doing our job. I mean, I think we can make on the record the representation to the City Council, you ought to consider all of the conditions of approval that we worked so hard on these last four meetings to come up with. But I don't think that can be a finding.

Commissioner  
Pettit:

Is that something, Mark, from a procedural perspective?

City Attorney  
Harrington:

It can be because you can be---and it's in the context of---you could probable elaborate that it's in context of---but to make it as, you know. But in order for the prime proposal to be more compliant, these conditions are necessary, or something along those lines. [Inaudible.] But you can do it either way. There's no technically, you know, this is not a black and white correct way to do it. You can either---you can do it by motion. More typically we've tried to incorporate the integration through either a condition or a finding. And it was more, it was leaning, you know, but there were a couple comments in the minutes from the last meeting that you wanted to record, you know,

the, I think it is, you know, a finding of the work that's been done and the changes that the Planning Commission has made, versus what was the initial submittal. So in that regard it is a finding. But it can, you can incorporate it in any of three places; the findings, the draft conditions or just simply by motion. I think it has a little more weight---if your acknowledging---if it's meant to acknowledge the record, then a finding is probably more---it carries a little more continuity because it's there and it's incorporated on the record. Where a motion is just the motion.

Commissioner  
Savage:

Is it reasonable to suggest that since we're going to incorporate---regardless of what our ultimate, the ultimate decision of the body is this evening, clearly we're going to be forwarding the findings for a negative recommendation to represent the negative votes. Is it reasonable for us to have a similar list of findings for a positive recommendation as part of this document? Or, I just---again I don't feel, I don't feel convinced that the ordinance—is that the right word to use? That the ordinance is a, in a point by point basis conveys the same information that the negative recommendations convey. Do you understand my perspective?

City Attorney  
Harrington:

I do. I mean, I think you---certainly, yes, you have that ability. For the point efficiency you're preaching to the choir a little bit in that the Council has already put the annexation steps in process based on some assumptions, which I think you can accept. And so I don't know that you need to be as forceful in an advocacy role in those points. The record is complete with those. The Staff has made those---previously outlined those in the prior recommendation. Those would come forth and, you know, if there are certain ones that are more important to you or a majority of you, you know, certainly feel free to call those out. But I don't, you know, I'm not sure that's as necessary.

Commissioner  
Savage:

Okay.

City Attorney  
Harrington:

But it, it's your decision.

Commissioner  
Savage:

Okay, that's fine.

Chair

Wintzer:

And so is it the consensus that we need number 2 and 3 out?

Commissioner  
Strachan:

I think we need to take 2 out and leave 3 in.

Planner

Whetstone:

So change the reference.

Commissioner  
Strachan:

Three references two. Yeah, just say---take out the word "however" and take out the words, "based upon 2 above". It should just read, "Should the City Council determine to annex the property, the Planning Commission recommends the conditions of approval as included in the attached draft ordinance."

City Attorney  
Harrington:

To reflect---to acknowledge the record of changes that the Planning Commission...

Commissioner  
Strachan:

Yeah. I would say "note" instead of "recommends." I mean, I want to make it pretty clear to the City Council, if we forward a negative recommendation, that this thing was so far out of line with the General Plan that it wasn't even close. It's not---I mean, I think as a body if we decided to forward a negative recommendation, that the City Council ought to think long and hard about whether it should deny this annexation petition regardless of the perceived "gets" because it is so far out of line with every goal in the General Plan. And I mean, we've seen annexation petitions in the past that are at least close, they meeting two, three of the goals, four, five, at least some. This meets none. And so I think that the City Council ought to think long and hard about, you know, whether this should be annexed. And if not, then I don't want the Planning Commission to be giving mixed messages about what we recommend they do. I think we ought to be clear and

say, we recommend you deny it. We're forwarding a negative recommendation.

Chair

Wintzer:

Well, I mean I guess we need to make sure that if we do send a negative recommendation, that everybody agrees with that last, you know, as far as the last or what will be the new number 2. I understand what you're saying. I don't know---I understand that it doesn't meet one of the goals of the General Plan. But that doesn't necessarily mean that we would be better off having the County do what's going to happen. And, so I mean, I don't know if I'm really ready to say that I think it's better off to be in the County than in the City. I mean I agree that it doesn't meet one of the goals of the General Plan, but I'm not sure I'm quite that far off yet.

Commissioner

Strachan:

I'm not going that far. I'm just saying we ought to choose, we ought to strike "recommends" out of number 3 and add the word "notes". And that tells the City Council, hey, City Council, we worked long and hard, particularly Commissioner Thomas, to try to come up with 39 conditions of approval that reflect their best efforts to polish this "turd", if you will, but we are not recommending that this receive a positive--- We're not forwarding a positive recommendation that this be annexed.

Chair

Wintzer:

I see what you're saying. So how would you re-word that then, Adam?

Commissioner

Strachan:

I'd just strike recommends and put in notes. "The Planning Commission notes the conditions of approval as included in the attached draft ordinance." And I don't think anything is going to be lost on the City Council. Three of them are sitting here today.

Commissioner

Pettit:

Well, I guess the only comment I would made, and it's something that Mark, language Mark had suggested or put out there. And that is, could be way without---and I don't disagree with the use of the word

“recommend” and kind of what that means, an endorsement wholeheartedly and whatever. But could we say something like, “In order for the annexation petition and the MPD to be more compliant--- not that it is---but to be more, closer with the LMC and General Plan, the Planning Commission notes the conditions of approval in the attached ordinance”. Is that too much? Still too much endorsement or...

Commissioner

Strachan:

I think if you use the word, “to be more compliant” you assume it was compliant in the first place. And then...

Commissioner

Pettit:

No, that’s true. That’s, yeah, but it’s wordsmithing.

Commissioner

Hontz:

Get close to compliance.

Commissioner

Strachan:

You know what, I don’t particularly care. You know, what, I don’t particularly care. We’re---finding 3 can stay the way it’s written now. I think the important thing has been done here and we’ve---and that is we’ve had the discussion about what we want to do with this petition and what message we want to send to City Council.

Chair

Wintzer:

The other side of this, though, is in five years time if nothing’s happened and this thing ends up in court, I don’t know if I want the word “recommendation in there”.

Commissioner

Strachan:

Well that’s a good point.

Chair

Wintzer:

You know, I think I’d rather have the word note in there than that. I agree the Council has the message, but this---I don’t know if it’s going to be settled in the next go around. And so I would recommend taking “recommends” out and put note in here.

The Commissioners concurred.

Chair

Wintzer: All right. So now, where do we want to go.

Commissioner

Hontz: Are we going to talk about it at all?

Chair

Wintzer: Yes.

Commissioner

Hontz: One thing that I've learned while having the opportunity to sit on this Board is that I never say enough and I don't think we do as a Commission. Afterwards it feels like there was so much more. And when I read old minutes that reference either approvals or denials, they are so helpful in trying to get a flavor for what people were thinking at that time and why they to the answer that they---they were there. So I want to make it crystal clear that whether this is in the County or the City, lawsuit or not, this use doesn't fit this site. To take a County property that was, you know, should at most have one unit of density on it and in our entry corridor, which is currently and most of the time the easiest way to get into and out of our community, of which we only have two ways, it's devastating to me that it's come down to this. And I just want to make sure that it's on the record that it never mattered to me how we were dealing with this, it doesn't fit there.

And this isn't---for me it's not like a grasping at straws moment when I look at the ways that this doesn't meet the General Plan or the things that are deficient in the Land Management Code. This is a waterfall. This is deluge of information and has---nothing here works. It doesn't make sense. Unfortunately, I have obviously done a lot of work on this and somehow tonight I forgot my notes that reference the things that were not submitted as far as I could ever find, that were required as part of the annexation, the MPD and the zoning. And those things, at a minimum---again this is coming from my personal notes in my memory---there was no accurate annexation plat ever submitted. The

Assessed Valuation, the Revenues versus Costs and the tax consequences and the impact of Summit County, there was a report and I know a couple of us read it, but if you did, it was horrific. It didn't actually, it said like [inaudible] on the cover and it actually wasn't. So, I mean, that information was never submitted to the quality and the level that is required in our Land Management Code. Additionally, when it comes to zoning requirements, there were no--- you're going to love this---but the wildlife study that was submitted does not meet the standards of the Code, again. Neither is there wild fire or some additional information that was required as part of the overlay.

And so I don't even know why we processed this application and it wasn't noticed up front that those things needed to be---by the way, it was noticed. I did, I wanted---have it recalled on the record at our very first work session I brought it up that those things needed---there were some things missing and that they---I didn't identify what they were, but they needed to be submitted in order for the application to be complete. And it was referenced that actually to stop the clock, they weren't, they didn't need to be submitted. However, if you go to page 2 of the Annexation Agreement, "Park City shall use all reasonable efforts to either approve or reject the QJP Annexation Petition within 90 days. If reasonable circumstances require additional time, such as QJP failure to provide legally required information, both parties shall..." Obviously they've continued it. But that was an ability of ours to lengthen out this process. And so I've passed that to our Counsel that I think you should have a thorough review of that information to make sure. Because at the end of the day you might be thinking, what does it matter whether we have a wildlife study at this point. It matters. That's what our Code demands. That's what we demand of every other applicant. It's not---since it's not one of the things that they don't have to do in their legal document, then for goodness sake, they should be compliant.

Commissioner  
Strachan:

Actually, let me just say that the report, Forensic Accounting Report you were referring to is on page 146 of the packet from the first meeting, which was the February 22, 2012 meeting.

Commissioner

Hontz: Thank you. And part of the---kind of the game of approvals is to submit something---this is not a technical term, but crappy. And then, you know, make the Planning Commission feel good about getting their pound of flesh or making this, making a project look better. And you know, I'm, I'm not fooled. This, this project is never going to look as horrible as it first came in. They could never have built that. They wouldn't have sold anything there. It looked ridiculous. So let's not buy into that we even "polished the turd". That part of what this is made to do. To make the us and City Council and the public feel like there was some actual progress there. And, you know, at the end of the day, I think where I'm going with this particular project I'm going to feel about being able to look future generations, or even [inaudible] that, you know, I did my job.

Commissioner  
Pettit:

Thank you, Brooke, for all the hard work that you've done. It's amazing to sit next to her and see how prepared she is for everything. As a---from an intellectual standpoint as a practical matter I understand why the City took the action it did. I understand that. And I think what I've struggled with from the beginning of this process is, how do you get from there to where we have to apply the Code and make findings that we can believe in and that we can stand up for. And I just---you know, I think I made that comment at the very beginning that this was going to be a tough sell for me, to be able to get to that point where I could embrace this project and support it.

And I think over the process of weeks that passed and the information that's been coming---and I thank the applicant's representatives for listening to us and working with Staff and coming back with, you know, improvements on what had been originally proposed. And I know that's been a lot of hard work on your part and I do appreciate that. But I still sit here tonight and I, I can't make that leap in terms of being able to support the project and make findings that this somehow complies with our Land Management Code and our General Plan. And I'm with Brooke. I, you know, I would like to be able to, ten year, five years, 20 years from now, look at people and say, you know, I did my job.

And it's not an easy decision in terms of what City Council is faced with and what we've been faced with and trying to be sensitive to that

and sensitive to the growing tension in this particular part of town, because this is another entry corridor. And, you know, we've got things that have happened there that we approved there, and at the end of the day I'm not sure we're going to be happy with how it all comes together as it stands, without this studio. So, I think my view at this point is that I would not be able to forward a positive recommendation and I would vote to forward a negative recommendation.

Commissioner  
Worel:

Well, I echo the thank you for all the efforts you put into this and for listening to us and incorporating our comments as the plan progress. I think it's really unfortunate that there wasn't more community input into this whole the process. I think it's even more unfortunate that the applicant chose not to attend any of these meetings to provide to provide the necessary input. So in essence we're making decisions without all of the facts [inaudible]. The Planning Commission is charged with long-range planning for Park City, and in my opinion, part of that needs to be protecting of the entry corridors. We can't do that protection if we can't control the corridors. Goal 6 of the General Plan says that Park City should expand its boundaries when expansion helps to, among other things, preserve gateways into the City. Obviously this project isn't anything that any of us would have chosen for the area, but it is what we've been given to deal with. And then part of the developing area policy of the General Plan says to, "Design large scale commercial buildings and development to reflect traditional Park City patterns, as well as to support the mountain character and charm of Park City by making sure that new commercial development relates to the mining historical architecture and [inaudible] of Park City". We're certainly not there, but I think we've made tremendous strides with this. And I was interested to hear you say that maybe there was some gameship going on here because I [inaudible]. But I really think that we have made tremendous strides in this process and I really have a lot of confidence in the talent of our Planning Department to continue this project in that direction.

When I looked at the conclusions of law in the ordinance I saw that it does meet the requirements of the annexation policy plan and the Quinn's Junction Study area, and the 2009 General Plan. I especially like number 37 of the conditions of approval that makes sure the

approval was not going to be considered precedent for future zoning amendments to this or neighboring properties in the CT zone area. I have really mixed feelings about this. I have tremendous respect for and trust in our Planning Department. I feel that they could effectuate a far better result than could the County, and so I would forward a positive recommendation to the City Council.

Chair

Wintzer: Let's go the other way. Adam, do you have anything else to add?

Commissioner

Strachan:

You know, when it comes to General Plan projects I always ask myself, you know, is it a project that; a) meets the requirements; and b) at the end of the day, knowing that everything in life is a compromise to some degree or another, do you feel good about it at the end of the day. As a community representative on the Planning Commission, I need to be able to go to the next Deer Valley concert or the next public meeting in City Park and be able to defend this. And I can't. I cannot say with a straight face to somebody who is going to look at this in like in a year or two into it, that says how did that ever get built? And I have to go into a drawn out explanation about a settlement agreement and an annexation petition, why we forwarded a negative recommendation, but really what we meant was conditions of approval, and blah, blah, blah, blah. And that person sits there and looks at me and goes, another mistake by a government official. Here's what we got.

No, the better answer for the person that comes to you at the next Deer Valley Concert is, no, I voted against it. I voted against it because it didn't meet the General Plan. I voted against it because it was ill-conceived from day one. And I voted against it because it's nothing that I ever want to show my daughter happened on my watch.

That's why you vote no. It's not because it's the best we could come up with after we, you know, we're dealt a bad hand. It's not because, you know, we---our hand was forced and we were really trying our best to come up with a good project or we thought the County would do a worse project. No. It's I voted against it because it doesn't comply with any of the goals in the General Plan. It doesn't meet any of the visioning goals that our community dialed out. And it's something that is going to be, in my opinion, a disgrace to the

generations, and particularly my daughter, who is going to drive past it every day on her way to my home. That's what you ask yourself in a General Plan context. This is different than a Land Management Context. You ask yourself whether you feel okay about it at the end of the day. And this is not a project that I can feel okay about. It's not even close. And this is the time for this town and this body to draw its line in the sand and say, projects like this, however they come to us, be it be a settlement agreement or litigation or threatened legislation from the State legislature. However they come to us, we're going to deny them. We're going to deny them because they don't meet our General Plan. They don't meet our Land Management Code and they don't meet any community desires. We don't care how it gets here. We don't care if our hand was forced. We just say no. And maybe our hand gets forced harder and maybe we end up, you know, in a place where the County is building it and we're not. But at least we said, no. And at least we did what our General Plan requires us to do. And at least we did what I think the community expects us to do.

And if the County ends up doing this, let those County Council people answer the questions at the next Deer Valley concert about how this happened. I'd much rather say, I voted against it. It ended up being the County's problem. I highly recommend you go to the County Council and give them some public input on how they [inaudible]. But I don't want to say, oh, well let me sit you down and explain for 15 minutes what exactly happened. I want to say, I said no, because that's what the General Plan and that's what our visioning goals, that's everybody in the community thinks and feels [inaudible]. So I will vote to forward a negative recommendation as a result.

Commissioner  
Savage:

Wow. This is fun isn't it. You know I spent a lot of time on this and I've tried to really think about the issue from both sides. And I kind of did that Ben Franklin thing I was talking about before. This thing is hard to quantify but for me it's not hard to qualify. And as I've gone through this I've thought about it as a Planning Commissioner; I've also thought about it as a citizen. And I've thought about it from the point of view of I'm not going to sit here and say that the County would do a worse job than we would do. I won't say that. But what I am going to say is that this is very much right in our, not in our backyard, it's in our front yard. And if somebody's going to build something in

my front yard, do I want to the opportunity to participate in the process by which that thing is going to be constructed, that I'm going to have to look at and my friend's are going to have to look at and my kids are going to have to look at day in and day out as they come in and out of this entry corridor. And my answer is yes, I want to be able to have a seat at the table at it relates to that process.

My sense is and my position is based upon the assumption that this thing is inevitable. That it will happen. And it's going to happen in a gateway location. And the status that we have right now, what we inherited, I think almost like a conditional use permit. Something's going to happen out there and we have the opportunity to condition the uses in a way that's more satisfactory.

And I think we have an obligations as a Planning Commission to support City Council and to empower City Council's ability to the degrees that we can to make that happen in as positive as way as we possibly can.

While I think---and it's interesting because, you know, my reference point is exactly the same that Adam talks about or that Commissioner Hontz talked about, having to do with what future generations are going to think. And I believe that we have an opportunity to orchestrate a process through the Staff and the efforts of Staff, to come up with a project that is going to be something that we can be much prouder of as an entry way than would be the case if we turned over all control and walked away from it.

And so as a consequence of that analysis and that feeling and that sense of looking at it from a bigger picture point of view, which I do believe is in compliance with a lot of the terms of the General Plan, I would recommend a positive, I would recommend approval to the City Council.

Commissioner  
Thomas:

I actually asked Charlie if I could go last, and partly because my position has vacillated so much through this process. And, you know, I took an active role as an architect to participate with the representatives of the applicant to improve the plans. That's what I do in my business and that's what I do as an architect. I have a little

issued with the concept of that's "polishing a turd", okay. And I think that they actually came forward with a reasonable design given the massing that they were trying to accomplish. And I also think that they came forth with an honest effort to represent what was going on. And I don't think they were gaming. So, I'll take issue with both of you on that.

But it is a---it's a difficult one for me. It's one I'm absolutely tormented by. And I hate to forward it into a situation where casting the final decision is on the Chair. But it's been very painful. This thing's going to happen. It's like an extension of our hand. It's a reality and we choose to positively affect that or negatively affect. To some extent I'm influence by the fact that I shared in the process and [inaudible].

It bothers me to make so many recommendations that were adhered to for the most part by the applicant, and then vote against it. On the other hand, I can absolutely see that this is inconsistent with the General Plan. And the torment for me is one that has taken me right down to the wire, obviously. But I cannot support it from a General Planning Principle. And I've been consistent in my life for the most part, even when I try to approve something anyway, like somebody. If I feel like it's inconsistent with the General Plan, I have to hang my hat on that.

So, and I want to thank the rest of the Commission for their passion and their objectivity and comments; with the exception of [inaudible].

Chair  
Wintzer:

All right. Going to one of your comments about asking the applicant to make changes, and do really appreciate the time taken to work on this. I think we made it clear at every meeting that we were talking about design and we were a little bit backwards, that usually we talk about General Plan, does it meet the General Plan, and then we talk about design. I don't feel bad about asking them to make these changes and then say it still doesn't meet the General Plan. We did that on the idea that we would pass on as much information to City Council as we could, and I think we were fairly clear with the applicant that we were doing this a little backwards and we were doing it for that reason. I really don't feel bad about that part of it.

I am not torn at all with the General Plan decision. It doesn't meet one criteria of the General Plan. I don't know how, I don't know how---I mean it, I think you're right, it's going to happen. I don't know if sending a positive recommendation from us is going to change anything, or a negative recommendation. But this kind of puts on the record what the Planning Commission feels. And that might be just used in future litigations and stuff like that. The Council knows where we've been all the way along. So if it came to a tie, I would probably vote against it. Now does someone---any other comments or a motion?

**MOTION:** Commissioner Pettit moved to forward a NEGATIVE recommendation for the Quinn's Junction Partnership Annexation in accordance with the proposed Findings of Fact and Conclusions of Law in the Staff report with the amendments striking Finding #2 in its entirety, renumbering Finding #3 to Finding #2, and changing the new Finding #2 to read, "Should the City Council determine to annex the property, the Planning Commission notes the conditions of approval as amended and included in the attached draft ordinance". Commissioner Strachan seconded the motion.

**VOTE:** The motion passed 4-2. Commissioners Strachan, Thomas, Hontz and Pettit voted in favor of the motion. Commissioners Savage and Worel voted against the motion.

**Chair Wintzer:** Before everybody leaves, I want to make a comment that I really appreciate the work that the Planning Commission and the Staff put in on this. I know it was an uncomfortable project for anybody and I think there was a lot of good work done here and I appreciate everybody's [inaudible.].

**Doug Rosecrans:** Commission, I'd like to second that. I think the plan is much better having gone through this process. I am disappointed that you didn't forward a positive recommendation. I completely understand where you're coming from. But we believe in this project, we still do, but I think it's been a very good process. I think it's---the plan is better having gone through this. Thanks.

Chair  
Wintzer: Thank you. We're adjourned.

[End of Recording.]

The Park City Planning Commission meeting adjourned at 8:00 p.m.

Approved by Planning Commission: \_\_\_\_\_

DRAFT

## **MINUTES – MAY 9, 2012**



**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
MAY 9, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Adam Strachan, Nann Worel, Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean

**WORK SESSION ITEMS**

**University of Utah Student Presentation of Wintzer Properties in Bonanza Park**

Planning Director Thomas Eddington reported that the City has been working on the Bonanza Park Plan for a number of months. As they began to finalize the concepts for the plan, there was an opportunity to work with Professor Joerg Ruegemer and his students at the University of Utah Department of Architecture to see how they could fit organic development onto some of the existing structures in Bonanza Park. Some of the structures lend themselves well to being redeveloped and utilizing some of their air rights for affordable housing and sustainable housing. The purpose of this work session was to present the University of Utah Architectural Studio that the students had worked on this past semester.

Director Eddington noted that Professor Ruegemer partnered with Charlie Wintzer to look at some opportunities for using the air rights above his storage units on Iron Horse in Bonanza Park for this design studio.

Planner Kayla Sintz stated that this was the start of a great relationship the City hopes to have with the University of Utah on a number of different projects. She noted that the four projects displayed this evening were a sampling of the projects that went to the final jury. She commented on the outstanding work that was done by the U of U students. Director Eddington stated that there were a total of 12 projects with a wide variety of ideas.

Director Eddington introduced Joerg Ruegemer. Professor Ruegemer stated that he is from Germany. In his country they need to be very aware of space and everything is small in density. In Germany it is common to squeeze buildings into six feet wide gaps or to take over existing buildings. He noted that Park City wants to protect their character and keep their density. As more people come in, it is important to use existing spaces in a very smart way. Professor Ruegemer stated that the Wintzer's storage units were designed to withstand a heavy load, which makes them perfect for placing housing on top.

Professor Ruegemer explained that a four-month studio began in January. It was a combination of seminar and studio and the students had to learn how to design energy efficient buildings. Professor Ruegemer explained how the projects were started using a model of the entire Bonanza Park area that was redesigned from their own perspective. As opposed to tearing everything down, the students left everything in place and added to it. Professor Ruegemer stated that the beauty of European cities has grown over many centuries because the structures are not torn down. The existing structures are enhanced and made better.

Four students from the University of Utah presented their own project and answered questions. Each one explained how they designed their project over the storage units under the criteria of affordability, sustainability, livability, and maximizing the use of space. The driving force was

passive strategies and affordable housing.

Director Eddington stated that these students were four of twelve students who were all extraordinary to work with. The amount of thought that went into the projects surprised everyone on the jury, as well as those who attended the two studio sessions. Director Eddington stated that this exercise helped the City recognize things that they sometimes miss as they start looking at a world defined by Code. This was good timing as they continue to work through the Bonanza Park Plan.

Director Eddington thanked Charlie and Mary Wintzer for allowing the students to use their property for this project. Mary Wintzer felt it was a great opportunity since storage units have a bad reputation. For these students to see something new and possible has given everyone else a chance to think outside the box.

Ruth Meintsma wanted to know when these projects would become reality. Director Eddington remarked that it was only a design studio and the projects were designed in theory. However, the City could use these ideas as they move forward with the Bonanza Park Plan and other areas within the community.

#### **Richards/PCMC Parcel – Annexation Petition (Application #PL-12-01482)**

Planner Kirsten Whetstone reviewed the request for an annexation of two parcels into Park City. She identified the parcel that is owned by Park City Municipal Corporation and deed restricted for open space. On the west was a 14 acre parcel owned by Frank Richards that they would like to bring into Park City. Planner Whetstone noted that the property is completely surrounded on every boundary by the Park City Municipal Corporation. It is currently considered an island of County jurisdiction. Planner Whetstone stated that the General Plan and the State Code discourages this type of configuration in the City. The property has been sitting as an island for some time and she believed it was created in the late 1980's or 1990's as other pieces were annexed.

Planner Whetstone noted that the requested zoning for the City piece was ROS, Recreation Open Space. The requested zoning for the Richards piece is SF, Single Family, which is consistent with Aspen Springs, Iron Canyon and Thaynes Creek Ranch and the Thaynes Subdivision that surrounds the Park City golf course. Planner Whetstone pointed out that the parcel owned by PCMC would remain open space and no changes would occur. No access was proposed onto the highway or on to Payday Drive. The Richards family was proposing to subdivide the entire 14 acre parcel into five lots, with Lot 1 being a combination of annexation property plus the last 1.3 acre lot in the Thaynes Creek Ranches subdivision that is already in the City. She indicated two additional lots for single family. Lot 5 was for the existing structures and homes. Lot 4 would be for a future home. At this time there are no plans to develop Lot 4 and the Richards' would continue their horse training operations on that parcel. Planner Whetstone presented an overview of the zoning in the area.

Planner Whetstone stated that the affordable housing was based on 15% of any new residential. Since that equates to approximately 45% of an AUE, they could either build an AUE or pay an equivalent amount.

Planner Whetstone reported that there was no open space associated with the Richards parcel per se, other than the building pads would be identified and the remaining land would be left undeveloped and used to pasture horses. There had been some discussion about designating the area to the north as ROS since it is wetlands and cannot be developed.

Commissioner Pettit asked if the property owned by PCMC was purchased as part of the open space bond. Planner Whetstone replied that it was purchased with bonds and dedicated with a conservation easement in 1990.

Planner Whetstone commented on trails and noted that an existing sidewalk runs along the north side of Payday Drive and ends at the end of the subdivision. The Staff would recommend that the sidewalk continue all the way to Thaynes Canyon Drive. Planner Whetstone noted that the property is within the Park City Annexation area.

Planner Whetstone remarked that the applicant had provided significant information on wildlife, wetlands, sensitive lands, physical analysis, utilities, and traffic. Before the next meeting she would verify whether any of the structures qualify for the Park City Historic Sites Inventory. If any do qualify they would be added to the inventory.

Planner Whetstone reviewed the annexation review process. The final decision is made by the City Council following a public hearing and a recommendation by the Planning Commission.

Chair Wintzer clarified that if the property is annexed, it would come back to the Planning Commission as a subdivision plat. Planner Whetstone replied that this was correct. Chair Wintzer felt that questions regarding lot size and similar issues would be more appropriate at the subdivision process. Planner Whetstone remarked that the annexation agreement would guide the final plat. The Staff was thinking that building pads would be identified on the final plat, as well as house sizes and other restrictions. Chair Wintzer understood that the only parcels that would be subdivided were Lots 1, 2 and 3. He questioned why the applicant was not subdivide the entire parcel. He believed it would be cleaner to have it all done through the platting process.

Mr. Richards, the applicant, stated that he uses all the property and he plans to continue his horse operation on the remaining property. He was proposing to subdivide the three lots on Payday Drive at the present time. Each lot would be approximate 1-1/3 acres. The lots are large and whoever buys them could use them as equestrian lots. Mr. Richard remarked that he was not interested in subdividing the back portion at this time.

Chair Wintzer understood the existing use, but it was hard to annex property into the City without having the use defined. It would be easier for the Planning Commission to understand what the final use would be if it was all subdivided at one time. Mr. Richards replied that the use would be what the zone is and what goes on it. Planner Whetstone clarified that the final plat would follow the preliminary. She asked if Mr. Richards was talking about a final plat being in two phases. Mr. Richards stated that it may be four or five years before he is too old to ride and ready to subdivide the back portion.

Commissioner Pettit understood from the Staff report that the selection of the single family zoning designation was tied to the surrounding subdivisions. Even though what seems to be proposed is a much lower density subdivision and configuration, she was concerned that the zoning could allow a much more dense development in that area. Planner Whetstone stated that the intent has always been that there would be no more than five lots, and that would be noted on the subdivision plat. She explained that the SF zone was chosen because of the configuration of setbacks and no nightly rental. It is more consistent in terms of uses and it allows the horses.

Chair Wintzer asked Mr. Richards if he would be willing to annex the property into the City with no more than five lots on the property. Mr. Richards replied that it would not be a problem.

Assistant City Attorney McLean stated that there were a number of legal ways that would provide different levels of assurance. As part of the annexation agreement it could be limited to a certain number of properties such as the five lots currently proposed, and that would limit the density. Plat notes would have to go through the public process to be amended. Conceivably, the Annexation Agreement could go back to the City Council. Both are legislative acts and both could be done. If certain areas are designated to be zoned as ROS within the SF area, that would be another way to show their intention.

Commissioner Pettit stated that another element that may play into this from a developable standpoint was that she did not have a good understanding of the delineation of the wetlands, particularly on Lot 4. In looking at the acreage in the SF zoning, the number could be as high as 51, but that may not be true because of the wetlands.

Commissioner Strachan noted that Planner Whetstone had indicated that there might be historic structures. He was not familiar with this property and asked what those structures would be.

Planner Whetstone stated that there were two houses and some out barns. She was unsure when the houses were built. Mr. Richards stated that one home was built in 1978 and the other was built in 1984. Based on those dates, Planner Whetstone clarified that the structures would not be historic.

Mr. Richards questioned the limitation of the size of the dwelling. When he built the eight homes on Payday Drive fifteen years ago, it took seven hearings and five years to get those approved. People objected to the size of the homes and wanted to limit the size to approximately 2800 square feet. Mr. Richards stated that if he subdivides the property into 1-1/3 acre lots, he would not want to be restricted to 2800 square feet.

Chair Wintzer informed Mr. Richards that the house sizes would be addressed at the subdivision part of the process and not with the annexation. Mr. Richards stated that he may not want to annex if he is not allowed to build decent size homes. Chair Wintzer suggested that Mr. Richards discuss the size of homes with Staff and come to some understanding.

Commissioner Hontz noted that Planner Whetstone could tell Mr. Richards now what size home would be allowed per Code, based on the lot size and zoning. It would give Mr. Richards some understanding of what is allowed, and that could be tweaked at the subdivision. Planner Whetstone stated that in most zones there is not a house size limitation. She explained that the Staff would do

an analysis of the surrounding area to determine a compatible house size. In terms of restrictions, the Staff prefers a limitation on building footprint and let the height, the footprint and the architecture determine the house size.

Mr. Richards asked if the footprint was the same as a build pad. Planner Whetstone answered yes. Mr. Richards stated that he did not have a problem with the size of a building pad, but he might have a problem with the location of the building pad. If someone wants to use the lot for equine purposes, they may want to put the house near the front to allow for pasture in the back or possibly place the house to one side or the other. He understood that they would have to abide by the side yards and setbacks, but to force someone to put their home in the middle of the lot destroys the possibility of using it for horses. Chair Wintzer believed Mr. Richards could work out that issue with Staff. Planner Whetstone agreed. She pointed out that it was a discussion that should occur at the preliminary plat level. Mr. Richards pointed out that he was proposing to sell the lots and it would be difficult if the buyer did not have flexibility in locating their home on the lot. Chair Wintzer opened the public hearing.

Kevin McCarthy, a resident in Iron Canyon, stated that he has been a neighbor of the Richards' for 24 years and he attended a number of the hearings when Mr. Richards was proposing to build on Payday. Mr. McCarthy noted that all the people with small houses across the street have remodeled them into giant houses. His home looks down on the Richards' property and he was anxious to see a nice development.

Chair Wintzer closed the public hearing.

Commissioner Strachan suggested that Mr. Richards should see the Staff's compatibility analysis before deciding to move forward with the annexation. He thought Mr. Richards might be surprised at how restrictive the compatibility analysis may be. The surrounding houses may appear large, but someone who purchases an acre and a third lot may have a broader idea and would want a house much larger than the neighboring homes. If Mr. Richards is considering building homes that are much bigger in size than the surrounding homes, he should know that the size might be restricted if the property is annexed. Commissioner Strachan pointed out that the applicant has the option to decide whether or not to annex into the City, but they should have all the facts before making that decision.

Steve Schuler, with Alliance Engineering, understood that there was a square footage analysis consistent with the Single Family Zone, and asked if that was different from the compatibility analysis. Planner Whetstone stated that it was different from the Historic District where the lot size dictates the square footage. With a new subdivision, lot coverage would be the biggest issue.

Commissioner Strachan pointed out that once a property is annexed into the City there is no way out. Mr. Richards understood that fact, which is why he was concerned about a size limitation. He asked if the compatibility analysis would compare the homes in Iron Canyon. Planner Whetstone replied that the analysis would include Iron Canyon, Aspen Springs and Thaynes. It would also take the larger lots into consideration.

At the request of a neighbor, Chair Wintzer re-opened the public hearing.

Carol Cutter, a resident in the Thaynes Creek area liked the idea of equestrian lots, but she wanted to know what would happen if a buyer did not want to use it as an equestrian lot. She was concerned that someone would build a larger house because they would not need the space for horses. Ms. Cutter noted that the City open space parcel was directly behind her home and she wanted to know how subdividing would affect the rights for animal grazing and the existing activity on that property.

Planner Whetstone explained that a purchase agreement exists between Mr. Richards and the City and this annexation would not change that agreement. There is water that the City uses and Mr. Richards also uses some of that water to irrigate the pasture. He also has the ability to graze horses and cows.

Ms. Cutter asked if the same rights would go with the lots. Planner Whetstone replied that the new lots that would be created were not part of the purchase agreement. The use would remain the same. Mr. Cutter understood that the use would remain for Mr. Richards, but she wanted to know if the people who purchase the additional lots would also have that same use. Planner Whetstone was unsure and offered to look for an answer.

Mr. Richards stated that he has grazed horses and cattle on that land for 35 years. They are stewards of that property and every spring they clean the land and fertilize it and irrigate all summer long. When he sold the property to the City he sold them ten acre feet of water so the property could be kept green and presentable. He believed that was something positive that the City would like to continue.

Commissioner Strachan stated that an easement agreement with the City would allow that to continue. Planner Whetstone would review the purchase agreement with the Legal Department to make sure a new lot owner would have that ability. Commissioner Pettit thought it should be reviewed in the context of Ms. Cutter's question, which was whether or not the same rights afforded to Mr. Richards under his agreement with the City would transfer to the people purchasing the subdivided lots by virtue of their proximity.

From a procedural standpoint and assuming that the annexation gets approved, Mr. Schuler asked about the subdivision process. Chair Wintzer stated that the annexation and the subdivision could be done at the same time if requested by the applicant. As currently presented, if the property is annexed into the City it would come back at a later time for the subdivision. Chair Wintzer reiterated that it would be a cleaner review for the Planning Commission if the subdivision plat and the annexation came in at the same time. Chair Wintzer encouraged Mr. Richards to include Lots 4 and 5 at the same time; however, if he chooses not to do that, he would suggest limiting it to two lots so they could call out the wetlands to determine what areas could be built on.

Planner Whetstone noted that the final subdivision had not been submitted. The annexation process requires a preliminary plat or an MPD, and the review of an MPD or final plat is only supposed to occur if the project is annexed. She asked if there was leeway in the Code for the Planning Commission to review the annexation and the subdivision at the same time. Assistant City Attorney McLean believed it could be done extemporaneously. The annexation should be

scheduled as the first item followed by the subdivision as a separate application. Ms. McLean pointed out that the agenda for this evening only noticed the item as an annexation.

The Planning Commission reviewed the items for discussion on page 9 of the Staff report.

Chair Wintzer requested to see the wetlands designated so they would know which areas are possible for building. Mr. Schuler remarked that Dave Gardner had done a delineation on the Richards property, but the City property was not delineated because it was not for development. Planner Whetstone noted that numerous pages of appendices regarding the wetlands report were not included in the packet but it was posted on the website.

Commissioner Pettit stated that in addition to the purchase agreement, she would like to see the conservation easement and what it entails. She wanted to better understand the relationship between this parcel and the Richards property.

Planner Whetstone would also provide a lot analysis. Chair Wintzer pointed out that placing the houses closer to the cul-de-sac road would be nicer on the entry corridor. If there is an agreement to graze horses, he would like to see that continue. Chair Wintzer stated that the City spent a lot of money obtaining the Osguthorpe Farm and he would encourage equestrian activity.

Planner Whetstone asked if the Commissioners agreed that the proposed zoning designations were appropriate for the parcels and consistent with the surrounding neighborhood and purposes of the Land Management Code.

Commissioner Strachan suggested that the northern portion of Lot 4 may be more appropriate as ROS. He thought they should take a better look at the wetlands designation on the property. From what was shown in the Staff report, he believed much of that property would be restricted for building. The intent is to build on Lots 1, 2 and 3. Lot 5 already has structures on it and Lot 4 is separate and contains all of the wetlands. If Lot 4 or a portion of Lot 4 is zoned ROS, Commissioner Strachan preferred that it be straight legislative zoning as opposed to a plat amendment.

Mr. Schuler pointed out that there are utilities going to the north to access an existing Snyderville Basin sewer line in Aspen Springs. He was unsure if that would make a difference in zoning ROS. Planner Whetstone would look into it.

Planner Whetstone noted that the Planning Department sent over 600 letters to property owners and she had been answering emails and phone calls for two weeks. Most people wanted information, particularly regarding the open space. Planner Whetstone stated that when concerns were expressed, it was primarily from the lots in Aspen Springs that would back to that portion. Everyone wanted assurance that a house would not be built back there. There were no concerns about houses along Payday. If Lot 4 was developed, the preference was to put the house down by the existing lake.

Commissioner Strachan believed that most public opposition would come from those landowners because their views would be obstructed if homes were built in front of them. Appeasing the

neighbors was another reason to support the ROS designation. Mr. Schuler pointed out that designated wetlands would serve the same purpose.

Commissioner Pettit reiterated that she would be comfortable with the Single Family Zone designation, as long as they could limit the number of lots and control density in a way that protects the property from excessive development in the future. Planner Whetstone noted that Assistant City Attorney McLean had offered ways to accomplish that.

Planner Whetstone stated that the Staff would focus on the analysis. In addition, as they write up the annexation agreement and the conditions of approval of an annexation, they would focus on the location of building pads, building heights and design characteristics, mitigation of impacts to wildlife, wetlands or other sensitive lands. They would look at maintaining the rural, agricultural character. They would consider ROS zoning, compatibility with the neighborhood, providing pedestrian amenities and connectivity, compliance with affordable housing and provisions of the utility service and understanding the water component.

Commissioner Pettit commented on where this property is located and the goal tied to maintaining rural agricultural character, and how the current equestrian use of the property follows that goal. Commissioner Pettit asked if there was a way to create an incentive to make it attractive for potential buyers to maintain that agricultural rural use. She preferred to create the carrot versus the stick.

Chair Wintzer asked if the property was too small to zone as agricultural. If 80% of the lot was used to graze horses, a tax break may be the incentive to keep it rural agricultural. Mr. Richards was unsure about the City regulations, but the County requires five acres to maintain a Green Belt status. Mr. Schuler remarked that Green Belt status was one of the reasons for not including Lots 4 and 5 at this time.

Commissioner Strachan thought another way to incentivize people to use those lots agriculturally would be for the City to grant grazing rights under a non-CUP or through an expedited CUP process as part of the annexation agreement. It could be zoned for that use and included in the annexation agreement; and it would run with the land.

Mr. Richards stated that a right-of-way would be maintained on the north side of Lot 2 so people could ride down there and graze their horses. Planner Whetstone thought that raised the issue of public access. She would discuss it with the trails people and report back at the next meeting.

Chair Wintzer commended Mr. Richards for working with the City in the past. He thought annexing the property would be nice for the entry corridor. He encouraged Mr. Richards to continue with the annexation.

Commissioner Hontz thanked Mr. Richards for submitting a complete annexation petition. Because it is such a small subdivision and because the City will have the assurances and protections of plat notes, zoning changes and a subdivision at the same time, that would be reassuring enough for her to move forward in an expedited manner. Commissioner Hontz thought it was important for others to see that when an applicant submits what is required and tries to work with the Staff and the

Planning Commission, things can move as quickly as possible.

Commissioner Hontz stated that she started to look at some of the analysis and she actually had different assumptions. However, because the subdivision is so small, the assumptions that need to be changed would not make a difference in terms of affordable housing or fiscal impacts. She looked forward to having Mr. Richards come back at the next meeting.

The Work Session was adjourned.

DRAFT



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
MAY 9, 2012

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Julia Pettit, Adam Strachan, Nann Worel

EX OFFICIO:

Thomas Eddington, Planning Director; Kirsten Whetstone Planner; Matt Evans, Planner; Francisco Astorga, Planner; Polly Samuels McLean

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REGULAR MEETING

**ROLL CALL**

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

The Commissioners held a work session discussion on the Richards/PCMC Parcel – Annexation Petition. That discussion can be found in the Work Session Minutes of May 9, 2012.

**ADOPTION OF MINUTES**

April 25, 2012

Commissioner Hontz understood that the minutes were a summary of their discussion; however, she recalled making statements regarding the Quinn's Junction Partnership Annexation that were not included in the minutes. She felt strongly about the work the Planning Commission did at the April 25<sup>th</sup> meeting and the amount of effort that went into their comments. She wanted the City Council to clearly understand why she took the position to deny the annexation and associated MPD. Commissioner Strachan concurred.

It was noted that the Planning Commission has also forwarded conditions of approval to the City Council for the Council to consider if they were to overturn the recommendation to deny, and those conditions were not in the minutes. Director Eddington noted that the conditions of approval he been re-drafted with the revisions from the last meeting, and that draft was forwarded to the City Council with their recommendation. Chair Wintzer thought the revised conditions should have been included in the minutes so the Planning Commission could have reviewed the conditions that were sent to the City Council, since they were the one who made the revisions.

Director Eddington pointed out that because this application was expedited, the draft minutes and conditions had already been sent to the City Council.

Commissioner Hontz was not willing to approve the minutes of April 25<sup>th</sup>, 2012 this evening because it was not an accurate reflection of what she had said. It reflected the flavor of her intent, but her statements were not complete. She felt the comments were imperative so people who read

the minutes ten years from now have a complete understanding of their discussion and what they accomplished that night.

Director Eddington remarked that this item would appear before the City Council on Thursday, May 17<sup>th</sup>, with the final meeting on May 24<sup>th</sup>. He noted that the Planning Commission would not meet again until May 23<sup>rd</sup>.

After further discussion and based on the importance of their comments, the Planning Commission requested a verbatim transcript of the Quinn Junction Partnership Annexation discussion. Once the transcript is complete, Director Eddington would email it to each of the Commissioners for review. The Staff would send the transcript to the City Council as a supplement to their Staff report prior to the May 17<sup>th</sup> Council meeting.

Assistant City Attorney, Polly Samuels McLean, advised the Planning Commission that because the transcript would be verbatim the Planning Commission could only make changes if a comment was inaccurately stated in the verbatim transcription. They could not make changes if they wanted to rephrase something they had said or did not like what they said. Those situations needed to remain on the record as it was recorded.

Chair Wintzer stated that if the City Council had received a copy of the revised conditions, the Commissioner could read those conditions online and notify the Staff if something was incorrect or incomplete.

MOTION: Commissioner Hontz moved to CONTINUE the minutes of April 25<sup>th</sup>, 2012 to May 23<sup>rd</sup>, 2012. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

As requested by the Planning Commission, Director Eddington provided an update on 124 Daly Avenue. He reported that 124 Daly was done in conjunction with 118 Daly. The Historic District Design Review was approved in 2004 and the conditional use permit was approved in 2005. Construction was started in 2007 or early 2008 and has progressed slowly. The project was approved under the old guidelines and there were no sunsets. The project is near completion. Director Eddington had spoken with the architect to confirm that they were adhering to the building plans. The Staff pulled the setbacks and the project is in compliance. It is not required, but in good faith the applicant has committed to work with the Staff to consider possible revisions that meet the new guidelines.

Chair Wintzer clarified that his initial question was how something was approved so close to the road. Director Eddington explained that the house was raised to accommodate a garage underneath, but the house remained in the same location. The deck out front moves in two to three feet to make way for some steps. When this project was presented in conjunction with 118 Daly, a set of shared steps went up to both 118 and 124 Daly. During the building permit review Ron Ivie did not allow that for fire code and other reasons, and mandated that the deck remain with steps.

The steps were separated for the two buildings and the steps for 124 Daly were pulled out to preserve the existing deck. Director Eddington stated that the piers are quite large, which contributes to the appearance of being closer to the road. Director Eddington clarified that currently the project was being built as approved.

Commissioner Pettit referred to the comment that the house remained in its existing location, and noted the amount of excavation that was done to the hillside. Director Eddington agreed. The existing historic house was lifted on site, and an addition was added to the back where they dug out a significant part of the hillside and put up a very large retaining wall.

Commissioner Pettit implored Director Eddington to take a picture of the house as it sits right now before completion, to use as an example of an absolute “don’t” in the Historic District Design Guidelines and something they never want to see again in the Historic District.

Director Eddington clarified that the new design guidelines would not permit this type of design. Commissioner Strachan thought the amount of excavation and retaining that was done should be recorded because it would be the same issue on Anchor Avenue and they will have to do something similar, if not more drastic. The Code already speaks to that issue; however, previous Planning Commissions have been overly flexible and the result is structures like 124 Daly Avenue. Commissioner Strachan emphasized the importance of remembering this when they move forward with projects on Anchor Avenue or any steep slope. Director Eddington pointed out that the new Code addresses the cuts and heights of the retaining walls pursuant to the new Steep Slope CUP language, which talks about bringing it back within two to four feet of grade.

Commissioner Hontz had reviewed the previous approval. However, she understood from Director Eddington that the project was approved by the Planning Commission, but the Building Department changed the plan without sending it back to the Planning Commission. Director Eddington explained that it was a field change and was not required to come back before the Planning Commission. In researching the paperwork going back to 2004, he was still trying to find exactly where the Building Department made that correction to the steps.

Commissioner Hontz noted that the dimensions for the posts that extend into the road were not identified in the Planning Commission approval. They looked smaller on the plan than what they are in reality. She believed they could make the argument that it was not what was approved. Director Eddington replied that the Staff looked at the plans and took some measurements, and the posts used are actually 2 inches smaller in dimensions. He agreed with Commissioner Hontz that it looks larger, but they measure smaller. Commissioner Hontz made the point that without the dimensions it was hard for the previous Planning Commission to understand what they were approving.

Commissioner Hontz stated that from looking at the historic pictures of where the house was located, she questioned whether the house was put back in the same location. She had not visited the site itself and recognized that it may appear different because of the foundation that was put underneath. Commissioner Hontz encouraged the Staff to compare the current location with the actual dimensions that were approved.

Commissioner Hontz stated that 124 Daly is a disaster and they need to keep asking questions to avoid making those same mistakes again. Director Eddington clarified that this project could not be approved under the new Code or the new design guidelines. He noted that the Staff did rough calculations on the measurements and it appears that the original and the existing location was the same. The Staff will work with the Building Inspectors as they continue to do their inspections.

Director Eddington announced that the joint meeting with the Snyderville Planning Commission was scheduled for Wednesday, May 30<sup>th</sup>, 6:00 p.m. at the Richins Building. The discussion would focus on regional growth issues, interlocal agreements with regard to General Plans, growth management strategies and other issues.

Commissioner Strachan suggested that the Boyer Development project by the Utah Olympic Park be scheduled as an agenda item for the joint meeting. He would like to brainstorm with the Snyderville Basin Planning Commission on how they approached that project. In his view, that situation was similar to what the City would be facing with aggressive developers who have land rights.

Director Eddington reminded the Planning Commission of the joint meeting with the City Council on Thursday, May 31<sup>st</sup>. Dinner will be at 5:30 p.m. and the meeting will begin at 6:00 p.m. Charles Buki would present the balance growth study that he has been working on with the City.

Chair Wintzer would be out of town for both joint meetings.

Francisco Astorga announced that Planner Katie Cattan had passed the AICPA exam.

### **CONTINUATION(S) – PUBLIC HEARING AND CONTINUE**

1. Richards/PCMC Parcel – Annexation Petition  
(Application # PL-12-01482)

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

MOTION: Commissioner Pettit moved to CONTINUE the Richards/PCMC Parcel annexation petition to the May 23, 2012 meeting. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. 30 Sampson Avenue – Steep Slope Conditional Use Permit  
(Application #PL-12-01487)

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

MOTION: Commissioner Pettit move to CONTINUE the 30 Sampson Steep Slope conditional use permit to the May 23, 2012 meeting. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. 543 Woodside Avenue – Steep Slope Conditional Use Permit  
(Application #PL-12-01487)

Chair Wintzer opened the public hearing. There was not comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 543 Woodside Avenue Steep Slope conditional use permit to May 23, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

4. 7700 Marsac Avenue – Subdivision (Application #PL-10-01070)
5. 7700 Marsac Avenue – Condominium Conversion (Application #PL-10-01071)

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

MOTION: Commissioner Pettit moved to CONTINUE the 7700 Marsac Avenue subdivision and condominium conversion to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

#### **REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

1. 80 Daly Avenue – Plat Amendment  
(Application #PL-12-01488)

Chair Wintzer thanked Planner Astorga for including the purpose statement in his Staff report. It helps the Planning Commission focus on the zone.

Commissioner Pettit disclosed that she lives on and owns two properties on Daly Avenue at 239 and 243 Daly. Her ownership and residency would not influence her ability to be objective in this application.

Commissioner Hontz disclosed that she lives at 209 Daly Avenue, which is not in the vicinity or within the 300 feet noticing boundary of this property.

Planner Francisco Astorga reviewed the application for the 80 Daly Avenue subdivision. The Planning Commission reviewed this application on April 11, 2012 and continued the matter with direction to Staff to provide an analysis of the house sizes on Daly Avenue. The completed analysis was included in the Staff report.

The Staff had determined an overall average floor area of 2,532 square feet for the entire Daly Avenue neighborhood; and recommended putting a cap on the gross floor area of Lot B to match that average. Planner Astorga stated that Lot A, which is equivalent to an Old Town lot of 1875 square feet, yields a maximum footprint of 844 square feet. Calculating 844 square feet by three stories allowed by Code results in 2,532 square feet. Planner Astorga clarified that it was completely coincidental that the average number identified in the overall analysis was the same as one Old Town lot of record.

Planner Astorga stated that he had not received public hearing at the time the Staff report was prepared, but he was later approached by Brent Gold who represented Mr. Henderson, the owner of 68 Daly Avenue. Mr. Gold would be making comments during the public hearing on Mr. Henderson's behalf.

Jonathan DeGray, representing the applicant, reported that his clients did not agree with the Staff analysis. It is not a fair evaluation because the Staff only took the assessor records for each individual property and recorded the lot or building size and determined the average based on every single house and building on Daly Avenue. The analysis did not take into account what size home sits on what size lot, and whether it is a 3,000 square foot home on a 1875 lots or a 500 square foot home on three lots.

Mr. DeGray remarked that a more appropriate method would be to compare this property to like properties in size, and to the homes that are built on those properties in relationship to Lot B of the proposed subdivision. Lot B is slightly over 3800 square feet and is equivalent to the size of two lots. Based on the average, the Staff would propose that a single home on that lot would be the size of a home on a single lot. Mr. DeGray believed it was a product of a skewed analysis. Mr. DeGray requested a more fair evaluation of the property size in comparison to buildings on similar size properties.

Mr. DeGray stated that the analysis did not address the property size of 80 Daly Avenue. On 3800 square feet they are eligible for a duplex. The average size of the 14 duplex lots or multi-family units along the entire length of Daly Avenue is 3,980 square feet of living space. Mr. DeGray noted that his client has not presented a specific plan, but the lot is large enough to sustain a duplex under the Code. However, under the Staff evaluation it would be placed as a single-family without further discussion. His clients would like the ability to build a duplex if they decide to and their property should be compared to other properties on Daly Avenue that are similar in use and size, which would be all the other multi-family units.

Mr. DeGray noted that the analysis says that the buildings should be 2532 square feet in gross area, including a garage. He stated that the current configuration of the parcel, without the plat, contains Lot 9 and 10. Lot 10 is the larger building lot currently being discussed. His clients would like to build on that lot and would like some incentive to move forward with the plat. The idea of being limited to 2500 square feet of gross area is not an incentive, because the lot in its current configuration would yield a larger home without a plat amendment. Lot 9 contains 2,252 square feet. On the proposed plat it would contain 1875 square feet. Lot 10 contains 2,449 square feet. On the proposed plat it would contain 3,893 square feet. Without the plat amendment, Lot 10 would yield a home approximately 2700-2800 square feet. As proposed by Staff, that would be reduced to

2,555. Mr. DeGray stated that under the current guidelines the larger lot with a plat amendment at 3,893 square feet would yield a footprint of 1,564 square feet.

On behalf of his clients, Mr. DeGray proposed to look at Lot B and offered to remove the Anchor Avenue vacation area, which is 554 square feet, from the area calculation. That would reduce the footprint from 1564 down to 1384. It would reduce the potential building size to 3200-3300 square feet gross area, including the garage. The living space of the home would be approximately a 2800 square foot house and a two-car garage at 400 square feet, which meets the City Code minimum size. In an effort to move forward, Mr. DeGray offered that proposal to the Planning Commission. He would like to move forward with design solutions using the reduced footprint, with the knowledge that it would come back to the Planning Commission as part of a Steep Slope CUP. Mr. DeGray pointed out that any building on Lot B would require a Steep Slope CUP. At that point he would be able to show compatibility or with appropriate mass and scale for the surrounding structures.

Commissioner Strachan referred to the numbers proposed by Mr. DeGray and understood that the 3900 was the total square footage of the structure that could be built under his analysis. Mr. DeGray was proposing a reduction capped at 3200-3300 square feet.

Mr. DeGray explained that his proposal is to not deal with a cap at this time, but to propose a reduced footprint on the property. Commissioner Strachan asked if Mr. DeGray would consider a square footage cap at a later time if the Planning Commission decides to approve the plat amendment. Mr. DeGray replied that because this would come back to the Planning Commission for a Steep Slope CUP, his clients were concerned that if they negotiate a reduced size with the plat amendment, it would be done again with the Steep Slope CUP. Mr. DeGray noted that he would have to meet the requirements of the Steep Slope CUP. Taking out the Anchor Avenue vacation reduces the footprint by a few hundred square feet. He believed that 1300 square feet of footprint would achieve a building size that works for his clients at approximately 3300 gross floor area and 2800 square feet net livable area. Based on the Staff analysis, Mr. DeGray believed those numbers fall within the realm of reasonable.

Commissioner Strachan asked Mr. DeGray if his clients would prefer not to do the plat amendment if they could not get the footprint they want on Lot B; and instead build two separate structures on two separate lots. Mr. DeGray clarified that without doing the plat amendment Lots 9 and 10 were still buildable lots. One lot is 2252 square feet and the other is 2400 square feet. Both lots are bigger than standard lot sizes and would yield larger homes. Since that would be an option without a plat amendment, Mr. DeGray requested a continuance so he could ask his clients what they would prefer in response to Commissioner Strachan's question. Mr. DeGray could not answer that question this evening; however, he did know that his clients were willing to take a reduction in footprint if the Planning Commission was willing to let them come forward with a Steep Slope CUP.

Chair Wintzer opened the public hearing.

Brent Gold introduced Pete Henderson, the owner of 68 Daly Avenue. Mr. Henderson has owned the property at 68 Daly Avenue for more than 40 years. The house that was originally on that property was the infamous water tank rollover house that was squashed when a water tank fell off a

truck and rolled down the hill and onto the house in 1980. Mr. Henderson constructed the existing house from the remnant of the original house. Mr. Gold stated that the house at 68 Daly Avenue is approximately 1950 square feet. It is a flag lot with a 7-1/2 foot flag pole coming up from Daly Avenue serving the house. The alleged encroachments that are spoken of in the Staff report have been there for over 30 years. Mr. Gold emphasized "alleged". The encroachment spoken about in the Staff report is identified as approximately 64 square feet. Mr. Gold thought the extent of the encroachment may be three or possibly four feet extending into the lot.

Mr. Gold stated that Mr. Henderson at 68 Daly Avenue is singularly is most affected by this proposed plat amendment. The structure allowed on Lot B would loom over Mr. Henderson's house to the south. The size and height of the Lot A structure would be a tower blocking his singular view corridor, which is to the Daly side of the street. Mr. Henderson is already blocked to a great extent upstream of Daly in the southerly direction.

Mr. Gold stated that Mr. DeGray believes that his proposal not to use the portion of Anchor Avenue would give Mr. Henderson a view corridor to the south. He pointed out that there is no view corridor because there is literally a vertical hill on that side due to the steepness of the slope. Mr. Gold noted that Mr. Henderson had several conversations with the applicants and suggested a number of proposals for how they could minimize the impacts. The 2500 square feet that Planner Astorga recommended is a step in the right direction; however, there is no consideration for this tower and the impact of literally blocking Mr. Henderson's house from the view corridor.

Mr. Gold noted that one of the conditions of approval is that the encroachment matter be resolved. Mr. Henderson had received no proposal from the applicant at this point regarding a resolution of the alleged encroachments. Mr. Gold stated that they were doing the best they could to keep open the channels of communication. A number of different options were on the table.

Mr. Gold encouraged a continuance if for no other reason than to try and further engage the petitioners in an attempt to come to some resolution. Mr. Gold encouraged the Planning Commission to become familiar with Lot A and the potential impacts before making any decisions regarding the plat amendment.

Mr. Gold noted that Mr. Henderson was out of town for the April meeting and did not receive his notice. He was notified by his neighbors. He was happy that the decision was continued in April to this meeting to allow him the opportunity to present his case. Mr. Gold stated that Daly Avenue is worth protecting what little of it is left and he asked the Planning Commission for their assistance.

Chair Wintzer understood that the encroachment issue was between the applicant and Mr. Henderson, and the Planning Commission could not get involved. Assistant City Attorney McLean stated that on a regular basis, part of what the City is trying to do with plat amendments and subdivisions is clean up encroachments and lot lines. As a regular course the City requires encroachments to be dealt with in some way. The condition of approval is typical in a plat amendment. Chair Wintzer clarified that the City requires it to be cleaned up by a condition of approval, but the Planning Commission does not get involved in how it is done. Ms. McLean replied that this was correct.

Chair Wintzer closed the public hearing.

Commissioner Pettit agreed that from a historic character and scale, Daly Avenue is one unique long street and a variety of structures have been built over time. The most important piece and element of Daly are the historic structures that continue to exist and hopefully will continue to exist into the future. The size and scale of those single level structures are very modest. In looking at the Staff analysis, she can see the range that exists; however with each study the average size continues to creep up and that causes her concern. They tend to get more structures on the higher end versus the existing historical structures that continue to be dwarfed through development.

Commissioner Pettit stated that in looking at the streetscape with respect to these lots and where they sit next to Carlene's property and historic properties across the way and beyond, she was concerned about the size of the structure that could be built on Lot B regardless of whether it is single family or a duplex.

Commissioner Pettit commented on some of the strange things that have happened along Marsac with some of the structures on the hill and the mining structures off of Ontario that were dwarfed. Even from a solar perspective, views were blocked by large structures that were compliant under the Code. When there is a property that sits in a unique manner, she has concerns about impacting that particular property. Commissioner Pettit was very concerned about how that would come into play in the context of either what is currently allowed or what would be allowed through a lot combination and subdivision. She appreciated that Mr. DeGray came back this evening with a proposal to further reduce the footprint for Lot B, but she was not convinced it was enough. Commissioner Pettit was also concerned about pushing that process into the Steep Slope CUP because the Planning Commission has less control in the CUP process than with the plat amendment in terms of trying to anticipate impacts and the desire to maintain the historic fabric of Daly and compatibility.

Commissioner Pettit stated that coming into this meeting she was inclined to consider adopting the conditions of approval recommended by Staff, but that was without understanding the impacts to 68 Daly Avenue, particularly of building to the maximum height on Lots A and B. Commissioner Pettit needed to better understand the impacts to see if other conditions would be appropriate in this context. She recognized that it was a difficult situation because without the plat amendment the owner still had two buildable lots that could potentially yield worse results.

Commissioner Hontz concurred with all of Commissioner Pettit's comments. She referred to page 103 of the Staff report and asked for clarification on the dimensions. Commissioner Hontz understood that the rectangle box shown was Lot 10, and that it did not include the additional square feet that extend from the bottom rectangle line to the bottom red rectangle line. Without a plat amendment, the lot that could be developed was everything within that black rectangle and not all the way down to Lot 64. Mr. DeGray replied that this was correct. He stated that the fragment of Lot 11 that Commissioner Hontz was indicating was approximately 6 feet. Planner Astorga explained that if the applicant proposed to build within the existing parameters, including the setbacks, a plat amendment would not be necessary because development would not cross any lot lines.

Commissioner Hontz pointed out that it would still exclude the Anchor Avenue portion. Planner Astorga remarked that Daly Avenue was platted differently than the typical 25' x 75' configuration.

Commissioner Hontz asked if a variance would be required for Lot 9. Mr. DeGray answered no. Planner Astorga remarked that everything owned by Mr. DeGray's client was identified in red and included Lots A and B. He stated that the County allows property owners to consolidate lots for tax purposes. Therefore, PC-653 was everything the applicant owns. Planner Astorga pointed out that Lot 10 was buildable as it currently exists. However, Lot 9 is not a lot of record. It is a portion of a lot that is shared with 68 Daly Avenue. He noted that in 1992 when Mr. Henderson built the structure at 68 Daly Avenue, a different policy was in place that did not require a plat amendment.

Assistant City Attorney McLean verified that Lot 9 would need to be remedied and made into two lots of record. At one point there was discussion about including 68 Daly Avenue as part of the plat amendment to clean up all the property lines. However, because it involves two different owners it was not something the City could mandate.

Planner Astorga stated that a letter was sent to Mr. Henderson prior to the two week noticing to begin that dialogue in early March. Planner Astorga clarified that his records show that the letter was sent to Mr. Henderson's listed address with the County and provided by the applicant.

Commissioner Hontz stated that when the Planning Commission approves a plat or a plat amendment, it should not create new problems. As currently configured, she believed the requested plat amendment would make things worse for 68 Daly Avenue and that entire portion of the street. Commissioner Hontz pointed out that only one buildable lot exists and everything else would need to be remedied through the plat amendment process. She preferred to see more solutions amenable to making both lots better fit the neighborhood character. She never considered Anchor Avenue as a viable square footage in the calculation due to its steepness and proximity to surrounding structures. The problems would be exacerbated if these properties were developed. Commissioner Hontz stated that there is a huge parking problem on Daly Avenue that these properties do not need to rectify, but they cannot make it worse.

Commissioner Strachan asked how the applicant came to own the part that goes on to Lot 11. Planner Astorga replied that it was unique to Daly Avenue. At one point there was a 5-7 foot shift in ownership on Daly Avenue where everyone owns a portion of another lot. Chair Wintzer explained that the shift occurred when the entire town was re-monumented in the early 1980's. Commissioner Strachan asked if anyone had spoken with the owner of Lot 11. Planner Astorga stated that Carlene owns Lot 11 and she provided input at the last public hearing.

Mr. DeGray was disappointed that his clients were not informed of the Staff's opinion that Lot 9 is not a lot of record. That issue should have been dealt with before they came back to the Planning Commission. Mr. DeGray stated that he assumed all along that Lot 9 was buildable. Planner Astorga clarified that he only came to that conclusion during the discussion this evening.

Chair Wintzer hesitated to continue an item without some type of direction from the Planning Commission. Assistant City Attorney McLean advised that if the Planning Commission did not need additional information, they should move forward.

Commissioner Pettit remarked that the applicant took issue with the Staff recommendations on the proposed conditions of approval. In addition, given the determination that Lot 9 is not a buildable lot, even if the Planning Commission moved forward with the proposal as presented with the Staff recommendations, she did not fully understand the impacts to Mr. Henderson's property.

Assistant City Attorney McLean explained that if the plat amendment were to move forward, it would create Lot A, which would be a lot of record. If Mr. Henderson ever requests a building permit, the City would require him to turn his metes and bounds parcel into a lot of record. Commissioner Pettit clarified that her concern was how a structure on Lot A would impact Mr. Henderson's property from the standpoint of view shed, solar access, etc. She would like to understand those impacts before making a decision to create a buildable lot.

Commissioner Hontz felt that was the point. If there is only one buildable lot, it would not be good cause to create more problems with a plat amendment. She shared Commissioner Pettit's concern that what happens on Lot A could impact the entire neighborhood. Commissioner Hontz was not willing to consider the conditions as conditions of approval because it was not consistent with her analysis that there is only one buildable lot. She was not comfortable creating two lots that impact everything around it without further discussion.

Director Eddington suggested that a topographic survey or a plat with contours in a 3D image might help. He asked Mr. DeGray if that was something he was willing to prepare. Mr. DeGray stated that he would ask his clients if they were interested in doing that. He pointed out that it would be totally fictitious at this point because there was no plan to build on Lot 9 and there was no building design.

Chair Wintzer stated that it would only need to be a block to get an idea of what it would look like. He concurred with his fellow Commissioners that they would not want to make the problem more arduous than what already exists. They would need to know what could go on those two lots before approving the plat amendment.

Planner Astorga clarified that that the Staff review found that there would be two lots of record with the plat amendment. Commissioner Pettit stated that the issue was what could be done today versus what the applicant was requesting to do. They were asking to have two buildable lots, and her concern was the impacts of Lot A on Mr. Henderson's property.

Mr. DeGray asked what type of abilities the Planning Commission would anticipate if they found the massing to be impactful on the property behind. Commissioner Pettit replied that one way would be a height restriction to mitigate the impact and still allow a structure to be built on the property. Planner Astorga suggested platting a buildable pad in an area that may mitigate the impacts. Commissioner Worel thought that would be helpful.

Mr. DeGray understood that the Planning Commission wanted to see a model or some type of 3D presentation to understand the massing and scale of the structure in relationship to the building behind. He asked if the Planning Commission as a group would feel comfortable approving the plat amendment once the model is presented.

Commissioner Pettit stated that personally she was not willing to move forward with the footprint restriction approach that was proposed on Lot B. She was more comfortable with the Staff's recommendation based on the streetscape and the surrounding structures, particularly Carlene's house which would be adjacent to the structure on Lot B, and the historic structures across the way. Commissioner Pettit wanted to see something more consistent with the pattern and the fabric of that part of the street.

Commissioner Strachan referred to the slide and the blue line that goes right through Carlene's house. He asked if that was an encroachment issue that the parties need to work out. Planner Astorga replied that it was not an encroachment. The Staff used the GIS and understood that the lines could be incorrect. They rely on the survey, which shows that it barely touches the structure but does not encroach.

Commissioner Pettit commented on the number of smaller homes on Daly Avenue that sit on fairly large lots. She suggested that the table of homes on Daly Avenue include the lot size associated with the house sizes. Commissioner Pettit stated that in the past there has been a pattern of limitation of gross floor area or house size on that street historically. Precedent has already occurred and she thought it might be helpful to flush that out.

Commissioner Pettit stated that the more information the Planning Commission has in terms of understanding the existing fabric and the size and scale helps them achieve something that is more equitable and compatible. In her mind it was still not perfect because it continues to push the average higher, but it is a method that has been used in similar applications with plat amendments.

MOTION: Commissioner Pettit moved to CONTINUE the 80 Daly Avenue plat amendment to the May 23, 2012 meeting. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**2. 255 Deer Valley Drive – Conditional Use Permit for a Bed and Breakfast  
(Application #PL-12-01504)**

Planner Astorga reviewed the application for a conditional use permit for a Bed and Breakfast at 255 Deer Valley Drive. The site is currently owned by Miriam Broumas; however, Christine Munro was in the process of purchasing the site for the purpose of operating a bed and breakfast. Mike Johnston was representing the applicant this evening

Planner Astorga reported that the applicant was proposing to have six bedrooms as nightly rentals for the bed and breakfast. The Staff analyzed specific criteria outlined in the Land Management Code and found that the proposal complies with the criteria for a bed and breakfast, as well as the conditional use permit. Planner Astorga pointed out that the applicant was also requesting a 448

square foot addition at the third level behind the front portion of the existing structure. Planner Astorga noted that the property is located in the R-1 District. The Staff found that no additional impacts would be generated by the proposed use beyond those conditioned in the Staff report.

The Staff recommended that the Planning Commission consider approving the conditional use permit for a bed and breakfast based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Commissioner Hontz asked how the building was currently being used. Planner Astorga replied that currently the building was a duplex. The Building Department has had many issues in the past because it was being operated as a bed and breakfast without the proper approval. Before Ron Ivie left, he had Ms. Broumas sign a notice on her site indicating that she would only use it as a duplex. The Building Department and the Code Enforcement Officers have been aware of the illegal use.

Commissioner Worel stated that in looking at the Staff report and the LMC, she understood that parking spaces were required for the rented units but nothing addressed parking for the owner's unit, which has three bedrooms. Planner Astorga explained that the LMC states that in order for a structure to be a bed and breakfast, the owner or manager must live on site. However, in looking at the use table for a bed and breakfast, it only indicates one vehicle per each rentable unit. Commissioner Worel did not think that made sense. Planner Astorga stated that as part of the proposed business plan, the applicant has made arrangements with a transportation agency for drop-offs; however, the Code would not allow that to be tied to the approval.

Chair Wintzer asked whether it was a void in the Code or if the parking space was not needed. Planner Astorga believed it was a combination of both.

Commissioner Worel stated that she drives by this address every day and parking is tight now. She was concerned that there would be no required parking for the owner's unit.

Commissioner Strachan stated that he had lived in that unit and when they had parties there was plenty of room to park cars to get them off the street. There is more space than what appears to be. Commissioner Strachan agreed that the manager would have a car, but he assumed a good manager would park off-site to leave room for guest parking.

Mike Johnson reported that the potential buyer was aware that parking could be an issue. Therefore, her business plan is to discourage and/or prohibit people from driving to the bed and breakfast. She would provide transportation to and from the airport and shuttles around town to assist people in getting where they need to go. She understands that parking problems would drive away business.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Chair Wintzer suggested adding a condition of approval requiring that the property be advertised as not needing a car. It would not prohibit someone from driving there, but the advertisement would make effort to discourage personal vehicles. Chair Wintzer believed this location was the best place in town for a bed and breakfast if the parking works. There is a bus stop across the street, a transit center next door, and it is within walking distance from Old Town. He agreed that there is a potential for parking problems, but he favored the use.

Mr. Johnston stated that Ms. Munro plans to do exactly what Chair Wintzer suggested. It would be advertised on her website and in any material related to the bed and breakfast.

Commissioner Pettit preferred a condition of approval stating that no more than four guest cars are allowed at any one time. That would mean two of the six rooms would not be allowed to have a car on site. Commissioner Pettit had concerns with how the owner would effectively manage it.

Mr. Johnston stated that the primary issue is getting in and out of the site, and there is a substantial area to back in and out. He noted that originally there were eight parking spots, however, the outside four were not long enough to meet Code. Director Eddington noted that the area outside the property line is within the Deer Valley right-of-way and that area is protected by a retaining wall.

Mr. Johnston reiterated that the applicant was trying to meet the minimum Code requirement and move forward with the business plan that would alleviate the problem.

Commissioner Pettit stated that even though the Code requires six spaces, limiting the number of cars to four at one time allows the owner the luxury of working with the space in a way that works best for their guests. It also addresses her concern regarding snow removal issues in the area outside of the garage where cars are parked.

Chair Wintzer asked if the applicant would be comfortable limiting the parking spaces to four cars. Mr. Johnston preferred five spaces and one for the owner. He clarified that the owner's unit only has two bedrooms, not three as stated in the Staff report. Planner Astorga confirmed that the updated floor plans showed two bedrooms in the owner's unit. Mr. Johnston believed that the owner would limit herself to one car.

Commissioner Pettit remarked that the Planning Commission has to think beyond the current owner when they review these applications. She emphasized her request to place a limitation on the number of cars allowed for this use.

Chair Wintzer thought the question was whether allowing the bed and breakfast would make the existing conditions better than it is with a duplex, or whether it would be worse. In his opinion, it would be better because the owner would be trying to run a successful business. Chair Wintzer did not believe that allowing a bed and breakfast would increase the parking issues.

Commissioner Hontz referred to page 126 of the Staff report, the revised elevation concepts, and asked if another drawing showed the existing structure better than the little picture on page 126. Planner Astorga replied that the picture was the existing structure without the proposed addition. Planner Astorga presented a slide of the first concept, which had since been revised. He later

received another rendering which remodels the area and adds an elevator to make one of the floors accessible. Planner Astorga presented the new rendering to the Planning Commission.

Mr. Johnston stated that after the application was submitted, the applicant hired an architect. He pointed out that the first concept has an elevator in a different location going up from the lowest level. The architect was looking at options to extend the elevator to the lower, main and second upper level. The elevator was shifted to the west side with a roof over it. Commissioner Hontz asked about the windows on the front. Mr. Johnston replied that the applicant intends to completely redo the exterior and remove the gingerbread siding. A slide of the exterior plan was shown.

Commissioner Hontz referred to a letter from the applicant on page 127 of the Staff report and questioned the statement, "It's centrally located with good exposure, as well as proximity to the Olympic Torch". Chair Wintzer believed she was referencing the mini torch on the roundabout.

Chair Wintzer understood that the floor plan remodel would not come back to the Planning Commission. Planner Astorga clarified that the Planning Commission was reviewing the use for approval. Any remodels would be approved at the Staff level. Director Eddington explained that the structure would be reviewed for conformance if it is within a certain distance or adjacent to the Historic District, but it would not follow a formal HDDR.

Commissioner Hontz thought the proposed design had the qualities of what is seen in Deer Valley. Driving up Deer Valley to the south there are similar structures and every time she drives by them she thinks they look horrible because of the immense size and the brown on brown on brown color. The nice thing about the structure at 255 Deer Valley being red is that it breaks away from the Deer Valley architecture. She encouraged the applicant to consider using red or other bright colors to be distinct from the other run-down structures on Deer Valley Drive.

Commissioner Strachan clarified that the Planning Commission was primarily reviewing the use. He was unsure whether they could specify colors or design. Chair Wintzer remarked that the mass and scale of the building was set. He agreed that use was the issue and the Planning Commission was not being asked to look at design or colors.

Mr. Johnston offered to relay the opinions regarding color and design to the applicant.

Commissioner Pettit stated that she used to work at a bed and breakfast and she questioned where the employees would park. Hopefully they would use public transportation or public parking, but there was no way to guarantee it. Commissioner Pettit still had serious concerns about parking.

Chair Wintzer recalled that a condition of approval prohibits parking in the City right-of-way. He understood Commissioner Pettit's concern but he could not imagine a housekeeper blocking in a guest vehicle. It goes back to the issue that the bed and breakfast use would not increase the parking needs or the hardship.

Mr. Johnston pointed out that currently the structure has ten bedrooms as a duplex. The proposed bed and breakfast reduces the number of bedrooms to six.

Commissioner Worel referred to condition of approval #2, which stated, "The structure shall not have maximum of six (6) rentable rooms". She believed that was an error and the word "not" should be removed. Planner Astorga replied that she was correct.

Commissioner Pettit suggested revising condition #7 to state, "The site shall provide no more than six (6) on-site parking spaces".

Assistant City Attorney McLean recommended adding a condition of approval stating that if there are more than three enforcement actions, the CUP comes back to the Planning Commission for further review. She pointed out that the owner would need to apply for a business license and that would be another enforcement mechanism. Commissioner Pettit was comfortable with that recommendation.

Commissioner Pettit clarified that she loves bed and breakfasts and she misses the ones that have been lost. Commissioner Strachan agreed that bed and breakfasts were slowly being squeezed out. Commissioner Pettit was not opposed to the use and she believed it was a great idea in a great location. Recognizing that uses come with greater impacts, she wanted the Planning Commission to be cognizant of the City's best interest in terms of planning. Mr. Johnston concurred with Commissioner Pettit and stated that her concern has been discussed thoroughly by the applicant. He noted that even though six legal parking spaces were shown, the cars would still park facing the garage and not diagonally. Therefore, eight cars could potentially park. Mr. Johnston stated that the owner wants this to be a successful business and for that reason he believed the issue would regulate itself.

Commissioner Hontz asked Assistant City Attorney McLean to phrase her recommended conditions. Director Eddington had drafted the condition to read, "If there are more than three enforcement issues relative to parking issues, the CUP shall be brought back to the Planning Commission". It was noted that a similar condition was placed on the Yard and the Washington School Inn.

Chair Wintzer reiterated his condition to read, "This property shall be advertised as vehicles not required".

Director Eddington indicated a typo in condition #3 and changed night rental to nightly rental.

**MOTION:** Commissioner Hontz moved to APPROVE the conditional use permit for the Torchlight Bed and Breakfast with the Findings of Facts, Conclusions of Law, and the Conditions of Approval with the following changes;

- Condition #2 - The structure shall have a maximum of six (6) rentable rooms.
- Condition #3 – The rentable rooms shall be available for nightly rental only.
- Condition #7 – The site shall provide no more than six on-site parking spaces.
- Add Condition #12 - The project shall be advertised as vehicles not required.
- Add Condition #13 - If there are more than three enforcement issues relative to parking, the CUP shall be brought back to the Planning Commission.

Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Mr. Johnston asked for clarification on nightly rental and whether it meant they could not rent weekly. Assistant City Attorney McLean replied that nightly rental is defined by Code as any rental less than 30 days.

Findings of Fact – 255 Deer Valley Drive

1. The site is located at 255 Deer Valley Drive.
2. The site is located within the Residential (R-1) District.
3. The applicant requests a Bed & Breakfast.
4. A Bed & Breakfast use is a Conditional Use Permit in the R-1 District.
5. The LMC defines a B& B as defined as a Business, located in an Owner or on-site Manager occupied dwelling, in which up to ten (10) Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. B&B Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.
6. The proposal includes six (6) bedrooms to be rented nightly or weekly.
7. Currently the site is being used as a duplex with approximately ten (10) bedrooms.
8. The structure has a total of 5,384 square feet.
9. The applicant proposes to build a small addition on the third (3<sup>rd</sup>) floor behind the front portion of the existing structure consisting of 448 square feet.
10. The addition will be for the purpose of additional hall/lounge area and additional area for the owner's unit.
11. The applicant requests to change the interior spaces to accommodate the B&B.
12. The structure will consist of guest rooms, common areas, a kitchen to provide breakfast to its guest's daily, utility area and the owner's quarters.
13. The structure is not historic.
14. The rooms would be available for nightly rental only.
15. The property owner will be living on-site managing the B&B.

16. Food service will be for the benefit of overnight guests only. The intent of the proprietor is to provide breakfast service for the convenience of its guests only.
17. The rooms do not have kitchens.
18. The applicant submitted a site plan which indicates a total of six (6) on-site parking spaces.
19. The parking ratio requirements found in LMC 15-3-6(B) indicates that a B&B requires 1 parking space per bedroom.
20. The location of the use is close to the Old Town transit center and the China Bridge parking structure.
21. There are minimal traffic impacts associated with the use.
22. The proposed use is located on Deer Valley Drive, a major collector street and is in walking distance of the Own Town transit center.
23. No additional utility capacity is required for this project.
24. Emergency vehicles can easily access the project.
25. The applicant proposed the six (6) parking spaces to be on-site per the submitted site plan. Four (4) parking spaces are accommodated on the two (2) two-car garages and two (2) parking spaces are accommodated on the driveway area directly accessed off Deer Valley Drive, as vehicle back onto the street via a shared driveway with their neighbor to the east.
26. The City will not allow any vehicles to be parked on the City right-of-way (ROW).
27. The parking area is directly accessed off Deer Valley Drive, as vehicles back onto the street via a shared driveway with their neighbor to the east.
28. Fencing, screening and landscaping are not proposed at this time.
29. No changes to the exterior landscaping are part of this application as the addition to house is located above livable space.
30. The building mass, bulk, orientation and the location on the site are not affected by the use or addition to the structure.
31. No open space will be affected with the requested use from what is currently found on site.
32. Any future signs will be subject to the Park City Sign Code.

33. All future lighting will be subject to the LMC development standards related to lighting. Any existing signs or exterior lighting will be required, as part of this application, to be brought up to current standards.
34. Due to the size of the addition there are no issues with the physical design and compatibility with surrounding structures in mass, scale and style.
35. The applicant has indicated that no noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated within the R-1 District such as nightly rentals, etc.
36. The applicant has indicated that the proposed B&B use will have minimal delivery and service vehicles.
37. The applicant's representative plans on purchasing the property to live on site and run the B&B. This would be a condition of approval.
38. The proposal is not located within the Sensitive Lands Overlay zone.

Conclusions of Laws – 255 Deer Valley Drive

1. The proposed application as conditioned complies with all requirements of the Land Management Code.
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass and circulation.
3. The use conditioned is consistent with the Park City General Plan, as emended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 255 Deer Valley Drive

1. All standard conditions of approval shall continue to apply.
2. The structure shall have a maximum of six (6) rentable rooms.
3. The rentable rooms shall be available for nightly rental only.
4. The owner/manager shall live on-site.
5. Food service shall be for the benefit of overnight guests only.
6. the rooms shall not have kitchens.
7. The site shall provide no more than six (6) parking spaces.

8. The City will not allow any vehicles to be parked on the City right-of-way (ROW).
9. Any future signs will be subject to the Park City Sign Code.
10. All future lighting will be subject to the LMC development standards related to lighting.
11. Any existing signs or exterior lighting will be required, as part of this application, to be brought up to current standards.
12. The bed and breakfast shall be advertised to discourage vehicles.
13. If there are more than three (3) enforcement issues relative to parking, the CUP shall be brought back to the Planning Commission for additional mitigation.

The Park City Planning Commission meeting adjourned at 8:50 p.m.

Approved by Planning Commission: \_\_\_\_\_

## **STAFF COMMUNICATION**



## Planning Commission Memorandum



**Subject:** Silver Star Parking Review  
**Planner:** Kirsten Whetstone  
**Date:** June 13, 2012  
**Type of Item:** Staff Communications

### **Summary**

Silver Star, aka Spiro Tunnel MPD, has provided a summary parking analysis in satisfaction of the conditions of approval. The conditions require the applicant to provide a yearly update of the parking situation for three years. This update was to begin once all Certificate of Occupancies were issued. This is the second update, the first update was provided to the Planning Commission in June of 2010.

**Attachment A** – Silver Star Parking Update

## SILVER STAR PARKING REPORT 2011-2012

May 16, 2012

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

Dear Kirsten,

As per the Silver Star Master Plan Agreement with PCMC, we are submitting this Parking Plan for the years 2011 and 2012. Overall, the parking situation has been very manageable , with a few challenging times during peak periods. With the opening of the Armstrong Trail in August of 2011 there has been a significant increase in parking at Silver Star. There were several weekend days that there were in excess of 60 cars parked for trailhead parking. In addition there were many times on weekdays in Late August and September that the lunch hour demand where the needs of the Café, Trail head and Golf Course peaked and required some monitoring on the part of Sundance and the HOA

### **Above-ground Parking**

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

Table 1.

Use	Total Spaces Avail.	Total Spaces Used	Summer	Winter
Sundance	80	80	yes (@30)	yes
PCMC	30	30	yes	no
Affordable House	10	10	yes	yes
Trailhead	10-20	10 -60	yes	no
Silver Star retail	10-20	10 - 35	yes	yes
All Other Uses	5-10	5-10	yes	yes

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

### **Sundance**

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

### **Spiro Armstrong Trailhead**

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

### **PCMC**

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

### **Affordable**

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

### **Retail Uses**

The café, the ski shop and Resorts West all place pressure on the lot that is directly adjacent to the lift. Due to the relatively small size and nature of these businesses, there has to date not been a time when parking demands of retail have exceeded the available supply. The demand is year-round, with higher demands during the Dec. 25<sup>th</sup>-Jan. 3<sup>rd</sup> period, and the Feb. 15<sup>th</sup>-Feb. 26<sup>th</sup> period.

### **Ski Lift**

Other than periodic maintenance work, there is virtually no official demand on Silver Star parking from the lift operations. Even the employees are trucked back and forth. However, the greatest impact on the parking in general, during its busiest times, is due to the lift operations. There is a constant demand for parking from people wishing to access the ski lift via the Silver Star lots. The only time monitoring is required has been when the high-demand Sundance occupancy (Dec. 1<sup>st</sup>-Jan 15<sup>th</sup>) occurs and the lift is running.

### **Mining Operation**

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

### **Monitoring**

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

### **Outdoor Special Events**

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

## **Underground Parking**

Silver Star has a total of 152 underground garage spaces and 44 Cottage garage spaces. Silver Star has to date had far more available underground spaces than the demand. At peak Christmas and Presidents weeks, even with employee parking underground as well, we have only achieved maybe 80% maximum occupancy. Some of that impact is bound to be from unauthorized users accessing the ski lifts. In any event, Silver Star is very secure with our underground parking situation and expect to be so for the foreseeable future. The current trend is that most people are not renting cars these days, preferring to use the shuttles to and from the airport and public transportation while in town, so the actual underground use is trending downward. We have begun to move full-time Sundance employees underground and this has proven to be very successful and has alleviated demand on the above-ground spaces.

## Conclusions and Action Items

Silver Star's parking situation is being impacted by the additional parking of the Armstrong Trail. While the situation is manageable at this time, the trail is increasing in popularity and we are likely to have user conflicts as the situation develops. We are proposing to install additional signage in the interior of the property that accomplishes two primary goals. The first is that there is no trailhead parking in the southernmost lot so that the retail parking is accommodated and the second is to install signage at the front entrance of the property that directs trail users to PCMR if the Silver Star lot is full. Additionally, we will place temporary signs on Three Kings during events that remind people that Three Kings is "No Parking" on either side of the street and will direct them to PCMR in event of parking overflow.

We will continue our program of putting Sundance staffers underground. This has worked well in the past and alleviates the parking pressures above. At this time we are not favorable towards allowing trailhead use underground. The security issues are too complex and the HOA is not favorable towards this solution.

We will continue our program of employee monitoring and will try to educate rather than tow. Most people get it and respect goes a long way. Some individuals will only learn the hard way. Recreational users can be some of the most difficult individuals to manage for parking, but a boot on the car tends to get anyone's attention. It needs to be noted that Silver Star has a requirement of 20 spaces as per the MPD for trailhead parking. While we like the trailhead users and continue to encourage the use, we, collectively with the PCMC and Mt Trails, need to remain communicative about this situation so that it does not deteriorate. We are going to have user conflicts in the future and they need to be addressed as they unfold. We have a good track record of managing the parking and will continue to do so into the future.

## Summary

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

If you have any questions or concerns whatsoever, please do not hesitate to contact me (435-640-1730). Thank you for the opportunity to submit this report.

Sincerely,



Steve Perkins General Manager  
Silver Star HOA



## **REGULAR AGENDA**



# Planning Commission Staff Report



**Subject:** Second Supplemental Plat for Belles at Empire Pass Unit 9 Condominium plat  
**Author:** Kirsten A Whetstone, AICP  
**Date:** June 13, 2012  
**Type of Item:** Administrative – Supplemental Plat (condominium plat amendment)  
**Project Number:** PL-12-01527

## Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Second Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Unit 9 and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

## Topic

**Reason for Review:** Plat amendments require Planning Commission review and recommendation to City Council.  
**Applicant:** Belles at Empire Pass HOA and owner of Unit 9  
**Location:** 14 Silver Strike Trail  
**Zoning:** Residential Development (RD) as part of the Village at Empire Pass MPD  
**Adjacent Land Uses:** Single family condominium units, multi-family condominium units, development parcels of the Village at Empire Pass MPD, ski trails and open space.  
**Reason for Review:** Plat amendments require Planning Commission review and recommendation with final action by the City Council.

## Proposal

The purpose of this application is to plat as-built conditions of constructed Unit 9 and to identify common, limited common and private areas for this Unit, as stipulated by the underlying Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat. A condition of approval of this underlying condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy

## Purpose

The purpose of the Residential Development RD District is to:

- A. Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

- B. Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. Minimize impacts of the automobile on architectural design,
- E. Promote pedestrian connections within Developments and between adjacent Areas; and
- F. Provide opportunities for variation in architectural design and housing types.

### **Background**

On April 11, 2012, the City received a complete application for this plat to memorialize as-built conditions for Unit 9 of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat that was approved by City Council on March 24, 2011 and recorded at Summit County on November 28, 2011.

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

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified an area of Pod A as the location for 18 detached single family homes, similar to the Paintbrush units currently under construction in other parts of Empire Pass. The Development Agreement allowed a total of 60 units (single detached or duplex) within the annexation area and the rest of the units being multi-family (stacked-flat or tri-plex or greater attached). The Belles at Empire Pass condominiums (formerly known as Christopher Homes) utilize 17 of the 60 allocated PUD style units for the Flagstaff Development area.

On June 29, 2006, City Council approved the Silver Strike Subdivision creating two lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The plat was recorded on December 1, 2006. The subject unit, Unit 9 of the Belles at Empire Pass, is located on Lot 1 of the Silver Strike Subdivision and was originally platted as part of the Christopher Homes Phase 2 condominium plat. All four phases of the Christopher Homes Condominium plats were consolidated, amended and recorded at Summit County on November 28, 2011, as the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat. Subject Unit 9 is one of these Belles units. A condition of approval of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County

as a condition precedent to issuance of a final certificate of occupancy. All conditions of the underlying approvals, namely the Village at Empire Pass MPD; Silver Strike Subdivision; and the Amended, Consolidated, and Restated Belles at Empire Pass condominium plat continue to apply and are reflected as conditions of approval and plat notes on this proposed supplemental plat (Exhibit A).

**Analysis**

This request for a Second Supplemental plat for Constructed Units at The Belles at Empire Pass amends Unit 9 and documents the final as built conditions of this constructed unit in accordance with the Utah Condominium Act. The zoning is Residential Development (RD-MPD); subject to the Village at Empire Pass MPD.

The Silver Strike subdivision restricts each unit to a maximum house size of 5,000 square feet of Gross Floor Area as defined in the LMC, excluding 600 square feet for garage area and the basement area that is below final grade.

The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such equipment. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable.” Basement area is included in the UE calculations.

A total of 90,000 square feet (45 UE) were approved for the Belles at Empire Pass area (formerly known as the Christopher Homes at Empire Pass condominiums). Within the Flagstaff Development Agreement one residential unit equivalent equals two thousand square feet of Gross Floor Area, including the basement area. Unit 9 meets the maximum house size requirement in both Gross Floor Area and Unit Equivalent calculation as noted above. Unit 9 contains 4,968 sf of Gross Floor Area, excluding basement area and 600 sf garage area and account for 2.869 UEs based on the Total Floor area of 5,738 sf (includes basement area but not garage area). The four units platted to date (Units 1, 2, 12, and 9) utilize 11.818 Unit Equivalents (UE).

Site development parameters are as follows:

	<b>Permitted</b>	<b>Proposed</b>
Height	28' (+5' for pitched roof)	No height exception. <b><u>Unit 9 complies.</u></b>
Front setback	20', 25' to front facing garage	25' - No setback reductions. Property line is the back of the street gutter. <b><u>Unit 9 complies</u></b>
Rear setback	15' from Lot boundary	32' from Lot boundary. <b><u>Unit 9 complies.</u></b>
Side setbacks	12' from Lot boundary	More than 12' from Lot boundary. <b><u>Unit 9 Complies</u></b>
Parking	Two spaces required	2 per unit. <b><u>Unit 9 Complies.</u></b>

Maximum house size (based on the Silver Strike subdivision and defined per the Land Management Code)	5,000 sf (Gross Floor Area excludes basement area below final grade and 600 sf of garage area).	Unit 9 contains 4,968 sf Gross Floor Area <b><u>Unit 9 Complies</u></b>
Unit Equivalent (based on the Village at Empire Pass MPD)	Maximum of 45 UE for all of the Belles Condominiums. Gross floor area for UE calculations excludes 600 sf garage and any uninhabitable space, i.e. crawl space, attics, etc.	Unit 9 – 5,738 sf which is 2.869 UE <b><u>Unit 9 Complies</u></b> Total of all platted units to date 11.818 UE (Units 1, 2, 12, and 9)

**Good Cause**

Staff finds good cause for this record of survey amendment as it memorializes and documents as-built conditions and UE calculations for this unit. Unit 9 complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. In addition the unit is consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.

**Department Review**

This project has gone through interdepartmental review by the Development Review Committee on May 8, 2012, and no issues were raised pertaining to the requested plat amendment.

**Notice**

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

**Public Input**

Staff had not received public input on this application at the time of this report.

**Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

**Alternatives**

- The Planning Commission may recommend that the City Council approve the application for the supplemental plat for Unit 9 as conditioned or amended, or
- The Planning Commission may recommend that the City Council deny the application and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion and provide Staff and the Applicant with specific direction regarding additional information necessary to make a recommendation on this item.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application. Water and sewer impact fees, and other fees associated with increased floor area, are evaluated during the building permit process and collected prior to issuance of any building permits.

### **Consequences of not taking the Suggested Recommendation**

No certificate of occupancy may be granted until the plat is recorded.

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing for the Second Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Unit 9 and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance

### **Exhibits**

Ordinance

Exhibit A- Supplemental plat for Belles Unit 9

Exhibit B- Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass

**Ordinance No. 12-**

**AN ORDINANCE APPROVING THE SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS AMENDING UNIT 9, LOCATED AT 14 SILVER STRIKE TRAIL, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Unit 9, have petitioned the City Council for approval of the Second Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

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

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on June 13, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on \_\_\_\_\_, 2012, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for this completed condominium unit.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Second Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property, Unit 9 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, is located at 14 Silver Strike Trail. The property is located on portions of Lot 1 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.

3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Unit 9 is located on Lot 1 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On April 11, 2012, the Planning Department received a complete application for the Second Supplemental Plat for Constructed Units for Unit 9.
12. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Unit 9 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
13. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
14. Unit 9 is located on Lot 1 of the Silver Strike subdivision plat.
15. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 9 contains 4,968 sf Gross Floor Area.
16. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage “calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such

facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat.” Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.

17. Unit 9 contains a total of 5,738 square feet and utilizes 2.869 UE. The total UE to date for constructed units 1, 2, 12, and 9 is 11.818 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
18. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
19. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Unit 9.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat 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 at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Unit 9, the supplemental plat shall be recorded at Summit County.

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

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_, 2012.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:  
\_\_\_\_\_

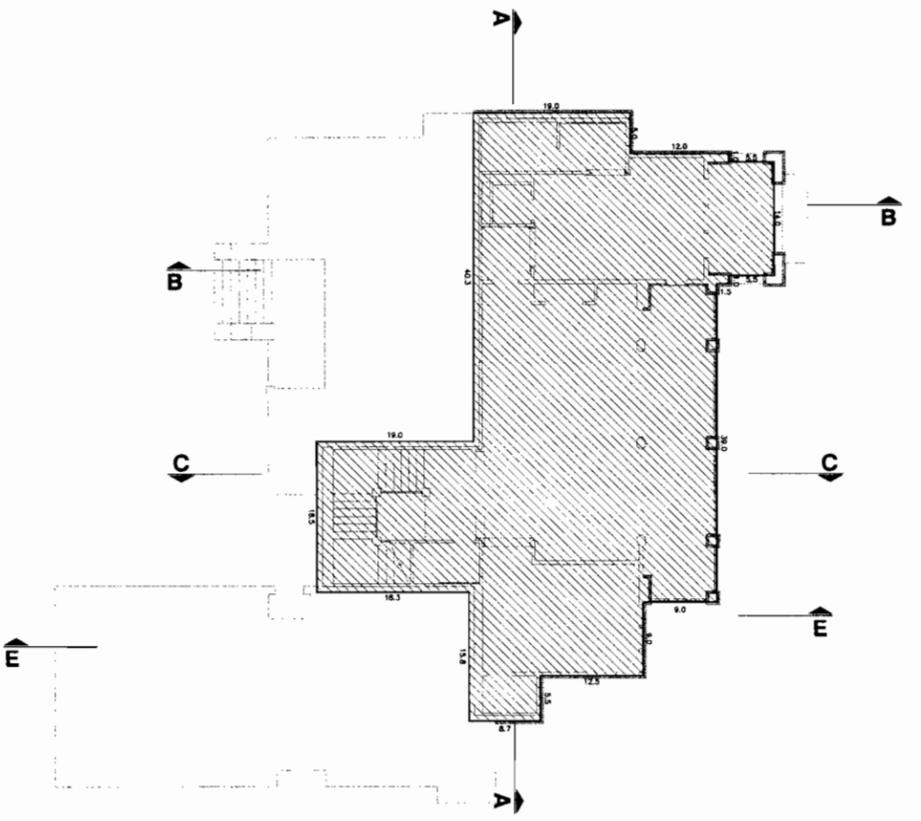
Jan Scott, City Recorder

APPROVED AS TO FORM:

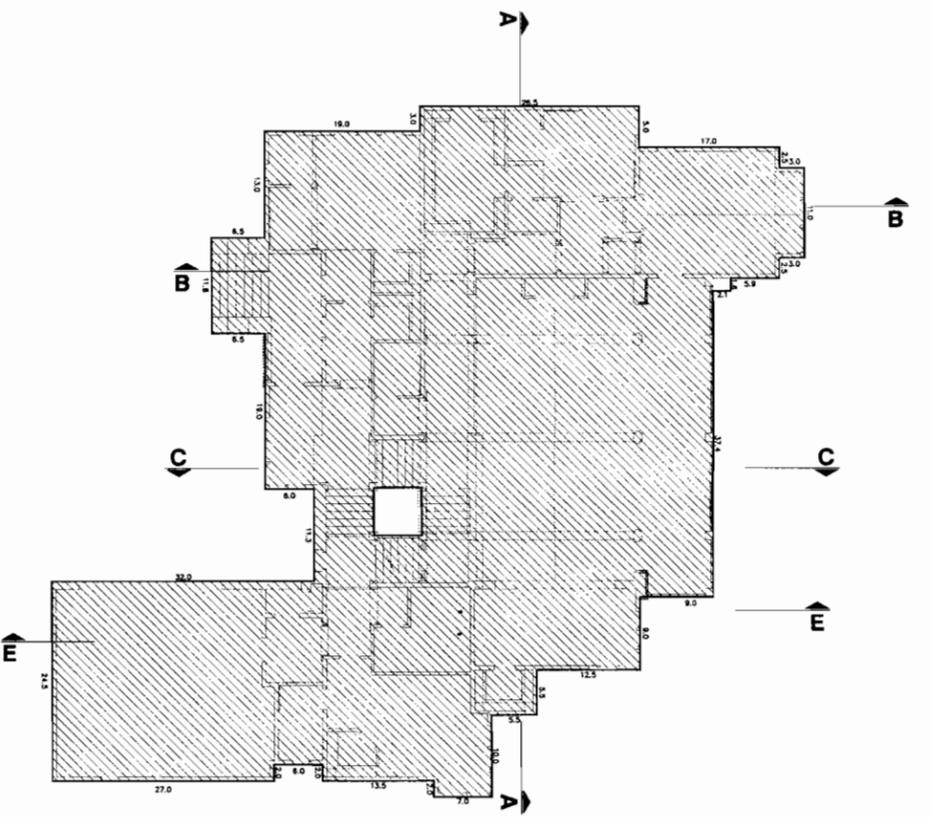
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Mark Harrington, City Attorney

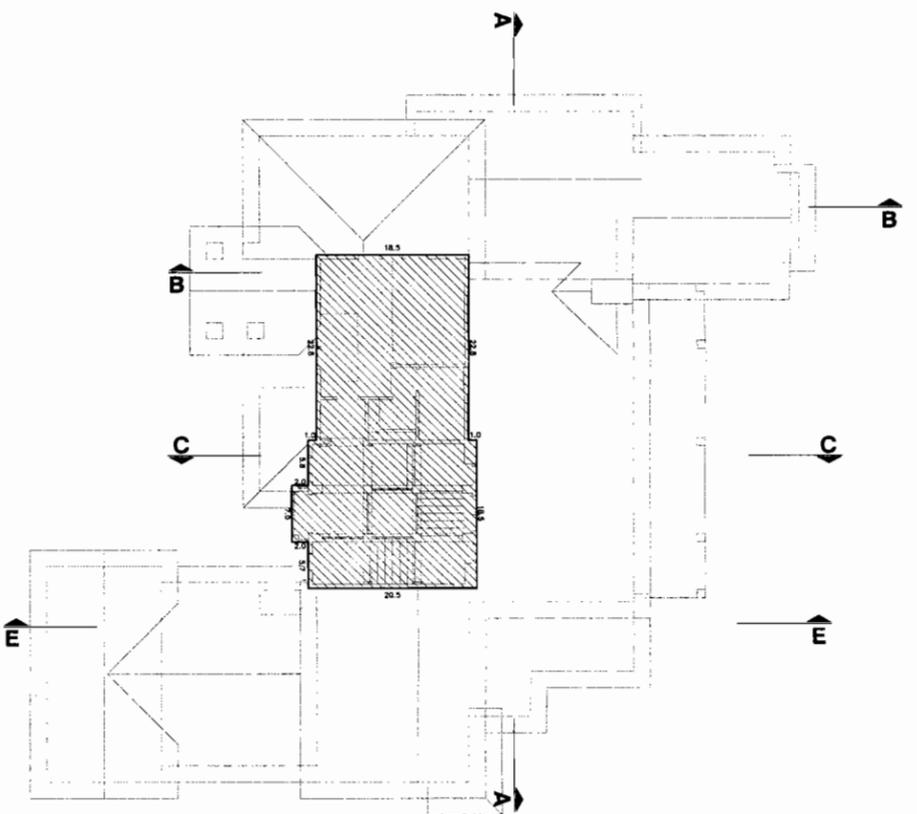




1 LOWER LEVEL AREAS  
SCALE: 1" = 10'



2 MAIN LEVEL AREAS  
SCALE: 1" = 10'



3 UPPER LEVEL AREAS  
SCALE: 1" = 10'

-  COMMON AREA
-  PRIVATE OWNERSHIP UNIT
-  LIMITED COMMON AREAS AND FACILITIES

UNIT SQUARE FOOTAGE TABLE\*

LEVELS	UE- SQUARE FOOTAGE	GROSS FLOOR AREA (SF)
LOWER	1,727 SF	957 SF
MAIN	3,504 SF	3,504 SF
UPPER	307 SF	307 SF
TOTAL SF	5,738 SF	4,988 SF
GARAGE	592 SF	592 SF

\* Per Architectural Drawings

SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

# THE BELLES AT EMPIRE PASS

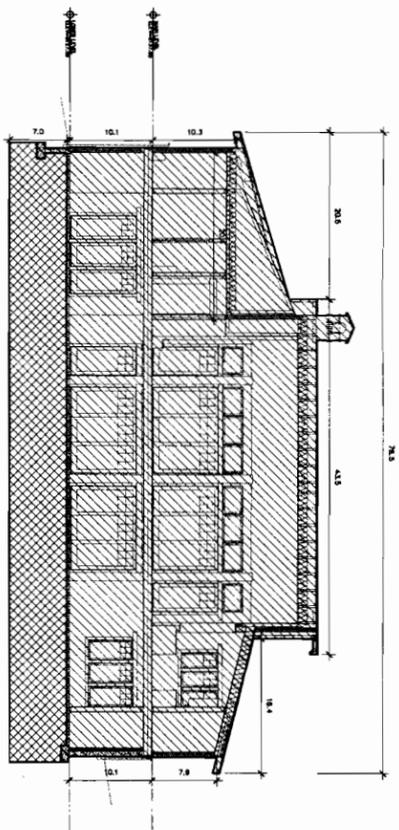
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 9

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

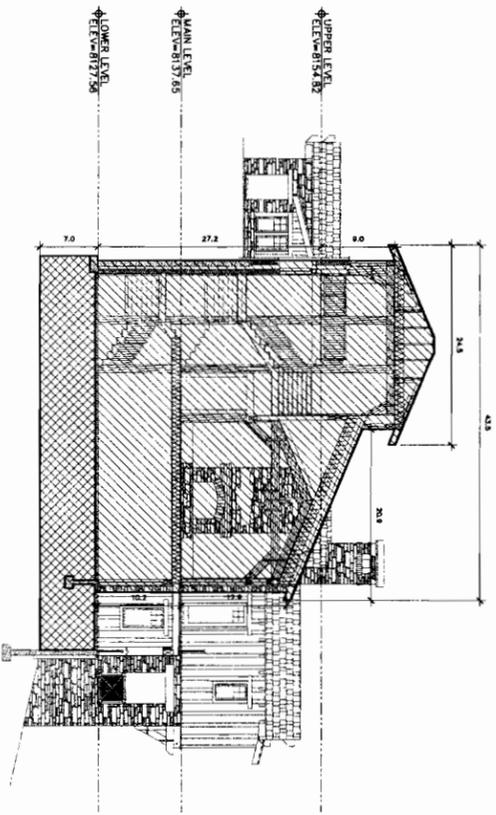
APR 11 2012

SHEET 2 OF 3

JOB NO: 6-6-10  
RECORDED  
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

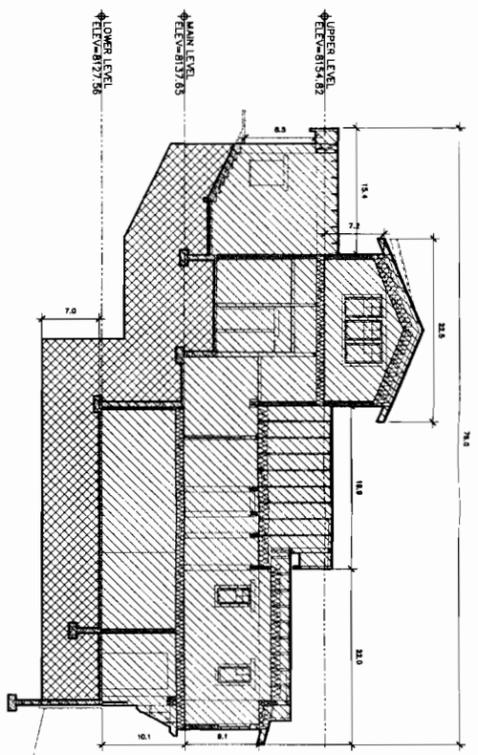


**A** BUILDING SECTION  
SCALE: 1" = 10'

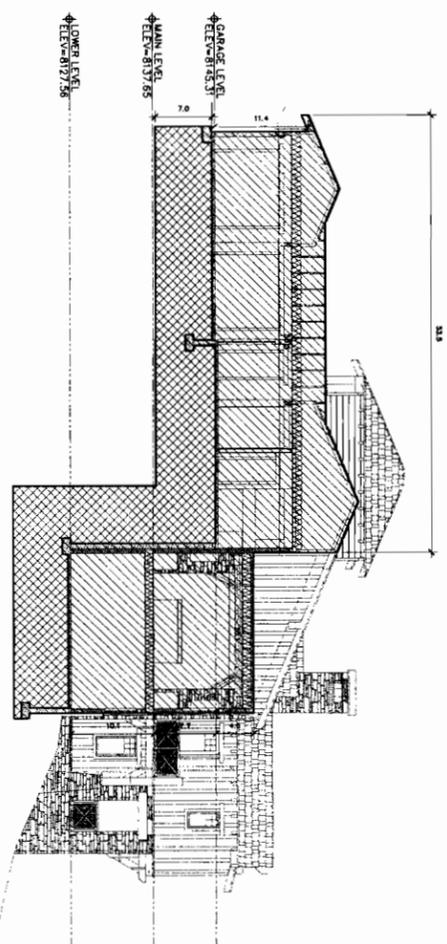


**C** BUILDING SECTION  
SCALE: 1" = 10'

-  COMMON AREA
-  PRIVATE OWNERSHIP UNIT
-  LIMITED COMMON OWNERSHIP



**B** BUILDING SECTION  
SCALE: 1" = 10'



**E** BUILDING SECTION  
SCALE: 1" = 10'

# THE BELLES AT EMPIRE PASS

SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS  
 A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 9  
 LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK  
 CITY, SUMMIT COUNTY, UTAH

SHEET 3 OF 3

JOB NO.: 6-6-10  
 RECORDED  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
 AT THE REQUEST OF  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
 FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

X:\Empire\dwg\SSS\plat\belles\sh 3 unit 9.dwg



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MICHAEL J. A. UTAH, HUSBAND AND WIFE AS JOINT TENANTS, the owners of Unit 2, as more fully described in the Declaration of Condominiums and the Land Management Code of Park Meadows Condominiums, have agreed to the dedication and consent to the recordation of this Amended and Restated Condominium Plat and Declaration of Condominiums and the Land Management Code of Park Meadows Condominiums.

The owner certifies that the unit shown on this plat, but not under construction at the time the plat was recorded, was completed in conformity with the approved master-planned development, Declaration of Condominiums, and the Land Management Code of Park Meadows Condominiums.

In witness whereof the undersigned has executed this certificate and declaration on this 28 day of December, 2010.

ACKNOWLEDGMENT

State of Utah  
County of Summit  
This instrument was acknowledged before me this 28th day of December, 2010, by Mark Reimold, President, and Teri Ekstrom, Secretary, of Summit County, Utah, who are the owners of the above described property.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT STEVEN M. LEWIS and CYNTHIA S. LEWIS, CO-TRUSTEES OF THE STEVEN AND CYNTHIA LEWIS TRUST, dated April 16, 1997, the owners of Unit 2, as more fully described in the Declaration of Condominiums and the Land Management Code of Park Meadows Condominiums, have agreed to the dedication and consent to the recordation of this Amended and Restated Condominium Plat and Declaration of Condominiums and the Land Management Code of Park Meadows Condominiums.

In witness whereof the undersigned has executed this certificate and declaration on this 28th day of December, 2010.

ACKNOWLEDGMENT

State of Utah  
County of Summit  
This instrument was acknowledged before me this 28th day of December, 2010, by Steven M. Lewis and Cynthia S. Lewis, Co-Trustees of the Steven and Cynthia Lewis Trust, dated April 16, 1997.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT VAN D. GREENFIELD AND JAY GREENFIELD, HUSBAND AND WIFE AS JOINT TENANTS, the owners of Unit 2, as more fully described in the Declaration of Condominiums and the Land Management Code of Park Meadows Condominiums, have agreed to the dedication and consent to the recordation of this Amended and Restated Condominium Plat and Declaration of Condominiums and the Land Management Code of Park Meadows Condominiums.

The owner certifies that the unit shown on this plat, but not under construction at the time the plat was recorded, was completed in conformity with the approved master-planned development, Declaration of Condominiums, and the Land Management Code of Park Meadows Condominiums.

In witness whereof the undersigned has executed this certificate and declaration on this 28th day of January, 2011.

ACKNOWLEDGMENT

State of Utah  
County of Summit  
This instrument was acknowledged before me this 28th day of January, 2011, by Van D. Greenfield and Jay Greenfield, Husbands of the Greenfield Family Trust.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT JAY FLAHERTY, TRUSTEE OF THE FLAHERTY FAMILY TRUST, dated April 16, 2001, the owner of Unit 2, as more fully described in the Declaration of Condominiums and the Land Management Code of Park Meadows Condominiums, have agreed to the dedication and consent to the recordation of this Amended and Restated Condominium Plat and Declaration of Condominiums and the Land Management Code of Park Meadows Condominiums.

In witness whereof the undersigned has executed this certificate and declaration on this 6th day of January, 2011.

ACKNOWLEDGMENT

State of California  
County of San Diego  
This instrument was acknowledged before me this 6th day of January, 2011, by Jay Flaaherty, Trustee of the Flaaherty Family Trust.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT DEBORAH D. GOVEN and JANE A. GOVEN, AS TRUSTEES OF THE GOVEN REVOCAABLE FUND, the owners of Unit 2, as more fully described in the Declaration of Condominiums and the Land Management Code of Park Meadows Condominiums, have agreed to the dedication and consent to the recordation of this Amended and Restated Condominium Plat and Declaration of Condominiums and the Land Management Code of Park Meadows Condominiums.

The owner certifies that the unit shown on this plat, but not under construction at the time the plat was recorded, was completed in conformity with the approved master-planned development, Declaration of Condominiums, and the Land Management Code of Park Meadows Condominiums.

In witness whereof the undersigned has executed this certificate and declaration on this 28th day of December, 2010.

ACKNOWLEDGMENT

State of Utah  
County of Summit  
This instrument was acknowledged before me this 28th day of December, 2010, by Deborah D. Goven and Jane A. Goven, Trustees of the Goven Revocable Family Trust.

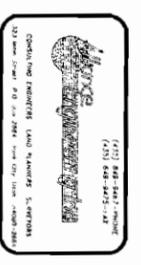
ACKNOWLEDGMENT

State of Utah  
County of Summit  
This instrument was acknowledged before me this 28th day of December, 2010, by Van D. Greenfield and Jay Greenfield, Husbands of the Greenfield Family Trust.

THE BELLES AT EMPIRE PASS

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

APR 11 2012



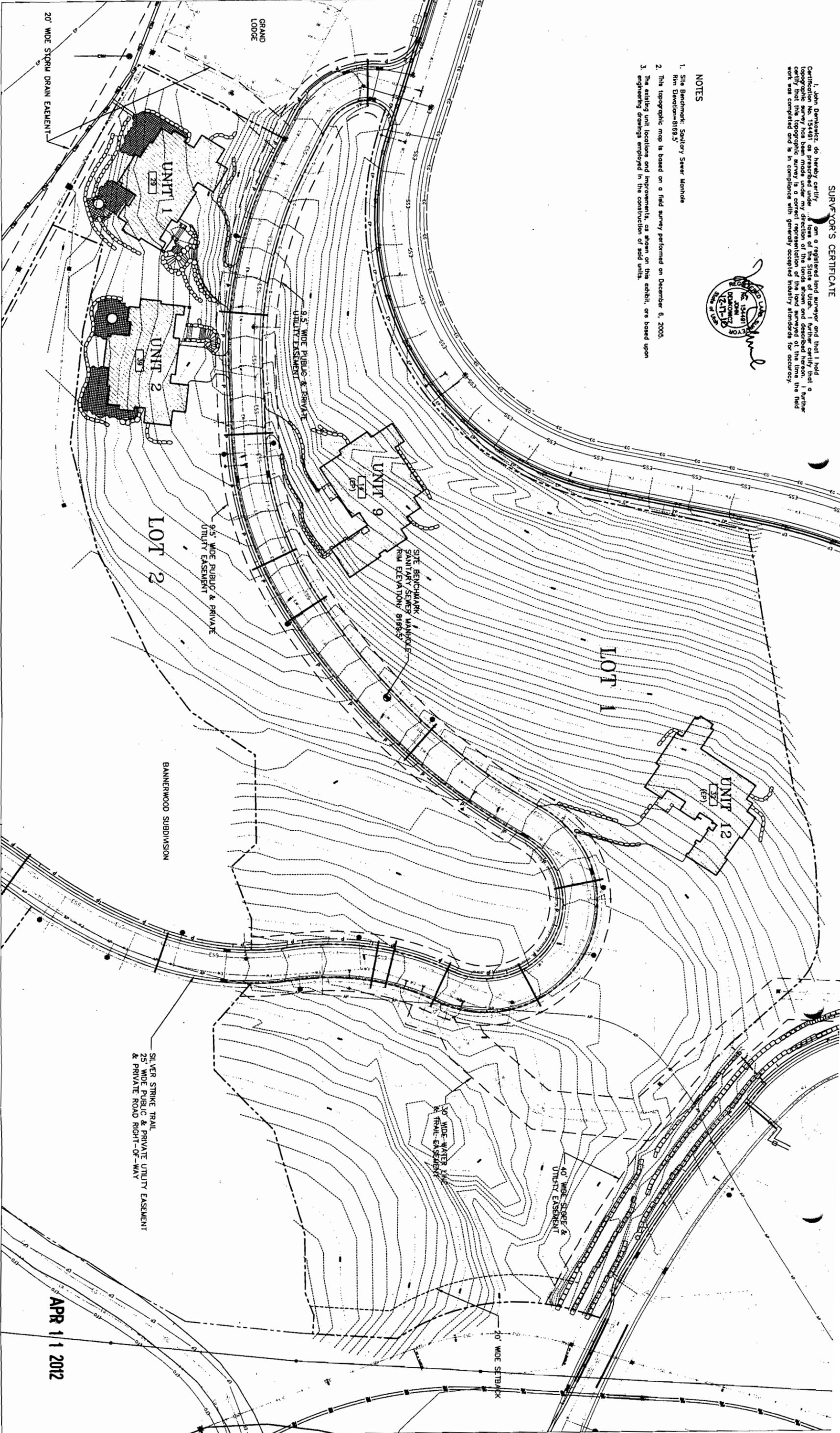
JOB NO.: 6-6-10 FILE: \Empire\ASSISTANT\Bates\_RP-2-8 SHEET 2 OF 2  
RECORDED 4/9/12  
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF COUNTY CLERK, DATE 4/11/12, TIME 1:00 PM, PAGE 5770  
Ronda J. Anderson, REC'D

I, John Demkowicz, do hereby certify that I am a registered land surveyor and that I hold Certificate No. 134481 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed for the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmark: Sanitary Sewer Manhole Rim Elevation=8199.5'
2. This topographic map is based on a field survey performed on December 6, 2005.
3. The existing unit locations and improvements, as shown on this exhibit, are based upon engineering drawings employed in the construction of said units.



LEGEND

---	EXISTING SANITARY SEWER
---	EXISTING STORM DRAIN
---	EXISTING WATER
---	EXISTING POWER
---	EXISTING TELEPHONE
---	EXISTING GAS
---	EXISTING FIBER OPTICS
---	ABANDONED WATER
---	ABANDONED POWER





(435) 548-4487  
CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS  
223 West Street, P.O. Box 2881, Salt Lake City, Utah 84102-2881

DATE: 12/15/10

FOR: Wichita LLP  
JOB NO.: 08-06-01  
FILE: X:\Emp\dev\shervath\sub\bellas\existing topo 11-3-10.dwg

STAFF:  
J. DEMKOWICZ  
M. KING  
S. SCHUELER

EXISTING CONDITIONS TOPOGRAPHIC SURVEY  
**THE BELLES AT EMPIRE PASS**

SHEET 1 OF 1

APR 11 2012



# Planning Commission Staff Report



**Subject:** Courchevel Condominiums at Deer Valley Third Amendment  
**Author:** Francisco Astorga  
**Project Number:** PL-12-01513  
**Date:** June 13, 2012  
**Type of Item:** Administrative – Condominium Record of Survey Amendment

## Summary Recommendations

Staff recommends the Planning Commission open a public hearing, discuss a request for the third amendment to the Courchevel Condominiums at Deer Valley record of survey plat, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

## Description

**Applicant:** Roberta Slusar and Courchevel Homeowners Association represented by Mike Johnston, Summit Engineering Group  
**Location:** 2700 Deer Valley Drive East  
**Zoning:** Residential Development (RD-MPD), Deer Valley Master Planned Development  
**Adjacent Land Uses:** Condominiums, Deer Valley resort parking, open space  
**Reason for Review:** Planning Commission review and recommendation to City Council

## Proposal

This is a record of survey amendment request to convert existing common area attic space into private area for unit B-202 for an additional bedroom and bathroom.

## Purpose

The purpose of the Residential Development RD District is to:

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and

F. provide opportunities for variation in architectural design and housing types.

### **Background**

The Courchevel Condominiums are located at 2700 Deer Valley Drive East within the Deer Valley community portion of the Deer Valley Resort Master Planned Development (MPD). The Courchevel Condominium at Deer Valley record of survey was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.

The Courchevel Condominiums at Deer Valley record of survey plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage. There are two (2) access driveways from the garage to Deer Valley Drive East. In November of 1989, an amended record of survey plat was approved and recorded increasing the number of residential condominium units to forty-one (41). See Exhibit B and C.

In February of 2012, a second amendment record of survey plat was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area. The only exterior changes during this second amendment were the addition of windows on the south side of Building B. See Exhibit D.

Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed. The second amendment mentioned on the paragraph above also reflected that Building A was not built and removed it from the record of survey. Currently there are 27 condominium units and 29 parking spaces. Each existing condominium unit contains 759 square feet, except for Units B301 and B303, which contain a total of 1,367 square feet for a grand total of 21,709 square feet and a developed unit equivalent (UE) of 10.86.

The property is subject to requirements and restrictions of the Deer Valley Resort 10<sup>th</sup> Amended and Restated Large Scale MPD. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel, under the unit equivalent formula. See Exhibit E. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet and the existing residential square footage for the 27 condominium units is 21,709 square feet.

On March 29, 2012 the City received a completed application for a third amendment to the Courchevel Condominiums at Deer Valley record of survey requesting conversion of 470 square feet of common attic area above Unit B202 to private area for an additional bedroom and bathroom. This unit is located on the second floor of Building B. In January 2011, Courchevel Homeowners association voted to approve construction of additional floor area and the transfer 470 square feet of common space to private space

for unit B202, see Exhibit A and F. The only exterior change proposed is the addition of a window on the south side of Building B.

**Analysis**

The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged, the additional floor area is proposed within the existing structure minimizing site disturbance, preserving the existing natural open space, and minimizing impacts of development. The additional floor area exists as attic area and the only exterior change is the addition of a window on the south side of Building B.

Unit B202 would increase by 470 square feet from 759 square feet to 1,229 square feet. The total proposed increase in residential floor area equates to 0.235 UE increase to 11.1 UE total. As the current Deer Valley MPD allows 13.5 UE for Courchevel, these increases are allowed under the existing MPD (Exhibit E). Staff reviewed the proposal for compliance with the LMC as shown in the following table below:

	Permitted through MPD	Proposed
Height	Height allowed in the Deer Valley Master Plan for the Courchevel parcel is 35' from existing grade.	No additional building height is proposed. All proposed construction is within the existing building envelope and roof. Building complies with the 35' height allowance.
Front setback	Twenty feet (20')	No construction is proposed into the existing 20' front setbacks.
Rear setback	Fifteen feet (15')	No construction is proposed into the existing 15' rear setbacks.
Side setbacks	Twelve (12')	No construction is proposed into the existing 12' side setbacks.
Residential Unit Equivalents	Allowed: 13.5 UEs Existing: 10.86 UEs  25 units at 759 square feet and 2 units at 1367 square feet results in 21,709 square feet.	Proposed increase of 470 square feet (0.235 UE) totaling 11.1 UE (22,179 square feet).  Unit B202 will be 1,229 square feet in area.
Commercial and Office uses Support uses	No commercial or office uses exist	No commercial or office uses are proposed.
Parking	Existing: 29 spaces for 27 units, 1 space per unit plus 2 spaces for the 2 enlarged units (2 <sup>nd</sup> amendment) Adding 2 spaces in garage for total of 31 spaces (30 spaces required).	Two (2) additional parking spaces are proposed.  This amendment triggers one additional parking space. Applicant proposes two.

In reviewing the density and unit equivalent calculations, staff finds that there are currently 10.86 UEs. The proposed plat amendment would increase the residential floor area by 470 square feet to 22,179 square feet (11.1 UEs); therefore the request would not exceed the allowed 13.5 UEs for the property. The building does not exceed the allowable 35' building height and there are no non-conforming setback issues. All construction is proposed within the existing building envelope.

### Parking

The current application also requests to add two (2) parking stalls in the existing garage. Twenty-nine (29) parking spaces exist in the underground parking structure beneath the existing buildings. The current number of units and the size of the enlarged units approved with the second amendment triggered a total of twenty-nine (29) parking spaces. The current LMC requires two (2) spaces for each of the amended units greater than 1,000 square feet and less than 2,500 square feet. The current LMC requires one and half (1.5) spaces for each unit greater than 650 square feet and less than 1,000 square feet. The existing development is currently short 12.5 parking spaces per the current Land Management Code (LMC).

Prior to the 1984 LMC one (1) parking space was required for each one bedroom unit. In 1984 the LMC required two (2) spaces per one (1) bedroom apartment not exceeding 1,000 square feet and one (1) space per studio apartment not exceeding 1,000 square feet. The current code requires 1.5 spaces for these units.

Thirty (30) parking spaces will be required and thirty-one (31) spaces will exist with approval of this plat amendment and restriping of the garage. See Exhibit A proposed plat, level 1 parking.

There is undeveloped land on the property available for construction of additional off-street surface parking; however lack of parking for this property has not been an issue in the past and sufficient parking for the proposed addition to Unit B202 can be provided within the parking structure. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route. Given the relatively smaller unit size, it appears that the single parking space per unit is adequate. The expanded unit would comply with the current code.

### Process

Prior to issuance of any building permits for these lots, the applicant will have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### Department Review

This project has gone through an interdepartmental review. No additional issues were raised.

### **Notice**

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

### **Public Input**

Staff has not received any public input regarding this plat amendment.

### **Alternatives**

- The Planning Commission may forward positive recommendation to the City Council for the Courchevel Condominium at Deer Valley Third Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Courchevel Condominium at Deer Valley Third Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Courchevel Condominium at Deer Valley Third Amendment.

### **Significant Impacts**

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

### **Consequences of not taking the Suggested Recommendation**

The unit and attic would remain as is and no construction could take place across the existing lot lines or into the common area.

### **Recommendation**

Staff recommends the Planning Commission open a public hearing, discuss a request for amendments to the Courchevel Condominiums at Deer Valley Second Amended record of survey plat, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### **Exhibits**

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Courchevel Condominiums plat
- Exhibit C – Courchevel Condominiums Amended (sheet 2 of 3) plat
- Exhibit D – Courchevel Condominiums Second Amended plat
- Exhibit E – Deer Valley MPD Density Chart
- Exhibit F – Aerial and Site photographs
- Exhibit G – HOA Letter

Ordinance 12-

**AN ORDINANCE APPROVING THE COURCHEVEL CONDOMINIUM AT DEER VALLEY THIRD AMENDMENT LOCATED AT 2700 DEER VALLEY DRIVE EAST, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Courchevel Condominiums, located within the Deer Valley Community of the Deer Valley Resort Tenth Amended and Restated Large Scale Master Planned Development, have petitioned the City Council for approval of amendments to convert to private area the common attic area above Unit B202; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed amendments to the record of survey plat;

WHEREAS, the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on June 28, 2012, the City Council held a public hearing on the proposed amendments to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah and consistent with the Deer Valley Resort 10th Amended and Restated Master Planned Development to approve the proposed amendments to the Courchevel Condominiums record of survey plat.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Third Amended Courchevel Condominiums record of survey plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The Courchevel Condominiums are located at 2700 Deer Valley Drive East within the Deer Valley Community portion of the Deer Valley Resort Master Planned Development (MPD).

2. The Courchevel Condominium at Deer Valley record of survey was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.
3. The Courchevel Condominiums at Deer Valley record of survey plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage.
4. There are two (2) access driveways from the garage to Deer Valley Drive East.
5. In November of 1989, an amended record of survey plat was approved and recorded increasing the number of residential condominium units to forty-one (41).
6. In February of 2012, a second amendment record of survey plat was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area.
7. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed.
8. The second amendment reflected that Building A was not built and removed it from the record of survey.
9. Currently there are 27 condominium units and 29 parking spaces.
10. Each existing condominium unit contains 759 square feet, except for Units B301 and B303, which contain a total of 1,367 square feet for a grand total of 21,709 square feet and a developed unit equivalent (UE) of 10.86.
11. The property is subject to requirements and restrictions of the Deer Valley Resort 10<sup>th</sup> Amended and Restated Large Scale MPD.
12. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel.
13. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property.
14. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet and the existing residential square footage for the 27 condominium units is 21,709 square feet.
15. On March 29, 2012 the City received a completed application for a third amendment to the Courchevel Condominiums at Deer Valley record of survey requesting conversion of 470 square feet of common attic area above Unit B202 to private area for an additional bedroom and bathroom.
16. Unit B202 is located on the second floor of Building B.
17. In January 2011, Courchevel Condominium owner's association voted to approve construction of additional floor area and the transfer 470 square feet of common space to private space for unit B202.
18. The only exterior change proposed is the addition of a window on the south side of Building B.
19. The proposed amendment is consistent with the purpose statements of the district.
20. Unit B202 would increase by 470 square feet from 759 square feet to 1,229 square feet.

21. The total proposed increase in residential floor area equates to 0.235 UE increase to 11.1 UE total.
22. The current Deer Valley MPD allows 13.5 UE for Courchevel Condominiums.
23. The building does not exceed the allowable 35' building height and there are no non-conforming setback issues.
24. All construction is proposed within the existing building envelope.
25. The current application also requests to add two (2) parking stalls in the existing garage.
26. Twenty-nine (29) parking spaces exist in the underground parking structure beneath the existing buildings.
27. The current number of units and the size of the enlarged units approved with the second amendment triggered a total of twenty-nine (29) parking spaces.
28. The current LMC requires two (2) spaces for each of the amended units greater than 1,000 square feet and less than 2,500 square feet.
29. The current LMC requires one and half (1.5) spaces for each unit greater than 650 square feet and less than 1,000 square feet.
30. The existing development is currently short 12.5 parking spaces per the current Land Management Code (LMC).
31. Thirty (30) parking spaces will be required and thirty-one (31) spaces will exist with approval of this plat amendment and restriping of the garage.
32. There is undeveloped land on the property available for construction of additional off-street surface parking; however lack of parking for this property has not been an issue in the past and sufficient parking for the proposed addition to Unit B202 can be provided within the parking structure.
33. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route.
34. Given the relatively smaller unit size, it appears that the single parking space per unit is adequate.
35. The expanded unit would comply with the current code.

#### Conclusions of Law:

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 10<sup>th</sup> amended and restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval, including the removal of Building A, prior to recordation of the plat.

2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) 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. All construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit B202 shall be issued until this plat amendment is recorded.
4. All conditions of approval of the Deer Valley Resort 10<sup>th</sup> Amended and Restated Large Scale MPD and the Second Amended Courchevel Condominiums at Deer Valley shall continue to apply.

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

PASSED AND ADOPTED this 28<sup>th</sup> day of June, 2012.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

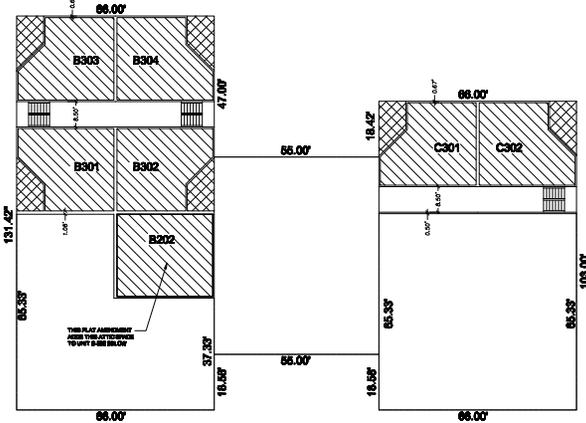
\_\_\_\_\_  
Jan Scott, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

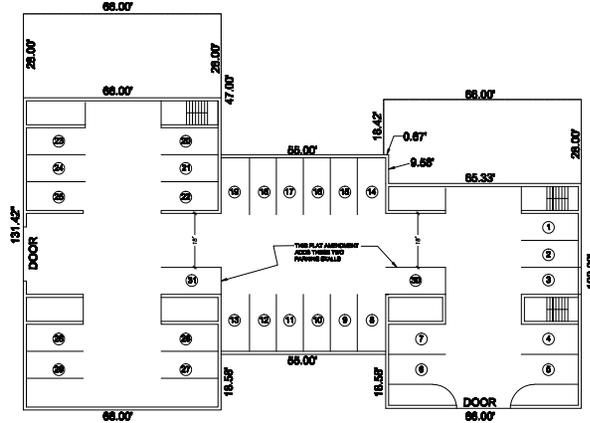
Exhibit A - Proposed Plat



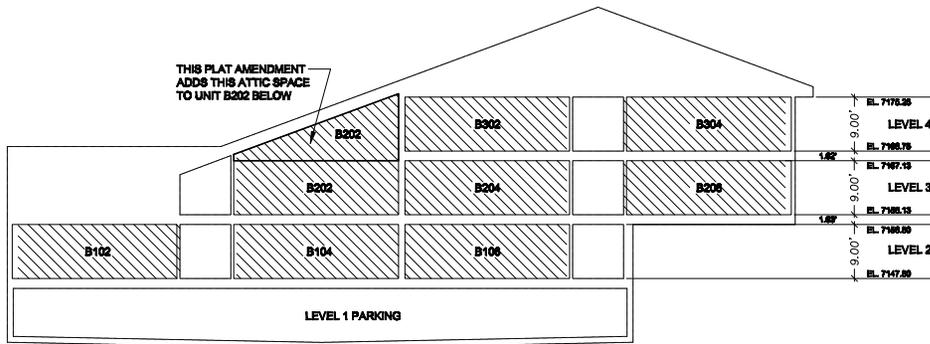
LEVEL 4 FLOOR PLAN  
SCALE: 1" = 3'



TABULATIONS  
UNIT B-BASE PRIVATE AREA = THE BALCY. ON LEVEL 3  
PRIVATE AREA = 685 SQ. FT. ON LEVEL 4  
LIMITED COMMON AREA = 100 SQ. FT.



LEVEL 1 PARKING  
SCALE: 1" = 3'



CROSS-SECTION 'B' - SOUTH  
SCALE: 1" = 1'

CONDOMINIUM PLAT  
**COURCHEVEL CONDOMINIUMS  
AT DEER VALLEY  
THIRD AMENDMENT  
-A UTAH CONDOMINIUM PROJECT-**

A PARCEL OF LAND LOCATED  
IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
SALT LAKE BASIN & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION OF COURCHEVEL CONDOMINIUMS AT DEER VALLEY

THE COURCHEVEL CONDOMINIUMS AT DEER VALLEY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER AS ENTRY 229039, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS SOUTH 1747.2 FEET AND EAST 4303.17 FEET FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN; THENCE SOUTH 25°00'00" WEST 214.03 FEET; THENCE NORTH 89°20'00" WEST 160.75 FEET TO A POINT ON A 938.16 FOOT RADIUS CURVE TO THE LEFT, THE RADIAL LINE BEARS NORTH 82°00'00" WEST, OF WHICH THE CENTRAL ANGLE IS 69°40'44"; THENCE NORTHEAST ALONG THE ARC OF SAID CURVE 111.63 FEET; THENCE NORTH 00°40'00" EAST 251.63 FEET; THENCE SOUTH 89°20'00" EAST 239.78 FEET; THENCE SOUTH 00°01'40" EAST 168.00 TO THE POINT OF BEGINNING, CONTAINING 1.8228 ACRES MORE OR LESS.

OWNER'S CONSENT TO RECORD - H.O.A.

KNOW ALL MEN BY THESE PRESENT THAT COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION (THE ASSOCIATION), THE AUTHORIZED REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING AT LEAST A TWO-THIRDS OWNERSHIP INTEREST IN THE COMMON AREA AND FACILITIES OF THE PROJECT PURSUANT TO THE PROVISIONS OF SECTION 27 OF THE DECLARATION OF CONDOMINIUM OF THE COURCHEVEL CONDOMINIUMS AT DEER VALLEY, CERTIFIES THAT IT HAS APPROVED THIS PLAT AMENDMENT TO BE PREPARED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DOES HEREBY CONSENT TO THE RECORDATION OF THE PLAT.

COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION  
A UTAH NON-PROFIT CORPORATION

BY: \_\_\_\_\_  
SCOTT POWELL, PRESIDENT

ACKNOWLEDGEMENT

STATE OF UTAH  
COUNTY OF SUMMIT

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012, PERSONALLY APPEARED BEFORE ME SCOTT POWELL, WHO BEING DULY SWORN, DID SAY THAT HE IS PRESIDENT OF COURCHEVEL CONDOMINIUM OWNERS ASSOCIATION, A UTAH NON-PROFIT CORPORATION, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF THE CORPORATION, AND FURTHER ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE AMENDED SAID CONDO UNIT B202 AS SHOWN HEREON. I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT AMENDMENT IS A CORRECT REPRESENTATION OF THE PROPERTY SURVEYED, AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8 OF THE CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57.

SURVEYOR'S SEAL

BING CHRISTENSEN  
PROFESSIONAL LAND SURVEYOR

PLAT NOTES

1. THIS PLAT REPRESENTS AN AMENDMENT OF UNIT B-BASE AT COURCHEVEL CONDOMINIUMS AT DEER VALLEY ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (PRECEDENCE NUMBER 229039). THIS AMENDMENT CONVERTS EXISTING COMMON AREA SPACE INTO PRIVATE AREA FOR UNIT B-BASE. THIS ATTIC SPACE IS LOCATED ON LEVEL 4 AS NOTED AND SHOWN HEREON.
2. ADDITIONAL LINES ARE SHOWN HEREON FOR REFERENCE ONLY, AND ARE NOT CHANGED WITH THIS DOCUMENT. FOR INFORMATION ON ANY UNIT OTHER THAN B-BASE, REFER TO 'COURCHEVEL CONDOMINIUMS AT DEER VALLEY' WITH PRECEDENCE NO. 229039, AND 'COURCHEVEL CONDOMINIUMS AT DEER VALLEY, AMENDED WITH PRECEDENCE NO. 229039, AND 'COURCHEVEL CONDOMINIUMS AT DEER VALLEY SECOND AMENDMENT' WITH PRECEDENCE NO. 68896, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.
3. COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR OTHERS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH IN THIS AMENDMENT ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
4. THE DEER VALLEY MASTER PLAN CONTINUES TO APPLY, AS WELL AS ANY CONDITIONS ON THE ORIGINAL COURCHEVEL CONDOMINIUM PLAT AND SUBSEQUENT AMENDMENTS.
5. THE LINES OF THIS CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE COURCHEVEL CONDOMINIUMS AT DEER VALLEY OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.

OWNER'S CONSENT TO RECORD - UNIT B202

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT B-202 AT COURCHEVEL CONDOMINIUMS AT DEER VALLEY, CERTIFY THAT I CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

BY: \_\_\_\_\_  
ROBERTA ANN SLUSAR

ACKNOWLEDGEMENT

STATE OF UTAH  
COUNTY OF SUMMIT

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012, PERSONALLY APPEARED BEFORE ME ROBERTA ANN SLUSAR, WHO BEING DULY SWORN, DID SAY THAT SHE IS THE OWNER OF UNIT B-202 AT COURCHEVEL CONDOMINIUMS AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT SHE SIGNED THE FOREGOING INSTRUMENT.

NOTARY PUBLIC



PROJECT NO.: L12-021  
DRAWN BY: MPJ  
REVIEWED BY: BC  
APPROVED BY: BC  
DATE: MARCH 21, 2012

PARK CITY PLANNING COMMISSION  
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.  
CWR

PARK CITY ENGINEER  
THIS PLAT IS IN CONFORMANCE WITH THE INFORMATION IN FILE IN THE OFFICE OF THE PARK CITY ENGINEER, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.  
CITY ENGINEER

SHYDEVILLE BASIN WATER RECLAMATION DISTRICT  
REVIEWED FOR CONFORMANCE TO THE SHYDEVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.  
SHYDEVILLE BASIN WATER RECLAMATION DISTRICT

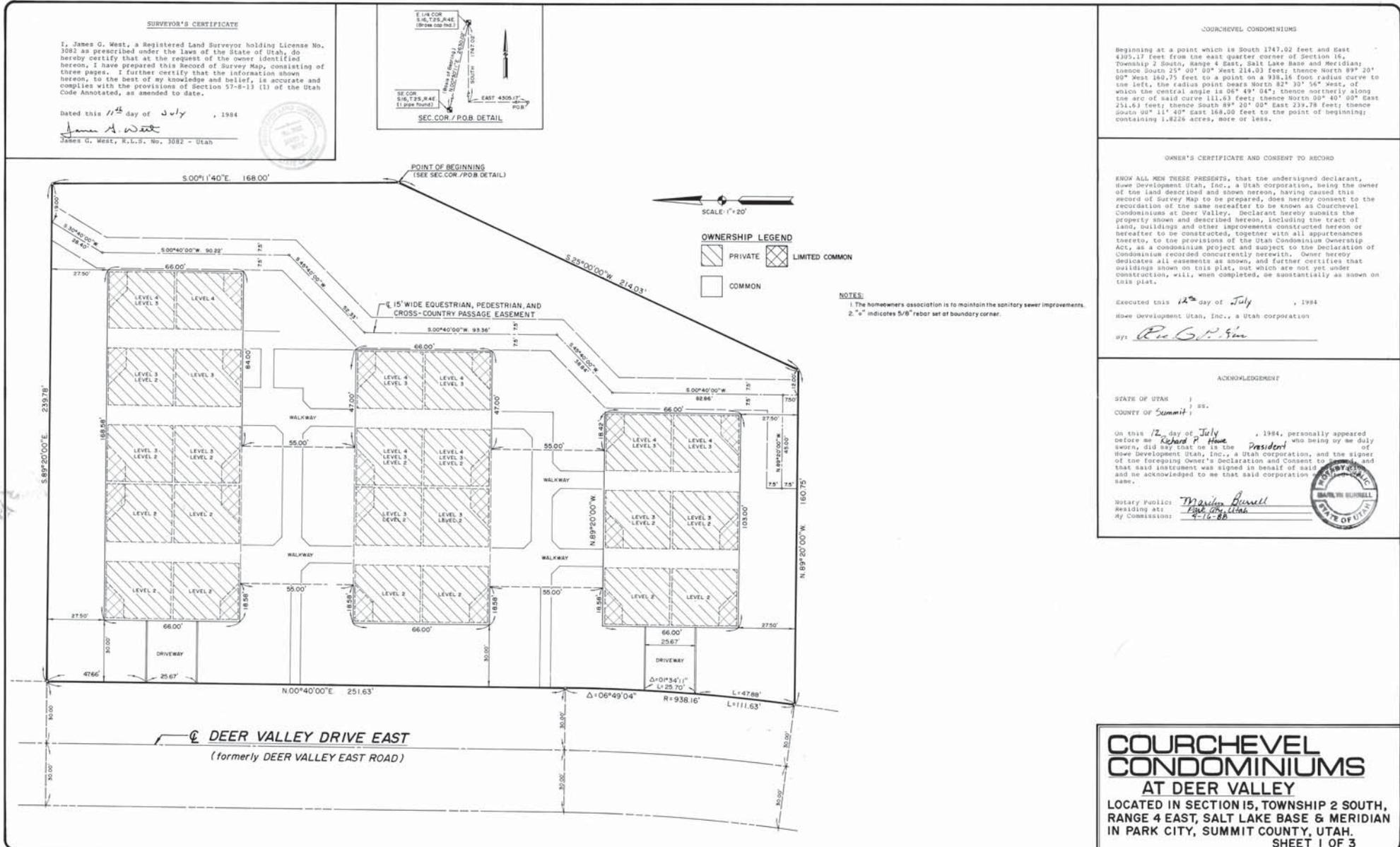
PARK CITY ATTORNEY  
APPROVED AS TO FORM ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.  
CITY ATTORNEY

CITY COUNCIL APPROVAL  
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.  
MAYOR

CERTIFICATE OF ATTEST  
I CERTIFY THAT THIS PLAT AMENDMENT WAS APPROVED BY THE PARK CITY COUNCIL ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.  
CITY RECORDER

RECORDER  
BOOK NO. \_\_\_\_\_, PAGE \_\_\_\_\_  
STATE OF UTAH, COUNTY OF SUMMIT  
DATE RECORDED AT THE REGISTRY OF \_\_\_\_\_  
SUMMIT COUNTY RECORDER

# Exhibit B - Courchevel Condo plat



**COURCHEVEL CONDOMINIUMS**

Beginning at a point which is South 1747.02 feet and East 4305.17 feet from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South 25° 00' 00" West 214.03 feet; thence North 89° 20' 00" West 160.75 feet to a point on a 938.16 foot radius curve to the left; the radius point bears North 82° 30' 56" West, of which the central angle is 06° 49' 04"; thence northerly along the arc of said curve 111.63 feet; thence North 00° 40' 00" East 234.33 feet; thence South 89° 20' 00" East 239.78 feet; thence South 00° 11' 40" East 148.00 feet to the point of beginning; containing 1.8226 acres, more or less.

**OWNER'S CERTIFICATE AND CONSENT TO RECORD**

KNOW ALL MEN THESE PRESENTS, that the undersigned declarant, Howe Development Utah, Inc., a Utah corporation, being the owner of the land described and shown hereon, having caused this Record of Survey Map to be prepared, does hereby consent to the recording of the same hereafter to be known as Courchevel Condominiums at Deer Valley. Declarant hereby submits the property shown and described hereon, including the tract of land, buildings and other improvements constructed hereon or hereafter to be constructed, together with all appurtenances thereto, to the provisions of the Utah Condominium Ownership Act, as a condominium project and subject to the Declaration of Condominium recorded concurrently herewith. Owner hereby dedicates all easements as shown, and further certifies that buildings shown on this plat, out which are not yet under construction, will, when completed, be substantially as shown on this plat.

Executed this 12<sup>th</sup> day of July, 1984  
 Howe Development Utah, Inc., a Utah corporation  
 by: *Richard P. Howe*

**ACKNOWLEDGMENT**

STATE OF UTAH )  
 COUNTY OF Summit ) ss.

On this 12<sup>th</sup> day of July, 1984, personally appeared before me *Richard P. Howe*, President, who being by me duly sworn, did say that he is the President of Howe Development Utah, Inc., a Utah corporation, and the signer of the foregoing Owner's Declaration and Consent to Record, and that said instrument was signed in behalf of said corporation and he acknowledged to me that said corporation is the same.

Notary Public: *Marilyn Burrell*  
 Residing at: *Park City, Utah*  
 My Commission: *4-16-86*

**COURCHEVEL CONDOMINIUMS**  
**AT DEER VALLEY**  
 LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN IN PARK CITY, SUMMIT COUNTY, UTAH.  
 SHEET 1 OF 3

**CITY COUNCIL APPROVAL**

PRESENTED TO THE PARK CITY COUNCIL THIS 27<sup>th</sup> DAY OF December, A.D. 1984, AT WHICH TIME THIS RECORD OF SURVEY MAP WAS APPROVED

*William Holman*  
 Mayor  
*[Signature]*  
 ATTNEY CITY RECORDER

**CITY ENGINEER**

APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 16<sup>th</sup> DAY OF December, A.D. 1984.

*Eric W. DeHaven, P.E.*  
 CITY ENGINEER

**CITY PLANNING COMMISSION**

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 16<sup>th</sup> DAY OF December, A.D. 1984.

*[Signature]*  
 CHAIRMAN

**APPROVAL AS TO FORM**

APPROVED AS TO FORM ON THIS 31<sup>st</sup> DAY OF December, A.D. 1984.

*[Signature]*  
 Atty. City Attorney

**RECORDED**

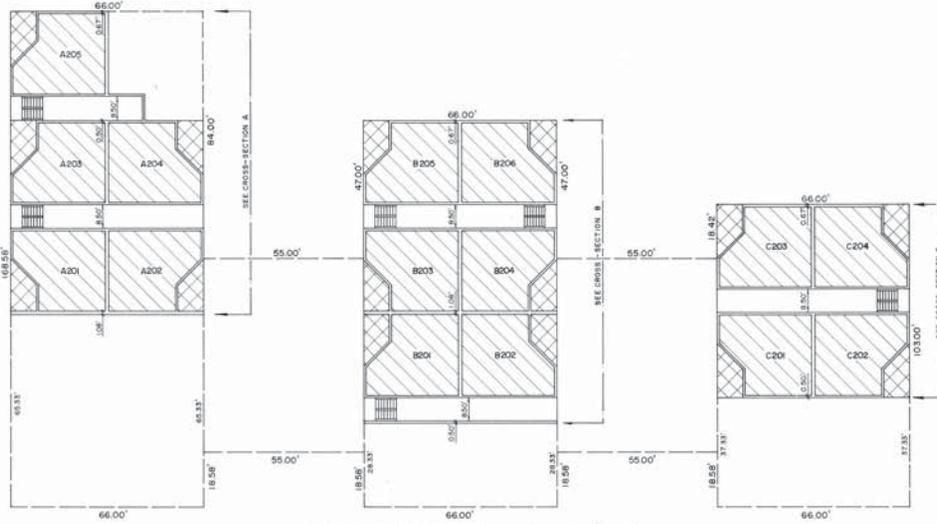
No. 229039  
 STATE OF UTAH  
 COUNTY OF SUMMIT  
 RECORDED AND FILED AT THE REQUEST OF:  
*Summit County Title*  
 FEES: 65.00  
 COUNTY RECORDER

**J.J. Johnson & Associates**

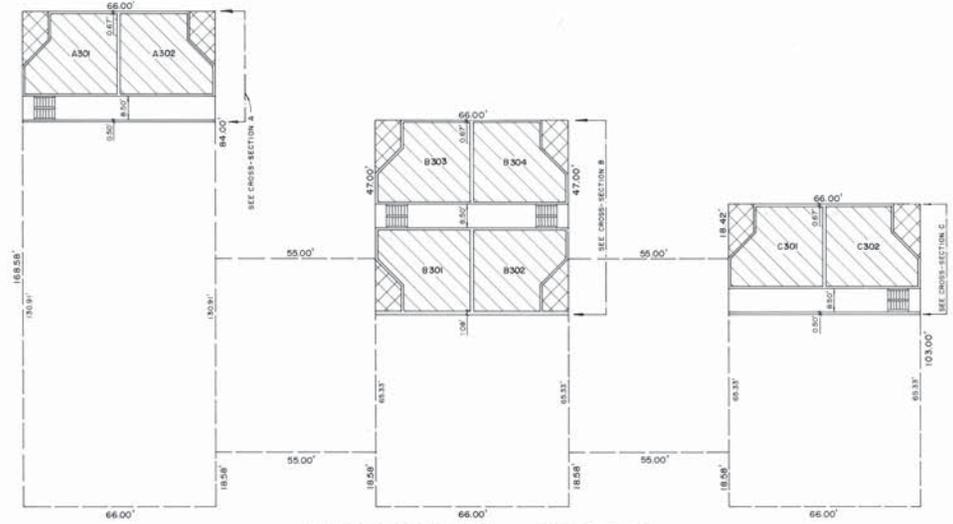
Park Meadows Plaza,  
 Highway 248  
 Park City, Utah 84060

(801) 649-9811

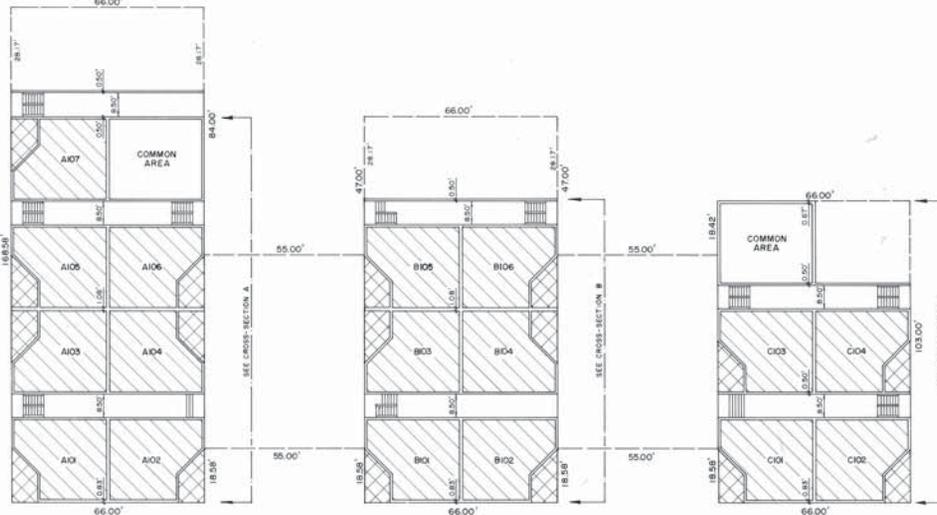
*[Logo]*



LEVEL 3 FLOOR PLAN SCALE: 1"=20'

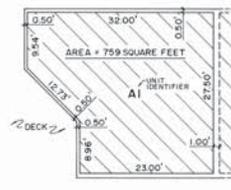


LEVEL 4 FLOOR PLAN SCALE: 1"=20'



LEVEL 2 FLOOR PLAN SCALE: 1"=20'

PRIVATE  
 COMMON  
 LIMITED COMMON  
**OWNERSHIP LEGEND**



TYPICAL UNIT DETAIL



LEVEL 1 PARKING SCALE: 1"=30'

**COURCHEVEL CONDOMINIUMS SHEET 2 OF 3**

**RECORDED**  
 NR 229039  
 STATE OF UTAH  
 COUNTY OF SUMMIT  
 RECORDED AND FILED AT THE REQUEST OF:  
*Summit County, Utah*  
 FEES COUNTY RECORDER

**J.J. Johnson & Associates**  
 Park Meadows Plaza,  
 Highway 24B  
 Park City, Utah 84060  
 (801) 649-9811  
 JOB No. I-402-84





Exhibit C - Courchevel Condo Amended (sheet 2 of 3) plat

COURCHEVEL CONDOMINIUMS

Beginning at a point which is South 1747.02 feet and East 4305.17 feet from the east quarter corner of Section 16, Township 3 South, Range 4 East, Salt Lake Base and Meridian; thence South 25° 00' 00" West 214.03 feet; thence North 89° 20' 00" West 160.75 feet to a point on a 938.16 foot radius curve to the left, the radius point bears North 82° 20' 54" West, of which the central angle is 94° 49' 04"; thence northerly along the arc of said curve 111.63 feet; thence North 00° 40' 00" East 251.03 feet; thence South 89° 20' 00" East 239.78 feet; thence South 00° 11' 40" East 168.00 feet to the point of beginning; containing 1.8226 acres, more or less.

SURVEYOR'S CERTIFICATE

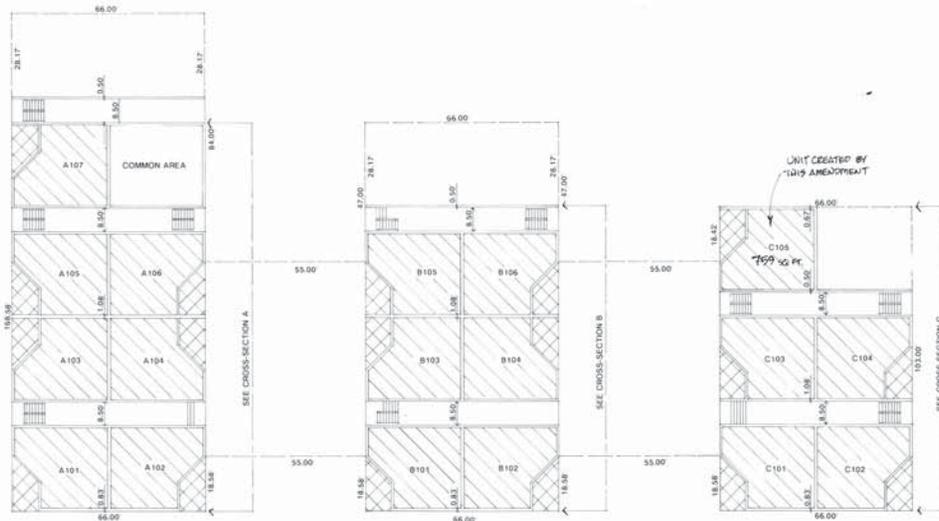
I, Rick S. Dunford, a Registered Land Surveyor holding license No. 5861 as prescribed under the laws of the State of Utah, do hereby certify that at the request of the owner's identified hereon, I have prepared the amended Record of Survey Map, Consisting of this one page amending the existing Courchevel Condominiums at Deer Valley Sheet No. 2 of 3 as recorded in the office of the Summit County Recorder on 12/31/94, Instrument No. 229039. I further certify that the information shown hereon, to the best of my knowledge and belief, is accurate and complies with the provisions of section 57-8-11 (1) of the Utah Code Annotated, as amended to date.

Dated this 12<sup>th</sup> day of October, 1999

*Rick S. Dunford*  
Rick S. Dunford, R.L.S. No. 5861 - Utah



NOTE: THE CERTIFICATIONS FOR THIS PLAT ARE CONTAINED ON SEPARATE PAGES LOCATED IN FILE CABINET # 1 CONDOMINIUMS



LEVEL 2 FLOOR PLAN SCALE: 1" = 20'



SCALE 1" = 20'

OWNERSHIP LEGEND

- PRIVATE
- LIMITED COMMON
- COMMON

We the undersigned do hereby consent to the recordation of the first amendment to record of survey map, Courchevel Condominiums.

*Deer Valley Resort Company*  
By *Deer Valley Resort Company*  
STATE OF *Utah*  
COUNTY OF *Summit*  
RECORDED AND FILED AT THE REQUEST OF:  
*Deer Valley Resort Company*

**COURCHEVEL CONDOMINIUMS**  
**AT DEER VALLEY**  
**AMENDED SHEET 2 OF 3**

CITY COUNCIL APPROVAL  
PRESENTED TO THE BOARD OF *Deer Valley* CITY COUNCIL THIS *5th* DAY OF *October*, A.D. 19*99* AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED  
*Anna L. Sheldon*  
CITY RECORDER

CITY ENGINEER  
APPROVED AND ACCEPTED BY THE *Deer Valley* CITY ENGINEERING DEPARTMENT ON THIS *11th* DAY OF *October*, A.D. 19*99*  
*Chris W. DeHann, P.E.*  
CITY ENGINEER

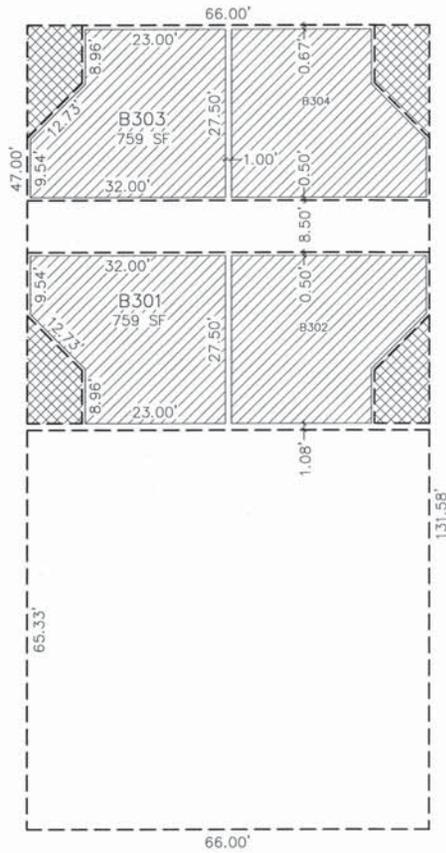
CITY PLANNING COMMISSION  
APPROVED AND ACCEPTED BY THE *6th* CITY PLANNING COMMISSION ON THIS DAY OF *October*, A.D. 19*99*  
*David B. Wiley*  
CHAIRMAN

APPROVAL AS TO FORM  
APPROVED AS TO FORM ON THIS *6th* DAY OF *October*, A.D. 19*99*  
*James W. Gade*  
CITY ATTORNEY

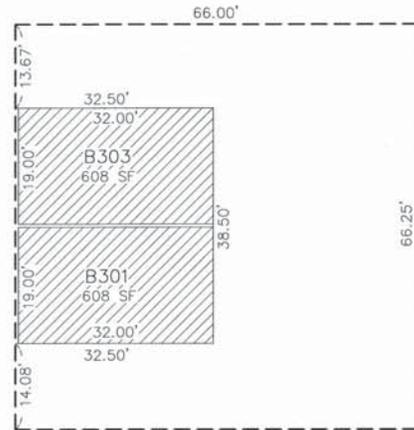
RECORDED  
No. *315605*  
STATE OF *Utah*  
COUNTY OF *Summit*  
RECORDED AND FILED AT THE REQUEST OF:  
*Deer Valley Resort Company*  
*Alan Springs*  
COUNTY RECORDER

**JACK JOHNSON COMPANY**  
Land Planning Architecture Civil Engineering  
1910 Prospector Ave., Suite 200 Park City, Utah 84060  
801-645-9000 FAX 801-649-1620





**FLOOR PLAN - LEVEL 4**  
UNIT B301 / UNIT B303

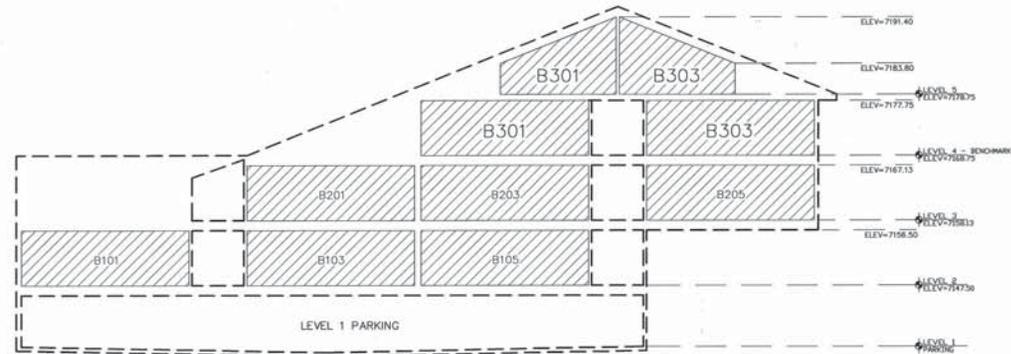


**FLOOR PLAN - LEVEL 5**  
UNIT B301 / UNIT B303



**HATCHING LEGEND**

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA



**SECTION - B**  
BLDG. B



NO. 939912 RECORDED Date 2/20/2012  
 DATE \_\_\_\_\_ Time 1:48 PM  
 STATE OF Utah  
 CITY OF \_\_\_\_\_  
 RECORDED AT THE REQUEST OF Park City Title Company  
162.00 C. Willoughby - deputy  
 FEES CITY RECORDER



DATE	BY	REVISIONS / COMMENTS



SURVEYED BY: GRW  
 DRAWN BY: GRW  
 CHECKED BY: ADM/GRW

**COURCHEVEL CONDOMINIUMS**  
**AT DEER VALLEY**  
**SECOND AMENDED**  
 FOR: RICHARD CHAN & SCOTT POWELL  
 FOR: CCAMEND-ROS  
 JOB NO. 001

# Exhibit E - Deer Valley MPD Density Chart

**DEER VALLEY RESORT  
TENTH AMENDED AND RESTATED  
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT  
EXHIBIT 1  
DEVELOPMENT PARCELS  
12-Aug-09**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
<b>DEER VALLEY COMMUNITY</b>					
Stonebridge & Boulder Creek Multi-Family	50	54	1	28	10.23
Aspenwood Multi-Family	30	30		28	9.21
Pine Inn & Trails End Multi-Family	40	45	1	35	8.52
In The Trees (South Multi-Family) Multi-Family	14	14		28-45	2.87
Black Diamond Lodge (Snow Park Lodge Multi-Family)	29	27		28-75	5.70
Courcheval Multi-Family	13.5	27	1	35	1.82
Daystar Multi-Family	24	24		28	9.84
Fawngrove Multi-Family	50	50		28	12.05
Chateaux Fawngrove Multi-Family	10.5	11	2	28	Incl
Bristlecone Multi-Family	20	20		28	Incl
Lakeside Multi-Family	60	60		28	6.49
Solamere Single Family (includes Oaks, Royal Oaks & Hidden Oaks)	274	274		28	237.81
Pinnacle Multi-Family	86	86		28	36.80
Comstock Lodge (East Bench Multi-Family)	10.5	21	1	35	3.50
Red Stag Lodge	8.5	11	1	35	Incl
Powder Run Multi-Family	25	33	1	35	3.20
Wildflower (Deer Valley North Lot 1 Multi-Family)	11	14	1	28	1.04
Glenfiddich (Deer Valley North Lot 2 Multi-Family)	12	12		28	1.45
Chapparal (Deer Valley North Lot 3 Multi-Family)	15	20	1	28	1.44
Lodges @ Deer Valley (Northeast Multi-Family)(includes Silver Baron Lodge)	115	109	3	28-35	12.65
Snow Park Village (Snow Park Hotel & Parking Sites)	210.75	0	4	28-45	14.93
Total Deer Valley Community	1108.75				
<b>AMERICAN FLAG COMMUNITY</b>					
American Flag Single Family	93	93		28	83.04
LaMaconnerie Multi-Family	15	15		28	6.19
Total American Flag Community	108				
<b>NORTH SILVER LAKE COMMUNITY</b>					
Westview Single Family	15	1		28	40.69
Evergreen Single Family	36	36		28	27.60
NSL Homesite Parcel #1	1	1		35	1.90
Belleterre Single Family	10	10		28	11.42
Bellevue Townhomes (NSL Subdivision Lot 1)	24	14	10	28	4.62
Bellemont Townhomes (NSL Subdivision Lots 2A and 2A-1)	18	12	10	28	3.75
NSL Subdivision Lot 2B	54	0		45	5.96
BelleArbor Townhomes (NSL Subdivision Lot 2C)	43	21	10	28-35	8.25
NSL Subdivision Lot 2D Open Space Lot	0	0	5	0	4.03
Total North Silver Lake Community	201				
<b>SILVER LAKE COMMUNITY</b>					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	6	20	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	11	0		59 (A)	0.35
Silver Lake Village Lot G	11	0		59 (A)	0.38
Silver Lake Village Lot H	12	0		59 (A)	0.44
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Cottages Single Family	11	11		28	7.06
Alta Vista Subdivision	7	7		35	6.02
Planning Commission	16	7	8	28-35	Page 159

**DEER VALLEY RESORT  
TENTH AMENDED AND RESTATED  
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT**

**EXHIBIT 1  
DEVELOPMENT PARCELS  
12-Aug-09**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
Trailside Multi-Family	9	9		28-35	1.46
Aspen Hollow Multi-Family	16	16		28-35	3.18
Ridgepoint Multi-Family	38	38		28-35	5.60
Total Silver Lake Community	614.8715				
<b>BALD EAGLE COMMUNITY</b>					
Bald Eagle Single Family	78	58	9	28	35.65
Total Bald Eagle Community	78				
<b>TOTAL CONVENTIONAL UNITS</b>	2110.6215				
<b>EMPLOYEE HOUSING UNITS</b>					
Little Belle	1				
Stag Lodge	1				
Sterlingwood	1				
Bald Eagle	2				
Mt. Cervin	1				
Deer Valley Club	1				
<b>TOTAL EMPLOYEE HOUSING UNITS</b>	7				

**NOTES:**

1. These projects have been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density than base permitted density.
  2. One small unit was separately permitted in this project using .5 unit of density.
  3. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (132) than base permitted density (115). Additional phases consisting of 23 units are in process.
  4. This parcel is required to use the Unit Equivalent Formula contained in Section 10.12 of the Code.
  5. This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B.
  6. Two additional units were permitted in this project on land that was not a part of the Deer Valley MPD.
  7. This parcel was originally permitted as 20 MF units but subsequently developed as 5 single family homesites.
  8. This parcel was permitted as 16 units. Subsequently 9 of the unit development rights were acquired by the homeowners and dedicated as open space.
  9. This parcel was originally permitted as a combination of single family and multi-family. The multi-family uses were converted to single family with a density reduction from 78 to 58 units.
  10. The development density on these parcels is less than the original permitted density at the election of the developer.
  11. The transfer of 1.75 Unit Equivalents to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on June 28, 2006.
- A. Lots in the Silver Lake Village Subdivision have a development height limitation tied to a base elevation of 8122' with peak of roof not to exceed elevation 8186'.

**CONDOMINIUM PLAT  
COURCHEVEL CONDOMINIUMS  
AT DEER VALLEY  
THIRD AMENDMENT  
-A UTAH CONDOMINIUM PROJECT-**

A PARCEL OF LAND LOCATED  
IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST  
SALT LAKE BASIN & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



**AERIAL PHOTO OF SUBJECT PROPERTY**



**NORTH ELEVATION**



**WEST ELEVATION**



**EAST ELEVATION**



**SURROUNDING PROPERTIES MAP**

**NEW BEDROOM  
AND NEW  
WINDOW**



**EAST ELEVATION CLOSE-UP**



**PARKING GARAGE**

Exhibit G - HOA Letter

Courchevel Homeowners Association  
Box 680876  
Park City, Utah 84068  
(435) 645-7888

May 31, 2012

Mr. Francisco Astorga  
Park City Municipal Corp.  
Planning Department  
Park City, Utah 84060

RE: Courchevel B-202

Dear Mr. Astorga:

This letter is to confirm that the owners of Courchevel B-202, Roberta Slusar and Richard Morse applied to the association for a loft expansion and permission to expand into the common area dead space over the hallway.

Information and a ballot were sent out to all owners on January 12, 2011. The deadline for the votes to be returned was January 28, 2011. Pursuant to the Courchevel By-Laws, a vote of 2/3rds or more of the ownership is required.

The votes were tallied and the required 2/3rds vote of the ownership was received. Based on this vote and the requirement being met, the association granted permission for the owners to move forward with the remodel and re-plat.

If you have any questions, please feel free to call me.

Sincerely,

Toby Tolpinrud  
Association Manager

# Planning Commission Staff Report



**Subject:** Ontario Mine Bench Subdivision  
**Author:** Mathew W. Evans, Senior Planner  
**Date:** Jun 13, 2012  
**Type of Item:** Administrative – Subdivision  
**Project Number:** PL-10-01070

## **Summary Recommendations**

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

## **Description**

**Applicant:** Christie Babalis and Patrick Putt on behalf of United Park City Mines/Talisker and Jordanelle Special Services District (JSSD)  
**Location:** 7700 Marsac Avenue  
**Zoning:** Recreation Open Space (ROS)  
**Adjacent Land Uses:** Open Space and Residential/Resort  
**Reason for Review:** Subdivision plats require Planning Commission review and City Council approval

## **Proposal:**

The applicant is proposing to subdivide an existing 30.56 acre parcel into two lots; Lot 1 is 2.01 acres, and Lot 2 which is the remaining portion of the property at 28.55 acres. Both new lots have existing structures and buildings which are associated with each of the two different property owners. The applicants are not proposing any new development on the properties at this time, and there are no known proposals for future development.

The subdivision application is proposed in order to officially establish the separate ownership of the two lots. Lot 1 encompasses an existing structure, a portion of which is owned and operated by the Jordanelle Special Services District (JSSD which is the Number 3 shaft site of the Ontario Mine) and the other portion owned by the United Park City Mines. Lot 2 encompasses the balance of the Mine Bench property owned by the United Park City Mines Company which is used for offices, equipment and salt storage.

## **Background**

On June 24, 1999, the City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master

planned development (MPD) and set forth the types and locations of land use, maximum densities, timing, development approval process, as well as development conditions and amenities for each parcel. The Mine Bench property was included in the annexation, and was given the Zone Designation of Recreation Open Space (ROS).

The property has three permanent buildings and one temporary structure (yurt for salt storage) currently, houses two buildings that are used by United Park City Mines/Talisker, and the old Ontario Mine Building, which is currently used as a bakery for the Talisker Resorts. Prior to these uses, the old mine building was used for the "Silver Mine Adventure Tour" which included a gift shop a kitchen for the preparation of food and eating area associated with the now closed Mine Adventure.

In August of 2002, a portion of the Mine Bench property was conveyed to JSSD and conveyed to them by deed. However a subdivision was not applied for. The proposed subdivision and subsequent condo-plat (a separate application) will memorialize the conveyance.

The original application for the proposed subdivision was received on September 27, 2010. Since that time the applicants and Staff have had several conversations about moving the project forward and the necessary steps to do so. Staff also made two site visits to the property to better understand all of the issues related to the proposed subdivision and condo-plat. On March 13, 2012, the application only lacked a copy of the Covenants, Conditions and Restrictions (CC&R's) to be complete. As a courtesy, Staff scheduled the public hearings on the applications pending receipt of the CC&Rs. In drafting the CC&R's the applicants ran into an issue that required they amend the drawings and the plat one additional time. On April 17, 2012 staff received a complete and updated application.

### **Analysis**

Planning Staff finds there is good cause for the application to the existing parcel into two separate lots. The ROS Zone does not establish a minimum lot size, and both proposed lots are more than adequately sized for the buildings and uses currently on the property. Proposed Lot 1, which is 2.01 acres, contains the existing Mine Bench building (Number 3 shaft site) which is currently used by JDSS (Main building and Hoist Building) and the balance of such is a portion of the old Silver Mine Adventure Building. Lot 2, which is 19.22 acres, includes a maintenance building, and office building, a salt storage yurt, and a parking lot. The remaining lands remain undeveloped and there are no immediate plans to develop them.

Proposed Lot 1 is completely surrounded by Lot 2 and has no direct street frontage onto Marsac Avenue. The only access to Lot 1 is through an existing access easement and common use driveway. The ROS zone requires a 25 foot setback from between buildings and property lines. The access to Lot one remains the existing driveway from Marsac Avenue, which is also a recorded access and utility easement to the Mine Bench Building which Lot 1 basically encompasses.

Snyderville Basin Water Reclamation District (SBWRD) raised concern regarding the proposal to create a lot completely surrounded by another lot because SBWRD usually does not allow for a private sewer line to extend over a lot line. However, a letter from Bryan Atwood, District Engineer for SBWRD (exhibit "D") states that this will not be an issue due to the fact that a private sewer line current services all of the buildings on the property SBWRD is requiring a conditional of approval that states:

*"At the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required" (Condition #4).*

A condominium plat is also proposed as a separate application (PL-10-01071). The purpose of the condo-plat is to memorialize JSDD's and United Park City Mines existing ownership of the land and improvements on proposed Lot 1 which includes the original Mine Bench building which is split by ownership.

The applicants are proposing to grant Park City Municipal Corporation a twenty-foot wide access easement atop of an existing Snyderville Basin Reclamation District access easement, for the purpose of gaining access to the Judge Tunnel water facility. The common driveway off of Marsac Avenue is currently used by the City to gain access to the water source, and is inspected monthly. Although the City has access to the site from Daly Avenue, the current means of access to the Judge Tunnel water source from Marsac Avenue is the easiest and safest way to access the source. The recording of the plat will record the access easement to make official the right to use the driveway for access to the source as needed by the Water Department.

The general property, which has frontage onto Marsac Avenue on two sides, has two access points. The first is the primary access for both proposed Lots 1 and 2, who currently share and will continue to share a common driveway, and the second access is for a separate parking lot. The existing driveway is also the location of several easements, including a right-of-way easement for Mountain Fuel and Snyderville Basin Water Reclamation District, JSDD, and once the subdivision is recorded, Park City Municipal Corp for access Judge Tunnel water source.

#### ROS Zone:

According to Section 15-2.7-1 of the LMC, the purpose of the Recreation and Open Space (ROS) District is to:

- (A) Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) Permit recreational Uses and preserve recreational Open Space land,

(C) Encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and

(D) Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.

(E) Encourage sustainability, conservation, and renewable energy.

The ROS Zone limits allowed uses to “Conservation Activity” and lists several Conditional Uses. Among the Conditional Uses listed are “Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft. and “Resort Support Commercial” which is what a majority of the property is used for. The buildings used by JSSD would fall under “Public Utility uses” and the existing Talisker Bakery falls under the “Resort Support” category as previously determined by the Planning Director, Thomas Eddington.

The ROS Zone designation does not establish a minimum lot size or require that a Lot has frontage onto a public right-of-way, but does establish a setback requirement between property lines and buildings. The minimum setback between the property line and a building is twenty-five feet (25'). All existing buildings are currently setback 25' away from any existing property line. The new proposed two-lot subdivision will not create nonconformity with respect to setbacks. The new lot line is approximately 60 feet to the nearest building.

### **Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Department Review**

This project has gone through an interdepartmental review. All of the issues raised by the Development Review Committee (DRC) have been addressed, and the original proposal was altered to reflect the changes requested by the DRC. The Snyderville Basin Water Reclamation District (SBWRD) will require a reconfiguration of the private sewer lateral or an extension of the Public Wastewater system for the redevelopment of the site or a new structure on Lot 2. The DRC determined that there were no public trails on the property, and thus there would be no requirement to show existing trails or trail easements since none exist.

### **Notice**

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

### **Public Input**

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting June 13, 2012.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Ontario Mine Bench Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Ontario Mine Bench Subdivision and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Ontario Mine Bench Subdivision to a date-certain.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application. Potential environmental impacts will be mitigated by the fact that there is no new construction proposed on the property.

### **Consequences of not taking the Suggested Recommendation**

The proposed plat amendment would not be recorded and the proposed two lot subdivision would not be recorded. The applicant will not be able to proceed with their proposed condominium plat, and thus the nonconformance of both parcels would continue until such time that a Subdivision plat to resolve the issue is approved and recorded.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Ontario Mine Subdivision and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

### **Exhibits**

Draft Ordinance

Exhibit A – Vicinity map

Exhibit B – Proposed Plat

Exhibit C – Record of Survey

Exhibit D – Snyderville Basin Water Reclamation District Letter

Draft Ordinance

Ordinance No. 12-

**AN ORDINANCE APPROVING THE ONTARIO MINE BENCH SUBDIVISION  
LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of the Ontario Mine Bench Subdivision; and,

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

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

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed two-lot subdivision located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council; and,

WHEREAS; the City Council, held a public hearing on June 28, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Mine Bench Subdivision as proposed.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Subdivision as shown in Exhibit B is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots which were previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will memorialize the transfer/conveyance of property to the Jordanelle Special Services District.
4. The subdivision is necessary to correct the noncompliant issue with the previous deed.

5. The subdivision will split the existing 30.56 acre parcel into two-lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building which is now the Jordanelle Special Services District Hoist and Office Building, a maintenance building and additional offices. The hoist building will be located on Lot 1, the other two buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.
8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property, but not otherwise accessible through other means.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
10. The applicants are also proposing a Condominium Plat to split the ownership of the existing mine bench building, which is a separate application.
11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for.
13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS Zone designation, the subdivision will correct a previous deed transfer that was not recognized by the City, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.
14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS Zone.
15. There are no public trails located on the site.

#### Conclusions of Law:

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

Conditions of Approval:

1. 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2. At the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.

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

PASSED AND ADOPTED this 28th day of June, 2012.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

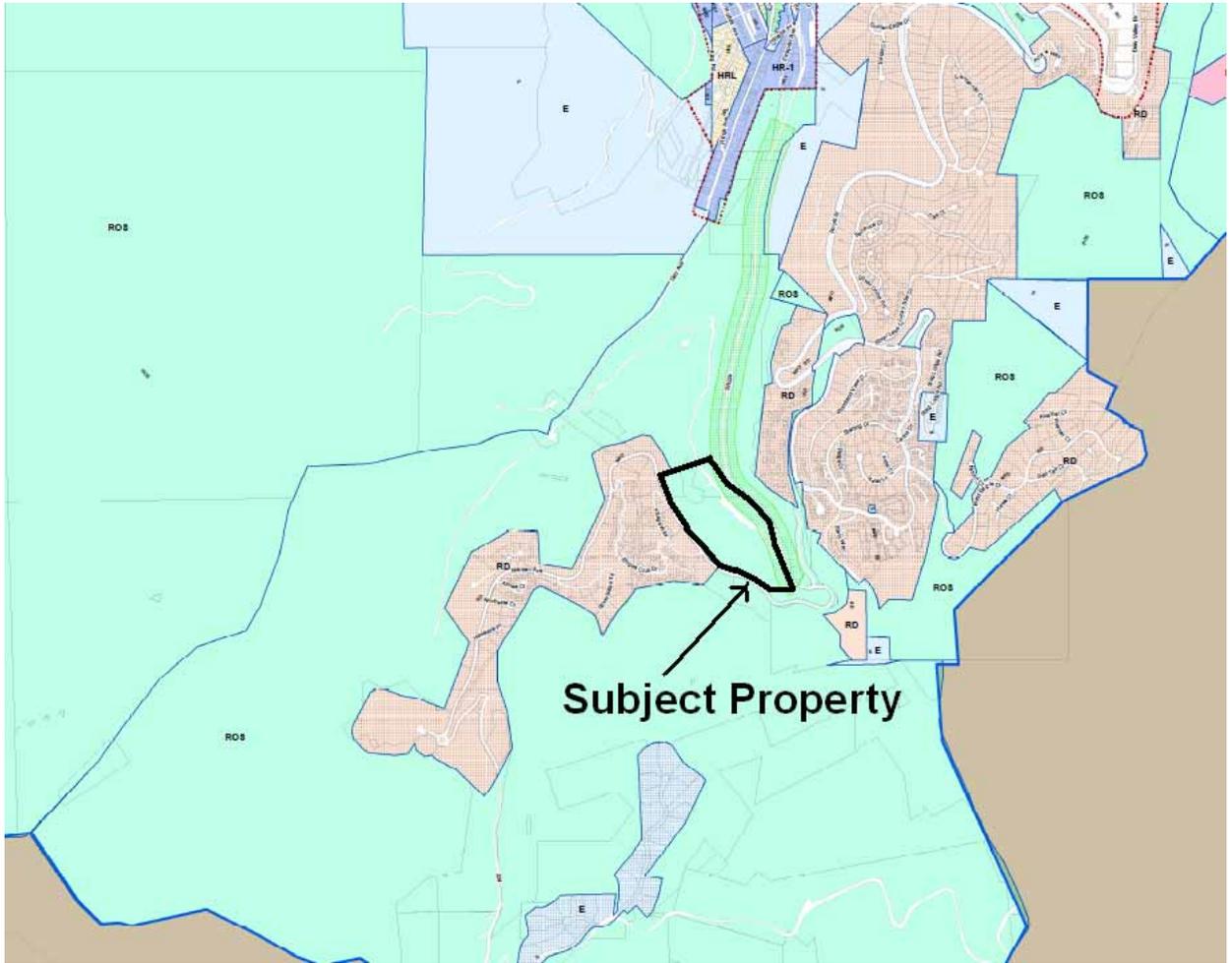
ATTEST:

\_\_\_\_\_  
Jan Scott, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

EXHIBIT A









SNYDERVILLE BASIN

**WATER RECLAMATION DISTRICT**

2800 HOMESTEAD RD, PARK CITY, UT 84098 WWW.SBWRD.ORG T 435-649-7993 F 435-649-8040

April 17, 2012

Canyons  
Christie Babalis  
VP and General Counsel  
4000 Canyons Resort Dr.  
Park City, UT 84098

Subject: Ontario Mine Bench Subdivision Plat  
Ontario Mine Bench Condominiums Plat

Dear Ms. Babilis,

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the revised plats submitted April 13, 2012. Please add the following notes to the plats:

Subdivision Plat

1. The structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that serves both Lots 1 and 2. At the time Lot 2 is redeveloped or new structures are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.

Condominium Plat

1. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

With these modifications we can sign the plat. Please contact me for a time for plat signing.

Sincerely,

Bryan D. Atwood, P.E.  
District Engineer

Cc: Alliance Engineering  
Park City Planning Dept.  
Plat Review File

# Planning Commission Staff Report



**Subject:** Ontario Mine Bench Condominium  
**Author:** Mathew W. Evans, Senior Planner  
**Date:** June 13, 2012  
**Type of Item:** Administrative – Condominium  
**Project Number:** PL-10-01071

## **Summary Recommendations**

Staff recommends that the Planning Commission hold a public hearing for the Ontario Mine Bench Condominium Plat and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

## **Description**

**Applicant:** Christie Babalis and Patrick Putt on behalf of United Park City Mines/Talisker and Jordanelle Special Services District (JSSD)  
**Location:** 7700 Marsac Avenue  
**Zoning:** Recreation Open Space (ROS)  
**Adjacent Land Uses:** Open Space and Residential/Resort  
**Reason for Review:** Condominium plats require Planning Commission review and City Council approval

## **Proposal:**

The applicant is proposing to a three (3) unit condominium conversion of an existing building located on Lot 1 of the Ontario Mine Bench Subdivision. The purpose of the condominium plat is to memorialize Jordanelle Special Services District (JSSD) and United Park City Mines existing ownership of the land and improvements on proposed Lot 1.

The propose condominium plat would split ownership of the Mine Bench building, also known as the number 3 shaft site and the Silver Mine Adventure Tour building, into three units. Unit 1, which encompasses a majority of the building, Unit 2A, and Unit 2B which are connected by internal infrastructure, but not attached to one-another via a common wall. Only Units 1 and 2A are attached

Aside from any work required by the Building Department to make sure that the structures are separated by a fire-rated wall that meets current code requirements, there is no other proposed development, either internally or externally. Any future expansion of the building would require a condominium plat amendment to show the additional private ownership areas proposed.

## **Background**

The Mine Bench building ceased operations in 1982 and eventually the building became a tourist attraction with the “Silver Mine Adventure Tour”. In 1999, the property and building were annexed into Park City as part of the Flagstaff Mountain Annexation. In 2001 the owners of the Mine Adventure Tour ceased its operation, and in August of 2002, a portion of the Silver Mine Bench property was conveyed to JSSD and conveyed to them by deed.



On September 27, 2010, an application for a two-lot subdivision and the Condominium Plat of the existing Mine Bench building was received by the Planning Department. Substantial changes to the proposed plat have taken place between the first submittal and the current submittal. On May 23, 2012, the application was deemed “complete”.

## **Analysis**

Planning Staff finds there is good cause for the Condominium plat. Lot 1 of the Ontario Mine Bench Subdivision is which is 2.01 acres, contains the existing Mine Bench building (Number 3 shaft site) which is currently used by JDSS (Main building and Hoist Building) and the balance of such is the old Silver Mine Adventure Building. Lot 2, which is 19.22 acres, includes a maintenance building, and office building, a salt storage yurt, and a parking lot. The remaining lands remain undeveloped.

The existing Mine Bench building has access to Marsac Avenue though a recorded access easement through Lot 2 of the Mine Bench Subdivision. The access easement currently exists in the form of a driveway that begins towards the southern end of Lot 2. The driveway is also easement for several utilities (water, sewer, etc.) as well as an access easement for the City to gain access to the Judge Tunnel Water source, which sites on an adjacent property to the north.

Allowed uses within the building are subject to those as outlined in Section 15-2.7-1 of the LMC. The ROS Zone has only one “permitted” use which is “Conservation Activity”. The Code also lists several Conditional Uses. Among the Conditional Uses listed are “Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft. and “Resort Support Commercial” which is what a majority of the property has been used for. The portion of the building used by JSSD would fall under “Public Utility uses” and the existing “Mine Bench Bakery” falls under the “Resort Support” category as previously determined by the Planning Director, Thomas Eddington. No Conditional Use Permits will be required for any of the existing uses due to the fact that they were legal-nonconforming when the property was annexed in 1999.

In February 2008, the City received a code violation complaint about a bakery in operation inside of the Mine Bench Building. Soon after the complaint was filed an application for a business license for the “Mine Bench Bakery” was received by the Finance Department. Ultimately the business license was denied due to the fact that there was no Conditional Use Permit on file for business. The owners of the bakery, Talisker, argued that the bakery had been in place since the closure of the “Silver Mine Adventure Tour” and that it simply utilized the existing kitchen that had previously been permitted when the property was still in the unincorporated county. In researching the Bakery, the City discovered that a portion of the Mine Bench building had been sold to JSSD. The owners were ultimately informed that a Subdivision and Condo-Plat were necessary to mitigate setback and property line issues. Once the Condo-Plat is approved, a business license for the bakery will be issued due to the fact that the use is not in question, but the nonconformities due to the sale of the property without a subdivision, are.

Current uses of each unit is consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the bakery that was determined by the Planning Director to be a legal non-conforming use. Furthermore, the bakery is within compliance with the previous use of the building as a kitchen with a commercial license as an accessory to the previous use as the “Silver Mine Adventure” tour and continues today as a resort support use to the Empire Pass, and other resorts.

Any proposed changes to the uses within the building that fall under the uses specified within the ROS zone will likely be subject to a “Conditional Use Permit”, uses not listed as “permitted” or “conditional” would not be allowed.

### **Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Department Review**

This project has gone through an interdepartmental review. All of the issues raised by the Development Review Committee (DRC) have been addressed.

### **Notice**

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

### **Public Input**

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting June 28, 2012.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Ontario Mine Bench Condominiums as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Ontario Mine Bench Condominiums and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Ontario Mine Bench Condominiums to a date-certain.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application. Potential environmental impacts will be mitigated by the fact that there is no new construction proposed on the property.

### **Consequences of not taking the Suggested Recommendation**

The proposed condominium plat would not be recorded and the ownership of the building would still be split by deed as previously recorded.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Ontario Mine Condominium plat and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

### **Exhibits**

Ordinance

Exhibit A – Proposed Condominium Plat

Exhibit B – Mine Bench Building information

Draft Ordinance

Ordinance No. 12-

**AN ORDINANCE APPROVING THE ONTARIO MINE BENCH CONDOMINIUMS  
LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of the Ontario Mine Bench Condominiums; and,

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

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

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed three-unit condominium plat located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council; and,

WHEREAS; the City Council, held a public hearing on June 28, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Mine Bench Condominium plat as proposed.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (number 3 shaft) building.
4. The condominium plat is necessary to correct the noncompliant issue with the previous deed to split the ownership of the building.

5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit is consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good-cause for the approval of this condominium plat in that the proposed plat will meet the requirements as outlined in the ROS Zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.

#### Conclusions of Law:

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

#### Conditions of Approval:

1. 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 condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

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

PASSED AND ADOPTED this 28th day of June, 2012.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

\_\_\_\_\_  
Jan Scott, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney



**SURVEYOR'S CERTIFICATE**  
I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah. I have personally surveyed and prepared this plan and have the authority of the owners, this Condominium Plat of the ONTARIO MINE BENCH CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

JOHN DEMKOWICZ, L.S. #154491  
DATE \_\_\_\_\_

**BOUNDARY DESCRIPTION**

Lot 1 of the Ontario Mine Bench Subdivision, according to the official plat thereof on file and of record in the office of the Summit County Recorder, said parcel being more particularly described as follows:

A parcel of land located in the southeast quarter of Section 21 and the northeast quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian.  
Beginning at a point that is North 88°09'24" East 786.35 feet along section line and North 253.12 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 72°09'01" East 140.87 feet; thence South 17°44'51" West 87.94 feet; thence South 74°16'45" East 76.24 feet; thence South 15°43'15" West 20.66 feet; thence South 74°16'45" East 85.41 feet; thence South 15°43'15" West 138.48 feet; thence North 74°16'45" West 95.41 feet; thence South 15°26'59" West 137.02 feet; thence North 74°33'01" West 134.74 feet; thence North 15°26'59" East 77.13 feet; thence North 09°52'00" East 70.89 feet; thence North 80°08'00" West 43.59 feet; thence North 09°52'00" East 70.89 feet; thence North 14°44'25" West 205.98 feet; thence North 72°09'10" East 104.14 feet to the point of beginning.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned, is the owner of The Ontario Mine Bench Condominiums and as owner of the Common Area described herein does hereby certify that it has caused this survey to be made and this Condominium Plat of Ontario Mine Bench to be prepared and recorded in accordance with the provisions of the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

UNITED PARK CITY MINES  
A Delaware Limited Liability Company

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_  
This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012,  
by \_\_\_\_\_ the \_\_\_\_\_ of UNITED PARK CITY MINES, a Delaware Limited Liability Company.

Notary Public: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS: that the undersigned is the Owner of the herein described tract of land, and hereby causes the same to be divided into lots together with easements and public rights-of-way as set forth on the plat, hereafter to be known as LOT 1 ONTARIO MINE BENCH CONDOMINIUMS.

In witness whereof the undersigned has executed this certificate and dedication this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

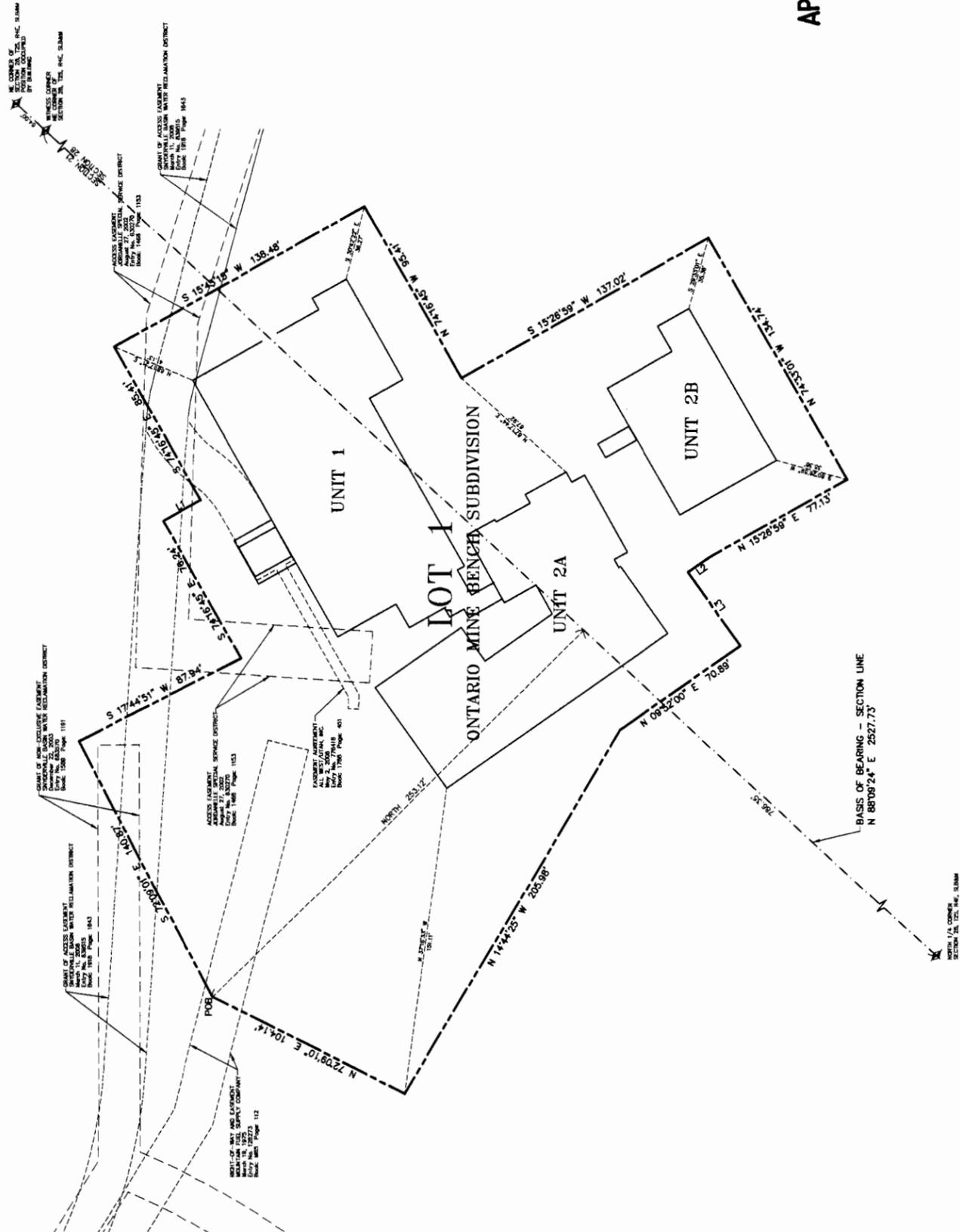
JORDANELLE SPECIAL SERVICE DISTRICT

By: \_\_\_\_\_

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_  
This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by \_\_\_\_\_ the \_\_\_\_\_ of JORDANELLE SPECIAL SERVICE DISTRICT, and that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

A Notary Public commissioned in Utah  
Reading in: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_



LINE	BEARING	DISTANCE
L1	S 15°43'15" W	20.66
L2	N 09°48'17" E	11.65
L3	N 80°08'00" W	43.59

NOTE  
See the plat of ONTARIO MINE BENCH SUBDIVISION for easements and other information.

**ONTARIO MINE BENCH CONDOMINIUMS**

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21 AND THE NORTHEAST QUARTER OF SECTION 28 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 2

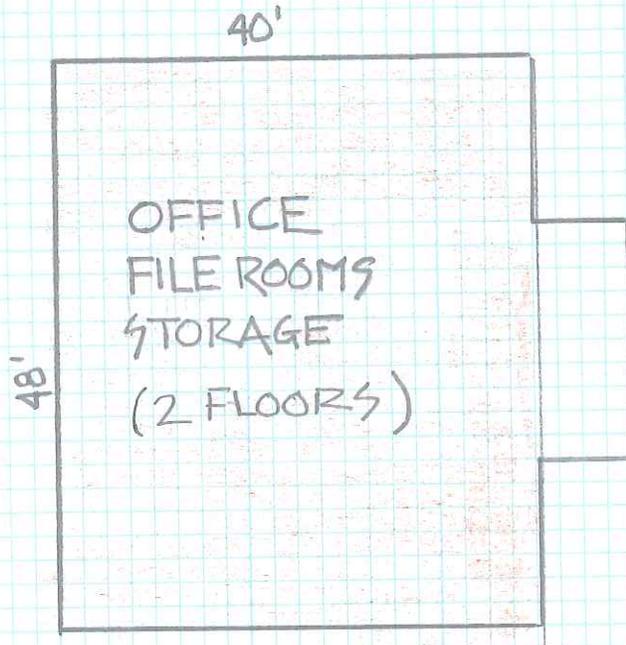
<p>(435) 648-4467 <b>Alorac Engineering Inc.</b> CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 303 Main Street P.O. Box 2864 Park City, Utah 84002-2864</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D. BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012 A.D. BY _____ CHAIRMAN</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2012 A.D. BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D. BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D. BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D. BY _____ MAYOR</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____</p>
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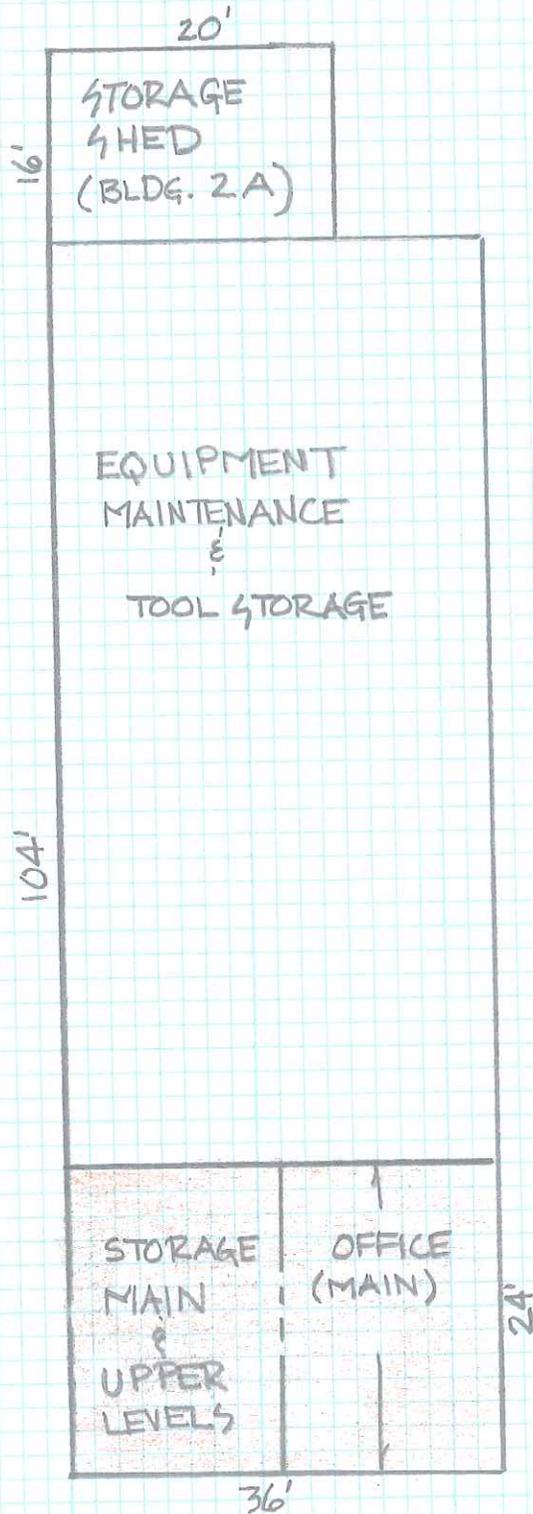
**United Park City Mines – Mine Bench Facilities**

<b><u>Building</u></b>	<b><u>Description</u></b>	<b><u>Square Feet</u></b>
1	<ul style="list-style-type: none"> <li>• Offices, File Rooms and Storage (including administrative, property management, archives)</li> </ul>	4,000
<hr/>		
2	<ul style="list-style-type: none"> <li>• Equipment Maintenance and Tool Storage</li> </ul>	2,880
	<ul style="list-style-type: none"> <li>• Office</li> </ul>	430
	<ul style="list-style-type: none"> <li>• Storage</li> </ul>	1,300
2a.	<ul style="list-style-type: none"> <li>• Attached Storage Shed</li> </ul>	320
2b.	<ul style="list-style-type: none"> <li>• Detached Storage Structure</li> </ul>	900
<hr/>		
3	<ul style="list-style-type: none"> <li>• Storage (exhibits, materials, records, and miscellaneous)</li> </ul>	10,140
	<ul style="list-style-type: none"> <li>• Office</li> </ul>	1,000
	<ul style="list-style-type: none"> <li>• Maintenance / Workshop</li> </ul>	2,100
	<ul style="list-style-type: none"> <li>• Kitchen / Bakery (including employee meals, company food, desk area, food prep area, special events)</li> </ul>	1,875
	<ul style="list-style-type: none"> <li>• Restrooms</li> </ul>	720
	<ul style="list-style-type: none"> <li>• Communications Room</li> </ul>	300

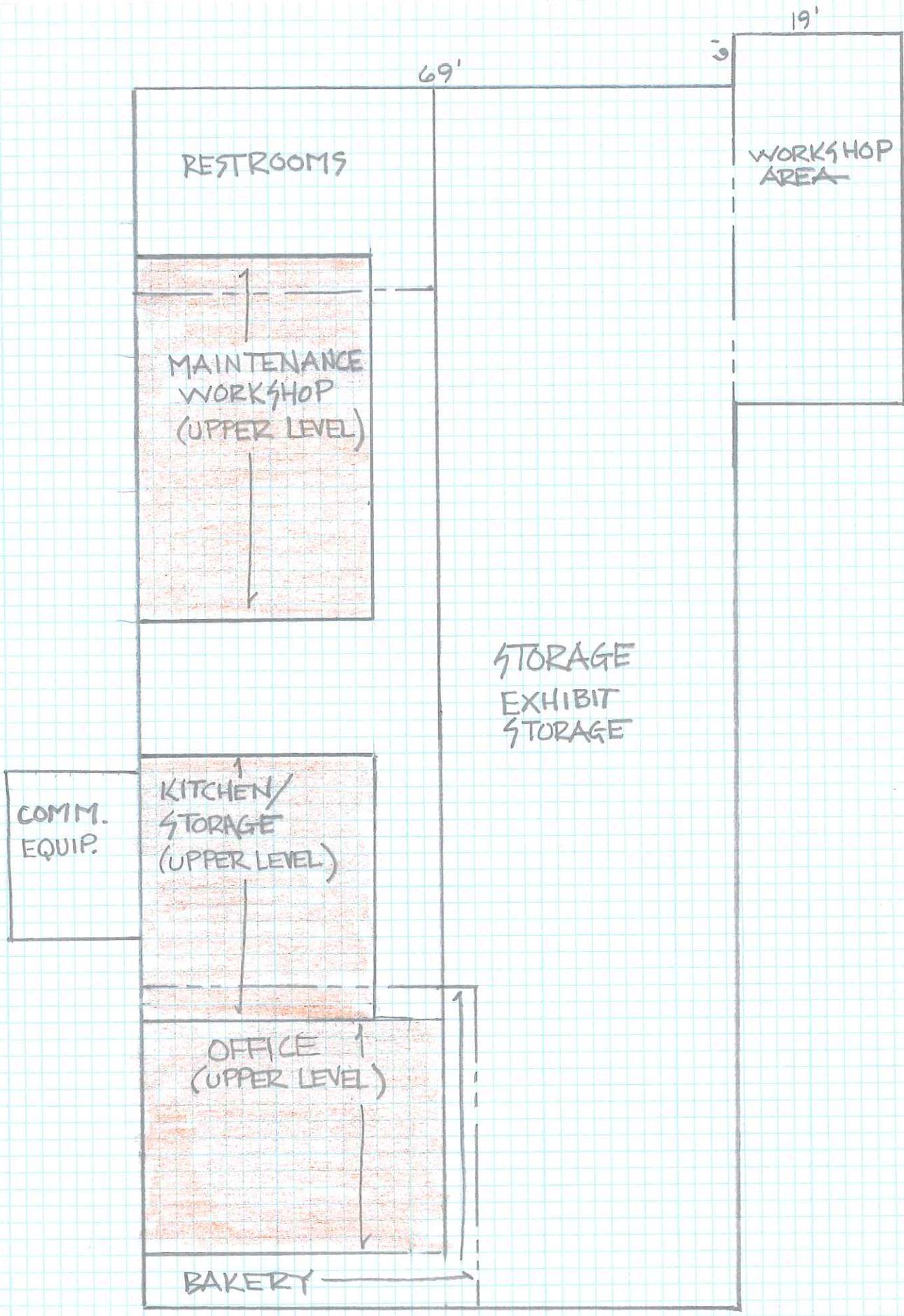


BUILDING #1

NOTE: BLDG. 2B LOCATED TO THE NORTH IS A 30'x30' DETACHED STORAGE STRUCTURE



BUILDING #2



BUILDING #3

**Planning Commission  
Staff Report**



Subject: 4<sup>th</sup> Supplemental Plat  
Prospector Square Subdivision  
Author: Mathew Evans, Senior Planner  
Project Number: PL-12-01522  
Date: June 13, 2012  
Type of Item: Administrative – Amendment to Condominium Plat

**Summary Recommendations**

Staff recommends that the Planning Commission hold a public hearing for the 4<sup>th</sup> Supplemental Plat Prospector Square Condominiums and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

**Description**

Applicant: Josh Arrington  
Location: 2175 Prospector Drive  
Zoning: Residential Development (RD) District  
Adjacent Land Uses: Residential, Resort and Commercial  
Reason for Review: Plat amendments require Planning Commission review and City Council approval

**Proposal**

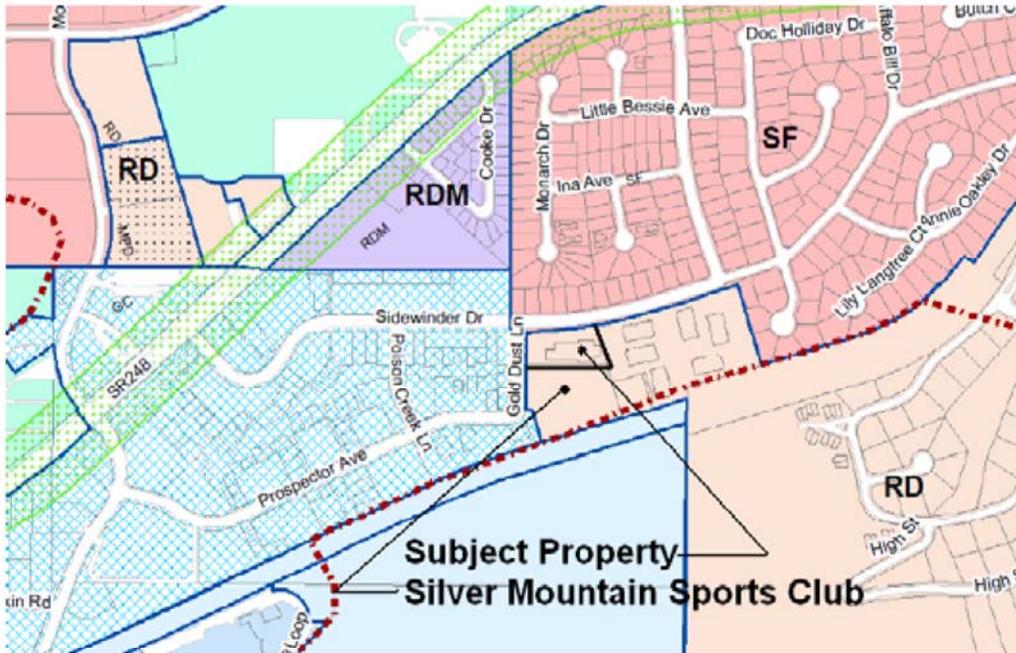
The applicants are proposing changes to the existing Prospector Square Conference Center that require an amendment to the plat. The applicants are proposing a remodel of the existing building similar to that which occurred at the neighboring Silver Mountain Sports Club. The applicants are proposing to create a “plaza” space where the main entrance to the building is currently located, and to relocate the entrance to the opposite side of the proposed new plaza. The idea is to “swap” square footage for common space in order to accommodate the new entrance. The proposal adds no additional square footage, but rather moves the existing footprint. Because the building is platted as a one-unit condominium, the plat amendment is necessary if any changes to the building footprint are made.

**Background**

On April 5, 2012, the City received a completed application for the Prospector Square Condominiums 4<sup>th</sup> Amended condominium plat. The property is located generally at 2175 Sidewinder Drive, on the southeast corner of Sidewinder Drive and Gold Lane. The property is located within the Residential Development (RD) and borders the General Commercial (GC), Single Family (SF), and Estate (E) Zone designations.

The most recent supplemental plat for the conference center is known as the Prospector Square Condominiums 3<sup>rd</sup> Supplemental Plat and was recorded in 1981

as a one-unit plat for the Prospector Square conference center. The property is adjacent to the Silver Mountain Sports Club that recently underwent an exterior and interior remodel. The Prospector Square Condominium Association of Unit Owners voted to amend the plat accordingly so that they may also remodel the exterior of the building, which necessitates this plat amendment.



### Analysis

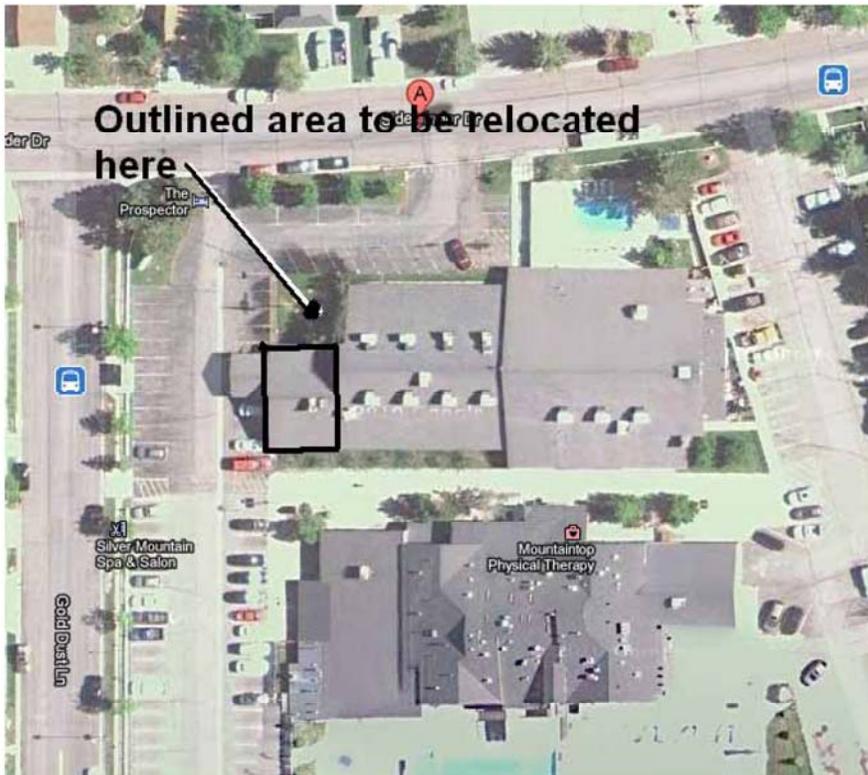
Staff finds good cause for this plat amendment. The applicant is not proposing to increase the footprint or square footage of the existing building. The proposal simply moves 2,300 square feet of the building footprint as currently built and delineated on the plat limited common area, to an area currently unbuilt and held as limited common area, and swaps the footprint for new limited common area. The proposal will not increase or cause any non-conformity with respect to setback, building footprint, building size, etc. The proposal will not cause a need for additional parking. The existing enclosed lobby area (2,200 square feet of common area) will be removed.

The 4<sup>th</sup> Supplemental plat accurately reflects the existing building footprint along with the proposed change. The 3<sup>rd</sup> supplement shows basic building detail on the plat, the proposed 4<sup>th</sup> Supplemental plat shows the building how it was actually built.

The property is located in the RD zone designation. The RD zone allows private Recreation Facilities as a permitted use. The RD also allows both public and commercial Recreation Facilities and similar uses as a Conditional Use. The conference center would likely fall under one of these categories within the LMC as the building is used by the homeowners and guests of the Prospector Square Condominiums.

The conference center has two (2) large meeting rooms that can be divided into four (4) smaller meeting rooms. The conference center also has a theater which is used during the Sundance Film Festival and during special events for the residents and guests that stay at the adjacent Prospector Square Condominiums which are used for primary residential and nightly-rental dwellings. The building also houses offices for the management staff. The grounds include a swimming pool and other amenities for the residents and guests.

The area interior area to be modified is the front desk and lobby. The prospector square condos have a number of permanent residences, but the majority of the units are rented out for nightly rentals. The new lobby area is primarily for the benefit of the public where guests come to check in/out.

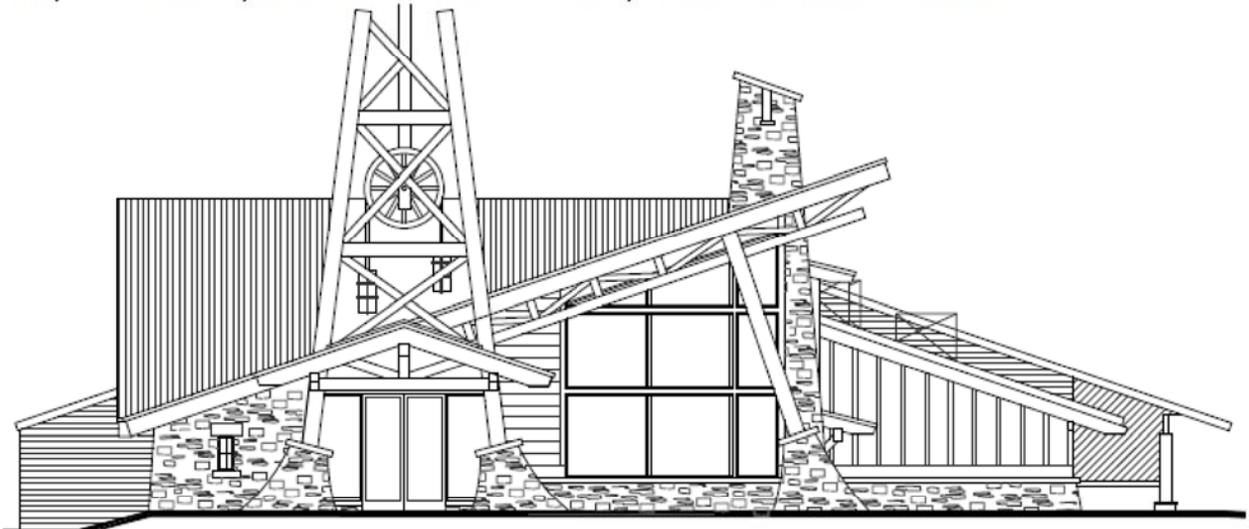


The proposed changes do not increase the parking requirement for the overall development because no additional square footage will be added. The facility uses within the building will not change. Parking standards as listed within 15-3-6(A) list the required parking stalls for every use. Per the applicant, the use of the building is categorized as general assembly, indoor entertainment theater, private recreation facility, and offices. Each use has a parking required based on either the amount of fixed seats, square footage, or maximum occupancy. It is assumed that the parking standards were met when the facility was originally built. Since no additional square

footage is being added, and since there are no proposed changes to the interior uses, there are no additional parking requirements.

The applicant is proposing an exterior rebuild and remodel of the main entrance to building. The new entry plaza and the moving of the main entrance is cause for the plat amendment. Other changes include the addition of dormers to the roof of the remaining portion of the building, and other changes to the exterior to match the proposed remodeled section of the front entrance (See exhibit "C"). There are no substantial changes to the interior of the building being proposed at this time.

#### Proposed Conceptual Main Entrance – Prospector Conference Center



#### **Good Cause**

Good cause is found to approve the Plat Amendment based on the desire of the owners of the Prospector Square Condominiums to make exterior improvements to the main entrance of the existing building originally constructed in 1982, and said improvements will result in the need to amend the existing record of survey plat. The City will benefit from the improvements to the building as they will likely add aesthetic value to the property, and may encourage additional improvements to existing properties nearby, much in the same way that the remodel of the Silver Mountain Property encouraged the proposed remodel of the subject property. The Prospector Square Conference center is used during Sundance and will be seen and utilized by visitors and tourists.

#### **Process**

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

#### **Department Review**

This proposed plat amendment has gone through an interdepartmental review. There were no comments received by the Development Review Committee (DRC) members at the meeting or prior to the presentation of this item before the Planning

Commission. A building permit will ultimately be required to complete the work necessary for the remodel.

### **Notice**

The property was posted and notice was mailed to property owners within 300 in accordance with the requirements in the LMC. Legal notice was also published in the Park Record.

### **Public Input**

No public input has been received by the time of this report; public input may be taken at the regularly scheduled Planning Commission public hearing.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Prospector Square Condominiums 4<sup>th</sup> Supplemental Plat; or
- The Planning Commission may forward a negative recommendation to the City Council for the Prospector Square Condominiums 4<sup>th</sup> Supplemental Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Prospector Square Condominiums 4<sup>th</sup> Supplemental Plat to a date certain.

### **Significant Impacts**

There are no significant fiscal or environmental impacts as a result of this application. The proposal is to swap common area for building space; there will be no additional square footage added, no additional building footprint.

### **Consequences of not taking the Suggested Recommendation**

The recorded condominium plat stays as is and the owners of the Conference Center will not be permitted to move the entrance and create a plaza area as proposed.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Prospector Square Condominiums 4<sup>th</sup> supplemental plat and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

### **Exhibits**

Draft Ordinance

Exhibit A –Proposed Plat

Exhibit B – Vicinity Map

Exhibit C – Elevations for the Prospector Square Conference Center

Exhibit D- 3<sup>rd</sup> Supplement

Exhibit E – Original ROS

**Draft Ordinance No. 12-**

AN ORDINANCE APPROVING THE 4<sup>th</sup> SUPPLEMENTAL PLAT PROSPECTOR SQUARE CONDOMINIUMS LOCATED AT 2175 SIDEWINDER DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at approximately 2175 Sidewinder Drive have petitioned the City Council for approval of the Prospector Square Condominiums 4<sup>th</sup> Supplemental Plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the Prospector Square Condominiums Record of Survey Plat;

WHEREAS, the Planning Commission, on June 13, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 4<sup>th</sup> Supplemental Plat Prospector Square Condominiums.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Prospector Square Condominiums Record of Survey Plat as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2175 Sidewinder Drive on the southeast corner of Sidewinder Drive and Gold Dust Lane.
2. The property is within the Residential Development (RD).
3. The Plat Amendment will allow the applicant to move 2,300 square feet of building footprint for the purpose of creating a plaza in front of a new entrance to the existing building.
4. The 2,300 square feet of building footprint which serves as the entrance to the conference center will be relocated to the opposite side of the proposed new plaza.
5. The current building area is limited common and the new plaza is common area. The area where the building footprint will be relocated is currently common area and will be designated limited common area.
6. The proposal adds no new square footage, but rather moves the existing footprint.

7. The proposed amendment will not cause any nonconformity with respect to parking, or the need for additional parking spaces due to the fact that new additional square footage will not be added to the existing building.
8. The Homeowners Associated has given unanimous consent to the proposed plat amendment.
9. The proposed plat amendment will not cause any nonconformities or noncompliance situation within the Residential Development (RD) Zone Designation as there is no increase in the total number of units or the building footprint, setbacks, or building height.

Conclusions of Law:

1. There is good cause for approving the 4<sup>th</sup> Supplemental Plat Prospector Square Condominiums Condominiums.
2. The proposed plat amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amendment to the Plat.
4. Approval of the plat amendment is subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The 4<sup>th</sup> Supplemental Plat, as approved, must be recorded prior to the issuance of a certificate of occupancy for the construction work related to the proposed project.
4. This plat is supplemental to the 1978 Prospector Square Condominiums supplemental plat, and all conditions of approvals and notes of that Record of Survey continue to apply.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of June, 2012.

PARK CITY MUNICIPAL CORPORATION

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Dana Williams, MAYOR  
ATTEST:

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Jan Scott, City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney

**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 PROSPECTOR SQUARE CONDOMINIUMS, as shown on the attached plat, 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**

John Demkowicz, the undersigned, as authorized as aforesaid, has this day Surveyed and Platted the above described CONDOMINIUMS, as shown on the attached plat, in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act, and the Fourth Amended Declaration of Condominium, Conditions and Covenants, recorded in the office of the Summit County Recorder.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, on behalf of the requirements of both Statutes and the Recorded Declaration hereby consent to the recording of this amended record of survey map.

By: \_\_\_\_\_  
 Miguel Casco  
 President, Prospector Square Condominium Owners Association

**ACKNOWLEDGMENT**

State of Utah ) : ss.  
 County of Summit )  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, personally appeared before

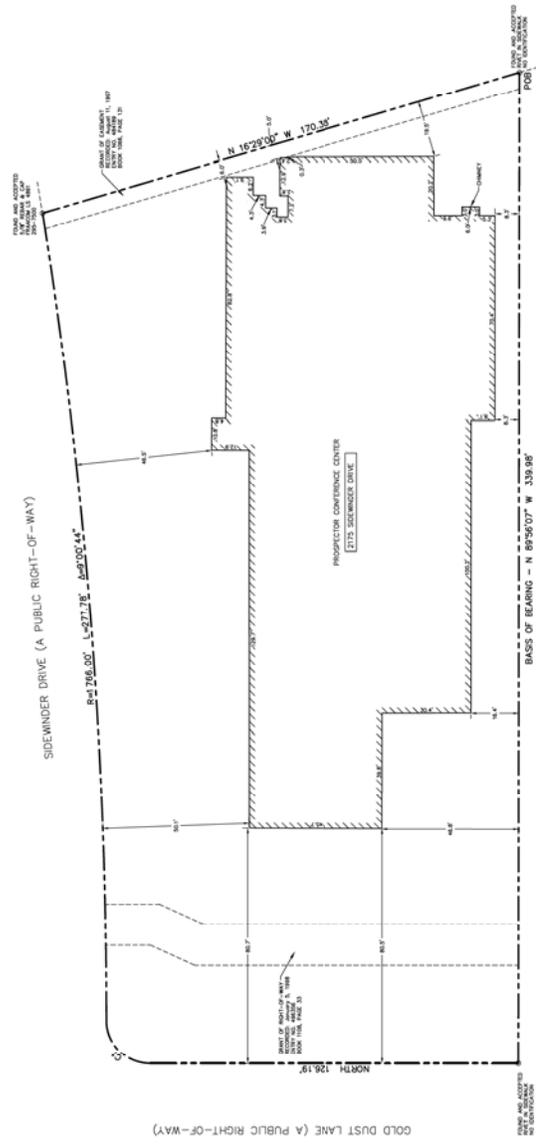
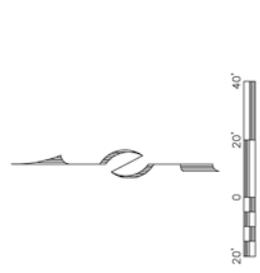
me, Miguel Casco who being by me duly sworn, did say that he is the president of the Prospector Square Condominium Owners Association and that he is fully authorized to execute the foregoing amended declaration and the duty acknowledged to me that he executed the same.

A Notary Public commissioned in Utah

Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

**NOTES**

- Refer to the 3rd Supplemental plat of PROSPECTOR SQUARE CONDOMINIUMS, recorded August 7, 1981, as Entry No. 182367, for further details.
- All ties are either radial or perpendicular to property lines.



CURVE	RADIUS	CHORD	ANGLE	DELTA
CT	15.00	23.58		90°00'00"

**PROSPECTOR SQUARE CONDOMINIUMS**  
 4TH SUPPLEMENTAL PLAT

A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 9  
 TOWNSHIP 2 SOUTH, RANGE 12 EAST, MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

FILE: X:\Prospector\Pros\154491\154491-0332-plat.dwg

**RECORDED**

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
 AT THE REQUEST OF \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

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**COUNCIL APPROVAL AND ACCEPTANCE**

I, \_\_\_\_\_ MAYOR

---

**CERTIFICATE OF ATTEST**

I, \_\_\_\_\_ CITY CLERK

---

**APPROVAL AS TO FORM**

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 A.D.  
 BY \_\_\_\_\_ CITY ATTORNEY

---

**ENGINEER'S CERTIFICATE**

FIND THIS PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT AND THE UTAH CONDOMINIUM ACT AS AMENDED BY THE PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 A.D.  
 BY \_\_\_\_\_ PARK CITY ENGINEER

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**PLANNING COMMISSION**

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 A.D.  
 BY \_\_\_\_\_ CHAIRMAN

---

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 A.D.  
 BY \_\_\_\_\_



**NOTE**  
SEE SHEET A3.0 FOR  
NOTES AND  
REVISIONS

09 MAY 2012  
REVISIONS

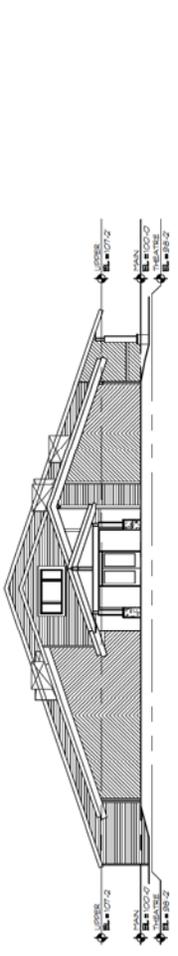
THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY, OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DOCUMENT, WHETHER SUCH DAMAGE OR INJURY, OR SUCH CONSEQUENCES, ARE CAUSED IN WHOLE OR IN PART BY NEGLIGENCE OR OTHERWISE. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES RENDERED BY THE ARCHITECT AND TO THE EXTENT OF THE ARCHITECT'S FEES AND COSTS. THE ARCHITECT'S LIABILITY DOES NOT EXTEND TO ANY OTHER SERVICES RENDERED BY OTHER PROFESSIONALS OR TO ANY OTHER SERVICES RENDERED BY THE ARCHITECT. THE ARCHITECT'S LIABILITY DOES NOT EXTEND TO ANY OTHER SERVICES RENDERED BY OTHER PROFESSIONALS OR TO ANY OTHER SERVICES RENDERED BY THE ARCHITECT.

A RENOVATION FOR THE PROSPECTOR:  
THE PROSPECTOR  
2200 STEWART DRIVE  
PARK CITY, UT

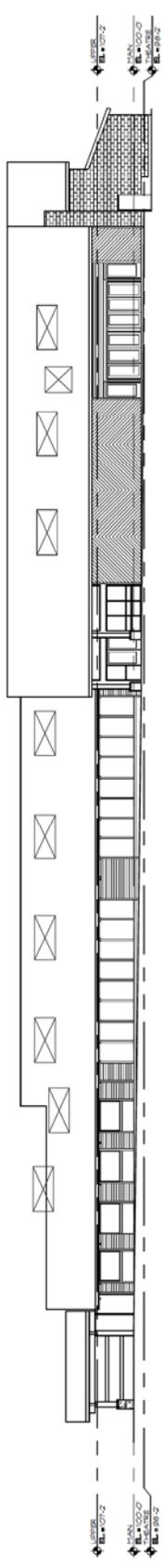
UNIVERSITY ARCHITECTS  
P L L C  
C P W A L L  
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A3.1

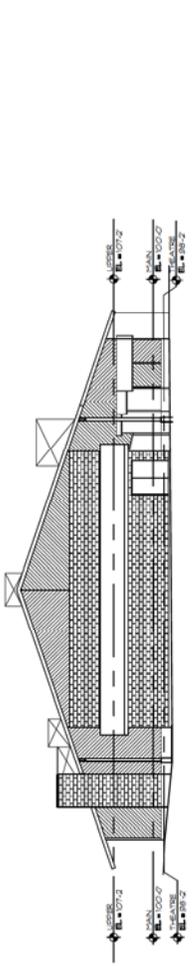
EXHIBIT C



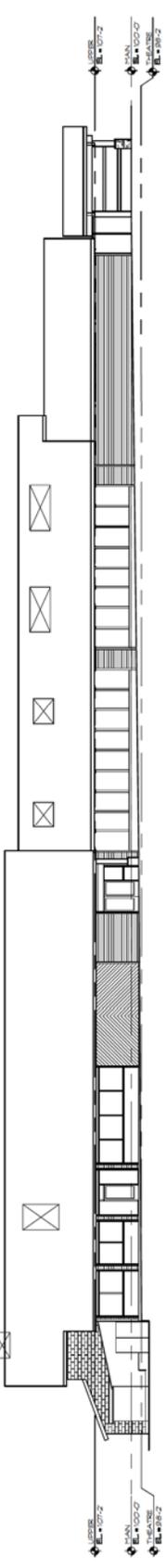
**A** EXISTING ELEVATION  
SCALE 3/32" = 1'-0"



**B** EXISTING ELEVATION  
SCALE 3/32" = 1'-0"



**C** EXISTING ELEVATION  
SCALE 3/32" = 1'-0"

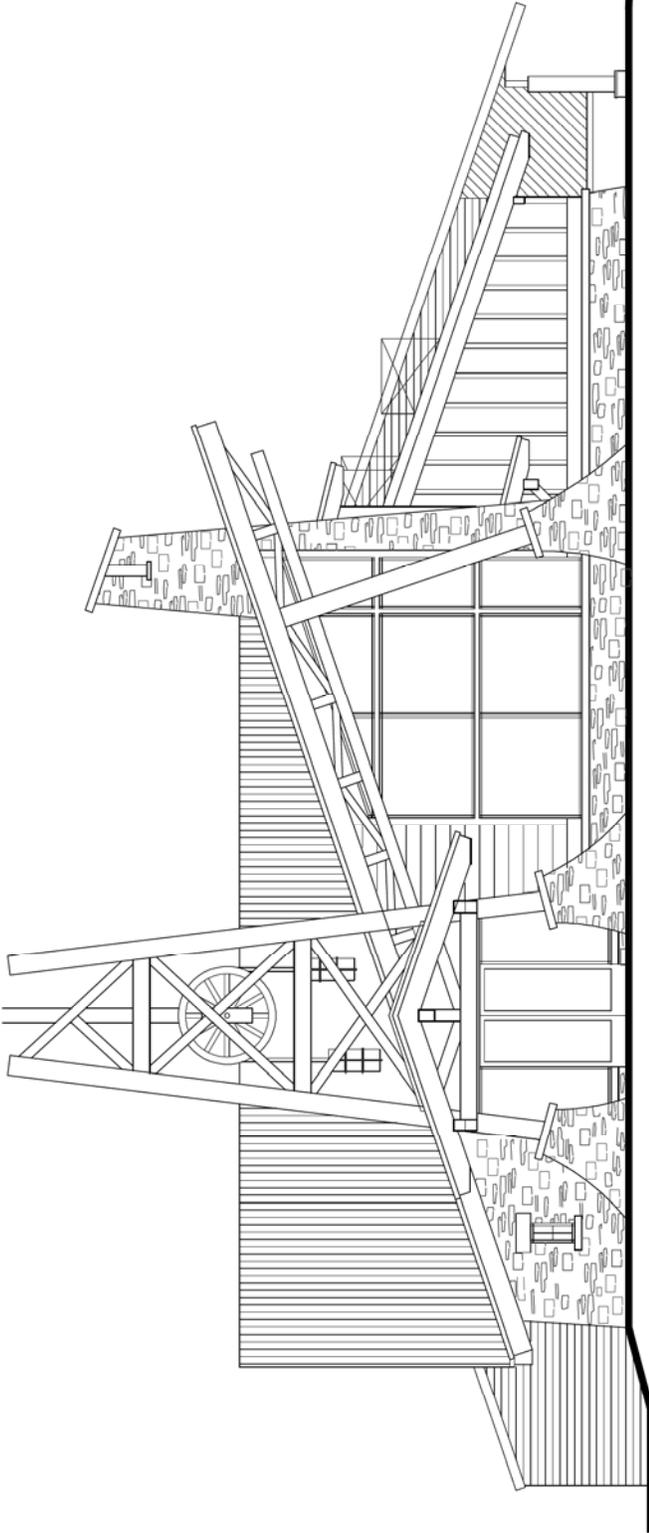


**D** EXISTING ELEVATION  
SCALE 3/32" = 1'-0"



09 MAY 2012  
ELEVATIONS

NOTE  
SEE SHEET A30  
NOTES & A30



A WEST ELEVATION  
SCALE: 1/4" = 1'-0"



B SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

