

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
February 22, 2017**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF February 8, 2017

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

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

1450 Park Avenue- Request for Approval of a Condominium Plat for Lot 1 Retreat at the Park, for 4 Residential Units. PL-16-03384 47
Public hearing and possible recommendation to City Council on March 16, 2017 Planner
Grahm

1460 Park Avenue- Request for Approval of a Condominium Plat for Lot 2 Retreat at the Park, for 4 Residential Units. PL-16-03385 63
Public hearing and possible recommendation to City Council on March 16, 2017 Planner
Grahm

1750 Sidewinder Drive – Conditional Use Permit (CUP) application for the installation of a permanent freestanding sign within the Frontage Protection Zone (FPZ) for the Intermountain Park City InstaCare. PL-16-03415 79
Public hearing and possible action Planner
Scarff

Land Management Code Amendments regarding Storefront Property Façade maximum widths for the Storefront Enhancement Program in Chapter 15-2.5-3 Lot and Site Requirements in the Historic Recreation Commercial (HRC), Chapter 15-2.6-3 Lot and Site Requirements in the Historic Commercial Business (HCB) Chapter, and associated definitions in Chapter 15-15 Defined Terms. PL-16-03415 93
Public hearing and possible recommendation to City Council Planner
Tyler

Land Management Code (LMC) amendments - Administrative and substantive amendments to the Park City Development Code, specifically amending Land Management Code Chapter 15-6 Master Planned Developments – removing requirements for Pre-Application Public Meeting and Determination of Compliance. PL-16-03293 114
Public hearing and possible recommendation to City Council Planner
Astorga

ADJOURN

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 8, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm,

EX OFFICIO:

Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Anya Grahm, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

PUBLIC INPUT

There were no comments.

ADOPTION OF MINUTES

January 11, 2017

MOTION: Commissioner Band moved to APPROVE the Minutes of January 11, 2017 as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

There were no comments or reports from the Planning Department.

Commissioner Phillips suggested that this meeting would have been a good time to discuss some of the low hanging fruit on the Planning Commission list that they had started working on last year. He would have more hope moving forward if some of those items were included the next time the Planning Commission has a light agenda.

Director Erickson stated that the Planning Commission would see a series of LMC changes at the next meeting on February 22nd.

Chair Strachan remarked that the Planning Department was not given much notice that the Treasure Hill project would be continued to the next meeting. In order to place LMC changes or other items on an agenda, the City needs to provide the statutory public notice.

Commissioner Phillips requested that the Planning Commission be given the opportunity at the February 22nd meeting to briefly review the list and discuss a path forward.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 1061/1063 Lowell Avenue (Application #PL-16-03328) - The purpose of this plat is to vacate Lot 1 from the Northstar subdivision, which currently holds a duplex and has a deed line running through it. This plat amendment is synonymous with application #PL-16-03221; removing Lot 1 from the Northstar subdivision will possibly allow the following application to subdivide the current lot into 4 lots (becoming its own subdivision) for 4 single family homes. (Application PL-16-03328)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE 1061/1063 Lowell Avenue to a date uncertain. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

2. 1061/1063 Lowell Avenue (Application #PL-16-03321) - The purpose of this plat is to subdivide one lot with a current duplex on it, separating it into 4 lots for 4 single family homes. This plat amendment is contingent on the approval of the 1061/1063 Lowell Avenue PL-16-03328 plat amendment, which proposes to vacate Lot 1 from the Northstar Subdivision. (Application PL-16-03321)

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE 1061/1063 Lowell Avenue plat subdivision to a date uncertain. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

3. Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan - PL-08-00370 (Application PL-16-03321)

Chair Strachan opened the public hearing.

Nathan Holt, stated that he and his wife live at the top of Lowell Avenue. When they attended Planning Commission meeting hearings about eight years ago on the same topic they thought everything had been resolved. They were disappointed to see this issue come back and the Planning Commission having to deal with it. Mr. Holt understood that this particular month was to be devoted to transportation type issues. During the month of January when they have had snow and the height of the ski season he and his wife observed certain things with regards to traffic on both Empire and Lowell. They noticed times when the snow has been piled high on both sides and the residents have parked in front of their residences, and there is room for only passage of a single vehicle on Lowell and Empire. They also observed vehicles that have come to serve the residences; particularly vans and two-wheel drive vehicles, that cannot make it up Empire or Lowell. The vehicles spin their wheels and they have to turn around blocking traffic. It is hard to imagine a large resort at the top of Lowell and Empire given these kinds of weather conditions. Mr. Holt noted that they had a personal experience with their waste hauler. They have a large bin that eight units use for trash. One of the weeks during January the waste hauler made five attempts to get up those streets to empty the bin and could not do it. He wondered whether safety vehicles, fire trucks, ambulances would have four-wheel drive, or if they would encounter the same difficulties as the water removal trucks during January. Mr. Holt stated that the delay in hauling away their trash occurred one week, and the same delay occurred to a lesser amount of time twice during the month of January.

Mr. Holt stated that they observed many pedestrians on Lowell and Empire going to and from the resort with their skis to the city center. Vehicles have to slow for pedestrians. He has seen in the plans that the developer was proposing two-way traffic plus parking for residences, plus a sidewalk. He wondered how that is possible given the constraints of the historic district. He asked if the plan is to cut away into the steep side of Lowell Avenue and build tall, ugly, cement retaining walls. He wanted to know what would be done with the snow that is plowed to the sides. He could find nothing in the plan with regards to what will be done with the circumstances they experienced during the month of January. Mr. Holt remarked that one mitigation would be to close the Resort during the ski season, but he could not imagine that was being proposed.

Mr. Holt understood there was talk about vested rights from the application that was made or approved in 1986. In the 15 years he and his wife have lived there, vacant lots have filled in, and many of the residential buildings were enlarged. They know from personal

experience that VRBO and Air BNB have entered in a big way the various residents who do not use their residence full time are renting them out. Therefore, there is continuous traffic and parking throughout the ski season that was not present in 1986. Mr. Holt remarked that there has been a substantial change in circumstance that should void any vested rights that are being claimed back in 1986. He thanked the Commissioners for allowing him to address them, and he appreciated the difficult task they have in solving this difficult issue.

Chair Strachan believed the continued transportation discussion would last longer than the month of February. He suggested that Mr. Holt monitor the agenda.

Rich Wyman with THINC wanted to note that THINC finds it ironic that the Treasure Hill applicant always complains that they are being denied their due process rights. However, the Planning Commission is ready to proceed and the Staff is ready to get to work, yet everyone is being asked to wait by the applicant, whose lack of diligence is the source of delay.

Chair Strachan closed the public hearing.

Commissioner Joyce stated that during the January meeting when they discussed the kinds of traffic concerns, there was a discussion about the amount of pedestrians through that area and the impacts it would have. Another piece was the traffic flow on Crescent Tram, and whether there were any people that were already using that as an outflow. A third issue was focusing on the intersection bridging Empire and Lowell. Commissioner Joyce pointed out that the biggest headache they see is Empire and Park. He wanted to make sure that when they do the study over Presidents weekend that they come back with something to address those concerns. He noted that most of those concerns were not in the previous traffic study, and if they only update what was already done there would still be a number of unanswered questions.

Director Erickson stated that he would verify the locations and dates of the counts to make sure it includes the four locations Commissioner Joyce had cited. He noted that the traffic study would also include a traffic impact analysis 101 to help them understand what the numbers mean and how they were calculated.

MOTION: Commissioner Joyce moved to CONTINUE the Treasure Hill Conditional Use Permit to March 8, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 422 Ontario Avenue – Steep Slope Conditional Use Permit for an Addition to a Historic House. (Application PL-16-03246)

Commissioner Joyce referred to one point on page 92 that said Discussion Requested. He asked if there was something that the Staff wanted the Planning Commission to address.

Planner Grahn clarified that she initially had a question but she worked with the architect and it was resolved. She apologized for not removing the discussion request from the Staff report.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Thimm moved to APPROVE the Consent Agenda. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 422 Ontario Avenue

1. The property is located at 422 Ontario Avenue. The legal description is the north ½ of Lot 5 and all of Lot 6 of Block 58 of the Park City Survey.
2. The Park City Council approved the Sorensen Plat Amendment at this location on December 3, 2015; the plat has not yet been recorded.
3. On July 21, 2016, the Board of Adjustment (BOA) granted variances for the following:
 - a. LMC Section 15-2.2-3 (E), to the required twelve foot (12') side yard setbacks to allow a zero foot (0') setback to the front property line.
 - b. LMC Section 15-2.2-3 (H), to the required five foot (5') side yard setbacks to allow a three foot (3') setback to the north property lines.
 - c. LMC Section 15-2.2-5 (A) to the required maximum height of thirty five feet (35') to allow a maximum height of forty-one feet (41') measured from the lowest finish floor plane to the point of the highest wall top plate that

supports the ceiling joists or roof rafters.

4. A Historic District Design Review (HDDR) application is currently under review.
5. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
6. A single family dwelling is an allowed use in the HR-1 District.
7. Following recording of the plat amendment, the lot will contain 4,464 square feet. This is an uphill lot with an average slope of approximately 26.6%. The greatest slope on the property occurs in the center of the property, where the slope can reach up to 69.3%.
8. Access to the property is from Ontario Avenue, a public street.
9. Two (2) parking spaces are proposed on site. The applicant is proposing a two-car tandem garage to the north of the historic house.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes. The streetscape on the east, uphill side of the road, is dominated by garages and pedestrian entryways.
11. The proposal will create a single family dwelling of approximately 2,833 square feet, including the basement area and one-car garage.
12. An overall building footprint of 1,440 square feet is proposed following construction of the addition. The maximum allowed footprint for this lot is 1,736.8 square feet.
13. The proposed addition complies with the front and rear yard setbacks, as granted by the variance. The minimum front and rear yard setbacks are 12 feet; the applicant is proposing a 16 foot rear yard and the variance permitted a 0 foot front yard to accommodate the below-grade garage.
14. The proposed addition complies with the side yard setbacks, as granted by the variance. The minimum side yard setbacks are 5 feet. The historic house has a 2 foot side yard setback, and the basement level of the new addition will have a 3 foot side yard setback on the north side as permitted by the variance.
15. The proposed addition complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less

than twenty-seven feet (27') in height.

16. The proposed addition has an interior height of 41 feet, as granted by the variance.

17. The proposed development is located on the lot in a manner that reduces the visual and environmental impacts of the structure. The majority of the mass and bulk of the building will be below grade, so that only a one- to two-story addition will appear above grade on the hillside.

18. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Ontario Avenue streetscape. The proposed house is compatible with the surrounding structures as the majority of the mass and bulk of the house will be buried underground based on this analysis.

19. Access points and driveways have been designed to minimize grading of the natural topography and reduce the overall building scale. Staff finds that the majority of the bulk and mass of this structure is located below grade. The architect has designed a two-car tandem garage that will be built below grade. The garage will sit at street level with only the front wall of the garage being visible from Ontario Avenue. Furthermore, the façade of the garage will also act as a retaining wall to step the hillside above.

20. The project has incorporated terracing to regain Natural Grade. In the front yard, the applicant is proposing to reconstruct the existing concrete and boulder wall along Ontario Avenue. The reconstructed wall will serve as both the front wall of the garage with terraced landscaped beds above it to help "ground" the mass of the new addition with vegetation. In the rear yard, a series of retaining walls will be introduced to create outdoor living spaces and an outdoor landscaped stair that climbs from the back of the house on the west side to the flat area on the east side of the lot. In addition to maintaining the grade, the terracing will also help with drainage issues that are currently rotting the back of the historic house.

21. Buildings, access, and infrastructure are located to minimize cut and fill that would alter the perceived natural topography of the Site. The new development has been located in such a way as to minimize cut and fill. As proposed, the design steps with and mass of the new addition will be concealed below grade as part of the basement-level garage. The areas above grade will appear to be one- to two-stories in height, which is compatible with the existing house and neighborhood.

22. The building mass is oriented with the lot's existing contours. The proposed

development steps with the grade and is broken into a series of individual smaller components that are compatible with the district. The building maintains a low profile as it steps with the existing contours and much of its bulk and mass is concealed below grade. The proposal is consistent with the Design Guidelines for Historic Districts and Historic Sites.

23. The applicant has incorporated setback variations to prevent a wall effect and reduce the building scale and setbacks on adjacent structures.

24. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

25. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

26. On July 20, 2016, the Planning Department received an application for a Steep Slope Conditional Use Permit (CUP); the application was deemed complete on November 21, 2016.

27. The property was posted and notice was mailed to property owners within 300 feet on January 25. Legal notice was also published in the Park Record in accordance with requirements of the LMC on January 28, 2016.

28. The property is located outside of the Soils Ordinance.

29. The findings in the Analysis section of this report are incorporated herein. the existing grade and is compatible with the neighborhood.

Conclusions of Law – 422 Ontario Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)

2. The CUP, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 422 Ontario Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. No building permit shall be issued until the Sorenson Plat Amendment at 422 Ontario Avenue is recorded.
5. This approval will expire on February 8, 2018, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on February 8, 2017, and the Final HDDR Design.
7. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
8. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
9. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
10. Construction waste should be diverted from the landfill and recycled when

possible.

11. Final landscape plan shall be provided at the time of the building permit and shall include existing vegetation, and include a replacement plan for any significant vegetation proposed to be removed.

12. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

13. Historic buildings which are lifted off the foundation must be returned to the completed foundation or basement within 45 days of lifting the building. Failure to do so will be a violation of the Preservation Plan and enforcement action through the financial guarantee for historic preservation could take place. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

14. The Preservation Plan must include a review and stamp by a licensed and registered structural engineer on the proposed cribbing or shoring methods. If the contractor makes a revision to the cribbing or shoring plan, the structural engineer must approve the change in writing. Cribbing or shoring must be of engineered materials. Screw-type jacks for raising and lowering the building are not allowed. The owner (or through its agent or the contractor) is responsible for notifying the Planning Department if changes are made.

15. All excavation work to construct the foundation shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

16. The built infrastructure currently located in the Ontario Avenue right-of-way, including the planter and block retaining wall, shall be removed as part of this

renovation.

17. No building permit shall be issued for the renovation of the historic house and construction of the addition until the plat has been recorded with the Summit County Recorder's Office.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Request by Deer Crest Associates to amend the Deer Crest Settlement Agreement/Master Planned Development approved on December 29, 1995, to eliminate a required physical disconnect of Deer Hollow Road (aka Keetley Road) at the Slalom Village (aka Deer Hollow) development parcel location. (Application PL-16-0326)**

Planner Kirsten Whetstone reviewed the request to amend the Deer Crest Settlement Agreement, which was part of the Deer Crest Annexation. The property is to the east of Lower Deer Valley. She noted that there were two parts to this request. One was to amend the Master Planned Development and how the development parcels are arranged. In this particular case it is primarily road circulation. The second part is a request for the Third Amendment to the Deer Crest Settlement Agreement with specific language about constructing a permanent disconnect of the Deer Hollow Road with the development of Slalom Village.

The Staff requested that the Planning Commission conduct a public hearing, discuss the five items listed on page 117 of the Staff report, and provide direction to Staff. Planner Whetstone asked the Commissioners to continue this item to March 22, 2017, at which time the Staff would come back with Findings based on their direction.

Planner Whetstone reported that she had received a considerable amount of public input, primarily from the Deer Crest Subdivision, which is a subdivision in Wasatch County that would be impacted by the closure of Deer Hollow Road. The Staff report included 50 emails of public input. Planner Whetstone provided the Commissioners the ten additional public comments that she received after the Staff report was prepared.

Planner Whetstone noted that the Staff report also included an analysis of the Master Planned Development criteria that were applicable to the idea of changing the circulation in the settlement agreement.

Tom Bennett, legal counsel representing the applicant, presented an overview of the request. He provided a brief history dating back to 1995 when the prior owners of the property, Park City Consolidated Mines and Trans-Wasatch Company, owned the property

that is now Deer Crest. Approval for development was obtained from Wasatch County. There was litigation involving the City, and the litigation was resolved with a settlement agreement that was entered into in 1995. The settlement agreement both settled the litigation and acts in many ways as a development agreement for Deer Crest, and especially that portion of Deer Crest that is situated within Park City. The settlement agreement provided for the Annexation by Park City of a portion of the Deer Crest property that is in Wasatch County. It primarily includes the Roosevelt Gap site, where the St. Regis Hotel is located. It includes the Hidden Hollow and Snow Top Subdivisions, and it includes a piece of property referred to in the Settlement Agreement as the Slalom Village property. It is the base of the Mountaineer Ski lift and there is approval for a condominium project to be built at that location in the future. Mr. Bennett clarified that that property was annexed into Park City and Park City has planning authority over all of the annexed property. An Interlocal Agreement governs the relationship with Park City and Wasatch County with respect to the provision of services, allocation of tax monies and other things. Mr. Bennett stated that for emergency services Wasatch County provides fire protection and EMT protection. Park City provides police protections. Therefore, both Counties are impacted by this request.

Mr. Bennett recalled that at some point people became concerned about the possibility of back door traffic into Park City using what was then referred to as Keetley Road, which was a historic dirt road that was used for mining purposes and travel from the base of the Jordanelle Gondola to the Queen Esther Gate and down the other side. Mr. Bennett stated that people were appalled at the prospect of from Wasatch County entering into Park City through a secret back road, and that issue was addressed in the Settlement Agreement.

Mr. Bennett outlined the requirements in the Settlement Agreement. One requirement is to construct a disconnect to physically prevent people from making that connection. The Settlement Agreement also required that there be permanent access control gates both on the Jordanelle side and on the Deer Valley side to prevent people from entering in the Deer Crest Subdivision from either side, except for residents and guests. Mr. Bennett remarked that initially steel gates were put up on both sides to keep people out. Those gates were subsequently replaced by the manned access gates that currently exist. He explained that the gates were installed approximately 18 years ago; and they were built and are operated by the Deer Crest Master Owners Association, pursuant to the requirements of the Settlement Agreement.

Mr. Bennett stated that the Settlement Agreement also required that the CC&Rs for Deer Crest include a requirement to maintain those gates in perpetuity. The Settlement Agreement also requires that the subdivision plats for Deer Crest include a plat note that required those gates to be constructed and maintained in perpetuity. It provided also provided that any change or elimination of the gates or failure to maintain them could only

be done with the consent of the property owners and with the consent of Park City. Provisions were put in place in the very beginning to protect the City on a long-term basis against Deer Crest Development taking any action that might try and get around this disconnect requirement. Mr. Bennett stated that once those gates were put in place, the Former Chief Building Official, Ron Ivie, directed and authorized the original gate to be taken down so there could be travel over what became Deer Hollow Road. It was essential for the construction of improvements in many places in Deer Crest, but especially the construction of the St. Regis Hotel. It allowed for the construction traffic to circumvent most of the residences located in Deer Crest and to go directly up rather than having to wind around. In the course of being used it was found to be helpful. The emergency services providers liked it because it was a direct route to the St. Regis and over to Park City. The owners liked having the road open because it protected them from the additional traffic.

Mr. Bennett stated that the Settlement Agreement provides that at some point in the future there be a permanent disconnect at that disconnect site. The description for configuring that disconnect requires that when the Slalom Village project is constructed, at least a portion of it is literally built across the road, so the Slalom Village project becomes the permanent disconnect on Deer Hollow Road. In 2009 Deer Crest Jana, the developer of the St. Regis Deer Valley, came to the Planning Commission seeking an amendment to its CUP to modify some of the parking at Snow Park. There was a dispute with a neighbor in Deer Crest who contested it, and one of her arguments was that the St. Regis project should be stopped immediately because no one complied with the disconnect requirements. Mr. Bennett stated that there was discussion with the Planning Commission and the service providers at that time, and it was determined that the disconnect was not necessary. There appeared to be informal support from the Planning Commissioner, and they suggested that the applicant come back in the future with a formal request to eliminate the disconnect. Mr. Bennett noted that the process was started back then, but it was put on the back burner partly because there was no urgency, and partly because of confidence that eliminating the permanent disconnect requirement would be supported by all the interested parties.

Mr. Bennett remarked that in 2014/2015, Deer Crest Associates finally wrapped up a turnover agreement to the Deer Crest Master Association where Deer Crest Associates conveyed all of the common land in Deer Crest to the Master Association. It included all the roads and the large open space parcels. A number of minor disputes and issues that had arisen over the years were resolved with that turnover agreement. Mr. Bennett stated that part of the turnover agreement requested and required Deer Crest Associates to use its best efforts to have the disconnect requirement eliminated because it is extremely important to the Deer Crest Master Association to keep Deer Hollow Road open and not disconnected for specific reasons he would address.

Mr. Bennett reiterated that the applicant was initially told that they only needed to submit their request in a letter, and it would go straight to the City Council to consider an amendment to the Settlement Agreement. However, over time and as the Staff and others have looked at the request, the decision was made to bring it to the Planning Commission. Mr. Bennett pointed out that it began to be cast as also an amendment to an MPD. He wanted it on the record and very clear that Deer Crest Associates did not agree that it was an amendment to the MPD or that the Settlement Agreement constitutes an MPD. However, the applicant was trying to be cooperative and work through the issue.

Mr. Bennett summarized the reasons why the applicant believes the disconnect obligation should be eliminated from the settlement agreement. He clarified that they were asking to amend the settlement agreement on the disconnect issue only, to remove the requirement that there be a permanent disconnect put in place when the Slalom Village project is developed. The first reason is public safety. Using Deer Hollow Drive is the quickest and most efficient direct route from Wasatch County through Deer Crest to the St. Regis and to many of the homes within Deer Crest. It is the safest route because it is more direct and has fewer turns. It is also safer because it avoids having to send vehicles at high speeds through the more densely populated residential lots in the project. Mr. Bennett stated that an interlocal agreement under this settlement agreement requires regular meetings between Wasatch County and Park City. They met in 2013 and raised this issue and all of the emergency service providers expressed their support for eliminating the disconnect. Mr. Bennett stated that by coincidence there was a meeting yesterday with the same group, and the same consensus was expressed strongly by the emergency service providers to keep the road intact as a thoroughfare.

Mr. Bennett stated that the second reason is that the principle purpose for the disconnect was to prevent access between the Jordanelle and Park City through Deer Crest from either direction. That objective was satisfied with the existing control gates on either side. Mr. Bennett noted that the gates are continually manned and they have been extremely effective. The Settlement Agreement requires that the gates be in place, and the Master Association has done an outstanding job maintaining them. In the 18 years since the gates were installed, they were not aware of any complaints or claims that the gates have been ineffective at preventing access by the public from Wasatch County to Park City, or the reverse.

Mr. Bennett stated that the third point is that requiring the disconnect to be built in the future would still not prevent east-west access. If someone were to get through those gates, they could still travel from the Jordanelle to Deer Valley using the roads through Deer Crest. It would only take five minutes longer.

Mr. Bennett stated that the fourth issue is if the disconnect were put in place, that because of the extra time and difficulty circling through Deer Crest, he believed it was likely that it would result in an increase in traffic for vehicles attempting to access Deer Crest through the Queen Esther gate. People try it all the time and when they manage to circumvent the system they are turned around at the gate. That creates additional traffic because people who go through Deer Crest and are turned around have to go back the same way. Mr. Bennett noted that all of the large delivery vehicles delivering to the St. Regis Deer Valley have to come through the Jordanelle gate and they all do it.

Lastly, Mr. Bennett stated that eliminating the disconnect requirement is supported by what they feel to be all of the stakeholders; the Deer Crest Master Association, the St. Regis Owners Associations, Wasatch County, and the Deer Valley Resort. He noted that the Planning Commission were given letters of support from Deer Crest Master Association, Deer Valley and Wasatch County. He met with them yesterday and confirmed their support.

Mr. Bennett believed that because of the existence and the effectiveness of the east and west control gates, that the requirement for a disconnect at Slalom Village is simply a solution to a problem that does not exist. Those gates are working and prohibit traffic through Deer Crest, and they have for 18 years without complaints. Mr. Bennett thought it was especially noteworthy to consider the level of support that has been indicated by the Deer Crest owners. Mr. Bennett stated that the Deer Crest Owners Association is the most effective way to assure that those access entry gates are going to be maintained, because the privacy and exclusivity that the gates provide is a key issue of importance for the owners in Deer Crest. It is a component of the value of their real estate, and they feel very strongly that those gates need to be maintained. Mr. Bennett believed they would do a better job than anyone in terms of maintaining the gates into the future, and ensuring that the objectives of the City as articulated in the Settlement Agreement are achieved.

Chair Strachan asked if mountain bikers and hikers have any rights to use Deer Hollow Road. The Spin Cycle stops there and the Village Trail picks up. He rides that road all the time and he wanted to know if that had been considered.

Joe Furlong, representing the Deer Crest Master Association, stated that the Settlement Agreement, and a separate Restrictive Covenant that Park City put in at the same time, discussed the issue of public access with cars. However, it does say that secondary access was permitted for bicycles, horses, skiers and pedestrians. Mr. Furlong remarked that mountain bikes and road bikes can be seen on Deer Hollow and Deer Crest Estates Drive.

Chair Strachan assumed that a decision to approve the request would change that. Mr. Furlong remarked that the CC&Rs incorporate the Settlement Agreement, as well as the Park City Restrictive Covenant and part and parcel. All of the elements are listed separate and distinct in terms of who can go through what gate and in what manner. Chair Strachan asked if a biker, as a secondary user as defined in the document, allowed to go through the gates. Mr. Furlong stated that there are passage ways to the right or left of the gates that allow bikers and pedestrians to pass by the monument that the gate swings on.

Commissioner Suesser asked if all of the service vehicles to the St. Regis use Deer Hollow Road, and if that was why the Deer Crest owners prefer that it remain open. Mr. Bennett answered yes on both questions. Commissioner Suesser understood that a gate at Jordanelle and Queen Esther was always anticipated. She asked if the City's only concern originally was public traffic along Deer Hollow Road coming into Park City. Planner Whetstone replied that it was the primary concern. The east and west perimeter gates were mentioned in the document, and it talked about the development that could occur and who could come through those gates. As part of the development for the Slalom Village it would definitely block that road and no one would be able to come through. However, in reading the details, it allows the guests the ability to be in that parking structure and to go in either direction. It also talks about having an emergency access lane. Planner Whetstone pointed out that it is in a canyon. The sides are steep and the road is steep, and there is not a lot of flat area. She stated that a conditional use permit would be required for the 83 units at Slalom Village and the emergency lane would have to be part of the CUP. Planner Whetstone remarked that the main concern was the through traffic mostly from Highway 40 into Park City. Commissioner Suesser clarified that it was a concern even though the gates were always anticipated. Planner Whetstone answered yes.

Planner Whetstone referred to the comment Mr. Bennett had made about being told by the Planning Commission to come back with a letter; and noted that it was actually the City Council who had said that in 2009 when the St. Regis requested a minor modification to build surface parking instead of a parking structure. It was one of the appeal items and the City Council discussed it and made the recommendation to Deer Crest to come back with a formal request for an amendment to the Settlement Agreement, and that it should be reviewed by the Planning Commission on recommendation. Planner Whetstone understood that City Attorney Mark Harrington took the recent request to the City Council and asked how to proceed. The City Council wanted the Planning Commission to make a recommendation on the Settlement Agreement amendment language, and the City Council would make the final determination.

Planner Whetstone stated that the Master Planned Development also came from the Legal Department because they said it was talking about a development plan and the Planning Commission would make that decision.

Commissioner Suesser asked if the Planning Department had received input from the stakeholders of the Slalom Village regarding this change to the MPD. Mr. Bennett replied that there are no stakeholders because the Slalom Village site is still owned by Deer Crest Associates. Mr. Bennett noted that over 400 noticing letters were sent out. As part of the process, Mr. Harrington had requested that they contact the Queen Esther Owners Association directly prior to this occurring, and they had done that. Mr. Bennett stated that there is a separate Settlement Agreement with the Queen Esther Association, and one of the provisions of that agreement is that if the owner/developer of Deer Crest comes in later and requests removal of the disconnect requirement, that the Queen Esther owners are obligated not to oppose it. Planner Whetstone noted that that agreement was in the Staff report.

Mr. Bennett remarked that originally the control access gates at either end of Deer Crest were not manned gates. They were subsequently modified to be manned gates with codes. He believed that may have been in connection with the Queen Esther Settlement. The gates have been manned for the last 18 years.

Planner Whetstone remarked that the Planning Department noticed everyone within Deer Crest, as well as everyone within 300 feet of the west side, to make sure they notified anyone who would be impacted by traffic coming through that gate.

Commissioner Thimm asked if the gates are manned 24/7. Mr. Furlong replied that the Queen Esther gate is manned 24/7. The Jordanelle gate is manned from approximately 7:00 a.m. to 6:00 p.m. To gain access before and after those hours, an intercom at the base of the Jordanelle gate connects with the Queen Esther gate house. People need to identify themselves and get clearance from the gate operator before he will open the gate at Jordanelle.

Commissioner Thimm asked if emergency vehicles would have to go through the same process. Mr. Furlong answered yes, but it happens very quickly. Commissioner Thimm clarified that the other end is manned and the gate would be opened for an emergency vehicle.

Commissioner Thimm stated that if there is already a requirement on a recorded plat for perpetual maintenance and operation of these gates, he asked if there was a reason that would compel the Planning Commission to make maintenance a condition of their recommendation. Assistant City Attorney McLean stated that in this case, the

maintenance is tied to the disconnect. For example, if the two gates are removed for any reason, the disconnect would be re-established. Mr. Bennett remarked that there is already a requirement in the Settlement Agreement that the Master Association maintain those gates. There is also a requirement to place a plat note to that affect and in the CC&Rs. If the Master Association were to eliminate that requirement, they would potentially be in violation of the Settlement Agreement and the City could come down on them. Mr. Bennett believed the City already has the right to take action if the control gates were eliminated or operated in such a way that they did not provide control. Planner Whetstone noted that it could also be incorporated into the language of the third amendment.

Commissioner Campbell wanted to know who pays to snow plow that road and for road maintenance. Mr. Bennett replied that both are paid for by the Master Association. Commissioner Campbell stated that in the three years he has been on the Planning Commission they have talked a lot about their hesitation to overturn decisions of previous Planning Commissions. They cannot bind the hands of future Commissioners, and past Commissions could not bind their hands. However, the Commissioners struggle with overturning decisions that were previously made because they were not there during the negotiations to know why a specific decision was made.

Commissioner Band understood that it was part of the Settlement Agreement, and not a decision by the Planning Commission. Mr. Bennett replied that it was the Settlement Agreement, and the final decision now was for the City Council. The Council was looking for a recommendation from the Planning Commission before making their decision.

Commissioner Campbell agreed, but in each case, a previous agreement will be overturned for whatever reason. He struggled with the idea that these gates help Park City. The thought that they were keeping out people from Wasatch County was false because they could still come in; they just have to take a longer route. Commissioner Campbell stated that if he could vote, he would prefer to have the gates taken down so all the people who work in Deer Valley and live in Heber would have a quicker way to get to work. He was not convinced by the argument that these gates were for the good of everyone.

Mr. Bennett remarked that the roads, as they were laid out in Deer Valley, were intended to be small community neighborhood roads. They were not intended to address a significant traffic impact. Potentially, if half of the traffic coming in on SR248 from Wasatch County was routed up through Deer Crest, it would create an unpleasant situation with traffic coming through Deer Valley and trying to get out of Deer Valley Drive. He believed several hundred homeowners would be expressing their view.

Commissioner Campbell asked if the gates were an obligation or a right. Mr. Bennett believed it was both. Deer Crest was never opposed to the gates and they would view it as a right to have them. Commissioner Campbell pointed out that Deer Crest now wanted to change the agreement. Mr. Bennett explained that they only want to take out a provision that appears to have accomplished no purpose over the years. Mr. Campbell stated that in his opinion, traffic has gone from being a back burner issue to one of the most important issues they face today. They are constantly struggling for way to reduce the number of cars on the roads. One way to accomplish that is to divide up the number of access points. Commissioner Campbell looked for guidance from Director Erickson or Ms. McLean to eliminate the gates if they intend to renegotiate the Settlement Agreement.

Director Erickson did not believe there would be any support for adding several thousand trips a day on Deer Valley roads and through the roundabout. Neither the General Plan, LMC, Transportation Master Plan, or the Old Town Improvement Master Plan considered trip generation from Wasatch County. Following the logic of the applicant, the reason SR248 is four lanes in and out is to accommodate that traffic. Director Erickson pointed out that in addition to workers from Wasatch County, they would also be dealing with tourists moving through a very steep road. All the roads in Deer Valley are 6% and this particular road is 10%. Director Erickson pointed out that the road is not designed to handle that amount of traffic even if the gates were eliminated. Director Erickson believed they would be overturning more decisions made by past Planning Commissions and City Councils by allowing through traffic, as opposed to just overturning an effort by the City Council at the end of a very difficult negotiation on the disconnect. He pointed out that it took Planner Whetstone four months to convince him that there was good public policy to do this. Director Erickson stated that Planner Whetstone was correct in her Staff report and he recommended that the Planning Commission consider supporting the Staff recommendation.

Commissioner Campbell felt that keeping the gates up and cutting the road in half were in conflict with each other. Director Erickson replied that it is a matter of size because the road would not handle half the traffic. Commissioner Campbell believed that it would only be used by ones who knew it was a shortcut, which would be less than half. Everyone else would continue to come into town the same way they have been. Planner Whetstone remarked that future development in Wasatch County is projected to be more than 5,000 units around Jordanelle. She pointed out that the road is private and those people could not use it.

Commissioner Phillips wanted to know what percent this MPD was built out. Mr. Bennett stated that all of the Deer Crest lots were platted and built out. He thought the

only piece that was not built out was Slalom Village and the piece down by Jordanelle outside of the gate.

Commissioner Joyce pointed out that there was also the base of the funicular, condo developments and parking.

Commissioner Phillips explained that he asked the question in order to assess the numbers at full build out in terms of who would be using that road. Mr. Furlong stated that there are 105 single-family homes that have either been built or are currently under construction. Approximately 40 plus lots are unbuilt within the Deer Crest Estates area that either abut Deer Crest Estates Drive or are off cul-de-sacs that feed off of that. Of those 40+, approximately half are owned by people who own the house next door and bought them as view lots. Mr. Furlong believed that currently there were only three or four lots for sale.

Mr. Bennett stated that the next phase is all at Snow Park. Everything that could be built at Roosevelt Gap has been built. Commissioner Phillips asked for the density at Slalom Village. Planner Whetstone replied that it was 83 units at 2400 square feet. The St. Regis was 96 units.

Michael Zacarro, managing partner for the St. Regis, stated that he is was also a Board member for the Deer Crest Master Association. Mr. Zacarro reviewed the map and noted that if the disconnect existed, the blue area would remain unchanged. Any traffic coming in on the west side would still go over the same area of roadway, which was identified in blue. On the Queen Esther side, the map was split between green and red. Where it splits with the green is where the control gate would be under the Settlement Agreement. Halfway down that road is where the disconnect would occur. Coming in from Jordanelle, the control gate would have been at the same point at the end of where that blue strip would be. Mr. Zacarro stated that if the disconnect were to be put in place, the traffic coming in from either of those two gates would still travel over part of the roadways that are colored blue. However, with the disconnect, all the traffic heading, which currently uses Deer Hollow Road would be following the path that is currently depicted in red. With the disconnect not in place, which currently exists, the traffic follows the part in the road identified in green.

Mr. Zacarro had done two measurements of the timing. Following the speed limits, the timing to travel from the end of one blue line to the other blue line is exactly 90 seconds. With the disconnect, traveling all the way around where the red is located, the travel time is six minutes and 36 seconds following the speed limit.

Chair Strachan opened the public hearing.

Steve Issowitz with Deer Valley Resort, spoke to the question of why there was both gates and the disconnect. From going through the history, he understood that there was skepticism that the gates would be large gates and maintained to keep everybody out, and that it would be scrutinized in a way that would not just let traffic come through. Mr. Issowitz thought the disconnect was an additional measure. At this point, he agreed with Mr. Zacarro that currently they were not seeing a problem and that would not change. They would only be putting people through the subdivision street instead of the more direct access. Mr. Issowitz noted that they could create an emergency lane with crash gates to keep other vehicles out. In 1995 the City did a great job trying to think forward about being protective of people coming and going into the City in an area that was not necessarily planned to hold that much traffic through the Queen Esther neighborhood. Mr. Issowitz believed Deer Crest had also done a great job since that time in manning those gates and scrutinizing the vehicles. He stated that Deer Valley Resort appreciates the consideration the Planning Commission might give to removing the disconnect. Mr. Issowitz stated that he had sent a letter that was included in the Staff report.

Gil Furlong, a full-time resident of the Deer Crest community and a member of the Deer Crest Homeowners Association. Mr. Furlong voiced their strong support for the application by DCA to eliminate the requirement for the disconnect. Mr. Furlong noted that the president of the HOA was unable to attend this evening, but he had sent a letter that was included in the Staff report outlining the reasoning for the amendment to the Settlement Agreement. Mr. Furlong explained that the fundamental reason is that the current system was working well if the objective was to limit the amount of traffic in and out of the Queen Esther area. It is controlled by the gates and it is a successful system. Mr. Furlong stated that if anyone had driven around Queen Esther in the last couple of week, it was down to a little more than one car width due to the snow loads, and the rationale for limiting traffic was strong. Most of the buildings in Queen Esther are built close to the road, limiting the ability to widen the Queen Esther roads. Mr. Furlong reiterated the adverse effects of the requirement as stated in the discussion. From the point of view of safety for residents and others, requiring delivery vehicles to meander through the community would create a potential risk. Mr. Furlong noted that people from Snow Top and the upper reaches of Deer Crest going to Salt Lake will go out the Deer Hollow Road to Highway 40 and out of town. If that access is blocked, they will more likely go through the Queen Esther gate and through Park City to SR224 to get to I-80. Mr. Furlong stated that the original purpose was to keep traffic from going through the Queen Esther community as a short cut. The CC&Rs require the Master Association to maintain the gates, and the gates are working. Mr. Furlong commented on Mayflower and noted that the amount of development that will potentially occur in that area on both sides of I-80 is enormous. As it currently exists,

none of those people can come through Deer Hollow to reach Deer Valley or Park City. He was unsure whether Queen Esther could handle the additional traffic from the condos and hotels if the road were open to allow people to go through. Mr. Furlong stated that requiring the disconnect provides nothing more than they already have, and it could have a lot of potential negatives outcomes.

William Williber, a Deer Crest resident at the Snow Top area, expressed many of the same concerns. He noted that a lot of the residents during Sundance and other events will use that exit and go down to the grocery stores in Heber, avoiding additional traffic going into Park City. That is one extra benefit from not having that disconnect. Without the disconnect he would head into Park City to the grocery store instead of going down the other way. Mr. Williber was concerned with the potential delay of the emergency service of five minutes just to put in the disconnect. He believed there already was a disconnect with the gates; and that they would only be blocking traffic for the residents within Deer Crest itself.

Mike Zacarro, Managing Partner of the St. Regis, stated that as managing partners of the Hotel they support this proposition. He recalled that when this disconnect issue came up in 2009 they were informally told as the applicant at that time to come back with an amendment. They received an email shortly later expecting that an amendment would be proposed by the local committee to go to the City Council to remove the disconnect requirement. Mr. Zacarro stated that one thing that has changed in the 18 years since this was put in, is that when the Settlement Agreement was done in 1995, it was not contemplated that there would be manned gates. There were two steel gates were located at the top and the bottom of Deer Hollow Road. In discussions with the Queen Esther Association two years after the Settlement Agreement, Deer Crest proposed having manned gates. In the settlement agreement with Queen Esther, a provision was put in that if the manned gates were not installed and there was ever a proposal to do away with the disconnect, that Queen Esther was obligated to support that proposal. Mr. Zacarro pointed out that in addition to delivery trucks for the hotel traveling up and down Deer Hollow road, he recalled that the Planning Commissioner required that all of the employees to use parking outside of the Jordanelle gate and travel by shuttle to and from the hotel. That is the current process for parking and shuttling employees. Having all that traffic go through the residential community would pose safety issues. Mr. Zacarro remarked that there is no pending proposal to implement the disconnect. The requirement to put in the disconnect does not occur until Slalom Village is built and completed. That could still be many years away. They were coming to the Planning Commission this evening because they have been working the proposed amendment since 2014.

Mr. Zacarro commented on the suggestion by Commissioner Campbell to place other conditions. As an officer of the Board and a member of the DCA, he reminded the Commissioners that the applicant is Deer Crest Associates, the party to the Settlement Agreement. They do not control the roadways or the common areas. DCA cannot agree to conditions that would impact the Deer Crest Master Association without the consent of the Deer Crest Master Association, or consent from the majority of the homeowners.

Chair Strachan closed the public hearing.

The Commissioners reviewed the items for discussion outlined in the Staff report.

Commissioner Joyce remarked that there was an agreement between the City, Queen Esther, and all of the Deer Crest parties that basically limits traffic in a well-defined way. However, his concern was finding a simplistic mechanism to enforce it. Commissioner Joyce understood the perspective of the HOA in having a private community, and he agreed that it may be nice; but the City does not enforce CC&Rs. If things suddenly changed and traffic was getting through, he wanted to know what avenue Queen Esther would have to express their comments and concerns.

Commissioner Joyce referred to the second item for discussion and he liked the idea that as long as the gates are manned and maintained and the system continues to work, the disconnect would not have to be built. However, if that changes for any reason, it would trigger the disconnect.

Commissioner Joyce stated that he is at Deer Crest fairly often, and he could not imagine having the disconnect. Like Commissioner Campbell, he does not like to unravel a decision by a previous Planning Commission, but he could not attribute any value to the disconnect, other than having it as a hammer to make sure the gates continue to be well maintained. He cautioned that when they get into the agreements and the specific language, he would never want the CC&Rs referenced because the HOA could change the CC&Rs. Commissioner Joyce thought the current system was working and it made sense. His only concern was making sure that there was a mechanism to restrict it in the future.

Commissioner Joyce understood that there was a multi-jurisdictional meeting the day before. He had spoken with Diane Foster who said there was a lot of support from both sides to eliminate the disconnect requirement. His concern was that if something substantial happened, such as a fire, and they were trying to evacuate people out of the Deer Valley area, he thought that would be a circumstance where opening the gates for emergency evacuation would be appropriate. Commissioner Joyce wanted to

understand what agreements and processes were in place to deal with something consequential.

Director Erickson noted that line item 3 in the discussion items states that the City will negotiate clearly defined terms for access and who gets the authority. He assumed that Deer Crest would want a discussion regarding snow maintenance, etc. Director Erickson anticipated negotiations on whether or not that could happen. Currently, in an emergency the Fire Marshall could open those gates.

Commissioner Joyce read Item 3, "Discuss the potential for allowing overflow traffic use of Deer Hollow Road for traffic emergencies....". He thought "traffic emergency" was a broad term and could mean skiers trying to get home if SR224 is backed up. If the language could include that type of situation, he would not support it. Director Erickson replied that the Staff was looking for that type of clarity from the Commissioners. Commissioner Joyce would like the fire trucks to be able to go through Deer Crest to get over to the other side. If they are going to talk about changing the rules for the road and safety is a primary reason, they need to consider the safety of more than just the residents who live in the Deer Crest Association.

Mr. Bennett noted that Section 5.4 of the Settlement Agreement identifies certain plat notes that need to be put on the plat in Deer Crest. Item 3 says, "Public safety access and utility easements are hereby dedicated for all roads". Mr. Bennett pointed out that there is an existing public safety access right throughout all of the roads in Deer Crest. Commissioner Joyce was not sure that language went far enough. Mr. Bennett thought it would be helpful to have the City Attorney's Office review what rights the Public Service people have right now. Part of the concern is that the Deer Crest Master Association owns the roads and actual control what happens with the roads in Deer Crest. However, they are not the applicant on this matter. The applicant is Deer Crest Associates and the party that is the successor and interest to the developer under the Settlement Agreement. Mr. Bennett stated that it would be easier if the City could conclude that the Fire Marshall has the legal right to request that the gates be opened for access in the event of a fire or emergency. Mr. Bennett remarked that the interplay between Deer Crest Associates and Deer Crest Master Association in terms of who has the right to enter into agreements with respect to specific uses of the road would get complicated.

Commissioner Joyce pointed out that there is an existing agreement that says when Deer Crest Associates build Slalom Village they will build a disconnect. If they cannot work out another agreement, the disconnect will be built according to the Settlement Agreement. Commissioner Joyce believed the disconnect should conditionally be eliminated, but the other issues needed to be resolved at the same time.

Mr. Zacarro stated that on behalf of the Deer Crest Association, if Park City does not currently have the right to open the gates during an evacuation or a similar emergency, the DCA would agree to allow it. Mr. Zacarro remarked that the Deer Crest Association would not be in favor of a condition that included access for traffic emergency. Emergency vehicles are already permitted by the Master Association. Mr. Zacarro was cognizant of the comments and concerns regarding what would happen if things change in the future and the gates are not properly maintained or staffed. He met with the Staff three weeks ago and suggested that the requirement be “suspended” instead of “eliminated”. It would be suspended and would not have to be adhered to. If the Master Association were to ever fail to continue to operate those gates as they currently are, the City Council would have the right to reinstate the disconnect.

Commissioner Joyce was comfortable with the language change suggested by Mr. Zacarro. Planner Whetstone noted that the Settlement Agreement was with Deer Crest, but it was the Master Association that was suggesting the change. She questioned whether all three parties needed to sign, or whether the two Associations needed an agreement between them saying that they understand the suspension.

Commissioner Thimm supported removing the disconnect requirement. His most compelling reason was emergency vehicle access and safety for the public. Commissioner Thimm concurred with Commissioner Joyce about maintaining some level of enforcement, and conditions with respect to what would happen if the gates are not maintained. He believed that was important to address. Commissioner Thimm commented on the Staff recommendation to include conditions related to mine hazard and mine soil, and he thought those should be included as well.

Mr. Bennett thought there were already requirements in the MPD and CUP process that require mine conditions to be reviewed. When someone comes in with a CUP for Slalom Village, he understood they would be required to address that issue. Planner Whetstone replied that the requirement was added to the Master Planned Development criteria after this was approved. She noted that the language is consistent with other amendments to Master Plans to make sure they get the information with the CUP. Mr. Bennett was not opposed to adding the conditions, but he questioned whether it was necessary.

Commissioner Band understood why the disconnect was included in the Settlement Agreement, but she could find no reason to keep it. She supported Commissioner Joyce’s comments about clarification. She favored the “suspend the physical disconnect” language.

Commissioner Campbell clarified his earlier comments. He thought everyone agreed that the road should stay where it is as opposed to tearing up part of it and stopping traffic from

getting through. However, in terms of renegotiating, he felt the Planning Commission had the position as the representatives of the residents of Park City to negotiate it. Commissioner Campbell thought their recommendation to the City Council should include language stating that as a deliberative body, the Planning Commission was in favor of leaving the road as it is, but they were also in favor using this opportunity to negotiate whatever the City Councils determines is best for the rest of the City.

Commissioner Band did not believe they should open the gates and allow people from Wasatch County to use it as an access road. Commissioner Campbell stated that the City has the right to do that. Commissioner Band understood they had the right, but she was not comfortable making that recommendation. Commissioner Campbell clarified that he was not suggesting that they recommend that. Like Commissioner Joyce had said, if they want a chance to keep some control, it should have teeth to ensure they are not giving up control.

Commissioner Suesser was in favor of removing the disconnect and keeping the road functioning as it is now. She disagreed with Commissioner Campbell about allowing the overflow traffic. She thought that in certain circumstances, an occasional use of Deer Hollow Road for that reason was reasonable and practical. She assumed that was why the Staff added it as a point to consider and she would be in favor of it.

Commissioner Band disagreed. If the intent is to limit traffic and get people to ride public transit, she was opposed to opening a private road through a private community. She was unsure why the City's traffic emergency should become their traffic emergency.

Commissioner Phillips stated that after hearing all the comments he concurred with his fellow Commissioners regarding public safety. It is important for the people who live in this area, and he would also like it to be a benefit to people outside of this MPD if need be for emergencies. Commissioner Phillips remarked that it was tempting to want to create another access through a traffic emergency, but the roads are not built for it and it is subjective. He thought it should remain the way it is.

Chair Strachan had nothing further to add. He clarified for Mr. Bennett that a mine waste analysis is required under LMC 15-1 for a CUP.

MOTION: Commissioner Joyce moved to CONTINUE the Deer Crest Settlement Agreement modifications to March 22, 2017. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

2. **Request for a one Lot and one Parcel subdivision plat, located at 9300 Marsac Avenue, to create a platted lot for development of Parcel B2 East of the Parcel B2 Master Planned Development Phase II, and to create a non-development parcel for ski area uses located on Twisted Branch Road.**
(Application PL-16-03338)

Doug Ogleby, stated that he was representing REDUS Park City, a Wells Fargo controlled entity and steward of the remaining lands at Empire Pass.

Planner Whetstone reviewed the request for a final subdivision plat to create a platted lot for a 7.85 acre metes and bounds described parcel located within the Empire Pass Pod B2 Master Planned Development. The subdivision consists of a 6.91 acre, Lot 1, for future development of 81 UE that were approved in a conceptual manner with the B-2 Master Plan Development. Phase 1 in the Montage. This is Phase 2. A one-acre parcel would be used for ski area uses but no density would be assigned to it.

The Staff requested that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council with the findings of fact, conclusions of law and conditions of approval as outlined in the Staff report, as well as the proposed changes that were provided this evening. Planner Whetstone clarified that changes were made to the body of the Staff report and she thought those changes should be reflected in the findings and conditions.

Mr. Ogleby stated that Lot 1 would be the site of a future condo development. Parcel A is land that was previously targeted as a potential location for a ski bridge passing over Twisted Branch Road, which is why it was carved off from Lot 1. Mr. Ogleby stated that wine waste was removed from the site last summer. That work should be completed in the Spring when the snow melts. He referred to the revised findings and noted that there is an adit, which is a shallow, sloping tunnel that they found last summer. It was temporarily closed until they can engineer where the buildings will be located. They want to give the ultimate developer of that site the best opportunity to address it, whether they fill it with concrete, over-excavate it and backfill, or bridge over it. He pointed out that it would be addressed at building permit for the building to be built there.

Commissioner Joyce noted that the parking in that lot has been used for the Empire Lodge in the evenings for Fireside Dining. He wanted to know what would happen with that parking. Planner Whetstone stated that language in the Flagstaff Annexation Agreement states that if on a regular basis, if Empire Day Lodge is in need of parking they would have to use unit equivalents. It is supposed to be an on-mountain ski in/ski out restaurant and it should not have parking.

Mr. Ogleby stated that a provision in the MPD permits the construction of some parking for the Empire Day Lodge on the B-2 East site. That will ultimately be a discussion between the developer of this site and Deer Valley and it would be considered a CUP for the project to be built on these lands. He explained that the goal this evening is to create a platted lot of record where they can put density. Planner Whetstone stated that a condition of approval addresses the type of use of the Empire Day Lodge.

Commissioner Joyce stated that when this comes back to the Planning Commission that would be another question. He thought it was clear that Deer Valley has an issue because the Day Lodge was currently being used as a night lodge four or five nights a week. He thought it was evident that something needed to be done. Planner Whetstone replied that it would be addressed at the conditional use stage.

Director Erickson stated that if the Commissioners agreed, they could add a condition of approval stating that when a CUP is filed on Lot 1, the conditional use permit will address the current parking for Fireside Lodge. Commissioner Joyce favored adding that condition.

Chair Strachan asked if this was subject to a CUP. Director Erickson replied that all of the small scale MPDs are subject to a CUP. Mr. Ogleby was concerned that "address the parking at Empire Day Lodge" could mean different things to different people. Director Erickson stated that they would put it in the recommendation and the Staff would clean up the language before it goes to the City Council, rather than trying to work it out tonight. Planner Whetstone stated that they could address it consistent with the Flagstaff Development Agreement.

Commissioner Joyce referred to a requirement for 4.2 affordable UEs and tied to a plat note. Everything he read talked about on-mountain or on-site affordable housing. However, he recalled that 25% of affordable housing was on site. He asked Planner Whetstone to clarify the affordable housing both on-site and off-site.

Planner Whetstone explained that there is a requirement of 24.725 AUEs on the mountain per the Development Agreement. Most of the developments have provided one unit. Montage provided 7.8. She did a calculation and found that they needed to add additional on-mountain units. The applicant agreed to identify the affordable units on the plat so when somebody buys B-2 East they know are providing 4.2 units. The other plat was identified on the three lots. The Empire Club also has a requirement. Totaled together, they are slightly over on on-mountain. Talisker had the responsibility of providing the remaining units.

Mr. Ogleby stated that the Tower residence would also include one AUE, which would leave approximately five off-site AUEs required. REDUS, as the property owner selling off

the land, intends to come back to the Staff and the City Council with a plan on how to address that. They are creating the obligation for whoever buys these parcels to what they are doing on-site so they know the on-mountain has been looked after. REDUS is still carrying the responsibility for the off-mountain and they have theories on how to deal with that.

Planner Whetstone pointed out that there is also a gondola payment and several obligations for the entire development that triggers the certificates of occupancy. The City was working with REDUS on who will pay for and meet those obligations. The rest of the requirements that apply have to be complete or bonded for completion prior to issuance of any certificates of occupancy on Lot 1. The same condition was put on the other plats.

Chair Strachan opened the public hearing.

Steve Issowitz with Deer Valley stated that he was not prepared to speak to or answer the question about the parking, but he believed the Empire Lodge fell under the Deer Valley MPD and it does not apply to the Flagstaff MPD. He did not want this applicant to be saddled with issues that might exist for Empire Lodge. There is an entire history between 1999 and 2001. It went from day use to applications for the nightly restaurant. Parking was worked out when the surface lot went in on the Daly West, and after that when the Montage was going in, parking was allocated to Deer Valley's use within Montage, which they have now. They also have an agreement with United Park City Mines, when the Flagstaff Development Agreement was coming together, for additional spaces within the B-2 parcel, but that is on Deer Valley for Empire Lodge, and not necessarily on this applicant, as part of the Flagstaff Development Agreement. Mr. Issowitz suggested that they might need to research which MPD it falls under to alleviate any concerns, but he did not believe it applied to this parcel.

Mr. Ogleby stated that in reading the history there was no requirement for parking because it was supposed to be a day lodge. Within the Flagstaff B-2 MPD there is language that says, "This site may have additional parking provided for the benefit of Empire Day Lodge". It was more of a permissive use rather than a required use.

Commissioner Joyce was not concerned from the standpoint of this plat approval. It was reasonable to believe that if it is not addressed, when someone comes to the Planning Commission with a CUP to build out that property, there may or may not be a problem. He wanted to flag it so they will pay attention to it when the time comes.

Mr. Ogleby wanted to make sure they were not adding something that is perceived as creating an obligation on the buyer of this land that may not rightly be an obligation on the buyer.

Chair Strachan suggested that they leave that to Mr. Issowitz to enforce.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council regarding the B-2 East Subdivision pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as stated in the Staff report and modified with the additional Finding of Fact #31 in redline, and Condition of Approval #10 dealing with the building permits on Lot 1 and Parcel A that were presented this evening.

Director Erickson pointed out that if the Planning Commission was not compelled to add an additional condition regarding the parking for Empire Lodge, they will run it with the MPD approval of B-2E, consistent with that language, and track it that way.

Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – B-2 East Subdivision

1. The property is located at 9300 Marsac Avenue.
2. The zoning is Residential Development (RD) within Flagstaff Mountain Resort Annexation and the Village at Empire Pass B2 MPD (RD-MPD).
3. On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area.
4. 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.
5. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007.
6. The Development Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village.

7. The Mountain Village is further constrained to a maximum density of 785 UE configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units do not exceed 60. The Mountain Village is allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A).

8. There are currently 588.742 UE (382 multi-family units) platted within the Village at Empire Pass (Pods A, B1 and B2).

9. With approval of 81 UE (and up to a total of 70 multi-family condominium units) on Lot 1 of the B2 East Subdivision, there will be 669.742 UE platted, 452 (or fewer) units platted, and 57% of the units of Pods A, B1 and B2 will be located within Pod A. The numbers for UE and units do not include the UE and units proposed on the Village North Subdivision under concurrent review. There would then be 88.258 UE and 98 units available for the Village North subdivision, as well as for the un-built Tower Residential (Building One of the Village at Empire Pass MPD).

10. On March 14, 2007, the Planning Commission approved a Master Planned Development for Pod B2 at Empire Pass. The MPD approved 192 hotel rooms utilizing 69.6 Unit Equivalents (UE) and 94 hotel condominiums utilizing 114 UE, on the west side parcel (Montage Resort and Spa). An additional 81 UE of residential condominiums were assigned to the B2 East parcel.

11. The Pod B2 MPD approved Resort Support Commercial uses for the 35,000 sf of Spa space and 28,059 sf for restaurants, bar, and retail space. The MPD approved 15,000 sf of meeting/conference space and lounge area based on the floor area of the building, not including the parking garage.

12. The Development Agreement allows a total maximum of 75,000 sf of MPD Resort Support Commercial floor area within Pods A, B1 and B2.

13. The Tower Club CUP in Pod A includes 2,264 sf of private dining room, kitchen and store and was approved for an amendment to the CUP for a dining room addition of 1,115 sf. The Tower Club CUP is approved for 3,379 sf of MPD Resort Support Commercial.

14. The Grand Lodge Condominium plat approved a total of 1,275 sf of MPD Resort Support Commercial.

15. There exists a total of 7,287 sf of unallocated Resort Support Commercial that can be allocated within the Village MPD to Pods A, B1, and B2. With approval of the

proposed application, 3,600 sf of Resort Support Commercial will be allocated to Lot 1, leaving a balance of 3,687 sf unallocated Resort Support Commercial available under the Flagstaff Development Agreement.

16. Accounting of the support commercial, residential accessory space, and support meeting space is finalized at the time of review of the Conditional Use Permit and memorialized in the final condominium plat(s).

17. On March 29, 2007, the City Council approved the Parcel B-2 Empire Village Subdivision creating three lots of record for Parcel B-2 (West). The Parcel B-2 Empire Village Subdivision amended and consolidated parcel A of the prior Empire Village Subdivision for the Empire Day Lodge and created Lot B, site of the Daly West head frame and access to JSSD underground mine tunnels, and Lot C, site of the Montage Resort and Spa CUP.

18. Subject property is a metes and bounds parcel and is not part of the Parcel B-2 Empire Village Subdivision plat.

19. The staff report for the Parcel B-2 Empire Village Subdivision indicates that the Parcel B-2 East would have to be platted to create a legal lot for development of 81 UE of residential condominiums.

20. Parcel B-2 Empire Village Subdivision plat was recorded on May 23, 2007.

21. The proposed B2 East Subdivision plat creates one lot and one parcel for the B-2 East parcel. Lot 1 is 6.91 acres in area and Parcel A is 0.94 acres in area. Total property consists of 7.85 acres.

22. Lot 1 has frontage on Marsac Avenue, a State Highway and utilities are available to the lot. A Line Extension Agreement approval letter was issued by SBWRD on January 24, 2017.

23. All existing and required easements will be recorded on the plat, including utilities, storm drainage, access, snow storage, etc. No changes are proposed to existing streets.

24. Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Additional off-site utility easements maybe required and will have to be recorded prior to issuance of building permits.

25. There is an existing curb cut off Marsac Avenue. Any relocation of this curb cut for future buildings requires review and approval by the City Engineer and UDOT.

26. There is no minimum or maximum lot size or lot width in the RD District.

27. All applicable requirements of Land Management Code apply, unless otherwise allowed per the Flagstaff Development Agreement and Pod B2 at Empire Pass MPD.

28. A height exception and building volumetric were approved with the Pod B2 at Empire Pass MPD.

29. The final Mylar plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.

30. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.

31. In September 2016, the applicant began working under an Administrative Settlement and Order on Consent for removal Action with the EPA permit to remediate and remove mine sol from the property and to close an old mine shaft/adit. After the mine shaft closure was completed, this work was halted in November 2016 on account of the weather. Some contaminated soil remains onsite in the area of the former and remaining parking lot. The Adit (a gently sloping shallow tunnel) discovered during the mine shaft closure has been temporarily closed but will require further work at time of building construction.

32. On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report. This plat identifies an on-site housing obligation of 4.2 AUE (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into the building (s) and noted on the plat.

33. Requirements of the Flagstaff Development Agreement will be reviewed and verified for compliance during the Conditional Use Permit application review for development of Lot 1. This includes transportation, affordable housing, environmental, transfer fees, construction mitigation, and others as may apply. Some of these obligations are triggered by the number of certificates of occupancy issued.

34. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – B-2 East Subdivision

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

Conditions of Approval – B-2 East Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision 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 one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements, continue to apply.
4. The plat will note that conditions of approval of the Village at Empire Pass Master Planned Development and the Pod B-2 Master Planned Development shall continue to apply.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to

recordation as approved by the City Engineer and SBWRD, including drainage easements.

7. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.

8. A ten foot (10') wide public snow storage easement is required along the public street frontage of the Lot and Parcel.

9. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.

10. No building permits shall be issued on Lot 1 or Parcel A until the mine shaft has been fully closed and mine soil remediation under EPA supervision has been completed. Prior to issuance of any building permits, documentation certifying the work is complete shall be presented to the Chief Building Official and Planning Director. As part of any building permit submission, property owner shall submit a closure plan for the adit, approved by a geotechnical engineer, and detailing any additional work required in conjunction with building construction in the vicinity of the adit.

11. Prior to building permit issuance, documentation from UDOT showing approval of any curb cuts onto Marsac Avenue, a state highway, is required. If documentation of the existing curb cut does not exist, a new application shall be submitted to UDOT for approval of the curb cut location. This approval shall be submitted to the City Engineer.

12. Any modifications to existing curb cuts for access to Marsac Avenue, a state highway, must be approved by the City Engineer and UDOT.

13. A Conditional Use Permit approval is required prior to issuance of a building permit for the residential building proposed on Lot 1.

14. A final grading and utility plan, including storm water and drainage plans, shall be submitted with the Conditional Use Permit for development on Lot 1, for approval by the City Engineer and SBWRD. No building permits shall be issued until all necessary utility easements are recorded.

15. A declaration of condominium and a record of condominium plat are required prior to the sale of individual units within the development.

16. Requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 1 has an on-site affordable housing obligation of 4.2 AUE, to be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. All deed restricted units shall be identified on the final condominium plat prior to recordation of such plat.

17. Wastewater service to B2 East Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement approval letter was provided by SBWRD on January 24, 2017. The Owner shall be responsible for extending the public wastewater system within Lot 1 according to requirements of the Line Extension Agreement. Easements associated with this agreement are to be depicted on the plat.

18. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.

19. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.

20. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.

21. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lot 1, unless otherwise conditioned herein (e.g. soil and mine remediation to be complete prior to building permit issuance). This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.

22. A Construction Mitigation Plan shall be submitted with the Conditional Use Permit application and in advance of issuing building permits.

3. **Request for a three lot and one Parcel subdivision plat, known as Village at Empire Pass North Subdivision, located at the intersection of Village Way and**

Marsac Avenue east of the Silver Strike chair lift, to create platted lots within the approved Village at Empire Pass Master Planned Development for Buildings 3 and 4, and for the Horseshoe Parcel townhouses located on the north side of Marsac Avenue across from the base of the Silver Strike chair lift, and to create a platted Parcel of a remnant parcel for ski area uses.
(Application PL-16-03293)

Director Erickson noted that Planner Whetstone and Assistant City Attorney McLean had spent significant time vetting all the remaining density in Empire Pass and allocating it to all the parcels. He stated that these two plats were a good lesson for how things should be done. Instead of waiting for a development to come forward and platting for density, REDUS had agreed to come forward and plat with density first before a conditional use permit. The result was a perfect allocation of where the density units are located and the unit equivalents for affordable housing.

Commissioner Joyce understood that there was a small amount of commercial space that had not been allocated. Planner Whetstone answered yes.

Mr. Ogleby, representing REDUS, stated that there was also residential density not recorded as a plat that would go on the Tower residences, as well as commercial density that will go on the Tower. Planner Whetstone stated that she used what had been approved for the CUP but had not been platted. They were all condominium plats and every square footage of what was recorded was on the plats. They now know exactly how many square feet are there and the number of UEs and units.

Planner Whetstone reviewed the application for a three lot subdivision with a small Parcel A, located at the Silver Strike Lift. Lots 2 and 3 are part of the Village at Empire Master Planned Development. Lodge parcels were approved with the Master Plan but not with the specific density. The applicant was asking for specific density; a UE and no more than a specific number of units for Lot 3. They were not asking for Lot 2 as this time. Lot 1 is identified in the Master Plan as townhouse and PUD style, means they are condominiumized but individual units.

Planner Whetstone reported that for Lot 3 the applicant was requesting 23.5 UEs, configured in no more than 23 individual units. She pointed out that final density and final design was dependent on the conditional use permit.

The Staff had done a full analysis and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council regarding the Village at Empire Pass North Subdivision, pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as stated in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Village at Empire Pass North Subdivision

1. The property is located at Marsac Avenue and Village Way within Pod A of the Master Planned Development for the Village at Empire Pass. Addresses will be assigned prior to plat recordation.
2. The zoning is Residential Development (RD) within Flagstaff Mountain Resort Annexation and Village at Empire Pass MPD area (RD-MPD).
3. On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area.
4. 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.
5. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007.
6. The Development Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village.
7. The Mountain Village is further constrained to a maximum density of 785 UE configured in no more than 550 dwelling units as multi-family, hotel, or PUD units,

provided the number of PUD units do not exceed 60. The Mountain Village is also allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A).

8. There are currently 588.742 UE (382 multi-family units) platted within the Village at Empire Pass (Pods A, B1 and B2).

9. With approval of 23.5 UE (up to a maximum of 23 units) on Lot 3 of the Village at Empire Pass North Subdivision, there will be 612.242 UE platted (up to 405 MF units), and 69.4% of MF units in Pods A, B1 and B2 located within Pod A. If 81 UE (70 units) are also built on Pod B2 (see request for B2 East Subdivision at this same meeting) there will then be a total of 693.242 UE and 475 units with 59.2% of MF units located within Pod A.

10. Upon Conditional Use Permit approval of the 23.5 UE for Lot 3 and 81 UE for B2East, 91.758 UE and 75 dwelling units would remain to be allocated to remaining residential development sites in Pod A. The remaining sites include Lots 1 and 2 of this subdivision, Lodge Building 1 (Tower Residential), and Lots 1 and 2 of the Village at Empire Pass Phase 1 subdivision.

11. The applicant is not requesting allocation of any MPD Resort Support Commercial for this subdivision at this time. There exists a total of 7,287 sf of unallocated Resort Support Commercial that can be allocated within the Village MPD to Pods A, B1, and B2.

12. Accounting of the support commercial, residential accessory space, and support meeting space is finalized at the time of review of the Conditional Use Permits and memorialized with the final condominium plats.

13. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VMPD) Pod A.

14. The purpose of the VMPD was to establish unit mix and density for the Village Master Plan, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location.

15. The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted

Lots 12-18 of the VMPD (west side).

16. Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat was approved on January 6, 2011 and recorded on January 4, 2012.

17. Six lodge buildings have been built to date within Pod A namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Of these units, one Belles PUD unit and 2 Banner Wood single family units are remaining to be permitted and constructed. Additionally 4 PUD units within Nakoma in Pod B1 are remaining to be permitted and constructed.

18. Three of the large lodge buildings (Buildings 1, 3, and 4) as well as additional townhouse and PUD style units remain to be constructed within the Village MPD Pod A.

19. The proposed subdivision consists of property that is currently described by metes and bounds. The request is for a 3.0 acre Lot 1, for future townhouse and PUD units, a 1.57 acre Lot 2 for Lodge Building 4, a 0.67 acre Lot 3 for future Lodge Building 3, and a 0.10 acre Parcel A. The property consists of a total of 5.34 acres.

20. Lots 1 and 2 have frontage on Marsac Avenue, a State Highway. Lot 3 has frontage on Village Way, a private street. Lot 2 also has frontage on Village Way. Parcel A has access to Village via a proposed access easement across Lot 2.

21. Lots 2 and 3 will take access off Village Way. Location of access off Marsac Avenue requires review and approval by UDOT and the City Engineer, as Marsac Avenue is currently a state highway.

22. A Conditional Use Permit (CUP) is required prior to construction of the Lodge Buildings, PUD units, and townhouses.

23. Utilities are available to the lots. SBWRD recommended conditions and plat notes to address their concerns.

24. All existing and required easements will be recorded on the plat, including utilities,

storm drainage, access, snow storage, etc. No changes are proposed to existing streets.

25. Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Additional off-site utility easements maybe required and will have to be recorded prior to issuance of building permits.

26. There is no minimum or maximum lot size or lot width in the RD District.

27. All applicable requirements of Land Management Code apply, unless otherwise allowed per the Flagstaff Development Agreement and the Village at Empire Pass MPD.

28. A height exception and building volumetric were approved with the Village at Empire Pass Pod A Master Planned Development for the Lodge Buildings (Lots 2 and 3).

29. The final Mylar plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.

30. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.

31. On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report. This plat identifies an on-site housing obligation of 1.1 AUE for Lot 3 and 2.0 AUE for Lot 2 (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into MPD Lodge Buildings 3 and 4 and noted on the plat. Also 0.84 AUE are an outstanding requirement of the Tower Residences to be constructed in MPD Lodge Building 1. No AUE are planned or identified for Lot 1 of this subdivision.

32. Requirements of the Flagstaff Agreement will be reviewed and verified for compliance during the Conditional Use Permit applications reviewed for development on Lots 1, 2 and 3. This transportation, affordable housing, environmental, transfer fees, construction mitigation, and others as may apply. Some of these obligations are triggered by the number of certificates of occupancy issued.

33. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – Village at Empire Pass North Subdivision

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

Conditions of Approval – Village at Empire Pass North Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision 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 one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements, continue to apply.
4. The plat will note that conditions of approval of the Village at Empire Pass Master Planned Development (Pod A) shall continue to apply.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.

7. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
8. A ten foot (10') wide snow storage easement is required along the private street frontages of the lots and a ten (10') wide public snow storage easement is required along public street frontages.
9. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
10. Prior to building permit issuance, documentation from UDOT showing approval of access to Lot 1 off Marsac Avenue is required. If documentation does not exist, a new application shall be submitted to UDOT for approval of the curb cut location. This approval shall be submitted to the City Engineer.
11. Any proposed curb cuts for access directly to Marsac Avenue, a state highway, must be approved by the City Engineer and UDOT.
12. A Conditional Use Permit approval is required prior to issuance of building permits on Lots 1, 2 and 3.
13. A final grading and utility plan, including storm water and drainage plans, shall be submitted with the Conditional Use Permits for development on Lots 1, 2 and 3, for approval by the City Engineer and SBWRD. No building permits shall be issued until all necessary utility easements are recorded.
14. A declaration of condominium and a record of condominium plat are required prior to the sale of individual units within the development.
15. All requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 3 has an on-site affordable housing obligation of 1.1 AUE and Lot 2 has an on-site affordable housing requirement of 2.0 AUE, to be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. Lot 1 has no on-site obligation. All deed restricted units shall be identified on the final condominium plats prior to recordation of such plats.
16. Wastewater service to Village at Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with

the District may be required for Lot 1. If a line extension is necessary, it shall be the responsibility of the Owner to extend the public wastewater system within Lot 1 according to the requirements of the Line Extension Agreement.

17. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.

18. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.

19. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.

20. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lots 1, 2, and 3, unless otherwise conditioned herein. This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.

21. A Construction Mitigation Plan shall be submitted with the Conditional Use Permit applications and in advance of issuing building permits.

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

Approved by Planning Commission: _____

Planning Commission Staff Report

Subject: Retreat at the Park II (1450 Park Avenue)
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-16-03384
Date: 22 February 2017
Type of Item: Legislative – Condominium Record of Survey

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Retreat at the Park II located at 1450 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Description

Applicant: Park City Municipal Corporation, represented by Rhoda Stauffer
Location: 1450 Park Avenue
Zoning: Historic Residential-Medium Density District (HRM)
Adjacent Land Uses: Commercial and Residential
Reason for Review: Condominium Record of Surveys require Planning Commission review and City Council review and action

Proposal

The property owner proposes to record a Condominium Record of Survey that creates a total of four (4) residential units.

Background

On March 29, 2007, Ordinance 07-20 approved the creation of two (2) legal lots of record from two (2) metes and bounds parcels at 1450-1460 Park Avenue. Later that year, the Retreat at the Park Subdivision was recorded on August 16, 2007.

In 2009, the City purchased the properties at 1450-1460 Park Avenue through the Lower Park Redevelopment Agency with the intent of creating an affordable housing project. In March 2012, City Council began collaborating with Green Park Cohousing, LLC on the purchase of the property following an RFP process. Following the approvals of the Conditional Use Permit (CUP) and a plat amendment that was not recorded, Green Park Cohousing withdrew their applications as they were unable to secure financing for the project.

The City has since chosen to develop these two lots at 1450-1460 Park Avenue. The applicant is proposing to rehabilitate the existing two (2) historic houses at 1450 and 1460 Park Avenue as well as build six (6) new single-family houses; there will be a total of eight (8) affordable housing units located on the two (2) properties.

On December 8, 2015, the Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation and relocation of the historic house at 1450 Park Avenue; the application was deemed complete on December 17, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at both 1450 and 1460 Park Avenue. The relocation of the house at 1450 Park Avenue 8'6" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR application for the rehab of the historic home was approved by the Planning Department on June 14, 2016; the HDDR to construct the new single-family dwellings behind the historic house was approved on November 21, 2016.

On May 2, 2016, the Planning Department received a CUP application for access off Sullivan Road; the application was approved by the Planning Commission on July 13, 2016. [See [Report \(page 231\)](#) + [Minutes \(page 51\)](#).] The CUP included a condition of approval that required the applicant to dedicate façade preservation easements to the City for both the historic structure at 1450 and 1460 Park Avenue following their restoration and prior to sale of the historic buildings to private property owners; staff has included this in the conditions of approval for this condominium plat as well.

On December 1, 2016, the Planning Department received a completed Condominium Record of Survey application for the Retreat at the Park II. The property is located at 1450 Park Avenue in the HRM District.

The applicant could have chosen to create a plat amendment encompassing both 1450 and 1460 Park Avenue and then create one condominium association; however, the applicant ultimately decided it was better to keep the lots separate due to the parking requirements of the LMC. A Conditional Use Permit (CUP) is required for a Parking Area or structure with five (5) or more spaces; by keeping the lots separate, each lot's Parking Area is limited to four or fewer spaces and is an Allowed Use. Easements will be required for the shared use of internal walkways and utilities that cross the interior property line between 1450-1460 Park Avenue.

Purpose

The purpose of the Historic Residential Medium Density (HRM) District is to:

- A. Allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- B. Encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- C. Encourage the rehabilitation of existing Historic Structures,
- D. Encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- E. Encourage Affordable Housing,
- F. Encourage Development which minimizes the number of new driveways
Accessing existing thoroughfares and minimizes the visibility of Parking Areas,
and
- G. Establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

Analysis

A condominium is not a type of use but a form of ownership. The proposed Condominium Record of Survey plat identifies private, common, and limited common ownership areas within the existing and proposed building and site.

The proposed Retreat at the Park condominium plat is consistent with the purpose statements of the HRM District and meets all Land Management Code (LMC) requirements. The applicant is in the process of rehabilitating the existing historic house and constructing three (3) additional houses on site in order to provide a total of four (4) affordable housing units at 1450 Park Avenue. The lot size required for four (4) dwelling units is 5,625 square feet. The existing lot size at 1450 Park of 9,212 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).

Per LMC 15-2.4-6 existing historic structures that do not comply with off-street parking requirements are valid non-complying structures. The historic house at 1450 Park Avenue is designated as “Significant” on the City’s Historic Sites Inventory (HSI), and is not required to provide parking. The three (3) new single-family dwellings proposed on the lot are required to provide two (2) parking spaces each for a total of six (6). One (1) of these spaces will be accessible from Park Avenue, while the remaining four (4) spaces will be accessible from Sullivan Road; a sixth (6th) space will be located at 1460 Park Avenue.

During the Planning Commission’s CUP discussion for this project on July 13, 2016 [[Packet](#) (page 231) and [Minutes](#) (page 51)]. The Planning Commission had expressed concern that the historic houses were not required to provide parking as they found this would create additional demand for the on-site parking. There were also concerns about the neighbors sharing a tandem parking space and the inconvenience of moving cars. The applicant plans for the HOA to assign one (1) parking space to each house and any additional parking shared between the two sites will be shared among the residents. Staff has added Condition of Approval #7 requiring that a plat note shall be included indicating that the parking spaces off Park Avenue are for the use of all residents within the condominium development.

	Permitted in HRM	Proposed in HDDR and Under Construction
Lot and Site Requirements	5,625 SF	9,212 SF; <i>complies</i>
Lot Width	37.50 ft., measured fifteen feet (15') from the Front Lot Line	54 ft.; <i>complies</i>
Setbacks Front Yard Rear Yard Side Yard	15 ft. 10 ft. 5 ft.	15.7 ft. 31 ft. 5 ft. south; 10 ft. north <i>complies</i>
Height	27 ft.	26 ft. 8 inches; <i>complies</i>

Parking	Two spaces are required for each residential unit. The historic house is not required to provide parking.	1 parking space will be accessible from Park Avenue, and the remaining 4 spaces will be accessible from Sullivan Road. 1 additional parking space will be provided as part of the development at 1460 Park Avenue. <i>complies</i>
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Condominium Conversions

LMC § 15-4-12 indicates that existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Planning, Engineering and Building Departments, City Attorney, and Record of Survey Plat approval from the City. Furthermore, required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.

In December 2015, the City issued a building permit to construct the three (3) new single-family houses behind the historic house. The applicant is still working on this active building permit. The structures, as approved on plans, are to be built per current building codes as approved.

The applicant is proposing the following units be platted as private ownership:

Common Area	6,384.5 SF
Limited Common Area	
Unit 1450A	100.3 SF
Unit 1450B	139.3 SF
Unit 1450C	139.3 SF
Unit 1450D	160.0 SF
Private Area (Units)	
Unit 1450A	713.1 SF
Unit 1450B	944.5 SF
Unit 1450C	944.5 SF
Unit 1450D	1,170.6 SF

Limited common areas are restricted to porches and patios.

Soils Boundary

The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet requirements of the Soils Ordinance.

Good Cause

Staff finds Good Cause for the Condominium Record of Survey as the requested form of ownership is not detrimental to the overall character of the neighborhood. In addition, it allows for the sale of the individual units.

Process

The approval of this Condominium Record of Survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-18.

Department Review

This project has gone through an interdepartmental review. Snyderville Basin Water Reclamation District (SBWRD) requested that the applicant show and label their easement on the plat. This has been incorporated as Condition of Approval #6. No additional issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet on February 8, 2017. Legal notice was also published in the Park Record according to requirements of the Land Management Code on February 4, 2017.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Retreat at the Park II condominium plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Retreat at the Park II condominium plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Retreat at the Park II condominium plat.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The proposed building would remain as is and the property owner would not have the option to sell the units individually.

Summary Recommendation

Staffs recommends that the Planning Commission hold a public hearing for the Retreat at the Park II located at 1450 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law,

and Conditions of Approval found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Condominium Record of Survey plat

Exhibit B – Recorded Retreat at the Park Plat Amendment

Exhibit C – Aerial Photograph

Exhibit D – Site Photographs

Ordinance No. 17-XX

AN ORDINANCE APPROVING THE RETREAT OF THE PARK I LOCATED AT 1450 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1450 Park Avenue have petitioned the City Council for approval of the Condominium Record of Survey; 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 February 22, 2017, to receive input on plat amendment; and

WHEREAS, the Planning Commission, February 22, 2017, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on March 16, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the April Inn Condominiums Record of Survey Plat.

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

SECTION 1. APPROVAL. Retreat at the Park Condominiums II 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 property is located at 1450 Park Avenue in the Historic Residential-Medium Density (HRM) District.
2. The subject property consists of Lot 2 of the Retreat at the Park Subdivision approved by the City Council as Ordinance 07-20 and recorded at Summit County on August 16, 2007.
3. On December 8, 2015, the Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation and relocation of the historic house at 1450 Park Avenue. The HDDR application was approved on November 21, 2016.
4. On February 3, 2016, the Historic Preservation Board (HPB) approved the

- material deconstruction for 1450 Park Avenue. Relocation of the house 8'6" to the west towards Park Avenue was approved by the HPB on March 2, 2016.
5. On July 13, 2016, the Planning Department approved a Conditional Use Permit (CUP) to allow access off Sullivan Road.
 6. On December 1, 2016, the Planning Department received a complete Condominium Record of Survey application for the Retreat at the Park II.
 7. The property owner proposes to record a Condominium Record of Survey that creates a total of four (4) units.
 8. A condominium is not a type of use but a form of ownership.
 9. The proposal complies with the allowed uses in the HRM District.
 10. Lot 1 of the Retreat at the Park Subdivision contains 9,212 square feet. This is greater than the minimum lot size required for four (4) dwelling units which is 5,625 square feet.
 11. The minimum lot width in the HRM District is 37.50 feet; Lot 1 is 54 feet in width.
 12. The required front yard setback is 15 feet in the HRM District; the applicant is providing a 15.7 foot front yard setback.
 13. The required rear yard setback is 10 feet in the HRM District; the applicant is proposing a 31 foot setback.
 14. The required side yard setback is 5 feet in the HRM District; the applicant is proposing 5 feet along the south side yard and 10 feet along the north side yard.
 15. A single-family dwelling is an allowed use in the HRM District.
 16. The proposed Condominium Record of Survey Plat is appropriate as the requested form of ownership is not detrimental to the overall character of the neighborhood.
 17. This application allows the following residential units to be platted as private ownership:
 - a. Unit 1450A: 713.1 square feet
 - b. Unit 1450B: 944.5 square feet
 - c. Unit 1450C: 944.5 square feet
 - d. Unit 1450D: 1,170.6 square feet
 18. The total private ownership of this project is 3,772.7 square feet.
 19. This application allows the following residential units to be platted as limited common ownership:
 - a. Unit 1450A: 100.3 square feet
 - b. Unit 1450B: 139.3 square feet
 - c. Unit 1450C: 139.3 square feet
 - d. Unit 1450D: 160.0 square feet
 20. This application allow for 6,384.5 square feet in common area.
 21. The proposed Record of Survey consists of common area, private residential, limited common residential, and private commercial.
 22. The exterior and boundary walls, floor joists, foundations, roofs, mechanical areas, utility chase, etc. are to be platted as common space.
 23. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance.
 24. Property is located in a FEMA Flood Zone A

25. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
3. 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 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 the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Required public improvements and landscaping, as applicable, shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.
4. The applicant shall dedicate a façade preservation easement to the City for the historic structure at 1450 Park Avenue following its restoration and prior to sale of the historic building to a private property owner.
5. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Prior to building permit issuance, a soils management plan must be submitted and final construction must comply with the Soils Ordinance.
6. The applicant shall show and label their easement with Snyderville Basin Water Reclamation District (SBWRD) on the condo plat amendment.
7. A plat note shall be included indicating that the parking spaces off Park Avenue are for the use of all residents within the condominium development.
8. Easements shall be required for shared use of the internal walkways and utilities in the common space between and on lots 1450 and 1460 Park Avenue.

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

PASSED AND ADOPTED this 16th day of March, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



Evergreen Engineering, Inc.
 1520 Highway 101, Suite 101 • 14410
 14410 Highway 101 • 14410
 Phone: 425.486.8888 Fax: 425.486.8888
 E-mail: info@evergreen-eng.com

DATE	BY	REVISIONS

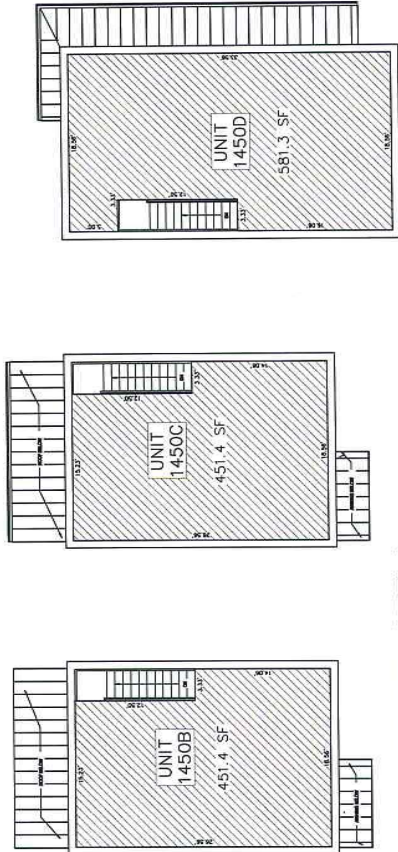


PROJECT NO. 14410-01-01
 DRAWN BY: DAW
 CHECKED BY: DAW
 APPROVED BY: DAW

THE RETREAT AT THE PARK
CONDOMINIUMS II
FLOOR PLANS

PARK CITY MUNICIPAL CORP.
 TRACT-PUDWA
 NO. 14410

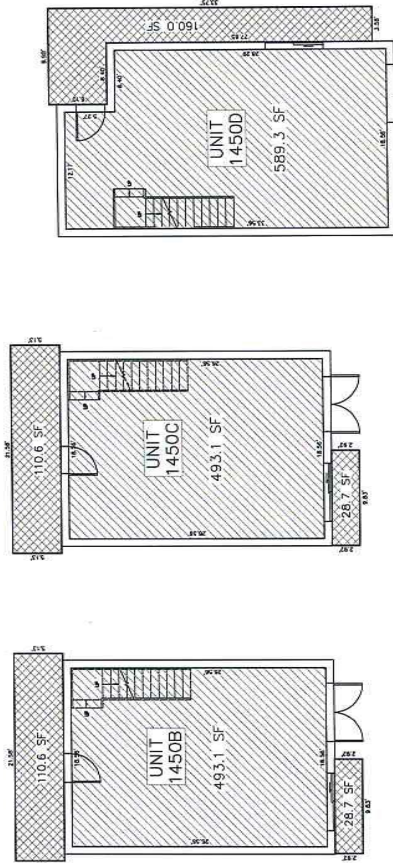
RECEIVED
DEC 01 2016
 PARK CITY
 PLANNING DEPT.



FLOOR PLAN - LEVEL 2
UNITS 1450B, 1450C & 1450D
FLOOR ELEV. = 6912.0'

HATCHING LEGEND

	COMMON AREA
	LIMITED COMMON AREA
	PRIVATE AREA

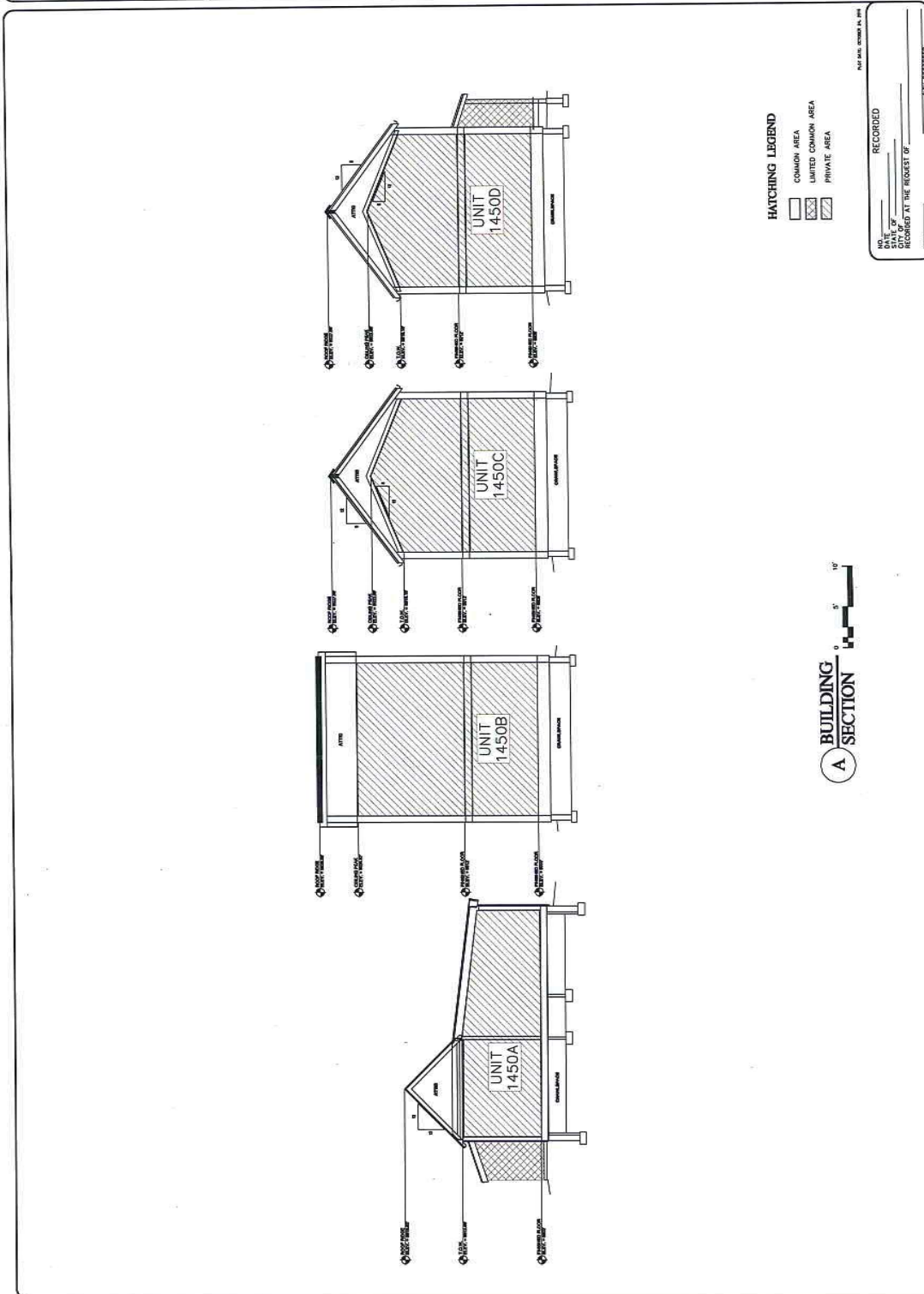


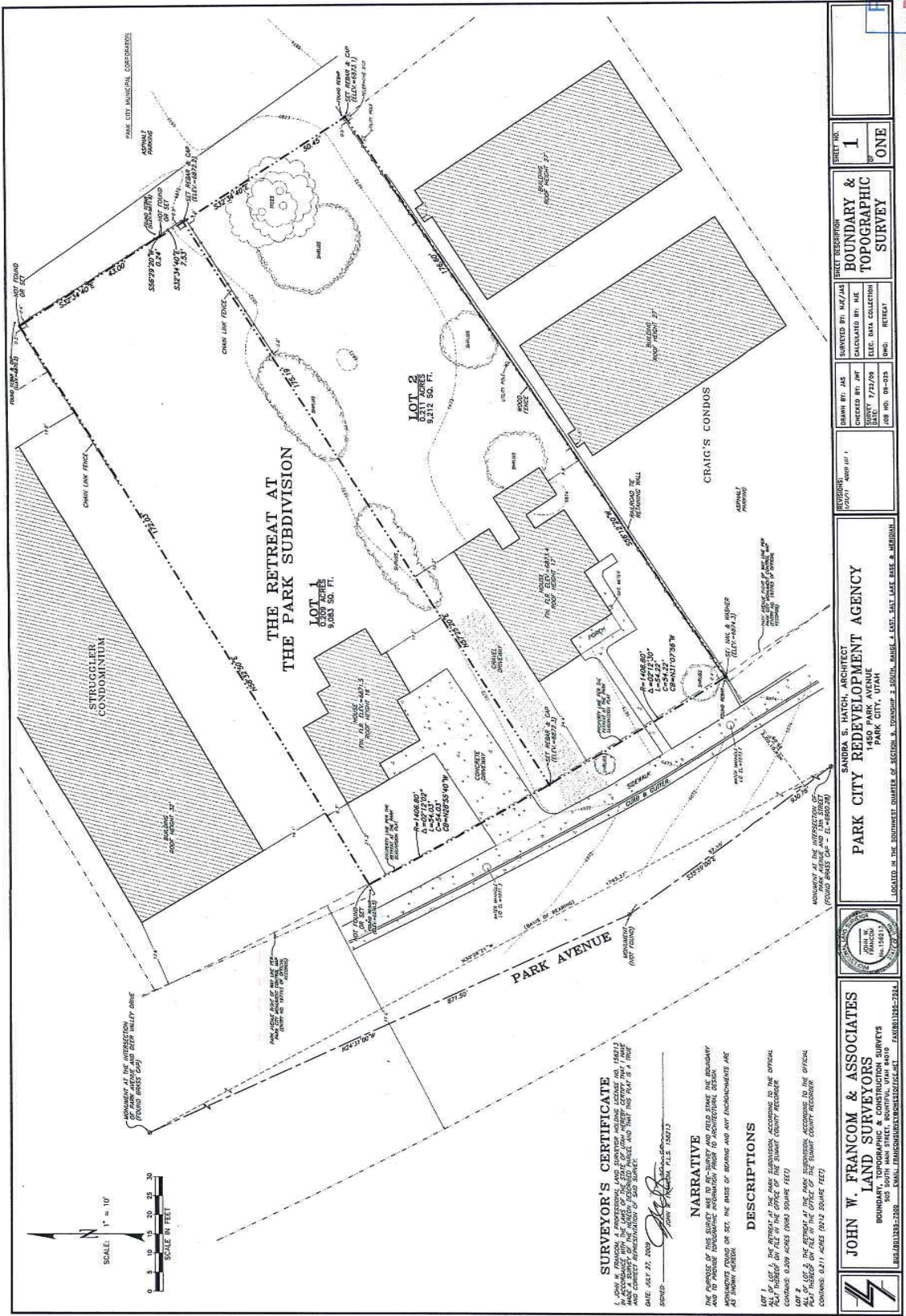
FLOOR PLAN - LEVEL 1
UNITS 1450A, 1450B, 1450C & 1450D
FLOOR ELEV. = 6903.0'

SHEET 2 OF 3
 DATE OF _____
 CITY OF _____
 RECORDED AT THE REQUEST OF _____
 RECORDED _____
 CITY RECORDER _____

RECEIVED
 DEC 01 2016
 PARK CITY
 PLANNING DEPT.

 Evergreen Engineering, Inc. Civil Engineering & Land Surveying 1000 West 1000 North, Suite 100 Provo, UT 84604 Phone: (801) 734-1000 Fax: (801) 734-1001 E-mail: info@evergreen-eng.com	SHEET NO. 1450B SHEET TOTAL 1450B	PROJECT NO. 1450B PROJECT NAME: THE RETREAT AT THE PARK BUILDING SECTION II CONDOMINIUMS II	DRAWN BY: [blank] CHECKED BY: [blank] DATE: [blank]	PARK CITY MUNICIPAL CORP. TRACT-SP/1450B SHEET NO. 1450B
	REVISIONS NO. DATE BY COMMENTS	SCALE: [blank] COMMENTS: [blank]	PROJECT NO. 1450B PROJECT NAME: THE RETREAT AT THE PARK BUILDING SECTION II CONDOMINIUMS II	DRAWN BY: [blank] CHECKED BY: [blank] DATE: [blank]





SURVEYOR'S CERTIFICATE

I, JOHN W. FRANCOM, A PROFESSIONAL LAND SURVEYOR, LICENSE NO. 158613, HAVE CONDUCTED A SURVEY OF THE RETREAT AT THE PARK SUBDIVISION, AND I HEREBY CERTIFY THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, AND THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING.

DATE: JULY 27, 2016
SIGNED: *[Signature]*
JOHN W. FRANCOM, P.L.S. 158613

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO RE-SURVEY AND FIELD BOUNDARY THE BOUNDARY AND TO PROVIDE ADDITIONAL INFORMATION PRIOR TO ARCHITECTURAL DESIGN AND TO PROVIDE ADDITIONAL INFORMATION PRIOR TO ARCHITECTURAL DESIGN.

DESCRIPTIONS

LOT 1: LOT 1, THE RETREAT AT THE PARK SUBDIVISION, ACCORDING TO THE OFFICIAL RECORD OF THE SURVEY OF THE RETREAT AT THE PARK SUBDIVISION, IS A TRAP EASEMENT 1.000 ACRES (1000 SQUARE FEET).
LOT 2: LOT 2, THE RETREAT AT THE PARK SUBDIVISION, ACCORDING TO THE OFFICIAL RECORD OF THE SURVEY OF THE RETREAT AT THE PARK SUBDIVISION, IS A TRAP EASEMENT 0.311 ACRES (311 SQUARE FEET).

JOHN W. FRANCOM & ASSOCIATES
LAND SURVEYORS
1450 PARK AVENUE
PARK CITY, UTAH 84010
PHONE: 435.225.1234
FAX: 435.225.1234
EMAIL: JFRANCOM@FRANCOMSURVEYING.COM

PARK CITY REDEVELOPMENT AGENCY
1450 PARK AVENUE
PARK CITY, UTAH 84010
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASIN & MERRILL

BOUNDARY & TOPOGRAPHIC SURVEY
PROJECT NO. 1
ONE
DRAWN BY: JAS
CHECKED BY: JWF
DATE: 7/27/16
JOB NO: 09-035
SURVEYED BY: JAS
CALCULATED BY: JWF
DATE: 7/27/16
JOB NO: 09-035
ELECT. DATA COLLECTION
DATE: 7/27/16
JOB NO: 09-035

RECEIVED
DEC 01 2016
PARK CITY
PLANNING DEPT.



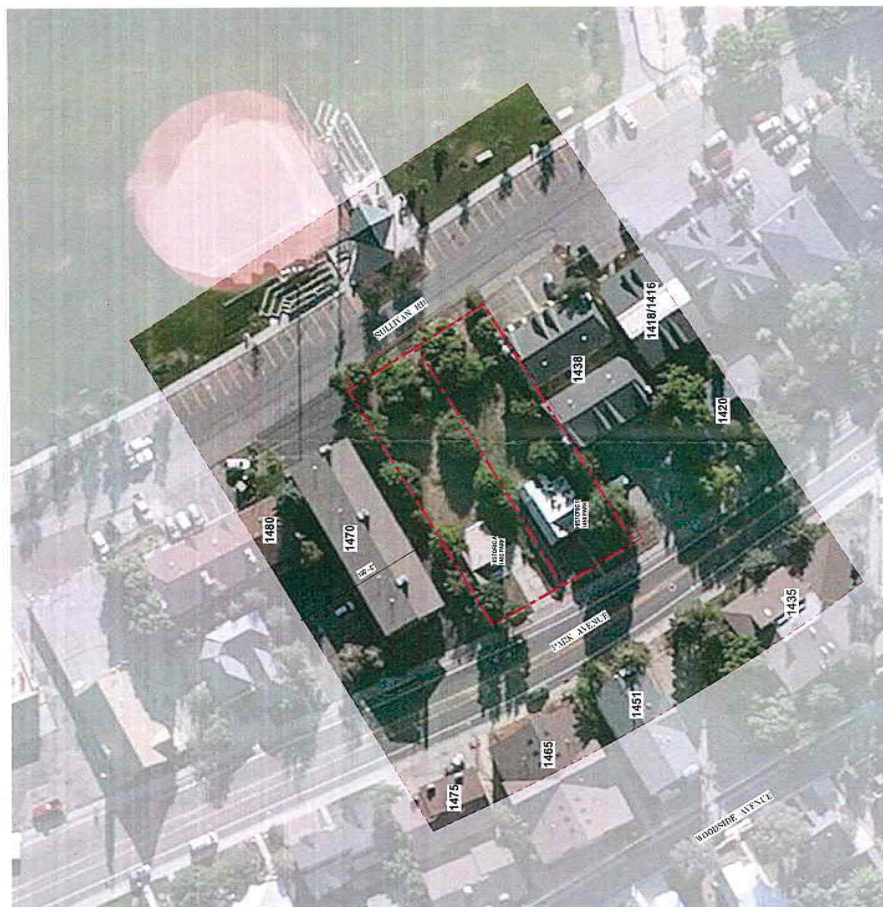
Caddis Architecture, pc.

PARK CITY MUNICIPAL

**1450/1460 PARK AVE.
AFFORDABLE HOUSING**

NEIGHBOR PROPERTIES*

100 FT



NEIGHBOR PROPERTIES

100 FT

[illegible]

AREA PLAN

As indicated

11.30.2016

PROJECT # 1521

CADDIS PC

RECEIVED

DEC 01 2016

PARK CITY
PLANNING DEPT.

1450 Park Avenue



RECEIVED
DEC 01 2016
PARK CITY
PLANNING DEPT.

Planning Commission Staff Report

Subject: Retreat at the Park I (1460 Park Avenue)
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-16-03385
Date: 22 February 2017
Type of Item: Legislative – Condominium Record of Survey

Summary Recommendations

Staffs recommends that the Planning Commission hold a public hearing for the Retreat at the Park I located at 1460 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Description

Applicant: Park City Municipal Corporation, represented by Rhoda Stauffer
Location: 1460 Park Avenue
Zoning: Historic Residential-Medium Density District (HRM)
Adjacent Land Uses: Commercial and Residential
Reason for Review: Condominium Record of Surveys require Planning Commission review and City Council review and action

Proposal

The property owner proposes to record a Condominium Record of Survey that creates a total of four (4) residential units.

Background

On March 29, 2007, Ordinance 07-20 approved the creation of two (2) legal lots of record from two (2) metes and bounds parcels at 1450-1460 Park Avenue. Later that year, the Retreat at the Park Subdivision was recorded on August 16, 2007.

In 2009, the City purchased the properties at 1450-1460 Park Avenue through the Lower Park Redevelopment Agency with the intent of creating an affordable housing project. In March 2012, City Council began collaborating with Green Park Cohousing, LLC on the purchase of the property following an RFP process. Following the approvals of the Conditional Use Permit (CUP) and a plat amendment that was not recorded, Green Park Cohousing withdrew their applications as they were unable to secure financing for the project.

The City has since chosen to develop these two lots at 1450-1460 Park Avenue. The applicant is proposing to rehabilitate the existing two (2) historic houses at 1450 and 1460 Park Avenue as well as build six (6) new single-family houses; there will be a total of eight (8) affordable housing units located on the two (2) properties.

On December 8, 2015, the Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation and relocation of the historic house at 1460 Park Avenue; the application was deemed complete on December 17, 2015. On February 3, 2016, the Historic Preservation Board (HPB) approved the material deconstruction at both 1450 and 1460 Park Avenue. The relocation of the house at 1460 Park Avenue 5'5" to the west towards Park Avenue was approved by the HPB on March 2, 2016. The HDDR application for the rehab of the historic home was approved by the Planning Department on June 14, 2016; the HDDR to construct the new single-family dwellings behind the historic house was approved on November 21, 2016.

On May 2, 2016, the Planning Department received a CUP application for access off Sullivan Road; the application was approved by the Planning Commission on July 13, 2016. [See [Report \(Page 275\)](#) and [Minutes \(Page 51\)](#).] The CUP included a condition of approval that required the applicant to dedicate façade preservation easements to the City for both the historic structure at 1450 and 1460 Park Avenue following their restoration and prior to sale of the historic buildings to private property owners; staff has included this in the conditions of approval for this condominium plat as well.

On December 1, 2016, the Planning Department received a completed Condominium Record of Survey application for the Retreat at the Park I. The property is located at 1460 Park Avenue in the HRM District.

The applicant could have chosen to create a plat amendment encompassing both 1450 and 1460 Park Avenue and then create one condominium association; however, the applicant ultimately decided it was better to keep the lots separate due to the parking requirements of the LMC. A Conditional Use Permit (CUP) is required for a Parking Area or structure with five (5) or more spaces; by keeping the lots separate, 1450 Park's Parking Area is limited to four or fewer spaces and is an Allowed Use. Easements will be required for the shared use of internal walkways and utilities that cross the interior property line between 1450-1460 Park Avenue.

The applicant has five (5) spaces along Sullivan Road at 1460 Park Avenue, which requires a Conditional Use Permit (CUP). The parking spaces in tandem configuration on the south side of the parking area will be assigned to the residents of the largest single family home—1450 Park Avenue Unit D. Staff has added Condition of Approval #9 requiring that the applicant submit a Conditional Use Permit (CUP) for the five-stall parking area along Sullivan Road at 1460 Park Avenue prior to recording this condo plat.

Purpose

The purpose of the Historic Residential Medium Density (HRM) District is to:

- A. Allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- B. Encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,

- C. Encourage the rehabilitation of existing Historic Structures,
- D. Encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- E. Encourage Affordable Housing,
- F. Encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and
- G. Establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

Analysis

A condominium is not a type of use but a form of ownership. The proposed Condominium Record of Survey plat identifies private, common, and limited common ownership areas within the existing and proposed building and site.

The proposed Retreat at the Park I condominium plat is consistent with the purpose statements of the HRM District and meets all Land Management Code (LMC) requirements. The applicant is in the process of rehabilitating the existing historic house and constructing three (3) additional houses on site in order to provide a total of four (4) affordable housing units at 1460 Park Avenue. The lot size required for four (4) dwelling units is 5,625 square feet. The existing lot size at 1460 Park of 9,083 square feet is greater than the minimum required lot size for a development of four (4) dwelling units (5,625 SF).

Per LMC 15-2.4-6 existing historic structures that do not comply with off-street parking requirements are valid non-complying structures. The historic house at 1460 Park Avenue is designated as “Significant” on the City’s Historic Sites Inventory (HSI), and is not required to provide parking. The three (3) new single-family dwellings proposed on the lot are required to provide two (2) parking spaces each for a total of six (6). Two (2) of these spaces will be accessible from Park Avenue, while the remaining five (5) spaces will be accessible from Sullivan Road; the fifth (5th) space accessible from Sullivan Road will be designated as parking for the new single-family houses at 1450 Park Avenue.

During the Planning Commission’s CUP discussion for this project on July 13, 2016 [[Packet](#) (page 275) and [Minutes](#) (page 51)]. The Planning Commission had expressed concern that the historic houses were not required to provide parking as they found this would create additional demand for the on-site parking. There were also concerns about the development’s residents sharing a tandem parking space and the inconvenience of moving cars. The applicant plans for the HOA to assign one (1) parking space to each house and any additional parking shared between the two sites will be shared among the residents. Staff has added Condition of Approval #7 requiring that a plat note shall be included indicating that the parking spaces off Park Avenue are for the use of all residents within the condominium development.

	Permitted in HRM	Proposed in HDDR and Under Construction
Lot and Site Requirements	5,625 SF	9,083 SF; <i>complies</i>
Lot Width	37.50 ft., measured fifteen feet (15') from the Front Lot Line	53 ft.; <i>complies</i>
Setbacks Front Yard Rear Yard Side Yard	15 ft. 10 ft. 5 ft.	15.7 ft. 30 ft. 5 ft. north; 11 ft. south <i>complies</i>
Height	27 ft.	26 ft. 8 inches; <i>complies</i>
Parking	Two spaces are required for each residential unit. The historic house is not required to provide parking.	2 parking spaces will be accessible from Park Avenue, and 5 spaces will be accessible from Sullivan Road. <i>Complies as conditioned</i>

Condominium Conversions

LMC § 15-4-12 indicates that existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Planning, Engineering and Building Departments, City Attorney, and Record of Survey Plat approval from the City. Furthermore, required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.

In December 2015, the City issued a building permit to construct the three (3) new single-family houses behind the historic house. The applicant is still working on this active building permit. The structures, as approved on plans, are to be built per current building codes as approved.

The applicant is proposing the following units be platted as private ownership:

Common Area	6,418.0 SF
Limited Common Area	
Unit 1460A	124.1 SF
Unit 1460B	139.3 SF
Unit 1460C	139.3 SF
Unit 1460D	166.5 SF
Private Area (Units)	
Unit 1460A	606.2 SF
Unit 1460B	944.5 SF
Unit 1460C	944.5 SF
Unit 1460D	944.5 SF

Limited common areas are restricted to porches and patios.

Soils Boundary

The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet requirements of the Soils Ordinance.

Good Cause

Staff finds Good Cause for the Condominium Record of Survey as the requested form of ownership is not detrimental to the overall character of the neighborhood. In addition, it allows for the sale of the individual units.

Process

The approval of this Condominium Record of Survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-18.

Department Review

This project has gone through an interdepartmental review. Snyderville Basin Water Reclamation District (SBWRD) requested that the applicant show and label their easement on the plat. This has been incorporated as Condition of Approval #6. No additional issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet on February 8, 2017. Legal notice was also published in the Park Record according to requirements of the Land Management Code on February 4, 2017.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Retreat at the Park I condominium plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Retreat at the Park I condominium plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Retreat at the Park I condominium plat.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The proposed building would remain as is and the property owner would not have the

option to sell the units individually.

Summary Recommendation

Staffs recommends that the Planning Commission hold a public hearing for the Retreat at the Park I located at 1460 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Condominium Record of Survey plat

Exhibit B – Recorded Retreat at the Park Plat Amendment

Exhibit C – Aerial Photograph

Exhibit D – Site Photographs

Ordinance No. 17-XX

AN ORDINANCE APPROVING THE RETREAT OF THE PARK II LOCATED AT 1460 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1460 Park Avenue have petitioned the City Council for approval of the Condominium Record of Survey; 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 February 22, 2017, to receive input on plat amendment; and

WHEREAS, the Planning Commission, February 22, 2017, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on March 16, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Retreat at the Park Condominiums I Record of Survey Plat.

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

SECTION 1. APPROVAL. Retreat at the Park I 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 property is located at 1460 Park Avenue in the Historic Residential-Medium Density (HRM) District.
2. The subject property consists of Lot 1 of the Retreat at the Park Subdivision approved by the City Council as Ordinance 07-20 and recorded at Summit County on August 16, 2007.
3. On December 8, 2015, the Planning Department received a Historic District Design Review (HDDR) application for the rehabilitation and relocation of the historic house at 1460 Park Avenue. The HDDR application was approved on November 21, 2016.
4. On February 3, 2016, the Historic Preservation Board (HPB) approved the

- material deconstruction for 1460 Park Avenue. Relocation of the house 5'5" to the west towards Park Avenue was approved by the HPB on March 2, 2016.
5. On July 13, 2016, the Planning Department approved a Conditional Use Permit (CUP) to allow access off Sullivan Road.
 6. On December 1, 2016, the Planning Department received a complete Condominium Record of Survey application for the Retreat at the Park I.
 7. The property owner proposes to record a Condominium Record of Survey that creates a total of four (4) units.
 8. A condominium is not a type of use but a form of ownership.
 9. The proposal complies with the allowed uses in the HRM District.
 10. Lot 2 of the Retreat at the Park Subdivision contains 9,083 square feet. This is greater than the minimum lot size required for four (4) dwelling units which is 5,625 square feet.
 11. The minimum lot width in the HRM District is 37.50 feet; Lot 1 is 53 feet in width.
 12. The required front yard setback is 15 feet in the HRM District; the applicant is providing a 15.7 foot front yard setback.
 13. The required rear yard setback is 10 feet in the HRM District; the applicant is proposing a 30 foot setback.
 14. The required side yard setback is 5 feet in the HRM District; the applicant is proposing 5 feet along the north side yard and 10 feet along the south side yard.
 15. A single-family dwelling is an allowed use in the HRM District.
 16. The proposed Condominium Record of Survey Plat is appropriate as the requested form of ownership is not detrimental to the overall character of the neighborhood.
 17. This application allows the following residential units to be platted as private ownership:
 - a. Unit 1460A: 606.2 square feet
 - b. Unit 1460B: 944.5 square feet
 - c. Unit 1460C: 944.5 square feet
 - d. Unit 1460D: 944.5 square feet
 18. The total private ownership of this project is 3,439.7 square feet.
 19. This application allows the following residential units to be platted as limited common ownership:
 - a. Unit 1460A: 124.1 square feet
 - b. Unit 1460B: 139.3 square feet
 - c. Unit 1460C: 139.3 square feet
 - d. Unit 1460D: 166.5 square feet
 20. This application allow for 6,418.0 square feet in common area.
 21. The proposed Record of Survey consists of common area, private residential, limited common residential, and private commercial.
 22. The exterior and boundary walls, floor joists, foundations, roofs, mechanical areas, utility chase, etc. are to be platted as common space.
 23. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance.
 24. Property is located in a FEMA Flood Zone A

25. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
3. 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 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 the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Required public improvements and landscaping, as applicable, shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.
4. The applicant shall dedicate a façade preservation easement to the City for the historic structure at 1460 Park Avenue following its restoration and prior to sale of the historic building to a private property owner.
5. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Prior to building permit issuance, a soils management plan must be submitted and final construction must comply with the Soils Ordinance.
6. The applicant shall show and label their easement with Snyderville Basin Water Reclamation District (SBWRD) on the condo plat amendment.
7. A plat note shall be included indicating that the parking spaces off Park Avenue are for the use of all residents within the condominium development.
8. Easements shall be required for shared use of the internal walkways and utilities in the common space between and on lots 1450 and 1460 Park Avenue.
9. The applicant shall receive an approval for a Conditional Use Permit (CUP) for the five-stall parking area along Sullivan Road at 1460 Park Avenue prior to recordation of the condo plat.

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

PASSED AND ADOPTED this 16th day of March, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

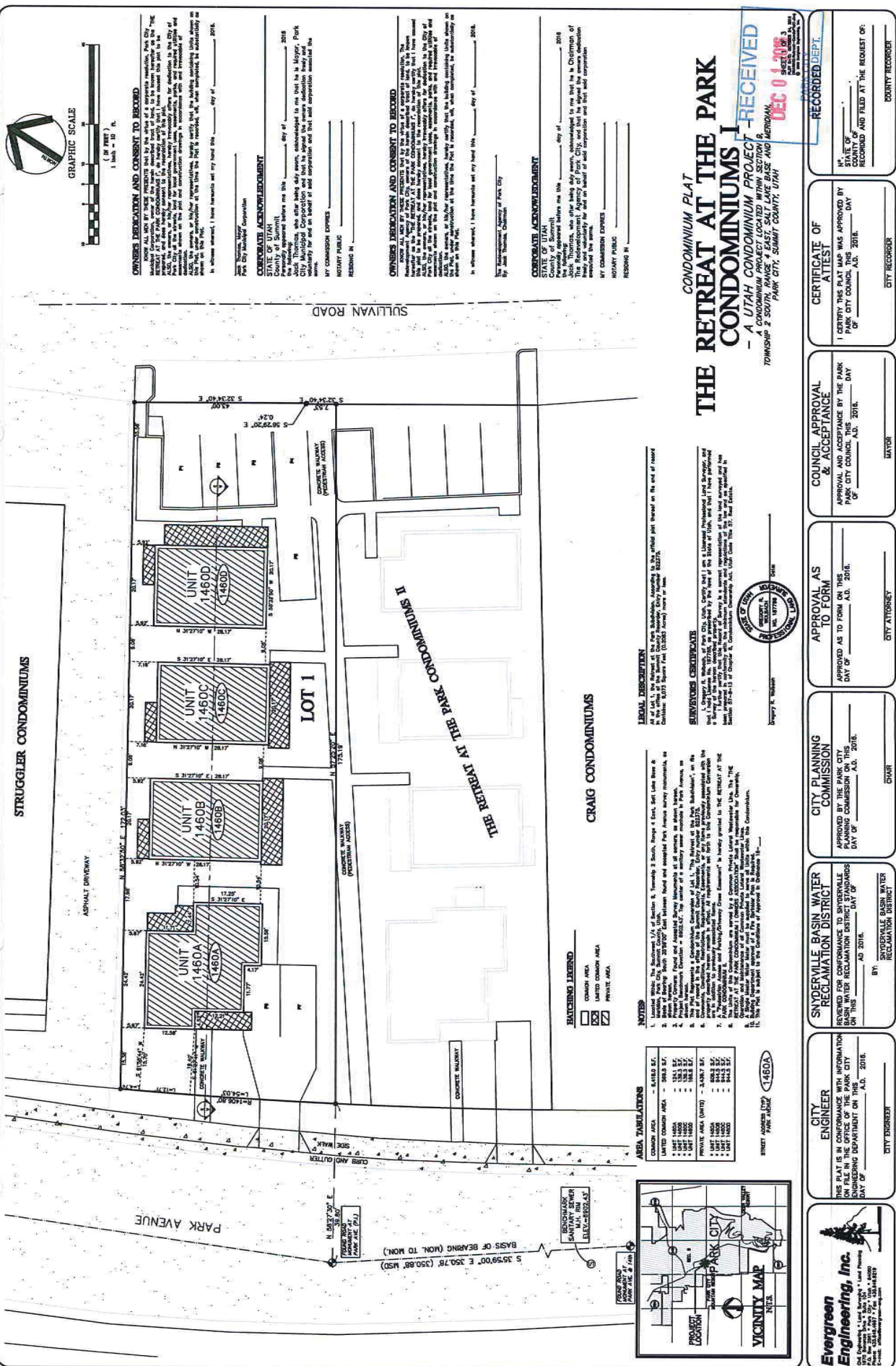
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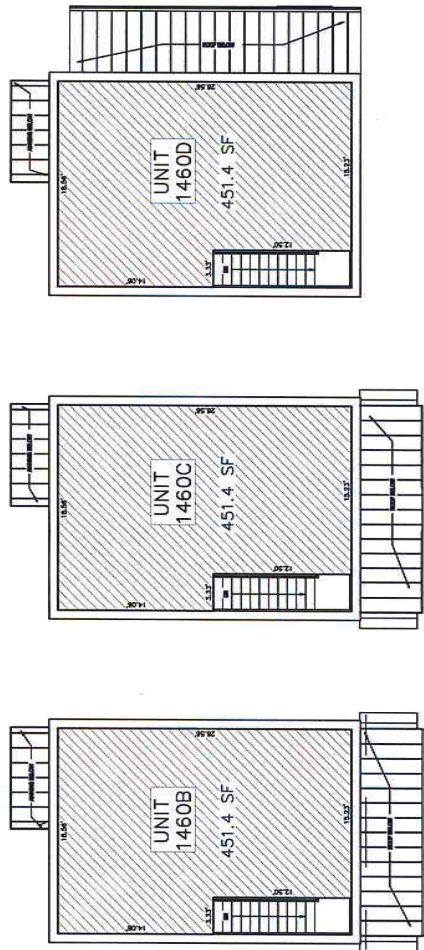
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

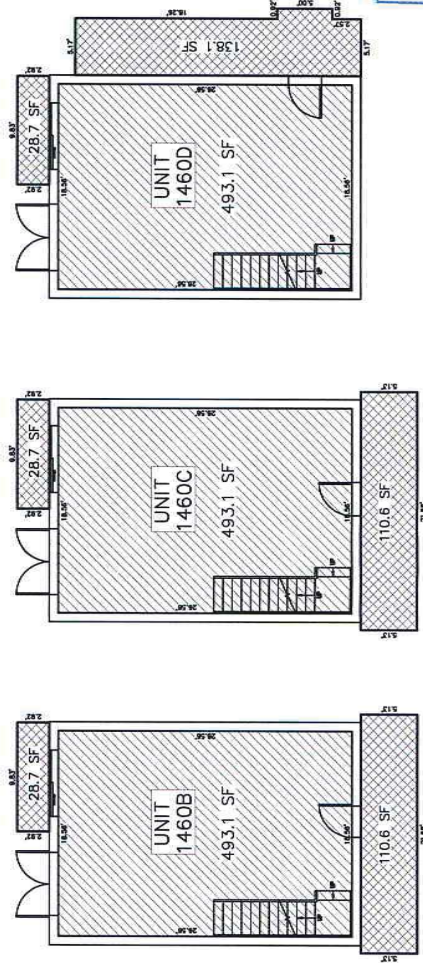
Attachment 1 – Proposed Plat



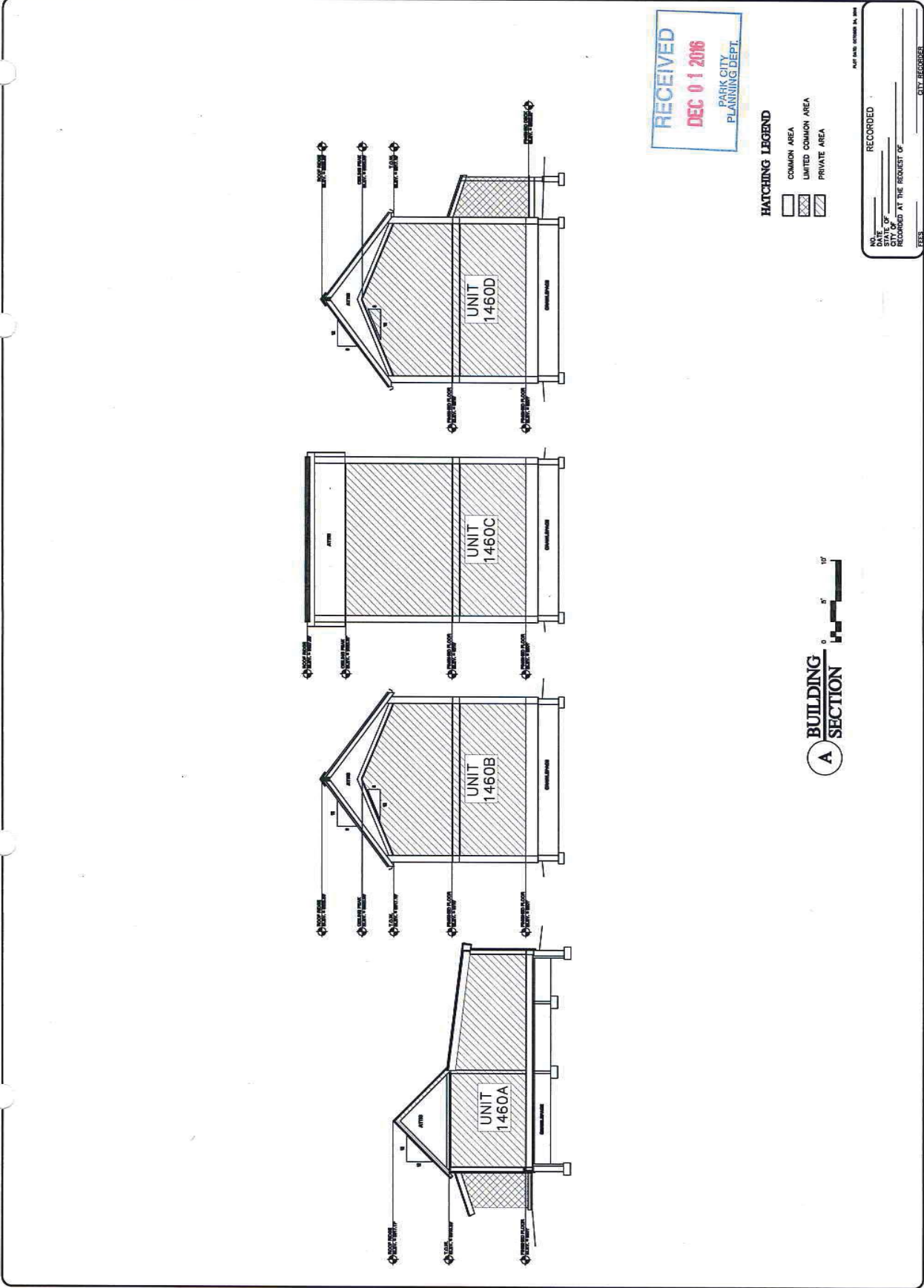


HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA



RECEIVED
DEC 01 2016
 PARK CITY
 PLANNING DEPARTMENT
 RECORDED
 NO. _____
 DATE OF _____
 CITY OF _____
 RECORDED AT THE REQUEST OF _____
 CITY RECORDER _____
 FEE _____





1460 Park Avenue



Northwest corner



Southeast corner



Northeast corner

DEC 01 2016
PARK CITY
PLANNING DEPT.

Planning Commission Staff Report



Subject: 1750 Sidewinder Drive
Conditional Use Permit (CUP)
Project Number: PL-16-03415
Author: Ashley Scarff, Planning Technician
Date: February 22, 2017
Type of Item: Administrative - CUP

Summary Recommendation

Staff recommends that the Planning Commission reviews the request for a Conditional Use Permit (CUP) for the installation of a permanent freestanding sign within the Frontage Protection Zone (FPZ) for the Intermountain Park City InstaCare located at 1750 Sidewinder Drive, conducts a public hearing, and considers approving the CUP based on the findings of fact, conclusions of law, and conditions of approval found in this staff report.

Description

Applicant: Intermountain Healthcare, represented by Charlie Taylor, YESCO, LLC
Location: 1750 Sidewinder Drive
Zoning: General Commercial (GC) District with Frontage Protection Zone (FPZ) Overlay
Adjacent Land Uses: Commercial
Reason for Review: Planning Commission must review CUP requests for installation of freestanding signs placed within the FPZ

Proposal

This application is a request for a CUP to allow Intermountain Healthcare to install a permanent freestanding sign within the Frontage Protection Zone (FPZ) for the new Intermountain Park City InstaCare located at 1750 Sidewinder Drive. The proposed sign will be set back thirty-one feet and seven inches (31'- 7") from the Kearns Boulevard right-of-way line, and a minimum of ten feet (10') from the property line fronting Sidewinder Drive, per the Land Management Code (LMC) (refer to Exhibit A, sign location #3). The freestanding sign will complement additional signage that was reviewed and approved administratively on January 30, 2017, under a separate sign permit application.

Background

On December 22, 2016, the Planning Department received an application for a CUP to allow Intermountain Healthcare to install a permanent freestanding sign within the FPZ for the new Intermountain Park City InstaCare at 1750 Sidewinder Drive. The application was considered complete on January 19, 2017.

The proposed freestanding sign will complement additional signage that was reviewed and approved administratively on January 30, 2017, under a separate sign permit

application. The scope of the separate sign permit application included two (2) identical wall signs and one (1) entrance sign (refer to Exhibits A, E, and F).

Per LMC §15-2.20-2, the FPZ is an overlay zone that includes properties with frontage on, and within 100 feet (100') of the right-of-way line of the following streets:

- A. Park Avenue, SR 224, from 15th Street north to the City Limits,*
- B. Marsac Avenue, SR 224, from its upper intersection with Prospect Avenue to the south City limits,*
- C. Kearns Boulevard, SR 248, from Park Avenue east to the east City limits, and*
- D. Deer Valley Drive from Park Avenue to Heber Avenue, the SR 224 Belt Route.*

Per LMC §15-2.20-1, the purpose of the FPZ is to:

- A. preserve Park City's scenic view corridors,*
- B. preserve and enhance the rural resort character of Park City's entry corridor,*
- C. provide a significant landscaped buffer between Development and highway Uses,*
- D. minimize curb cuts, driveways and Access points to highways,*
- E. allow for future pedestrian and vehicular improvements along the highway corridors.*

The following sections of the Municipal Code apply to this proposal:

LMC §15-2.20-4 FPZ Lot and Site Requirements

- A. Regardless of the zone Setback and Yard requirements, except as otherwise provided herein, no Structure shall be allowed within thirty feet (30') of the nearest highway Right-of-Way. An exception to this requirement shall be granted for two (2) municipal identification signs, one within the Utah State Highway 224 entry corridor, and the other within the Utah State Highway 248 entry corridor, provided that Park City Municipal Corporation is the Applicant and subject to approval pursuant to Municipal Code Section 12-9-1(L).*
- B. All Construction Activity, including permanent signs, in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line requires a Conditional Use permit and is subject to all applicable review criteria as stated in Section 15-1-10. Review of projects within the FPZ shall include design review criteria as stated in LMC Chapter 15-5.*

The subject property falls within the GC District, with a portion of the property that fronts Kearns Boulevard falling within the FPZ Overlay area (Exhibit B). It is proposed that the freestanding sign will be located 31 feet and seven inches (31'- 7") from the Kearns Boulevard right-of-way boundary, and will be set back a minimum of ten feet (10') from the property line fronting Sidewinder Drive (Exhibits A and B).

In addition to the sections noted above, the proposed sign shall meet all requirements as outlined in the **Park City Sign Code §12**. The **Sign Code §12-9-1(G)5** specifically states that freestanding signs are permitted within the GC District, but those located within the FPZ require a CUP. Other sections of the Sign Code also regulate specific elements of the sign, including maximum sign area, overall height, lettering height, orientation, design,

and illumination. The freestanding sign, as proposed, meets all requirements of the Sign Code, and could be approved administratively if it were not located within the FPZ.

Analysis

This proposal must be weighed against the CUP review criteria found in LMC §15-1-10(E), #1-16.

LMC §15-1-10 Conditional Use Review Process

E. REVIEW. *The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:*

1. Size and location of the Site;

The sign is proposed to be set back 31 feet and seven inches (31' - 7") from the Kearns Boulevard right-of-way line, and a minimum of ten feet (10') from the property line that fronts Sidewinder Drive. The proposed sign shall be oriented perpendicular to Kearns Boulevard, thus, will be finished on both sides. The sign area is 19.96 square feet, and height is seven feet (7') measured from final grade (sign and brick base). As proposed, the size and location of the sign meets all applicable regulations found in the LMC and Park City Sign Code. **No Unmitigated Impacts.**

2. Traffic considerations including capacity of the existing Streets in the Area;

Not applicable, as the proposed sign shall have no direct impact on traffic counts or capacity of streets in the area. **No Unmitigated Impacts.**

3. Utility capacity, including Storm Water run-off;

Not applicable, as the proposed sign shall not require the use of utilities beyond minor electric service for the proposed illumination. Installation of the sign and associated lighting will require a Building Permit. **No Unmitigated Impacts.**

4. Emergency vehicle Access;

Not applicable, as the proposed sign will be set back from both Kearns Boulevard and Sidewinder Drive, and will not be located near the driveway access points to the property. **No Unmitigated Impacts.**

5. Location and amount of off-Street parking;

Not applicable, as the proposed sign will not be located near any existing or new off-street parking areas. The addition of a sign does not spur a need for additional off-street parking. **No Unmitigated Impacts.**

6. Internal vehicular and pedestrian circulation system;

Not applicable, as the proposed sign will be located within the landscaped buffer area

between the InstaCare building and Kearns Boulevard. It will be positioned next to the existing pedestrian and bicycle pathway that fronts Kearns Boulevard, but will not interfere with it in any way. **No Unmitigated Impacts.**

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

The sign is not required to be fenced or screened, but the impacted area shall be re-landscaped appropriately following installation of the sign, as conditioned. A landscape plan showing landscaping intent, plants, ground cover materials and irrigation, shall be provided with the Building Permit application. **No unmitigated impacts.**

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

Not applicable, as the proposed sign is not a building. In line with requirements of the Park City Sign Code §12-9-1(G), the freestanding sign shall not exceed 20 square feet (20 sf) in area (proposed at 19.96 sf), and may not exceed a height of seven feet (7') measured from final grade (currently proposed at 7 feet). The sign will be oriented perpendicular to nearby Kearns Boulevard, and will be finished on both sides. **No unmitigated impacts.**

9. Usable Open Space;

The first thirty feet (30') of the FPZ is not officially zoned as open space, but by default an open space area is created due to the restrictions that the LMC places on this area (no construction allowed within first 30 feet of right-of-way line, with minor exceptions). If approved, the sign will be placed within the landscaped buffer area between Kearns Boulevard and the new InstaCare building, adjacent to the existing pedestrian and bicycle pathway. The only usable "open space" that will be affected is the small area of ground that the sign will be built on. **No unmitigated impacts.**

10. Signs and lighting;

This application is for the installation of a new sign that currently has a proposed design that meets all requirements outlined in the Park City Sign Code, Title 12. External, down-directed and shielded lighting has been proposed for this sign that also meets lighting requirements of the Sign Code. **No unmitigated impacts.**

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

In accordance with the Sign Code, the proposed sign has a solid base that is aesthetically compatible with the architecture of the associated InstaCare (white brick to match building). The sign also has mass and scale that meets all requirements of the Sign Code. **No unmitigated impacts.**

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

The sign will not create undesirable situations such as noise, vibration, odors, or steam that would affect people and property off-site. **No unmitigated impacts.**

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;

Not applicable, as the proposed sign will not affect the flow of delivery and service vehicles, loading and unloading zones, or trash and recycling pickup areas. **No unmitigated impacts.**

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities;

Not applicable for this application; these impacts were considered during the CUP review process for the construction of the InstaCare building itself. **No unmitigated impacts.**

15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the topography of the Site; and

While the subject property falls within the Park City Soils Ordinance District, the Environmental Regulatory Program Manager has indicated that potential soils impacts were mitigated via the Construction Mitigation Plan associated with the building permit for the InstaCare building itself. Staff recommends a condition of approval that excavated soils that result from installation of the sign (to install the footing and foundation) shall remain on site or otherwise shall be regulated per requirements of the Park City Soils Ordinance. **No unmitigated impacts, as conditioned.**

16. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

The project site is located within the Prospector Square neighborhood of Park City. The General Plan stresses the importance of preserving the natural setting of the eastern gateway into Park City by maintaining and enhancing the Frontage Protection Zone (FPZ) and Entry Corridor Protection Overlay (ECPO). The proposed sign will help maintain the FPZ with a minimum setback of thirty feet (30') from the Kearns Boulevard right-of-way, and enhances the entry corridor with an aesthetically pleasing design that complements the InstaCare building it represents. **Consistent.**

Process

Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

This project has gone through an interdepartmental review. Issues raised have been

addressed with conditions of approval.

Notice

On February 8, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on February 8th.

Public Input

As of the publish date of this report, no public input has been received by Staff. Public comment will be taken at the regularly scheduled meeting on February 22, 2017.

Alternatives

1. The Planning Commission may approve the CUP as proposed and conditioned; or
2. The Planning Commission may deny the CUP and direct staff to prepare findings supporting this recommendation; or
3. The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The CUP request will be denied, and Intermountain Healthcare will not be able to place a freestanding sign at the proposed location within the FPZ to identify the Intermountain Park City InstaCare.

Recommendation

Staff recommends that the Planning Commission reviews the request for a Conditional Use Permit (CUP) for the installation of a permanent freestanding sign within the Frontage Protection Zone (FPZ) for the new Intermountain Park City InstaCare located at 1750 Sidewinder Drive, conducts a public hearing, and considers approving the CUP based on the findings of fact, conclusions of law, and conditions of approval found in this staff report.

Findings of Fact:

1. On December 22, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) to allow Intermountain Healthcare to install a permanent freestanding sign within the Frontage Protection Zone (FPZ) for the new Intermountain Park City InstaCare located at 1750 Sidewinder Drive.
2. The freestanding sign will complement additional signage that was reviewed and approved administratively on January 30, 2017, under a separate sign permit application. The separate sign permit included two (2) identical wall signs and one (1) freestanding entrance sign.
3. The subject property falls within the General Commercial (GC) District with a portion of the lot that fronts Kearns Boulevard falling within the FPZ Overlay area.
4. The Land Management Code (LMC) states that, within the FPZ, all construction activity, including permanent signs, within the setback area between thirty feet (30') and one hundred feet (100') from the nearest right-of-way line requires a CUP.

5. The sign is proposed to be set back 31 feet, 7 inches (31', 7") from the Kearns Boulevard right-of-way line, and a minimum of ten feet (10') from the property line that fronts Sidewinder Drive. It will be oriented perpendicular to Kearns Boulevard; thus, finished on both sides.
6. The area of the sign is proposed at 19.96 square feet, with a height of seven feet (7') measured from final grade. External illumination of the sign has also been proposed.
7. The proposed sign meets all requirements related to area, overall height, lettering height, orientation, design, and illumination, per the Park City Sign Code, Title 12.
8. On February 8, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on February 8th.
9. The Findings in the Analysis Section are incorporated herein.
10. This application has been reviewed under Land Management Code Section 15-1-10 (E).

Conclusions of Law:

1. The application satisfies all Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16);
2. The Use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation;
3. The Application complies with all requirements of the LMC; and
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. The scope of this approval includes one (1) freestanding sign within the Frontage Protection Zone (FPZ) only. The sign shall be oriented perpendicular to Kearns Boulevard, and shall be finished on both sides.
2. The sign shall be set back a minimum of thirty feet (30') from the Kearns Boulevard right-of-way line, and a minimum of ten feet (10') from the side property line fronting Sidewinder Drive.
3. The sign must entirely comply with the Park City Sign Code, Title 12.
4. The sign shall be limited to a maximum of twenty square feet (20 sf) in area, measured following methodology outlined in the Park City Sign Code §12-4-2.
5. The sign shall not exceed a height of seven feet (7') measured from final grade.
6. Prior to construction of the freestanding sign, the applicant must apply for and procure a Building Permit from the Building Department. The Building Permit application must include the location of existing utilities near the sign's location, and ensure that they are not interfered with.
7. The proposed external illumination of the sign must incorporate steady, stationary, shielded fixtures directed solely onto the sign without causing glare. The intensity of the lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent public right-of-ways (Kearns and Sidewinder).
8. The applicant must apply for and procure an electrical permit from the Building Department prior to installing any lighting on the sign.
9. Excavated soils that result from installation of the sign (to install the footing and foundation) shall remain on site or otherwise shall be regulated per requirements of the Park City Soils Ordinance.

10. The impacted area must be re-landscaped appropriately following installation of the sign.

Exhibits

Exhibit A – Site Plan with Proposed Sign Locations

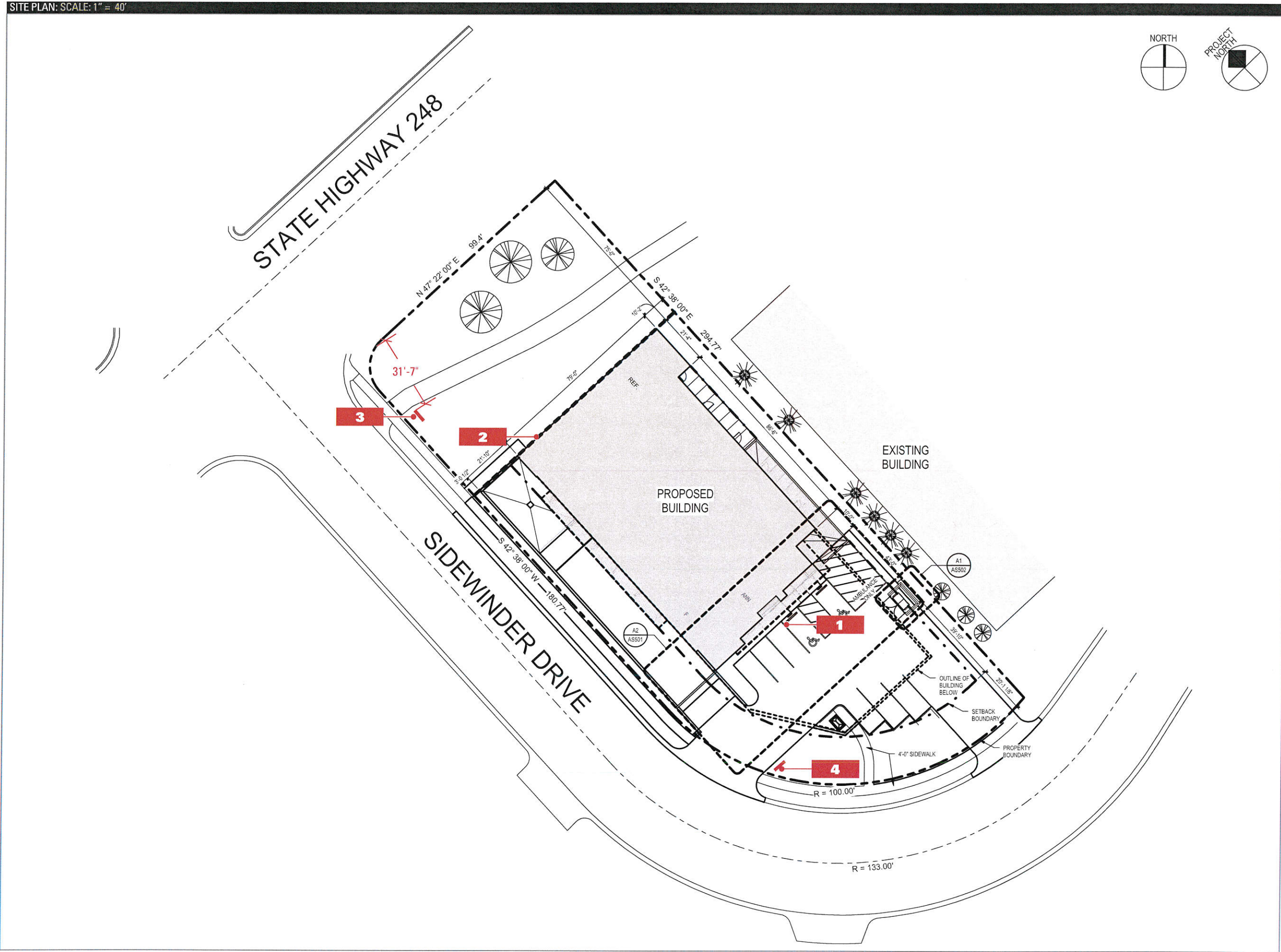
Exhibit B – Freestanding Sign Specifications

Exhibit C – Freestanding Sign Structural Notes

Exhibit D – Wall Sign Specifications (2)

Exhibit E – Entrance Sign Specifications

Exhibit A - Site Plan with Proposed Sign Locations





DESIGN

1605 South Gramercy Rd.
Salt Lake City, UT 84104
801.487.8481

www.yesco.com

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This drawing was created to assist you in visualizing our proposal. The original ideas herein are the property of YESCO LLC. Permission to copy or revise this drawing can only be obtained through a written agreement with YESCO.

The colors shown are only approximated on any computer monitor, inkjet or laser print. The final product may vary slightly in color from your computer monitor or print.

This sign is installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.

Revisions

No.	Date / Description
orig.	10.07.2016
A1	10.27.2016 / move #4
A2	11.07.2016 / no chg
A3	11.14.2016 / no chg
A4	12.29.2016 / added scale

Approval

Client Sign / Date

Landlord Sign / Date

Intermountain -
Park City Instacare

Park City, UT

Acct. Exec: Jeff Krantz
Designer: Larry Cohen

Orig: 10.07.2016

Site Plan

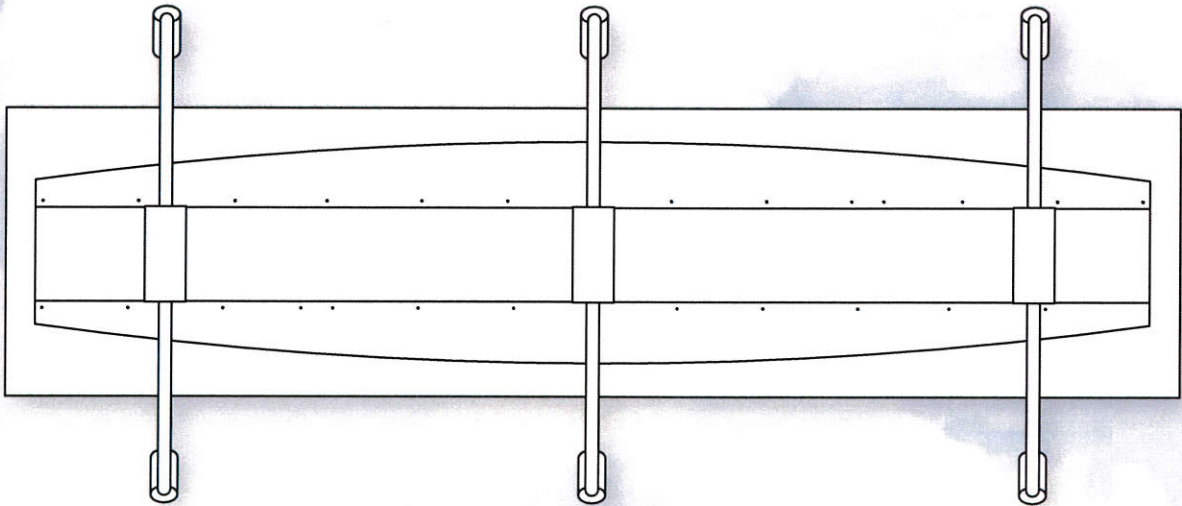
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scale: as noted

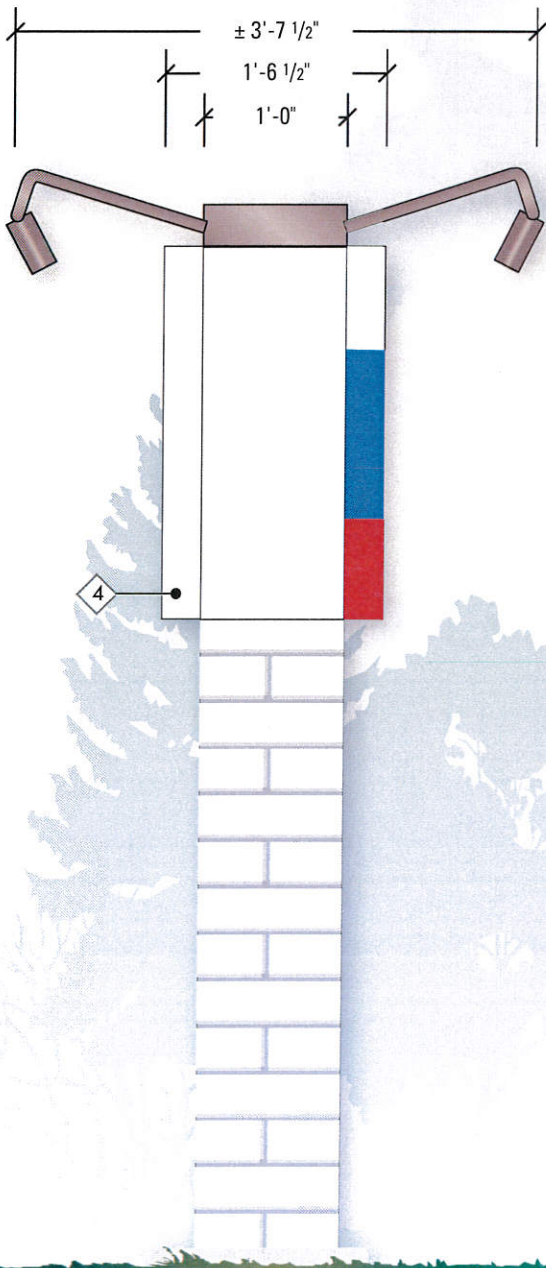
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Exhibit B - Freestanding Sign Specifications



3.2 PLAN VIEW



3.1 SIDE VIEW



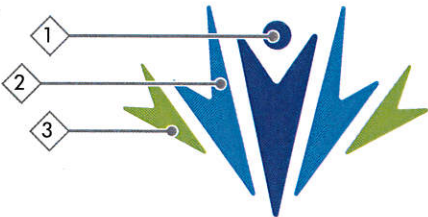
3 D/F DIRECTIONAL

SCALE: 3/4" = 1'-0"

SCOPE OF WORK:	
MANUFACTURE & INSTALL ONE (1) D/F NON -ILLUMINATED MONUMENT SIGN.	
PERMITTING SIGN AREA: 20.02ft²	
FINAL ELECTRICAL CONNECTION BY:	NOT INCLUDED

COLOR KEY	
1	VINYL 3M # 3632-157 "SULTAN BLUE"
2	VINYL 3M # 3632-8402 "LIGHT BLUE"
3	VINYL 3M # 3630-106 "BRILLIANT GREEN"
4	PAINT SHERWIN WILLIAMS # 60287

NOTE: UNLESS OTHERWISE NOTED, THE COLORS DEPICTED ON THIS RENDERING MAY NOT MATCH ACTUAL COLORS ON FINISHED DISPLAY. PLEASE REFER TO COLOR-CALLOUTS AND THEIR APPROPRIATE VENDOR SPECIFIED SAMPLES FOR APPROVED COLOR SPECIFICATIONS



3.3 COLOR PALETTE



DESIGN

1605 South Gramercy Rd.
Salt Lake City, UT 84104
801.487.8481

www.yesco.com

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This drawing was created to assist you in visualizing our proposal. The original ideas herein are the property of YESCO LLC. Permission to copy or revise this drawing can only be obtained through a written agreement with YESCO.

The colors shown are only approximated on any computer monitor, inkjet or laser print. The final product may vary slightly in color from your computer monitor or print.

This sign is installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.



Revisions

No.	Date / Description
orig.	10.07.2016
1	10.27.2016 / adjusted angle of fixtures
2	11.07.2016 / corrected copy
3	11.14.2016 / chg to 7' oah
4	12.29.2016 / chg from 20.02 to 19.96 sq ft

Approval

Client Sign / Date

Landlord Sign / Date

Intermountain -
Park City Instacare

Park City, UT

Acct. Exec: Jeff Krantz

Designer: Larry Cohen

Orig: 10.07.2016

D/F Monument

#53392

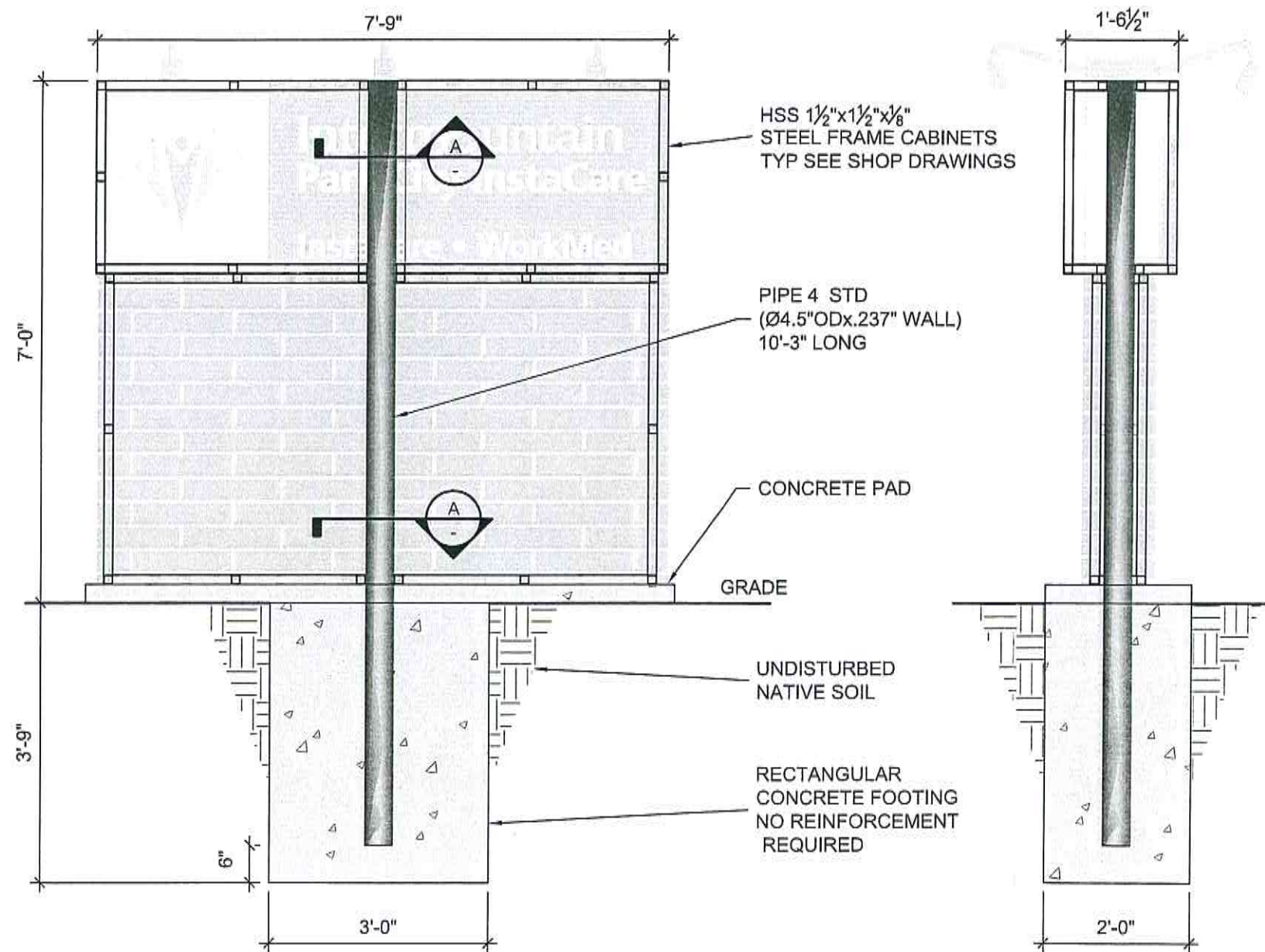
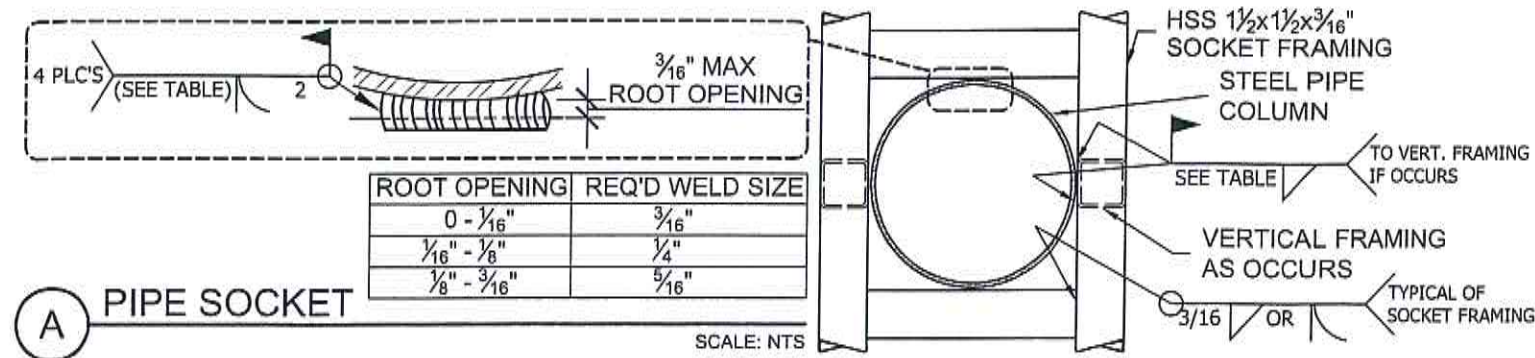
R4

scale: as noted

ART 3.0

Packet Pg. 88

Exhibit C - Freestanding Sign Structural Notes



1 ELEVATION VIEW

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

GENERAL STRUCTURAL NOTES

DESIGN CRITERIA

- BUILDING CODE: IBC 2015
- DEAD LOAD: SIGN CABINETS <= 15 PSF FRONT ELEVATION AREA
- WIND LOAD: Vult = 115 MPH (3 SECOND GUST), EXPOSURE C (URBAN, SUBURBAN), RISK CATEGORY = II

STRUCTURAL STEEL

- DESIGN AND FABRICATION ACCORDING TO AISC-ASD, 14TH EDITION
- PIPE: ASTM A53 GRADE B or API 5LB, FY= 42 KSI
- STEEL TUBE (HSS): ASTM A500 GRADE B, FY= 46 KSI
- ANGLE (L): ASTM A36, FY= 36 KSI
- BOLTS: ASTM A307 (WITH HARDENED WASHERS)
1. TIGHTEN NUTS SNUG-TIGHT
- SEPARATE ALL ALUMINUM FROM FERROUS METALS AND CONCRETE WITH A CONTINUOUS URETHANE OR OTHER NON-CONDUCTIVE INSULATOR TO PREVENT METAL DECAY BY ELECTROLYSIS.

STEEL WELDING

- DESIGN AND FABRICATION ACCORDING TO AWS D1.1, CURRENT EDITION.
- WELDING SHALL BE BY WELDERS HOLDING VALID CERTIFICATES AND HAVING CURRENT EXPERIENCE IN THE TYPE OF WELD SHOWN ON THE DRAWINGS OR NOTES.
- E70XX ELECTRODES FOR SMAW PROCESS
- ER70S-X, E70C-XC ELECTRODES FOR GMAW PROCESSES
- 3/16" MIN ALL AROUND FILLET WELD UNLESS OTHERWISE NOTED

FOOTING NOTES

- CONCRETE COMPRESSIVE STRENGTH, f'c = 2500 PSI AT 28 DAYS MIN.
- CONCRETE PLACEMENT AND QUALITY SHALL BE PER RECOMMENDATIONS IN ACI 614, ACI 301 AND ACI 318., REMOVE ALL DEBRIS FROM FORMS BEFORE PLACING CONCRETE.
- CONCRETE POURED AGAINST UNDISTURBED NATIVE SOILS
- NATIVE SOILS ASSUMED TO BE CLAYEY SAND
- SOIL ALLOWABLE LATERAL BEARING CAPACITY = 150 PSF/FT
- ALLOWABLE BEARING AT GRADE= 2000 PSF

OTHER NOTES

- REFER TO ART DRAWINGS FOR SIGN FINISHES, COLORS AND LIGHTING SPECIFICATIONS



Revisions

No.	Date
1	12/2/2016
2	
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Drawn by.....Dennis Bolshakov

Checked by.....Ben Jones

Intermountain -
Park City Instacare
Park City, UT

Engineer.....Dennis Bolshakov
Account Exec.....Jeff Krantz
Designer.....Larry Cohen

Date: 12/2/2016

Project No.

53392 R3

S1

Diagram illustrating a continuous beam with three supports. The beam is subjected to a uniformly distributed load (indicated by diagonal lines above the beam). The beam is supported by three vertical columns. A curved arrow indicates a clockwise moment at the left support. A label "Length of extension T" points to the distance between the first and second supports.

± 3'-3 3/4"
oaw w/
fixtures

9 3/4"

2'-4 5/8"
logo

7 1/2"

1/2"

Intermountain
Park City InstaCare • WorkMed

- .125" aluminum panel w/ satin painted finish [see color key] & 1st surface vinyl [see color key].
3/4" non-corrosive stdn-d-offs.

- .125" aluminum panel w/ satin painted finish [see color key] & 1st surface vinyl [see color key].
3/4" non-corrosive stdnads-offs.

SCALE: $\frac{1}{2}" = 1'-0"$

NOTE: UNLESS OTHERWISE NOTED, THE COLORS DEPICTED ON THIS RENDERING MAY NOT MATCH ACTUAL COLORS ON FINISHED DISPLAY. PLEASE REFER TO COLOR-CALLOUTS AND THEIR APPROPRIATE VENDOR SPECIFIED SAMPLES FOR APPROVED COLOR SPECIFICATIONS

This sign is installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.

[illegible]

Client Sign / Date

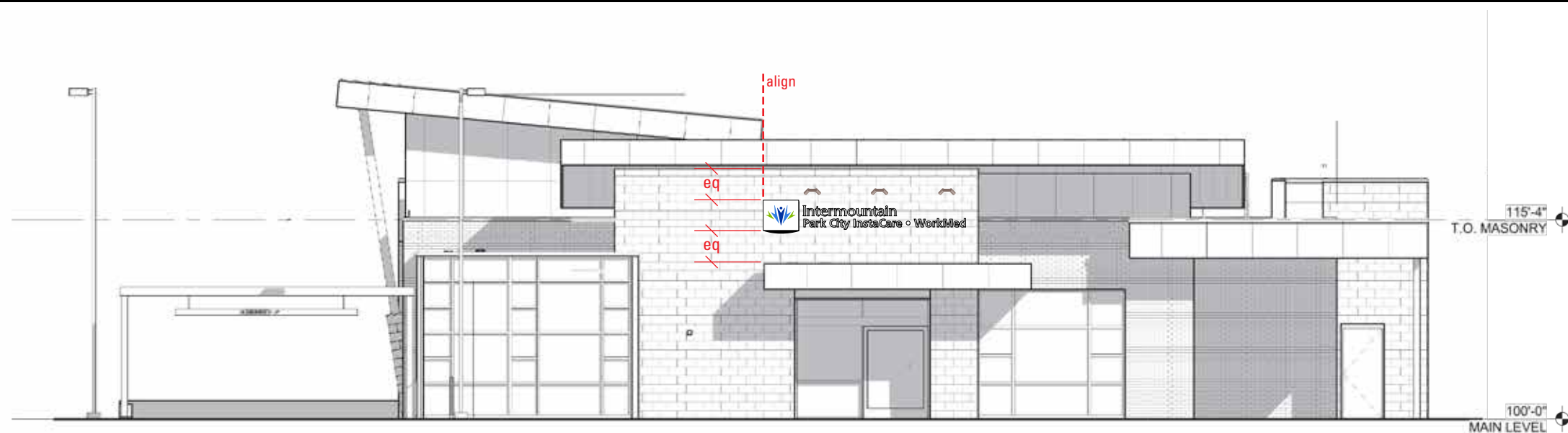
Landlord Sign / Date

scale: as noted

ART 1.0

Packet Pg. 90

ART SUPERIMPOSED ON ELEVATION [SOUTH] - SHOWN AT APPROXIMATE RELATIVE SCALE [3/32" = 1' - 0"]



This design does not constitute production ready artwork and is to be used exclusively for proofing and review purposes only.

Exhibit E - Entrance Sign Specifications

SCOPE OF WORK:

MANUFACTURE & INSTALL *ONE [1]* D/F NON -ILLUMINATED DIRECTIONAL SIGN.

PERMITTING SIGN AREA: 2.84ft²

FINAL ELECTRICAL CONNECTION BY: NOT INCLUDED

COLOR KEY

1	VINYL	3M # 3632-157 "SULTAN BLUE"
2	VINYL PAINT	3M # 3632-8402 "LIGHT BLUE" SHERWIN WILLIAMS # 60107
3	VINYL	3M # 3630-106 "BRILLIANT GREEN"
4	PAINT	SHERWIN WILLIAMS # 60287

NOTE: UNLESS OTHERWISE NOTED, THE COLORS DEPICTED ON THIS RENDERING MAY NOT MATCH ACTUAL COLORS ON FINISHED DISPLAY. PLEASE REFER TO COLOR-CALLOUTS AND THEIR APPROPRIATE VENDOR SPECIFIED SAMPLES FOR APPROVED COLOR SPECIFICATIONS



4.4 COLOR PALETTE

YESCO®

DESIGN

1605 South Gramercy Rd.
Salt Lake City, UT 84104
801.487.8481

www.yesco.com

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Revisions

No.	Date / Description
orig.	10.07.2016
1	10.27.2016 / fixed sign designation
2	11.07.2016 / no chg
3	11.14.2016 / chg to 5' oah
4	12.29.2016 / no chg
5	01.19.2017 / adjusted side veiw based on pre-flight mtg

Approval

Client Sign / Date

Landlord Sign / Date

Intermountain -
Park City Instacare

Park City, UT

Acct. Exec: Jeff Krantz
Designer: Larry Cohen

Orig: 10.07.2016

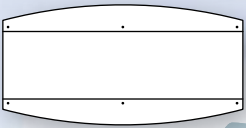
D/F Directional

#53392 R5

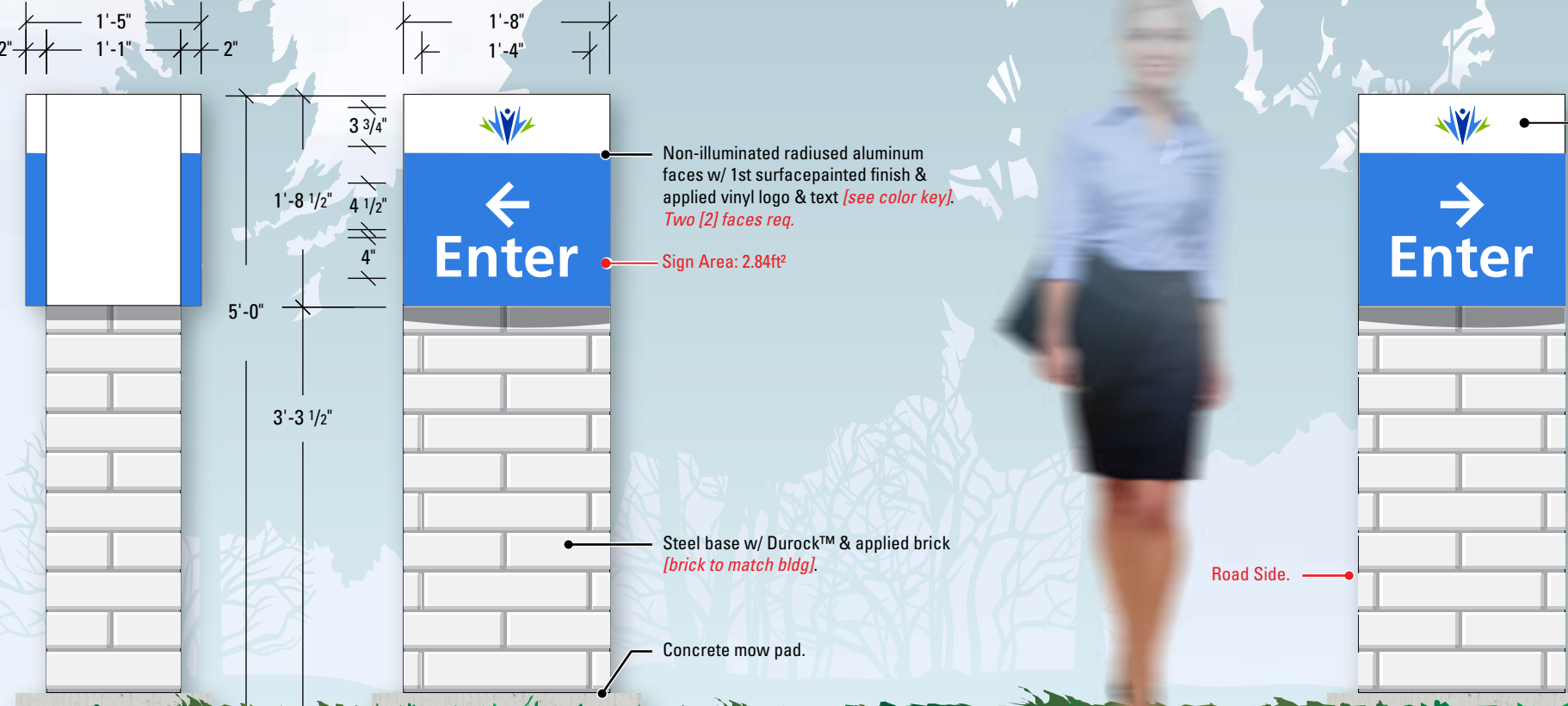
scale: as noted

ART 4.0

Packet Pg. 92



4.3 PLAN VIEW



4 D/F DIRECTIONAL

SCALE: 3/4" = 1'-0"

4.2 N FACE

Planning Commission Staff Report

Subject: PL-17-03456 LMC Amendments -
Storefront Enhancement Program
Author: Hannah M. Tyler, MS, Planner
Bruce M. Erickson, AICP, Planning Director
Date: February 22, 2017
Type of Item: Legislative – LMC Amendment

Summary Recommendations

On December 8, 2016, City Council gave staff direction to complete the following Land Management Code amendments for the Storefront Enhancement Program:

- Limit the allowable storefront width to fifty-feet (50') on the Main Street façade and the Heber Avenue façade of any single business location on Main Street in the Historic Recreation Commercial (HRC) and the Historic Commercial Business (HCB) Districts.

The Planning Department requests the Planning Commission open a public hearing, review the possible Land Management Code amendments, and forward a positive recommendation regarding staff's proposed changes as referenced in this staff report to City Council.

Description

Project Name: LMC Amendments regarding the Storefront Enhancement Program in the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Districts.
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Reason for Review

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

Background

Staff has provided a basic overview of the background for the proposed LMC changes in this staff report. For a more detailed overview of the background, please refer to the December 8, 2016 City Council Work Session Staff Report – [link](#) (see page 13) – and Work Session Minutes – [link](#) (see page 3).

On December 8, 2016, staff presented a Work Session regarding the Main Street Storefront Enhancement Program Land Use Controls to City Council. The broader Storefront Enhancement Program will consist of at least five (5) strategies addressing Main Street vibrancy as directed by the General Plan and zoning designations. The five (5) strategies include:

1. Historic District(s) and Main Street National Register Historic District protections.
2. Design Guidelines for Historic Districts and Historic Sites (Main Street specific).
3. Shared-economy model and cultivation of incubator space(s).
4. Land Management Code (zoning) regulations.
5. Future Redevelopment Agency (RDA) potential.

The LMC implements goals, objectives and policies of the General Plan to maintain the quality of life and experiences for residents and visitors and to preserve the community's unique character and values. These proposed LMC amendments were reviewed for consistency with the General Plan. The General Plan outlines Park City's community goals and values as it pertains to Main Street and/or Conventional Chain Business:

- Core Value: Sense of Community
 - It is essential that Park City does not lose its character in order to remain competitive in the tourism industry.
- General Plan Sense of Community Goals
 - **12A:** Retain and expand existing Park City businesses.
 - **12B:** Improve the balance of jobs-to-housing ratio in Park City through efforts to attract higher paying jobs and workforce housing strategies.
 - **12C:** Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience.
 - **12D:** Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique *Park City experience*.

The Land Management Code through the zoning designations of the Historic Commercial Business (HCB) and Historic Recreation Commercial (HRC) Districts supports the Values and Goals in the General Plan. The Districts are nearly identical in the Purposes shown below.

- (A) Preserve the cultural heritage of the City's original Business, governmental and residential center.
- (B) Facilitate the continuation of the visual character, scale and Streetscape of the original Park City Historical District.
- (C) Allow the Use of land for retail, commercial residential recreational and institutional purposes to engage and foster the economic and cultural *vitality* (emphasis added) of the City.
- (J) Maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by encouraging a Business mix that encourages a high level of *vitality* (emphasis added) activity and public/resort-related attractions.

At the December 8, 2016 City Council Work Session, Staff requested direction to pursue changes to the Land Management Code (LMC) addressing land use controls for

the Storefront Enhancement Program in the Historic Recreation Commercial (HRC) and the Historic Commercial Business (HCB) Districts. These land use controls specifically address linear feet of storefronts abutting Main Street and Heber Avenue, incubator spaces for small business and/or shared economy models, and the implementation of Design Guidelines for Corporate Architecture. City Council gave staff direction to complete the following:

1. Amend the Land Management Code (LMC) to:
 - a. Limit the allowable storefront width to fifty-feet (50') on the Main Street façade and the Heber Avenue façade of any single business location on Main Street in the Historic Recreation Commercial (HRC) and the Historic Commercial Business (HCB) Districts – see Exhibit 2 *Storefront Property Façade, Maximum Width Diagram*.
2. Update the Design Guidelines for Historic Districts and Historic Sites to address Corporate Architecture. *Staff will be returning to the Historic Preservation Board (HPB) with amendments to the Design Guidelines for Historic Districts and Historic Sites to address Corporate Architecture.*

The specific sections of the Land Management Code that will be amended are listed below:

1. LMC § 15-2.5-3 Lot and Site Requirements in HISTORIC RECREATION COMMERCIAL (HRC)
2. LMC § 15-2.6-3 Lot and Site Requirements in HISTORIC COMMERCIAL BUSINESS (HCB)

Staff outlined the potential positive impacts of the proposed LMC Amendments and Design Guidelines for Historic Districts and Historic Sites amendments in the December 8, 2016 City Council Staff Report – [link](#) (see *Alternatives for City Council to Consider* on page 18 of the packet). The impacts outlined in the December 8, 2016 City Council Staff Report include, but are not limited to:

- Limiting the storefront width will prevent unused entrances, negative pedestrian experiences, and changes to the historic rhythm and scale of Main Street. In addition, the storefront widths will maintain consistency within the Main Street National Register Historic District, the HRC zoning district, and the HCB zoning district and maintain the vibrancy that is added by diversified retail mix.
- Incubator space is incentivized on Main Street by deregulating Swede Alley and the western boundary of the Historic Commercial Business zoning district. Potential incubator spaces or shared economy spaces can house smaller businesses (i.e. local business) – see Exhibit 2 for a specific diagram demonstrating this intention. Business activity on the western boundary does not increase with this proposal because the façade width is not regulated by the current LMC.

- Staff is not proposing to limit the storefront width on any single Historic building that may have a façade wider than fifty feet (50') so as to maintain the historic integrity of those specific buildings (i.e. Claim Jumper – 573 Main Street).
- Large commercial spaces dampen the pedestrian experience. Staff's goal will be to create smaller incubator spaces as a "give" to the vibrancy of Main Street and to mitigate the impacts of large spaces. Exhibit 2 demonstrates staff's goal of creating smaller incubator spaces on Main Street by allowing for larger expansions on the Swede Alley or the western boundary of the Historic Commercial Business zoning district frontages.
- Incubator spaces may house "shared economy" models as a means of creating affordability on Main Street for local businesses. Prospect (509 Main Street) is a great example of a "shared economy" model for local businesses to share retail space in that it has two sub-tenants in Billy's Barbershop and Pink Elephant Coffee.
- The Land Management Code amendments would support the goals and intent of the Main Street Redevelopment Agency (RDA).

Based on a preliminary analysis of Storefront Property Façade widths on Main Street and Heber Avenue, approximately five (5) non-historic and eight (8) Historic Storefront Property Façades exceed fifty-feet (50') in width. An important distinction is that an entire building's façade may exceed fifty-feet (50') in width; however, the intent is to limit individual Storefront Property Façades that make up a building's entire façade width. In total, there are approximately sixty (60) Storefront Properties abutting Main Street and Heber Avenue.

The definition of **STOREFRONT PROPERTY** can be found below for reference:

LMC §15-15-1.207 PROPERTY. Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

A. Property, Storefront. A separately enclosed space, Floor Area, tenant space or unit that has a storefront window or storefront entrance that fronts on a Public Street. Storefront Property includes the entire Floor Area associated with the storefront window or storefront entrance that fronts on the Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space, Floor Area, tenant space or unit with:

- 1. A storefront window and/or storefront entrance at the adjacent Public Street, or within fifty lateral/horizontal feet (50') of the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance; and*
- 2. A storefront window and/or storefront entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street and where such entrance is not a service or emergency entrance to the Building.*

In the case of split-level, multi-level or multi-tenant Buildings with only one primary storefront entrance, only those fully enclosed spaces, Floor Areas, tenant spaces, or units that directly front on the Public Street, as set forth above, shall be designated as a “Storefront Property.” The Planning Director or designee shall have the final determination of applicability.

Analysis

Staff requests that the Planning Commission review and provide input on the topics outlined above and summarized in more detail in the following:

1. LMC § 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC)

Staff is proposing to limit the allowable storefront width to fifty-feet (50') on the Main Street façade and the Heber Avenue façade of any single business location on Main Street. The intent as outlined in the previous section of this staff report is to prevent unused entrances, negative pedestrian experiences, and changes to the historic rhythm and scale of Main Street. In addition, the storefront widths will maintain consistency within the Main Street National Register Historic District, the HRC zoning district, and the HCB zoning district and maintain the vibrancy that is added by diversified retail mix.

15-2.5-3 LOT AND SITE REQUIREMENTS

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

(...)

(J) **VERTICAL ZONING.** For HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue, and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side Storefronts), 780 Main Street, 804 Main Street (for the plaza side Storefronts), 875 Main Street, 890 Main Street, 900 Main Street, and 820 Park Avenue, new Construction and Construction adding Floor Area to a Building or Lot, shall have a minimum of seventy-five-percent (75%) of the width of the Building facade as Storefront Property.

(K) **STOREFRONT PROPERTY FAÇADE, MAXIMUM WIDTH.** The maximum width of any Storefront Property Façade abutting Main Street and/or Heber Avenue shall be fifty-feet (50'). Storefront Property Facades in the Historic portion of structures listed on the Historic Sites Inventory which exceed fifty-feet (50') in width are valid Non-Complying Structures.

2. LMC § 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB)

Staff is proposing to limit the allowable storefront width to fifty-feet (50') on the Main Street façade and the Heber Avenue façade of any single business location on Main Street. The intent as outlined in the previous section of this staff report is to prevent unused entrances, negative pedestrian experiences, and changes to the historic rhythm and scale of Main Street. In addition, the storefront widths will maintain consistency within the Main Street National Register Historic District, the HRC zoning district, and the HCB zoning district and maintain the vibrancy that is added by diversified retail mix.

15-2.6-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(...)

(G) **VERTICAL ZONING.** For HCB Zoned Storefront Property adjacent to Main Street and Heber Avenue, new Construction and Construction adding Floor Area to a Building or Lot shall have a minimum of seventy-five percent (75%) of the width of the Building façade as Storefront Property.

(H) **STOREFRONT PROPERTY FAÇADE, MAXIMUM WIDTH.** The maximum width of any Storefront Property Façade abutting Main Street and/or Heber Avenue shall be fifty-feet (50'). Storefront Property Facades in the Historic portion of structures listed on the Historic Sites Inventory which exceed fifty-feet (50') in width are valid Non-Complying Structures.

Process

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

Department Review

This report has been reviewed by the Legal Department.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on February 2, 2017 and published in the Park Record on February 4, 2017 per requirements of the Land Management Code. Notice letters were sent to affected entities and affected property owners on February 8, 2017.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. Staff has noticed

this item for public hearings on February 22, 2017, conducted by the Planning Commission.

Recommendation:

The Planning Department requests the Planning Commission open a public hearing, review the possible Land Management Code amendments, and forward a positive recommendation regarding the staff's proposed changes as referenced in this staff report to City Council.

Exhibits

Exhibit 1 – Draft Ordinance

Exhibit A – LMC § 15-2.5-3 Lot and Site Requirements in HISTORIC RECREATION COMMERCIAL (HRC)

Exhibit B – LMC § 15-2.6-3 Lot and Site Requirements in HISTORIC COMMERCIAL BUSINESS (HCB)

Exhibit 2 – Storefront Property Façade, Maximum Width Diagram

Exhibit 3 – General Plan Implementation – Storefront Enhancement Program Impacts

Exhibit 4 – Historic Commercial Business (HCB) Zoning District Boundaries

Exhibit 5 – Historic Recreation Commercial (HRC) Zoning District Boundaries

Exhibit 6 – Main Street National Register District Boundaries

Exhibit 7 – December 8, 2016 City Council Work Session Staff Report – [link](#) (see p.13)

Exhibit 8 – December 8, 2016 City Council Work Session Minutes – [link](#) (see p. 3)

Exhibit 1 – Draft Ordinance

Ordinance No. 17-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, SECTION 15-2.5; AND AMENDING HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT, SECTION 15-2.6.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 12 that states, "Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City." Objective 12C states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience." and Objective 12D states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience." Detailed Implementation Strategy for Local Business vs. Chain Stores states, "As Park City seeks to maintain its distinct, historic, small-town, tourism based economy, an ordinance restricting formula businesses along Main Street and the Bonanza Park districts should be seriously considered."

WHEREAS, Park City has an interest in the preservation of the historic integrity of Main Street and Heber Avenue as it related to the historic feel and character, traditional rhythm and scale, and Main Street National Register Historic District

designation. Main Street is the historic core of Park City and is a focal point of the tourism economy. The Historic Commercial Districts reflects the history of Park City.

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents; maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, business storefronts located Main Street and Heber Avenue, that do not foster diversity or positive pedestrian experiences to the general public, may diminish the vibrancy, historic rhythm and scale, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, building storefronts that are not inviting to the general public and reflective of Park City's unique historic and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on February 22, 2017 and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.5 Historic Recreation Commercial (HRC) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.5 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.6 Historic Commercial Business (HCB) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC § 15-2.5-3 Lot and Site Requirements in HISTORIC RECREATION COMMERCIAL (HRC)

Exhibit B – LMC § 15-2.6-3 Lot and Site Requirements in HISTORIC COMMERCIAL BUSINESS (HCB)

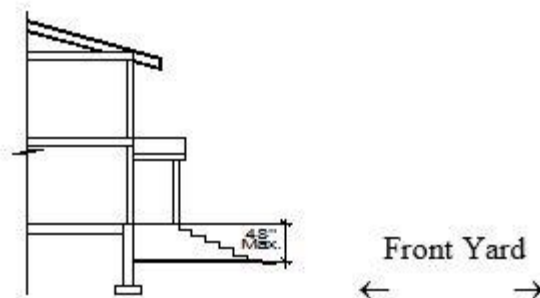
Exhibit A – LMC § 15-2.5-3 Lot and Site Requirements in HISTORIC RECREATION COMMERCIAL (HRC)

15-2.5-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

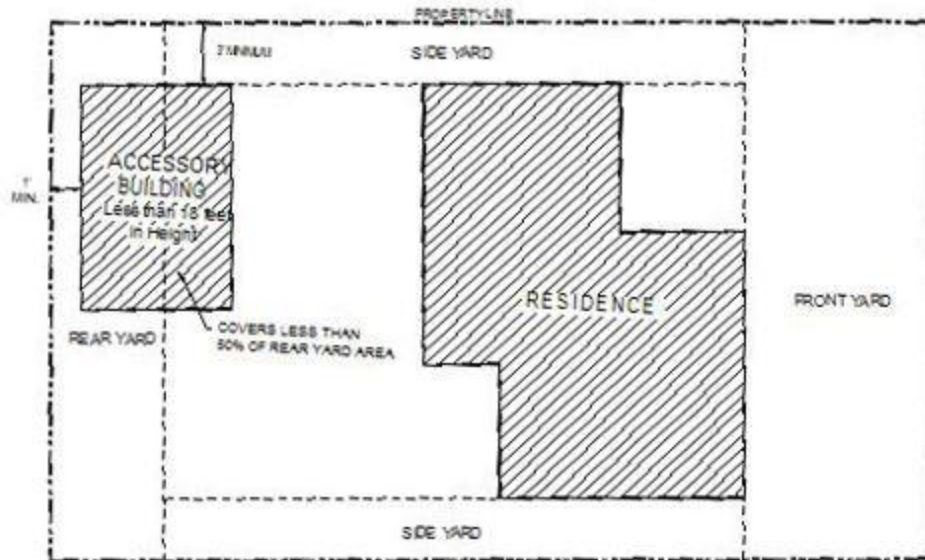
All Development activity must comply with the following minimum Lot and Site requirements:

- A. **FRONT YARD.** The minimum Front Yard is ten feet (10').
- B. **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:
1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb.
 2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by obstructing the view of the Street intersection.



3. Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.
 4. Roof overhangs, eaves, and cornices, projecting not more than three feet (3') into the Front Yard.
 5. Sidewalks, patios, and pathways.
 6. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.
- C. **REAR YARD.** The minimum Rear Yard is ten feet (10').
- D. **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
3. Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
4. Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.
5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



7. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.
8. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.
9. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.
10. Patios, decks, steps, pathways, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

E. SIDE YARD.

1. The minimum Side Yard is five feet (5').

2. On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both main and accessory Structures.
3. A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
 - a. Exterior Side Yards shall be based on the minimum required Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

F. **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

1. Bay Windows, not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side Yard.
3. Window wells and light wells projecting not more than four feet (4') into the Side Yard.
4. Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features, projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
5. Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.
6. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.
7. Fences, walls and retaining walls not more than six feet (6'), or as permitted in Section 15-4-2.
8. Driveways leading to a garage or approved Parking Area.
9. Pathways and steps connecting to a City stairway or pathway.
10. A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').
11. A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk.

G. **FLOOR AREA RATIO.** In all projects within the HRC Zone:

1. **STRUCTURES BUILT AFTER OCTOBER 1, 1985.** Except in the Heber Avenue Sub-Zone Area, non-residential Uses are subject to a Floor Area Ratio to restrict the scope of non-residential Use within the District. For Properties located east of Park Avenue, the Floor Area Ratio for non-residential Uses is 1. For

Properties located on the west side of Park Avenue, the Floor Area Ratio for non-residential Uses is 0.7.

2. **STRUCTURES BUILT PRIOR TO OCTOBER 1, 1985.** Structures existing as of October 1, 1985 are not subject to the Floor Area Ratio, and may be used in their entirety for non-residential Uses as provided in this ordinance.
- H. **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
- I. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.
- J. **VERTICAL ZONING.** For HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue, and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side Storefronts), 780 Main Street, 804 Main Street (for the plaza side Storefronts), 875 Main Street, 890 Main Street, 900 Main Street, and 820 Park Avenue, new Construction and Construction adding Floor Area to a Building or Lot, shall have a minimum of seventy-five-percent (75%) of the width of the Building facade as Storefront Property.
- K. **STOREFRONT PROPERTY FAÇADE, MAXIMUM WIDTH.** The maximum width of any Storefront Property Façade abutting Main Street and/or Heber Avenue shall be fifty-feet (50'). Storefront Property Facades in the Historic portion of Structures listed on the Historic Sites Inventory which exceed fifty-feet (50') in width are valid Non-Complying Structures.

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 16-02 on 1/7/2016

Amended by Ord. 2016-44 on 9/15/2016

Exhibit B – LMC § 15-2.6-3 Lot and Site Requirements in HISTORIC COMMERCIAL BUSINESS (HCB)

15-2.6-3 Lot And Site Requirements

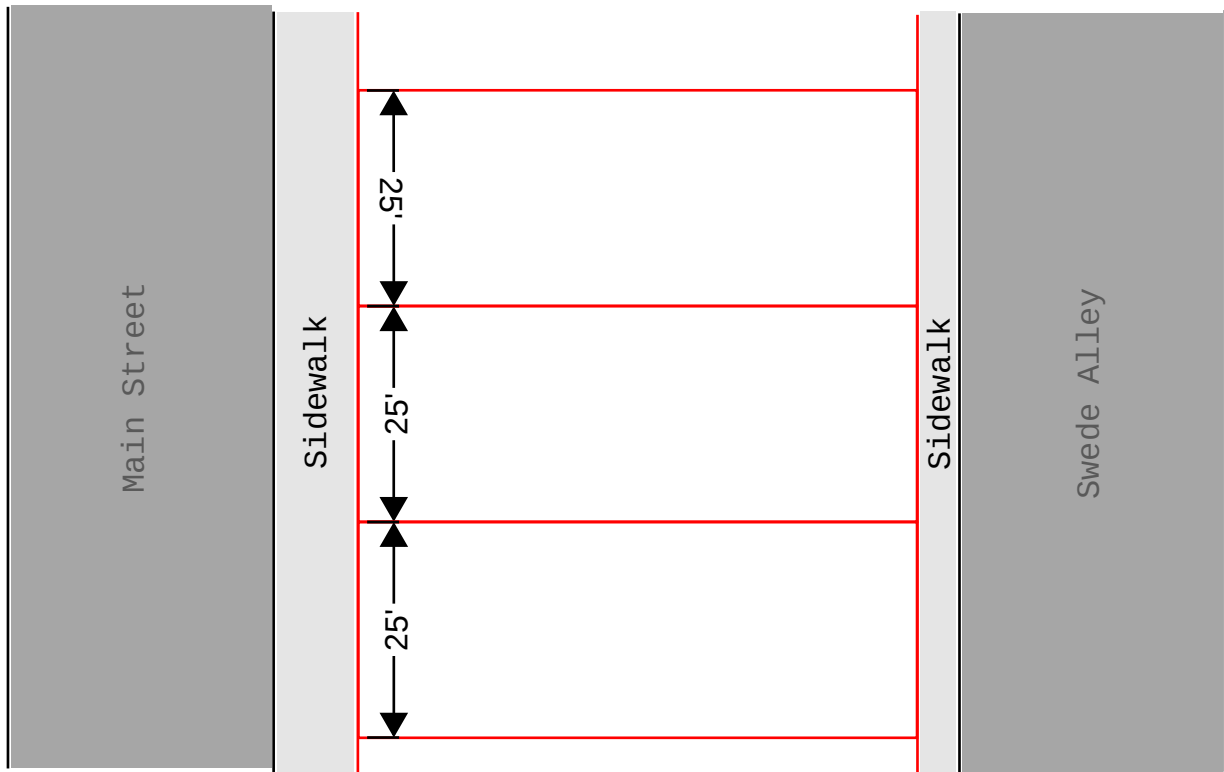
Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

- A. **LOT SIZE**. The minimum Lot Area is 1250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').
- B. **FRONT, REAR AND SIDE YARDS**. There are no minimum required Front, Rear, or Side Yard dimensions in the HCB District.
- C. **SIDEWALK PROVISION**. Buildings must be located so as to provide an unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts. The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.
- D. **BALCONIES AND TEMPORARY WINTER BALCONY ENCLOSURES**.
 - 1. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.
 - 2. Temporary Winter Balcony Enclosures may only be permitted on existing balconies which are on structures which are not on the Historic Sites Inventory. Temporary Winter Balcony Enclosures are only permitted from November 15th through April 30th on balconies facing Main Street.
- E. **INSURANCE REQUIRED**. No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

- F. **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.
- G. **VERTICAL ZONING.** For HCB Zoned Storefront Property adjacent to Main Street and Heber Avenue, new Construction and Construction adding Floor Area to a Building or Lot shall have a minimum of seventy-five percent (75%) of the width of the Building façade as Storefront Property.
- H. **STOREFRONT PROPERTY FAÇADE, MAXIMUM WIDTH.** The maximum width of any Storefront Property Façade abutting Main Street and/or Heber Avenue shall be fifty-feet (50'). Storefront Property Facades in the Historic portion of Structures listed on the Historic Sites Inventory which exceed fifty-feet (50') in width are valid Non-Complying Structures.

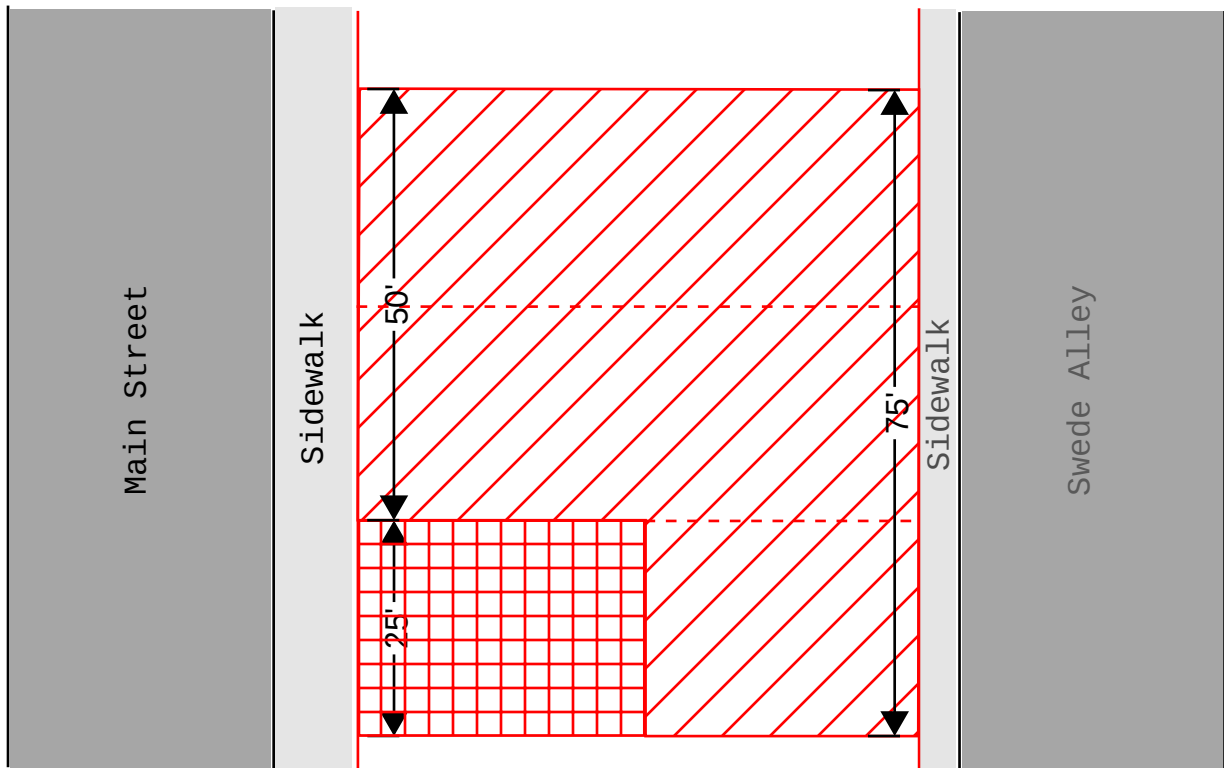
*Adopted by Ord. 00-51 on 9/21/2000
Amended by Ord. 06-69 on 10/19/2006
Amended by Ord. 16-01 on 1/7/2016
Amended by Ord. 16-02 on 1/7/2016*

Typical Historic Main Street Commercial Buildings



 Existing Commercial Space  Existing Internal Wall

Converted Main Street Commercial Buildings Using A 50' Maximum Storefront Width



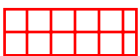
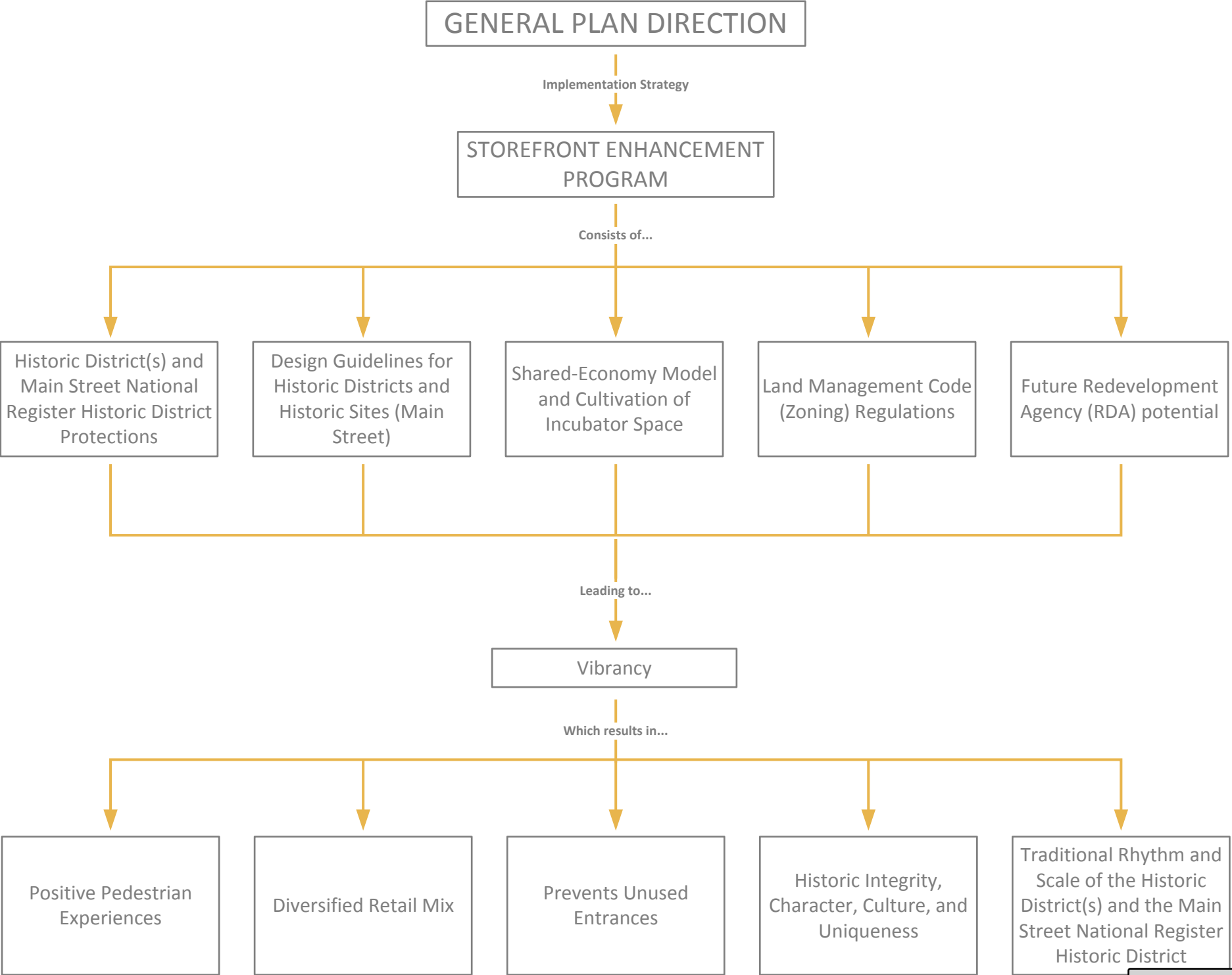
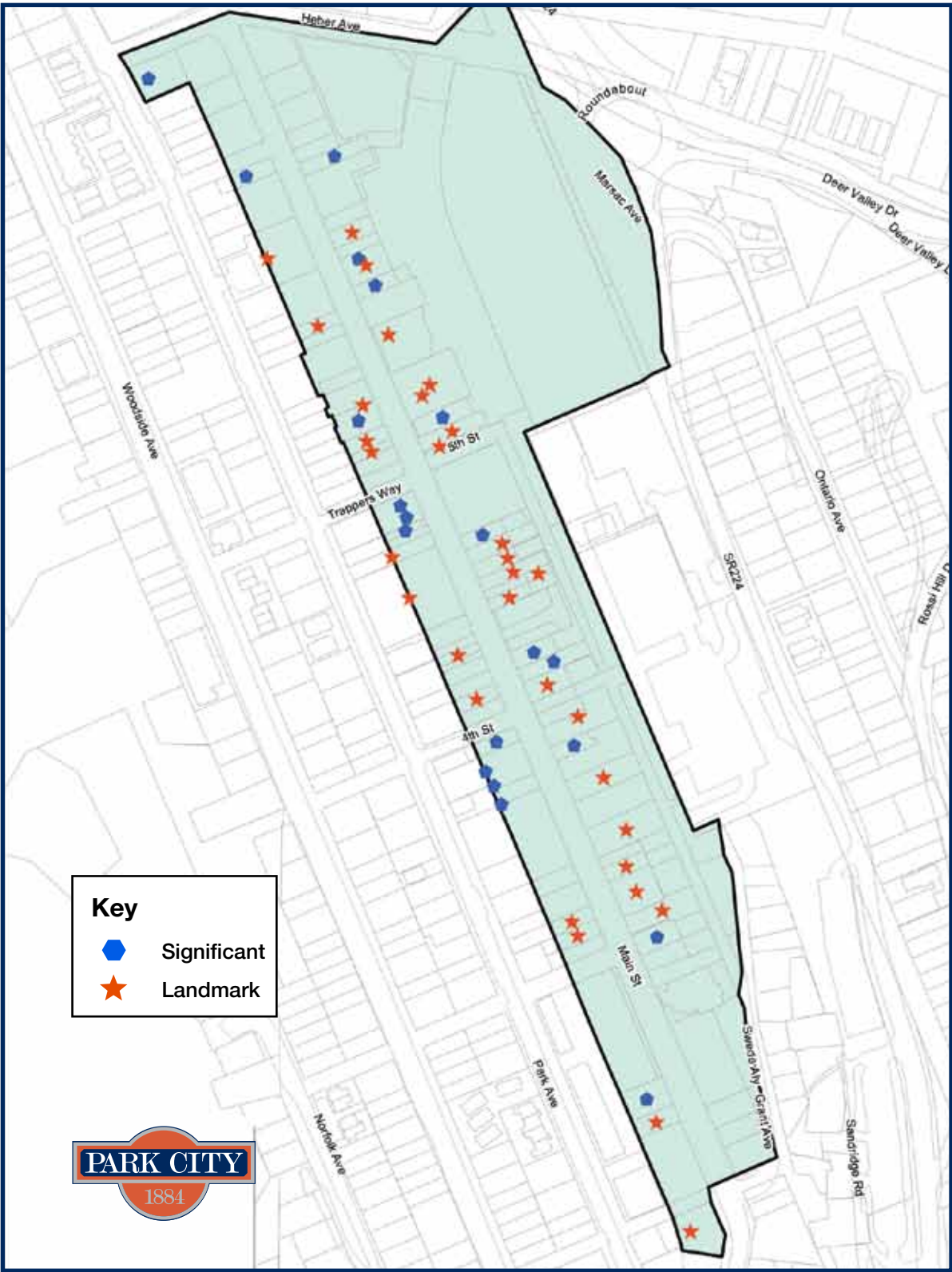
 Combined Commercial Space  Incubator Space
- - - - - Demolished Internal Wall

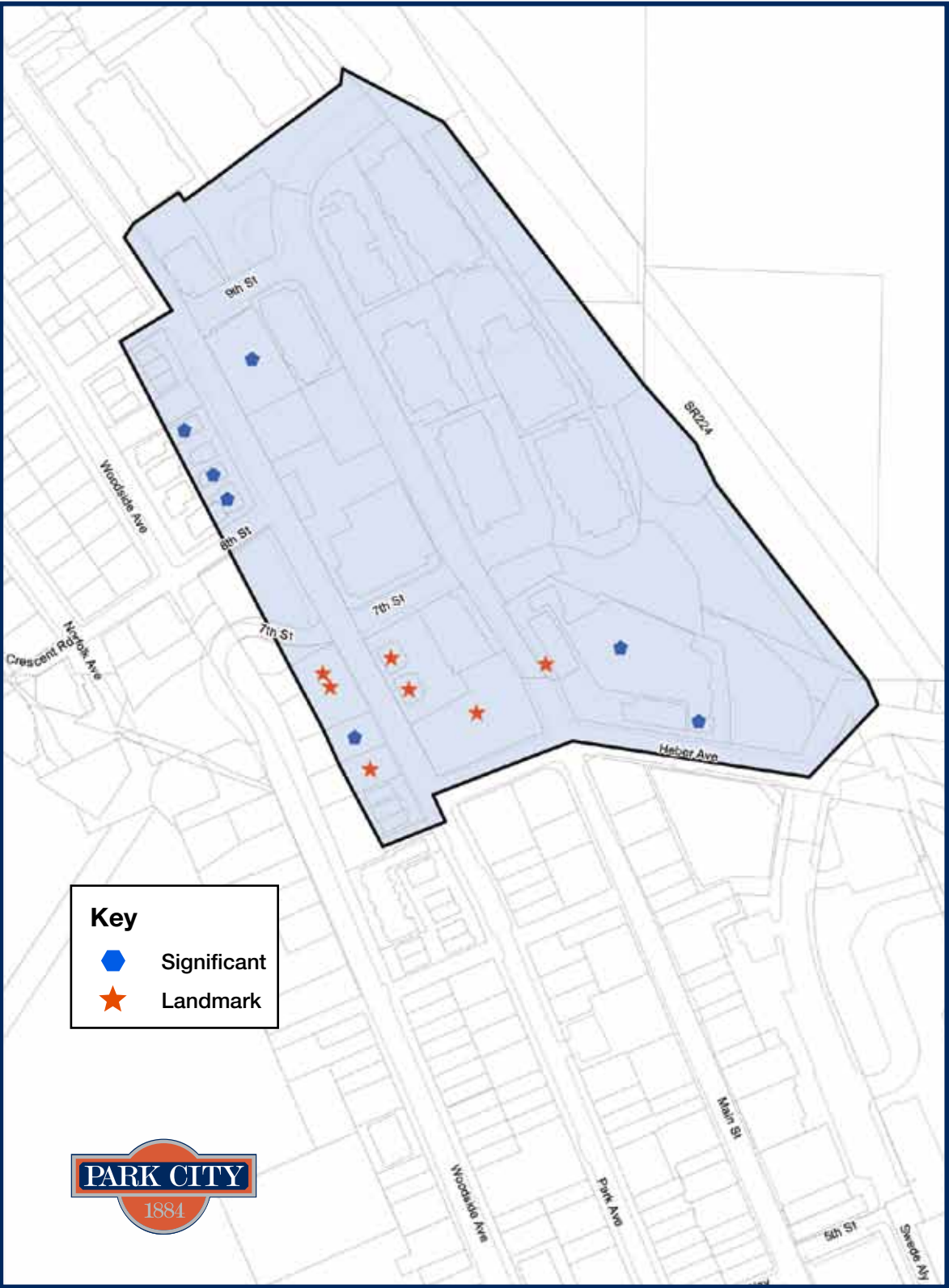
EXHIBIT 3: General Plan Implementation – Storefront Enhancement Program Impacts



Historic Sites in the HCB Zone



Historic Sites in the HR-C Zone



Main Street National Register Historic District



Planning Commission Staff Report



PLANNING DEPARTMENT

Application: PL-17-03348
Subject: LMC Amendments
Author: Francisco Astorga, AICP, Senior Planner
Date: 22 February 2017
Type of Item: Legislative – Land Management Code Amendment

Recommendation

Staff recommends that the Planning Commission review the proposed administrative and substantive amendments to the Land Management Code (LMC), conduct a public hearing, and consider forwarding a positive recommendation to the City Council pursuant to the attached Draft Ordinance.

Description

Project Name: LMC Amendments
Location: Citywide
Proposal: Administrative and substantive amendments to the Park City Development Code regarding **Chapter 15-6 Master Planned Developments**- Removing requirements for Pre-Application Public Meeting and Determination of Compliance.
Reason for Review: LMC Amendments require Planning Commission review and City Council review and action.

Acronyms

For the sake of clarify here is a list of are acronyms used in this report:

LMC Land Management Code
MPD Master Planned Development

LMC Statement of Purpose (LMC § 15-1-2)

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

- A. To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,
- B. To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,
- C. To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,
- D. To protect the tax base and to secure economy in governmental expenditures,

- E. To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,
- F. To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
- G. To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,
- H. To protect and ensure access to sunlight for solar energy devices, and
- I. To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

General Plan

The General Plan is the guiding document for Park City - it is the blueprint for the future of the City. It is a long range policy plan that will guide future LMC and zoning decisions. The LMC is the regulatory document that addresses specific zoning and land uses within respective zones. The LMC and associated Zoning Map provide for specific uses and regulations within noted districts on the Zoning Map. Beyond these governmental tools for regulating land use are private Covenants, Conditions and Restrictions (CC&Rs) that are typically associated with Homeowners Associations (HOAs). These CC&Rs are enforced by their respective HOAs.

These proposed LMC amendments have been reviewed for consistency with the current adopted Park City General Plan. The LMC implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's neighborhoods and unique character and values. Additionally, the LMC is intended to be updated on a regular basis to stay current with State Law.

Background

As part of constant review of the LMC, the proposed amendments have come up either as policy discussions or as procedural items which need to be updated. The Planning Commission reviewed proposed LMC Amendment, Chapter 15-6 MPD- removing requirements for Pre-Application Public Meeting and Determination of Compliance for MPD during the October 26, 2016 Planning Commission meeting. See [Exhibit B - October 26, 2016 Planning Commission Work Session Minutes](#).

During the October 26, 2016 Planning Commission work session discussion, Planning Director Erickson, explained the difficulties of the MPD Pre-application conference as

currently outlined in the LMC, specifically regarding compliance with the General Plan. During that meeting several comments were made by the Commission and by members of the public. Staff offered to work on the amendments after listening to the Commission. The Planning Commission continued this item to a date uncertain to allow staff to work on the amendment.

Analysis

Chapter 15-6 Master Planned Developments- Removing requirements for Pre-Application Public Meeting and Determination of Compliance for Master Planned Developments (MPD).

Background: Staff and the Planning Commission have found difficulty with the MPD Pre-Application Conference as the LMC requires that the Planning Commission find compliance with the General Plan goals and objectives at a preliminary/conceptual stage. Given the preliminary nature of the Pre-Application, Staff's analysis at this stage is difficult as not enough information is received at that conceptual stage to make a determination as to compliance. The applicant is still encouraged to present concepts to Planning Staff, the Planning Commission, and the public which allows these groups an opportunity to provide concerns on a general concept.

Purpose of Amendments: To add clarity and efficiency to the MPD pre-application process.

Implications and consequences: The applicant would still have an opportunity to share concepts early in the process with the Planning Department while reducing implied or perceived approvals from a Pre-Application MPD conceptual nature.

Staff recommendation: The following language is proposed:

15-6 Master Planned Developments

[...]

15-6-4 Process

- A. **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.
- B. **PRE-APPLICATION ~~WORK SESSION PUBLIC MEETING-AND DETERMINATION OF COMPLIANCE~~**. In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development **the Applicant may request a work session discussion with the Planning Commission after meeting with the Planning Department. If a work session is held, public input shall be permitted. The**

~~applicant is encouraged to conduct independent public outreach, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission except for MPDs subject to an Annexation Agreement. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.~~

At the pre-Application ~~work session~~ public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. ~~This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD.~~ The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

~~The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD and provide with the MPD application any comments received by the public.~~

~~For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan. [This paragraph was edited and moved to new section K]~~

- C. **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.
- D. **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. ~~All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.~~

- E. **PUBLIC HEARING**. In addition to the ~~possible preliminary public input work~~ session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.
- F. **PLANNING COMMISSION ACTION**. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

- G. **DEVELOPMENT AGREEMENT**. Once the Planning Commission has approved the Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:
1. A legal description of the land;
 2. All relevant zoning parameters including all findings, conclusions and conditions of approval;
 3. An express reservation of the future legislative power and zoning authority of the City;
 4. A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;
 5. A description of all Developer exactions or agreed upon public dedications;
 6. The Developers agreement to pay all specified impact fees; and
 7. The form of ownership anticipated for the project and a specific project phasing plan.
 8. A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.
 9. A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

- H. **LENGTH OF APPROVAL**. Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the MPD requirements in the Chapter and the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

- I. **MPD MODIFICATIONS**. Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement.
- J. **SITE SPECIFIC APPROVALS**. Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval.
- The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

- K. **PRIOR APPROVALS.** ~~For MPDs that are vested as part of Large Scale MPDs the Planning Director may waive the requirement for a pre-Application meeting. Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.~~

Process

LMC amendments are processed according to LMC § 15-1-7. Amendments to the LMC require Planning Commission review and recommendation and City Council review and adoption. City Council final action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. A public hearing is required by both the Planning Commission and City Council, with proper notice.

Notice

On Wednesday February 8, 2017 a legal notice was published in the Park Record and placed on the City's website as well as on the Utah Public Notice website. Also the two (2) members of the public that commented on the Pre-MPD LMC Amendment during the October 26, 2016 work session discussion were contacted in advance to let them know of the current proposal.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. No public input has been received at the time of this report other than that corresponding comments made during the October 26, 2016 Planning Commission meeting and work session (see [Exhibit B - October 26, 2016 Planning Commission Work Session Minutes](#)).

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion to a date certain or uncertain.

Significant Impacts

There are no significant fiscal or environmental impacts to the City from these LMC Amendments that provide clarification of current development code language and definitions and as further described above.

Recommendation

Staff recommends that the Planning Commission review the proposed administrative and substantive amendments to the Land Management Code (LMC), conduct a public hearing, and consider forwarding a positive recommendation to the City Council pursuant to the attached Draft Ordinance.

Exhibits

Exhibit A – Draft Ordinance with corresponding Attachments

Attachment 1 – LMC Chapter 15-6 Master Planned Developments

[Exhibit B - October 26, 2016 Planning Commission Work Session Minutes](#)

Exhibit A – Draft Ordinance 17-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 15-6 MASTER PLANNED DEVELOPMENTS AND CHAPTER 15-15 DEFINED TERMS

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, Chapter 15-6 provides a description of requirements, provisions and procedures specific to Master Planned Developments (MPD). These revisions relate to the Pre-Application Public Meeting for MPDs as well as standards of review regarding the General Plan; and

WHEREAS, Chapter 15-15 provides definitions of capitalized proper nouns found in the text of the Land Management Code. These revisions related to the defined term of application, including accepted application and complete application.

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on October 26, 2016 and February 22, 2017, and forwarded a _____ recommendation to City Council; and

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

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code and the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council, to protect health and safety, to maintain the quality of life for its residents, to preserve and protect the residential neighborhoods, to ensure compatible development, to preserve historic resources, to protect environmentally sensitive lands, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6 (Master Planned Developments). The recitals above are incorporated herein as findings of fact. Chapter 15-6 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 (Defined Terms). The recitals above are incorporated herein as findings of fact. Chapter 15-15 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 2).

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Michelle Kellogg, Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachments (Redlines of specific LMC Sections)

Attachment 1 – LMC Chapter 15-6 Master Planned Developments

Attachment 2 – LMC Chapter 15-15 Defined Terms

Attachment 1 – LMC Chapter 15-6 Master Planned Developments

15-6 Master Planned Developments

[...]

15-6-4 Process

- A. **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.
- B. **PRE-APPLICATION WORK SESSION PUBLIC MEETING.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development the Applicant may request a work session discussion with the Planning Commission after meeting with the Planning Department. If a work session is held, public input shall be permitted. The applicant is encouraged to conduct independent public outreach.

At the pre-Application work session public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD and provide with the MPD application any comments received by the public.

- C. **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.
- D. **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action.
- E. **PUBLIC HEARING.** In addition to the possible work session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC

Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

- F. **PLANNING COMMISSION ACTION**. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD, the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

- G. **DEVELOPMENT AGREEMENT**. Once the Planning Commission has approved the Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

1. A legal description of the land;
2. All relevant zoning parameters including all findings, conclusions and conditions of approval;
3. An express reservation of the future legislative power and zoning authority of the City;
4. A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;
5. A description of all Developer exactions or agreed upon public dedications;
6. The Developers agreement to pay all specified impact fees; and
7. The form of ownership anticipated for the project and a specific project phasing plan.
8. A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.
9. A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to

the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

- H. **LENGTH OF APPROVAL.** Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the MPD requirements in the Chapter and the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

- I. **MPD MODIFICATIONS.** Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement.
- J. **SITE SPECIFIC APPROVALS.** Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval. The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

- K. **PRIOR APPROVALS.** Prior to final approval of an MPD that is subject to an Annexation Agreement or a Large Scale MPD, the Commission shall make findings that the project is consistent with the Annexation Agreement or Large Scale MPD and the General Plan.