

**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 13, 2003**

Present: Mayor Dana Williams; Council members Peg Bodell, Kay Calvert, Candace Erickson, and Jim Hier

Tom Bakaly, City Manager; Jerry Gibbs, Public Works Director; Mark Harrington, City Attorney; Alison Butz, Special Events and Facilities Manager; Mark Christensen, Grants and Budget Manager; Lloyd Evans, Chief of Police; Bob Stephens, Administrative Services Director; Beth Sunday, Tech Services Manager; Lori Collett, Finance Manager; and Kim Leier, Human Resources Manager

Kevin Callahan, Summit County Public Works Director; Insa Riepen, Director of Recycle Utah

Absent: Council member Fred Jones

1. **Council questions/comments.** Candace Erickson reported on a water conservation meeting, organized by realtors and water companies, to consolidate a plan so everyone is on the same watering program. This group also produced a publication on drought-tolerant landscaping, composting, and watering and are formulating a marketing strategy for the summer. Mayor Williams discussed his visit earlier today with young hockey players from Slovakia participating in a tournament in Salt Lake. He suggested that neighborhood meetings be held on the proposed OTIS program. There was discussion on commissioning a citizen water conservation committee. Jerry Gibbs explained that the key is not coming up with watering guidelines, but rather promoting compliance. The every-other day schedule has been successful because of its simplicity. Ms. Erickson continued that the group is proposing to partner with the City on a xeriscape project which might be shown on the local television station. The Mayor thanked reporter Chris Smart for his upbeat story in *The Salt Lake Tribune* on the One Year Celebration. The City Manager reported on his brief trip to DC for the purpose of monitoring the status of appropriations for water projects, including the Judge Tunnel and Rockport pipeline design work. Many transportation projects receive authorization at this time and the City is requesting funding to acquire buses and a maintenance facility.

2. **Recycling update.** Kevin Callahan referred to the task force, on which the Mayor served, to substantially increase curbside recycling services within the community. BFI has been providing a limited service over the past three years, collecting about 25 tons a month and over that same period of time, Recycle Utah's volume increased 38%, averaging about 145 tons per month. The Summit County Commission supported the committee's recommendations to expand a program collecting from 1,000 households to a maximum of 4,000. The County will rely on a core of volunteers to promote new service in the Prospector, Old Town and Thaynes Canyon areas and will solicit participation door-to-door on the weekends of March 1 and 8. Recycling will also be available in the Kamas

Valley. He further discussed the volunteer and promotion efforts. Summit County produces twice the national average for pounds per capita in the landfill. The RFP is flexible with regard to options and an award is anticipated in early March. The Mayor, Peg Bodell, and Kay Calvert volunteered. Mr. Callahan explained that it is too difficult to serve multi-family units in Old Town; only single family residences will qualify. Ms. Calvert pointed out inherent access problems in Old Town and suggested that delivery of services be determined before participation is solicited. Insa Riepen discussed Recycle Utah's educational water demonstration day scheduled on April 24 at the Miners Hospital Community Center.

3. Departmental budgets:

Public Safety. Chief Lloyd Evans reviewed the various sections in his budget report, distributed separately. The Department's year-end report will be distributed shortly, which describes specific work accomplishments. In response to a question from Kay Calvert about the police reserve program, Lloyd Evans explained that many are full-time police officers looking for additional work. This program has diminished somewhat over the years because of preparing for the Games; the Department once had 11 reserve officers and is now down to four. The Mayor pointed out that expenditures for the drug education program are well below the amount budgeted, and Chief Evans explained that the Department is committed to improving tracking its time to specific projects/programs, because of past errors in accounting. The new reporting process should provide a more accurate picture of the dollars spent on programs. Tom Bakaly explained that he will be making recommendations on options in May when his recommended budget is presented. Lloyd Evans explained that a request for another officer would add another option for equipment. In response to a question from Kay Calvert about moving funding around for line items, the City Manager explained that department heads manage to the bottom line, with the exception being personnel. He continued that bonuses are not budgeted as a line item, but covered within the department's budget. Ms. Calvert asked if they could be added as a line item, and Mr. Bakaly indicated that they could but this would be moving toward *budgeting for actual costs*. The City has been budgeting very conservatively and even after pulling out 7% for the vacancy factor, departments are asked to cover bonuses within their budgets. Jim Hier expressed that he didn't feel that budgeting for bonuses is a *switch to actual* as much as a *switch to reality*. Tom Bakaly explained other items that are budgeted conservatively like health insurance and pay scales and emphasized that departments are not holding vacancies in order to cover bonuses. Actual budgets are less flexible.

Chief Evans continued that there is currently one vacancy for a senior officer and an opening created by an officer on active military duty. Same level adjustment means same service with additional costs of doing business. He explained his request that the Deputy position be reinstated; it would be advertised outside and within the organization.

Performance measures and service level information has been collected by the Department for some time. There was again discussion about reporting staff time in the appropriate categories so the real cost of programs can be ascertained. In response to a question from Kay Calvert about quotas for issuing citations, the Chief stated that officers are given full discretion. Quotas are not set because the goal is to gain compliance through education and the Police Department does not receive reimbursement from the court directly based on the number of citations issued. There was discussion about practices of other agencies, like the Highway Patrol where number of *contacts* is often a focus. The Chief explained that in the effort to gear up for the Games, some programs were diminished including the community support officer who is assigned to specific enforcement work. Over the past couple of years, he has entertained forming a traffic enforcement team which would also have an education element.

Legal Department. Mark Harrington explained that the Legal Department performs criminal prosecution, risk management, and civil representation. The latter represents the bulk of the work by representing boards and commissions, City Council, employment, finance, grants, water, elections and ethics. The budget is dominated by personnel with five FTEs and funding for an intern. In 1994-95, most of the issues were contracted outside, but in 1996 in-house litigation was preferred and two full-time attorneys and an administrative assistant were hired. There have been salary adjustments and materials and supplies have remained relatively constant. There is about \$50,000 budgeted for outside counsel and legal services. In response to a question from Peg Bodell, Mr. Harrington explained that outside counsel is hired for a number of reasons including due process conflicts, work load, cost effectiveness, or needed special expertise. He emphasized that the City has experienced a very low loss rate with regard to claims. The City receives a little under \$100,000 from the courts over the year for prosecution services which goes directly to the General Fund.

Administrative Services. Bob Stephens explained that Administrative Services includes three divisions: Human Resources, Finance, and Technical Services. ASD was formed in 1995 and in 1998, the 3rd District Court was moved from the Legal Department to ASD. The Court eventually moved to the County but the City reserved the option to have a municipal court in the future. Mr. Stephens explained that his position falls within the HR budget and additional responsibilities include customer service, affordable housing, and GIS programs. There are 18 FTEs budgeted, 15 FTEs filled, and three contract employees. One of these is the GIS coordinator position which is recommended to be moved to FTE. He explained that the GIS position was also initially funded by SBWRD to bring the salary in line to attract qualified candidates and in the Spring 2002, the District hired the coordinator on a full-time basis. The City then hired another contract GIS coordinator. An inter-local agreement was executed between SBWRD, Summit County and Park City. The GIS consortium consists of the SBSRD, Fire District, School District, and the Mountain Regional Water District to ensure compatibility of coordinate systems. Funding is pooled which is budgeted at the County level for the fly-overs for

satellite imagery. He referred to the customer service program headed by his Division, which is absorbed in departmental training budgets. The affordable housing strategy was outlined in December, and this program will be returning to Council during its visioning session. The budget for this appears in the capital improvement section. He explained staffing over recent years, specifically the court. The mission of ASD is *to maintain the financial integrity of the City and to provide comprehensive and integrative financial management, human resource administration, and information technology support services to City departments and other customers so that they can accomplish their mission.* Mr. Stephens pointed out that each division tracks and monitors activities, which can be refined into performance measures.

Kim Leier reported that Human Resources consists of five FTEs and 2.55 temporary equivalents. The latter line item is a City-wide personnel pool used for temporary assistance for departments experiencing unforeseen workloads or staff shortages. She emphasized that the material and supplies budget supports City-wide programs, i.e., wellness, education assistance, etc. Human Resources is requesting a reclassification of a Secretary I to a Secretary II. There has been a 60% decrease in work related injuries from 2001 to 2002; sick leave is down by 11.9%; and the turnover rate has increased from 7% to 13%, anticipated at the conclusion of the Games. The Department continues to monitor health care costs and premiums are predicted to increase as much as 20%. The Police Department should be fully staffed by March 1. There was discussion about the temporary personnel pool in HR and conducting exit interviews. In response to a question from Candace Erickson about contract employees, Bob Stephens explained that positions are considered temporary and do not carry all of the rights of the personnel policy and procedures as far as grievances. One main distinction is that the term of employment has a finite duration.

Lori Collett explained that the Finance Department began planning for GASBE 34 before the Olympics. It is a governmental accounting reporting format pronouncement for presenting financial statements. This legislation requires governments to report the value of all infrastructure, i.e., roads, sidewalks, trails, paths, street lights, etc. GASBE 33 deals with reporting voluntary non-exchange transactions or donated assets, i.e., Olympic legacy tower. The Finance Department must track all assets and associated debt which will significantly increase record-keeping and Ms. Collett is requesting a reclassification of a department position for this assignment. She explained anticipated consulting services associated with GASBE 34.

Beth Sunday explained that her department is responsible for computers, networking, telecommunications and record management/archiving. In recent years, the focus has been on projects like fiber-optics, the City's presence on the Internet, and wireless communications. She explained staffing over the years and discussed moving the GIS position from contract to FTE and pointed out the dramatic increase in the support demand for personal computers. Mr. Stephens discussed surveying citizens as part of the

customer service program and detailed GIS, including posting permit and business license information for parcels. The Tech Service staff is also exploring applications for wireless technology and public access to GIS through the Internet. Summit County is the custodian of the parcel and assessor data and the City is responsible for overlays of water lines, building parcels, etc. City staff scanned all property information and provided it to the County who now digitally records plats and keeps parcel information current.

4. Review of regular meeting. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 13, 2003**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 13, 2003. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Jim Hier. Fred Jones was excused. Staff present were Tom Bakaly, City Manager; Matt Twombly, Project Manager; and Mark Harrington, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to speak on any matter of City business not scheduled on the agenda.

Cities for peace initiative. Resident Rich Wyman explained that this project is taking more of his time than he expected, but he plans to continue to talk with Council members and the public about this important issue. He expressed that there's no one speaking out on the national level and felt it logical to approach local government. He distributed an article about a lawsuit being filed by congressmen and service men against President Bush's unilateral strategy, and this week 86 cities and counties have signed resolutions which is unprecedented.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Presentation recognizing Police Officers Eric Redd, Jeff Mackay and Terry Knechtel for their patriotic commitment to serve as military reservists - Mayor Williams explained that Officer Redd couldn't be here tonight but will be formally recognized at another meeting. He was deployed immediately after September 11, 2001 and reinstated on December 18, 2002. Officer Jeff Mackay was employed in November 2002 and deployed a few weeks later on January 2; he is currently serving in Kuwait. The Mayor read the resolution and presented it to Officer Knechtel, who could be called to active duty at any time.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 30, 2003

Jim Hier, "I move to approve the Minutes". Candace Erickson seconded.
Motion carried.

Peg Bodell	Aye
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Absent

V NEW BUSINESS

Real Estate Purchase agreement with Mark Wisniewski for Lots 8, 9, 10 of Block 20 and a metes and bound parcel in the Amended Plat of Park City Survey, for \$445,000 - See staff report. Matt Twombly explained that the City owns abutting property behind Main Street and below Hillside Avenue, known as the Colman parcel. There is no specific use identified for the acquisition at this time, but options include a pocket or neighborhood park or open space. The contract contemplates a \$10,000 earnest money deposit and the closing is scheduled on March 3, 2003. The Planning Commission rendered a positive recommendation to purchase the property. He added that the purchase would be funded from the City's five-year capital improvement budget which could be reimbursed later with bond proceeds. Staff recommends approval. The Mayor invited the public to comment.

Doug Stevens, resident, stated he owns adjacent property, the Sullivan House and is very much in favor of the purchase. He felt it appropriate to incorporate this property into OTIS. Upper Main Street is very unique because there's no parking and the views are unobstructed, but visitors don't continue up the street. This is an opportunity to master plan upper Main Street and the turn-around area by bringing up the decorative street lights, planters and banners. A pocket park at the top of the street would be ideal and the Park City Historical Society is supportive in participating in developing a park. He asked that the access to the City parcel protect adjacent private property. There was discussion about obtaining the neighborhood's input on features of a park.

Peg Bodell, "I move approval of the purchase agreement with Mark Wisniewski as listed on our agenda today". Kay Calvert seconded. Motion carried.

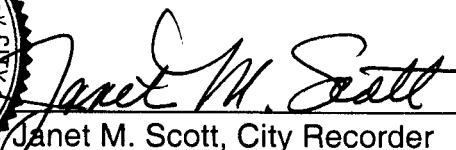
Peg Bodell	Aye
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Absent

VI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott




Janet M. Scott, City Recorder

CITY COUNCIL STAFF REPORT

Date: February 12, 2003
Department: Community Development Department
Title: 555-577 Deer Valley Drive, Master Planned Development
Type of Item: Appeal of Planning Commission Action

Summary Recommendations: Staff recommends the City Council discuss the issues on appeal, hear from the appellant and applicant and deny the appeal of the Planning Commission's approval for a Master Planned Development/Conditional Use Permit for twenty-two housing units in the Residential Medium Density (RM) District for property located at 555-577 Deer Valley Drive.

A. Topic

Applicant: Mountainlands Community Housing Association
Location: 555-577 Deer Valley Drive
Proposal: 22 moderate-income housing units
Zoning: Residential-Medium Density District (RM)
Adjacent Land uses: Residential
Project Planner: Kevin LoPiccolo
Date of Application: August 30, 2002
Date of Appeal: January 21, 2003

B. Background Information - Application Process

This matter involves the appeal of the Planning Commission's January 8, 2003 approval of a Master Planned Development (MPD) for twenty- two (22) moderate income dwelling units in the RM zone at 555-577 Deer Valley Drive. A chronology of the approval process is as follows:

The Planning Commission reviewed an MPD Pre-Application for Mountainlands Community Housing at their September 25, 2002 meeting. The applicant requested a determination from the Commission on whether a proposal for twenty-two (22) affordable housing units is in compliance with the City's General Plan. The Commission reviewed General Plan analysis prepared by staff, conducted a public hearing, and determined that the pre-application request for Mountainlands is in compliance with the City's General Plan.

The Planning Commission ratified those findings at their October 9, 2002 meeting.

The Planning Commission reviewed a Master Planned Development & Conditional Use Permit application at their November 13, 2002 and December 11, 2002 meetings. Following direction from the Planning Commission, the applicant made several architectural and site plan changes to the proposed MPD. The Planning Commission subsequently approved the MPD/CUP at their January 8, 2003 meeting, based on the Findings of Fact, Conclusions of Law and Conditions of Approval (Exhibit J).

Project Description:

The project consists of 22 moderate-income units ranging in size from 650 square feet to 1000 square feet. The site is zoned Residential Medium (RM) and presently has two existing historic dwellings, a garage and outbuildings on the two metes and bounds parcels. The area consists of approximately .66 acres and is located parallel to Deer Valley Drive and south of the SunnySide Up Subdivision. The access is off Deer Valley Drive.

The following are the minimum standards for requirements in the Residential-Medium Density (RM) District as specified within the Land Management Code:

	CODE REQUIREMENT	APPROVED
SETBACKS:		
FRONT:	15'	15'
SIDES	5'	27-40'
REAR	10'	10-25'
LOT SIZE - WHAT COULD BE DEVELOPED UNDER RM ZONE	5,625 s.f. needed for (4 units) + 1,000 s.f. for each additional unit. Based on lot square footage (28,749), the code could allow up to 27 units	Lot size is 28,749 Square Feet. MPD approved 22 units. (18% under the allowed density)
HEIGHT	28'5"	Final height verification to occur at Building Permit review
*PARKING	1 space @ 650 s.f. = 10 spaces 1.5 @ 650 s.f. - 1000 = 15 spaces 2 spaces for historic homes for a total of <u>27 required parking spaces</u>	<u>31 provided on site.</u> Applicant will not propose on-street parking spaces, but instead widen the sidewalk.
**OPEN SPACE	50% - was reduced by the Planning Commission, per LMC, section 15-6-7(G)	40% per LMC and Planning Commission findings of fact # 14.

* Parking is required at the rate of one space per bedroom up to 650 square feet, 1.5 spaces required from 650 square feet up to 1,000 square feet.

**The applicant is providing a bus shelter along Deer Valley Drive and is rehabilitating two existing historic dwellings within the project area.

C. Analysis

For complete analysis of the MPD and compliance with the LMC, please refer to the staff reports attached as Exhibit J.

D. Substance of Appeal

On January 21, 2003, an appeal of the Planning Commission's January 8, 2003 approval of the Master Planned Development/Conditional Use Permit for 555-577 Deer Valley Drive (Mountainlands Community Housing) was filed by Mr. Harvey LaPointe.

Jurisdiction:

On 1-24-03, Scott Loomis, Executive Director of Mountainlands Community Housing Trust, submitted a letter challenging the validity of their approval (See Exhibit B). Mr Loomis states that the appellant's appeal letter is defective for failing to include the appellant's address and phone number as required by LMC Section 15-1-18(F). Mr. Loomis also points out that the appeal letter fails to identify specific LMC or other laws alleged to be violated by the Planning Commission's action. On each of these grounds, Mr. Loomis argues that the 1-22-02 appeal letter is defective and thus should be disregarded by the Council.

If the Council finds the 1-22-03 appeal letter is fatally defective for failure to comply with the LMC requirements for form of appeal (Section 15-1-18(F)), then it may find lack of jurisdiction and dismiss the appeal in whole or in part.¹

In the alternative, if the Council finds that any defects in the appeal letter are not material defects and do not deprive the Council of jurisdiction, it may elect to hear the appeal, in whole or in part.

Appellant's Grounds for Appeal

Mr LaPointe's 1-22-03 appeal letter lists six grounds for appeal. Staff's response to each follows in italics:

1. **The density should be reduced.** *The approved project is under density. The subject property is located in the Residential Medium Density (RM) District and contains .66 acres. Based on the Land Management Code , the RM district allows developments consisting of more than four (4) dwelling units require a lot area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional dwelling unit over four (4) units. The property has a lot area of 28,749 square feet. The allowable*

¹ If the Council finds the lack of address and phone number on the 1-22-03 appeal letter deprives the Council of jurisdiction, it should dismiss the appeal in its entirety. If the Council finds that certain elements of the appeal letter lack the required comprehensive statement of reasons for the appeal, then it may dismiss those elements of the appeal found so lacking.

density for the site provided that the applicant meets all of the requirements would be up to 27 dwelling units. The proposal is for 22 dwelling units or 8.25 unit equivalents. As approved by the Commission, the proposal is approximately 18% below allowed density.

2. **Open Space should be increased to at least 50% or more.** *Master Planned Developments are generally required to contain a minimum of fifty percent (50%) open space as defined in Section 15-6-7 (G). The Planning Commission is authorized to reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan Sections or more specific area plans. Such project enhancements may include, but are not limited to, affordable housing, greater landscaping buffers along public ways and pedestrian Areas, increased landscape material sizes, transit improvement, pedestrian plazas, pedestrian way/ trail linkages, and public art. The Planning Commission at their December 11, 2002 meeting made the necessary findings to reduce the open space requirement from 50% to 40% open space as allowed in Chapter 6. The Commission determined that in addition to being a moderate income housing development, rehabilitating two historic dwellings and providing a bus shelter merited a reduction below the required 50% open space requirement.*
3. **I live within 75 feet of the proposed project location and never received notice of any public hearing.** *The MPD application was properly noticed pursuant to LMC, Chapter 1. The subject property was properly posted on October 9, 2002, at least 14 days before the Planning Commission hearing. Notice was also published in the Park Record on October 10, 2002, at least 14 days before the Planning Commission hearing. Although Mr. LaPointe was apparently omitted from the list of property owners within 300' feet of the subject property, LMC Section 15-1-12(C) provides that "Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the . . . Commission. See LMC, Section 15-1-12(C). Finally, it is worth noting that the Planning Commission minutes reflect that Mr LaPointe was present and offered testimony on November 13, 2002 and December 11, 2002.*

General Not Re: Paragraphs 4-6

LMC Section 15-1-18(F) requires that appeals " must have a comprehensive statement of all the reasons for the appeal, including specific provisions of law, if known, that are alleged to be violated by the action taken." Staff believes that paragraphs 4, 5, and 6 of Mr. LaPointe's appeal letter fall well short of this requirement. Given the lack of facts and specificity provided in these paragraphs, Staff's ability to respond to these claims is severely limited.

4. **The land for this project was purchased before the Planning**

Commission formally approved it. This seems unusual, unless the buyer was certain his proposal would be approved. The nature and timing of the applicant's ownership of the subject property was not an issue for consideration by the Planning Commission. Similar to paragraph 6 below, this claim appears to be an obscure and unfounded attempt to question the integrity of the approval process.

5. **There maybe a conflict of interest between this project and at least one member of the Planning Commission. Another conflict may exist in the Planning Department.** *Mr LaPointe has failed to identify any Planning Commission member or staff member who is alleged to be conflicted. Moreover, the appeal fails to identify the nature of any alleged conflict. Given the lack of information provided here, Staff is unable to investigate and respond to this claim.*

Staff notes that Title 3 of the Municipal Code provides the appropriate vehicle for filing and processing claims of conflicts of interest or other ethical violations.

6. **The integrity of the approval process as it relates to public trust is in question.** *This claim is too vague and lacks sufficient information to allow Staff to respond.*

E. Public Input

Notice of this appeal hearing was advertised on February 12, 2003 in the Park Record, letters were sent to property owners within 300' feet of the subject property. The appellant was contacted by the Planning Department on the scheduled appeal date and explained how the process of an appeal works. LMC, Section 15-1-17(H)(3) states "The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission or Historic District Commission. The City Council may remand the matter to the appropriate body with directions for specific areas of review or clarification. City Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters."

F. Staff Recommendation

Staff recommends the Council conduct a hearing on the appeal, consider input from interested parties and deny the appeal of the Planning Commission's approval of 555-577 Deer Valley Drive Master Planned Development & Conditional Use Permit based on the findings of fact, and conclusions of law as stated below.

Findings of Fact:

1. The applicant submitted a MPD/CUP application on September 18, 2002.
2. MPD/CUP public hearings were held on November 13, 2002, December

- 11, 2002 and January 8, 2003.
3. On January 8, 2003, the Planning Commission approved MPD/CUP.
4. On January 21, 2003, Mr. La Pointe appealed the Planning Commissions approval of MPD/CUP.
5. The project is located within the Residential-Medium Density(RM) District.
6. The property has a lot area of 28,749 square feet.
7. The allowable density for the site provided that the applicant meets all of the requirements would be 27 dwelling units.
8. The approval is for 22 dwelling units or 8.25 unit equivalents.
9. The Land Management Code, Section 15-6-7(G) requires a minium of 50% of the parcel be retained as open space. A reduction in the percentage of open space, to not less than 40%, may be granted upon a finding by the Planning Commission.
10. The Planning Commission decreased the required open space requirement as found in Section 15-6-7(G) from 50% to 40%, based on the project providing 22 units of affordable housing units, rehabilitation of two historic structures and a bus shelter.
11. The subject property was properly posted on October 9, 2002, at least 14 days before the Planning Commission hearing. Notice was also published in the Park Record on October 10, 2002, at least 14 days before the Planning Commission hearing.
12. Courtesy notice is not a legal requirement.
13. Planning Commission minutes reflect that Mr LaPointe was present and offered testimony on November 13, 2002 and December 11, 2002.
14. Paragraphs 4 and 6 of the 1-21-03 appeal letter are ambiguously and vaguely worded and wholly lacking factual support.
15. Paragraph 5 of the January 21, 2003 appeal letter alleges possible conflicts of interest with "at least one member of the Planning Commission" and another in the Planning Department. Neither the persons alleged to be conflicted not the nature of the alleged conflicts are identified.

Conclusions of Law:

1. Planning Commission did not err in approving 22 units on the subject property.
2. Amenities provided merited reduction of open space to 40%.
3. Any defect in courtesy notice cannot invalidate the Planning Commission's approval.
4. Paragraphs 4-6 are dismissed for failure to provide a comprehensive statement of the reasons of appeal.

G. Exhibits

Exhibit A - Appeal Letter
Exhibit B - Mountainlands Letter
Exhibit C - Appellant's response to Mountainlands
Exhibit D - CARG letter to City Council
Exhibit E - Existing Conditions

Exhibit F - Site Plan
Exhibit G - Floor Plans/Elevations
Exhibit H - Streetscape
Exhibit I - Planning Commission Minutes from all meetings
Exhibit J - Staff Reports to Planning Commission

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17 0997
JAN 21
State. ment of Appeal To 7.1.1 City Council
of Park City

Subject: Mountainlands Community Housing
Trust Affordable Housing Project
555-557 Deer Valley Drive, Park City

I am appealing the Park City Planning Commission's
approval of this project for the following reasons.

1. The density should be reduced.
2. Open space should be increased to at least 50% or more.
3. I live within 75 feet of the proposed project location
and never received notice of any public hearing.
4. The land for this project was purchased before the
Planning Commission formally approved it. This
seems unusual, unless the buyer was certain
his proposal would be approved.
5. There maybe a conflict of interest between this
project and at least one member of the Planning
Commission. Another conflict may exist in the Planning
Department.
6. The integrity of the approval process as it relates to
public trust is in question.

I am available to provide further
details to the items listed on page one.

Thank you for your consideration of this
appeal.

Sincerely,

Harvey LeBointe

January 21, 2003



**Mountainlands
Community
Housing Trust**

January 24, 2003

Jan Scott
City Recorder
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

RE: Appeal Park City Planning Commission
555-557 Deer Valley Drive

Dear Ms. Scott,

I am in receipt of a copy of a document entitled "Statement of Appeal To the City Council of Park City" filed by Harvey LaPointe dated January 21, 2003. If this document is an attempt to appeal the decision of the Park City Planning Commission under the Land Management Code (LMC)15-1-18 (F) Form of Appeal it is, on its face, defective and should be disregarded.

The LMC is very specific concerning procedures that must be followed to the letter by the applicant and Planning Commission. The LMC clearly states an appeal must contain the name, address and phone number of the petitioner". This document does not include the address and phone number of the applicant and, as a matter of law, should be regarded as failing to meet the required form. Failure to follow the LMC as to form is no different than failing to file a timely appeal. Accordingly, this document should be disregarded and not scheduled for a hearing by the City Council.

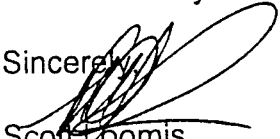
The same section of the LMC also states the form of appeal must include "a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken". The document is further deficient because it fails to site any specific references to the LMC or laws that were violated by the Planning Commissions actions. For this reason, as well, as a matter of law, the document should be disregarded.

As stated, as a matter of law the document fails to comply as to form as specified by the LMC. If equity, rather than law, is to be considered, the petitioner had adequate opportunity to present his concerns to the Planning Commission at the four public hearings held in this matter and did so on at least two occasions although he chose to say nothing at the final hearing. To accept this document that does not comply with the requirements as to form required by the LMC will

require considerable effort and time of the planning department staff and the applicant as well as the mayor and council. It will delay a Master Planned Development that has been approved in full compliance with all of the provisions of the LMC. If the petitioner cannot even take the time to make reasonable inquiry as to the proper form of an appeal, equity requires that other parties who will be burdened by responding to this defective document not be required to do so. In short, the petitioner has had adequate opportunity to address his concerns to the Planning Commission and should not be permitted to proceed with a defective appeal.

Thank you for your consideration of this matter.

Sincerely,



Scott Zoomis
Executive Director

cc. Mark Harrington
City Attorney

Richard Lewis
Community Development Director

Park City Council
Park City Municipal Corporation
445 Marsac Avenue
Park City, UT 84060

From: Harvey LaPointe
437 Deer Valley Drive
Park City, UT 84060

Re: Response to Scott Loomis letter, dated January 24, 2003

My home is approximately 75 feet from the proposed affordable housing project.

Prior to filing my appeal, I called City Attorney Mark Harrington and left a message re: how to make the appeal. He returned my call later that day and left a message indicating that anyone who testified in person or submitted written testimony at a Planning Commission meeting could appeal. He also indicated that there was a fee for filing such an appeal, but he wasn't sure what it was. He said he would have someone call me with the fee amount. The next day Patrick Putt called and said the fee was \$365. Neither Mark nor Patrick referred me to the Land Management Code for specific appeal instructions.

I believe the section of the Land Management code that does apply is 15-1-16 (F) Form of Appeal.

The Land Management Code may provide for up to 27 units on this property, but that doesn't mean 27 or more units provide reasonable open space for owners enjoyment or quality of life.

I have lived at my current address for nine years and have received notification of many Planning Commission hearings for new developments. However, for this affordable housing project, I never received a notice and I am not aware of anyone else receiving notices. Maybe this was coincidental maybe not! I believe the Land Management Code calls for notification to property owners within 300 feet of the proposed project.

Mr. Loomis' letter of January 24, 2003 states, "the petitioner has had adequate opportunity to address his concerns to the Planning Commission and should not be permitted to proceed with a defective appeal". I respectfully disagree with this. I was unaware the land for this project was sold to Mountainlands Community Housing Trust in advance of the Planning Commission's final approval. I was also unaware of what I consider to be a significant conflict of interest between a member of the Planning Commission and a Mountainlands Board of Directors member. The opportunity to voice my concern to the Planning Commission about these new matters never occurred.

I respectfully request the City Council to allow my appeal to move forward to a hearing, which is tentatively scheduled for February 20, 2003.

Thank you.


Harvey LaPointe

cc: Mark Harrington, City Attorney
Richard Lewis, Community Development Director

Exhibit C - Appellant's response to Mountainlands



CARG

P.O. Box 681764, Park City, UT 84068
mail@carg.org
www.carg.org

Jan. 30, 2003

Dear Honorable Mayor and City Council:

I have read the appeal submitted by Harvey LaPointe that asks you to reverse the Planning Commission's approval of the affordable housing project planned for 555-557 Deer Valley Drive. The appeal appears to be totally without merit.

Mr. LaPointe bases his appeal on six points. Points one and two indicate that there should be less density and more open space. The fact is, the project meets all city codes and plans and has less density than the maximum allowed for such a project.

Point three is that he never received a notice of any public hearings on the project. I cannot vouch for what he has or has not received in the mail, but there have been several public hearings on the project that were all duly noticed in the Park Record.

Point four states that the land was purchased before the project was approved. I would venture to say that the majority of projects brought before the Planning Commission are on land already owned by the proposer, but who owns the land has no bearing on the merits of the project.

In point five, Mr. LaPointe writes that, "There may be a conflict of interest . . .". He doesn't say there is; just maybe, no names, no specifics. This kind of insinuation and innuendo does not deserve consideration. Point six is similar to point five.

CARG applauds Park City's efforts to give citizens every opportunity to be heard, but lacking true issues, we wonder why we should give Mr. LaPointe another opportunity to voice his opposition to affordable housing. I say "opposition to affordable housing" because I don't recall seeing Mr. LaPointe at any commission hearings to object to the many far larger condominium projects that have been approved for lower Deer Valley in recent years.

Opposition or support for an affordable housing project should be based on the clearly spelled out city codes and ordinances. Those who try to polarize our citizens on one side or the other based on personal opinion do a disservice to our community. CARG supports dismissing this appeal outright or voting against it.

Respectfully submitted,

Chuck Hollinshead
Citizens Allied for Responsible Growth

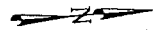
Exhibit D - CARG letter to City Council

[illegible]

DEC 03 2002

Exhibit F - Site Plan

1 SITE PLAN
SCALE 1" = 40' 0"



IMPROVED INFILTS

- LEGEND**
- 1. WATER SHED
 - 2. EXISTING DRIVE
 - 3. EXISTING DRIVE
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 - 100. EXISTING DRIVE



C-103

PROJECT INFORMATION

PROJECT NUMBER: 2002.31
 DRAWING FILE: 2002.31
 DRAWN BY: SHM
 CHECKED BY: SHM
 COPYRIGHT: 2002 MOUNTAINLANDS COMMUNITY HOUSING TRUST, LLC

SHEET TITLE

SITE PLAN

Deer Valley Drive Housing
 Deer Valley Drive
 Park City, Utah

26

Mountainlands Community Housing Trust

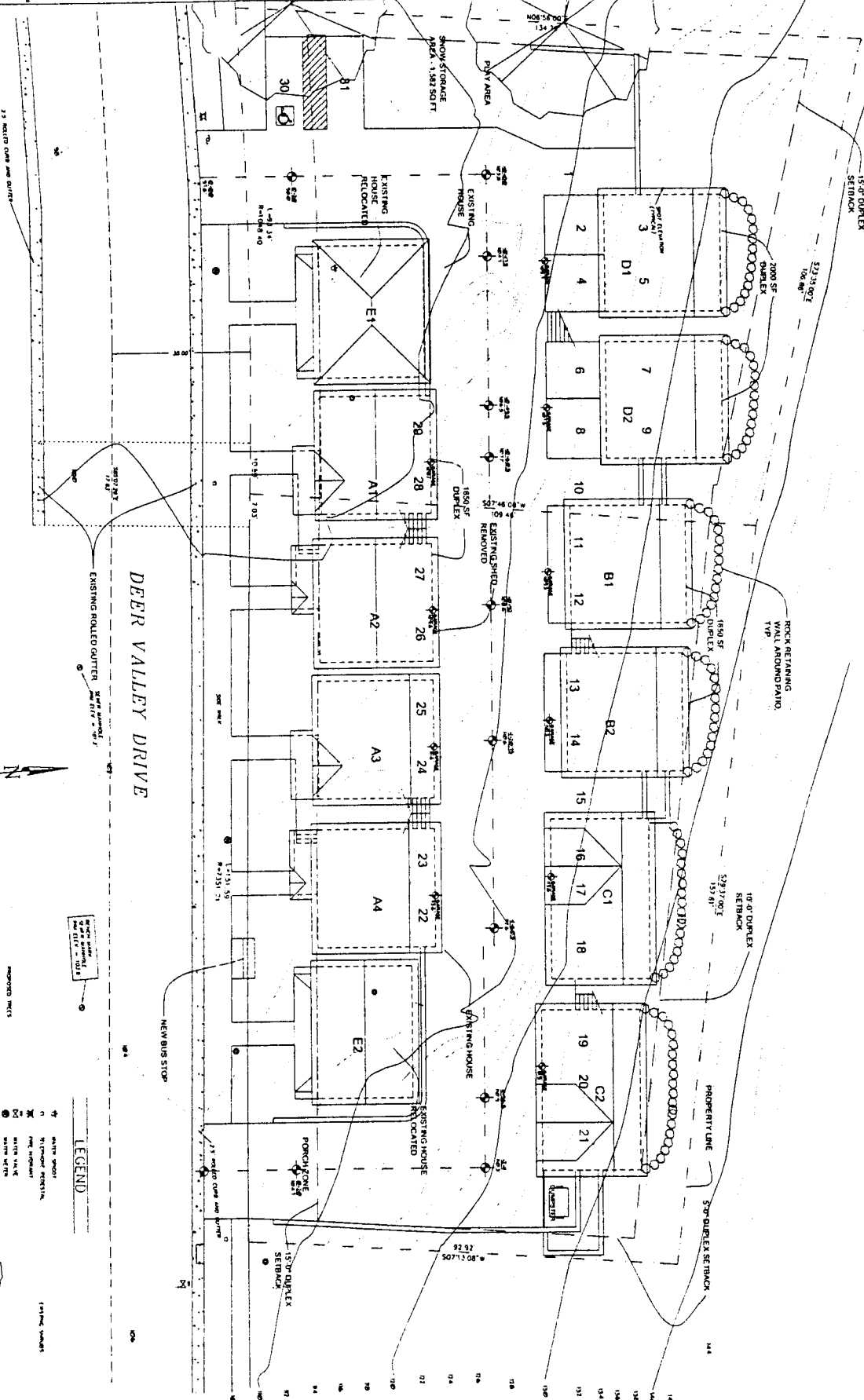
CONSULTANTS

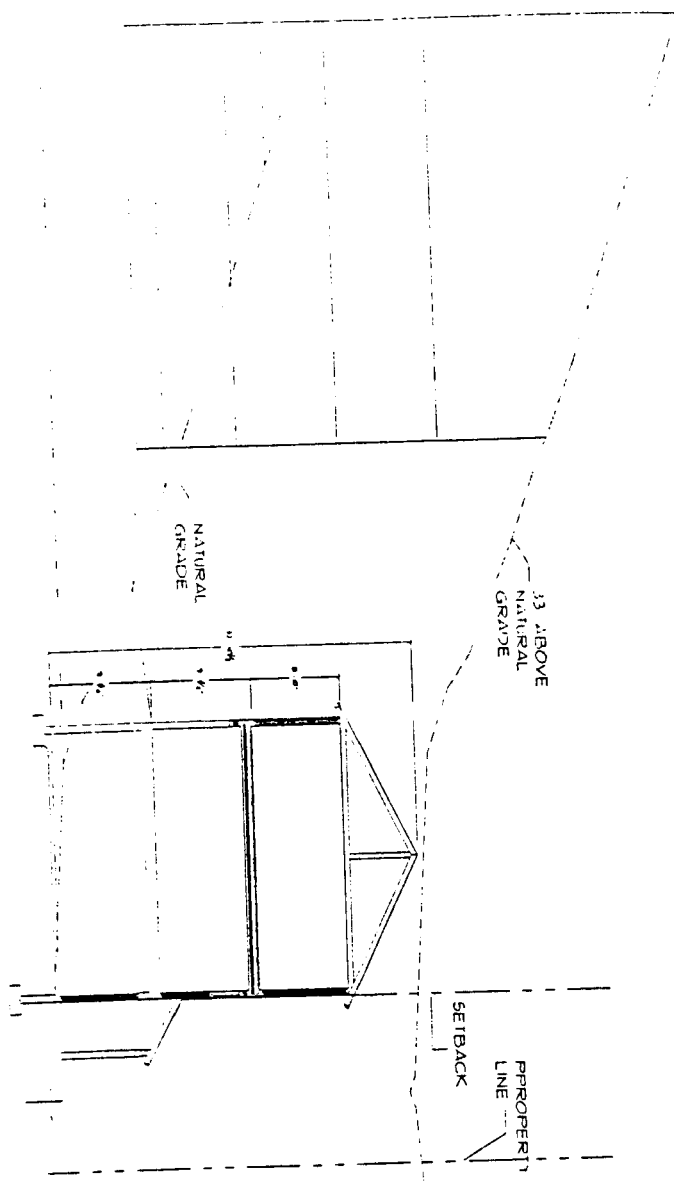
ENR

PLANNING & ARCHITECTURE • 1123 10th St. Suite 100
 Park City, UT 84302
 801.225.1123
 FAX 801.225.1124
 WWW.ENR.COM

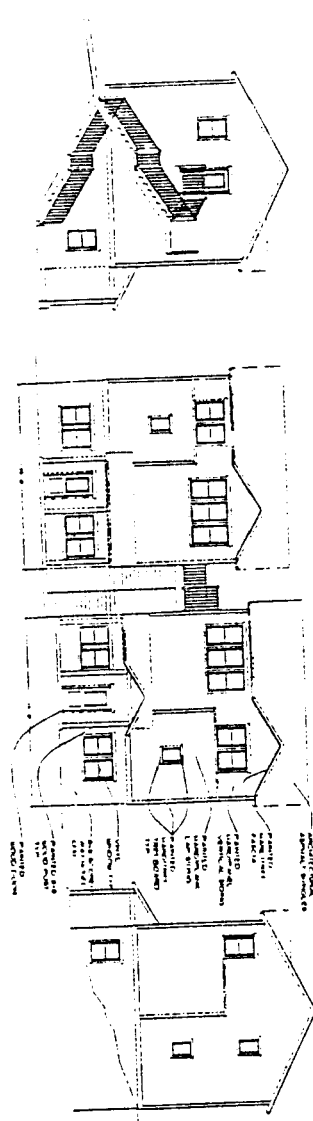
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 (10) 2 BEDROOM CONDOS @ 1000 SF EACH = 15 PARKING PLACES
 (2) 1 BEDROOM HISTORIC HOUSES = 2 PARKING PLACES
 27 STALLS REQUIRED
 31 PROVIDED

OPEN SPACE CALCULATIONS
 OPEN SPACE: 40.17 %
 OPEN SPACE: HARDSCAPE (DRIVE AND PARKING): 70.13 %
 SNOW STORAGE: 18.39 % OF HARDSCAPE





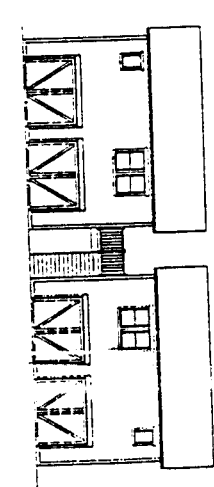
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 (ADD) SCALE 1/8" = 1'-0"



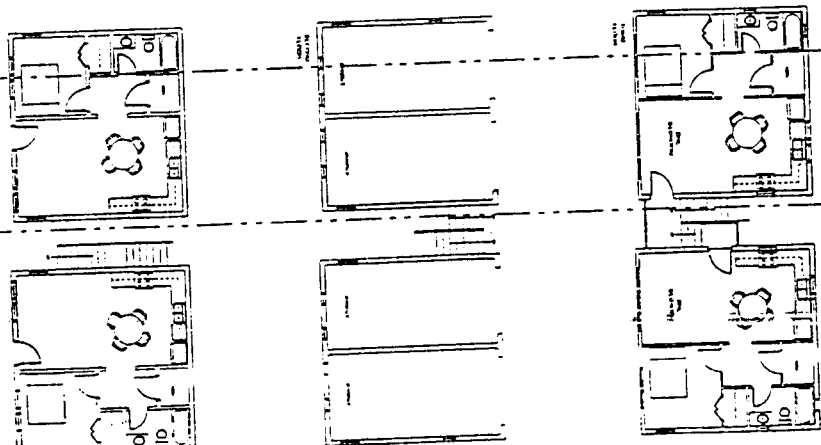
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 (ADD) SCALE 1/8" = 1'-0"

(C) SOUTH ELEVATION
 (ADD) SCALE 1/8" = 1'-0"

(C) EAST ELEVATION
 (ADD) SCALE 1/8" = 1'-0"



(C) NORTH ELEVATION
 (ADD) SCALE 1/8" = 1'-0"



(C) PLANS
 (ADD) SCALE 1/8" = 1'-0"

Deer Valley Drive Housing

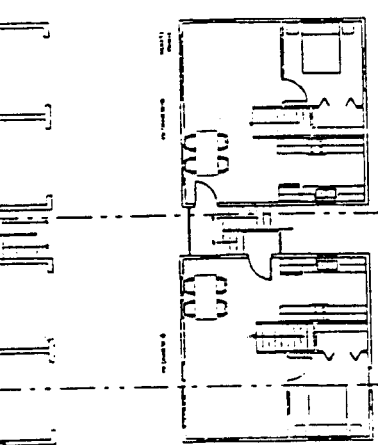
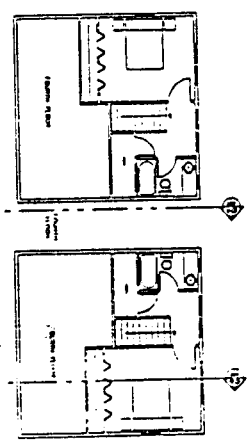
DEC 03 2002

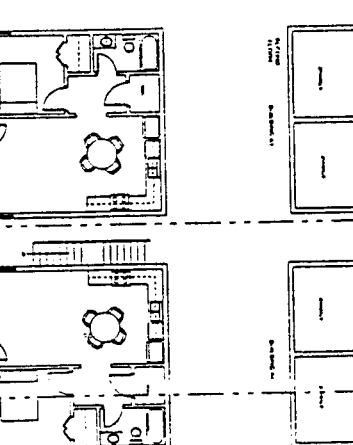
A-101

Deer Valley Drive Housing
 555 - 577 Deer Valley Drive
 Park City, Utah

27

EWB
 ENVIRONMENTAL WORKS
 1000 E. 1000 S.
 SUITE 100
 PARK CITY, UT 84302
 (435) 243-1111
 FAX (435) 243-1112
 WWW.EWB-UTAH.COM





$\frac{1}{2} \left(\frac{1}{\sigma_1} + \frac{1}{\sigma_2} \right) = \frac{1}{\sigma_0}$

PLAN 5 1
SCALE 1/8" = 1'-0"
1

DEC 13 2002

Product	Price
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2. 100% Cotton T-shirt	\$19.99
3. 100% Cotton T-shirt	\$19.99
4. 100% Cotton T-shirt	\$19.99
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CONSULTANTS

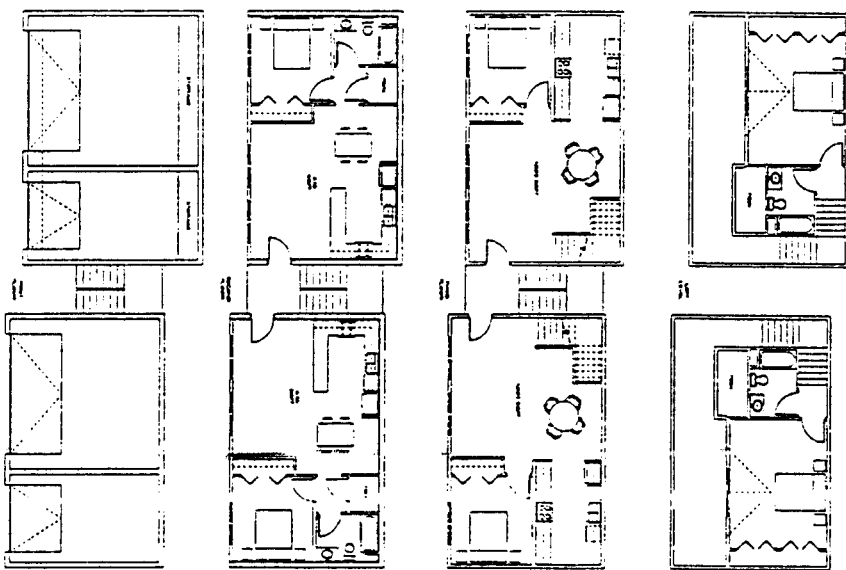
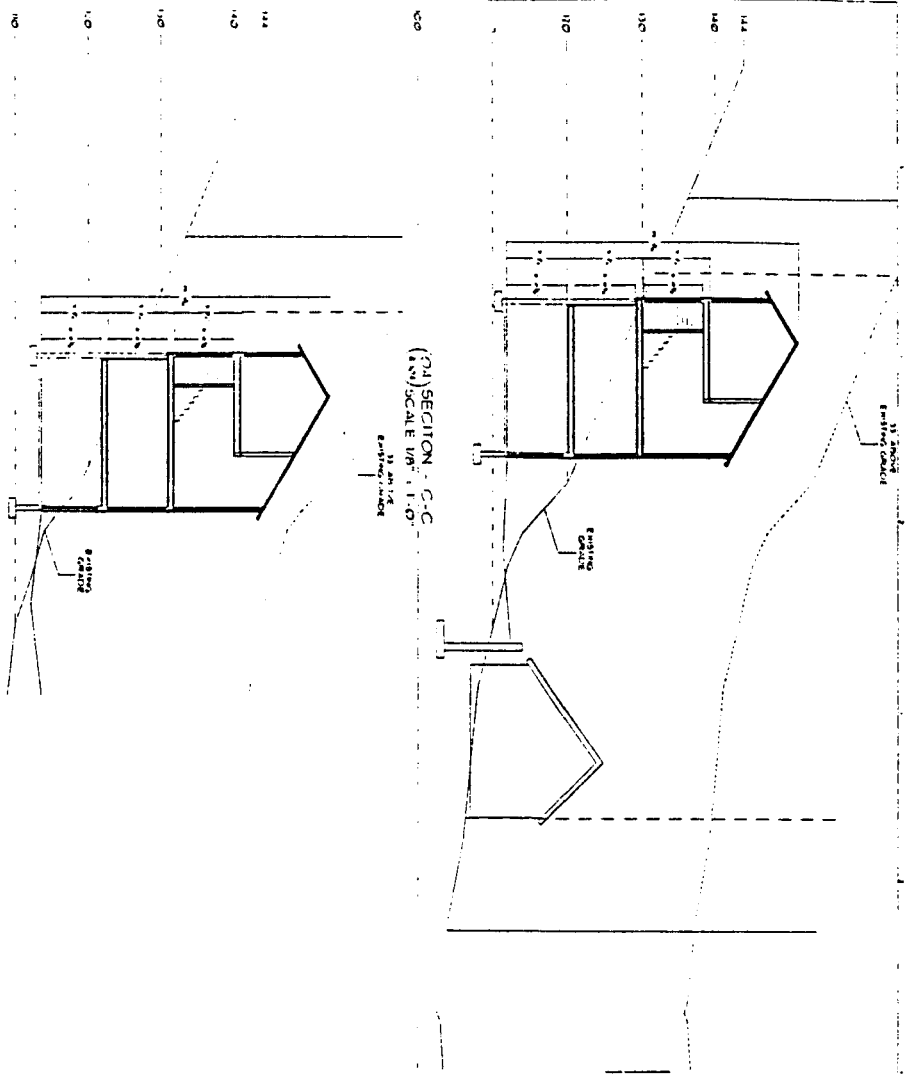
Deer Valley Drive Housing
555 - 577 Deer Valley Drive
Park City, Utah

Question
Mountainlands Community Housing Trust

28

PROJECT NUMBER	2003
DRAWN/FILE	
DRAWN BY	SL
CHECKED BY	
Copyright 2003 LMA ARCHITECTS, LLC	
SHEET TITLE	
Buildings A,B & C Plans, Sections and Elevations	

A-102



Deer Valley Drive Housing
555 - 577 Deer Valley Drive
Park City Utah

Mountainlands Community Housing Trust

30



ARCHITECT & ENGINEER
1000 East 1000 North
Salt Lake City, UT 84143
PHONE: (801) 466-1000
FAX: (801) 466-1001
WWW.EMA-UTAH.COM

PROJECT: DEER VALLEY DRIVE HOUSING
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 2002.11.14

SHEET TITLE
Building: C1A, C2
Plans: Sections and Elevations

A-104

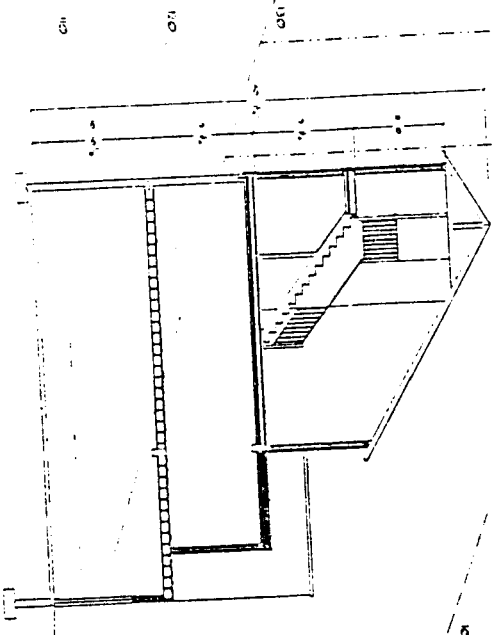
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PROJECT 003

PROPERTY SETBACK LINE

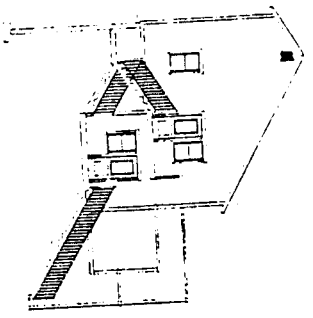
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SCALE 1/8" = 1'-0"



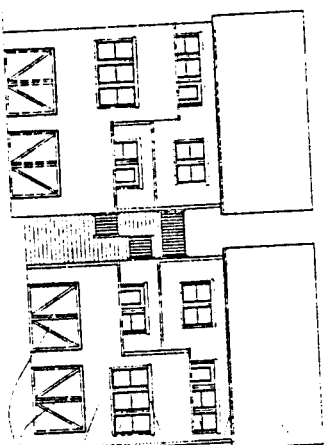
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(C5) SECTION
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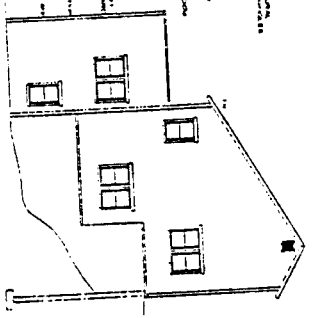


(C5) WEST ELEVATION
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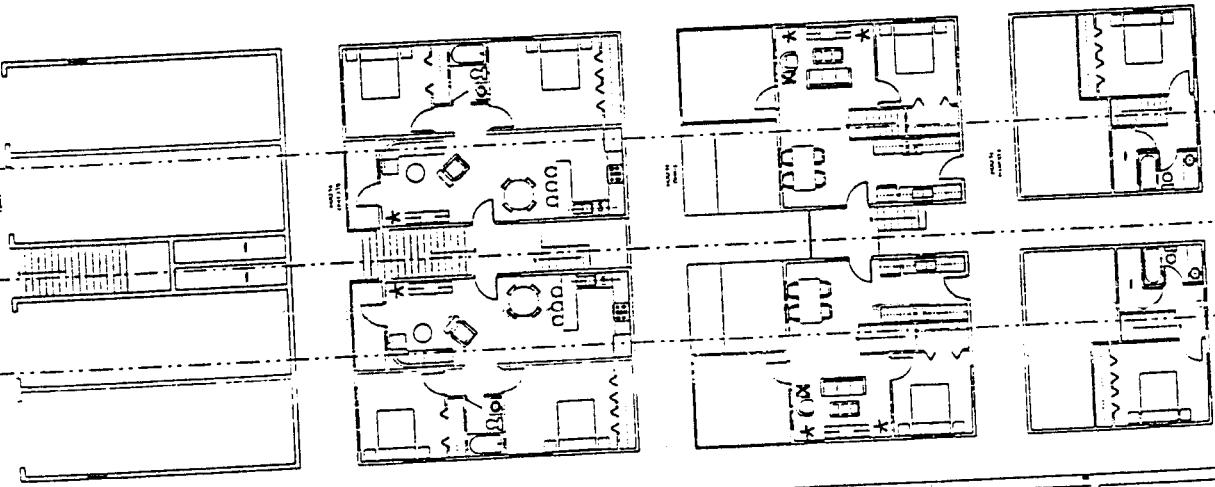
(C7) SOUTH ELEVATION
SCALE 1/8" = 1'-0"



(C8) EAST ELEVATION
SCALE 1/8" = 1'-0"



(C9) PLANS
SCALE 1/8" = 1'-0"



DEC 03 2002

Deer Valley Drive Housing
555 - 577 Deer Valley Drive
Park City Utah

31

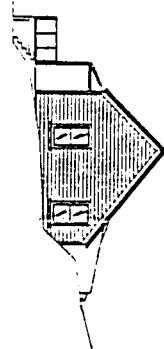
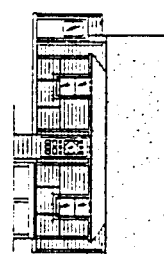
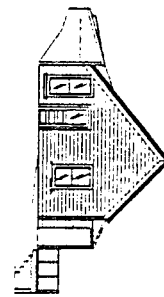
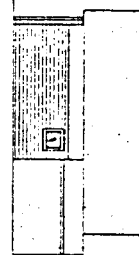
Mountainlands Community Housing Trust



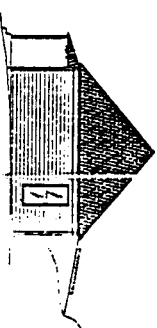
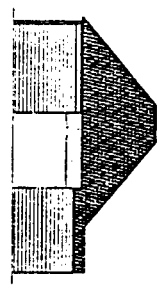
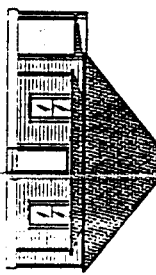
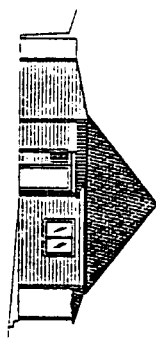
DESIGNED & ARCHITECTED BY
JANIS L. LARSEN
JANIS L. LARSEN ARCHITECTS
1000 N. 1000 E.
SALT LAKE CITY, UT 84143
TEL: 325-1111
FAX: 325-1112
WWW.JLLARCHITECTS.COM

PROJECT MANAGER
JANIS L. LARSEN
DESIGNED BY
JANIS L. LARSEN
CHECKED BY
JANIS L. LARSEN
DATE
2002

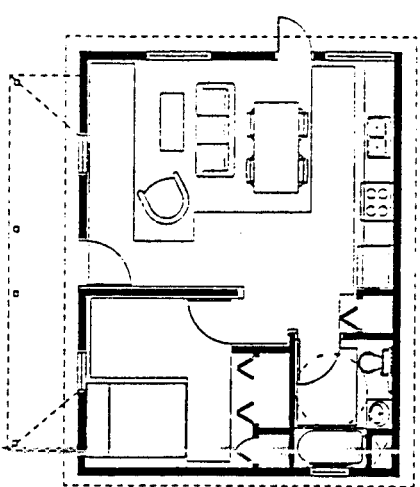
A-105



571 Deer Valley Drive Elevations



(07) 555 Deer Valley Drive Elevations
REV SCALE 1/8" = 1'-0"



① ADA Unit Plan
② SCALE 1/4" = 1'-0"

Deer Valley Drive Housing

555 - 577 Deer Valley Drive
Park City, Utah

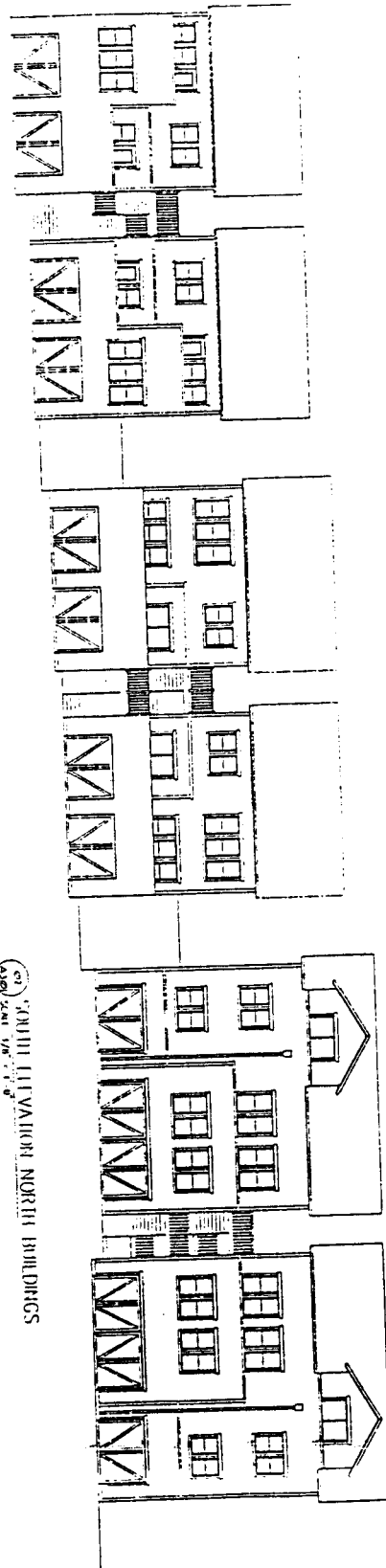
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Mountainlands Community Housing Trust

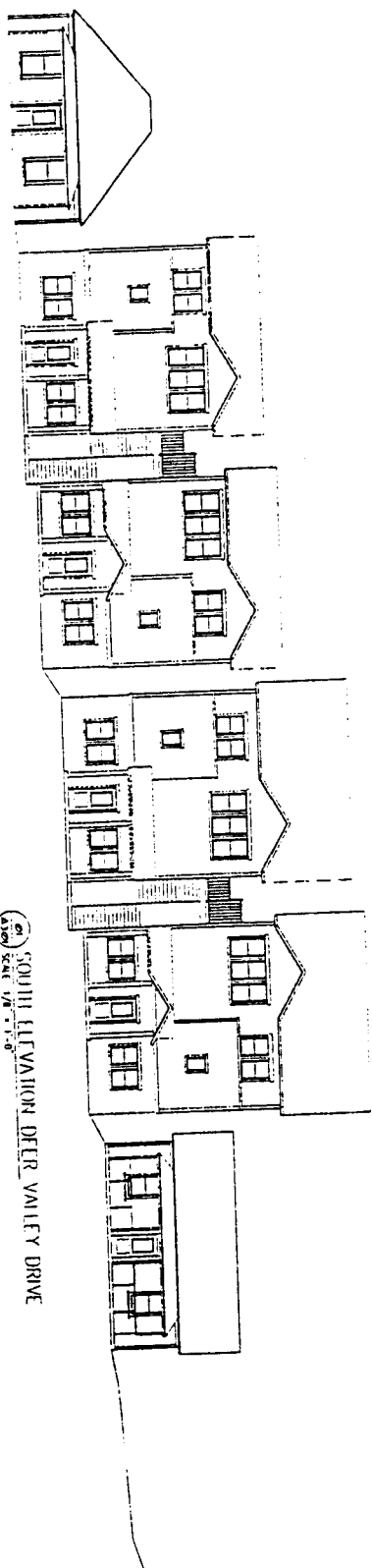
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A-106

DEC 03 2007



(N) NORTH ELEVATION NORTH BUILDINGS
 1/8" = 1'-0"



(S) SOUTH ELEVATION DEER VALLEY DRIVE
 1/8" = 1'-0"

Deer Valley Drive Housing

555 - 577 Deer Valley Drive
 Park City, Utah

33

Mountainlands Community Housing Trust



Engineered by: EMA
 1000 East 1000 North
 Salt Lake City, UT 84143
 Phone: (801) 466-1111
 Fax: (801) 466-1112
 Email: info@ema.com

PROJECT: Deer Valley Drive Housing
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]
 SHEET TITLE: [Title]
 ELEVATIONS: [List]

A-301

DEC 03 2002



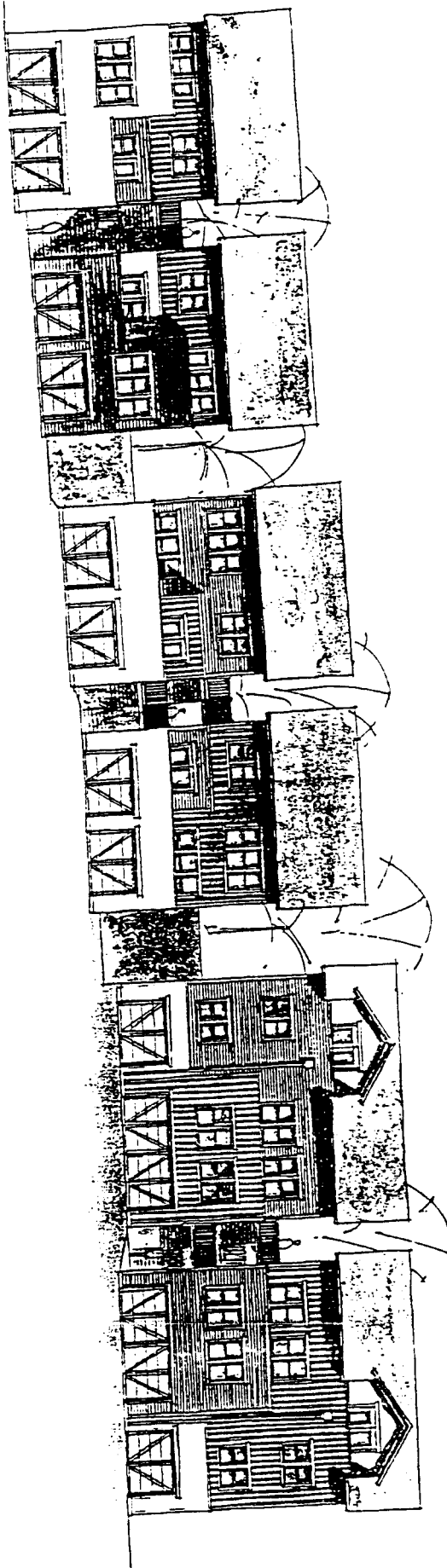
Mountainlands Community Housing Trust

Deer Valley Drive
Park City, Utah



Exhibit H - Streetscape

PROJECT NO. 2002-03
DATE: 03/28/02
PAGE: 34



Mountainlands Community Housing Trust
Deer Valley Drive
Park City, Utah



3. ~~555 and 577 Deer Valley Drive-Master Planned Development for Affordable~~
Housing

Planner Kevin LoPiccolo presented the staff report and presented a brief history of the proposed project. He stated that the Planning Commission reviewed site plans, CUP criteria, MPD criteria, architectural plans, materials, open space, and parking. Planner LoPiccolo noted that revisions have been made to the site plan to eliminate on-street

parking and increase the width of the sidewalk instead. An agreement has been reached with BFI that the proposed dumpster is adequate, and the City Engineer has found the snow storage to be adequate. Staff presented the conditions of approval, findings of fact, and conclusions of law for Planning Commission approval.

Chair Larson re-opened the public hearing for the benefit of the public in attendance at the meeting.

Dennis Monahan, a 15-year resident, felt that the project only complied minimally. His main concerns were access, traffic, noise, and safety, and he opposed the project because of these points. He stated that he would like to see the project continue but in another location.

Jeff Smith expressed concerns about the project. He stated that he owns a triplex across the street, and the area is already economically distressed and becoming run down. He expressed discomfort in seeing another moderate income housing project erected and not providing profit for the owners. He concurred with Mr. Monahan about traffic and speeding problems on Deer Valley Drive. He felt that the project would cause a serious over-massing problem and he asked the Commissioners to realize that it would make a profound impact on the neighborhood.

Joan Thompson stated that she was in favor of affordable housing, but not on Deer Valley Drive. She explained that the only buildings that keep the area low density are the mining shacks which provide open space pockets.

Ed Brophy commented on the speeding problem along Deer Valley Drive and insisted that it was an enforcement problem, not a density issue. He stated that he would like to see government employees, police, teachers, and City employees have an opportunity to attain a start in life.

Michael Martin stated that he represented the Sunny Side Homeowners. He agreed that there is a need in Park City for employee housing. He expressed concern about the high density that would occur on the street and noted that the height of the second building to the back would create a tunnel effect. He discussed how the street had been mismanaged for a long time and seemed 'beat up.' He wanted to see the density reduced and some of the trees left in place along with some of the houses. He asked the City to be pro-active in making the street look better. He stated that he would be in favor of the project if the density were reduced.

Mary Demkowicz expressed concern about the density of the project. She believed affordable housing should be nice so people could live in it for a long time and suggested that the size of the project be cut in half so it would be nice. She asked if

there could be a guarantee that there would be only one family per unit. She was concerned about whether the fire department could get a truck to the back of the project in the event of a fire. She believed the front units would block the sun, creating ice on the road and making parking difficult.

Joyce Smith was concerned that Dear Valley Drive would become a tunnel at the current rate of development. She asked that the Planning Commission be as strict on this project as they were on the Woodside Avenue CUP. She claimed that the City wants affordable housing, which makes the Planning Commission somewhat blind to the guidelines and impact the project will have on the neighborhood. She felt the impacts of this project would be much greater than the impact of the house at 561 Woodside, yet the Commission seemed more conservative toward the latter.

Susan Monahan stated that having everything in compliance does not necessarily make a project good. She compared Grey Hawk to this MPD and noted that Grey Hawk was within compliance, but once it was built, it looked monstrous. The plans on paper for this project looked more dense than the plans for Grey Hawk, and she was concerned about how it would look once it is built. She agreed with the need for affordable housing but felt the project was too dense.

Scott Smith stated that low-income housing was important and that he agreed with it. However, he had also seen the negative impacts affordable housing could have and stated that it slowly turns into ghettos. He did not want to see the value of the properties go down with an increase in crime in the area and asked the Commissioners to reconsider the density of the project.

Chair Larson closed the public hearing.

Scott Loomis, the applicant, clarified that the Fire Marshall had signed off on the project. The property allows for 27 units, and they are proposing 22. He explained how the property was obtained and that the private market would have allowed a substantially denser project with 24,000 square feet of living space and an underground parking garage. He explained that the area will not turn into a ghetto and that it will be priced for city employees, school district employees, sewer district employees, and fire district employees. He agreed that the project would have an impact on future affordable housing developments, and they had hired architect Craig Elliot to design a nice project that will remain nice. Restrictions will be placed on buyers with conditions regarding the number of people permitted to dwell in the units.

Chair Larson discussed traffic and density issues and explained that they have been seriously considered for the past six months. He felt the traffic impact would be insignificant. He noted that the area had been zoned for this type of housing, and the

Planning Commission was unable to undo that. There will be a school bus stop in front of the project so the children will not have to cross the street.

Commissioner O'Hara expressed wariness about the project after hearing the public speak and stated that he was concerned about the density of the project and empathized with the neighbors. The applicant had stated that anything below 22 units would not pencil out, and Commissioner O'Hara was not certain whether that was true, because he had not seen any economic proof that it was. He stated that he would abstain from voting because he was confused and did not feel that the neighbors' concerns about density had been answered clearly. He wanted to make sure that the lots across the street would not be built into three-story buildings and would not like to set a precedent for that.

Chair Larson commented that density and affordability are synonymous and directly correlated. Affordability cannot be attained without an increase in density. He felt this project was a good one with a good location and was moving toward the City's goal of providing a variety of housing opportunities in all neighborhoods for all groups of people. He stated that he had initially pushed hard on the density issue, and he believed the Commission would have to trust Mr. Loomis on that point.

Commissioner Barth discussed density and explained that, if this project is not allowed to go forward, an even denser project would come forward in the future because the lots are zoned for it.

Administrator Putt explained that there is a provision for affordable housing projects of this nature to qualify for an increase in density, but that is not what the applicant is requesting. In fact, this project is below the permitted use density. This is a situation where obtainable housing is being provided without requesting additional density, and it is significantly under density. With regard to traffic impacts, he noted that several hundred units of density are yet to be built on Deer Valley Drive. He reiterated that this project is dealing with base zoning, and if there are concerns about density on Deer Valley Drive, that should be addressed through future General Plan discussions, but that is not the issue at hand. Administrator Putt explained that Staff's recommendation is based on the applicant meeting the criteria and applying the LMC. He offered to provide additional analysis if the Commissioners had concerns that could be addressed by doing so.

Commissioner Barth stated that he could find no reason to not proceed with the project.

MOTION: Commissioner Volkman moved to APPROVE the MPD Conditional Use Permit for 22 housing units at 555 to 577 Deer Valley Drive subject to the findings and

fact, conclusions of law, and conditions of approval contained in the staff report.
Commissioner Powers seconded the motion.

VOTE: The motion passed by a vote of 4 to 0, with Commissioners Barth, Powers, Volkman, and Zimney voting in favor of the motion and Commissioner O'Hara abstaining from the vote.

Findings of Fact - 557 and 577 Deer Valley Drive MPD

1. The project is located within the Residential-Medium Density(RM) District.
2. This proposal requires a Master Planned Development per Section 15-6-2(c) and a Conditional Use Permit for the multi-family units per Section 15-2.18-2(B)(4)
3. The proposed development consists of 22 housing units.
4. The proposed development has two significant historic dwellings on site.
5. The two significant historic dwellings will be rehabilitated.
6. The proposal is for 22 moderate-income units ranging in size from 650 square feet to 1000 square feet.
7. The area consists of approximately .66 acres and is located parallel to Deer Valley Drive and south of the Sunny Side-Up Subdivision.
8. The project site consists of two metes and bounds parcels.
9. The applicant will have to submit a Subdivision application to consolidate the two metes and bounds parcels into a legal lot of record.
10. The proposed access is off of Deer Valley Drive.
11. The property has a lot area of 28,749 square feet.
12. The allowable density for the site, provided that the applicant meets all of the requirements, would be 27 dwelling units.
13. The proposal is for 22 dwelling units or 8.25 unit equivalents.
14. The Planning Commission decreased the required open space requirement as found in Chapter 6 from 50% to 40% based on the project providing 22 units of affordable housing and a bus stop.
15. The proposed development requires a minimum of 27 parking spaces based on the Land Management Code Parking Table.
16. The applicant is providing 31 parking spaces for the proposed development.
17. The applicant is not proposing any on-street parking.
18. The proposal design incorporates materials utilized historically in Park City.
19. The MPD, as conditioned, provides the highest value of open space as determined by the Planning Commission.
20. The MPD has been noticed and public hearing held in accordance with the Land Management Code, Chapter 6.
21. The MPD, as conditioned, strengthens and enhances the resort character of Park City.

22. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing a bus shelter.
23. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
24. The MPD provides amenities to the community so that there is no net loss of community amenities.
25. The facts discussed in the analysis section are incorporated herein.

Conclusions of Law - 557 and 577 Deer Valley Drive MPD

1. The request complies with the Land Management Code requirements for a Conditional Use.
2. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent Properties and promotes neighborhood Compatibility.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
5. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
6. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the site.
7. Any differences in use or scale have been mitigated by the conditions of approval.

Conditions of Approval - 557 and 577 Deer Valley Drive MPD

1. All standard conditions of project approval shall apply to this project. Receipt and approval of a Construction Mitigation Plan (CMP) by the Community Development Department is a condition precedent to the issuance of any building permit.
2. The applicant must receive approval of the landscape plan prior to the issuance of a building permit.
3. All lighting on the buildings must comply with the Land Management Code, the Park City Night Sky Ordinance.
4. The Planning Department shall review and approve the Master Sign Plan for the project for compliance with Municipal Code Title 12. The signs shall be constructed of wood and metal materials.
5. Parking (drive aisle) lot shall be designed to allow adequate snow-storage removal.
6. The applicant shall provide a recycling container/dumpster on the property..

7. Final architectural design of the structures shall be reviewed and approved by the Community Development staff and shall comply with Chapter 9 of the Land Management Code prior to issuance of any building permits.
8. The City Engineer shall review appropriate grading, utility, public improvements, and drainage plans for compliance with City standards as a condition precedent to permit issuance.
9. The Conditional Use shall expire one year from the date of the Planning Commission issue unless the Conditional Use has commenced on the property.
10. The bus shelter shall be reviewed and approved by the Transit and Community Development Departments prior to issuance of a building permit.

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**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
SEPTEMBER 25, 2002**

Present: Vice-Chair Andrew Volkman, Jim Barth, Bruce Erickson, Michael O'Hara, Bob Powers, Diane Zimney, Patrick Putt, Brooks Robinson

WORK SESSION ITEMS

Mountainlands Affordable Housing Trust Overview

Scott Loomis, representing Mountainlands Housing Trust, reported that a committee at Mountainlands has been working the last three or four months on the current status of affordable housing. Part of that investigation involved talking with a number of Staff members, the chairman of the Planning Commission, and a number of people involved with affordable housing in the area. After speaking with Patrick Putt and Rick Lewis, it was suggested that he provide an update to the Planning Commission.

Mr. Loomis stated that affordable housing, under Park City Standards, is 100% of average median income in Summit County, which is \$74,500. Technically, someone earning that income could qualify for affordable housing. The formula looks at 30% of income as housing expense. A person making 80% of the average median income could afford a mortgage of \$180,000. In Park City, that would buy a 900 to 1,200-square-foot home at \$150 to \$200 per square feet. In terms of rental, the average rental in Park City for lower end properties is \$600 per bedroom per month. A person making 50% of the AMI, which is \$37,500, would pay \$850 per month. Because Park City has the highest median income in the State, under the Utah Housing Corporation Low Income Tax Credits, a two-bedroom unit at 50% income can be as much as \$839 per month. 60% can charge as much as \$1,000 for a two-bedroom unit. Mr. Loomis stated that housing may be technically affordable, but it rents or sells at nearly market rate. He believed this led people to live in "non-traditional family settings" because people in lower income brackets cannot afford the rent.

It has been suggested that areas in outlying areas of the County might fill the need for affordable housing, but areas like Kamas, Oakley, and Francis are not interested being bedroom communities to Park City. They are interested in having affordable housing for their kids. Another suggestion is to look at Wasatch County. The average median income in Wasatch County is half of Summit County's, and it is nearly impossible for people to qualify for affordable housing. For example, the average median income for a family of four is \$37,400 at 60% of AMI, which is tax credit limits. Someone making \$10 or \$11 per hour could not live in one of those units, and Mr. Loomis did not think Wasatch County could solve any of Park City's problems.

Mr. Loomis stated that Park City lacks for-sale and rental units that target the 40-60% AMI. He commented that a complex of units they purchased and renovated two years ago which are subsidized with rental assistance. People pay 30% of their income, so someone making \$700 per month would pay \$210 for rent. The Rosenthal and Associates Housing Affordability Update for 2001 showed a shortage of 800 units in Park City, which means that more than 800 families out of a population of 7,700 pay more than 30% of their income for housing.

Mr. Loomis stated that a Mountain Lands Planning Development Committee consisting of Bob Wells, Bill Coleman, Steve Honeywell, Chuck Ballard, and himself had an opportunity to look through the General Plan, the guidelines and standards of Park City, and the Land Management

Code. They concluded that all three plans are good plans and concepts as they relate to affordable housing. They support affordable housing and recognize the need for a work force to live in Park City. Chris Larson had asked him to review the General Plan before October 1. Mr. Loomis believed the General Plan was terrific, but implementation was the problem. The Guidelines and Standards are complete and comprehensive and do a good job. They were concerned about a few issues that need to be considered for future affordable housing requirements for developers. One is monitoring and enforcement once they leave Planning Commission jurisdiction. Another concern is the list of options for developments. Most are realistic and flexible, but one item he did not care for was the option of buying an existing unit and calling it affordable housing. This allows developers to get out of their obligation and does not require them to create new housing. They essentially rent the units at market rate and actually make money. If that option is offered, Mr. Loomis suggested that the Planning Commission require the developer to sell the unit for less and only permit rents based on the lower amount. He cautioned the Planning Commission to be aware of that fact when approvals are made on the affordable housing obligation. Another issue set forth in the Guidelines and Standards is that there is no land in Park City to build on, so it may be appropriate to look at on-site creation of affordable housing. This puts the burden on the developer to either provide land or do it themselves.

Mr. Loomis stated that the only concern they had with the Land Management Code was the provision that prohibits restrictions on for-sale property. He hoped to see more flexibility, because that provision is inconsistent with federal financing programs. Mr. Loomis noted that the Committee did a needs assessment, and SRO's for seasonal employees are a big issue. Unfortunately, they only work if they are subsidized by employers. For sale units are limited, and the only ones existing in Park City are in Silver Meadows. In Summit County there are only 12 more in Oakley. There is a strong preference for for-sale units in the Guidelines and Standards, so they definitely need to focus on that issue. They need to target lower income people who cannot afford low-income housing when considering rental units. They need to use developer fees or figure out how to use subsidies or buy downs to reduce them to 30-50% of average median income.

Mr. Loomis commented that developer requirements imposed by the Planning Commission are only for mitigation of the development, not to assist in eliminating or decreasing the problem. He believed the impact of most of these developments would create a greater demand than the actual affordable housing requirements. Mountainlands Trust needs to work with the Planning Commission and City Council to devise creative ways to decrease the existing demand.

Mr. Loomis noted that Mountainlands only has two projects on the books in Park City. One is the Deer Valley project scheduled for pre-application this evening, and the other is an attempt to purchase Parkside Apartments. He saw no other viable projects in Park City for the immediate future. Developer requirements are coming up in the next few years, and they hoped to leverage some of those developer obligations with City funds, tax credits, grants, and low-interest loans to which Mountainlands has access. They need to look hard and be creative to fulfill the current requirements and make up for past shortages. He stated that Mountainlands needs a commitment from the Planning Commission and the City to help with this.

Commissioner O'Hara asked how the average median income is determined. Mr. Loomis explained that the average median income, which is the midpoint where half the people make less

than that and half the people make more than that, is taken from tax information and census data. Commissioner O'Hara asked if those figures are based on full-time residents. Mr. Loomis replied that they are.

Vice-Chair Volkman asked Mr. Loomis how other areas monitor and enforce affordable housing rentals. Mr. Loomis replied that other areas have more controls. Currently, Mountainlands is responsible for monitoring Silver Meadows and a few other properties, but as properties are developed, it should be formalized, and it may be appropriate to put specific controls on individual properties.

Mr. Barth asked about the success they have had in the County, specifically in Snyderville Basin. Mr. Loomis replied that there are a lot of requirements for affordable housing with some developments. They have been in touch with most developers, and they have the same issues about finding affordable land and who will do it.

Vice-Chair Volkman commented on the management of units and asked if Mountainlands had additional manpower to oversee these units. Mr. Loomis replied that management of the units is complicated and complex due to numerous inspections and paperwork, and they contract out this work to people who do nothing but affordable housing.

Commissioner Erickson asked if being in the City or the County affected the ability to fund a project. Mr. Loomis replied that it makes no difference in terms of funding. Both are considered rural, and most of the financing available in the County is also available in the City.

Review of Regular Agenda

American Flag Subdivision - CUP for ski access

Vice-Chair Volkman asked the reason for the shift and what had changed in the past year. Planner Robinson stated that he understood the ski access was shifted in an effort to satisfy all affected lot owners. Commissioner Erickson recalled that the original approval precluded grading on the site, and now the grading plan illustrates three retaining walls, top and bottom. Planner Robinson replied that there is more grading at the bottom than with the previous plan, and the top requires more fill. Commissioner Erickson stated that he did not have a problem with the shift, but he requested that Planner Robinson look at the landscape plan to make sure it is not an obvious intrusion. Vice-Chair Volkman suggested adding a condition to address re-vegetation.

Commissioner Barth asked about drainage issues. Planner Robinson replied that Ron Ivie and Eric DeHaan are looking at it closely, and those issues will be addressed.

Telecommunications Ordinance

Administrator Putt noted that the only request is to strike any language that relates to temporary facilities as part of the Olympics.

Sign Code Amendments

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Commissioner Barth agreed with Commissioner O'Hara regarding enforcement of the sign code. He was comfortable with the language but questioned its enforcement due to lack of manpower.

MOTION: Commissioner O'Hara moved to forward a POSITIVE recommendation to the City Council on the proposed amendments to Title 12, Signs, of the Municipal Code. Commissioner Erickson seconded the motion.

VOTE: The motion passed 4 to 1, with Commissioners Erickson, O'Hara, Powers, and Zimney voting in favor of the motion and Commissioner Barth voting against the motion.

3. Telecommunications Ordinance

The Planning Commission discussed this item during work session.

Planner Milliner stated that the language pertaining to the Olympics has been removed from this ordinance, and that is the only change proposed. The Staff requested that the Planning Commission forward a positive recommendation to the City Council for revisions to the telecommunications ordinance.

Vice-Chair Volkman opened the public hearing.

There was no comment.

Vice-Chair Volkman closed the public hearing.

MOTION: Commissioner Powers moved to forward a POSITIVE recommendation to the City Council regarding the proposed amendments to the Telecommunications Ordinance. Commissioner Erickson seconded the motion.

VOTE: The motion passed unanimously.

4. 555-557 Deer Valley Drive - Pre-application for Affordable Housing

Planner Kevin LoPiccolo reported that Mountainlands Community Housing Trust has submitted a pre-application for a 22-unit affordable housing project located at 555-557 Deer Valley Drive. The site is in the RM zone on the north side of Deer Valley Drive, south of Sunnyside Up Subdivision. The applicant has requested a pre-application meeting to discuss a proposal for a 22-unit project ranging in floor area from 650 square feet to 1,000 square feet. The site currently has two historic dwellings, a garage and some outbuildings. This application was reviewed by the Historic District Commission on September 16, 2002, to discuss the historical significance of the historic dwellings and accessory buildings. The HDC determined that the dwellings are historically significant, and the accessory dwellings are non-significant. The applicant is proposing to demolish the non-significant structures and rehabilitate the historic dwellings as part of the overall development plan for the 22 unit proposal. The site is a meters and bounds parcel approximately .66 acres in size. The applicant plans to submit an MPD and subdivision for the proposed project. Planner LoPiccolo

reported that the conceptual plan submitted complies with setbacks, parking, lot size, and density. The RM zone requires a minimum lot size of 5,625 square feet for the first four units and 1,000 square feet for each additional unit. As proposed, the 22 units would use 23,625 square feet of the 28,749 square feet. Planner LoPiccolo reviewed the purpose statement of the RM zone. The Staff has prepared a general analysis of the compliance or lack of compliance of the proposed project with the General Plan. The Staff has identified key elements of the General Plan with the current proposal which are contained in the staff report, and this application at the conceptual stage complies with all of these elements. The Staff requested that the Planning Commission determine whether the conceptual plan complies with the General Plan and direct the Staff to prepare specific findings of fact and conclusions of law for ratification as a Consent Agenda item on October 9.

Scott Loomis, representing Mountainlands Community Housing, explained that they will provide affordable housing on this project. He noted that under the existing RM zone, the property stands on its own, whether it is designated as affordable housing or not. They are not asking for a rezone or a CUP. He stated that, under the LMC, a variety of units is encouraged in affordable housing. Using a density calculation for unit equivalent of 2,000 square feet, they would be adding 8.3 unit equivalents of new construction. Mr. Loomis reiterated previous comments that there is little or no land in Park City to develop affordable housing and noted that this is a unique opportunity. They are working within a short time frame because it must close prior to the end of the year. He reported that Mountainlands is paying less than 40% of what the property owner paid 20 years ago for this property. Thanks to good community intent and interest, they would like to take advantage of this opportunity.

Commissioner O'Hara asked if the 22 units include the two historic homes. Mr. Loomis replied that they are proposing construction of 10 one-bedroom units and 10 two-bedroom units and rehabilitation of two units.

Commissioner Barth asked if these would all be fee units or if some would be rentals. Mr. Loomis stated that they will be for-sale units.

Vice-Chair Volkman opened the public hearing.

Ed Brophy, a resident at 500 Deer Valley Drive, stated that he fully supports this project. After speaking with his neighbor this afternoon, he also supported it but had a question about architectural compatibility. Mr. Brophy believed that question was answered this evening. He believed Park City needed more affordable housing, and this is a good start.

Chuck Hollinshead, representing himself and CARG, felt this project fit with what they wanted to see in public housing. He was excited about the idea of incorporating the historic houses. He urged the Planning Commission to proceed with this project with the speed that Mr. Loomis needs.

Vice-Chair Volkman closed the public hearing.

Commissioner O'Hara stated that he is a neighbor to this proposed project and believed it was a good location for the project.

Vice-Chair Volkman agreed that this looked like a good project. He believed the staff report had outlined compliance with the General Plan.

MOTION: Commissioner Powers moved that the conceptual plan for 555-557 Deer Valley Drive COMPLIES with the General Plan and directed Staff to prepare findings of fact and conclusions of law for ratification on the Consent Agenda on October 9. Commissioner Barth seconded the motion.

VOTE: The motion passed unanimously.

5. **3 Sandstone Cove - Plat amendment**

Planner Brooks Robinson reviewed the request for a plat amendment to shift recreational open space. The staff report contained photos and original plans showing the recreational open space across this lot. Near the rear corner of the house is a concrete patio which the Staff crossed out as being an encroachment of the recreational open space. Requirements for limits of disturbance were also placed around the house. At the time of construction, the concrete patio was changed to a wood deck off the back of the house that encroached into the recreation open space. Planner Robinson noted that a drainage swale was also constructed at that time. A new owner wishes to enclose the deck with a sunroom, and since there is already an enforcement issue on this house, the Staff was not willing to compound the issue by allowing it to be enclosed. Planner Robinson stated that one way to allow the enclosure would be a plat amendment, which the Staff does not support. He noted that, from the original limits of disturbance, they ended up with full landscaping in the front of the house. With this application, the Staff looked at the status of the lot and found that the current owners have landscaped the rear of the house with irrigation, a number of trees, and disturbance in the recreational open space. This violates the open space requirement and CC&R's for Sandstone Cove. The Staff recommended that the Planning Commission conduct a public hearing and forward a negative recommendation to the City Council for this plat amendment. The Staff report contains findings of fact and conclusions of law for a negative recommendation.

Russ Tixin stated that he was hired by the applicant to construct the sunroom. He provided a brief history of the project and how he reached the building permit stage before Planner Robinson became aware that one corner of the deck catches the open space. He requested that they be allowed to change the lot line by 18" to go around the deck instead of through the corner.

Helen Weldon, the applicant, stated that when she moved in, the deck existed and the backyard was landscaped. They changed some of the landscaping because the house above theirs had problems with their leech field and killed off some of the beautiful scrub oak in their backyard. She reiterated that the deck already exists and only encroaches 18 inches. She believes the sunroom would improve the back of the house, and she had no idea there would be a problem.

Vice-Chair Volkman opened the public hearing.

There was no input.

Vice-Chair Volkman closed the public hearing.

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Chair Larson felt the Planning Commission should be consistent with the previous approval of the duplex down the street and strictly enforce the 75-foot setback. He felt they should also be consistent with the Nutraceutical approval and not allow subterranean development within a setback. The Commissioners concurred.

Commissioner O'Hara understood that the R-1 zone would allow a maximum density of up to a duplex, which means a triplex would not be permitted on the parcel. Planner LoPiccolo replied that was correct. He noted that the applicant would not have the lot area to meet triplex requirements.

Chair Larson opened the public hearing.

There was no comment.

Chair Larson closed the public hearing.

MOTION: Commissioner Volkman moved to CONTINUE this item to October 23, 2002. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

5. 555 & 557 Deer Valley Drive - Pre-application for Affordable Housing

Planner LoPiccolo stated that on September 25, the Planning Commission reviewed a pre-application for General Plan compliance for a project at 555-557 Deer Valley Drive. The Commissioners concurred that the proposed project was in compliance with the General Plan and directed the Staff to prepare findings of fact and conclusions of law. The Staff requested that the Planning Commission ratify those findings this evening. Planner LoPiccolo stated that the applicant has submitted an MPD permit and need to submit a subdivision request. They plan to come back to the Planning Commission on October 23 for the MPD.

MOTION: Commissioner O'Hara moved to RATIFY the findings of fact and conclusions of law for compliance with the General Plan for the 22 moderate income housing units proposed for 555-557 Deer Valley Drive. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 555-557 Deer Valley Drive

1. A pre-application was reviewed by the Planning Commission on ~~September 25, 2002~~. The pre-application was reviewed at work session and during the public hearing.
2. The Commission requested that Staff prepare findings for approval after receiving public input.
3. The Commission found that the proposed project complies with the General Plan.

4. The General Plan's Land Use Plan identifies the subject site as Low Residential density.
5. The property is located in the RM Zone.
6. The purpose statement in the RM zone encourages affordable housing.
7. The application is for twenty-two moderate-income residential units ranging in size from 650 square feet to 1,000 square feet.
8. The current proposal is for sale units. It will have to meet the affordable housing standards for for-sale units.
9. There are existing utilities nearby, and the proposed development is close to commercial and recreation facilities.
10. The Commission found the area where the project is being proposed was a suitable site for an affordable housing project.
11. The applicant will need to submit a Master Planned Development and Subdivision application for the proposed development.
12. The proposed project complies with the General Plan but will need to comply with criteria outlined in the Land Management Code for Master Planned Development and Subdivision requirements.
13. Planning Commission action for General Plan compliance does not constitute approval of a Master Planned Development application.

Conclusions of Law - 555-557 Deer Valley Drive

1. The application complies with the Land Management Code, Section 15-6-4(B) Pre-Application Public Meeting and Determination of Compliance.
2. The proposed Master Planned Development concept complies with the Park City General Plan.

The Park City Planning Commission Meeting adjourned at 6:50 p.m.

Approved by Planning Commission _____

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Commission Meeting
of October 23, 2002

shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

The final condominium record of survey shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one-year time frame, this approval and the record of survey shall be considered null and void.

A note shall be included on the plat in a form approved by the City indicating that all landscaping and irrigation of common areas shall be limited to the plant materials and water service as indicated on the approved (date) landscape and irrigation plans. Any modifications to landscaping or irrigation shall be reviewed by the City for compliance with the approved plans. These plans shall be approved prior to recordation of this plat.

557 & 577 Deer Valley Drive - Master Planned Development for Affordable Housing

The Staff requested that this item be continued to November 13.

MOTION: Commissioner O'Hara moved to CONTINUE this item to November 13. Commissioner Erickson seconded the motion.

VOTE: The motion passed unanimously.

Mark Blue asked why this item was being continued. Planner Kevin LoPiccolo explained that the application went to the Staff review committee last week, and they found that the majority of the application was incomplete and more information was needed to prepare a report. Mr. Blue asked what information was lacking. Planner LoPiccolo replied that a better site design survey was needed. Mr. Blue stated that he lives in that location, and they are already surveying. He was irritated by the inconvenience and was curious about the time line of the project. Administrator Putt noted that he made the decision to continue the matter and apologized to Mr. Blue for the inconvenience. He explained that it is difficult to give accurate information to the public and an accurate analysis to the Planning Commission without all the necessary information. Mr. Blue asked if anyone in the Deer Valley neighborhood had been notified about this project and he was told that notices were mailed to everyone within 300 feet. Mr. Blue noted that very few people live within 300 feet of the project. Chair Larson explained that the City has strict noticing requirements which the Staff follows. He explained that the Planning Commission has directed that staff reports be complete in their analysis, and the Staff is following that direction.

4. 345 Deer Valley Drive - Plat amendment

Planner LoPiccolo reviewed the application for a plat amendment at 345 Deer Valley Drive. He recalled that the Planning Commission reviewed the application on October 9, and at that time the Staff proposed that the applicant provide a rear yard setback of at least 75 feet due to the steepness of the slope to help minimize hillside cuts and preserve existing vegetation. During the October 9 meeting, the applicant requested an encroachment within that 75 feet, and the Planning Commission directed the applicant to preserve the 75 feet and not allow a structure to encroach within the setback area. The proposed application is to combine one full lot, Lot 18, and three

5. No further subdivision of the property is allowed.
4. 557 & 577 Deer Valley Drive - Master Planned Development for Affordable Housing

The Planning Commission discussed this item during the work session.

Planner Kevin LoPiccolo reviewed the proposed application submitted by Mountainlands Community Housing Trust for 22 units which range in size from 650 square feet to 1,000 square feet and will be for-sale units marketed toward teachers, municipal employees, etc. He noted that the project includes two dwellings which the Historic District Commission found to be significant. However, they determined that the garages and outbuildings were not significant. The developer proposes incorporating both historic homes into his plan. The site is on .66 acres and is zoned RM. Minimum lot size for the first four units is 5,625 square feet, and thereafter will be 1,000 square feet per unit. The applicant is proposing 22 units on a site of approximately 28,000 square feet, which would yield 27 units or 10 or 11 UE's. As proposed, the site is approximately 18% under the allowed density. The project complies with allowed setbacks, height limits, and parking. Open space will be discussed during the public hearing. The site will include two driveway approaches off of Deer Valley Drive and will accommodate on-site parking of 31 spaces. The Code requires a minimum of 27 spaces. The applicant is also proposing off-site improvement for six parking spaces along Deer Valley Drive resulting in 37 total spaces. Planner LoPiccolo provided a power point presentation showing the existing condition of the site and the two historic structures and the smaller structures which the HDC will allow the applicant to demolish. He indicated the driveway approach and showed what the residents will see from across the street.

Craig Elliott, project architect, reviewed renderings of the site plan and a sketch of the site looking up Deer Valley Drive. He noted that a previous layout showed the units being more spread out along the site. After conversations with the City Engineer, Building Department, and Planning Staff, modifications were made to allow a buffer area for snow storage by re-arranging one of the houses and assigning it as an ADA unit. Mr. Elliott noted that the historic houses on the end are not in the Historic District and are not required to go through the Historic District process. He presented drawings of a potential street elevation and noted that the design is an effort to capture more of the Old Town flavor in an area where it seems to be disappearing. He noted that the difference in height and scale is part of the fabric of Old Town. He presented a south elevation showing the buildings behind Deer Valley Drive.

Commissioner Barth asked where the white material is proposed and the nature of the material. It was noted that it would be stucco.

Commissioner Powers stated that he was uncomfortable with the six parking spaces proposed on Deer Valley Drive due to constant traffic on Deer Valley Drive year round.

Chair Larson opened the public hearing.

Michael Martin, a 24-year resident in the Sunnyside Condos behind this project, stated that he also represents Mary Demkowitz from the Sunnyside subdivision. He remarked that the traffic on Deer Valley Drive is enormous and increases every year with construction vehicles. He believed this project had an access and density problem, and the on-street parking would not work. He did not oppose affordable housing, but he believed this was the wrong place for this project. He noted that the streets have been neglected for a long time by past Planning Commissions, and this project will create a wall effect going up the street. Taking out the trees and moving the houses around would create a tunnel corridor into Deer Valley. He noted that the property is in a flood plain, and he was aware that it is hard to finance properties along that road because of the flood plain. If the Planning Commission approves this project, it will mess up the Deer Valley corridor even more. Mr. Martin named alternative sites in the Park City area which he believed would be more appropriate for this project. He stated that this street needs planning help. He was concerned that, if this density is approved, other homeowners would want to increase their density. He believed this proposal would open a lot of doors in different directions. He stated that the density is important, and the streets cannot handle it.

Mary Wintzer, a resident on McHenry Street, commended the architects on their renderings and asked the Planning Commission to review this project as they would any other proposal for that location, not as affordable housing. She stated that the safety issues raised by Mr. Martin are important and mentioned an incident where she helped a resident in the area remove his dead dog from the road. Anyone who lives on the street realizes that people do not drive 25 mph. It is a dangerous street, and the six parking spaces along Deer Valley Drive would only add to that issue. If the project is approved, the Planning Commission would have to decrease the density to keep all parking on site. Ms. Wintzer assumed the Planning Commission would have more control over this project than with a private owner putting in the project. If the units are rented, they will be rented to three or four people who all have cars, which would result in an enforcement issue of cars being parking on the street. Ms. Wintzer asked the Planning Commission to look at this project courageously with a strong eye. She agreed that the City needed affordable housing, but it does no good to plug it into a space that does not work and jeopardize the people who live there. She noted that projects have been stopped in the past because the Planning Commission did not want more cuts onto the Deer Valley road, and she questioned whether that philosophy had changed.

Ed Brophy, a resident down the street from the proposed development, stated that beauty is in the eye of the beholder, and he believed this affordable housing project was needed. He remarked that speeding and additional traffic is an enforcement problem, and the speed limit signs should be placed closer together. The suggestion to move the project further into Deer Valley and make it larger would only increase the traffic up and down Deer Valley Drive. The City's teachers and

fire and police personnel need a place to live, and he strongly recommended that the Planning Commission approve this project.

Harvey LaPointe, a nine year resident on Deer Valley Drive, attested to many of the previous comments. He stated that his work requires him to drive around the community five days a week, and Deer Valley Drive is a busy and unsafe street even without this project. He had talked to Lloyd Evans about better enforcement on the street, but nothing has happened. Mr. LaPointe stated that the safety issue needs strong consideration. During the last several weeks, he worked on a deck at his house which faces Deer Valley Drive. He has seen kids on the street, and he realized that this project would also bring a fair number of kids to the street. If nothing changes, it will only be a matter of time before they remove a child from the street instead of a dog. He believes this would be true of any project going into that location, not just the one being discussed this evening. He believed the City had done a good job with the entry corridors but had significantly downgraded the quality of Deer Valley Drive as it currently exists. He acknowledged that the Planning Commission has no responsibility to monitor properties once they are built, but Deer Valley Drive is a modern mess of Old Town houses that are falling down. He suggested that the Planning Commission strongly consider the design of this development and how it fits in. He noted that there is no place in the plan for kids to play. Most people who live year round in the area do not have children, and he assumed that would change with this development. Mr. LaPointe stated that he did not oppose affordable housing and believed Park City definitely needs it, but he was unsure whether this was the best location. If the Planning Commission decides it is the best location, he believed 10 to 12 units would be more appropriate. He agreed with previous speakers who indicated that the proposed parking along Deer Valley Drive should be eliminated. He suggested eliminating the number of units to provide more on-site parking and a common area for children to play.

Mike Carnahan, a resident on Deer Valley Drive directly across the street from this project, felt the project looked too big. Condominiums have been packed up and down the street in the last 15 years, and they are continually wrecking Deer Valley Drive. He believed this project should be scaled down. It would look monstrous from his home across the street, and he believed it needed to be smaller.

Chair Larson closed the public hearing.

Scott Loomis, the applicant, clarified that the six parking spaces on Deer Valley is a current condition and are not considered in the parking requirements. All parking will be on site. The requirement is 27 spaces, and they propose 31 on site. They propose improving a condition that already exists so it will aesthetically look better. Regarding the density, Mr. Loomis explained that the authorized density is 27 units, and the unit equivalents will be 8.3 of new construction plus the two existing houses. The units will be one-bedroom, 600-square-foot units, and two-bedroom, 1,000-square-foot units. Their target is single people and young couples, and they did not anticipate many children living in the development.

Commissioner O'Hara stated that he lives in the neighborhood, and while he supports this project in general, he intends to look at problem areas throughout the process. The first issue is the six parking spaces along Deer Valley Drive, and he could see no way that would be acceptable from a safety point of view. He would have a hard time approving any project that proposes use of Deer

Valley Drive for on-street parking. He questioned the percentage of open space and felt the Planning Commission should review it as closely as possible. His calculations put open space at 18-20%, counting pavement. However, the Planning Commission does not count pavement. He referred to service trucks, such as dumpsters and moving vans and stressed the importance of making sure they can get in and make a circle to come out to avoid backing out onto Deer Valley Drive. Commissioner O'Hara commented on the market the developer hopes to sell to and requested more market analysis and demographics. He was not concerned about the wall effect along Deer Valley Drive, because they already have walls there. He hoped to craft a finding that this project is unique so the same criteria cannot roll over to the open space on Rossi Hill Drive.

Commissioner Barth asked for a better understanding of rental vs. fee. These are deed restricted fee homes, and he wanted to know how they could be rented and what occupancy restrictions would be in place. He stated that he did not like stucco and believed that better building materials could be applied. He liked the roofing elements and suggested greater height variances to achieve a more interesting roof line.

Commissioner Powers referred to the targeted market of newly married couples and pointed out that young couples do have children. He suggested eliminating two units to create an open space area for families. He did not think the developer should count on the fact that children will not be living in the units.

Commissioner Volkman felt that Ms. Wintzer had raised some good points and agreed that, from an architectural standpoint, the Planning Commission should scrutinize this proposal carefully. It is nice to have affordable housing, but they need to look at all the factors. He wanted to see more differentiation from building to building in terms of roof form and height. He stated that he has lived in the area for six years, and the traffic is awful. However, he did not believe the people occupying this project would contribute significantly to the traffic in the area. He generally supports the project but would be concerned with the design elements. He asked Mr. Loomis to explain how he would control ownership to keep someone from buying as an investment and renting units out.

Commissioner Zimney agreed with the other Commissioners' comments. She would like to see a roof line variance that appears to be more inviting. She also agreed that they should anticipate a lot of young children and supported the idea of making a common area in the back for children to play.

Commissioner Erickson stated that he generally supported the project but disagreed on the issue regarding children. He did not think this was a big location for children. He felt that the site planning issues raised by others ~~was important and should be addressed~~.

Chair Larson concurred with his fellow Commissioners. He liked the lack of garagescape on Deer Valley Drive and favored the alley approach the architect had presented to hide the garages. He agreed with comments asking for more variation along Deer Valley Drive. In its current form, this is not something he would approve under any condition. The applicant should work on varying the massing or the roof forms. Considering some of the projects recently approved, he believed this project would not impact traffic on Deer Valley Drive. He understood the problem of traffic

enforcement, but the Planning Commission cannot address that. He was split on the issue of children. A number of toddlers live on his street, and because there is no place to play, the children are driven to the park. If possible, he favored creating a small play area in the project.

Mr. Loomis addressed concerns about the targeted market. He explained that the units will be 650 square feet and 1,000 square feet. With the aid of grants and subsidies, the goal is to sell them for \$100/square foot. The units will be restricted and income qualified and will target primarily those people making under 50% of the average median income. They will receive subsidies from the Park City Municipal Corporation, and under their guidelines, they must prioritize City employees, Fire District employees, school district employees, and Snyderville Basin Sewer District employees. He noted that there has been considerable interest, and he is already taking names, so there should be no problem selling the units. He stated that they cannot exclude or restrict children, but a long-term goal is to create more units in town. The next project will target families in three- or four-bedroom units with adjoining parks. He reiterated that the units will be restricted for ownership, and they can put restrictions and controls on rental.

WORK SESSION ITEMS

557 & 577 Deer Valley Drive - Affordable Housing

Planner Kevin LoPiccolo provided an overview of the proposed project. He explained that in September 2002, the applicant presented a pre-application for 22 units consisting of two historic dwellings and 20 new duplex units. At the September meeting, the Planning Commission found the proposed plan to be in compliance with the General Plan and ratified the findings on October 9. An application for the same proposal has been submitted for a Master Planned Development and a conditional use. The Staff has reviewed the project using the MPD and the CUP criteria, and Planner LoPiccolo the Staff's concerns with the application. The primary concern is overall development of the site and the open space requirement. The open space requirement is 50% for affordable housing projects which is done through an MPD. The 50% requirement may be reduced provided that the applicant has provided a certain amount of amenities. If the Planning Commission feels that the amenities, such as affordable housing, a bus shelter, etc., would benefit the City, the open space requirement could be reduced to 40%, which is currently proposed. The project complies with the CUP and MPD criteria and with the LMC with regard to setbacks, heights, lot size, parking, and open space. The property is located in the RM zone, Residential Medium density. The purpose of the RM zone is to encourage affordable housing and preserve historic structures on the site. The applicant has incorporated the historic structures as part of the overall concept.

Scott Loomis, representing the applicant, stated that the actual constructed square footage will be approximately 16,500 square feet. The staff report incorrectly indicated that it would be 28,749 square feet. Planner LoPiccolo explained that the 28,000 number is the actual lot area. Mr. Loomis noted that the Land Management Code encourages diversity of units for affordable housing. The Code refers to unit equivalents, which are 2,000 square feet, so there are not 22 units but 8.3 unit equivalents on the site.

Commissioner O'Hara calculated that the proposed open space would be 20%. Planner LoPiccolo confirmed that the open space is slightly more than 40%. The requirement for affordable housing is 50% open space, and the Planning Commission may reduce that amount to 40% based on sufficient criteria.

Commissioner Volkman stated that he was comfortable with the site plan and had no problem accommodating 40% open space given the nature of the project. He commented on architecture and suggested that the applicant consider more variance. The streetscape appeared to be boxy and the same height. Chair Larson agreed and stated that his main concern was the overall architecture. He referred to Washington Mill and suggested more shift in the roof forms.

Commissioner Powers stated that he did not understand a statement from Von Hortin that, if this portion is built with federal funds, the applicant may be precluded from placing a bus stop near a

large population of students. Planner LoPiccolo replied that Mr. Hortin was trying to say that, if money was used or subsidized federally, there may be a conflict with using a school bus on the site. This issue came up when the transit center was constructed, and Planner LoPiccolo suggested that the Planning Commission ask for a legal opinion on this question.

Chair Larson understood from the discussion that the Planning Commission was not concerned with the reduction in open space. He noted that this item is scheduled for a public hearing this evening.

3. 557 & 577 Deer Valley Drive - Master Planned Development for Affordable Housing

Planner LoPiccolo distributed copies of a letter he received today as well as revisions to the site plan showing the proposed lighting and the location of the snow storage.

Planner LoPiccolo reviewed the application for a master planned development submitted by Mountain Lands Community Housing Association. The proposal is for 52 housing units located in the RM zone. The area consists of approximately .66 acres and is located parallel to Deer valley Drive and south of the Sunnyside Subdivision. The proposed access is off of Deer Valley Drive.

At the last Planning Commission meeting on November 13, the Staff outlined Land Management Code issues and asked the Commission to provide input and direction. On November 13, the applicants were primarily concerned with trying to achieve great architectural design through the creation of greater variance in the streetscape, greater shift in roof forms, and roof orientation. The Planning Commission was concerned with the stucco material proposed, parking along Deer Valley Drive, open space requirements and calculations. The Planning Commission requested that the applicant provide a market analysis for the proposed development and a plan for monitoring restrictions for the housing units.

Planner LoPiccolo noted that the applicant has provided changes that address the concerns expressed by the Planning Commission on November 13.

Planner LoPiccolo remarked that the buildings as proposed along Deer Valley Drive consist of four duplexes and two historic dwellings. The streetscape originally submitted did not incorporate much additional variation along the streetscape. The revisions include front end gables on the proposed duplex to help break up roof lines that run perpendicular to Deer Valley Drive. In addition, the architect has removed single windows along the front of all duplexes. The architect was not able to change the roof lines due to snow shedding issues raised by the Chief Building Official. The masonry was eliminated from the lower level and replaced with a decorative scored/split face tinted concrete masonry block.

The applicant has provided two site plans for consideration. One eliminates the parking along Deer Valley Drive and the other proposes parking along Deer Valley Drive. Planner LoPiccolo requested feedback from the Planning Commission on the proposed site plan. The plan shown provides 40% open space. The open space calculation considers the total lot area minus the driveway and on-site parking. Open space as defined by Chapter 6 allows a reduction of open space from 50% to not less than 40% for affordable housing projects. Planner LoPiccolo noted that the Staff report contains a letter from the applicant outlining the restrictions for the units and a market analysis.

Planner LoPiccolo stated that the project complies with the standards and requirements of the Land Management Code for the RM zone. He explained that the open space can be reduced if the Planning Commission can make a finding that the amenities being offered by the applicant can offset the open space requirement. These amenities include a bus shelter and rehabilitation of historic dwellings.

Planner LoPiccolo stated that a proposed use in the RM district requires a conditional use permit subject to the provisions of a master planned development. The Planning Commission must find that the proposed change of use complies with Chapter 6, which is the Master Planned Development Section, and the conditional use permit criteria found in the Land Management Code. Planner LoPiccolo remarked that the majority of the criteria complies with the CUP criteria but the Staff would like the Planning Commission to discuss location and amount of off-street parking, building mass, bulk, orientation, and the location of buildings on the site, usable open space, and physical design and compatibility with surrounding structures and mass, and architectural detailing.

Planner LoPiccolo reviewed the three ways open space was calculated and stated that the Staff believes only one way complies with the open space requirement. The

applicant has included a play area and the density remains the same. The new site plan shows where they plan to locate the snow storage.

Craig Elliott explained the parking plans and noted that both parking plans meet the code criteria. The parking on the street is off the curb and parallel. He believes this makes a better project for the people who visit and the people who live there. Mr. Elliott suggested creating a zone that does not allow parking in the evening and restricts that parking until a certain time in the morning. This would alleviate snow removal issues as well as access issues.

Chair Larson opened the public hearing.

Harvey LaPointe, a resident on Deer Valley Drive, recalled that parking along Deer Valley Drive was discussed at the last meeting and he reiterated his comments that allowing parking on Deer Valley Drive is a bad idea. If adequate parking exists within the plan, he sees no reason why they need parking along Deer Valley Drive. It is a significant safety issue as well as an inconvenience for a visitor to come out after a snow storm only to find that his car has been plowed in. Mr. LaPointe wanted to know if multi-dwelling projects are reviewed by the Fire and Police Departments as part of the process.

Chair Larson replied that fire and police reviews are conducted by Staff outside of these meetings and they do sign off on the project.

Mr. LaPointe commented on the issue of children and asked the applicant how many people on the list for these units have children. The fact that these are one bedroom units does not deter someone with children because he knows of a family who lives in a one bedroom condo in the Canyons area. Mr. LaPointe was concerned about having a play area for children and a place where the residents can get together. He asked the Planning Commission to use good judgement and provide adequate space for children and adults to gather since these people will be living there full time. Mr. LaPointe asked if the bus stop will be new or relocated.

Chair Larson replied that the bus stop is still to be determined.

Mr. LaPointe asked if anyone has an idea of how long the residents live in these affordable units.

Chair Larson remarked that this question can be discussed but it is not relevant to an approval.

Mr. LaPointe favored the affordable housing project but he felt it would be better to reduce the number of units to 15.

Ed Brophy, a resident on Deer Valley Drive, stated that he will respect the judgement of the Planning Commission regardless of the outcome. He is concerned about misinformation regarding this project, particularly a letter to the school district stating that this project will put 40+ children into the school district. On two occasions, this project came up and he had to explain that the person who authored the letter based his information on two and three bedroom units, not one and two bedroom units. Mr. Brophy asked Mr. Loomis to reiterate his comments to the school board to alleviate the fears and suspicion of an influx of children into the local schools. Mr. Brophy stated that he personally knows one person who works for the City who wants to live in one of these units. This gives people a change to build equity for themselves instead of always giving money to a landlord.

Chair Larson closed the public hearing.

Commissioner O'Hara was comfortable with dedicated parking on the street as described, however, he is concerned with specific safety issues. A car parked on the side of the road is one more obstruction that hides people trying to cross the street. Commissioner O'Hara stated that he would have a hard time approving a parking plan with what appears to be a blatant safety issue. A second safety issue are cars that may want to parallel park. If these are approved, they cannot be spaces that allow people to stop on Deer Valley Drive and back up. If the project is allowed to have on street parking, they may have to reduce the number to four in order to space the parking stalls separately.

Commissioner Zimney remarked that the project proposes 31 parking spaces and only 27 are required. She believes there is adequate on-site parking. Commissioner O'Hara pointed out that people are allowed to park on Deer Valley Drive anyway.

Commissioner Volkman remarked that by adding 22 units, people will park along the side. He preferred to see them park off the street but felt it would be safer to have dedicated parking. He agreed with Commissioner O'Hara that four spaces is better than six.

Commissioner Powers opposed on-street parking. Commissioner Barth stated that he could see both sides but listening to the logic, he agreed with Commission O'Hara that on-street parking is a safety issue. Commissioner O'Hara clarified that he could be persuaded to approve on-street parking but not until they can adequately address the safety issues. Chair Larson felt that on-street parking should be specified as visitor parking. He was ambivalent about the parking because there are issues on both sides.

Commissioner Erickson remarked that currently there is marginal street parking on Park Avenue and people tend to drive up on the curb and park half way out on the street. He supports the comments from Craig Elliot that on-street parking will be temporary and not permanent parking. Deer Valley Drive is the highest priority snow removal street which means that the plows move through there on a frequent and rapid basis. A car plowed into that location will never come out. Commissioner Erickson felt it was possible to reduce the number of parking spaces on the street. If they move the bus stop it may be more valuable to make one space a bus turn off so the bus is not stopping in the driving lane. If approved, he did not want this application for parking used in future projects. Commissioner Erickson explained how this parking is interpreted in the Code and stated that he does not want this continued beyond this type of activity. Commissioner Erickson was unsure how he felt about the parking but he did agree with the suggestion for four spaces instead of six. He also felt that the bus should be a large consideration in on-street parking.

Chair Larson summarized that the direction is to move forward, possibly prioritizing the bus pull off, with four Deer Valley parking spaces. Commissioner Volkman added that they should come up with a plan to make on-street parking transient parking only.

Commissioner Powers stated that if the Planning Commission restricts parking on Deer Valley to certain hours, it is imperative that it be enforced from the start and continuously. Chair Larson remarked that the Planning Commission needs to make their direction well known and let the enforcement departments take it from their.

Regarding the streetscape on Deer Valley Drive, Chair Larson referred to the area between the buildings on the left and the buildings on the right and commented on the large grade change at the ridge level. Mr Elliot remarked that the floor plans are different. The two units on the left are one bedroom units and the two on the right are a one bedroom and a two bedroom. The Commissioners were comfortable with the changes proposed to the streetscape.

Commissioner O'Hara thanked the applicants for making the open space calculations easier to understand. Chair Larson felt that the location of the dumpsters should be left to BFI. The snow storage issue has been resolved and he did like the proposed play area.

Chair Larson directed the Staff to prepare findings of fact, conclusions of law, and conditions of approval for the next meeting in January.

Commissioner O'Hara requested that the Staff carefully craft the findings to make parking and the open space unique to this project. Commissioner Volkman felt the

findings should specifically address the bus stop and rehabilitation of the historic dwellings.

MOTION: Commissioner O'Hara moved to CONTINUE this item. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

PLANNING COMMISSION STAFF REPORT

Date: January 8, 2003,
Department: Community Development Department
Title: 555-577 Deer Valley Drive
Type of Item: Master Planned Development

Summary Recommendations: The Planning Department recommends that the Commission approve an MPD/Conditional Use Permit for twenty-two housing units in the Residential Medium Density (RM) District for property located at 555-577 Deer Valley Drive, subject to the Finding of Facts, Conclusions of Law and Conditions of Approval.

A. Topic

Applicant: Mountainlands Community Housing Association
Location: 555-577 Deer Valley Drive
Proposal: 22 moderate-income housing units
Zoning: Residential-Medium Density District (RM)
Adjacent Land uses: Residential
Project Planner: Kevin LoPiccolo
Date of Application: August 30, 2002

B. Background Information

The Planning Commission reviewed an MPD Pre-Application for Mountainlands Community Housing at their September 25, 2002 meeting. The applicant requested a determination from the Commission on whether or not a proposal for twenty-two (22) affordable housing units is in compliance with the City's General Plan. The Commission reviewed General Plan analysis prepared by Staff, and determined that the pre-application request for Mountainlands is in compliance with the City's General Plan.

The Planning Commission ratified those findings at their October 9, 2002 meeting.

The proposal is for 22 moderate-income units ranging in size from 650 square feet to 1000 square feet. The property has two historic dwellings as well as a garage and outbuildings. The Historic District Commission reviewed this request at their September 16, 2002 meeting and discussed the historical significance of the dwellings and accessory structures on the parcels. The Commission determined that the dwellings are historically-significant and that the accessory structures are non-historically-significant. The applicant is proposing to demolish the not historically significant structures and rehabilitate the historic structures as part of the overall development plan.

At the Commissions November 13, 2002 meeting, staff and the applicant requested that the Commissioners provide feedback for the proposed 22 moderate income units. The Planning Commission provided the following input:

- Architectural design, create a greater variance in streetscape, greater shift

- in roof forms and roof orientation.
- Material use. Use material other than stucco.
- Parking along Deer Valley Drive.
- Open space requirements.
- Market analysis for proposed development.
- Monitoring of restrictions for the housing units.

The applicant provided changes and addressed the concerns that the Commission offered at their November 13, 2002 meeting, and at the December 11, 2002 meeting, the Commission was satisfied with those and requested staff to prepare findings, conclusions and conditions of approval:

Project Description:

The site is zoned Residential Medium (RM) and has two existing historic dwellings, a garage and outbuildings on the two metes and bounds parcels. The area consists of approximately .66 acres and is located parallel to Deer Valley Drive and south of the SunnySide Up Subdivision. The proposed access is off Deer Valley Drive.

The following are the minimum standards for requirements in the Residential-Medium Density (RM) District as specified within the Land Management Code:

	CODE REQUIREMENT	PROPOSED
SETBACKS:		
FRONT:	15'	15'
SIDES	5'	27-40'
REAR	10'	10-25'
LOT SIZE(DUPLEX)	5,625 s.f. (4 units) + 18,000 s.f. (18 units)=22 units/23,625s.f.	28,749 Square Feet (18% under density)
HEIGHT	28'5'	Final height verification to occur at Building Permit review
*PARKING	1 space @ 650 s.f. = 10 spaces 1.5 @ 650 s.f. - 1000 = 15 spaces 2 spaces for historic homes for a total of <u>27required parking spaces</u>	<u>31provided on site.</u> Applicant will not propose on-street parking spaces, but instead-widen the sidewalk.

**OPEN SPACE	50% -can be reduced by the Planning Commission, but not less than 40% in exchange for enhancements/ amenities as per MPD.	Applicant is proposing 40%. Code requires a minimum of 50%, but can be reduced depending on amenities.
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* Parking is required at the rate of one space per bedroom up to 650 square feet, 1.5 spaces required from 650 square feet up to 1,000 square feet.

**The applicant is proposing a bus shelter along Deer Valley Drive and is rehabilitating two existing historic dwellings.

C. Analysis

Density

The underlying zone requires that all permitted and conditional uses meet the minimum lot and site requirements found in Section 15-2.15-3 of the RM zoning District.

Developments consisting of more than four (4) dwelling units require a lot area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional dwelling unit over four (4) units.

The property has a lot area of 28,749 square feet. The allowable density for the site provided that the applicant meets all of the requirements would be 27 dwelling units. The proposal is for 22 dwelling units or 8.25 unit equivalents.

In the Residential - Medium Density (RM) District, the proposed use requires a Conditional Use Permit, subject to the provisions of a Master Planned Development. The Commission would must find that the proposed change of use complies with Chapter 6, Master Planned Development and the Conditional Use Permit criteria found in the Land Management Code, Section 15-1-10(e).

Conditional Use Permit

- A. size and location of the site; *Staff finds the proposal complies with this standard. The subject property is .66 acres and is located at 555-577 Deer Valley Drive. The site allows for a maximum density of 27 units based on lot area. The current proposal would have a density of 22 units, or 8.25 unit equivalents.*
- B. traffic considerations including capacity of the existing streets in the area; *Complies. As proposed, the property has two points of ingress/egress off Deer Valley Drive. Deer Valley Drive is seasonally a very busy road. Deer Valley Drive is a bus route.*

- C. utility capacity; Complies. The area has the necessary utilities. Any proposed utility improvements will need to be reviewed and approved by the City Engineer prior to any Building Permit issuance.
- D. emergency vehicle access; Complies. Access to the property would be from Deer Valley Drive.
- E. location and amount of off-street parking; Staff finds the application to comply. The site currently provides 31 on-site parking spaces. The proposed use would require 27 parking spaces to meet code requirement. At the Commission December 11, 2002 meeting, the applicant was proposing 6 improved off-street parking spaces. The applicant has since then revised the site plan, and has eliminated the off-street parking from this proposal and has instead elected to widen the sidewalk.
- F. internal vehicular and pedestrian circulation system; Complies. The proposed site includes two driveway approaches from Deer Valley Drive. As part of the proposal, the applicant has worked with the Planning and Transit Department and has agreed to providing a bus shelter along Deer Valley Drive that would be used by residents of the proposed project and general public. The Park City School District was concerned if the school bus would be able to utilize the area where the bus shelter is proposed as a pick-up/drop-off zone, and the Transit Department will allow the school district to use this area for the school bus.
- G. fencing, screening, and landscaping to separate the use from adjoining uses; The applicant has not provided a landscape plan. A preliminary landscape plan has indicated what types of planting materials are being proposed. Final landscape approval shall be reviewed and approved by the City's Landscape Arborist.
- H. building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots; Complies. There are two historic buildings on the site that will be incorporated into the proposed plan. The proposed rehabilitation work for the two historic houses has preliminarily been found to be in general compliance with the Historic District Guidelines. A formally Historic District Design Review approval will be necessary prior to construction. Staff is currently working with the applicant to enhance the architectural design for the new units.
- I. ~~disable~~ open space; Complies. The site requirement for a MPD is 50% for affordable housing. The Planning Commission at their December 11, 2002 meeting agreed that the project may reduce the open space requirement to not less than 40% as found in Chapter 6. The Commission agreed that the applicant demonstrated that the proposed amenities that are being offered can offset the open space requirement.

J. signs and lighting; Complies. The applicant is not proposing a sign and is proposing wall mounted downlight fixtures at the first story along the garages.

K. physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing; Complies. At the December 11, 2002 Commission meeting, the applicant showed the Commission the proposed architectural design changes in regards to building materials and the additional front-end gables on the proposed duplexes to help break up the roof lines. The Commission was satisfied with the proposed changes.

L. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site; Not applicable

M. control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas; The applicant shall verify with BFI on the proposed location and have BFI make the determination on whether or not a single dumpster is adequate for the proposed development.

N. expected ownership and management of the project; Mountainlands proposes these units as for sale units. A condominium plat will be subsequently prepared by the applicant.

O. sensitive lands review; The site is not located in the Sensitive Lands Overlay Area.

Chapter 6 Master Planned Development

Section 15-6-5. MPD Requirements

(A) **DENSITY**. The type of Development, number of units and Density permitted on a given site will be determined as a result of a site suitability analysis and shall not exceed the maximum density in the zone, except as otherwise provided in this section. The site shall be looked at in its entirety and the density located in the most appropriate locations. When properties are in more than one zoning district, there may be a shift of density between zoning districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPD's will be based on the unit equivalent formula, as defined in Section 15-6-8. Complies. The subject property is .66 acres and is located at 555-577 Deer Valley Drive. The proposed density for the site is 22 units. The site would allow up to 27 units provided that the setbacks, height and parking could be accommodated. The proposal is 18% under allowed density.

(B) **SETBACKS**. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant

Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation.

Setbacks within the project may be varied from those otherwise required in the zone, but must meet minimum Uniform Building Code requirements.

Complies. The applicant has provided the minimum setback as required in the RM zone. The site is .66 acres, therefore, the minimum 25 foot perimeter setback would revert back to the underlying zoning requirements.

(C) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in Section 15-15 with the exception of the General Commercial (GC) District wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). For applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan Sections or more specific area plans. Such project enhancements may include, but are not limited to, affordable housing, greater landscaping buffers along public ways and pedestrian Areas, increased landscape material sizes, transit improvement, pedestrian plazas, pedestrian way/ trail linkages, and public art.

Complies. The Planning Commission at their December 11, 2002 meeting agreed with allowing the applicant to reduce the open space requirement to 40% open space as allowed in Chapter 6. The applicant as part of the MPD is proposing a bus shelter along Deer Valley Drive, and is rehabilitating two on-site historic structures. Staff is requesting a determination from the Commission on whether these amenities alone is sufficient to warrant a reduction to 40% open space. Staff finds the 40% open space to be appropriate because the proposed affordable housing and bus stop improvements.

(2) **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. See above.

(D) **OFF-STREET PARKING.** The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis

submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

- (1) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- (2) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.
- (3) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.
- (4) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is guaranteed by Use covenant and deed restriction.
- (5) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.
- (6) Provisions for overflow parking during peak periods.

The Community Development Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

Complies. The entire site provides 31 on-site parking spaces. The Land Management Code requires a minimum of 27 parking spaces for the proposed 22 dwelling units.

(E) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and bears the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

- (1) The increase in ~~Building Height does not result in increased square footage~~ or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;
- (2) Buildings have been positioned to minimize visual impacts on adjacent

Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed; and

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable.

Complies. *The applicant is not requesting any form of height variation. However, the two historic dwellings that have been incorporated into the site plan are approximately 18-20 feet in height. The new units would be no greater than 33 feet in height.*

(F) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the site upon which it is proposed to be placed. The project should be designed to fit the site, not the site modified to fit the project. The following shall be addressed in the site planning for an MPD:

1. Units should be clustered on the most developable and least visually sensitive portions of the site with common open space separating the clusters. The open space corridors should be designed so that existing significant vegetation can be maintained on site. Complies. *The proposed development is situated on .66 acres and has existing, mature vegetation.*

2. Projects shall be designed to minimize grading and the need for large retaining structures. Complies. *The project site has a slopes that are less than 15% and greater than 40%.*

3. Roads, utility lines, and buildings should be designed to work with the existing grade. Cuts and fills should be minimized. Complies. *Infrastructure currently exists.*

4. Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan. *There are no proposed trails to be incorporated into the proposed project, however there is a sidewalk.*

5. Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrians/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the property or

public trail system. Private internal streets may be considered for condominium projects if they meet the minimum emergency and safety requirements.
Complies. The site is surrounded by residential uses that have no pedestrian connections. The site is located along a bus route, and the applicant proposes to incorporate a bus shelter for pedestrians who elect to use the bus.

6. The site plan shall include adequate areas for snow removal and snow storage. The landscape plan shall allow for snow storage areas. Structures shall be set back from any hard surface so as to provide adequate areas to remove and store snow. The assumption is that snow should be able to be stored on site and not removed to an off site location. *Complies. The applicant has demonstrated that the area proposed for snow storage will be sufficient.*

7. It is important to plan for refuse storage and collection and recycling facilities. The site plan shall include adequate areas for dumpsters and recycling containers. These facilities shall be screened or enclosed. Pedestrian access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests. *Staff finds the application to comply, however, discussion is requested. The applicant has not incorporated any type of recycling facility/container. There is a proposed dumpster on site which will need to be enclosed. The applicant shall verify with BFI on whether or not one dumpster is sufficient.*

8. The site planning for an MPD should include transportation amenities including drop-off areas for van and shuttle services, and a bus stop if applicable. *Complies. The proposed plan has incorporated a bus shelter along Deer Valley Drive. The applicant will need to work with the Transit Department on the location of the bus shelter.*

9. Service and delivery access and loading/unloading area must be included in the site plan. The service and delivery should be kept separate from pedestrian areas. *N/A.*

(G) **LANDSCAPE AND STREET SCAPE.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) may be irrigated. Landscape and Street scape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5.

The applicant has not submitted a landscape plan, but has shown the types of vegetation that is being proposed. As part of any building permit issuance, the applicant shall have their proposed landscape plan approved by the City's Landscape Architect.

(H) **SENSITIVE LANDS COMPLIANCE**. All MPD's containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, subject to the applicability as defined in LMC Chapter 15-15, Definitions.

Not applicable.

(I) **EMPLOYEE/AFFORDABLE HOUSING**. MPD's shall submit a housing mitigation plan which must include employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application. Complies. *The applicant is proposing that all the units will be Deed Restricted to comply with the Affordable Housing guidelines.*

(J) **CHILD CARE**. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care. Not applicable.

D. Department Review

The City's Staff Review Team has reviewed this application. The main issues identified were, amenities, snow shed, snow removal, open space requirements, fire sprinklers and utility locations.

E. Public Input

Property owners within 300 feet of the project were notified on September 10, 2002. The property was properly posted and legally noticed. A pre-application hearing was held on September 23, 2002, and findings for approval were ratified on October 9, 2002. The neighbors were notified of the November 13 and December 11, 2002 meeting. The meeting of December 13, 2002 was continued to January 8, 2003.

F. Staff Recommendation

Staff recommends that the Planning Commission conduct a public hearing and approve the Master Planned Development and Conditional Use Permit review according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact:

1. The project is located within the Residential-Medium Density(RM) District.
2. This proposal requires a Master Planned Development per Section 15-6-2(C) and a Conditional Use Permit for the multi-family units per Section 15-2.18-2(B)(4).
3. The proposed development consist of 22 housing units.
4. The proposed development has two significant historic dwellings on site.
5. The two significant historic dwellings will be rehabilitated.
6. The proposal is for 22 moderate-income units range in size from 650

- square feet to 1000 square feet.
7. The area consists of approximately .66 acres and is located parallel to Deer Valley Drive and south of the Sunny Side-Up Subdivision.
 8. The project site consists of two metes and bounds parcels.
 9. The applicant will have to submit a Subdivision application to consolidate the two metes and bounds parcels into a legal lot of record.
 10. The proposed access is off Deer Valley Drive.
 11. The property has a lot area of 28,749 square feet.
 12. The allowable density for the site provided that the applicant meets all of the requirements would be 27 dwelling units.
 13. The proposal is for 22 dwelling units or 8.25 unit equivalents.
 14. The Planning Commission decreased the required open space requirement as found in Chapter 6 from 50% to 40%. Based on the project providing 22 units of affordable housing and bus stop.
 15. The proposed development requires a minimum of 27 parking spaces based on the Land Management Code Parking Table.
 16. The applicant is providing 31 parking spaces for the proposed development.
 17. The applicant is not proposing any on-street parking.
 18. The proposal design incorporates materials utilized historically in Park City.
 19. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
 20. The MPD has been noticed and public hearing held in accordance with Land Management Code, Chapter 6.
 21. The MPD, as conditioned, strengthens and enhances the resort character of Park City
 22. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing a bus shelter
 23. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
 24. The MPD provides amenities to the community so that there is no net loss of community amenities.
 25. The facts discussed in the Analysis section are incorporated herein.

Conclusions of Law:

The request complies with the Land Management Code requirements for a Conditional Use.

1. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;
2. The MPD, as conditioned, is consistent with the Park City General Plan.
3. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
4. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
5. The project has been designed to place Development on the most

6. developable land and least visually obtrusive portions of the Site.
Any differences in use or scale have been mitigated by the conditions of approval.

Conditions of Approval:

All standard conditions of project approval shall apply to this project. Receipt and approval of a Construction Mitigation Plan (CMP) by the Community Development Department is a condition precedent to the issuance of any building permit.

1. The applicant must receive approval of the landscape plan prior to the issuance of a building permit.
2. All lighting on the buildings must comply with the Land Management Code, the Park City Night Sky Ordinance.
3. The Planning Department shall review and approve the Master Sign Plan for the project for compliance with Municipal Code Title 12. The signs shall be constructed of wood and metal materials.
4. Parking (drive aisle) lot shall be designed to allow adequate snow-storage removal.
5. The applicant shall provide a recycling container/dumpster on the property.
6. Final architectural design of the structures shall be reviewed and approved by the Community Development staff, and shall comply with Chapter 9 of the Land Management Code, prior to issuance of any building permits.
7. The City Engineer shall review appropriate grading, utility, public improvements and drainage plans for compliance with City standards as a condition precedent to permit issuance.
8. The Conditional Use shall expire one year from the date of the Planning Commission issue unless the Conditional Use has commenced on the property.
9. The bus shelter shall be reviewed and approved by the Transit and Community Development Department prior to issuance of building permit.

G. Exhibits

- Exhibit A - Existing Conditions
- Exhibit B - Site Plan
- Exhibit C - Slope Analysis
- Exhibit D - Floor Plans/Elevations
- Exhibit E - Streetscape
- Exhibit F - Market analysis & Restrictions letter
- Exhibit G - Planning Commission Minutes (12-11-02)

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PLANNING COMMISSION STAFF REPORT

Date: September 25, 2002
Department: Community Development Department
Title: 555-557 Deer Valley Drive
Type of Item: Public Pre-Application

Summary Recommendations: Review project plan for compliance with the General Plan and take action on necessary findings for compliance.

A. Topic

Applicant: Mountainlands Community Housing Association
Location: 555-577 Deer Valley Drive
Proposal: 22 moderate-income housing units
Zoning: Residential-Medium Density District (RM)
Adjacent Land uses: Residential
Project Planner: Kevin LoPiccolo
Date of Application: August 30, 2002

Pre-Application Public Meeting

Under Chapter 6, Section 15-6-4(B) - Master Planned Developments, all MPD's shall be required to go through a pre-application public meeting before the Planning Commission. This will allow an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development.

At the pre-application public meeting, the applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review should focus on General Plan and zoning compliance. The public will be given an opportunity to comment on the preliminary concepts so that the applicant can address any neighborhood concerns in preparing an application for an MPD.

The Planning Commission shall review preliminary information for compliance with the General Plan and may make a finding that the project complies with the General Plan. If no such finding can be made, the application will need to be changed or, the General Plan may have to be modified prior to acceptance and processing of the application.

B. Background Information

The applicant has requested a pre-application public meeting to discuss a proposal for a Master Planned Development. The applicant is proposing 22 moderate-income units ranging in size from 650 square feet to 1000 square feet. The property has two historic dwellings as well as a garage and outbuildings. The Historic District Commission reviewed this request at their September 16, 2002 meeting and discussed the historical significance of the historic dwellings and accessory structures on the parcels. The Commission determined that the dwellings were historically significant and that the accessory structures were non-significant. The

applicant is proposing to demolish the non-significant structures and rehabilitate the historic structures as part of the overall development plan.

Project Description:

The site is zoned Estate (RM) and has two existing historic dwellings, a garage and outbuildings on the two metes and bounds parcels. The area consists of approximately .66 acres and is located parallel to Deer Valley Drive and south of the Sunny Side-Up Subdivision. The proposed access is off Deer Valley Drive. The following are the minimum standards for requirements in the Residential-Medium Density (RM) District as specified within the Land Management Code:

	CODE REQUIREMENT	PROPOSED
*SETBACKS:		
FRONT:	15'	20'
SIDES	5'	27-40'
REAR	10'	16-55'
LOT SIZE(DUPLEX)	5,625 s.f. (4 units) + 18,000 s.f. (18 units)=22 units/23,625s.f.	28,749 Square Feet
HEIGHT	28'5'	Must comply with height
**PARKING	1 space @ 650 s.f. 1.5 @ 650 s.f. - 1000 s.f. (28 spaces required)	36
***OPEN SPACE	50% -can be reduced by the Planning Commission in exchange for enhancements/amenities as per MPD.	Not Verified. Due to limited information on site plan. Staff will verify at time of MPD submittal.

* The applicant has exceeded the minimum setback that is required in the RM zone.

** Parking is required at the rate of one space per bedroom up to 650 square feet, 1.5 spaces required from 650 square feet up to 1,000 square feet.

***Additional enhancements/amenities, such as active play areas (i.e. Volleyball, basketball), bike/ski storage, bus shelter, trail enhancements, enhanced landscaped buffers along the street frontage, etc. shall be proposed if the development were not to meet the open space requirement.

Residential - Medium Density (RM) District

Section 15-2.15-1 of the Purpose of the RM 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 that minimizes the number of new driveways accessing existing thoroughfares and minimizes the visibility of parking areas.

C. General Plan Analysis

The following is Staff's general analysis of the proposed project's compliance or lack of with the Park City's General Plan. Staff comments are in *italics*. Staff analysis is based on the information provided to date. In some cases compliance with specific General Plan policies may not be determined due to limited information required for a public pre-application meeting. The Planning Commission may ask for additional information necessary to determine compliance in such cases.

Land Use Element

- The General Plan's Land Use Plan (General Plan, page 37) identifies the subject site as "Low Residential Density."

General Plan Housing Element

The following is a list of issues outlined in the General Plan Housing Element to aid in the analysis of the proposed project. Planning Commission must find that the project is consistent with these General Plan provisions in order for the project to move forward to a formal MPD application.

- **Encourage the construction of affordable housing that is not disproportionately borne by any single sector of the community.**

Complies with this policy. Affordable housing units are located throughout the community; however, the majority of the affordable housing developed in the past 6 years have been projects located in the area south of SR 248 and east of Bonanza Drive. This area consists of market rate single family dwellings and multi-family dwelling units. This is the first project of this nature to be proposed in this sector of the community.

- **Apportion the costs for providing affordable housing equitably based on impact generation, growth inducement and the underlying goal to**

provide a cross section of units in our community.

Complies with this policy. As mentioned above, over the past six years the area south of SR 248 and east of Bonanza has the majority of the affordable housing developments. This area of the city between Deer Valley Ski Resort and Old Town does not have much in terms of affordable housing units. This project will help meet the goal of the General Plan to allow a cross section of units in the community.

- **Designate for-sale affordable housing units as a priority because of the overwhelming demand for these types of homes rather than rental properties.**

Complies with this policy. The current proposal is for sale units. It will have to meet the affordable housing standards for for sale units. This approach will allow the opportunity for one to invest in home ownership.

- **Maintain the social, economic and political fabric of the community by requiring the construction of affordable housing when new projects are approved.**

Complies with this policy. The proposed project will augment the private sector's current affordable housing commitment.

- **Ensure that new development does not adversely affect the supply of affordable housing in the City.**

Complies. The proposed project will increase the supply of affordable housing in Park City

Community Design

- **Encourage comprehensive, efficient developments that consider the overall impact on surrounding properties. Phasing plans for such projects will be necessary to avoid the premature expansion of utilities and other public facilities.**

Complies with this policy. The proposed 22 units would utilize a dual driveway approach off Deer Valley Drive. There are existing utilities nearby and the proposed development is close to commercial and recreation facilities. The large tree on the west side of the property will have to be preserved.

Transportation policies

- **Require traffic routing and street design that minimizes grading, minimizes impacts on existing residents, and reduces dependency on the automobile.**

Complies with this policy. As the conceptual plan proposes, the development site would provide ingress/egress from Deer Valley Drive. The slope of the site ranges from 17 to 20 percent. Formal review of the site design including parking and circulation will take place once a complete MPD application is filed.

- Approve development only when adequate public services and facilities are available, or will be available when needed to serve the project.

Complies with this policy. There are nearby utilities in this area.

- Encourage affordable housing in close proximity to lodging, bus routes, resorts and such essential services as shopping, recreation, and medical services.

Complies with this policy. There is a nearby bus stop to the east, and the transit center approximately ½ mile from the proposed development. This site is within walking distance to Deer Valley and Main Street services. The proposed project requires a conditional use permit in the RM zone.

D. Staff Recommendation

Staff recommends the Planning Commission listen to the applicant's presentation and conduct a public hearing. Following public comment and Planning Commission discussion, the Commission should close the public pre-application meeting and take action as to whether or not the proposed project complies with the Park City General Plan and underlying zone. The Commission has three alternatives:

1. Find that the proposed project complies with the General Plan.
2. Find that the proposed project does not comply with the General Plan.
3. Continue this item with direction to the applicant to provide any additional information the Commission finds is necessary to take action.

Staff finds that the proposed project complies with the General Plan policies set forth in this report.

If the Commission finds that the conceptual plan complies (or does not comply) with the General Plan, the Commission can direct Staff to prepare specific findings of fact and conclusions of law for ratification on the consent calendar at the October 9, 2002 meeting.

E. Exhibits

Exhibit A - Zone Map

Exhibit B - Conceptual Site Plan

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PLANNING COMMISSION STAFF REPORT

Date: October 9, 2002
Department: Community Development Department
Title: 555-577 Deer Valley Drive
Type of Item: Public Pre-Application

Summary Recommendations: Ratify the findings of fact, conclusions of law for compliance with the General Plan for twenty-two moderate income housing units located at 555-577 Deer Valley Drive.

A. Topic
Applicant: Mountainlands Community Housing Association
Location: 555-577 Deer Valley Drive
Proposal: 22 moderate-income housing units
Zoning: Residential-Medium Density District (RM)
Adjacent Land uses: Residential
Project Planner: Kevin LoPiccolo
Date of Application: August 30, 2002

A. Background Information
The Planning Commission reviewed a Pre-application for twenty-two moderate income housing units at their September 25, 2002 meeting. At the public hearing, the Commission provided preliminary input on a concept for a Master Planned Development for twenty-two moderate income housing units at 555-577 Deer Valley Drive.

The Planning Commission reviewed preliminary information for compliance with the General Plan and made a finding that the project complied with the General Plan as stated in Section 15-6-4 (B) Pre-application public meeting and determination of compliance.

The applicant's request is a proposal for a Master Planned Development. The applicant will submit a Master Planned Development/ Subdivision application for 22 moderate-income units ranging in size from 650 square feet to 1000 square feet. The property has two historic dwellings as well as a garage and outbuildings. The Historic District Commission reviewed this request at their September 16, 2002 meeting and discussed the historical significance of the historic dwellings and accessory structures on the parcels. The Historic District Commission determined that the dwellings were historically significant and that the accessory structures were non-significant. The applicant is proposing to demolish the non-significant structures and rehabilitate the historic dwellings structures as part of the overall development plan.

C. General Plan Analysis

The following is Staff's general analysis of the proposed project's compliance with the Park City's General Plan. The Planning Commission at their September 25, 2002 found the proposed application to be in compliance with the General

Use Element
The General Plan's Land Use Plan (General Plan, page 37) identifies the subject site as "Low Residential Density."

General Plan Housing Element

Following is a list of issues outlined in the General Plan Housing Element to the analysis of the proposed project. The Planning Commission found that project is consistent with these General Plan provisions in order for the project to move forward to a formal MPD application.

Encourage the construction of affordable housing that is not disproportionately borne by any single sector of the community.

Complies with this policy. Affordable housing units are located throughout the community; however, the majority of the affordable housing developed in the past 6 years have been projects located in the area south of SR 248 and east of Bonanza Drive. This area consists of market rate single family dwellings and multi-family dwelling units. This is the first moderate income housing MPD project of this nature to be proposed in this sector of the community.

Apportion the costs for providing affordable housing equitably based on impact generation, growth inducement and the underlying goal to provide a cross section of units in our community.

Complies with this policy. As mentioned above, over the past six years the area south of SR 248 and east of Bonanza has the majority of the affordable housing developments. This area of the city between Deer Valley Ski Resort and Old Town does not have much in terms of affordable housing units. This project will help meet the goal of the General Plan to allow a cross section of units in the community.

Designate for-sale affordable housing units as a priority because of the overwhelming demand for these types of homes rather than rental properties.

Complies with this policy. The current proposal is for sale units. It will have to meet the affordable housing standards for for sale units. This approach will allow the opportunity for one to invest in home ownership.

Maintain the social, economic and political fabric of the community by requiring the construction of affordable housing when new projects are approved.

Complies with this policy. The proposed project will augment the private sector's current affordable housing commitment.

- Ensure that new development does not adversely affect the supply of affordable housing in the City.
Complies. The proposed project will increase the supply of affordable housing in Park City

Community Design

- Encourage comprehensive, efficient developments that consider the overall impact on surrounding properties. Phasing plans for such projects will be necessary to avoid the premature expansion of utilities and other public facilities.

Complies with this policy. The proposed 22 units would utilize a dual driveway approach off Deer Valley Drive. There are existing utilities nearby and the proposed development is close to commercial and recreation facilities. The large tree on the west side of the property will have to be preserved.

Transportation policies

- Require traffic routing and street design that minimizes grading, minimizes impacts on existing residents, and reduces dependency on the automobile.

Complies with this policy. As the conceptual plan proposes, the development site would provide ingress/egress from Deer Valley Drive. The slope of the site ranges from 17 to 20 percent. Formal review of the site design including parking and circulation will take place once a complete MPD/Subdivision application is filed.

- Approve development only when adequate public services and facilities are available, or will be available when needed to serve the project.

Complies with this policy. There are nearby utilities in this area.

- Encourage affordable housing in close proximity to lodging, bus routes, resorts and such essential services as shopping, recreation, and medical services.

Complies with this policy. There is a nearby bus stop to the east, and the transit center approximately ½ mile from the proposed development. This site is within walking distance to Deer Valley and Main Street services. The proposed project requires a conditional use permit in the RM zone.

D. Staff Recommendation

Staff recommends the Planning Commission ratify the Findings of Fact, Conclusions of Law for the proposed moderate income housing development at 555-577 Deer Valley Drive.

Findings of Facts

1. A pre-application was reviewed by the Planning Commission on September 25, 2002. The pre-application was reviewed at Work Session and during the Public Hearing.
2. The Commission requested that staff prepare findings for approval after receiving public input.
3. The Commission found that the proposed project complies with the General Plan.
4. The General Plan's Land Use Plan identifies the subject site as Low Residential density.
5. The property is located in the RM Zone.
6. The purpose statement in the RM zone encourages affordable housing.
7. The application is for twenty-two moderate-income residential units ranging in size from 650 square feet to 1000 square feet.
8. The current proposal is for sale units. It will have to meet the affordable housing standards for for sale units.
9. There are existing utilities nearby and the proposed development is close to commercial and recreation facilities.
10. The Commission found the area where the project is being proposed was a suitable site for affordable housing project.
11. The applicant will need to submit a Master Planned Development and Subdivision application for the proposed development.
12. The proposed project complies with the General Plan, but will need to comply with criteria outlined in the Land Management Code for Master Planned Development and Subdivision requirements.
13. Planning Commission action for General Plan compliance does not constitute approval of a Master Planned Development application.

Conclusions of Law

1. The application complies with the Land Management Code, Section 15-6-4(B) Pre-Application Public Meeting and Determination of Compliance.
2. The proposed Master Planned Development concept complies with the Park City General Plan.

E. Exhibits

Exhibit A - Zone Map

Exhibit B - Conceptual Site Plan

Exhibit C - September 25, 2002 Planning Commission Minutes

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PLANNING COMMISSION STAFF REPORT

Date: November 13, 2002
Department: Community Development Department
Title: 555-577 Deer Valley Drive
Type of Item: Master Planned Development

Summary Recommendations: Review the proposed request for a Master Planned Development for twenty-two housing units in the Residential Medium Density (RM) District for property located at 555-577 Deer Valley Drive. Staff is requesting that the Commission take public input from the applicant and public, and provide direction to Staff and applicant.

A. Topic

Applicant: Mountainlands Community Housing Association
Location: 555-577 Deer Valley Drive
Proposal: 22 moderate-income housing units
Zoning: Residential-Medium Density District (RM)
Adjacent Land uses: Residential
Project Planner: Kevin LoPiccolo
Date of Application: August 30, 2002

B. Background Information

The Planning Commission reviewed an MPD Pre-Application for Mountainlands Community Housing at their September 25, 2002 meeting. The applicant requested a determination from the Commission on whether or not a proposal for twenty-two (22) affordable housing units is in compliance with the City's General Plan. The Commission reviewed General Plan analysis prepared by Staff, and determined that the pre-application request for Mountainlands is in compliance with the City's General Plan.

The Planning Commission ratified those findings at their October 9, 2002 meeting.

The proposal is for 22 moderate-income units range in size from 650 square feet to 1000 square feet. The property has two historic dwellings as well as a garage and outbuildings. The Historic District Commission reviewed this request at their September 16, 2002 meeting and discussed the historical significance of the historic dwellings and accessory structures on the parcels. The Commission determined that the dwellings are historically significant and that the accessory structures are non-historically significant. The applicant is proposing to demolish the non-historically significant structures and rehabilitate the historic structures as part of the overall development plan.

Project Description:

The site is zoned Residential Medium (RM) and has two existing historic dwellings, a garage and outbuildings on the two metes and bounds parcels. The area consists of approximately .66 acres and is located parallel to Deer Valley

Drive and south of the Sunny Side-Up Subdivision. The proposed access is off Deer Valley Drive.
 The following are the minimum standards for requirements in the Residential-Medium Density (RM) District as specified within the Land Management Code:

	CODE REQUIREMENT	PROPOSED
SETBACKS:		
FRONT:	15'	15'
SIDES	5'	27-40'
REAR	10'	10-25'
LOT SIZE(DUPLEX)	5,625 s.f. (4 units) + 18,000 s.f. (18 units)=22 units/23,625s.f.	28,749 Square Feet 18% under density
HEIGHT	28'5'	Must comply with height
*PARKING	1 space @ 650 s.f. = 10 spaces 1.5 @ 650 s.f. - 1000 = 15 spaces 2 spaces for historic homes for a total of 27required parking spaces	31provided on site. Applicant proposes to improve Deer Valley R-O-W with 6 on-street parking spaces. (on- street parking will require City Engineer approval)
**OPEN SPACE	50% -can be reduced by the Planning Commission in exchange for enhancements/ amenities as per MPD.	Applicant is proposing 40%. Code requires a minimum of 50%, but can be reduced depending on amenities.

* Parking is required at the rate of one space per bedroom up to 650 square feet, 1.5 spaces required from 650 square feet up to 1,000 square feet.

**The applicant is proposing a bus shelter along Deer Valley Drive.

C. Analysis

The applicant is proposing a Master Planned Development for twenty-two (22) affordable for-sale housing units on the property. Access to the project is proposed off Deer Valley Drive. The applicant will need to have the Planning Commission approve the Master Planned Development since the project exceeds 10 units as per Section 15-6-2(A). The applicant is subject to an MPD/Subdivision approval.

Density

The underlying zone requires that all permitted and conditional uses meet the minimum lot and site requirements found in Section 15-2.15-3 of the RM zoning District. The minimum lot area is:

Developments consisting of more than four (4) dwelling units require a lot area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional dwelling unit over four (4) units.

The property has a lot area of 28,749 square feet. The allowable density for the site provided that the applicant meets all of the requirements would be 27 dwelling units. The proposal is for 22 dwelling units.

The following are the purpose statements listed for the applicable zoning district:

Residential - Medium Density (RM) District

Section 15-2.15-1 of the Purpose of the RM 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 that minimizes the number of new driveways accessing existing thoroughfares and minimizes the visibility of parking areas.

In the Residential - Medium Density (RM) District, the proposed use requires a Conditional Use Permit, subject to the provisions of a Master Planned Development. The Commission would must find that the proposed change of use complies with Chapter 6, Master Planned Development and the Conditional Use Permit criteria found in the Land Management Code, Section 15-1-10(e).

Conditional Use Permit

A. size and location of the site; Discussion requested. The subject property is .66 acres and is located at 555-577 Deer Valley Drive. The site allows for a maximum density of 27 units based on lot area. The current proposal would have a density of 22 units. The proposed plan meets the building, parking requirements, but falls short of the minimum 50% open space requirement. As part of the open space requirement, the applicant is proposing to construct a bus shelter along Deer Valley Drive. The Commission may reduce the open space requirement if they feel that the bus shelter would be an amenity that would help offset the 50% open space requirement.

B. traffic considerations including capacity of the existing streets in the area;

- Complies. As proposed, the property has two points of ingress/egress off Deer Valley Drive. Deer Valley Drive is seasonally a very busy road.
- C. utility capacity; Complies. The area has the necessary utilities. Any proposed utility improvements will need to be reviewed and approved by the City Engineer prior to any Building Permit issuance.
- D. emergency vehicle access; Complies. Access to the property would be from Deer Valley Drive.
- E. location and amount of off-street parking; Complies. The site currently provides 31 on-site parking spaces. The proposed use would require 27 parking spaces to meet code requirement. The applicant is proposing a total of 31 parking spaces, plus 6 improved off-street parking spaces.
- F. internal vehicular and pedestrian circulation system; Complies. The proposed site includes two driveway approaches from Deer Valley Drive. As part of the proposal, the applicant will provide a bus shelter along Deer Valley Drive that would be used by residents of the proposed project and general public.
- G. fencing, screening, and landscaping to separate the use from adjoining uses; The applicant has not provided a landscape plan. A landscape plan will be required as part of the Master Planned Development approval.
- H. building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots; Discussion requested. There are two historic buildings on the site that will be incorporated into the proposed plan. The proposed rehabilitation work for the two historic houses has preliminarily been found to be in general compliance with the Historic District Guidelines. A formally Historic District Design Review approval will be necessary prior to construction. Staff is currently working with the applicant to enhance the architectural design for the new units. A formal recommendation on building design will be given by staff at the next meeting.
- I. usable open space; Discussion requested. The site requirement for a MPD is 50% for affordable housing. The Planning Commission may reduce the open space requirement if the applicant can demonstrate that the amenities that are being offered can offset the open space requirement.
- J. signs and lighting; The applicant has not submitted a lighting/sign plan for the proposed project. Staff will request that the applicant provide all the necessary lighting/sign plan by next meeting for compliance with the Land Management Code.
- K. physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing; Discussion requested. Staff would

like initial feedback on the proposed architectural design from the Commission. Staff will work with the applicant on the architecture.

- L. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site; Not applicable*
- M. control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas; The applicant shall verify with BFI on the proposed location and have BFI make the determination on whether or not a single dumpster is adequate for the proposed development.*
- N. expected ownership and management of the project; Mountainlands proposes these units as for sale units.*
- O. sensitive lands review; The site is not located in the Sensitive Lands Overlay Area.*

Chapter 6 Master Planned Development

Section 15-6-5. MPD Requirements

(A) **DENSITY**. The type of Development, number of units and Density permitted on a given site will be determined as a result of a site suitability analysis and shall not exceed the maximum density in the zone, except as otherwise provided in this section. The site shall be looked at in its entirety and the density located in the most appropriate locations. When properties are in more than one zoning district, there may be a shift of density between zoning districts if that transfer results in a project which better meets the goals set forth in Section 15-6-1. Density for MPD's will be based on the unit equivalent formula, as defined in Section 15-6-8. *The subject property is .66 acres and is located at 555-577 Deer Valley Drive. The proposed density for the site is 22 units. The site would allow up to 27 units provided that the setbacks, height and parking could be accommodated. The proposal is 18% under allowed density.*

(B) **SETBACKS**. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation.

Setbacks within the project may be varied from those otherwise required in the zone, but must meet minimum Uniform Building Code requirements.

Complies. The applicant has provided the minimum setback as required in the

RM zone. The site is .66 acres, therefore, the minimum 25 foot perimeter setback would revert back to the underlying zoning requirements.

(C) OPEN SPACE.

(1) MINIMUM REQUIRED. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in Section 15-15 with the exception of the General Commercial (GC) District wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). For applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan Sections or more specific area plans. Such project enhancements may include, but are not limited to, affordable housing, greater landscaping buffers along public ways and pedestrian Areas, increased landscape material sizes, transit improvement, pedestrian plazas, pedestrian way/ trail linkages, and public art.

The open space requirement for a MPD (Affordable Housing) is 50% for the RM zone. The applicant proposes 40% open space. The applicant as part of the MPD is proposing a bus shelter along Deer Valley Drive. Staff is requesting from the Commission on whether this amenity alone is sufficient to warrant a reduction to 40% open space.

(2) TYPE OF OPEN SPACE. The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. See above.

(D) OFF-STREET PARKING. The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(1) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(2) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.

(3) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(4) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is guaranteed by Use covenant and deed restriction.

(5) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(6) Provisions for overflow parking during peak periods.

The Community Development Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

Complies. The entire site provides 31 on-site parking spaces. The Land Management Code requires a minimum of 27 parking spaces for the proposed 22 dwelling units. The proposed on-street parking requires City Engineer approval.

(E) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and bears the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and ~~uses~~. Increased Setbacks and separations from adjacent projects are being proposed; and

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable.

The applicant is not requesting any form of height variation. However, the two historic dwellings that have been incorporated into the site plan are approximately 18-20 feet in height. The new units would be 33 feet in height.

(F) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the site upon which it is proposed to be placed. The project should be designed to fit the site, not the site modified to fit the project. The following shall be addressed in the site planning for an MPD:

1. Units should be clustered on the most developable and least visually sensitive portions of the site with common open space separating the clusters. The open space corridors should be designed so that existing significant vegetation can be maintained on site. *Discussion requested. The proposed development is situated on .66 acres and has existing, mature vegetation.*
2. Projects shall be designed to minimize grading and the need for large retaining structures. *The project site has a slopes that are less than 15% and greater than 40%. The applicant will need to identify with staff and the Commission on the type, size, location of, and nature of retaining walls that are being proposed.*
3. Roads, utility lines, and buildings should be designed to work with the existing grade. Cuts and fills should be minimized. *Complies. Infrastructure currently exists.*
4. Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan. *There are no proposed trails to be incorporated into the proposed project, however there is a sidewalk.*
5. Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrians/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the property or public trail system. Private internal streets may be considered for condominium projects if they meet the minimum emergency and safety requirements. *Complies. The site is surrounded by residential uses that have no pedestrian connections. The site is located along a bus route, and the applicant proposes to incorporate a bus shelter for pedestrians who elect to use the bus.*
6. The site plan shall include adequate areas for snow removal and snow storage. The landscape plan shall allow for snow storage areas. Structures shall be set back from any hard surface so as to provide adequate areas to remove and store snow. The assumption is that snow should be able to be stored on site

and not removed to an off site location. Discussion requested. The applicant will need to demonstrate that the area proposed for snow storage will be sufficient.

7. It is important to plan for refuse storage and collection and recycling facilities. The site plan shall include adequate areas for dumpsters and recycling containers. These facilities shall be screened or enclosed. Pedestrian access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests. *The applicant has not incorporated any type of recycling facility/container. There is a proposed dumpster on site which will need to be enclosed. The applicant shall verify with BFI on whether or not one dumpster is sufficient.*

8. The site planning for an MPD should include transportation amenities including drop-off areas for van and shuttle services, and a bus stop if applicable. *Complies. The proposed plan has incorporated a bus shelter along Deer Valley Drive. The applicant will need to work with the Transit Department on the location of the bus shelter.*

9. Service and delivery access and loading/unloading area must be included in the site plan. The service and delivery should be kept separate from pedestrian areas. *N/A.*

(G) **LANDSCAPE AND STREET SCAPE.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) may be irrigated. Landscape and Street scape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5.

The applicant has not submitted a landscape plan. A landscape plan must be included as part of the Master Planned Development review prior to approval/denial.

(H) **SENSITIVE LANDS COMPLIANCE.** All MPD's containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, subject to the applicability as defined in LMC Chapter 15-15, Definitions.

Not applicable.

(I) **EMPLOYEE/AFFORDABLE HOUSING.** MPD's shall submit a housing mitigation plan which must include employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application. *The applicant is proposing that all the units will be Deed Restricted to comply with the*

Affordable Housing guidelines.

(J) **CHILD CARE**. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care. *Not applicable.*

D. Department Review

The City's Staff Review Team has reviewed this application. The main issues that arose were density, amenities, snow shed, snow removal, open space requirements, fire sprinklers and utility locations.

E. Staff Recommendation

Staff recommends that the Planning Commission listen to the applicant's presentation and solicit public comment. Following public comment and Planning Commission discussion, Staff is requesting that the Commission provide staff and the applicant in regards to:

- architectural design
- open space requirements
- the overall development of the site.

F. Public Input

Property owners within 300 feet of the project were notified on September 10, 2002. The property was properly posted and legally noticed. A pre-application hearing was held on September 23, 2002, and findings for approval were ratified on October 9, 2002. Staff scheduled this item for October 23, 2002, but Staff continued the item due to insufficient information. At that meeting there was a group who voiced concern over the proposed project, but they were directed why this item was continued to the November 13, 2002 meeting.

G. Exhibits

Exhibit A - Conceptual Site Plan
Exhibit B - Topography Map
Exhibit C - Slope Analysis
Exhibit D - Floor Plans
Exhibit E - Street Elevation

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PLANNING COMMISSION STAFF REPORT

Date: December 11, 2002
Department: Community Development Department
Title: 555-577 Deer Valley Drive
Type of Item: Master Planned Development

Summary Recommendations: Review the proposed request for a Master Planned Development for twenty-two housing units in the Residential Medium Density (RM) District for property located at 555-577 Deer Valley Drive. Staff is requesting that the Commission take public input from the applicant and public, and provide direction to Staff and applicant.

A. Topic

Applicant: Mountainlands Community Housing Association
Location: 555-577 Deer Valley Drive
Proposal: 22 moderate-income housing units
Zoning: Residential-Medium Density District (RM)
Adjacent Land uses: Residential
Project Planner: Kevin LoPiccolo
Date of Application: August 30, 2002

B. Background Information

The Planning Commission reviewed an MPD Pre-Application for Mountainlands Community Housing at their September 25, 2002 meeting. The applicant requested a determination from the Commission on whether or not a proposal for twenty-two (22) affordable housing units is in compliance with the City's General Plan. The Commission reviewed General Plan analysis prepared by Staff, and determined that the pre-application request for Mountainlands is in compliance with the City's General Plan.

The Planning Commission ratified those findings at their October 9, 2002 meeting.

The proposal is for 22 moderate-income units range in size from 650 square feet to 1000 square feet. The property has two historic dwellings as well as a garage and outbuildings. The Historic District Commission reviewed this request at their September 16, 2002 meeting and discussed the historical significance of the historic dwellings and accessory structures on the parcels. The Commission determined that the dwellings are historically significant and that the accessory structures are non-historically significant. The applicant is proposing to demolish the non-historically significant structures and rehabilitate the historic structures as part of the overall development plan.

At the Commissions November 13 meeting, staff and the applicant requested that the Commissioners provide feedback for the proposal of the 22 moderate income units. The Planning Commission provided the following input:

- Architectural design, create a greater variance in streetscape, greater shift in roof forms and orientation.
- Material use. Use material other than stucco.
- Parking along Deer Valley Drive.
- Open space requirements.
- Market analysis for proposed development.
- Monitoring of restrictions for the housing units.

The applicant has provided the following changes and addressed the concerns that the Commission offered at their November 13, 2002 meeting:

- The building as proposed along Deer Valley Drive consist of four duplexes and two existing historic dwellings. The streetscape as submitted had not incorporated much variation along the streetscape (Exhibit I). The revisions have included front-end gables on the proposed duplexes to help break up the roof lines that run perpendicular to Deer Valley Drive, removed the single windows along the front of all duplexes. The roof lines remain the same since the architect was not able to change or shift the roofs due to snow shedding issues.
- The applicant has eliminated the stucco from the lower level and has substituted a decorative concrete masonry block.
- The applicant has provided two site plans for the Commissions consideration, one of which has eliminated the parking along Deer Valley Drive, and the other with the proposed parking along Deer Valley Drive. The applicant is requesting feedback from the Commission on the proposed site plan for the project.
- The plan as shown provides 40% open space. This open space calculation considers the total lot area minus the driveway and on-site parking. Open space as defined by Chapter 6 allow a reduction of open-space from 50% to not less than 40% granted upon a finding by the Planning Commission that additional on or off-site amenities will be provided above any that are required. The applicant is providing a bus shelter off-site, and is rehabilitating the existing historic dwelling on site.
- The applicant has submitted a letter (Exhibit J) outlining the restrictions for the units and a market analysis.

Project Description:

The site is zoned Residential Medium (RM) and has two existing historic dwellings, a garage and outbuildings on the two metes and bounds parcels. The area consists of approximately .66 acres and is located parallel to Deer Valley Drive and south of the Sunny Side-Up Subdivision. The proposed access is off Deer Valley Drive.

The following are the minimum standards for requirements in the Residential-

Medium Density (RM) District as specified within the Land Management Code:

	CODE REQUIREMENT	PROPOSED
SETBACKS:		
FRONT:	15'	15'
SIDES	5'	27-40'
REAR	10'	10-25'
LOT SIZE(DUPLEX)	5,625 s.f. (4 units) + 18,000 s.f. (18 units)=22 units/23,625s.f.	28,749 Square Feet 18% under density
HEIGHT	28'5'	Must comply with height
*PARKING	1 space @ 650 s.f. = 10 spaces 1.5 @ 650 s.f. - 1000 = 15 spaces 2 spaces for historic homes for a total of 27required parking spaces	31provided on site. Applicant proposes to improve Deer Valley R-O-W with 6 on-street parking spaces. (on- street parking will require City Engineer approval)
**OPEN SPACE	50% -can be reduced by the Planning Commission, but not less than 40% in exchange for enhancements/ amenities as per MPD.	Applicant is proposing 40%. Code requires a minimum of 50%, but can be reduced depending on amenities.

* Parking is required at the rate of one space per bedroom up to 650 square feet,
1.5 spaces required from 650 square feet up to 1,000 square feet.

**The applicant is proposing a bus shelter along Deer Valley Drive and is
rehabilitating the existing historic dwellings.

C. Analysis

The applicant is proposing a Master Planned Development for twenty-two (22)
affordable for-sale housing units on the property. Access to the project is
proposed off Deer Valley Drive. The applicant will need to have the Planning
Commission approve the Master Planned Development since the project
exceeds 10 units as per Section 15-6-2(A). The applicant is subject to an
MPD/Subdivision approval.

Density

The underlying zone requires that all permitted and conditional uses meet the minimum lot and site requirements found in Section 15-2.15-3 of the RM zoning District. The minimum lot area is:

Developments consisting of more than four (4) dwelling units require a lot area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional dwelling unit over four (4) units.

The property has a lot area of 28,749 square feet. The allowable density for the site provided that the applicant meets all of the requirements would be 27 dwelling units. The proposal is for 22 dwelling units or 8.25 unit equivalents.

The following are the purpose statements listed for the applicable zoning district:

Residential - Medium Density (RM) District

Section 15-2.15-1 of the Purpose of the RM District is to:

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- (E) encourage affordable housing,
- (F) encourage development that minimizes the number of new driveways accessing existing thoroughfares and minimizes the visibility of parking areas.

In the Residential - Medium Density (RM) District, the proposed use requires a Conditional Use Permit, subject to the provisions of a Master Planned Development. The Commission would must find that the proposed change of use complies with Chapter 6, Master Planned Development and the Conditional Use Permit criteria found in the Land Management Code, Section 15-1-10(e).

Conditional Use Permit

- A. size and location of the site; *Discussion requested. The subject property is .66 acres and is located at 555-577 Deer Valley Drive. The site allows for a maximum density of 27 units based on lot area. The current proposal would have a density of 22 units, or 8.25 unit equivalents. The proposed plan meets the building, parking requirements, and open space requirement provided that the Commission can make a finding to support the reduction of open space to not less than 40%. As part of the open space requirement, the applicant is proposing to construct a bus shelter along Deer Valley Drive. The Commission may reduce the open space requirement if they feel that the bus shelter, and rehabilitate the existing historic structures would be an amenity that would help offset the 50% open space requirement.*

- B. traffic considerations including capacity of the existing streets in the area; *Complies. As proposed, the property has two points of ingress/egress off Deer Valley Drive. Deer Valley Drive is seasonally a very busy road.*
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- L. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site; *Not applicable*
- M. control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas; *The applicant shall verify with BFI on the proposed location and have BFI make the determination on whether or not a single dumpster is adequate for the proposed development.*
- N. expected ownership and management of the project; *Mountainlands proposes these units as for sale units.*
- O. sensitive lands review; *The site is not located in the Sensitive Lands Overlay Area.*

Chapter 6 Master Planned Development

Section 15-6-5. MPD Requirements

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Setbacks within the project may be varied from those otherwise required in the zone, but must meet minimum Uniform Building Code requirements.

Complies. The applicant has provided the minimum setback as required in the RM zone. The site is .66 acres, therefore, the minimum 25 foot perimeter setback would revert back to the underlying zoning requirements.

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(1) **MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in Section 15-15 with the exception of the General Commercial (GC) District wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). For applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan Sections or more specific area plans. Such project enhancements may include, but are not limited to, affordable housing, greater landscaping buffers along public ways and pedestrian Areas, increased landscape material sizes, transit improvement, pedestrian plazas, pedestrian way/ trail linkages, and public art.

The open space requirement for a MPD (Affordable Housing) is 50% for the RM zone. The applicant proposes 40% open space. The applicant as part of the MPD is proposing a bus shelter along Deer Valley Drive, and is rehabilitate two on-site historic structures. Staff is requesting from the Commission on whether these amenities alone is sufficient to warrant a reduction to 40% open space.

(2) **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. See above.

(D) **OFF-STREET PARKING.** The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

(1) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.

(2) A parking comparison of ~~projects of similar size~~ with similar occupancy type to verify the demand for occupancy parking.

(3) Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

(4) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is guaranteed by Use covenant and deed restriction.

(5) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(6) Provisions for overflow parking during peak periods.

The Community Development Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

Complies. The entire site provides 31 on-site parking spaces. The Land Management Code requires a minimum of 27 parking spaces for the proposed 22 dwelling units. The proposed on-street parking requires City Engineer approval.

(E) **BUILDING HEIGHT**. The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and bears the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed; and

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable.

The applicant is not requesting any form of height variation. However, the two historic dwellings that have been incorporated into the site plan are approximately 18-20 feet in height. The new units would be 33 feet in height.

(F) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the site upon which it is proposed to be placed. The project should be designed to fit the site, not the site modified to fit the project. The following shall be addressed in the site planning for an MPD:

1. Units should be clustered on the most developable and least visually sensitive portions of the site with common open space separating the clusters. The open space corridors should be designed so that existing significant vegetation can be maintained on site. *Discussion requested. The proposed development is situated on .66 acres and has existing, mature vegetation.*
2. Projects shall be designed to minimize grading and the need for large retaining structures. *The project site has a slopes that are less than 15% and greater than 40%. The applicant will need to identify with staff and the Commission on the type, size, location of, and nature of retaining walls that are being proposed.*
3. Roads, utility lines, and buildings should be designed to work with the existing grade. Cuts and fills should be minimized. *Complies. Infrastructure currently exists.*
4. Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan. *There are no proposed trails to be incorporated into the proposed project, however there is a sidewalk.*
5. Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrians/bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the property or public trail system. Private internal streets may be considered for condominium projects if they meet the minimum emergency and safety requirements. *Complies. The site is surrounded by residential uses that have no pedestrian connections. The site is located along a bus route, and the applicant proposes to incorporate a bus shelter for pedestrians who elect to use the bus.*
6. The site plan shall include adequate areas for snow removal and snow storage. The landscape plan shall allow for snow storage areas. Structures shall be set back from any hard surface so as to provide adequate areas to remove and store snow. The assumption is that snow should be able to be stored on site

and not removed to an off site location. Discussion requested. The applicant will need to demonstrate that the area proposed for snow storage will be sufficient.

It is important to plan for refuse storage and collection and recycling facilities. The site plan shall include adequate areas for dumpsters and recycling containers. These facilities shall be screened or enclosed. Pedestrian access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests. The applicant has not incorporated any type of recycling facility/container. There is a proposed dumpster on site which will need to be enclosed. The applicant shall verify with BFI on whether or not one dumpster is sufficient.

8. The site planning for an MPD should include transportation amenities including drop-off areas for van and shuttle services, and a bus stop if applicable. Complies. The proposed plan has incorporated a bus shelter along Deer Valley Drive. The applicant will need to work with the Transit Department on the location of the bus shelter.

9. Service and delivery access and loading/unloading area must be included in the site plan. The service and delivery should be kept separate from pedestrian areas. N/A.

(G) **LANDSCAPE AND STREET SCAPE**. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) may be irrigated. Landscape and Street scape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5.

The applicant has not submitted a landscape plan, but has shown the types of vegetation that is being proposed. As part of any building permit issuance, the applicant shall have their proposed landscape plan approved by the City's Landscape Architect.

(H) **SENSITIVE LANDS COMPLIANCE**. All MPD's containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, subject to the applicability as defined in LMC Chapter 15-15, Definitions.

Not applicable.

(I) **EMPLOYEE/AFFORDABLE HOUSING**. MPD's shall submit a housing mitigation plan which must include employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application. The applicant

proposing that all the units will be Deed Restricted to comply with the Affordable Housing guidelines.

(J) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care. *Not applicable.*

D. Department Review

The City's Staff Review Team has reviewed this application. The main issues that arose were, amenities, snow shed, snow removal, open space requirements, fire sprinklers and utility locations.

E. Public Input

Property owners within 300 feet of the project were notified on September 10, 2002. The property was properly posted and legally noticed. A pre-application hearing was held on September 23, 2002, and findings for approval were ratified on October 9, 2002. Staff scheduled this item for October 23, 2002, but Staff continued the item due to insufficient information. At that meeting there was a group who voiced concern over the proposed project, but they were directed why this item was continued to the November 13, 2002 meeting.

F. Staff Recommendation

Staff recommends that the Planning Commission listen to the applicant's presentation and solicit public comment. Following public comment and Planning Commission discussion, Staff is requesting that the Commission review the changes that have been made to the proposed project and make a determination whether these changes that have been made meet the MPD/CUP criteria. If the Commission finds that these changes do comply, staff will prepare the necessary findings of fact, conclusions of law, and conditions of approval and return to the Planning Commission at their January 8, 2003 meeting.

G. Exhibits

- Exhibit A - Existing Conditions
- Exhibit B - Site Plan with street parking
- Exhibit C - Site plan with no street parking
- Exhibit D - Slope Analysis
- Exhibit E - Open Space calculations
- Exhibit F - Landscape Plan with street parking
- Exhibit G - Landscape Plan with street parking
- Exhibit H - Floor Plans/Elevations
- Exhibit I - Streetscape
- Exhibit J - Market analysis & Restrictions letter

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DATE: February 13, 2003
DEPARTMENT: Office of Capital Management & Budget
AUTHOR: Tom Bakaly, and Matt Twombly *MAJ*
TITLE: Real Estate Purchase Contract - Lots 8, 9 and 10 of Block 20 of Main St.
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATION: Staff recommends that the City Council approve the attached real estate purchase contract with Mark Wisniewski for the purchase of three vacant, contiguous, residential lots on the east side of upper Main St. for \$445,000 and other good and valuable consideration.

DESCRIPTION:

A. Topic: Property purchase

B. Background: Property: Lots 8, 9 and 10, as well as a metes and bounds parcel within Block 20, Main Street, Park City Survey. Please see attached plat. The property is vacant property at 148 Main Street, between 146 and 150 Main Street.

Current Owner: Mark Wisniewski

Prior Owner: Brent Herridge

Options Discussed: Property Acquisition - Open Space Bond, Parks Bond or RDA Purchase.

Mr. Wisniewski approached the City to inquire of the City's interest in purchasing his property. He thought there might be some interest since the lots abut the City's property below Hillside Avenue in the narrow strip behind the Main Street residences to Swede Alley. His lots could be configured as a pocket park, a neighborhood park or as open space.

C. Analysis: The Coleman Parcel behind these lots has some appeal as an Old Town park. There is a well-used, though unimproved foot path high on the east side of the property from Swede Alley to the top of Hillside Avenue. A historic house in poor condition is situated in the "hollow". The Silver Creek flows through the middle of the City owned property from the foot of Hillside Ave. to the bottom end of the Coleman property at Swede Alley. The creek flows through a historic sandstone culvert constructed as a WPA project from the 1930's. The culvert continues to serve as important flood control for the Silver Creek. The Coleman parcel was acquired as passive open space. Pedestrian access is only possible at the extreme top or bottom of the parcel. Wisniewski's lots could provide lateral access from Main St. to the Coleman Parcel at its widest section. No specific use has been finalized at this time.

Deal Points: The cost of the parcel is \$445,000. The real estate purchase contract contemplates a \$10,000 "earnest money deposit" that would be returned if the sale is not completed. The property transaction is scheduled to officially occur on March 3, 2003.

Other Consideration: These lots represent a limited opportunity to create a park, trail(s), trail-head, and/or historical enhancement in the Old Town core, potentially reduces density, and

creates access to the adjoining City property.

D. Department Review: This staff report and/or concepts contained in the report have been reviewed by the City Manager's Office and the City Attorney's Office. Due to a recent case in State Law, the Planning Commission is required to review all land purchases for compatibility with the General Plan. The Planning Commission will review the purchase on February 12, and their recommendation will be discussed at the February 13, meeting of City Council.

ALTERNATIVES:

- A. Approve the real estate purchase agreement. This is Staff's recommendation.
- B. Modify the real estate purchase agreement.
- C. Delay the real estate purchase agreement until the advisory boards have provided policy advice regarding which funds to use to purchase the property. The seller was unwilling to delay the purchase agreement for a month until such boards meet. If this option is pursued, the seller will likely choose not to sell the property to the City.

SIGNIFICANT IMPACTS: The City's 5-year CIP account will be used for the earnest money requirement and the purchase price at the time of closing. Ice/Parks or Open Space bonds when issued or other funds could cover the acquisition cost. The City has reimbursement language in place that would allow the bonds to be used. All requirements, including Board review, regarding use of Ice/Parks or Open Space Bonds would be met prior to expending those funds.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The seller will likely sell the property to another entity and the City's abutting property with the white historic house will remain landlocked.

RECOMMENDATION: The City Council should consider and approve the attached real estate purchase contract with Mark Wisniewski for the purchase of three vacant, contiguous, residential lots on the east side of upper Main St. for \$445,000 as a potential City property acquisition.

Attachments:

Real Estate Purchase Agreement (executed)
Plat Map

ORIGINAL
COPY

REAL ESTATE PURCHASE CONTRACT

This is a legally binding contract. If you desire legal or tax advice, consult your attorney or tax advisor.

BUYER: PARK CITY MUNICIPAL CORPORATION, a a municipal corporation and political subdivision of the State of Utah (the "City" or "Buyer").

SELLER: Mark Lloyd Wisniewski, an individual (the "Seller").

OFFER TO PURCHASE

1. PROPERTY: The subject property is located in the County of Summit, State of Utah, and described more specifically as follows:

All of Lots 8, 9, and 10, Block 20, AMENDED PLAT OF PARK CITY SURVEY, according to the plat thereof, as recorded in the office of the County Recorder of said County,

TOGETHER WITH THE FOLLOWING:

Beginning at the Southeasterly Corner of Lot 10, Block 20, AMENDED PLAT OF PARK CITY SURVEY, and running thence North 17°11' East 75.7 feet, more or less, to the Northeasterly Corner of Lot 8, Block 20, Amended Plat of Park City Survey; thence South 81°31' East 22.27 feet; thence South 8°31' East 22.27 feet; thence South 8°29' West 75 feet; thence North 81°31' West 33.75 feet to the point of beginning.

Subject to the general property taxes for the year 2003 and thereafter, and any special assessments to become due. Subject to easements and restrictions of record. Excepting therefrom all oil, gas, and/or other minerals previously reserved.

1.1 Included Items. Unless excluded herein, this sale includes the following items if presently attached to the Property: plumbing, heating, air conditioning fixtures and equipment; ceiling fans; water heater; built-in appliances; light fixtures and bulbs; bedroom fixtures; curtains, draperies and rods; window and door screens; storm doors and windows; window blinds; awnings; installed television antenna; satellite dishes and system; permanently affixed carpets; ~~automatic garage door opener and accompanying transmitter(s);~~ fencing; and trees and shrubs. The following items shall also be included in this sale and conveyed under separate Bill of Sale with warranties as to title: N/A

1.2 Excluded Items. The following items are excluded from this sale: N/A

Real Estate Purchase Contract

Seller's Initials _____ Date _____ Buyer's Initials TB Date 11/31/03

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1.3 **Water Rights.** The following water rights are included in this sale: N/A

1.4 **Survey.** (Check applicable boxes): A survey ☐ WILL ☒ WILL NOT be prepared by a licensed surveyor. The Survey Work will be: ☐ Property corners staked ☐ Boundary Survey ☐ Boundary & Improvements survey ☐ Other (specify) _____. Responsibility for payment ☐ Buyer ☐ Seller ☐ Buyer and Seller share equally. Buyer's obligation to purchase under this Contract ☐ IS ☐ IS NOT conditioned upon Buyer's approval of the Survey Work. If yes, the terms of the attached Survey Addendum apply.

2. **PURCHASE PRICE.** The Purchase Price for the Property is Four Hundred Forty Five Thousand Dollars (\$445,000).

2.1 **Method of Payment.** The Purchase Price will be paid as follows:

\$10,000 (a) Earnest Money Deposit. Under certain conditions described in this Contract, **THIS DEPOSIT MAY BECOME TOTALLY NON-REFUNDABLE.**

\$N/A (b) New Loan, Buyer agrees to apply for a new loan as provided in Section 2.3. Buyer will apply for one or more of the following loans:

☐ CONVENTIONAL ☐ FHA ☐ VA ☐ OTHER (specify):

If an FHA/VA loan applies, see attached FHA/VA Loan Addendum. If the loan is to include any particular terms, then check below and give details:

☐ SPECIFIC LOAN TERMS:

\$ N/A (c) Loan Assumption (see attached Assumption Addendum if applicable)

\$ N/A (d) Seller Financing (see attached Seller Financing Addendum if applicable)

\$ 435,000 (e) Other (specify) CASH

\$ N/A (f) Balance of Purchase Price In Cash at Settlement

\$ 445,000 **PURCHASE PRICE (total of (a) through (f))**

2.2 **Financing Condition.** (check applicable box)

(a) ☐ Buyer's obligation to purchase the Property IS conditioned upon Buyer qualifying for the applicable loan(s) referenced in Section 2.1 (b) or (c) "the "Loan)". This condition is referred to as the "Financing Condition."

(b) ☒ Buyer's obligation to purchase the Property IS NOT conditioned upon Buyer qualifying for a loan. Section 2.3 does not apply.

2.3 **Application for Loan. NOT APPLICABLE**

Real Estate Purchase Contract

Seller's Initials _____ Date _____ Buyer's Initials TRZ Date 1/3/03

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(a) **Buyer's Duties.** No later than the Application Deadline referenced in Section 24(a), Buyer shall apply for the Loan. "Loan Application" occurs only when Buyer has:

- (i) completed, signed, and delivered to the lender (the "Lender") the initial loan application and documentation required by the Lender; and
- (ii) paid all loan application fees as required by the Lender. Buyer agrees to diligently work to obtain the Loan. Buyer will promptly provide the Lender with any additional documentation as required by the Lender.

(b) **Procedure If Loan Application Is Denied.** If Buyer receives written notice from the Lender that the Lender does not approve the Loan (a "Loan Denial"), Buyer shall, no later than three calendar days thereafter, provide a copy to Seller. Buyer or Seller may, within three calendar days after Seller's receipt of such notice cancel this Contract by providing written notice to the other party. In the event of a cancellation under this Section 2.3(b):

(i) If the Loan Denial was received by Buyer on or before the N/A day of N/A, 2003, the Earnest Money Deposit shall be returned to Buyer;

(ii) If the Loan Denial was received by Buyer after that date, Buyer agrees to forfeit, and Seller agrees to accept as Seller's exclusive remedy, the Earnest Money as liquidated damages. A failure to cancel as provided in this Section 2.3(b) shall have no effect on the Financing Condition set forth in Section 2.2(a). Cancellation pursuant to the provisions of any other section of this Contract shall be governed by such other provisions.

2.4 Appraisal of Property. Buyer's obligation to purchase the Property ☒ **IS** ☐ **IS NOT** conditioned upon the Property appraising for not less than the Purchase Price. If the appraisal condition applies and the Property appraises for less than the Purchase Price, Buyer may cancel this Contract by providing written notice to Seller no later than February 14, 2003. In the event of such cancellation, the Earnest Money Deposit shall be released to Buyer. A failure to cancel as provided in this Section 2.4 shall be deemed a waiver of the appraisal condition by Buyer.

3. SETTLEMENT AND CLOSING. Settlement shall take place on the Settlement Deadline referenced in Section 24(d), or on a date upon which Buyer and Seller agree in writing. Settlement and closing shall be handled and take place at Park City Title Company, 1670 Bonanza Drive, Suite 105, Park City, Utah 84060 (435) 649-8322. "Settlement" shall occur only when all of the following have been completed:

- a. Buyer and Seller have signed and delivered to each other or to the escrow closing office all documents required by this Contract, by the Lender, by written escrow Instructions or by applicable law;
- b. any monies required to be paid by Buyer under these documents (except for the proceeds of any new loan) have been delivered by Buyer to Seller or to the escrow closing office in the form of collected or cleared funds; and
- c. any monies required to be paid by Seller under these documents have been delivered by Seller to Buyer or to the escrow/closing office in the form of collected or cleared

funds. Seller and Buyer shall each pay one-half (1/2) of the fee charged by the escrow/closing office for its services in the settlement/closing process. Taxes and assessments for the current year, rent, and interest on assumed obligations shall be prorated at settlement as set forth in this Section. Tenant deposits (including, but not limited to, security deposits, cleaning deposits, and prepaid rents) shall be paid or credited by Seller to Buyer at Settlement. Prorations set forth in this Section shall be made as of the Settlement Deadline date referenced in Section 24(d), unless otherwise agreed to in writing by the parties. Such writing could include the settlement statement. The transaction will be considered closed when Settlement has been completed, and when all of the following have been completed:

- (i) the proceeds of any new loan have been delivered by the Lender to Seller or to the escrow/closing office; and
- (ii) the applicable Closing documents have been recorded in the office of the county recorder.

The actions described in parts (i) and (ii) of the preceding sentence shall be completed within four (4) calendar days of Settlement.

4. **POSSESSION.** Seller shall deliver physical possession to Buyer within: ☒ twenty-four (24) hours ☐ days after Closing; ☐ Other (specify).

5. **CONFIRMATION OF AGENCY DISCLOSURE.** At the signing of this Contract:

() Seller's Initials () Buyer's Initials

- a. The Listing Agent, N/A, represents ☐ Seller ☐ Buyer ☐ both Buyer and Seller as a Limited Agent; or
- b. The Selling Agent, N/A, represents ☐ Seller ☐ Buyer ☐ both Buyer and Seller as a Limited Agent; or
- c. The Listing Broker, N/A, represents ☐ Seller ☐ Buyer ☐ both Buyer and Seller as a Limited Agent; or
- d. The Selling Broker, N/A, represents ☐ Seller ☐ Buyer ☐ both Buyer and Seller as a Limited Agent.

6. **TITLE INSURANCE.** Buyer agrees to pay for a standard-coverage owner's policy of title insurance insuring Buyer in the amount of the Purchase Price.

7. **SELLER DISCLOSURES.** No later than the Seller Disclosure Deadline referenced in Section 24(b), Seller shall provide to Buyer the following documents which are collectively referred to as the "Seller Disclosures":

- a. a Seller property condition disclosure for the Property, signed and dated by Seller;
- b. a commitment for the policy of title insurance;
- c. a copy of any leases affecting the Property not expiring prior to Closing;
- d. written notice of any claims and/or conditions known to Seller relating to

- e. environmental problems and building or zoning code violations; and
Other (specify)

8. BUYER'S RIGHT TO CANCEL BASED ON EVALUATIONS AND INSPECTIONS.
Buyer's obligation to purchase under this Contract (check applicable boxes):

- ☒ IS ☐ IS NOT conditioned upon the City Council's approval of the Contract, after any applicable board or commission recommendation as required by local ordinance, resolution or state code, at a properly noticed public meeting
- ☒ IS ☐ IS NOT conditioned upon Buyer's approval of the content of all the Seller Disclosures referenced in Section 7;
- ☒ IS ☐ IS NOT conditioned upon Buyer's approval of a physical condition inspection of the Property;
- ☒ IS ☐ IS NOT conditioned upon Buyer's approval of the following tests and evaluations of the Property (specify):
Environmental assessments-Phase II

If any of the above items are checked in the affirmative, then Sections 8.1, 8.2, 8.3, and 8.4 apply; otherwise, they do not apply. The items checked in the affirmative above are collectively referred to as the "Evaluations & Inspections." Unless otherwise provided in this Contract, the Evaluations & Inspections shall be paid for by Buyer and shall be conducted by individuals or entities of Buyer's choice. Seller agrees to cooperate with the Evaluations and Inspections and with the walk-through Inspection under Section 11.

8.1 Evaluations & Inspections Deadline. No later than the Evaluation & Inspections Deadline referenced in Section 24(c) Buyer shall: (a) complete all Evaluations & Inspections; and (b) determine if the Evaluations & Inspections are acceptable to Buyer.

8.2 Right to Cancel or Object. If Buyer determines that the Evaluations and Inspections are unacceptable, Buyer may no later than the Evaluations & Inspection Deadline, either:

- cancel this Contract by providing written notice to Seller, whereupon the Earnest Money Deposit shall be released to Buyer; or
- provide Seller with written notice of objections.

8.3 Failure to Respond. If by the expiration of the Evaluations & Inspections Deadline, Buyer does not:

- cancel this Contract as provide in Section 8.2; or
- deliver a written objection to Seller regarding the Evaluations & Inspections, the Evaluations & Inspections shall be deemed approved by Buyer.

8.4 Response by Seller. If Buyer provides written objections to Seller, Buyer and Seller shall have seven (7) calendar days after Seller's receipt of Buyer's objections (the "Response Period") in which to agree in writing upon the manner of resolving Buyer's objections.

Seller may, but shall not be required to, resolve Buyer's objections. If Buyer and Seller have not agreed in writing upon the manner of resolving Buyer's objections, Buyer may cancel this Contract by providing written notice to Seller no later than three (3) calendar days after expiration of the Response Period, whereupon the Earnest Money Deposit shall be released to Buyer, if this Contract is not canceled by Buyer under this Section 8.4. Buyer's objections shall be deemed waived by Buyer. This waiver shall not affect those items warranted in Section 10.

9. **ADDITIONAL TERMS.** There ☒ **ARE** ☐ **ARE NOT** addenda to this Contract containing additional terms. If there are, the terms of the following addenda are incorporated into this Contract by this reference: ☒ Addendum No. 1 ☐ Survey Addendum ☐ Seller Financing Addendum ☐ FHA/VA Loan Addendum ☐ Assumption Addendum ☐ Lead-Based Paint Addendum (in some transactions this addendum is required by law) ☐ Other (specify):

10. **SELLER WARRANTIES & REPRESENTATIONS.**

- 10.1 **Condition of Title.** Seller represents that Seller has fee title to the Property and will convey good and marketable title to Buyer as Closing by general warranty deed, unless the sale is being made pursuant to a real estate contract which provides for title to pass at a later date. In that case, title will be conveyed in accordance with the provisions of that contract. Buyer agrees, however, to accept title to the Property subject to the following matters of record: easements, deed restrictions, CC&R's (meaning covenants, conditions and restrictions), and rights-of-way; and subject to the contents of the Commitment for Title Insurance as agreed to by Buyer under Section 8. Buyer also agrees to take the Property subject to existing leases affecting the Property and not expiring prior to Closing. Buyer agrees to be responsible for taxes, assessments, homeowners association dues, utilities, and other services provided to the Property after Closing. Except for any loan(s) specifically assumed by Buyer under Section 2.1(c), Seller will cause to be paid off by closing all mortgages, trust deeds, judgments, mechanic's liens, tax liens and warrants. Seller will cause to be paid current by Closing all assessments and homeowners association dues.

10.2 **Condition of Property.** Seller warrants that the Property will be in the following condition **ON THE DATE SELLER DELIVERS PHYSICAL POSSESSION TO BUYER:**

- N/A a. the Property shall be broom-clean and free of debris and personal belongings. Any Seller or tenant moving-related damage to the Property shall be repaired at Seller's expense;
- N/A b. the heating, cooling, electrical, plumbing and sprinkler systems and fixtures, and the appliances and fireplaces will be in working order and fit for their intended purposes;
- N/A c. the roof and foundation shall be free of leaks known to Seller;
- N/A d. any private well or septic tank serving the Property shall have applicable permits, and shall be in working order and fit for its intended purpose; and

- e. the Property and improvements, including the landscaping, will be in the same general condition as they were on the date of Acceptance.
11. **WALK-THROUGH INSPECTION.** Before Settlement, Buyer may, upon reasonable notice and at a reasonable time, conduct a "walk-through" inspection of the Property to determine only that the Property is "as represented," meaning that the terms referenced in Sections 1.1, 8.4 and 10.2 ("the items") are respectively present, repaired/changed as agreed, and in the warranted condition. If the items are not as represented, Seller will, prior to Settlement, replace, correct or repair the items or, with the consent of Buyer (and Lender if applicable), escrow an amount at Settlement to provide for the same. The failure to conduct a walk-through inspection, or to claim that an item is not as represented, shall not constitute a waiver by Buyer of the right to receive, on the date of possession, the items as represented.
12. **CHANGES DURING TRANSACTION.** Seller agrees that from the date of Acceptance until the date of Closing, none of the following shall occur without the prior written consent of Buyer; (a) no changes in an existing lease shall be made; (b) no new leases shall be entered into; (c) no substantial alterations or improvements to the Property shall be made or undertaken; and (d) no further financial encumbrances to the Property shall be made.
13. **AUTHORITY OF SIGNERS.** If Buyer or Seller is a corporation, partnership, trust, estate, limited liability company, or other entity, the person executing this Contract on its behalf warrants his or her authority to do so and to bind Buyer and Seller.
14. **COMPLETE CONTRACT.** This Contract together with its addenda, any attached exhibits, and Seller Disclosures, constitutes the entire Contract between the parties and supersedes and replaces any and all prior negotiations, representations, warranties, understandings or contracts between the parties.
15. **DISPUTE RESOLUTION.** The parties agree that any dispute, arising prior to or after Closing, related to this Contract ☐ shall ☐ may (upon mutual agreement of the parties) first be submitted to mediation. If the parties agree to mediation, the dispute shall be submitted to mediation through a mediation provider mutually agreed upon by the parties. Each party agrees to bear its own costs of mediation. If mediation fails, the other procedures and remedies available under this Contract shall apply. Nothing in this Section 15 shall prohibit any party from seeking emergency equitable relief pending mediation.
16. **DEFAULT.** If Buyer defaults, Seller may elect either to retain the Earnest Money Deposit as liquidated damages, or to return it and sue Buyer to specifically enforce this Contract or pursue other remedies available at law. If Seller defaults, in addition to return of the Earnest Money Deposit, Buyer may elect either to accept from Seller a sum equal to the Earnest Money Deposit as liquidated damages, or may sue Seller to specifically enforce this Contract or pursue other remedies available at law. If Buyer elects to accept liquidated damages, Seller agrees to pay the liquidated damages to Buyer upon demand. It is agreed that denial

of a Loan Application made by the Buyer is not a default and is governed by Section 2.3(b).

17. **ATTORNEY FEES AND COSTS.** In the event of litigation or binding arbitration to enforce this Contract, the prevailing party shall be entitled to costs and reasonable attorney fees. However, attorney fees shall not be rewarded for participation in mediation under Section 15.
18. **NOTICES.** Except as provided in Section 23, all notices required under this Contract must be: (a) in writing; (b) signed by the party giving notice; and (c) received by the other party or the other party's agent no later than the applicable date referenced in this Contract.
19. **ABROGATION.** Except of the provisions of Sections 10.1, 10.2, 15 and 17 and express warranties made in this Contract, the provisions of this Contract shall not apply after Closing.
20. **RISK OF LOSS.** All risk of loss to the Property, including physical damage or destruction to the Property or its improvements due to any cause except ordinary wear and tear and loss caused by a taking in eminent domain, shall be borne by Seller until the transaction is closed.
21. **TIME IS OF THE ESSENCE.** Time is of the essence regarding the dates set forth in this Contract. Extensions must be agreed to in writing by all parties. Unless otherwise explicitly stated in this Contract: (a) performance under each Section of this Contract which references a date shall absolutely be required by 5:00 P.M. Mountain Time on the stated date; and (b) the term "days" shall mean calendar days and shall be counted beginning on the day following the event which triggers the timing requirement (i.e., Acceptance, receipt of the Seller Disclosures, etc.). Performance dates and times reference herein shall not be binding upon title companies, lenders, appraisers and others not parties to this Contract, except as so otherwise agreed to in writing by such non-party.
22. **FAX TRANSMISSION AND COUNTERPARTS.** Facsimile (fax) transmission of a signed copy of this Contract, any addenda and counteroffers, and the retransmission of any signed fax shall be the same as delivery of an original. This contract and any addenda and counteroffers may be executed in counterparts.
23. **ACCEPTANCE.** "Acceptance" occurs when Seller or Buyer, responding to an offer or counteroffer of the other: (a) signs the offer or counteroffer where noted to indicated acceptance; and (b) communicates to the other party or to the other party's agent that the offer or counteroffer has been signed as required.
24. **CONTRACT DEADLINES.** Buyer and Seller agree that the following deadlines shall apply to this Contract:

(a) Application Deadline N/A (Date)

Real Estate Purchase Contract

Seller's Initials _____ Date _____ Buyer's Initials TSZ Date 1/31/03

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- (b) Seller Disclosure Deadline February 7, 2003 (Date)
- (c) Evaluations & Inspections Deadline February 14, 2003 (Date)
- (d) Settlement Deadline March 3, 2003 (Date)

25. OFFER AND TIME FOR ACCEPTANCE. Buyer offers to purchase the Property on the above terms and conditions. If Seller does not accept this offer by: 5:00 ☐ A.M. ☒ P.M. Mountain Time on February 3, 2003 (Date) this offer shall lapse, and the Brokerage shall return the Earnest Money Deposit to Buyer.

BUYER'S SIGNATURE _____ Date _____ Time _____

Park City Municipal Corporation
By: Tom Bakaly
Its: City Manager
(Buyers Names) - Please Print

445 Marsac Avenue, P.O. Box 1480
Park City, UT 84068
(435) 615-5010
(Notice Address) (Phone)

THE LATER OF THE ABOVE OFFER DATES SHALL BE REFERRED TO
AS THE "OFFER REFERENCE DATE."

ACCEPTANCE / COUNTEROFFER / REJECTION

CHECK ONE:

- ☐ **ACCEPTANCE OF OFFER TO PURCHASE:** Seller Accepts the foregoing offer on terms and conditions specified above.
- ☐ **COUNTEROFFER:** Seller presents for Buyer's Acceptance the terms of Buyer's offer subject to the exceptions or modifications as specified in the attached **Addendum No.** ____.

SELLER'S SIGNATURE _____ Date _____ Time _____

(Sellers' Names) - Please Print (Notice Address) (Phone)

- ☐ **REJECTION:** Seller Rejects the foregoing offer.

SELLER'S SIGNATURE _____ Date _____ Time _____

Real Estate Purchase Contract

Seller's Initials _____ Date _____ Buyer's Initials TB Date 1/31/03

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(Sellers' Names) - Please Print

(Notice Address)

(Phone)

Document Receipt

State law requires Broker to furnish Buyer and Seller copies of this Contract bearing all signatures.
(Fill in applicable section below.)

A. I acknowledge receipt of a final copy of the foregoing Contract bearing all signatures:

BUYER'S SIGNATURE [Signature] Date 1/31/03 Time 11:00am

SELLER'S SIGNATURE _____ Date _____ Time _____

B. I personally caused a final copy of the foregoing Contract bearing all signatures to be
☐ faxed ☐ mailed ☐ hand-delivered on _____ (Date), postage prepaid, to the
☐ Seller ☐ Buyer.

Sent/Delivered by (specify) _____

Real Estate Purchase Contract

Seller's Initials _____ Date _____ Buyer's Initials TBB Date 1/31/03

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ADDENDUM NO. 1 TO REAL ESTATE PURCHASE CONTRACT

This is an ☒ ADDENDUM ☐ COUNTEROFFER to that Real Estate Purchase Contract (the "REPC") with an Offer Reference Date of January 31, 2003, including all prior addenda and counteroffers, between Park City Municipal Corporation as Buyer and Mark Lloyd Wisniewski as Seller, regarding the Property described as:

All of Lots 8, 9, and 10, Block 20, AMENDED PLAT OF PARK CITY SURVEY, according to the plat thereof, as recorded in the office of the County Recorder of said County,

TOGETHER WITH THE FOLLOWING:

Beginning at the Southeasterly Corner of Lot 10, Block 20, AMENDED PLAT OF PARK CITY SURVEY, and running thence North 17°11' East 75.7 feet, more or less, to the Northeasterly Corner of Lot 8, Block 20, Amended Plat of Park City Survey; thence South 81°31' East 22.27 feet; thence South 8°31' East 22.27 feet; thence South 8°29' West 75 feet; thence North 81°31' West 33.75 feet to the point of beginning.

Subject to the general property taxes for the year 2003 and thereafter, and any special assessments to become due. Subject to easements and restrictions of record. Excepting therefrom all oil, gas, and/or other minerals previously reserved.

The following terms are hereby incorporated as part of the REPC:

Notwithstanding the terms set forth in Section 2.4 of the REPC, "Appraisal of Property," Seller may use his own appraisal for purposes of calculating charitable deductions as legally permitted by local, state, and federal law. The City agrees to execute any necessary IRS or other forms acknowledging receipt of the donation.

To the extent the terms of this ADDENDUM modify or conflict with any provisions of the REPC, including all prior addenda and counteroffers, these terms shall control. All other terms of the REPC, including all prior addenda and counteroffers, not modified by this ADDENDUM shall remain the same. [] Seller [] Buyer shall have until 5:00 p.m. Mountain Time on February 3, 2003 to accept the terms of this ADDENDUM in accordance with the provisions of Section 23 of the REPC. Unless so accepted, the offer as set forth in this ADDENDUM shall lapse

Mark Lloyd Wisniewski 1/31/03 11:00am
[X] Buyer [] Seller Signature (Date) (Time) [] Buyer [] Seller Signature (Date) (Time)

ACCEPTANCE/COUNTEROFFER/REJECTION

CHECK ONE:

[] ACCEPTANCE: [] Seller [] Buyer hereby accepts the terms of this ADDENDUM.

[] COUNTEROFFER: [] Seller [] Buyer presents as a counteroffer the terms of attached ADDENDUM NO. __

(Signature) (Date) (Time) (Signature) (Date) (Time)

[] REJECTION: [] Seller [] Buyer rejects the foregoing ADDENDUM.

(Signature) (Date) (Time) (Signature) (Date) (Time)