

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION AGENDA
445 MARSAC AVENUE
WEDNESDAY, AUGUST 11, 2004 – 5:30 P.M.

WORK SESSION – 5:30 P.M.

Items scheduled for Work Session are for discussion purposes between the Planning Staff, the Project applicants and the Planning Commission. NO ACTION WILL BE TAKEN. The public is encouraged to attend, however, no public testimony will be received. For further information, please call the Planning Department at 615-5060.

201 Heber Avenue, Union Square-Master Planned Development

Land Management Code amendments regarding definitions and zoning districts for timeshare, fractional ownership, and club ownership units and projects. Amendments to Sections 15-15-1 (Definitions), 15-2.5 (HRC Zoning District), 15-2.6 (HCB District), 15-2.13 (RD District), 15-2.14 (RDM District), 15-2.15 (RM District), 15-2.16 (RC District), 15-2.17 (RCO District), 15-2.18 (GC District), 15-2.19 (LI District)

Review of Regular Agenda

REGULAR MEETING – 6:30 p.m.

ROLL CALL

ADOPTION OF MINUTES OF JULY 28, 2004

PUBLIC COMMUNICATIONS

STAFF/COMMISSIONER'S COMMUNICATIONS

CONSENT AGENDA

424 Woodside Avenue-Conditional use permit for construction on a slope greater than 30% (Continue to a date uncertain)

REGULAR AGENDA/PUBLIC HEARINGS

Red Cloud Subdivision (Continued public hearing; no action)

160 Park Avenue-Plat amendment (Public hearing & possible recommendation to City Council)

9200 Marsac Avenue, Empire Day Lodge-Amendment to 1999 Flagstaff Development Agreement relating to access and parking (Public hearing & possible recommendation to City Council)

1490 Munchkin Road, Advanced Automotive Services-Conditional use permit (Public hearing & possible action)

201 Heber Avenue, Union Square-Master Planned Development (Public hearing)

Land Management Code amendments regarding definitions and zoning districts for timeshare, fractional ownership, and club ownership units and projects. Amendments to Sections 15-15-1 (Definitions), 15-2.5 (HRC Zoning District), 15-2.6 (HCB District), 15-2.13 (RD District), 15-2.14 (RDM District), 15-2.15 (RM District), 15-2.16 (RC District), 15-2.17 (RCO District), 15-2.18 (GC District), 15-2.19 (LI District) (Public hearing & possible recommendation to City Council)

Treasure Hill conditional use permit for single, multi-family, hotel, and commercial uses (Public hearing)

2409 Gilt Edge Circle, Arrowood-Plat amendment (Public hearing & possible recommendation to City Council)

Acceptance of Quinn's Junction joint study findings (Public hearing & action)

ADJOURN

The Work Session will be held at 5:30 p.m. in the City Council Chambers, 445 Marsac Avenue. The Regular Meeting will be held at 6:30 p.m. The public is welcomed to attend. For further information, please call the Planning Department at 615-5060. (Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department, 615-5060 24 hours prior to the meeting.)

Published: August 4, 2004

Posted: August 4, 2004

PLANNING COMMISSION STAFF REPORT

Date: August 11, 2004
Department: Planning Department
Title: Union Square Mixed-Use Project
Type of Item: Conditional Use Permit & Master Planned Development (Work Session)

Summary Recommendations: Staff requests that the Commission review Master Planned Development, Section 15-5-5(F) Building Height for the proposed mixed-use project at 201 Heber Avenue.

A. Topic

Applicant: Fandango Resorts
Location: 201 Heber Avenue
Proposal: Mixed-Use Development
Zoning: HRC & HCB
Adjacent Land uses: Residential & Commercial
Project Planner: Kevin LoPiccolo
Date of Application: April 13, 2004

B. Background Information

The Planning Commission reviewed this request at their July 14, 2004 meeting to discuss Conditional Use Permit Criteria number 8; building mass, bulk, and orientation for the proposed mixed-use development located at 201 Heber Avenue. At the last meeting, the applicant presented a computer model and visual analysis of the proposed building orientation and massing for the overall project. The Commission generally voiced support concerning elements of the latest proposal, including additional open space, greater pedestrian circulation, and enhanced view corridors with the adjacent property, Poison Creek Mercantile. The next step in this process is to allow the Commission an opportunity to discuss building height. On July 28, 2004, the applicant strategically placed a series of balloons on site representing various building heights. At the July 28, 2004 Planning Commission meeting, Staff asked the Commission if the balloon float was advantageous. The Commission in general felt that the balloons gave a strong indication of the proposed building height, but agreed that a model would also be of benefit to get a better understanding of the height increase that is being asked for and its relationship and impacts with adjacent properties in Old Town. Tonight's meeting will give the Commission an opportunity to review the applicant's model of the proposed mixed-use development at 201 Heber Avenue.

Discussion Points

As discussed with the Commission at their site visit of June 9, 2004, staff will be conducting a series of public hearings to discuss the proposed Master Planned

Development and Conditional Use Permit criteria. Tonight's meeting is intended to discuss the building height and its relationship to the existing historic structures and the surrounding buildings.

The Commission must make a determination that the proposed project use meets the Master Planned Development criteria found in Section 15-6-5(F) of the Land Management Code.

F) **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. Staff's comments have been italicized:

The zone height in the HRC zone is 32 feet from existing grade, plus a 5 foot building height exception to accommodate pitched roofs.

The one height in the HCB zone is 45 feet from existing grade, plus a 5 foot building height exception to accommodate pitched roofs.

(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; *The applicant is requesting an increase in building height not to accommodate an increase in square footage, but to construct a building that will provide greater open space, increased view corridors, and provide a greater setback separation to the adjacent historic buildings and adjacent structures. As proposed, the applicant's building is approximately 68,000 square feet of floor area. The Land Management Code would allow the applicant to have a floor area of approximately 120,000 square feet under the HCB and HRC zones.*

(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; *The current model as proposed pulls the building back and creates a series of buildings that provide stepping. The current design allows the orientation of the building to provide greater views from Poison Creek Mercantile, allows greater solar access to the adjoining property swimming pool and aquacade, and opens up the site along Easy Street.*

(3) There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed; *The proposal will adhere to the HRC setback requirements, and provide an additional side yard increase on the east side adjacent to the Poison Creek Mercantile building of approximately 12-15 feet. The HRC setback is five (5) feet. Staff and the applicant have not discussed the landscape requirements with the City's Landscape Architect.*

(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 and MPD's which include: *The Land Management Code requires that an MPD provide at least 30% open space. The current design would allow the project to provide approximately 50% open space. The Commission will need to make a determination designating the preferable type and mix of open space for this Master Planned Development.*

(5) The additional building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or Historic District Guidelines if within the Historic District; *The current proposal has different components that offer variable heights that allow for better roof articulation and building transition. Due to the change in building forms and height variations, the roof forms tend to be looked down upon due to Park City's steep terrain. The current design of the roof will not be reflective and not have any mechanical equipment visible from above.*

(6) Structures within the HR-1 District meet the standards of development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6. *Not applicable. The subject property is located in the HRC and HCB zones.*

If and when the Planning Commission grants additional height due to a site-specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional building height for a specific project will not necessarily be considered for a different, or modified, project on the same site.

C. Public Input

Property owners within 300 feet of the project were notified on May 25, 2004. The property was properly posted and legally noticed. The management of Zoom restaurant contacted staff by phone and was concerned with the proposed mixed-use development that is adjacent to the proposal. Zoom management is concerned that the proposed mass and scale may be too overwhelming in relationship to Zoom restaurant. Zoom management also stated that their lease agreement with the

property owner (applicant) allows Zoom restaurant to control what occurs between the Depot building and Marriott Summit watch.

D. Recommendation

The Planning staff is requesting that the Commission review the model and discuss the proposed building height and its relationship that it has on the adjacent properties and provides direction to staff and the applicant. Staff is requesting that the Commission focus on Master Planned Development, Section 15-6-5(F) Building Height. Based on the comments from the Commission, staff and the applicant will make the necessary changes to reflect what was discussed at a subsequent meeting.

E. Exhibits

A. Elevations

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Planning Commission Staff Report



Author: Kirsten Whetstone
Subject: Land Management Code Amendments
Date: August 11, 2004
Type of Item: Legislative

Planning

Summary Recommendations:

Discuss proposed revisions to the Land Management Code, conduct a public hearing, and forward a recommendation to the City Council.

Description:

A. Topic:

Project Name: LMC Amendments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code
Project Planner: Planning Staff

B. Background

The Planning Department is preparing amendments to the Land Management Code (LMC) to address the definitions of fractional ownership of units, ie. timeshare units and private residence club units, and considering appropriate zoning districts for these different kinds of fractional ownership units. Currently the LMC does not differentiate between different types of fractional ownership units and projects. The LMC considers any fractional ownership to be a timeshare unit.

The purpose of this discussion is to better define the types of fractional ownership, specifically "private residence club" ownership, sometimes referred to a "fractional fee club" ownership, and to identify zoning districts where these fractional ownership units and projects would be appropriate, as either allowed or conditional uses.

C. Analysis

Staff is presenting redlines for the following LMC amendments for Planning Commission discussion and public input:

- 1) Additions to the Definition Section (Section 15-15-1) to include revised definitions of Timeshare Unit, Timeshare Project, and Timeshare Estate;
- 2) Additions to the Definition Section to include definitions for Private Residence Club, Private Residence Club Project, and Private Residence Club Conversion; and
- 3) Revisions to the Residential Development (RD), Residential Development Medium Density (RDM), Resort Commercial (RC), General Commercial (GC), Limited Industrial (LI), Resort Commercial Overlay (RCO), Historic Commercial Business (HCB), and Historic Recreation Commercial (HRC), to include Private Residence Club Units and Projects as uses in these zones subject to a Conditional Use Permit.

Currently timeshare units, projects, and conversions are conditional uses in the above listed zoning districts, with the exception of the RD, RDM, RCO, and LI, where they are prohibited. Multi-unit dwellings, hotels and condominium projects are conditional uses in all of the

districts recommended for Private Residence Club units and projects. A typical timeshare project in Park City is the Marriott Mountain Resort or Marriott Summit Watch Resort. An example of a Private Residence Club is the Deer Valley Club at Silver Lake, which was built before the LMC Timeshare definition became an all-encompassing definition for any type of fractional ownership use.

LMC DEFINITION REVISIONS

Staff proposes the following revisions to the Timeshare Unit, Timeshare Use, and Timeshare Estate (changes shaded or strike out):

Timeshare Unit. That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, excluding Private Residence Club units.

Timeshare Use. Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of a “Timeshare Estate”, including without limitation, a vacation license, ~~club membership~~, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, excluding Private Residence Club use.

Timeshare Estate. ~~An ownership or leasehold estate in Property devoted to a timeshare fee, including without limitation, tenants in common, time span ownership, interval ownership, and cooperative timeshare ownership, created by a Timeshare Instrument and the documents by which it is granted~~ A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended., excluding Private Residence Club ownership.

Staff is proposing the addition of the following definitions.

Private Residence Club. Residential use real estate, in which ownership or use of a Dwelling Unit or group of Dwelling Units is shared by not less than four (4) or more than twelve (12) owners or members per Dwelling Unit and whose use is established by a reservation system and is managed on site with a front desk operating 24 hours a day, seven days a week providing reservation and registration capabilities. Membership in a Private Residence Club may be evidenced by: (i) a deeded interest in real property; (ii) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation or other business entity; (iii) a non-equity membership in a non-profit corporation, non-incorporated association or other entity; (iv) beneficial interest in a trust; or (iv) other arrangement providing for such use and occupancy rights.

Private Residence Club Project. Any Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for use and ownership as a Private Residence Club and contains at least 4 units.

Private Residence Club Conversion. The conversion of Condominium Units and associated Common areas within an existing Condominium project to the exclusive use as a Private Residence Club.

LMC USE TABLE REVISIONS

Staff proposes that a Private Residence Club use and associated uses be considered an Administrative Conditional Use for any Condominium Project that has already obtained a Conditional Use Permit or is in and of itself a Master Planned Development. Any Residence

Club Conversion shall be subject to an Administrative Conditional Use Permit, including noticing to affected property owners and review for compliance with LMC Section 15-1-10-Conditional Use Permit review.

DISCUSSION REQUESTED

Staff has reviewed the above revisions to the Land Management Code and requests the Commission conduct a public hearing and discuss whether these revisions 1) are consistent with the Park City General Plan, 2) reflect the goals and objectives of the current City Council, 3) are consistent with quality world class development, 4) are not harmful to the health, safety, and welfare of the residents of Park City, and 5) are consistent with the purpose statements of the proposed zoning districts and overall purposes of the Land Management Code.

The Commission should consider whether Private Residence Club ownership, as a use, will create any additional impacts on the surrounding property owners in terms of intensity of use, increased traffic, off-street parking, utilities, density issues, etc. and whether there are good reasons to allow them as an Administrative Conditional Use in the proposed districts. During the CUP review process these land use issues, including ownership issues, are addressed.

Multi-unit dwelling projects (of 4 units and greater) require a Conditional Use Permit in all of the zoning districts proposed for Private Residence Clubs, with the exception of the HCB where multi-unit dwellings are an Allowed Use. In addition, nightly rental of units is an Allowed Use in all of the zoning districts proposed for Private Residence Club use.

Staff also requests the Commission review a possible alternative to the above amendments to revise the use tables for the RD, RDM, RCO, and LI to include Timeshare Use and Projects in these zoning districts where Timeshare Use and Conversions are not currently allowed. In this alternative, the definition of Timeshare would remain as it is now, as it currently includes club type ownership. In this scenario, standard timeshare projects, such as the Marriott Summit Watch, would then be allowed as a CUP in the RD, RDM, RCO, and LI. Standard timeshare projects tend to be a more intensive land use and it is primarily for this reason that staff is not supportive of this alternative.

Upon conducting a public hearing and considering any public input the Planning Commission has the following alternatives:

- 1) Do nothing.
- 2) Forward a positive recommendation to the City Council to include new definitions for Private Residence Club, Private Residence Club Project, and Private Residence Club Conversion; include revised definitions for Timeshare Unit, Timeshare Use, and Timeshare Estate; and add Private Residence Club and Conversion to the use tables in the RD, RDM, RC, GC, LI, RCO, HRC, and HCB Zoning Districts.
- 3) Consider alternative solutions and direct staff to return with additional revisions for further discussion.

D. Department Review

These amendments have been reviewed by the Planning, Building, Engineering, Legal, and Finance Departments. Comments from these departments are reflected in the final staff report.

Recommendation:

Staff recommends the Commission discuss these proposed amendments to the Land Management Code, conduct a public hearing, and consider forwarding a positive recommendation on the proposed amendments to the City Council based on the findings that the proposed amendments 1) are consistent with the Park City General Plan, 2) reflect the goals and objectives of the current City Council, 3) are consistent with quality world class development, 4) are not harmful to the health, safety, and welfare of the residents of Park City, and 5) are consistent with the purpose statements of the proposed zoning districts and overall purposes of the Land Management Code.

Exhibits (Attached under separate cover)

- A. Redlines to LMC Section 15-15-1 Defined Terms
- B. Redlines to RD Zoning District Section 15- 2.13-2
- C. Redlines to RDM Zoning District Section 15- 2.14-2
- D. Redlines to RC Zoning District Section 15- 2.16-2
- E. Redlines to GC Zoning District Section 15-2.18-2
- F. Redlines to LI Zoning District Section 15-2.19-2
- G. Redlines to RCO Zoning District Section 15-2.17-2
- H. Redlines to HCB Zoning District Section 15- 2.6-2
- I. Redlines to HRC Zoning District Section 15- 2.5-2

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 28, 2004

COMMISSIONERS IN ATTENDANCE:

Chair Jim Barth, Bruce Erickson, Michael O'Hara, Bob Powers, Jack Thomas, Andrew Volkman, Diane Zimney

EX OFFICIO:

Brooks Robinson, Planner; Kevin LoPiccolo, Planner; Jonathan Weidenhamer, Planner

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Volkman called the meeting to order at 6:30 p.m. and noted that all Commissioners were present. He welcomed Jack Thomas to the Planning Commission.

II. ADOPTION OF MINUTES

MOTION: Commissioner Powers moved to APPROVE the minutes of July 14, 2004, as written. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously. Commissioner Thomas and Zimney abstained from the vote as they did not attend the July 24 meeting.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS

Planner Jonathan Weidenhamer provided an update of the Quinn's Junction study. The City and County Planning Staffs felt this would be a good time to finalize the outstanding joint study on Quinn's Junction. They drew up principles they could agree upon and findings for development and included a land use map. The joint planning commission subcommittees were then called back to review this work. This will come to the Planning Commission on August 11 for acceptance of the common findings, which will not be a formal action and will not involve a public hearing.

Planner Kevin LoPiccolo commented on the balloon floating at Union Square and stated that anytime balloons are floated there can be a misrepresentation of how the building may look. The proposed building is tall, and some of the balloons represented the current application on file and the modifications that have been made since the application was submitted. Planner LoPiccolo asked if the Planning Commission would be interested in seeing a model. Commissioner Erickson asked about the difference between the dark balloons and the red balloons. Planner LoPiccolo explained that the dark balloons represented the highest point of the building, and the red balloons represented the height of the earlier proposal. Commissioner Erickson felt it would be helpful to see an exhibit showing where each balloon was located relative to the site plan. Chair Volkman asked if the model has already been prepared. Planner LoPiccolo replied that the applicants are close to having one completed.

V. APPOINTMENT OF CHAIR AND VICE CHAIR

MOTION: Commissioner O'Hara moved to APPOINT Jim Barth as Planning Commission Chair for the coming year. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Volkman moved to NOMINATE Michael O'Hara as Planning Commission Vice Chair. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Volkman turned the Chair over to Commissioner Barth.

VI. CONSENT AGENDA

1. 1104, 1108, 1114, 1118 Lowell Avenue - Conditional Use Permits for construction on a slope greater than 30%

Planner LoPiccolo reviewed the application for four single-family homes on Lots 29-32. All of the lots exceed a 30% slope and exceed a floor area of greater than a 1,000 square feet, which requires a steep slope CUP. Each lot is requesting a height exception. The height requirement in the HR-1 zone district is 27 feet. Lots 29-32 are requesting heights of between 27 and 30 feet on specific ridges. The ridge lines on each dwelling are between 4-1/2 and 7 feet. Based on the Code, up to 20% of the specific ridge line is allowed to increase the height provided it does not accommodate additional floor area. Planner LoPiccolo referred to the streetscape in the Staff report and noted that there are no structures on the downhill side of Lowell Avenue. The streetscape consists of only these four new units. The applicant will go to the Board of Adjustment to request a variance to

the setback for Lot 32 adjacent to the 9th Street right-of-way to reduce the minimum side yard requirement from five feet to three feet.

Commissioner Erickson asked if the buildings are subject to a review of the Historic District Guidelines. Planner LoPiccolo replied that they will be. Commissioner Erickson asked how the beam curves over the garages on two of the structures. Planner LoPiccolo stated that he and Doug Stephens are still working with the applicant on the design. He expected that the end product would be quite different from what is currently shown.

MOTION: Commissioner Volkman moved to ACCEPT the Consent Agenda as proposed. Commissioner Erickson seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1104, 1108, 1114, 1118 Lowell Avenue

1. The subject lots are located on lots 29, 30, 31, and 32 of Block 27 of the Snyder's Addition to the Park City Survey in the HR-1 zoning district and are subject to requirements and conditions outlined in the Land Management Code.
2. The development pattern in this area consists of single-family dwellings.
3. The lots exceed 30% slope.
4. The applicant is required to submit a Historic Design Review application for the proposed construction of the single-family dwellings.
5. The applicant provided the Planning Department with a streetscape.
6. Access to each dwelling is proposed off of Lowell Avenue.
7. The proposed square footage is 1,875 square feet per dwelling.
8. The maximum height for a single-family home in the HR-1 zone is 27 feet above natural grade.
9. Each lot is requesting a height exception. The heights of each dwelling exceed the maximum height allowance by 1/2 to 3 feet above the maximum height of 27 feet for not more than 20% of the roof ridgeline.
10. The applicant has submitted a variance application for Lot 32 requesting a side yard setback reduction from five (5) feet to three (3) feet on the corner of Lowell Avenue and Eleventh Street.
11. The applicant shall submit a certified roof-over topography at the time of building permit application.
12. The proposed structure is stepped with the grade. The individual components do not exceed the height and scale of existing structures in the area.
13. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The proposal is consistent with Section 15-2.2-6 of the Park City Land Management Code.

2. The proposed use as conditioned is compatible with surrounding structures in use, scale, and mass.
3. The proposed use is consistent with the General Plan.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. All utilities for the new structures shall be accessed from Lowell Avenue unless otherwise approved by the City Engineer. Sewer ejector pumps will be necessary.
4. Access to the proposed structures shall be from a driveway accessed from Lowell Avenue.
5. City Engineer review and approval of all appropriate grading, utility installation, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A preliminary landscape plan showing grading and developed landscaping around the house, as well as grading proposed for all disturbed areas including the driveway area, shall be submitted as part of the Historic District review for the houses and driveway design. A final landscape plan consistent with the preliminary plan shall be submitted for review and approval by the City Landscape Architect prior to building permit issuance.
7. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by either the Planning Department staff or the Historic Preservation Board for compliance with the Historic District Design Guidelines.
8. The applicant is required to seek approval from the Board of Adjustment granting a sideyard reduction from the Code-required 5 feet to 3 feet on the corner of Lowell and Eleventh Street. No Building Permit shall be issued for Lot 32 until the Board of Adjustment approves such request or the sideyard setback of 5' is adhered to.
9. Final design and materials for each house shall be approved by the Planning Department prior to issuance of Building Permits.
10. The applicant shall submit a certified Engineer roof-over topography assuring that building heights do not exceed what the Planning Commission reviewed at their July 28, 2004, meeting.
11. This approval will expire on July 28, 2005, if a building permit has not been issued prior to that date.

VII. REGULAR AGENDA/PUBLIC HEARINGS

1. Land Management Code Amendments - Sign Code

MOTION: Commissioner Volkman moved to CONTINUE this item to August 25, 2004. Commissioner Powers seconded the motion.

Commissioner Erickson asked what is holding up the sign code. Planner Robinson explained that the sign code is still being edited by Staff and the Legal Department.

2. 2409 Gilt Edge Circle, Arrowood - Plat amendment

MOTION: Commissioner Powers moved to CONTINUE this item to August 11, 2004. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

3. 9200 Marsac Avenue, Empire Day Lodge - Amendment to 1999 Flagstaff Development Agreement relating to access and parking

MOTION: Commissioner O'Hara moved to CONTINUE this item to August 11, 2004. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

4. 1490 Munchkin Road, Advanced Automotive Services - Conditional Use Permit

Due to a conflict of interest, Commissioner Zimney recused herself from this item.

Planner LoPiccolo reviewed the request for an automotive shop at 1490 Munchkin Road for automotive and small engine repair work. The prior use was PMA, which did small engine repair and snowmobile repair in the single-bay suite. Planner LoPiccolo noted that this building was approved without a parking plan when it was constructed since there were no parking requirements at that time. This site has 15 striped parking spaces which are used in common with Diamond Rental, the suite proposed for this application, Wasatch, and Anaya's Food Market. Planner LoPiccolo referred to the storage units located behind the metal structure and noted that people park in the alleyways. He presented a site plan showing where Diamond Rental stores their equipment and indicated an area that could accommodate up to 40 automobiles. However, that area does not have a hard surface, and when the Planning Commission approves CUP's, they must meet the Land Management Code parking requirements. The proposed automotive use is approximately 1,400 square feet and can fit two to three automobiles within the bay. Outside the suite

there are approximately three spaces. This requires seven parking spaces to meet the current LMC requirements. The Staff report shows three striped spaces, two spaces in front of the bay, and the additional spaces inside the bay for a possible total of seven parking spaces. Since the applicant cannot demonstrate that the parking requirement can be met, Planner LoPiccolo asked if the Planning Commission would like a parking study to see how parking relates to the existing tenants. If the Planning Commission directs the Staff to prepare a parking analysis and they determine that the existing tenants will not be affected by the parking, the Staff can return on August 11 for action. Planner LoPiccolo reported that Rodman Jordan is the property owner and he spoke with him about screening and lighting along Kearns Boulevard where the property line ends. The view of Diamond Rental is very visible from Kearns Boulevard and Mr. Jordan has agreed to bring the lighting into compliance and install a wood fence to help minimize the view from Kearns Boulevard.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth continued the public hearing.

Commissioner Erickson stated that he was comfortable with this use. If the property owner can provide the Staff with an allocation of parking spaces, he could see no reason for a parking study. He stated that he could not recall there being a parking problem in that area. If the Staff receives that representation from the property owner and no one attends the public hearing, the Staff should prepare findings based on the recommendations for screening and lighting.

Commissioner Powers stated that he would prefer that the area be paved to bring the parking in line with the Land Management Code.

Commissioner O'Hara was unable to tell if the suite has access to floor drains or sewer access other than hand washing facilities and suggested that the Staff ask Jeff Shoenbacher for a courtesy review.

5. Marsac Avenue & Chambers Street right-of-way - Final plat

Due to a conflict of interest, Commissioner Zimney recused herself from this and the remaining agenda items and left the meeting.

Planner Brooks Robinson reviewed the application for a final subdivision plat creating Marsac Avenue from the Sandridge parking lot up to the Guardsman connection near the old corral area. Currently the Mine Road is a prescriptive right-of-way across United Park

City lands. Creating the Marsac Avenue plat and some of the road realignments will allow for Chambers Street, which is a platted street, to be re-instituted and create a street for those houses fronting on the Mine Road. The realignment will move the highway further east and create a landscaped island. The existing road bed is in the location of Chambers Street above the Hillside right-of-way. The Staff has prepared findings for a positive recommendation to the City Council following a public hearing.

Chair Barth opened the public hearing.

Maile Bucher stated that her backyard is on the road which is slated to become Chambers Street and will be pleased when Chambers Street opens. She stated that she is a member of the Marsac Corridor Association consisting of 50 residents and homeowners on Prospect, Chambers, Ontario, Sand Ridge, Hillside, and Marsac avenues. The Marsac Corridor Association is 100% behind this project which involves the realignment of the Mine Road, creation of a landscaped median, the addition of traffic calming islands, a climbing lane, curb and gutter on Marsac, drainage improvements, and an improved intersection. They also appreciate the accessibility and openness Talisker has demonstrated. Ms. Bucher noted that the problems are not limited to the Marsac Corridor Association but impact everyone living in Park City, especially those in Old Town. The trucks, speeding, stop sign violations, air pollution, and noise are not limited to Marsac and affect the core of the Historic District. Ms. Bucher urged the City to consider the impacts to the core when approving new projects, and explained that the concerns are in four areas—pedestrian safety, health issues, economic impacts, and congestion. The objective this evening is to raise visibility, pose questions, and promote dialogue. In the spirit of balancing impacts, preserving their safety, and protecting the core, she proposed the following potential solutions:

- 1) Extend the truck routing down Royal Street for construction and service vehicles.
- 2) Limit the number of permits granted for commercial vehicles on the Mine Road and Marsac.
- 3) Promote remote parking for construction workers as called for in the original Flagstaff annexation resolution.
- 4) Consider limiting deliveries and heavy equipment to off-peak hours on weekdays as called for in the Flagstaff annexation resolution.
- 5) Require that all trucks that need to use the Mine Road and Marsac be inspected, trained, and certified with respect to effective use of the runaway ramps, proper speed limits, and routing.

Ms. Bucher offered these suggestions to protect the core and engage the dialogue so they do not become doormats.

Dan Fetzer commented on the economic impact of the existing high traffic situation. He purchased a unit in 1985 with long-term intentions for his family. In the interval, that unit has been rented out, and they have noticed a decrease in the ability to rent the unit at the

current rate due to the traffic. He believed the proposed realignment would go a long way toward helping them and would be a good move. He was impressed by the spirit of cooperation he had seen in working out these issues to address their concerns to the greatest extent possible.

Keith Aaron, a resident at 45 Marsac Avenue, echoed his neighbors' sentiments regarding safety issues and the spirit of cooperation. He noted that, without the additional flow of traffic and heavy load vehicles, the current situation would qualify as a public nuisance based on information obtained from the Utah Division of Air Quality. He believes heavy truckloads of toxic materials would have a greater impact on the Marsac route and Mine Road than it would on Royal Street. The Mine Road has a steeper grade over a longer distance, which puts more burden on brakes. Mr. Aaron stated that the impacts caused from the by-products of those brakes not only makes pollution worse for people living in the area, but it is also worse for the flora and fauna and the water coming into town. Brake heat on steeper grades is higher and results in higher emissions of brake dust and odor. Mr. Aaron noted that there are several stretches of relief for vehicles on Royal Street. He reported that he was referred to websites by the EPA and Division of Air Quality to learn about the composition of brake dust and other essential information. He read from one of the studies that brakes produce hazardous air pollutants and listed what they include. He emphasized that one route will have significantly less impact than the other.

David Chaplin, a resident at 86 Prospect Avenue, thanked the Talisker Development Group for their cooperative attitude and for listening to the issues raised by the Marsac Corridor Association. He also thanked the Planning and Engineering Staff for being sensitive to their concerns. Mr. Chaplin stated that he strongly endorses the plan being reviewed by the Planning Commission this evening and urged them to see it to its finish. He commented that sidewalks are an important feature of the plan, and he hoped they would continue beyond Chambers to the roundabout. He noted that item 6 of the City Council priorities and goals statement addresses a pedestrian and transit community. Number 8 refers to preservation of the Park City lifestyle with people feeling safe and secure. Mr. Chaplain noted that the residents of the Chambers and Prospect areas can only reach the Marsac Building by walking down Chambers and Marsac. He does it often, and without sidewalks, there is a concern. He believed this would be the right time for the Planning Commission to encourage the developers and planners to provide sidewalk access for the citizens. He encouraged them to consider the pedestrian and remember that Marsac Avenue is an urban street with a 20 mph speed limit, which makes it very appropriate for a sidewalk.

Bill Hummer, a resident at 32 Prospect Avenue, felt that enhancing this section of Marsac Avenue would make it more convenient for automobile and truck traffic. While this is needed, they have to consider the impact additional traffic will have in this area. They conducted their own traffic studies over the last few months and within a five-hour period

observed 737 vehicles traveling through the intersection. The average speed on the uphill portion of the 20 mph zone is 33 mph, and impacts will continue to increase if they do not keep the traffic under control. On the downhill side, traffic is not observing the 20 mph speed zone, and of those 737 vehicles, 326 ran the stop sign at 4 mph or greater. Mr. Hummer stated that this will continue and possibly increase as they see more development in Deer Valley. He asked the Planning Commission to consider how the road improvements will increase impacts in the area and how those impacts will affect accidents and pedestrian safety. He asked how the City could change behaviors in that area of the City and make people stop for the stop sign. He believed these improvements would also encourage more traffic to use Hillside. To date, it is a safe street without any accidents, but encouraging traffic to use Hillside will change the safety of that street dramatically. Commissioner Erickson asked who performed the traffic counts and whether the 737 counted vehicles were in one direction or both directions. Mr. Hummer replied that it was both directions but the majority of the traffic appeared to be uphill traffic. Commissioner Erickson asked how the vehicle speeds were calculated. Mr. Hummer replied that three individuals in the area have radar guns.

Andrew Rodda, a resident at 42-1/2 Ontario Canyon, stated that he moved to Park City in February, and when he moved in he noticed that the road encourages high speed because it is not well marked. If the City would add the street in front of his house, separate the traffic coming down, and mark the road well so people know they are entering a neighborhood, it would make it safer for the residents. He thanked the Planning Commission for listening to their concerns and hoped that they realized that the residents want the best for Park City.

Peter Marth, a Hillside Avenue resident, stated that he supports the plan for Chambers Avenue and believes it is a much needed physical barrier that will hopefully slow down traffic. In conjunction with the redesign and plat, he encouraged the City to look closely at the construction design from this point down to the roundabout, to not straighten or widen that road, and to provide pedestrian access to what is already planned for Chambers. Mr. Marth remarked that people are not going to change their driving habits, and physical barriers will do more than anything to help calm traffic.

Chair Barth closed the public hearing.

MOTION: Commissioner O'Hara moved to forward a POSITIVE recommendation to the City Council for the Marsac Avenue/Chambers Street right-of-way subdivision plat. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously, with Commissioner Zimney being absent for the vote and Commissioner Thomas declaring his intention to withhold voting or comment until he has had the benefit of more time on the Planning Commission.

Findings of Fact - Marsac Avenue & Chambers Street Right-of-Way

1. The property is located between platted Marsac Avenue at the Sandridge parking lots and the Guardsman Connection to Silver Lake.
2. The zoning along the road is HR-1 and ROS.
3. The City Council adopted Ordinance 99-20 on June 24, 1999, approving the annexation and development agreement for the 1,655-acre Flagstaff Mountain area.
4. The Flagstaff Annexation Development Agreement Section 2.10.2 stipulates certain road and intersection improvements, including widening the road, drainage improvements, a passing lane, and runaway truck ramp.

Conclusions of Law

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

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

6. Empire Pass Master Planned Development

Planner Brooks Robinson commented on Pod A at Empire Pass and noted that the Planning Commission has discussed many details of his master planned development over several months. The public hearing was re-opened on July 14 and continued to this evening. The Staff has prepared findings of fact, conclusions of law, and conditions of approval for the master plan for Pod A. Pod B1 was previously approved. The Staff finds that this application complies with the Land Management Code and the Development Agreement, which are the controlling documents. There will be additional units and density left over from this approval, and Pod B2 will come in at a later date with its own master plan once the applicants are further along in planning development for that area. The applicant had prepared a number of exhibits and updates for the Commissioners' binders which will comprise this approval. These includes the project description and minor grammatical error

and language revisions. Planner Robinson outlined other updates distributed this evening. The Staff recommended that the Planning Commission re-open the public hearing, consider public input, and provide direction to the Staff and applicant.

Chair Barth referred to Pages 115-123 of the staff report, Summary of Compliance with the Technical Reports, and noted that he did not see in the draft findings any reference to incorporate those pages into a motion. Planner Robinson recalled that on July 14 Commissioner Erickson requested compliance with technical reports, and the decision was made to provide them as a separate document. He offered to add them as a finding.

Doug Clyde, representing the applicant, distributed to the Commissioners a visual simulation from King Road that was inadvertently left out of their package. He was uncertain which phasing plan is included in their packets and wanted to be sure the one they have shows the right units. He noted that town home units 16 and 17 and cluster home units 11 and 12 are in Phase I. He referred to page 6 of the recent handouts and corrected the number of Townhomes and PUD's from 28 to 23 units in the first phase.

Chair Barth re-opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

Commissioner Erickson read the conditions of approval relative to traffic circulation based on the development agreement and asked if they are part of the transportation mitigation plan and part of the 14 technical reports. Mr. Clyde replied that they are reflected in the existing construction mitigation plans currently on file with the City. Planner Robinson explained that every CUP that comes forward will need its own construction mitigation plan which will be reviewed by the Planning Commission.

The Planning Commission and Mr. Clyde discussed enforcement procedures for downhill traffic.

Planner Robinson revised Finding of Fact 10 by inserting a comma after "(Exhibit H)" and adding "and a compliance matrix with the technical reports (Exhibit I)."

Mr. Clyde referred to the density indicated on page 104 of the staff report and noted that 563 takes into account the additional 18 PUD units. This is not reflected in the table above, and he suggested adding the language "counting the additional 18 PUD units noted below."

MOTION: Commissioner Erickson moved to APPROVE the MPD in accordance with the findings of fact, conclusions of law, and conditions of approval with the following revisions:

- 1) The incorporation of the revised July 28, 2004, project description as presented by Staff.
2. The revision to Finding of Fact 10 incorporating the compliance report with the 14 technical reports, Exhibit I.
3. The revision to the phasing plan incorporating the town home Units 16 & 17 and the cluster home Units 11 & 12.
4. Correction to the staff report, page 104, with regard to the density incorporating the phrase that the 563.3 units includes the 18 unit equivalents referenced in Pod B1 below.
5. Incorporation of Condition of Approval 10 that they incorporate the technical report updates and clarifications as presented in the staff report

Mr. Clyde stated that the PUD's were originally intended to be 5,000 square feet each, but they had a problem with the Unit Equivalent calculation. He will return with a revised UE calculation which raises the number by 18 additional UE's. It will not change the plan, but it will make it correspond with the way they interpret UE's.

Planner Robinson referred to the density in the Pod B1 section on page 104 and noted that the last sentence should recognize that 90,000 square feet should be assigned to Lot B and not Lot C.

Commissioner Erickson incorporated the change to Page 104 as described by Planning Robinson into his motion. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously. Commissioner Thomas abstained from the vote, and Commissioner Zimney was not present for the vote.

Commissioner Volkman referred to the status of the technical reports regarding the mine soils hazard plan and the language which states, "A draft work plan for the clean up of Empire Canyon was approved by the EPA and reviewed by the Park City Municipal Corporation. Work will begin this summer." Mr. Clyde explained that the Empire Canyon work referred to is the clean up of the creek below the Deer Valley Day Lodge and the top of Daly Avenue. It has no relation to moving the mine dump.

Findings of Fact - Empire Pass

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development agreement sets forth maximum project densities, location of densities, and developer-offered amenities.

3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-use development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2 and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites;
 - no more than 85,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.
7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 unit equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
9. The 14 technical reports/studies along with the Land Management Code and the Development Agreement (99-30) for the standard which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B), Volumetric Analysis (dated July 5, 2004, Exhibits D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), Supplemental Plans including Building Height Diagram, Vegetative Buffer, Trails, and construction Sequencing (Exhibit H), and a Compliance Matrix with the Technical Reports

- (Exhibit I). Together with the Site Plans dated July 21, 2004, (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and the City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
 12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
 13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
 14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count toward the PUD limits of 60.
 15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for six (6) single-family homes.
 16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count toward the development acreage.
 17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.
 18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
 19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over-length cul-de-sac.
 20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June 15, 2004.
 21. The Maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
 22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
 23. The applicant has requested additional building height for the structures proposed as Buildings 109, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
 24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.
 25. Proposed Buildings 1-9 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.

26. The site plan for proposed Buildings 1-9 includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law - Empire Pass

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is compatible in use, scale, and mass with adjacent properties and promotes neighborhood compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place development on the most developable land and least visually obtrusive portions of the site.
11. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearings held in accordance with this Code.
13. The requirements necessary for the Planning Commission to grant additional building height within the MPD pursuant to the Land Management Code Section 15-6-5 have been met.

Conditions of Approval - Empire Pass

1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.

2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the Village Master Planned Development area.
3. Utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
4. If and when the realigned Guardsman Road is dedicated to the City, the Developer will execute an encroachment agreement in a form acceptable to the City Attorney and City Engineer for the private improvements (ski bridges and/or tunnels) within the rights-of-way.
5. All essential municipal public utility buildings associated with the utility plan for the subdivision require a conditional use permit.
6. The proposed over-length cul de sac that ends in the six single-family lots will have a secondary emergency access from the end of the road to Marsac Avenue. The emergency access will continue as a minimum 20-foot-wide all-weather surface road.
7. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
8. A preliminary landscape plan, including provisions for water-efficient irrigation systems, shall be submitted with each CUP application.
9. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
10. The technical report updates and clarifications as presented in the staff report shall be incorporated in this approval.

7. Red Cloud Subdivision

Planner Robinson noted that Red Cloud, commonly called Pod D, is the third and final Empire Pass application. Thirty single-family lots are proposed on the land owned and controlled by Talisker and the United Park City Mine Company. At the July 14 work session, the Planning Commission discussed the Enchanted Forest and how to apply the statement in the development agreement that no development should occur in the Enchanted Forest. Planner Robinson understood there to be general consensus from the Commission that having a ski easement/conservation easement across an area to be determined would constitute adequate protection. The language will prohibit snowmobiles but will allow skiing in the winter for people coming off the Red Cloud lift. The other issue discussed on July 14 was whether to amend the development agreement and Exhibit A of the development agreement which shows the pod boundaries to move the boundaries further south and west. This would not change the density or average lot size. The Staff analyzed that proposal for separation from ski runs and a visual analysis, and it is the Staff's opinion that the development agreement would have to be amended to allow that to happen. The Staff requested that the Planning Commission conduct a public hearing this evening and continue the public hearing to August 11.

Based on his inquiry at the last meeting, Chair Barth asked if this should be memorialized in a private declaration if it moves forward. Planner Robinson stated that he has not had the opportunity to discuss that with the Legal Department. Chair Barth reiterated his request for an opinion from the Legal Staff.

Chair Barth opened the public hearing.

There was not comment.

Chair Barth continued the public hearing to August 11.

Commissioner O'Hara asked Planner Robinson if he had an opportunity to look at the vested rights beyond 30 units. Planner Robinson replied that the development agreement states that, if all the land owners in the north side neighborhood signed the development agreement, there could be up to 38 units with no distinction as to who gets the units. At this time, there has been no agreement with the other land owners, and UPCM is within its rights in the development agreement to come forward with 30 units. Commissioner O'Hara noted that this should be reflected in a finding of fact.

Commissioner Volkman agreed with the Staff recommendation that the development agreement be amended to reflect the boundary change. With respect to the Enchanted Forest, he felt the language should be revised to indicate public ski access as opposed to access to and from the home.

MOTION: Commissioner Volkman moved to CONTINUE this item to August 11, 2004. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously. Commissioner Zimney was not present for the vote.

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

Approved by Planning Commission _____

Planning Commission Staff Report



Author: Brooks T. Robinson
Subject: Red Cloud (Pod D)
Master Planned Development
and Subdivision
Date: August 11, 2004
Type of Item: Public Hearing

**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Staff requests that the Planning Commission re-open the public hearing on the Master Planned Development, take any input and discuss as necessary. The staff has provided Findings of Fact, Conclusions of Law and Conditions of Approval for the Commission's consideration. Further, the staff asks that the Subdivision be continued to a date uncertain at which time the Council will have taken action on the proposed amendment to the Development Agreement Exhibit A and the applicant will have prepared a final plat.

Topic

Applicant	United Park City Mines / Talisker Corp.
Location	Empire Pass (formerly known as Flagstaff Mountain Resort), top of Northside ski lift
Zoning	Estate (E) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort ski terrain

Background

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

The Development Agreement (DA) specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which the subject MPD and preliminary/final plat will be reviewed.

The DA defines the Northside Neighborhood, or Pod D, as 63-acres composed of property owned by five separate property owners: United Park City Mines, Deer Valley, Park Star Mining Company, Bransford Land Company, Stichting Beheer Mayflower Project. Pod D may contain a maximum of 38 detached single-family homes if all landowners provide written acceptance of the Development Agreement. Without acceptance by all property owners, United Park and Deer Valley may apply for a maximum of 30 detached single-family homes on lands owned by them. Section 2.4 of the DA further limits development:

- out of the meadows;
- disturbance to a minimum of 50 feet from a ski run;
- structures, roads, and utilities to minimize visual impacts;
- out of the “Enchanted Forest”;

Analysis

All property owners of the Northside neighborhood, Pod D, have not provided written acceptance of the Development Agreement. Therefore, United Park is proposing a 30-lot subdivision consistent with the DA allocation.

The proposed Master Planned Development is in substantial compliance with the design requirements set forth in the DA. The building pads are located outside of the meadow areas and within locations that minimize significant tree removal. Building sites generally comply with the 50-foot setback from adjacent ski runs. Access will be provided via a private road. Preliminary road plans indicate that the alignment is designed to minimize cut/fill slopes and maximize vegetation buffer areas. Final layout of the lots, building pads, utilities and roads will be provided at the time of Subdivision Plat.

The Planning Commission provided direction at its work session of July 14, 2004, seeking analysis from Staff and agreeing that the DA and Exhibit A of the DA would need to be amended as long as the acreage limitation is met.

In reviewing the applicants’ preferred alternative, the Staff finds that greater separation between houses is achieved, larger stands of forest are preserved between building pads and the location of the lots currently outside of the mapped pod boundary are not visually sensitive.

The Planning Commission also discussed the restrictions on the Enchanted Forest. The DA states “no development shall occur in the Enchanted Forest”. Development is defined in the LMC and includes all construction activity. The Commission had consensus that the Enchanted Forest could be within the development lots but

construction activity must be restricted with no fencing allowed and public ski access only be permitted. Deer Valley, the City and the applicant must reach agreement on the nature of the Enchanted Forest and the easement language as a condition precedent to plat recordation.

The 20-foot-wide all-weather surface emergency access road located somewhere between lots 21 to 24 needs further definition on the proposed plat. The emergency access road is grading intensive and connects Red Cloud back down to Marsac Avenue. The road is required by the approved Emergency Response technical report.

The applicant has agreed to re-route the proposed sewer line out of the Enchanted Forest.

Master Planned Development Review

Staff has performed a final review of the proposed Master Planned Development per the Land Management Code Section 15-6-5: Master Planned Developments–MPD Requirements.

Length of Approval

Complies. Construction of the approved MPD will be required to commence within two (2) years of the approval date. After construction commences, the MPD remains valid as long as it is consistent with the approved MPD and any phasing plan. Vertical construction of individual homes cannot commence until certain elements of the Mountain Village have been completed in accordance with the approved Phasing Plan.

MPD Modifications

Complies. Substantive changes to the MPD require a subsequent Planning Commission review and approval of the MPD and Development Agreement changes approved by the City Council.

Site Specific Approvals

Complies. No conditional use permit is required for the proposed 30 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of the proposed subdivision.

Density

Complies. The Development Agreement allows the 30 single-family homes.

Setbacks

Complies. The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. This standard has been applied to extent of the Large-scale MPD area (the annexation boundary). The proposed Red Cloud MPD complies with this standard. The Planning Commission may reduce the Estate zone

setbacks. Staff finds no compelling community benefit of increasing the required setback.

Open Space

Complies. The Development Agreement limits the overall development to 147 acres out of the 1,655-acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC.

Off-Street Parking

Complies. Parking for all single-family homes will meet or exceed the two-space/unit requirement.

Building Height

Complies. The single-family homes will be constructed pursuant to the 33' Estate-zone height limitation.

Site Planning

The nine site planning criteria outlined in the LMC are intended to promote overall design that incorporates the development into the site's natural characteristics. Generally, the location of the proposed development is consistent with the development pod approved as part of Development Agreement and Large-Scale MPD which clustered the development onto less-steep terrain and in the least visually sensitive areas. However, approval of the revised development pod (Exhibit A of the Development Agreement) by the City Council is required prior to the subdivision plat being approved.

Roads

Complies. A private cul de sac in excess of 650 feet will serve the Red Cloud subdivision. This is in conflict with the general policy and subdivision code of the City to limit the length of dead-end roads. The Chief Fire Marshall finds the plan to comply with the necessary standards for fire access and safety. Near the end of the cul de sac an emergency access road will connect down to Marsac Avenue as part of the Emergency Response Plan. The private road will be built to City and UDOT standards in the possible future event that the road from the Empire Day Lodge area (Pod B-2) to the Wasatch County line becomes a public road, in effect replacing the existing State Route 224 in this area. The Planning Commission will need to make a specific finding that the proposed cul-de-sac length meets the intent of the subdivision code and results in a superior plan.

Trails

Complies. Existing and new trails are accommodated with the proposed plan. All "back-country" work is to be coordinated with the Mountain Trails Foundation. The proposed trail work is consistent with the Trails Master Plan adopted by the Planning Commission on October 24, 2001.

Landscape and Streetscape

Complies. Landscaping, streetscape, and lighting will be reviewed for compliance with applicable City Codes during the subsequent subdivision and building permit process. The applicant will need to clarify the amount and type of street lighting proposed along the residential streets. The lighting must comply with the City Engineer's specifications, the Municipal Lighting Code, and the Design Guidelines adopted by the Planning Commission on October 24, 2001. All streetlights will be privately maintained. Staff has added a Condition of Approval that the subdivision include a plat note requiring water-efficient irrigation systems, limited turf and disturbance.

Sensitive Lands Compliance

Complies. The Sensitive Lands Overlay Zone did not specifically apply to the Empire Pass Large-Scale MPD and annexation; however, the locations of the development pods are based on Sensitive Lands principles.

Employee/Affordable Housing

Complies. Pursuant to the Flagstaff Mountain Resort Employee/Affordable Housing Plan, 15 employee/affordable housing units are required to be constructed or in-lieu fees paid with the Certificate of Occupancy of 150 Unit Equivalents. The project has not yet reached this threshold.

Recommendation on Subdivision: The Planning Department recommends the Planning Commission continue the public hearing until a date uncertain at which time the Council will have taken action on the proposed amendment to the Development Agreement Exhibit A and the applicant will have prepared a final plat.

Recommendation on Master Planned Development for Red Cloud, Pod D

The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval for the Red Cloud Master Planned Development as follows:

Findings of Fact

1. The Red Cloud Master Planned Development is located in the Estate-MPD and Recreational Open Space-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas

identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.

4. The DA defines the Northside Neighborhood, or Pod D, as 63-acres composed of property owned by five separate property owners: United Park City Mines, Deer Valley, Park Star Mining Company, Bransford Land Company, Stichting Beheer Mayflower Project. Pod D may contain a maximum of 38 detached single-family homes if all landowners provide written acceptance of the Development Agreement. Without acceptance by all property owners, United Park and Deer Valley may apply for a maximum of 30 detached single-family homes on lands owned by them.
5. The proposed Red Cloud Master Planned Development includes a conceptual site design for thirty (30) single-family homes.
6. A Conservation and Public Ski Easement are proposed within platted lots for the Enchanted Forest.
7. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
8. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over length cul de sac. A secondary emergency access road is required with an all-weather 20-foot wide surface.
9. The maximum Building Height in the Estate District is 28 feet (33 feet with a pitched roof).
10. Section 2.4 of the Development Agreement limits development:
 - out of the meadows;
 - disturbance to a minimum of 50 feet from a ski run;
 - structures, roads, and utilities to minimize visual impacts;
 - out of the "Enchanted Forest".
11. Section 15-7.3-4 (A)(6)(a) of the Park City Land Management Code generally limits cul-de-sac lengths to 650 feet unless otherwise approved by the planning Commission. The MPD includes a cul-de-sac in excess of 650 feet. The Planning Commission reviewed the proposed road design at the meeting of July 28, 2004 and determined the proposed road to meet the intent of the subdivision regulations and results in less overall site disturbance.

Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code;

2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code;
3. The MPD, as conditioned, is consistent with the Park City General Plan;
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
7. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;
8. The MPD provides amenities to the community so that there is no net loss of community amenities;
9. The MPD, as conditioned is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site:
11. The MPD, as conditioned promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and,
12. The MPD has been noticed and public hearings held in accordance with this Code.

Conditions of Approval

1. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the Red Cloud Master Planned Development area.
2. Both utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval. Utility lines and cleared ski trails shall not encroach in the Enchanted Forest.
3. The proposed over-length cul de sac that ends in the thirty single family lots will

have a secondary emergency access from the Red Cloud road to Marsac Avenue. This emergency access shall not go through the Enchanted Forest or the City Open Space Easements. The emergency access will continue as a minimum 20-foot wide all-weather surface road.

4. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Building Permit.
5. The subdivision plat include a plat note requiring water-efficient irrigation systems, limited turf and disturbance.
6. The subdivision will include ski and conservation easements over the Enchanted Forest. Public ski access only will be allowed. No construction activity, including fencing, will be permitted.
7. This approval is contingent upon City Council approval of an amendment to the Development Agreement Exhibit A for the boundary of Pod D prior to the review of the subdivision plat, and/or issuance of any Building Permit. The City Council has total legislative discretion to approve or deny an amendment to the Development Agreement.
8. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.

Exhibits

A- Site plans (3 pages)

Planning Commission Staff Report



Planner: Grayson Thompson
Subject: 160 Park Avenue
Date: August 11, 2004
Type of Item: Administrative; Plat Amendment

PLANNING DEPARTMENT

RECOMMENDATION: Staff recommends that the Planning Commission review the proposed plat amendment, conduct a public hearing and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

DESCRIPTION

Project Name: 160 Park Avenue
Project Planner: Grayson Thompson
Applicant: Paul de Groot
Location: 160 Park Avenue
Zone: Historic Residential Sub-Zone B (HR-2B)

BACKGROUND

The applicant, Paul de Groot, proposes to combine 50' of Lot 15 with the westerly 50' of Lot 16 of Block 13 of the amended Park City Survey to create a single lot for construction of a single-family residence. The lots are located at 160 Park Avenue and are currently vacant (see Exhibit A).

These are standard old town lots approximately 25' wide and 75' deep. The east (rear) 25' of Lots 15 and 16 are separately owned and utilized by the owner of Lots 13 and 14 (151 Main Street, The Grappa Restaurant). A plat amendment was required, as a condition of approval for an expansion to the Grappa Restaurant (which was approved by the City Council on June 7, 2002), to combine into a single lot all of the lots and portions of lots that the restaurant occupies, including the eastern 25' of Lots 15 and 16.

The proposed dimensions of the new lot are 50' deep by 50' wide for a total area of 2,600 square feet.

This application was previously approved by City Council on November 30, 1995. Recordation did not occur within one year, and expired.

ANALYSIS

If this plat amendment is approved, one single-family dwelling could be constructed on the newly created lot. The lot dimensions meet the LMC requirements for a single-family dwelling which are 1,875 minimum for a single-family home with 10-foot front and rear yard setbacks and five feet on the sides. The property is located in the HR-2B zone. Access to the newly created lot would come from Park Avenue.

NOTICE

Notice of this hearing was sent to property owners within 300' on July 28, 2004. Staff has received no comments from the public at the time of this writing.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on July 20, 2004, where representatives from local utilities and City Staff were in attendance. No additional issues or concerns were identified.

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed plat amendment, conduct a public hearing and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval outlined below:

Findings of Fact:

1. The property is located in the Historic Residential Sub-Zone B (HR-2B) zone.
2. The HR-2B zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine the westerly 50 feet of lots 15 and 16 of Block 13 of the Park City Survey to create one lot of record.
4. The proposed lot would consist of 2,600 square feet.
5. The applicant submitted a historic district design guideline review application for a single-family home on the newly created lot on July 8, 2004.
6. Access to the property will come from Park Avenue.
7. The minimum lot size for a single-family home in the HR-2B zone is 1,875 square feet.
8. The proposed lot size is 2,500 square feet.
9. The easterly 25' feet of lots 15 and 16 Block 13 of the Park City Survey are separately owned and were approved by the City Council as a lot combination into the 151 Main Plat on June 7, 2002.
10. No remnant lots will be created as a result of this application.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

EXHIBITS

Exhibit A – Proposed Plat Amendment

PLANNING COMMISSION REPORT



DATE: August 11, 2004
DEPARTMENT: Planning Department
TITLE: 9200 Marsac Empire Day Lodge CUP
TYPE OF ITEM: Modification to Flagstaff Development Agreement

PLANNING DEPARTMENT

RECOMMENDATION Staff recommends that the Planning Commission conduct a public hearing, review the proposed modification to the Flagstaff Development Agreement, and consider forwarding a positive recommendation to the City Council.

DESCRIPTION

Project Name: Flagstaff Development Agreement Modification
Project Planner: Ray Milliner
Applicant: Deer Valley Resort (Bob Wells Representative)
Owner of Property: Deer Valley Resort
Location: 9200 Marsac Avenue
Zone: Residential Development in a Master Planned Development (RD-MPD)

BACKGROUND

The June 24, 1999 development agreement between Park City Municipal, Deer Valley Resort, and United Park City Mines Company provided for a 35,000 square foot day lodge to be located in Pod B-2 of the Flagstaff development. Section 2.5 of the agreement reads:

"Subject to conditional use review, Deer Valley may construct a skier day lodge of a maximum of 35,000 square feet, in the approximate location depicted in exhibit A. The day lodge shall have no public road access and no day skier parking, must have adequate emergency vehicle access, and shall have only limited parking to meet service and administrative requirements. DEER VALLEY shall provide deed-restricted employee/affordable housing units as defined by the City's affordable housing policy in an amount equal to 20% of the commercial Unit Equivalents approved by the City for the day lodge prior to issuance of a Certificate of Occupancy for the day lodge."

On May 12, 2000, Planning Commission approved a Conditional Use Permit for the day skier lodge. During the construction of the Lodge, Deer Valley Resort built a temporary asphalt parking lot for use during construction. Subsequent to completion of the building, the applicant discovered that there is a community demand to utilize the building for non-skier related activities, such as special events, weddings, and business meetings. In January of 2002, the applicant applied for a modification of the original CUP approval to allow for the use of the structure for community events. The Planning Commission at its March 27, 2002 (see exhibit B) meeting heard the item and generally supported the day use of the Lodge and associated parking, however no action was taken, as the development agreement had not been modified. Therefore, the applicant has requested that the Planning Commission consider a revision to the Flagstaff Development Agreement at this time, to enable the CUP for parking and community-event (non-skier parking) day use of the Lodge.

ANALYSIS

Central to this application is the relationship between the proposed parking area and the future development of the Pod B-2 section of the Flagstaff master plan. It is understood that development will occur on said Pod, however it is still unclear as to when. It is also understood that the parking area in its current form will change when development does occur on Pod B-2.,

once an MPD of the Pod is processed. The applicant is requesting that the development agreement be modified to allow the creation of a temporary parking lot as a CUP that would be reviewed by the Planning Commission. A permanent parking lot will be reviewed as part of a subsequent Pod B-2 MPD application.

Upon approval of the Day Lodge, the Planning Commission and staff expressed concerns regarding the impacts of temporary events would have on Marsac Avenue. However, since the time of the original Lodge approval, staff has noted minimal traffic impacts, and a positive public response to the facility and its use for community related events. Therefore, as an attempt to draw closure on the temporary event use of the Empire Day Lodge, staff recommends that the Development Agreement, Section 2.5, be amended in the following manner:

“Subject to conditional use review, Deer Valley may construct a skier day lodge of a maximum of 35,000 square feet, in the approximate location depicted in exhibit A. The day lodge shall have ~~no public road access and~~ no day skier parking, and must have adequate emergency vehicle access. ~~and shall have only limited~~ Any parking lot for the Lodge shall be for the purpose of meeting temporary event, service and administrative requirements, and shall be reviewed by the Planning Commission as a conditional use. Pursuant to a conditional use permit, said temporary parking area may be located on adjacent properties. Permanent non-skier parking for the Empire Day Lodge will be considered part of the POD B-2 Master Planned Development. DEER VALLEY shall provide deed-restricted employee/affordable housing units as defined by the City's affordable housing policy in an amount equal to 20% of the commercial Unit Equivalents approved by the City for the day lodge prior to issuance of a Certificate of Occupancy for the day lodge.”

RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, review the proposed modification to the Flagstaff Development Agreement, and consider forwarding a positive recommendation to the City Council.

EXHIBITS

Exhibit A – Section 2.5 and Exhibit A of the Flagstaff Development Agreement.

Exhibit B – Minutes from March 27, 2002 Planning Commission meeting.

Exhibit C - Approval from May 10, 2000 Empire Day Lodge.

Exhibit D – Site Plan

Exhibit E – Aerial Photo of Site

Exhibit F – Consent Letter From Talisker Development

Exhibit G – Letter From Applicant

PLANNING COMMISSION STAFF REPORT

Date: August 11, 2004
Department: Planning Department
Title: 1490 Munchkin Road – Auto Related Retail/Service
Type of Item: Conditional Use Permit

Summary Recommendations: The Planning Department recommends that the Commission conduct a public hearing, and take public input, and approve the proposed automotive repair shop located at 1490 Munchkin Road, subject to the findings of fact, conclusions of law and conditions of approval.

A. Topic

Applicant: Advanced Automotive Services – Audie Wheeler
Location: 1490 Munchkin Road – Suite 104
Proposal: 1,397 square foot automotive and small engine repair
Zoning: GC - General Commercial
Adjacent Land uses: Commercial
Project Planner: Kevin LoPiccolo
Date of Application: June 8, 2004

B. Background Information

The Planning Commission reviewed this application request at their July 28, 2004 meeting. Staff requested that the Commission provide input on whether the applicant provide a specific parking plan identifying parking locations and analysis that the proposed use will not diminish parking that is currently available to other tenants in the project area. The building based on city records was constructed around 1981. The site provided fifteen (15) parking spaces when constructed, and today still provides fifteen parking spaces that are allocated among the four tenants. The current tenant mix is Diamond Rentals, Anayas Market, Wasatch Inc, and the proposed automotive shop. The Commission directed staff that a parking analysis was not warranted, but that if the property owner could provide a hard surfaced area for additional parking, that the Commission would be satisfied with the proposed conditional use permit. When Diamond rentals leased their space at the Munchkin property, the Chief Building Official allowed a recycle road base to be used as a hard surfaced area. Since the building was constructed around 1981, the LMC at that time required that a less intensive business use provide at least 1 parking space for each 1,000 square feet. Suite 104 provides three spaces, thus exceeding the LMC parking requirements of 1981. Since the proposed use is not requesting an expansion to the building, the Munchkin property would remain legal, non-complying

and does not require that the site be subject to current LMC parking standards. The Commission also directed staff to discuss the automotive use with the Sewer District and the city's Environmental Specialist, Jeff Schoenbacher, to determine if there would be any environmental concerns or impacts that the proposed use would have. Both the City and Sewer District at this point do not have any issues other than the applicant comply with state and federal regulations on regulated waste that may be discharged, disposed of, and managed and transported off-site.

C. Analysis

The applicant is proposing to lease a 1,397 square foot, single-bay commercial space (suite 104) from Munchkin properties. The prior business in this location conducted small engine repair services, and the applicant is requesting that Advanced Automotive be allowed, subject to a conditional use permit to operate an automotive service. The space is currently vacant and is located south of Diamond rentals. The Munchkin property is east of the Mountain Vineyard church. To the west is Anderson Lumber and to the south is the Park City ski area storage yard.

The proposed automotive shop is going into a complex that was constructed when the Land Management Code (1981) requirements for parking required one parking space per 1,000 square feet. No parking plan exists on file for this complex. There are currently three (3) striped parking spaces for suite 104 and at least two additional spaces that front the existing bay. The site provides up to fifteen (15) parking spaces and are used in common for the Munchkin property tenants, plus an area that has a recycled road base that is considered hard surfaced by the Chief Building Official as an acceptable surface to park cars on. Since the subject property is legal, non-complying, the proposed use will not be subject to comply with the current Land Management Code.

Conditional Use Review

Since the proposed application request requires a Conditional Use Permit, Section 15-1-10(D) establishes standards for review for the Planning Commission. The Commission must conclude that:

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

The Commission must make a determination that the proposed project use meets the Conditional Use Permit criteria found in Section 15-1-10(E) of the Land Management Code.

1) **size and location of the site;** *Complies. The subject property is .58 acres and is located at 1490 Munchkin Road. There is sufficient site area to accommodate this use.*

2) **traffic considerations including capacity of the existing streets in the area;** *Complies. The site has one point of ingress/egress; Munchkin Road. The proposal would use the existing driveway that is used for the existing businesses within the Munchkin property.*

3) **utility capacity;** *Any utility improvements would need to be reviewed and approved by the City Engineer.*

4) **emergency vehicle access;** *Complies. Access to the property would be from Munchkin Road.*

5) **location and amount of off-street parking;** *Discussion requested. The site provides 15 on-site striped parking spaces, plus an area where Diamond Rentals stores their equipment that has been hard surfaced with a recycle road base. The existing spaces are dedicated for the existing businesses within the Munchkin property. The Planning Commission at their July 28, 2004 meeting was satisfied with the current parking allotment provided that the property owner provided a hard surface area for additional parking. The property owner has submitted a letter explaining how the parking is calculated for the existing businesses (Exhibit D).*

6) **internal vehicular and pedestrian circulation system;** *Complies. The applicant is utilizing an existing driveway off Munchkin Road for all uses.*

7) **fencing, screening, an landscaping to separate the use from adjoining uses;** *Discussion requested. The proposed automotive use will be leasing a vacant space known as suite 104. The suite is located south of Diamond rentals in an existing building. LMC Section 15-2.18 does not allow for the outdoor storage of goods or services on a property, therefore, any storage of mechanical equipment, including automobiles must occur within the structure, or, in the case of an automobile, in a code-compliant parking space. Currently there is a minimal amount of screening from Munchkin Road, except that the Mountain Vineyard church constructed a wood fence along their east property line, but no screening or fencing exists on the subject property north property line that has views to and from Kearns Boulevard. Visibility of the proposed use is diminished from the existing equipment yard for Diamond rental, but the property owner, Rodman Jordan has agreed to provide a six-foot wood fence to help shield the equipment yard from view. A condition of approval has been added, subject to the conditional use permit approval, a six-foot wood fence shall enclose the equipment yard.*

8) building mass, bulk, and orientation, and the location of buildings on the site;including orientation to buildings on adjoining lots; *Complies. The metal building exists and is approximately one story in height. The applicant is leasing a single bay consisting of 1,397 square feet.*

9) usable open space; *Complies. The proposed use is within the Munchkin property. No changes are being proposed to the site.*

10) signs and lighting; *Discussion requested. The applicant is proposing a 7½ square foot sign that would be located above the existing door. A sign application has been submitted for review to the Planning Department condition approval on compliance with sign code requirements. However, the property owner will need to bring the existing exterior building wall-pack lighting fixtures into compliance. Staff addressed this issue with the property owner, requesting that he brings the existing exterior lights into compliance with the city's Lighting Ordinance. A condition of approval has been added, subject to the conditional use permit approval that all exterior lights be brought into compliance with the city's Lighting and Sign Ordinance.*

11) physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing; *Complies. The building exists. No changes are being proposed.*

12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site; *Complies. The proposed garage use has the potential to create noises and other mechanical factors that are currently non-existent on the site. To mitigate any potential problems, the applicant has contacted the Building Department and has reviewed with the Chief Building Official the type of automotive equipment that is proposed on site. The Chief Building Official has required that the change of use meet all requirements of the Uniform Building Code and Uniform Fire Code for automotive repair. Additionally, the Chief Building Official was concerned with the type of gases and materials that the applicant would be using as part of an automotive shop. The building has fire sprinklers and the Chief Building Official has discussed with the applicant on the types of products he will be using and found the materials to be acceptable for the occupancy of the building.*

13) control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas; *Complies. Any delivery would be brought to the site accessing from Munchkin Road to the applicant's business. Trash pick-up is utilized from an existing unscreened dumpster on site.*

14) expected ownership and management of the project; *Rodman Jordan is the property owner and is leasing 1,397 square feet to the applicant, Audie Wheeler.*

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

D. Department Review

The City's Staff Review Team has reviewed this application on July 6, 2004. The staff review committee requested that this use provide some type of screening that would help soften the visual impacts of the storage area on the Munchkin property. The Chief Building Official was concerned with the type of gases and materials that the applicant would be using as part of an automotive shop. The building has fire sprinklers and the Chief Building Official has met with the applicant on the types of products he will be using and found the materials to be acceptable for the occupancy of the building.

E. Public Input

Property owners within 300 feet of the project were notified on July 7, 2004. The property was properly posted and legally noticed. Staff has not received any public comment regarding this proposed conditional use permit request.

F. Staff Recommendation:

Staff recommends that the Planning Commission listen to the applicant's presentation and solicit public comment, and approve the conditional use permit for Advanced Automotive Services to operate an automotive/small engine repair shop, subject to the findings of fact, conclusions of law, and conditions of approval.

Findings of Fact:

1. The project is located within the General Commercial (GC) District.
2. The subject property is .58 acres.
3. The applicant is proposing to lease a 1,397 square foot, single-bay commercial space from Munchkin properties.
4. The proposed automotive shop is going into a complex that was constructed when the 1981 Land Management Code required one parking space for 1,000.
5. Based on the 1981 Land Management Code, the parking requirement for the existing square footage would be 2 parking spaces; the suite provides three (3) parking spaces.
6. The site provides 15 on-site parking spaces.
7. These spaces are dedicated for the existing businesses within the Munchkin property.
8. The subject property can accommodate additional parking on a hard surfaced area made from a recycle road base.
9. There is a minimal amount of screening from Munchkin Road and Kearns Boulevard.

10. Staff is requesting that the property owner construct a six (6) foot wood fence to help soften visually effects the outdoor storage of all uses that are located on the Munchkin property.
11. The applicant will need to bring the existing wall-pack lighting fixture into compliance.
12. The metal building exists and is approximately one story in height.

Conclusions of Law:

1. The request complies with the Land Management Code requirements for a Conditional Use.
2. The application complies with all requirements of the Land Management Code.
3. The use will be compatible with surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All standard conditions of project approval shall apply to this project.
2. The property owner shall construct a six (6) foot wood fence on the north side of the existing equipment yard to help soften views to and from Kearns Boulevard (Exhibit A).
3. All lighting on the building, existing and new, must comply with Chapter 9.5(i) of the Land Management Code, the Park City Night Sky Ordinance, and proposed sign shall comply with the City's Sign Code.
4. The change of use shall meet all the requirements of the Uniform Building Code and Uniform Fire Code for automotive uses, prior to receiving a Certificate of Occupancy by the Building Department.
5. The Conditional Use shall expire one year from the date of the Planning Commission issue unless the Conditional Use has commenced on the property.

G. Exhibits

- A. Site and Suite Location
- B. Floor Plan
- C. 1981 LMC Parking Requirements
- D. Letter from property owner

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PLANNING COMMISSION STAFF REPORT

Date: August 11, 2004
Department: Planning Department
Title: Union Square Mixed-Use Project
Type of Item: Conditional Use Permit & Master Planned Development (Work Session)

Summary Recommendations: Staff requests that the Commission review Master Planned Development, Section 15-5-5(F) Building Height for the proposed mixed-use project at 201 Heber Avenue.

A. Topic

Applicant: Fandango Resorts
Location: 201 Heber Avenue
Proposal: Mixed-Use Development
Zoning: HRC & HCB
Adjacent Land uses: Residential & Commercial
Project Planner: Kevin LoPiccolo
Date of Application: April 13, 2004

B. Background Information

The Planning Commission reviewed this request at their July 14, 2004 meeting to discuss Conditional Use Permit Criteria number 8; building mass, bulk, and orientation for the proposed mixed-use development located at 201 Heber Avenue. At the last meeting, the applicant presented a computer model and visual analysis of the proposed building orientation and massing for the overall project. The Commission generally voiced support concerning elements of the latest proposal, including additional open space, greater pedestrian circulation, and enhanced view corridors with the adjacent property, Poison Creek Mercantile. The next step in this process is to allow the Commission an opportunity to discuss building height. On July 28, 2004, the applicant strategically placed a series of balloons on site representing various building heights. At the July 28, 2004 Planning Commission meeting, Staff asked the Commission if the balloon float was advantageous. The Commission in general felt that the balloons gave a strong indication of the proposed building height, but agreed that a model would also be of benefit to get a better understanding of the height increase that is being asked for and its relationship and impacts with adjacent properties in Old Town. Tonight's meeting will give the Commission an opportunity to review the applicant's model of the proposed mixed-use development at 201 Heber Avenue.

Discussion Points

As discussed with the Commission at their site visit of June 9, 2004, staff will be conducting a series of public hearings to discuss the proposed Master Planned

Development and Conditional Use Permit criteria. Tonight's meeting is intended to discuss the building height and its relationship to the existing historic structures and the surrounding buildings.

The Commission must make a determination that the proposed project use meets the Master Planned Development criteria found in Section 15-6-5(F) of the Land Management Code.

F) **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. Staff's comments have been italicized:

The zone height in the HRC zone is 32 feet from existing grade, plus a 5 foot building height exception to accommodate pitched roofs.

The one height in the HCB zone is 45 feet from existing grade, plus a 5 foot building height exception to accommodate pitched roofs.

(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; *The applicant is requesting an increase in building height not to accommodate an increase in square footage, but to construct a building that will provide greater open space, increased view corridors, and provide a greater setback separation to the adjacent historic buildings and adjacent structures. As proposed, the applicant's building is approximately 68,000 square feet of floor area. The Land Management Code would allow the applicant to have a floor area of approximately 120,000 square feet under the HCB and HRC zones.*

(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; *The current model as proposed pulls the building back and creates a series of buildings that provide stepping. The current design allows the orientation of the building to provide greater views from Poison Creek Mercantile, allows greater solar access to the adjoining property swimming pool and aquacade, and opens up the site along Easy Street.*

(3) There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed; *The proposal will adhere to the HRC setback requirements, and provide an additional side yard increase on the east side adjacent to the Poison Creek Mercantile building of approximately 12-15 feet. The HRC setback is five (5) feet. Staff and the applicant have not discussed the landscape requirements with the City's Landscape Architect.*

(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 and MPD's which include: *The Land Management Code requires that an MPD provide at least 30% open space. The current design would allow the project to provide approximately 50% open space. The Commission will need to make a determination designating the preferable type and mix of open space for this Master Planned Development.*

(5) The additional building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or Historic District Guidelines if within the Historic District; *The current proposal has different components that offer variable heights that allow for better roof articulation and building transition. Due to the change in building forms and height variations, the roof forms tend to be looked down upon due to Park City's steep terrain. The current design of the roof will not be reflective and not have any mechanical equipment visible from above.*

(6) Structures within the HR-1 District meet the standards of development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6. *Not applicable. The subject property is located in the HRC and HCB zones.*

If and when the Planning Commission grants additional height due to a site-specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional building height for a specific project will not necessarily be considered for a different, or modified, project on the same site.

C. Public Input

Property owners within 300 feet of the project were notified on May 25, 2004. The property was properly posted and legally noticed. The management of Zoom restaurant contacted staff by phone and was concerned with the proposed mixed-use development that is adjacent to the proposal. Zoom management is concerned that the proposed mass and scale may be too overwhelming in relationship to Zoom restaurant. Zoom management also stated that their lease agreement with the

property owner (applicant) allows Zoom restaurant to control what occurs between the Depot building and Marriott Summit watch.

D. Recommendation

The Planning staff is requesting that the Commission review the model and discuss the proposed building height and its relationship that it has on the adjacent properties and provides direction to staff and the applicant. Staff is requesting that the Commission focus on Master Planned Development, Section 15-6-5(F) Building Height. Based on the comments from the Commission, staff and the applicant will make the necessary changes to reflect what was discussed at a subsequent meeting.

E. Exhibits

A. Elevations

M:\KL\PC2004\MPD\201HeberAvepub4.doc

Planning Commission Staff Report



Author: Kirsten Whetstone
Subject: Land Management Code Amendments
Date: August 11, 2004
Type of Item: Legislative

Planning

Summary Recommendations:

Discuss proposed revisions to the Land Management Code, conduct a public hearing, and forward a recommendation to the City Council.

Description:

A. Topic:

Project Name: LMC Amendments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code
Project Planner: Planning Staff

B. Background

The Planning Department is preparing amendments to the Land Management Code (LMC) to address the definitions of fractional ownership of units, ie. timeshare units and private residence club units, and considering appropriate zoning districts for these different kinds of fractional ownership units. Currently the LMC does not differentiate between different types of fractional ownership units and projects. The LMC considers any fractional ownership to be a timeshare unit.

The purpose of this discussion is to better define the types of fractional ownership, specifically "private residence club" ownership, sometimes referred to a "fractional fee club" ownership, and to identify zoning districts where these fractional ownership units and projects would be appropriate, as either allowed or conditional uses.

C. Analysis

Staff is presenting redlines for the following LMC amendments for Planning Commission discussion and public input:

- 1) Additions to the Definition Section (Section 15-15-1) to include revised definitions of Timeshare Unit, Timeshare Project, and Timeshare Estate;
- 2) Additions to the Definition Section to include definitions for Private Residence Club, Private Residence Club Project, and Private Residence Club Conversion; and
- 3) Revisions to the Residential Development (RD), Residential Development Medium Density (RDM), Resort Commercial (RC), General Commercial (GC), Limited Industrial (LI), Resort Commercial Overlay (RCO), Historic Commercial Business (HCB), and Historic Recreation Commercial (HRC), to include Private Residence Club Units and Projects as uses in these zones subject to a Conditional Use Permit.

Currently timeshare units, projects, and conversions are conditional uses in the above listed zoning districts, with the exception of the RD, RDM, RCO, and LI, where they are prohibited. Multi-unit dwellings, hotels and condominium projects are conditional uses in all of the

districts recommended for Private Residence Club units and projects. A typical timeshare project in Park City is the Marriott Mountain Resort or Marriott Summit Watch Resort. An example of a Private Residence Club is the Deer Valley Club at Silver Lake, which was built before the LMC Timeshare definition became an all-encompassing definition for any type of fractional ownership use.

LMC DEFINITION REVISIONS

Staff proposes the following revisions to the Timeshare Unit, Timeshare Use, and Timeshare Estate (changes shaded or strike out):

Timeshare Unit. That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, excluding Private Residence Club units.

Timeshare Use. Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of a “Timeshare Estate”, including without limitation, a vacation license, ~~club membership~~, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, excluding Private Residence Club use.

Timeshare Estate. ~~An ownership or leasehold estate in Property devoted to a timeshare fee, including without limitation, tenants in common, time span ownership, interval ownership, and cooperative timeshare ownership, created by a Timeshare Instrument and the documents by which it is granted~~ A Timeshare Estate shall be defined in accordance with Utah Code Section 57-19-2, as amended., excluding Private Residence Club ownership.

Staff is proposing the addition of the following definitions.

Private Residence Club. Residential use real estate, in which ownership or use of a Dwelling Unit or group of Dwelling Units is shared by not less than four (4) or more than twelve (12) owners or members per Dwelling Unit and whose use is established by a reservation system and is managed on site with a front desk operating 24 hours a day, seven days a week providing reservation and registration capabilities. Membership in a Private Residence Club may be evidenced by: (i) a deeded interest in real property; (ii) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation or other business entity; (iii) a non-equity membership in a non-profit corporation, non-incorporated association or other entity; (iv) beneficial interest in a trust; or (iv) other arrangement providing for such use and occupancy rights.

Private Residence Club Project. Any Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for use and ownership as a Private Residence Club and contains at least 4 units.

Private Residence Club Conversion. The conversion of Condominium Units and associated Common areas within an existing Condominium project to the exclusive use as a Private Residence Club.

LMC USE TABLE REVISIONS

Staff proposes that a Private Residence Club use and associated uses be considered an Administrative Conditional Use for any Condominium Project that has already obtained a Conditional Use Permit or is in and of itself a Master Planned Development. Any Residence

Club Conversion shall be subject to an Administrative Conditional Use Permit, including noticing to affected property owners and review for compliance with LMC Section 15-1-10-Conditional Use Permit review.

DISCUSSION REQUESTED

Staff has reviewed the above revisions to the Land Management Code and requests the Commission conduct a public hearing and discuss whether these revisions 1) are consistent with the Park City General Plan, 2) reflect the goals and objectives of the current City Council, 3) are consistent with quality world class development, 4) are not harmful to the health, safety, and welfare of the residents of Park City, and 5) are consistent with the purpose statements of the proposed zoning districts and overall purposes of the Land Management Code.

The Commission should consider whether Private Residence Club ownership, as a use, will create any additional impacts on the surrounding property owners in terms of intensity of use, increased traffic, off-street parking, utilities, density issues, etc. and whether there are good reasons to allow them as an Administrative Conditional Use in the proposed districts. During the CUP review process these land use issues, including ownership issues, are addressed.

Multi-unit dwelling projects (of 4 units and greater) require a Conditional Use Permit in all of the zoning districts proposed for Private Residence Clubs, with the exception of the HCB where multi-unit dwellings are an Allowed Use. In addition, nightly rental of units is an Allowed Use in all of the zoning districts proposed for Private Residence Club use.

Staff also requests the Commission review a possible alternative to the above amendments to revise the use tables for the RD, RDM, RCO, and LI to include Timeshare Use and Projects in these zoning districts where Timeshare Use and Conversions are not currently allowed. In this alternative, the definition of Timeshare would remain as it is now, as it currently includes club type ownership. In this scenario, standard timeshare projects, such as the Marriott Summit Watch, would then be allowed as a CUP in the RD, RDM, RCO, and LI. Standard timeshare projects tend to be a more intensive land use and it is primarily for this reason that staff is not supportive of this alternative.

Upon conducting a public hearing and considering any public input the Planning Commission has the following alternatives:

- 1) Do nothing.
- 2) Forward a positive recommendation to the City Council to include new definitions for Private Residence Club, Private Residence Club Project, and Private Residence Club Conversion; include revised definitions for Timeshare Unit, Timeshare Use, and Timeshare Estate; and add Private Residence Club and Conversion to the use tables in the RD, RDM, RC, GC, LI, RCO, HRC, and HCB Zoning Districts.
- 3) Consider alternative solutions and direct staff to return with additional revisions for further discussion.

D. Department Review

These amendments have been reviewed by the Planning, Building, Engineering, Legal, and Finance Departments. Comments from these departments are reflected in the final staff report.

Recommendation:

Staff recommends the Commission discuss these proposed amendments to the Land Management Code, conduct a public hearing, and consider forwarding a positive recommendation on the proposed amendments to the City Council based on the findings that the proposed amendments 1) are consistent with the Park City General Plan, 2) reflect the goals and objectives of the current City Council, 3) are consistent with quality world class development, 4) are not harmful to the health, safety, and welfare of the residents of Park City, and 5) are consistent with the purpose statements of the proposed zoning districts and overall purposes of the Land Management Code.

Exhibits (Attached under separate cover)

- A. Redlines to LMC Section 15-15-1 Defined Terms
- B. Redlines to RD Zoning District Section 15- 2.13-2
- C. Redlines to RDM Zoning District Section 15- 2.14-2
- D. Redlines to RC Zoning District Section 15- 2.16-2
- E. Redlines to GC Zoning District Section 15-2.18-2
- F. Redlines to LI Zoning District Section 15-2.19-2
- G. Redlines to RCO Zoning District Section 15-2.17-2
- H. Redlines to HCB Zoning District Section 15- 2.6-2
- I. Redlines to HRC Zoning District Section 15- 2.5-2

Planning Commission Staff Report

Author: Kirsten Whetstone
Subject: Treasure Hill CUP
Date: August 11, 2004
Type of Item: Administrative



Planning

Summary Recommendations:

The planning staff requests the Commission review and discuss the Treasure Hill CUP as it relates to conditional use permit criteria 7, 8, 9, and 10. Staff requests the Commission provide specific comment, hold a public hearing, and continue the public hearing to the August 25, 2004 meeting.

Description:

A. Topic:

Project Name: Treasure Hill (Mid-station and Creole Gulch parcels of the Sweeney Properties Master Planned Development)
Applicant: Sweeney Brothers, Sweeney Land Co
Location: Empire Avenue
Proposal: Request for approval of a CUP and preliminary subdivision plat for 197 UE residential and 19 UE commercial (approximately 282 condominium/townhouse/hotel suites ranging in size from 650 sf to >2,500 sf and approximately 19,000 sf (net) resort related support commercial uses), 473 parking spaces, and up to 10% of the gross floor area for meeting rooms and support uses. Resort related amenities are also proposed, such as pools, spas, etc. The proposal includes approximately 51 acres of dedicated open space for ski runs, trails, and passive use. The proposal includes a revised Town Lift chair lift/cabriolet people mover system.
Zoning: E-MPD (Sweeney Properties Master Planned Development) and ROS (Recreational Open Space)
Adjacent Uses: Ski resort and related uses, single-family residences, condominiums, bed & breakfast inns, and open space.
Date of Application: January 13, 2004
Project Planner: Kirsten Whetstone

B. Background

On December 18, 1985 the Planning Commission approved a Master Planned Development for the Treasure Hill/Sweeney Properties, consisting of a total of 277 unit equivalents (UE) on the 123.59- acre site. The Master Planned Development was approved with a detailed description of densities, height zones, land uses, utility and public improvement requirements, a phasing plan (20+ years), a trail plan, etc.

A combined total of 197 UE residential and 19 UE commercial were approved for the 11.5 acre remaining development parcels known as 1) Creole Gulch (161.5 residential UE and 15.5 commercial UE on 7.75 acres) and 2) Mid-station (35.5 residential UE and 3.5 commercial UE on 3.75 acres).

According to the approved Sweeney Properties MPD, development on individual parcels shall be reviewed as Conditional Use Permits. The Creole Gulch and Mid-station parcels are the last parcels of the MPD to undergo development review.

Design booklets were distributed with the April 14 and April 28, 2004 packets and are available for public review at the Planning Department.

The applicants also have established a web site where plans and documents can be viewed and down loaded. (www.treasurehillpc.com).

C. Project Description

The project site is located on Treasure Hill, west of Old Town Park City, generally south of the Empire Avenue and Lowell Avenue switch back with access to the site from Empire and Lowell Avenues. Included in the proposal is a request for a preliminary subdivision plat for the Creole and Mid-station parcels and associated open space lands of the Sweeney Properties Master Plan.

Site Area:

TOTAL SITE TREASURE HILL	123.59 ACRES
MIDSTATION DEVELOPMENT PARCEL	3.75 ACRES
CREOLE DEVELOPMENT PARCEL	7.75 ACRES
TOTAL OPEN SPACE PARCELS	110 ACRES
OPEN SPACE WITH TREASURE HILL III	51 ACRES
OPEN SPACE PREVIOUSLY DEDICATED	59 ACRES

Units/Density:

RESIDENTIAL:

MIDSTATION – **35.5 UE – maximum allowed** (approx. 71,000 SF)

Condominium/townhouses: 2 at <1,000 sf, 9 at <1500 sf, 8 at <2,000 sf, and 14 at greater than 2,000 sf.

Approx. 33.25 UE proposed (depends on size of units > 2,000 sf).

Parking: 60 spaces required, 63 spaces proposed in underground structure.

CREOLE - **161.5 UE – maximum allowed** (approx. 323,000 SF)

Hotel/Suites: 37 at <650 sf

Condominium units: 84 at < 650 sf, 99 at < 1000 sf, 69 at < 1500 sf, 53 at < 2000 sf, and 14 at > 2500 sf. The applicants have provided a summary by unit types that meets the 161.5 UE. This represents one scenario given the building configuration and volumetrics as diagramed. **Approx. 161.5 UE proposed**

Parking: 333 spaces required, 410 spaces proposed in underground structure.

COMMERCIAL:

Maximum allowed per MPD- 19 UE COMMERCIAL USES (19,000 SF)

Proposed at the MIDSTATION- Support commercial: approximately 3,748 sf (gross), 3,500 sf (net). **Maximum allowed is 3,500 sf (net leasable). Proposed is 3,500 sf (net).**

Proposed at CREOLE- Support commercial: approximately 18,905 sf (gross), 15,500 sf (net). **Maximum allowed is 15,500 sf (net leasable). Proposed in 15,500 sf (net).**

Meeting space and support commercial (10% of the total approved floor area) per Land Management Code (15-6-8.) is allowed per the MPD, in addition to the 19 UE of commercial uses. The applicants intend to utilize the full 10% for meeting and support commercial spaces. Additional square footage is allowed for back of house and other ancillary uses, such as storage, mechanical, common space, etc.

RESORT RELATED USES:

Other proposed uses include, revisions to the Town lift chair lift, revisions to ski runs and trails, pedestrian connections to Main Street, public plaza areas, a small mining exhibit/museum, as well as private amenities such as spas, pools, plazas, and exercise facilities.

D. Conditional Use Permit Review

At the July 14 meeting, the applicants presented plans and information to the Planning Commission to address CUP criterion #2 (traffic) as well as criteria #'s 12 –15 (#12- noise, vibration, odors, etc.; #13- control of delivery and service, loading and unloading, etc.; #14- expected ownership; and #15- impacts on Sensitive Lands, topography, slope retention, etc.). Criteria # 1- 6 were discussed at the May 26, 2004 meeting. The applicants continue to work on a visual analysis and computer model of the project, to address criterion #11 (physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing) and plan to have the analysis and model complete by the August 25 meeting.

At this August 11 meeting the applicants would like to discuss Criteria 7- 10 (fencing, screening, building mass, building location and orientation, open space, signs, and lighting) and return at the August 25 meeting with a presentation on the physical design and compatibility in terms of mass, scale, style, design, and architectural detailing.

In order to comply with the fifteen-CUP criteria, the applicants may need to make additional revisions to the plans, provide greater details on the plans, provide additional technical documentation, and/or agree to specific conditions of approval that address specific criteria and/or ensure that any negative impacts can be mitigated.

Staff has outlined below a preliminary review of the Treasure Hill CUP as it relates to Conditional Use Permit criteria 7-10 (staff comments are in *italics*).

- 7) Fencing, screening and landscaping to separate uses. **(Staff requests discussion.)**

Internal separation of uses has been described in detail by the applicant and includes pedestrian oriented, multi-level plazas with a variety of amenities, landscaping, and physical separation of various uses and buildings. Support commercial uses are located on lower levels and oriented towards the internal site, ski runs, and plazas. Residential uses are located on multi-levels as well. A preliminary landscape sketch, including a cliff-scape schematic, provides some idea of the proposed landscaping for both the internal and external spaces.

The applicants propose landscaping along the northern and eastern perimeter, in varying degrees to provide additional screening for adjacent properties. The applicants have described in some detail the screening and buffering that they propose to provide additional separation for the single family homes in North Star Subdivision. Fencing is not proposed.

Staff recommended that the applicant provide additional details in the form of a preliminary landscape plan for the Planning Commission to review. A final landscape plan, to be consistent with the preliminary plan, should be a condition precedent to building permit issuance. The landscape plan should ultimately describe proposed irrigation, plant materials, plaza amenities, phasing of landscaping, plant material types and sizes, etc. Staff further finds that the preliminary landscape and irrigation plan should also address water conservation.

Staff requests discussion of this criterion and direction from the Commission as to whether the information submitted to date is adequate to formulate a decision regarding compliance. Staff believes that the final visual analysis and model will assist in this determination. Staff believes that the current site plan, in terms of buildings and uses, has been designed to mitigate negative impacts on surrounding properties, provided conditions of approval are applied that ensure the landscaping, cliff-scape, and other proposed buffering and screening techniques are adhered to during and following construction.

8) Building mass, bulk, orientation and location on site, including orientation to adjacent buildings or lots. (Staff requests discussion.)

The proposed building locations and heights (including maximum height zones and overall average heights) are in conformance with the 1985 Sweeney Properties Master Plan, as amended. The Master Plan outlined specific height zones and averages as well as locating a specific area of the MPD as the allowed area for buildings. The applicant has presented an overall site plan and sections through the site at various locations to provide additional visual aids for the Planning Commission's review (see attached).

Overall, the building massing has been broken into separate footprints of varying sizes, with smaller buildings in the mid-station area located above residential structures on Woodside Avenue with larger footprints and buildings located into the hillside and in the Creole gulch area. The larger buildings are separated from other structures by large landscaped plaza areas and the ski run. The mix of

footprint sizes, as well as the orientation of buildings parallel to the slopes, do break up the perceived massing and allows buildings to more closely follow the existing topography of the slopes. Due to the topography of the site, buildings are separated from each other and from buildings on adjacent sites both vertically and horizontally. Medium sized buildings, in terms of footprint and building height (Buildings 3A, 3B, and 3C), are located in the area above the Lowell/Empire switchback. These buildings have footprints similar to the Angel House Inn and the historic Depot building on Main Street).

Setbacks from the perimeter property line are generally greater than the required MPD setback of 25'. Setbacks off the Lowell/Empire Avenue switchback range from 30' to 60' for the wall of the parking structure and 70' to 80' for the buildings. Plaza and landscaped areas are located between the buildings and Lowell/Empire. Setbacks from the east property line, above Old Town range from approximately 50' to 90', with the driveway retaining wall setback about 35.'

Staff requests discussion regarding the location of building 4A (in terms of setbacks and stepping) and recommends the Commission review and discuss the possibility of requiring additional building stepping for both buildings 4A and 4B. Staff has concerns about the 25-30' setback of building 4A from the angled north property line and believes that additional horizontal and vertically stepping is needed for compliance with this criterion.

Staff also has concerns with the overall massing of Building 1B, but will defer discussion of that building until the next meeting when the complete visual analysis and architectural modeling are complete.

9) Usable open space.

The Sweeney Master Plan provides a large amount of usable open space, in terms of trails, ski runs, ski lift easements, and large areas of open land. Approximately 50 acres are identified on the subdivision plat as open space parcels. These parcels will be platted as (ROS) recreational open space zoned property, to be dedicated to the City at the time of plat recordation. This amount of open space, in addition to the open space provided throughout the development, is in compliance with the approved Sweeney Property Master Plan and complies with the CUP criteria for open space.

Within the Creole Gulch and Mid-station development sites, the current plan identifies approximately 75% of the developed area as open space. The large open space areas are usable in that this property will be available for public use, in active and passive ways. The open space within the project is usable in terms of providing plaza areas (both public and private); ski runs, walkways, pedestrian and bicycle trails that traverse the development in public and private easements; and garden/outdoor spa and pool areas.

As the parking and vehicle circulation are located under ground, the majority of the above ground land that is not occupied by buildings is open space and is

usable. Although not usable in terms of human use, the proposed cliff-scape areas (when landscaped as described) provide visible open landscaped backdrop and space between buildings, as well as provide a transition to the natural open space of Treasure Hill. The design, installation, irrigation, and long-term maintenance of the landscaped and cliff-scaped areas are important.

Based on the site plan, preliminary landscape plan, and subdivision plat submitted to date, staff believes that the project as proposed meets this criterion.

10) Signs and lighting.

Typically signs and lighting are subject to separate review prior to permitting. Staff recommends that the Commission discuss expectations regarding a master sign plan and provide input as to whether the internal signs, those oriented within the project, shall be subject to a master sign plan. Staff also requests discussion regarding directional signs to the project as were presented in the addendum to the traffic study. Staff recommends that conditions of approval to address signs shall be part of any conditional use permit for this project.

Lighting will need to be addressed in detail prior to issuance of any full building permits. All exterior lighting shall comply with the City's lighting ordinance and shall be subdued, shielded, and in general down directed. Staff recommends that conditions of approval regarding lighting be included as part of any conditional use permit for this project.

SUMMARY

In summary, Staff is seeking specific Planning Commission comment on these aspects of the Conditional Use Permit, and direction on any additional information the Commission may request of the applicants in order to adequately address these criteria. The applicants are working on a model of the project and anticipate they will have it complete in time for the August 25, 2004 meeting.

E. Departmental Review

The Treasure Hill CUP and preliminary subdivision plat were discussed at staff review meetings on May 7 and October 14, 2003, and February 3, June 10, and July 6, 2004. Additional staff review meetings will be held in response to revised plans. Staff received a request for an off-premise directional sign for the development that was discussed at the last staff review. Such directional signs, specific for a development, are not allowed under the current sign code, unless the sign is located within the MPD area (such as is the case in Deer Valley, Deer Crest, and Empire Pass). Staff will continue to work with the applicants to find solutions to this issue as it could impact the traffic flow in the adjacent residential neighborhood.

RECOMMENDATION

The applicants have prepared a presentation to address the above outlined review criteria regarding conditional use permits (LMC Section 15-1-10 (E) (7)-(10). Staff recommends the Commission review staff's preliminary analysis, review the applicant's presentation material, and conduct a public hearing. Staff recommends that the public hearing be kept open to allow public comment to continue as the Treasure Hill CUP is

reviewed against all of the review criteria. Staff requests the item be continued for further discussion to the August 25, 2004 Planning Commission meeting.

Exhibit A- Revised sections

Exhibit B- Traffic Study addendum regarding signs

Please also refer to the Treasure Hill Design booklet handed out at the April 14, 2004 meeting. All plans and documents are also available at the Planning Department and on the applicant's website at www.treasurehillpc.com .

Planning Commission Staff Report



PLANNING DEPARTMENT

DATE: August 11, 2004
AUTHOR: Jonathan Weidenhamer
TITLE: Amendment to Record of Survey – Arrowood, Unit 2
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATION: Conduct a public hearing, consider any public input, and provide staff with direction as to whether this application has good cause to move forward.

A. Topic

Applicant:	Richard Salowey for Todd Kirshner
Project Address:	2409 Gilt Edge Circle - Arrowood Condominiums #2
Zoning:	Residential Development w/Master Planned Development (RD-MPD)
Adjacent Land Uses	Residential, Solamere Subdivision, Chaparral, Glenfiddich, & Queen Esther Condominiums
Reason for Review	Amendments to Records of Survey require Planning Commission review and City Council approval.

B. Background

Arrowood Condominiums is an 3-unit project. At this time the owner of Unit 2 proposes to amend the existing condominium Record of Survey to allow an expansion of the unit. The applicant intends to convert approximately 375 square feet of Limited Common Area located on the main floor level into private area. The applicant has received written permission from the Owners Association to pursue this application. The proposed amendment has gone before a written vote of the rest of the owners, and has received consent from two of the three unit owners, meeting the 2/3 majority required under state law.

With the expansion, the entire condominium record of survey will still contain approximately 89% open space. During discussions with the applicant, staff has encouraged the Arrowood Condominium Owners Association to amend the entire record of survey to allow future expansions without having to return for formal approval from the City. The owners association was not able to reach that consensus.

Staff has received public opposition to this expansion from Keith and Donna Golan, unit owners in Queen Esther. They object to potential traffic, noise, and parking demand increases that will result from the unit expansion. Their opposition also states that this

expansion is not consistent with a private settlement agreement that was reached during the initial Arrowood development process.

C. Analysis

The area being considered for conversion from Limited Common to Private will become habitable bedrooms. The new overall size of the unit will increase approximately 375 square feet and will be a total of 4115 square feet. The unit is currently required to provide 3 parking spaces. The increased square footage does not increase the parking requirement. At this time, the unit provides 4 parking spaces.

The City cannot enforce private settlement agreements (the city was not a party). However, the settlement was reached concurrent with the public hearing process of the original approval and may have impacted public comment as a result. Therefore, staff finds that it is appropriate for the commission to hear public comment prior to receiving a formal recommendation from staff. The Commission is still limited to the review criteria in the LMC and state code for condo plat amendments. If the Commission concludes that there is good cause to move forward, they may consider directing staff to return at a subsequent meeting with a recommendation to move forward with this application. The proposed addition of approximately 375 square feet is located underneath an existing deck and its visibility is limited from the public right of way(exhibit A – existing conditions). Staff has made a preliminary determination that this proposed expansion is immaterial in terms of the overall size and massing of the building as well as its limited visibility.

D. Department Review

This project has gone through an interdepartmental review. At such time as a final record of survey plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with State law and the Land Management Code prior to recordation.

E. Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also placed in the Park Record. No public input has been received by the time of this report.

ALTERNATIVES

- A. The Planning Commission may direct staff to return to a future Planning Commission meeting with a recommendation to forward a positive recommendation to the City Council, or
- B. The Planning Commission may direct staff to return to a future Planning Commission meeting with a recommendation to forward a negative recommendation to the City Council, or
- C. The Planning Commission may continue the discussion to a later date.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts from this amended Record of Survey.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

Failure to amend the Record of Survey will prohibit the unit owner from adding private area to their condominium unit.

RECOMMENDATION

Conduct a public hearing, consider any public input, and provide staff with direction as to whether this application has good cause to move forward.

EXHIBITS

Exhibit A – Existing Photograph

Exhibit B - Location Map

Exhibit C – Proposed Condominium modifications (Elevations & Floor Plan)

Exhibit D - Amended Record of Survey

Exhibit E – Written opposition from Keith Golan

Looking north from rear of Unit 1



Looking west from Gilt Edge

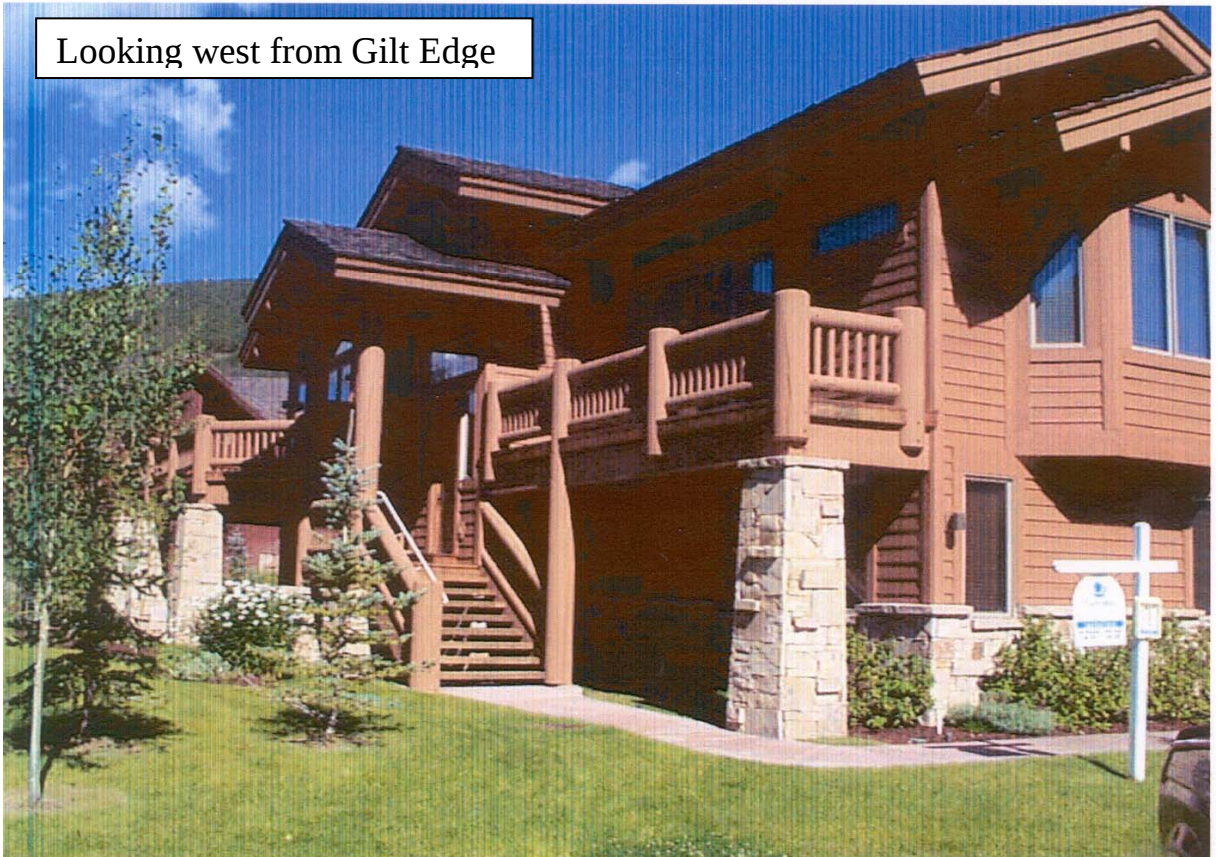


Exhibit A

Gilt Edge Circle

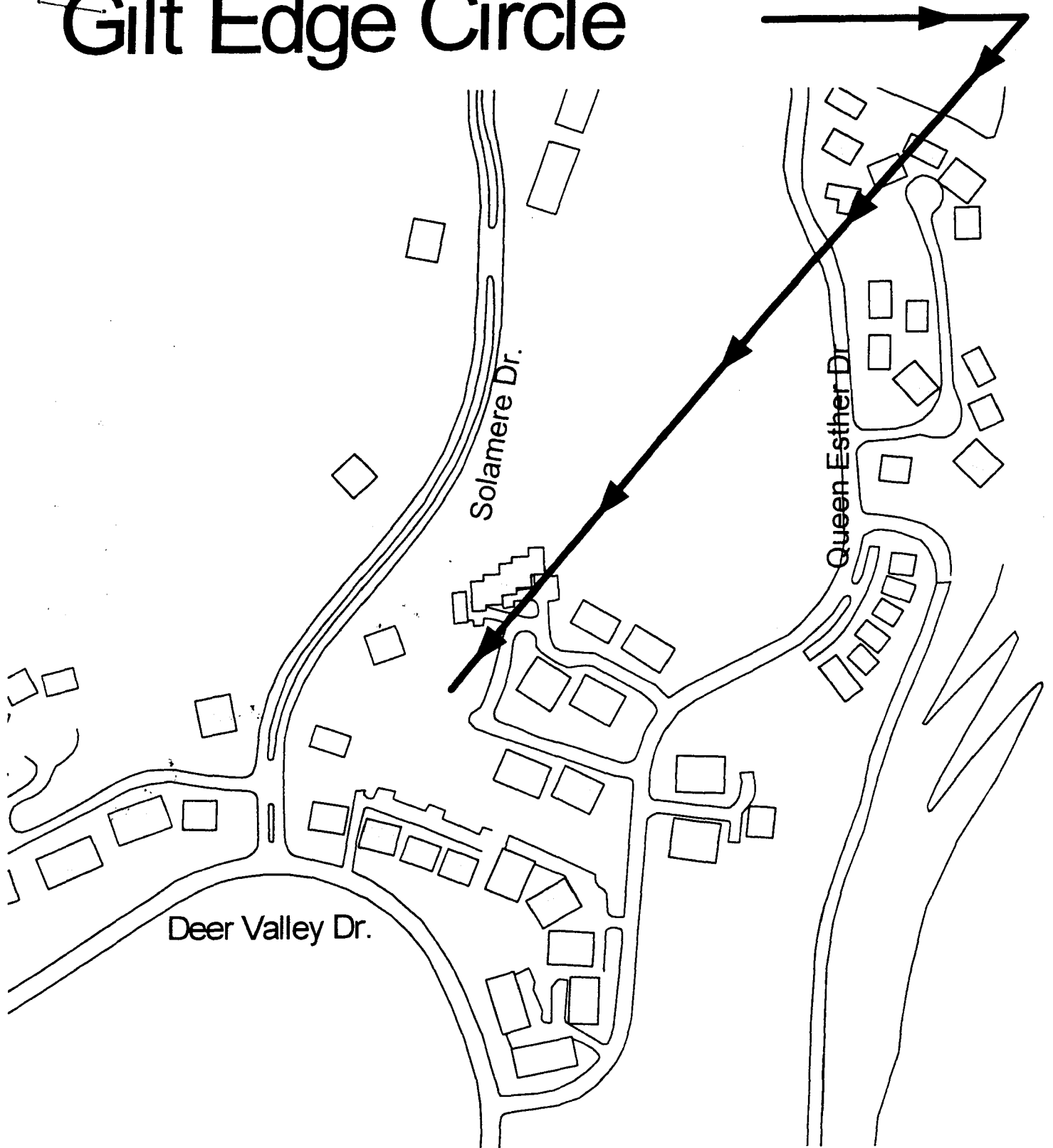
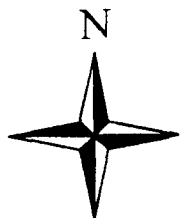


Exhibit **B**
Vicinity Map



Area in Question

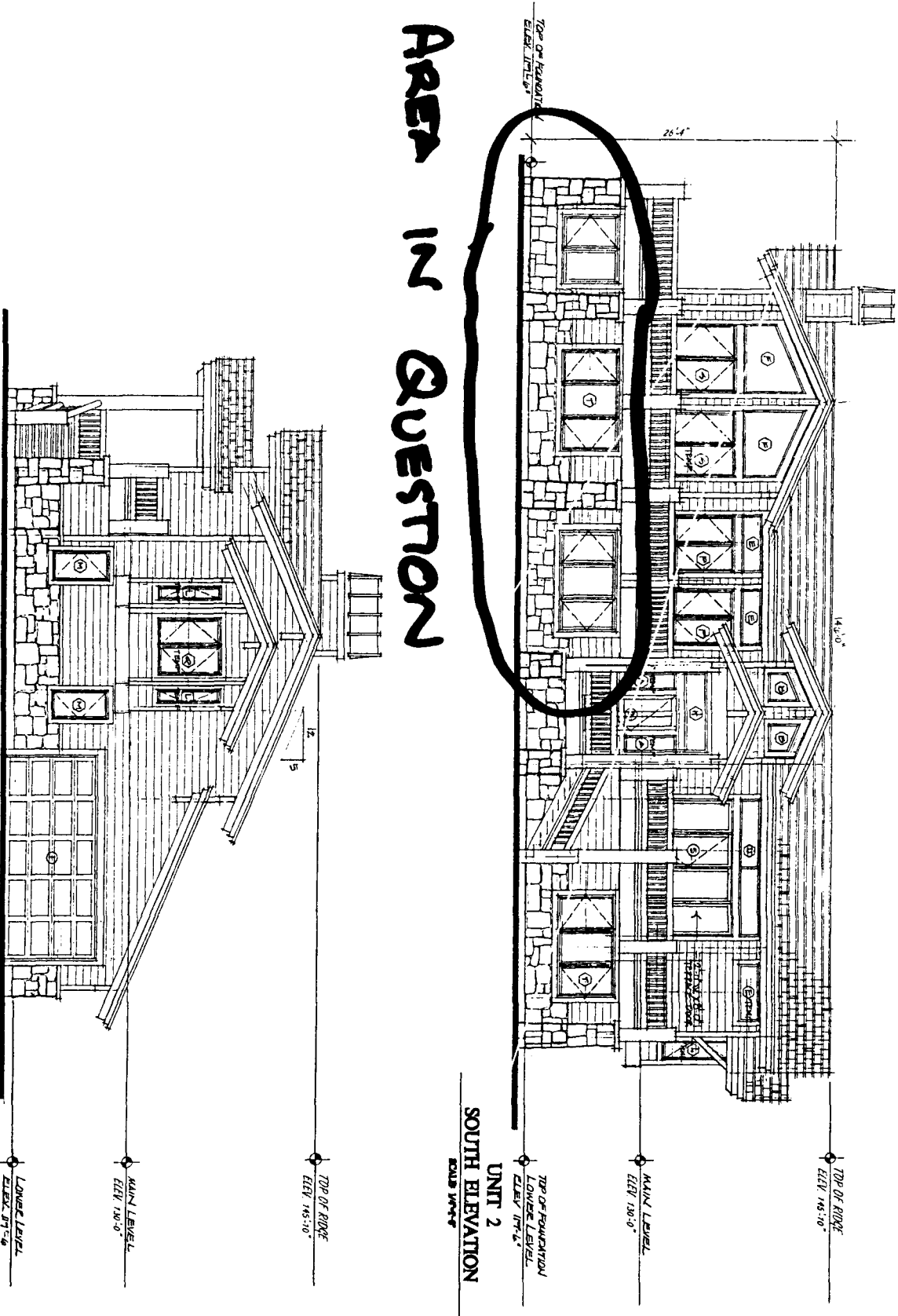


EXHIBIT C

ARROWOOD CONDOMINIUMS AT DEER VALLEY - AMENDED, UNIT 2 SOUTH & EAST ELEVATIONS				Evergreen Engineering, Inc.	
PREPARED BY: MR. TODD KERSHNER		DATE: 04/23/2010		224 Engineering • Local: Bountiful • Local: Provo 1740 Engineering • Salt Lake City • Salt Lake City • Salt Lake City • Salt Lake City • Salt Lake City 801-466-1001 • Fax: 801-466-1001 • Email: evergreen@evergreeninc.com	

AREA CONVERTED TO
PRIVATE

UNIT 2
LOWER LEVEL FLOOR PLAN

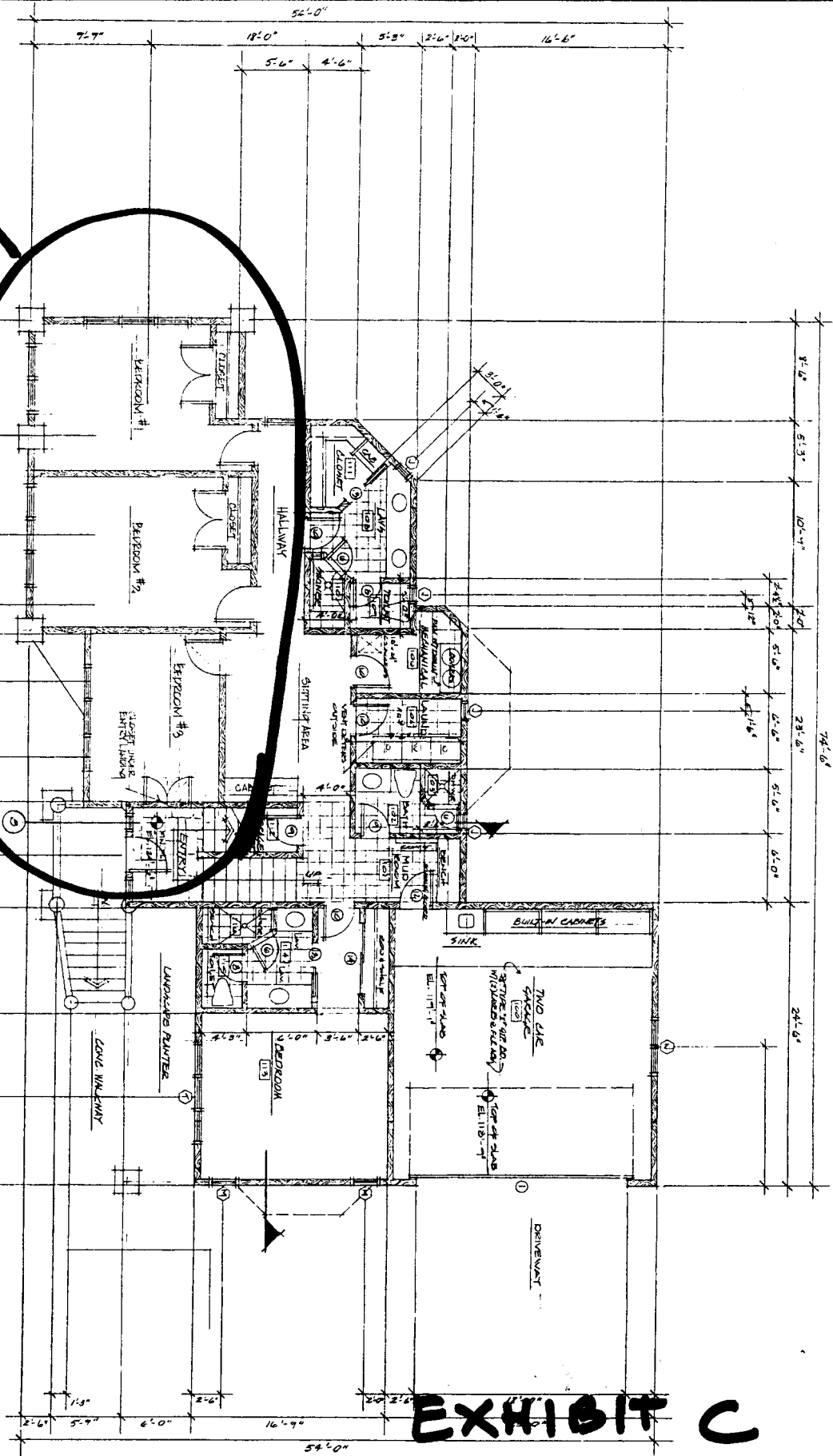


EXHIBIT C

ARROWOOD CONDOMINIUMS AT
DEER VALLEY - AMENDED, UNIT 2
LOWER LEVEL FL. PLAN

MR. TODD KEMMER

A-LWFO

NO. 002



DATE	BY	REVISION
		COMMENTS

Evergreen
Engineering, Inc.



Old Engineering • Land Surveying • Land Planning
1741 S. Main St. • Suite 200 • P.O. Box 200 • Port City • UT • 84050
(435) 468-0001 • Fax (435) 468-0002 • Email: evergreen-eng@earthlink.net

As a result of extensive testing, the authors have concluded that the use of a single, standard test, such as the *in vitro* release test, is not sufficient to ensure that a particular formulation will perform as intended in vivo. The authors have found that the *in vivo* release test is the most reliable method for predicting the performance of a particular formulation in the body. The authors have also found that the *in vivo* release test is the most reliable method for predicting the performance of a particular formulation in the body. The authors have also found that the *in vivo* release test is the most reliable method for predicting the performance of a particular formulation in the body.

[illegible]

1. NAME OF THE PARTY: REPUBLICAN PARTY
 2. NAME OF THE CANDIDATE: JOHN F. KELLEY
 3. NAME OF THE DISTRICT: 1ST DISTRICT
 4. NAME OF THE COUNTY: ALBANY
 5. NAME OF THE STATE: NEW YORK
 6. NAME OF THE CITY: ALBANY
 7. NAME OF THE TOWN: ALBANY
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[illegible][illegible]

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 200__

CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH THE CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 200__

DEED FILED _____

BY _____

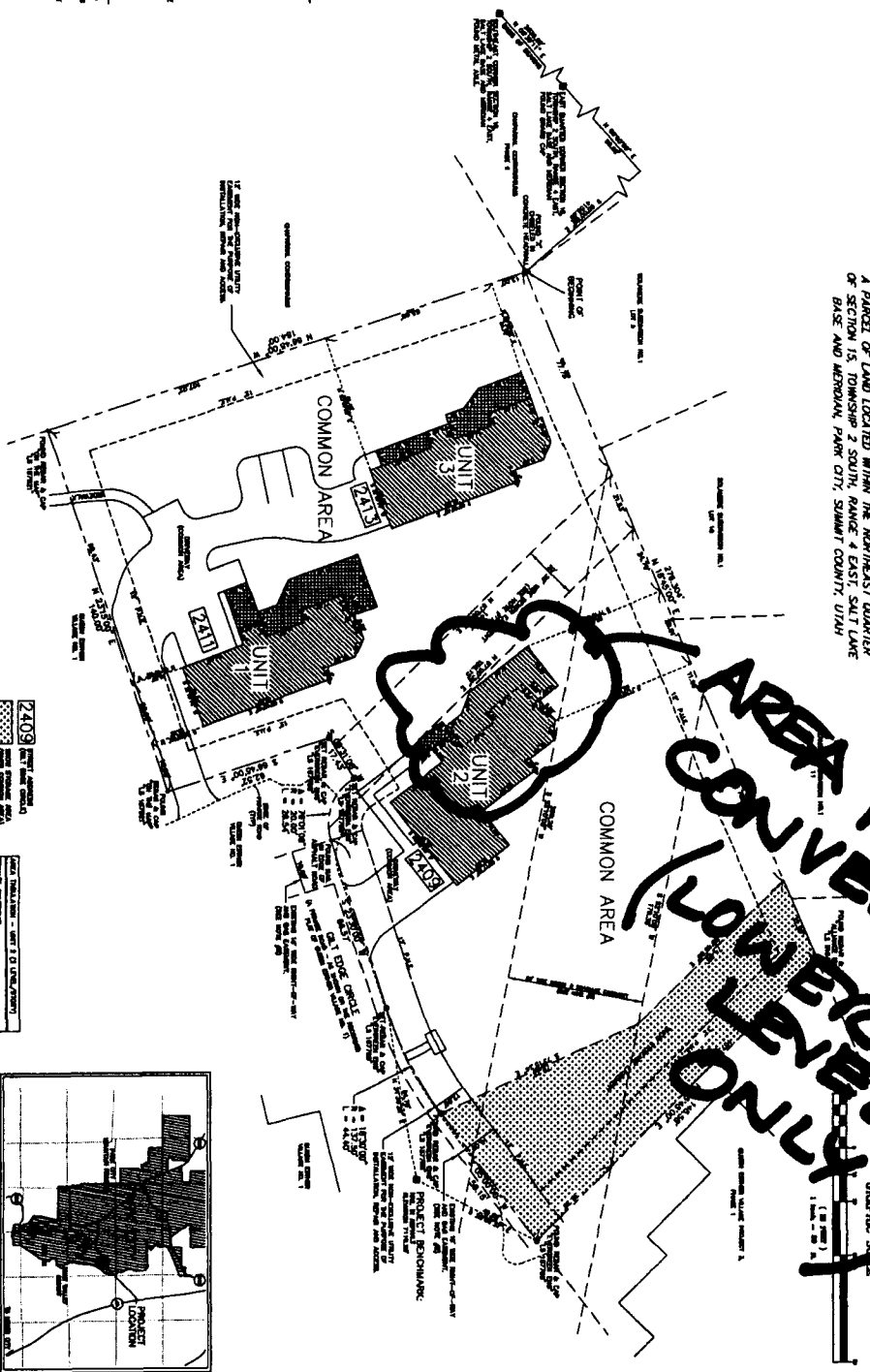
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BOOK _____ PAGE _____

RECORDED IN _____

BOOK _____ PAGE _____

RECORD OF SURVEY MAP
ARROWOOD CONDOMINIUMS AT DEER VALLEY
AMENDED - UNIT 2



EX. D

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY
PLANNING COMMISSION ON THIS _____
DAY OF _____ A.D. 200__

CLERK

CITY ENGINEER

CITY COUNCIL APPROVAL.

PRESENTED TO THE BOARD OF DAY OF
CITY COUNCIL THIS A.D. 200. AT WHICH TIME
THIS RECORD OF SURVEY WAS APPROVED.

MAYOR

CITY RECORDS

APPROVAL AS TO FORM _____
APPROVED AS TO FORM ON THIS _____
DAY OF _____ A.D. 200____
CITY ATTORNEY _____

RECORDED

IN _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF:

COUNTY RECORDER _____

SNYDERVILLE BASIN W.R.D.
REMOVED FOR CONFORMANCE TO
SNYDERVILLE BASIN WATER RECLAMATION
DISTRICT STANDARDS ON THIS _____ DAY
OF _____ AD 200____

87: _____
SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

**Evergreen
Engineering, Inc.**

Soil Engineering • Land Sampling • Land Planning
12911 Stonewall Drive • Suite 200
O. Box 2881 • Park City, Utah • 84060
Phone: 801-466-4887 • Fax: 801-466-7219
e-mail: evergreen-engineering@msn.com





WATER UTILIZATION - 1972 (2 LBS./GAL.)

FRESHWATER CONSUMPTION	
Land Use	Acres
Urban	1,000,000
Water	1,000,000
Land Use	Acres
Urban	1,000,000
Water	1,000,000

Donna and Keith Golan
Key West Beach Club, 1500 Atlantic Blvd. #409
Key West, Florida 33040

Home: (305) 294-7870 Office: (305) 292-3000 Fax: (305) 294-0909

Jonathan Weidenhamer, City Planner
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060-1480

August 5, 2004

RE: Notice of Public Hearing – 2409-Gilt Edge Circle

Dear Mr. Weidenhamer,

I am in receipt of the above notice. I object to any alteration of the property located at 2409 Gilt Edge Circle.

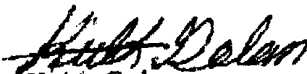
My objection is based on the settlement agreement filed in the Third Judicial District Court, Summit County, and Case No. 960300168 PR effective September 30, 1998. I am providing you with a copy of the part of the settlement agreement that I feel that applies.

None of the units in the Arrowood Project were to be larger than the largest QE III unit. As you can see from "Amended Exhibit "A", Units 35 – 40 are the original units in QE III. As stated in this exhibit, clearly Units 41-43 are larger. To add an additional 385 square feet would change the Undivided Ownership and change the number of occupants.

I object to the increase in traffic on Gilt Edge Circle that may be generated by this increased square footage. I am also concerned about the lack of sufficient parking should this unit square footage be increased. In addition, the extra number of occupants of this unit may create an undesirable noise factor.

The settlement agreement was made in good faith and both sides settled to the terms of the Settlement Agreement. Most of the units located on Gilt Edge Circle are smaller than those in QE III to begin with, and I believe this addition will not be in keeping with the small neighborhood atmosphere. These buildings already "dwarf" the surrounding buildings.

If you have any questions or need any additional information, please do not hesitate to give me a call at (305) 292-3000 during business hours and (305) 294-7870 after hours.


Keith Golan,

Owner of Unit 2434 Gilt Edge Circle

EXHIBIT E

Planning Commission Staff Report



PLANNING DEPARTMENT

DATE: August 11, 2004
AUTHOR: Jonathan Weidenhamer
TITLE: Quinn's Junction Study – Joint Planning Commission
Development Principles
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATION: The Planning Commission should formally adopt the draft Findings and Conclusions proposed and consider this the conclusion of the Quinn's Junction Area Study.

A. Topic

Project Location	Quinn's Junction (Intersection of Hwy 40 & SR 248)
Adjacent Land Uses	City purchased Open Space, City owned land, privately owned lands
Reason for Review	The Annexation Chapter of the LMC(Section 15-8-5(C)(14)) states that final approval by the City of the Quinn's Junction Area Study must occur prior to review of any annexation petition at Quinn's Junction.

B. Background

On July 18, 2002, Park City and Summit County passed a resolution to conduct a joint study on Land Use in the Quinn's Junction area. It was intended that the study be a collaborative public planning process, gathering input from all stakeholders involved, ultimately creating a plan complete with implementation strategies for the area. The consultant, LCA Town Planners, conducted a community charette in July 2003. The City and County staff has since synthesized the input and concepts that came out of the July 2003 charette. The attached principles and map represent an overview of the process.

During the recent budget cycle the City Council allocated funds to complete a recreation facility on City-owned land adjacent to the National Ability Center in the Quinn's Junction area. The parcel is located in unincorporated Summit County. The City Council has stated that they want the recreation complex to be processed through the City. To that end staff will be pursuing the annexation of this parcel in the near future. Additionally, the City has entered into pre-annexation agreements with 2 private landowners in the Quinn's area.

In discussions with the County regarding the recent development pressures in this area, both staffs' Planning and Legal Departments felt the timing is appropriate to complete the

joint land use study. Staff and the Joint Planning Commission sub-committees agreed the attached map, land use principles and development patterns best represented the agreed upon land-use principles of the involved stakeholders.

C. Analysis

The findings attached represent common development patterns that both Commissions agreed on. The findings are not intended to be a formal land use plan or to directly modify development codes. These findings represent a consensus of ideas for land use potentials for consideration in the Study area. These findings will be used as a basis for future General Plan updates and changes to Development Codes, and initial guidelines for evaluating future annexation requests. Annexations located within the Study area shall be found to be consistent with the findings and principles attached.

The attached findings and map were presented to the Snyderville Basin Planning Commission on July 27, 2004. Color copies of the map will be made available at the meeting.

RECOMMENDATION

The staff recommends that the Planning Commission formally adopt the Findings and Conclusions as proposed and consider this the conclusion of the Joint Quinn's Junction Area Study.

Exhibits

Exhibit A – Findings

Exhibit B – Supporting Map

Exhibit A

Quinn's Junction Study Joint Planning Commission Development Principles

Development Densities and Land Uses

1. Initial project analysis should commence with a review of property's base density, wetlands, slopes, wildlife areas, flood plain, etc.)
2. Consider density bonuses for preservation of key open spaces identified in the study area.
3. Density should result in significant public benefits that promote Park City's resort, recreation, tourism and resort-based, second home economy.
4. Highway service commercial / convenience retail and regional/big-box retail commercial will not be considered in/along the Highway 40/SR 248 corridor.
5. A site for institutional development will be considered in the study area with the potential institutional uses limited to: a hospital, educational facility, recreation / sports training facility, or an arts / cultural heritage / history based institution.
6. A limited expansion of the existing light industrial/incubator service commercial uses along the east side of Highway 40 should be considered. Said expansion should be clustered to the greatest degree possible to minimize sprawl and should include re-development / clean up of existing businesses, land use patterns, circulation, etc, that have been detrimental to the environment, aesthetics, or function of the area. Density incentives would be considered for preservation of key open space areas within the boundaries of the study, particularly those advancing the goals of the study for preservation of the 248 entry corridor. It should be noted that many of the above principles will be further specified by forthcoming amendments to the Snyderville Basin Development Code, which will more serve as the actual governing document for proposals including these types of uses in the study area.
7. Neighborhood Commercial uses will be considered in the Silver Summit area east of Highway 40 and a more limited (in use and overall density) neighborhood commercial node could be considered on the west side of Highway 40. Potential for expansion of these uses may be through density receiving mechanisms to be identified in forthcoming Development Code changes.
8. Recreation and Open Space will be the encouraged use in the Richardson's Flat area. The majority of this area is governed by and must be reviewed for consistency with the 1999 Flagstaff Mountain Development Agreement, which stipulates golf course, active recreation, equestrian and preserved open space as allowed uses.
9. Clustered residential development may be considered in areas indicated on the accompanying map of the study area and specified for base density. Initial evaluation of

density for projects in the study area shall be based on Summit County Base Density allowances as specified in the Code in effect at the time of application. The maximum density that will be considered in Base Density areas for projects complying with all preferred development patterns and principles will be limited to the densities specified for rural areas in the Summit County Development Code or where applicable the Estate Zoning provisions of the Park City Land Management Code. Code provisions in effect at the time of application will apply. Only potential receiving areas or the parcel identified for potential employee housing in the existing Flagstaff Mountain Development Agreement will be considered at higher densities.

Development Patterns

1. Cluster in identified receiving areas and around existing development maintaining consistency among uses.
2. Public preserved open space and recreation is the predominant existing land use in the study area. Clustered development should be designed to: enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas.
3. Apply Sensitive Land standards from City and County ordinances for all development design. This includes recreational and institutional development, which should incorporate and preserve important topographical features, natural areas and view sheds, and be of a scale and scope consistent with the primary goal of preserving the function and aesthetics of an important resort entry corridor. Planning efforts for projects in this corridor should continue to involve both City and County staff for input.
4. Large expanses of surface parking areas with high visibility from the entry corridor will not be allowed. Surface parking shall be buffered from the entry corridor and utilize existing topography for screening purposes whenever possible. Sub-surface and well designed structured parking will be encouraged whenever possible.
5. Preserve a substantial open space corridor through the study area.
6. New Development (including institutional and recreational) should be transit-oriented and linked to broader community open space and trail networks.

Quinn's Junction Area Plan

