PARK CITY MUNICIPAL CORPORATION PLANNING COMMISSION



CITY COUNCIL CHAMBERS

June 22, 2016

AGENDA

MEETING CALLED TO ORDER AT 5:30PM ROLL CALL ADOPTION OF MINUTES OF June 08, 2016 PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i> STAFF BOARD COMMUNICATIONS AND DISCLOSURES		
 CONTINUATIONS 263 Norfolk Avenue – A Conditional Use Permit proposing an engineering design of a shared driveway for Lots 1, 2, and 3 of the Upper Norfolk Subdivision that will service 3 future residences. The location of the proposed shared driveway is approximately 15-20 feet outside of the asphalt roadway, but within the 50 foot Norfolk Right of Way. Public hearing and continuation to July 13, 2016 	PL-16-03145 Planner Hawley	25
2392 Holiday Ranch Loop Road – Conditional Use Permit for a new well filtration building that if approved will replace the old well filtration buildings at Creekside Park in the Recreation Open Space (ROS) zone. Public hearing and continuation to July 13, 2016	PL-16-03198 Planner Hawley	26
1401 & 1415 Kearns Blvd., 1415, 1635, 1665, 1685, & 1705 Bonanza Dr., 1420 & 1490 W Munchkin Rd., – Bonanza Park North East Master Planned Development (MPD) Pre-Application determination in the General Commercial (GC) District. Project consists of a mixed-use development containing commercial space on the first floor and office or residential uses on the upper levels. Project includes surface parking and one level of underground parking. <i>Public hearing and continuation to date uncertain</i>	PL-15-02997 Planner Astorga	27
REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined</i> 632 Deer Valley Loop – Plat Amendment for the Lilac Hill Subdivision located at 632 Deer Valley Loop. <i>Public hearing and possible recommendation to City Council on July 14, 2016</i>		29
215 Park Avenue - Steep Slope Conditional Use Permit for construction of a new single-family home on a vacant lot. Public hearing and possible action	PL-16-03141 Planner Grahn	51
1385 Lowell Avenue Unit A1-com 7 – Conditional Use Permit request for an office in an existing building. Public hearing and possible action	PL-16-03132 Planner Hawley	81
7800 Royal Street East #16 – Condominium Amendment for Building E Unit 16 of Sterlingwood Condos. The amendment will change a current Common Area	PL-16-03110 Planner	107

staircase to Private Area in order to enclose it. Public hearing and possible recommendation to City Council on July 14, 2016	Hawley	
1000 Ability Way – National Ability Center Subdivision plat – to create one lot of record from a metes and bounds parcel. Public hearing and possible recommendation to City Council on July 21, 2016	PL-16-03140 Planner Whetstone	127
700 Round Valley Drive – Park City Medical Center Lot 8 Subdivision plat- to create two lots of record from Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat. Public hearing and possible recommendation to City Council on July 21, 2016	PL-16-03151 Planner Whetstone	179
Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding 1) standard of review for appeals and noticing,; 2) standard of review for applications with regard to the General Plan; 3) Steep Slope CUP applicability; 4) common wall development (in HR-1, HR-2, and CT Districts); 5) exceptions to building height and footprint for Historic Sites as valid Complying Structures in HRL, HR-1, HR2 and RC; 6) mechanical service, delivery, and loading areas (GC, LI Districts); 7) lighting requirements for reducing glare and landscape mulch materials; 8) specifications for barrel roofs; 9) require historic site information in MPD applications and review; 10) clarify review criteria to be met when making a determination of	PL-16-03115 <i>Planner</i> <i>Whetstone</i>	209

historic significance, 11) administrative corrections for consistency and clarity between Chapters such as noticing requirements; and 12) definitions for barrel

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roof, billboard, glare, and intensive office.

PARK CITY MUNICIPAL CORPORATION PLANNING COMMISSION MEETING MINUTES SANTY AUDITORIUM - PARK CITY LIBRARY 1255 PARK AVENUE PARK CITY, UTAH JUNE 8, 2016

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

<u>May 25, 2016</u>

MOTION: Commissioner Joyce moved to APPROVE the minutes of May 25, 2016 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Joyce reported that he would be out of town on June 22nd and would miss the next Planning Commission meeting.

Chair Strachan outlined the format for this meeting. Planner Astorga would give a brief presentation on the background of the Treasure Hill project. The applicant would also be given the opportunity to present the project. Public comment would be taken, followed by Commissioners comments. Chair Strachan noted that comments cards were also

available for those who were uncomfortable speaking and preferred to submit their comments in writing.

Director Erickson reported that the first item on the agenda were a number of LMC changes and corrections. Planner Whetstone had requested that this item be continued to the next meeting so the Planning Commission could devote their attention to the Treasure Hill project.

CONTINUATION(S) – (conduct a public hearing and Continue to date specified)

1. Land Management Code (LMC) amendments- Various administrative and substantive amendments to the Park City Development Code. Chapter 1- regarding procedures, appeals, extensions, noticing, stayed and continued applications, revised applications, and standards of review (for Conditional Use Permits, plats, and other applications); Chapter 2- common wall development process (in HR-1, HR-2, HCB, PUT and CT Districts), exceptions to building height (horizontal step and overall height) for Historic Sites, and consistent language regarding screening of mechanical equipment (GC, LI, and other Districts); Chapter 5- landscape mulch and lighting requirements reducing glare; Chapters 2 and 5- add specifications for height of barrel roofs; Chapter 6- include information about mine sites in MPD applications; Chapter 11- historic preservation procedures; Chapter 15- definitions for barrel roof, billboard, intensive office, recreation facility, publicly accessible, and PODs; and other minor administrative corrections for consistency and clarity between Chapters and compliance with the State Code. (Application PL-16-03115)

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

MOTION: Commissioner Joyce moved to CONTINUE the various administrative and substantive amendments to the Park City Land Management Code to June 22, 2016. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. <u>Parcel numbers, PC-800-1, PC-364-A - Treasure Hill Conditional Use Permit,</u> <u>Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master</u> <u>Plan.</u> (Application PL-08-00370) Planner Francisco Astorga requested that the Planning Commission review the history and development parameters of the Treasure Hill property, allow the applicant to re-introduce the project, provide direction to the applicant and Staff regarding the items outlined in the Staff report, conduct a public hearing and continue this item to July 13, 2016.

Planner Astorga reported that the applicant was the Sweeney Land Company and Park City II, LLC, currently represented by Pat Sweeney and Company. The site is the Creole Gulch and Mid-station sites, which are part of the Sweeney Properties Master Plan. The site is located in the Estate District with the MPD designation. Conditional Use Permits are required for development within this Master Plan, and Conditional Use Permits are reviewed and approved by the Planning Commission.

Planner Astorga noted that the Master Plan was approved by the Planning Commission in December 1985. It was called up by the City Council for review and in 1986 the Council approved the Sweeney Properties MPD with amendments to the maximum allowed building height in the Hillside Properties which consists of the Creole Gulch and Mid-station sites.

Planner Astorga remarked that the Hillside Properties are one portion of four different sites within the Sweeney Properties Master Plan. The other three sites have already been developed. The entire Master Plan approval consisted of 277 Unit Equivalents, which were allotted at 258 residential and 19 support commercial.

Planner Astorga stated that Creole Gulch is 7.75 acres with 161.5 residential Unit Equivalents and 15.5 support commercial UEs. Mid-station has 3.75 acres with 35.5 residential UEs and 3.5 support commercial UEs. He explained that a residential Unit Equivalent is 2,000 square feet. A commercial Unit Equivalent is 1,000 square feet. Planner Astorga reported that this Conditional Use Permit was submitted by the applicant on January 13th, 2004. It went through Planning Commission review from April 2004 through April 2006. It came back to the City for review and the Planning Commission reviewed it on January 7th, 2009 and the last time on February 10th, 2010.

Planner Astorga stated that from 2010 through 2014-2015, the City proactively engaged the applicant to explore additional alternatives and to negotiate as a buyer. The negotiations included several public updates, surveys and an open house; however, there was never a resolution to move forward.

Planner Astorga reported that the applicant has been meeting with the City to review and work on this application, and on April 8, 2016 the applicant submitted a specific letter requesting that the CUP come back to the Planning Commission for review.

Planner Astorga stated that the conditional use permit must be reviewed under the standards of review outlined in the Land Management Code. The standards require that the entire application complies with the LMC, that the use will be compatible, that the use will be consistent with the General Plan, and that any differences in use and scale have been properly mitigated. He noted that the 15 mitigation criteria in the LMC were outlined in the Staff report. The parameters and conditions of development were also outlined on pages 78 through 82 of the Staff report.

Planner Astorga noted that the Staff had created an outline of items to be discussed at each meeting in a specific order. This meeting addresses the history of the project, introduction of the proposal, and discussion of the review standards. The next items were broken into site specific components based on the mitigating criteria from the LMC. The Staff estimated that it would take three meetings to address those components. The third section for discussion were buildings; which could take an additional three meetings. The Staff anticipated that the discussion regarding operations and specific parameters take place in one meeting. The final meeting would be a wrap-up meeting that would be published in the newspaper and noticed to property owners within 300 feet. It would be the last meeting before the Planning Commission takes final action.

Planner Astorga reported that the Staff would like consensus from the Planning Commission regarding the anticipated review process as outlined. If the Commissioners would like the Staff to proceed with a different review process, they would welcome their comments.

Planner Astorga commented on various ways the public could provide public comment. They could attend the public hearings, they could send comments to <u>treasure.comments@parkcity.org</u>., they could visit the Planning Department and fill out a comment card, or they could mail a written letter to the Planning Department at City Hall.

David Bennion, an attorney with Parsons Behle and Latimer, stated that he was representing MPE, Inc., the applicant on the CUP application. Mr. Bennion introduced people involved with the project. He noted that Mike, Pat and Ed Sweeney were the MPE of MPE Inc., and they are also the owners of Sweeney Land Company. Mr. Bennion reported that Sweeney Land Company owns an undivided 50% interest in the property that is the subject of the CUP application. During the presentation he would refer to it as the Treasure Hill property. The other 50% was Park City II, LLC. Mr. Bennion introduced Steve Perkins, the land planner of the project; David Eldridge, the principle architect; and Rob McMann, the civil engineer. He stated that as appropriate during the meetings scheduled over the next several months, some or all of those individuals would be available to answer technical questions on the CUP application. Mr. Bennion also

introduced Jeff Mangum and Brandon Mark, partners in Parsons, Behle and Latimer. Sean Ferrin was another partner who was not present this evening but would be giving presentations at future meetings. Mr. Bennion clarified that he and his partners would be making the presentations on behalf of the applicant throughout the CUP process.

Mr. Bennion stated that he would be talking about the same points that Planner Astorga outlined in his presentation but with more detail. He noted that the objective this evening was to introduce the project and to provide a brief history of the Treasure Hill Properties, including the Master Planned Development. He would also give a brief history of the CUP application and the standards of review applicable to that application. With respect to the history of the project, Mr. Bennion intended to focus on the development rights associated with the project and the MPD that was approved by the Planning Commission in December 1985 and by the City Council in October 1986.

Mr. Bennion remarked that the Hillside portion of the Master Plan consists of just over 123 acres of land in Park City located on Treasure Hill, the historic hill west of Old Town, which he would refer to as the Hillside. In addition is the Town Lift Base and the Town Run portions of the master plan located on approximately three acres. In total the MPD included approximately 126 acres.

Mr. Bennion stated that most of the Hillside property was acquired in the 1970s by Jack Sweeney, the father of Mike, Pat and Ed Sweeney. The property is what allows skiing into Old Town and is the basis of the continued improvements of that skiing through construction of the Treasure Hill project. Mr. Bennion remarked that because of the property's location and zoning it came with already existing density and development rights pre-MPD. He explained that prior to approval of the MPD the various parcels that make up the master plan, including the Hillside property, were zoned Historic Residential (HR-1), Estate and Historic Commercial Business (HCB). Prior to approval of the MPD the density rights associated with a property allowed for 450 unit equivalents.

Mr. Bennion presented an image slide of what Treasure Hill would look like if the Master Plan property had been developed consistent with the rights of the property owners under the Park City Municipal Code before approval of the MPD. Treasure Hill would have been dotted with residential homes and criss-crossed with roads. Neither Park City nor the public wanted that result. Mr. Bennion stated that in the 1980s MPE Inc. and the representatives of Park city engaged in an extensive series of meetings to discuss and negotiate alternatives to the complete build-out of the master planned property, including the Hillside property. Those meeting ultimately resulted in the approval of the Sweeney Master Plan. Mr. Bennion stated that the intent this evening was to talk about the part of the plan that relates to the Treasure Hill property and the Treasure project proposed on that property. However, it is important to do so in the context of the overall master plan. Mr. Bennion remarked that the process that yielded the Sweeney Properties Master Plan is a classic example of a City and property owners working together to negotiate, compromise and ultimately agreeing on a plan that served the public interest and protected private property rights. He noted that the process included consideration of 11 different alternatives; eight of which were evaluated with respect to the hillside. The Planning Commission, the Planning Staff and the general public strongly favored a clustered solution to the development. The favored plan entailed: 1) reducing the total density from 450 to 277 UEs; 2) moving the vast majority of that reduced density off the hillside with the exception of seven residential lots; and 3) clustering the majority of the 277 UEs on 11.5 acres of land in the sites known as the Creole Gulch and the Mid-station. Mr. Bennion emphasized that the idea of clustering as opposed to a spread out development was the City's idea and not the Sweeney's.

Mr. Bennion presented a slide showing an excerpt from the December 18, 1985 Planning Staff report as revised when the City Council approved the plan in October of 1986. He noted that the language refers to the eight alternative approaches that were evaluated for development on the hillside. Mr. Bennion read from the excerpt, "The Staff, Planning Commission and General Public have all favored the clustering of development as opposed to spreading it out".

Mr. Bennion stated that through the Sweeney Master Plan Park City extracted substantial concessions from the owners to further the City's desire to have less density and a clustered development. For example, of the 123 total acres on the hillside, the owners consented to have 109 acres dedicated to open space for public use. Of the remaining 14 acres, an additional 11 acres were ultimately dedicated to open space under the MPD for a total of 120 acres of hillside open space. Mr. Bennion pointed out that over 40 of those acres were deeded outright from the Sweeney's to the City. Under the approved Sweeney Master Plan, 97% of the hillside is bona fide open space for public use. He noted that even within the 11.5 acres portion where the remaining reduced density was to be clustered, 70% of that 11.5 acres is dedicated to open space, and the CUP application meets that requirement.

Mr. Bennion stated that in addition to committing most of the physical property to open space, the owners gave up 173 unit equivalents of density for open space, which reduced the total UEs pre-MPD from 450 to 277. Of those 277 UEs, 216 were reserved for the 11.5 acre portion of the project in Creole Gulch and Mid-station. Mr. Bennion pointed out that the owners of the property gave up the right to build approximately 125 houses on the

hillside in exchange for the right to a clustered development on 11.5 acres at Creole Gulch and Mid-station with 219 UEs.

Mr. Bennion stated that other concessions that the City required of the owners under the MPD included the construction of over four miles of trails for the benefit of the public at no cost to the City or its residents. He noted that the Sweeney's, who are pioneers in the development of trails in Park City, built those trails 25 years ago after the MPD was approved. The public has had the benefit of those trails for over two decades. Mr. Bennion remarked that the City also required construction of a turnaround at the end of Upper Norfolk at no charge to the City or the residents, and required the grant of significant rights-of-way and utility easements for the benefit of Park City and its residents. He noted that one of those easements made possible the connection between Lowell Avenue and Empire, as opposed to have two dead-end streets. One of those easements provided the City with clear title to a portion of the Crescent Walkway. Mr. Bennion stated that those easements, and subsequently granted easements, again at no charge to the City and its citizens, also provide vital connection points for water pipelines that bring clean water to many residents in Park City.

Mr. Bennion stated that in exchange for the consideration that the owners gave to the City, the City agreed in the MPD to allow development of the hillside provided that the owners clustered the remaining reduced amount of density; 170 residential UEs and 19 commercial UEs on 11.5 acres. He reiterated that the Sweeney Master Plan was approved by the Planning Commission on December 18th, 1985 and by the City Council on October 16th, 1986. Mr. Bennion emphasized that this approval means that the owners have legal, vested, enforceable property rights under the Sweeney Master Plan.

Mr. Bennion stated that on November 12th, 1992, Jim Carter, the City Attorney at the time, explained the binding nature of the master plan approval. Mr. Bennion read an excerpt written by Mr. Carter, "MPDs under the City's Land Management Code are creatures of mixed parentage, being half the exercise of the City's regulatory authority, and half a contractual arrangement between the City and the applicant." Mr. Bennion noted that in 2009, Park City's outside Counsel, Jody Burnett, rendered his opinion that the owners have continuing vested rights, which are valid, and that as of 2009 the owners had already performed many of the obligations under the MPD. He read an except written by Mr. Burnett, "Based on my independent review of the City's records and relevant legal authorities, for the reasons more fully set forth below, I conclude that the Sweeney Master Planned Development has continuing vested right which are valid, and therefore, advise you to continue processing the pending application for a conditional use permit under the development parameters and conditions established as part of the original Sweeney MPD approval and the conditional use permit review criteria set forth in the Park City Municipal Code". Mr. Bennion stated that Mr. Burnett went on to explain, "Although I view this

primarily as a vested rights issue, my conclusion is further supported by the partial performance on the part of the Sweeney's of what might be characterized as quasicontractual elements of the original MPD approval in the form of the rezoning of a substantial portion of the Hillside area to recreation open space, the imposition of deed restrictions for the purpose of long term preservation of open space, the granting of easements, the dedication and construction of trails, etc. Such activities might also be characterized as establishing the elements of an equitable estoppel theory based on the notion that the applicant has substantially changed their position in good faith reliance on affirmative action by the City in the form of the original MPD approval". Mr. Bennion clarified that the City induced the owners to give Park City millions of dollars worth of property rights in exchange for the rights that the City gave the owners under the Sweeney Master Plan. He noted that the City did not take the Sweeney Master Plan lightly and it undertook the process with careful diligence and exhaustive analysis.

Mr. Bennion reiterated that the fundamental element of the MPD, which is the clustering of the reduced density of the hillside into 11.5 acres at Mid-station and Creole Gulch was the City's brain child. When the Planning Commission and the City Council approved the MPD, they did so with the Staff's express finding that the Treasure project could be achieved under the LMC in effect.

Mr. Bennion stated that in the December 1985 Staff report which was revised in 1986 for the City Council, the Staff made the following finding: "The site planning standards are set forth in Section 10.9(G) of the Land Management Code have either been satisfied at this stage of review, or practical solutions can be reasonably achieved at the time of conditional use review approval. Mr. Bennion remarked that under the master plan, each parcel that the City agreed the owners could development were subject to a conditional use permit application. To meet that requirement the applicant submitted the current CUP that was under review this evening. Mr. Bennion noted that the current application was the subject of pre-application conferences, including a fire protection plan that was approved on January 9, 2004. The formal CUP application was filed on January 26th, 2004, and the first public hearing occurred three months later in April of the same year. Since that time there have been periods of intense public activity and periods of behind the scenes activity while the applicant performed additional work at the request of the City, and/or while the City and the owner evaluated various alternatives to development of the Treasure project at the City's request.

Mr. Bennion stated that all of the time and money spent by the applicant in refining the application and exploring various alternatives have brought them to where they are this evening. He pointed out that multiple alternatives have been explored and various ways of looking at this project have been evaluated by the owners and the City. The current CUP is the best plan for proceeding to achieve the development consistent with the approved

Master Plan. For that reason the applicant would like to present the details at future meetings, discuss it with the Planning Commission, and answer their questions.

Mr. Bennion remarked that the condition of the Master Plan approval was that the applicant comply with the MPD and Park City's adopted Codes and Ordinances with respect to site development pursuant to the CUP process. He noted that the standard of review applicable to a CUP application is set forth in Utah Code 10-9a-507, which reads, "A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use". Mr. Bennion stated that their goal over the next several meeting is to demonstrate to the Planning Commission that every condition applicable to the CUP application is satisfied, that the application avoids or reasonably mitigates any adverse impacts that the project may have on Park City and its residents. Mr. Bennion asked the Commissioners to keep in mind the Statutory Standard that he read. The applicant is required to mitigate, not eliminate, adverse impacts. He was confident that as the Planning Commission considers the details of the application and as the applicant answers their questions with respect to the substantive elements of the project that the Commissioners would reach the conclusion that the CUP application complies with the Master Plan and all applicable codes. He was also confident that given the development rights previously granted under the Sweeney Master Plan, the project as designed meets the compatibility goals of the Master Plan and will be a great addition to the economic strength of the City, and will facility better ski integration between the Resort and the City.

Mr. Bennion noted that the Staff and the owners have discussed a tentative plan for addressing the CUP criteria in an orderly sequenced manner over the next several months as outlined by Planner Astorga. Mr. Bennion hoped the Planning Commission would follow the proposed schedule as much as possible to avoid rehashing the same issues in different meetings.

In conclusion, Mr. Bennion reiterated that the owners have legally vested property rights and they gave up millions of dollars of property in exchange for the promises that the city made in the MPD, that they could build this project on the 11.5 acres and cluster the reduced amount of density from the hillside into those, into that particular site. Mr. Bennion stated that the owners were asking the Planning Commission to honor that agreement. They understood that this current Planning Commission did not create the MPD in 1985 and that the winds have changed and politics circumstances have made the times different. However, a deal is a deal and the Sweeney's and the other owners of the property have met their part of the deal. They ask that the Planning Commission honor the deal that the City made when the Master Plan was approved. He asked them to keep in mind that if the City chooses not to honor that deal there will be consequences to all parties involved. Mr. Bennion asked them to remember that when the City became the beneficiary of all the concessions that the owners gave in connection with the Master Plan, the City stated unequivocally in the Finding from the Planners that practical solutions could be reasonably achieved and found so the CUP application could be granted.

Mr. Bennion believed that the best solution for Treasure Hill is to allow the project to go forward as envisioned in the CUP application, and they looked forward to working with the Planning Commission over the next several months.

Planner Astorga reported that the Planning Department received four written public comments as of 5:00 p.m. on Thursday, June 2nd. Since then they had received another ten or more email comments. Since this item would be continued, the Staff decided not to send the comments to the Planning Commission; however, they would all be placed in the next Staff report. Planner Astorga stated that the Planning Department would create a folder for all of the public comments and put it on the City website @parkcity.org. The Commissioners could access those comments at any time and the Staff would not have to include them in every packet.

Chair Strachan opened the public hearing.

Frank Janger, a local resident, stated that during the presentation it was mentioned that seven units would not be clustered. He wanted to know the acreage involved for those seven units. Secondly, Mr. Janger understood that the problem was not so much with the actual units but rather the traffic that would result from the additional units. Lastly, Mr. Janger wanted to know the projected selling price of the units.

Brian Van Hecke stated that he was with THINK, Treasure Hill Impact Neighborhood Coalition, which consists of 500 members who are concerned about the future of Treasure Hill. Mr. Van Hecke commented on the time span since this project came before the Planning Commission and the fact that many of the Commissioners were new. He pointed out that they were starting again with the exact same Treasure Hill proposal that was previously presented to the Planning Commission. It is the same basic monstrosity that had some many issues and seemed destined for denial. Mr. Van Hecke was disappointed to be back here under these circumstances after previous meetings were halted. He noted that the City agreed to stop the ongoing Planning Commission process in 2009 when those meetings and the Sweeney CUP seemed to be going nowhere. The City agreed to negotiate in good faith essentially rendering the City Council powerless in any future reviews of this proposed development. However, the citizens had faith that the Sweeney's and the City would do the right thing and find a compromise in the best interest of the owners, the City, and the citizens of Park City. Mr. Van thought it was clear that the Sweeney's have no interest to do what is best for the City, and their sole focus is about the development of Treasure Hill and the overall return on investment. Mr. Van Hecke stated

that their initial concerns were validated when the Sweeney's asked for nearly \$100 million dollars in the total buyout. That amount was well above any reasonable appraisal at that time. Mr. Van Hecke remarked that the Sweeney's have not presented a reasonable recent proposal and certainly do not have Park City's best interest in mind. The applicant and their outside investors have returned with the exact same proposal. There have been no changes, no compromises, and it appears they paid no attention to the issues that were raised during the previous Planning Commission meetings. Mr. Van Hecke stated that their proposal did not work then and it certainly does not work not. He believed the Sweeney's were holding the City hostage based on an agreement that was done in the mid-1980s. He pointed out that much has changed since then and he believed the City Council and the Planning Commission probably had something like the Yarrow in mind when they issued their ruling in the mid-1980s. He was certain they never envisioned anything close to the 1.2 million monstrosity being presented today. Mr. Van Hecke stated that the back of house space calculations allocated for a conference center, retail spaces, restaurants, etc., were likely never envisioned as part of the original agreement and should not be allowed. He believed there were many significant issues with this project per the 15 CUP criteria. The ones that were discussed last time were documented and need to be revisited. Major issues such as traffic, safety, massing, density and the overall fit within the Historic District were never fully resolved. Mr. Van Hecke stated that the first issue is size and scale. He questioned how this project could ever meet the strict Historic District Codes and the compatibility guidelines of the LMC and the General Plan. Environmental issues were never discussed and definitely need to be discussed this time. He thought a soil and EPA study needs to be commission to fully evaluate the toxic materials and potential water issues. Mr. Van Hecke stated that they should not rush the process because it is important to make sure they get all the facts and conduct all of the necessary studies. He thought a new traffic study should also be commissioned because many things have changed since the last study and Park City continues to grow. He suggested that the traffic study should also factor in any future development that might be proposed at the base of Park City. Mr. Van Hecke noted that road safety was another issue that needs to be addressed in conjunction with this project.

Mr. Van Hecke stated that the Sweeney's may have property rights, but the citizens of Park City also have rights. If approved, the proposed Treasure Hill Development would significantly change Park City forever and have a detrimental impact on the quality of life and the historical integrity of their town. He asked the Planning Commission to closely look at the pictures that show this development and the massing scarring in the hillside. Mr. Van Hecke remarked that the Planning Commission has the power to do the right thing. In the interest of the long-term vision of Park City, he hopes they will protect their rights and the historical integrity of Park City. Mr. Van Hecke stated that the goal of THINK is to protect and preserve what makes Park City a truly great place and a special place to live. If this project is approved, Park City will no longer be that historic place that they all love. Treasure Hill will likely ruin Park City and the fabric that is Old Town. He asked that the City not let this proposed monstrosity be their legacy. The legacy should be that they did the right thing by finding a way to protect and preserve Treasure Hill from development forever.

Owen Weinman stated that the proposed Treasure Hill project did not comply with the Land Management Code criteria for many reasons; primarily size and location. He noted that the Planning Commission's 1985 SPMP approval consisted of 277 unit equivalents, including 258 residential and 19 unit equivalents worth of support commercial space on 123.59 acres. Mr. Weinman pointed out that the 277 unit equivalents equal just over 400,000 square feet. The current proposal is over 1 million square feet, which is a clear violation of the approval. This is in addition to the long list of harmful impacts that comes with this proposal because of its location on the mountainside in Historic Old Town, and they all violate the Land Management Code criteria. Mr. Weinman stated that his family has lived in Park City for over 25 years and they have been active members of the community. His parents were married in Park City and he and his brother were raised in Park City. Over the last 25 years they have fought for the things they believed would make the town better and fought against anything that would have a negative impact. Mr. Weinman stated that the Treasure Hill project as proposed is a monstrosity and something he was fighting against because it would forever irreparably change this unique and amazing community for the worst. Over the years the citizens have seen development spread around them like a disease and constantly assaulting the historic integrity of Park City and chipping away at their view sheds, natural surroundings and their quality of life. Mr. Weinman remarked that it is impossible to be so vigilant to attend every meeting and to speak out on every proposed development or application that comes to City Hall. However, they do have a duty as citizens to stay as informed and engaged as possible. They also have the duty to speak out and tell the City officials when they see something wrong. He stated that Treasure Hill as proposed is such a vast size, scope and potential destructive impact that this monstrosity demands the community's full attention and full opposition before it is too late. Mr. Weinman stated that he and many of his neighbors are very concerned about the Treasure Hill project as proposed. What was envisioned and approved in the 1986 Master Plan was not the project being proposed today. The cuts in the hillsides are grossly in excess of what anyone visualized would take place on this site. He noted that the MPD also contemplated stepping buildings in to the hillside. The average height was to be 40 feet or less. Some of the proposed buildings in the current application appear to be at least 100 feet tall. Grading, erosion control, and site disturbance are all referenced in the 1986 Master Plan. Mr. Weinman remarked that the sheer volume of material is staggering, much of which would dangerously rumble down Empire and Lowell Avenues.

Mr. Weinman also had concerns with the commercial development component of the project, which in the past was planned to be only for the residents of Treasure Hill development. He noted that the commercial and convention portion of this project has grown way behind what anyone had planned for. The project was not supposed to generate additional traffic on Empire and Lowell Avenues and increase commercial activity. He could not see how convention space and large amounts of commercial space located next to Empire and Lowell fulfill that aspect of the MPD. Mr. Weinman stated that the Sweeney family was bringing back the same proposal again. This is the third time they have come back to the City with the same proposal with no reductions or attempts to meet the original approval, which he believed was excessive to begin with. The applicants keep returning to City Hall always wanting more. He asked if the Sweeney's care enough about this community to come together and to work together to come up with a solution that is good for the future, and guarantees a Park City that retains its incredible and unique character and identity for its children and the future of this great community. Mr. Weinman pointed out the words used in the applicant's presentation such as "a deal is a deal", "there will be consequences". Mr. Weinman stated that his father was in the very first Leadership Park City class and they went to Lake Tahoe. Both of the State Legislators of California and Nevada worked together to protect and preserve the most precious thing that they shared which is the health, clarity and vitality of the waters of Lake Tahoe. When they left Lake Tahoe they all agreed that Historic Old Town was so precious, unique, and irreplaceable that it must be diligently cared for and protected. It was handed down to them and they need to make sure that this cherished legacy will be handed down to future generations. Mr. Weinman stated that he is one of those future generations and the Planning Commission has the power, the authority and the right to deny this application and they must.

Bill Humbert, a Park City resident, had a different perspective. He noted that the Sweeney family has rights to that land up there. He was not prepared to make judgments of what those right may end up being; however, they have made concessions to the City. Mr. Humbert referred to a previous comment about the winds of change and he believed it was an important fact to consider. He stated that times have changed since the agreement was made in the 1980s and times have even changed since 2004. The building were not built in any of those years and the applicant was asking for approval. Mr. Humbert believed that 1 million square feet was way too much. He hoped that the Sweeney family and the City would be able to come to some consensus as to what is the right amount. Mr. Humbert stated that since he moved to Park City in 2009 there was a very important meeting on Save Our Snow. He wanted to know what kind of impact a 1 million square feet under roof would have on the ambient temperature on the lower part of those mountains. He wanted to know about the carbon footprint and whether the buildings would be solar powered. He asked about the EPA impact. Mr. Humbert favored the idea of clustering. However, too much clustering takes over what was there before. Mr. Humbert thought the presentation

by the applicant was going well until he heard the words, "there's going to be consequences", and that bothered him. Everyone knows there will be consequences and they do not need to be reminded. He cautioned the applicant not make threats because it makes it difficult to build consensus with people. Mr. Humbert believed that eventually there would be some consensus and they would do what was right. He also thought Sweeney family wanted to do what was right and this was their opportunity to live up to the community's expectations.

Scott Carr, a full-time resident, stated that he moved to Park City four years ago from Europe. He had been coming in and out of Park City for a long time before that. He understands its history and has an affection for the City and its heritage. Mr. Carr thought the previous speakers made excellent points, and he had his own comments and questions for the Planning Commission and the applicant. He understood that an agreement was made to develop that area. What is proposed today may not be the best solution, but there was an agreement and they all need to work together to achieve the right development for the applicant and the City so everyone benefits. He believed the project would be worse if people are unwilling to compromise or find solutions. Mr. Carr noted that it was mentioned during the presentation that several alternatives were looked at and he was curious to know what the alternatives were and why they were discounted. He also wanted to know who had reviewed the alternatives and who made the decision to discard them. Mr. Carr remarked that during the presentation the applicant had said that the current proposal was considered to be the best. He asked if it was considered to be the best by the applicant or because of the compromise that was made between the City and the applicant. He requested that the next presentation include those details; otherwise it is left to interpretation. Mr. Carr pointed out that during the presentation the applicant indicated that the clustering was requested by the City. He asked if the Sweeney family agreed at the time that clustering was the best solution, or whether they were pushed into something they preferred not to do. Mr. Carr noted that people talk about this being a monstrosity, but when everything is clustered together it forces buildings to go up and creates mass on the mountain. In his opinion, if the development was spread out and the buildings were lower and hidden more into the hillside, the project would look less obtrusive. Mr. Carr asked if there was a possible solution for less clustering and to spread the development out a little more. He remarked that it costs millions of dollars every time the applicant has to redesign something because the City wants it another way. He thought there needed to be some consideration from the public and the Planning Commission to give a clear path forward so the applicant could put together a proposal that meets the demands of the City without it being shifting sands. Mr. Carr thought it was unfair for the City to agree on something one day and then ask the applicant to invest more money to change it. Mr. Carr asked what the current Planning Commission and the applicant believed was the best solution for this project today.

John Plunkett, a 25 year resident of the Historic District, commented on the presentation given this evening. The point was made that the open space was a gift to the City. Mr. Plunkett agreed that while that may be true, it was also a necessary economic investment to create the ski resort that would give value to this development. He believed it was a selfserving gift and a key part of the real estate investment strategy. Mr. Plunkett referred to the comment that the master plan was approved 30 years ago and the applicant only wanted to build the master plan. He noted that the original master plan was about following the grade of that mountain and there were various heights above natural grade. The biggest change from 30 years ago to now is cutting the mountain open 100 feet down to create a very large flat building pad for a Miami Beach style hotel development. Mr. Plunkett pointed out that if they come down 100 feet or more down the mountain they are able to build up 75 feet below natural grade and then another 30 feet above natural grade, creating absurd 10 story buildings. It was a way to get around the natural grade requirement and he hoped the Planning Commission would not support it. Mr. Plunkett referred to the four review principles outlined in the Staff report to look at the history, the site, the buildings and the operations of this project. Mr. Plunkett proposed a fifth review principle, which was to look at this project through the lens of Park City's General Plan. He referred to an excerpt from the Introduction of the General Plan. The General Plan is the guiding document for Park City. It is the blueprint for the future of the City. The Park City General Plan is composed of four sections: Small town, Sense of Community, Natural Setting, Historic Character. The Introduction concludes with language, "If we build according to the plan the town of today will be recognizable to those who live and visit here in 25 years. They will say that Parkites of 2013 held their ground and protected their local historic heritage and architectural resources in a manner that is still relevant to the future. Park City will be a town with resorts and not just a resort town." Mr. Plunkett concluded with language from the second volume of the General Plan, which was divided into the various neighborhoods of town. Old Town is neighborhood six. He read from 6.1 in the General Plan, "Infill and new additions should be compatible in the neighborhood context and subordinate to existing historic structures. New development must fit within the historic context while meeting the needs of the residents. The City must define the basic framework of our neighbors, looking to historic development to determine the traditional configuration of blocks and streets, building orientation and siding, mass and scale". Mr. Plunkett read from 6.2 - Old Town. "To maintain local, state and national historic district designations the City must prevent incompatible infill. The roads through Old Town tend to be very narrow and should be maintained as such. That is part of the character of this district. The impact of cars should be reduced in this district."

Bart Bodel, a resident on Norfolk Avenue, wanted to go on record to ditto the comments that have been made. He stated that living on Norfolk and having to endure all of the surrounding construction it is impossible to get around. He could not imagine the construction impacts that would be created by this development. Mr. Bodel stated that he

was interested in seeing how the Planning Commission plans to address that issue to maintain safety on the streets where he rides his bike and the neighborhood kids and pets run around. Mr. Bodel warned the Planning Commission that the citizens would keep coming to these meetings, and as the process evolves he anticipated that they would see more and more people attend. Mr. Bodel found it ironic that he is not allowed to extend his deck five feet but the City would allow this development to occur.

Lisa Wilson asked if back of house is a vested right. She understood that the Sweeney family has a vested right for approximately 400,000 square feet, but she wanted to know if the 600,000 square feet for back of house was a vested right. Ms. Wilson asked the Staff to address that question in the next Staff report.

Dana Williams, the former Mayor of Park City stated that he was involved in this project for a very long time. He was pleased that Commissioner Strachan was still on the Planning Commission because he was the only Commissioner who was here for most of the previous discussions and his institutional memory will be helpful. Mr. Williams stated that when the City entered into discussions with the applicant and pulled the project from the Planning Commission, they entered into the negotiations with all good faith and always assumed they could come to terms. He clarified that the City did not want to see the developer walk away from the process again, and they definitely did not want to see Treasure Hill come back to the Planning Commission in front of new Commissioners to repeat the process. Mr. Williams stated that they entered negotiations very confident that they would be able to work out a deal. Unfortunately, that was not the result. Mr. Williams remarked that one of the things that he and others regretted in their tenure in service was that they did not get the project finished. He pointed out that one reason for trying to come to some agreement with the developer was to avoid having to get attorneys involved. He believed as time goes on the Planning Commission would learn more about the process that occurred between the City Council and the developer.

Mr. Williams did not disagree with the applicant's presentation; except that the vesting was the UEs and it only applies to the 400,000 square feet. He thought it would be incumbent upon the Planning Commission to review the LMC from 1985 when the MPD was approved. He agreed that there were gray areas, but if it does not give the right answers as to the size and scope envisioned by the people who made the agreement, they could look around at what was developed around 1985. One project was the Yarrow where the back of house square footage was ancillary and it was not the predominant feature. As evident with the Montage and the St. Regis, back of house has become a large part of these projects. Mr. Williams did not believe that was intended when this master plan was approved in 1985.

Mr. Williams stated that the LMC also talks about reasonable conditions of approval. He believed the Planning Commission was one meeting away from realizing that there were not reasonable conditions of approval when the City Council stepped in and began negotiations with the applicant. Mr. Williams thought they could agree that the vesting rights are there and could not be argued. However, they could discuss placement and the back of house square footage associated with this project. He thought it was time to get creative and to look at available options. Mr. Williams stated that in reviewing this project again, he noticed that there was no mention of environmental reports. There are piles that need to be tested and a mitigation plan could potentially be another conditional use permit.

Mr. Williams stated that during his tenure, anytime someone issued a threat all conversations stopped and he would suggest that they go see the City Attorney. He remarked that opening the dialogue this evening with a veiled threat and a quoted threat in the newspaper this morning was very disingenuous and he was quite upset by it. Mr. Williams believed there was a lot to look at and consider over the next year, but he also believed there was a solution that is based on trying to determine what was intended when this project was originally approved.

Alex Stoy, a Park City resident, thanked the Planning Commission for their services. He stated that he is a landscaper and he has to work in Old Town. It is a process and he feels the pain of developer. He thanked the Sweeney's for the open space and the money they donate to the Park City community. Mr. Stoy dittoed all the comments from other speakers. He was they could reach an agreement and something appeasing, functional and something that benefits why they all live in Park City. He found it disconcerting that out of a community of 7,000 people only 100 people came this evening. He hoped they could get more people involved and to express how they feel about this community.

Ed Parigien, an Old Town resident, stated that he could not cite chapter and verse about the LMC and the General Plan, but he understood capitalism. What he sees is treating all of the locals like dollar bills. The locals would not be using Treasure Hill and it would only be for visitors. Mr. Parigien remarked that the Planning Commission has the power to stop this development and to keep from ruining the land. He remarked that these people are not locals and they do not care about the locals who live there. He urged the Planning Commission to do everything within their power to stop this monstrosity.

Gary Knudson stated that he moved to Park City in 1961 and he lives on Empire and Manor Way where Empire comes down. He noted that people cannot drive through the resort parking lot during the ski season and everything comes down and converges where he lives. Mr. Knudson asked if it was possible to widen the road or to find other routes besides Lowell and Empire. Since the Resort would benefit the most from this development and he suggested that the Resort give up some land for a road or another route. Mr. Knudson believed there were alternatives for taking the impact off Lowell and Empire. He was unsure how the businesses would be affected, but it was clear that the residents on Lowell and Empire would definitely be affected the most. Mr. Knudsen hoped they could find a plan that is beneficial to both parties. He was not interested in seeing a fight because in that case nobody wins.

Jim Tedford stated that he initially arrived in Park City in 1963. He lived in Park City for 13 years and has been in and out since then. Six years ago they decided to make Park City their home. Mr. Tedford remarked that for the last four years he has been involved with a group called Preserve Historic Main. For four years they fought to get an appropriate building added to the Kimball Arts Center. They saw several renditions over the years, all of which did not fit on Main Street. Yesterday he attended a meeting where the latest developer presented a plan that represented real compromise. It has come a long ways in four years and after a number of developers. Mr. Tedford believed this shows what can be done if a developer really cares about Park City, and that they can come up with a plan that is feasible to build. He encouraged the developers of the Treasure Hill parcel to come up with a project that really fits in Historic Park City, because the current proposal does not fit. Mr. Tedford thought the previous speakers made good comments and he ditto's all of them. He encouraged everyone to work together because it can be done. The plan he saw for the Kimball corner has come a long and it looks very good.

Chair Strachan closed the public hearing.

Chair Strachan noted that this would be a long process before the Planning Commission would be ready to vote for an approval or denial. He appreciated the comments and he urged the public in the future to watch the agendas for specific issues that would be discussed at that particular meeting. Public comments should be tailored to those agenda items. Chair Strachan stated that it is not helpful to the Planning Commission when a group of people express dislike for a project and ask for denial without giving evidentiary or Code based reasons. As the process moves forward he encouraged everyone to stay involved and to continue to attend meetings because the Commissioners look to their input for guidance and evidence.

Chair Strachan stated that a primary issue is the schedule and agenda items for each meeting. He asked Planner Astorga to point out any differences between the applicant's schedule and what the Staff has proposed.

Planner Astorga referred to the scheduled on pages 83 and 84 of the Staff report and asked the Planning Commission for their thoughts. He noted that the Staff chose to discuss specific items for each meeting in the proposed order because many of the sections and mitigators of the conditional use permit are related. Planner Astorga stated

that for purposes of this meeting the Staff left the order as listed in the conditional use permit. He was not concerned about the grouping because it would come naturally. For example they will have to look at traffic, circulation and parking at the same time. Planner Astorga asked if there was consensus from the Planning Commission regarding the proposed grouping. He noted that the time frames were anticipated and some items may take longer than expected and other items might take less time.

Planner Astorga noted that the applicant had presented their own list of items in a different order than the Staff list. The Staff had looked at their approach and did not find any major issues with the order. This is a complex application it is important to be organized.

Chair Strachan was comfortable with the groupings; however, he thought the number of meetings allotted to each of the groups was ambitious and it was not enough. Having been through this process before, he was certain that the new Commissioners would need the additional meetings. Chair Strachan wanted it clear that the applicant should not expect the Planning Commission to get there that quickly. The applicant could have the expectation that they would eventual get there, but they need all the information and all the evidence in order to make an informed decision. Chair Strachan did not want it construed as a promise that there will be eight meetings and then a decision. The Planning Commission will go through the process slowly and methodically and if there is consensus among the Commissioners for more meetings they will have them.

Commissioner Joyce agreed that it would take longer than eight meetings. Looking through the history there is an incredible amount of consideration about where things go, how things flow and the amount of traffic. Commissioner Joyce stated that if they determine that the traffic study needs to be updated to reflect the changes that have occurred, it would take considerable time to do a new traffic study and include peak days and times. Commissioner Joyce commented on the issues regarding back of house and the use of the commercial space. He was unsure whether they could have the other discussions without resolving those issues first, as well as trying to figure out the total size of the project.

Commissioner Thimm agreed that the number of meetings proposed was too aggressive. Based on the comments this evening and the events that have taken place since the 1980's to present day, the Planning Commission would not take this lightly. He believed it was important to give it their attention and consideration. Commissioner Thimm appreciated the organized format but he thought some of the discussions would be organic. Building massing and height will necessitate looking at the site plan and the site organization. He also anticipated reaching back to understand the impacts. However, at the same time they need to be responsive to the applicant and provide good input. Commissioner Thimm thought the organized format generally looked good. He agreed with Commissioner Thimm that some groundwork may need to be laid with regard to the traffic analysis. He also suggested a parking analysis. He noted that in terms of parking less is more because it tends to reduce congestion. Commissioner Thimm would like to address that issue early in the process. He remarked that a million square feet is a lot of area and they need to understand the UEs, what they mean, and how it relates to back of house. He thought it was important to have that discussion very early.

Director Erickson pointed out that the UE discussion was one of the first items on the list under site, bulk, mass, scale. Chair Strachan clarified that it was what the Staff considered size and scale of the location of the site. Director Erickson stated that the Staff would lay out the issues and make a recommendation. He believed the logic was to deal with the external factors first and the building factors. The total number of UEs is the basis for determining the external factors of traffic, transportation, parking, size, scale and mass. He reiterated that UEs and back of house would be the first discussion. Chair Strachan clarified that the question was the total square footage rather than the number of UEs. Director Erickson explained that the groupings were structured to be completely in alignment with the LMC criteria, but not necessarily what they would be reviewing under the criteria. He stated that back of house was also a big issue for the Staff and that would be the first item when dealing with the total square footage.

Commissioner Suesser agreed with the other Commissioners and she had nothing further to add with respect to scheduling.

Commissioner Phillips agreed with the Commissioners comments. He asked if there were no affordable housing requirements at the time of the MPD. Planner Astorga noted that it was listed under employee housing in section three of the schedule. Commissioner Phillips was comfortable with the schedule but he agreed that it would probably require more than eight meetings.

Commissioner Band was curious why the Staff proposed 3 anticipated meetings for each section of discussion items. Director Erickson stated that the intent was to lay out the issues and the number of meetings they believed it would take to get through the discussion. It would also give the public the opportunity to manage their expectations by looking at the agenda. Commissioner Band stated that in looking at the history of the project it appears that traffic, UEs, back of house, bulk and the topography were the major issues for the previous Planning Commissions. Given the amount of public comment this evening, she thought they could expect a lengthy process.

Commissioner Campbell agreed with all the comments. He would like the Staff to provide as much background as possible. He pointed out that the Treasure website had a better way to navigate and find minutes of the previous meetings. Commissioner Campbell would like to have as much summary as possible to help them understand what they were thinking in 1985 and any work product that is discoverable. Commissioner Campbell proposed to take the applicants at their word when they say a deal is a deal, but he would like to know exactly what the deal was and then move forward from there.

Commissioner Band stated that the term "comprehensive plan" is noted several times in the Staff report. She understood that was the previous term for the General Plan in the 1980s and she would like to see a copy of that comprehensive plan from when the MPD was approved.

Planner Astorga clarified that the conditional use permit was filed in 2004. Therefore, the General Plan that applies is the General Plan that was adopted in 1999, and not the recent General Plan. He explained that Commissioner Band was referring to the comprehensive plan that applied to the Master Planned Development. Commissioner Band stated that since they were going back to the history and trying to understand the original intent of the MPD, she believed the comprehensive plan would be very helpful. Planner Astorga thought that would be possible to look at the comprehensive plan as long as it was understood that they were not contesting the original MPD and they were only reviewing the CUP. Chair Strachan assumed the Planning Commission would ask the Staff to add various items of information to the website throughout the process and he preferred to have that information digitally available.

Director Erickson stated that for the next meeting they will have information from the Legal Department in terms of what new information could be requested under the terms of the Conditional Use Permit process. Because of the dates of the approval and the way the master plan is configured, he and Assistant City Attorney McLean would have that conversation and come back with a recommendation.

Planner Astorga stated that on July 13, 2016 the Staff would prepare a Staff report to discuss size and scale of the location of the site and the total square footage; and the Staff would provide a recommendation.

Commissioner Thimm stated that he would be out of town on July 13th.

MOTION: Commissioner Joyce moved to CONTINUE the public hearing and discussion for the Treasure Hill Conditional Use Permit to July 13, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:25 p.m.

Approved by Planning Commission:



PLANNING DEPARTMENT

Subject:Upper Norfolk Subdivision/Norfolk Avenue- Conditional Use
Permit for Construction in Platted, un-built City Right-of-WayAuthor:Makena Hawley, PlannerProject Number:PL-16-03145Date:June 22, 2016Type of Item:Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to July 13, 2016, to allow additional time for internal review.

Description

Applicant:	Upper Norfolk 259, LLC, Upper Norfolk 261, LLC, Upper Norfolk 263, LLC, Owner, represented by Jerry Fiat, developer
Location:	259, 261, 263 Norfolk Avenue
Zoning:	Historic Residential (HR-1) District
Adjacent Land Uses:	Historic and largely non-historic residential single family homes
Reason for Review:	Conditional Use Permits require Planning Commission review and approval



Subject:Creekside Well Filtration BuildingAuthor:Makena Hawley, City PlannerProject #:PL-16-03198Date:22 June 2016Type of Item:Administrative - Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to July 13, 2016, to allow additional time for internal review.

Description

Applicant:	Park City Municipal Corporation (PCMC), represented by
	Alison Kuhlow
Location:	2392 Holiday Ranch Loop Road, aka "Creekside Park"
Zoning:	Recreation Open Space (ROS) District
Adjacent Land Uses:	Public parks, fire station and single-family dwellings.
Reason for Review:	Conditional Use Permits (CUP) require Planning
	Commission review and final action.



Subject:Bonanza Park East Master PlanPLANNING DEPARTMENTAuthor:Francisco J. Astorga, AICP, Senior PlannerProject #:PL-15-02997Date:22 June 2016Type of Item:Master Plan Development Pre-Application Conference

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and continue the Bonanza Park East Master Planned Development (MPD) Pre-Application at 1401 & 1415 Kearns Blvd., 1415, 1635, 1665, 1685, & 1705 Bonanza Dr., 1420 & 1490 W Munchkin Rd., to a date uncertain to allow Staff and the applicant additional time to work through the application.

Description

Description	
Applicant:	JP's Nevada, LLC,
	Bonanza Park, LLC,
	Maverick, Park City, LLC
	represented by Mark Fischer and Elliott Workgroup
	Architecture, Craig Elliott
Location:	1401 & 1415 Kearns Blvd., 1415, 1635, 1665, 1685, & 1705 Bonanza Dr., 1420 W. & 1490 W. Munchkin Rd.
Zoning:	GC District
•	
Adjacent Land Uses:	The City Cemetery is located to the north (across SR-
	248). A strip mall and commercial/retail shops are
	located immediately to the west. Consignment lot of
	the Park City Mountain is located to the south (across
	Munchkin Rd.) Two strip malls are located to the east
	(across Bonanza Dr.)
Reason for Review:	MPD Pre-Applications require Planning Commission
	review and findings of compliance with the Park City
	General Plan and Zoning District prior to submittal of
	the full MPD application. Any residential project with ten
	(10) or more residential unit equivalents (20,000 square
	feet) or ten (10) or more commercial unit equivalents
	(10,000 square feet) require a Master Planned
	Development.



Subject:Lilac Hill Subdivision at 632 Deer Valley LoopAuthor:Anya Grahn, Historic Preservation PlannerProject Number:PL-16-03153Date:June 22, 2016Type of Item:Legislative – Subdivision

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Lilac Hill Subdivision located at 632 Deer Valley Loop and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant:	632 DVL, LLC represented by Matt Mullin
Location:	632 Deer Valley Loop
Zoning:	Residential Medium (RM)
Adjacent Land Uses:	Residential—Single family, duplex, and multi-family dwellings
Reason for Review:	Plat Amendments require Planning Commission review and City Council review and action.

Proposal

The site known as Lilac Hill Subdivision at 632 Deer Valley Loop consists of all of Government Lot 26 in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian. It was formerly known as the 11th House on the south side of Deer Valley Park City.

Background

On April 26, 2016, the City received a Subdivision application for the Lilac Hill Subdivision located at 632 Deer Valley Loop; the application was deemed complete on April 28, 2016. The property is in the Residential Medium (RM) District. Its legal description is all of Government Lot 26 in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian; it was formerly known as 11th House on the south side of Deer Valley, Park City.

This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as a Significant Site. The house was constructed c.1900 during the Mature Mining Era (1894-1930) by George and Elizabeth Thompson. The early twentieth century Sanborn Fire Insurance Maps show that this site was part of a much denser neighborhood comprised of approximately fourteen (14) structures. Of these, only four (4) structures currently exist.

This property has had a long history. The house was initially constructed on mining claims, which came to be held by the Bureau of Land Management (BLM). At the time of its construction, it consisted of a two-room cottage; however, between 1912-1918, it was expanded to a four-room cottage. Then c.1969, the house was remodeled to what exists today. The property was purchased by William and Juli Bertagnole in 1981 from Harold and Mary Dudley. On May 17, 1999, a fire damaged the rear addition of the structure. The Bertagnoles did not make repairs following the fire. The BLM granted the Bertagnoles a land patent for ownership of the parcel on May 2, 2013 (Exhibit G).

On August 21, 2013, the Park City Building Department issued a Notice and Order to Vacate and Demolish the structure due to the fire damage and the dilapidated state of the structure. The Planning Department moved forward with a Determination of Significance (DOS) to review the site's historic designation; on November 13, 2013, the Historic Preservation Board (HPB) found that the site should remain designated as "Significant" on the Historic Sites Inventory (HSI) in accordance with LMC 15-11-10(A)(2). The Bertagnoles appealed the HPB's decision to the Board of Adjustment (BOA) on April 15, 2014; however, the BOA remanded it back to the HPB as the applicant had submitted new evidence. The HPB once again found that the site met the criteria for "Significant" on May 21, 2014.

The Bertagnoles finalized the sale of the property to its current owner, 632 DVL, LLC in February 2016. On December 2, 2015, the current owner submitted a Historic District Design Review (HDDR) Pre-Application (Pre-app) to discuss renovation options for this historic structure and development opportunities for the site. The applicant has not yet submitted a HDDR application for the improvements, but has chosen to move forward with the plat amendment in order to make future site improvements.

<u>Purpose</u>

The purpose of the RM District is to:

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

<u>Analysis</u>

The proposed Plat Amendment creates one (1) lot of record from the existing legal description. The proposed Plat Amendment combines the property into one (1) lot measuring 14,446 square feet.

A portion of Deer Valley Loop (64.27 SF) cuts across the northwest corner of the site and the platted Rossie Hill Drive (62.72 SF) across the southeast corner of the property, consuming a total of 127 square feet (SF). The property surrounding this lot is owned by the BLM, but the BLM has granted a right-of-way easement to the City for the streets that cross over the BLM parcel. The portion of 632 Deer Valley Drive that includes the street will be dedicated to the City during this plat amendment, and the street dedication shall be noted on the recorded plat, as reflected in Condition of Approval #3. The portion of the street dedication will reduce the overall lot size to 14,319 square feet and is included on the calculations for footprint below.

The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law. Staff has included this as Condition of Approval #7.

A single-family dwelling is an allowed use in the RM District. The minimum lot area for a single-family dwelling is 2,812 square feet. The proposed lot meets the minimum lot area for single-family dwellings. The required minimum lot width is 27.50; the proposed lot width is 129.41 feet. The proposed lot meets the minimum lot width requirement. The following table shows applicable Land Management Code (LMC) development parameters in the RM District:

Required	Existing	Permitted
Lot size	14,319 SF ¹	2,812 square feet minimum <i>Complies</i>
Front yard setbacks	35 feet front yard (north property line)	15 feet Complies
Rear yard setbacks	52 feet rear yard (Rossie Hill Drive)	10 feet <i>Complies</i>
Side yard setbacks	17 feet (west), 65 feet (east)	5 feet, Complies

¹ This represents the size of the lot after the street dedication.

There is no footprint requirement in the RM District.

The only encroachment that exists is a gravel driveway or parking area off of Deer Valley Loop on the northwest corner of the site. No other encroachments, other than the portion of Deer Valley Loop that crosses the property, exist.

This area of Park City is designated as Significant on the Historic Sites Inventory (HSI). Any proposed development or work on the historic house will require approval of a

Historic District Design Review (HDDR) to ensure compliance with the Design Guidelines for Historic Sites in Park City.

Staff finds that this site, along with the BLM-property to the northeast that contain the three (3) historic cottages at 555, 560, and 577 Deer Valley contribute to Park City's history and provide a density of historic structures that largely retain their relationship with one another and the hillside. As this area is currently zoned RM, it allows for a much greater density to be added to these sites or larger additions to the historic houses than would be seen in Old Town's H-districts. Under 15-11-12 of the LMC, Historic District/Site design review is required for all Historic Sites.

Staff finds that it is important that we preserve the historic character of these sites. Therefore, as the historic site encompasses the entire lot and future subdivision will affect the context of the historic home, staff recommends the Planning Commission approve this plat with Condition of Approval #4 that states:

Any development on this lot or future subdivided lots within this lot shall provide a transition in scale between the historic structures in this neighborhood, the Historic District, and Deer Valley Resort. The Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Sites.

This will ensure that any future development is in keeping with the historic character of this pocket neighborhood of historic houses and will allow the historic house at 632 Deer Valley Loop to become the focal point of any future project. Staff has based this condition of approval on existing language in districts neighboring the H-districts, such as the Recreation Commercial (RC) zoning district, that require development within two (2) blocks of the H-district to comply with the Design Guidelines so that they create a transition between the historic district and the resort area.

The applicant is opposed to this Condition of Approval. The applicant believes staff is premature in its determination for the Condition of Approval as no development is currently proposed on the lot and any new development would likely require a future subdivision of the existing lot. Further, they argue that if the City wanted new construction to meet the Design Guidelines, then the property should have not been zoned RM. They find that the property is visually, geographically, and topographically separated from the HR-1 zoning district. The applicant's opposition is included as Exhibit F.

Planning Commission Discussion requested.

The City Engineer will also require the applicant to grant two (2) – ten foot (10') snow storage easements along the south (Rossie Hill) property lines to address street frontages, per Condition of Approval #5.

The utilities were disconnected from this property on May 26, 1999. The City will also require the applicant to dedicate a public utilities easement to the City for the existing

waterline that is located within the Deer Valley Loop right-of-way; this is reflected in Condition of Approval #6. A final utility plan will be required at the time of the building permit prior to any development of the site.

Good Cause

Staff finds good cause for this Plat Amendment as the plat amendment will create a legal lot of record from a government parcel and a portion of the Deer Valley Loop and Rossie Hill Drive rights-of-way will be dedicated to the City. Public snow storage and utility easements will also be provided on the lot.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

This project has gone through an interdepartmental review. Issues raised at the review have been addressed with conditions of approval. No further issues were brought up at that time.

Notice

On June 8, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on June 4, 2016, according to requirements of the Land Management Code.

Public Input

The only public comment staff has received is in regards to the preservation of the historic house at 632 Deer Valley Loop. The neighbor wanted to make sure that the home was preserved for the future. See Exhibit H for more details.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Lilac Hill Subdivision at 632 Deer Valley Loop as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Lilac Hill Subdivision at 632 Deer Valley Loop and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Lilac Hill Subdivision at 632 Deer Valley Loop.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation are that the Site would remain as is and Deer Valley Loop and Rossie Hill Drive would continue to encroach on to the property. No snow storage or public utilities easements would be granted to the City.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Lilac Hill Subdivision at 632 Deer Valley Loop and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

- Exhibit B Survey
- Exhibit C County Tax Map
- Exhibit D Aerial Photographs with 500' Radius
- Exhibit E– Site Photographs
- Exhibit F- Applicant's Opposition to Condition of Approval #4
- Exhibit G- BLM Land Patent 5.2.13
- Exhibit H– Public Comment

Exhibit A – Draft Ordinance

Ordinance No. 16-XX

AN ORDINANCE APPROVING THE LILAC HILL SUBDIVISION LOCATED AT 632 DEER VALLEY LOOP, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 632 Deer Valley Loop have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on June 8, 2016, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 4, 2016, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on June 22, 2016, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 22, 2016, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on July 14, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lilac Hill Subdivision located at 632 Deer Valley Loop.

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

SECTION 1. APPROVAL. The Lilac Hill Subdivision located at 632 Deer Valley Loop, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1. The property is located at 632 Deer Valley Loop.
- 2. The property is in the Residential Medium (RM) zoning district.
- The subject property consists of all of Government Lot 26 in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian. It was formerly known as the 11th House on the south side of Deer Valley, Park City. The proposed plat amendment creates one (1) lot of record.
- 4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.

- 5. The Plat Amendment creates a legal lot of record from the government lot.
- 6. The proposed Plat Amendment combines the property into one (1) lot measuring 14,319 square feet.
- 7. A single-family dwelling is an allowed use in the District.
- 8. The minimum lot area for a single-family dwelling is 2,812 square feet. The proposed lot meets the minimum lot area for single-family dwellings.
- 9. The proposed lot width is width is 116.38 feet along the north property line (facing Deer Valley Drive) and 129.41 feet along the south property line (Rossie Hill).
- 10. The minimum lot width required is 37.50 feet. The proposed lot meets the minimum lot width requirement.
- 11. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
- 12. The minimum front yard setbacks are fifteen feet (15') and rear yard setbacks are 10 feet. The historic house has a front yard setback of 35 feet and rear yard setback of 52 feet.
- 13. The minimum side yard setbacks are five feet (5'). The historic house has a side yard setback of 17 feet on the west and 65 feet on the east.
- 14. Deer Valley Loop consumes 64.27 square feet of the northwest corner of the lot and Rossie Hill Drive consumes 62.72 square feet of the southeast corner of the lot.
- 15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

- 1. There is good cause for this Subdivision.
- 2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
- 3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
- 4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

- 1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
- 3. The applicant shall dedicate a portion of the property that consists of Deer Valley Loop and Rossie Hill Drive to the City as part of this plat amendment.
- 4. Any development on this lot or future subdivided lots within this lot shall provide a transition in scale between the historic structures in this neighborhood, the Historic District, and Deer Valley Resort. The Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Sites.
- 5. A ten foot (10') wide public snow storage easement will be required along the Rossie Hill frontage of the property.
- 6. A public utilities easement is required along Deer Valley Loop for the existing water line and shall be indicated on the final plat.
- 7. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
- 8. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
- 9. New construction shall comply with Land Management Code Section 15-2.15-3 regarding setbacks, building height, building envelope, building footprint, etc.

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

PASSED AND ADOPTED this 14th day of July, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat











RECEIVED APR 2.6 2016 PLANKING DEPT.

632 Deer Valley Loop - looking north





APR 26 2016 PLANNING DEPT



PLAIMING DEPT

Wednesday, June 15, 2016

Anya Grahn Park City Planning Department RE: Plat Amendment PL-15-03010 632 Deer Valley Drive

Anya,

We understand you would like to place a Condition of Approval on Lilac Hill Plat requiring any and all future development be subject to the HDDR Design Guidelines, due to the property being located within "within a two (2) Block radius of the HR-1 District" (from the RC Zone Code - 15-2.16-7 Architectural Review).

We are Opposed to this Condition of Approval for the following reasons:

1. This seems premature as the current application does not contemplate development of the site: a) any construction which attempts to attach to the historic structure would be subject to HDDR Approval because of the home being a designated Historic Site. b) Any construction attempted that does not attached to the Historic home would need be built upon a new lot, necessitating a Subdivision application, which would be the proper time to deal with this issue; though the points below show that HDDR Approval is being improperly applied to the RM Zone.

2. If the City would like the language from the RC Zone to apply to the RM Zone, why isn't it included within the RM Zone code language? Which other Zones in Park City are Subject to RC Zone Code - 15-2.16-7 Architectural Review?

2. The code referenced in this Condition Of Approval (15-2.16-7 Architectural Review) that creates the "2 Block" standard is for the RC Zone, not the RM Zone, which the property is within. Applying Code from other Zones would create a precedent that would require property owners in one Zone to potentially adhere to randomly chosen sections from another Zone, which may or may not even be contiguous to their Zone.

3. The Land Management Code 15-15-1.31 defines a block as "BLOCK. A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat." Therefore a "BLOCK" could be multiple sizes and the nearest and largest BLOCK wouldn't project 2X towards Lilac Hill. See Attached image.

4. The Property is visually, geographically, and topographically separated from the nearest portion of the HR-1. There are numerous modern/contemporary or newly built homes and condominiums separating this parcel from any portion of HR-1 and a person leaving the the

HR-1 district headed toward Lilac Hill cannot get there without passing by 10-15 non-historic properties that are also not in a HR Zone.

Matt Mullin 632 DV Loop, LLC



Serial No. UTU-52468

00969304 B: 2183 P: 1779 Page 1 of 2 Alan Spriggs, Summit County Utah Recorder 05/02/2013 03:09:29 PM Fee \$12.00 By High Country Title Electronically Recorded

The United States of America

To all to whom these presents shall come, Greetings:

WHEREAS,

William T. Bertagnole and Juli M. Bertagnole, As Trustees of the Juli M. Bertagnole Family Trust dated September 7, 2005

are entitled to a land patent pursuant to the Act of December 22, 1928, as amended (43 U.S.C. 1068-1068b), for the following described land:

Salt Lake Meridian, Utah T. 2 S., R. 4 E., Sec. 15, lot 26.

PC-537

Containing .33 acre, more or less.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto William T. Bertagnole and Juli M. Bertagnole, Trustees, the lands described above; **TO HAVE AND TO HOLD** the land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto William T. Bertagnole and Juli M. Bertagnole, Trustees, and to their successors and assigns, forever.

EXCEPTING AND RESERVING TO THE UNITED STATES:

- 1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).
- 2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law.

PlaRataged Samassion 2013 10000116

SUBJECT TO:

1. Those rights for a road granted to Park City Municipal Corporation, its successors or assigns, by Right-of-Way No. UTU-45920, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

By accepting this patent, patentees agree to indemnify, defend, and hold the grantor harmless from any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the patentees, their employees, agents, contractors, lessees, or any third party arising out of or in connection with patentees' use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentees, their employees, agents, contractors, lessees, or any third party, arising out of or in connection with the use and/or occupancy on the patented real property which has already resulted or does hereafter result in: (1) Violations of federal, state, and local laws and regulations which are now, or may in the future become, applicable to the patented real property; (2) Judgments, claims, or demands assessed against the grantor; (3) Costs, expenses, or damages incurred by the United States: (4) Releases or threatened releases on or into land, property and other interests of the grantor by solid waste and/or hazardous substances(s) as defined by federal or state environmental laws; (5) Other activities by which solid or hazardous substances or wastes, as defined by federal and state environmental laws were generated, released, stored, used or otherwise disposed on the patented real property, and any clean-up response, natural resource damage, or other actions related in any manner to said solid or hazardous substances or wastes. This covenant shall be construed as running with the patented real property, and may be enforced by the United States in a court of competent jurisdiction.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Salt Lake City, Utah, the 30th day of April in the year of our Lord two thousand and thirteen and the Independence of the United States the two hundred and thirtyseventh.

Deputy State Director, Division of Lands and Minerals Bureau of Land Management

00969304 Page 2 of 2 Summit County

Patent No. 43-2013-0001

Anya Grahn

From:	Sydney Reed <sydreed@msn.com></sydreed@msn.com>
Sent:	Saturday, June 11, 2016 10:41 AM
То:	Jennifer Strauss Gurss; Matey Erdos; Diane Bernhardt; Jeff Camp;
	jennifer@jeffcamp.com; Matt Shier; Christina Shiebler; John and Linda Mason; Mary
	Wintzer; Morgan Hole; Howard Klein; Dennis Wong; Bob Gurss; Anya Grahn
Subject:	Re: Rossie Hill Update
Attachments:	Mullin property.pdf

Thanks for the update Jennifer.

My main concern is that that home built in 1916 is preserved to reflect our heritage.

It has been poorly maintained in the hopes it would not have to be saved.

I feel it is imperative that home maintain it's integrity.

I remember the family that owned that home. They were meticulous about their lilac bushes, peony plants and yard. Their home always was kept well, they raised their children there and had a good life in Park City. That is the neighborhood we moved into and I feel strongly we need to maintain vestiges of that life forever. Sydney Reed

668 Coalition View Ct.

From: Jennifer Strauss Gurss <<u>straussgurss@gmail.com</u>>

Sent: Friday, June 10, 2016 7:40 PM

To: Sydney Reed; Matey Erdos; Diane Bernhardt; Jeff Camp; <u>jennifer@jeffcamp.com</u>; Matt Shier; Christina Shiebler; John and Linda Mason; Mary Wintzer; Morgan Hole; Howard Klein; Dennis Wong; Bob Gurss **Subject:** Rossie Hill Update

I'm 90% sure you each got a copy of the attached letter, indicating upcoming Planning Commission and City Council meetings (June 22 and July 14, respectively) regarding a plat amendment for the property on the north side of Rossie Hill. However, since ours was addressed to the condo association, I thought I'd make sure everyone is in the (deer valley) loop....

Not quite sure what the next step is, or even what constitutes Government Lot 26....

Planning Commission Staff Report



Subject:215 Park AvenueProject #:PL-16-03141Author:Anya Grahn, Historic Preservation PlannerDate:June 22, 2016Type of Item:Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 215 Park Avenue, conduct a public hearing, and approve the Steep Slope CUP for 215 Park Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

David Houston, represented by architect Jonathan Degray
215 Park Avenue
Historic Residential (HR-1) District
Residential
Construction of a new single-family home in excess of 200 square feet of Building Footprint that will be located upon an existing slope of 30% or greater.

<u>Proposal</u>

This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of a new single-family home, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater. The site is currently vacant, and the applicant is proposing to build a new single family dwelling of approximately 2,758 square feet, including the basement area and one-car garage. The proposed footprint of the new construction is 903 square feet and the construction is proposed on a slope greater than 30%, and in some areas, the slope is approximately 46%.

Background

On April 12, 2016, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 215 Park Avenue; the application was deemed complete on May 9, 2016. The property is located in the Historic Residential (HR-1) District. The lot contains 2,044.5 square feet. It is an uphill lot.

This application is a request for a Conditional Use Permit (CUP) for construction of a new single-family house. Because the proposed footprint of this addition is in excess of 200 square feet and the proposed footprint is located upon an existing slope of greater than 30%, the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

The property is located at 215 Park Avenue on an undeveloped lot. The Park City Council approved a plat amendment at this location on December 3, 2015, to adjust the lot line common to Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey. The plat amendment is still undergoing our internal review and is not yet at Mylar stage. The plat amendment expires in December 2016.

A Historic District Design Review (HDDR) application was submitted on February 23, 2016, and deemed complete on February 26, 2016. The application is being reviewed concurrently with this Steep Slope CUP.

<u>Purpose</u>

The purpose of the Historic Residential (HR-1) District is to:

- (A) preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) encourage the preservation of Historic Structures,
- (C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

<u>Analysis</u>

The proposed house will contain a total of 2,044.5 square feet, including basement area. The proposed footprint of the new house will be 903 square feet; the lot size currently allows a footprint of 911.4 square feet. The new development complies with all setbacks and building footprint, as outlined in the following table.

The new construction meets the allowed height. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 square feet	2,044.5 square feet,
		<u>complies.</u>
Building Footprint	911.4 square feet maximum	903 square feet, <u>complies.</u>
Front Yard	10 feet minimum	12 feet, <u>complies.</u>
Rear Yard	10 feet minimum	10 feet, <u>complies</u> .
Side Yard	3 feet minimum, total 6 feet.	3 feet on each side, <u>complies.</u> Total of 6 feet, <u>complies.</u>
Height	27 feet above existing grade, maximum.	25 feet, <u>complies.</u>

Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	35 feet, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 4 feet on the north and south elevations, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.	There is a 10 foot horizontal step in the downhill façade, <u>complies</u> .
Roof Pitch	Between 7:12 and 12:12.	The main roof has 7:12 pitch, <u>complies.</u>
Parking	Two (2) off-street parking spaces required.	One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with required dimensions, <u>complies</u> .

The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law. Staff has included this as Condition of Approval #13.

LMC § 15-2.1-6(A)(2) requires a Steep Slope Conditional Use Permit (CUP) for construction of any new construction when the Building Footprint of the addition is in excess of 200 square feet, if the building of the footprint is located upon an existing slope of 30% or greater. As previously noted, the new house will have a footprint of 903

square feet and the construction is proposed on a slope of approximately 46%, towards the rear of the lot.

Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The existing house steps with the topography to minimize the amount of excavation necessary. The proposed landscape plan incorporates significant vegetation. Following construction of the new house, the total footprint of the structure will be 903 square feet; the total allowed footprint for a lot of this size is 911.4. The front, rear, and side setbacks meet all requirements and are increased for portions of the structure.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and cross canyon views. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation. According to the survey, there are three (3) existing trees on this lot that are overgrown. The applicant proposes to remove these trees and plant additional trees as part of the overall landscape plan for the site. The new vegetation will consist of one (1) thin leaf alder, two (2) aspens, and two (2) big tooth maples.

The visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. By stepping the structure up the hill, the mass and scale have been broken up and largely minimized. The side yard will be re-vegetated following construction. The only new retaining wall proposed will be located on the north and south elevations, towards the rear of the building, where the most grade change occurs, and along the new driveway.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. The garage sits below the street level reducing the fill needed to access the garage and the front door. Common driveways and Parking Areas, and side Access to garages are strongly encouraged **No unmitigated impacts.**

The proposed design incorporates a single car driveway on the property with a 9.4% uphill slope from Park Avenue to the single car garage. The width of the driveway is limited to 12 feet, and the applicant will be retaining grade of over half of the front yard.

Grading is minimized for both the driveway and the stepped foundation. No common driveway or side access garage is proposed; a side access garage would not be permitted based on the narrow 25-foot width of the lot.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

Minor retaining is necessary to regain natural grade around the proposed structure to provide for the lower level garage and emergency egress windows on the north and south elevations. Finished grade will be within 4 feet of existing grade following completion of the project.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. As previously noted, the house is located on a shallow hillside, with the greatest grade changes occurring at the rear of the lot. The placement of the new construction and its design steps with existing grade and is compatible with the neighborhood.

Final Grade will be changed no more than four feet (4') from the Existing Grade. The site design and building footprint provide an increased front yard setback area. Further, the front property line is at a minimum 13 feet back from the west edge of Park Avenue. The increased setback due to the width of the right-of-way further mitigates the impact of development. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The main ridge of the roof orients with the contours. The size of the lot allows the design not to offend the natural character of the site as seen on the submitted plans. The existing house steps with the grade and is broken into a series of smaller components that are compatible with the District. The mass and scale of the new house appears smaller in size because it steps with the topography and is characterized by a series of small patios climbing the hill. The stepping creates rear and side elevations

that respect the adjacent properties. The overall footprint of the structure as proposed at 903 square feet is less than the allowable 911.4 square feet.

Staff finds that the proposed design is consistent with the Design Guidelines for Historic Districts and Historic Sites. The house steps uphill with the lot through a series of decks, terminating in a side gable form. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style. The Historic District Design Review (HDDR) application is currently in review. Further, the applicant has designed a 12 foot (12') driveway in order to reduce the visual impact of the one-car garage element, consistent with the Design Guidelines. The new front entry porch on the north side of the house, as well as the decks above, contributes to the pedestrian experience.

Exterior elements of the new development—roofs, entrances, eaves, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and the style of architecture selected. The scale and height of the new structure follows the predominant pattern of the neighborhood. Further, this style of this house is consistent with the Design Guidelines.

Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

The proposed structure meets the standard LMC setbacks for a lot this size consisting of a minimum of ten feet (10') front/rear yard setbacks. The minimum side yard setbacks are three feet (3') minimum and six feet (6') total.

Front setbacks as proposed are currently twelve feet (12'), though the front property line is setback a minimum of thirteen feet (13') from the western edge of Park Avenue. The visual impacts of the new single-car garage and new entry way have been mitigated by changes in wall plane to prevent a wall effect. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the new structure and does not create a wall effect along the street front or rear lot line.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.** The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed new construction meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The height of the new gable is approximately twenty-five (25') above existing grade, and the remainder of the building steps down the hillside toward Park Avenue. The roof has been designed to allow for a side-gable along the street front, consistent with adjacent structures.

The addition meets the criteria outlined in LMC 15-2.2-5(A) stating that the structure shall have a maximum height of thirty-five feet (35') measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The height from the lowest finished floor plane to the highest wall plate is thirty-five feet (35'), and the overall height of the proposed structure is less than twenty-seven feet (27') in height above existing grade.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. The applicant has submitted a Historic District Design Review (HDDR) application; however, this has not yet been approved.

Department Review

This project has gone through an interdepartmental review. No additional comments were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet on June 8, 2016. Legal notice was also published in the Park Record in accordance with requirements of the LMC on June 4, 2016.

Public Input

No input has been received regarding the Steep Slope CUP.

<u>Alternatives</u>

- The Planning Commission may approve the Conditional Use Permit for 215 Park Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted, developed residential lot that contains native grasses and shrubs.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 215 Park Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

- 1. The property is located on 215 Park Avenue. The legal description is Lot 5 of Block 2 of the Park City Survey.
- 2. The Park City Council approved the 217 & 221 Park Avenue Plat Amendment on December 3, 2015; the plat has not yet been recorded.
- 3. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
- 4. There is a vacant lot; the applicant is proposing to construct approximately 2,758 square feet of new space. The proposed footprint of this addition is 903 square feet.
- 5. A single family dwelling is an allowed use in the HR-1 District.
- 6. Following recording of the plat amendment, the lot will contain 2,044.8 square feet. This is an uphill lot with a slope of approximately 46% at the back of the lot, where the grade rises steadily uphill.
- 7. A Historic District Design Review (HDDR) application is currently under review.
- 8. Access to the property is from Park Avenue, a public street.
- 9. Two (2) parking spaces are proposed on site. The applicant is proposing a singlecar garage and one uncovered parking space in the driveway.
- 10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes. The streetscape on the west, uphill side of the road, is dominated by garages and pedestrian entryways.
- 11. The proposal will create a single family dwelling of approximately 2,758 square feet, including the basement area and one-car garage.
- 12. An overall building footprint of 903 square feet is proposed following construction of the addition. The maximum allowed footprint for this lot is 911.4 square feet.

- 13. The proposed addition complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').
- 14. The proposed addition complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height.
- 15. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Park Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.
- 16. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. There are three (3) existing overgrown trees on this lot. The applicant proposes to replace these with one thin leaf alder, two aspens, and two big tooth maples.
- 17. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the area that exceeds 30% slope.
- 18. The design includes setback variations as well as lower building heights for portions of the structure on the front and side elevations where facades are less than twenty-seven feet (27') in height. The stepping of the mass and scale of the new structure follows the uphill topography of the lot.
- 19. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
- 20. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and two-car garages.
- 21. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.
- 22. On April 12, 2016, the Planning Department received an application for a Steep Slope Conditional Use Permit (CUP); the application was deemed complete on May 9, 2016.
- 23. The property was posted and notice was mailed to property owners within 300 feet on June 8, 2016. Legal notice was also published in the Park Record in accordance with requirements of the LMC on June 4, 2016.
- 24. The property is located outside of the Soils Ordinance.
- 25. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

- 1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)
- 2. The CUP, as conditioned, is consistent with the Park City General Plan.
- 3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.

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

Conditions of Approval

- 1. All Standard Project Conditions shall apply.
- 2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
- 3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
- 4. No building permit shall be issued until the 217 & 221 Park Avenue Plat is recorded.
- 5. This approval will expire on June 22, 2017, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
- 6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on June 22, 2016, and the Final HDDR Design.
- 7. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
- 8. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
- 9. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
- 10. Construction waste should be diverted from the landfill and recycled when possible.
- 11. All excavation work to construct the foundation shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
- 12. Final landscape plan shall be provided at the time of the building permit and shall include existing vegetation, and include a replacement plan for any significant vegetation proposed to be removed.
- 13. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.

<u>Exhibits</u> Exhibit A- Plans (existing conditions, site plan, elevations, floor plans)

Exhibit B- Existing Conditions Survey

Exhibit C- Visual Analysis/Streetscape

Exhibit D- Existing Photographs

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Planning Commission Staff Report



Application #:PL-16-03132Subject:1385 Lowell Avenue, Unit 1A COM7Author:Makena Hawley, PlannerDate:June 22, 2016Type of Item:Administrative – Conditional Use Per

Administrative – Conditional Use Permit for a real estate use as Office, General

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for an Office, General at 1385 Lowell Avenue Unit COM7, conduct a public hearing, and consider the conditional use based on the findings of fact, conclusion of law, and conditions of approval found in this staff report.

Description

Applicant:	Engel and Volkers Park City represented by Mark Sletten
Location:	1385 Lowell Avenue, Unit 1A COM7
Zoning:	Recreation Commercial (RC) District
Adjacent Land Uses:	Residential condominiums/resort commercial
Reason for Review:	Conditional Use Permits require review and final action by
	the Planning Commission

<u>Proposal</u>

Applicant requests to remodel the existing unit, interior only (tenant improvement) to have a real estate office (Office, General **or** Office, Intensive) at 1385 Lowell Avenue, Unit 1A COM7. The proposed use requires a Conditional Use Permit in the Recreation Commercial (RC) District.

Background

On April 5, 2016, the City received a completed Conditional Use Permit (CUP) application requesting approval of an Office, General at 1385 Lowell Avenue, Unit 1A. The space was previously used as a deli. The entire unit, 1A -COM7, or Parcel PVC-1A-C7, is 2,968 square feet. The entire unit is not requested to be utilized as the requested use. The applicant requests to utilize a portion of the unit as a real estate office (Office, General) which equates to 950 square feet with the remaining area to be used for a timeshare off-premise sales. The other portion of the unit is currently in use by The Marriot Vacation Club, as a timeshare sales office, and is not subject to this application (The timeshare sales office is considered a Conditional Use in the zone and was approved with the application PL-14-02541 on December 10, 2014. Please see exhibit X for meeting minutes and action letter). The unit was platted as *Retail Space Commercial Unit 7* of the Park City Village Condominiums. This plat was recorded in 1983. The site is also known as *The Lodge at the Mountain Village* formerly known as *The Resort Center Condominiums* (as indicated on their Bylaws).

The development was originally approved in February 1981 and the project was designated a Conditional Use Permit (CUP) rather than a planned development because of the size of the site on which the project was constructed. The project was known as the Park City Village Master Plan. The Plan included approximately 750 dwelling units, approximately 45,000 square feet of net leasable space, restaurant facilities with seating for approximately 625 persons, parking spaces for each phase of the development, approximately 5,000 square feet of meeting (conference) rooms, an ice rink, amenities for private residences, public pedestrian plaza, etc.

Purpose of the Recreation Commercial District

The purpose of the Recreation Commercial (RC) District is to:

- a) allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- b) allow for resort-related transient housing with appropriate supporting commercial and service activities,
- c) encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- d) limit new Development on visible hillsides and sensitive view Areas,
- e) provide opportunities for variation in architectural design and housing types,
- f) promote pedestrian connections within Developments and to adjacent Areas,
- g) minimize architectural impacts of the automobile,
- h) promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,
- i) promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
- j) Promote the preservation and rehabilitation of Historic Buildings.

The table below is shown to illustrate the allowed uses vs. conditional uses in the RC District, specifically in terms of conditional uses that may be allowed as administrative review by Planning Staff, or support use to the primary development /use allowed as a Planning Commission review.

		Conditional Uses:	
Allowed uses:	Administrative review or Administrative CUP by Planning Staff	**As support Use to the primary development or use, subject to MPD	Planning Commission review
 Single-Family 	Private	Office, General &	 Multi-Unit Dwelling
Dwelling	Residence Club	Moderate*	Group Care Facility
 Duplex Dwelling 	Project &	 Office & Clinic, 	Public and Quasi-
 Triplex Dwelling 	Conversion	Medical	Public Institution,

 Secondary Living Quarters Lockout Unit Accessory Apartment Nightly Rental Home Occupation Child Care Accessory Building and Use Conservation Activity Agriculture Bed & Breakfast Boarding House, Hostel Hotel, Minor Parking Area of Structure with 4 or fewer spaces SLC 2002 Winter Olympic Games/Legacy Displays 	 Financial Institution w/out drive-up window Minor Retail & Service Commercial Retail and Service Commercial, personal improvement Transportation Service Neighborhood Market without gasoline sales Café or Deli Restaurant, General & Outdoor Dining Bar Hospital, Limited Care Facility Recreation Facility, Public and Private Recreation Facility, Indoor Commercial Entertainment Facility, Indoor Commercial Stables, Riding Academy Heliport 	Church, and School • Essential Muni. Public Utility Use, Facility, Service, and Structure • Telecommunications Antenna • Satellite Dish Antenna greater than 39" in diameter • Raising, grazing of horses • Cemetery • Hotel, Major • Timeshare Project and Conversion • Timeshare Sales Office* • Parking Area of Structure with 5 or more spaces • Passenger Tramway Station and Ski Base Facility • Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge • Master Planned Development • Amenities Club
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*Requested use.

**As support Use to the primary development or use, subject to MPD means two things: This section requires a Conditional Use Permit and in addition, the use must also be compatible with the primary development (in this case Park City Mountain base). This is determined by looking into the original MPD for the area/development and confirming the proposed Use is allowed by the MPD as well.

<u>Analysis</u>

This CUP application is requesting a decision on two things:

1. To determine whether the proposed use falls under Office, General or Office, Intensive.

2. If the Planning Commission determines the use falls under Office, General, then to consider the CUP application.

The question is which definition of 'Office' is applicable to this application, to begin this analysis the two definitions in question are below:

1.176 OFFICE.

- A. **Office, General**. A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.
- B. Office, Intensive. Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses.

'Office, General' is a Conditional Use in the RC zone, whereas the Use of 'Office, Intensive' is a prohibited use in the RC zone. The Use in question is a real estate office, Engel and Volkers Park City. This office space is 950 square feet and will have 4 employees total working at this location.

Under the definition of 'Office, Intensive, even if the majority of the defining terms does not fit, the LMC includes the words "real estate" in the definition ("These Uses include real estate...") therefore appearing to automatically put real estate into this Use category. Other than calling out "real estate," the proposed real estate office does not meet the 'Office, Intensive' definition requirements as the office has 4 employees total, is less than 1,000 square feet and has a low level of client interaction and traffic. Alternatively, under 'Office, General', the real estate office would appear to meet the criteria that includes concerns like limited traffic, limited client visits and low amount of employees working on site.

Furthermore, after analyzing and reviewing the zone and definitions, Planning Staff has concluded that although 'real estate' is a prohibited Use in the RC zone due to the definition, the RC zone includes such Conditional Uses as 'Timeshare Sales Office', 'Office Moderate', and 'Minor Retail and Service Commercial' – all of which could be taken to be of similar use and impact.

Staff recognizes this conflict within the code and therefore proposes an amendment to the LMC definitions to correct this to strike the final portion of the "Office, Intensive" definition, therefore leaving the definition as follows:

"Office, Intensive. Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if

five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing and other similar uses."

By amending the LMC, this definition can be read to articulate the specific items of projects that could require extra mitigation rather than choosing specific types of businesses that, over time, could change in size and intensity. This LMC amendment is proposed with the other changes that are also being proposed at this meeting with the Chapter 15 definitions.

Since this CUP is separate from the LMC amendments, the Planning Commission must make a decision for only this CUP. If Planning Commission agrees with Staff that the real estate use falls under Office, Intensive then this application will come back as soon as (or if) the LMC amendments are enacted by Council.

If the Planning Commission interprets the real estate office to fall into the Use of 'Office, General" due to the limited traffic, limited client visits and low amount of employees working on site, the Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of and addresses the following items as outlined in LMC § 15-1-10(E):

1) Size and location of the site.

No unmitigated impacts. The entire unit is 2,968 square feet. The applicant is not requesting to use of the entire unit for the requested use. The applicant requests to utilize a portion of COM7 as a real estate sales office which equates to 950 square feet. The other 2,018 square feet of the unit is currently being used as a Timeshare Office for Marriot Vacation Club which was approved with a CUP from PL-14-02541 in 2014. Due to the size of the requested use, staff does not find any impacts that need to be mitigated regarding size and location.

2) Traffic considerations.

No unmitigated impacts. The requested use of the space is similar in nature to the support uses to the primary development/use in the area. Staff does not find that additional impacts need to be mitigated in terms of traffic considerations due to the small size and lower number of clients expected to visit the space of the requested use.

3) Utility capacity.

No unmitigated impacts. No additional utility capacity is required for the requested use. Also, the grease trap required for the previous tenant was removed and the drain capped once the previous tenant moved out.

4) Emergency vehicle access.

No unmitigated impacts. Emergency vehicles can easily access the unit and no additional access is required.

5) Location and amount of off-street parking.

No unmitigated impacts. The LMC has parking ratios for both general offices and intensive offices as shown below:

General Office	3 spaces per 1,000 sf of leasable floor Area

Staff considers the requested use a general office use, which triggers a parking requirement of three (3) parking spaces based on the maximum floor area of 950 square feet. The former use of the space was a restaurant that required the following parking ratio:

Restaurant, Standard	1 space for every 100 sf of net leasable floor
and Bar	Area, including kitchen Areas

The former use, a restaurant, triggered a parking requirement of nine (9) parking spaces based on the maximum floor area of 950 square feet.

The applicant indicated that there are approximately 700 parking spaces in the parking garage that is part of the same structure that houses the subject space, 126 of those parking spaces are allocated to the Lodge at the Mountain Village, the building/development where this space is located. Commercial represents 24% of Lodge based upon square footage. Out of the 126 spaces at the Lodge, the commercial is allocated 28 spaces for the 15 commercial tenants. The residential is allocated 98 spaces. Commercial tenants are allocated parking in the Lodge areas as per type of business, size and need. 8 commercial tenants get 1 pass, each, 3 tenants have 2, 2 are allocated 3 each and 2 tenants have 4. The garage is patrolled multiple times per day for compliance.

Staff finds there is a reduction in parking required for this space based on the required parking spaces of the former use and the current parking requirement based on the proposed use. The parking reduction consists of six (6) parking spaces from the former use to the requested use. Staff does not find that additional impacts need to be mitigated in terms of Location and amount of off-street parking centered on the parking reduction and based on the change in use from a use allowed as support to the primary development/use and the requested use. (Please see Exhibit

- Internal circulation system.
 No unmitigated impacts. The parking area/driveway is directly accessed off Lowell Avenue.
- 7) Fencing, screening and landscaping to separate uses. No unmitigated impacts. Fencing, screening, and landscaping are not proposed at this time and are not needed to separate uses as the uses are fully enclosed within the building.

8) Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots.

No unmitigated impacts. The applicant requests to remodel the existing unit, interior only (tenant improvement) to have a real estate sales office. The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building. Staff does not find that additional impacts need to be mitigated in terms of this criterion.

9) Usable open space.

No unmitigated impacts. No useable open space will be affected with the requested use from what is currently found on site.

10) Signs and lighting.

No unmitigated impacts. No signs and lighting are associated with this proposal. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application. All signs are subject to the Park City Sign Code.

11)Physical design and compatibility with surrounding structures in mass, scale and style.

No unmitigated impacts. The applicant requests to remodel the existing unit, interior only (tenant improvement) to have a real estate sales office. The requested use will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style. Staff does not find that additional impacts need to be mitigated in terms of this criterion due to the small size of the requested use.

12)Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site.

No unmitigated impacts. Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the retail/commercial/office use.

13)Control of delivery and service vehicles, loading and unloading zones, and screening.

No unmitigated impacts. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.

14)Expected ownership and management of the property.

No unmitigated impacts. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation. The entire unit is owned by Village Venture, Ltd., both spaces, the Marriott Vacation Club, next door, and this requested space are being leased.

15)Sensitive Lands Review.

No unmitigated impacts. The proposal is not located within the Sensitive Lands Overlay.

Park City Village Master Plan and Plat

Unit COM7 is shown on the master plan as part of the commercial area designation. The master plan identifies two (2) categories: residential and commercial. Commercial areas include retail, meeting rooms, and restaurants. The Condominium Plat for this project notes residential and commercial units. All of the commercial units are noted as retail space. The proposed office space would be located within the area that is noted as commercial on the Plat.

In the LMC the Office, General Use is asterisked with an '8' placing additional requirements on it which includes:

"8 - As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development"

This Use requires a Conditional Use Permit and in addition, the use must also be compatible with the primary development (in this case Park City Mountain base). This is determined by looking into the original MPD for the area/development and confirming the proposed Use is allowed by the MPD as well.

Staff recommends that a condition of approval be added regarding this municipal ordinance as follows:

The requested use shall be in full compliance with Park City Municipal Code §4-3-15 which states the following:

It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

Process

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

Department Review

This project has gone through an interdepartmental review. All items addresses in the interdepartmental meeting have been addressed within this report.

Notice

On June 8, 2016 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on June 4, 2016.

Public Input

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

<u>Alternatives</u>

 The Planning Commission may find that the use falls under Office, General and approve the CUP for the Office, General as proposed and conditioned; or
 The Planning Commission may deny the CUP for the Office, General as the proposed use falls under Office, Intensive; the applicant may come back for a CUP

when the Code is amended; or 3. The Planning Commission may deny the CUP for the Office, General and direct staff to prepare findings supporting this recommendation; or

4. The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing; or

Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for an Office, General at 1385 Lowell Avenue Unit C7, conduct a public hearing, and consider the conditional use based on the findings of fact, conclusion of law, and conditions of approval based on the alternatives found in this staff report.

Findings of Fact if the use is determined to be Office, Intensive

- 1. Land Management Code (LMC) § 15-2.16-2(B)(13) indicates that an Office, Intensive is a prohibited use in the RC District.
- The Land Management Code defines the Office, Intensive. Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses. (LMC § 15-15-1.176)(B).
- 3. The use proposed is a real estate office.

Conclusions of Law

1. The application does not comply with all requirements of the Land Management Code as the proposed use is prohibited in the zone.

Findings of Fact if the Use is determined to be Office, General

- 1. Applicant requests to remodel the existing unit, interior only (tenant improvement) to have a real estate sales office at 1385 Lowell Avenue, Unit COM7.
- 2. The proposed use requires a Conditional Use Permit in the Recreation Commercial (RC) District.

- 3. Only the interior is proposed to be remodeled and exterior areas will not be changed.
- 4. The space was previously used as a restaurant.
- 5. The entire unit, COM7, or Parcel PVC-1A-C7, is 2,968 square feet.
- 6. The entire unit is not requested to be utilized as the requested use.
- 7. The applicant requests to utilize a portion of COM7 as a real estate office which equates to 950 square feet.
- 8. The unit was platted as Retail Space Commercial Unit 7 of the Park City Village Condominiums recorded in 1983.
- 9. The site is also known as The Lodge at the Mountain Village formerly known as The Resort Center Condominiums.
- 10. The project was known as the Park City Village Master Plan.
- 11. Land Management Code (LMC) § 15-2.16-2(B)(13) indicates that an Office, General is a conditional use in the RC District.
- 12. Unit COM7 is shown on the master plan as part of the commercial area designation.
- 13. The Condominium Plat for this project notes residential and commercial units. All of the commercial units are noted as retail space. The proposed office space would be located within the proposed retail commercial space noted on the Plat.
- 14. The Land Management Code defines the **Office, General** as A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients. (LMC § 15-15-1.176)(A).
- 15. Due to the size of the requested use, staff does not find any impacts that need to be mitigated regarding size and location.
- 16. The requested use of the space is similar in nature to the support uses to the primary development/use in the area. Staff does not find that additional impacts need to be mitigated in terms of traffic considerations due to the small size and lower number of clients expected to visit the space of the requested use.
- 17. No additional utility capacity is required for the requested use.
- 18. Emergency vehicles can easily access the unit and no additional access is required.
- 19. The requested use, considered an office, general, triggers a parking requirement of three (3) parking spaces based on the maximum floor area of 950 square feet.
- 20. The former use, a restaurant, triggers a parking requirement of nine (9) parking spaces based on the maximum floor area of 950 square feet.
- 21. There is a parking reduction based on the required parking spaces of the former use and the current parking requirement based on the proposed use of six (6) parking spaces.
- 22. The applicant indicated that there are approximately 700 parking spaces in the parking garage that is part of the same structure that houses the subject space, 120 of those parking spaces are allocated to the Lodge at the Mountain Village, the building/development where this space is located.
- 23. The parking area/driveway is directly accessed off Lowell Avenue.

- 24. Fencing, screening, and landscaping are not proposed at this time and are not needed to separate uses as the uses are fully enclosed within the building.
- 25. The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building, as there are no exterior changes proposed to the building.
- 26. No useable open space will be affected with the requested use from what is currently found on site.
- 27. No signs and lighting are associated with this proposal.
- 28. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application.
- 29. All signs are subject to the Park City Sign Code and sign permits are required prior to installation of any exterior signs..
- 30. The requested use will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.
- 31. Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the retail/commercial/office use.
- 32. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.
- 33. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
- 34. The entire unit is owned by Village Venture, Ltd., both spaces, the Cutting Board, next door, and this requested space are being leased.
- 35. The proposal is not located within the Sensitive Lands Overlay.
- 36. Unit COM7 is shown on the master plan as part of the commercial area designation. The master plan identifies two (2) categories: residential and commercial. Commercial areas include retail, meeting rooms, and restaurants.
- 37. The Condominium Plat for this project notes residential and commercial units. All of the commercial units are noted as retail space. The proposed office space would be located within the proposed retail commercial space noted on the Plat.
- 38. The Land Management Code does not authorize the requested use to be conducted outside of the area.
- 39. The Municipal Code does not allow the requested use, to be conducted outside the enclosed building on private or public property.
- 40. The Municipal Code indicates that it is unlawful for a business to attract people by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them.
- 41. The Municipal Code indicates that it is unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

Conclusion of Law:

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

Conditions of Approval

- 1. The requested use shall be conducted within the specified space at 1385 Lowell Avenue, Unit COM7 as approved by the Planning Commission, which is within a fully enclosed building per Park City Municipal Code § 4-3-3.
- 2. The requested use shall not be conducted outside the enclosed building on private or public property per Park City Municipal Code § 4-3-8.
- 3. The requested use shall be in full compliance with Park City Municipal Code § 4-3-15 which states the following:

It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

Exhibits

- Exhibit A Applicant's Project Intent
- Exhibit B Vicinity Map
- Exhibit C Floor Plan
- Exhibit D Park City Village Condominiums Plat Map (sheet 1&3)
- Exhibit E– Site Photograph
- Exhibit F Parking Statement from the Lodge at the Mountain Village Management Company
- Exhibit G Minutes from PL-14-02541 approving the Timeshare Off- Premise Sales Office at 1385 Lowell Ave Unit COM7 (other portion of space from COM-7)

April 4, 2016

Bruce Ericksen Jill Jacobson Planning Department Park City Municipal Corporation

EXHIBIT A

Re: 1385 Lowell Ave, Unit 1A-C7

Bruce & Jill:

Attached please find our Conditional Use Permit application and related submittals. Reproduced below is our earlier correspondence outlining the specific proposed use of the lease space:

"Thanks for taking time to meet with John and myself yesterday. It had been a little while since I considered leasing the space in question and initially reviewed the Land Management Code. As a follow up, and on a further review, I thought I'd point out how the operations we intend for the space, appeared, and still appear to me, to be consistent with the LMC.

"Most importantly, "Office, General" seems to define precisely what our operations would entail: "A Building offering executive, administrative, professional, or clerical services, or a portion of a building where a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients." Further, given the limited employee base, the office use would not even meet the "moderate" definition of intensive use. As discussed, I have one full time employee, my assistant John Walker. Aside from myself and John, the only other dedicated employees would be Larry and Kathy Penrose, who are winding down and not full-time in the office, and I have an agreement in place to buy their book of business, so no increased occupancy impacts would be anticipated.

"Related, as to parking and traffic, my team and I already have assigned parking through the HOA and our clients are for all intents and purposes already in the Resort Center area. We are not a "destination" office; over the tenure of my experiences at the Resort Center, we average (at best) 2 walk-in client visits per day during the winter season, and those visits are from are people who are already at the Resort Center as skiers/riders, diners, shoppers, owners or guests staying in with Resort Center area condominiums, shoppers at the various ski shops, etc. In total, over the course of a year, we might have a dozen "destination" clients coming to the Resort Center specifically to meet with us, so the impact on traffic and parking is inconsequential. Even many of these clients we will probably, for reasons of space and convenience, prefer to meet at the Main Street office.

"It is worth noting that in March of this year I will be inducted into Engel & Voelkers **Private Office**, which is made up of about 70 agents out of the firm's 6,500 or so agents world wide. I say that not to brag, but rather to relate it back to one of the provisions in my agreement with Engel & Voelkers Park City which states they would lease a space for my personal use. As you know, Engel & Volkers is establishing a large office on lower Main Street and view my small space at the Resort Center simply as my preferred personal office location. Given my membership in **Private Office**, personal history at the resort center, and core business serving residential and commercial customers, I prefer and hope that office to be at the Resort Center.



Planning Commission Packet June 22, 2016

"Returning to the Management Code, I have been involved in real estate services at the Resort Center for over 20 years now, and those services fall within the "Purpose" section as called out in 15-2.16-1 as follows: *"allow for resortrelated transient housing with appropriate supporting commercial and service activities."* We are the supporting commercial services segment dealing with both vacation homes owners, and the retail leasing for both Resort Center, Ltd and Village Ventures, Ltd.

"And here are two other key points in my mind. First, to put things in an historical perspective, over the years I have had my offices at the Resort Center there have been 6 real estate sales brokerages there: (i) Ziegler & Associates; (ii) Mountain Resort Realty; (iii) Lewis & Wolcott (now Summit Sotheby's); (iv) Jess Reid Real Estate; (v) Prudential; and (vi) Berkshire Hathaway. Beyond my handling of leasing and other real estate matters with Village Ventures, as mentioned above, the great majority of my residential real estate transactions are resort-related second home/rental properties which generally support the success of the Park City recreation market, a service historically recognized as an appropriate use in this area.

"Second, a stable tenant mix is important for this iconic location in Park City's resort market. Many Resort Center tenants, not just ski rental businesses, but others such as tee shirt shops and restaurants are seasonal at best and, as with the Claim Jumper on Main Street, businesses that are only open sporadically, tend to depress the surrounding area at all other times. If this CUP is approved, my team and I will be in the office no less than 350 days a year, serving all visitors of all seasons.

Thanks again for your time today and I hope this explanation sheds more light on our request."

Respectfully Submitted,

Mark Slett:

Associate Broker Engel & Voelkers Park Citv 1526 Ute Blvd Suite 100 Park City, UT 84098





Planning Commission Packet June 22, 2016

I, ROBERT W. POHL, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 173736 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

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ALAN SPRIGGS, SUMMIT CO. RECORDER 2003 SEP 12 08:15 AN FEE \$10.00 BY DMG REQUEST: PARK CITY SURVEYING



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Page 95 of 228



EXHIBIT C

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PARK CITY VILLAGE JOE8



EXHIBIT F- Parking statement

To whom it may concern;

The commercial at the base area relies on seasonal skier business. Over 95% of their business comes from the skier and base area Lodging guests during the winter. Unlike Main Street the base area is not a destination commercial location and has vertically no walk by traffic like Main Street. In order to improve the tenant mix at the base, retain the guests and skier from vacating the area all at the same time during the winter we need to move away from a tenant mix consisting of ski rental shops. There needs to be an array of different tenants. Everything from real estate sales, food and beverage, high end spas, jewelry, local art, gift and apparel. At Village Ventures we are attempting to move in this direction.

The resort base area including all residential and commercial has functioned the same for 30 plus years. There has always been plenty of parking for both commercial and residential as a large portion of the residential guests coming to the area take public transportation to and from the airport. According to All Seasons Resort Lodging the year round occupancy average was 70% in 2015 which shows that very rarely is the Lodge fully occupied. Being the main rental company at the Lodge, they provide Lodge guests and owners a shuttle van service. Even on the most congested times over the winter, the Lodge has had parking spaces available in their allocated areas in the garage.

In addition to the 126 spaces at the Lodge there are 8 short term parking spaces at the Transit Center for retail patrons and skier use.

The Lodge parking in which the Engel and Volker's space is located has parking for both commercial and residential. Other commercial and residential guests of the surrounding properties are not allowed to park in the Lodge parking areas. Short term parking passes are allocated to the residential guest and owners at check-in should they have a rental car. The commercial tenants receive an annual parking pass from the Lodge HOA.

The Engel and Volker's premises would be allocated four parking passes within the Lodge parking based upon their general office use and the nature of their business is not parking intensive. Most of their parking consists of short periods of time.

Commercial employees park off site if they do not have a Lodge parking pass from their employer. Example, Cole Sport parks its

employees at its Park Avenue Location and shuttles them to the base area. Many commercial tenants employees are dropped off or car pool. The Lodge commercial and / or residential does not impact the outdoor parking lots or garage parking of Vail.

Sincerely Trent Davis Village Ventures

Trent Davis Compass Property Services Office: 435-649-1842 Cell: 435-731-0115 tdavis@compass-management.com

EXHIBIT G- Minutes from PL-14-02541

Planner Astorga noted that page 103 of the Staff report contained language from the Park City Municipal Code (PCMC) Title 4 Licensing regarding uses that are associated with the timeshare sales office. The applicant had agreed to abide by all of the requirements outlined in the Staff report.

The Staff recommended that the Planning Commission review the proposed conditional use, conduct a public hearing and consider approving the conditional use permit based on the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Anthony Brick, representing the applicant, stated that the intended use is for a sales office to meet with their existing ownership of Marriott Mountainside and Marriot Summit Watch. They have outgrown their existing sales office location within Mountainside, and they were looking additional space where the sales representatives could meet with the owners.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thimm believed the application met the provisions of the LMC for a conditional use. The Commissioners concurred. Chair Worel liked Condition of Approval #3, which reiterated the Park City Municipal Code.

MOTION: Commissioner Phillips moved to APPROVE the conditional use permit for 1385 Lowell Avenue, Unit COM7, based on the Findings of Fact, conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1385 Lowell Avenue

1. Applicant requests to remodel the existing unit, interior only (tenant improvement) to have a timeshare off-premise sales office at 1385 Lowell Avenue, Unit COM7.

2. The proposed use requires a Conditional Use Permit in the Recreation Commercial (RC) District.

3. The interior remodel only and does not affect any exterior areas.

4. The current space was used as a restaurant.

5. The entire unit, COM7, or Parcel PVC-1A-C7, is 2,968 square feet.

6. The entire unit is not requested to be utilized as the requested use.

7. The applicant requests to utilize a portion of the unit as a timeshare off-premise sales office which equates to 1,751 square feet with the remaining area to be used for a restaurant.

8. The unit was platted as Retail Space Commercial Unit 7 of the Park City Village Condominiums recorded in 1983.

9. The site is also known as The Lodge at the Mountain Village formerly known as The Resort Center Condominiums.

10. The project was known as the Park City Village Master Plan.

11. Land Management Code (LMC) § 15-2.16-2(B)(11) indicates that a timeshare sales office is a conditional use in the RC District.

12. The Land Management Code defines the a timeshare sales office as an office outside of a timeshare project, wherein timeshare sales presentations are made and other marketing related activities are conducted in an effort to generate timeshare interval sales or re-sales (LMC § 15-15-1.272).

13. The applicant requests to utilize a portion of COM7 as a timeshare off-premise sales office which equates to 1,751 square feet.

14. Due to the size of the requested use, staff does not find any impacts that need to be mitigated regarding size and location.

15. Staff does not find that additional impacts need to be mitigated in terms of traffic considerations due to the small size of the requested use.

16. No additional utility capacity is required for the requested use.

17. Emergency vehicles can easily access the unit and no additional access is required.

18. The requested use, considered an intensive office use, triggers a parking requirement of nine (9) parking spaces based on the maximum floor area of 1,751 square feet.

19. The former use, a restaurant, triggers a parking requirement of eighteen (18) parking spaces based on the maximum floor area of 1,751 square feet.

20. There is a parking reduction based on the required parking spaces of the former use and the current parking requirement based on the proposed use of nine (9) parking spaces.

21. The applicant indicated that there are approximately 700 parking spaces in the parking garage that is part of the same structure that houses the subject space, 120 of those parking spaces are allocated to the Lodge at the Mountain Village, the building/development where this space is located.

22. The parking area/driveway is directly accessed off Lowell Avenue.

23. Fencing, screening, and landscaping are not proposed at this time and are not needed to separate uses as the uses are fully enclosed within the building.

24. The requested use will not affect the existing building mass, bulk, orientation and the location on site, including orientation to adjacent building.

25. No useable open space will be affected with the requested use from what is currently found on site.

26. No signs and lighting are associated with this proposal.

27. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application.

28. All signs are subject to the Park City Sign Code.

29. The requested use will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.

30. Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the retail/commercial/office use.

31. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.

32. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.

33. The entire unit is owned by Village Venture, Ltd., both spaces, the Cutting Board, next door, and this requested space are being leased.

34. The proposal is not located within the Sensitive Lands Overlay.

35. Unit COM7 is shown on the master plan as part of the commercial area designation. The master plan identifies two (2) categories: residential and commercial. Commercial areas include retail, meeting rooms, and restaurants.

36. The Condominium Plat for this project notes residential and commercial units. All of the commercial units are noted as retail space. The proposed office space would be located within the proposed retail – commercial space noted on the Plat.

37. The Land Management Code does not authorize the requested use to be conducted outside of the area.

38. The Municipal Code does not allow the requested use, a timeshare off-premise sales office to be conducted outside the enclosed building on private or public property.

39. The Municipal Code indicates that it is unlawful of a business to attract people by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them.

40. The Municipal Code indicates that it is unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

Conclusions of Law - 1385 Lowell Avenue

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, as amended.

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

Conditions of Approval - 1385 Lowell Avenue

1. The requested use shall be conducted within the specified space at 1385 Lowell Avenue, Unit COM7 as approved by the Planning Commission, which is within a fully enclosed building per Park City Municipal Code § 4-3-3.

2. The requested use shall not be conducted outside the enclosed building on private or public property per Park City Municipal Code § 4-3-8.

3. The requested use shall be in full compliance with Park City Municipal Code § 4-3-15 which states the following:

It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

2. <u>923 Park Avenue – An ordinance considering the 923 Park Avenue</u> <u>Subdivision Plat Amendment</u> (Application PL-14-02527)

Planner Astorga stated that he had co-authored the Staff report with Gorgi Corkery, a summer intern, and she would be presenting the application this evening.

Ms. Corkery reviewed the plat amendment for 923 Park Avenue. Lot 6 and portions of Lots 5 and 28 of the Block 3 of the Snyder's addition are owned by the same entity. The property owner wishes to unify these lots into one lot of record by removing the existing interior lot lines.

Planning Commission Staff Report



Subject:	Sterlingwood Condominiums Second Amended – Amending Unit 16	PLANNING DE
Author:	Makena Hawley, City Planner	
Project Number:	PL-16-03110	
Date:	June 22, 2016	
Type of Item:	Administrative – Condominium Plat A	Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the Sterlingwood Condominiums Second Amended – Amending Unit 16, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant:	Juan I. Casanueva and Carmen Gill, owners
	C/O Marshall King, owner's representative
Location:	7800 Royal Street East, #16
Zoning:	Residential Development (RD), Master Planned
-	Development
Adjacent Land Uses:	Single-family and duplex residential
Reason for Review:	Condominium Plat amendments require Planning
	Commission review and City Council action

<u>Proposal</u>

The applicant is requesting a Condominium Plat Amendment for the purpose of enclosing an open stairway that is Common Area and converting it to Private Area. Additionally, the current recorded Condominium Plat inconsistently shows the plan view of the garage as Limited Common yet on the section view it shows the same area as Private Area. This amendment will change this area to limited common to be in accordance with the plan view on the current plat.

<u>Purpose</u>

The purpose of the Residential Development (RD) District is to:

- a) Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities;
- b) Encourage the clustering of residential to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services;
- c) Allow commercial and recreational activities that are in harmony with residential neighborhoods;
- d) Minimize impacts of the automobile on architectural design;

- e) Promote pedestrian connections within Developments and between adjacent areas; and
- f) Provide opportunities for variation in architectural design and housing types.

Background

On May 18, 2016 the applicant submitted a complete application for the Sterlingwood Condominiums Second Amended – Amending Unit 16. The property is located at the 7800 Royal Street East, Building 'E' Unit #16 in the Residential Development (RD) District. This development is adjacent to the Silver Lake Village, The Chateaux at Silver Lake, and Deer Valley Resort.

The Sterlingwood Development was originally approved by City Council on December 17, 1984 and the condominium plat was recorded on December 27, 1984. The total area of the approved Development is approximately 2.48 acres. Construction of the eighteen (18) units began in early 1985 and was completed later that same year.

The original recorded plat for Sterlingwood condos incorrectly reflects the ownership for the garage areas for all the units. The inconsistency lies between the plan view, which shows the garage areas as Limited Common, and the section view, which shows the garage areas as Private ownership. The CC&Rs specify the garage as limited common space so the intention of the area is understood by the HOA and owners.

On June 27, 2002 the City Council approved the First Amended Sterlingwood Condominium Plat which was then recorded on October 25, 2002. This amendment only referenced 6 of the 18 units, Buildings 'F', 'G', and 'H'. The inconsistencies were corrected with the garage areas, clarifying that they were not private and were limited common ownership, furthermore, the plat amendment changed the deck areas in those three buildings, changing them from limited common to private ownership.

The stairway that is proposed as private area within this plat is currently Common Area. This Common Area staircase was originally intended as a walkway to the Deer Valley ski trails, but is not used by other owners of Sterlingwood. The Sterling HOA has voted to allow this area to be converted to private area for the sole use of Unit 16 (Please see Exhibit E).

<u>Analysis</u>

The proposed condominium plat amendment will effectively memorialize the Limited Common garage to be in accordance with the original intention of the plan view. In addition the proposal will enclose the outdoor staircase (east corner of the home before the garage) and convert it to Private Area of Building 'E' Unit 16.

The staircase is currently included in the building footprint on the original plat therefore the footprint will stay the same. The square footage of Unit 16 will be changed from roughly 2,566 square feet to 3,103 square feet total, a total of 537 square feet. The Sterlingwood condos are included within the Deer Valley MPD which does not have a square footage cap, only a unit cap. The parking requirements are not affected by the
increase in square footage. The proposed plat amendment will not affect any of the lot requirements for the RD zone.

The proposed plat amendment does not create any new non-conforming situations. This plat amendment is consistent with the Park City LMC and applicable State law regarding subdivision plats.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Memorializing the intended conditions from the previous plat will eliminate any issues with the acquisition of building permits and will allow for streamlined processing of future planning applications. Additionally, the plat will help clear up the original discrepancy from the Sterlingwood condo plat and properly show the private garage area as limited common, consistent with an earlier plat amendment.

Department Review

This project has gone through an interdepartmental review. The only item that was raised by the Fire District was that this portion of enclosed area will also include sprinklers, as the rest of the building currently has them. Other than this there were no issues raised by any other departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

<u>Notice</u>

On March 29, 2016, the property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. On March 26, 2016, legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC. At the April 13, 2016, Planning Commission meeting the item was continued to a date uncertain.

On June 8, 2016, the property was posted and notice was mailed to property owners within 300 feet in accordance with the requirement in the LMC. On June 4, 2016, legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled Planning Commission and City Council public hearings.

Process

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

<u>Alternatives</u>

 The Planning Commission may forward a positive recommendation to the City Council for the Sterlingwood Condominiums Second Amended – Amending Unit 16 as conditioned or amended; or

- The Planning Commission may forward a negative recommendation to the City Council for the plat amendment and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the existing plat would remain as is. The Sterlingwood condo unit owners would not be able enclose the Common Area and the outdoor staircase would remain as is. The discrepancy of ownership designation for the garages would remain.

Recommendation

Staff recommends the Planning Commission hold a public hearing, consider input, and consider forwarding a positive recommendation to the City Council for the Sterlingwood Condominiums Second Amended – Amending Unit 16 based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Exhibits

- Exhibit A Draft Ordinance with Proposed Plat
- Exhibit B Proposed Plat
- Exhibit C Aerial Photograph
- Exhibit D Project Intent Letter
- Exhibit E Sterlingwood HOA letter
- Exhibit F Photos

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 16-XX

AN ORDINANCE APPROVING THE STERLINGWOOD CONDOMINIUMS SECOND AMENDED – AMENDING UNIT 16 LOCATED AT 7800 ROYAL STREET EAST, IN SECTION 27 TOWNSHIP 2 SOUTH, RANGE 4 EAST, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the 7800 Royal Street East #16, have petitioned the City Council for approval of the Sterlingwood Condominiums Second Amended – Amending Unit 16; and

WHEREAS, on March 26, 2016 proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, on March 29, 2016 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on April 13, 2016 the plat amendment was continued at the Planning Commission meeting to a date uncertain; and

WHEREAS, on June 4, 2016 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 8, 2016 proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on June 22, 2016 to receive input on the proposed plat amendment; and

WHEREAS, on June 22, 2016 the Planning Commission forwarded a ______ recommendation to the City Council; and,

WHEREAS, on July 14, 2016 the City Council held a public hearing on the proposed Sterlingwood Condominiums Second Amended – Amending Unit 16; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Sterlingwood Condominium Plat –Amending Unit 16.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Sterlingwood Condominiums Second Amended – Amending Unit

16, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1. The property is located at 7800 Royal Street East #16 within the Residential Development (RD) District.
- 2. The Sterlingwood Condominium Plat was originally approved by City Council on December 12, 1979 and recorded on December 17, 1984.
- 3. The Sterlingwood First Amended Condominium Plat was approved by City Council on June 27, 2002 and recorded on October 25, 2002.
- 4. The total area of the Sterlingwood condos is 2.48 acres.
- 5. There are eighteen (18) units in the Sterlingwood Condominium Plat consistent with the density allowed by the Deer Valley Master Planned Development.
- 6. On March 8, 2016, the applicant submitted an application to amend the existing Sterlingwood Condo Condominium Plat.
- 7. The Sterlingwood Homeowners Association have met and consented with a two thirds (2/3rds) vote to allow the transfer of limited common to private area ownership to Unit 16.
- 8. The application was deemed complete on May 18, 2016.
- 9. The proposed plat amendment would memorialize the proper ownership of the existing garage to limited Common Area for Unit 16 as well as change a Common Area stairwell to private area for Unit 16 of the Sterlingwood Condos.
- 10. Enclosing the stairwell area within the existing building does not change the existing building setbacks, height, or building footprint.
- 11. The square footage of Unit 16 will change from 2,861 to 3,103.
- 12. On June 27, 2002 the City Council approved the First Amended Sterlingwood Condominium Plat which was then recorded on October 25, 2002. This amendment only referenced 6 of the 18 units, Buildings 'F', 'G', and 'H' which clarified these unit's Limit common garage areas.

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 regarding subdivisions and condominium plats.
- 3. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
- 4. Approval of the condominium plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

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

this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The Sterlingwood Condominium Plat and First Amended Sterlingwood Condominium Plat shall otherwise continue to apply.

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

PASSED AND ADOPTED this ____day of _____, 2016

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney





KNOW ALL MEN BY THESE PRESENTS, that the undersigned, on behalf of the Sterlingwood Home Owners Association, having complied with the requirements of both Statues and the Recorded Declaration hereby consent to the recording of this Second Amended Record of Survey Map.

By: _____ _____, President Sterlingwood Home Owners Association

ACKNOWLEDGMENT

State of _____: County of _____:

On this _____ day of _____, 2016, personally appeared before me, the undersigned Notary Public, in and for said County and State, <u>(association president)</u>, being duly sworn, acknowledged to me that he is the president of the Sterlingwood Home Owners Association, and that he signed the above Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the Sterlingwood Home Owners Association acting as a group (under the name of the Sterlingwood Home Owners Association) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Sterlingwood Home Owners Association

By: _____ A Notary Public Commissioned in _____

Printed Name

Residing in: ____

My commission expires: _____

Commission No. _____

LEGEND



COMMON

PRIVATE

LIMITED COMMON

SECOND AMENDED RECORD OF SURVEY MAP STERLINGWOOD

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 27 TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.L.B. & M. PARK CITY, SUMMIT COUNTY, UTAH



ΒY

PARK CITY RECORDER

COMMISSION	ENGINEER'S CERTIFICATE
THE PARK CITY	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON
ISSION THIS	FILE IN MY OFFICE THIS
, 2016	DAY OF, 2016

×ÓRÌVÉ ŴA Y

BY _____CHAIR

DAY OF _____, 2016 BY _____ PARK_CITY_ENGINEER

10' UTILITY EASEMENT

5' GAS — EASEMENT

NON-EXCLUSIVE PUBLIC -UTILITIES EASEMENT

APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF _____, 2016 ΒY PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____MAYOR



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Second Amended Record of Survey Map of STERLINGWOOD CONDOMINIUMS, a Utah Condominium Project, has been prepared under my direction in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act.

BOUNDARY DESCRIPTION

Unit No. 16, contained within Sterlingwood Condominiums, a Utah condominium project, as the same is identified in the record of survey map recorded in the office of the Summit County Recorder, on December 27, 1984, as Entry No. 228724, and as further defined and described in the Declaration of Covenants, Conditions and Restrictions and Bylaws of the Sterlingwood Condominiums, a Utah condominium project recorded in the Office of the Summit County Recorder on December 27, 1984, as Entry No. 228723, in Book 325, at Page 387, (as said map and declaration may be amended and/or supplemented).

Together with appurtenant undivided ownership interest in said condominium project's common areas and facilities in accordance with the aforesaid declaration and survey map and the Utah Condominium Ownership Act

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Juan I. Casanueva and Carmen Gil, husband and wife as joint tenants, hereby certify that they have caused a survey to be made and this Second Amended Plat of Sterlingwood to be prepared and hereby consent to the recordation of this Second Amended Plat.

	, 2016.		_ day of	
By:Juan I. Casanueva		By: Carmen (}il	
	ACKNOWLE	DGMENT		
State of	:			
	SS:			
County of	:			
On this day of before me, the undersigned Notary Pub I. Casanueva acknowledged to me that that he signed the above Owner's Dedi	plic, in and for s he is the perso	said state and cou on whose name is	nty. Having been du subscribed to this in	uly sworn, Juan
Notary Public				
Printed Name				
Residing in:				
My commission expires:				
Commission No				
	ACKNOWLE	DGMENT		
State of	:			
	SS:			
County of	:			
On this day of the undersigned Notary Public, in and acknowledged to me that she is the p signed the above Owner's Dedication a	for said state a erson whose nar nd Consent to R	nd county. Having ne is subscribed t Record freely and v	g been duly sworn, C o this instrument, ar	armen Gil
Notary Public				
Printed Name				
Residing in:				
-				
-				
My commission expires:				
My commission expires: Commission No			·	
My commission expires: Commission No NOTE			·	
My commission expires: Commission No NOTE				
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My commission expires: Commission No NOTE This plat is subject to the Conditions	of Approval in	Ordinance 16		
My commission expires: Commission No NOTE This plat is subject to the Conditions	of Approval in	Ordinance 16 X:\SilverLakeVillaç	 je\dwg\srv\plat2015 RECORDED	SHEET 1 0
My commission expires: Commission No NOTE This plat is subject to the Conditions	of Approval in 4–12–15 FILE: ST S	Ordinance 16 X:\SilverLakeVillaç TATE OF UTAH, 0	ge\dwg\srv\plat2015	\041215.dwg , AND FILED

FEE

Page 114 of 228

RECORDER



323 Main Street P.O. Box 2664 Park City, Utah 84060–2664

MAIN LEVEL

LOWER LEVEL



SECTION B AND ELEVATIONS SCALE: 1"=10'









	(435) 64
Alignce	-
Engline	ering In

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664 DATE: 2/3/16

649–9467 STAFF: MARSHALL KING MARTY MORRISON JESSE MORENO SURVEYORS 84060–2664 DATE: 2/3/16 AERIAL PHOTOGRAPH STERLINGWOOD CONDOMINIUMS, UNIT 16 7800 ROYAL STREET EAST FOR: T&T MOUNTAIN BUILDERS JOB NO.: 4-12-15 FILE: X:\SilverLakeVillage\dwg\Exhibits\Sterlingwood-ortho.dwg



EXHIBIT D - Project Intent Letter

STERLINGWOOD

7800 ROYAL STREET, UNIT 16

PROJECT INTENT

The owners of Unit 16, Sterlingwood Condominiums are in the process of preparing to remodel the unit. As part of the remodeling process, the owner would like to enclose an open stairway that is currently shown as Common Area in the lower left corner on Sheet 2 of 2 of the existing plat, recorded December 27, 1984, as Entry No. 228724. This common area was originally intended as a walkway to Deer Valley ski trails, but is not used by other owners of Sterlingwood.

There is an inconsistency on the currently recorded plat as to how the garage ownership is designated. In the plan view, the garage is shown as limited common and is shown as private in the section view of the garage. This ownership would be changed to limited common to be in accordance with the plan view of the garage.

On the Main Level, the east corner would be squared off to reflect the change to private ownership.



EXHIBIT E - Sterlingwood HOA Letter

STERLINGWOOD HOMEOWNERS ASSOCIATION P. O. BOX 682066 PARK CITY, UT 84068-2066

To Whom It May Concern:

The Sterlingwood Condominium Owners Association conducted a vote amongst the 18 unit owners, specifically requesting approval or denial of the proposed transfer of limited common to private space, as detailed in the current plat amendment application, for unit #16. As of May 16, 2016; 13 positive votes have been received, which confirms the 2/3 necessary majority that is required by the Utah state code. We ask the city planning commission to grant this a favorable recommendation.

Thank you, Rick Dentt, Board Member



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other document to which this co							
State of California County of San D:	£90)				
On May 17. 2016	before	me,		L Trim,			
Date			F	lere Insert Na	me and Titl	e of the Officer	
personally appeared	Rochard	C	Dentt				
			N	ame(s) of Sigr	ner(s)		

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____ h 2

Signature of Notary Public

MAY 1 8 2016

PARK CIT

Page 121 of 228

Place Notary Seal Above

OPTIONAL -

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

an Named Above:		
Signer's Name:		
Corporate Officer — Title(s):		
Partner — Limited General		
Individual Attorney in Fact		
□ Trustee □ Guardian or Conservator □ Other:		
Signer Is Representing:		

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EXHIBIT F - Photos



Sterlingwood, Unit 16 – Looking easterly

EXHIBIT F - Photos



Sterlingwood, Unit 16 – Looking westerly

EXHIBIT E - Photos



Sterlingwood, Unit 16 – Looking southerly

EXHIBIT F - Photos



Sterlingwood, Unit 16 – Westerly entrance



Planning Commission Staff Report

Application #s:PL-16-03140Subject:National Ability Center (NAC) SubdivisionAuthor:Kirsten Whetstone, MS, AICP- Senior PlannerDate:June 22, 2016Type of Item:Legislative

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing on the National Ability Center Subdivision plat, consider input, and consider forwarding a positive recommendation to City Council pursuant to the findings of fact, conclusions of law and conditions of approval stated in the draft ordinance.

Description

Applicant:	John Serio, National Ability Center
Representative:	Michael Barille
Location:	1000 Ability Way
Zoning:	Recreation Open Space (ROS)
Adjacent Land Uses:	Round Valley Open Space, Quinn's Recreation Complex, Park City Ice Rink
Reason for Review:	Subdivision plats require public hearing and recommendation by the Planning Commission with final action by City Council.

Proposal

The proposed National Ability Center (NAC) Subdivision creates a 26.2 acre platted lot of record for the entire National Ability Center property (Exhibit A). See Exhibit B for applicant's letter and Exhibit C for existing conditions and photographs of the property.

Purpose of the ROS Zoning

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) permit recreational Uses and preserve recreational Open Space land,
- (C) encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) encourage sustainability, conservation, and renewable energy.

The ROS zone allows for a variety of conservation, open space, and recreation uses. It

was determined at the time of the annexation that the National Ability Center was consistent with the purpose and uses of the zone.

Background

The site is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City. Access to the property is from Round Valley Drive and Gillmor Way, which are public streets and Ability Way, which is a private access drive. See Exhibit C for existing conditions and Exhibit H for photographs of the property. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation. A Development and Water Service Agreement (Exhibit D) describing conditions of water services was part of the Annexation documents.

The parcel was deeded to the NAC by Florence Gillmor and restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complimentary recreational activity facilities. The National Ability Center (NAC) is a non-profit organization specializing in community sports, recreation, therapy, and education programming. Overnight lodging is also provided for participants.

Prior to annexation, the property received approval of a Specially Planned Area (SPA) by Summit County (Exhibit E) on July 26, 1999. The NAC Specially Planned Area (SPA) allowed for development of various uses and buildings and was recorded at Summit County on August 3, 1999.

The property currently includes a 24,800 sf equestrian arena (17,150 sf indoor arena and 7,650 sf of stalls and offices) an outdoor challenge course, a playground area, an outdoor equestrian arena, a 2,200 sf archery pavilion, a gazebo, various barns and storage buildings, an 18,300 sf residential dormitory building, a 12,780 sf support administrative building, and 113 parking spaces. A Conditional Use Permit for a hay storage barn was approved in 2015 and constructed in 2016.

On December 10, 2014, the Planning Commission held a public hearing, discussed a pre-MPD application for proposed expansion of the National Ability Center and found the pre-MPD application generally in compliance with the General Plan and underlying zoning (Exhibit F). The Commission requested details of the lodging uses and buildings be provided at the time of MPD submittal (specifically user groups as well as building height and architecture).

On January 26, 2016, the City received a complete application for a Master Planned Development (MPD) located at 1000 Ability Way. The MPD application proposes the following main items:

- Additional lodging (22,266 sf) (requesting a height exception from 33' to 45')
- Expansion of the indoor equestrian arena (12,188 sf)
- An addition to the existing administration building for office uses (3,400 sf)

- Center campus activity/multi-purpose area (7,000 sf)
- Archery Pavilion, classrooms, restrooms (2,200 sf)

An additional 101 parking spaces are requested, along with future improvements to the stables, equipment and storage sheds, challenge ropes course, interior plaza and landscaping, in additional to a small greenhouse for gardening programming, a test track area, and a tent platform/single room camping cabins area to foster self-reliance in camping and outdoor skills.

A phasing plan for these improvements identifies the proposed equestrian addition, campground, ropes course and archery expansion, admin building addition, and 50 parking spaces as Phase I, for construction over the next two to five years. Phase II, consisting of additional lodging, the activity center enclosure and additional parking, is proposed to be constructed in the next seven to nine years (2-4 years following completion of Phase I).

The proposed MPD was noticed for an April 13, 2016, Planning Commission meeting. The item was continued to May 11, 2016, where it was continued to a date uncertain to allow additional time for staff to research the existing zoning in greater detail to address the Planning Director's determined that the ROS Zone does not specifically allow a Master Plan Development or lodging uses. Staff is preparing an analysis of a future rezone of the property from Recreation Open Space (ROS) to Community Transition (CT).

On April 12, 2016, the City received a completed application for the National Ability Center Subdivision plat proposing one platted lot of record (Lot 1) consisting of 26.2 acres.

<u>Analysis</u>

The proposed subdivision plat (Exhibit A) consists of one lot consisting of 26.2 acres and in compliance with the Land Management Code, <u>Section 15-7: Subdivisions</u> regarding lot layout, utilities and trails, public easements, wetlands protection, public access, utility access and easements, grading and storm drainage. The plat meets requirements of the ROS District. Easements for public utilities, access, and public trails shall be shown on the plat. Power, water, and sewer are available to the subdivision (Exhibits G and H) and provisions of the approved annexation ordinance remain in effect with this subdivision plat.

The proposed one lot plat is consistent in size and location with the existing metes and bounds described parcel and consistent with the National Ability Center SPA approved at Summit County. There is no minimum or maximum lot size in the ROS District. 27. No changes are proposed to the existing property lines or to the location of platted Round Valley Drive or to platted Gillmor Way.

A previous wetlands delineation of the property was recently updated and the 2015 report was provided to the City (see Exhibit I) with the MPD application. Wetlands delineation and report shall be provided to the City with building permit applications and any required Army Corps permits shall also be provided prior to building permit issuance. All LMC required wetland protection buffer areas shall be complied with for development within this subdivision. Staff recommends that a note shall be included on the plat prior to recordation stating that all development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time off building permit application.

Attention to the location of visible dry utility boxes and installations is an important consideration when designing a site in order to ensure that adequate area is available for landscape elements to provide adequate screening from public view. Staff recommends a condition of approval that dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.

Staff finds good cause for this subdivision plat amendment, as conditioned, as it will create a platted lot of record for the National Ability Center.

Good Cause

There is good cause for this plat amendment as it creates a legal lot of record for the National Ability Center.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Development is subject to requirements of the Recreation Open Space (ROS) District and the Annexation Agreement. Uses of the property are also subject to the Land Management Code regarding Conditional Use and Administrative Use permits. Individual Staff review of any Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Department Review

The application has been reviewed by the Planning, Building, Engineering and Legal departments as well as the utility providers. Issues raised during the review process have been addressed with plat notes and/or by conditions of approval. See Exhibit G for letters from Snyderville Basin Water Reclamation District (SBWRD) regarding provision of wastewater services for the property and other service provider letters.

Notice

On June 8, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on June 4, 2016.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to Council to approve the subdivision as conditioned and/or amended; or
- The Planning Commission may forward a negative recommendation to Council to deny the subdivision and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

Significant Impacts

There are no significant fiscal and environmental impacts to the City as a result of approval of this subdivision plat. Future development proposals will be reviewed for compliance with the Land Management Code and may require a Master Planned Development for the entire site and/or Conditional Use or Administrative Permits prior to Building Permit issuance.

Consequences of not taking the Suggested Recommendation

The property will remain as a metes and bounds parcel.

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing on the National Ability Center Subdivision plat, consider input, and consider forwarding a positive recommendation to City Council pursuant to the findings of fact, conclusions of law and conditions of approval stated in the draft ordinance.

Exhibits

- Exhibit A- Proposed plat
- Exhibit B- Applicant's letter
- Exhibit C- Existing conditions and photos of the property
- Exhibit D- Development and Water Service Agreement
- Exhibit E- National Ability Center SPA
- Exhibit F- Pre-MPD Action letter
- Exhibit G- Utility Providers Letters
- Exhibit H- Utility Plan and Master Plan
- Exhibit I- Wetlands report

Ordinance No. 16-

AN ORDINANCE APPROVING THE NATIONAL ABILITY CENTER SUBDIVISION, LOCATED AT 1000 ABILITY WAY, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1000 Ability Way petitioned the City Council for approval of the National Ability Center Subdivision plat; and

WHEREAS, on June 8, 2016, the property was properly posted and notices were sent to affected property owners according to the requirements of the Land Management Code; and

WHEREAS, on June 4, 2016, proper legal notice was published in the Park Record; and

WHEREAS, the Planning Commission held a public hearing on June 22, 2016, to receive input on the National Ability Center Subdivision plat;

WHEREAS, the Planning Commission, on June 22, 2016, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on July 21, 2016, the City Council held a public hearing on the National Ability Center Subdivision plat; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the National Ability Center Subdivision plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The National Ability Center Subdivision plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1. The property is located at 1000 Ability Way.
- 2. The zoning is Recreation Open Space (ROS), subject to the Park City Recreation Complex Annexation Ordinance.
- 3. The site is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City.
- 4. Access to the property is from Round Valley Drive and Gillmor Way, which are public streets and Ability Way, which is a private access drive.
- On July 26, 1999, prior to annexation, the property received approval of a Specially Planned Area (SPA) by the Summit County Commission, as well as a Conditional Use Permit. The NAC Specially Planned Area (SPA) was recorded at

Summit County on August 3, 1999. The SPA and CUP allow for development of various uses and buildings.

- 6. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation.
- 7. The parcel was deeded to the NAC by Florence Gillmor and is restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complimentary recreational activity facilities.
- 8. The National Ability Center (NAC) is a non-profit organization specializing in community sports, recreation, therapy, and education programming. Overnight lodging is also provided for participants.
- 9. The property currently includes a 24,800 sf equestrian arena (17,150 sf indoor arena and 7,650 sf of stalls and offices) an outdoor challenge course, a playground area, an outdoor equestrian arena, a 2,200 sf archery pavilion, a gazebo, various barns and storage buildings, an 18,300 sf residential dormitory building, a 12,780 sf support administrative building, and 113 parking spaces.
- 10. A Conditional Use Permit for a hay storage barn was approved in 2015 and constructed in 2016.
- 11. On December 10, 2014, the Planning Commission held a public hearing, discussed a pre-MPD application for proposed expansion of the National Ability Center and
- 12. The Pre- MPD application was found to be generally consistent with the purpose statements of the ROS Zoning District and the goals and objectives of the General Plan.
- 13. On January 26, 2016, the City received a complete application for a Master Planned Development (MPD) located at 1000 Ability Way. The MPD application proposed additional lodging (22,266 sf), expansion of the indoor equestrian arena (12,188 sf), an addition to the existing administration building for office uses (3,400 sf), center campus activity/multi-purpose area (7,000 sf), and new archery pavilion, classrooms, and restrooms (2,200 sf).
- 14. An additional 101 parking spaces were requested with the MPD application, along with future improvements to the stables, equipment and storage sheds, challenge ropes course, interior plaza and landscaping, a small greenhouse for gardening programming, a test track area, and a tent platform/single room camping cabins area to foster self-reliance in camping and outdoor skills.
- 15. The proposed MPD was noticed for an April 13, 2016, Planning Commission meeting. The item was continued to May 11, 2016, where it was continued to a date uncertain to allow additional time for staff to research the existing zoning in greater detail to address the Planning Director's determined that the ROS Zone does not specifically allow a Master Plan Development or lodging uses. Staff is preparing an analysis of a future rezone of the property from Recreation Open Space (ROS) to Community Transition (CT).
- 16. On April 12, 2016, the applicant submitted a complete application for National Ability Center Subdivision plat proposing one platted lot of record (Lot 1) consisting of 26.2 acres.
- 17. The property is currently developed in part with structures and parking and undeveloped in part consisting of native grasses, shrubs and other low vegetation and with areas of delineated wetlands.

- 18. The wetlands delineation was recently updated and the May 2015 report was submitted to the City with the MPD application.
- 19. Any wetlands delineation that is more than five years old is required to be updated, re-delineated and re-submitted to the Corp and the City prior to issuance of a building permit.
- 20. All development, such as buildings and parking areas, are required to comply with the LMC required setbacks from delineated wetlands. The current requirement is a 50' wide wetlands protection buffer area.
- 21. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south.
- 22. There are existing public utilities on the property, as well as existing easements that will be memorialized on this subdivision plat prior to recordation, to ensure that public utilities, access, and trails are located within adequate easements.
- 23. Utility easements are necessary along property boundaries for potential future utility installations
- 24. A twenty foot (20') wide public trail easement is required for the existing public trail on the southwest corner of the property.
- 25. A thirty foot (30') wide water and public utility easement is shown on the plat as an existing easement for utilities at the southeast corner of the lot.
- 26. A twenty foot (20') wide sanitary sewer easement is shown on the plat as an existing easement for sewer at the southeast corner of the lot.
- 27. No changes are proposed to the existing property lines or to the location of platted Round Valley Drive or to platted Gillmor Way.
- 28. Snow storage easements are not required along private streets.
- 29. Attention to the location of visible dry utility boxes and installations is an important consideration when designing a site in order to ensure that adequate area is available for landscape elements to provide adequate screening from public view.
- 30. The Analysis section of this staff report is incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with the Land Management Code, and these conditions of approval, prior to recordation of the plat.

- 2. The applicant will record the subdivision plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing prior to expiration and is approved by the City Council.
- 3. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.
- 4. Final utility, storm water, and grading plans must be approved by the City Engineer prior to building permit issuance.
- 5. A financial guarantee for any required public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.
- 6. Any wetlands delineation older than five (5) years shall be updated and submitted to the City prior to building permit issuance for development on the lots. All required Corps of Engineer approvals and permits shall be submitted prior to issuance of a building permit on the lots.
- 7. A note shall be included on the plat prior to recordation stating that all development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time of building permit application.
- 8. A ten foot (10') wide non-exclusive public utility easements shall be shown along the property lines as required by the City Engineer during final plat review. A public trail easement shall be shown on the plat for public trails located on the property. Utility easements, for SBWRD shall be provided at the direction of SBWRD. Public utility easements shall be provided as required by utility providers and shall be shown on the plat prior to recordation.

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

PASSED AND ADOPTED this 21st day of July, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit Exhibit A- Proposed plat

EXHIBIT A



Alliance ngineering Inc.

EXHIBIT B

CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

National Ability Center Plat Application

April 12, 2016

Project Description:

The purpose of the National Ability Center plat is to create a one lot subdivision as required by the Park City Land Management Code. The property is currently a single metes and bounds legal description.



323 MPlanning Commission Packet Bras 22,6014

Park City, Utah 84060

435-649-9467

Pa435364929475











National Ability Center looking southwesterly



National Ability Center looking easterly


National Ability Center looking northerly



National Ability Center looking northwesterly

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DEVELOPMENT AND WATER SERVICE AGREEMENT

This Agreement is entered into as of this <u>15</u> day of July, 1999 by and among the National Ability Center, its successors in interest and assigns, whether in whole or in part (NAC), the Park City Water Service District (Water District) and Park City Municipal Corporation (Park City), collectively referred to as the Parties.

WHEREAS, the NAC is a private, non-profit 501(c)(3) corporation dedicated to the development of lifetime skills for persons with disabilities and the families by providing affordable, quality sports and recreation experiences;

WHEREAS, the NAC received title, by gift deed, subject to a power of reverter, to the following described property for use as an equestrian facility and administrative offices of the National Ability Center:

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SLB&M AND THE SE 1/4 OF SECTION 34, TOWNSHIP 1 NORTH RANGE 4 EAST SLB&M

BEGINNING at the Southwest corner of the Northeast 1/4 of the Northeast 1/4 Section 3, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence N 89ÿ58'47" E 950.04 feet along the 40 acre line; thence North 1049.57 feet; thence N 70ÿ23'24" W 983.05 feet; thence S 00ÿ59'49" W 52.14 feet to the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 3; thence S 00ÿ59'49" W 1327.90 feet along the 40 acre line to the point of beginning (approximately 26.2 acres).

hereafter, the Property. The Property is depicted on Exhibit A;

WHEREAS, on August 24, 1998 the NAC petitioned Park City and its Water District for water service to the Property;

WHEREAS, the Property is within Park City's annexation declaration boundary, but is not contiguous to Park City;

WHEREAS, the NAC owns an easement to extend a line from the Property to the Park City water system, which easement may be assigned to the City;

WHEREAS, the NAC appeared before the City Council on April 1, 1999 and on May 13, 1999 and offered certain assurances that the water service extension would be of public benefit and would not induce growth;

WHEREAS, in exchange for water service, the NAC is willing to restrict development of the Property in perpetuity, to submit to Park City ordinances, to annex to the Water Service District, and to annex to Park City, when appropriate;

WHEREAS, it is in the best interests of the citizens of Park City to annex the Property into the Water Service District upon certain conditions;

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NOW, THEREFORE, in consideration of the mutual promises and covenants herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. ANNEXATION.

. "

..

- 1. The NAC hereby petitions for annexation of the Property into the Water Service District.
- 2. The Water Service District hereby annexes the Property.

II. CONDITIONS OF WATER SERVICE.

- NAC Duty to Construct Line Consistent with City Specifications. The NAC shall construct an eight (8) inch water line from the City water system, to the Property (the NAC Water Line) in a manner and location approved by the Park City Public Works Director and the City Engineer, all in accordance with applicable provisions of the Park City Design Standards and Construction Specification and Standard Drawings, and subject to City inspection.
- 2. NAC Duty to Maintain Line. The NAC shall maintain the NAC Water Line and easement until such time as Park City accepts dedication of the NAC Water Line and easement.
- NAC Shall Not Offer Water Service. The NAC shall not allow any connection to the NAC Water Line without written City permission, approved by the City Council.
- 4. Dedication of Water Rights. The NAC shall immediately petition to the State Engineer to change the type and place of use, and the point of diversion of sufficient water rights to convert 11.48 acre feet of Weber River Decreed Water Right Number 35-8457 to year round municipal use from designated City sources. Upon State Engineer action changing the place and type of use and point of diversion of at least 11-acre feet of such right to the City system, the NAC shall, by Statutory Warranty Deed, convey such rights to the Water Service District. The NAC shall expend reasonable and diligent efforts to convert such rights to City use. If, after 36 months the NAC fails to convert such water, the

NAC shall promptly pay to the City all applicable water development fees, with accrued interest according to the statutory post judgment rate of interest in effect at that time.

- 5. Water Connection Fees. Prior to connection to the Park City water system, the NAC shall pay to Park City water connection fees according to City ordinance.
- 6. Irrevocable Offer to Annex to Park City. The NAC hereby irrevocably offers to annex the Property to Park City. The NAC shall actively support such annexation.
- NAC Commitment to Maximum Use Parameters. The NAC agrees that, regardless of its annexation to Park City, the Property will, in perpetuity, be limited to the following uses:
 - 7.1. The Property currently supports an outdoor equestrian arena, tack shed, parking lot, and sun shelter.
 - 7.2. In June, 1999, the NAC received County conditional use permit approval for a 7,570 square foot administrative building to house the administrative offices of the NAC, a 3,500 square foot horse barn, a 17,000 square foot indoor equestrian arena, a 21,000 square foot dormitory/dining hall, a 1,680 square foot storage building, and a universal challenge (ropes) course. Such permit includes specific site plan approval and is attached hereto as Exhibit C.
 - 7.3. The NAC may, in the future, request a permit to construct a swimming pool.
- 8. NAC's Commitment to City Ordinances. The NAC hereby commits to use the Property in a manner that is at all times consistent with City ordinances, including, but not limited to, all livestock, lighting, water conservation, sign, parking lot, outdoor storage, noise ordinances, and design regulations.
- NAC's Commitment to Pay for Water Use. The NAC hereby agrees to pay such water use fees as are generally applicable within Park City.
- 10. NAC Easement. Upon City request, NAC shall dedicate a water line easement to the City that will allow the City to extend the water line to other properties.

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...

- 11. Park City Duty to Provide Limited Water Service. The Water Service District shall provide culinary water and fire flow to the Property to support the uses described in paragraph II.6 herein.
- 12. NAC's Unconditional Offer to Dedicate Water Line and Easement. The NAC hereby irrevocably offers to dedicate its water line, and to assign its water line easement to the City.

III. GENERAL TERMS

. **

- Incorporation of Recitals and Introductory Paragraphs. The Recitals
 contained in this Agreement, and the introductory paragraph preceding the
 Recitals, are hereby incorporated into this Agreement as if fully set forth herein.
- Severability. If any provision of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.
- 3. Covenants Running with the Land. The provisions of this Agreement shall constitute real covenants, contract and property rights and equitable servitudes, which shall run with all of the land subject to this Agreement. The burdens and benefits hereof shall bind and inure to the benefit of each of the Parties hereto and all successors in interest to the Parties hereto. All successors in interest shall succeed only to those benefits and burdens of this Agreement which pertain to the portion of the Project to which the successor holds title. Such titleholder is not a third party beneficiary of the remainder of this Agreement or to zoning classifications and benefits relating to other portions of the Project.
- 4. Notices. Any notice or communication required hereunder between the Parties must be in writing, and may be given either personally or by registered or certified mail, return receipt requested. If given by registered or certified mail, the same shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter

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containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If personally delivered, a notice is given when delivered to the Party to whom it is addressed. Any Party hereto may at any time, by giving ten (10) days written notice to the other Parties hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at the address set forth below:

If to City to:

. ..

..

City Manager 445 Marsac Ave. P.O. Box 1480 Park City, UT 84060

Copy to:

City Attorney 445 Marsac Ave. P.O. Box 1480 Park City, UT 84060

If to NAC to:

Meechie White National Ability Center P.O. Box 682799 Park City, UT 84068

5. Attorneys' Fees. In the event of a dispute between any of the Parties arising under this Agreement, the prevailing Party shall be awarded its attorneys' fees and costs to enforce the terms of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by the NAC by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the _____ day of July, 1999.

12

PARK CITY MUNICIPAL CORPORATION

By: Hugh Daniels, Mayor Pro Tem

PARK CITY WATER SERVICE DISTRICT

Bv:

Hugh Daniels, Vice-Chairman of the Board

ATTEST: City Clerk

By: 4 Janet Scott, City Recorder

APPROVED AS TO FORM:

Tallad

Jodi Hoffman, City Atterney, Water Service District Attorney

National Ability Center:

National Ability Center,

a nonprofit corporation

By: Richard Dudley Title: President, Board of Directors

>) : ss

)

STATE OF UTAH

COUNTY OF SUMMIT

On this <u>19</u> day of July 1999, before me, Thomas L. O'Finnegan, the undersigned Notary Public, personally appeared Richard Dudley, personally known to me to be the President of the Board of Directors of the National Ability Center, on behalf of the corporation named herein, and acknowledged to me that the corporation executed

MMI

it. Witness my hand and official seal.



Notary Public, State of Utah Residing in Park City, Utah

EXHIBIT E



EXHIBIT F



December 12, 2014

Jon Serio National Ability Center 1000 Ability Way Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Application #	PL-14-02476
Address	1000 Ability Way
Description	National Ability Center pre-MPD
Action Taken	Found the pre-MPD application compliant with the General
	Plan and consistent with the ROS zone
Date of Action	December 10, 2014

On December 10, 2014, the Park City Planning Commission at the regularly scheduled meeting, conducted a public hearing, and found that the pre-MPD application for amendments to the National Ability Center Specially Planned Area (SPA)/ Master Planned Development (MPD) complies with the Park City General Plan and is consistent with the ROS zoning, based on the following findings of fact and conclusion of law:

Findings of Fact

- 1. On September 2, 2014, the City received a completed application for a pre-Application for a Master Planned Development amendment located at 1000 Ability Way.
- 2. The proposed MPD Amendment includes the following main items:
 - a. additional lodging (22,266 sf),
 - b. expansion of the indoor equestrian arena (12,188 sf),
 - c. an addition to the existing administration building (3,400 sf),
 - d. approximately 50 parking spaces, and
 - e. various improvements to Ability Center activities such as future improvements to the archery pavilion, expanded hay storage, additional equipment and storage sheds, a future enclosure and/or covering of the outdoor arena, a small green house for gardening programming, expansion of the challenge course, interior plaza and landscaping improvements, and a tent platform/single room cabin area to foster self-reliance in camping and outdoor skills.
- 3. A phasing plan for these improvements will be submitted with the MPD application.

- 4. The property is zoned Recreation Open Space (ROS).
- 5. Access to the property is from Round Valley Drive, a public street, and Ability Way, a private access drive.
- 6. The site is described as Parcel # PCA-97-B, a metes and bounds parcel of land located in the Quinn's Junction neighborhood of Park City. A one lot subdivision to create a lot of record for this parcel is necessary prior to issuance of a building permit for the major additions.
- 7. The 26.2 acre parcel was annexed to Park City in 2004 as part of the National Ability Center and Quinn's Recreation Complex Annexation.
- 8. The parcel was deeded to the NAC by Florence Gillmor and restricted to adaptive recreational programs, including equestrian, fitness, therapy and various related and complimentary recreational activity facilities.
- 9. The National Ability Center (NAC) is a non-profit organization specializing in community sports, recreation, therapy, and education programming.
- 10. Prior to annexation, the property received approval of a Specially Planned Area (SPA) from Summit County, which is a similar to a Master Planned Development (MPD) in the City, as well as a Conditional Use Permit.
- 11. The NAC Specially Planned Area (SPA) allows for development of various uses and buildings. The property currently includes a 17,150 sf indoor arena, an outdoor challenge course, a playground area, an outdoor arena, an archery pavilion, a gazebo, various barns and storage buildings, a 12,200 sf residential dormitory building, a 7,500 sf support administrative building, and 140 parking spaces.
- 12. The July 15, 1999 Development and Water Service Agreement describes conditions of water services as well as findings regarding the approved Conditional Use Permit.
- 13. A requirement for any Master Planned Development (MPD) (or amendment to an MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the ROS zone.
- 14. The ROS zone allows for a variety of conservation, open space, and recreation uses. It was determined at the time of the annexation that the National Ability Center was consistent with the purpose and uses of the zone. The proposed uses are consistent with the existing uses and are consistent with the mission of the NAC.
- 15. The Land Management Code (LMC 15-6-4(B)) describes the pre-Application process.
- 16. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.
- 17. The NAC is located in the Quinn's Junction neighborhood, as described in the new Park City General Plan.
- 18. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. 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. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.

- 19. Amendments to the NAC MPD are primarily additions and enhancements to existing buildings and facilities intended to enhance the NACs success. The NAC was identified as an appropriate and compatible use in this neighborhood. Development is setback from the Entry Corridor to preserve the open view from SR 248. Sensitive wetland areas should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed uses.
- 20. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.
- 21. Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to support the existing NAC uses and mission. The lodging proposed is support to the existing uses to provide additional types of short term housing.
- 22. There is existing City bus service to the area on an as needed basis and additional uses will help to validate additional services.
- 23. The NAC is located on the City's trail system and adjacent to Round Valley open space.
- 24. Natural Setting Goals of the General Plan include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.
- 25. With the proposed changes the property would maintain approximately 78% open space, excluding all hard surface areas, parking, driveways, and buildings.
- 26. The proposed MPD amendments include expansions of existing uses, enhancement of the interior outdoor spaces, and connections to the trails and open space areas. The future tent platform/cabin area is intended to promote self-reliance and appreciation of the natural setting. Additional information related to "green building" strategies for the proposed buildings should be addressed with the MPD application.
- 27. Sense of Community Goals of the General Plan include creation of diversity of housing, including affordable housing; provision of parks and recreation opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.
- 28. A primary reason for the proposed MPD amendments is to provide improvements and enhancements to allow the NAC to continue to be successful and to carry out their mission. The proposed lodging will provide an alternative to dormitory

accommodations for longer stays, to accommodate athletes training for local, regional, national, and international events.

29. On November 12, 2014 and on December 10, 2014, the Planning Commission held public hearings and discussed the pre-MPD for the National Ability Center MPD amendment.

Conclusions of Law

1. The proposed MPD Amendments to the National Ability Center SPA (MPD) are in compliance with the Park City General Plan and are consistent with the Recreation Open Space (ROS) zoning.

If you have questions regarding your project or the action taken please contact me at (435) 615-5066 or <u>kirsten@parkcity.org</u>.

Sincerely,

Kits a. Shith

Kirsten Whetstone Senior Planner

Park City Planning Department PO Box 1480 Park City, UT 84060



EXHIBIT G

DIS

March 31, 2016

Jon Serio Facilities & Capital Manager National Ability Center P.O. Box 682799 Park City, UT 84068

Subject: National Ability Center Master Plan Application Service Provider Letter

SNYDERVILLE BASIN

2800 HOMESTEAD RD, PARK CITY, UT 84098

Dear Mr. Serio;

This letter is to respond to your recent request regarding wastewater service for the above referenced project in Park City.

The existing buildings of the National Ability Center are currently connected to the Snyderville Basin Water Reclamation District (SBWRD) wastewater system. Based on a concept utility plan recently updated by your engineer, it appears that the proposed new buildings will be able to connect to the public wastewater system as well. The SBWRD can provide wastewater service to the project provided the established procedures for obtaining said service are followed as outlined in SBWRD standards and procedures manual. Please contact me when you are ready to move forward with the project.

RECLAMATION

WWW.SRWRD.ORG

Wastewater service is not committed by SBWRD until SBWRD receives full payment of all required fees including SBWRD impact fees.

Sincerely,

Bryan D. Atwood, P.E. District Engineer

cc: Park City Planning Dept. Michael Barille Project File



December 22, 2015

Johnny Serio National Ability Center 1000 Ability Way Park City Ut. 84060

Dear Developer:

Re: Natural Gas Service Availability Letter

Natural gas can be made available to serve the National Ability Center Master Plan development when the following requirements are met:

- Developer provides plat maps, drawings, construction schedules, average size of homes, units, and/or buildings that will be served by natural gas, and any and all other relevant information regarding commercial and residential uses, including but not limited to, proposed natural gas appliances (number and type of appliances per unit, homes, building).
- Review and analysis by Questar Gas' Engineering and/or Pre-Construction Department to determine load requirements. System reinforcement requirements and estimated costs to bring natural gas to the development.

Upon completion of Questar Gas' review of the development's natural gas requirements, agreements will be prepared, as necessary, for high pressure, intermediate high pressure and/or service line extensions required to serve the development. These service extensions must be paid in advance.

To accommodate your construction schedule and provide cost estimates to you, please contact me at your earliest convenience.

Sincerely,

Craig J. Sargent Pre-Construction Specialist

Jon Serio

From: Sent: To: Subject: Jon Serio Wednesday, December 16, 2015 11:55 AM 'Clint McAffee' RE: National Ability Center- Will Serve letter request

Clint,

I didn't realize that, but I thought the intent of the will serve with further development, was to identify the ability to serve expanded service.

Ok, I will proceed without based on your note below and will check back in with you if we have any further requests as we submit our application.

Thank-you.



Johnny Serio | Facilities & Capital Manager

National Ability Center d: 435.608.0119 | o: 435.649.3991x634 | C: 440.488.9520 f: 435.658.3992 1000 Ability Way, Park City UT 84060 jons@DiscoverNAC.org www.DiscoverNAC.org

From: Clint McAffee [mailto:clint.mcaffee@parkcity.org] Sent: Wednesday, December 16, 2015 9:52 AM To: Jon Serio Cc: Christine Morgan Subject: Re: National Ability Center- Will Serve letter request

Jon, we don't issue will serve letters. As long as you are in the City boundary and pay all associated fees Park City will serve water. Also, NAC already has a connection and service agreement.

Let me know if you have any questions.

Thanks, Clint

Sent from my iPad

On Dec 15, 2015, at 6:24 PM, Jon Serio < jons@discovernac.org > wrote:

Clint & Roger,

JAN 2 6 2016 Page 160 of 228 PARK CITY PLANNING DEPT.

EXHIBIT H



Utilities Plan

NATIONAL A BILITY CENTER



EXHIBIT H





Master Plan







NATIONAL ABILITY CENTER

Open Space Plan



OFFICE OF PUBLIC ARCHAEOLOGY BRIGHAM YOUNG UNIVERSITY MUSEUM OF PEOPLES AND CULTURES, B-67 PROVO, UTAH 84602-3600 (801) 422-0024 E-MAIL: opa@byu.edu WEBSITE: opa.byu.edu



December 10, 2015

Ms. Harriet Natter Wise Earth PO Box 980994 Park City, UT 84098

Re: NAC Inventory - Park City, Utah

Dear Harriet,

Per your request, Lane Richens and myself stopped by the NAC (National Ability Center) property in Park City, Utah, while we were in the area doing other surveys. We located the designated survey area and carried out a thorough inventory of that property. Much of the area is already impacted by roads (paved and dirt) or other disturbances, although there were some relatively undisturbed areas in or near the wetlands. No archaeological sites or isolated finds were located during the inventory.

Please let me know if there is anything else that you need.

Best Regards,

Richard K. Tallot

Rich Talbot OPA/BYU



November 4, 2015

Mr. Hollis Jencks USACOE 533 W. 2600 S. Suite 150 Bountiful, Utah 84010

Dear Mr. Jencks:

An updated wetland delineation is enclosed for the National Ability Center (NAC) in Park City, Utah. The Corps file number is 199950134. The site is somewhat drier and spring season data confirms that aside from the drainage on the north end of the site, the other areas mapped as wetlands or ephemeral channels should be deleted. I have photo documented the deleted areas and also provided groundwater data collected in late May to support the revised map.

For your review of this site, in addition to the updated delineation map and report, I've also included the old wetland delineation map. If you have questions or need any other information, please let me know.

Sincerely,

Harriet Natter

Enclosure

Cc Michael Barille, Plan Works Design Johnny Serio, NAC



DELINEATION OF WETLANDS AND WATERS OF THE US (Update) Corps File # 199950134

National Ability Center (NAC) 1000 Ability Way Park City, Utah 84060

NE ¼ Section 3 T2S. R4E.

November, 2015

Prepared for:

National Ability Center PO Box 682799 Park City Utah 84068-2799



TABLE OF CONTENTS

SUMMARY

1.	INTRODUCTION	. 1
2.	SITE DESCRIPTION / EXISTING CONDITIONS	. 1
3.	DELINEATION METHOD	. 1
4.	FIELD SURVEY RESULTS 1.1. Vegetation 1.2. Soils	
5	I.3. Hydrology	. 6
6	REFERENCES	

Tables

Table 1 Plant Species and Wetland Indicator 4

Figures

Figure 1	Drying Area Formerly Mapped as Wetland (DP4)	5
Figure 2	Topo High Ditch/Swale Formerly Mapped as Wetland	5
Figure 3	Southeast Area Formerly Mapped as Wetland/Drainages	6
Figure 4	OHWM – Lower Channel at Existing Road Crossing	7
Figure 5	Photo of Dry Incised Upper Section of Upper Channel	7

APPENDICES

Appendix A	Maps
Sheet 1	Location Map
Sheet 2	Wetland Map
Appendix B	Data Forms



Summary

Applicant – Johnny Serio, National Ability Center, PO Box 682799, Park City, UT 84068-2799

Property owner - National Ability Center, PO Box 682799, Park City, UT 84068-2799

Project Area – Approximately 26.2 acres

Location – 1000 Ability Way, Park City, Utah 84060

Directions – From Salt Lake take I-80 East to Highway 40 South. Take second exit right toward Park City, then first right onto Round Valley Drive, then first left on Gillmor Way, then left on Ability Way.

Delineation method - The delineation was conducted according to the guidelines and procedures outlined in the US Army Corps of Engineers' *Wetlands Delineation Manual* (Technical Report Y-87-1) and the 2010 Western Mountains Regional Supplement.

Existing field conditions – The site is a dryland parcel developed by the National Ability Center (NAC) with an administrative building, lodging, a horse barn, indoor riding arena, and livestock paddocks. There is a drainage on the north end of the parcel which is crossed by the main entrance road and also a footbridge. Two wetland delineations were completed in 1998. One was by Basin Hydrology and one by Diversified Habitats. The two wetland maps were similar. The Diversified Habitats map was approved by the US Army Corps of Engineers (Corps) in April, 1999.

Vegetation – Wetlands are dominated by Baltic Rush (*Juncus balticus*) with minor components of Reed Canary Grass (*Phalaris arundinacea*) Spreading Bentgrass (*Agrostis stolonifera*) Canadian Thistle (*Cirsium arvense*) Montane Golden Banner (*Thermopsis montana*) and Kentucky Bluegrass (*Poa pratensis*). Uplands are dominated by Big Sagebrush (*Artemisia tridentata*) Western Wheatgrass (*Pascopyrum smithil*) Common Yarrow (*Achillea millefolium*) Graceful Cinquefoil (*Potentilla gracilis*) and Basin Wild-Rye/Great Basin Lyme Grass (*Leymus cinereus*).

Soils – Soils in uplands are dark brown 10YR 2/1 to a depth of at least 18 (2/2 in uplands on the south end of the site). Wetland soils are also dark brown 10YR 2/1 but also have mottles and/or a somewhat thick root layer and higher organic content compared to upland soils, though no histic characteristics were found. Soil texture is most commonly clay loam and clay.

Hydrology – Wetland hydrology was confirmed in May, 2015 only in the swale bordering the north property line. A narrow channel flows seasonally and/or intermittently and may be perennially saturated near the road crossing at the lower end of the channel. The adjacent wetlands are seasonally saturated.

Wetland boundary justification – Spring season data collected in May 2015 confirms water features formerly mapped on the east and southeast portions of the site do not meet criteria qualifying these areas as wetlands or channels. The north seasonal channel and wetlands are mapped similarly to the former delineation although the wetland is somewhat smaller.

Potential navigable water or commerce connection – The waterway on site is currently assumed to be connected to Silver Creek which flows to the Great Salt Lake via the Weber River.

Wetland vegetation demonstrated to be present solely due to irrigation - None.

Natural wetlands/waters that appear to be isolated - None.

Acreage of wetland and waters

Upper Intermittent Stream Channel (all of which is within wetland) 495 linear feet (x 1.5' wide on average = 0.02 acres) Lower Perennial Stream Channel (all of which is within wetland) 620 linear feet (x 1.5' wide on average – 0.02 acres) Meadow Wetlands (PEM) 0.83 acres



1. INTRODUCTION

This wetland delineation was completed for the National Ability Center (NAC) care of Johnny Serio, Facilities and Capital Manager. The NAC site is located on Ability way in Park City, Utah. The project area is 26.2 acres. The project location is shown on Sheet 1 in Appendix A. The purpose of this project was to delineate potentially jurisdictional wetlands and waters of the US as defined by Section 404 of the Clean Water Act (CWA).

The US Army Corps of Engineers (USACE) and the US Environmental Protection Agency (EPA) define wetlands as areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Saturated soil conditions are further described as saturated to the surface at some time during the normal growing season.

2. SITE DESCRIPTION / EXISTING CONDITIONS

The site is a dryland parcel developed by the National Ability Center (NAC) with an administrative building, lodging, a horse barn, indoor riding arena, and livestock paddocks. There is a drainage on the north end of the parcel which is crossed by the main entrance road and also a footbridge. Two wetland delineations were completed in 1998. One was by Basin Hydrology and one by Diversified Habitats. The two wetland maps were similar. The Diversified Habitats map was approved by the US Army Corps of Engineers (Corps) in April, 1999. The site elevation ranges from approximately 6700 feet at the lower end in the northeast corner up to about 6765 feet at the high end in the southwest corner of the site. Contours for this site were provided by Alliance Engineering.

3. DELINEATION METHOD

This delineation was conducted according to the guidelines and procedures outlined in the US Army Corps of Engineers' *Wetland Delineation Manual* (USACE, 1987) and the *2010 Western Mountain Regional Supplement (USACE, 2010)*. The examination for wetlands was based on three parameters: vegetation, soils, and hydrologic features. At each data point, all of these parameters must exhibit wetland characteristics for that point to be within the wetland boundary.

All areas that appeared to be potential wetlands were examined. Data was collected from wetland areas as necessary to generally characterize the wetland features. Dominant vegetation species were identified at each data point. Percent cover for dominant species in each strata was noted based on visual



estimation within a plot size representative of the data point. The sizes and shapes of plots can vary, as appropriate, to adapt to topography or other site conditions. They are typically a radius of 10 to 30 feet unless otherwise noted. The 50/20 dominance test was used by combining dominant species across strata and applying the dominance test to the combined list. Dominants are the most abundant species that individually or collectively account for more than 50 percent of the total coverage of vegetation in the stratum, plus any other species that, by itself accounts for at least 20 percent of the total. If two or more dominant species are equal in coverage they are all considered to be dominants. Each species was assigned a rating as to wetland status based on the National Wetland Plant List, 2014 Update of Wetland Ratings (Lichvar et.al., 2014) and using the U.S. Army Corps of Engineers, Western Mountains Final Draft Ratings List, published June, 2012. If more than 50 percent of the dominant plant species had a wetland indicator status (obligate [OBL], facultative wetland [FACW], or facultative [FAC]) the sample point met the criteria for wetland vegetation based on dominance. Each dominant species is treated equally. Thus, a plant community with seven dominant species across all strata would need at least four dominant species that are OBL, FACW, or FAC to be considered hydrophytic by this indicator. If the vegetation dominance test failed to meet the criteria, but soil and hydrology criteria were met at the data point, then a test of prevalence of wetland vegetation was calculated. If this test met qualifying conditions (an end calculation equal to or less than 3), the criteria for wetland vegetation was met based on prevalence and recorded on the data sheet. Data point locations and upland/wetland boundaries are presented on the Wetland Map (Sheet 2, Appendix A). Vegetation at each data point, along with the estimation of cover for each species, is listed on the data forms included in Appendix B.

Soils were examined for hydric characteristics by digging a hole to approximately 16-18 inches (or as necessary to evaluate soil characteristics relevant to hydric conditions). Soil moisture, texture and color were observed, and any evidence of high organic content, redoximorphic features/mottles, gleyed matrix or other hydric indicators were noted. Soils were moistened and compared to *Munsell Color Charts* (Macbeth, 1990) for determination of value, chroma and hue. If soil characteristics fit those described as hydric indicators in the *Field Indicators of Hydric Soils in the US, Version 7.0 (NRCS, 2010)* the criteria for hydric soils was met and recorded on the data sheet.

Depth to groundwater and saturated soil were documented at the time of the field survey after waiting an appropriate time to allow groundwater to reach a static level. These two features were considered the most significant indicators of the hydrologic condition taking into account irrigation and seasonal influences. If these features failed to indicate wetland hydrology (defined as seasonally or permanently saturated within the upper 12 inches) additional primary and secondary indicators were considered (sediment deposits, water marks, drainage patterns, etc.). If at least one primary, or two secondary, indicators were observed, the criteria for wetland hydrology was met and recorded on the data sheet.



Data points meeting all three parameters for classification as a wetland were mapped within the wetland boundary. The boundary line typically is positioned around areas with vegetation similar to the representative wetland data points. In some cases obvious and distinct changes in vegetation and/or topography are present and the wetland boundary follows these changes. In areas where these changes are not distinct, the wetland boundary is generally placed within an area where the plant species mix grades to a predominance of upland vegetation.

This wetland delineation requires verification by the USACE prior to providing a letter of confirmation regarding their concurrence with the estimate of potential waters of the US depicted herein. The USACE letter provides a preliminary Jurisdictional Determination (JD) identifying all potentially jurisdictional waters of the US in the project area.

4. FIELD SURVEY RESULTS

Limited field data was collected in May, 2015 to determine if seasonally wet hydrology was present in marginal areas and particularly where the previous delineations (conducted in late summer) indicated spring season data would be needed to determine if qualifying hydrology was actually present. The remaining field data were collected in September, 2015. The locations of data points are shown on the Wetland Map in Appendix A. Photographs are included in the vegetation section of this text. All other data are recorded on attached data forms in Appendix B. The extent of wetlands was determined based on broad observations of existing site conditions as well as specific vegetation, soils and hydrology data from each sample location. Where conditions were generally found to be similar to the previous wetland map the previous wetland line was not altered.

4.1. Vegetation

Wetlands are dominated by Baltic Rush (*Juncus balticus*) with minor components of Reed Canary Grass (*Phalaris arundinacea*) Spreading Bentgrass (*Agrostis stolonifera*) Canadian Thistle (*Cirsium arvense*) Montane Golden Banner (*Thermopsis montana*) and Kentucky Bluegrass (*Poa pratensis*). Uplands are dominated by Big Sagebrush (*Artemisia tridentata*) Western Wheatgrass (*Pascopyrum smithii*) Common Yarrow (*Achillea millefolium*) Graceful Cinquefoil (*Potentilla gracilis*) and Basin Wild-Rye/Great Basin Lyme Grass (*Leymus cinereus*). Plant species most commonly found on site and their wetland status are listed in Table 1. Data forms are in Appendix B.



Scientific Name	Common Name	Indicator Status**
Wetland Species		
Agrostis stolonifera	Spreading Bentgrass	FAC
Alopecurus pratensis	Field Meadow-Foxtail	FAC
Cirsium arvense	Canadian Thistle	FAC
Epilobium ciliatum	Fringed Willowherb	FACW
Equisetum laevigatum	Smooth Scouring-Rush	FACW
Hordeum jubatum	Fox-Tail Barley	FAC
Juncus balticus	Baltic Rush	FACW
Leymus cinereus	Great Basin Lyme Grass	FAC
Phalaris arundinacea	Reed Canary Grass	FACW
Phragmites australis	Common Reed	FACW
Poa pratensis	Kentucky Bluegrass	FAC
Potentilla gracilis	Graceful Cinquefoil	FAC
Symphyotrichum chilense	Pacific American-Aster	FAC
Thermopsis montana	Montane Golden-Banner	FAC
Typha latifolia	Broad-Leaf Cattail	OBL
Upland Species		
Achillea millefolium	Common Yarrow	FACU
Artemisia cana	Silver/Coaltown Sagebrush	FACU
Artemisia tridentata	Big Sagebrush	NA
Cardaria draba	Hoary Cress	NA
Pascopyrum smithii	Western Wheat Grass	FACU
Verbascum thapsus	Great Mullein	FACU

 Table 1

 Plant Species and Wetland Indicator (2014 Western Mountains List)

Wetland indicator status – National Wetland Plant List, 2014

OBL – plants that always occur in standing water or in saturated soil

FACW – plants that nearly always occur in areas of prolonged flooding or require standing water or saturate soils but may, on rare occasions, occur in non-wetlands

FAC – plants that occur in a variety of habitats, including wetland and mesic to xeric non-wetland habitats but often occur in standing water or saturated soils.

FACU – plants that typically occur in xeric or mesic non-wetland habitats but may frequently occur in standing water or saturated soils

 $\ensuremath{\mathsf{UPL}}$ – plants that almost never occur in water or saturated soils $\ensuremath{\mathsf{NA}}$ – not listed

For this wetland delineation update, several data points were positioned to document upland conditions in

areas formerly mapped as wetlands. Photo documentation of these areas is also presented on the

following pages.

Wetland Delineation Wise Earth Project # 1513





Figure 2 – Topo High Ditch/Swale Formerly Mapped as Wetland







Figure 3 – Southeast Area Formerly Mapped as Wetland/Drainages

4.2. Soils

Soils in uplands are dark brown 10YR 2/1 to a depth of at least 18 (2/2 in uplands on the south end of the site). Wetland soils are also dark brown 10YR 2/1 but also have mottles and/or a somewhat thick root layer and higher organic content compared to upland soils, though no histic characteristics were found. Soil texture is most commonly clay loam and clay. Soils are mapped by the Natural Resources Conservation Service (NRCS) primarily as Ayoub cobbly loam, 2-15% slope and a small area of Fewkes gravelly loam, 2 to 8% slope in the northeast corner of the site. Neither of these are hydric listed soils.

The previous wetland delineations noted soils as hydric based on low chroma alone, in some cases even where wetland hydrology was undocumented and the delineation noted that hydrology should be evaluated in the spring. None of the areas removed from the wetland map met hydric soil criteria.

4.3. Hydrology

Wetland hydrology was confirmed in May, 2015 only in the swale bordering the north property line. Two data points in the formerly mapped east wetland and one data point in the southeast corner had no water in pits dug to 24 inches in May. There also is no evidence of channel bed or banks in the southeast corner where the Basin Hydrology map formerly shows potential ephemeral channels (Figure 4 photo). The channel in the north wetland flows seasonally and/or intermittently generally becoming perennial near Wetland Delineation 6 National Ability Center Wise Earth Project # 1513 Park City, Utah



the road crossing at the lower end of the property. The wetlands adjacent to this channel are seasonally saturated. Part of this wetland near the road crossing was re-mapped as upland because the depth to groundwater was greater than 24 inches at data point 1 and 18 inches at data point 2 in May. The new wetland line was placed just below data point 2. Figure 4 shows a sketch of the OHWM at the perennial section of channel near the road crossing. The drainage is shallow, narrow and bordered by wetland. Figure 5 is a photograph of the upper section of channel which is incised and is seasonally dry.

Figure 4 – OHWM – Lower Perennial Channel at Existing Road Crossing

Channel Width 10-20 Inches 1610000 Water, Depth OHWM 6-10"

Figure 5 – Photo of Dry/Seasonal Incised Section of Upper Channel (Data Point 5)



7



5 CONCLUSIONS

Consistently, the areas formerly mapped as wetland which were changed to upland had one or several of the following circumstances.

- 1. Classification as wetland was based on vegetation without data or data lacked credible hydric soil characteristics and the vegetation consisted of species that also grow reasonably well in uplands. Specifically, Juncus balticus and Poa pratensis.
- 2. The former wetland delineation noted that certain areas may not qualify as wetland if re-evaluated during the spring and in fact these areas were entirely dry to at least 24 inches below the ground surface in May, 2015.
- 3. Wetlands were outlined broadly or conditions have become drier over time as evidenced by spring season hydrology or a change in the plant community, primarily having invasive species present such as Cirsium arvense.

Wetland boundary justification – Spring season data collected in May 2015 confirms water features formerly mapped on the east and southeast portions of the site do not meet criteria qualifying these areas as wetlands or channels. The north seasonal channel and wetlands are mapped similarly to the former delineation although the wetland is somewhat smaller.

Potential navigable water or commerce connection – The waterway on site is currently assumed to be connected to Silver Creek which flows to the Great Salt Lake via the Weber River.

Wetland vegetation demonstrated to be present solely due to irrigation - None.

Natural wetlands/waters that appear to be isolated – None.

Acreage of wetland and waters

Upper Intermittent Stream Channel (all of which is within wetland) 495 linear feet (x 1.5' wide on average = 0.02 acres) Lower Perennial Stream Channel (all of which is within wetland) 620 linear feet (x 1.5' wide on average – 0.02 acres) Meadow Wetlands (PEM) 0.83 acres



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Planning Commission Staff Report

Application #s:	PL-16-03151
Subject:	Third Amended Subdivision Plat for the Intermountain
-	Healthcare Park City Medical Campus / USSA Headquarters
	and Training Facility
Author:	Kirsten Whetstone, MS, AICP- Senior Planner
Date:	June 22, 2016
Type of Item:	Legislative

Summary Recommendation

Staff recommends the Planning Commission discuss the Third Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility (IHC/USSA), conduct a public hearing, and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law, and conditions of approval pursuant to the draft Ordinance.

Description

Applicant:	Intermountain Healthcare Health Services, Inc. (IHC), represented by Morgan Busch
Location:	700 Round Valley Drive
Zoning District:	Community Transition (CT)
Surrounding Land Uses:	IHC Park City Medical Clinic, Summit County Health
	Department and People's Health clinic, USSA Training
	Facility, Physician Holdings Medical offices, Quinn's
	Recreation and Park City Ice Rink complex, US 40, and
	open space and public trails.
Reason for Review:	Plat amendments require public hearing and
	recommendation by the Planning Commission with final
	action by City Council.

Summary of Proposal

This application for the Third Amended Subdivision Plat for Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility subdivides an existing 9.934 acre Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat into two platted lots of record, namely Lot 8 consisting of 3.632 acres and Lot 12 consisting of 6.302 acres (Exhibit A). The Peace House facility, subject to a Conditional Use Permit (CUP) approved by the Planning Commission on January 13, 2016, is proposed on new Lot 8. Lot 12 is subject to the IHC Master Planned Development (MPD) and currently has no assigned uses or density. See Exhibit B for applicant's letter and Exhibit C for aerial photo of existing conditions.

Background

On December 7, 2006, Council approved an annexation ordinance and annexation agreement for the entire 157.243 acre property. The annexed property was zoned into the Community Transition (CT) Zoning District and platted with the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility (IHC/USSA) subdivision plat. The subdivision plat was approved by Council on January 11, 2007 and recorded at Summit County on January 23, 2007 and consisted of five lots (Exhibit D-1).

An amended subdivision plat was approved by City Council on October 11, 2007 and recorded at Summit County on May 20, 2008 to memorialize various easements and road layouts, to include additional lots, and to adjust location of lots consistent with the approve IHC MPD (Exhibit D-2).

A second amended plat was approved by City Council on July 31, 2008 and recorded at Summit County on November 25, 2008 to create and memorialize Lot 10 for the Summit County Health Department and People's Health Clinic as a single building on one lot (Exhibit D-3). Remaining land from Lot 8 on the south side of Victory Lane was platted as Lot 11 (0.951 acres) for IHC with no designated uses or density.

On May 23, 2007, the Planning Commission approved a Master Planned Development (MPD) for the Park City Medical Center (aka IHC MPD). The IHC MPD consists of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11 of the IHC/USSA plat.

Lot 1 of the subdivision plat is the location of the Park City Medical Clinic, Lot 2 is dedicated as open space as part of the MPD. Lot 3 is the location of the USSA Headquarters and Training Center MPD and is not part of the IHC MPD. Lot 4 was originally designated for 28 townhouse affordable units that were incorporated into the Park City Heights MPD. Lot 5 was transferred to the City for future recreation uses. Lots 6 and 8 were originally designated for 25,000 sf of support medical offices each, which were transferred to Lot 1 with the First Amended IHC MPD. Lot 9 contains a small Questar gas regulating facility, and Lot 11 is the one acre lot around Lot 9, owned by IHC and not designated as to use or density. Lot 7 was developed by Physician Holdings, Inc. for medical support offices (aka Medical Office Building or MOB) and Lot 10 was developed by Summit County for the Summit County Health Department and People's Health Clinic.

On February 18, 2015 IHC submitted a pre-MPD application for various amendments to the IHC MPD. On June 18, 2015 a revised pre-MPD application was submitted with a specific request for consideration of the Peace House facility to be located on Lot 8 as fulfillment of the affordable housing requirements for the next phase of construction of the IHC Park City Medical Center. The revised pre-MPD application was reviewed by the Planning Commission on August 26, 2015. The Planning Commission made a finding that the proposed MPD amendments specific to the Peace House on Lot 8 were generally consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.
On November 10, 2015, application for a second amendment to the IHC MPD (consistent with the pre-MPD application reviewed on August 26^{th}) and the Conditional Use Permit for the Peace House on a portion of Lot 8 were submitted. The applications were approved by the Planning Commission on January 13, 2016 (see Exhibits E and F).

On April 25, 2016, the City received a completed application for the Third Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility consistent with the pre-MPD application approval.

<u>Analysis</u>

The existing subdivision consists of eleven lots and, as outlined below, one new lot is proposed with this second amendment. This second amendment subdivides Lot 8 into new Lots 8 and 12. Lots 1-7, 9, 10, and 11 do not change with this amended subdivision plat. The amended subdivision plat consists of twelve lots with ownership, use, and acres consistent with the amended IHC MPD as follows:

Lot 1 and Lot 2:	IHC- Intermountain Healthcare Campus MPD (107.551 acres)
Lot 3:	USSA- Headquarters and Training Facility MPD (5 acres)
Lot 4:	PCMC- previous affordable housing site (5 acres)
Lot 5:	PCMC- Ice Facility/Fields Complex Expansion (15 acres)
Lot 6:	IHC MPD- no assigned density or uses (density transferred to Lot 1) (3.041 acres)
Lot 7:	Physicians Holding- Support Medical Office CUP (3.396 acres)
Lot 8:	IHC- Peace House CUP (3.632 acres) (previously 9.934 acres- rest to new Lot 12)
Lot 9:	Questar facility (0.174 acres)
Lot 10:	Community Medical Summit County Health and People's Health Clinic CUP (3.088 acres)
Lot 11:	IHC, no assigned density or uses (0.951 acres)
Lot 12 (new lot):	IHC, no assigned density or uses (6.302 acres) (previously part of Lot 8)

The proposed plat amendment request is in compliance with Land Management Code, <u>Section 15-7: Subdivisions</u> regarding lot and road layout, utilities and trails, public easements, wetlands protection, public and utility access, grading and storm drainage, and meets requirements of the CT District.

The proposed two new lots are consistent in size and location with uses contemplated during the January 13, 2016 approved amendment to the IHC Master Planned Development and the Peace House CUP.

Power and sewer are available adjacent to the lots. All provisions of the approved annexation ordinance and agreement, including but not limited to road and easement dedications, intersection and signalization improvements, water and waste water infrastructure, affordable housing, and trails, remain in effect with this subdivision plat amendment application.

The IHC/USSA Subdivision is 157.243 acres in size and located at the northwest corner of the State Route 248/Highway 40 interchange. Zoning of the property is Community Transition (CT-MPD) which has a base density of 1 unit/20 acres. The CT District permits density bonuses up to a maximum of 3 units/acre for non-residential uses, provided specific standards are met relating to open space, Frontage Protection Zone (FPZ) setbacks, parking, affordable housing, and public land/facilities. Affordable housing is excluded from the UE calculation. Under the MPD, the total density at build-out for the annexation area is 535,000 square feet (gross) equating to 2.64 units/acre, exclusive of any affordable housing. In order to increase the density, there would have to be an amendment to the MPD.

Development of each lot is subject to requirements of the Community Transition (CT) District, the IHC Annexation Agreement, and may require a Master Planned Development application and/or a Conditional Use Permit.

Proposed Lot 8 is also subject to conditions of approval of the approved Peace House CUP. Proposed Lot 12 is subject to the IHC Master Planned Development (MPD). At the time of this application Lot 12 has no assigned uses or density through the MPD.

There are wetlands on both proposed Lots 8 and 12 that have not recently been delineated. Staff requires that the wetlands delineation be updated with updated report and location provided to the City with the building permit application. All LMC required wetland protection buffer areas shall be complied with for all development on these lots. Staff recommends that a note shall be included on the plat prior to recordation stating that all development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time off building permit application.

Attention to the location of visible dry utility boxes and installations is an important consideration when designing a site in order to ensure that adequate area is available for landscape elements to provide adequate screening from public view. Staff recommends a condition of approval that dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.

Staff finds good cause for this subdivision plat amendment, as conditioned, as it will memorialize the lots and easements for the approved Peace House CUP and addresses requirements of the amended IHC MPD for these lots.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Development of each lot is subject to requirements of the Community Transition zone and the Annexation Agreement. Lots are also subject to approved MPDs and Conditional Use Permits. Individual Staff review of any Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Good Cause

There is good cause for this plat amendment in that it creates a legal lot of record for the Peace House facility consistent with the Ground Lease Agreement and is consistent with the approved amended IHC MPD.

Department Review

The application has been reviewed by the Planning, Building, Engineering and Legal departments as well as the utility providers. Issues raised during the review process have been addressed with plat notes and/or by conditions of approval. See Exhibit G approval letter from SBWRD.

<u>Notice</u>

On June 8, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on June 4, 2016.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to Council to approve the plat amendment as conditioned and/or amended; or
- The Planning Commission may forward a negative recommendation to Council to deny the plat amendment and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

Significant Impacts

There are no significant fiscal and environmental impacts from this amended subdivision.

Consequences of not taking the Suggested Recommendation

Lot 8 will remain in its current configuration.

Summary Recommendations

Staff recommends the Planning Commission discuss the plat amendment for the Third Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility, conduct a public hearing, and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law, and conditions of approval pursuant to the draft Ordinance.

Exhibits

Exhibit A- Proposed plat

Exhibit B- Applicant's letter

Exhibit C- Aerial photo of existing conditions

Exhibit D- IHC/USSA Subdivision plats (original and First and Second Amended plats)

Exhibit E- Second Amended IHC MPD action letter

Exhibit F- Peace House Conditional Use Permit action letter

Exhibit G- SBWRD letter of approval

AN ORDINANCE APPROVING THE THIRD AMENDED SUBDIVISION FOR THE INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS/USSA HEADQUARTERS AND TRAINING FACILITY, 700 ROUND VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 700 Round Valley Drive have petitioned the City Council for approval of the Third Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility; and

WHEREAS, on June 8, 2016, the property was properly posted and notices were sent to affected property owners according to the requirements of the Land Management Code; and

WHEREAS, on June 4, 2016, proper legal notice was published in the Park Record; and

WHEREAS, the Planning Commission held a public hearing on June 22, 2016, to receive input on the Third Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility;

WHEREAS, the Planning Commission, on June 22, 2016, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on July 21, 2016, the City Council held a public hearing on the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the Third Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Third Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1. The property is located at 700 Round Valley Drive (location of Lot 8).
- 2. The zoning is Community Transition (CT) within the IHC Master Planned

Development (CT-MPD).

- 3. On December 7, 2006, City Council approved an annexation ordinance and annexation agreement for the property. The annexation agreement was recorded on January 23, 2007.
- 4. The annexation agreement sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat, such as roads, utilities, and trails.
- 5. On January 11, 2007, the City Council approved the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision plat for the purpose of creating lots of record so that associated property sale and property transfers could be completed. The plat was recorded at Summit County on January 23, 2007 and consisted of 5 lots of record.
- 6. The IHC Master Planned Development was approved by the Planning Commission on May 23, 2007.
- 7. The First Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision was approved by the City Council on October 11, 2007 and recorded at Summit County on May 20, 2008. The first amended plat memorialized various easements and road layouts and adjusted the location of various lots consistent with the approved MPD. The plat consisted of nine lots of record.
- 8. The Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat was approved by the City Council on July 31, 2008 and recorded at Summit County on November 25, 2008. The second amended plat created new Lots 10 and 11 out of the previous Lot 8. Lot 10 was created for the Summit County Health Department and the People's Health Clinic building and Lot 11 was created as a separate lot for IHC as it was located south of Victory Lane. The plat consisted of eleven lots of record.
- The property is subject to the Amended Intermountain Healthcare Master Planned Development (IHC MPD), originally approved on December 7, 2006 and amended in 2014 to transfer support medical office uses and density from Lots 6 and 8 to Lot 1.
- 10. A second MPD amendment was approved on January 13, 2016 to identify Lot 8 for the Peace House facility, address affordable housing requirements, and address administrative amendments of the first MPD amendment.
- 11. The MPD amendments were found to be consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.
- 12. On November 10, 2015, a Conditional Use Permit for the Peace House on a portion of Lot 8 was submitted to the Planning Department.
- 13. On January 13, 2016, the Planning Commission approved the Peace House CUP located on a portion of Lot 8.
- 14. On April 25, 2016, the applicant submitted a complete application for this Third Amended Subdivision Plat for Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility to divide the 9.934 acre Lot 8

of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat into two platted lots of record, namely Lot 8 consisting of 3.6 acres and Lot 12 consisting of 6.334 acres.

15. The amended subdivision plat consist of twelve lots with ownership, acres, and use consistent with the amended IHC MPD as follows:

IHC- Intermountain Healthcare Campus MPD (107.551 acres)
USSA- Headquarters and Training Facility MPD (5 acres)
PCMC- previous affordable housing site (5 acres)
PCMC- Ice Facility/Fields Complex Expansion (15 acres)
IHC MPD- no assigned density or uses (density transferred to Lot 1) (3.041 acres)
Physicians Holding- Support Medical Office CUP (3.396 acres)
IHC- Peace House CUP (3.632 acres) (previously 9.934 acres- rest to new Lot 12)
Questar facility (0.174 acres)
Community Medical Summit County Health and People's Health Clinic CUP (3.088 acres)
IHC, no assigned density or uses (0.951 acres) IHC, no assigned density or uses (6.302 acres) (previously part of Lot 8)

- 16. Development of each lot requires a Conditional Use Permit.
- 17. Existing Lot 8 includes a total lot area of approximately 9.934 acres. Peace House has recently entered into a 50 year ground lease from IHC on the eastern 3.63 acres of existing Lot 8, which is proposed Lot 8.
- 18. The property is currently undeveloped and consists of native grasses and low vegetation with areas of delineated wetlands located on the north and west portion of Lot 8 and a majority of Lot 12.
- 19. The wetlands delineation was done more than five years ago and will need to updated, re-delineated and re-submitted to the Corp prior to issuance of a building permit.
- 20. All development, such as buildings and parking areas, are required to comply with the LMC required setbacks from delineated wetlands. The current requirement is a 50' wide wetlands protection buffer area.
- 21. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south. Lot 12 will have frontage and access on both Round Valley Drive and Gillmor Way, accessed from the north.
- 22. There are existing sidewalks along the street frontage as well as interconnecting paved trails throughout the subdivision.
- 23. There are existing utilities within the streets and within platted public utility easements along the front lot lines. Utility and snow storage easements are

necessary along public street frontages for installation of utilities and snow storage.

- 24. A twenty-foot (20') wide public trail easement is located on existing Lot 8. The trail will remain and the twenty-foot (20') wide public trail easement will be included on the amended plat, on Lot 12, in the location of the paved trail.
- 25. No changes are proposed to the location of platted Round Valley Drive or to platted Gillmor Way.
- 26. Attention to the location of visible dry utility boxes and installations is an important consideration when designing a site in order to ensure that adequate area is available for landscape elements to provide adequate screening from public view.
- 27. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

- 1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with the Annexation Agreement, State law, the Land Management Code, and these conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the subdivision plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing prior to expiration and is approved by the City Council.
- 3. All conditions of approval of the IHC Annexation and IHC/USSA Subdivision, as amended, shall continue to apply.
- 4. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the areas provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping elements.
- 5. Final utility, storm water, and grading plans must be approved by the City Engineer prior to Building Permit issuance.
- 6. A financial guarantee for any required public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.

- 7. Any wetlands delineation older than five (5) years shall be updated and submitted to the City prior to building permit issuance for development on the lots. All required Corps of Engineer approvals and permits shall be submitted prior to issuance of a building permit on the lots.
- 8. A note shall be included on the plat prior to recordation stating that all development, such as buildings and parking areas, proposed on these lots shall comply with LMC required wetlands protection buffer areas in effect at the time of the building permit application.
- 9. A 10' wide non-exclusive public utility and snow storage easement shall be shown along the frontages of Round Valley Drive and Gillmor Way prior to plat recordation.

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

PASSED AND ADOPTED this 21st day of July, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A- Proposed plat

EXHIBIT A



W:104N267 - Park City1DWG104N267-Americ-3-2 dwg. 4/14/2016 2:05:38 RH, jAsont, 1:1, JTF, JTF

EXHIBIT B

PARK CITY MEDICAL CENTER MEDICAL CAMPUS

SUBDIVISION OF LOT

APRIL 2016

Background

The Park City Planning Commission approved an MPD amendment for the Park City Medical Center on January 13, 2016. This MPD amendment had three parts; locating Peace House on Lot 8 of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision and its partial fulfillment of Intermountain's affordable housing obligation for future phases of development, the subdivision of lot 8 into two lots, and administrative adjustments to conditions of approval from the October 8, 2014 MPD amendment.

The ground lease that Intermountain Healthcare signed with Peace House contemplated the subdivision of Lot 8 into an eastern 3.6 acre lot, which is to be the location of the new Peace House facility. The rest of the lot, 6.3 acres in the western portion of the lot, is to be retained by Intermountain Healthcare. Since Peace House had a deadline with Summit County to receive its CUP approval by the Park City to secure its county funding, the ground lease was written with a clause that Peace House would support Intermountain's subdivision of lot after the Peace House entitlements were approved by Park City.

Actions to Date

On August 26, 2015 the Park City Planning Commission reviewed the pre-MPD application and approved the concept of Peace House on lot 8 and the corrections to number 16 and number 17 of the conditions of approval from October 8th, 2014.

On September 21, 2015 Intermountain Healthcare submitted a revised pre-MPD application concerning the subdivision of Lot 8. The revised application requested that 3.6 acres on the east side of the lot remain as Lot 8, and be the location of Peace House. The 6.3 acres on the west side of the lot would remain with Intermountain Healthcare and be designated Lot 12. Lot 12 would contain the wetlands and have no density assigned to it.

On October 28th, the Park City Planning Commission held a public hearing and reviewed the pre-MPD requests for the subdivision of lot 8 and additional density. The commission accepted the subdivision request and put the formal action on the agenda for their November 11th meeting. The commission continued the discussion of additional density.

The Park City Planning Commission approved the pre-MPD request for the subdivision of Lot 8 on November 11, 2015. Intermountain Healthcare submitted an application to amend the MPD for the Intermountain Healthcare Master Planned Development on November 10, 2015.

On January 13, 2015 the Park City Planning Commission held a public hearing and reviewed the amended MPD requests. The Planning Commission approved all three requests.

Subdivision Application

Intermountain is requesting that Park City approve the subdivision of Lot 8, with 3.6 acres of buildable land on the eastern portion of lot 8 to be for the new Peace House, immediately north of the Summit County Public Health Building. The remainder of the lot, the wetlands and the portion of the lot west of the trail become a new lot 12, to be retained by Intermountain Healthcare.

The attached exhibit from Great Basin Engineering shows the current Lot 8 with the proposed new lots. Lot 8 is the location of the new Peace House and Lot 12 to be retained by Intermountain Healthcare.

Intermountain requests approval of subdividing lot 8 into an eastern portion to be ground leased to Peace House, and a western portion to be retained by Intermountain.

EXHIBIT C



W104067 - Ros Cey/DWG040257-Americ-3-2.dwg. 4/14/2016 2:05:42 PM, Jacob, 1:1, 379, 379

EXHIBIT D-1



Planning Commission Packet June 22, 2016

EXHIBIT D-2



Page 195 of 228

EXHIBIT D-3





February 2, 2016

Morgan Busch 36 South State Street, 8th Floor Salt Lake City, UT 84111

NOTICE OF PLANNING COMMISSION ACTION

Application #	PL-15-02999
Address	700 and 900 Round Valley Drive
Description	Second Amended IHC Master Planned Development
Application for the following amendments:	

- 1. Affordable Housing and locating Peace House on Lot 8.
- 2. Subdivision of Lot 8 into two lots.
- 3. Administrative adjustments to conditions of approval from First Amended IHC Master Planned Development of October 8, 2014. Requirement of a Development Agreement to memorialize MPD Amendments.

Date of Action January 13, 2016

On January 13, 2016, the Park City Planning Commission called a meeting to order, a quorum was established, a public hearing was held, and the Planning Commission discussed and approved your application based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

- 1. On November 10, 2015, the City received a complete application for an MPD Amendment for the Intermountain Healthcare Master Planned Development (IHC MPD).
- 2. The proposed MPD Amendment includes the following items:
 - Allow the Peace House facility to be located on Lot 8 of the IHC/USSA subdivision plat to fulfill a portion of the remaining affordable housing obligation for the IHC MPD. A Conditional Use Permit (CUP) is required prior to building permit issuance. A CUP application was submitted for concurrent review with the MPD Amendment application.
 - Allow Lot 8 to be subdivided into two lots with the eastern 3.6 acres proposed to be leased to the Peace House as Lot 8 and the western 6.334 acres to become a new Lot 12 retained by the Intermountain Healthcare with no density assigned to it. A plat amendment application is required and has not yet been submitted.
 - Add 50 Unit Equivalents (UE) of density as 50,000 square feet of support medical offices/clinics to the overall IHC MPD to be located on Lot 1.(Note- this item

was continued for further analysis and discussion with Staff recommendation to bring it back to the Planning Commission later in 2016.)

- Make administrative corrections to conditions #16 and #17 of the October 8, 2014, approval of the First Amended IHC MPD.
- Include a condition of approval requiring recordation of a Development Agreement to cover all items of the original MPD as well as the First and Second Amendments.
- 3. The IHC MPD was approved by the Planning Commission on May 23, 2007.
- 4. A First Amended IHC MPD was approved by the Planning Commission on October 8, 2014, transferring assigned medical support density from Lots 6 and 8 to Lot 1, along with other amendments related to Phase 2 of the Medical Center construction.
- 5. The IHC MPD consists of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11 of the Second Amended Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision (IHC/USSA Subdivision) approved and recorded at Summit County on November 25, 2008.
- 6. The property is generally located on Round Valley Drive west of US 40 and east of Round Valley in the Quinn's Junction neighborhood of Park City.
- 7. The approved IHC MPD includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) located on Lot 1 and Support Medical Office space of 150,000 square feet (150 Unit Equivalents) located on Lots 1, 7, and 10.
- 8. Lot 2 of the IHC/USSA Subdivision plat is dedicated as open space.
- 9. Lot 3 is not part of the IHC MPD and is the location of the USSA Headquarters and Training Center MPD.
- 10. Lot 4 was the original location of 28 affordable, deed restricted townhouse units incorporated into the Park City Heights neighborhood during the Park City Heights MPD approval. Lot 4 currently has no designated density and is an open space lot.
- 11. Lot 5 was dedicated and transferred to the City for future recreation uses.
- 12. The density initially designated for Lot 6 was transferred to Lot 1 with the First Amendment to the MPD.
- 13.Lot 7 contains the 25,000 sf medical support office density and is also known as Physician Holdings or MOB (Medical Office Building).
- 14. The density initially designated for Lot 8 was transferred to Lot 1 with the First Amendment to the MPD.
- 15. Lot 9 contains a small Questar gas regulating facility.
- 16.Lot 10 is the location of the Summit County Health Department and People's Health Clinic utilizing 25,000 sf of support medical office density. Summit County has a ground lease from IHC on this lot.
- 17. Lot 11 is the one acre lot around Lot 9, owned by IHC and not designated as to use or density.
- 18. This MPD amendment is being processed concurrent with a Conditional Use Permit application submitted for the Peace House proposed to be located on the eastern portion of Lot 8 with a ground lease to the property from IHC.
- 19. The Peace House includes approximately 25,964 sf of emergency shelter and transitional housing, 8,622 square feet of shelter and housing support uses related to the Peace House mission, 2,096 square feet of circulation and back of house uses (mechanical, storage, etc.), and 4,096 square feet. The proposed building also includes a 4,096 square foot parking structure for a gross building size of

approximately 41,000 square feet.

- 20. On June 4, 2015 the Park City Housing Authority approved an amended Housing Mitigation Plan outlining the affordable housing strategy for the IHC MPD and approved the Peace House as part of that strategy.
- 21. The June 4, 2015 Housing Authority approval included a condition of approval that future density increases for the IHC Medical Campus at Park City Medical Center will be reduced by 10 AUEs or 8,000 square feet to address the issue that a portion of the Peace House facility is provided as satisfaction of an affordable housing obligation for the Tanger Outlet expansion through the Summit County approvals.
- 22. The June 4, 2015 Housing Authority approval also included a condition that if the Peace House ceases operation of their program on Lot 8 prior to 50 years from the date of signing the amended Housing Mitigation Plan agreement, IHC will owe the City 12.5 AUEs.
- 23. The Park City Housing Authority is the decision making body responsible for approving any amendments to the IHC MPD Affordable Housing Mitigation Plan and for determining the number of AUEs the Peace House facility will count for. A final Housing Mitigation Plan will be reviewed by the Park City Housing Authority based on uses, residential units, and square footages of the final approved Peace House CUP.
- 24. The IHC MPD is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007.
- 25. A plat amendment application is required to be submitted for review by the Planning Commission with final action by the City Council in order to subdivide Lot 8.
- 26. An Annexation Agreement for this property was recorded on January 23, 2007.
- 27. The Annexation Agreement is currently the Development Agreement for the MPD and sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the IHC/USSA subdivision plat, such as roads, utilities, and trails.
- 28. The property is located in the Community Transition (CT) Zone.
- 29. The maximum Building Height in the CT Zone is 28 feet (33 feet with a pitched roof). The IHC MPD provided height exceptions for the Park City Medical Center on Lot 1. The remaining lots are subject to the CT Zone Height. No changes to MPD approved heights are proposed.
- 30. The proposed Peace House building on Lot 8 complies with the maximum Building Height of the CT Zone.
- 31. The setbacks within the CT Zone are twenty five feet (25') in the front, rear, and sides. The proposed Peace House building complies with these setback requirements.
- 32. There is no minimum lot size in the CT Zone.
- 33. The base density in the CT Zone is 1 unit per 20 acres. Maximum density allowed in the CT Zone for non-residential projects is 3 units per acre provided that all Density bonus requirements set forth in LMC Section 15-2.23 A are met and the additional standards are incorporated into the Master Planned Development. This MPD Amendment does not change the allocated density within the IHC MPD.
- 34. Eighty percent (80%) open space is required for approved density and this MPD Amendment does not change the total open space within the MPD. With construction of the Peace House facility the open space for the entire annexation

area will be at approximately 85%.

- 35. Trails and linkages to trails as shown on the approved IHC MPD comply with the City's Master Trail Plan. No changes to the trails or linkages are proposed with this MPD Amendment.
- 36. A pre-MPD application for these MPD Amendments was submitted on September 14, 2014 and reviewed by the Planning Commission on April 8th, August 26th, October 28th, and Nov 11th, 2015. The Planning Commission conducted public hearings on these dates and made findings that the proposed MPD Amendments initially comply with the intent of the Park City General Plan and general purposes of the Community Transition (CT) Zoning District.
- 37. Green Building requirements are part of the Annexation Agreement and continue to apply to the Peace House CUP.
- 38. Administrative corrections to conditions #16 and #17, of the October 8, 2014 approval of the First Amended IHC MPD, are included as part of these MPD amendments.
- 39. Condition #16 was left over from the original MPD approval and states that prior to issuance of a building permit for future phases the applicant and Staff shall verify that all items agreed to by the applicant (as listed in Finding of Fact #21 of the original approval), as mitigation for the loss of the use of the planned ball field at the Park City Recreation Complex, have been completed. The applicant and Staff verified that these items have been satisfied and this Condition is not necessary and should not be included in the language of the Development Agreement.
- 40. Condition #17 states that the applicant shall conduct and present to the Planning Commission a parking study of the Medical Center site as part of the October 8th Amendments. The Commission discussed the timing of the study and determined that the study was not needed with the Second Phase of construction but should be included with any applications for future construction of the Medical Center.
- 41. A condition of approval requiring recordation of a Development Agreement to cover items of the original MPD as well as the First and Second Amendments is included as part of this amended MPD.
- 42. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law:

- 1. The MPD amendment, as conditioned, complies with all the requirements of the Land Management Code.
- 2. The MPD amendment, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
- 3. The MPD amendment, as conditioned, is consistent with the Park City General Plan.
- 4. The MPD amendment, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
- 5. The MPD amendment, as conditioned, strengthens and enhances the resort character of Park City.
- 6. The MPD amendment, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
- 7. The MPD amendment, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
- 8. The MPD amendment provides amenities to the community so that there is no net

loss of community amenities.

- 9. The MPD amendment, 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 amendment, 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 amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
- 12. The MPD amendment has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

- 1. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.
- 2. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Second Amended subdivision plat shall apply.
- 3. Construction of the Peace House facility on Lot 8 shall be subject to an approved Conditional Use Permit, as well as to all applicable conditions of approval of the MPD, as amended, the Annexation Agreement, and the Subdivision plat.
- 4. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission within 6 months of final action on the MPD Amendment application.
- 5. The Development Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD, included the approved amendments.
- 6. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.
- 7. All construction within the IHC MPD is subject to the plat notes and conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008, as well as conditions of approval of the IHC MPD, as amended, including amendments to Conditions #16 and #17 of the October 8, 2014 MPD Amendment approval, as described in #8 below.
- 8. Conditions #16 and #17 of the October 8, 2014 approval of the First Amended IHC MPD shall be amended, and reflected in the development agreement, as follows:

a) Condition #16 shall be deleted.

b) Condition #17 shall be amended to state the following: The applicant shall submit a parking study as part of an application for the next Medical Center expansion. The

study shall include qualified transportation professionals recommendations addressing the potential impact of reduced parking ratios in future phases and a comprehensive program to increase utilization of underutilized parking areas; along with impacts to street intersections out to and including SR-248.

9. In order to create a separate lot of record for the Peace House, a plat amendment application would be required to be submitted to the City.

In addition, during the pre-MPD application discussions with the Planning Commission the issue of whether a Park City Fire District Fire Station was an appropriate use within the MPD was discussed. It was supported to be an appropriate use, with the issue of location and density allocation to be determined during future discussions of the request for 50 UE of additional density for the IHC-MPD.

In addition to the above conditions of approval, staff notes that all conditions of approval of the May 23, 2007 IHC-MPD approval, as well as all conditions of approval of the October 8, 2014, First Amended IHC-MPD approval, shall continue to apply as applicable.

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5066 or <u>kirsten@parkcity.org</u>. I will review the Planning Commission schedule and identify a meeting in early spring to continue discussions regarding additional density requested by IHC.

Sincerely,

Kits a. Shith

Kirsten Whetstone, MS, AICP Senior Planner

Park City Planning Department PO Box 1480 Park City, UT 84060

EXHIBIT F



February 2, 2016

Morgan Busch 36 South State Street, 8th Floor Salt Lake City, UT 84111

Doug Clyde Mountain Resort Consulting Services, LLC PO Box 561 5258 North New Lane Oakley, UT 84055

NOTICE OF PLANNING COMMISSION ACTION

Application #	PL-15-03000
Address	700 Round Valley Drive
Description	Conditional Use Permit
Action Taken	Approved with conditions
Date of Action	January 13, 2016

On January 13, 2016, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved your application based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

- 1. This Conditional Use Permit is for the Peace House facility proposed on a 3.6 acre portion of Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat approved by the City Council and recorded at Summit County on November 25, 2008.
- 2. Lot 8 includes a total lot area of approximately 9.934 acres. Peace House has recently entered into a 50 year ground lease from IHC on the eastern 3.6 acres of Lot 8.
- 3. The property is subject to the Amended Intermountain Healthcare Master Planned Development (IHC MPD), originally approved on December 7, 2006 and amended in 2014 to transfer support medical office uses from Lots 6 and 8 to Lot 1.
- 4. On February 18, 2015, IHC submitted a pre-MPD application for various amendments to the IHC MPD. On June 18, 2015 a revised pre-MPD application was

submitted with a specific request for consideration of the Peace House facility to be located on Lot 8 as fulfillment of the affordable housing requirements for the next phase of construction of the IHC Park City Medical Center.

- 5. The revised pre-MPD application was reviewed by the Planning Commission on August 26, 2015 and the Planning Commission made a finding that the proposed MPD amendments specific to the Peace House on Lot 8 were generally consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.
- 6. On November 10, 2015, applications for a second amendment to the IHC MPD and this Conditional Use Permit for the Peace House on a portion of Lot 8 were submitted to the Planning Department.
- 7. The applications were considered complete on November 10, 2015.
- 8. The property is located in the CT Zoning District.
- 9. The property is currently undeveloped and consists of native grasses and low vegetation with an area of delineated wetlands located to the north and west of the proposed building.
- 10. The wetlands delineation was done more than five years ago and will need to updated, re-delineated and re-submitted to the Corp.
- 11. The proposed Peace House facility consists of approximately 37,600 square feet of new construction for an emergency shelter for victims of domestic violence; including emergency and transitional housing, support uses (day care, counseling, training, common kitchen and living areas, laundry, storage, and administrative offices), and twelve structured parking spaces. An additional 42 surface parking spaces in two separated lots are proposed. An enclosed landscaped courtyard is proposed for outdoor activities.
- 12. As a mixed use building the Land Management Code requires in the range of 45-50 parking spaces. A total of 54 spaces are proposed.
- 13. The building is two stories and at the tallest point is 27'10" above existing grade and complies with the 28' height restrictions of the CT Zoning District. The proposed building complies with required horizontal and vertical articulation.
- 14. The proposed mass and scale of the building, as well as the architectural design, materials, and colors are consistent with adjacent buildings in the surrounding area.
- 15. Adjacent to the north is the two story Physician Holdings support medical offices and clinic building and adjacent to the south is the two story Summit County Public Health and People's Health Clinic building.
- 16. The proposed building is setback more than 25' from all property lines and complies with the minimum 25' setbacks from property lines required by the CT Zoning District. The building and parking area comply with the required 50' setbacks from delineated wetlands located to the north and west of the proposed building.
- 17. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south.
- 18. Two driveway entrances are proposed for the facility. The southern driveway is proposed as a shared driveway with Summit County Health. This driveway currently exists and is proposed to become a secured access to the structured and secured surface parking. A northern driveway, separated by approximately 300' from the

southern driveway, provides access to the main parking area and building's front entrance. An access easement agreement is required prior to using the shared driveway.

- 19. There are existing sidewalks along the street frontage as well as interconnecting paved trails throughout the subdivision. The site plan proposes a 6' sidewalk connecting the front entrance to the existing sidewalk on Round Valley Drive.
- 20. The proposed Conditional Use Permit is consistent with the Second Amended IHC MPD that identifies Lot 8 as an approved location for the Peace House as an emergency shelter with emergency and transitional housing, as well as support uses, to satisfy a portion of the remaining IHC MPD affordable housing obligation.
- 21. On June 4, 2015, the City's Housing Authority approved the amended IHC MPD Housing Mitigation plan allowing the Peace House facility, including housing and support uses, to satisfy affordable housing mitigation requirements for the IHC MPD.
- 22. The Peace House facility does not require the use of Unit Equivalents because the Peace House facility satisfies the affordable housing requirements on-site for the MPD per LMC Section 15-6-8.
- 23. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law:

- 1. The CUP, as conditioned, is consistent with the IHC Master Planned Development, as amended, and the Park City Land Management Code.
- 2. The CUP, as conditioned, is consistent with the Park City General Plan.
- 3. The proposed use, as conditioned, is compatible with the surrounding structures in use, scale, mass and circulation.
- 4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

- 1. All standard conditions of approval apply to this Conditional Use Permit.
- 2. A final landscape plan shall be submitted with the building permit application. The Planning Department shall review and approve the final landscape plan prior to issuance of a building permit. The plan shall include water efficient landscaping and irrigation, snow storage areas, defensible space requirements, and additional berming and landscaping to screen parking and security walls from Round Valley Drive.
- 3. All exterior lighting, including parking lot lighting, must comply with the City's lighting requirements as outlined in LMC Chapter 5. Final compliance with the City's lighting requirements will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
- 4. A security lighting plan shall be submitted with the building permit application for Planning Department review and approval.
- 5. All exterior signs require a sign permit, approved by the Planning and Building Departments, prior to installation.
- 6. The final building plans (site and landscape plans, building design, articulation, materials, colors, and design details) shall be in substantial compliance with the plans and drawings reviewed by the Planning Commission on January 13, 2016.

- 7. Final utility, storm water, and grading plans must be approved by the City Engineer prior to Building Permit issuance.
- 8. The Park City Housing Authority has the final authority to approve the IHC Housing Mitigation Plan and to determine how the Peace House Facility fulfills affordable housing obligations required by the IHC Annexation and Amended IHC Master Planned Development.
- 9. The wetlands delineation shall be updated and re-submitted to the Corp for approval prior to issuance of a building permit.
- 10. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
- 11. Terms of the ground lease shall include a time frame of 40 years or longer.
- 12. Any future changes to the use of the building or property, as other than transitional and/or other affordable housing, will require a Conditional Use Permit and may depending upon the use, require an amendment to the IHC MPD Housing Mitigation Plan and the provision of additional affordable housing.
- 13. The applicant shall demonstrate at the time of Building Permit application that the building plans and construction meets the NAHB Green Standards or a LEED Certificate level. All appliances and products, including light bulbs shall be Energy Star qualifying products.
- 14. The access easement agreement for the shared driveway with Summit County Health Department shall be recorded at Summit County prior to issuance of a certificate of occupancy for the Peace House.

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5066 or <u>kirsten@parkcity.org</u>.

Sincerely,

Kits a. Shath

Kirsten Whetstone, MS, AICP Senior Planner

Park City Planning Department PO Box 1480 Park City, UT 84060

EXHIBIT G



WATER RECLAMATION DISTRICT 2800 HOMESTEAD RD, PARK CITY, UT 84098 WWW.SBWRD.ORG T 435-649-7993 F 435-649-8040

May 26, 2016

Morgan Busch Senior Strategic Planning Consultant Intermountain Healthcare 36 South State Street, Ste. 1600 Salt Lake City, UT 84111

Subject: Lot 8 & 12, Intermountain Health Care Park City Medical Camps Plat Review

Dear Mr. Busch,

Snyderville Basin Water Reclamation District has reviewed the referenced plat and has determined that it conforms to District regulations.

Please contact me to schedule a time to sign the plat after the Owner's Dedication has been signed.

Sincerely,

Bryan D. Atwood, P.E. District Engineer

cc: Kirsten Whetstone, PC Planning Dept. Plat Review File

Planning Commission Staff Report



Application:PL-16-031151884Subject:LMC AmendmentsPLANNING DEPARTAuthor:Kirsten Whetstone, MS, AICPPLANNING DEPARTDate:June 22, 2016Legislative- Land Management Code (LMC) Amendments

Recommendation

Staff recommends that the Planning Commission review and discuss proposed amendments to the Land Management Code (LMC), conduct a public hearing, and consider forwarding a positive recommendation to City Council, according to the findings of fact and conclusions of law in the attached draft Ordinance.

Description

Description	
Project Name:	LMC Amendments
Approximate Location:	Citywide
Proposal:	Land Management Code (LMC) amendments- various administrative and substantive amendments to the Park City Development Code regarding 1) standard of review for appeals and noticing,; 2) standard of review for applications with regard to the General Plan; 3) Steep Slope CUP applicability; 4) common wall development (in HR-1, HR-2, and CT Districts); 5) exceptions to building height and footprint for Historic Sites as valid Complying Structures in HRL, HR-1, HR2 and RC; 6) mechanical service, delivery, and loading areas (GC, LI Districts); 7) lighting requirements for reducing glare and landscape mulch materials; 8) specifications for barrel roofs; 9) require historic site information in MPD applications and review; 10) clarify review criteria to be met when making a determination of historic significance, 11) administrative corrections for consistency and clarity between Chapters such as noticing requirements; and 12) definitions for barrel roof, billboard, glare, and intensive office.

Executive Summary

Planning Staff is in the process of reviewing the Land Management Code (LMC). The review includes various administrative and substantive items to align the LMC with the adopted General Plan and to address issues and inconsistencies that have come up over the past year. Staff is also preparing amendments to align the LMC with changes made to the State Code over the past several years which will be provided at a future

meeting. Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council.

Purpose

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

(A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,

(B) To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,

(C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,

(D) To protect the tax base and to secure economy in governmental expenditures,

(E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,

(F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,

(G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,

(H) To protect and ensure access to sunlight for solar energy devices, and

(I) To protect or promote moderate income housing.

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

General Plan

These proposed Land Management Code (LMC) amendments shall be reviewed for consistency with the current adopted Park City General Plan. The LMC implements the

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

Background

On April 13th and April 27th, 2016, the Planning Commission met in work session to discuss and prioritize the various lists of LMC Amendments (see Exhibit G- work session minutes). Various LMC Amendments were discussed and placed into three groupings, namely, minimum, moderate, and significant based on an estimate of the amount of staff and commission time each would entail. These groupings were then prioritized as to importance (see Exhibit G). LMC Amendments presented in this report are from the "minimum group".

Analysis:

Proposed LMC Amendments

1. <u>Appeals process amendments (See Exhibit A- Chapter 1- General</u> <u>Provisions and Procedures).</u>

Clarify appeals process (15-1-18), including noticing and consistency between Chapters regarding notice requirements for appeals of Final Action by the Planning Commission and Historic Preservation Board as well as all appeals to City Council or call-ups. Staff proposes the following -amendments:

15-1 -18. APPEALS AND RECONSIDERATION PROCESS.

(K) <u>NOTICE</u>. There shall be no additional notice for appeals of Staff determination other than listing the matter on the agenda, unless notice of the Staff review was provided, in which case the same notice must be given for the appeal.

Notice of appeals of Final Action by the Planning Commission and Historic Preservation Board, and notice of all appeals to City Council or call-ups, and notice of appeals to the Board of Adjustment, except for appeals of staff determination regarding Historic District Design Guidelines for City Development projects where the Historic Preservation Board participated in the design review, shall be given by:

(1) Publishing the matter once at least $\underline{fourteen (14) \text{ seven } (7)}$ days prior to the <u>first</u> hearing in a newspaper having general circulation in Park City;

(2) By mailing courtesy notice at least <u>fourteen (14)</u> seven (7) days prior to the <u>first</u> hearing to all parties who received mailed courtesy notice for the original action. The City Recorder shall provide noticing for Council call-ups; and

By posting the property <u>affected by the Application</u> at least <u>fourteen (14) seven</u>
(7) days prior to the <u>first</u> hearing.

(4) By posting notice on the Utah Public Notice website at least ten (10) days prior to the hearing.

Notice of appeals to the Board of Adjustment, except for appeals of staff determination regarding Historic District Design Guidelines for City Development projects where the Historic Preservation Board participated in the design review, shall be given by:

(1) Publishing the matter once at least fourteen (14) days prior to the hearing in a newspaper having a general circulation in Park City;

(2) By mailing courtesy notice at least fourteen (14) days prior to the hearing to all parties who received mailed courtesy notice for the original action; and

(3) By posting the property at least fourteen (14) days prior to the hearing.

2. <u>Clarify standard of review for Conditional Use Permits and MPDs</u> <u>applications (See Exhibit A- Chapter 1 General Provisions and Procedures</u> <u>and Exhibit D– Chapter 6 Master Planned Developments).</u>

General Plan review is more specific to legislative actions such as zoning, rezoning, annexations, and LMC Amendments. Conditional Use Permit (CUP) and MPD applications are administrative and the standard of review in 15-1-10 (D) (3) related to the General Plan should be moved to a broader review criteria rather than as a standard for review and conclusion of law. Staff similarly proposes amendments to Chapter 6 regarding the review of MPDs for consistency with the Park City General plan as a required review element not as a specific finding of fact. Staff proposes the following amendments:

(D) <u>STANDARDS FOR REVIEW</u>. The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

(1) the Application complies with all requirements of this LMC;

(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

(34) the effects of any differences in Use or scale have been mitigated through careful planning.

(E) <u>**REVIEW**</u>. The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

(1)....(15)

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

15-6-5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

 $(A) - (M) \dots$

(N) **GENERAL PLAN REVIEW.** All MPD applications shall be reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

3. <u>Clarify Steep Slope CUP applicability (See Exhibit B- Chapter 2 (HRL, HR-1, HR2 Zoning Districts).</u>

Based on various applicants' interpretations of the applicability of the Steep Slope CUP, Staff sees a need to clarify that Steep Slope CUP applications apply when development occurs on the Steep Slope as well as when projected over the Steep Slope, as is the case with setback regulations. Staff recommends that the following language be added to the <u>Development on Steep Slopes</u> regulations in Chapter 2 (HRL, HR-1, and HR-2):

(A) <u>CONDITIONAL USE</u>.

(1) A Steep Slope Conditional Use permit is required for construction of any Structure with a Building Footprint in excess of two hundred square feet (200 sq. ft.) if said Building Footprint is located upon on or projecting over an existing Slope of thirty percent (30%) or greater.

(2) A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the Building Footprint of the addition is in excess of two hundred square feet (200 sq. ft.), if the Building Footprint of the addition is located upon on or projecting over an existing Slope of thirty percent (30%) or greater.

(3) A Steep Slope Conditional Use permit is require for any Access driveway located upon on or projecting over an existing slope of (30%) or greater.

4. <u>Allow common wall development with a party wall agreement in HR-1, HR-2, and CT Districts (See Exhibit B- Chapter 2 (2.1 HRL, 2.2 HR-1, 2.3 HR-2, and 2.23 CT) Zoning Districts).</u>

Common wall development with a party wall agreement are currently allowed in the R-1, HRM, HRC, SF, RD, RDM, RM, RC, GC, and LI Districts (Chapter 2) as a way to allow units to be individually sold without a condominium plat (especially for duplexes where 2 unit condominiums can be an impediment to affordable housing). These changes allow construction of attached units, with each unit on a separate lot, without requirement of a condominium plat. Underlying uses would still apply, ie. Three units could not be connected if the zone does not allow a triplex, which is a single building containing three dwelling units. The Districts where a common wall development is allowed all allow at least a duplex, as an allowed or conditional use. The following language is proposed to be added to the HR-1, HR-2, and CT Districts under Lot and Site Requirements- Side Yard:

A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official and all IBC and Fire Code requirements are met.

5. <u>Allow Historic Structures that do not comply with Building Footprint and</u> <u>Building Height, including the ten (10') minimum horizontal step and the</u> <u>total 35' height requirement, in HRL, HR-1, HR2 and RC District, to be</u>

considered as valid Complying Structures (See Exhibit B- Chapter 2 (2.1 HRL, 2.2 HR-1, 2.3 HR2, and 2.16 RC) Zoning Districts).

In the HRL, HR-1, HR2, and RC Zoning Districts the following language describes Historic Structures that don't comply with Building Setbacks, Off-Street parking, and driveway location standards as valid Complying Structures. Staff proposes to include Building Footprint and Building Height in these regulations recognizing that the historic form of these Structures should not have to be modified to comply with these current regulations.

The following language is proposed to be added to the HRL, HR-1, HR2, and RC Districts:

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with **Building Footprint**, **Building Height**, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create Lockout Units or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards, and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Height for the ten foot (10') minimum horizontal step in the downhill façade and the 35' maximum Height, Building Setbacks, and driveway location standards for additions to Historic Buildings:

(1) Upon approval of a Conditional Use permit,

(2) When the scale of the addition and/or driveway is Compatible with the Historic Structure,

(3) When the addition complies with all other provisions of this Chapter, and(4) When the addition complies with the International Building and Fire Codes, and

(5) When the addition complies with the Design Guidelines for Historic Districts and Sites.

(B) EXCEPTION. In the event the Historic Structure is more than 35 feet below the existing road used for primary access to the site measured from the proposed access point on the Right of Way to the lowest floor plane of the existing Historic structure, the Planning Director may exempt the new construction from the 35 foot maximum Height requirement. The height of the new construction at the Right of Way and 20 feet perpendicular to the Right of Way in the Front Yard Setback may not exceed 15 feet in Height from existing grade. All other height requirements apply.

6. Provide consistent language for mechanical service, delivery, and loading areas in GC and LI Districts (See Exhibit B- Chapter 2 (2.18 GC and 2.19 LI Zoning Districts).

Section 15-2.19-9 Mechanical Services, Delivery, and Loading Areas in the Light Industrial (LI) District, includes specific requirements for mechanical service, delivery and loading areas that is not included in the General Commercial (GC) District. Include this language and change "**eliminate**" to "**mitigate**" in Section 15-2.19-9 (LI) District:

15-2.18-8. MECHANICAL SERVICE, DELIVERY, AND LOADING AREAS.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate mitigate its view from nearby Properties and general public view. All mechanical equipment must be shown on the plans prepared for Conditional Use permit and architectural review.

All Structures must provide a means of storing refuse generated by the Structure's occupants. All refuse storage facilities must be shown on the plans prepared for Conditional Use permit and architectural review. Refuse storage must be Screened, enclosed, and properly ventilated.

The loading and unloading of goods must take place entirely on the Site. Loading Areas must be Screened from general public view. All loading Areas shall be shown on the plans prepared for Conditional Use permit and architectural review.

7. <u>Amend landscape review standards for Lighting standards to reduce glare</u> and for landscape materials to prohibit synthetic mulches and (See Exhibit <u>C- Chapter 5 Architectural Review).</u>

Lighting

Staff proposes to amend the purpose of the lighting section as well as address "glare" by requiring fully shielded exterior light fixtures with no exposed, bare bulbs. Staff proposes the following changes:

15-5 -5. ARCHITECTURAL DESIGN GUIDELINES.

...

(I) **<u>LIGHTING</u>**.
(1) <u>PURPOSE</u>. The functional objectives in providing exterior Area lighting are to illuminate Areas necessary for safe, comfortable and energy efficient Use The purpose of this lighting section is to provide standards for outdoor lighting that minimize light pollution, Glare, and light trespass caused by inappropriate or misaligned light fixtures.

These standards conserve energy and preserve the nighttime sky and environment of Park City by regulating unnecessary and excessive outdoor lighting while maintaining nighttime safety, security, productivity, and comfort.

These standards discourage Glare onto adjoining properties and public ways by requiring Fully Shielded exterior light fixtures with no exposed, bare bulbs, unless otherwise permitted by this Code.

The number of fixtures shall be limited to provide for safe entry and egress and for sign and Business identification.

• • •

(6) **WATTAGE/FIXTURE AND LIGHT SOURCE REQUIREMENTS**. Wattage, fixture and Light Source requirements as outlined in the following Table 1 apply to all zones throughout the City:

Light Source	Fully Shielded	Partially Shielded	Watt (Maximum Per Fixture)
High Pressure Sodium ¹		х	50
Low Pressure Sodium	x	×	55
Metal Halide ²	х		1,500
Low Voltage/ Halogen ³		х	50
Compact Fluorescent <u>/LED⁴</u>	x	×	75

Table 1

Other Sources: As approved by the Planning Director Note: "x" indicates the required standard.

¹ This is the standard Light Source for Park City and Summit County unless otherwise noted in a specific section. Fully shielded fixtures are preferred but not required with this Light Source. Other sources are only permitted as noted. Residential porch lights and exterior garage and post lights may utilize incandescent bulbs, provided that the bulbs are <u>Fully</u> Shielded. Lighting for signs may use halogen bulbs, provided that they are <u>Fully</u> Shielded and directed at the sign face. Wattages outlined are the maximum and can be decreased under the Building Permit review process depending on the number and location of the fixture on each project. In no case shall the levels be reduced to levels below the Illuminating Engineering Society (IES) minimum standards.

² Metal Halide sources shall be permitted only for recreational sport field or ski Area Uses and installed only in one hundred percent (100%) <u>F</u>fully <u>Shielded enclosed</u> Luminaries. Metal Halide lights shall also be filtered.

³ Low voltage/halogen sources are permitted in landscape and sign ing lighting only.

⁴Temperature for LEDs shall be between 2700K and 3000K.

Staff recommends including in Chapter 15- Defined Terms a definition for "glare" as follows:

Glare. A visual sensation caused by excessive and uncontrolled brightness as well as by high contrast between excessive light and dark.

Landscaping

Staff also proposes to prohibit petroleum based and synthetic mulches and clarify the use of stones and gravel within the Landscape review standards section (Chapter 5).

(M) **LANDSCAPING**. A complete landscape plan must be prepared for the limits of disturbance area for all Building Permit applications and Historic District Design Review projects for all exterior work that impacts existing vegetation within the limits of disturbance. The landscape plan shall utilize the concept of Xeriscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped and the percentage of the landscaping that is irrigated. The plan shall identify all existing Significant Vegetation.

Materials proposed for driveways, parking areas, patios, decks, and other hard-scaped areas shall be identified on the plan. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan. Areas of mulch shall be identified on the plan. Approved <u>plant</u> mulches include natural organic plant based or recycled materials. Stone-based, <u>petroleum-based</u>, and synthetic <u>plant</u> mulches-is are -not permitted. Locally sourced mulches are preferred. Stone may be incorporated into the Landscape design, however stones and gravel may not be used to mulch plants. Stones and gravel are not permitted within the city ROW (rights-of-way).

8. <u>Allow barrel roofs as a permitted roof form (See Exhibit B- Chapters 2.16 (RC), 2.18 (GC), 2.19 (LI), and 2.23 (CT) and Exhibit E- Chapter 15 Defined Terms).</u>

The architectural community has approached the Planning Staff to consider allowing barrel roofs as a permitted roof form and to provide direction in the LMC regarding whether a barrel roof is permitted the additional 5' of building height as is currently allowed for pitched roofs of 4:12 or greater. Staff proposes the term "barrel roof" be defined and added to Chapter 15 and the following amendments to <u>Building Height</u> in all Chapter 2, Districts (not including HRL, HR1, and HR2) that allow for additional height for gable, hip, or similar pitched roof:

(A) <u>BUILDING HEIGHT EXCEPTIONS</u>. To allow for a pitched roof and to provide useable space within the Structure, the following height exceptions apply:

(1) A gable, hip, Barrel, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

Staff recommends also including this language in the following Districts:

- HRC- Section 15-2.5-5 (A) (1)
- ROS- Section 15-2.7-4 (A) (1)
- POS- Section 15-2.8-4 (A) (1)
- E-40- Section 15-2.9-4 (A) (1)
- E- Section 15-2.10-4 (A) (1)
- SF- Section 15-2.11-4 (A) (1)
- R-1- Section 15-2.12-5 (A) (1)
- RD- Section 15-2.13-4 (A) (1)
- RDM-Section 15-2.14-4 (A) (1)
- RM- Section 15-2.15-5 (A) (1)
- PUT- Section 15-2.22-4 (B) (1)

Staff recommends including in Chapter 15- Defined Terms a definition for "barrel roof" as follows:

Barrel roof. A roof with a semi-cylindrical form and having a semi-circular cross section, typically used to span large rectangular rooms and interior spaces, such as cathedrals, railroad stations, theaters, and sports arenas.

9. <u>Amend Master Planned Development applicability and requirements to</u> <u>include Historic Sites (See Exhibit D- Chapter 6 Master Planned</u> <u>Developments).</u>

Staff requests the following language be included to reiterate that Master Planned Developments are only permitted when the proposed uses within the MPD are consistent with the underlying zoning of the District in which they are proposed.

15-6 -2. APPLICABILITY.

(D) The Master Planned Development is permitted only when <u>Uses within the Master</u> Plan Development are consistent with Allowed and Conditional Uses in the District in which it is proposed.

Staff reviewed Chapter 6- Master Planned Developments to include requirements to inventory and mitigate Historic Sites within an MPD. Staff recommends including as a requirement of the MPD Development Agreement, in Section 15-6-4 (G), the following language:

(9) A map and list of known Historic Sites on the Property and a Historic Structures Report prepared by a qualified historic preservation professional.

Staff reviewed <u>Section 15-6-5 (MPD) REQUIREMENTS</u> and noted that while <u>Mine Hazards</u> and <u>Historic Mine Waste Mitigation</u> are listed as MPD requirements, a map and report of Historic Sites are not currently required. Staff proposes amendments to Section 15-6-5 to include the following language:

(O) <u>**HISTORIC SITES.**</u> All MPD Applications shall include a map and list of known Historic Sites on the property and a Historic Structures Report, as further described on the MPD application. The Report shall be prepared by a qualified historic preservation professional.

Staff also proposes amendments to <u>Section 15-6-6-REQUIRED FINDINGS AND</u> <u>CONCLUSIONS OF LAW</u> as follows:

(P) The MPD, as conditioned, addresses and mitigates Historic Sites, according to accepted City regulations and policies.

10. <u>Clarify review criteria to be met when making a determination of historic</u> <u>significance</u>

11. Various administrative corrections (See Exhibit A- Chapter One).

In Chapter One, Staff recommends removing references to "record of survey" when referring to Condominium plats and Condominium plat amendments in the Notice Matrix. Staff also recommends for consistency between sections, the following regarding noticing requirements:

15-1 -7. AMENDMENTS TO THE LAND MANAGEMENT CODE AND ZONING MAP.

All amendments to the LMC must be made in the following manner:

(A) <u>APPLICATION</u>. An Application must be filed first with the Planning Department on a form prescribed for that purpose. The Planning Department, upon its own initiative or at the direction of the City Council, Planning Commission, or Historic Preservation Board may initiate an amendment as provided below.

(B) <u>**HEARINGS BEFORE PLANNING COMMISSION**</u>. The Planning Commission shall hold a public hearing on all amendments to the LMC. Notice of amendment hearings before the Planning Commission shall be given by posting notice on <u>the City's official website or</u> in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City and on the Utah Public Notice website. The notice must state generally the nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

(C) <u>ACTION BY PLANNING COMMISSION</u>. Following the hearing, the Planning Commission must adopt formal recommendation(s) to the City Council regarding the matter before it, approving, disapproving, or modifying the proposal. If the Planning Commission fails to take action within thirty (30) days of the public hearing, the City Council may consider the matter forwarded from the Planning Commission with a negative recommendation and may hear the matter.

(D) HEARING BEFORE CITY COUNCIL. The City Council must hold a public hearing on all amendments to the LMC. Notice of the hearings shall be given by providing actual notice or posting notice <u>on the City's official website</u> or in at least three (3) public places within the City and providing at least fourteen (14) days published notice in a newspaper of general circulation within the City <u>and on the Utah Public</u> Notice website. The notice must state generally the nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened the hearing may be continued, if necessary, without republication of notice until the hearing is closed. Following the hearing, the Council must approve, disapprove, or modify and approve the proposal before it. Recommendations of the Planning Commission are advisory only.

(E) **JOINT HEARINGS**. At the option of the City Council, the hearings before the Planning Commission and the Council may be consolidated into a single hearing, provided however, that separate votes are taken by the Commission and the Council. The Commission vote shall be taken first. Notice for any joint hearing shall be given by posting notice <u>on the City's official website or</u> in at least three (3) public places within the City and by providing at least fourteen (14) days published notice in a newspaper of general circulation within the City and on the Utah Public Notice website. The notice <u>must state generally the nature of the proposed amendment, land affected, and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.</u>

15-1 -12. NOTICE.

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic Preservation Board must be provided in accordance with this section.

All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property or the proposed modification to the Park City General Plan or to the Land Management Code and shall state the time, place and date set for public hearing on the matter.

All notices, unless otherwise specified in this Code or State law, must state generally the nature of the proposed action; land affected; and the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed.

Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

(A) **<u>POSTED NOTICES</u>**. The Planning Department must post notice on the Property affected by the Application and <u>may also post notice</u> on the City's official website or in at least three (3) public locations within the municipality.

(B) <u>**PUBLISHED NOTICE**</u>. Published notice shall be given by publication in a newspaper having general circulation in Park City and published on the Utah Public Notice website.

15-1-21. NOTICE MATRIX.

(Staff proposes various amendments to the Notice Matrix to 1) refer to Section 15-1-12 for specific notice requirements and 2) make it consistent with the notice language in this Chapter. (See Exhibit A- Chapter One General Provisions)

12. <u>Definitions (See Exhibit E- Chapter 15 Defined Terms).</u> Add or revise barrel roof, billboard, glare, and intensive office.

Barrel Roof. A roof with a semi-cylindrical form and having a semi-circular crosssection, typically used to span large rectangular rooms and interior spaces, such as cathedrals, railroad stations, theaters, and sports arenas.

Billboard. A separate room designed for or used as a sleeping room.

<u>Billboard</u>. A freestanding, roof mounted, or wall mounted Sign used, designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the Property on which the sign is located.

<u>Glare</u>. A visual sensation caused by excessive and uncontrolled brightness as well as by high contrast between excessive light and dark.

Office, General. A Building-Business offering executive, administrative, professional, or clerical services, or a portion of a Building wherein services are performed involving predominately operations performed with limited client visits and limited traffic generated by employees and/or clients; that generally employs fewer than three persons per one thousand square feet of Net Leasable Floor Area.

Office, Intensive. Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses.

Offices, Intensive. A Business offering executive, administrative, professional or clerical services performed with a high level of client interaction and a high level of traffic generation; that employs five or more persons per one thousand square feet of Net Leasable Floor Area.

<u>Office, Moderately Intensive.</u> A Business offering executive, administrative, professional, or clerical services which are performed with a moderate level of client interaction and moderate traffic generation generated by employees and/or clients; that generally employs fewer than five persons per one thousand square feet of Net Leasable Floor Area.

Process

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

Notice

On May 11th, notice of the Planning Commission public hearing was published in the Park Record and placed on the City's website as well as on the Utah Public Notice website.

Public Input

Staff has not received any public input on these amendments at the time this report was prepared.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the Land Management Code Amendments as proposed; or
- The Planning Commission may forward a negative recommendation to City Council to deny the Land Management Code Amendments and direct staff to prepare findings supporting this recommendation; or
- The Planning Commission may continue the discussion to a date certain to allow Staff time to respond to any concerns or issues raised at the Planning Commission hearing.

Significant Impacts

There are no significant negative fiscal or environmental impacts from these LMC Amendments.

Recommendation

Staff recommends that the Planning Commission review and discuss the proposed amendments to the Land Management Code (LMC), conduct a public hearing, and consider forwarding a positive recommendation to City Council, according to the findings of fact and conclusions of law in the attached draft Ordinance.

Exhibits (Provided under separate cover)

Ordinance Exhibit A – Chapter One- General Provisions and Procedures Exhibit B-1- Chapter 2.1 (HRL District) Exhibit B-2 –Chapter 2.2 (HR-1 District) Exhibit B-3- Chapter 2.3 (HR2 District) Exhibit B-4- Chapter 2.16 (RC District) Exhibit B-5- Chapter 2.18 (GC District) Exhibit B-6- Chapter 2.19 (LI District) Exhibit B-7- Chapter 2.23 (CT District) Exhibit B-7- Chapter 2.23 (CT District) Exhibit C- Chapter Five- Architectural Review Exhibit D- Chapter Six- Master Planned Developments Exhibit E- Chapter Eleven- Historic Preservation

Exhibit F- Chapter Fifteen- Defined Terms

Exhibit G- Minutes of Planning Commission work sessions priority matrix

Ordinance 16-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 1 GENERAL PROVISIONS AND PROCEDURES; CHAPTER 2 ZONING DESIGNATIONS (2.1 HRL, 2.2 HR-1, 2.3 HR-2, 2.16 RC, 2.18 GC, 2.19 LI, 2.23 CT); CHAPTER 5 ARCHITECTURAL REVIEW, CHAPTER 6 MASTER PLANNED DEVELOPMENTS; CHAPTER 11 HISTORIC PRESERVATION AND CHAPTER 15 DEFINED TERMS

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

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

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

WHEREAS, Chapter 1 provides a description of general provisions and procedures of the Park City's land development and management code that the City desires to revise. These revisions are specifically related to appeals process, extensions of applications, standard of review for applications regarding the General Plan, notice requirements, and other procedures; and

WHEREAS, Chapters 2.1 Historic Residential-Low Density District (HRL), 2.2 Historic Residential (HR-1), 2.3 Historic Residential 2 (HR2), 2.16 Resort Commercial (RC), 2.18 General Commercial (GC), 2.19 Light Industrial (LI), 2.23 Community Transition (CT)) provide a description of requirements, provisions and procedures specific to these zoning district that the City desires to revise. These revisions concern common wall development, height exceptions for historic sites, barrel roofs, applicability of Steep Slope Conditional Use Permit process, screening of mechanical equipment, in these Districts; and

WHEREAS, Chapter 5 provides a description of requirements, provisions, and procedures specific to Architectural and Site Design. These revisions concern the requirements for landscaping materials and lighting to reduce glare; and

WHEREAS, Chapter 6 provides a description of requirements, provisions and procedures specific to Master Planned Developments (MPD). These revisions relate to requiring information on Mine Sites for MPD applications; and

WHEREAS, Chapter 11 provides a description of requirements, provisions and procedures specific to Historic Preservation. These revisions relate to clarifying review criteria to be met when making a determination of historic significance; and

WHEREAS, Chapter 15 provides a description of defined terms used in the Land Management Code that the City desires to add or revise terms for barrel roof, billboard, glare, and intensive office, and

WHEREAS, the Planning Commission conducted work sessions on March 23rd and April 13th and 27th, 2016; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on June 22, 2016, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on ______ 2016; and

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

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

<u>SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter</u> <u>One (General Provisions and Procedures).</u> The recitals above are incorporated herein as findings of fact. Chapter 1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

<u>SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter</u> <u>2.1 (Historic Residential Low Density (HRL)).</u> The recitals above are incorporated herein as findings of fact. Chapter 2.1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-1).

<u>SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter</u> 2.2 (Historic Residential (HR-1)). The recitals above are incorporated herein as findings of fact. Chapter 2.2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-2).

<u>SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter</u> <u>2.3 (Historic Residential 2 (HR2)).</u> The recitals above are incorporated herein as findings of fact. Chapter 2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-3).

<u>SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter</u> <u>2.16 (Resort Commercial (RC)).</u> The recitals above are incorporated herein as findings of fact. Chapter 2.24 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-4).

<u>SECTION 6.</u> AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.18 (General Commercial (GC)). The recitals above are incorporated herein as findings of fact. Chapter 2.18 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-5).

<u>SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code Chapter</u> <u>2.19 (Light Industrial (LI)).</u> The recitals above are incorporated herein as findings of fact. Chapter 2.19 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-6).

<u>SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter</u> <u>2.23 (Community Transition (CT)).</u> The recitals above are incorporated herein as findings of fact. Chapter 2.23 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B-7).

SECTION 9. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 5 (Architectural Review). The recitals above are incorporated herein as findings of fact. Chapter 5 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

<u>SECTION 10.</u> AMENDMENTS TO TITLE 15 - Land Management Code Chapter <u>6 (Master Planned Developments)</u>. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 11. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11 (Historic Preservation). The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

<u>SECTION 12. AMENDMENTS TO TITLE 15 - Land Management Code Chapter</u> <u>15 (Defined Terms).</u> The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

<u>SECTION 13. AMENDMENTS TO TITLE 15- Land Management Code Sections</u> 15-2.5-5 (A) (1), 15-2.7-4 (A) (1), 15-2.8-4 (A) (1), 15-2.9-4 (A) (1), 15-2.10-4 (A) (1), 15-2.11-4 (A) (1), 15-2.12-5 (A) (1), 15-2.13-4 (A) (1), 15-2.14-4 (A) (1), 15-2.15-5 (A) (1), 15-2.22-4 (B) (1) are amended to allow barrel roof form and recitals above are incorporated herein as findings of fact for these amendments.

<u>SECTION 14. EFFECTIVE DATE.</u> This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2016

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Michelle Kellogg, Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits (Redlines of specific LMC Sections)

Exhibit A – LMC Chapter One- General Provisions and Procedures Exhibit B – LMC Chapter Two Zoning Districts (HRL, HR-1, HR2, RC, GC, LI, CT) Exhibit C – LMC Chapter Five- Architectural Review Exhibit D – LMC Chapter Six- Master Planned Developments Exhibit E – LMC Chapter Eleven- Historic Preservation Exhibit F – LMC Chapter Fifteen- Defined Terms