

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
APRIL 26 , 2006

COMMISSIONERS IN ATTENDANCE:

Chair Jim Barth, Michael O'Hara, Andrew Volkman, Charlie Wintzer, Diane Zimney

EX OFFICIO:

Patrick Putt, Planning Director; Brooks Robinson, Planner; David Maloney, Planner; Kirsten Whetstone Planner; Jonathan Weidenhamer, Planner; Ray Milliner, Planner; Polly Samuels McLean, Assistant City Attorney; Eric DeHaan, City Engineer

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REGULAR MEETING - 6:30 p.m.

**I. ROLL CALL**

Chair Barth called the meeting to order at 6:35 p.m. and noted that all Commissioners were present except for Commissioners Thomas and Sletten who were excused.

**II. MINUTES**

MOTION: Commissioner Wintzer moved to APPROVE the minutes of April 12, 2006. Commissioner Zimney seconded the motion.

VOTE: The motion passed unanimously.

**III. PUBLIC COMMUNICATIONS**

There was no comment.

**IV STAFF & COMMISSIONERS' COMMUNICATIONS**

Chair Barth commented on the Lodges at Deer Valley - Silver Baron, and noted that he was asked several times today whether the Planning Commission transferred density from Parcel A. He could not recall transferring density. Planner Brooks Robinson explained that seven units of density was transferred into the Lodges, subject to a recorded instrument from Courchevel, with the creation of the Silver Baron parcel split off from the remaining Lodges Parcels B, C, D, and E. Parcel A was incorporated into the Silver Baron parcel. Planner Robinson stated that initially there were mitigated wetlands on the south end of Silver Baron and no construction was allowed in that area. With a revised Army

Corp of Engineers permit, Silver Baron Phase 2 is now going into that area which would use up the remaining density assigned to the Lodges. Planner Robinson stated that Parcel A would not have any density left for construction.

Chair Barth clarified that the open space shown as a development parcel would no longer be a development parcel. Planner Robinson replied that this was correct unless there is a future transfer of density, particularly off the Snow Park parking lot, which would require a public process before the Planning Commission and the City Council.

Chair Barth believed he may have been absent when this was discussed and requested a copy of the minutes from that meeting.

Planning Director, Patrick Putt, announced that the applicants of the Park City Heights annexation will be holding a public open house on Monday, May 1 at 6:00 p.m. at the new City Ice Arena. This is an opportunity to show the community and the affected neighborhood their plan for the annexation. Director Putt stated that the annexation involves 257 acres on the south side of Highway 248 directly across from the Field Complex and Ice Rink. That annexation covers a number of separate properties. The Park City Heights applicants have 200 acres consisting of a 24 acre piece of ground known as the Nineties Parcel and a 176 acre piece called the Clark Ranch. The proposal is to construct 131 single family homes.

Director Putt announced that next Tuesday at 10:00 a.m., the Montague/ PCMR task force will convene and he expects that a recommendation will be forwarded to the Planning Commission. Director Putt remarked that Commissioners Barth, O'Hara, and Thomas are task force members. He noted that Commissioner O'Hara will be out of town and Commissioner Thomas may not be able to attend due to a recent surgery. Andrew Volkman, the task force member pro tem, will also be out of town. Director Putt requested that the Planning Commission appoint new Planning Commission representatives to sit on the task force in place of Commissioner O'Hara and possibly Commissioner Thomas.

Director Putt remarked that Planning Commission applications are still open and available. They have not received many applications and he encouraged the Planning Commission or members of the public to suggest names of anyone who might be interested.

Commissioner Wintzer expressed his willingness to sit as an alternate on the task force, however he was uncomfortable voting without the benefit of being part of the process and having the necessary background. Director Putt offered to bring Commissioner Wintzer up to speed with the record. Chair Barth noted that if Commissioner Wintzer was still uncomfortable with voting at that time, he could abstain.

V. CONSENT AGENDA

1. 208 Norfolk Avenue - Conditional use permit for construction on a slope greater than 30%

MOTION: Commissioner O'Hara moved to ACCEPT the Consent Agenda. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 208 Norfolk Avenue

1. The subject property is located within the HR-1 zoning district.
2. The lot has a slope of greater than 30%.
3. The applicant owns one and a half old town lots. The City Council approved a Plat Amendment on March 30, 2006 to remove the lot line and create a 37.5' x 75' lot.
4. The lot at 28 Norfolk Avenue is 2,813 square feet. The maximum allowable footprint for a lot this size is 1,201 square feet. The proposed footprint is 2,100 square feet.
5. The proposal contemplates the construction of a single-family residence of approximately 3,368 square feet total (including garage).
6. An existing home exists at this location. It was built in approximately 1980. It is non-contributory to the Historic District. The applicant intends to demolish this existing house.
7. The applicant is also currently undergoing a Historic District Design Review for the proposed project.
8. Due to the construction of the existing home on the lot, most of the natural grade has been disturbed. The remaining contours outside the existing building footprint indicate slopes greater than 30% at the south west corner (front) and east of the property.
9. The location of the proposed building is located in the same area as the footprint of the existing house and will not significantly increase the amount of cut and fill nor alter the remaining perceived natural topography of the site. The new construction on the lot located outside the existing footprint is located on moderately sloped

portions of the lot that have a slope of approximately 20%. The overall building form does not incorporate substantial stepping in the design because the dwelling will be located primarily on the moderately sloped portions of the lot.

10. The maximum height permitted in the HR-1 zoning district is 27' (LMC 15-2.2-5).
11. The applicant has requested height exceptions in 3 locations: 31' at the south end of the front ridgeline perpendicular to Lowell Avenue; 30' for the front gable perpendicular to the street; and 32' for the entire gable on the rear bay window at the back of the house.
12. The main gable at the rear that is perpendicular to the street is 27.5' in height, and is within the 20% height exception permitted in Section 15-2.2-5 of the LMC.
13. The applicant was able to design a building that met the 27' height limit, but modified the design to be more consistent with the Historic District Design Guidelines. The following features have been incorporated into the design: steeper front gables (8:12 roof pitch), larger, steeper (8:12 gables at the rear that break up the main shed roof and reduce the visual impact from across the valley; better window to wall ratios, and better articulation of detailing and trim around windows and doors.
14. The height increase will result in a steep gabled roof form at the front of the house, parallel with Norfolk Avenue, as well as the rear gables which are critical to breaking up the massing from across the valley. These proposed roof forms, which are not possible without this height exception, are more consistent with the historic roof shapes found in Park City.
15. The proposed site plan and house elevations are appropriate for this lot and the applicant has sufficiently mitigated all criteria pertaining to the Conditional Use Permits for construction on a steep slope (LMC 15-2.2-6).

Conclusions of Law - 208 Norfolk Avenue

1. As conditioned, the application complies with all requirements of Section 15-1-10(E) and Section 15-2.2-6 and other applicable sections of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding structures in use, scale, mass and circulation.
3. As conditioned the use is consistent with the Park City General Plan.
4. The effects of any difference in use or scale have been mitigated through careful planning.

5. The proposed dwelling volume and scale complies with the requirements of the HR-1 zone[ (LMC Section 15-2.2-3(B) to (D))].

Conditions of Approval - 208 Norfolk Avenue

1. All Standard Project Conditions shall apply.
2. Approval of a construction mitigation plan by the Building Department is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The applicant must satisfy the requirements of the Chief Building Official as it relates to the issue of snow release prior to the issuance of a building permit.
5. This approval will expire on April 26, 2007 if a building permit has not been issued.
6. No building permits will be issued for this project until the plat is recorded.
7. A landscape plan shall be approved prior to issuance of building permits.
8. A height exception is hereby granted for the main gable parallel to Norfolk Avenue for a length of 11.5'. The height of this ridge ranges between 28' and 31'.
9. A height exception to 30' is hereby granted for the front gable perpendicular to Norfolk Avenue for a length of 5.5',
10. A height exception to 32' is hereby granted for the rear gable perpendicular to Norfolk Avenue for length of 5.5'.

**VI. REGULAR AGENDA/PUBLIC HEARINGS**

1. IHC/USSA/Burbidge Annexation
2. 1514 Park Avenue, US Bank - Conditional use permit for construction in the Frontage Protection Zone

MOTION: Commissioner O'Hara moved to CONTINUE these items to May 10, 2006. Commissioner Volkman seconded the motion.

3. Land Management Code - Amendments to the Land Management Code, specifically Chapter 15.

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

VOTE: The motion passed unanimously.

4. Land Management Code - Amendments to the Land Management Code of Park City; specifically Chapters Chapter 9, Chapter 10, Chapter 11, Chapter 12 and Chapter 14

Planner Kirsten Whetstone reported that this item relates to amendments to Chapters 9, 10, 11, 12 and 14, and an additional amendment to a Section of Chapter 2. The Planning Department is preparing amendments to the Land Management Code to address reorganization that occurred within the Community Development Department, as well as additional substantive revisions that have occurred since the last Land Management Code update in 2000. The Legal Staff also recommended additional amendments based on revisions to the Utah State Code that apply to the Land Management Code.

Planner Whetstone noted that the Staff is in the process of reviewing the entire Land Management Code. A month ago the Planning Commission forwarded a positive recommendation to the City Council on Chapters 1,3,4,6, 7 and 8 and those chapters are going before the City Council tomorrow, April 27<sup>th</sup>, for public hearing and possible action.

Planner Whetstone reviewed the amendments being discussed this evening. Due to the reorganization City Departments, references to the Community Development Department or the Community Development Director have been replaced with either Planning Department; Planning Director; Planning, Engineering and Building Departments; City Engineer; and/or Chief Building Official. In addition, the Uniform Building Code was changed to International Building Code and the Historic District Commission was changed to the Historic Preservation Board. These changes were made throughout these Chapters.

Planner Whetstone reported on changes to Chapter 9 resulting from revisions to the State Code regarding the abandonment of non-conforming uses associated with demolition, deterioration, or destruction by fire or natural calamity. These changes were outlined in the Staff report.

Planner Whetstone stated that the only changes to Chapters 10 and 11 were those related to the CDD reorganization. She noted that Chapter 12 contained the standard

reorganization changes, as well as a revision that allows the Mayor and the City Council to appoint alternate members to the Planning Commission. Chapter 14 contained the standard reorganization changes, as well as a revision to the inspection language that would allow the City to access the premise to make examination and survey pertinent to the Land Management Code and General Plan amendments. She noted that this language is in addition to the allowance already in place for inspection purposes.

Planner Whetstone remarked that the Staff will return with a full redline of Chapter 2, the zoning chapter, as well as Chapter 5, the architectural design chapter, which will be substantively rewritten. Review of Chapter 15 was continued this evening because the Staff is waiting to include all the definitions.

Planner Whetstone stated that Chapter 2 is a revision to Section 15-2.2-3, which is lot and site requirements pertaining to allowable footprints for existing large platted lots within the HR-1 District. She noted that this Chapter pertains to the North Star Subdivision issue. Planner Whetstone remarked that the Land Management Code previously had a maximum floor area formula in which the floor area increased as the lot increased. When the LMC was amended, the maximum floor area was eliminated because it created other problems, and it was replaced with a maximum footprint. This formula was simpler in that you could measure on the ground and it was easier to calculate. Planner Whetstone explained that because the formula has a reverse curve, once you reach a certain point the maximum footprint begins to decrease. In the case of the North Star Subdivision, this formula raises a serious issue and the Staff has been working with the North Star residents on different options.

Planner Whetstone reviewed the options as outlined in the Staff report. Option 1 is to do nothing; Option 2 is to amend the Chapter to exempt all existing platted lots greater than 14,000 square feet from that formula; Option 3 is to amend the Chapter and apply a specific table to lots greater than 14,000 square feet. The proposed table was included in the Staff report. Option 4 is to request that the North Star Subdivision owners submit a request for a plat amendment to add specific notes to the recorded subdivision plat regarding maximum floor area and/or maximum building footprints. Planner Whetstone noted that after further consideration, the Staff determined that this option is not feasible because the requested plat amendment could not be granted in violation of the existing zoning requirements. Option 5 would be to rezone the North Star Subdivision to the SF zone, which would allow very large structures, because there are no floor area or footprint limitations in the SF zone.

The Staff requested that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council on the revisions to Chapters 9, 10, 11, 12 and 14 and continue the discussion on Chapter 2.2 to May 10<sup>th</sup>.

Commissioner Volkman wanted to know the current maximum footprint allowed on the existing scale. He was told that the maximum is 3275 square feet for an area equivalent to 8 or 9 Old Town lots. Commissioner Volkman clarified that the proposed table goes as high as 5,000 square feet.

Chair Barth opened the public hearing.

Bill Truxes noted that he had submitted for the record a handout which included a table he had prepared. He stated that Section 15-2.2-3(d) is very onerous for nearly half the owners of the North Star Subdivision and it deprives them of their expectation when they purchased their lot. Mr. Truxes remarked that it appears to give a million dollars to half the neighbors and takes away as much as ten millions dollars from the other half. He requested that the Planning Commission read his letter and pay particular attention to the last column in his table. Mr. Truxes noted that six North Star lots are negatively affected by the maximum floor area formula. He believed someone made a terrible mistake when the Land Management Code was amended and he asked the Planning Commission to reinstate the FAR.

Bob Garda stated that he lives on Lot 7 in the North Star subdivision. He believed that everyone agrees that the 2001 Land Management Code should be modified for North Star. Lots 8, 9, and 10 are going to be built on. One lot will be held to a maximum of 2,000 square feet and the other two are held to 1,000 square feet. Under the current LMC, homes in Old Town with lots of four-tenths of an acre can have a maximum footprint of 3269 square feet. Mr. Garda remarked that currently the six single family homes in North Star are approximately 4200 to 5000 square feet total. The footprints are all under 3,000 square feet at this point. Mr. Garda stated that the proposal is to go back to the 1996 FAR and he questioned whether that is fair. He believed that a 10,000 square foot house with a 3300 square foot maximum footprint makes sense but allowing houses 15,000 to 20,000 square feet is too large given their proximity to Old Town.

Planner Whetstone reported on a telephone conversation she had with Mike Kelly, the owner of Lot 5. Mr. Kelly agrees that this issue needs to be addressed and he wanted to express his opinion that the houses should not be any larger than 10,000 square feet (in floor area).

Chair Barth continued the public hearing on Chapter 15-2.2-3(d).

**MOTION:** Commissioner Volkman moved to forward a POSITIVE recommendation to the City Council for the amendments on Chapters 9, 10, 11, 12 and 14 according to the Staff report. Commissioner O'Hara seconded the motion.

**VOTE:** The motion passed unanimously.



Chair Barth called for discussion on Chapter 15-2.2-3(d). He noted that the focus is on one specific subdivision and felt they should stay within conformity with that subdivision. Planner Whetstone clarified that the Staff's intent is to draft language that would apply to any existing large platted lot. Chair Barth wanted to know the specific areas involved if they address this on a broader scale.

Commissioner Wintzer asked if the North Star CC&R's specify house sizes. He was told that the CC&R's only specify the minimum size which is 1800 square feet.

Commissioner Volkman supported the Staff's recommendation and believed it was appropriate. He agreed that the scale of the homes at North Star would impact Old Town and he wanted to see the repercussions for other areas that might be applicable. Planner Whetstone offered to provide that information at the next meeting.

Commissioner O'Hara suggested that they look at a mechanism similar to a CUP on lots larger than a certain size. Commissioner Volkman felt they could adjust the scale to what is being proposed for the maximum at 5,000 and then have it flat line from that point. Chair Barth requested legal input on defensibility.

### **1201 Norfolk Avenue - Plat Amendment**

Due to a conflict of interest, Commissioner O'Hara recused himself from this item.

Planner David Maloney reviewed the application for a plat amendment for Lots 1,2,3,4, 5, 6, 44 and 43 of Block 18 of Snyder's Addition to the Park City Survey. The applicant would like to reconfigure the existing lot lines to establish four lots. Lot A is proposed to be 8,437 square feet. Lot D would be a lot and a half, 37.5' by 75'. The other two vacant lots would be standard Old Town lots, 25' x 75'. Planner Maloney noted that Lot A would be the largest lot located on the north side where the Innsbruck structures exist. Planner Maloney stated that with the reconfigured lot lines, the existing structures would meet all setback requirements and the proposed lots would meet the minimum lot size requirement.

The Staff recommended that the Planning Commission review the proposed plat, conduct a public hearing, and forward a positive recommendation to the City Council.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

MOTION: Commissioner Volkman moved to forward a POSITIVE recommendation to the City Council for the Empire Park Subdivision according to the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the attached ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously. Commissioner O'Hara abstained.

Findings of Fact - 1201 Norfolk Avenue

1. The property is within the RC zoning district.
2. The applicant owns Lot 1,2,3,4,5,6,39,40,41,42,43, and 44 of Block 18 of Snyder's Addition to the Park City survey.
3. This plat amendment is with regard to Lots 1 through 6 of Block 18 of the Snyder's Addition to the Park City Survey.
4. The applicant is proposing to remove the lot lines between Lot 1 and Lot 2, Lot 2 and Lot 3, Lot 3 and Lot 4, Lot 4 and Lot 5, and Lot 5 and 6, Lot 44 and Lot 43 of Block 18, Snyder's Addition to the Park City Survey.
5. The applicant is proposing to create the Empire Park Subdivision which includes Lot A, B, C, and D.
6. Lot A measures sixty two point five (62.5) feet along Norfolk Avenue and fifty (50) feet along Empire Avenue.
7. Lot A has a lot depth of one hundred and fifty (150) feet and a total area of eight thousand four hundred thirty seven (8,437.5) square feet.
8. Lot B and C measure twenty five (25) feet by seventy five (75) feet with total areas of eighteen hundred and seventy five (1875) square feet each.
9. Lot D measures thirty seven and a half (37.5) feet for a total area of two thousand eight hundred and twelve (2812) square feet.
10. All proposed lots meet the minimum lot size standards identified in the RC zoning district.
11. The resulting side yard setback between the existing structures on the proposed Lot A and Lot B is approximately twelve (12) feet.

12. Existing structures comply with the setback requirements of the RC zoning district.
13. All discussion within the Analysis section is incorporated herein.

Conclusions of Law - 1201 Norfolk Avenue

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment as there are no significant impacts associated with this proposal.
3. As conditioned, the plat amendment is consistent with the Park City General Plan and Land Management Code, specifically as it relates to Land Use (Chapter V).

Conditions of Approval - 1201 Norfolk Avenue

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. A financial guarantee for public improvements shall be satisfactorily in place prior to plat recordation, in an amount to be approved by the City Engineer and in a form to be approved by the City Attorney.
5. Fire protection deemed satisfactory by the Fire Chief is required prior to the issuance of building permits on Lots A, B, C and D.
7. 1560/1566 Aerie Circle - Plat Amendment

Planner Maloney provided the Planning Commission with copies of Exhibit A, the Survey of Existing Conditions, as well as a letter he received from the Aerie Homeowners Association.

Planner Maloney reviewed the application for a plat amendment at 1560/1566 Aerie Circle to combine Lots 34 and 35 within the Aerie Subdivision. An existing house on Lot 35 has a

footprint of approximately 3346 square feet. Combining lots within the single family zone requires that the Staff review specific criteria in terms of amending the setbacks and the maximum house size. Planner Maloney stated that the setbacks will be 150% of the existing required setbacks, as outlined in the Land Management Code. Any new construction or renovation to the existing house would be 30 feet on the front, 37.5 feet for front facing garages, 22.5 feet from the rear, and 18 feet on the sides. Planner Maloney noted that there is no maximum house size for the Aerie subdivision, however a Staff review is required to determine the appropriate maximum house size based on existing homes in the subdivision and visual impacts from public streets. The Staff determined that 6,000 square feet is appropriate and the Homeowners Association and the applicant agreed. Planner Maloney noted that 6,000 square feet does not include the 600 square foot garage or any basement area.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Kevin Damon, representing the Aerie Homeowners Association, stated that the Association's interest is in conforming the combined lots to their design guidelines which are recorded with the Summit County Recorder in Coalville, but not recorded on the City plat. Mr. Damon remarked that the Aerie Owners Association Design Guidelines regulate construction through building envelopes which gives a footprint and a height. The architectural control committee of the Aerie Owners Association has a verbal agreement with the owner of these two lots to file documents with the Summit County Recorder to ascribe a mutually acceptable building envelope and maximum height for the combined lots. The purpose is to preserve the view corridors from two lots to the south of what is now Lot 34. Mr. Damon explained that the concern is what might happen if a future owner decides to knock down this house and build a larger house. Subject to getting this verbal agreement into written recordable form before the City Council meeting next week, the Aerie Owners Association has no objection to the combination of these two lots. Mr. Damon commented on a reference in the Staff report about an agreement between the Homeowners Association and the applicant regarding the maximum size of a house on this lot. He clarified that the Aerie Homeowners Association does not use square footage as criteria and suggested that the Planning Commission delete this reference from the conditions of approval in order to keep the Aerie consistent; otherwise this would be the only lot in the Aerie with a square footage requirement. Mr. Damon stated that the goal is to keep the design guidelines consistent with building envelopes and height requirements.

Planner Maloney stated that his concern with deleting the condition is that language in Section 15-2.11-6 of the LMC states that "In subdivisions where maximum house size is not specified, the house size on combined lots must be determined by the Planning Director based upon neighborhood compatibility; lot size, visibility from public streets, and visual

analysis.” His interpretation is that there needs to be an agreed upon square footage based on those factors.

Commissioner Volkman asked how the Staff determined 6,000 square feet for the house size. Planner Maloney replied that it was a number based on the general house size within the Aerie subdivision. The Staff felt that the visual impacts would be mitigated by the height restrictions and the increase setbacks.

Chair Barth opened the public hearing.

There was comment.

Chair Barth closed the public hearing.

Commissioner Wintzer wanted to know how they could be sure everything gets recorded once the Planning Commission forwards a recommendation to the City Council. Planner Maloney stated that the Planning Commission Chairman signs the plat before it is recorded and the plat notes would be on that plat.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 1560/1566 Aerie Circle according to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report. Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1560/1566 Aerie Circle

1. The property is addressed as 1560 and 1566 Aerie Circle.
2. The subject lots are Lot 34 and Lot 35 of the Aerie Subdivision, Phase 1.
3. There is an existing house on Lot 35 with a footprint of approximately two thousand three hundred and forty six (2,346) square feet.
4. The plat amendment adjustment will result in the combination of Lot 34 and Lot 35 of the Aerie Subdivision.
5. The plat amendment will not leave any parcel of land remnant.
6. The Roth Family Subdivision will contain an area of thirty thousand twenty six point seven (30,026.7) square feet.

7. The lot will be accessed from Aerie Circle.
8. The existing house sits twenty eight (28) feet from the front property line, twenty (20) feet to the west property line, and fifty six (56) feet to the rear property line.
9. The existing side yard on the east is approximately fifteen (15) feet to the property line (between Lot 34 and Lot 35).
10. This lot combination would result in an east side yard of about one hundred and eighty five (185) feet.
11. Front yard setback requirements of thirty (30) feet for the main building and thirty seven point five (37.5) feet for front facing garages, will apply for all future site development.
12. Side yard setbacks will be eighteen (18) feet.
13. Rear yard setbacks will be twenty two point five (22.5) feet.

Conclusions of Law - 1560/1566 Aerie Circle

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval - 1560/1566 Aerie Circle

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code, Conditions of Approval, and state law regarding subdivisions is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

4. A note will be added to the plat restricting above grade house size to six thousand (6,000) square feet. A garage of six hundred (600) square feet is exempt from the maximum house size limitation.
  
8. 2060 Holiday Ranch Loop Road, Fire Station - Conditional Use Permit

Planner Jonathan Weidenhamer reported that the Planning Commission will hold two public hearings this evening on the Fire Station. The first public hearing will be on a conditional use permit for an Essential Public Facility Use and Service and the Staff is requesting action this evening. The second public hearing is for a recommendation on a subdivision. Action on that subdivision is scheduled for May 18<sup>th</sup> at the City Council level.

Planner Weidenhamer intended to give one presentation on both items and requested that the agenda be changed to discuss the conditional use permit first, followed by the subdivision.

MOTION: Commissioner Volkman moved to amend the agenda and move the conditional use permit for 2060 Holiday Ranch Loop road ahead of the discussion for the subdivision at 2060 Holiday Ranch Loop Road. Commissioner Wintzer seconded the motion.

VOTE: The motion passes unanimously.

Planner Weidenhamer stated that the subdivision would create a two lot subdivision. The first lot is 1.74 acres and is located along Holiday Ranch Loop at the northeast corner. The second lot is 6.71 acres and would remain City owned. He explained that the Fire Station is the applicant for the conditional use permit and the City is the applicant on the subdivision.

Planner Weidenhamer remarked that the purpose of the fire station is to provide better fire and emergency response to the Park Meadows neighborhood. This would be a relocation of the existing Park Avenue station over to Park Meadows.

Chair Barth asked if the Park Avenue station would remain in place. Planner Weidenhamer replied that the Park Avenue station would no longer operate.

Planner Weidenhamer reported that the existing zoning on the site at 2060 Holiday Ranch Loop is Recreation Open Space with SensitiveLands Overlay. The City has a strategic plan in place for that site which was passed by resolution in September, 2005 for all City owned parcels. The City Council decided that this was an appropriate place for a fire station, a park, a water treatment plant, infrastructure, affordable housing, or a public works expansion. The City could also potentially sale or trade that land. Planner Weidenhamer

stated that the proposal presented this evening is consistent with the City Council's adopted plan.

Planner Weidenhamer remarked that currently the City has no plans for Lot 2. However, if this project is approved, the decision was made to put infrastructure in the road easement that would be dedicated through the subdivision. Planner Weidenhamer noted that the site was particularly difficult to develop because of existing site constraints. He presented an exhibit that showed the source protection zone where the City has two well heads. The first one is a 100 foot radius from the well head and prohibits sewer infrastructure construction in that location. He stated that the Source 2 protection zone is a 300 foot radius. Construction is generally prohibited in that radius, however the State does allow special exceptions to that with certain construction requirements. He noted that the Fire District has drawn up preliminary construction plans that meet those construction requirements and they have submitted a special exception permit to the State seeking that exception. Preliminary contact with the State indicated that this may be acceptable. Planner Weidenhamer stated that the Source 1 protection zone pushed the location of the fire station further to the west into the northeast corner of the lot. This required a wetland mitigation permit through the Army Corp. In working with the Army Corp, the applicant tried to locate the fire station in numerous locations. The only permit the Army Corp would issue is one that locates the building in the currently proposed location, which puts the building in the delineated wetlands.

Planner Weidenhamer commented on a conditional use permit for an existing dirt jump park at the rear of the lot which expires in 2007. The construction of the fire station will not impact the dirt jump park this season. Planner Weidenhamer remarked that a condition of approval will require the construction to be phased so the proposed parking near the dirt jump park will not be built until next summer and so emergency and maintenance vehicles will have access to the dirt jump park. Planner Weidenhamer stated that the building is approximately 8,000 square feet. It will be built for seven firefighters and includes living quarters, kitchen, workout facilities, storage, etc. The fire station proposes 18 eighteen parking spaces which exceeds the requirement.

Planner Weidenhamer stated that the required setbacks in the ROS District are 25 feet. This facility, as proposed, is 130 feet from Holiday Ranch Loop Road, 155 feet from the west property line, 275 feet from the Holiday Ranchette Subdivision, and 600 feet from the Windrift Condos to the south. The proposed building materials are a combination of materials typical to the neighborhood. The landscape plan proposed will heavily vegetate the site to help screen it from the road. The existing chain link fence along the road will be removed. Planner Weidenhamer referred to an exhibit that addresses noise mitigation. The policy is that sirens are not turned on until the vehicle reaches a major highway unless use of the siren is absolutely necessary to leave the site safely.



The Staff has found that this proposal meets all the criteria necessary for a conditional use permit with the exception of the wetlands setback required in the SLO overlay. A 50 foot setback is required from any delineated wetland. The applicant has requested to be relieved based on a hardship that literal enforcement of the 50 foot wetlands setback would deny all reasonable use of the property. Planner Weidenhamer noted that findings contained in the Staff report support that conclusion.

The Staff requested that the Planning Commission hold a public hearing on the conditional use permit and consider approval based on the Staff report.

Chair Barth opened the public hearing on the conditional use permit.

Puggy Holmgren used her watch to point out that a fire doubles every 60 seconds. She believes this will be a fabulous fire station and she is excited about hiring new firefighters. Ms. Holmgren did not like the comments about removing the fire station from Old Town. She was concerned about moving fire safety and emergency medical services further away from the most densely built and densely populated part of Park City. If a fire truck has to go through two intersections to get to Old Town the response time takes longer. Ms. Holmgren stated that they could build ten fire stations and hire 1,000 firefighters but she asked that they not take fire safety and emergency medical services away from Old Town. She found it ironic that the same night they are talking about taking fire safety and emergency medical out of Old Town, the last item on the agenda is about increasing density and population in Old Town.

Chris Nelson, a resident at Mcleod Creek, echoed Ms. Holmgren's comments with regards to Old Town. It is a fact that fires occur more in restaurants than in residences in Park Meadows. Mr. Nelson stated that he is neither for or against the fire station. He felt that it came quickly with regards to the site plan, landscaping plan, land development, elevations, etc. and he had hoped for more public input prior to this point. He asked if they were absolutely sure that an intersection at Mcleod Creek Drive is the best possible way to access the new fire station since there are two bus stops at that same location. Mr. Nelson stated that independent driveways are safer, per se, than an intersection, especially when dealing with emergency vehicles and school bus stops. He noted that the plat going to the City specifically states that it is a private driveway. He wanted to know if it will remain a private driveway or whether it will change in the future when Lot 2 is developed. Mr. Nelson remarked that children need a place to play and he wanted to know what will happen with the dirt jump park after 2007.

Michael Geer, a resident in the area of the proposed fire department, asked about future development plans for the area. The area is currently zoned ROS and he understood that it can be zoned for other things. Mr. Geer believes the most appropriate zoning is public health and safety, and in that case, a fire department makes a lot of sense. He noted that

there is an expectation in the neighborhood that the property zoned for open space would become an open space and recreation area. Mr. Geer expressed frustration that those comments have not been brought forward in this development plan and he would like to know what is being contemplated for the future on Lot 2. He stated that if the private driveway has a future street name, he would like it to imply that there is a park at the end as opposed to a City dumping ground which is how it is often used now. As a neighbor to the fire department, Mr. Geer requested a discussion of possible scenarios of how the fire department will come and go from the area.

Alison Pitt, a resident at 2418 Creek Drive, an adjoining property owner, remarked that the co-mortgagee on her home is the City Attorney, Mark Harrington. Ms. Pitt did not oppose the fire station but she was opposed to the access road. She did a due diligence prior to purchasing her home and neither the master plan nor the preliminary design showed a main road going across from Creek Drive. She noted that the fire trucks coming out of the neighborhood would go straight into her living room. Ms. Pitt remarked that out of the 8 acres only 1.7 acres is being used for a fire station and the remainder is being reserved for other uses. She is concerned that the City is trying to overuse this area. Ms. Pitt questioned the feasibility of having a fire station, a dirt park or other recreation, and affordable housing on one piece of property. She expressed concern with the lighting and landscaping. The Staff report indicates that lighting and landscape will be compatible but she believed it was problematic for the Planning Commission to delegate all the points to the Staff. Ms. Pitt felt it was important to do mitigation and continue the trail, as well as have a trail head at this site. She referred to point 10 in the Staff report, and questioned the word "we". She was unsure who "we" is and suggested that this should be re-written to require a one year review. If there is a noise problem, she wondered who the "we" is that addresses the problem. Mr. Pitt asked if on-site fire burning or fire training would occur.

Lou Seagull, a resident at 2400 Holiday Ranch, stated that he lives adjacent to the property under discussion. He stated that everyone likes having public emergency services near them, however he is concerned with the access road. Currently it is recreational open space and he sees it as opening Pandora's box for open development on Lot 2. Mr. Seagull wanted to know what would happen in the areas that are not part of Lots 1 and 2. He requested that the Planning Commission continue this discussion to a future date to allow the public more time to have their questions answered and to do more research. Mr. Seagull remarked that a number of things are addressed in the impact study and the application discusses different plans in different locations but it is unclear what those are.

Chair Barth closed the public hearing.

Commissioner Volkman asked the architect to address some of the issues raised during the public hearing, particularly those pertaining to traffic safety, additional development on Lot 2 and why this access point was determined.

The project architect, Kurt Von Puttkammer, thanked the Staff for working through a very complex process. He noted that it is typical for the fire district to obtain land that no one else wants. Mr. Von Puttkammer remarked that throughout the process, someone was always saying no, and it was usually the City. His job was to keep the project moving, and every site configuration was denied. He explained that the fire station would prefer its own separate access, however the only access that could be gained goes right through the wetlands that abuts Holiday Ranch Loop, and it could not be done. Mr. Von Puttkammer commented that on the difficulties with the Army Corp and how he proposed options that they would not accept. The current plan evolved because it was tweaked around the Army Corp's determination regarding the wetlands. The building location was determined by the existing well heads and the wetlands. The access was achieved by working with the City Engineering Department. Mr. Von Puttkammer noted that a 300 foot long driveway is not acceptable to the Fire Department because they need quick access to the main roads. The idea was to align that road with the one across the street. Mr. Von Puttkammer was willing to address the concerns raised by the public but he preferred to do it in detail outside of this meeting. He noted that the building design was presented during a public meeting at the Miners Hospital. The look is residential to fit with the neighborhood and the building is pushed back to reduce the visibility of the entry doors as you enter Park Meadows. Mr. Von Puttkammer stated that he is not involved in platting trails, but the plat shows that there is enough land for the trails people to do what they want. Mr. Von Puttkammer did not feel qualified to address the issue of whether or not Old Town needs a fire station. He explained that unlike other public services, the Fire Department did not have a lot of land to choose from and they had to strike a deal just like everyone else. This will not be the quaint fire station that exists in Old Town today.

Planner Weidenhamer addressed concerns regarding development on the rear of the lot. He noted that the City does not have a specific use or plan for that parcel. They have discussed a park or affordable housing but the City Council has not provided direction on a particular use. If the Planning Commission chooses to extend the CUP for the dirt jump park, it would need to be reconfigured but it could still fit on that site. The dirt jumps could also be relocated to a new site but no plans have been discussed. Planner Weidenhamer stated that the road going in will not preclude any future development. In terms of the driveway, Planner Weidenhamer explained that it is called a private driveway because the City has no interest in maintaining it since it is only access for the fire station. Should development occur at the rear, it would become a City dedicated road. He noted that the land is still zoned open space and any development beyond typical open space uses or essential public services would require a zone change and a conditional use process.

Kelly Gee, representing the Park City Fire District, stated that they have been planning this fire station since 1997 in an effort to find a location that meets the demographics as the density zones have shifted. Mr. Gee stated that currently in the lower area of Park City, which includes Main Street, Park Meadows, Thaynes Canyon, Old Town, and Lower Deer Valley, they only have five emergency personnel on duty. During the winter, seasonal staff and vehicles are brought in. The plan is to strategically locate the fire stations and this has been difficult due to restrictions on the land use and the availability of land. Mr. Gee stated that the goal is to locate the fire stations the best way possible with economics in mind, and by building on a station site in Lower Deer Valley which has been under a development agreement with Deer Valley since the early 1980's. He noted that the Deer Valley fire station was approved a few months ago and they are accepting bids next week.

He anticipates starting construction within the next few weeks. Mr. Gee stated that when the Deer Valley station and the new Park Meadows station is completed in 2007, they will have gone from five firefighters in Park City to five in Park Meadows and four in Deer Valley. Rather than providing five people who can get to Old Town within 30 seconds, they will be able to provide 9 people within a minute and a half, based on congestion and time of day. Mr. Gee stated that the intent is to strategically locate the fire stations to meet those service level demands.

Commissioner Wintzer asked if the new stations would be operational before the Park Avenue station is closed. Mr. Gee replied that they would. He expects the Deer Valley station will be completed before the Park Meadows station. The people from the Park Avenue station will transfer over to the Park Meadows station and new personnel will be added to the Lower Deer Valley station.

Mr. Gee stated that the Park Meadows station will not be a training facility, per se, however there will be physical activity. Most of the training occurs in the County. He noted that they had planned a training facility but it was denied by the County. Currently, they go into Salt Lake County and Salt Lake City areas to use light fire training facilities and he hopes to eventually have their own training facility outside of Park City and Summit County.

Commissioner Volkman wanted to know when this matter is scheduled before the City Council. Planner Weidenhamer stated that the plat is scheduled on May 18 which coincides with finalizing the real estate contract. Commissioner Volkman felt that the public raised a legitimate concern about needing more time, however action this evening would not preclude the public from making additional comments at the City Council level. Commissioner Volkman asked if it was possible to hold an open house for the neighbors before May 18th. Planner Weidenhamer stated that he could draft a memo addressing the concerns and work with the Mr. Von Puttkammer to host an open house.

Commissioner Wintzer felt it would be helpful for Mr. Gee to attend that open house and outline his plans so people will know that Old Town is not being abandoned. He had

personal concerns with shutting down the Park Avenue station and he felt better after hearing Chief Gee's explanation this evening.

Chair Barth requested that a motion for approval be subject to the open house discussed. Commissioner Volkman agreed but pointed out that the open house requirement should be included with the subdivision.

MOTION: Commissioner Volkman moved to APPROVE the conditional use permit for the Park City Fire District Fire Station #31 according to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact - 2060 Holiday Ranch Loop Road - CUP

1. The Parcel is zoned ROS. A fire station is a Public/Quasi Public Institution/Essential Public Utility Use/Facility and is a Conditional Use in the zone.
2. The site is located at 2060 Holiday Ranch Loop road at the old sewer treatment site. It is located directly south of the intersection of McLeod Creek Road and Holiday Ranch Loop Road. This site is Lot 1 of the Creekside Subdivision, and is 1.74 acres. The Creekside Subdivision is currently under review by the Planning Commission for a recommendation, and would need approval from the City Council and recordation prior to any development on proposed Lot 1.
3. Currently the City has a CUP for a dirt jump park at the rear of the site. The Dirt Jump CUP expires on May 31, 2007. A portion of the dirt jump park encroaches into the rear of Lot 1. Construction of the fire station on this site will not conflict with the existing approval of the dirt jump park as construction can be phased around the existing use. Construction of a Fire Station on Lot 1 will prohibit continuation of the dirt jump parks in its existing configuration after this summer season.
4. The proposal is for a 3 bay 8,066 square foot fire station. It includes: a living area, office, fitness room, kitchen, storage, work shop, and 7 bedrooms. The site plan indicates 18 parking spaces. The highest ridge of the building is approximately 30' in height.
5. The purpose for this relocation is to provide better fire protection and emergency medical services to the northern Park Meadows area of town. Insurance ratings necessitates the Fire District maintain a 3 mile coverage radius.

6. So as not to preclude any future development on Lot 2 a preliminary civil plan has been developed that would stub out utilities at the rear edge of the Fire District's new driveway during construction of the Fire Station. At this time, the city has not programmed any specific land use or project for this location. The City's strategic plan for city-owned parcels, adopted by resolution on September 22, 2005 identifies this location as a possible site for the following land uses: Fire Station, Park, Water Treatment Plan and infrastructure, Affordable Housing, or a Public Works expansion.
7. Access to the site is via a 50' road easement dedicated on the plat located directly off of Holiday Ranch Loop Road, located directly across from McLeod Creek Drive. Holiday Ranch loop Road is one of Park Meadows main Collector roads and is 43' wide at this intersection. The location of this curb cut is very beneficial to PCFD in that the road is wide and very straight in this location allowing for safe vehicle movements at the intersection and ease of access for emergency vehicles.
8. The new road shall remain in private driveway for the Fire District's responsibility. Should development occur at the rear of the lot it is anticipated that the City would accept a dedication of the easement as a public right-of-way and accept maintenance of it.
9. Traffic generated by this station is minimal and will not negatively impact the adjacent streets.
10. A line extension agreement with SBWRD is necessary, and shall be a condition of approval necessary prior to issuance of building permits.
11. The proposed road width of 30' provides adequate widths for emergency vehicles.
12. The proposal includes 18 on-site parking spaces. Nine spaces are required per the LMC standards which require 1 space per 1000 square feet of development. The fire station as proposed exceeds LMC parking requirements.
13. At this time, fencing is not proposed except during construction. Currently a chain link fence exists at the front of the site. The Fire District will be responsible for removal of the fence from the east of the new road to the westerly edge of the property.
14. The site is encumbered with streams, wetlands, an irrigation ditch, and 2 City wells at their surrounding well head source protection zones. Due to construction limitations in the Source Protection Zones the LMC SLO required setbacks of Section 15-2-21-6(F) (50') setback from delineated wetlands, and 20' setback from

irrigation ditches), the Army Corps' preference to avoid development near the more critical wetlands at the rear of the site, and unwillingness to accept any of the other site plans proposed; none of the Fire District's proposals that the Army Corps would accept were able to meet all SLO setback requirements.

15. The ROS district requires 25' setbacks. At its closest point the building will be located 130' from Holiday Ranch Loop Road, 115' from the lot line to the west (towards Park View, and 275' from the Holiday Ranch Ranchettes Subdivision to the east. These large setbacks mitigate for the size and massing of the building (8,066 sf.).
16. The building design incorporates approximately 12' of shift at either side of the apparatus bay at the front and an 8' shift around the bays in the rear. A covered patio that runs along the front of the building, outside of the apparatus bays also provides depth and relief to the massing, as do the timbers above the bay doors.
17. The maximum height limit is 28', plus 5' for a pitched roof. The proposal has a pitched roof and is 30' in height and meets required zone standards.
18. A Wetland Delineation for the site was accepted by the US Army Corps of Engineers on October 4, 2002. It identifies 1.8 acres of wetlands on the site.
19. The proposal places the building on the edge of delineated wetlands and requires an Army Corp permit because it disturbs approximately 4,109 square feet (0.094 acres) of wetlands. The Army Corps of Engineers is required to permit the site plan that minimizes impacts to wetlands. Wise Earth Wetlands/Soil Consultants prepared a current Permit Application and Mitigation Plan for Wetland Impacts that the Army Corps issued a permit for on April 18, 2006.
20. The building is located 62' from the McLeod Creek Stream Corridor and meets the required 50' setback in Section 15-2.21-6(F)(2). The proposed road location is 60' from the Dorrity Ditch. The road and building exceed the required 20' setback from all irrigation ditches on the site required by Section 15-2.21-6(F)(3) of the LMC.
21. Due to the construction limitations in the well head protection zones (100' and 300') which forced the development to the west, the LMC SLO required setbacks of Section 15-2-21-6(F)(1), namely 50' setbacks from delineated wetlands, as well as Army corps preference to avoid development near the more critical wetlands at the rear of the site, and direction not to accept any of the other site proposals submitted by the Fire District; no other Fire District proposal was able to meet all SLO requirements. The applicant has demonstrated that enforcing this required setback would deny all reasonable use of the property. Per Section 15-2.21-2(D), the

Planning Commission may modify application of the SLO regulations to provide the applicant reasonable use of the property. The setback requirements from wetlands and irrigation ditches are relieved based on the following:

- a) The McLeod Creek has been channelized over the years due to many man made improvements in the general vicinity including roads, residential subdivisions, and other commercial development. Its location in relation to the site in general runs south to north along the western most property edge. The building is located 62' from the McLeod Creek Stream Corridor and meets the required 50' setback.
- b) A 10' asphalt trail separates McLeod Creek from the delineated wetlands being disturbed. The disturbed area is a very small piece of wetland (approximately .2 acres), only .094 acres of which is being disturbed.
- c) The wetlands located on the northern portion of the site have been caused by development and other man made uses on the site including the old sewer treatment facility, road and trail improvements, public works storage, and putting existing surface water in culverts where convenient for activity on the parcel.
- d) The wetlands on the north portion of the site are not associated with permanent surface water, and do not meet all standards for determination as significant wetlands as described in Section 15-2.21-6(E) of the LMC.
- e) The project does not meet LMC SLO required setbacks of Section 15-2-21-6(F)(1): 50' setback from delineated wetlands. The project meets or exceeds all other LMC standards for SLO Regulations on Wetlands and Stream Protection (15-2.21-6).
- f) The site is encumbered with streams, wetlands, irrigation ditches, 2 City wells and their surrounding Well Head Source Protection Zones. The proposed fire station and associated infrastructure is located within Source Protection Zones 1 and 2 for both the Park Meadows and Divide State requirements prohibit sewer infrastructure in Zone 1, and generally exclude any construction within Zone 2. Preliminary construction documents and utility plans have been designed to meet the standards for a special exception permit. These standards have heavily influenced the site planning and location of the road and building by pushing the infrastructure and building further west, out of the zones.
- g) Wise Earth has met with the Army Corps of Engineers on site. Their evaluation of the wetlands at the north portion of the lot is that they are man



made, lacking in quality, and not critical to the balance of the more significant wetlands located towards the rear of the lot. The Army Corps permit and mitigation plan acknowledges that it is adequate to mitigate for any impact and/or removal of wetlands at the front of the lot with a program that enhances the remainder of the more critical wetlands towards the rear of the lot.

- h) Jason Gipson of the Army Corps of Engineers has indicated that when a Corps preferred alternative (Habitat Restoration Project) is permitted, the constraints of that permit typically take precedent over local ordinances.

Conclusions of Law - 2060 Holiday Ranch Loop Road - CUP

1. The CUP, as conditioned, and with hardship relief from Section 15-2-21-6(F)(1), complies with all requirements outlined in the applicable sections of the Land Management Code, Section 15-1.10 review criteria for Conditional Use Permits, and Chapter 2.21 Sensitive Area Overlay Zone.
2. Literal enforcement of the required 50' wetland setback found in Section 15-2-21-6(F)(1) would deny all reasonable use of the property.
3. The CUP, as conditioned, is consistent with the Park City General Plan.
4. The CUP has been noticed and public hearings held in accordance with the LMC.
5. Any effects in difference in use or scale of the Conditional Use Permit have been mitigated through careful planning and conditions of approval.

Conditions of Approval - 2060 Holiday Ranch Loop Road - CUP

1. A final lighting plan, including a parking lot lighting plan, shall be submitted to and approved by the City as a condition precedent to full permit issuance. All exterior lighting shall conform to the City's lighting ordinances including LMC Sections 15-5-5-(l) and 15-3-3(c).
2. Recordation of the Creekside Subdivision plat is a condition precedent to issuance of building permits.
3. Mechanical equipment shall be painted, hidden with architectural features, located and/or landscaped to mitigate negative impacts on the architectural intent of the buildings and such that noise, vibration, odors, steam, and impacts on the neighborhood properties are minimized to the greatest degree possible.

4. Approval of this Conditional Use Permit shall expire two years from the date of Planning Commission approval.
5. A line extension agreement with SBWRD to connect to sewer service to existing infrastructure in Holiday Ranch Loop Road is required before additional services can be extended to serve the Creekside Subdivision. This is necessary prior to issuance of any building permits.
6. Issuance of this special exception permit from the Utah Division of Drinking Water for development within source protection areas is required prior to issuance of any building permits.
7. The Landscape Plan will be reviewed and approved by the City's Landscape Architect prior to issuance of occupancy certificate.
8. Construction of the fire station shall not block access to the dirt jump parks for maintenance or emergency vehicles. The construction mitigation plan, which will be approved as part of the building permits shall address this.
9. The Fire District will be responsible for removal of the fence from the east of the new road to the westerly edge of the property.
10. Prior to permit issuance all construction shall meet the City's building code review and shall be consistent with the architectural standards of the LMC.
9. 2060 Holiday Ranch Loop Road, Fire Station - Creekside Subdivision

Planner Weidenhamer requested that the Planning Commission conduct a public hearing on the Creekside Subdivision and forward a positive recommendation to the City Council for the two lot subdivision as proposed, with an added Condition of Approval #9 that states "A public input session will be held by the Fire Station and Park City Municipal prior to City Council action."

Chair Barth opened the public hearing on the final subdivision plat.

There was no comment.

Chair Barth closed the public hearing.

MOTION: Commissioner Volkman move to forward a POSITIVE recommendation to the City Council to approve the subdivision plat at 2060 Holiday Ranch Loop Road subject to the additional condition of approval as stated by Planner Weidenhamer and in accordance

with the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft ordinance. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2060 Holiday Ranch Loop Road - Subdivision

1. Park City Municipal Corporation filed a subdivision application for the Creekside Subdivision on November 1, 2005. That applicant was deemed complete on November 1, 2005. That application was deemed complete on November 1, 2005. The Creekside Subdivision creates two lots of the metes and bounds parcel known as the Old Sewer Treatment Site. Lot 1 will be approximately 1.74 acres. Lot 2 will be 6.71.
2. The City has agreed to sell Lot 1 to the Park City Fire District in order for them to build a fire station. A finalized Real Estate Purchase Contract will be a condition of approval prior to recordation of the Plat.
3. The Parcel is zoned ROS. A fire station is a Public/Quasi Public Institution/Essential Public Utility Use/Facility and is a Conditional Use Permit.
4. Immediately to the west is Parkview condominiums, zoned RD; to the east is Holiday Ranchettes Subdivision, zoned SF; across the street to the north is McLeod Creek Subdivision, also zoned SF.
5. Currently the City has a 2 year Conditional Use Permit for a dirt jump park at the rear of the site. The CUP expires after the 2006 summer season. Construction of a fire station on this site will not conflict with the dirt jump park.
6. Access is provided via a 50' wide road easement dedicated on the plat, located directly across from McLeod Creek Drive. This easement will include access and utility easements. The new road shall remain a private driveway for the Fire District. All maintenance of this road shall be the Fire District's responsibility. Should development occur at the rear of the lot it is anticipated that the City would accept a dedication of the easement as a public right-of-way and accept maintenance of it.
7. All utilities necessary for development on the site are currently located adjacent to the site. A line extension agreement with SBWRD is necessary to complete sewer service.

8. So as not to preclude future development on Lot 2 a preliminary civil plan has been developed that will extend utilities at the rear edge of this new driveway during construction of the Fire Station. At this time the City has not programmed any specific land use or project for Lot 2. The City's strategic plan for City-owned parcels, adopted by resolution on September 22, 2005, identifies this location as a possible site for the following land uses: Fire Station, Park, Water Treatment Plant an infrastructure, Affordable Housing, or a Public Works Expansion.
9. The lot arrangement, building site, square footage, lot dimension, access, and road design are consistent with the Land Management Code, Section 15.7.3-3: Subdivision - General Lot Design Requirements.
10. Water downstream from the Mount Air Headgates currently runs through the site. The site survey indicates a further diversion of one of the site water sources, Thiriot Spring Creek which enters the parcel at the southern edge of the property, approximately 137' west of the easterly property line. Based on the State's 1920's Hydroplat, the easterly split is known as the Bates Snyder & Dorrity Ditch (Dorrity Ditch), approximately 240' of which is located within a culvert.
11. The westerly split is identified by the Hydroplat as a portion of East Canyon Creek. Staff finds that the original development on the lot of the old water treatment plan has diverted this platted portion of East Canyon to the west into what is now known as McLeod Creek (tributary to East Canyon Creek), which runs south to north along the westerly boundary of the lot. Staff finds that this westerly split is a ditch that collects overflow and leakage from the Dorrity Ditch and McLeod Creek. Within Lot 1 this ditch will be put in a culvert. This culvert in Lot 1 would not disturb any existing water conveyance. There is an existing Stream Alteration Permit for East Canyon Creek that would allow construction in this area provided existing conveyance of any water is not disturbed.
12. A Wetland Delineation for the site was accepted by the US Army Corp of Engineers on October 4, 2002. It identifies 1.8 acres of waters that are tributary to McLeod Creek, and .05 acres that is the result of an irrigation diversion. The site plan that is attached (Exhibit C) is the preferred alternative of the Corps of Engineers. Wise Earth Wetlands/Soil Consultants have prepared a Mitigation Plan for Wetland Impacts that was permitted by the Army Corps on April 18, 2006. The Mitigation Plan from that permit is attached as Exhibit D.
13. The State Division of Drinking Water identifies Well Head Source Protection Zones. Zone 1 is a 100' radius from any wellhead. Zone 2 is a 300' radius from any wellhead. State requirements prohibit construction with in the wellhead protection zones without a special exception permit. Development of the road for the fire

station will occur within the Zone 1 Source Protection Zone for the City's Divide and Park Meadows Wells. Development of the fire station building will occur within Zone 2. If special construction precautions are met, the State Division of Drinking Water can issue a special exception permit to allow construction in the Source Protection Zones. Preliminary construction documents and utility plans have been designed to meet these standards. The City's water department has applied to the State for a Special Exemption Permit.

Conclusions of Law - Holiday Ranch Loop Road - Subdivision

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

Conditions of Approval - 2060 Holiday Ranch Loop Road - Subdivision

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with state law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. A finalized Real Estate Purchase Contract will be a condition of approval prior to recordation of the plat.
3. All maintenance of the road including upkeep, snow removal, etc. will be the Fire District's responsibility, until such time that all development and infrastructure on Lot 2 is completed and accepted by the City. The road shall be built to City specifications (30' asphalt width, 7" asphalt depth, and 21" of road base).
4. Confirmation from the State Engineer's office that this project will not alter conveyance of any water in this location shall occur prior to issuance of any building permit.
5. If recordation of this subdivision plat has not occurred within one year's time from the date of City Council approval, this approval and the plat will be void.
6. A line extension agreement with SBWRD is necessary prior to plat recordation.

7. Issuance of a special exception permit from the State Division of Drinking Water is required for construction in the well head protection zones prior to issuance of any building permits.
8. A financial guarantee for public improvements in an amount approved by the City Engineer in a form approved by the City Attorney must be in place prior to recordation of the plat.
9. A public input session will be held by the Fire Station and Park City Municipal prior to City Council action.
10. 41 Sampson Avenue - Plat Amendment

Planner Ray Milliner reviewed the application for a plat amendment to combine Lots 48-52 of Block 78 of the Park City Survey. The purpose of the amendment is to create one lot of record to accommodate an addition to an existing historic home. One issue related to this plat is a retaining wall that supports Sampson Avenue through the front 8 feet of the property. The City Council has approved a matching \$55,000 grant for rebuilding this property. This will be done jointly with the applicant, the Engineering Building and Planning Divisions, and the Public Works Department.

The Staff reviewed this application according to the requirements of the Land Management Code and recommended that the Planning Commission forward a positive recommendation to the City Council, following a public hearing.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

**MOTION:** Commissioner O'Hara moved to forward a POSITIVE recommendation to the City Council on the plat amendment for 41 Sampson Avenue, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval in the attached ordinance. Commissioner Volkman seconded the motion.

**VOTE:** The motion passed unanimously.

#### Findings of Fact - 41 Sampson Avenue

1. The property is located in the Historic Residential Low Density (HRL) zone.

2. Th HRL zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The amendment will combine portions of Lots 48, 49, 50, 51, and 52 of Block 78 of the Millsite Reservation to the Park City Survey into one lot of record.
4. There is an existing shed on the property.
5. There is a historically significant home on the property.
6. There is a retaining wall on the property that supports Sampson Avenue and provides the front foundation for the existing historic home.
7. In June of 2005, the Council appropriated \$55,000 to the capitol improvement fund to share in the rebuild of the wall.
8. Sampson Avenue covers approximately 8 feet of the front of the site.
9. Access to the home is from Sampson Avenue.
10. The proposed lot size is 7,422 square feet.
11. The maximum building footprint for a 7,422 square foot lot is 2,447 square feet.
12. No remnant lots will be created as a result of this application.

Conclusions of Law - 41 Sampson Avenue

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

Conditions of Approval - 41 Sampson Avenue

1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A non-exclusive public utility and public access easement shall be dedicated on the plat for the existing Sampson Avenue prescriptive right-of-way.
3. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines, and resolve any existing encroachment issues.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. No remnant lots are developable.
11. 1135 Park Avenue - Plat Amendment

Planner Milliner reported that two applications have been submitted for this property. The first is a plat amendment to combine Lot 9 and portions of Lot 8 and 10 of Block 5, into one lot for the purpose of constructing an addition to an historic single family home at 1135 Park Avenue.

The Staff reviewed this plat amendment pursuant to the Land Management Code requirements and recommended that the Planning Commission forward a positive recommendation to the City Council following a public hearing.

Vice-Chair Barth opened the public hearing.

There was no comment.

Vice-Chair Barth closed the public hearing.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for a plat amendment at 1135 Park Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report. Commissioner Zimney seconded the motion.



VOTE: The motion passed unanimously.

Findings of Fact - 1135 Park Avenue - Plat Amendment

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine one lot and portions of two others into one lot of record.
4. There is an existing historic single family home on the property.
5. Access to the property is from Park Avenue.
6. The proposed lot measures 39.5' x 75'.
7. The proposed lot is 2,962 square feet in size.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. The maximum building footprint for the proposed lot is 1,253 square feet.
10. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
11. Setbacks for the lot are 5' on the sides, and 10' in the front and rear.
12. The applicant has submitted a CUP application for a reduction in the side yard setbacks from 5' to 3' pursuant to LMC Section 15-2.2-4(A).
13. Minimal construction staging area is available along Park Avenue.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

Conclusions of Law - 1135 Park Avenue - Plat Amendment

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.

3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval - 1135 Park Avenue - Plat Amendment

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. Prior to the receipt of a building permit, the applicant shall submit a plan for flood protection that will be reviewed by the Building Department. A flood elevation certificate is required.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue frontage of the lot.
6. No remnant lots are separately developable.
12. 1135 Park Avenue - Conditional Use Permit

Planner Milliner stated that the applicant is requesting that the Planning Commission grant a reduction in the side yard setbacks from 5 feet to 3 feet to accommodate an off-site garage that would provide parking for the single family home.

The Staff reviewed this request in accordance with the criteria in the HR-1 zone and the standard conditional use permit criteria and found that it meets these criteria based on the fact that the property will create parking spaces off of Park Avenue. Planner Milliner stated that homes in the immediate area in the HR-1 zone have similar 3 foot setbacks and are on similar sized lots.

The Staff recommended that the Planning Commission approve the conditional use permit according to the findings of fact, conclusions of law, and conditions of approval in the Staff report.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

Commissioner Wintzer clarified that the setback variance is only on the garage and that the house complies with the required setbacks. Elizabeth Blackner, representing the applicant, replied that the addition on the south side is 5 feet and the setback on the garage side is 3 feet. She noted that the existing house is setback 3 feet from the plat and the addition steps back to the full 5 feet.

MOTION: Commissioner O'Hara moved to APPROVE the conditional use permit for 1135 Park Avenue according to the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact - 1135 Park Avenue - CUP

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. There is an existing historic single family home on the property.
4. Access to the property is from Park Avenue.
5. The lot measures 39.5 feet wide.
6. Setbacks within the HR-1 Zone are determined by lot width.
7. Lots 37.5 to 50 feet wide have 5' minimum side yard setbacks.
8. The applicant has submitted a CUP application for a reduction in the side yard setbacks from 5' to 3' pursuant to LMC Section 15-2.2-4(A).

9. The proposed garage is setback approximately 20 feet from the front facade of the historic home.
10. The proposed driveway along the side yard to the setback garage provides parking toward the rear of the lot outside of the front yard.
11. This application was reviewed by the Chief Fire Marshall at the March 21, 2006 staff review meeting where no fire related issues were raised.
12. The application will be reviewed by the Chief Building Official for compliance with all International Building Code requirements prior to the issue of a building permit.
13. The applicant stipulates to the conditions of approval.
14. The discussion in the analysis section is incorporated herein.

Conclusions of Law - 1135 Park Avenue - CUP

1. The application complies with all requirements of Section 15-2.2-4(A) of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.
3. As conditioned the use is consistent with the Park City General Plan.
4. The effects of any difference in use or scale, have been mitigated by careful planning.

Conditions of Approval - 1135 Park Avenue - CUP

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. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. Access to the proposed structure shall be from a driveway accessed from Park Avenue.

4. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
  5. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
  6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.
  7. This approval will expire on April 26, 2007, if a building permit has not been issued.
13. 2260 Park Avenue - Master Planned Development for the Jupiter Inn

Planner Milliner reviewed the master planned development application for the redevelopment of the existing Brookfield Inn. The Planning Commission conducted a pre-MPD application and found that the site met the general plan requirements and instructed the applicant to move forward with the master planned development.

The Staff reviewed this application and found that it meets the requirements for density, setbacks, parking, open space, building height, site planning, etc. in the master planned development chapter of the Land Management Code. The Staff recommended that the Planning Commission approve this master planned development, following a public hearing, based on the findings of fact, conclusions of law, and conditions of approval contained in the Staff report.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

MOTION: Commissioner Volkman moved to APPROVE the master planned development at 2260 Park Avenue according to the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Staff report. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2260 Park Avenue - MPD

1. On January 13, 2006 the applicant submitted a completed pre-application for a Master Planned Development of a 1.36 acre lot located at 2260 Park Avenue.
2. The Planning Commission made preliminary findings of compliance with the General Plan on March 8, 2006.
3. There are currently two existing buildings on site, with a small accessory structure that is used as a spa. Parking for the project is primarily within an underground parking garage beneath each structure.
4. The property was originally approved by the Planning Commission as a 42 unit Master Planned Development/hotel in January of 1998.
5. The property is located in the Residential Development - Medium Density (RDM) zone.
6. The purpose of the RDM zone is to allow the continuation of medium density residential and resort related housing in the newer residential areas of Park City.
7. The property is located within the Frontage Protection Zone (FPZ).
8. The purpose of the FPZ is to provide a significant landscaped buffer between development and highway uses.
9. No changes to the exterior of either of the two buildings are proposed.
10. Density of the MPD is proposed at 23 units on the 1.36 acre site.
11. The maximum amount of density allowable on site is 11 unit equivalents.
12. Per Section 15-6-8 one unit equivalent equates to 2,000 square feet of residential floor area.
13. The applicant is proposing 23 units totaling 21,081 square feet of residential floor area.
14. Section 15-3-6 requires that all apartments/condominiums in a multi-unit dwelling that are less than 650 square feet provide 1 parking space per unit, that units greater than 650 square feet but less than 1,000 square feet provide 1.5 parking spaces per

unit, and that units greater than 1,000 square feet but less than 2,500 square feet provide 2 spaces.

15. There are 6 units of less than 650 square feet proposed, 12 units of less than 1,000 square feet proposed and 5 units less than 2,500 square feet proposed, for as total of 34 parking spaces required.
16. There are 40 parking spaces existing that will remain.
17. There are existing utilities nearby and the proposed development is close to commercial and recreation facilities.
18. The discussion in the Analysis section is incorporated herein.

#### Conclusions of Law - 2260 Park Avenue - MPD

1. The MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6 - Master Planned Developments Section 15-6-5.
2. The MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
5. The MPD, as conditioned, is compatible in use, scale, and mass with adjacent properties, and promotes neighborhood compatibility.
6. The MPD provides amenities to the community so that there is no net loss of community amenities.
7. The MPD does not trigger the employee Affordable Housing requirements as adopted by the City Council at the time the application was filed.
8. The MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible.
9. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing pedestrian connections.

10. The MPD has been noticed and public hearings held in accordance with the LMC.

Conditions of Approval - 2260 Park Avenue - MPD

1. All standard conditions of approval shall apply.
2. Pursuant to Land Management Code, Section 15-6-3(l), any modification to the Master Planned Development which constitutes a change in concept, density, unit type or configuration of any portion of the MPD will justify a review of the entire MPD and Development Agreement.
3. A Development Agreement for the Master Planned Development shall be ratified by the Planning Commission, signed by the Mayor, and recorded with the Summit County within six (6) months of Planning Commission Final Action. Recordation of said Development Agreement is a condition precedent to the issuance of any building permits.
4. A construction mitigation plan shall be submitted to the Planning, Building, and Engineer Departments for review and approval prior to the issuance of any building permits.
5. A sign application for the Master Planned Development shall be submitted to the Planning Department for review and approval prior to the issuance of any sign permits.
6. City Engineer approval of the design of all public improvements is necessary prior to construction of any portion of this project.
7. The Master Planned Development shall expire within two (2) years of the date of the execution of the Development Agreement unless Construction, as defined by the International Code of Building Officials, has commenced.
13. 801 Park Avenue - Condominium Conversion

Planner Milliner reviewed the application for a condominium plat for the Parkwood Place condominiums located at 801-817 Park Avenue. The proposal is for an 8 unit condominium with four units facing Park Avenue and 4 units facing Woodside Avenue. This condominium would constitute the completion of the 801-817 Park Avenue MPD which the Planning Commission approved last Summer.



The Staff reviewed this application and found it to be compliant with the conditions of the MPD and recommended that the Planning Commission forward a positive recommendation to the City Council according to the findings of fact, conclusions of law, and conditions of approval in the attached ordinance.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

MOTION: Commissioner Zimney moved to forward a POSITIVE recommendation to the City Council for the condominium plat at 801 Park Avenue according to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the attached ordinance. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact - 801 Park Avenue

1. The property is located in the Historic Residential Commercial (HRC) and Historic Residential (HR-1) zones.
2. The HRC zone provides a transition in use and scale between the Commercial uses in the Historic Commercial Business zone and the HR-1 zone.
3. The HR-1 zone is characterized by a mix of contemporary residences and small historic homes.
4. The applicant is proposing an 8 unit development on a parcel 175' wide and ranging from 129' to 138' deep. Four units are proposed as commercial/residential facing Park Avenue in the HRC zone and four units are proposed as residential in the HR-1 zone.
5. The entire site is approximately 23,043 square feet in size.
6. On May 11, 2005 the Planning Commission approved a Master Planned Development application for the project.
7. On December 14, 2005, the Planning Commission approved a development agreement for the property.

8. The location and design of the proposed structures is consistent with the approved MPD site plan and design.
9. No additional units are created by this record of survey amendment.
10. No applicant stipulates to the conditions of approval.

Conclusions of Law - 801 Park Avenue

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the Record of Survey, subject to the conditions state below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat is consistent with the approved 801-817 Park Avenue MPD Development Agreement.

Conditions of Approval - 801 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CC&R's as a condition subsequent to plat recordation.
3. The applicant will record the Record of Survey 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.
4. All conditions of approval of the 801-817 Park Avenue MPD continue to apply.
15. 503-1/2 Woodside Avenue - Conditional Use Permit for retaining wall

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

Planner Brooks Robinson explained that the delay in sending the Staff report for this item was due to a number of changes since the original draft and various exhibits that were submitted by both the applicant and the opposing party at 501-505 Woodside Avenue.

Planner Robinson stated that the Land Management Code requires a conditional use permit process for any wall, fence, berm, or hedge over 6 feet in height in the side or rear setback. As part of the Sweeney Treasure Hill original subdivision, two large lots were created with trail and ski easements between those lots and the backs of the houses fronting Woodside to the north of the 5<sup>th</sup> Street stairs. Planner Robinson noted that a tunnel was built in that location by permit. Attached to some of those permits were plans that showed low rock retaining walls that ran north and south and parallel to the property lines along Woodside Avenue. Subsequent to the construction of that tunnel, a large rock retaining wall was created. Planner Robinson stated that this retaining wall was not shown on any of the approved plans reviewed by the Planning Department, nor has it been approved by the Building Department. It was submitted as an "as built". The Building Department has the calculations but it has not inspected this wall or approved it.

Planner Robinson explained that in constructing this rock wall it encroached on to a neighboring property. Jerry Fiat currently owns that property, however he was not the owner at the time of construction. Planner Robinson stated that a conditional use is an allowed use with impacts that need to be mitigated. A wall that exceeds the 6 foot height is mostly a visual impact and a barrier greater than what one might reasonably expect to have in their yard. It is the duty of the Planning Commission to look at those impacts and reasonable mitigation.

Planner Robinson commented on trees and other plant material that was planted behind 501 Woodside Avenue on the property belonging to Lawrence Meadows, the applicant, Mr. Meadows owns 503-1/2 Woodside Avenue. He noted that the owner of 501 Woodside Avenue, Mr. Knauer, had flown in from Washington DC and was present this evening. Mr. Knauer had expressed to Staff that he would like to see the plant material remain. If the Planning Commission chooses to move forward, the Staff would recommend granting a landscape easement and that those trees would remain.

Planner Robinson remarked that another impact of the construction of the rock wall is that a public trails easement that was granted as part of the Treasure Hill subdivision is now unusable in its current location because the rock wall goes over that trail easement. The Staff would recommend that the public trail be replatted into its final location. Having looked into the site and talking with representatives from PCMR, Planner Robinson noted that the ski run feeds into the Town Bridge and the Town Lift. The Resort is willing to maintain the run as long as it meets minimum criteria. The minimum width is 22 feet wide and the Resort would prefer 25 feet to accommodate a snow cat. They would also like a

8-12% downslope. Planner Robinson cited possible scenarios for the wall and recommended that other alternatives be presented, along with additional landscape plans.

The Staff requested that the Planning Commission conduct a public hearing this evening. No action was being requested.

Mark Cosack, an attorney licensed in Utah, spoke on behalf of the applicant. Mr. Cosack stated that Lots 6 and 7 are owned by a number of interlocking limited liability companies and for the purposes of convenience, referred to Mr. Meadows as the applicant. Mr. Cosack remarked that there is a zoning estoppel argument as to whether or not a final permit is issued. He made this statement for the record but he did not intend to discuss it this evening. Mr. Cosack objected to the consideration of the affidavit of Richard Bambery since it was not signed or notarized. He requested additional background on this document, noting that it is not an affidavit in the true sense of the word.

Mr. Cosack remarked that he did not like to use the word "wall" because that word infers that it comes up on one side and down on the other. The point of fact is that as you travel from east to west you go uphill. He believes there is a question of how fast you can go up hill over a given distance and what would hold that dirt in place. Mr. Cosack stated that this wall has come into being over the course of a year's work and through the involvement of many parties. It did not appear overnight. He remarked that the wall is structured the way it is for a multitude of reasons and most of those reasons are outlined in the Staff report. Mr. Cosack believes the wall is there for good reason and he preferred to use the time this evening to respond to alternative solutions.

Chair Barth opened the public hearing.

Jerry Fiat, the owner of 505 Woodside Avenue, used a power point presentation to show the back side of his house and how the wall affects his property. Mr. Fiat stated that 505 Woodside abuts a Park City public non-motorized trail in the rear. He reviewed the plans showing how the grade climbed from a gradual slope to a much steeper grade. Mr. Fiat stated that in 2004, as part of constructing the tunnel, the grade was significantly raised which created a wall approximately 14 feet high. This wall encroaches onto his property. Mr. Fiat noted that the wall does not resemble anything on any of the plans that were approved or the permits issued. He stated that the property currently has no access to the public trail or to the ski run. Mr. Fiat remarked that 505 Woodside Avenue has been significantly hurt by this action and it is not part of what was approved.

Joe Tesch, representing Mr. Fiat, found it interesting and uncommon for someone to build something and then come in and ask for a permit. He noted that the Staff report uses the phrase, "a decision was made in the field". This is wrong for a number of reasons; one being that it was built on someone else's property. Mr. Tesch believes that the suggestion

that Mr. Bambery ever agreed to that is a myth. He noted that Planner Robinson has the signed affidavit on file. Mr. Tesch stated that a group of people wanted a wide ski trail and some property owners agreed so they just built it. They did not have written permission from the owner of 505 Woodside to put it on his property and they did not have the proper permits. Mr. Tesch noted that the subdivision plan shows a wall of two or three feet maximum and they did not ask for an amendment to the subdivision requirements. They also did not ask for a variance to build a wall that did not step back every 6 feet as required.

Mr. Tesch pointed out that they completely obliterated the public pedestrian and bike easement. He noted that all this was done in a lawless fashion. Mr. Tesch suggested that it is illegal for an applicant to request approval for a wall on another person's property.

On those grounds alone, it is an illegal application. Mr. Tesch pointed out that they built a wall and now ask for forgiveness. He wondered if this is really how they want to run the City. Mr. Tesch stated that he and his client have tried to work this out reasonably but got sued in the process. In response to that suit, he made a motion to the court to order mediation to bring the parties to the table. He disputed the suggestion in the Staff report that something fell apart when the property sold. His client is willing to sit down and come to a fair and equitable conclusion. Mr. Tesch outlined the impacts to 505 Woodside. It encroaches on the property, it destroys prior access to the ski trail, it makes the house at 505 a fish bowl to everyone using the ski run, the view from 505 is a rock wall rather than a mountain view, it collects more snow, it destroyed the bike and pedestrian public access way, and it has significantly lowered the market value for 505 Woodside.

Mr. Tesch requested that the Planning Commission deny this request and make the applicant take it back to where it was under the permits and under the subdivision, and then come back and request a variance.

Pat Sweeney, representing himself, stated that he lived at that location for 13 years. With the help of the Planning Commission, the Staff, and the City Council, he came up with a master plan 20 years ago. He and Phil Jones came up with skiing. Mr. Sweeney remarked that a lot of people put a lot of effort into making skiing happen for that neighborhood and he felt it would be unfortunate if everyone lost sight of this. It works for the Park City Mountain Resort. It was not easy and a lot of decisions were made on the fly, but everyone did an admirable job. He noted that Mr. Meadows inherited the problem. He spent a lot of his own money last year to make things better and Mr. Sweeney felt that should be considered.

Jeffrey Kuhn, stated that he used to spend a lot of time at the 505 house and he still spends a lot of time at neighboring homes. Mr. Kuhn remarked that he used to use the old pedestrian access to the trail system and it was nice. Echoing Mr. Sweeney, Mr. Kuhn felt that a draconian solution is one in which everyone in the neighborhood loses. Ultimately, property values would suffer without the ski in/ski out element. He offered the possibility of changing the entitlements for the impacted house as one possible solution. Mr. Kuhn believes there are a wide range of solutions that could be a win/win for every neighbor.

David Belz stated that he owns the house at 489 Woodside which is also affected by the raised grade. He is grateful for all the work that went into getting a ski run. He lived through the year and a half of construction and while it was not pleasant it was for the greater good and it worked. Mr. Belz opposed the solution suggestion by a previous speaker to tear it all down and then come back. The process of tearing it down would create a mess without the benefit of a solution. Mr. Belz recognized that the grade is higher and while he is not as affected as the houses to the north, it is still an impact. He still feels blessed to be there and he is grateful to the parties who put forth so much effort. Mr. Belz echoed Mr. Kuhn's suggestion for additional entitlements to the affected property. He encouraged the Planning Commission to exercise their judgement and not put the neighbors through unnecessary years of reconstruction.

Jean Carlan, an owner at 569 Park Avenue and manager of the Washington School Inn at 543 Park Avenue, stated that she loves the easement between Woodside and the trails. She also lived through the construction period when you were unable to use the trails and the ski run. Ms. Carlan hoped the easement would continue and requested that they find a way to keep the ski access behind the Woodside homes.

Ivan Knauer, stated that he and his wife own the home at 501 Woodside Avenue. Mr. Knauer referred to a picture that was taken from his back porch to give a sense of the large wall they look at every time they come out their back door. He was surprised by the height of the wall and he wanted it clear to the Planning Commission that he and his wife never actively acquiesced to the height. The builder sent him a picture showing the height of the tunnel and they had a heated conversation at that time over the height. Mr. Knauer understood the physical reasons related to the ski run and he believes there might be a way to make it less imposing. Mr. Knauer remarked that he and his wife feel like they are living in a tea cup because they look out at a 12 foot wall with a fence on top that is required for safety because the wall is so tall. He remarked that sometimes "in the field" decisions may work as a physical matter but it may not be the best of all possible options. Mr. Knauer suggested that the Planning Commission explore the possibility to lower the height of the wall somewhat and still be consistent with the needs of the Park City Mountain Resort and the neighborhood. He asked if anyone had considered the possibility of terracing the area so the drop from one level to the next would not be so great and may eliminate the need for the fence on top. Mr. Knauer offered for the record a number of conditions that may be an appropriate resolution. One is the possibility of a landscape easement for the section directly behind their house. The second is to make sure they are always assured access to the stairs from the back patio and the side of their house since this is their only access.

Brent Giles, representing Park City Mountain Resort, stated that the Resort believes the ski run is a benefit to the town and to the residents who live along it. The Resort is willing to do whatever it takes to keep that ski run available for everyone to access the ski in/ski out,

however specific requirements must be met. Width is one issue and certain heights must be fenced. Mr. Giles noted that the Resort needs to take care of the safety of their guests.

They did not have a preference on the height of the wall but they would like to keep the access and continue their part in maintaining the access. If the width is so narrow that they could not groom it, maintain it, or keep it safe, the Resort would have to abandon that access. Mr. Giles did not want to see that happen and hoped that all the parties involved can come to some agreement.

Chair Barth continued the public hearing.

Planner Robinson noted that the low rock wall shown on the original plans were spaced 12 to 15 feet apart. The rock walls to the side of the tunnel were fairly narrow making it clear that it would not be a run maintained by the Resort, but it would be relatively accessible for the residents along Woodside to access their properties from the bottom of Quittin' Time. Planner Robinson requested discussion on Criteria 1, 7, 11, and 15 regarding possible mitigation if they choose to move forward with the conditional use permit.

Given the delay in receiving the Staff report, Commissioner O'Hara recommended that the Planning Commission continue discussion to another meeting to allow sufficient time to adequately review the information before making comments. Chair Barth concurred. Planner Robinson believed it would also allow the applicant time to look into alternatives or possible mitigation for the wall.

Mr. Cosack heard from the public that there must be a better way. He noted that the applicant has spent a year and a half looking for a better way and they would be happy to entertain any suggested alternatives. Mr. Cosack pointed out that originally there was a 10 foot ski trail. It is now a 22 foot ski trail with a big wall. Physics dictate either a smaller ski trail resulting in a smaller wall or a bigger ski trail and a bigger wall. Mr. Cosack clarified that the applicant is not advocating one way or the other because it does not affect him. He is the successor and interest to the people who built it and his only intent is to have a final solution.

Commissioner Volkman clarified that he will be looking at this as if it were being proposed instead of already in place. Commissioner O'Hara agreed. Commissioner Wintzer did not think the Planning Commission would have approved a wall at that height in someone's back yard and they are being asked to solve a problem that someone else created. Commissioner Wintzer believes the people who created the problem should find the solution and not expect the Planning Commission to fix it.

Chair Barth concurred with the comments expressed this evening that the ski run is a benefit to the neighborhood.

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

VOTE: The motion passed unanimously. Commissioner Zimney abstained.

16. Red Cloud - Plat Amendment

Due to a conflict of interest, Commissioner Zimney recused herself from this item. Planner Robinson noted that this plat amendment is for Red Cloud, also known as Pod D of the Empire Pass, Flagstaff Mountain Resort. The request is to reconfigure Lots 1-4 at Red Cloud which is a single family subdivision. The purpose of the reconfiguration is to realign the platted road alignment which initially came right up to the Wasatch County line. Wasatch County has voiced concerns about potential access from that road into Wasatch County. The City has been working with Wasatch County on a number of issues, particularly relating to the road and Bonanza Flats. United Park City Mines, as the developer, came up with this scheme to realign these four lots.

The Staff had no issues related to this alignment and recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

MOTION: Commissioner Volkman moved to forward a POSITIVE recommendation to the City Council for the Red Cloud plat amendment according to the Findings of Fact, Conclusions of Law, and Conditions of Approval in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously. Commissioner Zimney abstained.

Planner Robinson referred to a letter in the Staff report from Craig Smay, representing Mayflower Stichting. Mr. Smay had submitted a correction to his letter changing "owners of substantial lands within Pod A" to "...within Pod D".

Findings of Fact - Red Cloud Plat Amendment



1. The Red Cloud Subdivision Plat is located in the Estate (E) zoning district as part of the Flagstaff Mountain Annexation and Master Planned Development (MPD).
2. The City Council approved the Development Agreement for Flagstaff Mountain Development agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement for Flagstaff Mountain Development agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-use development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2 and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. On November 11, 2004, the City Council approved the Red Cloud subdivision for 30 single-family lots. Red Cloud was known as Pod D of the Flagstaff Mountain Annexation.
5. The City received on February 24, 2006, a complete application for a plat amendment effecting lots 1-4 and the private road adjacent to these lots. The developer, United Park City Mines Company, still retains ownership of all lands within the plat amendment.
6. The plat amendment revises the location of the private road. Red Cloud Trail, shifting it further north and away from the Wasatch County line (see Exhibit B). A one-foot protection strip is also platted along the property line with Wasatch County.
7. The four proposed lots range in size from 1.22 acres to 2.72 acres, which is similar to the previously approved lot sizes and the rest of the Red Cloud subdivision. The owner/developer retains two parcels (A and B) that are adjacent to Wasatch County.
8. Each building lot has a building pad that will be field located based on the requirements established in the Red Cloud subdivision. These lots are subject to the original plat notes of the Red Cloud subdivision.
9. The plat also designates the 30 foot setback from property lines as required within the Estate zone.
10. The proposed lot layout is in conformance with requisite Subdivision Code road requirements and designs inasmuch as access is by means of a street designed to

City standards; the proposed roads are designed to relate to the existing topography without need for excessive grading; and secondary access is provided.

11. The subject lots front Red Cloud Trail. No other streets in Summit County are named Red Cloud Trail, therefore confusion in street naming is not likely to occur.
12. The applicant stipulates to installing and maintaining all necessary street signs within the subdivision.
13. The applicant has stipulated to installing all necessary street lights within the subdivision.
14. Land Management Code Section 15-7-3-4(E) permits the creation of a protection strip adjacent to a proposed street in such a manner as to deny access from an adjacent property such street. The 1-foot protection strip along the County line is proposed on the subdivision plan which restricts road access without the formal approval of both Park city and Wasatch County.
15. Staff finds the proposed plat amendment complies with the requirements of the Land Management Code section 15-7 Subdivisions.

#### Conclusions of Law - Red Cloud Plat Amendment

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

#### Conditions of Approval - Red Cloud Plat Amendment

1. All original conditions and plat notes of the Red Cloud subdivision approved November 11, 2004 continue to apply.

2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the plat recordation.
3. Both utility lines and ski tails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
4. The proposed over-length cul-de-sac that is Red Cloud Trail will have a secondary emergency access from the end of Red Cloud Trail. The emergency access will continue as a minimum 20-foot wide all-weather surface road. This emergency access road and all connections and private road construction below SR-224 must be installed prior to building permit issuance for any of the single-family homes within the subdivision.
5. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Building Permit and for the Red Cloud Subdivision infrastructure.
6. A financial security to guarantee the installation of public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer. All street improvements are privately maintained.
17. Treasure Hill Conditional Use Permit

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

Director Putt reported that the discussion this evening is a follow up from the public hearing on April 12. At that meeting, he went through a lengthy and detailed account of the Staff report and attempted to respond to Planning Commission questions relating to the project's compliance with the 1985 Master Plan Development approval of the Sweeney properties master plan. Director Putt stated that in his report, he went into specifics related to setbacks, density, height, street commitments for reconstruction of the street, affordable housing, etc. The conclusions at the end of that presentation was that the drawings for the project are currently being refined and once those plans are completed, he will be better able to give a more definitive response to the Planning Commission and the public with regards to compliance with the underlying zoning requirements. He noted that the Staff report outlined nine important elements that he will be looking for in order to render a Staff recommendation.

Director Putt reiterated five questions that he touched on at the conclusion of his presentation on April 12. These questions were outlined in the Staff report and he believed they form the basis for the responses the applicants are prepared to present this evening.

Pat Sweeney, the applicant, commented on the issues outlined by Director Putt. Mr. Sweeney read a letter from Susan McIntyre dated October 4, 1989 regarding the Sweeney master plan documents and the effort to put everything together in one form to be recorded and to become the standard handbook for reference. He explained that when they were going through the subdivision process for the Upper Norfolk and King Road lots, which was a requirement of the Master Plan, the City Attorney at that time, Jodi Hoffman, determined that they were required to rezone the land. Mr. Sweeney noted that compliance with the rezoning obligation had occurred.

With respect to support commercial uses, Mr. Sweeney stated that these uses were specified in earlier documents and those documents need to be reviewed. He suggested that appropriate uses would be an informal eatery, a formal eatery, a bookstore, a ski shop, coffee shop, convenience store. He anticipates discussing these uses in detail as they move through the process.

With respect to the fire protection plan, Mr. Sweeney stated that Director Putt had used the term "preliminary fire access plan" and later explained that everything is preliminary until he has an approval from the Planning Commission and the City Council. Mr. Sweeney felt it was important to know that this plan took two years to formulate. They worked with Fire Department personnel, Ron Ivie, Kelly Gee, and Scott Adams to establish the criteria for fire and safety on this project.

With respect to the height, Mr. Sweeney stated that early in the process a plan was developed with specific dimensions. This plan was hand drawn and based on good survey data. Mr. Sweeney stated that they have always relied on this exhibit and they have done their very best to extrapolate those dimensions into the computer era. They have always based their design on these dimensions and will continue to do so.

With respect to architecture, Mr. Sweeney remarked that it is good to know what they need to do. He felt it is clear that they need to move in the direction suggested by Director Putt.

With respect to traffic issues, Mr. Sweeney remarked that their fundamental perspective is to make the road sound. Based on recommendations from their traffic consultants, as well as the one hired by the City, if the road is properly plowed and the current parking restrictions are enforced, the roads can work. They agree with the City Engineer that further road improvements is a separate process. Mr. Sweeney is comfortable funding improvements with impact fees and he is willing to participate in the process.

With respect to on-site staging, Mr. Sweeney remarked that the fundamental way to build large projects is just on time. He noted that time can be managed and certain materials can be stockpiled for winter. Mr. Sweeney stated that making it work is a combination of doing what makes sense and keeping everyone aware. In response to the issue of

material on-site, Mr. Sweeney noted that they consider their site to be the entire Hillside master plan, including open space. They always understood that the buildings in the Treasure Hill project would be within a very restricted area. Mr. Sweeney felt it was obvious that some of the ground around that area will be disturbed when constructing buildings of that size. Dirt will be redistributed on-site.

Mr. Sweeney stated that the issue of employee housing caught them off guard because there has been some question as to whether the requirement applies. They have met with Director Putt and the City Attorney and at the present time they are waiting for a specific opinion as to why the employee housing requirement applies. Mr. Sweeney stated that in principle they have always thought it would be appropriate to have employees living there.

Mr. Sweeney commented on the setback and how they relate to the houses on Woodside. He believed the Restrictions and Height Exhibit is the document that applies and it identifies specific distances. Some places are above the 100 foot setback and other places are less.

Mr. Sweeney stated a willingness to meet with Peter Barnes at any time and he appreciated his comments at the last meeting. Mr. Sweeney clarified that they disagree with some of Mr. Barnes comments but believe it is an excellent way to sort things out. They have a team of highly qualified professionals that have been involved throughout the process and have communicated with the City Staff.

Mr. Sweeney commented on steps they are taking in working with Director Putt to move this process to the next step. He believes they have made progress on the unit equivalent formula and they are in the process of discussing employee housing. Mr. Sweeney believes they have the volume using the same footprints that would add layers. He stated that they are not opposed to this and, on a limited basis, thinks it is a good idea.

Mike Sweeney commented on divisiveness between the brothers. He was not interested in putting in an additional 37,000 square feet of employee housing. He did not believe this was the intent of the MPD. Mr. Sweeney pointed out that it was called employee housing in 1985, and not affordable housing. The master plan talks about people who are not permanent residents staying there as opposed to people who are permanent residents. He did not think it was as clear as people thought it was in 1985. Mr. Sweeney read from the Sweeney properties master plan, "Employee Housing: At the time of conditional use approval, individual projects shall be reviewed for impacts on, and the possible provision of employee housing, in accordance with applicable City ordinances in effect". He remarked that the language does not say they have to do it and this why they have never had to build employee housing with other projects. Mr. Sweeney stated that when Rule 17-99 came up in 1990, they were asked to participate and in that particular case they did not because they were not subject to that rule.

Pat Sweeney stated that an element was included in their plan that was in the zero height area half way between Lowell and Empire. This was done for the specific purpose of creating public access to the project, as an alternative to walking up the fire lane, which was previously a ski trail. Mr. Sweeney commented on an alternative that uses the funicular to serve the public in that area. They are waiting to hear from the City Attorney to see if it is legally appropriate and at some point the Planning Commission may be asked to provide their input on this feature.

Mr. Sweeney commented on the Mine Tour and believes that it would be a win/win for Main Street provided that they have an overhead mass transit that does not use roads. He noted that this same concept applies to the support commercial. They have no interest in trying to attract people to the project on anything but the cabriolet from Main Street or on skis. Mr. Sweeney remarked that if parking is not provided for these facilities, people will not drive up Lowell and Empire to use them.

Mr. Sweeney expects to have a future discussion on public buses versus private buses. In terms of pitched roofs versus non-pitched, Mr. Sweeney stated that Ron Ivie has been clear about restraints on pitched roofs on buildings as tall as the ones proposed. The Fire Department shares that same opinion. He noted that they will measure any interest in doing pitched roofs against the fire protection plan. Mr. Sweeney disagreed with Peter Barnes' comments about the walls and the complexity of the project. In his mind, Old Town is all about interesting angles, elevations, and walls. Mr. Sweeney remarked that timing will need to be discussed. Once they have an approval it will take two years to turn the plans into working drawings. Mr. Sweeney stated that they would like to develop a booklet with a set of plans and addendums, including the fire protection plan, the traffic study, and all things appropriate and necessary to provide the basis for an approval. This information will also be available on line for public access.

Mike Sweeney commented on the overall objective of this project. He came back to Park City in 2000 and has worked hard participating with the merchants in trying to develop more people on Main Street and in the Historic District. Mr. Sweeney clarified that the purpose of this project is to serve as a bed base with the ability to bring people to Main Street. They do not intend to compete with businesses on Main Street. Mr. Sweeney believes there is a lack of activities on Main Street for the younger generation and he has proposed the idea of a Mine Tour to work in conjunction with the Museum. He developed and designed an underground Mine Tour in California that is very successful and to have that on Main Street would be key in preserving their heritage. Mr. Sweeney remarked that the Mine Tour would require the cabriolet gondola.

Chair Barth re-opened the public hearing.

Norm Anderson stated that Mike Sweeney has worked with suppliers like himself in trying to figure out the safest and best timing to get products to his job. Mr. Anderson believes the Sweeney's have the right to develop their property. He favors the Mine Tour because it will provide valuable history to their children and grandchildren.

Bill Truxes, a resident on North Star Drive above Lowell felt that people are misrepresenting the traffic on Lowell Avenue. Over the years he has observed the traffic and the only time the streets are overflowed is during a special occasion. Mr. Truxes remarked that the streets are not bad during the winter. He believes his family is the only permanent residence on Lowell since he does not see other people regularly. He walks to the Post Office every day and he does not think there are more than three or four people that use Lowell Avenue at any given time. Mr. Truxes could not understand why people are worried about traffic, pedestrian safety, and construction and delivery vehicles.

David Belz remarked that with regards to traffic, the Marriott Summit Watch is a great model. Every time he goes into the parking garage there are hardly any cars. He agrees that there will be traffic but they will not have the number of cars that people are afraid of. He does not share the fear that people will use their cars to drive from the project to Main Street. The cabriolet is key in transporting people back and forth and people would not want to use their private cars. Mr. Belz understood that there will be impacts but the benefit of the bed base is worth it.

Chair Barth continued the public hearing.

Director Putt stated that he would like the opportunity for the applicants to complete the drawings. Much of the information already exists and some of it will change. He would like a comprehensive packet of material that he can review. This packet will be made available to the public so everyone has the same information that will be used to make a final decision. The amount of time needed will depend on the completeness of the information and he anticipates that it will take at least a month to digest the material, open it to in-house peer review, and write his report. Director Putt recommended that the Planning Commission continue this item to a date uncertain. Once he obtains the information and does the analysis, they will re-notice the neighborhood and make the information available to the public. Director Putt committed to making this a priority and recognized that it serves no interest to the public, the Planning Commission, or the applicants to delay in getting the analysis completed as quickly as possible.

Chair Barth requested that the Treasure Hill project be the only item on the agenda when the information is presented. Director Putt suggested the possibility of scheduling a special meeting at a larger venue. This has been done in the past for larger master planned developments. Commissioner Wintzer suggested that the Planning Commission have a week or more to review the packet rather than the customary four days. Chair

Barth felt it was important to make sure they have a full Planning Commission for that meeting.

Pat Sweeney asked if it would be worthwhile for the Planning Commission to see the volumetrics before they apply the architecture. Director Putt replied that he needed time to think about the best approach. Commissioner Wintzer noted that the Planning Commission has still not seen an aerial photograph of the area and cross sections of the roads. Director Putt stated that they have pulled together a fairly good library of aerial photos. It is not complete and they are still working on it.

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

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:50 p.m.

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