

Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.

19. The Analysis section is incorporated herein.

Conclusions of Law - 29, 32 and 39 Silver Strike Trail

1. There is good cause for this supplemental plat.
2. The supplemental plat 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 supplemental plat.
4. Approval of the supplemental plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 29, 32 and 39 Silver Strike Trail

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will provide the plat to the City for recordation at the County within one year from the date of City Council approval or the approval will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development and the Silver Strike Subdivision plat shall continue to apply.
4. Unit 1 utilized 3.005 UEs. Unit 2 utilized 3.307UEs. Unit 12 utilized 2.637 UEs. The total UEs utilized for each unit must be written on the plat under the unit name.
5. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 1 house size is 4,982.9 sf, Unit 2 house size is 4,999.6 sf., and Unit 12 house size is 4,984.9 sf.
6. The supplemental plat shall be recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy for these units by the Park City Chief Building Official.
4. **Park City Heights - Master Planned Development  
(Application #PL-10-01028)**

Planner Whetstone reported that the Planning Commission has been reviewing this item for the

past several months. At the last meeting the public hearing was continued to this meeting. The main objective this evening was to open the public hearing on the project plan and model that was available in the Planning Department. Following the public hearing, the Staff requested additional questions or comments from the Planning Commission regarding the proposed master planned development. Planner Whetstone noted that on February 9<sup>th</sup> the Planning Commission reviewed the model, as well as the design guidelines. She outlined the documents and plans provided in the Staff report. A comprehensive Staff analysis would be prepared for the meeting on March 9, 2011.

Spencer White, representing the applicant, stated that this evening he was handed comments from the Planning Staff regarding the design guidelines. They would combine those comments with comments the Planning Commission made at the last meeting to make the requested changes. He anticipated having the revised guidelines back to the Staff within the next few days.

Mr. White recalled that the issues raised at the last meeting were the additional visuals from the four perspectives, which were included in the Staff report. Setback distances was another issue that was addressed. Mr. White stated that the intent was to show the existing setbacks off of Highways 248, 224, I-80 and Highway 40. He reviewed the setbacks as outlined in the packet. Mr. White remarked that the reason for showing the setback distances was to help with perspective. The closest building, which is the cottage homes product, is 1,365 feet at the intersection of Highway 248 and Richardson Flat Road. The closest distance for the attached units is 1,735 lineal feet. Mr. White stated that the reason for showing the setback distances was to show comparisons to help the Planning Commission understand the distances. He thought some of the structures may appear closer in the visuals, particularly in the Google Earth images. Mr. White remarked that the distance to the attached affordable units off of Highway 40 is 350 feet. The distance to the single family detached and cottage homes is 425 feet. He explained how they tried to buffer the homes from those distances and those roads.

Mr. White explained that the reason for placing the density in the proposed locations was based off of sensitive lands. The density is out of flood plain, wetlands, and off of slopes greater than 30%.

Mr. White requested additional comments from the Planning Commission and the public. He had previously submitted plat maps to the Staff, and the Planning Commission had been provided with those maps. Mr. White hoped to address all the issues for a final vote on March 9<sup>th</sup>.

Commissioner Pettit requested to see slides of some of the views that were included in the Staff report. Mr. White had the slides available and noted that they were the visual assessments that were done when the application was submitted in June. The first view was a photo from the intersection at 248 and the old intersection that used to go into the National Ability Center. He presented a before and after view, noting that it was a slightly different master plan that what is currently proposed. Mr. White presented a new view with the new plan. View 1 was from the new intersection going into the IHC hospital. View 2 was from the intersection of Highway 248 and Old Dump Road. He pointed out that it was the highest cul-de-sac and only the tops of the roofs of the two houses at the end of the cul-de-sac were visible. Commissioner Peek pointed

out a discrepancy between the visuals shown and the Google view. He believed what they were seeing was the upper house on the second cul-de-sac down to the north. Mr. White explained that the distance needed to be taken from the pivot point of where the photo was taken. He and Commissioner Peek discussed the view.

Mr. Spencer clarified the issue being discussed for the public. He explained what they were looking at from the intersection of Highway 248 and Old Dump Road. Going up the ridge they were looking at the buildings he previously described, which were four rows of cottage homes. He indicated the lower cul-de-sac with two homes on the end, and the upper cul-de-sac with the home that he believed had the visible roof top. He noted that Commissioner Peek was correct in his perspective because there was another home on the upper right. Mr. White stated that the roof he spoke about earlier was the upper home on the first cul-de-sac. He then pointed out the homes on the upper, furthest cul-de-sac, which is the uppermost development area. Mr. White stated that the Staff had expressed concern about those homes, and he had told them that the homes do not skylight at any point. There is always something behind them as viewed from Highway 248. Those homes do not break into the blue.

In response to a question about the hillside, Mr. White replied that the hillside is part of the project. The hillside with the road cut is owned by the Byers and they own approximately 12 acres of land that was part of the annexation. He clarified that the Byer's land is part of the annexation, but not part of the master planned development.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Hontz referred to view 2 that was included on page 123 of the Staff report. She noted that it was a view from Highway 40 looking towards the project and asked if that reflected the current plan. Mr. White answered no and explained that it was the visual massing that was done as part of the June 10 packet. Mr. White showed that same image with the current Google earth, taken from the edge of the road on Highway 40. It was the same view as view 2.

Commissioner Hontz believed that comparing that view with the view on page 123 showed how the project was evolving in massing and breaking up forms. However, she thought they needed to pay particular attention to the design guidelines in terms of what those units look like. Commissioner Hontz remarked that the project was going in the right direction, but she still did not like it. She believed that the project could look better as long as the design guidelines are clear. She thought they could solve the problems with design.

Mr. White clarified that the views were solely to show visual massing and not for detail. They do not reflect the design guidelines. Commissioner Hontz felt that went to her point of what would occur without clear design guidelines. Massing matters and she like this view the least in terms of how the massing appears to hulk on the edge of the property. Commissioner Hontz reiterated that those issues could be resolved in the design guidelines.

Commissioner Peek referred to the view from the intersection of Highway 248 and Old Dump Road. looking at the cottage homes stacked along the ridge. He pointed out the plat for Lots 20, 24, 30 and 31 and asked if those were the four cottage homes that stack up the ridge. Mr. White answered yes. Commissioner Peek suggested adding variation to those four homes as part of making the entry statement. Planner Whetstone remarked that those four structures could be specifically addressed in the design guidelines.

Commissioner Savage asked about landscape plans, particularly large trees to break up the massing. Mr. White stated that the intention is more towards sustainability and water issues. A primary issue is the amount of available water and trying to limit water use, especially in individual yards. Mr. White noted that the design guidelines established landscape requirements that do not require lawn and vegetation maintenance. The landscaping will be drought tolerant plants and trees. There will be trees along the trails and through the project, however, at this point, the guidelines do not identify specific standards or details. Planner Whetstone noted that the design guidelines address large scrubs that would get larger over time. It was important that the guidelines address some of the landscaping along the perimeter, particularly at the view corridors.

Commissioner Savage understood environmental sensitivity and water conservation. However, he thought many of the concerns regarding visual impacts could be significantly buffered by rows of aspens or other trees. Mr. White remarked that computer modeling provides the topography, but it does not give the existing vegetation. There is a significant amount of existing scrub brush that is 6' to 8' tall in the summer. He was amenable to possibly looking at landscaping along the view corridors.

Commissioner Peek commented on the Cottage Homes and Park Homes perspective and asked if the landscaping in the drawings reflected the landscape list. Mr. White answered yes. They gave the designer a list of plants and landscaping that would be allowed in the design guidelines and those were included in the perspective.

Commissioner Pettit asked if there would be a noxious weed management plan, given the amount of open space in the area and the continuing problem in the County with noxious weeds. She wanted to know who would be responsible for weed control. Mr. White replied that it is the developer's responsibility and this developer does a good job of regulating noxious weeds.

Commissioner Hontz asked for the purpose of the biological resources overview. Mr. White replied that it was a requirement of the master planned development process and application. In addition, the developer wanted to make sure they took proper steps to mitigate any habitat impacts. Commissioner Hontz asked if the Planning Department had previously seen the biological study and she was told they had. Commissioner Hontz noted that the recommendations speak to noxious weeds and she understood the State and County law requirements. However, she did not believe the laws go far enough, and specifically not for this project. She read Recommendation #2 on page 159 of the Staff report, "Noxious weeds in the project area could be treated to prevent their spread into adjacent areas". Commissioner Hontz

needed to see a specific noxious weed plan for this project that goes further than the recommendation. She read the first recommendation, "Any future project area developments could minimize impacts to riparian areas and wetland in the project area". She wanted to know how, where, and the benefits. Mr. White clarified that there are wetlands in the project boundary but not in the areas being developed.

Chair Wintzer noted that wetlands may be disturbed when they put in the path away from the road, but that would be addressed in that particular permitting process.

Commissioner Hontz questioned how the biological resource report could have been part of previous project reviews when it was recorded December 10, 2010. Mr. White understood that her initial question was whether the Planning Staff had seen the report prior to this meeting. He reiterated that the Staff has had this report for quite a while.

Commissioner Hontz asked if this was the first time the Planning Commission had seen the biological research report. Mr. White answered yes. Commissioner Hontz clarified that other than the Planning Commission, the only ones who had seen this report was the Planning Staff. Planner Whetstone replied that this was correct. Commissioner Hontz pointed out that this was the first opportunity the Planning Commission had to express an opinion that the report is not sufficient enough for what they want to see as a wildlife biological survey. Mr. White stated that the wildlife study was turned in well before the February 9<sup>th</sup> meeting. He had assumed that the biological report had been included in the February 9<sup>th</sup> packet.

Commissioner Peek stated that the original wildlife study was part of the notebook the Commissioners received. Mr. White remarked that it was the original wildlife study submitted with the June application. The biological resource was a more recent study that was submitted to the Planning Staff shortly after the December meeting.

Commissioner Hontz stated that her issue was not with the timing, but rather the fact that this was their opportunity to tell the applicant that the report is insufficient. She has dealt with a number of wildlife habitat and related reports, and she did not believe this was sufficient in any way, particularly the recommendations. It did not meet the baseline standards that she would expect from a biological resource. Commissioner Hontz commented on areas where the wildlife habitats were enhanced with development, and she believed the same could occur with Park City Heights.

Commissioner Strachan pointed out that the indicated conclusions were missing from the report.

Commissioner Savage asked if the Planning Staff was equally qualified to review this type of report within the context of completeness and substance. He noted that the Staff had included the report for the Planning Commission to review and he wanted to know if the Staff supported it. Planner Whetstone replied that the Staff would prepare a complete analysis for the next meeting. They also ask others with that expertise to review it and provide input. Commissioner Hontz stated that as an example, the wildlife study for Flagstaff was excellent. Park City Heights is a smaller project and would not need the same level of study as Flagstaff, but there is a standard and the biological resource study does not meet that standard.

Chair Wintzer requested that the Staff review the biological study in-depth and provide the Planning Commission with recommendations. He agreed with Commissioner Savage that the Planning Commission is not qualified to assess the study and it is important to have it reviewed by someone who is qualified. Commissioner Strachan suggested that Mr. White have the biological review experts from the Utah Department of Natural Resources look at the study.

Mr. White expressed a willingness to address all their concerns. He understood that Commissioner Hontz was looking for recommendations that address responsible mitigation if issues are found, and how that mitigation would occur. Commissioner Hontz answered yes. In addition, she felt it was a great opportunity for a wildlife biologist to suggest how the wetland areas could be enhanced for wildlife and ways to make this a positive development. In order to meet the standards, the study needs to go beyond a report that just says whether or not there are threatened species on the site.

Commissioner Savage suggested that the Staff and the applicant communicate with Commissioner Hontz and draw from her knowledge and experience.

Planner Whetstone reiterated that the Staff would provide a full analysis on all the elements for the next meeting. Mr. White referred to the comments regarding noxious weeds and noted that it is part of the bond that is put in place when development begins. Money for the bond will not be released until those issues have been resolved. Commissioner Hontz understood the process, but she was concerned about responsibility and maintenance once the project is completed. She felt that needed to be clearly addressed and defined in some type of agreement.

Chair Wintzer asked Mr. White to bring up the slide of the site plan with contours. He requested some type of cut and fill analysis on all three of the cul-de-sacs, because he never anticipated the cuts and fills that were showing. Commissioner Peek stated that he had zoomed in on the cul-de-sac that was closest to the power line easement and counted a 36 foot cut. Chair Wintzer wanted to see a section through each one with a plan for retaining and re-vegetating. He also wanted to see what the cuts would look like from various vantage points. Commissioner Peek wanted to know the nature of the cuts based on the preliminary geo-tech.

The Commissioners and Mr. White discussed phasing for the project. Director Eddington stated that if development starts at the lower level and moves up, he wanted to know how they would handle a potential buyer who wanted something higher up before they reach that phase, and whether the developer would be required to provide the necessary transportation. Mr. White replied that a \$300,000 lot in place of \$2 million worth of infrastructure would not be enough incentive to move to the next phase. It might be considered if a buyer wanted to develop several lots.

Planner Whetstone summarized the discussion and requests. 1) The guidelines should address the views in terms of massing, specifically views 1 and 2; 2) Landscaping concerns need to be

addressed in the design guidelines; 3) A noxious weed management plan for both construction and completion of the development; 4 ) Better recommendations for the wildlife study was requested. The Staff would review the study and seek input; 5) An analysis of cuts and fills was requested for the cul-de-sacs; 6 ) Provide additional information on phasing. The Staff and applicant would be prepared to respond to these concerns at the next meeting.

MOTION: Commissioner Pettit moved to CONTINUE Park City Heights MPD to March 9, 2011. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:00 p.m.

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