

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
May 24, 2017**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF April 12, 2017

ADOPTION OF MINUTES OF May 10, 2017

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

1450-1460 Park Avenue – A plat amendment requesting to combine Lots 1 and 2 of the Retreat at the Park Subdivision at 1450-1460 Park Avenue into one lot of record.
Public hearing and possible recommendation to City Council on June 29, 2017

PL-17-03501 120
Planner
Grahm

1450-1460 Park Avenue - Conditional Use Permit (CUP) application for the construction of a Parking Area of five (5) or more than spaces at 1450-1460 Park Avenue. Applicant is proposing to construct nine (9) parking spaces along Sullivan Road.
Public hearing and possible action

PL-17-03502 121
Planner
Grahm

1450-1460 Park Avenue- Request for Approval of a Condominium Plat for the combined Lots of the Retreat at the Park Subdivision for eight (8) residential units.
Public hearing and possible recommendation to City Council on June 29, 2017

PL-17-03503 122
Planner
Grahm

4001 Kearns Boulevard – First Amendment to the Park City Film Studios Subdivision, a plat amendment to divide Lot 1 into three platted lots of record. The property consists of approximately 30 acres.
Public Hearing and Possible Recommendation to City Council on June 29, 2017

PL-15-03005 123
Planner
Whetstone

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

Yearly report given to Planning Commission regarding the Capital Improvement Projects approved by City Council.
Discussion item only, no action taken

City 124
Engineer
Matt Cassel

1900 Park Avenue – Conditional Use Permit (CUP) for the construction of a second outdoor dining patio and exterior entryway, as well as the expansion of an existing restroom area within the Frontage Protection Zone (FPZ) for Squatters Pub.
Public hearing and possible action

PL-17-03528 138
Planner
Scarff

158 Main Street – A plat amendment requesting to combine two existing lots located at 158 Main Street into one lot of record.
Public hearing and possible recommendation to City Council on June 29, 2017

PL-17-03523 189
Planner
Morlan

7195 Little Belle Court – A condominium plat amendment requesting to convert private area to limited common area within Unit 5. <i>Public hearing and possible recommendation to City Council on June 29, 2017</i>	PL-17-03540 210 <i>Planner Morlan</i>
Request for a four lot subdivision plat, known as Village at Empire Pass North Subdivision, located at the intersection of Village Way and Marsac Avenue east of the Silver Strike chair lift, to create 3 development lots for the Village at Empire Pass Master Planned Development and one lot for ski area related uses. <i>Public hearing and possible recommendation to City Council on June 15, 2017</i>	PL-16-03293 260 <i>Planner Whetstone</i>

ADJOURN

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 12, 2017

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Steve Joyce, Preston Campbell, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Francisco Astorga, Planner; Makena Hawley, Planner; Tippe Morlan, Planner; Polly Samuels McLean, Assistant City Attorney, Jody Burnett, Outside Counsel

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REGULAR MEETING

ROLL CALL

Vice-Chair Joyce called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Strachan and Band, who were excused.

ADOPTION OF MINUTES

March 22, 2017

MOTION: Commissioner Thimm moved to APPROVE the minutes of March 22, 2017 as written. Commissioner Suesser seconded the motion. Commissioner Joyce abstained since he was absent from the March 22nd meeting.

PUBLIC COMMUNICATIONS

Rob Harris stated that he was building a home on King Road. He was in the process of Design Review and he was willing to comply with all the current LMC requirements. However, he was confused about the green roof. The LMC requires 1500 square feet of sod that has to be irrigated and maintained. As the Planning Commission moves forward, he would like the LMC to allow other things such as better insulation or a cistern, which would be more green than a sod roof that needs to be watered.

Vice-Chair Joyce noted that green roofs were on the list of LMC changes that would eventually come to the Planning Commission for review and input.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that Commissioner Suesser would not be attending the meeting on April 26th and Commissioner Joyce would miss the meeting on May 10th. He wanted to

make sure that the other Commissioners would be attending those meetings so they would have a quorum.

Commissioner Phillips disclosed that he would be recusing himself from the Alice Claim subdivision and Plat Amendment item on the agenda this evening due to a prior working relationship with the applicant.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 1302 Norfolk Avenue – Appeal of a building permit (BD-17-23686) denial based upon the Community Development Director’s determination that there was already an active land use application for a Determination of Significance (DOS). (Application PL-17-03487)

Director Erickson reported that this item is an appeal of the Planning Director’s determination on an active land use permit on a Determination of Significance. The Appellant had requested that the Planning Commission continue this item to July 26, 2017.

Director Erickson requested that the Planning Commission conduct a public hearing and continue this item to July 26th.

Vice-chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Suesser moved to CONTINUE the quasi-judicial appeal regarding 1302 Norfolk Avenue to July 26, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. Land Management Code (LMC) amendments - Administrative and substantive amendments to the Park City Development Code, specifically amending Land Management Code Chapter 15-2.7 Recreation and Open Space (ROS) District; 15-2.13 Residential Development (RD) District; 15-6 Master Planned Developments; and Chapter 15-15 Defined Terms

Director Erickson stated that the Staff was proceeding with additional revisions to the MPD Section for affordable housing and essential public facilities. The revisions were currently being reviewed by other City departments to make sure the system will be efficient for affordable housing. In addition, the distinction in the residential District and the Open

Space District for essential public facilities makes a distinction between essential facilities and, for example, recreation facilities. Once the reports are back the Staff will bring the revisions to the Planning Commission for review and input.

Vice-chair Joyce opened the public hearing. There were no comments. Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Band moved to CONTINUE the Land Management Code Amendments to a date uncertain. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **2467 Iron Mountain Drive –The applicant is proposing to adjust dimensions of the Building Pad on Lot 43 Iron Canyon Subdivision without increasing the 4,000 sf. allowed area.** (Application PL-17-03478)

Planner Makena Hawley reviewed the proposed plat amendment to adjust the dimensions of the building pad on Lot 43, 2467 Iron Mountain Drive. The Staff finds that the allowed square footage of 4,000 square feet remains the same, and it is consistent with the development in the neighborhood. A condition of approval requires compliance with all other Iron Canyon subdivision requirements.

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

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

Steve Schuler with Summit Engineering, representing the applicant, noted that the square footage of the original building will remain exactly the same at 4,000 square feet. This proposal only rearranges the square footage to reflect the new architecture proposed for the lot.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council for the Iron Canyon Subdivision building pad adjustment for Lot 43, based on

the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2467 Iron Mountain Drive

1. The property is located at 2467 Iron Mountain Drive.
2. The property is in the Single Family (SF) District.
3. Adjacent land uses are single family residential.
4. The subject property consists of Lot 43 of the Iron Canyon Subdivision, approved in 1983.
5. The plat amendment changes small portions of the “Building Pad” area shown on the Iron Canyon Subdivision plat (recorded in 1983) to adapt to the current proposed design of the new residence.
6. The building pad is proposed to be the same square footage as the platted building pad (4,000 sf.) and in the same general location.
7. The entire site contains a total area of 3.1308 acres.
8. On February 16, 2017, the City received a Plat Amendment application for the Iron Canyon Subdivision Amendment to Lot 43; the application was deemed complete on February 27, 2016.
9. Four (4) lots within the Iron Canyon Subdivision have completed similar building pad adjustments including the following: Lots 4, 5, 11 and 29.
10. Staff finds that the proposed plat amendment results in a building pad that is consistent with the pattern of development in the neighborhood.
11. Per the existing plat, the maximum building pad is 4,000 sf. and this plat amendment results in a building pad that is not greater than 4,000 sf.
12. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 2467 Iron Mountain Drive

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

Conditions of Approval – 2467 Iron Mountain Drive

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
 2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. A ten feet (10') wide public snow storage easement along the frontage of Iron Mountain Drive shall be shown on the plat.
 4. Modified 13-D sprinklers are required by the Chief Building Official for new construction at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
 5. New construction shall comply with Land Management Code Section 15-2.2 regarding setbacks, building height, building envelope, building pad, etc.
 6. All other conditions of approval and platted requirements for the Iron Canyon Subdivision continue to apply and shall be noted on the plat.
2. **2700 Deer Valley Drive B101 – A condominium plat amendment requesting to convert the existing common attic area into private area for Unit B101.**
(Application PL-16-03208)

Planner Tippe Morlan reviewed the request to amend the existing Courchevel Condos at Deer Valley condominium plat, specifically Unit B101. The applicant would like to convert the existing common attic area of 314 square feet above the unit into private area for Unit

B101, with the intention of converting it into an additional bedroom and bathroom. A new window in that area will be required to be shown on the building plans.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council. Planner Morlan stated that there was good cause since it does not increase the building footprint, and all of the construction will be done within an existing building. Additional parking will not be required beyond what is currently provided. The proposal is consistent with the provisions for the Deer Valley Master Plan.

Mike Johnson from Summit Engineering, representing the applicant, was present to answer questions.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council with regard to the Sixth Amendment to the Courchevel Condominiums at Deer Valley plat amending Unit B101, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2700 Deer Valley Drive – B101

1. The property is located at 2700 Deer Valley Drive East.
2. The Courchevel Condominium at Deer Valley plat was approved by the City Council on December 27, 1984 and recorded at Summit County on December 31, 1984.
3. The Courchevel Condominiums at Deer Valley plat recorded 40 residential condominium units of 759 square feet each with 60 parking spaces in a shared underground garage.
4. There are two (2) access driveways from the garage to Deer Valley Drive East.
5. In November of 1989, an amended plat was approved and recorded increasing the

number of residential condominium units to forty-one (41).

6. In February of 2012, a second plat amendment was recorded. This second amendment converted 608 square feet of common attic area above each of Units B301 and B303, 1,216 square feet total, to private area.

7. Two of the three approved Courchevel buildings (Buildings B and C) were constructed beginning in 1984 and completed in 1988. Building A was never constructed.

8. The second amendment reflected that Building A was not built and removed it from the plat.

9. In December of 2012, a third plat amendment was recorded. This third amendment converted 470 square feet of common attic area above Unit B304 to private area.

10. In January of 2013, a fourth plat amendment was recorded. This fourth amendment converted 608 square feet of common attic area above Unit B202 to private area.

11. In January of 2013, a fifth plat amendment was recorded. This fifth amendment converted 139 square feet of common space to private area for Unit C301.

12. Currently there are 27 condominium units and 31 underground parking spaces.

13. Each existing condominium unit contains 759 square feet, except for Units B301, B303, and B304, which contain a total of 1,367 square feet, Unit B202 which contains 1,229 square feet, and Unit C301 which contains 898 square feet. Unit B101, if approved, will contain 1073.4 square feet.

14. The property is subject to requirements and restrictions of the Deer Valley Resort 12th Amended and Restated Large Scale MPD.

15. The MPD originally allowed up to 20.5 UEs for the Courchevel parcel.

16. The MPD was amended in 2001 to transfer seven (7) UEs as 14,000 square feet to the Silver Baron condominium project, adjacent to the north, leaving 13.5 UEs for the Courchevel property.

17. At 2,000 square feet per UE, the total allowable residential square footage is 27,000 square feet. The existing residential square footage for the 27 condominium units is 23,240.4 square feet, including the pending 314.4 square feet for Unit B101 subject

to approval of the Sixth Amendment.

18. On June 9, 2016, the City received a completed application for a Sixth Amendment to the Courchevel Condominiums at Deer Valley plat requesting conversion of 314.4 square feet of common attic space above Unit B101 to private area.

19. Unit B101 is located on the second floor of Building B.

20. In February 2017, Courchevel Condominium owner's association voted unanimously (with more than 2/3rds of members voting) to approve the conversion of 314.4 square feet of common attic space to private area for Unit B101.

21. There are no exterior changes proposed.

22. The proposed amendment is consistent with the purpose statements of the district.

23. Unit B101 would increase by 314.4 square feet from 759 square feet to 1,073.4 square feet, and the total floor area would become 23,240.4 square feet.

24. The total proposed UEs for the project, including the pending Sixth Amendment, would be 11.62 UEs.

25. The current Deer Valley MPD allows 13.5 UE for Courchevel Condominiums. If this amendment is approved and recorded there will be 3,759 square feet (1.88 UEs) of floor area remaining for future conversion of common area to private area. An additional 0.5 parking space would be required for each unit that exceeds 1,000 square feet, unless a parking exception is approved by the Planning Commission per LMC Section 15-3-7.

26. The building does not exceed the allowable 35' building height and there are no nonconforming setback issues.

27. All construction is proposed within the existing building envelope.

28. The current LMC requires one and a half (1.5) spaces for each unit greater than 1,000 square feet and less than 2,000 square feet. The proposed Sixth Amendment complies with this requirement.

29. Twenty-nine and a half (29.5) parking spaces will be required and thirty-one (31) spaces will exist with approval of the Sixth Amendment.

30. The property is located at the base area for Deer Valley Ski Resort and on the Park City bus route.

31. The expanded unit would comply with the current parking code.

Conclusions of Law – 2700 Deer Valley Drive – B101

1. There is good cause for this amendment to the plat.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended plat is consistent with the 12th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 2700 Deer Valley Drive – B101

1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Deer Valley Resort 12th Amended and Restated Large Scale MPD and the amended Courchevel Condominiums at Deer Valley plats shall continue to apply.
4. The applicant may submit an application for a building permit according to City procedures after this plat amendment has been recorded.

NOTE: The Treasure Hill portion of the Minutes is a verbatim transcript.

1. **Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan (Application PL-08-00370)**

Planner

Astorga: Francisco Astorga for the Planning Department. We have before you the Treasure Conditional Use Permit. To start out my portion, my presentation, I'd simply like to say that we do not have a traffic and transportation study in front of us that we're showing you because we haven't received it yet. The applicant is still working on that. I'll let them explain the, the delay.

I personally do not want to advertise that we're going to go ahead and bring it forth on May 10th, during the next meeting, just because we've tried doing that for several meetings. So our commitment is that once we receive it---it, it's obviously public record. And as soon as we receive it we'll place it on the next agenda that we will be reviewing the Treasure Conditional Use Permit. I, I would like to move forward with, with that.

As requested by the applicant, we'd like to have an introduction to conditional use permit criteria 7, 9, 10 and 12. Criteria 7 is Fencing, Screening and Landscaping to separate the use from adjoining uses, on page 106 of your Staff report. The applicant suggested that we review two sheets; Sheet V-12 and V-04. For Criteria 9, Usable Open Space, they've recommended that we review Sheet V-11 and Sheet SP1. For Criteria 10, Signs and Lighting, they've asked that we look at Sheet V-14. And for Criteria 12, Noise, Vibration, Odors, Steam or other mechanical factors that might affect people and property off-site, they requested that we look at Sheet V-13 and P2. They also suggest that we look at the, the plan on V-1 and the written...and the written explanation known as Appendix A1, right? That's it.

Shawn

Ferrin: Yeah.

Planner

Astorga: As noted on your Staff report, on page 107, Criteria 7, fencing, screening and landscaping, they've submitted a plan which has areas that are to be landscaped in the future. Staff would like to further define what exactly it is being proposed as landscaping. If we review that sheet, which we can pull it up should you request that, it simply identifies areas to be landscaped. We find that we need more information in order for us to do a full analysis.

Regarding Criteria 10, signs and lighting, it gets a little bit different. And I would like to speak about signs first. The Code, the Municipal Code, which

is Title 14, which is not part of our Land Management Code. For some reason we've got the Sign Code in a different title, but it's also part of the Municipal Code. That title, Title 14, the Sign Code indicates that any multi-tenant building requires a master sign plan. That master sign plan is usually reviewed and approved and after a conditional use permit; and it can be, obviously, be reviewed concurrently with any applicable building permit. But we have not received the specific of the signage that's supposed to go on site, other than an overall site plan and an X marks the spot here for this type of sign and Y marks the spot for another type of sign there. So I'm really unable to comment on if the proposed signs meet applicable codes. Obviously, the applicant has agreed that it will meet the Code. I just can't confirm that because I don't have such, such specific information, which is not out of the norm. That master sign plan is reviewed administratively by Staff. It does not require a public. And, however, I do point that out because it is Criteria 10, which is part of the mitigation that they're supposed to propose to minimize or to remove any specific negative impacts of that specific component, which is signs.

And then to move on to the second portion of Criteria 10, which is lighting, I have an entire section in the Land Management Code that ranges from the specific spacing of lighting and lumens and whatnot regarding to lighting, which the applicant has simply not submitted at this point. Unlike the master sign plan, I don't have a separate application currently in the Planning Department that takes care of all the lighting. So I am---again, very similar to the fencing, screening and landscaping, which is Criteria 7, unable comment with such compliance, other than the applicant's commitment, which they said it will comply with the Lighting Code. Oh, and they've also submitted... they reference Appendix 13 for their signage and lighting. I've attached it to the Staff report, but again, it simply says the same statement, it will comply with dark skies and with applicable codes.

Regarding Criteria 12, noise, vibration and odors, the applicant submitted a site plan with corresponding building cross sections that identify specific areas for noise, and that specific distance to that next property. I'm not sure, or...no, I am sure. They haven't submitted anything additional to how they are mitigating that impact. It could be that they're simply saying nothing else needs to be done because of the distance of separation between that specific area and the, and the following property. We will be more than happy to examine that Exhibit before you.

And then the last item, which is Criteria 9, usable open space, the entire master plan, the Sweeney Properties Master Plan, dedicated a big portion towards open space. And we've got the calculation in front of us. And this is one that Staff finds that it does meet the requirement of the Master Plan, as well as the existing Code regarding this specific conditional use permit criteria.

I will be more than happy to spend any additional time, or we can pull up any of these exhibits. They're not that many. But we do find that, that, for that last one, that it, it does meet the open space requirements.

On a side note, as we were reviewing the, the areas, we identified several areas throughout the property that have at least two restaurant areas for outdoor dining. And they're also shown on the site plan two areas for the two ballrooms that have an extension towards an outdoor patio. While those areas should be approved through that specific permit; for example, for the outdoor dining, it requires an administrative conditional use permit. We, we are...Staff is indicating that we should really take a look at that at a later date, and we should not approve any of those areas until they go through that specific process, which may be after the conditional use permit is resolved and the appropriate tenant is found for that restaurant. And then before that, before those areas can be activated...obviously they can't use those areas until they apply and receive approval for those proper permits. We don't want to treat them differently. That's how all outdoor areas are approved, through that subsequent application. So the, the ones...and we are saying that simply because we do consider those uses subordinate, for lack of a better term, to the overall use of, of the project.

So the ones that I do have a specific process and procedure in the Planning Department for a separate approval, are for the outdoor spaces and for the Master Sign Plan. Everything else, we find that we should be looking at specific at this stage, at conditional use permit. As a reminder, once a conditional use permit is approved, then that use is approved and then the applicant is able to move forward with applying for a building permit.

So I just wanted to just remind you a little bit of the process so we could take a look at those specific recommended conditional use permit criteria by the applicant as they've requested that we look at 7, 9, 10 and 12 this evening.

That's all I have for you, but like I said, I will be more than happy to connect my computer. We can bring up any of the suggested sheets that were

requested and recommended by the applicant. And we'll go from there. Obviously, the applicant to my right, they'd like to present to you. But I don't know if you would like me to answer any questions at this stage, or if you want to hold them off towards the end of their presentation.

Commissioner

Suesser: I have a question for you. When you did your calculation of the open space, was it consistent with the applicant's exhibit showing the natural open space and the usable open space. Was it consistent with that exhibit?

Planner

Astorga: It was. Yes.

Commissioner

Suesser: Okay.

Vice-Chair

Joyce: Anything else?

Commissioner

Thimm: Francisco, when you were mentioning that there was a need for more information on landscape areas, you talked about future landscape areas versus, for lack of a better term, non-future landscape areas. Can you kind of expound on that a little bit, what you're...where you're heading?

Planner

Astorga: Yeah. I don't know exactly what you mean. Let me pull up that section.

Commissioner

Thimm: So you, you said you needed, that there was a need to understand more about how the areas are sort of broken down in terms of the landscape areas. And you mentioned some of it is called future? Maybe I missed...

Planner

Astorga: Is that something...

Commissioner

Thimm: Maybe I missed, missed what you said during your open monologue there, but...

Commissioner

Phillips: I, I heard the same thing. You, you talked about future landscaping.

Commissioner

Suesser: Just the need to have the details of what the future landscaping will be?

Commissioner

Thimm: I'm just curious what, where, where you're headed there. So are we...

Planner

Astorga: I'm on page 107, Criteria 7, where it says, "The referenced exhibit consists of the site plan with the location of the skier safety and perimeter fencing, pool area with safety fencing and landscaping screening area. The referenced exhibit and the written pictorial explanation do not indicated specifics about the proposal, but rather focus on preliminary concepts. Specific components need to be reflected on the plans. These components include but are not limited to each proposed fence to indicate its proposed material and detail. Landscape plan to show proposed plant name, quantity, size, locations, and spacing, etc. each proposed mitigation and strategy needs to be listed and identified".

Commissioner

Thimm: Okay. So maybe you were talking about there would be more detail coming to us in the future.

Planner

Astorga: I, I would hope so.

Commissioner

Thimm: Yeah. Okay. Now, now I get. It.

Planner

Astorga: Because if, if we pull up that exhibit B-12, all we have is an area identified as area to be landscaped.

Commissioner

Thimm: Right. Okay. I, I get it now. I thought that we were talking about some sort of a layered plan or something that would have something that does in now and something that goes in later or something. But now, now I see where you're headed. Sorry.

Planner

Astorga: No, it's okay.

Commissioner

Thimm: Okay.

Vice-Chair

Joyce: Anything else for Francisco before...

Commissioner

Phillips: You know, I...so, so you said that the signs can be done administratively, and the outdoor space as far as the use, correct?

Planner

Astorga: Yeah, correct. The reason why we can't really make a determination on the outdoor dining is because we need to have specifics.

Commissioner

Phillips: Right.

Planner

Astorga: How many tables are they going to have? They're going to say, we don't know, that's up to that restaurant owner to decide.

Commissioner

Phillips: Yeah. And it's standard?

Planner

Astorga: That, that is standard.

Commissioner

Phillips: But then, but then we're also tasked to make sure there's mitigation in place, so...

Planner

Astorga: You're absolutely right.

Commissioner

Phillips: Okay. I just wanted to make sure I was clear. So if you do it administratively, my concern would be that the public and us don't have as much input.

Planner

Astorga: You're absolutely right in terms of that. Both of those permits don't require a public hearing. The outdoor dining spaces do require that we send letters to adjacent property owners instead of sending a notice to property owners within 300 feet like they, like it is required for a conditional use permit. And the master sign plan requires no noticing. It doesn't require any noticing of any type. They submit the application, the Planning Department reviews for compliance, and that's it.

Director

Erickson: But, but I do think, Commissioner Phillips, that the Planning Commission in the consideration of the adequately mitigated section of the conditional use permit says that you could establish some criteria under which we would issue the administrative conditional use permit for outdoor dining and lighting. So, for example, as the discussion goes forward and the applicant, perhaps, I'm speculating now, submits a plan for internally illuminated light, the Planning Commission can determine that that may not be appropriate on the external side of the building facing the neighborhood. You may want it to be down lit. So those kind of mitigation strategies we've asked for additional information on. And we would expect you to be able to establish some criteria under which we would push those other permits.

Commissioner

Phillips: Okay.

Director

Erickson: Does that make sense?

Commissioner

Phillips: Yeah, yeah. No, I just...

Director

Erickson: Okay. Thank you. Sorry.

Commissioner

Phillips: Wanted to kind of know kind of where we have the ability to still...

Director

Erickson: That's where we are.

Commissioner
Phillips: Okay.

Planner
Astorga: And I do apologize that I did not hyperlink the Sign Code where we can take a look at that. However, I think at this stage, with all due respect, you'd be overwhelmed. I mean, I've got a ton of information to show you, and it would be somewhat difficult for me to...for you to say, yeah, we're, we're completely comfortable saying that it shall comply with it. Done. That would be the challenge. We can get into that Sign Code and I could tell you specifically, well, we believe these signs would be proposed, and this is the criteria and this is the standard. And then we would say is the Planning Commission comfortable saying that we will handle that like, you know, administratively per this Code that they have to abide by.

Commissioner
Phillips: Okay. That, that answers my questions for now.

Vice-Chair
Joyce: Anything else? All right. You guys have a show for us?

Shawn
Ferrin: Good evening, Shawn Ferrin.

Pat
Sweeney: Shawn Ferrin is going to start the show.

Shawn
Ferrin: Good evening. I just wanted to give you a little bit of an overview about where we are in the entire process. We continue to push on the traffic report, which we know you are anxious, excited, can't wait for. We anticipate getting it from the traffic engineer this week. And we do anticipate being able to talk about it at the next meeting. I understand Francisco's concern about making sure he gets it in time to review it and go through it. But that's our plan is to be talking about traffic next.

I also want you to know that we're spending a lot of time with architects and designers working through some refinements of the project as you've talked about. Things that...based upon the comments we've gotten from you. Reducing volume and square footage, reducing excavation, decreasing the cliffscapes, increasing building efficiency, creating more stepping elements.

We're working on that. Again, that is not a quick process, as you know, going back and making those refinements. The Treasure team is working very hard on it and hope to have that to you very quickly as well so you can see the refinements.

To touch just a little bit on this issue that Commissioner Thimm and Francisco were talking about, I don't think that you want to see a full landscaping plan and a full lighting plan and a full signage plan. That's not appropriate at the conditional use permit level. And so when I read the Staff report to say I don't have enough information about it, that means that it's an issue out there that needs to be addressed at some point, but not necessarily at the time the conditional use permit approval is given. It can be addressed with, and this is something that needs to be looked at and addressed in this way going forward. So not all of these issues are conditional use permit approval issues. Maybe they are criteria or conditions to the permit.

We think that with respect to the issues that Pat and Steve are going to talk about tonight, the application looked at in total complies fully with the requirements of the CUP on these issues with respect to signage and fencing and noise. And so I'm going to turn the time over to them to talk about that.

Pat
Sweeney:

What, what we thought would be most useful would be for Steve and I to go back and forth. He'll be commenting on my comments and visa-versa. We have a technical issue that all this was set up on an, an Apple device, and apparently the new system doesn't like Apple. So we've shifted it over to Windows, which doesn't like Apple, either. So, we do have all the information that Francisco's referred to in PDF form that we can scroll any of the, any of the items that Francisco mentioned.

A lot of these things have been covered in our submitted plans and appendices in previous meetings, but, you know, that's not particularly helpful to you. So we're going to try and get into the heart of the matter with respect to these four criteria. We're going to take them in order where one segues into the next. And so the first one will be usable open space, that's Criteria 9 of the CUP criteria. The second one will be fencing, screening, landscaping, and separation. That will be...that's Criteria 7 of the CUP process. The third one will be noise, vibration, odor, steam and other

mechanical factors. That's Criteria 12 of the CUP process. And the final one will be signs and lighting.

So we'll, we'll start with the first one in there, which would be the usable open space. And that's right there, Steve, you're right next to it. Right there, one up. There we go. And Steve's going to take that. So this really is a subject of one of the drawings in our application. One of the pictorial drawings. And Steve's going to find that. That's way up the top, Steve. Right there.

Steve

Perkins: Okay, and this drawing shows...well, I think, first to back up. You saw on the Exhibit for the outline for this topic that really, the master plan process established that open space was really the criteria for establishing the density in the Creole and the Mid-Station sites. And the original Sweeney Master Plan had 123 acres, and 109 of those acres have been dedicated as open space area. I think Francisco has outlined this already, but again, within those two parcels, those two area building boundaries, we were additionally required to maintain 70% open space, so that building footprints could occupy only 30% of that space. So this diagram here, which is in our package, in the visualization drawings, shows the open space areas and the various types.

Pat

Sweeney: Can, can you move your pointer around there on that, Steve, so you could show them the big space.

Steve

Perkins: Okay. So, project open space not intended for recreational use is primarily the steeper areas within the cliffscape areas that have been discussed at length. The project usable open space areas are the lighter green areas that primarily are in the central portion of the project in here. And then the dedicated open space outside of the project area or the building area boundaries is the darker green that's shown on here. And then this is an overview of the entire 123 acres, again with our project site right here.

Pat

Sweeney: One comment. A lot of the usable light green space that you see there is ski runs.

Steve

Perkins: Yes.

Vice-Chair

Joyce: Do you, do you want to take questions as we go or...

Steve

Perkins: I think that would be easier rather than skipping back afterwards.

Vice-Chair

Joyce: Trying to navigate back and forth? It's not directly related...well, I guess it kind of is. One, one of the things that we've talked about in past meetings is what's truly deemed to be the project boundaries, and discussion about what are building footprints versus the project boundaries versus the restricted open space zoning that was done, or recreational open space that was done. In this picture, it looks like there's a whole lot of cliffscape that's in...I'm just judging by the contour lines, there's a whole lot of cliffscape right up behind buildings, what's that four and five up in here, that, that are outside of what you've drawn as the project boundary lines. And they seem to be in the ROS part that was, was zoned, it changed for zoning. And when we looked at those line before, you guys have said, oh that's just the lines for, I forget what the map was that we were looking at, the particular plat. But you were describing those lines as being the area that was addressing building heights, and you said no that's part of the project. But it looks here like even in your own things, those cliffscapes are all outside the...or not all. Most of the, most of the cliffscapes are outside the project lines.

Pat

Sweeney: I'll address that, Steve. Can you go to the, to the first drawing in that stack, the very first one? Probably the best way, Steve, to explain that is the way we look at it is, our family started with that piece in green, and also some area down by the old Coalition building and some lots in between. And we took three-fifths of the density, the paper density from this based on zoning at the time, and reduced that by two-fifths. So we took three-fifths and, at the request of the City, put it down here.

Our perspective is that the land in the Master Plan that's available to serve the Master Plan is this entire area, subject to all the underlying commitments we've made with the ski area, the City, and others. A good example of how that works, and there's three of them to date, that led to the first three plats on the hillside portion, are the upper Norfolk lots. There's two of them at the end of upper Norfolk. I built one, a friend built another, and subsequently our friends bought that one. But when we did that we, we put in a lot of

improvements on those two lots that allowed ski access to upper Norfolk. And those improvements were outside of quote, unquote, the building area zone, or the building area limits. And they resulted in grading that went outside the platted lot lines. And all, all the dirt, all the dirt was put on the ski run, the lower part of Quit'N Time and so that the ski run could be made wider. And also in the process we created a better norther exposure.

All that activity happened outside of the building zone, or building limits. Our interpretation of those is that that's where the structure would go, the occupied structures. The same thing happened in the next plat, which involved the two homes built my Larry Meadows, the Fifth Street homes. Once again, there, there were significant retaining walls relative to those homes, and between those homes that are outside the quote, unquote, building area limits. And all, we took all of the dirt from those two homes and put them on lower Quit'N Time and improved it even more. And then finally, on the third plat that has been created from this piece is where my current home is. It's a small home but I disturbed about four acres to put in a water line down to the water line at the bottom of Quit'N Time. Disturbed it once again when it broke, when it leaked like a sieve. And so, although I'm well within my building area limits and I don't have any structures outside of there, there was a lot of work in regrading that went on in the ROS. And with that site also we didn't haul any dirt off-site. The only thing we hauled off-site was trash.

So we look at, we look at this project as a similar situation, but obviously of a great magnitude because of the unit equivalents. I don't know if that answers your question.

Vice-Chair
Joyce:

I, I don't want to get too deep in it tonight. I said, I started with, it's kind of a side note. But it was just interesting to see the borders up the, the project borders. I think this will come back to us again, but I just kind of wanted to point it out when you were looking...even, even the charts that you were showing us when, when the area were kind of outlined as here's the two chunks of land that we were moving all the density into, I, I don't think there were....I'm not going to put words into my fellow Commissioners' mouths, but I wouldn't have as much concern if there was something like, we're putting dirt into a ski run to level something out, and then we're going to come back in and grass it in, whatever. I think the concern that I've personally have had is, is, you know, it's a hundred foot permanent cliffscape. So it's not a question of was it a temporary thing that we did that goes away. It, it's a

giant retaining wall that's forever, hopefully. And so I just, when we come back to that I just want to make...this is kind of a good one for us to come back and grab. But I appreciate the description.

Pat

Sweeney: Okay. And Steve's going to get into some of those questions you raised. And to finish up with Criteria 9, which is the first item, the key concept is that the source of our intensity was really transferred from what became open space. And that was the idea behind that entire master plan.

The next criteria that we're going to cover is one that follows, which is the more detailed landscaping items that you started to mention, Steve. But, and Steve Perkins is going to talk about those. And, and they, they are criteria two, the second item, Criteria 7 of the CUP criteria, fencing, screening and landscaping to separate the use from adjoining uses.

Steve

Perkins: I'm going to go ahead and read through this outline, because I think if I try to jump back and forth between the outline and the pictures it's going to be a very difficult presentation to follow. Anyway, what, what I want to talk about is, as Pat said, the criteria number 7, which really talks about how we separate our project from our neighbors and, and adjacent uses. And so the first thing to talk about is that...and I'm going to jump a little bit here. The original Master Plan, part of the Master Plan approval was that there would be significant setbacks and buffers established as part of that. So when you start looking at the areas that we have intervening between our neighbors and our project, they are significant. Especially when you look along, for instance, in here, we have significant separation between neighborhood and our buildings. As you look on the western border here, along the four buildings, there's significant separation between our buildings and the neighborhood. Probably the closest relationship is along the Lowell frontage. And as you all know, that is our single point of access, and we really have to be close to that. And I'll talk about how we're dealing with sort of mitigating some of that with vegetation in a second.

So anyway, in addition to that separation, we, we are going to propose, as Francisco said, significant landscaping. But I want to...just in, in terms of discussing the criteria in order here, Francisco mentioned fencing specifically. We really have not proposed any fencing to separate our project from the neighbors. The fencing that we have proposed is primarily safety fencing related to skiing and, and also for protection

people above the cliffscapes. And I'm going to go to exhibit in our written and pictorial, which is Exhibit 33.

Pat
Sweeney: Page 33.

Steve
Perkins: Page 33. Sorry. See if I can find it here. Okay. If you, if you go to page 33, you will see that even though it is, there's not a construction detail describing what those safety fences are, there is significant details as to how they're to be constructed. And in fact, some of these fences are already in place along the ski runs and along...

Pat
Sweeney: Upper, upper Norfolk, Town, Town Bridge, town run.

Steve
Perkins: So those include [inaudible] posts with 3/16" stainless steel wire spaced at 3-1/2". And located uphill from those will also be fences that the Park City Mountain Resort requires for temporary fencing, which will be constructed from 12' high, 4 x 5 wood posts set in concrete, located 30 feet apart with 3/4" galvanized eye bolts in them that they can then connect temporary fencing to. So from a fencing standpoint I think we do have some detail in there. And we're not proposing any other types of fencing, walls, or anything else that has a vertical separation to our neighbors. We feel that both the topography and the separation of distance, and the supplemental landscape that we would be installing after the completion of buildings will do a substantially good job of doing that.

Commissioner
Phillips: Can I ask you as question?

Steve
Perkins: Sure.

Commissioner
Phillips: So are you proposing this type of fencing above the cliffscapes as well?

Steve
Perkins: Yes. Something similar to that, yes.

Pat

Sweeney: That's exactly where it needs to go to meet the safety requirements of Park City Mountain. If you look at the pictures. Steve, if you could.... we lost it. There's a picture there with a snow cad and a fence. That's on upper Norfolk. Same scenario. The upper trail that goes to Norfolk, there's a 20 foot drop there, and we have that same exact same system. We have a permanent stainless steel fence that's 6' tall. And then in addition to that on the inside towards the trail, the Resort required what they all the Halloween rope, which they string on, on those 4 x 4s that are 30' apart. And they can move the rope up as the snow level changes.

Planner

Astorga: If you look on page 115 of your packets you'll see the location of the proposed fence. What I'm hearing is that the fencing is not being proposed to separate uses. So if we're talking, going to talk about that criteria, let's focus on the screening and landscaping.

Steve

Perkins: Yes. That's our next topic. Okay. If you could look at your screens. There's really, in our minds, three sort of different types of landscape areas that we're going to be dealing with, with this project. The first one is sort of the frontage areas here, and the areas around the, the buildings, and the central amenities plaza, which would be more ornamental type of landscape experience.

The second area that we have to deal with is the ski runs and the lift areas going through the project. So we have ski runs here, a ski run coming through here, and then, of course, the areas immediately adjacent to the lift.

The third area that we will need to deal with from a landscape standpoint will be the cliffscapes, which will be quite steep, on the sides of the one buildings and the five buildings, and then also around here to the four buildings. And that has a whole different set of demands from a landscape standpoint. So, we have...the, the drawing that you see here, let me see if I can...this drawing, if you zoom in on it, and what I'm going to show you the area right along the Lowell Frontage, shows proposed tree plantings and ground covers, ground cover areas within the project. And the sort of bluish colored trees with the scalloped edges, these like right here, represent what we think would be a conifer location. The other tree symbols, the lighter green and the green with this orange represent

what we think would be deciduous trees. Now to go in and at this point designate each and every one of these trees by species is perhaps, I think, a little bit...it's very time consuming and very expensive. And we don't know at this point whether we're even going to be landscaping a project similar to this. But in response to Francisco's request, we prepared some additional landscape guidelines.

Pat

Sweeney: Steve, they're down towards the very bottom of your stack. Just hit the pedal and then back up. Right there. I'm sorry. Keep going. This all was put together and then taken apart by technology, so. There it is.

Steve

Perkins: Okay. A draft, where we have listed not only some landscape species for each of these planting zones, but some sort of more general guidelines as to how they might be approached. And, and each...all these plants that we're going to, that are on this list, and we will give this list to Francisco and we will let him review it. And we will be glad to discuss the plant species that are listed.

Pat

Sweeney: And also, I want to point, the reason we got draft on there is because we're interested in what you all are going to say and what the Staff says in terms of what type of plants. What the, what the menu is, so to speak, before we go into a lot more detail. But we think we've covered the logical choices for you all. I mean, the ones that I think you see every day driving up and down the streets of Park City walking, and that you approve.

Steve

Perkins: And also, I think, Park City as a community is very cognizant of the fact that landscaping is a major water use in the community. Most of these plants have been selected because they are either native or low water use, and that they are compatible and will do well and flourish in a Park City environment. General principles are, is that we see the landscape plantings as being informal rather than formal. We think that that fits better with the location, the site, the adjacency to open space areas. We also think that the tree plantings give us opportunity to buffer, buffer from our adjacent neighbors, to soften the architecture, and to, so to create shade and visual variety within central spaces. Obviously, there are some concerns that we have interfaces with the natural environment that we

maintain. Sort of good wildfire practices in terms of laddering and fuel loads and that sort of thing.

All, all the planting will be irrigated with a drip or low flow system. We may have...in the cliffscape areas we have no...cliffscapes and ski trails, actually, would have no permanent irrigation. We may have some temporary irrigation there to help establishment of trees earlier on, larger trees and shrubs, but typically that's going to be an unirrigated area down the road. We would use weather smart irrigation controllers that are based on an evaporative [inaudible] rate. And we would allow, obviously, some of the operational issues, having the system easy to drain for winter time shutdown. And we would also utilize mulch, either gravel or bark, to reduce evaporative [inaudible].

The, the plant materials that we've selected, the next page, are ones that are available commercially, locally. A lot of them are natives and many of them are drought tolerant. You can see the list. I'm not going to go through it. We also have, obviously, the opportunity to do some annual perennial plantings. In terms of lawn areas, we will comply with the code that restricts the amount of that lawn area. We see, we see that that is a desirable thing only to be used in specific areas adjacent to active outdoor use areas.

On the ski trails we're using a hydro seed mix that has been used and tested by the resort already. So it's similar to the mix that they also apply for revegetation on the ski slopes. Where we have the lift terminus, we will probably use some lawn there, similar to the lawn that's at the terminus of the Town Lift base.

And then in the cliffscape areas, we'll use a combination of hydro-seeded shrubs and grasses. And then where we can create planting pockets with deeper soils, we will then go ahead and plant on site larger trees and shrubs in those pockets.

Our expectation is that over time there is going to be native species that are going to naturalize in those areas as well. So in the combination of those two, we will get an establishment of sort of a native plant community. All the plants suggested for the cliffscapes are natives.

From a maintenance standpoint, all these areas would be maintained. And especially on the cliffscape and the ski trail areas we would be sure

to eliminate any noxious or invasive plants. And that would be an ongoing maintenance thing, there. Questions?

Commissioner

Thimm: So in these guidelines, so this is a palette that I guess that can be looked at in terms of planting materials and that sort of thing for, you know, as you indicated something that will be vital and, and will survive. Is there anything in here that speaks to maturity or caliper size or anything?

Steve

Perkins: We didn't, we didn't list anything about sizes going in. I think the important thing on planting is that we not over plant. This is especially true from a water use standpoint, that really the plant groupings and spacings be, the plants be located with spacing that would reflect the mature sizes rather than packing them in close together. And again, that means less plants so that the larger distribution of those plants would need less water.

Pat

Sweeney: Commissioner Thimm, I...regarding that you have some, I mean do, do you have some ideas? Would you like something along those lines or...

Commissioner

Thimm: Well, I, I think it's important that...in, in terms of the buffering and thinking about adjacent properties and that sort of thing. And if we're using planting materials as that mitigating factor, that they go in and have a level of maturity and a strong level of survivability, and, you know, enough size so they actually at day one start to achieve the buffering that, that we're talking about.

Steve

Perkins: I think that that actually is, is a neutral sort of benefit. Because that area is in fact our front door. And that's where we would also want to put larger plant materials. So I think, I mean, I don't see that as being a problem. I think that's probably going to happen in any case even if we didn't have the neighboring residences there. But I, I think we, we're more than happy to work with Staff and everything on that. And you look at specimen trees for those areas and to locate them where we can achieve the best sort of screening and buffering.

Commissioner

Thimm: I think that's a good idea.

Pat

Sweeney: Just so I'm clear on that, that's your main concern in terms of maturity upfront early on would be along the interface with the adjacent homes and the street.

Commissioner

Thimm: Especially there. I mean, we want to see everything survive and, and achieve the goals that we're talking about. This is an area that, you know, is viewed where we view ourselves as a place where people like to come and visit us and we like for them to have, I think, a proper backdrop for the rest of the City.

Steve

Perkins: Another consideration there, and it's not necessarily shown clearly on our plans, but from a grading standpoint, our anticipation is that we would be able to stack soil up against the, that parking structure, if you will, in those locations. That also, then, gives us the ability to give plant materials up higher, initially. So I think that that is also one of the things in our tool box that we can look at from a planting standpoint.

Commissioner

Thimm: Okay, thank you.

Vice-Chair

Joyce: Yeah, I had the, the same concern. And I think that the issue...you know, normally when we look at, you know, landscape plans and we're trying to buffer something out visually, the thing we're hiding is a ten foot wall or a two-story house or something like that. And you guys obviously have a challenge that we've never seen before in Park City where you have, you know, very large buildings in an area that's adjacent to much smaller buildings. And you guys recognize that, because when you look at the, all the visuals that you gave us of, you know, that we've gone through a number of times of looking at the building from different intersections and things like that, you had some pretty large tree plantings and things like that in there already established. And, obviously, you're not going to plant it to be full grown. But, I think that is something that we'd like to see some more detail on. And quite frankly, I'm much less concerned about anything that's like around the pool and between Building Four and Five

and things like that, and much more of the buffer both down along, what was it, Building Three and kind of along that line around the, as you get down to the string of the smaller building, but certainly around Lowell. And if there's a way that you could maybe sync up the things that you had shown us in those kind of visual diagrams that we had in such a way that we can look at and go, yeah, you know, you're not talking about planting a 20-foot tree. What you're showing us in the visuals is a 60-foot tree because, you know, that's nice 40 years from now or something. But, you know, we need to understand. Certainly things grow at different rates and some things are evergreens and some things are deciduous. And I think that's the piece that if you can help us not only with a little bit more detail, but maybe with some visual. I'm not looking for some big model or anything like that, but you've already kind of done a cut at that. So if you could go back and look at the things you already have shown us and figure out how...what, what would those be. Does that make sense?

Pat

Sweeney: Yeah, actually, Steve, we're working on a 3-D model kind of along the lines of what Commissioner Phillips suggested some time ago, that we have that ability to show those individual trees and sizes, that kind of thing. It would be very helpful either from you all or the Staff to get an idea of what you think is a big pine tree going in up front. The survival of pine tree, fir, aspen, choke cherry, whatever we decide on as a group. And then we could, we could highlight those.

Vice-Chair

Joyce: Well, I think, I think the first thing...we could go into a lot more detail. We just don't have much to work with here because you'd have to kind of go through area by area. The thing that, the thing that works really well when its sitting on top of a 10-foot retaining wall trying to hide the next 10-foot retaining wall is different than when you're right next to a house looking at a 40-foot side of a building that has stuff right behind it that almost looks like its adjacent. I mean, and all of a sudden your perception is you've got 80-feet of vertical right there. I don't think I can give you an answer to one tree that does both. So I think that's part of it is, unless we have differing opinions, at least both Commissioner Thimm and I have said look, it's the, it's the borders along to the other properties that's the areas we care about. And we, I'd like to hear kind of a story about the cliffscapes a little bit more. You talked about pockets and stuff, but is there real design to create those. But, I, I think if we could get into more detail of what the

different sections are and what the different pieces would be in each of those.

Director

Erickson: Here, here's where our kind of concerns that we'd like to bring to the Planning Commission. We'd like some careful thought with respect to the planting plan and the snow removal plan at the same time, in that we're not trying to plant large trees where we're projecting snow removal and snow storage. We'd like some micro-climate thought of having large trees up against what effectively is a heat sink on the east facing walls of those buildings. And so as we go through town and we review our previous landscaping plans, the heat sink of the retaining wall affects what vegetation can grow in front of it. We need to consider carefully how the vegetation interfaces with the sign plan. So all of those criteria.

I also think the Planning Commission maybe wants to consider the existing micro-clim on the side of that hill, and that most of the vegetation that is deciduous is oak brush and choke cherry, and that, that grows on the east faces. And the fir trees grow on the north facing. So if we attempt to reverse that trend we're not necessarily doing the right thing for the, for the site. So, those are the kind of details we're looking for. Not necessarily picking the exact plant as much as establishing the criteria.

So as we develop conditions of approval or conditions for denial, we've at least got some criteria to review the future plans against. And so would the Planning Commission consider those items as well at the request of the applicant?

Vice-Chair

Joyce: It would be...I think everybody's goal here would be, if we could get to a set of kind of generalized guidelines that the Planning Department could apply administratively at some, you know, some date in the future. If we could get to that level of agreement, then I think that just gets buried in conditions and we're good.

Anything else for this piece?

Pat

Sweeney: So regarding that, we, we will do the 3D. The written pictorial has kind of a story of how it all works. We'll work from that with Staff, and then we'll study what Bruce talked about. I think upper Norfolk homes that are now

15 years out are a good example. And we can maybe learn something from taking a look at those. There's probably some things we could have done better. But there's also some very good things.

Moving on. The next item tonight is the Criteria 12, which is noise, vibration, odors, steam and other mechanical factors that might affect people and property off site. And I'll be doing that.

Starting with the criteria. If you look at the slide the Criteria is 12. The condition is the first two lines, noise, vibration, odors steam and other mechanical factors that might affect people and property off site. The most important thing, we think, in regards to this is that there is an ordinance, it's been developed over the years. It's got a lot of detail. It's enforceable and, and it's in place. And we intend to comply with that completely. And the purpose of that, the noise ordinance is to manage really people being considerate of one another. And the principle guiding that is that...is of timing. And it's real specific. It's less than 65 dba from property line. That's PL, 10:00 p.m. to 7:00 a.m. And then on Sunday to 9:00 a.m. And that is because our distance is both horizontal and vertical, it's relatively easy for us to achieve.

And we intend to do better than that. Fortunately, our site is such that we are back and above our neighbors. And the mass and the structure will prevent that sound from penetrating, for the most part to our neighbors. And we really have more of a reflection problem up towards ourselves, which we intend to deal with, because we are our closes neighbors. And this is a residential project.

Distance is a mitigator. And Steve, if you could please go to the visualization drawing that shows that. And that would be up towards the top of your list there. It's right there. So there's, there's, we took...this drawing is from 2008. We took several locations and looked at the separation in terms of distance, vertical and horizontal. These are not to scale. For example, Section C, which Steve would you mind just hitting that with your mouse. So this is Section C. Anyway, this, can you read there, Steve, that number right there.

Steve
Perkins: 135.

Pat

Sweeney: 135 feet from here. This is an active area of gathering and outdoor dining. And this distance to the top of the...is 40 feet to the top of that home. And that, that is right here. It's probably our worst case scenario. And that, that distance is a key factor. And the other...I'm going to show you some other slides to deal with this, but I'm going to, while I'm right here I'm going to point out. We've got a fence here, a glass fence. Acoustical glass is a key factor around those areas that are...where there's activity. People talking, a lot of people talking, sometimes people drinking and eating. So in addition to those hours where you absolutely have to abide by those criteria, we intend to put acoustical glass fences here that will mitigate that significantly. And a well-designed acoustical fence will have two, two, that's like a double-pane window, but each pane is two layers of glass laminated with a substance material that absorbs sound. And they'll, they'll, across the range that humans can hear, will drop the sound in the range of 20 to 30 dB, which is huge. And that's what these are.

And then another material I'm going to show you briefly is material that absorbs sounds, and we propose to have that type of material around all these areas where there's gatherings. So on that level the sound doesn't bounce around and is absorbed. And there's some very, very good systems to do that, and I'll show you some.

In addition, you have, you have areas where you have mechanical noise, louvers that come out for example, on this part of the project right here. The distance there is...this exhibit, 190 feet from here to our neighbors, which are downhill. Actually, it's this one here, Section F. What's that Section F?

Vice-Chair

Joyce: 155.

Pat

Sweeney: 155. And then what's to the top of the building?

Steve

Perkins: 55.

Pat

Sweeney: Yeah, 55. So that's a big difference. These are where the louvers would be. We're proposing sound louvers and basically they, I'll show you a cut of one that they, they suck the sound in, and the sound is converted in kinetic energy by glass and other substances.

So those are the things that in addition to the sound ordinance that we think are really significant mitigators. And I'm going check my list here to see if I left anything out. The other things that, that are important is the simple mass. And a good example of that is the, the ski lifts right here where you have those two terminals, the one, the quad going up and the cabriolet going down, you have this mass here that, that protects the neighbors down below, Gary Kimball, in particular. And that, that sound is just not going to go through there. It's going to go up and then you've got lots of distance and the dB's will drop dramatically in that distance.

And then finally there's mechanical. I'm sorry. Really low frequency that you have to use double isolation and just good, good construction and design and details for things such as compressors, air conditioners, in particular.

I'm sorry, somebody had a question.

Commissioner

Suesser: You said this exhibit was created in 2008?

Pat

Sweeney: Pardon me?

Commissioner

Suesser: Did you say this exhibit was created in 2008?

Pat

Sweeney: Yes.

Commissioner

Suesser: Okay. Because, I think you need to take into consideration that a number of homes have been built around that corner of Lowell since 2008, I believe.

Pat

Sweeney: Actually, this shows the, the home that Andy Bell built. That's the one that one, one of the owners frequently talks at these meetings. That's the closest one.

Commissioner

Suesser: And what's the difference between that home and the funicular, for instance.

Pat

Sweeney: The funicular is up here. That's, that's really a ways. The...this, this section right here, actually, and this section here shows that home. And once again it's not to scale. But it, it, there's, there's a lot of separation both horizontal and vertical, and then in addition to that, Laura, where we have those active spaces, we're proposing glass, acoustical glass fences that will drop that noise. And I'm going to go through some, a little bit of physics. It's not going to bore you too much, hopefully, but to demonstrate the principles here. And so Steve, can you go. It's up towards the top.

Commissioner

Phillips: So, so while you're doing that, will you guys be providing us this information about the glass and the, the different mitigations that you're planning on doing? So that we have...

Pat

Sweeney: Yes. We, we will. We've, we've done that in our written and pictorial, but we're going to take it in a different level. And then for each of these items we're going to create an appendices as part of our, of our presentation, our submittal, for example on noise. And we're going to try and get down to the nuts and bolts succinctly, clearly, specifically.

This, this is the basic concept, the distance. And it's, it, what it really boils down to without getting too complicated, is if you have 90 dB's which is, say people talking, a lot of people talking. I mean, really, like a party. A really loud restaurant. By the time you get to 52 feet away from that source, you, you go from 90 dB to 66 dB. And if you put an acoustical fence in here that drops that 90 down to 65, then in that same distance you go from 65 to 41 dB. And 41 dB is a quiet room, like a classroom or, or a [inaudible]. And it also happens to be if you take a sound meter around Park City it's pretty much ambient noise during the day. And that's

our goal. And we're comfortable saying we can meet that. And there's a lot of design detail at the time of final design that will need to be scrutinized and subject to some careful rules. But that's, that's all doable.

Can you show them the next slide down, Steve? So this is an example of this double laminated insulating acoustical glass. It's one manufacturer. This is the outside rating. Overall it's 35 dB reduction. And all of these here are the different ranges. And if you can see those, which I can't from here, but the...it's, it's a remarkable amount of reduction of sound. And that's why I'm saying it's possible. And once again, if you have a loud party, 90; or a loud, you know, luncheon or whatever, and there's one of those walls between that party and the City, and it absorbs that sound and lets 65 out, by the time it gets to our property line it's going to be in, in the quiet room range.

Show them the next one. This is one of the manufacturer's acoustical block of stainless steel outdoor rated material that has a frame, a stainless steel front and back. And inside there, I think, if I remember right, is glass. And it, it does the same thing, it sucks up the sound. And it doesn't, it converts kinetic energy and it doesn't bounce around. And this is a perfect material or something similar to put on those, on the walls on the inside of the project where those busy areas are. Once again, we are our closest neighbors. And our residences are not going to want a lot of noise. And we're going to be front and center if there is noise.

Can you show them the next slide? That's just a close up of that material. Next slide. This is how you can put it around chillers on roofs and it provides a screen. But it, it will dramatically reduce that noise.

Next slide. This is the performance data on that system I just showed you. There's 24 installations. And this is what they achieved in terms of dB reduction. And it's, this is log rhythmic, which means that's a whole lot of sound. And once again, if you have like a modern compressor, 90 dB's, on the other side of that wall it's going to be 65. And, and it's going to drop from there very quickly.

Next slide. This is an example of a sound absorbing louvre that would be in that one area I showed you. And the, the concept there is first of all you want to have mechanical equipment inside properly isolated with, with double mechanical isolation. And you want to get the stuff that's somebody's put some thought into making it quiet. And then you, where

the air comes out you put this and, and you can get a quiet system. We've got a situation like that on the roof of the Town Lift base that we've learned the hard way on. And it has a modern piece of equipment which reduced the dB's from 110 down to 85 range. And with this system we're down to where you're standing right next to it, about 70.

Next slide, I think is...we're done. So that, that wraps up noise, Criteria 12. And we have...any questions?

Commissioner

Thimm: Can, can I ask a couple of questions? So you mentioned, I think, in part of the discussion, a noise contour of 65 dba at a property line. Where is that? I mean, is that part of what's mitigated by the glass barrier, or...

Pat

Sweeney: Well, that's the Code. That's the Code, Doug.

Commissioner

Thimm: Oh, okay. So that is not a noise contour that...

Pat

Sweeney: That's the Code from 10 o'clock at night to 7:00 in the morning.

Commissioner

Thimm: Okay, so that, that's the basic code. Gotcha. Okay.

Pat

Sweeney: And, and what we're saying is we're going to obviously meet that Code, but we can do better than that at our property line.

Commissioner

Thimm: Okay.

Pat

Sweeney: Our goal would be to get to the ambient noise. In other words, what you go up there and hear right now.

Commissioner

Thimm: Okay. And then the only other thing is...so we, we've talked about all of these mitigating factors and distance and that sort of thing. I presume

that those are all based upon full occupancy. Do we have any idea what the noise is going to be like actually during construction?

Pat

Sweeney: Construction noise is a different beast, and that's handled by a construction mitigation plan. And the same basic principles adhere, which is distance equals sound reduction. And you can actually put those fences I showed you, that stainless, around the bottom of the construction site.

Shawn

Ferrin: And that will be addressed separately as part of the presentation of a construction mitigation plan.

Commissioner

Thimm: Oh, okay. Thank you.

Commissioner

Phillips: Can, can you go to V-13 again for a moment.

Pat

Sweeney: 13?

Commissioner

Phillips: Yes.

Pat

Sweeney: Okay, Steve, that's about the sixth one down from the top. From the very beginning and scroll down.

Commissioner

Phillips: So, I just want, want to ask you a question. So one, I want to know to what degree of scale these are. This is a good example, I think, of an area where we have multiple things that we're trying to mitigate. One is the visual with the trees that we already spoke on. Second being sound. And obviously you guys have put a lot of thought into that. But my question is, are these more of a boiler plate type section or is this a two-scale with the project?

Pat

Sweeney: It's, they're flattened. If you look, if you look at this distance, and somebody's going to have to read that for me.

Steve

Perkins: 135.

Pat

Sweeney: 135. And this is 45. It's not to scale. It's like this.

Commissioner

Phillips: So I, I would like to look at, at like section D. And, and so Section D, what, what I'd like to look at is the landscaping plan along with this. But Section D you have these trees that are also kind of a secondary buffer for, for sound, I would assume as well. So you have these trees. And my question is, are those trees really going to be at the level where they're going to be between the sound source and the neighbor?

Pat

Sweeney: The answer to that question is, we have, we have similar sections on our website that are from the architectural and engineering drawings that show that relationship. This is squashed.

Commissioner

Phillips: Okay, so this is, so this is more of a boiler plate?

Pat

Sweeney: Yeah, this is, this is schematic, very schematic. To be honest with you trees and bushes don't cut out very much sound. They're more a visual barrier so you need both.

Commissioner

Phillips: But you've got light. I mean, all these things that we're trying to impact the impact of the, the closeness to you and your neighbors.

Pat

Sweeney: And I think that these 3-D images that we will have we think in June, will help you appreciate that, the vertical relief there. And, and the vegetation wrapping around the building.

Commissioner

Phillips: Okay. Thank you.

Vice-Chair

Joyce: One, one of the things that would help me, Laura mentioned it, but there's a number of places where you've measured. And I would assume that the red lines are, because it seems pretty consistent. The length of the red line is kind of the distance that you got, but it kind of misses the nearest house. Like if you look at D and E, they actually skip the first house and go to the second. And if you look at G it goes by the first house and goes to the second. And, yeah, I wish you could kind of blow that...

Commissioner

Phillips: Can I, can I build on this real quick. I'm just curious to know. So if you guys, if you guys have a 3-D model could you not cut the actual section out of the model and kind of...

Pat

Sweeney: Well, this is more of a video rendering model. But we have sections on all of this, and what Steve is talking about is true. But the, basically where you have this house here, and I know it's there. I can't see it but I know it's there, it's a little bit outside that line. And it's, um, in one of these drawings it's ghosted in. And I think like here is that scenario. Is that what you're talking about?

Vice-Chair

Joyce: Yeah, I'm looking, I, I was just mostly paying attention to your actual map in the bottom right there that, that kind of shows where all the lines are.

Pat

Sweeney: If there's certain houses you want, it wouldn't be a big deal for us to do very accurate sections on those.

Vice-Chair

Joyce: So, so my answer is the closest one. I mean, it's just, like when I'm looking at your line G down there, which is the bottom red line, there's a house that's almost half the distance away. So I just, when I look at G and I go, oh, it's 60 feet, but you skipped a house, it's like, well, what does that mean? Does that mean there's a house 30 feet away.

Commissioner

Phillips: I think some actual working sections of a few of those would be very helpful.

Pat

Sweeney: So if you, if you all or the Staff can give us a few of those we can cut them.

Commissioner

Phillips: Yeah.

Pat

Sweeney: And then they'll be to scale. And they'll be based on the, whatever Rob, whatever the survey accuracy is pretty good.

Vice-Chair

Joyce: So either to you guys or to Francisco, or if Francisco is going to do this for you. The, the thing that's interesting to me is, you guys have a, a fair number of active outdoor areas that are over on, I'll call it, the neighbor's side. So, you know, I, again, I'm less concerned about what's going on around the pool as much...because it's surrounded by buildings, as much as I am your impact on the neighbors. And that's what you did with these red lines. But to me, the, the easy thing I would like to see measured is every time you get the middle of one of these outdoor activity areas to the nearest house to that point. So it's not like I care about neighbor Fred versus neighbor Jim. Whichever house is closest, that's the one I care about.

Pat

Sweeney: We'll do that. We'll do that.

Steve

Perkins: And Steve, I think just to, I think Pat already said this, but if you really look at these diagrams, our closest neighbors are the people who are going to be living upstairs from these active outdoor use spaces. So we really have a sort of responsibility and a desire to make that experience out there good for them as well. Because my experience in working with all these, a lot of these kind of projects is that that's your worst problem from a noise standpoint, is actually the people who are living in the units above these outdoor spaces.

Vice-Chair

Joyce: Yeah, I, I would completely agree with you. But I trust that you're going to be really focused on taking care of your [inaudible]. I'm worried about the mitigation of impacts to the people around you. And for what it's worth, when I see the...I mean, I understand the physics of the, you know, the sound diminishing as you go out a square distance, but I can tell you, I live up in the Aerie, up in April Mountain, and I'm three-quarters of a mile from Old Town and on a quiet night when kind of everything else is settled, I can hear people talking in Old Town. I can hear a dog bark. And I guarantee that dog is not barking at 140 decibels or anything. So there's, there's a lot of sound bouncing around. It doesn't all just follow these straight, you know, sound room kind of measurements. And, you know, the good news is you guys are going to kind of mostly be bouncing up and away from it. But, so anyway, that's the thing.

If you guys had very little outdoor space over on the neighbor side of things and almost all your outdoor space was, I think of it as kind of a big courtyard kind of surrounded by your buildings, I would be less concerned. So, I think I'd like to see details kind of from there to the nearest house from each of those places. And I think you guys are close.

Pat

Sweeney: We'll do it.

Director

Erickson: So here's the other things we kind of want the Planning Commission to think about. In the course of doing the previous portions of the Sweeney project and the Town Lift Master Plan there was some significant mitigation strategies in the conditional use permit for snowmaking noise. There was significant mitigation strategies for some of those adjacent houses in terms of windows.

I also think that Commissioner Suesser was right, she was looking at the funicular. That is a pretty small scale operation. However, the closest neighbors to any component of this project are going to be the gondola or the cabriolet, depending on the lift system. And I think we should see some strategies at least to minimize shiv noise. And if, if you think about riding the lifts, you can hear sometimes the lifts going over every one of those towers. Now it's affected by lift technology, and the old triple chair that's sitting there now is damn near as old as me. But I think it has to do with rope tension, it has to do with the rubber line shivs. It has to do with

some other things in order to reduce that noise where our closest neighbors are to the project. And that, that goes through Park, Woodside, all of those streets. So I think we need to see some strategies with respect to snowmaking. We need to see some strategies with respect to the lift operations.

You've spoken before about the operational times of the cabriolet, and that's also a noise strategy that you're going to want to consider going forward.

Vice-Chair

Joyce: And certainly the snowmaking has the downside of that's at night when the noise ordinances are in effect versus a ski lift running, which doesn't tend to be...

Director

Erickson: The gondola, the gondola is going to run, they've represented, as midnight plus/minus. So that, that's running at night. And we're not real sure that the noise ordinance is limited to the times that are being represented here. We think the noise ordinance exists all the time, and this is the outdoor dining or special event deck restrictions. So we're going to look at that a little bit.

Pat

Sweeney: So just to comment on that, and then maybe we want to move on. Your point is well taken, Bruce. And we'll look into implementing these same strategies with the cabriolet. Closed cabin, materials, how it's made. I think the hours of operation if you read the noise ordinance, you're probably limited to 7:00 to...7:00 to 10:00, unless there's some dispensation based on performance. And that is, you know, actually measuring when it's up and running. And we're very sensitive about that. I think it's a good point. And we'll, we'll include that in our appendix with regard to noise. And look forward to maybe getting some input from the Staff on that as well.

Vice-Chair

Joyce: Preston, John, anything?

Pat

Sweeney: So, like I said...

Director

Erickson: Last one. I'm sorry, Pat, but will you also go ahead and identify emergency gen set locations and bury and buffering those as well?

Pat

Sweeney: Yeah, those are noisy. We, at this point, I mean, in final design it's pretty hard to tell where those will be, but typically they would be on top of a roof and we would use that system I showed you.

Director

Erickson: That's fine. Just give us a criteria to work with.

Pat

Sweeney: Okay.

Laura

Suesser: Can, can you just clarify one other thing for me. Your main access point, that garage that comes off of Lowell, all of your delivery trucks, the garbage trucks, the people coming to the projects, everyone is coming into that garage there, or are they going to be using that emergency vehicle access?

Pat

Sweeney: We're going to try and hone, kind of zoom in on this. Okay, we can't. Sorry. We'll try and work with IT here and get, get it so we can do this better next time.

Director

Erickson: So I think the last criteria after we finish this will be signs for tonight.

Commissioner

Thimm: Did we touch on lighting, yet?

Shawn

Ferrin: Signs and lighting are together.

Director

Erickson: Yeah, signs and lighting are together.

Commissioner

Thimm: Oh, okay. Yeah, you're right. Okay.

Pat

Sweeney: So, I think your question is are the deliveries in this driveway right here?

Commissioner

Suesser: I'm, just asking...

Pat

Sweeney: Is your question is it the deliveries in this driveway right there where the little hand is swirling around?

Commissioner

Suesser: Yes.

Pat

Sweeney: Okay. The answer is no. The deliveries are down here. And the actual business end is right under here. And that shows on our drawings. And the idea is that even the bigger, like the Sysco trucks and so on, there's a three bay dock that's buried under here.

Commissioner

Suesser: But they all come in the same road?

Pat

Sweeney: They would come, they obviously would come by one of the two roads. And that's one area where we have some leverage as far as the City saying which road. I mean we can enforce that, not perfectly, because nobody's perfect, but, but you can say to Sysco or whoever. And Gary Horton will be talking about that in some, some detail next time about how many deliveries we expect a day. But we can, we can regulate those because, you know, you can basically execute a contract and you have some leverage, which is you use the other guy if they don't comply.

Commissioner

Suesser: Thank you.

Pat

Sweeney: So next is noise. No, I'm sorry, lighting. Signage. Lighting and signage.

Planner

Astorga: I have the, the, both plans. Unless you want to show additional information. I've got the illustrated and I have the sign. Do you want it?

Pat

Sweeney: We probably need...because he's got a little bit of stuff. Why Steve's getting ready there, the next one is Criteria number 10, Signs and Lighting.

Steve

Perkins: Francisco mentioned the signage ordinance, and it is quite extensive. Okay. This is CUP Criteria 10, simply signs and lighting. As we just said, the important aspect of that is the Sign Code. It requires that for a project with multiple buildings that a master sign plan be developed and be reviewed administratively by Staff, as Francisco has mentioned.

I'm going to review proposed signage and some project restrictions that we're going to suggest. Then we're going to move on to lighting. Again, there are sections in the current Code that do deal with lighting. I'll touch on those. On some lighting principles. Look at what kind of lighting fixtures are acceptable and which are unacceptable. And talk a little bit about light quality and control. Oh, where is it?

Pat

Sweeney: Towards the top, sixth one down.

Steve

Perkins: Okay. This is sheet V-14 which is an exhibit in our visualization drawings. And as Francisco mentioned, it is a schematic drawing showing where we expect that certain types of signage would occur. That signage ranges from entry monuments to information kiosk, to transit signage to project identification signage, directional signage, trail signage. Obviously this...until we have sort of a final design project, this is just our best first shot at where all these should go. Francisco also mentioned the exhibit that's in the, also within our package, that describes each of these different signage elements, and, and talks in general terms about what we think the materials they would be built out of. Obviously, until we have sort of a project architectural kind of concept and theme, we can't really coordinate that, that tightly with signage. But most of the materials we're suggesting I think are very appropriate to the location of the project and, and the architecture that we're showing now.

The master sign plan, which is required, will establish a comprehensive approach to the Treasure project signage. We'll try to develop a common vocabulary for the signage elements. The signage will be integrated in the project architecture. It's going to be harmonious in material, color, and character. And the master sign plan is a vehicle for assuring that the project signing is coordinated, legible, efficient, and creates unique project identity, provides convenient information and wayfinding for users.

Now when you go through the sign ordinance it is very specific about sizes of signs, heights, colors, letter types, all that sort of thing. And we would abide, we would, we would abide by that sign ordinance.

There are a couple things, though. We recognize that with our nearby neighbors, residential neighbors, that we think we're willing to restrict in terms of signage for the project. And the first of that is that we would be willing to assure that no commercial signs within the Treasure project would be visible from the adjacent public rights-of-ways, or from adjacent residential, residential areas, number one. Commercial signage would instead be oriented to the internal pedestrian ways and portions of the project, and not directed out towards the adjacent neighborhood.

The second restriction we would be willing to entertain is that no backlit signs within the project would be visible from either public right-of-way or from the adjacent residences. Otherwise, our signage would comply with the Sign Code, and the lighting on signs would sort of apply the principles that we've noted below, and also to the, the lighting standards within the Sign Code.

Before I go on to lighting, can we go ahead and ask for questions on the signage.

Vice-Chair
Joyce:

One thing that isn't on this map and it may be really more the kind of the City handling it than you guys handling it, but at some point when we get through all the transit pieces there was, there's been a lot of discussion about do you go up Empire, do you go up Lowell, do you go this way and down the other and all this kind of thing. I'd like to, by the time we get done I'd like to see some transit signs kind of on the way back out towards the intersection with Park Avenue that talk about whatever it is we're trying to...however, it is we're trying to flow the traffic needs to be shaped that way somehow. So that's just one more set of signs that, and again if it's

the City doing it that's fine, but as long as we can identify what needs to be done and agree on that.

Steve

Perkins: So you're talking more about off-site signage than...

Vice-Chair

Joyce: Yeah, yeah. Yep.

Commissioner

Phillips: Wayfinding.

Vice-Chair

Joyce: I mean, I just...yeah, wayfinding signs. There's just been a lot of discussion about how that traffic can flow well with the addition of, you know, PCMR traffic coming out and all that kind of stuff. We just need some signage to try to drive whatever it is we're going to try to accomplish.

Planner

Astorga: Yeah, those fall under the category of public necessity signs, which are reviewed heavily by the Engineering Department with the Planning Department's input. But I think that will be part of the traffic and transportation update that we can make sure to not forget about those.

Vice-Chair

Joyce: Okay. Perfect. Thank you. Anything else on signs.

Commissioner

Thimm: Well, just a quick question. One of the restrictions that you indicated you'd be open to was something along the lines of no backlit signs will be visible to adjacent properties, or something along those lines.

Steve

Perkins: Yeah, from public right-of-way or adjacent neighboring properties.

Commissioner

Thimm: Does that mean that other types of lighted signage will be visible, other than backlit?

Steve

Perkins: The source, well, we were going to talk about lighting next, but the source of that lighting should be shielded so that the source is not visible. I mean, that's part of the, sort of the, what the current ordinance reads, and what we would be doing as well. So, but the actual, in terms, in terms of having, if you think about the front of the project, we're going to have an entry monument sign. It would probably be lit at night. I mean, it, it would not make sense from a wayfinding standpoint to have it not lit. So, yes...

Pat

Sweeney: Explain how it would be lit.

Steve

Perkins: Yeah, and so from sources that would shine on the sign, but not...but the visible light of the light source would not be visible because of the shields and the construction of that fixture.

Pat

Sweeney: So goosenecks with the canopy with the site.

Steve

Perkins: Yeah.

Pat

Sweeney: Does the type of light fixture with the right spread and everything pointing right at the sign but nowhere else. And that's kind of done a lot on Main Street, and I know at least on our building.

Vice-Chair

Joyce: Okay. Anything else on signage? Okay. Lights it is.

Steve

Perkins: Lighting would also comply with the, the Municipal Code, specifically chapter 15-55(I), as well as general recommendations from the International Dark Sky Association, and the lighting standards as recommended by the Illuminating Engineering Society of North America, as well as any applicable building codes.

Lighting design at Treasure will seek to reduce light trespass, excessive glare, and provide for a safe and secure nighttime environment, and promote energy efficiency. And those are our goals. And we talk...you

just asked about lighting fixtures. I've got on the screen here the International Dark Sky Lighting Basics, and the International Dark Sky Association, an association in which is involved in trying to maintain dark skies throughout the, the globe. They have...we're really sort of the pioneers in this. We have, since our initial application, subscribed to their principles as part of our set of project goals.

And this is an example of what they say are acceptable versus unacceptable light fixtures. You can see that the unacceptable ones, which are on the left, have exposed light sources so that they create glare, and are unshielded and are visible. The light source itself is visible. The ones on the right are the acceptable light sources. They are typically fully shielded or partially shielded. In addition to the shields, the lamps can have different distribution patterns that can be employed to make sure that light spill doesn't happen onto adjacent areas. And the, the sources for those lights then...in, in that manner we can sort of restrict the pollution of light in adjacent areas into the night sky and within our project area as well.

The last thing that we'd like to talk about is the lamp type and color. You know, LED has become a very important element in lighting industry because of its energy efficiency. But LED lights emit a lot of blue spectrum light. And I think this is also recognized within the, the Municipal Code. We would like to suggest that we would not be using any light sources that are less than 3,000k. Or, or greater than 3,000k, sorry.

And then we also would like to suggest that we would be employing photo cells, motion detectors and dimmers to help control light, especially in off-peak period.

So any questions on the lighting?

Director
Erickson:

So, I'm going to leave a lot of this to the expertise of the architect in town, but the greatest potential light source for off-site are going to be the windows in the residential or hotel units. And so we're going to be asking the Planning Commission to ask for direction or mitigation strategies for those light sources as well, consistent with the lighting ordinance and the conditional use criteria. So, I think that's going to be a concern going forward. We've mitigated that stra-...we've had mitigation on other

buildings with glass relative to these, these conditions. So, that's all for me.

Commissioner

Thimm: I, I guess these guidelines are just, just very current and that sort of thing. I presume that, that the applicant is willing to make these part of a condition of approval, then?

Pat

Sweeney: Make that a yes.

Commissioner

Thimm: Want a lot more than lip service, I guess, is the point.

Steve

Perkins: Well, and, and if you look at your Code in the architectural review section, a lot of these principles are already essentially...

Pat

Sweeney: Built in.

Steve

Perkins: Built in, right.

Commissioner

Thimm: Yeah. But the, you know, the temperature of the light and that sort of thing, I, is certainly where things want to be. The, the other thing, and Bruce kind of mentioned it, but understanding light emittance from residential windows and that sort of thing is an issue that we feel that should be addressed.

Steve

Perkins: Yeah, and that can be addressed in blackout curtains and other, other means. Obviously, you need somebody to close those curtains when that room is being use, but...

Director

Erickson: And we have seen, we have seen strategies with different color glasses and distance of the internal light source to the window and all of those strategies. I do think, Commissioners, you will have, you will adopt a new lighting code sometime in the next 60 days. And so I think the measure of

the criteria here is these are going to be the standards, unless more restrictive in the new Code. Community Development Director Laurent is bringing those things forward.

Pat
Sweeney: I'm sorry, Bruce, I missed that. Can you repeat that?

Director
Erickson: Well, most of it, basically, I expect in the next 60 days the Planning Commission is going to see a new light code, and that the standards that you're proposing are the, are the standards unless more rigorous standards are adopted in the Light Code prior to your conditional use approval or action.

Pat
Sweeney: We don't have any problem with that. On the inside, houses...I know on my house which you can...if you look hard you can see from Main Street in places. On the inside I did the same thing. I fielded the lights so you can't see them from the City. You can see that they're on.

Director
Erickson: Right. And we, we have some shielding standards for the inside coming out of Summit County as well, so.

Pat
Sweeney: Yeah. It's a matter of just making it clear what you...upfront what you want.

Vice-Chair
Joyce: I think the, the challenge that I see that you guys have more than anything. I, I love that you've kind of gone after the dark sky piece, but a whole lot of that is don't light up the sky. And the easy answer is point lights down and shield them so that you're not putting light sideways, and certainly not putting light up. Again, you've heard it a bunch of times tonight, my concerns is mostly about what impact you're having on your neighbors. And your neighbors are almost all below you. And there's a lot of lights that for flat ground might work just fine and meet the needs of pointing down everything just great. But when you lift, like you were showing earlier with some of the sound ordinance kind of stuff, yeah, but the guy's 50 feet below you. And so if you're point all your lights down you're basically pointing them at him unless you get into a whole lot of

kind of light shaping. And you mentioned that but I think that's going to be really important and going to be one of the things that, especially on that outside kind of edge of your property I think is going to be really key to identify where that is. And some of its going to be a challenge. I mean, again, you guys put some, some nice, you know, outdoor entertainment kind of spaces there. And you know, you can't have an outdoor patio and stuff that's not lit. And so, those are going to be the things that when we get down to a little bit more detail, just kind of going dark sky isn't enough. If you were at the bottom of the hill it would be.

Director

Erickson: Consistent with your commentary, one of the line items in Planning's review for you would be how they intend to handle the garage entrances so that we're not moving light through those big dark tunnels out into the street as well. So we're looking to the Planning Commission to give a little bit of direction on it. There are some techniques that can be used about where you put that lighting and how far back from the door.

Commissioner

Thimm: So, so one of the things that, and follow up of Commissioner Joyce's comments that would be very helpful is a photometric plan that gave us, you know, lighting contours out until we reach zero. You know, it's based on the natural contour of the land so we understand how much light will be emitted from the site. All of this, realizing that we say all these things about dark skies, but we still want safe sidewalks and that sort of thing.

Pat

Sweeney: Right. There's UBC requirements, yeah.

Commissioner

Thimm: Yeah. So if we could look at a photometric plan, I think that would be very helpful.

Steve

Perkins: Photometric in, again, in what sense? In how much, what the maintained candles are on...

Commissioner

Thimm: So understand the foot candles as they relate to what is coming from this project and what that measurement might be at adjacent properties. As,

as Commissioner Joyce has mentioned several times, we're really concerned about mitigating impacts on adjacent properties.

Pat

Sweeney: I, you know, I think that we, I don't know if we can get to the point right now, Commissioner Thimm, because we're not at that level of design. But we can commit to, to things that Bruce talked about and Steve talked about. I, there are, if you're careful about it, with the combination of light pattern, the actual source of the light being less than 3,000kb, and shielding, we, we just need not to be shining lights in our neighbors eyes. And I, I mean, I totally get that, and I agree with it. And I think we can meet that standard.

Commissioner

Phillips: I, I just noticed something. I'm sorry, are you done? Okay, I didn't want to. I just noticed something. The, I believe there's a house right there on Lowell, right on the horseshoe.

Pat

Sweeney: Right.

Commissioner

Phillips: Where the driveway's coming out.

Pat

Sweeney: Andy's old house, yeah.

Commissioner

Phillips: And I really feel bad for them because every 30 seconds they're going to have lights shining through their windows. So, I don't know if there is anything or can be required but...

Pat

Sweeney: We're actually looking at that in some of our refinements. We're looking at moving the driveway a little bit down towards Empire.

Commissioner

Phillips: Changing the angle.

Pat

Sweeney: And then we do own the piece of property on that, the little [inaudible] piece of property there. And, and we can do some things on that. It would be somewhat of a...first of all, we have to maintain distance around that corner, so right off the edge of the curb and gutter we can't put like tall trees. But up towards the, that house you talk about, we can make that really dense, if that's what the owner's want. Or there's probably some, some, something that can be done there. But I hear what you're saying.

Vice-Chair

Joyce: Preston?

Commissioner

Campbell: I have one question, I don't know if it will be for Polly or for Bruce, but these changes that we're going to be working on in the next 60 days for lighting, those are going to be updates to the LMC, right?

Director

Erickson: That's correct.

Commissioner

Campbell: How does that affect this applicant?

Director

Erickson: It depends on what, what and when we take action on their permit. They have a, they have an application in place.

Assistant City

Attorney

McLean: The sign code, the lighting code would apply at the time that the lighting plan would be submitted.

Commissioner

Campbell: It should be at the time of the building permit, not at the time of the CUP.

Commissioner

Phillips: There's a separate application for a lighting plan like the sign plan?

Planner

Astorga: There is not.

Pat

Sweeney: We can, we can commit to abiding by that future ordinance.

Planner

Astorga: The, the issue is that...and I'm looking at the lighting code right here. I'm looking at 15-55(I) section 4, which is titled, Submission of Plans and Evidence of Compliance with Code. By the way, I'm looking at the 2004 Land Management Code, and it reads under Item A, "The applicant, for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures, shall submit as part of the application for permit, evidence of the proposed lighting fixtures and light source will comply with this code. The submission shall contain the following". And then it gives me three different paragraphs. One relating to the location. Second one, description of the illuminating devices. And third one is the photometric analysis.

So the question for legal, and I hate to put you guys on the spot, is that it says for any permit required. Now, when something does not require a conditional use permit and it's simply an allowed use, that would be at building permit stage. But I then do interpret that this needs to be submitted at this stage because this falls under the category of any permit required by the Code.

Commissioner

Suesser: So can it be conditioned?

Planner

Astorga: But we can look into that.

Assistant City

Attorney

McLean: So I think, well, I think in this type of circumstance you don't want to put the cart before the horse. And not to kick the can, but you can condition this in the CUP saying that all lighting shall be, shall meet the requirements of the lighting code at the time of building permit, or something like that. Especially, where we know it's changing.

Commissioner

Campbell: And that's exactly what I'm after is how do we make sure that it meets the new lighting code that we know is going to...because we're learning more about that all the time.

Assistant City
Attorney

McLean: Right. And we have the applicant's assurance that they would meet the new Code. So, I don't think that that would be a problem.

Commissioner

Phillips: To add a condition of approval?

Assistant
City Attorney

McLean: It would be a condition of approval related to that conditional use permit.

Commissioner

Thimm: Well, just for whatever it's worth, I suspect that there are other places where at a planned development or a CUP stage, a photometric plan can be generated and at least set a standard. Now things can change, but at least set a standard for the amount of foot candles that are impacting adjacent properties.

Planner

Astorga: Yes. And it's quite difficult on other municipalities where it's the conditional use permit at a different...it's not as big as a...when the development is not as big, they submit that photometric analysis right upfront.

Commissioner

Thimm: Well, even large project.

Planner

Astorga: Even large.

Vice-Chair

Joyce: Anything else? Turn it back to you guys. Anything else?

Pat

Sweeney: We're good. Thank you.

Vice-Chair

Joyce: So we still have...we need to do a public hearing.

Commissioner

Phillips: Can we take five?

Vice-Chair

Joyce: We will take five minutes, and when we come back in we will start the public hearing and go from there.

[Break]

Vice-Chair

Joyce: So before we start the public hearing, Francisco, you wanted 30 seconds?

Planner

Astorga: I just want to say that I received two more public comments that were updated and placed on the website. We received them this week. And the second item is that we are completely up-to-date on our website. All Staff reports, meeting minutes, everything is available online. I finished putting on some remaining items this morning, so everything is there except for today's meeting minutes. They will be there in two weeks. That's it.

Vice-Chair

Joyce: Okay. The public hearing for Treasure. Is there anyone in the public wishing to come up and speak? If so, step up to the mic.

Public Comment

Nikki

DeForge: I'm Nikki DeForge, here representing THINC, a non-profit group of Park City residents, homeowners, and business people. First, we just want to echo the concerns that have been raised here tonight and share those very specifically. Also, just echo this general concern about sort of the, the lack of information or the untimeliness of information that is being provided here, I think, with respect to three of the four CUP criteria that were on the agenda tonight. The Planning Staff once again noted that the applicant had failed to provide the information in advance of this meeting. And this seems to be recurring theme where virtually every Planning Staff

report, at every Planning Commission meeting we go to there are concerns raised about, about the lack of information. And, and this particularly impacts, as Commissioner Phillips noted, the right of the public to participate in this process, because when this information isn't provided until we come to this meeting and see some more slides, it makes it difficult for them to review, to comment, to provide meaningful input. And, and that's particularly true where each of these meetings has a specific agenda with specific criteria we're supposed to be looking at. And when that information is then provided later, after that meeting is over, it makes it difficult to go back and really address the specific issues that are pertinent to each of these specific criteria. And we really feel like this is not the kind of process that the CUP ordinances contemplate. It contemplates meaningful public input, comment, and, and review. And, and that is not happening here. And, and we don't believe that this process really complies with, with the ordinances in that respect. So, again, just want to emphasize the need for information upfront so that our members and other members of the public can actually participate in this process. Some of this can be mitigated for the Commission by, as, as Mr. Erickson noted, just imposing some general conditions down the road. But again, that still cuts out the public and the public input in, in this process.

And then regarding some of the specific criteria that we talked about tonight starting with Criteria number 7 and, and also, I guess Criteria number 12. The applicant mentioned that, that, that this criteria is how, quote, how we separate our project from our neighbors, and that we are primarily separating through setbacks. And that they provided some, some exhibits here including Exhibit V-12, which I'd like you to look at. This exhibit purports to show a separation between this, again, this massive commercial development and these small adjacent properties. And on that exhibit there is a dotted black line that's purporting to reflect this so-called separation. This line is described in the map legend as quote, "approximate 100-foot setback from existing structures at the time of the 1986 Sweeney Master Plan approval." However, it is important to note that the relevant provisions of the master plan actually called for a 100-foot setback from the road, not from the existing structures. Not from the residences on the other side of the road. And specifically on page 19 of the master plan it says quote, "Building have been set back from the adjacent road approximately 100 feet". On page 15 of the master plan it says, "The hillside properties provide substantial 100-foot plus setbacks from the road with building sited considerably farther than the closest

residence. So what is described in the master plan with regard to, quote, "separation" of the development of the existing uses, is simply not what is reflected in these exhibits that have been provided. Rather than the 100-foot setbacks from the road, which were approved in the master plan, the applicant now measures it's 100-foot setbacks from the residences on the other side of the road. And I...hoping, I assume, that nobody's going to notice this discrepancy. So, the applicant's current plans place this development of this massive scale and height and elevation much closer to the road than 100 feet. And therefore, much closer to the adjacent residences than was ever contemplated or approved in the master plan.

And this fact is also confirmed in Exhibit 13, which we've looked at a couple of times tonight. If you look at those, those section D, E and F cross-sections, you can see that these depictions...in these depictions just how close this development is to the road. There are no 100-foot setbacks there. And because the development is much closer to the road than what was approved in the master plan, it is also much, much closer to the residences on the other side of the road than was approved in the master plan.

And as with so many other aspects of the applicant's current development plans, these setbacks are no resemblance to what was actually approved in the master plan. Additionally, as, as Commissioner Joyce noted in Section D and E, the applicant actually ignores the closest residence when calculating these purported distances. And that's also reflected in that, that little map on the lower right-hand corner where as has been noted there is a house in that horseshoe. And that house is, belongs to Neals and Pam Vernagaard who are members of THINC and are, obviously, very concerned about all of the issues that have been raised here tonight, including the lighting, the sound, the lack of separation, the driveway that's coming right out from across their house, the, the blind corner that's there already with the existing landscaping on that, on that little semi-circle inside the horseshoe. And the huge impact that this development is going to have on them. And curiously, their house is omitted from a number of these exhibits, including Exhibit V-12 that we looked at. It's not even there when they're trying to show us this dotted black line that's reflecting this, this, you know, wonderful separation between their development and the houses. So sometimes it's there, sometimes it's not, as reflected on these exhibits. But it's most certainly located right there as really they're closest neighbor.

Now, this sort of bait and switch on the setback issue bears directly on numerous CUP criteria, including Criteria 7 that we talked about as far as separation goes. Also, Criteria number 12 that we talked about tonight, which requires mitigation of noise, vibration, odors, steam, mechanical factors. Things that might affect people and property off-site. It also goes back to Criteria 8, dealing with the building mass, bulk and orientation, location of buildings on the site, including the orientation to buildings on adjoining lots. It also goes to Criteria 11, which requires compatibility with surrounding structures in mass, scale, style and design. And it impacts this over-arching requirement that the proposed use be quote, "compatible with surrounding structures in mass, scale and circulation". And it's very evident from the exhibits that have been provided that, that this just does not comply when you look at the, the adjacent residences. And there really is no way for the applicant to mitigate theses detrimental impacts that will result from its failure to comply with the approved setback requirements under the CUP criteria. And this is particularly true given that they claim that their separation is primarily accomplished through, through setbacks, but not the setbacks that they represented would, would be part of their, their final plans.

And I think also, as Commissioner Joyce pointed out, given the massive height and scale of this and the elevation of this project, just planting a few trees in front of the houses that are there on ground level will do very little to mitigate all of these impacts. I mean, regardless of the setback issue, it's not enough to just plant some trees that...even tall trees, because they simply will never adequately mitigate or screen the development from the adjacent and existing landowners.

Criteria 12, another point to talk about with respect to that. Excuse me. Yeah, Criteria 12. So again, sort of due to this misleading setback information, the applicant has failed to demonstrate that it can mitigate the ongoing issues of noise, vibration, odor and so forth that will exist if this development is actually built. We've talked about some outdoor dining areas. What about the two outdoor ballroom areas. How do we mitigate that noise? That, that's going to...if we're using the baseline as the outdoor dining and putting up a couple of soundproof, you know, fences here, what about all these other uses and all these other problems, particularly given how close these residences really are to these properties.

And in addition to that, as we've also talked about tonight, there are no plans yet on the table for the construction. And how do we evaluate Criteria number 12, the noise and the odors and the vibrations, when we don't even know what this construction looks like. There, there's no possible way to do it. And if you look at these, some of these exhibits, like V-15 and V-16, you start to get a sense for how much excavation is actually going to be required here. It's going to be enormous. And it's not going to be complying with the existing grade. It's going to be dramatically altering the existing grade. So again, how do we evaluate these criteria tonight effectively without knowing how they're going to...what, what the plan is for the construction, much less how they can possibly mitigate for it given, given the adjacent residences.

It really seems to make little sense to continue going to these hearings and identifying these criteria that we cannot adequately assess the impact of without information being provided as we go along. Are we going to get to the end and suddenly they're ready to, to submit this and they're going to provide all of this information that they've been requested to provide all along? And then do we go back and start the public hearing process again, and say okay, now that you've provided it and we have that information, now let's go back and talk again about Criteria 7 and 10 and 12. Or do we just leave it in, in the hands of the Commission and, and really not give the public a chance to, to comment on it in any meaningful way.

I think...we think that the failure to provide this information in a timely manner to actually make this an effective public process is, is, makes this, makes this application unapprovable. And then in addition to that as we've talked about many times and we're talking about again tonight, these plans, regardless of what mitigation they propose simply do not comply with the master plan. Tonight it's setbacks, other days it's been, it's been square footage. Something at every meeting where this, this does not comply with the master plan. And here's another one that impacts so many of the criteria that, that they must meet in order for this application to be approved. And we again request that the application be denied on those bases.

Thank you, again, for your consideration.

Kyra

Parkhurst: Hi, I'm Kyra Parkhurst. And I promise to keep my emotions under control this evening. So I apologize for that [inaudible]. I'm just going to...I just have a couple questions that would have been nice. I know we can't take public comment while they're presenting but just...so I'm just going to bounce around here. When I was flying in the last time, we happened to fly over Park City and I realized what a crack in the earth we live in. That Main Street and Old Town literally sits in, like a crack in the earth surrounded with mountains on both sides. And it creates a natural amphitheater. Like Steve said, I, I live on one side in Old Town and there were some people once who came, worked at night, and they would sit out on their deck at 3:00 a.m. in the morning when they came home in the summer. Most people in Old Town don't have air conditioning so our windows are open. And after about five nights of them coming home and putting their little Bose speaker out there and talking and waking me up, I finally drove...made them a thermos of hot chocolate and said, would you please go to bed. I said, you're keeping everyone awake. And they didn't realize that it happened. So how do they mitigate these tall buildings. Everybody sitting out on their decks coming back and making the noise. You can hear people whispering and talking. I've heard people say things in town that they probably don't want other people to hear. So nothing can really mitigate it because it is a natural setting of where this project is, as opposed to the St. Regis or Montage, who sit and look out into just absolute open space and not residential areas.

Also, with the funicular now, they said it was going to stay open to midnight, but now they might close it at 10:00. But to me, all that does is it creates more, the more noise of cars and Ubers going up and down the roads. And we all know, I can hear a car go down the road every single time. So that just then increases traffic.

And then another thing that I started to think of that doesn't seem to be covered is people in Old Town don't have air conditioning. When all those construction trucks are going up and down the hill and the streets during the summer, how are they going to mitigate the dust control that's going to affect all of our breathing. Are they going to clean the streets every week, every day? Are they going to water them every day? Because that affects just our everyday life and our breathing conditions.

And then, oh, the cliffside architecture. I notice like when we drive out to Sundance, the cliffs have...a lot of places are using that artificial

fabrication that secures so they don't have mudslides and runoff and things like that, and they use it like at the St. Regis at the funicular, there's the wall there. So if they're just going to have landscaping, is that going to create mud slides and water drain off, and then are they later going to have to come back and go, you know, we need to put up that kind of wall, which then can't be planted. And then what kind of planting will survive on a scape where its constant runoff and melt off from the water. And I think that's a problem.

Oh, one other thing, back to noise, and I brought this up before, is when they were redoing the street and some of the construction projects of rehabs on the house, contractors will come down using their airbrakes. I've called the City once and the young woman who answered, she said, yes, there is an ordinance. They're not supposed to use it. It is in the packet that we give to each developer, but the developer has to tell every subcontractor, and every subcontractor has to tell every driver, and consequently it really doesn't get enforced. So, especially with the thousands of trucks that we're going to have up and down that street, how is that noise going to be mitigated. And, and then, the picture that was up there that showed the whole details of the project and, you know, the road is here and then there's the little square, and there's all the open space. And then tonight they keep referring that we are, we are the neighbors, we are the neighbors. But I believe one of the partners lives in, is it Chicago or New York, one brother lives in Salt Lake, and one lives up in the little corner up there, and they do not live, work, play, breathe, drive on the roads that are going to be greatly affected.

So, that's it. Thank you for your time.

Vice-Chair

Joyce: Thank you. Anyone else. All right, let's close the public hearing.

End of public comment

Vice-Chair

Joyce: Which pass of the Commissioners. Is there...I mean, we were kind of doing a little bit of hit and miss as we went through. Is there anything that you'd like to go back and ask or say?

Commissioner

Thimm: Just, just one, and I'll make it really quick. There was concern expressed, I think, by the applicant about the information that is being asked for and, and that sort of thing. And I...what, what, what the LMC tells us is that the Community Development Department and the Planning Commission must review the CUP criteria. And in order to review that criteria, we must have information to review. And, and it's really clear in the, in the LMC. And I think that that is the measuring stick that we have to have.

Commissioner

Suesser: I agree with Commissioner Thimm's comment.

Vice-Chair

Joyce: Okay.

Commissioner

Suesser: Nothing further.

Vice-Chair

Joyce: Anything? Preston, John?

Commissioner

Phillips: No, I think I asked all my questions during our interactive session.

Vice-Chair

Joyce: Okay. Well, thank you. Then we need a motion to continue.

MOTION: Commissioner Suesser moved to CONTINUE the Treasure Hill Conditional Use Permit to the May 10th, 2017 Planning Commission meeting. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Vice-Chair

Joyce: All right. Thank you.

4. **Alice Claim Subdivision and Plat Amendment, south of intersection of King Road and Ridge Avenue – Request to subdivide their property into nine (9) lots of record and combine platted lots to deed to the City, review of the**

“updated entry Gully Plan” as remanded by the City Council on March 9, 2017. (Application PL-08-00371)

Commissioner Phillips recused himself and left the meeting.

Commissioner Thimm disclosed that he had previously worked professionally with Greg Brown and Preston Stinger, who were representing the Alice Claim project. However, that association would have no bearing on his decision this evening.

Planner Astorga handed out copies of a document that was submitted by this applicant during the Treasure Hill presentation. He had not had the opportunity to read it. Planner Astorga noted that it would become part of the record.

Planner Astorga reviewed the Alice Claim subdivision and Plat Amendment. The Planning Commission reviewed this application during the July 27, 2016 Planning Commission meeting. At that time, the Planning Commission forwarded a positive recommendation to the City Council based on amended findings of fact and conditions of approval that were revised during the last public hearing. The Planning Commission also approved the conditional use permit for three ten-foot retaining walls. The Planning Commission had also forwarded a positive recommendation on the third application, referred to as the swap area, which was the Ridge Avenue subdivision and altered approximately 2,000 square feet from one lot to another.

Planner Astorga reported that the conditional use permit was appealed by two parties; however, the two appellants, the City and the applicant were never able to find an appropriate date to hear the appeal. Since then, the applicant was able to secure an access easement over the area called Woodside Gulch. One appeal was officially withdrawn, and the plat amendment went on to the City Council. On March 9, 2017, the City Council officially remanded the plat amendment back to the Planning Commission. That was the reason for reviewing it this evening.

Planner Astorga stated that the Staff fully complied with the noticing requirements. There have been a number of meetings on Alice Claim, and each time the Staff did a complete full re-noticing and sent letters to property owners within 300 feet, posted the site, and published it in the newspaper.

Planner Astorga stated that regarding the status of the conditional use permit, the City Council placed a stay on the CUP until the Planning Commission reviews it, takes action and send it back to the City Council. Depending on that specific action, it might move forward if the City Council approves it; or it might come back to the Planning Commission if the CUP is denied or another action takes place.

Planner Astorga reported that the swap area was placed on hold by the City Council and continued to a future date. The Council did not find it to be a significant application because it is 100% tied to the outcome of the Alice Claim plat amendment and subdivision.

Planner Astorga stated that the access is the primary change since the previous recommendation by the Planning Commission. A retaining wall is needed in order to go through the Woodside Gulch; however, the retaining wall has been reduced from three ten-foot walls to one six-foot maximum wall. The entire wall is not 6' tall. The wall ranges in size from a few inches to up to a small area at 6'. As of yesterday morning the site plan was amended and the retaining wall stops at the corner of Lot 5. The amended site plan was inconsistent with Exhibit C in the Staff report. The applicant was prepared to review the amended site plan.

Planner Astorga preferred to focus on the access issue. The access had changed and it was no longer necessary to go around the driveway. The Staff finds this to be a much better plan than the one previously presented and recommended to the City Council based on the Staff analysis that took place during the public hearings in July.

The Staff recommended that the Planning Commission 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.

Planner Astorga noted that Exhibit A was the proposed ordinance and he had bolded everything that was amended. The findings and conditions that no longer applied were removed from the ordinance. Planner Astorga was told that he may have incorrectly transposed some numbers, and he would let the applicant's representative address those discrepancies.

Commissioner Campbell understood that there was another change in addition to the information in the Staff report; and what the Planning Commission was being asked to vote on this evening was not included in the Staff report. Planner Astorga replied that he was correct. However, the change was not significant enough for the Staff to recommend a continuance.

Commissioner Campbell clarified that he was not asking for a continuance. His intent was to make sure that Assistant City Attorney McLean was comfortable with the process. He recalled a similar situation recently where Ms. McLean recommended that the Planning Commission continue to item because the paperwork did not match the request. Planner Astorga stated that he had reviewed the information and found that

the wall is slightly shorter than the original wall. The change did not affect the Staff's professional recommendation to the Planning Commission.

Based on previous practice, Commissioner Campbell asked how the Planning Commission could vote on something that was different than the information shown in the packet.

Assistant City Attorney McLean stated that the Planning Commission had the discretion to make that decision. She recalled that the previous project Commission Campbell referenced was a condo plat, and the proposed changes became too complicated for the Planning Commission. If the Planning Commission believes these changes are de minimis and would not change the recommendation, they could refer to the exhibit.

Commissioner Campbell explained that his concern was making sure their action would be defensible. Ms. McLean replied that it was within their discretion and it would depend on how they view the change.

Greg Brown, representing DHM Design, introduced Jerry Fiat and David Kagen with King Development Group; Brad Cahoon, legal counsel with Snell and Wilmer; Joe Tesch with Tesch Law; Preston Stinger with Fehr and Peers; and Mark Deemer with DHM Design.

Mr. Brown believed this was a simple change and he was pleased to show it to the Planning Commission. He noted that the change was based on a recommendation the Planning Commission made in July. Mr. Brown clarified that the entry was the only change. He presented the plan that the Planning Commission recommended for approval in July 2016. It was the approved plan using the King Road right-of-way access. At that time there was the CUP for the three walls at 10-feet. The Planning Commission specifically requested that they continue the negotiations with the owner of 135 Ridge. Mr. Brown reported that there was an agreement and they now have an access easement over Woodside Gulch Road, which is the 135 Ridge Avenue property. Mr. Brown clarified that they no longer need the CUP for the three retaining walls. They do have one retaining wall, and it is a maximum of six feet tall. Therefore, a CUP is not required.

Mr. Brown presented the new entry plan. He identified the road heading up what is now Woodside Gulch. He noted that Woodside Gulch did not meet City standards for road width, and they will be paving that road and increasing the width to 20'. With those improvements they need to install a retaining wall. He pointed out the retaining wall and showed a profile to demonstrate how the height of the wall varies. It reaches

its tallest point in the area of the existing evergreen trees that they plan on saving. He noted that three of those trees were going to be removed with the other entrance.

Mr. Brown stated that they were still planning on doing the other road improvements to King Road that the City Engineer had requested. Those are off-site improvements to improve the traffic on King Road and the turning movements.

Mr. Brown indicated the edge of Lot 5, which is where they were proposing to stop the retaining wall. The plan in the Staff report showed that wall continuing across Lots 4 and 5. It would be owned and maintained by the HOA. He stated that as lots four and five are developed, there will possibly be retaining walls as part of those development plans.

Mr. Brown pointed out the old entrance and the new entrance. He believed the new entrance was a significant change and a great improvement. Mr. Brown presented the section along the road and the profile of the wall. The section from the high point over was the section that was removed in the new plan.

Commissioner Campbell clarified that the wall might go back in later as part of the development on Lot 5. Mr. Brown stated that the wall could go in later as part of the development on Lot 5, and it would probably be part of the house. If Lot 5 and Lot 4 need retaining walls, it would be the responsibility of the lot owners. The HOA owns and maintains the rest of the wall.

Mr. Brown noted that the fire department requested that they revise the emergency vehicle access plan. They were asked to take it up to the hammerhead turnaround, which is across from Lot 1. Fehr and Peers redid the plan with the fire truck access point, as well as redoing the intersection. It is a much better plan for emergency vehicles.

Mr. Brown referred to a letter from Fehr and Peers that Planner Astorga had handed out, stating that the new entry is superior from a transportation standpoint. The letter provided four or five reasons for their rationale.

Mr. Brown presented the old plan and the new plan to show how the lots remain the same. Once they get back to what was the alignment of Alice Court on the City property, there is no change from that point forward. The lots are the same shape and size.

Mr. Brown stated that taking the old road away and going on to the 135 Ridge Avenue allowed them to increase the open space by .14 acres; bringing the site total up to 88.5% of open space.

Commissioner Thimm asked if the degree of slope to the access road changed with the proposed change to the retaining walls. Mr. Brown replied that it was at 14%. He recalled that it was slightly under 14% before the change. The slope increased slightly because they took some length out of the road.

Vice-Chair Joyce recalled engineering discussions about having adequate water pressure, and moving things down the hill to make everything better. Now he understood that there were questions about whether there was really adequate water pressure. He wanted to know if that was something new. Planner Astorga replied that it was the same language as before.

Vice-Chair Joyce asked about added language at the end, "The Alice Claim development exceeds 1 acre and shall meet the requirements of the MS4 storm water program. Each lot must...." Director Erickson explained that the language pertained to new State Regulation conformance with EPA regulations. The Commissioners should expect to see that language as a standard condition of approval.

Commissioner Thimm referred to page 138 of the packet and the recommended condition of approval concerning significant vegetation. He did not see it bolded in the conditions of approval, and he asked if Planner Astorga was asking the Commissioners to provide input. Planner Astorga explained that in the previous plan three trees were going to be removed. With that plan he had concerns with four trees; however, with the new plan he is only concerned about one tree. He kept the same condition so if the tree is lost they would get it back. Mr. Brown noted that Stantec Engineering had done a lot of survey in the area. The road was positioned for a number of reasons. Part of their agreement with Lot 135 was to try to push as far away from them as possible. However, the applicant also wanted to be as far away from the trees as possible. The existing terrain was surveyed right below those trees to make sure the wall was right at the drip line of the trees. Mr. Brown was fairly confident that the trees could be saved, keeping in mind that they do not know the condition of the trees up above that. The slope is already heavily eroded and this should fix a small problem.

Mr. Brown suggested typo corrections to the findings of fact and the conditions of approval. In Finding of Fact #25, page 144 of the Staff report, it lists the square footage of each of the eight lots in the HR-1 District as 5,410. The actual number is 4,510. Commissioner Campbell noted that the second "proposed" should also be removed from that sentence. Mr. Brown referred to pages 147 and 148 of the Staff report and

noted that Conditions #10 and #13 were in conflict. One says that the culvert will be owned and maintained by the HOA and the other one says it will be owned and maintained by the City. He recalled that Condition #10 is correct, that the culvert will be owned and maintained by the City. Planner Astorga requested time to pull up the Minutes of July 27, 2016 before making that change to verify which one was correct. Mr. Brown noted that the road is on City property and they would just have an easement. Assistant City Attorney McLean recalled that a condition of approval required that the culvert had to be built before the plat could be signed. However, she could not recall discussion about the City owning it.

Planner Astorga remarked that Conditions 10 and 13 were exactly the same in the July 27, 2016 minutes. He was looking through the discussion in the minutes to try and verify. Mr. Brown recalled a back and forth discussion, and the City actually requested to take ownership and maintenance of it. The stream had to get put into the culvert before they could record the plat because of Lot 1 being close to the stream otherwise. He believed that was the rationale for the City owning it.

Commissioner Suesser asked if that discussion took place with the applicant and the Staff, or whether it was before the Planning Commission. Mr. Brown thought it was both, but he was certain that it was with the Staff.

Director Erickson suggested that they could address the issue by changing the condition of approval to say that the ownership of the culvert will be resolved to the satisfaction of the City Engineer. He noted that Condition of Approval #1 states, "The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, Land Management Code, and conditions of approval prior to recordation of the plat". Therefore, the City Attorney and the City Engineer would get a final look as well.

Vice-Chair Joyce suggested that unless they have something definitive they should write it as to be determined.

Director Erickson revised Condition of Approval #10, to read, "All state requirements must be met, state permits must be obtained and the culvert must be fully installed by the applicant prior to plat recordation, and the **ownership of the culvert resolved to the satisfaction of the City Engineer**". He struck Condition of Approval #13. Vice-Chair Joyce noted that Condition #13 had additional information that needed to be retained. Commissioner Campbell suggested that they put a period after Lot 1 and strike the rest of Condition #13. Director Erickson was comfortable with that revision.

Assistant City Attorney McLean remarked that the Planning Commission would be forwarding a recommendation to the City Council, and the Staff could verify the ownership question prior to it going to the City Council.

Mr. Brown accepted the conditions of approval as revised.

Commissioner Campbell disclosed that sometime after the appeal had been filed, Jerry Fiat approached him at Einstein Bagels. He asked Mr. Fiat not to discuss anything definitive or substantive because there was a chance that this would come back to the Planning Commission.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Suesser moved to forward a POSITIVE recommendation to the City Council with regard to the Alice Claim Subdivision and plat amendment in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance and as amended this evening. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously. Commissioner Phillips was recused.

Findings of Fact – Alice Claim Subdivision and Plat Amendment

1. The plat is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts.
2. The proposal includes nine (9) lots on approximately 9.034 acres which will not be allowed to be subdivided further.
3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does run within the City owned property.
5. The applicant previously undertook a voluntary remediation of the regulated soils

on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.

6. The owner secured legal access through an easement to the property through the Woodside Gulch access. As proposed, the access will not require retaining walls greater than 6 feet and therefore, no conditional use permit would be required.
7. The Woodside Gulch stream runs through the property and any changes to the stream will require a Stream Alteration Permit. The Applicant previously applied for this permit and will need to amend their existing Stream Alteration Permit from the US Army Corp of Engineers. Any changes to the stream may also require an amendment to the Voluntary Clean-up Program remediation with the Utah Department of Environmental Quality.
8. The property, which was once the site of the Alice Lode Mine, was previously the site of mining activities, which have since undergone recent remediation.
9. A Voluntary Clean Up of the property was initiated by the Applicant.
10. Most of the remainder of the site has mature stands of oak, maple and aspen trees in addition to areas of smaller shrubs and grasses.
11. A culvert for the stream is proposed in order to meet the 50" setback regulations from streams within the Estate District, otherwise the culvert would not be necessary.
12. This development is located upstream of the FEMA Flood Plain Studies.
13. The applicant does not request any setback reductions from the Planning Commission for the Estate District Lot.
14. Water Service is available and as proposed can meet required water pressure to all of the proposed development sites (proposed Lots) within the development. The applicant will be responsible to propose acceptable mitigation should the water model or utility plans be further revised.
15. The utility plan does not show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer.

16. A Debris Flow Study has not been completed for the stream to determine if a debris basin is required.
17. Existing trails are shown on the plat and granted a public easement.
18. Proposed utilities have not been engineered to meet City Engineer's approval but shall be prior to plat recordation.
19. All roads are proposed over 10% grades and will not be eligible to be converted to public ROWs in the future.
20. Building pads/limits of disturbance are shown in Attachment 1. All other property as open space should be protected by conservation easement held by the City and the HOA to maintain the land.
21. Applicant does not have an approved Sewer Service Plan. Sewer Service must be designed to service the proposed development sites in accordance with the Snyderville Basin Water Reclamation District's requirements. The applicant will be responsible to determine this with Snyderville Basin Water Reclamation District prior to plat recordation.
22. Proposed drives with utilities that are not private driveways are required to be 20" wide and are shown as such on the plat. The drive grades are proposed to be 14%.
23. Public trails are shown on Attachment 1 with a 15" public recreational trail easement.
24. The proposed lot within the Estate District is 3.009 acres.
25. The eight (8) proposed lots within the HR-1 District are 4,510 square feet each.
26. A geotechnical report has been reviewed by the City Engineer for the overall site but individual geotechnical reports have not been submitted for each lot.
27. The applicant owns other adjoining properties within the Historic Residential Low-Density (HRL) District. Two (2) of these contiguous properties are lots 1 and 2 of the Ridge Avenue Subdivision.
28. The existing encumbered Lots 1-7 and 36-40, Block 77 of the Millsite

Reservation will be dedicated to the City as right-of-way upon plat recordation as they current have a road over them.

29. The lots are positioned as proposed to avoid ridgelines and allow for drives that contour with the topography in order to meet the required grades.

30. The existing mine shaft on the property is currently filled as stated on the site plan dated May 18, 2015.

31. The application for the Alice Claim subdivision was deemed “complete” by the Planning Department on May 23, 2005.

32. Between 2006 and 2009, the Planning Commission conducted three (3) work sessions to discuss the project and visited the property during two site visits.

33. On October 8, 2014 the Planning Commission conducted a site visit and work session to discuss the history and 2009 site plan proposed for this project.

34. The Applicant submitted a revised site plan, plat and all required submittals for the subdivision and plat amendment on January 23, 2015.

35. The Planning Commission reviewed the request and held public hearings on April 8, 2015, June 10, 2015, July 8, 2015, and July 22, 2015.

36. During this time consisting of October 2014 and July 2015 the applicant submitted further revisions to the plat to address City concerns as well as to address plat discrepancies.

37. On August 12, 2015 the Planning Commission forwarded a negative recommendation to the City Council.

38. On October 8, 2015 the City Council reviewed the proposal.

39. On October 29, 2015 the applicant submitted an amended site plan which moved the lots closer to the gully. The City Council reviewed that amended site plan and remanded the application back to Planning Commission for their review.

40. The Planning Commission held a work session on December 9, 2015.

41. The Planning Commission held public hearings and reviewed the updated proposal on May 25, 2016, July 13, 2016, July 27, 2016, and April 12, 2017.

42. After Applicant secured access on Woodside Gulch and proposed a modification to the Application based on the new access, the City Council remanded the updated gully site plan with modified entry back to Planning Commission on March 9, 2017.

43. The Planning Commission held a public hearings and reviewed the updated proposal with the new access through Woodside Gulch on April 12, 2017

44. In order to ensure all site improvements are made the applicant must either complete all Site Improvements prior to plat recordation, or if that is not possible, provide adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City.

Conclusions of Law – Alice Claim Subdivision and Plat Amendment

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

Conditions of Approval – Alice Claim Subdivision and Plat Amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision and plat amendment at the County within two (2) years from the date of City Council approval. If recordation has not occurred within two (2) years" time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council. If the plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations at the time of the submittal.

3. Recordation of this plat and completion and approval of final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction of buildings within this subdivision. Completion and approval of final HDDR applications are required prior to building permit issuance for any construction of retaining walls.
4. Lot 1 in the Estate District shall be subject to HDDR process.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
6. Snow storage of roads and private drives must be addressed and approved by the City Engineer throughout the development prior to plat recordation. Snow storage sites cannot discharge immediately into the stream.
7. Sewer lateral design and service will need to meet Snyderville Basin's requirements and receive written approval by SBWRD before the proposed plat can be signed by SBWRD. If the sewer lateral design requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
8. The submitted water model will need to be revised with the submitted updates to the layout and receive written approval from the Water, Building, Engineering and Fire Departments in order for the subdivision to meet water requirements prior to plat recordation. If the water system requires a substantial change, as determined by the Planning Director, to the layout of this subdivision plat, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.
9. There shall not be any further subdivision of any additional lots in this subdivision. A plat note shall reflect this condition.
10. All state requirements must be met, state permits must be obtained and the culvert must be fully installed by the applicant prior to plat recordation, and the ownership of the culvert resolved to the satisfaction of the City Engineer.

11. This development is located upstream of the FEMA Flood Plain Studies. A study shall be completed extending the FEMA Flood Plains through this development prior to plat recordation. Any lots located in a FEMA Zone A will require an Elevation Certificate showing the lowest occupied floor is at or above base flood elevation prior to building permit approval.

12. A Stream Alteration Permit from the State will be required for the culvert along with the Flood Plain Study to identify the culverts upstream and downstream impacts prior to plat recordation. The Stream Alteration Permit and Flood Plain Study must be completed and approved prior to Planning and Engineering approval.

13. The culvert inlet shall be at least 50" away from any structure on Lot 1.

14. A Debris Flow Study must be completed prior to plat recordation for the stream to determine if a debris basin is required.

15. Limits of disturbance as shown on Attachment 1 shall be clarified on the plat prior to plat recordation to be able to quantify the square footage upon which shall remain in place and no changes shall be made. All other property shall be restricted as open space and/or protected by 3rd party conservation easement.

16. The utility plan will need to be revised to show how each of the wet and dry utilities will be able to be placed within the drives with required separations or with special conditions as approved by the proper regulatory agencies and approved by the City Engineer prior to plat recordation.

17. Any roads over 10% grade will not be eligible to be converted to public ROWs in the future.

18. Drives must provide 20 feet wide of clear space to meet Fire Code. If parking impacts this 20 feet wide clear space, it will not be allowed and shall be signed No Parking. Roads less than 26 feet wide shall be marked NO Parking on both sides of the road.

19. The Applicant will need to receive City Council's approval to give them an access over the City's property for Alice Court and where they may cross water lines, storm drainage, sewer, etc. This will need to occur prior to plat recordation.

20. Applicant must still provide recommendations to the City Engineer for which scenario on King Road and the Alice Court most satisfies turning movements

and minimizes conflicts and implement the recommendations prior to plat recordation.

21. The Applicant will need to receive, from the Utah Department of Environmental Quality ("UDEQ") under the UDEQ Voluntary Cleanup Program, a final Certificate of Completion for remediated soils within the Applicant's property prior to building permit approval.

22. If a Site Management Plan is required for the UDEQ Certificate of Completion for Alice Claim, the UDEQ approved Site Management Plan must be submitted to the Building Department prior to building permit approval.

23. The applicant shall obtain an easement for use of city property for Alice Court drive prior to plat recordation.

24. Public trails are shown with a 15" public recreational trail easement.

25. Any structures built near the existing mine shaft shall be setback at least 10" if the shaft is filled up to the ground surface with soil and/or gravel and at least 40" setback if the shaft is not filled. The mine shaft shall be shown on the plat and the setback noted.

26. If the site plan is substantially altered, as determined by the Planning Director, due to any utility redesign or retaining wall redesign or other unforeseen issues, this approval shall be null and void and an application to amend the Ordinance and plat shall need to be submitted and be reviewed and go through the entire process including internal review, planning commission and city council review.

27. All Public Improvements, except the Lot 1 culvert, may be completed after plat recordation but prior to the first home building permit. An adequate financial Guarantee for all Public Improvements shall be submitted prior to permitting.

28. All engineering for utilities must be approved prior to plat recordation.

29. City utility maintenance access is required across the drives for Lots A.

30. Individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed.

31. Individual geotechnical reports will be required for each lot prior to issuance of a building permit.

32. All mature trees that will be lost due to the subdivision, retaining walls, addition of drives and building pads, shall be approved by the Planning Department and be replaced in kind or with three smaller trees as close to the original location as possible within 1 year of tree removal.

33. No duplexes will be allowed.

34. Existing utility and access easements may be added, adjusted, vacated or remain in their current location. Changes to these easements and/or addition of easements shall be shown on the plat.

35. The Alice Claim development exceeds one (1) acre and shall meet the requirements of the MS4 storm water program. Each lot within this common development shall be required to obtain a MS4 storm water permit prior to any construction activity.

The Park City Planning Commission Meeting adjourned at 8:40 p.m.

Approved by Planning Commission: _____

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 10, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, John Phillips, Doug Thimm

EX OFFICIO:

Planning Director, Bruce Erickson; Francisco Astorga, Planner; Anya Grahm, Planner; Ashley Scarff, Planner; Mark Harrington, City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Joyce, Campbell and Suesser, who were excused.

ADOPTION OF MINUTES

April 26, 2017

MOTION: Commissioner Thimm moved to APPROVE the Minutes of April 26, 2017 as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Thimm recalled that approval of the Minutes of April 12, 2017 was Continued from the last meeting, because the Planning Commission lacked a quorum of Commissioners present at the April 12th meeting and could not take action. Chair Strachan pointed out that with Commissioner Campbell absent this evening they still lacked a quorum of attendees on April 12th.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the following evening the City Council would be reviewing Code Enforcement issues and beginning the conversation about prioritization,

funding, and overall operations. Director Erickson would be making a presentation to the City Council.

Commissioner Phillips stated that he would be attending the City Council meeting and he intended to make comments as a private citizen, and not representing the Planning Commission. Chair Strachan asked Commissioner Phillips to provide an update for the Planning Commission at the next meeting.

CONTINUATIONS – public hearing and continue to date specified

1. 4001 Kearns Boulevard – First Amendment to the Park City Film Studios Subdivision, a plat amendment to divide Lot 1 into three platted lots of record. The property consists of approximately 30 acres. (Application PL-15-03005)

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

MOTION: Commissioner Thimm moved to Continue the First Amendment to the Park City Film Studios Subdivision to May 24, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

2. Request for a four lot subdivision plat, known as Village at Empire Pass North Subdivision, located at the intersection of Village Way and Marsac Avenue east of the Silver Strike chair lift, to create 3 development lots for the Village at Empire Pass Master Planned Development and one lot for ski area related uses. (Application PL-16-03293)

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

MOTION: Commissioner Thimm moved to CONTINUE the four lot subdivision for Village at Empire Pass North to May 24, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **340 Main Street – Conditional Use Permit (CUP) application for the establishment of a new Telecommunication Facility on the rooftop of a non-historic building.** (Application PL-16-03264)

Planner Ashley Scarff reviewed the request for a conditional use permit to allow Verizon Wireless to establish a new telecommunication facility with equipment located on the roof and within the top floor of a non-historic commercial building located at 340 Main Street. The rooftop equipment will consist of a small cell with an antenna, which would be enclosed in a fiberglass canister painted to match the building where it is located. The equipment will be located towards the rear of the building on the Swede Alley side, and it will have a 15' setback from the rear roof edge on the Swede Alley side.

Planner Scarff remarked that the antenna in the canister would have a height of approximately 5'9" above the flat roof line at its tallest point. However, a parapet runs the perimeter of the building, and the canister will be 1" below the tallest point of that parapet. Other rooftop equipment will be mounted behind the parapet on the Swede Alley side and entirely hidden from street view. It will also be painted to match the building materials as well.

The Staff found that the project as proposed and conditioned meets all the requirements relative to setbacks, height and design.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to APPROVE 340 Main Street Conditional Use Permit application for the establishment of a new telecommunication facility on the rooftop of a non-historic building, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 340 Main Street

1. On July 28, 2016, the Planning Department received an application for a Conditional Use Permit (CUP) to allow Verizon Wireless to establish a new Telecommunication Facility on the roof and within the top floor of the non-historic commercial building at

340 Main Street. The application was considered complete on March 2, 2017.

2. The subject property falls within the Historic Commercial Business (HCB) District.
3. The Land Management Code (LMC) states that, within the HCB District, Telecommunication Antennas are a Conditional Use, subject to LMC Section 15-4-14, Supplemental Regulations for Telecommunication Facilities, in addition to the standard Conditional Use review criteria of Section 15-1-10(E).
4. The proposed rooftop equipment will consist of one (1) small cell antenna enclosed within a fiberglass canister that roughly measures 1 foot by 1 foot (approx. 1 square foot in area), which will be painted to blend with the building and its surroundings to mitigate visual impact.
5. The rooftop equipment will fall within a 21 square foot area at the rear of the building, to be leased by Verizon Wireless from the building owner.
6. The antenna and canister will be 5 feet, 9 inches (5'9") in height above the flat roofline, and will protrude upward to be one inch (1") under the tallest plane of the Main Street-facing parapet. The antenna and canister will be set back approximately 15 feet (15') from the edge of the building parapet on the Swede Alley side, as shown on the submitted plans.
7. The remainder of the rooftop equipment will be placed behind the building's parapet, and additional support equipment will also be placed within an existing closet on the top floor of the building.
8. Staff finds that the project, as proposed and conditioned, meets all requirements related to setbacks, height, and design found in LMC Section 15-4-14, Supplemental Regulations for Telecommunications Facilities.
9. The project may also include small signs near the equipment meant to ensure the health and safety of the general public.
10. The City is currently reviewing a right-of-way franchise agreement with a fiber optic provider to provide service to the subject site, as well as other proposed Verizon small cell locations. If all CUP requests for the Verizon small cell antennas are denied, the City would deny franchise rights to the fiber optic provider.
11. The applicant has indicated that all necessary power will come from existing sources on-site.

12. On April 12, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on April 12th.

13. This item was originally scheduled and publicly noticed for the April 26, 2017 Planning Commission meeting, but was continued to the May 10, 2017 meeting.

14. This application has been reviewed under Land Management Code Section 15-1-10 (E).

15. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law – 340 Main Street

1. The application satisfies all Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16);
2. The Use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation;
3. The Application complies with all requirements of the LMC; and
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 340 Main Street

1. The scope of this approval includes the installation of one (1) small cell telecommunication antenna on the rooftop of the non-historic commercial structure at 340 Main Street, as well as additional support equipment on the rooftop and within the top floor of the building, as shown on the approved plans.
2. The rooftop equipment shall be entirely contained within the 21 square foot 'Lease Area 1' as shown on the plans. The interior equipment shall be entirely contained within the 16 square foot 'Lease Area 2' as shown on the plans.
3. The antenna and canister shall not project above the building parapet and shall be set back a minimum of 5'9" from all roof edges.
4. The fiberglass antenna canister shall be painted to blend with the building's exterior and surroundings. Final design is subject to approval by Planning Staff during the Building Permit application stage.

5. The remainder of the rooftop equipment shall be entirely hidden from street view behind the building's parapet, and must be painted to blend with the building and its surroundings.
6. All necessary cable chases shall also be painted to blend with the existing building.
7. Signs shall only be installed on site if necessary for the health and safety of the general public. Exact dimensions and placement shall be reviewed and approved by the Planning Department prior to installation.
8. Prior to installing the equipment, the applicant must apply for and procure a Building Permit from the Building Department.
9. The Building Permit application shall include a fiber and power plan, and is subject to review and approval by the Planning Department and City Engineer.

NOTE: The Treasure Hill portion of the Minutes is a verbatim transcript

2. Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan (Application PL-08-00370)

Chair

Strachan: Francisco, how are we going to work it tonight? I know we've got a bit of an open house format. What does that mean, exactly?

Planner

Astorga: What that means is that we're going to let the applicant give us a presentation on the updated traffic study. And because we received it somewhat late in preparation for this meeting, we were unable to get together with Transportation, Planning, and the City Engineer's Office to come up with appropriate recommendations for the Planning Commission. We're not saying that we're not going to do that. Of course, we'll provide appropriate recommendations to the Planning Commission, obviously, at the next meeting. As we follow the pattern of meeting on the first meeting of every month, it would be June 12th. So that's why we've drafted a very light Staff report where we're just saying, we're just asking the applicant to provide their presentation.

And we did publicly notice this meeting as a public hearing, so I believe we have, we would have to also hold that. That's just the format. The applicant has a power point, and that's all I have.

Chair

Strachan: All right. So just before we get started, that's a good point Francisco brings up that the public should probably take heed of. The Staff hasn't had enough time to thoroughly analyze this. So when you read through the Staff report and you think it might be cursory or doesn't give as much analysis to it as you think or hope, that's because they're not done yet. So, don't get up and say Staff dropped the ball, at least not yet.

Planner

Astorga: We just barely, we just barely started, so---

Chair

Strachan: Great. Thanks. All right. I just was trying to save you from, you know, some shrapnel coming from behind.

Planner

Astorga: we, we appreciate that.

Chair

Strachan: Okay. All right. Okay, so on behalf of the---did you want to give a presentation at all, or you just want to let them shoot for it?

Planner

Astorga: No.

Chair

Strachan: Okay. I don't know what you guys have planned, but we're kind of open to whatever. Of course, time is always of the essence, so to the extent you're getting into an analysis the Staff hasn't had time to really look at, I would probably save your comments for the next meeting. But it's up to you.

Commissioner

Phillips: Can I ask Francisco a question real quick?

Chair

Strachan: Sure.

Commissioner

Phillips: Is, do you feel like you have adequate amount of time to do all of the analysis that you guys need to by that meeting?

Planner

Astorga: I don't, I don't want to commit to anything just yet, and that's why in the Staff report I wrote future dates.

Commissioner

Phillips: Okay.

Planner

Astorga: But we're trying to process this application as fast as possible, while at the same time being thorough. We do have some meetings already lined up with their transportation people, with my transportation people, so I don't, I don't want to truly commit without my other reviewers present here. But we are going to do our best to have a full review by June 12th.

Commissioner

Phillips: Okay, thank you.

Chair

Strachan: Great. Thanks.

Commissioner

Thimm: Is, is there any thought towards having a third party traffic engineer look at the report?

Planner

Astorga: I think we can discuss that today in part, but we're, we're looking into that.

Commissioner

Thimm: Okay.

Planner

Astorga: So, all I need to do is turn that monitor a little bit better for the public and have them come up, if that's okay.

Chair

Strachan: Great.

Pat

Sweeney: So, Pat Sweeney speaking for the applicant, MPE. I just want to briefly introduce Gary Horton. He's a traffic engineer. He's been involved with the Treasure Hill traffic studies related to the CUP dating back to 2003/2004. And what he's going to talk about is, is an addendum, it says Addendum 7, that is based on some updated traffic counts.

Chair

Strachan: And Gary, are you the author of Addendum 7?

Gary

Horton: I am.

Chair

Strachan: Okay. All right.

Gary

Horton: Yes, I am. Okay. As mentioned, this is an update. Basically, what I'm going to walk through tonight is the report that is prepared for Staff, understanding that comments are still forthcoming. I will try to comment specifically where Staff had requested things and we've tried to provide a response to those direct requests.

Quick overview, these are the items I'm going to hit upon, and they run simultaneously with the study. So, if you have not reviewed the study, this might provide you an opportunity to shorten that review period if you have to look at it at another time.

So first thing, traffic volumes. We were requested to gather updated volumes. We selected President's Day week again, because that was the time frame that was picked originally, so that we could compare apples to apples to the previous study, or the original study. This is Addendum 7. It also reflects a typical ski day. In fact, one of the busiest ski days and traditional timeframe throughout Park City and throughout Summit County. So, that is why that time was selected.

In this table you will see the peak hour count. We counted from 7:00 in the mor---, no 8:00 in the morning. No, 7:00 in the morning until 9:30. And in the afternoon we counted from 3:00 to 6:00. What you see is the peak hour of traffic volumes in that one, in one hour in any one of those given intersections. It's not the same at every intersection, some are a little bit

different. But that was the peak hour that was found at each one of those intersections. As you can see from the actual counts counted in 2005, in 2017 there was an increase in traffic at all of the intersections, with the exception of the p.m. Peak at Park Avenue and Deer Valley.

Next, it was asked---this was not in the original study, so in this study it was asked could we look at a future, what the future looks like basically 20 years down the road. There are a few methodologies that can be used to determine that. We checked on a couple of those items. One of them, the Summit County has recently completed a regional traffic model that takes into account all of Summit County, including Park City. As part of that regional traffic model it accounts for future development, it takes into and factors current commuting patterns, transit related items. It is, the best way I've heard it described is a behavior model. And it's the best item we use for future expectations for traffic within the area. It is what has been used on the Wasatch Front and major metropolitan areas for the last 20, 30 years. So when they're planning projects, this is, that's a tool they would use. I showed in here both population in Summit County anticipated, and population in Park City as based on the census data. And what is anticipated based on land use and those things that have been approved within the City.

As you can see, between 2017 and 2037 there's roughly a 25.8% growth anticipated for Park City. That's about 1.1% per year. That's the kind of information that went into trying to determine what the future traffic volumes would look like in 2037. So this graph here is a reflection of that growth.

Another item that was considered in these future traffic volumes is specific to the area, anticipated development via the Bamberger property and also with PCMR. Bamberger was a little better well-known. PCMR, we had to use the development agreement to speculate what those traffic volumes would be. But when we created, when we created those volumes they fell---even with those, it fell within the future volume ranges as you see here. So that would be the future without the project.

Next thing we did was trip generation for Treasure Hill. I'm not going to go through all the details of this, but bottom line, these are the land uses that coincide with the proposed development from the ITE trip generation manual. The last time we talked a little bit about that. Sometimes, as you look at them there are hotel and ITE. You go in there, and they have done studies or counts to find out how many trips are generated out of a typical hotel during the a.m. peak hour and p.m. peak hour. So that's the reflection for

employee housing. We, there is not an employee housing, for example, in the ITE trip generation. The closes you can reflect is an apartment-style complex. So we used an apartment to reflect that. And that's the kind of information that's detailed further in the report. But this is the trip generation. And once again, this is updated from the original study that was done. In the original study there was a third party that completed a review of these trip generation. They concurred with that information the first time. And we used the same relevant factors, ie. apartments for employee housing. So that was, would be trip generation.

The next thing we applied was trip reduction based on the development. There's a few things that applied in here. First, in ITE trip generation, the hotel occupancy rate is estimated at 83%. We did some further searching and found that, pardon me a second, I want to make sure I use the right terminology here, that the peak hotel occupancy rate for 2014 reported by the Park City Chamber of Commerce Convention and Visitor's Bureau Center or Economics Bureau, Economic profile was 65%. So we reduced the number of trips based on specific data to the, to the area.

Chair
Strachan: What year was that?

Gary
Horton: The last time it was produced was 2014. So when---if it's updated then we will obviously reflect that. But that was the last one that was provided.

Internal capture rate reflects---once again I'll---interaction, interaction among the various land uses that reduces the total number of trips that would exit the site, ie. if I live at the, or if I'm at the hotel and I want to go to something on site, I don't have to leave the site and come back. Where the original trip generation is calculated that way, there is a reduction for those things that I would want to use that I stay on site. So I only use what's there. And once again, ITE, it gives you some specific reduction rates. So from commercial to residential there were, it's a 31% reduction. And from retail within retail, because there's more than one type of retail on this site, is a 20% reduction. So that was---the internal capture rate, that was a reduction on that.

The next reduction we applied was the beginner and intermediate ski runs. So when the original study was done, that was not known at that time, so we applied 10% reduction on the fact that not everybody is going to have to now drive down to the base of Park City Mountain Resort to get, to go skiing.

Once again, the trips and all the analysis is done on a typical ski day, so we tried to apply---some people are going---intermediate and beginner skiers will obviously hop on there, and probably even the more advanced skiers.

And then the last reduction was the Cabriolet that is part of this development. It's anticipated to carry roughly 2500 people per hour. It has the ability to carry that. It's going to start before the a.m. peak and it's going to run after the p.m. peak. So those people who are on-site and want to go down to Main Street or other activities, we anticipate they're going to use the Cabriolet, so we applied a 30% trip reduction for the Cabriolet.

Commissioner

Thimm: What percentage?

Gary

Horton: 30%. So, other items that could be applied for trip reduction but were, not, they're called pass-by trips. These are people that are already in the area that could be, instead of driving down through the intersection might use some of the amenities on site. While that, I think, is realistic, we didn't apply it because trying to be conservative and we assumed that wouldn't happen. Not that it couldn't, but that it wouldn't.

The other one that we honestly believe that will happen, is pedestrian and bicyclists. But once again, to speculate what that number would be is fairly difficult. So it would be conservative. We assume there would not be any trip reduction based on pedestrian movement. Will there be? Yes. We anticipate there will be, but we didn't reduce trips for that.

Commissioner

Thimm: Quick question.

Gary

Horton: Please.

Commissioner

Thimm: How do those percentages work? You start at 100% and then do you subtract each one of those percentage of reductions from 100% trip generation?

Gary

Horton: We reduce those trips, let me back up a slide, from the trips that are generated specific to the land use ie. for, let me double-check here, for the--- I want to give you, try and give a simple example if I could. So, for the ski reduction, the 10%, it was only applied to the hotel, condominium, and townhomes. It was not---

Commissioner

Thimm: Okay, so it varies.

Gary

Horton: Yeah. It was not assumed for employee housing that it would be reduced, because we assume that employees will be working on a busy, on a typical ski day.

Commissioner

Thimm: Gotcha. Okay.

Gary

Horton: It wasn't applied to commercial because we didn't anticipate people will go to commercial and then say, oh, hey, let's go skiing from there. Could they? Potentially, but, we tried to apply it to those that seemed most applicable.

Commissioner

Thimm: Okay. All right.

Commissioner

Phillips: So, the Cabriolet, you said 30%?

Gary

Horton: Correct.

Commissioner

Phillips: That is 30% of all traffic? You anticipate displacing 30% of the traffic to the site?

Gary

Horton: 30% reduction on a trip generated. So once again, just the trip generated for the project, we reduce 30% assuming that instead of driving down to Main Street or wherever I would be, instead, 30% of them would hop on the Cabriolet to go somewhere.

Commissioner

Band: So we, but that, by that, you mean, that 30%---you anticipate 30% of the people leaving are going to Main Street?

Gary

Horton: During a peak hour.

Commissioner

Band: Okay.

Gary

Horton: Or to the bus system because the bus system comes right to the street. Part of the thought process was, if there is congestion, and I've, and I'm on-site, I know that. If I'm going to leave somewhere in the peak hour and I really have to go, then I'll probably take the Cabriolet. 30%. If I'm just going to a restaurant or something like that, I'll take the Cabriolet. If I really have to go to Smith's, there's still, you know, 70% may still hop in their cars. So it was the assumption during the peak hours that it---instead of hopping in a car, 30% would go via Cabriolet. Is that over the whole period of the day? No, it was just applied for the peak hour. Once again, that's what we evaluate.

Commissioner

Band: Okay. And, and actually I was curious since we're asking questions.

Gary

Horton: Yeah.

Commissioner

Band: How did you figure the internal capture rate without details on the business mix?

Gary

Horton: It---similar, in ITE trip generation manual they don't have when they---when they give that, a lot of times they don't have exact commercial elements of everything. Similar, like from a retail, what they have in ITE is retail or commercial to residential. So if I'm living there, it's shown by their---what the analysis and numbers they've found over the history is that roughly 31% will use the amenities on-site. So instead of driving off-site, they're going to use what's there. And the different commercial components change for different projects. So once again, we understand these are the kind of conversations

that may bring comments back from Staff, and I'm fully aware of that. We have to start somewhere with that application, with the understanding there may be comments and I'm fully aware of that.

Chair

Strachan: And what are, what's the 30% based on? What's, what's your basis for those numbers?

Gary

Horton: 30% is what we used in the original study, on the original study that was concurred with. And a third party engineer reviewed it and they agreed with that number. Some people have told me I think that's low. So, it's, honestly, it's somewhat of a speculative number, but it's the best we can do with---not too many developments of this size or a project of this size have a personal, what I'll call a personal people mover to that many amenities. So the ability to have that, I think, creates a very significant opportunity for people to go to local attractions without having to hop in a vehicle.

Chair

Strachan: So that, that 30% applies to the Cabriolet. There's other percentages in here, like 16% hotel trip generation was reduced by 16%. Where does that 16%, what's that based on?

Gary

Horton: So the number at ITE was actually 31% for residential to commercial. It's actually 31%. There wasn't a hotel but once again, my experience from the traffic engineering, people at the hotel I also anticipate will use the commercial on-site. So instead of, if I'm staying at a hotel, if there's something on-site, ie. a restaurant, I'm assuming that roughly 16% of them would go to that instead of going off-site to a similar restaurant on, on 248 or 224 or down at the junction. So, once again, these are the types of numbers that, based on traffic engineering and experience and knowledge, that are applied, fully understanding there, there may be comments.

Chair

Strachan: I guess what I'm trying to figure out, is where you didn't base the 30---like in the 30% example, you based that on the prior study that was done many years ago. But the new one, 16% or say 20% in the next bullet point on page 91, I mean, why wouldn't it be 17% or 14%. I mean, how do you know that?

Gary

Horton: In the previous study there wasn't what we call mixed land use. ITE hadn't had that kind of information in the current addition. They finally started providing documentation about trip reduction based on mixed land uses.

Chair

Strachan: But then you've picked certain numbers to reduce beyond what ITE has suggested.

Gary

Horton: Correct.

Chair

Strachan: And what did you, what were those picks based on?

Gary

Horton: The ski run was a pick. There is nothing in trip, ITE trip generation for ski runs next to a ski resort. They're just not that detailed. They're specific, site specific. Similarly, the Cabriolet for a, for a mixed use development. Most developments don't have a Cabriolet hooked up to their development.

Chair

Strachan: And remind me what that pick of 30% for the Cabriolet reduction was based on in the original study.

Gary

Horton: It was an estimate.

Chair

Strachan: Based on what?

Gary

Horton: Traffic engineering experience and knowledge, and knowing that if it's there, people are going to use it. We had conversations with Staff at the time to try and find a number. To assume nobody didn't seem right. To assume 70% probably was too much. So we honed in at 30% and it seemed to agree. And that's when they went to a third party study and they agreed as well.

Chair

Strachan: Okay.

Gary

Horton: Somewhat have to take an estimate and without a specific experience. And there's not too many relative developments that have a people mover that move to the same type of amenities. And even if you did studies there, they may say, well, the amenities there are different than this and, and the development here is different than the development being proposed. So.

Chair

Strachan: Okay. Thanks.

Gary

Horton: So with those trip reductions, these are the anticipated traffic volumes, once again, after construction is complete, occupied, and 20 years in the future.

So that was how we gathered all the volumes, traffic volumes for existing, future, and future with Treasure Hill.

The next thing we did was the traffic analysis on the site. The last time I was here it was asked---we, I did kind of, I tried to do an explanation of traffic engineering 101. It was asked, how did we come up with the levels of service and the level of delay. This is the table that is used and it comes out of the 2010 Highway Capacity Manual, and from the Transportation Research Board. As you can see there's different levels of delay, and those are seconds for unsignalized intersections and signalized intersections. Level of service off to the far left of A, and kind of a description of the delay. So when I talk, when I go forward here, that's the reference for the level of service.

So, under existing traffic conditions, the one intersection, so level of service, after Level of Service D, when you get to level of service E or F, is typically when agencies look to make improvements to improve traffic operations at an intersection or roadway. Under the existing traffic analysis, the only intersection that creates concern is in the p.m. peak, and it is the p.m. specifically. But typically, if you make improvements for the p.m., it also improves the a.m. You can't make them, typically, for just one hour or one portion of the day. So, those were the existing. When you look at traffic volumes for the future and run the same analysis, the same intersection, Empire Avenue and Silver King begins to fail, and in parenthesis is the level of ser-, or the seconds of delay.

The other intersection that you'll see highlighted in red that starts to fail is the Lowell Avenue and Silver King. That is a direct result of the Empire/Silver King delay. And I'll show why that's the case. If you---on this next slide, the Empire Avenue/Silver King intersection, if you install a roundabout or, or you implement a traffic signal, the level of service goes to an A and the delay only goes to 7.7 seconds. Or B in the evening, with 11.9 seconds. With that implementation and nothing new at the Lowell Avenue/Silver King intersection, it goes up to a level of service A or B. It's because Empire Avenue and Silver King with a stopped controlled condition, it backs all the way up to Lowell Avenue and Silver King. So then it prohibits that from operating. So when we do the analysis, it actually takes the surrounding intersections into consideration. So there really are not any improvements required at Lower Avenue and Silver King. Just the improvement at Empire and Silver King solves that.

The reason I put Park Avenue and Deer Valley on there, while they operate at a Level of Service D with some simple re-timing of the signal, some of the movements of the intersection improve. So the overall level of service remain D, but with some minor tweaking of the signal, some, some legs of the intersection won't feel the delay. They will if it's not modified.

So, a future traffic analysis with Treasure Hill, assuming those improvements are made, because once again that traffic analysis is with or without the development before. With the development it's assumed that the City would implement those changes one way or another, just for the traffic operations that are required in the area.

So, some Traffic Demand Management Strategies. It's one of the items that the Staff requested that we hone in on and make sure we clarified with this addendum. We've talked about the Cabriolet. It's a significant traffic demand management strategy. Once again, not, not too many developments build their own people mover to allow people to come and go from the site.

Ski runs and trails, while it's hard to calculate, once again, the two that we talked about previously has a huge amenity, especially considering all the operations are on a peak, on the peak winter days when skiing creates some of the major traffic operation challenges.

Being a mixed use development also minimizes traffic out on the roads because it, it, to the best of ability keeps them on-site and sharing the uses. That's a good thing.

Three other items that were added in this Addendum was incentive for employees that may not be living on the site. They'd like to try to incentivize the employee to use public transportation or the Cabriolet to access the site. That's one of the commitments they'd like to make. Once again, these, these two are not included in the traffic analysis or trip reduction, but still commitments that are willing to be had. The other one is a shuttle system for the airport to help people get to the site, whether it's specific to Treasure Hill or whether it's in combination with a current private service. They'd like to apply a shuttle system and help reduce the number of single occupancy vehicles on the road. And the other traffic demand management strategy is during construction, to the best of ability, have employees that could park off-site and be shuttled or use public transportation to get to the site. There are some people with specific tools that may need to have their vehicle there to access their tools, so there needs to be a little flexibility. But that's one of the strategies that's going to be applied.

So, after that we also did a parking analysis. This was an update on Addendum, and I want to say 3 or 4 or 5, I can't remember at this point. I can go back and tell you. Similar to the traffic analysis, there is a fourth edition of the ITE or Institute of Transportation Engineers parking generation manual, once again applying the same numbers; the hotel, employee housing, condominium, and commercial. We created from that book, or from that manual what would be the anticipated parking generation needs, with no reductions.

Once again, due to the type of development it is, it's anticipated there would be a parking reduction. So, in this parking reduction, different than the traffic analysis, though, I'm going to relay a couple of scenarios that help identify why the parking reduction is not at the same rate. So example, patrons could use the hotel and then access Main Street via the Gondola, and/or employees who live on site walk down to work or down to Main Street. Once again, while a trip could be reduced, that doesn't mean that the parking---their vehicle may be parked there and they may head off-site. So that's why the parking reduction can't always go at the same rate.

The other item to be concerned about is, we wanted to make sure there was sufficient parking for the needs because we do not want parking to be spilled out on to the surface street or out and around. Even though it may be legal, it's not what is planned for the development. They will want to contain their parking within their site. So for the residential uses, meaning the condominium townhomes and employee housing, the parking was reduced by 10%, once again similar to a number that was put in the previous addendum. And the hotel resort was reduced by 20%. And with those numbers--- and the 20% actually relates directly back to what was applied in the traffic analysis section. So we tried to keep it an apples to apples comparison as, as best we could where it applied.

Commissioner

Phillips: Can I ask a question real quick?

Gary

Horton: Please.

Commissioner

Phillips: So on the commercial, both parking and on the traffic, that's based off of kind of your average for similar projects?

Gary

Horton: Correct. For these types of uses, what we do is we go into like a hotel, we look up the number of units or the number of square footage of the building; sometimes they have both. And it gives you a calculation of here's how many trips or here's how many parking spaces for that size of a hotel.

Commissioner

Phillips: The only, you know, the only reason I'm, I'm, I'm wondering is because the commercial here is not intended to be used as a destination for people that are not on site, so in my mind I'm just thinking that the commercial, there shouldn't be a whole lot of additional parking spaces needed since in theory, everybody going to that commercial should already be on-site in a hotel room. So they shouldn't need, say two parking spots.

Gary

Horton: I actually appreciate the comment, and I apologize, I meant to bring it up earlier. If you look at the amount of commercial that's located here, it is, let me look real quick. It is not the total amount of commercial that is on

the, and I may not get this right. Currently, the current application, is that a correct statement?

Pat
Sweeney: Correct.

Gary
Horton: Okay.

Pat
Sweeney: About the same as what we've been talking about in 2009.

Gary
Horton: And---sorry. I'm glad you brought that up. I meant to actually underline this earlier. Part of the reason is, is similar with parking and with traffic analysis, if you look in the ITE Manual it states, "Hotels are places of lodging that provide sleeping accommodations and supporting facilities, such as restaurants, cocktail lounges, meeting and banquet rooms, limited recreation facilities, like a pool, and/or other retail space and service shops. So you'll see in the report, in the appendix is a layout of the commercial. That area that is, was directly connected with the hotel, we reduced that amount of commercial for trip generation, and also for parking generation with the assumption that it is a support use to the hotel. So the 17,470 is, from my review of that would be, that area that doesn't look like hey, I'm staying in hotel room 202, walk downstairs, I'm going to go use this facility. I would have had to walk out on the site and maybe down a level or down a sidewalk. So, that's why there is still trip generation and parking generation for that portion of the commercial to be safe that the appropriate amount of parking is available. But it is not, it does not account for all of the commercial.

Commissioner

Thimm: So when I was, when I was looking at it, that was the one number that kind of stuck out to me, because that works out to be like 8-1/2 stalls per 1,000 square feet of commercial which seems---well, for a restaurant I guess that would be okay, but if there's like other commercial, I, I would think that, it, it seemed to be high for, for that, and not low and not reduced.

Gary

Horton: Understood. And that's straight out of the ITE Parking Generation Manual. I didn't take in the fact that, you know, this is specific to this area or anything like that. It was strictly a national standard that was applied based on their counts at commercial for, you know, this is their fourth edition. I don't remember how many times they've counted and how many locations, but based on that information.

So in, in summary, I've run through the TDM Strategies and the Summary and Conclusions, and recommend to implement all the TDM Strategies that were talked about and discussed. The improvements that were proposed at the Empire and Silver King Drive intersection, whether Treasure Hill is on board or not, whether that comes on board or not, are required and necessary, and needed at some time between now and in the future that's sometimes failing right now during winter peaks. And while Treasure Hill will add traffic to the roadways, the intersections, and the surrounding corridors with improvements that are proposed with or without Treasure, the traffic operations in the area can continue to operate. That was, in short, the summary of---

Director

Erickson: Gary, would you clarify for the Planning Commission. I'm looking at your Table 8, future levels of service. And if I'm reading them correctly, I'm seeing, except for Empire and Silver King I'm seeing Levels of Service A and B pretty much consistently throughout that table; C and F at the end of the day. But would you clarify for the Planning Commission that the trip generation that's at peak hour is with all of those reductions that you identified, right?

Gary

Horton: Table 8 is without Treasure Hill.

Director

Erickson: Okay.

Gary

Horton: So this is an analysis whether Treasure Hill is occupied or not.

Director

Erickson: Okay. So, I'm, I'm sorry, then go to Table 10, then.

Gary
Horton: Okay.

Director
Erickson: I misread that. Table 10, same question. Are you running the hotel peak hour arrival and departure at that 65% occupancy, or are you running it at the 82 or whatever number you're running it at?

Gary
Horton: This was with the trip reduction.

Director
Erickson: So this is all the trip reductions---

Gary
Horton: Correct.

Director
Erickson: That you're, you're taking from that original trip generation for a hotel at 65% occupancy.

Gary
Horton: Correct.

Director
Erickson: Okay. So we're going from 80, 80 some occupancy down to 65.

Gary
Horton: 65.

Director
Erickson: And then the rest of the trip reductions. And then we get these Levels of Service A and B in the morning, and then you could see what's happening in the afternoon.

So just wanted to clarify that for you while you're becoming traffic engineers.

Gary
Horton: I did my best to simplify as---

Director

Erickson: No, no, no, it's, it's fine. We're, we're bringing folks along here, and so there you go.

Chair

Strachan: And why on Table 10 are there blanks on that overall intersection LOS?

Gary

Horton: Because for unsignalized intersections they only calculate the worst level of service at one leg because it's not an overall equality thing. If I'm on the stop leg I don't have the right-of-way, so that's typically where the delay is accounted for. So if I'm on the through street I may not have to stop. And if I were to give you an average of those two, I may be F here and A here, and I may say the overall intersection is C, so you're okay. So that's why at unsignalized intersections it focuses on just the worst leg of the intersection. So on the right-hand side is overall intersection because those are signals or roundabouts. On the left-hand side are all the unsignalized intersections. So it's specific to a leg.

Director

Erickson: Just to be clear for the Planning Commission, these levels of service are at the intersection, not the roadway traveled surface, right?

Gary

Horton: Correct.

Director

Erickson: So when you're looking at this thing, this is just what's happening at each end of the intersections, not what's happening in the middle of the street.

Gary

Horton: So, yeah. And the reason the intersections are the focus is typically that's where all the delays were found. You might find minor delays along the way, but typically it's at the intersection where we stop, we drive, we stop. So that's why it's focused on that.

Chair

Strachan: So with the reduction in occupancy rate from 82 to 65, is that normal? I mean, what's the basis for doing that?

Gary

Horton: It's typical for a development like this. I've---we've run analysis, if, if it was required and the Staff wanted we can run it before and after. But that's to paint a picture of what reality is upon occupancy and a winter time frame. People are going to use the ski resort. You know, that was numbers based on the peak occupancy rate, and it's in the appendix of the report. That's actually, the peak in 2014 was 65%. It's actually lower than that in many other, most times of the year, so---

Commissioner

Band: Is that across the Board or in a specific? I mean, where across the Board of the occupancy is it 62 or 85 percent in town on President's Day weekend?

Gary

Horton: That was Summit County. That was the whole Summit County area. That was what they reflect it as.

Commissioner

Band: For the entire Summit County, but are we talking like, you know, what was the occupancy of the Marriott or the, you know, what the actual resort ski in/ski out.

Director

Erickson: So the other, the other clarification we're going to ask Gary to make, is when we're talking about occupancy is that total number of rooms occupied, or is that heads on beds or is that pillows. Because if I understand the Chamber Bureau numbers, they're actually counting heads on beds or pillows. So you could have a four, four bed---an occupied room that sleeps four with only two people in it.

Commissioner

Band: Okay.

Director

Erickson: And that would---right?

Commissioner

Band: And that goes into the---

Director

Erickson: And that would count as 50% occupancy.

Commissioner

Band: That makes more sense. Okay.

Director

Erickson: Right? So when you look at that report that Gary has referenced, look and see how they're calculating the occupancy, and how many heads on beds are really in that model. It also accounts for the condominium projects. So if you have a second homeowner staying in your unit over Christmas, it's not counting generally as a hot bed or a nightly rental bed.

Commissioner

Band: Right.

Director

Erickson: So those tend to skew the numbers a little bit. And I know Gary's accounting for them in there and he's displaying the report for you, so when you read it those are some of the things you're going to be watching for.

Commissioner

Band: Okay.

Director

Erickson: As you try and understand going from what these numbers are telling you to what experiential levels are.

Public: [Inaudible.]

Director

Erickson: Hold on. We're going to get to public comment in just a second. We need to get it on the record and Mary needs to---so hang on. We'll get there. I promise I'll try not to forget. I'm at three mistakes already tonight, so who, who's to say. Okay?

That's all for me, unless you had another question for me, Melissa.

Commissioner

Band: No.

Chair

Strachan: All right. Any other questions.

Commissioner

Band: I do, actually, have another question. I know you didn't factor this, and this might be for your, Pat, but---I know you didn't factor this into the trip reduction, but what are the incentives for employees that are, are, you're thinking of that might actually work. I don't think we've had a huge amount of success in town for incentives for employees and, and not getting in their cars and driving to work. So, just curious about that.

Pat

Sweeney: We're going to both try on that one. Obviously, it's challenging because this is not a country where you can, you know, persecute people if they don't do exactly what you tell them to. It's a free country. I think the most effective incentive is the paycheck. And if you increase that, I think that would be most effective. If, if for certain behavior you reward people. But you, you know, you can't tell people that they're different.

Gary

Horton: Yeah, that was going to be my comment as well. Financial is generally, if it's in their pocketbook they'll generally respond the best.

Commissioner

Phillips: Or if you charge your employees for parking.

Commissioner

Band: Yeah.

Gary

Horton: Or, I said, there's, there's a, you can look at the positive side or the negative side. Either way you want, or, yeah.

Commissioner

Band: I have a few ideas just in case you---

Gary

Horton: Yeah.

Pat
Sweeney: And we're, and we're, we're all ears.

Commissioner
Band: Okay. That was my, that was my question.

Chair
Strachan: All right. Any more questions? All right, without any questions let's open the public comment on Treasure Hill CUP. Anyone from the public wishing to speak on this item please step forward and sign in.

Public Comment

Nikki
DeForge: Just very briefly. Nikki DeForge here for THINC. We do have a number of comments and concerns with the traffic report that we've seen so far, but we do want to wait and see what the Staff report comes up with. And so at the next meeting we'd like to make sure that we have enough time reserved to make our comments at that time.

Chair
Strachan: Thanks. I'm seeing no one else from the public.

Director
Erickson: Did you want to ask your question? [Inaudible.]

Chair
Strachan: Oh, yeah, sorry.

Kyra
Parkhurst: Thank. I forgot about it.

Director
Erickson: Okay. So go ahead and sign in and make sure you have a green light on your microphone, and let Mary know what your name is, and re-state the question.

Kyra
Parkhurst: I just want to know in any of the analysis, you're talking about hotel lodging and that. But so, so much part of our town, especially the Old Town area are second homes that are being rented for rental income or

people are now using Airbnb, which Airbnb didn't even exist when this was approved 30 years ago. So, you know, is that, are those numbers included in any of the studies.

Director
Erickson: So we'll go ahead and have a look at the Chamber Bureau numbers that they're providing.

Kyra
Parkhurst: Okay.

Director
Erickson: I suspect that 2014 probably doesn't look at the full impact of Airbnb and VRBO. But the traffic counts that, what were accomplished during peak hour this year, certainly are identifying those trips that are on the street.

Kyra
Parkhurst: Right.

Director
Erickson: So if Airbnb folks are driving around in 2016 and 2017, we're capturing those. How that correlates to the number of rental beds, we're still working on that one.

Kyra
Parkhurst: Yeah. Okay. We'll have more next week after we [inaudible].

Director
Erickson: Okay. It's fun reading.

Chair
Strachan: Anyone else from the public wishing to speak on this item? Seeing no one we'll close the public hearing.

End of public comment

Chair
Strachan: One question I have. At the end you're summary and conclusions on your report on page 30, which is page 108 of the packet, are those bullet points all of the mitigation that you guys intend to implement? Are there any

other mitigation, traffic mitigation things you're going to do that aren't bulleted there?

Gary

Horton: I think so are the current plan commitments. I think Pat said they're open ears if there was something suggested. But that was, that's the list that we've been able to come up with.

Chair

Strachan: Okay.

Pat

Sweeney: And to answer that further, Adam, I think that's, those are things that rise to a certain level of substance. I mean, there's obviously in every development intangibles, but we didn't, we didn't want to go there.

Chair

Strachan: You didn't want to go there, why?

Pat

Sweeney: Because it's, it's---

Chair

Strachan: Too speculative?

Pat

Sweeney: It's speculative, yes. I mean, it's trying to predict or tell people what to do. Very hard to do.

Chair

Strachan: Okay. All right. Anything else?

Commissioner

Thimm: Francisco, we kind of talked earlier about the possibility of a third party traffic engineer being brought in. When, when you deal with traffic engineers as, as was mentioned tonight, you know, you deal a lot with their experience and background and that sort of thing. And part of it is, is kind of the educated opinions based upon history and what they've seen and that sort of thing. And I think it would be very wise to very, very strongly consider testing those presumptions with a third party. If a third party is brought in, one of the things that just stuck out in, in the report as I

read it was, was the reductions and the basis of the reductions. And I know that there are reasons for reductions, but I would like those to be particularly looked at, I think, if there's a third party traffic engineer. Along with, and I didn't see anything, I might have overlooked it, but I didn't see anything about, you know, what happens in a really, really heavy day right in the middle of construction. There's construction traffic and trucks and that sort of thing. And I'm wondering if there wants to be some analysis of what is going to happen on a very heavily traveled day when we have construction traffic workers, along with deliveries of materials and that sort of thing to a job site.

Director
Erickson: Commissioner Thimm, I think we will seriously consider a third party engineer, whether we're---it's going to depend a little bit about what comes out of our folks. And then second, if the Planning Commission---if, if we're getting a divergent opinion on one of these issues, then we would probably use third party to give us another set of eyes.

Commissioner
Thimm: Okay.

Director
Erickson: But that's our strategy going forward. We can change.

Chair
Strachan: And one last question. The other, the prior traffic studies, 2003 and 2004 and in 2009 had lots of different analysis points like safety and so forth. You're Addendum 7 doesn't have that. Are we to assume then that the prior reports are still, at least in your opinion, up-to-date and controlling.

Gary
Horton: Yeah, I think those are still valid, but I can, I will definitely verify that before I---this was labeled draft, anticipated there may be comments from Staff. So before that's finalized if there's, I'll re-review those and if there's any concerns I'll address it with this report or addendum.

Chair
Strachan: Yeah, that would be good. I mean, at some point we're just going to have to have a final---

Gary
Horton: Final, final.

Chair
Strachan: Final, final from you where you say that these are the list of mitigations, period. End of story. And, you know, these are the safety things that we've taken into account, period. End of story. We can't have, well, we're still thinking about it---

Gary
Horton: Understood.

Chair
Strachan: And we might come up with something later.

Gary
Horton: I would say they're still valid, but I'd like to review them one more time.

Chair
Strachan: If, if they need, if you need to come up with something later, now is the time, right?

Gary
Horton: Right, right.

Chair
Strachan: Because we're trying to move this along per your request.

Gary
Horton: Safety, safety standards typically don't change over time. If they're said once they're still valid. There may be additional information, but typically what was said generally is still valid there. So it will be more along the lines, while this was said earlier, along with that, this may be considered as well.

Chair
Strachan: All right. Yeah.

Planner
Astorga: If I could comment on that. Even though this study was labeled the 7th, it is not the 7th document. I've got---

Chair

Strachan: Yeah, I couldn't find five, six or four.

Planner

Astorga: But there's, there were---no, they're there, but there are other documents that Gary also produced that weren't given a number. So, would say your recommendation is ideal from the amount of work I have to do in terms of there are a lot of different transportation topics that were discussed at many different meetings, and it is extremely time consuming and difficult coming up with what was the final word on that specific issue than the other, than the other, than the other. So what you're saying makes perfect as far as the work that I need to do. And it would be great to do that. I don't, I don't think he's focusing solely on public safety, but we're looking at sidewalk locations and snow removal and all of the other discussions that have taken place throughout this process.

And while I have all the Staff reports and meeting minutes, it is extremely difficult to see, to try to remember or look at the minutes and see what did they commit to do, what did the City indicate needed to be done. So I think the final document or the, the latest and greatest would be a great addition to this packet, this packet of information. There's more than 15 traffic documents created by PEC, by Alta Engineer, by other consultants that have been brought on. So I think that's a great idea to come up with a, more of an up-to-date report. It doesn't have to be a final. I think that as we go through this process you have the ability to amend it per the specific direction that the Planning Commission may give you as you're trying to seek an approval, but it would be more of an up-to-date type of document. I think that, that's what your, that's what your comment is intended to, to indicate, right?

Chair

Strachan: Yeah. Yeah. Yep. Yeah, for instance, in the, in the June 25th, 2009 6th Addendum to the Treasure Hill Impact Analysis of 2004, PEC, which is you guys, your, your [inaudible]. I want to know whether you dispute anything in that anymore, or whether that thing still stands. And if it needs to change, then you got to let us know, all right? Okay. Anything else? All right. Let's, we're continuing this to what did we say, June 12th.

Mary

May: June 14th. June 12th is a Monday.

Chair

Strachan: Is it the 14th. I don't have a calendar.

Planner

Astorga: Is it? Oh, I have two more days.

Chair

Strachan: Lucky you, Francisco. Two full days of Treasure Hill extra for you.

Planner

Astorga: It's the 14th.

Chair

Strachan: All right. Looking for a motion to continue to June 14th.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Permit to June 14, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

3. 243 Daly Ave – a Plat Amendment Requesting to Combine Two Existing Lots located at 243 Daly Avenue into One Lot of Record. (Application PL-17-03469)

Planner Anya Grahm reviewed the application for a plat amendment to combine two existing lots. She noted that they were looking at two tax parcels. The applicant would like to remodel the house and add an addition, which would require a steep slope conditional use permit. However, this request is only to remove the interior lot line between the two parcels.

Planner Grahm remarked that some encroachments on the site, such as a retaining wall, a historic garage and a fence, would be resolved with this subdivision. The City Engineer would also receive the typically required 10' snow storage easement. Planner Grahm noted that this was a Landmark site.

Chair Strachan asked about the HDDR in the process. Planner Grahm replied that the applicant submitted the HDDR and they had received approval from the HPB for the material deconstruction. Planner Grahm stated that she only needed to finalize the HDDR and add a condition of approval requiring that the applicant come back to the Planning Commission with a Steep Slope CUP.

Chair Strachan asked if there would be additional historic review or just the Steep Slope CUP. Planner Grahn replied that there would not be additional historic review. Director Erickson asked about the preservation plan. Planner Grahn replied that the preservation plan is part of the HDDR. The Staff was reviewing and approving the preservation plan, and a financial guarantee on the house would be recorded prior to construction. The building permit for construction cannot be issued until the Steep Slope CUP is approved. She noted that the Planning Department had not yet received the Steep Slope CUP application.

Chair Strachan clarified that no other process was held up by the Steep Slope CUP. Planner Grahn replied that the building permit would be held up but the historic reviews could proceed.

Chimso Onwuegbu, the project architect, was present to answer questions.

Chair Strachan opened the public hearing.

There were no comments.

MOTION: Commissioner Phillips moved to forward a Positive recommendation to the City Council for the 243 Daly Avenue Subdivision, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 243 Daly Avenue

1. The property is located 243 Daly Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. It is identified by the Summit County Recorder as tax parcels PC-627-A and PC-630-MS. The proposed subdivision creates one (1) lot of record.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Landmark.
5. The Subdivision removes one (1) lot line going through the interior of the property.

6. The proposed Subdivision combines the property into one (1) lot measuring 5,552.93 square feet.
7. A single-family dwelling is an allowed use in the District. A duplex is a conditional use in the District.
8. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings. The minimum lot area for a duplex is 3.750 square feet.
9. The proposed lot width is width is 27.8 feet along Daly Avenue. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
10. The maximum building footprint allowed based on proposed lot size of 5,552.93 square feet is 2,032.26 square feet. The historic house equates to a footprint of approximately 974 square feet.
11. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
12. The minimum front/rear yard setbacks are fifteen feet (15'), for a total of 30 feet. The historic house has a front yard setback of 35 feet and a rear yard setback of 82 feet.
13. The minimum side yard setbacks are three feet (3'), for a total of six feet (6'). The existing historic house has a side yard setback of five feet (5') along the north property line and two feet (2') along the south property line.
14. The historic shed at 239 Daly Avenue encroaches over the shared property line and into the 243 Daly Avenue property by one foot (1'). The shed has been designated as Significant on the City's Historic Sites Inventory.
15. There is also a non-historic fence along the shared property line and non-historic railroad tie retaining wall that extend between the two properties at 243 and 239 Daly Avenue.
16. The property is located in a FEMA Flood Zone A.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 243 Daly Avenue

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

Conditions of Approval 243 Daly Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Daly Avenue frontage of the property.
4. The property owner shall resolve the encroachment of the fence and railroad tie retaining walls over the north (side) property line either removing the retaining walls or entering into an encroachment agreement with the neighbor at 239 Daly Avenue.
5. An encroachment agreement for the historic garage at 239 Daly Avenue is recommended.
6. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
7. Ten foot (10') public snow storage easements shall be granted along Daly Avenue.
8. New construction shall comply with Land Management Code Section 15-2.2-3 regarding setbacks, building height, building envelope, building footprint, etc, as well as the Design Guidelines for Historic Districts and Sites.

9. The property is located in a FEMA Flood Zone A. The lowest occupied floor shall be at or above the Base Flood Elevation. An elevation certificate will be required.

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

Approved by Planning Commission: _____



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: 1450-1460 Park Avenue Plat
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-17-03501
Date: May 24, 2017
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing for the Retreat at the Park, First Amended located at the 1450-1460 Park Avenue and continue the item to June 14, 2017, to allow additional time for staff to do analysis on this project. Due to the specificity of this project, it is important that the plat amendment, Conditional Use Permit (CUP) for nine (9) parking spaces, and the condo plat amendment are scheduled together.

Description

Applicant: Park City Municipal Corporation, represented by Rhoda Stauffer
Location: 1450-1460 Park Avenue
Zoning: Historic Residential-Medium Density District (HRM)
Adjacent Land Uses: Commercial and Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: 1450-1460 Park Avenue CUP
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-17-03502
Date: May 24, 2017
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing for the proposed Conditional Use Permit (CUP) at 1450-1460 Park Avenue, and continue the item to June 14, 2017, to allow additional time for staff to do analysis on this project. Due to the specificity of this project, it is important that the plat amendment, Conditional Use Permit (CUP) for nine (9) parking spaces, and the condo plat amendment are scheduled together.

Description

Applicant: Park City Municipal Corporation, represented by Rhoda Stauffer
Location: 1450-1460 Park Avenue
Zoning: Historic Residential- Medium Density (HRM) District
Adjacent Land Uses: Historic and non-historic residential single family and multi-family condominium developments, City Park
Reason for Review: Conditional Use Permits require Planning Commission review and approval



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: 1450-1460 Park Avenue Condo Plat
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-17-03503
Date: May 24, 2017
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing for the Retreat at the Park Condominiums located at 1450 and 1460 Park Avenue, and continue the item to June 14, 2017, to allow additional time for staff to do analysis on this project. Due to the specificity of this project, it is important that the plat amendment, Conditional Use Permit (CUP) for nine (9) parking spaces, and the condo plat amendment are scheduled together.

Description

Applicant: Park City Municipal Corporation, represented by Rhoda Stauffer
Location: 1450-1460 Park Avenue
Zoning: Historic Residential-Medium Density District (HRM)
Adjacent Land Uses: Commercial and Residential
Reason for Review: Condominium Record of Surveys require Planning Commission review and City Council review and action

Planning Commission Staff Report

Application: PL-15-03005
Subject: First Amendment to the Park City Film Studios Subdivision
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: May 24, 2017
Type of Item: Legislative

Summary Recommendation

Staff recommends Planning Commission conduct a public hearing and continue this First Amendment to the Park City Film Studios Subdivision plat to June 14, 2017.

Description

Applicant: Quinns Junction Partners L.C.
Location: 4001 Kearns Blvd
Zoning District: Community Transition (CT) (MPD)
Surrounding Land Uses: IHC Park City Medical Campus, Summit County Health Department and People's Health clinic, USSA Training Facility, Quinn's Recreation and Park City Ice Rink complex, US 40, Park City Heights residential MPD, open space and public trails.
Reason for Review: Plat amendments require public hearing and recommendation by the Planning Commission with final action by City Council.

Summary of Proposal

This application for the First Amended Park City Film Studios Subdivision plat is a request to subdivide an existing 30.35 acre Lot 1 of the Park City Film Studios Subdivision plat into three platted lots of record. The purpose of the subdivision is to provide separate platted lots for different phases of the Quinn's Junction Partnership Master Planned Development and Conditional Use Permit approvals. Staff requests continuation to June 14, 2017, to allow additional time for internal review of the report and conditions of approval.

**Planning Commission
Staff Report**

Subject: FY 2018 Capital Improvement Project Plan
Author: Matt Cassel, City Engineer
Date: May 24, 2017
Type of Item: Informational Item



Description

The City Engineer recommends that the Planning Commission review the 2018 Capital Improvement Project Plan for consistency with the General Plan. The projects highlighted in the plan are those that could have planning implications.

Background

In previous years after the Capital Improvement Plan (CIP) Committee (made up by staff) had completed their analysis and project prioritization and provided their final recommendation to the City Manager, the plan has been forwarded to the Planning Commission for review for consistency with the existing General Plan.

Process

Using a ranking system developed by the Budget Department, individual projects submitted by each department were ranked and scored by the committee members, the results were combined and a project prioritization list was created. The CIP Committee completed their analysis and project prioritization in late March and this list is attached as Exhibit A.

The ranking system included Six Criteria;

- ✓ **Criteria 1 – Objectives** - Meets the vision of a current City Council Goal/Priority (Weight 1.25),
- ✓ **Criteria 2 – Funding** – Source availability and competition for funds (Weight 1.5),
- ✓ **Criteria 3 – Necessity** – Project is a “need have” versus a “nice to have” (weight 1.25),
- ✓ **Criteria 4 – Investment** – Project has a positive history of prior investment suggesting additional support (Weight 1.00),
- ✓ **Criteria 5 – Cost/Benefit Analysis** – Revenues (or savings) compared to costs (operating and capital) (Weight 1.00), and
- ✓ **Criteria 6 – Environmental Impact** – (Weight 1.00).

Department Review

This project has not gone through an interdepartmental review.

Public Input

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

Recommendation

The City Engineer recommends that the Planning Commission review the 2018 Capital Improvement Project Plan for consistency with the General Plan.

Exhibit

Exhibit A – CIP Description Report

Park City Municipal Corporation		
5-year Capital Improvement Plan (2017- 2020)		
Project	Manager	Description
000468 Sports Field- Turf Aerator	Fonnesbeck	Deep Tine Aerator: Parks would like to purchase a deep tine aerator for use on our sports fields. This machine will punch aeration holes up to 10 inches deep which will address soil structure issues associated with clay, compacted soils. For many years we contracted this service out. The contractor we used for over 15 year has gone out of business. Many sports facilities have purchased their own deep tine aerator, likely the reason our contractor went under. The cost of the machine is 51K. This aerator is an attachment that mounts to a tractor. Parks currently owns the tractor so we would just need to purchase the aerator. In the past we paid \$5,000 to contract out this service. This annual funding could be used to offset the purchase of this machine. With this purchase we could aerate our sports fields several times per year. This machine would be on a 20 year replacement schedule. Aerification is a critical maintenance practice that alleviates compacted soils, improve drainage and promoting air exchange in the soil. Our sport fields receive a great deal of league and tournament play throughout the season, proper cultural maintenance practices is vital in providing quality fields.
000469 SR 248/Richardson Flat Intersection Improvements	Knotts	The proposed project is to evaluate both a signalized and unsignalized intersection improvements at the SR 248/Richardson Flat intersection. These improvements are critical for transit and private vehicles to safely and expeditiously access the Richardson Flat Park and Ride lot. Signal infrastructure is already in place however prior to installation of the signal at least one other alternative should be developed and evaluated.
000470 SR 248/US 40 Park and Ride Lot	Knotts	Plan, design, and construct an additional park and ride lot adjacent to SR 248 and/or US 40 as recommend by the City/County Blue Ribbon Commission on Remote Parking. This request is a request is to fund the development of 2 alternatives through preliminary engineering (30%) and environmental.
000472 PC MARC Tennis Court Resurface	Fisher	The 4 indoor tennis courts at the PC MARC will need to be resurfaced in FY 2018 and the 11 outdoor courts in FY 22
000473 Core Fabric Extender	Robertson	This requests supports the need for hardware infrastructure components to support growth of network interfaces of core switch.
000474 Timekeeping Software Upgrade	Robertson	The City's time-keeping system requires an upgrade. This fund will go towards software-hardware and potentially in conjunction with any payroll or time system enhancements.
000475 Mobile Management Server	Robertson	This solution provided for enhanced mobile device controls for laptops, smartphones and similar devices to help ensure compliance requirements for FBI, PCI and overall security best practices. In addition, this enhancement adds controls for remote support and improved data handling on end devices.
000476 Windows 10 Client Licenses	Robertson	Windows7 will be deprecated January 2020. As a result we will need to begin operating system upgrades when computers are serviced and when their service life is beyond this timeframe.
000479 Swede Sidewalks	Twombly	Construct sidewalks in Swede Alley and other parking and pedestrian enhancements - concept design
000480 Bonanza Flats	Rockwood	Purchase of Bonanza Flats Property
000483 JSSD Interconnection Improvements	McAfee	
000484 VMS Signs	Knotts	This project is Phase 2 of the City-wide installation of Variable Message Signs. The Phase 1 signs have been very effective in providing advanced and real time traveler information as well as event information and wayfinding. The goal of this project is to better management transportation system demand as well as reduce vehicle miles traveled by providing clear and concise wayfinding. These signs will also be utilized to provide real-time information and parking availability upon implementation of the City's Parking Management Program
000485 Enhanced Bus Stops at Fresh Market and Park Ave Condos	Fonnesbeck	The Park Avenue Condos and Fresh Market bus shelters are two locations with the greatest amount of ridership aside from the resorts and transit centers. It is a key point in making transfers for our express route to begin the summer of 2017. These stops have a high visibility not only to our riders but also to people passing by along the 224 corridor and can make the statement of how important transit is to our community. With the additional 4- 5 electric buses added to the system this year there will be 18 buses an hour at these stops not counting the additional 22 buses an hour during Sundance. These stops are far too small to handle this amount of bus and pedestrian traffic. The e bike share program will also play a pivotal role with how people move around this particular area as well. These particular two bus stops will be enhanced to include better access for the buses, passengers, pedestrians, and cyclists who use our transit system.
000486 Canyons Village Area Transit Center	Fonnesbeck	The Canyons Village area Transit Center is a key location for connectivity to our transit system linking several county routes to the Canyons Village and parking. With the expansion of routes from surrounding neighborhoods this location will become even more vital to the success of our system. This will also be a key location in the e-bike share program where people can pick up or drop off their electric bikes. FTA funding will play a major part in the success and cost of this project.
000487 Electrical Generator Upgrades	Robertson	The ICE rink data closet supports all network and systems related operations including office phones. This project would extend the onsite generator backup power to the data closet so power disruptions would be minimized. This would allow phones and other devices to maintain operation when the backup battery is exhausted, about 10-min.

000488 BRT Capital Improvements & Electronic Signage	Fonnesbeck	We have installed 10 electric signs in 2016 and have assessed locations for 15 more. Using GPS data these signs inform waiting passengers at key locations how long before the next bus arrives at their stop. This project also includes making improvements and to existing stops along 224 BRT route which may include shelters, concrete landings raised or flat, bus pullouts etc.
000489 6 Electric BRT Transit Buses	Fonnesbeck	6 Electric buses will be purchased to implement a BRT like bus route along 224 between Kimball Junction Transit Center and Old Town Transit Center. This will provide 10-15 minute frequency of service between the two locations. 4-5 buses will be used to run this service with the 6th bus to be used as a spare or in the event of an additional bus to meet the demand.
000490 Electric Bus Charger at Kimball Junction Transit Center	Fonnesbeck	This charging station is necessary to run the electric buses, and is being placed at this key location for immediate and future growth. This charging station will allow a bus to charge between 5-10 minutes.
000491 Electric Bus Charging Station at Old Town Transit Center	Fonnesbeck	This charging station is necessary to run the electric buses, and is being placed at this key location for immediate and future growth. This charging station will allow a bus to charge between 5-10 minutes.
000492 Main Street Bollards Phase I	Glidden	Security Bollards installment on Lower Main St. Will provide Security and Public Safety during special events on lower main st.
CP0001 Planning/Capital Analysis	Rockwood	Annual analysis of General Impact Fees to determine/justify formula, collection, use. Including GASB 34 planning and implementation.
CP0002 Information System Enhancement/Upgrades	Robertson	Funding of computer expenditures and major upgrades as technology is available. Technological advancements that solve a City need are funded from here. Past examples include web page design and implementation, security systems, document imaging, telephony enhancements, etc.
CP0003 Old Town Stairs	Twombly	An ongoing program to construct or reconstruct stairways in the Old Town Area. Stairways that are in a dilapidated condition beyond effective repair are replaced. Most of the stair projects include retaining walls, drainage improvements and lighting. Like trails, the priority depends on factors such as adjacent development, available easements, community priority and location. Funding comes largely from RDAs so most funding is restricted for use in a particular area. Tread replacements are planned beginning with the oldest in closest proximity to Main Street. New sets proposed include 9th St. with three new blocks at \$300,000 (LPARDA);10th St. with 1 new block at \$100,000 (LPARDA);possible improvements to Crescent Tram pending resolution of the current parcel discussions (no identified funding); Reconstruct 3rd St, 4th St, 5th St, others as prioritized (Main St RDA). See also Project #722.
CP0005 City Park Improvements	Fisher	As Park City and surrounding areas continue to grow, there is a greater public demand for recreational uses. This project is a continuing effort to complete City Park. The funds will be used to improve and better accommodate the community's needs with necessary recreational amenities. The current recreation building needs to be replaced with a larger more functional space that will meet the needs of day camp & other recreation programs. The facility has some conceptual designs being done through the Recreation Facility Master Plan.
CP0006 Pavement Management Implementation	McAfee	This project provides the funding necessary to properly maintain and prolong the useful life of City owned streets and parking lots. Annual maintenance projects include crack sealing, slurry sealing, rototilling, pavement overlays and utility adjustments. In FY19 additional \$250K request to pave main street.
CP0007 Tunnel Maintenance	McAfee	Maintenance and inspection of the Judge and Spiro Mine tunnels. Replacement of rotting timber with steel sets and cleanup of mine cave ins. Stabilization of sidewall shifting with split set of bolts and screening. Track replacement. Flow meter OM&R.
CP0009 Transit Rolling Stock Replacement	Fonnesbeck	This program provides for the replacement of the existing transit fleet. It is anticipated what the Federal Transit Administration will be providing 80 percent of the purchase cost.
CP0010 Water Department Service Equipment	McAfee	Replacement of vehicles and other water department service equipment that is on the timed depreciation schedule.
CP0013 Affordable Housing Program	Laurent	The Housing Advisory Task Force in 1994 recommended the establishment of ongoing revenue sources to fund a variety of affordable housing programs. The city has established the Housing Authority Fund (36-49048) and a Projects Fund (31-49058). Fund 36-49048 will be for the acquisition of units as opportunities become available, provision of employee mortgage assistance, and prior housing loan commitments. It will also provide assistance to developers in the production of units.
CP0014 McPolin Farm	Carey	City Farm Phase II - Landscaping. Trailhead parking. Completion of the sidewalks, ADA accessible trail to safely accommodate the passive use of the property. Pads and interpretive signs to display antique farm equipment.

CP0017 ADA Implementation	Fonnesbeck	Many of the City's buildings have restricted programs due to physical restraints of the buildings. An ADA compliance audit was conducted by the building department and phase one improvements have been made. Additional funds will be needed to continue the program to complete phase 2 and 3 improvements.
CP0019 Library Development & Donations	Juarez	Project 579 also includes a category 39124. Public Library development grant. This is a grant made to all public libraries in Utah by the State, based on population and assessed needs. The uses of this money are restricted by State statute, and must be outlined in the Library goals which are set by the Library Board and due to the State Library at the end of October each year.
CP0020 City-wide Signs Phase I	Weidenhamer	Funded in FY02 - Continue to coordinate and install way-finding and directional signs throughout the City.
CP0021 Geographic Information Systems	Robertson	Utilize the geographic information system software obtained in grant from ESRI to produce a base map, parcel map, and street center line map. Maps will be used by numerous city departments for planning and design purposes. This program is a joint venture between PCMC & SBSID. An interlocal agreement is pending between PCMC, SBSID, and Summit County.
CP0025 Bus Shelters	Fonnesbeck	Passenger amenities such as shelters, and benches have proven to enhance transit ridership. This project will provide the funding necessary to redesign and install shelters and benches at new locations. These locations will be determined using rider and staff input as well as rider data. Funding will be 80% FTA funds, 20% transit fund balance.
CP0026 Motor Change-out and Rebuild Program	McAfee	In order to minimize the potential for water distribution interruptions all system pumps and motors are evaluated at least yearly with those indicating a problem taken out of service and either repaired or replaced. Funded by user fees.
CP0028 5 Year CIP Funding	Rockwood	This account is for identified unfunded projects.
CP0036 Traffic Calming	Cassel	Over the last few years residents have expressed concerns with the speed and number of vehicles, safety of children and walkers. The interest of participation for traffic calming has come in from all areas of town. Funding covers traffic studies, signage, and speed control devices.
CP0040 Water Dept. Infrastructure Improvement	McAfee	General asset replacement for existing infrastructure including such assets as pipelines, pump stations, valve vaults, etc.
CP0041 Trails Master Plan Implementation	Twombly	Existing Funds will be utilized to construct the following trails and infrastructure: Prospector connection, April Mountain Plan, Historic trail signage and Daly Canyon connections. Additionally, Phase III trailheads at April Mountain and Meadows Dr. East. Requested funds for future FY include projects associated with continuation of trail connectivity as outlined in the Trails Master Plan and those identified in the PC Heights MPD, more specifically identified as Phase I and II of the Quinn's Park and Ride connections. Easements have been secured for these pathways. Staff will utilize local and state grants to off set costs associated with these connections.
CP0042 Property Improvements Gilmore O.S.	Twombly	The City's property acquisitions often require improvements for the City's intended uses. Improvements typically include structural studies, restoration, environmental remediation, removal of debris, basic cleanup, landscaping, and signs.
CP0046 Golf Course Improvements	Fonnesbeck	This fund encompasses all golf course related projects, constructing new tee boxes, cart path repairs, restroom upgrade, landscaping, pro-shop improvements, and other operational maintenance projects.
CP0047 Downtown Enhancements/Design	Gustafson	Close Out Project
CP0061 Economic Development	Weidenhamer	The project was created to provide "seed money" towards public/private partnership ideas. These expenditures are a result of the beginning stages of economic development plan.
CP0069 Judge Water Treatment Improvements	McAfee	Funded by federal funds, user fees, bonds. This project will fund improvement necessary to meet EPA water quality mandates for the Judge Tunnel source.
CP0070 Meter Reading Upgrade	McAfee	This project will provide funding to upgrade meters to enable remote radio reading of water meters. This process will improve the efficiency and effectiveness of water billing.
CP0073 Marsac Seismic Renovation	Gustafson	Marsac seismic, HVAC, ADA and associated internal renovations.
CP0074 Equipment Replacement - Rolling Stock	Coulson	This project funds the replacement of fleet vehicles based upon a predetermined schedule. The purpose of the project is to ensure the City has the funding to replace equipment that has reached the end of its useful life.
CP0075 Equipment Replacement - Computer	Robertson	The computer replacement fund supports replacement of computer equipment and support infrastructure including network, servers, and climate control systems. However, replacement decisions are driven by technological advancements, software requirements, and obsolescence.
CP0081 OTIS Water Pipeline Replacement	McAfee	Water Replacement as part of the OTIS road projects

CP0089 Public Art	Rockwood	This project is designed to fund public art as part of an "Arts Community Master Plan". Public Art will be funded following the Council adopted 1% allocation form each City construction project policy where applicable.
CP0090 Friends of the Farm	Carey	Use to produce events to raise money for the Friends of the Farm and use for improvements to the farm.
CP0091 Golf Maintenance Equipment Replacement	Fonnesbeck	This fund is used for golf course maintenance equipment replacement.
CP0092 Open Space Improvements	Fonnesbeck	This fund provides for maintenance, improvements, and acquisition of Park City's Open Space.
CP0097 Bonanza Drive Reconstruction	Cassel	To accommodate new water lines, pedestrian enhancements, gutters, storm drains and landscaping. Possible UDOT small urban area funding.
CP0100 Neighborhood Parks	Twombly	This project includes the creation of neighborhood parks through the use of Park and Ice bond proceeds. This includes projects in Park Meadows, Prospector, and Old Town.
CP0107 Retaining Wall at 41 Sampson Ave	Cassel	City contribution of retaining wall at 41 Sampson Avenue (Donnelly House)
CP0108 Flagstaff Transit Transfer Fees	Knotts	Account for transit transfer fees dedicated to improvement enhancement of Park City transit system by designing and constructing transit priority improvements on SR 248. Reduction in greenhouse gas emissions by reducing idling and single occupancy vehicles.
CP0115 Public Works Complex Improvements	Fonnesbeck	This project will provide for additional office space & furnishings required to house streets/transit/fleet personnel.
CP0118 Transit GIS/AVL System	Fonnesbeck	GIS and AVL systems to provide real time information to passengers and managers to better manage the transit system.
CP0123 Replace Police Dispatch System	Robertson	Replace police CAD/RMS system to meet Public Safety demands.
CP0128 Quinn's Ice/Fields Phase II	Twombly	Additional development of outdoor playing fields and support facilities
CP0136 County Vehicle Replacement Fund	Fonnesbeck	Holding account for Regional Transit Revenue dedicated to vehicle replacement of county owned equipment.
CP0137 Transit Expansion	Fonnesbeck	These funds are dedicated to purchasing new busses for expanded transit service.
CP0140 Emergency Power	McAfee	Complete study to develop recommendations for emergency backup power needs for the water system.
CP0141 Boothill Transmission Line	McAfee	This project is complete and should be deleted.
CP0142 Racquet Club Program Equipment Replacement	Fisher	For ongoing replacement of fitness equipment.
CP0146 Asset Management/Replacement Program	Fonnesbeck	Money is dedicated to this account for asset replacement. The replacement/repair schedule was created in FY 07 for Building replacement. Plan was updated in FY 13 and will be updated again in FY18.
CP0150 Ice Facility Capital Replacement	Angevine	For ongoing capital replacement at Quinn's Ice Facility. Funding provided by City and Basin per interlocal agreement. FY 17 Request: Additional funding to replace the evaporative condenser. This critical piece of refrigeration equipment helps express heat pulled off of the ice as part of the refrigeration process. In addition to the critical need for the replacement of a primary condenser tower, this request capitalizes on opportunities for the implementation of the latest technology which would double the life expectancy, enhanced the functionality and offer additional heat recovery efficiencies. This request also adds a redundancy that mitigates loss of revenue by using the existing equipment as a fail-over option. Building in a redundancy removes the single point of failure concern and allows for seamless transition of routine maintenance or repairs on either evaporative condenser tower. The overall reduction of costs for repair, parts and labor with this redundancy option are anticipated by adding a new primary condenser tower versus a direct replacement.
CP0152 Parking Equipment Replacement	Coulson	For replacement of parking meters on Main St., parking vehicles, and handheld ticket writers. Funded by meter fee revenues.
CP0155 OTIS Phase II(a)	Cassel	OTIS Phase II and III – These projects are a continuation of the Old Town Infrastructure Study and resulting rebuild of Old Town roads that started in 2002. The upcoming roads include 8th Street, 12th Street, McHenry Avenue, Rossi Hill Drive and Silver King.

CP0157 OTIS Phase III(a)	Cassel	OTIS Phase II and III – These projects are a continuation of the Old Town Infrastructure Study and resulting rebuild of Old Town roads that started in 2002. The upcoming roads included in IIIa were McHenry Avenue (constructed in the summer of 2015) and Lowell Avenue (Construction for the summer of 2016). Tentative future projects will be 8th and 12th Streets in 2017 and 2018 and Rossi Hill Drive in 2019.
CP0160 Ice Facility Capital Improvements	Angevine	For various projects related to the Ice Facility as outlined in the Strategic Plan.
CP0167 Skate Park Repairs	Fisher	Re-paint fence and re-caulk the concrete joints.
CP0171 Upgrade OH Door Rollers	Fonnesbeck	Maintenance Equipment & Parts for Old Bus Barn Doors
CP0176 Deer Valley Drive Reconstruction	Cassel	Total estimated project cost: \$2,000,000. Unfunded amount is the difference between \$1,000,000 in requested impact fees and local match (which is funded by Transfer from General Fund).
CP0178 Rockport Water, Pipeline, and Storage	McAfee	This project will construct upgrades to the Mt. Regional Water Pump Station at Rockport and a new pump station and intake that will be owned and operated by WBWCD, all to deliver Park City's reserved water from Rockport and Smith Morehouse reservoirs. Also included is the cost of water from WBWCD and replacement fund for the infrastructure.
CP0180 Corrosion Study of System	McAfee	this project can be deleted
CP0181 Spiro Building Maintenance	McAfee	General upkeep of the Spiro WTP. This will continue until this facility is rebuilt in about 2021.
CP0186 Energy Efficiency Study -City Facilities	Ober	Data management for all municipal utilities. This tool will expedite carbon foot printing and better identify energy and cost saving opportunities.
CP0191 Walkability Maintenance	McAfee	This funding is provided for the purpose of ongoing maintenance of completed Walkability Projects.
CP0196 Downtown Projects - Phase III	Weidenhamer	Pedestrian connections and enhancements in the downtown corridor
CP0203 China Bridge Event Parking	Coulson	This project will provided additional parking for Park City.
CP0208 Snow Plow Blade Replacement	McAfee	This option will replace our snowplow blades over the next three years. PROJECT COMPLETED
CP0214 Racquet Club Renovation	Fisher	Complete
CP0216 Park & Ride (Access Road & Amenities)	Fonnesbeck	This project will provide funding to construct an access road from Wasatch County to the new park and ride at Richardson Flats. Intersection improvements at SR-248 are necessary for safe and efficient operations of Park and Ride and Park City Heights.
CP0217 Emergency Management Program	Daniels	This project funds Emergency Program Management, the Emergency Operations Center (EOC), City building emergency preparedness supplies, emergency response equipment and supplies, mobile command trailer (MCT) equipment, community outreach, mitigation projects and emergency information technology and communications. For FY17 & FY18 the \$10,000 for each year predominately improves, replaces and/or increases EOC equipment, MCT, mitigation, response, sheltering and technological capabilities along with required equipment for new MCT.
CP0226 Walkability Implementation	Weidenhamer	This project funds varying projects related tot he Walkability Community program. The projects to be completed with this funding will be as outlined by the Walkability Steering and CIP committees and as approved by City Council during the 2007 Budget Process This was cp0190 in the FY2009 budget
CP0227 Park City Water Infrastructure Projects	McAfee	This is complete and should be deleted
CP0229 Dredge Prospector Pond	Fonnesbeck	This fund would pay for the dredging of the Prospector Pond. (Project delayed for Storm Water Master Plan)
CP0236 Triangle Property Environmental Remediate	Ober	Cost associated with the assessment and closure of the property through the Utah Voluntary Clean-up program.
CP0238 Quinn's Junction Transmission Lines	McAfee	This is complete and should be deleted
CP0239 PC Heights Capacity Upgrade (tank)	McAfee	This is to pay for an upsize of the Park City Heights Tank per the Water Agreement
CP0240 Quinn's Water Treatment Plant	McAfee	Water treatment upgrades to the exiting WTP to provide additional barriers against total organic carbon, manganese, and other water quality upsets in the Weber River.
CP0244 Transit Contribution to County	Fonnesbeck	For annual capital contribution to Summit County
CP0248 Middle Silver Creek Watershed	Ober	Non-water related acres: accrued a liability and expenditure of \$272,000 in the government-wide statements, governmental activities column
CP0250 Irrigation Controller Replacement	Fonnesbeck	The Parks Department has a total of 38 irrigation controllers located throughout town at all City facilities including, City buildings, athletic fields, parks, school fields, etc. These electronic devices provide irrigation control to landscaped areas by radio communication from the Central computer to the individual field units. Some of these controllers are 25 years old, as they were originally installed in the early 1990s. Over the past years we've continued to experience many electronic/communication problems with these old outdated field units. We recommend taking a systematic approach by replacing 4-5 controllers a year for the next several years. To date we have replaced 23 out of the 38 controllers. Projected completion 2019.

CP0255 Golf Course Sprinkler Head Upgrade	Fonnesbeck	The sprinkler heads on the course are 26 years old. These heads are worn out and outdated. The new sprinkler heads are more efficient in water application and distribution uniformity. PROJECT COMPLETED - PLEASE REMOVE
CP0256 Storm Water Improvements	McAfee	This money would be to fix and repair any of our current storm water issues within the city.
CP0258 Park Meadows Ponds Control Structure	Cassel	The existing control structure uses planks that are occasionally removed causing downstream flood. This would replace the wood planks with a lockable gate.
CP0260 Monitor and Lucky John Drainage	Cassel	Correct the drainage issue around the Lucky John and Monitor intersection.
CP0263 Lower Park Avenue RDA	Weidenhamer	The project entails planning, design, demolition, reconstruction of historic buildings, construction of new buildings, and possible land acquisition in the Lower Park, Woodside, platted Norfolk and Empire Avenues North of 13th Street within the Lower Park Avenue RDA. PM I includes new community center and reconstruction of 2 historic houses at Fire Station area.
CP0264 Security Projects	Daniels	The Building Security Committee was established in 2008 and makes recommendations on security issues, training and equipment for all occupied city buildings. The two largest components are Closed Circuit Video Systems (CCVS) and Electronic Access Controls (electronic door locks), along with some smaller security upgrades including, alarms, fragment retentive film, lighting and training. This is a multi-year project that had original estimates for camera upgrades and expansion at \$200,000, Access Controls at \$150,000 and other projects at \$50,000. Some funding for upgrades and/or replacements has been from the Asset Management Fund and individual departments. Emergency Management, Information Technology and Building Maintenance are partners in this project. We have made significant headway over the past 8 years. the majority of the work is expected to be completed by FY20.
CP0265 Crescent Tramway Trail	Cassel	This request is to secure funds specifically for the improvement of the Crescent Tramway Trail creating an identifiable, safe, and connected pedestrian trail. The Crescent Tramway easement follows the historic rout of a narrow-gauge railroad which was first used in the late 1800s to carry ore from the Crescent Mine to the Park City Smelting Company. The trail begins near the corner of Park Ave and Heber Ave and winds up the foothills. It passes Woodside Ave, Norfolk Ave, and Lowell Ave, before it reaches a plethora of trails within the recreational open space areas. the tram route closed in 1898 after the smelter burned to the ground, and the railroad tracks were pulled up around 1901. The tramway has since been used as a pedestrian path, hiking trail, and bike route. Past development along the Crescent Tramway Trail has made it difficult to follow the pedestrian easement and it is even unrecognizable as a pedestrian trail in areas.
CP0266 Prospector Drain - Regulatory Project	Ober	Project is being done under an Administrative Order on Consent with the EPA to address the discharge of metals impacted water from the Prospector Drain and Biocell. Project involves first conducting an Engineering Evaluation and Cost Analysis, then selecting a remedial action and implementation. In addition, a Natural Resource Damage Assessment must be done that will determine compensatory restitution for damages to natural resources.
CP0267 Soil Repository	Ober	Should we successfully complete the current negotiations wit the EPA on the Multi-Party agreement then Park City would likely need to financially participate in a portion of the construction of a soils repository. These would be a one-time cost. Ongoing costs for the repository would likely be incurred by United Park City Mines. Park City would likely not have a future role in the operation of the repository.
CP0269 Environmental Revolving Loan Fund	Ober	Sustainability Staff is requesting \$100,000 in additional funds for the Environmental Revolving Loan Fund. With the hire of an Energy Project Manager through Rocky Mountain Power's demand side management program, Sustainability will be pursuing 3,000,000 kWh in energy savings over the next three years. This work will result in annual, ongoing savings of at least \$75,000 per year (\$225,000 per year by 2019). Increasing the Environmental Revolving Loan Fund by \$100,000, or to a total balance of \$278,000, will allow the Energy Project Manager to rapidly fund and deploy projects. The Environmental Revolving Loan Fund is repaid through energy savings. All but \$24,000 of the fund is currently invested in high return projects.
CP0270 Downtown Enhancements Phase II	Weidenhamer	10 year improvement plan for pedestrian enhancements and public gathering spaces in the Main Street area. Pedestrian enhancements consist of replacing the curb, gutter, sidewalks, street lights, and the addition of storm drains, benches, trash and recycling bins... Gathering spaces include plazas and walkways.
CP0273 Landscape Water Checks	McAfee	sprinkler audits and improvement recommendations
CP0274 PC Heights Development Infrastructure	McAfee	Pumping and water line upgrades related to the PC Heights development.

CP0275 Smart Irrigation Controllers	McAfee	This is an incentive program designed to reduce water demand through the use of technology that adjusts watering amounts based on climatic conditions.
CP0276 Water Quality Study	McAfee	This is for various water quality related studies and activities such as pipe cleaning, monitoring equipment installation, studies, and research opportunities.
CP0277 Rockport Capital Facilities Replacement	McAfee	This is for asset replacement related to the diversion and pumping structures on the Rockport Reservoir
CP0278 Royal Street	Cassel	Royal Street Project – The Royal Street Project is the permanent repairs to the section of Royal Street that slide during the high spring run-off from a three years ago. This project will reinforce the existing wall to give it a 20 plus year life span. Current life span at construction was estimated at five years. Construction will start this July and be completed by October.
CP0279 224 Corridor Study and Strategic Plan	Knotts	Project includes a corridor study and strategic plan for State Route 224 between Thaynes Canyon Drive and the Deer Valley Drive/Bonanza Drive intersection. The resulting Plan will be a guideline for future decisions regarding Walkability projects and connectivity, transportation efficiencies, and access. The Plan will fold into land use and redevelopment decisions regarding the western side of the Bonanza Park district and General Plan discussions.
CP0280 Aquatics Equipment Replacement	Fisher	There is no capital replacement fund for the two outdoor pools. This will be set up to build a fund balance for the eventual replacement of pool infrastructure and equipment. This year we had to use Asset Management Funds for several repair/replacement items.
CP0283 Storm Water Utility Study	McAfee	Storm Water Utility Study – This study will look at the opportunities in creating a storm water utility which would then be used to fund our storm water system operation and maintenance activities. Currently funds are used from other Public Work programs to maintain our current storm water system. This study will look at how the utility will be structured, the potential revenue generated and the administrative operations of the utility.
CP0286 Ironhorse Electronic Access Control	Fonnesbeck	This CIP will provide for Electronic Access Control for the 72 doors at Ironhorse Public Works Facility. Costs are shared based upon proportional share of doors. Project will be phased over 3 years.
CP0288 Transit Signal Priority	Fonnesbeck	This CIP project will install Transit Signal Priority equipment in Signals along SR-248 and SR-224. This system will provide extra time on a green light when a transit bus is within the signal queue. This increased green time will contribute to the convenience and dependability of Transit travel times.
CP0289 Ironhorse Transit Facility Asset Management	Fonnesbeck	This CIP will fund ongoing Capital Renewal needs for the City's expanded Ironhorse Transit facility. This fund will provide for roof, parking garage, HVAC, lifts and equipment capital renewal. Summit County contributes its proportional share.
CP0290 APP Development	Robertson	This App Development request consists of development services required to create and maintain new "Apps" that are becoming an expected part of city services delivery. It is anticipated that several core functions could be offered through Apps on mobile devices, namely requesting information and work from city staff. A proposed historic web app has been approved by Council and is expected to be completed fall 2014.
CP0292 Cemetery Improvements	Fisher	City Council has an interest in developing a head stone replacement and restoration program for the cemetery. There is also an interest in using ground penetrating radar to see if the southwest corner of the cemetery can be reclaimed.
CP0293 Parking System Software	Coulson	Replace existing parking system software and hardware
CP0294 Spriggs Barn	Fonnesbeck	This option will provide funding to stabilize the Spriggs Barn from further dilapidation and begin a long rang plan for restoration.
CP0297 Parking Wayfinding	Coulson	Wayfinding for Main Street parking resources. First year is for signage and consulting assistance with finding garage and internal garage circulation. Years 2 and 3 are for a smart system to indicate stalls available.
CP0299 Raw Water Line and Tank	McAfee	This can be deleted
CP0300 Irrigation Screening Facility	McAfee	The irrigation screening facility will provide screening of water from the Weber River and the potential Round Valley Reservoir. The purpose of this facility is to screen fine particles and organic material prior to entering the irrigation system. Without this facility, existing irrigation systems would become clogged and would not function properly.

CP0301 Scada and Telemetry System Replacement	McAfee	This project is to replace and upgrade the water system's SCADA (supervisory control and data acquisition) system. There are many limits to the current system including limited technical experts that understand the programming, limited ability to report, trend, and integrate water quality monitoring and trending. This upgrade will allow the system to be better integrated into the Quinns WTP system and the AMR system.
CP0302 Deer Valley Drive - Water Infrastructure	McAfee	This project will be a part of the road reconstruction project and will replace water infrastructure including a distribution and transmission mainline, several valve vaults, and a modification to a underground pump station. It is recommended that this water infrastructure be replaced in conjunction with the road project to avoid future emergency repairs.
CP0303 Empire Tank Replacement	McAfee	As part of the drinking water solution for the Judge Tunnel Source, the Empire Tank will be converted into a raw water tank and as a result will need to be replaced to meet drinking water storage requirements. In addition to the projected water storage deficit in the Old Town area, the existing Woodside tank is approximately 50 years old. Both of these factors will be considered with the new tank construction.
CP0304 Quinn's Water Treatment Plant Asset Repl	McAfee	With the addition of Quinns Junction Water Treatment Plant (QJWTP), a budget line item is required for asset management of this \$14,000,000 facility. This money will be used to replace valve, pumps, membranes, and other items to be replaced at the facility over time.
CP0305 Quinn's Dewatering	McAfee	A mechanical dewatering process addition at QJWTP will be required once Judge Tunnel water is treated at this facility. Judge water contains various constituents in particulate form which will be filtered out by the membranes at QJWTP creating a concentrated waste stream that requires treatment. The current waste stream is discharged into the sanitary sewer which is then treated at Snyderville Basin's Silver Creek Facility. However, with the addition of Judge's waste stream, discharge to the sewer will be prohibited as a result of the concentrated metal content.
CP0306 Open Space Acquisition	Rockwood	City Council pledged \$15 million as part of the Additional Resort Sales Tax. Funds were allocated or planned in three phases as a mixture of cash and debt. Phases were to be adjusted as necessary to match actual land acquisition needs. Phase I, \$4.5 M. FY2014; Phase II, \$5.5 M. FY2015; Phase III, \$5 M. FY2017.
CP0309 Multi-Generational Housing	Laurent	Park City is in need of housing that is structured to meet the changing needs of the community. Multi-generational housing can include smaller, multi-level units for singles and young couples, larger units for growing families and smaller single-level units with built-in fixtures that allow a person to age-in-place. Pursue an age-in-place and attainable housing project on city-owned land at the location of the current senior center, former Park Avenue fire station and adjacent land acquired from Knudson and Elliott Work Group. The current schedule allows for a charrette to identify goals, relative density and scope of the project in summer 2014 with a projected start of construction in spring 2016.
CP0311 Senior Community Center	Weidenhamer	Possible renovation to City facilities in LPARDA such as the Miner's Hospital to provide for senior and community needs.
CP0312 Fleet Management Software	Fonnesbeck	Procurement and implementation of fleet management software to replace Lucity and Fuel Management equipment that has proven inadequate to provide Fleet Management with data and reporting necessary to meet stringent federal transit administration reporting requirements and analytical support required for sound fleet mgmt. Staff has worked closely with it on assessment of current system and all parties agree replacement is justified.
CP0313 Transportation Plans and Studies	Knotts	Funding for transportation/transit plan studies (e.g. short range transit development plan SR-224, corridor studies, mountain transportation plans). These plans & studies will determine required transit/transportation capital programs for future years. Additionally, Develop update to 2011 Transportation Master Plan update to 2011 Traffic and Transportation Master Plan that updates PC existing transportation policies as well as an action plan of compressive transportation solutions/projects including but not limited to regional connections, bicycle and pedestrian element, Intelligent Transportation System, complete streets and road classifications, design standards, mass transit, land use connections, GHG/air quality analysis, TDM programs, based on a 20 year planning horizon. Both a fiscally constrained and unconstrained capital project list will be developed.
CP0314 Richardson Flat Road-Improvement	Fonnesbeck	Obligation to improve Richardson Flat Road as set forth in Park City Heights Annexation Agreement development agreement and sales agreement.

CP0316 Transit Facility Capital Renewal Account	Fonnesbeck	This project will serve as a reserve account for capital assets owned and operated by park city transit. Annual contributions will ensure critical buildings will have a local funding source as they require renewal. Level of funds assume federal transit admin. grants are available when required. Funds will be used for Major capital items such as roofing, paint, siding, cameras, etc.
CP0317 Deer Valley Dr. Phase II	Cassel	Deer Valley Drive Phase 2 – This project follows the Deer Valley Drive road project that was completed last year. This project includes adding more sidewalk, pedestrian lighting, landscaping, bus pullouts and bridge repair amongst other things. Construction will start in July of this year and be completed by October.
CP0318 Bonanza Park/RMP Substation Mitigation	Rockwood	\$1.5 million was originally allocated by Council to provide mitigation and relocation costs related to the Rocky Mountain Power Bonanza Park Substation. Staff recommends these funds remain in the Bonanza Park project area to be used for mitigation, economic development and infrastructure improvements contingent on the completion and adoption of the Bonanza Park Area Plan.
CP0323 Dog Park Improvements	Fisher	Looking to create a more attractive dog park at the Park City Sports Complex. This project may include additional shade, terrain, variations and obstacle course as well as landscape enhancements.
CP0325 Network & Security Enhancements	Robertson	Improved cybersecurity management and automation has become a necessity to support the City's growing network of remote, wired and wireless devices. As the diversity of threats continue to grow, the ability to identify, report and mitigate risks is now considered a best practice for security management. Furthermore, network dataflow is a hardware and software solution that provides a method to measure and manage network traffic. This information is used for troubleshooting issues, enhancing security, and understanding communications traffic. This solution helps us meet our compliance and cyber response initiatives.
CP0326 Website Remodel	Robertson	The City website is in need of an upgrade. While visual enhancements will be a function of this project, the key changes will include improved mobile capabilities, content management and incorporation of new technologies. As of January 2014, IT has met with department website publishers to identify needs and wants with project kick-off in April/May.
CP0328 Meeting Documentation Software	Glidden	This project is for the purchase and implementation of a Meeting Management software solution that is primarily for the recording and streaming of public meetings for both audio and video (utilization of video streaming will be a phased consideration with meeting room upgrades). The software will also support work flow process for meeting packets. As of February 2014, the initial project kick-off meeting has been initiated.
CP0329 Main Street Infrastructure Asset Management	McAfee	This Funding is dedicated for replacement and maintenance to the Main Street Improvement program
CP0330 Spiro/Judge Pre-treatment	McAfee	This is for treatment of the Judge and Spiro mine tunnels to comply with the clean water act
CP0332 Library Technology Equipment Replacement	Robertson	***THIS REQUEST IS BEING COSIDERED FOR BEING COMBINED WITH THE COMPUTER REPLACEMENT CIP. In 2014, Council approved a Library facility remodel that included operational enhancements and public space for a digital media and technology lab. This CIP servers as a fund to replace aging technology not eligible under the Computer Replacement Fund.
CP0333 Engineering Survey Monument Re-establish	Cassel	Monument Re-establishment – this project sets a small amount of money aside to start re-establishing survey monuments that have been damaged or destroyed over the years. These monuments are located very two to three blocks and were set in the early 1980s. Without a County Surveyor to oversee the County monument system, the task falls to the Cities to maintain their own survey monument system. Many of our survey monuments around town have been disturbed/destroyed. This CIP re-establishes the most critical monuments most notably those along Main Street.
CP0334 Repair of Historic Wall/Foundation	Cassel	The historic wall/foundation located just south of Hillside Avenue is located in the ROW and is showing signs of disrepair. This project is to have the wall structurally evaluated and to have the repairs completed.
CP0335 Engineering Small Projects Fund	Cassel	Small Project Funds – This project will address small projects around town which currently include stair repairs north of Marsac, replacement of handrails along Heber, Main Street bridge repairs and bridge evaluations. The purpose of completing these projects is to keep our image polished.
CP0336 Prospector Avenue Reconstruction	Cassel	Prospector Avenue Reconstruction – Park City is slated to receive \$1,000,000 in Small Urban Fund Grant money in 2016. These funds require a 7% match but also have strict restrictions on how they are used. The CIP money requested is to allow our staff to complete the project in one season. Elements of the project include updated storm drains, sidewalks, bus pullouts, additional lighting, resurfacing of the road, bike lanes, etc.

CP0338 Council Chambers Advanced Technology Upg	Robertson	This project provides for significant technology upgrades to the Council Chambers area to allow for public audio and video feeds. This supports flexibility and multipurpose use of the area. Also, this allows for the improved recording and zone acoustics. This project addresses the structural limitations of the room requiring concrete cuts and conduit.
CP0339 Fiber Connection to Quinn's Ice & Water	Robertson	Recently a grant was approved by RAB (Recreation Advisory Board) to assist with the construction of a fiber network to be extended to the ICE arena. This will improve communication services and address performance issues with the existing radio network.
CP0340 Fleet Shop Equipment Replacement	Coulson	This project funds the acquisition and replacement of fleet shop necessary for vehicle servicing equipment such as computer diagnostic equipment, tire servicing equipment, and vehicle lifts/jacks that are not affixed to the building based upon a useful life calculations. The purpose of the project is to ensure the City has the funding to replace equipment that has reached the end of its useful life.
CP0341 Regional Interconnect	McAfee	This is one of 3 interconnects that are planned to connect park city's water system with Mountain Regional and Summit Water. This was a part of the Western Summit County Regional Water Supply Agreement we entered into in 2013.
CP0342 Meter Replacement	McAfee	This is the meter and laterals asset management program
CP0343 Park meadows Well	McAfee	The park meadows well has been classified as ground water under the direct influence of surface water. This designation happened in 2014 and will require treatment. This is one of 8 critical water sources for the City.
CP0344 PRV Improvements for Fire Flow Storage	McAfee	This project will replace aging PRV's and allow us to balance the surplus water storage in certain areas of the City with areas that have a storage deficit.
CP0345 Three Kings/Silver King Pump Station	McAfee	This project will pump water from the Thayer area to the new Empire Tank once it is constructed.
CP0346 Fairway Hills to Park Meadows Redundancy	McAfee	This will provide access to the Fairway hills storage for the boot hill pressure zone.
CP0347 Queen Esther Drive	McAfee	This project is to correct a minor issue with high pipe velocities in the Solamere area.
CP0348 McPolin Barn Seismic Upgrade	Twombly	The existing structure is currently inadequate to resist snow loads, wind loads and high seismic loads required by local building codes. There are several structural deficiencies with the general framing of the building that should be repaired. The connection of the floor beams to the exterior wood post needs to be strengthened, the gable walls need to be stiffened and the floor framing at the stairs need to be strengthened. The gable walls need to be stiffened and the floor framing at the stairs needs to be strengthened. Under design snow loads, the roof structure is highly over stressed. One of the 2014 top priorities for City Council is historic preservation. The McPolin farm is considered a historic icon in the entryway corridor to Park City. If it falls down we'll all be in trouble. Staff and the FOF Committee feel that the City should also make the barn available for small tours while they are in the process of the stabilization. The first \$800,000 request was a guesstimate. We still do not have definitive cost but we have a better cost estimate at this time which puts the project at \$1,023,972. A survey and project description will go to Council February 25, 2016. Definitive project costs will be determined by the Construction Manager by March 2016. Tentative project schedule April 2016 - August 2016.
CP0350 1450-60 Park Avenue	Laurent	Development of an 8 - 12 unit affordable housing subdivision at 1450-60 Park Avenue. This property was purchased in 2009 for affordable housing. Council has provided direction to move forward with the city as the sponsor/developer. Estimated development costs including soft costs and construction is \$2,61,750. It is expected that 85 percent of the CIP request (\$1.92mi) will be reimbursed through proceeds of sale.
CP0351 Artificial Turf Replacement Quinn's	Fonnesbeck	Artificial turf field was installed in 2005 and has a life expectancy of 10-15 years. We are projecting replacement in 2020.
CP0352 Parks Irrigation System Efficiency Imp	Fonnesbeck	Fund irrigation system improvements to increase system efficiencies. Some of our irrigation systems are approaching 30 years old and in need of an upgrade. With new irrigation equipment or modifications, current systems could be updated to improve system efficiencies. The program would include: • Perform a water audit using a certified third party auditor to test the distribution uniformity (DU) of the larger systems. • Evaluate each park design and functionality; identify opportunities to modify existing park area to create a lower water use landscape. • Use audit information to identify inefficiencies in each system and outline future projects. • Create a program to systematically upgrade irrigation system and/or landscaping. Following system upgrades, the park would be retested to verify efficiency increases. The program would be an on-going program investing 25,000 annually.
CP0353 Remote snow storage site improvements	McAfee	Site improvements are necessary to ensure proper BMP's are established and create better usage of property.
CP0354 Streets and Water Maintenance Building	McAfee	Public Utilities Operations Facility for Streets, Storm Water, and Water Operations.

CP0357 Private Land Acquisition #1	Laurent	This is a joint acquisition with the open space fund of private property. The land will be developed to include publicly accessed open space as well as a small subdivision of approximately 8 single family homes. The total acquisition cost is \$500,000. This CIP request is for \$250,000.
CP0358 Private Land Development #1	Laurent	Development of an 8 unit affordable housing community. The land is currently under negotiation. This request is dependent upon successful acquisition. The initial phase of the request is for \$184,000 in predevelopment funding. Total estimated development costs including soft costs and construction is \$2,288,400. It is expected that 90 percent of the CIP request will be reimbursed through proceeds of sale.
CP0360 Old Town Housing	Laurent	This project is the development of 12-units townhouse/stacked flat in Old Town on land to be acquired. Estimated development costs including soft costs and construction is \$3,205,000. It is expected that 84 percent of the CIP request will be reimbursed through proceeds of sale. This percentage may increase depending on the cost of soil remediation and overall construction costs.
CP0361 Land Acquisition	Laurent	This request is for funding for feasibility and land acquisition for future development. Several potential sites have been identified. As the City begins an aggressive housing development program, it will be necessary to have a source of funding for future land acquisition to respond to new opportunities. Land acquisitions may be done in tandem with open space purchases.
CP0362 Neighborhood Preservation Program	Laurent	This an acquisition/rehabilitation/resale program targeted to older neighborhoods in Park City that are being targeted for tear down/redevelopment and pushing prices beyond even middle income residents. This is designed as a pilot program to promote reinvestment by the private sector and develop new funding sources and mechanisms for homeownership. There is currently on property under negotiation.
CP0363 Traffic Management Cameras	Knotts	Real time visual monitoring of developing traffic conditions will enable the City to respond more effectively to traffic events.
CP0364 Master Plan for Recreation Amenities	Fisher	We have completed the Mountain Recreation Action Plan but need to complete a master plan for the Park City Sports Complex as well as the PC MARC. Facilities have been identified but need to take a global look at existing spaces and facilities so we have a clearer picture of what goes where.
CP0367 Replacement of Data Backup System	Robertson	Currently all City data is stored on a platform that provides data backup and recovery services. However, our City data has grown at exceptionally high rates in the past two years, thus our backup platform requires an upgrade to meet these new demands.
CP0368 Video Storage Array	Robertson	The capture, storage and archiving of video information is a large component to the City's information store. However, much of this information should be separated into lower cost infrastructure. Thus reducing the cost of upgrading existing (higher-priority) storage array.
CP0369 Paid Parking Infrastructure for Main St.	Fonnesbeck	Paid Parking Infrastructure for Main Street Area - Gates, technology, signage, other improvements
CP0370 C7- Neck Tank to Last Chance	McAfee	Replace undersized and inadequate supply line in lower deer valley
CP0371 C1 - Quinns WTP to Boothill - Phase 1	McAfee	This is project will increase the water line size in a key area of our system between the Quinns WTP and the Boothill Tank. This will be required to deliver more water associated with at WTP expansion.
CP0372 Regionalization Fee	McAfee	This is a contractual obligation associated with the Western Summit County Project
CP0373 Operational Water Storage Pond	McAfee	Operational water storage pond for the Lost Canyon Importation Project
CP0374 Building Permit Issuance Software	Robertson	In order to increase customer service, efficiency and capabilities, the Building Department is requesting a new permit tracking software. Currently, the Building Department office staff manually type an inspection schedule to post online each day. Redundant permit files are created in order to receive fees (at the time of plan review deposit, permit issuance, increased bonds, etc.,) a new permit is created. Applicants complete a carbon copy application forms and then must wait to allow time for the office staff to manually input their information into the computer. Inspectors hand write inspection reports in the field and then type the inspection results into the computer at the end of the day when they return to the office. (City Manager Recommended)
CP0378 Legal Software for Electronic Document M	Robertson	During the past two years, legal staff has researched a few software storage companies to fit the needs of the department with eliminating hard files that can be effortlessly converted over to an efficient paperless system (electronically). The Legal Staff has decided to begin converting over with the Prosecution Program first and is anticipating moving in the same direction at a later time for all civil litigation files and project files.
CP0379 Little Bessie Storm Drains	Cassel	
CP0381 Transit and Transportation Land Acq	Knotts	Acquisition of land for transit facilities and operations
CP0382 Transit Onboard Security Cameras	Fonnesbeck	Technology has changed and improvement are needed to an upgraded Security Camera system which will increase reliably and dependability of video the transit fleet.
CP0383 Transit Onboard Wi-Fi	Fonnesbeck	Transit Onboard Wi-Fi
CP0384 Design and Repair Snow Creek Bridge	Cassel	The Snow Creek Bridge stone facade has deteriorate significantly. This project would remove the stone facade, sound and verify the structure has not deteriorated and rebuild the stone facade.

CP0385 Park Avenue Reconstruction	Cassel	Park Avenue utility infrastructure has deteriorated and is in need of replacement. By the time the utilities are replaced, the road will be non-existent and will need to be completely rebuilt. This project will take two summers to construct.
CP0386 Recreation Building in City Park	Fisher	As Park City and surrounding areas continue to grow, there is a greater public demand for recreational uses. This project is a continuing effort to complete City Park. The funds will be used to improve and better accommodate the community's needs with necessary recreational amenities. The current recreation building needs to be replaced with a larger more functional space that will meet the needs of day camp & other recreation programs. The facility has some conceptual designs being done through the Recreation Facility Master Plan.
CP0387 VMS Replacement	McAfee	This request will fund replacement of existing Variable Message Signs (VMS) were purchased in 2004. They are used for directing traffic during most events, construction projects, and peak skier days.
CP0388 Parking Deck Coating Replacement	Coulson	Replace Deck Coating Iron Horse Bus Garage
CP0389 MIW Treatment	McAfee	Park City must comply with stream water quality permits enforced by the Utah Division of Water Quality for the Judge and Spiro Tunnel. Currently, these water sources do not meet permit limits and mechanical treatment must be studied, designed, tested, and constructed. This project will be ongoing until the year 2033.
CP0390 QJWTP Treatment Upgrades	McAfee	Quinns WTP needs to be upgraded to handle increased Total Organic Carbon, manganese, turbidity, and other water quality upsets in order to reliably provide water to the community.
CP0391 QJWTP Capacity Upgrades	McAfee	As water demand exceeds existing treatment capacity, Quinns WTP will need to be expanded.
CP0392 Distribution Zoning Meters	McAfee	This project will help us locate and correct water leaks in the City's distribution system.
CP0393 Energy Projects	McAfee	Council adopted a goals of net zero. This budget is to pay for projects that will move us towards that goal.
CP0394 QWTP Energy Projects	McAfee	Projects related to energy consumption reduction at Quinns WTP.
CP0395 QWTP Micro-Hydro	McAfee	Micro-hydro for the raw water pipeline into Quinns WTP - approx. 50 kWhrs
CP0396 Park Ave SD	McAfee	Storm water replacement in Park Avenue
CP0397 Vehicle and Equipment Replacement	McAfee	Replacement for storm water equipment and vehicles.
CP0398 Prospector Ave Storm Water	McAfee	Storm water infrastructure related to the reconstruction of prospector avenue.
CP0399 Dump Truck	McAfee	A full sized dump truck with a trailer.
CP0400 Guardrail Royal Street and DVD	Cassel	A recent slide off accident on the road bend nearest to Snow Park highlighted the concern that the road was not designed correctly. Additionally, a request has been made to install guardrail along the first bend in Royal Street above The Trees Condominiums
CP0401 Downtown Projects Plazas	Twombly	This is for the Miner's and Brew Pub (Main Street) Plazas. It separates those 2 projects from the remainder of the Main Street Improvement projects.
CP0402 Additional Downtown Projects	Twombly	These are miscellaneous projects beyond the larger plazas (Cp0460) and the sidewalk projects (Cp0270). They include restrooms at China Bridge, the conversion of 4th and 5th Street, Schreuers Walkway, and Swede sidewalks.
CP0404 Parks Building	Fonnesbeck	Funds allocated for relocation and site improvements for current Parks maintenance building
CP0405 Golf Building	Fonnesbeck	Funds allocated for relocation and site improvements for current Golf maintenance building
CP0406 Central Park	Laurent	The Central Park City Condominiums project is located at 1893 Prospector Avenue. The project construction is scheduled to be completed by October 2017. The City intends to purchase all units, which would be deed restricted in the City standard manner including limits on property value appreciation and targeted sales to Park City's workforce. The Central Park Condominium project includes, 3 units are two bedroom, two bath units and 1050 square feet, 7 units are two bedroom, one and a half bath at 855 square feet, 1 studio unit is 500 square feet. Each unit also has a storage locker (a "toy" locker big enough to fit 2-3 bikes, boxes, skis, etc.).

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 1900 Park Avenue
Conditional Use Permit (CUP) for construction in the Frontage Protection Zone (FPZ) and Outdoor Dining for Squatters Pub

Project Number: PL-17-03528

Author: Ashley Scarff, Planning Technician

Date: May 24, 2017

Type of Item: Administrative - CUP

Summary Recommendation

Staff recommends that the Planning Commission reviews the request for a Conditional Use Permit (CUP) for construction within the Frontage Protection Zone (FPZ) and outdoor dining for Squatters Pub located at 1900 Park Avenue, conducts a public hearing, and considers approving the CUP based on the findings of fact, conclusions of law, and conditions of approval found in this staff report.

Description

Applicant: Poly Bros, LLC (owner) and Salt Lake Brewing Company (lessee), represented by Ralph Nagasawa, MJSA Architects

Location: 1900 Park Avenue

Zoning: General Commercial (GC) District, Frontage Protection Zone (FPZ), Sensitive Land Overlay (SLO) Zone

Adjacent Land Uses: Commercial to the north, Olympic Welcome Plaza to the east, City golf course and condominiums to the west and south

Reason for Review: In the FPZ, all construction activity within the setback area between thirty feet (30') and one hundred feet (100') from the nearest right-of-way line requires a CUP with Planning Commission review and approval.

Proposal

This application is a request for a CUP to allow the Salt Lake Brewing Company to renovate an existing outdoor patio area, construct a second outdoor dining patio area with a new exterior entryway, as well as expand an existing restroom at Squatters Pub located at 1900 Park Avenue. The application also includes a request to modify an existing outdoor dining CUP so that it covers the second patio area.

Background

On April 17, 2017, the Planning Department received an application for a CUP to allow Salt Lake Brewing Company to make improvements within the FPZ at Squatters Pub located at 1900 Park Avenue. The proposal includes the renovation of an existing outdoor patio area, the construction of a second outdoor patio area with a new exterior entryway, as well as the expansion of an existing restroom into the existing outdoor patio area. The applicant also wishes to modify the site's current outdoor dining CUP so that it covers the second patio, once constructed. The application was considered complete on April 21, 2017.

The subject property is a metes and bounds parcel that falls within the GC District. The site is also located within the SLO zone but the project scope will only affect previously developed areas. The City Engineer has conditioned this approval so that any potential storm water runoff stemming from unpaved parking areas to the rear of the lot does not reach the adjacent creek. This issue will need to be addressed during the building permit application process.

The entire parcel falls with the FPZ, making all improvements subject to a Conditional Use review. **Per LMC §15-2.20**, the FPZ is an overlay zone that includes properties with frontage on, and within 100 feet (100') of the right-of-way line of the following streets:

- A. Park Avenue, SR 224, from 15th Street north to the City Limits,**
- B. Marsac Avenue, SR 224, from its upper intersection with Prospect Avenue to the south City limits,*
- C. Kearns Boulevard, SR 248, from Park Avenue east to the east City limits, and*
- D. Deer Valley Drive from Park Avenue to Heber Avenue, the SR 224 Belt Route.*

The purpose of the FPZ is to:

- A. preserve Park City's scenic view corridors,*
- B. preserve and enhance the rural resort character of Park City's entry corridor,*
- C. provide a significant landscaped buffer between Development and highway Uses,*
- D. minimize curb cuts, driveways and Access points to highways,*
- E. allow for future pedestrian and vehicular improvements along the highway corridors.*

The following sections of the LMC apply to this proposal:

LMC §15-2.20-4 FPZ Lot and Site Requirements

- A. Regardless of the zone Setback and Yard requirements, except as otherwise provided herein, no Structure shall be allowed within thirty feet (30') of the nearest highway Right-of-Way. An exception to this requirement shall be granted for two (2) municipal identification signs, one within the Utah State Highway 224 entry corridor, and the other within the Utah State Highway 248 entry corridor, provided that Park City Municipal Corporation is the Applicant and subject to approval pursuant to Municipal Code Section 12-9-1(L).*
- B. All Construction Activity, including permanent signs, in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line requires a Conditional Use permit and is subject to all applicable review criteria as stated in Section 15-1-10. Review of projects within the FPZ shall include design review criteria as stated in LMC Chapter 15-5.*

LMC §15-2.18.3 General Commercial (GC) District Lot and Site Requirements

LMC Requirement		Proposed
Front Yard Setback/Landscaping	FPZ requires landscaped buffer 30' in width abutting street	There is a non-complying landscaped buffer along SR-224 (see analysis below), but all existing/proposed improvements have 45', 2.5" minimum front yard setback, <i><u>legal noncomplying.</u></i>
Rear Yard Setback	10'	Approx. 23' minimum, <i><u>complies.</u></i>
Side Yard Setback	10'	Minimum of approx. 70' on eastern side (site has one side yard), <i><u>complies.</u></i>
Building Height	35' from existing grade	Entry roof form and roof extension over restroom addition range from 16'8" – 17'3" in height, <i><u>complies.</u></i>

The site currently contains one (1) outdoor dining patio that measures 1,019 square feet (sf) in area. The current property owner procured a CUP on June 27, 1990 for outdoor dining on a proposed 1,026 sf patio within the FPZ, and staff found building plans stamped approved on August 28, 1990, for the deck described in the CUP application (Exhibit D).

A patio with similar dimensions and location was present when Salt Lake Brewing Company applied for a CUP to convert the building into Squatters Pub from the Mt. Air Café on April 12, 2006. The 2006 CUP request and approval included the following scope of work (Exhibit E).

- Update of the building exterior;
- Relocation of main entrance and ADA ramping;
- Reconfiguration of parking, snow storage, and circulation patterns;
- Addition of pedestrian sidewalks to connect surrounding land uses;
- Bringing the exterior lighting into compliance;
- Enhancement to the outdoor landscaping;
- Complete interior remodel of kitchen, dining, and lower level storage areas.

The applicant is proposing to renovate the existing 1,019 sf patio and add a second outdoor dining patio area that measures 528 sf, as well as a new entryway with an area of 51.9 sf (see site plans, Exhibit A). The new patio area will be oriented at an angle, but the corner closest to the right-of-way (SR-224) is proposed to be located 45 feet, 2 ½ inches (45', 2.5") from the right-of-way line. All other improvements are located further back from the Park Avenue right-of-way line, and meet additional setback and height requirements of the GC District, as outlined in the Land Management Code (LMC). No new construction is proposed within the first 30' of the property, in accordance with requirements of the FPZ.

The new entryway will be covered by a small roof form and designed to mimic the main building's existing clock tower feature, but will be significantly lower in height at

approximately 16'8" from existing grade. The perimeter of both patios will be lined with poles to support sail shades (refer to elevation sheet, Exhibit A).

The applicant is also proposing to expand the area of an existing restroom, which will incorporate 25.7 sf of space that currently falls within the existing outdoor patio area, reducing the patio from 1,019 sf to 993.3 sf. This will require the bathroom's roof to be extended to the west by about six feet (6') from the existing gable end. The new roof form will be an extension of the existing roof, and will not exceed the main structure's height (refer to roof plan sheet, Exhibit A).

As evidenced in the table above, Staff finds that all proposed improvements meet the setback and height requirements of the General Commercial (GC) District, as outlined in the Land Management Code (LMC).

Last, the applicant wishes to maintain the outdoor dining use on the existing patio, but modify the permit so that it allows for outdoor dining on the proposed second patio as well. This is typically an administrative action reviewed and approved by staff.

Analysis

This proposal must be weighed against the CUP review criteria found in LMC §15-1-10(E), #1-16.

LMC §15-1-10 Conditional Use Review Process

E. REVIEW. *The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:*

1. Size and location of the Site;

The applicant is proposing to renovate the existing 1,019 sf patio and add a second outdoor dining patio area that measures 528 sf, as well as a new covered entryway that will add 51.9 sf of area. The patio improvements will be located within an existing landscaped island. The new patio will be oriented at an angle, but the corner closest to the right-of-way (SR-224) is proposed to be located 45 feet, 2 ½ inches (45', 2.5") from the right-of-way line. The applicant is also proposing to expand an existing restroom area, which will utilize space that currently falls within the existing patio's footprint, reducing the 1,019 sf patio to 993.3 sf. All proposed additions greatly exceed minimum setback requirements from all property lines as stipulated in the LMC. **No Unmitigated Impacts.**

2. Traffic considerations including capacity of the existing Streets in the Area;

The proposed patio, entryway, and restroom expansion shall have no direct impacts on traffic counts or capacity of streets in the area. The City Engineer has conditioned this approval so that the applicant signs the curb cut/exit to the southeast of the building as "right turn only" due to its close proximity to the SR-224/SR-248 intersection. **No Unmitigated Impacts.**

3. Utility capacity, including Storm Water run-off;

The proposed improvements shall not require additional utility capacity. The applicant is proposing to maintain a landscaped island around the patio area that is similar to the existing configuration, which will retain storm water runoff originating from the project area. The City Engineer has conditioned this approval so that the applicant is responsible for mitigating storm water runoff into the adjacent creek that may originate from the unpaved parking area to the rear of the building. A Building Permit must be issued by the Building Department prior to construction. **No Unmitigated Impacts.**

4. Emergency vehicle Access;

The proposed improvements will not occupy any area that is not already developed. There shall be no negative impacts affecting emergency vehicle access to the site. **No Unmitigated Impacts.**

5. Location and amount of off-Street parking;

The submitted site plan shows 63 existing off-street parking spaces. The spaces located adjacent to the SR-224 right-of-way are legal non-complying, as they fall within an area 30 feet (30') in width abutting the street that the FPZ stipulates shall be a landscaped buffer area. The current landscaped buffer is also legal non-complying as it does not have a width of 30', but was added through past approvals.

The proposed project will not eliminate any of the 63 shown parking spaces. Per LMC §15-3-6(B) Parking Ratio Requirements for Non-Residential Uses, the parking requirements for a restaurant and bar is one (1) space per 100 sf of net leasable floor area, which includes kitchen areas but excludes common hallways, mechanical and storage areas, parking, and restrooms. The main building contains 3,920.4 sf of net leasable floor area, which results in a requirement of 40 off-street parking spaces. There is no minimum parking requirement provided in the LMC for Outdoor Dining, but it is based on a site specific review. Even if the total patio area (1,521.3 sf) was held to the standard restaurant parking requirement of 1 space per 100 sf, it would only add a further requirement of 16 spaces, making the total parking required for the site amount to 56 spaces. Considering the existing 63 spaces provided, Staff concludes that the site currently contains more off-street spaces than needed.

In observing the site, staff has found that Squatters employees currently utilize an unpaved area behind the building for parking. Because this violates LMC §15-3 Off-Street Parking, staff has conditioned this approval so the applicant may either formalize that rear parking area by making it hard-surfaced, or employees shall utilize already-established parking areas on-site. **No Unmitigated Impacts.**

6. Internal vehicular and pedestrian circulation system;

The proposed additions shall not affect internal vehicular and pedestrian circulation of the site, as they will not occupy any area that is not already developed. The pedestrian

and bicycle pathways to the east of the property will not be affected in any way. **No Unmitigated Impacts.**

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

The new patio area will have a short wall around its perimeter that is designed to match that of the existing outdoor patio. There will also be sail shade structures erected over both patios, which will contain associated noise such as customers' voices.

The applicant is proposing to maintain a landscaped island around the outdoor dining area, which will be similar to the landscaping already on-site (refer to site photos, attached). All trees to be removed as part of this project will be replaced in-kind along the outer perimeter of the new patio. **No unmitigated impacts.**

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

The proposed patio additions are not technically buildings, but they will be subordinate to the main structure on-site, and greatly exceed minimum front, side, and rear yard setback area requirements. **No unmitigated impacts.**

9. Usable Open Space;

No 'usable' open space will be affected with this project. The new patio addition will occupy a grassy landscaped island that currently has no use beyond storm water retention. **No unmitigated impacts.**

10. Signs and lighting;

No signage or lighting is being proposed with this application. **No unmitigated impacts.**

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

The patio and entryway additions complement the existing main structure, and will incorporate matching building materials and color schemes. The new entryway will mimic the clock tower feature found on the main restaurant building, but at a smaller scale. **No unmitigated impacts.**

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

Due to the restaurant's location along highly-trafficked SR-224 with surrounding commercial uses, this is an ideal location for an outdoor dining use and its associated noise impacts. Outdoor diners' voices may be heard from adjacent properties, but the patios are designed with walls and shade structures that will retain a lot of the noise on-site, and competing noise from SR-224 will be diminished for diners with such

structures, to a certain level. No other undesirable factors should result from this specific project. **No unmitigated impacts.**

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;

Not applicable, as the proposed project will not affect the existing flow of delivery and service vehicles, loading and unloading zones, or trash and recycling pickup areas. **No unmitigated impacts.**

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities;

Not applicable, as the primary use of the site and its ownership will not change. **No unmitigated impacts.**

15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the topography of the Site; and

The subject parcels falls outside of the Soils Ordinance Boundary, so no soils remediation is required. As mentioned above, the property does lie within the Sensitive Land Overlay (SLO) District, but because the project will only affect previously-developed areas, Staff has determined that there will be no negative impact on nearby sensitive lands resulting from this project. The City Engineer has conditioned this approval so that the applicant takes further mitigation measures to protect the adjacent creek from storm water runoff from the unpaved parking area to the rear of the building. The site is located within FEMA Flood Zone X. **No unmitigated impacts.**

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

The project proposal supports the following elements of the 2014 Park City General Plan:

Sense of Community Goal 12: Economic Diversity and Stability

Objective A: *Retain and expand existing Park City businesses;*

Objective C: *Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience. Consistent.*

Staff also finds that the outdoor dining experience, like that existing and proposed at Squatters Pub, contributes to the vibrancy of the resort character of Park City.

Process

Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

This project has gone through an interdepartmental review, and any issues raised have been addressed with conditions of approval.

Notice

On May 10, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on May 10th.

Public Input

As of the publish date of this report, no public input has been received by Staff. Public comment will be taken at the regularly scheduled meeting on March 24, 2017.

Alternatives

1. The Planning Commission may approve the CUP as proposed and conditioned; or
2. The Planning Commission may deny the CUP and direct staff to prepare findings supporting this recommendation; or
3. The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The CUP request will be denied, and the Salt Lake Brewing Company will not be able to renovate the existing patio, construct a second outdoor dining patio, exterior entryway, or expand an existing restroom for Squatters Pub located at 1900 Park Avenue. There would not be a need to amend the existing Outdoor Dining permit to incorporate the second patio area.

Recommendation

Staff recommends that the Planning Commission reviews the request for a Conditional Use Permit (CUP) for construction within the Frontage Protection Zone (FPZ) and outdoor dining for Squatters Pub located at 1900 Park Avenue, conducts a public hearing, and considers approving the CUP based on the findings of fact, conclusions of law, and conditions of approval found in this staff report.

Findings of Fact:

1. On April 17, 2017, the Planning Department received an application for a Conditional Use Permit (CUP) to allow the Salt Lake Brewing Company to make improvements within the Frontage Protection Zone (FPZ) at Squatters Pub located at 1900 Park Avenue. The applicant also wishes to amend the site's existing Outdoor Dining CUP so that it covers the proposed second dining patio. The application was considered complete on April 21, 2017.
2. The subject property is a metes and bounds parcel that falls within the General

Commercial (GC) District and Sensitive Land Overlay (SLO) Zone.

3. The project scope will only affect previously developed areas and will not affect nearby sensitive lands, as conditioned.
4. The entire parcel falls within the FPZ, making all proposed improvements subject to a Conditional Use review.
5. The Land Management Code (LMC) states that, within the FPZ, all construction activity, including permanent signs, within the setback area between thirty feet (30') and one hundred feet (100') from the nearest right-of-way line requires a CUP.
6. The site currently contains one (1) outdoor dining patio area that measures 1,019 square feet in area. The current property owner procured a CUP on June 27, 1990 for outdoor dining on a proposed 1,026 sf patio within the FPZ. Building plans for the referenced deck are stamped approved August 28, 1990.
7. The existing outdoor deck was present when Salt Lake Brewing Company applied for a CUP to convert the building into Squatters Pub from the Mt. Air Café on April 12, 2006.
8. The applicant is proposing to renovate the existing patio and add a second outdoor dining patio that measures 528 square feet, as well as a new covered entryway that will add 51.9 square feet.
9. The new patio will be oriented at an angle, but the corner closest to the right-of-way (SR-224) is proposed to be located 45 feet, 2 ½ inches (45', 2.5") from the right-of-way line. All other improvements are located further back from the right-of-way line, and no construction is proposed to take place within the first 30 feet of the property.
10. The new entryway will be covered with a roof form designed to mimic the main structure's clock tower feature. The two (2) patio areas will be lined with poles that will support shade sails, which are temporary in nature.
11. The applicant is also proposing to expand the area of an existing restroom, which will incorporate 25.6 square feet of space that currently falls within the footprint of the existing patio, reducing the existing patio's area to 993.3 square feet. This will require the bathroom's roof to be extended to the west by approximately 6 feet (6') from the existing gable end.
12. No usable open space area will be affected with this project. The applicant proposes to maintain a landscaped island surrounding the patio areas, similar to the landscaped island currently on-site, as well as the currently landscaped buffer area that runs adjacent to Park Avenue.
13. The site plan shows 63 existing off-street parking spaces, which exceeds the off-street parking requirement for a restaurant and bar at a ratio of 1 space per 100 square feet of net leasable floor area.
14. The parking spaces adjacent to the SR-224 right-of-way are legal non-complying, as they fall within an area 30 feet in width that the FPZ stipulates shall be a landscaped buffer area. The existing landscaped buffer area abutting SR-224 is also legal non-complying as it is not 30 feet in width, but was added through past approvals.
15. The proposed additions shall not affect vehicular and pedestrian circulation of the site, or utilize currently usable open space, as they will not occupy any area that is not already developed.
16. The proposal meets all setback, height, and design requirements of the GC District and FPZ sections of the LMC.
17. On May 10, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on May

10th.

18. The Findings in the Analysis Section are incorporated herein.

19. This application has been reviewed under LMC §15-1-10(E) for Conditional Use Permits, as well as LMC §15-2.18-10(B)(1) Outdoor Dining.

Conclusions of Law:

1. The application satisfies all Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16), as well as LMC §15-2.18-10(B) Outdoor Dining;
2. The Use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation;
3. The Application complies with all requirements of the LMC; and
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval for the Proposed Improvements:

1. The scope of this approval includes the renovation of the existing outdoor patio that measures 1,019 square feet in area, as well as the construction of a second patio measuring 528 square feet, and a new covered entryway measuring 51.9 square feet. An existing restroom will also be expanded, enclosing 25.6 sf of the existing outdoor patio area.
2. The second patio area, which is proposed to be oriented at an angle, shall be setback a minimum of 45 feet, 2 ½ inches (45', 2.5") from the SR-224 right-of-way line.
3. All other improvements shall comply with the minimum front, side, and rear yard setback requirements found in LMC §15-2.18.3, GC District Lot and Site Requirements.
4. The proposed covered entryway and roof extension over the restroom addition shall comply with the maximum building height for the GC District of 35 feet, measured from existing grade.
5. No existing parking spaces shall be altered or removed as part of this project.
6. Per LMC §15-3, all parking shall take place on hard-surfaced areas. The applicant shall either formalize the parking to the rear of the building currently utilized by employees, or have employees park in already-established parking areas.
7. The existing curb cut/entry point to the southeast of the building shall be signed as "right turn only" due to its close proximity to the SR-224/SR-248 intersection.
8. All significant vegetation removed as part of construction shall be replaced in-kind on site.
9. The applicant must take measures to mitigate storm water runoff into the adjacent creek that originates from the unpaved area to the rear of the building often used for parking. This shall be required as part of the building permit application.
10. The applicant must apply for and procure a Building Permit from the Building Department prior to construction of the approved improvements, and plans shall be consistent with the plans reviewed by the Planning Commission on May 24, 2017.
11. The applicant shall not receive a Certificate of Occupancy for the improvement areas described above unless a plat amendment application to create a one-lot subdivision from the current metes and bounds parcel has been received by the

- Planning Department and deemed to be a complete application.
12. The final plat amendment shall be recorded with Summit County within one (1) year on this CUP approval.

Conditions of Approval for Outdoor Dining:

1. The proposed seating area shall be entirely located on private property and shall not diminish existing parking or landscaping.
2. The proposed seating area shall not impede pedestrian circulation.
3. The proposed seating area shall not impede emergency access or circulation.
4. The proposed furniture shall be compatible with the streetscape.
5. No music or noise in excess of the City Noise Ordinance, Title 6, is permitted.
6. Outdoor Dining shall not take place after 10 p.m.

Exhibits

Exhibit A – Plans (Survey of Existing Conditions, Floor Plans, Roof Plan, Elevations)

Exhibit B – Current Plat

Exhibit C – Site Photos

Exhibit D – Outdoor Dining CUP approved June 27, 1990 (Action Letter & Minutes) with
Approved Building Plans for Existing Deck stamped August 28, 1990

Exhibit E – CUP for Renovation approved April 12, 2006 (Staff Report & Minutes)

Exhibit A - Plans

SQUATTERS ROADHOUSE GRILL

1900 PARK AVE. PARK CITY, UTAH

DECK RENOVATION, LOWER DECK ADDITION, AND RESTROOM REMODEL

CONDITIONAL USE PERMIT APPLICATION
MAY 17, 2017

CODE INFORMATION

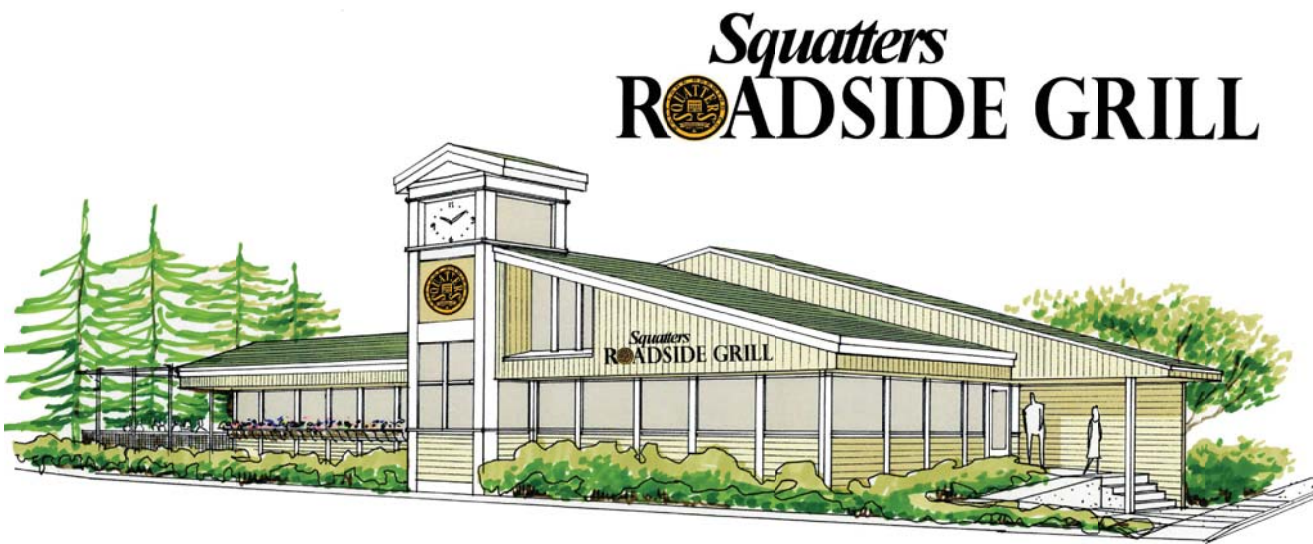
CODE REVIEW & BUILDING INFORMATION

SHEET INDEX

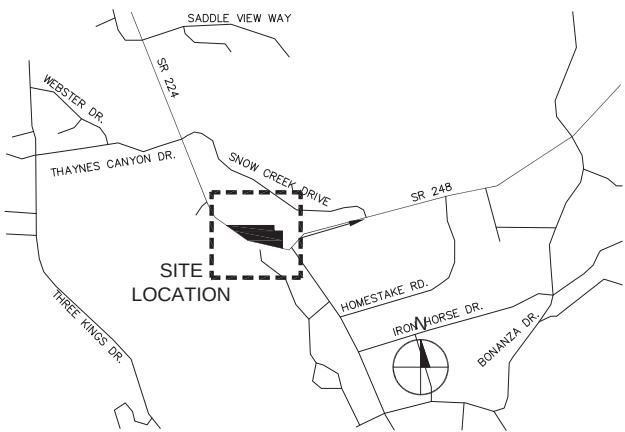
ARCHITECTURAL

SHEET	DESCRIPTION
• AG0-01	COVER SHEET / PROJECT DATA
• C1-01	SITE SURVEY
• AS1-01	EXISTING SITE PLAN
• AS1-02	PROPOSED SITE PLAN
• AE1-01	MAIN LEVEL FLOOR PLAN
• AE1-02	ENLARGED MAIN LEVEL FLOOR PLAN
• AE1-03	ENLARGED ROOF PLAN
• AE2-01	BUILDING ELEVATION

RENDERING



VICINITY MAP



SYMBOLS LEGEND

	REFER TO DETAIL INDICATED		WALL TYPE
	REFER TO INTERIOR ELEVATIONS INDICATED		WINDOW NUMBERS, SEE SCHEDULE
	REFER TO BUILDING SECTION INDICATED		DOOR NUMBERS, SEE SCHEDULE
	REFER TO WALL SECTION INDICATED		REFERENCE NOTE
	REFER TO EXTERIOR ELEVATION INDICATED		GRID LINE FIELD VERIFY
			ROOM NUMBER
			WALL MOUNT OUTLET
			PHONE
			DATA

TEAM

OWNER

Salt Lake Brewing Co.
1735 South 300 West
Salt Lake City, UT, 84115
Tel. (801) 831-7008

Contact: Doug Hofeling
E-mail: doug@squatters.com

ARCHITECT

MJSA Architects,
P.C. 357 West Pierpont Avenue
Salt Lake City, Utah 84101
Tel. (801) 364-5161

Contact: Ralph Nagasaw
E-mail: Ralph@mjsaa.com

GENERAL

ICS Interior Construction Specialists, INC.
9090 South Sandy Parkway
Sandy, Utah 84070
Tel. (801) 568-9090
Fax (801) 568-1490

Project Manager: Dave Knorr
E-mail: DKnorr@laytonconstruction.com

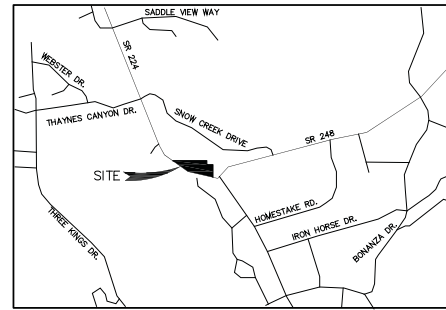
STRUCTURAL

MECHANICAL

ALTA/ACSM TABLE "A" NOTES

1. Rod & Cap, Nail & Washer, or Rivet was set at all property corners, as shown.
2. Vicinity map showing the property surveyed in reference to nearby highways and major street intersections.
3. This property is in FLOOD ZONE "X", Area outside 500 year flood plain, per Flood Insurance rate Map for Park City and Summit County, Utah, Community Panel No. 490139 00005B, dated July 16, 1987.
4. Land Area = 44,876 sq. ft. or 1.03 acres.
5. This property is in BUILDING ZONE "RCO", Regional Commercial overlay.
6. (a). Exterior dimensions of all buildings at ground level as shown.
7. (b). Square Footage of buildings, as shown.
7. (b1). Exterior Footprint of all buildings, at ground level, as shown.
7. (c). Building Heights, as shown.
8. Substantial visible improvements, signs, parking, structures and utilities, as shown.
9. There are 53 regular and 2 handicap parking stalls on the site. Parking requirements are 1 space per 100 square feet in building.
10. Access to and from State Route 224, is asphalt, maintained and dedicated public right of way.
11. All visible utilities are as shown.

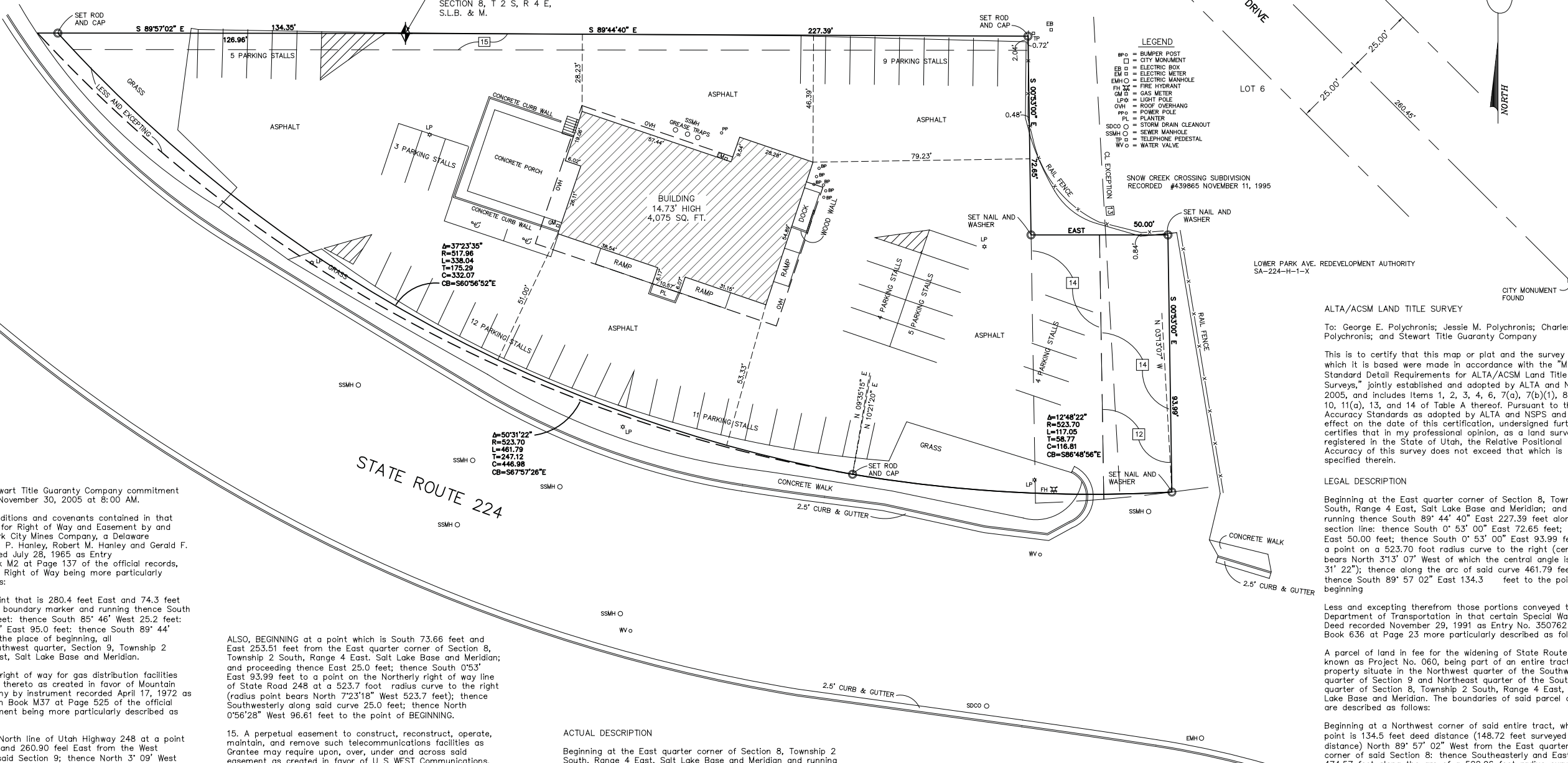
12. Governmental Agency survey-related requirements as specified by client. (None specified)
13. Names of adjoining owners of platted lands with Tax No. and/or recording data, as shown.
14. There is NO observable evidence of earth moving work.
15. There is NO observable evidence of changes in street right-of-way lines or recent street or sidewalk construction or repairs abutting the subject property.
16. There is NO observable evidence of waste dumps, sumps or sanitary landfills within the subject property.
17. There are NO Cemeteries or Burial Grounds or other significant observations located on this property, as found by visual inspection or by recorded documents.



VICINITY
NO SCALE

SNOW CREEK CROSSING SUBDIVISION
RECORDED #439865 NOVEMBER 11, 1995

FOUND
EAST 1/4 CORNER
SECTION 8, T 2 S, R 4 E,
S.L.B. & M.



- LEGEND
- BP = BUMPER POST
 - = CITY MONUMENT
 - EB □ = ELECTRIC BOX
 - EM □ = ELECTRIC METER
 - EMHO = ELECTRIC MANHOLE
 - FH □ = FIRE HYDRANT
 - GM □ = GAS METER
 - LP □ = LIGHT POLE
 - OVH = ROOF OVERHANG
 - PP □ = POWER POLE
 - PL = PLANTER
 - SDOO = STORM DRAIN CLEANOUT
 - SSMH □ = SEWER MANHOLE
 - TP □ = TELEPHONE PEDESTAL
 - WV □ = WATER VALVE

SNOW CREEK CROSSING SUBDIVISION
RECORDED #439865 NOVEMBER 11, 1995

LOWER PARK AVE. REDEVELOPMENT AUTHORITY
SA-224-H-1-X

ALTA/ACSM LAND TITLE SURVEY

To: George E. Polychronis; Jessie M. Polychronis; Charles Polychronis; and Stewart Title Guaranty Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 1, 2, 3, 4, 6, 7(a), 7(b)(1), 8, 9, 10, 11(a), 13, and 14 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Utah, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

LEGAL DESCRIPTION

Beginning at the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 89° 44' 40" East 227.39 feet along the section line; thence South 0° 53' 00" East 72.65 feet; thence East 50.00 feet; thence South 0° 53' 00" East 93.99 feet to a point on a 523.70 foot radius curve to the right (center bears North 31° 07' West of which the central angle is 50° 31' 22"); thence along the arc of said curve 461.79 feet; thence South 89° 57' 02" East 134.3 feet to the point of beginning

Less and excepting therefrom those portions conveyed to Utah Department of Transportation in that certain Special Warranty Deed recorded November 29, 1991 as Entry No. 350762 in Book 636 at Page 23 more particularly described as follows:

A parcel of land in fee for the widening of State Route 224 known as Project No. 060, being part of an entire tract of property situate in the Northwest quarter of the Southwest quarter of Section 9 and Northeast quarter of the Southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at a Northwest corner of said entire tract, which point is 134.5 feet deed distance (148.72 feet surveyed distance) North 89° 57' 02" West from the East quarter corner of said Section 8; thence Southeast and Easterly 474.57 feet along the arc of a 522.96 foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears South 42° 15' 06" East); thence North 82° 11' 12" West 89.00 feet to a point of tangency with a 517.96 foot radius curve to the right; thence West and Westwesterly 361.02 feet along the arc of said 517.96 foot radius curve to the Northerly boundary line of said entire tract; thence North 89° 57' 02" West 21.76 feet along said Northerly boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

Exceptions per Stewart Title Guaranty Company commitment No. 23242, dated November 30, 2005 at 8:00 AM.

12. The terms, conditions and covenants contained in that certain Agreement for Right of Way and Easement by and between United Park City Mines Company, a Delaware Corporation, William P. Hanley, Robert M. Hanley and Gerald F. Hanley, and recorded July 26, 1965 as Entry No. 101438 in Book M2 at Page 137 of the official records, said Easement and Right of Way being more particularly described as follows:

BEGINNING at a point that is 280.4 feet East and 74.3 feet South of Park City boundary marker and running thence South 0° 16' West 92.2 feet; thence South 85° 46' West 25.2 feet; thence North 0° 16' East 95.0 feet; thence South 89° 44' East 25.0 feet to the place of beginning, all situated in the Southwest quarter, Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

13. Easement and right of way for gas distribution facilities and appurtenances thereto as created in favor of Mountain Fuel Supply Company by instrument recorded April 17, 1972 as Entry No. 115627 in Book M37 at Page 525 of the official records, said easement being more particularly described as follows:

BEGINNING on the North line of Utah Highway 248 at a point 167.29 feet South and 260.90 feet East from the West quarter corner of said Section 9; thence North 3° 09' West 173.50 feet.

14. The terms, conditions and covenants contained in that certain Grant of Easement executed by George E. Polychronis, Jessie M. Polychronis, Charles Polychronis, and Beverly Polychronis, in favor of Snow Creek, Ltd., a Utah Limited Partnership, and recorded August 22, 1980 as Entry No. 169715 in Book M165 at Page 78 of the official records, said Easement being more particularly described as follows:

BEGINNING at a point which is South 73.66 feet and East 228.51 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and proceeding thence East 25.0 feet; thence South 0° 56' 28" East 96.51 feet; to a point on the Northerly right of way line of State Road 248 at a 523.7 foot radius curve to the right (radius point bears North 4° 39' 11" West 523.7 feet); thence Southwesterly along said curve 25.00 feet; thence North 0° 57' 05" West 96.61 feet to the point of BEGINNING

ALSO, BEGINNING at a point which is South 73.66 feet and East 253.51 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and proceeding thence East 25.0 feet; thence South 0° 53' East 93.99 feet to a point on the Northerly right of way line of State Road 248 at a 523.7 foot radius curve to the right (radius point bears North 7° 23' 18" West 523.7 feet); thence Southwesterly along said curve 25.0 feet; thence North 0° 56' 28" West 96.61 feet to the point of BEGINNING.

15. A perpetual easement to construct, reconstruct, operate, maintain, and remove such telecommunications facilities as Grantee may require upon, over, under and across said easement as created in favor of U S WEST Communications, Inc., a Colorado corporation by that certain instrument recorded November 18, 1992 as Entry No. 369249 in Book 694 at Page 756 of the official records, said easement being more particularly described as follows:

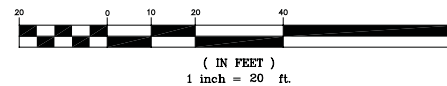
An easement six (6) feet in width the Northerly line of which is described as follows:

Commencing North 89° 44' 90" West 126.96 feet from the West Quarter corner of Section 9, Township 2 South, Range 4 East Salt Lake Base and Meridian; thence South 89° 44' 90" East 353.96 feet to end.

ACTUAL DESCRIPTION

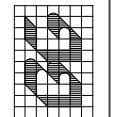
Beginning at the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence South 89° 44' 40" East along the South line of the Snow Creek Crossing Subdivision 227.39 feet; thence South 0° 33' 00" East along the Boundary of said subdivision 72.65 feet; thence East along said Boundary 50.00 feet; thence South 0° 53' 00" East 93.99 feet to the Northerly right of way line of State Route 224, and a point on a 523.70 foot radius curve to the right, the center of said curve being North 31° 07' West; thence West along the arc of said curve, and said Northerly right of way line 117.05 feet and through a central angle of 12° 48' 22" to a point on a 517.96 foot radius non-tangent curve to the right, the center of said curve being North 10° 21' 20" East; thence Northwesterly along the arc of said curve, and said Northerly right of way line 338.04 feet, and through a central angle of 37° 23' 35"; thence South 89° 57' 02" East 126.96 feet to the point of beginning. Contains 44, 876 sq. ft. or 1.03 acres.

GRAPHIC SCALE



NARRATIVE:
THE CLIENT NEEDED A SURVEY/CERTIFICATE TO SATISFY ALTA REQUIREMENTS FOR THE TITLE COMPANY.
THE BASIS OF BEARING FOR THIS SURVEY IS AS SHOWN. THE MONUMENTATION USED IS AS SHOWN.

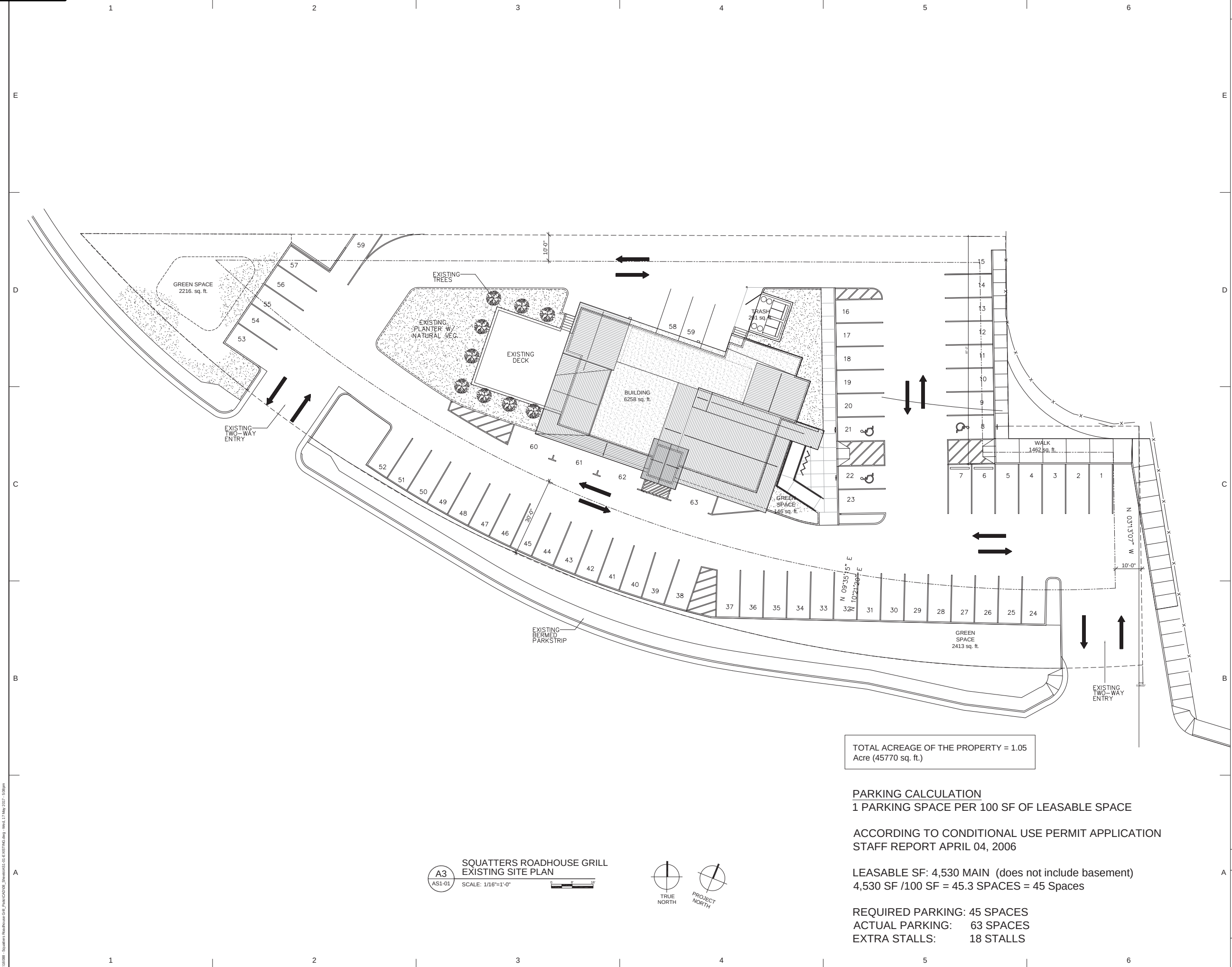
BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors
555 South 300 East, Salt Lake City, Utah 84111
(801) 364-1212 Fax (801) 364-1225
Offices: St. George, Utah



Drawn by: KGB Date: 01-16-06
Checked by: CSP
Approved by: JSP
Scale: 1" = 20'
Job No.: 47422

ALTA/ACSM LAND TITLE SURVEY
MT. AIR PROPERTY
STATE ROUTE 224, PARK CITY, UTAH
PREPARED FOR: JEFF POLYCHRONIS
LOCATION: SECTIONS 8 & 9, T 2 S, R 4 E, S.L.B. & M.

SHEET
DATE RECORDED
FILE: 47422A



TOTAL ACREAGE OF THE PROPERTY = 1.05
Acre (45770 sq. ft.)

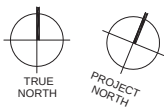
PARKING CALCULATION
1 PARKING SPACE PER 100 SF OF LEASABLE SPACE

ACCORDING TO CONDITIONAL USE PERMIT APPLICATION
STAFF REPORT APRIL 04, 2006

LEASABLE SF: 4,530 MAIN (does not include basement)
4,530 SF /100 SF = 45.3 SPACES = 45 Spaces

REQUIRED PARKING: 45 SPACES
ACTUAL PARKING: 63 SPACES
EXTRA STALLS: 18 STALLS

A3
AS1-01
SQUATTERS ROADHOUSE GRILL
EXISTING SITE PLAN
SCALE: 1/16"=1'-0"



REFERENCE NOTES

STAMP

SITE PLAN

SCALE: 1/16" = 1' - 0"

REVISIONS

Conditional Use Permit App.

SQUATTERS
SQUATTERS ROADHOUSE GRILL
1900 PARK AVENUE - PARK CITY, UTAH

327 West Broadway Avenue
Salt Lake City, Utah 84101
Telephone: 801.964.6464
Fax: 801.964.6467
ARCHITECTURE INTERIOR DESIGN

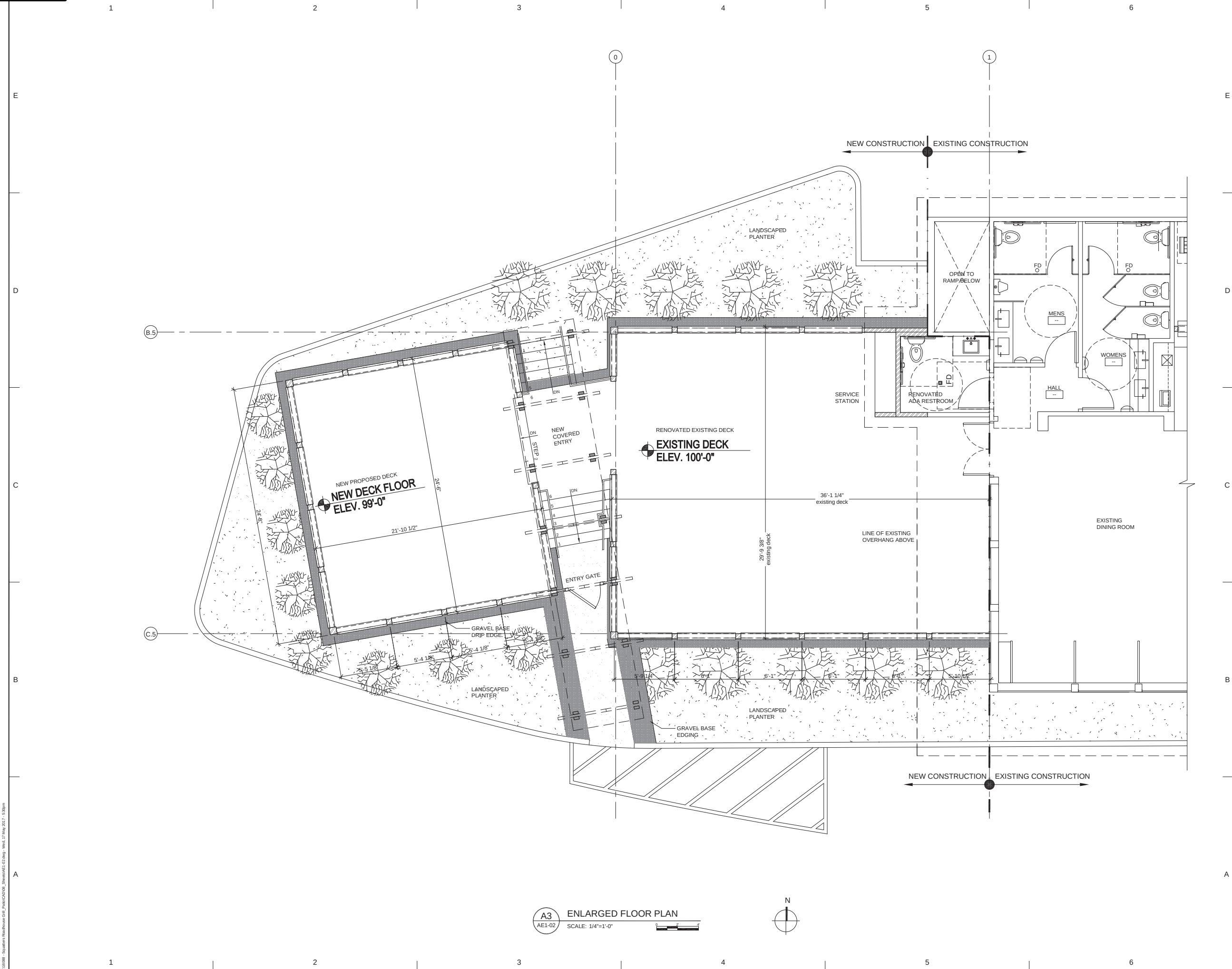
MJSA

THESE DRAWINGS ARE
INSTRUMENTS OF
SERVICE AND SHALL
REMAIN THE PROPERTY
OF THE ARCHITECT. NO
USE OR REUSE OF THESE
DOCUMENTS SHALL BE
PERMITTED UNLESS
AUTHORIZED IN WRITING
BY THE ARCHITECTS
WITH APPROPRIATE
COMPENSATION.

PROJECT NO:
16088

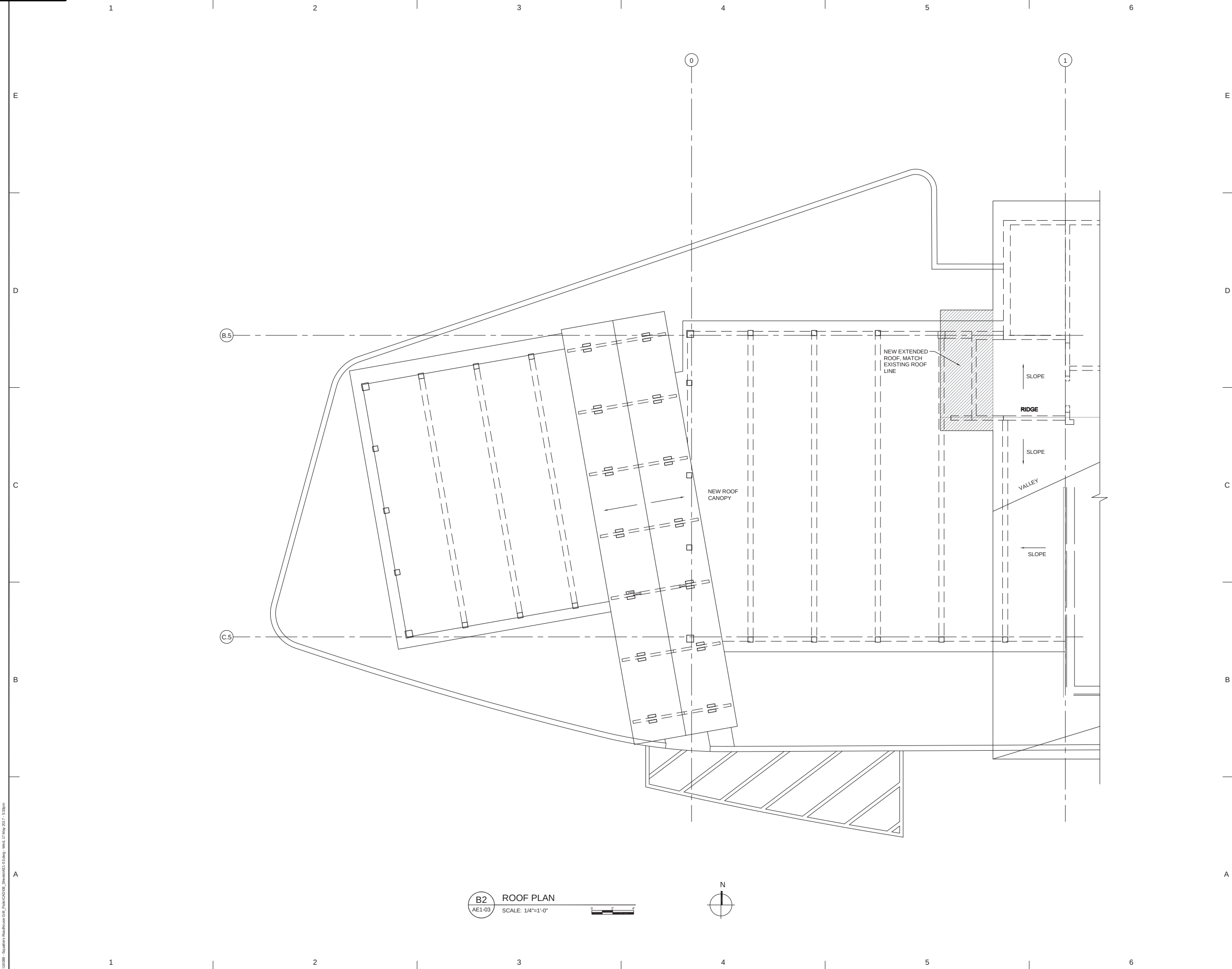
DATE:
05/17/17

SHEET:
AS1-01



A3 ENLARGED FLOOR PLAN
AE1-02 SCALE: 1/4"=1'-0"

REFERENCE NOTES		REVISIONS
08.02 NEW DOOR IN EXISTING OPENING		
		Conditional Use Permit App.
		SQUATTERS SQUATTERS ROADHOUSE GRILL 1900 PARK AVENUE - PARK CITY, UTAH
		MJSA 327 West Raymond Avenue Salt Lake City, Utah 84101 Telephone: 801.964.6461 Fax: 801.964.6167 ARCHITECTURE INTERIOR DESIGN
		THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. NO USE OR RE-USE OF THESE DOCUMENTS SHALL BE PERMITTED UNLESS AUTHORIZED IN WRITING BY MJSA ARCHITECTS WITH APPROPRIATE COMPENSATION.
STAMP		PROJECT NO: 16088
		DATE: 05/17/17
MAIN FLOOR PLAN		SHEET: AE1-02
SCALE: 1/4"=1'-0"		



REFERENCE NOTES		REVISIONS	
		Conditional Use Permit App.	
		SQUATTERS SQUATTERS ROADHOUSE GRILL 1900 PARK AVENUE - PARK CITY, UTAH	
		MJSA 327 West Raymond Avenue Park City, UT 84001 Telephone: 801.964.6464 Fax: 801.964.6467 ARCHITECTURE INTERIOR DESIGN	
STAMP		PROJECT NO.: 16088	
ROOF PLAN		DATE: 05/17/17	
SCALE: 1/4"=1'-0"		SHEET: AE1-03	

1

2

3

4

5

6

T.O. RIDGE
ELEV. 113'-8"

T.O. COLUMN
ELEV. 109'-2"

T.O. COLUMN
ELEV. 106'-10"

NEW DECK
ELEV. 89'-0"

T.O. COLUMN
ELEV. 109'-6"

NEW DECK
ELEV. 100'-0" AFF. F.V.

E3
AE2-01

BUILDING ELEVATIONS

SCALE: 1/4"=1'-0"



T.O. RIDGE
ELEV. 113'-8"

NEW DECK
ELEV. 89'-0"

MAIN FINISH FLOOR
ELEV. 100'-0"

B4
AE2-01

BUILDING ELEVATIONS

SCALE: 1/4"=1'-0"



E3
AE2-01

T.O. RIDGE
ELEV. 113'-8"

T.O. COLUMN
ELEV. 109'-2"

T.O. COLUMN
ELEV. 106'-10"

NEW DECK
ELEV. 89'-0"

T.O. RIDGE
ELEV. 113'-8"

T.O. COLUMN
ELEV. 109'-2"

T.O. COLUMN
ELEV. 106'-10"

NEW DECK
ELEV. 89'-0"

MAIN FINISH FLOOR
ELEV. 100'-0"

NEW DECK
ELEV. 100'-0"

Squatters Roadhouse Grill Patio Addition

B2
AE2-01

BUILDING ELEVATIONS

SCALE: 1/8"=1'-0"



1

2

3

4

5

6

REFERENCE NOTES

1. EXISTING CONSTRUCTION TO REMAIN.
2. CORRUGATED METAL ROOF. FINISH TO BE RAW IN ORDER FOR PETINA TO OCCUR.
3. 6X6 ROUGH SAWN TIMBER POST.
4. PREFAB STEEL TREADS.
5. SUNBRELLA CANVAS SHADES.
6. 4X4 ROUGH SAWN TIMBER POST.
7. WOOD SHIPLAP SIDING CLOSED PATIO TO MATCH EXISTING BUILDING PROFILE
8. EXISTING RIDGE
9. NEW EXTENDED ROOF, MATCH EXISTING ASPHALT SHINGLES AND BOARD AND BATTEN SIDING, PAINT FINISH.

Conditional Use Permit App.

SQUATTERS
SQUATTERS ROADHOUSE GRILL
1900 PARK AVENUE - PARK CITY, UTAH

327 West Raymond Avenue
Salt Lake City, Utah 84101
Telephone: 801.964.6464
Fax: 801.964.6467
ARCHITECTURE INTERIOR DESIGN

MJSA

THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. NO USE OR REUSE OF THESE DOCUMENTS SHALL BE PERMITTED UNLESS AUTHORIZED IN WRITING BY THE ARCHITECTS WITH APPROPRIATE COMPENSATION.

STAMP

PROJECT NO:
16088

DATE:
05/17/17

BUILDING ELEVATIONS

SCALE: AS SHOWN

SHEET:
AE2-01

T 2 S - R 4 E

SALT LAKE BASE & MERIDIAN
SCALE

NW 1/4 SEC 9

OLYMPIC WELCOME AREA
(E) 5A-224-H-1-X
LOWER PARK AVE. REDEV. AUTHORITY
0.25 Ac.
PLOT # 1111-803
(5A-231) 1107-233
(SNOW CREEK CROSSING SUB.
(1995)

KEARNS
BUSINESS
CENTER
SUBD.
(1992)

"A" COM-PARK
PLAZA COND
(1981)

PCA-1001-B-1-X
PARK CITY MUNICIPAL
CORPORATION
GOLF COURSE

M 191-710

PARK
AVENUE
CONDOMINIUM

14.315 Acres

IRONHORSE SUBDIVISION II
(1992)

IRONHORSE PARK COMMERCIAL
SUBDIVISION (1992)

SE 1/4
SEC 9

NOTE: # REFER, STREET ADDRESS

(C) SA-253-B-2.
 VR CPC HOLDINGS
 OLB Ac. INC.
 M73-31
 2256-1011

(H) SA-253-B-2-A
VR CPC HOLDINGS INC
0.40 AC.
1148-41
2250-992

SNOWFLAKE
CONDO
↑ 2.57A

SA-253-

16

SEE SNYDERS ADDITION PG 13

Approved Utah State Tax Comm.	REVISIONS - DATE AND INITIAL (In Pencil)				
	11/1/88				
Date	By				

SUMMIT COUNTY, UTAH

SCALE	
ONE INCH	200 FEET
BOOK	PAGE

SW 1/4 SEC 9









PARK CITY

1884

Community Development/Engineering
Building and Planning Departments

June 28, 1990

George Polychronis
P. O. Box 1420
Park City, Utah 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: Conditional Use Request for Outdoor Dining
at the Mt. Air Cafe

Date of Meeting: June 27, 1990

Action Taken By Planning Commission: APPROVED

Conditions of Approval:

1. The rear of the lot shall be paved before occupancy of the deck is allowed.
2. The use will meet all requirements in terms of Building and Fire Codes and all UBC requirements.
3. This CUP request for the deck is to be renewed annually by the Staff to accommodate the proposed changes to Hwy. 224. In the event of the road widening, the applicant must meet all Land Management Code parking requirements for the outdoor dining use to continue.
4. Final materials, including paint colors, deck furnishings, and lighting shall be approved by the Staff.
5. A final landscape plan shall be approved by the Staff.
6. All signage shall conform to all requirements of the Park City Sign Ordinance.

Date of Expiration: June 27, 1991

Notice of Planning Commission Action - CUP for Outdoor Dining
Page Two

Suzanne McIntyre
Suzanne McIntyre, AICP
Senior Planner

6/29/90
Date

ACKNOWLEDGEMENT

I, the undersigned, hereby acknowledge the conditions by which the project referred to above was approved.

Greg E. Polych

Date

NO CONSTRUCTION SHALL BE PERMITTED UNTIL A SIGNED COPY OF THIS LETTER, SIGNIFYING CONSENT TO THE CONDITIONS OUTLINED ABOVE, HAS BEEN RETURNED TO THE PLANNING DEPARTMENT.

PARK CITY PLANNING DEPARTMENT
STAFF REPORT

TO: PLANNING COMMISSION
FROM: PLANNING STAFF JL
DATE: JUNE 27, 1990
RE: MT. AIR CAFE, Conditional Use Request for Outdoor Dining
=====

I. PROJECT STATISTICS

Applicant:	George E. Polychronis
Location:	1900 Park Avenue
Proposal:	Conditional Use Permit for Outdoor Dining
Zoning:	GC (General Commercial)
Adjacent Land Uses:	Vacant Lane zoned RDM (Residential Development - Medium Density), Commercial
Date of Application:	May 21, 1990
Date Report Prepared:	June 20, 1990
Staff Recommendation:	APPROVE, with conditions

II. BACKGROUND INFORMATION

This request is for outdoor dining on a proposed deck addition to the Mt. Air Cafe. As you are aware, outdoor dining in the GC zone is a Conditional Use. This allows the Planning Commission to review each proposal for compatibility between uses and to ensure the appropriate types and locations of outdoor dining. This project is also located within the Frontage Protection Zone, requiring careful review for protection of the highway frontage.

III. PROJECT DESCRIPTION

1. Outdoor Dining. The proposed outdoor deck is to be located on the west side of the existing building, adding an additional 1,026 square feet and seating capacity of 48. They are proposing to have outdoor dining available daily from 8:00 A.M. to 10:00 P.M.
2. Parking and Circulation. A total of 50 parking spaces are required for the existing building and the deck. The applicant is showing 78 proposed parking spaces to accommodate the new demand. A portion of the parking along Hwy. 224 is in the existing right-of-way; however, the proposed expansion of Hwy. 224 would further exacerbate this problem. The applicant has submitted a plan showing the proposed right-of-way and his ability to meet the parking requirements entirely on his property. This includes parking on the rear of the lot which is currently unpaved.

STAFF REPORT - Mt. Air Cafe, CUP for Outdoor Dining
Page Two

3. Gas Meter Location. There is a gas meter located under the proposed deck area. The applicant is willing to relocate the meter and is working with Ron Ivie to find a suitable location.

PUBLIC INPUT STATEMENT: Notice to adjacent property owners was mailed and the property was posted. As of June 20, 1990, no comments have been received.

IV. ISSUES FOR DISCUSSION

1. Outdoor Dining Area. The Planning Staff is of the opinion that the outdoor dining will be a compatible and complementary use. Due to the location of the restaurant within the Frontage Protection Zone, the Staff recommends that all final materials, including paint colors, furnishings and lighting be approved by the Planning Department.
2. Parking. The Staff is concerned with the effect the widening of Hwy. 224 will have on the existing parking and circulation. To address this situation, the Staff is recommending that the CUP be renewed annually. In the event of the road widening, the applicant would be asked to re-configure his parking to meet all Land Management Code requirements. The Staff also recommends that the rear of the lot be paved as part of this CUP request.
3. Landscaping. Final details of the landscaping plan have not been submitted yet. The Staff believes this is a good opportunity to increase the landscaping on this site and that it should be handled sensitively to address the visual impact of the deck on Hwy. 224.
4. Signage. While no additional signage has been proposed for this project, the Staff recommends that all present signage conform to all requirements of the Park City Sign Ordinance.

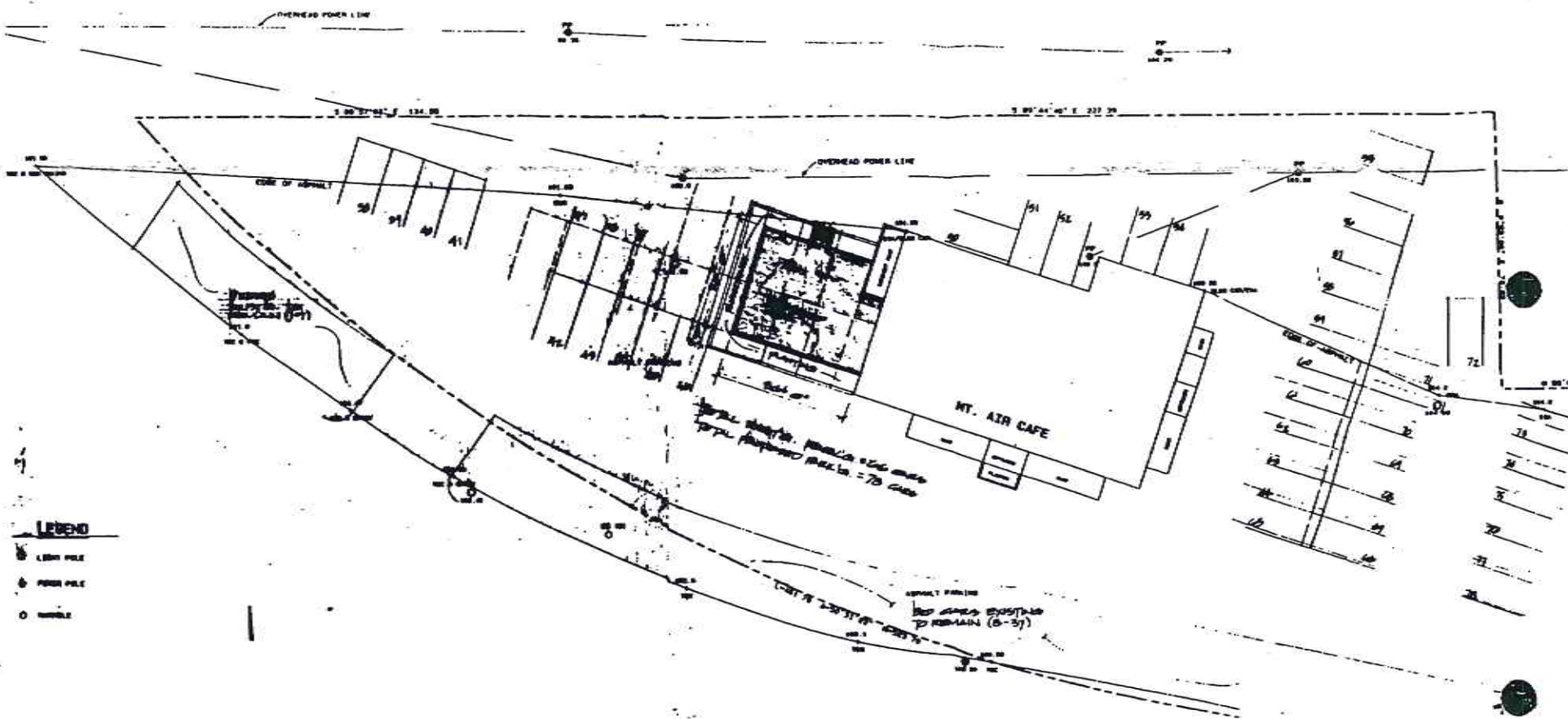
V. STAFF RECOMMENDATION

The Planning Staff recommends approval of the Conditional Use request for outdoor dining at the Mt. Air Cafe at 1900 Park Avenue subject to the following conditions:

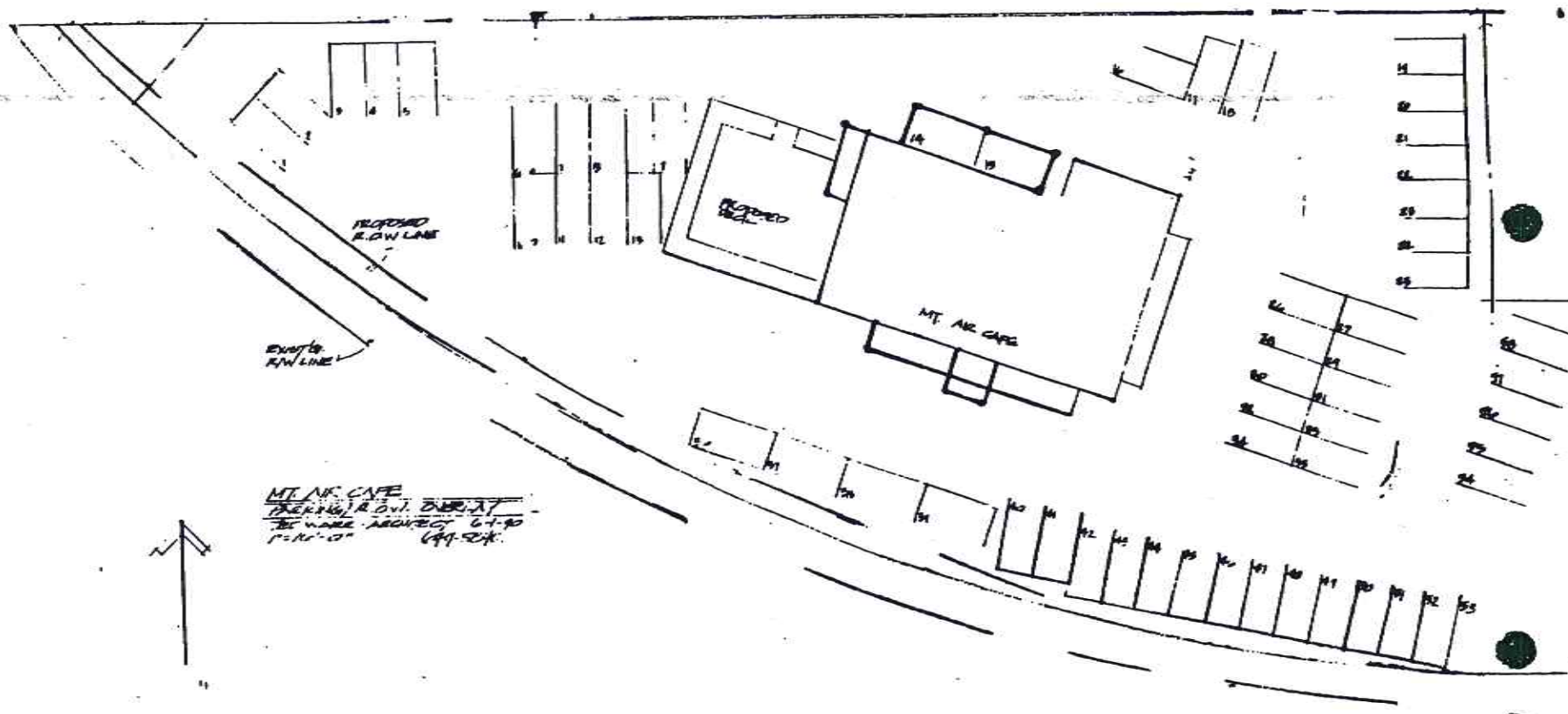
1. The rear of the lot shall be paved before occupancy of the deck is allowed.

STAFF REPORT - Mt. Air Care, CUP for Outdoor Dining
Page Three

2. The use will meet all requirements in terms of Building and Fire Codes and all UBC requirements.
3. This CUP request is to be renewed annually to accommodate the proposed changes to Hwy. 224. In the event of the road widening, the applicant must meet all Land Management Code parking requirements for the outdoor dining use to continue.
4. Final materials, including paint colors, deck furnishings, and lighting shall be approved by the Staff.
5. A final landscape plan shall be approved by the Staff.
6. All signage shall conform to all requirements of the Park City Sign Ordinance.



Mt. Air Cafe
Deck Addition and
Parking Plan



Proposed Parking R.O.W.
 Overlay

Park City Planning Commission
Minutes of June 27, 1990
Page 17

4. Mt. Air Cafe, Conditional Use Request for Outdoor Dining at 1900 Park Avenue - George Polychronis.

Planning Intern Janice Lew stated the Planning Department had received a request for outdoor dining on a proposed deck addition to the Mt. Air Cafe, at 1900 Park Avenue. She explained that outdoor dining in the GC zone was a Conditional Use which allowed the Planning Commission to review each proposal for compatibility and to ensure the appropriate types and locations of outdoor dining. She added that the project was located within the Frontage Protection Zone, thus requiring careful review for protection of the highway frontage.

Ms. Lew explained that the proposed 1,026 sq. ft. deck, with seating capacity for 48, would be located on the west side of the building, and outdoor dining would be available daily from 8:00 A.M. to 10:00 P.M.

Ms. Lew stated that a total of 50 parking spaces were required for the existing building and the deck and the applicant was showing 78 proposed parking spaces to accommodate the new demand. She explained that a portion of the parking along Hwy. 224 was in the existing right-of-way; and, the proposed expansion of Hwy. 224 would eliminate some of those spaces. She reported that the applicant had submitted a plan showing the proposed right-of-way and his ability to meet the parking requirements entirely on his property.

Ms. Lew stated the existing gas meter which was located under the proposed deck area would be relocated and the applicant was working with the Chief Building Official to find a suitable location.

Ms. Lew reported that the property was posted and notice to adjacent property owners was mailed and as of June 20, 1990, no comments had been received.

Ms. Lew stated that the Staff believed that the outdoor dining would be a compatible and complementary use; however, due to the location within the Frontage Protection Zone, the Staff recommended that all final materials, including paint colors, furnishings and lighting be approved by the Planning Department.

Ms. Lew commented that Staff was concerned with the effect the widening of Hwy. 224 would have on the existing parking and circulation; therefore, the Staff was recommending that the CUP be renewed annually. She added that in the event of the road widening, the applicant would be asked to re-configure his parking to meet all Land Management Code requirements. Further, she reported that the Staff also recommended that the rear of the lot

Park City Planning Commission
Minutes of June 27, 1990
Page 18

be paved as part of this CUP request.

Ms. Lew stated that the Staff believed this was a good opportunity to increase the landscaping on this site and to address the visual impact of the deck on Hwy. 224. Further, she stated that all present signage shall be brought into conformance with the Park City Sign Ordinance.

Ms. Lew stated the Planning Staff recommended approval of the Conditional Use request for outdoor dining at the Mt. Air Cafe at 1900 Park Avenue subject to conditions which she reviewed.

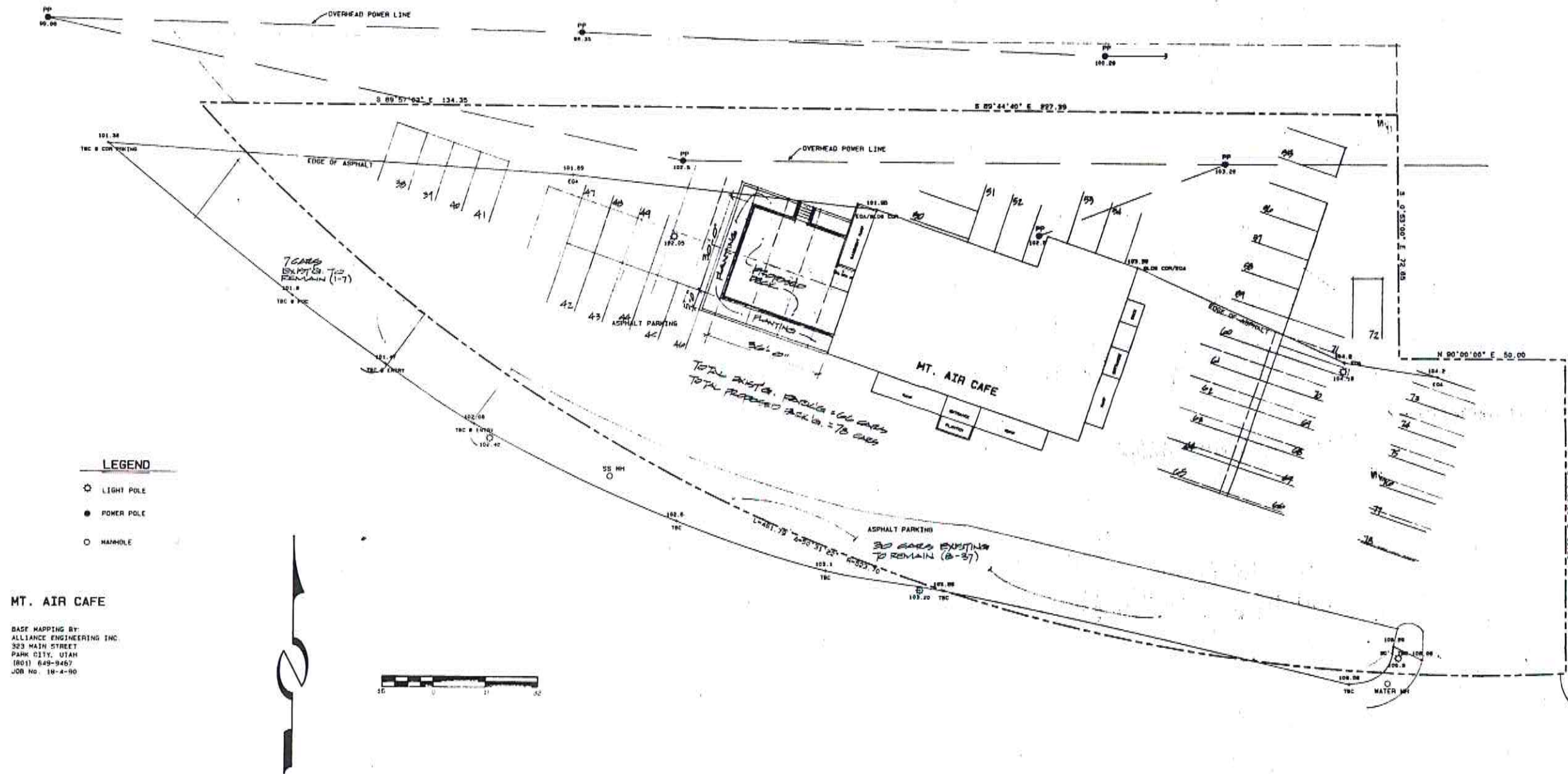
The Commissioners encouraged the applicant to develop a landscaping plan that would enhance the visually sensitive entry corridor.

MOTION: Carol Calder moved to APPROVE the Conditional Use Request for Outdoor Dining at the Mt. Air Cafe, 1900 Park Avenue, subject to the conditions as presented by the Staff, with a revision to No. 3 that the Staff would review the CUP request for the deck annually. Dick Lueck seconded the motion which was unanimously approved.

Conditions of Approval:

1. The rear of the lot shall be paved before occupancy of the deck is allowed.
 2. The use will meet all requirements in terms of Building and Fire Codes and all UBC requirements.
 3. This CUP request for the deck is to be renewed annually by the Staff to accommodate the proposed changes to Hwy. 224. In the event of the road widening, the applicant must meet all Land Management Code parking requirements for the outdoor dining use to continue.
 4. Final materials, including paint colors, deck furnishings, and lighting shall be approved by the Staff.
 5. A final landscape plan shall be approved by the Staff.
 6. All signage shall conform to all requirements of the Park City Sign Ordinance.
6. Appointment of Planning Commission Representative to the Historic District Commission.

MOTION: Bruce Erickson moved to recommend to the City Council that



MT. AIR CAFE

BASE MAPING BY:
ALLIANCE ENGINEERING INC.
323 MAIN STREET
PARK CITY, UTAH
(801) 649-9457
JOB NO. 10-A-90

PARK CITY
MUNICIPAL CORPORATION
JUL 31 1990
RECEIVED

OK to Issue for deck
Zoned GC
Setbacks as scaled are ok
So. Planning Dept.
8-30-90

PARK CITY MUNICIPAL CORPORATION
APPROVED
PERMIT NO. 6356
DATE 8-28-90
Initial Approval [Signature]
BUILDING INSPECTION DEPARTMENT

DECK ADDITION
PARKING PLAN FOR
MT. AIR CAFE
PARK CITY, UT

TED WARR
ARCHITECT
801 205-5807
200 - 1000 Building
750 West Broadway
Park City, Utah 84060

SHEET
1



Planning Commission Staff Report

PLANNING DEPARTMENT

Author: Jonathan Weidenhamer
Subject: Squatters Road House Grill (existing Mt. Air Café)
Conditional Use Permit - CUP for Construction in FPZ
Date: April 12, 2006

Summary Recommendations:

The Planning Department recommends the Planning Commission conduct a public hearing and approve the Conditional Use Permit for construction in the Frontage Protection Zone based on the findings of fact, conclusions of law, and conditions of approval as outlined in this staff report.

Topic:

Applicant: MJSA Architecture for Squatters
Location: NE Corner of SR 248 and SR 224 (1900 Park Ave.)
Zoning: General Commercial with Regional Commercial Overlay (RCO), Frontage Protection Overlay (FPZ), and Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Snow Creek Crossing (Key Bank), Olympic Welcome Plaza
Reason for Review: Construction within the 30'-100' portion of the FPZ

Background:

On February the City received an application for a CUP at 1900 Park Avenue. The application was deemed complete on February 28, 2006. The applicant intends to change the Mt. Air Café into the Squatter's Road House Grille. The new grille will continue to serve breakfast lunch and dinner. The project consists of a complete interior remodel with minor exterior improvements and includes the following scope of work:

- Update of the building exterior
- Relocation of main entrance and ADA ramping
- Reconfiguration of parking, snow storage, and circulation patterns
- Addition of pedestrian sidewalks to connect surrounding land uses
- Bringing the exterior lighting into compliance
- Enhancement to the outdoor landscaping
- Complete interior remodel of kitchen, dining, and lower level storage areas

The metes and bounds parcel is approximately 1.03 acres. The existing building facade is located approximately 51' from the property line along SR 224. The surface parking along SR 224 is non-complying in terms of the 30' no-build zone in the FPZ. The ramps and front door will be removed from the front of the building and relocated to the east side of the building, facing the Olympic Welcome Plaza. The new ramps will be rebuilt to meet ADA requirements. Otherwise the proposal includes only minor changes to the building including: an architectural entryway statement (clock tower), emergency egress, a new trash storage area, and enhanced landscaping, and new exterior building materials.

Analysis:

Conditional Use Review

Staff has reviewed the proposed CUP with respect to the conditional use criteria as outlined in LMC 15-1-10 as follows:

1. **Size and location of the site: No Unmitigated Impacts.** This metes and bounds parcel is on the north side of the intersection of SR 224 and SR 248. This area is 1.03 acres.
2. **Traffic considerations: No Unmitigated Impacts.** The lot has 2 access points from SR 224. One is adjacent to the Olympic Welcome Plaza, and a second one is approximately 300' to the North West along SR 224. The reconfigured parking allows for smoother, more traditional entry into the parking areas from SR 224.
3. **Utility capacity: No Unmitigated Impacts.** All utilities necessary for this proposal currently exist. Storm drain runoff into McLeod Creek will be slightly reduced by virtue of the enhanced landscaping and a new detention system at the north west corner of the lot.
4. **Emergency vehicle access: No Unmitigated Impacts.** The site currently has 2 points of access.
5. **Location and amount of off-street parking: No Unmitigated Impacts.** Currently there are 54 parking spaces on the lot. The applicant proposes to reconfigure and re-stripe the parking to accommodate for 60 spaces. Per LMC Section 15-3-6(B) the parking requirement for a restaurant is 1 space for every 100 sf of net leasable floor area (including kitchens, but excludes common hallways, mechanical, and storage areas, and restrooms). The lower level which is only used for storage at this time will be used in a more intense manner, but for a food prep, office, and more intense storage capacity. This public will not interact with this space and therefore it will not count as net leasable space. The net leasable floor area for the dining room level (3,500 sf) and patio (1,030 sf) is 4,530 sf and requires 45 total parking spaces. The project exceeds required parking. Even if the lower level office and prep kitchen were counted (1,050 sf), the parking requirement would increase 10 spaces to 55, and still be within the number being provided (60).

The current parking is non-complying in that it is a structure in the 30' no-build zone of the FPZ. This proposal considers a reconfiguration & re-striping, which will involve minor modifications to the landscaping and snow storage areas located along SR 224. These modifications do not constitute an expansion of the non-complying parking, but they better the situation by providing additional snow storage and landscape areas. Staff finds that the modifications reduce the degree of non compliance.

6. **Internal circulation system: No Unmitigated Impacts.** The reconfigured parking allows for smoother, more traditional entry into the parking areas from SR 224 and greatly increases the convenience of the parking layout, and on-site circulation and delivery patterns. The new snow storage and landscape areas will allow easier maintenance in the winter.
7. **Fencing, screening and landscaping to separate uses: No Unmitigated Impacts.** The applicant will provide new landscape and snow storage areas around the perimeter of the

property to soften the transition between uses. The applicant intends to work with the City to incorporate xeriscaping principles where appropriate, especially along SR 224.

The existing paving at the curb cut closest the Olympic Welcome Plaza encroaches into City property. The applicant stipulates to construction of a sidewalk in this location to allow pedestrian connection from the Olympic Welcome Plaza to Snow Creek, as indicated on the site plan. The City agrees to this.

8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots: **No Unmitigated Impacts.** The building footprint will not be enlarged with the exception of two places. There will be an addition of approximately 85 sf at the north east corner (within the 100' FPZ). This area will help frame the new entryway. Secondly, the applicant proposes a small architectural addition to the front elevation that will allow for a sign and a clock tower. Currently the front door and a cement planter box exist in this location, and are approximately 43' from the SR 224 right-of-way. The new clock tower will not expand into the FPZ beyond the existing planter box. The new clock tower will be 46'-8.5" from the SR 224 right-of-way.

The existing height of the building is 15'. The proposed height of the clock tower is approximately 31'. The zone height allows for 35', including an exception for a bell tower, and like architectural feature to up to 50% above the zone height (52.5'). The proposal meets the zone height. Otherwise, the existing envelope will remain unchanged.

9. Usable open space: **No Unmitigated Impacts.** The building has a footprint of approximately 4,075 sf and sits on a 1 acre site.
10. Signs and lighting: **No Unmitigated Impacts.** Currently the exterior building and parking lot lighting does not comply with City ordinances. The parking lot has fixtures that exceed allowable height, allow light trespass off-site and above the horizontal. Some of the existing fixtures also have a metal halide source, which is prohibited. All exterior lights will be brought into compliance as part of issuance of full permits. This is addressed as a condition of approval number 1.

The applicant has proposed to locate a sign in the front architectural clock tower, just below the clock. Per Section 12-4-4 of the Sign Code, signs can not exceed 20' above final grade. This is addressed as condition of approval number 2. The applicant has not requested signs in the Frontage Protection Zone. The 30' no-build portion of the FPZ prohibits all structures including signage, which includes all way finding signs.

11. Physical design and compatibility with surrounding structures in mass, scale and style: **No Unmitigated Impacts.** The massing and general building shape will remain unaffected, as will the existing glazing. The proposal will remove the awkward, non ADA compliant ramps from the front of the building and re-introduce them at the south east corner in a code compliant manner. The main entrance will also be relocated to this location. The old entrance will become an architectural statement, which will consist of the signage and a clock tower. The walls will be a mix of horizontal and vertical wood siding. A series of planters will be introduced under the windows and along the patio. The roof is proposed to be asphalt shingles.

The design proposes a contemporary application of building materials that are similar and compatible with the surrounding structures without being repetitive. In order to relate better to the adjacent Olympic Welcome Plaza, the applicant will need to provide a detailed landscape and circulation plan to ensure compatibility with the plaza use. This will be reviewed and approved by staff as a condition of approval prior to final building permits.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people: **No Unmitigated Impacts.** The kitchen will be completely remodeled as part of this project. Location and design of mechanical systems is not finalized at this time. A complete package of screened equipment will be approved by the Planning Department as a condition of approval to final building permits. The applicant has provided initial details on screening material which is pre-fabricated metal.
13. Control of delivery and service vehicles, loading and unloading zones, and screening: **No Unmitigated Impacts.** Currently a delivery ramp exists at the North West corner of the building. It loads directly into the lower level storage area. A new trash pick up area has been created at the rear of the building outside the kitchen. It will be screened from the Key Bank. Condition of approval number 6 addresses this.
14. Expected ownership and management of the property: **No Unmitigated Impacts.** The building will continue to be owned by the Polychronis family, and will be operated and managed by Squatters.
15. Architectural and Uniform Building Code review: **No Unmitigated Impacts.** At this time general architectural details, colors, and materials have been submitted. The general architectural intent is consistent with the Park City Architectural Design Guidelines. Prior to final permit issuance all construction shall meet the City's building code review and shall be consistent with the architectural chapter of the LMC (Section 15-5).
16. Sensitive Lands Review. **No Unmitigated Impacts.** This site is included in the Sensitive Lands Overlay Zone. Staff finds the proposal to be consistent with all requisite SLO requirements. The City Engineer requires a storm water detention basin to capture surface runoff from the parking lot to improve current conditions in the adjacent stream. This is addressed in condition of approval number 5.

NOTICE

Notice of this hearing was sent to property owners within 300' on March 22, 2006. No comments have been received by staff at the date of this writing.

ALTERNATIVES

1. The Planning Commission may approve the CUP at 1900 Park Avenue as conditioned or amended, or
2. The Planning Commission may deny CUP at 1900 Park Avenue and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the CUP at 1900 Park Avenue.

SIGNIFICANT IMPACTS

Should the Planning Commission not approve the CUP the City could potentially forfeit additional sales tax revenues generated by the new restaurant.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The request was discussed at a Staff Review Meeting on March 7, 2006, where representatives from local utilities and City Staff were in attendance.

Recommendation: Staff recommends that the Planning Commission conduct a public hearing and approve the Conditional Use Permit for a construction in the Frontage Protection Zone according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The metes and bounds parcel is approximately 1.03 acres.
2. The underlying zoning is General Commercial with Regional Commercial, Frontage Protection, and Sensitive Lands Overlay Zones.
3. The existing building facade is located 51' from the property line along SR 224. The surface parking along SR 224 is non-complying in terms of the 30' no-build zone in the FPZ.
4. The ramps and front door will be removed from the front of the building and relocated to the east side of the building. The proposal includes the introduction of an architectural entryway statement, new emergency egress, a new trash storage area, and enhanced landscaping. The exterior of the building will be updated with new materials.
5. The lot has 2 access points from SR 224. One adjacent to the Olympic Welcome Plaza, and a second one approximately 300' to the North West along SR 224.
6. Currently there are 54 parking spaces on the lot. The applicant proposes to reconfigure and re-stripe the parking to accommodate for 60 spaces. Per LMC Section 15-3-6(B) the parking requirement for a restaurant is 1 space for every 100 sf of net leasable floor areas. The net leasable floor area for the dining room level (3,500 sf) and patio (1,030 sf) is 4,530 sf and requires 45 total parking spaces. The project exceeds required parking.
7. The current parking is non-complying in that it is a structure in the 30' no-build zone of the FPZ. Staff finds that the modifications reduce the degree of non compliance by providing additional snow storage and landscape areas.
8. The reconfigured parking allows for smoother, more traditional entry into the parking areas from SR 224 and increases the convenience of the parking layout. The new snow storage and landscape areas will allow easier maintenance in the winter.
9. The existing paving at the curb cut closest the Olympic Welcome Plaza encroaches into City property. The applicant stipulates to construction a sidewalk in this location to allow pedestrian connection from the Olympic Welcome Plaza to Snow Creek. The City agrees to this.
10. The building footprint will be enlarged in 2 places. First, an addition of approximately 85 sf at the north east corner (within the 100' FPZ). Secondly for a clock tower located at the elevation facing SR 224. Currently the front door and a cement planter box exists in this location. The planter box is approximately 43' from the right-of-way. The new clock tower will not expand into the FPZ beyond the existing planter box. The new clock tower will be 46'-8.5" from the SR 224 right-of-way.

11. The existing building height is 15'. The proposed height of the clock tower is 31'. The zone height allows for 35', including an exception for a bell tower, and like architectural feature to up to 50% above the zone height (52.5'). The proposal meets the zone height.
12. The exterior building and parking lot lighting does not comply with City ordinances.
13. The 30' no-build portion of the FPZ prohibits all structures including signs and way finding signs.
14. The design proposes a contemporary application of building materials that are similar and compatible with the surrounding structures without being repetitive.
15. At this time general architectural details, colors, and materials have been submitted. The general architectural intent is consistent with the Park City Architectural Design Guidelines.
16. This site is included in the Sensitive Lands Overlay Zone. Staff finds the proposal to be consistent with all requisite SLO requirements.

Conclusions of Law

1. The CUP, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, Section 15-1.10 review criteria for Conditional Use Permits, Chapter 2.20 Frontage Protection Zone, and Chapter 2.21 Sensitive Area Overlay Zone.
2. The CUP, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The CUP, as conditioned, is consistent with the Park City General Plan.
4. The CUP, as conditioned, is Compatible in use, scale and mass with adjacent properties.
5. The CUP has been noticed and public hearings held in accordance with the LMC.
6. The proposed uses of the Conditional Use Permit are compatible with surrounding structures in use, scale and mass, and circulation.
7. 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

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 be subdued in nature and shall conform to the City's lighting ordinance, LMC Section 15-5-5-(l) and 15-3-3(c).
2. The sign on the front architectural clock tower shall not exceed 20' above final grade.
3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of a building permit.
4. The City Engineer shall review and approve all associated utility, public improvements, grading and drainage plans for compliance with the LMC and City standards as a condition precedent to issuance of full building permit. The applicant shall provide a storm water detention basin to capture surface runoff from the parking lot to improve current conditions in the adjacent stream.
5. Trash containers, mechanical equipment and vents shall be painted, hidden with architectural features, located and/or landscaped to mitigate negative impacts on the

architecture of the buildings and such that noise, vibration, odors, steam, and impacts on the neighboring properties are minimized to the greatest degree possible.

6. The Planting and Landscape Plan will be reviewed and approved by the City's Landscape Architect as part of the building permitting process.
7. Best Management Practices will be complied with for both temporary and permanent run-off control.

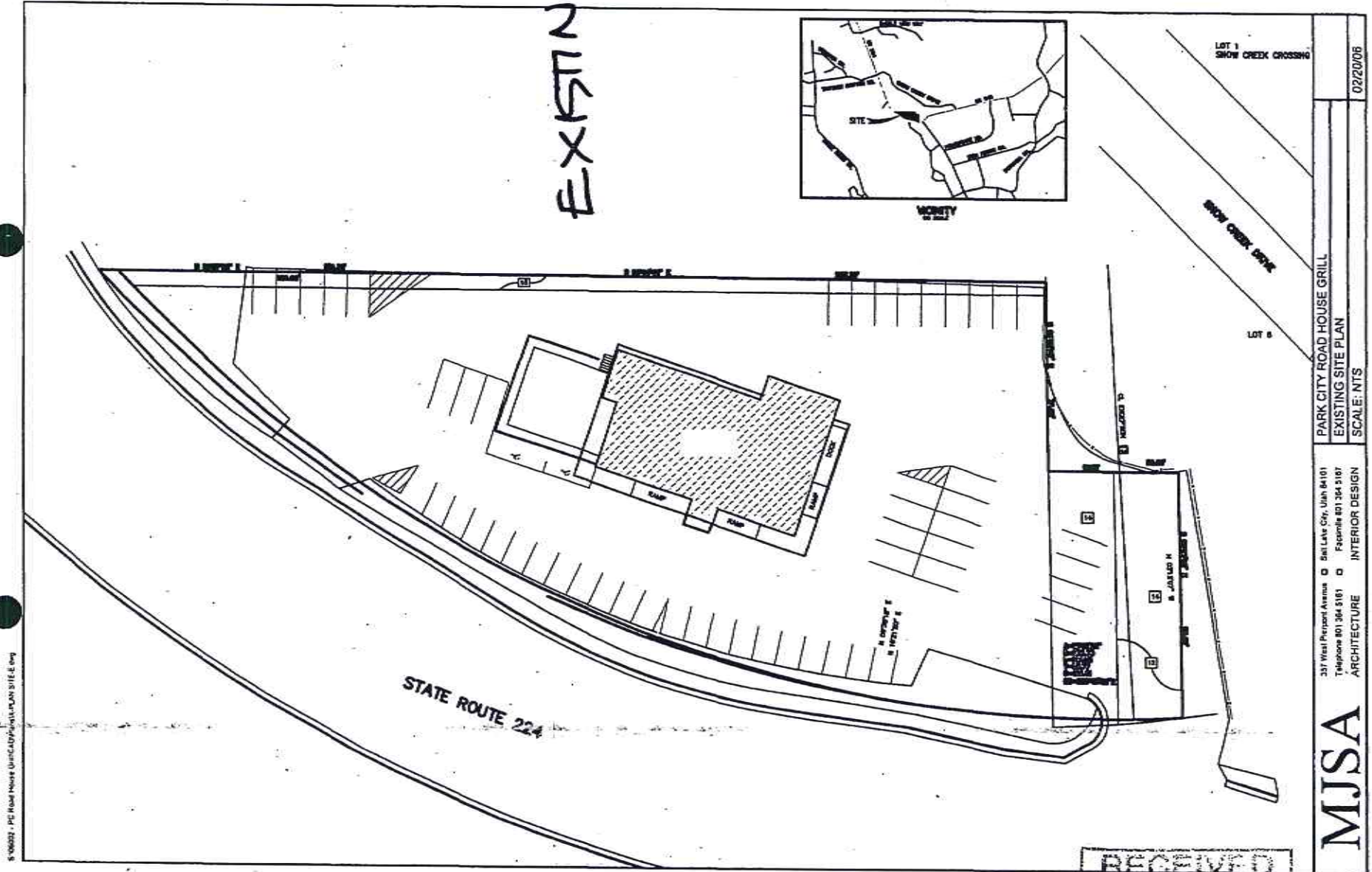
Exhibits

Exhibit A – Vicinity Map

Exhibit B - Visual rendering

Exhibit C – Existing Site Conditions

Exhibit D – Proposed site plan, floor plans, elevations

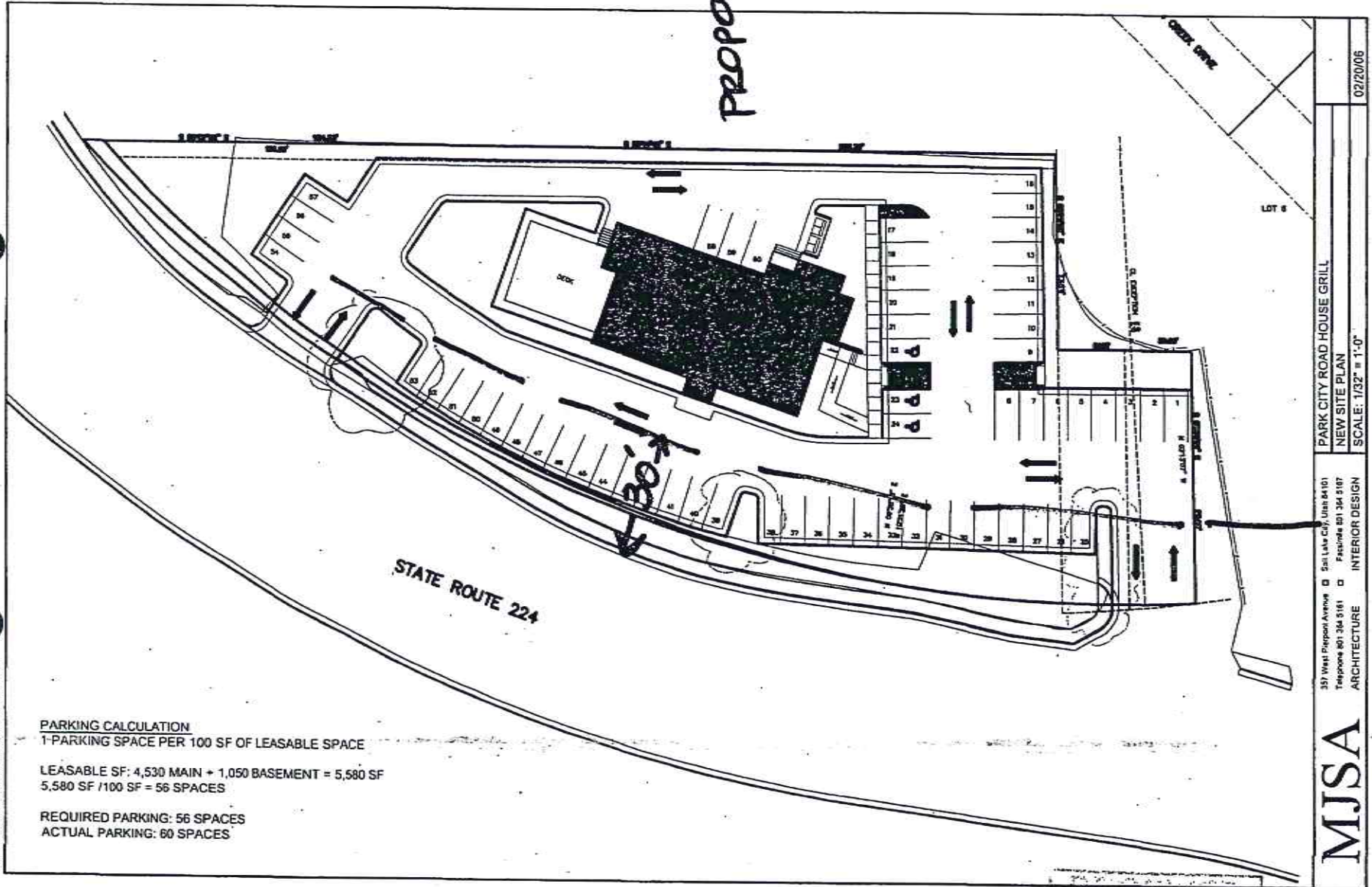


RECEIVED
FEB 21 2006
PARK CITY
PLANNING DEPT.

MJSA
ARCHITECTURE
337 West Perpetua Avenue
Telephone 801 364 5167
Fax 801 364 5167
Salt Lake City, Utah 84101
Interior Design

PARK CITY ROAD HOUSE GRILL
EXISTING SITE PLAN
SCALE: NTS
02/2006

PROPOSED



PARKING CALCULATION

1-PARKING SPACE PER 100 SF OF LEASABLE SPACE

LEASABLE SF: 4,530 MAIN + 1,050 BASEMENT = 5,580 SF
 5,580 SF / 100 SF = 56 SPACES

REQUIRED PARKING: 56 SPACES
 ACTUAL PARKING: 60 SPACES

S:\000007 - PIC Road House Grill\2006\Plan\Site Plan.dwg

PARK CITY ROAD HOUSE GRILL

NEW SITE PLAN

SCALE: 1/32" = 1'-0"

02/2006

351 West Phipps Avenue □ Salt Lake City, Utah 84103

Telephone 801-364-5161 □ Facsimile 801-364-5167

ARCHITECTURE INTERIOR DESIGN

MJSA

RECEIVED
 FEB 21 2006
 PARK CITY
 PLANNING DEPT.

6. Park Avenue - Squatters Park City Road House Grill - CUP

Vice-Chair Thomas disclosed that he had previously designed a house for Peter Cole, the applicant, but he did not consider it a conflict of interest.

Planner Weidenhamer reviewed the conditional permit for the Squatters Road House Grill at 1900 Park Avenue, previously known as the Mt Air Café. The underlying zoning is General Commercial with a Frontage Protection Overlay Zone. This item is before the Planning Commission due to construction in the 30-100 foot area from the SR 224 right-of-way. The construction proposed in this portion of the right-of-way includes removing the front entryway from the existing building and moving the ramps and entry to the northeast corner. The new ramps will be ADA Code compliant. Framing the new entry way will require an additional 85 square feet in the Frontage Protection Zone. Once the front doors and ramps are removed they need something to hold the building together. The applicant has proposed a clock tower element as an entry way architectural statement. Planner Weidenhamer noted that this will not be any closer to the right-of-way than the existing front entry way. The proposed clock tower is 31 feet high and the existing building is 15 feet. The existing zone height allows up to 35 feet and 52 feet for an architectural statement. Planner Weidenhamer stated that construction in the Frontage Protection Zone is the reconfiguration of the existing parking. All the parking along SR224 is within the 30 foot no-build zone and is non-complying. Planner Weidenhamer noted that no additional parking is proposed and the owners intend to remove some of the old asphalt and restripe the parking. Landscaping and snow storage will be added. The Staff has made findings that this configuration is an improvement and betters the situation.

Planner Weidenhamer presented a rendering of the proposed update of the existing building.

The design will incorporate new pedestrian connection ways down by the Olympic Welcome

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Plaza back to Snow Creek. Existing building and parking lot lighting will be brought into compliance. The interior of the building will be completely remodeled.

The Staff requested that the Planning Commission conduct a public hearing and consider approving this conditional use permit based on the Staff report.

Jeff Polychronis stated that his family has owned the property for 30 years. He is a Park City native and provided a brief family history of their life and business dealings in Park City.

Mr. Polychronis stated that in 1976 his family purchased this property and opened the Mt. Air Café which is father has operated until now. His father is retiring and in searching for a solution for this property, he and his partner, Peter Cole, proposed leasing the property from his father and opening Squatters Road House Grille. Mr. Polychronis noted that he and his partner operate Squatters Pub in Salt Lake City and this operation will be similar with the exception that it will not be a brewery and they will serve breakfast lunch and dinner seven days a week.

Kim Eng, the project architect, reviewed the proposed design and explained that the goal is to remove the negative aspects of the existing structure. This is an important location in Park City and they wanted to create a structure that is respectful of the micro and macro environment of Park City. A second goal was to make the new establishment ADA accessible. Mr. Eng commented on the purpose of the clock tower and explained how adding a vertical element reduces the perceived scale of the building. Mr. Eng explained their lighting plan which is based on the thought that a building should be lit from the inside out rather than from the outside to create a warm and inviting feeling.

Commissioner O'Hara wanted to know at which point non-compliant parking is required to be compliant. Director Putt replied that the Staff would review non-compliant parking when it is determined that a significant change has occurred in use or overall site design. In this case,

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the use remains a restaurant and the building is changing in looks but not changing dramatically in square footage or footprint. The Staff could not find significant enough changes to warrant full compliance. He noted that the applicants have been working with Staff to reduce the amount of hard space and pavement on the property and still maintain clear views at the intersections.

Vice-Chair Thomas opened the public hearing.

There was no comment.

Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Sletten moved to APPROVE the conditional use permit for construction in the Frontage Protection Zone for the Squatters Road House Grille based on the Finding of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Staff report. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1900 Park Avenue

1. The metes and bounds parcel is approximately 1.03 acres.
2. The underlying zoning is General Commercial with Regional Commercial, Frontage Protection, and Sensitive Lands Overlay Zones.

3. The existing building facade is located 51' from the property line along SR224. The surface parking along SR224 is non-complying in terms of the 30' no-build zone in the FPZ.
4. The ramps and front door will be removed from the front of the building and relocated to the east side of the building. The proposal includes the introduction of an architectural entryway statement, new emergency egress, a new trash storage area, and enhanced landscaping. The exterior of the building will be updated with new materials.
5. The lot has 2 access points from SR224. One adjacent to the Olympic Welcome Plaza, and a second one approximately 300' to the North West along SR224.
6. Currently there are 54 parking spaces on the lot. The applicant proposes to reconfigure and re-stripe the parking to accommodate for 60 spaces. Per LMC Section 15-3-6(B) the parking requirement for a restaurant is 1 space for every 100 sf of net leasable floor areas. The net leasable floor area for the dining room level (3,500 sf) and patio (1,030 sf) is 4,530 sf and requires 45 total parking spaces. The project exceeds required parking.
7. The current parking is non-complying in that it is a structure in the 30' no-build zone of the FPZ. Staff finds that the modifications reduce the degree of non-compliance by providing additional snow storage and landscape areas.
8. The reconfigured parking allows for smoother, more traditional entry into the parking areas from SR 224 and increases the convenience of the parking layout. The new snow storage and landscape areas will allow easier maintenance in the winter.

9. The existing paving at the curb cut closest to the Olympic Welcome Plaza encroaches into City property. The applicant stipulates to constructing a sidewalk in this location to allow pedestrian connection from the Olympic Welcome Plaza to Snow Creek. The City agrees to this.

10. The building footprint will be enlarged in 2 places. First, an addition of approximately 85 sf at the north east corner (within the 100' FPZ). Secondly for a clock tower located at the elevation facing SR 224. Currently the front door and a cement planter box exists in this location. The planter box is approximately 43' from the right-of-way.
 The new clock tower will not expand into the FPZ beyond the existing planter box. The new clock tower will be 46'-8.5" from the SR 224 right-of-way.

11. The existing building height is 15'. The proposed height of the clock tower is 31'. The zone height allows for 35', including an exception for a bell tower, and like architectural feature to up to 50% above the zone height (52.5'). The proposal meets the zone height.

12. The exterior building and parking lot lighting does not comply with City ordinances.

13. The 30' no-build portion of the FPZ prohibits all structures including signs and way finding signs.

14. The design proposes a contemporary application of building materials that are similar and compatible with the surrounding structures without being repetitive.

15. At this time general architectural details, colors, and materials have been submitted. The general architectural intent is consistent with the Park City Architectural Design Guidelines.
16. This site is included in the Sensitive Lands Overlay Zone. Staff finds the proposal to be consistent with all requisite SLO requirements.

Conclusions of Law - 1900 Park Avenue

1. The CUP, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, Section 15-1.10 review criteria for Conditional Use Permits, Chapter 2.20 Frontage Protection Zone, and Chapter 2.21 Sensitive Area Overlay Zone.
2. The CUP, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The CUP, as conditioned, is consistent with the Park City General Plan.
4. The CUP, as conditioned, is Compatible with use, scale and mass with adjacent properties.
5. The CUP has been noticed and public hearings held in accordance with the LMC.
6. The proposed uses of the Conditional Use Permit are compatible with surrounding structures in use, scale and mass, and circulation.

7. 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 - 1900 Park Avenue

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 be subdued in nature and shall conform to the City's lighting ordinance, LMC Section 15-5-5-1) and 15-3-3(c).
2. The sign on the front architectural clock tower shall not exceed 20' above final grade.
3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of a building permit.
4. The City Engineer shall review and approve all associated utility, public improvements, grading and drainage plans for compliance with the LMC and City standards as a condition precedent to issuance of full building permit. The applicant shall provide a storm water detention basin to capture surface runoff from the parking lot to improve current conditions in the adjacent stream.
5. Trash containers, mechanical equipment and vents shall be painted, hidden with architectural features, located and/or landscaped to mitigate negative impacts on the architecture of the buildings and such that noise, vibration, odors, steam, and impacts on the neighboring properties are minimized to the greatest degree possible.

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6. The Planting and Landscape Plan will be reviewed and approved by the City's Landscape Architect as part of the building permitting process.
7. Best Management Practices will be complied with for both temporary and permanent run-off control.
7. 1161 Park Avenue - Plat Amendment

Commissioner Sletten disclosed that he and the applicant are brokers in the same firm but he did not see this as a conflict of interest on this matter.

Planner Milliner reviewed the application for a plat amendment to subdivide three platted Old Town lots into two lots. The Staff had reviewed this application and found that it meets the necessary requirements. The Staff 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 contained in the Staff Report. Planner Milliner noted that the applicant plans to move the existing historic house on to one lot and leave the other lot vacant for future development.

Vice-Chair Thomas opened the public hearing.

Puggy Holmgren, a resident at 1209 Park Avenue, stated that Park Avenue has not slowed down and she questioned the wisdom of having an entrance to this property coming off of Park Avenue. She asked if they would consider having both entrances off of 12th Avenue. Ms. Holmgren wanted to remind the Planning Commission that the neighborhood is a strong and gathered residential neighborhood and they still feel strongly about commercial proposals for this particular house.

Planning Commission Staff Report

Subject: Saldarini Replat – First Amended
Author: Tippe Morlan, Planner II
Date: May 24, 2017
Type of Item: Legislative – Plat Amendment

Project Number:	PL-17-03523
Applicant:	Helen E. Wallace
Location:	158 Main Street
Zoning:	Historic Residential (HR-2B) Sub-Zone B
Adjacent Land Uses:	Single family dwellings
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval.

Proposal

The proposed Saldarini Replat – First Amended plat seeks to combine the two existing lots located at 158 Main Street into one lot of record. The site consists of the Saldarini Replat parcel and a remnant parcel from Lot 6 of Block 20 of the Park City Survey which was dedicated to the owner after the plat was recorded in 1997. The original Saldarini Replat combined most of both Lots 5 and 6 of Block 20 of the Park City Survey the into one lot at this address, although today there exists a small remnant parcel on the south side which needs to be incorporated into the lot.

There is an existing historic structure at 158 Main Street. The site is listed as Significant in the Historic Sites Inventory. This home is estimated to have been built around 1885, and the building straddles the south property line of the main lot and over into the remnant parcel. The Saldarini Replat lot consists of 3,613 square feet, and the remnant parcel of Lot 6 consists of 75 square feet; the total lot size of the combined lot is 3,688 square feet.

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Saldarini Replat – First Amended plat located at 158 Main Street and consider forwarding a **positive** recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Background

March 1, 1996 – The City executed a Quit Claim Deed of property to the east of this address from the City to Orlean Turner, property owner of the original 158 Main Street property.

July 21, 1997- The City Council approved the Saldarini Replat combining two lots and one metes and bounds parcel into one lot of common ownership. This plat was recorded on September 30, 1997.

July 23, 1997 – The Historic District Commission approved a residential addition to the historic residence at this address. The Historic District Design Review application was submitted for a 505 SF addition to an existing 954 SF home on site. 217 SF comprised of one bedroom and one bathroom and 288 SF comprised of a garage.

April 4, 2017 – The City received a Plat Amendment application for the Saldarini Replat Amendment; the application was deemed complete on April 7, 2017.

Purpose

The purpose of the HR-2 District is to:

- A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:
 - a. Upper Main Street;
 - b. Upper Swede Alley; and
 - c. Grant Avenue,
- B. encourage and provide incentives for the preservation and renovation of Historic Structures,
- C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,
- D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and
- F. provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
- G. ensure improved livability of residential areas around the historic commercial core,
- H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
- I. encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
- J. minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,

K. minimize impacts of Commercial Uses on surrounding residential neighborhood.

Properties within the HR-2 District located east of Main Street, including properties fronting on Main Street, Swede Alley, and Grant Avenue along with properties west of Main Street within Both 13 and fronting on Main Street fall under Sub-Zone B. This includes the subject property. On this property, special requirements for Sub-Zone B of the HR-2 District are not applicable since they apply only to Commercial Uses and commercial uses within historic structures, and this property is not proposed for commercial uses at this time.

Analysis

The purpose of the plat amendment is to remove the interior lot line between the lot and the parcel is to create one lot of record for an existing significant Historic single family dwelling. The applicant intends to submit an application to remodel the existing home and to lift the property up to 2 feet, subject to the Historic District Design Review process. Any modifications to the structure may not be made until this plat amendment is approved and recorded. The existing building currently straddles the lot line and sits on a lot and parcel, and this amendment would clean up the parcels so that the building does not sit on top of any lot lines.

This home is listed as a significant structure on the Park City Historic Sites Inventory. The subject property meets the requirements of the HR-2 zone. According to existing Land Management Code requirements, historic structures that do not comply with Building Setbacks, Building Footprint, Building Height, Off-Street parking, and driveway location standards are valid Non-Complying Structures as per requirements for Existing Historic Structures in the HR-2 zone.

Several additions to the home have been installed over time, although the City only has documentation for the most recent addition of 505 square feet to the rear of the home in 1997. There have been no modifications to the home itself since the 1997 addition. This plat amendment does not change any of the requirements of the zone.

This property is not located in the Sensitive Lands Overlay zone; however, it sits in FEMA Flood Zone A due to its proximity to the stream that runs through Old Town Park to the rear of this property. As a result, a Hydraulic and Hydrology study is required before the applicant may submit for a building permit. If the flood zone changes by more than 1 foot, a Letter of Map Revision (LOMR) will also be required to be submitted to FEMA.

This plat amendment only concerns the Saldarini Replat parcel and the adjacent remnant parcel of Lot 6 of Block 20 of the Park City Survey. The remainder of Lot 6 belongs to the property addressed at 150 Main Street, and those property owners will need to do a separate plat amendment in the future to officially incorporate the portion of the parcel that they own into their lot.

Encroachments

There are several existing encroachments along the boundaries of this property. On the north side of this property, there is a concrete block retaining wall which crosses over on to the lot to the north (166 Main Street). An encroachment agreement will be required for this wall with this approval if it is to stay in place.

To the west of the property, in the frontage area along the Main Street Right-of-Way, there is an additional concrete retaining wall which sits 2 feet from the property line in the front yard. An encroachment agreement will be required for this wall with Park City if this wall is to also stay in place.

On the east side of this property, to the rear of the house, there are several encroachment issues which need to be resolved before this plat amendment can be recorded. The existing deck with a wood steel fence and a stone retaining wall that lines its borders encroaches onto City property by a few feet. There is also a larger stone retaining wall on City property along the banks of the stream which also needs to be removed off of City property. The applicant will need to make the required adjustments to bring these structures back onto their private property or ensure they are removed before the plat amendment may be recorded.

Good Cause

Staff finds good cause for this plat amendment as the existing encroachments will be addressed. The plat amendment will also clean up the lot and resolve any issues created by the extraneous lot line running through the property and through the house. This amendment will allow the property owner to make improvements and changes to the existing house as allowed by the LMC and Historic District Design Guidelines.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18. A Historic District Design Review application will need to be submitted for review by Planning Staff prior to issuance of building permits.

Department Review

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

Notice

On May 10, 2017, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on May 10, 2017, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Saldarini Replat – First Amended as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Saldarini Replat – First Amended and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Saldarini Replat – First Amended plat.

Significant Impacts

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

Consequences of not taking recommended action

The consequences of not taking the Planning Department's recommendation are that the encroachments would not be resolved with the plat and the site would continue to have a lot line running through the existing house.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Saldarini Replat Amendment and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)
 Exhibit B – Existing Conditions (Survey)
 Exhibit C – Existing Saldarini Replat
 Exhibit D – Aerial Photographs with 500' Radius
 Exhibit E – County Plat Maps
 Exhibit F – Site Photographs
 Exhibit G – Applicant Narrative

Ordinance No. 17XX

AN ORDINANCE APPROVING THE SALDARINI REPLAT AMENDMENT LOCATED AT 158 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 158 Main Street has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 10, 2017, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 10, 2017, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on May 24, 2017, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 24, 2017, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on June 29, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Saldarini Replat Amendment located at 158 Main Street.

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

SECTION 1. APPROVAL. The 158 Main Street Plat Amendment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 158 Main Street.
2. The property consists of Lot 1 of the Saldarini Replat and a remnant parcel of Lot 6 of Block 20 of the Park City Survey.
3. The property is in the Historic Residential (HR-2) District Sub-Zone B.
4. The home on this site is listed on Park City's Historic Sites Inventory (HSI) as a significant structure.
5. The Plat Amendment removes one interior lot line which bisects the existing home.

6. The proposed Plat Amendment combines the property into one (1) lot measuring 3,688 square feet.
7. A single-family dwelling is an allowed use in the District.
8. A utility easement with the Snyderville Sewer Improvement District exists on the rear portion of the property as reflected on the plat.
9. The minimum lot area for a single-family dwelling is 1,875 square feet in the HR-2 zone. The proposed lot meets the minimum lot area for single-family dwellings. The proposed lot area does not meet the minimum lot area for a duplex.
10. The proposed lot width is approximately 42.8 feet along Main Street.
11. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
12. The existing historic house extends to the south property line with no side yard setback and has a 3 feet side setback from the north property line. The front setback is 10 feet and the rear setback is 20 feet.
13. Historic structures that do not comply with Building Setbacks, Building Footprint, Building Height, Off-Street parking, and driveway location standards are valid Non-Complying Structures as per requirements for Existing Historic Structures in the HR-2 zone.
14. A snowshed easement for this property has been granted as a part of the original Saldarini Replat approval.
15. The deck, wood steel fence, and stone retaining wall at the rear of the house encroach onto Park City property to the east by approximately 1 foot.
16. There is a stone retaining wall which encroaches onto Park City property to the east of the property by 3 to 5 feet along the rear property line.
17. The cinder block retaining wall at the north of this property encroaches onto 166 Main Street by approximately 3 feet.
18. A remnant of Lot 6 which is not being incorporated into this lot belongs to owners of adjacent 150 Main Street which accommodates the Landmark Historic home which sits on the original lot line between Lots 6 and 7 of Block 20 of the Park City Survey.
19. The remnant parcel on the south side of Lot 6 of Block 20 of the Park City Survey is a part of 150 Main Street and shall be incorporated into that lot with a plat amendment if the property owners of 150 Main Street choose to alter the lot or the historic home in any way.
20. This property lies in FEMA Flood Plain A.
21. This plat amendment does not change any exterior lot lines of this parcel.
22. This plat amendment does not change any setback, lot size, or other requirements for this zone as applied to this parcel and the existing single family dwelling. All new construction shall meet requirements of the Land Management Code in effect at the time of submittal of any changes.
23. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. An encroachment agreement for the cedar block retaining wall is required with the neighbor at 166 Main Street on the north side of this property as the retaining wall crosses that property line.
4. An encroachment agreement for the concrete retaining wall to the west and front of the property is required with the City where it sits on City Property and in the public Right of Way.
5. The property owner shall resolve the encroachment of the deck with the wood steel fence and stone retaining wall over the east property line into the adjacent City owned property to the rear of the house by removing the portion of the structures which encroaches onto City property.
6. The property owner shall remove the encroaching retaining wall to the rear of the home.
7. The encroachments shall be resolved to the satisfaction of the City Engineer prior to recordation of the final plat mylar.
8. A Hydraulic and Hydrology study is required before the applicant may submit for a building permit because the property is in a FEMA flood zone. If the flood zone changes by more than 1 foot, a Letter of Map Revision (LOMR) will also be required to be submitted to FEMA.

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

PASSED AND ADOPTED this 29th day of June, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

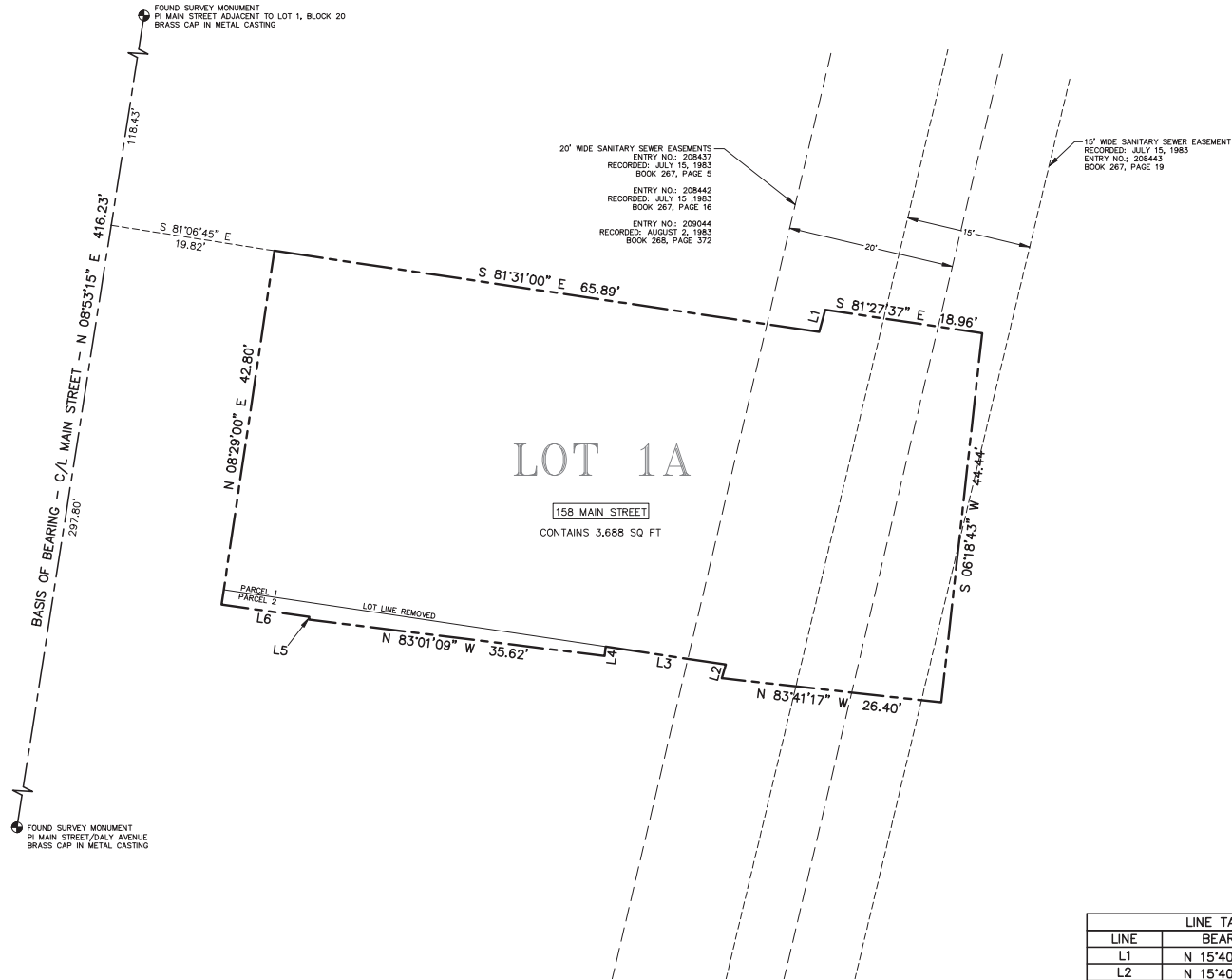
City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A - Attachment 1: Proposed Plat



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Registered Land Surveyor and that I hold Certificate No. 7248891, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of SALDARINI REPLAT—FIRST AMENDED has been prepared under my direction and that the same has been monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

PARCEL 1

LOT 1, SALDARINI REPLAT SUBDIVISION, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

PARCEL 2

A parcel of land located in Lot 6, Block 20, Park City Survey, according to the amended plat thereof, on file in the Office of the County Recorder of Summit County, Utah, said parcel being more particularly described as follows:

Beginning at a point North 15°40'48" East 9.07 feet along the easterly property line of said Lot 6 and North 81°31'00" West 14.53 feet from the southeast corner of said Lot 6, Block 20, Park City Survey, and running thence South 06°49'03" West 1.11 feet along an existing structure to a corner of said structure; thence North 83°01'09" West 35.62 feet along said structure to a corner of said structure; thence North 07°20'56" East 0.33 feet along said structure to a concrete seam formed by the southerly edge of a concrete wall and the northerly edge of a concrete curb; thence North 81°55'47" West 10.60 feet along said concrete seam to a point on the westerly line of said Lot 6; thence North 08°29'00" East 1.80 feet to the southwest corner of the northerly 16 feet of said Lot 6; thence along the southerly line of the northerly 16 feet of said lot 6 South 81°31'00" East 46.19 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Helen E. Wallace, the undersigned owner of the herein described tract of land, to be known hereafter as SALDARINI REPLAT—FIRST AMENDED, does hereby certify that she has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set her hand this _____ day of _____, 2017.

Helen E. Wallace

ACKNOWLEDGMENT

State of _____
County of _____

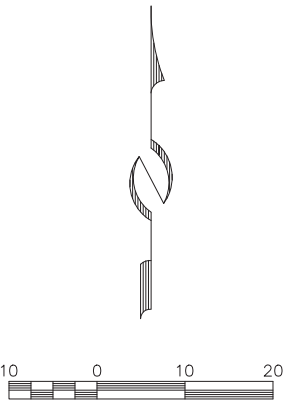
On this _____ day of _____, 2017, Helen E. Wallace personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Helen E. Wallace acknowledged to me that she is the owner of the herein described tract of land, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

My commission expires: _____



A PARCEL COMBINATION PLAT
BLOCK 20, PARK CITY SURVEY

SALDARINI REPLAT—FIRST AMENDED

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

3/28/17 JOB NO.: 6-11-16 FILE: X:\PCS\dwg\sr\plot2016\061116.dwg



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS _____

DAY OF _____, 2017

BY _____
S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS
DAY OF _____, 2017

BY _____
CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____
DAY OF _____, 2017

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____
DAY OF _____, 2017

BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____,
2017

BY _____
MAYOR

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____, 2017

BY _____
PARK CITY RECORDER

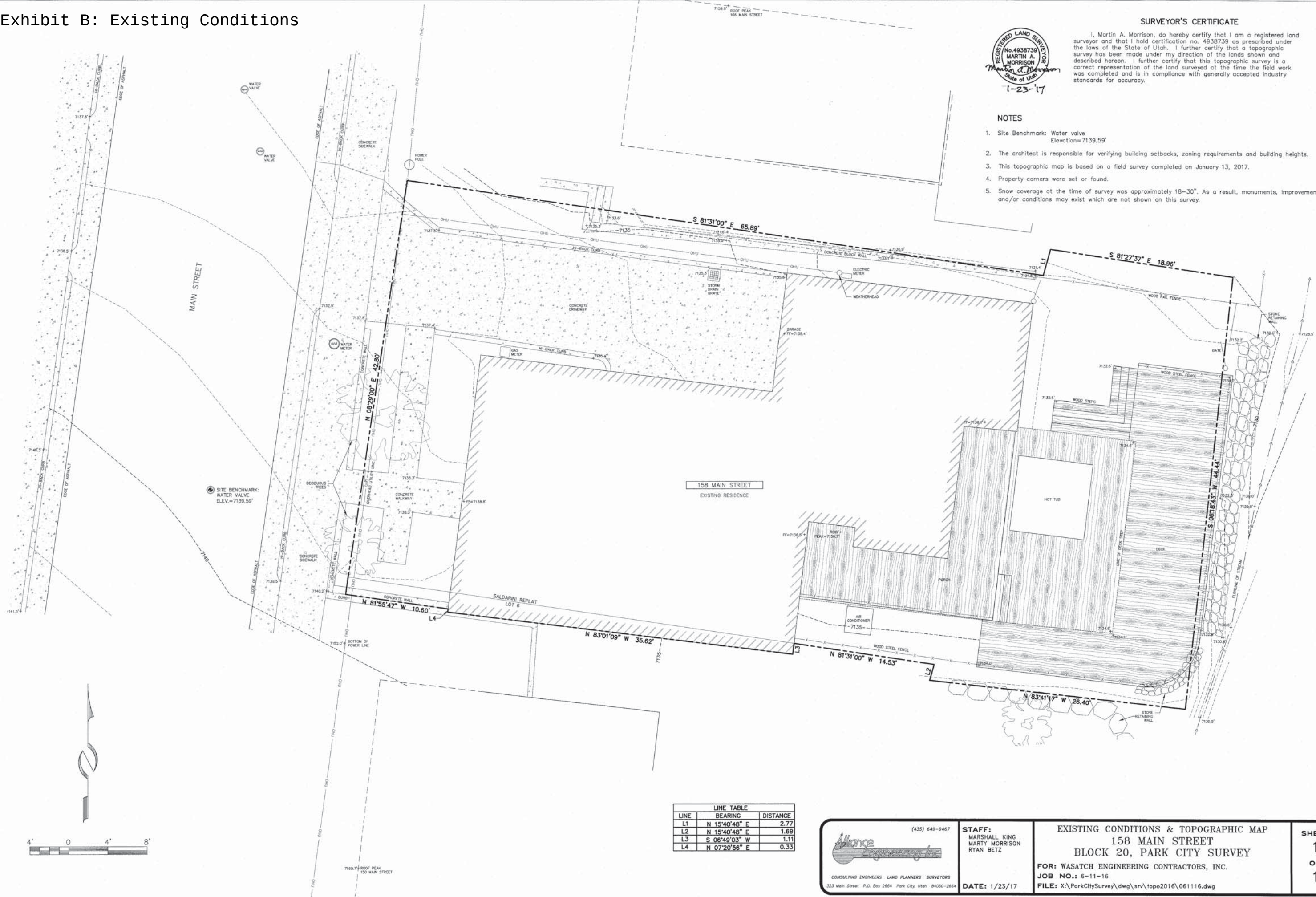
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____

DATE _____ TIME _____

ENTRY NO. _____ FEE _____ RECORDER _____

Exhibit B: Existing Conditions



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Water valve
Elevation=7139.59'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey completed on January 13, 2017.
4. Property corners were set or found.
5. Snow coverage at the time of survey was approximately 18-30". As a result, monuments, improvements, and/or conditions may exist which are not shown on this survey.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 15°40'48" E	2.77
L2	N 15°40'48" E	1.89
L3	S 06°49'03" W	1.11
L4	N 07°20'56" E	0.33

Alliance Engineering Inc.
(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

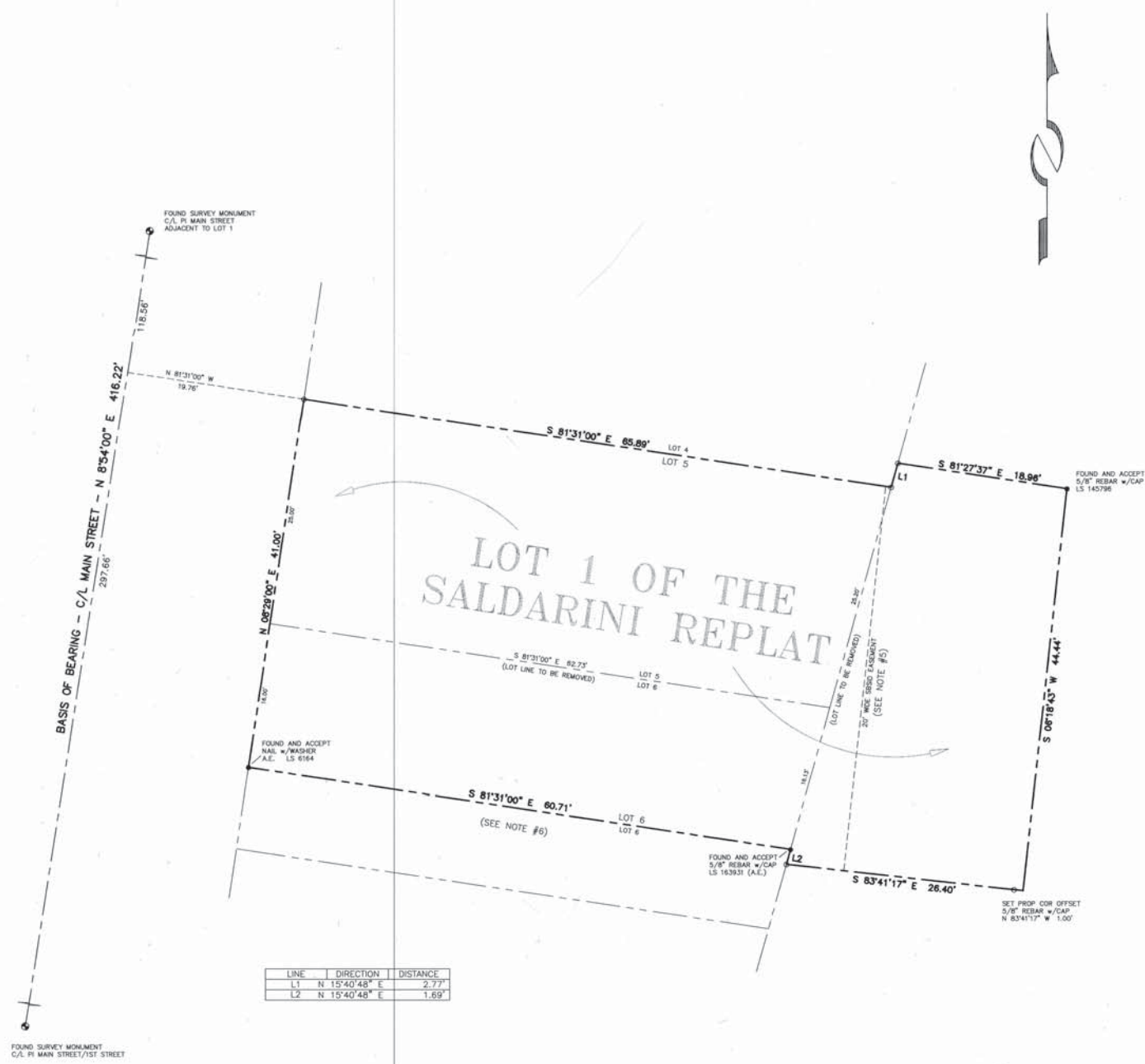
STAFF:
MARSHALL KING
MARTY MORRISON
RYAN BETZ

DATE: 1/23/17

EXISTING CONDITIONS & TOPOGRAPHIC MAP
158 MAIN STREET
BLOCK 20, PARK CITY SURVEY
FOR: WASATCH ENGINEERING CONTRACTORS, INC.
JOB NO.: 6-11-16
FILE: X:\ParkCitySurvey\dwg\sr\topo2016\061116.dwg

SHEET
1
OF
1

Exhibit C - Existing Saldarini Replat



SURVEYORS CERTIFICATE
I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this Lot Line Adjustment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation. I further certify the property is accurately shown on this plat.
John Demkowicz 9/15/97
John Demkowicz Date
SURVEY BOUNDARY DESCRIPTION
Beginning at the northwest property corner of Lot 5, Block 20, Park City Survey, according to the official plat as recorded and on file with the Recorder's office, Summit County, Utah; and running thence along the northerly line of said Lot 5 South 81° 31' 00" East 65.89 feet to the northeast corner of Lot 5; thence along the easterly line of Lot 4, Block 20, North 15° 40' 48" East 2.77 feet; thence South 81° 27' 37" East 18.96 feet; thence South 06° 18' 43" West 44.44 feet; thence North 83° 41' 17" West 26.40 feet to a point on the easterly line of Lot 6, Block 20; thence along the easterly line of Lot 6, North 15° 40' 48" East 1.69 feet to the southeast corner of the northerly 16.00 feet of said Lot 6; thence parallel to the common property line between said lots 5 and 6, North 81° 31' 00" West 60.71 feet to a point being on the westerly line of said Block 20, said point also being the southwest corner of the northerly 16.00 feet of said Lot 6; thence along said block line North 08° 29' 00" East 41.00 feet to the point of beginning. Contains 3,613 sq.ft.
OWNERS DEDICATION AND CONSENT TO RECORD
Know all men by these present that Jerry Saldarini, the undersigned owner of the hereon described tract of land to be known hereafter as SALDARINI REPLAT, certify that I have caused this Lot Line Adjustment Plat to be made and consent to the recordation of this Lot Line Adjustment Plat. Also, the owner, or his/her representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.
IN WITNESS WHEREOF, the undersigned set his hand this 15 day of September 1997.
Jerry Saldarini
Jerry Saldarini
ACKNOWLEDGEMENT
State of Utah)
County of Summit) ss.
On this 15 day of September, 1997, personally appeared before me, the undersigned Notary Public in and for said state and county, Jerry Saldarini being duly sworn, acknowledged to me that he/she is the owner of the herein described tract of land and he/she signed the above Owners Dedication and Consent to Record freely and voluntarily.
Debbie Ward
Notary Public
Commission expires: May 30, 1999
NOTES
1. The street address of the property is 158 Main Street.
2. See record of survey S-2553, recorded Summit County Utah, for record of survey plat.
3. O Denotes set iron rod and cap LS 163931.
4. The property is a designated Flood Hazard Area inundated by the 100-year flood.
5. The utility easement as recorded 8/2/83, as entry No. 209044 in Book 268 at Page 372, Summit County Recorder's Office with the Snyderville Sewer Improvement District.
6. The remnant of Lot 6 created by this plat is not separately buildable.

SALDARINI REPLAT
LOT LINE ADJUSTMENT
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



6-2-97 ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 16th DAY OF SEPTEMBER, 1997 A.D. BY <i>Matthew O. Morgan</i> S.B.S.I.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 24th DAY OF SEPTEMBER, 1997 A.D. BY <i>Bruce W. DeHaan</i> CHAIRMAN	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 16th DAY OF SEPTEMBER, 1997 A.D. BY <i>Bruce W. DeHaan</i> PE PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 27th DAY OF SEPTEMBER, 1997 A.D. BY <i>Mark D. Hargis</i> PARK CITY ATTORNEY	PARK CITY APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE ON BEHALF OF THE PARK CITY COUNCIL THIS 31st DAY OF JULY, 1997 A.D. BY <i>Bruce W. DeHaan</i> MAYOR ATTEST: <i>Jackie M. Scott</i> CITY RECORDER	# 488537 RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <i>COALITION TITLE</i> DATE 09-30-97 TIME 11:13 AM BOOK PAGE FEE <i>3.00</i> RECORDER <i>Alan Spriggs</i>
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Packet Pg. 200



SUBJECT
PROPERTY



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING RYAN BETZ DATE: 2/13/17	AERIAL PHOTOGRAPH 158 MAIN STREET BLOCK 20, PARK CITY SURVEY FOR: WASATCH ENGINEERING CONTRACTORS JOB NO.: 6-11-16 FILE: X:\ParkCitySurvey\dwg\Exhibits\158 main-ortho.dwg	SHEET 1 OF 1
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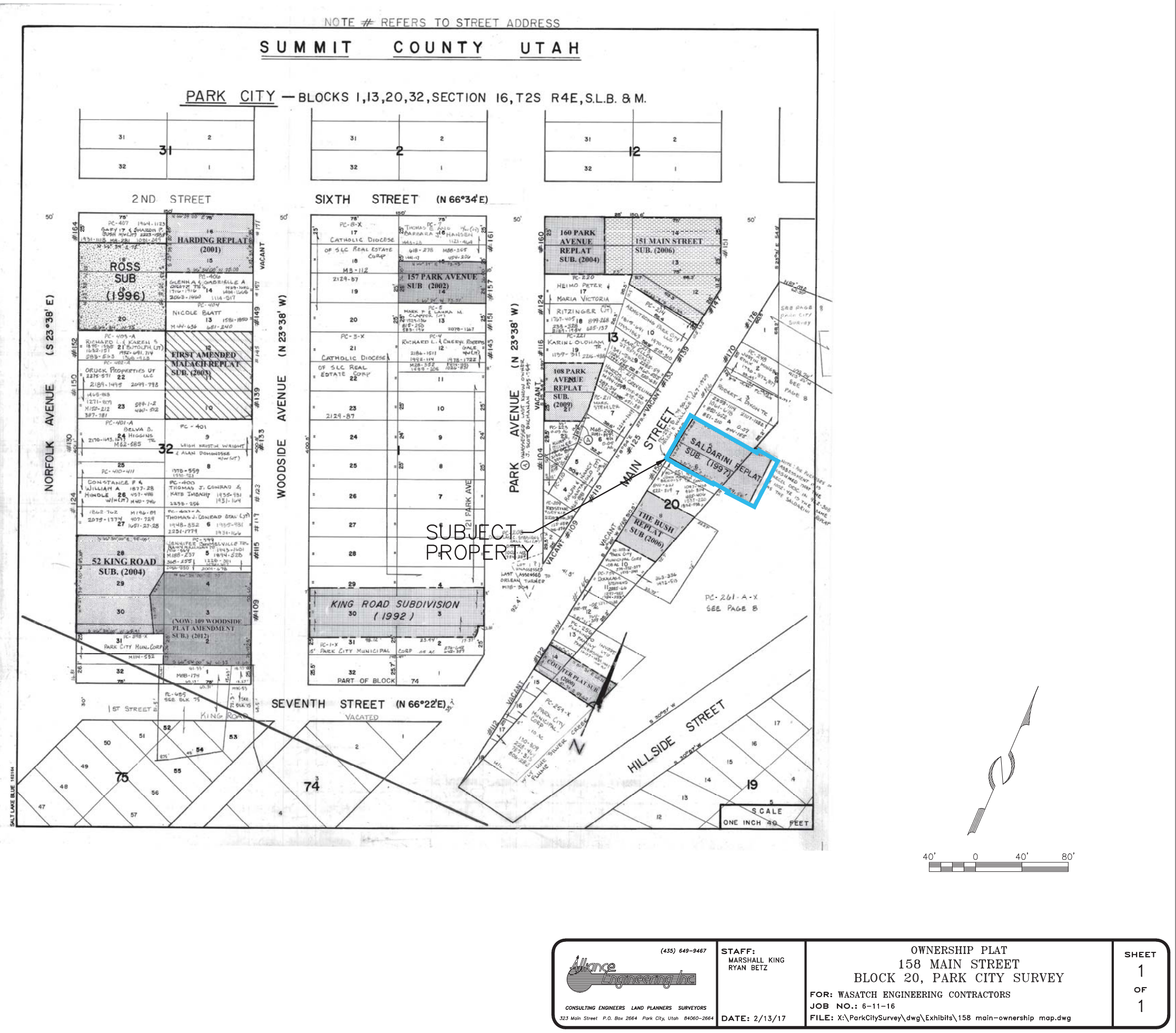


Exhibit F: Site Photographs



158 Main Street – looking northwesterly



158 Main Street – looking west



158 Main Street – looking southwesterly



158 Main Street – looking southeasterly



158 Main Street – looking east



158 Main Street – looking northeasterly

SALDARINI REPLAT-FIRST AMENDED
(PARK CITY SURVEY, BLOCK 20)

(158 MAIN STREET)

PROJECT INTENT

The property at 158 Main Street is occupied by a single family residence. The Saldarini Replat (158 Main Street) was recorded September 30, 1997. On December 20, 2004, a small parcel of land that is occupied by a portion of the residence at 158 Main Street was conveyed by the owner to the south (150 Main Street). The owner desires to remove a portion of the south lot line of the Saldarini Replat where this small parcel was deeded and unify the property into one lot of record with the ultimate goal of remodeling the existing residence.



Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 7195 Little Belle Court
Little Belle Condominiums Sixth Amended (Amending Unit #5)
Authors: Tippe Morlan, Planner II
Date: May 24, 2017
Type of Item: Legislative – Condominium Plat Amendment

Project Number:	PL-17-03540
Applicant:	Littlebellefive, LLC/Cheryl Skender
Applicant Representative:	Michael Stoker, Stoker Architecture, Inc.
Location:	7195 Little Belle Court
Zoning:	Residential Development (RD-MPD) as part of the Deer Valley MPD
Adjacent Land Uses:	Condominium units, Stein Eriksen Lodge, open space
Reason for Review:	Condominium Amendments require Planning Commission review and City Council approval.

Proposal

The applicant is requesting to amend the existing Little Belle Condominiums plat for Unit 5 (Exhibit A). The amendment is a request to convert a small portion of private space into limited common area to be incorporated into the existing deck for Unit 5.

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and consider forwarding a **positive recommendation** to the City Council for the Sixth Amendment to the Little Belle Condominium Plat amending Unit 5 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Background

December 21, 1981 – The original Little Belle Condominiums plat was recorded at Summit County with 20 residential units.

August 2, 2000 – A **plat amendment** was recorded after a request to expand the private areas for Units 5, 6, 7, and 8 was approved by the City; however, only Unit 7 showed the deck area as private on the final plat (See Exhibit B).

August 8, 2001 – A **second plat amendment** was recorded converting the limited common decks into private living space and expanding the private living areas to the furthest extensions of the exterior walls of the end units for Units 2, 9, and 10.

April 19, 2004 – A **third plat amendment** was recorded amending Unit 20 converting the limited common deck area into private ownership.

June 7, 2006 – A **fourth plat amendment** was recorded converting all deck and solarium areas from limited common to private space for Units 1, 3, 4, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

June 2, 2011 – A **fifth plat amendment** was recorded amending Unit 3 for an addition of 425 square feet expanding the unit into limited common and common area.

Residential District Zone Purpose

The purpose of the Residential Development RD District is to:

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types.

Analysis

The Little Belle Condominiums are located within the Silver Lake community portion of the Deer Valley Resort Master Planned Development (MPD). This current application requests conversion of 46 square feet of private area in Unit 5 to limited common area for a future expansion of the deck (into the existing unit). There are no further exterior changes currently proposed. A building permit will be required for any changes to the exterior of the home.

The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged, the changes to the deck and floor area are proposed within the existing structure minimizing site disturbance, preserving the existing natural open space, and minimizing impacts of development. The additional common area will exist as deck space and any exterior changes will match the existing building.

The first amendment of the Little Belle Condominiums was originally intended to convert the existing limited common decks into private living space for Units 5-8 as the applicant is proposing in this amendment. This request was approved, although the plat which was recorded only showed Unit 7 as having the described limited common area converted to private area (Exhibit B). The plat was recorded without the common area for Unit 5 being converted to private area resulting in the need for a plat amendment before the applicant can make further changes to their deck area. The applicant has requested to convert the proposed deck area into all limited common area rather than private area for this amendment.

Deer Valley MPD Requirements

The property is subject to requirements and restrictions of the Deer Valley Resort 12th Amended and Restated Large Scale Master Planned Development (MPD). Under this MPD, the Little Belle multi-family development was approved for 20 units and were constructed as 20 units. There are no Unit Equivalencies for this development, so the

proposed changes to private space will not affect the number of units or the number of required parking spaces for this development.

The property is subject to the following criteria:

	Permitted through MPD	Proposed
Height	Height allowed in the Deer Valley Master Plan for the Little Belle parcel is 28' from existing grade.	No additional building height is proposed. All proposed construction is within the existing building envelope and roof. Building complies with the 28' height allowance.
Front setback	Twenty feet (20')	No construction is proposed into the existing 20' front setbacks.
Rear setback	Fifteen feet (15')	No construction is proposed into the existing 15' rear setbacks.
Side setbacks	Twelve (12')	No construction is proposed into the existing 12' side setbacks.
Commercial and Office uses Support uses	No commercial or office uses exist	No commercial or office uses are proposed.
Parking	Existing: 2 car garage for each unit plus 8 spaces for 20 units	No additional parking is required for the proposed changes.

The building does not exceed the allowable 28' building height and there are no non-conforming setback issues. All construction is proposed within the existing building envelope.

Good Cause

Planning Staff finds that there is good cause for this plat amendment to reflect the as-built conditions and allow the owner to utilize and expand their existing deck space into Unit 5 without increasing the building footprint and without requiring additional parking, consistent with provisions of the Deer Valley MPD. Staff finds that the plat will not cause undue harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met. The HOA has voted to approve this amendment and will be the applicant on any building permit that involves common or limited common area.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval.

Notice

On May 10, 2017, the property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. On May 10, 2017, legal

notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may recommend for approval the Sixth Amendment to the Little Belle Condominiums plat amending Unit 5 as conditioned or amended; or
- The Planning Commission may recommend denial of the Sixth Amendment to the Little Belle Condominiums plat amending Unit 5 and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Sixth Amendment to the Little Belle Condominiums plat amending Unit 5 to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The unit and loft would remain as is and no construction could take place across the existing lot lines or into the private area.

Recommendation

Staff recommends the Planning Commission hold a public hearing, consider input and consider forwarding a **positive** recommendation to City Council for the Sixth Amendment to the Little Belle Condominiums plat amending Unit 5, based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Proposed 6th amended plat

Exhibit B – Existing plats

Exhibit C – Aerial photographs

Exhibit D – Applicant letter

Exhibit E – Site Photographs

Exhibit F- Approvals from the First Amended Plat (not recorded as approved)

Ordinance No. 17-

AN ORDINANCE APPROVING THE LITTLE BELLE CONDOMINIUMS 6TH AMENDED (AMENDING UNIT #5), LOCATED AT 7195 LITTLE BELLE COURT, PARK CITY, UTAH.

WHEREAS, the owner of the property known as the Little Belle Condominiums, located within the Deer Valley Community of the Deer Valley Resort Twelfth Amended and Restated Large Scale Master Planned Development (MPD) has petitioned the City Council for approval of a request for an amendment to the plat to convert limited common area in Unit 5 to private area; and

WHEREAS, on May 10, 2017, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, courtesy notice was sent to all affected property owners on May 10, 2017 and legal notice was published in the Park Record and Public Notice Website; and

WHEREAS, the Planning Commission held a public hearing on May 24, 2017, to receive input on the amended plat;

WHEREAS, the Planning Commission, on May 24, 2017, forwarded a recommendation to the City Council; and,

WHEREAS, on ____, 2017, the City Council held a public hearing on the amended plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Little Belle Condominiums Sixth Amended plat to reflect as-built conditions and allow the owner to utilize the deck area of Unit 5 as private area without increasing the building footprint or parking requirements beyond existing conditions, consistent with provisions of the Deer Valley MPD, as amended (12th Amended MPD).

WHEREAS, Staff finds that the plat will not cause undue harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Sixth Amended Little Belle Condominiums plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7195 Little Belle Court.
2. The Little Belle Condominiums plat was approved by the City Council on December 17, 1981 and recorded at Summit County on December 21, 1981.

3. The Little Belle Condominiums plat recorded 20 residential condominium units 8 parking spaces.
4. In August of 2000, an amended plat was approved to expand the private areas for Units 5, 6, 7, and 8 of the Little Belle Condominiums.
5. The first amended plat for the Little Belle Condominiums recorded in August of 2000 only shows expanded private space for Unit 7.
6. In August of 2001, a second plat amendment was recorded. This second amendment converted the limited common deck areas to private areas and expanded the private living areas to the furthest extensions of the exterior walls of the end units for Units 2, 9, and 10.
7. In April of 2004, a third plat amendment was recorded. This third amendment converted limited common deck area to private area for Unit 20.
8. In June of 2006, a fourth plat amendment was recorded. This fourth amendment converted all limited common deck and solarium areas to private areas for Units 1, 3, 4, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.
9. In June of 2011, a fifth plat amendment was recorded. This fifth amendment added 425 square feet of private space to Unit 3.
10. Currently there are 20 condominium units and 31 underground parking spaces.
11. The property is subject to requirements and restrictions of the Deer Valley Resort 12th Amended and Restated Large Scale MPD.
12. The MPD originally allowed 20 condominium units for the Little Belle development.
13. On April 20, 2017, the City received a completed application for a Sixth Amendment to the Little Belle Condominiums plat requesting conversion of 46 square feet of private area to limited common area in Unit 5 for the purpose of expanding an existing deck into an area of the unit that is private.
14. On April 5, 2017, the Little Belle Homeowner's Association voted unanimously (with more than 2/3rds of members voting) to approve the conversion of limited common area to private area for Unit 5.
15. There are no exterior changes proposed.
16. The proposed amendment is consistent with the purpose statements of the district.
17. Unit 5 would decrease by 46 square feet from 3,216 square feet to 3,170 square feet.
18. All construction is proposed within the existing building envelope.
19. Each unit has a two car garage meeting parking requirements of the parking code.
20. 8 additional guest parking spaces have been provided in this development since the units were originally constructed

Conclusions of Law:

1. There is good cause for this amendment to the plat.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended plat is consistent with the 12th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Deer Valley Resort 12th Amended and Restated Large Scale MPD and the amended Courchevel Condominiums at Deer Valley plats shall continue to apply.
4. No building permit may be granted until after this plat amendment has been recorded. Once the deck area is recorded as limited common area, both the unit owner and the HOA must be the applicant for any building permit pulled for the deck area.

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

PASSED AND ADOPTED this ___ day of _____, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

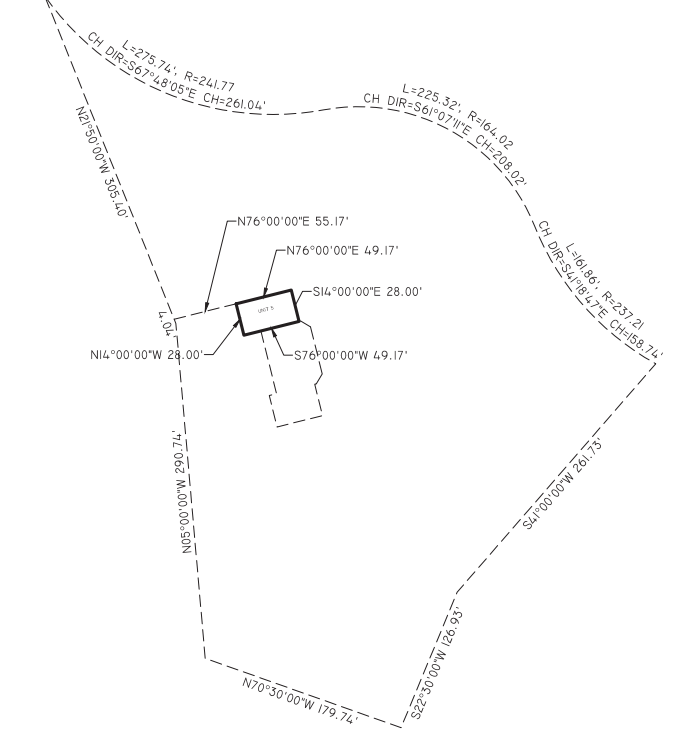
ATTEST:

City Recorder

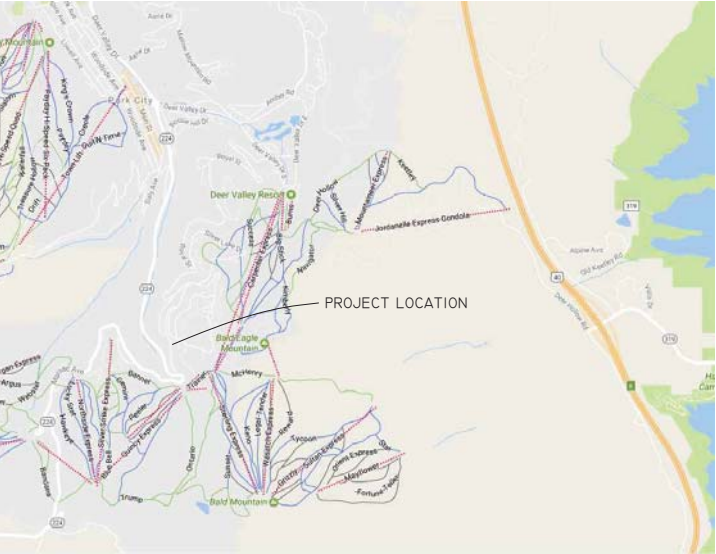
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A: Proposed Plat



LOCATION MAP
SCALE = NTS



VICINITY MAP
SCALE = NTS



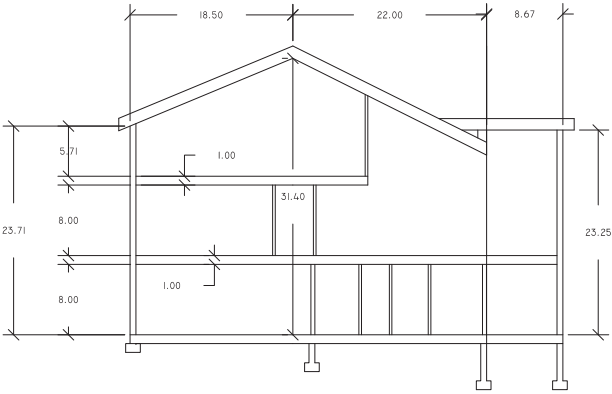
SYMBOL LEGEND	
---	DEED LINE
---	BOUNDARY
	PRIVATE OWNERSHIP
	LIMITED COMMON OWNERSHIP

ZONING	
RD-MPD	
AREA	
199 SQUARE FT.	LIMITED COMMON
3,170 SQUARE FT.	PRIVATE
3,369 SQUARE FT.	TOTAL

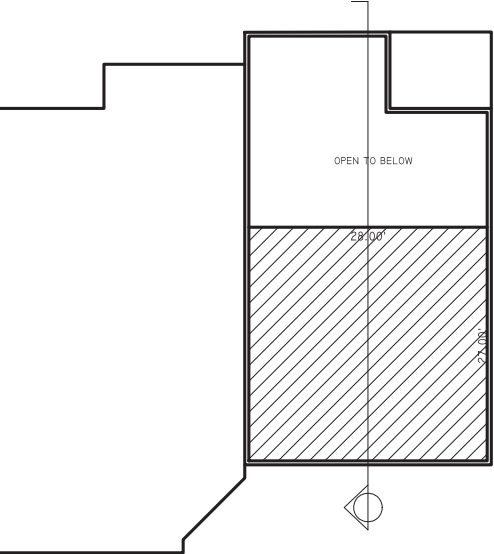
LITTLE BELLE CONDOMINIUM - 6TH AMENDED

AMENDING UNIT #5

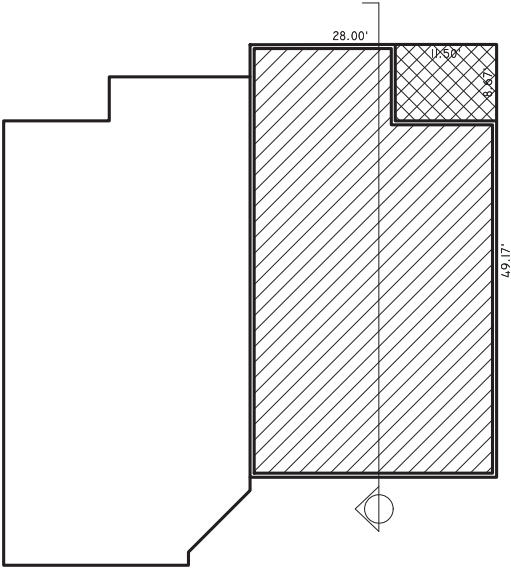
A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



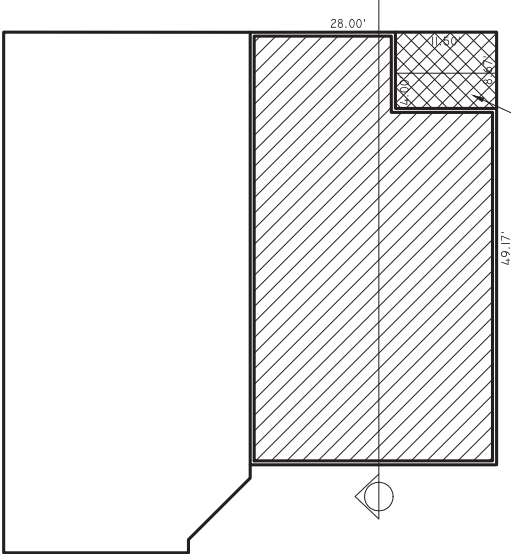
SECTION UNIT 5
SCALE = 1"=10'



UPPER LEVEL UNIT 5
SCALE = 1"=10'



MAIN LEVEL UNIT 5
SCALE = 1"=10'



LOWER LEVEL UNIT 5
SCALE = 1"=10'

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 578.78 FEET AND EAST 341.31 FEET FROM THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, THENCE S41°00'00"W 261.73 FEET, THENCE S22°30'00"W 126.93 FEET, THENCE N70°30'00"W 179.74 FEET, THENCE N05°00'00"W 290.74 FEET, THENCE N21°50'00"W 305.40 FEET TO A POINT ON A 241.77 FOOT RADIUS CURVE WHOSE CENTER BEARS N54°52'20"E, THENCE SOUTHEASTERLY 275.74 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVATURE OF A 164.02 FOOT RADIUS CURVE, THENCE SOUTHEASTERLY 225.32 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVATURE OF A 237.21 FOOT RADIUS CURVE, THENCE SOUTHEASTERLY 161.86 FEET ALONG THE ARC OF SAID CURVE TO THE POINT OF BEGINNING.

AREA = 3.66 ACRES FOR 20 CONDOMINIUM UNITS.

PARCEL DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 578.78 FEET AND EAST 341.31 FEET FROM THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, THENCE S41°00'00"W 261.73 FEET, THENCE S22°30'00"W 126.93 FEET, THENCE N70°30'00"W 179.74 FEET, THENCE N05°00'00"W 290.74 FEET, THENCE N21°50'00"W 305.40 FEET, THENCE N16°00'00"E 55.17 FEET TO THE TRUE POINT OF BEGINNING; AND RUNNING THENCE N76°00'00"E 49.17 FEET, THENCE S14°00'00"E 28.00 FEET, THENCE S76°00'00"W 49.17 FEET, THENCE N14°00'00"W 28.00 FEET TO THE POINT OF BEGINNING.

AREA = 0.03 ACRE FOR 1 CONDOMINIUM UNIT.

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9A-603 OF THE UTAH CODE, I, CHAD A. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7736336 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. BY THE AUTHORITY OF THE OWNERS, I HAVE AMENDED SAID CONDO UNIT AS SHOWN HEREON.

CHAD A. ANDERSON
PROFESSIONAL LAND SURVEYOR

05/01/17
DATE

7736336
CHAD A. ANDERSON
05/01/17
STATE OF UTAH
SURVEYOR'S SEAL

OWNER'S CONSENT TO RECORD - UNIT 5

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF UNIT 5 AT LITTLE BELLE CONDOMINIUM, CERTIFY THAT I CAUSED THIS PLAT AMENDMENT TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

BY: CHERYL A. SKENDER, TRUSTEE OF THE CHERYL A. SKENDER TRUST DATED MAY 26, 2006

ACKNOWLEDGEMENT

STATE OF _____) S.S.
COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME CHERYL A. SKENDER, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT SHE IS THE TRUSTEE OF THE CHERYL A. SKENDER TRUST DATED MAY 26, 2006, WHICH OWNS UNIT 5 AT LITTLE BELLE CONDOMINIUM, AND DULY ACKNOWLEDGED TO ME THAT SHE SIGNED THE FOREGOING INSTRUMENT.

NOTARY PUBLIC

OWNER'S CONSENT TO RECORD - HOA

KNOW ALL MEN BY THESE PRESENT THAT LITTLE BELLE CONDOMINIUM OWNERS ASSOCIATION (THE ASSOCIATION), THE AUTHORIZED REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING OWNERSHIP INTEREST IN THE COMMON AREA AND FACILITIES OF THE PROJECT, CERTIFIES THAT IT HAS APPROVED THIS PLAT AMENDMENT TO BE PREPARED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DOES HEREBY CONSENT TO THE RECORDATION OF THE PLAT.

LITTLE BELLE CONDOMINIUM OWNERS ASSOCIATION

BY: _____

ACKNOWLEDGEMENT

STATE OF _____) S.S.
COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME _____ WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT _____ IS THE PRESIDENT OF LITTLE BELLE CONDOMINIUM OWNERS ASSOCIATION, AND DULY ACKNOWLEDGED TO ME THAT _____ IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF THE CORPORATION, AND FURTHER ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC

CITY COUNCIL APPROVAL	CERTIFICATE OF ATTEST
SIGNATURE _____ DATE _____	CITY RECORDER _____ DATE _____
PARK CITY ENGINEER	PARK CITY PLANNING COMMISSION
SIGNATURE _____ DATE _____	SIGNATURE _____ DATE _____
COUNTY ASSESSOR	PARK CITY ATTORNEY
SIGNATURE _____ DATE _____	SIGNATURE _____ DATE _____
RECORDED AND FILED AT THE REQUEST OF _____ STATE OF UTAH COUNTY SUMMIT DATE _____ TIME _____	
SIGNATURE _____ (COUNTY RECORDER)	DATE _____

CONSENT TO RECORDATION

THE UNDERSIGNED, **ASHLEY INVESTORS, A UTAH CORPORATION**, OWNER OF THE EQUITABLE INTEREST IN THE SUBJECT PROPERTY, DOES HEREBY CONSENT TO THE RECORDATION OF THIS RECORD OF SURVEY MAP AND THE SUBMISSION OF THE PROPERTY TO THE TERMS OF THE UTAH CONDOMINIUM OWNERSHIP ACT.

ASHLEY INVESTORS

BY Jon C. Heaton

JON C. HEATON, PRESIDENT

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SALT LAKE S.S.

ON THIS 8TH DAY OF DECEMBER, 1981, PERSONALLY APPEARED BEFORE ME, JON C. HEATON, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE PRESIDENT OF **ASHLEY INVESTORS, A UTAH CORPORATION**, AND THAT THE WITHIN AND FOREGOING CONSENT TO RECORDATION WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND SAID JON C. HEATON DULY ACKNOWLEDGED TO ME THAT SAID CORPORATION DULY ACKNOWLEDGED THE SAME.

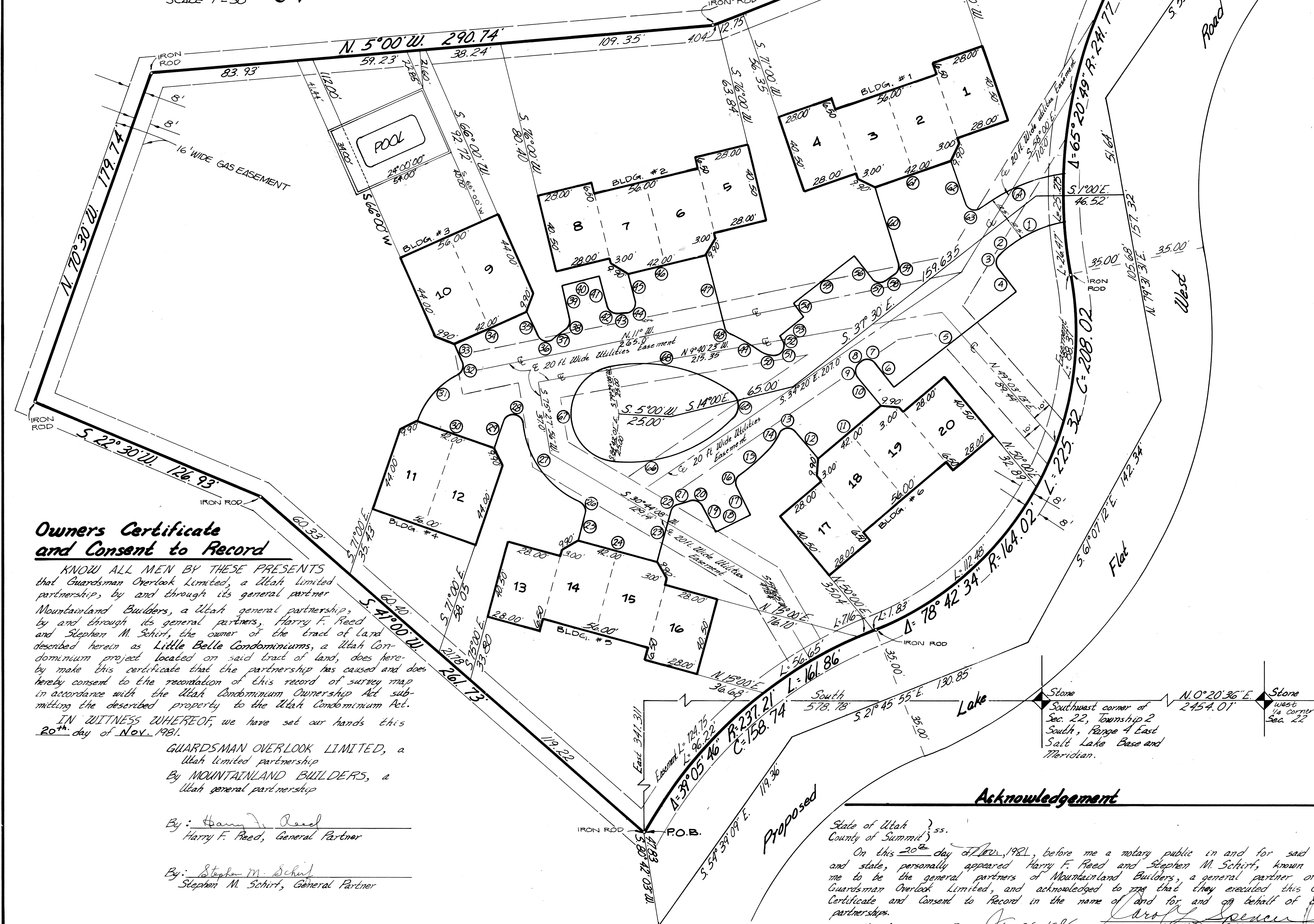
MY COMMISSION EXPIRES: 5 May 1982Ed Jenkins

NOTARY PUBLIC

RESIDING AT:

Salt Lake Co.

SCALE 1"=30'

Owners Certificate
and Consent to Record

KNOW ALL MEN BY THESE PRESENTS that Guardsman Overlook Limited, a Utah limited partnership, by and through its general partner Mountainland Builders, a Utah general partnership, by and through its general partners, Harry F. Reed and Stephen M. Schurt, the owner of the tract of land described herein as Little Belle Condominiums, a Utah Condominium project located on said tract of land, does hereby make this certificate that the partnership has caused and does hereby consent to the recordation of this record of survey map in accordance with the Utah Condominium Ownership Act submitting the described property to the Utah Condominium Act.

IN WITNESS WHEREOF, we have set our hands this 20th day of Nov. 1981.

GUARDSMAN OVERLOOK LIMITED, a Utah limited partnership
By MOUNTAINLAND BUILDERS, a Utah general partnership

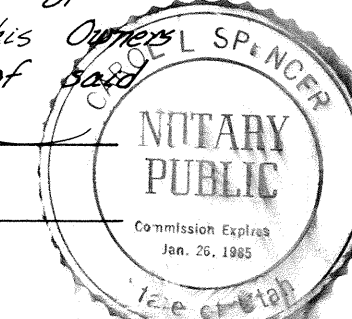
By: Harry F. Reed
Harry F. Reed, General Partner

By: Stephen M. Schurt
Stephen M. Schurt, General Partner

Acknowledgement

State of Utah
County of Summit

On this 20th day of Dec. 1981, before me a notary public in and for said county and state, personally appeared Harry F. Reed and Stephen M. Schurt, known to me to be the general partners of Mountainland Builders, a general partner of Guardsman Overlook Limited, and acknowledged to me that they executed this Certificate and Consent to Record in the name of and for and on behalf of said partnership.

My Commission Expires Jan. 26, 1985Residing at: Park City

Description

Beginning at a point which is South 578.78 feet and East 341.31 feet from the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 41°00'00" West 261.73 feet; thence South 22°30'00" West 126.93 feet; thence North 70°30'00" West 179.74 feet; thence North 5°00'00" West 290.74 feet; thence North 21°50'00" West 305.40 feet to a point on a 241.77 foot radius curve to the left (Center bears North 54°52'20" East 241.77 feet of which the central angle is 65°20'49"); thence Southeasterly along the arc of said curve 275.74 feet to a point on a 164.02 foot radius reverse curve to the right (Center bears South 10°28'29" East 164.02 feet of which the central angle is 78°42'34"); thence Southeasterly along the arc of said curve 225.32 feet to a point on a 237.21 foot radius reverse curve to the left (Center bears North 68°44'05" East 237.21 feet of which the central angle is 39°05'46"); thence Southeasterly along the arc of said curve 161.86 feet to the point of beginning. Contains: 159580.00 Square feet or 3.66345 Acres

Surveyor's Certificate

I, James G. West, do hereby certify that I am a registered Land Surveyor, and that I hold License No. 3082 as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners I have made a survey of the above-described property to be hereafter known as LITTLE BELLE CONDOMINIUMS, and that the same has been surveyed and staked on the ground as shown on this plat.

Nov. 3, 1981

Date

James G. West

James G. West

Index Curve data, Bearing and Distance

1. R=67.50' L=31.32' Δ=26°35'14"	35. N 66°00'00" E. 14.41'
2. S 37°30'00" E. 6.81'	36. R=5.00' L=9.38' Δ=107°27'13"
3. R=3.00' L=7.85' Δ=90°00'00"	37. R=50.00' L=7.625' Δ=8°44'17"
4. N 32°30'00" E. 15.00'	38. R=5.00' L=6.22' Δ=71°17'04"
5. S 37°30'00" E. 80.00'	39. S 76°00'00" W. 18.02'
6. S 52°30'00" W. 15.00'	40. N 14°00'00" W. 20.00'
7. R=5.00' L=7.85' Δ=90°00'00"	41. N 76°00'00" E. 16.12'
8. S 37°30'00" E. 1.25'	42. R=5.00' L=7.16' Δ=82°00'09"
9. R=5.00' L=8.07' Δ=92°30'00"	43. R=10.00' L=4.43' Δ=2°18'26"
10. N 50°00'00" E. 18.85'	44. R=5.00' L=8.75' Δ=100°18'17"
11. S 40°00'00" W. 42.00'	45. S 76°00'00" W. 14.74'
12. S 50°00'00" W. 18.11'	46. N 14°00'00" W. 42.00'
13. R=5.00' L=9.99' Δ=114°26'05"	47. N 76°00'00" E. 38.675'
14. R=35.00' L=11.47' Δ=18°46'46"	48. R=5.00' L=4.44' Δ=50°52'79"
15. R=100.00' L=18.46' Δ=10°41'31"	49. R=10.00' L=7.21' Δ=8°57'59"
16. R=5.00' L=7.14' Δ=81°47'12"	50. R=15.00' L=8.69' Δ=33°12'36"
17. N 63°15'00" E. 16.08'	51. R=5.00' L=10.47' Δ=120°00'02"
18. S 26°45'00" E. 20.00'	52. S 60°53'02" W. 3.66'
19. S 63°15'00" W. 16.08'	53. N 37°30'00" W. 15.62'
20. R=5.00' L=7.14' Δ=81°47'12"	54. S 52°30'00" W. 8.67'
21. R=100.00' L=6.79' Δ=3°53'18"	55. N 37°30'00" W. 40.00'
22. R=5.00' L=5.27' Δ=60°21'06"	56. N 52°30'00" E. 15.03'
23. S 78°00'00" E. 26.37'	57. R=5.00' L=7.85' Δ=90°00'00"
24. S 15°00'00" W. 42.00'	58. N 37°30'00" W. 6.00'
25. N 75°00'00" W. 44.00'	59. R=5.00' L=6.24' Δ=71°30'00"
26. R=5.00' L=7.08' Δ=8°07'35"	60. S 71°00'00" W. 40.90'
27. R=50.00' L=52.65' Δ=60°20'15"	61. N 19°00'00" W. 42.00'
28. R=5.00' L=13.345' Δ=155°12'40"	62. N 71°00'00" E. 23.50'
29. S 71°00'00" E. 14.69'	63. R=5.00' L=9.43' Δ=108°01'31"
30. S 79°00'00" W. 42.00'	64. R=20.50' L=46.42' Δ=28°45'05"
31. R=42.00' L=32.15' Δ=43°51'27"	65. R=10.00' L=17.80' Δ=101°28'29"
32. R=5.00' L=7.38' Δ=86°51'27"	66. R=75.00' L=66.70' Δ=50°57'18"
33. S 66°00'00" W. 10.09'	67. R=25.00' L=71.64' Δ=164°11'10"
34. N 24°00'00" W. 42.00'	68. R=85.00' L=63.62' Δ=42°53'04"

LITTLE BELLE
CONDOMINIUMS

LOCATED IN THE N.E. QUARTER OF SECTION 28
TOWNSHIP 2 S., RANGE 4 E., S.L.B.&M.

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF
CITY COUNCIL THIS 17th DAY OF
December A.D. 1981, AT WHICH TIME THIS
RECORD OF SURVEY WAS APPROVED

M. Ralston
CITY CLERK
John C. Heaton
MAYOR

CITY ENGINEER

APPROVED AND ACCEPTED BY THE
PARK CITY CITY ENGINEERING DEPART-
MENT ON THIS 7th DAY OF DECEMBER
A.D. 1981.

Eric W. DeHann, P.E.
ASST CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE
CITY PLANNING COMMISSION ON THIS 7th
DAY OF December A.D. 1981.

H. Guy Lawson
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 17th
DAY OF December A.D. 1981.

Michael W. May
CITY ATTORNEY

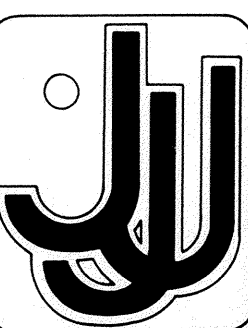
RECORDED

NO 186813 data 12-21-81 at 3:50
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
Little Belle Condominiums Deer Valley
40.00 FEES
Shanda Y. Spriggs
COUNTY RECORDER

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 248
Park City, Utah 84060

(801) 649-9811

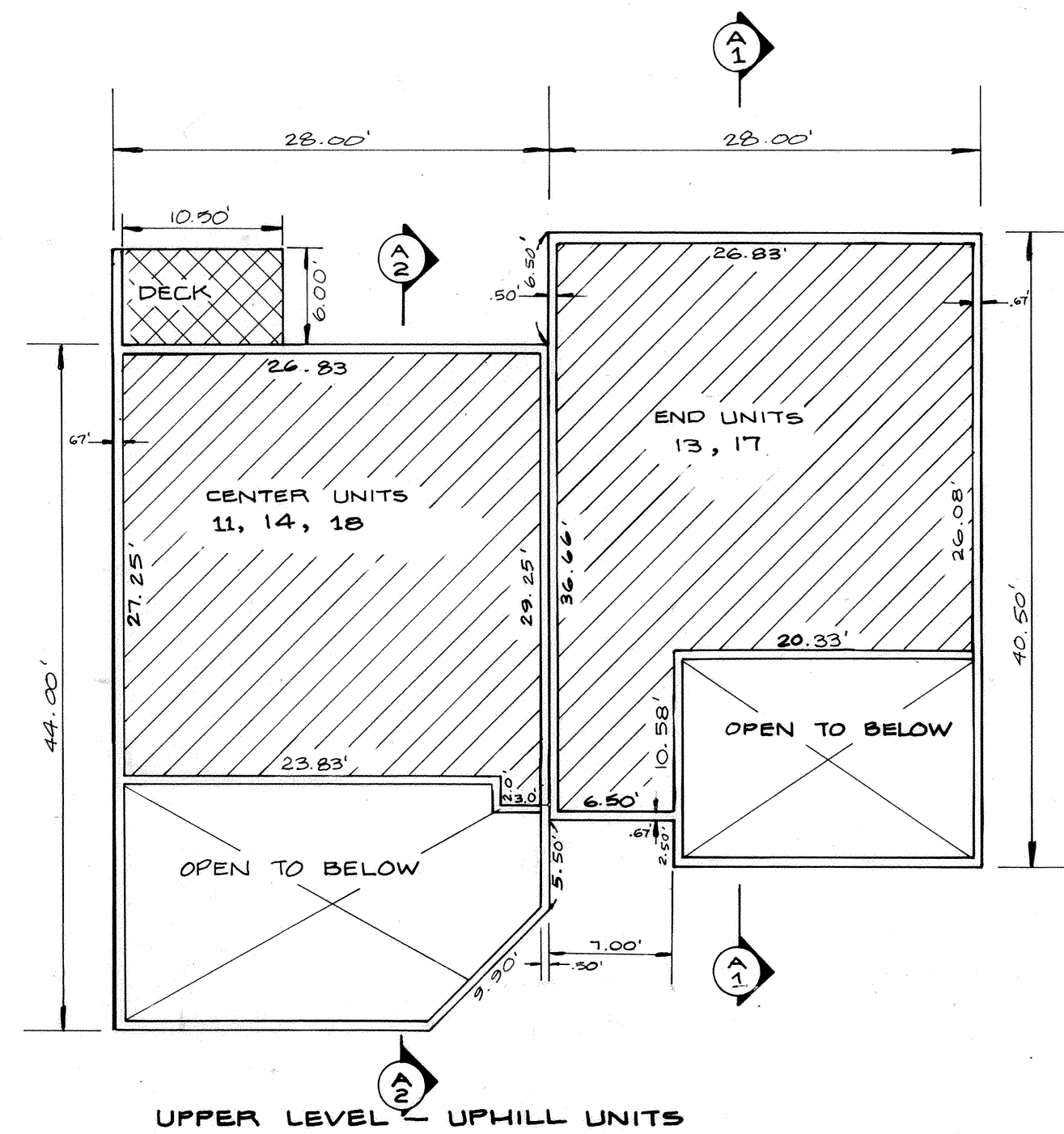
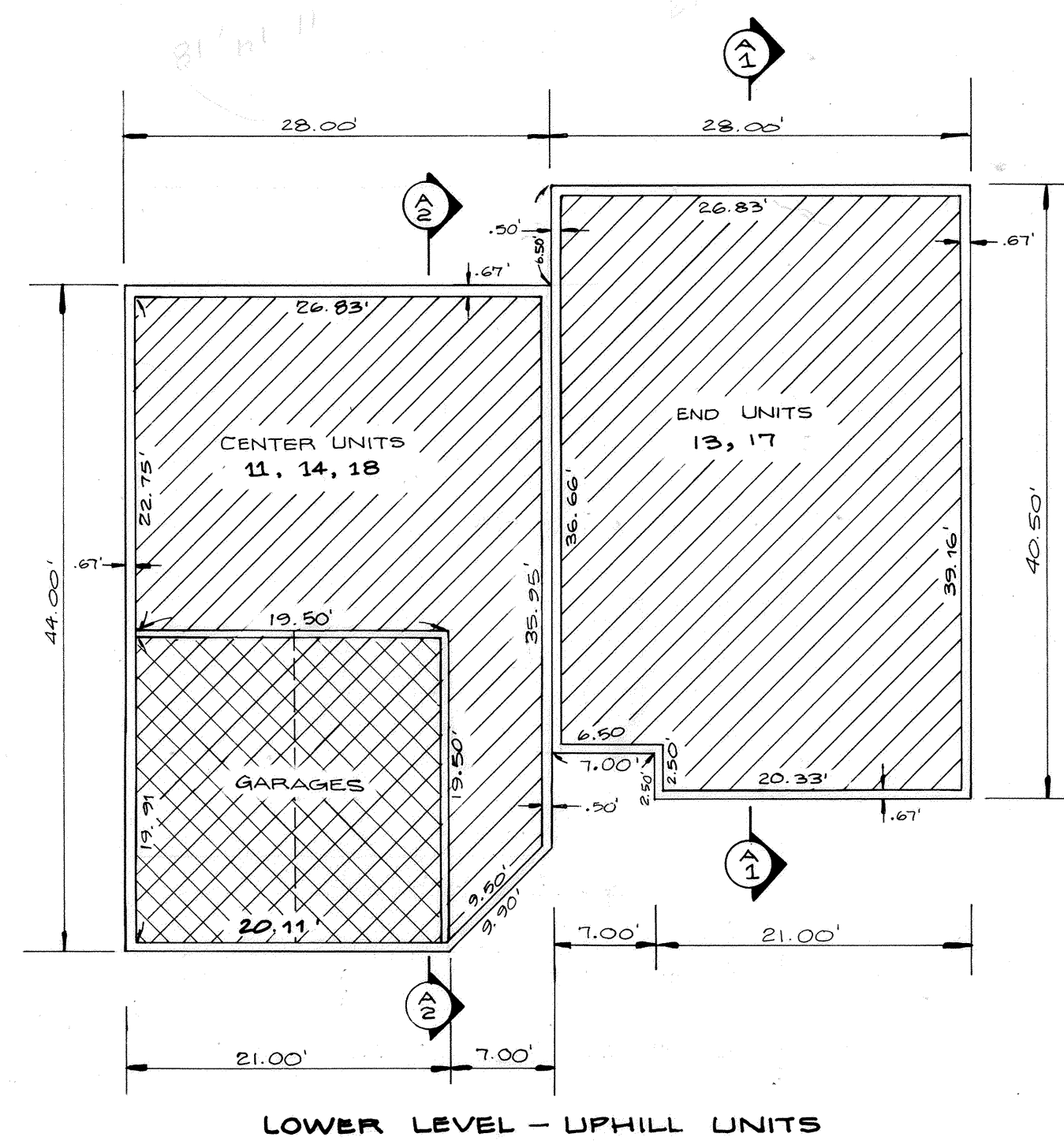
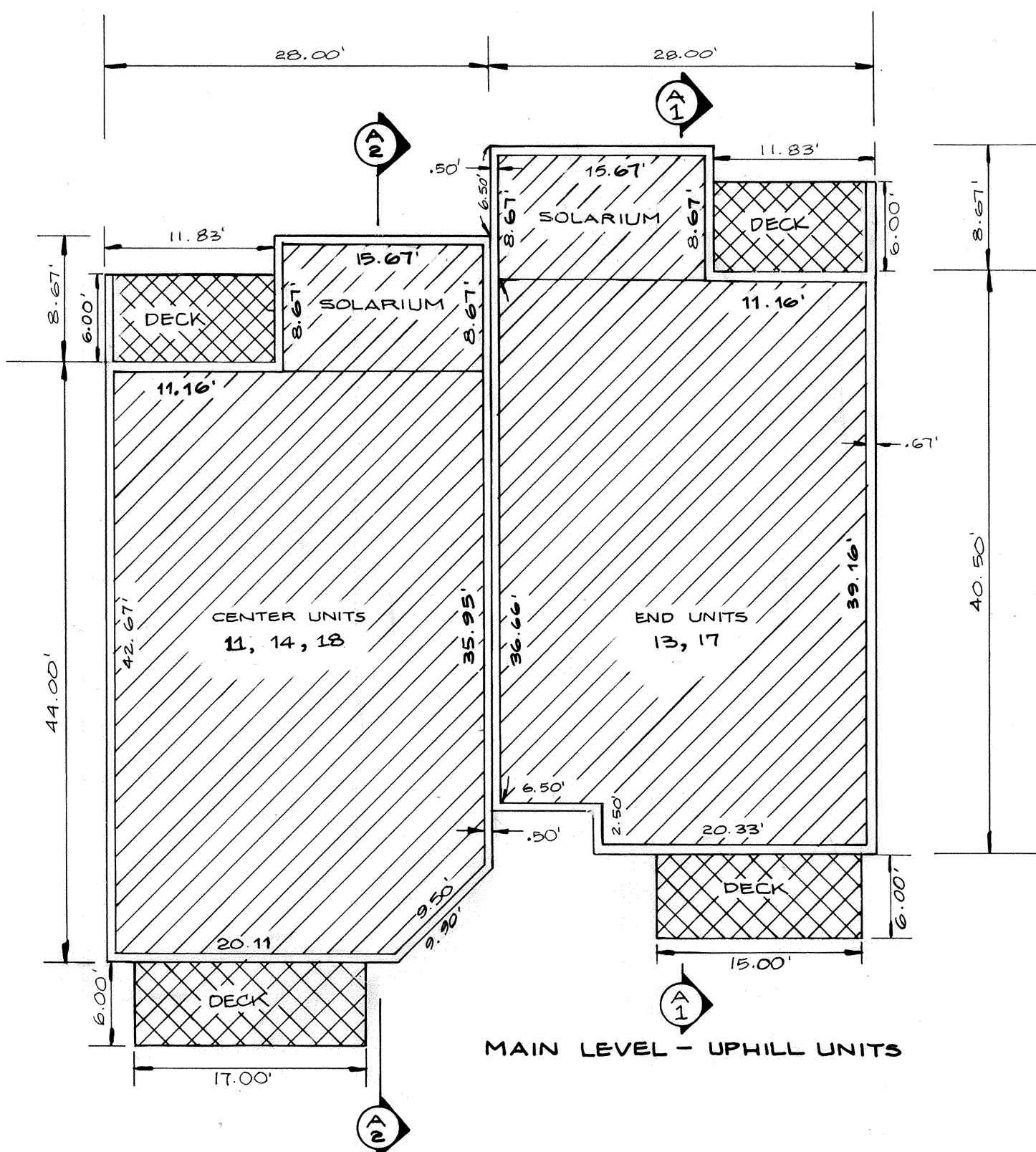
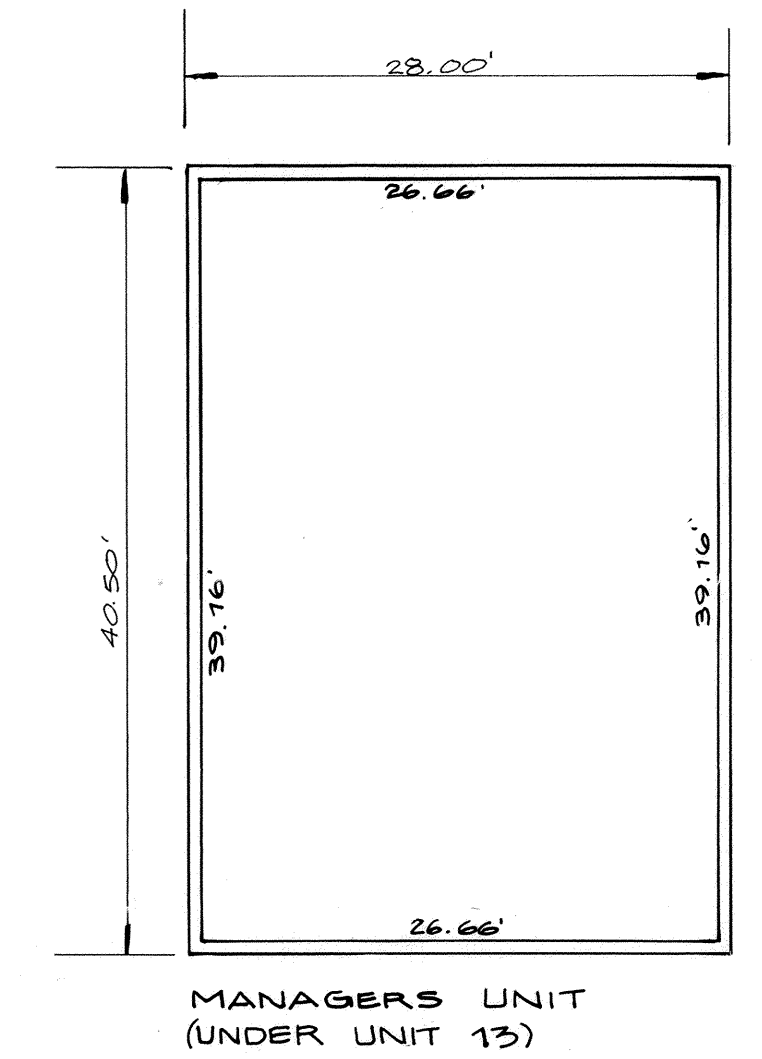
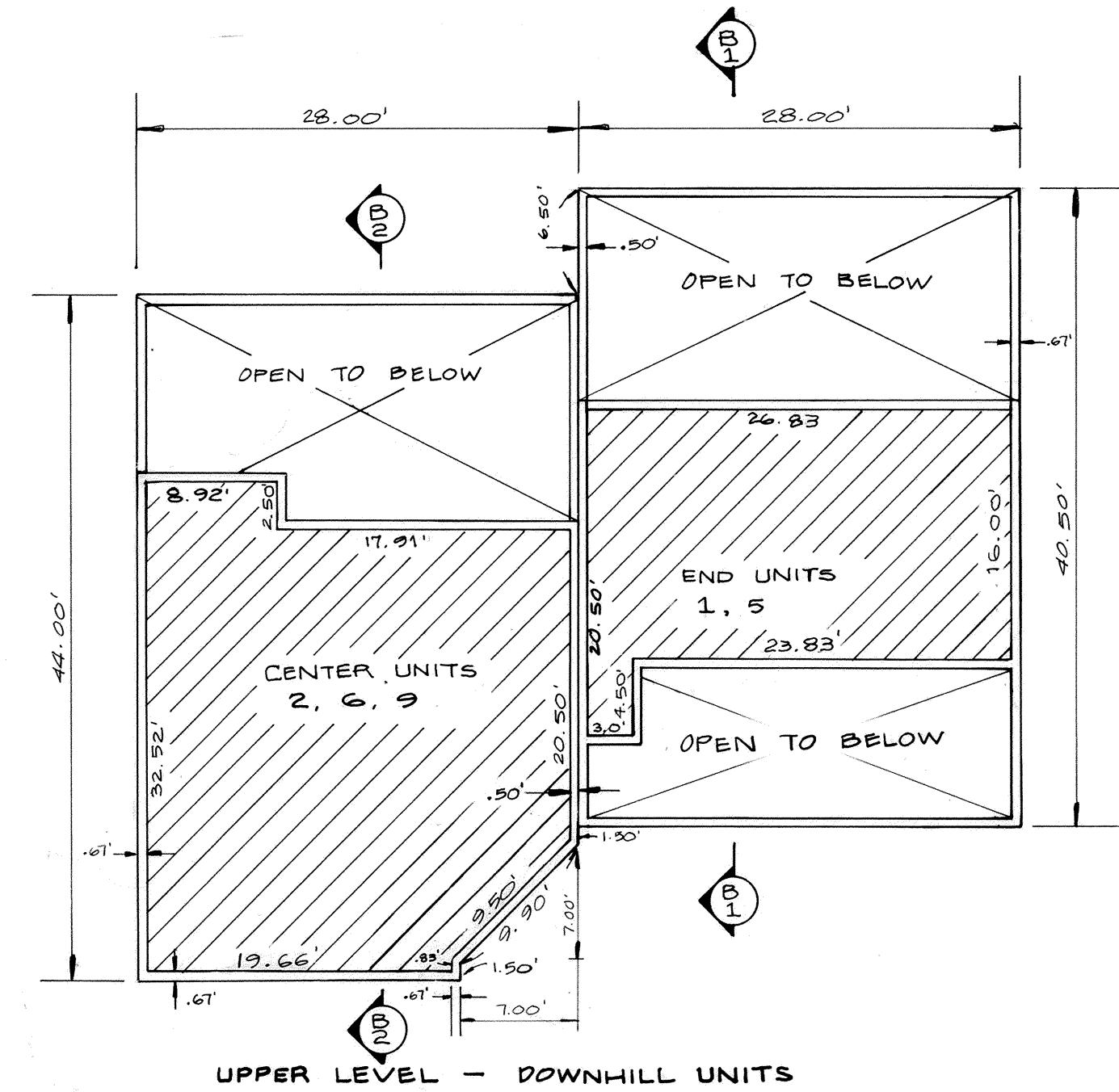
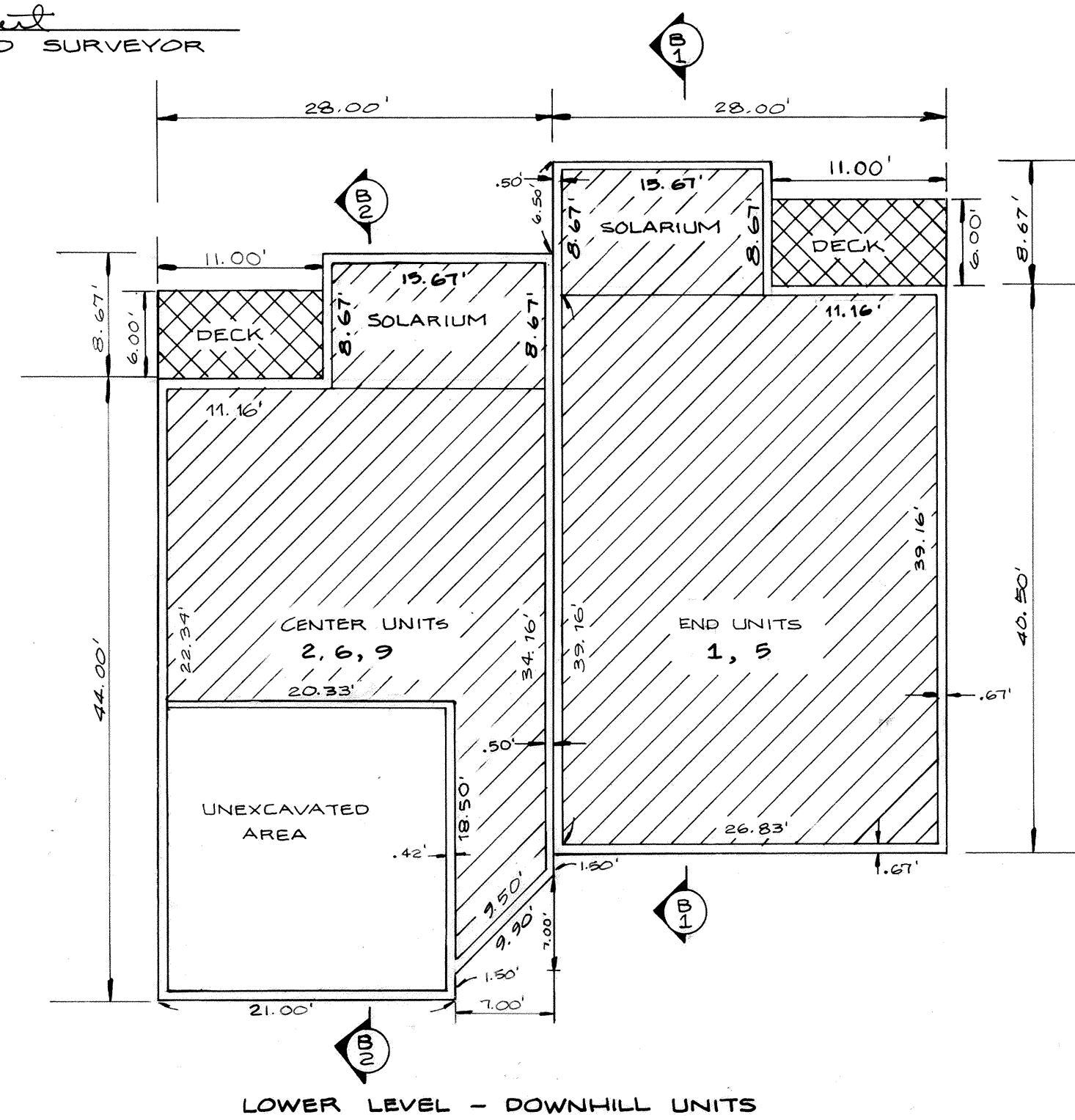
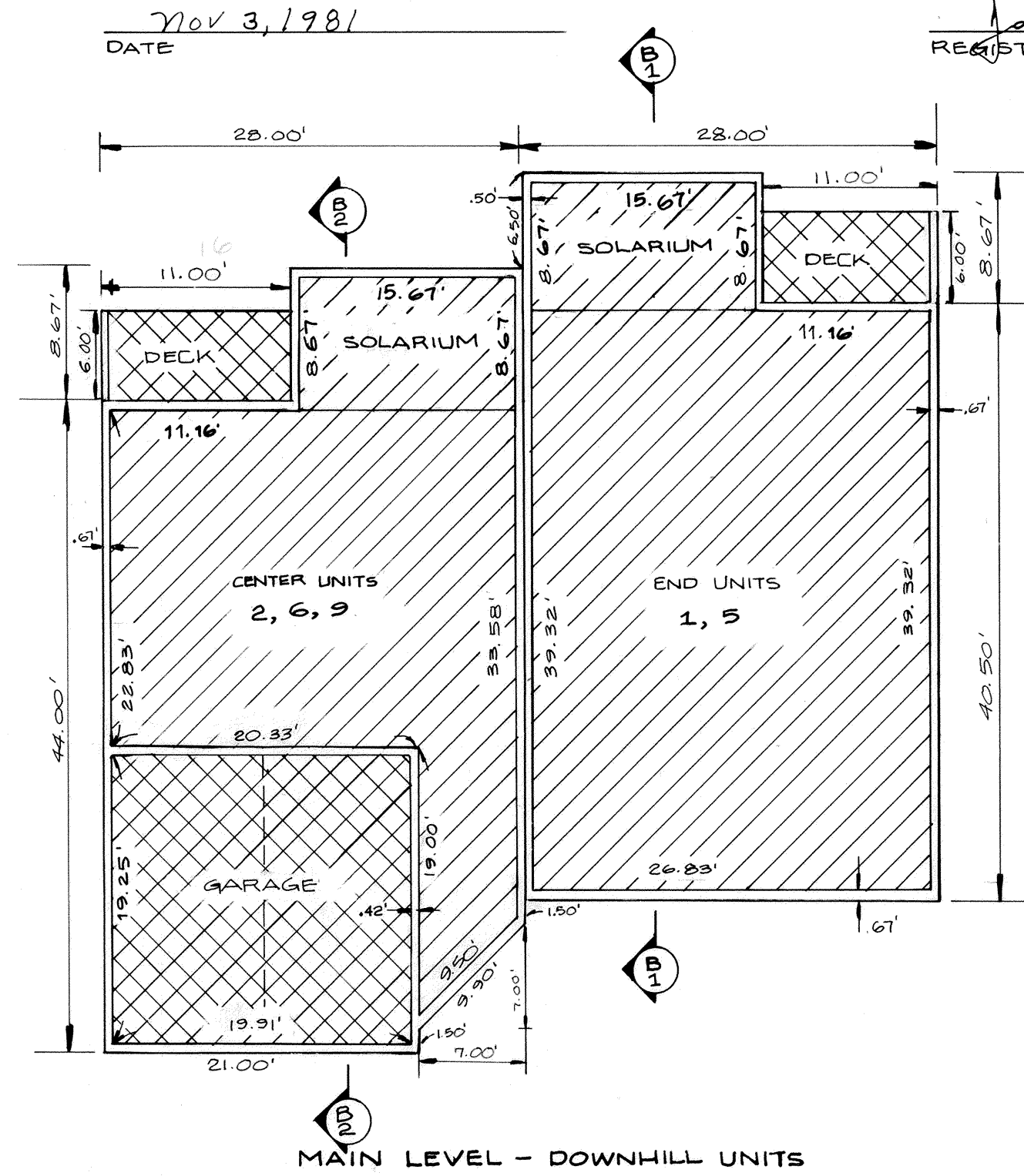


I, JAMES G. WEST, DO HEREBY CERTIFY THAT THE BUILDING SPECIFICATIONS OF
LITTLE BELLE CONDOMINIUMS, A UTAH CONDOMINIUM PROJECT, ARE
AND WILL BE AS SHOWN ON THIS PLAT.

NOTE: UNITS 3, 4, 7, 8, 10, 12, 15, 16, 19 & 20 ARE REVERSED FLOOR PLANS
OF THOSE SHOWN BELOW. ALL DIMENSIONS ARE EXACTLY THE SAME.

Nov 3, 1981
DATE

James G. West
REGISTERED LAND SURVEYOR



UNIT NO.	PRIVATE OWNERSHIP IN SQUARE FEET
1, 4, 5, 8	2684.26
2, 3, 6, 7, 9, 10	2680.79
11, 12, 14, 15, 18, 19	3024.63
16, 17, 20	3096.97
13 * MAIN & UPPER FLOORS ONLY	1822.26
MANAGERS UNIT (UNDER UNIT 13)	1044.01

FIGURES EXCLUDE GARAGE SQ. FOOTAGE
ALL FIGURES INCLUDE STORAGE SQ. FOOTAGE

COMMON OWNERSHIP	
LIMITED COMMON OWNERSHIP	
PRIVATE OWNERSHIP	

SHT. 2 OF 3

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF
CITY COUNCIL THIS _____ DAY OF _____
A.D. 19____, AT WHICH TIME THIS
RECORD OF SURVEY WAS APPROVED

CITY CLERK
MAYOR

CITY ENGINEER

APPROVED AND ACCEPTED BY THE
CITY ENGINEERING DEPART-
MENT ON THIS _____ DAY OF _____
A.D. 19____.

CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE
CITY PLANNING COMMISSION ON THIS _____
DAY OF _____ A.D. 19____

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____
DAY OF _____ A.D. 19____.

CITY ATTORNEY

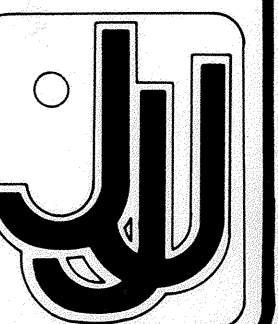
RECORDED

No 186813 date 12-21-81 at 3:50
STATE OF Utah
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
Little Belle Condominiums Dev. Valley
\$ 40.00
FEES
Nanda Y. Sprigg
COUNTY RECORDER

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 248
Park City, Utah 84060

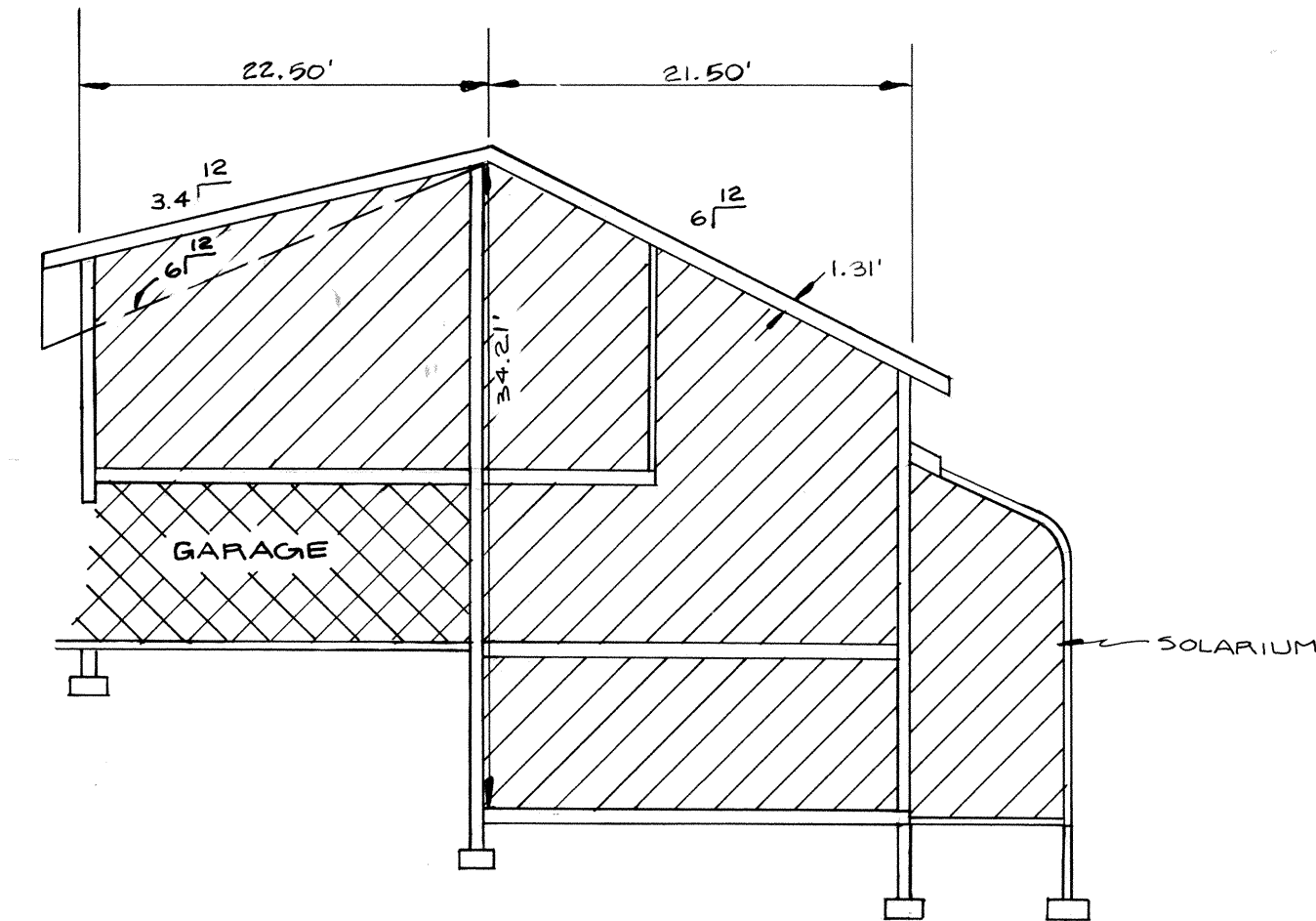
(801) 649-9811

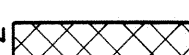
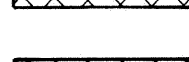


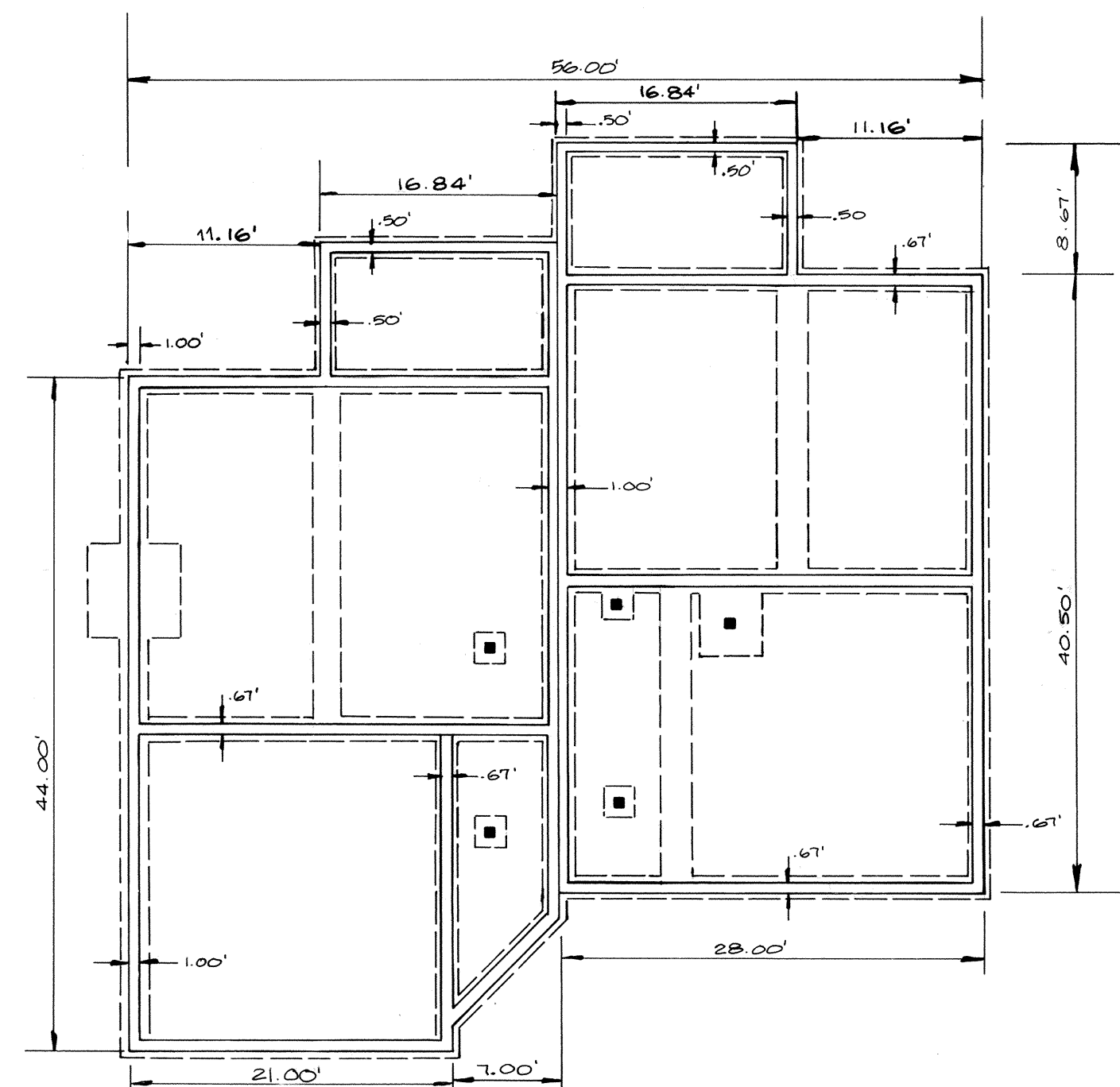
Nov 3, 1981
DATE

Architectural floor plan of a building with dimensions in feet. The plan shows a complex layout with multiple rooms and corridors. Key dimensions include a total width of 56.00' and a total depth of 40.50'. Specific room dimensions include 16.84' x 11.16' and 21.00' x 10.00'. The plan also shows various setbacks and offsets, such as 1.00', .67', and .50'.

DOWNHILL END UNITS 



COMMON OWNERSHIP	
LIMITED COMMON OWNERSHIP	
PRIVATE OWNERSHIP	



Architectural drawing of a building section showing a gabled roof with a dormer, a chimney, and various dimensions. The drawing includes a cross-section of the building with a gabled roof and a dormer. Dimensions are provided for the roof pitch (6/12), the dormer roof pitch (1/3/12), and the overall roof pitch (22/29'). The building is shown with a chimney on the right side. The drawing is labeled "SECTION" and "PECK".

UPHILL END UNITS $\frac{A}{1}$

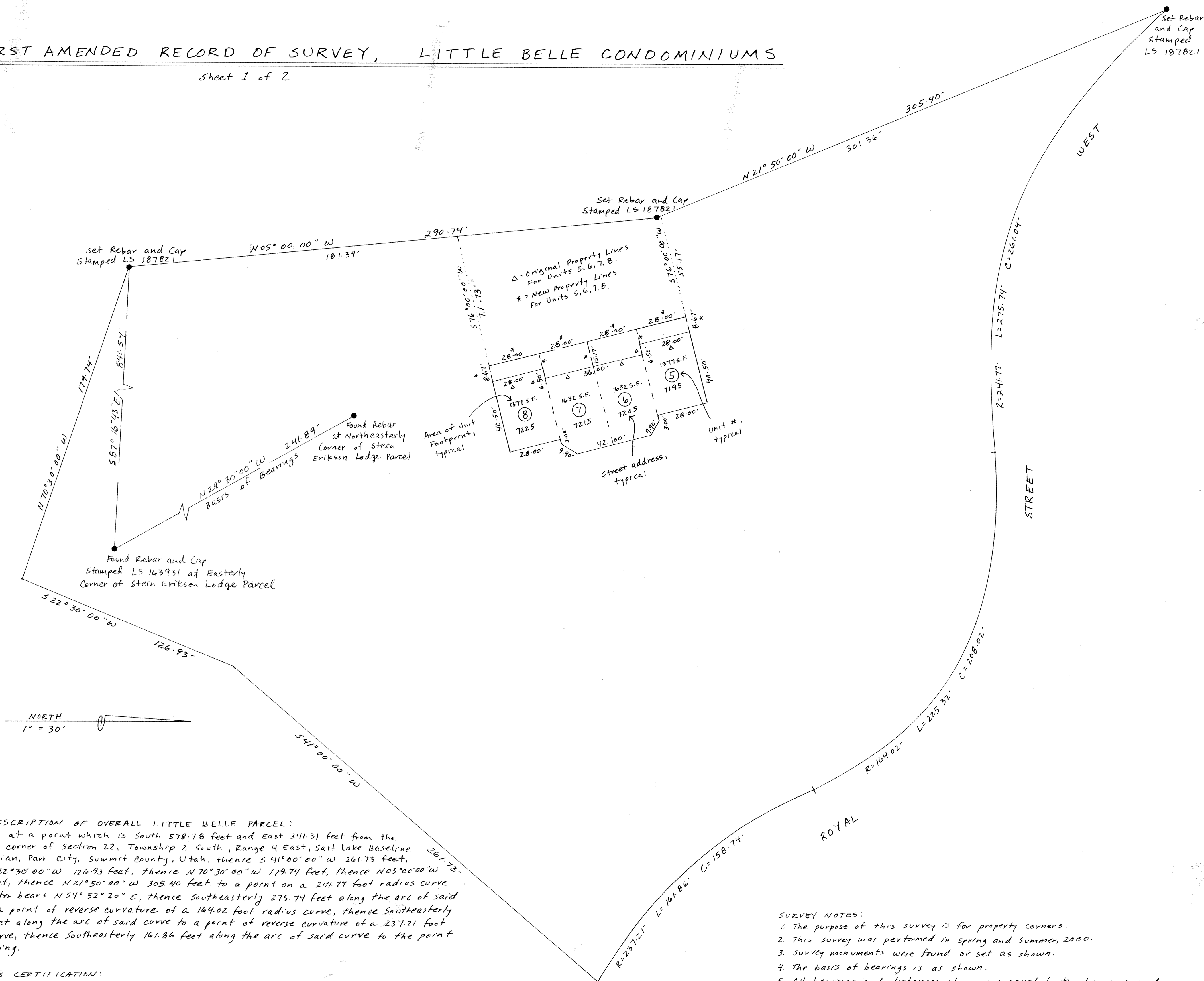
BUILDING #6	FINISHED FLOOR ELEV.'S	FINISHED CEILING ELEV.'S
FINISHED BASEMENT	8081.10	8089.10
FINISHED FIRST FLOOR	8090.10	8098.10
FINISHED SECOND FLOOR	8099.10	8107.10

This architectural section drawing shows a cross-section of a house. The structure features a gabled roof with a total width of 44.00' (15.00' + 29.00'). The left side of the house includes a curved-roofed solarium. The main house has a central vertical axis. The right side of the house is a two-story section with a garage on the ground floor, indicated by a cross-hatched pattern and the label 'GARAGE'. The roof pitch on the right side is 12/41, and the vertical height of the second floor is 12.00'. The drawing is filled with diagonal hatching to represent solid construction.

UPHILL CENTER UNITS 

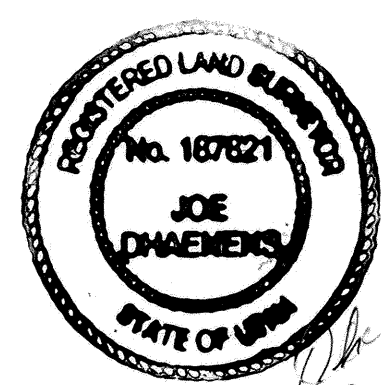
FIRST AMENDED RECORD OF SURVEY, LITTLE BELLE CONDOMINIUMS

Sheet 1 of 2



LEGAL DESCRIPTION OF OVERALL LITTLE BELLE PARCEL:
Beginning at a point which is South 578.78 feet and East 341.31 feet from the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Park City, Summit County, Utah, thence S 41° 00' 00" W 261.73 feet, thence S 22° 30' 00" W 126.93 feet, thence N 70° 30' 00" W 179.74 feet, thence N 05° 00' 00" W 290.74 feet, thence N 21° 50' 00" W 305.40 feet to a point on a 241.77 foot radius curve whose center bears N 54° 52' 20" E, thence southeasterly 275.74 feet along the arc of said curve to a point of reverse curvature of a 164.02 foot radius curve, thence southeasterly 225.32 feet along the arc of said curve to a point of reverse curvature of a 237.21 foot radius curve, thence southeasterly 161.86 feet along the arc of said curve to the point of beginning.

SURVEYOR'S CERTIFICATION:
I, Joe Dhaenens, hold license number 187821 as prescribed by the laws of the State of Utah, and certify that I have made a survey of the property shown hereon and as described in the legal description and survey notes hereon. I further certify that the survey information shown hereon is correct.



prepared by:
On The Map Land Surveying
P.O. Box 3864
Park City, UT 84060
647-9826

City Council
Approved by the Park City Council
on this 15th day of JUNE, 2000.

James M. Smith
Mayor Pro Tem
City Recorder

City Planning Commission
Approved by the Park City Planning
Commission on this 12th day of
July, 2000.

Michael Smith
Chairperson

City Engineer
Approved by the Park City Engineer
on this 20th day of JULY, 2000.

Eric W. Callahan PE
City Engineer

City Attorney
Approved as to form by the Park City
Attorney on this 17th day of JULY,
2000.

Michael D. H. J.
City Attorney

Sewer District
Reviewed for conformance to Snyder-
ville Basin Sewer Improvement
District Standards on this 7th
day of JULY, 2000.

John L. R.
S. B. S. I. D.

Recorded
Number: 570172 Date: 08-2-2000
State of Utah. Time: 11:37 AM
County of Summit. Fee: \$64.93
Recorded and filed at the request of
Coalition Title

Joanne M. D.
County Recorder

OWNERS' CONSENT TO RECORD:
Know all men, by these present, that we, Jeffrey L. Perlmuter, Trustee for Unit 5, Orré Santillo for Unit 6, Charles and Lydia Levy, trustees for Unit 7, and W. James Tozer, Jr. for Unit 8, the respective owners of the hereon shown condominium units, certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that buildings shown on this survey, but not yet under construction, will, when completed, be substantially as shown hereon.

Jeffrey L. Perlmuter, Trustee, Unit 5
Orré Santillo, Unit 6
Charles Levy, Trustee, Unit 7
Lydia Levy, Trustee, Unit 7
W. James Tozer, Jr., Unit 8

ACKNOWLEDGEMENT:
State of Illinois
County of Cook
On this 8th day of June, 2000, personally appeared before me, the undersigned notary public, in and for said State and County, Jeffrey L. Perlmuter, trustee for Unit 5, who after being duly sworn, acknowledged to me that he is the trustee for the owner of the hereon shown Unit 5, and that he signed the above owners' consent to record freely and voluntarily.

Richard L. Haught
Notary Public
My Commission Expires 09/18/02
1337 Coon P. Hanover Park, IL 60153
Residing At

ACKNOWLEDGEMENT:
State of Utah
County of Summit
On this 8th day of July, 2000, personally appeared before me, the undersigned notary public in and for said State and County, Orré Santillo, for Unit 6, who after being duly sworn, acknowledged to me that he is the owner of the hereon shown Unit 6, and that he signed the above owners' consent to record freely and voluntarily.

Danita Wright
Notary Public
My Commission Expires 11/22/02
1054 1/2 Santa Monica Blvd, Los Angeles CA 90025
Residing At

ACKNOWLEDGEMENT:
State of CALIFORNIA
County of LOS ANGELES
On this 30th day of JUNE, 2000, personally appeared before me, the undersigned notary public in and for said State and County, Charles and Lydia Levy, trustees for Unit 7, who after being duly sworn, acknowledged to me that they are the trustees for the owners of the hereon shown Unit 7, and that they signed the above owners' consent to record freely and voluntarily.

Katherine B. Rogers
Notary Public
My Commission Expires 12/23/2001
1054 1/2 Santa Monica Blvd, Los Angeles CA 90025
Residing At

ACKNOWLEDGEMENT:
State of New York
County of New York
On this 19th day of June, 2000, personally appeared before me, the undersigned notary public in and for said State and County, W. James Tozer, Jr., for Unit 8, who after being duly sworn, acknowledged to me that he is the owner of the hereon shown Unit 8, and that he signed the above owners' consent to record freely and voluntarily.

Ivonne Cruz
Notary Public
My Commission Expires 9/14/2000
901 Fox Street, Bronx NY 10459
Residing At

City Attorney
Approved as to form by the Park City
Attorney on this 17th day of JULY,
2000.

Michael D. H. J.
City Attorney

Sewer District
Reviewed for conformance to Snyder-
ville Basin Sewer Improvement
District Standards on this 7th
day of JULY, 2000.

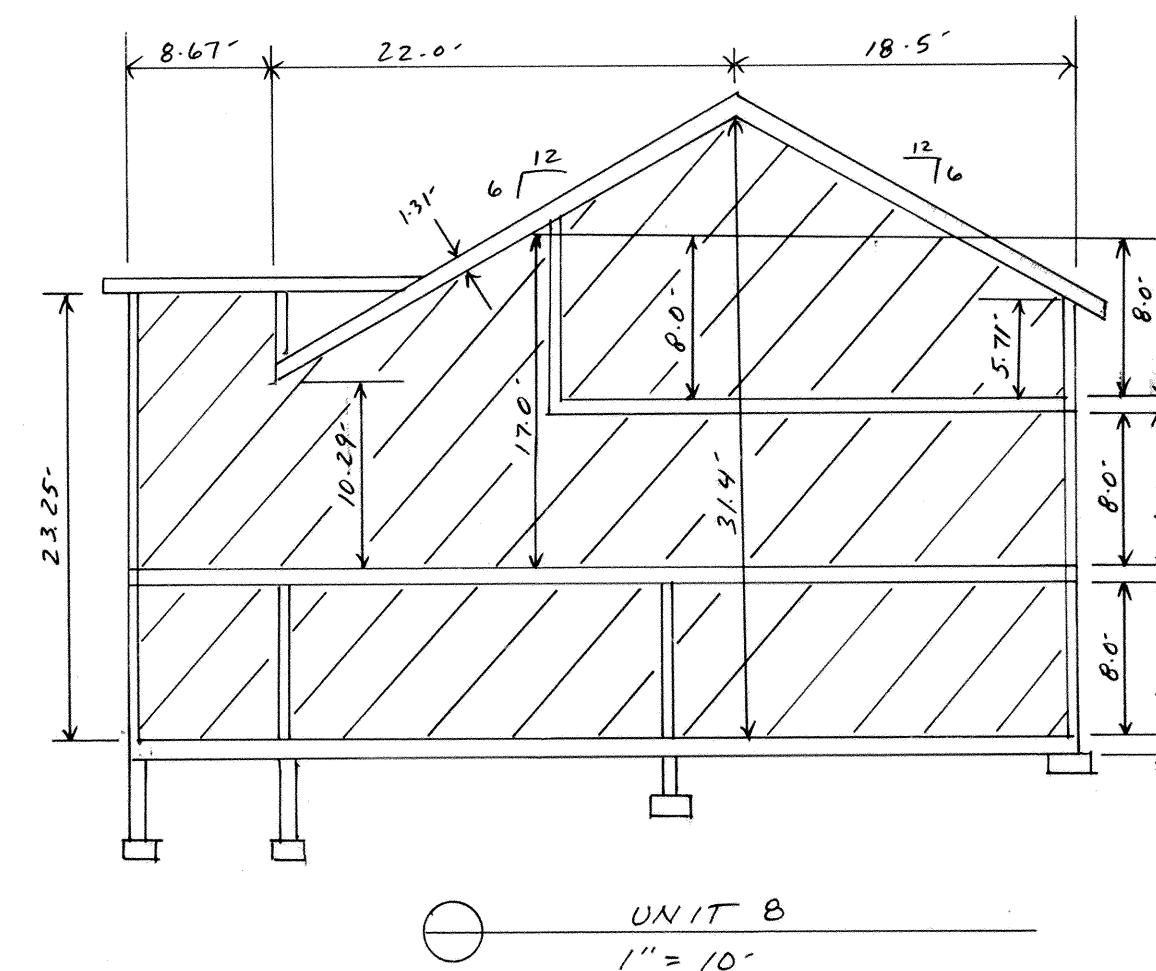
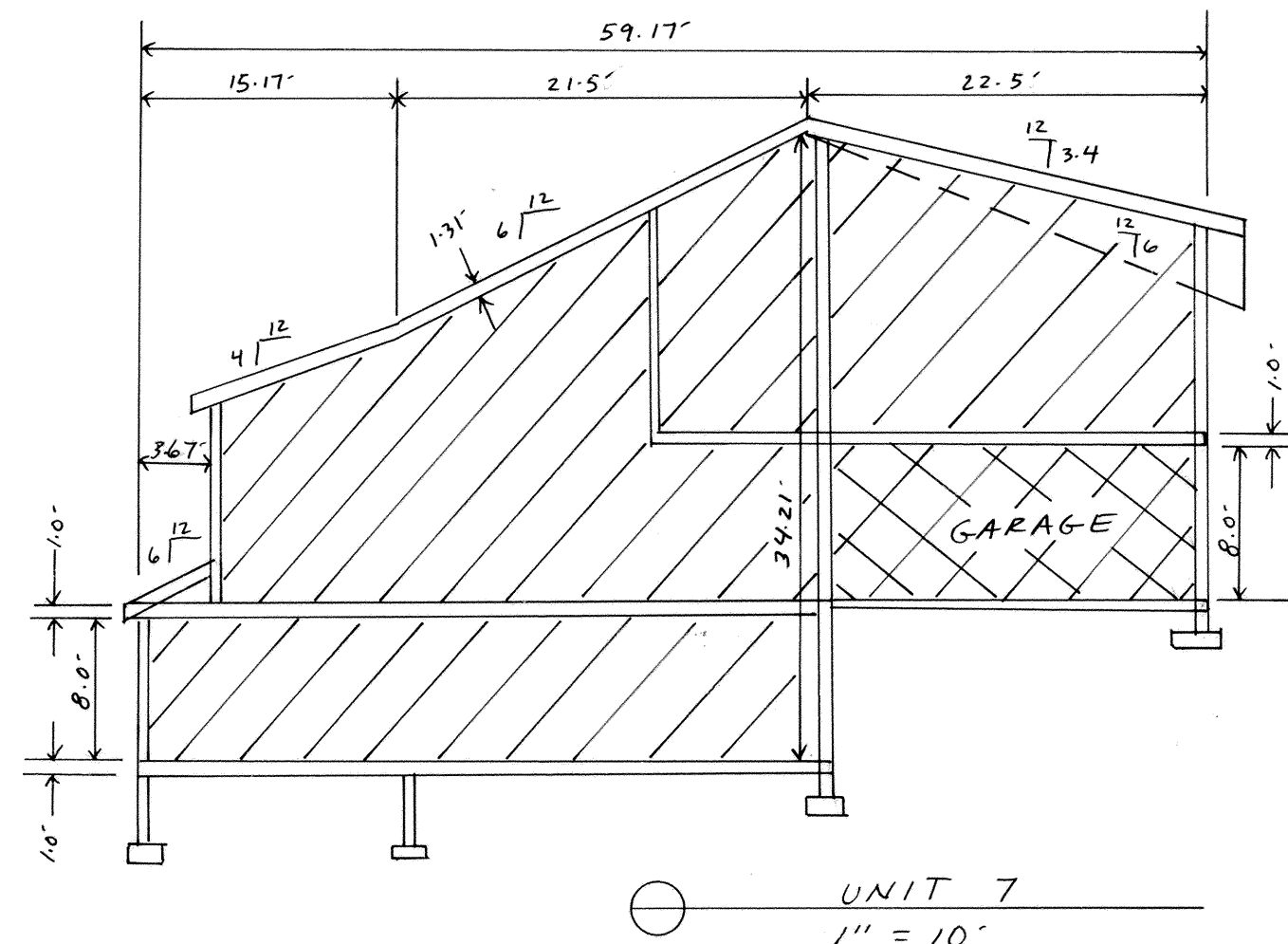
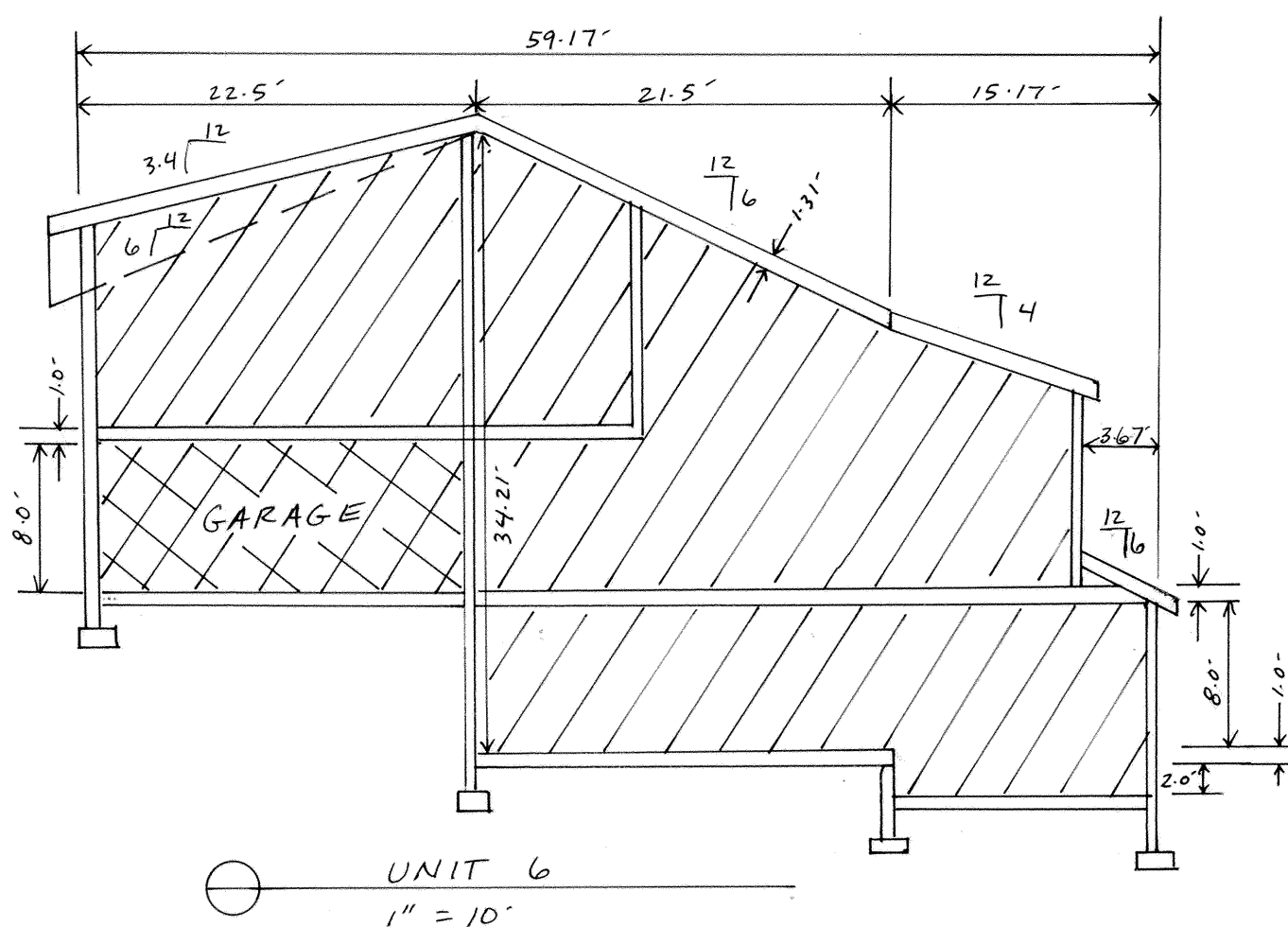
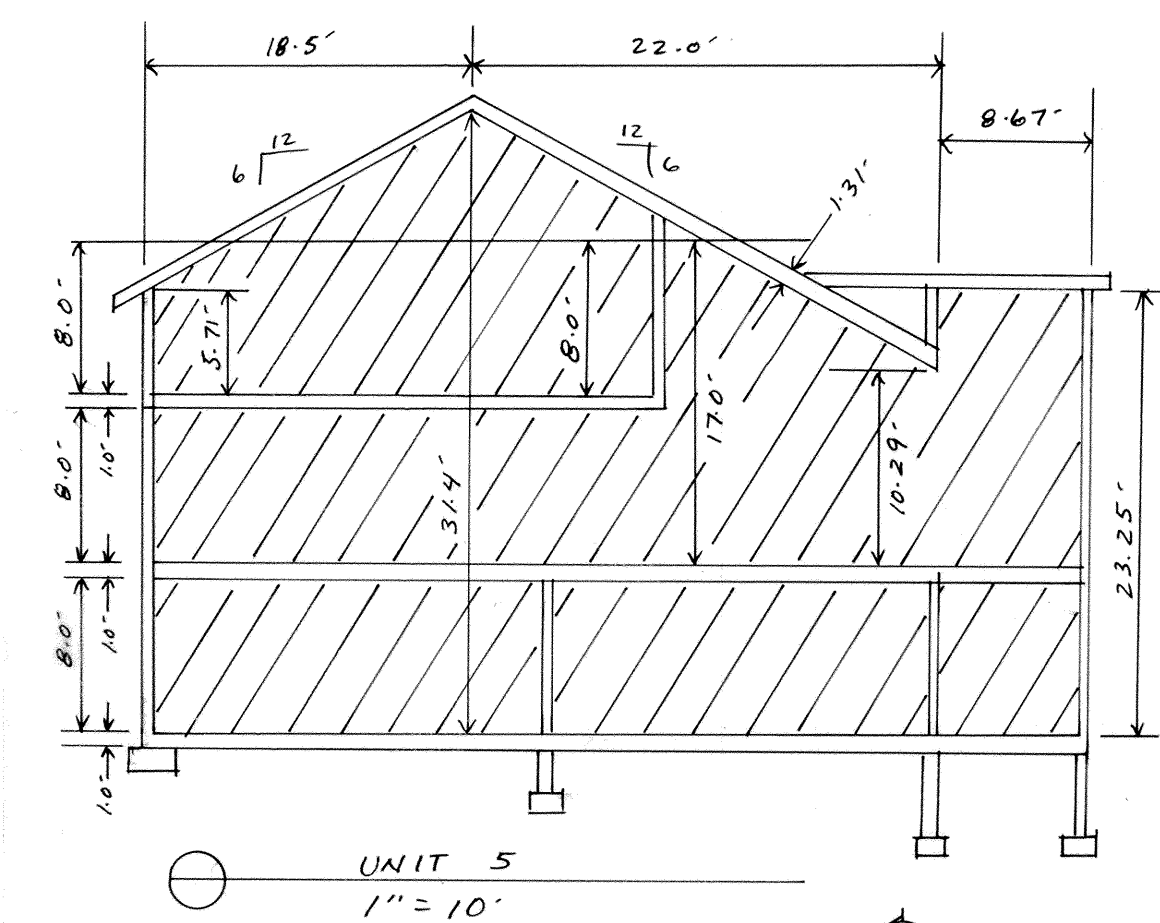
John L. R.
S. B. S. I. D.

Recorded
Number: 570172 Date: 08-2-2000
State of Utah. Time: 11:37 AM
County of Summit. Fee: \$64.93
Recorded and filed at the request of
Coalition Title

Joanne M. D.
County Recorder

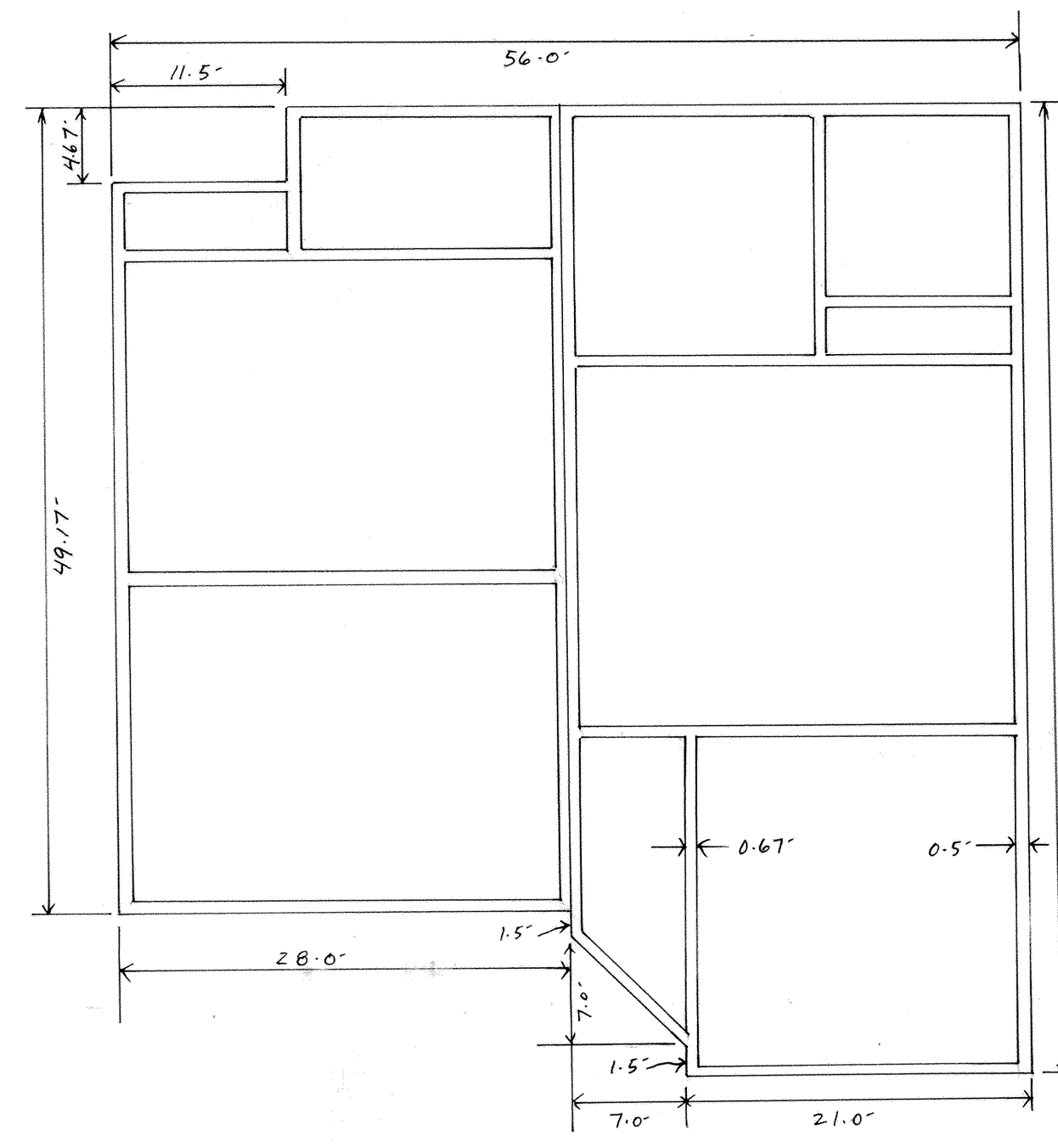
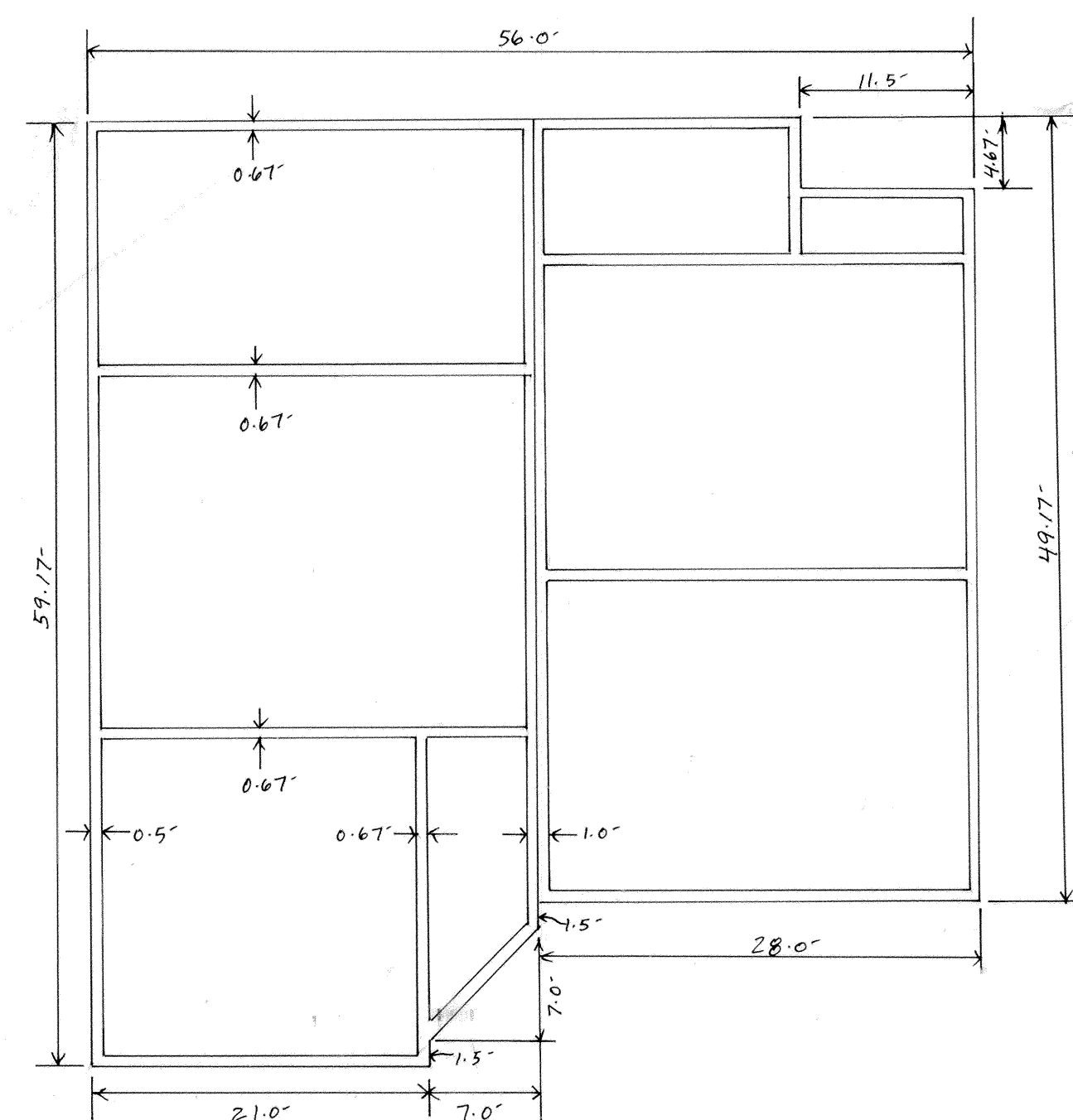
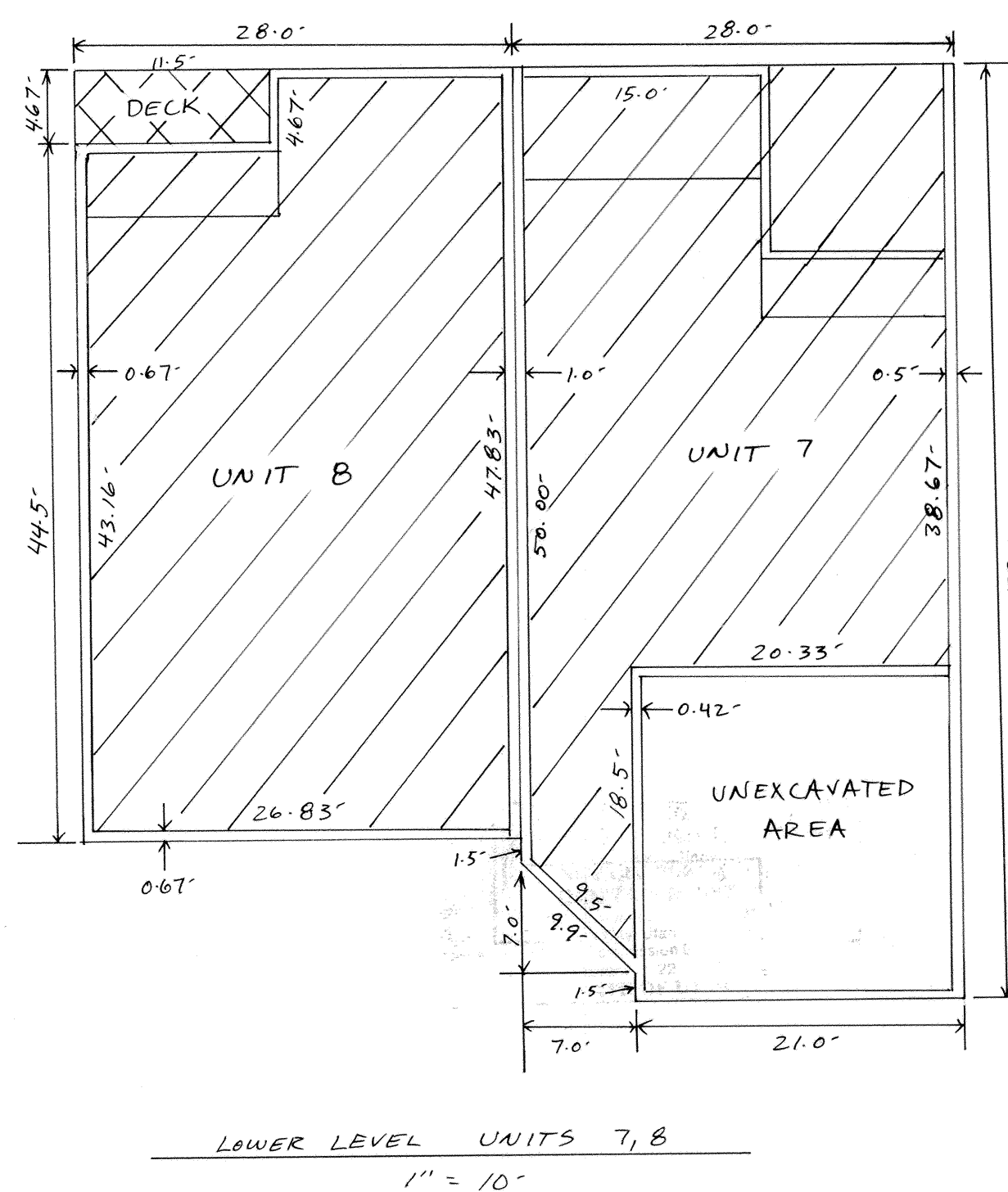
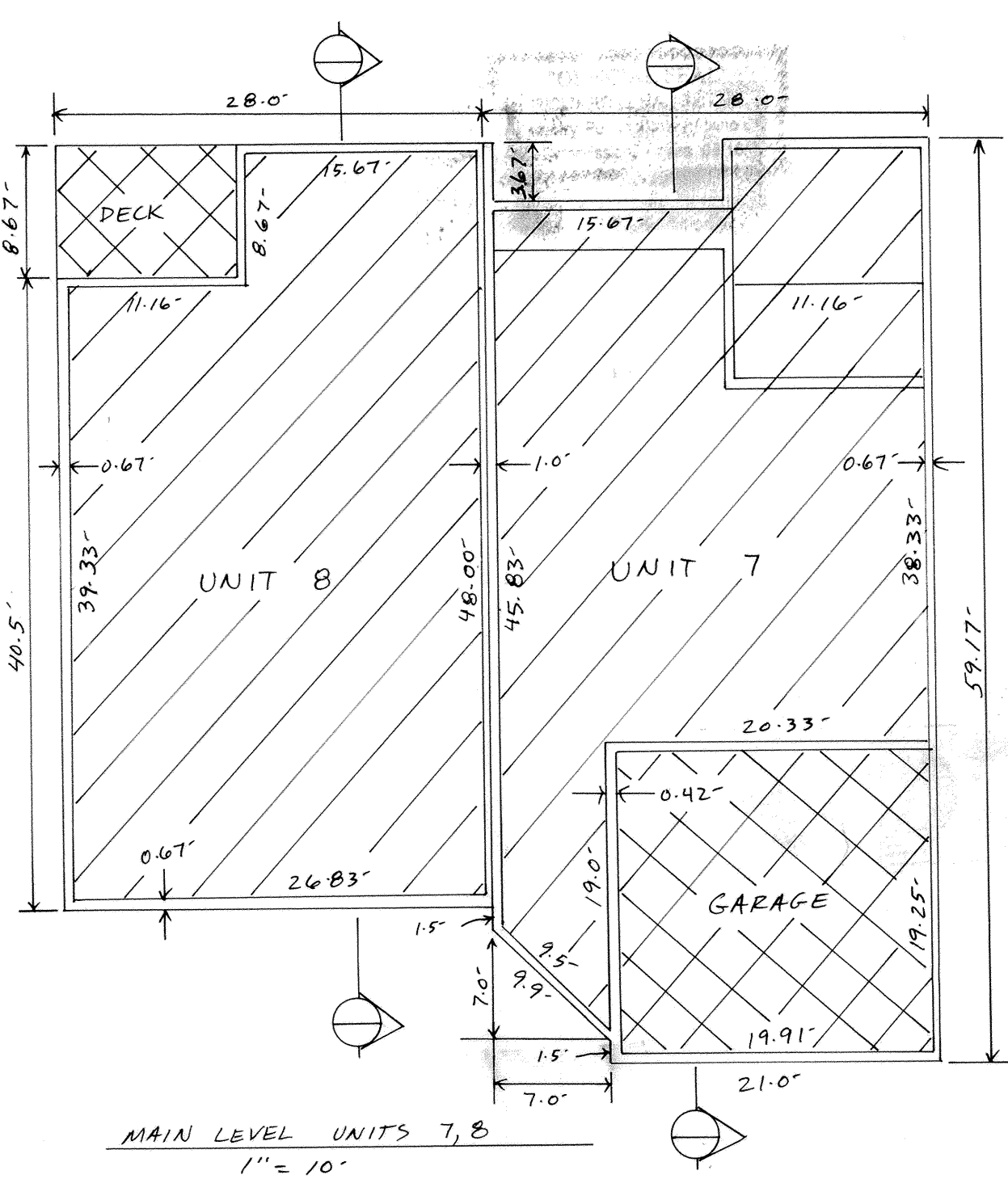
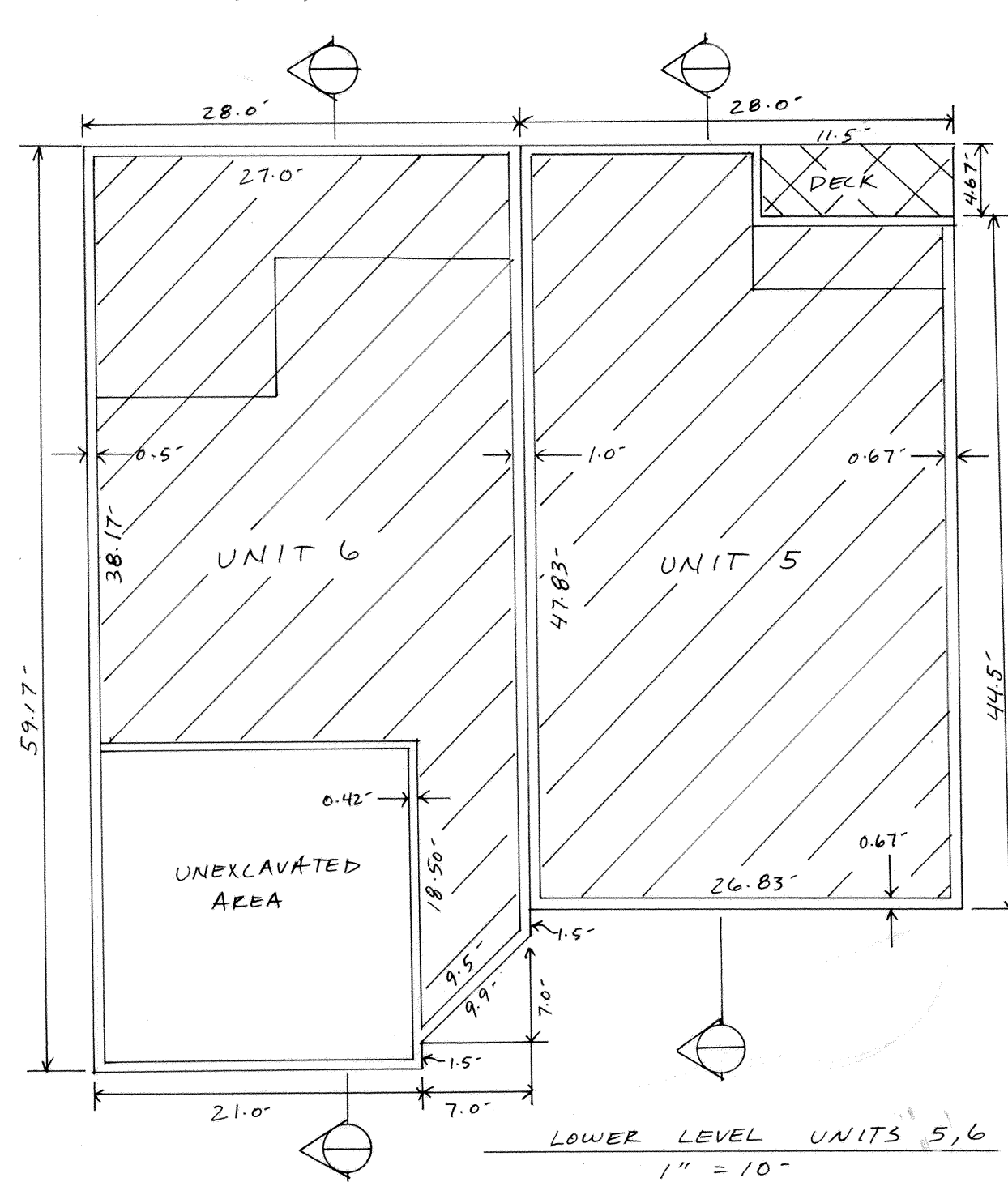
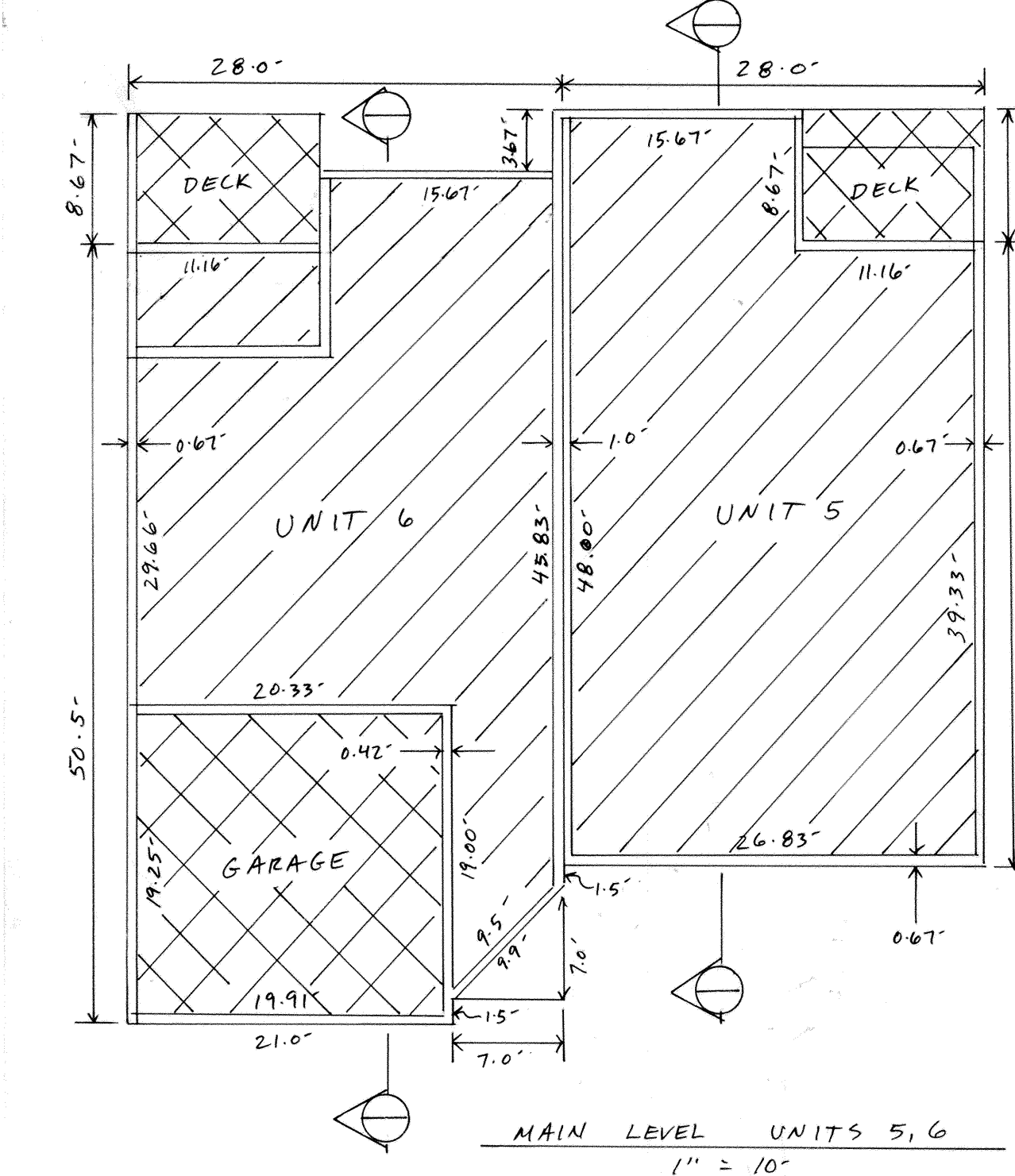
FIRST AMENDED RECORD OF SURVEY, LITTLE BELLE CONDOMINIUMS

Sheet 2 of 2



COMMON OWNERSHIP
LIMITED COMMON OWNERSHIP
PRIVATE OWNERSHIP

UNIT #	PRIVATE OWNERSHIP IN SQUARE FOOTAGE, PER THE LITTLE BELLE HOMEOWNER'S ASSOCIATION	NEW PRIVATE OWNERSHIP IN SQUARE FOOTAGE, PER THIS RELOD OF SURVEY	TOTAL PRIVATE OWNERSHIP
5	2956.3	178.4	3134.7
6	2315.7	544.3	2860.0
7	2315.7	653.9	2969.6
8	2956.3	178.4	3134.7



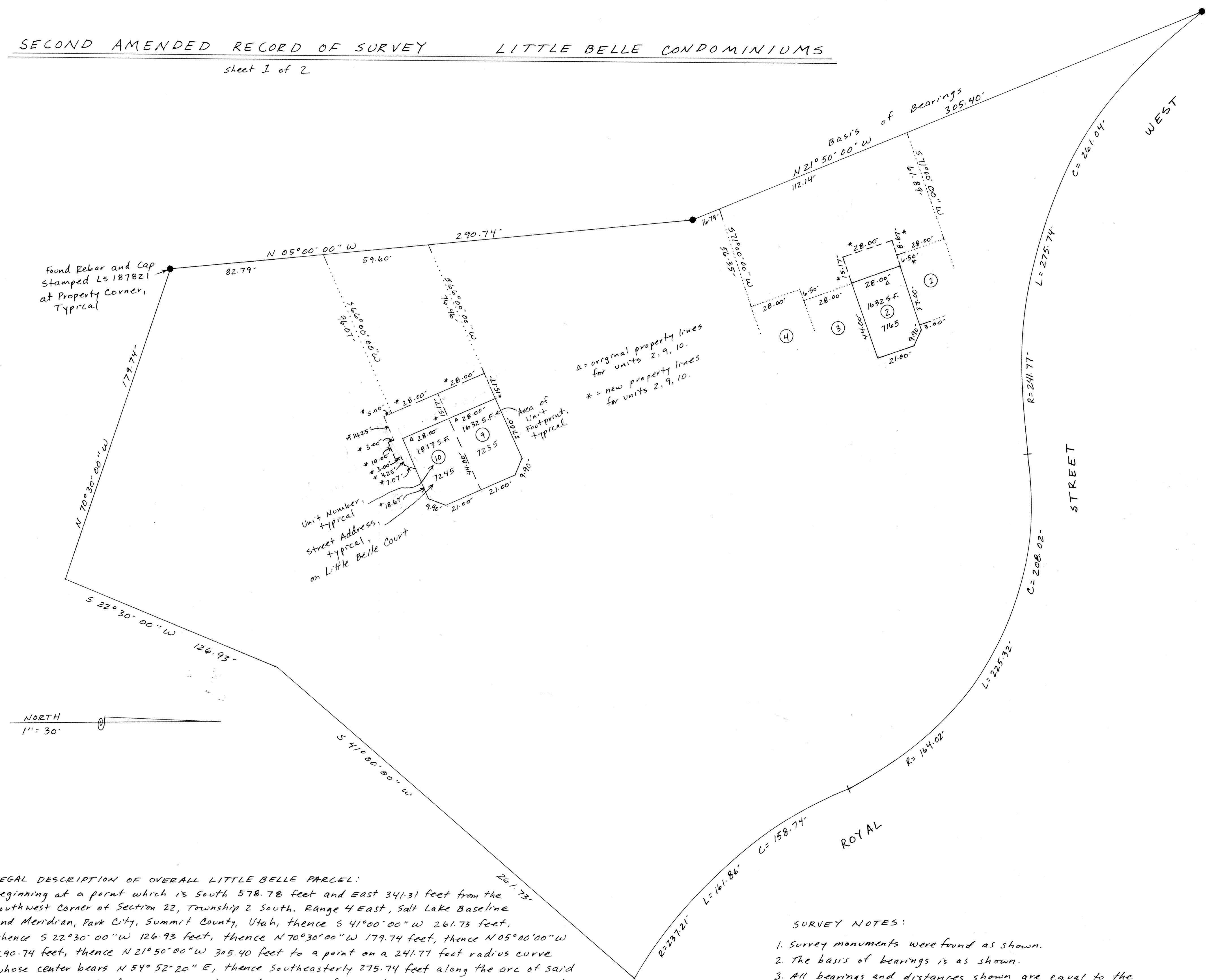
Note: no changes to the upper level of each unit.

prepared by:
On The Map Land Surveying
P.O. Box 3864
Park City, UT 84060
647-9826

Recorded
Number: 570172 Date: 08-02-2000
State of Utah. Time: 11:34 AM
County of Summit. Fee: \$64.00
Recorded and filed at the request of
Coalition Title
Deane M. Dunn - Deputy
County Recorder

SECOND AMENDED RECORD OF SURVEY LITTLE BELLE CONDOMINIUMS

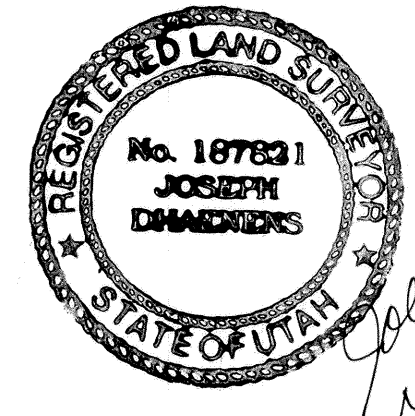
sheet 1 of 2



LEGAL DESCRIPTION OF OVERALL LITTLE BELLE PARCEL:
Beginning at a point which is South 578.78 feet and East 341.31 feet from the Southwest Corner of Section 22, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Park City, Summit County, Utah, thence S 41°00'00" W 261.73 feet, thence S 22°30'00" W 126.93 feet, thence N 70°30'00" W 179.74 feet, thence N 05°00'00" W 290.74 feet, thence N 21°50'00" W 305.40 feet to a point on a 241.77 foot radius curve whose center bears N 54°52'20" E, thence Southeasterly 275.74 feet along the arc of said curve to a point of reverse curvature of a 164.02 foot radius curve, thence Southeasterly 225.32 feet along the arc of said curve to a point of reverse curvature of a 237.21 foot radius curve, thence Southeasterly 161.86 feet along the arc of said curve to the point of beginning.

SURVEYOR'S CERTIFICATION:
I, Joe Dhaenens, hold license number 187821 as prescribed by the laws of the State of Utah, and certify that I have made a survey of the property shown hereon and as described in the legal description and survey notes hereon; and that the survey information shown hereon is correct.

PREPARED BY:
On The Map Land Surveying
P.O. Box 3864
Park City, UT 84060
647-9826



Joe Dhaenens
November 27, 2000

City Council
Approved by the Park City Council
on this 22ND day of MARCH, 2001.
Bridget A. Orr
Mayor
Sue M. Scott
City Recorder

City Planning Commission
Approved by the Park City Planning Commission on this 25TH day of April, 2001.
Michael Cohen
Chairperson

City Engineer
Approved by the Park City Engineer on this 16TH day of APRIL, 2001.
Glen W. Johnson PE
City Engineer

City Attorney
Approved as to form by the Park City Attorney on this 30TH day of APRIL, 2001.
Dorothy C. Turney
City Attorney

Sewer District
Reviewed for conformance to Snyderville Basin Sewer Improvement District standards on this 6TH day of April, 2001.
Gore
U.S.B.S.D.

Recorded
Number: 593276 Date: 8-8-2001
State of Utah Time: 15:38 PM
County of Summit Fee: 63
Recorded and filed at the request of
Coalition Title
Alan Hansen
County Recorder
Little Belle Condominiums

OWNERS' CONSENT TO RECORD:
Know all men, by these present, that we, Michael J. Amery for Units 2 and 10, and William L. Westerman for Unit 9, the respective owners of the hereon shown condominium units, certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey, will, when completed, be substantially as shown hereon.

Michael J. Amery
Michael J. Amery, Units 2 and 10

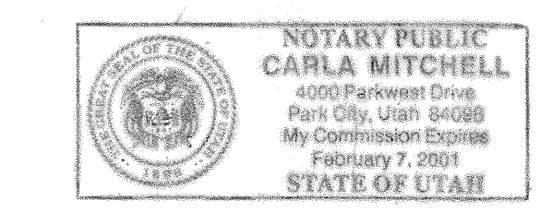
William L. Westerman
William L. Westerman, Unit 9

ACKNOWLEDGEMENT:
State of UTAH
County of SUMMIT
On this 8TH day of JANUARY, 2001, personally appeared before me, the undersigned notary public, in and for said State and County, Michael J. Amery, for Units 2 and 10, who after being duly sworn, acknowledged to me that he is the owner of the hereon shown Units 2 and 10, and that he signed the above owners' consent to record freely and voluntarily.

Carla Mitchell
Notary Public

February 7, 2001
My Commission Expires

1489 Willow Loop Rd
Park City, UT 84098
Residing At

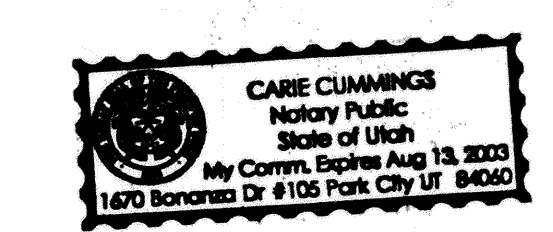


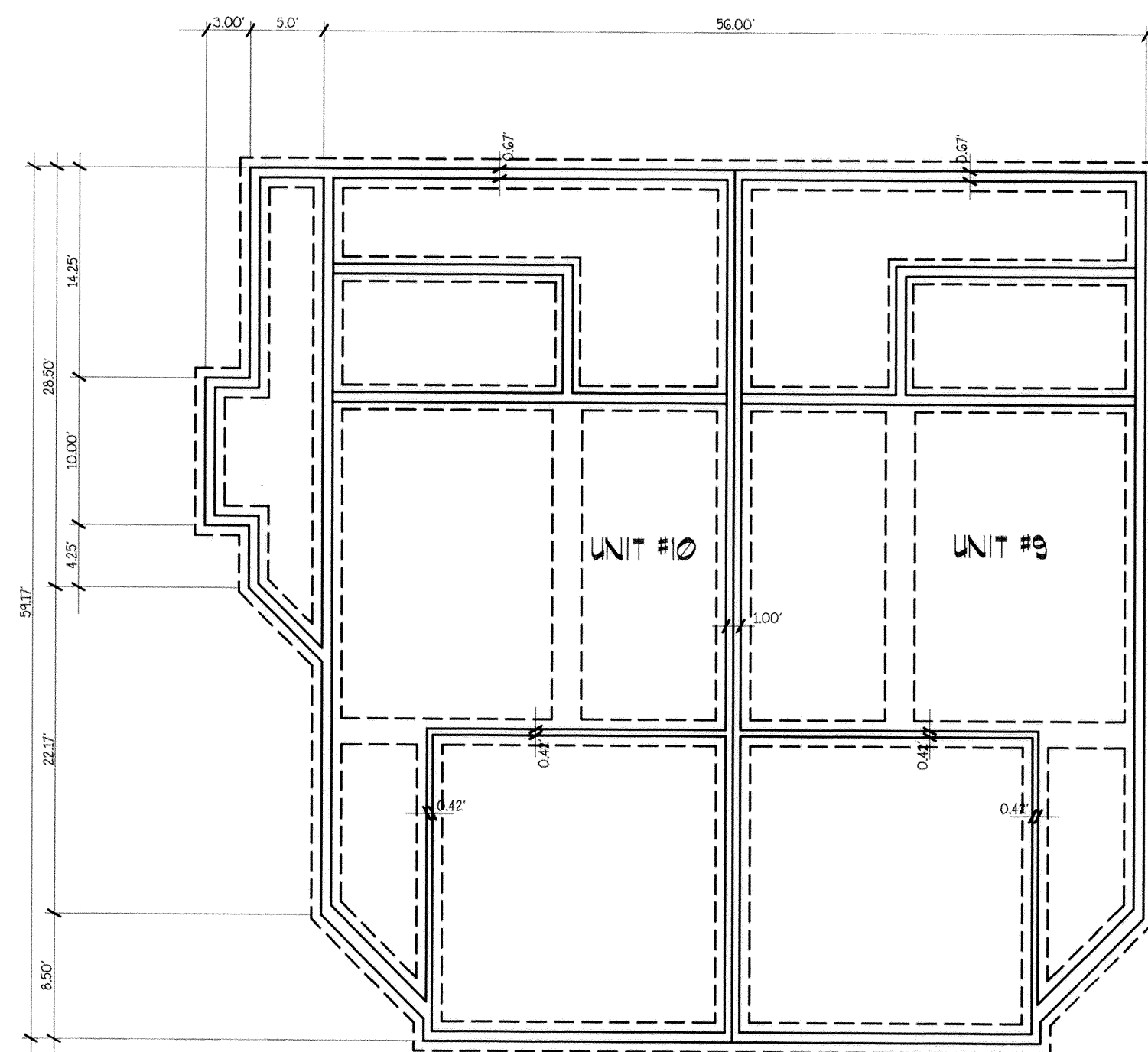
ACKNOWLEDGEMENT:
State of Utah
County of SUMMIT
On this 1ST day of February, 2001, personally appeared before me, the undersigned notary public, in and for said State and County, William L. Westerman, for Unit 9, who after being duly sworn, acknowledged to me that he is the owner of the hereon shown Unit 9, and that he signed the above owners' consent to record freely and voluntarily.

Craig Cummings
Notary Public

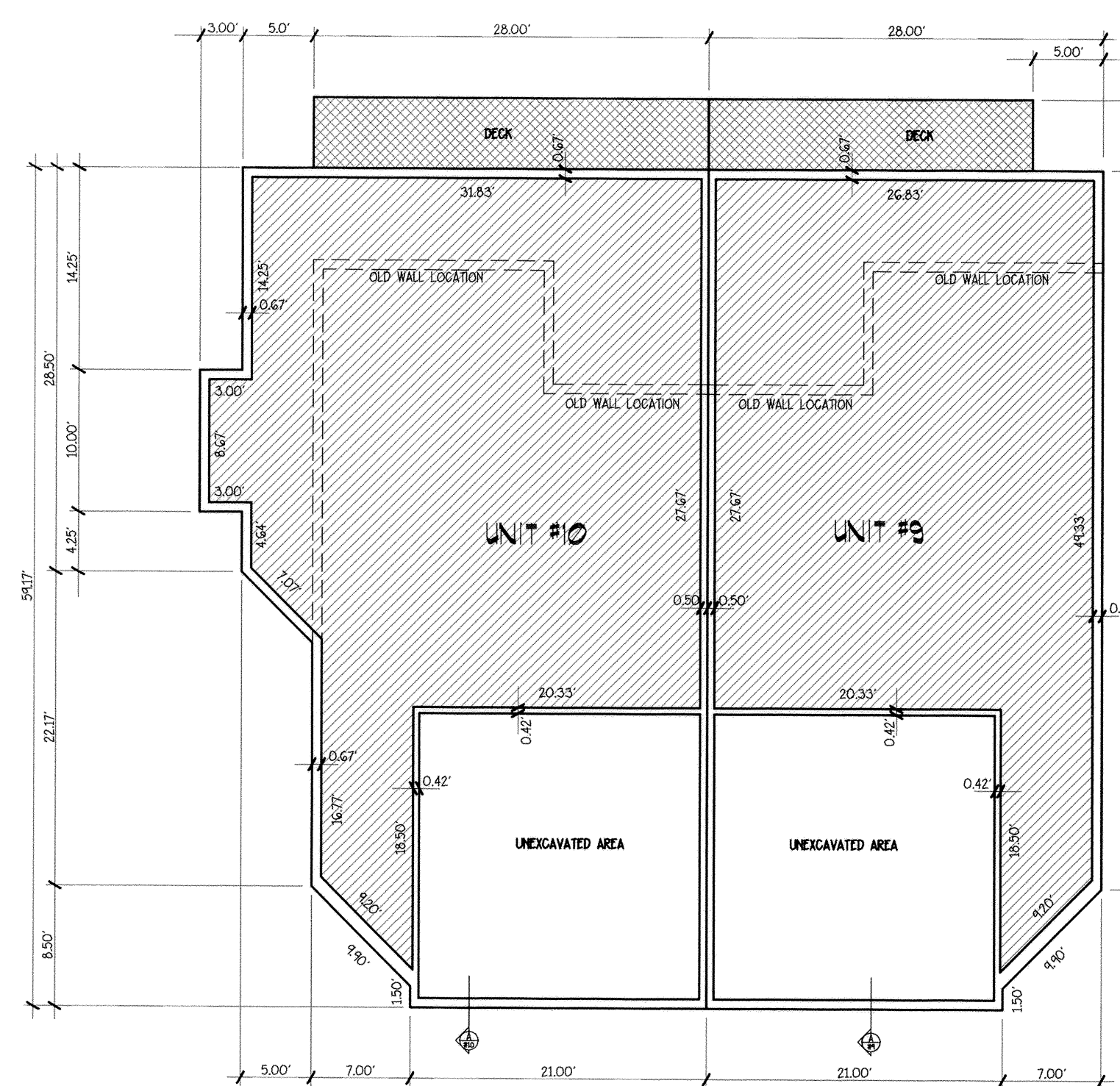
August 13, 2003
My Commission Expires

Heber City, UT 84032
Residing At

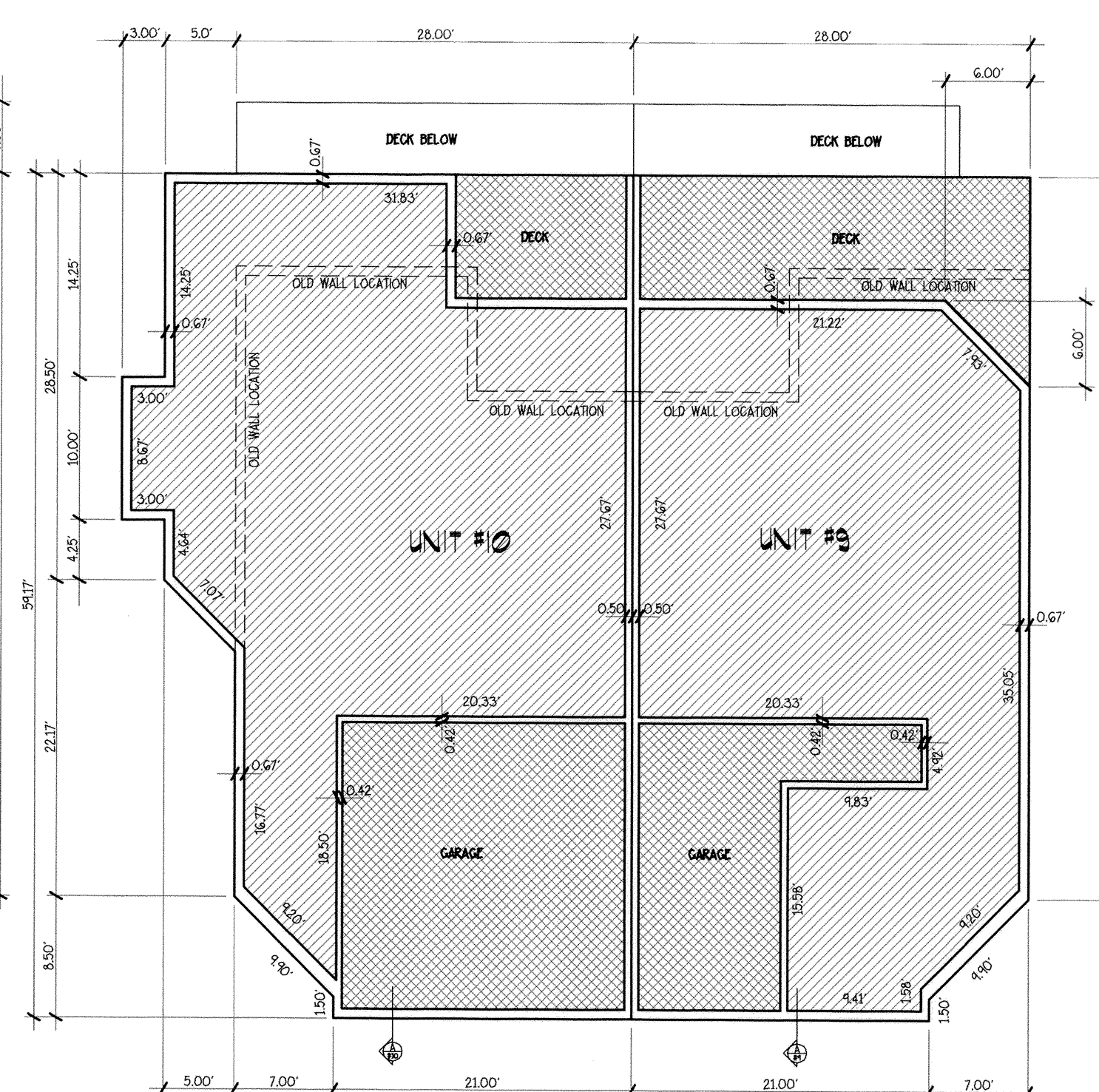




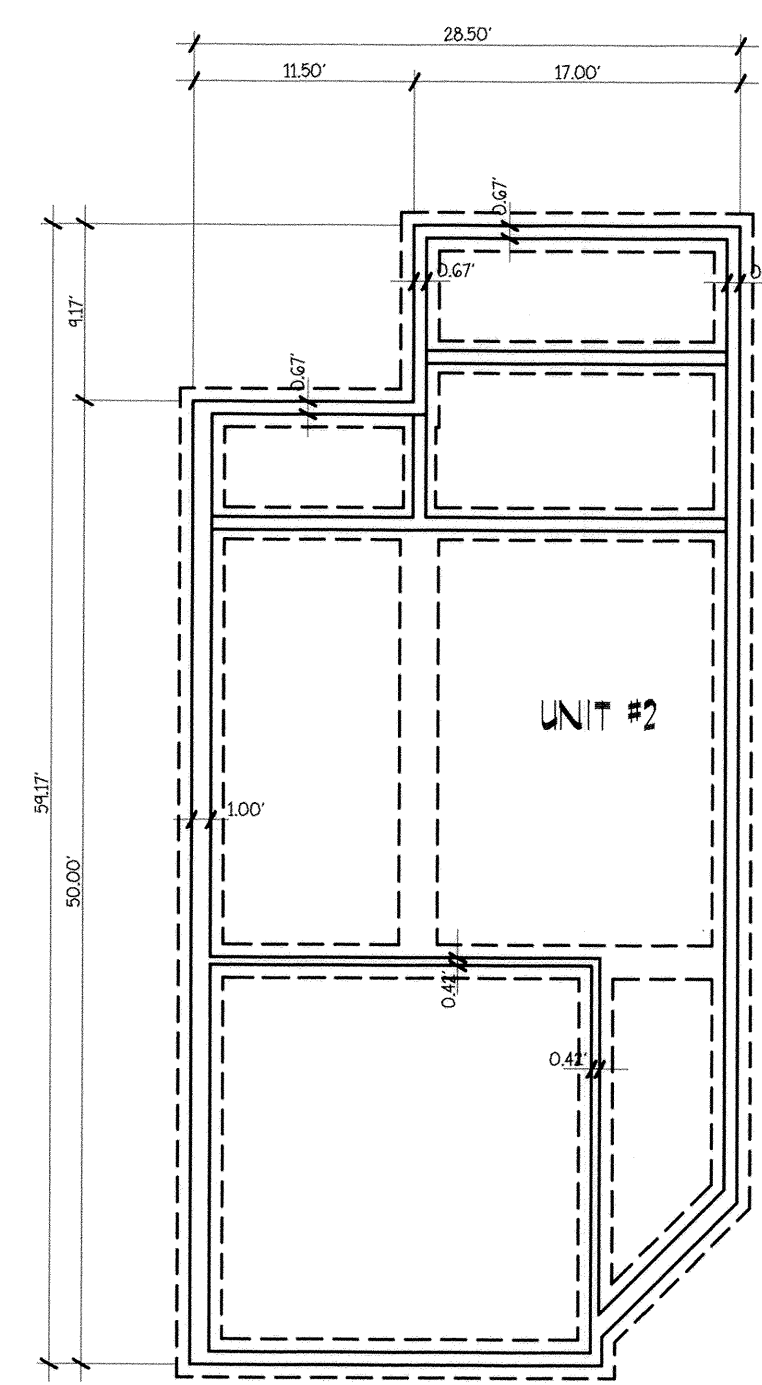
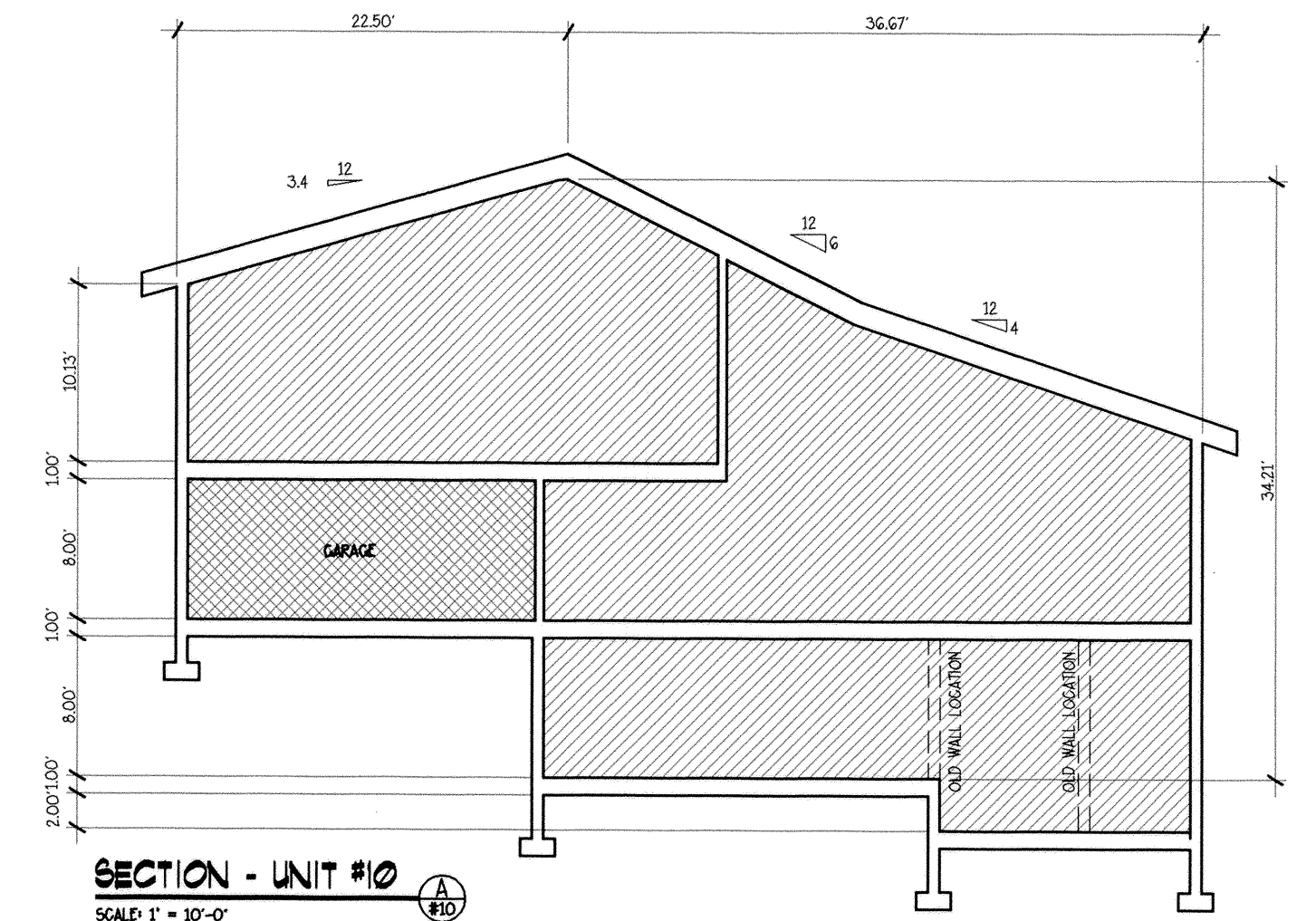
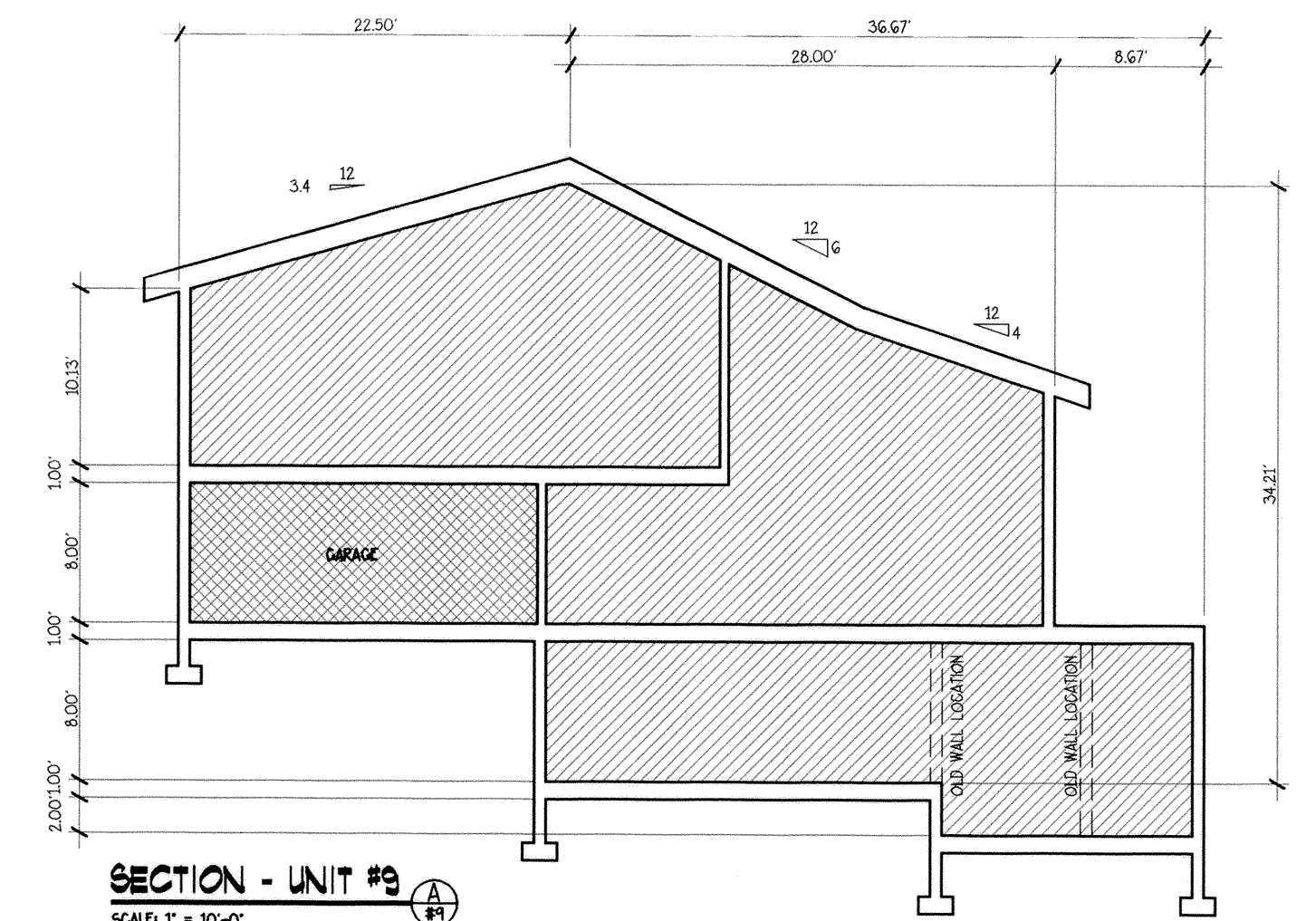
FOOTING & FOUNDATION PLAN - UNITS #9 & #10
SCALE: 1" = 10'-0"



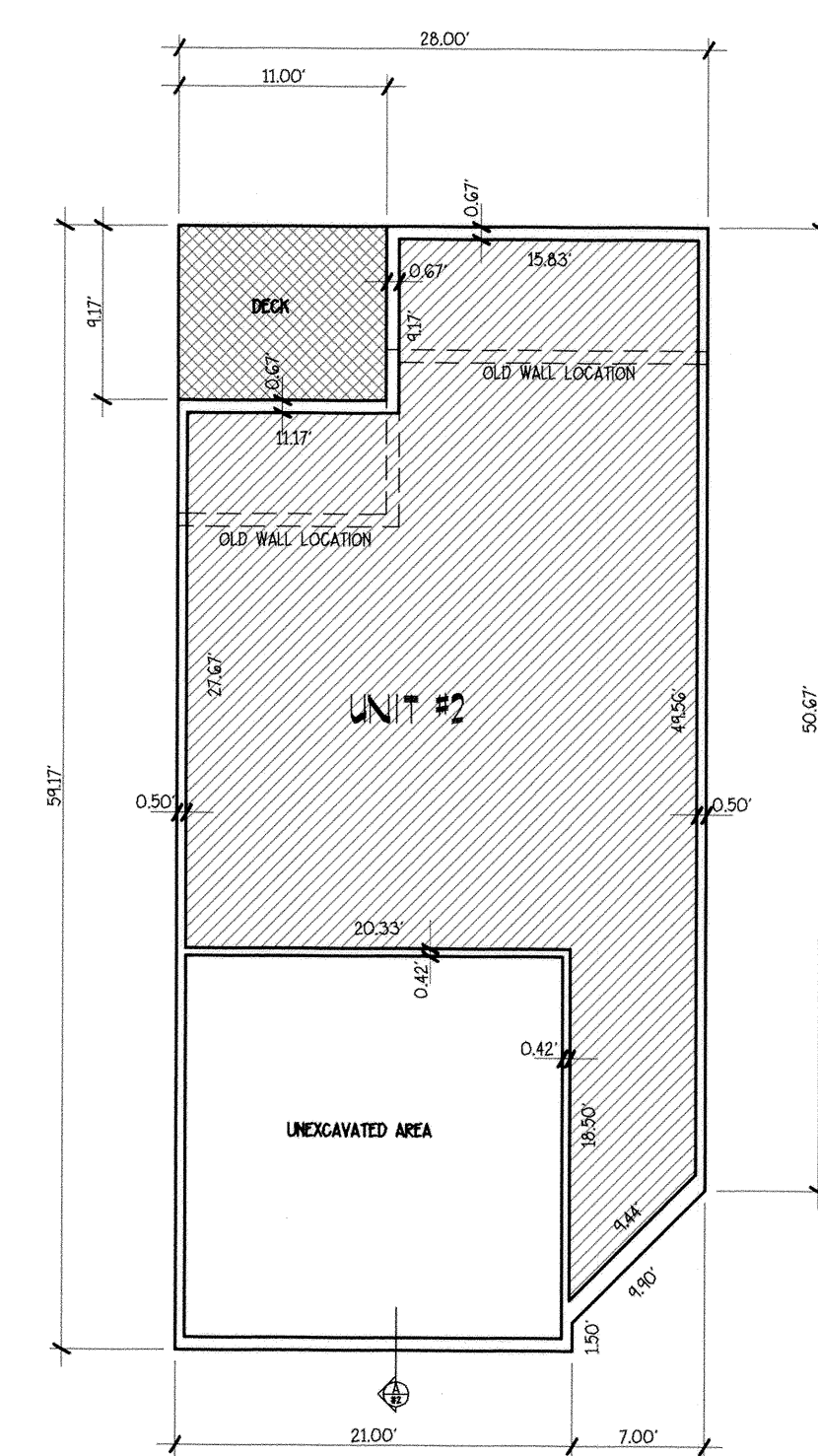
LOWER LEVEL - UNITS #9 & #10
SCALE: 1" = 10'-0"



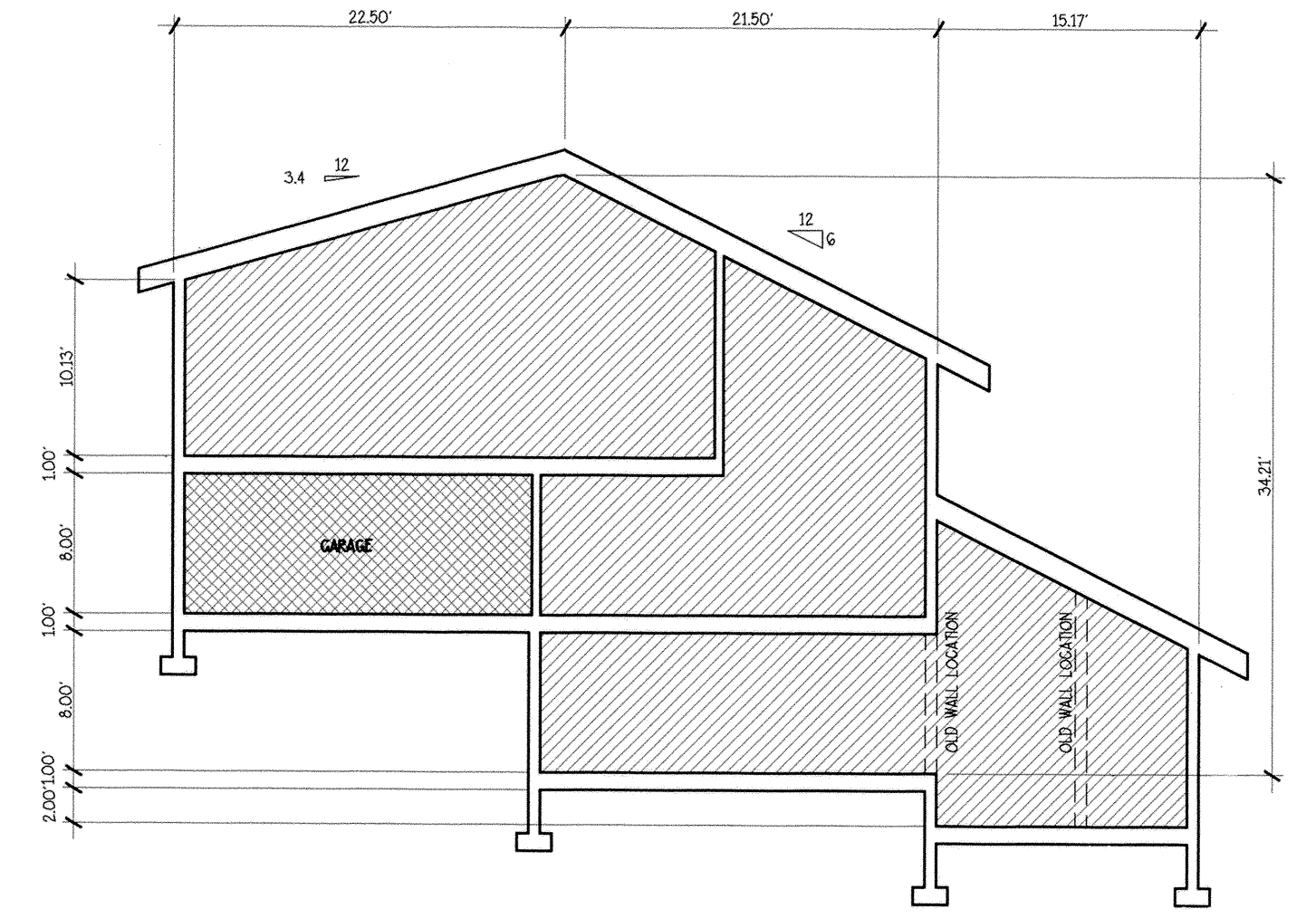
MAIN LEVEL - UNITS #9 & #10
SCALE: 1" = 10'-0"



FOOTING & FOUNDATION PLAN - UNIT #2
SCALE: 1" = 10'-0"



LOWER LEVEL - UNIT #2
SCALE: 1" = 10'-0"

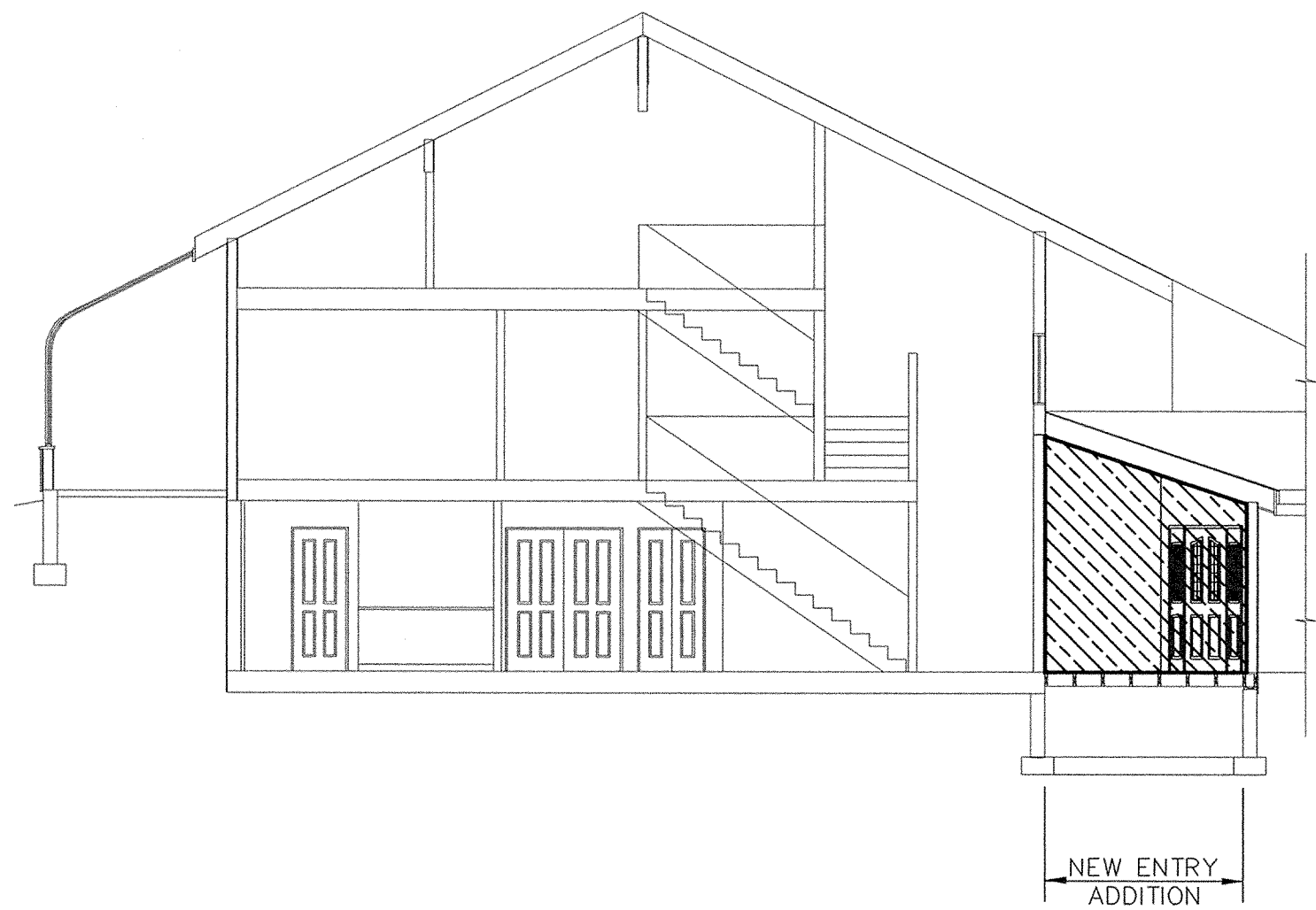


File No. 595276
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
DATE: 08/08/2001 TIME: 15:58 PM
FEE \$ 63.00 BY *Alan Spriggs*
REQUEST: COALITION TITLE

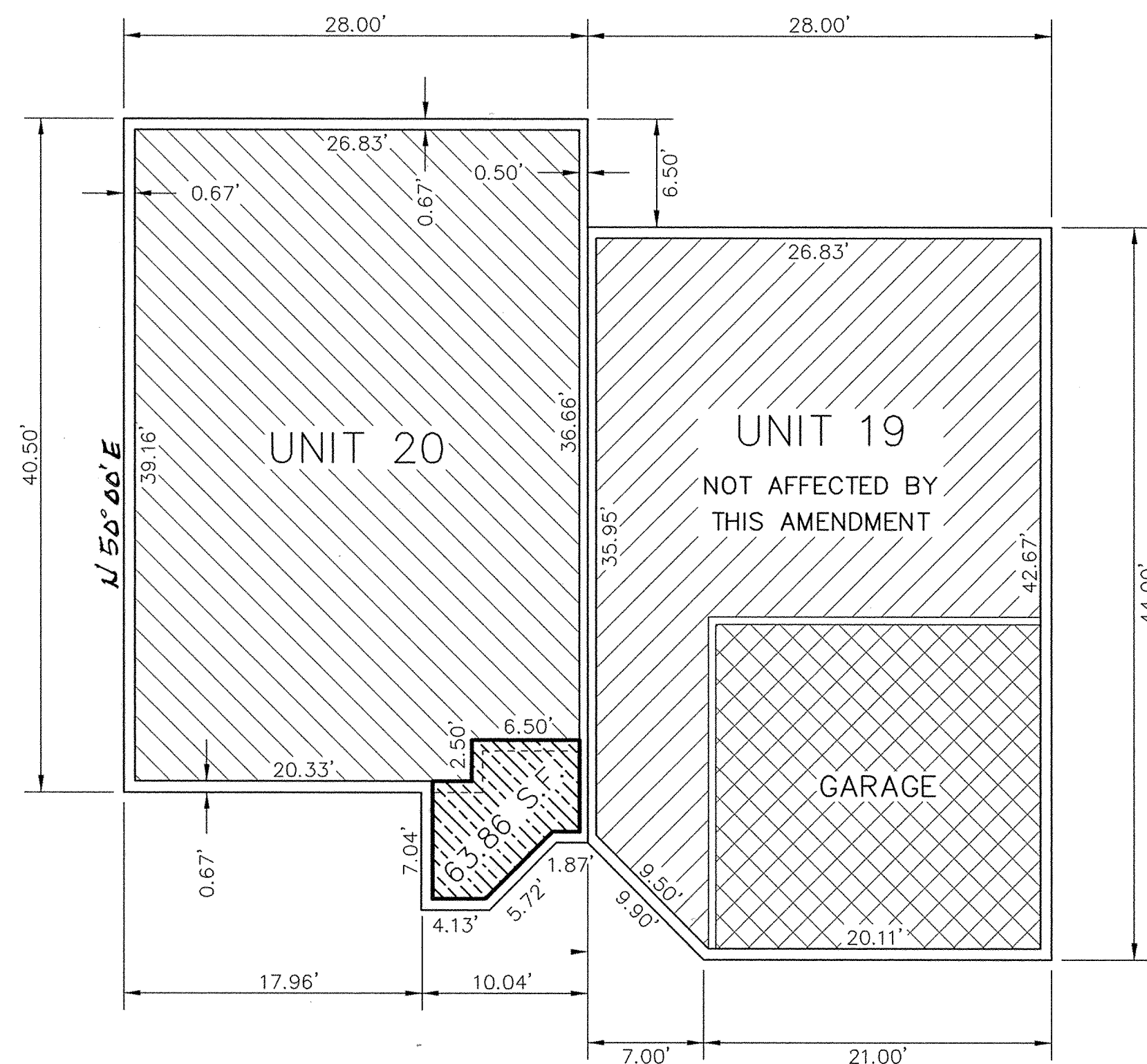
UNIT NUMBER	PRIVATE OWNERSHIP IN SQUARE FOOTAGE PER LITTLE BELLE HOMEOWNER'S ASSOCIATION	NEW PRIVATE OWNERSHIP IN SQUARE FOOTAGE PER THIS RECORD OF SURVEY	TOTAL PRIVATE OWNERSHIP IN SQUARE FOOTAGE
2	2,680.79	168.80	2,849.59
9	2,680.79	496.00	3,176.79
10	2,680.79	784.00	3,464.79

FIGURES EXCLUDE GARAGE SQ. FOOTAGE
ALL FIGURES INCLUDE STORAGE SQ. FOOTAGE

- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- PRIVATE OWNERSHIP



SECTION - LOOKING SOUTH
SCALE 1"=8'



LOWER LEVEL FLOOR PLAN
SCALE 1"=8'

JCo.#750.0103.00
03-11-04/RJSr.

CITY PLANNING COMMISSION	WATER RECLAMATION DISTRICT	CITY ENGINEER	CITY COUNCIL	APPROVAL AS TO FORM	RECORDED	
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS <u>14th</u> DAY OF <u>APRIL</u> , 2004. <u>[Signature]</u> CHAIRMAN	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>17th</u> DAY OF <u>MARCH</u> , 2004. <u>[Signature]</u> S.B.R.D. (REPRESENTATIVE)	REVIEWED FOR CONFORMANCE WITH AVAILABLE INFORMATION IN THE PARK CITY ENGINEERING DEPARTMENT ON THIS <u>13th</u> DAY OF <u>APRIL</u> , 2004. <u>[Signature]</u> PE CITY ENGINEER	PRESENTED TO THE PARK CITY COUNCIL THIS <u>30th</u> DAY OF <u>OCTOBER</u> , 200 <u>4</u> . AT WHICH TIME THIS PLAT WAS APPROVED. <u>[Signature]</u> MAYOR <u>[Signature]</u> CITY RECORDER	APPROVED AS TO FORM ON THIS <u>13th</u> DAY OF <u>APRIL</u> , 2004. <u>[Signature]</u> CITY ATTORNEY	ENTRY NO. <u>695554</u> BOOK <u> </u> PAGE(S) <u> </u> STATE OF <u>Utah</u> , COUNTY OF <u>Summit</u> DATE <u>4-19-2004</u> , TIME <u>14:11 p.m.</u> RECORDED AND FILED AT THE REQUEST OF: <u>Daniel S. German</u> <u>[Signature]</u> COUNTY RECORDER	 JACK JOHNSON COMPANY Designing World Destinations In-Person - 1777 Sun Peak Drive - Park City, Utah 84098 Telephone - 435.645.9000 - Facsimile - 435.649.1620 www.jackjohnson.com

CONSENT TO RECORD:

The undersigned, James H. Frisbie, President of the 'Little Belle Homeowner's Association', a Utah nonprofit corporation, pursuant to that 'Amendment To Condominium Declaration', adopted June 28, 2004, by said corporation, hereby consents to the Recordation of this Amended Plat of Unit 20 of the 'Little Belle Condominiums', A Utah Condominium Project.

Executed this 11 day of March, 2004.

Little Belle Homeowner's Association,
a Utah nonprofit corporation.

James H. Frisbie
By: James H. Frisbie, President

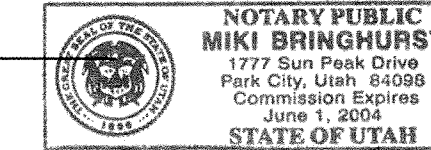
ACKNOWLEDGMENT

State of Utah }
County of Summit }

On this 11th Day of March, 2004, personally appeared before me,
James H. Frisbie, who being by me duly sworn, did say he is the president of the 'Little Belle Homeowner's Association', a Utah nonprofit corporation, and pursuant to that 'Amendment To Condominium Declaration', adopted June 28, 2004, by said corporation, the within and foregoing Consent to Record, was signed on behalf of said corporation and duly acknowledged that said corporation executed the same.

[Signature]
Notary Public

My commission expires: 6-1-04



TRUST DEED BENEFICIARY'S CONSENT TO RECORD

TRUST DEED BENEFICIARY, the undersigned Trust Deed Beneficiary, hereby consents to the recordation of this plat.

Executed this 25 day of MARCH, 2004.

NATIONAL CITY MORTGAGE, CO.

By: [Signature]
It's: Private Banker

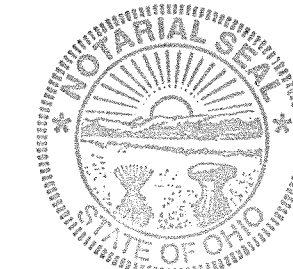
ACKNOWLEDGMENT

State of Ohio }
County of Montgomery }

On this 25 day of MARCH, 2004, personally appeared before me,
Angela E. Shaw, who, being by me duly sworn, did acknowledge to me that he is the Private Banker and executed the foregoing Trust Deed Beneficiary's Consent to Record.

Margene Opperman
Notary Public

My commission expires: April 1, 2007



PROPERTY DESCRIPTION:

All of Unit No. 20 of the 'LITTLE BELLE CONDOMINIUMS', recorded on December 21, 1981 as Entry No. 186813, on file at the Summit County Recorder's Office, and as amended herein.

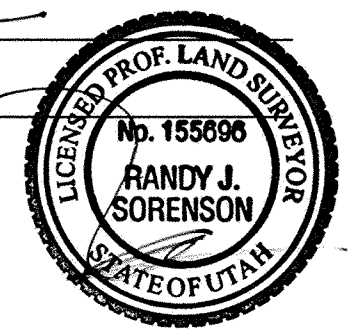
AMENDMENT NOTE:

This Plat is Amended for the purpose of transferring ownership of approximately 63.86 square feet of common area from the 'Little Belle Homeowner's Association' to the Owners of Record of Unit No. 20 of the 'LITTLE BELLE CONDOMINIUMS', recorded on December 21, 1981 as Entry No. 186813, on file at the Summit County Recorder's Office. No modifications, amendments or changes to the Plat Boundary, nor any other Units not specifically noted on this Amended Plat are made. This amendment brings the total square footage of Unit 20 private area to 2956.3 square feet.

SURVEYOR'S CERTIFICATE:

I, Randy J. Sorenson, on behalf of the Jack Johnson Company, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No.155696 as prescribed under the laws of the State of Utah. I further certify that the plat shown herein is a correct representation of Unit 20 as Amended, and that this plat has been prepared in conformity with the minimum standards and requirements of the law.

[Signature]
Randy J. Sorenson
Date March 11, 2004



OWNERS' CONSENT TO RECORD:

The undersigned, Daniel S. German and Teri German, owners, hereby consent to the Recordation of this Amended Plat of Unit 20 of the 'Little Belle Condominiums', A Utah Condominium Project.

Executed this 23rd day of March, 2004.

[Signature]
Daniel S. German

[Signature]
Teri German

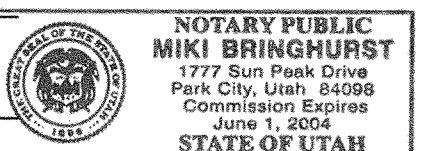
ACKNOWLEDGMENT

State of Utah }
County of Summit }

On this 23rd Day of March, 2004, personally appeared before me,
Daniel S. German and Teri German, who being by me duly sworn, did say they are the owners of Unit 20 of the 'Little Belle condominiums', A Utah Condominium Project, and the within and foregoing Consent to Record, was signed by them and they duly acknowledged that they executed the same.

[Signature]
Notary Public

My commission expires: 6-1-04



AMENDED UNIT No. 20 LITTLE BELLE CONDOMINIUMS A Utah Condominium Project

LOCATED AT 7160 LITTLE BELLE COURT,
IN THE NORTHEAST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: that we, James H. Frisbie and Marlene J. Frisbie, Trustees of The Frisbie Trust, Dated October 11, 1982, the respective owners of the hereon shown condominium Unit 1 (Parcel 1) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 12th day of September, 2004.

James H. Frisbie
James H. Frisbie
Marlene J. Frisbie
Marlene J. Frisbie
Attorney in Fact for Marlene J. Frisbie

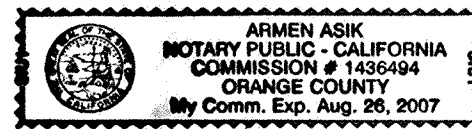
ACKNOWLEDGMENT

State of Utah CALIFORNIA

County of Summit ORANGE

On the 12th day of September, 2004, personally appeared before me, the undersigned Notary public in and for the said State and County, James H. Frisbie and Marlene J. Frisbie, Trustees of The Frisbie Trust, Dated October 11, 1982, who after being duly sworn, acknowledged to me that they are the owners of Unit 1 (Parcel 1), and that they signed the above owners consent to record freely and voluntarily.

Chris Paul J.
Notary Public
My commission expires: 10/26/07



KNOW ALL MEN BY THESE PRESENTS: that we, Martin Horn and Rita Horn, husband and wife, as joint tenants, an undivided (50%) interest as a tenant in common and Billy Mills and Ruby Mills, husband and wife, as joint tenants, an undivided (50%) interest as a tenant in common, the respective owners of the hereon shown condominium Unit 3 (Parcel 2) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 21st day of December, 2004.

Martin Horn
Martin Horn
Rita Horn
Rita Horn
Billy Mills
Billy Mills
Ruby Mills
Ruby Mills

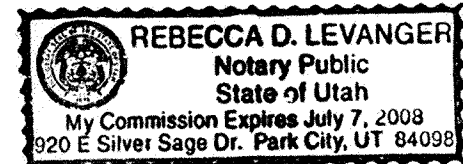
ACKNOWLEDGMENT

State of Utah CALIFORNIA

County of Summit ORANGE

On the 21st day of December, 2004, personally appeared before me, the undersigned Notary public in and for the said State and County, Martin Horn and Rita Horn, husband and wife, as joint tenants, an undivided (50%) interest as a tenant in common and Billy Mills and Ruby Mills, husband and wife, as joint tenants, an undivided (50%) interest as a tenant in common, who after being duly sworn, acknowledged to me that they are the owners of Unit 3 (Parcel 2), and that they signed the above owners consent to record freely and voluntarily.

Rebecca D. Levanger
Notary Public
My commission expires: 7-7-2008



KNOW ALL MEN BY THESE PRESENTS: that we, Robert N. Goodman and Lori Goodman, Trustees of The Robert and Lori Goodman Living Trust, Dated May 23, 1985, the respective owners of the hereon shown condominium Unit 4 (Parcel 3) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 5th day of OCTOBER, 2004.

Robert N. Goodman
Robert N. Goodman
Lori Goodman
Lori Goodman

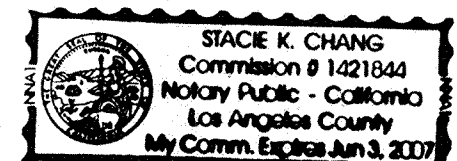
ACKNOWLEDGMENT

State of Utah CALIFORNIA

County of Summit LOS ANGELES

On the 5th day of October, 2004, personally appeared before me, the undersigned Notary public in and for the said State and County, Robert N. Goodman and Lori Goodman, Trustees of The Robert and Lori Goodman Living Trust, Dated May 23, 1985, who after being duly sworn, acknowledged to me that they are the owners of Unit 4 (Parcel 3), and that they signed the above owners consent to record freely and voluntarily.

Stacie K. Chang
Notary Public
My commission expires: June 3, 2007



KNOW ALL MEN BY THESE PRESENTS: that we, James Bergman and Judy Bergman, husband and wife, as joint tenants, the respective owners of the hereon shown condominium Unit 11 (Parcel 4) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 18th day of January, 2005.

James Bergman
James Bergman
Judy Bergman
Judy Bergman

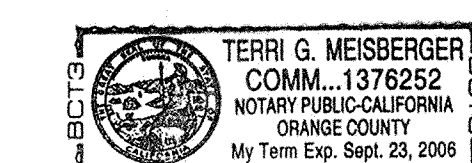
ACKNOWLEDGMENT

State of Utah CALIFORNIA

County of Summit ORANGE

On the 18th day of January, 2005, personally appeared before me, the undersigned Notary public in and for the said State and County, James Bergman and Judy Bergman, husband and wife, as joint tenants, who after being duly sworn, acknowledged to me that they are the owners of Unit 11 (Parcel 4), and that they signed the above owners consent to record freely and voluntarily.

Terri G. Meisberger
Notary Public
My commission expires: 9/23/2006



KNOW ALL MEN BY THESE PRESENTS: that we, Douglas S. Dvorak and Wendi T. Dvorak, husband and wife, as joint tenants, the respective owners of the hereon shown condominium Unit 12 (Parcel 5) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 29th day of December, 2004.

Douglas S. Dvorak
Douglas S. Dvorak
Wendi T. Dvorak
Wendi T. Dvorak

ACKNOWLEDGMENT

State of Utah CALIFORNIA

County of Summit ORANGE

On the 29th day of December, 2004, personally appeared before me, the undersigned Notary public in and for the said State and County, Douglas S. Dvorak and Wendi T. Dvorak, husband and wife, as joint tenants, who after being duly sworn, acknowledged to me that they are the owners of Unit 12 (Parcel 5), and that they signed the above owners consent to record freely and voluntarily.

Rebecca D. Levanger
Notary Public
My commission expires: 7-7-2008



FOURTH AMENDED RECORD OF SURVEY MAP

LITTLE BELLE CONDOMINIUMS

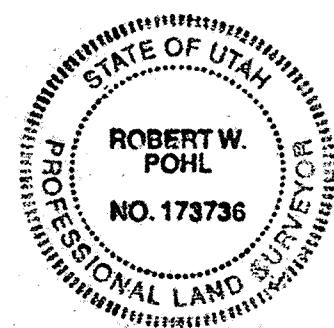
A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

This plot amendment converts certain limited common area, consisting of decks and balconies, to private area, and provides for the future construction of and enclosure of these area(s) and the relocation of related common area walls. Examples of a converted area prior to construction, and after construction are shown herein as sheet 3 and sheet 4 respectively.

SURVEYOR'S CERTIFICATE

I, Robert W. Pohl, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 173736 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner, this Record of Survey Map of the Fourth Amended Record of Survey Little Belle Condominiums, a Utah Condominium Project in accordance with the provisions of Section 57-8-13 of the Utah Condominium Ownership Act. I further certify the buildings and property are shown correctly.



Robert W. Pohl
Robert W. Pohl L.S. 173736
9/15/04
Date

KNOW ALL MEN BY THESE PRESENTS: that we, John P. Hunt and Alicia H. Hunt, Trustees of The Hunt Family Trust, Dated November 10, 1982, the respective owners of the hereon shown condominium Unit 13 (Parcel 6) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 29th day of December, 2004.

John P. Hunt
John P. Hunt
Alicia H. Hunt
Alicia H. Hunt

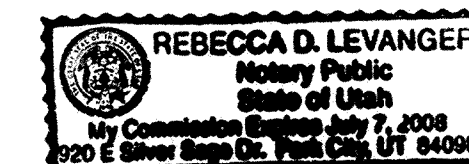
ACKNOWLEDGMENT

State of Utah

County of Summit

On the 29th day of December, 2004, personally appeared before me, the undersigned Notary public in and for the said State and County, John P. Hunt and Alicia H. Hunt, Trustees of The Hunt Family Trust, Dated November 10, 1982, who after being duly sworn, acknowledged to me that they are the owners of Unit 13 (Parcel 6), and that they signed the above owners consent to record freely and voluntarily.

Rebecca D. Levanger
Notary Public
My commission expires: 7-7-2008



KNOW ALL MEN BY THESE PRESENTS: that we, Clifford Bochner and Sandy Bochner, husband and wife, as joint tenants, the respective owners of the hereon shown condominium Unit 14 (Parcel 7) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 6th day of DECEMBER, 2004.

Clifford Bochner
Clifford Bochner
Sandy Bochner
Sandy Bochner

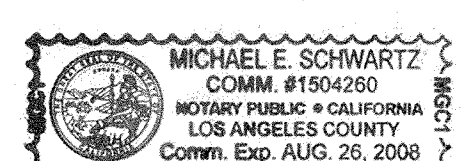
ACKNOWLEDGMENT

State of Utah

County of Summit

On the 6th day of December, 2004, personally appeared before me, the undersigned Notary public in and for the said State and County, Clifford Bochner and Sandy Bochner, husband and wife, as joint tenants, who after being duly sworn, acknowledged to me that they are the owners of Unit 14 (Parcel 7), and that they signed the above owners consent to record freely and voluntarily.

Michael E. Schwartz
Notary Public
My commission expires: August 26, 2008



KNOW ALL MEN BY THESE PRESENTS: that we, Stephen S. Morgan and Analee R. Morgan, husband and wife, as joint tenants, the respective owners of the hereon shown condominium Unit 15 (Parcel 8) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 29th day of December, 2004.

Stephen S. Morgan
Stephen S. Morgan
Analee R. Morgan
Analee R. Morgan

ACKNOWLEDGMENT

State of Utah

County of Summit

On the 29th day of December, 2004, personally appeared before me, the undersigned Notary public in and for the said State and County, Stephen S. Morgan and Analee R. Morgan, husband and wife, as joint tenants, who after being duly sworn, acknowledged to me that they are the owners of Unit 15 (Parcel 8), and that they signed the above owners consent to record freely and voluntarily.

Rebecca D. Levanger
Notary Public
My commission expires: 7-7-2008

KNOW ALL MEN BY THESE PRESENTS: that I, Carinda Johnson Holistone, the respective owner of the hereon shown condominium Unit 19 (Parcel 12) certify that I have caused this Amended Record of Survey to be prepared, and I do hereby consent to the recordation of this survey. I further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 15th day of June, 2005.

Carinda Johnson Holistone
Carinda Johnson Holistone

ACKNOWLEDGMENT

State of Utah

County of Summit

On the 15th day of June, 2005, personally appeared before me, the undersigned Notary public in and for the said State and County, Carinda Johnson Holistone, who after being duly sworn, acknowledged to me that she is the owner of Unit 19 (Parcel 12), and that she signed the above owner consent to record freely and voluntarily.

Rebecca D. Levanger
Notary Public
My commission expires: March 26, 2007



KNOW ALL MEN BY THESE PRESENTS: that we, Stephen B. Oveson and Dixie R. Oveson, as joint tenants, the respective owners of the hereon shown condominium Unit 16 (Parcel 9) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 21st day of March, 2005.

Stephen B. Oveson
Stephen B. Oveson
Dixie R. Oveson
Dixie R. Oveson

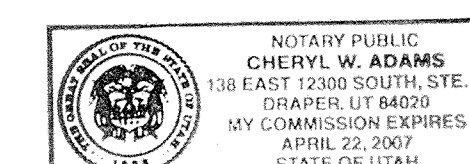
ACKNOWLEDGMENT

State of Utah

County of Summit

On the 21st day of March, 2005, personally appeared before me, the undersigned Notary public in and for the said State and County, Stephen B. Oveson and Dixie R. Oveson, as joint tenants, who after being duly sworn, acknowledged to me that they are the owners of Unit 16 (Parcel 9), and that they signed the above owners consent to record freely and voluntarily.

Charles W. Adams
Notary Public
My commission expires: 04/22/2007



KNOW ALL MEN BY THESE PRESENTS: that we, SC 2 Properties, a partnership, the respective owners of the hereon shown condominium Unit 17 (Parcel 10) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 27th day of October, 2004.

Alvin W. Coughlin
Alvin W. Coughlin
Paul W. Hamilton
Paul W. Hamilton

ACKNOWLEDGMENT

State of Utah

County of Summit

On the 27th day of October, 2004, personally appeared before me, the undersigned Notary public in and for the said State and County, SC 2 Properties, a partnership, who after being duly sworn, acknowledged to me that they are the owners of Unit 17 (Parcel 10), and that they signed the above owners consent to record freely and voluntarily.

Ann M. Cotoia
Notary Public
My commission expires: 1/31/2005



KNOW ALL MEN BY THESE PRESENTS: that we, Alan P. Mintz and Gloria P. Mintz, husband and wife, as joint tenants, the respective owners of the hereon shown condominium Unit 18 (Parcel 11) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 22nd day of February, 2005.

Alan P. Mintz
Alan P. Mintz
Gloria P. Mintz
Gloria P. Mintz

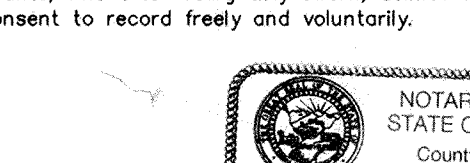
ACKNOWLEDGMENT

State of Utah

County of Summit

On the 22nd day of February, 2005, personally appeared before me, the undersigned Notary public in and for the said State and County, Alan P. Mintz and Gloria P. Mintz, husband and wife, as joint tenants, who after being duly sworn, acknowledged to me that they are the owners of Unit 18 (Parcel 11), and that they signed the above owners consent to record freely and voluntarily.

Jennifer Paul
Notary Public
My commission expires: 4-1-08



KNOW ALL MEN BY THESE PRESENTS: that we, Daniel S. German and Teri German, husband and wife, as joint tenants, the respective owners of the hereon shown condominium Unit 20 (Parcel 13) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on this 7th day of February, 2005.

Daniel S. German
Daniel S. German
Teri German
Teri German

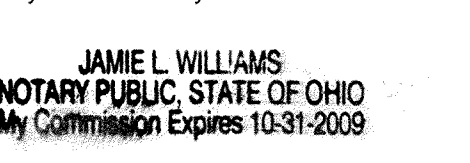
ACKNOWLEDGMENT

State of Utah

County of Summit

On the 7th day of February, 2005, personally appeared before me, the undersigned Notary public in and for the said State and County, Daniel S. German and Teri German, husband and wife, as joint tenants, who after being duly sworn, acknowledged to me that they are the owners of Unit 20 (Parcel 13), and that they signed the above owners consent to record freely and voluntarily.

Jamie L. Williams
Notary Public
My commission expires: 10-31-2009



PARK CITY
SURVEYING, INC.
P.O. Box 3003
PARK CITY, UTAH 84060
(435) 649-2918

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS 12th
DAY OF April, 2006 A.D.
BY B. B. W. R. D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 27th
DAY OF April, 2006 A.D.
BY B. B. W. R. D.
CHAIRMAN

ENGINEERS CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 12th
DAY OF April, 2006 A.D.
BY Quinn W. O'Brien
PARK CITY ENGINEER

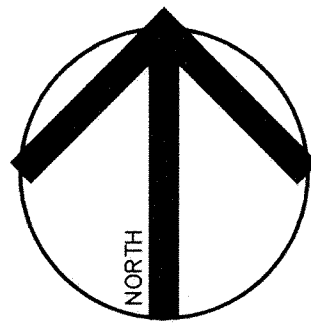
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 27th
DAY OF April, 2006 A.D.
BY Ray McLean
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 27th DAY
OF October, 2005 A.D.
BY James M. Smith
PARK CITY RECORDER

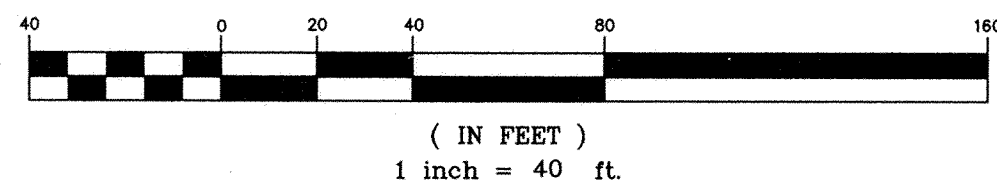
COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 27th DAY OF October,
2004 A.D.
BY Dana Williams
MAYOR

RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Founders Title
DATE 6-07-06 TIME 10:44AM BOOK 163 PAGE 2
FEE \$163.00
BY Dana Williams
RECORDER

SHEET 1 OF 5



GRAPHIC SCALE



BOUNDARY DESCRIPTION

Beginning at a point which is South 578.78 feet and East 341.311 feet from the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 41°00'00" West 261.73 feet; thence South 22°30'00" West 126.93 feet; thence North 70°30'00" West 179.74 feet; thence North 50°00'00" West 290.74 feet; thence North 21°50'00" West 305.40 feet to a point on a 241.77 foot radius curve to the left (Center bears North 54°52'20" East 241.77 feet of which the central angle is 65°20'49"); thence Southeasterly along the arc of said curve 275.74 feet to a point on a 164.02 foot radius reverse curve to the right (Center bears South 10°28'29" East 164.02 feet of which the central angle is 78°42'34"); thence Southeasterly along the arc of said curve 225.32 feet to a point on a 237.21 foot radius reverse curve to the left (Center bears North 68°14'05" East 237.21 feet of which the central angle is 33°06'46"); thence Southeasterly along the arc of said curve 161.86 feet to the point of beginning.

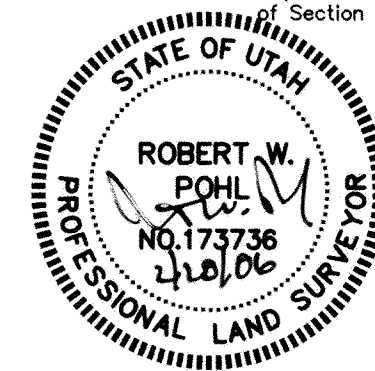
Contains: 159,580.00 square feet or 3.66345 acres.

NOTES:

This plot amendment converts certain limited common area, consisting of decks and balconies, to private area, and provides for the future construction of and enclosure of these area(s) and the relocation of related common area walls. Examples of a converted area prior to construction, and after construction are shown herein as sheet 3 and sheet 4 respectively.

SURVEYOR'S CERTIFICATE

I, Robert W. Pohl, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 173736 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner, this Record of Survey Map of the Fourth Amended Record of Survey Little Belle Condominiums, a Utah Condominium Project in accordance with the provisions of Section 57-8-13 of the Utah Condominium Ownership Act. I further certify the buildings and property are shown correctly.



Robert W. Pohl L.S. 173736

2/28/06
Date

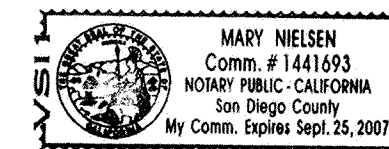
KNOW ALL MEN BY THESE PRESENTS: that we, 17 Little Belle Partnership, the respective owners of the hereon shown condominium Unit 17 (Parcel 10) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

In witness whereof, the undersigned has set its hand on the 23 day of March, 2006.
Little Belle Partnership
17 Little Belle Partnership

ACKNOWLEDGMENT
State of California) ss: 544-64-6843
County of San Diego

On the 23 day of March, 2006, personally appeared before me, the undersigned Notary public in and for the said State and County, 17 Little Belle Partnership, a partnership, who after being duly sworn, acknowledged to me that they are the owners of Unit 17 (Parcel 10), and that they signed the above owners consent to record freely and voluntarily.

Mary Nielsen
Notary Public
My commission expires: Sept 26, 2007



KNOW ALL MEN BY THESE PRESENTS: that we James R Bergman and Judy G Bergman Trustees of the of the Bergman Family Trust, the respective owners of the hereon shown condominium Unit 11 (Parcel 4) certify that we caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

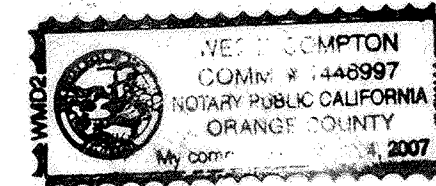
James R Bergman Trustee *Judy G Bergman Trustee*
James R Bergman Trustee Judy G Bergman Trustee

ACKNOWLEDGMENT
State of Utah
County of Summit:

On this 15th day of May, 2006, personally appeared before me, James R Bergman and Judy G Bergman Trustees of the Bergman Family Trust Who acknowledged to me that they executed the above owner's dedication and consent to record.

W. B. Cook
Notary Public

My commission expires:
Residing in:



KNOW ALL MEN BY THESE PRESENTS: that we, SMD Investments of Utah LLC, an Indiana Limited Liability Company, the respective owners of the hereon shown condominium Unit 20 (Parcel 13) certify that we have caused this Amended Record of Survey to be prepared, and we do hereby consent to the recordation of this survey. We further certify that the buildings shown on this survey will, when completed, be substantially as shown hereon.

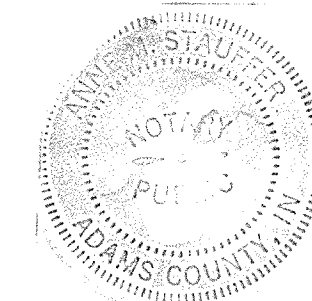
In witness whereof, the undersigned has set its hand on the 8th day of March, 2006.

Naomi A. Muschman Pres.
SMD Investments of Utah, LLC

ACKNOWLEDGMENT
State of Indiana) ss: 317-62-3821
County of Adams

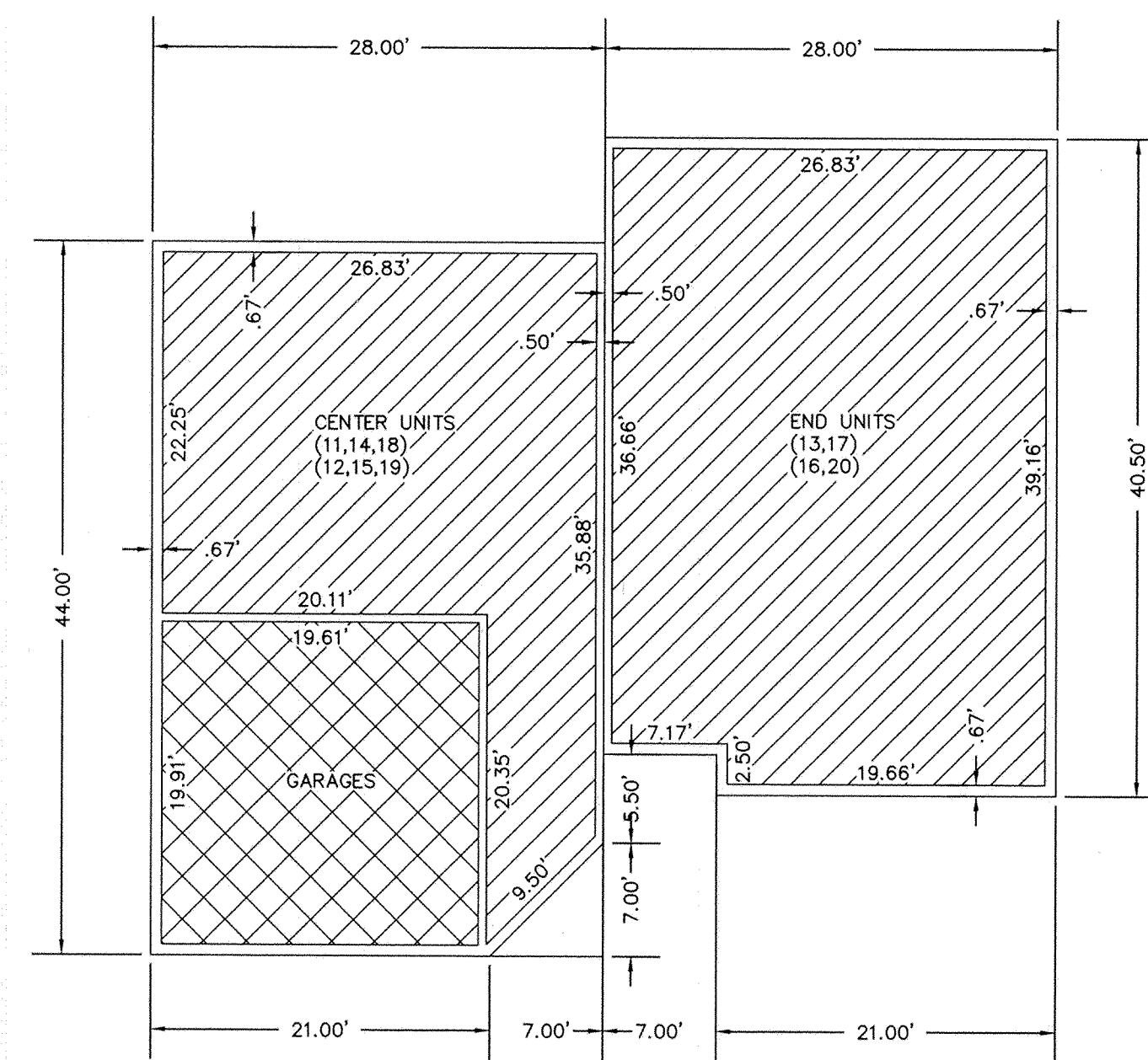
On the 8th day of March, 2006, personally appeared before me, the undersigned Notary public in and for the said State and County, SMD Investments of Utah, LLC, an Indiana Limited Liability Company, who after being duly sworn, acknowledged to me that they are the owners of Unit 20 (Parcel 13), and that they signed the above owners consent to record freely and voluntarily.

Anne M. Stauffer
Notary Public
My commission expires: 11/16/10

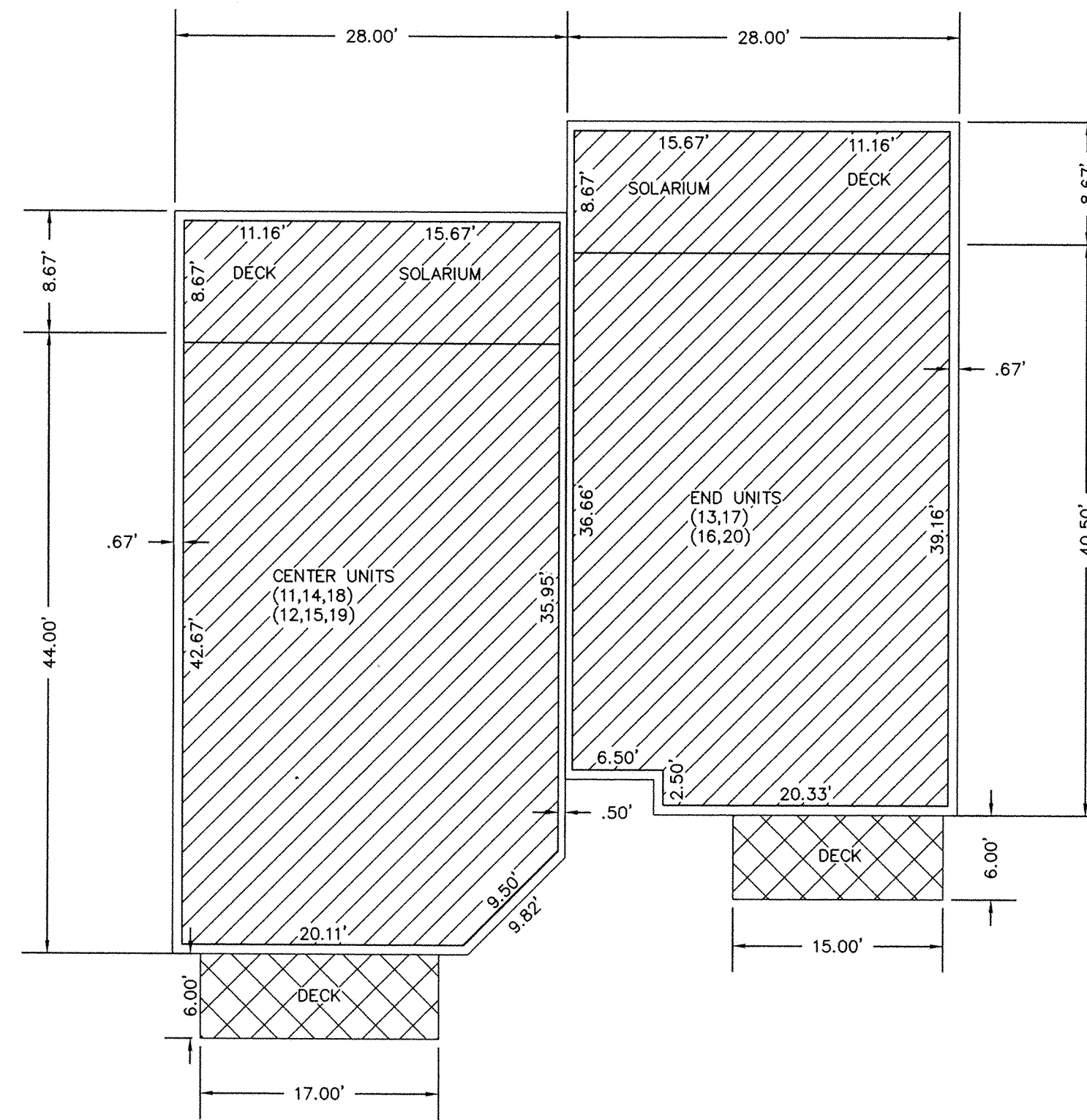


PARK CITY
SURVEYING, INC.
P.O. Box 3003
PARK CITY, UTAH 84060
(435) 649-2918

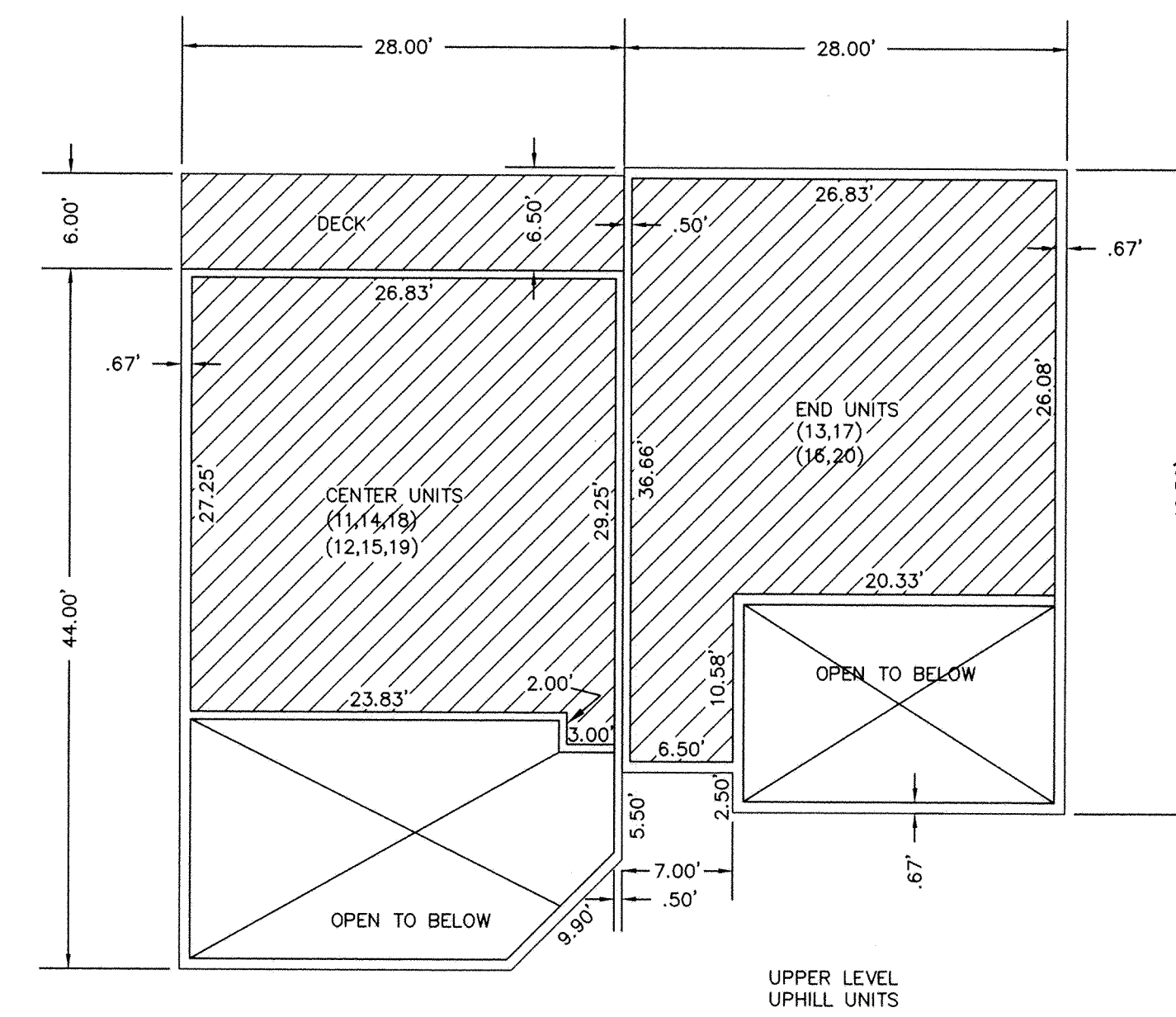
780095 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Founders Title
DATE 6-7-06 TIME 10:44 BOOK 2 PAGE 1
FEE 163.00 RECORDER *Geniel A. Bower, Deputy*



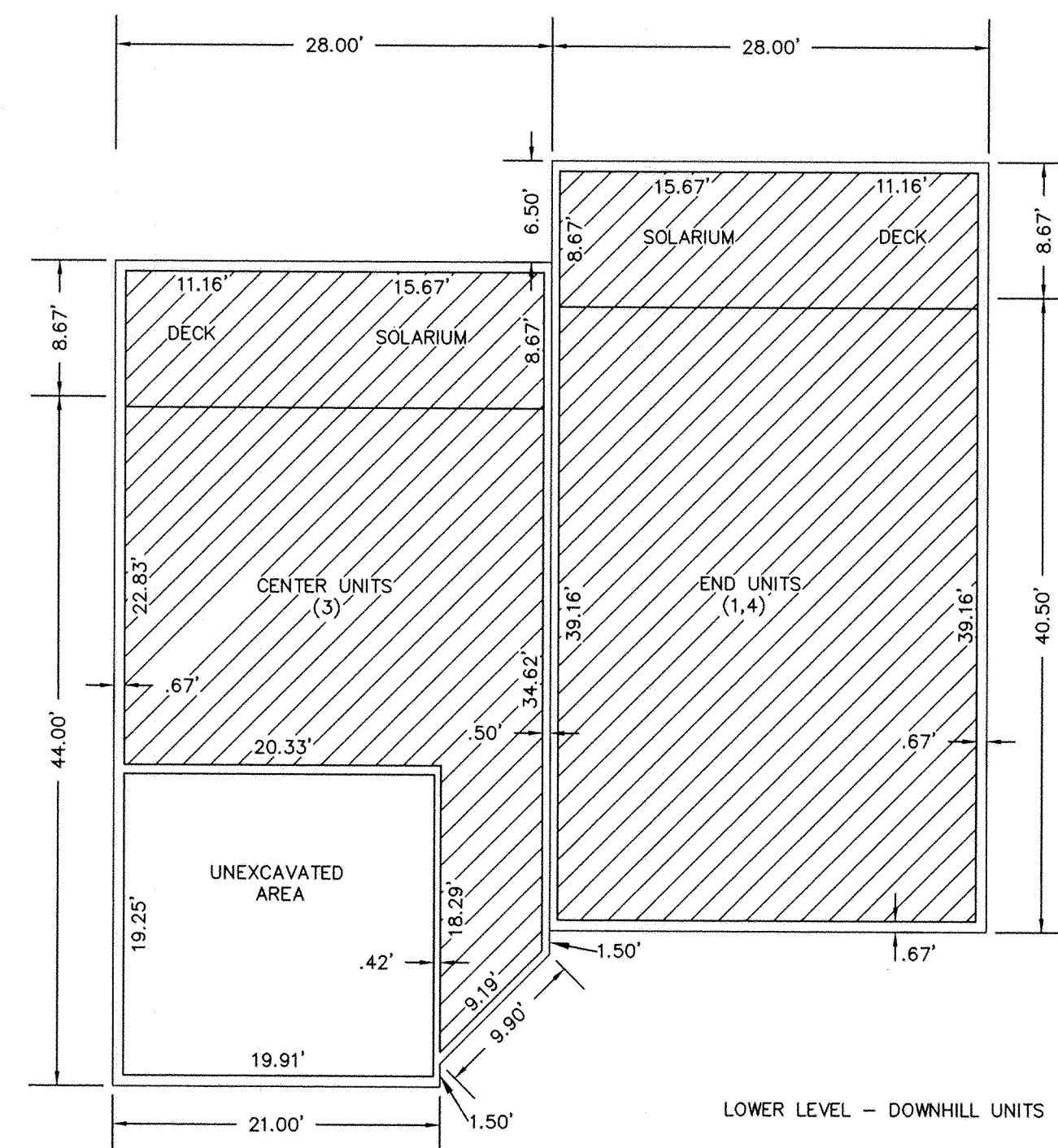
LOWER LEVEL - UPHILL UNITS



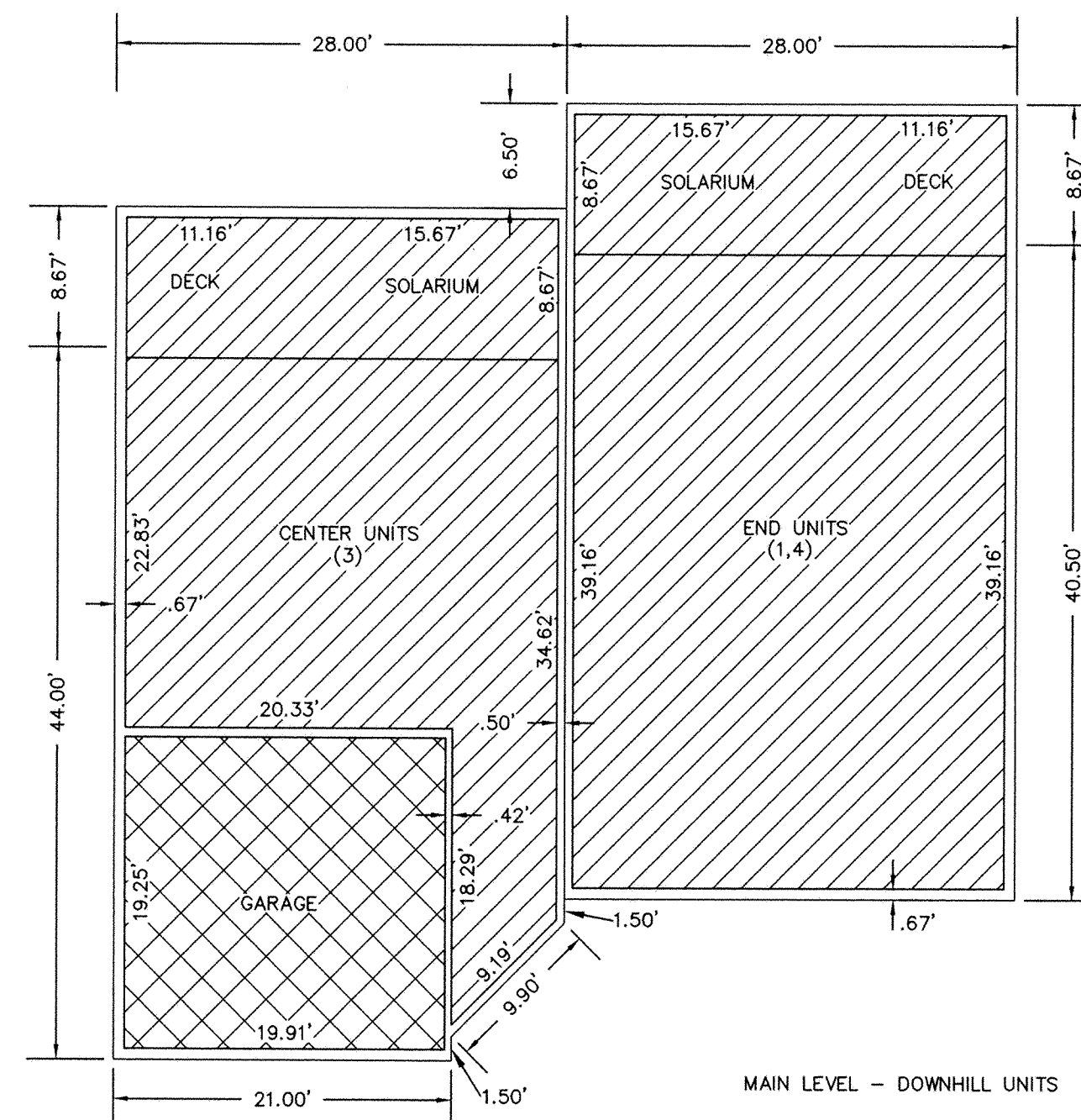
MAIN LEVEL - UPHILL UNITS

UPPER LEVEL
UPHILL UNITS

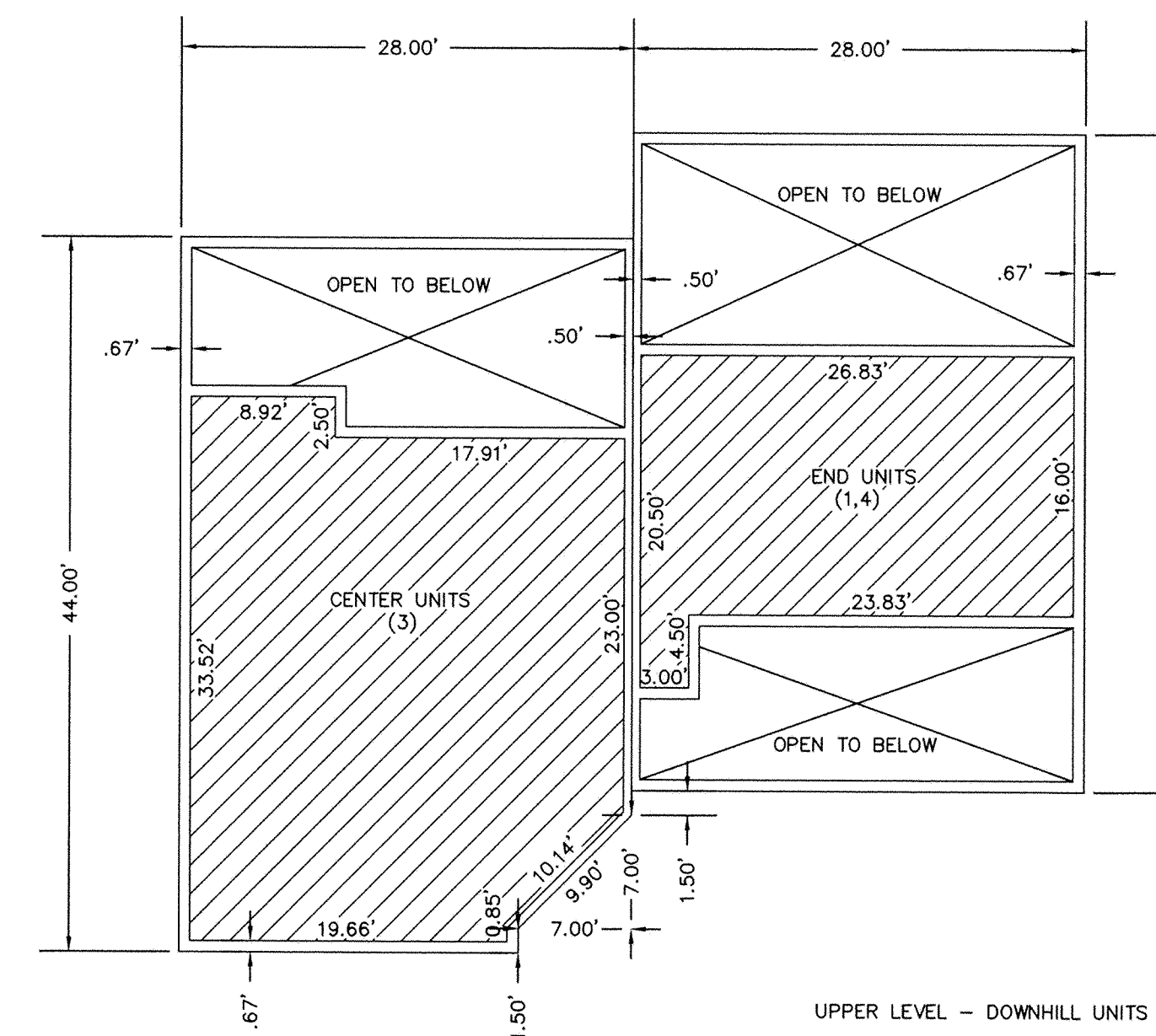
<i>UNIT NO.</i>	<i>PRIVATE OWNERSHIP SQ. FT.</i>
<i>1, 4</i>	<i>3009.33</i>
<i>3</i>	<i>2708.62</i>
<i>11, 12, 14, 15, 18, 19</i>	<i>2971.16</i>
<i>13, 16, 17, 20</i>	<i>3068.27</i>



LOWER LEVEL - DOWNHILL UNITS



MAIN LEVEL - DOWNHILL UNITS



UPPER LEVEL - DOWNHILL UNITS

PRIVATE OWNERSHIP

LIMITED COMMON
OWNERSHIP

COMMON OWNERSHIP

PARK CITY
SURVEYING, INC.
P.O. Box 3003
PARK CITY, UTAH 84060
(435) 649-2918

NOTES:

THIS SHEET ILLUSTRATES THE CONVERTED AREA AFTER CONSTRUCTION.

SHEET 4 OF 5

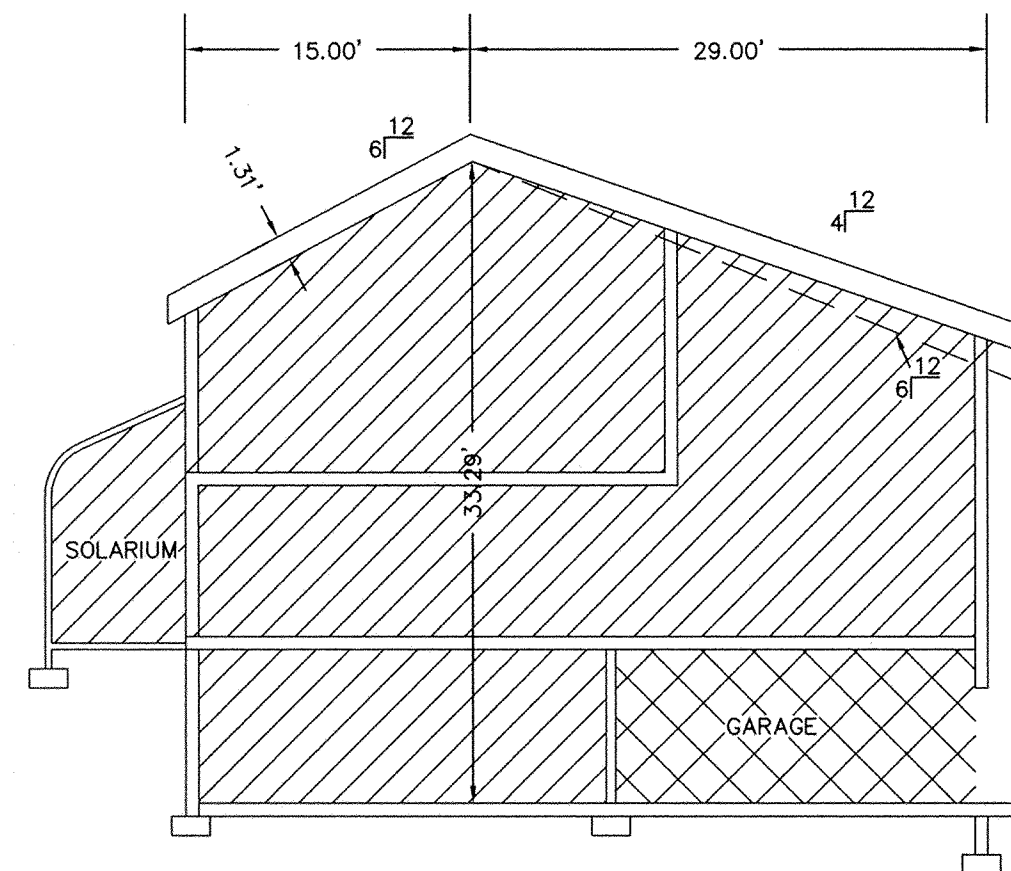
780095

RECORDED

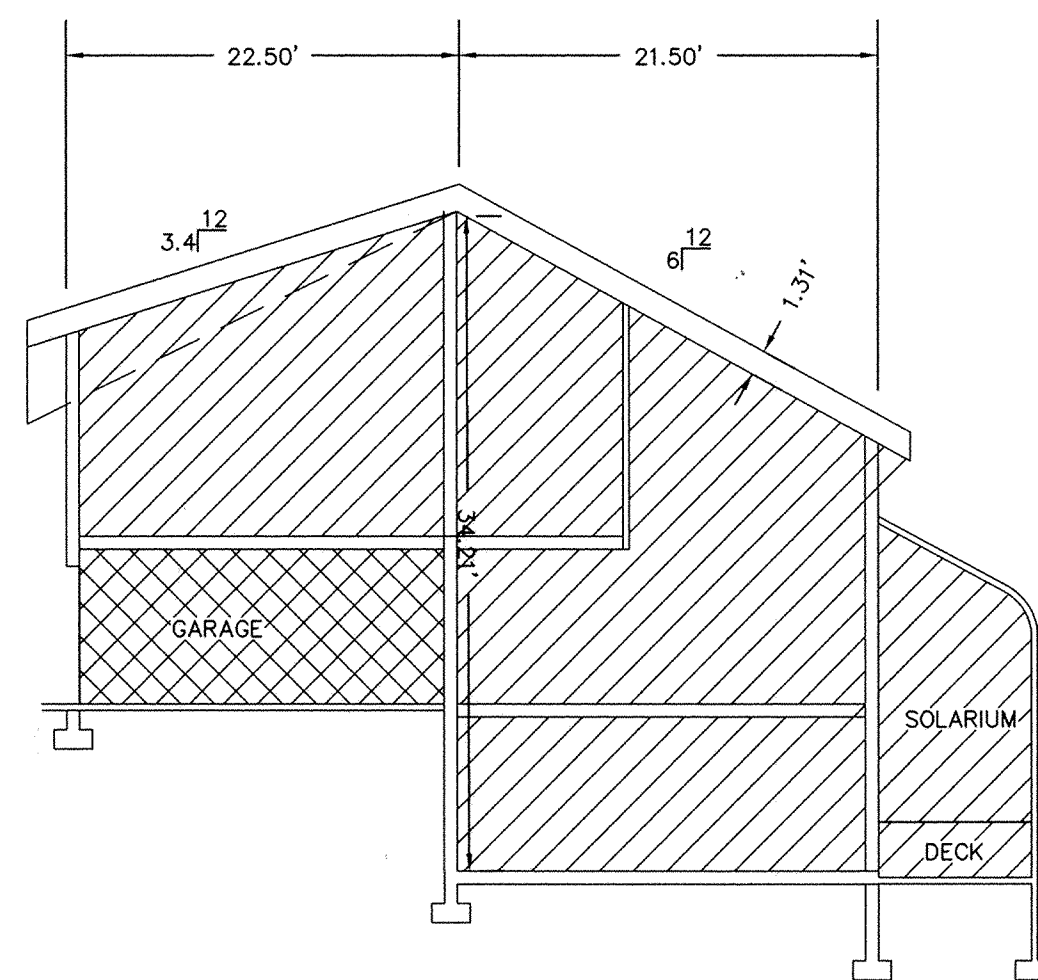
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Founders Title
DATE 6-7-06 TIME 10:44 BOOK PAGE

\$163.00
FEE

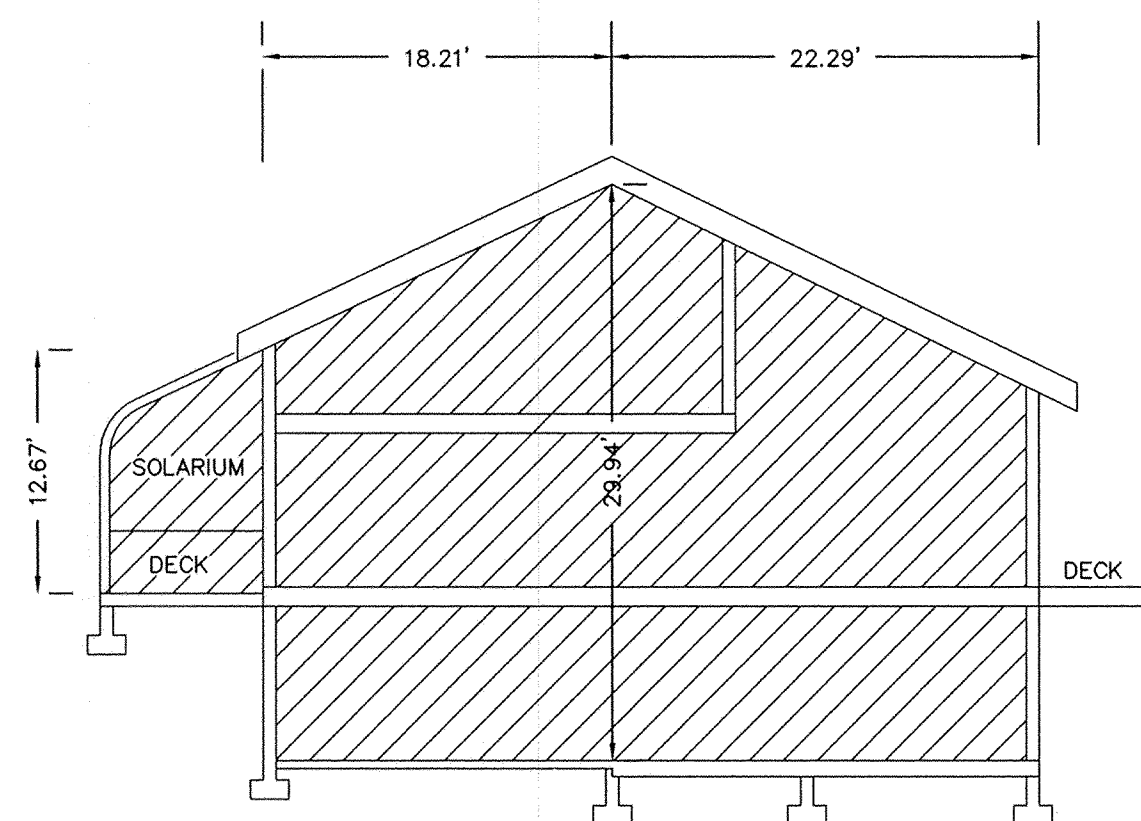
Geniel A. Bower, Deputy
RECORDER



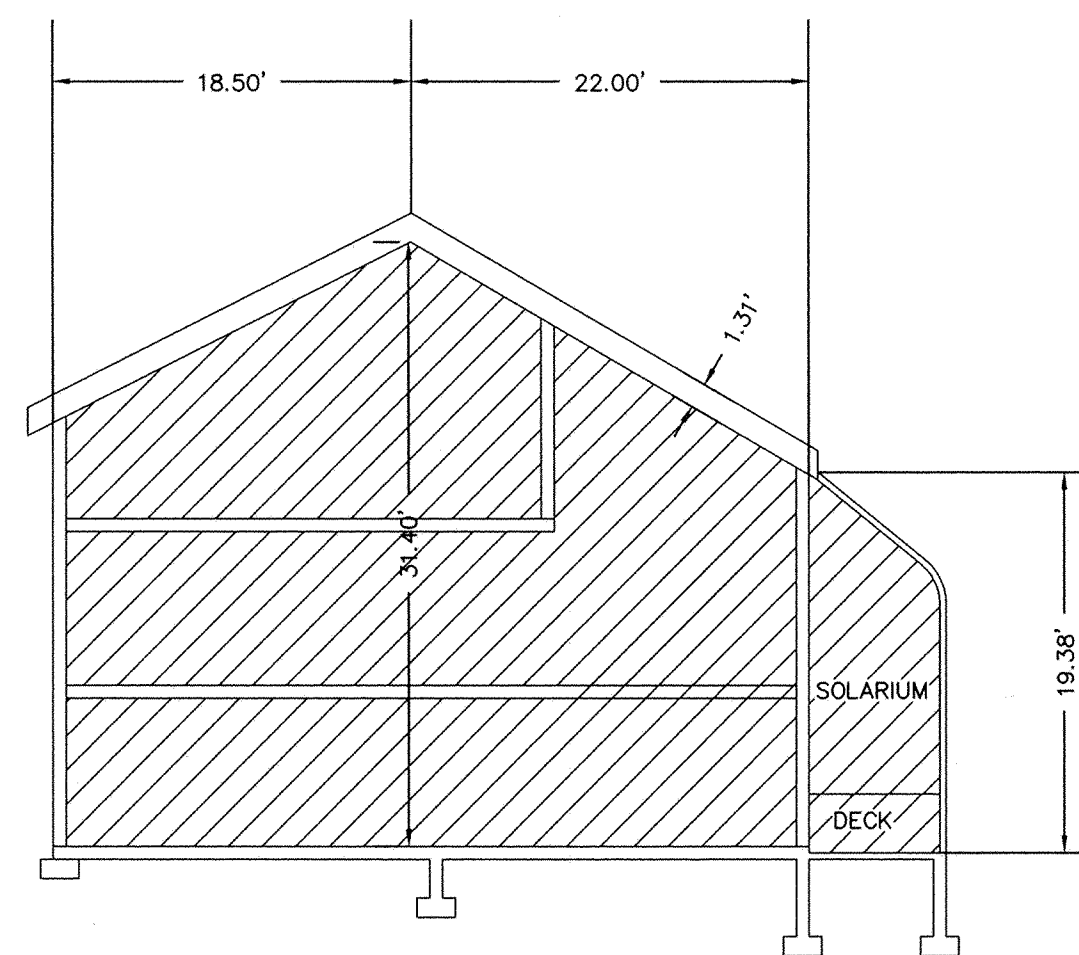
UPHILL CENTER UNITS



DOWNHILL CENTER UNITS



UPHILL END UNITS



DOWNHILL END UNITS

PRIVATE OWNERSHIP	
LIMITED COMMON OWNERSHIP	
COMMON OWNERSHIP	

PARK CITY
SURVEYING, INC.
P.O. Box 3003
PARK CITY, UTAH 84060
(435) 649-2918

780095 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Founders Title
DATE 6-07-06 TIME 10:44A BOOK PAGE
FEE \$163.00 RECORDER Daniel A. Bowen, Deputy

PLAT NOTES:

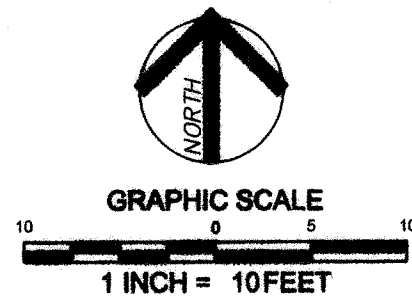
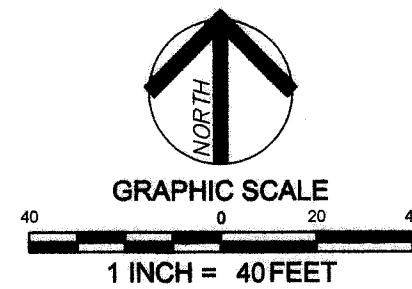
1. THIS PLAT AMENDMENT CONVERTS CERTAIN COMMON AREA, CONSISTING OF DECKS AND BALCONIES, TO PRIVATE AREA, AND PROVIDES FOR THE FUTURE CONSTRUCTION OF AND ENCLOSURE OF THESE AREA(S) AND THE RELOCATION OF RELATED COMMON AREA WALLS.
2. ALL NOTES AND COVENANTS OF LITTLE BELLE CONDOMINIUMS REMAIN IN EFFECT ON THIS PLAT AMENDMENT.

LEGAL DESCRIPTION:

ALL OF UNIT 3, 3RD AMENDED CONDOMINIUM PLAT, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

LITTLE BELLE CONDOMINIUMS 5TH AMENDED PLAT UNIT 3

LOCATED IN THE NORTHEAST QUARTER
SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Christopher R. Braun, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152604, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

Christopher R. Braun
Christopher R. Braun
PLS 5152604
2/12/2011
Date

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner of Unit 3, the herein described tract of land, to be known hereafter as the LITTLE BELLE CONDOMINIUM 5TH AMENDED PLAT do hereby certify that I have caused this Plat to be prepared, and I, hereby consent to the recordation of this Plat. ALSO, the owners, or their representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, We have hereunto set our hand this 1st day of MAR. 2011.

BY: *Lenore Wyatt, Trustee of C. Wyatt Ungr. Decedent's Trust*
Lenore Wyatt, Trustee of C. Wyatt Ungr. Decedent's Trust dated 12-30-91 dated 12-30-91

ACKNOWLEDGMENT

State of CALIF.
County of EL DORADO
On this 1st day of MARCH, 2011, personally appeared before me, the undersigned Notary Public, in and for said County of EL DORADO, in said State of CALIF., Lenore Wyatt, as Trustee, the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Marvin O'Connor
Notary Public
My Commission Expires: MAY 25, 2014
Marvin O'Connor
Commission # 1887794
Notary Public - California
Humboldt County
My Comm. Expires May 25, 2014

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner of Unit 3, the herein described tract of land, to be known hereafter as the LITTLE BELLE CONDOMINIUM 5TH AMENDED PLAT do hereby certify that I have caused this Plat to be prepared, and I, hereby consent to the recordation of this Plat. ALSO, the owners, or their representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, We have hereunto set our hand this 24 day of Feb 2011.

BY: *Lenore Wyatt*
Lenore Wyatt,

ACKNOWLEDGMENT

State of UTAH
County of SUMMIT
On this 24 day of Feb, 2011, personally appeared before me, the undersigned Notary Public, in and for said County of SUMMIT, in said State of UTAH, Lenore Wyatt, the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Lenore Wyatt
Notary Public
My Commission Expires: March 26, 2011

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner of Unit 3, the herein described tract of land, to be known hereafter as the LITTLE BELLE CONDOMINIUM 5TH AMENDED PLAT do hereby certify that I have caused this Plat to be prepared, and I, hereby consent to the recordation of this Plat. ALSO, the owners, or their representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, We have hereunto set our hand this 24 day of Feb 2011.

BY: *Amy Unger*
Amy Unger

ACKNOWLEDGMENT

State of UTAH
County of SUMMIT
On this 24 day of Feb, 2011, personally appeared before me, the undersigned Notary Public, in and for said County of SUMMIT, in said State of UTAH, Amy Unger, the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Amy Unger
Notary Public
My Commission Expires: March 26, 2011

CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned, being the President of the Little Belle Condominium Home Owners Association (HOA), certifies that the vote taken gave him/her the authority to sign this plat amendment on behalf of the said HOA.

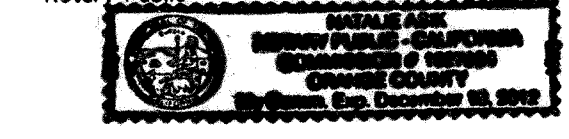
In witness whereof, We have hereunto set our hand this 28 day of February 2011.

BY: *J.H. Frisbie*
President of the Little Belle Condominium HOA

ACKNOWLEDGMENT

State of California
County of Orange
On this 28th day of February, 2011, personally appeared before me, the undersigned Notary Public, in and for said County of Orange, in said State of CALIFORNIA, James H. Frisbie, the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the President of the HOA of the herein described tract of land and he signed the above Consent to Record freely and voluntarily.

James H. Frisbie
Notary Public
My Commission Expires: December 16, 2012



February 2011 SHEET 1 OF 2

Park City Surveying
P.O. Box 682993
Park City, UT 84068
(435) 649-2918
(435) 649-4637 fax

COUNCIL APPROVAL & ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 9th DAY OF DECEMBER, 2010 A.D.

Dana Williams
MAYOR

PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 10th DAY OF NOVEMBER, 2010, A.D.

Chris Brown
CHAIRMAN

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 28 DAY OF MAY, 2011 A.D.

Chris Brown
PARK CITY RECORDER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 28th DAY OF MARCH, 2011 A.D.

Bob Brown
S.B.W.R.D.

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 28th DAY OF MARCH, 2011 A.D.

Bob Brown
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 2nd DAY OF MAY, 2011 A.D.

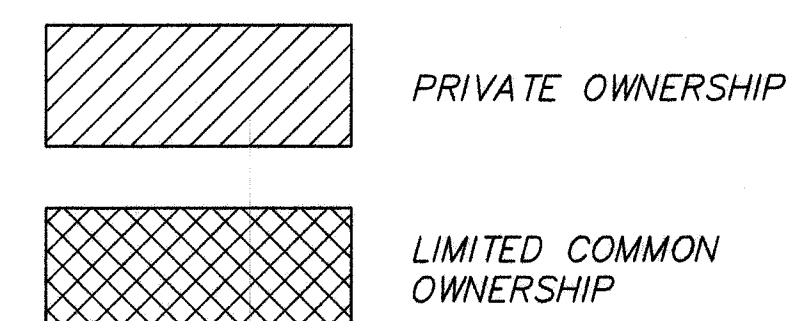
Bob Brown
PARK CITY ATTORNEY
DATE

RECORDED

ENTRY NUMBER: 923784
BOOK: 112 PAGE: 11
STATE OF UTAH, COUNTY OF SUMMIT
DATE: Feb 28, 2011 TIME: 11:47 AM
FEE PAID: 6.00
RECORDED AND FILED AT THE REQUEST OF:
C. Williams - Deputy
COUNTY RECORDER

**LOCATED IN THE NORTHEAST QUARTER
SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH**

LOWER LEVEL



GRAPHIC SCALE

8 0 4

1 INCH = 8 FEET





March 22, 2017

Park City Municipal Corporation
Planning Department
445 Marsac Avenue
Park City, UT 84060

RE: WRITTEN DESCRIPTION
Plat Amendment
7195 Little Belle Court
Park City, Utah

Dear Planning Department,

The owners of 7195 Little Belle Court (Joe and Cheryl Skender) would like to improve their existing condominium unit. These improvements will include modifying the interior of the structure and a slight exterior change. In order for them to proceed in the development process, a plat amendment is being requested by Park City Planning Department.

The original plat (1981) provided for a limited common ownership area on the lower level of the unit accommodating an 11' x 6' deck. The First Amended Record of Survey (2000) transferred the limited common ownership into private ownership.

The work relating to this plat amendment revolves around returning the private ownership back to limited common ownership. This change will allow the owners to return a lower level deck to their unit.

Sincerely,

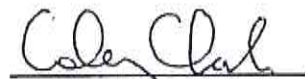
A handwritten signature in black ink, appearing to read 'Michael J. Stoker', is written over a horizontal line.

Michael J. Stoker, AIA, NCARB - Architect
President, Stoker Architecture, Inc.



On April 5, 2017 a ballot describing the proposed amendment of the Plat for the modifications to Unit 5. The ballot was distributed to the owners of all twenty Little Belle condominiums. Sixteen ballots, or 80% were returned, all favoring approval and consent to the proposed amendment.

I certify that the vote of approval as required in Articles XII and XXVII has taken place. Representing the Little Belle Homeowners' Association as the duly elected President of this Association, this amendment to the plat, Ownership of Common Areas, and of the Condominium Declaration described above is hereby authorized.



Coley Clark, President
Little Belle Homeowners' Association

RECEIVED

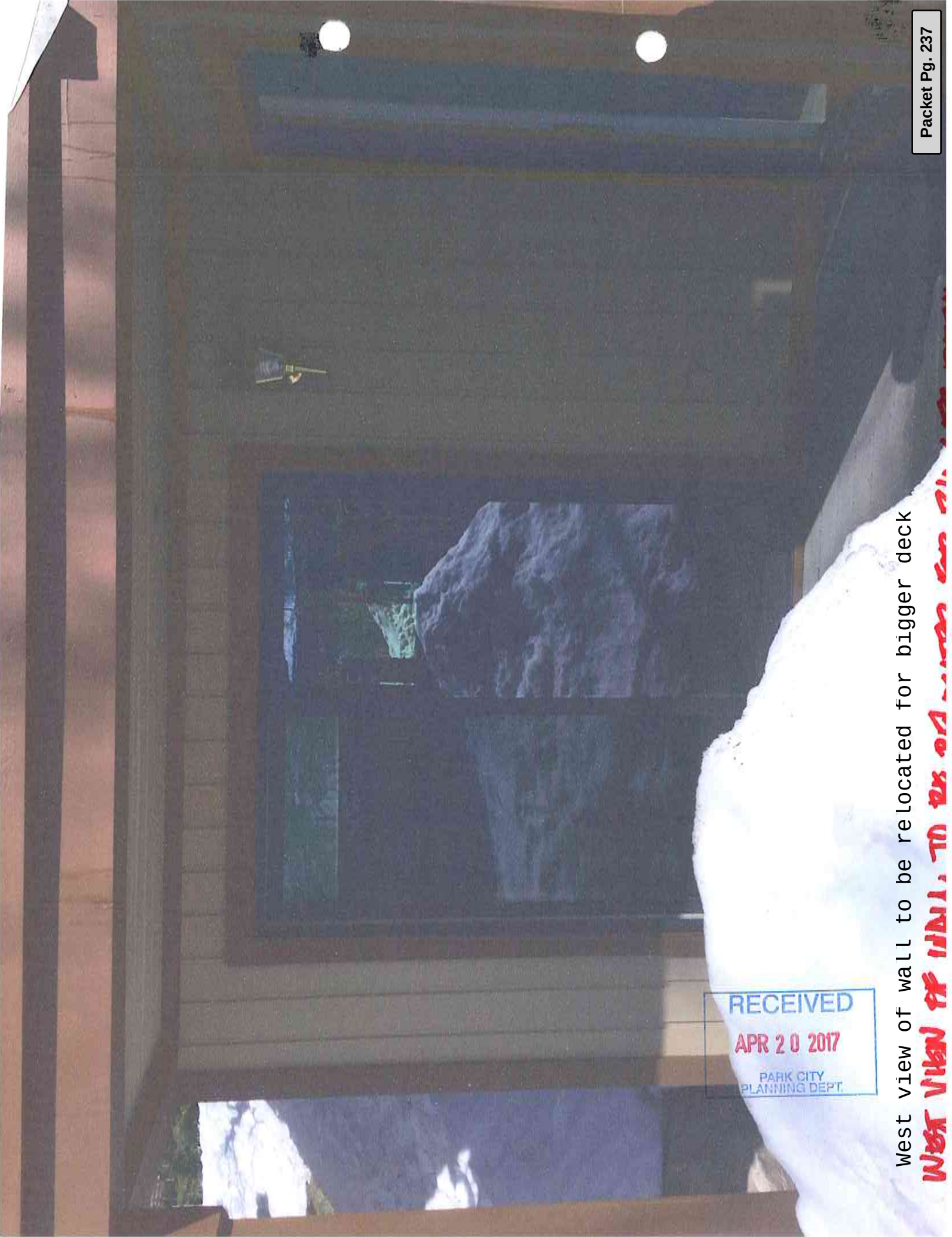
APR 20 2017

PARK CITY
PLANNING DEPT.



RECEIVED
APR 20 2017
PARK CITY
PLANNING DEPT.

VIEW FROM EAST LOOKING AT FRONT



RECEIVED

APR 20 2017

PARK CITY
PLANNING DEPT.

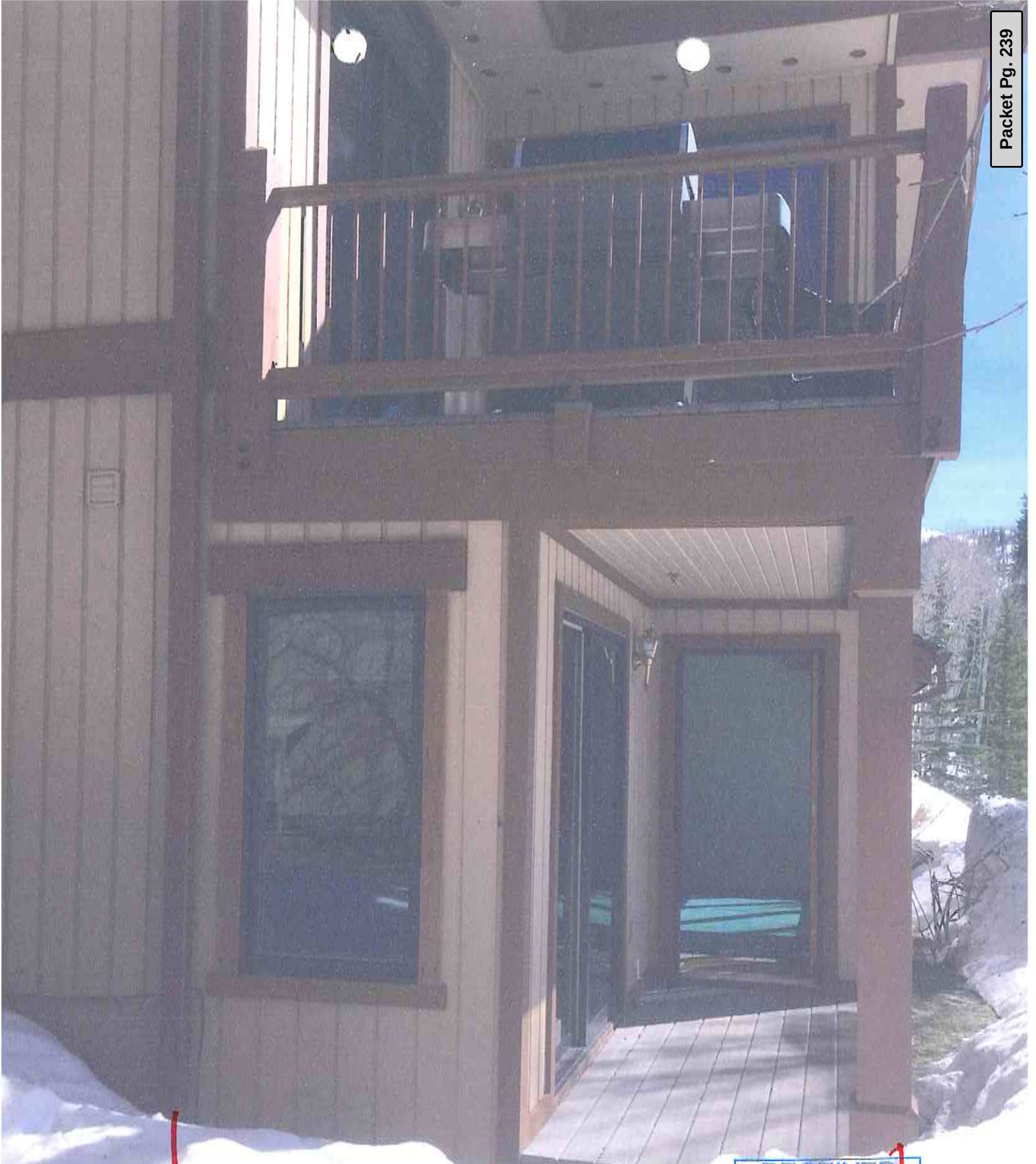
West view of wall to be relocated for bigger deck

WEST VIEW OF WALL TO BE RELOCATED FOR BIGGER DECK



View from west at existing deck to be enlarged

VIBW FROM WEST AT EXISTING DECK TO BE ENLARGED



~~EXIST. PRIVATE TO
TBE REPLATED TO
LIMITED COMMON~~

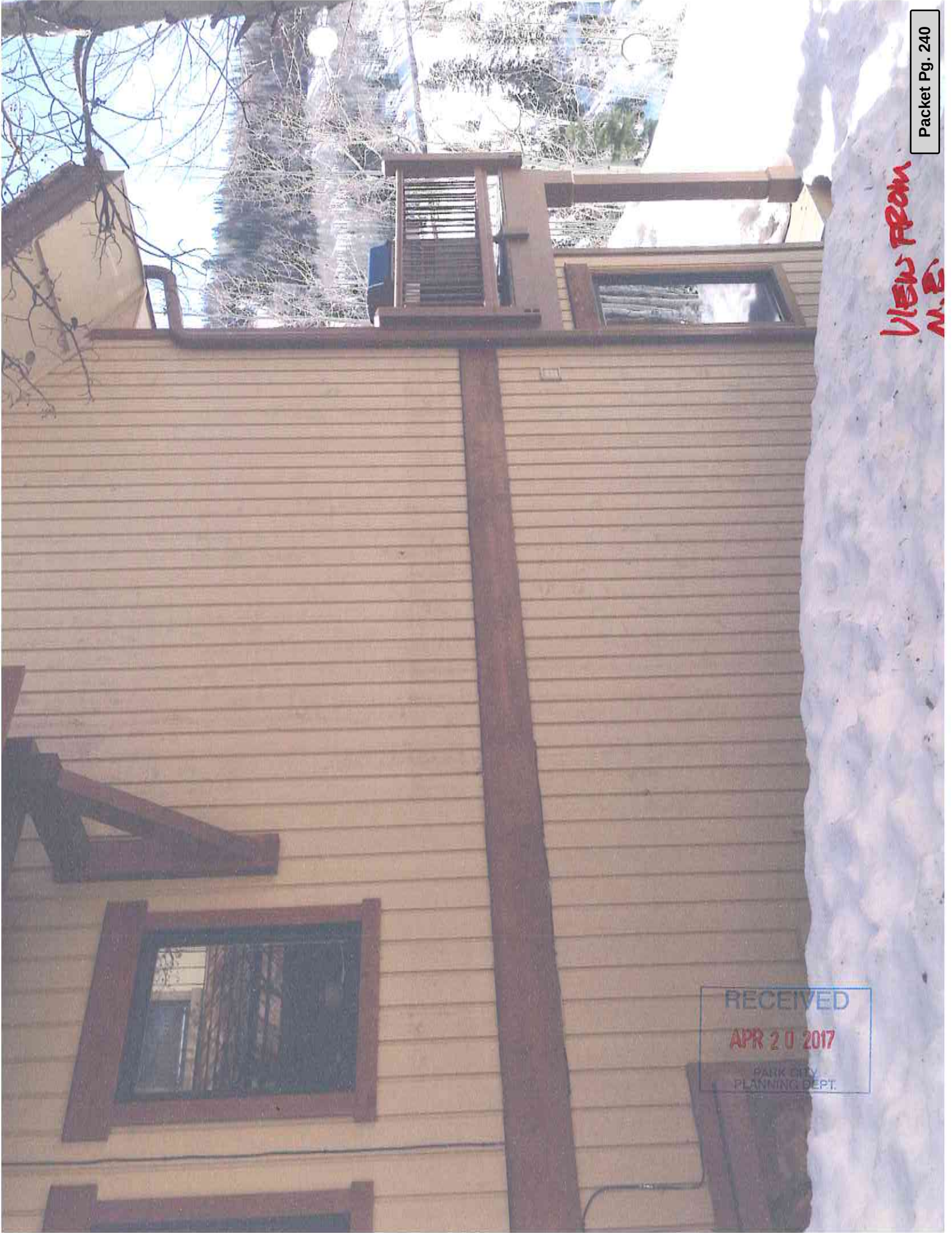
LIMITED
COMMON

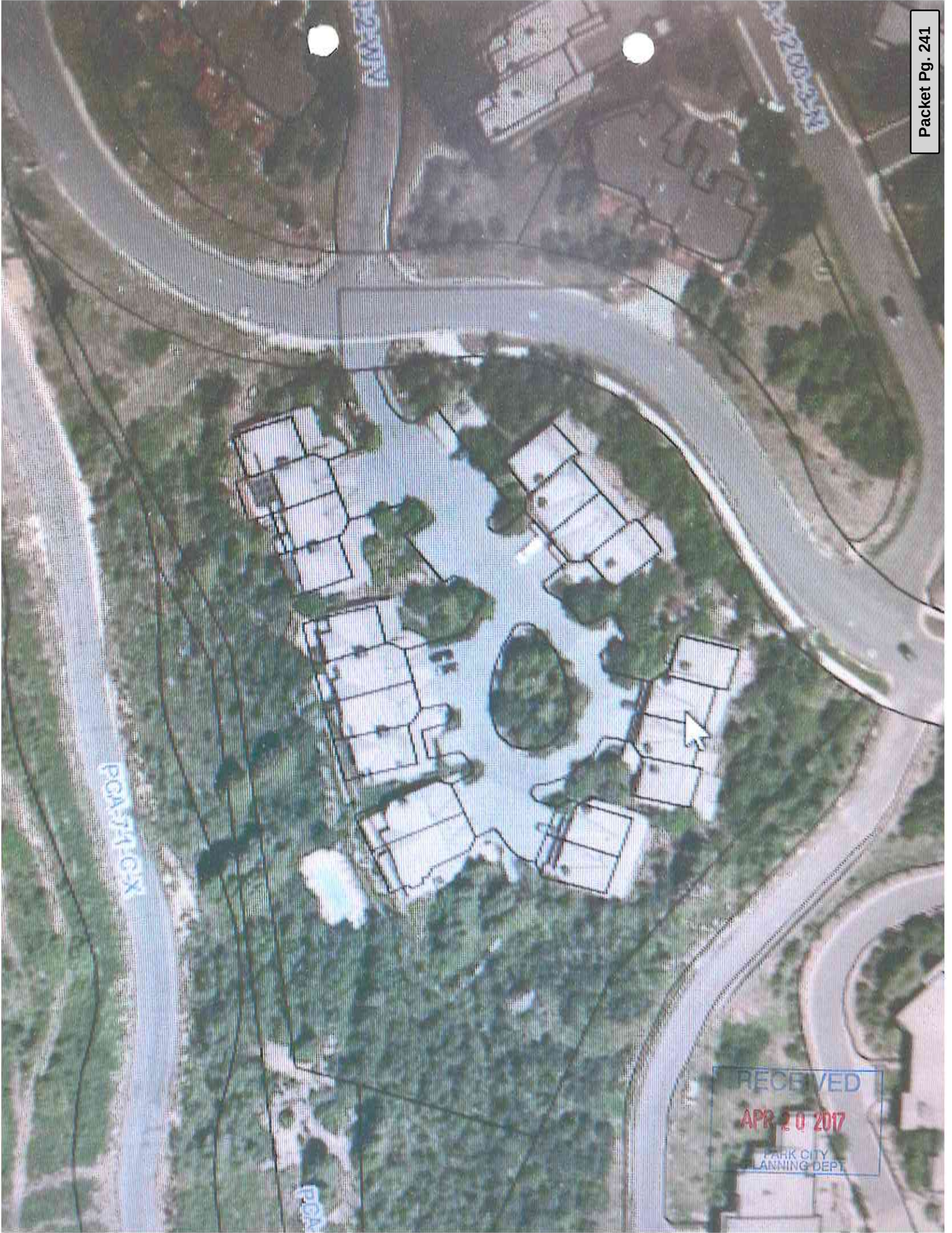
RECEIVED
APR 20 2017
PARK CITY
PLANNING DEPT

VIEW FROM NORTH

View from
N.E.

RECEIVED
APR 20 2017
PARK CITY
PLANNING DEPT.





PCAS741C-X

PCAS

RECEIVED
APR 20 2017
PARK CITY
PLANNING DEPT



Pep 7826 Aster Lane

Silver Bird

Black Bear Lodge
by Wyndham Vacation

Royal St

Stein Way

Ski Delivery P
Ski 'N' Seel

Spa at Stein
Eriksen Lodge

Stein Eriksen Lodge

Glitretind

Royal St

Service Rd

Service Rd

7195 Little Belle Court

Nantucket
Accommodations

Little Belle Ct

Woodland View Dr

Royal St

Guardsman Connection

Guardsman Connection

Guardsman Connection

RECEIVED

APR 24 2017

PARK CITY
PLANNING DEPT.

Marsac Ave

PARK CITY

1884

CITY COUNCIL STAFF REPORT

DATE: June 15, 2000
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow
TITLE: 7195 Little Belle Court, Little Belle Condominiums
TYPE OF ITEM: Amendment to Record of Survey

SUMMARY RECOMMENDATIONS Conduct a public hearing, consider public input, and approve the amendment to the Record of Survey as conditioned.

A. DESCRIPTION

Applicant's Representative: Michael Stoker, Architect
Applicant: Owners of Little Belle units 5, 6, 7 and 8
Location: 7195 Little Belle Court
Zoning: RD-MPD
Adjacent Land Uses: Residential

B. Background

The applicant proposes to amend the condominium record of survey plat to allow existing limited common decks to be enclosed and converted to private living space. The applicant also proposes to extend the existing living areas to the furthest extensions of the exterior walls of the end units, please refer to Exhibit B.

The Planning Commission is scheduled to review the amendment to the Record of Survey at their June 14, 2000, meeting.

C. Analysis

Staff has no outstanding issues with this proposal. No further parking is required as no additional bedrooms are created and the additional square footage does not otherwise create a demand for new parking. The amendment results in no change in open space or setbacks. While all units within the building will be extended to the same vertical plane, the minimum building facade variation will be met by the placement of decks and variation of roof forms.

D. Department Review

This project has gone through an interdepartmental review team. There are no outstanding issues.

At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

E. Notice

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

ALTERNATIVES

- A. The City Council may adopt the amendment to the Record of Survey with the conditions stated, or modify the conditions, or
- B. The City Council may deny the amendment to the Record of Survey and direct staff to prepare findings supporting this recommendation, or
- C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts to the City with this condominium conversion.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The Little Belle units 5, 6, 7 and 8 would not be able to enclose the decks and add space to the units.

RECOMMENDATION

The staff recommends that the City Council approve the amended record of survey based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

- 1. The condominium project known as the Little Belle Condominiums is located at 7195 Little Belle Court and is zoned RD-MPD.
- 2. The proposed amended record of survey adds private living space and changes limited common and common area to private ownership.
- 3. A vote of 66.66% for approval of the amendment was received by the members of the Homeowners association, record of this vote has been received by the Planning Department.
- 4. The number of bedrooms does not increase.

Conclusions of Law:

- 1. There is good cause for this Amended Record of Survey.
- 2. The Amended 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 Amended Record of Survey.
- 4. Approval of the Amended Record of Survey, subject to the conditions stated below, does

not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended 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 and the plat will be void.
3. During the construction of the additions, gas and electrical shall be extended from the existing service areas.
4. All other conditions of approval of the Little Belle Condominiums project continue to apply.

EXHIBITS

Ordinance

Exhibit A -Proposed Amended Record of Survey

Exhibit B - Location Map

Exhibit C - Elevations

Exhibit D - Standard Conditions of Approval

Ordinance No. 20-

**AN ORDINANCE APPROVING AN AMENDMENT TO THE LITTLE BELLE
CONDOMINIUMS RECORD OF SURVEY, UNITS 5, 6, 7 AND 8 AT 7195 LITTLE
BELLE COURT, PARK CITY, UTAH.**

WHEREAS, the Little Belle unit 5, 6, 7 and 8 owners located at 7195 Little Belle Court have petitioned the City Council for approval of a final plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on June 14, 2000, to receive input on the proposed amended record of survey;

WHEREAS, the Planning Commission, on June 14, 2000, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 15, 2000, the City Council held a public hearing to receive input on the proposed amended record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment.

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The condominium project known as the Little Belle Condominiums is located at 7195 Little Belle Court and is zoned RD-MPD.
2. The proposed amended record of survey adds private living space and changes limited common and common area to private ownership.
3. A vote of 66.66% for approval of the amendment was received by the members of the Homeowners association, record of this vote has been received by the Planning Department.
4. The number of bedrooms does not increase.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned amendment to the record of survey, that neither the public nor any person will be materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The amended record of survey for units 5, 6, 7, and 8 also know as the Little Belle Condominiums at 7195 Little Belle Court, is approved as shown on Exhibit B, with the following conditions:

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, prior to recordation of the plat.
2. The applicant will record the Amended 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 and the plat will be void.
3. During the construction of the additions, gas and electrical shall be extended from the existing service areas.
4. All other conditions of approval of the Little Belle Condominiums project continue to apply.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 15th day of June, 2000 .

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, MAYOR

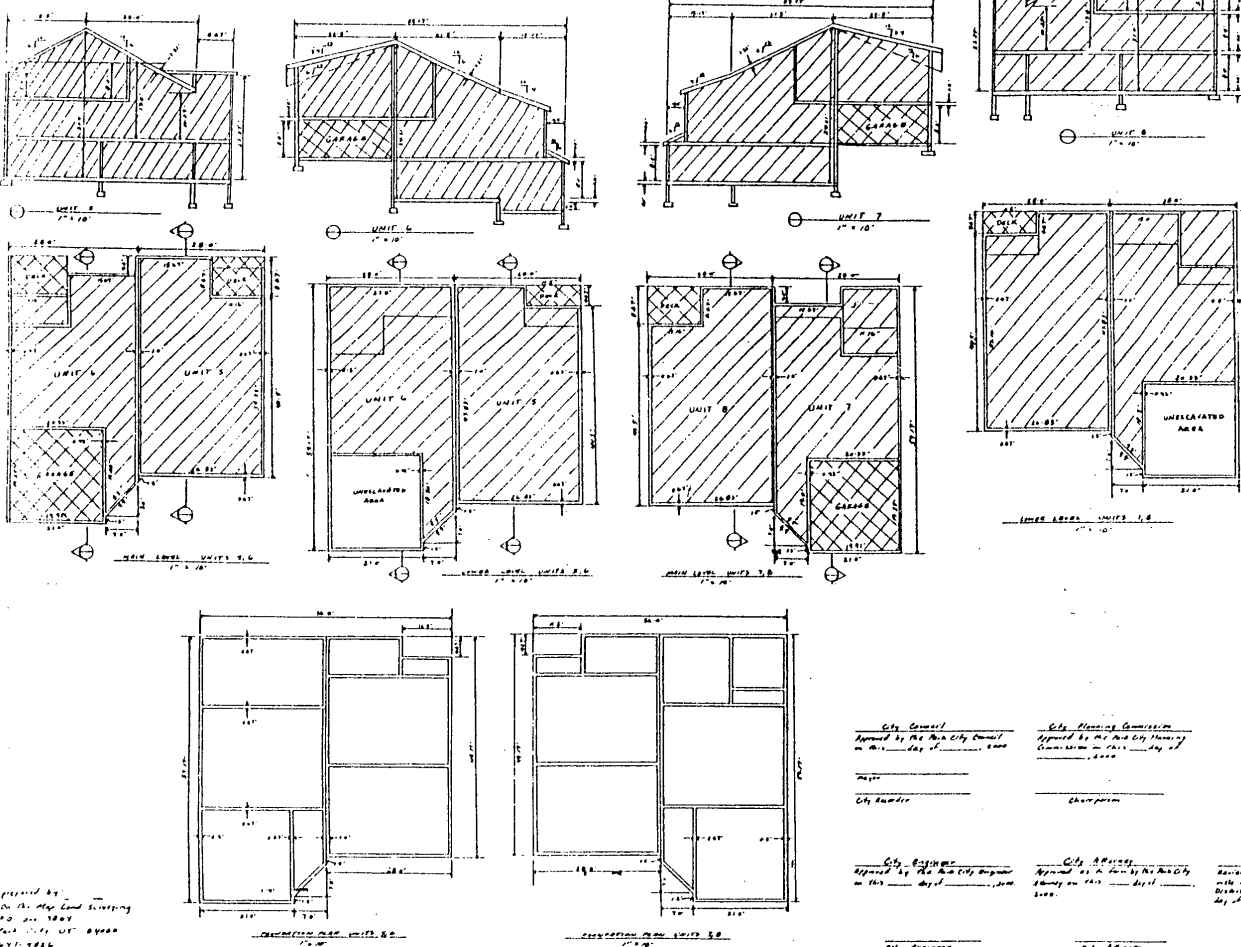
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

FIRST AMENDED RECORD OF SURVEY, LITTLE BELLE CONDOMINIUMS
Sheet 2 of 2



UNIT	PRIVATE ENCLOSURE IN EXISTING BUILDING FOR THE ORIGINAL OWNER OF UNIT	NEW PRIVATE ENCLOSURE IN EXISTING BUILDING FOR THE ORIGINAL OWNER OF UNIT	NEW PRIVATE ENCLOSURE
1	25.00	7.00	32.00
2	25.00	7.00	32.00
3	25.00	7.00	32.00
4	25.00	7.00	32.00

City Council
Approved by the City Council
on this day of 2000

City Engineer
Approved by the City Engineer
on this day of 2000

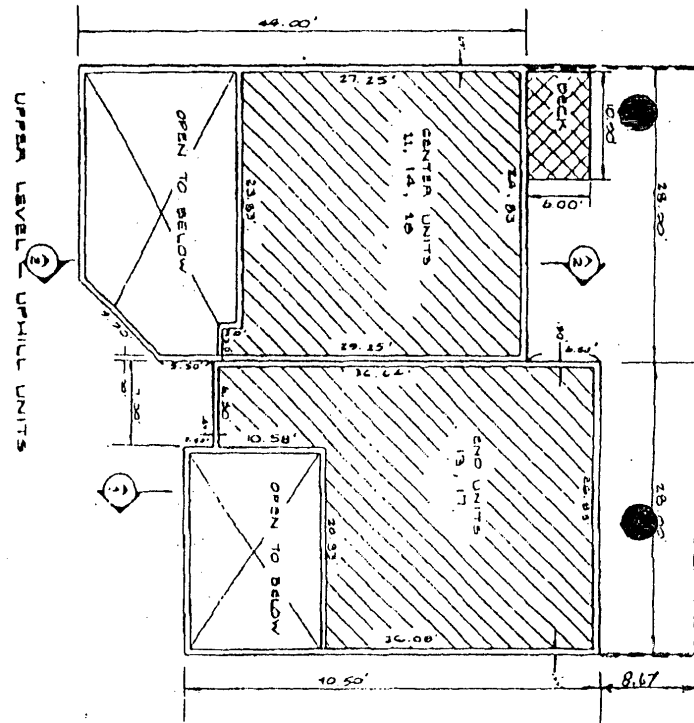
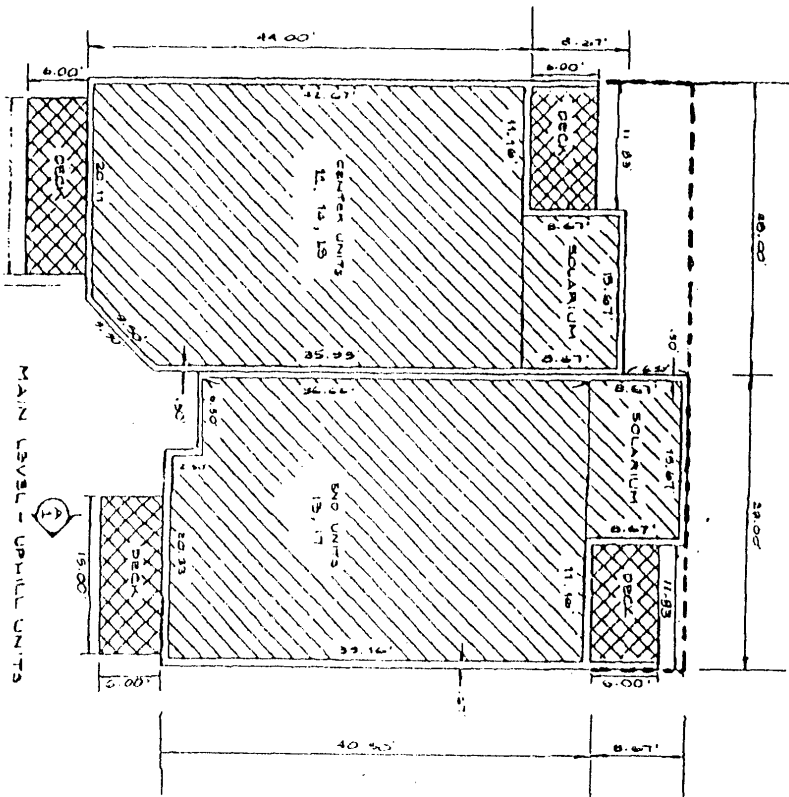
City Attorney
Approved by the City Attorney
on this day of 2000

Surveyor
Reviewed for Accuracy & Legality
with the City Engineer
on this day of 2000

Notary
Notary Public
Reviewed and Noted at the request of
on this day of 2000

EXHIBIT A AMENDED RECORD OF SURVEY

EXHIBIT A - ADDED RECORD OF SURVEY



-- DASHED LINE DEFINES AREA OF ADDED PRIVATE OWNERSHIP

--- DEFINES AREA OF ADDED PRIVATE OWNERSHIP

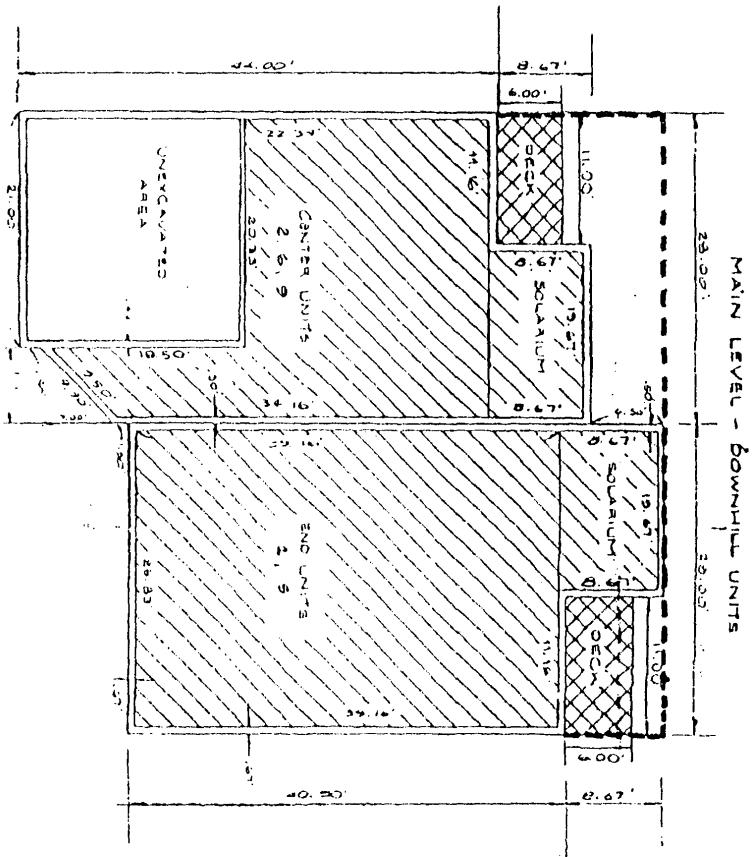
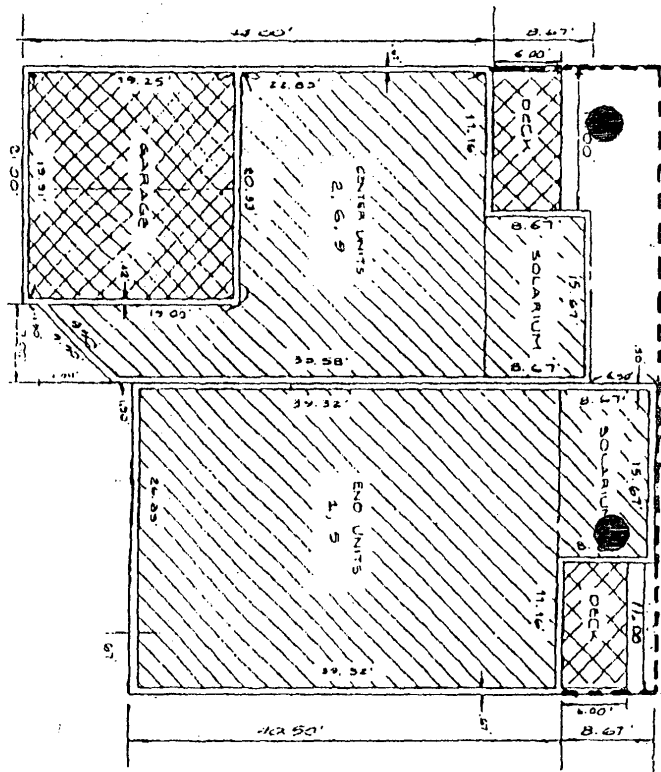


EXHIBIT A - ATTENDED RECORD OF SURVEY

LITTLE BELLSUNITS 5 & 8 (END UNITS)

- LOWER LEVEL

≈ 604

- EXPAND EXISTING DECK BY 11'-0" x 2'-0" (29 S.F.) EA.

- MAIN LEVEL

- EXPAND EXISTING DECK BY 11'-0" x 2'-0" (29 S.F.) EA.

- EXPAND EXISTING LIVING ROOM 10'-3" x 8'-8" (141 S.F.) OVER EXISTING SPA ROOM - EA. UNIT

UNITS 6 & 7 (INSIDE UNITS)≈ 349*
230*

- LOWER LEVEL

- EXPAND EXISTING LIVING SPACE 15'-9" x 6'-8" (105 S.F.) EA.

- EXPAND EXIST. LIVING/SPA ROOMS 12'-3" x 9'-6" (116 S.F.) EA.

- MAIN LEVEL

- EXPAND EXISTING LIVING SPACE 15'-9" x 15'-6" (244 S.F.) EA.
OVER EXISTING SPA ROOMS

- EXPAND EXISTING LIVING/DECKS 12'-3" x 9'-4" (114 S.F.) EA.

may be folks who are leaving the cans on the street to be obstinate. With regard to zoning enforcement and the trees on Park Avenue, he hoped to hear back from City Council. He felt that the report from the Manager's Office is somewhat misleading as the trees have not been regularly watered by the developer or by the City. He is upset that developers ignore zoning requirements which should be enforced. Although the City watered the trees today, the developer should be required to honor his agreement.

With no further comments from the public, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Mark Harrington noted that Prosecutor Terry Christiansen has been invited to the next meeting. He has been our prosecutor for many years and has been appointed a judgeship. Pat Putt reported that a commissioners workshop will be conducted on Monday, June 26 starting at 9 a.m. This will be an orientation for new board members and an update for tenured members. The Snyderville Basin Planning Commission will join the meeting in the afternoon for the mock public hearing exercise. It is the intention to hold workshops on a regular basis when there are new appointments. Tom Bakaly reported on the closure of Marsac Avenue at Deer Valley for the transit center construction.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF MAY 18, 2000

Peg Bodell corrected her comment in the work session notes to insert to *continue* to redefine goals. With that correction, the Mayor requested a motion to approve. Roger Harlan, "I so move". Shauna Kerr seconded. Motion carried unanimously.

V CONSENT AGENDA PUBLIC HEARING

1. Master festival license for 2000 summer events - Park City Mountain Resort - See staff report and work session comments. Melissa Caffey stated that based on letters of support from adjacent property owners, the benefits of additional entertainment for residents and visitors in the community, and good utilization for one of the new mountain stages, staff recommends approval of the master festival license for an outdoor music program, as proposed. In response to a question from Peg Bodell, Ms. Caffey clarified that four events are allowed per week, which could include amplified music for all performances. There has been no negative input regarding this application and Ms. Caffey described the location of the stage. With no further comments or questions from the Council or the public, the Mayor closed the public hearing.

2. Ordinance approving an amendment to the Little Belle Condominiums Record of Survey, Units 5, 6, 7 and 8 at 7195 Little Belle Court, Park City, Utah - Alison Kuhlowl explained that this amendment changes common area to individual ownership. The open space and setbacks

are maintained according to the Land Management Code. The Planning Commission recommends approval 4-1 in favor of the amendment. Fred Jones felt it unusual that this application is before Council tonight as it was just approved last night by the Planning Commission. Although this is not typical procedure, Ms. Kuhlow felt the application is straight-forward and action could be taken by Council. With no questions or comments from the Council or the public, the public hearing was closed.

3. Ordinance approving a final subdivision plat for 503 and 503 ½ Woodside Avenue, known as Treasure Hill Subdivision Phase 2, Park City, Utah - Kirsten Whetstone explained these are the 5th Street lots within the Sweeney Master Plan. The Master Plan includes 126 acres on Treasure Hill with 109 acres of open space. This is Phase 2 of the Treasure Hill Plat, the first phase included four single family lots; two off of King Road and two off of Norfolk Avenue. The addresses are located on the 5th Street right-of-way and Council will be asked to consider encroachment permits after the final designs have been approved. Ms. Whetstone explained that the concept is to tunnel under the existing ski access and the homes would be adjacent to the run. The Planning Commission held a public hearing on May 24 and there was no public input. The Commission forwarded a positive recommendation to the City Council with findings of fact, conclusions of law, and conditions of approval as stated in the staff report. She added that there is a condition of approval regarding a stairway which would connect with trails. Although Mr. Sweeney did an excellent job of designing and staging construction for the first phase of construction, Mr. Harlan expressed concern about the visibility of the site. Ms. Whetstone stated that the application must go to the Historic District Commission for the design of the driveway and because this is a master plan, the development of the lots will be a conditional use permit, resulting in additional layers of review.

With no further comments or questions, the public hearing was closed.

VI CONSENT AGENDA

The Mayor requested a motion to approve the Consent Agenda. Roger Harlan, "I move approval of Consent Agenda Items 1 - 4". Shauna Kerr seconded. Motion unanimously carried.

1. Master festival license for 2000 summer events - Park City Mountain Resort - See staff report and public hearing.

2. Ordinance approving an amendment to the Little Belle Condominiums Record of Survey, Units 5, 6, 7 and 8 at 7195 Little Belle Court, Park City, Utah - See staff report and public hearing.



PLANNING COMMISSION STAFF REPORT

DATE: June 14, 2000
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlowsky
TITLE: 7195 Little Belle Court, Little Belle Condominiums
TYPE OF ITEM: Amendment to Record of Survey

SUMMARY RECOMMENDATIONS Conduct a public hearing, consider public input, and forward a positive recommendation to the City Council as conditioned.

A. DESCRIPTION

Applicant's Representative: Michael Stoker, Architect
Applicant: Owners of Little Belle units 5, 6, 7 and 8
Location: 7195 Little Belle Court
Zoning: RD-MPD
Adjacent Land Uses: Residential

B. Background

The applicant proposes to amend the condominium record of survey plat to allow existing limited common decks to be enclosed and converted to private living space. The applicant also proposes to extend the existing living areas to the furthest extensions of the exterior walls of the end units, please refer to Exhibit B.

C. Analysis

Staff has no outstanding issues with this proposal. No further parking is required as no additional bedrooms are created and the additional square footage does not otherwise create a demand for new parking. The amendment results in no change in open space or setbacks. While all units within the building will be extended to the same vertical plane, the minimum building facade variation will be met by the placement of decks and variation of roof forms.

D. Department Review

This project has gone through an interdepartmental review team. There are no outstanding issues. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

E. Notice

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

ALTERNATIVES

- A. The Planning Commission may forward a positive recommendation to the City Council with the conditions stated, or modify the conditions, or
- B. The Planning Commission may forward a negative recommendation and direct staff to prepare findings supporting this recommendation, or
- C. The Planning Commission may continue the discussion to a later date.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts to the City with this condominium conversion.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The Little Belle units 5, 6, 7 and 8 would not be able to enclose the decks and add space to the units.

RECOMMENDATION

The staff recommends that the Planning Commission forward a positive recommendation to the City Council for the amended record of survey based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

- 1. The condominium project known as the Little Belle Condominiums is located at 7195 Little Belle Court and is zoned RD-MPD.
- 2. The proposed amended record of survey adds private living space and changes limited common and common area to private ownership.
- 3. A vote of 66.66% for approval of the amendment was received by the members of the Homeowners association, record of this vote has been received by the Planning Department.
- 4. The number of bedrooms does not increase.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended 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 and the plat will be void.
3. During the construction of the additions, gas and electrical shall be extended from the existing service areas.
4. All other conditions of approval of the Little Belle Condominiums project continue to apply.

EXHIBITS

Exhibit A - Location Map

Exhibit B - Proposed Amended Record of Survey

Exhibit C - Rear Elevation

Exhibit D - Standard Conditions of Project Approval

Chair O'Hara asked about sigs. Mr. Clyde replied that a sign plan has not been drafted, but they will conform with City ordinances. They hope for a permanent Olympic legacy sign to be installed on the building. Chair O'Hara asked for confirmation that no exterior lighting is proposed. Mr. Clyde replied that some exterior lighting will be necessary to the extent that it runs with existing nighttime operations such as night skiing. Chair O'Hara stated that he was comfortable with the use in this location except for the vertical element. He understood its necessity but felt it was an unfortunate requirement.

Commissioner Larson stated that he believed if it were not for SLOC requirement, the Planning Commission would probably not approve the vertical element. He felt strongly that parking should be addressed or they would have defacto parking without a limit.

Commissioner Powers stated that he understood the office staff use but the coaches would not be working in the summer time. Mr. Clyde replied that the Foundation has ongoing, year-round office use, but they recognize that there will be limitations on when they can access the building.

4. 7195 Little Belle Court - Amendment to the Record of Survey Plat

Due to a conflict of interest, Commissioner Zimney abstained from discussing and voting on this matter.

Planning Alison Kuhlow reviewed the request for an amendment to the record of survey for the Little Belle Condominiums. The owners of Units 5, 6, 7, and 8 have submitted an application to amend a portion of the common area to become individual unit space. Units 5 and 8 will receive an additional 60 square feet, Unit 6 will receive 230 square feet, and Unit 7 will receive 249 square feet. The square footage includes the upper floor. The setback and open space requirements outlined in the Land Management Code will be maintained, and no additional parking is required for the additional square footage. The Staff requested that the Planning Commission conduct a public hearing, consider public input, and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval outlined in the staff report.

Chair O'Hara opened the public hearing.

There was no input.

Chair O'Hara closed the public hearing.

MOTION: Commissioner Larson moved to forward a POSITIVE recommendation to the City Council for an amendment to the record of survey plat at 8195 Little Belle Court with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner Hier seconded the motion.

VOTE: The motion passed by a vote of 4 to 1, with Commissioners Hier, Larson, Powers, and Volkman voting in favor of the motion, Commissioner Erickson voting against the motion, and Commissioner Zimney abstaining from the vote.

5. LMC Phase I - RD, RDM, GC, LI, E-40, E, R-1, RM

Administrator Putt reported that in April the City received a letter from the Solamere Homeowners Association requesting some relief from problems that have been experienced in the subdivision for a number of years having to do with impacts related to nightly rentals in the subdivision. The problem is not nightly rentals per se but the impacts associated with those activities such as increased traffic, parking problems, and noise. The Association board requested that a footnote be added to the Land Use Table in the RD district to prohibit nightly rentals in Solamere Subdivisions 1 and 2. Other alternatives are listed in the staff report. One alternative would be to modify the RD zone to require an administrative CUP for nightly rentals in that zone, which would allow a site-specific review of the proposed uses and place conditions as necessary to deal with site-specific problems. The Staff report contains sample criteria that could be applied. Administrator Putt noted that nightly rental criteria were established for all zones that allow nightly rentals which could be applied consistently with applications for nightly rentals across the board with or without an administrative permit. It is within the purview of the Association to commence proceedings for rezoning of Subdivisions 1 and 2 to SF. An alternative not listed in the Staff report is legal remedy and enforcement under the CC&R's.

Planner Whetstone reviewed the E-40, E, R-1, and RM zones and noted that these sections were discussed during this evening's work session and at previous Planning Commission meetings. The Staff has made the requested changes regarding setback exceptions in the E-40 zone and the gate criteria in the E District. No changes were made to the R-1 District. Based on discussion during the work session, neighborhood markets as a conditional use would be deleted from the RM District and other residential districts where it was added.

LITTLE BELLE HOMEOWNERS' ASSOCIATION
9 Whiteshore
Newport Coast, California 92657
Tel. 949 494 6174 Fax. 949 494 6707

March 25, 2000

Park City Municipal Corporation
P O Box 1480
Park City, UT 84060

Attn: Planning Department

Re: Amendment to Condominium Declaration, Little Belle Homeowners' Association

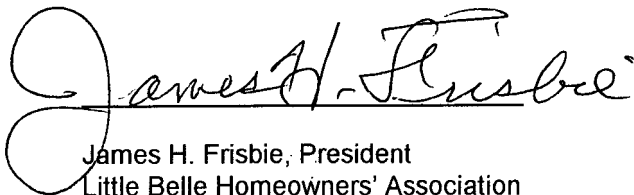
The Condominium Declaration for Little Belle Condominiums was recorded on December 21, 1981, Summit County Book 206 beginning page 359.

Article XII, paragraph 1. (b) of the Condominium Declaration for Little Belle Condominiums states that the "Management Committee has the authority to execute and record, on behalf of all Unit Owners, any amendment to the Declaration or Map which has been approved by the vote or consent necessary to authorize such amendment."

Article XXII further states that "...this Declaration and/or Map may be amended upon the affirmative vote or approval and consent of owners having ownership of not less than 66.66 percent of the undivided interest in the Common Areas and Facilities."

A proposal authorizing the Management Committee to make an Amendment to the Common and or Limited Areas bounded by the westerly exterior walls of units 2, 3, 6, 7, and the easterly walls of units 14, 15, 18, and 19 and lying within the furthest extensions of the exterior walls of the end units of those buildings has been presented in writing to the membership. This letter certifies that written ballots in the affirmative have been received from 66.66 of the membership. The Management committee is thus authorized to make Amendments to the Common Areas so defined.

The Management Committee now approves the Common and/or Limited Area adjustments as defined by proposed plans prepared by Michael J. Stoker, Architect, as they apply to Units 5, 6, 7, and 8 of Little Belle Condominiums, and approves an amendment to the surveyors plat of Little Belle Condominiums to reflect the changes as shown in the proposed plans by Michael J. Stoker.



James H. Frisbie, President
Little Belle Homeowners' Association

Planning Commission Staff Report



Application: PL-16-03293
Subject: Village at Empire Pass North Subdivision
Author: Kirsten Whetstone, MS, AICP, Sr. Planner
Date: May 24, 2017
Type of Item: Legislative – subdivision plat

Summary Recommendations

Staff recommends the Planning Commission conducts a public hearing and forwards a positive recommendation to City Council regarding the Village at Empire Pass North Subdivision plat pursuant to findings of fact, conclusions of law, and conditions of approval in the draft Ordinance.

Description

Owners: REDUS Park City LLC and Empire Residences LLC
Applicant: Alliance Engineering (representing Owners)
Location: Marsac Avenue and Village Way within Village at Empire Pass Master Planned Development (MPD)
Zoning: Residential Development (RD-MPD) District, subject to the Flagstaff Annexation and Village at Empire Pass MPD and Recreation Open Space (ROS)
Adjacent Land Uses: Deer Valley Resort, condominiums, townhouses, and other development parcels of the Village at Empire Pass Pod A MPD, and open space areas.

Proposal

This is a request for a final subdivision plat (Exhibit A) to create three platted development lots of record for the Village at Empire Pass Master Planned Development (VEP MPD) approved on July 28, 2004, and a fourth lot for ski area uses only. The proposed subdivision consists of property that is currently described by metes and bounds. The request is for a 6.77 acre Lot 1, for future townhouse and PUD style units, a 2.01 acre Lot 2 for VEP MPD Lodge Building 4, a 0.66 acre Lot 3 for future VEP MPD Lodge Building 3, and a 0.10 acre Lot 4 for ski area uses only.

The property consists of a total of 9.54 acres. The lots have frontage on existing platted Marsac Avenue (State Highway 224) and Village Way (a private street). No new public or private streets are proposed. Existing recorded and proposed utility, snow storage, storm water, ski lift, and access easements are shown on the plat.

The applicant requests a plat note referring to a recorded covenant identifying the maximum density allowed on Lot 3 as 24.5 UE configured in no more than twenty one (21) individual units. Maximum density for lots within this subdivision is subject to the remaining density of the Flagstaff Annexation Development Agreement and final Conditional Use Permit review. Lot 4 is to be used in connection with Deer Valley Resort and similar activities. Based on a review of all units and UE platted and

constructed to date, there remain sufficient units and UE for development in this proposed subdivision.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions, restrictions, obligations, and amenities for each parcel. The Flagstaff Development Agreement (Agreement) was amended and recorded in March 2007 (Exhibit B).

The 2007 Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units does not exceed 60. The Mountain Village is allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A). The development pods are to be linked by transit. A fourth pod, pod D is allowed 30 single family lots (this area was platted with the Red Cloud Subdivision for 30 single family home sites) (See Exhibit K).

The Agreement required the applicant to submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the amended Development Agreement form the standards under which the subject subdivision plat, and subsequent Conditional Use Permit, will be reviewed (Exhibit C – technical reports).

Village at Empire Pass Master Planned Development

On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VMPD) Pod A. (Exhibit D- Staff report and Action letter). The VMPD was the first step in the development process for Pod A. A separate MPD for Pod B1 was approved in May 2002 and amended in 2008. On March 14, 2007, the Planning Commission approved a Master Planned Development for Pod B2 at Empire Pass.

The purpose of the VMPD was to establish unit mix and density for the Mountain Village, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location (Exhibits E and F). Prior to building permit issuance for any construction, the applicant must receive site-specific Conditional Use Permit approval from the Planning Commission.

Construction to date

Six lodge buildings have been built to date within Pod A (Exhibit F), namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached

homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Larkspur and Paintbrush units are complete. Four Banner Wood homes are complete. One Belles PUD style lot is vacant, 2 are under construction, and 14 are completed.

Three of the large lodge buildings (Buildings 1, 3, and 4) as well as approximately 19 additional townhouse units remain to be constructed within the Village MPD Pod A. A Conditional Use Permit for the Tower Residential (Building 1) was approved however the approval expired. A Conditional Use Permit for the Tower Club (aka Talisker Club) was approved on a portion of the Building 1 lot and was constructed as a private club with private dining, exercise facilities, common swimming pool and hot tubs, ski lockers, changing rooms, restrooms exclusively for owners/members, as well as a small convenience store. An amended Tower Club CUP was approved by Planning Commission on December 14, 2016. A central shuttle/transit shelter was constructed on the adjacent Larkspur property for use by the entire Flagstaff Development.

Within Village MPD Pod B1 ten Northside single family homes have been platted and constructed. All seventeen of the Nakoma PUD style units have been platted and thirteen are complete. Finally 23 townhouse units were constructed at Ironwood.

The subsequent Conditional Use Permits (CUPs) required by the VMPD for each multi-family parcel and/or building are intended to provide final architectural review by the Park City Planning Department Staff and Planning Commission and to demonstrate compliance with the Village MPD and Large Scale MPD (LSMPD) documented in Flagstaff Annexation and Development Agreement.

Subdivisions

The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted Lots 12-18 of the VMPD (west side). Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat was approved on January 6, 2011 and recorded on January 4, 2012.

The subdivision plat notes require compliance with RD District zone setbacks, approval of a CUP for each building prior to issuance of a building permit, a declaration of condominium and a record of survey prior to individual sale of units, requires membership of the owner in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 10 foot wide snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.

Submittal

This subdivision plat application was submitted on August 30, 2016 and deemed complete on September 27, 2016. Staff requested additional time to review the Flagstaff Annexation and Empire Pass MPD approvals to understand the status of approved/platted Units and Unit Equivalents and to do an audit of all outstanding obligations required by the Development Agreement. Following a positive recommendation to City Council by the Planning Commission on February 8, 2016, the

applicant requested a continuation of the March 9th Council hearing in order to revise the plat to include recently acquired property. The revised plat and associated plans were submitted on April 3, 2017.

Planning Commission review

On April 26, 2017, the Planning Commission conducted a public hearing and discussed changes proposed by the applicant. There was no public input provided and the Commission voted to continue the item to May 10, 2017 to allow Staff to incorporate changes proposed by the applicant regarding 1) add plat note and condition regarding development covenant recorded on Lot 3 limiting density to maximum of 24.5 UE (which is an applicant request) and 2) providing a condition of approval and plat note regarding a skier/pedestrian easement on Lot 2 for the benefit of the One Empire Pass property located on Lot 15 of the Village at Empire Pass Westside Subdivision to provide access to the Silver Strike lift and associated ski runs consistent with the Village at Empire Pass MPD.

On May 3rd Staff received public input from an adjacent property owner (see Exhibit M) requesting that the ski easement be extended to his parcel (the Marsac Mining Claim parcel) to give this parcel, which is not part of the Village at Empire Pass MPD, access to the Ski Lift and Ski Runs. The applicant was not inclined to provide the easement, due to a previous agreement. The proposed ski easement and buffer area are shown consistent with the recorded agreement (Exhibit N).

Purpose of the RD District

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

- (A) Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) Minimize impacts of the automobile on architectural design,
- (E) Promote pedestrian connections within Developments and between adjacent Areas; and
- (F) Provide opportunities for variation in architectural design and housing types.

Proposed Subdivision Description

The applicant requests approval of a subdivision plat of seven metes and bounds described parcels (PCA-S-98-BB, PCA-S-98-DD, PCA-S-98-DD-EE, PCA-S-384, PCA-S-98 EE and adjacent remnant parcels) located to the north and east of the Village at Empire Pass Phase I Subdivision. These parcels include a total of 9.54 acres that were not included with any of the previous subdivisions of Pod A.

The subdivision consists of a 6.77 acre Lot 1, for future townhouse units, a 2.01 acre Lot 2 for VEP MPD Lodge Building 4, a 0.66 acre Lot 3 for future VEP MPD Lodge Building 3, and a 0.10 acre Lot 4 (previously labeled Parcel A) to be used in conjunction with Deer Valley Resort ski operations and similar uses only. A Conditional Use Permit (CUP) is required prior to construction of the Lodge Buildings and the townhouses.

Lots 1 and 2 have frontage on Marsac Avenue, a State Highway. Lot 3 has frontage on Village Way, a private street. Lot 2 also has frontage on Village Way. Lots 2 and 3 will access off Village Way. Lot 1 will access off Marsac Avenue in an approved UDOT and City location. Townhouses on Lot 1 will not have direct access off Marsac but will access to a private driveway off Marsac. Staff recommends a condition and plat note that the final location of access off Marsac to the future buildings be approved by UDOT and the City. Access to Lot 4 is provided by recorded access easements on Lot 2.

Utilities are available in the vicinity of these lots. Snyderville Basin Water Reclamation District (SBWRD) recommends conditions and plat notes to address their concerns (Exhibit H). Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Any necessary utility easements, based on final building design and approval, shall be recorded prior to building permit issuance.

All existing and required easements will be recorded on the plat, including utilities, storm drainage, access, snow storage, etc. No changes are proposed to existing streets. Staff recommends a condition of approval and plat note that the final location of access off Marsac shall be approved by UDOT and the City. A skier and pedestrian easement is provided on Lot 2 for the benefit of the adjacent One Empire Pass property located on Lot 15 of the Village at Empire Pass West Subdivision consistent with the Village at Empire Pass MPD and recorded easement agreement.

An aerial photo, existing conditions survey, and photos of the site were submitted with the application (Exhibits G, H, and I). The same requirements and conditions of the West Side Subdivision plat noted above are proposed for this subdivision.

Land Management Code (LMC) and Village MPD Analysis

The subdivision plat has been reviewed for compliance with lot and site requirements of the RD Zoning District as described below:

	RD Zoning District and/or Village at Empire Pass MPD
Lot Size	No minimum lot size. Total property is 9.54 acres. Lot 1 – 6.77 acres, Lot 2 – 2.01 acres, Lot 3 – 0.66 acres, Lot 4 – 0.10 acres. Complies.

Uses	Residential multi-family condominiums and Townhouses are allowed uses subject to Conditional Use Permit review. Density is per the Flagstaff Annexation and Development Agreement and Village and Empire Pass MPD. Applicant has recorded a development covenant on Lot 3 restricting the density to a maximum of 24.5 UE configured as no more than 21 units for Lot 3. Density for Lots 1 and 2 is subject to CUP review and remaining density per the Flagstaff Agreement, as amended. (See below for analysis of commercial uses.) Density is based on 1 UE is equivalent to 2,000 sf of residential floor area. The Flagstaff Agreement tracks both residential UEs (each 2,000 sf) as well as total number of units (see Exhibit K). Complies.
Front yard setbacks	LMC requires a minimum of 25 feet to front facing garage, 20 feet to building (LMC exceptions apply). Reviewed at time of CUP.
Rear yard setbacks	LMC requires a minimum of 15 feet (LMC exceptions apply). Reviewed at time of CUP.
Side yard setbacks	LMC requires a minimum of 12 feet (LMC exceptions apply). Reviewed at time of CUP.
Building Height and Volumetric	Per Village MPD Volumetric and Height (reviewed at time of CUP): Lot 3 (MPD Building 3) - 55% of the building to reach 82' above existing grade, and 45% of the building to reach 74' above existing grade. The volumetric diagram allows Building 3 to be four to five stories. Lot 2 (MPD Building 4)- 20% of the building to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 4 to be four to six stories. Townhouses- 28' height plus 5' additional for 4:12 or greater roof pitch.
Parking	The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Parking calculations to be determined with the Conditional Use Permits.
Architectural Design	All construction is subject to Village at Empire Pass Design Review Board approval and LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the CUP and Building Permits.

Residential Units (see Exhibit K) 785 UE maximum multi-family(MF) 550 dwelling units maximum (MF) (of which 60 can be PUD). 16 single family (SF) home sites (not including 30 SF in Pod D). At least 50% of the residential units within the Mountain Village (Pods A, B1 and B2) must be in Pod A (not including SF home sites). Final approval of the buildings and UEs is subject to approval of a Conditional Use Permit.	The applicant recorded a development covenant on Lot 3 for a maximum of 24.5 UE (residential unit equivalent) configured in no more than 21 units. Assignment of maximum UE for Lots 1 and 2 will be determined during Conditional Use Permit application review for these Lots and based on what remains of the total Flagstaff Development Agreement allowed units and UE. Total <u>UE platted</u> to date = 588.742 UE (196.258 UE remain) (does not include this subdivision) Total <u>units platted</u> to date = 382 units (52 are PUD) (168 units remain) (does not include this subdivision) Total single family approved/platted = 16. Total multi-family units approved/platted in Pod A = 258 (condos, PUD style, townhouses). 67.5% of units are within Pod A (258/382). Total multi-family <u>units</u> in Pod A with this plat =279 69.2% of units will be in Pod A (279/403). Total <u>units with this plat and B2East approval</u>= 473 59% of units are within Pod A (279/473). 90.758 UE and 77 dwelling units remain for Lots 1 and 2 of this subdivision, Building 1 (Tower Residential), and VEMP 1-1, VEMP 1-2 Complies with Development Agreement as there are sufficient units and UE remaining.
MPD Resort Support Commercial 75,000 sf maximum with Agreement	No MPD Resort Support Commercial uses are requested with this subdivision plat. A total of 71,313 sf of Resort Support Commercial are already allocated with plats and CUPs within the Agreement area, leaving 3,687 sf remaining to be allocated.
Residential accessory uses	Common amenity areas can be proposed through the Conditional Use application for storage areas, locker rooms, fitness area, recreation and game rooms, lounge and lobby areas, children's room and small business center areas for exclusive use by guest and owners.

This application meets the necessary subdivision requirements of Land Management Code (LMC) Section 15-7 of the Park City Municipal Code for lot layout, utility easements, dedications, and street layout. Final utility plans will be provided with a future Conditional Use Permit application.

On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report (24.725 AUE total on-site). This plat identifies an on-site housing obligation on Lot 2 of 2.0 AUE and on Lot 3 of 1.1 AUE (per

requirements of the Affordable Housing Mitigation Plan) to be incorporated into Lodge Buildings 4 (Lot 2) and 3 (Lot 3) and noted on the plat. There is still an outstanding requirement of 0.84 AUEs that will be constructed in the Tower Residences (Lodge Building 1 of the VEP MPD (Lot 9 of the Village at Empire Pass Subdivision). The remaining on-site affordable units (4.2 AUE) are allocated to Lot 1 of the B2 East Subdivision, approved March 9, 2017. All deed restricted units are to be identified on the condominium plats prior to recordation of those plats. Staff recommends a condition of approval that all deed restricted units shall be completed with completion of market rate units. Additionally, approximately 5 Offsite AUE are owed per the Flagstaff Development Housing Mitigation Plan. The applicant is in negotiation to determine how these 5 AUE will be provided. They are not required to be located within the Annexation area, however they could be.

All requirements of the Agreement, including transportation (gondola payments and shuttles), affordable housing, environmental (soils and mine hazards), etc. shall be reviewed and verified for compliance during the Conditional Use Permit application review for development on Lots 1, 2 and 3 and completed prior to issuance of certificates of occupancy. Some of these obligations are triggered based on the number of certificates of occupancy issued. All trails are complete and there are no trail head improvements required by the Master Planned Development that are associated with this property.

A Construction Mitigation Plan shall be submitted with the Conditional Use Permit application and in advance of issuing the Building Permits.

Resort Support Commercial/meeting space

The Flagstaff Annexation and Development Agreement states a maximum of 75 UE (75,000 square feet) of Resort Support Commercial uses are allowed within the Village at Empire Pass MPD (Pods A, B1 and B2). A total of 28,059 sf of restaurant, kitchen, bar, lounge, retail space and a total of 35,000 sf of Spa space were approved for the Montage Resort and Spa with the Pod B2 MPD. A total of 2,264 sf of kitchen, dining, and store space have been constructed at the Tower Club and an additional 1,115 sf were recently approved for the dining room addition. A total of 1,275 sf were approved with the Grand Lodge Condominium plat and a maximum of 3,600 sf were allocated to the B2 East Subdivision plat. Therefore a total of 71,313 sf of Resort Support Commercial are allocated, leaving 3,687 sf remaining to be allocated.

At this time no Resort Support Commercial, support meeting space, or residential accessory uses are requested for this plat. Determination of these uses will be reviewed at the time of review of Conditional Use Permits for Lots 1, 2 and 3.

Good Cause

Staff finds good cause for this subdivision plat as it is consistent with the Land Management Code, Flagstaff Annexation and Development Agreement, and the Village at Empire Pass Pod A Master Planned Development. The subdivision plat provides lots of record, utility and access easements, and snow storage easements for the orderly

development of Lodge Buildings 3 and 4 and the Horseshoe parcel townhouses.

Department Review

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with revisions to the plat and conditions of approval.

Notice

For the revised plat, the property was posted and notices were mailed to property owners within 300 feet on April 10, 2017. A legal notice was published in the Park Record, the City website, and the Utah Public Notice website, on April 12, 2017.

Public Input

Staff received a few phone calls requesting information about the location of these parcels and future development plans. No public input was provided at the previous public hearings.

Alternatives

1. The Planning Commission may forward a positive recommendation to City Council to approve the subdivision plat, as conditioned or amended, or
2. The Planning Commission may forward a negative recommendation to deny the subdivision plat and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion to a date certain and provide Staff and the applicant with direction regarding additional information needed in order to make a recommendation to City Council.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated with the Flagstaff Agreement, technical reports, and Master Planned Development.

Consequences of not taking the Suggested Recommendation

No building permits can be issued.

Recommendation

Staff recommends Planning Commission conducts a public hearing and forwards a positive recommendation to City Council regarding the Village at Empire Pass North Subdivision pursuant to findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance.

Exhibits

Ordinance

Exhibit A – Proposed subdivision plat (revised)

Exhibit B1 – Applicant letter regarding revised plat

Exhibit B2 – Development Agreement sections ([link to full document](#))

Exhibit C – [Link to Technical Reports](#)

Exhibit D – Village at Empire Pass MPD and plat approvals

Exhibit E – MPD approved building volumetric

Exhibit F – Village map
Exhibit G – Aerial photo of site
Exhibit H1 – Existing conditions survey
Exhibit H2 – Recorders Plat of area
Exhibit I – Photos of the property
Exhibit J – Sewer District (SBWRD) letter
Exhibit K – Flagstaff Development Agreement Density and Uses Chart- updated
Exhibit L – Minutes of February 8th 2017 PC Action
Exhibit M- Public input
Exhibit N- Recorded Ski Easement Agreement

Ordinance 17-XX

AN ORDINANCE APPROVING THE VILLAGE AT EMPIRE PASS NORTH SUBDIVISION, LOCATED WITHIN POD A OF THE VILLAGE AT EMPIRE PASS MASTER PLANNED DEVELOPMENT, PARK CITY, UTAH.

WHEREAS, owners of the property known as PCA-S-98-BB, PCA-S-98-DD, and PCA-S-98-DD-EE, PCA-S-98 EE, PCA-S-384 and adjacent remnant parcels located to the north and east of the Village at Empire Pass Phase I Subdivision at Marsac Avenue and Village Way in Park City, Utah, have petitioned the City Council for approval of a subdivision plat; and

WHEREAS, these parcels include a total of 9.54 acres that were not included with any of the previous subdivisions of the Village at Empire Pass Pod A Master Planned Development. The subdivision consists of a 6.77 acre Lot 1 for future townhouse units, a 2.01 acre Lot 2 for Lodge Building 4, a 0.66 acre Lot 3 for future Lodge Building 3, and a 0.1 acre Lot 4 for ski area related uses; and

WHEREAS, legal notice of the public hearing was published in the Park Record and on the Utah Public Notice website on November 26th and December 28th, 2016, and on January 21, 2017, and on April 12, 2017 for the revised plat, and the property was posted on November 30, 2016 and April 10, 2017, according to the requirements of the Land Management Code; and

WHEREAS, courtesy notice was sent to surrounding property owners on November 30, 2016 and resent on April 10, 2017 for the revised plat, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2016 and January 11th and February 8th 2017, to receive input on the subdivision plat; and

WHEREAS, the Planning Commission, on February 8, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 1, 2017, the applicant requested a continuation in order to amend the plat to add property to Lots 1 and 2 that had recently been acquired; and

WHEREAS, on March 9, 2017, City Council held a public hearing on the subdivision plat and continued the item to a date uncertain; and

WHEREAS, on March 31, 2017, the applicant submitted revisions to the proposed plat adding 0.43 acres of property recently acquired to Lot 2 and 3.77 acres to Lot 1; and

WHEREAS, the Planning Commission held public hearings on April 26th and

May 24th, 2017, to receive public input on the subdivision plat; and

WHEREAS, the Planning Commission, on May 24, 2017, forwarded a recommendation to the City Council; and,

WHEREAS, on June 15, 2017, City Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Village at Empire Pass North subdivision.

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

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

Findings of Fact

1. The property is located at Marsac Avenue and Village Way within Pod A of the Master Planned Development for the Village at Empire Pass. Addresses will be assigned prior to plat recordation.
2. The zoning is Residential Development (RD) within Flagstaff Mountain Resort Annexation and Village at Empire Pass MPD area (RD-MPD). Lot 1 is partially within the Recreation Open Space (ROS) District.
3. On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area.
4. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.
5. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007.
6. The Development Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village.
7. The Mountain Village is further constrained to a maximum density of 785 UE configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units do not exceed 60. The Mountain Village is also allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A).
8. There are currently 588.742 UE (382 multi-family units) platted within the Village at Empire Pass (Pods A, B1 and B2).

9. Based on a review of all UE and units constructed and platted to date within the Flagstaff Annexation Development area, there are sufficient remaining UE and units for these three lots.
10. The applicant requests a plat note referring to a recorded covenant identifying the maximum density allowed on Lot 3 as 24.5 UE configured in no more than twenty one (21) individual units, subject to final Conditional Use Permit review. Maximum density for lots within this subdivision is subject to the remaining density of the Flagstaff Annexation Development Agreement and final Conditional Use Permit review to be determined during future Conditional Use Permit review. No density is assigned to Lot 4 as it is to be used in connection with Deer Valley Resort and similar activities.
11. The applicant is not requesting allocation of any MPD Resort Support Commercial for this subdivision at this time. There exist a total of 3,687 sf of unallocated Resort Support Commercial that can be allocated within the Village MPD to Pods A, B1, and B2. This includes the 3,600 sf allocated to the B2East Subdivision.
12. Accounting of the support commercial, residential accessory space, and support meeting space is finalized at the time of review of the Conditional Use Permits and memorialized with final condominium plat approval.
13. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VMPD) Pod A.
14. The purpose of the VMPD was to establish unit mix and density for the Village Master Plan, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location.
15. The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted Lots 12-18 of the VMPD (west side).
16. Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat was approved on January 6, 2011 and recorded on January 4, 2012.
17. Six lodge buildings have been built to date within Pod A namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Of these units, one Belles PUD unit and 2 Banner Wood single family units remain to be permitted and constructed. Additionally 4 PUD units within Nakoma in Pod B1 remain to be permitted and constructed.
18. Three of the large lodge buildings (Buildings 1, 3, and 4) as well as additional townhouse and PUD style units remain to be constructed within the Village MPD Pod A.
19. The proposed subdivision consists of property that is currently described by metes and bounds. The request is for a 6.77 acre Lot 1, for future townhouse and PUD units, a 2.01 acre Lot 2 for Lodge Building 4, a 0.66 acre Lot 3 for future Lodge

- Building 3, and a 0.10 acre Lot 4. The property consists of a total of 9.54 acres.
20. Lots 1 and 2 have frontage on Marsac Avenue, a State Highway. Lot 3 has frontage on Village Way, a private street. Lot 2 also has frontage on Village Way. Lot 4 has access to Village via a proposed access easement across Lot 2.
 21. Lots 2 and 3 will take access off Village Way. Location of access off Marsac Avenue requires review and approval by UDOT and the City Engineer, as Marsac Avenue is currently a state highway.
 22. A Conditional Use Permit (CUP) is required prior to construction of the Lodge Buildings, PUD style units, and townhouses.
 23. Utilities are available to the lots. SBWRD recommended conditions and plat notes to address their concerns.
 24. All existing and required easements will be recorded on the plat, including utilities, storm drainage, access, snow storage, etc. No changes are proposed to existing streets.
 25. Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Additional off-site utility easements maybe required and will have to be recorded prior to issuance of building permits.
 26. There is no minimum or maximum lot size or lot width in the RD District.
 27. All applicable requirements of Land Management Code apply, unless otherwise allowed per the Flagstaff Development Agreement and the Village at Empire Pass MPD.
 28. A height exception and building volumetric were approved with the Village at Empire Pass Pod A Master Planned Development for the Lodge Buildings (Lots 2 and 3).
 29. The final Mylar plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.
 30. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
 31. On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report. This plat identifies an on-site housing obligation of 2.0 AUE for Lot 2 and 1.1 AUE for Lot 3 (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into MPD Lodge Building 3 (on Lot 3) and Building 4 (on Lot 2) and noted on the plat. Also 0.84 AUE are an outstanding requirement of the Tower Residences to be constructed in MPD Lodge Building 1 (on Lot 9 of the Village at Empire Pass Subdivision). No AUE are planned or identified for Lot 1 of this Village at Empire Pass North Subdivision.
 32. Requirements of the Flagstaff Agreement will be reviewed and verified for compliance during the Conditional Use Permit applications reviewed for development on Lots 1, 2 and 3. This transportation, affordable housing, environmental, transfer fees, construction mitigation, and others as may apply. Some of these obligations are triggered by the number of certificates of occupancy issued.
 33. The property consists of more than 1.0 acres and shall is subject to requirements of the MS4 Storm Water Permit program.

34. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law

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

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements, continue to apply.
4. The plat will note that conditions of approval of the Village at Empire Pass Master Planned Development (Pod A) shall continue to apply.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.
7. A financial security to guarantee for the installation of any required 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.
8. A ten foot (10') wide snow storage easement is required along the private street frontages of the lots and a ten (10') wide public snow storage easement is required along public street frontages.
9. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
10. Prior to building permit issuance, documentation from UDOT showing approval of access to Lot 1 off Marsac Avenue is required. If documentation does not exist, a new application shall be submitted to UDOT for approval of the curb cut location. This approval shall be submitted to the City Engineer.

11. Any proposed curb cuts for access directly to Marsac Avenue, a state highway, must be approved by the City Engineer and UDOT.
12. A Conditional Use Permit approval is required prior to issuance of building permits on Lots 1, 2 and 3.
13. A final grading and utility plan, including storm water and drainage plans, shall be submitted with the Conditional Use Permits for development on Lots 1, 2 and 3, for approval by the City Engineer and SBWRD. No building permits shall be issued until all necessary utility easements are recorded.
14. A declaration of condominium and a record of condominium plat are required prior to the sale of individual units within the development.
15. All requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 2 has an on-site affordable housing requirement of 2.0 AUE and Lot 3 has an on-site affordable housing obligation of 1.1 AUE. All AUEs shall be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. Lot 1 has no on-site obligation.
16. All deed restricted units shall be identified on the final condominium plats prior to recordation of such plats. Phasing and certificates of occupancy for the affordable housing units shall be commensurate with the certificates of occupancy for the market rate units. Affordable units need to have prorated and reduced HOA fees or possibility of rentals.
17. Wastewater service to Village at Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lot 1. If a line extension is necessary, it shall be the responsibility of the Owner to extend the public wastewater system within Lot 1 according to the requirements of the Line Extension Agreement.
18. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
19. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
20. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.
21. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lots 1, 2, and 3, unless otherwise conditioned herein. This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.
22. A Construction Mitigation Plan shall be submitted with Conditional Use Permit applications and in advance of issuing building permits.
23. The ROS zoning line shall be indicated on plans submitted with the Conditional Use

Permit application and all construction of units shall be restricted to the RD zoned portion. Construction disturbances within ROS portions of the Flagstaff Annexation area are subject to the Development Agreement and associated technical reports (e.g. for trails, ski runs and lifts, utilities, access roads, etc.). Construction on Lot 1 shall conform to all applicable Land Management Code requirements in effect at the time of submittal of application.

24. Each parcel developed within this common development shall meet the requirements of the MS4 Storm Water Permit program.
25. A skier and pedestrian access easement shall be provided on Lot 2 for the benefit of the One Empire Pass property (Lot 15 of the Village at Empire Pass West Side Subdivision plat) consistent with the Village at Empire Pass MPD and recorded ski access agreements.
26. At the request of the applicant, a plat note referencing a recorded development covenant, identifying a maximum allowable density on Lot 3, shall be provided on the plat prior to recordation.

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

PASSED AND ADOPTED this _____ day of June, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

ATTEST:

Michelle Kellogg, City Recorder

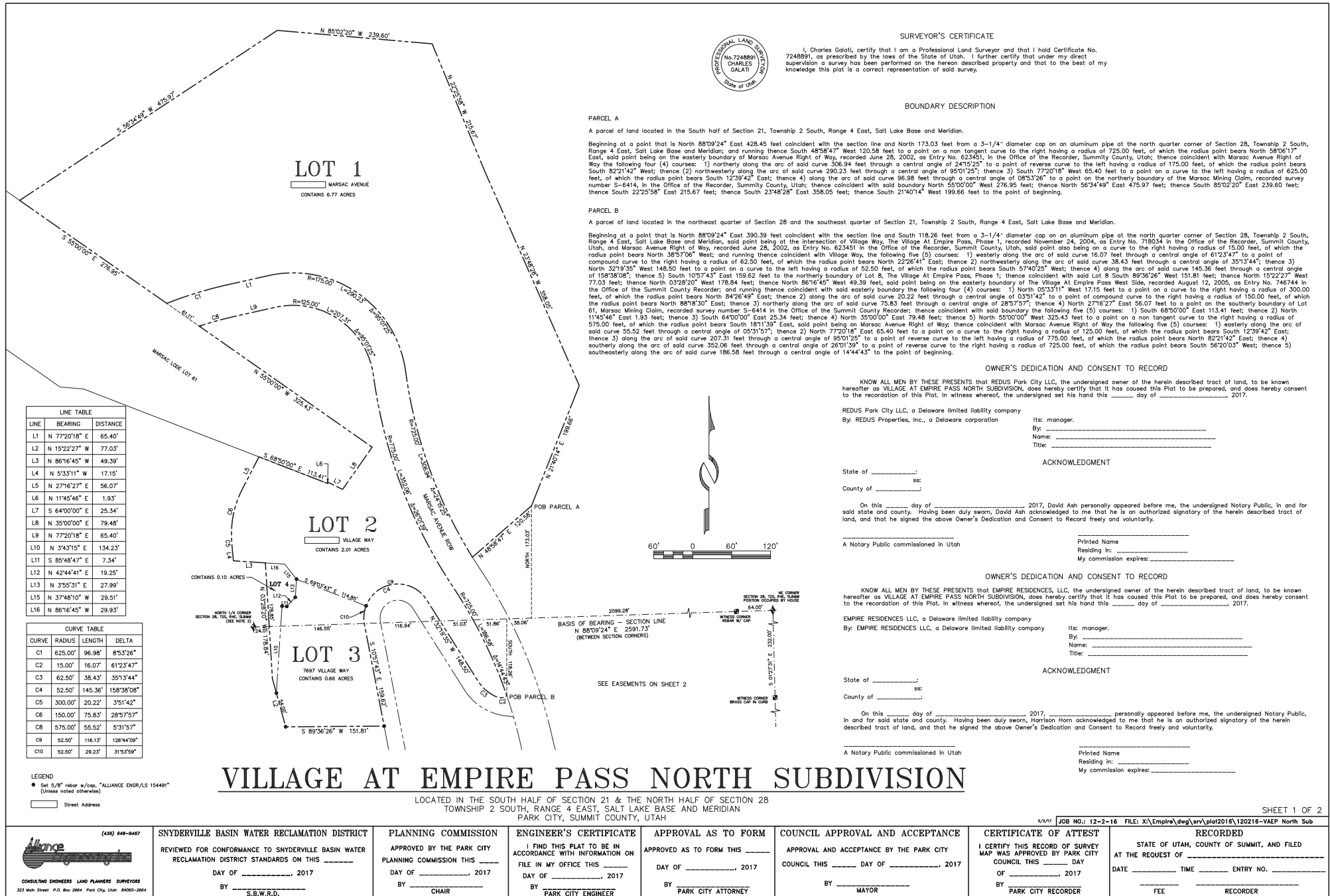
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Proposed subdivision plat

EXHIBIT A



TES:

This plot is subject to the Conditions of Approval in Ordinance 2017-____.

The position of the north $\frac{1}{4}$ corner of Section 28, Township 2 South Range 4 East SLBM, as shown on this survey, is from the dependent re-survey of Section 28, 29, 31, 22 & 33 performed by Robinson, Blehn & Blehn Inc. in 2000 (Rec.# S-3819, Summit County Recorder's Office).

Conditional use permit approval will be required prior to construction on each of the development lots shown hereon.

A declaration of condominium and a record condominium map will be required for the purpose of the sale of individual units within the development lots shown hereon.

The lots described on this plot are subject to the Restated Development Agreement for Flagstaff Mountain, Bonanza Flat, Richardson Flat, the 20-Acre Quinn's Junction Parcel and Iron Mountain dated as of May 2, 2007, and recorded on March 2, 2007, as Entry No. 00806100 in Book 1850, Page 1897 (the "Development Agreement"). By separate Declaration of Payment and Development Covenants, recorded October 4, 2016, as Entry No. 01055133 in the official records of the Summit County Recorder, as amended, Lot 3 has been allocated the right to develop 24.5 Unit Equivalents within no more than 21 dwelling units and the obligation to locate 1.1 Affordable Unit Equivalents thereon, as each of those capitalized terms is defined in the Development Agreement. Lot 2 has been allocated the obligation to locate 2.0 Affordable Unit Equivalents thereon and Lot 1 has no on-site affordable housing obligations. The allocation of Unit Equivalents to Lot 2 and Lot 1 may be done at a future date by a separate recorded document. No Unit Equivalents will be allocated to Lot 4, which is to be used in connection with resort and similar activities. No lot within this plot has been allocated any commercial Unit Equivalents.

The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass, as amended ("Master Declaration"), requires the membership of each lot or unit owner. Members are subject to the terms of its articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinvestment fees as provided therein.

Owners and potential buyers of any unit or land within the lots depicted on this plot are given notice that they own or are buying property in a resort area in which all-season resort activities are conducted and where certain risks are present, including, without limitation, damage to property and improvements and personal injury and death caused by errant skiers, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow, falls, wind patterns, and other conditions that may affect the properties depicted hereon. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such covenants or agreements with such owner.

The owner of Lot 3 hereby grants a non-exclusive resort and access easement over the approximately west twenty feet (20') of Lot 3, as depicted on this plot as the "Cable UDOT Setback" for the benefit of Lot 4 to allow ski lift maintenance access and the right to conduct resort activities, including to locate movable safety fences.

This plot also depicts the following easements, each of which may be amended, relocated or revised, without amendment hereto, in accordance with each such easement's terms:

- a. Agreement and Covenant of Cooperation (Ski Access/Storm Drainage), Entry No. 665956, Summit County Recorder's Office which affects Lot 2 and Lot 3 of this plot.
- b. Right-Of-Way and Easement Grant (Gas Utility), Entry No. 755686, Summit County Recorder's Office, potentially affects Lot 2 and Lot 3.
- c. Grant of Access Easement (Sewer Utility), Entry No. 850350, Summit County Recorder's Office, affects Lot 2.
- d. Grant of Easement (Sewer Utility), Entry No. 716688, Summit County Recorder's Office, affects Lot 2.
- e. Grant of Easement (Storm Drain Facilities), Entry No. 716459, Summit County Recorder's Office, affects Lot 3.
- f. Reciprocal Easement Agreement (Resort and Access) to be recorded in advance of or contemporaneously with this plot in the Summit County Recorder's Office, affects Lot 2, Lot 3 and Lot 4, and describes the use of Easement Area A, Easement Area B, Easement Area C and Easement Area D.

Public safety access and public utility easements are hereby dedicated for all public and private roadways and emergency access roads.

The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.

A ten foot (10') wide snow storage easement is hereby dedicated to the Master Association along the frontage of all lots.

Wastewater service to the Village at Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lots 1 & 2. It shall be the responsibility of the Owner of each lot to extend the public wastewater system within the lot being developed according to the requirements of the Line Extension Agreement.

Village Way is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Village Way is not a public road or right-of-way.

A UDOT Conditional Access Permit or city permit, depending upon the ownership of Marsoc Avenue, will be required prior to construction on Lot 1 and for vehicle access to Lot 2 directly from Marsoc Avenue.

Fire sprinklers will be required within all dwellings constructed on the lots.

Ski Easement Note: 5' Ski and Pedestrian Easement in favor of Lot 4 for resort operations and trail maintenance and for purpose of providing property owners, invitees and guests of One Empire Pass Condominium with ski and pedestrian access to and from adjoining skiways.

Ski Buffer Note: 10' Skiway Buffer Zone in favor of Lot 4 providing that without prior written consent of owner of Lot 4:

- a. no above-ground building or landscaping obstructions may be constructed in the Skiway Buffer Zone.
- b. no trees or other above-ground landscaping obstructions may be maintained in the Skiway Buffer Zone.

The owner of Lot 2 hereby grants a non-exclusive resort and access easement over the western edge of the property as depicted on this plot as the "5' Wide Ski Easement". This easement is for the benefit of Lot 4 for resort operations and trail maintenance and for the benefit of VEPWS Lot 15 property owners, invitees and guests for purposes of ski and pedestrian access.

The owner of Lot 2 hereby grants a non-exclusive easement near the western edge of the property as depicted on this plot as the "10' Skiway Buffer Zone". This easement is for the benefit of Lot 4 providing that without prior written consent of owner of Lot 4 no above-ground building, trees or other landscaping obstructions may be constructed or maintained in the Skiway Buffer Zone.

At the time of plot recording, Lot 1 includes lands within the Empire Village MPD in the RD Zone and additional lands within the ROS Zone on Lot 1 shall conform to requirements of applicable zoning regulations for the different portions on the property.

(435) 649-9467



TALVO ENGINEERS LAND PLANNERS SURVEYORS

11 Street P.O. Box 2864 Park City, Utah 84060-2864

VILLAGE AT EMPIRE PASS NORTH SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 21 & THE NORTH HALF OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

v:\mp JOB NO.: 12-2-16 FILE: X:\Empire\dwg\arr\plot2016\120216-VAEP North Sub

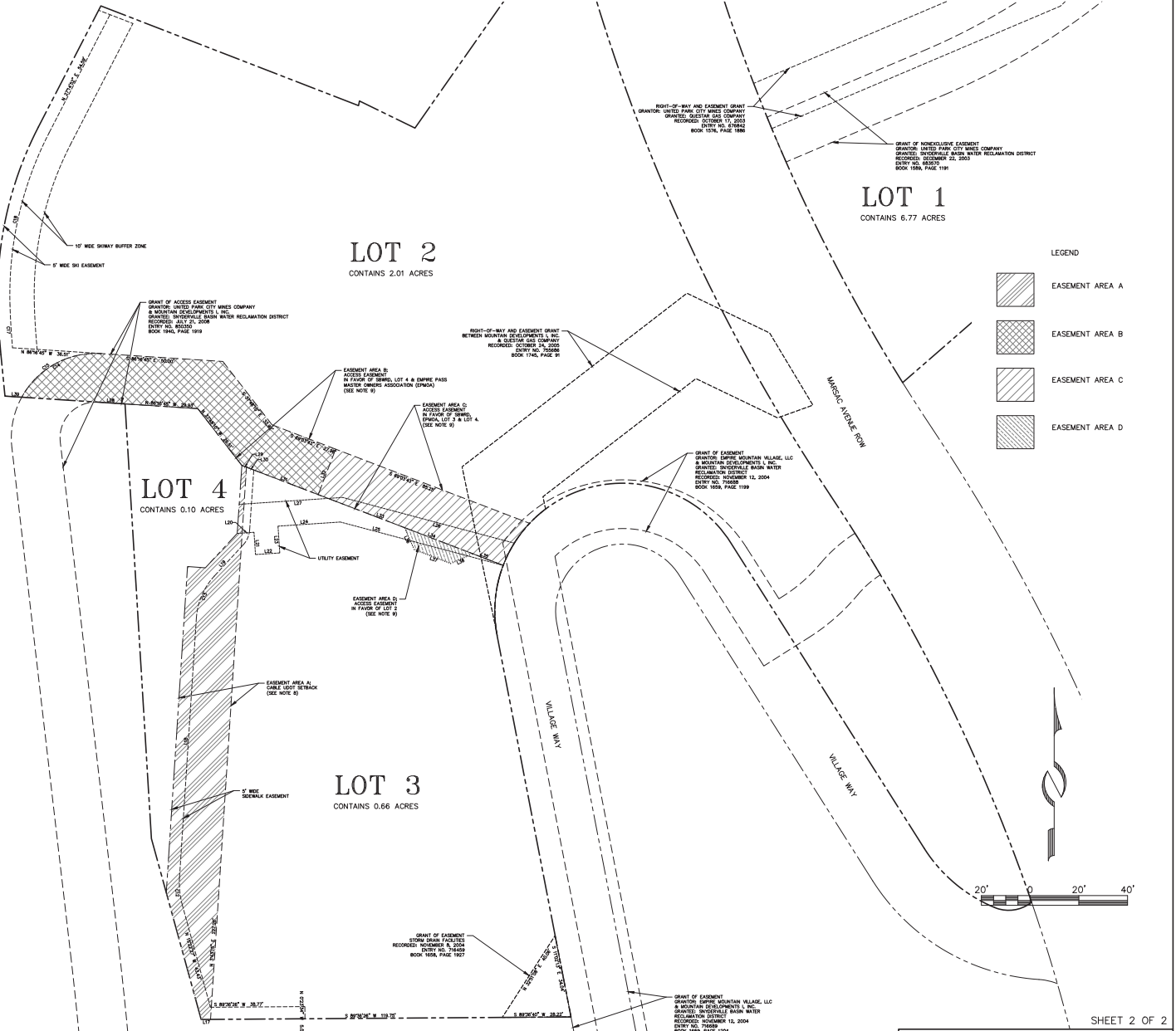
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____ ENTRY NO. _____

FEE _____ RECORDER _____



SHEET 2 OF 2

The Village at Empire Pass North Subdivision
Amended Application
April 3, 2017

On February 8th, 2017, Park City Planning Commission recommended approval of the Village at Empire Pass North ("VEPN") Subdivision as submitted on August 30th, 2016. Subsequent to Planning Commission review, the applicant foreclosed on three parcels immediately adjacent the pending subdivision. At the applicant's request the subdivision application has not yet been brought before City Council for approval.

The applicant requests approval of the amended VEPN Subdivision application incorporating the three additional adjacent parcels into Lots 1 and 2.

The amended Subdivision application now includes additional easements between and Lots 2 and 3 and Lot 4 (previously Parcel A). It also includes a very minor amendment to the density restrictions on Lot 3.

The Village at Empire Pass is part of the Flagstaff Annexation Area with development governed by the Amended Flagstaff Development Agreement. The Small Scale MPD for the Village at Empire Pass was approved on July 28th, 2004 with approved volumetrics established for condominium buildings at that time. The Village at Empire Pass Phase One (East Side) was platted in November 2004, followed by the Village at Empire Pass West Side platted in August 2005.

As the holder of the balance of entitled development land in the Village at Empire Pass, REDUS Park City LLC (REDUS) desires to record the VEPN Subdivision to create lots of record for the three remaining development sites. The proposed parcelization is consistent with that shown at the time of MPD approval. The VEPN Subdivision also includes a Lot 4 (that was previously Parcel A) situated beneath the Silver Strike Chair with plat notes restricting use to resort and similar activities. Lot 4 is assigned no residential density. Development on each of the three lots will require a Conditional Use Permit.

In the amended application, Lot 2 now includes a 0.13 acre strip of land between PCA-S-98-DD and One Empire Lodge. Lot 2 now also includes a 0.3 acre triangle of land between Marsac Avenue and the southern portion of the Marsac Claim (PCA-S-384). In the amended application, Lot 1 now includes an additional 3.77 acres of land north and east of Parcel PCA-S-98-BB. Total increase in lot area from previous subdivision is 4.2 acres.

With the amended application, permitted development density on Lot 3 is increased from 23.5 UEs to 24.5 UEs, while the permitted number of dwelling units is reduced from 23 to 21. No densities are assigned to Lots 1 or 2 at this time.



Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060

Recorded this ____ day of
____, 2007
at Book # ____ Page # ____

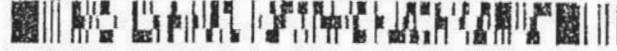
ENTRY NO. 00806100

03/02/2007 02:42:51 PM B: 1850 P: 1897

Agreement PAGE 1 / 49

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



**AMENDED AND RESTATED DEVELOPMENT AGREEMENT
FOR FLAGSTAFF MOUNTAIN,
BONANZA FLATS, RICHARDSON FLATS,
THE 20-Acre QUINN'S JUNCTION PARCEL
AND IRON MOUNTAIN**

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 2nd day of March, 2007, by and between UNITED PARK CITY MINES COMPANY, ("UPCM" or "DEVELOPER"), DEER VALLEY RESORT COMPANY, ("DEER VALLEY"), and PARK CITY MUNICIPAL CORPORATION, a third class city of the State of Utah ("City") (collectively, the "Parties").

RECITALS

- A. WHEREAS, DEVELOPER and DEER VALLEY own approximately: 1,600 of 1,750 acres of patented mining claims located in the unincorporated Flagstaff Mountain area of Summit County, more particularly described and depicted in Exhibit A attached hereto (hereafter, "Flagstaff Mountain"); approximately 106 acres of patented mining claims located on Iron Mountain within an unincorporated area of Summit County more particularly described and depicted in Exhibit B attached hereto (hereafter, "the Iron Mountain Parcels"); approximately 1,500 acres of patented mining claims, constituting all of UPCM's land located in the unincorporated Bonanza Flats area of Wasatch County more particularly described and depicted in Exhibit C attached hereto (hereafter, "Bonanza Flats"); all of UPCM's land east of U.S. 40 and south of S.R. 248 constituting approximately 650 acres of real property owned in fee simple located immediately east of U.S. 40 and south of S.R. 248 within an unincorporated area

of Summit County more particularly described and depicted in Exhibit D attached hereto (hereafter, "Richardson Flats"); and approximately 20-Acres of real property owned in fee simple located west of U.S. 40 and south of S.R. 248 within an unincorporated area of Summit County more particularly described and depicted in Exhibit E attached hereto (hereafter, "the 20-Acre Quinn's Junction Parcel");

- B. WHEREAS, on May 17, 1994 DEVELOPER filed an application for annexation to Park City of Flagstaff Mountain, consisting of DEVELOPER's, DEER VALLEY's and Northside Neighborhood Property Owners' land, together totaling an area of approximately 1,750 acres;
- C. WHEREAS, on May 10, 1997 the Park City Council unanimously resolved by Resolution 10-97 to annex Flagstaff Mountain under certain Development Parameters;
- D. WHEREAS, on July 8, 1998 DEVELOPER requested reconsideration by the City of Resolution 10-97 and offered certain incentives for limiting development of the Bonanza Flats, Richardson Flats and the Iron Mountain Parcels;
- E. WHEREAS, on September 10, 1998 the Park City Council unanimously adopted a resolution to rescind Resolution No. 10-97 and to adopt new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats and the Iron Mountain Parcels, as set forth in this Agreement;
- F. WHEREAS, in the intervening months since the City Council adopted the September 10, 1998 development parameters, the DEVELOPER further refined its proposal by offering to move 16 single family homes from the sensitive Prospect Ridge area to the Mountain Village and to constrain development in the Northside Neighborhood to reduce site disturbance and to facilitate sale to a conservation buyer for a time certain;
- G. WHEREAS, the Parties intended to enter into the original Agreement to establish new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and the Iron Mountain Parcels and to establish a time certain for annexation of Flagstaff Mountain (now referred to generally as Empire Pass) into the City;

- H. WHEREAS, the Parties in fact entered into the original Agreement on or about June 24, 1999; and
- I. WHEREAS, the Parties desire to amend and restate the original Agreement in connection with the development of a project known as the Montage Resort & Spa which is presently planned to include 192 hotel rooms and suites, with spa, restaurant and conference facilities, and a residential component that consists of resort condominiums.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

SECTION I. DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by the Park City Land Management Code (LMC) in effect on the date of a complete application or, if different, by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.

- 1.1 **"Annexation Property"** means that approximately 1,750 acres of property known as Flagstaff Mountain, described and depicted on Exhibit A.
- 1.2 **"Bonanza Flats"** means that approximately 1,500 acres of UPCM property commonly referred to as Bonanza Flats, constituting all of UPCM's holdings in Bonanza Flats and described and depicted on Exhibit C.
- 1.3 **"DEER VALLEY"** means the Deer Valley Resort Company, a Utah limited Partnership and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEER VALLEY shall cause its employees and agents to act in accordance with the terms of this Agreement.
- 1.4 **"DEVELOPER"** means United Park City Mines Company, a publicly traded Delaware corporation, and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEVELOPER shall cause its employees and agents to act in accordance

with the terms of this Agreement.

- 1.5 **"Inaction"** provisionally¹ means (a) DEVELOPER's failure to pursue a sequential permit (i.e. Small Scale MPD permit, conditional use permit, subdivision application, or building permit) by failing to submit a complete application for such a permit or by failing to respond to the City's written requests for information which the City deems is necessary to process the application; or (b) DEVELOPER's failure to sustain permitted construction such that the permit under which construction is allowed, expires or is otherwise suspended or revoked.
- 1.6 **"Meeting Accessory Uses"** provisionally² means uses normally associated and necessary to serve meeting and banquet space. Meeting Accessory Uses do not require the use of Unit Equivalents and include:
- 1.6.1 Administrative and Banquet Offices
 - 1.6.2 Banquet Storage Areas
 - 1.6.3 Banquet Prep Areas Storage Areas
 - 1.6.4 Common A/V Storage Areas
 - 1.6.5 Coat Check Areas
 - 1.6.6 Public Restrooms
 - 1.6.7 Public Telephone Areas
 - 1.6.8 Public Hallways
 - 1.6.9 Public Circulation Areas.
- 1.7 **"Mountain Village"** means that mixed-use portion of Flagstaff Mountain described and depicted as the Mountain Village in Exhibit A attached hereto and limited to a total of 87 acres, within three development Pods (A, B₁, and B₂) and maximum densities, unit equivalencies and configuration more fully described herein.

¹ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

² This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.8 **"Northside Neighborhood"** means that 63-acre portion of Flagstaff Mountain described and depicted as the Northside Neighborhood in Exhibit A attached hereto and limited to the maximum density, unit equivalency, and configuration more fully described herein.
- 1.9 **"Northside Neighborhood Property Owners"** means, in addition to UPCM and DEER VALLEY, Park City Star Mining Company, Inc., a Utah corporation, Bransford Land Company, representing the interests of Anne Bransford Newhall, Mary Bransford Leader and Carolyn Bransford MacDonald, and Stichting Beheer Mayflower Project, a legal entity representing the interests of Stichting Mayflower Recreational Fonds and of Stichting Mayflower Mountain Fonds.
- 1.10 **"Pedestrian Village"** means an area configured within Pod A of the Mountain Village for the mixed use of residential, Residential Accessory, Resort Support Commercial, Resort Accessory, meeting and Meeting Accessory Uses within which at least fifty percent (50%) of the residential properties are clustered within walking distance (5 minutes) of a Transportation Hub for such residential properties, which can be directly accessed by pathways or sidewalks.
- 1.11 **"Planned Unit Development" or "PUD"** means a master planned development consisting of clustered, detached, single family or duplex units with common open space and coordinated architecture.
- 1.12 **"Pod Z"** means that area, depicted on Exhibit F that is limited for ski-related uses as further defined herein.
- 1.13 **"Project"** means the residential, recreational and commercial real estate development to be constructed within Flagstaff Mountain.
- 1.14 **"Residential Accessory Uses"** provisionally³ means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project. Residential Accessory Uses do not require the use of Unit Equivalents. Residential Accessory Uses include:

³ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.14.1 Common Ski Lockers
- 1.14.2 Common Lobbies
- 1.14.3 Registration
- 1.14.4 Concierge
- 1.14.5 Bell Stand/Luggage Storage
- 1.14.6 Common Maintenance Areas
- 1.14.7 Mechanical Rooms
- 1.14.8 Common Laundry Facilities and Common Storage Areas
- 1.14.9 Employee Facilities
- 1.14.10 Common Pools, Saunas and Hot Tubs
- 1.14.11 Public Telephone Areas
- 1.14.12 Public Restrooms
- 1.14.13 Administrative Offices
- 1.14.14 Public Hallways and Circulation Areas

1.15 **“Resort Accessory Uses”** provisionally⁴ means uses that are clearly incidental to and customarily found in connection with the principal resort building or use and are operated for the convenience of the owners, occupants, employees, customers or visitors to the principal resort use. Resort Accessory Uses do not require the use of Unit Equivalents. They include such uses as:

- 1.15.1 Information
- 1.15.2 Lost and Found
- 1.15.3 Mountain Patrol
- 1.15.4 Mountain Administration
- 1.15.5 Mountain Maintenance and Storage Facilities
- 1.15.6 Mountain Patrol and Emergency Medical Facilities
- 1.15.7 Public Lockers
- 1.15.8 Public Restrooms
- 1.15.9 Employee Lockers
- 1.15.10 Ski School/Day Care

⁴ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

1.16 **“Richardson Flats”** means all of UPCM’s property at the southeast corner of U.S. 40 and S.R. 248, more fully described and depicted on Exhibit D.

1.17 **“Transportation Hub”** means the terminus of a public and/or private transportation system that is located at a convenient location within the Mountain Village.

1.18 **“Unit Equivalent,”** with respect to commercial structures and multifamily and PUD structures, has the meaning set forth in the LMC.⁵ Each single family residential structure (excluding PUDs) approved by the City pursuant to this Agreement for construction within the Project shall have a Unit Equivalent of 1.00, regardless of the size or the location of the single family residential structure. Each commercial structure or portion thereof (as such may be determined in applicable MPD approvals) shall consume 1 Unit Equivalent for each 1000 square feet. Each multifamily and PUD residential structure shall consume 1 Unit Equivalent for each 2000 square feet.

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

2.1. DEVELOPER is hereby granted the equivalent of a Large Scale Master Planned Development (Large Scale MPD) for Flagstaff Mountain. This Large Scale MPD sets forth maximum densities, location of densities and DEVELOPER-offered amenities and is subject to all normally-applicable City processes, and in addition thereto, such processes defined below, including DEVELOPER’s responsibility, prior to or concurrent with the Small Scale MPD process, to submit and ultimately to obtain (upon modification, if necessary) City approval, of satisfactory plans detailed below:

⁵ Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent.

- 2.1.1. Mine/Soil Hazard Mitigation Plan--which plan shall include an inventory of all mine sites, potential sources of release of hazardous materials into the environment, and a plan and schedule for their remediation;
- 2.1.2. Detailed Design Guidelines, with strong architectural themes, for the entire Flagstaff Mountain Project;
- 2.1.3. Specific Transit Plan;
- 2.1.4. Parking Management Plan;
- 2.1.5. Detailed Open Space Management Plan;
- 2.1.6. Historic Preservation Plan;
- 2.1.7. Emergency Response Plan, including DEVELOPER's commitments to provide infrastructure necessary to serve the Project and Bonanza Flats and phasing therefor;
- 2.1.8. Trails Master Plan setting forth trail locations, specifications, phasing and timing of public easements;
- 2.1.9. Private Road Access Limitation Procedures;
- 2.1.10. Construction Phasing Plan—including construction milestones for project amenities, including Richardson Flats development;
- 2.1.11. General Infrastructure and Public Improvements Design and Phasing Plan, which calls for the efficient extension of services, concentrating initial infrastructure development in the Mountain Village, and secondarily in the Northside Neighborhood. Such plan shall allow for the construction of a variety of housing types in each phase;
- 2.1.12. Utilities Master Plan—including the timing, alignment and service strategy for water and sewer service, as well as storm water management throughout the Project and Bonanza Flats;
- 2.1.13. Wildlife Management Plan; and
- 2.1.14. Affordable Housing Plan, including phasing.
- 2.2. **Maximum Development Parameters--Flagstaff Mountain.** Flagstaff Mountain is composed of the Mountain Village, the Northside

Neighborhood; various ski related improvements, and the Silver Mine Adventure. Upon annexation, Flagstaff Mountain will be zoned as shown on the zoning map attached hereto as Exhibit P. The following maximum development parameters apply to Flagstaff Mountain:

2.2.1 Mountain Village: The Mountain Village is constrained as follows:

2.2.1.1 Small Scale MPD. Site specific volumetrics and configuration will be established in the Small Scale MPD process.

2.2.1.2. Maximum Development Area. In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.

2.2.1.3. Maximum Density. The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.⁶ Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.

2.2.1.4. Pedestrian Village. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B₁, and B₂) within the Mountain Village must be linked by transit.

2.2.1.5. Commercial. The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

⁶ Hotel rooms of 500 square feet or less constitute 1/4 Unit Equivalent. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at the rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units.

Convenience Commercial uses for residents and visitors such as groceries and sundries.

2.2.1.6. **Mine Site Reclamation.** To the greatest extent possible, DEVELOPER shall locate density in disturbed areas. This provision applies primarily to potential density at the Daly West site. Additionally, DEVELOPER shall reclaim⁷ all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review.

2.2.1.7. **Public Trails.** DEVELOPER shall construct and dedicate public trails designated on an accepted Trails Master Plan. Many trails will be constructed on land ultimately owned by DEER VALLEY. In those areas, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for public trail use. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.2.1.8. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER and/or DEER VALLEY shall execute for the benefit of the City perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which, at a minimum, shall prevent the construction thereon of residential, commercial and retail structures but shall provide for ski-related uses consistent with paragraph 2.5 herein.

2.2.1.9. **Parking.** Each Small Scale MPD submittal shall include a parking management plan with respect to the portion of the property covered by such Small Scale MPD submittal.

⁷ Reclamation shall include, at a minimum, revegetation of exposed areas.

The goal of the plan is to design the Mountain Village in such a way as to reduce parking demand by 25%. DEVELOPER shall plan and encourage within the Mountain Village portion of the Project programs such as parking management, paid parking for commercial uses, shuttles and other programs designed to reduce the demand for private vehicles and parking. DEVELOPER shall provide for shared parking in all commercial, short-term residential and mixed-use buildings. Assigned or reserved spaces within commercial, short-term residential and mixed-use buildings are prohibited except that in the case of the Montage, one parking space may be assigned for each dwelling unit (excluding the 192 hotel rooms). The majority of the required parking areas will be fully enclosed and/or constructed underground.

2.3 **Prospect Ridge.** DEVELOPER considers the Prospect Ridge area depicted in Exhibit K to be a critical viewshed area for Old Town.

2.3.1 **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" on Exhibit K which shall prevent the construction thereon of residential, commercial and/or retail structures, ski lifts, and developed alpine ski runs.

2.4. **Northside Neighborhood.** The Northside Neighborhood is composed of property owned by five separate Northside Neighborhood Property Owners and, upon their written acceptance of the terms of this Agreement,

Technical Reports

See Link in Exhibit list.

Planning Commission Staff Report

Author: Brooks T. Robinson
Subject: Village at Empire Pass,
 Master Planned Development
Date: July 14, 2004
Type of Item: Administrative



**PLANNING
DEPARTMENT**

Summary Recommendations:

Staff is seeking any further discussion and direction on the revised Village Master Plan

A. Topic

Applicant	United Park City Mines / Talisker Corp.
Location	Village at Empire Pass (formerly known as Flagstaff Mountain Resort)
Zoning	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort ski terrain, State Route 224

B. Background

On June 24, 1999, Council adopted Ordinance 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 99-30 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

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

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

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (20-99) form the standards under which the subject MPD and preliminary/final plat will be reviewed.

During the Olympic break a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara focused

on a review of the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33 foot height limit. These items were reviewed at a work session and a public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

1. The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 99-30 could potentially be constructed within the approved development pods without the necessity of a height increase above the 33-foot RD zone height limit; and
2. Building height increases for specific multi-family/resort-related buildings may be considered based on site-specific reviews and compliance with the standards set forth in the Master Planned Development section of the Land Management Code (LMC).

C. Proposal

The applicant seeks Master Planned Development (MPD) approval for the Mountain Village (Pods A, B-1, and B-2), now called the Village at Empire Pass. Pod B-1 was previously approved in May 2002. B-2 is not far enough along in the planning process to have a clear idea of that part of the development. However, residual units and unit equivalents remain for a future B-2 MPD.

The Development Agreement constrains the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

- The Mountain Village is to be contained within 84 acres.
- No more than 705 Unit Equivalents (2,000 square feet each) in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
- 65% of the residential units (306) must be within Pod A.
- No more than 75,000 square feet of resort support commercial.
- A maximum 35,000 square foot day skier lodge in Pod B-2 with no public road access, no day skier parking, and limited parking to meet service and administrative requirements.

On May 22, 2002, the Planning Commission approved an MPD and final plats for portions of the Mountain Village including:

Lot	Unit Equivalents	Acres
Ten single family homes	Does not count towards 705 total	6.40 acres in Pod B-1
A: Empire Day Lodge	None currently. Commercial activities outside of Day Skier use may require use of Commercial UEs.	1.33 acres in Pod B-2
B: 18 PUD-style homes	27 UEs	16.99 acres in Pod B-1

C: 25 (building 24) Ironwood Townhomes	37.5 UEs	3.63 acres in Pod B-1
D: 22 Unit Stacked Flat "Building H"	34 UEs plus 1UE Support Commercial	1.34 acres in Pod A
Larkspur Townhomes (currently approved is a tri- plex and a duplex)	7.1 UEs or 14,052 sf	Pod A
Paintbrush PUD-style SFD (7 units currently approved)	18.1 UEs or 36,139 sf	Pod A
TOTAL: 77 units (10 SFD homes do not count towards total)	123.7	28.35 acres outside of Pod A

D. Analysis

Master Planned Development Review

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

Length of Approval

Per the LMC, approval of the proposed MPD will be memorialized through a separate development agreement. Construction of the approved MPD will be required to commence within two (2) years of the Development Agreement execution date. After construction commences, the MPD remains valid as long as it is consistent with the approved development agreement and any phasing plan.

MPD Modifications

Substantive changes to the MPD require a subsequent Planning Commission review and approval of the MPD and Development Agreement.

Site Specific Approvals

Conditional use permit approval including a specific density (square foot) allocation will be required prior to the construction of the PUD-style single-family units and the multi-family units. No conditional use permit is required for the proposed 6 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of the proposed subdivision.

Density

With the current approvals noted above, Pod A and the development parcel of Pod B-2 outside of the Empire Day Lodge is limited to 55.65 acres, 393 residential units and 563.3 Unit Equivalents (assuming Lot B of the Northside Subdivision, Pod B-1, is adjusted)*. Pod A has 34 units (9 PUDs, 3 townhomes, and 22 condo-lodge units in Building H), already approved of the 306 residential units that are required to be in Pod A. Proposed for Pod A is 321.5 Units, which includes the 34 units, leaving up to 105.5

units available for Pod B-2. In addition, the remaining 6 single-family lots of the 16 allowed in the Village are proposed in Pod A.

**The 18 units in Lot B were sold under the developer's assumption that the UE s capped at 1.5 no matter what size the building. Staff asserts that some of these units can be a maximum of 5,000 square feet, but not necessarily all of them. What was sold was 90,000 square feet of floor area in 18 units. With the Commission's finding that the Unit Equivalents are counted as one UE per each 2,000 square feet, the 27 UEs approved on lot B may be adjusted to 45 as part of a future amendment to the B-1 MPD. The Density Summary does reflect this adjustment, but the Commission is not making that specific determination at this time. The 28 UEs are not assigned to Pod A or B-2.*

Marsac Claim/Mayflower

The Planning Commission received a letter dated June 18, 2004 from E. Craig Smay regarding the holdings of Mayflower and its dispute with United Park. The Commission received a copy of this letter at its meeting of June 23, 2004. Staff generally disagrees with the representations contained in the letter, but for the most part, it is irrelevant. No density is "made available to Mayflower" as a result of this application because Mayflower had no rights under the MPD and DA. The Applicant, however, is entitled to move forward with an application in conformance with the terms of the DA and large scale MPD density that was granted to it. Mayflower, by virtue of a quiet title action after the annexation approval, is only subject to the zoning that was put in place as a result of the annexation. Any development rights for Mayflower property must be determined by separate MPD application. If Mayflower believes its holdings and contracts with United Park give it rights to other units transferred from other property, Mayflower must establish those in court (an action is pending). The City has no ability to quiet title or otherwise determine the legal relationship between Mayflower and United Park. The overall density agreed to by the City as a result of approving the DA was a part of a complex negotiation that included millions of the dollars of obligations, express contributions and dedications, as well as numerous mitigating conditions of approval. An acreage calculation per density as proposed in Mr. Smay's letter would be impossible and simply unfair because such a calculation does not include all the burdens and obligations similarly imposed by the DA. The City feared exactly that and expressly left the necessity of dealing with the other property owners to United Park. If the other owners did not agree to the DA or subsequently negotiated a "late comer's agreement", then such owners may only apply for a separate MPD in accordance to the base zoning as a result of the annexation. So while density is not being assigned to Mayflower, it is true that an application for more than the 2.2 u.e. un-used units would require a rezone application in addition to the MPD. (Like Pod D where the DA expressly addresses this situation and fortunately set a maximum).

The validity of the state road dedication/approval is an issue the City will defer to the state. At the present time, the City has no information from the state undoing its acceptance of dedication. Accordingly, staff recommends proceeding with the application.

Pod B-1

The density table allocates 90,000 square feet or 45 Unit Equivalents to Lot C. The previous MPD approval for these 18 PUD-style homes allocated 27 UEs to this lot, with each unit being up to 5,000 square feet. The footprints and sections that were reviewed by the Planning Commission were concepts of 5,000 square foot units. An amendment to the MPD will be required to adjust this number, however the density table recognizes that up to 90,000 square feet may be assigned to Lot C.

Pod B-2

The developer is unsure what this last development piece may look like. Several alternatives were presented in the Planning Commission binder. An MPD will be required when a UPK has a better idea of how this pod will develop.

Setbacks

The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. The proposed Village MPD complies with this standard. Within the Village, the Planning Commission may reduce the RD zone setbacks. Exhibit 10 (Setback Exhibit) shows potential areas for setback reductions based on the conceptual site plans. Specific setbacks will be considered during the Conditional Use Permit process.

Open Space

The Development Agreement limits the overall development to 147 acres out of the 1,655-acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC. Within each of the pods, Conservation Easements will be placed on several lots to restrict development on platted lots. Staff finds that this restriction is consistent with the development acreage restriction and will not count the Conservation Easement areas as part of the development acreage.

Off-Street Parking

The Parking and Transit Management Plans (adopted by the Planning Commission on October 24, 2001) establish specific parking requirements for the project area that include a 25% parking reduction from the normal LMC requirements for multi-family and commercial units. Parking for all single-family and PUD-style single-family units will meet or exceed the two-space/unit requirement. Specific parking requirements for the multi-family units and any commercial area will be subject to more specific analysis during the subsequent conditional use permit review process.

Building Height

The single-family (both PUD and non-PUD) and townhouse units will be constructed pursuant to the 33' RD-zone height limitation. Height exceptions are being requested for the nine stacked-flat condo-lodges including the Empire (Alpine) Club. The

applicant's request and discussion of the four required findings for additional height are discussed in the Volumetrics Analysis section of the application binder.

The LMC grants the Planning Commission the authority to allow additional building height based upon site-specific analysis provided the Commission can make the following four findings. The findings are listed below. Staff comments are in *italics*.

1. The increase in building height does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

***Complies.** In January 2002, a Planning Commission subcommittee and staff met with the applicant over the course of several meetings to review a base zone height analysis of the Flagstaff Mountain Resort (now Empire Pass) project. The analysis was conducted to determine whether or not the density authorized in Development Agreement and Large-Scale MPD could be designed to meet the RD District 33-foot building height limits. Based on this analysis, it was determined that the Mountain Village area (Pods A, B-1, and B-2) could be designed utilizing 2-3 story, relatively-flat roof structures (4:12 roofs) and meet all necessary LMC height, setback, and facade shift requirements without the necessity of height exceptions. The result of such a design approach to the Mountain Village would be significantly greater site disturbance and loss of significant areas of vegetation. At the March 27, 2002 meeting, the Planning Commission reviewed the analysis and concluded that additional building height could be considered for multi-unit dwellings provided that proposal was consistent with the LMC.*

Consistent with the base zone height analysis previously reviewed by Staff and the Planning Commission, the proposed buildings 1-9 volumetrics result in a unit count and overall square footage consistent with the density assigned to the Mountain Village area pursuant to the Development Agreement and Large-Scale MPD approval. Therefore, there is no increase in density or square footage as a result of the height increase. The additional height is also offset by increased setbacks which offers opportunities for greater landscape buffers to be established. The proposed roof design, including pitched roofs that step with grade, are consistent with LMC Architectural Design Guidelines, suggestive of pitched/sloping roofs found on historic mine structures originally located in the area, provide increased vertical breaks in the building mass, and increased architectural interest beyond that provided by a relatively flat roof building.

2. Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.

Complies. No structures currently exist on the neighboring properties. Townhouses and Single Family/PUD-style units are proposed to the south, east and west of the nine building core. The conceptual site plan is designed to orient the multi-family units to the central ski run and to mountain views to the west and east.

3. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.

Complies. The proposed building exceeds the RD District setback requirements. The setback requirements of the RD District are 20 feet for front yards, 15 feet for rear yards, and 12 feet for side yards. The proposed setbacks are 25-55 feet for the front yard setback, 15-25 feet for the rear setback, and 15-30 feet for the side yard setback. Staff finds that sufficient building separation between each structure is provided. A specific landscaping/buffer plan will be required as part of the conditional use permit review for each of the nine buildings.

4. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.

Complies. The Mountain Village design clusters the majority of the Empire Pass density into Pods A, B-1, and B-2 in exchange for larger areas of project open space. The LMC requirement for MPD open space is 60%. Approximately 88% open space is provided pursuant to the Development Agreement. The bulk of the project open space is utilized for passive recreation areas, trails, ski terrain and improvements, wildlife areas, and sensitive terrain preservation.

In addition to the criteria outlined above, the Planning Commission subcommittee identified several vantage points during the Olympic break that are to be used during MPD and subsequent PUD reviews. The vantage points include views from King Road, two points from Stein Eriksen Lodge, the Marsac Building, Guardsman Road/Guardsman Road Connection intersection, the Daly West head frame, and American Flag Subdivision. A visual analysis of the Village from these vantage points has been included with this report as an attachment. As demonstrated by the visual analysis, the nine buildings are partially visible from the subcommittee's vantage points, but are mitigated by the current and potential tree canopy and the backdrop of the mountains behind. The buildings do not break any significant ridgelines.

Site Planning

The nine site planning criteria outlined in the LMC are intended to promote overall design that incorporates the development into the site's natural characteristics. Generally, the location of the proposed development parcels is consistent with the development pods approved as part of Development Agreement and Large-Scale MPD which clustered the development onto less-steep terrain and in the least visually

sensitive areas. The open space areas designated in the Development Agreement are respected with this plan.

Roads

The roadway system has been reviewed by staff and is much preferable to the previous configuration. Three roads plus a frontage road on the north end townhouses serve Pod A. The previous configuration had dead-end cul de sacs serving the interior larger buildings. The present configuration allows for greater tree buffer along Marsac Avenue and reduced grading. However, a cul de sac in excess of 650 feet is created in the southwest quadrant. This is in conflict with the general policy and subdivision code of the City to limit the length of dead-end roads. The Chief Fire Marshall is comfortable with the plan as it relates to fire access and safety as the end of the cul de sac continues as an emergency access point as part of the Emergency Response Plan. The Commission reviewed this issue at the work session of April 14, 2004 and was accepting of the Fire Marshall's recommendation. Approval of the proposed cul de sac will require a specific finding of the Planning Commission.

Trails

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

Overall pedestrian circulation is outlined in the applicant's packet. The internal pedestrian paths are intended to keep users off the roads as much as possible and to link the Empire Club with the outlying areas. There may be instances, particularly at the north and south ends, where sidewalks along the streets would be required in order to meet the subdivision regulations. The Planning Commission discussed this issue on April 14, 2004 and agreed to waive this requirement. Snow storage, landscaping, recycling, delivery access, and ADA access for multi-family units will also be analyzed during the subsequent conditional use permit process.

Landscape and Streetscape

Landscaping, streetscape, and lighting will be reviewed for the multi-family and PUD-style single-family lots during the subsequent conditional use permit process. The applicant will need to clarify the amount and type of street lighting proposed along the residential streets. The lighting must comply with the City Engineer's specifications, the Municipal Lighting Code, and the Design Guidelines adopted by the Planning Commission on October 24, 2001. All street lights will be privately maintained.

Sensitive Lands Compliance

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

Employee/Affordable Housing

Pursuant to the Flagstaff Mountain Resort Employee/Affordable Housing Plan, 15 employee/affordable housing units are required to be constructed or in-lieu fees paid with the Certificate of Occupancy of 150 Unit Equivalents. Review of the employee housing units and specific conditions of approval will take place during the conditional use permit review process.

E. Recommendation: The Planning Department recommends the Planning Commission open the public hearing and take public comment. Staff recommends that the hearing be held open. Staff is prepared to present Findings of Fact, Conclusions of Law and Conditions of Approval at the meeting of July 28, 2002, as directed by the Planning Commission.

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Planning Commission Staff Report



Author: Brooks T. Robinson
Subject: Village at Empire Pass,
 Master Planned Development
Date: July 28, 2004
Type of Item: Administrative

**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval.

Topic

Applicant	United Park City Mines / Talisker Corp.
Location	Village at Empire Pass (formerly known as Flagstaff Mountain Resort)
Zoning	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort ski terrain, State Route 224

Background

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

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During the Olympic break a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara focused on a review of the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33 foot height limit. These items were reviewed at a work session and a public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

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2. Building height increases for specific multi-family/resort-related buildings may be considered based on site-specific reviews and compliance with the standards set forth in the Master Planned Development section of the Land Management Code (LMC).

Proposal

The applicant seeks Master Planned Development (MPD) approval for the Mountain Village (Pods A, B-1, and B-2), now called the Village at Empire Pass. Pod B-1 was previously approved in May 2002. B-2 is not far enough along in the planning process to have a clear idea of that part of the development. However, residual units and unit equivalents remain for a future B-2 MPD.

The Development Agreement constrains the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

- The Mountain Village is to be contained within 84 acres.
- No more than 705 Unit Equivalents (2,000 square feet each) in no more that 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
- 65% of the residential units (306) must be within Pod A.
- No more than 75,000 square feet of resort support commercial.
- A maximum 35,000 square foot day skier lodge in Pod B-2 with no public road access, no day skier parking, and limited parking to meet service and administrative requirements.

On May 22, 2002, the Planning Commission approved an MPD and final plats for portions of the Mountain Village including:

Lot	Unit Equivalents	Actual Units	Acres
Ten single family homes	Does not count towards 705 total		6.40 acres in Pod B-1

A: Empire Day Lodge	None currently. Commercial activities outside of Day Skier use may require use of Commercial UEs.		1.33 acres in Pod B-2
B: PUD-style homes	27 UEs	18	16.99 acres in Pod B-1
C: Ironwood Townhomes	37.5 UEs	25	3.63 acres in Pod B-1
D: Building H	33 UEs plus 1UE Support Commercial	22	1.34 acres in Pod A
Larkspur Townhomes (currently approved is a tri-plex and a duplex)	7.1 UEs or 14,052 sf	5	Pod A
Paintbrush PUD-style SFD	18.1 UEs or 36,139 sf	7	Pod A
TOTAL: 77 units (10 SFD homes do not count towards total)	123.7	77	28.35 acres outside of Pod A

Proposed Pod A Village (excludes Building H which is in Pod A; includes already approved Paintbrush and Larkspur units)

Lot	Unit Equivalents	Actual Units	Units as PUDs	Single Family
Buildings 1-9	225.6 UEs	217 Units		
PUD-style	85.4	30	30	
Townhomes	64	51	8	
Banner SFD				6
Total	375	298	38	6

Analysis

Master Planned Development Review

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

Length of Approval

Construction of the approved MPD will be required to commence within two (2) years of the approval date. After construction commences, the MPD remains valid as long as it is consistent with the approved MPD and any phasing plan.

MPD Modifications

Substantive changes to the MPD require a subsequent Planning Commission review and approval of the MPD and Development Agreement.

Site Specific Approvals

Conditional use permit approval including a specific density (square foot) allocation will be required prior to the construction of the PUD-style single-family units and the multi-family units. No conditional use permit is required for the proposed 6 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of the proposed subdivision.

Density

With the current approvals noted above, Pod A and the development parcel of Pod B-2 outside of the Empire Day Lodge is limited to 55.65 acres, 393 residential units and 563.3 Unit Equivalents. Pod A has 34 units (9 PUDs, 3 townhomes, and 22 condo-lodge units in Building H) already approved of the 306 residential units that are required to be in Pod A. Proposed for Pod A is 321.5 Units, which includes the 34 units, leaving up to 105.5 units unallotted. In addition, the remaining 6 single-family lots of the 16 allowed in the Village are proposed in Pod A.

Marsac Claim/Mayflower

Please refer to the July 14, 2004 report for discussion on the Marsac Claim and Mayflower holdings. The Court issued a ruling in the partition case between Mayflower and Unite Park. Staff will update the Commission as necessary, but it does not impact this application or approval.

Pod B-1

The density table allocates 90,000 square feet or 45 Unit Equivalents to Lot C. The previous MPD approval for these 18 PUD-style homes allocated 27 UEs to this lot, with each unit being up to 5,000 square feet. The footprints and sections that were reviewed by the Planning Commission were concepts of 5,000 square foot units. An amendment to the MPD will be required to adjust this number, however the density table recognizes that up to 90,000 square feet may be assigned to Lot C.

Pod B-2

The developer is unsure what this last development piece may look like. Several alternatives were presented in the Planning Commission binder. An MPD will be required when a UPK has a better idea of how this pod will develop. This MPD approval only applies to Pod A.

Setbacks

The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. The proposed Village MPD complies with this standard. Within the Village, the Planning Commission may reduce the RD zone setbacks. Exhibit 10 (Setback Exhibit) shows potential areas for setback reductions based on the conceptual site plans. Specific setbacks will be considered during the Conditional Use Permit process.

Open Space

The Development Agreement limits the overall development to 147 acres out of the 1,655-acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC. Within each of the pods, Conservation Easements will be placed on several lots to restrict development on platted lots. Staff finds that this restriction is consistent with the development acreage restriction and will not count the Conservation Easement areas as part of the development acreage.

Off-Street Parking

The Parking and Transit Management Plans (adopted by the Planning Commission on October 24, 2001) establish specific parking requirements for the project area that include a 25% parking reduction from the normal LMC requirements for multi-family and commercial units. Parking for all single-family and PUD-style single-family units will meet or exceed the two-space/unit requirement. Specific parking requirements for the multi-family units and any commercial area will be subject to more specific analysis during the subsequent conditional use permit review process.

Building Height

The single-family (both PUD and non-PUD) and townhouse units will be constructed pursuant to the 33' RD-zone height limitation. Height exceptions are being requested for the nine stacked-flat condo-lodges including the Empire (Alpine) Club. The applicant's request and discussion of the four required findings for additional height are discussed in the Volumetrics Analysis section of the application binder. The Planning Commission gave a final review of the Visual Analysis and building heights at the July 14, 2004 hearing and preliminarily determined the proposed heights comply with these criteria.

The LMC grants the Planning Commission the authority to allow additional building height based upon site-specific analysis provided the Commission can make the following four findings. The findings are listed below with Staff comments.

1. The increase in building height does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

Complies. In January 2002, a Planning Commission subcommittee and staff met with the applicant over the course of several meetings to review a base zone height analysis of the Flagstaff Mountain Resort (now Empire Pass) project. The

analysis was conducted to determine whether or not the density authorized in Development Agreement and Large-Scale MPD could be designed to meet the RD District 33-foot building height limits. Based on this analysis, it was determined that the Mountain Village area (Pods A, B-1, and B-2) could be designed utilizing 2-3 story, relatively-flat roof structures (4:12 roofs) and meet all necessary LMC height, setback, and facade shift requirements without the necessity of height exceptions. The result of such a design approach to the Mountain Village would be significantly greater site disturbance and loss of significant areas of vegetation. At the March 27, 2002 meeting, the Planning Commission reviewed the analysis and concluded that additional building height could be considered for multi-unit dwellings provided that proposal was consistent with the LMC.

Consistent with the base zone height analysis previously reviewed by Staff and the Planning Commission, the proposed buildings 1-9 volumetrics result in a unit count and overall square footage consistent with the density assigned to the Mountain Village area pursuant to the Development Agreement and Large-Scale MPD approval. Therefore, there is no increase in density or square footage as a result of the height increase. The additional height is also offset by increased setbacks that offer opportunities for greater landscape buffers to be established. The proposed roof design, including pitched roofs that step with grade, are consistent with LMC Architectural Design Guidelines, suggestive of pitched/sloping roofs found on historic mine structures originally located in the area, provide increased vertical breaks in the building mass, and increased architectural interest beyond that provided by a relatively flat roof building.

2. Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.

Complies. No structures currently exist on the neighboring properties. Townhouses and Single Family/PUD-style units are proposed to the south, east and west of the nine building core. The conceptual site plan is designed to orient the multi-family units to the central ski run and to mountain views to the west and east.

3. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.

Complies. The proposed building exceeds the RD District setback requirements. The setback requirements of the RD District are 20 feet for front yards, 15 feet for rear yards, and 12 feet for side yards. The proposed setbacks are 25-55 feet for the front yard setback, 15-25 feet for the rear setback, and 15-30 feet for the side yard setback. Staff finds that sufficient building separation between each

structure is provided. A specific landscaping/buffer plan will be required as part of the conditional use permit review for each of the nine buildings.

4. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.

Complies. The Mountain Village design clusters the majority of the Empire Pass density into Pods A, B-1, and B-2 in exchange for larger areas of project open space. The LMC requirement for MPD open space is 60%. Approximately 88% open space is provided pursuant to the Development Agreement. The bulk of the project open space is utilized for passive recreation areas, trails, ski terrain and improvements, wildlife areas, and sensitive terrain preservation.

In addition to the criteria outlined above, the Planning Commission subcommittee identified several vantage points during the Olympic break that are to be used during MPD and subsequent PUD reviews. The vantage points include views from King Road, two points from Stein Eriksen Lodge, the Marsac Building, Guardsman Road/Guardsman Road Connection intersection, the Daly West head frame, and American Flag Subdivision. A visual analysis of the Village from these vantage points has been included with this report as an attachment. As demonstrated by the visual analysis, the nine buildings are partially visible from the subcommittee's vantage points, but are mitigated by the current and potential tree canopy and the backdrop of the mountains behind. The buildings do not break any significant ridgelines.

Site Planning

The nine site planning criteria outlined in the LMC are intended to promote overall design that incorporates the development into the site's natural characteristics. Generally, the location of the proposed development parcels is consistent with the development pods approved as part of Development Agreement and Large-Scale MPD which clustered the development onto less-steep terrain and in the least visually sensitive areas. The open space areas designated in the Development Agreement are respected with this plan.

Roads

The roadway system has been reviewed by staff and is much preferable to the previous configurations. Three roads plus a frontage road on the north end townhouses serve Pod A. The previous configuration had dead-end cul de sacs serving the interior larger buildings. The present configuration allows for greater tree buffer along Marsac Avenue and reduced grading. However, a cul de sac in excess of 650 feet is created in the southwest quadrant. This is in conflict with the general policy and subdivision code of the City to limit the length of dead-end roads. The Chief Fire Marshall finds the plan to comply with the necessary standards for fire access and safety. The end of the cul de sac continues as an emergency access point as part of the Emergency Response Plan. The Commission reviewed this issue at the work session of April 14, 2004 and was

accepting of the Fire Marshall's recommendation. Approval of the proposed cul de sac will require a specific finding of the Planning Commission.

Trails

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

Overall pedestrian circulation is outlined in the applicant's packet. The internal pedestrian paths are intended to keep users off the roads as much as possible and to link the Empire Club with the outlying areas. There may be instances, particularly at the north and south ends, where sidewalks along the streets would be required in order to meet the subdivision regulations. The Planning Commission discussed this issue on April 14, 2004 and agreed to waive this requirement. Snow storage, landscaping, recycling, delivery access, and ADA access for multi-family units will also be analyzed during the subsequent conditional use permit process.

Landscape and Streetscape

Landscaping, streetscape, and lighting will be reviewed for the multi-family and PUD-style single-family lots during the subsequent conditional use permit process. The applicant will need to clarify the amount and type of street lighting proposed along the residential streets. The lighting must comply with the City Engineer's specifications, the Municipal Lighting Code, and the Design Guidelines adopted by the Planning Commission on October 24, 2001. All streetlights will be privately maintained. Staff has added a Condition of Approval that each CUP application include a preliminary landscape plan with water-efficient irrigation systems.

Sensitive Lands Compliance

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

Employee/Affordable Housing

Pursuant to the Flagstaff Mountain Resort Employee/Affordable Housing Plan, 15 employee/affordable housing units are required to be constructed or in-lieu fees paid with the Certificate of Occupancy of 150 Unit Equivalents. Review of the employee housing units and specific conditions of approval will take place during the conditional use permit review process.

Recommendation: The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval for the Village at Empire Pass as follows:

Findings of Fact

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
 - no more than 75,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.

7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 Unit Equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
9. The 14 technical reports/studies, along with the Land Management Code and the Development Agreement (99-30) form the standards which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B) Volumetric Analysis (dated July 5, 2004, Exhibit D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), and Supplemental Plans including Building Height Diagram, Vegetative Buffer, Trails, and Construction Sequencing (Exhibit H). Together with the Site Plans dated July 21, 2004 (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count towards the PUD limit of 60.
15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for Six (6) single-family homes.
16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count towards the development acreage.
17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.

18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over length cul de sac.
20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June June 15, 2004.
21. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
23. The applicant has requested additional building height for the structures proposed as Buildings 1-9, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.
25. Proposed Buildings 1-9 has been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 on includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law

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

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

Conditions of Approval

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

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

Exhibits

- A – Master Plan Development Project Description (8 pages)
- B – Supplemental Project Description and Conditions (3 pages)
- C - Conceptual Plans (10 pages)
- D – Volumetric Analysis (3 pages)
- E – Volumetrics, Buildings 1-9 (19 pages)
- F – Visual Analysis (5 pages)
- G – Architectural Character (6 pages)
- H – Supplemental Plans

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

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

Conclusions of Law

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

Conditions of Approval

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

6. Empire Pass Master Planned Development

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

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

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

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

Chair Barth re-opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

Findings of Fact - Empire Pass

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

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

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

25. Proposed Buildings 1-9 have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law - Empire Pass

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

Conditions of Approval - Empire Pass

1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family

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

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

Ordinance No. 04-42

**AN ORDINANCE APPROVING A SUBDIVISION PLAT FOR THE VILLAGE AT
EMPIRE PASS, PHASE I, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Village at Empire Pass, Phase I have petitioned the City Council for approval of the subdivision plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 22, 2004, to receive input on the subdivision plat;

WHEREAS, the Planning Commission, on September 22, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 30, 2004 the City Council approved the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision plat.

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

SECTION 1. APPROVAL. The subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Village at Empire Pass Phase Plat is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. Two parcels with eleven (11) lots are created with this subdivision plat.

5. A maintenance agreement addressing snow removal and maintenance of the water system exists between Park City Municipal Corporation and the Village at Empire Pass Master Homeowners Association.
6. The Planning Commission held a public hearing on this application on September 22, 2004, and forwarded a positive recommendation to the City Council.

Conclusions of Law

1. There is good cause for this Subdivision Plat.
2. The Final Subdivision Plat is consistent with the Flagstaff Annexation and Development Agreement, the Village at 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 Final Subdivision Plat.
4. Approval of the Final Subdivision Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
2. The subdivision plat will include a plat note requiring water-efficient irrigation systems, limited turf and disturbance.
3. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
4. 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.
5. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. The final plat shall contain a note that Village Way is a private road and another note that the maintenance of the water system is the private responsibility of the Village at Empire Pass Master Homeowners Association.

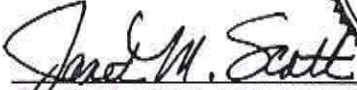
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 30th day of September, 2004.

PARK CITY MUNICIPAL CORPORATION

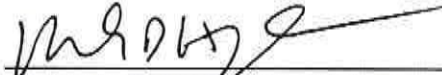

Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder



APPROVED AS TO FORM:


Mark Harrington, City Attorney

Ordinance No. 05-32

AN ORDINANCE APPROVING THE VILLAGE AT EMPIRE PASS WEST SIDE SUBDIVISION PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Village at Empire Pass West Side subdivision plat have petitioned the City Council for approval of the Village at Empire Pass West Side subdivision plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on May 25, 2005, to receive input on the Village at Empire Pass West Side subdivision plat;

WHEREAS, the Planning Commission, on May 25, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 26, 2005 the City Council approved the Village at Empire Pass West Side subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Village at Empire Pass West Side subdivision plat.

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

SECTION 1. APPROVAL. The Village at Empire Pass West Side subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

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

3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. The MPD and subdivision are subject to the 14 Technical Reports approved on December 12, 2002.
5. On July 28, 2004 the Planning Commission approved a Master Planned Development for the Village at Empire Pass, also known as Pod A. Included in this MPD approval are nine multi-family, stacked-flat, buildings. The plat creates lots for Lodges 5-9, inclusive. In addition, two lots are created for future townhouse and PUD-style condominium projects and one lot as a Conservation Easement.
6. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). The Planning Commission granted height exceptions to the nine Lodges in the Village Master Plan.
7. The applicant's prior dedication of the realigned SR 224 is subject to a claim resulting from ownership of the Marsac Claim. The applicant and UDOT have committed to maintaining public access and taking necessary corrective action.
8. Legal and safe road access is necessary for the public health, safety and welfare.
9. The pedestrian trail system is internal to the Village. A sidewalk on Empire Club Drive was not considered necessary in the approved Trails section of the Village Master Plan.
10. The Planning Commission discussed this plat at its regular meeting of May 25, 2005, and forwards a positive recommendation to the City Council.

Conclusions of Law

1. There is good cause for this Final Subdivision Plat.
2. The Final Subdivision Plat is consistent with the Flagstaff Annexation and Development Agreement, the Village at 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 Subdivision Plat.
4. Approval of the Final Subdivision Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

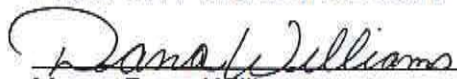
1. City Engineer approval of a utility and infrastructure plan is a condition precedent to the plat recordation. The utility plan shall show sewer lines no deeper than 12 feet. The master Empire Pass storm drain detention structure must be completed prior to occupancy of any structure within the Village at Empire Pass (Pod A) West Side Subdivision.
2. Both utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.

3. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Building Permit and for the west side infrastructure. No snow hauling off site will be permitted.
4. 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.

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

PASSED AND ADOPTED this 26th day of May, 2005.

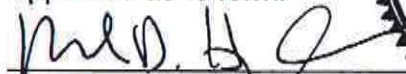
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah.

11-10-04
Date



BOUNDARY DESCRIPTIONS

PARCEL 1

A parcel of land located in the northeast quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°02'24" East 798.51 feet along section line and South 790.05 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly boundary of Marston Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence along said Marston Avenue Right of Way the following three (3) courses: (1) South 37°14'47" East 84.65 feet to a point on a curve to the left having a radius of 423.00 feet, of which the radius point bears North 32°43'13" East; thence (2) along the arc of said curve 110.79 feet through a central angle of 14°56'10"; thence (3) South 52°12'27" East 74.75 feet; thence South 47°23'30" West 246.38 feet; thence North 62°32'30" West 53.49 feet; thence North 74°14'47" West 74.14 feet; thence North 79°42'47" West 114.33 feet; thence South 88°02'24" West 112.35 feet to the southeast corner of Fairbush Homes, Parcel 2, Amended and Restated, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the westerly and northerly boundaries of said Fairbush Homes, Parcel 2, Amended and Restated, the following five (5) courses: (1) North 182.41 feet to a point on a non tangent curve to the right having a radius of 312.50 feet, of which the radius point bears North 34°21'32" East; thence (2) southeasterly along the arc of said curve 95.01 feet through a central angle of 17°05'17"; thence (3) North 38°15'17" West 42.43 feet to a point on a curve to the left having a radius of 27.50 feet, of which the radius point bears South 51°46'42" West; thence (4) along the arc of said curve 40.09 feet through a central angle of 83°10'06" to a point of compound curve of 10.00 feet, of which the radius point bears South 31°42'47" East; thence (5) southerly along the arc of said curve 15.19 feet through a central angle of 87°01'18" to a point of intersection of Empire Club Drive, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence North 28°42'47" West 52.46 feet along said Empire Club Drive to a point on a non tangent curve to the left having a radius of 17.77 feet, of which the radius point bears North 81°41'18" East; said point also being on the westerly boundary of Fairbush Homes, Parcel 2, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the southerly boundary of said Fairbush Homes, Parcel 2, the following three (3) courses: (1) westerly along the arc of said curve 26.18 feet through a central angle of 88°23'48" to a point of reversal, of which the radius point bears North 32°03'37" East; thence (2) easterly along the arc of said curve 21.21 feet through a central angle of 34°03'50"; thence (3) North 43°01'58" East 110.12 feet to a point on a non tangent curve to the left having a radius of 343.18 feet, of which the radius point bears North 32°03'37" East; thence (4) southerly along the arc of said curve 22.14 feet through a central angle of 47°42'37" to a point of compound curve to the left having a radius of 472.41 feet, of which the radius point bears North 16°07'27" West; thence (5) easterly along the arc of said curve 10.58 feet through a central angle of 14°09'02" to a point of reversal curve to the right having a radius of 30.00 feet, of which the radius point bears South 29°42'28" East; thence (6) westerly along the arc of said curve 13.22 feet through a central angle of 25°15'17" to the point of beginning.

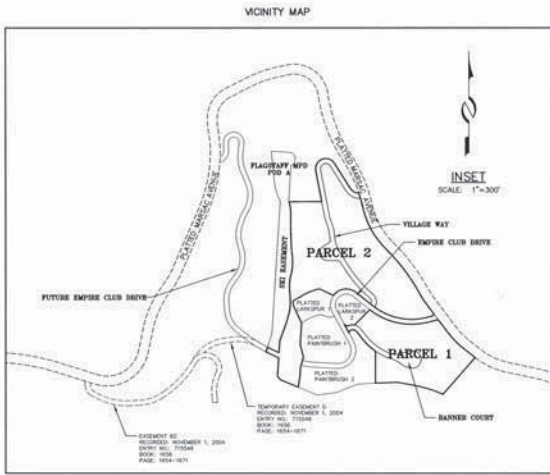
Description contains 3.55 acres, more or less.

PARCEL 2

A parcel of land located in the north half of Section 28 and the southeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°02'24" East 390.39 feet along section line and South 118.28 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly boundary of Marston Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence along said Marston Avenue Right of Way the following three (3) courses: (1) South 37°14'47" East 84.65 feet to a point on a curve to the left having a radius of 423.00 feet, of which the radius point bears North 32°43'13" East; thence (2) along the arc of said curve 110.79 feet through a central angle of 14°56'10"; thence (3) South 52°12'27" East 74.75 feet; thence South 47°23'30" West 246.38 feet; thence North 62°32'30" West 53.49 feet; thence North 74°14'47" West 74.14 feet; thence North 79°42'47" West 114.33 feet; thence South 88°02'24" West 112.35 feet to the southeast corner of Fairbush Homes, Parcel 2, Amended and Restated, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the westerly boundary of said Fairbush Homes, Parcel 2, Amended and Restated, the following three (3) courses: (1) North 182.41 feet to a point on a non tangent curve to the right having a radius of 312.50 feet, of which the radius point bears North 34°21'32" East; thence (2) southeasterly along the arc of said curve 95.01 feet through a central angle of 17°05'17"; thence (3) North 38°15'17" West 42.43 feet to a point on a curve to the left having a radius of 27.50 feet, of which the radius point bears South 51°46'42" West; thence (4) along the arc of said curve 40.09 feet through a central angle of 83°10'06" to a point of compound curve of 10.00 feet, of which the radius point bears South 31°42'47" East; thence (5) southerly along the arc of said curve 15.19 feet through a central angle of 87°01'18" to a point of intersection of Empire Club Drive, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence North 28°42'47" West 52.46 feet along said Empire Club Drive to a point on a non tangent curve to the left having a radius of 17.77 feet, of which the radius point bears North 81°41'18" East; said point also being on the westerly boundary of Fairbush Homes, Parcel 2, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the southerly boundary of said Fairbush Homes, Parcel 2, the following three (3) courses: (1) westerly along the arc of said curve 26.18 feet through a central angle of 88°23'48" to a point of reversal, of which the radius point bears North 32°03'37" East; thence (2) easterly along the arc of said curve 21.21 feet through a central angle of 34°03'50"; thence (3) North 43°01'58" East 110.12 feet to a point on a non tangent curve to the left having a radius of 343.18 feet, of which the radius point bears North 32°03'37" East; thence (4) southerly along the arc of said curve 22.14 feet through a central angle of 47°42'37" to a point of compound curve to the left having a radius of 472.41 feet, of which the radius point bears North 16°07'27" West; thence (5) easterly along the arc of said curve 10.58 feet through a central angle of 14°09'02" to a point of reversal curve to the right having a radius of 30.00 feet, of which the radius point bears South 29°42'28" East; thence (6) westerly along the arc of said curve 13.22 feet through a central angle of 25°15'17" to the point of beginning.

Description contains 7.65 acres, more or less.



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT PARK CITY RESIDENCES, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE 1, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown herein.

PARK CITY RESIDENCES, LLC
A Delaware limited liability company
By: *Mary G. Carney*
Title: *Vice President*

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 10th day of Nov, 2004 by James M. Hill, the Vice President of HE HOLDING CORP. II, a Colorado corporation, Manager of Park City Residences, LLC, a Delaware limited liability company.

Mary G. Carney
Notary Public
Reading in: Park City
My commission expires: 6-13-2008



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT SHOOTING STAR RESIDENCES, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE 1, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown herein.

SHOOTING STAR RESIDENCES, LLC
A Delaware limited liability company
By: *He Holding Corp. II*
Title: *Vice President*

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 10th day of Nov, 2004 by James M. Hill, the Vice President of HE HOLDING CORP. II, Manager of SHOOTING STAR RESIDENCES, LLC, a Delaware limited liability company.

Mary G. Carney
Notary Public
Reading in: Park City
My commission expires: 6-13-2008



THE VILLAGE AT EMPIRE PASS
PHASE 1

LOCATED IN SECTIONS 21 AND 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SYNDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SYNDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 12 DAY OF November, 2004 A.D.
BY: *[Signature]*
C.E.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12 DAY OF November, 2004 A.D.
BY: *[Signature]*
CHAIRMAN

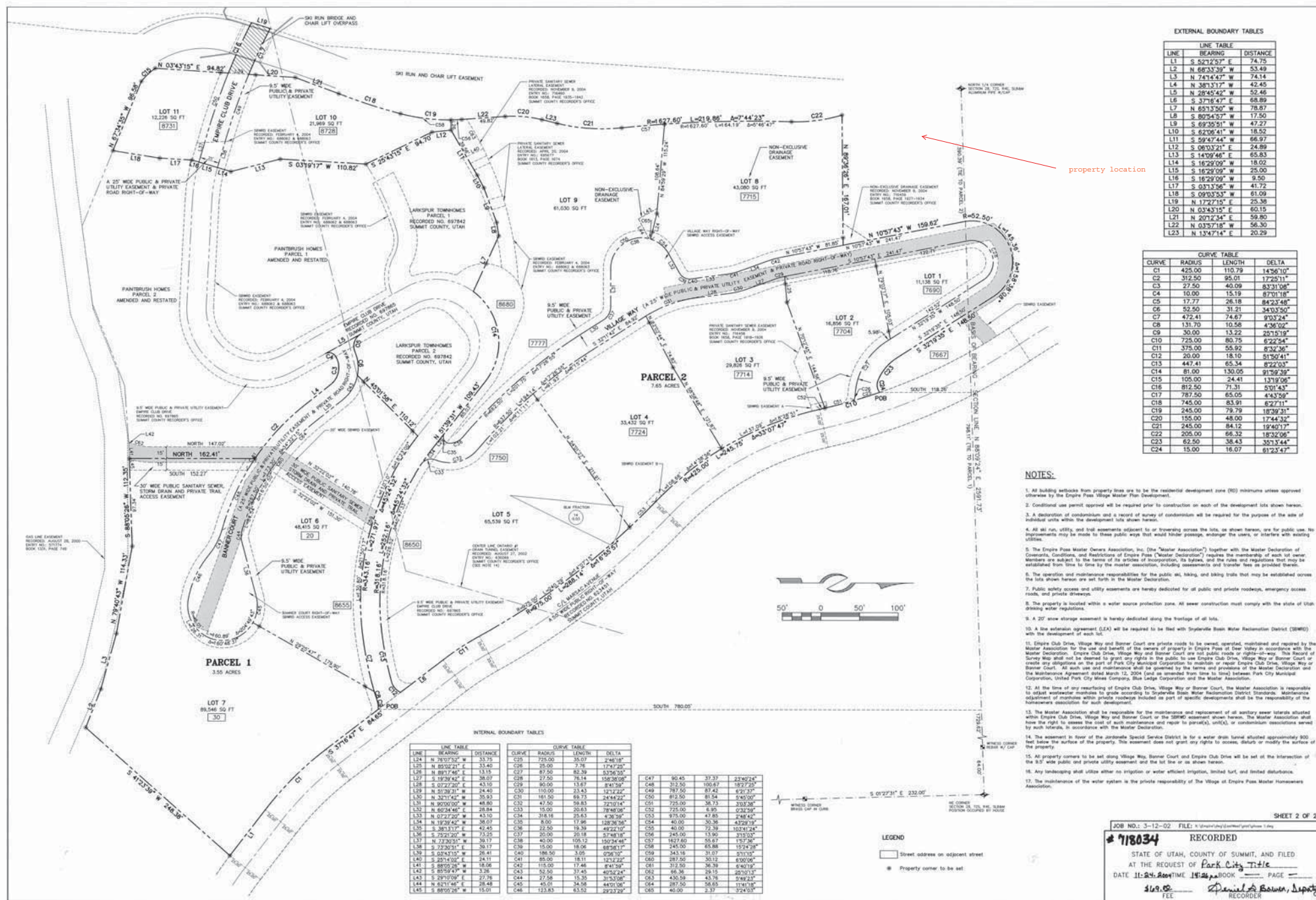
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 11th DAY OF November, 2004 A.D.
BY: *[Signature]*
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 15th DAY OF November, 2004 A.D.
BY: *[Signature]*
PARK CITY ATTORNEY

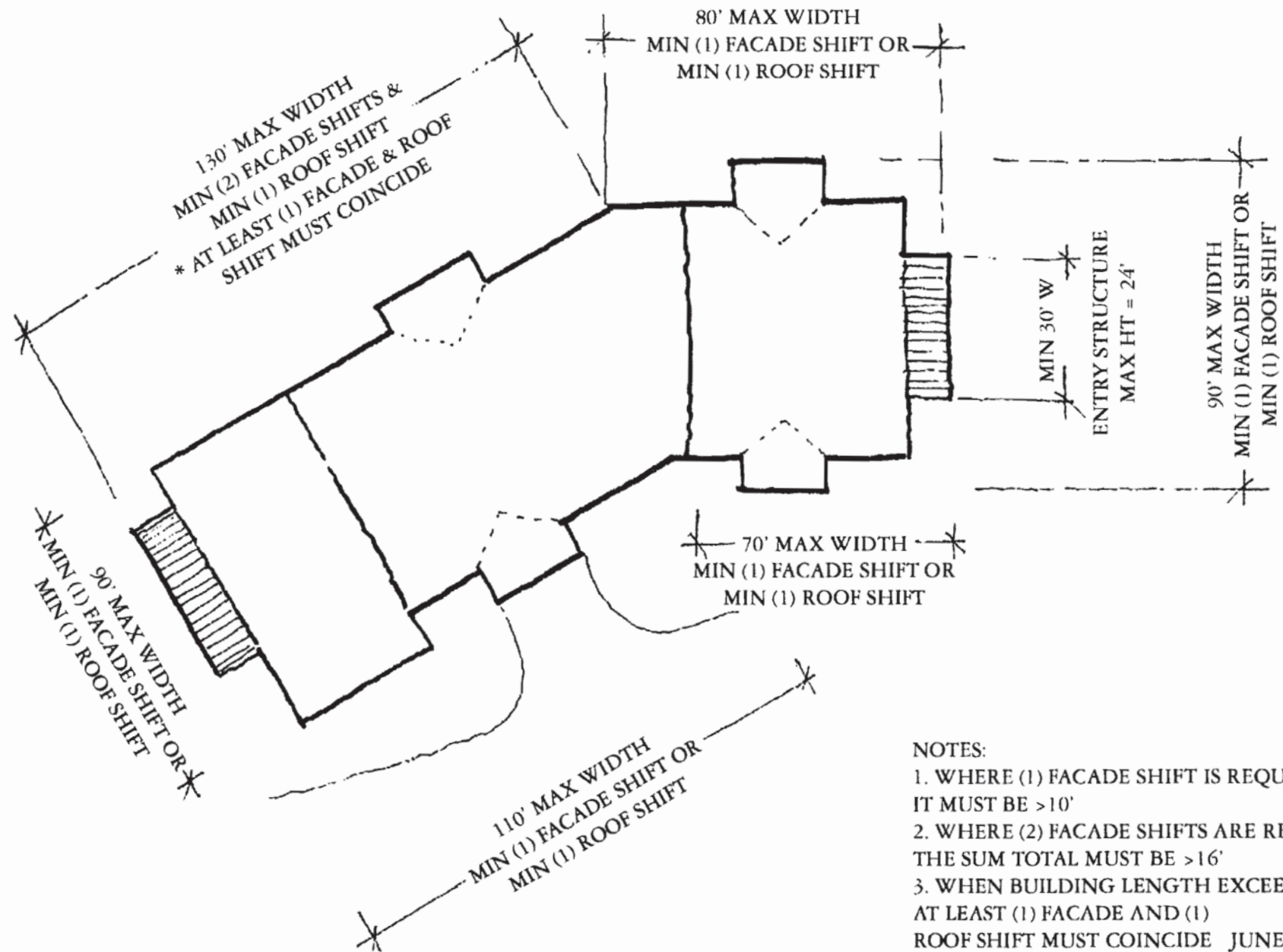
CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 14th DAY OF November, 2004
BY: *[Signature]*
PARK CITY RECORD

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30th DAY OF September, 2004 A.D.
BY: *[Signature]*
MAYOR

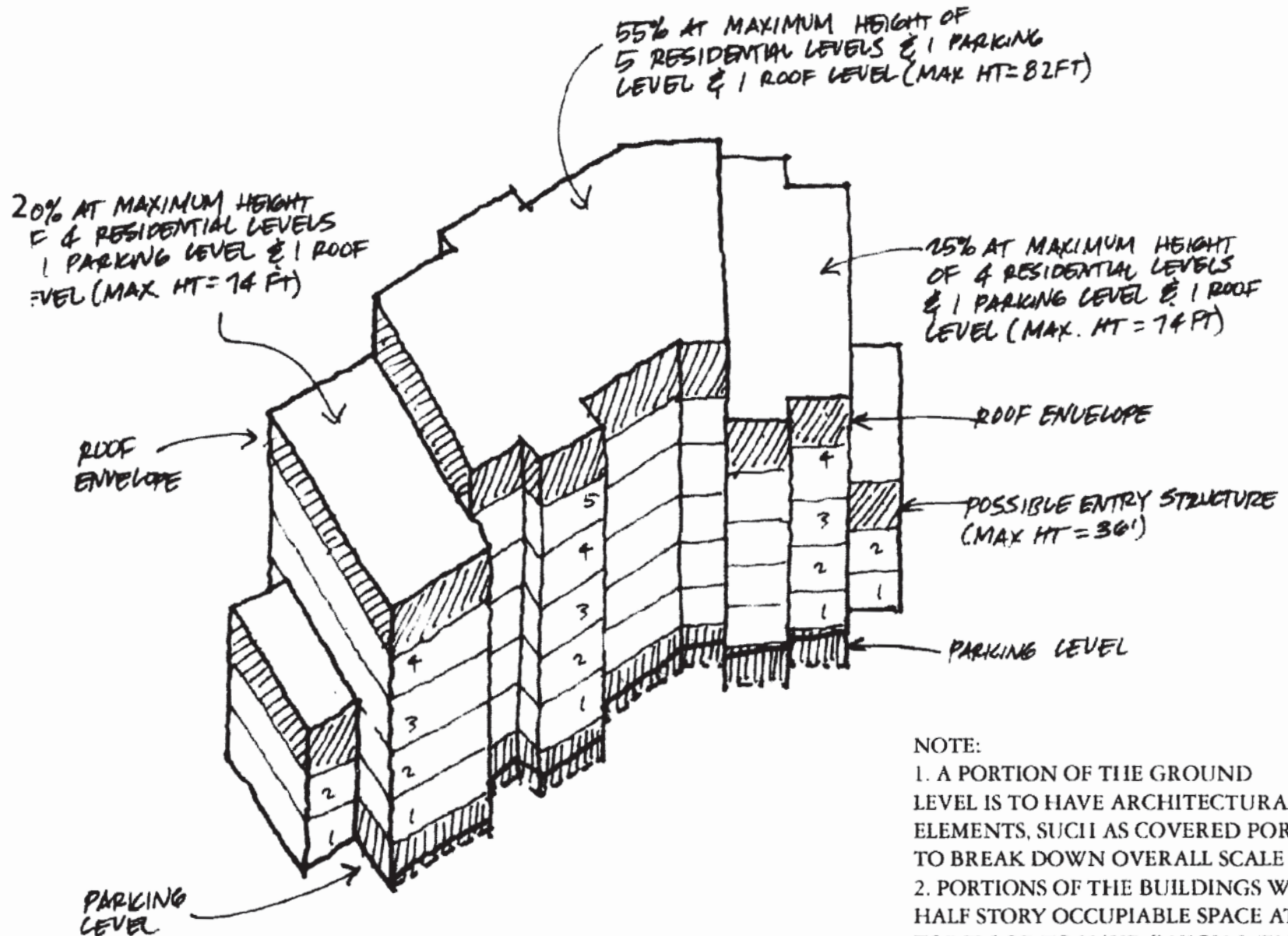
718034 RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City
DATE 11-24 TIME 11:45 BY [Signature] PAGE 2
FEE \$12.00 [Signature] RECORDER



Building 3 Volumetrics Plan View



Building 3 Volumetrics Isometric View

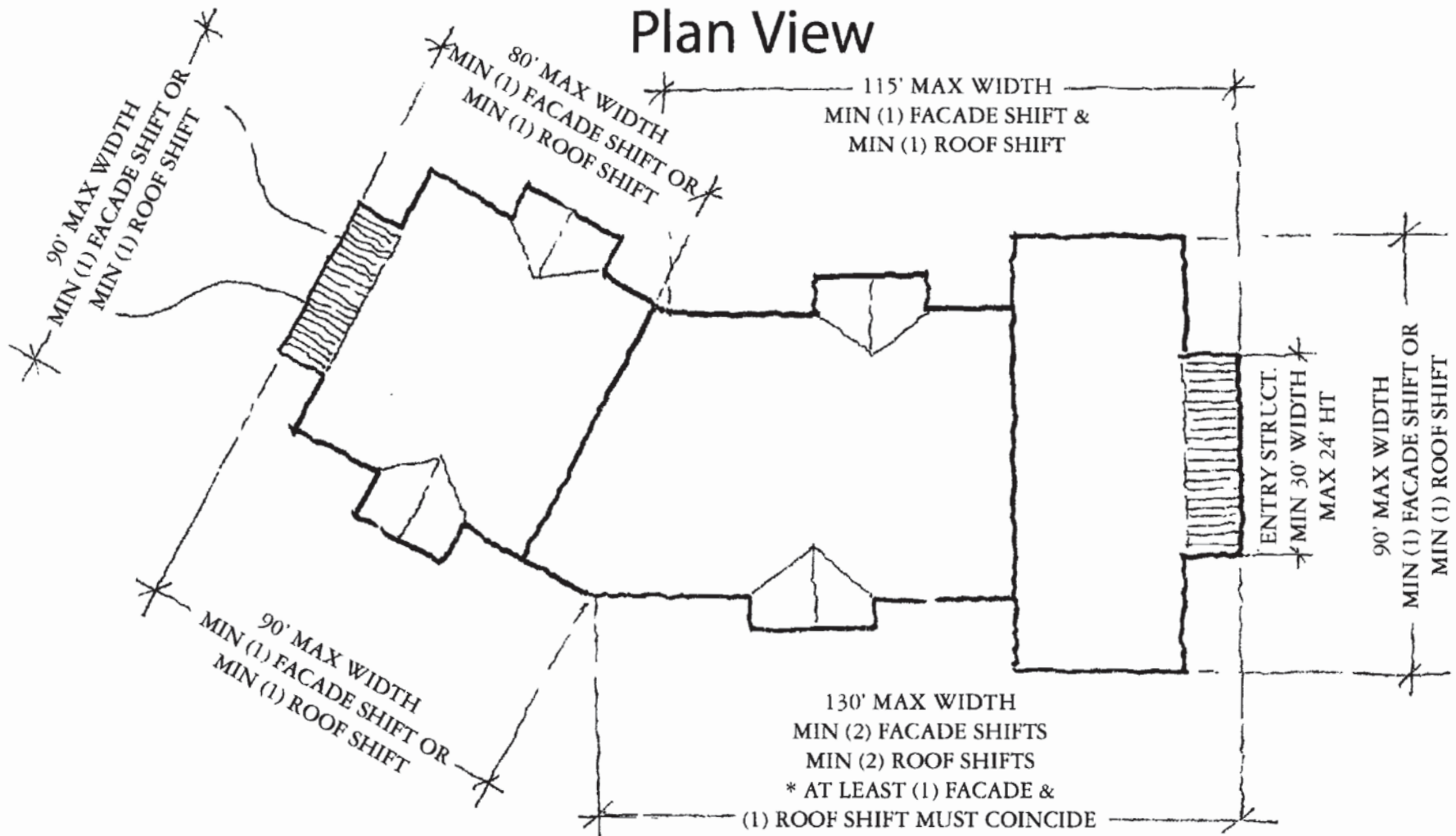


NOTE:

1. A PORTION OF THE GROUND LEVEL IS TO HAVE ARCHITECTURAL ELEMENTS, SUCH AS COVERED PORCHES, TO BREAK DOWN OVERALL SCALE
2. PORTIONS OF THE BUILDINGS WITH HALF STORY OCCUPIABLE SPACE AT THE TOP FLOOR TO HAVE 6' HIGH STEMWALL

JUNE 17, 2004

Building 4 Volumetrics Plan View



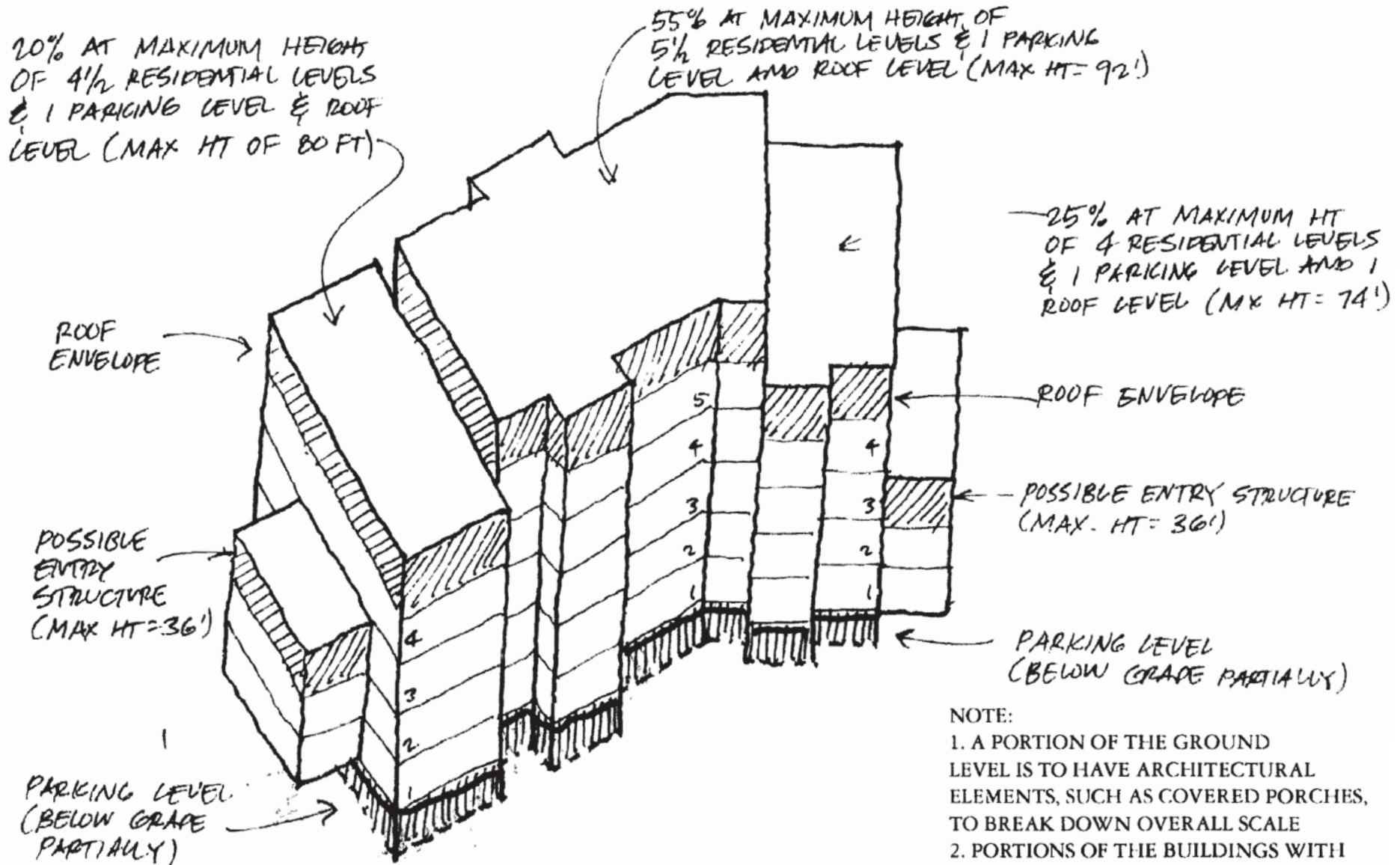
NOTES:

1. WHERE (1) FACADE SHIFT IS REQUIRED IT MUST BE >10'
2. WHERE (2) FACADE SHIFTS ARE REQUIRED THE SUM TOTAL MUST BE >16'
3. WHEN BUILDING LENGTH EXCEEDS 120' AT LEAST (1) FACADE AND (1) ROOF SHIFT MUST COINCIDE

JUNE 17, 2004

Building 4 Volumetrics

Isometric View



JUNE 17, 2004

Development Site
per MPD



Master Plan - Summer

May 6, 2006

HART HOWERTON
PLANNING AND DESIGN
ARCHITECTS

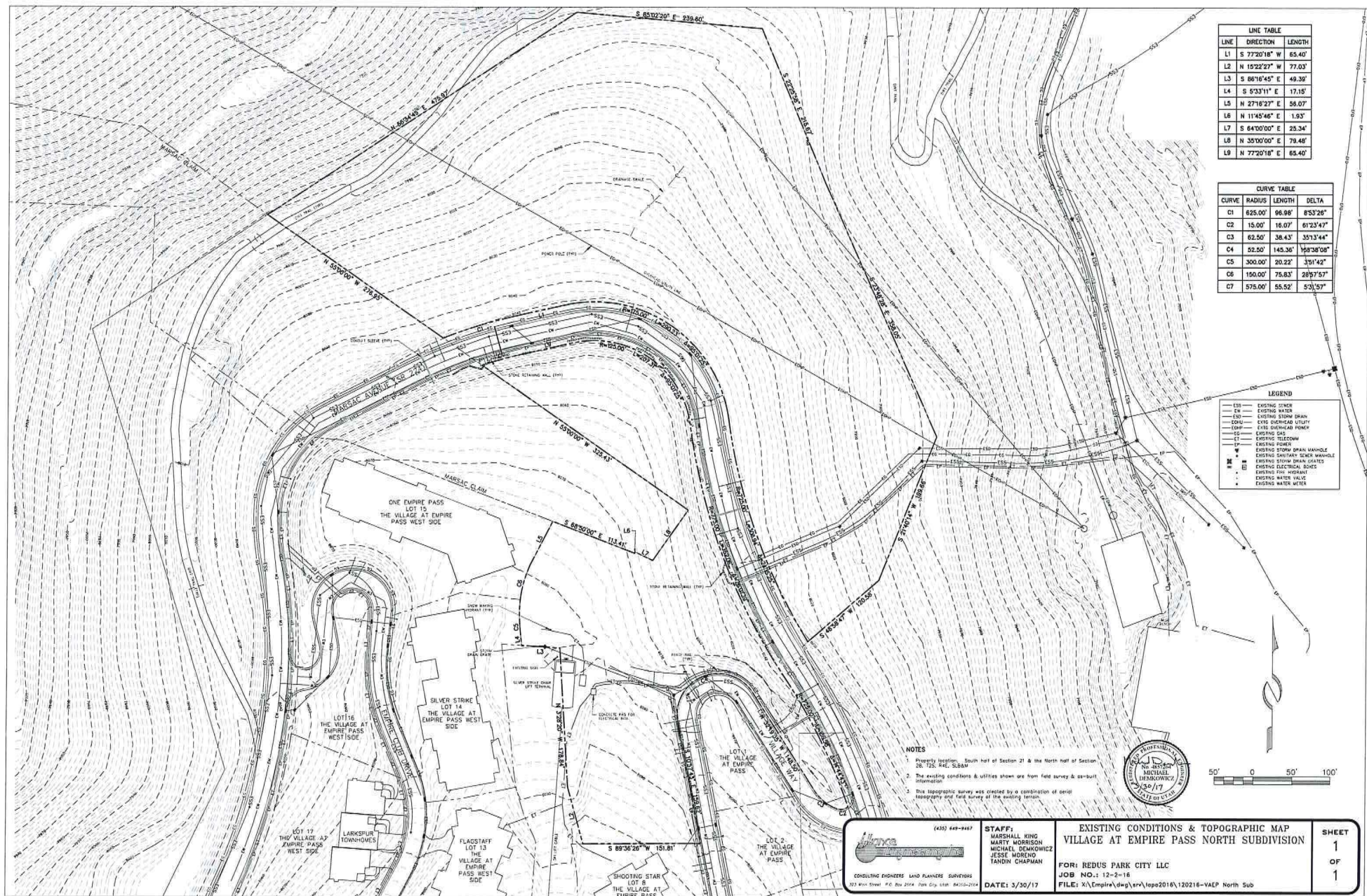
THE VILLAGE AT EMPIRE PASS
Park City, Utah

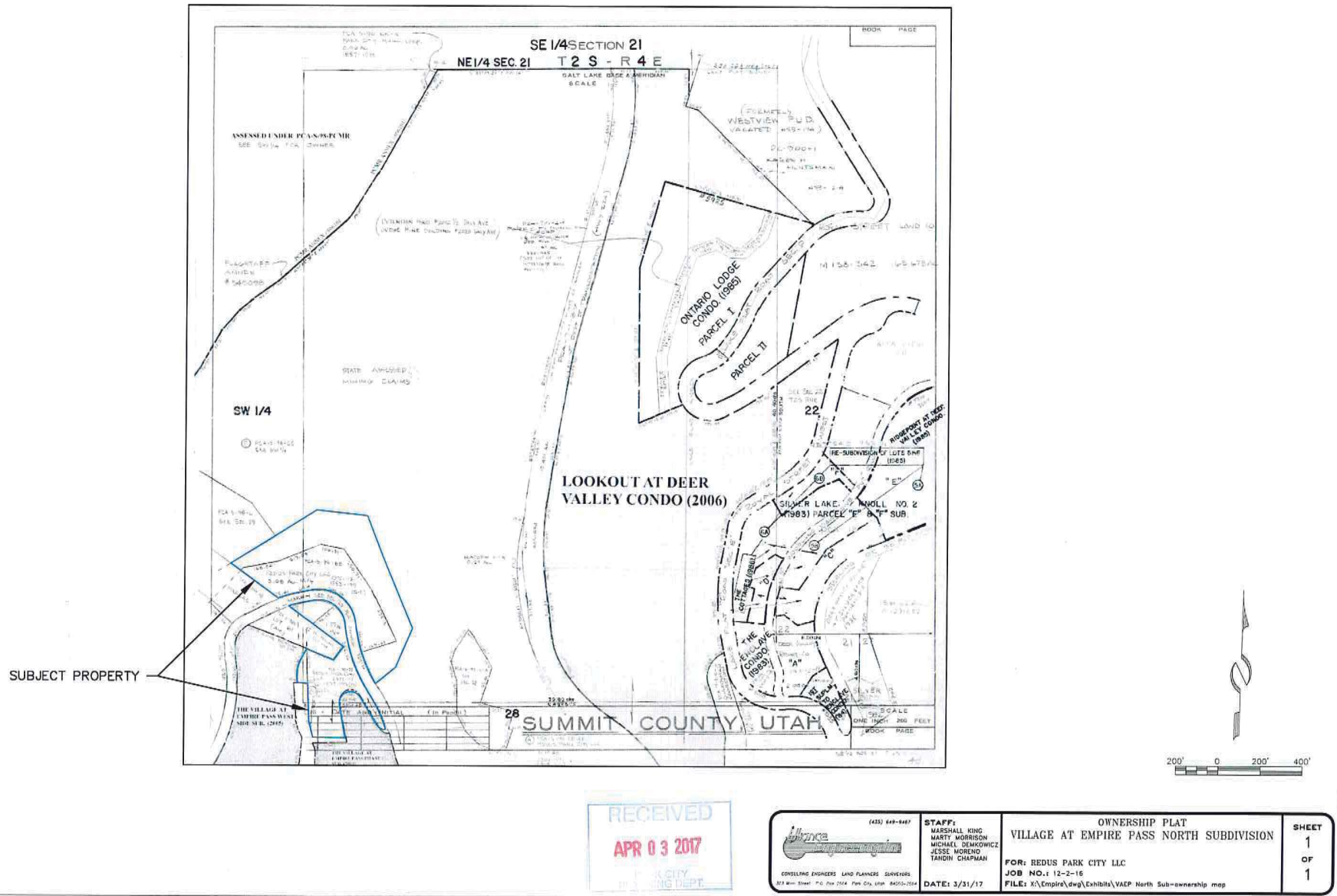


RECEIVED
APR 03 2017
PARK CITY

 CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS 322 West Street, #10, Box 104, Park City, Utah 84060-1044	(435) 949-9447	STAFF: MARSHALL KING MARTY MORRISON MICHAEL DEKOWICZ JESSE MORENO TAMARA CHAPMAN	AERIAL PHOTOGRAPH VILLAGE AT EMPIRE PASS NORTH SUBDIVISION	SHEET 1 OF 1
			FOR: REDUS PARK CITY LLC	
			JOB NO.: 12-2-16	
			FILE: X:\Empire\dwg\ExhibitG\VAEP North Sub-ortho.dwg	
		DATE: 3/31/17		

EXHIBIT H 1







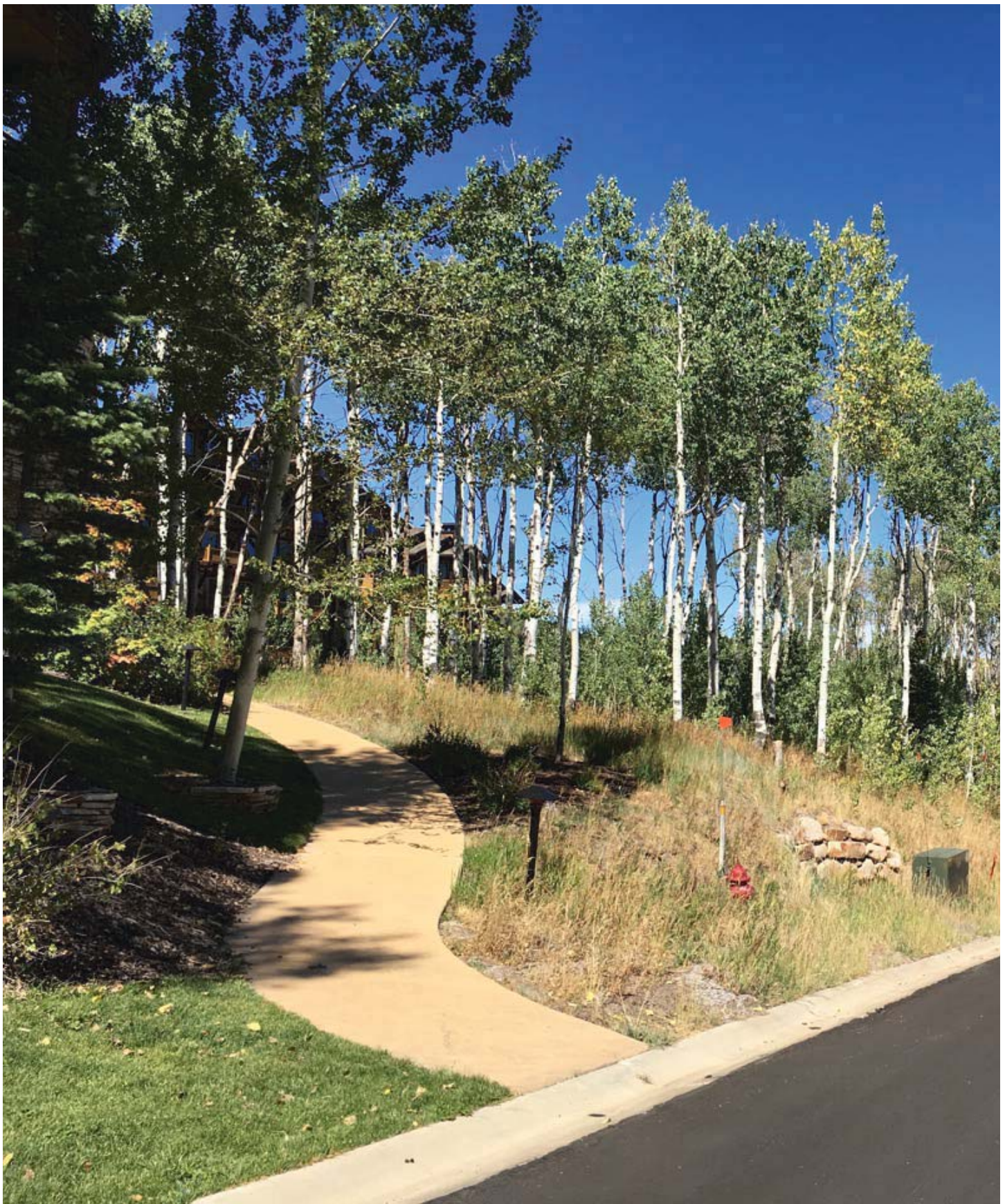
Looking west from Marsac to Lot 2



Looking north from Marsac to Lot 1 (right of road)



Looking northwest from Marsac - Lot 1 is on the right.



Looking northwest to Lot 3 from Village Way



Looking northwest to Lots 2 and 3 from Village Way.



Looking west from Lots 2 and 3 to Silver Strike Lift



SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

October 31, 2016

Mr. Michael Demkowicz
Alliance Engineering
323 Main St.
P.O. Box 2664
Park City, UT 84060

RE: Village at Empire Pass North Subdivision
Plat Review

Dear Mr. Demkowicz:

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat.
Please revise the plat as follows:

1. Change the page number for the recorded SBWRD Grant of Easement (Entry #716688) from pg. 1203 to pg. 1199.
2. Add the following note:

Wastewater service to the Village at Empire Pass North Subdivision shall be provided by The Snyderville Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lots 1 & 2. It shall be the responsibility of the Owner of each lot to extend the public wastewater system within the lot being developed according to the requirements of the Line Extension Agreement.

Please let me know if you have any questions.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

cc: Doug Ogilvy, REDUS Park City LLC
Project File

EXHIBIT K

Flagstaff Annexation and Empire Pass Units and Unit Equivalents Updated for 5.24.17

POD	Single Family	Allowed SF lots	SF Permits	SF CO #'s
A	Banner Wood-platted	6	4	4
B1	Northside-platted	10	10	10
D	Red Cloud-platted	30	12	11
Totals	(Single Family only)	46	26	25

POD	Multi-family	Units Approved/Proposed	Square Feet Platted w/ condo	Units Platted w/ condo	UE Approved/Proposed w/ condo or sub	UE Platted with condo	MF Units Platted as PUDs	ADA provided/r equired	EHU provided	On Mtn AUE provided/ proposed	CO UE's	CO Units	Status
A	Horseshoe Townhouses on Lot 1 VEPN plat TDB	0		0		0	0			0	0	0	0 Sub Plat under review
A	Lot 3 VEPN plat-(Bldg 3) Proposed	21		0	24.50	0	0	1		1.1 AUE	0	0	0 Sub Plat under review
A	Lot 2 VEPN plat-(Bldg 4) TBD	0		0		0	0	2		2.0 AUE	0	0	0 Sub Plat under review
A	Tower Residential- platted lot/no condo plat (Bldg 1)	25		0	38.90	0	0	1		0.75 AUE	0	0	0 CUP expired/not platted
A	Shooting Star-platted lot and condo (Bldg 2)	21	36,109	21	18.30	18.055	0	1	0	0	18.1	21	Completed
A	One Empire Pass-platted lot and condo (Bldg 5)	27	65,026	27	32.80	32.513	0	1	1	1.125 AUE	0	0	27 Under Construction
A	Silver Strike-platted lot and condo (Bldg 6)	34	71,305	34	35.60	35.653	0	2	1	1.1 AUE	35.7	34	Completed
A	Flagstaff -platted lot and condo (Bldg 7)	37	73,506	37	35.90	36.753	0	2	2	1.6 AUE	36.8	37	Completed
A	Arrow Leaf A-platted lot and condo (Bldg 8)	28	46,458	28	24.50	23.229	0	2	3	2.85 AUE	23.3	28	Completed
A	Arrow Leaf B- platted lot and condo (Bldg 9)	28	48,746	28	25.70	24.373	0	2	0	0	24.4	28	Completed
A	Grand Lodge-platted lot and condo (Bldg H)	27	65,344	27	33.00	32.672	0	2	1	1.2 AUE	32.7	27	Completed
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	15	48,693	15	24.40	24.347	6	0	0	0	24.4	15	Completed
A	Larkspur West Townhouses-all platted/condo	12	41,273	12	20.70	20.637	0	0	0	0	20.7	12	Completed
A	Paintbrush PUDs- all platted/condo	12	63,076	12	31.90	31.538	12	0	0	0	32	12	Completed
A	Belles PUDs- all platted/condo	17	90,000	17	45.00	45	17	0	0	0	37.85	14	14 Completed
B1	Nakoma PUDs- phase 1 platted/condo	17	90,000	17	45.00	45	17	0	0	0	35	13	13 Completed
B1	Ironwood- all platted/condo	24	73,944	23	37.40	36.972	0	1	1	1 AUE	37.1	23	Completed
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	hotel rooms		hotel rooms	69.60	72.665	0		0	0	72.4	1	Completed -see note
B2	B2 West Montage condos- platted (apprvd 94)	94	218,669	84	114.00	109.335	0	5	10	7.8 AUE	109.3	84	Completed
B2	B2 East- B2East Subdivision approved/No condo plat yet	70		0	81.00	0	0	2		4.2 AUE	0	0	Sub plat approved
Totals (Multi-family only)		509	1032149	382	738.20	588.742	52	24	19	24.725 AUE	539.75	349	
										16.675 AUE			
										built to date (on mtn)			
Maximum Allowed by Flagstaff Development Agreement		550		550	785.00	785	60	n/a					
Remaining UE/Units/AUE		41		168	46.80	196.258	8	n/a					

Affordable Housing												
MF Totals by POD only aprvrd or platted (not SF lots)	Units Approved	Units Platted	UE Approved	UE Platted	MF Units as PUD	Total MPD AUE required	Total off Mtn AUE required	Total on Mtn AUE required	Total off Mtn AUE built	Total on Mtn AUE built	Total AUE owed	
A (not including Lot 3 and Tower CUP)	258	258	327.8	324.77	35							
B1	41	40	82.4	81.972	17							
B2 (plus 174 hotel rooms) not including B2East	94	84	183.6	182	0							
A, B1, B2	393	382	593.8	588.742	52	118.9	94.175	24.725	89	16.675	13.225	

% of MF units total in Pods A, B1 and B2 that are in POD A
(MPD requires minimum of 50%)

SF- Single family lot/house

MF- Multi-family/condominium units

PUD- Planned Unit Development Style MF

EHU- Employee Housing Unit (no min number)

AUE- Affordable Unit Equivalent (1 AUE = 800 sf)

UE- Unit Equivalent (1 UE = 2,000 sf residential)

ADA- American Disability Act required units

VEPN- Village Empire Pass North Subdivision plat

CO- Certificate of Occupancy (hotel rooms counted as 1 CO total)

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16. Requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 1 has an on-site affordable housing obligation of 4.2 AUE, to be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. All deed restricted units shall be identified on the final condominium plat prior to recordation of such plat.

17. Wastewater service to B2 East Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement approval letter was provided by SBWRD on January 24, 2017. The Owner shall be responsible for extending the public wastewater system within Lot 1 according to requirements of the Line Extension Agreement. Easements associated with this agreement are to be depicted on the plat.

18. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.

19. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.

20. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.

21. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lot 1, unless otherwise conditioned herein (e.g. soil and mine remediation to be complete prior to building permit issuance). This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.

22. A Construction Mitigation Plan shall be submitted with the Conditional Use Permit application and in advance of issuing building permits.

3. **Request for a three lot and one Parcel subdivision plat, known as Village at Empire Pass North Subdivision, located at the intersection of Village Way and**

Marsac Avenue east of the Silver Strike chair lift, to create platted lots within the approved Village at Empire Pass Master Planned Development for Buildings 3 and 4, and for the Horseshoe Parcel townhouses located on the north side of Marsac Avenue across from the base of the Silver Strike chair lift, and to create a platted Parcel of a remnant parcel for ski area uses.
(Application PL-16-03293)

Director Erickson noted that Planner Whetstone and Assistant City Attorney McLean had spent significant time vetting all the remaining density in Empire Pass and allocating it to all the parcels. He stated that these two plats were a good lesson for how things should be done. Instead of waiting for a development to come forward and platting for density, REDUS had agreed to come forward and plat with density first before a conditional use permit. The result was a perfect allocation of where the density units are located and the unit equivalents for affordable housing.

Commissioner Joyce understood that there was a small amount of commercial space that had not been allocated. Planner Whetstone answered yes.

Mr. Ogleby, representing REDUS, stated that there was also residential density not recorded as a plat that would go on the Tower residences, as well as commercial density that will go on the Tower. Planner Whetstone stated that she used what had been approved for the CUP but had not been platted. They were all condominium plats and every square footage of what was recorded was on the plats. They now know exactly how many square feet are there and the number of UEs and units.

Planner Whetstone reviewed the application for a three lot subdivision with a small Parcel A, located at the Silver Strike Lift. Lots 2 and 3 are part of the Village at Empire Master Planned Development. Lodge parcels were approved with the Master Plan but not with the specific density. The applicant was asking for specific density; a UE and no more than a specific number of units for Lot 3. They were not asking for Lot 2 as this time. Lot 1 is identified in the Master Plan as townhouse and PUD style, means they are condominiumized but individual units.

Planner Whetstone reported that for Lot 3 the applicant was requesting 23.5 UEs, configured in no more than 23 individual units. She pointed out that final density and final design was dependent on the conditional use permit.

The Staff had done a full analysis and recommended that the Planning Commission conduct a public hearing and consider forwarding 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 Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council regarding the Village at Empire Pass North Subdivision, pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as stated in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Village at Empire Pass North Subdivision

1. The property is located at Marsac Avenue and Village Way within Pod A of the Master Planned Development for the Village at Empire Pass. Addresses will be assigned prior to plat recordation.
2. The zoning is Residential Development (RD) within Flagstaff Mountain Resort Annexation and Village at Empire Pass MPD area (RD-MPD).
3. On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area.
4. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.
5. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007.
6. The Development Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village.
7. The Mountain Village is further constrained to a maximum density of 785 UE configured in no more than 550 dwelling units as multi-family, hotel, or PUD units,

provided the number of PUD units do not exceed 60. The Mountain Village is also allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A).

8. There are currently 588.742 UE (382 multi-family units) platted within the Village at Empire Pass (Pods A, B1 and B2).

9. With approval of 23.5 UE (up to a maximum of 23 units) on Lot 3 of the Village at Empire Pass North Subdivision, there will be 612.242 UE platted (up to 405 MF units), and 69.4% of MF units in Pods A, B1 and B2 located within Pod A. If 81 UE (70 units) are also built on Pod B2 (see request for B2 East Subdivision at this same meeting) there will then be a total of 693.242 UE and 475 units with 59.2% of MF units located within Pod A.

10. Upon Conditional Use Permit approval of the 23.5 UE for Lot 3 and 81 UE for B2East, 91.758 UE and 75 dwelling units would remain to be allocated to remaining residential development sites in Pod A. The remaining sites include Lots 1 and 2 of this subdivision, Lodge Building 1 (Tower Residential), and Lots 1 and 2 of the Village at Empire Pass Phase 1 subdivision.

11. The applicant is not requesting allocation of any MPD Resort Support Commercial for this subdivision at this time. There exists a total of 7,287 sf of unallocated Resort Support Commercial that can be allocated within the Village MPD to Pods A, B1, and B2.

12. Accounting of the support commercial, residential accessory space, and support meeting space is finalized at the time of review of the Conditional Use Permits and memorialized with the final condominium plats.

13. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VMPD) Pod A.

14. The purpose of the VMPD was to establish unit mix and density for the Village Master Plan, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location.

15. The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted

Lots 12-18 of the VMPD (west side).

16. Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat was approved on January 6, 2011 and recorded on January 4, 2012.

17. Six lodge buildings have been built to date within Pod A namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Of these units, one Belles PUD unit and 2 Banner Wood single family units are remaining to be permitted and constructed. Additionally 4 PUD units within Nakoma in Pod B1 are remaining to be permitted and constructed.

18. Three of the large lodge buildings (Buildings 1, 3, and 4) as well as additional townhouse and PUD style units remain to be constructed within the Village MPD Pod A.

19. The proposed subdivision consists of property that is currently described by metes and bounds. The request is for a 3.0 acre Lot 1, for future townhouse and PUD units, a 1.57 acre Lot 2 for Lodge Building 4, a 0.67 acre Lot 3 for future Lodge Building 3, and a 0.10 acre Parcel A. The property consists of a total of 5.34 acres.

20. Lots 1 and 2 have frontage on Marsac Avenue, a State Highway. Lot 3 has frontage on Village Way, a private street. Lot 2 also has frontage on Village Way. Parcel A has access to Village via a proposed access easement across Lot 2.

21. Lots 2 and 3 will take access off Village Way. Location of access off Marsac Avenue requires review and approval by UDOT and the City Engineer, as Marsac Avenue is currently a state highway.

22. A Conditional Use Permit (CUP) is required prior to construction of the Lodge Buildings, PUD units, and townhouses.

23. Utilities are available to the lots. SBWRD recommended conditions and plat notes to address their concerns.

24. All existing and required easements will be recorded on the plat, including utilities,

storm drainage, access, snow storage, etc. No changes are proposed to existing streets.

25. Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Additional off-site utility easements maybe required and will have to be recorded prior to issuance of building permits.

26. There is no minimum or maximum lot size or lot width in the RD District.

27. All applicable requirements of Land Management Code apply, unless otherwise allowed per the Flagstaff Development Agreement and the Village at Empire Pass MPD.

28. A height exception and building volumetric were approved with the Village at Empire Pass Pod A Master Planned Development for the Lodge Buildings (Lots 2 and 3).

29. The final Mylar plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.

30. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.

31. On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report. This plat identifies an on-site housing obligation of 1.1 AUE for Lot 3 and 2.0 AUE for Lot 2 (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into MPD Lodge Buildings 3 and 4 and noted on the plat. Also 0.84 AUE are an outstanding requirement of the Tower Residences to be constructed in MPD Lodge Building 1. No AUE are planned or identified for Lot 1 of this subdivision.

32. Requirements of the Flagstaff Agreement will be reviewed and verified for compliance during the Conditional Use Permit applications reviewed for development on Lots 1, 2 and 3. This transportation, affordable housing, environmental, transfer fees, construction mitigation, and others as may apply. Some of these obligations are triggered by the number of certificates of occupancy issued.

33. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – Village at Empire Pass North Subdivision

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

Conditions of Approval – Village at Empire Pass North 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. The applicant will record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements, continue to apply.
4. The plat will note that conditions of approval of the Village at Empire Pass Master Planned Development (Pod A) shall continue to apply.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.

7. A financial security to guarantee for the installation of any required 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.
8. A ten foot (10') wide snow storage easement is required along the private street frontages of the lots and a ten (10') wide public snow storage easement is required along public street frontages.
9. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
10. Prior to building permit issuance, documentation from UDOT showing approval of access to Lot 1 off Marsac Avenue is required. If documentation does not exist, a new application shall be submitted to UDOT for approval of the curb cut location. This approval shall be submitted to the City Engineer.
11. Any proposed curb cuts for access directly to Marsac Avenue, a state highway, must be approved by the City Engineer and UDOT.
12. A Conditional Use Permit approval is required prior to issuance of building permits on Lots 1, 2 and 3.
13. A final grading and utility plan, including storm water and drainage plans, shall be submitted with the Conditional Use Permits for development on Lots 1, 2 and 3, for approval by the City Engineer and SBWRD. No building permits shall be issued until all necessary utility easements are recorded.
14. A declaration of condominium and a record of condominium plat are required prior to the sale of individual units within the development.
15. All requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 3 has an on-site affordable housing obligation of 1.1 AUE and Lot 2 has an on-site affordable housing requirement of 2.0 AUE, to be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. Lot 1 has no on-site obligation. All deed restricted units shall be identified on the final condominium plats prior to recordation of such plats.
16. Wastewater service to Village at Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with

the District may be required for Lot 1. If a line extension is necessary, it shall be the responsibility of the Owner to extend the public wastewater system within Lot 1 according to the requirements of the Line Extension Agreement.

17. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.

18. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.

19. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.

20. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lots 1, 2, and 3, unless otherwise conditioned herein. This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.

21. A Construction Mitigation Plan shall be submitted with the Conditional Use Permit applications and in advance of issuing building permits.

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

Approved by Planning Commission: _____

Kirsten Whetstone

From: Doug Clyde <dclyde@allwest.net>
Sent: Wednesday, May 03, 2017 8:09 PM
To: Bruce Erickson; Kirsten Whetstone
Subject: Pod A proposed plats
Attachments: ski easement.pdf

Kirsten and Bruce, I happened to notice the Wells Fargo plating the other night in part because I had done some work for Ladd in the past on the Marsac Claim. I have since talked to Ladd and know that he has meet with you, but in further researching the properties, I think there is a significant problem with the Wells plat regarding the ski easements. It's a bit of a complex issue but essentially there is a "protection strip" that prevents the ski easement from reaching the Marsac claim. The inherent problem with that is that the Marsac has density assigned to it as part of the annexation process, yet it is being denied connection to skiing, trails, transit and all things "village" within Pod A which is, in and of itself, contrary to the uses in Pod A or Empire Pass for that matter as it isolates recreational property from the recreation. I don't know what the intend of Olgosby was in not showing the easement on the proposed plat, but as its absence is contrary to law, it is possible that he did not want to draw attention to the "protection strip", which again, is contrary to the City's interest which is to make the MPD work for all the development in the annexation area irrespective of disputes between property owners that are now ancient history.

It is also of note that the protection strip does not show up on One Empire, but instead, is drawn all the way to the edge of the Marsac, but at the same time makes reference to the easement. As One Empire choose to directly reference the easement as oppose to grant one, I think that legally it does not go to the property line as drawn, but follows the description as referenced (see attached). Allowing Wells to do the same slight of hand would be contrary to the public's interest which is the basis for approving Empire Pass which is the benefit of recreation properties to the City.

While this may seem a nit, this is the only time that the City will have to correct this problem, so I think we need to discuss. Thanks for your consideration. Doug

Douglas Clyde
Mountain Resort Consulting
P.O. Box 561
Oakley, Utah 84055
435 333 8001 office
435 513 0046 cell

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When recorded, return to:
David J. Smith
890 Main St., Suite 5109
Post Office Box 4349
Park City, Utah 84060

ALAN SPRIGGS, SUMMIT CO RECORDER
2005 NOV 29 14:09 PM FEE \$33.00 BY BW
REQUEST: PARK CITY TITLE COMPANY
Electronically Recorded by Simplifile

DECLARATION OF RESTRICTIONS AND EASEMENTS

This Declaration of Restrictions and Easements ("Declaration") is dated as of this 29th day of November, 2005, and is made by MOUNTAIN DEVELOPMENTS I, Inc., a Delaware corporation ("MDI"); EMPIRE MOUNTAIN VILLAGE II, LLC, a Delaware limited liability company ("EMV"); IRONWOOD CPI EMPIRE PASS, LLC, a Delaware limited liability company ("Ironwood") and DEER VALLEY RESORT COMPANY, a Utah partnership ("DVRC") with reference to the following:

RECITALS:

A. EMV is the owner of Lots 13 and 15, the Village at Empire Pass – West Side, according to the official plat thereof as filed in the records of Summit County, Utah.

B. Ironwood is the owner of Lot 14, the Village at Empire Pass – West Side, according to the official plat thereof as filed in the records of Summit County, Utah.

C. MDI is the owner of certain property immediately adjacent to portions of Lots 14 and 15, commonly known as the "Lodge 4 Property".

C. Lots 13, 14 and 15 adjoin a ski lift and ski trails operated by DVRC at the Deer Valley Ski Resort. EMV, Ironwood, and DVRC desire and intend that a buffer zone be established on the easterly portions of Lots 13, 14, 15 to regulate the construction of hard surfaces or obstructions that might interfere with or pose a hazard to skiers.

D. MDI, EMV, and Ironwood desire to provide a skiway easement affecting portions of Lots 14, 15 and the Lodge 4 Property for the purpose of providing access to the adjoining skiway and the base of the Silver Strike Chairlift operated by DVRC.

NOW, THEREFORE, for good and valuable consideration and for the purposes recited above MDI, EMV, and Ironwood declare as follows:

1. Declaration of Skiway Buffer Zone. EMV, as the owner of Lots 13 and 15, and Ironwood, as the owner of Lot 14, hereby declare, establish, and create a Skiway Buffer Zone on, over and across their respective Lots in the locations more particularly described on Exhibit A hereto and identified in the drawing attached as Exhibit C hereto, and declare that, without the prior written consent of DVRC, (a) no above-ground improvements may be constructed or maintained within the Skiway Buffer Zone, and (b) no trees or other above-ground landscaping obstructions may be maintained in the Skiway Buffer Zone except for natural or other grasses, flowers and the like which will not interfere with or present a hazard to skiers.

BK1754 PG1096

2. Declaration of Ski Easements. MDI, as the owner of the Lodge 4 Property, EMV, as the owner of Lot 15, and Ironwood, as the owner of Lot 14 hereby declare, establish, and create ski easements over and across the portions of their respective property as more particularly described in Exhibit B hereto and identified on Exhibit C hereto (such portions collectively, the "Ski Easement Area"), for the purpose of providing property owners (and their invitees) adjacent to the Ski Easement Area and skiers at the Deer Valley Resort with access to and from adjoining skyways, the Deer Valley Ski trails, and the Silver Strike Chairlift. The easements established by this Section 2 shall burden the Ski Easement Area and benefit Lots 14 and 15. Such easements are intended only for the use and benefit of the owners of any interest in Lots 14 or 15, DVRC and their respective guests and invitees using the adjoining skiways and the Silver Strike Chairlift.

3. Miscellaneous.

a. Successors and Assigns. The declarations, restrictions, and easements established hereby shall be appurtenant to the benefited Lots as described above and shall constitute a covenant running with the land for the benefit of those Lots, and shall burden the lands described on Exhibits A and B hereto and shown on Exhibit C hereto. Such declarations, restrictions and easements shall apply to and bind the respective successors in interest to the Lots described above.

b. Governing Law. This Declaration shall be governed by, and constructed in accordance with, the laws of the State of Utah.

c. Counterparts. This Declaration may be executed in one or more counterparts, which together shall constitute a single agreement.

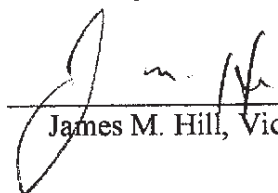
IN WITNESS WHEREOF, MDI, EMV, and Ironwood have caused this Declaration to be executed as of the date first above written.

MOUNTAIN DEVELOPMENTS I, Inc., a
Delaware corporation

By: 
David J. Smith, Authorized Signing Officer

EMPIRE MOUNTAIN VILLAGE II, a Delaware
limited liability company

By HF Holdings Corp. III, Manager

By: 
James M. Hill, Vice President

BK1754 PG1097

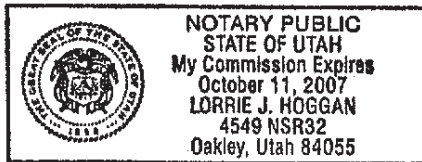
00760062

IRONWOOD CPI EMPIRE PASS, LLC, a
Delaware limited liability company

By: [Signature]
Manager

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

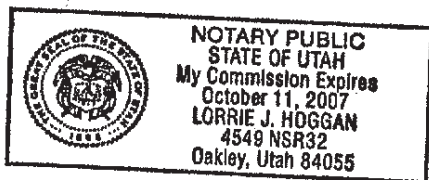
The foregoing instrument was acknowledged before me on the 28th day of
November, 2005, by David J. Smith, an Authorized Signing Officer of Mountain
Developments I, Inc., a Delaware corporation, the signer of the foregoing instrument.



[Signature]
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me on the 28th day of
November, 2005, by James M. Hill, the Vice President of HF Holdings Corp. III, a Colorado
corporation, the signer of the foregoing instrument.



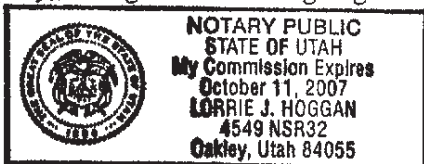
[Signature]
Notary Public

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STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

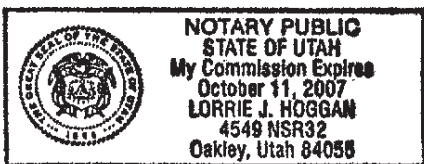
The foregoing instrument was acknowledged before me on the 29th day of November 2005, by Jack Roson, the Manager of Ironwood CPI Empire Pass, LLC, a Delaware limited liability company, the signer of the foregoing instrument.



Lorrie J. Hoggan
Notary Public

The foregoing Declaration of Restrictions and Easements is hereby agreed to and acknowledged by Deer Valley Resort Company.

DEER VALLEY RESORT COMPANY, a Utah Limited Partnership, by



Royal Street of Utah, General Partner

By: Robert Wells
Its: VICE-PRESIDENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me on the 11th day of November 2005, by Robert Wells, the Vice President of Deer Valley Resort Company, the signer of the foregoing instrument.

Lorrie J. Hoggan
Notary Public

BK1754 PG1099

EXHIBIT A

Description of Skiway Buffer Zone

Over Lot 13:

A parcel of land located in the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South $88^{\circ}09'24''$ West 11.37 feet along section line and South 151.58 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the easterly boundary of Lot 13, The Village at Empire Pass, West Side, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded August 12, 2005, as entry #746744, and running thence along the easterly boundary of said Lot 13 South $03^{\circ}43'15''$ West 233.71 feet to the southeasterly corner of said Lot 13; thence along the southerly boundary of said Lot 13 North $86^{\circ}18'40''$ West 15.00 feet; thence North $03^{\circ}43'15''$ East 218.14 feet; thence North $16^{\circ}09'15''$ West 20.97 feet; thence North $14^{\circ}36'58''$ West 36.45 feet; thence North $12^{\circ}18'46''$ West 23.41 feet; thence North $37^{\circ}17'30''$ East 7.76 feet to the northerly boundary of said Lot 13; thence along the northerly and easterly boundaries of said Lot 13 the following three (3) courses: 1) North $78^{\circ}02'08''$ East 5.80 feet to a point on a non tangent curve to the left having a radius of 250.00 feet, of which the radius point bears North $78^{\circ}02'08''$ East; thence 2) southerly along the arc of said curve 64.31 feet through a central angle of $14^{\circ}44'23''$ to a point of reverse curve to the right having a radius of 79.77 feet, of which the radius point bears South $63^{\circ}17'44''$ West; thence 3) southeasterly along the arc of said curve 11.44 feet through a central angle of $08^{\circ}13'06''$ to the point of beginning.

VEPWS-13

Description contains 0.11 acres, more or less.

Over Lot 14

A parcel of land located in the northwest quarter of Section 28 and the southwest quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South $88^{\circ}09'24''$ West 37.01 feet along section line and South 79.68 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being the southeastern corner of Lot 14, The Village at Empire Pass, West Side, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded August 12, 2005, as entry #746744, and running thence along the southerly boundary of said Lot 14 South $78^{\circ}02'08''$ West 5.80 feet; thence North $17^{\circ}15'39''$ West 91.17 feet to a point on a curve to the left having a radius of 63.76 feet, of which the radius point bears South $72^{\circ}44'21''$ West; thence along the arc of said curve 9.70 feet through a central angle of $08^{\circ}43'13''$ to a point of reverse curve to the right having a radius of 164.81 feet, of which the radius point bears North $64^{\circ}01'08''$ East; thence northerly along the arc of said curve 34.95 feet through a central angle of $12^{\circ}09'04''$ to a point of compound curve to the right having a radius of 75.00 feet, of which the radius point bears North $76^{\circ}10'12''$ East; thence

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northerly along the arc of said curve 20.95 feet through a central angle of $16^{\circ}00'23''$ to a point of compound curve to the right having a radius of 100.00 feet, of which the radius point bears South $87^{\circ}49'25''$ East; thence northerly along the arc of said curve 40.67 feet through a central angle of $23^{\circ}18'16''$; thence North $25^{\circ}28'51''$ East 62.69 feet to the northerly boundary of said Lot 14; thence along the northerly boundary of said Lot 14 South $83^{\circ}17'10''$ East 2.58 feet; thence South $15^{\circ}12'43''$ West 64.29 feet to a point on a curve to the left having a radius of 100.00 feet, of which the radius point bears South $74^{\circ}47'17''$ East; thence along the arc of said curve 52.07 feet through a central angle of $29^{\circ}50'00''$ to a point of compound curve to the left having a radius of 150.00 feet, of which the radius point bears North $75^{\circ}22'43''$ East; thence southerly along the arc of said curve 29.88 feet through a central angle of $11^{\circ}24'50''$ to a point of reverse curve to the right having a radius of 100.00 feet, of which the radius point bears South $63^{\circ}57'53''$ West; thence southerly along the arc of said curve 35.75 feet through a central angle of $20^{\circ}28'56''$ to the easterly boundary of said Lot 14; thence along the easterly boundary of said Lot 14 the following two (2) courses: 1) South $05^{\circ}33'11''$ East 40.81 feet to a point on a curve to the left having a radius of 250.00 feet, of which the radius point bears North $84^{\circ}26'49''$ East; thence 2) along the arc of said curve 27.98 feet through a central angle of $06^{\circ}24'41''$ to the point of beginning.

VEPWS-14

Description contains 0.08 acres, more or less.

Over Lot 15:

A parcel of land located in the southwest quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South $88^{\circ}09'24''$ West 6.86 feet along section line and North 266.25 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South $27^{\circ}16'27''$ West 52.45 feet to a point on a curve to the left having a radius of 165.00 feet, of which the radius point bears South $62^{\circ}43'33''$ East; thence along the arc of said curve 59.21 feet through a central angle of $20^{\circ}33'37''$ to the southerly boundary of Lot 15, The Village at Empire Pass, West Side, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded August 12, 2005, as entry #746744; thence along the southerly boundary of said Lot 15 North $83^{\circ}17'10''$ West 2.58 feet; thence North $23^{\circ}34'58''$ West 13.90 feet to a point on a non tangent curve to the right having a radius of 175.00 feet, of which the radius point bears South $79^{\circ}21'15''$ East; thence northerly along the arc of said curve 50.79 feet through a central angle of $16^{\circ}37'42''$; thence North $27^{\circ}16'27''$ East 51.38 feet; thence South $68^{\circ}50'00''$ East 10.06 feet to the point of beginning.

VEPWS-15

Description contains 0.02 acres, more or less.

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EXHIBIT B

Description of Ski Easement Area

Over Lot 14:

A parcel of land located in the northwest quarter of Section 28 and the southwest quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South 88°09'24" West 31.25 feet along section line and North 103.13 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the easterly boundary of Lot 14, The Village at Empire Pass, West Side, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded August 12, 2005, as entry #746744, and running thence along the boundary of said Lot 14 the following two (2) courses: 1) North 86°16'45" West 25.33 feet; thence 2) South 05°33'11" East 116.93 feet to a point on a non tangent curve to the left having a radius of 100.00 feet, of which the radius point bears South 84°26'49" West; thence northerly along the arc of said curve 35.75 feet through a central angle of 20°28'56" to a point of reverse curve to the right having a radius of 150.00 feet, of which the radius point bears North 63°57'53" East; thence northerly along the arc of said curve 29.88 feet through a central angle of 11°24'50" to a point of compound curve to the right having a radius of 100.00 feet, of which the radius point bears North 75°22'43" East; thence northerly along the arc of said curve 52.07 feet through a central angle of 29°50'00"; thence North 15°12'43" East 64.29 feet to the northerly boundary of said Lot 14; thence along the northerly and easterly boundaries of said Lot 14 the following four (4) courses: 1) South 83°17'10" East 15.00 feet to a point on a non tangent curve to the left having a radius of 150.00 feet, of which the radius point bears South 83°17'10" East; thence 2) southerly along the arc of said curve 22.01 feet through a central angle of 08°24'20" to a point of compound curve to the left having a radius of 300.00 feet, of which the radius point bears North 88°18'30" East; thence 3) southerly along the arc of said curve 20.22 feet through a central angle of 03°51'42"; thence 4) South 05°33'11" East 17.15 feet to the point of beginning.

VEPWS-1A

Description contains 0.06 acres, more or less.

Over Lot 15:

A parcel of land located in the south half of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 7.21 feet along section line and North 260.35 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the easterly boundary of Lot 15, The Village at Empire Pass, West Side, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded August 12, 2005, as entry #746744; and running thence along the easterly and southerly boundaries of said Lot 15 the following three (3) courses: 1) South 27°16'27" West 54.05 feet to a point on a curve to the left having a radius of 150.00

feet, of which the radius point bears South 62°43'33" East; thence 2) along the arc of said curve 53.83 feet through a central angle of 20°33'37"; thence 3) North 83°17'10" West 15.00 feet to a point on a non tangent curve to the right having a radius of 165.00 feet, of which the radius point bears South 83°17'10" East; thence northerly along the arc of said curve 59.21 feet through a central angle of 20°33'37"; thence North 27°16'27" East 52.45 feet; thence South 68°50'00" East 15.09 feet to the point of beginning.

VEDWS-15

Description contains 0.04 acres, more or less.

Over Lodge 4 Property:

A parcel of land located in the south half of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 11.90 feet along section line and North 258.39 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 27°16'27" West 54.59 feet to a point on a curve to the left having a radius of 145.00 feet, of which the radius point bears South 62°43'33" East; thence along the arc of said curve 73.30 feet through a central angle of 28°57'57" to a point of compound curve to the left having a radius of 295.00 feet, of which the radius point bears North 88°18'30" East; thence southerly along the arc of said curve 11.41 feet through a central angle of 02°12'56"; thence South 85°21'34" West 5.00 feet to a point on a non tangent curve to the right having a radius of 300.00 feet, of which the radius point bears North 86°04'51" East, said point also being on the easterly boundary of Lot 14, The Village at Empire Pass, West Side, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded August 12, 2005, as entry #746744; thence along the easterly boundary of said Lot 14 the following two (2) courses: 1) northerly along the arc of said curve 11.66 feet through a central angle of 02°13'40" to a point of compound curve to the right having a radius of 150.00 feet, of which the radius point bears North 88°18'30" East; thence 2) northerly along the arc of said curve 22.01 feet through a central angle of 08°24'20" to the southeasterly corner of Lot 15, The Village at Empire Pass, West Side, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded August 12, 2005, as entry #746744, said point being on a curve to the right having a radius of 150.00 feet, of which the radius point bears South 83°17'10" East; thence along the arc of said curve 53.83 feet through a central angle of 20°33'37"; thence North 27°16'27" East 54.05 feet; thence South 68°50'00" East 5.03 feet to the point of beginning.

S-98

Description contains 0.02 acres, more or less.

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EXHIBIT C

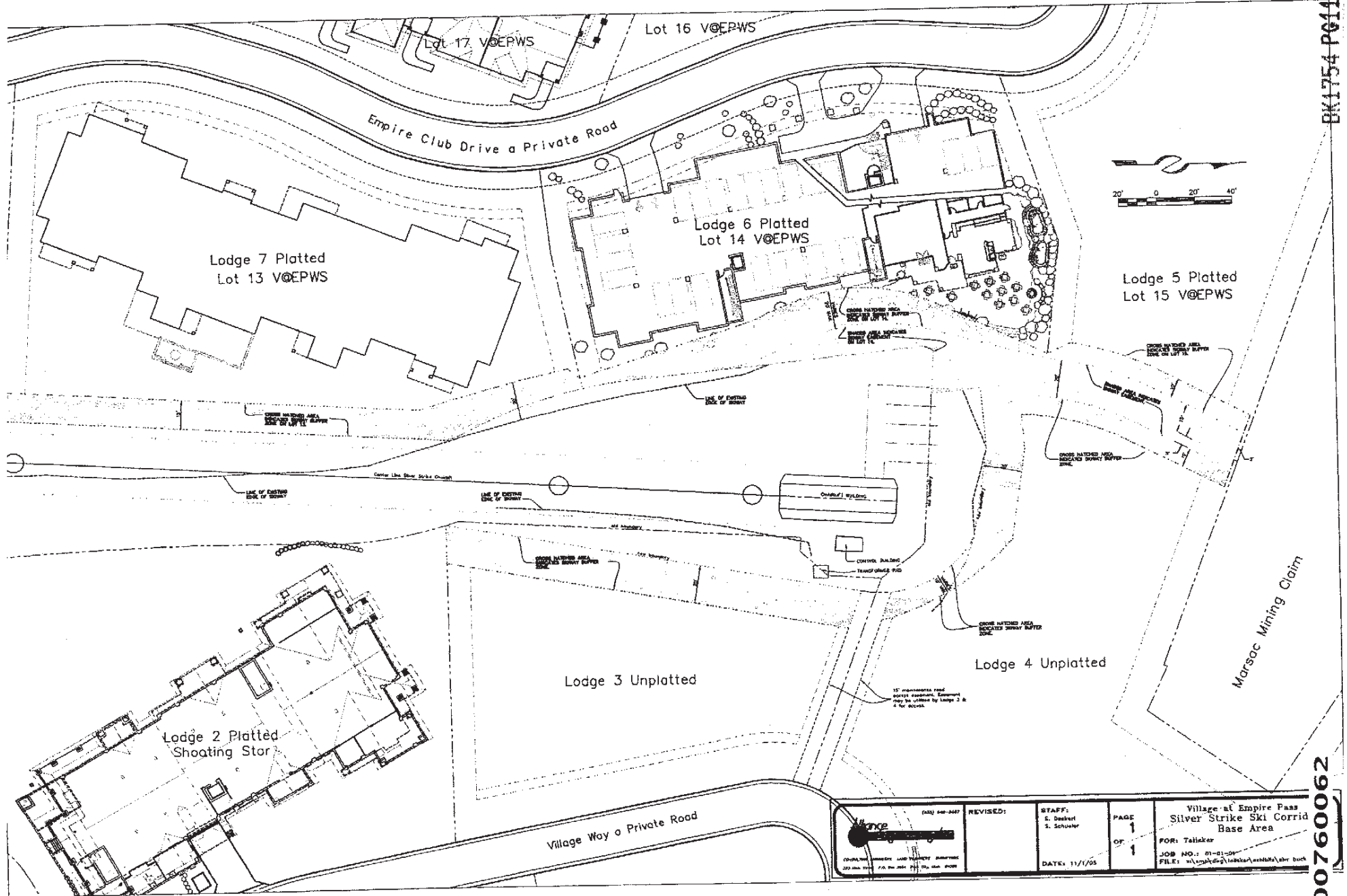
Map Showing Location of Skiway Buffer Zone and Ski Easement Area

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DOCUMENT WHEN RECEIVED.



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