



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
January 24, 2024**

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. PUBLIC COMMUNICATIONS

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

4. WORK SESSION

- 4.A. **220 King Road – Plat Amendment, Conditional Use Permit, Steep Slope Conditional Use Permit** – The Applicant Proposes Demolishing Two Existing Dwellings and Amending the Treasure Hill Phase 1 Lot 2 Plat Notes to Construct a New Single-Family Dwelling within the Sweeney Master Planned Development, Historic Residential – 1 Zoning District, and Partially within the Sensitive Land Overlay. PL-22-05318, PL-22-05319, PL-23-05571 (90 mins.)
- 4.B. **1800 Park Avenue Park & Kearns Master Planned Development and Conditional Use Permit (formerly known as The Yarrow Master Planned Development)** – The Planning Commission Conducted a Work Session on September 14, 2022, and Provided Initial Input on a Proposed Master Planned Development at 1800 Park Avenue in the General Commercial Zoning District and Frontage Protection Zone. The Applicant Revised the Proposal, which Includes Demolition of the 182-Room Hotel and Development of a Mixed-Use Project. PL-22-05476 (60 mins.)

5. REGULAR AGENDA

- 5.A. **9100 Marsac Avenue – Modification of a Conditional Use Permit** – The Applicant Proposes to Modify an Existing Approval (PL-13-01845) to Construct a 660-Square-Foot Permanent Structure (Yurt) in the Residential Development Zoning District. PL-23-05969 (20 mins.)
(A) Public Hearing; (B) Action
- 5.B. **201 Heber Avenue - Condominium Plat Amendment** - The Applicant Proposes to Reassign Limited Common Area Space on the First Level of the Union Square Condominiums from Unit LB-1 to Unit COM-3 in the Historic Recreation Commercial Zoning District. PL-23-05984 (15 mins.)
(A) Public Hearing; (B) Action

6. ADJOURNMENT

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for meeting attendees who park in the China Bridge parking structure.**

A majority of Planning Commissioners may meet socially after the meeting. If so, the location will be announced by the Planning Commission Chair. City business will not be conducted.

Planning Commission Staff Report



Subject: 220 King Road Plat Amendment, Conditional Use Permit, and Steep Slope Conditional Use Permit
Applications: PL-22-05318 (Plat), PL-22-05319 (CUP), & PL-23-05571 (SSCUP)
Authors: Alexandra Ananth, Senior Planner
Caitlyn Tubbs, Historic Preservation Senior Planner
Date: January 24, 2024
Type of Item: Work Session

Recommendation

(I) Review the proposed Plat Amendment, Conditional Use Permit, and Steep Slope Conditional Use Permit applications, and (II) hold a work session and provide feedback to the Applicant and staff prior to public hearings.

Description

Applicant: Pesky Porcupine LLC
Location: 220 King Road, Treasure Hill Phase 1 Lot 2
Zoning District: Historic Residential (HR-1), Sensitive Land Overlay (SLO)
Adjacent Land Uses: Residential, Open Space, Resort
Reason for Review: Plat Amendments and Conditional Use Permits require Planning Commission review and Final Action¹

COA	Condition of Approval
CUP	Conditional Use Permit
HDDR	Historic District Design Review
HR-1	Historic Residential-1
LMC	Land Management Code
SLO	Sensitive Land Overlay
SSCUP	Steep Slope Conditional Use Permit
Sweeney MPD	Sweeney Properties Large Scale Master Planned Development

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

Recently on December 29, 2023, the Applicant submitted revised plans for three pending planning applications that followed their last meeting held with the Park City Planning Commission on October 11, 2023.

On January 2, 2024, the Attorneys for the 220 King Road Applicant submitted a request for Final Action within 45 days pursuant to Utah Code 10-9a-509.5(2), for the following

¹ LMC [§15-1-8\(G\) & \(H\)](#)

applications:

1. PL-22-05318 - Plat Amendment - Submitted on July 18, 2022;
2. PL-22-05319 - Conditional Use Permit for a Single-Family Dwelling - Submitted on July 18, 2022; and
3. PL-23-05571 - Steep Slope Conditional Use Permit - Submitted on February 21, 2023.

As previously discussed with the Planning Commission, 220 King Road is prominently located on the hillside over Old Town in the Historic Residential-1 (HR-1) Zoning District and is subject to the Sweeney Properties Large Scale Master Planned Development (as Amended) (Sweeney MPD and Amended Sweeney MPD, Exhibits A & B). 220 King Road is known as Lot 2 of the Treasure Hill Subdivision Phase 1 (& Amended Plat(s) Exhibits C & D). Lot 2 contains 53,694 square feet and a portion of the west side of the Lot is within the Sensitive Land Overlay (SLO).

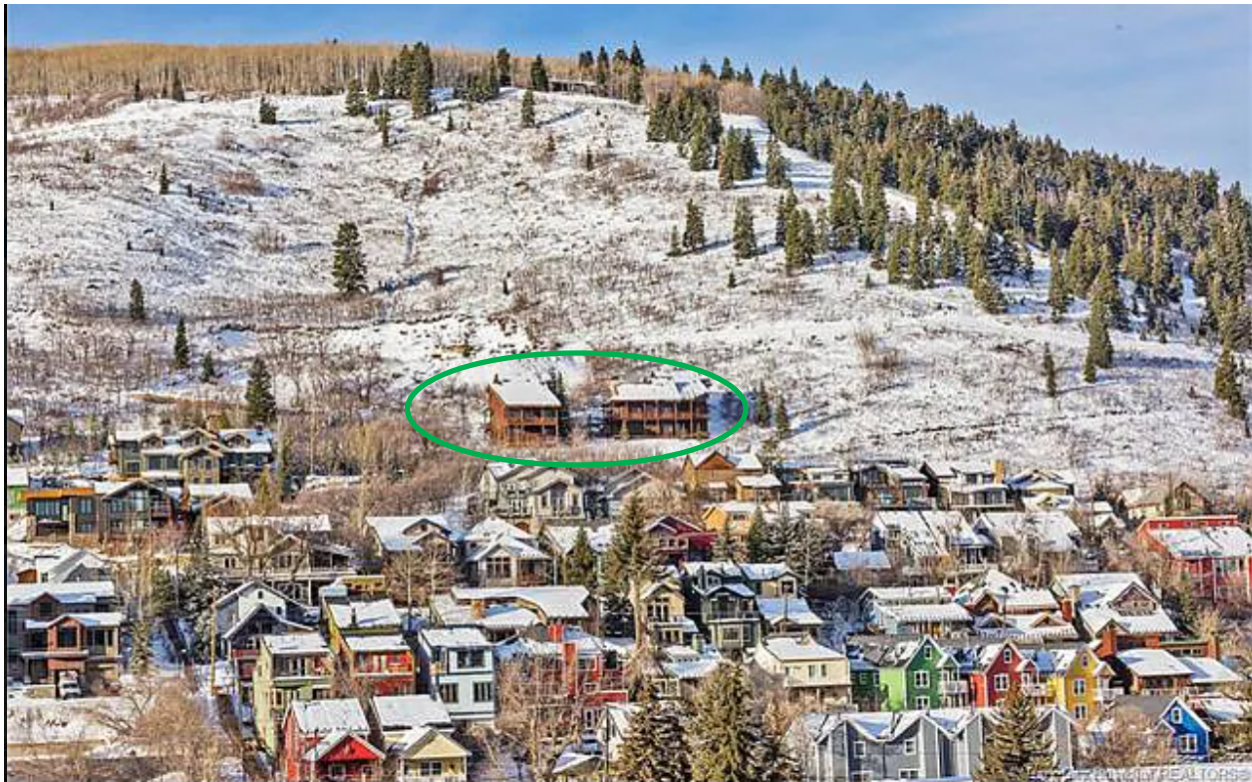


Figure 1: 220 King Road main house and guest house circled in green.

The Applicant proposes to demolish the existing Single-Family Dwelling and Guest House and construct a new Single-Family Dwelling, pool, and Accessory Buildings on the same Lot. The proposed Single-Family Dwelling is four and a half (4.5) stories, including two levels which are more than fifty percent below grade and considered basement levels. The third story cantilevers out over the basement levels and over the hillside below. The Applicant refers to this reduced basement Footprint as an “inverted stepback” as stepbacks are architectural design elements more frequently applied to the uppermost story to reduce the apparent scale and massing of a development.

The Sweeney MPD emphasizes that residential scale and neighborhood compatibility were a primary concern when reviewing the MPD, and that the scale of homes developed on the Single-Family Lots should be in keeping with the scale established by existing historic neighborhood residences.

Importantly, the most relevant COA agreed to previously by the property owner and the Planning Commission are:

- COA 1 of the Sweeney MPD states that at the time of Conditional Use review, Staff and the Planning Commission shall review projects for compliance with the Codes and Ordinances in effect at the time, in addition to ensuring conformance with the approved Master Plan.
- COA 5 of the Sweeny MPD states that Maximum Building Height on the Single Family Lots shall be limited to 25 feet to reduce potential visibility.
- COA 9 of the Sweeny MPD requires detailed landscaping, vegetation protection, and construction staging plans at the time of CUP review.
- COA 3 of the Revised Conditions of Approval (1987) of the Sweeney MPD affirmatively grant and require design review to the Planning Commission and reads as follows:

The Planning Commission and Staff shall review these proposals as conditional uses. This shall include review of the design of the structures to ensure that they are designed to minimize the visual impact. The design shall be consistent with the Historic District Guidelines.

As a result, the Applicant requests a plat amendment to:

1. Adjust how the maximum Footprint is calculated by excluding garage, carport, mechanical space, or living space that is located below existing grade and which has landscaping or decks located above them.
2. Adjust the allowed Building Area Limits shown on the plat to allow for Accessory Building(s) uphill (in the SLO), including an overall reduction of the Building Area Limits by 490 square feet.

In order to consider the Applicant's request, the Planning Commission must consider previously agreed to and recorded Plat Notes, including number 1 which currently reads:

Footprint. The maximum Footprint, calculated from the outside face of walls and subject to the massing requirements of Note 7, shall be 3,500 square feet including garages. The following shall not count towards Footprint calculations:

- a) *Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space above of below them;*
- b) *Exterior walkways;*
- c) *Exterior stairs;*
- d) *Driveways*

In support of their proposal, the Applicant recommends adjusting Plat Note 1 to instead read:

Footprint. The residential Footprint of the Dwelling ("Main House"), to be located on Lot 2, Phase 1, Treasure Hill Subdivision ("the Lot"), shall be calculated from the outside face of walls, and a maximum of 3,500 square feet Footprint including garages. The following shall not count toward the Footprint calculations:

- a) Deck which is open on at least two sides, but which may have railings as required, covered or uncovered, and does not have above-existing natural grade or living space located above or below it;*
- b) Exterior walkways;*
- c) Exterior stairs;*
- d) Driveways*
- e) That portion of any garage, carport, mechanical space, or living space that is located below existing grade and which has landscaping or deck (as provided in 1(A)) located above it.*

In addition to the above request, the proposed Single-Family Dwelling does not meet the interior Building Height and the Historic District Design Guideline requirements for a residentially/human scaled building informed by the topography of the Site (Exhibit J).

As a result of the Applicant's request, the Planning Commission should discuss and determine whether the Planning Commission finds:

- 1. Proposed changes to the Plat are consistent with the Sweeney MPD (as amended) and the Land Management Code, and do not result in increased Building Height, visibility, or impacts to the environmentally sensitive site.***
- 2. The proposed development is consistent with the scale of existing residences in the Historic District (Sweeney MPD Approval Staff Report pg. 10.)***
- 3. The proposed shift to the Building Area Limits does not result in increased visibility or impacts to the SLO.***
- 4. The design of the new structure(s) including how Building Height is measured is consistent with the Land Management Code and Historic District Guidelines for Infill Development.***
- 5. The design of the new structure(s) is appropriate to the existing topography of the Site (LMC [§ 15-2.2-6 \(B\)](#), CUP Criteria for Development on Steep Slopes in the HR-1 Zoning District).***
- 6. Conditions of Approval can mitigate potential adverse effects on the SLO and Historic District.***
- 7. There is Good Cause for the proposed Plat Amendment.***



Figure 2: Summit County Parcel Viewer Map of 220 King Road, Lot 2 of the Treasure Hill Subdivision Phase 1, subject Parcel outlined in green.

Background

The pending Plat Amendment, CUP, and SSCUP applications were scheduled for a work session on October 26, 2022, after a considerable amount of work between professional staff and Applicant. At the Applicant's request, the items were continued to a date uncertain ([Staff Report](#); [Minutes](#), pg. 3), as the Applicant sought additional time to consider their proposal.

On November 30, 2022, at the request of the Applicant, the Planning Director issued a Grade Determination for 220 King Road (Exhibit H) to establish an existing grade for future construction based on an interpolated grade analysis. The Applicant's plans reflect the November 30, 2022, grade determination.

The Applicant also has a pending CUP application for a ~600-square-foot outdoor pool (and hot tub) and two Accessory Buildings with a combined footprint of ~1,500 square feet submitted on January 18, 2023. The Applicant has been actively working through the Historic District Design Review (HDDR) process with Planning staff, including several meetings to answer the Applicant's questions and concerns.

On October 11, 2023, after months of additional work and at the request of professional staff, the Applicant presented their updated plans to the Planning Commission in a work session ([Staff Report](#); [Minutes](#), pg. 2). The Planning Commission requested additional information on the following:

- Architectural plans illustrating the length of the proposed structure to determine

how it relates to other homes on the hill as well as other Single-Family Dwellings within the Treasure Hill MPD;

- Excavation plans;
- Alternative views of the proposed house;
- Details of the Accessory Buildings;
- What easements or encroachments exist on the property; and
- The proposed square footage of the home in comparison to other Single-Family Dwellings in the MPD.

Since the October 11, 2023, work session, Planning has continued to work with the Applicant's team and assist the Applicant to refine their project to better conform to the existing agreements in place that have run with the property since 1986. We continue to question the overall scale of the project, its prominent visibility on the hillside, compliance with existing agreements, and the encroachments into the SLO. As a result, we recommend the Planning Commission and the Applicant discuss these areas of consternation and provide direction to Planning Staff.

For reference, other Single Family Lots in the Sweeney MPD include:

Address	Parcel No.	Lot Area (acres)	Building Area Limits (SF)	Approximate House Size ² (SF)	Zoning District
200 King Road	THILL-1	0.86	12,700	NA	HR-1
220 King Road	THILL-2-AM	1.23	11,250	~6,000 (existing) ~16,000 (proposed)	HR-1
425 Norfolk Ave	THILL-3-AM	1.31	17,000	~3,300	HR-1
375 Norfolk Ave	THILL-4-AM	1.1	7,500	~9,600	HR-1
503 ½ Woodside Ave	THILL-II-6	0.79	7,650	~8,000	HR-1
503 Woodside Ave	THILL-II-7	0.92	7,500	~8,000	HR-1
445 King Road	THILL-3-8-1AM	11.9	29,084	~5,600	Estate

*THILL-5-X is a 42.74 acre Lot that was dedicated to Park City Municipal as Open Space.

Importantly, the governing documents for the Applicant's site include:

1. Sweeney Master Plan dated 12/18/1985 (Exhibit A);
2. Sweeney Master Planned Development Amended Conditions dated 10/14/1987 (Exhibit B);

² Estimated based on floor plans when available and Summit County Assessor's Database

3. Treasure Hill Subdivision, Phase 1 Plat, recorded on 4/15/1996 (Exhibit C, see Plat Notes p. 3); and
4. First Amended Record of Survey, Lot 2 Phase 1, Treasure Hill Subdivision, recorded on 8/14/1997 (Exhibit D, see Plat Notes).

For context, the Planning Commission approved the Sweeney MPD in 1985. Lot 2 is one of the Single-Family Lots referred to as "Miscellaneous Properties." Page 7-9 of the Staff Report for the Sweeney MPD reads:

The various parcels of land included within the Sweeney Properties Master Plan are scattered about the Historic District and are detailed on the attached Exhibit. For additional clarity a brief narrative description of each development area follows:

[1.] Coalition Properties (known as Town Lift East & West sites)

[...]

[2.] HR-1 Properties (Known as Car-Sheen & MPE sites)

[...]

[3.] Hillside Properties (known as Mid-Station and Creole Gulch sites)

[...]

[4.] Miscellaneous Properties

In addition to the development areas described above, the proposed Master Plan identifies three distinct single-family lots; one of which is located above Woodside Avenue adjacent to and north of platted 5th Street, a second to be accessed from Upper Norfolk, and a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3500 square foot footprints and maximum building heights of 25 feet.

The Treasure Hill Subdivision, Phase 1 Plat, includes four Lots located in the HR-1 Zoning District, and one Lot of Open Space. Plat Notes are copied below and are more restrictive than the HR-1 Zoning District in some cases, and as by agreement. As noted earlier, the current application is proposing to modify Plat Note 1.

SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE
CONSTRUCTED ON LOTS 1 THROUGH 4 SHOWN HEREON:

1. FOOTPRINT. The maximum footprint, calculated from the outside face of walls and subject to the massing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the foot print calculations:

- (a) Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
- (b) Exterior walkways;
- (c) Exterior stairs;
- (d) Driveways.

2. BUILDING AREA LIMITS. Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as consistent with the approved construction drawings of the driveways, Upper Norfolk turnaround, King Road turnaround, ski bridge and utility plans) shall be limited to the Building Area Limits noted on the Plat. Notwithstanding the forgoing, flat areas located on the Ski Trail Easements where they cross Lots 3 and 4 and are directly adjacent to the Building Area Limits of Lots 3 and 4 may be landscaped with irrigated groomed grass.

3. CONSTRUCTION DISTURBANCE. Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20) feet beyond the Building Area Limits or to adjoining lot property lines which ever is closer. Such disturbed area shall be revegetated with native landscaping.
4. HEIGHT. The building height shall be measured from existing grade to the top of flat roofs and to the ridge of pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators, between floor levels.
5. FACADE HEIGHT, EASTERLY FACING. The maximum facade height for the Easterly facing facades without a step back of at least five (5) feet shall be twenty five (25) feet from existing or reestablished grade whichever is greater.
6. MASSING. House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3500 square foot footprint referenced in Note 1 above, shall have a footprint that exceeds 1,500 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks.

7. SEWER LATERALS. Maintenance and replacement of sewer laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Sewer Improvement District.
8. FIRE SPRINKLING. Internal and external modified 13d fire sprinklers shall be provided for the homes. Wood roofing material shall be prohibited.
9. PRECEDENCE. The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan.

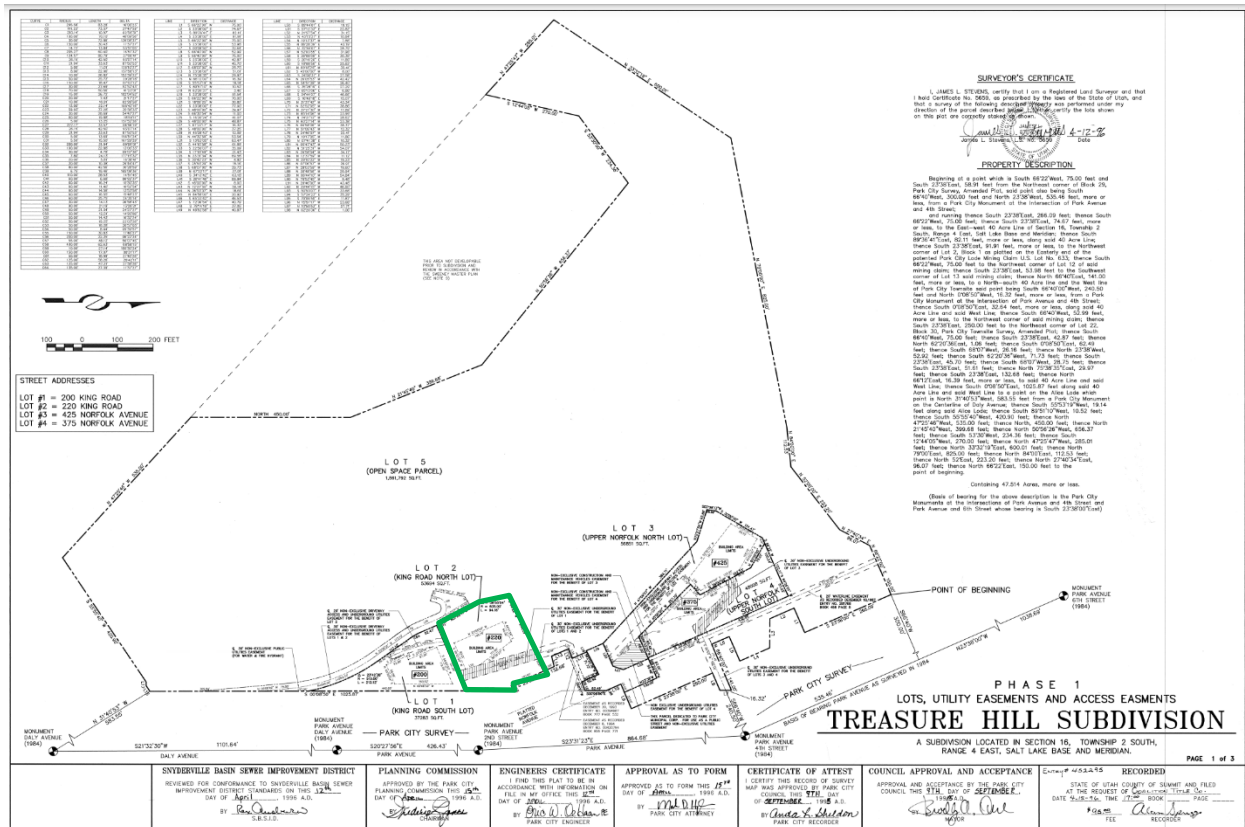


Figure 3: Phase 1 Treasure Hill Subdivision showing Lots 1-5

Lot 2 of Phase 1 was amended in 1997 to replat the Building Area Limits and remove a Deed Line. All the Plat Notes from the original Treasure Hill Subdivision, Phase 1 Plat

were carried forward on the amended Lot 2 Plat, as shown below and as Exhibit D:

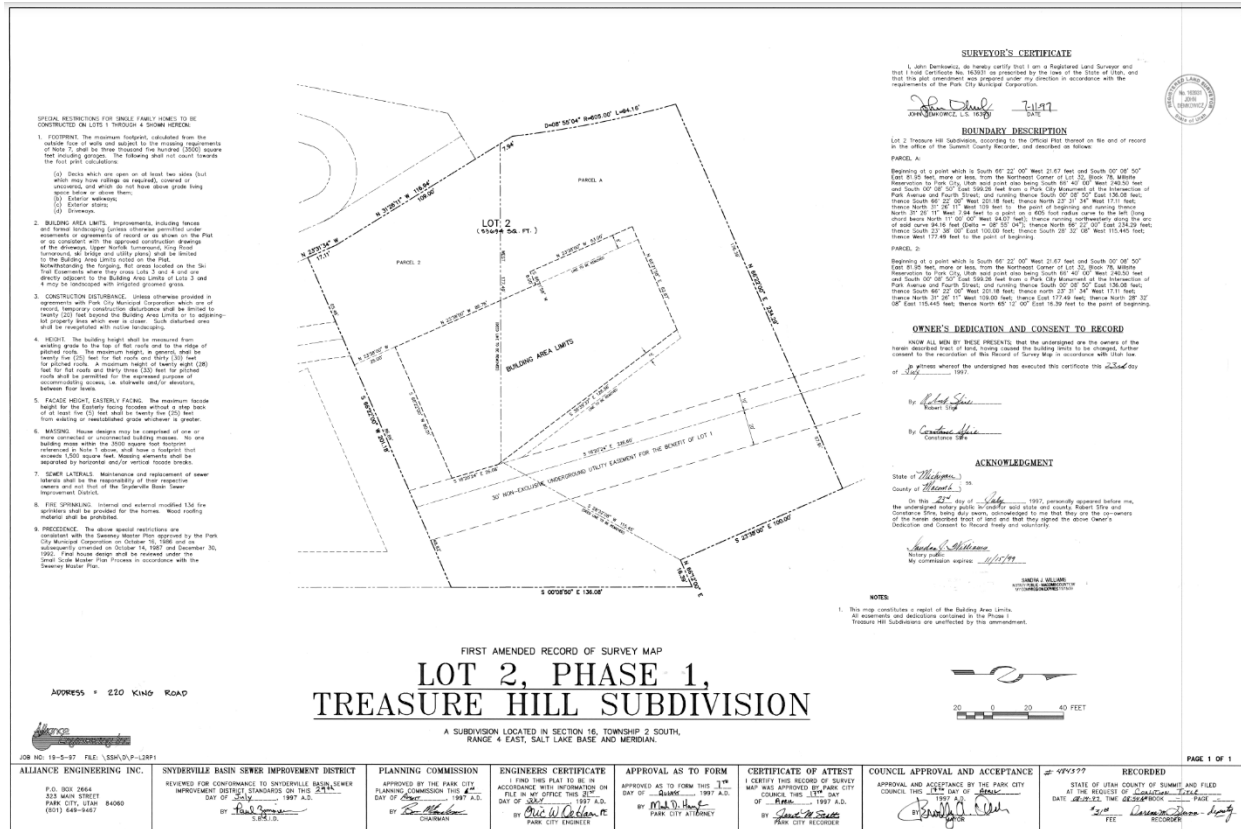


Figure 4: Lot 2 Amended Plat (amending the Building Area Limits)

The Single-Family Dwelling on Parcel A was built in 1998, and the guest house on Parcel 2 was built in 2000. Both Dwellings are in the Building Area Limits shown above. The Planning Commission reviewed the structures for compliance with the nine Plat Notes carried forward from the original Treasure Hill Subdivision Phase 1 as part of the CUP approvals (Exhibits E and F). Staff reviewed building permit plans for the existing structures at 220 King Road and believe the existing Footprint complies with plat notes.

An amendment to the Building Pad for Lot 2 was reviewed by the Planning Commission on the same night and recommended to the City Council for action. The Council approved the Plat Amendment to shift the Building Pad for Lot 2 on April 10, 1997, via Ordinance 97-19 (Exhibit G). The Planning Commission approved an additional CUP for a guest house dated 4/26/2000 that supersedes the original guest house approval (Exhibit F).

There are numerous easements that are on the Site including ski and trail easements, a 30-foot-wide utility easement, and landscaping easements for abutters to the north.

Analysis

(I) Compliance with the Sweeney MPD (as amended).

As noted earlier, considerable emphasis was placed on the impact of development of the on the hillside and Historic District during the MPD process and Plat Notes intentionally limited the Building Footprint to 3,500 square feet, Building Height to 30 feet (25 feet on the east façade), Building Area Limits, and Massing beyond the HR-1 Zoning District requirements. The purpose of these Plat Notes is to limit the visual impact of development and to ensure that development is in keeping with existing historic residential structures and sensitive to the Site.

Finding of Fact 2 of the Sweeney MPD states:

The Uses proposed and the general design of the project is or will be compatible with the general character of development in the surrounding area.

Condition of Approval 5(a) states:

The various parcels located within the HR-1 zone district shall abide by the Land Management Code and no height exceptions will be considered. Maximum Building Height on the Single-Family Lots shall be limited to 25 feet in order to reduce potential visibility.

Page 10 of the Staff Report reads:

Scale – The overall scale and massiveness of the project has been of primary concern. Located within the Historic District, it is important for project designed to be compatible with the scale already established.

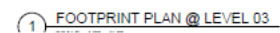
Condition of Approval 3 of the Revised Conditions of Approval to the Sweeney MPD states:

The Planning Commission and Staff shall review these proposals as conditional uses. This shall include review of the design of the structures to ensure that they are designed to minimize the visual impact. The design shall be consistent with the Historic District Guidelines.

The Applicant is proposing to amend Plat Note 1 to exclude garage Footprint located below grade and with landscaping or deck above, and to shift the Building Area Limits into the SLO to allow for Accessory Buildings.

The Planning Department is concerned that the proposed amendments promote sub-grade development inconsistent with the MPD's intent to limit the Building Footprint to 3,500 square feet, Building Height to 30 feet, Building Area Limits, or visual impact of development on the Historic District. However, the Applicant contends there are not

The Applicant also calculates the Building Footprint at the lowest level, which has the smallest Footprint at 3,475 square feet. However, the structure cantilevers beyond this footprint, greatly increasing the mass of the structure and the amount of excavation required, and thus should be considered by the Planning Commission.



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The current LMC definition for Building Footprint uses the furthest exterior wall of the Structure projected to Natural Grade. The Planning Department calculates the Applicant's actual building footprint at approximately 11,300 square feet, using the LMC definition's methodology.

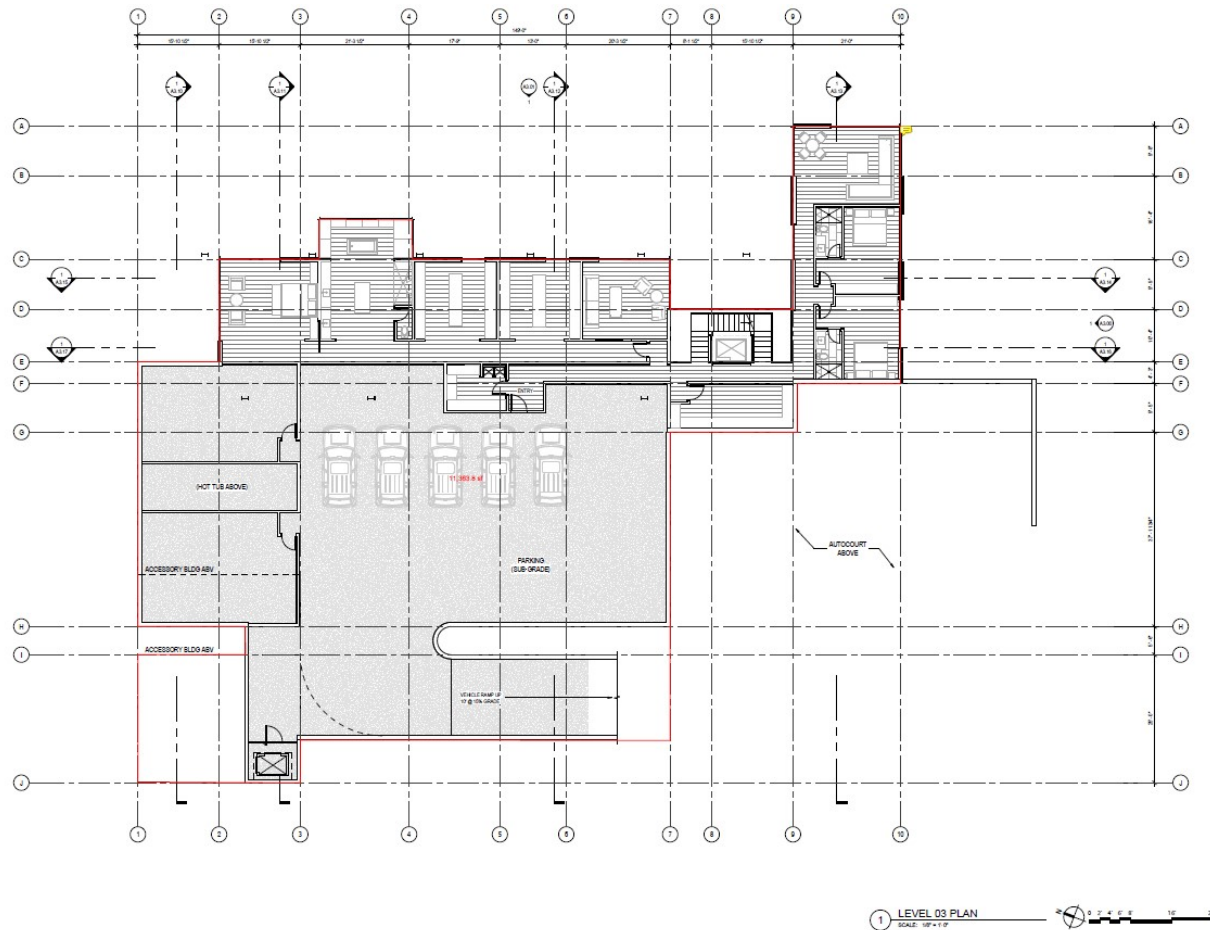


Figure 6: Footprint area as calculated by the Planning Department outlined in red. This image is from a 2022 submittal and may not be the most recent floor plan. No floor plans were submitted with the December 29, 2023, submittal.

At the next work session, the Planning Commission should discuss whether the Planning Commission finds:

- 1. Proposed changes to the Plat are consistent with the Sweeney MPD (as amended) and do not result in increased Building Height, visibility, or impacts to the environmentally sensitive site.*
- 2. The proposed development is consistent with the scale of existing residences in the Historic District (Sweeney MPD Approval Staff Report pg. 10.)*
- 3. The proposed shift to the Building Area Limits does not result in increased visibility or impacts to the SLO.*

(II) Compliance with the HR-1 Zoning District Requirements outlined in LMC Chapter 15-2.2.

The purpose of the HR-I Zoning District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City;
- B. encourage the preservation of Historic Buildings and/or Structures;
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;
- D. define Development parameters that are consistent with the General Plan policies for the Historic core; and
- E. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.³

Requirements	HR-1	MPD/Plat	Proposed
Lot Size	1,875 sq. ft.	53,694 sq. ft.	53,694 sq. ft. <i>Complies</i>
Lot Width	25 ft.	200+ ft.	200+ ft. <i>Complies</i>
Building Footprint	4,500 sq. ft. for lots > 18,750 sq. ft.	Plat Note 1 and MPD - 3,500 sq. ft.	<i>May not comply.</i> The Applicant calculates the Building Footprint at 3,475 sq. ft. at the lowest basement level (L1) and is proposing to Amend Plat Not 1 so that areas below grade and with landscaping or deck above do not count towards the Building Footprint. The current LMC definition for Building Footprint uses the furthest exterior wall of the Structure projected to Natural Grade.
Setbacks Front Side	15 ft. 10 ft. min./30 ft. total	15 ft. 10 ft. min./30 ft.	<i>Complies</i> 17 ft. 17/47 ft.

³ LMC [§ 15-2.2-1](#)

Rear	15 ft.	total 15 ft.	47 ft.
Building Height	27 ft. from Existing Grade Final Grade must be within 4 vertical feet of Existing Grade LMC 15-2.2-5(A) limits interior height to 35 feet. 18 ft. for Accessory Buildings	Plat Note 4 - 30 ft. for pitched roofs. Plat Note 5 - 25 ft. for east facing facade.	Exterior Building Height Complies however the <i>interior Building Height measures 53.5 ft and does not comply.</i>
Parking	2	NA	> 2 <i>Complies</i>
Building Area Limits	Area outside of Setbacks	Indicated on Plat	<i>Expand into the SLO.</i> The Applicant is proposing to shift the Building Area Limits uphill and into the SLO to allow for Accessory Buildings.
Massing	LMC 15-13-8(B)(2)(a)(9) Modules on primary facades should not exceed 11 feet to 25 feet in width.	Plat Note 6 - No one building mass within the 3,500 sq. ft. footprint shall have a footprint that exceeds 1,500 sq. ft.	<i>May not comply.</i> The primary Structure has been modulated into 4 segments, each under 1,500 square feet, however, 2 of the 4 segments exceed 25 feet in width (see Figure 4 above).

Although the exterior Building Height complies with existing Plat Notes, Planning staff is concerned that the interior Building Height does not comply with LMC [§ 15-2.2-5\(A\)](#), which limits interior height to a total of 35 feet in the HR-1 Zoning District. The Planning Department calculates the interior Building Height at 53.5 feet, an excess of 18.5 feet. As a result, we seek Planning Commission clarification after discussing directly with the Applicant.

Currently the Building Area Limits are not in the SLO. The Applicant is proposing to shift the platted Building Area Limits uphill, and portions of the structure and Building Area Limits would be in the SLO as shown below. As a result, we seek Planning Commission clarification after discussing directly with the Applicant.



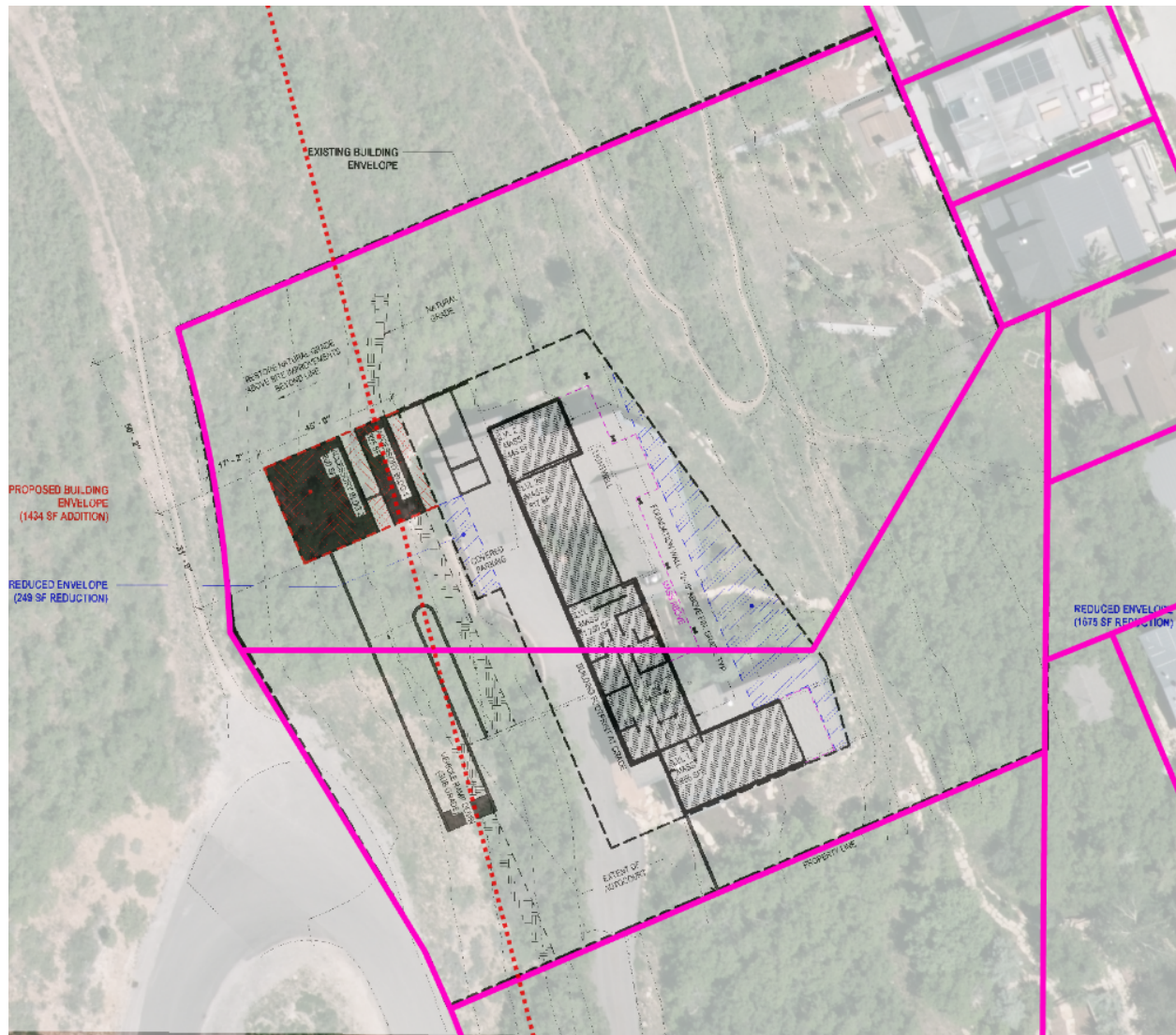


Figure 8: Proposed Building Area Limits with Sensitive Land Overlay shown in red.

Lot 2 of the Treasure Hill Subdivision is in the HR-1 Zoning District. LMC [§ 15-1-8\(F\)](#) states that projects in the Historic Districts are subject to design review under the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit. COA 3 of the Revised Conditions of Approval of the Sweeney MPD also includes the Planning Commission in the design review process. The HDDR process will help address concerns of visual impact with respect to massing, lighting, landscaping, and glazing. Accordingly, the Applicant submitted a HDDR application on April 27, 2023; this application is pending and under review. Final analysis and action may be affected by the Planning Commission determinations on the plat notes and CUP criteria. If no changes are made, staff will proceed to issue a final action letter for the HDDR.

Plat Note 6 discusses Massing and states that no one building mass within the 3,500-square-foot footprint shall have a footprint that exceeds 1,500 square feet. The Planning

Department notes the structure is approximately 130 feet in length, or the width of five Old Town Lots, and inconsistent with other residential structures that contribute to the character and scale of the Historic District. As a result, we have suggested the Applicant consider further breaking up the mass into more discernable modules, including the roof line which is currently a one-long shed roof. As a result, we seek Planning Commission clarification after discussing directly with the Applicant.

(III) Criteria outlined in LMC § 15-1-10(E), Conditional Use Review.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

1. Size and Location of the Site

The 53,694 square foot Lot is prominently located on the hillside over Old Town in the HR-1 Zoning District. The size and location of the Site is consistent with other Single-Family Lots in the Sweeney MPD which generally range from 0.79-1.31 acres and are also located towards the top of the Historic District. See Table on Pg. 6. Note that 445 King Road is not a good comparison as it is minimally visible from established Vantage Points and is located on a much larger Lot in the Estate Zoning District.

However, the Sweeney MPD Lots are significantly larger than the majority of Lots located in the Historic District, which were originally platted as 25 feet wide and 75 feet deep (1,875 square feet) and now have a maximum Lot Size of 3,750 square feet for Single-Family Dwellings (Ordinance No. [2023-50](#)).⁴

The HR-1 Zoning District establishes a maximum Building Footprint of 4,500 square feet for Lots exceeding 18,750 square feet (with an exemption of 400 square feet per unit for garage floor area). A CUP is required for all structures with a Footprint that exceeds 3,500 square feet.⁵ The purpose of the maximum Lot Size and maximum Building Footprint is to mitigate the impacts of infill development on larger lots relative to the mass, scale, and fabric of the mining boom era (1872-1929).⁶

⁴ LMC [§ 15-2.2-3\(A\)](#)

⁵ LMC [§ 15-2.2-3\(E\)](#)

⁶ General Plan, [Goal 15, pg. 106](#)

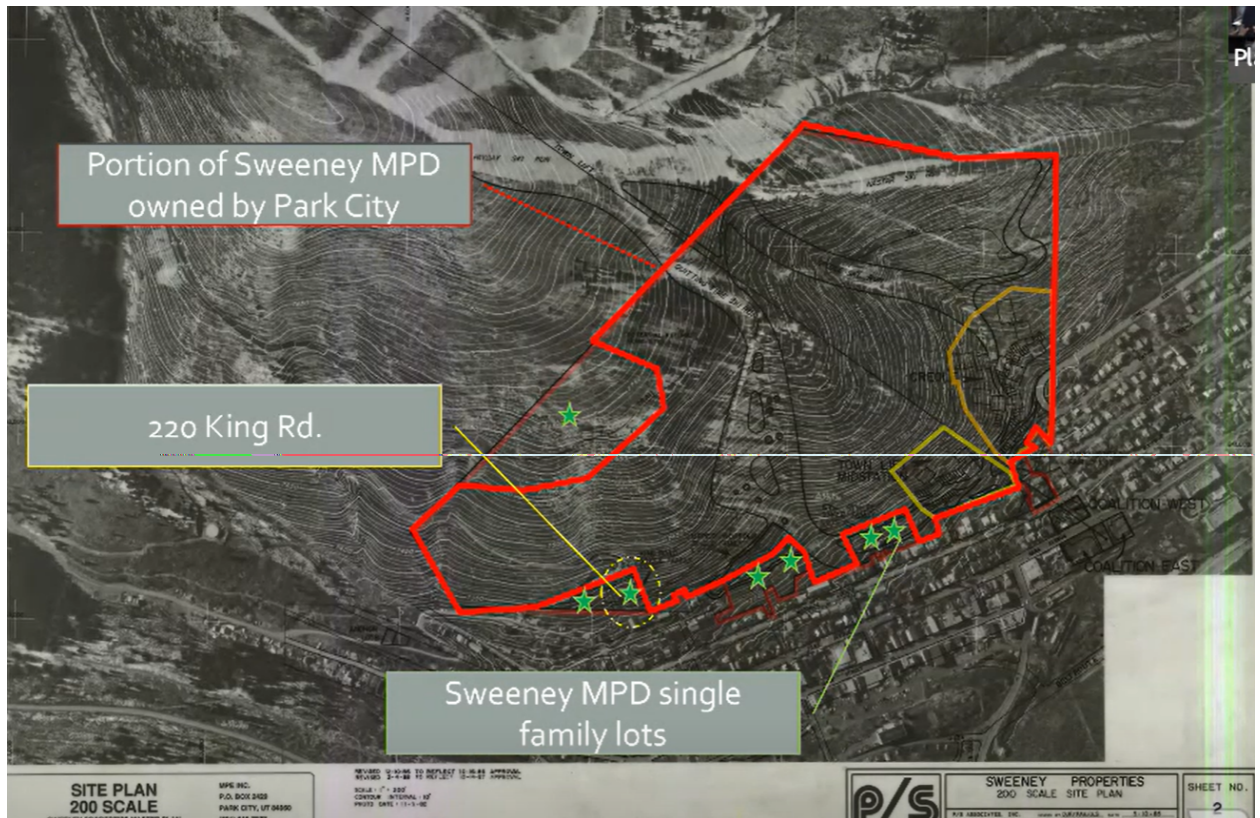


Figure 9: Sweeney MPD Single-Family Lots

The Sweeney MPD is more stringent than the current maximum Building Footprint allowance at 3,500 square feet, which was established to ensure the scale of projects is in keeping with the scale of existing residences and to minimize the visual impact of development on the Historic District.

The Applicant has not provided the total gross residential Floor Area of the structure, but the Planning Department estimates it at approximately 13,800 square feet (not including the sub-grade parking area of approximately 4,700 square feet), which is larger than other Single Family homes in the Sweeney MPD and significantly larger than surrounding residences. As a result, we seek Planning Commission clarification after discussing directly with the Applicant.

2. Traffic Considerations

The Applicant proposes to replace the existing Single Family Dwelling and Guest House with a new Single-Family House and Accessory Buildings. The capacity of existing streets in the area is sufficient to accommodate the proposed development and the new development does not meet the Engineering Department's threshold to warrant a [Traffic Impact Study](#).

3. Utility capacity and Storm Water run-off

LMC § 15.2-21-3(A) defines slopes as:

1. Greater than fifteen percent (15%), but less than or equal to thirty percent (30%);
2. Greater than thirty percent (30%) but less than or equal to forty percent (40%); and
3. Very Steep Slopes, greater than forty percent (40%).

The Applicant submitted a Slope Map indicating that most of the Site consists of Very Steep Slopes.

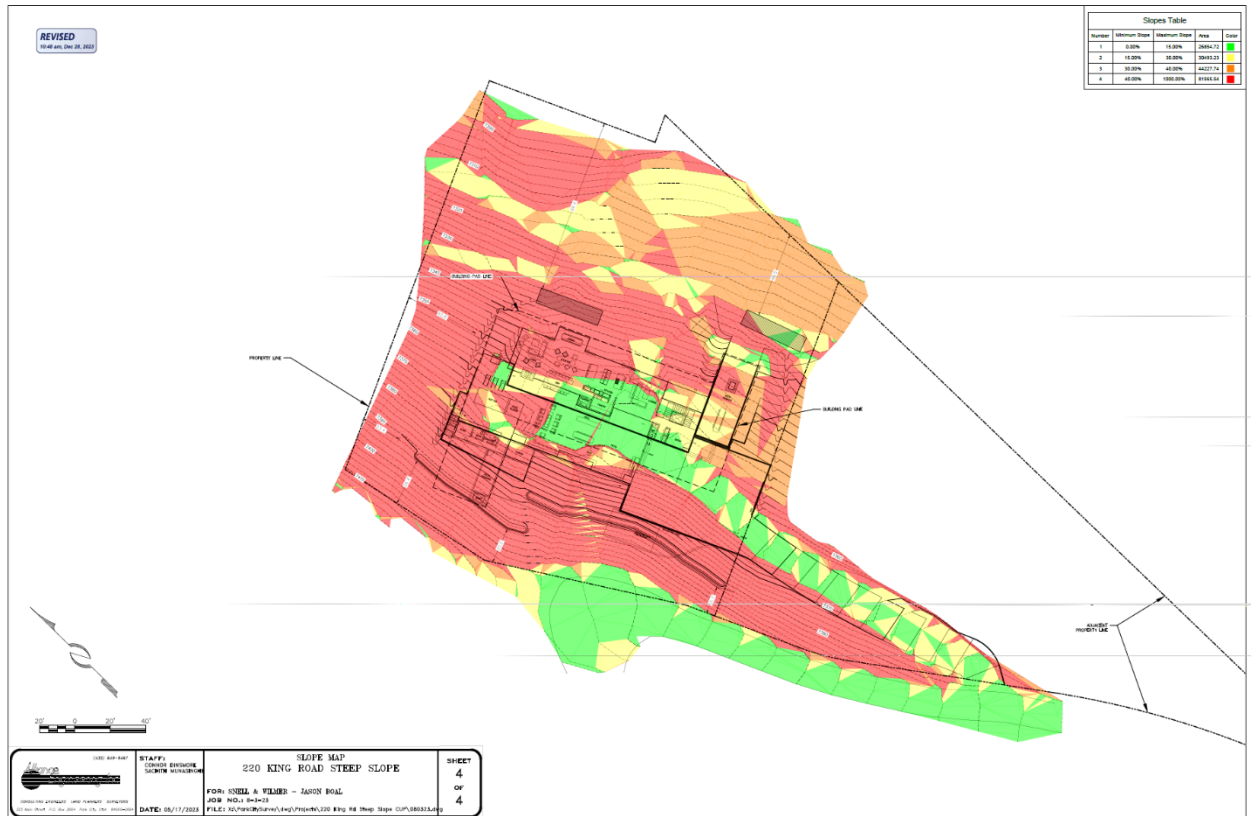


Figure 10: Applicant's Slope Map

The Engineering Department the Department reviewed submitted plans at a Development Review Committee (DRC) meeting on January 16, 2024, and recommends the following Conditions of Approval should this project move forward.

All Storm Water runoff from new impervious surfaces must be contained on-site and the Applicant must submit a Soil Investigation Report and a Geotechnical Report prior to the Application being considered complete.

4. Emergency vehicle access

The Park City Fire District reviewed proposed plans at the January 16, 2024,

DRC meeting and notes that driveways greater than 150 feet in length must have a turnaround area that will allow a fire engine to turn around in no more than a three-point turn and that the nearest fire hydrant should be shown on plans and must be no more than 600 feet from the structure.

On March 17, 2021, a vehicle control gate was approved for 200 King Road, which is the driveway entrance for 220 King Road, through an Administrative CUP as a fence greater than four feet in height and located in the Front Setback. The gate was determined to be a fence as it is located on private property and does not cross a street. The gate is seven feet (7') in height.

5. Off-Street parking

The Planning Department calculates the Applicant's garage to be approximately 4,700 square feet located below grade and enclosed on three sides. No floor plans have been submitted showing the details of this level but the Applicant has stated that the site will meet the requirements of LMC § 15-3-6(A) Off-Street Parking Requirements for Residential Uses (2 parking stalls).

Planning staff are concerned the footprint of this garage will require extensive excavation and may exceed the Building Area Limits, which effectively negates the purpose of these Limits to maintain the integrity of the Very Steep Slope. At the work session on October 11, 2023, the Planning Commission requested plans showing the extent of excavation. To date no excavation plans have been submitted. As a result, we seek Planning Commission clarification after discussing directly with the Applicant.

6. Vehicular and pedestrian circulation

Access to the site is off King Road and crosses the adjacent parcel, 200 King Road, via an access easement and vehicle control gate. The Fire Department has reviewed proposed plans and notes that driveways greater than 150 feet in length must have a turnaround area that will allow a fire engine to turn around in no more than a 3 point turn. The Applicant must also identify the location of the nearest fire hydrant. The structure must not be more than 600 feet from a fire hydrant. The grade of the driveway will not exceed 14%, the maximum allowed under LMC [§ 15-3-3\(A\)\(4\)](#).

7. Screening and Landscaping

The Sweeney MPD requires detailed landscaping, vegetation protection, and construction staging plans at the time of CUP review. The Applicant submitted a Landscape Plan which shows a significant number of new Aspen and Pine trees, and native grasses will be added to the site, particularly on the east façade of the house.

Staff notes the size of trees at installation is not noted on plans and because the hill slopes down and away from the house it is not possible to determine how effective this will be and how long it will take for the trees to help soften and

screen the mass of the proposed structure.

8. Building mass, bulk, and orientation

The Planning Department has spent a considerable amount of time working with the Applicant reviewing their HDDR submittals and continues to have concerns that the proposed residence does not comply with several requirements of the HR-1 Zoning District, Design Guidelines for New Residential Infill Construction in Historic Districts, elements of the Sweeney MPD, and Treasure Hill Subdivision Plat Notes, including residential/human scale:

1. Per LMC [§ 15-13-8\(A\)\(4\)](#) “new infill residential buildings shall differentiate from historic structures but be compatible with historic structures in materials, features, size, scale and proportion, and massing to protect the integrity of the Historic District as a whole. The massing of the new infill residential buildings shall be further broken up into volumes that reflect the original massing of historic buildings; larger masses shall be located at the rear of the lot.”

While the structure has been broken up into five modules to break up the perceived mass, the structure cantilevers out over the building’s foundation and hillside which increases its visual impact. The structure is oriented so its broadest sides face the street and overlook Old Town, which is not consistent with the Guidelines;

2. Per LMC [§ 15-13-8\(A\)\(5\)](#) “building and site design shall respect the existing topography, the character-defining site features, including existing trees and vegetation, and **shall minimize cut, fill, and the use of retaining walls**⁷.”

The sub-grade parking area is approximately 4,700 square feet in footprint and required excavation will:

- a. significantly disturb the site and require many truck trips through Old Town;
 - b. extends beyond the platted Building Area Limits below grade, effectively negating the purpose of these Limits; and
 - c. is proposed to be excluded from the Building Footprint calculation which undercounts the mass and construction impacts of the structure on the surrounding neighborhood and Very Steep Slope.
3. Plat Notes 4 and 5 indicate Building Height is measured from existing grade and is limited to:
 - a. 25 feet for flat roofs
 - b. 30 feet for pitched roof and

⁷ Emphasis added

- c. 25 feet for the easterly facing façade without a stepback of at least five feet, from existing or reestablished grade whichever is greater.

As a result, we seek Planning Commission clarification after discussing directly with the Applicant.

Plans submitted by the Applicant dated December 29, 2023, show an exterior Building Height of 30 feet measured from Existing Grade. However, the LMC also limits interior Building Height to 35 feet.⁸ The Planning Department calculates the interior Building Height at 53.5 feet as measured from the lowest finish floor plane to the top of the topmost wall plate. Further, LMC [§ 15-13-8\(B\)\(2\)\(a\)\(12-13\)](#) requires primary facades to be no more than two stories in height with variation in building and roof heights to further break up the visual impact of a structure's mass.

4. The proposed Structure seems overscale when compared to the surrounding Mining Boom Era Residences Thematic District and existing development pattern in the Historic Residential -1 Zoning District. Historic height, width, and depth proportions are important in creating compatible infill developments and the facades of taller buildings must express a human scale.

For example, the mono-pitch roof superstructure spans the width of nearly five traditional Old Town Lots (approximately 117 feet in width) and does not reflect the human scale development pattern of the surrounding area. While the building has been broken up into 5 modules, the central module exceeds 25 feet in width and is not effective in diminishing the visual impact of the overall building mass, form, and scale. [Per LMC § 15-13-8\(B\)\(2\)\(a\)\(7\)](#) "Larger-scaled projects shall also include variations in roof height in order to break up the form, mass and scale of the overall structure." The roof superstructure also has a pitch of 3:12 where the pitch of the Contributing Roof Form⁹ must be between 7:12 and 12:12¹⁰.

⁸ LMC [§ 15-2.2-3](#)

⁹ As defined in LMC [§ 15-15-1](#): "The most visually prominent roof form viewed from the primary public right-of-way."

¹⁰ LMC [§ 15-2.2-5\(C\)](#)



Figure 11: Applicant's proposed east facade

9. Usable Open Space

The 1.23 acre site generally consists of Steep Slopes and Very Steep Slopes with an average grade of approximately 40%. The Applicant is proposing to restore most of the site after construction to existing grade and is proposing native grass, shrubs, Pine, and Aspen trees.

There are existing trail easements on the Lot and proposed development does not disturb any of these trail easements. There are also several landscape easements on the east side of the property which will be maintained.

10. Signs and Lighting

No signs are proposed for the Single Family Lot. The site will be required to comply with LMC § 15-5-5(J), Outdoor lighting.

Due to the length of the structure and the amount of glazing proposed on the east façade, the house, when lit up at night, could have a significant visual impact on the hillside and inconsistent with the existing neighborhood.

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

See Criteria 8 above.

12. Noise and other mechanical factors

The proposed Single-Family Dwelling is not expected to generate noise or other factors that will affect people and Property Off-Site.

13. Control of service vehicles and Screening of trash and recycling Areas

The Vehicle Control Gate will control delivery and service vehicles. The Applicant should indicate on plans where trash and recycling bins will be stored.

14. Ownership

The Lot is expected to be owned as a Single Family Lot.

15. Environmentally Sensitive Lands, Steep Slopes, and appropriateness of the Structure to the topography of the Site

See Section (IV) below.

16. Consistency with the General Plan

Goal 15 of the General Plan is to preserve the integrity, mass, scale, compatibility and historic fabric of the historic resources and districts for future generations. Objective 15B is to maintain the character, context, and scale of local historic districts with compatible infill development and additions. LMC [§ 15-13-8](#), Design Guidelines for New Residential Infill Construction in Historic Districts, specifically encourages infill development be compatible with existing historic structures in size, scale, and proportion that reflects the historic fabric of the mining boom era (1872-1929).

As a result, we seek Planning Commission clarification after discussing directly with the Applicant regarding compatibility with the scale within the Historic District and the goals and objectives of the General Plan for Historic Character.

(IV) 220 King Road is partially within the Sensitive Land Overlay.

[§ 15-1-6\(B\)](#) states where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.”

For the portion of the property within the SLO, LMC [§ 15-2.21-4](#) outlines the following slope protections for the SLO:

- A. **PROHIBITIONS**. No Development is allowed on or within fifty feet (50’), map distance, of Very Steep Slopes, Areas subject to land slide activity, and other high-hazard geologic Areas. As used herein, an Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet (25’) vertically, upslope or downslope, and fifty feet (50’) horizontally in any direction to be subject to this prohibition.

The Planning commission may vary the Setback from Very Steep Slopes if the Planning Commission can make all of the following findings during the suitability

review:

1. Varying the Setback does not create an intrusion by Buildings into the Ridge Line Area when viewed from designated Vantage Points, § 15-2.21-3(A)(4), or other Vantage Points designated by the Planning staff or Commission, § 15-2.21-3(B)(1);

The proposed development is not located near a Ridge Line Area.

2. Building Areas in the Setback do not create excessive cut or fill Slopes; minimal retaining walls to limit disturbance and meet Grade may be required by the Planning Commission subject to § 15-2.21-4(B), (C), and (E);

The development as proposed will require cuts and fills into Very Steep Slopes and the SLO, and staff recommends the Applicant clarify the amount of excavation proposed and the amount in the SLO in relation to areas of the Lot that have already been disturbed.

Any required cuts, fills, and retaining walls must be shown on plans prior to the public hearing. Additionally, Final Grade cannot exceed a four-foot vertical difference from Existing Grade pursuant to LMC [§ 15-2.2-5](#).

3. Limits of Disturbance around any Structure within the Setback shall be limited to the minimal Area necessary to excavate and backfill the foundation. Decks and patios in the area of the Very Steep Slope setback, may not extend more than fifteen feet (15') beyond the foundation walls or the minimal excavation/backfill Areas, whichever is greater;

Due to the Very Steep Slopes and the SLO the Planning Commission may wish to prohibit development and the removal of vegetation in the SLO area. The Applicant should submit a vegetation protection plan for the SLO.

4. No additional erosion, land subsidence, or avalanche hazard is created;

Staff recommends the Applicant update plans to demonstrate compliance with this requirement.

5. The Site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public Areas, and reduction of Site disturbance;

The proposed development disturbs the Very Steep site, and the Planning Commission may wish to prohibit development in the SLO and not allow for changes to the Building Area Limits in the SLO. Restrictions may be placed on Setbacks and Footprint or be limited to portions of the site that were previously disturbed.

6. The reduction in Setback results in a reduction in overall project Density or Development massing as established by the Planning Staff's Site Suitability Determination, and

Based upon preliminary site suitability and pending Planning Commission discussion, the Planning Commission may wish to consider COAs which prohibit development and the removal of vegetation in the SLO to preserve Steep Slopes and Significant Vegetation.

7. In no case shall additional disturbance be allowed beyond the maximum area determined in the Site Development Suitability Determination (see § 15-2.21-2(C)).¹¹

The Planning Commission may wish to locate development outside of the SLO to minimize the need for cuts, fills, and retaining walls, and to minimize impacts on the environmentally sensitive lands. Once the Planning Commission has provided input on the above, staff will prepare a Site Suitability Determination.

(V) Steep Slope CUPs are subject to the following nine Criteria:¹²

LMC [Chapter 15-2.2-6](#), Development on Steep Slopes, states "Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13 and Architectural Review Chapter 15-5."

1. Development is located and designed to reduce visual and environmental impacts of the Structure.

Due to the Very Steep Slopes of the Lots (> 40%), a very large structure will have environmental and visual impact on the hillside and neighborhood. Prohibiting

¹¹ LMC [§ 15-2.21\(A\)](#)

¹² LMC [§ 15-2.2-6\(B\)](#)

development within the SLO to limit impacts on Slopes and vegetated areas are warranted for consideration. The Planning Commission may also require that disturbance be limited to previously disturbed areas and does not extend beyond the Building Area Limits, including sub grade development.

2. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:
 - a) To determine potential impacts of the proposed Access, and Building mass and design; and
 - b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

The Site is very visible from multiple established Vantage Points and development will have a significant impact on the Very Steep Slopes. Further reductions to the mass of the structure may be warranted to reduce the visual impact of the structure and to be more compatible with the scale of other structures in the Historic District.

Staff recommends the Planning Commission give careful consideration to how the Building Height is calculated and whether an inverted step back meets the intent of the setback requirement in LMC [§ 15-2.2-5\(B\)](#).

3. Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale.

Access to the Site is not changing and the existing driveway will be used and improved. Improvements include widening the driveway to approximately 27 feet and retaining walls not to exceed eight feet (8'). Submitted plans indicate the grade of the driveway will not exceed 14%, in compliance with LMC [§ 15-3-3\(A\)\(4\)](#).

4. The project may include terraced retaining Structures if necessary to retain Natural Grade.

The proposed residence is going through Historic District Design Review and may still be revised. The Applicant has been asked to submit excavation plans. Site Plans show several retaining walls built into the hillside.

5. Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

Staff recommends the Applicant update submitted plans and demonstrate how the proposed development minimizes alterations to the natural topography of the Site and preserves natural vegetation.

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

Proposed structure(s) must comply with the Historic District Design Guidelines and be compatible with the residential scale of the Historic District. Exhibit J is a Historic District Design Review Memorandum for 220 King Road.

7. The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line.

NA.

8. The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

Staff recommends the Planning Commission consider Conditions of Approval to limit the Building Size and amount of glazing on the east façade due to visibility of the site on the hillside above the Historic District.

9. The Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in § 15-2.2-5. The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood's existing residential Structures.

Staff recommends the Planning Commission give careful consideration to how the Building Height is calculated and whether an inverted step back meets the intent of the stepback requirement in LMC [§ 15-2.2-5\(B\)](#).

(VI) Compliance with LMC § 15-13-8, Design Guidelines for New Residential Infill Construction in Historic Districts.

As noted above, the proposed Structure is overscale when compared to the surrounding Mining Boom Era Residences Thematic District and existing development pattern in the Historic Residential – 1 Zoning District. Historic height, width, and depth proportions are important in creating compatible infill

developments¹³ and the facades of taller buildings must express a human scale.¹⁴ The mono-pitch roof superstructure spans the width of nearly 5 traditional Old Town Lots (approximately 117 feet) and does not reflect the human scale development pattern of the surrounding area. While the Structure has been broken up into 4 modules, 2 of these exceed 25 feet in width¹⁵ and are not effective in diminishing the visual impact of the overall building mass, form, and scale.¹⁶ As a result, we seek Planning Commission clarification after discussing directly with the Applicant.

As noted in SWCA's April 26, 2023, Technical Memorandum, "the size, scale, and proportions of the residence and its component elements, including the shed roof and cantilevered flat roof are reminiscent of a large-scale industrial building rather than a residential building, which is not compatible with the HR-1 Zone" (Exhibit J, pg. 2).

The industrial architectural style of the Structure is appropriate for the site location; however, the scale of the building and its individual components should be compatible with the scale of historic residences within the HR-1 Zone and the surrounding Historic District, not a full-scale industrial building such as the Silver King Mill Building.

While industrial buildings incorporate larger amounts of glazing than typically found on traditional Park City miners' cottages, the proposed Structure is in a residential zoning district and will be used as a residence. Per LMC [§ 15-13-8\(B\)\(2\)\(d\)\(1\)](#) "large expanses of glazing are inappropriate on residential structures. Large glass surfaces shall be divided into smaller windows that are in scale with those seen historically."¹⁷ Historic mining structures, upon which the proposed design was patterned, do not have the same floor-to-ceiling expanses of glazing seen on multiple facades of the proposed residence; rather bands of clerestory windows are separated by alternating roof forms thus breaking up the concentrations of void space on the facades.

The placement and grouping of windows shall be similar to those seen historically; although the proposed home is designed with an industrial architectural style it is not an industrial building and the current placement and grouping of windows is dissimilar to those seen historically on residential structures.

The Design Guidelines for New Residential Infill Construction in Historic Districts also encourage windows with a vertical emphasis, meaning the general rule is the height of the windows shall be twice the dimension of the

¹³ LMC [§ 15-13-8\(B\)\(2\)\(a\)\(3\)](#)

¹⁴ LMC [§ 15-13-8\(B\)\(2\)\(a\)\(13\)](#)

¹⁵ LMC [§ 15-13-8\(B\)\(2\)\(a\)\(9\)](#)

¹⁶ LMC [§ 15-13-8\(B\)\(2\)\(a\)\(10\)](#)

¹⁷ LMC [§ 15-13-8\(B\)\(2\)\(d\)\(3\)](#)

width (known as the 2:1 ratio).¹⁸ Additionally, windows with traditional depth and trim are encouraged. The proposed sections of glazing have a height-to-width ratio ranging between 1:2 and 1:3 and are affixed to the Structure in a curtain wall configuration, lacking the traditional depth and trim found within the surrounding Historic District. As a result, we seek Planning Commission clarification after discussing directly with the Applicant.

(VII) Compliance with LMC § [15-7.1-3\(B\)](#), Plat Amendments.

Plat Amendments are reviewed according to LMC [§ 15-7.1-6](#), Final Subdivision Plat, and approval requires a finding of Good Cause and a finding that no Public Street Right- of-Way, or easement is vacated or amended.

LMC § 15-15-1 defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

The Planning Commission should discuss if they find Good Cause for the plat amendment, consistency with applicable restrictions and prior approvals, and that the amendment mitigates the impacts of the proposed new Single-Family Dwelling on the Historic District and the environmentally sensitive Site.

Public Input

Work sessions do not require public notice. Any future public hearing will be noticed in accordance with LMC [§ 15-1-21](#).

No public input was received prior to the publication of this staff report.

Summary

At the work session, the Planning Commission should discuss at a high level if the Planning Commission finds:

- 1. Proposed changes to Plat Notes are consistent with the Sweeney MPD (as amended) and the Land Management Code, and do not result in increased Building Height, visibility, or impacts to the environmentally sensitive site.***
- 2. The proposed development is consistent with the scale of existing residences in the Historic District.***
- 3. The proposed shift to the Building Area Limits does not result in increased visibility or impacts to the SLO.***
- 4. The design of the new structure(s) including how Building Height is measured is consistent with the Land Management Code and Historic District Guidelines for Infill Development.***
- 5. The design of the new structure(s) is appropriate to the existing***

¹⁸ LMC [§ 15-13-8\(B\)\(2\)\(d\)\(3\)](#)

topography of the Site.

6. Conditions of Approval can mitigate potential adverse effects on the SLO and Historic District.

7. There is Good Cause for the proposed Plat Amendment.

Exhibits

Exhibit A: Sweeney MPD

Exhibit B: Sweeney MPD Amended Conditions

Exhibit C: Treasure Hill Subdivision Phase 1 Plat

Exhibit D: First Amended Record of Survey Lot 2 Phase 1 Treasure Hill Subdivision

Exhibit E: 220 King Road CUP

Exhibit F: 220 King Road Guest House CUP

Exhibit G: Ordinance 97-19

Exhibit H: Planning Director's Grade Determination

Exhibit I: Applicant's Narrative

Exhibit J: Historic District Design Review for 220 King Road, April 2023

Exhibit K: Proposed Plat

PARK CITY PLANNING DEPARTMENT
REVISED Staff Report

TO: Planning Commission
FROM: Planning Staff
DATE: December 18, 1985
RE: SWEENEY PROPERTIES MASTER PLAN

I. PROJECT STATISTICS:

Applicant:	MPE, Inc. Sweeney Land Company, owner
Proposal:	Large Scale Master Planned Development
Location:	Various parcels throughout Historic District
Parcel Size:	125.6 acres
Existing Zoning:	Historic Residential (HR-1); Estate (E); and, Historic Recreation Commercial (HRC) currently, although Historic Commercial Business (HCB) at the time of formal application
Comprehensive Plan:	Historic Residential and Estate
Surrounding Uses:	Ski area, residential, vacant
Application Date:	May 21, 1985

II. STAFF'S RECOMMENDATION and FINDINGS

The Planning Department Staff recommends that the Planning Commission APPROVE, and forward a positive recommendation to the City Council on the proposed height variation required and rezoning of the hillside (approximately 110 acres) to Recreation Open Space, the proposed Sweeney Properties Large Scale Master Planned Development. The project has been considered in accordance with the review procedures and criteria outlined in Sections 1 and 10 of the Park City Land Management Code, effective January 1, 1984, as amended. The following plans and exhibits, in addition to this report and the project file, constitute the complete development permit.

1. Sweeney Properties Master Plan, sheets 1-16, 19-26, and 38-43 prepared by DelaMare, Woodruff, Stepan Associates, Inc.
2. Sweeney Properties Master Plan document and Fact Sheet, dated May 15, 1985, and subsequent amendments.
3. Sweeney Properties Master Plan Application.
4. Sweeney Properties Master Plan Phasing Exhibit.
5. Sweeney Properties Master Plan Density Exhibit.
6. Sweeney Properties Master Plan Development Restrictions and Requirements Exhibit.

In support of our recommendation to the Planning Commission to approve the proposed Large Scale Master Planned Development, the staff has made the

following Findings based upon the information submitted in conjunction with this application.

1. The proposed clustered development concept and associated projects are consistent with both the Park City Comprehensive Master Plan and the underlying zoning.
2. The uses proposed and general design of the project is or will be compatible with the character of development in the surrounding area.
3. The open space preserved and conceptual site planning attributes resulting from the cluster approach to the development of the hillside is sufficient justification for the requested height variation necessary, and that the review criteria outlined in Section 10.9 (e) have been duly considered.
4. The commercial uses proposed will be oriented and provide convenient service to those residing within the project.
5. The required parking can readily be provided on-site and in enclosed structures.
6. The proposed phasing plan and conditions outlined will result in the logical and economic development of the project including the extension of requisite utility services.
7. The proposed setbacks will provide adequate separation and buffering.
8. The anticipated nightly/rental and/or transient use is appropriate and compatible with the surrounding area.
9. The provision of easements and rights-of-way for existing utility lines and streets is a benefit that would only be obtained without cost to the residents of Park City through such a master planning effort.
10. The site planning standards as set forth in Section 10.9(g) of the Land Management Code have either been satisfied at this stage of review or practical solutions can be reasonably achieved at the time of conditional use review/approval.

III. DEVELOPMENT PARAMETERS and CONDITIONS

The staff's recommendation that the Sweeney Properties Large Scale Master Planned Development be approved by the Planning Commission, and subsequently by the City Council, is predicated upon the following terms and conditions. Upon approval, MPE Inc./Sweeney Land Company, its successors or assignees, shall become bound by and obligated for the performance of the following:

1. The Sweeney Properties Master Plan is approved based upon the information and analysis prepared and made a part hereof. While most of the requirements imposed will not be imposed until individual parcels are created or submitted for conditional use approval, certain specific obligations are also identified on the approved phasing plan. At the time of conditional use or subdivision review, the staff and Planning Commission shall review projects for compliance with the adopted codes and ordinances in effect at the time, in addition to ensuring conformance with the approved Master Plan.
2. Upon final approval of the proposed Master Plan, a recordable document (in accordance with the Land Management Code) shall be prepared and submitted. The Official Zone Map will be amended to clearly identify those properties included within the Master Plan, and the hillside property not included within either the Town Life Mid-Station or Creole Gulch sites (approximately 110 acres) shall be rezoned to Recreation Open Space. At the time of conditional use review, final building configurations and heights will be reviewed in accordance with the approved Master Plan, applicable zoning codes and related ordinances. A minimum of 70% open space shall be provided within each of the development parcels created except for the Coalition properties.
3. The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon. Parking shall be provided on-site in enclosed structures and reviewed in accordance with either the table on the approved Restrictions and Requirements Exhibit or the adopted ordinances at the time of project approval. All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas.
4. Access to the Town Lift and Creole sites shall be provided by a private roadway with acceptable emergency access and utility easements provided. No city maintenance of these streets is expected. All utility lines shall be provided underground with private maintenance required wherever located in inaccessible locations or outside approved easements.
5. Building heights shall be limited to the maximum envelope described on the Restrictions and Requirements Exhibit. At the time of conditional use approval, projects shall be reviewed for conformance with the heights prescribed thereon, and the following:
 - (a) The various parcels located within the Historic Residential (HR-1) zone district shall abide by the Land Management Code and no height exceptions will be considered. Maximum building height on the single

family lots shall be limited to 25' in order to reduce potential visibility.

- * Reflects City Council 10.16.86 modifications **
- (b) The Coalition East sites are limited to a maximum building height of 55', subject to compliance with the stepped facade (as shown on the applicable plans) concept submitted and the setbacks provided.
 - (c) The Coalition West properties are limited to a 35' maximum building height adjacent to Park Avenue and a 28' height along Woodside Avenue; subject to the footprints defined, common underground parking and access, and no commercial uses allowed.
 - (d) The Town Lift Mid-Station development is restricted to a maximum height of 35' for at least 90% of the total unit equivalent volume of all above-grade buildings (exclusive of elevator shafts, mechanical equipment, and non-habitable areas) and an overall average height of less than 25' measured from natural, undisturbed grade. Additionally, no portion of any building shall exceed the elevation of 7240' above mean sea level.
 - (e) The Creole Gulch site shall be limited to a maximum building height of 75' for at least 83% of the total unit equivalent volume of all above-grade buildings combined. An average overall height of less than 45' shall be provided and no portion of any building shall exceed either elevation 7250' for the eastern-most building or the elevation of 7275' for the balance of the project (above mean sea level).

The above building height restrictions are in accordance with the approved Restrictions and Requirements Exhibits submitted, and are in addition to all other codes, ordinances, and standards.

- 6. At the time of project review and approval, all buildings shall be reviewed for conformance with the Historic District Design Guidelines and related architectural requirements. No mechanical equipment or similar protuberances (i.e: antennae, flags, etc.) shall be permitted to be visible on any building roof-tops or shall any bright or flashing lights be allowed.
- 7. All easements, deeds, and/or rights-of-way shall be provided without cost to the city and in accordance with the master plan documents and phasing plan approved. Likewise, it shall be the developer's sole responsibility to secure all easements necessary for the provision of utility services to the project.
- 8. Master Planned Development approval only conceptually established the ability of local utility service providers to supply service to the projects. It does not constitute any formal approval per se. The applicant has been notified that substantial off-site improvements will be necessary and that the burden is on the future developer(s) to secure various easements and upsize whatever utility lines may be necessary in order to serve this project. Prior to resale of this property in which this MPD approval is carried forward, or prior to any conditional use application for any portion of the MPD, a utility plan addressing water, fire flows, and sanitary sewer, storm drainage, cable utilities, and natural gas shall be prepared for review and approval by City Staff and the

Snyderville Basin Sewer Improvement District. Part of the plan shall be cost estimates for each item of utility construction as it is anticipated that major costs for these utilities will be necessary. All such costs shall be paid by the developer unless otherwise provided. If further subdivision of the MPD property occurs, the necessary utility and access improvements (see below) will need to be guaranteed in accordance with city subdivision ordinances. Public utilities, roads, and access questions which will need to be resolved or upgraded by the developers at their cost (in addition to impact fees, water development and connection fees, and all other fees required by city ordinances) are as follows:

- (a) Empire Avenue and Lowell Avenue will be the main access routes to the Creole Gulch site. As such, during construction these roads will need to carry heavy traffic, probably in the vicinity of up to 300 heavy trucks per day. At the present time and until the Creole Gulch site develops, Empire and Lowell south of Manor Way are and will be low-volume residential streets, with a pavement quality, width, and thickness that won't support that type of truck traffic. The City will continue to maintain the streets as low-volume residential streets, including pavement overlays and/or reconstruction. None of that work will be designed for the heavy truck traffic, but in order to save money for the developer of the Creole Gulch site, he or she is encouraged to keep the City Public Works Director notified as to the timetable of construction at Creole Gulch. If the City is notified that the construction is pending such that an improved pavement section can be incorporated into normal City maintenance projects, then it is anticipated that the incremental additional cost of the additional pavement thickness (which is likely to be in the vicinity of 3 additional inches of asphalt over the entire 4,6000 linear feet [25-foot asphalt width] of Lowell/Empire south of Manor Way, or approximately \$80,000 additional cost in 1986 dollars) could be paid by the developer with said amount deducted from future impact fees paid to the City as long as it did not exceed the total future impact fees. However, if the increased pavement section is not coordinated with the City by the developer such that the pavement of Lowell and Empire south of Manor Way remains inadequate at the time the Creole Gulch site is developed, then the developer shall essentially reconstruct the entire 4,600-foot length of Lowell and Empire south of Manor Way at his or her cost, which with excavation and reconstruction of an anticipated 6-inch asphalt thickness on top of 10 inches of roadbase, plus all other normal construction items and costs, would be in the approximate cost range of \$300,000 to \$400,000 in 1986 dollars. Further, because that reconstruction would be inconvenient to residents and the City, and because delays, impacts, and potential safety hazards would be created over and above normal City maintenance of existing streets, that action by the developer would be a new impact on City residents and the cost therefore would not be deductible from any developer impact fees.
- (b) Contribute to the Park City Village, or other water tanks, determined to be necessary by the City Engineer in order to serve the project with culinary and fire storage. Based on a Type 1 fire resistive construction, it is assumed that the contribution would be on the order of 500,000 gallons at a cost of approximately \$300,000.00,

although the exact figures would need to be determined in a detailed study using adopted City standards.

- (c) Construct pumped pressure system(s) with backup emergency power to provide a means of delivery of fire flows to the project. Construct a meter vault at the edge of the road adjacent to the project, beyond which all water facilities would be privately maintained. It is anticipated that in the vicinity of 2,500 feet of 12-inch water line with appurtenances may be required. Such pipe would cost about \$70,000 in 1986 dollars exclusive of the pumps and backup power, which are even more expensive.
 - (d) Provide an easement, or pay all costs related to condemnation by Park City of an easement, suitable for construction and maintenance of a storm drain from the project site to Silver Creek or McLeod Creek. All City streets and any public utility drainage easements normally provided in the course of other private development shall be available for utility construction related to this MPD subject to reasonable construction techniques and City standards.
 - (e) Pay for downstream detention basin construction costs in accordance with the ratio of increased runoff from the project during the 50-year flood event to the total design volume of the basin.
 - (f) Construct a storm drain line to Silver Creek or McLeod Creek adequate to contain the runoff running through and off the site during the 50-year flood event. It is assumed that a minimum of 36-inch concrete storm drain line will need to be installed solely for Creole Gulch drainage. It is further assumed that special cleanout boxes and inlet boxes will need to be designed to address difficult hydraulic problems. Such boxes are expensive.
 - (g) Provide revegetation over all on-site and off-site areas disturbed for project-related utilities.
 - (h) Sanitary sewer improvements are assumed to involve replacing in the vicinity of 3,000 feet of sewer line, with new manholes included. Such construction will cost in the vicinity of \$100,000, is subject to the approval of SBSID, and is further subject to all District fees and agreements necessary for extension of lines.
9. To minimize additional construction traffic impacts, on-site material stockpiling/staging and parking shall be provided during the course of construction. Similarly, cut and fill shall be balanced and distributed on-site whenever practicable, with any waste material to be hauled over City specified routes. Also at the time of conditional use review/approval, individual projects or phases shall provide detailed landscaping, vegetation protection, and construction staging plans.
- 10 As projects are submitted for conditional use approval, the city shall review them for required employee housing in accordance with adopted ordinances in effect at the time of application.

IV. BACKGROUND

An application for Large Scale Master Planned Development was submitted on May 21, 1985, in accordance with Sections 1 and 10 of the Park City Land Management Code. The applicant requested that only general development concept and density be approved at this juncture. Final unit configuration and mix may be adjusted by future developers at the time of conditional use review. A legal description of the total property involved in the area being master planned shall be recorded with Summit County. The general nature of the development and pertinent details of the transferring of densities from one area to another shall be adequately described and of sufficient depth to apprise potential land purchasers or developers that the property has been included within a Master Plan.

A variety of development concepts were submitted during the course of reviewing the proposed Master Plan. A total of eight distinct approaches to the development of the Hillside Properties were evaluated. The alternative concepts ranged from a "conventional" subdivision approach involving the extension of Norfolk Avenue, to a modern high-rise concept. The staff, Planning Commission and general public have all favored the clustering of development as opposed to spreading it out. Several of the alternatives prepared were in response to specific concerns expressed relative to the scale and mass of buildings necessary to accommodate the density proposed. The latest concept developed represents a refined version of the cluster approach originally submitted.

V. NARRATIVE

The Sweeney Properties Master Plan involves a number of individual development parcels. Combined, a total of 277 unit equivalents are proposed; including, 258 residential and 19 unit equivalents worth of support commercial space. Based upon the zoning in effect at this time, in excess of 450 units could be requested. While this may be somewhat misleading due to certain physical and technical constraints (i.e: access, slope, utilities), it does reveal that a significant reduction in total density proposed has been incorporated into the project. Each area proposed for development has been evaluated on its own merits. During the course of review, numerous concepts were considered with densities shifted around.

The various parcels of land included within the Sweeney Properties Master Plan are scattered about the Historic District and are detailed on the attached Exhibit. For additional clarity a brief narrative description of each development area follows:

Coalition Properties

The three sites comprising the Coalition Properties are located adjacent to the new Town Lift base station on Park Avenue at 8th Street, and contain a total of 1.73 acres (1.46 acres HRC, .27 acres HR-1).

The Coalition East North and South parcels are separated by an easement granted for the ski liftway. Although this property was included within the recent rezoning of the Depot Area from Historic Commercial Business (HCB) to Historic Recreation Commercial (HRC), the application was submitted prior to this action and the former zoning is thereby "grandfathered" (if, in fact, the

application is approved). The development concept proposed entails a predominantly residential project with some ground level commercial uses anticipated. In an effort to reduce densities elsewhere within the Master Plan, the originally proposed density has been increased from 37 to 40 unit equivalents. Preliminary building footprints and massing drawings show structures with a stepped facade reaching a maximum height of fifty-five feet. Parking will be provided within an enclosed structure beneath the buildings and in accordance with the Table on the Restrictions and Requirements Exhibit or the Land Management Code (to be determined at the time of conditional use approval).

The Coalition West property is located south of and adjacent to 8th Street in the Historic Recreation Commercial (HRC) zone recently created. The concept for this particular site is in keeping with the previous zoning (Historic Residential, HR-1) and provides a buffer for properties located to its west. Also in response to preferred reductions in density elsewhere in the Master Plan, the originally proposed ten unit equivalents have been increased to thirteen total. In order to accommodate this additional density, a floor was added to several of the buildings. Building heights adjacent to Park Avenue have been shown at 35', while those abutting Woodside Avenue will be restricted to a 28' height. Individual structures have been conceptually designed in keeping with the scale of the Historic District will all code required parking to be provided below the buildings and accessed from a single common driveway.

HR-1 Properties

These project parcels consist of the MPE and Carr-Sheen properties and total less than $\frac{1}{2}$ acre (.45) in size. Zoned HR-1 at present, the Master Plan proposes to limit densities on these sites to 2 and 3 unit equivalents accordingly, or a reduction of 44% (i.e: 4 units total). In addition, easements shall be provided for a stairway connecting the Empire-Lowell switchback to the Crescent walkway. The Fletcher parcel included within the Master Plan will be preserved as open space in addition to several quit claim deeds provided to the city for existing streets located outside platted rights-of-way.

Hillside Properties

By far the largest area included within the proposed Master Plan, the Hillside Properties involve over 123 acres currently zoned HR-1 (approximately 15 acres) and Estate (108 acres). The development concept proposed would cluster the bulk of the density derived into two locations; the Town Lift Mid-Station site and the Creole Gulch area. A total of 197 residential and an additional 19 commercial unit equivalents are proposed between the two developments with over 90% of the hillside (locally referred to as Treasure Mountain) preserved as open space. As part of the Master Plan, the land not included within the development area boundary will be rezoned to Recreation Open Space (ROS).

The Town Lift Mid-Station site contains roughly 3.75 acres and is located west of Woodside Avenue at approximately 6th Street. The majority of the developable area is situated southeast of the mid-station loading area. A total of 35.5 residential unit equivalents are proposed with 3.5 equivalents worth of support commercial space as well. The concept plan shows a number of low profile buildings located on the downhill side of the access road containing 9 unit equivalents. Two larger buildings are shown above the road with 9.5 and 17

units envisioned. The average building height for the Town Lift site is less than 25' with over 85% of the building volume fitting within a 35' height envelope. Parking will be provided within enclosed structures, accessed via a private road originating from the Empire-Lowell switchback. The closest neighboring residence is currently located in excess of 200 feet away.

The Creole Gulch site is comprised of 7.75 acres and situated basically south of the Empire-Lowell switchback at approximately 8th Street. The majority of the property is currently zoned Estate (E). A total of 161.5 residential unit equivalents are proposed. In addition, 15.5 unit equivalents of support commercial space is included as part of the Master Plan. Average building heights are proposed to be less than 45' with a maximum of 95' for the highest point. As conceptually proposed, in excess of 80% of the building volume is within a 75' height envelope measured from existing grade. It is expected that the Creole Gulch site will be subdivided into specific development parcels at some future date. Parking is accessed directly from the Empire-Lowell switchback and will be provided within multi-level enclosed structures. Depending upon the character of development and unit configuration/mix proposed at conditional use approval, the actual numbers of parking spaces necessary could vary substantially. Buildings have been set back from the adjacent road approximately 100' and a comparable distance to the nearest adjoining residence.

Miscellaneous Properties

In addition to the development areas described above, the proposed Master Plan identifies three distinct single-family lots; one of which is located above Woodside Avenue adjacent to and north of platted 5th Street, a second to be accessed from Upper Norfolk, and a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3500 square foot footprints and maximum building heights of 25 feet.

VI. MAJOR ISSUES

Many concerns were raised and issues identified through the review process. A project of this scale and complexity would pose similar and considerable consternation no matter where it was proposed to be built. Because this particular site is located both within and adjacent to the Historic District, many of the concerns expressed related to the more subjective kinds of considerations. The Master Planned Development procedure attempts to deal with the general concept of the proposed development and defer or relegate the very detailed project review elements to the conditional use stage of review. At conditional use review, the following issues will be examined in considerable detail with technical solutions sought.

Comprehensive Plan - The city's Comprehensive Master Plan identifies the Hillside property as a key scenic area and recommends that development be limited to the lower portions of the mountain. The existing HR-1 ground included in the Sweeney Master Plan is shown as being retained for residential use similar to the existing pattern of development. The Coalition West site is also recommended for Historic Residential use with the East parcels included within a Historic Commercial area. The proposed Sweeney

Properties MPD is in conformance with the land use designations outlined in the Park City Comprehensive Master Plan.

Scale - The overall scale and massiveness of the project has been of primary concern. Located within the Historic District, it is important for project designed to be compatible with the scale already established. The cluster concept for development of the hillside area, while minimizing the impacts in other areas, does result in additional scale considerations. The focus or thrust of the review process has been to examine different ways of accommodating the development of the property while being mindful of and sensitive to the surrounding neighborhood. The relocation of density from the Town Lift site was partly in response to this issue. The concentration of density into the Creole Gulch area, which because of its topography and the substantial mountain backdrop which helps alleviate some of the concern, and the requested height variation necessary in order to reduce the mass perceived (higher versus lower and wider), have greatly improved the overall scale of the cluster approach. The sites along Park Avenue have been conceptually planned to minimize scale and have provided stepped facades and smaller-scale buildings to serve as a transition.

Zoning - Currently, the land involved in the proposed MPD is comprised of three (actually four) distinct zoning designations. The Coalition East parcel is currently zoned Historic Recreation Commercial (HRC) although it was zoned (and is therefore, technically "grandfathered" or vested) Historic Commercial Business at the time the application was submitted. The West site is also now zoned HRC. The Hillside Properties (i.e: Town Lift Mid-Station and Creole Gulch sites) are zoned Historic Residential (HR-1) and Estate (E). The Carr-Sheen, MPE, and two of the three single-family lots are all zoned HR-1 as well. The single-family lot adjacent to property owned by United Park City Mines is zoned Estate.

The current zoning will basically remain unaltered as a result of the proposed Master Plan except that over 110 acres of the mountain will be rezoned to Recreation Open Space (ROS), and the hillside properties will be designated as being subject to a Master Planned Development document/approval (i.e: E/HR1-MPD).

Neighborhood Compatibility - In reviewing the general compatibility of a project of this scale, an evaluation of possible alternative approaches was undertaken. In light of those other development concepts and associated impacts, the proposed clustering approach was deemed the most compatible. Rather than spread the density out and thereby impact the entire old town area, the cluster concept afforded the ability to limit the impacts to smaller areas. Efforts to minimize scale have been directed toward this issue as have the solutions to other problems related to traffic, site disturbance, and the preservation of open space. The non-hillside project sites have also been planned in accordance with both the Historic District guidelines and in keeping with the scale of existing residences. The long build-out period envisioned will also enable a more detailed review at the time when specific project proposals are developed. A number of the staff's recommended conditions are directed toward minimizing the potential conflicts related to neighborhood compatibility considerations.

Open Space - A key element of the proposed cluster approach is to preserve usable open space in perpetuity. A total of 97% (120 acres) of the hillside will be maintained as open space as a part of the proposed Master Plan. In excess of 110 acres will actually be rezoned to Recreation Open Space (ROS) in addition to 70% open space provided within each of the development parcels. Alternative concepts reviewed involving the extension of Norfolk Avenue would significantly have reduced the amount of open space retained. The potential for the subdivision and scattered development of the hillside would also have drastically affected the goal of preserving the mountain substantially intact and pristine.

Access - All of the different concepts reviewed would result in similar access concerns. The Coalition properties along Park Avenue have excellent access as a result and efforts were, therefore, limited to combining driveways to minimize the number of curb cuts (i.e: ingress/egress points). The development of the Hillside Properties will undoubtedly impact not only Empire and Lowell Avenues but other local streets as well. While certain assumptions could be made as to the type or character of development proposed and possible corresponding differences in traffic patterns, many of the questions raised would remain unanswered. While it is true that the Norfolk Avenue extended alternative would best deal with the current problem of poor access to that area, it would not have solved all of the access issues. The proposed Master Plan will provide sufficient ground, to be dedicated to the city, for purposes of developing a reasonable turnaround for Upper Norfolk.

Visibility - The issue of visibility is one which varies with the different concepts proposed and vantage or view points selected. The very detailed visual analyses prepared graphically demonstrated how the various proposals might look from key points around town. The cluster approach, although highly visible from certain areas, does not impose massive structures in the most prominent areas. Instead, the tallest buildings have been tucked into Creole Gulch where topography combines with the densely vegetated mountainside to effectively reduce the buildings' visibility. The height and reduction in density at the Mid-Station site has been partly in response to this concern. The staff has included a condition that an exhibit be attached to the Master Plan approval that further defines building envelope limitations and architectural considerations.

Building Height - In order to minimize site disturbance and coverage, the clustering of density necessitated consideration of building heights in excess of that which is permitted in the underlying zoning (28' to the mid-point of a pitched roof with a maximum ridge height of 33'). The various iterations submitted for review demonstrated the trade-offs between height and site coverage. The proposed concept for the Mid-Station area results in buildings that would average only 18' above grade with portions (primarily the elevator access shafts likely to be required) approaching 75' in the worst-case situation. The concept reviewed for the Creole Gulch area entails portions of buildings as high as 100', but with an overall average of less than 40'. The Coalition East property, as a result of transferring additional density to it, is proposed to go as high as 55'; whereas, the Coalition West site approaches 35' along the Park Avenue frontage and 28' adjacent Woodside Avenue. As a part of the Master Planned Development process, height variations can be approved in light of other

planning considerations (see Section 10.9(e) of the Land Management Code). Throughout the review, considerable effort has been directed at minimizing overall building height and related impacts while still accommodating the proposed density in a cluster type of development.

*These recommendations
were approved by
city council **

The staff has developed a number of recommended conditions in response to the concerns expressed over building heights. An exhibit defining building "envelopes" has been developed to define areas where increased building heights can be accommodated with the least amount of impact. It is our recommendation that maximum building heights be restricted to 35' and 75' at the Town Lift Mid-Station and Creole Gulch sites, respectively, for the bulk of (at least 83%) the building volumes. Similarly, we recommend that the building envelope proposed for the Coalition properties be limited in accordance with the exhibits prepared and made a part of the approval documents.

Overall Concept - The concept of clustering densities on the lower portion of the hillside with some transferring to the Coalition properties has evolved from both previous proposals submitted and this most recent review process. The Park City Comprehensive Master Plan update that was recently enacted encourages the clustering of permitted density to those areas of the property better able to accommodate development. In order to preserve scenic areas in town and mitigate potentially adverse impacts on the environment, the Master Planned Development concept was devised. The Sweeney Properties MPD was submitted after a number of different development concepts had been reviewed; including, several versions of the Silver Mountain proposal and various designs that were predicated on the extension of Norfolk Avenue through to the Empire-Lowell Avenues area. After considerable staff discussion and input, the cluster concept was developed. Because of the underlying zoning and resultant density currently in place, the cluster approach to developing on the hillside has been favored throughout the formal review and Hearing process.

Land Uses - The predominant land uses envisioned at this time are transient-oriented residential development(s) with some limited support commercial. The building forms and massing as well as location lend themselves to hotel-type development. Although future developers of projects within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these projects will likely be geared toward the visitor looking for more of a destination-type of accommodation. The property involved in the Master Plan is directly connected to the Park City Ski Area and as such can provide ski-to and ski-from access. A number of smaller projects in the area are similarly oriented to the transient lodger. Although certainly a different kind of residential use than that which historically has developed in the old town area, it is still primarily residential in nature. The inclusion of attached townhomes serving to buffer between the existing residences and the denser areas of development will also help provide a transition of sorts. The amount of commercial space included within the Master Plan will be of the size and type to provide convenient service to those residing within the project, rather than possibly be in competition with the city's existing commercial areas.

Traffic - Any form of development proposed in this area of town would certainly impact existing streets. Although the majority of traffic generated will use Empire and Lowell Avenues, other roads will also be affected. The concept of extending Norfolk Avenue would have improved access to the south end of old town, but would also have added additional traffic to Empire and Lowell as a result. It is expected that both Empire and Lowell will be improved in several years in order to facilitate traffic movement in general. Even without this project, some upgrading has been planned as identified through the development of the Streets Master Plan.

In evaluating traffic impacts, both construction and future automobile demand are considered. Many related issues also come into play, such as efforts to minimize site grading and waste export. The Master Plan review process affords the opportunity to address these issues in considerable detail whereas other reviews would not. Several of the conditions proposed deal with the issue of traffic and efforts directed at mitigating the impacts created. Traffic within the project will be handled on private roadways with minimal impact.

Utilities - The various utility providers have all reviewed the proposed development concept and do not oppose granting Master Plan approval. Substantial improvements to existing infrastructure will be necessary, however, and the developer has been apprised of his responsibility. Considerable off-site work will be required, the details of which will be resolved at the time of conditional use approval. Depending upon the timing of actual development or the possible subdivision of the property, participation in upgrading existing utility lines and roadway improvements may be required ahead of schedule. A number of parameters/conditions recommended further detail these issues and serve to verify the nature of MPD concept approval.

Fiscal - The proposed dense clustering of development is by far the most economic to service. In contrast to other concepts proposed involving the extension of Norfolk Avenue and possible scattered development of the hillside, the cluster approach represents a positive impact on the city's and other public entities budgets. The nature of development anticipated and lack of additional roadway and utility line extensions requiring maintenance will not create significant additional demands for service.

Tenancy - The likely occupancy and tenancy of the projects comprising the Master Plan will be transient in nature. Rather than housing significant numbers of year-round permanent residents, it is expected that the orientation will instead be toward the short-term visitor.

Circulation - Circulation within the primary development sites will be on foot. Private roadways/drives access the project parking areas with vehicular circulation provided between projects and for service/delivery, construction, and emergency purposes. Pedestrian circulation within the projects will be provided via walkways and plazas with off-site improvements made to facilitate area-wide access. Several nearby stairways will be (re)constructed in accordance with the approved phasing and project plans.

Easements/Rights-of-Way - The Sweeneys have included the dedication and and/or deeding of several easements and sections of rights-of-way to improve the city's title. As a part of the Master Plan, several roadway sections and utility/access corridors will be deeded over. In addition, a right-of-way will be supplied for the construction of a hammerhead-type turnaround for Upper Norfolk Avenue.

Norfolk Avenue - Although several staff members supported the idea of extending Norfolk Avenue through to Empire-Lowell, the consensus was in support of the clustering approach to development. Technical as well as fiscal concerns were discussed relative to the access benefits that would result. Similarly, although the resultant scale of HR-1 development that would have been likely is closer to that prevalent in the Historic District today, the spreading-out of the impacts of road and development construction would have been exacerbated. In lieu of extending Norfolk Avenue, the Sweeney's have consented to deed to the city sufficient land for a turnaround and to participate in the formation of a special improvement district for roadway improvements (in addition to providing an easement for the existing water line).

Grading - The proposed cluster concept will result in less grading than the alternatives considered. The MPD review enabled the staff, Planning Commission, and developer the opportunity to consider this kind of concern early in the project design process. The concept plans developed have examined the level of site work required and how potential impacts can be mitigated. Various conditions supported by staff have been suggested in order to verify the efforts to be taken to minimize the amount of grading necessary and correlated issues identified.

Disturbance - The eight distinct development scenarios presented each had a varying degree of associated site disturbance. The current concept results in considerably less site clearing and grading than any of the others presented (except the total high-rise approach). A balance between site disturbance and scale/visibility has been attained through the course of reviewing alternate concepts. General development parameters have been proposed for Master Plan approval with the detailed definition of "limits of disturbance" deferred until conditional use review.

Density - The proposed densities are well within the maximum allowed and actually about one-half of that which the underlying zones would permit. While it would not be practical or feasible to develop to the full extent of the "paper density", the proposed Master Plan does represent a considerable reduction from that which could be proposed. During the course of review, numerous comparables were presented which demonstrated that the overall density proposed (1.77 unit equivalents per acre of the Hillside Properties and 2.20 for the entire MPD) is the lowest of any large scale project recently approved. The net densities proposed for the hillside properties, while seemingly quite high, are in actuality lower than the density of the surrounding area. Thus, even though a transferring and congregation of development density is occurring, the overall gross and net densities are well within ranges approved for other projects.

Phasing - The build-out of the entire Master Plan is expected to take somewhere between 15-20 years. The Coalition properties will likely be

developed within 5-10 years with development of the Hillside area not expected for at least 10 years. Because of the scope of the project and the various related improvements necessary to accommodate a project of this nature, a detailed time line has been developed as an attachment to the MPD approval documents. While some flexibility is built-into the approved Master Plan, any period of inactivity in excess of two years would be cause for Planning Commission to consider terminating the approval.

Setbacks - All of the development sites provide sufficient setbacks. The Coalition properties conceptually show a stepped building facade with a minimum 10' setback for the West site (in keeping with the HRC zoning) and a 20' average setback for the East sites. The Hillside properties provide substantial 100'+ setbacks from the road, with buildings sited considerably farther from the closest residence.

Fire Safety - The clustering of development proposed affords better overall fire protection capabilities than would a more scattered form. Buildings will be equipped with sprinkler systems and typical "high-rise" fire protection requirements will be implemented. The proposed development concept locates buildings in areas to avoid cutting and removing significant evergreens existing on the site. Specific parameters have been recommended by the staff with actual details proposed to be deferred until conditional use review.

Snow Removal/Storage - The cluster approach to development results in less roadway or associated hard-surfaced area and thereby reduces the amount of snow storage/removal necessary. Considerable effort has been devoted in looking at everything from snow melting systems to where pitched roofs will shed. No additional snow removal will be required of the city. At conditional use approval, additional consideration will be appropriate to ensure that snow storage can safely and reasonably be handled on-site.

Employee Housing - At the time of conditional use approval, individual projects shall be reviewed for impacts on and the possible provision of employee housing in accordance with applicable city ordinances in effect.

Landscaping/Erosion Control - Detailed landscaping plans and erosion control/revegetation methodologies for minimizing site impacts will be required at the time of conditional use review. Plantings shall be reviewed for their ability to provide visual interest and blend with existing native materials.

Trails - The proposed phasing plan identifies the timing of construction for summertime hiking trails and related pedestrian connections. Trails, stairways, and sidewalks accessing or traversing the various properties will be required in accordance with both the approved phasing plan and at the time of conditional use review/approval.

SWEENEY PROPERTIES MASTER PLAN DENSITY EXHIBIT

Parcel	Acreage	Residential Unit Equivalents	Commercial Unit Equivalents	Maximum Building Height	Minimum Open Space (%)
Coalition Properties					
East	0.986	40	Maximum Commercial space not to exceed PAR of 1:1	55'	39.8 ¹
West	0.543	13	---	35'	54.9
Hillside Properties					
Creole Gulch	7.75	161.5	15.5	98' * 75	70
Town Lift Mid-Station	3.75	35.5	3.5	55' * 45	70
Three 1/4-acre Single Family Lots	1.5	3	---	25'	83.9
Develop HR-1 Properties					
Carr-Sheen	0.288	3	---	28'	60
MPE	0.161	<u>2</u> 258 U.E.	<u>19 U.E.</u>		

¹ Does not include Town Lift base facility

² Maximum roof height, excludes elevator shaft

* Subject to revised conditions as stated in the motion by City Council 11/16/8

SWEENEY PROPERTIES MASTER PLAN PHASING EXHIBIT - REVISED

Year 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006

Improvement/ Development

MPD Approval
Recorded

Norfolk Waterline
Easement

Norfolk ROW

Crescent Walkway

Empire-Lowell ROW

Norfolk Turnaround

Misc. Deed
Restrictions

Hiking Trails/
Foot Paths

Tramway Towers
Dedication

Empire Lowell to
Crescent Walkway
Connection/
Construction

6th Street Stairway²

5th Street Stairway²

4th Street Stairway²

Project Timeframe

Coalition Properties _____

MPE and Carr-Sheen _____

Town Lift _____

Mid Station _____

Creole Gulch _____

¹For additional clarification, consult the Planning Department Staff Report and the Sweeney Properties Master Plan document and fact sheet dated May 15, 1985.

²Stairways to be constructed concurrently with development of Hillside Properties unless already improved by Park City Resort or adjacent projects.

Revised Conditions of Approval to Sweeney MPD
October 14, 1987

V. STAFF RECOMMENDATIONS:

Staff recommends approval of the proposed revision in the Sweeney MPD based upon the following findings:

1. The modification to the Sweeney MPD is minor and does not result in increased height in any of the development parcels.
2. That the extension of ski runs under the Town Lift is beneficial to the community.

The following revised conditions shall be placed on the approval of this proposed modification:

1. The Sweeney MPD approval documents shall be revised to reflect the relocation of 12 units as follows:
 - a. Relocating 5 unit equivalents from the lower Town Lift Midstation to the upper Town Lift Midstation. The original height parameters will not be modified, but the footprint of the Town Lift Midstation site will be modified slightly.
 - b. Relocating 2 unit equivalents from the Sheen parcel and 2 from the MPE parcel. Two of these units would be relocated off the King Road, one off of Upper Norfolk, and one off of 5th Street.
 - c. Relocating 3 unit equivalents from the Buck parcel to Coalition West. The current proposal for Coalition West is based on all residential units. If some commercial unit equivalents were used, consistent with the HRC Zone, the 3 additional units could be absorbed within the existing proposed envelope.
2. That all conditions of the original Sweeney MPD remain in effect (copy enclosed).
3. That the City Engineer approve a preliminary design for the dwellings proposed off of upper Norfolk and King Road, and that the plans fully disclose the potential difficulty and expense in providing vehicular access and utility service to the parcels. The roadways off of upper Norfolk and King road shall be private driveways and will not be maintained or plowed by the City.

The Planning Commission and Staff shall review these proposals as conditional uses. This shall include review of the design of the structures to insure that they are designed to minimize visual impact. The design shall be consistent with the Historic District Guidelines.

4. The City Engineer has expressed concern over the feasibility of the units proposed above 5th Street. These two dwellings shall be subject to the full conditional use process by the Staff and Planning Commission. The Planning Commission will have the discretion to approve or deny the proposed units. The applicant must demonstrate that all significant impacts which may result from the construction of these units can be adequately mitigated.

CURVE	RADIUS	LENGTH	DELTA
C1	295.58	83.28	16'08.23"
C2	111.24	10.97	37'47.79"
C3	210.14	10.97	10'29.91"
C4	100.00	70.10	40'09.56"
C5	30.00	72.86	13'09.39"
C6	150.00	30.43	11'37.27"
C7	14.72	13.84	5'51.57"
C8	205.27	60.40	16'01.05"
C9	124.57	80.79	37'09.41"
C10	56.15	42.50	8'33'07.44"
C11	31.34	33.63	8'20'53.3"
C12	5.00	11.01	1'01'07.77"
C13	8.00	22.06	1'57'08.13"
C14	10.00	26.82	1'53'39.22"
C15	30.00	25.72	1'49'26.16"
C16	150.00	18.47	0'53'31.71"
C17	15.00	27.69	0'26'04.31"
C18	70.00	50.58	41'23'01"
C19	15.00	26.79	1'02'59.40"
C20	20.00	7.43	2'17'27.71"
C21	10.00	10.91	6'28'58.58"
C22	12.00	22.14	10'42'16.41"
C23	59.83	37.28	35'58'33.3"
C24	30.00	28.69	44'42'27.7"
C25	60.00	19.88	18'59'11.1"
C26	5.00	13.25	1'52'56.26"
C27	277.17	33.57	6'07'22.17"
C28	26.15	42.50	8'33'07.14"
C29	31.34	33.63	8'20'53.3"
C30	5.00	13.69	1'56'51.24"
C31	8.00	15.50	1'01'29.29"
C32	200.00	31.84	0'09'09.01"
C33	100.00	22.88	0'30'6.33"
C34	30.00	4.78	0'00'07.36"
C35	7.80	24.13	17'15'32.3"
C36	20.00	5.81	10'30'41.1"
C37	20.00	10.38	29'44'47.7"
C38	60.00	42.56	30'23'59.9"
C39	6.75	19.46	1'55'08.96"
C40	110.00	28.53	1'45'14.5"
C41	60.00	6.68	0'07'27.37"
C42	60.00	16.24	1'50'30.55"
C43	60.00	11.40	1'05'04.54"
C44	60.00	14.56	1'35'35.8"
C45	60.00	16.55	1'54'46.23"
C46	60.00	25.75	2'45'14.4"
C47	30.00	14.13	2'55'43.43"
C48	30.00	21.19	1'32'29.21"
C49	50.00	21.34	2'47'27.77"
C50	50.00	12.51	1'43'00.00"
C51	50.00	14.43	1'53'29.24"
C52	50.00	19.25	2'23'09.24"
C53	50.00	18.28	2'05'07.03"
C54	50.00	8.44	0'07'39.57"
C55	150.00	30.83	1'14'49.27"
C56	200.00	22.25	0'07'22.24"
C57	35.00	48.12	5'07'45.0"
C58	400.00	62.63	0'08'58.15"
C59	10.00	27.17	1'55'30.24"
C60	150.00	17.07	0'08'11.74"
C61	50.00	18.99	2'14'25.26"
C62	125.00	58.28	3'04'21.11"
C63	125.00	47.21	2'1'38'26.2"
C64	135.00	27.39	1'13'27.27"

LINE	DIRECTION	DISTANCE
L1	S 66°22'00" W	75.00'
L2	S 23°38'00" E	24.67'
L3	S 89°48'41" E	62.11'
L4	S 23°38'00" E	91.91'
L5	S 66°22'00" W	75.00'
L6	S 23°38'00" E	53.98'
L7	S 00°00'00" E	32.84'
L8	S 66°40'00" W	52.99'
L9	S 66°40'00" W	75.00'
L10	S 23°38'00" E	42.97'
L11	S 23°38'00" E	45.70'
L12	S 68°07'00" W	28.75'
L13	S 23°38'00" E	51.61'
L14	N 75°38'35" E	29.97'
L15	N 66°12'00" E	16.39'
L16	S 55°51'19" W	19.14'
L17	S 89°51'10" W	10.52'
L18	N 62°20'36" E	3.46'
L19	S 23°38'00" E	51.54'
L20	S 66°22'00" W	70.00'
L21	S 18°06'25" W	30.62'
L22	S 23°38'00" E	77.00'
L23	S 48°00'00" W	39.97'
L24	S 30°42'23" W	11.30'
L25	S 16°20'24" E	41.07'
L26	S 48°00'00" W	48.87'
L27	S 67°22'17" W	16.32'
L28	S 48°00'00" W	37.25'
L29	N 45°28'43" E	12.09'
L30	N 44°32'58" W	53.24'
L31	S 13°33'09" E	63.47'
L32	S 44°15'58" W	61.89'
L33	S 22°50'07" E	35.69'
L34	S 17°18'46" W	21.43'
L35	N 23°31'34" W	69.58'
L36	S 30°42'23" W	4.92'
L37	S 25°53'59" W	15.16'
L38	S 68°07'00" W	29.73'
L39	N 67°22'17" E	37.91'
L40	S 34°12'42" E	63.18'
L41	S 26°41'56" E	68.84'
L42	S 45°00'00" W	8.00'
L43	N 72°22'00" W	50.14'
L44	N 36°53'37" W	18.61'
L45	N 64°58'00" E	20.92'
L46	S 65°33'42" E	46.53'
L47	S 72°36'54" E	40.79'
L48	S 78°41'18" E	37.25'
L49	N 48°52'58" E	40.87'

LINE	DIRECTION	DISTANCE
L50	S 89°44'01" E	19.15'
L51	S 74°12'33" E	22.82'
L52	N 21°57'54" E	31.15'
L53	N 43°15'51" E	10.64'
L54	N 19°13'37" W	7.88'
L55	N 86°28'39" E	43.19'
L56	N 37°30'01" E	28.79'
L57	N 53°03'55" E	31.88'
L58	S 26°38'09" E	30.39'
L59	S 20°19'20" E	11.89'
L60	S 18°08'50" E	25.62'
L61	N 69°18'29" W	35.41'
L62	S 45°00'00" W	8.00'
L63	S 24°00'31" E	27.58'
L64	N 28°05'53" W	42.42'
L65	N 54°51'58" W	26.40'
L66	S 30°58'19" E	22.29'
L67	S 63°13'08" E	6.88'
L68	S 34°44'03" E	46.68'
L69	S 18°46'18" E	15.07'
L70	N 31°37'42" W	43.34'
L71	N 52°30'25" W	38.80'
L72	N 37°21'50" W	17.89'
L73	N 05°14'08" W	33.99'
L74	N 74°21'12" W	28.62'
L75	N 60°27'14" W	23.38'
L76	N 68°58'08" W	35.37'
L77	N 51°58'43" W	12.32'
L78	N 24°40'07" W	22.41'
L79	N 19°17'00" W	11.86'
L80	N 07°41'38" E	10.32'
L81	N 05°47'43" W	50.23'
L82	N 51°25'31" W	54.07'
L83	N 26°58'04" W	34.17'
L84	N 12°37'59" W	11.12'
L85	N 28°10'22" W	19.23'
L86	N 07°08'57" W	26.91'
L87	N 28°33'59" W	19.60'
L88	N 30°48'56" W	29.94'
L89	N 06°44'10" W	54.84'
L90	N 70°53'45" W	8.48'
L91	N 20°48'00" W	43.48'
L92	N 29°44'15" W	46.60'
L93	S 50°53'07" E	33.68'
L94	S 67°24'23" E	35.59'
L95	S 79°09'50" E	11.87'
L96	N 15°51'17" W	23.68'
L97	N 10°50'53" E	27.71'
L98	N 62°20'36" E	1.06'

THIS AREA NOT DEVELOPABLE
PRIOR TO SUBDIVISION AND
REVIEW IN ACCORDANCE WITH
THE SWEENEY MASTER PLAN
(SEE NOTE 9)

SURVEYOR'S CERTIFICATE

I, JAMES L. STEVENS, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5659, as prescribed by the laws of the State of Utah, and that a survey of the following described ~~land~~ property was performed under my direction of the parcel described below. I further certify the lots shown on this plat are correctly staked as shown.

James L. Stevens
James L. Stevens, L.S. No. 5659
4-12-96
Date

PROPERTY DESCRIPTION

Beginning at a point which is South 66°22'West, 75.00 feet and South 23°38'East, 58.91 feet from the Northeast corner of Block 29, Park City Survey, Amended Plat, said point also being South 66°40'West, 300.00 feet and North 23°38'West, 535.46 feet, more or less, from a Park City Monument at the Intersection of Park Avenue and 4th Street; and running thence South 23°38'East, 266.09 feet; thence South 66°22'West, 75.00 feet; thence South 23°38'East, 74.67 feet, more or less, to the East-west 40 Acre Line of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South 89°36'41"East, 82.11 feet, more or less, along said 40 Acre Line; thence South 23°38'East, 91.91 feet, more or less, to the Northwest corner of Lot 2, Block 1 as platted on the Easterly end of the patented Park City Lode Mining Claim U.S. Lot No. 633; thence South 66°22'West, 75.00 feet to the Northwest corner of Lot 12 of said mining claim; thence South 23°38'East, 53.98 feet to the Southwest corner of Lot 13 said mining claim; thence North 66°40'East, 141.00 feet, more or less, to a North-south 40 Acre line and the West line of Park City Townsite said point being South 66°40'00'West, 240.50 feet, and North 0°08'50'West, 16.32 feet, more or less, from a Park City Monument at the Intersection of Park Avenue and 4th Street; thence South 0°08'50'East, 32.64 feet, more or less, along said 40 Acre Line and said West Line; thence South 66°40'West, 52.99 feet, more or less, to the Northwest corner of said mining claim; thence South 23°38'East, 250.00 feet to the Northeast corner of Lot 22, Block 30, Park City Townsite Survey, Amended Plat; thence South 66°40'West, 75.00 feet; thence South 23°38'East, 42.87 feet; thence North 62°20'36'East, 1.06 feet; thence South 0°08'50'East, 62.49 feet; thence South 68°07'West, 26.16 feet; thence North 23°38'West, 52.92 feet; thence South 62°20'36'West, 71.73 feet; thence South 23°38'East, 45.70 feet; thence South 68°07'West, 28.75 feet; thence South 23°38'East, 51.61 feet; thence North 75°38'35'East, 29.97 feet; thence South 23°38'East, 132.68 feet; thence North 66°12'East, 16.39 feet, more or less, to said 40 Acre Line and said West Line; thence South 0°08'50'East, 1025.87 feet along said 40 Acre Line and said West Line to a point on the Alice Lode which point is North 31°40'53'West, 583.55 feet from a Park City Monument on the Centerline of Daly Avenue; thence South 55°53'19'West, 19.14 feet along said Alice Lode; thence South 89°51'10'West, 10.52 feet; thence South 55°55'40'West, 420.90 feet; thence North 47°25'46'West, 535.00 feet; thence North, 450.00 feet; thence North 21°45'40'West, 399.68 feet; thence North 50°56'26'West, 656.37 feet; thence South 53°30'West, 234.36 feet; thence South 12°44'05'West, 270.00 feet; thence North 47°25'47'West, 285.01 feet; thence North 33°32'19'East, 600.01 feet; thence North 79°00'East, 825.00 feet; thence North 84°00'East, 112.53 feet; thence North 52°East, 223.20 feet; thence North 27°40'34'East, 96.07 feet; thence North 66°22'East, 150.00 feet to the point of beginning.

Containing 47.514 Acres, more or less.

(Basis of bearing for the above description is the Park City Monuments at the Intersections of Park Avenue and 4th Street and Park Avenue and 6th Street whose bearing is South 23°38'00'East)

POINT OF BEGINNING

MONUMENT
PARK AVENUE
6TH STREET
(1984)

PHASE 1 LOTS, UTILITY EASEMENTS AND ACCESS EASMENTS

TREASURE HILL SUBDIVISION

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PAGE 1 of 3

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER
IMPROVEMENT DISTRICT STANDARDS ON THIS 12th
DAY OF April, 1996 A.D.

BY *Rex Quilley*
S.B.S.I.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 15th
DAY OF April, 1996 A.D.

BY *Judith Jones*
CHAIRMAN

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 12th
DAY OF April, 1996 A.D.

BY *Eric W. Dehaan*
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 15th
DAY OF April, 1996 A.D.

BY *Mal D. H.*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 9TH DAY
OF SEPTEMBER, 1995 A.D.

BY *Anna L. Sheldon*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 9TH DAY OF SEPTEMBER,
1995 A.D.

BY *Bud G. Orr*
MAYOR

Entry # 452295

RECORDED

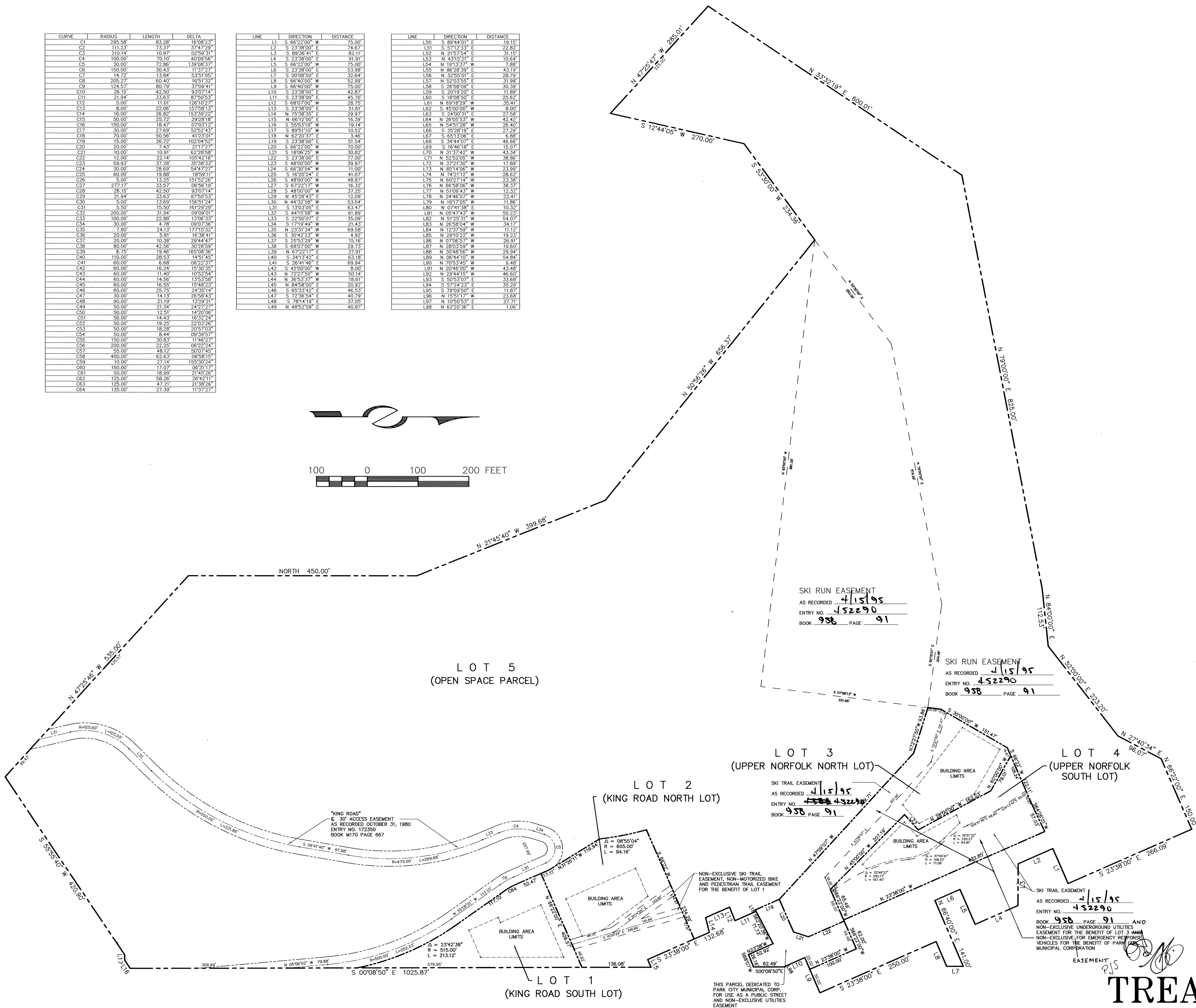
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF COALITION TITLE Co.
DATE 4-15-96 TIME 17:00 BOOK PAGE

\$95.00
FEE
BY *Alan Spragg*
RECORDER

CURVE	RADIUS	LENGTH	DELTA
C1	295.58	83.37	15.38/23°
C2	111.23	73.37	37.47/29°
C3	210.14	100.97	02.59/31°
C4	100.00	70.10	40.09/36°
C5	30.00	72.86	139.08/37°
C6	150.00	38.43	113.77/27°
C7	14.72	13.84	53.91/05°
C8	203.27	50.50	15.91/09°
C9	124.57	80.79	37.09/41°
C10	26.15	42.50	93.07/14°
C11	21.84	33.63	87.50/23°
C12	5.00	11.01	126.10/27°
C13	8.00	22.06	157.68/33°
C14	10.00	26.82	153.39/22°
C15	50.00	25.72	27.28/16°
C16	150.00	18.47	07.03/12°
C17	30.00	27.69	50.25/43°
C18	70.00	50.50	47.93/01°
C19	15.00	26.72	102.04/52°
C20	20.00	7.43	211.77/27°
C21	10.00	10.91	62.28/58°
C22	12.90	22.14	105.42/16°
C23	59.83	37.38	35.38/33°
C24	30.00	28.69	54.47/27°
C25	60.00	19.88	18.98/11°
C26	5.00	13.25	151.52/26°
C27	27.17	33.57	08.36/19°
C28	26.15	42.50	93.07/14°
C29	21.84	33.63	87.50/23°
C30	5.00	13.69	158.31/24°
C31	5.50	15.50	161.29/28°
C32	200.00	31.84	09.09/01°
C33	100.00	22.88	13.06/43°
C34	30.00	4.78	09.07/56°
C35	7.80	24.13	177.15/32°
C36	20.00	5.81	16.38/41°
C37	20.00	10.36	29.44/47°
C38	80.00	42.56	30.28/59°
C39	8.75	18.46	160.08/36°
C40	110.00	28.53	14.51/45°
C41	60.00	6.68	08.22/37°
C42	60.00	16.24	15.30/35°
C43	60.00	11.40	10.92/54°
C44	60.00	14.56	13.53/58°
C45	60.00	16.55	15.48/73°
C46	60.00	26.79	24.30/14°
C47	30.00	14.13	26.58/43°
C48	90.00	17.07	13.92/09°
C49	50.00	21.34	24.27/27°
C50	50.00	12.51	14.20/06°
C51	50.00	14.43	16.35/24°
C52	50.00	19.29	22.03/26°
C53	50.00	18.28	20.57/03°
C54	50.00	8.44	09.39/57°
C55	150.00	30.83	11.46/07°
C56	200.00	12.25	05.25/24°
C57	50.00	48.12	50.07/46°
C58	400.00	62.63	08.36/15°
C59	10.00	27.14	155.30/24°
C60	150.00	17.07	06.31/17°
C61	50.00	18.99	21.45/26°
C62	125.00	38.26	28.42/11°
C63	125.00	47.71	21.88/26°
C64	135.00	27.39	11.37/27°

LINE	DIRECTION	DISTANCE
L1	S 66°22'00" W	75.00
L2	S 23°38'00" E	74.67
L3	S 89°36'41" E	82.11
L4	S 23°38'00" E	81.81
L5	S 66°22'00" W	75.00
L6	S 23°38'00" E	75.98
L7	S 00°08'50" E	32.64
L8	S 66°40'00" W	75.99
L9	S 66°40'00" W	75.00
L10	S 23°38'00" E	42.87
L11	S 23°38'00" E	42.70
L12	S 68°07'00" W	28.75
L13	S 23°38'00" E	51.41
L14	N 75°38'35" E	29.97
L15	S 55°53'19" W	19.14
L16	S 89°36'41" E	10.55
L17	S 89°36'41" E	3.46
L18	N 52°02'31" E	4.88
L19	S 23°38'00" E	51.54
L20	S 66°22'00" W	70.00
L21	S 18°06'25" W	30.82
L22	S 23°38'00" E	77.88
L23	S 48°00'00" W	39.97
L24	S 66°30'54" W	11.00
L25	S 16°02'24" E	41.07
L26	S 48°00'00" W	48.87
L27	S 07°22'17" W	18.32
L28	S 48°00'00" W	37.25
L29	N 45°28'43" E	12.09
L30	N 44°52'56" W	53.54
L31	S 13°03'05" E	63.47
L32	S 44°15'06" W	61.89
L33	S 22°40'07" E	35.09
L34	S 17°19'48" W	21.43
L35	N 23°31'34" W	69.58
L36	S 30°42'23" W	4.92
L37	S 25°32'56" W	15.16
L38	S 68°07'00" W	29.73
L39	N 67°22'17" E	37.41
L40	S 34°13'42" E	63.18
L41	E 68°07'00" W	69.34
L42	S 45°00'00" W	8.00
L43	N 72°27'50" W	50.14
L44	N 36°53'37" W	18.61
L45	N 84°58'00" E	20.39
L46	S 60°53'43" E	46.53
L47	S 72°36'54" E	40.79
L48	S 78°14'19" E	37.88
L49	N 48°52'58" E	40.87

LINE	DIRECTION	DISTANCE
L50	S 89°44'00" E	19.13
L51	S 57°12'33" E	22.82
L52	N 21°57'54" E	31.15
L53	N 43°10'11" E	10.84
L54	N 19°13'37" W	7.88
L55	N 86°36'39" E	43.19
L56	N 32°55'01" E	28.79
L57	N 52°03'59" E	31.88
L58	S 26°38'09" E	11.89
L59	S 20°19'20" E	11.89
L60	S 18°08'50" E	25.62
L61	N 69°18'29" W	35.41
L62	S 45°00'00" W	8.00
L63	S 24°00'31" E	27.58
L64	N 20°55'00" E	42.49
L65	N 54°51'28" W	26.40
L66	S 35°28'19" E	27.29
L67	S 65°13'06" E	6.88
L68	S 34°44'07" E	46.66
L69	S 16°46'18" E	15.07
L70	N 31°37'42" W	43.34
L71	N 52°02'59" E	38.88
L72	N 37°21'50" W	17.89
L73	N 85°14'06" W	23.99
L74	N 74°11'12" W	58.62
L75	N 60°27'14" W	23.38
L76	N 66°38'04" W	38.37
L77	N 51°09'43" W	12.32
L78	N 24°46'07" W	22.41
L79	N 18°17'05" W	11.86
L80	N 07°41'38" E	10.32
L81	N 05°47'43" W	50.53
L82	N 51°29'31" W	54.07
L83	N 26°38'04" W	54.17
L84	N 12°37'59" W	11.12
L85	N 29°10'22" W	19.23
L86	N 07°06'51" W	26.91
L87	N 28°03'59" W	18.60
L88	N 30°04'56" W	29.94
L89	N 08°44'10" W	54.84
L90	N 70°53'45" W	9.48
L91	N 20°46'00" W	43.48
L92	N 29°44'15" W	46.60
L93	S 56°53'07" E	33.68
L94	S 57°24'23" E	35.29
L95	S 79°39'50" E	11.87
L96	N 15°51'17" W	23.88
L97	N 10°50'13" E	27.71
L98	N 62°30'38" E	1.00



OWNER S DEDICATION AND CONSENT TO RECORD

The owners or their representatives, hereby irrevocably offer for dedication to the City of Park City all the streets, trails right-of-way, land for local government uses, easements, parks and required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication subject to easements, deeds of record and agreements of record.

IN WITNESS WHEREOF, the undersigned sets their hands this 4TH day of April, 1996

EDMUND J. BEAULIEU
CLYDE CARLIG

SWEENEY LAND COMPANY, a
Utah general partnership
By Patrick J. Sweeney
Patrick J. Sweeney
Managing Partner

ACKNOWLEDGEMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 4TH day of April, 1996, personally appeared before me EDMUND J. BEAULIEU, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Robert C. Rodman
NOTARY PUBLIC
Residing at: Summit Co. Utah

NOTARY PUBLIC
ROBERT C. RODMAN
1700 PARK AVE. P.O. BOX 2033
PARK CITY, UT 84060
My Commission Expires NOV 27 1997
State of Utah

My Commission Expires:
Nov 27, 1997

ACKNOWLEDGEMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 4TH day of April, 1996, personally appeared before me CLYDE CARLIG, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Robert C. Rodman
NOTARY PUBLIC
Residing at: Summit Co. Utah

NOTARY PUBLIC
ROBERT C. RODMAN
1700 PARK AVE. P.O. BOX 2033
PARK CITY, UT 84060
My Commission Expires NOV 27 1997
State of Utah

My Commission Expires:
Nov 27, 1997

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On the 4TH day of April, 1996, personally appeared before me PATRICK J. SWEENEY, who being by me duly sworn, did say that he is the Managing General Partner of Sweeney Land Company, a Utah general partnership, and that the foregoing instrument was signed on behalf of said partnership, and said PATRICK J. SWEENEY acknowledged to me that said partnership executed the same.

Robert C. Rodman
NOTARY PUBLIC
Residing at: Summit Co. Utah

NOTARY PUBLIC
ROBERT C. RODMAN
1700 PARK AVE. P.O. BOX 2033
PARK CITY, UT 84060
My Commission Expires NOV 27 1997
State of Utah

My Commission Expires:
Nov 27, 1997

PHASE 1
SKI TRAIL EASEMENTS
TREASURE HILL SUBDIVISION

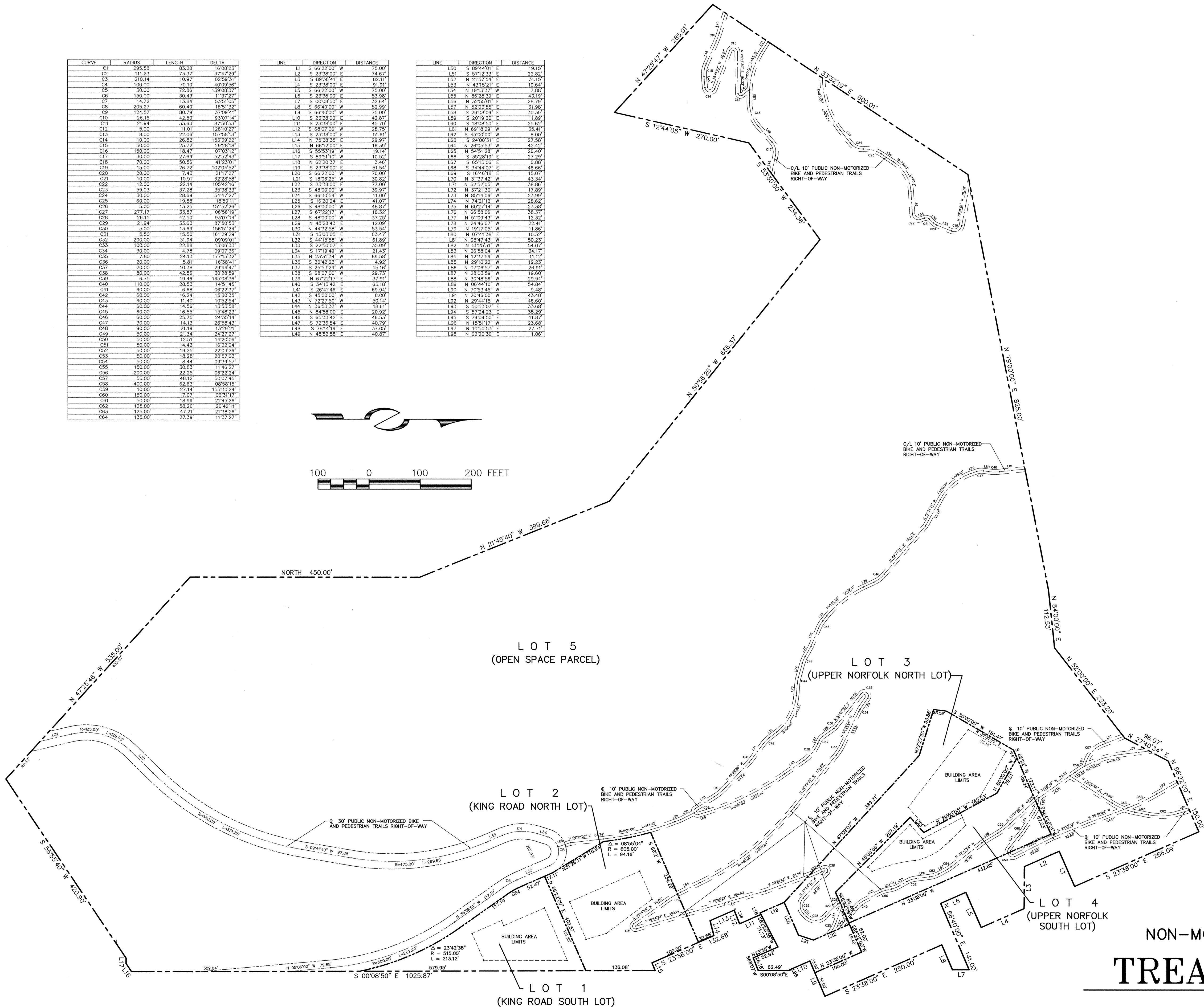
A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

ENTRY # 452295 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF COALITION TITLE CO.
DATE 4-15-96 TIME 17:00 BOOK PAGE
\$95.00 FEE Alan Sweeney RECORDER

CURVE	RADIUS	LENGTH	DELTA
C1	295.58	61.28	16.08°23'
C2	111.23	73.37	37.47°29'
C3	210.14	19.37	02°09'03"
C4	100.00	70.10	40°09'58"
C5	30.00	22.80	139°08'29"
C6	150.00	30.43	11°37'27"
C7	14.22	13.84	53°51'05"
C8	205.67	60.60	16°51'35"
C9	124.57	80.79	37°09'41"
C10	26.10	42.50	83°07'14"
C11	21.94	33.63	87°50'53"
C12	5.00	11.00	126°10'27"
C13	8.00	22.00	157°58'13"
C14	10.00	26.82	153°39'22"
C15	50.00	25.74	24°08'18"
C16	150.00	18.47	07°03'12"
C17	30.00	27.69	52°52'43"
C18	70.00	50.56	41°23'01"
C19	15.00	26.72	102°04'59"
C20	20.00	7.43	21°17'27"
C21	10.00	10.91	62°28'58"
C22	12.00	22.14	105°42'16"
C23	59.93	37.28	35°38'33"
C24	30.00	28.60	54°47'27"
C25	60.00	18.86	18°59'11"
C26	5.00	13.25	151°52'38"
C27	277.17	33.57	06°58'19"
C28	26.15	42.50	83°07'14"
C29	21.84	33.63	87°50'53"
C30	5.00	13.69	156°51'24"
C31	5.50	15.50	161°29'59"
C32	200.00	31.94	09°09'01"
C33	100.00	22.88	13°06'33"
C34	30.00	47.89	07°07'36"
C35	7.80	24.13	177°15'32"
C36	20.00	5.80	16°58'41"
C37	20.00	10.38	29°44'47"
C38	80.00	42.50	32°08'59"
C39	6.75	19.46	165°08'36"
C40	110.00	28.53	14°51'45"
C41	60.00	6.86	08°29'37"
C42	80.00	16.24	15°30'35"
C43	60.00	11.40	109°21'54"
C44	60.00	14.56	135°31'58"
C45	60.00	16.59	154°48'23"
C46	60.00	25.75	24°35'14"
C47	30.00	14.13	26°58'43"
C48	60.00	21.19	13°29'01"
C49	50.00	21.34	24°27'27"
C50	50.00	12.51	14°20'06"
C51	50.00	14.43	16°32'24"
C52	50.00	19.29	22°03'38"
C53	50.00	18.28	20°57'03"
C54	50.00	8.44	09°39'57"
C55	150.00	30.83	11°46'27"
C56	200.00	22.25	06°22'24"
C57	55.00	48.17	50°07'49"
C58	400.00	62.63	08°58'15"
C59	130.00	27.14	10°50'24"
C60	150.00	17.07	06°31'17"
C61	50.00	18.99	21°45'26"
C62	125.00	58.26	26°45'11"
C63	125.00	47.21	21°38'28"
C64	135.00	27.39	11°57'27"

LINE	DIRECTION	DISTANCE
L1	S 66°22'00" W	75.00'
L2	S 23°38'00" E	74.67'
L3	S 88°54'41" E	62.11'
L4	S 23°38'00" E	91.91'
L5	S 66°22'00" W	75.00'
L6	S 23°38'00" E	53.88'
L7	S 00°08'50" E	33.64'
L8	S 66°40'00" W	52.99'
L9	S 66°40'00" W	75.00'
L10	S 23°38'00" E	42.87'
L11	S 23°38'00" E	45.70'
L12	S 66°22'00" W	28.25'
L13	S 23°38'00" E	51.61'
L14	N 70°38'30" E	29.97'
L15	N 66°14'00" E	16.38'
L16	S 55°53'19" W	19.14'
L17	S 69°51'10" W	10.52'
L18	N 62°20'37" E	3.46'
L19	S 23°38'00" E	51.44'
L20	S 66°22'00" W	75.00'
L21	S 18°06'25" W	30.82'
L22	S 23°38'00" E	77.00'
L23	S 48°00'00" W	39.97'
L24	S 66°30'54" W	11.00'
L25	S 16°20'24" E	41.07'
L26	S 66°00'00" W	48.87'
L27	S 67°22'17" W	16.32'
L28	S 48°00'00" W	32.25'
L29	N 42°24'43" E	12.09'
L30	N 44°32'58" W	53.54'
L31	S 13°03'05" E	63.47'
L32	S 44°15'58" W	61.89'
L33	S 22°57'07" E	35.09'
L34	S 77°14'49" W	21.43'
L35	N 23°31'34" W	69.58'
L36	S 30°42'23" W	4.92'
L37	S 25°53'29" W	15.16'
L38	S 69°03'59" W	23.73'
L39	N 67°22'17" E	37.91'
L40	S 34°13'42" E	63.18'
L41	S 38°41'46" E	69.84'
L42	S 45°00'00" W	8.00'
L43	N 72°21'50" W	50.14'
L44	N 36°53'37" W	18.61'
L45	N 64°58'00" E	20.92'
L46	S 65°33'42" E	46.53'
L47	S 72°36'54" E	40.79'
L48	S 78°14'19" E	37.05'
L49	N 48°52'58" E	40.87'

LINE	DIRECTION	DISTANCE
L50	S 89°44'01" E	19.15'
L51	S 57°12'33" E	22.82'
L52	N 23°24'54" E	31.15'
L53	N 43°15'21" E	10.64'
L54	N 19°13'37" W	7.80'
L55	N 86°28'59" E	43.19'
L56	N 32°25'01" E	28.79'
L57	N 50°30'50" E	31.98'
L58	S 26°08'09" E	30.39'
L59	S 20°12'00" E	11.89'
L60	S 18°08'50" E	26.62'
L61	N 18°10'29" W	38.41'
L62	S 45°00'00" W	8.00'
L63	S 24°00'31" E	27.58'
L64	N 60°50'53" W	42.42'
L65	N 54°50'28" W	26.40'
L66	S 35°58'19" E	27.29'
L67	S 65°13'06" E	6.88'
L68	S 54°46'07" E	46.66'
L69	S 16°46'18" E	15.07'
L70	N 21°37'42" W	43.34'
L71	N 56°25'05" W	38.86'
L72	N 37°23'30" W	17.89'
L73	N 85°14'06" W	23.99'
L74	N 74°21'12" W	28.62'
L75	N 62°21'14" W	23.38'
L76	N 66°58'06" W	38.33'
L77	N 51°09'43" W	12.30'
L78	N 24°46'07" W	22.41'
L79	N 19°17'05" W	11.86'
L80	N 07°43'58" E	63.30'
L81	N 05°47'43" W	50.23'
L82	N 31°25'31" W	54.07'
L83	N 26°58'04" W	34.71'
L84	N 12°37'59" W	11.12'
L85	N 30°12'22" W	19.23'
L86	N 07°06'57" W	26.91'
L87	N 28°03'59" W	19.60'
L88	N 30°46'56" W	29.94'
L89	N 06°44'10" W	54.84'
L90	N 70°53'45" W	5.48'
L91	N 20°46'00" W	43.48'
L92	N 59°44'15" W	46.60'
L93	S 50°53'07" E	33.68'
L94	S 57°24'23" E	35.29'
L95	S 79°09'50" E	11.87'
L96	N 15°31'17" W	23.66'
L97	N 10°50'53" E	17.71'
L98	N 62°20'36" E	1.06'



PHASE 1 NON-MOTORIZED BIKE AND PEDESTRIAN TRAILS RIGHT-OF-WAY TREASURE HILL SUBDIVISION

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE
CONSTRUCTED ON LOTS 1 THROUGH 4 SHOWN HEREON:

1. FOOTPRINT. The maximum footprint, calculated from the outside face of walls and subject to the massing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the foot print calculations:
 - (a) Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
 - (b) Exterior walkways;
 - (c) Exterior stairs;
 - (d) Driveways.
2. BUILDING AREA LIMITS. Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as consistent with the approved construction drawings of the driveways, Upper Norfolk turnaround, King Road turnaround, ski bridge and utility plans) shall be limited to the Building Area Limits noted on the Plat. Notwithstanding the foregoing, flat areas located on the Ski Trail Easements where they cross Lots 3 and 4 and are directly adjacent to the Building Area Limits of Lots 3 and 4 may be landscaped with irrigated groomed grass.
3. CONSTRUCTION DISTURBANCE. Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20) feet beyond the Building Area Limits or to adjoining lot property lines which ever is closer. Such disturbed area shall be revegetated with native landscaping.
4. HEIGHT. The building height shall be measured from existing grade to the top of flat roofs and to the ridge of pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators, between floor levels.
5. FACADE HEIGHT, EASTERLY FACING. The maximum facade height for the Easterly facing facades without a step back of at least five (5) feet shall be twenty five (25) feet from existing or reestablished grade whichever is greater.
6. MASSING. House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3500 square foot footprint referenced in Note 1 above, shall have a footprint that exceeds 1,500 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks.
7. SEWER LATERALS. Maintenance and replacement of sewer laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Sewer Improvement District.
8. FIRE SPRINKLING. Internal and external modified 13d fire sprinklers shall be provided for the homes. Wood roofing material shall be prohibited.
9. PRECEDENCE. The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan.

ENTRY# 452295	RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>COALITION TITLE Co.</u> DATE <u>4-15-96</u> TIME <u>17:00</u> BOOK <u> </u> PAGE <u> </u>	
\$95.00 FEE	<u>Alan Sperry</u> RECORDER

SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED ON LOTS 1 THROUGH 4 SHOWN HEREON:

1. FOOTPRINT. The maximum footprint, calculated from the outside face of walls and subject to the massing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the foot print calculations:

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- (b) Exterior walkways;
- (c) Exterior stairs;
- (d) Driveways.

2. BUILDING AREA LIMITS. Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as consistent with the approved construction drawings of the driveways, Upper Norfolk turnaround, King Road turnaround, ski bridge and utility plans) shall be limited to the Building Area Limits noted on the Plat. Notwithstanding the foregoing, flat areas located on the Ski Trail Easements where they cross Lots 3 and 4 and are directly adjacent to the Building Area Limits of Lots 3 and 4 may be landscaped with irrigated groomed grass.

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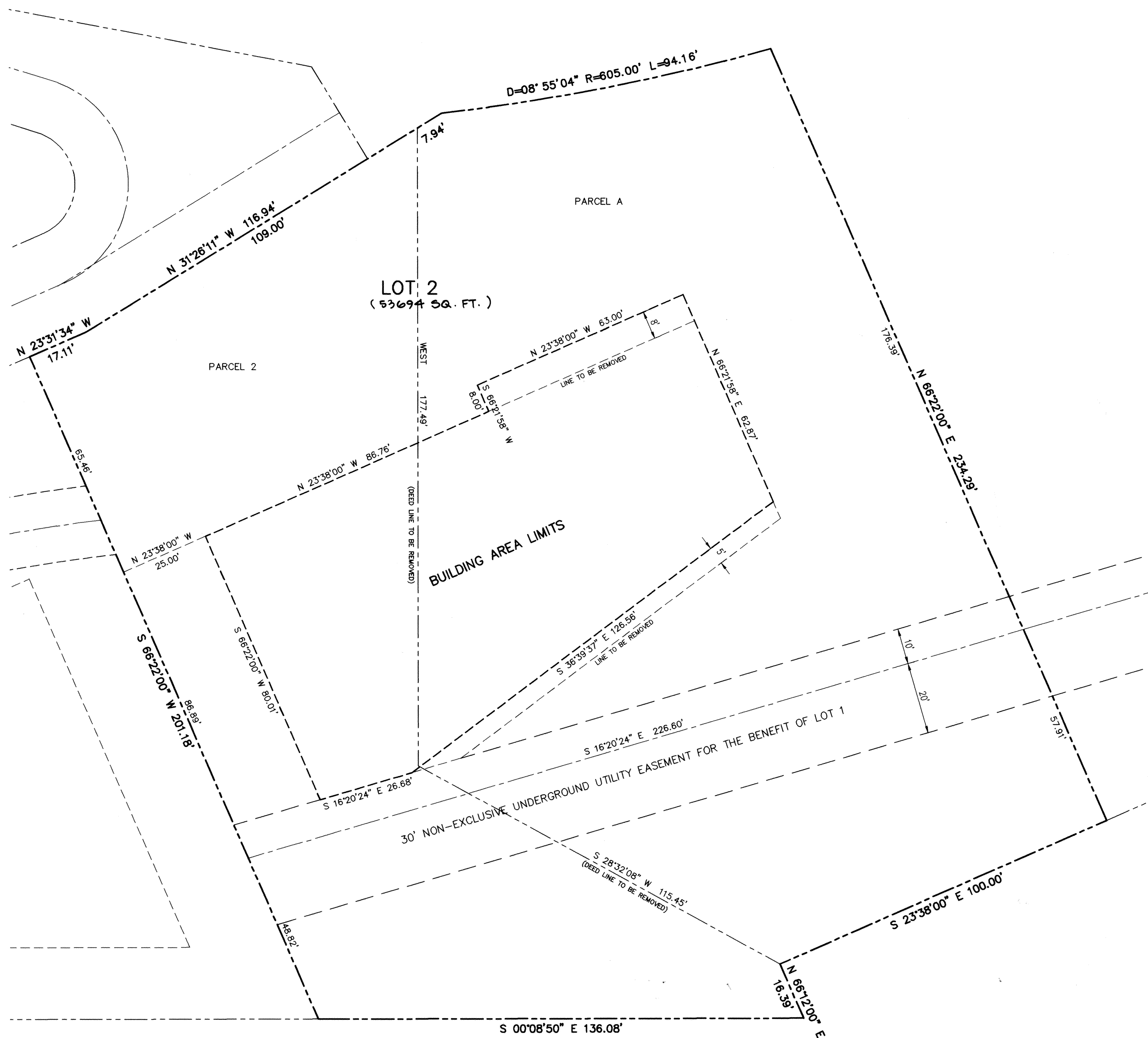
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9. PRECEDENCE. The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan.

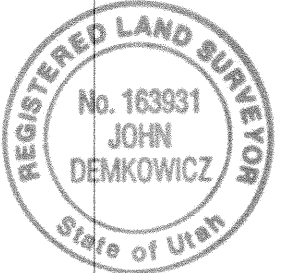


SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby 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 plat amendment was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation.

John Demkowicz
JOHN DEMKOWICZ, L.S. 163931

7-11-97
DATE



BOUNDARY DESCRIPTION

Lot 2 Treasure Hill Subdivision, according to the Official Plat thereof on file and of record in the office of the Summit County Recorder, and described as follows:

PARCEL A:

Beginning at a point which is South 66° 22' 00" West 21.67 feet and South 00° 08' 50" East 81.95 feet, more or less, from the Northeast Corner of Lot 32, Block 78, Millsite Reservation to Park City, Utah said point also being South 66° 40' 00" West 240.50 feet and South 00° 08' 50" East 599.26 feet from a Park City Monument at the Intersection of Park Avenue and Fourth Street; and running thence South 00° 08' 50" East 136.08 feet; thence South 66° 22' 00" West 201.18 feet; thence North 23° 31' 34" West 17.11 feet; thence North 31° 26' 11" West 109 feet to the point of beginning and running thence North 31° 26' 11" West 7.94 feet to a point on a 605 foot radius curve to the left (long chord bears North 11° 00' 00" West 94.07 feet); thence running northwesterly along the arc of said curve 94.16 feet (Delta = 08° 55' 04"); thence North 66° 22' 00" East 234.29 feet; thence South 23° 38' 00" East 100.00 feet; thence South 28° 32' 08" West 115.445 feet; thence West 177.49 feet to the point of beginning.

PARCEL 2:

Beginning at a point which is South 66° 22' 00" West 21.67 feet and South 00° 08' 50" East 81.95 feet, more or less, from the Northeast Corner of Lot 32, Block 78, Millsite Reservation to Park City, Utah said point also being South 66° 40' 00" West 240.50 feet and South 00° 08' 50" East 599.26 feet from a Park City Monument at the Intersection of Park Avenue and Fourth Street; and running thence South 00° 08' 50" East 136.08 feet; thence South 66° 22' 00" West 201.18 feet; thence north 23° 31' 34" West 17.11 feet; thence North 31° 26' 11" West 109.00 feet; thence East 177.49 feet; thence North 28° 32' 08" East 115.445 feet; thence North 65° 12' 00" East 16.39 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS; that the undersigned are the owners of the herein described tract of land, having caused the building limits to be changed, further consent to the recordation of this Record of Survey Map in accordance with Utah law.

In witness whereof the undersigned has executed this certificate this 23rd day of July, 1997.

By: *Robert Sfire*
Robert Sfire

By: *Constance Sfire*
Constance Sfire

ACKNOWLEDGMENT

State of Michigan ss.
County of Macomb

On this 23rd day of July, 1997, personally appeared before me, the undersigned notary public in and for said state and county, Robert Sfire and Constance Sfire, being duly sworn, acknowledged to me that they are the co-owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Sandra J. Williams
Notary public
My commission expires: 11/15/99

SANDRA J. WILLIAMS
NOTARY PUBLIC - MACOMB COUNTY, MI
MY COMMISSION EXPIRES 11/15/99

NOTES:

1. This map constitutes a replat of the Building Area Limits. All easements and dedications contained in the Phase I Treasure Hill Subdivisions are unaffected by this ammendment.

FIRST AMENDED RECORD OF SURVEY MAP

LOT 2, PHASE 1, TREASURE HILL SUBDIVISION

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

ADDRESS = 220 KING ROAD



JOB NO: 19-5-97 FILE: \SSH\D\P-L2RP1

ALLIANCE ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	# 484377	RECORDED
P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS <u>29th</u> DAY OF <u>July</u> , 1997 A.D. BY <u>Paul Zinner</u> S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS <u>6th</u> DAY OF <u>August</u> , 1997 A.D. BY <u>Ben Mankin</u> CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>31st</u> DAY OF <u>JULY</u> , 1997 A.D. BY <u>Oric W. DeBlanc</u> PARK CITY ENGINEER	APPROVED AS TO FORM THIS <u>1th</u> DAY OF <u>August</u> , 1997 A.D. BY <u>Mark D. Hargreaves</u> PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>13th</u> DAY OF <u>April</u> , 1997 A.D. BY <u>Janet M. Scott</u> PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>13th</u> DAY OF <u>April</u> , 1997 A.D. BY <u>Bradley A. Durr</u> MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Coalition Title</u> DATE <u>08-14-97</u> TIME <u>08:54AM</u> BOOK <u>---</u> PAGE <u>---</u> FEE <u>51.00</u> RECORDER <u>Darlene M. Durr - Deputy</u>	

PAGE 1 OF 1



CITY COUNCIL STAFF REPORT

DATE: April 10, 1997
DEPARTMENT: Planning Department
AUTHOR: Megan B. Ryan
TITLE: 220 King Road - Lot 2, Treasure Hill Subdivision, Request for a plat amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Consider recommendations to approve an amendment to the platted building pad of Lot 2 of the Treasure Hill Subdivision Plat.

DESCRIPTION:

A. Topic.

Applicant: Bill Mammen for Robert Sfire
Location: 220 King Road - Lot 2, Treasure Hill Subdivision
Zoning: Historic Residential, (HR-1)
Adjacent Land Uses: Residential, Open Space
Date of Application: May 21, 1996

B. BACKGROUND/PROJECT INFORMATION

The Planning Commission reviewed this project at three public hearings over the course of the last year. The Planning Commission was asked to look at three separate requests:

1. a Small Scale Master Planned Development in accordance with the Treasure Hill Subdivision Plat;
2. a Conditional Use Permit for an Accessory Apartment; and
3. an amendment to the building pad, Lot 2, Treasure Hill Subdivision Plat

The Planning Commission approved the first two requests at their meeting of March 12, 1997. The Commission forwarded a positive recommendation to the City Council on item #3. The project has also been to the Historic District Commission for review and approvals on March 17, 1997.

The request before the Council is an amendment to the building pad for Lot 2. The owner is requesting to shift the platted pad by approximately 5 feet to the west and 8 feet to the east in order to place the house in an L shaped configuration off the driveway. Such a request requires that the pad described on the recorded plat to be changed. Please see Exhibit E for plat.

C. ANALYSIS

Staff has examined the topographical survey provided and believes that the request for a shift in the platted pad does not disturb areas that are significantly worse than the originally platted area. The lot is steep, precarious to build on and will be visually significant with or without the plat amendment. The building design that results from this shift provides a building that minimizes the need for multiple retaining walls as the structure itself will act as retention.

The driveway length will not be affected by this pad change. The driveway is platted and designed to share access between Lot 1 and Lot 2. The cut will be significant and visible. A financial security will be provided to ensure the revegetation of the site. Any cuts that need to occur for utility connections will be specifically identified by the City's Landscape architect prior to building permit issuance and guaranteed for revegetation with a financial security.

D. DEPARTMENT REVIEW

The Community Development Department and City Attorney's office have reviewed this request for compliance with the Land Management Code, Uniform Building Code and State law.

SIGNIFICANT IMPACTS:

Under any use scenario, the project will result in a structure that significantly impacts the terrain.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If the Council cannot find in favor of the requested building pad shift then the applicant will be permitted to construct one single family house with a footprint of no more than 3,500 square feet within the confines of the existing building pad.

E. PUBLIC INPUT:

This project was noticed to property owners within 300' of the property and within the affected subdivision plat on July 31, 1996, November 19, 1996 and on February 25, 1997. Substantial input has been received at all the prior hearings. Most of the issues focused on the proposed design, compliance with the Platted conditions of approval, the use, and the

impacts of construction. The Planning Commission concluded at their last meeting that the project as conditioned could be approved and that the majority of the community's concerns had been adequately addressed.

F. ALTERNATIVES:

- A. Consider adopting the staff's findings, conclusions and conditions and ordinance to amend the platted Lot 2 of the Sweeney Treasure Hill Subdivision plat.
- B. Deny the requested applications and direct the staff to prepare appropriate findings.

G. RECOMMENDATION:

The following Findings, Conclusions and Conditions and Ordinance (attached) are provided below if a positive recommendation is supported.

Findings:

Plat Amendment:

- 1. The proposed amendment will shift the building pad by approximately 5' to the west.
- 2. The proposed amendment will not significantly increase the visual location of the single family structure.
- 3. The proposed amendment will not significantly increase the impact to existing vegetation.

Conclusions of Law:

- 1. There is good cause for the amendment because no increase in visual impacts will occur through the building pad shift.
- 2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval: Plat Amendment:

- 1. The City Attorney and City Engineer's approval of the plat amendment for compliance with State law, the Land Management Code and these conditions of approval is a condition precedent to plat recordation.
- 2. The amended plat must be recorded prior to building permit issuance and must be recorded within one year of this approval or this approval is considered null and void.
- 3. The plat shall note that all conditions of approval, notes and restrictions of the Treasure Hill Subdivision are in full force and effect.

EXHIBITS

Ordinance

Location Map

Exhibit A- Existing and Proposed Plat

Exhibit B - Final staff report from 3/13/97 Planning Commission meeting

Exhibit C - Site plan and Elevations

Exhibit D - Minutes from Planning Commission meetings

ORDINANCE NO. 97-__

AN ORDINANCE APPROVING AN AMENDMENT TO LOT 2 OF THE TREASURE HILL SUBDIVISION PLAT KNOWN AS 220 KING ROAD, PARK CITY, UTAH

WHEREAS, the owners of the property known as 220 King Road petitioned the City Council for approval of a amendment to the final plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed amendment on March 12, 1997 ; and

WHEREAS, it is in the best interest of Park City to approve the amendment, and

WHEREAS, there is good cause for the revision as the reconfiguration does not affect the development parameters for site; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. The amendment to the Treasure Hill Subdivision plat, Lot 2 is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

Findings:

Plat Amendment:

1. The proposed amendment will shift the building pad by approximately 5' to the west.
2. The proposed amendment will not significantly increase the visual location of the single family structure.
3. The proposed amendment will not significantly increase the impact to existing vegetation.

Conclusions of Law:

1. There is good cause for the amendment because no increase in visual impacts will occur through the building pad shift.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval: Plat Amendment:

1. The City Attorney and City Engineer's approval of the plat amendment for compliance with State law, the Land Management Code and these conditions of approval is a condition precedent to plat recordation.
2. The amended plat must be recorded prior to building permit issuance and must be recorded within one year of this approval or this approval is considered null and void.
- *3. The plat shall note that all conditions of approval, notes and restrictions of the Treasure Hill Subdivision are in full force and effect.

SECTION 2. This ordinance shall take effect upon publication.

DATED this the 17 day of April, 1997.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, Assistant City Attorney

220 King Rd. Lot 2

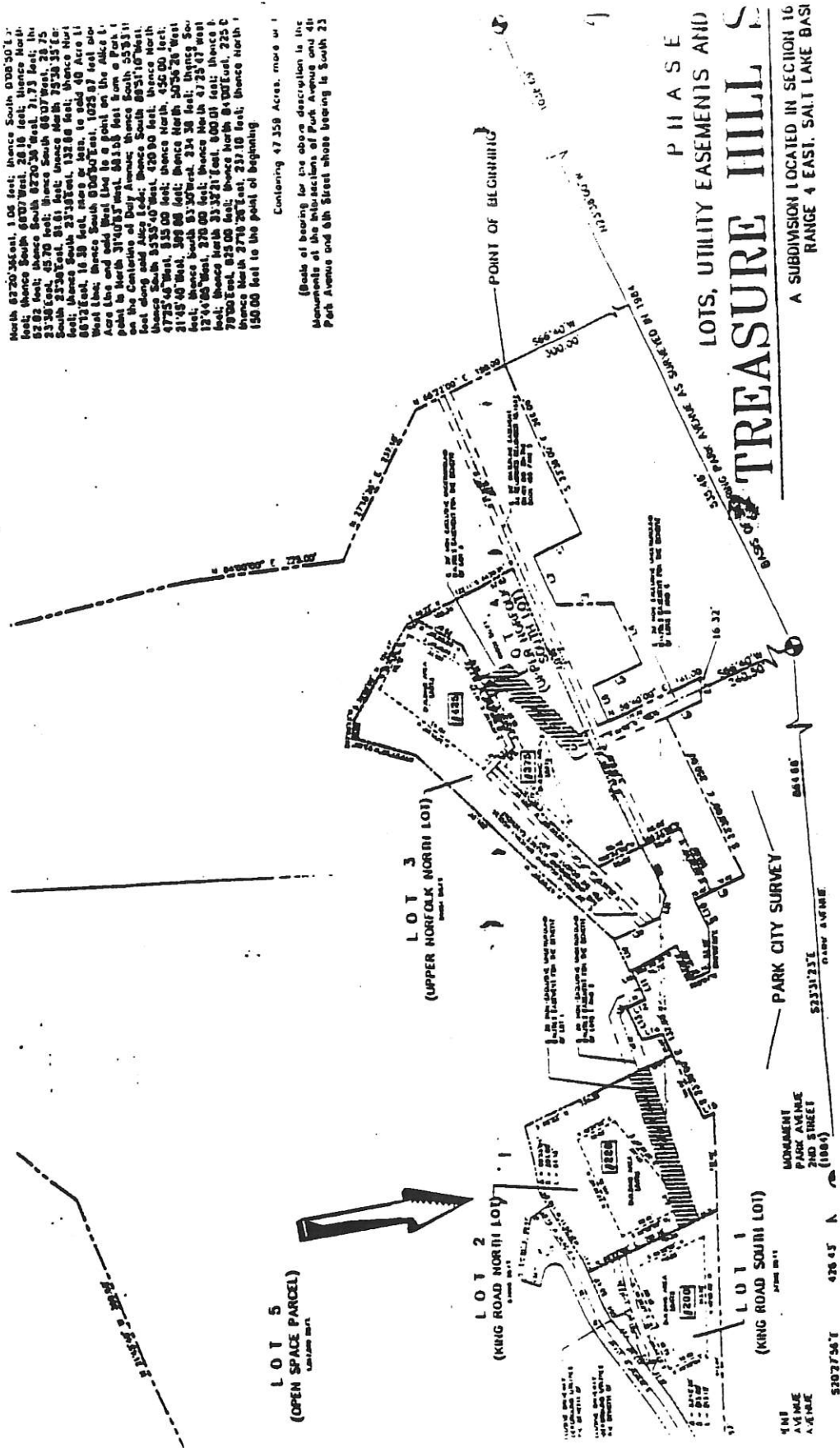


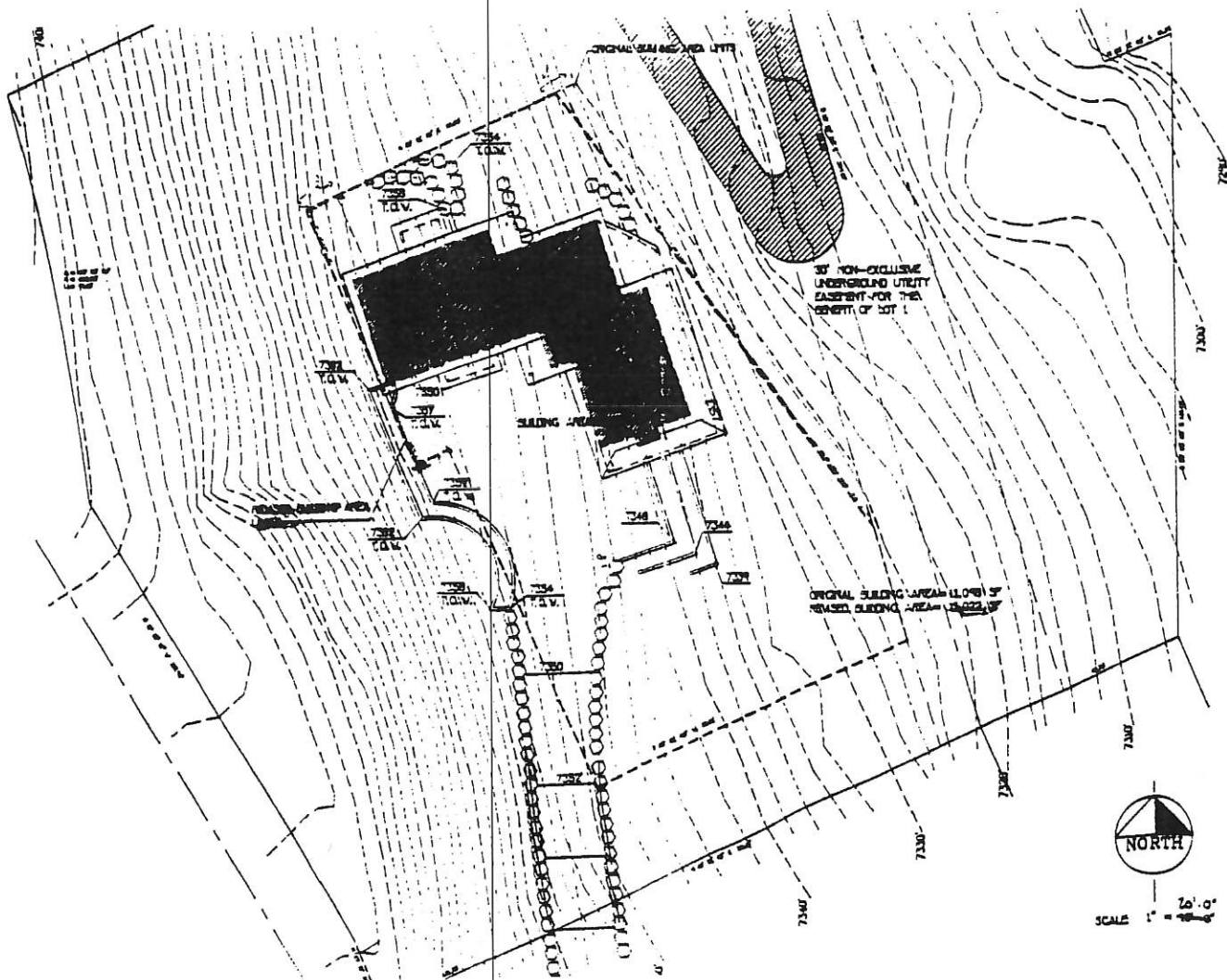
Vicinity Map

[illegible]

Containing 47 350 Acres. more or less

(Scale of bearing for the above description is the
Monuments at the intersections of Park Avenue and 4th
Park Avenue and 6th Street whose bearing is South 23





LOT 2
RING ROAD NORTH
#220 RING ROAD
DATUM ELEVATION





REVISED PER 3/12/97 PLANNING COMMISSION MTG. ACTION

PLANNING COMMISSION STAFF REPORT

DATE: March 13, 1997
DEPARTMENT: Planning Department
AUTHOR: Megan B. Ryan
TITLE: 220 King Road - Lot 2, Treasure Hill Subdivision
TYPE OF ITEM:

Request for:

1. A Small Scale Master Planned Development in accordance with the Treasure Hill Subdivision Plat
2. A Conditional Use Permit for an Accessory Apartment and;
3. An amendment to the building pad, Lot 2, Treasure Hill Subdivision Plat

SUMMARY RECOMMENDATIONS:

Conduct a public hearing and consider recommendations to approve or forward a positive recommendation the City Council on the following items:

1. A Small Scale Master Planned Development in accordance with the Treasure Hill Subdivision Plat
2. A Conditional Use Permit for an Accessory Apartment and;
3. A positive recommendation to the City Council for an amendment to the building pad, Lot 2, Treasure Hill Subdivision Plat.

DESCRIPTION:

A. Topic.

Applicant: Bill Mammen for Robert Sfire

Location: 220 King Road - Lot 2, Treasure Hill Subdivision

Zoning: Historic Residential, (HR-1)

Adjacent Land Uses: Residential, Open Space

Date of Application: May 21, 1996

B. BACKGROUND/PROJECT INFORMATION

The Planning Commission is being asked to consider the following three requests for this property:

1. approval for a Small Scale Master Planned Development in accordance with the Treasure Hill Subdivision Plat;
2. a Conditional Use Permit for an Accessory Apartment; and
3. an amendment to the building pad, Lot 2, Treasure Hill Subdivision Plat

The Planning Commission has held public hearing on this project on August 14, 1996 and December 4, 1996. Minutes are attached as Exhibit B. The applicant has redesigned the project in order to address public and Commission comments, see Exhibit C. The project has also been to the Historic District Commission for a work session discussion on January 27, 1997.

The Historic Commission conducted an initial review and supported the proposed changes. The project will return to the Historic District Commission on March 17 for final design approvals after Planning Commission review.

The Commissioners may take action on any one of the items requested, a combination of any of the items or none. The process is as follows 1) Planning Commission MPD, Plat Amendment and Accessory Apartment direction and approval on site parameters and then 2) HDC final design approval for new construction and; 3) Building plan submittal.

The first request is for approval of a **Small Scale Master Planned Development**. Each lot under the Treasure Hill Subdivision plat is required to return to the Planning Commission for review and must meet the ten approval criteria that were recorded for each of the four lots of this subdivision. These criteria are outlined in the analysis section below.

The second request is for a **Conditional Use Permit for an Accessory Apartment on Lot 2**. The 600 square foot apartment would be located in the basement area with a separate entry. Accessory Apartment regulations are outlined in Chapter 8.19 of the Park City Land Management Code and nine criteria, must be satisfied to grant a Conditional Use Permit for this use in the HR-1 District. Compliance, with these criteria, is outlined in the Analysis Section below.

The third request is an **amendment to the building pad for Lot 2**. The owner is requesting to shift the platted pad by approximately 5 feet to the west and 8 feet to the east in order to place the house in an L shaped configuration off the driveway. Such a request requires that the pad described on the recorded plat to be changed. Please see Exhibit E for plat.

C. ANALYSIS

I. Treasure Hill Small Scale Master Planned Development (MPD)

The following criteria, as outlined in Section 6.6, King Road Single Family Lots, of the Sweeney Properties Master Plan Approval Summary, dated June 1, 1990, and the recorded Treasure Hill Subdivision plat, must be addressed through the Small Scale MPD review and approval process. Please see Exhibit G for exact plat notes and Sweeney Master Plan approval for King Road properties.

1. Footprint - The maximum footprint shall not exceed 3,500 square feet, including garages. **Compliance:** The proposed footprint, including the Accessory Apartment and garage is at 1,976 square feet and is in compliance with this requirement.

2. Building Area Limits - All building and subsequent landscape disturbance must occur within the pad as described on the plat.

Compliance: The request for a shift in the platted pad does not disturb areas that are significantly worse than the originally platted area. The lot is steep, precarious to build on and will be visually significant with or without the plat amendment. The building area limits will apply to the final configuration decided upon and will be set at time of building permit issuance. The area on the hillside that will need to be disturbed for utility connections will be specifically identified and inspected prior to building permit issuance by the City's Landscape Architect.

3. Construction Disturbance: No construction disturbance shall occur beyond a twenty foot line from the building pad.

Compliance: This requirement will be enforced at time of building permit issuance by fencing of the limits area. A Construction Mitigation and Staging plan will also be required due to the precarious and steep nature of the site.

4. Height: The maximum height shall be 25' for flat roofs and 30' for pitched roofs. A three foot exception will be granted for the express purpose of allowing elevators and access stairwells.

Compliance: Height verification is of particular importance on this steep site and on the other parcels within this subdivision. Staff has received extrapolations of an original survey and will continue to request that a certified survey be submitted for the site. Height compliance is not resolved at this time with certain roof planes and the chimney and will need to be resolved with the applicant prior to the next Historic District Commission review. Final approvals from the Planning and Historic District Commission will ensure enforcement and compliance with this condition.

5. Facade Height, Easterly facing: The maximum facade height (without a five foot setback) shall be 25'.

Compliance: As currently presented the roof of the balcony area on the easterly facade appears to comply with the 25' height limit. Staff's concern is that balconies are not considered to be part of the building footprint per Condition #1 of the plat. Therefore the exterior building wall on the easterly facade should be in compliance with the 25' requirement. As presented this exterior wall does not meet this requirement. Staff will resolve this issue with the applicant before the next Historic District review. Final

approvals from the Historic District Commission will ensure enforcement and compliance with this condition.

✓ **6. Massing:** No one building mass shall have a footprint that exceeds 1,500 square feet.
Compliance: Final approvals from the Historic District Commission will ensure enforcement and compliance with this condition. As presented the house footprint is 1,320 s.f. and the garage footprint is 656 s.f.. Staff believes that the redesign complies with intent of this guideline which was to ensure smaller building masses on lots in this plat.

7. Sewer Laterals: Maintenance and replacement is the sole responsibility of the property owner and not that of Snyderville Basin Sewer Improvement District.

Compliance: Each owner is on notice of this responsibility at time of purchase through a plat note.

8. Fire Sprinkling: Wood roofing is prohibited. Interior and Exterior modified 13-D sprinklers are required.

Compliance: Building permits shall not be issued that do not comply with this requirement.

II. Accessory Apartment Use Criteria

The following criteria are reviewed under the Conditional Use Permit process for Accessory

Apartments:

1. Size - 800 s.f. max.- no more than 2 bedrooms, no more than one-fourth of dwelling size.

Compliance: The proposed apartment is 587 square feet and is less than one fourth of the dwelling unit (which is about 2,775 square feet).

2. Parking - one space per bedroom, on site

Compliance: Two bedrooms are proposed. Two spaces are being provided. A total of four parking spaces will be provided on site.

3. Apartments per Lot - no more than one per lot

Complies

4. Density - no more than three within 300' of the property.

Complies - A survey was conducted by the Building Inspection Department to determine compliance with this requirement. The survey revealed several illegal duplexes on Norfolk Avenue but no more than three accessory apartments were found within 300' of the King Road site.

5. Ownership - one unit to be owner occupied

Compliance: The main unit will be occupied as a second residence.

6. Deed Restriction - restriction to be filed with County

Compliance: Will comply if approved.

7. Nightly rental - not allowed, identified on deed restriction

Compliance: Will comply if approved.

8. Homeowner's Association Notification - must notify any Homeowner's Association

Compliance: None on record - all owners within plat notified on July 31, 1996.

9. One year review.

Compliance: subject to administrative staff review for compliance.

III. Plat Amendment request

Staff has examined the topographical survey provided and believes that the request for a shift in the platted pad does not disturb areas that are significantly worse than the originally platted area. The lot is steep, precarious to build on and will be visually significant with or without the plat amendment.

The driveway length will not be affected by this pad change. The driveway is platted and designed to share access between Lot 1 and Lot 2. The cut will be significant and visible. A financial security will be provided to ensure the revegetation of the site. As mentioned above any cuts that need to occur for utility connections will be specifically identified by the City's Landscape architect prior to building permit issuance and guaranteed for revegetation with a financial security. The applicant can make his case for the change before the Commission at the public hearing.

D. DEPARTMENT REVIEW

The Community Development Department and City Attorney's office have reviewed this request.

SIGNIFICANT IMPACTS:

Under any use scenario, the project will result in a structure that significantly impacts the terrain. The addition of an accessory apartment will not increase the footprint of the building. Parking on site can be provided for both the house and the apartment uses. The Conditional Use Permit alternative provides an opportunity for parking mitigation in the sense that four spaces can be obtained whereas the single family structure itself would only provided two spaces regardless of the number of bedrooms it had.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If the Commissioners cannot find in favor of the requested permits then the applicant will be permitted to construct one single family house with a footprint of no more than 3,500 square feet without an accessory apartment in the footprint.

E. PUBLIC INPUT:

This project was noticed to property owners within 300' of the property and within the affected subdivision plat on July 31, 1996, November 19, 1996 and on February 25, 1997. Substantial input has been received at the two prior hearings and staff hopes that the redesign address to the best extent possible most of the public's concerns. No input from the last notice has been received at the time of this staff report.

At the public hearing in July, Kevin King, John Vrable, and Steve Elrich all raised concerns over the proposed project at 220 King Road. King's and Vrable's letter attached as Exhibit H. Elrich's comments were phoned in. At the November hearing the Commission

directed the applicant to respond to the design and plat issues. See Exhibit B, 12/04/97 minutes.

Many of the comments in Kevin's letter focused on design issues and the project has been redesigned in order to address some of Mr. King's and the Commissioners concerns. The revised project has received an initial review by the Historic District Commission and is scheduled for final action on the 17th of March. Staff understands that the applicant's architect has met with Kevin to review the latest site plans.

Mr. King's past comments have focused on the height of the structure, the accessory apartment, and the necessity for the plat amendment. At the last public hearing staff indicated that a certified survey would be required prior to any building permit issuance, that a survey had been done of the area and that no more than three accessory apartments within 300' were on file with this Department. The plat amendment has been reconfigured and staff is not aware of any remaining concerns that Kevin may have on this issue.

In regards to Mr. Vrables concerns the City is unfortunately dealing with a recorded plat that allow for very large home sizes in one of the most visible areas in town. The applicant is at this time proposing to construct a structure that is smaller, even with the proposed Accessory Apartment, than the maximum allowed under the platted parameters. Again, any structure will create an extremely visible impact and there are limited opportunities for the Planning Commission to negotiate on the house size issue. The building pad location however is negotiable. The visual impact is minimized to the best extent possible through the staff and HDC design input.

Mr. Elrich was concerned with dust during construction on the unpaved road. The current obligation under City codes requires paving prior to issuance of a Certificate of Occupancy. The Planning Commission may discuss this issue and timing of the paving with the applicant or direct the Chief Building Official and City Engineer to address it in the Construction Management Plan.

F. ALTERNATIVES:

- A. Conduct a public hearing on the proposed MPD, Conditional Use Permit and Plat Amendment and consider adopting the staff's findings, conclusions and conditions that reflect the Commissioners decisions.
- B. Deny any of the requested applications and direct the staff to prepare appropriate findings.

G. RECOMMENDATION:

Staff recommends that the Planning Commission take public input and discuss the approval or denial of the following: 1) a Small Scale Master Planned Development; 2) a Conditional Use Permit for an Accessory Apartment; and 3) A recommendation to the City Council for an amendment to the building pad, Lot 2, Treasure Hill Subdivision Plat. The following Findings, Conclusions and Conditions for each action are provided below if a positive recommendation is supported.

Findings:**Small Scale MPD:**

1. The project is for one single family structure of approximately 1, 976 square foot footprint which includes a garage and an approximately 587 square foot Accessory Apartment.
2. The project will provide four parking spaces on site.
3. The project is in the HR-1 Zoning District and is subject to final design review from the Historic District Commission.
4. The project is subject to all conditions as recorded on the final subdivision plat for the Treasure Hill Subdivision plat. HDC final design review will ensure compliance with the recorded plat notes.
5. The project is located on a steep and difficult terrain requiring careful construction planning and mitigation.
6. Considerable excavation and dirt handling may be required with this project, and any off-site dirt storage creates the possibility of erosion and wind borne fugitive dust. Any filling or excavation requires authorization from the property owner and the City and restoration security from the contractor or owner.
7. The Land Management Code and Park City Design Guidelines both address the importance of on-site project lighting, and indicate that all landscape lighting and building lighting shall be off a cut-off type, in order to be shielded from surrounding areas. As such, building and parking lighting specifications and fixture type and style will be reviewed and approved by the Community Development Department.
8. The applicants have stipulated to the Conditions of Approval.
9. **The road accessing this project is currently not paved and is in close proximity to several residential homes. The road is also used by several other property owners.**

Accessory Apartment:

1. The intent and purpose of the Accessory Apartment Ordinance is to encourage and promote affordable housing opportunities while protecting the existing quality of life found in single family zones throughout the community.
2. The owner is a Park City resident and will reside seasonally at 220 King Road in Park City.
3. Two parking spaces are provided on site for the two bedrooms in the Accessory unit

4. The proposed apartment is approximately 600 square feet and has two bedrooms.
5. Notice was given to everyone within 300' of the property.
6. There are not more than three accessory units within 300' of this project.
7. The Land Management Code, Section 8. 19, requires a deed restriction to be filed with Summit County, a one year review and prohibits nightly rentals.

Plat Amendment:

1. The proposed amendment will shift the building pad by approximately 5' to the west.
2. The proposed amendment will not significantly increase the visual location of the single family structure.
3. The proposed amendment will not significantly increase the impact to existing vegetation.

Conclusions of Law:

Small Scale MPD:

1. The proposal for Lot 2 is in compliance with the criteria as outlined in Section 6.6, King Road Single Family Lots, of the Sweeney Properties Master Plan Approval Summary, dated June 1, 1990, and the recorded Treasure Hill Subdivision plat and Chapters 10 and 13 of the Land Management Code.

2. The Small Scale MPD at 220 King Road is consistent with the general plan and will not be contrary to public interest.
3. The building achieved through this Small Scale MPD will be compatible with surrounding structures in use, scale, mass and circulation.
4. Any differences in use or scale have been mitigated through design solutions, planning and conditions of approval.

Accessory Apartment:

1. The application for an approximately 600 square foot Accessory Apartment at 220 King Road is in compliance with Accessory Apartment regulations are outlined in Chapter 8.19 of the Park City Land Management Code and the nine criteria that must be satisfied to grant a Conditional Use Permit for this use in the HR- 1 District, and;
2. A Conditional Use Permit for an Accessory Apartment at 220 King Road is consistent with the general plan and will not be contrary to public interest.
3. The Accessory apartment will be compatible with surrounding structures in use, scale, mass and circulation.

4. The effects of any differences in use or scale have been mitigated through design solutions, planning and conditions of approval.

Plat Amendment:

1. There is good cause for the amendment because no increase in visual impacts will occur through the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval:

Small Scale MPD:

1. Final design review of 220 King Road is subject to **Historic District Commission** review and approval.
2. All Standard Project Conditions of Approval shall apply.
3. Lighting plans must be reviewed and approved by the Community Development Department with respect to location, light type, and fixtures under the Historic District Design Guidelines and the Land Management Code.
4. The Developer shall provide a detailed Construction Management Plan (CMP) prior to the issuance of any building permits that address at a minimum:
 - a.) A construction staging, storage, circulation and parking plan shall be submitted prior to issuance of any building permit.
 - b) If the project is phased, each phase of the project shall be designed in order to construct those portions of the on-site circulation system necessary to provide adequate automobile and emergency equipment circulation, to the extent required by the Community Development Department.
 - c.) The developer shall instruct the respective contractors that there is to be no wash out of concrete trucks on on-site landscape areas. Further, the developer shall identify any off-site dirt storage site with the respective phase, obtain written permission by the owner and post a financial surety, to the satisfaction of the City, that will provide for the rehabilitation of the storage site.
 - d.) Landscaping shall be addressed prior any construction activity on site.
 - e.) Any temporary parking signs, subject to the Public Works Director and City Engineer approval, shall be addressed in the CMP.
 - f.) The site plans and elevations are subject to final review and approval by the Historic District Commission.

g.) An existing conditions survey that identifies and determines the existing natural grade shall be conducted by the applicant and submitted prior to issuance of a footing and foundation permit. This existing conditions survey shall become part of the final site plans for this project and shall assist the Community Development Department in determining the grade for measurement of height of this project as defined in the Land Management Code. A surveyor's certificate of finished floor, tied to USGS elevations, will be submitted to the Building Department prior to rough framing approval for the purposes of determining height.

h.) The Construction Management Plan shall be reviewed in accordance with these Conditions of Approval and all applicable city codes and approved by the Chief Building Official and City Engineer prior to any building permit issuance

5. The portion of King Rd. used to access this project shall be paved or surfaced with another method of control that shall be reviewed and approved by the Community Development Department prior to issuance of a footing and foundation permit in order to limit dust and disturbance on nearby residences. Joint dust control agreements on the roads adjacent to this property shall also be reviewed and approved by the Community Development Department.

Conditions of Approval: Accessory Apartment:

1. Prior to issuance of the building permit for 220 King Road, the applicant shall execute and record a deed restriction in a form approved by the City Attorney.

2. No nightly rentals are allowed.

3. An annual administrative review of the project shall occur one year after this approval.

Conditions of Approval: Plat Amendment:

1. The City Attorney and City Engineer's approval of the plat amendment for compliance with State law, the Land Management Code and these conditions of approval is a condition precedent to plat recordation.

2. The amended plat must be recorded prior to building permit issuance and must be recorded within one year of this approval or this approval is considered null and void.

3. The plat shall note that all conditions of approval, notes and restrictions the Treasure Hill Subdivision are in full force and effect.

EXHIBITS

Exhibit A - Location Map

Exhibit B - Minutes from Planning Commission meetings

Exhibit C - Site plan and Elevations

Exhibit D - Historic District Commission Staff Report 01/27/96

Exhibit E - Existing and Proposed Plat

Exhibit F - Plat notes and Sweeney approvals 6/90

Exhibit G -Public Input from August 12, 1996 meeting

Exhibit H -Standard Project Conditions

Planning Commission Meeting

Minutes of March 12, 1997

Page 11

issuance of any building permits. The plan shall address staging, material storage, construction timelines, special signs, parking, fencing, and any other construction-related details to the satisfaction of the Community Development Department.

6. The exposed interior facades of the garage entryway on Heber Avenue shall use patterned materials and subdued lighting. The final materials and fixtures shall be submitted with the building plans and reviewed and approved by the Planning Staff under the building permit review process.
7. An approximately 220-foot section of the bike path adjacent to the property shall be realigned and widened to a 10' paved standard. The realignment plan shall be submitted to the trails coordinator for review and approval prior to final building permit issuance.
8. Snow shed and roof line forms shall be reviewed and approved for safety compliance by the Chief Building Official prior to building permit issuance.
4. 220 King Road - Lot 2, Treasure Hill Subdivision, Conditional Use Permit for accessory apartment/small scale MPD/plat amendment

Planner Ryan reported that this matter is scheduled for public hearing this evening and is the third public hearing for this project. The request is for three separate actions:

1. A plat amendment to shift the pad originally approved under the Sweeney Treasure Hill subdivision.
2. A request for a small scale master planned development approval which was a condition of the subdivision plat.
3. A request for an accessory apartment within this proposal.

Planner Ryan noted that much of the public comment expressed concern over the extent of the shift of the plat, the size of the accessory apartment, and the compatibility of the use in the area. Other concerns included height and removal of vegetation in the area. She reported that the Staff has worked diligently with the applicant to address some of the concerns, and the plan being presented this evening is a redesign that is meant to address those concerns. The plat shift has changed based on direction from the Planning Commission to minimize any shift in the plat. The Staff believed the redesign would accommodate a structure that will fit

in the neighborhood and minimize impacts in the area. However, the impacts will be great simply due to the location of the structure. Planner Ryan reported that the revisions were reviewed by the Historic District Commission, and their final action is scheduled for March 17.

Planner Ryan reported on public comments received after the Staff report was prepared. Comments from Carol Sletta echoed Mr. Erlich's comments as identified in the staff report. Both are concerned about construction dust. King Road is not paved, and the concern relates to the significant amount of disturbance that will be created when grading and footings and foundations begin. They felt this would affect them adversely, and they have asked the Planning Commission to look at other types of paving mitigation. Planner Ryan explained that the City usually requires that a road be paved prior to issuance of a certificate of occupancy. These two citizens are requesting that it happen earlier in the process. She noted that Bill Mammen, the architect, brought to her attention that one condition of the Sweeney Master plan calls for a dust free surface. Planner Ryan requested that the Planning Commission discuss the issue in the hope of finding a resolution.

Bill Mammen explained that the revisions to the proposal are large changes, but they might not be immediately visible. The retaining wall is the same in terms of the amount of retaining wall, but it has been shifted so the majority occurs on the west side of the residence. The residence is L-shaped, which puts it in front of the high retaining wall. The north side of the property is almost natural grade, with a minimal amount of retaining for leveling. This is a steep slope which has been leveled off at the entry points only. Maximum grading will be done in areas hidden from everyone except the residents of the house. The shift in the building pad has been refined, and the home is now designed so it should be suitable for everyone. The shift was eight feet into the hillside for the purpose of stairstepping the retaining wall on that side of the house. Without the building pad shift, a 16-foot-high wall would be necessary instead of the proposed eight-foot-high wall stepped by five feet before putting another eight-foot-high wall.

Commissioner Erickson recalled that at a previous meeting the Planning Commission had questioned whether the grading would stay within the limits of disturbance in the building pad area. He felt it would from looking at the new drawings. Mr. Mammen replied that he was correct.

Chair Jones opened the public hearing.

Carol Sletta, a resident at 135 Sampson, was concerned with the massive truck driving up and down one leg of the switchback that currently exists. She was hoping the applicant would be required to pave the road. She referred to comments made by Mr. Mammen and Planner Ryan about making the road dust free and wanted to know how they intend to do that. Ms. Sletta asked how Mr. Sweeney will access his property for construction. Planner Ryan offered to have Planner Whetstone research a response. Ms. Sletta stated that she did not understand why more accessory apartments are necessary in the area. She referred to language in the Staff report and asked what difference it makes if a resident is seasonal or not. Planner Ryan explained that it is neither a positive nor a negative. It is a requirement of the accessory apartment that the landlord be present on the property so the whole unit is not rented out.

Bob Sfire, the property owner, explained that the design was completely different at the last meeting, and because they were turned down twice, they met the following day with Planner Ryan and Planner von Puttkammer to determine exactly what was wanted. The new plan is a result of that meeting and incorporates the requirements of the Planning Commission, the Staff, and the public. He felt it was important for the Planning Commission to understand that the site plan was redesigned and the house was shifted to act as a retaining wall for a visual benefit from town. He noted that this is his third time before the Planning Commission, and he was interested in getting the matter resolved.

Judy Scipioni asked if it would be difficult to require the applicant to pave the road before starting construction or if that is an out-of-the-ordinary request. Chair Jones felt the dust issue could be addressed through a condition of approval since there are several ways of mitigating dust. The disadvantage of paving the road first is that it gets chewed up in the construction process. Ms. Scipioni asked for an explanation of how dust can be controlled. Commissioner Erickson explained that tackifiers and materials that bind the soil together are available. He felt that imposing the burden of paving the road upon one house was an inequitable solution. If the Planning Commission elects to approve the matter, he stated that he would add a condition requiring the applicant to either pave the road or surface it with a material approved by the Community Development Department.

Bill Mammen questioned paragraph 4(f) of the Conditions of Approval for the small scale MPD. Commissioner O'Hara informed him that the Planning Commission will request that 4(f) be deleted because the requirement only applies to parcels 5 acres or larger.

Planner Whetstone responded to the question raised by Ms. Sletta regarding construction access for the Sweeney home by explaining

that there is not a definite construction plan at this time. The Staff is still working with City Engineer Eric DeHaan and Chief Building Official Ron Ivie on the matter. The intention is to have a majority of the larger construction traffic come off the switchback at Empire and Lowell.

Chair Jones closed the public hearing.

Chair Jones noted that this matter has three recommended actions that need to be taken separately.

Plat Amendment

MOTION: Commissioner Erickson moved to APPROVE the amendment to the plat in accordance with the findings of fact, conclusions of law, and conditions of approval relative to the plat outlined in the staff report. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Plat Amendment

1. The proposed amendment will shift the building pad by approximately 5' to the northwest.
2. The proposed amendment will not significantly increase the visual location of the single-family structure.
3. The proposed amendment will not significantly increase the impact to existing vegetation.

Conclusions of Law - Plat Amendment

1. There is good cause for the amendment because no increase in visual impacts will occur through the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval - Plat Amendment

1. The City Attorney and City Engineer's approval of the plat amendment for compliance with State law, the Land Management Code, and these conditions of approval is a condition precedent to plat recordation.
2. The amended plat must be recorded prior to building permit issuance and must be recorded within one year of this approval, or this approval is considered null and void.

3. The plat shall note that all conditions of approval, notes, and restrictions of the Treasure Hill Subdivision are in full force and effect.

Small Scale MPD in accordance with the Treasure Hill Subdivision

Commissioner Erickson suggested a revision in the language of the small scale MPD conditions of approval by deleting Condition 4(f) relative to compliance with the Utah Water and Air Quality Standards for this project because they do not apply. He also added Finding #9 to state, "The road accessing this project is not currently paved and is in close proximity to several residential homes, and the road is also used by several other property owners." He felt that would support proposed Condition #5 that reads, "The portion of King Road used to access this project shall be paved or surfaced to control dust in a manner approved by the Community Development Department prior to the issuance of a footings and foundation permit in order to limit dust and disturbance on nearby residents. Further, the Community Development Department shall work to facilitate joint control of dust along this segment of the road with adjacent property owners."

Commissioner Erickson did not wish to make the motion as he was uncomfortable with the entire Sweeney Treasure Hills subdivision. He could vote in favor of the action, but he was not willing to recommend a motion for approval.

MOTION: Commissioner Calder moved to forward a POSITIVE recommendation to approve the small scale MPD in accordance with the Treasure Hills Subdivision Plat with the findings of fact, conclusions of law, and conditions of approval incorporating the additions as stated by Commissioner Erickson regarding paving or other surface to control dust and the elimination of Condition 4(f). Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Small Scale MPD

1. The project is for one single-family structure of approximately 1,976 square foot footprint which includes a garage and an approximately 587-square-foot Accessory Apartment.
2. The project will provide four parking spaces on site.
3. The project is in the HR-1 Zoning District and is subject to final design review from the Historic District Commission.

4. The project is subject to all conditions as recorded on the final subdivision plat for the Treasure Hill Subdivision plat. HDC final design review will ensure compliance with the recorded plat notes.
5. The project is located on a steep and difficult terrain requiring careful construction planning and mitigation.
6. Considerable excavation and dirt handling may be required with this project, and any off-site dirt storage creates the possibility of erosion and wind-borne fugitive dust. Any filling or excavation requires authorization from the property owner and the City and restoration security from the contractor or owner.
7. The Land Management Code and Park City Design Guidelines both address the importance of on-site project lighting and indicate that all landscape lighting and building lighting shall be of a cut-off type in order to be shielded from surrounding areas. As such, building and parking lighting specifications and fixture type and style will be reviewed and approved by the Community Development Department.
8. The applicants have stipulated to the Conditions of Approval.
9. The road accessing this project is not currently paved and is in close proximity to several residential homes. The road is also used by several other property owners.

Conclusions of Law - Small Scale MPD

- * 1. The proposal for Lot 2 is in compliance with the criteria as outlined in Section 6.6 King Road Single Family Lots, of the Sweeney Properties Master Plan Approval Summary, dated June 1, 1990, and the recorded Treasure Hill Subdivision plat and Chapters 10 and 13 of the Land Management Code.
2. The Small Scale MPD at 220 King Road is consistent with the General Plan and will not be contrary to public interest.
3. The building achieved through this Small Scale MPD will be compatible with surrounding structures in use, scale, mass and circulation.
4. Any differences in use or scale have been mitigated through design solutions, planning and conditions of approval.

Conditions of Approval - Small Scale MPD

1. Final design review of 220 King Road is subject to Historic District Commission review and approval.
2. All Standard Project Conditions of Approval shall apply.
3. Lighting plans must be reviewed and approved by the Community Development Department with respect to location, light type, and fixtures under the Historic District Design Guidelines and the Land Management Code.
4. The Developer shall provide a detailed Construction Management Plan (CMP) prior to the issuance of any building permits that address at a minimum:
 - a) A construction staging, storage, circulation and parking plan shall be submitted prior to issuance of any building permit.
 - b) If the project is phased, each phase of the project shall be designed in order to construct those portions of the on-site circulation system necessary to provide adequate automobile and emergency equipment circulation to the extent required by the Community Development Department.
 - c) The developer shall instruct the respective contractors that there is to be no wash-out of concrete trucks on on-site landscape areas. Further, the developer shall identify any off-site dirt storage site with the respective phase, obtain written permission by the owner, and post a financial surety, to the satisfaction of the City that will provide for the rehabilitation of the storage site.
 - d) Landscaping shall be addressed prior to any construction activity on site.
 - e) Any temporary parking signs, subject to the Public Works Director and City Engineer approval, shall be addressed in the CMP.
 - f) The site plans and elevations are subject to final review and approval by the Historic District Commission.
 - g) An existing conditions survey that identifies and determines the existing natural grade shall be conducted by the applicant and submitted prior to issuance of a footings and foundation permit. This existing conditions survey shall become part of the final site plans for this project and shall assist the Community Development Department in determining the grade for measurement of height of this project as defined in the Land Management Code. A surveyor's certificate of finished floor, tied to USGS elevations, will be submitted to the Building

Department prior to rough framing approval for the purposes of determining height.

- g) The Construction Management Plan shall be reviewed in accordance with these Conditions of Approval and all applicable City codes and approved by the Chief Building Official and City Engineer prior to any building permit issuance.
5. The portion of King Road used to access this project shall be paved or surfaced to control dust in a manner approved by the Community Development Department prior to the issuance of a footings and foundation permit in order to limit dust and disturbance on nearby residents. Further, the Community Development Department shall work to facilitate joint control of dust along this segment of the road with adjacent property owners.

Accessory Apartment - Conditional Use Permit

MOTION: Commissioner Calder moved to APPROVE the Conditional Use Permit for an Accessory Apartment, giving consideration to the findings of fact, conclusions of law, and conditions of approval. Commissioner Zimney seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Accessory Apartment

1. The intent and purpose of the Accessory Apartment Ordinance is to encourage and promote affordable housing opportunities while protecting the existing quality of life found in single-family zones throughout the community.
2. The owner is a Park City resident and will reside seasonally at 220 King Road in Park City.
3. Two parking spaces are provided on site for the two bedrooms in the Accessory unit.
4. The proposed apartment is approximately 600 square feet and has two bedrooms.
5. Notice was given to everyone within 300' of the property.
6. There are not more than three accessory units within 300' of this project.

7. The Land Management Code, Section 8.19, requires a deed restriction to be filed with Summit County, a one-year review, and prohibits nightly rentals.

Conclusions of Law - Accessory Apartment

1. The application for an approximately 600-square-foot Accessory Apartment at 220 King Road is in compliance with Accessory Apartment regulations as outlined in Chapter 8.19 of the Park City Land Management Code and the nine criteria that must be satisfied to grant a Conditional Use Permit for this use in the HR-1 District, and;
2. A Conditional Use Permit for an Accessory Apartment at 220 King Road is consistent with the General Plan and will not be contrary to public interest.
3. The Accessory Apartment will be compatible with surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through design solutions, planning, and conditions of approval.

Conditions of Approval - Accessory Apartment

1. Prior to issuance of the building permit for 220 King Road, the applicant shall execute and record a deed restriction in a form approved by the City Attorney.
2. No nightly rentals are allowed.
3. An annual administrative review of the project shall occur one year after this approval.

5. 615 Woodside Avenue - Old Miners' Lodge Subdivision

MOTION: Commissioner Erickson moved to CONTINUE this matter until March 26, 1997. Commissioner O'Hara seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:50 p.m.

Approved by Planning Commission _____

Planning Commission Meeting
Minutes of August 14, 1996
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Commissioner O'Hara reported on a phone call he received from Ann Wilson expressing concern about traffic issues. Ms. Wilson felt the City needs to address the current traffic problems before addressing the future of Flagstaff. She was mostly concerned with traffic problems in the area of Bonanza and Shortline and the lack of safety considerations.

Commissioner Karri Hays-Walzer reported on a phone call she received from Kevin King outlining the same issues contained in the letter the Commissioners received this evening.

V. PUBLIC HEARINGS/ACTION ITEMS

1. 220 King Road, CUP/Small Scale MPD/Plat Amendment

Planner Megan Ryan reviewed an aerial map depicting Lot 2 of the Treasure Hill Subdivision plat that was platted and recorded in approximately 1990. Four single family homes were platted under this subdivision which has prior agreements from the Sweeney master plan of various dates.

The Planning Commission is asked to look at compliance with the nine criteria recorded on the Sweeney/King Road/Treasure Hill subdivision plat. The nine criteria address footprint, building area limits, construction disturbance, height, facade height, massing, sewer, fire and concurrence with prior approvals.

Planner Ryan noted that a second request is for the inclusion of an accessory apartment which is a conditional use in the Historic Residential Zone. The ordinance allows a maximum of 800 square feet and requires one parking space per bedroom. The applicant proposes to include the accessory apartment within the footprint allowed under the plat. The maximum footprint recorded on the plat is no more than 3500 square feet including garages. The accessory apartment plus the single family residence is proposed at 2,028 square feet, of which 600 square feet would be added as the apartment and garage. Four parking spaces are proposed on site. Two spaces are required to be enclosed per the Sweeney/Treasure Hill subdivision plat and a garage is proposed on site.

Planner Ryan clarified that at this time final design is not being approved. A condition of approval states that the final design of this project requires Historic District Commission review. The plans presented are schematic elevations and in no way constitute final design approval.

Planner Ryan reported on a third request to shift the building pad. When the lots were recorded a specific building pad was set with a note indicating that construction disturbance should only be

allowed for a 20-foot parameter around the building area pad. The applicant is requesting to shift the pad approximately fifteen feet to the northwest.

In addition to the letter from Kevin King, Planner Ryan reported that she had received a letter from John Vrabel and a phone call from Steve Elrick expressing various concerns.

Commissioner Michael O'Hara asked for clarification on the dwelling square footage less the accessory apartment. Planner Ryan explained that the proposed footprint is approximately 2,028 square feet which translates into a house that is approximately 3,077 square feet including garage and accessory apartment. The condition for a maximum footprint rather than a house size was put on the plat. The architect, Bill Mammen clarified that 3,077 square feet does not include the garage. Planner Ryan added an additional 600 square feet for the garage making the square footage approximately 3500.

The owner, Bill Sfire, remarked that he and his family wish to build a home in Park City. After doing a lot of research they chose Bill Mammen as the architect based on his reputation and his credentials. Mr. Sfire lives in Michigan and has served on the Historic Preservation Committee in his community. He is trying to work within the bounds allowed on his lot. He and Mr. Mammen have tried to address all the issues and have tried to comply with everything the City wants for the lot. Instead of building one large massive house they chose to break it down by keeping the garage unattached and using other design factors that make the home look like several smaller homes from a distance. Mr. Sfire explained that the building pad shift is requested because the driveway enters the site at a very northerly section and makes a difficult access into the pad allowance at a grade greater than 12%. Mr. Sfire remarked that the lot is off the beaten path of Old Town and is over an acre in size. He looks forward to living in Park City and noted that he and his family did a lot of research in the Rockies before choosing Park City.

The architect, Bill Mammen, presented a drawing to the Planning Commission showing the fine line of the platted limits of disturbance. Mr. Mammen explained that leaving the plat where it currently exists will allow the Sfire's to build their home but the garage would be on the downhill side of the driveway and the driveway would cross a portion of the lot not included in the limits of disturbance. Shifting the pad puts the limits of disturbance within the area that has to be disturbed and opens up the opportunity to put the garage on the uphill side of the driveway. Shifting the pad puts the garage structure into the hillside and away from the town for less visibility and the height

would be sheltered from property owners down below looking up. It also puts the garage in a location that maximizes view potential for the owner from inside the house. Mr. Mammen feels the project meets the nine criteria of the MPD approval and he intends to meet the design criteria governed by the Historic District Guidelines. Mr. Mammen clarified that the requested shift would be to the west and not the north as reported by Planner Ryan. The purpose of the requested shift is for a functional access given the tight constraints of the driveway. There is no other intent or purpose.

Vice-Chair Erickson opened the public hearing.

Kevin King remarked that the matter involves a host of issues. He stated that the request for a small scale master plan is a moot point in light of the fact that the application is not complete. He was unable to find scalable drawings and other information that was not available. He noted that the small scale master plan development review process is identical to the conditional use permit process as per Chapter 1.4-A of the Land Management Code. He read portions of the chapter to make his point. Mr. Hill remarked that the architectural plans were drawn at a scale that left him unable to tell the exact footprint size of the building. In discussions with Planner Ryan he was informed that the drawings were not submitted for site design approval. Mr. King read a paragraph from the Staff report stating that "There is not a great deal of discretion, beyond design, that the Commissioners have in the review of this platted subdivision". Mr. King interpreted that to mean that design is the issue. Mr. King further read, "no conditional use permit shall be issued unless the Department finds that the application complies with all the requirements of the code." He read the requirements from Chapter 1-13-J and remarked that the Chapter presumes that the project does work within all the requirements. He was prepared to show that the project as proposed does not comply with all requirements. In his opinion, Mr. King felt the project was poorly designed. He appreciated wanting to achieve southern light and southern views and felt they would all be blocked if the structure is built as proposed. Mr. King had a problem with the inconsistencies that make it impossible for the Planning Commission to grant anything relative to the application. The site plan does not show the requested building pad shift and he believes the building will not fit even with a shift. Mr. King remarked that the building elevations falsely shows the relative grade with relation to the building shown on the contour plan and offered to prove it. With regards to the plat amendment, Mr. King noted that in architecture school if you have to change the building pad you failed because you failed to learn the lesson imparted on you. Mr. King was unsure why the Planning Commission would consider the matter because the application is incomplete, the project is poorly designed, and there is no logical basis for

requesting the shift. He did not feel the architect even tried to design the structure on the platted site. Mr. King stated that he could not believe that Alliance Engineering or the Sweeney's would sell a site that did not have several potential solutions for the building pad as platted. Mr. King remarked that building the garage on the downhill side was possible and suggested putting the accessory apartment underneath it to create less of an impact on the entire hillside. Mr. King requested denial of the accessory apartment based on the fact that five units already exist on Upper Norfolk within 300 feet of the proposed project. He feels that one year is not enough for a single annual approval of an accessory apartment. The intent is not to have nightly rentals but there is nothing that legally prohibits an owner from renting on a nightly basis after one year of good service. Mr. King could find no mention of where the off street parking space would be located. If they are located where he presumes they will be the cars will not be able to pull out of the garage. Mr. King requested shelving the accessory apartment portion of the application until the legal department can clear up the issues. Mr. King remarked that the Staff maintains that the plans are only conceptual but he spoke with the owner who said this is exactly what he intends to build. Mr. King summarized his requests to deny the accessory apartment, deny the shift in the lot, request that the architect re-design to the existing lot footprint, and require full design plans for the Historic District Commission before returning to the Planning Commission for master plan approval.

Assistant City Attorney, Mark Harrington responded to Mr. King and recommended modifying the condition of approval to require an annual review of the accessory apartment to be one year from certificate of occupancy of the structure. The code specifically says within one year and the City does not have the discretion to go beyond that recommendation. He has spoken with Mr. King about the possibility of proposing amendments to the code which may make sense in the long term for accessory apartment approvals. The City has only dealt with two accessory apartment requests and Mr. Harrington noted that it is an ongoing learning experience. Mr. Harrington referred to the five other units Mr. Kings alleges are within 300 feet and stated that the Planning Commission has the option to table the matter until Mr. King provides addresses to be verified by the City. He believes Mr. King may be confused about the number and noted that there must be three accessory apartments within 300-feet in order to violate the code. Mr. Harrington remarked on the affordability issue and noted that affordability is a policy statement but it was never intended to incorporate affordable regulations.

Pat Sweeney, Lot owner north of Lot 2 represented himself and his brother Mike who owns the lot South of Lot 2. Mr. Sweeney also

spoke from the perspective of being the person who worked with Mark Harrington and the Planning Staff to compile the rules. He noted the number of controls associated with the property. As members of the four lot subdivision, Mr. Sweeney and his brother have the right to veto Mr. Sfire's effort to move the building area limits. Mr. Sweeney remarked that he intends to move up there and cares a lot about the neighbors. He does feel they did a perfect job of designing the lot and after reviewing what Mr. Sfire wants to do and assuring himself that it conforms with the rules, Mr. Sweeney and his brother support the amendment on the building area limits. Mr. Sweeney noted that moving the house up the hill preserves more vegetation and he believes that the building design tends to bury the buildings into the hillside providing a visual benefit. Mr. Sweeney has reviewed the plans and feels that Mr. Mammen has made an honest effort to be accurate. In summary, Mr. Sweeney and his brother Mike support Mr. Sfire in his application and feel that he has faithfully adhered to all the rules of the master plan with the exception of this request to move the limits. Regarding the accessory apartment, Mr. Sweeney pointed out that according to the CC&R's his brother has the right to object and Mike Sweeney wanted everyone to know that he has no objection.

Mary Ana Cirino, a resident on Upper Norfolk, urged the Planning Commission to look at the plans and exhibits prepared by Kevin King. She asked that they not be discounted because they raise issues of grave concern. Ms. Cirino lives on that side of the hill and is worried about land slides and retaining walls that may be found during excavation. Ms. Cirino questioned the survey done by Alliance Engineering because they incorrectly surveyed the lot next door to her requiring it to be resurveyed. She wondered how the parking would be laid out and asked if it was tandem or four across. Ms. Cirino hopes that the Planning Commission looks at the application carefully with an enormous amount of thought. She wants something that fits in rather than something that is repulsive to look at and chews up the land. Ms. Cirino noted that the Staff report quotes the applicant as not wanting to complete designs if he is not permitted the accessory apartment and building pad shift. This leads her to believe that the designs are not complete and if they are not complete she wants to know what everyone is looking at. If she is looking at one thing and six months later it changes to something else she will be angry for being grossly misled. Ms. Cirino requested an explanation by either the architect or the owner as soon as possible.

Mark Huber, a resident in the area, understood the concerns over parking and traffic on Norfolk but was unsure if the house would even be seen when walking down Norfolk. Mr. Huber was positive that no one will be parking on Norfolk and walking through yards to get to King Road. It is already a gated road and if a parking

problem occurs the resort will probably be more concerned than the community. Mr. Huber remarked that the public is used to small lots and small houses and they are thinking on the wrong scale. The lot is over a full acre with a setback in excess of 30 feet. Mr. Huber felt the community was unclear on how far away the house will be in relation to the size of the lot. He pointed out that Mr. Sfire plans to build the same size house on an acre lot that is commonly built on two Old Town lots. Mr. Huber commented on the number of good people like Mr. Sfire who continue to buy property in Park City only to meet opposition from people who do not want anymore people to build in their community. If that is the feeling of the majority, perhaps Park City should post a sign asking people to buy elsewhere because they are not wanted in Park City. Mr. Huber felt the Planning Commission should allow Mr. Sfire to build his home within the constraints of good design and in compliance with the rules and regulations that apply.

John Vrabel, a resident on 143 Norfolk Avenue did not object to Mr. Sfire building a nice house as long as it is done by keeping to the rules. If an accessory apartment does not qualify because of the other apartments in the neighborhood, Mr. Vrabel requested that the matter be given serious consideration before making a decision. Mr. Vrabel did not feel it was necessary for Mr. Sfire to increase the size of his lot and making the structure larger was not in keeping with the scale and framework of the neighborhood.

Mel Uhl, a resident on Sampson Avenue, felt the house size was acceptable but he was concerned about traffic access if the City sets a precedent with this particular structure. Other lots still to be built will be accessed from King Road or Sampson Avenue and will be eligible for the same thing.

Kevin King submitted the same plat presented by Mr. Mammen drawn to a 1/20 scale. The triplex directly below the property has three units and not shown across the street is Mr. Holbrook's property that houses an additional two units. These units have been in existence since the late 1970's. Mr. King submitted the north and south elevations and remarked that the contours have been falsely represented. He used a site plan to demonstrate his reasons for thinking they are false and inaccurate. Mr. King pointed out that the site plan shows the original line of the limits of disturbance from the platted building pad area. The 15 foot shift is indicated higher but it is not shown on the bottom. Mr. King argued that the structure will not fit within the footprint as designed. Mr. King pointed out other reasons why he felt the design was not a workable site solution.

Bob Sfire clarified that in his earlier discussion with Mr. King he never said the plans were exactly complete because they are not.

He thought the City would prefer a home using a 2,000 square foot footprint broken up into two different segments rather than one large 3500 square foot footprint which he would be allowed to do under the current rules of his property. His intent is to have an attractive home that adds to Park City and looks better in Old Town. Mr. Sfire noted that he spoke with six different architects in Park City before choosing Bill Mammen. Mr. Mammen's integrity and background were partly why he was chosen. Mr. Sfire asked Mr. King if he is an architect and Mr. King replied that he is an architectural intern one exam away from being fully registered. Mr. Sfire asked the Planning Commission to consider the whole picture.

Bill Mammen remarked that his blood pressure rises when he hears words like falsely represented. He stated that the topo is accurate and noted that there are some variations from the plans to where the house is drawn. He presented the plans to the Planning Commission showing the proposed revision in comparison to where the house will sit without the requested shift. Mr. Mammen pointed out that the applicant is not asking for anymore building area. They don't need it nor want it. They merely want to shift the building pad to allow building on the lesser slope. He clarified that the Staff report contains the original site plan that was submitted prior to requesting the actual plat change. Mr. Mammen remarked that holding up a legal application for an accessory apartment because someone claims five illegal accessory apartments exist in the neighborhood is the same as giving a ticket to someone on a the highway going 55 miles in a 55 mile zone because they are holding up traffic. Mr. Sfire is following the rules and hopes the Planning Commission will do the same.

Vice-Chair Erickson closed the public hearing.

Planner Ryan reported that the Staff chose to approach the project by looking at the actual compliance with the MPD and to hear feedback on the accessory apartment and plat shift from the Planning Commission. At the same time, they intend to start with the Historic District Commission design review process. Planner Ryan clarified that the application is complete because Section K of the same section Mr. King referred to remands all conditional use permits within the Historic District to the Historic District Commission for final design review and approval. For further clarification, Planner Ryan noted that a certified topo is part of the final condition for the project in addition to the Historic Design review. The planning Commission has alternatives and the alternative proposed by the Staff is not the one they need to choose. As indicated in the Staff report, the Planning Commission has the option to remand the project back to the Historic District Commission for further design review, or give an indication on the

accessory apartment and plat that is needed prior to going into the HDC design process.

Planner Ryan referred to accessory apartments and a provision that requires them to be recorded with the County and states that they are not transferrable to another owner. Specific language in Section 8 also indicates that no nightly rentals are allowed. She agreed that monitoring is an issue but nightly rentals are prohibited and the City has the right to enforce it. If the Planning Commission requests, Planner Ryan offered to search out the illegal apartments in the area and make them comply with the ordinance.

Commissioner Calder wanted to know what will happen to existing illegal apartments. Planner Ryan explained that the owners will have to submit an application and the apartment will go through the accessory apartment process and requirements. If it cannot conform with the regulations under the code the apartment will be deemed illegal and the use would be prohibited. Planner Ryan clarified that the code allows for no more than three accessory apartments within 300 feet.

Commissioner O'Hara referred to Condition of Approval 4.f. addressing Air Quality and Water Quality Standards and clarified that those standards only apply to five acre areas or larger. He suggested that they be deleted from the conditions of approval for small areas.

Commissioner O'Hara remarked that he generally favors building the home but he had concerns with the Land Management Code provisions, specifically the size of the apartment. He stressed the importance of making sure the accessory apartment is no greater than one-fourth of the total square footage and he asked for verification. Commissioner O'Hara requested a review of the tandem parking issue and compliance with accessory apartments within 300 feet.

MOTION: Commissioner O'Hara moved to table the matter until the requested information can be provided. Commissioner Hays-Walzer seconded the motion.

Vice-Chair Erickson asked for clarification on the length of the driveway. If the Planning Commission elected to take action, Vice-Chair Erickson requested that the conditions of approval state the final size of the buildings and the final limits of disturbance. He felt they should be provided with a set of drawings that represents the location of the building as proposed. It was unclear from the drawings in the Staff report where the limits of disturbance was moving. He requested that the architect provide accurate drawings showing the revised limits of disturbance.

Mr. Mammen stated that it is impossible to finalize the design without knowing if the Planning Commission will grant them the criteria they can live with. It was established with the Staff and now the Planning Commission is going totally against the Staff recommendation.

Vice-Chair Erickson requested action on the motion to continue and he requested that the conditions of approval find some means of tying the approval to what was applied for.

VOTE: The motion passed unanimously.

2. 13 Hidden Splendor - CUP for Garage

Planner Kirsten Whetstone reviewed the request for a conditional use permit to construct a garage at the rear of an existing single family house located at 13 Hidden Splendor Court at the Park City Golf Course. A conditional use permit is required due to a 1977 agreement that gave parts of remnant land from the golf course to these lots. The agreement states that the only uses allowed are for private recreation uses. Garages and other similar uses require a conditional use permit. The Staff reviewed the request under Section 1.13-J, the Standards for Review for Conditional Use Permits that include compatibility in use, mass, scale, circulation, and mitigation of use. The Staff found that the conditional use request met those criteria and recommended approval with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report.

Vice-Chair Erickson opened the public hearing.

There was no input.

Vice-Chair Erickson closed the public hearing.

MOTION: Commissioner Hays-Walzer moved to APPROVE the conditional use permit for the garage at 13 Hidden Splendor with the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report. Commissioner Calder seconded the motion.

VOTE: The motion passed unanimously.

Conditions of Approval - 13 Hidden Splendor

1. All Standard Project Conditions shall apply.
2. The front of the property, from the front porch to the front property line, shall be designated by this Conditional Use Permit as a permanent no build area (See Site Plan, Exhibit



June 21, 2000

Department of Community Development
Engineering • Building Inspection • Planning

William Mammen, AIA
Mammen Associates Architecture
P O Box 1720
Park City UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Project Name</u>	220 King Road CUP for a Guest House
<u>Project Description</u>	Conditional Use Permit for a 2,700 sf detached guest house on Lot 2 of the Treasure Hill Subdivision Plat (a portion of the Sweeney Master Planned Development)
<u>Date of Meeting</u>	April 26, 2000
<u>Action Taken By Planning Commission</u>	Approved according to the findings of fact and conclusions of law in the staff report. The conditions of approval are listed below.

Conditions of Approval

1. All standard project conditions shall apply.
2. The existing accessory apartment in the main residence shall be removed prior to issuance of a certificate of occupancy for the guest house.
3. A notice of this Conditional Use Permit and a deed restriction prohibiting rental of the guest house separate from the main house shall be recorded at the County prior to issuance of a certificate of occupancy for the guest house.
4. A lighting, grading, and landscaping plan, compatible with the existing landscaping, shall be submitted to and approved by the Planning Department prior to issuance of any building permit.
5. Architectural elevations for the guest house shall be approved by the Planning Department, for compliance with the Historic District Design Guidelines and steep slope review criteria, prior to issuance of a building permit.
6. A Construction Mitigation Plan (CMP) submitted to and approved by the Community Development Department is required prior to issuance of a building permit.
7. Approval of this Conditional Use Permit is valid for one year from the date of Planning Commission approval, (unless a building permit for the guest house is issued prior to the expiration date).

William Mammen

Page two

June 21, 2000

8. A financial guarantee, for the value of all public improvements and landscaping to be completed, shall be provided to the City prior to building permit issuance. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
9. No further subdivision of this lot is permitted.

Please call me if you have questions. My phone number is 615-5066.

Sincerely,



Kirsten A. Whetstone, AICP
Senior City Planner



Ordinance No. 97-19

**AN ORDINANCE APPROVING AN AMENDMENT TO LOT 2 OF THE
TREASURE HILL SUBDIVISION PLAT KNOWN AS 220 KING ROAD,
PARK CITY, UTAH**

WHEREAS, the owners of the property known as 220 King Road petitioned the City Council for approval of a amendment to the final plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed amendment on March 12, 1997 ; and

WHEREAS, it is in the best interest of Park City to approve the amendment, and

WHEREAS, there is good cause for the revision as the reconfiguration does not affect the development parameters for site; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. The amendment to the Treasure Hill Subdivision plat, Lot 2 is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

Findings:

1. The proposed amendment will shift the building pad by approximately 5' to the west.
2. The proposed amendment will not significantly increase the visual location of the single family structure.
3. The proposed amendment will not significantly increase the impact to existing vegetation.

Conclusions of Law:

1. There is good cause for the amendment because no increase in visual impacts will occur through the building pad shift.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval:

1. The City Attorney and City Engineer's approval of the plat amendment for compliance with State law, the Land Management Code and these conditions of approval is a condition precedent to plat recordation.
2. The amended plat must be recorded prior to building permit issuance and must be recorded within one year of this approval or this approval is considered null and void.
3. The plat shall note that all conditions of approval, notes and restrictions of the Treasure Hill Subdivision are in full force and effect.

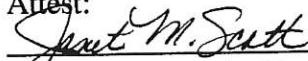
SECTION 2. This ordinance shall take effect upon publication.

PASSED AND ADOPTED this the 17 day of April, 1997.

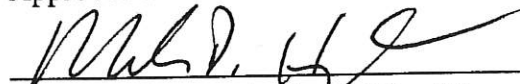
PARK CITY MUNICIPAL CORPORATION


Bradley A. Olch, Mayor

Attest:


Janet M. Scott, City Recorder

Approved as to form:

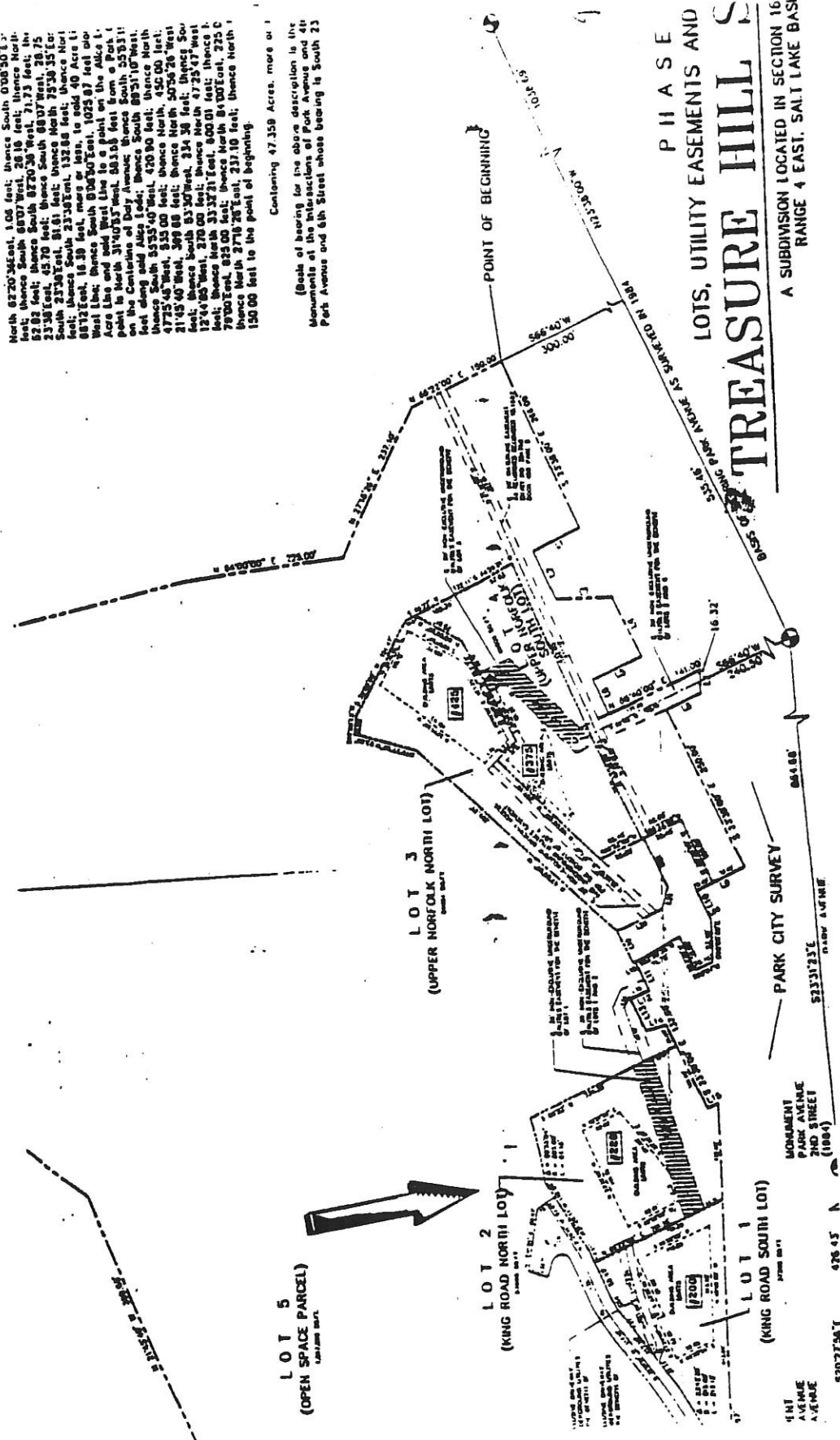

Mark Harrington, Assistant City Attorney



[illegible]

Containing 47.359 Acres. more or 1

(Scale of bearing for the above description is the Monuments of the Intersections of Park Avenue and 4th Park Avenue and 6th Street whose bearing is South 23





Park City Municipal Corporation
Planning Department

November 30, 2022

Jason Boal
jboal@swlaw.com
220 King Road
Park City, UT 84060

Re: An interpolated grade analysis request for a future construction project at 220 King Road, Park City, UT

Dear Jason Boal,

After reviewing the proposed interpolated grade on the attached Assumed Existing Grade Plan dated November 17, 2022, it is the Planning Director's determination that this interpolated grade appears to be appropriate for this site in conjunction with reviewing the surrounding topography. Any future construction activity shall be based off of the topography shown on the attached site plans and section.

Authority to make this determination is given under the Park City Municipal Code Land Management Code 15-15 Defined Terms Grade, Natural is defined as:

15-15 Defined Terms *The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance or Grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of the adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water.*

Please include this Letter of Analysis and Determination of Assumed Existing Grade Plan with any future construction plans/drawings for the site and keep it in your records for this property.

Should you have any questions, please do not hesitate to contact us.

Thank you,

A handwritten signature in blue ink, appearing to read "Gretchen Milliken", written over a horizontal line.

Gretchen Milliken
Planning Director
435-615-5008
Gretchen.milliken@parkcity.org

CC: Alex Ananth, Senior Planner

Snell & Wilmer

15 WEST SOUTH TEMPLE
SUITE 1200
GATEWAY TOWER WEST
SALT LAKE CITY, UT 84101
801.257.1900 P
801.257.1800 F

Jason Boal, AICP & CFM
(801) 257-1917
jboal@swlaw.com

July 8, 2022

Gretchen Milliken
Planning Director
Park City Municipal Corporation
445 Marsac Avenue
Park City, UT 84060

Re: 220 King Rd. Plat Amendment and Conditional Use Permit

Dear Ms. Milliken,

We are excited to work with Park City and your department for the proposed development at 220 King Rd (parcel #'s THILL-2-A-AM and THILL-2-B-AM). We have spent considerable time reviewing Park City's Land Management Code, the approved Sweeney Properties Master Plan, the amendments to the Sweeney Properties Master Plan and approved Treasure Hill Subdivision plats. Enclosed are applications for (1) a Plat Amendment of the Treasure Hill Subdivision, Phase 1 and (2) a Conditional Use Permit for a dwelling located off King Rd. as required by the 1987 approval of the amendment to the Sweeney Properties Master Plan.

The ultimate goal is to construct a new dwelling that will replace the two existing dwellings at 220 King Rd. In order to accomplish this, the enclosed applications are being submitted as the first step.

The plat amendment application will (i) combine the two tax parcels back into one parcel as was originally approved, (ii) update the plat notes (#1, #5 and #6) to align with the original approvals of the Sweeney Properties Master Plan (and other phases in the Sweeney Properties Master Plan) and/or applicable City regulations, and (iii) adjust the building area limits as shown on the proposed plat amendment.

A Conditional Use Permit is being submitted, as it is required by the conditions of the Amended Sweeney Properties Master Plan approval granted on October 20, 1987.

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We have included a summary of how we are in compliance with the Sweeney Properties Master Plan (as amended) and Park City's Land Management Code, which is outlined below. Finally, attached is the required additional information for the applications.

Sweeney Properties Master Plan (Sweeney MPD)

As we reviewed the original Sweeney Property Master Plan (12/18/1985) and the Revised Conditions of Approval to Sweeney MPD (10/20/1987), we noted that the restriction of a footprint limited to 3,500 was not associated with the two parcels located on King Rd. Although this restriction is on the Treasure Hill Subdivision Plat, it was not a condition that was required by the Amended Sweeney MPD when the lots were created. The 3,500 restriction applies to other lots not the lots in this application. Below is an explanation as to why.

In 1985, when the original Sweeney MPD was approved, there were three (3), half (1/2) acre single family lots identified in the plan as "Miscellaneous Properties" and on the associated the Sweeney Property Master Plan- Site Plan. Those three lots had conditions placed on them that restricted the use (single family dwelling), the building footprint (3,500 square foot), and building height (25 feet):

Miscellaneous Properties

In addition to the development areas described above, the proposed Master Plan identifies three distinct single-family lots; one of which is located above Woodside Avenue adjacent to and north of platted 5th Street, a second to be accessed from Upper Norfolk, and a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3500 square foot footprints and maximum building heights of 25 feet.

The Density Exhibit of the Sweeney MPD identified them as ½ acre lots, along with the height and open space restrictions:

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SWEENEY PROPERTIES MASTER PLAN DENSITY EXHIBIT

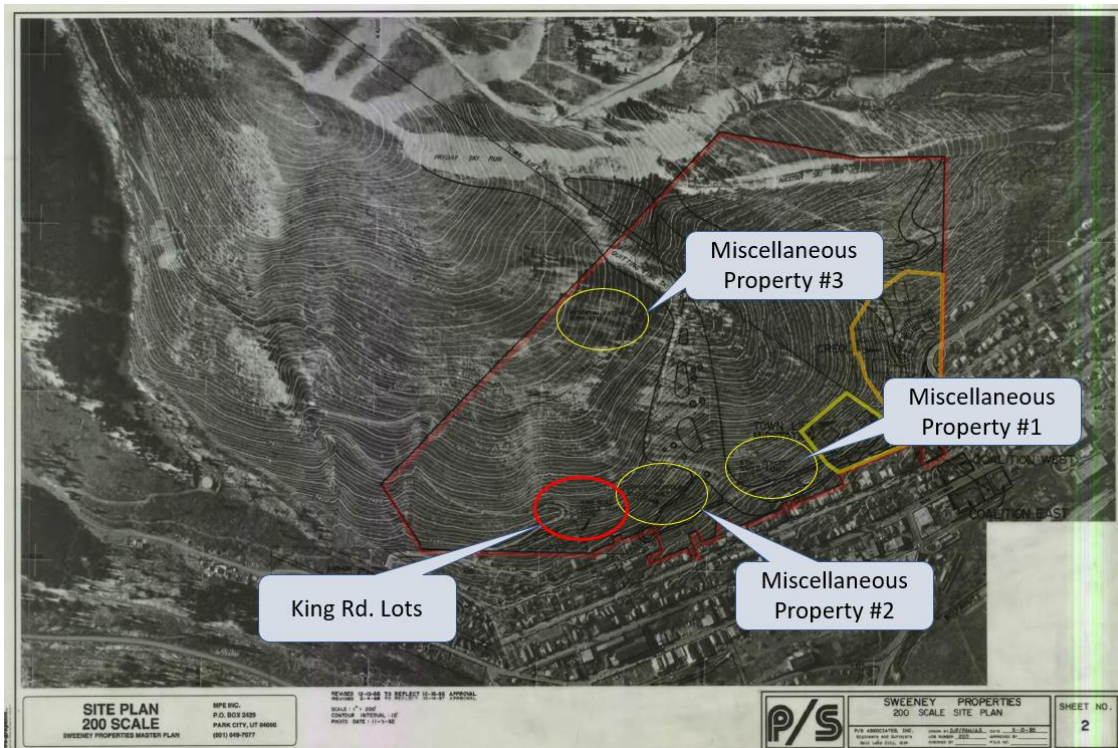
Parcel	Acreage	Residential Unit Equivalents	Commercial Unit Equivalents	Maximum Building Height	Minimum Open Space (%)
Coalition Properties					
East	0.986	40	Maximum Commercial space not to exceed PAR of 1:1	55'	39.8 ¹
West	0.543	13	---	35'	54.9
Hillside Properties					
Creole Quich	7.75	161.5	15.5	98' * 75	70
Town Lift Mid-Station	3.75	35.5	3.5	55' * 45	70
Three 1/4-acre Single Family Lots	1.5	3	---	25'	83.9
Develop HR-1 Properties					
Carr-Sheen	0.288	3	---	28'	60
HPE	0.161	<u>2</u> 258 U.E.	<u>19 U.E.</u>		

¹ Does not include Town Lift base facility

² Maximum roof height, excludes elevator shaft

* Subject to revised conditions as stated in the Motion by City Council 6/16/22

Sweeney Property Master Plan- Site Plan, they were located as follows:



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AMENDED (1987) - Sweeney Properties Master Plan (Sweeney MPD)

In 1987, the Sweeney MPD was amended. With that amendment twelve (12) U.E.'s were shifted among the areas previously approved, as well as a new area of development. The new area that was identified and subsequently approved was located along King Rd. The lot in question, 220 King Rd. is located in that new area. The modification of the U.E.'s can be found in Condition #1.

1. The Sweeney MPD approval documents shall be revised to reflect the relocation of 12 units as follows:
 - a. Relocating 5 unit equivalents from the lower Town Lift Midstation to the upper Town Lift Midstation. The original height parameters will not be modified, but the footprint of the Town Lift Midstation site will be modified slightly.
 - b. Relocating 2 unit equivalents from the Sheen parcel and 2 from the MPE parcel. Two of these units would be relocated off the King Road, one off of Upper Norfolk, and one off of 5th Street.
 - c. Relocating 3 unit equivalents from the Buck parcel to Coalition West. The current proposal for Coalition West is based on all residential units. If some commercial unit equivalents were used, consistent with the HRC Zone, the 3 additional units could be absorbed within the existing proposed envelope.

Below is a modified table to show what the moving of those U.E.'s would look like, as we were not able to locate a updated table associated with the 10/20/1987 approval.

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SWEENEY PROPERTIES MASTER PLAN DENSITY EXHIBIT

1987 revised U.E.

Parcel	Acreage	Residential Unit Equivalents	Commercial Unit Equivalents	Maximum Building Height	Minimum Open Space (%)
Coalition Properties					
East	0.986	40	Maximum Commercial space not to exceed FAR of 1:1	55'	39.8 ¹
West	0.543	13	---	35'	54.9
Hillside Properties					
Creole Quich	7.75	161.5	15.5	95' * 75	70
Town Lift Mid-Station Lower	3.75	35.5	3.5	55' * 45	70
Upper Three 1/2-acre Single Family Lots	1.5	3	---	25'	83.9
1- Woodside/5 th St.		1			
2- Upper Norfolk		1			
3- Top of Treasure Mtn.		1			
Develop RR-1 Properties					
Carr-Sheen	0.288	3	---	28'	60
HPE	0.161	2	---		
King Rd.		258 U.E.	19 U.E.		

¹ Does not include Town Lift base facility
² Maximum roof height, excludes elevator shaft

* Subject to revised conditions as stated in the Motion by City Council 11/16/82

In addition to modifying the location of the U.E.'s, there were also specific conditions placed on those newly created development areas off Upper Norfolk and King Rd. Those conditions can be found in Condition #3-

- That the City Engineer approve a preliminary design for the dwellings proposed off of upper Norfolk and King Road, and that the plans fully disclose the potential difficulty and expense in providing vehicular access and utility service to the parcels. The roadways off of upper Norfolk and King road shall be private driveways and will not be maintained or plowed by the City.

The Planning Commission and Staff shall review these proposals as conditional uses. This shall include review of the design of the structures to insure that they are designed to minimize visual impact. The design shall be consistent with the Historic District Guidelines.

In 1987, when the amendment was approved, there was not a requirement that requires the lots in the newly identified area of development to comply with the restriction of: a 1/2 acre in size, twenty-five feet (25') in height, or a 3,500 sq ft building footprint. It is understandable that

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requirements in the original Sweeney Property Master Plan required a 3,500 square foot building footprint on a ½ acre lot. However, the two new lots that were created off King Rd ended up being: .86 acres (Lot 1) and 1.23 acres (Lot 2). They were treated differently.

We recognize that Condition #2 states – “That all conditions of the original Sweeney MPD remain in effect”, however, it is important to note that:

1. The 3,500 square foot building footprint was only applicable to the three (3) “Miscellaneous Properties” in the Original Sweeney Property Master Plan. It was not applicable to all development areas or all U.E.’s; and
2. The area along King Road was not even identified as an area for U.E.’s in the original Sweeney MPD approval; and
3. New restrictions were identified for the new areas where the U.E.’s were being transferred/placed.

Based on this information, we do not believe that the Sweeney Property Master Plan would need to be amended in order to amend the Treasure Hill Sub plat to adjust the size restrictions found on the plat. I have attached the documents associated with the original Sweeney Property Master Plan, the Sweeney Property Master Plan Site Plan and revised condition from the 1987 approval as well. Instead, the needed restrictions for the King Rd. properties can be handled through a plat, as described below:

Treasure Hill Subdivision Plat

We agree that the plat notes on the Treasure Hill Subdivision Plat would need to be amended to move forward with development as proposed. We are proposing to utilize the plat note for building footprints found on the Treasure Hill Phase 3 Plat, a development in the same Sweeney Property Master Plan. It states-

“FOOTPRINT. The residential footprint of the dwelling ("Main House"), to be located on Lot 2, Phase I, Treasure Hill Subdivision (the "Lot"), calculated from the outside face of walls, shall be a maximum of three thousand five hundred (3,500) square feet footprint including garages. The following shall not count toward the footprint calculations:

- (a) Deck which is open on at least two sides, but which may have railings as required, covered or uncovered, and that does not have above-existing natural-grade garage or living space located below or above it;
- (b) Exterior walkways;
- (c) Exterior stairs;
- (d) Driveway; and

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- (e) That Portion of any garage, carport, mechanical space, or living space that is located below existing natural grade and which has landscaping or deck (as provided in 1(a)) located above it.
- (f) The footprint for up to fifteen hundred (1,500) square feet for an additional attached or detached residence, further provided such residential space is used only for a caretaker's house or guest house, (not to be sold or leased separate from the Main House) and provided that the height of such additional structure from existing natural grade shall not exceed twenty (20) feet, measured from existing natural grade, including all elements other than chimneys, mechanical exhausts, and sanitary sewer vents.

This proposed plat note has been used on other Sweeney Properties Master Plan properties (Treasure Hill Subdivision Plat, Phase 3) and previously approved by Park City Planning Commission (2005). Additionally, the request to remove notes related to the façade height (#5) and the massing (#6) are being made. There are applicable codes in the HR-1 that address the façade height, and the massing note conflicts with the existing and proposed footprint note (#1). Finally, we are requesting the Building Area Limits as shown on the plat be slightly modified to permit an accessory building on the uphill portion of the lot. This structure will be behind the main residence when viewed from the downtown area.

Conditional Use Permits

As the project is currently designed, there is a Conditional Use Permit required, in conjunction with the plat amendment. The approval of the Amended Sweeney MPD (1987) required that development along King Rd. be reviewed and approved as conditional uses. This Conditional Use review would need to go before the Planning Commission, based on the Amended Sweeney Property Master Plan conditions of approval.

As required by Park City Land Management Code 15-1-10, and the Conditional Use Permit Application, we have addressed the required questions and standards for review.

Conditional Use Permit Application Questions:

- **How will the proposed use “fit-in” with surrounding uses?**

The proposed use is a Single-Family Dwelling that will replace what have been two Dwellings on the property, one of which has been historically used as a nightly rental. The new home has been designed and will be built to meet the intent and standards of the Sweeney Properties Master Plan, as well as the historic design criteria for Park City, and inspired primarily by the Silver King Mine and Mill while also referencing the Thaynes Mine and California Comstock Mine.

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- **What type of service will it provide to Park City?**

The Site has been platted and used as a residential lot. This use will continue, as will the ski/trail easements that are provided to neighboring properties.

- **Is the proposed use consistent with the current zoning district and with the General Plan?**

Yes, the proposed use is consistent with the current zoning district, General Plan, as well as the Sweeney Properties Master Plan and previous approvals on the Site.

- **Is the proposed use similar or compatible with other uses in the same area?**

Yes, the proposed use is a Single-Family Dwelling which is similar and compatible with the surrounding uses.

- **Is the proposed use suitable for the proposed site?**

Yes, the existing site with two Single-Family Dwellings will be utilized as the site for one Single-Family Dwelling.

- **Will the proposed use emit noise, glare dust, pollutants, and odor?**

No, the proposed use is a Single-Family Dwelling.

- **What will be the hour of operation and how many people will be employed?**

There will be no employees or hours of operation.

- **Are other special issues that need to be mitigated?**

There are no issues that will need additional mitigation. The site currently has two Single-Family Dwellings and those will be replaced by one. The existing dwelling and site do not have any historical significance. The proposed home will incorporate industrial design elements and is clearly inspired by the historic structures in Park City.

Summary of Required Findings for a Conditional Use Permit:

A Conditional Use is defined in Land Management Code (LMC) 15-15-1 as a land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts. The Land Management Code requires the Planning Commission to review certain criteria when considering whether or not a proposed Conditional Use mitigates impacts. LMC 15-1-10(E). Below is a review and summary of the required findings relating to the proposed application that has been submitted.

1. Size and location of the Site.

No unmitigated impacts

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Existing on the site today are two Single-Family Dwellings, although one was permitted as a guesthouse. What is being proposed is one Single-Family Dwelling on a 1.24-acre Lot (Lot 2 of the treasure Hill Subdivision, Phase 1). It has already been determined that this location is appropriate for this use, as there were homes previously constructed on the site. It should be noted that the Lot on which the development is proposed, is much larger than the other lots/parcels in the vicinity. Due to the size of the lot, the structure will be more than adequately setback and buffered from the surrounding properties. The nearest adjacent residence is approximately 120 feet away, on Norfolk Avenue. The Site is accessed from a private driveway which is off King Road. King Road is a private road beginning approximately 150 yards down from the private driveway.

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

No unmitigated impacts

The existing Dwellings and Site have access off of King Road. The new home will utilize the same access point, 220 King Road. There will be no additional traffic or traffic impacts from what is being proposed. Given one home has historically been used as a nightly rental, it is anticipated traffic will decrease.

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

No unmitigated impacts

All utilities to the Site were installed during construction of the existing Dwellings. It is anticipated that utility usage will be decreased with- i) the construction of a newer home, ii) the removal of a dwelling on the property, and iii) the removal of the use of the property as a short-term rental.

4. Emergency vehicle Access.

No unmitigated impacts

King Road will continue to be used for emergency vehicle access, as it has been in the past.

5. Location and amount of off-Street parking.

No unmitigated impacts

At least two (2) parking spaces are required for the proposed Single-Family Dwelling (i.e. Single Family Dwelling - up to the first six [6] bedrooms). The plans that have been submitted show compliances with these parking requirements. See Exhibit A – Site Plan .

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6. Internal vehicular and pedestrian circulation system.

No unmitigated impacts

Vehicle Circulation: Vehicles accessing the site will utilize the exiting access point on King Road. The Site is designed to allow vehicles to turn around and park via the private driveway, as it has been done in the past.

Pedestrian Circulation: King Road does not have sidewalks and is not ideal road for pedestrians. There is a ten foot (10') public non-motorized bike and pedestrian trail and a ski and pedestrian easement exist on this Property for the benefit of a neighboring lot, per the Amended Treasure Hill Subdivision, Phase 1 Plat. See Exhibit B- Amended Plat. That trail will continue to be on the property; no change to the easements are proposed with this Application.

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

No unmitigated impacts

No additional Fencing is being proposed on the Site at this time. The landscaping and revegetation is proposed to be native grasses to blend in with existing vegetation, foliage and trees. The existing vegetation on and around the perimeter of the lot will be maintained and managed with Firewise principles. The perimeter vegetation provides and will continue to provide a visual barrier of the Site and/or structure and assists in mitigating the visual impact.

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

No unmitigated impacts

The proposal is for a new Dwelling, with a large portion of the first floor and parking area below to be Existing Grade. Per the proposed Plat note (Note 1), the restriction on the Single-Family Dwelling size is measured by the Building Footprint. The language for this restriction comes from the Phase III Plat of the Treasure Hill Subdivision. Per that note, the Single-Family Dwelling will have a maximum Footprint of 3,500 square feet. It states:

FOOTPRINT. The residential footprint of the dwelling ("Main House"), to be located on Lot 2, Phase I, Treasure Hill Subdivision (the "Lot"), shall be calculated from the outside face of walls, and a maximum of three thousand five hundred (3,500) square feet footprint including garages. The following shall not count toward the Footprint calculations:

a) Deck which is open on at least two sides, but which may have railings as required, covered or uncovered, and that does not have above-existing natural grade or living space located below or above it;

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- b) Exterior walkways;
- c) Exterior stairs;
- d) Driveway; and
- e) That portion of any Garage, carport, mechanical space, or living space that is located below existing Natural Grade and which has landscaping or deck (as provided in 1(a)) located above it.
- f) The Footprint for up to fifteen hundred (1,500) square feet for an additional attached or detached residence, further provided such residential space is used for only a caretaker's house or guest house, (not to be sold or leased separate from the Main House).

The applicable Building Footprint for the Single-Family Dwelling is 3,490 square feet, which is permitted per the proposed Plat Note 1. See Exhibit D - Footprint Area Analysis.

The Single-Family Dwelling will be located behind the existing perimeter vegetation, similar to the existing structures. See Exhibit E – Site Images for images of the existing structure and the shielding that its location on the hillside and existing vegetation provide.

Cross-canyon View of Site Exhibit F – View Analysis shows the existing structures and the proposed Single-Family Dwelling.

Proposed Structure

In order to reduce the visual impact from what is existing on the site, the proposed Single-Family Dwelling will be broken up into multiple masses. This allows for variation in roof heights and wall faces. The largest massing element having a footprint of 2150 square feet. The no-ornament roof slope that matches the hillside grade and the minimal material palette will aid in reducing the visual impact of the new Dwelling. The design of the structure takes inspiration from historic mine structure found at the Silver King Mine, incorporating industrial style windows with a vertically expressed muntin grid. By setting the building into the hillside and mirroring the existing slope, the Single-Family Dwelling will blend into the hillside, as opposed to the existing structures which tend to stick out from the hillside.

9. Usable Open Space.

No unmitigated impacts

The proposed Single-Family Dwelling does not substantially change the Site's Open Space. The proposed "Buildable Area" for the Lot is 14,718 square feet. The area that is added from the existing "Buildable Area", is on the up-hill side of the Dwelling and not visible from King Rd, or across the valley. The proposed Building Footprint, per

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Plat Note 2 will fit within this area. No disturbances are proposed outside of the “Building Zone” shown on the Plat, other than utilities or access to and from the lot or trail/ski easement.

10. Signs and lighting.

No unmitigated impacts

No signs are proposed. The lighting that will be used onsite will conform to Building and Land Management Code lighting standards at the time of the building permit application. This will be reviewed at the time of Building Permit.

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

No unmitigated impacts

This Site is in the HR-1 zoning district and is proposed to abide by the Historic District Design Guidelines of LMC 15-13 Design Guidelines For Historic Districts and Historic Sites. The Single-Family Dwelling will be reviewed by the Planning Department’s Design Review Team to ensure it complies with LMC 15-13-8.

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

No unmitigated impacts

No noise, vibration, odors, steam, or mechanical factors that might affect people and Property are anticipated. The vegetation and distance from other properties should shield these potential effects from other Sites.

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

No unmitigated impacts

It is likely that the new Single-Family Dwelling will decrease the amount of waste produced on site and thus decrease the frequency and/or the amount of trash pickups.

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.

No unmitigated impacts

The Single-Family Dwelling will be the primary residence of the Applicant. Although nightly rentals are permitted in the zone, the applicant is comfortable with a

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condition of approval being added that would not permit the property to be used in such away, unless approval is granted from the Park City Planning Commission.

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

No unmitigated impacts

The site has already been graded for the existing Dwellings. The intent is to utilize the existing site, so that grading will be minimized. A grading plan will be submitted and approved prior to issuance of a Building Permit. This Site is not within the Soil Ordinance boundary and only a small portion falls within the Sensitive Lands Overlay (SLO). The location and construction of the existing structures was previously approved. It is anticipated this location provides minimal impact on the Slope and Ridge Line of the Site, overall hillside, and adjacent properties and neighborhoods. The height and building size limitations placed on the Plat (See Exhibit B – Amended Plat), along with the existing screening preserve the view from surrounding Sites. There are no wetlands or streams on the Site. This Site includes a trail and/or ski connection for human activity all year long, so impact on wildlife would not be greatly varied by the construction of a new Single-Family Dwelling. The Site is already utilized by the Property owner and the “Building Zone” does not have environmentally sensitive lands.

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.

No unmitigated impacts

CONSISTENCY WITH THE GENERAL PLAN

Goal 1 - Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods.

The proposed development is a proposal to redevelop an existing site in an existing neighborhood, as opposed to sprawling out and creating new site on undeveloped land.

Goal 4 - Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting.

The proposed development will maintain the existing open space and access on lot.

Goal 5 - Environmental Mitigation: Park City will be a leader in energy efficiency and

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conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020.

The redevelopment of the site, reduction of a dwelling and the construction of a new more efficient dwelling will help Park City reach this goal.

Goal 7 - Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents.

The proposed development will provide a primary residence of a family committed to the Park City community as opposed to a vacation home and short-term rentals. The owner of the home grew up in Park City and moved back to start a family. He and his wife just celebrated the birth of their daughter and plan to raise her in this home.

Goal 11- Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience.

The proposed development will preserve and enhance the community character that draws visitors from around the world by echoing the design elements of the historical, industrial mining structures present in the area and replacing two out-of-place, generic structures.

Goal 14 - Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region.

As mentioned before, this is a redevelopment project, as opposed to a greenfield project. The impacts of the use on this lot will be decreased, as it will be used as a primary residence, as opposed to a short-term rental.

Goal 15 - Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.

The design and inspiration of the redevelopment on this site is based on the historical structures and elements found in Park City. The Silver King Mine structures were carefully studied so design elements could be incorporated in an appropriate scale and manner including a prominent mono-pitch mass with moderate slope roof, mirroring the roof slope to the slope of the hillside grade, minimizing ornament and preserving clean lines, minimizing the material palette to weathered wood, metal and glass, and industrial steel windows with vertically expressed muntin grid.

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We appreciate staff and the Planning Commission's review of this application. We look forward to meeting with you as we go through the approval process. If you have any additional questions, please feel free to reach out.

Attachments:

- Exhibit A – Site Plan
- Exhibit B- Amended Plat
- Exhibit C – Demolition Plan
- Exhibit D - Footprint Area Analysis.
- Exhibit E – Site Images
- Exhibit F – View Analysis
- Exhibit G - Height Analysis
- Exhibit H - Massing Analysis

Sincerely,

Snell & Wilmer



Jason Boal, AICP & CFM

Cc:

- Wade Budge, Snell & Wilmer
- Mathew Prince
- Lincoln Shurtz, Lincoln Hill
- Quinn Kummer, OLSON KUNDIG
- Steve Grim, OLSON KUNDIG
- Tom Kundig, OLSON KUNDIG

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Exhibit B- Amended Plat

Exhibit C – Demolition Plan

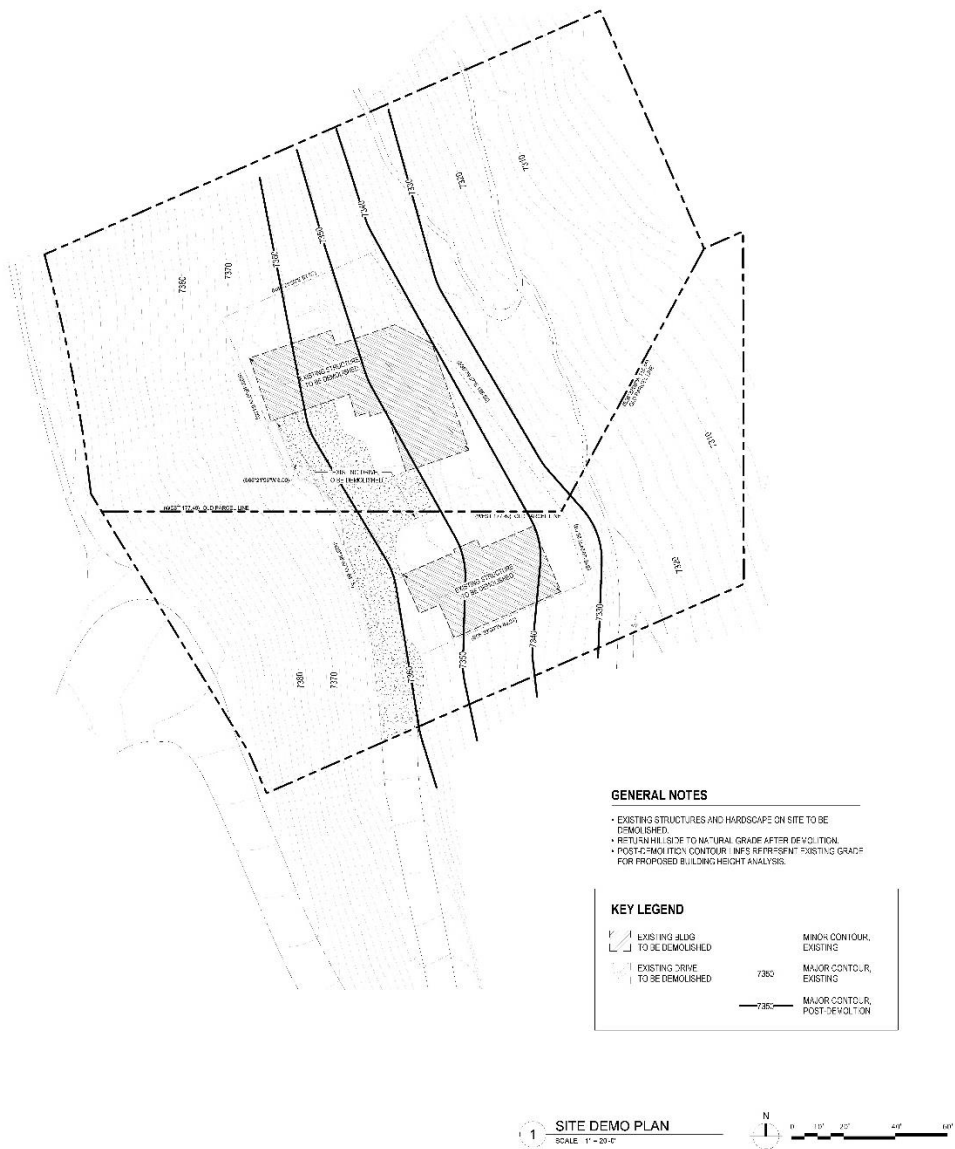
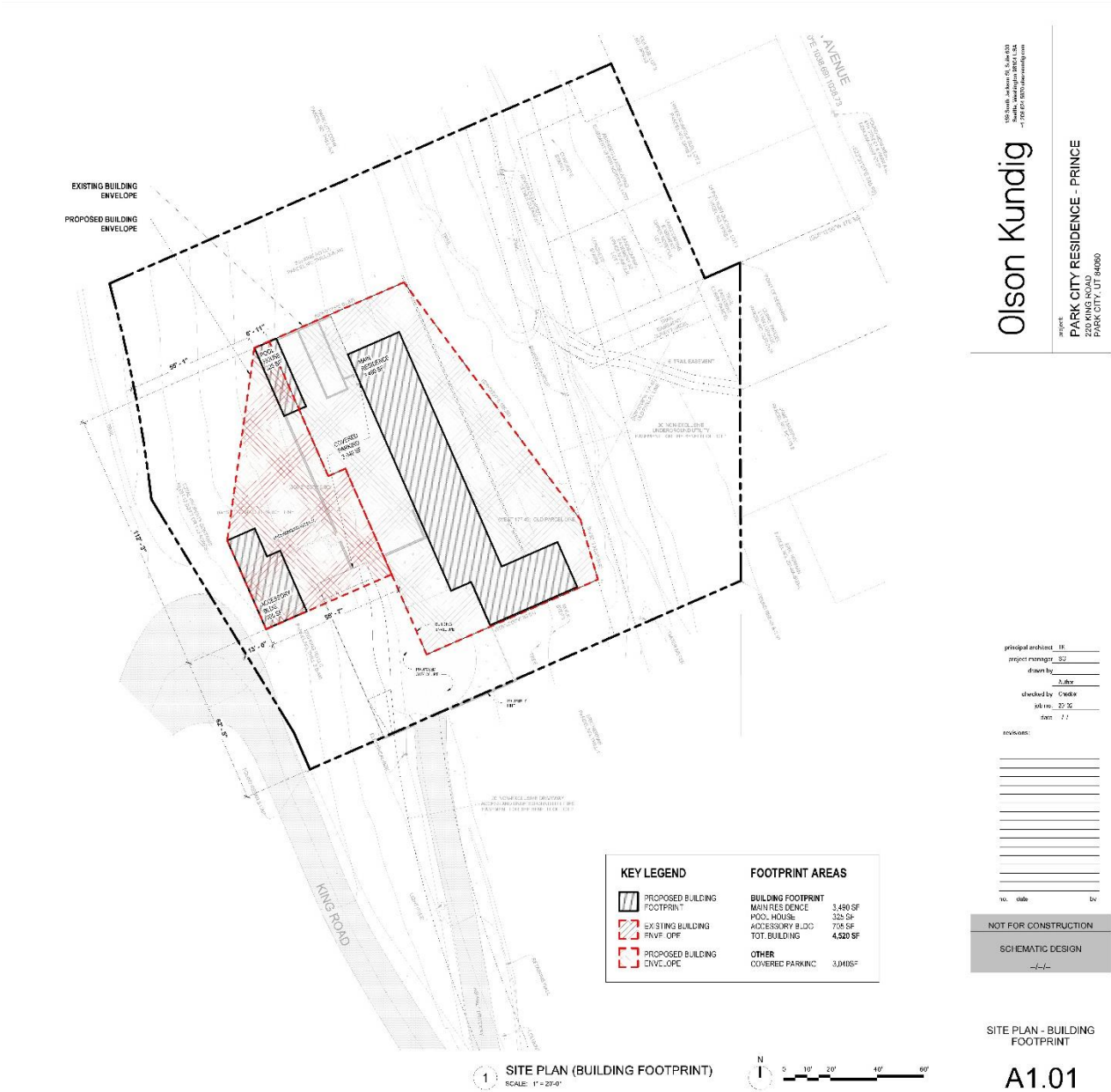


Exhibit D - Footprint Area Analysis



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Exhibit E – Site Images



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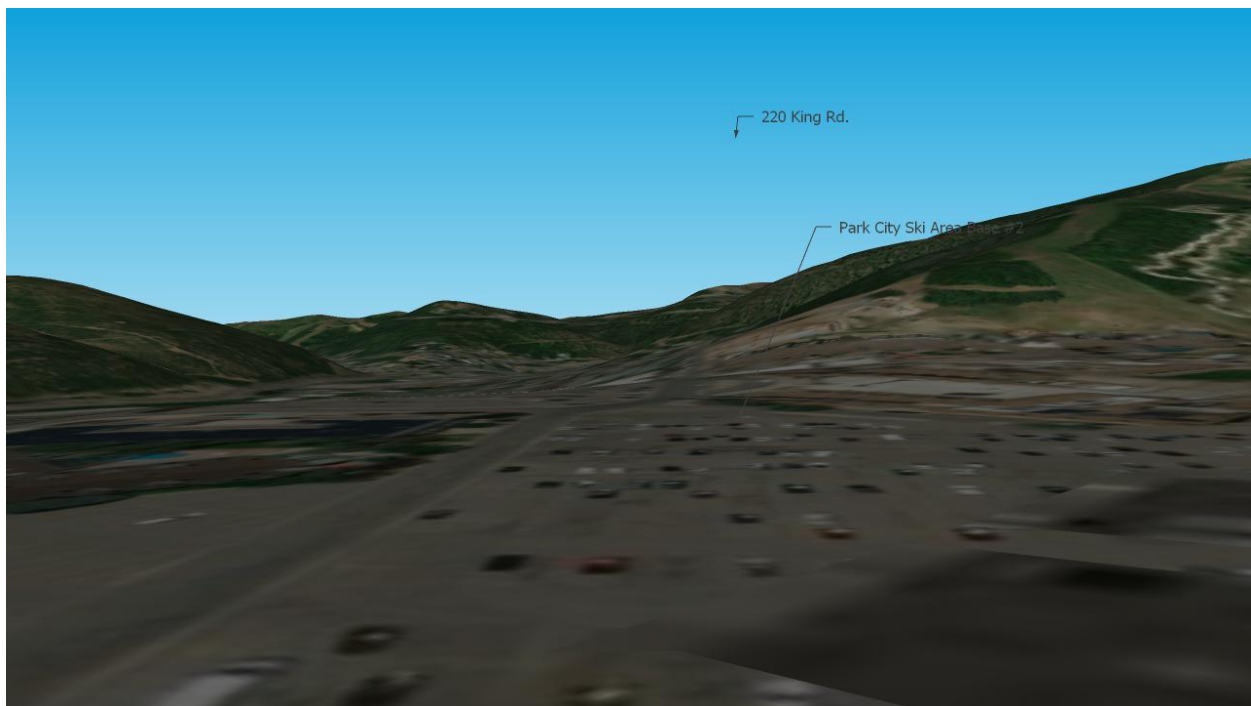


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Exhibit F – View Analysis

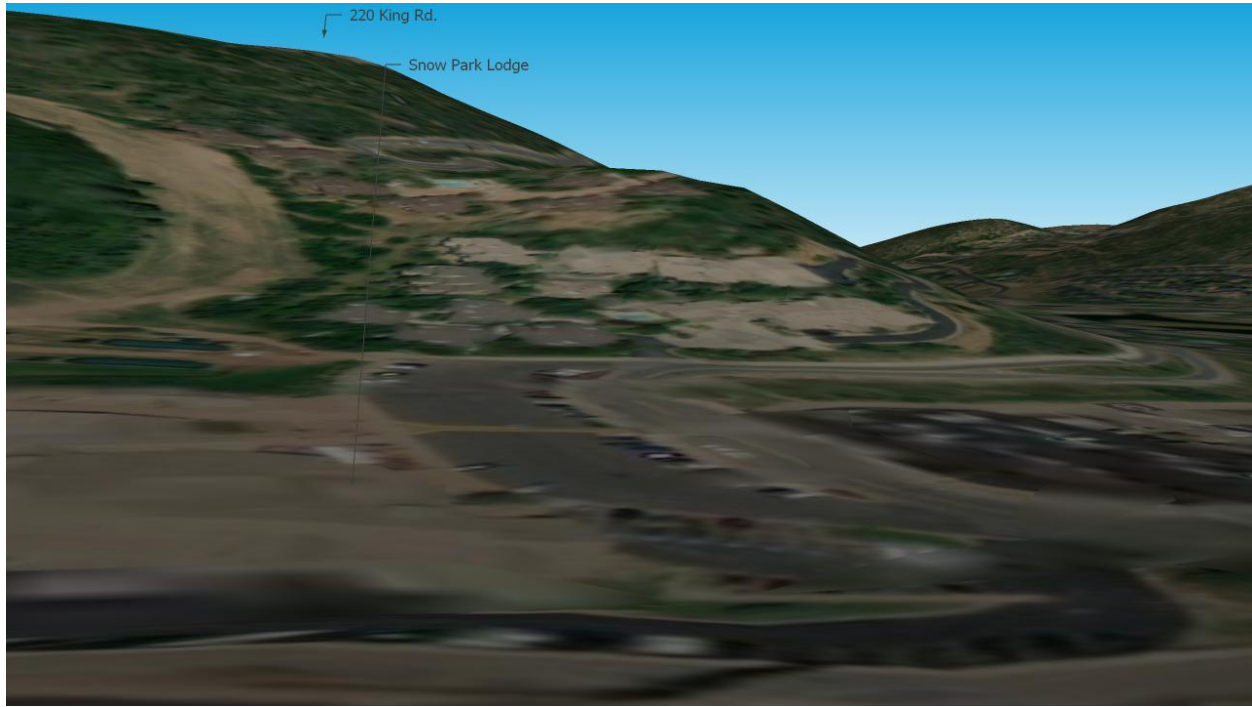


Main St & Heber Ave



Park City Ski Area Base

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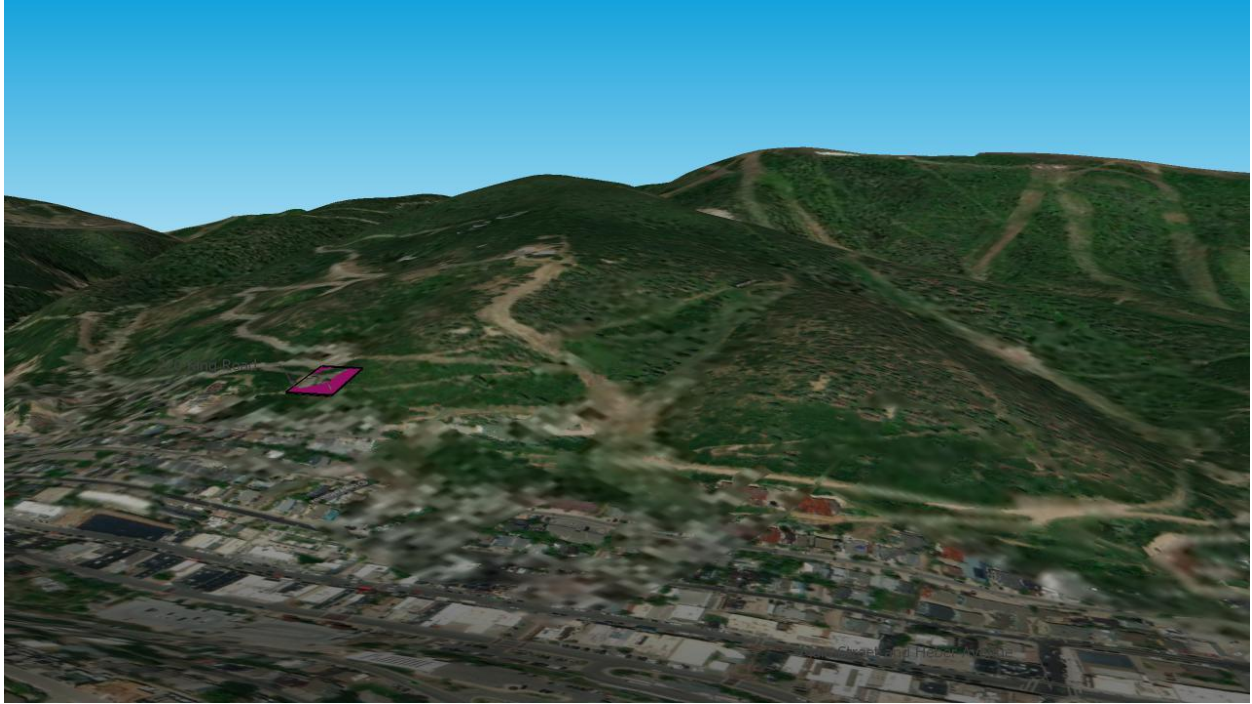


Snow Park Lodge



Treasure Mountain Middle School

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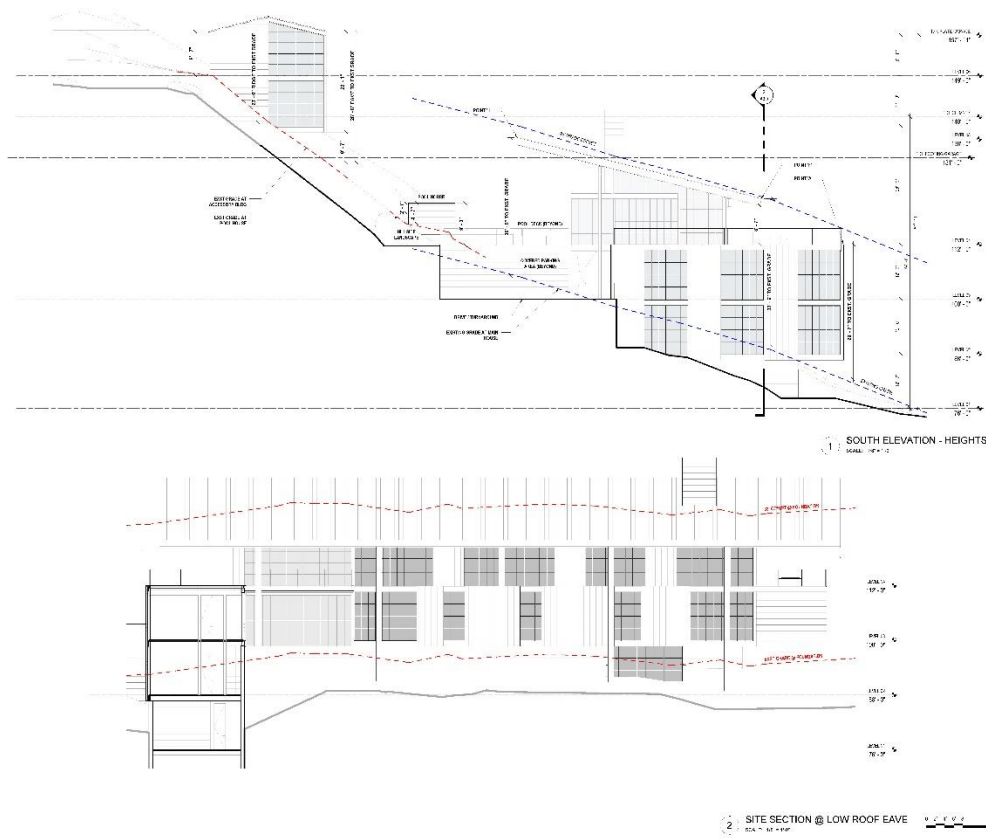
Elevated Perspective #1



Elevated Perspective #2

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Exhibit G - Height Analysis



Olson Kundig
PRINCE GEORGE CITY RESIDENCE - PRINCE
JASON KUNDIG
PRINCE GEORGE CITY, BC V2Y 1A1

PROJECT NO. 100-100-100
PROJECT NAME: PRINCE GEORGE CITY RESIDENCE - PRINCE
DATE: 10/1/2022
DRAWN BY: JASON KUNDIG
CHECKED BY: JASON KUNDIG
SCALE: 1/8" = 1'-0"

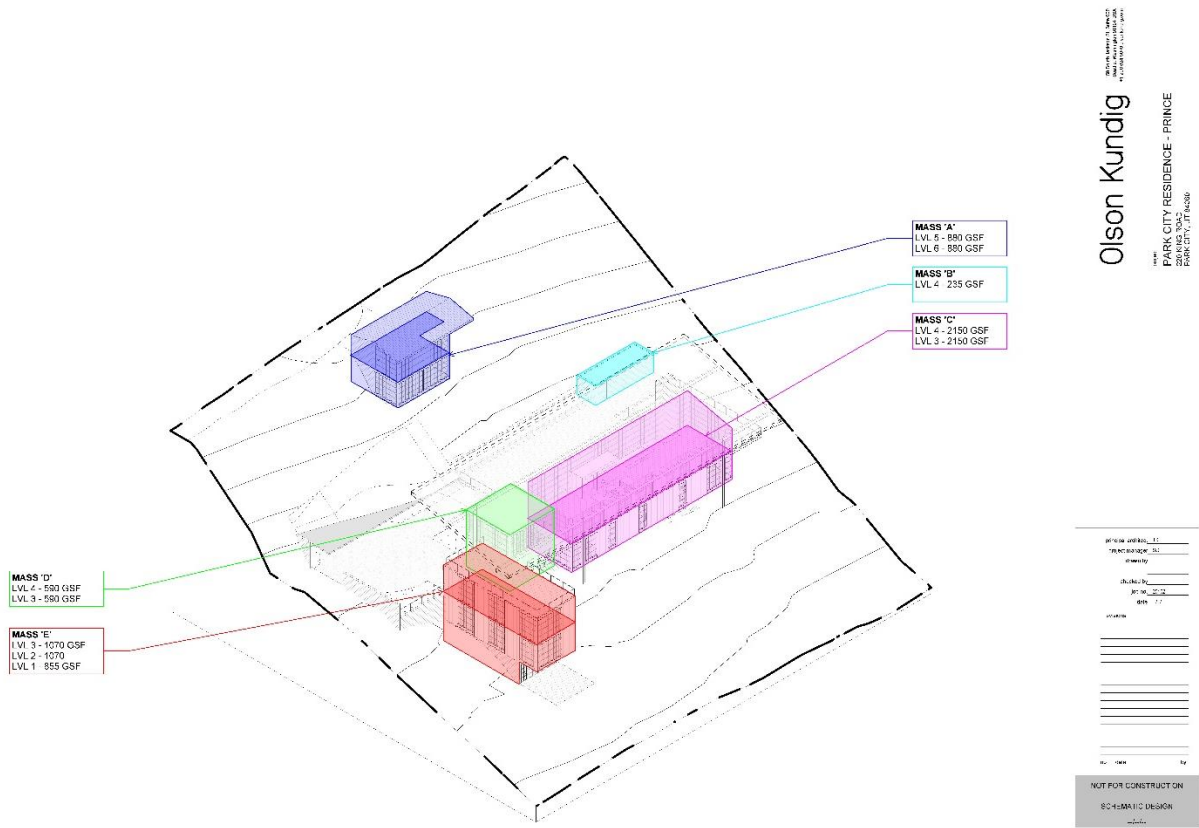
NOT FOR CONSTRUCTION
SOLUTIONS BY OLSON KUNDIG

100-100-100-100-100

A3.0

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Exhibit H – Massing Analysis



TECHNICAL MEMORANDUM

To: Gretchen Milliken, Planning Director
Park City Municipal Corporation, Planning Department
445 Marsac Avenue
Park City, Utah 84060

From: Anne Oliver, Principal Architectural Historian, and Christina Olson, Lead Architectural Historian, SWCA Environmental Consultants

Date: April 26, 2023

Re: **Historic District Design Review for 220 King Road**

OVERVIEW

Historic character is one of four core values outlined in the *Park City General Plan* (Park City Planning Department 2014). Park City's historic character derives from more than 400 historic sites, including two National Register Historic Districts (Park City Planning Department 2023). The Main Street Historic District was listed in the National Register of Historic Places in 1979, and the Mining Boom Era Residences Thematic District, which comprises historically significant residential structures built during the mining boom period of 1872 to 1929, was listed in 1984 (Park City Planning Department 2023).

Park City Municipal Corporation has pursued protection of the City's historic resources through local designations on its Historic Site Inventory and through application of the Design Guidelines for Historic Districts and Historic Sites (Design Guidelines), initially adopted in 1983. In 2009, Park City completed a total update of the regulating documents for the historic districts, including an updated Historic Site Inventory, new Design Guidelines, and amendments to the Land Management Code (LMC). The Design Guidelines were updated again and adopted by Ordinance 2019-06 into the LMC in 2019 and are intended to fulfill policy directives provided in the LMC (Park City Planning Department 2023).

As requested by the Park City Planning Department, SWCA Environmental Consultants has prepared this memorandum to assist the City's Design Review Team in evaluating the proposed new residence at 220 King Road, in the Historic Residential (HR-1) zone, for compliance with the Design Guidelines (Figures A-1 and A-2). Specific LMC requirements associated with building height (LMC 15-2.2-5) and development on steep slopes (LMC 15-2.1-6) relevant to the HR-1 district and the proposed residence at 220 King Road, are outside the purview of the Design Guidelines and are being addressed separately by the Planning Department.

HISTORIC DISTRICT DESIGN GUIDELINES REVIEW

Park City's Design Guidelines are intended to protect the historic character of Park City. As identified in LMC 15-2.2-1, the purpose of the HR-1 zone regarding residential infill is to:

- preserve present land uses and character of the Historic Residential Areas of Park City;

- encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;
- encourage single family Development on combinations of 25' x 75' Historic Lots;
- define Development parameters that are consistent with the General Plan policies for the Historic core; and
- establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment. (Park City 2000)

Concerns with the proposed residence at 220 King Road relate primarily to the “construction of Historically Compatible Structures that contribute to the character and scale of the Historic District,” particularly the scale of the residence and its component elements. While the Design Guidelines support the proposed industrial design aesthetic inspired by the Silver King Mine buildings, the guidelines are clear regarding requirements for residential scale and do not support the construction of industrial-scale residential buildings within residential districts. The compliance of proposed massing and glazing patterns with the Design Guidelines is an additional concern. Each Design Guideline pertinent to these concerns is provided below, followed by an analysis of the design compatibility of 220 King Road.

15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts

A. Universal Guidelines

15-13-8 A-4: *New infill residential buildings shall differentiate from historic structures but be compatible with historic structures in materials, features, size, scale and proportion, and massing to protect the integrity of the Historic District as a whole. The massing of the new infill residential buildings shall be further broken up into volumes that reflect the original massing of historic buildings; larger masses shall be located at the rear of the lot.*

The proposed materials and features of the residence at 220 King Road are compatible with industrial designs in and around Park City. However, the size, scale, and proportions of the residence and its component elements, including the shed roof and cantilevered flat roof, are reminiscent of a large-scale industrial building rather than a residential building, which is not compatible with the HR-1 zone. While projecting portions of the building on the downslope elevation provide some modulation of mass, additional size reduction or modulation of the building mass itself (as well as its roofs) is required to reflect the size and massing of historic residential buildings, which were typically built on 25-foot-wide lots in this zone (see Figures A-1 and A-2).

15-13-8 A-6: *Exterior elements – roofs, entrances, eaves, chimneys, porches, windows, doors, steps, garages, etc. – of the new infill residential building shall be of human scale and shall be compatible with neighboring Historic Structures.*

The proposed residence at 220 King Road will span multiple lots, with a single shed roof also spanning multiple lots. While the use of an industrial mining aesthetic is encouraged, the scale of the roof and eaves should be compatible to the scale of historic residences in the HR-1 zone, not to an industrial mining building. To comply with this guideline, the wide shed roof would need to be divided into three to five modules to achieve the appropriate residential scale and the cantilevered flat roof would need to be reduced in size.

15-13-8 A-7: *Scale and height of new infill residential buildings shall follow the predominant pattern and respect the architecture of the Streetscape or character area with special consideration given to Historic Sites.*

The proposed infill references the industrial buildings of the Silver King Mine but the guidelines require that infill residential buildings maintain a historic residential scale appropriate to the historic district or zone in which they are being constructed. The proposed residence at 220 King Road will be on a relatively isolated site and will not be directly adjacent to any Historic Sites. In the absence of a streetscape lined by other buildings, the predominant pattern of the historic district or residential zone applies. The proposed design does not comply with this guideline.

15-13-8 A-8: *Size and mass of a structure shall be compatible with the size of the site so that lot coverage, building bulk, and mass are compatible with Historic Sites within the Streetscape or character area.*

The proposed residential building at 220 King Road will span multiple lots and, while its size is compatible with the size of the lot, its building bulk and mass are not compatible with Historic Sites just downslope in the HR-1 zone. Further reduction or modulation of massing, both of the residence and its shed and cantilevered flat roofs, is required to be compatible with the building bulk and mass of historic residences in the HR-1 zone.

15-13-8 A-10: *New infill residential buildings shall reinforce visual unity within the context of the Streetscape or character area. The specific context of each Streetscape or character area is an important feature of the Historic District. The context of each Streetscape or character area shall be considered in its entirety, as one would see it when standing on the street viewing both sides of the street for the entire length of the Streetscape or character area. Special consideration should be given to adjacent and neighboring Historic Sites in order to reinforce existing rhythms and patterns.*

The proposed residence sits on the hillside above much of the HR-1 zone, in a setting where industrial buildings were once common. An industrial design aesthetic is appropriate in this area; however, this and many other Design Guidelines explicitly require that new infill residential buildings be compatible in mass and scale with historic residential buildings to reinforce visual unity in the historic district and/or residential zone. The prominent and highly visible location of 220 King Road only increases the importance of complying with this and other guidelines to reinforce visual unity and maintain existing rhythms and patterns of the nearby streetscapes. Because the guidelines are so clear on this point, a variance from the Board of Adjustment would be required to permit the design as proposed.

B. Specific Guidelines (Primary Structures)

Mass, Scale, and Height

15-13-8 B-2a (1): *The size and mass of a new residential infill building in relation to open spaces, shall be visually compatible with adjacent historic buildings and historic structures in the surrounding Streetscape or character area.*

The proposed residence at 220 King Road is sited on an open slope above much of the HR-1 zone. This provides some flexibility in allowing greater size because of the building's relation to more open space. However, the size of the building and its component elements must be broken into distinct masses more reminiscent of the size and mass of historic buildings in the zone to achieve visual compatibility.

15-13-8 B-2a (3): *Historic height, width, and depth proportions that are important in creating compatible infill and maintaining the historic mass and scale of the Streetscape or character area.*

The height, width, and depth of the proposed residence at 220 King Road are of an industrial scale and not compatible with the residential streetscapes in Park City's historic districts. As noted above, while the large lot and open hillside allow for greater building size, it is necessary to break up the massing and roof forms to be more similar to historical residential massing and scale to achieve compatible infill.

15-13-8 B-2a (5): *The perceived scale of new buildings shall respect the scale established by historic buildings in the character zone. Abrupt change of scale in the character zone is inappropriate, especially when a new, larger building would directly abut smaller historic buildings.*

Both the actual and perceived scale of the proposed residence is significantly greater than a typical historic residence in the HR-1 zone and there are no historic large-scale industrial buildings nearby or anywhere in the zone that establish a precedent for large-scale infill. As stated above, the reference to the industrial aesthetic of the Silver King Mine buildings is encouraged in the design of the structure, but those historic mining buildings are neither in the HR-1 zone nor visible from it. For these reasons, the perceived scale should reflect that of a historic residential building rather than a historic industrial building. Because the proposed residence does not directly abut any historic buildings, and because it is sited on a large lot surrounded by open space, its greater size can be accommodated within the HR-1 zone. However, to comply with other guidelines, the perception of that size must be managed by dividing the building into modules that reflect the massing of a typical historic residence on a 25-foot-wide lot. Breaking up the roof form in a similar fashion would also be necessary.

15-13-8 B-2a (6): *A larger building shall be divided into 'modules' that reflect the mass, scale, proportions, and size of historic buildings within the Streetscape or character area. Modules shall be clearly expressed throughout the entire building and a single form shall remain the dominant element so the overall mass does not become too fragmented. To minimize the scale perceived from the primary public right-of-way, stepping down the mass of a larger building shall be considered.*

See above discussion under multiple guidelines about using modules to break up large masses and manage the perception of scale for residences larger than seen historically. Stepping the mass of these modules back into the hillside, rather than projecting their mass forward from a recessed basement level as currently proposed, can also help manage the perception of scale.

15-13-8 B-2a (7): *Larger-scaled projects shall also include variations in roof height in order to break up the form, mass and scale of the overall structure.*

The proposed design for the residence at 220 King Road incorporates two flat roofs (one that serves as a deck and one that is cantilevered over that deck) and one expansive shed roof. While these roofs vary in height, which helps to break up the form, mass, and scale of the residence, the modules they create are still over-scaled relative to historic residences in the HR-1 zone. Further reduction or modulation of massing, of both the residence and its shed and cantilevered flat roofs, is required to meet this guideline.

15-13-8 B-2a (8): *Buildings constructed on lots greater than 25 feet wide shall be designed so that the facades visible from the primary public right-of-way reinforce the rhythm along the street in terms of traditional building width, depth, and patterns within the façade.*

No renderings of the proposed residence as viewed from the primary public right-of-way (King Road) have been provided for this review. It is expected, however, that the modules created to address mass and scale on the downslope (rear) side of the residence will carry through to the opposite (front) side and vice versa.

15-13-8 B-2a (9): *Regardless of lot frontage, the primary façade shall be compatible with the width of surrounding historic buildings. The greater width of a building shall be set back significantly from the plane of the primary façade. The width of a new building shall not appear to be visibly greater than historic buildings in the Streetscape or character area. Modules on a primary façade should generally not exceed eleven (11) feet to twenty-five (25) feet in width.*

No renderings of the proposed residence as viewed from the primary public right-of-way (King Road) have been provided for this review. It is expected, however, that historically sized modules of approximately 11' to 25' in width, with attendant setbacks from the primary wall plane of the façade, will be created on the uphill (front) side of the residence and carried through to the downslope (rear) side.

15-13-8 B-2a (10): *When the overall length of a new structure is greater than seen historically, the design shall employ methods—changes in wall plane, roof heights, use of modules, etc. to diminish the visual impact of the overall building mass, form and scale.*

The proposed residence at 220 King Road will span multiple lots and its overall length is much greater than seen historically. Therefore, further variation in wall planes and roof heights to create more historically sized modules is required to diminish the visual impact of the overall building mass, form, and scale.

Windows

15-13-8 B-2d (1): *Ratios of solid-to-void that are compatible with surrounding historic buildings shall be used. Large expanses of glazing are inappropriate on residential structures. Large glass surfaces shall be divided into smaller windows that are in scale with those seen historically. To maximize views, non-historic window patterns may be considered on tertiary facades; however, the overall ratio of solid-to-glass shall still be respected.*

The large, multi-pane windows and fenestration patterns of the proposed design reference historic mine buildings, which incorporated significant amounts of glazing to maximize natural light and illuminate interior workspaces (Figures A-3 and A-4). Typically, long, nearly continuous, relatively narrow bands of windows were present in clerestories that were separated by pitched roofs; glazing in the exterior corrugated-metal walls was also extensive. Hence, the use of an industrial mining aesthetic allows for a greater proportion of void to solid in the proposed residence than would be appropriate with a more traditional residential design. However, glazing in historic exterior walls always had a base of solid wall and never consisted of floor to ceiling windows. In the proposed design, the metal panels at some window bases recreate this pattern, but the floor-to-ceiling windows present elsewhere are inconsistent with industrial patterns and create an incompatible solid-to-void ratio.

15-13-8 B-2d (2): *Windows shall be historic size and shall relate to the human scale of the Historic District. Windows shall be proportional to the scale and style of the building and shall be compatible with the historical buildings in the Historic District.*

See above analysis. With the exception of the floor-to-ceiling windows, the larger-scaled windows are appropriate to the scale and style of the building.

15-13-8 B-2d (3): *The placement and grouping of windows shall be similar to those seen historically.*

See above analysis. With the exception of the floor-to-ceiling windows, the placement and grouping of windows is similar to that seen on historic mining buildings in Park City.

Roofs

15-13-8 B-1e (1): *Roofs of new residential infill buildings shall be visually compatible with roof shapes and orientation of surrounding Historic Sites and adjacent buildings that contribute to the character of the Historic District. Sloping of roof forms, such as gable, hip, and shed, should be the dominant roof shapes. Roofs composed of a combination of roof planes, but simple in form, are also encouraged. Roofs shall be in scale with those on historic structures.*

The roof shapes (flat and shed) and their orientations are generally compatible with surrounding Historic Sites, as are their simple forms. However, the guidelines are clear that the perceived scale of larger residential buildings (on lots wider than 25') should be managed by breaking them into smaller masses or modules that reflect historic residential massing, including their roofs. There is no precedent for exceptions when an industrial aesthetic is used for a residence, or for residences that may be in historically industrial areas. To comply with the guidelines, the roof could be broken into a horizontally stepped series of shed roofs (3 to 5 of them, with differences in roof height of a few feet or more to create shadow lines) that shelter their corresponding modules, or a mix of shed and flat. The cantilevered flat roof would also need to be reduced in scale.

CONCLUSION

In summary, while the Design Guidelines support the industrial aesthetic of the proposed residence at 220 King Road, which was inspired by the Silver King Mine buildings, the guidelines are clear regarding requirements for residential massing and scale, and the proposed design does not comply. The proposed floor-to-ceiling windows are also out of compliance. Recommendations for revisions to achieve a design more compatible with the guidelines are incorporated in the above analyses.

REFERENCES CITED

Historic American Engineering Record (HAER)

- 1971 *MINE SHAFT BLDG FROM W. - Silver King Mining Company, Mineshaft & Main Hoist, Woodside Gulch, Park City, Summit County, UT (Photos from Survey HAER UT-22-A).* Available at: <https://www.loc.gov/resource/hhh.ut0090.photos/?sp=2>. Accessed April 21, 2023.

Park City Planning Department

- 2000 Municipal Code 15 Land Management Code. Available at: https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15-13_Design_Guidelines_For_Historic_Districts_And_Historic_Sites. Accessed April 21, 2023.
- 2014 *Park City General Plan*. Available at: <https://www.parkcity.org/departments/planning/general-plan>. Accessed April 21, 2023.
- 2017 Municipal Code 15-13 Design Guidelines for Historic Districts and Historic Sites. Available at: https://parkcity.municipalcodeonline.com/book?type=ordinances#name=15_Land_Management_Code. Accessed April 21, 2023.
- 2023 Historic District. Available at: <https://www.parkcity.org/departments/historic-district>. Accessed April 21, 2023.

ATTACHMENT A

Figures



Figure A-1. Rendering of proposed residence at 220 King Road, downslope (rear) elevation, dated April 18, 2023.



Figure A-2. Rendering of proposed residence at 220 King Road, oblique view (left side and rear elevations), dated April 18, 2023.

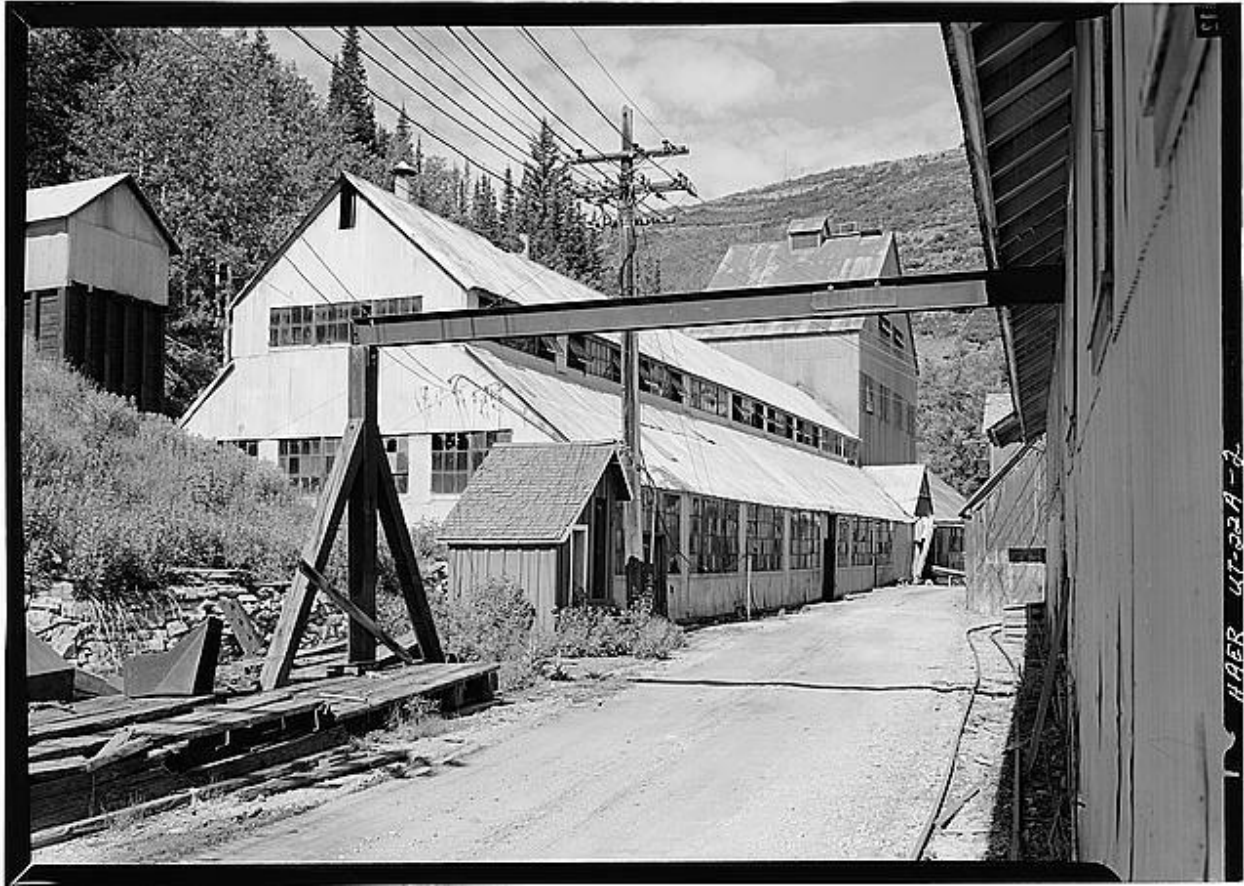


Figure A-3. Silver King Mine Hoist House (view from west), Woodside Gulch, Park City, Summit County, UT (HAER 1971). Note the complex massing of the building and its stepped and varied roofs over the component masses, as well as the multi-pane steel windows, window heights, proportion of solid wall to window openings.

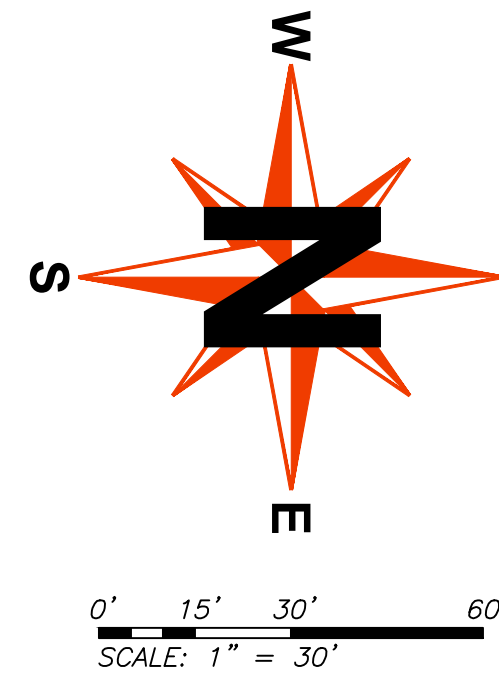
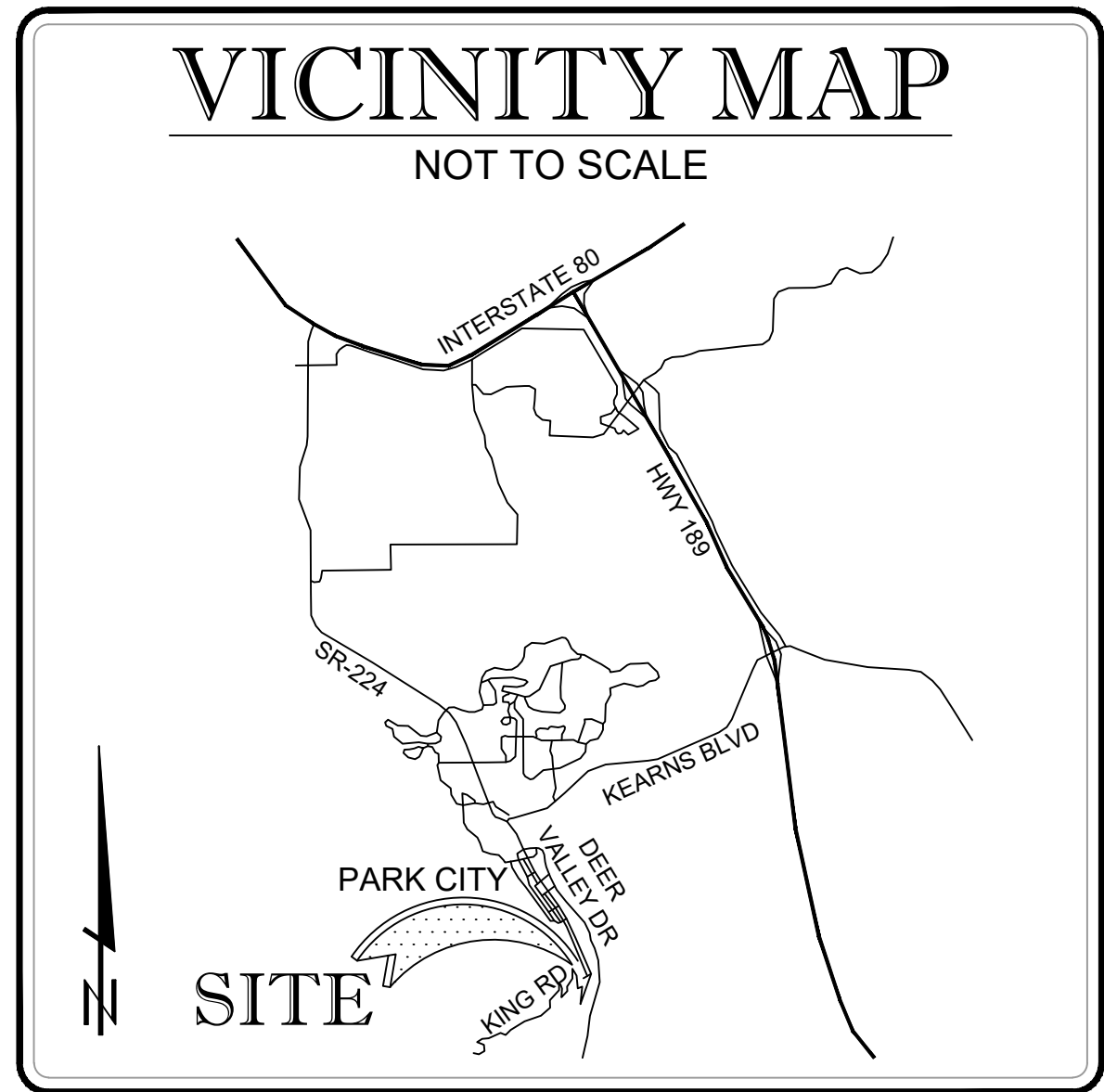
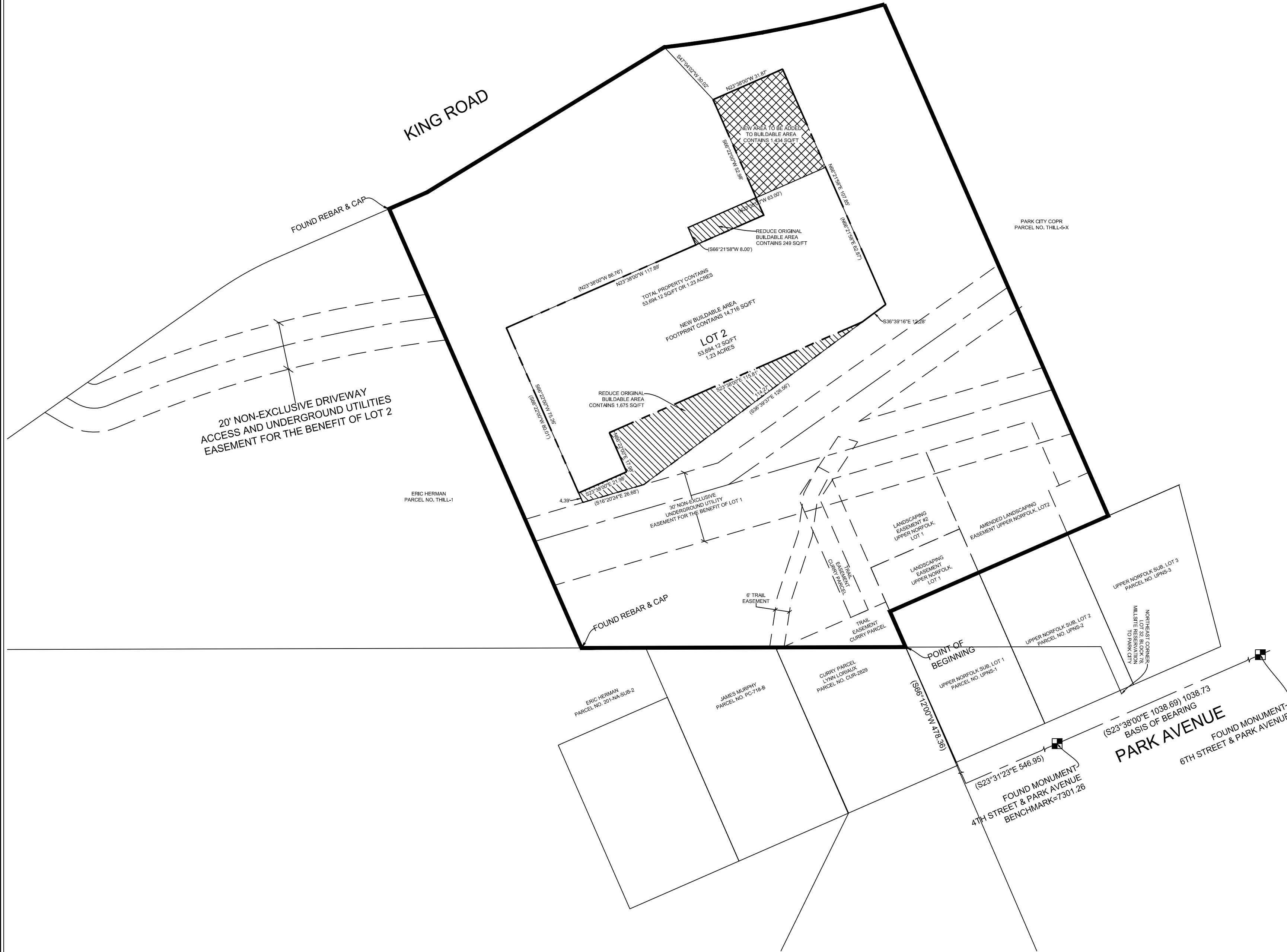


Silver King Mill

Figure A-4. Example of industrial glazing pattern, Silver King Mine building. Note multi-pane steel windows, window heights, and proportion of solid wall to window openings.

REVISED
11:44 am, Dec 28, 2023

SECOND AMENDMENT FOR
LOT 2, PHASE 1, TREASURE HILL SUBDIVISION
A SUBDIVISION AMENDMENT OF LOT 2, LAND LOCATED IN THE
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



GENERAL NOTES

- SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED AS SHOWN HEREON:
1. FOOTPRINT: THE RESIDENTIAL FOOTPRINT OF THE DWELLING ("MAIN HOUSE"), TO BE LOCATED ON LOT 2, PHASE 1, TREASURE HILL SUBDIVISION (THE "LOT"), SHALL BE CALCULATED FROM THE OUTSIDE FACE OF WALLS, AND A MAXIMUM OF THREE THOUSAND FIVE HUNDRED (3,500) SQUARE FEET FOOTPRINT INCLUDING GARAGES. THE FOLLOWING SHALL NOT COUNT TOWARD THE FOOTPRINT CALCULATIONS:
 - a) DECK WHICH IS OPEN ON AT LEAST TWO SIDES, BUT WHICH MAY HAVE RAILINGS AS REQUIRED, COVERED OR UNCOVERED, AND THAT DOES NOT HAVE ABOVE-EXISTING NATURAL GRADE OR LIVING SPACE LOCATED BELOW OR ABOVE IT;
 - b) EXTERIOR WALKWAYS;
 - c) EXTERIOR STAIRS;
 - d) DRIVEWAY; AND
 - e) THAT PORTION OF ANY GARAGE, CARPORT, MECHANICAL SPACE, OR LIVING SPACE THAT IS LOCATED BELOW EXISTING GRADE AND WHICH HAS LANDSCAPING OR DECK (AS PROVIDED IN 1(A)) LOCATED ABOVE IT.
 2. BUILDING AREA LIMITS: IMPROVEMENTS, INCLUDING FENCES AND FORMAL LANDSCAPING (UNLESS OTHERWISE PERMITTED UNDER EASEMENTS OR AGREEMENTS OF RECORD OR AS SHOWN ON THE PLAT OR AS CONSISTENT WITH THE APPROVED CONSTRUCTION DRAWINGS OF THE DRIVEWAYS, UPPER NORFOLK TURNAROUND, KING ROAD TURNAROUND, SKI BRIDGE AND UTILITY PLANS) SHALL BE LIMITED TO THE BUILDING AREA LIMITS NOTED ON THE PLAT.
 3. CONSTRUCTION DISTURBANCE: UNLESS OTHERWISE PROVIDED IN AGREEMENTS WITH PARK CITY MUNICIPAL CORPORATION WHICH ARE OF RECORD, TEMPORARY CONSTRUCTION DISTURBANCE SHALL BE LIMITED TO TWENTY (20) FEET BEYOND THE BUILDING AREA LIMITS OR TO ADJOINING LOT PROPERTY LINES WHICH EVER IS CLOSER. SUCH DISTURBED AREA SHALL BE REVEGETATED WITH NATIVE LANDSCAPING.
 4. HEIGHT: THE BUILDING HEIGHT SHALL BE MEASURED FROM EXISTING GRADE TO THE TOP OF THE FLAT ROOFS AND TO THE RIDGE OF PITCHED ROOFS. THE MAXIMUM HEIGHT, IN GENERAL, SHALL BE TWENTY-FIVE (25) FEET FOR FLAT ROOFS AND THIRTY (30) FEET FOR PITCHED ROOFS. A MAXIMUM HEIGHT OF TWENTY EIGHT (28) FEET FOR FLAT ROOFS AND THIRTY-THREE (33) FEET FOR PITCHED ROOFS SHALL BE PERMITTED FOR THE EXPRESSED PURPOSE OF ACCOMMODATING ACCESS, I.E. STAIRWELLS AND/OR ELEVATORS, BETWEEN FLOOR LEVELS.
 5. SEWER LATERALS: MAINTENANCE AND REPLACEMENT OF SEWER LATERALS SHALL BE THE RESPONSIBILITY OF THE OWNER(S) AND NOT THAT OF SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT.
 6. FIRE SPRINKLING: INTERNAL AND EXTERNAL MODIFIED 134 FIRE SPRINKLERS SHALL BE PROVIDED FOR THE HOME. WOOD ROOFING MATERIAL SHALL BE PROHIBITED.
 7. PRECEDENCE: THE ABOVE SPECIAL RESTRICTIONS ARE CONSISTENT WITH THE SWEENEY MASTER PLAN APPROVED BY THE PARK CITY MUNICIPAL CORPORATION ON OCTOBER 16, 1986 AND AS SUBSEQUENTLY AMENDED ON OCTOBER 14, 1987 AND DECEMBER 30, 1992. FINAL HOUSE DESIGN SHALL BE REVIEWED UNDER THE SMALL SCALE MASTER PLAN PROCESS IN ACCORDANCE WITH THE SWEENEY MASTER PLAN.
 8. FACADE HEIGHT, EASTERLY FACING: THE MAXIMUM FACADE HEIGHT FOR THE EASTERLY FACING FACADES WITHOUT A STEP BACK OF AT LEAST FIVE (5) FEET SHALL BE TWENTY FIVE (25) FEET FROM EXISTING OR REESTABLISHED GRADE WHICHEVER IS GREATER.
 9. MASSING: HOUSE DESIGNS MAY BE COMPRISED OF ONE OR MORE CONNECTED OR UNCONNECTED BUILDING MASSES. NO ONE BUILDING MASS WITHIN THE 3,500 SQUARE FOOT FOOTPRINT REFERENCED IN NOTE 1 ABOVE, SHALL HAVE A FOOTPRINT THAT EXCEEDS 1,500 SQUARE FEET. MASSING ELEMENTS SHALL BE SEPARATED BY HORIZONTAL AND/OR VERTICAL FACADE BREAKS.

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED USING FOUND BRASS CAP MONUMENTS LOCATED AT THE INTERSECTIONS OF 4TH STREET & PARK AVENUE AND 6TH STREET & PARK AVENUE AS SHOWN ON THIS SURVEY PLAT.

LEGEND

- | | |
|------------------|----------------------------|
| Section Monument | Reference/Witness Monument |
| Property Corner | Break Line |
| Property Line | Buildable Area Line |
| Section Line | Center Line |
| Easement Line | |

COMCAST CABLE TELEVISION

APPROVED ON THIS ____ DAY OF ____, 2023.

COMCAST CABLE TELEVISION

DOMINION ENERGY

QUESTAR GAS COMPANY, DBA DOMINION ENERGY UTAH, HEREBY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS ____ DAY OF ____, 2023.

BY: _____
TITLE: _____

ROCKY MOUNTAIN POWER

1. PURSUANT TO UTAH CODE ANN. 54-3-27 THIS PLAT CONVEYS TO OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. 10-9a-601 et seq. ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENT AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT EFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER.
 - A. A RECORDED EASEMENT OR RIGHT-OF-WAY
 - B. THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
 - C. TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
 - D. ANY OTHER PROVISION OF LAW

APPROVED THIS ____ DAY OF ____, 2023.

ROCKY MOUNTAIN POWER

CENTURY LINK

APPROVED ON THIS ____ DAY OF ____, 2023.

CENTURY LINK

SURVEYOR'S CERTIFICATE

I, MICHAEL L. WANGEMANN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 6431156, IN ACCORDANCE WITH THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT FOUND IN TITLE 58, CHAPTER 22 OF UTAH CODE. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE AN ACCURATE SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS. HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH UTAH CODE SECTION 17-23-17, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN UTAH CODE SECTION 54-4, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I ALSO CERTIFY THAT I HAVE FILED, OR WILL FILE WITHIN 90 DAYS THE RECORDATION OF THIS PLAT, A MAP OF THE SURVEY I HAVE COMPLETED WITH THE UTAH COUNTY SURVEYOR.

Michael L. Wangemann, PLS

Date of Plat or Map: February 6, 2023

PLS# 6431156-2201

LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 66°22'00" WEST 21.67 FEET AND SOUTH 00°08'50" EAST 81.95 FEET FROM THE NORTHEAST CORNER OF LOT 32, BLOCK 78, MILLSITE RESERVATION TO PARK CITY, UTAH, SAID POINT ALSO BEING SOUTH 66°40'00" WEST 240.50 FEET AND SOUTH 00°08'50" EAST 599.26 FEET FROM THE PARK CITY SURVEY MONUMENT AT THE INTERSECTION OF PARK AVENUE AND FOURTH STREET; AND RUNNING THENCE SOUTH 00°08'50" EAST 136.08 FEET; THENCE SOUTH 66°22'00" WEST 201.18 FEET; THENCE NORTH 23°31'34" WEST 17.11 FEET; THENCE NORTH 31°26'11" WEST 116.94 FEET TO A POINT ON A 605.00 FOOT RADIUS NON-TANGENT CURVE; THENCE NORTHWESTERLY 94.16 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 08°55'04" (WHICH LONG CHORD BEARS NORTH 11°00'00" WEST 94.07 FEET); THENCE NORTH 66°22'00" EAST 234.29 FEET; THENCE SOUTH 23°38'00" EAST 100.00 FEET; THENCE NORTH 66°12'09" EAST 16.39 FEET TO THE POINT OF BEGINNING.

CONTAINS 53,694.18 SQ/FT OR 1.23 ACRES

OWNERS DEDCIATION

KNOWN BY ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PARCELS, AND STREETS, TOGETHER WITH EASEMENTS AND RIGHTS-OF-WAY, TO BE HEREAFTER KNOWN AS

SECOND AMENDMENT FOR LOT 2, PHASE 1, TREASURE HILL SUBDIVISION

AND DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC AND CITY, ALL PARCELS, LOTS, STREETS, EASEMENTS, RIGHTS-OF-WAY, AND PUBLIC AMENITIES SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC OR CITY USE.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF ____, 2023.

BY: _____

COMPANY: _____

ITS: _____

ACKNOWLEDGEMENT

COUNTY OF }
STATE OF UTAH }

ON THE ____ DAY OF ____, 2023, THERE PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____, MEMBER OF _____, LLC., WHO BEING BY ME DULY SWORN DID SAY THAT HE IS A MEMBER OF _____, LLC., AND THAT SAID INSTRUMENT WAS SIGNED IN BEHALF OF SAID LLC, BY A RESOLUTION OF ITS MEMBERS AND ACKNOWLEDGED TO ME THAT SAID LLC EXECUTED THE SAME.

NOTARY PUBLIC: _____

RESIDENCE: _____

MY COMMISSION EXPIRES: _____

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____
DATED ____ AT TIME ____ AS ENTRY NO. ____
IN BOOK ____ AT PAGE ____

FEE _____

COUNTY RECORDER

SECOND AMENDMENT FOR
LOT 2, PHASE 1, TREASURE HILL SUBDIVISION
A SUBDIVISION AMENDMENT OF LOT 2, LAND LOCATED IN THE
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SURVEYOR'S SEAL



CITY ENGINEER SEAL

CLERK-RECORDER SEAL

UTAH LAND SURVEYING, LLC

A PROFESSIONAL LICENSED LAND SURVEYING COMPANY



1359 FAIRWAY CIR
FARMINGTON, UT 84025
PHONE 801.725.8395
mikew@utahlandsurveying.com

www.utahlandsurveying.com

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ____, 2023 A.D.

CHAIRMAN

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ____, 2023 A.D.

PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF ____, 2023 A.D.

PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ____, 2023 A.D.

PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ____, 2023 A.D.

MAYOR

Planning Commission Staff Report



Subject: 1800 Park Avenue
Applications: PL-22-05476 Master Planned Development
PL-22-05475 Conditional Use Permit
Authors: Spencer Cawley, Planner II
Virgil Lund, Planner I
Date: January 24, 2024
Type of Item: Work Session

Recommendation

Review the modified Conditional Use Permit and Park and Kearns Master Planned Development (formerly known as The Yarrow Master Planned Development) for 1800 Park Avenue and provide input.

Description

Applicant: Seth Singerman, Yarrow Hotel Owner LLC

Applicant Representatives: Peter Tomai
Craig Elliott, Elliott Workgroup LLC

Location: 1800 Park Avenue

Zoning District: General Commercial
Frontage Protection Zone

Adjacent Land Uses: North – Olympic Welcome Plaza and Reid Office Building
East – Commercial
South – Fresh Market
West – Park Avenue Condos

Reason for Review: The Planning Commission reviews, conducts a public hearing, and takes Final Action on Conditional Use Permits and Master Planned Developments.¹

CUP Conditional Use Permit
LMC Land Management Code
MPD Master Planned Development

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

¹ LMC [§ 15-1-8](#)

Summary

Constructed in 1977, the DoubleTree by Hilton Hotel (formerly “The Yarrow”) at 1800 Park Avenue has 182 rooms with restaurant and meeting room facilities on a prominent entry corridor at the corner of S.R. 224 (Park Avenue) and S.R. 248 (Kearns Boulevard):



The Applicant proposes redeveloping the 4.47-acre parcel² with:

- Five buildings ranging between 49 to 60.5 feet in height.
- Four of five buildings with nightly rental condominiums and spa/fitness, restaurant, and meeting room amenities.
- One building with offices and affordable units.
- One-story retail facing the parking lot to the south and the commercial parking lot to the east.

Below is an excerpt from the Applicant’s submittal illustrating the south elevation:



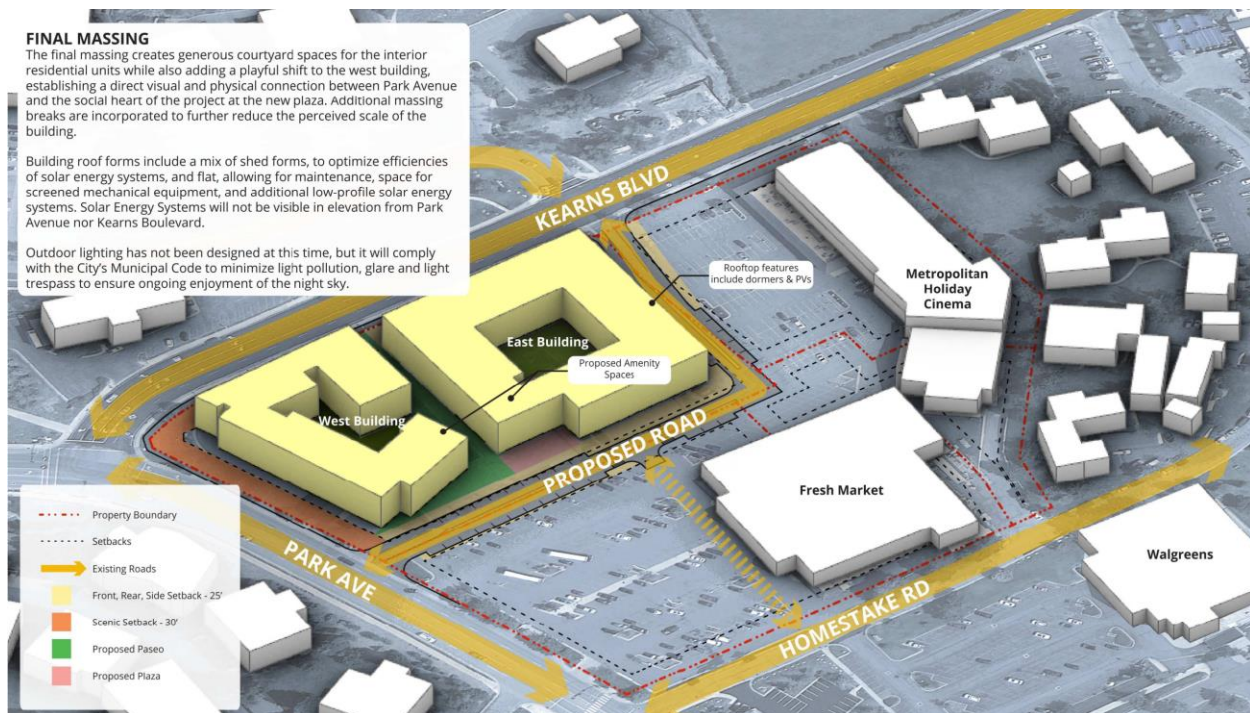
Please see Exhibit A: Applicant’s Statement for more information.

² Note the property is a metes-and-bounds parcel and will require a subdivision application.

Background

On September 14, 2022, the Planning Commission conducted a work session on The Yarrow Master Planned Development and Affordable Master Planned Development ([Staff Report and Exhibits](#), Work Session 6.A).

The original plan proposed two buildings that reached a height of 59 feet. A north-south public pedestrian paseo³ provided separation and circulation through the site. The image below shows the original massing:



The previous proposal included five stories:

³ A public walkway.



Initial Planning Commission input included ([Minutes](#), p. 4):

- Consideration of height within the Frontage Protection Zone.
- Evaluation of overall height.
- Importance of the design and massing in the context of the community gateway at the intersection of S.R. 224 and S.R. 248.
- Full evaluation of the Applicant's requested variances from code standards.

Since the September 2022 work session, the Applicant has been working through revisions to the proposed plans. The Applicant redesigned the project and requests initial input from the Planning Commission on the updated proposal.

This staff report focuses on building height and the site plan.

Analysis

The Park and Kearns Master Planned Development is within the Bonanza Park neighborhood. The General Plan identifies the Bonanza Park neighborhood as a mixed-use area where locals live and work and encourages authentic human scale redevelopment. The importance of the Park City entry experience is highlighted because of the location along both entry corridors, acknowledging that scenic views should be preserved and enhanced. The General Plan addresses the lack of connectivity and the need for improved pedestrian improvements. The details of future improvements are to be completed as part of a Small Area Plan, which is currently in progress.⁴ (Please see www.bonanzapark.com for more information on the neighborhood planning initiative.)

⁴ [General Plan Neighborhoods 1](#), p. 162-173

The Park and Kearns Master Planned Development is within the General Commercial Zoning District. Land Management Code (LMC) [§ 15-2.18-1](#) outlines the purposes of this Zoning District:

- Allow a wide range of commercial and retail trades and uses, as well as offices, business and personal services, and limited residential uses in an area convenient to transit, employment centers, resort centers, and permanent residential areas.
- Allow commercial uses that orient away from major traffic thoroughfares to avoid strip commercial development and traffic congestion.
- Protect views along the City's entry corridors.
- Encourage commercial development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian access with links to neighborhoods and other commercial developments.
- Allow new commercial development that is compatible with and contributes to the distinctive character of the City through building materials, architectural details, color range, massing, lighting, landscaping and the relationship to streets and pedestrian ways.
- Encourage architectural design that is distinct, diverse, reflects the mountain resort character of the City and is not repetitive of what may be found in other communities.
- Encourage commercial development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting areas, play areas, and public art.

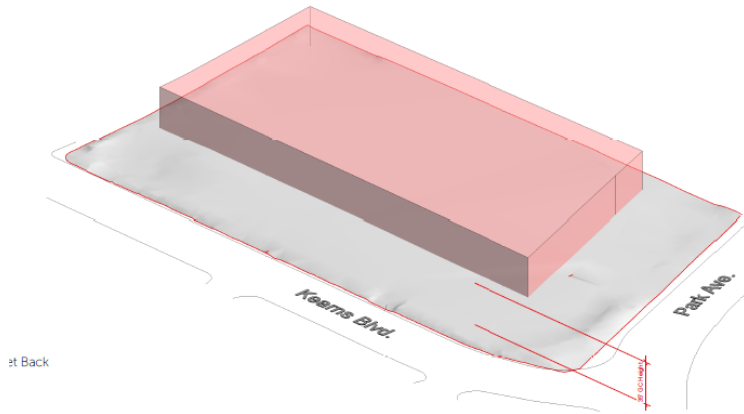
LMC [§ 15-6-6](#) outlines the 16 findings the Planning Commission must make when approving a Master Planned Development (MPD). This staff report focuses on building height and the site plan. Relevant analysis is outlined below:

(I) Building Height

LMC [§ 15-6-5\(A\)](#) establishes Density. MPDs may not exceed the maximum density in the Zoning District. The Applicant proposes:

- 222 nightly rental condominium units
 - 54 studios
 - 81 one bedrooms
 - 46 two bedrooms
 - 29 two bedrooms with lockout units
 - 12 three bedrooms
- 3,231-square-foot spa/fitness center
- 6,260-square-foot meeting hall and accessory spaces
- 5,647-square-foot restaurant
- 15,575-square-foot retail
- 5,160-square-foot office space
- 48 affordable units

The Applicant completed a Site Suitability Analysis and calculated the Zoning District density based on the buildable area within the 100-foot Frontage Protection Zone setback from both Kearns Boulevard and Park Avenue. The Applicant concludes the buildable volume is 324,191 square feet with 3.5 stories above grade floor plates. The Applicant proposes 291,061 square feet.



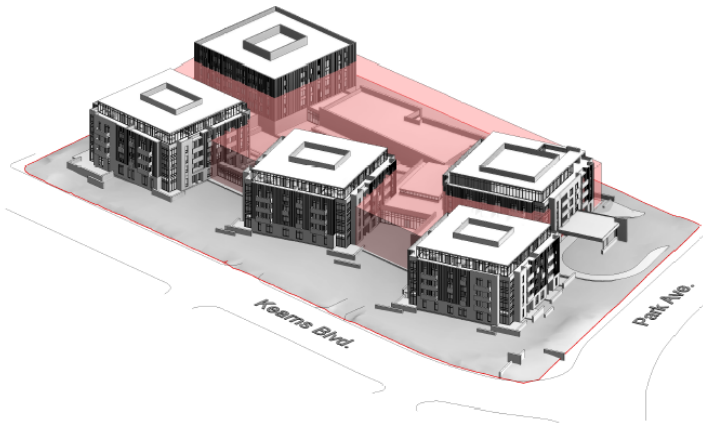
st Back

Buildable Volume



324,191 SQ FT (3.5 Above Grade Floor Plates)

3,241,910 CF



Current Proposed Development

291,061 SF

3,223,377 CF

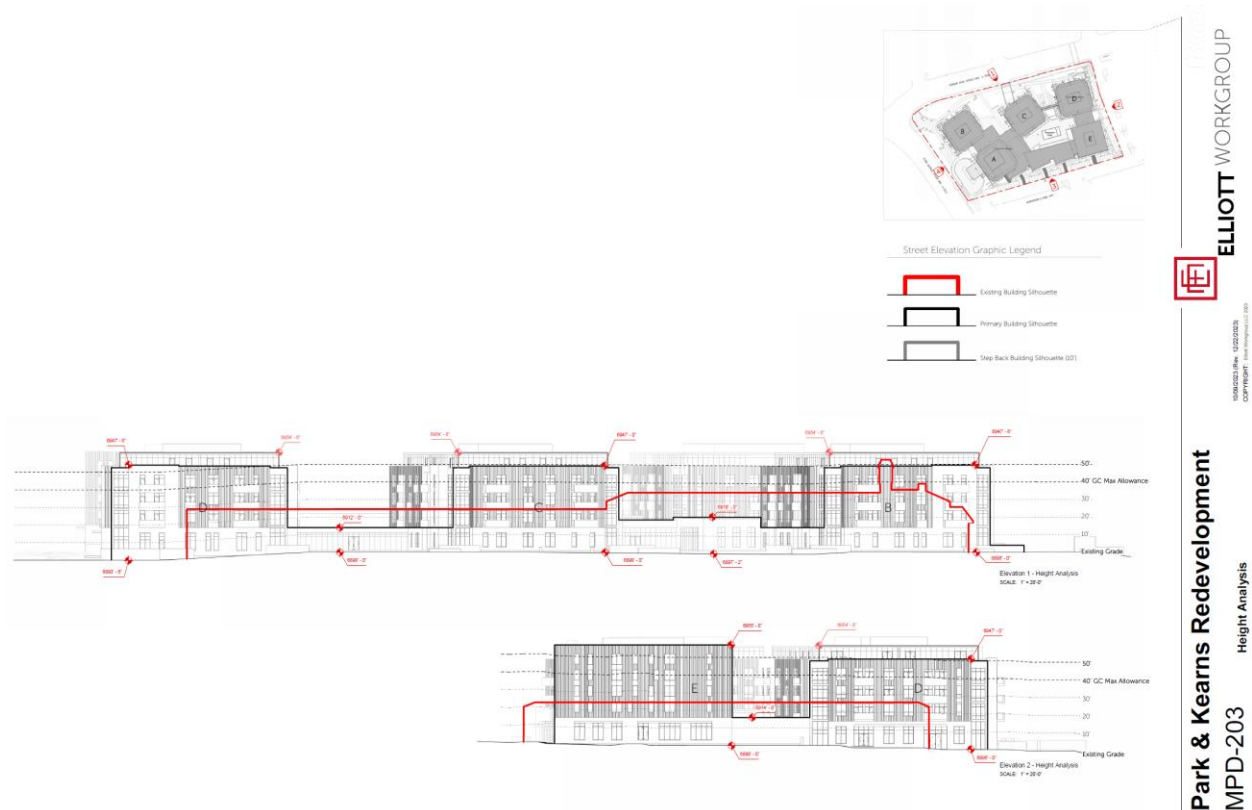


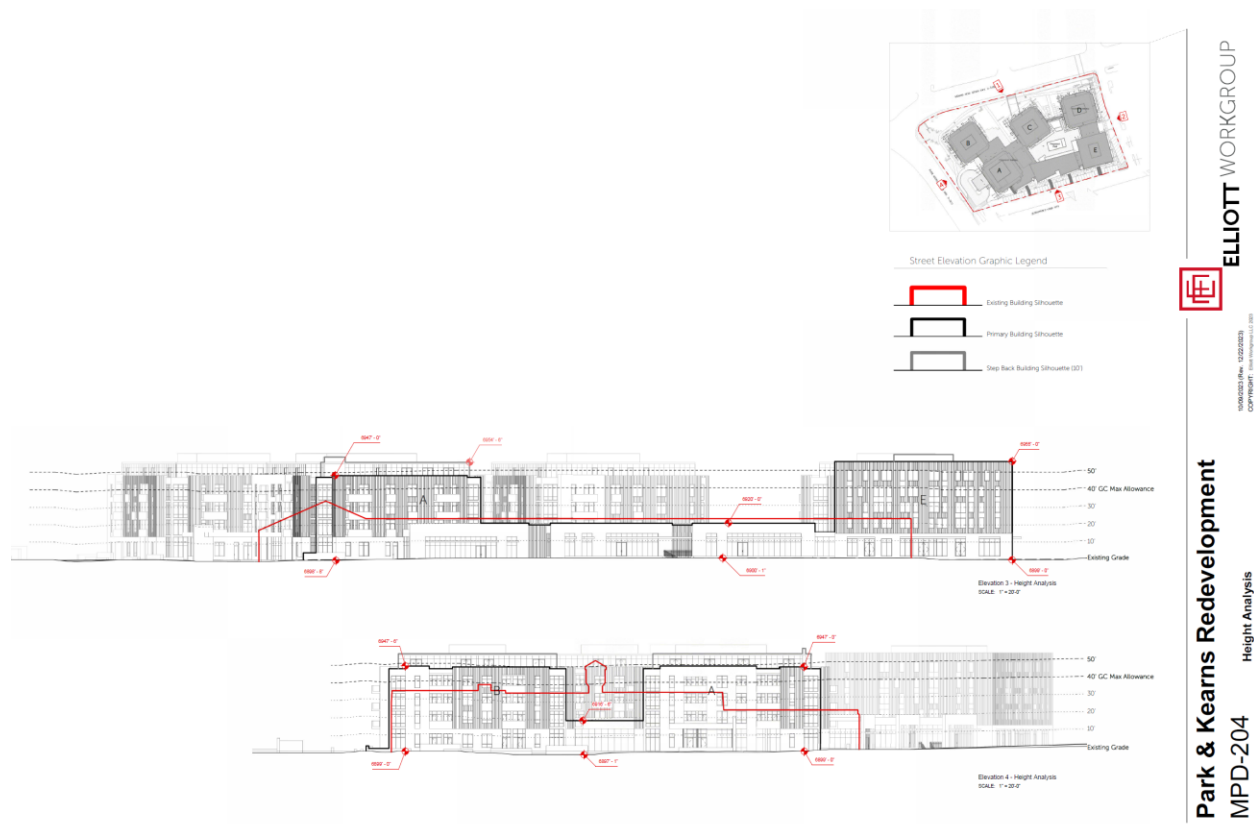
ELLIOTT WORKGROUP

1005/23
COPYRIGHT: Elliott Workgroup LLC 2022

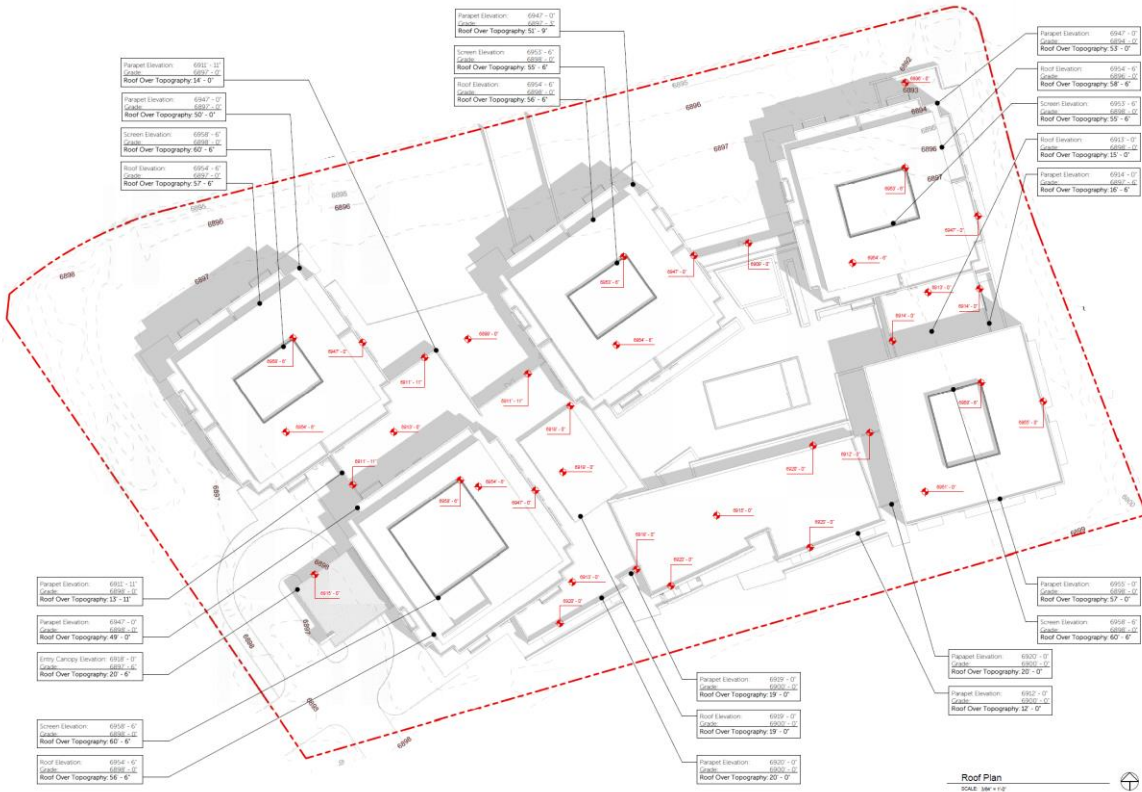
Park & Kearns Redevelopment MPD-004 Site Suitability Analysis

Building Height – The underlying Zoning District height governs MPD height. LMC [§ 15-2.18-4](#) establishes a maximum height of 35 feet from existing grade in the General Commercial Zoning District. The Applicant exceeds the 35-foot-height maximum with five buildings that range from 49 to 60.5 feet in height. The Applicant's Height Analysis below identifies the existing structure outlined in red and illustrates the proposed redevelopment in gray:





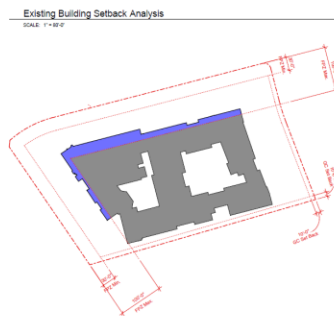
The Applicant's Roof Over Topography indicates a slight stepback at 50 feet in height before reaching the 60-foot height:



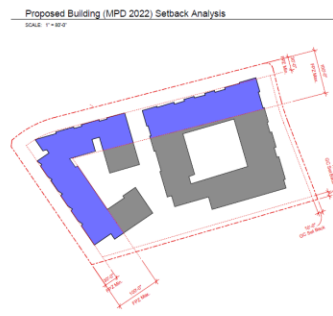
While the three buildings along Kearns Boulevard reach a height of 50+ feet with a slight stepback to 60 feet, these three buildings encroach into the Frontage Protection Zone. LMC [§ 15-2.20-1](#) states the purposes of the Frontage Protection Zone:

- Preserving the City's scenic view corridors.
- Preserving and enhancing the rural resort character of the City's entry corridor.
- Providing a significant landscaped buffer between development and highway uses.
- Minimizing curb cuts, driveways, and access points to highways.
- Allowing for future pedestrian and vehicular improvements along the highway corridors.

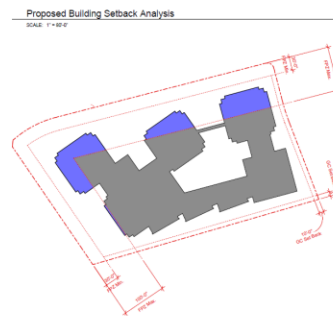
The Applicant's submittal below shows the existing structure, the last iteration with two five-story buildings in the Frontage Protection Zone, and the proposed three buildings up to 60 feet in height within the Frontage Protection Zone:



Property	394,652 sq. ft.
Required Set Backs - 30' FFZ and 10' GC Zone	
Frontage Protection Zone 100' Set Back	
Building Footprint encroaching into 100' FFZ	8,907 sq. ft.
Existing Building Footprint inside Set Backs	60,589 sq. ft.
EXISTING BUILDING FOOTPRINT: 70,516 sq. ft.	



Property	394,652 sq. ft.
Required Set Backs - 30' FFZ and 10' GC Zone	
Frontage Protection Zone 100' Set Back	
Building Footprint encroaching into 100' FFZ	47,236 sq. ft.
Existing Building Footprint inside Set Backs	40,285 sq. ft.
PROPOSED BUILDING FOOTPRINT: 88,522 sq. ft.	



Property	394,652 sq. ft.
Required Set Backs - 30' FFZ and 10' GC Zone	
Frontage Protection Zone 100' Set Back	
Building Footprint encroaching into 100' FFZ	16,529 sq. ft.
Existing Building Footprint inside Set Backs	64,434 sq. ft.
PROPOSED BUILDING FOOTPRINT: 80,763 sq. ft.	

LMC [§ 15-2.20-4](#) prohibits development within 30 feet of Kearns Boulevard and Park Avenue and requires a Conditional Use Permit for any construction activity between 30 feet and 100 feet. LMC [§ 15-1-10\(E\)](#) outlines the 16 criteria the Planning Commission considers as part of a Conditional Use Permit review. The criteria include:

- Building mass, bulk, and orientation, and the location of buildings on site, including orientation to buildings on adjoining lots.
- Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing.

As mentioned above, the General Commercial Zoning District height is 35 feet from existing grade. The Planning Commission may consider an increase in MPD height based on site specific analysis. The Applicant must request a site-specific determination and bears the burden of proof to the Planning Commission that the necessary findings for an increase in building height can be made, based on the five criteria below:

1. The increase in height does not result in increased square footage or building volume over what would be allowed under the Zoning District.

Please see Applicant's Site Suitability Analysis on page 7 above. The Applicant completed a Site Suitability Analysis and calculated the Zoning District density based on the buildable area within the 100-foot Frontage Protection Zone setback from both

Kearns Boulevard and Park Avenue. The Applicant concludes the buildable volume is 324,191 square feet with 3.5 stories above grade floor plates. The Applicant proposes 291,061 square feet.

2. Buildings have been positioned to minimize visual impacts on adjacent structures and shadows, loss of solar access, and loss of air circulation are mitigated.

Please see Exhibit B, page 34, Solar Study.

3. There is adequate landscaping and buffering from adjacent properties and uses.

Please see Exhibit B, page 10, Open Space. The code requires 30% Open Space, the Applicant proposes 39.7% Open Space.

4. Increased setbacks and separations from adjacent projects are proposed.

The Applicant proposes buildings that exceed Zoning District height within the Frontage Protection Zone setback.

5. The additional building height results in more than the minimum open space required and results in open space that is publicly accessible.

Please see Exhibit B, page 10, Open Space. The code requires 30% Open Space, the Applicant proposes 39.7% Open Space. In addition to the 39.7% Open Space, the Applicant removed the original north-south public pedestrian paseo and proposes enclosing 14,846 square feet of private Open Space for guests of the hotel only.

6. The building height is designed in a manner that provides a transition in roof elements.

The Applicant proposes a slight stepback before reaching 60 feet in height. However, three of the proposed buildings encroach in the Frontage Protection Zone, exceeding the allowable General Commercial Zoning District building height.

Staff recommends the Planning Commission provide input regarding the Applicant's proposal to exceed Zoning District height within the Frontage Protection Zone and General Commercial Zoning District.

(II) Site Plan

LMC [§ 15-6-5\(G\)](#) states the MPD "should be designed to fit the site, not the site modified to fit the project" and recommends in part:

- Clustering units on the most developable and least visually sensitive portions of the site
- Adequate internal vehicular, pedestrian, and bicycle circulation must be provided.

Open Space – Applicants redeveloping an MPD within the General Commercial Zoning District are required to provide 30% open space. The Applicant’s submittal below shows existing open space, open space in the first iteration, and the proposed open space:



The Planning Commission designates the preferable type and mix of open space for each MPD based on guidance in the General Plan. Landscaped open space may be used for gardens, greenways, pathways, plazas, and similar uses.

The General Plan states “[c]onnectivity and pedestrian safety are essential to neighborhood design within a mixed use area. Bonanza Park currently lacks both qualities. Proposed rights-of-way dedications and pedestrian improvements are imperative to actualize the vision of a live/work/plan and walkable urban district. The exact locations of the proposed rights-of-way will be finalized as part of the BoPa Area Plan.”⁵

The initial plan provided a public paseo prioritizing a north-south pedestrian connection into the Bonanza Park neighborhood that does not currently exist. Walking over 400 feet is required prior to being able to move south into the Bonanza Park neighborhood. The Applicant’s updated site plan eliminates the north-south connection.

The initial plan also provided green space interior to the two proposed buildings. The Applicant’s updated site plan shifts the open space to Park Avenue and Kearns

⁵ [General Plan Neighborhoods 1](#), p. 170

Boulevard, which aligns with the Frontage Protection Zone landscaping. However, the affordable units within the southeast corner have no direct access to green space.

Staff recommends the Planning Commission provide input on the elimination of the north-south paseo and the reconfiguration of Open Space.

Additional Considerations for future review:

In addition to the criteria outlined in LMC Chapter 15-6, the Applicant is working with staff to evaluate requested exceptions to parking. The proposal includes surface-level parking within the side and rear setbacks and the applicant will need to modify this to comply with the requirements of the LMC.

Affordable Housing – The Applicant submitted the updated plans to the Housing Team and is working on a draft Housing Mitigation Plan.

Department Review

The Planning Department, Executive Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website on January 8, 2024. The *Park Record* published courtesy notice on January 10, 2024.⁶

Public Input

Staff did not receive any public input at the time this report was published.

Exhibits

Exhibit A: Applicant's Statement

Exhibit B: Updated Plans

⁶ LMC [§ 15-1-21](#)

December 22, 2023

Planning Department
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

re: 1800 Park Avenue - Yarrow Mixed Use / Kearns and Park Redevelopment - EWG# 2023-31
MPD Amended Application Written Statement

Project Planner and Planning Commission Members:

This amendment to the MPD and CUP for the above referenced project represents a response to comments and input received from the Park City Planning Commission during the initial work session on September 14, 2022. We have modified the design in response to the comments received and are proceeding with the MPD while the AMPD portion of the application has now been integrated into a single MPD. The amended MPD Application for 1800 Park Avenue still proposes a complete redevelopment of the site. The redevelopment will require the demolition of the existing 182 room hotel structure and construction of a new mixed-use project on the site.

One of the goals of the project team is to create a project that serves as a gateway, transitioning from the Frontage Protection Zone to this mixed-use redevelopment and the entire BOPA redevelopment area beyond. In keeping with requests from Planning Commissioners, the modified submittal breaks up the building masses and moves the buildings back from Kearns Boulevard and Park Avenue. This materially opens up the site and reduces the impression of the buildings along both streets.

The design removes the existing surface parking along Kearns Boulevard, Park Avenue, and along the property line adjacent to Holiday Village. Most of the parking servicing the project will be within an underground parking garage accessed off Kearns Boulevard with a consolidated curb cut directly across from the Jess Reid Building's eastern parking lot entrance. The entrance to the parking garage will be between the two existing, poorly functioning, curb cuts. The existing curb cuts will be removed. This revision of curb cuts will accommodate the latest designs for a grade-separated pedestrian crossing near Snow Creek Boulevard. And, the existing parking along Park Avenue and Kearns Boulevard will be redeveloped as open space within the Frontage Protection Zone, improving the aesthetic presence at one of the primary entrances into Park City.

The project as planned accommodates the tunnel studies that were developed at the Kearns Boulevard and Snow Creek drive intersection. When and if the City decides to move forward with the tunnel project(s) the current concepts can be executed with this design. The design also envisions a new



pedestrian and bicycle trail along Park and Kearns. This will remove the minimal sidewalk along both streets and create a more attractive and safer pedestrian experience.

Retail and Office, will be located along the South and East perimeters of the site. The design includes a sidewalk in front of the commercial spaces and provides adjacent pull-in parking to accommodate the commercial uses. The design implements concepts planned for this area under the General Plan and the contemplated redevelopment of the district.

Entrance to the lobby for the nightly rental condominiums is proposed through the existing south curb cut along Park Avenue, while the north curb cut on Park Avenue will be abandoned.

As proposed, the building is developed as five building blocks that are connected at the first floor. Four of the building blocks contain nightly rental condominiums and the fifth block is comprised of rental affordable housing units. Creation of these building blocks reduces the visual mass of the project by creating substantial openings along the perimeter of the project. The improved building massing and increased setbacks are made possible through the use of a height exception allowed within the LMC MPD section of the code. The four blocks at the Kearns Boulevard and Park Avenue Frontage Protection Zones are designed at four stories with a fifth story that is set back ten feet from the primary building facades.

Redevelopment of the existing hotel site will result in a project that significantly reduces the impervious surface area, and enhances the street frontage and pedestrian experience, while taking advantage of water-wise landscaping and minimizing water run-off. The design of the project also incorporates the following sustainable design principles and methods: efficient use of space, high performance mechanical systems, industry leading insulated thermal envelope, grey field development, proximate location to pedestrian pathways and public transportation, in addition to other sustainable techniques.

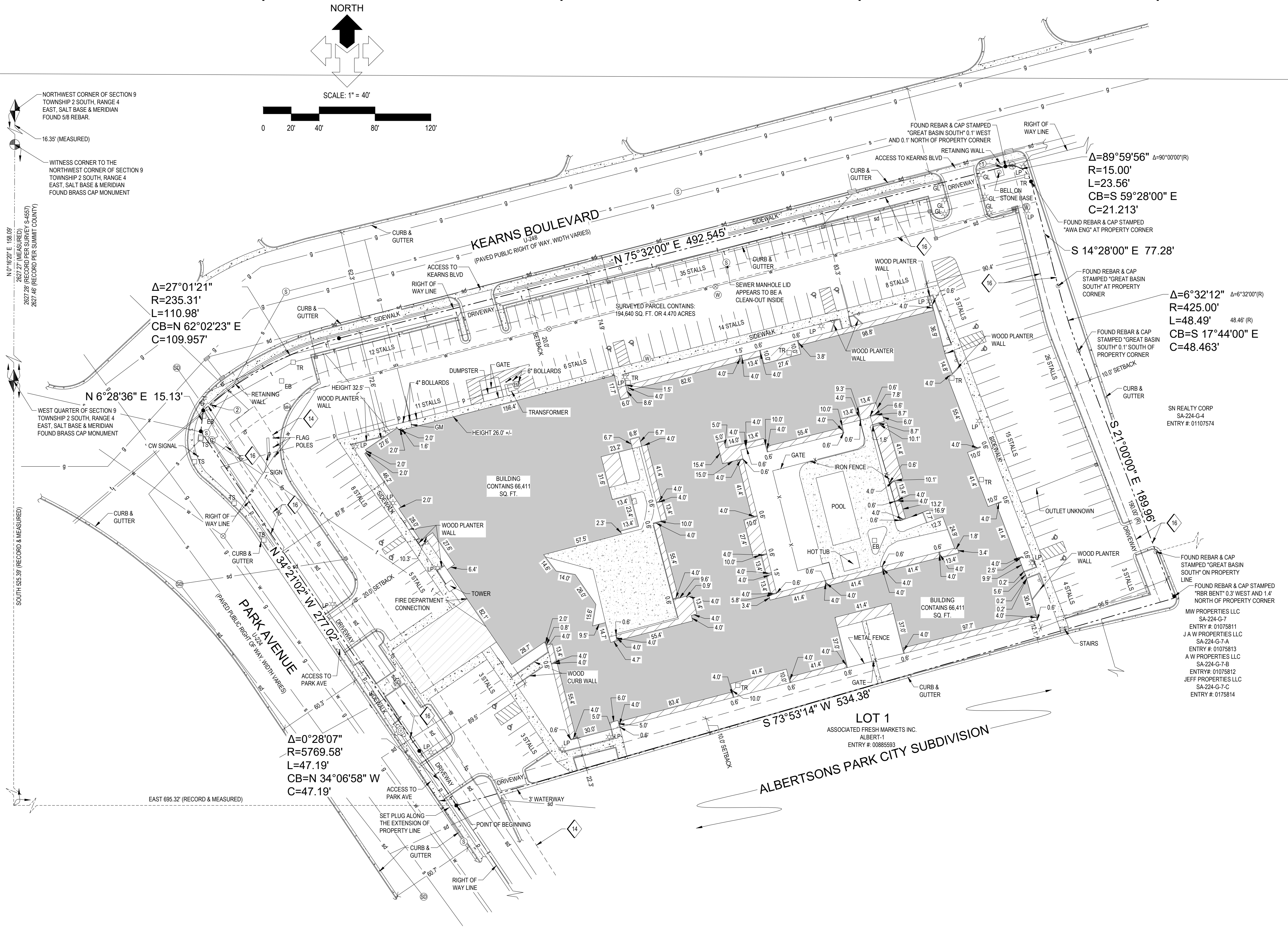
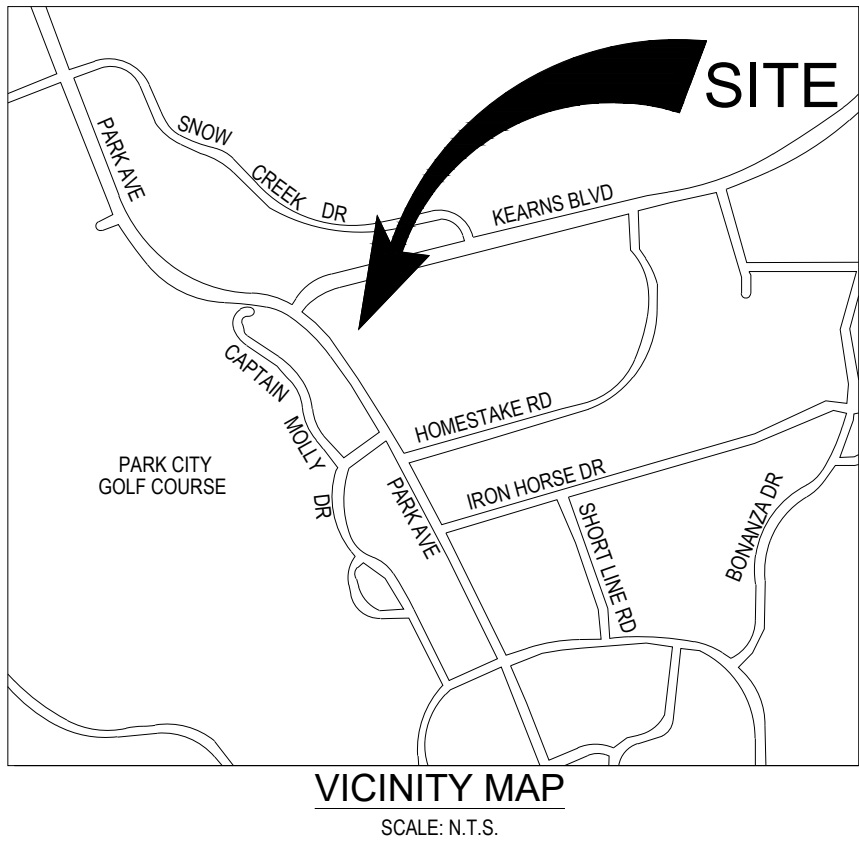
As a mixed-use project, a parking management plan will be submitted to describe the shared use parking concepts allowing for a reduction in overall parking requirements.

This project represents a great opportunity to improve the current condition of the project site and to provide a catalyst for the redevelopment of the surrounding district. The project team looks forward to working with the City on this project.

Sincerely,


Craig Elliott, AIA





LEGEND	
---	ADJOINING PROPERTY LINE
---	ADJOINING LOT LINE
---	PROPERTY LINE
---	MONUMENT LINE
---	EASEMENT LINE
---	SET BACK LINE
---	EXISTING FENCE
---	POWER LINE
---	TELEPHONE LINE
---	WATER LINE
---	SANITARY SEWER LINE
---	STORM DRAIN LINE
---	CONCRETE
---	BUILDING
---	BUILDING OVERHANG
---	PROPERTY CORNER (SEE GENERAL NOTE 2)
---	TELEPHONE RISER
---	SIGN
---	FIRE HYDRANT
---	WATER MANHOLE
---	WATER VALVE
---	ELECTRIC BOX
---	COMMUNICATION BOX
---	ELECTRIC METER
---	LIGHT POLE
---	GROUND LIGHT
---	CLEAN OUT
---	SANITARY SEWER MANHOLE
---	GAS METER
---	COMMUNICATION MANHOLE
---	STORM DRAIN CATCH BASIN
---	STORM DRAIN MANHOLE
---	MANHOLE
---	IRRIGATION CONTROL VALVE
---	TRAFFIC SIGNAL BOX

SIGNIFICANT OBSERVATIONS	
1	ROCK BASE OF BELL 0.2' NORTHWESTERLY OF PROPERTY LINE
2	END OF RETAINING WALL 1.0' SOUTHEASTERLY OF PROPERTY LINE
GENERAL NOTES	
1	MCNEIL ENGINEERING OR MCNEIL ENGINEERING - SURVEYING L.C. MAKES NO REPRESENTATIONS AS TO THE EXISTENCE OF ANY OTHER RECORD DOCUMENTS THAT MAY AFFECT THIS PARCEL OTHER THAN THOSE SHOWN IN THE EXCEPTIONS OF SCHEDULE B-2 AS SHOWN HEREON.
2	CORNER MONUMENTS WERE SET WITH 5/8 REBAR & CAP OR NAIL & WASHER STAMPED "MCNEIL ENG" UNLESS OTHERWISE NOTED HEREON.
3	THIS MAP MAKES NO ASSUMPTIONS AS TO ANY UNWRITTEN RIGHTS THAT MAY EXIST BY AND BETWEEN THE ADJOINING LANDOWNERS.
4	COURSES AND DISTANCES SHOWN ON THIS MAP ARE MEASURED DIMENSIONS UNLESS SHOWN WITHIN PARENTHESIS, INDICATING A RECORD COURSE OR DISTANCE. RECORD INFORMATION IS TAKEN FROM CHIT TITLE COMMITMENT, DEEDS OF RECORD, SUBDIVISION PLATS, ROADWAY DEDICATION PLATS, CITY ATLAS PLATS, FILED SURVEYS OR OTHER SOURCES OF RECORD INFORMATION.
5	NO OBSERVED EVIDENCE OF CEMETERIES OR BURIAL GROUNDS.
6	THERE IS DIRECT VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM KEARNS BOULEVARD AND PARK AVENUE, EACH A DEDICATED PUBLIC RIGHT-OF-WAY.

ZONING INFORMATION	
ZONE = "GC" GENERAL COMMERCIAL DISTRICT	
SETBACKS:	
FRONT: 30 FEET MINIMUM, 20 FT FRONT SETBACK MAY BE REDUCED TO 10 FEET, PROVIDED ALL ON-SITE PARKING IS AT THE REAR OF THE PROPERTY OR UNDERGROUND.	
SIDE INTERIOR: 10 FEET MINIMUM (INTERIOR); ON CORNER LOTS, THE SIDE YARD THAT FACES A STREET IS CONSIDERED A FRONT YARD AND THE SETBACK MUST NOT BE LESS THAN 20 FEET.	
REAR: 10 FEET MINIMUM	
PARKING SET BACK: 5 FEET MINIMUM, UNLESS A DRIVEWAY EXCEPTION IS USED, UNENCLOSED PARKING AREAS SHALL GENERALLY INCLUDE LANDSCAPING ON ALL PERIMETER PROPERTY LINES.	
SITE AREA:	
SITE AREA: NO MINIMUM LOT AREA OR LOT WIDTH REQUIREMENT.	
BUILDING HEIGHT:	
MAXIMUM HEIGHT: 35 FEET FROM EXISTING GRADE.	
EXISTING BUILDING HEIGHT: 2 STORIES (PER CLIENT)	
DENSITY:	
DENSITY REQUIREMENTS: NO REQUIREMENT LISTED.	
EXISTING BUILDING FOOTPRINT: SQUARE FOOTAGE OF THE GROUND BUILDING FLOOR AREA WAS NOT PROVIDED ON THE SURVEY.	
OFF-STREET PARKING:	
PARKING FORMULA(S): HOTEL, MINOR AND MAJOR: 1 SPACE PER ROOM OR SUITE, AND 1 SPACE PER 200 SF OF SEPARATELY LEASABLE COMMERCIAL SPACE. PER SPENCER CRAWLEY, PLANNER, IF THE RESTAURANT OR RETAIL SHOP LEASES THE SPACES FROM THE HOTEL, THEN IT WOULD BE CONSIDERED LEASABLE COMMERCIAL SPACE.	
REQUIRED PARKING SPACES: (182 X 1) = 182 TOTAL PARKING SPACES (FOR PURPOSE OF THIS REPORT, IT WAS ASSUMED THAT THE SUBJECT HOTEL DOES NOT HAVE SEPARATE LEASABLE COMMERCIAL SPACE)	
EXISTING PARKING SPACES: 168 TOTAL PARKING SPACES (INCLUDING 12 HANDICAPPED)	
ALL ABOVE ZONING INFORMATION IS PER ZONING REPORT PREPARED BY NATIONAL ZONING ASSOCIATES, LLC DATED MAY 27, 2021, SUPPLIED BY CLIENT.	

TITLE INFORMATION	
THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM TITLE COMMITMENT NO. 1244369 PREPARED BY STEWART TITLE GUARANTY COMPANY, EFFECTIVE DATE: MAY 21, 2021, AT 8:00 AM.	
DESCRIPTION PER TITLE REPORT	
THE FOLLOWING DESCRIBED REAL PROPERTY IS LOCATED IN SUMMIT COUNTY, STATE OF UTAH:	
BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PARK AVENUE (STATE HIGHWAY U-224), SAID POINT BEING SOUTH 525.39 FEET AND EAST 696.32 FEET FROM THE WEST QUARTER CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, THENCE NORTHWESTERLY, ALONG SAID RIGHT OF WAY, ON A CURVE TO THE LEFT, HAVING A RADIUS OF 5769.58 FEET, THROUGH A CENTRAL ANGLE OF 0°28'07", A DISTANCE OF 47.19 FEET TO A POINT (CHORD BEARS NORTH 34°06'58" WEST, 47.19 FEET); THENCE NORTH 34°06'58" WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 27.02 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF KEARNS BOULEVARD (STATE HIGHWAY U-248); THENCE NORTH 6°28'36" EAST ALONG SAID RIGHT OF WAY, A DISTANCE OF 15.13 FEET TO A POINT OF NON-TANGENCY; THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT, ALONG SAID RIGHT OF WAY, HAVING A RADIUS OF 235.31 FEET, THROUGH A CENTRAL ANGLE OF 27°01'21", A DISTANCE OF 110.95 FEET TO A POINT OF NON-TANGENCY (CHORD BEARS NORTH 62°02'23" EAST, 109.957 FEET); THENCE NORTH 75°32'00" EAST, ALONG SAID HIGHWAY, A DISTANCE OF 492.545 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY, ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 15 FEET, THROUGH A CENTRAL ANGLE OF 80°00'00", A DISTANCE OF 23.56 FEET TO A POINT OF TANGENCY (CHORD BEARS SOUTH 59°28'00" EAST, 21.213 FEET); THENCE SOUTH 14°28'00" EAST A DISTANCE OF 77.28 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY, ON A CURVE TO THE LEFT, HAVING A RADIUS OF 425.00 FEET, THROUGH A CENTRAL ANGLE OF 6°32'00", A DISTANCE OF 48.46 FEET TO A POINT OF TANGENCY (CHORD BEARS SOUTH 17°44'00" EAST, 48.463 FEET); THENCE SOUTH 21°00'00" EAST, A DISTANCE OF 190.00 FEET TO A POINT; THENCE SOUTH 73°53'14" WEST 534.38 FEET TO THE POINT OF BEGINNING.	
SCHEDULE B-2 EXCEPTIONS	
14	AN EASEMENT FOR RIGHT OF WAY (WIDTH NOT DISCLOSED) FOR ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES AS CREATED IN FAVOR OF UTAH POWER AND LIGHT COMPANY BY INSTRUMENT RECORDED JULY 18, 1938, AS ENTRY NO. 62920 IN BOOK V OF MISCELLANEOUS AT PAGE 520 OF OFFICIAL RECORDS.
15	RESERVATIONS CONTAINED IN THAT CERTAIN SPECIAL WARRANTY DEED EXECUTED BY UNITED PARK CITY MINES COMPANY DATED AUGUST 8 1972, AS ENTRY NO. 116520 IN BOOK M-40 AT PAGE 52.
16	RESERVATIONS CONTAINED IN THAT CERTAIN SPECIAL WARRANTY DEED AND AGREEMENT BY AND BETWEEN GREATER PARK CITY COMPANY, UTAH CORPORATION AND COMSTOCK ASSOCIATES, A UTAH GENERAL PARTNERSHIP, RECORDED JUNE 21, 1974, AS ENTRY NO. 123544 IN BOOK M-57 AT PAGE 405 OF OFFICIAL RECORDS. SET FORTH, IN PART, AS FOLLOWS:
SURVEY NARRATIVE	
THE PURPOSE OF THIS SURVEY IS TO PROVIDE AN "ALTANSIPS LAND TITLE SURVEY" ON THE SUBJECT PROPERTY PER CLIENTS REQUEST. THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 00°16'20" EAST ALONG THE SECTION LINE BETWEEN THE FOUND BRASS CAP MONUMENT AND A FOUND S&B REBAR MARKING THE WEST QUARTER AND THE NORTHWEST CORNER RESPECTIVELY OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN, AS SHOWN ON THIS SURVEY. THE SURVEYED PROPERTY LINES WERE ESTABLISHED PER DEED. THIS VERIFIED ALONG THE EASTERLY PROPERTY LINES BY A SURVEY PREPARED BY GREAT BASIN SOUTH, ON FILE WITH THE OFFICE OF THE SUMMIT COUNTY RECORDER AS 5000457 AND ALONG THE SOUTH BY THE RECORDED PLAT FOR ALBERTSON'S PARK CITY SUBDIVISION.	
SURVEYOR'S CERTIFICATE	
TO YARROW HOTEL OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, YARROW RESORT TRS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, STEWART TITLE GUARANTY COMPANY, MIDCAP FINANCIAL TRUST, A DELAWARE STATUTORY TRUST, AS AGENT, ITS SUCCESSORS AND ASSIGNS AS THEIR INTEREST MAY APPEAR:	
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTANSIPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5(A), 5(B), 7(A), 7(B)(1), 7(C), 8, 9, 10, 13, 14, 16, 17, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MAY 24, 2021.	
DATE OF PLAT OR MAP: JUNE 10, 2021	
DAVID B. DRAPER LICENSE NO. 6861599	
TABLE "A" ITEMS	
1	SEE GENERAL NOTE 2
2	SHOWN HEREON
3	BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THE SUBJECT PARCEL LIES WITHIN ZONE X PER FLOOD INSURANCE RATE MAP 49043C0917D, EFFECTIVE 3-23-2021.
4	SHOWN HEREON
5(A)	INFORMATION SHOWN HEREON PER PRIOR MCNEIL SURVEY, NO UP TO DATE INFORMATION PROVIDED
5(B)	INFORMATION SHOWN HEREON PER PRIOR MCNEIL SURVEY, NO UP TO DATE INFORMATION PROVIDED
7(A)	SHOWN HEREON
7(B)(1)	SHOWN HEREON
7(C)	SHOWN HEREON
8	SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK SHOWN HEREON.
9	156 REGULAR STALLS, 12 ADA STALLS, TOTALING 168 PARKING STALLS ON SITE.
10	NOT APPLICABLE
13	ADJOINING OWNERS SHOWN HEREON.
14	SITE IS AT THE INTERSECTION OF KEARNS BOULEVARD AND PARK AVENUE
16	NONE OBSERVED
17	NO OBSERVED RECENT STREET OR SIDEWALK REPAIR, NO PROPOSED CHANGES TO STREET RIGHT OF WAY LINES HAVE BEEN MADE AVAILABLE BY THE CONTROLLING JURISDICTION

McNEIL ENGINEERING

8410 South Sandy Parkway, Suite 200 Sandy, Utah 84070 801.253.7700 mcnengineering.com

Structural Engineering • Consulting & Landscape Architecture

Civil Engineering • Land Surveying & HDS

DOUBLE TREE HOTEL

1800 PARK AVENUE
PARK CITY, UTAH

LOCATED IN THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, S.L.B & M.

REVISIONS	
REV	DATE
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2	6/4/2021
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PROJECT NO: 21328

CAD FILE: 21328 ALTA

DRAWN BY: KSL

CALC BY: DBD

FIELD CREW: HBD

CHECKED BY: DBD

DATE: 6/10/2021

ALTA/NSPS

LAND TITLE

SURVEY

1

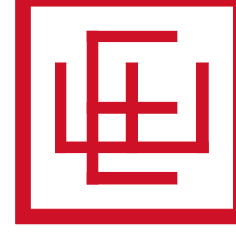
of 1



Park & Kearns Redevelopment

MPD-003

Aerial View

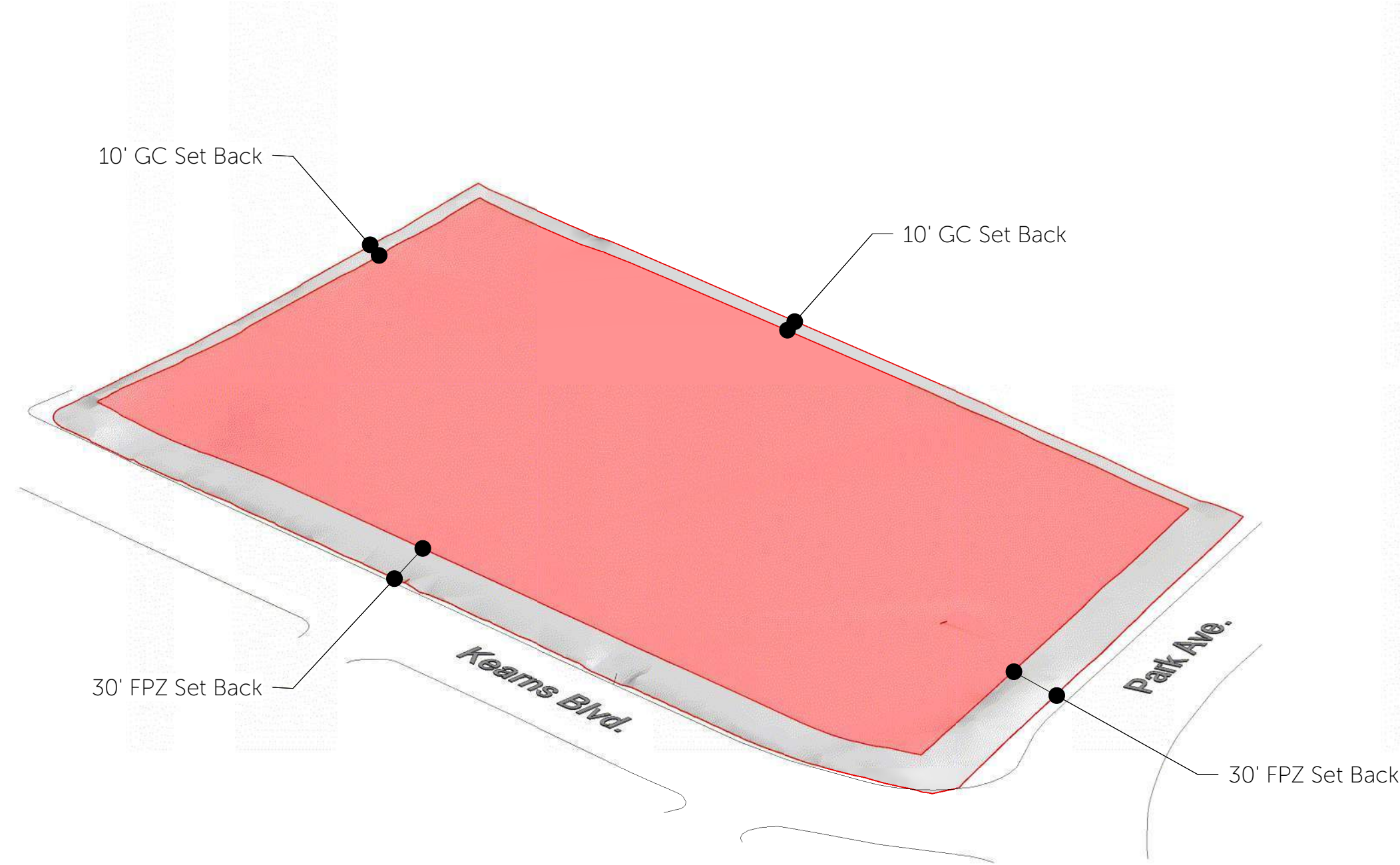


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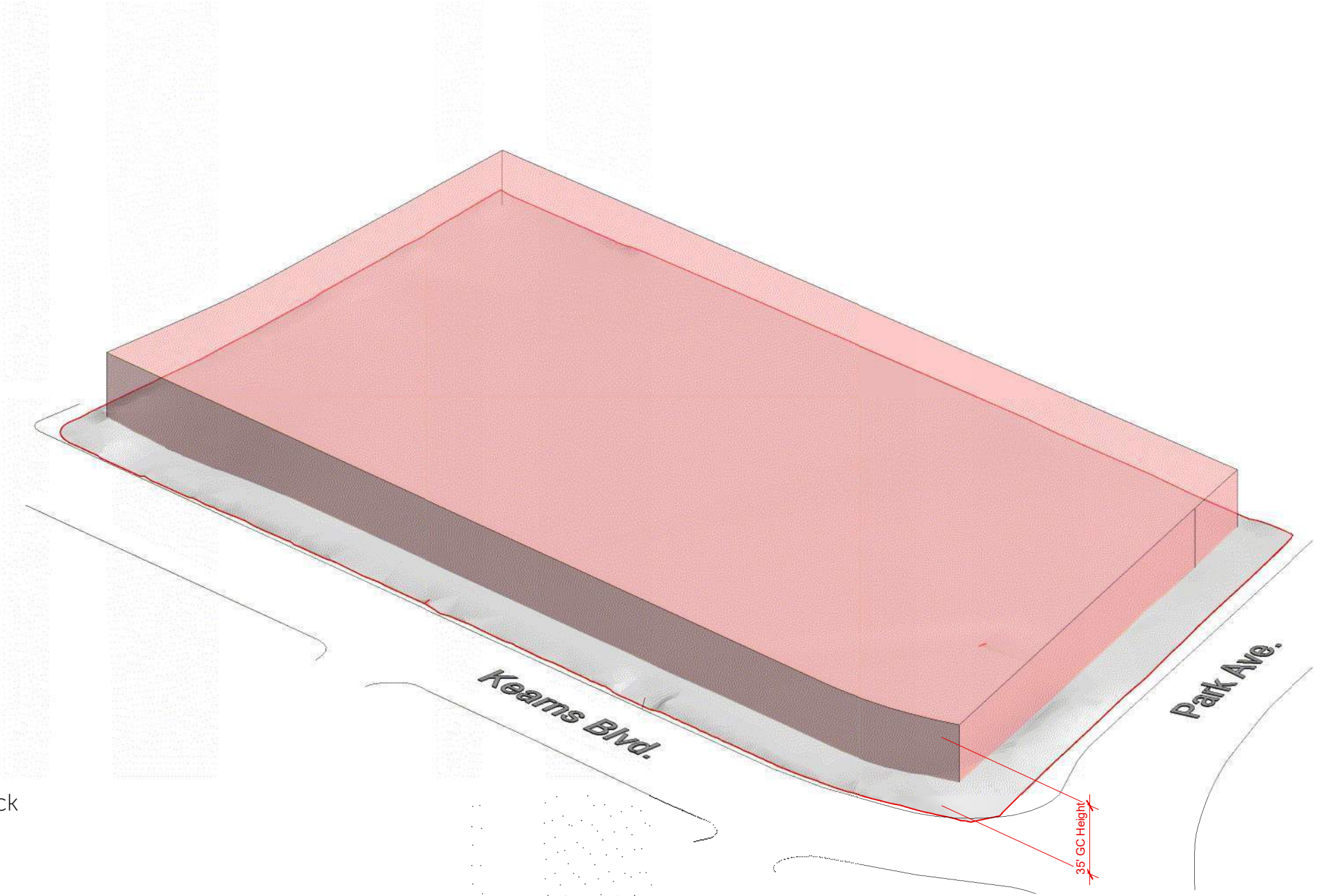
07/06/23
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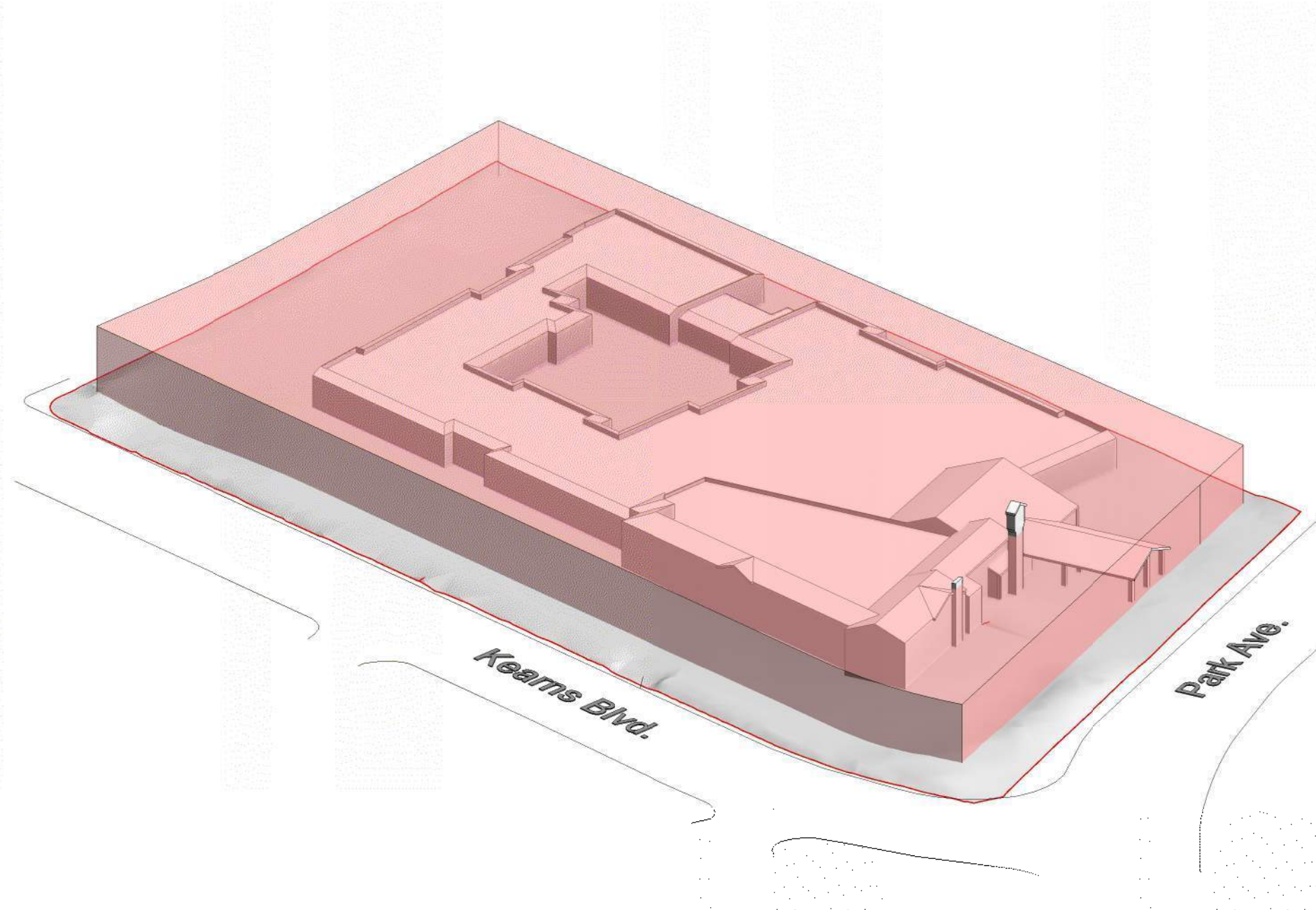
Property 194,649.5 SQ FT (4.46 ACRES)



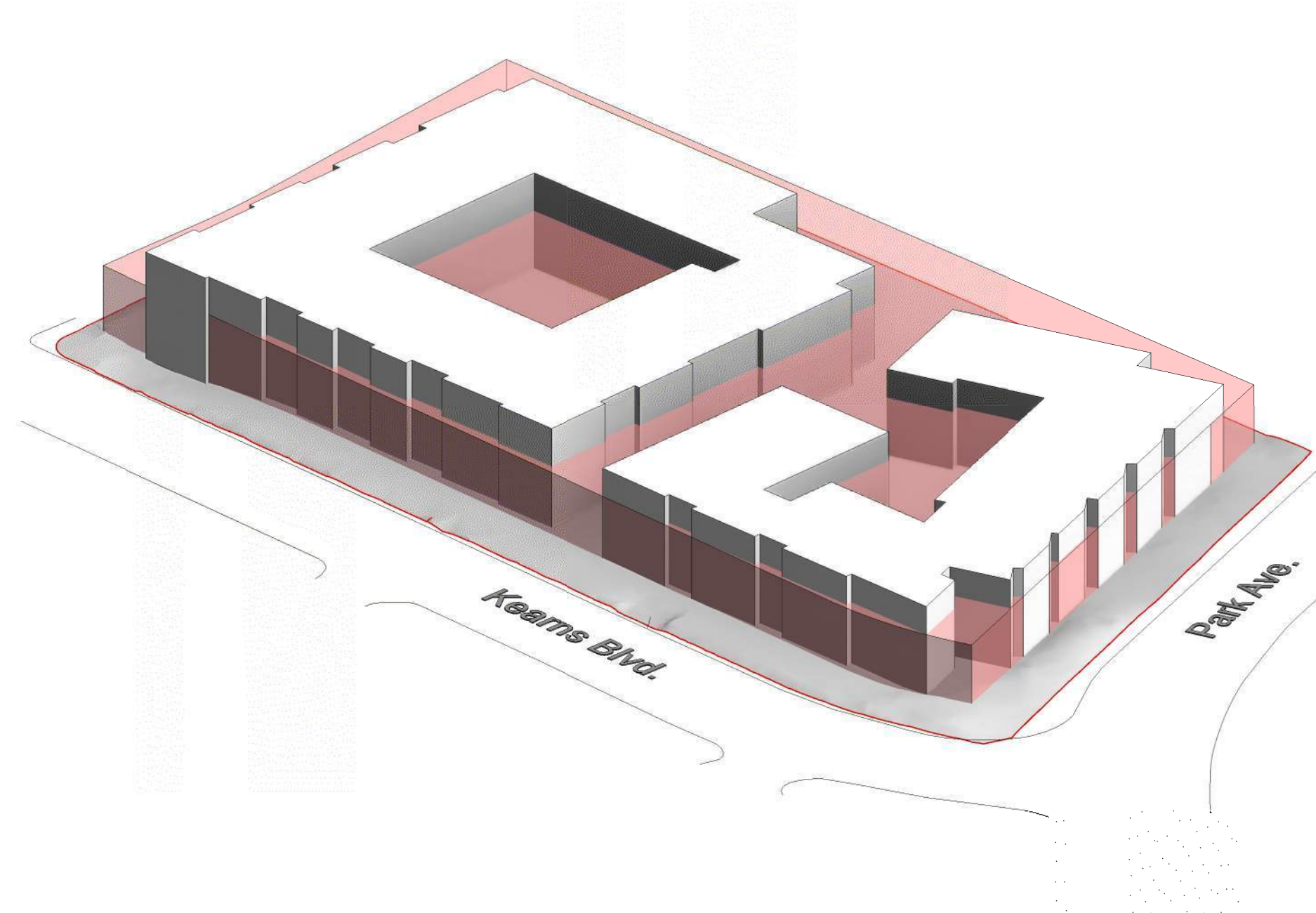
Buildable Area 158,774.9 SQ FT (3.64 ACRES)



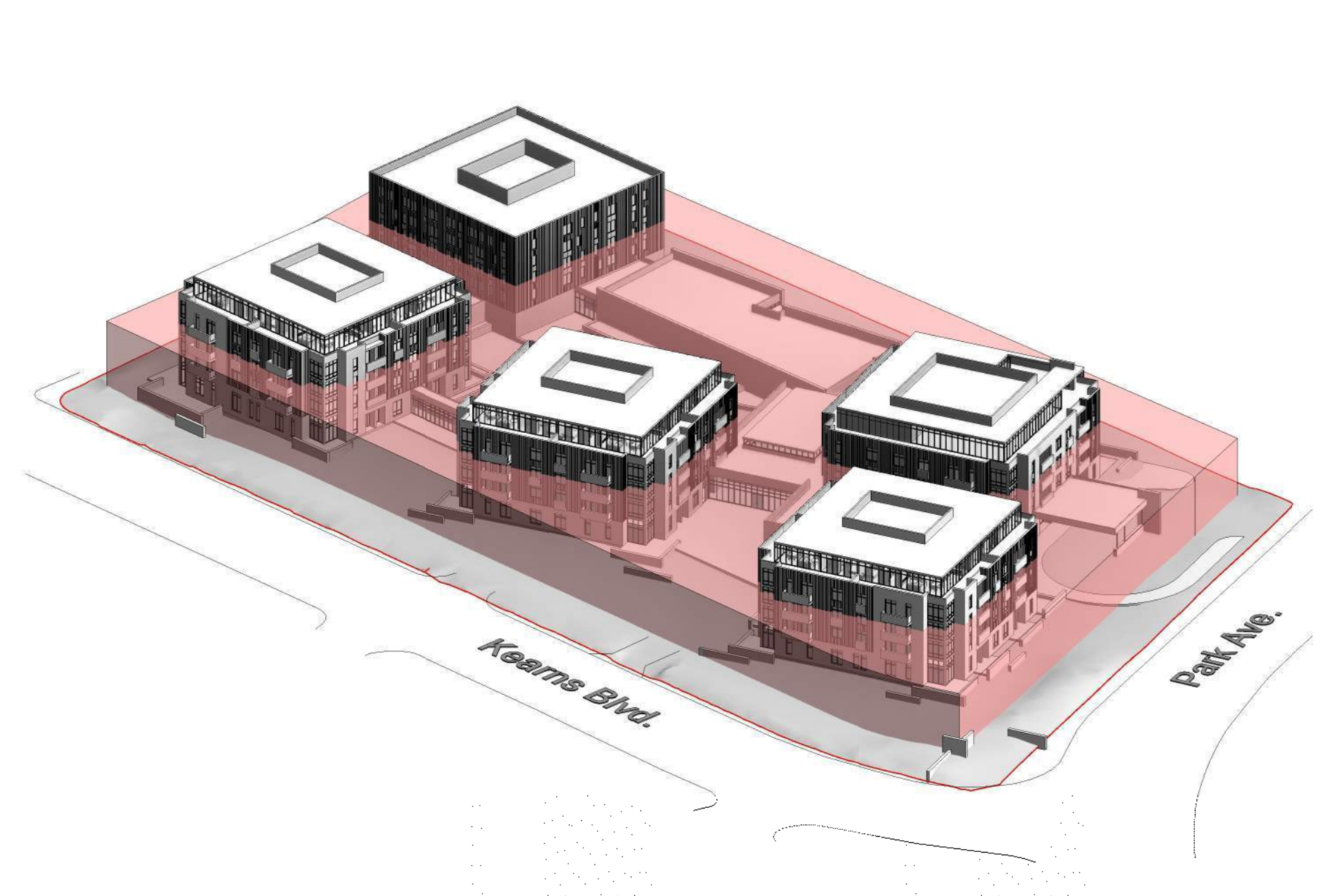
Buildable Volume 555,712.1 SQ FT (3.5 Above Grade Floor Plates)



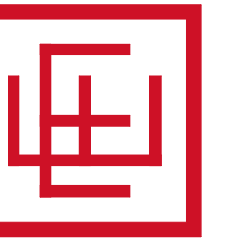
Existing Building 132,330 SF

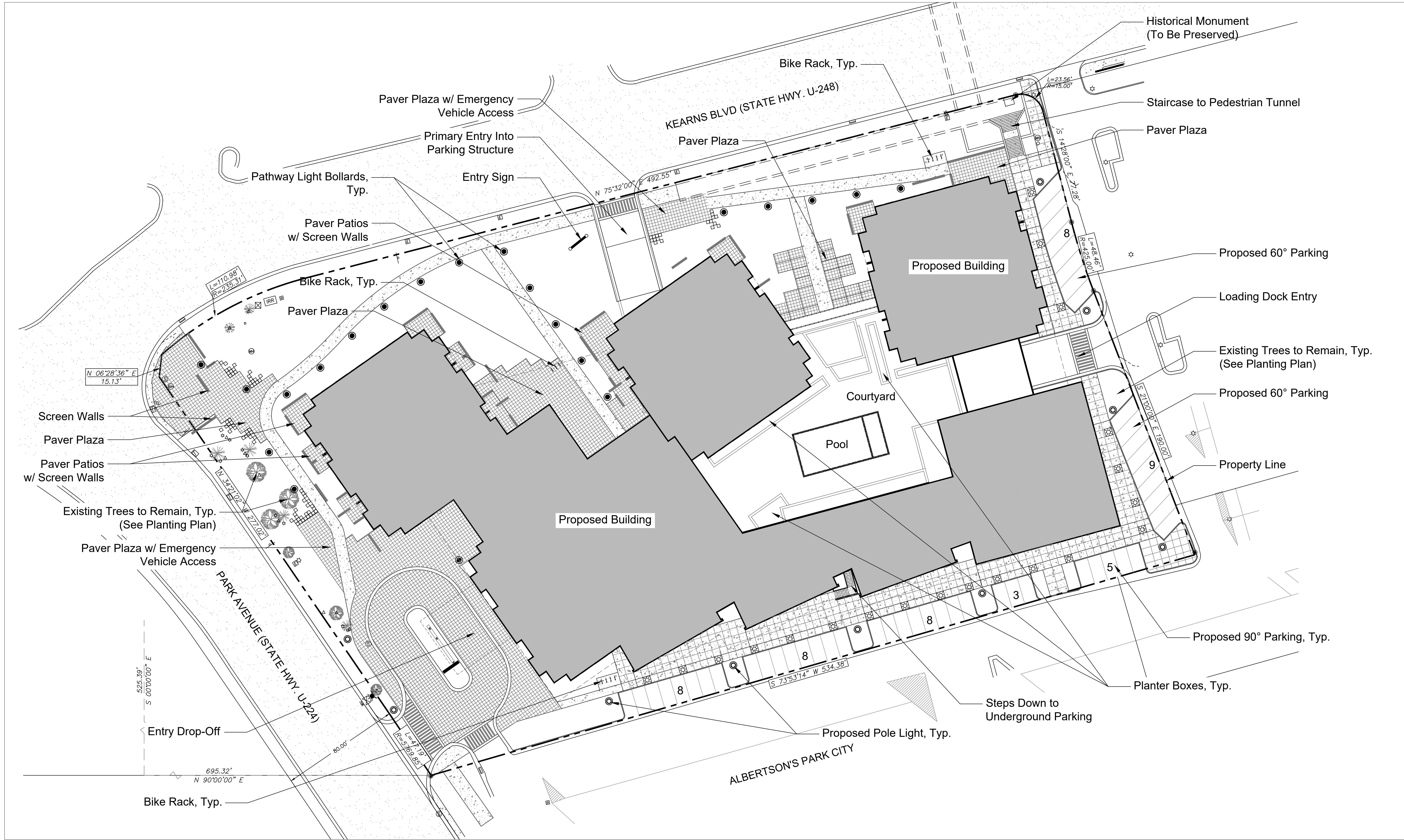


Previously Proposed Development 341,604 SF

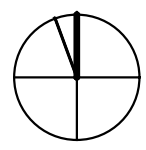


Current Proposed Development 291,131.7 SF





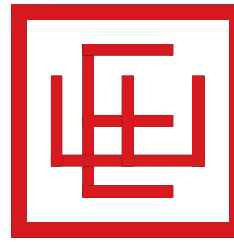
SCALE: 1" = 30'-0"



Park & Kearns Redevelopment

MPD-005

Site Plan

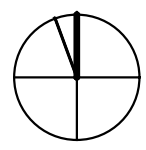


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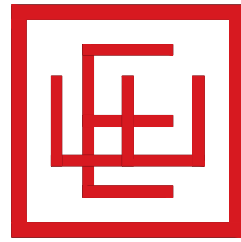
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Park & Kearns Redevelopment

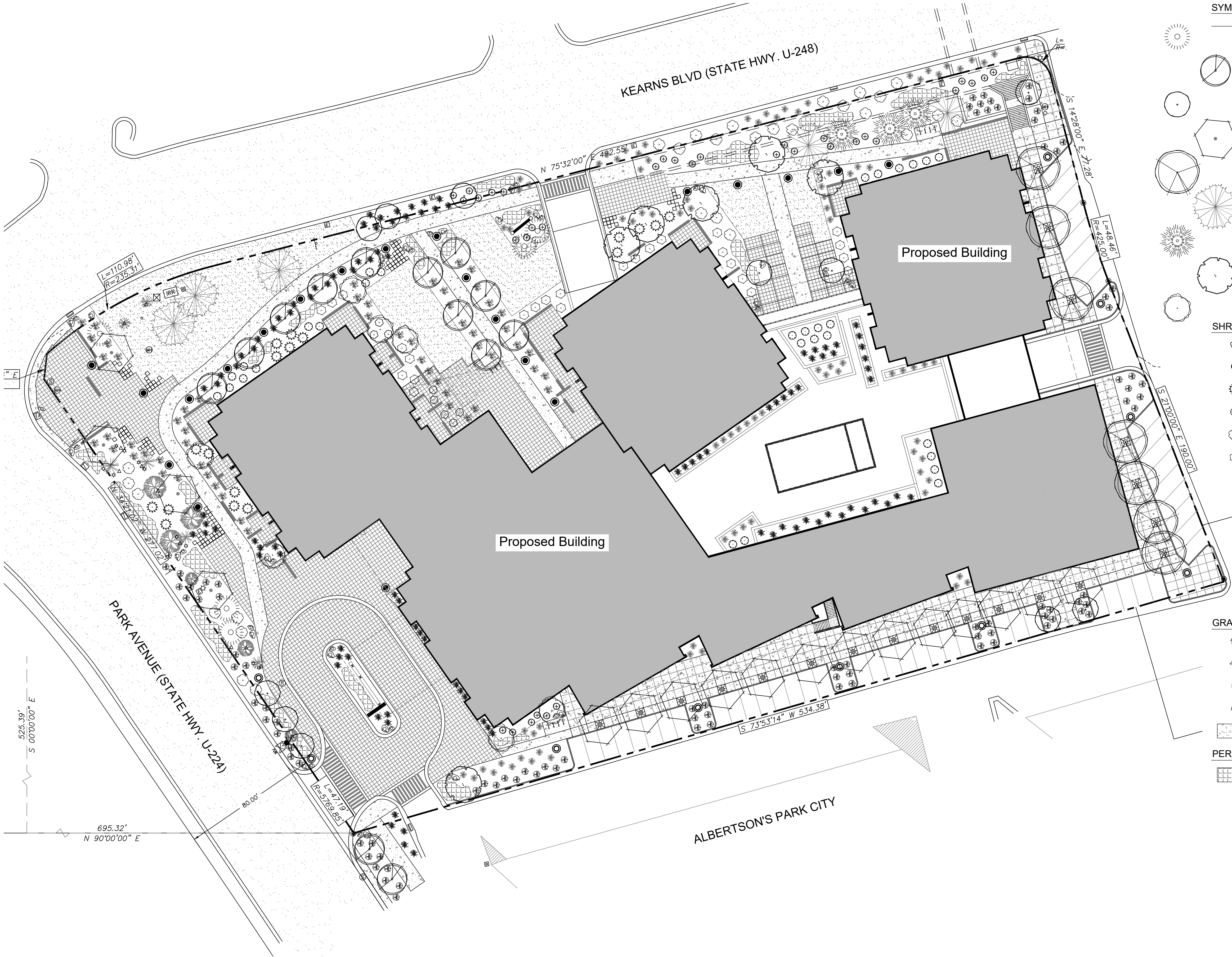
MPD-006

Grading Plan



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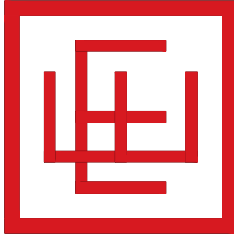
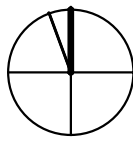
PLANTING SCHEDULE

SYMBOL	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES			
	Abies lasiocarpa	Sub Alpine Fir	8-10' Tall
	Amlanchier x grandiflora 'Autumn Brilliance'	Serviceberry Tree	25 Gal.
	Acer ginnala 'Flame'	Amur Maple	2" Cal.
	Acer x freemanii 'Jeffersred'	Autumn Blaze Maple	2" Cal.
	Fraxinus mandshurica 'Mancana'	Autumn Purple Ash	2" Cal.
	Picea pungens	Green Colorado Spruce	8-10' Tall
	Pinus flexilis 'Vanderwolf's Pyramid'	Limber Pine	8-10' Tall
	Populus tremuloides	Quaking Aspen	2" Cal.
	Populus tremula 'Erecta'	Columnar Swedish Aspen	10-12' Tall
SHRUBS			
	Arctostaphylos uva ursi 'Massachusetts'	Kinnikinnick	5 Gal.
	Aronia melanocarpa 'Ground Hug'	Chokeberry	5 Gal.
	Pinus mugo 'Slowmound'	Mugo Pine	5 Gal.
	Physocarpus opulifolius 'Donna May'	Ninebark	5 Gal.
	Rhus aromatica 'Gro-Low'	Fragrant Sumac	5 Gal.
	Ribes alpinum 'Greenmound'	Alpine Currant	5 Gal.

GRASSES			
	Deschampsia cespitosa 'Pixie Fountain'	Dwarf Tufted Hairgrass	1 Gal.
	Schizachyrium scoparium 'Carousel'	Little Blue Stem	1 Gal.
	Schizachyrium scoparium 'Smoke Signal'	Little Blue Stem	1 Gal.
	Sporobolus heterolepis	Prairie Dropseed	1 Gal.
	Turf	Bio Grass	
PERENNIALS - DIVIDE UP PLANTS EQUALLY, 24" O.C. TRIANGULAR SPACING			
	Achillea millefolium 'Summerwine'	Yarrow	
	Aster alpinus	Alpine Aster	
	Campanula carpatica Blue Chips	Bellflower	
	Echinacea purpurea	Purple Coneflower	
	Gaillardia aristata 'Arizona Sun'	Blanket Flower	
	Hemerocallis 'Chicago Apache'	Red Daylily	
	Heuchera 'Firefly'	Coral Bells	
	Oenothera missouriensis	Missouri Evening Primrose	
	Phlox subulata 'Drummond Pink'	Creeping Phlox	
	Rudbeckia x American Gold Rush	Black Eyed Susan	
	Salvia nemorosa 'May Night'	Salvia	
	Scabiosa columbaria 'Rose Pink'	Pincushion Flower	

Notes: 1. All Planter Beds Shall be Covered in 4" Min. of Bark Mulch.
2.Placement of Trees to be Approved by Landscape Architect.

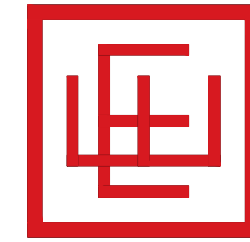
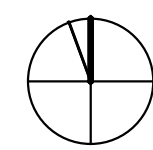
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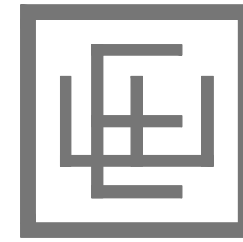
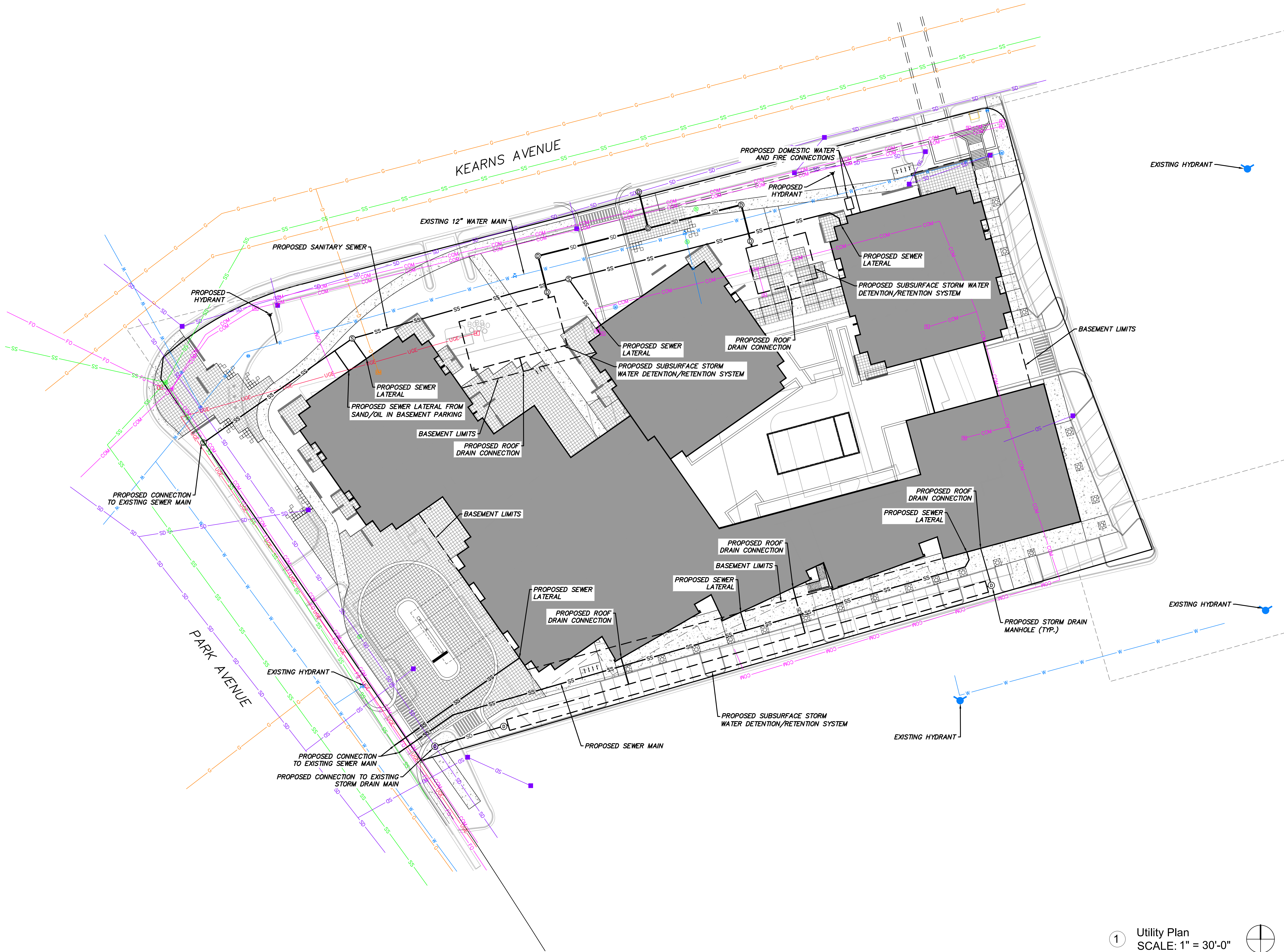




- Legend
- Trees to be Removed
 - Existing Trees To Remain
 - Proposed Trees

SCALE: 1" = 30'-0"





Park & Kearns Redevelopment

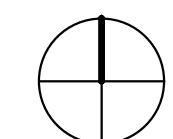
Utility Plan

MPD-009



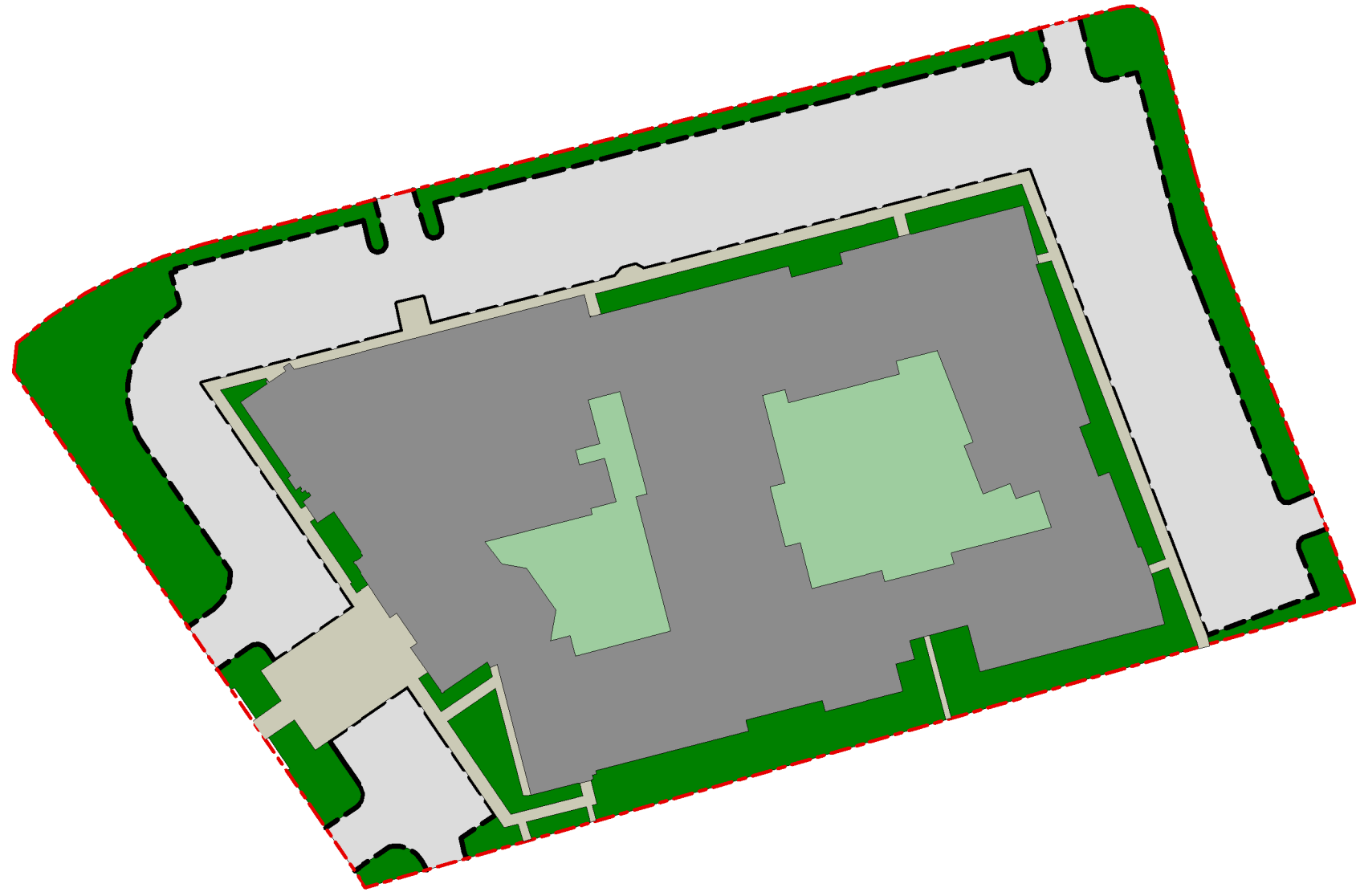
TALISMAN
CIVIL CONSULTANTS
1588 SOUTH MAIN STREET
SUITE 200
SALT LAKE CITY, UT 84115
801.743.1300

① Utility Plan
SCALE: 1" = 30'-0"



Existing Building Open Space

SCALE: 1" = 80'-0"

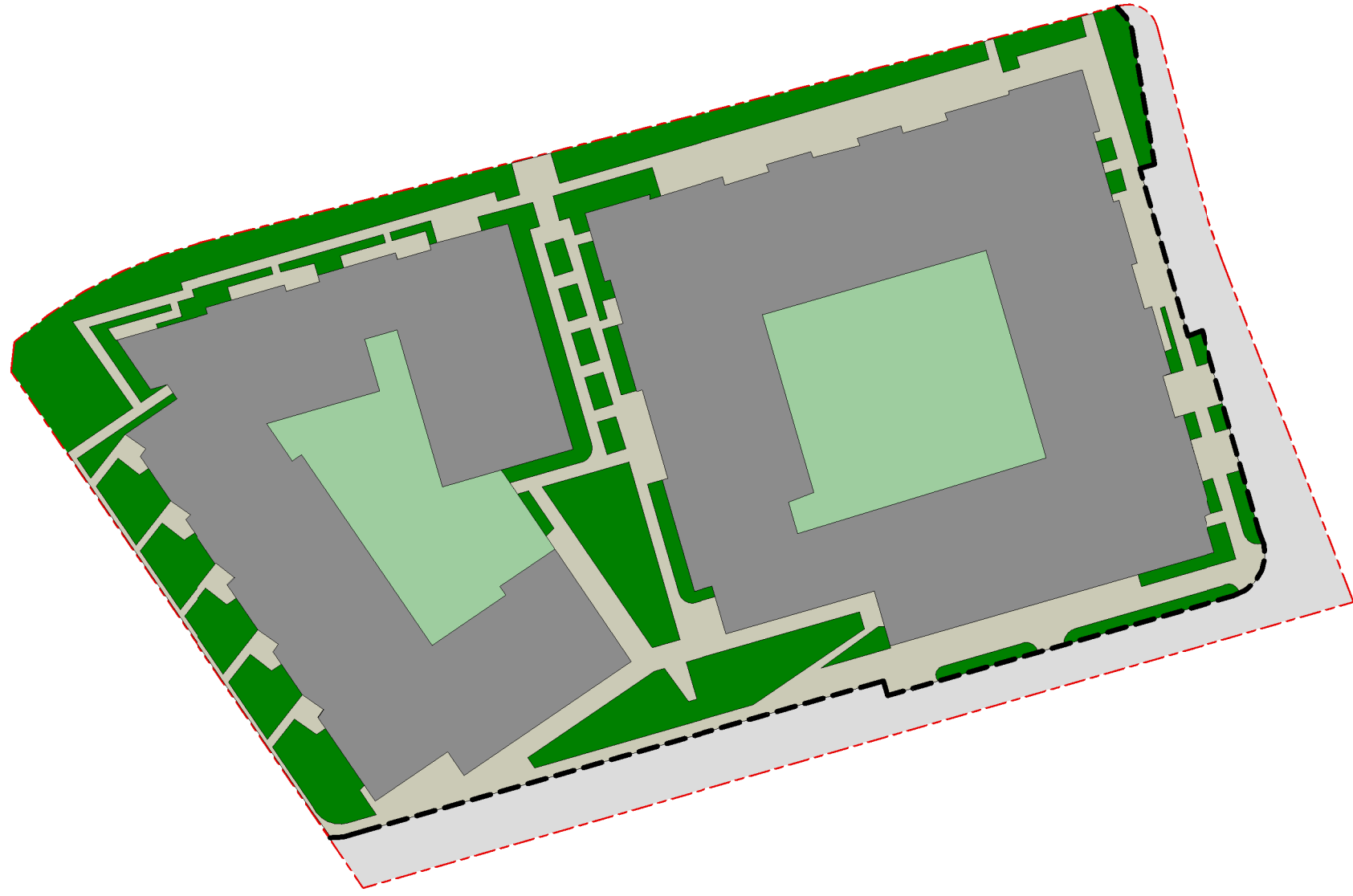


	Property.....	194,652 sq. ft. (100%)
	Surface Parking & Driveways.....	59,414 sq. ft. (30.5%)
	Existing Building Footprint.....	70,516 sq. ft. (36.3%)
	Private Open Space.....	16,228 sq. ft. (8.3%)
	Sidewalks.....	10,758 sq. ft. (5.5%)
	Landscaped Area.....	37,639 sq. ft. (19.3%)

EXISTING OPEN SPACE: 48,397 (24.8%)

Previously Proposed Building Open Space

SCALE: 1" = 80'-0"



	Property.....	194,652 sq. ft. (100%)
	Surface Parking & Driveways.....	20,821 sq. ft. (10.7%)
	Proposed Building Footprint.....	88,522 sq. ft. (45.5%)
	Private Open Space.....	23,412 sq. ft. (12.0%)
	Sidewalks.....	29,609 sq. ft. (15.2%)
	Landscaped Area.....	32,288 sq. ft. (16.6%)

PROPOSED OPEN SPACE: 61,897 (31.8%)

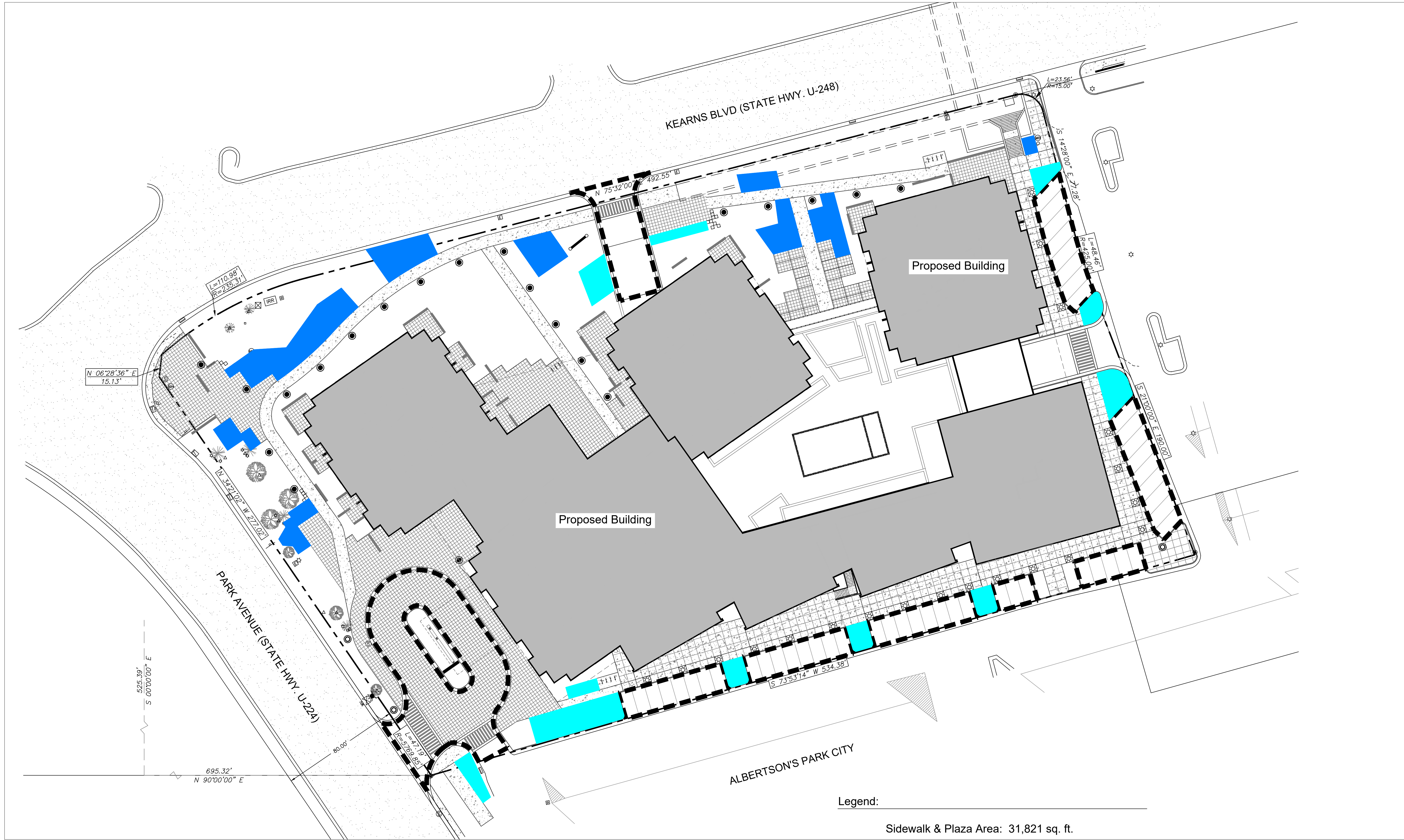
Proposed Building Open Space

SCALE: 1" = 80'-0"



	Property.....	194,652 sq. ft. (100%)
	Surface Parking & Driveways.....	21,837 sq. ft. (11.2%)
	Propose Building Footprint.....	80,557 sq. ft. (41.4%)
	Private Open Space.....	14,846 sq. ft. (7.6%)
	Sidewalks.....	39,709 sq. ft. (20.4%)
	Landscaped Area.....	37,699 sq. ft. (19.3%)

PROPOSED OPEN SPACE: 77,408 (39.7%)

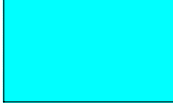


Legend:

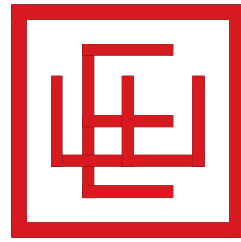
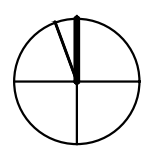
Sidewalk & Plaza Area: 31,821 sq. ft.

 Sidewalk & Plaza Snow Storage Area: 5,653 sq. ft. (17.7%)

 Parking Lot Area: 20,083 sq. ft.

 Parking Snow Storage Area: 4,020 sq. ft. (21.1%)

SCALE: 1" = 30'-0"





EXISTING



PROPOSED

3 View From Parking Lot

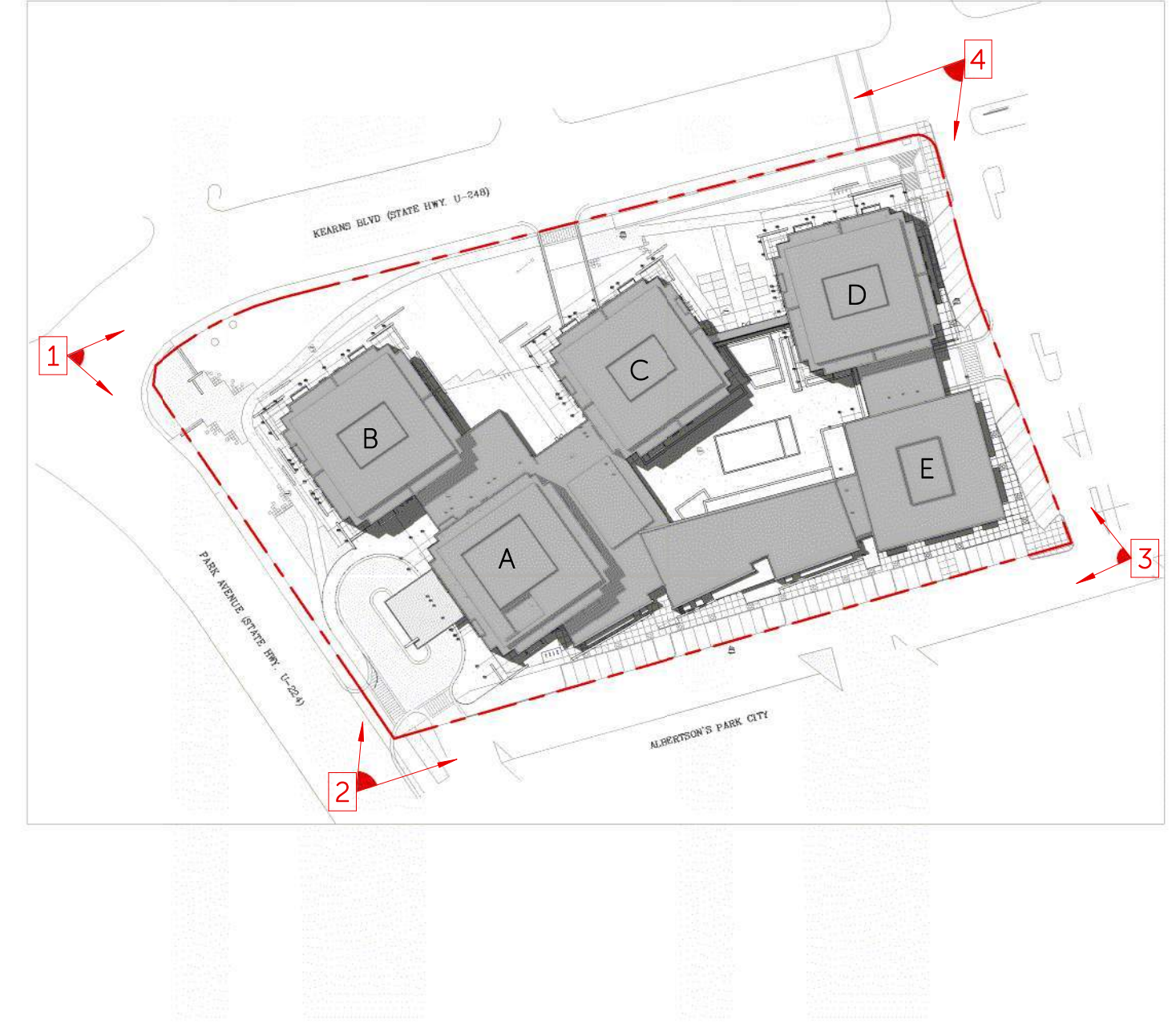


EXISTING



PROPOSED

4 View From Kearns Blvd.





EXISTING



PROPOSED

3 View From Parking Lot

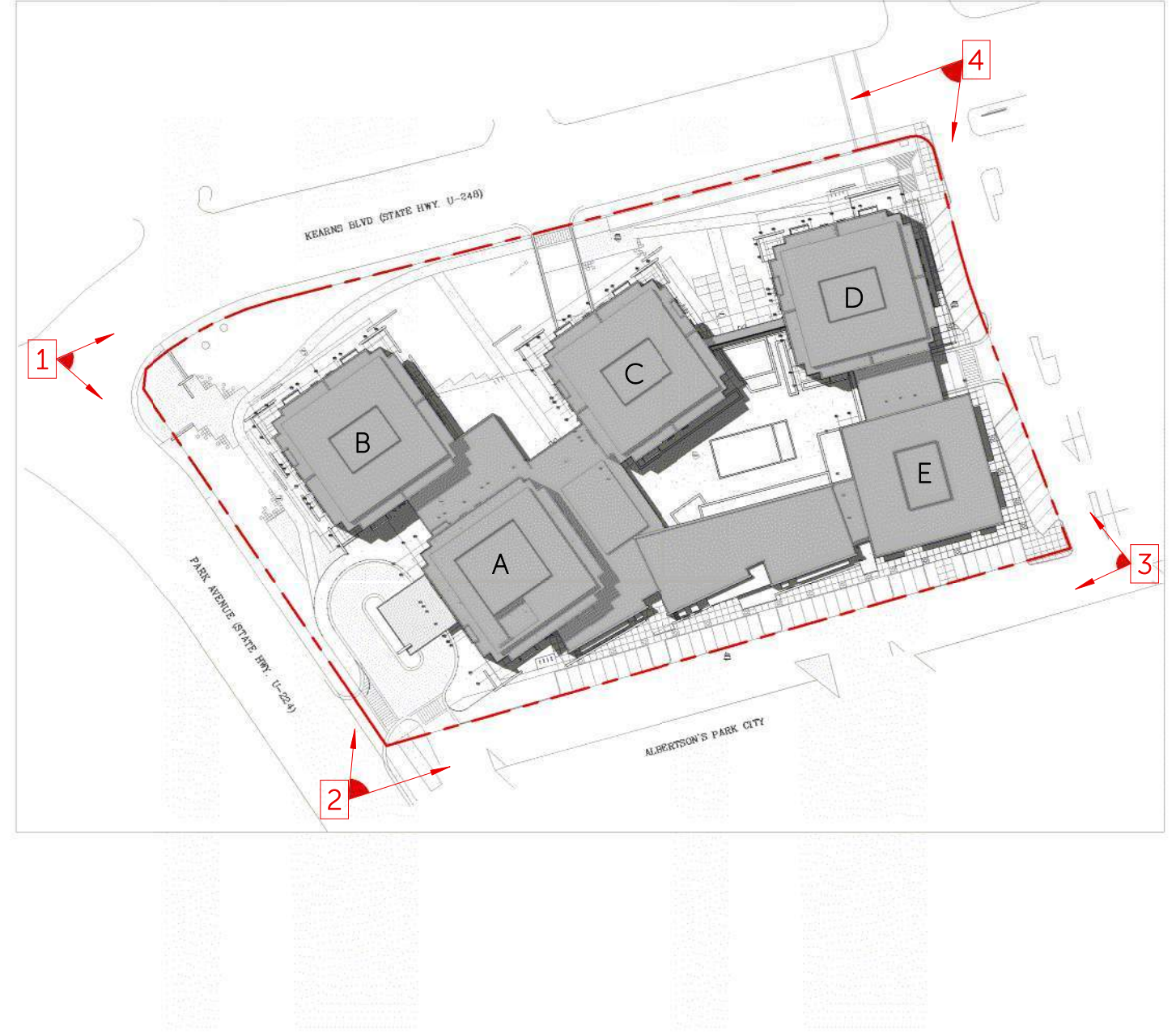


EXISTING



PROPOSED

4 View From Kearns Blvd.



A. THE PHOTOMETRIC CALCULATION WAS PERFORMED DURING THE DESIGN DEVELOPMENT PROCESS AND THE REFLECTANCE VALUES USED ARE DESIGNER AVERAGES AND ARE CALCULATED USING THE LUMINAIRES SELECTED DURING THAT PROCESS. A MORE ACCURATE PHOTOMETRIC CALCULATION CAN BE PERFORMED ONCE THE FIXTURE HAS BEEN SELECTED AND LOCATED DURING CONSTRUCTION.

YARROW ALTA.dwg



Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	0.9 fc	109.8 fc	0.0 fc	N/A	N/A
Calc Zone #2	+	1.1 fc	116.7 fc	0.0 fc	N/A	N/A

Label	Image	Quantity	Manufacturer	Catalog Number	Description	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage
AL1		10	Holophane	GELF3 P20 30K XXXXX AS7	GlasWeko Luminescent LED Halfbrook Extended P20 Performance Package, 3000K CCT, Asymmetric distribution	1	6359	1	51
DL1		9	Juno Lighting	JSF50 14W 18LM 30K 90CRI 120 FRPC WH	14" Square EdgeIt (Slimform) Surface Mount, 3000K, 90CRI, 120V	1	1839	1	20.4
BL1		26	LIGMAN	LI-10021-T2-W30	Light Linear PT 1 Bollards	1	2950	1	27.7
WL1		6	BEGA Converted by LUMCat V 09.02.2017 / H.R.		2423K3	1	473	1	7
BL2		6	LIGMAN	LI-10021-T4-W30	Light Linear PT 1 Bollards	1	2957	1	27.7
DL2		18	Juno Lighting	JSF50 7W 16LM 30K 90CRI MVOL1 2 ZT WH	7" Square EdgeIt (Slimform) Surface Mount, 3000K, 90CRI, MV	1	1097	1	12.9

LIGMAN

LIGHT LINEAR PT 1 (LI-10021)



Product description

200x80 mm - 1000 mm - 1 side

BL1, BL2



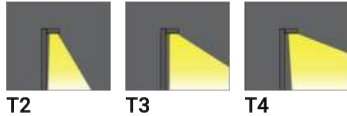
Luminaire Structure

- Die-cast aluminium housing
- Extruded aluminium column
- Pre-treated before powder coating ensuring high corrosion resistance
- Single cable entry

- One IP68 connector supplied with 0.2 m of 3x1.0 sqmm outdoor cable
- Stainless steel fasteners in grade 304 with zinc flake coating (ZFC)
- Durable silicone rubber gasket
- Clear toughened glass

- High-efficiency PMMA lens
- Integral control gear

Optic



We reserve the right to make technical and design changes.
08/03, 09-10-2023
<https://www.ligman.com/light-linear-pt-1-li-10021/>

THAILAND
LIGMAN Lighting Co.,Ltd.
17/2 Moo 4, Monthong, Bang Nam Piao,
24150 Chachoengsao - Thailand
info@ligman.com

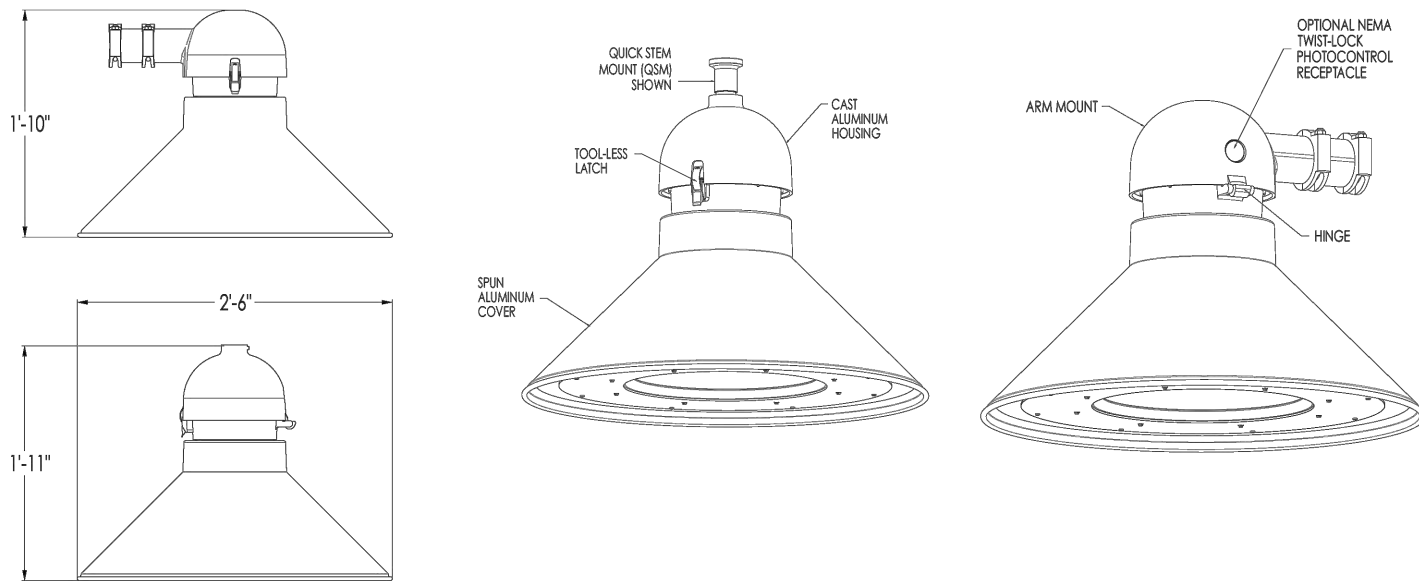
Outdoor | Bollards | LIGHT LINEAR PT



GELF3
GlasWerks® Luminescent
LED Hallbrook® Extended



DIMENSIONAL DATA



Maximum Weight - 51 lbs
Maximum Effective Projected Area - 1.2 ft²

AcuityBrands | Holophane | 3825 Columbus Rd., Granville, OH 43023 | Phone: 866-HOLOPHANE | www.holophane.com
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Catalog Number	
Notes	Type AL1

General Description

The architectural luminaire consists of a flat LED optical assembly shilded by a decorative formed housing and a top mounted cast aluminum electrical assembly. The optical assembly is seamlessly integrated into the form factor for beautiful daytime appearance and exceptionally uniform lighting at night.

Optical Assembly

The optical assembly consists of an edgelit waveguide light engine for unmatched visual comfort. Light from the LED module is distributed by proprietary wave guide technology to maximize uniformity and minimize glare. Configurable with CCT options of 2700K, 3000K, and 4000K. CRI is 70 minimum. Available with asymmetric, symmetric, or pathway distributions.

Mounting Style

Optional mounting styles include Quick Lock Stem, NPT threads, and horizontal arm.

Quick Lock Stem Mounting style is compatible with the following leveling fitters:
- Boston Harbor Decorative Arm Fitter (BHDF)
- GlasWerks Decorative Arm Fitter (GDWF)
- West Liberty Decorative Arm Fitter (WLDf)
- Ball Style Decorative Fitter (BADf)

Electrical Assembly

The cast aluminum electrical housing has a smooth domed contour. A (3) station terminal block is provided to accept #14 through #2 size wire. The electrical housing is hinged with a tool-less latch to provide easy access to the gear assembly. The unitized electrical assembly, containing the electronic driver and other electrical components, plug into the quick disconnect receptacle. The pendant mount version has a welded stem (Quick Lock Stem Mounting), which aides in installation speed. The arm mount version is provided with two U-bolts with washers and nuts and two leveling set screws that lock the housing to a 2 inch nominal (2-3/8" O.D.) horizontal

arm and allow a ±5° degree adjustment from horizontal to the cover.

Electrical System

Programmable LED driver with 0-10V dimming. Optional DALI dimming. Driver life is rated to at least 100,000 hours. Luminaire surge protection rating of 20kA/100kA per ANSI/IEEE 62.41.2.

Finish

The luminaire is finished with corrosion resistance super durable powder coat paint to ensure maximum durability. Finish is rated to 5,000 hours salt spray per ASTM B117.

Listing

The luminaire is CSA certified to US and Canadian standards. IP55 rated electrical chamber, IP66 rated LED optic chamber. 20kV/10kA extreme surge protection per ANSI/IEEE C136.2. Suitable for operation in ambient temperatures from -40°C to 40°C.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/ QPL to confirm which versions are qualified.

Buy American

This product is assembled in the USA and meets the Buy America(n) government procurement requirements under FAR, DFARS and DOT. Please refer to www.acuitybrands.com/resources/buy-american for additional information.

Warranty

Limited warranty located at: www.acuitybrands.com/support/warranty/terms-and-conditions

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

IC1JB JSFSQ
JUNO SLIMFORM™ LED
IC RATED LED NEW CONSTRUCTION
JUNCTION BOX SURFACE MOUNT
DOWNLIGHT
FOR INSTALLATION INTO
FIRE RATED CEILING ASSEMBLIES
IC1JB JSFSQ

PRODUCT DESCRIPTION

IC LED Air-Loc® new construction junction box housing with energy efficient Juno SlimForm™ LED square surface mount trim for a complete downlight solution in multiple sizes 5" to 14" • May be installed in maximum 2 hour fire-rated ceiling assemblies per International Building Code Section 714 • Can be completely covered with insulation • Dimmable • Optional finish trims and shrouds available for custom, designer look similar to standard recessed downlights • Designed to provide 50,000 hours of life • 5 year limited warranty.

PRODUCT SPECIFICATIONS – TRIM

Surface Mount Trim Shallow, less than 1", solid square housing with white finish • Non conductive fixture for shower light applications • Optional, field installable finish trims available for 5" and 7" versions to change the exterior finish of fixture • Optional, field installable decorative baffle and cone shrouds for 5" and 7" versions provide the aesthetic and source shielding similar to the experience of a fully recessed downlight.

Optics Light guide technology combined with diffusing lens conceals the LEDs from direct view and provides uniform lens luminance. LED Light Engine LEDs mounted directly to heatsink designed to provide superior thermal management and ensure long life • 2700K, 3000K, 3500K or 4000K LED color temperature • LEDs binned for 4-step MacAdam ellipse color consistency • 90 CRI minimum.

LED Driver Choice of dedicated 120 volt (120) driver or universal voltage (MVOLT) driver that accommodates input voltages from 120-277 volts AC at 50/60Hz • Power factor > 0.9 at 120V input • 120 volt driver is dimmable with the use of most incandescent, magnetic low voltage and electronic low voltage wall box dimmers • Universal voltage driver is dimmable with the use of most 0-10V wall box dimmers • External driver on 5" and 7" models only • For a list of compatible dimmers, see JUNOSLIMFORM-DIM.

Electrical Connections Trim features quick connect plug installed as standard for installation into IC1JB with quick connect whip. Life Rated for 50,000 hours at >70% lumen maintenance.

PRODUCT SPECIFICATIONS – HOUSING

Junction Box Housing Designed for use in IC (insulated ceiling) or non-IC construction • Rough-in section (junction box, bar hangers) fully assembled for ease of installation • Painted steel 3-1/2" deep 4" square junction box • Provided with (4) 1/2"-3/4" concentric, (2) 1/2", (4) 3/4" and (2) 1" knockouts • cETLus listed for through-branch wiring, maximum 8 No. 12 AWG 90°C branch circuit conductors (4 in and 4 out).

Hardware Ships with retrofit mounting bracket, trim ring and quick connect whip; not required for JSFSQ installation.

INSTALLATION

Installs directly to industry standard junction boxes. The IC1JB junction box housing must be installed per the International Building Code Section 714 guidelines to maintain up to a 2 hour ceiling fire rating. Precise ceiling cutout required. For use with 1/2" – 1-1/4" ceiling thickness.

Mounting option JSFMTGPLT 4X4 is required for installation.

Real Nail® 3 Bar Hangers Telescoping Real Nail 3 system permits quick placement of housing anywhere within 24" O.C. joists or suspended ceilings • Bars scored in two locations for fast, clean breaking, allowing housing installation in tight applications • Captive bugle-headed ring shank nail for quick one-step installation and easy removal with claw hammer for future relocation • Integral T-bar notch for suspended ceilings • Locking set screw to lock junction box housing in position • Design covered under US Patent D552,969.

LISTINGS

Labels ENERGY STAR® certified • Certified to the high efficacy requirements of California T24 JAB-2016 • Assembly ETL listed to UL1598 for US and Canadian through branch wiring, damp location • Suitable for wet locations (covered ceilings) • ETL listed to UL114A.

Testing All reports are based on published industry procedures; actual performance may differ as a result of the end-user environment and applications. All values are design or typical values, measured under laboratory conditions at 25 °C.

Warranty 5-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at: www.acuitybrands.com/support/warranty/terms-and-conditions

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

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Light Commercial & Residential

1 of 4

Recessed wall luminaire - shielded

BEGA

Application

Recessed wall luminaire with shielded light distribution for glare-free illumination of ground surfaces, building entrances, stairs and pathways.

Materials

Luminaire housing and faceplate constructed of die-cast marine grade, copper free (≤0.3% copper content) A380.0 aluminum alloy
Clear safety glass with optical texture
Silicone applied robotically to casting, plasma treated for increased adhesion

High temperature silicone gasket
Mechanically captive stainless steel fasteners
Stainless steel screw clamps
Composite installation housing

NRTL listed to North American Standards, suitable for wet locations
Protection class IP65
Weight: 3.3lbs

Electrical
Operating voltage 120-277V AC
Minimum start temperature -30° C
LED module wattage 4.8W
System wattage 7.0W
Controllability 0-10V dimmable
Color rendering index Ra > 80
Luminaire lumens 488 lumens (4000K)
LED service life (L70) 50,000 hours

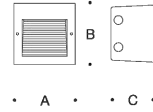
LED color temperature
□ 4000K - Product number + **K4**
□ 3500K - Product number + **K3S**
□ 3000K - Product number + **K3**
□ 2700K - Product number + **K27**

BEGA can supply you with suitable LED replacement modules for up to 20 years after the purchase of LED luminaires - see website for details

Finish

All BEGA standard finishes are matte, textured powder coat with minimum 3 mil thickness. BEGA Unidure® finish, a fluoropolymer technology, provides superior fade protection in Black, Bronze, and Silver. BEGA standard White, as well as optionally available RAL and custom colors, are a polyester powder.

Available colors □ Black (BLK) □ White (WHT) □ RAL:
□ Bronze (BRZ) □ Silver (SLV) □ CUS:



Recessed wall luminaire - shielded				
	LED	A	B	C
24203	4.8 W	7 1/2"	7 1/2"	5 1/4"

BEGA 1000 BEGA Way, Carpinteria, CA 93013 (805) 684-0533 info@bega-us.com
Due to the dynamic nature of lighting products and the associated technologies, luminaire data on this sheet is subject to change at the discretion of BEGA North America. For the most current technical data, please refer to bega-us.com
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PARK CITY SURVEYING
P.O. BOX 682993
PARK CITY, UTAH 84068
(435) 649-2918

DATE	BY	REVISIONS
		COMMENTS

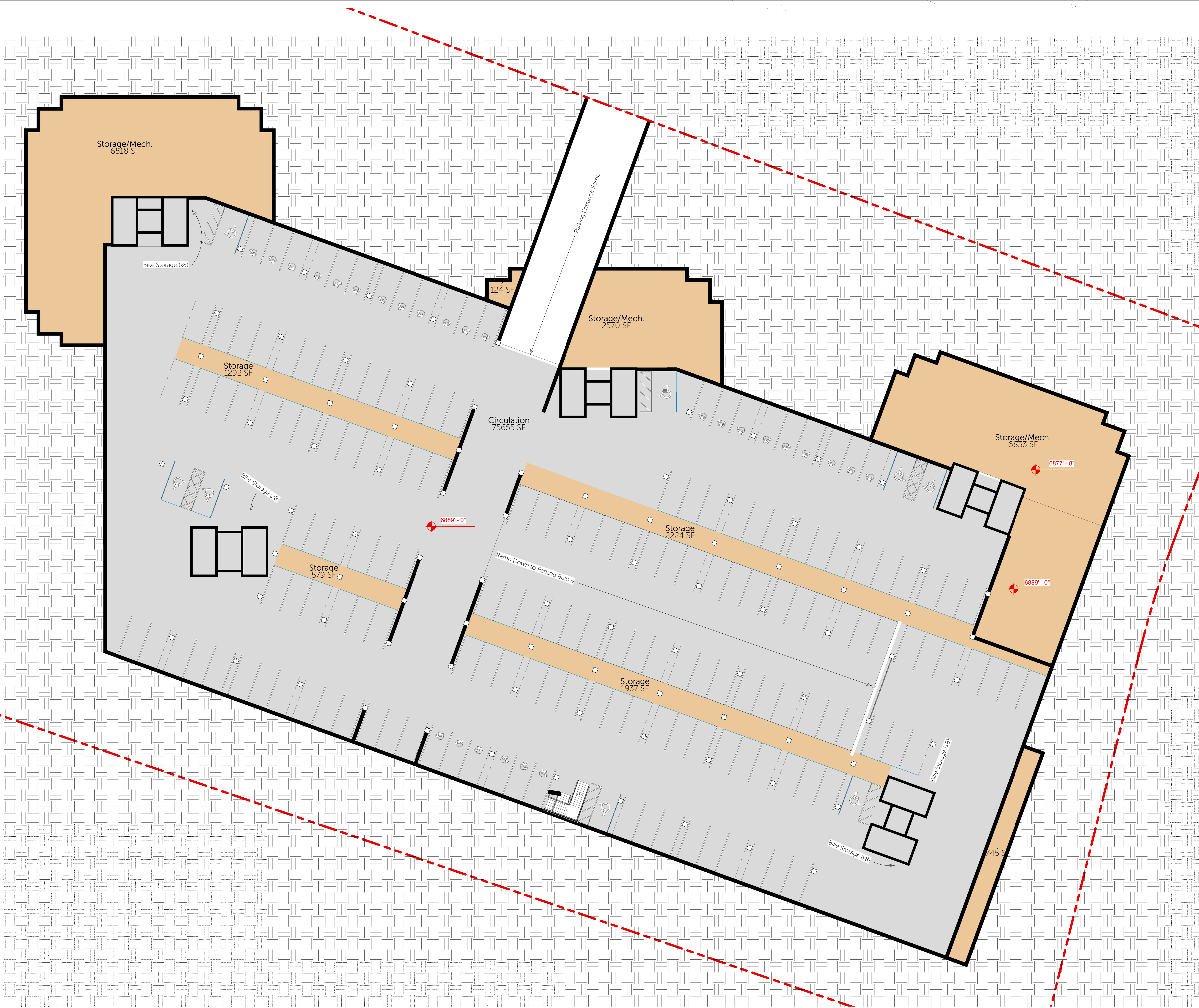


SURVEYED BY:
—
DRAWN BY:
HB
DATE:
OCTOBER 2023

FOR:
YARROW CORPORATION

DWG:
YARROW ALTA.dwg

ALTA/ACSM LAND TITLE SURVEY
1800 PARK AVENUE PARK CITY, UTAH



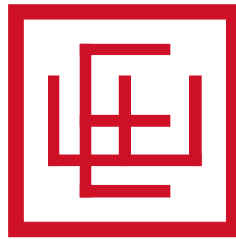
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Park & Kearns Redevelopment

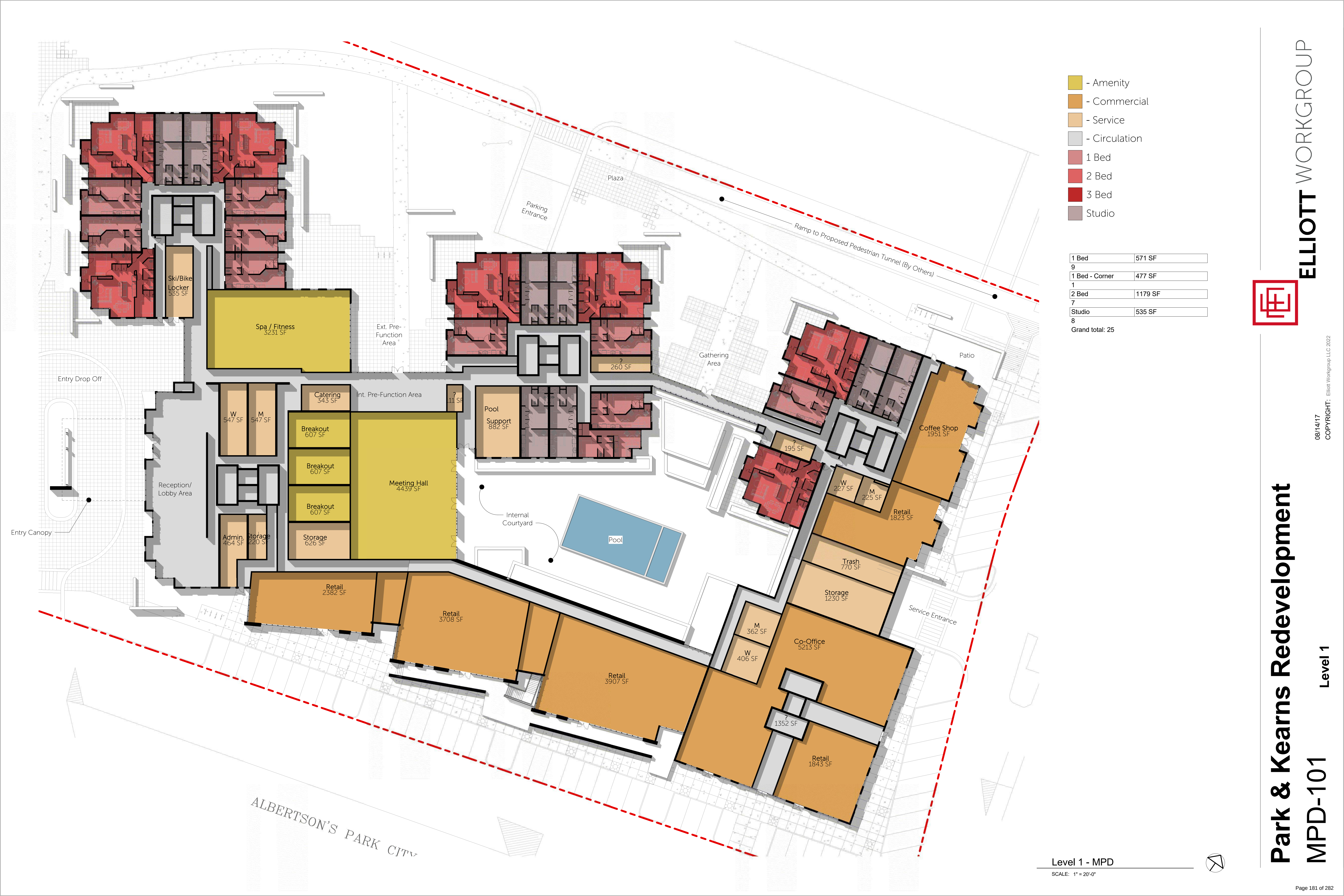
MPD-100

Parking Level -1



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- Amenity
- Commercial
- Service
- Circulation
- 1 Bed
- 2 Bed
- 3 Bed
- Studio

1 Bed	571 SF
9	
1 Bed - Corner	477 SF
1	
2 Bed	1179 SF
7	
Studio	535 SF
8	
Grand total: 25	



ELLIOTT WORKGROUP

Park & Kearns Redevelopment

MPD-101

Level 1

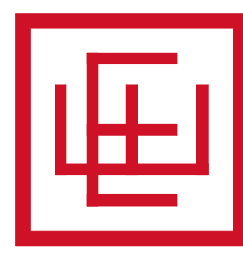
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Level 1 - MPD
SCALE: 1" = 20'-0"





- Amenity
- Commercial
- Service
- Circulation
- 1 Bed
- 2 Bed
- 3 Bed
- Studio



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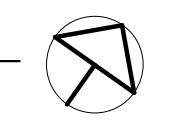
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MPD-102

Level 2

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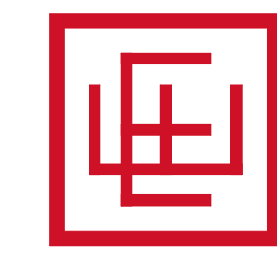
Level 2 - MPD
SCALE: 1" = 20'-0"





- Amenity
- Commercial
- Service
- Circulation
- 1 Bed
- 2 Bed
- 3 Bed
- Studio

1 Bed	571 SF
20	
1 Bed - Affordable	664 SF
4	
1 Bed - Corner	477 SF
4	
2 Bed	1179 SF
12	
2 Bed - Affordable	909 SF
4	
Studio	535 SF
16	
Studio - Affordable	403 SF
4	
Grand total: 64	



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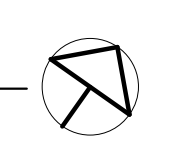
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MPD-103

Level 3

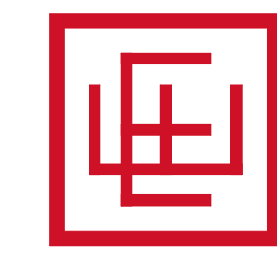
Level 3 - MPD
SCALE: 1" = 20'-0"





- Amenity
- Commercial
- Service
- Circulation
- 1 Bed
- 2 Bed
- 3 Bed
- Studio

1 Bed	571 SF
20	
1 Bed - Affordable	664 SF
4	
1 Bed - Corner	477 SF
4	
2 Bed	1179 SF
12	
2 Bed - Affordable	909 SF
4	
Studio	535 SF
16	
Studio - Affordable	403 SF
4	
Grand total: 64	

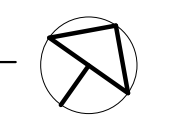


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MPD-104
Level 4

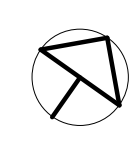
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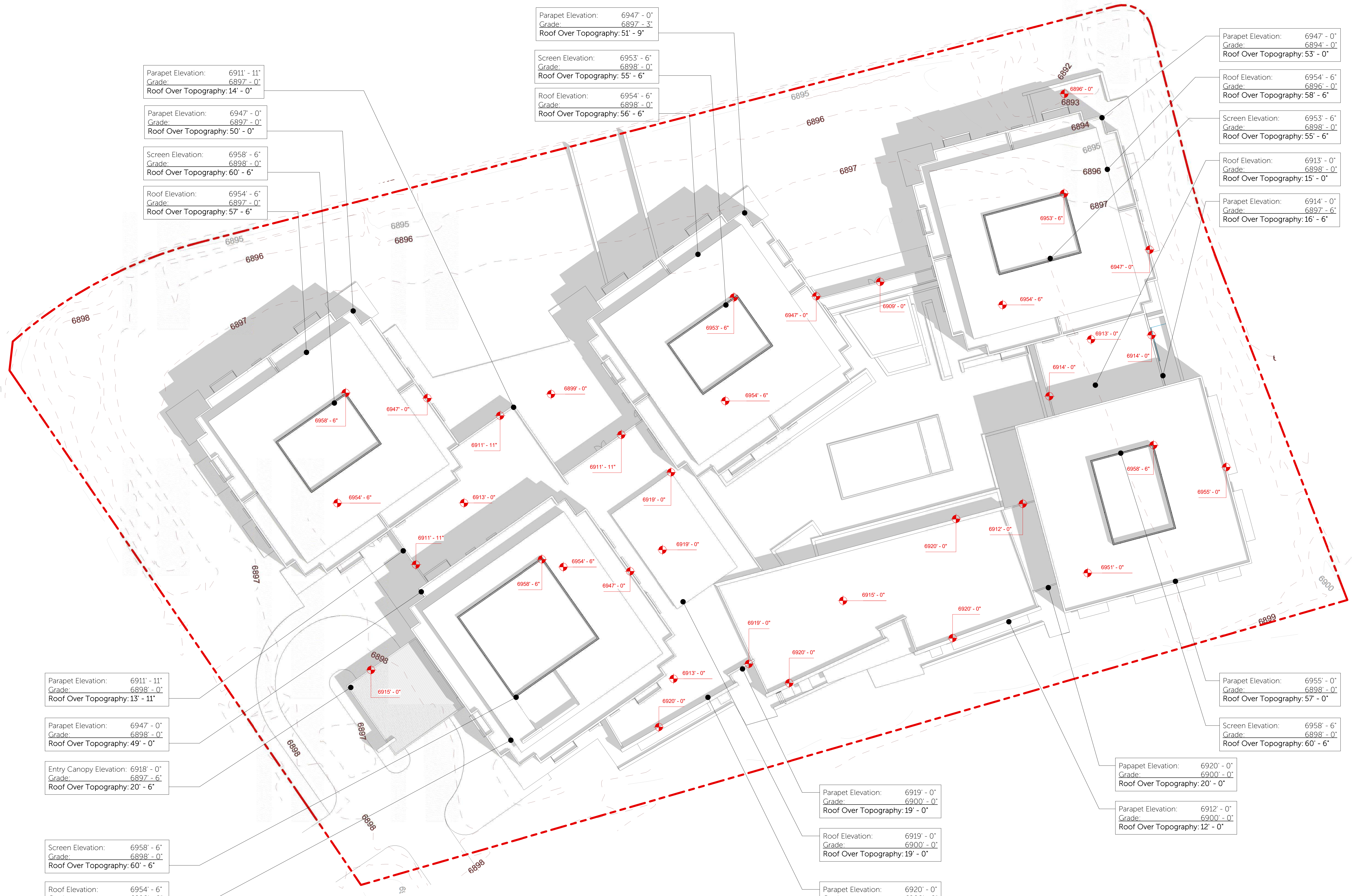




- Amenity
- Commercial
- Service
- Circulation
- 1 Bed
- 2 Bed
- 3 Bed
- Studio

1 Bed - Affordable	664 SF
4	
2 Bed - Affordable	909 SF
4	
3 Bed	1580 SF
12	
Studio - Affordable	403 SF
4	
Grand total: 24	





Parapet Elevation: 6911' - 11"
Grade: 6897' - 0"
Roof Over Topography: 14' - 0"

Parapet Elevation: 6947' - 0"
Grade: 6897' - 0"
Roof Over Topography: 50' - 0"

Screen Elevation: 6958' - 6"
Grade: 6898' - 0"
Roof Over Topography: 60' - 6"

Roof Elevation: 6954' - 6"
Grade: 6897' - 0"
Roof Over Topography: 57' - 6"

Parapet Elevation: 6947' - 0"
Grade: 6897' - 3"
Roof Over Topography: 51' - 9"

Screen Elevation: 6953' - 6"
Grade: 6898' - 0"
Roof Over Topography: 55' - 6"

Roof Elevation: 6954' - 6"
Grade: 6898' - 0"
Roof Over Topography: 56' - 6"

Parapet Elevation: 6947' - 0"
Grade: 6894' - 0"
Roof Over Topography: 53' - 0"

Roof Elevation: 6954' - 6"
Grade: 6896' - 0"
Roof Over Topography: 58' - 6"

Screen Elevation: 6953' - 6"
Grade: 6898' - 0"
Roof Over Topography: 55' - 6"

Roof Elevation: 6913' - 0"
Grade: 6898' - 0"
Roof Over Topography: 15' - 0"

Parapet Elevation: 6914' - 0"
Grade: 6897' - 6"
Roof Over Topography: 16' - 6"

Parapet Elevation: 6911' - 11"
Grade: 6898' - 0"
Roof Over Topography: 13' - 11"

Parapet Elevation: 6947' - 0"
Grade: 6898' - 0"
Roof Over Topography: 49' - 0"

Entry Canopy Elevation: 6918' - 0"
Grade: 6897' - 6"
Roof Over Topography: 20' - 6"

Screen Elevation: 6958' - 6"
Grade: 6898' - 0"
Roof Over Topography: 60' - 6"

Roof Elevation: 6954' - 6"
Grade: 6898' - 0"
Roof Over Topography: 56' - 6"

Parapet Elevation: 6955' - 0"
Grade: 6898' - 0"
Roof Over Topography: 57' - 0"

Screen Elevation: 6958' - 6"
Grade: 6898' - 0"
Roof Over Topography: 60' - 6"

Parapet Elevation: 6920' - 0"
Grade: 6900' - 0"
Roof Over Topography: 20' - 0"

Parapet Elevation: 6912' - 0"
Grade: 6900' - 0"
Roof Over Topography: 12' - 0"

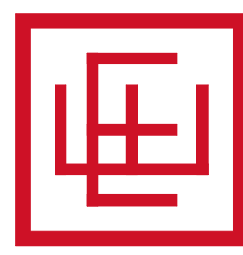
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Grade: 6900' - 0"
Roof Over Topography: 19' - 0"

Roof Elevation: 6919' - 0"
Grade: 6900' - 0"
Roof Over Topography: 19' - 0"

Parapet Elevation: 6920' - 0"
Grade: 6900' - 0"
Roof Over Topography: 20' - 0"

Roof Plan

SCALE: 3/84" = 1'-0"



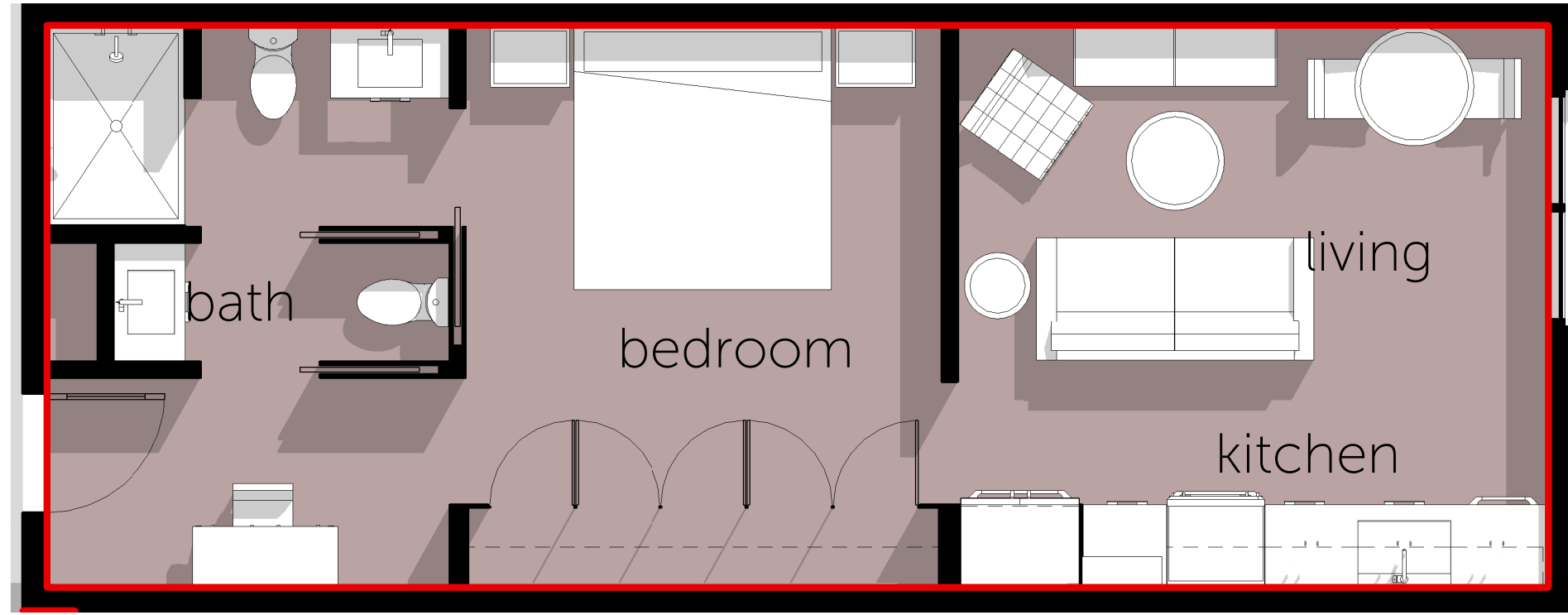
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Park & Kearns Redevelopment

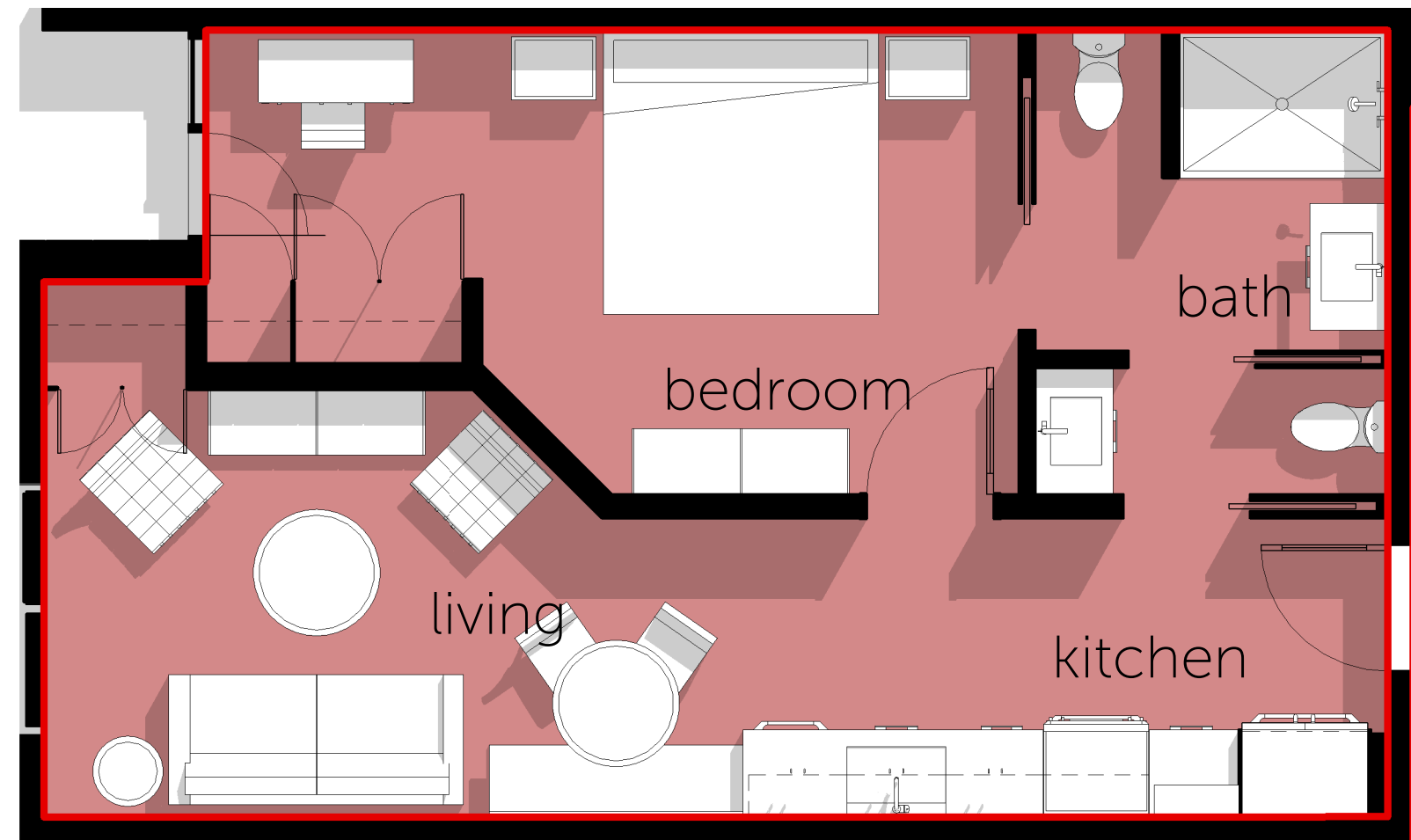
MPD-106

Roof Over Topography

07/26/17
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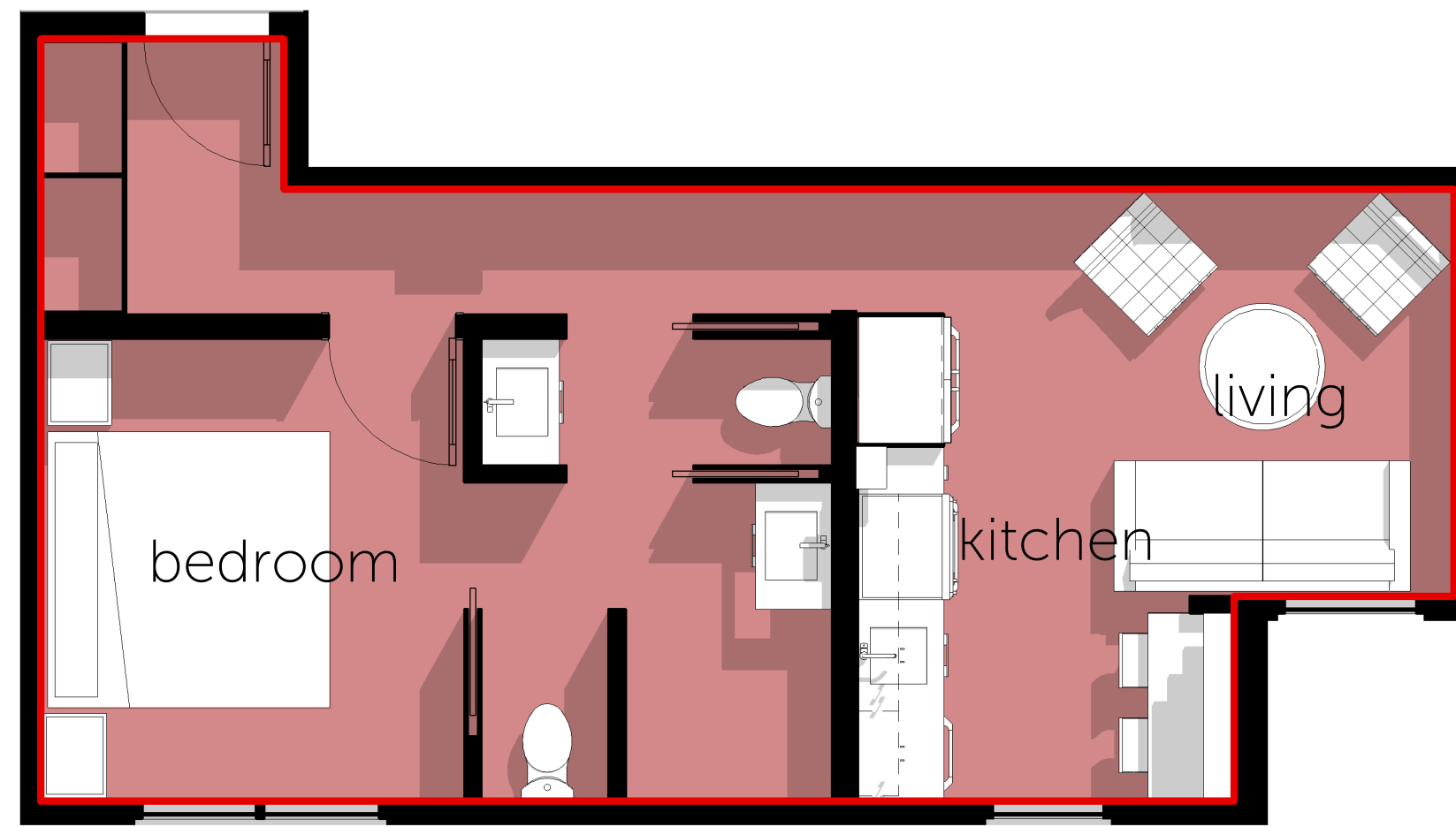
Studio 535 SF
SCALE: 1/4" = 1'-0"



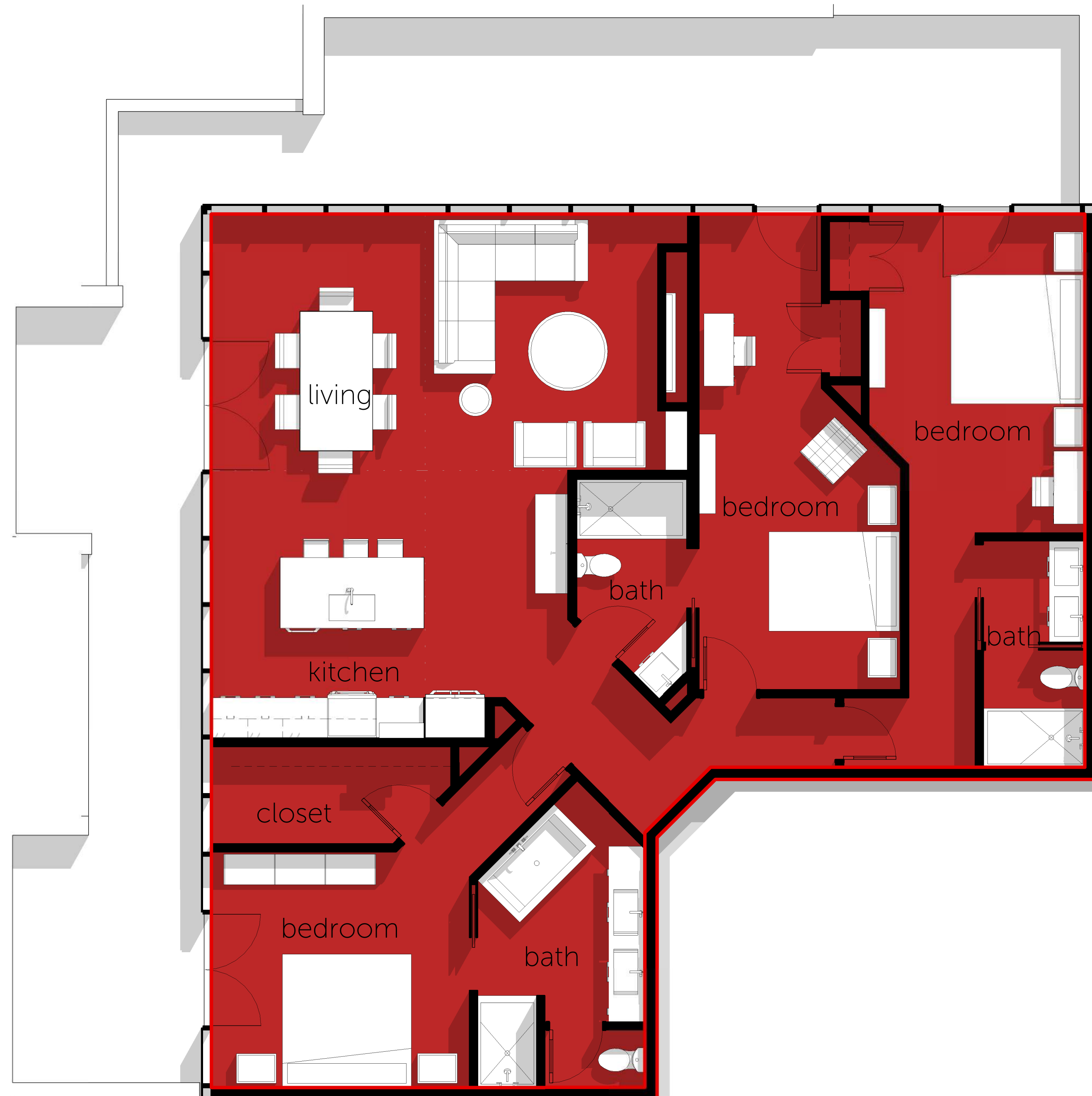
1 Bedroom 570 SF
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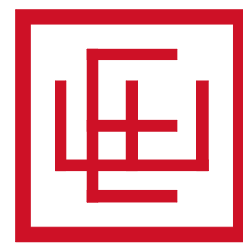
2 Bedroom 1179 SF
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1 Bedroom - Corner 476 SF
SCALE: 1/4" = 1'-0"



3 Bedroom 1580 SF
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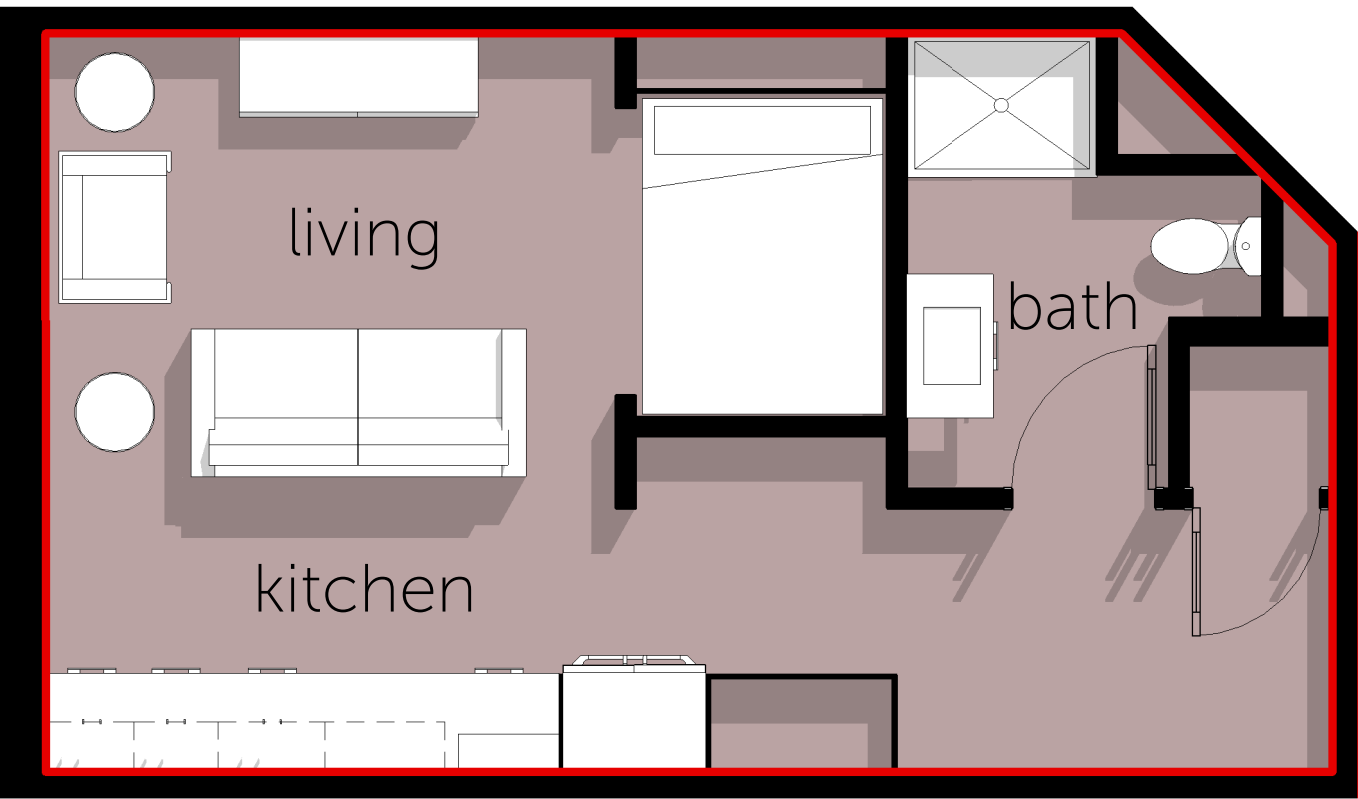


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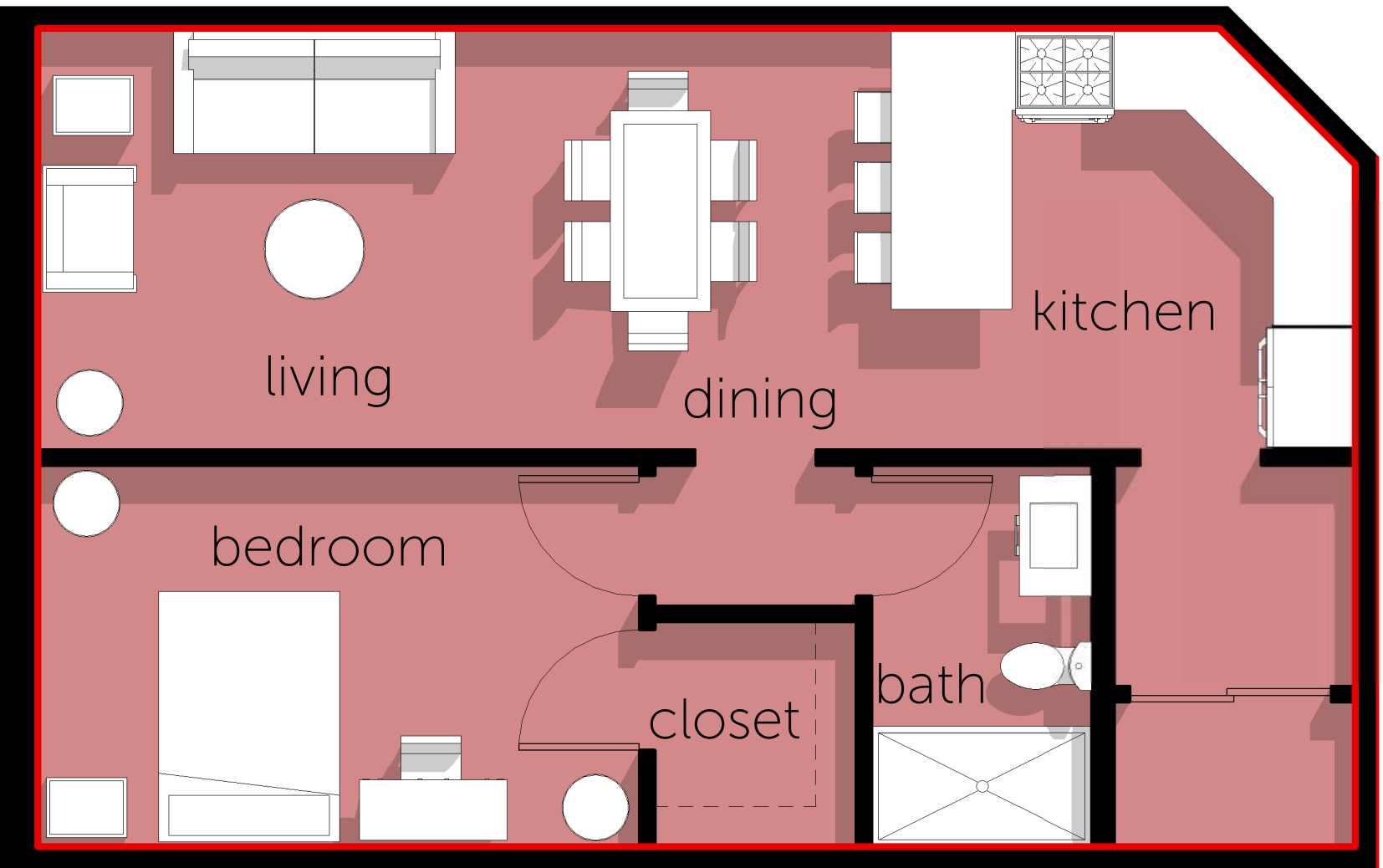
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Park & Kearns Redevelopment

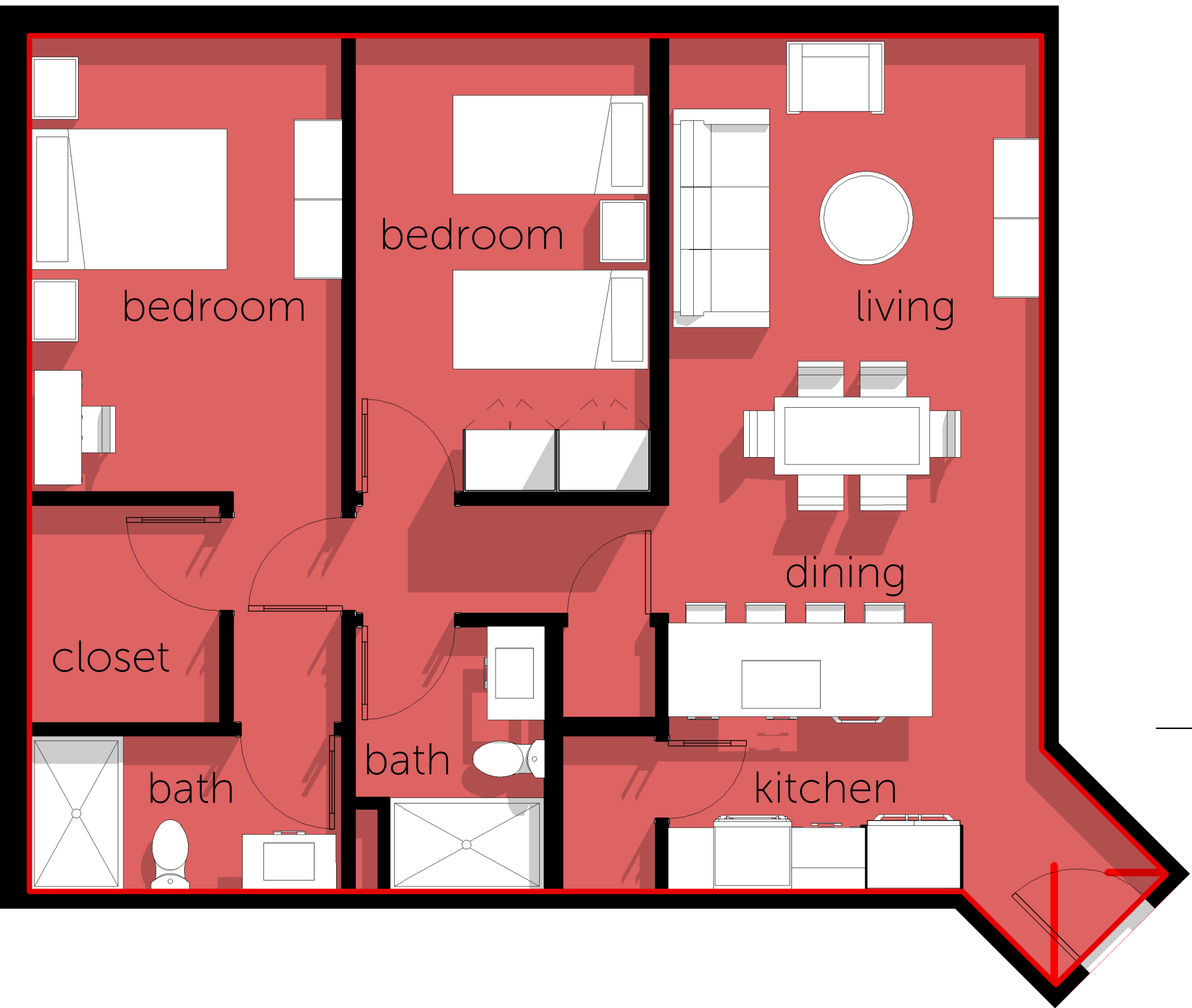
MPD-107 Unit Floor Plans



Studio - Affordable 403 SF
SCALE: 1/4" = 1'-0"



1 Bedroom - Affordable 664 SF
SCALE: 1/4" = 1'-0"



2 Bedroom - Affordable 909 SF
SCALE: 1/4" = 1'-0"

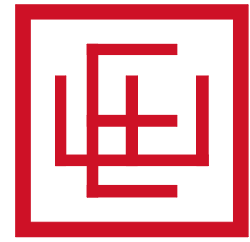


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Park & Kearns Redevelopment

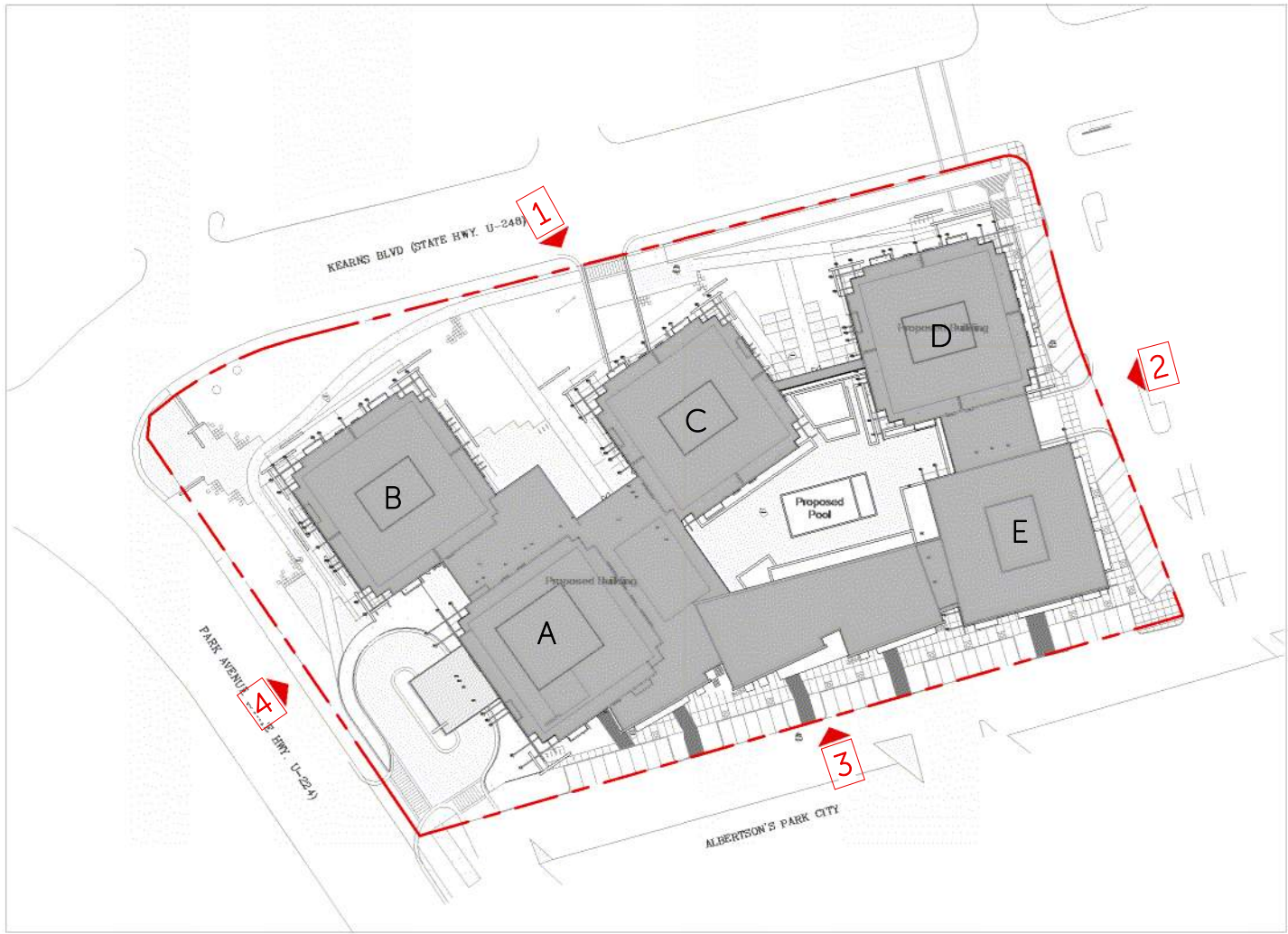
MPD-108. Affordable Unit Floor Plans



Park & Kearns Redevelopment

MPD-201

Elevations



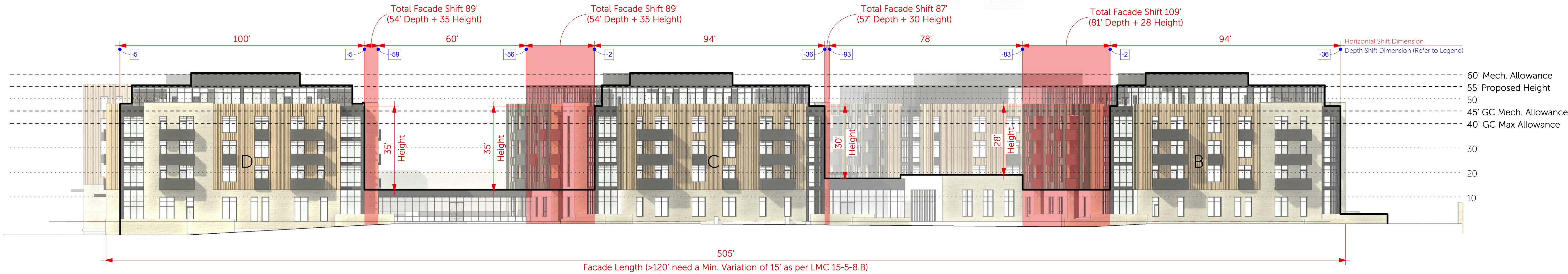
Elevation 1.

SCALE: 1" = 20'-0"



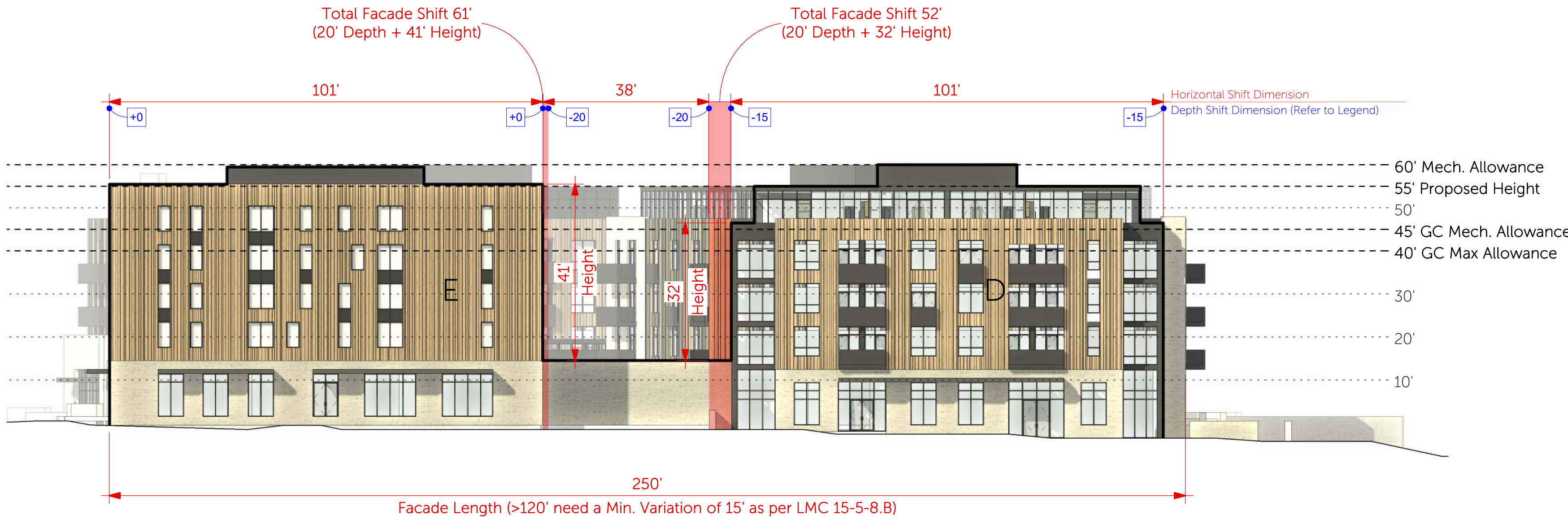
Elevation 2.

SCALE: 1" = 20'-0"



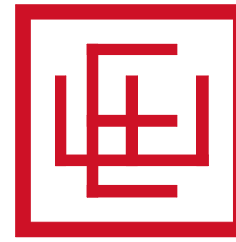
Elevation 1 - Facade Variation

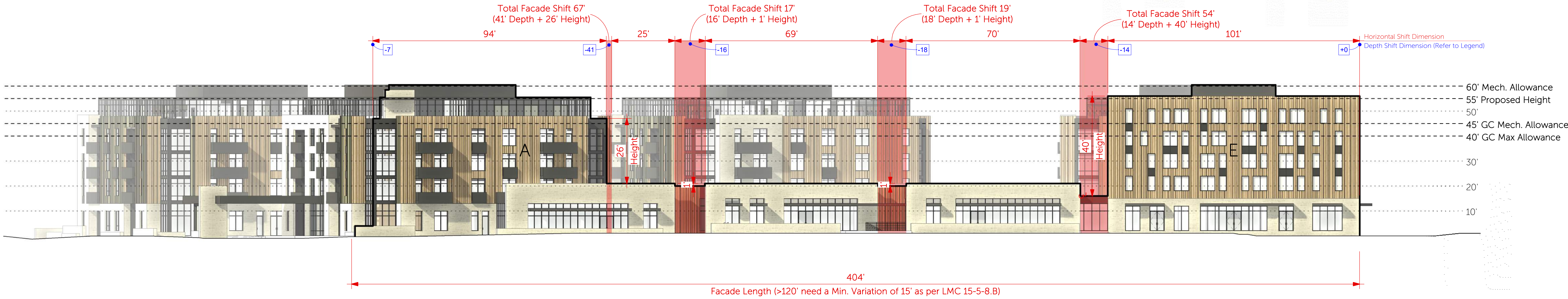
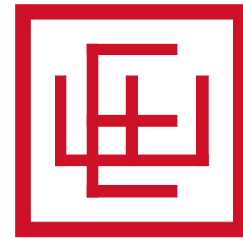
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Elevation 2 - Facade Variation

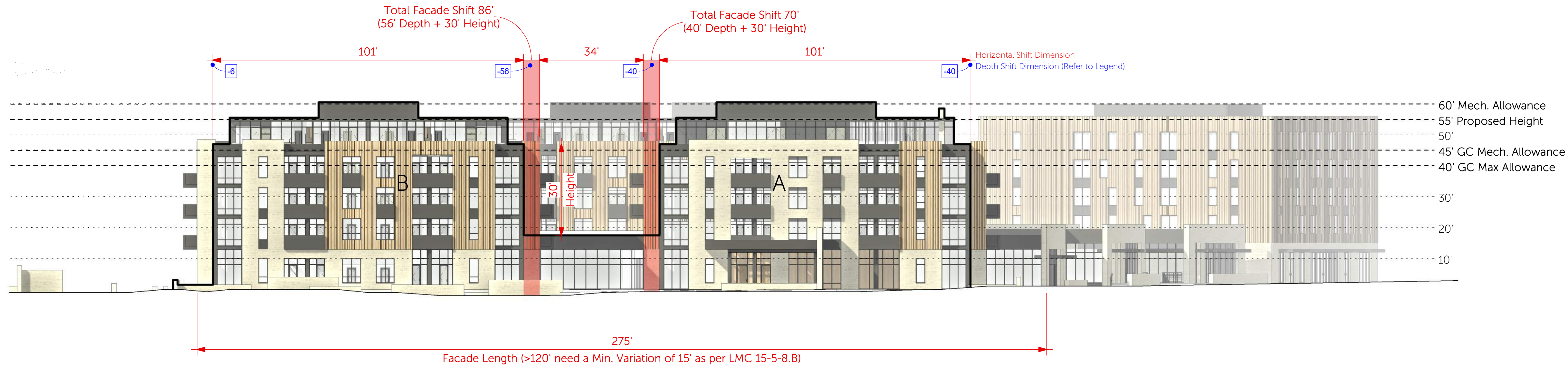
SCALE: 1" = 20'-0"





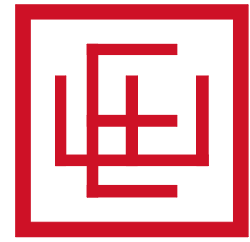
Elevation 3 - Facade Variation

SCALE: 1" = 20'-0"



Elevation 4 - Facade Variation

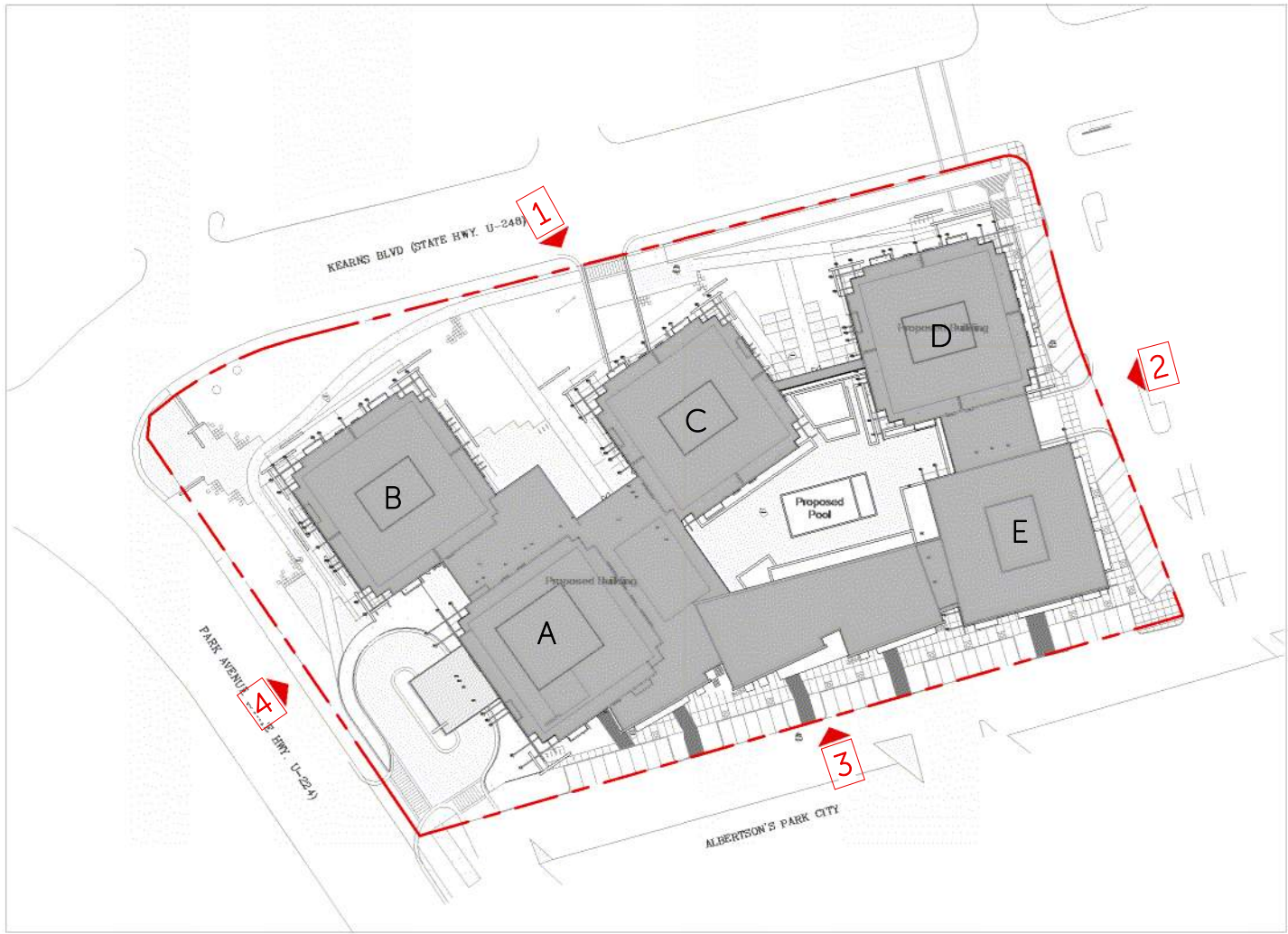
SCALE: 1" = 20'-0"



Park & Kearns Redevelopment

MPD-201

Elevations



Elevation 1.

SCALE: 1" = 20'-0"



Elevation 2.

SCALE: 1" = 20'-0"



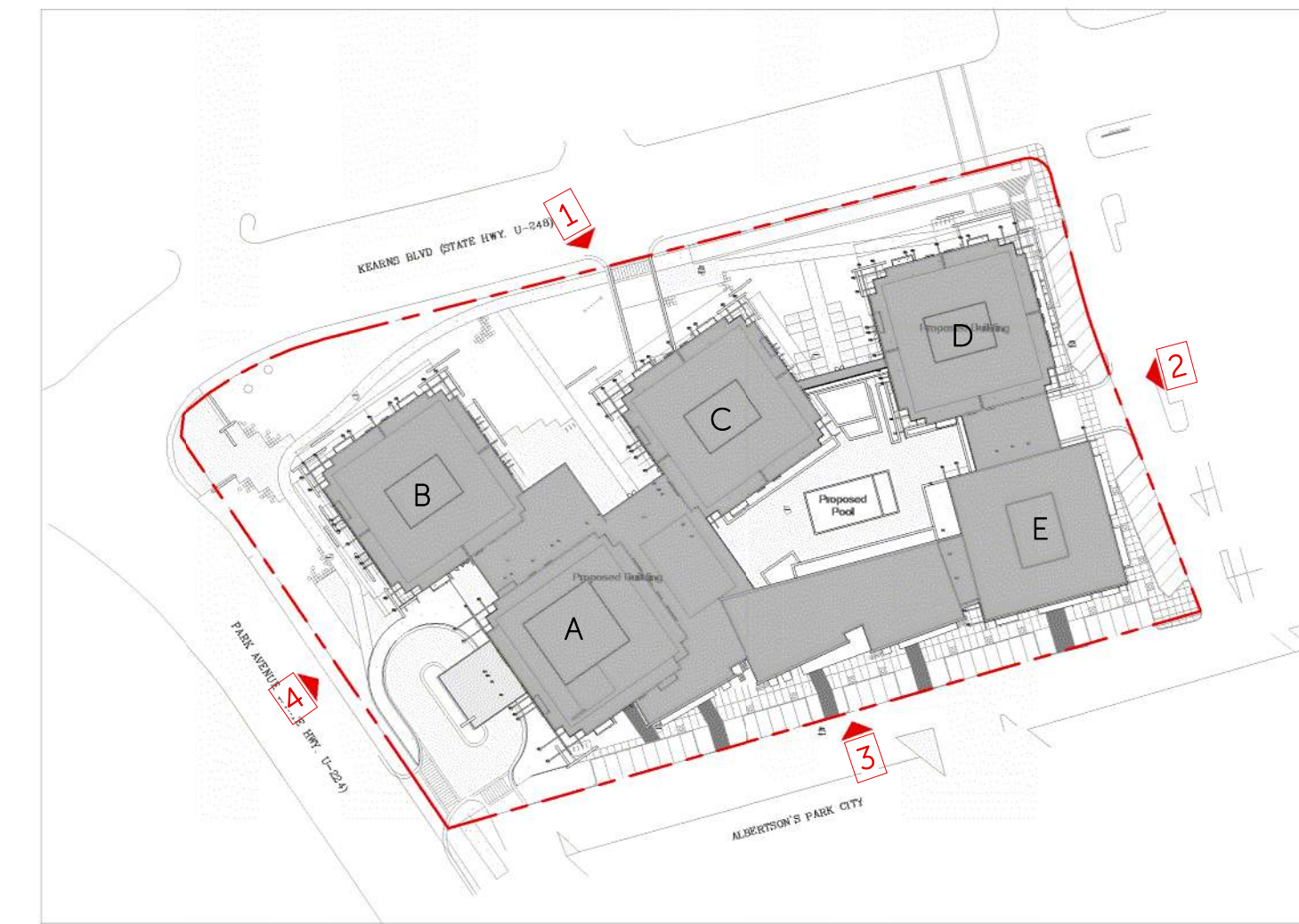
Elevation 3.

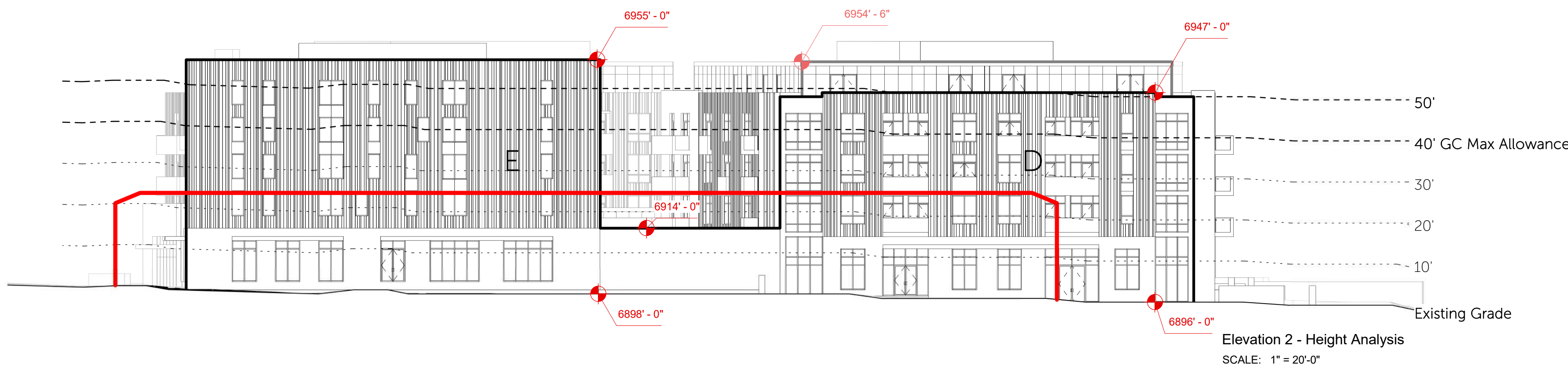
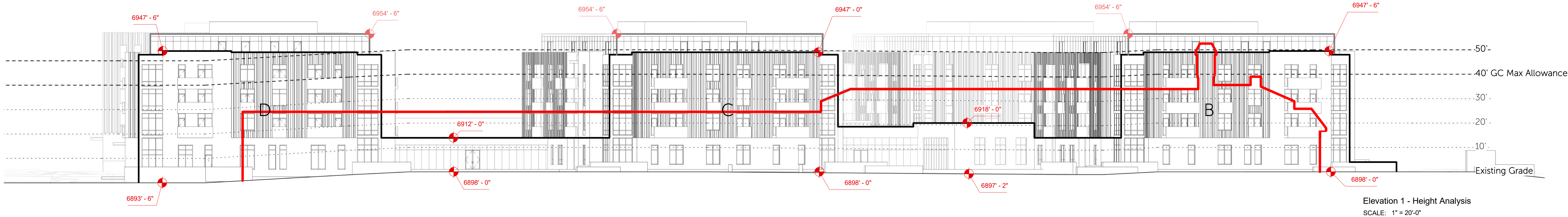
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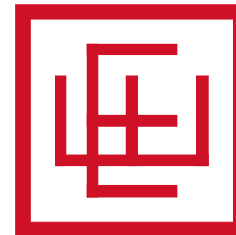
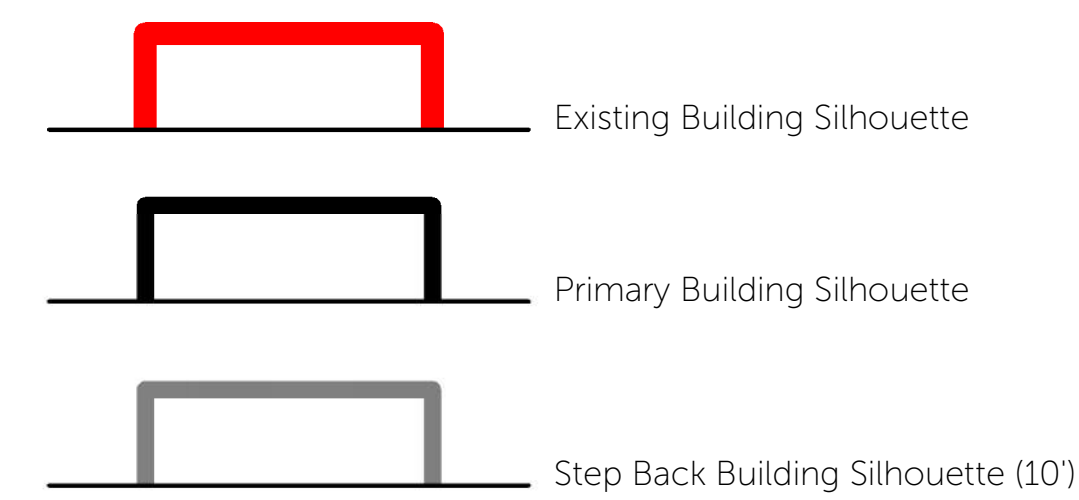
Elevation 4.

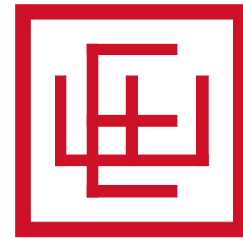
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Street Elevation Graphic Legend

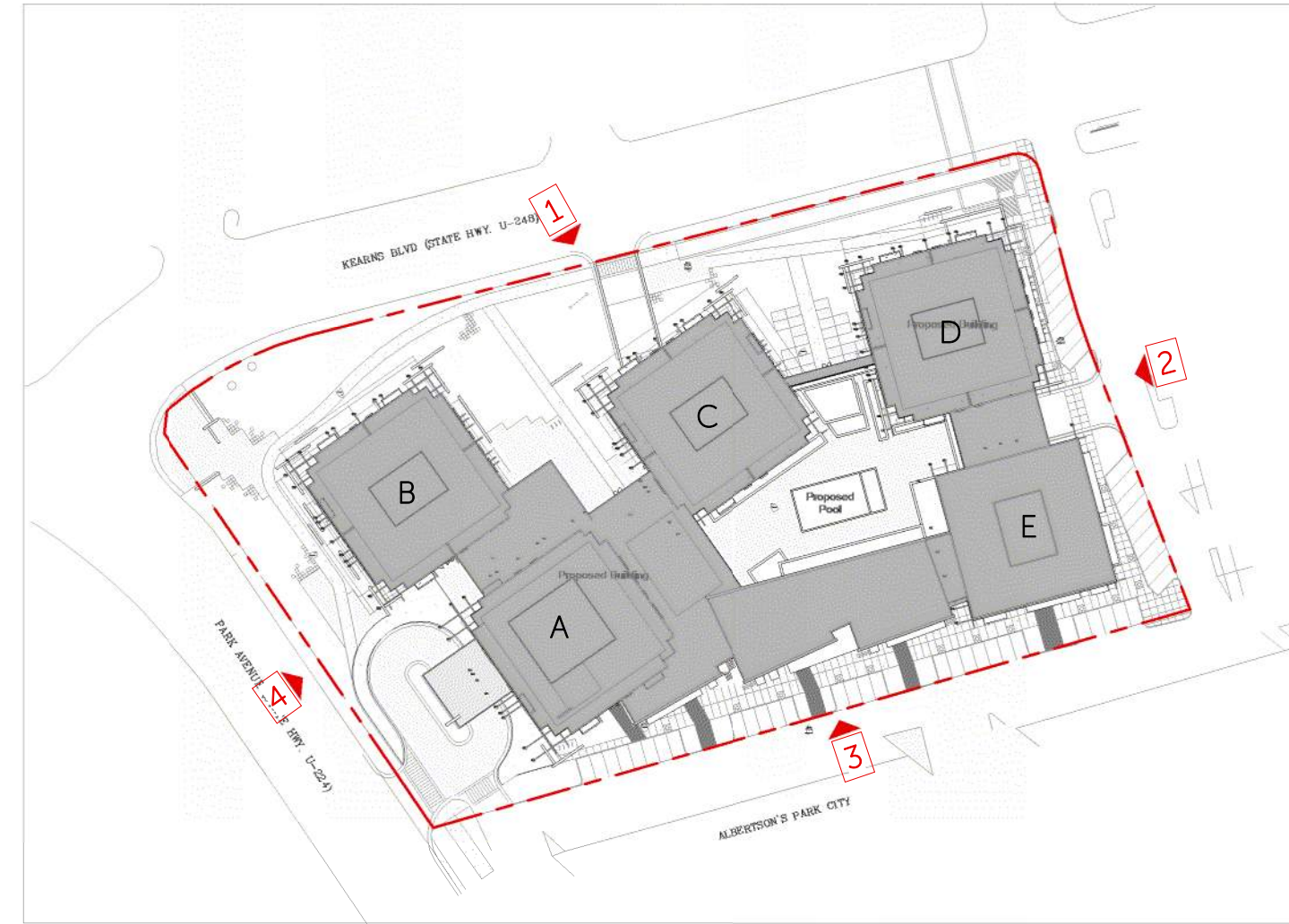




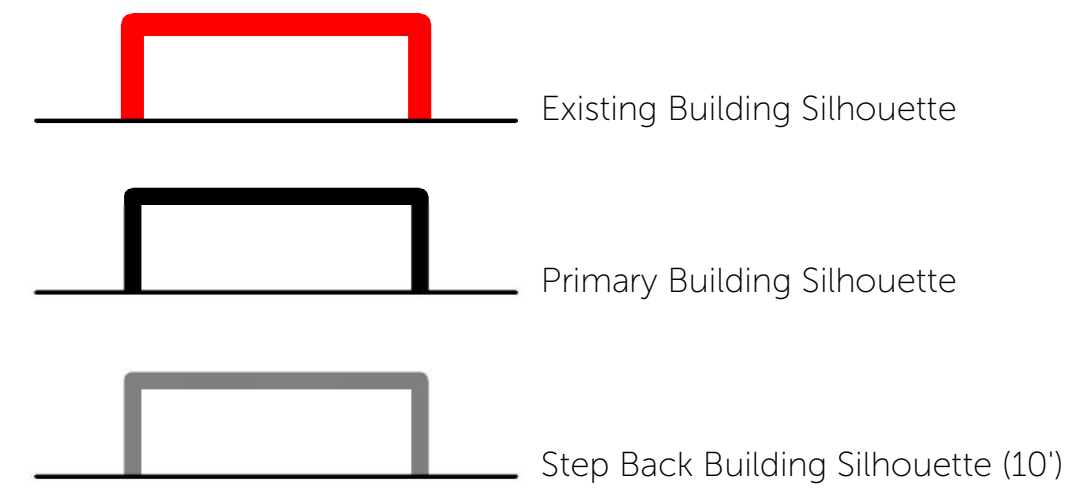
Park & Kearns Redevelopment

MPD-204

Height Analysis



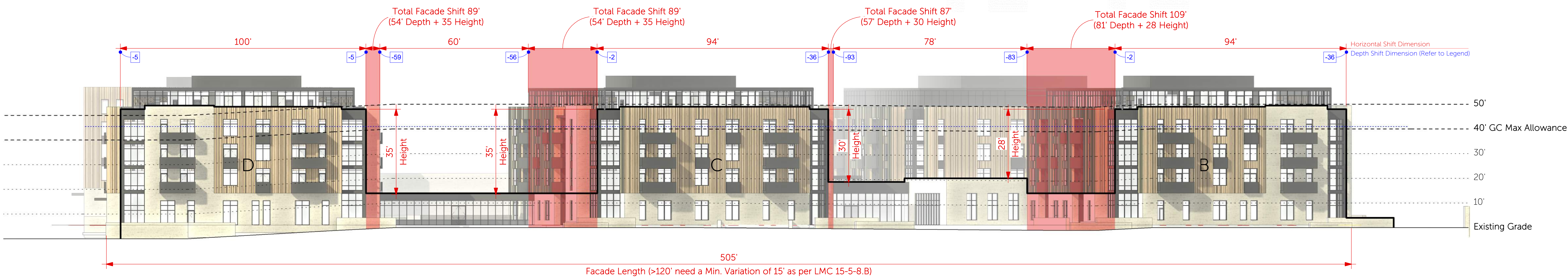
Street Elevation Graphic Legend



Elevation 3 - Height Analysis
SCALE: 1" = 20'-0"

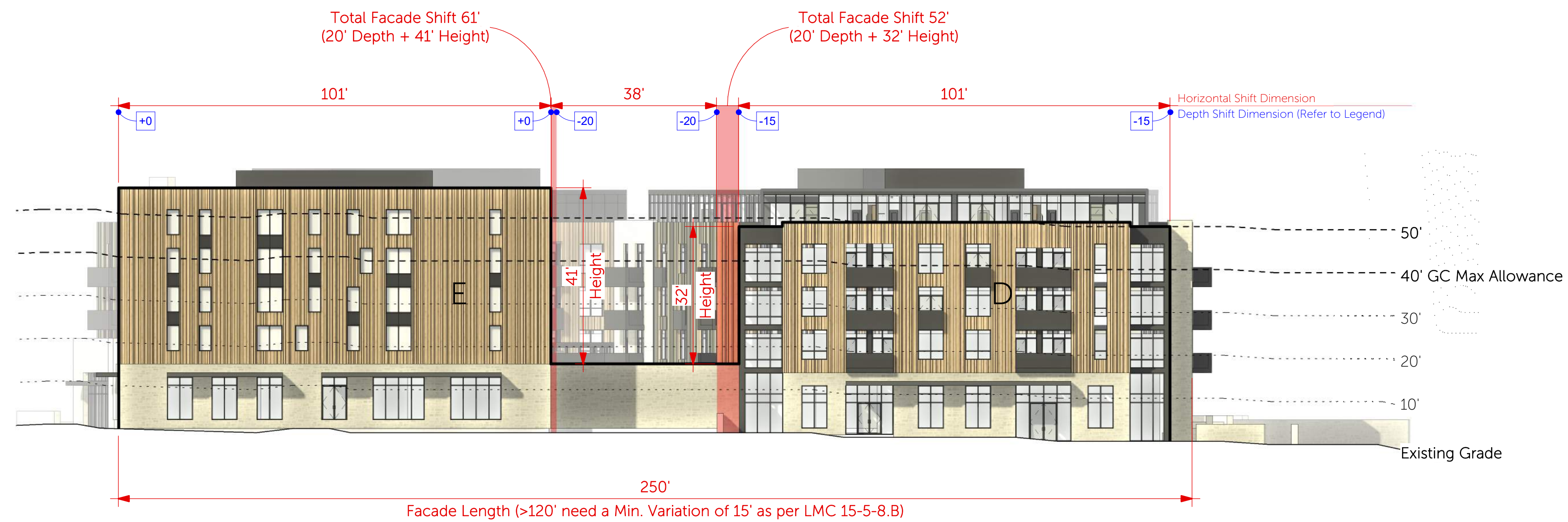


Elevation 4 - Height Analysis
SCALE: 1" = 20'-0"



Elevation 1 - Facade Variation

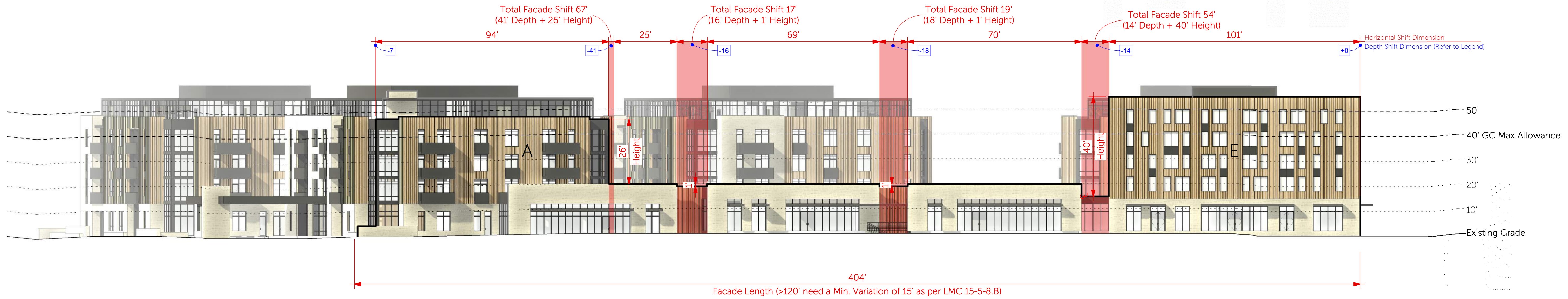
SCALE: 1" = 20'-0"



Elevation 2 - Facade Variation

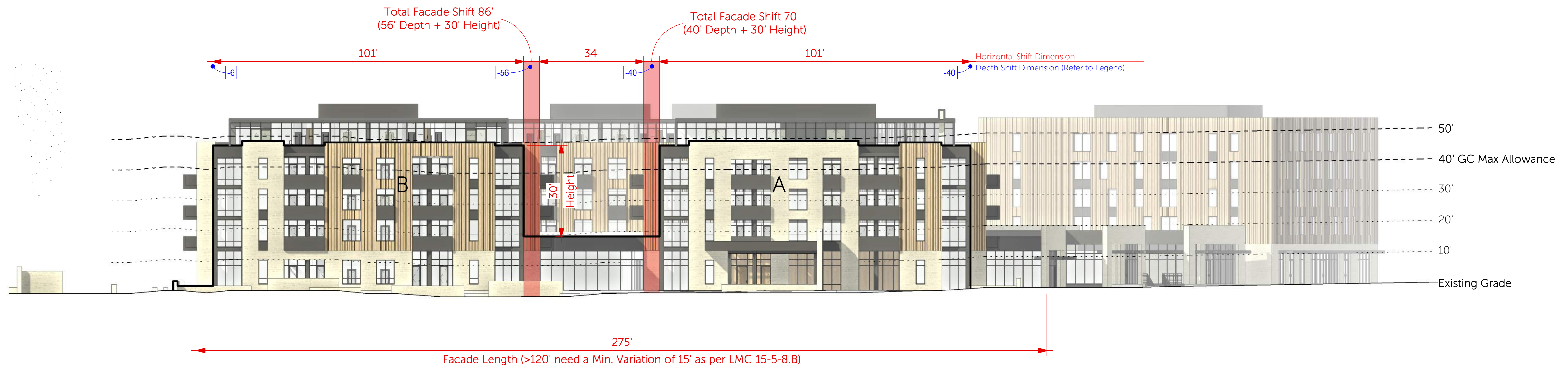
SCALE: 1" = 20'-0"





Elevation 3 - Facade Variation

SCALE: 1" = 20'-0"



Elevation 4 - Facade Variation

SCALE: 1" = 20'-0"





Spring Equinox - 6AM



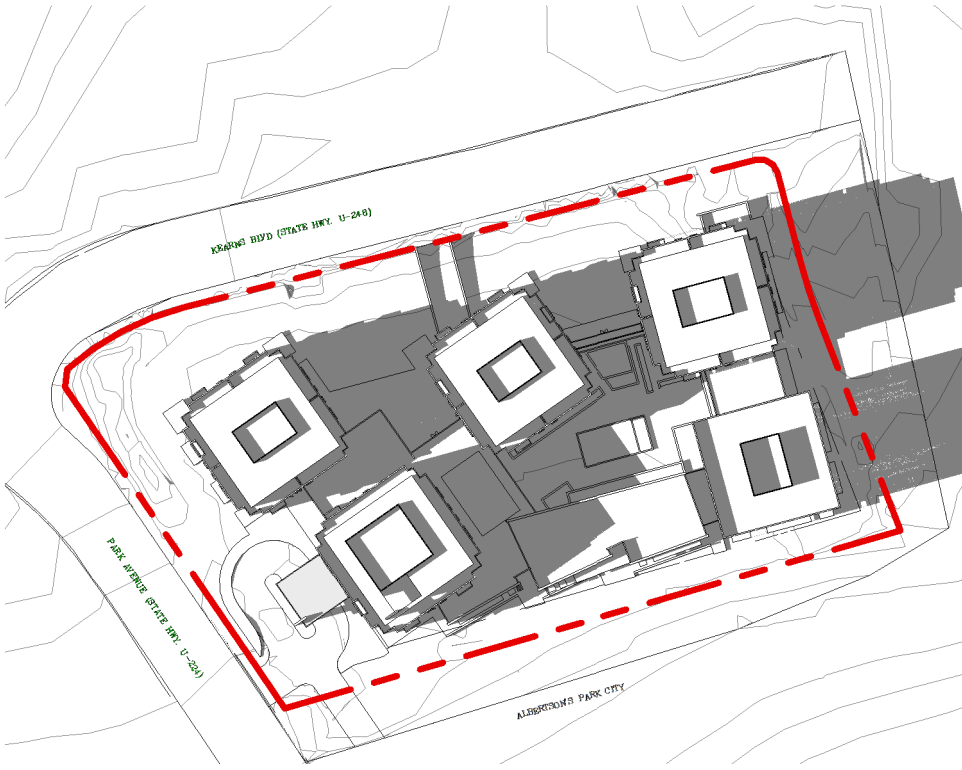
Spring Equinox - 9AM



Spring Equinox - 12PM



Spring Equinox - 3PM



Spring Equinox - 6PM



Spring Equinox - 9PM



Summer Solstice - 6AM



Summer Solstice - 9AM



Summer Solstice - 12PM



Summer Solstice - 3PM



Summer Solstice - 6PM



Summer Solstice - 9PM



Autumn Equinox - 6AM



Autumn Equinox - 9AM



Autumn Equinox - 12PM



Autumn Equinox - 3PM



Autumn Equinox - 6PM



Autumn Equinox - 9PM



Winter Solstice - 6AM



Winter Solstice - 9AM



Winter Solstice - 12PM



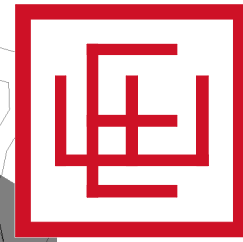
Winter Solstice - 3PM



Winter Solstice - 6PM



Winter Solstice - 9PM



Planning Commission Staff Report



Subject: 9100 Marsac Avenue – The Montage
Application: PL-23-05969, Original CUP PL-13-01845
Author: Virgil Lund, Planner I
Date: January 24, 2024
Type of Item: Modification to a Conditional Use Permit

Recommendation

(I) Review the proposed modification to an existing Conditional Use Permit (CUP) to allow a permanent Accessory Building (yurt) at 9100 Marsac Avenue, (II) hold a public hearing, and (III) consider approving the Modification to the CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the draft Final Action Letter (Exhibit A).

Description

Applicant: Jeremiah Dekle, The Montage Resort

Location: 9100 Marsac Avenue

Zoning District: Residential Development, Sensitive Land Overlay

Adjacent Land Uses: Recreation Open Space, Resort

Reason for Review: The Planning Commission reviews, conducts a public hearing, and takes final action on Conditional Use Permits.¹

CUP	Conditional Use Permit
IBC	International Building Code
LMC	Land Management Code
MPD	Master Planned Development
RD	Residential Development
SLO	Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

The Applicant proposes to modify the existing CUP approval (PL-13-01845) regulating Temporary Structures at the Montage to construct a 30-foot-diameter, 14-foot-tall permanent Accessory Building (yurt). The Applicant is requesting to shift from a temporary structure at this location to an Accessory Building (yurt) for guests of the hotel to use year-round. The Applicant proposes transitioning from a Temporary

¹ LMC [§ 15-1-8\(G\)](#)

Structure to better meet the needs of the guests. The Applicant proposes operating the yurt during the winter months daily from 11:30AM – 6:00PM, and occasionally during the summer months from 11:30AM – 7:00PM. The yurt will serve food and drinks from the main kitchen of The Montage and is not associated with any of the existing restaurants.

The image below (submitted by the applicant) shows the proposed location for the Accessory Building (yurt).



Background

The Montage is part of the Empire Pass Master Planned Development (MPD), which was originally approved on June 24, 1999.

An MPD and CUP were approved by the Planning Commission for The Montage Hotel on March 14, 2007, as part of the Empire Pass Pod B-2. The MPD and CUP detailed specific parameters including density, Open Space, Building Height, square footage limitation, etc. The MPD and CUP approved 35,000 square feet of spa space, 28,059 square feet of bar/restaurant/retail space, and approximately 15,000 square feet of meeting/conference space and lounge areas (Exhibit F).

On February 15, 2011, an Administrative Conditional Use Permit (ACUP) was approved by the Planning Department for one sixteen-foot-diameter yurt to be installed on the property. The Final Action Letter states that the yurt could be installed temporarily for fourteen days at a maximum of five times per year (Exhibit B).

The Montage has an on-going CUP (PL-13-01845) which replaced the approval in 2011 (PL-11-01183) that allows Temporary Structures to be installed (which includes yurts) 15 times per year of which four may be allowed for a maximum period of 60 days (Exhibit D). The on-going CUP approval does not specify the size or number of yurts allowed.

The on-going CUP allows Temporary Structures in the following locations at the Montage: Grand Lawn, Compass Lawn, Mountain Lawn, Front Lawn, Vista Terrace, and the Grand Terrace. See Exhibit E for a map of the approved Temporary Structure locations. The previous temporary yurts have been used during the winter ski season for guests of the hotel. The proposed Accessory Building (yurt) will be used similarly as the temporary yurts in the past during the ski season. However, the applicant proposes to install the 30-foot-diameter yurt permanently on the Compass Lawn for year-round use. Therefore, a Modification to the CUP is required.



Map showing approved Temporary Structure locations

The yurt will increase the amount of bar/restaurant/retail area square footage by approximately 660 square feet.

Analysis

(I) The proposal complies with the requirements for the Residential Development (RD) Zoning District outlined in LMC Chapter 15-2.13.

The RD Zoning District requires a 20-foot Front Setback, 15-foot Rear Setback, and 12-foot Side Setback.² The proposed Accessory Building (yurt) will be approximately 24 feet from the nearest property line (Exhibit C).

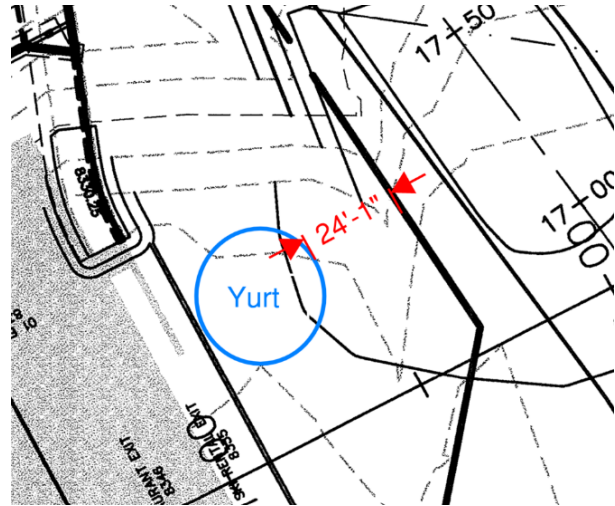


Image showing compliance with Setbacks

In the RD Zoning District, no Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade.³ The proposed Accessory Building (yurt) will be approximately 17 feet six inches from Final Grade.

(II) The proposal complies with the Sensitive Land Overlay (SLO) Zoning District requirements outlined in LMC § [15-2.21](#)

The proposed Accessory Building (yurt) will be installed on the existing approved location for Temporary Structures on the Compass lawn and will not impact Sensitive Land Overlay requirements. No Significant Vegetation or other physical aspects of the site will be impacted by the installation of the proposed yurt. The Building Department requires **Condition of Approval 7** which states the permanent Accessory Building (yurt) must receive a building permit for an International Building Code (IBC) compliant commercial structure.

(III) The proposal complies with the Empire Pass Master Planned Development Pod B-2.

The Montage Hotel is approved for 35,000 square feet of spa space, 28,059 square feet of bar/restaurant/retail space and approximately 15,000 square feet of meeting/conference space and lounge areas.

The Applicant proposes to increase the amount of bar/restaurant/retail area square footage by approximately 660 square feet. The Applicant has shown that the Montage

² LMC [§ 15-2.13-3](#)

³ LMC [§ 15-2.13-4](#)

has 24,154 square feet (this includes temporary square footage as well for temporary structures) of existing bar/restaurant/retail area that has been built. The proposed yurt will increase the bar/restaurant/retail area to 24,814 square feet (Exhibit G).

(IV) The application as conditioned complies with the Conditional Use Permit criteria outlined in LMC § [15-1-10\(E\)](#).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

The table below outlines the CUP criteria established in LMC § 15-1-10(E):

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	Complies: The proposed yurt is located on an existing Site and is in an appropriate location adjacent to the ski runs, ski base area, and existing Structures. According to the Applicant, the previous yurts that have been installed at this location temporarily are the same in size and dimensions as the proposed permanent yurt.
Traffic	Complies: The proposed yurt will be contained to a specific location on the lawn and will be used by guests of the hotel and recreational users. The yurt will not impact vehicular traffic and does not require a traffic impact study. ⁴
Utility Capacity	Complies: The Development Review Committee reviewed the proposal on November 21, 2023, and did not find any issues with the utility capacity. The Applicant proposes to use an electric heater for the yurt in the winter months and will connect into the existing

⁴ Traffic [Impact Study Guidelines](#)

	electrical system of The Montage. No other utility connections are proposed or approved. The Building Department requires Condition of Approval 7 which states the permanent Accessory Building (yurt) must receive a building permit for an IBC compliant commercial structure.
Emergency Vehicle Access	Complies: On November 21, 2023, the Park City Fire District reviewed the application and confirmed the proposal conforms with their requirements. See Condition of Approval 4.
Parking	Complies: The Flagstaff Development Agreement stipulates that parking for the Montage was reduced by 25% below the LMC requirements in place at the time of MPD Approval. Based on the residential unit sizes, hotel rooms and commercial spaces, parking at the Montage Hotel would require 742 spaces, reduced by 25% for a total of 561. There was a further parking reduction at the Montage to 530 because valet parking is mandatory for guests. The valet parking is in tandem configuration (Exhibit F). The original Building Permit and recorded Plat for The Montage shows 529 Parking Spaces were constructed. The proposed yurt will be used by guests already staying at the Montage, and recreational users of the Resort, and will not increase parking demand.
Internal Vehicular and Pedestrian Circulation System	Complies: The location of the proposed yurt will not impede the vehicular circulation system. The proposed location has been used previously by temporary yurts with the same size and dimensions as the proposed permanent yurt. The yurt will not impede the pedestrian circulation system. It is located adjacent to the existing “Pearl” ski run and will not impede skiers using that run. See map below:



Fencing, Screening, and Landscaping	Complies: The proposed yurt will be screened by the existing buildings, retaining walls, and landscaping on the Site. No Significant Vegetation will be impacted by the proposed yurt.
Building Mass, Bulk, and Orientation	Complies: The proposed yurt will be oriented towards the ski run and ski base area and will be used by guests of the Montage and skiers on the resort. The proposed yurt is appropriate in size and scale for the Site because it will not impede the existing ski run or pedestrian circulation system and will be similar in size and scale as the previous yurts installed at this location.
Useable Open Space	Complies: The proposed yurt will be installed on the existing “compass” lawn area. The original development of pods A, B-1, and B-2 of the MPD were limited to 87 acres of Open Space, or 5% of the land area, with the rest of the land area (1,550 acres) being dedicated as Open Space. The proposed

	Structure will not decrease the required amount of Open Space from the approved MPD.
Signs and Lighting	Complies: No signs or outdoor lighting are proposed as part of this application. See Condition of Approval 5.
Physical Design and Compatibility with Surrounding Structures	Complies: The proposed yurt is appropriate in size, scale, and design for the intended use. The previous temporary yurts at this location were similar in size and dimensions to the proposed permanent Structure. The yurt will be constructed of a solid wood lattice wall surrounded by flame retardant vinyl/polyester fabric.
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	See Condition of Approval 5: No signs, speakers, or outdoor lighting are proposed or approved with this application.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	Complies: The proposed location of the yurt will not affect any loading or unloading zones, and all trash and recycling will be located inside the Montage Resort. There will be small containers inside the yurt that will be transported daily or as needed to the main trash and recycling areas for The Montage.
Expected Ownership and Management	Complies: The ownership is private, and the property owner has given the Applicant permission to apply for this application.
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: The Development Review Committee reviewed the proposal on November 21, 2023, and found no issues with the proposal. The location of the yurt is not on or near Steep Slopes, Physical Mine Hazards, or Mine Waste, and is outside of the Park City Soils Ordinance.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: The proposed Use of the Site is consistent with the objectives of the Upper Deer Valley Neighborhood in the General Plan, as it provides a comfortable

	visitor experience and supports the resort economy.
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(V) The Development Review Committee reviewed the proposal on November 21, 2023, and does requires Conditions of Approval.⁵

The Building Department requires Condition of Approval 7 which states the permanent Accessory Building (yurt) must receive a building permit for an IBC compliant commercial structure.

Department Review

The Planning Department, Executive Department, and Legal Department reviewed this report.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on January 10, 2024. Staff mailed courtesy notice to property owners within 300 feet on January 10, 2024. The *Park Record* published courtesy notice on January 10, 2024.⁶

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the Modification to the CUP;
- The Planning Commission may deny the Modification to the CUP and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter
Exhibit B: PL-11-01183 ACUP Final Action Letter
Exhibit C: Proposed Plans
Exhibit D: PL-13-01845 Ongoing CUP SR and FAL
Exhibit E: Approved Temporary Structure Locations
Exhibit F: 2007 Empire Pass B-2 Master Planned Development
Exhibit G: Square Footage Breakdown

⁵ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney’s Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁶ LMC [§ 15-1-21](#)



Planning Department

January 24, 2024

Jeremiah Dekle, The Montage
9100 Marsac Avenue
801-651-0013

CC: Jeremiah Dekle, The Montage Resort

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 9100 Marsac Avenue

Zoning District: Residential Development, Sensitive Land Overlay

Application: Modification to a Conditional Use Permit

Project Number: PL-23-05929, Original CUP: PL-13-01845

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: January 24, 2024

Project Summary: The Applicant proposes to modify the existing CUP approval (PL-13-01845) regulating Temporary Structures at the Montage to construct a 30-foot-diameter, 14-foot-tall permanent Accessory Building (yurt).

Action Taken

On January 24, 2024, the Planning Commission conducted a public hearing and approved a Modification to a Conditional Use Permit for an Accessory Building (yurt) at 9100 Marsac Avenue in the Residential Development Zoning District and Sensitive Land Overlay, according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The Site is located at 9100 Marsac Avenue
2. The Site is located in the Residential Development (RD) Zoning District and Sensitive Land Overlay (SLO).



Planning Department

3. There is an existing Conditional Use Permit (CUP) that allows temporary Structures to be installed (which includes yurts) fifteen (15) times per year of which four (4) may be allowed for a maximum period of sixty (60) days
4. The on-going CUP allows temporary Structures in the following locations: Grand Lawn, Compass Lawn, Mountain Lawn, Front Lawn, Vista Terrace and the Grand Terrace.
5. The Applicant proposes to modify the existing CUP and install a permanent Accessory Building (yurt) on the south lawn (Compass lawn) at the Montage Resort.
6. The Applicant proposes operating the yurt during the winter months daily from 11:30AM – 6:00PM, and occasionally during the summer months from 11:30AM – 7:00PM. The yurt will serve food and drinks from the main kitchen of The Montage and is not associated with any of the existing restaurants.
7. The Accessory Building (yurt) will be 30 feet in diameter.
8. The proposed yurt will be 17' feet 6" inches from Final Grade.
9. The applicant proposes to install the 30-foot-diameter yurt permanently on the Compass Lawn for year-round use
10. The Montage is part of the Empire Pass Master Planned Development (MPD), which was originally approved on June 24, 1999.
11. The original MPD and CUP approved 35,000 square feet of spa space, 28,059 square feet of bar/restaurant/retail space and approximately 15,000 square feet of meeting/conference space and lounge areas for the Montage Resort.
12. The yurt will increase the amount of bar/restaurant/retail area square footage by approximately 660 square feet.
13. Staff determined the application complete on December 29, 2023.
14. Staff posted notice to the City Website, City Hall, the property, and adjacent property owners on January 10, 2024.
15. The application as conditioned complies with the Residential Development (RD) Zoning District requirements outlined in LMC § 15-2.13
 - a. The RD Zoning District requires a 20-foot Front Setback, 15-foot Rear Setback, and 12-foot Side Setback. The proposed yurt is approximately 24 feet from the nearest property line.
 - b. In the RD Zoning District, no Structure shall be erected to a height greater than twenty-eight feet (28') from Existing Grade. The proposed yurt will be 17' feet 6" inches from Final Grade.



Planning Department

16. The application complies with the Sensitive Land Overlay (SLO) Zoning District requirements outlined in LMC § 15-2.21
 - a. The proposed Accessory Building (yurt) will be installed on the existing approved location for Temporary Structures on the Compass lawn and will not impact Sensitive Land Overlay requirements. No Significant Vegetation or other physical aspects of the site will be impacted by the installation of the proposed yurt. The Building Department requires Condition of Approval 7 which states the permanent Accessory Building (yurt) must receive a building permit for an International Building Code (IBC) compliant commercial structure.
17. The application complies with the Empire Pass Master Planned Development Pod B-2
 - a. The Montage Hotel is approved for 35,000 square feet of spa space, 28,059 square feet of bar/restaurant/retail space and approximately 15,000 square feet of meeting/conference space and lounge areas.
 - b. The Applicant proposes to increase the amount of bar/restaurant/retail area square footage by approximately 660 square feet. The Applicant has shown that the Montage has 24,154 square feet (this includes temporary square footage as well for temporary structures) of existing bar/restaurant/retail area that has been built. The proposed yurt will increase the bar/restaurant/retail area to 24,814 square feet.
18. The application as conditioned complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E)
 - a. Size and Location of the Site
 - i. The proposed yurt is located on an existing Site and is in an appropriate location adjacent to the ski runs, ski base area, and existing Structures. According to the Applicant, the previous yurts that have been installed at this location temporarily are the same in size and dimensions as the proposed permanent yurt.
 - b. Traffic
 - i. The proposed yurt will be contained to a specific location on the lawn and will be used by guests of the hotel and recreational users. The yurt will not impact vehicular traffic and does not require a traffic impact study
 - c. Utility Capacity



Planning Department

- i. The Development Review Committee reviewed the proposal on November 21, 2023, and did not find any issues with the utility capacity. The Applicant proposes to use an electric heater for the yurt in the winter months and will connect into the existing electrical system of The Montage. No other utility connections are proposed or approved. The Building Department requires Condition of Approval 7 which states the permanent Accessory Building (yurt) must receive a building permit for an IBC compliant commercial structure.
- d. Emergency Vehicle Access
 - i. On November 21, 2023, the Park City Fire District reviewed the application and confirmed the proposal conforms with their requirements.
- e. Parking
 - i. The Flagstaff Development Agreement stipulates that parking for the Montage was reduced by 25% below the LMC requirements in place at the time of MPD Approval. Based on the residential unit sizes, hotel rooms and commercial spaces, parking at the Montage Hotel would require 742 spaces, reduced by 25% for a total of 561. There was a further parking reduction at the Montage to 530 because valet parking is mandatory for guests. The valet parking is in tandem configuration.
 - ii. The original Building Permit and recorded Plat for The Montage shows 529 Parking Spaces were constructed. The proposed yurt will be used by guests already staying at the Montage, and recreational users of the Resort, and will not increase parking demand.
- f. Internal Vehicular and Pedestrian Circulation System
 - i. The location of the proposed yurt will not impede the vehicular circulation system. The proposed location has been used previously by temporary yurts with the same size and dimensions as the proposed permanent yurt. The yurt will not impede the pedestrian circulation system. It is located adjacent to the existing "Pearl" ski run and will not impede skiers using that run.
- g. Fencing, Screening, and Landscaping



Planning Department

- i. The proposed yurt will be screened by the existing buildings, retaining walls, and landscaping on the Site. No Significant Vegetation will be impacted by the proposed yurt.
- h. Building Mass, Bulk, and Orientation
 - i. The proposed yurt will be oriented towards the ski run and ski base area and will be used by guests of the Montage and skiers on the resort. The proposed yurt is appropriate in size and scale for the Site because it will not impede the existing ski run or pedestrian circulation system and will be similar in size and scale as the previous yurts installed at this location.
- i. Useable Open Space
 - i. The proposed yurt will be installed on the existing “compass” lawn area. The original development of pods A, B-1, and B-2 of the MPD were limited to 87 acres of Open Space, or 5% of the land area, with the rest of the land area (1,550 acres) being dedicated as Open Space. The proposed Structure will not decrease the required amount of Open Space from the approved MPD.
- j. Signs and Lighting
 - i. No signs or outdoor lighting are proposed as part of this application. See Condition of Approval 5.
- k. Physical Design and Compatibility with Surrounding Structures
 - i. The proposed yurt is appropriate in size, scale, and design for the intended use. The previous temporary yurts at this location were similar in size and dimensions to the proposed permanent Structure. The yurt will be constructed of a solid wood lattice wall surrounded by flame retardant vinyl/polyester fabric.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors
 - i. See Condition of Approval 5. No signs, speakers, or outdoor lighting are proposed or approved with this application.
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas
 - i. The proposed location of the yurt will not affect any loading or unloading zones, and all trash and recycling will be located inside the Montage Resort. There will be small containers inside the yurt that will be transported daily or as needed to the main trash and recycling areas for The Montage.



Planning Department

- n. Expected Ownership and Management
 - i. The ownership is private, and the property owner has given the Applicant permission to apply for this application.
- o. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site
 - i. The Development Review Committee reviewed the proposal on November 21, 2023, and found no issues with the proposal.
 - ii. The location of the yurt is not on or near Steep Slopes, Physical Mine Hazards or Mine Waste, and is outside of the Park City Soils Ordinance.
- p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan
 - i. The proposed Use of the Site is consistent with the objectives of the Upper Deer Valley Neighborhood in the General Plan, as it provides a comfortable visitor experience and supports the resort economy.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to LMC Chapter 15-2.13, Residential Development (RD) District, Chapter 15-2.21 Sensitive Land Overlay (SLO) District, and Section 15-1-10(E) Conditional Use Permit Criteria.
2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans dated November 17, 2023, reviewed by the Planning Commission as Exhibit C to the January 24, 2024, staff report. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.



Planning Department

3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
4. The Accessory Building (yurt) may not impede pedestrian or emergency vehicle entrances, exits, and access.
5. No signs, speakers, or outdoor lighting are proposed or approved with this application.
6. The Accessory Building (yurt) shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering
7. The Accessory Building (yurt) must receive a building permit for an International Building Code compliant commercial structure.
8. The Applicant shall adhere to all applicable City and State licensing ordinances.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5067 or email virgil.lund@parkcity.org

Sincerely,

Sarah Hall,
Planning Commission Chair

CC: Virgil Lund



April 24, 2013

James Condon
Montage Deer Valley
9100 Marsac Avenue
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: Conditional Use Permit for Temporary Structures

Project Number: PL-13-01845

Project Address: 9100 Marsac Avenue — Montage Deer Valley

Date of Final Action: April 24, 2013

Action Taken

The Park City Planning Commission conducted a public hearing and approved the Conditional Use Permit for Temporary Structures. The Conditional Use Permit was approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact:

1. On February 21, the City received a complete application for a CUP for temporary structures to be located within the Montage Deer Valley up to fifteen (15) times per year of which ~~four (4)~~ **three (3)** may be allowed for a maximum of sixty (60) days.
2. Temporary structures require a CUP in the RD Zone.
3. No additional signs or lighting are proposed with this application.
4. In 2012, the hotel pulled five (5) separate Administrative CUPs for temporary structures.
5. Within the Land Management Code (LMC) section 15-4-16(A)(7) a temporary structure may only be installed for a duration longer than fourteen (14) days and for more than five (5) times a year with an Administrative CUP and the Planning Commission must approve a CUP for any longer duration or greater frequency consistent with CUP criteria in LMC section 15-1-10(E) and the criteria for temporary structures in LMC section 15-4-16(C).
6. The applicant is requesting that the Planning Commission consider approving a CUP to allow the applicant to install temporary structures up to fifteen (15) times per year of which ~~four (4)~~ **three (3)** may be allowed for a maximum of sixty (60) days, due to the higher frequency of weddings and outdoor parties. There may be occasions when more than one temporary structure is installed for an activity.

7. The Montage Deer Valley has ~~six (6)~~ **five (5)** locations for temporary structures: The Grand Lawn (19,953 sq. ft.), ~~Compass Lawn (6,481 sq. ft.)~~, Mountain Lawn (5,513 sq. ft.), Front Lawn (13,573 sq. ft.), Vista Terrace (2,133 sq. ft.), and the Grand Terrace (6,678 sq. ft).
8. This application is reviewed under Land Management Code Section 15-1-10 (E) and Section 15-4-16(C).
9. The Montage Deer Valley may be accessed via Marsac Avenue. People using the temporary structures would have to abide by the same parking restrictions as other hotel guests.
10. According to a recent parking analysis, there are 593 parking spaces. The applicant conducted a parking study on the busiest day of the year where occupancy was 100% and found 48% usage of the parking lot. They estimate that the addition of temporary structures at maximum capacity and all guests arriving from off-site would diminish the parking by an additional 17%. Therefore, parking would be at 65% of total parking capacity.
11. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
12. The project has access from Marsac Avenue.
13. The property is located within the Residential Development as part of the Empire Pass Master Planned Development (RD-MPD).
14. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law:

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned complies with the Empire Pass Master Planned Development.
3. The Use, as conditioned, is consistent with the Park City General Plan.
4. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.
6. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval:

1. All temporary structures require a permit issued by the Building Department. All temporary structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect circulation, emergency access, and all other applicable public safety measures.
2. Prior to installing a temporary structure, the Planning Department must sign off on a building permit and record the date within the CUP application folder.
3. A maximum of fifteen (15) events which include temporary structures per year are allowed.

4. The maximum duration of a temporary structure is fourteen (14) days, with the exception of ~~four (4)~~ **three (3)** temporary structures per year having a maximum duration of sixty (60) days.
5. The use shall not violate the City Health, Nuisance, Noise Ordinance. Any violation of this ordinance may result in the CUP becoming void.
6. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.
7. No parking shall be allowed on Marsac Avenue.
8. Any temporary structure that exceeds 5,000 square feet shall not exceed twenty (20) days.

If you have any questions or concerns regarding this letter, please do not hesitate to contact me at stokes@parkcity.ora or 435-615-5065.

Sincerely,

A handwritten signature in black ink that reads "Shauna Stokes". The signature is written in a cursive, flowing style.

Shauna Stokes
Planning Technician



Andrew Godaire
Montage at Deer Valley
9100 Marsac Avenue
PO Box 4680
Park City, UT 84060

February 15, 2011

Dear Andrew,

Your administrative conditional use permit for the Yurt was approved by both the Planning and Building Departments on February 11, 2011. A separate building permit from the Building Department is required.

Permit #: PL-11-01183

Your conditional use permit application complied with the submittal requirements of the Land Management Code section 15-4-16. Your conditional use permit allows the yurt to be up and utilized for a maximum of 70 days. Please make sure the yurt is taken down (sides and roof removed from the platform) within 7 days of the closing date of Deer Valley Resort for the 2010/2011 ski season, in order to be in full compliance with the LMC requirements. A new building permit is required each time the yurt is installed. However it is not necessary to submit a new Conditional Use Permit provided that you do not exceed the allowed annual duration and frequency of use as described below.

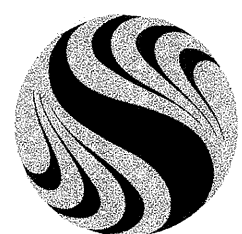
Because the Land Management Code limits the time frame of temporary tents and similar structures to 14 days for a maximum of 5 times per year (70 days total) the Planning Staff highly recommends that you apply for a Conditional Use Permit (CUP) from the Planning Commission if you desire more frequent or longer duration uses.

If you have any questions regarding this matter, please don't hesitate to contact me at 435-615-5060 or kirsten@parkcity.org.

Sincerely,

A handwritten signature in black ink, reading "Kirsten A. Whetstone". The signature is fluid and cursive, with the first name "Kirsten" being more prominent.

Kirsten A. Whetstone, MS, AICP
Senior Planner

**Stantec**[illegible]MASS EXCAVATION
SITE PLAN

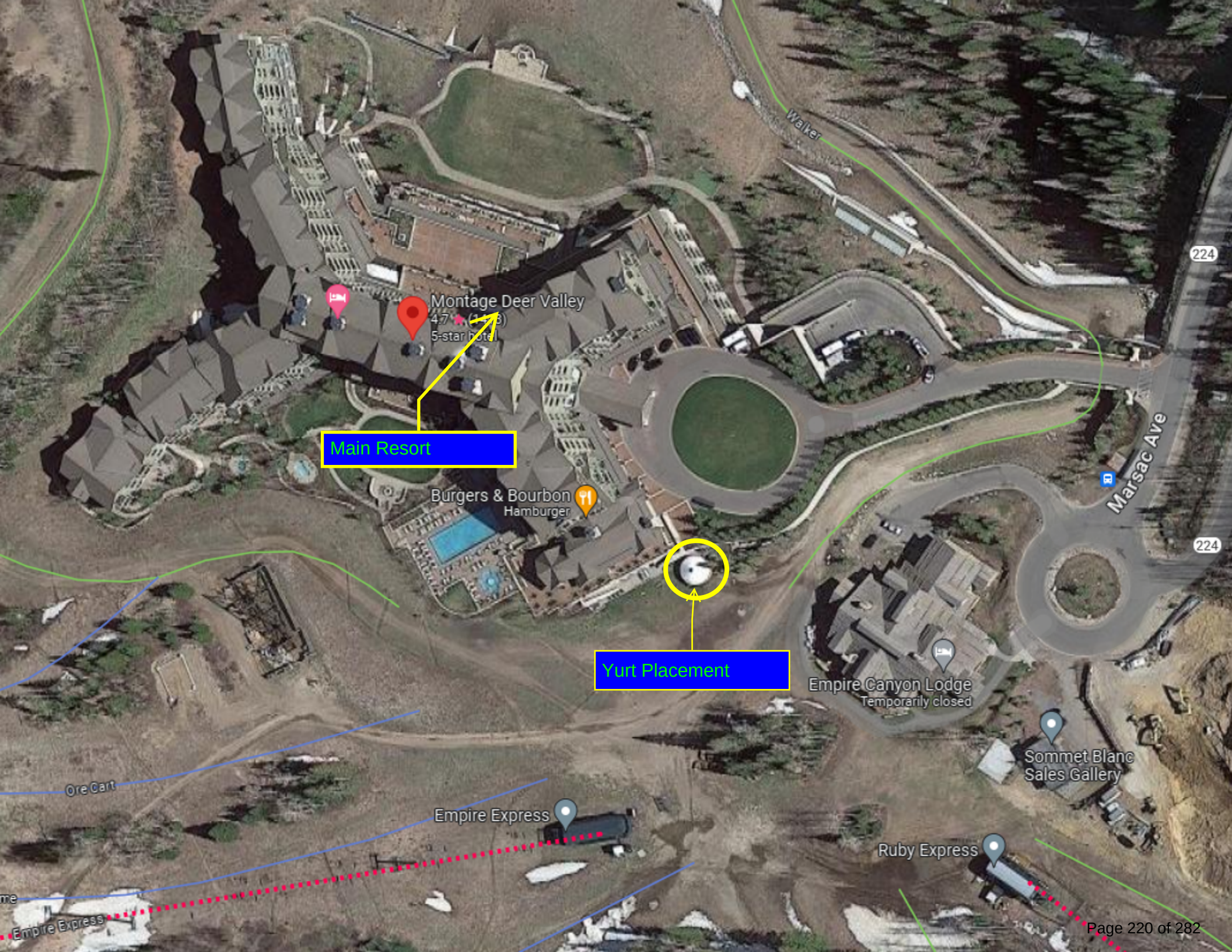
PROJECT	186301806
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SCALE 1"=40'-0"

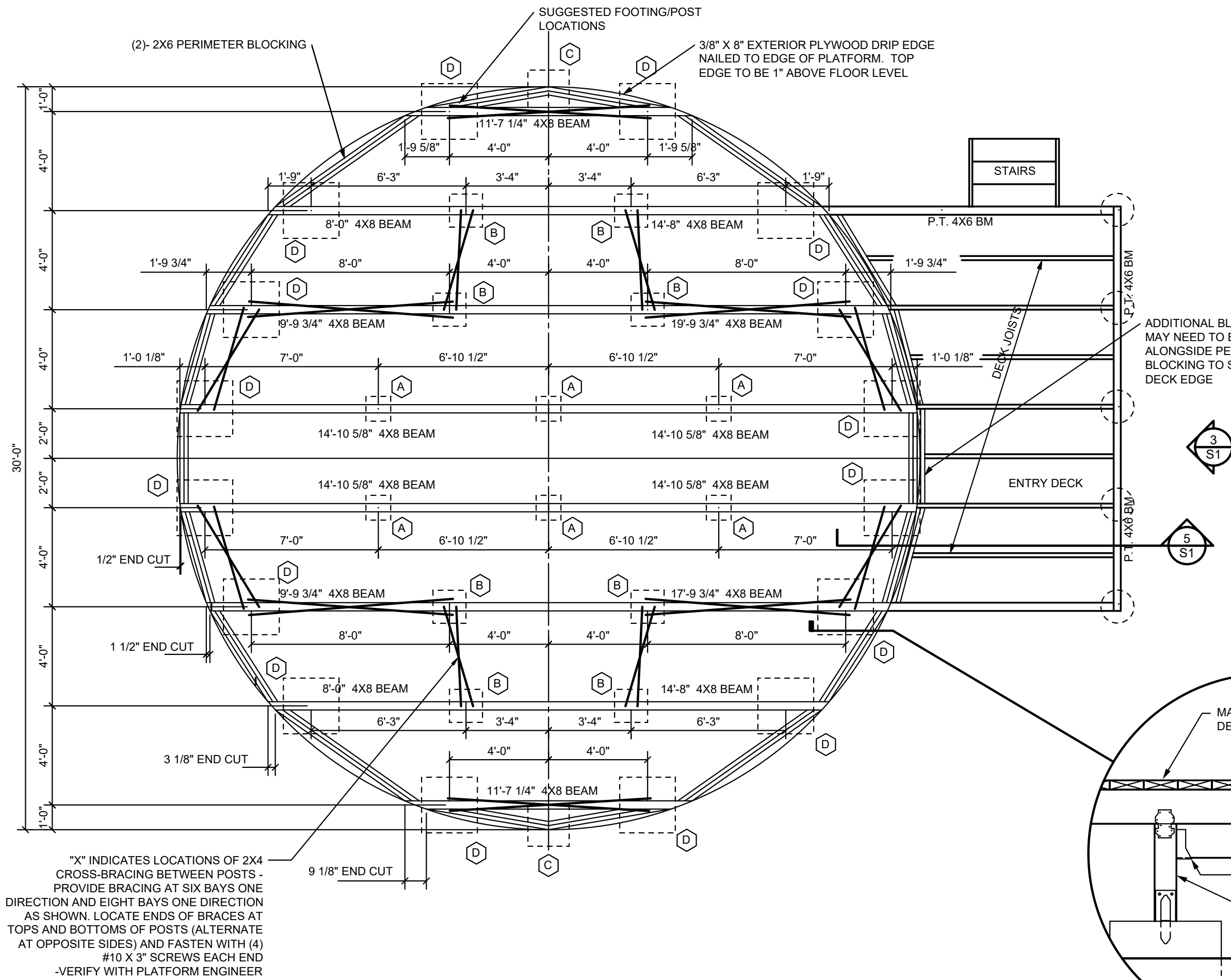
**BULLETIN #32:
EX CONTOUR UPDATED ONLY**

0.1







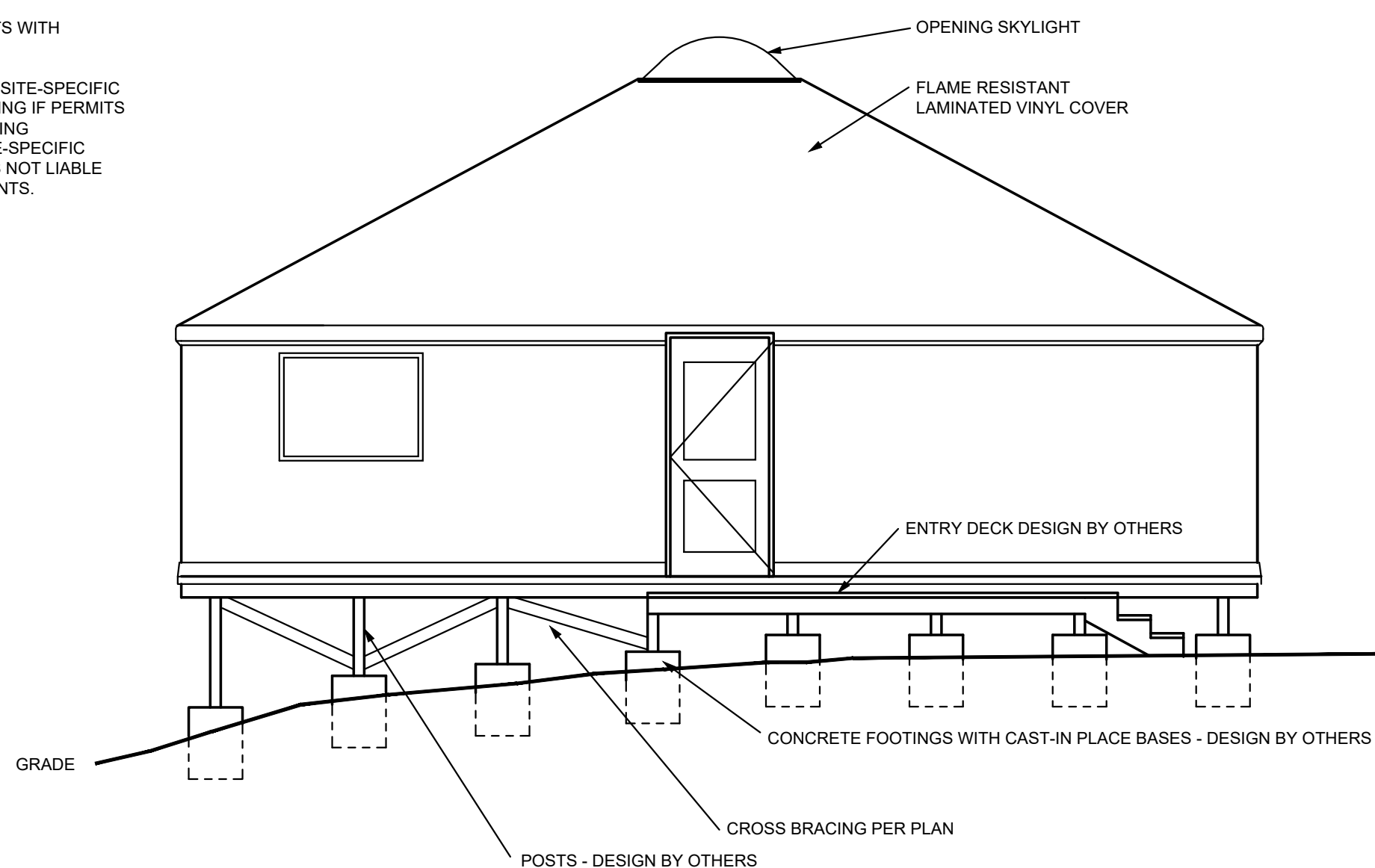


1 S1 SCHEMATIC DECK FRAMING PLAN
1/4" = 1'-0"

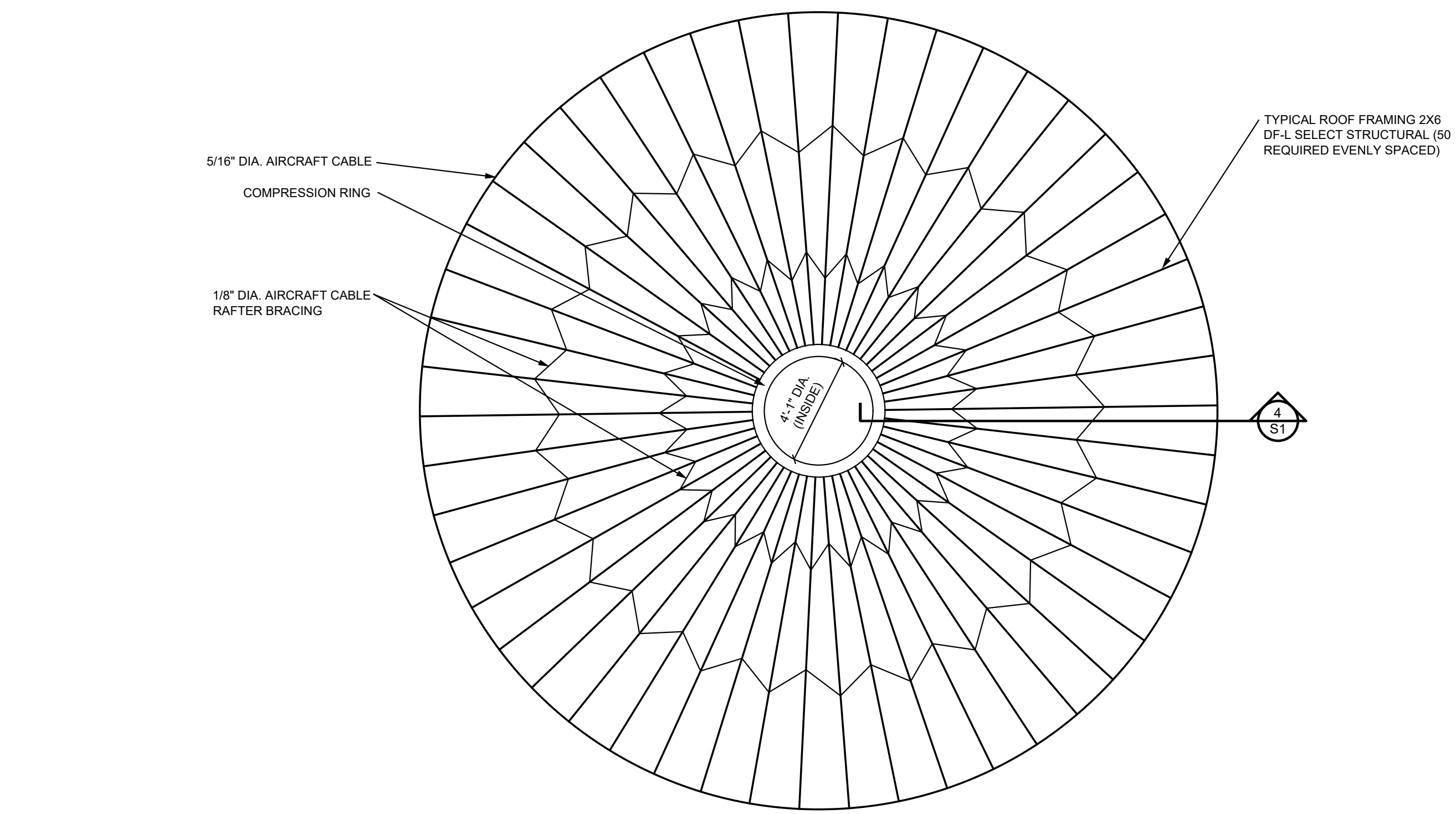
- NOTES:
- FOUNDATION SYSTEM SHOWN IS EXAMPLE OF SUGGESTED SYSTEM, BASED ON 1500 PSF ALLOWABLE SOIL BEARING PRESSURE, 12" MINIMUM FROST DEPTH, 50 PSF ROOF SNOW LOAD, AND WIND UPLIFT BASED ON 142 MPH EXPOSURE C DESIGN CAPACITY OF PROTOTYPE YURT. FOOTING SIZES NOTED ARE CALCULATED FOR WORST OF EITHER GRAVITY LOADS ON SOIL OR WIND UPLIFT PLUS BRACING UPLIFT. FOOTING SIZE AND REQUIRED DEPTH BELOW GRADE SHOULD BE DETERMINED FOR EACH INDIVIDUAL SITE BY PLATFORM ENGINEER OF RECORD AND APPROVED BY LOCAL BUILDING AUTHORITY. A SITE-SPECIFIC DESIGN OF THE FOUNDATION SYSTEM BY A REGISTERED ENGINEER WILL ALLOW SMALLER FOOTINGS IF DESIGN WIND SPEED OR EXPOSURE ARE LESS THAN THE PROTOTYPE PARAMETERS. LEWIS & VAN VLEET INC. IS NOT LIABLE FOR DAMAGES ARISING FROM USE OF THIS EXAMPLE (PROTOTYPE) DESIGN.
 - DECK CONSTRUCTION SHOULD REFLECT CONDITIONS OF EACH INDIVIDUAL SITE.
 - 2x6 T&G DECKING TO BE LAID PERPENDICULAR TO 4x8 BEAMS AND TRIMMED TO THE SAME OUTSIDE DIAMETER AS THAT OF THE YURT. 1 1/8" PLYWOOD MAY ALSO BE USED IN RECOMMENDED LAYOUT PATTERN. NAIL 2x6 T&G DECKING WITH (2) - 16d NAILS TO EACH SUPPORT. NAIL 1 1/8" PLYWOOD WITH 10d AT 6" O.C. TO ALL SUPPORTS. FRAMING FOR THIS EXAMPLE DECK WAS SIZED FOR RESIDENTIAL LIVE LOAD ONLY (40 POUNDS PER SQUARE FOOT). LOCAL ENGINEER TO REVIEW AND VERIFY DECK DESIGN AND LOADING.

FOR POSTS 6" TALL AND TALLER FROM TOP OF FOOTING TO BOTTOM OF FLOOR BEAM, PROVIDE 2 X 4 CROSS-BRACING AS SHOWN AND NOTED AT PLAN.
 - VERIFY MINIMUM CRAWLSPACE AND FROST DEPTH REQUIREMENTS WITH ENGINEER OF RECORD AND/OR BUILDING OFFICIAL.
 - FAILURE TO PROPERLY DESIGN AND CONSTRUCT PLATFORM FOR SITE-SPECIFIC CONDITIONS MAY RESULT IN SIGNIFICANT EXPENSE FOR REBUILDING IF PERMITS ARE LATER REQUIRED, OR RISK OF FAILURE UNDER DESIGN LOADING CONDITIONS. UNLESS SPECIFICALLY RETAINED TO ENGINEER SITE-SPECIFIC DESIGN AND WET-STAMP DOCUMENTS, LEWIS & VAN VLEET INC. IS NOT LIABLE FOR COSTS OR DAMAGES ARISING FROM USE OF THESE DOCUMENTS.

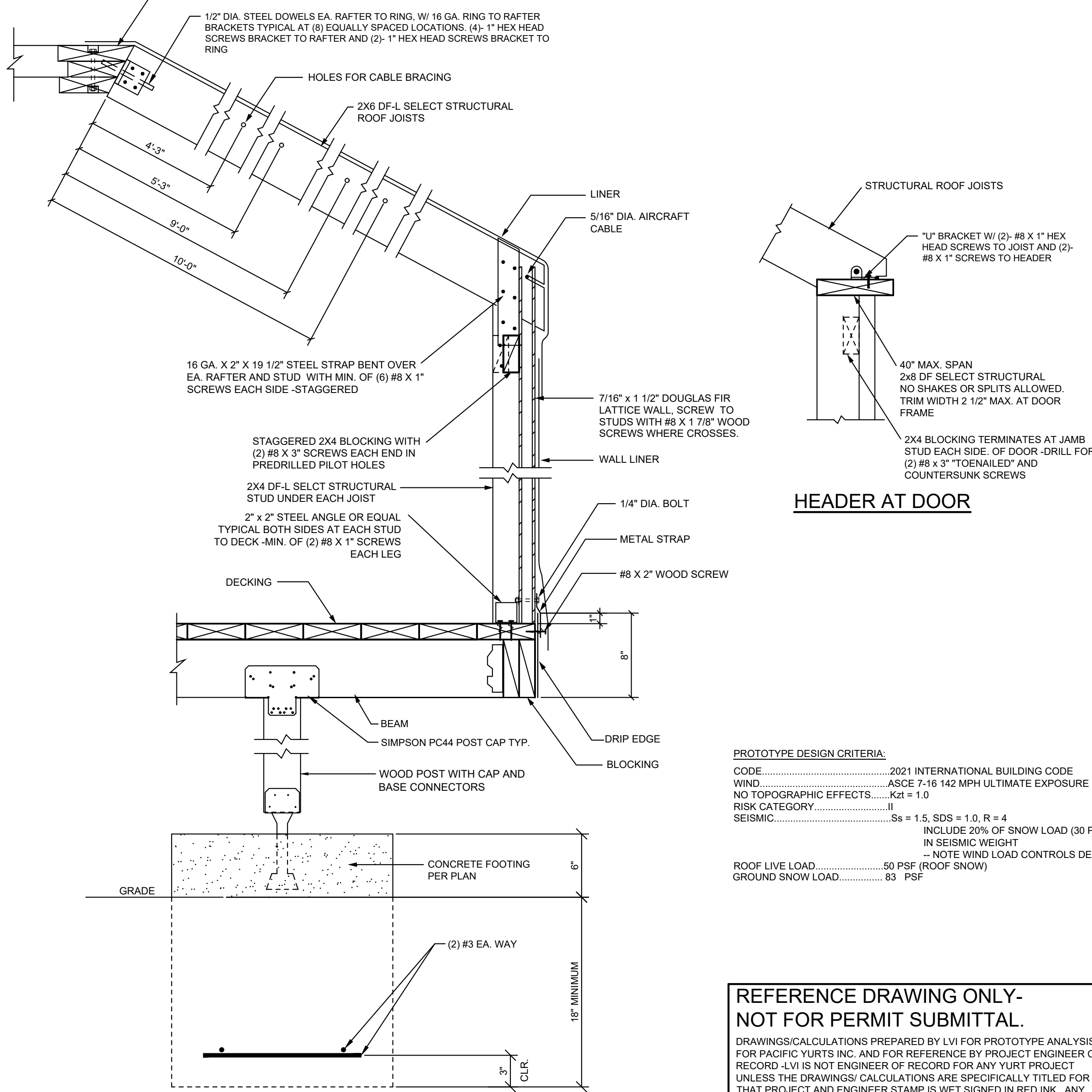
FOOTING SCHEDULE		
MARK	SIZE	REINFORCING
A	12" X 12" X 18" H	(2) #3 EACH WAY IN BOTTOM
B	16" X 16" X 18" H	(2) #3 EACH WAY IN BOTTOM
C	20" X 20" X 18" H	(2) #3 EACH WAY IN BOTTOM
D	27" X 27" X 24" H	(3) #3 EACH WAY IN BOTTOM



3 S1 TYPICAL ELEVATION
1/4" = 1'-0"



2 S1 ROOF FRAMING PLAN
1/4" = 1'-0"



PROTOTYPE DESIGN CRITERIA:
CODE.....2021 INTERNATIONAL BUILDING CODE
WIND.....ASCE 7-16 142 MPH ULTIMATE EXPOSURE C
NO TOPOGRAPHIC EFFECTS.....Kzt = 1.0
RISK CATEGORY.....II
SEISMIC.....Ss = 1.5, SDS = 1.0, R = 4
INCLUDE 20% OF SNOW LOAD (30 PSF & UP) IN SEISMIC WEIGHT
- NOTE: WIND LOAD CONTROLS DESIGN!
ROOF LIVE LOAD.....50 PSF (ROOF SNOW)
GROUND SNOW LOAD.....83 PSF

REFERENCE DRAWING ONLY-
NOT FOR PERMIT SUBMITTAL.
DRAWINGS/CALCULATIONS PREPARED BY LVI FOR PROTOTYPE ANALYSIS FOR PACIFIC YURTS INC. AND FOR REFERENCE BY PROJECT ENGINEER OF RECORD - LVI IS NOT ENGINEER OF RECORD FOR ANY YURT PROJECT UNLESS THE DRAWINGS/ CALCULATIONS ARE SPECIFICALLY TITLED FOR THAT PROJECT AND ENGINEER STAMP IS WET SIGNED IN RED INK. ANY OTHER USE OF THESE DRAWINGS AND CALCULATIONS FOR SITE-SPECIFIC PERMIT SUBMITTAL OR CONSTRUCTION IS DONE AT THE USER'S OWN RISK (ANALYSIS IS NOT SITE-SPECIFIC). LVI HAS NOT REVIEWED THE SITE-SPECIFIC CONDITIONS, HAS NOT BEEN COMPENSATED FOR USE OF THE DRAWINGS AND DISCLAIMS ALL LIABILITY FOR ANY SUCH USE.

4 S1 TYPICAL SECTION
1 1/2" = 1'-0"

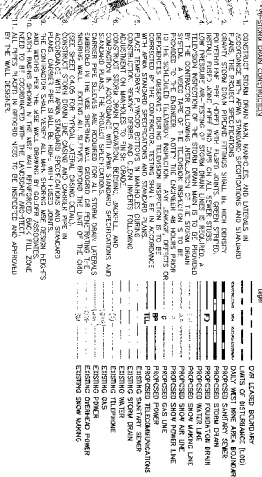
REVISIONS	

Lewis
Structural Engineers
14945 SW Sequoia Parkway Suite 180
Portland, Oregon 97224 (503) 885.8605 phone
www.lviv.com
Project Engineer

30' DIA. UPGRADED YURT -ASCE 7-16
2 X 6 RAFTERS -50 PSF
PACIFIC YURTS
COTTAGE GROVE, OREGON

STRUCTURAL REFERENCE DRAWING

DATE:	07/07/2023
PROJECT NO:	-
SHEET NO	S1 OF



Planning Commission Staff Report

Subject: 9100 Marsac Avenue
Author: Shauna Stokes, Planning Technician
Date: April 24, 2013
Type of Item: Conditional Use Permit
Project Number: PL-13-01845

Summary Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit (CUP) application for temporary structures, open the public hearing, and consider approving the CUP application in accordance with the findings of fact, conclusions of law, and conditions of approval.

Description

Project Name: Montage Deer Valley
Applicant: James Condon, Engineering Administrative Assistant
Location: 9100 Marsac Avenue, adjacent to the Deer Valley Empire Day Lodge and located on Lot C of the Parcel B-2 Empire Village Subdivision.
Proposal: Conditional Use Permit for Temporary Structures longer than fourteen (14) days or more than five (5) times per year.
Zoning: Residential Development as part of the Empire Pass Master Planned Development (RD-MPD)
Adjacent Uses: Ski terrain of Deer Valley Resort

Proposal

This application is a request for a (CUP) for proposed temporary structures (tents, tepees, yurts, and stages) to be located within the existing Montage Deer Valley property longer than fourteen (14) days or more than five (5) times per year. The property is located within the Residential Development (RD) District and is within the Empire Pass Master Planned Development (MPD), which requires a CUP reviewed by the Planning Commission. The applicant proposes to allow temporary structures up to fifteen (15) times per year of which four (4) may be allowed for a maximum period of sixty (60) days

Background

The property is located at 9100 Marsac Avenue in the Residential Development (RD-MPD) District and as part of the Empire Pass Master Planned Development which was originally approved on June 24, 1999 and amended and restated on March 02, 2007.

The Land Management Code (LMC) was revised in 2009 to address the duration in which temporary structures may be installed. There were several temporary structures located on hotel properties in town that had been approved as temporary structures but

were left standing in virtual perpetuity. To make sure this trend would not continue, new duration parameters were adopted in 2009. The RD District allows temporary structures with the issuance of an Administrative CUP (approved by the Planning Department) so long as the temporary structure is not left erected for longer than fourteen (14) days and for not more than five (5) times a year. Longer durations or an increase in the frequency of occurrences requires a CUP and must be approved by the Planning Commission.

On February 21, 2013, the Planning Department received a complete application for a CUP to allow temporary structures up to fifteen (15) times per year of which four (4) may be allowed for a maximum period of sixty (60) days at the Montage Deer Valley. Without the proposed CUP the Hotel would be limited to five (5) times per year and for no more than fourteen (14) consecutive days and also requires an Administrative CUP each time. The Montage Deer Valley has numerous events (weddings and parties) in which the client prefers to be outside. In 2013 alone, the hotel was issued five (5) separate administrative CUPs for temporary structures. The applicant is requesting to receive a CUP to allow temporary structures up to a maximum of fifteen (15) times per year with four (4) temporary structures receiving a longer duration of sixty (60) days.

Analysis

Within the Land Management Code (LMC) section 15-4-16(A) (7) a temporary structure may not be installed for a duration longer than fourteen (14) days and for more than five (5) times a year, unless a longer duration or greater frequency is approved by the Planning Commission consistent with CUP criteria in LMC section 15-1-10 and the criteria for temporary structures in LMC section 15-4- 16(C). The applicant is requesting that the Planning Commission consider approving a CUP to allow temporary structures up to a maximum of fifteen (15) times per year with four (4) temporary structures receiving a longer duration of sixty (60) days due to the higher frequency of weddings and outdoor parties.

According to the Land Management Code, Section 15-4-16(C), Temporary structures on private property are a Conditional Use with consideration of the following review criteria to be considered by the Planning Commission:

(1) The proposed Use must be on private Property. The Applicant shall provide written notice of the Property Owner's permission.

Complies. The temporary structure is within the private property of the Montage Deer Valley and the owner has given consent for this application.

(2) The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan.

Complies. The proposed use will result in an increase in cars attending the event in the temporary structure(s). The additional cars will have to be accommodated within the existing parking areas of the Montage Deer Valley. Currently, there are 593 parking spaces. The applicant previously completed a parking study on the busiest day of the

year where occupancy of the hotel was 100%, and found 48% usage of the parking lot. They estimate that the addition of a temporary structure at maximum capacity and all guests arriving from off-site would diminish the parking by an additional 17%. Therefore, parking would be at 65% of total parking capacity. See Exhibit A.

(3) The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure.

Complies as Conditioned. Consistent with Condition of Approval #1, all temporary structures must be inspected by the building department prior to occupancy. The building department will inspect circulation, emergency access, and all other applicable public safety measures. The location of the proposed temporary structures would not impede pedestrian circulation.

(4) The Use shall not violate the City Noise Ordinance.

Complies as Conditioned. Consistent with Condition of Approval #2, the use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the Condition Use Permit becoming void.

(5) The Use and all signing shall comply with the Municipal Sign and Lighting Codes.

Complies. Signs to the interior of a project are not regulated under the sign code. Any exterior signs must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.

(6) The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering.

Complies. All uses within the temporary structure must be permitted. The property owner is responsible for obtaining the correct permits for each proposed use, including Building Permits, Summit County Health Code permits, Fire Code permits, Single Event Liquor Licensing and permits issued by the State of Utah.

(7) The Use shall not violate the International Building Code (IBC).

Complies as Conditioned. Consistent with Condition of Approval #1, all temporary structures must have all required building permits and be inspected by the building department prior to occupancy. The building department will inspect the temporary structure for compliance with the IBC.

(8) The Applicant shall adhere to all applicable City and State licensing ordinances.

Complies. All commercial activities within the temporary structure must be licensed. The property owner is responsible for obtaining the correct City and State licensing for each proposed use within the temporary structure.

Condition Use Permit Criteria (LMC 15-1-10 (E))

The Planning Commission must review each of the following criteria and considering whether or not the proposed Conditional Use mitigates impacts of and addresses each of the items:

(1) Size and location of the Site;

No Unmitigated Impacts. The Montage Deer Valley is located on 15.96 acres and has six (6) locations for temporary structures: The Grand Lawn (19,953 sq. ft.), Compass Lawn (6,481 sq. ft.), Mountain Lawn (5,513 sq. ft.), Front Lawn (13,573 sq. ft.), Vista Terrace (2,133 sq. ft.), and the Grand Terrace (6,678 s. ft.). See Exhibit B.

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

No Unmitigated Impacts. The Montage Deer Valley may be accessed via Marsac Avenue. Guests and patrons using the temporary structures would have to abide by the same parking restrictions as other hotel guests and visitors as outlined in the original conditions of approval. Any extra parking caused by the activity in the temporary structures must be accommodated within the Montage Deer Valley parking lots.

(3) Utility capacity;

No Unmitigated Impacts. Any additional utilities that are necessary for the temporary structures are available through the hotel. The increase in guests for the events will result in an increase in demand for water, gas, sewer and trash. The existing infrastructure is adequate to accommodate the additional guests and demand on utilities.

(4) Emergency vehicle Access;

No Unmitigated Impacts. Emergency vehicle access will not be impacted by the proposal.

(5) Location and amount of off-Street parking;

No Unmitigated Impacts. The proposed use typically results in an increase in vehicular traffic attending the event in the temporary structure. The additional vehicles will have to be accommodated within the existing parking garage of the Montage Deer Valley. Currently, there are 593 spaces available in the parking garage.

(6) Internal vehicular and pedestrian circulation system;

No Unmitigated Impacts. Due to the unique location of the hotel, there is no internal vehicular circulation other than the drop off areas. The building department will inspect the temporary structures for pedestrian circulation requirements prior to issuance of a certificate of occupancy.

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

No unmitigated impacts. The adjacent uses are ski terrain of Deer Valley Resort. Fencing and screening is not required. The temporary structures will be placed appropriately within the landscape.

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

No unmitigated impacts. The temporary structures are appropriate within the hotel site. There are no anticipated negative impacts due to the mass, bulk, and orientation of the temporary structures.

(9) Usable Open Space;

No unmitigated impacts. The temporary structures that are proposed are within the usable open space of the hotel. The temporary structures will not negatively impact the open space. The open space calculation will not be changed by the existence of the temporary structures. Staff would not recommend allowing a temporary structure to stand in this area for over 60 consecutive days due to impacts to the lawn

(10) Signs and lighting;

No unmitigated impacts. Signs to the interior of a project are not regulated under the sign code. Any exterior signs must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning and Building Departments and comply with the Land Management Code.

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

No unmitigated impacts. The design of the temporary structure is simple. Temporary structures that are located within hotel grounds are a normal occurrence for the use and compatible.

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

No unmitigated impacts. Consistent with Condition of Approval #2, the use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the Condition Use Permit becoming void.

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

Not applicable.

(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; and

Not applicable.

(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

No unmitigated impacts. The temporary structures would not have any impact on Sensitive lands

Process

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

Department Review

This project has gone through an interdepartmental review. There were no comments.

Notice

The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.

Public Input

As of this date no public input has been received by Staff. Public comment will be taken at the regularly scheduling meeting on April 24, 2013.

Alternatives

1. The Planning Commission may approve the CUP for the temporary structures 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 applicant will have to apply for an Administrative CUP for each temporary structure. The applicant will not be allowed to have more than five (5) temporary structures within a year and each temporary structure may stay up for a maximum of fourteen (14) days.

Recommendation

Staff recommends the Planning Commission discuss the proposed application for a CUP for temporary structures to be located within the Montage Deer Valley, conduct a public hearing, and consider approving the CUP according to the following findings of fact, conclusions of law, and recommended conditions of approval, as follows:

Findings of Fact:

1. On February 21, the City received a complete application for a CUP for temporary structures to be located within the Montage Deer Valley up to fifteen (15) times per year of which four (4) may be allowed for a maximum of sixty (60) days.
2. Temporary structures require a CUP in the RD Zone.
3. No additional signs or lighting are proposed with this application.
4. In 2012, the hotel pulled five (5) separate Administrative CUPs for temporary structures.
5. Within the Land Management Code (LMC) section 15-4-16(A)(7) a temporary structure may only be installed for a duration longer than fourteen (14) days and for more than five (5) times a year with an Administrative CUP and the Planning Commission must approve a CUP for any longer duration or greater frequency consistent with CUP criteria in LMC section 15-1-10(E) and the criteria for temporary structures in LMC section 15-4-16(C).
6. The applicant is requesting that the Planning Commission consider approving a CUP to allow the applicant to install temporary structures up to fifteen (15) times per year of which four (4) may be allowed for a maximum of sixty (60) days, due to the higher frequency of weddings and outdoor parties. There may be occasions when more than one temporary structure is installed for an activity.
7. The Montage Deer Valley has six (6) locations for temporary structures: The Grand Lawn (19,953 sq. ft.), Compass Lawn (6,481 sq. ft.), Mountain Lawn (5,513 sq. ft.), Front Lawn (13,573 sq. ft.), Vista Terrace (2,133 sq. ft.), and the Grand Terrace (6,678 sq. ft. See Exhibit B
8. This application is reviewed under Land Management Code Section 15-1-10 (E) and Section 15-4-16(C).
9. The Montage Deer Valley may be accessed via Marsac Avenue. People using the temporary structures would have to abide by the same parking restrictions as other hotel guests.
10. According to a recent parking analysis, there are 593 parking spaces. The applicant conducted a parking study on the busiest day of the year where occupancy was 100% and found 48% usage of the parking lot. They estimate that the addition of temporary structures at maximum capacity and all guests arriving from off-site would diminish the parking by an additional 17%. Therefore, parking would be at 65% of total parking capacity. See Exhibit A.

11. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
12. The project has access from Marsac Avenue.
13. The property is located within the Residential Development as part of the Empire Pass Master Planned Development (RD-MPD).
14. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law:

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned complies with the Empire Pass Master Planned Development.
3. The Use, as conditioned is consistent with the Park City General Plan.
4. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.
6. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval:

1. All temporary structures require a permit issued by the Building Department. All temporary structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect circulation, emergency access, and all other applicable public safety measures.
2. Prior to installing a temporary structure, the Planning Department must sign off on a building permit and record the date within the CUP application folder.
3. A maximum of fifteen (15) events which include temporary structures per year are allowed.
4. The maximum duration of a temporary structure is fourteen (14) days, with the exception of four (4) temporary structures per year having a maximum duration of sixty (60) days.
5. The use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the CUP becoming void.
6. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.

Exhibits

Exhibit A – Applicant's request and parking study

Exhibit B – Site Plan



James Condon
 Montage Deer Valley
 9100 Marsac Ave
 Park City, UT 84060
 JCondon@montaghotels.com
 (435) 604-1315

Park City Municipal Corporation
 Planning Department
 445 Marsac Ave
 Park City, UT 84060

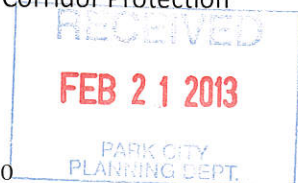
To whom it may concern:

This application is sent in request of a conditional use permit to allow for 15 temporary structures annually at Montage Deer Valley, of which 4 may be erect for a maximum period of 60 days. Montage Deer Valley is a year-round resort destination for leisure guests, corporate retreats and special events. Many of our clients have requests for special events that include a variety of temporary structures. Weddings, auto manufacturer vehicle launches and concerts are examples of the special events we have put on within the past year.

The term "temporary structures" is inclusive of tents, tipis, yurts and stages. These temporary structures may be located on the Grand Lawn, Compass Lawn, Mountain Lawn, Front Lawn, Vista Terrace and Grand Terrace. The location of these areas can be referenced on the schematic plans attached to this application. These proposed sites are suitable for the proposed use; the egress routes are well marked, there is ample square footage, readily available electrical hook-ups and all areas will not impact adjacent lots/uses or property owners. The proposed use will not emit noise, glare dust, pollutants or odor. The proposed use will not violate the City Noise Ordinance.

With the ability to allow additional temporary structures, Montage Deer Valley will be able to continue hosting world-class special events. These special events provide numerous economic benefits to Park City and the surrounding area. Many of our special events take place during our low season, April 15th-December 8th. This provides yearlong, full-time employment for hundreds of employees. In addition, many of the special event attendees spend time and money in Park City and the surrounding area during their stay at Montage Deer Valley.

Adjacent uses to Montage Deer Valley include ski resort and related use, hotel/condominium units, open space, single family residences and lots. Located in the Entry Corridor Protection (ECP) zoning district, the proposed use is consistent with these standards. These additional temporary structures will be setback further than the 250' minimum and will not detract from the visual character of Park City as specified in the General Plan and Park City Municipal Code-Title 15-2.20-5. Entry Corridor Protection Overlay.



9100 MARSAC AVENUE, P.O. BOX 4680, PARK CITY, UT 84060
 (435) 604-1300 FAX (435) 604-1310



Montage Deer Valley can be accessed via Marsac Avenue. All parking is located within the resort's underground parking garage. There are 593 parking spaces available in the parking garage. On Saturday, February 9, 2013, resort occupancy was 100% and 286 parking spaces, or 48%, were filled. This includes employee, guest, contractor and fleet vehicles. The proposed use will result in an increase in cars using these available spaces; however, we estimate the proposed use would attract a maximum of an additional 100 vehicles, or a 65% filled parking garage.

Please find included with this letter: Completed and signed application form, two 24" x 36" schematic plans, two 11" x 17" schematic plans, current title report, property owners within 300 feet and five pre-addressed and stamped envelopes for property owners.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James Condon", is written over the typed name.

James Condon
Montage Deer Valley
Engineering Admin Assistant

Montage Deer Valley - Conditional Use Permit Application
Schematic Plans
February 10, 2013

Property: 15.96 acres
Parking Availability: 593 Spaces
Grand Lawn: 19,953 sq²
Front Lawn: 13,573 sq²
Mountain Lawn: 5,513 sq²
Compass Lawn: 6,481 sq²
Vista Terrace: 2,133 sq²
Grand Terrace: 6,678 sq²

Line	Distance
L1	94.35
L2	88.12
L3	116.54
L4	81.1
L5	11.84
L6	34.84
L7	83.11
L8	75.63
L9	59.92
L10	64.77
L11	99.99
L12	68.61
L13	51.51
L14	17.05
L15	42.45
L16	70.7

Curve	Radius	Distance
C1	175.00	113.64
C2	10.00	5.37
C3	80.00	194.18
C4	300.00	6.47
C5	240.25	112.5
C6	155.02	106.81
C7	25.00	29.36
C8	62.50	77.54
C9	512.50	50.53
C10	55.00	38.05
C11	17.00	2.42
C12	172.00	1.11

EXHIBIT B

HKS
HILL GLAZIER STUDIO

120 PLUM STREET, SUITE 100, PARK CITY, UT 84302
PH: 435.243.5268 FAX: 435.243.5272

[Signature]

MONTAGE-RESORT, SPA & RESIDENCES
PARK CITY, UTAH

DATE SET	01-17-07
BUILDING STRUCTURE PERMIT SET #2	08-01-07
PERMIT PACKAGE # 3	09-28-08
ROLLSET # 22	10-01-08
CONC AND SHELL PERMIT SET	10-01-08
ROLLSET # 20	10-15-08
ROLLSET # 22	02-08-09

OVERALL SITE PLAN

RECEIVED
FEB 21 2013
PARK CITY
PLANNING DEPT.

A1.01

Montage Deer Valley - Conditional Use Permit Application
Schematic Plans
February 10, 2013

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C9	512.50	50.53
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C11	17.00	2.42
C12	172.00	1.11

HKS
HILL GLAZIER STUDIO
920 ALMA STREET, SUITE 100, PARK CITY, UT 84302
TEL: 435.241.2164 FAX: 435.241.2372

MONTAGE-RESORT, SPA & RESIDENCES
PARK CITY, UTAH

COMP SET	07-07-07
BUILDING STRUCTURE PERMIT SET #2	08-01-07
PERMIT PACKAGE # 3	09-08-08
DRAWING # 02	09-08-08
CORR AND SHEET PERMIT SET	10-08-08
DRAWING # 30	10-08-08
DRAWING # 32	02-08-09

OVERALL SITE PLAN

RECEIVED
FEB 21 2013
PARK CITY
PLANNING DEPT.

A1.01



March 15, 2007

The DV Luxury Resort LLC
136 Heber Avenue, Suite 204
Park City UT 84060

Sent via email

NOTICE OF PLANNING COMMISSION ACTION

<u>Project Name</u>	Pod B-2, Empire Pass
<u>Project Description</u>	Master Planned Development
<u>Date of Meeting</u>	March 14, 2007

Action Taken By Planning Commission: The Planning Commission APPROVED the proposed Empire Pass B-2 Master Planned Development based on the following:

Analysis

All Master Planned Developments shall contain the following minimum requirements in accordance with Section 15-6-5 of the Land Management Code.

*(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.*

Complies

During the Olympic break in 2002, 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:

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

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).

The additional 80 Unit Equivalents proposed for B-2 can be absorbed within the Empire Pass project in Code compliant 33-foot height buildings as shown on Exhibit A. The total number of units approved with this MPD are 192 hotel rooms using 69.6 Unit Equivalents (UEs) and 94 hotel condominiums (114 UEs) in the west side and 81 condominiums (81 UEs) on the east side.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT. (Not applicable)

(C) SETBACKS. *The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size.*

Complies

The annexed area of Flagstaff Mountain was granted a large-scale MPD at the time of annexation with specific development pods. The Planning Commission and staff have consistently maintained that the setback requirement is fulfilled at the annexation boundary and does not need to be met within the defined development pods.

(D) OPEN SPACE. *All Master Planned Developments shall contain a minimum of sixty percent (60%) open space.*

Complies

As with the setback requirement in (C) above, the annexation area contains more than the minimum 60% requirement. The development of the Village (pods A, B-1 and B-2) is limited to 87 acres, as amended, within the original 1550 acres or 5% of the land area.

(E) OFF-STREET PARKING. *The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal.*

Complies

The Flagstaff Development Agreement stipulates that parking will be reduced by 25% below the Code requirements. The parking plan submitted meets this requirement and exceeds it. Based on the proposed residential unit sizes, hotel rooms and commercial spaces, the parking at B-2 West (west of the Empire Day Lodge, the site for the Montage Hotel) would require 742 spaces, reduced 25% to

561. The applicant is proposing a further reduction at B2 West to 530 stalls because valet parking will be mandatory for guests. The valet parking will be in a tandem configuration. The Planning Commission will need to make a finding that tandem parking for 192 spaces is acceptable with a valet program. Parking at B-2 East (east of the Empire Day Lodge and site of 81 condominiums and two employee housing units) would require by Code 165 spaces plus the 75 for the Empire Day Lodge. The 165 would be reduced 25% to 124 spaces. Each of the residential condominium units will be allowed to have one space assigned to the unit.

*(F) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:*

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

Complies

Please refer to section (A) Density above for discussion on the density built at the 33-foot zone height. Exhibit B is the applicant's narrative on each of the criteria for additional height. Square footage is governed by the Development Agreement, as amended. Code requirements for façade and roof variation will apply. The applicant is requesting a maximum building height of 114 feet above the USGS datum at the entry to the Montage and a maximum building height of 82 feet for the east side condominiums. As each of these sites have been or will be heavily disturbed for the mine soils mitigation, no "natural grade" can be established.

(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 or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

Complies

The only existing structure is the Empire Day Lodge. The lodge is situated between the Montage Hotel to the west and the additional residential condominiums to the east. Neither of the proposed buildings will have an effect on the solar access to the day lodge. The major controlling factor in B2 is the ridgelines to the east, south, and west. Proposed are greater setbacks from the buildings to the day lodge than would be allowed by the LMC thereby allowing greater air flow through the project area.

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

Complies

The Montage hotel to the west of the day lodge is approximately 170 feet away; the condominium buildings to the east are approximately 70 away from the day lodge. The RD zone requirement is 12 feet for side yard setbacks. The conceptual landscape plan has significant landscaping between these buildings.

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;

Complies

The Flagstaff Annexation clustered the development of the project into several development pods, leaving 88% of the area as open space. Most of this open space is used for ski terrain, other recreation, and wildlife habitat.

(5) MPD's which include the additional height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9 Architectural Guidelines or Historic District Design Guidelines if within the Historic District; and

Complies

The applicant has provided conceptual renderings and detailed volumetrics for the Montage hotel and east side condominiums. The roof elements are substantially stepped and provide architectural interest.

(6) Structures within the HR-1 District which meets the standards of development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6.

This section is not applicable.

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

(G) SITE PLANNING. *An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:*

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

Complies

The Montage hotel on the west side is placed within a heavily disturbed site. The east side condos are sited over the existing sales office and East-West development office. This area has significant regulated soils that are required to be removed and would necessitate the removal of the aspens in this area. There is significant space

between the Montage and the Empire Lodge and the Lodge and the condo buildings to the east. These gaps provide visual corridors to the ridgeline behind.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

Complies

Significant excavation will be required; however, the buildings will fill the excavated areas with underground parking and service facilities. There are several retaining structures and a bridge into the entry court to the Montage. Generally, the buildings step with the site without the need of large or numerous retaining structures. The outdoor amenities to the buildings will flow at grade into the existing landscape. The ski run around the east and north side of the Hotel will require substantial grading; however, this is already a disturbed site from previous mining and remediation activities.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

Complies

Minimal road work is required. An access road to the Montage is proposed to intersect State Route 224 just before the traffic circle. A bridge will span the drainage gully in this area. The buildings will step with the grade requiring minimal walls and cut/fill slopes.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

Complies

The Mid-Mountain trail loops behind (south) of the project site. Although not a specifically identified trail on the Mountain Trails Foundation 2006 Trail Map, the emergency access road up Empire Canyon from the top of Daly Avenue is used by hikers and bikers. The site plan shows a proposed ski trail to the future pod Z lift in the area as well.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

Complies

No new streets are being created except for the short access road into the project site.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back

from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

Complies

There are minimal hard surfaces as all parking is underground. The hard surfaces proposed (entry drives, porte cochere, and patios) will be heated eliminating the need for snow storage.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

Complies

All refuse storage facilities will be underground in the garages of the buildings. Hotel staff will handle refuse and recycling collection.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

Complies

The Flagstaff Mountain annexation included 15 Technical Reports, one of which is the Transit Plan. The Transit Plan has been amended and updated with the inclusion of the Montage. The Montage project has additional transportation elements for guests and employees as found in the November 27, 2006 Technical Memorandum submitted by Fehrs and Peers, Transportation Consultants, on behalf of the developer.. Both the east and west phases will have drop-off/pick-up areas outside of the circulation pattern for the garages.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

Complies

Service and delivery, particularly for the Montage hotel, are located within the garage level. The garage door and loading areas can accommodate a semi-truck.

*(H) **LANDSCAPE AND STREETSCAPE.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.*

Complies

Minimal vegetation currently exists due to the mining activities associated with the site. Landscaping will be accomplished using native and other appropriate drought-

tolerant plant materials in accordance with the Flagstaff Design Guidelines. A small formal lawn area is proposed on the south side of the Montage. Irrigation will be principally by drip.

*(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.*

Complies

The Flagstaff Annexation is not included in the Sensitive Lands Overlay. However, there is one locally rare native plant that has been identified by the Utah Native Plant Society. The applicant has been in contact with the UNPS to identify the location of the plant colony and to take steps to preserve it. The plant is not located within the development area.

*(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.*

Complies

Additional employee/affordable housing is required with the increased 80 Unit Equivalents. The mitigation rate in the original Development Agreement would increase the housing requirement by 5.7 Affordable Employee Units (AEUs). In accordance with the Development Agreement, 25% of the required housing must be on-mountain. The Montage is programming 10 units on-site which include the 5.7 and additional AEUs for the rest of Empire Pass.

*(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.*

Complies

Staff does not recommend that a Child Care Center be provided on-site. Limited permanent Child Care demands will be generated by the hotel and condominiums.

Approval: The Planning Commission based their decision on the Analysis, above, and the following:

Findings of Fact

1. The Master Planned Development (MPD) is for Pod B-2 of the Flagstaff Mountain Resort Annexation area, now known as Empire Pass.
2. The MPD is located in the RD-MPD zoning district.
3. 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.

4. The City Council approved an amendment to the Development Agreement on February 1, 2007, that increased the allowable density by 80 Unit Equivalents, 192 hotel rooms (included in the 80 UEs) and the allowable units by 77.5, to be located in the B-2 MPD.
5. Concurrent with this application and approval, the Planning Commission approved the Conditional Use Permit for Phase I of this MPD on March 14, 2007. Phase I is the Montage Hotel to be located on the west side of the Empire Day Lodge (B-2 West).
6. Concurrent with this application, the Planning Commission forwards a positive recommendation to the City Council for the amended Pod B-2 Empire Village Subdivision.
7. The total number of units approved with this MPD are 192 hotel rooms using 69.6 Unit Equivalents (UEs) and 94 hotel condominiums (114 UEs) in the west side of the Empire Day Lodge (B-2 West) and 81 condominiums (81 UEs) on the east side of the Empire Day Lodge (B-2 East). In addition, there is 35,000 square feet of spa space, 28,059 square feet of bar/restaurant/retail space and approximately 15,000 square feet of meeting/conference space and lounge areas.
8. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 114 feet above a benchmarked grade (USGS 8346') is requested.
9. The volumetrics as shown in the exhibits dated April 24, 2006, and reviewed by the Planning Commission provide the façade shifts and roof shifts necessary to create architectural interest and break the building into smaller components.
10. The setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property line, platted street, or existing curb or edge of street.
11. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
12. The Development Agreement requires the Master Developer to provide water source capacity.
13. The Flagstaff Mountain Resort Development Agreement, as amended, requires reclamation of mine hazards.
14. The **Analysis** section of this staff report is incorporated herein.

Conclusion 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.
12. The MPD has been noticed and public hearing held in accordance with this Code.
13. The MPD, as conditioned, is consistent with the approved Flagstaff Mountain Resort Development Agreement, as amended.

Conditions of Approval:

1. The building plans and volumetrics for the project shall meet substantial compliance with the drawings dated April 24, 2006, and as reviewed by the Planning Commission.
2. A height exception for the Montage to 114 feet above a benchmarked grade (USGS 8346') is granted with the Master Plan. A height exception for the east side condominiums to 82 feet above benchmarked grades (USGS 8330' for north datum point and 8380' for south datum point) is granted with the Master Plan. Datum points are indicated on the site plans reviewed by the Planning Commission.
3. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the B-2 Master Planned Development area. The utility plan may include temporary utilities that must be removed (not just abandoned) upon completion of permanent utilities.
4. All regulated soils will be removed from the site and transported via SR 224 and SR 248 to the engineered repository at Richardson Flats. A specific hauling plan, similar to the previous soils hauling operation, must be approved by the Chief Building Official and will incorporate safety inspections, daily reports, and coordination between the City Police and Utah Highway Patrol.
5. Prior to issuance of any building permits for that unit or building which causes overall water consumption at Empire Pass to exceed 150 gallons per minute (approximately 75 units), the Master Developer shall have provided adequate water source capacity satisfactory to the City Attorney and Public Works Director.
6. A revised Mine Soils Hazard Remediation Technical Report (Exhibit 1 of the Technical Reports) shall be submitted to the Chief Building Official. Approval of the revised plan shall have been made by the Building Official prior to any building permit being issued. Prior to vertical construction of the project, UPCM

shall provide acknowledgement from the State of compliance with State mining regulations regarding operation, reclamation, surety, and post-mining land use permit requirements.

7. A revised Emergency Response Plan (Exhibit 7 of the Technical Reports) shall be submitted to the Chief Building Official. Approval of the revised plan shall have been made by the Building Official prior to any building permit being issued. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the Montage.
8. The revised Transit Plan dated November 27, 2006, as submitted by Fehr and Peers, Transportation Consultants, on behalf of the applicant will be implemented at Certificate of Occupancy for the Montage Hotel.
9. The \$1.8 million bond for the Richardson Flats Park and Ride, in a form approved by the City Attorney, shall be posted prior to any building permit issuance.
10. The 30 acres at Richardson Flats for the Park and Ride and future recreation facilities will be dedicated to the City (unless the City agrees to a lease), in a form approved by the City Attorney, prior to building permit issuance.
11. The additional 20 Employee Housing Units will begin construction within 24 months from the effective date of the amended Development Agreement (March 2, 2007) or post a financial guarantee in a form acceptable to the City Attorney equal to 10 percent of the estimated construction costs of the additional Affordable Units.

Sincerely,

Brooks T. Robinson
Principal Planner

AREA CLASSIFICATIONS

Location	Bar/ Restaurant/ Retail	Meeting/ Conference/ Lounge	Spa
Grand Promenade		3200	
Grand 1 Meeting Room		2150	
Grand II Meeting Room		2150	
Gallery 1		1250	
Gallery 2		1250	
Salon		1100	
Boardroom		575	
Empire East		1375	
Empire West		1375	
Vista Lounge	1950		
Daly's	7697		
Montage Spa			32500
Pique	1443		
Buzz	393		
Yurt	660		
Slope Stream	150		
Apex I & II	2100		
Burgers & Bourbon	1600		
Compass	7351		
Vista Bar	424		
Yama	490		
Roberto Coin	556		
Total Sq Feet	24814	14425	32500
SF Allotment	28,000	15000	35000
Available Space	3186	575	2500

Planning Commission Staff Report



Subject: 201 Heber Avenue
Application: PL-23-05984
Author: Virgil Lund, Planner I
Date: January 24, 2024
Type of Item: Administrative – Condo Plat Amendment

Recommendation

(I) Review the proposed Second Amendment to the Union Square Condominiums Plat; (II) conduct a public hearing; and (III) consider approving the Condominium Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant: Union Square Owner's Association, Applicant
Representative: Alliance Engineering

Location: 201 Heber Avenue

Zoning District: Historic Recreation Commercial

Adjacent Land Uses: Commercial, Residential

Reason for Review: The Planning Commission reviews and takes final action on Condominium Plat Amendments.¹

HRC Historic Recreation Commercial
LMC Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

The Applicant Proposes to Reassign Limited Common Area Space on the First Level of the Union Square Condominiums from Unit LB-1 to Unit COM-3 in the Historic Recreation Commercial Zoning District. On October 19, 2023, the Property Owners Association for Union Square voted to approve this Plat Amendment. The Limited Common Area is partially enclosed space and outdoor space.

Background

- On November 10, 2004, the Planning Commission approved a Master Planned Development (MPD) and Conditional Use Permit (CUP) for Union Square/201 Heber Avenue (Exhibit D).

¹ LMC [§ 15-7.1-2](#)

- On February 9, 2006, the City Council approved Ordinance No. 06-1, a subdivision plat amendment and condominium plat for the Union Square/Sky Lodge development (Exhibit E).
- On December 4, 2008, the City Council approved Ordinance No. 08-47, a condominium plat amendment creating the First Amended Union Square Condominium Plat and retiring the original Plat (Summit County Recorder Entry No. 879382 (Exhibit B)).

The Units within Union Square are Residential and Commercial. The limited common area labeled “Appurtenant to Unit LB-1” on Sheet 4 of 12 of the Union Square First Amended Condominium Plat is for the Restaurant located in the historic lumber building (Unit LB-1) at 201 Heber Avenue. See image below:

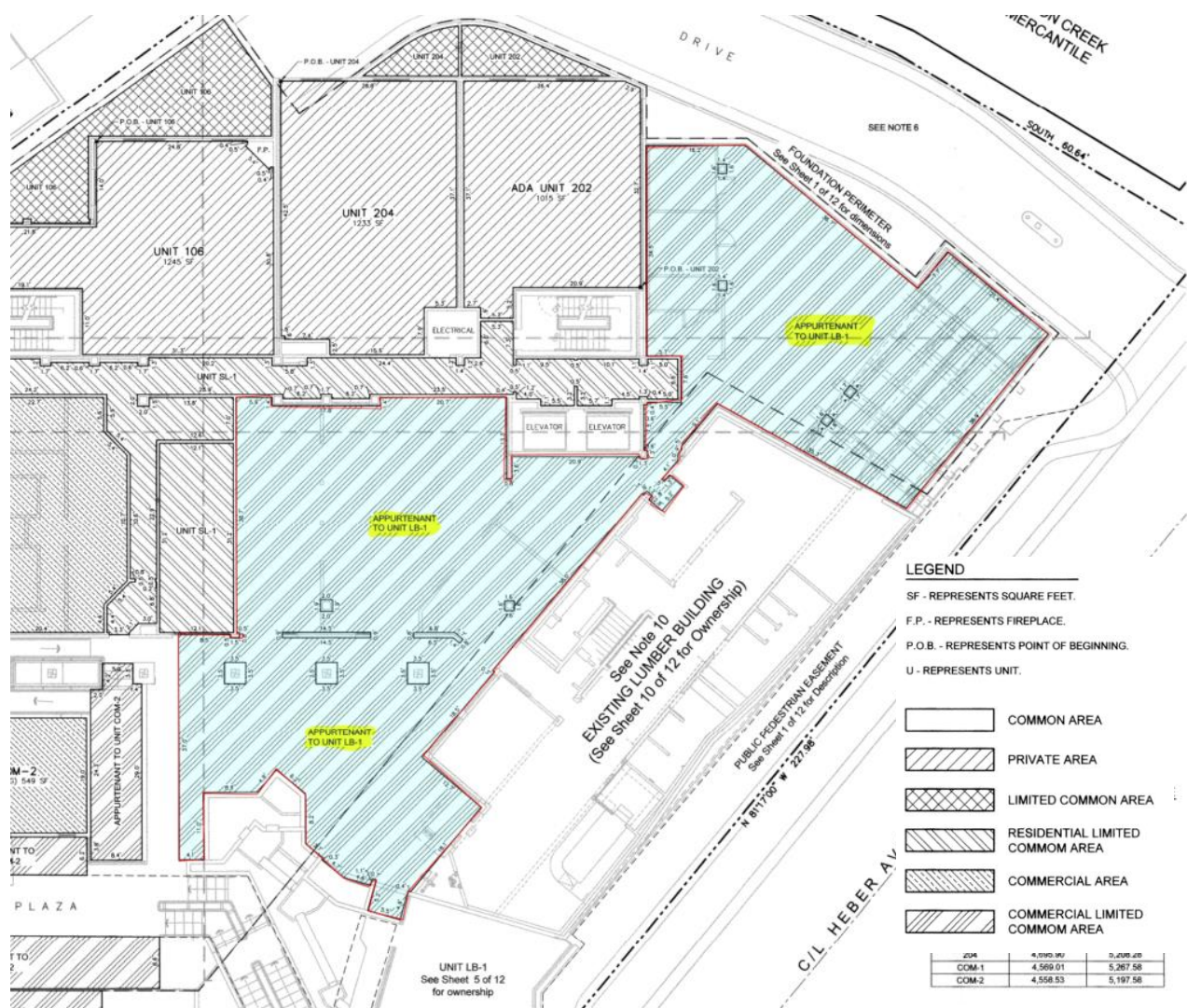


Figure 1: First Amended Union Square LB-1 Limited Common Area Ownership

The First Amended Union Square Condo Plat shows this limited common area appurtenant to only Unit LB-1. On January 30, 2019, a Memorandum of License was recorded with Summit County (Entry No. 1105359) that gave Unit COM-3 the right to use a portion of this limited common area. Exhibit C.

The proposed Second Amended Union Square Plat Amendment will divide the limited common area to reflect the Memorandum of License. Union Square Second Amended will show that approximately 80% (4,832 square feet) of what is appurtenant to Unit LB-1 will become appurtenant to Unit COM-3, and the remaining 20% (1,186 square feet) of the limited common area will remain appurtenant to Unit LB-1. See image below:

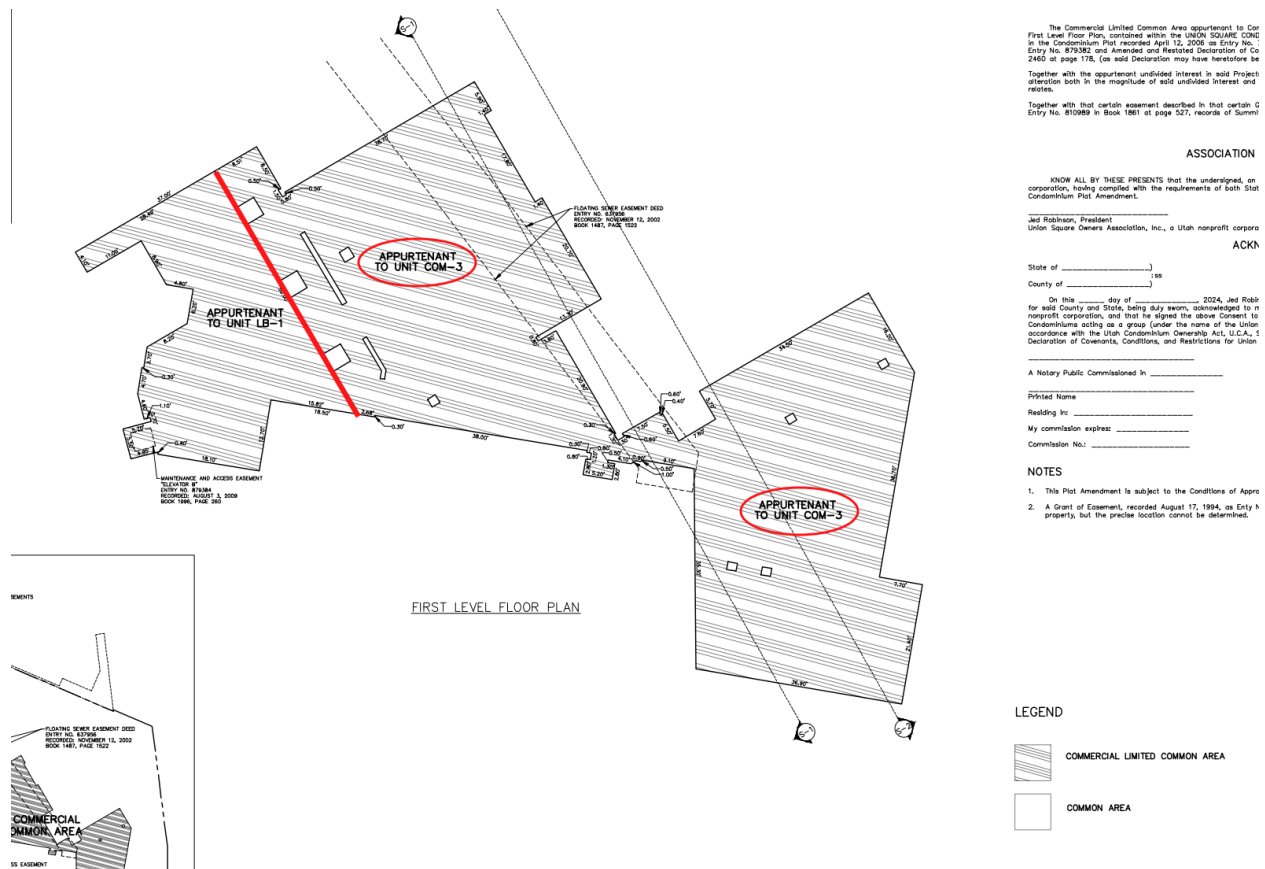


Figure 2: Proposed Second Amended Union Square Condo Plat

Analysis

(I) The Second Amended Union Square Condo Plat complies with LMC Chapter 15-2.5, the *Historic Recreation Commercial Zoning District Requirements*.

201 Heber Avenue is in the HRC Zoning District. The purposes of the HRC Zoning

District include:

1. maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches;
2. encourage pedestrian oriented, pedestrian-scale Development;
3. minimize visual impacts of automobiles and parking;
4. preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares;
5. provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings and/or Structures in the Area;
6. provide a moderate Density bed base at the Town Lift;
7. allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community;
8. encourage preservation and rehabilitation of Historic Buildings and/or Structures and resources; and
9. maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.²

Lots and Sites within the HRC Zoning District must meet the following requirements.³

Requirement	Analysis of Proposal
Setbacks	Not Applicable: there are no proposed expansions or additions to the Structure as part of this Plat Amendment.
Floor Area Ratio	Not Applicable: 201 Heber Avenue is in the Heber Avenue Sub Zone. The Floor Area Ratio limitation of the HRC District does not apply to properties located within this Sub-Zone. ⁴

(II) The proposal complies with LMC § 15-3-6, Parking Ratio Requirements.

The Plat Amendment does not increase Private Area, Commercial area, or living space, so additional parking demand is not created from this Plat Amendment.

(III) The proposal complies with the MPD and CUP for 201 Heber Avenue/Union Square.

The Second Amended Union Square Plat Amendment complies with all Conditions of

² LMC [§ 15-2.5-1](#)

³ LMC [§ 15-2.5-3](#)

⁴ LMC [§ 15-2.5-6](#)

Approval outlined in the Final Action Letter for the MPD and CUP for Union Square approved by the Planning Commission on November 10, 2004 (Exhibit D). Condition of Approval 4 from the MPD Final Action Letter states the following: “any modification to the Master Planned Development which constitutes a change in concept, density, unit type or configuration of any portion of the MPD will justify a review of the entire MPD and Development Agreement.”

The proposed Plat Amendment complies with this Condition of Approval because there is no change in concept, density, or unit type.

(IV) The proposal complies with LMC § 15-7.1-3(B), Plat Amendment.

Changes to platted elements including conversion of Common Area/Limited Common Area within a condominium requires a Plat Amendment. Plat Amendments shall be reviewed according to the requirements of LMC [§ 15-7-1.6](#) and approval shall require a finding of Good Cause.

LMC [§ 15-15-1](#) defines Good Cause as “[Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”

Staff finds Good Cause for this plat amendment because this amendment does not change the mass of the existing structure or the parking requirements, will remain compliant with the MPD and CUP approved on November 10, 2004, by the Planning Commission, and does not create any non-conformities. No Public Street, Right of Way, or easement has been vacated or amended.

(V) The Development Review Committee reviewed this proposal on January 16, 2024, and does not require any conditions of approval.⁵

Department Review

The Planning Department, Executive Department, and City Attorney’s Office reviewed this report.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on January 10, 2024. Staff mailed courtesy notice to

⁵ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney’s Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

property owners within 300 feet on January 10, 2024. The *Park Record* published courtesy notice on January 10, 2024.⁶

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the Union Square Second Amended Plat;
- The Planning Commission may deny the Union Square Second Amended Plat and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Union Square First Amended Condo Plat

Exhibit C: Memorandum of License

Exhibit D: Union Square MPD and CUP Final Action Letter

Exhibit E: Ordinance No 06-01

⁶ LMC [§ 15-1-21](#)



Planning Department

January 24, 2024

Union Square Owners Association
201 Heber Avenue
Park City, UT 84060

CC: Alliance Engineering

NOTICE OF PLANNING DEPARTMENT ACTION

Description

Address:	201 Heber Avenue
Zoning District:	Historic Recreation Commercial
Application:	Condominium Plat Amendment
Project Number:	PL-23-05984
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	January 24, 2024
Project Summary:	The Applicant proposes to reassign 80% of the ownership of the limited common area appurtenant to Unit LB-1 to Unit COM-3 in accordance with the Memorandum of License.

Action Taken

On January 24, 2024, the Planning Commission conducted a public hearing and approved the Second Amended Union Square Condominium Plat according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. On November 10, 2004, the Planning Commission approved a Master Planned Development (MPD) and Conditional Use Permit (CUP) for Union Square/201 Heber Avenue.
2. On February 9, 2006, the City Council approved a subdivision and condominium plat for the Union Square/Sky Lodge development.



Planning Department

3. On December 4, 2008, the City Council approved a condominium plat amendment creating the First Amended Union Square Condominium Plat and retiring the original plat.
4. The Units within Union Square are for Residential and Commercial purposes.
5. The limited common area labeled "Appurtenant to Unit LB-1" on Sheet 4 of 12 of the Union Square First Amended Condominium Plat is used for the restaurant located in the historic lumber building (Unit LB-1) at 201 Heber Avenue.
6. The First Amended Union Square Condo Plat shows this limited common area being appurtenant to only Unit LB-1.
7. On January 30, 2019, a Memorandum of License was recorded with Summit County (Entry No. 1105359) that gave Unit COM-3 the right to use a portion of this limited common area.
8. The proposed Second Amended Union Square Condominium Plat Amendment will divide the limited common area to reflect the Memorandum of License. Union Square Second Amended will show that approximately 80% (4,832 square feet) of what is Unit LB-1 will become appurtenant to Unit COM-3, and the remaining 20% (1,186 square feet) of the limited common area will remain appurtenant to Unit LB-1.
9. The Second Amended Union Square Condo Plat complies with the Historic Recreation Commercial Zoning District Requirements.
 - a. Setbacks: There are no proposed expansions or additions to the Structure as part of this Plat Amendment
 - b. Floor Area Ratio: 201 Heber Avenue is in the Heber Avenue Sub Zone. The Floor Area Ratio limitation of the HRC District does not apply to properties located within this Sub-Zone.
10. The proposed plat amendment does not increase private area, commercial area, or living space, so additional parking demand is not created from the plat amendment.
11. The Second Amended Union Square Plat Amendment complies with all Conditions of Approval outlined in the Final Action Letter for the MPD and CUP for Union Square approved by the Planning Commission on November 10, 2004. Condition of Approval 4 from the MPD Final Action Letter states the following: "any modification to the Master Planned Development which constitutes a change in concept, density, unit type or configuration of any portion of the MPD will justify a review of the entire MPD and Development Agreement." The



Planning Department

proposed Plat Amendment complies with this Condition of Approval because there is no change in concept, density, or unit type.

12. Staff finds Good Cause for this plat amendment because this amendment does not change the mass of the existing structure or the parking requirements, will remain compliant with the MPD and CUP approved on November 10, 2004, by the Planning Commission, and does not create any non-conformities. No Public Street, Right of Way, or easement will be vacated or amended.
13. The Development Review Committee reviewed this proposal on January 16, 2024, and does not require any conditions of approval.
14. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on January 10, 2024.
15. Staff mailed courtesy notice to property owners within 300 feet on January 10, 2024.
16. The Park Record published courtesy notice on January 10, 2024.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it does not change the footprint or mass of the existing Structure and does not create any non-conformities.
2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, and Chapter 15-2.5 Historic Recreation Commercial District.
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 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, the Conditions of Approval, and the amended CC&Rs prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval 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 Planning Director.



Planning Department

If you have questions or concerns regarding this Final Action Letter, please call 385-481-2036 or email virgil.lund@parkcity.org

Sincerely,

Sarah Hall
Planning Commission Chair

CC: Virgil Lund

Attachment 1: Proposed Plat

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 06°43'16" W	1.21'
L2	N 24°01'26" W	1.47'
L3	S 65°58'34" W	2.17'
L4	S 58°15'15" W	8.00'
L5	S 30°42'02" E	1.00'
L6	N 59°18'24" E	12.24'
L7	N 30°42'13" W	5.00'
L8	S 30°41'46" E	5.00'
L9	S 59°17'47" W	8.82'
L10	S 81°17'10" E	7.72'
L11	S 25°54'22" E	6.31'
L12	N 58°53'16" E	4.79'
L13	S 23°48'38" W	6.50'
L14	S 30°42'45" E	12.62'
L15	S 58°53'16" W	4.83'
L16	S 10°23'54" W	2.83'
L17	N 09°14'05" E	2.57'

THE SKY LODGE
(See sheets 2 thru 9 & 11 thru 12 for ownership)

NOTES:

12. There exists an agreement between Park City Municipal Corporation and Union Square Owners Association, recorded in the office of the Summit County Recorder, recordation number: _____, which states in part that "Owner will grant a 10 foot wide public access easement across a portion of their property for access to and from each egress from the southern elevator." This public access easement is for the purpose of pedestrian and ADA ingress and egress to and from the southern elevator back to the pedestrian easement. This access easement shall be maintained for public use and provide access for wheelchairs. Owner may have tables and chairs located in the area of the easement so long as they are placed so that there is a minimum of a 48 inch (4 foot) passageway through the area.

NOTES:

- Floor plans and dimensions shown on this plat were compiled from architectural drawing provided by Elliott Workgroup and field verified.
- Interior dimensions shown are to finished surfaces.
- All structural elements are designated as common areas.
- The street address of a unit in this condominium is 201 Heber Avenue, unit number _____.
- Refer to declaration of condominium for complete description of ownership.
- All exterior areas at ground level and plaza level within the property boundary of Union Square not designated as commercial limited common shall be designated as residential limited common for Unit SL-1.
- The units of the Union Square Condominium are served by a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
- The wastewater line serving the existing Lumber Building passes through the Sky Lodge parking structure and existing Depot Building. The line is considered a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
- See sheet 12 of 12 for table of total unit square footage.
- Existing Depot Building and Lumber Building refers to Historically protected structures that pre date the construction of the Union Square project.
- All public pedestrian easements are non-motorized. Site furniture or other encumbrances are not permitted in public pedestrian easements.

LEGEND

- SF - REPRESENTS SQUARE FEET.
F.P. - REPRESENTS FIREPLACE.
P.O.B. - REPRESENTS POINT OF BEGINNING.
U - REPRESENTS UNIT.

FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SURVEYOR'S CERTIFICATE

I, Christopher R. Braun, do hereby 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 that I have caused to be made under my direction and by the authority of the owner, this First Amended Condominium Plat of UNION SQUARE, a Utah Condominium Project in accordance with the Utah Condominium Act. I further certify the buildings and property are shown correctly.

Christopher R. Braun L.S. 5152604
3/3/09
Date

BOUNDARY DESCRIPTION

A parcel of land located within the South half of the Northeast quarter and North half of the Southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah, more particularly described as follows:

Beginning at the Southwest corner of Lot 16, Block 50, Amended Park City Survey, on file and of record in the office of the Summit County Recorder, said point lies West, 90.71 feet and South, 58.93 feet from Southwest corner of the Southeast quarter of the Northeast quarter of said Section 16; thence along the westerly line of said Lot 16 and the easterly right-of-way of Main Street, North 23°38'00" West a distance of 64.32 feet the Northwest corner of said Lot 16; thence leaving said Block 50, West a distance of 14.14 feet along said right-of-way to a point on the boundary of the First Amended Subdivision Plat of The Town Lift Site; thence continuing along said right-of-way and said boundary North 32°25'56" West a distance of 128.50 feet; thence leaving said right-of-way, along said boundary North 58°02'07" East a distance of 81.41 feet; thence leaving said boundary South 66°11'22" East a distance of 77.33 feet; thence North 19°54'00" East a distance of 8.32 feet; thence South 66°46'30" East a distance of 166.95 feet; thence North 06°43'16" West a distance of 1.21 feet to a point on the boundary of Poison Creek Mercantile Condominium Project, on file and of record in the office of the Summit County Recorder; thence along said boundary South 66°42'46" East a distance of 30.01 feet; thence continuing along said boundary South 07°12'16" East a distance of 85.18 feet; thence continuing along said boundary South a distance of 60.64 feet to a point on the northerly right-of-way of Heber Avenue; thence leaving said Poison Creek boundary and along said right-of-way North 81°17'00" West a distance of 227.98 feet; to the point of beginning.
Contains 49,435.63 square feet, 1.13 acres

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned owner of the herein described tract of land, hereby certifies that it has caused this survey to be made and this First Amended Condominium Plat of UNION SQUARE to be prepared and consents to the recordation of this Condominium Plat. The undersigned hereby submits the land to the Utah Condominium Ownership Act and dedicates all utility and public easements shown on this Condominium Plat in accordance with an irrevocable offer of dedication. I certify that buildings shown on this plat, but not under construction at the time this plat is recorded, will, when completed, be substantially as shown on the plat.

EASY STREET PARTNERS, LLC

By: William H. Shoaf
Its: Manager

ACKNOWLEDGMENT

State of Utah
County of Summit

On this 3 day of March, 2009, personally appeared before me, the undersigned Notary Public, in and for said County and State, William H. Shoaf, being duly sworn, acknowledged to me that he is the manager of EASY STREET PARTNERS, LLC, and that he signed the above Owner's Dedication and Consent to Record on behalf of EASY STREET PARTNERS, LLC, the record owner of the land.

Guillermo Zelaya
Notary Public
My commission expires: March 9, 09

RESERVATION OF COMMON AREAS

In recording this First Amended Condominium Plat of Union Square, a Utah condominium project, the Declarant has designated certain areas of land as driveways and common areas, intended for the use by the owners for ingress, egress, recreation and other related activities. The designated areas are not dedicated hereby for the use by the general public, but are reserved for the owners as more fully outlined in the Declaration of Condominium for Union Square (the "Declaration"). The Declaration is hereby incorporated and made a part of this Condominium Plat and becomes effective upon the date this Condominium Plat is recorded in official records of Summit County, Utah.
This note does not apply to the public pedestrian access easement shown hereon.

UTAH POWER ACCESS REQUIREMENTS

Easy Street Partners and all successors agree to maintain access, including snow removal, to accommodate a 10-wheel dump truck, electric utility vehicles, and a GROVE TMS700E Crane, or the like (capable of lifting 13,000 pounds), for normal day-to-day and emergency maintenance and repair of Utah Power Electrical Facilities. Easy Street Partners and all successors will also accept liability for any damage created along said access as may occur, whether during normal day-to-day or emergency ingress and egress operations.

JOB NO. 01408 File: UNIONSQ-S1

PARK CITY SURVEYING

2041 SIDEWINDER DRIVE, SUITE 1
P.O. Box 682993
PARK CITY, UTAH 84068
(435) 649-2918

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 3rd DAY OF March, 2009 A.D.

BY: B.W.R.D.
B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 11th DAY OF November, 2009 A.D.

BY: Chairwoman
CHAIRMAN

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 8th DAY OF June, 2009 A.D.

BY: Park City Engineer
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 3rd DAY OF July, 2009 A.D.

BY: Park City Attorney
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 4th DAY OF December, 2009 A.D.

BY: Park City Recorder
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 4th DAY OF December, 2009 A.D.

BY: Mayor
MAYOR

879382 RECORDED

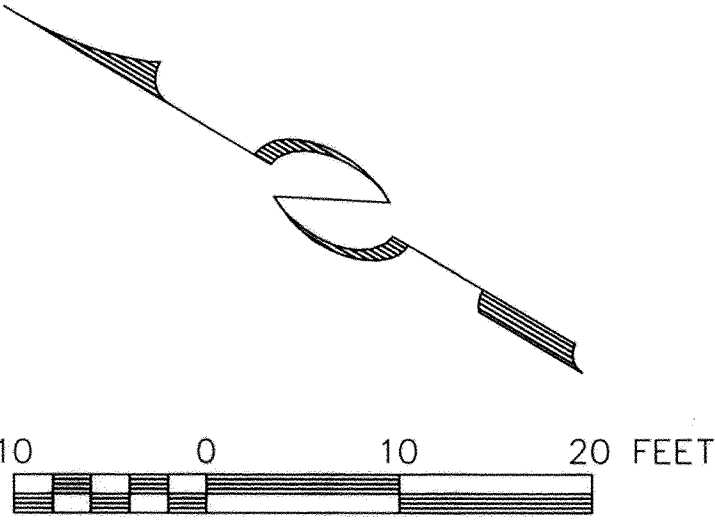
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Equity Title
DATE: 8/3/09 TIME: 2:09 P.M. BOOK: 6 PAGE: 6

\$387.00
FEE
RECORD

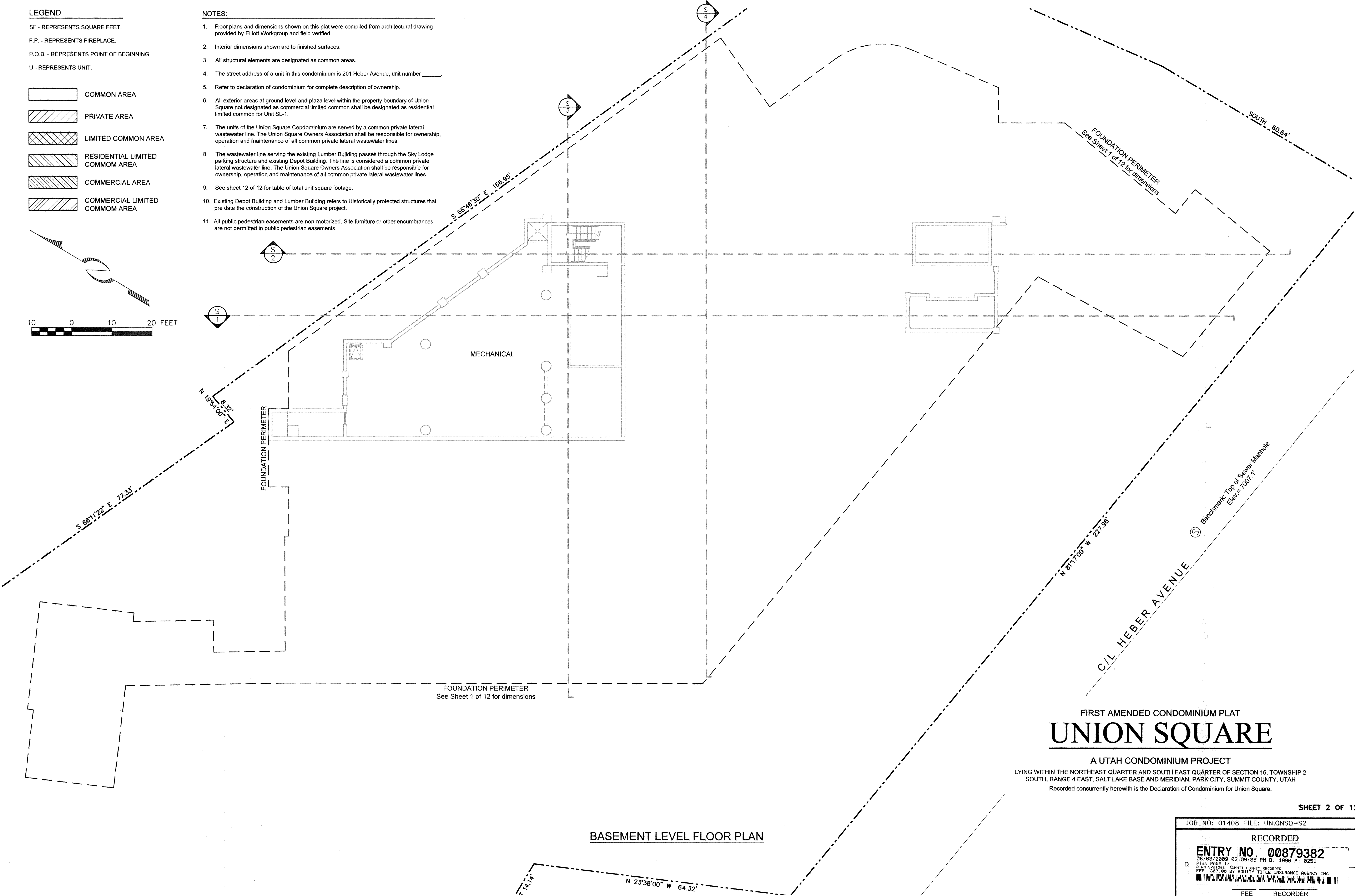
LEGEND

SF - REPRESENTS SQUARE FEET.
F.P. - REPRESENTS FIREPLACE.
P.O.B. - REPRESENTS POINT OF BEGINNING.
U - REPRESENTS UNIT.

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMOM AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMOM AREA



- NOTES:
- Floor plans and dimensions shown on this plat were compiled from architectural drawing provided by Elliott Workgroup and field verified.
 - Interior dimensions shown are to finished surfaces.
 - All structural elements are designated as common areas.
 - The street address of a unit in this condominium is 201 Heber Avenue, unit number _____.
 - Refer to declaration of condominium for complete description of ownership.
 - All exterior areas at ground level and plaza level within the property boundary of Union Square not designated as commercial limited common shall be designated as residential limited common for Unit SL-1.
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FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

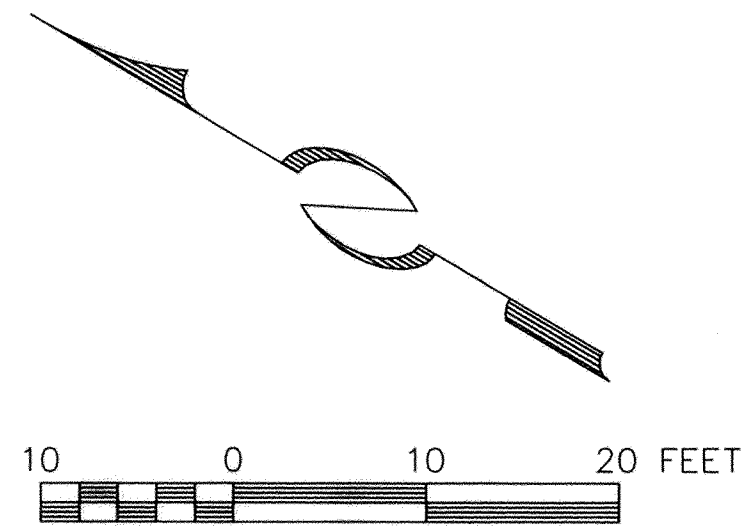
SHEET 2 OF 12

JOB NO: 01408 FILE: UNIONSQ-S2

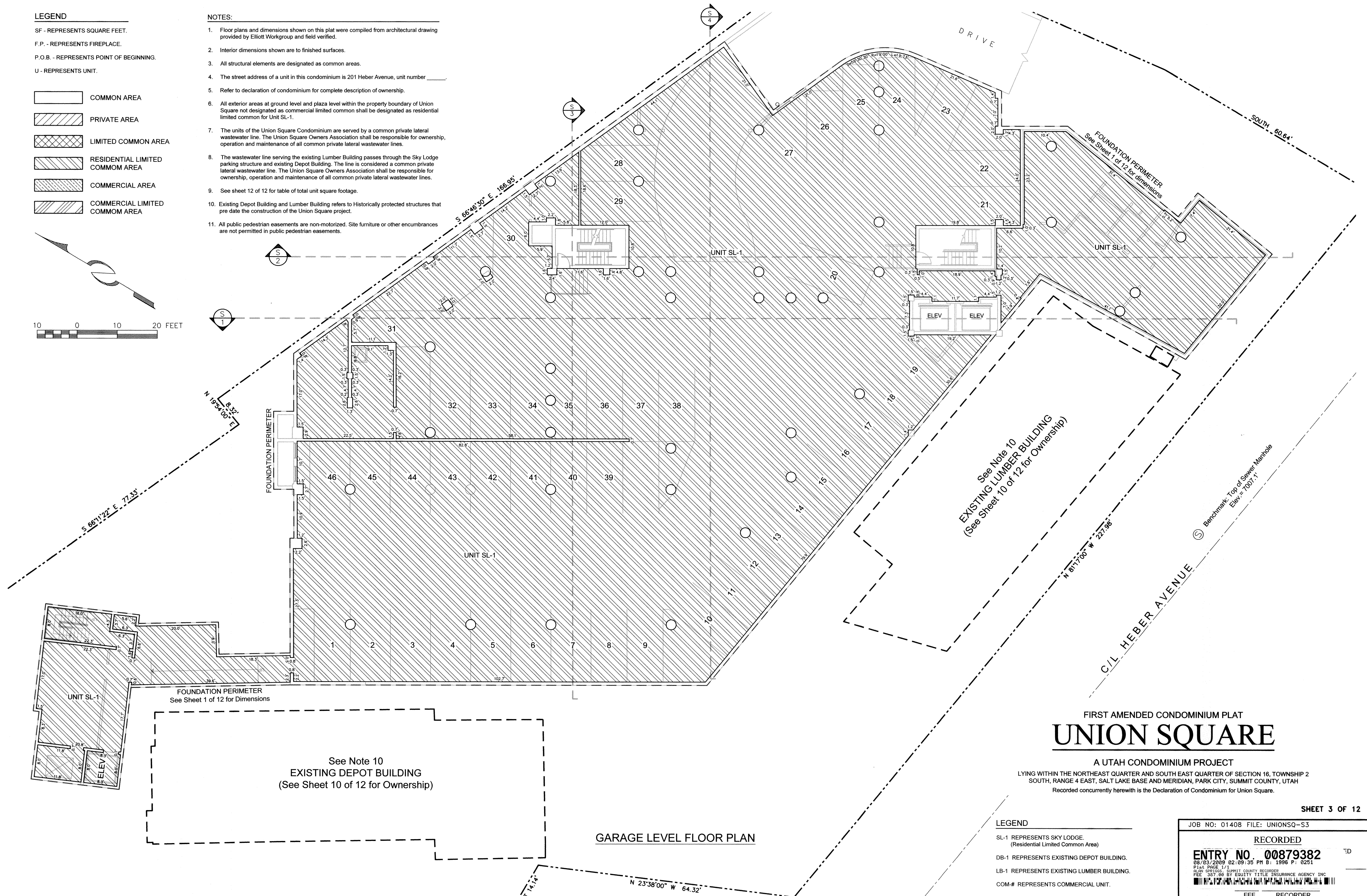
RECORDED
ENTRY NO. 00879382
08/03/2009 02:09:35 PM B: 1996 P: 0251
FEE: 307.00 BY EQUITY TITLE INSURANCE AGENCY INC
FEE RECORDER

SF - REPRESENTS SQUARE FEET.
F.P. - REPRESENTS FIREPLACE.
P.O.B. - REPRESENTS POINT OF BEGINNING.
U - REPRESENTS UNIT.

	COMMON AREA
	PRIVATE AREA
	LIMITED COMMON AREA
	RESIDENTIAL LIMITED COMMON AREA
	COMMERCIAL AREA
	COMMERCIAL LIMITED COMMON AREA



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UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SL-1 REPRESENTS SKY LODGE.
(Residential Limited Common Area)

DB-1 REPRESENTS EXISTING DEPOT BUILDING.

LB-1 REPRESENTS EXISTING LUMBER BUILDING.

COM-# REPRESENTS COMMERCIAL UNIT.

JOB NO: 01408 FILE: UNIONSQ-S3

RECORDED

ENTRY NO. 00879382
08/03/2009 02:09:35 PM B: 1996 P: 0251

Plat PAGE 1/1
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE 387.00 BY EQUITY TITLE INSURANCE AGENCY INC

FEE RECORDER

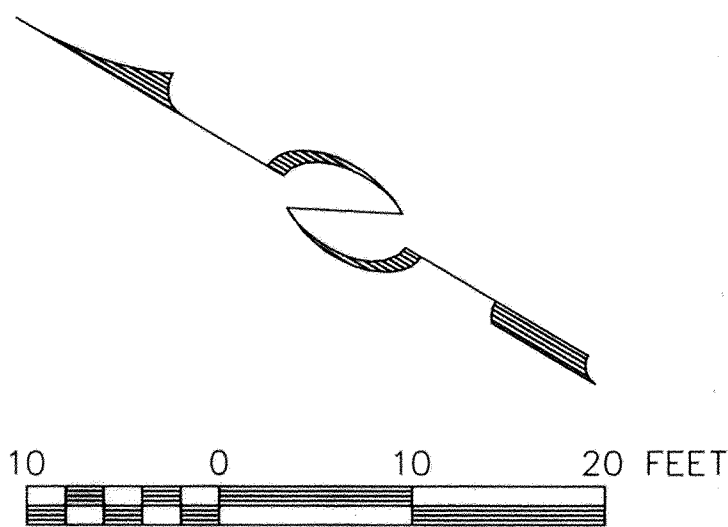
LEGEND

SF - REPRESENTS SQUARE FEET.
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LIMITED COMMON AREA
RESIDENTIAL LIMITED COMMON AREA
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AQUACADE

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UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
106	1,245
ADA 202	1,015
204	1,233
COM-1	3,783
COM-2	549

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
106	4,671.89	5,229.13
ADA 202	4,696.92	5,140.29
204	4,695.90	5,208.28
COM-1	4,569.01	5,267.58
COM-2	4,558.53	5,197.58

FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
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LEGEND

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(Residential Limited Common Area)
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LB-1 REPRESENTS EXISTING LUMBER BUILDING.
COM-# REPRESENTS COMMERCIAL UNIT.

SHEET 4 OF 12

JOB NO: 01408 FILE: UNIONSQ-S4

RECORDED

ENTRY NO. 00879382

08/03/2009 02:09:35 PM B: 1996 P: 0251

PLAN PRICE 1/1

PLAN PRICE 1/1

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PLAN PRICE 1/1

PLAN PRICE 1/1

LEGEND

SF - REPRESENTS SQUARE FEET.

F.P. - REPRESENTS FIREPLACE.

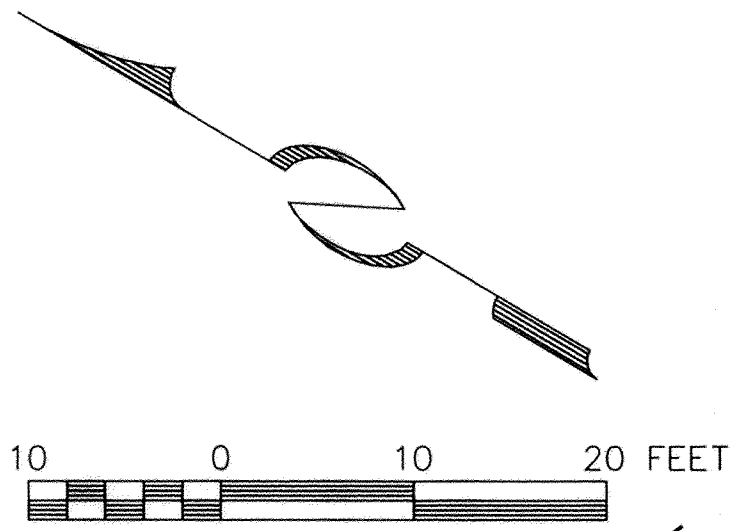
P.O.B. - REPRESENTS POINT OF BEGINNING.

U - REPRESENTS UNIT.

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMOM AREA
- COMMERCIAL AREA
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AQUACADE

S 1

S 2

S 3

S 4

N 19°54'00" E

S 66°11'22" E 77.33'

PUBLIC PEDESTRIAN EASEMENT
See Sheet 1 of 12 for Description

FOUNDATION PERIMETER
See Sheet 1 of 12 for dimensions

PUBLIC PEDESTRIAN EASEMENT
See Sheet 1 of 12 for Description

FOUNDATION PERIMETER
See Sheet 1 of 12 for dimensions

See Note 10
EXISTING DEPOT BUILDING
(See Sheet 10 of 12 for Ownership)

SECOND LEVEL FLOOR PLAN

N 23°38'00" W 64.32'

PUBLIC PEDESTRIAN EASEMENT
See Sheet 1 of 12 for Description

APPURTENANT TO UNIT LB-1

See Note 10
EXISTING LUMBER BUILDING
(See Sheet 10 of 12 for Ownership)

PUBLIC PEDESTRIAN EASEMENT
See Sheet 1 of 12 for Description

C/L HEBER AVENUE

Benchmark: Top of Sewer Manhole
Elev. = 707.1'

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
ADA 202	1,002
204	1,223
206	1,245
207	995
209	2,113
301	1,003
303	1,102
305	1,123
COM-3	2,867

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
ADA 202	4,696.92	5,140.29
204	4,695.90	5,208.28
206	4,671.89	5,229.13
207	4,579.22	5,234.36
209	4,560.02	5,212.85
301	4,639.98	5,132.06
303	4,621.12	5,155.98
305	4,591.10	5,206.53
COM-3	4,717.60	5,151.50

FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 5 OF 12

LEGEND

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(Residential Limited Common Area)
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- LB-1 REPRESENTS EXISTING LUMBER BUILDING.
- COM-# REPRESENTS COMMERCIAL UNIT.

JOB NO: 01408 FILE: UNIONSQ-S5

RECORDED

ENTRY NO. 00879382

08/03/2009 02:09:35 PM B: 1996 P: 0251
PLAT PAGE 1/1
SUBMIT COUNTY RECORDER
FEE \$397.00 BY EQUITY TITLE INSURANCE AGENCY INC.

FEE RECORDER

LEGEND

SF - REPRESENTS SQUARE FEET.

F.P. - REPRESENTS FIREPLACE.

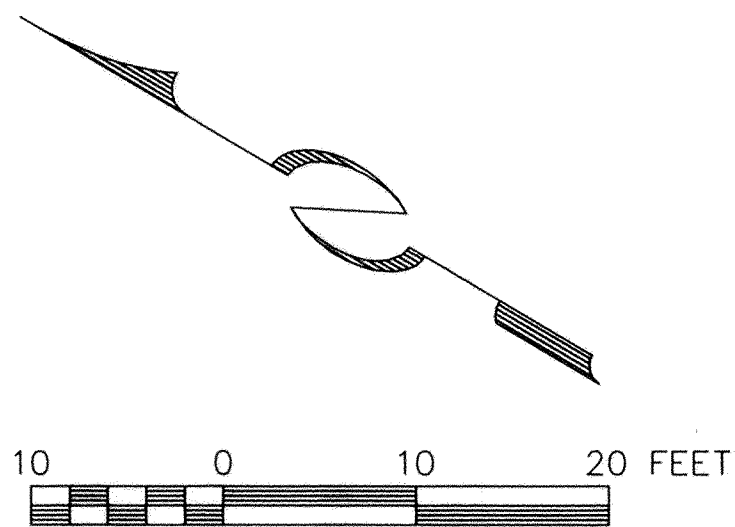
P.O.B. - REPRESENTS POINT OF BEGINNING.

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- LIMITED COMMON AREA
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AQUACADE

S 66°11'22" E 77.35'

N 19°00'00" E 8.32'

FOUNDATION PERIMETER
See Sheet 1 of 12 for dimensions

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See Note 10
EXISTING DEPOT BUILDING
(See Sheet 10 of 12 for Ownership)

See Note 10
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(See Sheet 10 of 12 for Ownership)

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(See Sheet 10 of 12 for Ownership)

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(See Sheet 10 of 12 for Ownership)

THIRD LEVEL FLOOR PLAN

FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
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UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
207	1,008
301	979
303	1,091
305	1,100
306	1,245
309	2,113
402	1,233
404	1,210

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
207	4,579.22	5,234.36
301	4,639.98	5,132.06
303	4,621.12	5,155.98
305	4,591.10	5,206.53
306	4,671.89	5,229.13
309	4,560.02	5,212.85
402	4,726.01	5,157.57
404	4,695.90	5,208.28

SHEET 6 OF 12

JOB NO: 01408 FILE: UNIONSQ-S6

RECORDED

ENTRY NO. 00879382

08/03/2009 02:09:35 PM B: 1996 P: 0251

PLAN PAGE 1/1

PLAN PREPARED BY SUMMIT COUNTY RECORDER

FEE: \$87.00 BY EQUITY TITLE INSURANCE AGENCY, INC.

FEE RECORDER

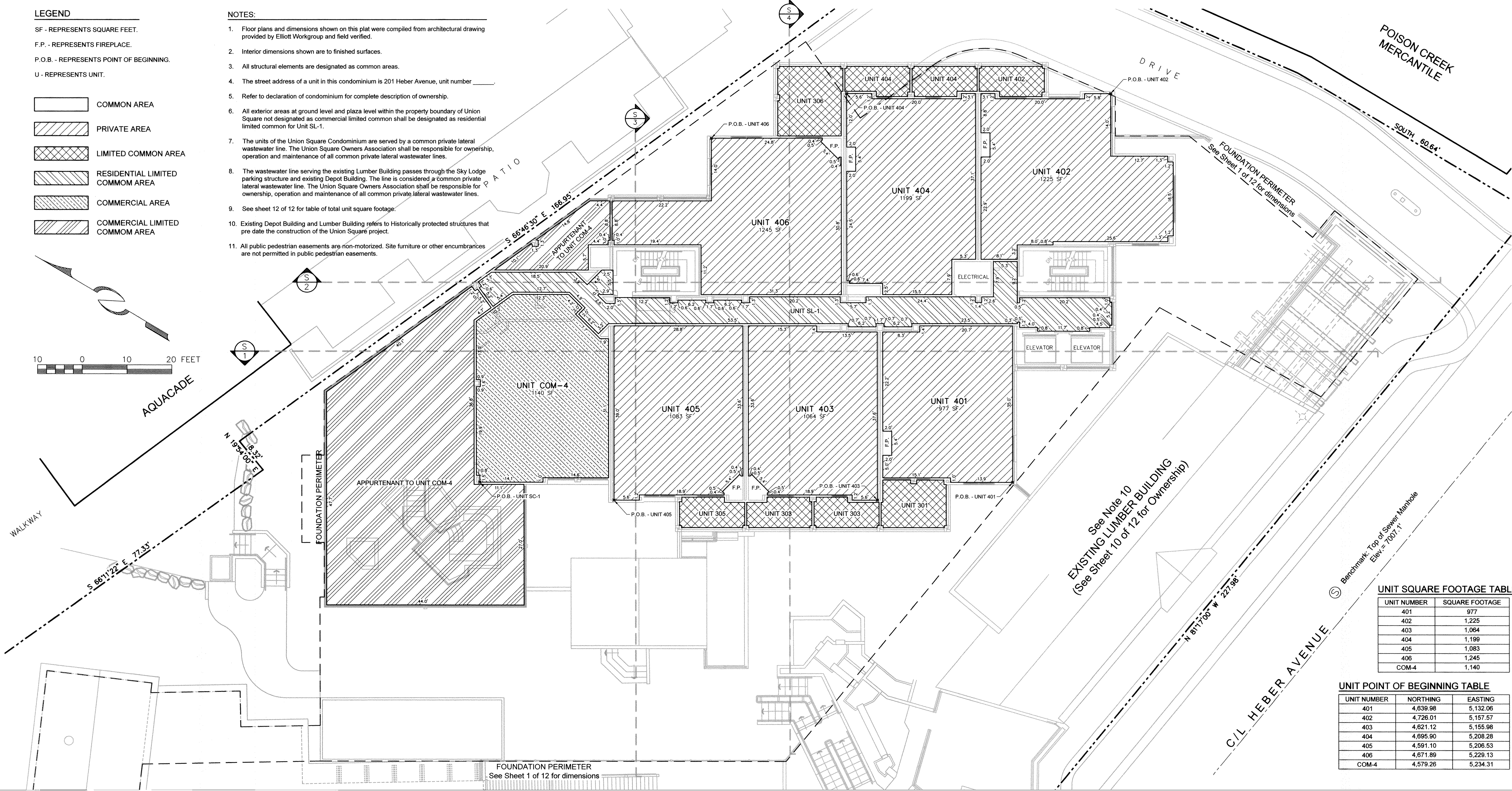
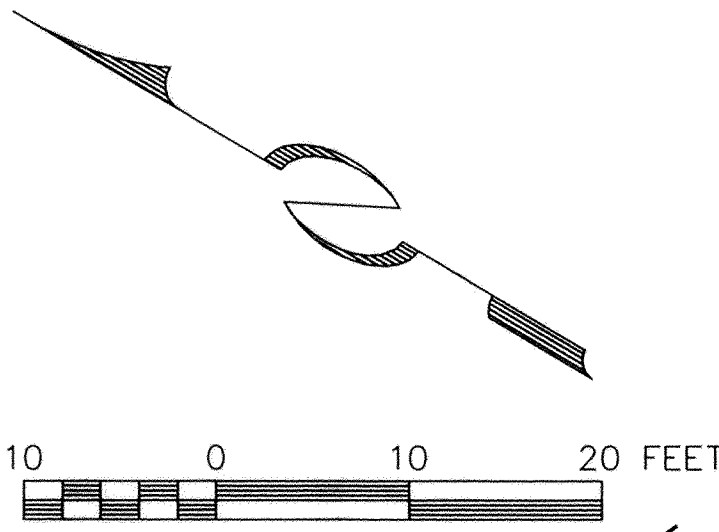
LEGEND

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UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
401	977
402	1,225
403	1,064
404	1,199
405	1,083
406	1,245
COM-4	1,140

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
401	4,639.98	5,132.06
402	4,726.01	5,157.57
403	4,621.12	5,155.98
404	4,695.90	5,208.28
405	4,591.10	5,206.53
406	4,671.89	5,229.13
COM-4	4,579.26	5,234.31

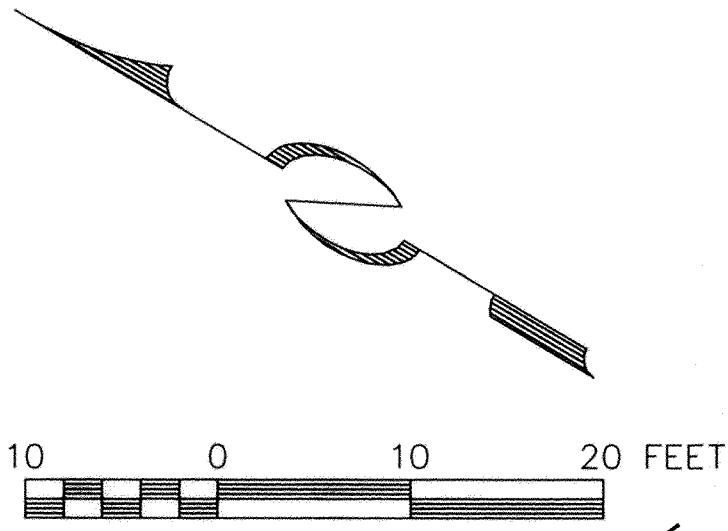
LEGEND

SF - REPRESENTS SQUARE FEET.
F.P. - REPRESENTS FIREPLACE.
P.O.B. - REPRESENTS POINT OF BEGINNING.
U - REPRESENTS UNIT.

- COMMON AREA
PRIVATE AREA
LIMITED COMMON AREA
RESIDENTIAL LIMITED COMMON AREA
COMMERCIAL AREA
COMMERCIAL LIMITED COMMON AREA

NOTES:

- Floor plans and dimensions shown on this plat were compiled from architectural drawing provided by Elliott Workgroup and field verified.
- Interior dimensions shown are to finished surfaces.
- All structural elements are designated as common areas.
- The street address of a unit in this condominium is 201 Heber Avenue, unit number _____.
- Refer to declaration of condominium for complete description of ownership.
- All exterior areas at ground level and plaza level within the property boundary of Union Square not designated as commercial limited common shall be designated as residential limited common for Unit SL-1.
- The units of the Union Square Condominium are served by a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
- The wastewater line serving the existing Lumber Building passes through the Sky Lodge parking structure and existing Depot Building. The line is considered a common private lateral wastewater line. The Union Square Owners Association shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
- See sheet 12 of 12 for table of total unit square footage.
- Existing Depot Building and Lumber Building refers to Historically protected structures that pre date the construction of the Union Square project.
- All public pedestrian easements are non-motorized. Site furniture or other encumbrances are not permitted in public pedestrian easements.



AQUACADE

N 19°54'00" E

FOUNDATION PERIMETER

DECK BELOW

UNIT 507

1258 SF

P.O.B. - UNIT 507

UNIT 405

1088 SF

P.O.B. - UNIT 405

UNIT 403

1080 SF

P.O.B. - UNIT 403

UNIT 401

977 SF

P.O.B. - UNIT 401

UNIT 504

1199 SF

P.O.B. - UNIT 504

ELECTRICAL

ELEVATOR

ELEVATOR

UNIT 506

1246 SF

P.O.B. - UNIT 506

UNIT 504

UNIT 504

UNIT 502

UNIT 502

UNIT 502

967 SF

P.O.B. - UNIT 502

UNIT 502

UNIT 502

FOUNDATION PERIMETER
See Sheet 1 of 12 for dimensions

POISON CREEK
MERCANTILE

SOUTH 60.64'

See Note 10
EXISTING LUMBER BUILDING
(See Sheet 10 of 12 for Ownership)

Benchmark: Top of Sewer Manhole
Elev. = 7007.1'

C/L HEBER AVENUE

FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
401	977
403	1,080
405	1,088
502	967
504	1,199
506	1,246
507	1,258

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
401	4,639.98	5,132.06
403	4,621.12	5,155.98
405	4,591.10	5,206.53
502	4,726.01	5,157.57
504	4,695.90	5,208.28
506	4,671.89	5,229.13
507	4,579.73	5,233.51

SHEET 8 OF 12

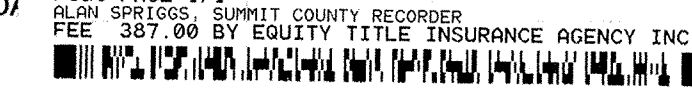
LEGEND

- SL-1 REPRESENTS SKY LODGE.
(Residential Limited Common Area)
DB-1 REPRESENTS EXISTING DEPOT BUILDING.
LB-1 REPRESENTS EXISTING LUMBER BUILDING.
COM.# REPRESENTS COMMERCIAL UNIT.

JOB NO: 01408 FILE: UNIONSQ-S8

RECORDED

ENTRY NO. **00879382**
08/03/2009 02:09:35 PM B: 1996 P: 0251
PLAT PAGE 1/1
JUN 30/09 BY EQUITY TITLE INSURANCE AGENCY, INC.



FEE RECORDER

FIFTH LEVEL FLOOR PLAN

See Note 10
EXISTING DEPOT BUILDING
(See Sheet 10 of 12 for Ownership)

FOUNDATION PERIMETER
See Sheet 1 of 12 for dimensions

N 23°38'00" W 64.32'

LEGEND

SF - REPRESENTS SQUARE FEET.

F.P. - REPRESENTS FIREPLACE.

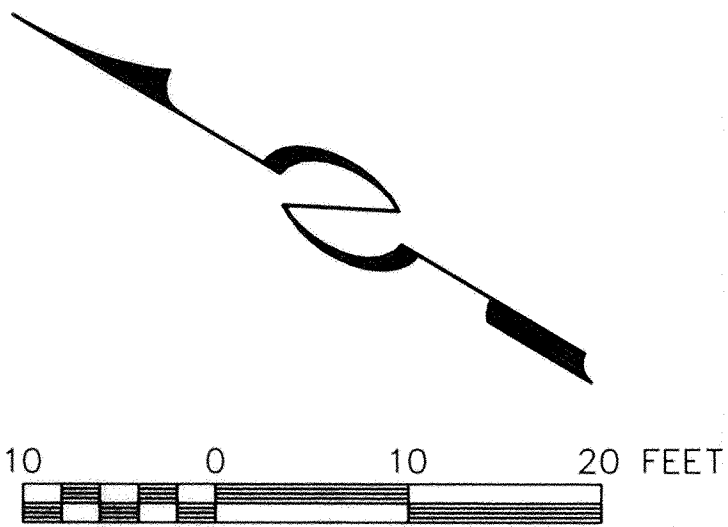
P.O.B. - REPRESENTS POINT OF BEGINNING.

U - REPRESENTS UNIT.

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMOM AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMOM AREA

NOTES:

1. Floor plans and dimensions shown on this plat were compiled from architectural drawing provided by Elliott Workgroup and field verified.
2. Interior dimensions shown are to finished surfaces.
3. All structural elements are designated as common areas.
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9. See sheet 12 of 12 for table of total unit square footage.
10. Existing Depot Building and Lumber Building refers to Historically protected structures that pre date the construction of the Union Square project.
11. All public pedestrian easements are non-motorized. Site furniture or other encumbrances are not permitted in public pedestrian easements.



AQUACADE

N 19°3'00" E

S 66°11'22" E 77.33'

FOUNDATION PERIMETER

DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

DECK BELOW

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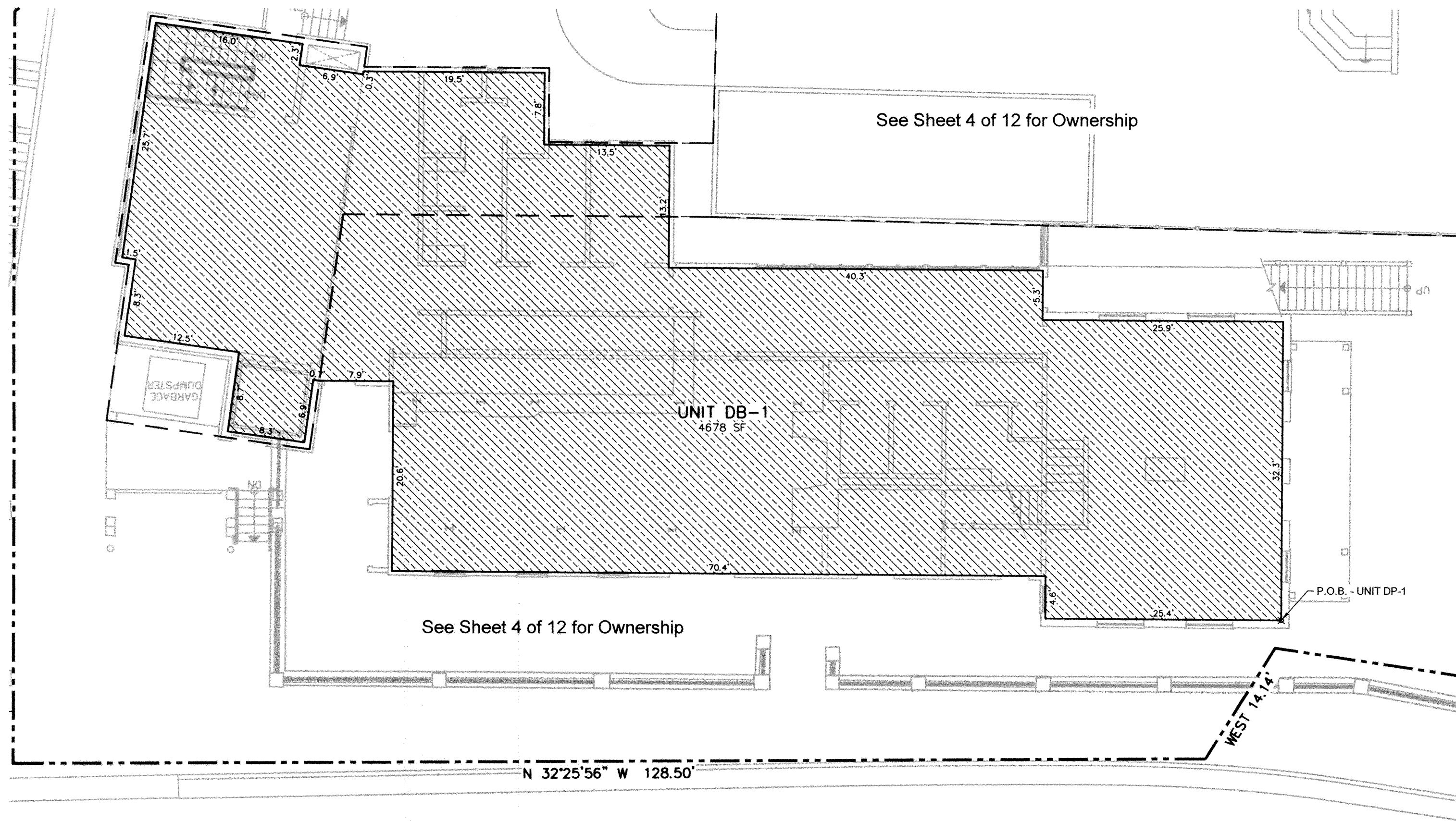
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S 11

S 12

S 13

S 14



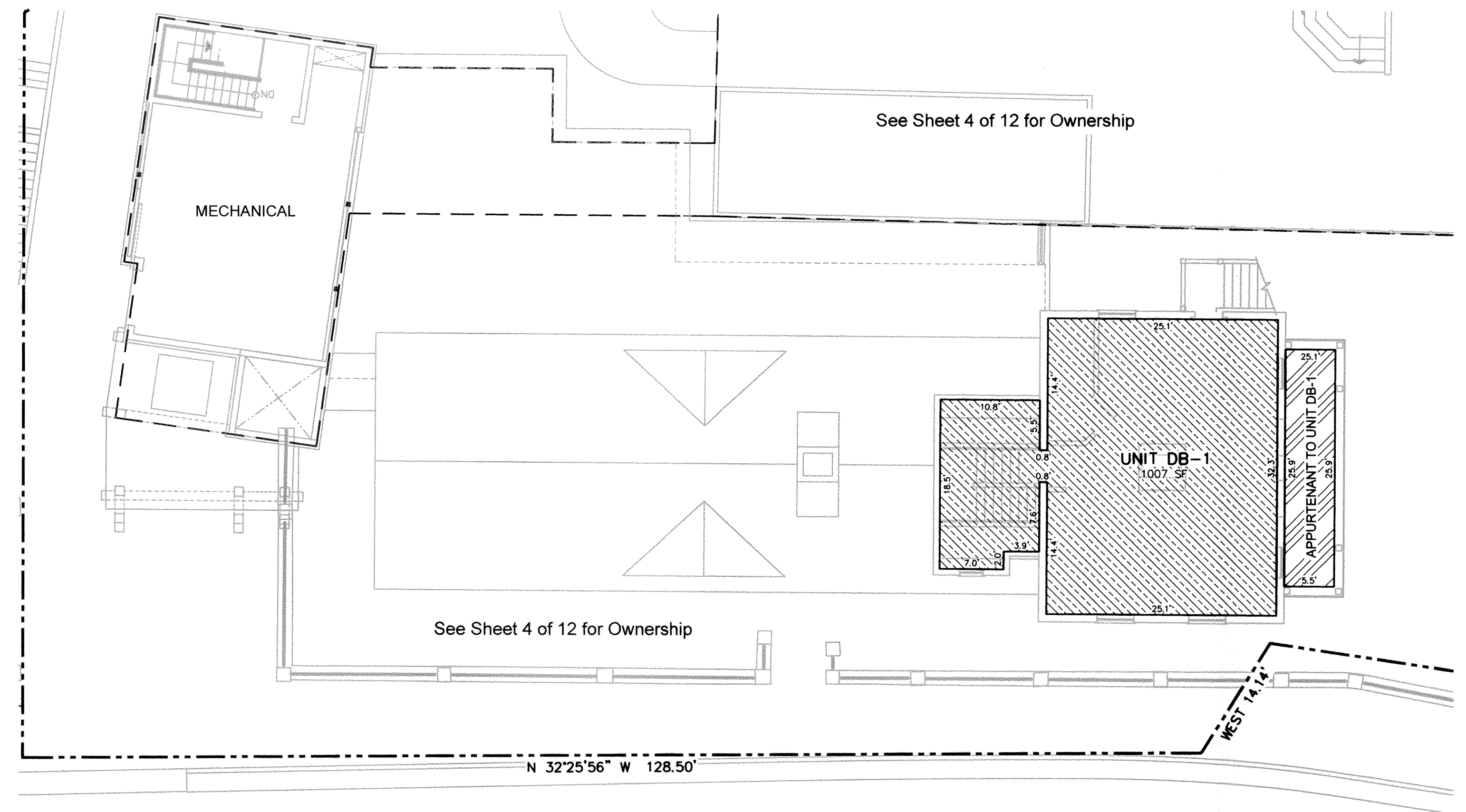
DEPOT BUILDING GROUND LEVEL FLOOR PLAN

LEGEND

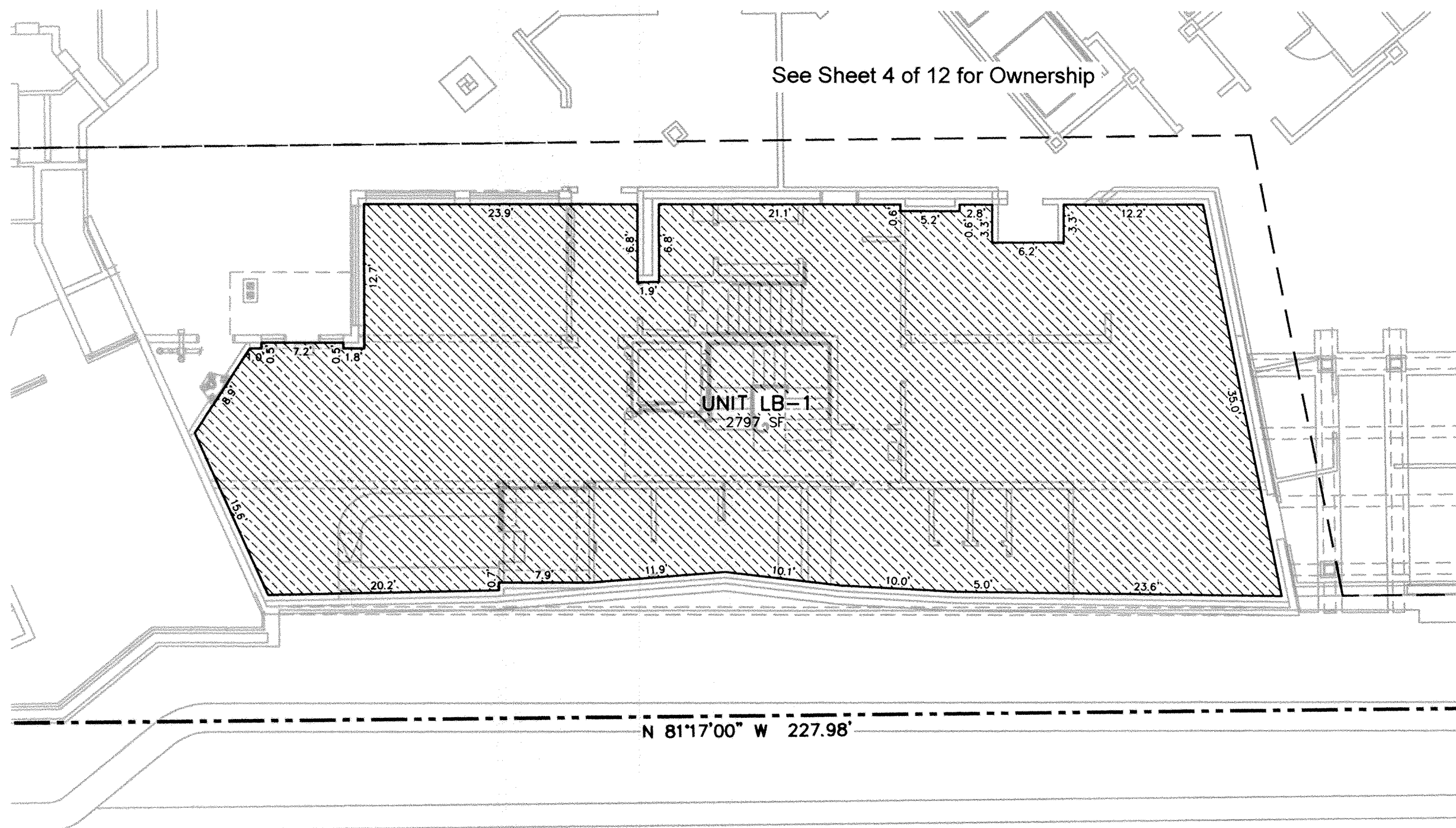
- SF - REPRESENTS SQUARE FEET.
F.P. - REPRESENTS FIREPLACE.
P.O.B. - REPRESENTS POINT OF BEGINNING.
U - REPRESENTS UNIT.

LEGEND

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(Residential Limited Common Area)
DB-1 REPRESENTS EXISTING DEPOT BUILDING.
LB-1 REPRESENTS EXISTING LUMBER BUILDING.
COM-# REPRESENTS COMMERCIAL UNIT.



DEPOT BUILDING UPPER LEVEL FLOOR PLAN



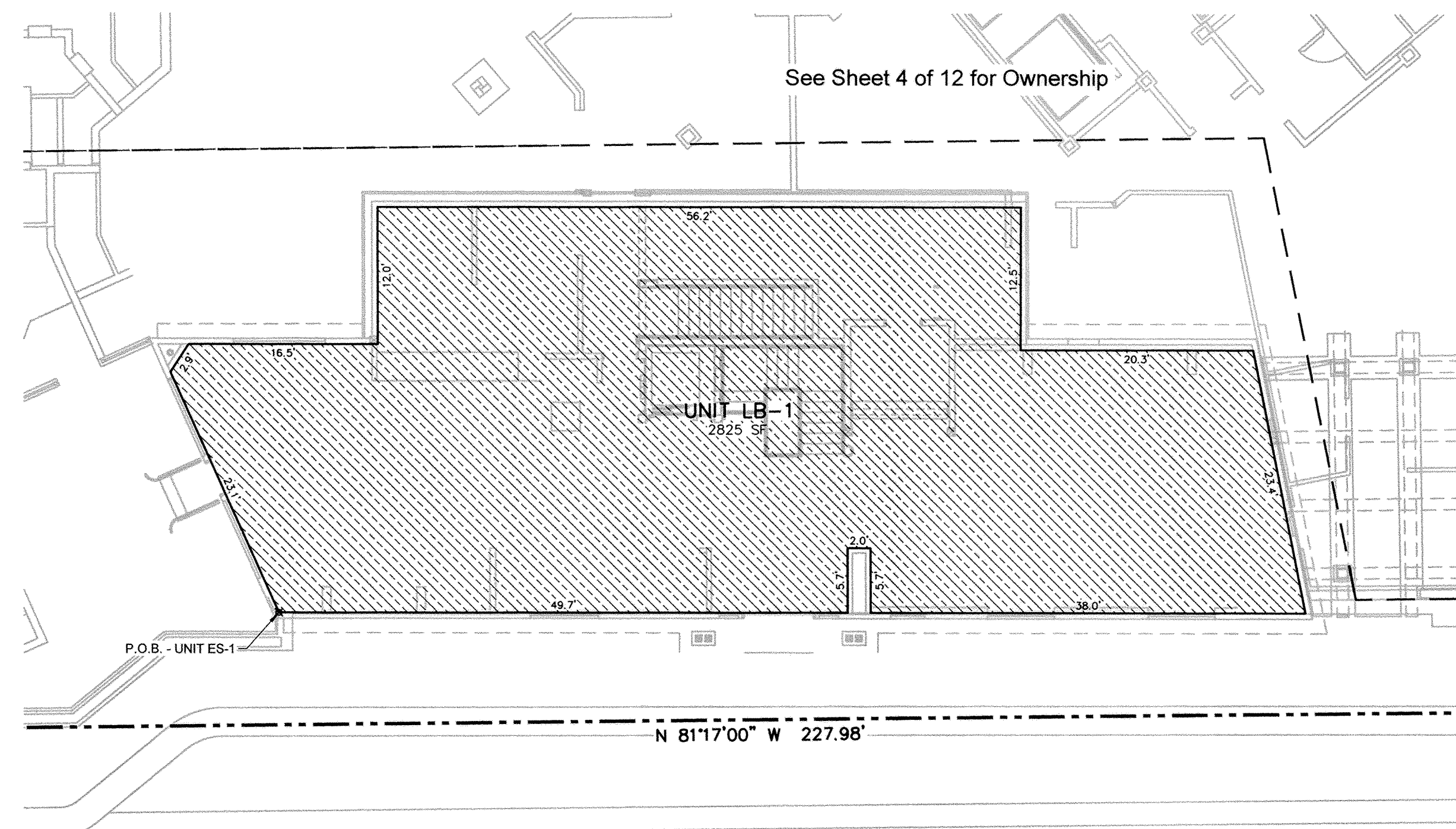
LUMBER BUILDING GROUND LEVEL FLOOR PLAN

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	GROUND LEVEL	UPPER LEVEL	TOTAL
DB-1	4,678	1,007	5,685
LB-1	2,797	2,825	5,622

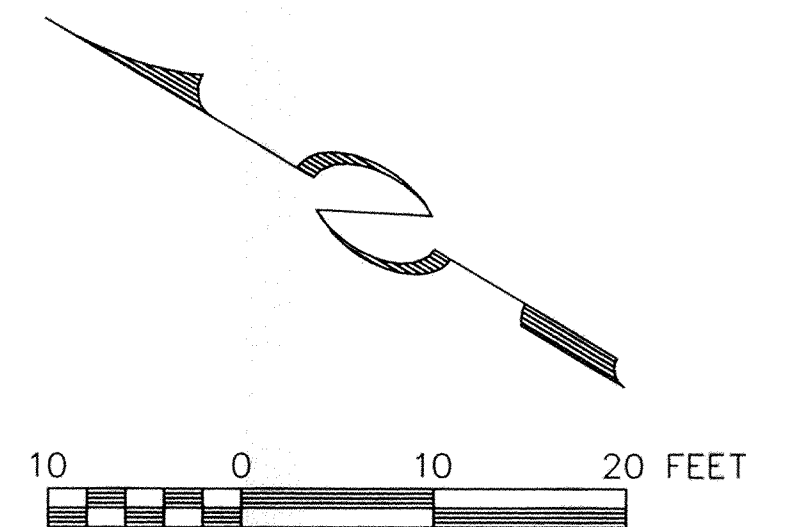
UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
DB-1	4,503.07	5,157.93
LB-1	4,598.69	5,096.79



LUMBER BUILDING UPPER LEVEL FLOOR PLAN

- COMMON AREA
PRIVATE AREA
LIMITED COMMON AREA
RESIDENTIAL LIMITED COMMON AREA
COMMERCIAL AREA
COMMERCIAL LIMITED COMMON AREA



FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

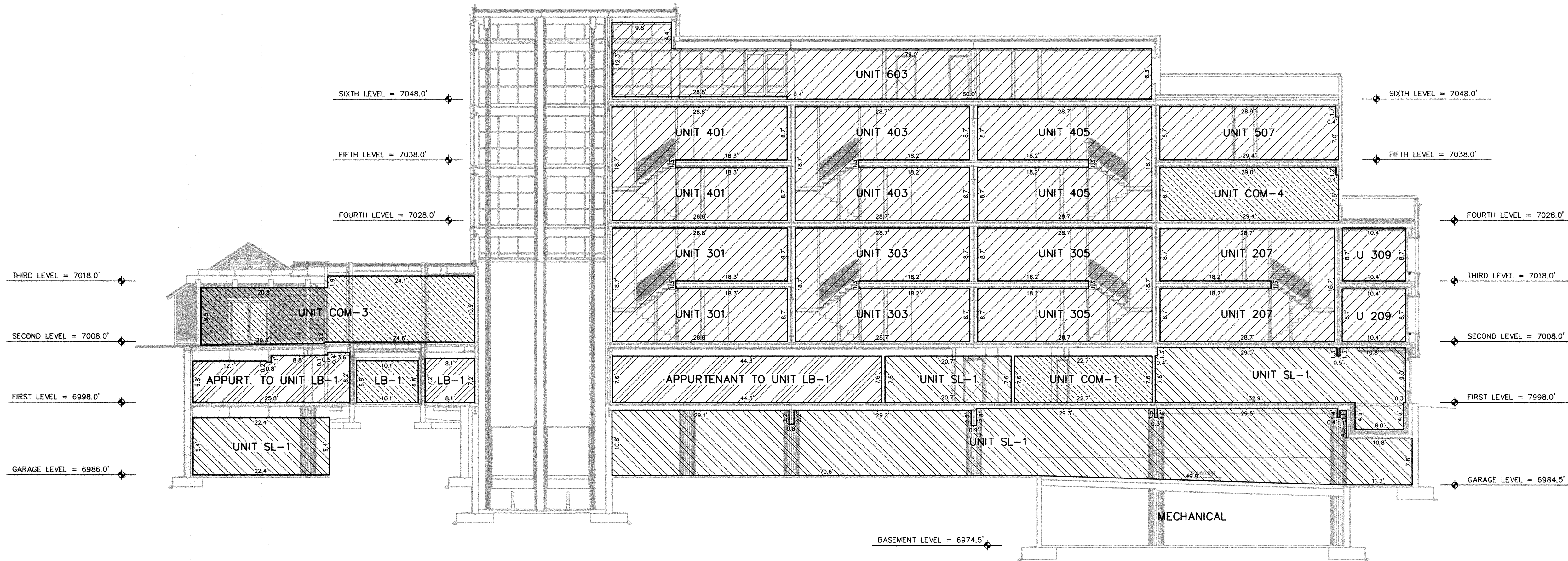
A UTAH CONDOMINIUM PROJECT
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2
SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 10 OF 12

JOB NO: 01408 FILE: UNIONSQ-S10

RECORDED
ENTRY NO. 00879382
08/03/2009 02:09:35 PM B: 1996 P: 0251
PLAN PRICE 1/1
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE: \$87.00 BY EQUITY TITLE INSURANCE AGENCY, INC.

FEE RECORDER



SECTION S-1

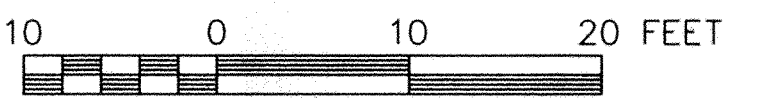
LEGEND

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FIRST AMENDED CONDOMINIUM PLAT UNION SQUARE

A UTAH CONDOMINIUM PROJECT

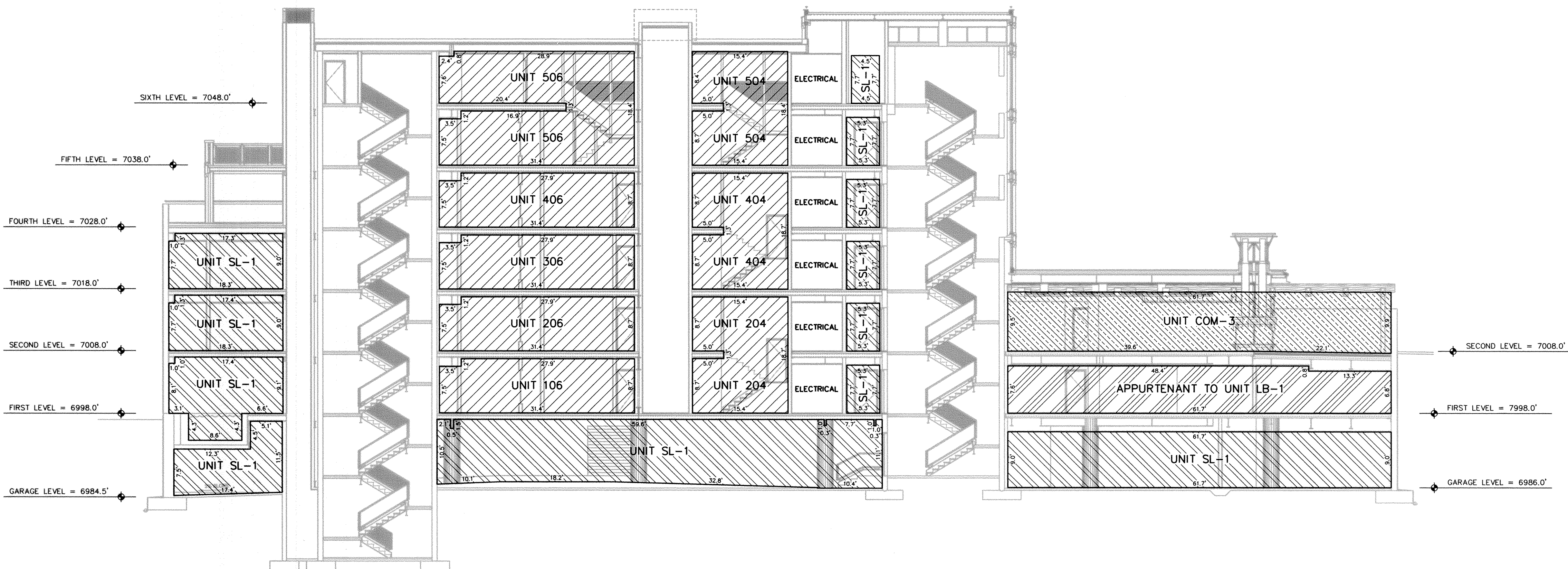
LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 11 OF 12

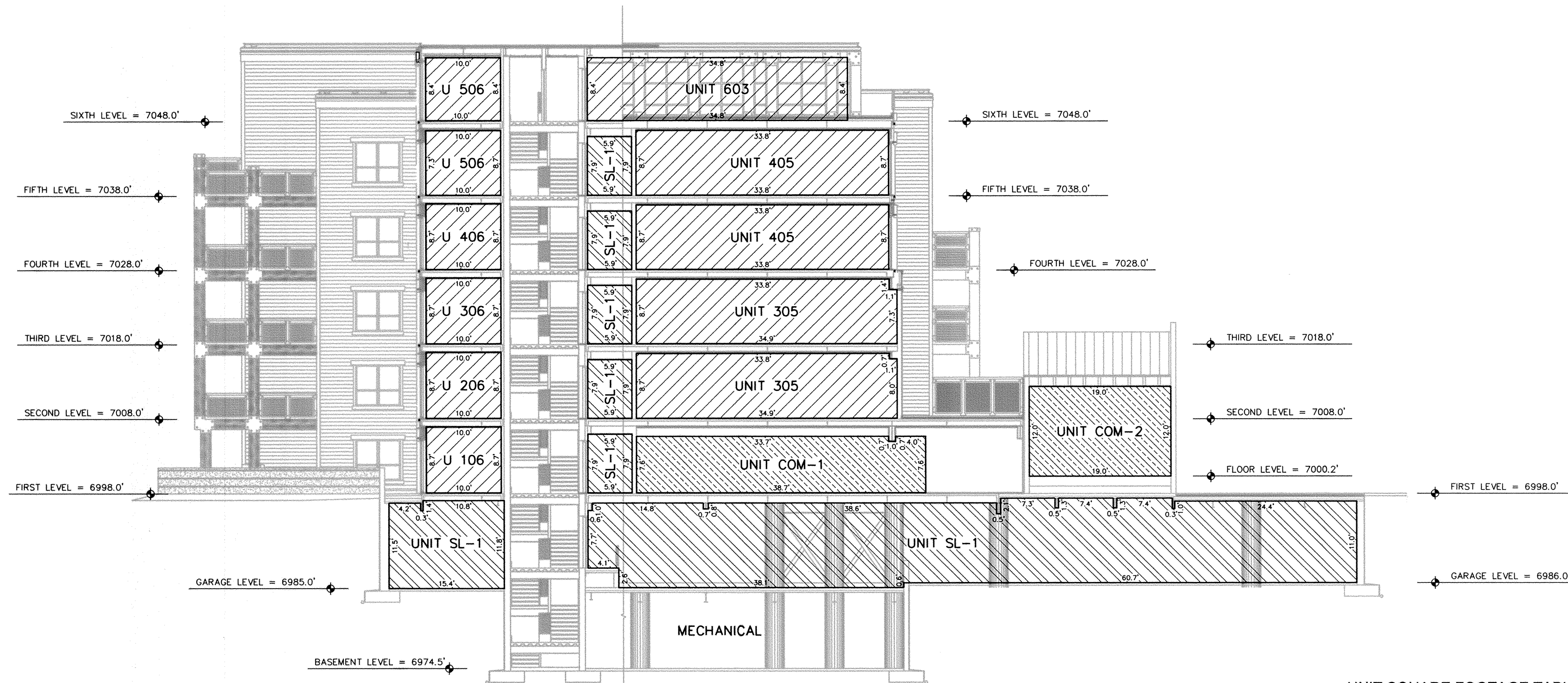
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PLAT PAGE 1/1
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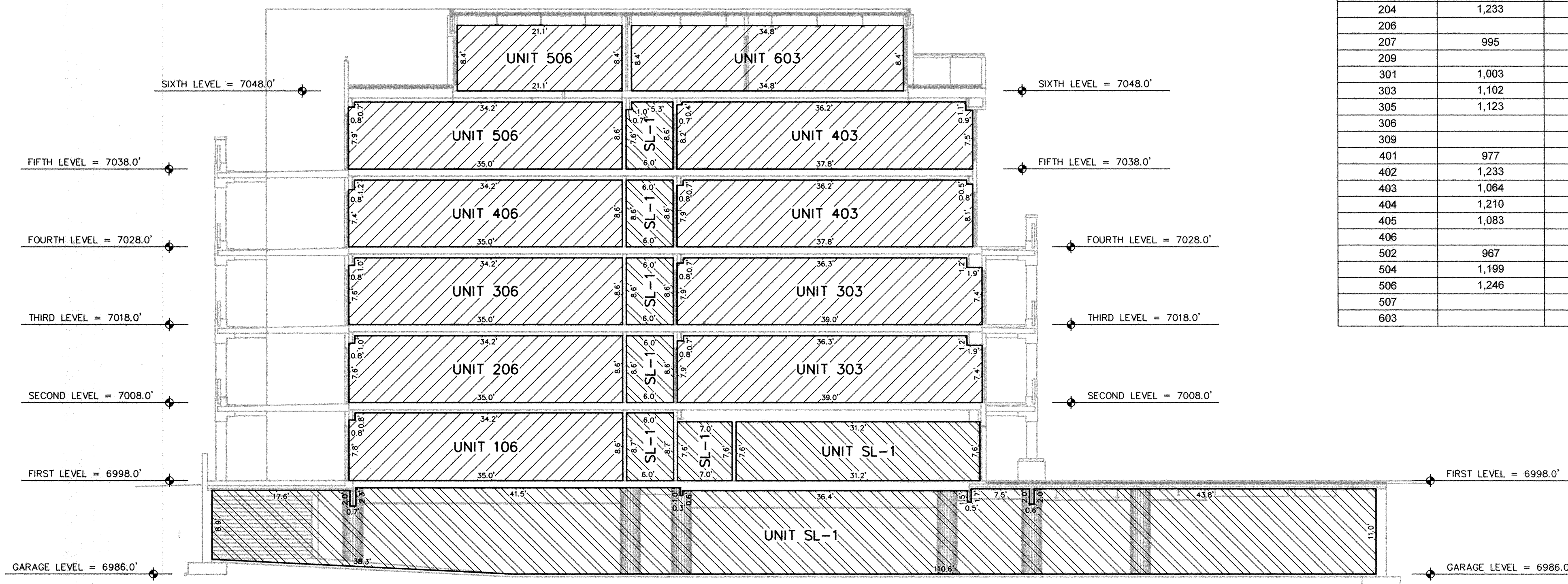
FEE RECORDER



SECTION S-2



SECTION S-3



SECTION S-4

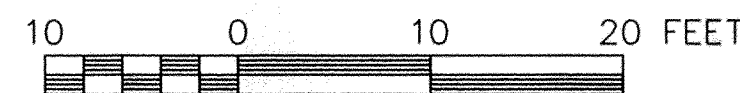
LEGEND

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(Residential Limited Common Area)
- DB-1 REPRESENTS EXISTING DEPOT BUILDING.
- LB-1 REPRESENTS EXISTING LUMBER BUILDING.
- COM-# REPRESENTS COMMERCIAL UNIT.

- COMMON AREA
- PRIVATE AREA
- LIMITED COMMON AREA
- RESIDENTIAL LIMITED COMMON AREA
- COMMERCIAL AREA
- COMMERCIAL LIMITED COMMON AREA

LEGEND

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- F.P. - REPRESENTS FIREPLACE.
- P.O.B. - REPRESENTS POINT OF BEGINNING.
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FIRST AMENDED CONDOMINIUM PLAT
UNION SQUARE

A UTAH CONDOMINIUM PROJECT

LYING WITHIN THE NORTHEAST QUARTER AND SOUTH EAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Condominium for Union Square.

SHEET 12 OF 12

JOB NO: 01408 FILE: UNIONSQ-S12

RECORDED

ENTRY NO. 00879382

08/03/2009 02:09:35 PM B. 1998 P. 0251

PLAT PAGE 1/1

BY EQUITY TITLE INSURANCE AGENCY INC

FEE RECORDER

31175

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

01105359 B: 2495 P: 0157

Page 1 of 6

ARGENTUM SKY, LLC
P. O. Box 684397
Park City, UT 84068

Rhonda Francis Summit County Recorder
01/30/2019 03:39:39 PM Fee \$20.00
By Park City Title
Electronically Recorded

Assessor's Parcel No. USC-ES-1AM

MEMORANDUM OF LICENSE

THIS MEMORANDUM OF LICENSE (this "MEMORANDUM") is executed effective as of JANUARY 30 2019 (the "Effective Date"), by and between STORIED DEER VALLEY, LLC (with its successors and assigns, "Landlord") and ARGENTUM SKY LLC (with its successors, assigns and sublessees, "Tenant").

PRELIMINARY STATEMENT:

Landlord, as buyer and Tenant, as seller, entered into that certain Purchase and Sale Agreement with Escrow Instructions dated as of JANUARY 30, 2019 (the "Agreement"). The terms, provisions and conditions of the Agreement are incorporated herein by this reference to the same extent as if recited in their entirety herein. Pursuant to the terms, provisions and conditions of the Agreement, Landlord has licensed to Tenant, and Tenant has rented and licensed from Landlord, certain premises (the "Licensed Premises") described in Exhibit A attached hereto and as further depicted on Exhibit A-1 attached hereto and each incorporated herein pursuant to that certain License Agreement dated JANUARY 30 2019 by and between Landlord and Tenant. Unless otherwise expressly provided herein, all defined terms used in this Memorandum shall have the same meanings as are ascribed to such terms in the Agreement.

NOW, THEREFORE, Landlord and Tenant hereby make specific reference to the following terms, provisions and conditions of the Agreement:

1. In consideration of the rentals and other sums to be paid by Tenant and of the other terms, covenants and conditions on Tenant's part to be kept and performed pursuant to the Agreement, Landlord licenses to Tenant, and Tenant takes and hires, the Licensed Premises. The License term commences as of the Commencement Date (as defined in the License) and expires at midnight on the last day of the Term (as defined in the License), unless terminated sooner as provided in the License. Licensee has an express option to purchase the Licensed Premises under the License.

2. Original copies of the License are in the possession of Landlord and Tenant. The License contains other terms not herein set forth but which are incorporated by reference herein for all purposes, and this Memorandum is executed for the purpose of placing parties dealing with the

Licensed Premises on notice of the existence of the License and, where appropriate, its contents, and shall ratify and confirm all other terms of the License as fully as if the same had been set forth herein.

3. Notwithstanding anything to the contrary contained herein, nothing in this Memorandum shall modify, supersede, diminish, add to or change any or all of the terms of the License or be deemed to create or grant any rights, liabilities or obligations of or to any party or third parties other than as specifically set forth in the License. In the event of any conflict between this Memorandum and the License, the terms and conditions of the License shall control.

4. This Memorandum may be executed in one or more counterparts, each of which shall be deemed an original.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum to be duly executed as of the Effective Date.

LANDLORD:

STORIED DEER VALLEY, LLC, a Delaware limited liability company

By: SDBP Utah I, LLC, a Delaware limited liability company, its sole Member

By: SDBP Manager, LLC, a Delaware limited liability company, its Manager

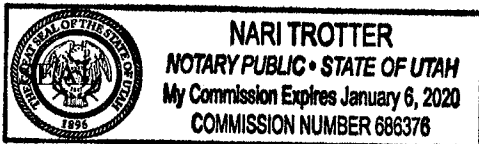
By: Storied Development LLC, a Delaware limited liability company, its sole Member

By: Mark Enderle
Mark Enderle, Managing Member

STATE OF Utah

COUNTY OF Summit ss.

The foregoing instrument was acknowledged before me this 29th day of January, 2019, by Mark Enderle, Managing Member of Storied Development LLC, a Delaware limited liability company, the sole Member of SDBP Manager, LLC, a Delaware limited liability company, the Manager of SDBP Utah I, LLC, a Delaware limited liability company, the sole Member of Storied Deer Valley, LLC, a Delaware limited liability company, on behalf of such entities.



Nari Trotter
NOTARY PUBLIC
My commission expires: 1/6/2020

TENANT:

ARGENTUM SKY LLC, a Utah limited liability company

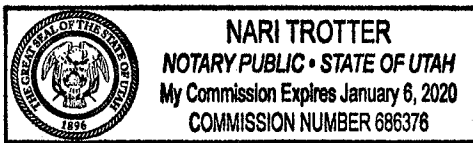
By: [Signature]
Kenneth Abdalla, Manager

STATE OF UTAH)

COUNTY OF Utah : ss.

The foregoing instrument was acknowledged before me this 20th day of January, 2019 by Kenneth Abdalla, Manager of **ARGENTUM SKY LLC**, a Utah limited liability company on behalf of such limited liability company.

SEAL



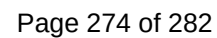
[Signature]
NOTARY PUBLIC
My commission expires: 1/6/2020

EXHIBIT A

PROPERTY DESCRIPTION

Commercial Unit Limited Common Facilities appurtenant to the Easy Street Brasserie Building (LB-1), contained within the UNION SQUARE CONDOMINIUM, FIRST AMENDED, a Utah Condominium Project, as the same is identified in the Condominium Plat recorded April 12, 2006 as Entry No. 774532 and the First Amended Condominium Plat recorded August 3, 2009 as Entry No. 879382 and in the Declaration of Condominium for Union Square recorded April 12, 2006 as Entry No. 774533 in Book 1784 at page 195; the First Amendment to Declaration of Condominium for Union Square, recorded November 29, 2007 as Entry No. 831584 in Book 1901 at page 1612; the Second Amendment to Declaration of Condominium for Union Square recorded April 29, 2008 as Entry No. 843247 in Book 1927 at page 218; the Third Amendment to Declaration of Condominium for Union Square recorded August 3, 2009 as Entry No. 879383 in Book 1996 at page 252; Fourth Amendment to Declaration of Condominium for Union Square recorded July 22, 2011 as Entry No. 926808 in Book 2088 at page 1744; and Amended and Restated Declaration of Condominium for Union Square, recorded May 1, 2018 as Entry No. 1090691 in Book 2460 at page 178, (as said Declaration may have heretofore been amended or supplemented), records of Summit County, Utah.

LICENSED PREMISES DEPICTION



process and is not consistent with the land management and planning principles on this parcel. Commissioner Erickson stated that he understood the need for height and agreed that some height is allowable, but using these two criteria to allow 62 feet on this building is overstated, and he could not support the height at this elevation.

MOTION: Commissioner O'Hara made a motion to APPROVE the master planned development and conditional use permit for the Union Square and Heber Avenue project according to the findings of fact, conclusions of law, and conditions of approval outlined in the staff report, including Condition 14 as requested by Director Putt. Commissioner Powers seconded the motion.

Commissioner O'Hara clarified that Condition 3 should include that the applicant presented a model as part of the detailed plans.

VOTE: The motion passed by a vote of 4 to 2, with Commissioners O'Hara, Powers, Thomas, and Volkman voting in favor of the motion and Commissioners Erickson and Zimney voting against the motion.

Findings of Fact - Union Square

1. The Union Square project is located at 201 Heber Avenue and is within the Historic Recreation Commercial (HRC) and Historic Commercial Business (HCB) Zoning Districts.
2. The expressed purposes of the HRC and HCB Districts as set forth in the Land Management Code include:
 - encouraging pedestrian-oriented, pedestrian-scaled development.
 - minimizing the visual aspects of automobiles and parking.
 - preserving and enhancing landscaping and public spaces adjacent to streets and thoroughfares.
 - providing moderate density bed base at the town lift.
 - encouraging the preservation and rehabilitation of historic buildings.

3. The project site is an infill parcel within HRC and HCB Districts.
4. The property is located within a federally designated Flood Zone.
5. Adjacent land uses include residential, retail and restaurant commercial, office, and resort-related bed base near the Town Lift development.
6. The project site includes three (3) historic buildings - The Union Pacific Depot (Zoom restaurant), Utah Coal and Lumber building (Easy Street Restaurant), and the "Tack" building (Loyola Design Building).
7. The applicant has submitted a Master Planned Development application to construct a 23-unit Multi-Unit Dwelling development to be operated as a hotel known as Union Square and a new kitchen addition to the north end of the Zoom Restaurant. The size of the Union Square Building as submitted by the applicant is 71,104 square feet (not including under-building parking garage area). The overall square footage for the 1.17-acre property as submitted by the applicant is 85,524 square feet. Unit sizes range from 1,266 square feet to 2,788 square feet. Each unit is proposed to include no more than one (1) Lock-Out unit.
8. The maximum potential development square footage for the subject property based on base zone Building Height and Setbacks is approximately 162,000 square feet. The proposed project density is approximately 53% of the maximum potential density for the property.
9. The parking requirement for the project is 46 spaces. The project includes 46 spaces in an under-building/underground parking garage. No tandem spaces are proposed as part of the parking plan. The parking is intended for use by guests and patrons of the development. No fee is intended for the use of said parking.
10. Access to the parking garage is by way of a 20-foot-wide private driveway on the east side of the property via Heber Avenue.
11. The project plan includes redevelopment of the Easy Street pedestrian walkway, which includes enhanced landscaping and public gathering spaces. The project plan also includes a courtyard east of the Easy Street pedestrian walkway which includes enhanced landscaping and public gathering spaces. The project plan also includes a

courtyard east of the Easy Street Restaurant along Heber Avenue. All exterior lighting shall conform to the Park City Lighting Ordinance.

12. The Land Management Code minimum open space requirement for the proposed development is 30% of the site area. A total of 20,396 square feet of the 1.17-acre property (40%) is proposed as open space. Said areas include pedestrian plazas, courtyards, and gathering spaces.
13. The zone height in the HRC zone is 32 feet from existing grade plus an additional 5 feet pitched roofs (37 feet total). The zone height in the HCB zone is 45 feet from existing grade, plus 5 feet for pitched roof (50 feet total).
14. The applicant has requested that the Planning Commission permit additional height for the project pursuant to Section 15-6-5(F) of the Land Management Code. The applicant has proposed a maximum building height of 62.5 feet. Said building height exception of 62.5 feet is specifically limited to a proposed staircase and elevator penthouse.
15. The proposed building design includes 4 primary roof planes ranging in building height above existing grade in the following approximate steps – 12-17 feet, 35-37 feet, 53-55 feet, and 59-62 feet. Roof planes which exceed base zone height for the HRC and HCB Districts have been reviewed by the Planning Commission for a height exception pursuant to Section 15-6-5(F) of the Land Management Code. Said building height exceptions are specifically limited to the proposed roof planes approved by the Planning Commission on November 10, 2004.
16. The distance between the portion of the proposed building mass which exceeds base zone height and adjacent/neighboring structures is approximately as follows: 8 feet from the Aquacade; 25 feet from Poison Creek Mercantile; 50 feet to the closest Summit Watch building; and 65 from the Gateway Building.
17. A sun/shadow study has been conducted by the applicant and reviewed by the Planning Commission. The impacts on adjacent properties (including the aquacade) were determined to be minimal during the spring, summer, and fall seasons. The sun/shadow study indicated that the proposed building will cast shadowing on the Aquacade during the December/winter period. The Planning Commission determined

that, due to the Aquacade's close proximity to the property line, it is likely that a structure limited to base zone height would result in a shadowing impact on the pool area during the winter months.

18. Historic District Guideline No. 22 states, "Buildings vary in height on Main Street, which is an especially important characteristic. The normal range is between 1-2 stories for historic structures, although buildings existed that were taller." Guideline No. 22 goes on to suggest, "Achieving variety in building heights by creating setbacks in the facade, by stepping back upper stories, and by building decks and balconies, when appropriate for the design."
19. As proposed, the largest bulk of the building has been placed to the center of the site. The applicant's plan orients the taller building mass away from the Poison Creek Mercantile and Gateway buildings. The larger portions of the building mass have also been shifted away from the Easy Street walkway. The project design includes shifts in the upper stories as well as incorporation of decks and balconies.
20. The Land Management Code, Section 15.6-6(C) requires a minimum 25-foot setback around the exterior boundary of a master planned development for property larger than (1) acre. Pursuant to the Land Management Code, the Planning Commission may decrease the 25-foot MPD perimeter setback requirement to the underlying zone setbacks if it is necessary to provide desired architectural interest and variation. The Planning Commission reviewed the proposed setbacks at the October 13, 2004, meeting and determined that a 25-foot perimeter setback in the commercial core of the historic Main Street area would result in an atypical historic Main Street area building setback/streetscape pattern.
21. The required and proposed project setbacks are as follows:

	<u>Required</u>	<u>Proposed (min).</u>
Front (Heber Avenue)	10 feet	33 feet
Front (Lower Main St.--HCB	0 feet	20 feet
Rear (Summit Watch--HCB)	0 feet	2 feet
Side (Poison Creek)	5 feet	20 feet

22. Staging construction in Old Town and within the Main Street/Heber Avenue neighborhood is difficult due to limited site area, parking, and vehicular and pedestrian traffic.
23. The affordable housing requirement for the 23-unit Multi-Dwelling Unit project is 3.45 units. An affordable housing unit equivalent is 800 square feet.
24. Planning Commission public hearings and/or work session discussions were held on May 26, June 9, June 23, July 14, August 11, October 13, and November 10, 2004.

Conclusions of Law - Union Square

1. The MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6 - Master Planned Developments, Section 15-6-5 and Section 15-1.10, review criteria for Conditional Use Permits.
2. The MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
5. The MPD, as conditioned, is compatible in use, scale, and mass with adjacent properties, and promotes neighborhood compatibility.
6. The MPD provides amenities to the community so that there is no net loss of community amenities.
7. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the application was filed.
8. The MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible.
9. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing pedestrian connections.
10. The MPD has been noticed and public hearings held in accordance with the LMC.
11. The MPD promotes historic preservation by restoring and adapting for appropriate re-use three historic buildings.

12. 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.
13. The proposed uses of the Conditional Use Permit are compatible with surrounding structures in use, scale and mass, and circulation.
14. The proposed uses of the Conditional Use Permit are consistent with the Park City General Plan.
15. The proposed uses are consistent with the purpose statements of the HRC and HCB zoning districts.
16. Any effects of difference in use or scale of the Conditional Use Permit have been mitigated through careful planning and conditions of approval.

Conditions of Approval - Union Square

1. All standard conditions of approval shall apply (Exhibit I).
2. A Historic District Design Review approval for the project is a condition precedent to the issuance of any building permits.
3. The Historic District Review application shall be in substantial compliance with all plan details approved by the Planning Commission, including the model presented by the developer as part of the detailed plans.
4. Pursuant to Land Management Code Section 15-6-3(l), any modification to the Master Planned Development which constitutes a change in concept, density, unit type or configuration of any portion of the MPD will justify a review of the entire MPD and Development Agreement.
5. A Development Agreement for the Master Planned Development shall be ratified by the Planning Commission, signed by the City Council, and recorded with Summit County within six (6) months of Planning Commission Final Action. Recordation of said Development Agreement is a condition precedent to the issuance of any building permits.

6. Approval of an affordable housing plan for 3.45 units (with an affordable housing unit equivalent rate of 800 square feet per unit) by the Park City Housing Authority is a condition precedent to the issuance of any building permits.
7. A final landscape and lighting plan, including improvements related to the Easy Street walkway, shall be submitted for Planning Department review and approval prior to the issuance of any building permits.
8. A final utility plan shall be submitted to the City Engineer for review and approval prior to any building permits.
9. A construction mitigation plan shall be submitted to the Planning, Building, and Engineering Departments for review and approval prior to the issuance of any building permits.
10. The building plan application for the project shall include a topographic survey prepared by a civil engineer licensed to work in the state of Utah verifying that the project complies with the Building Heights approved by the Planning Commission.
11. The approved height exceptions do not generally apply to the entire structure. The approved height exceptions are limited to the specific roof areas and roof planes as set forth on the plans approved by the Planning Commission on November 10, 2004, and officially stamped as such by the Planning Department.
12. A master sign plan for the Master Planned Development area shall be submitted to the Planning Department for review and approval prior to the issuance of any building permits.
13. The Master Planned Development shall expire within two (2) years of the date of the execution of the Development agreement unless Construction, as defined by the International Code of Building Officials, has commenced.
14. Prior to the issuance of a building permit, a plat amendment for the property would need to be approved by the City and recorded.

The Park City Planning Commission meeting adjourned at 7:05 p.m.

Approved by Planning Commission _____