PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
February 12, 2015

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 12, 2015.

Closed Session
2:30pm To discuss Property, Personnel and Litigation

Work Session
4:05pm Council Questions and Comments and Manager's Report
4:20pm Bike Racks Discussion PG 3
5:00pm Meeting Management Software update *- no staff report needed*
5:15pm 2015 Legislative Update *- no staff report needed*
5:30pm Courchevel Recap Presentation PG 20
5:55pm Break

Regular Meeting
6:00 pm

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III. PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*

IV. CONSIDERATION OF MINUTES FROM THE JANUARY 15, 2015 CITY COUNCIL MEETING AND THE JANUARY 20, 2015 SPECIAL CITY COUNCIL MEETING PG 21

V. NEW BUSINESS

1. Consideration of an Plat Amendment for 74 & 80 Daly Avenue Subdivision pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney
   (a) Public Hearing
   (b) MOTION TO CONTINUE TO MARCH 5, 2015

2. Consideration of an Plat Amendment for 936 Empire Avenue Subdivision pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney PG 30

(a) Public Hearing
(b) Action

3. Consideration of an Plat Amendment for 9100 Marsac Avenue the Montage Deer Valley pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney PG 46
   (a) Public Hearing
   (b) Action

VI. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m. Posted: 02/09/2015 See: www.parkcity.org

City Council
Staff Report

Subject:	**City-Wide Bike Rack Update**
Author:	**Heinrich Deters; Trails and Open Space Program Manager**
Department:	**Sustainability**
Date:	**February 12, 2014**
Type of Item:	**Work Session**

Summary Recommendations:
City Council should provide direction for the following level of service items pertaining to the bicycle parking program:

1. Direct Sustainability and Planning staff to review and possibly amend the current Land Management Code Title 15 Chapter 3-9 to provide for additional bike parking requirements for new developments.
2. Affirm support of the staff recommended number of bicycle racks planned as part of the library renovation project (four).
3. Approve placing at minimum eight (8) seasonal (summer) bicycle racks on Main Street, adjacent to dining decks.
4. Approve placing at minimum two (2) bicycle storage lockers at the Old Town Transit Facility.
5. Direct Staff to include a bicycle parking requirement, as a component for Master Festival License (MFL) events.

Topic/Description:
City Services/Alternative Transportation Goals

Acronyms in this Report

APBP	Association of Pedestrian and Bicycle Professionals
BFC	Bicycle Friendly Community
HPCA	Historic Park City Alliance
IMBA	International Mountain Bicycling Association
LEED	Leadership in Energy Environmental Design (US Green Building Council)
LMC	Land Management Code
MFL	Master Festival License
PCPD	Park City Police Department
PCMC	Park City Municipal Corporation
SS	Sustainable Sites (a LEED certification category)
TRAX	Transit Express (Salt Lake light rail system)
UTA	Utah Transit Authority

Background:
One of City Council top goals includes '*maintaining a world-class multi-seasonal resort destination'* and, within that goal, the specific desired outcome of creating a safe community that is walk-able and bike-able.

Trails Master Plan
Since the early 1990's, City Council has continued to fund the Trails Master Plan which sets policy direction associated with trails and trail related amenities, in addition to, identifying walking and biking infrastructure, goals, programs, maintenance and associated levels of service.

One outcome of these efforts was a two-year (2008/2009), implementation program to update and enhance bicycle parking at public facilities. The program focused on creating artistic and functional infrastructure, which users could easily identify, as well as, maintaining an inventory consisting of new locations and indoor or covered opportunities. In total, forty nine (49) bicycle racks were installed at various public facilities, including:

- Transit Center
- City Park
- Skate Park
- Library
- China Bridge
- MARC

**Full list/details (Exhibit A)*

Parks and Sustainability staff procured a vendor and selected a model, the DERO bike/bike rack, pictured below.

Capital expenditures, excluding installation, staffing and shipping costs, were just under $20,000 for the 49 bike racks. The Trails Master Plan budget, funded with general fund dollars through the capital budget process, was utilized for the project funding.

Each existing bike rack provides, level II security parking (ability to lock the frame of the bike and wheels to a rack) for two users as well as the ability for the bike to remain upright without falling over. In total, the program created parking for ninety eight **(98)** users.

Staff finds that after the implementation of the 2008/2009 program, which addressed the 'low hanging fruit' projects, does provide appropriate levels of bicycle parking as a municipal service. In this report, staff recommends additional ways in which Park City might raise the existing level of service, targeting specific areas and goals if funded, coordinated amongst community stakeholders and staffed appropriately.

Transportation Master Plan
On January 8, 2015, Council and Transportation Planning staff discussed Transportation Master Plan goals with the aim of addressing the growing vehicle congestion issues within City Limits. Council discussed accelerated goals in which the City could strive towards and thus provide a higher level of service for alternative transportation modes such as the bicycle. While bicycle parking is not explicitly mentioned, several goals identified in the report, consider facility improvements for the overall transportation network, so as to 'balance modal use' (transit, bikes/pedestrians and high occupancy vehicles).

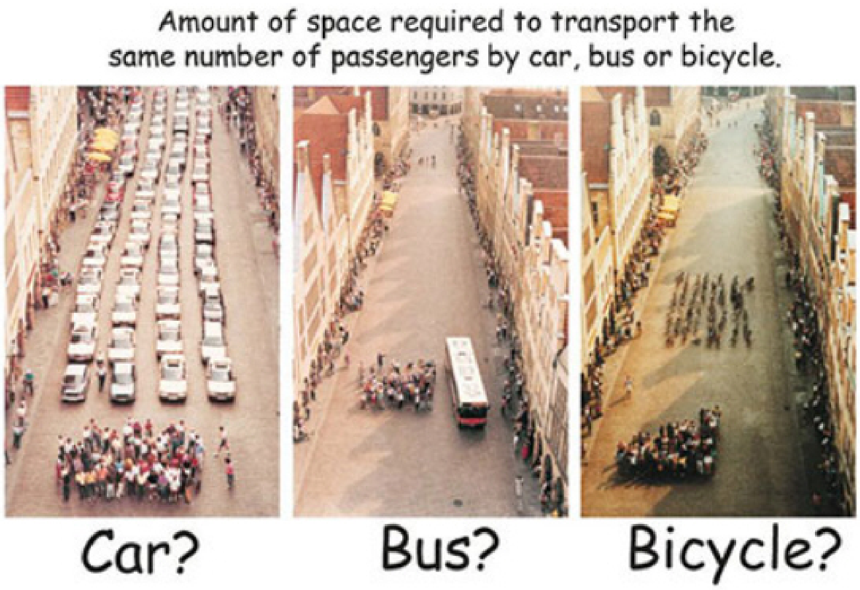
National Standards and Accolades
Park City has received several accolades associated with their trails and bicycle support infrastructure. One notable accolade is the *Silver Level Bicycle Friendly Community (BFC) Award (2012*). The award recognizes bicycle parking as an important component to the level of service provided. Park City will apply for 'Gold Level' Certification in 2016.

Additionally, in 2011 the International Mountain Bicycling Association (IMBA) has named Park City a gold-level Ride Center, the association's highest honor. Park City remains the only gold-level Ride Center in the world.

LEED Certification
Although City Council has never officially adopted a policy pertaining to requiring LEED certification for new buildings, green building practices are encouraged by City Council. Significantly increasing bike rack inventory at a facility can make an additional LEED point attainable.

Why would Council want to provide additional Bicycle Parking Amenities?
Council has identified the growing vehicle congestion concerns as a high priority to address. Adoption of the General Plan and the development of the Transportation

Master Plan goals and objectives are just two policy documents that recognize the importance of promoting alternative transportation. The lack of secure and efficient bicycle parking can be a fundamental reason which dissuades commuters from utilizing a bicycle as their mode of transportation to and from work. Leaving a bike unattended and unsecured, even for a short period, may result in theft and/or damage. Bicycle parking that is inconvenient or unreliable makes for a frustrating experience and may negate future alternative transportation choices.



For a bicycle parking program to be successful, it needs to be funded, staffed and based on goal-oriented criteria/guidelines per the appropriate location of the infrastructure. Additionally, a program is dependent on the user. Thus, education and outreach of appropriate bicycle parking locations and proper etiquette associated should be easily accessible via numerous mediums, including websites, maps and social media.

Bicycle Friendly Community Award

As noted previously in this report, staff will apply for the 'Gold Level' (BFC) award later this year. BFC provides each community a 'Review and Feedback report' which provides suggestions for attaining the next level of recognition, should a community reapply. The Park City report noted improvements made to specific bike related policies/ordinances, the installation of end-of-trip amenities such as changing rooms and showers, as well as outreach, education and coordination with local businesses, will allow Park City to achieve a higher level of national recognition by the League of American Bicyclists.

- Increase the amount of secure bicycle parking at popular destinations such as transit stops, schools, recreation and entertainment facilities, retail and office clusters and churches throughout the community. More and more communities also ensure that multi-family residential developments provide secure and covered bike parking. Ensure that the standards for bike parking conform to APBP guidelines: http://www.apbp.org/resource/resmgr/publications/bicycle_parking_guidelines.pdf

- Encourage local businesses to promote cycling to the workplace and to seek recognition through the *Bicycle Friendly Business* program. Businesses will profit from a healthier, happier and more productive workforce while the community would potentially profit from some bicycle-active businesses as well: increasing the bicycle mode share, less commuter traffic, better air quality, public bike parking in prime locations provided by businesses, new and powerful partners in advocating for bike infrastructure and programs on the local, state and federal level, and public bike events, skills and maintenance classes hosted or sponsored by businesses. The city should be the model employer for the rest of the community. For more information about the free program please visit http://www.bikeleague.org/programs/bicyclefriendlyamerica/bicyclefriendlybusiness/.

LEED Credits for Bicycle Parking

City Council's Green Building resolution requires that all new City buildings and major renovations be designed to meet Energy Star certification and requires that these projects meet the requirements of LEED Certified; however, it does not require the City to pursue certification. Lastly the policy allows for an additional 4% funding for enhanced green elements through the project budget. LEED scoring, specific to bicycle parking and amenities are applied to the Sustainable Sites (SS) category and qualify under SS Credit 4.2: Alternative Transportation: *Bicycle Changing and Storage Rooms for 1-2 points:*

> LEED Requirements
> To qualify for this credit, buildings that are commercial, residential and/or institutional must provide secure bicycle parking within 200 yards of an entrance to the building.
>
> The guidelines below must be met or exceeded:
> • Commercial/Institutional Buildings: Bike racks must be provided for 5% or more of all building occupants measured during peak use. Showering facilities must also be provided in order to qualify.
> • Residential Buildings: There must be covered facilities for bike racks/storage for 15% of the occupants. Showering facilities are not required.
>
> Potential Additional Point for Exemplary Performance
> One innovation point for "exemplary performance in alternative transportation" can be obtained by creating a complete alternative transportation plan for occupants within the building that will result in a verifiable decrease in single occupancy vehicles. Examples include alternative transportations such as biking and walking, public transit options, carpooling and telecommuting.

Economic Impact of Bicycling

Over the past decade, Park City has seen a steady growth in summer tourism and the economic benefits associated. Bicycling, whether on the road, trails, to an event or just to Main Street is a warm weather symbol of that Park City lifestyle, which holds an allure for sustainably-minded visitors. Staff has provided a link to a recent economic impact study performed in conjunction with the League of American Bicyclists, which outlines several aspects, including infrastructure (such as bicycle parking), health benefits, tourism and positive attributes to businesses.

League of American Bicyclist: Bicycling Means Business

How to Provide Bicycle Parking

Bicycle Parking Considerations/Guidelines

The Association of Pedestrian and Bicycle Professionals (APBP) has provided several criteria used in siting racks and are specific to the following concerns:

-Determine target user (all day commuter/short-term stop)
-Providing for an ample, secure and reliable facilities that are easily recognized by user
-Providing for an efficient and convenient location in close proximity to user destination(s) (preferably within 50' of destination)
-Maintaining adequate clear areas from curb ramps and crosswalks, street furniture, driveways, parked cars and pedestrian movements consistent with accepted national policies and standards
-Cognizant of seasonal maintenance objectives, including sweeping and/or snow removal and replacement.
-Be creative

Examples of poor bicycle parking

Analysis of Staff recommendations:

1. ***Direct Sustainability and Planning staff to review and possibly propose amendments to the current Land Management Code Title 15 Chapter 3-9 to provide for additional bike parking requirements for new developments.***

Chapter 3 of the Land Management Code (below) provides requirements associated with bicycle parking, as well as, specific criteria associated with implementation, including security, lighting and compatibility with adjacent architecture or street furniture for new developments.

Planning and Sustainability staff finds that the current code is specific to short-term, outdoor parking but does not consider the long-term (commuter) user who may prefer an indoor or enclosed facility, as well as support amenities such as showers and lockers.

By directing staff to return with updated code language, the City may reach higher levels of recognition in the Bicycle Friendly Community application process and promote policy goals through the regulation of new residential and commercial development as well as accelerate goals and objectives identified in the Transportation Master Plan.

Currently, Planning staff has not prioritized the update of this section of the LMC; however, if Council provides direction, Planning and Sustainability staff will return with possible amendments within six months. Staff recommends Council approve this direction.

15-3 -9. BICYCLE PARKING REQUIREMENTS*.*

(A) New construction of, and additions to existing commercial or industrial Structures or Multi-Unit Dwellings must provide at least three (3) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles.

(B) For Developments generating a parking demand of greater than fifteen (15) bicycle Parking Spaces, the number and location of bike racks and storage shall be determined by the Planning Department, based on the land Use and Site specific criteria such as Site design, parking layout, location of entrances, and proximity to public transit.

*(C) **EXCEPTION**. These standards shall not apply to existing Structures that have been built with zero Setbacks or when such facilities would negatively impact Access, circulation, or snow removal.*

(D) Bicycle spaces must accommodate bicycle storage medium security racks, in which both the bicycle frame and the wheels may be locked by the user. The spaces must be designed to prevent damage to the bicycle and to facilitate easy and secure storage without interference from or to adjacent bicycles. Bicycle racks or lockers must be anchored and be of solid construction, resistant to rust, corrosion, hammers and saws.

(E) Bicycle spaces must be Compatible in design and function with the surrounding Buildings and with surrounding Street furniture.

(F) Such facilities must be located in convenient, highly-visible, active, well-lighted Areas but shall not interfere with pedestrian movements and snow storage.

(Amended by Ord. No. 06-22)

Creative Examples of Bicycle Parking

2. ***Affirm support for installation of four (4) bicycle racks as part of the library renovation project.***

A public facility should provide ample, convenient and secure bicycle parking. The current plan calls for the installation of four (4) racks, which will provide parking for eight (8) bikes. Each approved bike rack costs approximately $500, which includes unit cost, freight, contractor mark-up and installation. This is included in the current budget. An image has been provided below.

Library Bike Rack Design

If Council would like to 'possibly' attain an additional LEED point for the facility, they would need to provide an additional eight (8) racks for at minimum twenty four (24) bikes. This additional level of service would cost an additional $4000. Should Council provide direction, funding could come from the Lower Park RDA budget or the Trails Master Plan (TMP). Staff recommends use of the TMP because it has historically been used to increase the level of service for bike related programs.

LEED Certification

Staff will not know the final status of the LEED certification for several months (after final completion). Without this determination, the 'bicycle parking' value specific to the certification is unknown. <u>Council could consider postponing any decision until LEED status is confirmed.</u>

Location/Use

Staff finds that an additional 8 racks could be placed in a location adjacent to other entry points into the facility at minimal impacts to landscaping. The main question is, would they be utilized or are the currently proposed number of racks sufficient?

Staff recommends maintaining the currently proposed number of bike racks at four (4) and evaluating the use numbers/trends, while also finalizing the impact the racks may make on the LEED certification standard. If either item proves beneficial for the overall facility status/level of service, staff will provide an additional four (4) racks by fall of 2015.

3. ***Approve placing up to an additional eight (8) seasonal (summer) bicycle racks on Main Street, possibly adjacent to dining decks as a pilot project.***

Council may consider expanding the existing bicycle parking program into the public streetscape. Bicycle racks installed in the curbside/parking lane of a public street instead of on the sidewalk is a great solution for locations where bicycle parking demand is high and sidewalks are constrained—for example, outside of restaurants with sidewalk cafes similar to Main Street or other commercial districts. Many communities refer to this type of infrastructure as a ‘bike corral’. Below is a segment provided in the League of American Bicyclists Economic Impact Study specific to Portland, OR.

Bike Corrals

Businesses that attract people on bikes need to accommodate them. Cities like Columbia, Mo., Washington, D.C., Pittsburgh, Pa., Brooklyn, NY, and Chicago, Ill., have used space on the street to install bike parking in what are known as bike corrals. Bike Corrals provide up to 12 bicycle parking spaces in place of one car parking space. They are typically installed in front of businesses that request them.

The high demand for bike corrals by business that are willing to give up on-street car parking in return for plentiful on-street bike parking is a clear sign that businesses benefit from bicycling investments. The City of **Portland, OR,** has not been able to keep up with the demand from businesses since they launched their bike corral program in 2004. In 2011, they had 72 requests for corrals.

A study of Portland's bike corrals revealed that near-by businesses appreciate the bike corrals as a pro-business amenity. A majority of businesses responding to a survey said that bike corrals enhance the street and neighborhood identity, help promote sustainability, increase transportation options for employees and patrons, increase foot and bike traffic, increase the visibility of the businesses from the street, and improve the sidewalk environment for patrons.[xxvi]

While staff supports the bike corral concept and envisions their possible use in the future, an initial step of providing individual racks and monitoring their use is a prudent next step, due to the fact that removal of any parking can be a contentious point for businesses and may have an additional financial impact to paid parking programs. It is important to note that the Historic Park City Alliance does not support this recommendation. (Exhibit B letter)

PROS:

- Greater level of service (efficiency, convenient) in a commercial area, consistent with promoting alternative transportation modes to Main Street.
- Pedestrians benefit from the reduced clutter along increasingly-encumbered sidewalks.
- Installing on-street bike racks near intersections or driveways can also enhance sight distance for motorists—a safety enhancement for all users of the transportation network.
- Additional separation from diners/parked vehicles
- Better visibility of storefronts
- Creative street furnishing

CONS:

Implementation within the streetscape can have negative impacts including:

- Possible reduction in vehicle spots
- Possible reduction in parking fees collected
- Not supported by HPCA

OTHER CONSIDERATIONS

- Abandoned bikes (PCPD have a 72hr abandoned vehicle/bike policy for removal of possible derelict bikes, which may have a negative visual impact)

Staff recommends working with the HPCA and PCMC staff to explore the placement of up to an additional eight (8) bicycle racks on Main Street, possibly adjacent to dining decks and consistent with the season.

4. ***Approve placing at minimum two (2) bicycle storage lockers at the Old Town Transit Facility.***

As part of the Accelerated Goals and Objectives associated with the recent Transportation Master Plan, staff recommends providing two (2) bicycle storage lockers at the Old Town Transit Center. The application is consistent with the goals of a multi-modal facility and provides support infrastructure for other transit related projects, including the PC-SLC transportation program. Funding for the infrastructure will come from the Transit Fund. Specifics associated with the type of access, payment and coordination with the facilities at subsequent transportation/transit facilities such as Utah Transit Authority/TRAX will need to be determined. Below is an image of a bicycle storage locker in Salt Lake City.

Staff recommends exploring bicycle storage locker types, payment methods and coordination between the existing UTA system and implementing the amenities this summer.

5. Direct Staff to include a bicycle parking plan as a component for Master Festival License (MFL) events.

As noted previously in the report, special events drive a large portion of the economic benefits associated with summer tourism, on the flip side, many of the large events are to blame for much of the summer traffic congestion. Currently, several event promoters, including the Park City Silly Market, provide this service and have seen significant benefits to the program. With that in mind, staff recommends the following bicycle parking services for large events required to complete a Master Festival License with the City.

- As determined by Special Event Manager or designee- Requirement to provide a bicycle parking plan/area, which is free, secured and sufficiently delineated, signed appropriately, conveniently located to the venue and staffed by the event promoter.
- Size of the parking provided shall be based on proposed spectators and determined by the Special Events Manager or designee.

Staff recommends creating language and parameters associated with bicycle parking requirements for appropriate Master Festival Events and including them in the event approval process.

Department Review:
This report has been reviewed by City Manager, Sustainability, Special Events, Transportation Planning and Office of the City Attorney.

Significant Impacts:
Appropriate funding and staffing of proposed initiatives and infrastructures will need to be addressed in the upcoming budget process. Additionally, impacts to the City's paid

parking program and a reduction of parking in commercial areas, based on Council direction may occur.

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessible and world-class recreational facilities, parks and programs + Safe community that is walkable and bike-able			+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive	(Select from List)	(Select from List)	Positive
Comments:				

Funding Source:

The LMC amendments costs are only related to staff time and can be absorbed within the current budget.

The eight summer bicycle racks on Main Street can be accommodated within the budget of the other improvements currently underway for Main Street. If Council directs staff to add more than eight summer bicycle racks, a funding source for the additional racks will need to be identified.

There is not currently a funding source identified for the bicycle storage lockers. If Council wishes to pursue this recommendation, the locker request will be put through the Capital Project process, and evaluated alongside with all of the other capital project requests.

Recommendation:
Council should provide direction for the following level of service items pertaining to the bicycle parking program:

1. Direct Sustainability and Planning staff to review and possibly amend the current Land Management Code Title 15 Chapter 3-9 to provide for additional bike parking requirements for new developments.
2. Approve placing at minimum eight (8) seasonal (summer) bicycle racks on Main Street, adjacent to dining decks.

3. Approve placing at minimum two (2) bicycle storage lockers at the Old Town Transit Facility.
4. Direct Staff to include a bicycle parking requirement, as a component for Master Festival License (MFL) events.

Exhibit A
PCMC Bicycle Parking Inventory

EXISTING RACK INVENTORY			
Phase I	Number of Racks	Plow Marker	Notes
Jim Santi/Library	3	X	
Skate Park	3	X	
Softball fields	3	X	
Phase II			
Transit Center	4	X	
Terigo	2	X	
China Bridge (south)	5 outside & 2 inside	X	
Liquor Store	2	X	
Phase III			
MARC	8		*High use noted in summer
Police Station	2	X	
Golf Course	1		
Quinn's Ice Arena	2	X	
Phase IV			
Scheurr's Memorial Park	2	X	Request by Main Street Merchant
Museum	2		
Creekside Park	4	X	*included in park budget
Prospector Park	4	X	Fish racks
Total	**49**		
Existing Prior to 2008			
Miners Hospital	2		existing old style
Brew Pub Sidewalk	2		Could be upgraded

Exhibit B- Historic Park City Alliance (HPCA) Bicycle Parking Letter

The HPCA Executive Committee reviewed the request to place bicycle racks within the roadway on Main Street. The HPCA is not supportive of this idea due to concerns regarding cyclists on Main Street itself and limited to no use of the existing bicycle racks placed along Main Street and Swede Alley.

Main Street is a narrow roadway that barely is wide enough for parked vehicles and two-way traffic. Add to that the extreme slope of the street and we feel that encouraging more bicyclists to ride up Main Street is not a good idea. Most recreational cyclists and out-of-towners have difficulty riding up Main Street at any speed, let alone have the ability to move at a pace that allows them to integrate with the traffic on the street. We have concerns that promoting cycling up Main Street will lead to a negative experience for both cyclists and drivers.

The HPCA supports promotion of cycling to Main Street to enjoy its offerings, but feels that use of public parking for bicycle placement will not offset or decrease the demand for parking along Main Street and surrounding areas. There are a number of bicycle routes that lead to Main Street and the HPCA recommends identifying those intersection points and recommends placement of bicycle racks there.

-Alison

City Council

Subject: Courchevel Sister City 2015 Diplomatic Visit
Author: Matthew Dias, Assistant City Manger
Department: Executive
Date: February 12, 2015
Type of Item: Informational

Topic/Description:

Mayor Thomas, with staff support, will present a recap of the 2015 diplomatic visit to Park City's Sister City, Courchevel, France.

As you know, in November 2014 Park City Municipal received a formal invitation from the Mayor of Courchevel, France, for a diplomatic visit in 2015. In turn, Council supported an exploratory travel delegation, and directed staff to work with the Mayor and the French team to facilitate travel and itineraries. Though the primary objective was to rekindle and honor the longstanding relationship between the two municipalities as well as existing relationship of the school systems and students, Mayor Thomas expanded the delegation to include representatives from Deer Valley and Vail Resorts.

The delegation traveled successfully to Courchevel the week of January 12-24, and returned to Park City during the Sundance Film Festival. This prevented an opportunity for an earlier update to City Council.

The presentation will highlight many community and municipal aspects of Courchevel. It will also showcase some alternative strategies that the French deploy to help facilitate their unique transportation, housing, and economic development and tourism systems. In addition, the presentation will include insights into the resorts themselves, their operations and land use practices, and public private partnerships.

To date, the Mayor has intentionally not extended an invitation for a return visit from the French delegation to Park City. This will be a topic for discussion and consideration before City Council prior to any action being taken.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
January 15, 2015

Closed Session
To discuss Property, Personnel and Litigation

Work Session
Council Questions and Comments and Manager's Report
Council member Beerman hosted a Mountain Accord meeting. Stated that he has received an invitation from Mountain Accord for a few Council members and maybe a staff member to attend a field trip to Switzerland paid mostly or entirely by Mountain Accord. Council member Simpson voiced her interest in going as well as Council member Peek. Council member Simpson stated that she would be in favor of sending a staff member even if the City has to fund it.

Council member Henney attended a Library tour and was very impressed.

Council member Matsumoto thanked staff for the extra work regarding Bonanza Park. Met with the Library board as the liaison and looks forward to the presentation tonight.

Council member Peek also toured the Library and was very pleased. Enjoyed the Bonanza Park Special Meeting especially enjoying the public comment portion.

Council member Simpson appreciated the public turn out and staff's hard work for the Bonanza Park Special meeting. She also thanked the public who was willing to walk around in the snow with Council.

Mayor Thomas was very pleased with the library tour and feels it will be an amazing facility for the community and embraces old and new. Also enjoyed the Bonanza Park meeting.

Council member Henney thanked staff for getting the restrooms for Sundance ready so quickly for this year's festival. Also congratulated Matt Abbot for being a Georgetown Energy Prize finalist.

Golf Food and Beverage Concession Update
Vaughn Robinson and Denise Carrey stated that they were here to share in a celebration of the Golf food and beverage cart grossing over $21,000. Carrey stated that it was a great experience where they supported the local business and increased customer service.

Library donor and naming discussion
Jonathan Weidenhamer walked Council through three sections for discussion tonight including: naming, Staff's suggestion was the "Park City Library Center". Alison Butz stated that this was discussed during the Library Board meeting and it was felt that if the name needed to be longer than "The Library" then they would be in favor of a task force to get suggestions. Mayor Thomas and Council were all in favor of dropping "center" naming it "The Park City Library".

Weidenhamer stated he would be returning to Council with a refined policy and parameters for naming City assets. Council agreed. Weidenhamer stated that staff would also like to keep the naming of the rooms to a Council choice and have donor plaques outside the rooms, Council also agreed. Weidenhamer discussed the donor opportunities to include plaques outside the rooms, the mosaic wall. Council member Simpson inquired who would approve the plaques outside the rooms. Council member Beerman inquired what the fundraising money would be raised towards. Suzette Robarge, President of the Library Foundation, stated that they would be using the current funding to proceed with the mosaic wall as well as other programs that will benefit the library. Weidenhamer stated that the authority would remain with the Council to decide what projects they would fund. Council member Matsumoto stated that the Board had a great discussion regarding the former donation pieces feeling that bringing the names forward was important but it becomes more difficult to move items forward with remodels. Council member Simpson stated that her understanding was that these items would be incorporated in the new library to keep the history of the past. Mayor Thomas agreed that it is very important to preserve these items. Council member Beerman and Henney agreed.

Weidenhamer spoke to the budget and scope update asking the Council if they are comfortable with adding additional funds to the budget to fund these additional projects including a “pool noodle” ceiling in the digital media center, discussed the children’s nook, the teen area and a fireplace in the adult center. Stated that the cozy nook in the children’s area is not meeting the expectations of a, warm and fuzzy, learning area for the children. Weidenhamer outlined other areas that need to be looked at to include the landscaping and pedestrian experience. Council member Matsumoto thanked Weidenhamer for looking for other funding options outside of the library funds. Also, thanked Weidenhamer for the hard work and would like to see the funding come from the RDA. Council member Henney stated that he is against the fireplace feeling that it goes against the Gerogetown Energy Prize, Council member Simpson agrees whole heartedly. Council member Peek is in favor of the RDA paying for the budgeted items outlined by staff. Council member Beerman stated that he is disappointed that staff has not been able to come in at the extended budget, however; thanked Weidenhamer and staff for the hard work on trying to keep the project close to the budget.

Mayor Thomas stated that he agrees with Council members Henney, Simpson, and Peek regarding the fireplace and feels that there could be another item that would creating a gather space. Feels that this is a great project and they are getting their money’s worth.

Council member Henney feels that pool noodles, skate/snow board wall would be excellent opportunities for fundraising but feels that the coffee bar and children’s area are essentials. Council member Simpson would be in favor of paying for the items up front and then have a naming/fundraising option later. Council member Matsumoto does not want to fundraise for these items. Council member Simpson and Peek agreed. Staff will remove the fireplace from the design and fund the rest of the items with RDA funds.

<u>Transit App demonstration</u>
Darren Davis, Transit, spoke to the new transit app highlighting all the great features of the app. Davis stated that staff is on the verge of pushing the marketing into the public before Sundance. Staff wants to enhance the rider’s experience. In 2012, staff worked on Google Trip planner and was a milestone with transit. In 2013, staff presented the backend of the AVL project for manager’s to track the timeliness of the drivers. Davis stated that they are now new user tools to help all the demographic users to enhance the experience. Thanked the IT department for all the help with the app. Previewed the call and text options for the Council. Council member Beerman stated thanked staff for all the options but would like to see the digital boards roll out at more of the stops for ease of use. Council discussed enhancing the message boards to include the resort names for the ease of the tourists. Unveiled the new bus stop addition that includes a QR code. Destry Pollard, Transit, discussed the stop id numbers stating that they can grow with stops and routes. Council member Simpson stated that she is very pleased with all the enhancements. Council member Peek stated that he has also used the new technology and

thinks it is great. Davis passed out some of the marketing items that they are rolling out. Simpson suggested staff do a YouTube video to be posted on the website.

Regular Meeting

I. ROLL CALL- Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 15, 2015. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Marci Heil, City Recorder; Rebecca Gillis, Finance; Shelly Hatch, Finance; Chad Root, Chief Building Official; Michelle Downard, Building.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III. PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*

There were no public input comments.

IV. CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)*

1. Consideration of the local consent of the Convention Sales License for Sundance
2. Consideration of authorization to execute a $100,000.00 transit planning financial assistance contract with the State of Utah
3. Consideration of a contract authorizing a professional services agreement with ABM Parking Services in an amount not to exceed $46, 374.00
4. Consideration of approval of the Real Estate Purchase Contract for Summit County parcel number SS-65-A with Hillcrest Investment Company LLC. in the amount of one hundred eighty seven thousand ($187,000)

Council member Simpson moved to approve the consent agenda
Council member Peek seconded
Approved unanimously

I. NEW BUSINESS

1. Consideration of scheduling a Special Meeting to approve Type 2 Convention Sales Licenses (CSL) that missed the deadline

Rebecca Gillis and Shelly Hatch, Finance, and Chad Root, Chief Building Official, spoke to the changes made to the title 4 code with the contingency for those latecomers. Root stated that staff has been working on pre-inspections since 6:30am and is still in the field. Council member Simpson inquired why there are so many late comers this year. Council member Peek stated he feels it is because the economy is back. Root agreed. Council member Simpson feels that they should have a special meeting this year but would like to address this problem before next year. Mayor Thomas inquired if this is feasible on a staffing level to approve this many latecomers. Root stated that he would not like to over burden staff but they would get them completed following Council's direction. Council member Peek inquired if there is a health/safety issue. Council member Peek inquired if the Council's hands are tied on this issue. Harrington stated that they should hold a meeting but it will not be a guaranteed approval, applicants must meet the guidelines. Beerman sympathized with staff stating that it is the nature of the chaos of the week and feels that this is critical money for the small businesses. He would be comfortable reviewing these as a first come first serve basis and would have a sudden death for the applicants to be ready at the first inspection. Beerman inquired if this could be delegated to the City Manager for final approval. Harrington stated at this point they could not delegate. Michelle Downard, Building, stated that the 25 current applications have been pre inspected but they still have 45 applications that are still incomplete. Matsumoto stated she feels that they need to be flexible and feels that Sundance will always be a challenge for this department.

Mayor Thomas opened the item for public comment.

Meredith Parsons stated that as a business that depends on the Sundance income this approval is very important. Stating Sundance is a moving target and would appreciate whatever consideration the Council could offer.

Brian House, thanked Kurt for dropping by at 7 am on Tuesday morning. He stated that he had a deal in the works that dropped through and then came back up in a matter of a week. As previously stated Sundance is a moving target. He too would appreciate the Council's consideration.

Alison Butz spoke for the HPCA encouraging Council to hold a special meeting

Mike Sweeny stated that staff has worked extremely hard to get this through this event. His goal is to allow everyone to experience Sundance. Feels the bottleneck lies in the pre-inspection process and would like the Council to consider that in the future. Stated that he helped Brian get the middle man out of the way so that he could be paid and wanted to let Council know that staff goes beyond the extra mile. He discussed the liquor license aspect of this process stating that it he does not get a liquor license he will not get the funding that will keep his business afloat through the lean times.

Council member Simpson felt that she is very frustrated with the late applications because early in October when this changed it gave the businesses the opportunity to get the pre-inspection done 3 months early. She clarified that any business even dreaming of one day possibly holding a Sundance event should get the free pre-inspection done.

Council member Matsumoto inquired of Harrington how they can help get the liquor license approved this time.

Harrington stated that they would need to hold a special meeting to schedule a special meeting.

Council member Matsumoto encouraged Council and staff to try to figure this out. Council member Henney agreed that with this being a community business it would be great to make it happen. Council members Beerman and Simpson agreed. Council member Henney feels that it is very important to frame this with the fact that the Building department does not have any down time before or after Sundance.

Mayor Thomas stated that he feels it is a life/safety issue and trusts staff to handle that responsibility. He feels that at some point in the future the deadline needs to be firm.

Council member Simpson stated that she understands the stress that the Building department is under and would be in favor of giving staff guidelines to triage the list. Harrington interjected that staff will do everything possible to treat all the applicants the same and once Council gives direction staff will move heaven and earth to get those things done. Stated that he can create an ordinance to be creative and Council needs to draw the line. Council member Simpson stated that she just wanted to know when the plug should be pulled. Council continued to discuss if the parameters of the special meeting. Council member Simpson would like to have staff inform Council at the special meeting where each applicant is in the inspection process. Council member Beerman feels that method will put more hardship on the building department than the applicant. Council member Beerman clarified the process for those who do not pass the initial inspection. Root stated that staff does everything they can and the applicants need to be prepared.

Council member Peek moved to hold the meeting on Jan 20th at 8:00am to hear any application that had the pre-inspection complete and the application in by 9:00am on Friday, January 16, 2015.
Council member Henney seconded
Approved unanimously

Matsumoto inquired if the Council was in favor of adding a special, special meeting to discuss the late liquor license applications.

Council agreed that they would be willing to hold a special, special meeting.

Harrington stated that they would have to amend the ordinance to remove the hard coded deadline. Council member Simpson was not in favor of an ordinance change. Harrington stated that this code has worked and the rush has been spread out. Mayor Thomas feels that a deadline is a deadline and doesn't seem fair. Council member Beerman feels very conflicted on this and in full disclosure was opposed to the deadline in the beginning but the deadline is in place and should be honored. Council member Matsumoto stated that she is also conflicted; she wants to help the local businesses. The Council did not agree to place the item on the special meeting agenda.

V. ADJOURNMENT

Council member Peek moved to adjourn the meeting.
Council member Simpson seconded
Approved unanimously

PARK CITY COUNCIL SPECIAL MEETING
SUMMIT COUNTY, UTAH,
January 20, 2015

Special Meeting

I. ROLL CALL-Mayor Pro Tem Dick Peek called the special meeting of the City Council to order at approximately 8 a.m. at the Marsac Municipal Building on Tuesday, January 20, 2015. Members in attendance were Dick Peek, Liza Simpson, Tim Henney and Andy Beerman. Mayor Thomas and Council member Cindy Matsumoto were excused. Staff members present were Diane Foster, City Manager; Polly Samuels McLean, Assistant City Attorney; Marci Heil, City Recorder; Rebecca Gillis, Finance; Shelly Hatch, Finance; Chad Root, Chief Building Official; Kurt Simister, Deputy Fire Marshall/Building Inspector; Michelle Downard, Deputy Building Official.

II. NEW BUSINESS

1. **Consideration of all late Type 2 Convention Sales Licenses that have completed the pre inspection and application by 9:00am on Friday, January 16, 2015.**

Council member Simpson stated that she felt that Council was clear that if the late applicants had not passed their final inspection that Council would be in favor of looking at a denial. Council member Simpson then inquired about the license application at 628 Park Ave. Downard stated that there will be one event for the first 5 days and a completely separate event the second 5 days. Council member Simpson also commented on 306 Main, stating they had quite a list of violations that should not be present in a 365 day a year building. Simister stated that with each change in applicant and floor plan change staff has to complete a new inspection and give a new occupancy permit.

McLean read from code that the floor plans have to be submitted by the time that the application is submitted and multiple applications on this list have not submitted floor plans.

Staff discussed the current process and the current code requirements. Council member Beerman clarified that Council is looking at not approving those applications that are not complete. Foster inquired if Council has approved applications without floor plans during the past meetings and if they can approve an application contingent on receiving those plans. Simister stated that staff has received 94 applications this year and the MFL's are complete but the tag on applications are severely lacking in completed applications. He pleaded the case that the life/safety is at risk and staff needs a drop dead deadline. Staff also expressed concern that there are multiple loopholes that the applicants have found.

Council member Simpson stated that even if Council has approved incomplete applications in the past that it was done in good faith that there was a significant amount of time prior to Sundance to get them submitted. Now we are two days before Sundance and have run out of time.

Downard stated that staff wants to see Sundance be a success and they try to accommodate all the applicants to make everything a success but when is the line drawn where an accident happens and puts people at risk.

Council member Simpson thanked staff for being cognizant of the brick and mortar businesses that need this to keep businesses going during the lean times.

Downard stated that as Harrington stated last week staff is looking for a red light/green light and not leave this at an administrative level.

Council member Henney agreed with Simister that this is a much larger problem and feels that Council and staff needs to look deeper at the "new reality" feels that Council is giving staff the green light to say no as well as the green light to do what is necessary to help those year round businesses.

George Reid, Building, discussed the recourse of the possibility of the denial and the event continues as applies. Stated that if there is a health/safety issue then staff can shut them down but if it is an administrative level staff can only give them a warning.

Council member Beerman stated that there is a bigger problem with this issue that Reid speaks of reflecting on the event last year at the Deer Valley garage and nothing has been done.

Foster complemented the building department for working with HR to get the staffing supplements to help with the workload on staff.

McLean discussed violations. Stating that with A class the $100 a day fine it is not very effective so Tricia Lake, City Prosecutor is leaning towards criminal justice system. However, staff, just receiving this email this morning, has not had time to discuss the game plan.

Council member Henney asked for more details regarding the floor plans.

Council member Beerman verified that staff inspects with boots on the ground.

Root stated that the biggest advantage with the plan check process is to help both the City and the applicants to have a game plan prior to the event.

Simister stated that the vendors come in with their own promotional items and furnishings etc and staff have to check all the safety points including: occupancy load, exits and a burn test. Each applicant that wants to bring in new material must pass a burn test to determine if the material is toxic. These are items that are difficult to perform on short notice.

Mayor Pro Tem Peek reiterate the aspect of safety asking staff to help Council draw the line during the recap session to help Council rewrite the ordinance to insure the success of the festival.

Root stated that last year the best form of reinforcement last year was shutting down a venue with pyrotechnics and it spread like hot gossip that the City had made the stance and was not afraid to shut venues down.

Council member Beerman reassured staff that Council is not second guessing them and completely supports staff in their decisions.

Council member Beerman inquired if there are any applications on the list that staff would deny. Reid stated that it is hard to point out which applications will cause issues. Downard stated that generally the late applications are the ones that cause the most issues because it is usually a thrown together event.

McLean stated that if it meets the criteria of the code it would be difficult to defend but if the

applications do not meet code it would be easily defending.
Council member Beerman stated that he feels that if the only challenge is not having floor plans in then the Council is singling out ones that they don't need to based on the criteria that they may have already approved applications without the floor plans.

Council member Simpson stated that she does not agree. She would also like to look at report cards in the future as well as charging for re-inspections. Gillis stated that staff is looking into amending the fee schedule to include charging for re-inspections.

Council member Beerman inquired if staff is paid overtime for these hours. Root stated that the building department uses exempt employees first and fills in with hourly employees when needed to keep the overtime costs low.

Root reiterated that every year staff has the biggest problems with the late comers throwing events together and are not prepared which was why staff was pushing for the deadline to allow the 10 day window insuring quality events come in for Sundance.

Council looks forward to the Sundance Recap in March to look more closely at these items.

Mayor Pro Tem Peek opened the floor to public input. No public input was given. Mayor Pro Tem Peek closed the public input portion.

Council member Henney asked what will help staff the most during this learning period, if staff would prefer an all-in or go down the list. Root stated that staff prefers that next year the late applications and applicants need to show hardship. As far as this year, in the eleventh hour, staff does not have a recommendation.

Mark Harrington, City Attorney, stated that he would not recommend a hardship clause as the scope is very limited with these administrative forms. Highly encouraged adding on a late fee but would stay clear of the judging area. Stated that the Building department staff has discretion. Polly clarified that Council's discretion should be looking at who meets the code and who does not.

Council member Simpson moved to approve all the applications except the three applications for 950 Iron Horse and one application for 2001 Park that do not have the floor plans submitted.
Council member Peek seconded the motion.

Council member Beerman stated that he is not in favor of shutting down those two.

Motion failed, 2 aye (Simpson, Peek) 2 nay (Henney, Beerman)

Council member Henney stated that he feels from a stance of constancy he is willing to leave the list to the discretion of the building department. Foster asked staff to discuss the process if they are approved today and fail the inspection. Root stated that they cannot shut down a venue unless it is a life safety issue otherwise staff can issue a warning.

Council member Simpson stated that she feels that there is justifiable information to deny these applications and believes that it is important for the City Council to draw a line in the sand.

Mayor Pro Tem Peek stated on each of these four applications only the pre-inspection has been asked for, it is unclear if they are even going to submit the final application.

Council member Beerman stated that he feels that the entire list is an exception and feels denying some would be saying goodbye to another small business.

Mayor Pro Tem Peek stated that they are giving a license to an idea. Council member Beerman stated that Council is giving staff the green light to precede if they get there items in and meet the criteria.

Harrington gave Council a few different options in this case including: stating a hard deadline by which the remaining items be submitted by, leaving it to staff's discretion to work with the applicant to get the remaining items submitted up until the day of the event, give the applicant one further deadline to submit the items without staff's discretion, or as Council member Simpson proposed they are with the code of authority to deny the four incomplete applications or bifurcate the motions that majority is clearly in agreement regarding the other applications so they could move to approve the completed applications and continue discussing the four incomplete applications.

Council member Simpson amended the motion to approve all the applications, however; the four applications that do not have floor plans must have those floor plans submitted by Noon today or they will be denied.
Council member Beerman seconded
Approved unanimously

III. ADJOURNMENT

Council member Henney moved to adjourn the meeting
Council member Beerman seconded
Approved unanimously

City Council
Staff Report

Subject:	**936 Empire Avenue Subdivision Plat**
Author:	**Christy J. Alexander, AICP, Planner II & Sam Brookham, Planning Intern**
Project Number:	**PL-14-02526**
Date:	**February 12, 2015**
Type of Item:	**Administrative – Plat Amendment**

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing and consider approving the 936 Empire Ave Subdivision plat, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant:	Steve Rosenberg, owner/Larry Feldman, representative
Location:	936 Empire Ave
Zoning:	Historic Residential District (HR-1)
Adjacent Land Uses:	Single-family and Duplex homes
Reason for Review:	Plat amendments require Planning Commission review and City Council action

Proposal
The applicant is requesting a Plat Amendment for the purpose of combining 1 and a half (1.5) existing lots (Lots 24 & northerly ½ of 25) into one (1) lot of record located in Block 15 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger vacant lot on which they plan to build a new single-family home at 936 Empire Avenue.

Purpose
The purpose of the HR-1 District is to:

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

Acronyms in this Report

CUP	Conditional Use Permit
HDDR	Historic District Design Review
HR-1	Historic Residential District
LMC	Land Management Code

Background

On October 27, 2014 the applicant submitted a complete application for the 936 Empire Avenue Amended plat. The property is located at 936 Empire Avenue in the HR-1 District.

Currently both Lots 24 and the northerly ½ of 25 are vacant of any structures. Both lots are now owned by Steve Rosenberg. There have been several lot splits consistently down the same street where others have combined one and a half lots. Only one lot (lot 24-a standard Old Town lot) currently meets the minimum lot area standards as given for the HR-1 District. The applicant states their intentions are to build a single-family home on the proposed combined lot.

The Planning Commission held a public hearing on January 14, 2015 and voted unanimously to forward a positive recommendation to the City Council.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 2,812.5 square feet. The minimum lot area for a single family dwelling is 1,875 square feet. Neither lots currently contain any structures and are vacant. The combined lot area does not meet the minimum lot size of 3,750 square feet for a duplex. The applicant has submitted a preliminary Historic District Design Review (HDDR) application and plans for the proposed structure on the lot to the Design Review Team which is consistent with the mass and scale of other buildings in the neighborhood.

There are currently two (2) existing buildings on either side of the proposed lot. The lot to the north (Lot 23) contains a building with zero (0') side setbacks on the lot line shared with 936 Empire Ave and encroaches onto the proposed lot by 0.3 feet. The encroachment must be addressed prior to plat recordation. In order to comply with fire code the distance between buildings must be six (6') feet, or five (5') feet if a fire wall is implemented; this would require a side setback of 6.3 feet on the north lot line of 936 Empire. The lot(s) to the south (southerly ½ of Lot 25 and Lot 26- 930 Empire Ave) of 936 Empire Ave contain an existing building which does not cross the property line. The Planning Commission will be reviewing a plat amendment application for this lot and a half combination on February 11, 2014.

Any new structure proposed for the combined lot created by this plat amendment would need to meet the current Land Management Code (LMC) requirements of 3 feet side yard setbacks (6 total), in this case with 6 feet on the northerly side and 3 feet on the southerly side. Front and rear yard setbacks would need to meet current code standards of a minimum of ten feet (10’). The homes within 200 feet across the street on the west side of Lowell Ave consist of mainly duplex dwellings, larger single-family dwellings and vacant lots.

The minimum lot width allowed in the district is twenty-five feet (25’). The proposed width will be thirty-seven and a half (37.5’) feet. The proposed lot will be compatible with the existing neighborhood as the two lots either side of the proposed lot are approximately each thirty-seven and a half (37.5’) feet in width as well. The houses within 200 feet to the north and south on the east side of Empire Ave consist of typical “Old Town” single-family dwellings and vacant lots. The proposed lot combination meets the lot and site requirements of the HR-1 District described below:

Required	**Existing**	**Permitted**
Lot Size	2,813 square feet	1,875 square feet minimum
Building Footprint	N/A	1,201 square feet maximum (based on the lot area of 2,813 square feet)
Front/rear yard setbacks	N/A	10 feet minimum, 20 feet total (based on the lot depth of 75 feet)
Side yard setbacks	N/A	3 feet minimum, 6 feet total (based on the lot width of 37.5 feet); in this case with 6 feet on the northerly side due to existing structure on the property line and 3 feet on the southerly side.
Height	N/A	27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot upon Planning Director approval. Plat: cannot exceed eighteen feet (18’) in height above the garage floor with an appropriate pitched roof (8:12 or greater). Height exception for the garage may be granted if it meets the preceding criteria.
Height (continued)	N/A	A Structure shall have a

		maximum height of thirty five feet (35’) measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
Final Grade	N/A	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.
Vertical Articulation	N/A	A ten foot (10’) minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23’) from where Building Footprint meets the lowest point of existing Grade.
Roof Pitch	N/A	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
Parking	N/A	Two (2) parking spaces per dwelling.

The plat also contains an existing retaining wall to the north and front of the property that encroaches by approximately one foot. The applicant will also need to obtain an encroachment permit for the retaining wall with the adjacent neighbor prior to plat recordation. This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. Any new structures must comply with current LMC requirements. A Steep Slope Conditional Use Permit (CUP) may be required for development on the amended lot. Recordation of this plat and completion and approval of a final HDDR and Steep Slope CUP, if required, application are required prior to building permit issuance for any construction on the proposed lot.

<u>Good Cause</u>
Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow a new house to be developed and will remove the existing lot line between the two lots. The plat will incorporate a remnant ½ lot into a platted lot. The plat amendment will

also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on December 19, 2014. Legal notice was also published in the Park Record by December 31, 2014 and on the public notice website in accordance with the requirements of the LMC.

Public Input

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

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures may require a Steep Slope CUP and will require an HDDR. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The City Council may approve the 936 Empire Avenue Subdivision as conditioned or amended; or
- The City Council may deny the 936 Empire Avenue Subdivision and direct staff to make findings for this decision; or
- The City Council may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and one and a half (1.5) existing lots would not be adjoined and remain as is. The lot at 936 Empire Avenue would remain vacant and would have to comply with the current LMC requirements for any new structures on typical “Old Town” single lots.

Recommendation
Staff recommends the City Council hold a public hearing and consider approving the 936 Empire Avenue Subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits
Exhibit A – Draft Ordinance with Proposed Plat
Exhibit B – Existing Conditions Survey
Exhibit C – Vicinity Map/Aerial
Exhibit D – Photographs

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE 936 EMPIRE AVENUE SUBDIVISION PLAT, LOCATED AT 936 EMPIRE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the 936 Empire Avenue Subdivision located at 936 Empire Avenue, have petitioned the City Council for approval of the 936 Empire Avenue Subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on January 14, 2015 to receive input on the proposed subdivision;

WHEREAS, on January 14, 2015 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 12, 2015 the City Council held a public hearing on the proposed 936 Empire Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 936 Empire Avenue Subdivision plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 936 Empire Avenue Subdivision plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat is located at 936 Empire Avenue within the HR-1 District.
2. The 936 Empire Avenue Subdivision consists of Lots 24 & northerly ½ of 25 of Block 15 of the Snyder's Addition to the Park City Survey.
3. On October 27, 2014, the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on October 27, 2014.
5. The lots at 936 Empire Ave are currently vacant.

6. The HR-1 District requires a minimum lot area of 1,875 square feet for a single family dwelling.
7. The maximum footprint allowed in the HR-1 District is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. The property to the north currently has a zero foot (0') side setback and the existing home to the north encroaches onto 936 Empire by approximately 0.3 feet on the lot line shared with 936 Lowell Ave as well as the existing retaining wall that encroaches approximately one foot.
9. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

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

<u>Conditions of Approval:</u>
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Recordation of this plat and completion and approval of a final HDDR and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction on the proposed lot.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
5. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat.
6. The lot to the north (Lot 23) contains a building with zero (0') side setbacks on the lot line shared with 936 Empire Ave. In order to comply with fire code the distance between buildings must be six (6') feet, or five (5') feet if a fire wall is implemented; this would require a side setback of six feet on the north lot line of 936 Empire Ave or a five foot setback if a fire wall is implemented.
7. The 930 Empire Avenue encroachments of the existing home crossing the property line by 0.3 feet and the existing retaining wall crossing the property by approximately one foot must be addressed prior to plat recordation.
8. Snowshed agreements from the northerly and southerly neighbors will be required.

<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ___day of ___________, 2015

PARK CITY MUNICIPAL CORPORATION

____
Jack Thomas, MAYOR

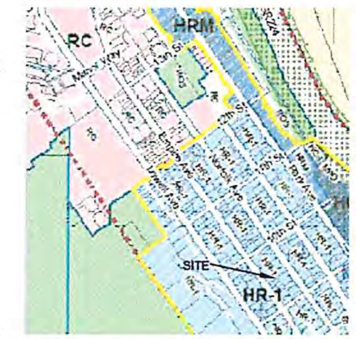
ATTEST:

____
Marci Heil, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

EXHIBIT A



VICINITY AND ZONING MAP
NOT TO SCALE

936 EMPIRE AVENUE RE-PLAT

AMENDMENT TO LOT 1 1185 EMPIRE AVENUE PLAT AMENDMENT SUBDIVISION
BLOCK 27 SNYDERS ADDITION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN

GRAPHIC SCALE
1 INCH = 10FEET

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT **STEVE L. ROSENBERG** ,THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE ***936 EMPIRE AVENUE REPLAT***, DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED. **STEVE L. ROSENBURG** HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

ALSO, THE OWNERS, OR HIS REPRESENTATIVE, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS _______ DAY OF _________, 2014

____
STEVE L. ROSENBERG

ACKNOWLEDGMENT

STATE OF UTAH:)
COUNTY OF SUMMIT:) SS

ON THIS ____ DAY OF ____________ 2014, ____________

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY. HAVING BEEN DULY SWORN, _______ ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, AND THAT HE SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

______________________ ______________________

MY COMMISSION EXPIRES ______________

NOTARY PUBLIC
RESIDING IN _________

LEGAL DESCRIPTION:

FORMER PC-155-A: ALL OF LOT 24, AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEROF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

LOT 1: ALL OF LOT 24, AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEROF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 24, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, THENCE NORTH 54°01'00" EAST 75.00 FEET; THENCE SOUTH 35°59'00" EAST 37.50'; THENCE SOUTH 51°01'00" WEST 75.00 FEET; THENCE NORTH 35°59'00" EAST 37.50 FEET TO THE POINT OF BEGINNING. CONTAINING 2813 SQ. FT.±

RECEIVED
OCT 27 2014
PARK CITY PLANNING DEPT.

NOTES:

1. MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.

2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE OF 14-08

LEGEND:

————————	PROPERTY LINE
——— — ———	CENTER LINE
——— — — ———	EASEMENT
	LOT LINE
XXX	STREET ADDRESS ON EMPIRE AVE.
◉	5/8" REBAR AND CAP LS 5046908
●	5/8" REBAR AND CAP ENSIGN ENG.
⌑	5/8" REBAR NO CAP

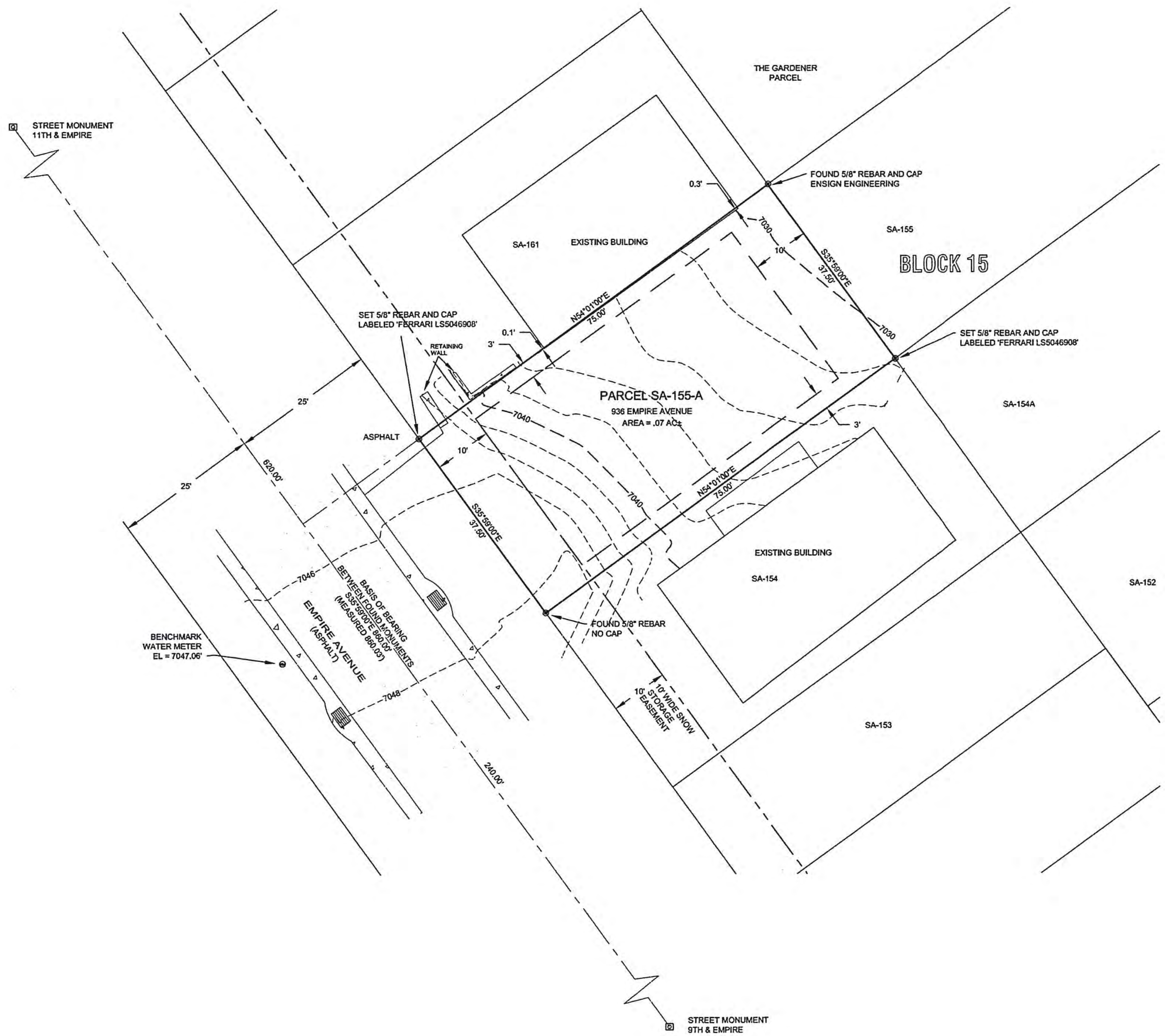
SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5406908. THIS PLAT AMENDMENT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.

____
GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES
MARCH 31, 2015

FERRARI SURVEYING, LLC P.O.B. 683001 PARK CITY, UT (435) 640-0412	**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT** REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ________ DAY OF ________, 2014 A.D. BY:____________ S.B.W.R.C.	**PLANNING COMMISSION** APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ________ DAY OF ________, 2014 BY:____________ CHAIRMAN	**ENGINEER'S CERTIFICATE** I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ______, 2014 A.D. BY____________ PARK CITY ENGINEER	**APPROVAL AS TO FORM** APPROVED AS TO FORM THIS ___ DAY OF ______, 2014 A.D. BY____________ PARK CITY ATTORNEY	**CERTIFICATE OF ATTEST** I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY OF ______, 2014 A.D. BY____________ PARK CITY RECORDER	**COUNCIL APPROVAL AND ACCEPTANCE** APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D. BY____________ MAYOR	**RECORDED** STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF____________ DATE____TIME_____BOOK_____PAGE____ _____ FEE _____ RECORDER

EXHIBIT B



RECORD OF SURVEY & TOPOGRAPHICAL MAP

936 EMPIRE AVENUE
PARCEL SA-155-A
LOT 24 & THE NORTHERLY 1/2 OF LOT 25, BLOCK 15, SNYDERS ADDITION TO PARK CITY
LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN

FERRARI

GRAPHIC SCALE
10 0 5 10
1 INCH = 10FEET

SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5406908. THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY DIRECTION, OF THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES MARCH 31, 2015

LEGAL DESCRIPTION:

LOT 24 AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDERS ADDITION TO PARK CITY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

LEGEND:

- PROPERTY LINE
- 7040 MAJOR CONTOUR
- MINOR CONTOUR
- CENTER LINE
- PUBLIC UTILITY EASEMENT
- BUILDING ENVELOPE
- PROPERTY CORNER (AS NOTED)
- WATER MANHOLE
- STREET MONUMENT
- DRAINAGE INLET

PROJECT INFORMATION:

CLIENT:	LARRY FELDMAN 936 EMPIRE AVE. PARK CITY, UT 84060
PROJECT ADDRESS:	936 EMPIRE AVENUE PARK CITY, UT 84060
SERIAL NO:	SA-155-A
RECORD INFORMATION:	LOT 24 AND THE NORTH 1/2 LOT 25, BLOCK 15, SNYDERS ADDITION TO PARK CITY

NOTES:

1. THE PURPOSE OF THIS SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP AT THE REQUEST OF LARRY FELDMAN.
2. THE EVIDENCE OF BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM SNYDERS ADDITION TO PARK CITY SUBDIVISION.
3. NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
4. NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
5. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
6. DATE OF FIELD WORK SEPTEMBER 24, 2014.
7. VERTICAL DATUM IS ASSUMED.
8. BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY, HOMEOWNER'S ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.
9. THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.
10. BASIS OF BEARING SHOWN HEREON.

REV	DATE	REVISIONS	INITIAL

FERRARI SURVEYING, LLC
435-640-0412
P.O.BOX 683001
PARK CITY, UT 84068

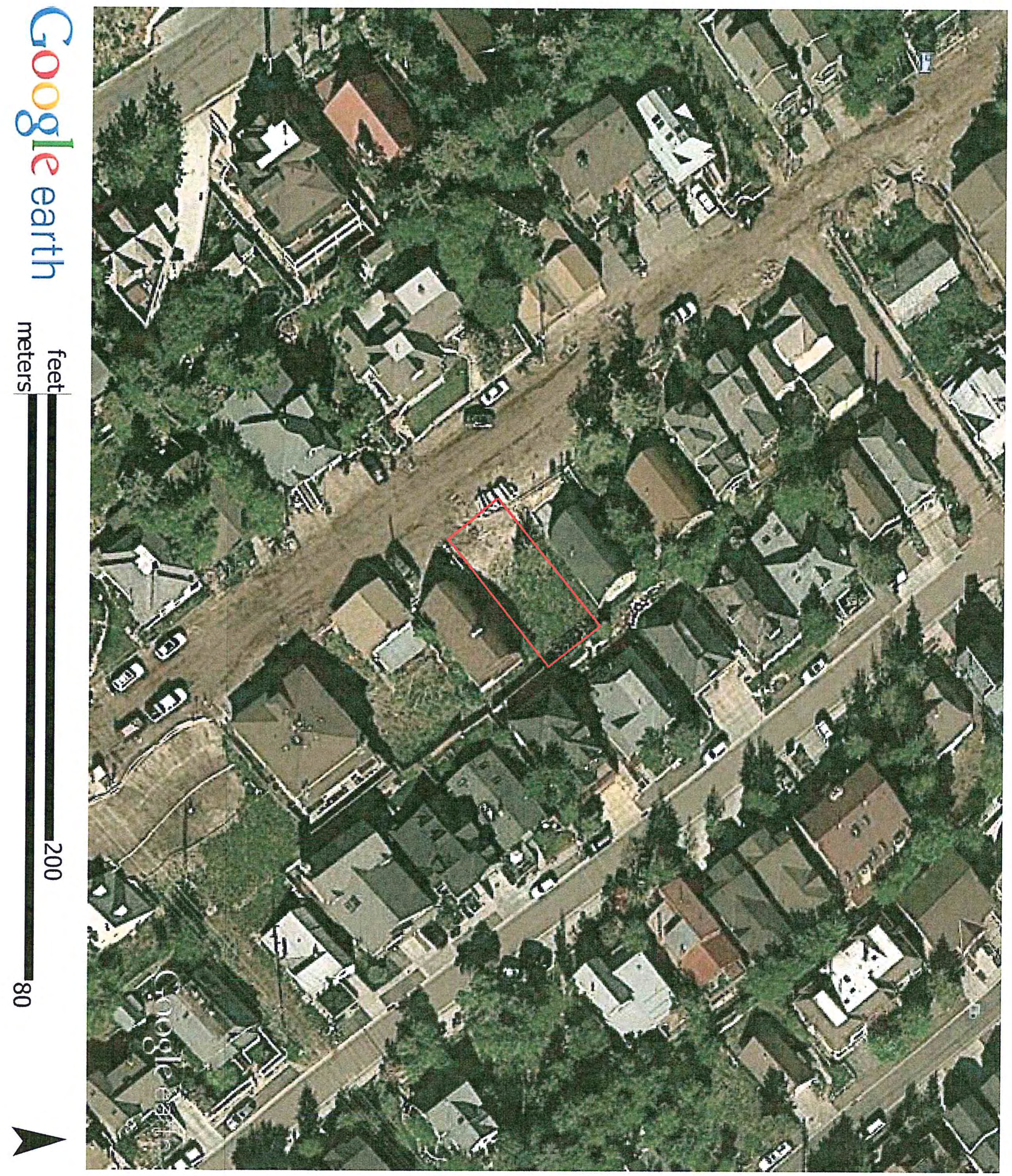
RECORD OF SURVEY AND TOPOGRAPHICAL MAP
936 EMPIRE AVENUE
SA-155-A
LOT 24 AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY
PARK CITY SUMMIT COUNTY UTAH

RECEIVED
OCT 27 2014
PARK CITY PLANNING DEPT.

0 1
BAR IS ONE INCH ON ORIG. DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

SURVEY BY:	GF-TM
SURVEY DATE:	9-24-14
DESIGN BY:	GF
DRAFTING BY:	GF
CHECKED BY:	GF
XREFS:	XREF1 XREFS2
DRAWING:	936EMPIREAVE
DATE:	9-25-14
SCALES: 1:10 HORIZONTAL, 2'CONTOURS VERTICAL	1 OF 1
	PROJECT No: 9014.118

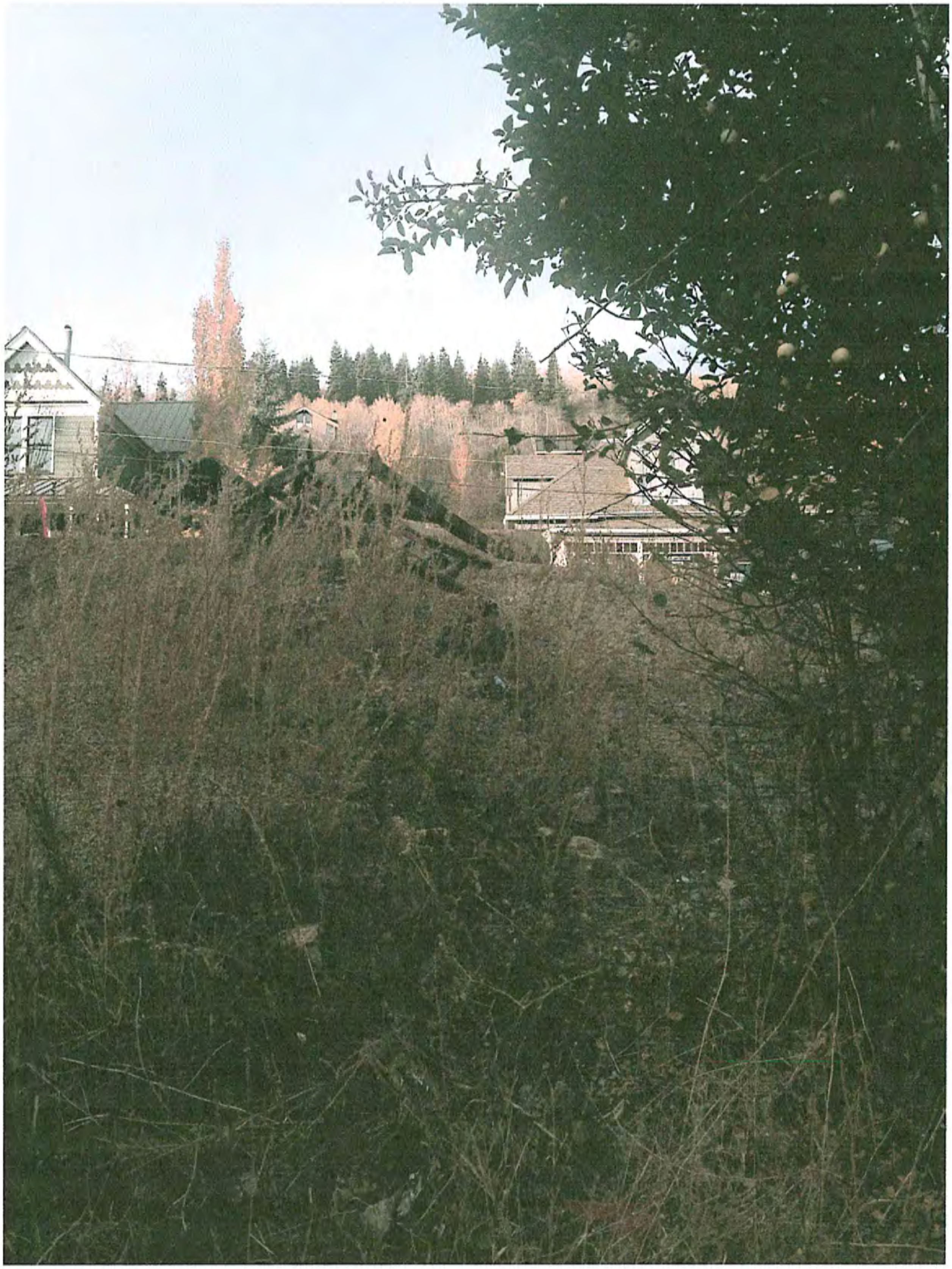
EXHIBIT C



RECEIVED
OCT 27 2014
PARK CITY
PLANNING DEPT.

EXHIBIT D

RECEIVED
OCT 27 2014
PARK CITY
PLANNING DEPT.



City Council
Staff Report

Subject:	**Second Amendment to Condominium Plat for the Hotel and Residences at Empire Canyon Resort (Montage Resort and Spa)**
Project Number:	**PL-14-02538**
Author:	**Kirsten A Whetstone, MS, AICP**
Date:	**February 12, 2015**
Type of Item:	**Administrative – Amended Record of Survey condominium plat**

Summary Recommendations
Staff recommends that the City Council hold a public hearing for the Second Amendment to the condominium plat for "The Hotel and Residences at Empire Canyon Resort" located at 9100 Marsac Avenue, consider any input, and consider approving the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Topic

Applicant:	Montage Hotels and Resorts and DV Luxury Resort, LLC
Location:	9100 Marsac Avenue
Zoning:	RD-MPD (Residential Development subject to Village at Empire Pass MPD)
Adjacent Land Uses:	Village at Empire Pass Master Planned Development parcels (vacant), Empire Pass Day Lodge, temporary sales office, and Deer Valley Resort ski terrain and lifts.
Reason for Review:	Plat amendments require Planning Commission review and recommendation with final action by City Council.

Proposal
The applicant requests amendments to the condominium record of survey plat for the purpose of changing the ownership designation on page 6 (of 18) from "non-condominium property/restricted area" to "non-condominium property/hotel area" for 1,409 square feet of existing interior space on Level 1 of the existing Montage Deer Valley Resort and Spa building (Exhibits A and B) and amending an adjacent 5,600 sf of existing interior space, also on Level 1, to remove platted walls that were shown on the recorded plat but were not constructed. No ownership designation changes are proposed for this 5,600 sf area (Exhibit C). Located within the Residential Development (RD) Zoning District, the property is also subject to the Village at Empire Pass Master Planned Development. The proposed plat amendments are consistent with the Amended and Restated Development Agreement for Flagstaff Mountain (March 2007), Village at Empire Pass MPD, and the Land Management Code.

Acronyms in this Report

ADA	Americans with Disabilities Act
DA	Development Agreement
CUP	Conditional Use Permit
HDDR	Historic District Design Review
IBC	International Building Code

JSSD	Jordanelle Special Services District
LMC	Land Management Code
MPD	Master Planned Development
RD	Residential Development Zoning District
SF	Square Foot
UE	Unit Equivalent
USGS	U.S. Geological Survey

Background

The property is located at 9100 Marsac Avenue. The property, within the Flagstaff Annexation area and part of the Village at Empire Pass Master Planned Development, consists of a nine story hotel/condominium building constructed in 2008-2009. On June 24, 1999, City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel. The Flagstaff Development Agreement (DA) specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

On February 1, 2007, the City Council approved amendments to the DA allowing additional density and three additional acres to be utilized in the pod known as the B-2 area encompassed by the Empire Village Subdivision plat. In exchange, United Park City Mines Company petitioned the City for annexation of the Park City Mountain Resort ski lease area (removing all residential development potential) and agreed to construct a Park and Ride facility at Richardson Flats. Ordinance 99-30 also required the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which development within the area is reviewed.

On March 29, 2007, the City Council approved the Parcel B-2 Empire Village Subdivision final plat. The plat includes the former Parcel A of the Empire Village Subdivision (the location of the existing Empire Day Lodge) and created two additional lots for the Jordanelle Special Services District (JSSD) ownership of the Daly West Head Frame (Lot B) and Lot C, the location of the Montage Resort and Spa. A future subdivision will encompass the future condominiums to the east of the Empire Day Lodge. Concurrent with the subdivision application was the MPD for Pod B-2 known as the Village at Empire Pass MPD and the Conditional Use Permit for Phase one of the MPD, which is the Montage hotel. The Commission approved both the MPD and the CUP on March 14, 2007. An excavation permit was issued on June 6, 2007, and a building permit for construction of the hotel was issued on March 12, 2008.

On June 18, 2009, the City Council approved the Hotel and Residences at Empire Canyon Resort record of survey plat for the Montage Resort and Spa. Talisker Empire Pass Hotel, LLC is the fee simple owner of the land and DV Luxury Resort, LLC has a 999-year leasehold interest. The plat was recorded on January 20, 2010.

The condominium record of survey contains 174 hotel rooms and 84 condominiums utilizing

182 Unit Equivalents. In addition, the record of survey memorializes 59,765 square feet of commercial space and approximately 15,000 square feet of meeting rooms and support space to the meeting rooms (of the 39,000 sf allowed by the MPD). No support commercial was proposed other than room service, which does not utilize additional space. Back of house and residential accessory uses were also identified. Ten Affordable Housing Units totaling 6,235 square feet (7.8 Affordable Unit Equivalents) are provided within the hotel. The affordable units are platted as private space and are owned by the DV Luxury Resort, LLC. In addition, five ADA units are provided; three owned by the hotel and two within the sale units. All five ADA units are platted as private area and count towards the unit counts and UEs.

On January 6, 2011, the City Council approved the First Amended Hotel and Residences at Empire Canyon Resort record of survey plat to amend sheets 1, 8, 9, and 11 to 1) address JSSD access easements, 2) address Rocky Mountain Power underground easements, 3) correct the square footage of Unit 740, 4) move the ADA designation for Unit 821 to Unit 1021, and 5) to amend unit numbering for Units 1040-1043. The First Amended Hotel and Residences at Empire Canyon Resort record of survey plat was recorded at Summit County on June 23, 2011. On November 10, 2014, an application was submitted for a second amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat. The application was deemed complete on November 18, 2014.

The application is a request to amend sheet 6 of the 18 sheet condominium plat to change the ownership designation for approximately 1,409 sf area of existing interior unfinished space on Level One from "non-condominium property/restricted area" to "non-condominium property/hotel area" (Exhibits C, D and E). The 1,409 sf area also changes use from commercial to meeting support/pre-function space to support the Main Ballroom on Level 1. A larger existing unfinished interior area (approximately 5,600 sf) around the 1,409 sf area (see Exhibits C, D and E) does not change in terms of platted ownership designation or use, but the change to the plat includes removing walls shown on the recorded plat that were never constructed. This area is commercial use with the restroom area designated as residential accessory uses (back of house) uses. The commercial designated area was originally planned for a fine dining restaurant. The applicants propose to re-purpose this area as pre-function space to support the Main Ballroom on Level 1 of the Hotel but keep the use designation per the MPD as commercial. The restrooms were constructed and will remain.

The plat amendment does not increase the existing building footprint, existing floor area, density of commercial or residential units, or designated commercial area. Commercial area decreases by 1,409 sf to 58,356 sf and pre-function meeting room support increases by 1,409 sf from 15,000 sf to 16,409 sf which is still less than the 39,000 sf allowed by the MPD. No non-complying situations are created and there is no increase in parking requirements. No common areas or privately owned residential areas are proposed to change with the plat amendment. The plat amendment is consistent with the Amended and Restated Development Agreement for Flagstaff Mountain (March 2007), the Village at Empire Pass MPD, and the Land Management Code.

On January 14, 2015, the Planning Commission conducted a public hearing and voted unanimously to forward a positive recommendation to City Council.

Analysis

The zoning for the property is Residential Development (RD) subject to the Village at Empire Pass MPD per the following approved criteria and allowances:

	Permitted through MPD/CUP	**Proposed with 2nd Amended Plat**
Height	A height exception to 114 feet above a benchmarked grade (USGS 8346') was requested and granted in the Master Plan. (i.e. height may go to USGS 8460)	No change to existing Building Height. Building Height is at USGS 8458, under the USGS 8460 height maximum.
Front setback	20', 25' to front facing garage	No change to building setbacks. Setbacks are approximately 280 feet from all buildings to front property line.
Rear setback	15' from Lot boundary	No change from the existing 87' from Lot boundary
Side setbacks	12' from Lot boundary	No change from the existing 13' from Lot boundary at the closest point to south.
Unit Equivalents	183.6 UEs	No change to the existing 182 UEs.
Hotel Rooms	192 rooms	No change to the existing 174 rooms
Condominium units	94 units	No change to the existing 84 units
Commercial space	63,000 sf	1,409 sf reduction of the existing 59,765 sf of commercial to 58,356 sf.
Meeting Rooms and Support	39,000 sf (5% of Gross Floor Area)	1,409 sf increase in pre-function and meeting room support by 1,409 sf. To 16,409 from existing constructed of 15,000 sf.

Commercial Support	39,000 sf (5% of Gross Floor Area)	No change proposed to room service area (which is commercial support)
Residential Accessory uses/back of house	No specific figure approved with the MPD.	No change to approximately 42,570 sf constructed.
Parking	530 spaces with 192 tandem spaces (valet parking)	No change to the 526 total with 184 tandem spaces.

*Per the MPD, for those elements approved by the MPD and not currently constructed or located within the existing hotel project (total rooms, units, commercial space, meeting space, and Unit Equivalents), the applicant retained the vested rights during the MPD approval and these may be added in the future following the appropriate review and approval processes.

Good Cause

Staff finds good cause for this amended record of survey as this condominium plat is consistent with the Amended and Restated Development Agreement for Flagstaff Mountain, the Village at Empire Pass MPD, and the recorded Hotel and Residences at Empire Canyon Resort condominium plat. The proposed plat amendment complies with the Land Management Code and is consistent with the purposes of the RD zone. The condominium plat is consistent with the State condominium act.

Department Review

This project has gone through an interdepartmental review on November 25, 2014. Issues raised regarding changes to occupancy loads for the amended spaces have been addressed with conditions of approval.

Notice

On December 30, 2014, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on December 31, 2014.

Public Input

On January 14, 2015, the Planning Commission conducted a public hearing on this item and no public input was received. A public hearing was noticed for this City Council meeting as stated above. Staff has not received any public input at the time of this report.

Future Process

Approval of this amended condominium plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18.

Alternatives

- The City Council may approve the amended condominium plat as conditioned or as amended at the meeting, or
- The City Council may deny the amended condominium plat and direct staff to make Findings for this decision, or

- The City Council may continue discussion and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the application.
- There is not a null alternative for administrative plat amendments.

Significant Impacts

There are no negative fiscal or significant environmental impacts to the city from this record of survey plat amendment application.

Consequences of not taking the Suggested Recommendation

The ownership designations would remain as platted. The use of 1,409 square foot commercial space could still be changed from commercial to support meeting or pre-function space as the use of these areas is not indicated on the plat. The plat would not match the existing built conditions where the platted walls on Level 1 are shown on the recorded plat but were not constructed.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Second Amendment to Condominium Plat for “The Hotel and Residences at Empire Canyon Resort” located at 9100 Marsac Avenue, consider any input, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the attached Ordinance.

Exhibits

Exhibit A- Proposed Second Amended condominium plat
Exhibit B- Recorded First Amended condominium plat
Exhibit C- Proposed changes
Exhibit D- Use designations
Exhibit E- Applicant’s letter
Exhibit F- Photos

Ordinance No. 15-

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO CONDOMINIUM PLAT THE HOTEL AND RESIDENCES AT EMPIRE CANYON RESORT A UTAH CONDOMINIUM PROJECT, LOCATED AT 9100 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, owners of the property known as The Hotel and Residences at Empire Canyon Resort, a Utah Condominium Project, (aka Montage Deer Valley Resort and Spa) located at 9100 Marsac Avenue, have petitioned the City Council for approval of an amended condominium plat to change the platted ownership designation of a 1,409 square foot existing interior space on Level 1 (page 6 of 18) from "non-condominium property/ restricted area" to "non-condominium property/hotel area and to change an adjacent approximately 5,600 sf of existing interior area on Level 1 to remove walls that were never constructed but are shown on the recorded plat. No ownership designation change is proposed for this 5,600 sf area.

WHEREAS, the property was properly noticed and posted on December 30, 2014, according to requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on December 30, 2014; and

WHEREAS, the Planning Commission held a public hearing on January 14, 2015, to receive input on the amended condominium plat; and

WHEREAS, the Planning Commission, on January 14, 2015, forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 12, 2015, the City Council held a public hearing on the amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amended Hotel and Residences at Empire Canyon Resort Condominiums record of survey plat.

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

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

Findings of Fact:

1. The property is located at 9100 Marsac Avenue.

2. The property is zoned RD-MPD and is subject to the 2007 Amended and Restated Flagstaff Annexation Development Agreement and the Village at Empire Pass MPD.
3. The property consists of a nine story hotel/condominium building constructed in 2008-2009.
4. The existing building at 9100 Marsac Avenue, known as the Montage Deer Valley Resort and Spa, was constructed in 2008-2009.
5. On March 14, 2007, the Planning Commission approved a Master Planned Development (MPD) for Pod B-2 of the Flagstaff Development Agreement. The MPD is known as the Village at Empire Pass MPD. On March 14, 2007, the Planning Commission also approved a Conditional Use Permit for phase one of the MPD, which is the Montage Deer Valley Resort and Spa.
6. On March 29, 2007, the City Council approved the three lot Parcel B-2 Empire Village Subdivision final plat. Lot C of the subdivision plat is the location of the Montage Resort and Spa.
7. On June 18, 2009, the City Council approved the Hotel and Residences at Empire Canyon Resort condominium record of survey plat for the Montage Resort and Spa. Talisker Empire Pass Hotel, LLC is the fee simple owner of the land and DV Luxury Resort, LLC has a 999-year leasehold interest. The original record of survey plat was recorded at Summit County on January 20, 2010.
8. The condominium record of survey plat identifies 174 hotel rooms and 84 condominiums utilizing 182 Unit Equivalents. In addition, the record of survey memorializes 59,765 square feet of commercial space and approximately 15,000 square feet of meeting rooms. No support commercial was proposed other than room service, which does not utilize additional space. Back of house, pre-function meeting support, and residential accessory uses were memorialized.
9. On January 6, 2011, the City Council approved the First Amended Hotel and Residences at Empire Canyon Resort record of survey plat to amend sheets 1, 8, 9, and 11 to 1) address JSSD access easements, 2) address Rocky Mountain Power underground easements, 3) correct the square footage of Unit 740, 4) move the ADA designation for Unit 821 to Unit 1021, and 5) to amend unit numbering for Units 1040-1043. The First Amended Hotel and Residences at Empire Canyon Resort record of survey plat was recorded at Summit County on June 23, 2011.
10. On November 10, 2014, an application was submitted for a second amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat. The application was deemed complete on November 18, 2014.
12. The proposed uses and amended condominium plat are consistent with the Village at Empire Pass MPD and the Montage CUP as there is no increase in residential or commercial density, no change in allowed meeting space, and no increase in parking requirements. The decrease in commercial and increase in support

11. The condominium plat amendment is required in order to reflect as-built conditions on Level One and to change the ownership designation of an existing interior area that had been intended to be finished as a fine dining restaurant. The owners desire to utilize this 1,409 sf area for pre-function meeting support.

meeting space are not inconsistent with the MPD or CUP approvals and do not exceed the approved allowances for these uses.

13. The plat amendment does not increase the existing building footprint, existing interior floor area, or density of commercial or residential units. Commercial area decreases by 1,409 sf to 58,356 sf and pre-function meeting room support increases by 1,409 sf from 15,000 sf to 16,409 sf which is less than the 39,000 sf allowed by the MPD.
14. No non-complying situations are created with the plat amendment and there is no increase in parking requirements. No common areas or privately owned residential areas are proposed to change with the plat amendment.
15. The proposed plat amendment is consistent with the Amended and Restated Development Agreement for Flagstaff Mountain (March 2007).

<u>Conclusions of Law:</u>

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

<u>Conditions of Approval:</u>

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the Amended and Restated Flagstaff Annexation Development Agreement (March 2007) and the Village at Empire Pass Master Planned Development for the Hotel and Residences at Empire Pass, also known as the Montage MPD, shall continue to apply and a note shall be included on the plat referring to these MPDs.
4. All required ADA access, occupancy loads for assembly spaces, and other specific Building and Fire Code requirements, including requirements for restrooms, for any changes or tenant finishes to the existing spaces shall be addressed with tenant improvement building permits prior to commencing any interior construction work.

<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon

16. No changes to the exterior of the building are proposed.
17. Any changes in occupancy or changes in tenant finishes of existing interior spaces within the building require review by the Building Department for compliance with requirements of the IBC, Fire code, and ADA.

publication.

PASSED AND ADOPTED this __ day of _________, 2015.

PARK CITY MUNICIPAL CORPORATION

____
Jack Thomas, MAYOR

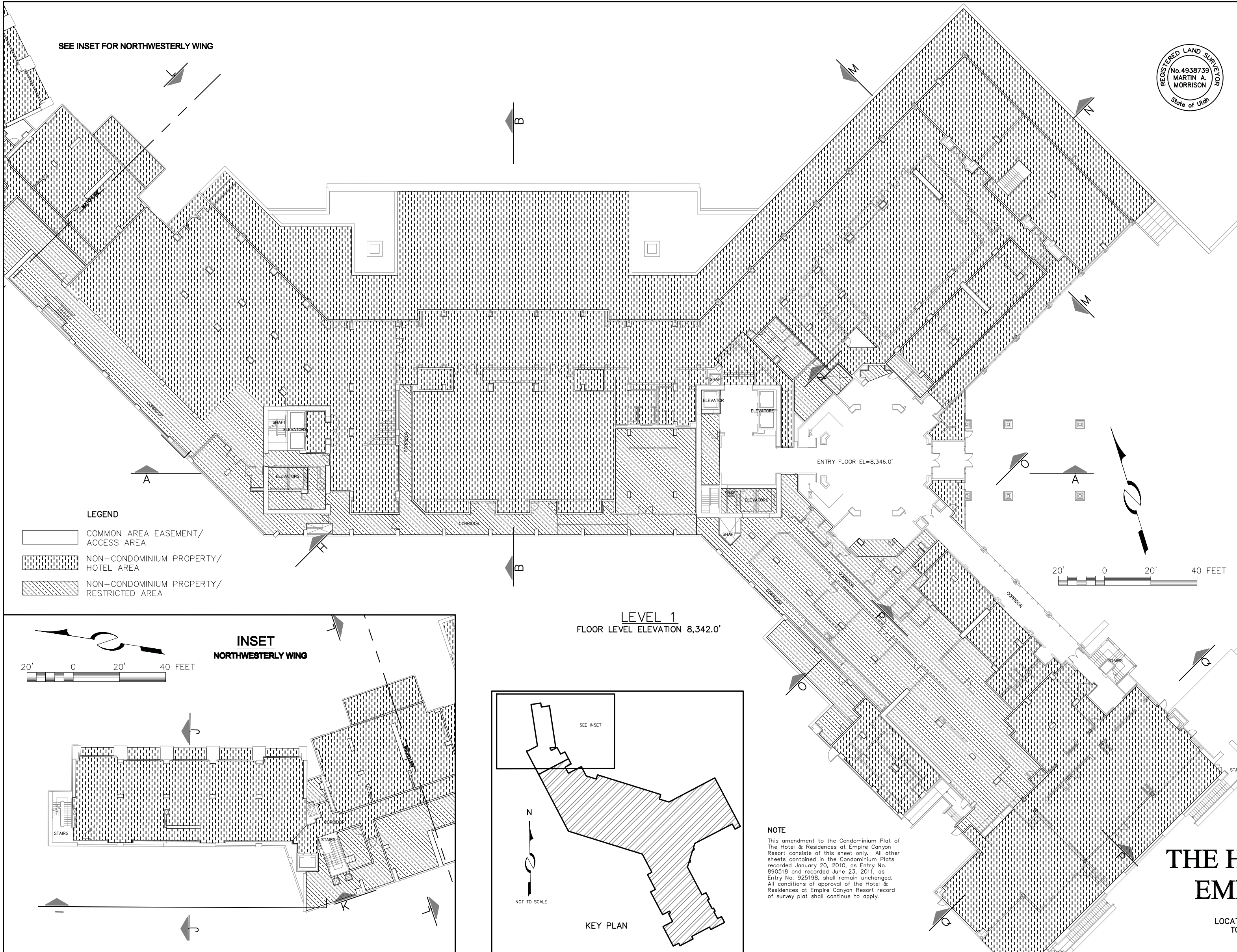
ATTEST:

____
Marci Heil, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

EXHIBIT A



NOTE

This amendment to the Condominium Plat of The Hotel & Residences at Empire Canyon Resort consists of this sheet only. All other sheets contained in the Condominium Plats recorded January 20, 2010, as Entry No. 890518 and recorded June 23, 2011, as Entry No. 925198, shall remain unchanged. All conditions of approval of the Hotel & Residences at Empire Canyon Resort record of survey plat shall continue to apply.

SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No.4938739 MARTIN A. MORRISON State of Utah

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and I have caused to be made and that by authority of the owner(s), this Second Amendment to Condominium Plat of THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT, a Utah Condominium Project, in accordance with the provisions of Section 57-18-13 (1) of the Utah Condominium Ownership Act.

GROUND LESSEE'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, DV LUXURY RESORT LLC, a Delaware Limited Liability Company, the owner of a long term leasehold interest in the tract of land described herein as the First Amendment to The Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.

DV Luxury Resort LLC. hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this

______ day of _____________, 2015.

DV LUXURY RESORT LLC, a Delaware limited liability company,

By: ____________________

Name: ____________________

Title: ____________________

ACKNOWLEDGMENT

State of _____________:
ss:
County of ____________:

This instrument was acknowledged before me this _____ day of

______________, 2015 by ____________________, the __________________ of DV LUXURY RESORT LLC, a Delaware Limited Liability Company

______________________________ A Notary Public commissioned in Utah

______________________ Printed Name

Residing in: _______________ My commission expires: ___________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Talisker Empire Pass Hotel LLC, a Delaware Limited Liability Company, is the underlying fee simple interest holder of the tract of land described herein as the First Amendment to The Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.

Talisker Empire Pass LLC. hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this

______ day of _____________, 2015.

TALISKER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company,

By: _______________

Its: _______________

ACKNOWLEDGMENT

State of _____________:
ss:
County of ____________:

This instrument was acknowledged before me this _____ day of

______________, 2015 by ____________________, the __________________ of TALISKER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company

______________________________ A Notary Public commissioned in Utah

______________________ Printed Name

Residing in: _______________ My commission expires: ___________

SECOND AMENDMENT TO CONDOMINIUM PLAT

THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE WEST ½ OF SECTION 28, AND THE EAST ½ OF SECTION 29 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

SHEET 6 OF 18

10/17/14 JOB NO.: 2-10-14 FILE: X:\Empire\dwg\srv\plat2014\021014.dwg

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF ___________, 2015	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2015	APPROVED AS TO FORM THIS _____ DAY OF __________, 2015	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2015	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF ____________, 2015
BY _______________ CHAIR	BY _______________ PARK CITY ENGINEER	BY _______________ PARK CITY ATTORNEY	BY _______________ PARK CITY RECORDER	BY _______________ MAYOR

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF __________, 2015	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________________ DATE ____________ TIME ____________
BY _______________ S.B.W.R.D.	__________ ENTRY NO. ______ FEE ____________________ RECORDER

EXHIBIT B

NOTES:

1. This Condominium Plat relates to real property which is subject to that certain Declaration of Covenants, Conditions and Restrictions for The Residences at Empire Canyon Resort, recorded simultaneously herewith, and subsequent amendments thereto (the "RESIDENTIAL DECLARATION") and that certain Master Declaration of Covenants, Conditions and Restrictions for The Hotel and Residences at Empire Canyon Resort, recorded simultaneously herewith, and subsequent amendments thereto (the "MASTER DECLARATION") (the Residential Declaration and the Master Declaration shall be referred to in these notes collectively as the "DECLARATIONS"). The Declarations set forth the easements, restrictions and general plan of improvement for the Resort as described in this Condominium Plat, and the details concerning the rights and obligations of the owners having or acquiring an interest therein including the applicability of the Transfer Assessment to the sales of individual Units. Unless the context clearly indicates otherwise, all capitalized terms as used on this Condominium Plat shall have the meanings set forth in the Declarations. To the extent there are any inconsistencies or conflicts between these notes and provisions of the Declarations, the Declarations shall control.

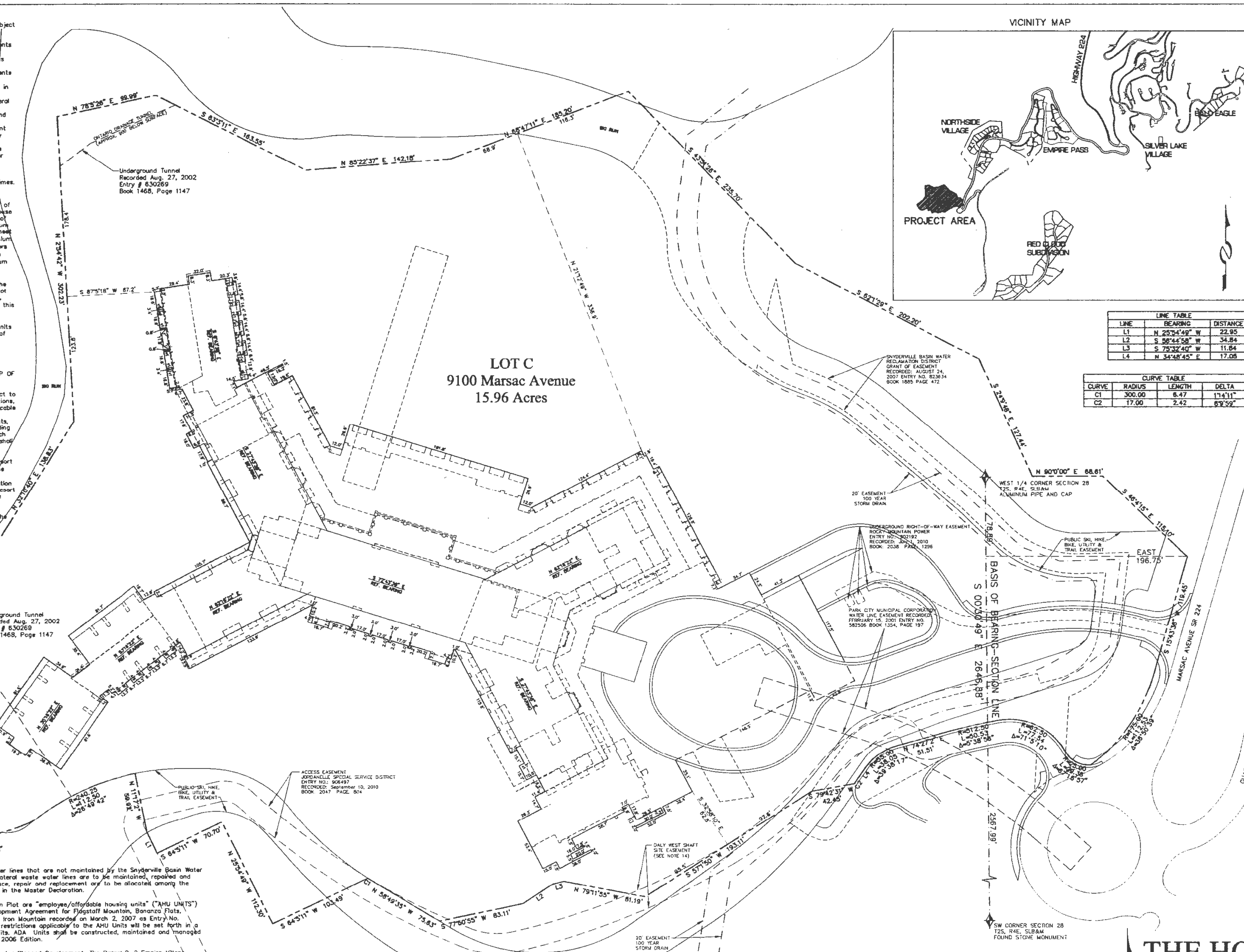
2. This Condominium Plat depicts two separate ownership regimes. The Hotel at Empire Canyon Resort (the "HOTEL") and The Residences at Empire Canyon Resort (the "CONDOMINIUM PROJECT"). The lower floors of the building are comprised of hotel rooms, lobbies, conference facilities, spa, back-of-house and other facilities associated with the use and operation of these areas as a commercial resort hotel. The Condominium Project includes the AHU Units to which Note 8 on this Sheet 1 refers (located on Level B-1 as shown on this Condominium Plat); the ADA Units to which Note 8 on this Sheet 1 refers (located on Levels 2 and 3 as shown on this Condominium Plat); and all of the other Units shown on this Condominium Plat (located on Levels 4 through 9 as shown on this Condominium Plat), all of which are referred to in the Declarations and this Condominium Plat as the "Units". The improvements located outside of the Units, including but not limited to the Hotel Areas, Restricted Areas, Access Areas, Parking Areas, Storage Areas, and Balcony/Patio Areas on this Condominium Plat are not part of the Units and do not constitute "common area and facilities" under the Utah Condominium Ownership Act (the "Act"). Owners of the Units are granted easements to use and enjoy certain portions of such components of the Resort, as set forth in the Declarations, but do not receive any fee simple ownership interest therein. PURCHASERS ARE STRONGLY URGED TO REVIEW THE DECLARATIONS WITH THEIR LEGAL COUNSEL IN ORDER TO FULLY UNDERSTAND THE RIGHTS, INTERESTS, LIMITATIONS AND OBLIGATIONS APPURTENANT TO OWNERSHIP OF A UNIT WITHIN THE CONDOMINIUM PROJECT.

3. The Resort as depicted on this Condominium Plat is subject to the rights of the Hotel Owner as described in the Declarations, and Hotel Owner shall have the right to exercise any applicable right provided for in the Declarations, including, without limitation, the reservation and granting of certain easements, reducing or relocating improvements within the Resort, adding additional recreational and service facilities and making such other development decisions and changes as Hotel Owner shall determine in its sole and exclusive discretion.

4. Pursuant to the Master Declaration, the Empire Canyon Resort Master Association, Inc., a Utah non-profit corporation (the "MASTER ASSOCIATION") is responsible for maintaining all Non-Hotel Use and Support Areas and the Master Association shall have a perpetual non-exclusive easement over the Resort for such maintenance purposes as further described in the Master Declaration.

5. Building ties on this sheet are from the property line to the building foundation as shown.

6. All land located outside of the footprint of the building is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Service District and Summit County for the purpose of providing access for utility and drainage installation, use, maintenance and eventual replacement.



LINE	BEARING	DISTANCE
L1	N 25°34'49" W	22.95
L2	S 56°44'58" W	34.84
L3	S 75°32'40" W	11.84
L4	N 34°48'45" E	17.05

CURVE	RADIUS	LENGTH	DELTA
C1	300.00	6.47	1°14'11"
C2	17.00	2.42	8°9'59"

7. The Units are served by common private lateral waste water lines that are not maintained by the Snyderville Basin Water Reclamation District. Under the Master Declaration, these lateral waste water lines are to be maintained, repaired and replaced by the Hotel Owner, and costs of such maintenance, repair and replacement are to be allocated among the Hotel Owner and the Unit owners in the manner described in the Master Declaration.

8. AHU Units 1-10 as shown on Sheet 5 of this Condominium Plat are "employee/affordable housing units" ("AHU UNITS") under Section 2.10.5. of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-acre Quinn's Junction Parcel and Iron Mountain recorded on March 2, 2007 as Entry No. 00806100 in Book 1850, Page 1897. Details regarding the restrictions applicable to the AHU Units will be set forth in a separate restrictive covenant recorded against the AHU Units. ADA Units shall be constructed, maintained and managed in accordance with International Building Code Chapter 11, 2006 Edition.

9. All conditions of approval of the Empire Pass/Pod B-2 Master Planned Development, The Parcel B-2 Empire Village Subdivision, and The Montage Conditional Use Permit shall continue to apply.

10. The Hotel Owner has reserved the option to expand the Condominium Project by adding one or more Units to the Condominium Project, and has reserved the right to contract the Condominium Project by withdrawing one or more Units from the Condominium Project, in accordance with the terms and conditions of the Residential Declaration.

11. Ski runs and trails cross through and around the Resort as shown on this Condominium Plat. The location and configuration of the ski runs and trails as shown on this Condominium Plat may be modified, relocated, expanded, reduced or eliminated from time to time and new ski runs and trails may be added.

12. Pursuant to the terms and conditions of the Declarations, Hotel Owner reserves the right to unilaterally amend this Condominium Plat at any time and from time to time by Hotel Owner if such amendment is necessary to make technical corrections, to satisfy the requirements of Park City or any other governmental authority, to correct mistakes, remove/clarify ambiguities or to accurately reflect the 'as-built' conditions on the Condominium Plat.

13. Certain ceilings in the Units shown on this Condominium Plat have variations, insets, vaulted ceilings, enclosed duct work, and other similar architectural features that result in the ceilings having numerous different elevation measurements which are difficult to show on this Condominium Plat. As a result, and notwithstanding the fact that the actual boundary of each Unit only includes the interior finished surface of the ceiling, the elevations shown on this Condominium Plat are measured from the lower surface of the concrete slab that is on the top of each Unit.

14. The easement shown on the Condominium Plat has been granted to the Jordanelle ~~Special Service District~~ (the "JSSD") and is for ingress and egress to the JSSD water facilities located in the Daly West Mineshaft. This easement may be subject to vehicular traffic over the easement from time to time.

15. The Hotel Owner shall adopt a fire protection plan approved by Park City Municipal Corporation, and the Master Association shall be responsible for the ongoing maintenance of the various components of such plan. The expenses of such maintenance shall be part of the Shared Expenses under the Declarations.

16. Reference bearings are provided on the long axis of main building wings.

17. This Amendment to the Condominium Plat of The Hotel & Residences at Empire Canyon Resort amends only Sheet 1, Sheet 8, Sheet 9, Sheet 11, Sheet 13 and Sheet 14. All other sheets contained in the Condominium Plat recorded January 20, 2010, Entry No. 890518 shall remain unchanged. All conditions of approval of the Hotel and Residences at Empire Canyon Resort record of survey plat shall continue to apply.

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 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(s), this First Amendment to Condominium Plat of The Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, in accordance with the provisions of Section 57-18-13 (1) of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

JOHN DEMKOWICZ, L.S. #154491 — DATE 5-12-2011

PROFESSIONAL LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

BOUNDARY DESCRIPTION 1

LOT C of Parcel B-2 EMPIRE VILLAGE SUBDIVISION, according to the official plat recorded as of May 23, 2007 as Entry No. 814178, in the office of the Summit County Recorder, Summit County, Utah.

Excepting therefrom all minerals and subsurface rights including all mine tunnels, including but not limited to the mine tunnels conveyed in the Quit-Claim Deed recorded August 27, 2002 as Entry No. 630269 in Book 1468 at Page 1147.

GROUND LESSEE'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, DV LUXURY RESORT LLC, a Delaware Limited Liability Company, the owner of a long term leasehold interest in the tract of land described herein as the First Amendment to The Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.

DV Luxury Resort LLC. hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this 16th day of May, 2011.

DV LUXURY RESORT LLC, a Delaware limited liability company,

By: ______

Name: Alex Hill

Title: Vice President

JILL WELTER COMM. # 1747815 NOTARY PUBLIC - CALIFORNIA LOS ANGELES COUNTY My Comm. Expires May 28, 2011

ACKNOWLEDGMENT

State of California :
County of San Diego : ss:

This instrument was ~~acknowledged~~ subscribed and sworn before me this 16 day of May 2011 by Alex Hill the Vice President of DV LUXURY RESORT LLC, a Delaware Limited Liability Company

A Notary Public commissioned in ~~Utah~~ CA — Jill Welter, Printed Name

Residing in: ______ My commission expires: 5/28/11

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Talisker Empire Pass Hotel LLC, a Delaware Limited Liability Company, is the underlying fee simple interest holder of the tract of land described herein as the First Amendment to The Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.

Talisker Empire Pass LLC. hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this 18th day of May, 2011.

TALISKER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company,

By: ______

Its: Authorized Signing Officer

ACKNOWLEDGMENT

State of Utah :
County of Summit : ss:

This instrument was acknowledged before me this 18th day of May 2011 by David J. Smith the Authorized Signing Officer of TALISKER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company

A Notary Public commissioned in Utah — Lorrie J. Haggan, Printed Name

Residing in: Oakley, Utah My commission expires: 6-3-12

FIRST AMENDMENT TO CONDOMINIUM PLAT

THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE WEST ½ OF SECTION 28, AND THE EAST ½ OF SECTION 29 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

50' 0 50' 100'

SHEET 1 OF 18

JOB NO.:2-1-08 FILE:X:\Emp\dwg\Mntge\srv\CNDOPLT\SHTS\Sh01Site.dwg

Alliance Engineering Inc — (435) 649-9467-PHONE (435) 649-9475-FAX — CONSULTING ENGINEERS LAND PLANNERS SURVEYORS — 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 12th DAY OF May, 2011 A.D. BY ______ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8th DAY OF DECEMBER, 2010 A.D. BY ______ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 26TH DAY OF MAY, 2011 A.D. BY ______ PARK CITY ENGINEER	APPROVED AS TO FORM THIS 17th DAY OF June 2011 A.D. BY ______ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 16 DAY OF January, 2011 A.D. BY Sharon C. Bauman Deputy PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 16TH DAY OF JANUARY, 2011 A.D. BY Dana Williams MAYOR	#925198 NOV 1 0 2014 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City Title Co. DATE 6/23/11 TIME 2:30 PM BOOK — PAGE — 274.00 FEE Mary Ann Trussell - deputy RECORDER

PARK CITY SUMMIT COUNTY CORPORATE SEAL

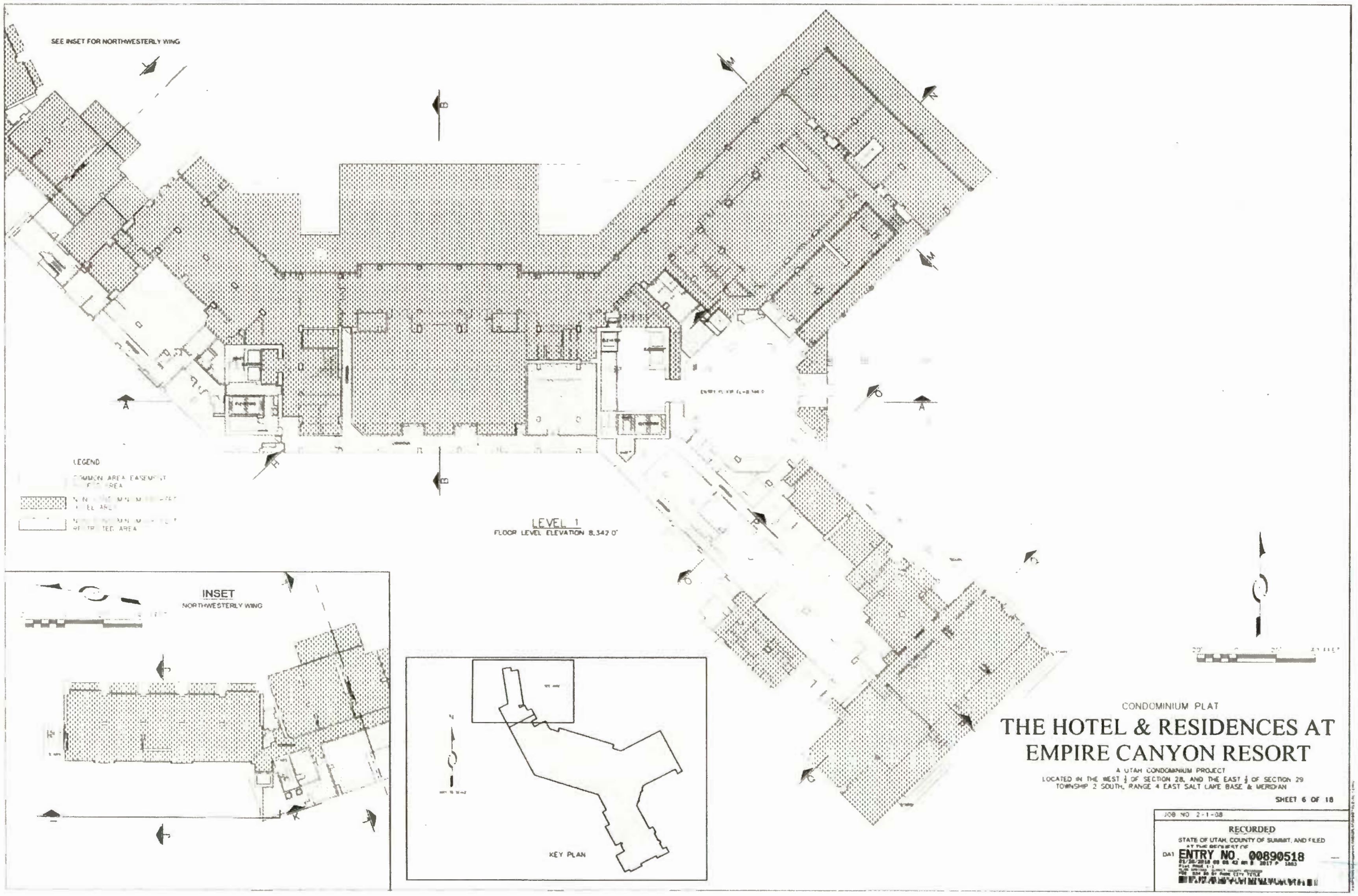

SEE INSET FOR NORTHWESTERLY WING
LEGEND
LEVEL 1
FLOOR LEVEL ELEVATION 8,342.0'
INSET
NORTHWESTERLY WING
KEY PLAN
CONDOMINIUM PLAT
THE HOTEL & RESIDENCES AT
EMPIRE CANYON RESORT
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST ½ OF SECTION 28, AND THE EAST ½ OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN
SHEET 6 OF 18
JOB NO 2-1-08
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
ENTRY NO. 00890518

EXHIBIT C

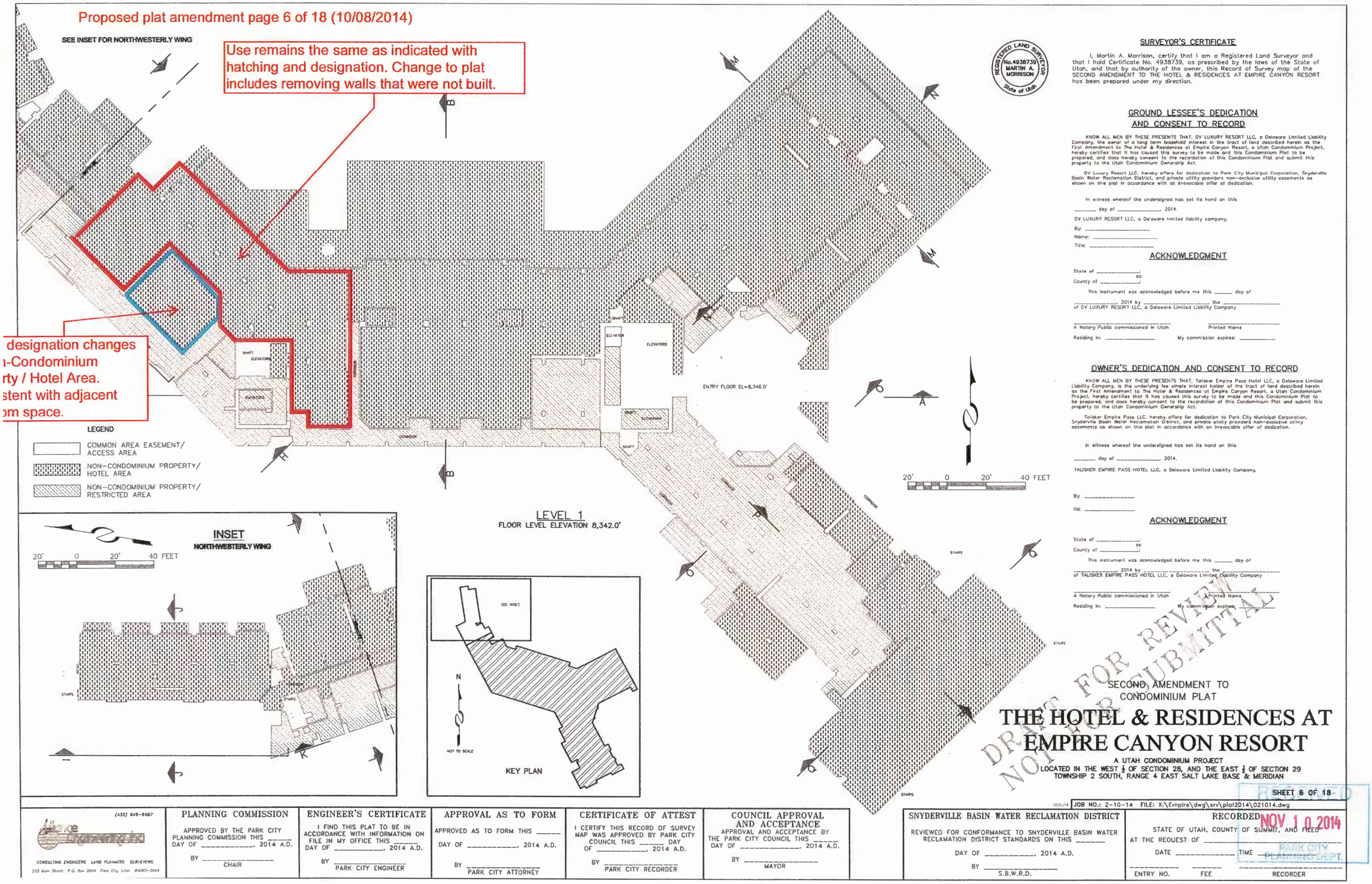
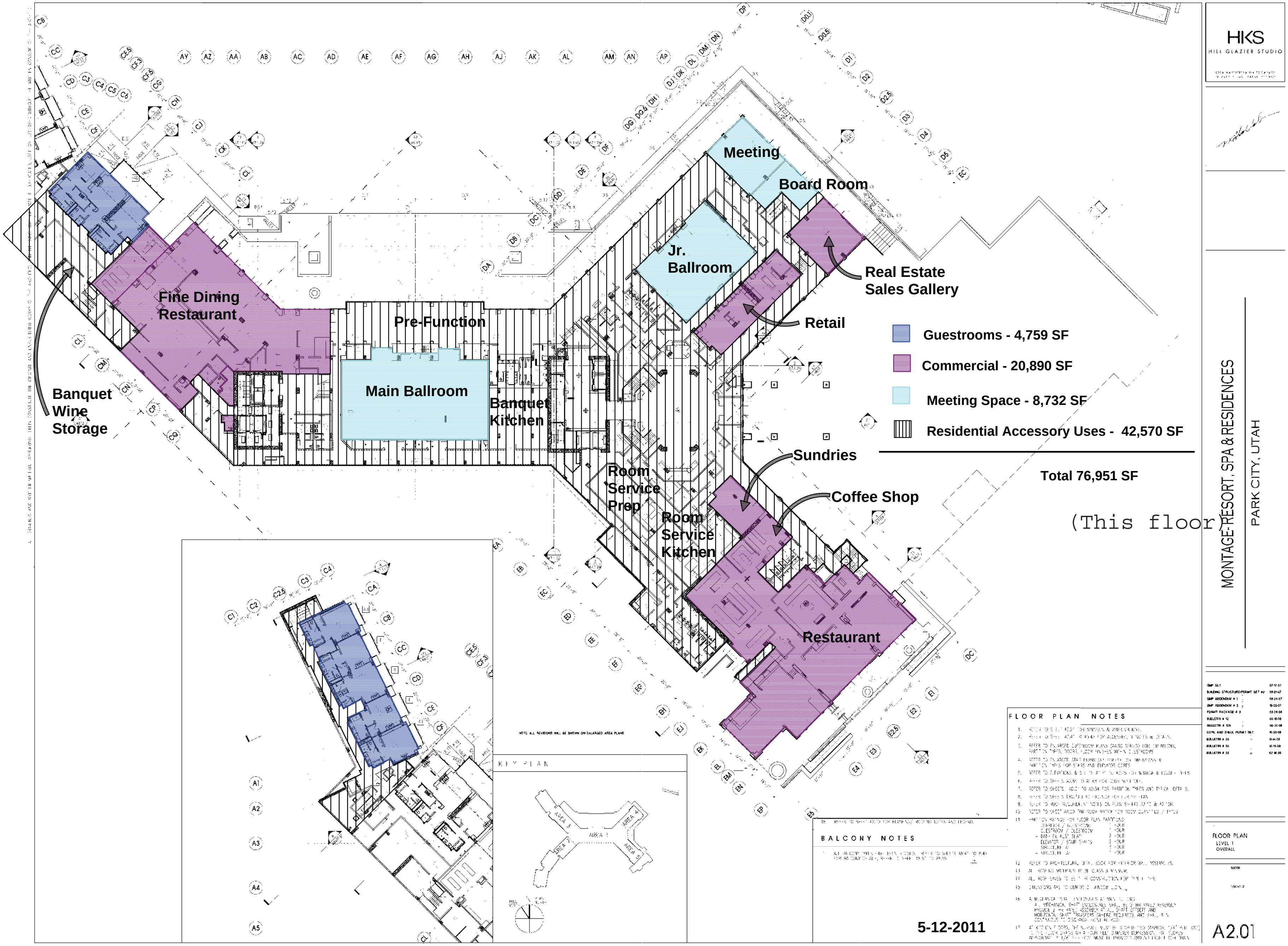

Proposed plat amendment page 6 of 18 (10/08/2014)
SEE INSET FOR NORTHWESTERLY WING
Use remains the same as indicated with hatching and designation. Change to plat includes removing walls that were not built.
designation changes
-Condominium
rty / Hotel Area.
stent with adjacent
om space.
LEGEND
COMMON AREA EASEMENT/ ACCESS AREA
NON-CONDOMINIUM PROPERTY/ HOTEL AREA
NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA
ENTRY FLOOR EL=8,346.0'
LEVEL 1
FLOOR LEVEL ELEVATION 8,342.0'
INSET
NORTHWESTERLY WING
20' 0 20' 40 FEET
KEY PLAN
NOT TO SCALE
SEE INSET
SURVEYOR'S CERTIFICATE
I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owner, this Record of Survey map of the SECOND AMENDMENT TO THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT has been prepared under my direction.
REGISTERED LAND SURVEYOR No.4938739 MARTIN A. MORRISON State of Utah
GROUND LESSEE'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS THAT, DV LUXURY RESORT LLC, a Delaware Limited Liability Company, the owner of a long term leasehold interest in the tract of land described herein as the First Amendment to The Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.
DV Luxury Resort LLC. hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.
In witness whereof the undersigned has set its hand on this
_______ day of _____________, 2014.
DV LUXURY RESORT LLC, a Delaware limited liability company,
By: _______________
Name: _______________
Title: _______________
ACKNOWLEDGMENT
State of _____________:
ss:
County of ___________:
This instrument was acknowledged before me this _____ day of
___________ 2014 by _________________ the _______________
of DV LUXURY RESORT LLC, a Delaware Limited Liability Company
A Notary Public commissioned in Utah
Printed Name
Residing in: _____________
My commission expires: __________
OWNER'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS THAT, Talisker Empire Pass Hotel LLC, a Delaware Limited Liability Company, is the underlying fee simple interest holder of the tract of land described herein as the First Amendment to The Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.
Talisker Empire Pass LLC. hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.
In witness whereof the undersigned has set its hand on this
_______ day of _____________, 2014.
TALISKER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company,
By: _______________
Its: _______________
ACKNOWLEDGMENT
State of _____________:
ss:
County of ___________:
This instrument was acknowledged before me this _____ day of
___________ 2014 by _________________ the _______________
of TALISKER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company
A Notary Public commissioned in Utah
Printed Name
Residing in: _____________
My commission expires: __________
20' 0 20' 40 FEET
DRAFT FOR REVIEW
NOT FOR SUBMITTAL
SECOND AMENDMENT TO
CONDOMINIUM PLAT
THE HOTEL & RESIDENCES AT
EMPIRE CANYON RESORT
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST ½ OF SECTION 28, AND THE EAST ½ OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN
SHEET 6 OF 18
JOB NO.: 2-10-14 FILE: X:\Empire\dwg\srv\plat2014\021014.dwg
(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664
PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF ___________, 2014 A.D.
BY _______________
CHAIR
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF ___________, 2014 A.D.
BY _______________
PARK CITY ENGINEER
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF ___________, 2014 A.D.
BY _______________
PARK CITY ATTORNEY
CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF ___________, 2014 A.D.
BY _______________
PARK CITY RECORDER
COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF ___________, 2014 A.D.
BY _______________
MAYOR
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF ___________, 2014 A.D.
BY _______________
S.B.W.R.D.
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _______________
DATE ___________ TIME ___________
ENTRY NO. FEE RECORDER
RECEIVED NOV 10 2014 PARK CITY PLANNING DEPT.

EXHIBIT D



HKS
HILL GLAZIER STUDIO
Meeting
Board Room
Jr. Ballroom
Real Estate Sales Gallery
Retail
Fine Dining Restaurant
Pre-Function
Main Ballroom
Banquet Kitchen
Banquet Wine Storage
Guestrooms - 4,759 SF
Commercial - 20,890 SF
Meeting Space - 8,732 SF
Residential Accessory Uses - 42,570 SF
Total 76,951 SF
Sundries
Coffee Shop
Room Service Prep
Room Service Kitchen
Restaurant
(This floor
MONTAGE-RESORT, SPA & RESIDENCES
PARK CITY, UTAH
KEY PLAN
FLOOR PLAN NOTES
BALCONY NOTES
5-12-2011
FLOOR PLAN
LEVEL 1
OVERALL
A2.01

EXHIBIT E

Montage
Hotels & Resorts

Planning City Municipal Corporation
Planning Department
445 Marsac Ave
PO Box 1480
Park City, UT 84060

Re: Montage Deer Valley

Description of proposed application:

We are requesting an amendment to the existing plat to repurpose of a portion of what was intended to be a signature restaurant (currently unused space). The scope of work includes 1,409 sf of area that will require a change of use and designation. The change of use for this area would be from "Non-Condominium Property / ***Restricted*** Area" to "Non-Condominium Property / ***Hotel*** Area".

This application is requesting approval to re-purpose an area intended to be a kitchen into a flexible use function space. All of the area to be amended is internal to the building and none of the exterior is included in this amendment application.

We look forward to your feedback and report.

Regards,
Scott Boyle
Director of Design
Montage Hotels and Resorts

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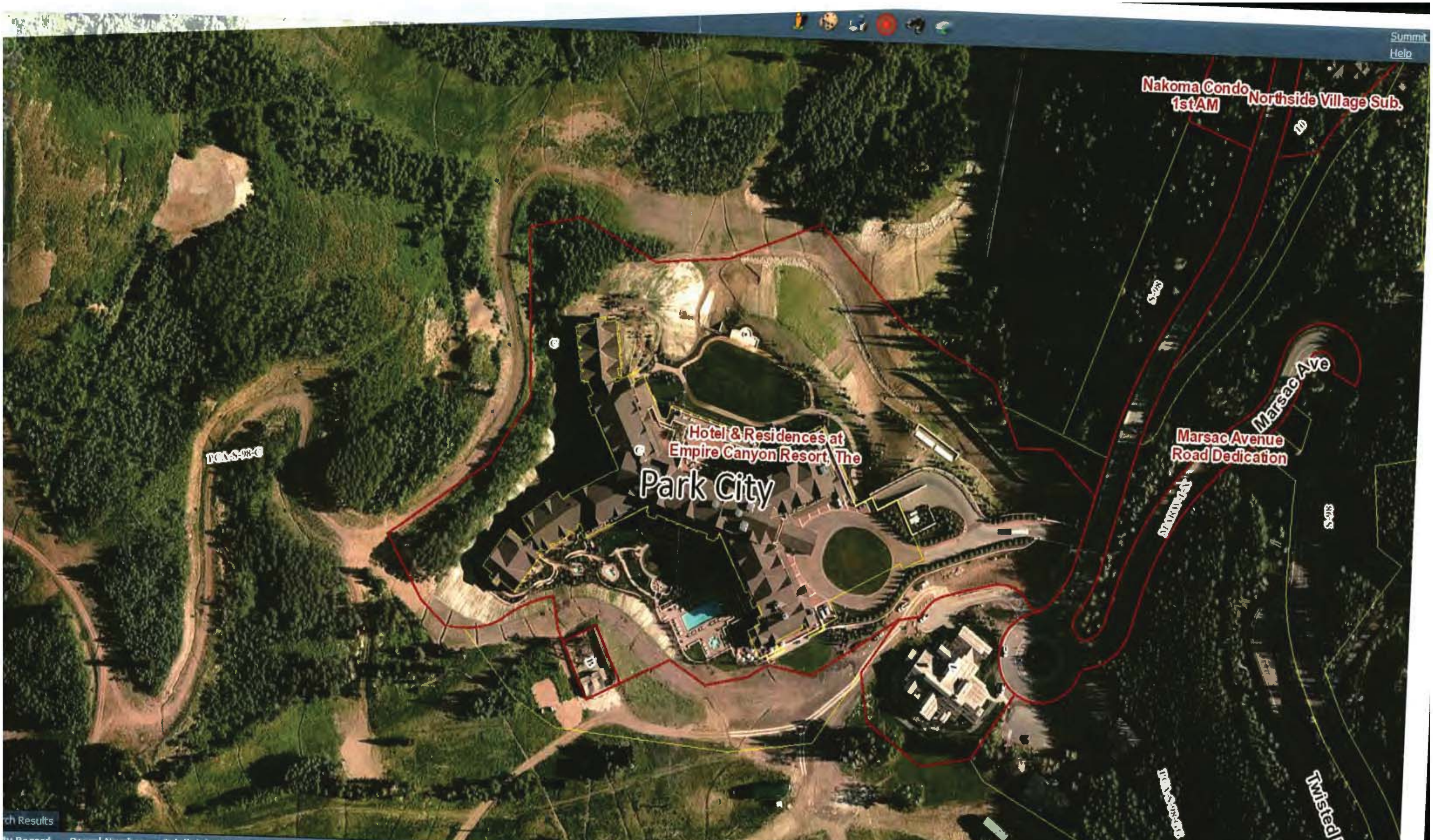
PARK CITY
PLANNING DEPT.

October 17, 2014

EXHIBIT F



ty Record	Parcel Number	Subdivision Name	Lot Number	Account Number	Physical Address	Owner Name	Mailing Address 1	Mailing Address 2	City	State	ZIP	Country
y Record	HRECRC-1	Hotel & Residences at Empire Canyon Resort, The	C	0474037	9100 MARSAC AVE #1	TALISKER EMPIRE PASS HOTEL LLC	PO BOX 4349		PARK CITY	UT	84060-4349