

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY HALL, COUNCIL CHAMBERS
FEBRUARY 12, 2014**



AGENDA

MEETING CALLED TO ORDER – 5:30 PM

ROLL CALL

ADOPTION OF MINUTES OF JANUARY 22, 2014

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

STAFF AND BOARD COMMUNICATION/DISCLOSURES

CONTINUATIONS

Snyder's Addition to Park City Amended Lot 1, Block 15, located at 901

Norfolk Avenue – Plat Amendment

PL-13-02180

Public hearing and continuation to February 26, 2014

REGULAR AGENDA – *Public hearing and possible action*

1185 Empire Avenue – Plat Amendment

PL-13-02163

Public hearing and possible recommendation to City Council on March 06, 2014

The Fluter Subdivision, located at 225 Woodside Avenue – Plat Amendment

PL-13-02183

Public hearing and possible recommendation to City Council on March 06, 2014

115 Sampson Avenue Plat – Plat Amendment

PL-13-02035

Public hearing and possible recommendation to City Council on March 06, 2014

820 Park Avenue – Conditional Use Permit for Mixed-use

PL-13-01956

Public hearing and possible action

Park City Heights Phase I – Subdivision

PL-13-02189

Public hearing and possible recommendation to City Council on March 06, 2014

1450/1460 Park Avenue – Conditional Use Permit

PL-13-01831

Public hearing and possible action

1450/1460 Park Avenue – Plat Amendment

PL-13-01830

Public hearing and possible recommendation to City Council on March 06, 2014

7101 Silver Lake Drive – Conditional Use Permit for Lockout Units

PL-13-02034

Public hearing and possible action

7101 Silver Lake Drive – North Silver Lake Condominium Plat

PL-13-02225

Public hearing and possible recommendation to City Council on March 06, 2014

ADJOURN

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting, should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MINUTES
SPECIAL GENERAL PLAN MEETING
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 22, 2014

COMMISSIONERS IN ATTENDANCE:

Nann Worel, Preston Campbell, Stewart Gross, John Phillips

EX OFFICIO:

Planning Director, Thomas Eddington; John Boehm, Planner; Mark Harrington, City Attorney

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ROLL CALL

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

ADOPTION OF MINUTES OF JANUARY 8, 2014

Chair Worel noted that the minutes reflect that Commissioner Phillips recused himself and left the room, but it did not show that he came back to the meeting for the next matter. She requested that page 8 be amended to reflect that Commissioner Phillips rejoined the meeting.

MOTION: Commissioner Gross moved to APPROVE the minutes of January 8, 2014 as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

Jim Tedford stated that he had been reviewing the drawings for the addition to the Public Library. He had also been reading through the proposed General Plan to try and understand the terms and integrity. In looking at the pictures of the library addition, it occurred to him that some aspects of the additions were not compatible with the overall building. Mr. Tedford had comments to he wanted to submit regarding his ideas for compatibility and other issues but he was unsure where to submit it.

Director Eddington stated that if Mr. Tedford had specific concerns relative to the design of a historic preservation element and/or compatibility of the design, he should convey his concerns to the Planning Department so they could be considered when the project goes through the design review process. Director Eddington suggested that Mr. Tedford make an appointment to meet with either him or Planner Grahn.

City Attorney Mark Harrington asked Director Eddington to inform Mr. Tedford on what has already been approved and what could still be changed. Director Eddington stated that the Library project had already been reviewed by the Planning Commission. The Staff was currently in the process of finalizing the HDDR review, which he believed was the area of Mr. Tedford's concerns. He again encouraged Mr. Tedford to contact the Planning Department.

Mr. Tedford stated that he spent a considerable amount of time going through the General Plan and he had issues relative to policy items. He asked if he should pursue the same avenue with the Staff regarding those items.

Chair Worel informed Mr. Tedford that the Planning Commission would take public comment on the General Plan following their discussion this evening. He could either comment during the public hearing or make an appointment to meet with the Staff.

STAFF OR BOARD COMMUNICATIONS/DISCLOSURES

Director Eddington reported that the date for the Joint Meeting with the City Council was finalized and the meeting would be held on Wednesday, February 5th.

Director Eddington stated that the second public open house on the General Plan was originally scheduled for February 18th; however, they realized it was the day after President's Day and UEA work. Since many people could be away on vacation, the date was changed to February 25th. Director Eddington clarified that it was a public outreach meeting only.

Chair Worel stated that when she checked the website calendar yesterday the Planning Commission meetings on January 29th February 26th were not listed. Director Eddington offered to follow up to make sure those dates were on the calendar.

WORK SESSION – GENERAL PLAN (Discussion and Public Hearing)

Planner Boehm passed out copies of public input that was received today.

Director Eddington clarified that the information and direction given at the last General Plan meeting were incorporated into the General Plan document as redlines. He noted that the redlined version was not put on the website because the Staff was concerned that it might confuse the public. Following the final General Plan meeting, the updated document would be posted on the website reflecting the recent redlines. It would also be identified as the document discussed at the Joint Meeting.

Planner Boehm stated that at the last meeting they talked about changing the document format and there was consensus to have Volume I and Volume II. The Staff intended to have the document split into two volumes for this meeting, but due to technical problems that was not possible. The goal was to have it posted on the website the next day.

Planner Boehm recalled that another request from the Planning Commission was to insert a "How to Use Section" in the General Plan. He presented a slide showing the proposed language that describes Volume I and Volume II. He clarified that Volume I would have the goals, objectives and strategies of the core values. Volume II would contain the methodology recommended for accomplishing the strategies, the section on neighborhoods and the trends section.

Chair Worel read the last sentence from Strategies in Exhibit A, "The second set of strategies is designed to hold the City accountable in terms of implementing the projects necessary to accomplish this task at the ground level." She asked if there would be a set of benchmarks or an evaluation schedule to monitor how well the City accomplishes these strategies. Director Eddington stated that once the General Plan is finalized the Planning Department would create a set of indicators that the Staff could benchmark themselves against. He noted that the hope is to examine the General Plan on an annual or bi-annual basis, and the Planning Commission could look at the indicators to see how well they were implementing the strategies.

Commissioner Gross suggested that they move the mission to "Keep Park City Park City" at the top to emphasize its importance.

Planner Boehm commented on density. At the last meeting the Planning Commission determined that there were places in the City appropriate for additional density and other places that were not appropriate. The areas identified as appropriate were Bonanza Park, the commercial/mixed use portion of Prospector, Lower Park Avenue and the Resort areas of PCMR and Deer Valley Resort. It was also recommended that they remove any language in the individual neighborhoods that encourage additional density in the primary residential neighborhoods of Thaynes, Park Meadows, Masonic Hill and the portion of Prospector that is currently single family homes. Planner Boehm presented a slide showing that all the language was deleted in the Thaynes neighborhood that referenced accessory

dwelling units, detached units and multi-family because it encouraged possible density in those areas.

Planner Boehm noted that some of the language had previously been removed from the Park City neighborhood section. New language was not added because there was already wording indicating that the character of that community should remain the same.

Planner Boehm stated that language was added to the Prospector neighborhood section to clarify where in that neighborhood density would be appropriate and where it should not occur. Director Eddington clarified that the Planning Commission indicated at their last meeting that density would not be appropriate in the single-family residential section of Prospector, but it would be acceptable in the higher density and commercial sections. He felt the easiest way to follow that direction was to follow the General Commercial zone. Planner Boehm noted that language in the Prospector section also states that any mixed-use development would be appropriate in the areas of General Commercial, to emphasize that it was the only area where density would be appropriate in that neighborhood.

Planner Boehm remarked that Masonic Hill, another primary residential neighborhood, already contained language stating that it was not an appropriate area for additional density. Director Eddington noted that the Old Town section did not address an increase or decrease in density and that language was left as written.

The Commissioners were comfortable with the revisions as presented.

Director Eddington commented on a discussion at the last meeting with regard to the TDR zones, and a recommendation to remove the Huntsman property. The Planning Commission also preferred that the City not get involved with identifying locations in the County where density might be appropriate. The Staff recommended removing the County references from the General Plan and adding language indicating that it would be done as part of regional collaboration. Director Eddington noted that arrows showed that some density could be sent to the County. However, he suggested removing the arrows and enlarging the image to only show three primary nodes of PCMR, Lower Deer Valley and the Bonanza Park area.

Director Eddington asked if the Commissioners would be comfortable exploring other TDR receiving zones in the future. As they do more analysis, and since this General Plan could be a 20 year document, he wanted to know if it was acceptable to add a Principle to the bottom of page 210 that notes TDR opportunities in the future based on a thorough analysis as they look at potentially expanding the current TDR zone. The Commissioners were comfortable adding the Principle.

Planner Boehm stated that at the last meeting the Planning Commission discussed the Salt Lake City/Park City connectivity. At that time there was a difference of opinion among the Commissioners on the viability of some nodes of transportation. At the end of the discussion, the Commissioners agreed that it was worth investigating all options and alternatives.

Director Eddington provided a review on annexation to address some of the questions raised regarding the benefits of expanding the annexation area. Director Eddington summarized the reason to consider annexation as outlined in the Staff report. The considerations included expanded infrastructure, opportunities to control development, and opportunities to provide agricultural land, forests, recreational areas, wildlife management areas within the municipality. If an area is within the annexation expansion area, the surrounding County would be required to notify the City of a proposed development. Chair Worel found the benefits outlined in the Staff report to be very helpful.

In terms of more geographic specificity, Director Eddington reviewed a map of the annexation expansion area to help the Commissioners better understand the areas. He noted that the annexation expansion area to the northeast of the City includes property north of Round Valley and a lot of the land that the City purchased as open space. Moving further north and east of that, the Staff recommended crossing over SR40, including the triangle piece, and the gateway coming in from I-80 down SR40 to 248. The Staff believed that including that area in the annexation expansion boundary would give the City an opportunity to protect the wildlife corridors and the gateways.

Commissioner Gross stated that because the proposed areas were critical to wildlife and open space, it was important to look at moving the line presently shown on the east of SR40 out to the Eastern Summit County line, where Snyderville meets Eastern County. With all the densities immediately adjacent to Wasatch, it would give the City the option to be part of the conversation.

Commissioner Campbell concurred with Commissioner Gross. He also noted that if they did not include that piece to the east, it would become undevelopable or the City would lose control of what could connect on either side. Commissioner Gross gave Director Eddington a tax map to show the area he was talking about.

Commissioner Gross thought it was important to continue to have planning discussions with the adjacent counties; however, at the same expanding the annexation boundary assures the City the opportunity to be at the table when development occurs.

Director Eddington clarified that the Planning Commission was comfortable expanding the boundary to include the areas to the north and east to the Wasatch County line. The Commissioners concurred.

Director Eddington reported that the second area considered as the expansion area was the southeast section of the community and crossing over the County line into the Wasatch area, taking into account the area north of Deer Crest as a gateway coming into the south. As Jordanelle, Heber and Wasatch County continue to grow and develop, it is important to protect that gateway to Park City.

Commissioner Gross asked about the school district. Director Eddington stated that areas that are annexed would likely be within the Park City School District. He explained that typically an interlocal agreement is established when they cross over the County line and those decisions are made at that time. City Attorney Harrington clarified that an interlocal agreement between the City and the County would not address the school issue. That would be handled as a separate issue.

Commissioner Campbell understood that if the Planning Commission agreed to expanding the ADA boundary it would not mean they would absolutely annex. It would only put other jurisdictions on notice that the City could consider it in the future. Director Eddington replied that this was correct.

The Commissioners concurred with expanding the southwest section as suggested.

Director Eddington stated that the third expansion area was at the very southern end of Park City over the Wasatch County line in an area known as Brighton Estates and Bonanza Flat. He pointed out that there was entitled development in this area that has been entitled for a number of years. A lot of the area is open space and undeveloped, however, there are a number of lots for future development, as well as a number of existing cabins in that area. Director Eddington explained that the primary reason to consider this area is that it would have an impact on transportation and Guardsman Pass coming into Park City if that area were to develop. It is also an area that could impact resort development and what occurs in the resorts. Given its entitled development, the Staff felt it was appropriate to bring into the annexation expansion area. It would ensure that proposed development would be appropriate for that area and it could be a potential sending zone for TDRs to protect that area as open space and natural amenities.

The Commissioners concurred with including the southern area into the expansion boundary as proposed.

Director Eddington stated that the fourth and final area proposed was to the west of the current City boundary. This would clean up where the annexation expansion was and where it should be based on property lines. The previous ADA bifurcated properties and the Staff was recommending that it be cleaned up to follow property lines. The Commissioners concurred.

Director Eddington recalled previous concerns with regards to how the old General Plan relates to the proposed General Plan. He stated that from a fundamental standpoint the general plan provides goals, policy direction, strategies, and actions that were open to being utilized over the next 20 years. A number of the strategies are recommendations for overall planning strategies. Director Eddington noted that it was where the General Plan serves the most effectively. He remarked that this community tends to use the General Plan also as a barometer for compliance when they look at master planned developments and larger applications that come before the Planning Commission.

Director Eddington presented the Silver Star project that was a master planned development in 2003-2004, and explained how they used the old General Plan when reviewing this project and how the review would relate to the new General Plan format. Director Eddington pointed out that the new General Plan provided more direction and guidance in terms of development and it was a more finite review.

Director Eddington reviewed five major differences between the old General Plan and the new General Plan as outlined in the Staff report. He remarked that that neighborhood focus was one of the biggest differences from the old to the new. It was based on a strong commitment by the Planning Commission to focus on that sense of geography. He believed the ten neighborhoods that were identified as a result of the process was good and it helped to create mini area plans for each neighborhood.

Director Eddington stated that a second goal for the new General Plan was to make it an image driven document, as well as text. There was a strong push by the Planning Commission to make sure the new General Plan had a design focus. While being quantitative, the General Plan should also give a sense of character, community and a sense of place and design. Director Eddington believed that the images included in the new General Plan represented what the community wanted.

Director Eddington stated that inclusionary housing was an element that was strengthened in the new General Plan. It talks about opportunities to expand on affordable housing and middle income housing. It also looks at the complexity of aging in place in a single community.

The fourth major difference between the old and the new Plans was alternate modes of transportation. Director Eddington stated that currently Park City does not experience the same problems as Salt Lake, but as the Wasatch Front continues to grow he believed they would be more impacted and challenged by the issues. The new General Plan looks at transportation from a State level. It also looks at alternative modes from the standpoint of getting around locally and how to link transportation with the Snyderville Basin and Wasatch County in the future. Director Eddington believed that it would eventually be an issue and the City should commit to exploring it. Exploration was identified in the new General Plan.

The final item was the environmental and sustainable components of the new General Plan. He pointed out that the world has changed since the current General Plan was adopted in the 1990's in terms of how they view sustainability and the environment. There are more opportunities to address the environment and those issues were incorporated into the new General Plan.

Director Eddington stated that aside from the five major differences outlined, he did not think the two General Plans were that different. He clarified that the intent was not to take the General Plan into a completely new direction. The goal was to update the old General Plan to be more focused in meeting the current and future needs.

Chair Worel commended the Staff on doing a phenomenal job with the General Plan. However, one gap that she sees is the lack of discussion regarding the services associated with affordable housing and inclusionary house. No matter how much affordable housing they provide, it will mean nothing if they do not have affordable child care, affordable food sources and affordable transportation. Chair Worel thought they should do whatever they could to strengthen that part of the General Plan. She believed the City would be challenged to fill inclusionary housing with middle income families without the support services necessary to live there.

Director Eddington recalled that Chair Worel previously raised the same issue and in response the Staff incorporated opportunities into the General Plan to address those concerns. He agreed that affordable housing would be a challenge without those services.

Chair Worel had a received an email from Commissioner Joyce with his suggestions about trends. Director Eddington had received the same email. He noted that Commissioner Joyce had specific concerns with regard to case studies, and he requested input from the rest of the Commissioners on whether to leave them in or take them out of the appendices trends sections.

Chair Worel stated that Commissioner Joyce suggested removing all the case studies starting on page 24 that did not have relevance to the General Plan. Director Eddington remarked that four pages talk about case studies from cities in other states. He explained that the case studies were included because each one contained a development that was important to future planning trends. The Staff thought it was important to look at whether or not there were similar opportunities for Park City as either a city and/or region moving forward. Director Eddington explained why the Staff felt each case study was important or relevant.

Chair Worel clarified that Commissioner Joyce thought the case studies read as a tidbit without any relevance and no way to tie it back to Park City. If the case studies are important they need to be connected better.

Commissioner Gross suggested adding a narrative at the beginning of each one explaining the purpose for why it was included. Commissioner Phillips agreed that adding an explanation would help clarify why it was included. He did not disagree with the concept of trying to learn from the case studies, but the idea of comparing Park City to a large city scares people. Commissioner Gross thought it might be sufficient to add a narrative at the very beginning with an explanation of why the "following case studies" were included as examples. Commissioner Gross was not opposed to removing the case studies as suggested by Commissioner Joyce.

Commissioner Campbell thought one sentence before each case study example would be sufficient clarification. He requested that Director Eddington draft language this evening so the Planning Commission could approve it.

Director Eddington drafted the following language: 1) The Portland, Oregon benefits are looking at opportunities for growth boundaries to protect those areas that are developed versus those areas that should be utilized for open space and/or agricultural producing opportunities. 2) Pineland, New Jersey was looking at the opportunity to protect and preserve environmental resources for future generations and utilizing land use principles and protections. 3) King County, Washington is a good example in terms of measuring their carbon footprint and how to utilize additional partnership to not only measure carbon footprint but to actually reduce it, and to look at opportunities to improve produced and/or expanded carbon footprint. 4) The Sarasota, Florida plan was a good resource in terms of protecting open space and wildlife corridors via the incorporation of development. 5) The Atlanta and the Belt Line planning area was looking at opportunities to utilize historic rail lines, historic trails and road and other opportunities for trails and how to expand on them. It also looks at cultural tourism.

The Commissioners were comfortable with the language drafted by Director Eddington.

Chair Worel noted that Commissioner Joyce also had concerns in the Trend Section regarding formatting. Director Eddington was aware of the formatting issues and those could be easily addressed.

Chair Worel read from Commissioner Joyce's email, "The massing software used to generate a lot of the pictures uses a satellite view of streets overlay, and then whatever you're showing overlayed on top of that. I can't tell much about any of them. The charts are important. Could they be a page instead of half a page? Is there a way to do it with a street view instead of a satellite view? It would result in a lot less clutter on the pictures. I found that even with a nice color version I got very little from almost 100% of the maps and photos; too detailed, too cluttered and too small." Chair Worel thought it would be best if Commissioner Joyce worked directly with the Planning Department on those concerns.

Director Eddington stated that the Staff would be happy to speak with Commissioner Joyce. However, he asked Planner Boehm to show a particular map and he asked the Planning Commission for their opinion on how it could be more effective. He presented the nodal map that was shown at the last meeting, and outlined what he believed was Commissioner Joyce's concern. He asked the Commissioners if they thought it was too difficult to read and preferred to remove the satellite imagery. Director Eddington clarified that early in the process people requested more satellite imagery in the mapping because there was none in the old General Plan. The Staff incorporated satellite imagery where they could because some people find it difficult to identify roads and boundary lines and instead use landmarks on the ground to identify an area.

Commissioner Gross believed that once the electronic version is available, the mapping would be enlarged. He was comfortable with the satellite view, but he thought they needed to do a better job of labeling the main streets. Director Eddington noted that all of the maps would be hyperlinked on the website and people would have the ability to zoom in.

Director Eddington asked if there was general consensus to leave the maps as they were, but improve the labeling. The Commissioners concurred. Director Eddington would meet with Commissioner Joyce relative to his concerns.

Commissioner Campbell read from Goal 14, item 14.14 as listed in the Staff report, "Consider LEED certification on all new municipal buildings." "Consider it as a requirement for all future construction within the City." He agreed with LEED certification for municipal buildings, but he thought it was a hard bar for future construction and goes against what they were trying to accomplish for affordable housing. Commissioner Campbell recommended that they change the wording to "suggestion" rather than "requirement". If

they preferred to enforce it, he suggested the possibility of a tax break or reduced building permit fee and let the market dictate it, as opposed to forcing everyone to do it.

Commissioner Campbell also suggested that instead of using LEED, that they allow NAHB, which is a less expensive competing program. Commissioner Gross suggested "LEED or equivalent".

Chair Worel asked if the alternative was only for municipal buildings or all construction. Commissioner Campbell liked the idea of LEED for municipal buildings, but he thought it would be onerous to enforce it on every building within the City limits.

Director Eddington clarified that revising the language to read, "Consider LEED certification or equivalent for all municipal buildings", was acceptable to the Planning Commission. The Commissioners concurred. Director Eddington revised the second sentence to read, "Consider incentivizing LEED certification or equivalent for all future construction within the City." The Commissioners were comfortable with the revision as read.

Commissioner Campbell had the same concerns with 15.13 under Historic Character, regarding the requirement for licensed architects and landscape architects. It would affect the cost of building, which was opposite from what they were trying to accomplish. Director Eddington asked if the Planning Commission wanted to discuss it this evening or wait to have that discussion with the City Council during the joint meeting. Commissioner Campbell preferred to delete the requirement altogether.

Director Eddington stated that the issue was previously discussed by the City Council and the requirement was included. This discussion has occurred consistently over the past 15 months. It was not recommended initially, but more recently the requirement for licensed architects was recommended. Whether the Planning Commission decided to leave it in or take it out, he thought it was a worthwhile discussion for the joint meeting.

Commissioner Gross thought the Planning Commission should wait to have the discussion with the City Council. Commissioner Phillips agreed, particularly since it has been discussed several times and the most recent decision was to include it. Commissioner Campbell wanted to make sure it was on the agenda for the Joint Meeting.

Chair Worel opened the public hearing.

Mary Wintzer, a resident at 320 McHenry, stated that the public following the General Plan process had lobbied for slowing down the process. At that time, both City Council Members and the Planning Commission were willing to extend the time line until April if it meant doing it right. However, when the schedule was released she noticed that the time

line had again been condensed to speed up the process. She and many others have tried to read all the materials to keep up with the current discussions. Ms. Wintzer noted that changes were made to the neighborhood section as early as that afternoon, and the changes were not available to the public. Ms. Wintzer remarked that Director Eddington is a “can do” person and during the City Council meeting he thought he could get everything completed on time. Recognizing that the Planning Department has had an increased workload associated with Sundance, she expected that the public would have the opportunity to review the changes prior to the General Plan meetings.

Ms. Wintzer commented on the urgency that the schedule set for the Planning Commission to vote tonight. She noted that two Commissioners were absent and would not be able to vote. As others make their comments this evening, Ms. Wintzer asked the Planning Commission to consider that they had not had the opportunity to read the new changes and make comment.

Ms. Wintzer referred to the trends section and noted that during the City Council meeting Mayor Williams spoke to the fact that the entire 120 page Trends Section could be eliminated. He suggested that it might work better as a pamphlet if people were interested. If the ideas put forth in the Trends Section were pertinent and valuable, they should be incorporated into the main body of the General Plan.

Steve Swanson, a Park Meadows resident, passed out a handout of suggested changes to the General Plan. He stated that some of his suggestions were fairly general. He clarified that when he suggests revising a certain section, he understands what that would involve. Mr. Swanson commented on what he believed were the more important suggestions from his reading of the most current document available online.

Mr. Swanson clarified that the heading ICON Park City was an independent council of neighborhoods representing at least five neighborhoods in town. He was representing ICON this evening and while the ideas were his own, they had been vetted with ICON Park City council.

Mr. Swanson started with the Introduction Section and requested that they re-write the Overview. He felt there was a tone to this section that was informal to the point of being hard to take seriously. He was willing to talk with the Planning Department about his specific ideas. Mr. Swanson thought an important issue was the sidebar on page 13 of the Introduction Section. It states that the number reflects theoretical unit equivalents, in other words, potential build out. He did not believe they could say with complete certainty that this was the number or that Park City would be built out at some date certain in the future. Mr. Swanson thought it was impossible to know that or to craft a plan around it as a central thought. He understood why it was included, but he thought it needed better clarification.

Mr. Swanson had concerns with how the Green Section was written. The tenure was informal and the narrative was not informative.

Mr. Swanson commented on his suggestions for the Small Town Section. He thought the phonetic definitions were “cute”, but he questioned whether they were really necessary. He thought the tenure of a document that would guide development and growth for the next 20 years should be more readable and useful. He understood the intent but he did not believe the definitions were effective. He requested that the City Council really look at the bold headings with phonetic definitions because they were very difficult to read. Mr. Swanson suggested that they replace the phonetic definitions with definitions that are useful and helpful the readers. Mr. Swanson commented on some of the images. He noted that trains coming through tunnels out of the mountains are ideas that have not been thoroughly vetted, and he did not think those should be included. One image includes the idea of putting a gondola terminal at the top of Main Street. It may or may not be a good idea but he did not think it belonged in the General Plan.

Mr. Swanson outlined his concerns and suggestions for the Natural Setting Section. He noted that on page 10, 5.2 mentions increased density and that should be removed. Mr. Swanson did not understand why carbon sequestration on page 15 was included in the General Plan. He was comfortable with carbon sequestration as a theory, but it is not a tested science and it was not germane to the General Plan. Mr. Swanson thought it should be removed. On page 28, he requested a commitment to preserve the Recycle Center. He noted that BoPa plan specifically talks about giving the Recycle Center to Mark Fischer. Mr. Swanson thought it was important for the people of Park City to know that the Recycle Center would not be taken away. Mr. Swanson referred to page 39 and asked about a real effort to get cars out of town. He suggested the possibility of charging a fee to bring in your car, separate from parking fees.

Mr. Swanson commented on the Sense of Community section. He thought the graph on page 22 was very telling and he wondered if they should say more about it. He thought the graph showed that Park City was over-built with nightly rental hot beds, but there was no indication to slow down on building more. Mr. Swanson suggested that it might be worth studying in the future to see if they are on the right or wrong track. He thought it should be front and center in their thinking.

Mr. Swanson commented on the Historic Character Section. He was concerned about projects such as the library expansion in terms of the lack of qualified historical professionals that should be involved and the public purview. Mr. Swanson thought there were actual layers of protection for historic resources in town and important public buildings that needed to be mentioned in the General Plan.

Mr. Swanson referred to the Neighborhoods Section. He noted that the BoPa plan was separate from the General Plan and he would like the Planning Commission to encourage the Staff to either incorporate the BoPa plan into the General Plan so people understand what could potentially be built in this area; or take out the graphics. He believed it was misleading for someone reading the plan when they see the overlay of new roads and the implications for this area, which is the focus of transferred development rights, etc. Mr. Swanson was dismayed in seeing that Bonanza Park was combined with Snow Creek, which is an important business area that services the needs of all Parkites, including visitors.

Mr. Swanson agreed with Ms. Wintzer regarding the Trends Section. He understood that the General Plan was split into two volumes and the trends would be included with neighborhoods. However, he thought the Trends Section could be eliminated or created as an appendix. If they keep the Trends Section, he would like an explanation of the graph on page 30. He wanted to know how they could build 2.5 million square feet of commercial and another 2500 residential unit equivalents without using additional water. Mr. Swanson referred to pages 42-43 and requested that they give proper credit to the founders of CARG if they were going to quote one of its members. He thought it could also be removed because it was anecdotal. Mr. Swanson thought the personal accounts included in the General Plan should be better vetted in order to give proper credit.

Jo Scott asked for a definition of primary neighborhood.

Director Eddington stated that primary neighborhoods are those with primarily year-round residents.

Ms. Scott clarified that Thaynes would be considered a primary neighborhood. Ms. Scott thanked the Commissioners for the changes that were made to the neighborhood sections and removing the language regarding increased density. However, she felt there were still inconsistencies in the language. Sense of Community, 7A in the Staff report, says, "increased diversity of housing stock to fill voids within housing inventory." In her opinion, increasing diversity for Thaynes, as an example, might mean more density. Further down in 7.3, it reads, "Explore new and emerging trends for non-traditional housing developments such as co-housing, congregate housing or limited equity co-ops within primary residential neighborhoods." Ms. Scott believed that language implies increased density in the neighborhoods where they wanted to discourage density. Ms. Scott asked if the Planning Commission found the statements to be contradictory.

Commissioner Gross answered no. He believed the Planning Commission and the public have discussed the Thaynes Canyon issue as much as they possibly could for the General Plan. He informed Ms. Scott that any remaining issues or concerns could be addressed

with the LMC, similar to the way they dealt with the Holiday Ranchettes. Commissioner Gross reiterated that the neighborhoods were sufficiently addressed and he thought it was time to move forward.

Ms. Scott respectfully disagreed because she preferred consistency in a General Plan that serves as a reference. Commissioner Gross pointed out that the General Plan is also an organic document that will be reviewed and scrutinized for the next 20 years. It would be unrealistic for the Planning Commission to include the level of detail that Ms. Scott was suggesting. Commissioner Gross stated that Ms. Scott was concentrating on Thaynes and missing the organic point of the General Plan.

Ms. Scott clarified that she lives in Thaynes but she was also concerned about the other neighborhoods as well. However, for the areas the Planning Commission identified as places to discourage density, she felt the language could be cleaned up to be more consistent.

Chair Worel thought that Ms. Scott's point was addressed in the last sentence of 7.3, "Create specific review standards to ensure compatibility and mitigation of impacts as necessary." Chair Worel thought that sentence made it clear that the Planning Commission would look closely at whatever review standards are applied in the LMC to ensure compatibility and that the impacts are mitigated.

Director Eddington explained that the language represented different uses and opportunities for housing, as opposed to increased density. Ms. Scott was not opposed to housing diversity as long as the language did not imply increased density in the neighborhoods that have already been identified for no additional density.

Commissioner Campbell felt there was a philosophical difference with some of the different neighborhoods. From his perspective it was like a three sided triangle with density on one point, sprawl on the second point and affordable housing on the third. People do not want density or sprawl but they want affordable housing and those are incompatible. In his opinion, there would have to be increased density somewhere. Commissioner Campbell stated that no one wants sprawl and everyone agrees with having some sort of a belt around it to identify when you have reached Park City. Everyone also agrees that a lot of property owners have the rights to build houses in Park City, and he personally preferred to have those clustered. Commissioner Campbell stated that he lives in Thaynes and there is not that much left to be built; therefore, clustering could not occur in Thaynes. He was confident that the Thaynes residents could stop worrying about having work force housing in their neighborhood, but it clearly needs to be somewhere.

Brad Smith, stated that he was representing the Thaynes and Park Meadows HOAs. Mr. Smith explained why he his comments would be so detailed. In the neighborhoods that have HOA, the General Plan states that it is a legal contractual obligation with anyone who purchases a home in those neighborhoods. The HOA also has potential liability with future problems and that is why they were concerned with getting everything in order before the General Plan is adopted. Mr. Smith stated that the HOAs have been working with the City and have had productive meetings with Director Eddington and the progression has been approved by the City Attorney. He believed they were very close to agreement but a few items still needed to be satisfactorily addressed. He wanted the Planning Commission to understand that the organizations could be liable if they do not protect the existing HOAs. The goal has been to avoid future problems by eliminating potential conflicts in the General Plan. Mr. Smith noted that the Thaynes HOA revised their CC&Rs and architectural guidelines four years ago to make it as close to the City Code as possible. He believed there was commonality and the neighbors were not here to be repetitive or picky.

Mr. Smith commented on two items that were raised by two Commissioners during the January 15th meeting that the neighbors favored and thought might be incorporated into the General Plan. Mr. Smith remarked that the neighbors were asking for details in the document because they needed details to protect them from legal liability. At the last meeting it was suggested and agreed, to identify the areas appropriate for density and to remove the language for the other neighborhoods where density should be discouraged. Mr. Smith noted that one Commissioner did not think it was enough just to say density in other areas, and that the language should specifically state that increased density in those areas should not be encouraged. Mr. Smith requested that the language suggested at the last meeting be included in the General Plan document.

Mr. Smith stated that the second issue was raised by Commissioner Joyce on January 15th, and related to who was in charge. It was clearly stated and clearly understood that these neighborhoods have HOAs that have covenants and CC&Rs that will apply, and only HOAs can enforce the regulations, not the City. Mr. Smith indicated two places in the General Plan where that language could be inserted.

Director Eddington believed the issue of CC&Rs was addressed in the document with the language, "CC&Rs are enforced by their respective HOAs." Mr. Smith suggested that they also a sentence on the first page that lists the neighborhoods, which would read, "In this neighborhood there may be Homeowner Associations and they have CC&R that will apply and be enforced." That would alert people to check with their HOAs to before purchasing or developing a lot.

Mr. Smith believed they could meet the scheduled timeline; however, the Thaynes HOA needed the opportunity to have the document reviewed by their legal counsel to make sure

the HOA could not be sued for liability. Mr. Smith clarified that the neighbors did not want any conflict with the City.

Mary Wintzer stated that it was clear that Commissioners Campbell and Phillips have not had to endure the endless hours spent by the other Commissioners. She does not live in Thaynes; however, when all this came up and the Park Meadows and Holiday Ranch residents attended the public hearings regarding subdividing lots, Commissioner Gross understood their concerns and made the comment himself, "not in my backyard". Ms. Wintzer pointed out that the idea of subdividing lots in Park Meadows was quickly taken out and the Park Meadows residents never had a problem. She believed the Thaynes Canyon residents have had difficult time, not just with the Planning Commission but also at the City Council level. In equality and fairness to neighborhoods, Ms. Wintzer believed that if the concept of subdividing had not been addressed quickly and removed from the document, the Park Meadows neighbors would be here fighting as well. Ms. Wintzer clarified that no one was trying to be an obstructionist. Everyone was trying to do the homework and get up to speed. However, they did feel that the scheduled was fast-tracked from April 1st to the beginning of March.

Chari Worel closed the public hearing.

Commissioner Campbell did not want anyone to have the impression that someone had an evil plan of subdividing lots in Thaynes Canyon. He found nothing in the document that prepares the groundwork for that to occur.

Director Eddington clarified that there was some discussion at the last meeting to remove any language that encouraged density. They had discussed the possibility of accessory units in the Thaynes Canyon section and that was also eliminated. Director Eddington remarked that they also defined specific areas where the Planning Commission thought density would be appropriate, and further defined areas where mixed use and increased density could exist. Director Eddington believed the density issue had been resolved. Relative to the CC&Rs, he noted that the Hierarchy of Land Use documents were originally located in back of the document before the neighborhoods. However, to honor a request it was moved to the front. Director Eddington believed the front was a more appropriate place because it was applicable to the document. He noted that the last sentence was incorporated, stating that the CC&Rs are enforced by their respective HOAs.

Commissioner Phillips was comfortable that the issues had been sufficiently addressed.

Commissioner Gross remarked that it was difficult because they could not do exactly what the neighbors wanted and the best they could do was to provide the language that had been incorporated to address enforcement of the CC&Rs. Director Eddington stated that

because the City does not address CC&Rs or point out the geographic distribution of HOAs, the General Plan could not speak to that specifically. The only way to address the issue is note in the General Plan that there is a hierarchy of land use and that CC&Rs are a contract of homeowners with their neighbors and their land.

Chair Worel asked if there was any difference in having the Trends as a section in the General Plan versus an appendix. Director Eddington stated that due to the discussion regarding the length of the document, it was included as a section in Volume I. He believed the majority of people would primarily use Volume I - Goals and Strategies. He explained that the thought for keeping it in was to be transparent and open and to identify some of the best planning practices that contribute to ideas.

City Attorney Harrington stated that it would not matter whether the Trends were a section in the General Plan or an appendix, and they could define the volumes of the General Plan however they want. However, he thought it was better to focus on the functionality of the volumes and what they expect everyone to use.

MOTION: Commissioner Gross moved to forward a POSITIVE recommendation to the City Council for the General Plan with the amendments discussed tonight. Commissioner Phillips seconded the motion.

Chair Worel called for discussion on a motion and a second to forward a positive recommendation to the City Council. She requested that the motion be amended to recommend that the City Council consider the public input that was provided this evening.

Commissioner Gross accepted the amendment to the motion.

Commissioner Campbell was uncomfortable with the amendment because it implied that the Planning Commission was approving all the discussion and comments heard this evening, when that was not the case. Chair Worel clarified that she would like the City Council to take into account the public input that was provided. Commissioner Campbell preferred to take the time tonight to be clear that they were not recommending the specific items that they requested to be on the agenda for the joint meeting with the City Council. Director Eddington noted that the items for the joint meeting were the redlines and the policy discussions that have come up over the past few meetings, as well as the items that were added this evening. Commissioner Campbell preferred to resolve the issues among the Commissioners before going to the City Council.

Commissioner Gross withdrew his motion to allow the Planning Commission the opportunity to discuss some of the topics.

Chair Worel stated that the Planning Commission would go point by point on the written remarks from Icon Park City. Director Eddington stated that with regard to the overview there was concern that the Overview was too informal. He noted that in the first draft the Overview was very formal; but the Staff reconsidered and decided to make it more informal for a better understanding of the direction that was taken from Visioning 2009, which was the foundation for the General Plan. The other concept was to make the Overview more lively and simple because the rest of the General Plan was technical and specific.

Commissioner Gross was comfortable with the Overview as written. Commissioner Campbell referred to page 13 and stated that he supported the idea of putting the word "potential" before the word "buildout" in the first paragraph, because it is potential. The Commissioners agreed with adding the word "potential".

Chair Worel liked the informality. She thought they should whatever possible to make the document more readable and user friendly. The Commissioners concurred.

Director Eddington referred to page 9, Small Town, and noted that different definitions primarily from Webster's were incorporated throughout the General Plan to help with formatting and for guidance. Some of the definitions were included in the draft Bonanza Park area plan and the concept was carried over to the General Plan to create connectivity between the documents.

Commissioner Gross found the font very hard to read. He thought the phonetic part was confusing. Director Eddington agreed that it was difficult to read and they would change the font.

Director Eddington referred to page 10, 1.2 which talks about transition zones. He noted that these were areas that could potentially received TDR credits. The Staff recommended that as they look at the opportunity to use TDRs or incorporate different types of housing, they would say that there should be specific review criteria that would need to be created before there was increased density in a transition zone. He asked if the Planning Commission was comfortable leaving it as written, or whether they wanted to change it.

Commissioner Campbell recommended that they leave it as written. Director Eddington clarified that before they would have increased density they would have to create specific criteria for Planning Commission and City Council review. The Commissioners concurred with leaving the language as written.

Director Eddington referred to page 50 of Small Town. He noted that in the early process of working on the General Plan people asked for renderings to give a visualization of some of the things mentioned in the narrative. They talk about alternative modes of

transportation moving forward into the future and various ideas have been discussed over the past years. He expected that there would be many new things over the next five to ten years. Therefore, they showed the graphic of alternative modes and how they could work. Director Eddington clarified that it was not intended to be specific; however, the Staff thought the opportunity to start connecting different neighborhoods within a community is a great idea and they wanted to show it. He noted that including it in the General Plan only means that it may be considered or explored. It does not specifically mean that it would happen in a specific location.

Commissioner Campbell suggested changing “a conceptual layout” to “one possible layout”. Commissioner Gross liked the narrative, but he had concerns with the image. The Commissioners concurred with revising the language as suggested. Director Eddington revised the language to read, “A gondola from Main Street to Deer Valley has been discussed and **one possible layout** is depicted above.”

Director Eddington referred to page 10 of Natural Setting, 5.2 and read, “Identify locations where increased density and/or mixed-use are compatible, located within transit and would decrease trip generation.” Director Eddington clarified that this would only be looking at future opportunities. The Commissioners were comfortable with the language as written.

Director Eddington referred to the carbon sequestration graphic. He explained that some of the people on the General Plan task force were looking into carbon sequestration. It could be as simple as planting trees in a forest or more complex in terms of other biological opportunities. The idea is for Park City to do their part. The Commissioners were comfortable leaving it in.

Director Eddington referred to page 28, which specifically talks about greenhouse gas reduction and opportunities. He noted that language pertaining to the Recycle Center focused more on the building itself. He was unsure if the Recycle Center would always remain in the same location, but he believed the City was committed to a recycling center servicing the community. The Commissioners preferred to have language in the General Plan that talks about the City’s commitment, but they did not believe it was appropriate in the section regarding greenhouse gas reduction. Director Eddington stated that the Staff would add a strategy in the Natural Setting section addressing the City’s commitment to a recycling center servicing the citizens. Commissioner Campbell preferred that the language remain vague rather than making it sound like the Planning Commission supports a specific site. The Commissioners concurred.

Director Eddington referred to page 39 and the suggestion to incorporate a graph bar representing financial disincentives for vehicular use in Park City. Director Eddington stated that what was shown was developed with the Sustainability Department and the

environmental staff, and they were trying to show where they get the most “bang for the buck” in terms of different opportunities. He pointed out where they start to get into lower complexity and lower cost, which is where they want to be. Director Eddington was unsure what a graph to disincentive car and truck use would look like. He asked if it was something the Planning Commission wanted to explore.

Chair Worel asked if it was ever discussed at the City Council level. Director Eddington answered no, because they tried to focus more on the positive and how to incentive the other modes of transportation, including walking. He thought a disincentive would be something like a toll booth. If they wanted to consider something like that it would be better as a strategy because the City does not have a disincentive fee schedule.

Commissioner Campbell did not believe it should be specific but he thought it was worthwhile to explore. He suggested adding a sentence at the bottom of the graph to read, “Future Councils may consider...”. If this General Plan is intended to last 20 years, he believed there would be a cost to drive up Main Street in a car 20 years from now. Director Eddington added language stating that, “Future Councils may want to consider disincentivating the use of private vehicles within certain sections of the City limits.”

Commissioner Gross asked if that only pertained to cars. If they included delivery trucks, construction trucks, etc., he wanted to know where they would draw the line. Commissioners Campbell and Phillips emphasized that it should be left vague at this point.

Director Eddington revised the proposed language to read, “Future Councils may want to consider disincentivating the single occupancy vehicle in certain zones within the City limits.” The Commissioners were comfortable with the revised language.

Director Eddington referred to page 22, Sense of Community. He noted that the graph showed the ratio of lodging guests to year-around population and how Park City compares to other communities. They also talked about different community strategies on both Sense of Community and Small Town where they want to keep hotel and lodging opportunities focused into the resort neighborhoods. From a General Plan standpoint they want to talk about where to locate hotels. He believed the market would dictate the number of people who visit the community and how many rooms are viable. They would not want to negatively impact opportunities for the resorts and their development.

City Manager, Diane Foster, reported that the source was the Chamber Bureau. She clarified that the number shown was actually the number of beds for the greater Park City area, which includes Snyderville Basin.

Chair Worel asked if it was possible to break it down to reflect the number for Park City. Ms. Foster was unsure if the data was available but the Staff would check onto it. She noted that it was based on number of pillows rather than rooms.

Commissioner Campbell pointed out that they have three ski resorts and most of the competitors only have one resort. He did not believe the graph required any action on the part of the Planning Commission. Commissioner Gross suggested that they label the graph as Greater Park City rather than just Park City. The Commissioners concurred. Director Eddington asked if the Commissioners would be willing to leave it as just Park City if he finds that Aspen and Sun Valley were also greater areas, because it would be apples to apples comparison. The Commissioners agreed.

Director Eddington referred to page 7 of Historic Character, and asked Steve Swanson if he was referring to the Park City library specifically and that he wanted to make sure it was reviewed thoroughly.

Mr. Swanson stated that he had spoken on that issue in other forums, including the City Council. Whether it was germane to the General Plan was for the Planning Commission to decide. Mr. Swanson remarked that if they were going to walk the talk in terms of historic, they need to be very careful in how they approach their very limited inventory of public historic buildings. Since the HDC was dissolved and the Planning Staff has more and more responsibility for these projects, he did not want to see important buildings planned into existence in the future with the help of library boards, etc. He believed it should be done in the full light of day.

Director Eddington stated that a review of a design requested in the Historic District goes before the Staff and the historic preservation specialist, and it is reviewed at a Design Review Team meeting with the applicant. It is analyzed and compared to the 2009 guidelines. If that decision it is appealed, it would go before the Historic Preservation Board for a hearing. He believed the current process functions well. Director Eddington stated that there is a historic preservation planner on Staff and a historic preservation consultant that is utilized on a weekly basis. Director Eddington stated that there is full noticing of all HDDR applications, and it is noticed a second time when an approval is made.

Commissioner Campbell understood that the Staff decision could be appealed by the applicant or by the general public. Director Eddington replied that this was correct. The Commissioners could see no reason to change the current process.

Director Eddington referred to Neighborhoods, page 34. He noted that the Bonanza Park Plan should either be incorporated into the document or the graphics should be removed. He explained that when they did the Bonanza Park draft plan it was in front of finalizing the

General Plan. They were trying to expedite the process to address potential future development concerns to make sure they had the right design controls in place. However, it was determined that there was a sense of urgency to do the General Plan and the Bonanza Park Plan was put on hold. He believed it was a more appropriate order to do the General Plan first and then the area plan. Director Eddington stated that the Staff wanted to make sure that some of the elements of the Bonanza Park area plan from a conceptual level were incorporated into the General Plan so when completed it would relate to the future Bonanza Park plan. He remarked that showing possible future roads is an effort to indicate that they have a greater vision for Bonanza Park. The intent is to finalize the Bonanza Park area plan shortly after the General Plan is completed.

The Commissioners were comfortable leaving in the references to the Bonanza Park area plan.

Director Eddington referred to the graphic on page 30, which addressed residential equivalents. He noted that the Water Department measures water by Residential Equivalents. The graph shows the projected residential equivalents rather than the projected water usage. The graph showed that the populace would begin to taper off in 2030. Commissioner Gross noted that in addition to residential equivalents, it is also the City's capacity to deliver it. Commissioner Campbell suggested that the Staff add wording to the left side of the graph indicating that the numbers had nothing to do with gallons.

Chair Worel noted that one of Commissioner Joyce's suggestions was for the chart on page 31 regarding exterior gallons used to water landscape. Director Eddington clarified that the one above was per day and the two below were annual. The Staff would make that clarification. Commissioner Campbell suggested that they change the first line to be yearly so it matches up with the second line. Director Eddington stated that he would change everything to annual.

Director Eddington remarked that the final issue related to the write-up on pages 42-43. He stated that there were a couple of write-ups in the plan with regards to arts and culture and a few other items. This write-up was focused on Natural Setting and CARG and provides a background on where they have come from, where they are, and how things have occurred. He believed it was a natural write-up telling how citizens have a tremendous power to make changes in the community. There is no doubt that other members of CARG who were involved.

Commissioner Gross asked if there were charter members of the group that could be highlighted. Steve Swanson stated that it was only fair to recognize the founders of CARG. He knows these individuals personally and knows their story. He thought the founders

should be credited and he believed their names would be easy to find. Director Eddington offered to research the charter to find the names of the founding members.

MOTION: Commissioner Gross moved to forward a POSITIVE recommendation for the General Plan to the City Council contingent on the various amendments and discussion points from this meeting and the January 15th meeting that have not yet been incorporated. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 8:05 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: 1185 Empire Avenue - Plat Amendment
Author: Ryan Wassum, Planner
Date: February 12, 2014
Type of Item: Administrative – Plat Amendment
Project Number: PL-13-02163

Summary Staff Recommendation

Staff recommends that the Planning Commission hold a public hearing for the 1185 Empire Avenue Second Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Ted King, owner
Location: 1185 Empire Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

The applicant is requesting a plat amendment (Exhibit A) for the purpose of separating 1183 and 1185 Empire Avenue into two separate and legal lots with a proposed new lot line. The plat amendment would create Lot 1 (1183 Empire) and Lot 1A (1185 Empire) of Block 27 Snyder's Addition of the Park City Survey. There is an existing non-historical duplex on the 1183 and 1185 Empire lot (Exhibit B) which will be razed to construct two (2) new single family homes. The applicant wishes to separate the lot by adding a new property line between 1183 and 1185 Empire Avenue to facilitate new construction.

Background

On December 13, 2013 the owner submitted a complete application for a plat amendment. The subject properties are located at 1183 and 1185 Empire Avenue. The structure located at 1183 and 1185 Empire is a non-historic duplex on Lots of 12, 13, and a portion of Lot 14, Block 27 Snyder's Addition of the Park City Survey.

The applicant wishes to separate the combined 1183 and 1185 Empire Lot into two (2) legal lots of record to facilitate new construction for two (2) single family homes.

A demolition permit was issued to the applicant on October 1, 2013 to raze the existing duplex at 1183 and 1185 Empire. The demolition permit is good for 180 days and will expire on April 1, 2014. Although no plans have been submitted, after demolition the applicant intends on building two (2) new single family dwellings. It is important to note

that a moratorium currently is in place for Empire Avenue that prohibits new construction from cutting into the road to connect to utility lines until the year 2016 or when the moratorium is lifted.

Previously, on September 19, 2008, City Council approved an 1185 Empire Avenue Plat Amendment to combine three and three fourths lots of record into two lots of record (see 2008 Draft Ordinance Exhibit E). The applicant, Ted King, wanted to remove an unsafe and non-historic structure and facilitate new construction at 1195 Empire Avenue, as well as make the duplex located at 1183 and 1885 Empire a legal conforming structure by the removal of two (2) lot lines. Since 2008, the applicant razed the non-historic structure located at 1195 Empire Avenue and built a new single family dwelling on Lot 2.

Analysis

The current application is a request to separate a 4,951 square feet of lot into two (2) legal lots of record containing 2,565 square feet of area (Lot 1), and 2,475 square feet of area (Lot 1A) respectively. 1183 Empire (Lot 1) would be 75 feet deep by 32.75 feet, whereas 1185 Empire (Lot 1A) would be 75 feet by 33 feet. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family house and 3,750 square feet for a duplex. The proposed plat amendment meets the required lot sizes for two (2) new legal lots of record.

The purpose of the Historic Residential (HR-I) 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.

Re-platted Lots 1 and 1A (Exhibit B)

	Permitted	Proposed Lot 1	Proposed Lot 1A
Min Lot Size:	1,875 square feet	2,465 square feet	2,475 square feet
Max Footprint:	Lot 1: 1,073 sf Lot 1A: 1,076 sf	1,073 sf	1,076 sf
Front/Rear Setbacks:	10' min (20' total)	10' min (20' total)	10' min (20' total)
Side setbacks:	3' min (6' total)	3' min (6' total)	3' min (6' total)
Max. Height:	27'	27'	27'
Parking:	Lot 1/1A: 2 per dwelling	2 per dwelling	2 per dwelling

The proposed plat amendment does not create any new non-conforming situations.

Good Cause

Planning Staff finds that there is good cause for this plat amendment as it meets the Land Management Code and creates two (2) smaller residential lots that are more compatible within the HR-1 District. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures in LMC 1-18. A Historic District Design Review application or pre-application is required prior to issuance of any building permits for new construction on the property. Any area proposed for future construction that meets requirements for applicability of a Steep Slope Conditional Use permit shall be reviewed for compliance with the Steep Slope Conditional Use permit review criteria, prior to issuance of any building permits.

Department Review

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

Notice

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

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting noticed for March 6, 2014.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council on the 1185 Empire Avenue re-plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council on the 1185 Empire Avenue re-plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the public hearing and discussion on the 1185 Empire Avenue re-plat to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a recommendation.
- The “take no action” alternative is not an option for administrative plat amendments.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The large lot would remain as it currently exists; however, with a demolition permit already approved and issued to the applicant for removal of the existing duplex, an abandoned lot could remain in the Old Town neighborhood.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the 1185 Empire Avenue Second Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance Exhibit A- Proposed Plat Amendment

Exhibit B- Aerial photo/ vicinity map

Exhibit C- Survey

Exhibit D- Photos

Exhibit E- Approved 1185 Empire Plat Amendment and Draft Ordinance (2008)

Draft Ordinance

Ordinance No. 14-

AN ORDINANCE APPROVING THE 1185 EMPIRE AVENUE SECOND PLAT AMENDMENT SEPARATING LOT 1, 1183 EMPIRE, WITH ALL OF LOT 12 AND THE SOUTHERLY 7.75 FEET OF LOT 13, AND LOT 1A ,1185 EMPIRE, WITH THE NORTHERLY 17.25 FEET OF LOT 13 AND THE SOUTHERLY 15.75 FEET OF LOT 14, BLOCK 27 SNYDERS ADDITION, AMENDED PLAT OF THE PARK CITY SURVEY, LOCATED IN PARK CITY, UTAH

WHEREAS, the owner of property located at 1185 Empire Avenue petitioned the City Council for approval of the 1185 Empire Avenue re-plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 12, 2014, to receive input on the 1185 Empire Avenue Second Plat Amendment;

WHEREAS, the Planning Commission, on February 12, 2014, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on March 6, 2014; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1185 Empire Avenue Second Plat separating Lot 1, 1183 Empire, with all of Lot 12 and the southerly 7.75 feet of Lot 13, and Lot 1A, 1185 Empire, with the northerly 17.25 feet of Lot 13 and the southerly 15.5 feet of Lot 14. The plat amendment also secures public snow storage easements across the frontage of the proposed lot.

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 1185 Empire Avenue Second Plat Amendment 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 1185 Empire Avenue and consists of two (2) "Old Town" lots, namely Lot 11, Lot 12, and the southerly half of Lot 13, Block 27 Snyders addition, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. There is an existing non-historic duplex located at 1183 and 1185 Empire Avenue with an approved demolition permit to raze the structure.
4. The property has frontage on Empire Avenue and the lot contains 4,951 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
5. Single family homes are an allowed use in the HR-1 zone.
6. On November 26, 2013, the owner submitted an application for a plat amendment to separate the 1183 and 1185 Empire Avenue Lot into two (2) legal lots of record, Lots 1 (2,465 sf) and 1A (2,475 sf), to facilitate construction for two (2) new single family homes. The application was deemed complete on December 13, 2013.
7. The HR-1 zone requires a minimum lot area of 1,875 square feet.
8. The property has frontage on and access from Empire Avenue.
9. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
10. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.
11. The proposed plat amendment does not create any new non-complying or nonconforming situations.
12. The maximum building footprint allowed for 1183 Empire Avenue, Lot 1, is 1,073 square feet per the HR-1 LMC requirements and based on the lot size.
13. The maximum building footprint allowed for 1185 Empire Avenue, Lot 1A, is 1,076 square feet per the HR-1 LMC requirements and based on the lot size.
14. The plat amendment secures public snow storage easements across the frontage of the lots.
15. There is good cause to add a new lot line and create two (2) legal and smaller residential lots that are more compatible within the HR-1 District.

Conclusions of Law:

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

Conditions of Approval:

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. The demolition of the structure at 1185 Empire is a condition precedent to plat recordation.
4. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots. Also recordation of the plat is a condition of building permit issuance.
5. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
6. 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 and shall be noted on the final mylar prior to recordation.
7. A 10 foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and shall be shown on the plat.
8. All prior snow storage easements from this property shall be reflected on this plat.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ____ day of March 6, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

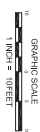
APPROVED AS TO FORM:

Mark Harrington, City Attorney



185 EMPIRE AVENUE SECOND PLAT AMENDMENT
A PLAT AMENDMENT BLOCK 27 SWINGERS ADDITION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 28 RANGE 4E
SALT LAKE BASE AND MERIDIAN

35 of 599



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. 54069008. 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 2014

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, THAT TED W. LIND, A RESIDENT MAN, THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREINAFTER CALLED THE 1165 SECOND SECOND PLAT AVENUE, TED W. LIND BEING CERTAIN THAT THE ABOVE CAUSED THE SAME TO BE SUBDIVIDED TO BE PERMANENTED. ALSO, THE OWNERS, OR HIS REPRESENTATIVE, HEREBY PERMANENTLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, RIGHTS AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN APPLICABLE OFFER OF DEDICATION, WITNESS WHEREOF, THE UNDERSIGNED SET HIS HAND THIS _____ DAY OF _____, 2014.

TED W. KING **KRISTINA M. KING**

ACKNOWLEDGMENT

PERSONALLY APPEARED BEFORE ME ON THIS ____ DAY OF _____, 2014, THE FOLLOWING(S) _____

WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE ABOVE OWNERS DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

MY COMMISSION EXPIRES _____

RESIDING IN _____

LEGAL DESCRIPTION:

LOT 1: ALL OF LOT 12 AND THE SOUTHERLY 7.75 FEET OF LOT 13, BLOCK 27 SNYDERS ADDITION TO PARK CITY.

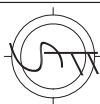
LOT 1A: THE NORTHERLY 17.25 FEET OF LOT 13 AND THE SOUTHERLY 15.75 FEET OF LOT 14, BLOCK 27 SNYDERS ADDITION TO PARK CITY.

LOT 2: THE NORTHERLY 9.25 FEET OF LOT 14 AND THE SOUTHERLY 18.75 FEET OF LOT 15, BLOCK 27 SNYDERS ADDITION TO PARK CITY.

LEGEND:

- PROPERTY LINE
50' REAR AND CAP L.S. 504690
●
50' REAR AND CAP L.S. 183931
●
50' REAR AND CAP L.S. 183930
X
SIDE STORAGE EASEMENT

ORIGINAL LOT LINE
[1185]
STREET ADDRESS ON EMPIRE AVE.



FERRARI
SURVEYING, LLC
P.O.B. 663001 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.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING
COMMISSION
THIS _____ DAY OF _____, 200__

ENGINEER'S CERTIFICATE

THIS PLAT TO BE IN ACCORDANCE WITH
INFORMATION ON FILE IN MY OFFICE
THIS ____ DAY OF _____, 2014 A.D.

APPROVAL AS TO FORM

LOVED AS TO FORM THIS ____ DAY OF
____, 2014 A.D.

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS
APPROVED BY PARK CITY COUNCIL THIS ____ DAY
OF _____, 2014 A.D.
BY _____

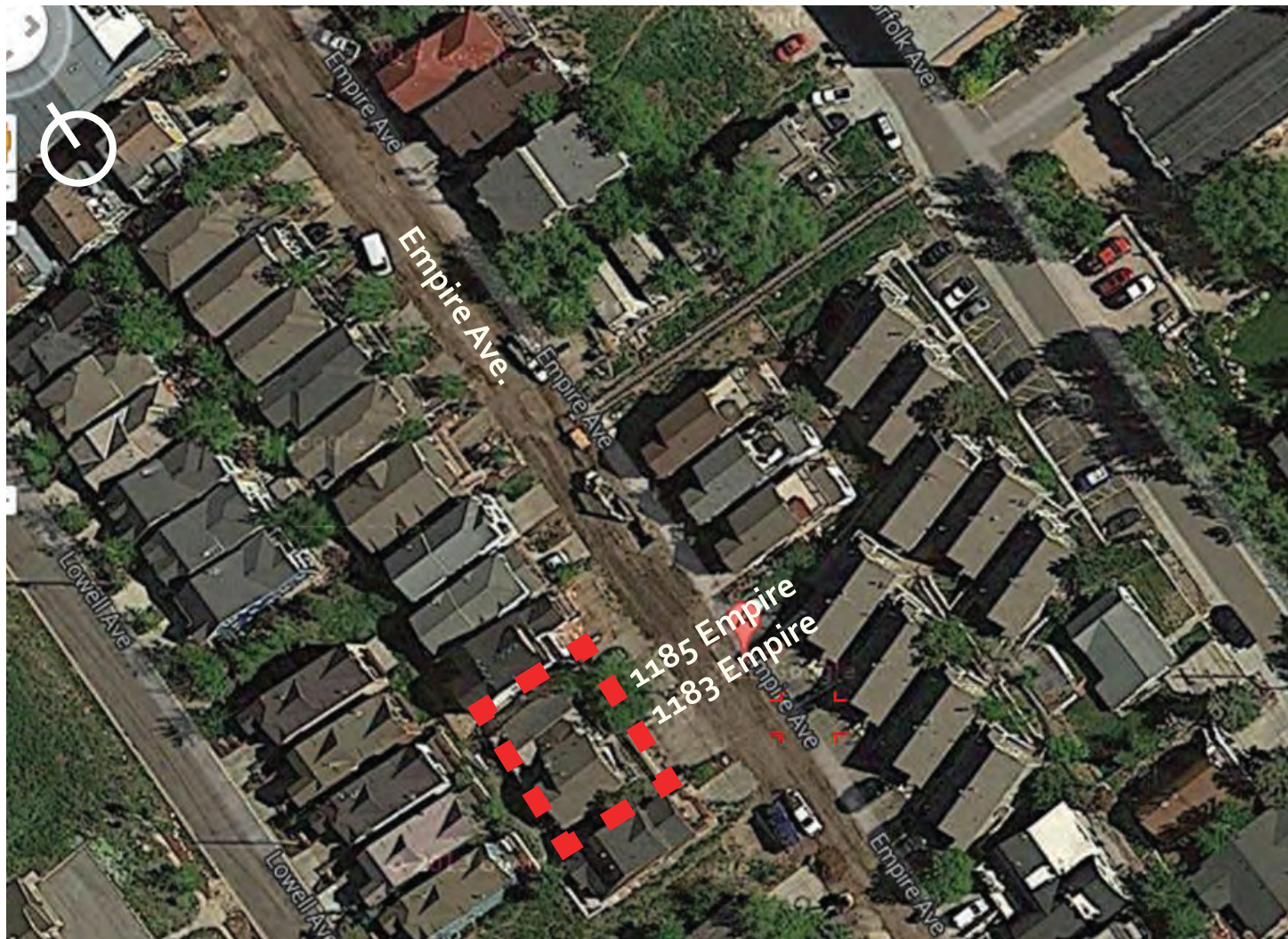
COUNCIL APPROVAL AND ACCEPTANCE

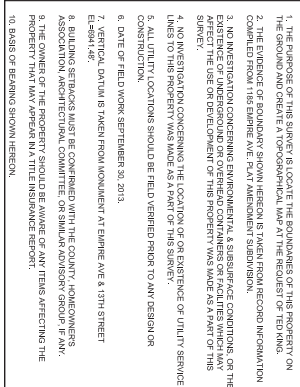
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.

By _____ MAYOR _____

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____
FEE _____ RECORDER _____





RECORD CARD LOT 1	
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PO BOX 683001

PAK CIT, 01 64066

INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF FERRARI SURTEING & IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF FERRARI SURTEING.

GRAPHICAL MATERIALS
DIVISION
UTAH

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$$= 5 + 2 = 7$$

RECORD C
LOT 1
mission - Fel
PARK CITY

BAR IS ONE INCH OR MORE. ORANGE
IF NOT ONE INCH ON THIS SHEET, JUST

DESIGN BY:  GF
DRAFTING BY: GF

DRAWINGS: 

1:10

2 CONJUGS
VERTICAL

PROJECT #12

0013 80

37 of 599



FRONT SIDE (FACES EAST)



FRONT SIDE (EAST)

BACKSIDE (west)





BACKSIDE (west)



THIS SHOWS NW corner
corner of lot





SOUTH WALL BACKSIDE LOOKING NORTH



LOOKING AT NORTH SIDE

Draft Ordinance No. 08-

**AN ORDINANCE APPROVING THE 1185 EMPIRE AVENUE PLAT AMENDMENT
LOCATED AT 1183, 1185, AND 1195 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 1183, 1185, and 1195 Empire Avenue have petitioned the City Council for approval of the 1185 Empire Avenue plat amendment; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on August 27, 2008, to receive input on the 1185 Empire Avenue plat amendment;

WHEREAS, the Planning Commission, on August 27, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 1185 Empire Avenue plat amendment.

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 1185 Empire Avenue plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1183, 1185 and 1195 Empire Avenue in the HR-1 zoning district.
2. Two non-historic structures are located on the property.
3. The subject properties encompass Lots 12, 13, 14, and the southern three fourths portion of Lot 15, Block 14, Snyder's Addition to the Park City Survey.
4. The applicant intends on creating 2 lots from 3.75 lots.
5. Lot 1 containing the duplex at 1183 and 1185 Empire will have a width of 65.75 feet.
6. The duplex located at 1183 and 1185 Empire is a legal non-conforming structure as the building crosses two lot lines.
7. The LMC requires lots with widths from 62.5 feet up to 75 feet to have a side setback minimum of 5 feet and total of 18 feet.

-
8. The duplex at 1183 and 1185 Empire will meet the side yard setback requirements.
 9. The structure at 1195 Empire was found to be unsafe and dangerous by Ron Ivie, Chief Building Official. A notice and order to vacate and demolish the structure was issued on October 15, 2007.
 10. The demolition of 1195 Empire must take place before the recordation of the plat.
 11. Lot 2 located at 1195 Empire will have a width of 28 feet.
 12. Due to size constraints of the Lot a duplex would not be permitted at 1195 Empire Avenue.
 13. A Historic District Design Review is required prior to any development in the Historic Residential District (HR-1).

Conclusions of Law:

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

Conditions of Approval:

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.
3. The demolition of the structure at 1195 Empire is a condition precedent to plat recordation.
4. No remnant parcels are separately developable.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 11 day of September, 2008.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

1185 EMPIRE AVENUE PLAT AMENDMENT
A PLAT AMENDMENT OF LOT 14 BLOCK 27 SHYDERS ADDITION
TOWNSHIP 28 RANGE 4E
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S STATEMENT

I, GEORGY J. FERRARI, OF KANAWHA, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HAVE PREPARED THE ABOVE PLAT AMENDMENT IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH CITY MAPS ACT, CHAPTER 10, UTAH CODE ANNOTATED, AND I FURTHER CERTIFY THAT THIS PLAT AMENDMENT REPRESENTS THE SURVEYED PROPERTY.



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT TED W. KING, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, TO BE SHOWN HEREAFTER AS THE TRACT OF LAND, HAS HEREBY CONSENTED TO THE RECORDATION OF THIS PLAT AMENDMENT. ALSO, THE OWNER(S) OF HIS REPRESENTATIVE, HEREBY HERETOFORE OFFERED FOR CONSIDERATION, HAS HEREBY CONSENTED TO THE RECORDATION OF THIS PLAT AMENDMENT. THE UNDERSIGNED HAS HEREBY CONSENTED TO THE RECORDATION OF THIS PLAT AMENDMENT. THE UNDERSIGNED HAS HEREBY CONSENTED TO THE RECORDATION OF THIS PLAT AMENDMENT. THE UNDERSIGNED HAS HEREBY CONSENTED TO THE RECORDATION OF THIS PLAT AMENDMENT.

TED W. KING

ACKNOWLEDGEMENT

STATE OF UTAH: COUNTY OF SUMMIT: 181
ON THIS DAY OF MARCH, 2003, I, TED W. KING, THE UNDERSIGNED, HAVE PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED, AND HAVE ACKNOWLEDGED TO ME THAT HE IS THE OWNER(S) OF THE TRACT OF LAND DESCRIBED IN THE ABOVE PLAT AMENDMENT AND THAT HE HAS HEREBY CONSENTED TO THE RECORDATION OF THIS PLAT AMENDMENT.

MY COMMISSION EXPIRES: 11/15/03
CERTIFIED BY: [Signature]
RECORDED BY: [Signature]

LEGAL DESCRIPTION:

PARCEL 1, ALL OF LOT 13 AND THE SOUTHERLY 15.75 FEET OF LOT 14, BLOCK 27 SHYDERS ADDITION TO PARK CITY.
PARCEL 2, THE NORTHERLY 23.25 FEET OF LOT 14 AND THE SOUTHERLY 16.75 FEET OF LOT 15, BLOCK 27 SHYDERS ADDITION TO PARK CITY.

LEGEND:

1183 STREET ADDRESS OF EMPIRE AVENUE, TYP.
* MONUMENT AS NOTED

NARRATIVE:

THE PURPOSE OF THIS PLAT AMENDMENT IS TO MOVE THE LOT LINE BETWEEN 1185 EMPIRE AVENUE AND 1186 EMPIRE AVENUE TO MAKE 1185 EMPIRE AVENUE 29 FEET WIDE. ALSO TO AMENDMENT THE LOT LINE BETWEEN LOT 14 AND LOT 15.

FERRARI SURVEYING 271W POON-KWAM, UT 84006 (435) 785-4066	SHYDERS BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SHYDERS BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF 2003 A.D. BY: S. W. FIELD	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF 2003 A.D. BY: CHAIRMAN	ENGINEER'S CERTIFICATE I READ THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF 2003 A.D. BY: PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF 2003 A.D. BY: PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY WAS APPROVED BY PARK CITY COMMISSION THIS DAY OF 2003 A.D. BY: PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE I CERTIFY THIS RECORD OF SURVEY WAS APPROVED BY THE PARK CITY COUNCIL THIS DAY OF 2003 A.D. BY: MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF DATE FILED BOOK PAGE RECORDER
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1185 EMPIRE AVENUE PLAT AMENDMENT
A PLAT AMENDMENT BLOCK 27 BYNDERS ADDITION
 LOCATED IN SECTION 18
 TOWNSHIP 28 RANGE 4E
 SALT LAKE BASE AND MERIDIAN

SURVEYOR'S STATEMENT

I, GREGORY J. FERRARI, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 50089, HAVE PREPARED THIS PLAT AMENDMENT IN ACCORDANCE WITH THE UTAH PLAT ACT AND THE UTAH PLAT ACT RULES. I HEREBY CERTIFY THAT THIS PLAT AMENDMENT REPRESENTS THE SURVEYED PROPERTY.

GRAPHIC SCALE
 1" = 100 FEET



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MENBY THESE PRESENTS THAT I, JAMES H. HARRIS, JR., DO HEREBY CERTIFY THAT I HAVE CALLED THIS PLAT AMENDMENT TO THE ATTENTION OF THE CITY OF PARK CITY, UTAH, AND THE CITY ENGINEER, AND HAVE RECEIVED THEIR APPROVAL AND CONSENT TO THE DEDICATION OF THIS PLAT AMENDMENT. I HEREBY CERTIFY THAT I HAVE CALLED THIS PLAT AMENDMENT TO THE ATTENTION OF THE CITY OF PARK CITY, UTAH, AND THE CITY ENGINEER, AND HAVE RECEIVED THEIR APPROVAL AND CONSENT TO THE DEDICATION OF THIS PLAT AMENDMENT. I HEREBY CERTIFY THAT I HAVE CALLED THIS PLAT AMENDMENT TO THE ATTENTION OF THE CITY OF PARK CITY, UTAH, AND THE CITY ENGINEER, AND HAVE RECEIVED THEIR APPROVAL AND CONSENT TO THE DEDICATION OF THIS PLAT AMENDMENT.

IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS 22 DAY OF OCT, 2008.
James H. Harris, Jr.
 JAMES H. HARRIS, JR.
 OWNER

ACKNOWLEDGEMENT

STATE OF UTAH
 COUNTY OF SUMMIT: 18
 ON THIS 22 DAY OF OCTOBER, 2008, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, JAMES H. HARRIS, JR., AND HE HAS ACKNOWLEDGED THAT HE HAS CALLED THIS PLAT AMENDMENT TO THE ATTENTION OF THE CITY OF PARK CITY, UTAH, AND THE CITY ENGINEER, AND HAVE RECEIVED THEIR APPROVAL AND CONSENT TO THE DEDICATION OF THIS PLAT AMENDMENT.

MY COMMISSION EXPIRES 7-11-2012
Gregory J. Ferrari
 GREGORY J. FERRARI
 LAND SURVEYOR
 LICENSE NO. 50089
 COM. EXPI. 3-31-2009

LEGAL DESCRIPTION

PARCEL 1, ALL OF LOT 12, ALL OF LOT 13 AND THE SOUTHERLY 1/2 OF LOT 14
 PARCEL 2, THE SOUTHERLY 1/2 OF LOT 14 AND THE SOUTHERLY 1/2 OF LOT 15
 PARCEL 3, THE SOUTHERLY 1/2 OF LOT 14 AND THE SOUTHERLY 1/2 OF LOT 15
 THE BLOCK 27 BYNDERS ADDITION TO PARK CITY

LEGEND:

1185 STREET ADDRESS ON EMPIRE AVENUE, TYP
 * MONUMENT AS NOTED

NARRATIVE:

THE PURPOSE OF THIS PLAT AMENDMENT IS TO MOVE THE LOT LINE BETWEEN THE EMPIRE AVENUE AND EMPIRE AVENUE AND THE LOT LINE BETWEEN THE LOT LINE AND THE LOT LINE. ALSO TO AMEND THE PLAT AMENDMENT TO THE CITY OF PARK CITY, UTAH, AND THE CITY ENGINEER, AND HAVE RECEIVED THEIR APPROVAL AND CONSENT TO THE DEDICATION OF THIS PLAT AMENDMENT.

NOTE:

NOTES: (SEE COMMENTS) ARE REQUIRED FOR NEW HOMES AND SUBSTANTIALLY
 REVISIONS/ADDITIONS.



MAX. FOOTPRINT ALLOWED
933.1' #

FERRARI SURVEYING 2110 POON KANGS ST. DR. 204 (435) 785-4006	BYNDERS BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO INDIANAPOLIS BASIN WATER RECLAMATION DISTRICT STANDARDS ON THE 22nd DAY OF OCT., 2008 A.D. <i>B. D. B.</i> B. D. B.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 27th DAY OF AUGUST, 2008 A.D. <i>Jack Thomas</i> JACK THOMAS, CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE UTAH PLAT ACT AND THE UTAH PLAT ACT RULES. I HEREBY CERTIFY THAT I HAVE CALLED THIS PLAT AMENDMENT TO THE ATTENTION OF THE CITY OF PARK CITY, UTAH, AND THE CITY ENGINEER, AND HAVE RECEIVED THEIR APPROVAL AND CONSENT TO THE DEDICATION OF THIS PLAT AMENDMENT. DATE OF SURVEY: 10-22-08 BY: <i>Gregory J. Ferrari</i> GREGORY J. FERRARI, LAND SURVEYOR	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 22nd DAY OF OCT., 2008 A.D. <i>Gregory J. Ferrari</i> GREGORY J. FERRARI, LAND SURVEYOR	CERTIFICATE OF ATTEST I HEREBY CERTIFY THAT THE RECORD OF SURVEY MAP HAS BEEN FILED FOR RECORD IN THE OFFICE OF THE CITY ENGINEER, PARK CITY, UTAH. DATE OF FILING: 10-22-08 BY: <i>Jack Thomas</i> JACK THOMAS, CITY ENGINEER	COUNCIL APPROVAL AND ACCEPTANCE APPROVED BY THE PARK CITY COUNCIL THIS 22nd DAY OF OCT., 2008 A.D. <i>Donna Williams</i> DONNA WILLIAMS, MAYOR	RECORDED #840073 STATE OF UTAH, COUNTY OF SUMMIT, FILED AT THE OFFICE OF THE COUNTY CLERK, PARK CITY, UTAH, ON THE 22nd DAY OF OCT., 2008 A.D. <i>Donna Williams</i> DONNA WILLIAMS, COUNTY CLERK
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Planning Commission Staff Report



Subject: Fluter Subdivision, 225 Woodside Avenue
Author: Christy J. Alexander, Planner II
Project Number: PL-13-02183
Date: February 12, 2014
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the Fluter Subdivision Plat Amendment located at 225 Woodside Avenue, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Russ Fluter, represented by Jonathan DeGray
Location: 225 Woodside Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Single-family residential
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 the existing 3½ lots (Lots 4, 5, 6, and the south half of 7) into 2 lots of Block 31 of the Snyder's Addition to the Park City Survey.

The applicant requests to combine the lots to create two (2) new larger lots on which to build single-family homes. The intent is to remove the existing non-historic structure and garage prior to plat recordation; doing so will also remove the large existing encroachment into Woodside Avenue.

Purpose

The purpose of the HR1 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.

Background

On December 18, 2013 the applicant submitted a complete application for the Fluter Subdivision plat amendment, a two (2) lot subdivision. The property is located at 225 Woodside Avenue in the Historic Residential (HR-1) District. During the internal development review it was identified that their proposal may have difficulties with utilities being there is one home on the existing property. After demolishing the existing home and replatting it there will be two lots for two future homes. The applicant is working with the utility companies to remedy this situation and plat approval will be conditioned upon obtaining the utility companies' approval.

Currently the site contains a large single-family home whose front yard setbacks do not meet the current code requirements. The large garage, deck, stairway and retaining walls in front of the home all encroach upon Woodside Avenue. Three (3) of the existing lots (Lots 4 - 6) currently meet the minimum lot area in the HR-1 District with the southerly half of Lot 7 being substandard. The existing structure with all encroachments sitting on the existing 3½ lots will need to be demolished in order for the plat amendment to be recorded. The applicant states his intentions are to build single-family homes on the two (2) new lots.

Analysis

The proposed plat amendment creates two (2) lots of record consisting of 6,562.5 square feet total. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. Proposed Lot 1 will contain 3,750 square feet and proposed Lot 2 will contain 2,812.5 square feet. The entire existing 3½ lot site currently contains one single-family home. Currently a duplex is a conditional use in this zone which could be built on the Lot 1, but only a single-family home could be built on the Lot 2. The proposed two (2) lots will be more compatible with the existing neighborhood as the lot size and allowed footprint size of the new homes will be much smaller than the house that currently exists on the property.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed widths will be fifty (50') feet for Lot 1 and thirty-seven and a half (37.5') feet for Lot 2. The proposed lot combinations meet the lot and site requirements of the HR-1 District described below.

Requirement	Permitted
Building Footprint	1,519 square feet for Lot 1 (based on the lot area of 3,750 square feet) and 1,201 square feet for Lot 2

	(based on the lot area of 2,813 square feet)
Front/rear yard setbacks	10 feet minimum, 20 feet total (based on the lot depths of 75 feet)
Side yard setbacks	5 feet minimum for Lot 1 and 3 feet minimum for Lot 2, 10 and 6 feet total respectively (based on the lot widths of 50 feet and 37.5 feet)
Height	27 feet above existing grade, maximum.
Parking	Two (2) parking spaces per dwelling

Staff has identified that the existing single-family home does not meet current LMC standards outlined above such as the front setbacks. The current building on the site is considered legal non-complying. The LMC indicates that a non-conforming use and non-complying structure may continue to be used and maintained subject to the standards and limitation of LMC Chapter §15-9. In order for this new plat to be recorded, however, the existing structure will need to be demolished prior to recordation because it exists over the proposed property lines. Any existing retaining walls that extend onto the adjacent property owner's lots will cease at the property line of the Fluter Subdivision Plat should they need to be demolished on the Fluter property.

Staff finds good cause for this plat amendment to create two (2) legal lots of record from the existing three and a half (3½) lots. The proposed plat amendment does not create any new non-conforming situations. This plat amendment is consistent with the Park City LMC and applicable State law regarding subdivision plats.

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow the existing non-historic house and garage to be demolished, thus removing the large encroachment into Woodside Avenue that exists today. The existing substandard Lot 7 will be included with another lot to bring that into compliance with the minimum lot standards of this district. 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 Historic 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. Legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting scheduled for March 6, 2014.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Fluter Subdivision plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Fluter Subdivision plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Fluter Subdivision 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 3½ existing lots would not be adjoined and remain as is. The existing house at 225 Woodside would remain as well as the existing encroachment into the ROW.

Recommendation

Staff recommends the Planning Commission hold a public hearing, consider input, and consider forwarding a positive recommendation to the City Council for the Fluter Subdivision plat amendment based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions Survey
- Exhibit C – Vicinity Map/Aerial Photograph
- Exhibit D – Streetscape Images
- Exhibit E – Letter from Applicant

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

AN ORDINANCE APPROVING THE FLUTER SUBDIVISION PLAT AMENDMENT LOCATED AT 225 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Fluter Subdivision located at 225 Woodside Avenue, have petitioned the City Council for approval of the Fluter Subdivision; 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 February 12, 2014 to receive input on the proposed subdivision;

WHEREAS, on February 12, 2014 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on March 6, 2014 the City Council held a public hearing on the proposed Fluter Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Fluter Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Fluter Subdivision, 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 225 Woodside Avenue within the Historic Residential (HR-1) District.
2. On December 18, 2013, the applicants submitted an application for a plat amendment to combine three and a half (3½) lots containing a total of 6,562.5 acres into two (2) lots of record.
3. The application was deemed complete on January 2, 2014.
4. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling and 3,750 square feet for a duplex.

5. The maximum footprint allowed in the HR-1 zone is 1,519 square feet for the proposed Lot 1 and 1,201 square feet for the proposed Lot 2 based on the lot areas of the two (2) lots.
6. The property has frontage on and access from Woodside Avenue.
7. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming.
8. The plat amendment secures public snow storage easements across the frontage of the lots.

Conclusions of Law:

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

Conditions of Approval:

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 existing non-historic structure at 225 Woodside Ave. must be demolished before the plat amendment is recorded.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval 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.
4. No building permit for any work shall be issued unless the applicant has first made application for a Historic District Design Review and a Steep Slope CUP application if applicable.
5. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. Approvals to service the proposed two (2) lots from the utility companies are required before plat recordation.
7. A 10 foot (10') wide public snow storage easement is required along the frontage of the lots with Woodside Avenue and shall be shown on the plat.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ____ day of March, 2014

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

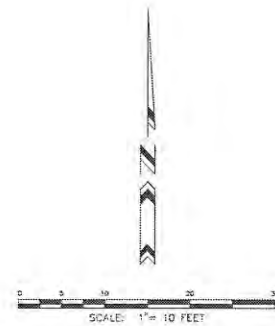
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A

Fluter Subdivision a replat of Block 31, Lots 4, 5, 6 and the South Half of Lot 7



Legend

- ⊕ Park City Street Monument
- ⊕ Found rebar & cap-LS 359005
- ⊕ Found nail & washer-LS 359005
- ⊕ Found rebar & cap-LS 173736
- ⊕ Found rebar & cap-LS 173736
- ⊕ Found nail & washer-LS 6164
- ⊕ Set 5/8" rebar & plastic cap
- (235) Address on Woodside Avenue

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that Russell E. Fluter, Trustee of The Russell E. Fluter Separate Property Trust, established June 23, 2006, owner of the hereon described Fluter Subdivision, Block 31, Park City Survey, having caused this Plat Amendment to be made, does hereby consent to the recordation of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah in accordance with Utah Law. Also, the owner hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on this plat in accordance with an irrevocable offer of dedication. In witness whereof, the undersigned has set his hand this ____ day of _____, 2014.

By: _____
Russell E. Fluter
Trustee, Russell E. Fluter Property Trust
established June 23, 2006

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit

On this ____ day of _____, 2014, Russell E. Fluter, Trustee of the Russell E. Fluter Property Trust established June 23, 2006, personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is a Trustee of the Russell E. Fluter Property Trust, the owner of the Fluter Subdivision, and has signed the above Owner's Dedication and Consent to Record freely and voluntarily for the purpose set forth herein.

My commission expires: _____
NOTARY PUBLIC
RESIDING IN _____ COUNTY, _____



NARRATIVE

- Survey requested by: Russell E. Fluter.
- Basis of survey: found property monuments as shown.
- Date of survey: _____, 2014.
- Property monuments set or found as shown.
- Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
- The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
- See the previous boundary survey recorded as Survey File No. S-7214 in the office of the Summit County Recorder.

DEED DESCRIPTION

Lots 4, 5, 6 and the South half of Lot 7, Block 31, Plat of Park City, Survey, according to the Official Plat thereof on file and of record in the Summit County Recorder's Office.

LEGAL DESCRIPTIONS

FLUTER SUBDIVISION LOT 1

Beginning at the Northeastern Corner of Lot 5, Block 31, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, Summit County, Utah; and running thence along the Easterly line of Lots 5 and 4 of said Block 31, South 23°38' East, 50.00 feet to the Southeastern Corner of said Lot 4; thence South 66°12' West, along the Southerly line of said Lot 4, 75.00 feet to the Southwestern Corner of said Lot 4; thence North 23°38' West, along the Westerly lines of said Lots 4 and 5, 50.00 feet to the Northwestern Corner of said Lot 5; thence North 66°12' East, along the Northerly line of said Lot 5, 75.00 feet to the point of beginning; containing 3750 square feet, more or less.

FLUTER SUBDIVISION LOT 2

Beginning at the Southeastern Corner of Lot 6, Block 31, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, Summit County, Utah; and running thence along the Southerly line of said Lot 6, South 66°12' West, 75.00 feet to the Southwestern Corner of said Lot 6; thence North 23°38' West, along the Westerly line of said Lot 6 and Lot 7 of said Block 31, 37.50 feet to the Northwestern Corner of the South Half of said Lot 7; thence North 23°38' East, along the Northerly line of the South Half of said Lot 7, 75.00 feet to the Northeastern Corner of the North Half of said Lot 7; thence South 23°38' East, along the Easterly line of said Lots 7 and 6, 37.50 feet to the point of beginning; containing 2812.5 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

Date _____ J.D. Gailey RLS#359005
RECEIVED
DEC 18 2013
PARK CITY PLANNING DEPT.



Planning Commission - Feb. 12, 2014

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS
ON THIS ____ DAY OF _____, 2014.
BY: _____
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

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.
BY: _____
PARK CITY ENGINEER

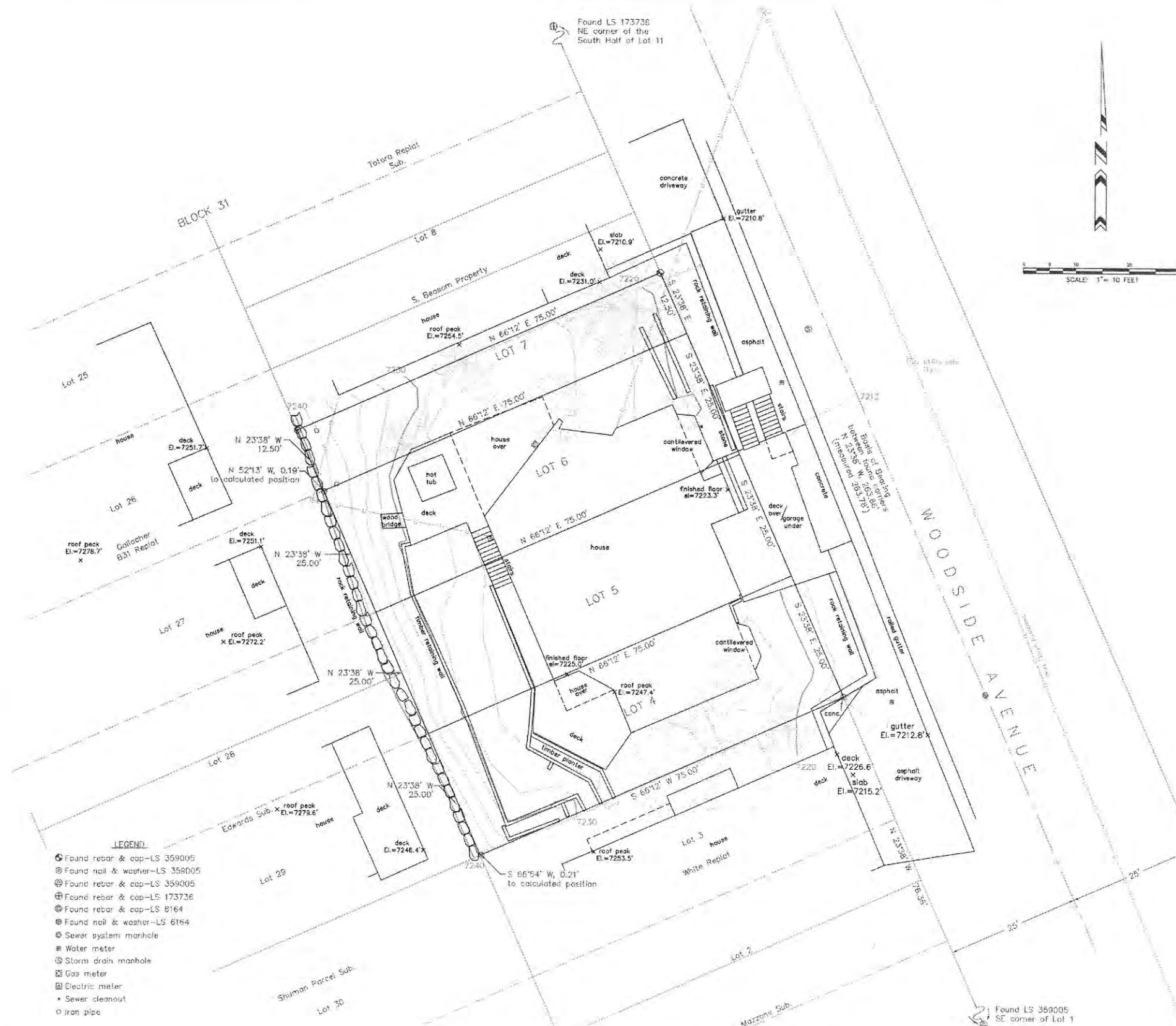
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ____
DAY OF _____, 2014.
BY: _____
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS ____ DAY
OF _____, 2014
BY: _____
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS ____ DAY OF _____, 2014
BY: _____
MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ RECORDER _____

Park City Survey, Block 31
Lots 4, 5, 6 & the South Half of 7



NARRATIVE.

1. Survey requested by: Russ Fluter
2. Purpose of survey: locate the improvements and the topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: October 15, 2009 & June 20, 2013.
5. Property monuments found or set as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. Elevations are based on an elevation of 7170.70', from the Park City Monument Control Map, at the Street Monument found at the intersection of 2nd Street and Park Avenue.

LEGAL DESCRIPTION

All of Lots 4, 5, 6 and the South half of 7, Block 31, Park City Survey, according to the official plats thereof, on file and of record in the office of the Summit County recorder; Lots 4, 5 and 6 each containing 1875 square feet, more or less, and the South half of Lot 7 containing 937.5 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plot is a true representation of said survey.

July 12, '13
Date



J.D. GENEAL LTD. #359005



Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

DEC 18 2013

FR. & CITY
PLANNING DEPT.



EXHIBIT D



12/17/2013
Front view of 225 Woodside

12/17/2013



12/17/2013
View of 225 Woodside and adjacent homes to the north

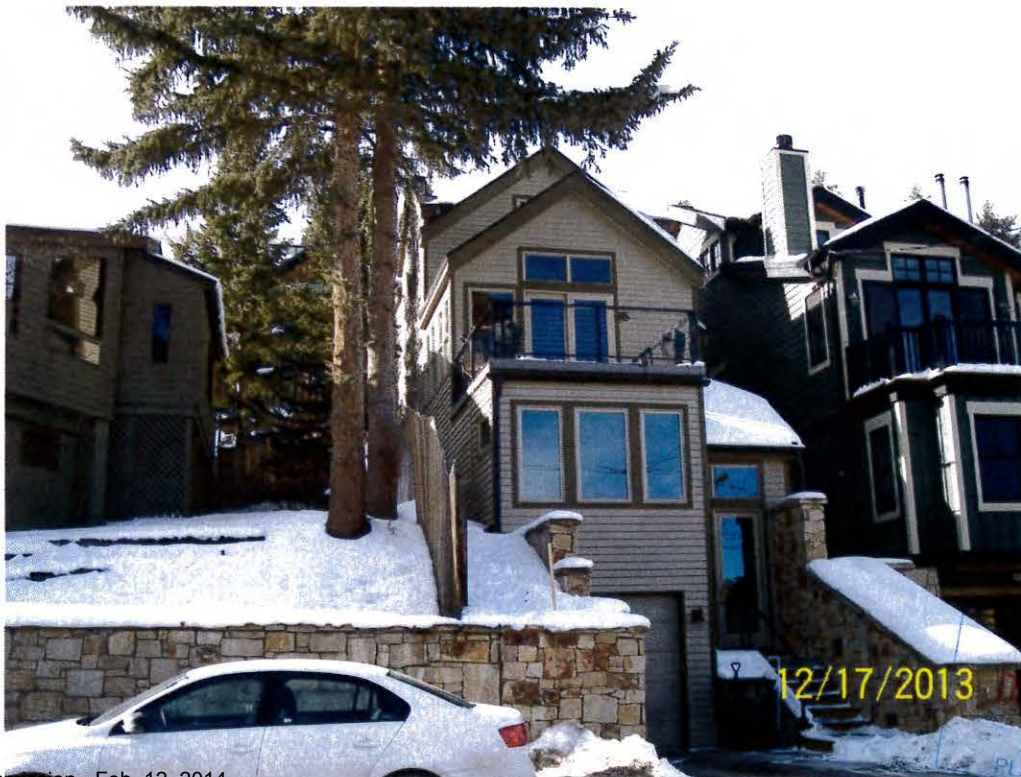
12/17/2013



12/17/2013
Front View, 225 Woodside



12/17/2013
Adjacent home to north





12/17/2013
Adjacent homes to the north



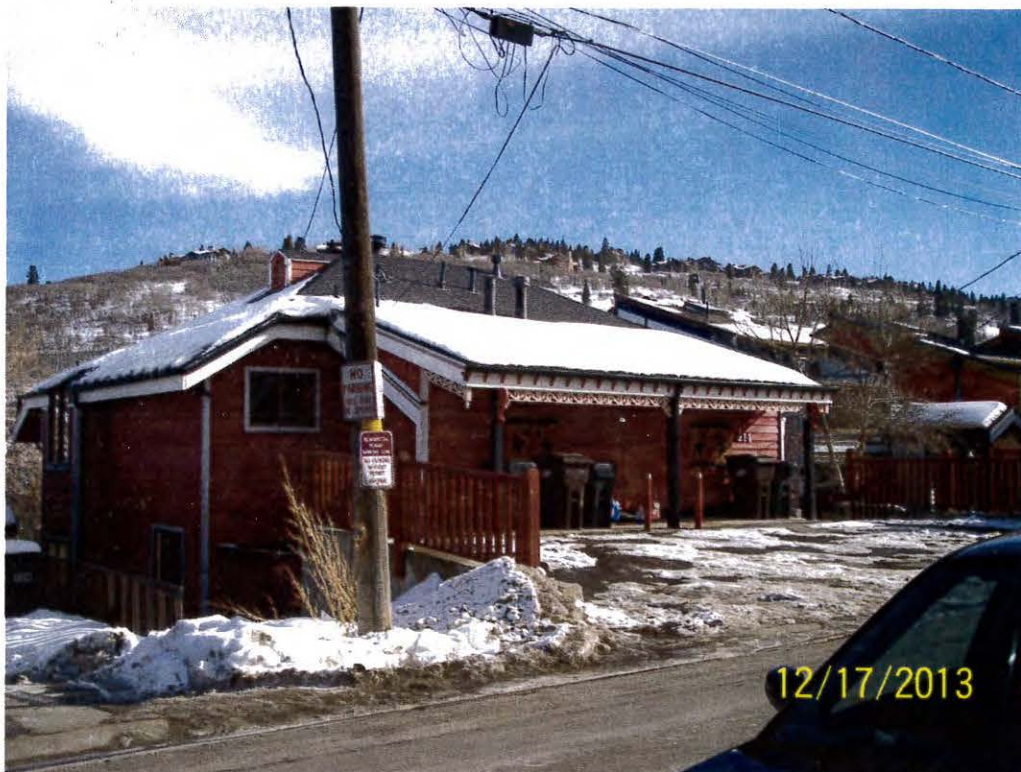
12/17/2013
Adjacent homes to the south

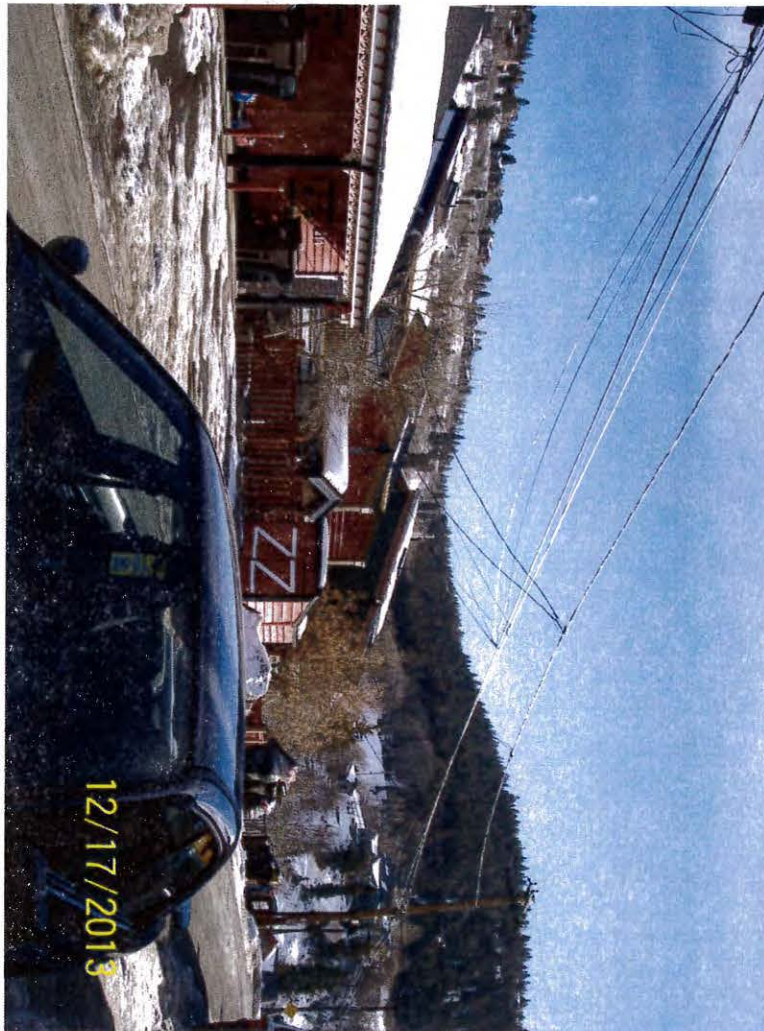
RECEIVED
DEC 18 2013
PARK CITY
PLANNING DEPT.

12/17/2013
Home across Woodside

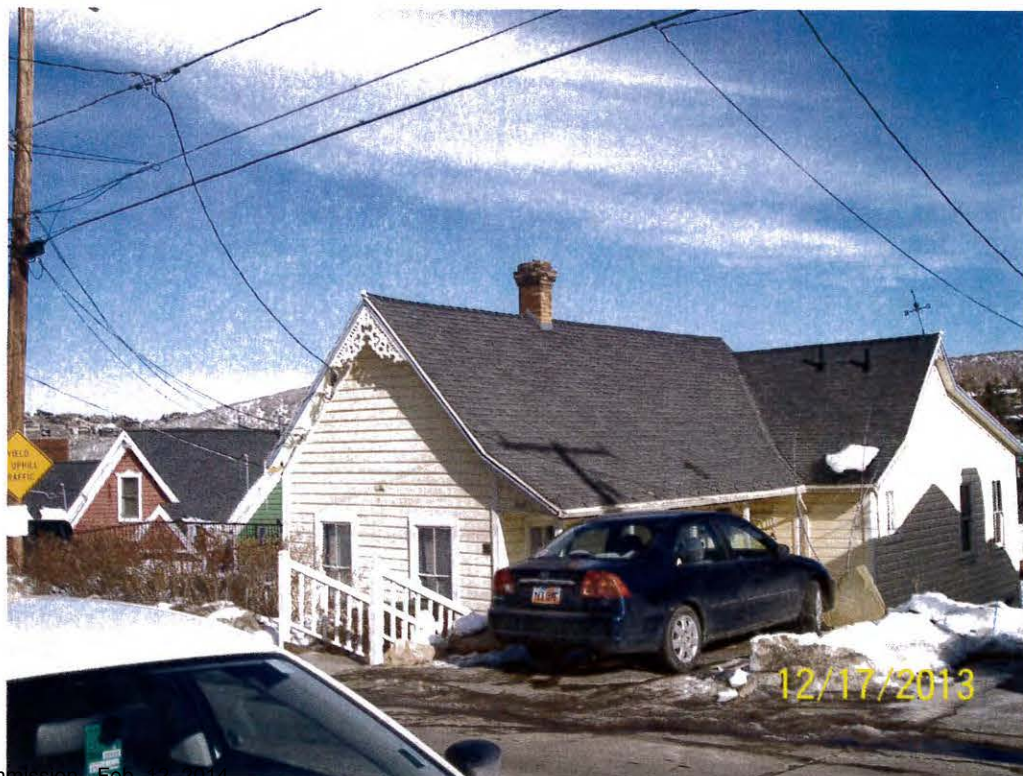


12/17/2013





12/17/2013
View across Woodside looking east



12/17/2013
View across Woodside looking north



12/17/2013
View across Woodside looking north

12/17/2013



12/17/2013
Adjacent home to the south

12/17/2013





12/17/2013
Garage encroachment in to Woodside



EXHIBIT E

December 18, 2013

Park City Municipal Corporation
443 Marsac Avenue
Park City, Utah 84060

Attn: Planning Department

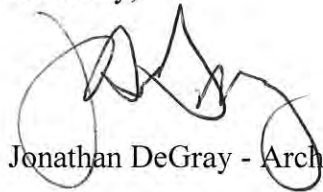
Re: Fluter Property Plat Amendment
225 Woodside Avenue

Dear Staff,

The owner of 225 Woodside would like to combine the existing 3.5 lots into 2 lots. The intention is to replat the parcel into 2 lots, remove the existing non-historic structure and build two new homes. By removing the existing home and garage a large encroachment into Woodside Avenue will be removed.

Please let me know if you have any questions.

Sincerely,



Jonathan DeGray - Architect



Planning Commission Staff Report



Subject: 115 Sampson Avenue Plat
Amendment
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-13-02035
Date: February 12, 2014
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 115 Sampson Avenue Subdivision, located at the same address, and consider granting a waiver to not include all of the owners' property in the subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Silver Potato LLC (Nancy Bronstein), represented by Steve Schueler, Alliance Engineering, Inc.
Location: 115 Sampson Avenue
Zoning: Historic Residential—Low Density (HRL) District
Adjacent Land Uses: Single-family residential, vacation rentals
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining all of Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, 55 of Block 78 of the Park City Survey. The existing historic structure straddles Lots 6, 7, 53, and 54 of the Park City Survey and is a valid complying structure. There are also two (2) accessory sheds, that were not identified on the Historic Sites Inventory (HSI) as historic, on Lot 6; a third non-historic shed is located on Lot 53. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of repairing and restoring the historic house on the significant site, as well as potentially adding a new addition.

Purpose

The purpose of the Historic Residential-Low Density (HRL) District is to:

- (A) Reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) Provide an Area of lower density Residential Use within the old portion of Park City,
- (C) Preserve the character of Historic residential Development in Park City,
- (D) Encourage the preservation of Historic Structures,

- (E) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods,
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- (G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

Background

Future Site Improvements

The 115 Sampson Avenue property is listed on the Historic Sites Inventory (HSI) as a Significant site which includes a small Mining era home constructed in 1904. The historic home straddles the lot line between Lots 6, 7, 53, and 54. There are also two (2) accessory sheds, that were not identified on the HSI as historic, on Lot 6; a third non-historic shed is located on Lot 53.

Due to water damage, the Building Department issued a Notice and Order to Repair and Vacate the building in 2010 and at that time, the mothballing of the house was permitted. Despite securing entrances to the building through the mothballing process, the severe decline and deterioration of the vacant structure resulted in a second Notice and Order on April 10, 2013.

A Pre-Historic District Design Review (Pre-HDDR) was submitted to the Planning Department on April 9, 2013, following the Notice and Order. The Design Review Team (DRT) met with the applicants' representative on May 1, 2013, to discuss the potential redevelopment of the property. At that time, the applicants expressed an interest in reconstructing the building and adding a small addition. No Historic District Design Review (HDDR) application has been submitted at this time.

The historic structure is in significant disrepair and would likely qualify for panelization or reconstruction. (This determination must be made by the Planning Director and Chief Building official during the HDDR process.) The site may be cleared following the approval of an HDDR, recording of a preservation plan, and securing a financial guarantee for the repair or reconstruction of the historic structure, which satisfies the Notice and Order.

Once a financial guarantee has been secured, an HDDR approved, and the Preservation Plan has been recorded with Summit County, the applicant may clear the site. At this time, the Notice and Order is still active.

Plat Amendment

The plat application was submitted to the Planning Department on August 15, 2013. The application was deemed complete on August 28, 2013. The Planning Director made a determination as to the allowed setbacks due to the unusual lot configuration on September 16, 2013. This has reduced the overall building pad of the site to approximately 3,330 square feet.

On October 9, 2013, the Planning Commission reviewed the plat amendment for this site (see Exhibit H, minutes). During that meeting, it was found that staff had erred in the report, stating that the site was in the Historic Residential (HR-1) District, rather than the Historic Residential-Low Density (HRL) District. The Planning Commission raised concerns about additional parking being located on Sampson Avenue, which would further burden the street. The City Engineer will consider the Planning Commission's input in considering parking for the site. The Commission had also raised concerns about the necessary height for a new rear addition in order for the structure to reach street-level. Any addition to the historic structure will require a Steep Slope Conditional Use Permit (CUP) and a Historic District Design Review (HDDR). Finally, the Commission had requested a site visit; however, due to the hazardous condition of the building and the stairs accessing the site and the snow, staff did not feel it was prudent to schedule a site visit.

Analysis

The house currently straddles the lot line between Lots 6, 7, 53, and 54 of the Park City Survey. Two (2) non-historic sheds are located within Lot 6, and a third (3rd) non-historic shed is located on Lot 53. The plat amendment is necessary in order for the applicants to make the necessary improvements to the site, which are subject to Planning Department review.

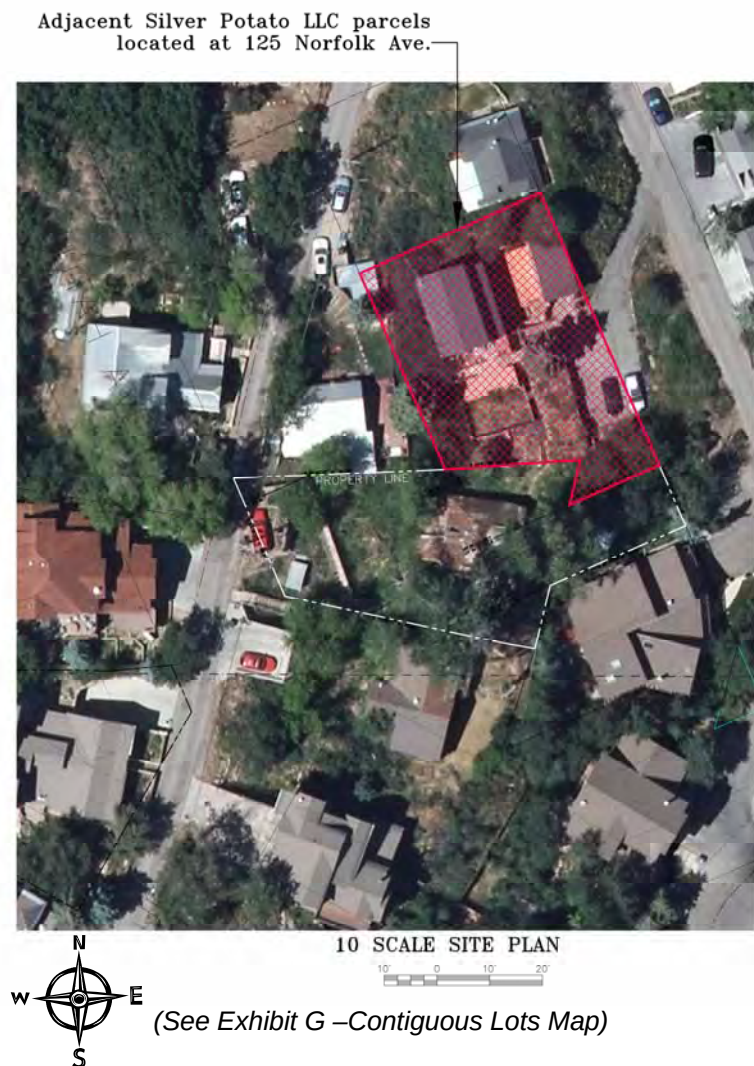
Per LMC 15-7.1-5(B)(2) the applicant is required to include all holdings, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," with an indication of the portion which is proposed to be subdivided. LMC 15-7.1-5(B)(2) states the subdivision application shall "Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. . . ." Silver Potato, LLC owns contiguous parcels at 125 Norfolk Avenue and 115 Sampson Avenue. 125 Norfolk Avenue was purchased on August 8, 2005. The property at 115 Sampson Avenue was purchased on January 29, 2010.

The applicant is only interested in creating a one (1)-lot subdivision at 115 Sampson Avenue. The parcel at 125 Norfolk Avenue is currently a metes and bounds parcel, and has already been developed. They do not wish to subdivide the parcel at 125 Norfolk Avenue at this time and are not proposing any changes to that site. They understand that any changes in the future that require a building permit will require a plat amendment.

The Planning Department supports the applicant pursuing the one (1) lot subdivision at 115 Sampson Avenue and not addressing the parcel at 125 Norfolk Avenue at this time. The Planning Director issued a waiver to this requirement on January 15, 2014 (Exhibit I). The site at 125 Norfolk Avenue was previously developed, and the applicant does not intend to make any changes to that property. Moreover, the Planning Department finds

that if the site were to be redeveloped in the future, smaller, more compatible infill would be more in keeping with the historic district than combining all of the parcels into one large lot. Future development will require a plat amendment application for this adjacent property. As previously noted, any changes to the existing development would require the applicant to submit a plat amendment application for 125 Norfolk Avenue. Furthermore, the one (1) lot subdivision at 115 Sampson Avenue is necessary in order to prevent greater safety hazards due to the declining condition of the historic structure.

Does the Planning Commission consent to waiving the applicants' requirement to subdivide both contiguous holdings?



Prior to recording the plat amendment, the applicant will also be required to resolve any encroachments that currently exist on the site. At this time, a railroad tie retaining wall along Sampson Avenue encroaches approximately twelve feet (12') southwest of the west property line. A second railroad tie retaining wall runs northeast along the east property line and approximately seventeen feet (17') into the neighboring property to the north. There is also a wood slat fence that sits on and over the south property line. In

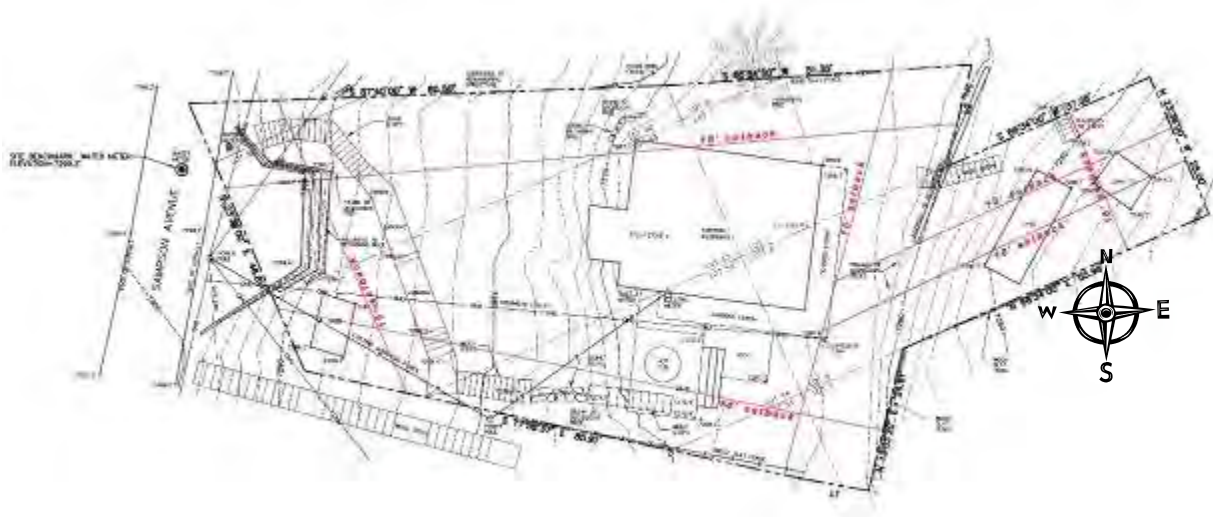
the northeast corner of the site, railroad tie steps lead into the neighboring property to the north as well.

Per LMC 15-2.1-3(A) In the case of unusual lot configurations, such as this, Lot width measurements shall be determined by the Planning Director. As previously noted, the setbacks determined by the Planning Director have reduced the overall building pad of the site to approximately 3,330 square feet The following table shows the setbacks set by the Planning Director in his Determination Letter dated September 16, 2013 (Exhibit E).

	HRL Zone Designations	Planning Director Determination	Existing Conditions
Lot Size	Minimum Lot Area of 3,750 SF	N/A	7,657 SF, <i>complies (includes reduction due to street dedication)</i>
Maximum Building Footprint	2,496.28 SF	N/A	1,055.7 SF total = House (831.7) and 3 Sheds (53.36+48.1+122.61)
Maximum Height	27 feet from Existing Grade	N/A	approx. 24 feet from Existing Grade, <i>complies</i>
North Side yard Setback	10 ft	10 ft	8'9" (House), <i>valid non-complying (historic)</i>
South Side yard Setback (Sheds)	10 ft 3 ft for accessory structures not more than 18 ft. in height, located minimum of 5 ft. behind front façade of main building	10 ft	27'6" (House); <i>complies</i> ; 3'9" (Shed), <i>complies</i> ; 2'6" (Shed) <i>does not comply</i> (setback requirement); 6'(Shed) <i>does not comply</i> (not located behind front façade);
Front Yard Setback	15 ft	15 ft	57' (House), <i>complies</i> ; 2'6" (Shed) <i>does not comply</i>
Rear Yard Setback (Sheds)	15 ft 1 ft for accessory structures not more than 18 ft in height, located a minimum of 5 ft. behind front façade of main building	15 ft	17'6" (House), <i>complies</i> ; 6'3" (Shed) <i>does not comply</i> (not located behind front façade)

Per LMC 15-2.1-4, historic structures that do not comply with Building Setbacks, Off-street parking, and driveway location standards are valid Complying Structures. Any new additions, however, will have to comply with Building Setbacks, building footprint, driveway location standards, and building height.

Because of the unusual lot configuration, the image below shows the setbacks determined by the Planning Director for clarification:



(See Exhibit E – Planning Director Determination Letter)

Given the setbacks determined by the Planning Director, the overall building pad of the site will be approximately 3,330 square feet. Based on the building footprint formula, the allowable footprint is 2,490 square feet for a lot of this area. With the 831.7 square feet footprint of the house, the lot could accommodate an addition of 1,658.3 square feet footprint if the sheds were removed. If the sheds were not removed, an addition of 1,434.23 square feet could be constructed.

An addition would be permissible to be added to the west of the historic structure. Staff finds that traditionally the house faced town and so the east elevation is the façade or front of the building. The orientation of the structure was likely due to the need for day lighting prior to electricity as well as the slope of the property. Any new addition made to the rear (west elevation) of the structure would have to be added with a transition element, or connector, in order to differentiate the new from the old.

Though the size of the site would permit a sizeable addition, the placement of the historic structure on the site makes such an addition difficult due to the setback requirements. The location of the historic structure could be relocated if the Planning Director and Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing site. At this time, no determination has been made to relocate and/or re-orientate the historic structure, nor

would such a determination be made to exclusively accommodate new development. Even if the structure were to be panelized or temporarily relocated intact in order to construct a new foundation, the house would be required to be reconstructed in its original location.

The height of any new construction cannot exceed (35') measured from the lowest floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The lowest point of terrain in which the house is built sits at 7266.7 feet, whereas the highest elevation in which an addition could be located is at 7298.7 feet. The difference in the topography is thirty-two feet (32'). Any new construction would be required to step down the hill. Moreover, the Planning Commission will have to approve a Steep Slope Conditional Use Permit (CUP) prior to the start of any construction on the hillside, should the construction exceed 1,000 square feet.

Any addition to the historic structure will need to be approved through a Historic District Design Review (HDDR) to ensure that it complies with the 2009 Design Guidelines for Historic Sites and Structures. The addition will need to be visually subordinate to the historic building as well as be visually separated from the historic building with a transitional element. Aside from an HDDR and Building Permit, if the applicant wishes to add an addition to the house greater than 1,000 square feet, they will be required to submit a Steep Slope CUP due to the steepness of the existing grade. New construction shall meet the Site and Lot requirements of the Land Management Code in effect at the time the Steep Slope CUP and/or HDDR applications are (were) submitted.

The chart below outlines the approximate square footage of nearby properties and their structures, per Summit County records, along Sampson Avenue and within the HRL District:

Address	Designation	Size of Lot	Allowed SF of Structures (footprint or total square feet)	SF of existing structure
16 Sampson	Significant	6,100.7 SF	2,460 max footprint per plat notes	Not yet reconstructed
30 Sampson	Non-historic	7,089 SF	3,000 SF max. total house size per plat notes	Not yet constructed
40 Sampson	Significant	11,444 SF	3,500 SF max. total house size per plat notes	1,746 SF
41 Sampson	Landmark	4,605.1 SF	1,778 SF footprint per formula	Under construction. (Footprint to be 1,777 SF)
60 Sampson	Significant	6,534 SF	2,263 SF footprint per formula	1,163 SF
50 Sampson	Non-historic	6,966 SF	3,000 SF total house size per plat notes	2,790 SF
80 Sampson/ 80 King	Non-historic	3,750 SF	1,519 SF footprint per formula	2,951 SF
99 Sampson	Non-historic	4,356 SF	1,705 SF footprint per formula	2,002 SF
115 Sampson*	Significant	7,657 SF	2,490 SF footprint per formula	1,056 SF
121 Sampson	Non-historic	6,477 SF	2,244 SF footprint per formula	927 SF

131 Sampson	Non-historic	6,060 SF	2,156 SF footprint per formula	1,359 SF
133 Sampson	Non-historic	3,920 SF	1,573 SF footprint per formula	1,729 SF
135 Sampson	Non-historic	5,663 SF	2,060 SF footprint per formula	2,424 SF
139 Sampson	Non-historic	5,663 SF	2,060 SF footprint per formula	Not yet constructed
145 Sampson	Non-historic	3,750 SF	1,519 SF footprint per formula	Not yet constructed

**The lot size has been reduced to subtract the portion of the lot included in the street dedication.*

Lot sizes on Sampson Avenue vary from the largest 11,444 square feet at 40 Sampson to the smallest 3,750 square foot lots at 133 and 145 Sampson Avenue. 115 Sampson Avenue would be the second largest lot along Sampson Avenue. 40 Sampson is limited to a house size of 3,500 square feet based on the plat notes approved as part of the Mill-Site Reservation Supplemental Amended Plat. Per the footprint formula, 115 Sampson Avenue would be permitted to have a footprint of 2,490 square feet, the largest along Sampson Avenue. The second largest footprint would be 2,460 square feet at 16 Sampson. 16 Sampson is currently under construction as the reconstruction of the "Significant" historic structure has been approved. Other larger footprints include 121 Sampson Avenue, which would be permitted to have a footprint of 2,244 square feet. The second largest allowable footprint would be at 131 Sampson, which would be permitted to have a footprint of 2,156 square feet. The average lot size on Sampson Avenue is 6,002.3 square feet, and the average existing house size is 1,732 square feet.

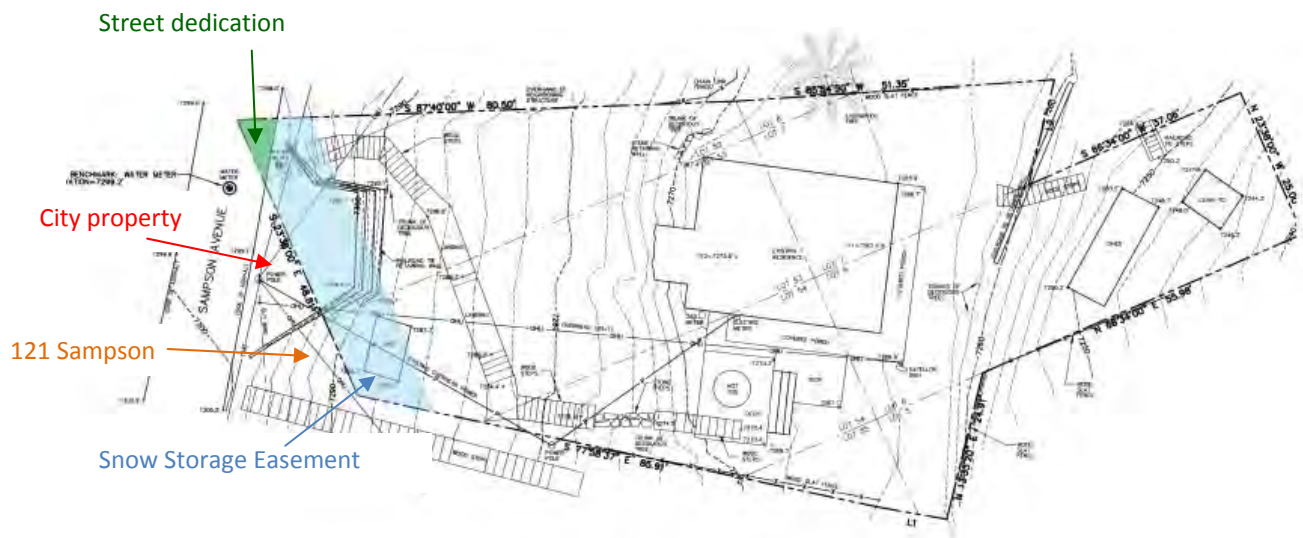
Staff does not recommend adding a condition of approval that reduces the allowed footprint of the lot. Based on the building footprint formula, the allowable footprint is 2,490 square feet for a lot of this area. With the 831.7 square feet footprint of the house, the lot could accommodate an addition of 1,658.3 square feet if the sheds were removed. If the sheds were not removed, an addition with a 1,440.58 square feet footprint could be constructed. The LMC's footprint formula reduces the allowed footprint as the lot size increases. The placement of the historic structure on the lot already dictates the placement of an addition to the west of the existing structure. The Planning Director has also increased the setbacks of the site, limiting the buildable area further. Staff finds that it will be very difficult for the applicants to achieve a maximum footprint given the placement of the historic structure on the site and the Planning Director's increased setbacks, which has limited the building footprint to approximately 3,330 square feet. Furthermore, the Planning Commission will be reviewing any new development on the site as it will require a steep slope conditional use permit (CUP) and the addition must comply with the Historic Design Guidelines that limit the location of additions to historic houses, in more precise terms than the previous guidelines did.

The southwest corner of Lot 51 and the northwest corner of Lot 52 contain a portion of Sampson Avenue. The northeast corner of the property will be clipped by approximately eleven feet (11') for the street dedication. The total area for the street dedication will be approximately thirty-five (35) square feet. The portion that includes the street will be dedicated to the City during this plat amendment, and the street dedication shall be noted on the recorded plat. The portion of the street dedication was reduced from the overall lot size and was not included when calculating the allowed footprint.

A ten foot (10') snow storage easement will also be required by the City Engineer. Though the property line gradually increases in its distance from Sampson Avenue from zero (0) to twenty-one feet (21') along the west property line, a ten foot (10') snow storage easement will be required along the entire west edge of the property.

The portion of the property to the west of 115 Sampson's west property line along Sampson Avenue is owned by the City, and is part of the Sampson Avenue right-of-way. The neighboring property, 121 Sampson Avenue, also owns a portion of the property between Sampson Avenue and the south property line.

The image below shows the street dedication, the location of the snow storage easement, as well as ownership:



Good Cause

Planning Staff believes there is good cause for the application. Combining the Lots will allow the property owner to move forward with site improvements, which include stabilizing and repairing or reconstructing the historic structure. The plat amendment is necessary in order for the applicants to utilize future plans, and if left un-platted, the property remains as is. Moreover, the plat amendment will resolve the issue of the historic structure straddling interior lot lines and abate the safety issue with the historic structure. The plat amendment will 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 on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain one (1)

ten foot (10') snow storage easement along Sampson Avenue, as well as a street dedication for the portion of Lots 51 and 52 that contains Sampson Avenue.

Furthermore, the plat amendment will resolve the existing building encroachments over interior lot lines. The applicant cannot move forward with an addition or reconstruction until the plat amendment has been recorded. Approval of this plat amendment will further the purposes of the LMC regarding preservation of historic structures, development on combinations of lots to reduce density, provision of snow storage easements, and dedication of right-of way for public streets.

Process

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

Department Review

This project has gone through an interdepartmental review. No additional issues were raised regarding the subdivision.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record.

Public Input

No public input has been received.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 115 Sampson Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 115 Sampson Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 115 Sampson Avenue Plat Amendment.

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 fragments of eight (8) existing lots would not be adjoined. Any additions to the historic house would not be permissible as they would encroach over interior property lines and the historic house would not be restored and could be demolished under the notice and order.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 115 Sampson Avenue Subdivision, located at the same address, and consider granting a waiver to not include all of the owners property in the subdivision and consider forwarding a positive

recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance and

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial Photograph

Exhibit D – Existing Conditions Survey with setbacks

Exhibit E – Planning Director Determination Letter

Exhibit F – Park City Plat Map

Exhibit G – Contiguous Lots Map

Exhibit H – Planning Commission Meeting Minutes from 10.9.13

Exhibit I- Planning Director waiver letter

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

AN ORDINANCE APPROVING THE 115 SAMPSON AVENUE SUBDIVISION LOCATED AT 115 SAMPSON AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 115 Sampson Avenue, has petitioned the City Council for approval of the plat amendment known as 115 Sampson Avenue Subdivision; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 9, 2013, and February 12, 2014 to receive input on the proposed subdivision;

WHEREAS, on February 12, 2014 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on March 6, 2014 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 115 Sampson Avenue Subdivision plat amendment.

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 115 Sampson Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 115 Sampson Avenue within the Historic Residential Low-Density (HRL) Zoning District.
2. The applicants are requesting to combine portions of eight (8) Old Town lots into one Parcel. Currently the property includes Old Town Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, 55 of Block 78 of the Park City Survey.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of repairing and restoring the historic house on the significant site, as well as potentially adding a new addition.
4. The amended plat will create one new 7,692 square foot lot.

5. The existing historic home is listed as “Significant” on the Historic Sites Inventory (HSI) and has a footprint of 831.7 square feet.
6. The existing historic structure straddles Lots 6, 7, 53, and 54 of the Park City Survey and is a valid complying structure.
7. Any proposed additions to the existing historic home will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
8. Due to water damage, the Building Department issued a Notice and Order to Repair and Vacate the building in 2010 and at that time the mothballing of the house was permitted.
9. The severe decline and deterioration of the vacant structure resulted in a second Notice and Order on April 10, 2013.
10. A Pre-Historic District Design Review (Pre-HDDR) was submitted to the Planning Department on April 9, 2013, following the Notice and Order. The Design Review Team (DRT) met with the applicants’ representative on May 1, 2013, to discuss the potential redevelopment of the property. No Historic District Design Review (HDDR) application has yet been submitted.
11. The rear of the structure is the west elevation, facing Sampson Avenue. The façade faces east.
12. On September 16, 2013, the Planning Director made the determination to increase the required setbacks of the site to include a fifteen foot (15’) front yard setback, ten foot (10’) south side yard setback, fifteen foot (15’) rear yard setback, and ten foot (10’) north side yard setback.
13. On January 16, 2014, the Planning Director waived the requirement for the applicants’ to subdivide the contiguous properties at 125 Norfolk Avenue and 115 Sampson Avenue.
14. The southwest corner of Lot 51 and the northwest corner of Lot 52 contain a portion of Sampson Avenue. The total area for the street dedication will be approximately thirty-five (35) square feet.
15. The maximum building footprint allowed is 2,490 per the HR-L LMC requirements for a lot of this size. The current footprint of the historic structure is 831.7 square feet and the footprint of the three (3) shed accessory structures is approximately 224 square feet. This would allow a maximum footprint addition of approximately 1,434 square feet. The portion of the street dedication was considered in determining the allowed footprint, and approximately thirty-five (35) square feet was reduced from the overall lot size.
16. Staff does not recommend adding a condition of approval that reduces the allowed footprint of the lot. The LMC’s footprint formula reduces the allowed footprint as the lot size increases. The Planning Director has also increased the setbacks of the site, limiting the buildable area further.
17. Per LMC 15-2.1-4, existing historic structures that do not comply with building setbacks are valid complying structures. The historic structure is a valid complying structure, though it does not comply with the required ten foot (10’) north side yard setback along the north property line as it is only eight feet nine inches (8’9”) from the property line.
18. New additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main

dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

19. The property at 115 Sampson Avenue is contiguous with the property at 125 Norfolk Avenue. 125 Norfolk Avenue is located directly to northeast of the 115 Sampson Avenue site.
20. The applicant submitted an application for a plat amendment on August 15, 2013.
21. The Planning Commission reviewed the application for a one (1) lot subdivision on October 9, 2013.
22. Staff learned that Silver Potato LLC owned the contiguous property at 125 Norfolk Avenue on October 9, 2013.
23. Silver Potato LLC has directly expressed interest in not subdividing both lots at 115 Sampson Avenue at 125 Norfolk Avenue. The property at 125 Norfolk Avenue is already developed and the owner does not intend to redevelop this property at this time.
24. The parcel at 125 Norfolk Avenue is comprised of all of lots 8, 9, and 10; the south half of lot 11, and a portion of Lot 7 of Block 78 of the Millsite Reservation. There are existing structures on the 125 Norfolk Avenue metes and bounds parcel.
25. Silver Potato LLC purchased 125 Norfolk Avenue on August 8, 2005, and 115 Sampson Avenue on January 29, 2010.

Conclusions of Law:

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

Conditions of Approval:

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. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment and historic preservation guarantee are recorded with the Summit County Recorder's office.
4. All new construction will require modified 13-D sprinklers as required by the Building Department.
5. One (1) 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Sampson Avenue.

6. The applicant shall dedicate the portion of Lots 51 and 52 that include Sampson Avenue to the City.
7. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ____ day of March, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

I, John Demkowicz, 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 by authority of the owner, I have prepared this Record of Survey map of the 15 SAMPSON AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

ALL OF LOT 6 AND PART OF LOTS 5, 7, 8, 51, 52, 53, 54 AND 55, ALL IN BLOCK 78 OF THE MILLSITE RESERVATION TO PARK CITY, Summit County, Utah, being more particularly described as follows:

Beginning at a point which is distant North 80°32'50" West 30.02 feet from the eastmost corner of said Lot 7, thence South 85°54'30" West 80.50 feet, to a point on the southeasterly line of said Lot 5, thence South 87°40'00" West 80.50 feet, to a point on the southeasterly line of said Lot 51, thence South 23°30'00" East along the southeasterly line of said Lots 51, 52, and 53 a distance of 48.81 feet; thence North 73°58'37" East 85.91 feet; thence South 80°02'00" East 11.00 feet; thence North 33°33'33" East 24.91 feet to a point on the southeasterly line of said Lot 6; thence North 44°40'00" East 55.98 feet to the eastmost corner of said Lot 6; thence North 68°54'00" West 32.33 feet to the southeasterly line of said Lot 6; thence North 68°54'00" West 32.33 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Silver Potato, LLC, a Utah Limited Liability Company, the undersigned owner of the herein described tract of land, to be known hereafter as 115 SAMPSON AVENUE SUBDIVISION, does hereby certify that she has caused this Plat to be prepared, and does hereby consent to the recording of this Plat.

In witness whereof, the undersigned set her hand this _____ day of _____, 2013.

ACKNOWLEDGMENT

ACKNOWLEDGMENT

On this _____ day of _____, 2013, _____ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, _____ acknowledged to me that e/s/he is the owner of the herein described tract of land, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

Monthly commission expires: _____



JOB NO.: 2-7-13 FILE: X:\ParkCitySurvey\dwg\ar\plat\2013\020713.dwg

A COMBINATION OF ALL OF LOT 6 AND PORTIONS OF LOTS 5, 7, 8, 51-55 OF BLOCK 78
A PARCEL COMBINATION PLAT
115 SAMPSON AVENUE SUBDIVISION

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

Found survey monument
Property corners were set or found. See recorded survey # S-6749.
Set 5/8" rebar w/cap, ALLIANCE ENGR/LS 154491
Found rebar & cap

CASE 600-0067



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
123 Maple Street P.O. Box 5554 Park City Utah 84050-2554

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

BY _____
C N W C

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 2013 A.D.

CHAIR

ENGINEER'S CERTIFICATE

BY PARK CITY ENGINEER

APPROVAL AS TO FORM _____
 APPROVED AS TO FORM THIS _____
 DAY OF _____, 2013 A.D.

BY DAVE CITY ATTORNEY

CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF SURVEY
 WAS APPROVED BY PARK CITY
 COUNCIL THIS _____ DAY
 OF _____, 2013 A.D.

BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____,
2013 A.D.

BY _____ MAYOR

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

姓名	性别	年龄	职业	住址	联系电话
张三	男	35	教师	北京市朝阳区	13901234567
李四	女	28	医生	北京市海淀区	13801234567
王五	男	42	工程师	上海市浦东新区	13701234567
赵六	女	31	公务员	广东省广州市	13601234567
孙七	男	25	学生	浙江省杭州市	13501234567
周八	女	38	律师	北京市西城区	13401234567
吴九	男	45	企业家	江苏省南京市	13301234567
郑十	女	33	科研人员	四川省成都市	13201234567
陈十一	男	29	程序员	广东省深圳市	13101234567
冯十二	女	36	记者	河南省郑州市	13001234567
朱十三	男	41	会计师	山东省济南市	12901234567
陆十四	女	34	设计师	安徽省合肥市	12801234567
马十五	男	27	销售经理	福建省厦门市	12701234567
朱十六	女	32	翻译	湖北省武汉市	12601234567
李十七	男	43	大学教授	湖南省长沙市	12501234567
王十八	女	30	心理咨询师	江西省南昌市	12401234567
张十九	男	40	项目经理	河北省石家庄市	12301234567
赵二十	女	37	人力资源	山西省太原市	12201234567
孙二十一	男	26	数据分析师	辽宁省沈阳市	12101234567
周二十二	女	39	市场专员	吉林省长春市	12001234567
吴二十三	男	44	财务总监	黑龙江省哈尔滨市	11901234567
郑二十四	女	35	产品经理	陕西省西安市	11801234567
陈二十五	男	28	运营专员	甘肃省兰州市	11701234567
冯二十六	女	33	品牌经理	宁夏回族自治区银川市	11601234567
朱二十七	男	46	战略规划	青海省西宁市	11501234567
陆二十八	女	31	市场拓展	新疆维吾尔自治区乌鲁木齐市	11401234567
马二十九	男	29	销售助理	内蒙古自治区呼和浩特市	11301234567
朱三十	女	36	客户关系	广西壮族自治区南宁市	11201234567
李三十一	男	42	业务开发	贵州省贵阳市	11101234567
王三十二	女	34	市场维护	云南省昆明市	11001234567
张三十三	男	27	销售支持	四川省成都市	10901234567
赵三十四	女	38	市场宣传	贵州省贵阳市	10801234567
孙三十五	男	41	销售管理	云南省昆明市	10701234567
周三十六	女	30	市场运营	四川省成都市	10601234567
吴三十七	男	43	销售培训	贵州省贵阳市	10501234567
郑三十八	女	35	市场策划	云南省昆明市	10401234567
陈三十九	男	28	销售推广	四川省成都市	10301234567
冯四十	女	32	市场维护	贵州省贵阳市	10201234567
朱四十一	男	45	销售支持	云南省昆明市	10101234567
陆四十二	女	31	市场运营	四川省成都市	10001234567
马四十三	男	29	销售助理	贵州省贵阳市	09901234567
朱四十四	女	36	客户关系	云南省昆明市	09801234567
李四十五	男	42	业务开发	四川省成都市	09701234567
王四十六	女	34	市场维护	贵州省贵阳市	09601234567
张三十七	男	27	销售支持	云南省昆明市	09501234567
赵四十八	女	38	市场宣传	四川省成都市	09401234567
孙四十九	男	41	销售管理	贵州省贵阳市	09301234567
周五十	女	30	市场运营	云南省昆明市	09201234567
吴五十一	男	43	销售培训	四川省成都市	09101234567
郑五十二	女	35	市场策划	贵州省贵阳市	09001234567
陈五十三	男	28	销售推广	云南省昆明市	08901234567
冯五十四	女	32	市场维护	四川省成都市	08801234567
朱五十五	男	45	销售支持	贵州省贵阳市	08701234567
陆五十六	女	31	市场运营	云南省昆明市	08601234567
马五十七	男	29	销售助理	四川省成都市	08501234567
朱五十八	女	36	客户关系	贵州省贵阳市	08401234567
李五十九	男	42	业务开发	云南省昆明市	08301234567
王六十	女	34	市场维护	四川省成都市	08201234567
张三十一	男	27	销售支持	贵州省贵阳市	08101234567
赵六十二	女	38	市场宣传	云南省昆明市	08001234567
孙六十三	男	41	销售管理	四川省成都市	07901234567
周六十四	女	30	市场运营	贵州省贵阳市	07801234567
吴六十五	男	43	销售培训	云南省昆明市	07701234567
郑六十六	女	35	市场策划	四川省成都市	07601234567

SURVEYOR'S CERTIFICATE

I, John Demkewicz, do hereby certify that I am a registered land surveyor and that this certificate is a true and correct representation of the facts as presented under the laws of the State of Ohio. I have personally supervised the survey and the work has been made under my direction of the lands shown and described herein. I have caused to be made a true and correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

- 1. Site Benchmarks: Water meter in Sampson Avenue Elevation=7298.2'
- 2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
- 3. This topographic map is based on a field survey performed on July 24, 1998 and updated on July 28, 2006 and November 16, 2007.
- 4. See recorded survey 5-1748.

LINE	BEARING	DISTANCE
1-2	S 83°30'00" E	11.50'
2-3	S 13°30'00" E	17.00'



STATE OF OHIO
BLAKE MITCHELL
CNP TOWNSHIP

DATE: 1/17/08

EXISTING CONDITIONS
115 SAMPSON AVENUE
BLOCK 78, PARK CITY SURVEY
FOR: GERMAINE PARTNERS
JOB NO.: 3-1-08
FILE: X:\ParkCitySurvey\log\log2008\030108.dwg

SHEET
1
OF
1



500 FOOT EXHIBIT

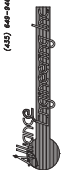


10 SCALE SITE PLAN

115 SAMPSON AVENUE

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4, EAST SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



	STAFF: MARSHALL KING SITE SCANNER DATE: 7/23/13 ORTHOPHOTOS 115 SAMPSON AVE PARK CITY SURVEY FOR: NANCY BRONSTEIN JOB NO.: 2-2-13 FILE: J:\ParkCity\Survey\dwg\ortho\jbr02013\020713.dwg SHEET 1 OF 1
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SURVEYOR'S CERTIFICATE

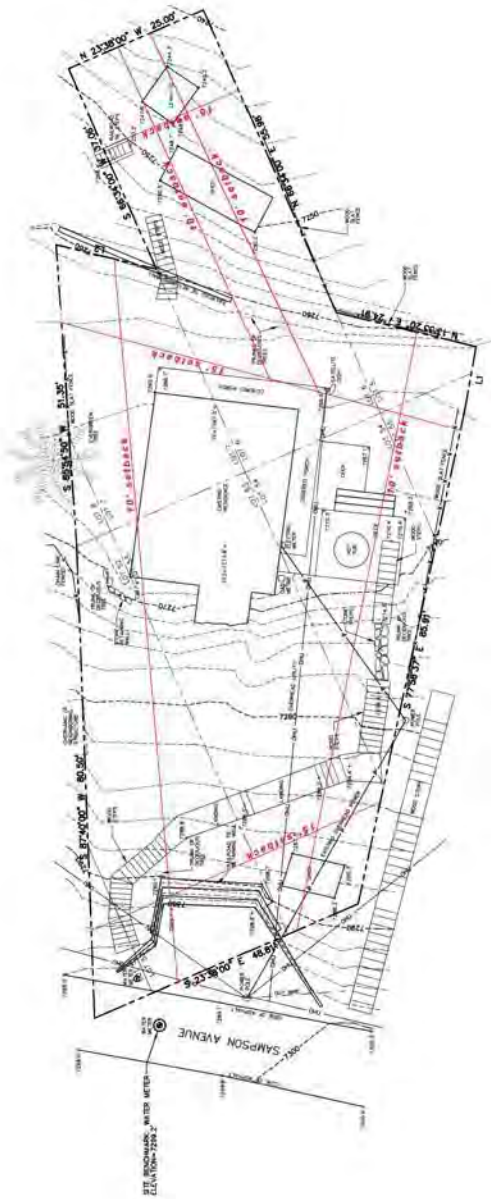
I, John Demkowicz, do hereby certify that I am a registered land surveyor and that this certificate is a true and correct copy of the original as recorded under the laws of the State of New York. I have personally examined the original and the copy and have found them to be a true and correct representation of the land surveyed and the same as shown and described in the accompanying plat. I have also examined the original and the copy and have found them to be a true and correct representation of the land surveyed and the same as shown and described in the accompanying plat. I have also examined the original and the copy and have found them to be a true and correct representation of the land surveyed and the same as shown and described in the accompanying plat.



NOTES

1. Site Benchmarks: Water meter in Sampson Avenue Elevation=7299.2'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on July 24, 1988 and updated on July 28, 2006 and November 16, 2007.
4. See recorded survey S-8748.

LINE	BEARING	DISTANCE
1-2	S 89°50'00" E	17.30'
2-3	N 10°50'00" E	17.30'



	STAFF: BRADLEY KING BLAKE WILES CIP TOMSSEN	DATE: 1/17/08
	EXISTING CONDITIONS 115 SAMPSON AVENUE BLOCK 78, PARK CITY SURVEY FOR: GERMAINE PARTNERS JOB NO.: 3-1-08 FILE: X:\ParkCitySurvey\log\m\log2008\030108.dwg	



September 16, 2013

Alliance Engineering, Inc.
C/O Steve Schueler
323 Main Street
Park City, UT 84060

Silver Potato LLC
Attn: Nancy Bronstein
25 East End Avenue
New York, NY 10025

Re: Setback Determination
Property Address: 115 Sampson Avenue
PL-13-02035

Steve:

Thank you for submitting your application for a plat amendment for the property at 115 Sampson Avenue, on behalf of property owner Silver Potato LLC. As you are aware, any lot with more than four sides is considered an "Unusual Lot Configuration" by definition of the Park City Land Management Code (LMC). As required by Section 15-4-17 (Setback Requirements for Unusual Lot Configurations) of the LMC, the Planning Director makes the determination as to the allowed setbacks for all unusual lot configurations. More specifically §15-4-17(B) "Lots with more than four (4) sides..." applies to this particular lot due to the fact that it has eight (8) sides. I have reviewed your parcel, and I have made the following determination as to the allowed setbacks for all of Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, and 55 of Block 78 of the Park City Survey:

1. Front Yard - 15 feet
2. Side Yard south property line (see redlines) – 10 feet
3. Side Yard north property line (see redlines)– 10 feet
4. Rear Yard – 15 feet
5. Side yard south property line, along Lot 6 (see redlines)—10 feet
6. Side yard north property line, along Lot 6 (see redlines) –10 feet
7. Rear yard east property line, along Lot 6 (see redlines)—15 feet

Attached hereto are redlined plans indicating the aforementioned setbacks.

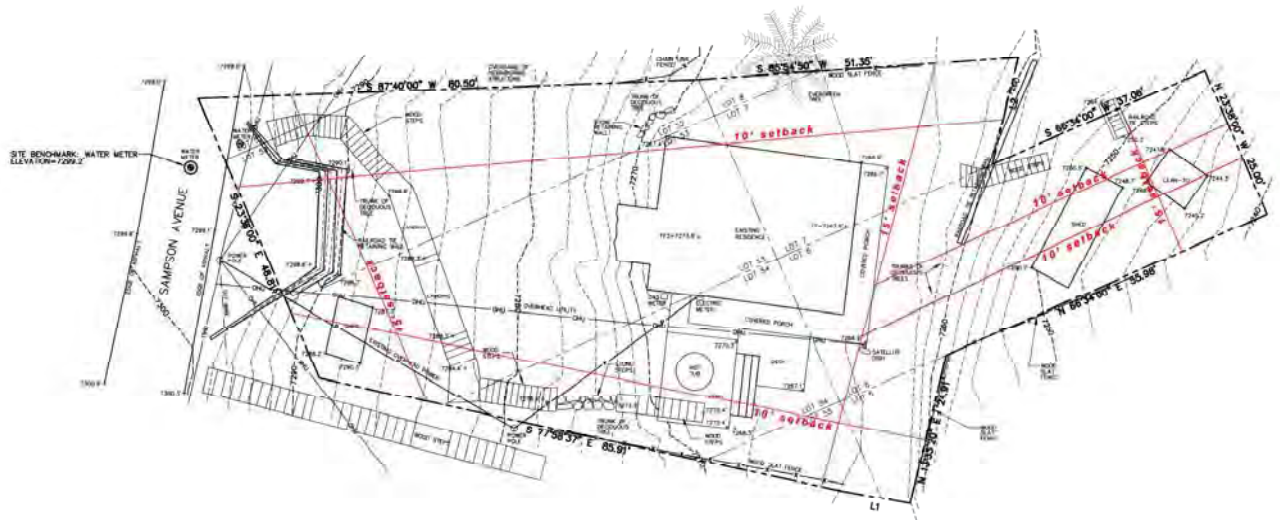


Illustration Only – Not to Scale

Please note that adherence to all other applicable regulations (steep-slope conditional use permit, design guidelines, etc.) also apply. If you have any questions regarding these setback determinations please feel free to contact me at (435) 615-5008.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas E. Eddington Jr.'.

Thomas E. Eddington Jr., AICP, LLA
Planning Director

CC: Anya Grahn

BLOCKS 77-LOTS(17-34),78-LOTS(1-14,46-55),79,SECTION 16 & 21, T2S R4E, S.L.B. & M.

PARK CITY

BOOK PAGE

SEE PAGE 25

MILL-SITE RESERVATION
SUPPLEMENTAL AMENDED
PLAT (1995 SUB.)

AVENUE (N 23°38'W)

NORFOLK AVENUE (N 23°38'W)

SEC. 16
SEC. 21

BREWSTER'S AMENDMENT
SUB. (1996)

121 SAMPSON SUB. (2005)

Note: * Refers to Street Address

(S 29°44'W)

SEE PAGE 31

SAMPSON AVENUE (S 29°44'E)
KING RD

RIDGE AVE. (S 21°33'E)

SUMMIT COUNTY, UTAH

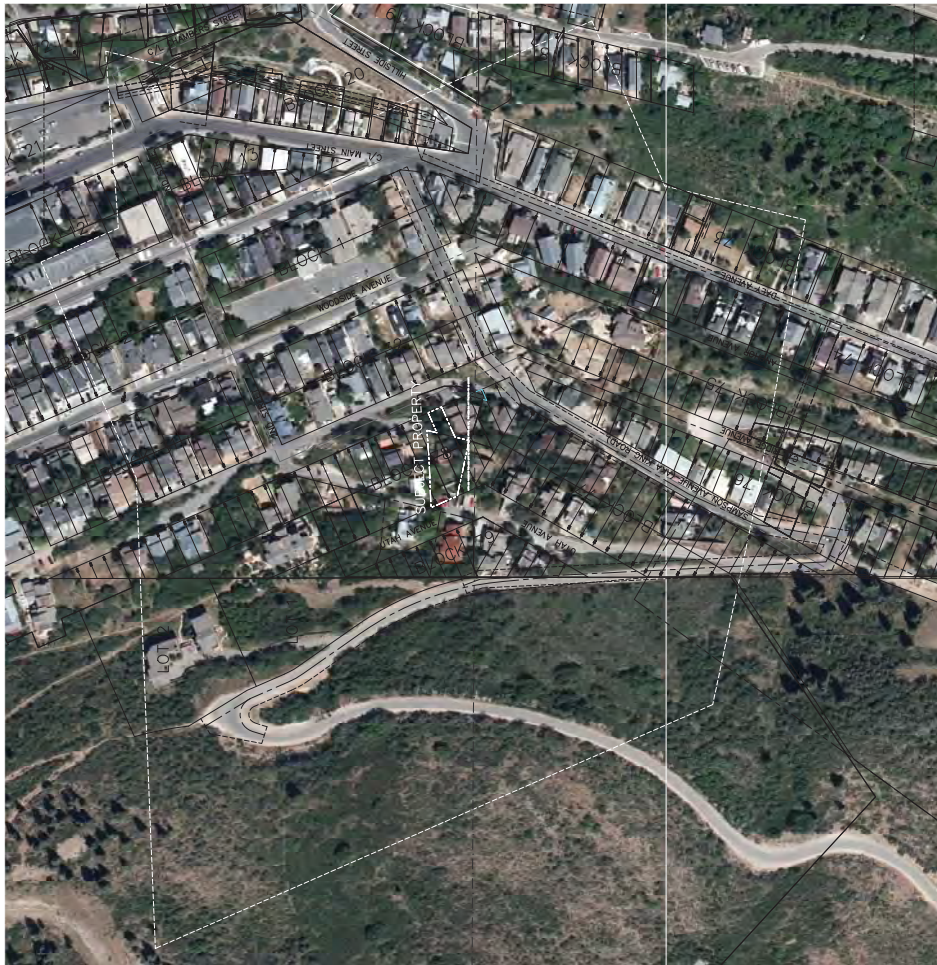
SCALE
ONE INCH 40 FEET
BOOK PAGE

Approved	REVISIONS - DATE AND INITIAL	(In Pencil)
Utah State Tax Comm	Sept 27, 2013	

Date By
Engineering Associates Inc.

Exhibit G

Adjacent Silver Potato LLC parcels
located at 125 Norfolk Ave.



500 FOOT EXHIBIT
100' 0 100' 200'



10 SCALE SITE PLAN
10' 0 10' 20'

115 SAMPSON AVENUE

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



ORTHOPHOTOS 115 SAMPSON AVE PARK CITY SURVEY	FOR: NANCY BRONSTEIN JOB NO.: 2-7-13 FILE: K:\ParkCitySurvey\img\115\1020715.dwg	DATE: 7/23/13	STAFF: NANCY BRONSTEIN STEVE SCHULLER	SHEET 1 OF 1
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**2. 115 Sampson Avenue Subdivision – Plat Amendment
(Application PL-13-02035)**

Planner Anya Grahn reviewed the application for a plat amendment for 115 Sampson Avenue to combine all of Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, and 55 of Block 78 of the Park City Survey. An existing historic home on the property is identified as Significant on the City's Historic Sites Inventory and straddles the lot lines between Lots 6, 7, 53, and 54. There are two accessory sheds that were not identified as historic located on Lot 6, and a third non-historic shed is located on Lot 53.

Planner Grahn reported that an active Notice and Order to Repair and Vacate the building was issued by the Building Department on October 13, 2010, at which time the Planning Department approved a plan to mothball the building; however, the Building Department was forced to issue a second Notice and Order on the structure on April 10, 2013 due to its deteriorating and hazardous condition. On May 1, 2013, the applicant submitted a Pre-Historic Design Review application. The Design Review Team met with the applicant's representative to discuss the potential re-development of the property. At that time the applicant expressed an interest in reconstructing the building and adding a small addition. Planner Grahn noted that since that time there has been no communication from the applicant or the applicant's representative to review construction plans. Planner Grahn stated that the historic structure is in significant disrepair and would likely qualify for panelization or reconstruction. The site may be cleared following the recording of a preservation plan and securing a financial guarantee for the reconstruction of the historic structure to satisfy the Notice and Order; however, no reconstruction may occur prior to the recording of the plat amendment to eliminate the interior lot lines.

Planner Grahn stated that the plat amendment application was submitted on August 15, 2013. The application was deemed complete on August 28, 2013. Per the LMC, the Planning Director made a determination on the allowed setbacks due to the unusual lot configuration. A table contained on page 104 of the Staff report outlined the determined setbacks. Based on the setbacks determined by the Planning Director, the overall building pad of the site would be approximately 3,330 square feet. Based on the building footprint formula, the allowable footprint will be 2,496.28. Given the 831.7 square feet footprint of the house, the lot could accommodate a 1,664.58 square feet addition if the sheds were removed. If the sheds are not removed an 1,440.58 addition could be constructed. Any addition to the historic structure would require approval through the HDDR to ensure that it complies with the 2009 Design Guidelines. In addition, if the applicant wishes to add an addition to the house they would likely be required to submit a steep slope CUP application due to the steepness of the existing grade.

Planner Grahn stated that the placement of the house on the lot and its orientation would limit the size of the addition since the new structure would have to be located to the west of the historic structure. She noted that the façade of the structure faces east towards town rather than west towards Sampson Avenue. Planner Grahn noted that the southeast corner of Lot 52 contains a portion of Sampson Avenue. The portion that includes the street would be dedicated to the City during this plat amendment.

The Staff believed there was good cause for the application. Combining the lots would allow the property owner to move forward with site improvements, which include stabilizing and repairing or reconstructing the historic house. The plat amendment is necessary in order for the applicant

to utilize future plans. If left unplatted, the property would remain in its current condition. Planner Grahn reiterated that the plat amendment would also resolve the issue of the historic structure straddling interior lot lines. The plat would not cause undo harm on any adjacent property owner because the proposal meets the requirements of the LMC and all future development would be reviewed for compliance with Building and LMC requirements. Planner Grahn stated that by approving the plat the City would gain one 10' snow storage easement along Sampson Avenue, as well as a street dedication for the portion of Lot 51 that contains Sampson Avenue.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Steve Schueler, representing the applicant, clarified that he was under the impression that the owner intended to sell the lot; however, he learned this evening that Jonathan DeGray was working on construction plans for the applicant.

Commissioner Hontz asked if there was a right-of-way on the road that the house faced. Planner Grahn was unsure.

Vice-Chair Thomas opened the public hearing.

Debbie Schneckloth, a neighbor, noted that the Staff report indicated that the property was located in the HR-1 zone and that was an error. It is actually located in the HRL zone. Ms. Schneckloth questioned why, if the house faces Norfolk Avenue, it did not have a Norfolk address. She noted that the current owner also owns property on Norfolk Avenue. Ms. Schneckloth suggested that the Norfolk lot be used to access 115 Sampson Avenue to take some of the pressure off of Sampson Avenue, since the road was already deteriorating from the amount of traffic. She also thought the Planning Commission should request that the house be re-oriented to have a Norfolk address. Ms. Schneckloth thought page 106 of the Staff report should be corrected to accurately state that the portions of Sampson Avenue that would be dedicated to the City would be the southeast corner of Lot 51 and the northeast corner of Lot 52. She felt that clarification was important.

Ms. Schneckloth asked how wide of a portion would be dedicated to the City. Mr. Schueler replied that it would be 8-9 feet. Ms. Schneckloth noted that Sampson Avenue is 13 feet wide. Ms. Schneckloth commented on snow storage and asked about the snow storage along Sampson. Planner Grahn stated that it would be a 10' snow storage easement. Ms. Schneckloth noted that the City owns Utah Avenue and she asked if that could be used for snow storage instead of Sampson. She stated that the existing frontage along Sampson Avenue is sorely needed and she asked that it be retained.

Vice-Chair Thomas closed the public hearing.

Commissioner Hontz noted that the change to HRL zoning needed to be corrected throughout the Staff report and the Staff needed to come back with a clean Staff report. Commissioner Hontz pointed out that access has always been on Sampson Avenue and people use the stairway to the south. She understood that originally there was only one stairway with a plank

into the back of the house; however, a rift between property owners resulted in two sets of stairs.

Commissioner Hontz agreed with Ms. Schneckloth on the condition of Sampson Avenue and she believed it was currently a public health, safety, welfare issue. The road can no longer carry the burden related to nightly rental, snow removal, etc. She requested a condition of approval to put parking for 115 Sampson somewhere else. Commissioner Hontz also recalled that the Planning Commission had requested that the Staff analysis be done on compatible structures in terms of size and plats, rather than an average size analysis. She wanted the analysis redone.

Commissioner Hontz requested that Condition of Approval #4 regarding 13-D sprinklers be revised. She corrected Condition #5 to indicate a 10' snow storage "easement" rather than easements plural. Commissioner Hontz noted that Condition #5 needed to be revised to indicate that portions of Lots 51 and 52 would be dedicated to the City.

Commissioner Wintzer believed the same issues they addressed with 30 Sampson Avenue applied to 115 Sampson. The only difference is that 115 is a downhill lot. He was concerned about approving something that would create a hardship situation for the applicant. He preferred to send this back to the Staff to draft appropriate conditions of approval to avoid a hardship situation that would require going before the Board of Adjustment. Commissioner Wintzer was not prepared to move forward this evening until the issues could be addressed. He also agreed with the idea of adding a condition of approval to address the parking needs.

Commissioner Strachan concurred with his fellow Commissioners. He thought they should continue this item until the Staff report could be revised. Commissioner Strachan suggested a site visit to make sure they were not on the verge of creating a plat amendment that would be the final straw for the neighborhood and what the road could bear. Vice-Chair Thomas concurred.

MOTION: Commissioner Wintzer moved to CONTINUE 115 Sampson Avenue plat amendment to November 6, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

3. 1134 Lowell Avenue – Steep Slope Conditional Use Permit
(Application PL-13-02012)

Planner Whetstone handed out public input she had received from Jim and Elaine Howells, 1130 Lowell Avenue.

Planner Whetstone reviewed the application for a Steep Slope Conditional Use permit for a new single-family home containing 2,163 square feet, excluding the 367 square foot single car garage, on a vacant 1,875 square foot lot located at 1134 Lowell Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of 30% or greater. The property is located in the HR-1 District. The CUP request is for construction of a new single-family dwelling on a platted lot of record. The lot is a standard 25' x 75' Old Town lot and contains 1,875 square feet of lot area. The site is a downhill lot on the east side of Lowell Avenue.



January 16, 2014

Nancy Bronstein
Silver Potato, LCC
25 East End Avenue
New York, NY 10028

NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address: 115 Sampson Avenue
Project Description: Subdivision
Project Number: PL-13-02035
Date of Action: January 14, 2014

ACTION TAKEN BY PLANNING DIRECTOR:

Per Land Management Code (LMC) 15-7.1-5(B), prior to subdividing land in a manner, which requires a Preliminary Plat, an Owner of the land or his representative shall file an Application for the approval of a Plat. The application shall include all contiguous holdings of the Owner, unless specifically waived by the Planning Department, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

The Planning Director finds that Silver Potato LLC is not required to subdivide the

contiguous holdings located at 115 Sampson Avenue and 125 Norfolk Avenue. Rather, the applicant may move forward with the request for a one-lot subdivision at 115 Sampson Avenue only.

Findings of Fact:

1. The property is located at 115 Sampson Avenue within the HRL District.
2. The applicants are requesting to combine portions of eight (8) Old Town lots into one lot of record. Currently, the property includes all of Old Town Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, and 55 of Block 78 of the Park City Survey.
3. The plat amendment is necessary in order for the applicant to move forward with a Historic District Design Review (HDDR) for the purpose of repairing and restoring the historic house on the significant site, as well as potentially adding a new addition.
4. The 115 Sampson Avenue Subdivision will create one (1) new 7,692 square foot lot.
5. The existing historic house at 115 Sampson Avenue is listed as "Significant" on the Historic Sites Inventory (HSI) and has a footprint of 831.7 square feet.
6. The existing historic structure at 115 Sampson Avenue straddles lots 6, 7, 53, and 54 of the Park City Survey and is a valid complying structure. Per LMC 15-2.1-4, existing historic structures that do not comply with building setbacks are valid complying structures. The historic structure is a valid complying structure, though it does not comply with the required ten foot (10') north side yard setback along the north property line as it is only eight feet nine inches (8'9") from the property line.
7. Any proposed additions to the existing historic home at 115 Sampson Avenue will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
8. Due to water damage, the Building Department issued a Notice and Order to Repair and Vacate the building at 115 Sampson in 2010 and at that time the mothballing of the house was permitted. The severe decline and deterioration of the vacant structure resulted in a second Notice and Order on April 10, 2013.
9. A Pre-Historic District Design Review (Pre-HDDR) was submitted to the Planning Department on April 9, 2013, following the Notice and Order at 115 Sampson. The Design Review Team (DRT) met with the applicants' representative on May 1, 2013, to discuss the potential redevelopment of the property. No Historic District Design Review (HDDR) application has yet been submitted.
10. The rear of the structure is the west elevation, facing Sampson Avenue. The front façade faces east, towards town.

11. On September 16, 2013, the Planning Director made the determination to increase the required setbacks of the 115 Sampson Avenue site to include a fifteen foot (15') front yard setback, ten foot (10') south side yard setback, fifteen foot (15') rear yard setback, and ten foot (10) north side yard setback.
12. The southwest corner of Lot 51 and the northwest corner of Lot 52 contain a portion of Sampson Avenue. The total area for the street dedication will be approximately thirty-five (35) square feet.
13. The maximum building footprint allowed is 2,490 per the HR-L LMC requirements for a lot of this size. The current footprint of the historic structure is 831.7 square feet and the footprint of the three (3) shed accessory structures is 224 square feet. This would allow a maximum footprint addition of approximately 1,434 square feet. The portion of the street dedication was considered in determining the allowed footprint, and approximately thirty-five (35) square feet was reduced from the overall building footprint.
14. New additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
15. The property at 115 Sampson Avenue is contiguous with the property at 125 Norfolk Avenue.
16. The applicant submitted an application for a plat amendment on August 15, 2013.
17. The Planning Commission reviewed the application for a one (1) lot subdivision on October 9, 2013.
18. Staff learned that Silver Potato LLC owned the contiguous property at 125 Norfolk Avenue on October 9, 2013.
19. Silver Potato LLC has directly expressed interest in not subdividing both lots at 115 Sampson Avenue at 125 Norfolk Avenue. The property at 125 Norfolk Avenue is already developed and the owner does not intend to redevelop this property at this time.
20. 125 Norfolk Avenue is located directly to northeast of the 115 Sampson Avenue site.
21. The parcel at 125 Norfolk Avenue is comprised of all of lots 8, 9, and 10; the south half of lot 11, and a portion of Lot 7 of Block 78 of the Millsite Reservation.
22. There are existing structures on the 125 Norfolk Avenue metes and bounds parcel.
23. Silver Potato LLC purchased 125 Norfolk Avenue on August 8, 2005, and 115 Sampson Avenue on January 29, 2010.

Conditions of Approval

1. All standard conditions of approval shall apply.
2. Any modifications to the property 125 Norfolk Avenue, including but not limited to interior remodeling will require the applicant to submit a plat amendment application to the Planning Department.

If you have any questions regarding this determination, please don't hesitate to contact the Planning Department at 435-615-5060.

Sincerely,

A handwritten signature in black ink, appearing to read 'Th. E. Eddington Jr.', with a stylized flourish at the end.

Thomas E. Eddington Jr., AICP, LLA
Planning Director

CC: Anya Grahn, Historic Preservation Planner



Planning Commission Staff Report

Application #: PL-13-01956
Subject: 820 Park Avenue-Rio Grande Development
Author: Anya Grahn, Historic Preservation Planner
Date: February 12, 2014
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the proposed Conditional Use Permit (CUP) application for the mixed-use commercial and residential development at 820 Park Avenue. Applicant is requesting three Conditional Use Permits: (1) commercial use in the zone if gross floor area is more than 2,000 sf; (2) multi-unit dwelling; and, (3) parking areas with five or more spaces. Staff recommends the Commission conduct a public hearing and consider approving the Conditional Use Permits based on the findings of fact, conclusions of law, and conditions of approval found in this report.

Description

Applicant: 820 Park Avenue, LLC, represented by Rory Murphy
Location: 820 Park Avenue
Zoning: Historic Recreation Commercial (HRC) District
Adjacent Land Uses: Commercial retail, restaurants, bars, offices, and residential uses
Reason for Review: Conditional Use Permits (CUPs) require Planning Commission review and approval

Proposal

The applicant is proposing to develop the site at 820 Park Avenue. The property contains the "Significant" historic structure known as the Rio Grande Building. On November 13, 2013, the Historic Preservation Board granted an appeal to allow the historic structure to be relocated to the northwest corner of the site, 9th Street and Park Avenue, and be a prominent feature of the property. The applicant is also proposing to construct a three (3) story stepped mixed-use building on the remainder of the site. This development will contain for 20,519 square feet of commercial-retail uses and ten (10) residential condominium units.

The Land Management Code requires the submittal of a Conditional Use Permit (CUP) application, with review by the Planning Commission, for commercial uses, including restaurants, and retail uses if over 2,000 square feet of gross floor area and located within the HRC District. Multi-unit dwelling and parking areas or structures with five (5) or more spaces also require a CUP. In order to approve a CUP for these uses the Commission must find compliance with specific criteria as stated in LMC Section 15-1-

10 and any impacts of the proposed uses must be mitigated by physical changes to the site and/or by specific conditions of approval.

The Planning Commission reviewed the proposed uses for this site on January 8, 2014, and modifications have been made to the applicant's original request for a Conditional Use Permit (CUP). The applicant no longer seeks the CUP for the use of Neighborhood Convenience Commercial and Restaurant use; however, they have requested a CUP for Office (Intensive) and café or deli so that a real estate office or small café or deli may be located on the site. The developer has also reduced the number of underground parking spaces from forty-two (42) to twenty-four (24) and eliminated one (1) level of parking. As proposed, there is space to maneuver vehicles within the parking garage and there is also space for trash storage.

The CUP now includes the following uses:

- Multi-Unit Dwellings (a building containing four (4) or more dwelling units);
- Commercial Retail and Service, Minor;
- Café or Deli
- Outdoor dining;
- Office (intensive);
- Parking Area or Structure with five (5) or more spaces

The ground level storefront spaces and historic Rio Grande Building may contain 4,541 square feet of commercial retail and service, minor; café or deli; or office (intensive) use. The developer has not yet leased these spaces and has not yet determined the final mix of these uses. The development will also include ten (10) condominium units.

Background

On June 19, 2013, the City received an application for the 820 Park Avenue-Rio Grande Development CUP. The application was deemed complete on November 26, 2013, when additional information was provided. The property is located at 820 Park Avenue in the Historic Recreation Commercial (HRC) zoning district. The existing structure known as the "Rio Grande Building" is designated as a "Significant" historic building on the City's Historic Sites Inventory (HSI).

The Planning Commission reviewed the Conditional Use Permit (CUP) for this development project on January 8, 2014. At that time, the Commission discussed parking demands and found the proposed forty-two (42) spaces sufficient as it was very unlikely that a restaurant tenant would occupy the entire then-proposed 4,117 square feet of commercial space. Moreover, the Planning Commission was very supportive of the proposed uses, found that this project would complement the existing uses in the neighborhood, and believed this development would be a good addition to the lower Main Street area overall. This original proposal, however, has been modified.

The applicant also submitted a Historic District Design Review (HDDR) application on June 19, 2013. On October 9, 2013, the Planning Director and Chief Building Official determined that there were not unique conditions that warranted the relocation of the

historic Rio Grande Building to the corner of 9th Street and Park Avenue. The applicant submitted an appeal of this determination on October 18, 2013. The Historic Preservation Board (HPB) granted the appeal and reversed staff's determination on November 13, 2013, permitting the structure to be relocated due to the loss of the historic context of the site and the loss of the southern two-thirds (2/3) of the original structure. Moreover, the HPB found that the goals of historic preservation were best served by relocating the structure to the northwest corner of the site to be the visual focal point of the project. The final HDDR has not yet been approved for this project.

The structure has had a number of different uses throughout its history. Originally constructed as part of a larger freight shed that was attached to the c.1890 Queen Anne passenger depot, the structure was abandoned by the D&RGW railroad line in 1946. Since the demolition of the Queen Anne depot and two-thirds (2/3) of the freight shed in the late-1940s, the remaining portion of the freight shed, better known today as the Rio Grande Building located at 820 Park Avenue, has housed an architect's office, Park City Bank, and Zion's Bank. After sitting vacant for at least a decade, the structure today is being rehabilitated in order to serve as a temporary construction office for the Rio Grande Development project; however, the developers plan to utilize this structure as commercial retail use following the completion of the project.

As existing, this site is a metes and bounds parcel. A one (1) lot subdivision will be required in order to create a legal lot of record. At this time, the applicant has not yet submitted a plat amendment application. The one (1) lot subdivision will require Planning Commission recommendation and City Council approval.

Purpose of the HRC District

The purposes of the HRC District include:

- (A) Maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) Encourage pedestrian oriented, pedestrian-scale Development,
- (C) Minimize visual impacts of automobiles and parking,
- (D) Preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) Provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) Provide a moderate Density bed base at the Town Lift,
- (G) Allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) Encourage preservation and rehabilitation of Historic Buildings and resources,
- (I) Maintain and enhance the long term visibility of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Analysis

The applicant is proposing to rehabilitate the site into a mixed-use development containing a multi-unit dwelling building containing ten (10) residential condominium units; 4,541 square feet of commercial retail and service, minor; cafe or deli; outdoor dining; office, intensive; and a twenty-four (24) space underground parking structure. One (1) level of underground parking is proposed, accessible from 9th Street. Above this, the historic Rio Grande building will be relocated to the corner of 9th Street and Park Avenue and restored to its Historic appearance c.1940 when two-thirds (2/3) of the freight shed was demolished.

Exterior plaza space will be constructed between the historic building and new development to isolate the historic structure on the east elevation. The L-shaped new construction will wrap the historic building on the north, east, and south sides of the property. There will be one (1) level of underground parking containing twenty-four (24) spaces located underground.

The first level will include 788 square feet of commercial space in the existing historic Rio Grande building as well as approximately 2,965 square feet of Commercial Retail and Service, Minor; Café or deli; Outdoor Dining; and/or Office (Intensive), and two (2) ground level condominium units containing 1,333 square feet (Unit 1) and 941 square feet (Unit 2). Four (4) condominium units ranging from 1,083 square feet to 1,886 square feet will be built on the second (2nd) level; the second level of the Rio Grande building also contains 788 square feet that may be utilized by its ground floor commercial tenant. The third (3rd) level will contain four (4) condominium units ranging from 1,083 square feet to 1,907 square feet. One (1) condo (10-B) will be located at the Loft/Roof Deck Level. Because the applicant is still determining the uses in the storefront space, Condition of Approval #18 has been added so that any significant modifications of the use of this building will require Planning Commission approval.

As previously noted, the applicant no longer requests Planning Commission approval of the Neighborhood Convenience Commercial and Restaurant use; however, they are requesting approval of the use of Office (Intensive) in order to accommodate a real estate office within the mixed use Building. Office (Intensive) is defined by the LMC as businesses offering executive, administrative, professional, or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1,000 square feet of net leasable office. A real estate office is considered an intensive use. The applicant anticipates this use to consume no more than 1,000 square feet of storefront space.

Office (Intensive) is a conditional use in the HRC district. This use is prohibited in storefronts adjacent to the Park Avenue Right-of-Way, but excludes those HRC zoned areas north of 8th Street. The 820 Park Avenue site is located just south and adjacent to 9th Street, and this site is exempt from the vertical zoning provision in the code. It would not be desirable for a real estate office to occupy all of the storefront space on the ground level; its use should be limited to ensure that this area continues to comply

with the goals of the General Plan by providing pedestrian-oriented resort-based development and tourist-oriented lodging that adds to the tax base. For that reason, Condition of Approval #10 has been added to limit the square feet of the Office, Intensive use to no more than 1,000 square feet.

The applicant intends to construct one (1) level of underground parking containing twenty-four (24) spaces. The applicant will provide fifteen (15) residential parking spaces; ten (10) spaces will be reserved, one for each unit, and five (5) will be used for guest parking. The additional nine (9) spaces will be utilized for the commercial uses. Condition of Approval #7 states that any uses of the retail or commercial space must meet the parking requirement set by Land Management Code (LMC) 15-3-6 Parking Ratio Requirements for Specific Land Use Categories.

The applicant is proposing to provide twenty-four (24) underground parking spaces. The applicant has not yet leased the 2,965 square feet of storefront space in the new building, and the historic Rio Grande structure is exempt from providing parking. This space may be leased to a single tenant, or this space may be further subdivided into multiple tenants; however, no more than 1,000 square feet will be consumed by the office (intensive) use. Any proposed uses must not exceed the nine (9) parking spaces reserved for commercial uses.

It is likely that as this project progresses and the storefront spaces are leased, the 2,965 square foot storefront space will be subdivided further to promote a mix of tenants. Mixed-use would alleviate parking demands by promoting greater shared parking and reducing the intensity of the use.

LMC 15-3-9(A) stipulates that the new construction of existing commercial 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 bikes. The applicant intends to provide twenty-four (24) vehicle parking spaces, and the development will require three (3) bicycle parking spaces. These spaces will be located near the Park Avenue entrance to site, on the west elevation of the Rio Grande building.

Condition of Approval #9 has been added to ensure that bicycle storage meets the requirements of LMC 15-3-9. Medium security bicycle racks must be of solid construction, resistant to rust, corrosion, hammers, and saws and must allow both the bicycle frame and wheel to be locked by the user. Bicycle storage must be compatible with the surrounding building and street furniture as well as be located in a convenient, highly-visible, active, well-lit area that does not interfere with pedestrian movement or snow storage.

The proposed development will feature a shared party-wall with the Town Lift Condominiums to the south. As outlined in LMC 15-2.5-3(E)(3), a side yard between connected structures is not required where the structures are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Side Lot Line may not exceed 100 feet. The applicant is

proposing a common wall of approximately twenty feet (20') and has met with the Chief Building Official and City Attorney to enter into a party wall agreement with the Town Lift Plaza.

The plans show that the single shared wall will be constructed of two (2) abutting exterior walls. Per the International Building Code (IBC), the shared wall must be fire-rated for safety, and this is accomplished by building two (2) adjoining walls. The Building Department concurs that despite this method of construction, the system will be classified as a common wall.

The zone is primarily commercial; however, there is significant residential development, such as the Lift Lodge Condos, the Caledonia Building adjacent to the Town Lift Plaza, Park Station Condominiums, and Summit Watch development. This site is immediately surrounded by the Lift Lodge and Town Lift Condominiums. The UP&L Park directly north of the site is open space, followed by the Summit Watch development and Park Station Condominiums. To the west, the neighborhood is dotted with historic and non-historic residential developments one (1) to three (3) stories in height.

According to Land Management Code (LMC) § 15-2.5-2, the following uses are Conditional Uses in the HRC District if greater than 2,000 square feet of gross floor area:

- Multi-Unit Dwellings;
- Commercial Retail and Service, Minor;
- Café or deli;
- Outdoor dining;
- Office(intensive);
- Parking Area or Structure with five (5) or more spaces

Staff has reviewed the proposed Conditional Use Permit (CUP) with respect to the conditional use review criteria as outlined in LMC 15-1-10. The Commission must also make a determination that the proposed uses meet the CUP criteria found in LMC § 15-1-10 as follows:

1. *Size and location of the site.* **Complies.** Per LMC 15-2.5-3 (G)(1), the Floor Area Ratio (FAR) for non-residential structures built after October 1, 1985, and located east of Park Avenue is 1.0. The FAR, Gross Commercial, is defined as the Area of a Building including all enclosed Areas excluding parking areas. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area. The following floor areas are proposed:

	Commercial Gross Floor Area Square Footage
Lower Parking Area	0 SF
Upper Parking Area	0 SF
Ground Level Area (Commercial	3,753 SF

Retail, including historic Rio Grande)	
2 nd Level	788 SF
3 rd Level	0 SF
Loft/Roof Deck Area	0 SF
Total Square Footage	4,541SF

The total lot area is approximately 14,375 square feet. The Floor Area Ratio for commercial use is .31 and is less than the allowable FAR of 1.0.

The proposed square footage of the uses of the site are compatible to that which was approved for the Lift Lodge, immediately east of 820 Park Avenue. The three (3)-story Lift Lodge is located on .26 acres (11,535 square feet) and was approved for zero (0) setbacks on the east elevation as well as a height of forty-five feet (45') through a previous MPD. In June 1997, the Planning Commission approved a CUP at this location, permitting the following:

Use	Rio Grande Development	Lift Lodge Condominiums
Lot Size	.33 acres (14,374 SF)	.26 acres (11,535 SF)
Parking and Storage	9,857 SF	8,654 SF
Commercial Use	4,541 SF	4,442 SF
Commercial Support	357 SF	842 SF
Residential Units	15,978 SF (10 condos)	12,381 SF (13 condos)
Common Areas (hallways, stairs, elevators, etc.)	3,415 SF	7,128 SF
Total Square Footage	34,148 SF	37,001 SF
Floor Area Ratio (FAR) – Overall (including residential uses)	2.37	3.22

Today, the Lift Lodge has three (3) commercial spaces—two (2) on the second floor that face the plaza and one (1) on the first floor with an entrance on Main Street. Residential units are located on all three (3) levels above the underground parking structure and support the commercial uses of the Town Lift Plaza, to the south of the 820 Park Avenue site.

The table outlines the similarities of the proposed Rio Grande development to the uses approved in the 1997 CUP for the Lift Lodge.

1. **Traffic considerations. Complies.** The development of this site and increased commercial retail use in the neighborhood will result in additional traffic and parking demands. Condition of Approval #19 has been added requiring vehicular access to only be located from 9th street, not from Park Avenue.

2. The development's location on the #1 Red Prospector bus route and the proximity of the Main Street Trolley will allow site users to use public transit and lessen traffic congestion and parking demands as well.

Currently, there are twenty (20) unauthorized paid parking spaces located at this lot. The applicants' traffic study (Exhibit D) found that the residential units will be secondary homes and, except during peak times, it is very unlikely that there will be full occupancy. Moreover, the development will remove two (2) driveway curb cuts on Park Avenue, creating space for two (2) additional on-street parking stalls as well as create a new curb cut on 9th Street to access the underground parking garage. In studying the intersections of Park Avenue and 9th Street, 9th Street and Main Street, and Main Street and Deer Valley Drive, the study found that there will be a minimal increase in traffic generated by this development. Because the existing twenty (20) are unsanctioned parking spaces, the applicant is not required to mitigate the loss of these paid parking spaces.

3. *Utility capacity.* **Complies as conditioned.** Utilities will need to be upgraded in order to accommodate the new development on the site. Water service, in particular, will require cutting into the road and tapping into the water main. The developer has also reached out to the Snyderville Basin Water Reclamation District in order to extend the sewer system into the new building. Condition of Approval #9 states that all utility impact fees will be calculated prior to issuance of the building permit.
4. *Emergency vehicle access.* **No unmitigated impacts.** The building is accessible from both Park Avenue and 9th Street for emergency vehicles.
5. *Location and amount of off-street parking.* **Complies as conditioned.** As previously discussed, the applicant intends to provide twenty-four (24) underground parking spaces. The parking structure will include one (1) level of underground parking which will be 8,587 square feet in area.

Fifteen (15) parking spaces will be reserved for the condominium units—one (1) for each unit and five (5) reserved spaces for guest parking. The owner will not permit these guest spaces to be used for vehicle storage.

The development will provide nine (9) remaining spaces that will be open, not fee-based, parking for the commercial uses. The applicant has not yet leased the 1,576 square feet of the two (2) story historic Rio Grande, which is exempt from parking due to its historic designation, nor have they leased the 2,965 square feet of new storefront spaces. Any uses to be located in the storefront space will have to comply with the parking requirements outlined in LMC 15-3-6 Parking Ratio Requirements for Specific Land Use Categories and shall not exceed nine (9) spaces, as outlined in Condition of Approval #7.

Similarly, the new construction of commercial structures or multi-unit dwellings must provide at least three (3) bicycle parking spaces, or ten percent (10%) of the off-street parking, whichever is greater, for the temporary storage of bicycles. Because the applicant will provide twenty-four (24) underground parking spaces, the applicant will be required to provide at least three (3) bicycle parking spaces.

6. *Internal circulation system.* **Complies.** Vehicular ingress and egress to the site's underground parking is located along 9th Street. Stairs lead up from the underground garages to the southeast corner of the building. Elevator and stair access is provided in the center of the new structure and access the residential condos on the second (2nd) and third (3rd) levels. On the third (3rd) floor, access will be provided to the adjacent Town Lift Condominium structure to provide residents with indirect access to the Town Lift Plaza. The elevator access will be available on every level and not limited to only the residential areas.

This is a pedestrian-oriented development. Eight foot (8') wide sidewalks, identical to those adjacent to the Lift Lodge and on the north side of 9th Street will wrap the north side of the property. Five foot (5') sidewalks, in keeping with that which is existing, will be constructed on Park Avenue. Park Avenue pedestrian traffic will flow into the storefront area through a central plaza entrance. Additional stepped entrances will be located along 9th Street.

7. *Fencing, screening and landscaping to separate uses.* **Complies.** No new fencing is proposed. Eight (8) of the ten (10) residential units will be located above the commercial uses on the ground level and do not require landscape screening. Access to the underground parking is located at the northeast corner of the site, and the driveway is shielded by the terrace to the north of Unit 1.
8. *Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots.* **Complies.** The building mass, bulk, and orientation of the proposed building relate to adjacent buildings. As previously noted, the historic Rio Grande structure will be relocated to the northwest corner of the site, 9th Street and Park Avenue. The new construction will wrap the historic building, providing interior plaza spaces along the south and east sides of the Rio Grande building.

The proposed development is also in keeping with the present character of the HRC District, located on the east side of Park Avenue. Both the Town Lift Plaza and the Lift Lodge condominiums were approved through a Master Planned Developments (MPD) that permitted zero (0) setbacks. The applicant is proposing a shared party wall with their neighbor to the south, the Town Lift Plaza, and enclosure of the alleyway to prevent the accumulation of trash; a side yard between connected structures is not required where the structures are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and the Chief Building Official. The applicant is proposing a ten foot (10') rear yard setback along the east property line, shared with

the Lift Lodge Condominiums. This space will be made up of the driveway leading to the underground parking as well as open space.

Special considerations have been made to the design in order to mitigate the effects the structure will have on the neighboring condominium structure. Due to the proximity of the Lift Lodge Condominiums, the applicant has strived to create a design that obstructs the view of a minimum number of residences (see Exhibit B). The majority of the Rio Grande development sharing the east property line will be facing the backside of this development. The view from two (2) condominium units on the east elevation of the Lift Lodge Condominiums on the first and second floors will be obstructed; however, the applicant has proposed a ten foot (10') side yard setback and driveway for the northeast corner of the site to allow condominiums at the north end of the Lift Lodge development to maintain their views of the mountain.

The applicant is proposing a modern interpretation of mining era structures. The height and density of the development is similar in scale to the Lift Lodge and Town Lift Condominiums and is compatible with the scale with the neighborhood. The style of the development is also congruent with the existing historic Rio Grande freight shed as well as the surrounding modern mining design of the adjacent Town Lift Condominiums and Plaza.

In response to the goals of the General Plan, the proposed design has emphasized the importance of historic preservation and maintaining the historic character of this site. More than two-thirds (2/3) of the original Rio Grande freight shed has been demolished. Historically, the Silver King mining site and iconic Coalition Building towered over the depot in height. The density of this historic industrial site has been replaced by the current density of contemporary mixed-use developments. This is a rehabilitation and infill development that will maintain the historic character of the Rio Grande building, while ensuring the character of the new development is compatible with the mountain resort character of Park City.

9. *Usable open space.* **Complies.** The LMC does not stipulate the amount of required open space that must be provided in the HRC. Open space will be provided on the north, west, and east sides of the development within the setback areas as well as the interior hard-scape plaza. The total open space to be provided is 3,769 square feet or 26% of the site.
10. *Signs and lighting.* **Complies as conditioned.** Signs within the interior spaces of the project are not regulated under the sign code. Any exterior signs, including those located in the proposed plaza, must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code (LMC). Condition of Approval #2 states all exterior signage requires a separate Master Sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs. Similarly, Condition of Approval

#3 specifies that all exterior lights must conform to the city lighting ordinance and must be included in the Historic District Design Review (HDDR).

11. *Physical design and compatibility with surrounding structures in mass, scale and style.* **Complies.** The site at 820 Park Avenue is in the HRC zone and is located in close proximity to the ski lift and Main Street. To the east of the site is the Lift Lodge Condominiums, a three (3) story mixed-use development approved for zero setbacks on the east elevation as well as a height of forty-five feet (45') for their development through a previous MPD. The Town Lift Condominiums, a mixed-use development, is directly south of the site and the proposed Rio Grande development will provide access to these shops and restaurants. To the west of the site, a second MPD has permitted the redevelopment of several historic structures as well as new construction. The west side of Park Avenue is primarily residential, one (1) to three (3) story single-family dwellings. Directly to the north, the UP&L Park was developed when the substation was removed.

This neighborhood is dominated by mixed-use buildings three (3) to four (4) stories in height. Along Park Avenue to the north are the four (4) story Park Station Condominiums and Summit Watch developments. Both of these structures exceed three (3) to four (4) stories in height. In addition to residential development, the neighborhood to the east of the Rio Grande site features mixed-use development containing retail and restaurant uses along the first level and residential uses above.

The proposed design is a modern interpretation of the Silver King Mining Site and now-demolished Coalition Building. As previously noted, the historic Rio Grande building was once part of a larger train depot and the proposed design seeks to restore a similar appearance by extending the length and height of the historic building through a one (1) story façade along Park Avenue. The new structure behind this will be three (3) to four (4) stories in height, complementing the mass and scale of the Lift Lodge Condominiums to the east. The style of the development is also congruent with the existing Rio Grande freight shed as well as the surrounding modern mining design of the adjacent Town Lift Condominiums and Plaza.

The applicant has received a height exception from the Planning Director, based on LMC 15-2.5-5(A)(4). This exception permits church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines to extend up to fifty-percent (50%) above zone height so long as the architectural feature does not include habitable space. (Habitable space is defined as space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.)

Does the Planning Commission agree that the height exception granted complies with requirements of this criterion?

The applicant has also designed the structure utilizing other height exceptions outlined in LMC 15-2.5-5(A) which include:

- (1) Gable pitch roofs extending up to five feet (5') above the zone height for roof pitches 4:12 or greater.
- (3) Enclosed or screened mechanical equipment extending five feet (5') above the height of the building
- (5) An elevator penthouse extending eight feet (8') above zone height

Does the Planning Commission consent to granting these exceptions?

The development will primarily face Park Avenue, with a secondary façade along 9th Street. The bulk and mass of the two (2) story parking structure will be hidden underground. The most intensive uses, located in the ground level storefronts, will be located at the pedestrian level where they will support the ski industry through their proximity to the Town Lift. This neighborhood is primarily commercial; however, similar to other adjacent projects, the Rio Grande development will add to the existing bed-base in the Main Street area by providing ten (10) residential units, eight (8) of which will be located on the second and third levels.

12. *Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site.* **Complies as conditioned.** The applicants are proposing to locate all mechanical equipment on the rooftop of the new condominium development and located within a walled structure. This equipment will be shielded and not visible from the primary right-of-way. Furthermore, any mechanical equipment will have to meet the City's noise ordinance. Condition of Approval #4 states that any noise, vibration, odors, steam, or other mechanical factors will be located on the rooftop of the new structure and will be screened and shielded to mitigate any adverse effects on people and property off-site.

The applicant is also requesting the conditional use permit (CUP) for outdoor dining. Any outdoor dining must not occur after 10pm. Furthermore, there shall be no music or noise in excess of the City Noise Ordinance. Condition of Approval #20 has been added to address this.

13. *Control of delivery and service vehicles, loading and unloading zones, and screening.* **Complies as conditioned.** Delivery and service loading and unloading zones have not been identified on the site-plan. The applicant has informed staff that delivery will occur along 9th Street and Park Avenue in much the same as it does for neighboring properties.

Trash management will be located in a designated space on the south side of the underground parking garage, where it will be screened and enclosed. It is likely that any waste management vehicles will be require the use of 9th Street in order to access the underground parking area.

14. *Expected ownership and management of the property.* **No unmitigated impacts.** The site is owned by 820 Park Avenue, LLC, a Utah limited liability company. 820 Park Avenue, LLC will retain ownership of the site and management of the new development, including tenant leases. All existing easements, conditions, and

agreements as stated in the current Title Report, shall continue and this Conditional Use Permit (CUP) shall not change or amend said easements, conditions, or agreements.

820 Park LLC and Park City Municipal are currently entering into a Real Estate Purchase Contract for the city-owned parcel, SA-398-X, which is located along the 9th street frontage of the project. The proposed conveyance will provide legal access to the project from 9th street.

Currently, the site is a metes and bounds parcel. The applicant will need to submit an application for a one (1)-lot subdivision, but has not yet submitted a plat amendment application; Condition of Approval #13 requires that no building permit be issued until the plat has been recorded with the Summit County Recorder's Office. Furthermore, as outlined by Condition of Approval #13, a condominium plat shall be approved prior to the sale of any residential or commercial condominium units at this site.

15. *Sensitive Lands Review*. **No unmitigated impacts.** The proposal is not located within the Sensitive Lands Overlay zone. This property is in the soils district and the developers will need to obtain a Certificate of Compliance.

Process

The Conditional Use Permit (CUP) is the first of several applications required for development of this site. The CUP will permit the applicant to construct a mixed-use commercial and residential condominium project at 820 Park Avenue. Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

In addition to the CUP, the applicant has also submitted a Historic District Design Review (HDDR) for the rehabilitation of the historic Rio Grande Building as well as the proposed new construction on the site. The HDDR is currently under staff review and is dependent on the Planning Commission's approval of the CUP. Following an HDDR approval, a Building Permit application will be required for all construction work on the site. A Building Permit is publically noticed by posting the property. The work will be inspected prior to issuance of a Certificate of Occupancy for compliance with applicable Building and Fire Codes and conditions of this CUP. A financial guarantee is also required for all work to be completed on the historic structure.

As previously noted, this site is a metes and bounds parcel. A one (1) lot subdivision will be required in order to create a legal lot of record. At this time, the applicant has not yet submitted a plat amendment application. The one (1) lot subdivision will require Planning Commission recommendation and City Council approval. Condition of Approval #12 has been added to stipulate that the plat amendment will be approved by the City Council prior to the issuance of a building permit. A similar Condition of Approval will be included in any approval of the Historic District Design Review as well. Should the applicant choose to convert the residential units into condominiums, a

condominium plat application will be required as well as reviewed and approved by City Council.

As previously noted, any and all signage will be approved through a Sign Permit application.

Department Review

This project has gone through an interdepartmental review. No additional issues were raised at the review.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

Public Input

Public input was received prior to publication of this report and is included as Exhibit E.

Recommendation

Staff recommends the Planning Commission review the proposed Conditional Use Permit application for the mixed-use commercial and residential development at 820 Park Avenue. Staff recommends the Commission conduct a public hearing and consider approving the Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in this report.

Findings of Fact

1. The applicant submitted a Conditional Use Permit (CUP) on June 19, 2013. The application was deemed complete on November 26, 2013. The CUP application requests Planning Commission approval for a multi-unit dwelling of ten (10) units; commercial retail and service, minor; outdoor dining; café or deli; office (intensive); and a parking structure of twenty-four (24) spaces.
2. This proposal is for a mixed use building consisting of ten (10) condominium units averaging 1,498 square feet in area. There will also be 4,117 square feet of storefront space which may include commercial retail and service, minor; cafe or deli; and office (intensive). Also included is 545 square feet of commercial support space; 8,256 square feet of underground parking; and 4,080 square feet of common area (hallways, stairs, elevators, etc.). The use of outdoor dining is also included as part of this Conditional Use Permit (CUP). The total square footage of the building as a whole is 34,148 (including underground parking and the historic Rio Grande).
3. The site is located at 820 Park Avenue and is .33 acres (approximately 14,375 square feet). The site is located in the Historic Recreation Commercial (HRC) District.
4. There is an existing historic structure located on the site. The Rio Grande Building has been identified as "significant" on the City's Historic Sites Inventory (HSI).
5. LMC 15-2.5-3(G)(1) states that the maximum Floor Area Ratio (FAR) for non-residential structures built after October 1, 1985 and located east of Park Avenue is 1.0. The applicant is proposing an FAR of 0.31 for the non-residential uses.

6. The property is adjacent to the Lift Lodge condominiums to the east, the Town Lift to the south, one (1) to three (3) story residential units on the west side of Park Avenue, and the UP&L Park directly to the north. Also north of the development are the Park Station Condominiums and the Summit Watch development.
7. The first floor of the development will contain two (2) residential condominium units as well as commercial retail and service, minor; Café or deli; outdoor dining; and office (intensive).
8. A total of ten (10) residential condominium units are proposed on the first, second, and third levels.
9. The applicant submitted a Historic District Design Review (HDDR) application on June 19, 2013. The application was deemed complete on October 17, 2013.
10. The Planning Director and Chief Building Official determined that unique conditions did not exist that warranted the relocation of the historic Rio Grande Building on October 9, 2013. The applicant submitted an appeal to this determination on October 18, 2013, and the Historic Preservation Board (HPB) granted the appeal and reversed staff's determination on November 13, 2013.
11. The proposed development will feature a shared party-wall with the Town Lift Condominiums along the south elevation. Land Management Code (LMC) 15-2.5-3(E) states that a side yard between connected structures is not required where the structures are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a building joined at the side lot line may not exceed 100 feet, and the applicant is proposing a common wall of approximately twenty feet (20').
12. Indirect access from the Rio Grande development to the Town Lift Plaza will be provided on the fourth floor of the Rio Grande development and through the Town Lift Condominiums.
13. The development of this site and increased commercial retail use in the neighborhood will result in additional traffic and parking demands. The applicant is proposing to construct one (1) level of underground parking containing twenty-four (24) parking spaces. Vehicular ingress and egress to the site's underground parking is located off 9th Street. Ingress and egress to the commercial spaces is located on the ground level, facing Park Avenue. Elevator and stair access is provided to the residential condos, connecting them to the lower levels and including the parking garages.
14. Office (intensive) is a conditional use within the HRC District. This use is prohibited in storefronts adjacent to the Park Avenue right-of-way, but excludes those HRC zoned areas north of 8th Street. The 820 Park Avenue property is located north of 8th Street and on the south side of 9th Street.
15. The building mass, bulk, orientation and the location of the site, including orientation to adjacent building or lots is compatible with the neighborhood. The new construction will wrap the historic building, providing interior plaza spaces along the south and east sides of the historic building. The applicant is proposing a modern interpretation of mining era structures. The height and density of the development is similar in scale to the Town Lift Condominiums and is compatible with the scale of the Town Lift Condominiums.

16. The LMC does not stipulate the amount of open space required for developments in the HRC. The applicant is proposing to provide a hard-scaped interior plaza that will contain approximately 3,769 square feet or twenty-six percent (26%).
17. The physical design of the structure is compatible with surrounding structures in mass, scale, and style. The height and density of the development is similar in scale to the Lift Lodge and Town Lift Condominiums. The style of development is also congruent with the existing historic Rio Grande freight shed and the surrounding modern mining design of the adjacent structures.
18. Per Land Management Code (LMC) 15-2.5-5(A), gable pitch roofs may extend up to five feet (5') above the zone height for roof pitches 4:12 or greater; enclosed or screened mechanical equipment may extend five feet (5') above the height of the building; and an elevator penthouse may extend eight feet (8') above zone height.
19. The Planning Director has granted a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty-percent (50%) above zone height, or to forty-eight feet (48'). This architectural feature does not include habitable space.
20. The site is owned by 820 Park Avenue, LLC, a Utah limited liability company. 820 Park Avenue, LLC will retain ownership of the site and management of the new development, including tenant leases.
21. 820 Park Avenue, LLC and Park City Municipal Corporation are entering into a real estate purchase contract for the city-owned parcel, SA-398-X, located along 9th Street.
22. The development is not located within the sensitive lands overlay.
23. The proposed uses will fit in with surrounding uses. As previously noted, this site is an infill site surrounded by the Lift Lodge and Town Lift Condominiums. Both of these mixed-use developments provide commercial retail, restaurant, and multi-unit residential uses.
24. The Rio Grande project will provide resort-oriented commercial and retail to the existing Main Street core as well as additional housing to the existing bed-base in the Main Street area.
25. The proposed use is consistent with the current zoning district and with the General Plan. As stipulated by the General Plan, this development seeks to protect the historic character of Park City while providing resort-based development.
26. The proposed uses are similar and compatible with other uses in the same area. The proposed use of the site is identical to those of the Lift Lodge Condominiums and Town Lift Plaza.
27. The proposed uses are suitable for the proposed site.
28. The development does not propose to emit noise, glare, dust, pollutants, or odor.
29. The hours of operation for the commercial development will be consistent with the current Main Street activities and regulations. The number of employees at any given time is expected to be between six (6) and twelve (12), depending on the season and type of commercial use.

Conclusions of Law

1. The proposed application as conditioned complies with all requirements of the Land Management Code.

2. The use as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
3. The use as conditioned is consistent with the Park City General Plan.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All standard conditions of approval shall apply.
2. All exterior signs require a separate sign permit. Application for a Master Sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
3. All exterior lights must conform to the City lighting ordinance and included in the Historic District Design Review. Exterior lighting shall be subdued and directed downwards. Security lighting shall be minimal and be approved by Planning Staff prior to issuance of a certificate of occupancy.
4. Any noise, vibration, odors, steam, or other mechanical factors will be located on the rooftop of the new structure and will be screened and shielded to mitigate any adverse effects on people and property off-site.
5. All mechanical equipment, vents, and exhaust fans shall be enclosed and screened from public view. If screening and enclosing is not possible, mechanical equipment, vents, and fans shall be painted to match the surrounding wall colors. Roof mounted equipment and vents, if visible to the public, shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.
6. Service and deliveries shall occur along Park Avenue and 9th Street, including emergency Access as required by the Building Code. Waste management, however, may be limited to 9th Street.
7. All future commercial retail uses of this development must meet the Parking Requirements for Specific Land Use Categories, as outlined by LMC 15-3-6.
8. A minimum of three (3) bicycle spaces shall be provided on site. Medium-security bicycle racks must be of solid construction; resistant to rust, corrosion, hammers, and saws; and must allow both the bicycle frame and wheel to be locked by the user. Bicycle storage must be compatible with the surrounding building and street furniture as well as be located in a convenient, highly visible, active well-lit area that does not interfere with pedestrian movement or snow storage. Final bicycle parking areas shall be identified on the final approved plans.
9. All utility impact fees shall be calculated prior to issuance of a building permit.
10. Office (intensive) use shall be limited to no more than 1,000 gross floor area on the storefront level.
11. The Planning Department shall approve the development of the site through the Historic District Design Review (HDDR) process.
12. No building permit shall be issued prior to the final plat being recorded with the Summit County Recorder's Office.
13. A condominium plat shall be recorded prior to the sale of any residential or commercial condominiums in this development.

14. All emergency access doors shall be inspected for compliance with the IBC and shall be equipped with proper equipment and alarms to be able to be used only in emergency situations. Side and rear doors providing access to mechanical equipment, trash enclosures, and other services may be used by employees only when servicing the building.
15. Prior to issuance of a Certificate of Occupancy for use of the subject space an occupancy load plan shall be submitted by a qualified professional with final certification of this occupancy to be determined by the Chief Building Official. All building code required ingress and egress conditions for safe internal circulation for the entire building shall be addressed prior to final certification of occupancy for the subject space.
16. The CUP approval shall expire one (1) year from the date of Planning Commission approval of the Conditional Use Permit (CUP), unless a Building Permit is issued for this project prior to the expiration date, or a request for an extension is provided to the City in writing prior to expiration and the request is granted by the Planning Department.
17. No building permits for new construction shall be issued until the HDDR is approved and a historic preservation guarantee is provided to the City.
18. Any significant modifications of the use of this building will require Planning Commission approval.
19. Vehicular access shall only be from 9th street. No vehicular access shall be from Park Avenue.
20. Any outdoor dining must not occur after 10pm. Furthermore, there shall be no music or noise in excess of the City Noise Ordinance.

Exhibits

- Exhibit A- Applicant's letter
- Exhibit B- Proposed design plans
- Exhibit C- Historic Sites Inventory
- Exhibit D- Traffic Study
- Exhibit E- Public Input

May 21, 2013

Mr. Matt Evans, Senior Planner
Park City Municipal Corporation
Planning Department
445 Marsac Av.
PO Box 1480
Park City, Utah 84060

RE: Rio Grande Project Conditional Use Permit Application Project Description

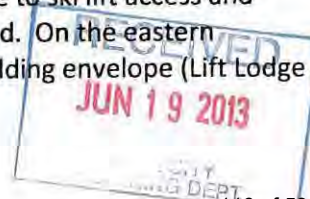
Dear Matt,

Please find below our proposal for the Rio Grande project Conditional Use Permit. Thank you for your constructive feedback from our pre-application meeting. As we have stated previously, it is very important to us as the applicant that this process be open to suggestions from the various interested parties as it progresses. While we have some intriguing ideas regarding the plans for this site, it needs to be noted that we feel we are entering a discussion and we truly have no fixed positions regarding this project. We welcome suggestions and comments and hope that the result of these discussions result in a project that is congruous with the community's on-going historical preservation efforts and economic development objectives. Please do not hesitate to let us know if there are additional items you would like to see covered, or if there are any questions or comments whatsoever concerning this proposal.

General Description of Project

The Rio Grande property is located at 820 Park Avenue in the HRC Zone and is approximately .33 acres in size. There is an existing conditions Plat attached to this submittal. Located on the property is the historic Rio Grande building, which has been designated as a significant site on the Park City Historic Sites Inventory. The Rio Grande Building is the remnants of what was once a very charming railroad station that has since been partially demolished. Some historic photos show the attached building quite well. Why the uniquely beautiful passenger station was demolished and the somewhat bland and nondescript structure that currently exists was kept is unknown. Approximately 30-35% of the original structure remains and its historic siting is currently under question. We are proposing a rehabilitation and adaptive reuse of the existing Rio Grande structure.

Over the past months, we have discussed many possibilities that may exist for the site. The lot size is large for Old Town commercial district and the site is very well situated relative to ski lift access and Main Street access. The properties surrounding the lot are now fully developed. On the eastern boundary is a three-story mixed-use building that maximizes the allowable building envelope (Lift Lodge



Condominiums). To the west, across the street, there is a master-planned historic redevelopment and new residential construction by David Belz. On the southern boundary is the Town Lift Plaza commercial development and 9th Street borders the north. The HRC Zone allows for a 32' height, and we are considering how that new structure could fit compatibly with the existing building and not overwhelm it. Currently, as the Rio Grande Building currently lies, the most buildable area is the north half of the property.

Our initial idea is to reconstruct the existing structure and add the torn down passenger station element using a modern interpretation of the former structure. The modern interpretation would use different materials; however it would stay true to the original form of the passenger station. A reasonable case exists to contemplate this. Reproductions of once existing historic structures is an allowed use in the Park City Design Guidelines for Historic Sites. By carefully examining the historical photographs that exist of the passenger station, we get a clear picture of the building that was attached to the existing structure. This was a unique and very beautiful structure. The architectural lines are very compelling and this would have been an important community center. The passenger station oriented south towards Main Street as it was attached to the existing structure. Thus, the passenger station would have sat roughly where the Flying Sumo currently exists.

By pulling the Rio Grande Building towards the north and approximately ten feet to the west, we could reconstruct the passenger station portion and have it oriented in the same manner that it was. The Rio Grande Building would be the primary feature of the property. From a visitor perspective, as one drives up Park Avenue, the existing Rio Grande Building would be situated on the corner of 9th Street and Park Avenue and thus be the most prominent feature on the property. These buildings are proposed to be retail commercial structures located with frontage on Park Avenue. There would be a plaza between the historic structures and any additional building on the site to maximize the visual separation and not crowd the historic structure.

In addition to the historic renovation of the existing Rio Grande Building and the reconstruction of the demolished passenger station, we would also like to propose a three-story stepped condominium building on the remainder of the site. The plan would be careful not to overwhelm the proposed historic structure and would be incorporated with a plaza area in between and a public walk-through. The structure would be one large building, but the historic building would be distinct and visually respected by the rest of the structure. We would like to explore the possibility of incorporating some of the design elements from the old Coalition Building, an iconic structure that burned down in the modern era, into the new building. The Coalition Building was directly adjacent to the Rio Grande building and the historic context was this large structure immediately next to the passenger station. We are currently proposing that the new building be a mixed use of residential condominiums and commercial spaces. We believe with a well thought out plan we can accomplish the goals set forth in the General Plan for Historic Preservation and Economic Development as well as adding hot beds to the Main Street area. Our proposed plan does not require an MPD and is entirely compatible, both in the letter of the law and the intent of the code, with the LMC.

The railroads were an important part of the Park City landscape for 120 years and very little remains to record their existence here. The Rio Grande Building is an authentic, significant piece of that history. For some reason, either by fire, neglect or demolition, the passenger waiting area section of the structure was removed. Reproducing the passenger station portion of the overall site is a worthwhile idea to contemplate. There exists many structures in Park City that were associated with the mining era

relative to the residential and commercial categories. Further, a short walk up the mountains reveals many examples of historic industrial structures. What are woefully underrepresented are the transportation elements that were the lifeblood of the Park City mining industry. This is an opportunity to reconstruct one of the more attractive representatives of the historic transportation element and add that piece back to the historic tapestry of Old Town.

A critical element in a rebuild such as the one proposed is that the construction be faithful to the materials that the original structure was composed of. Even a slight deviation from authentic materials can create a "Disneyesque" quality that does not satisfy the eye. In any event, an exacting level of detail will be required if the idea of a rebuild moves forward. It makes more sense that we approach the idea of reconstructing the passenger station using a modern interpretation of the former structure and use modern materials. This celebrates the existing structure and yet does not try to mimic it.

There are several aspects to our proposal that would qualify as unique situations for requesting consideration from the Planning Director and the Chief Building Official to allow the structure to be relocated on the property. The existing structure's foundation is in pretty rough shape and the building will have to be reset on a modern foundation regardless. The site is also in the Soils District and will have to be excavated to remove the contaminated materials, so the building will have to be moved in any event. The proposed building location would be oriented the same way it currently sits. The context is not likely to change much as there is very little of the transportation infrastructure left to compare it to. The proposed reconstruction of the passenger station is presently not possible due to the current location of the Flying Sumo. Moving the existing Rio Grande Building on the 820 Park Avenue site would allow for this to be possible. The current orientation of the Rio Grande Building would be preserved and enhanced as it was shifted over to a more prominent location of the property. The reconstruction of the passenger station elements will create a vibrant and visually inviting front for Park City's residents and guests as they come up Park Avenue. Our goal is to create vitality and develop a situation where the visitors and inhabitants of Main Street have another place to visit and informally gather.

There is also a great deal of controversy regarding which elements of the passenger station survived and where, exactly, they were located. While we agree the building was located in the general vicinity of where it currently sits, there remains strong anecdotal and photographic evidence to support that the building was moved. Regardless of where the building was located, what is clear to all concerned is that the original context of the structure has been altered so much so as to be non-existent. It seems more respectful of the building to situate it where it is very prominent (i.e. on the corner of 9th and Park) and to make the historic building the well-defined centerpiece visually of the site. By placing it on the corner, it is located on the most prominent area of the site and would not be buried behind any other structure.

Another unique and pertinent factor would be to essentially reproduce the use of the station building by placing it in accordance with the transportation elements that once existed adjacent to it. This building would have been situated right next to the railroad tracks (the historic transportation element) where the passengers would enter and disembark. By placing the building next to the road (the modern transportation element) and elevating the platform, this would give the building much greater historical context when considering its use in the last century.

So, there are at least six pertinent and unique reasons why the proposal to move the building should be considered. Significant is the proposal to add the passenger station element, which is not possible



where it is currently located. There is also the requirement to mitigate the extensive environmental contamination under and adjacent to the building. Additionally it is essential to move the building to replace a very shaky and unstable foundation. Further, and perhaps most important, is the argument that the building needs to be properly celebrated and accessible to the public and prominent in its place in the pantheon of Park City's historic structures. Also, there is the setting of where the building was relative to the transportation element that existed at the time and transportation element that exists today. Finally, it is disputed where the building actually sat and which part of the original structure still exists.

There are a couple of ideas that we would like to discuss with Staff and the Planning Commission that are reflected in the current drawings. The first revolves around the access onto the site. Currently, there are two curb cuts that are about equidistant from each other that access the Park Avenue frontage. We would like to trade these two access points for one access point that instead goes onto 9th Street. The reasons for this are multi-fold. Park Avenue is considerably busier than 9th Street and thus any additional traffic accesses that go onto this route will likely further add to the congestion, which is tricky anyway due to the nearby bus stops and the traffic that enters from Crescent Ridge Road. It is also congruent with the Lift Lodge access to the east. Most importantly, it would allow for a significant amount of clear space for the adjacent Lift Lodge condominiums to the east and would help to preserve the views for several of the units that are part of this condominium complex. This scenario would require an easement from the City over a thin strip of City-owned property that is located between the subject property and 9th Street.

The second consideration that requires discussion is that the neighbors to the immediate south, the Town Lift Plaza, would like us to have zero lot lines on the south side. Both the Town Lift Plaza and the Lift Lodge condominiums were part of an MPD and have zero lot lines. The Town Lift owner's reasons for requesting a zero lot line on the south side is that alleyways tend to fill up with garbage, people go to the bathroom in them, etc. The benefit of zero lot line on this side is that these issues would be eliminated along with the long-term maintenance that would go along with them. The Town Lift Plaza anticipated this scenario and did not place many windows on this side. It must be noted that we are not proposing zero lot line on the Lift Lodge side (east) to try to maintain as much separation as possible between the buildings and lessen the impact on their views.

Lastly, we are proposing direct access to the Town Lift Plaza through an easement agreement with the Plaza landowners. This would require a physical connection between the proposed Rio Grande building and the Town Lift plaza, which we have tentatively planned for the southeastern corner of the project. This proposed access works very well and the easement would greatly enhance the pedestrian walkability of the project and cement the connection to the Town Lift Plaza.

How will the proposed use fit in with the surrounding uses?

The proposed uses are very compatible to the uses that surround it. To the east, there is an existing structure, the Lift Lodge Condominiums that has identical uses as the proposed Rio Grande building. There is underground parking, commercial on the first floor and residential development on the top two floors. The Lift Lodge building has a ground floor of parking and is a story higher than the proposed Rio Grande building. To the south is the Town Lift Plaza, which is a semi-public area that serves as a major ski transportation artery into the Park City Mountain Resort via the Town Lift. This area is primarily commercial, but has strong residential components as well as the Lift Lodge and Caledonia buildings. To



the north is a pocket park (the UP&L Park) that was purchased with open space bonding funds and is therefore perpetually a park-type area. To the west are one to three-story residential developments which are primarily tourism-oriented. Some of the structures to the west are designated as historically significant. Park Avenue separates the Rio Grande building from the historic structures to the west.

What type of service will it provide to Park City?

The proposed Rio Grande project is designed to add resort-oriented commercial to the already existing Main Street area commercial core. It is also designed to add to the existing bed-base in the Main Street area which should help to stimulate the vibrant activity that is necessary in that economically critical part of the City. As the proposed Rio Grande building will have an excess of parking than is necessary to suit its needs, the proposal will not adversely affect the existing parking infrastructure.

Is the proposed use consistent with the current zoning district and general plan?

The proposed use is completely consistent with the LMC, the HRC Zoning District and the General Plan. There are no variances being applied for whatsoever. The General Plan's General Concepts lists "Maintaining the historic character of Main Street" and "Resort-based Development that adds to the tax base and is tourist-oriented lodging" as two of the primary tenants of the General Plan. The proposed Rio Grande project complies with these concepts very elegantly and, further, to quote the General Plan, will help to perpetuate a "vibrant, active, intimate downtown" by developing a pedestrian-oriented project that is scaled to its surroundings and has plenty of off-street parking.

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

The proposed use of the site is identical to and thus compatible with the scope of uses found in the Lift Lodge building and the Town Lift Plaza. The residential use found across the street from Park Avenue are similar to the residential use found at the proposed project (i.e.: primarily resort-oriented with some primary ownership) and would then be compatible with one another. The commercial use is the same type of use found on the east side of Park Avenue and should be compatible with the current use patterns.

Is the proposed use suitable for the proposed site?

The proposed use is consistent with the HRC Zoning District and exclusively proposes uses that are deemed acceptable for the site by the City's LMC and General Plan. The proposed commercial and residential uses are identical to what is going on around the site and are consistent with the resort-oriented development that is preferred by the City in these areas.

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

No. The only period where dust may be an issue will be the excavation period which will last less than 30 days. There will be construction noise for a period of approximately 12 months. Other than the previously stated issues, we are confident that there will not be any noticeable impacts such as those described above.

What will be the hours of operation and how many people will be employed?



The hours of operation will be consistent with the current Main Street activities and regulations. The number of employees at any given time is expected to be between 6 and 12, depending on the season and the type of commercial uses.

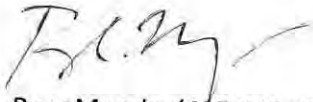
Are there other special uses that need to be mitigated?

No. The proposed uses are consistent with the LMC, the HRC Zone and the General Plan and there is no special mitigation that needs to take place.

* * *

Thank you for your consideration of this proposal. We very much appreciate your feedback and realize the importance of this site to Park City. Please do not hesitate to contact us if you have any additional questions or concerns.

Take care,



Rory Murphy (435-640-5068)

Jana Potter (435-659-6649)

Rio Grande Project

820 Park Ave.

Park City, Utah 84060



820 PARK AVENUE, LLC

820 PARK AVENUE MIXED USE DEVELOPMENT

820 PARK AVENUE
PARK CITY, UTAH 84060

CUP REVISIONS

02.06.2014

Exhibit B



PROJECT CONTACT INFORMATION

OWNER	ARCHITECT	CONTRACTOR
820 Park Avenue, LLC P.O. Box 2391 Park City, UT 84060 Telephone: 801.640.9080 Contact: Rory Murphy email: paladinparkcity@aol.com	Onwuegbu Architecture, LLC, 1542 Parkridge Drive Salt Lake City, UT 84119 Telephone: 801.712.4078 Facsimile: 801.972.6227 Contact: Chemo Onwuegbu, AIA, LEED-AP email: aaron@onwuegbu.com	New Star General Contractors 2650 West 2500 South Salt Lake City, UT 84119 Telephone: 801.972.6227 Facsimile: 801.972.6227 Contact: Gene Merchen email: gmerchen@newstar.com
CIVIL ENGINEER	STRUCTURAL ENGINEER	PLUMBING ENGINEER
Evergreen Engineering 95 Shadow Ridge Drive Park City, UT 84060 Telephone: 435.649.9219 Facsimile: 435.649.4667 Contact: Aaron Eng email: aaron@evergreen-eng.com	Jaratt Engineering 8850 N. Upper Lando Lane Park City, UT 84060 Telephone: 435.655.9657 Facsimile: 435.647.5714 Contact: Pete Jaratt email: pjaratt@westoffice.net	PVE Inc 1000 North 2200 West, Suite 100 Salt Lake City, UT 84116 Telephone: 801.389.3155 Facsimile: 801.522.4114 Contact: Ryan Reese email: reese@pve-ut.com
ELECTRICAL ENGINEER	INTERIOR DESIGN	LANDSCAPE ARCHITECT
BNA Consulting Engineers 635 South State Street Salt Lake City, UT 84111 Telephone: 801.532.2305 Facsimile: 801.532.2305 Contact: Mark Byrnes email: mbyrnes@bnaconsulting.com		

DRAWING INDEX

CUP APPLICATION	HDDR.03	SITE & COOP PLAN
CUP APPLICATION	HDDR.04	PARKING PLAN
CUP APPLICATION	HDDR.05	FLOOR PLANS
CUP APPLICATION	HDDR.06	FLOOR PLANS
CUP APPLICATION	HDDR.07	BUILDING ELEVATIONS
CUP APPLICATION	HDDR.08	BUILDING ELEVATIONS

WOW

PRELIMINARY
NOT FOR
PERMIT OR
CONSTRUCTION

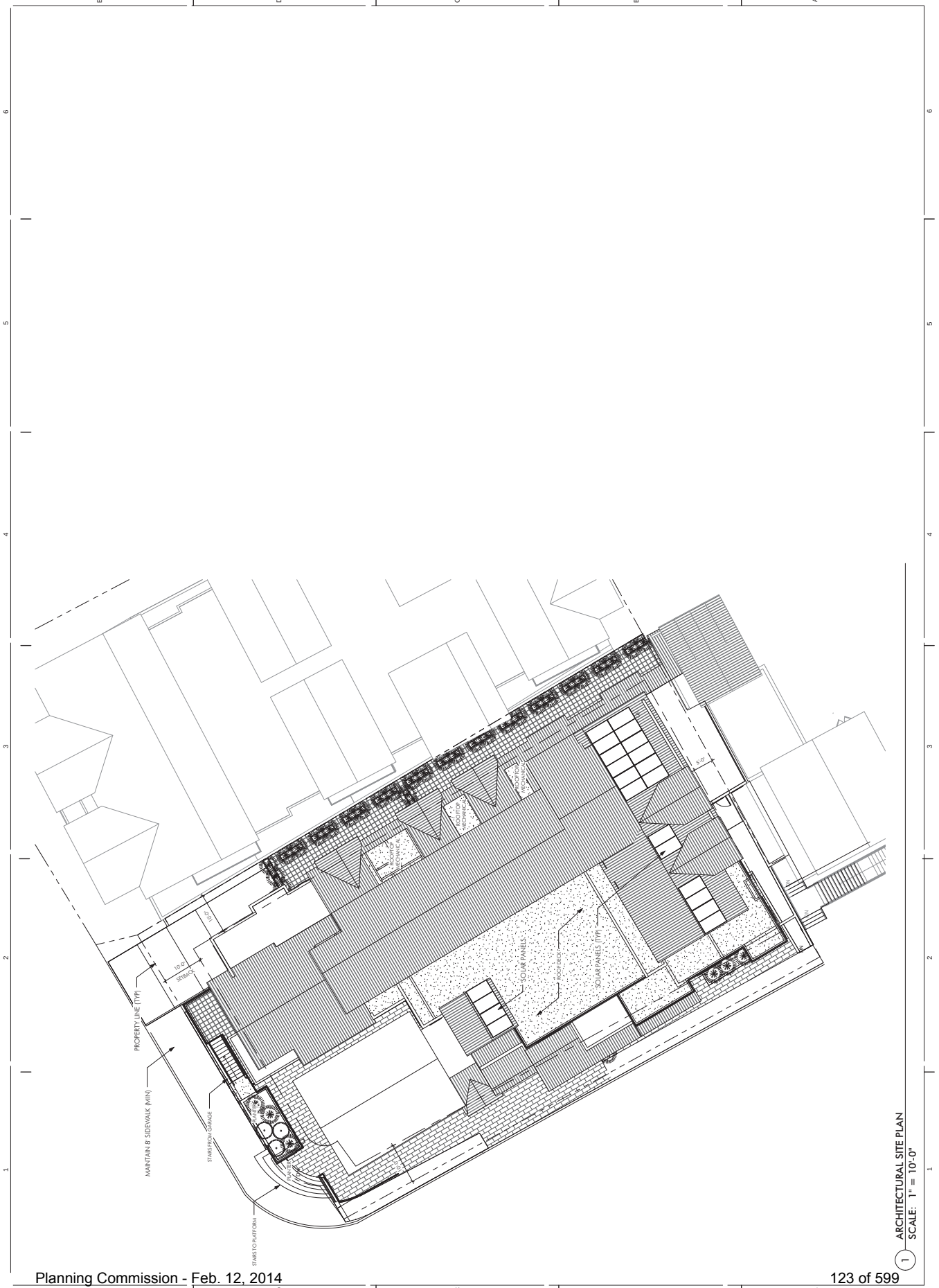
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STRUCTURAL:
JANISART ENGINEERING
MECHANICAL:
PVE INC.
ELECTRICAL:
BNA CONSULTING ENGINEERS
LANDSCAPE:
WOW ARCHITECTS W/ ALDER & TWEED

820 PARK AVENUE
MIXED USE DEVELOPMENT
PARK CITY, UTAH 84060

PROJECT #:
2013-03
ISSUE DATE:
02.06.2014
REVISIONS:
HDDR-CUP FINAL

COVER SHEET
GI-001

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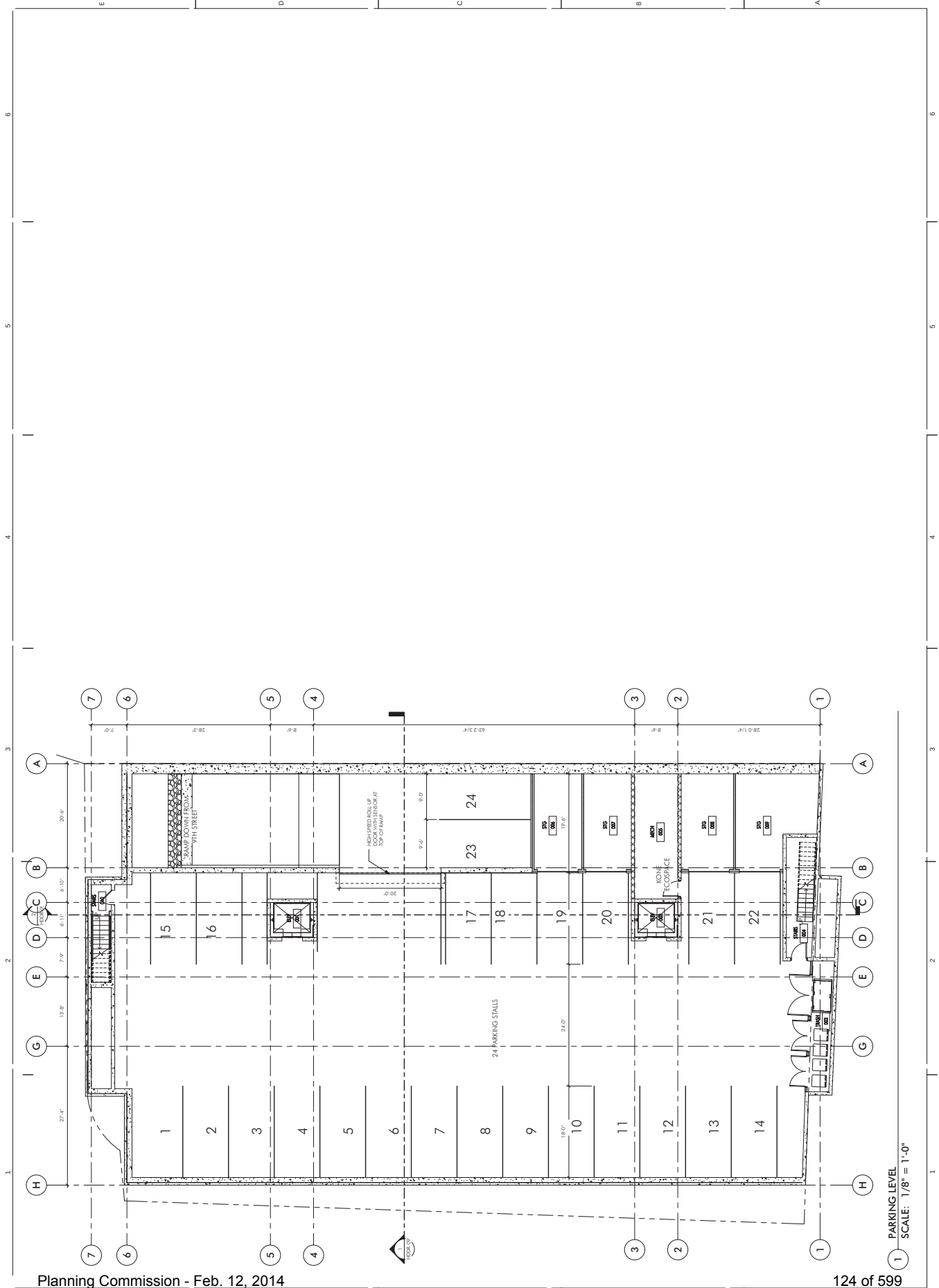
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ISSUE DATE:
02.06.2014
HDDR - CLIP FINAL
REVISIONS

820 PARK AVENUE
MIXED USE DEVELOPMENT
PARK CITY, UTAH 84060

CIVIL:
EVERGREEN ENGINEERING
STRUCTURAL:
JANASATI ENGINEERING
MECHANICAL:
PVE INC.
ELECTRICAL:
BNA CONSULTING ENGINEERS
LANDSCAPE:
WOW ARCHITECTS W/ ALDER & TWEED

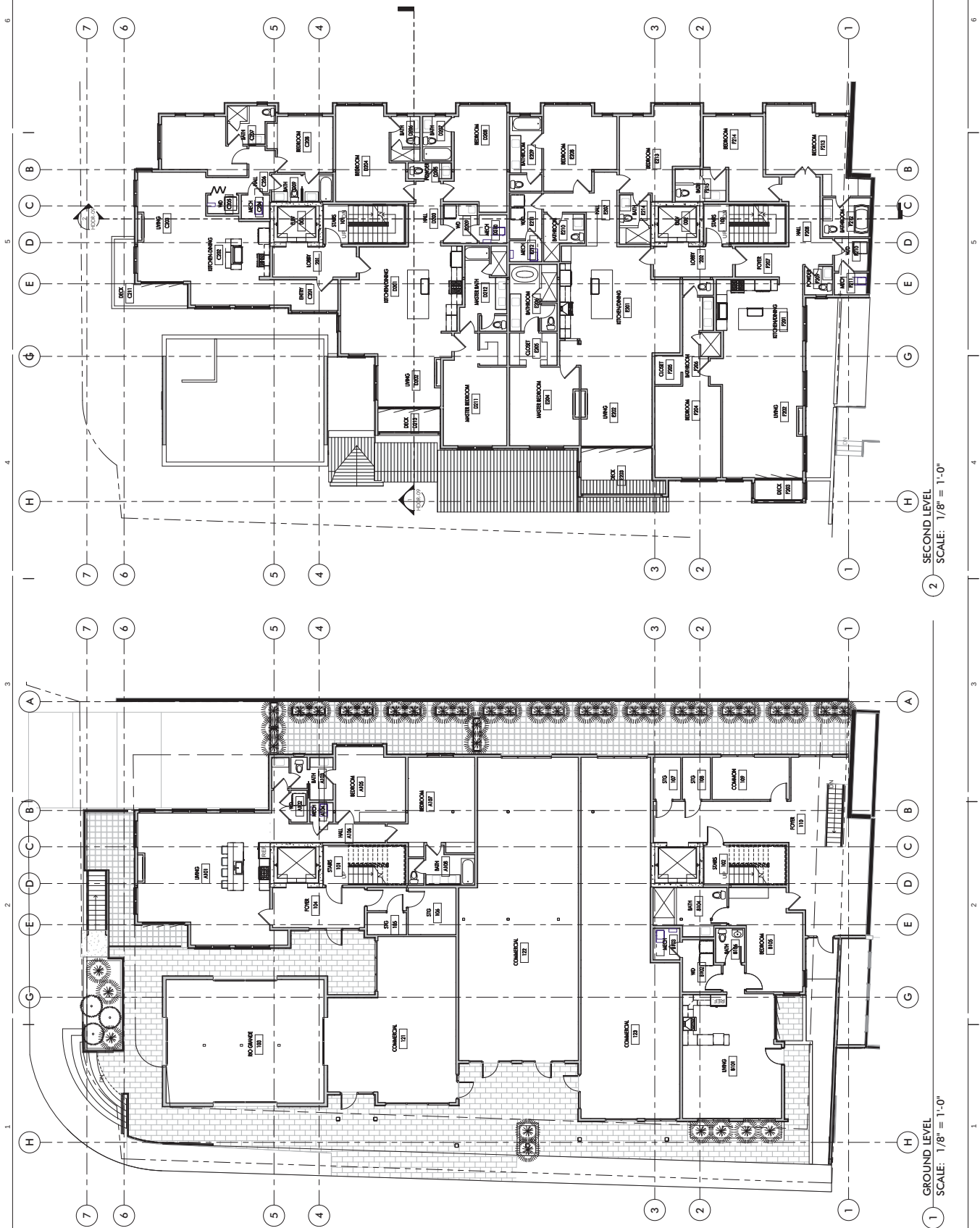
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CONSTRUCTION

WOW



1 PARKING LEVEL
SCALE: 1/8" = 1'-0"

Planning Commission - Feb. 12, 2014



1 GROUND LEVEL
SCALE: 1/8" = 1'-0"

2 SECOND LEVEL
SCALE: 1/8" = 1'-0"

FLOOR PLANS

HDDR-05

PROJECT #:
2013-03
ISSUE DATE:
02.06.2014
HDDR-CUP FINAL
REVISIONS

820 PARK AVENUE
MIXED USE DEVELOPMENT
PARK CITY, UTAH 84006

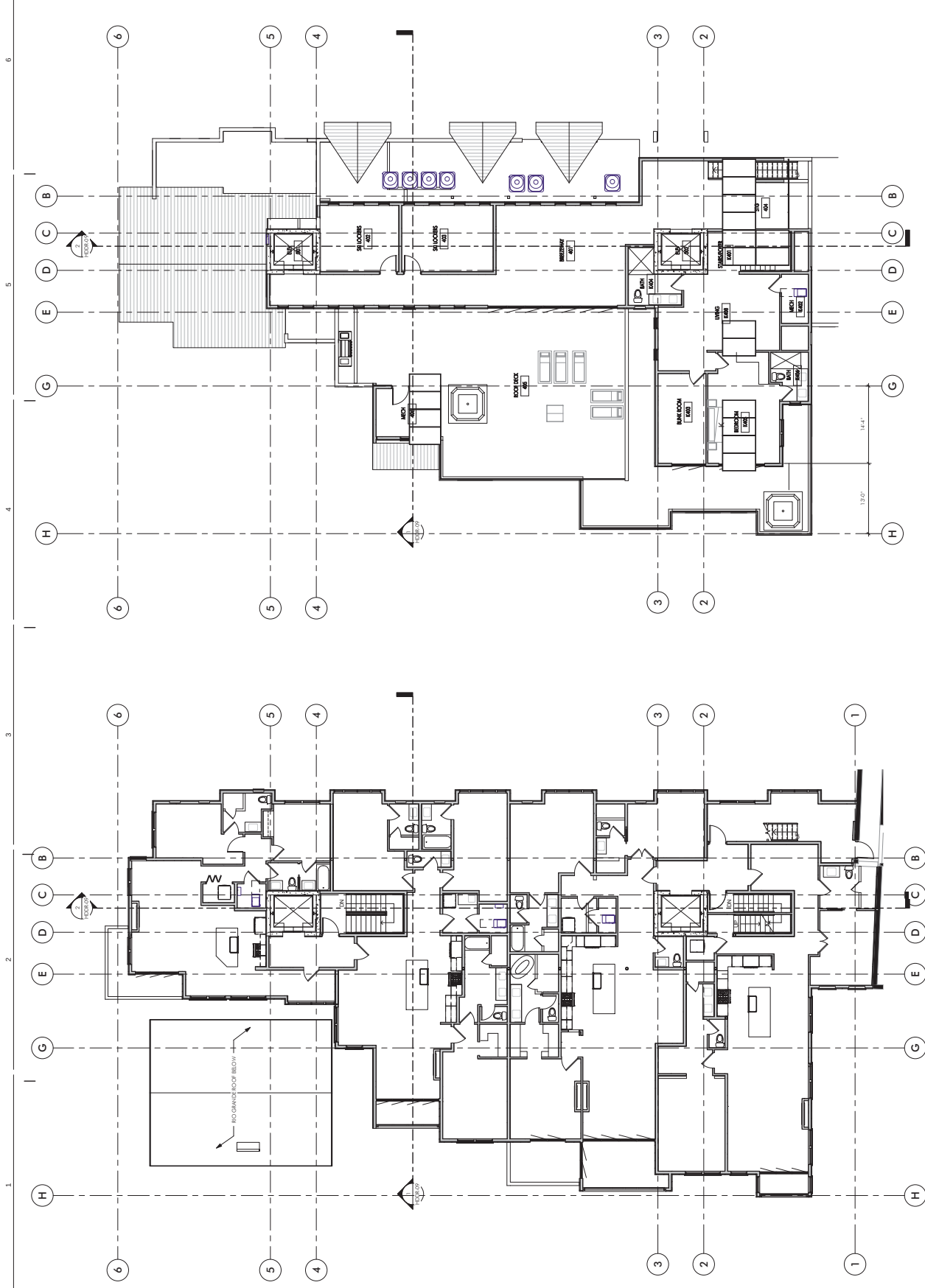
CIVIL: EVERGREEN ENGINEERING
STRUCTURAL: JASON R. ENGINEERING
MECHANICAL: PVE INC.
ELECTRICAL: BNA CONSULTING ENGINEERS
LANDSCAPE: LAND SOLUTIONS
INTERIOR: WOV ALTERER W/ ALDER & TREED

PRELIMINARY
NOT FOR
PERMIT OR
CONSTRUCTION

WOW

1 THIRD LEVEL
SCALE: 1/8" = 1'-0"

2 ROOF DECK
SCALE: 1/8" = 1'-0"



HDDR-06

FLOOR PLANS

PROJECT #:
2013-03
ISSUE DATE:
02.06.2014
ISSUE:
HDDR-CUP FINAL
REVISIONS

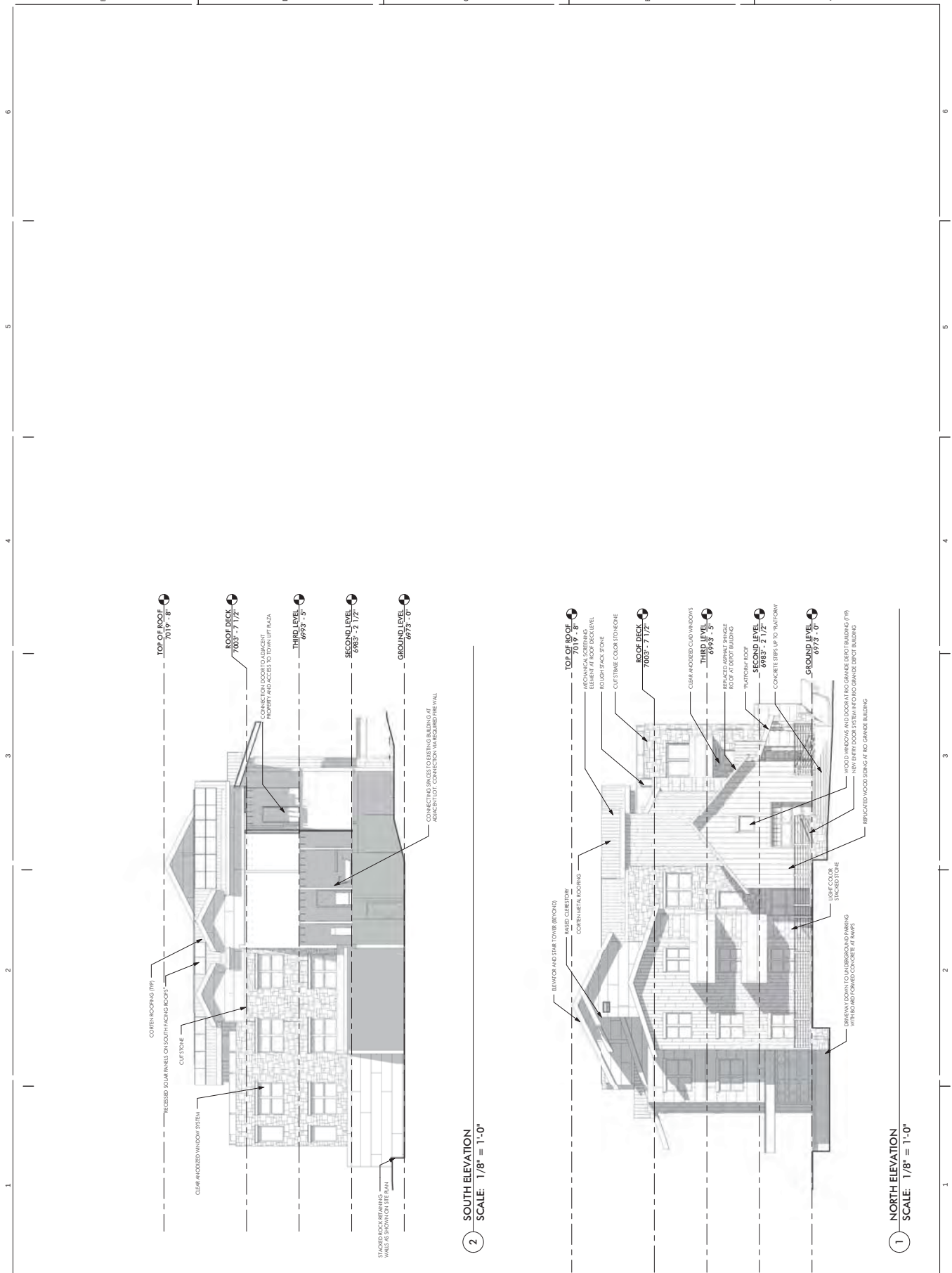
820 PARK AVENUE
MIXED USE DEVELOPMENT
PARK CITY, UTAH 84060

CIVIL:
EVERGREEN ENGINEERING
STRUCTURAL:
JASBATH ENGINEERING
MECHANICAL:
PVE INC.
ELECTRICAL:
BNA CONSULTING ENGINEERS
LANDSCAPE:
WOW ATEIER W/ ALDER & TWEED
INTERIOR:

PRELIMINARY
NOT FOR
PERMIT OR
CONSTRUCTION

WOW

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HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property: **Denver & Rio Grande Western Railroad Passenger Station**

Address: 820 PARK AVE

AKA:

City, County: Park City, Summit County, Utah

Tax Number: SA-340

Current Owner Name: POTTER GAIL & LORI TR

Parent Parcel(s):

Current Owner Address: PO BOX 2391, PARK CITY, UT 84060-2391

Legal Description (include acreage): SUBD: SA BLOCK: 53; 0.33 AC

2 STATUS/USE

Property Category

- ☒ building(s), main
☐ building(s), attached
☐ building(s), detached
☐ building(s), public
☐ building(s), accessory
☐ structure(s)

Evaluation*

- ☐ Landmark Site
☒ Significant Site
☐ Not Historic

Reconstruction

- Date:
 Permit #:
☐ Full ☐ Partial

Use

- Original Use: Transportation
 Current Use: Commercial

*National Register of Historic Places: ☒ ineligible ☐ eligible
☐ listed (date:)

3 DOCUMENTATION

Photos: Dates

- ☐ tax photo:
☒ prints: 1995 & 2006
☐ historic: c.

Drawings and Plans

- ☐ measured floor plans
☐ site sketch map
☐ Historic American Bldg. Survey
☐ original plans:
☐ other:

Research Sources (check all sources consulted, whether useful or not)

- ☐ abstract of title
☐ tax card
☐ original building permit
☐ sewer permit
☒ Sanborn Maps
☐ obituary index
☐ city directories/gazetteers
☐ census records
☐ biographical encyclopedias
☐ newspapers
☒ city/county histories
☐ personal interviews
☐ Utah Hist. Research Center
☐ USHS Preservation Files
☐ USHS Architects File
☐ LDS Family History Library
☐ Park City Hist. Soc/Museum
☐ university library(ies):
☐ other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.

Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.

Notarianni, Philip F., "Park City Main Street Historic District." National Register of Historic Places Inventory, Nomination Form. 1979.

Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Railroad Passenger Station

No. Stories: 1 ½

Additions: ☐ none ☒ minor ☐ major (describe below) Alterations: ☐ none ☐ minor ☒ major (describe below)

Number of associated outbuildings and/or structures: ☐ accessory building(s), # ____; ☐ structure(s), # ____.

General Condition of Exterior Materials:

- ☐ Good (Well maintained with no serious problems apparent.)

Researcher/Organization: Dina Blaes/Park City Municipal Corporation

Date: November, 08

☒ Fair (Some problems are apparent. Describe the problems.): Appears to be vacant; general disrepair.

☐ Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):

☐ Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Foundation: Concrete.

Walls: Corrugated metal

Roof: Gable roof form sheathed in asphalt shingle.

Windows/Doors: Large casement.

Essential Historical Form: ☒ Retains ☐ Does Not Retain, due to:

Location: ☒ Original Location ☐ Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made):

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting is substantially different than what is seen in the Sanborn Insurance maps. Both the 1900 and 1907 maps show this structure as part of a larger structure that included a freight shed surrounded by platforms and rail lines. Of course, with the removal of the rail lines to accommodate residential and resort-related development, the depot remained as an important reminder of the transportation-related history. Currently, the structure stands alone in a large paved parking area surrounded by residential development and lacking any of the original context. The changes to the site and structure are significant and diminish the site's original design character.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

Feeling (Describe the property's historic character.): The physical elements of the site, in combination, do not effectively convey a sense of transportation-related activities in western mining town of the late nineteenth and early twentieth centuries.

Association (Describe the link between the important historic era or person and the property.): The structure is part of the collection of commercial and transportation-related structures from the early mining era in Park City; however, the extent of alterations to the structure diminishes its association with the past.

The extent and cumulative effect of alterations to the site render it ineligible for listing in the National Register of Historic Places. The site, however, retains its essential historical form and meets the criteria set forth in LMC Chapter 15-11 for designation as a Significant Site.

5 SIGNIFICANCE

Architect: ☒ Not Known ☐ Known: (source:)

Date of Construction: c. 1890¹

Builder: ☒ Not Known ☐ Known: (source:)

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

¹ Appears on 1900 and 1907 Sanborn Insurance Maps.

1. Historic Era:

- ☒ Settlement & Mining Boom Era (1868-1893)
- ☐ Mature Mining Era (1894-1930)
- ☐ Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's commercial and transportation-related buildings represent the best remaining metal mining town business district in the state. The buildings along Main Street, in particular, provide important documentation of the commercial character of mining towns of that period, including the range of building materials, building types, and architectural styles. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining business district².

2. **Persons** (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. **Architecture** (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

Photo No. 1: North elevation. Camera facing south, 2006.

Photo No. 2: West elevation. Camera facing east, 1995.

² From "Park City Main Street Historic District" written by Philip Notarianni, 1979 and "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.







820 Park Avenue
TECHNICAL MEMORANDUM

To: Rory Murphy, 820 Park Avenue
Anyah Grahn, Park City Municipal Planning Department

Date: February 6, 2014

From: Preston Stinger, PTP, LEED GA and Julie Bjornstad, AICP, Fehr & Peers

Subject: 820 Park Avenue Traffic Study UT14-1009

This memorandum provides the traffic and parking analysis results that were completed to assess the potential impacts of 820 Park Avenue development in Park City, Utah.

The 820 Park Avenue development consists of 10 residential units and 5,856 square feet of commercial retail. The residential units are planned to be secondary homes, but expected to be 100% occupied during peak times of the year. This analysis assumed 100% occupancy of the residential units. The development will include a two-level underground parking garage with 44 total spaces. The two existing driveway curb cuts on Park Avenue will be removed (resulting in space for approximately two additional on-street public parking stalls) and one new driveway curb cut is planned on 9th Street for ingress/egress to the parking garage. The following is a summary of the findings of this traffic and parking analysis.

Existing traffic volumes were derived from the City's traffic model. The average peak hour turning movements for the study intersections were calculated from nine simulation runs from the traffic model. Using the GEH statistic (traffic engineering formula used to compare two sets of volumes), the City traffic model does not appear well calibrated to actual counts at the study intersections. In most cases, the City traffic model volumes are two to three times the amount of what was actually counted on January 7, 2014. However, given the City's guidelines we used the traffic volumes derived from the City's traffic model for this analysis.

All reference **Figures** are located at the end of the memorandum.

Summary & Conclusion

The results of our analysis indicate that there is minimal impact to the study intersections with no change to intersection Level of Service (LOS) for the worst movement. There is no public parking on the existing site; therefore, there is no need for the replacement of public parking due to this project.

Data Collection

Fehr & Peers collected PM peak period (4:00-6:00) traffic counts at the following study intersections on January 7, 2014 (see **Figure 1**). However, these counts were not used in the analysis – the City's traffic model was used to develop existing traffic volumes (see the Appendix for the traffic volumes – those that were counted as well as those from the City's traffic model).

- Park Avenue / 9th Street
- Main Street / 9th Street
- Main Street / Deer Valley

The study intersections were determined by recommendation from Park City Municipal Planning Department.

Trip Generation Analysis

Sustainable developments including mixed-use, infill, and transit oriented (TODs) are becoming increasingly popular. Conventional methods of analyzing mixed-use developments overstate the number of vehicle trips generated, and therefore understate transportation and air quality benefits. Fehr & Peers' MXD+ method accurately captures the trip-reducing benefits of mixed-use development projects, and is used throughout the United States to help developers, agencies, and the public to quantify these trip reductions. The MXD+ trip generation model is being promoted by the United States Environmental Protection Agency (EPA) and has been adopted by the San Diego Association of Governments (SANDAG), American Society of Civil Engineers (ASCE), American Planning Association (APA) and many others as a recommended resource for trip generation of smart-growth developments.

The MXD+ method was developed through a national study for the US EPA to more accurately predict vehicle trips by accounting for the Smart Growth (or "D") characteristics of the development site and its surrounding built environment.

- Density
- Diversity (mix) of land uses
- Design and connectivity of site circulation
- Destination accessibility
- Distance to transit
- Demographics
- Development scale

The MXD+ method is based on household travel surveys from 239 mixed-use developments throughout the country, and has been validated at 28 sites, including two sites in Utah. This extensive dataset results in more accurate predictions as shown in the graphs to the right. On an accuracy scale of 100, MXD+ has a rating of 93, compared to 65 for Institute of Transportation Engineers (ITE) estimates and 81 for ITE estimates plus adjustments per the Trip Generation Handbook. MXD+ adjusts ITE trip generation estimates downward to account for trips that remain within the development, trips that enter or leave via walk or bike modes, and trips that enter or leave via transit.

The MXD+ model has been validated and calibrated locally for Utah and has been implemented on several mixed-used sites in Utah with acceptance from local jurisdictions, including the Utah Department of Transportation (UDOT).

More accurate trip generation forecasts result in:

- Reduced likelihood of overstating roadway impacts and mitigation measures
- Reduced air quality impacts and mitigation measures
- More efficient use of transportation infrastructure dollars and impact fees for all modes

Trip generation for the project was computed using trip data published in the Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition, 2012 and MXD+ (mixed-use development) trip generation methodology. MXD+ was used due to its ability to more accurately predict trip generation for mixed-use developments. MXD+ also more accurately accounts for the internal capture (the trips that occur between land uses internal to the site). The MXD+ model uses ITE trip generation rates and applies additional variables to those trip generation rates. Some of the additional variables include:

- Employment
- (Population + Employment) per square mile
- Land area
- Total jobs / population diversity
- Retail jobs / population diversity
- Number of intersections per square mile
- Employment within a mile
- Employment within a 30 minute trip by transit
- Average household size
- Vehicles owned per household

Table 1 shows the net external trips expected to be generated by the 820 Park Avenue development, as described for this analysis, and the percent reduction due to vehicle trip internalization.

TABLE 1 820 PARK AVENUE MXD+ TRIP GENERATION AND INTERNALIZATION ESTIMATE

Time Period	Gross Trips	Net External Trips	Vehicle Trip Internalization
Daily	444	293	34%
AM Peak Hour	48	31	34%
PM Peak Hour	56	33	41%

Source: Fehr & Peers, January 2013.

Intersection Level of Service Analysis

Level of Service (LOS) is a term that describes the operating performance of an intersection or roadway. LOS is measured quantitatively and reported on a scale from A to F, with A representing the best performance and F the worst. **Table 2** provides a brief description of each LOS letter designation and an accompanying average delay per vehicle for unsignalized intersections. The Highway Capacity Manual 2010 (HCM 2010) methodology was used in this study to remain consistent with “state-of-the-practice” professional standards. For unsignalized intersections, LOS is reported based on the worst movement. Fehr & Peers has also calculated overall delay values for unsignalized intersections, which provides additional information and represents the overall intersection conditions rather than just the worst movement. Both are reported in their respective tables throughout the memorandum.

TABLE 2 LEVEL OF SERVICE DESCRIPTIONS

LOS	Description	Unsignalized Intersections
		Avg. Delay (sec/veh) ²
A	<i>Free Flow / Insignificant Delay</i> Extremely favorable progression. Individual users are virtually unaffected by others in the traffic stream.	< 10.0
B	<i>Stable Operations / Minimum Delays</i> Good progression. The presence of other users in the traffic stream becomes noticeable.	> 10.0 to 15.0
C	<i>Stable Operations / Acceptable Delays</i> Fair progression. The operation of individual users is affected by interactions with others in the traffic stream	> 15.0 to 25.0
D	<i>Approaching Unstable Flows / Tolerable Delays</i> Marginal progression. Operating conditions are noticeably more constrained.	> 25.0 to 35.0
E	<i>Unstable Operations / Significant Delays Can Occur</i> Poor progression. Operating conditions are at or near capacity.	> 35.0 to 50.0
F	<i>Forced, Unpredictable Flows / Excessive Delays</i> Unacceptable progression with forced or breakdown of operating conditions.	> 50.0

1. Overall intersection LOS and average delay (seconds/vehicle) for all approaches.
2. Worst approach LOS and delay (seconds/vehicle) only.
3. Volume to capacity (v/c) rate, average values.

Source: Fehr & Peers descriptions, based on 2010 *Highway Capacity Manual*.

For the purposes of this study, a minimum overall intersection performance for each of the study intersections was set at LOS D. However, if LOS E or F for an individual approach at an intersection resulted, explanation and/or mitigation measures are presented where feasible and realistic.

Trip Distribution and Assignment

Project traffic was assigned to the roadway network based on the proximity of project access point to major streets, high population densities, and regional trip attractions. Existing travel patterns observed during data collection also provided helpful guidance to establish these distribution percentages, especially in close proximity to the site.

The project-generated trips were distributed to and from these directions, in the corresponding percentages:

- 50% North on Park Avenue
- 10% South on Park Avenue
- 10% North on Deer Valley Drive
- 15% South on Deer Valley Drive
- 15% South on Main Street

These trip distribution assumptions were used to distribute project generated traffic to the study area intersections. **Figure 2** shows the resulting project-generated weekday PM peak hour trips.

Existing Conditions

The purpose of the 2014 existing conditions analysis is to study the pertinent intersections during the PM peak travel period under existing traffic and geometric conditions. Through this analysis, existing traffic operational deficiencies can be identified. **Figure 1** shows the existing traffic volumes that were derived from the City's traffic model.

Using Synchro software and the HCM 2010 delay thresholds previously introduced, the existing background weekday PM peak hour LOS was computed for each study intersection. The result of this analysis for the PM peak hour is reported in **Table 3** (see the Appendix for the detailed LOS report for the Existing Conditions). The result serves as a base for the analysis of the impacts of the proposed development. As shown in **Table 3**, the worst movement at all study intersections operates at an LOS E or F during the existing PM peak hour. The high delay for these movements is due to the heavy traffic volumes travelling north-south on each respective roadway. The heavy traffic volumes create limited gaps for the eastbound and westbound left-turning vehicles at each intersection.

TABLE 3 EXISTING BACKGROUND PM PEAK HOUR LEVEL OF SERVICE

Intersection			Worst Movement ¹			Overall Intersection ²	
ID	Location	Control	Movement	Delay (sec/veh)	LOS	Avg. Delay (sec/veh)	LOS
1	Park Avenue / 9 th Street	WB Stop	WBL	60.6	F	21.9	C
2	Main Street / 9 th Street	EB Stop	EBL	46.1	E	12.1	B
3	Main Street / Deer Valley Drive	EB Stop	EBL	>300	F	>300	F

1. This represents the worst movement LOS and delay (seconds/vehicle) and is only reported for unsignalized intersections.

2. This represents the overall intersection LOS and delay (seconds/vehicle).

Source: Fehr & Peers.

Existing Plus Project Conditions

The purpose of the existing plus project conditions analysis is to evaluate the impact of the project traffic on the study intersections. In order to analyze this impact, the background traffic volumes were combined with those generated by the proposed project. Intersection LOS analyses were then performed and compared to the results of the existing background traffic volumes. This comparison shows the impact of the proposed project.

Project-generated traffic (**Figure 2**) was added to the existing background volumes (**Figure 1**), from the City traffic model, to yield “existing plus project” weekday PM peak hour traffic volumes at the study intersections. The resulting weekday PM peak hour traffic volumes are displayed in **Figure 3**.

Using Synchro software and the HCM 2010 delay thresholds, the existing plus project weekday PM peak hour LOS was computed for each study intersection. The result of this analysis for the PM peak hour is reported in **Table 4** (see the Appendix for the detailed LOS report for the Existing Plus Project Conditions). As shown in **Table 4**, all study intersections operate at an acceptable LOS (LOS D or better), during the existing plus project PM peak hour with the exception of the eastbound left-turn movement at Main Street / Deer Valley Drive. The high delay for this movement is due to the heavy traffic volumes travelling north-south on Deer Valley Drive that create limited gaps for the eastbound left-turning vehicles on Main Street. The additional project traffic has very minimal impact to the existing intersection delays and does not change the LOS for any study intersections for the worst approach. The increase in delay was 16% (3 seconds) for Park Avenue / 9th Street, 8% (1 second) for Main Street / 9th Street, and 5% (17 seconds) for Main Street / Deer Valley Drive. The new project driveway on 9th Street is expected to operate an LOS B with any delay being kept onsite.

TABLE 4 EXISTING PLUS PROJECT PM PEAK HOUR LEVEL OF SERVICE

Intersection			Worst Movement ¹			Overall Intersection ²	
ID	Location	Control	Movement	Delay (sec/veh)	LOS	Avg. Delay (sec/veh)	LOS
1	Park Avenue / 9 th Street	WB Stop	WBL	70.3	F	25.3	C/D
2	Main Street / 9 th Street	EB Stop	EBL	49.8	E	13.1	B
3	Main Street / Deer Valley Drive	EB Stop	EBL	>300	F	>300	F
4	Project Driveway / 9 th Street	NB Stop	NBL	13.0	B	<5.0	A

1. This represents the worst movement LOS and delay (seconds/vehicle) and is only reported for unsignalized intersections.

2. This represents the overall intersection LOS and delay (seconds/vehicle).

Source: Fehr & Peers.

Summary & Conclusion

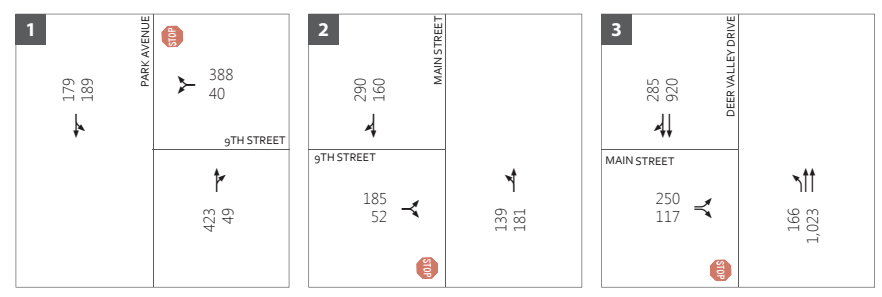
The results of our analysis indicate that there is minimal impact to the study intersections with no change to intersection LOS for the worst movement. There is no public parking on the existing site; therefore, there is no need for the replacement of public parking due to this project.



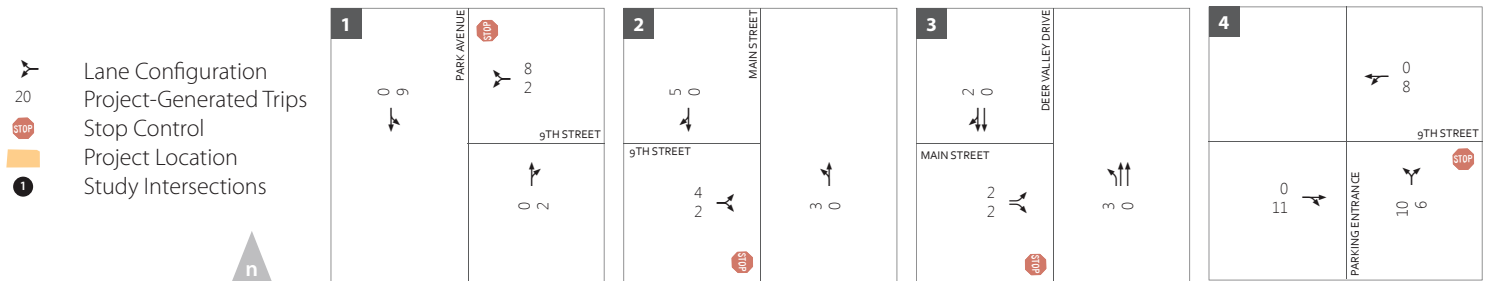
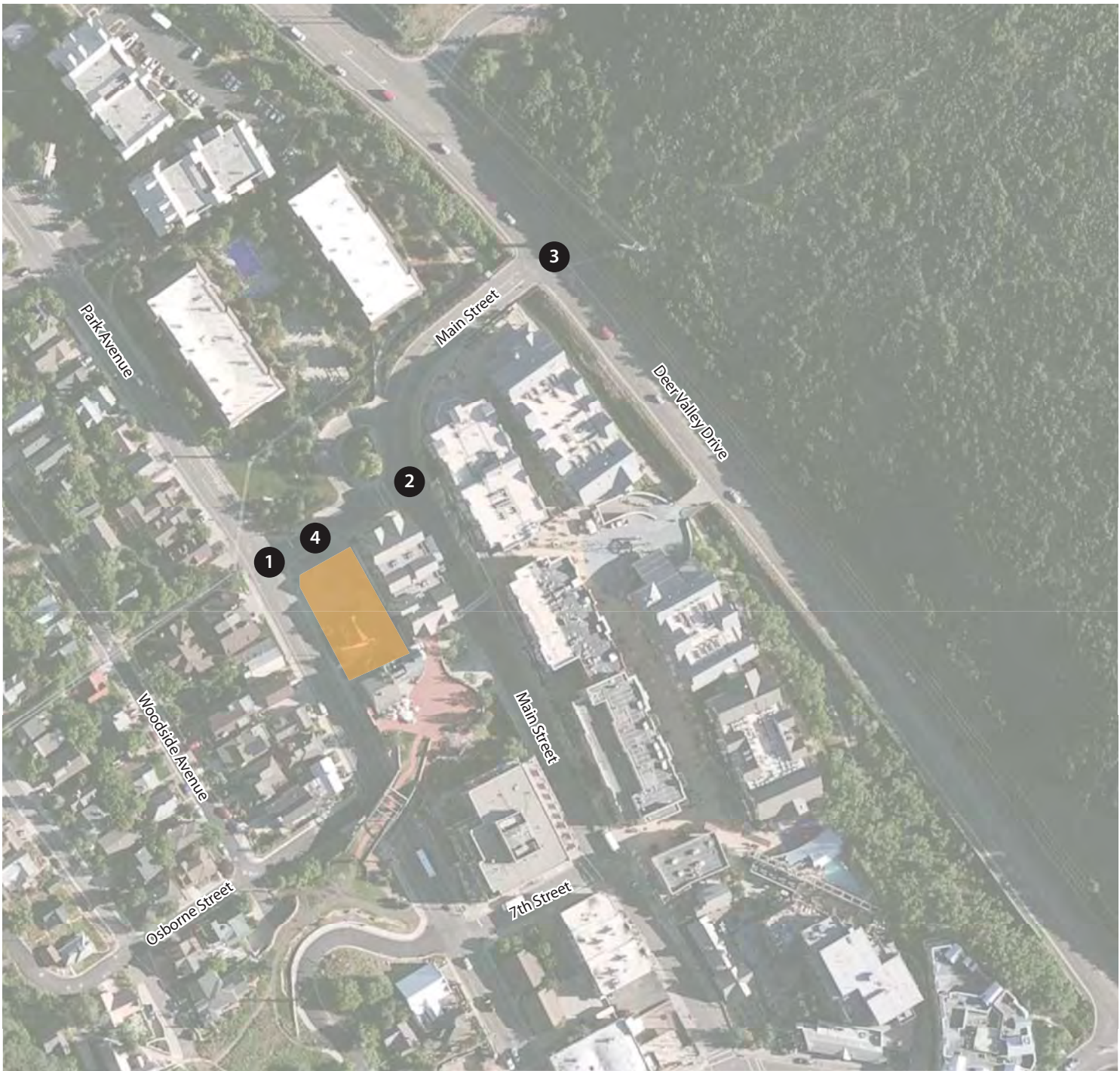
- LOS
- A
- B
- C
- D
- E
- F

- 20
- STOP
- 1

- Lane Configuration
- Existing Traffic Volumes
- Stop Control
- Project Location
- Study Intersections

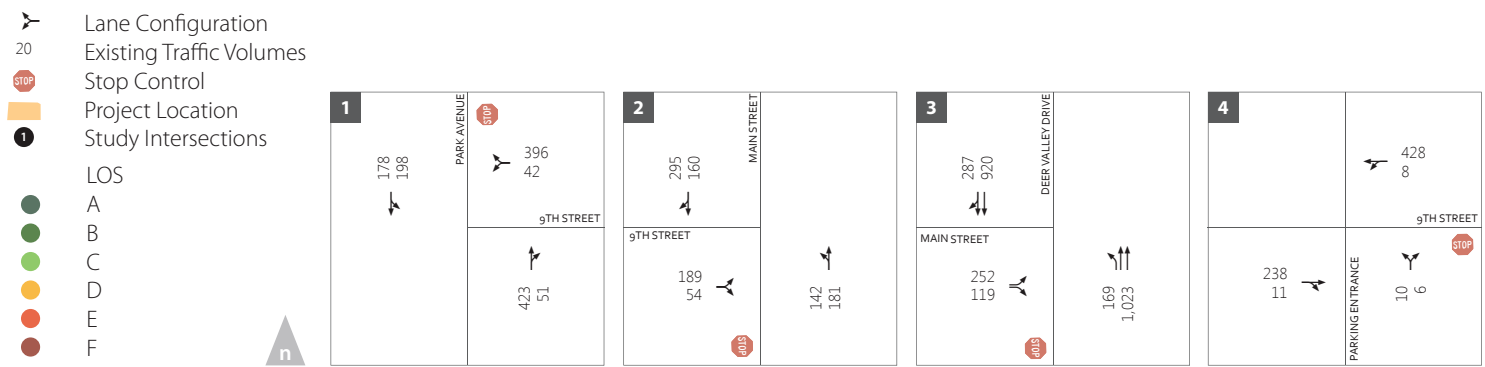


820 Park Avenue Traffic Study
 Figure 1
 Project Location, Study Intersections, and Existing Conditions



820 Park Avenue Traffic Study
Figure 2

Project-Generated Trips



820 Park Avenue Traffic Study
Figure 3

Existing Plus Project Conditions



Technical Appendix





Traffic Counts

Intersection Turning Movement Summary

Intersection:	Park Avenue/9th Street	Date:	1-7-14, Tue
North/South:	Park Avenue	Day of Week Adjustment:	100.0%
East/West:	9th Street	Month of Year Adjustment:	100.0%
Jurisdiction:	Park City, UT	Adjustment Station #:	
Project Title:	820 Park Avenue	Growth Rate:	0.0%
Project No:	UT14-1009	Number of Years:	0
Weather:			

AM PEAK HOUR PERIOD:

AM PEAK 15 MINUTE PERIOD:

AM PHF: #####

NOON PEAK HOUR PERIOD:

12:00-13:00

NOON PEAK 15 MINUTE PERIOD:

NOON PHF: #####

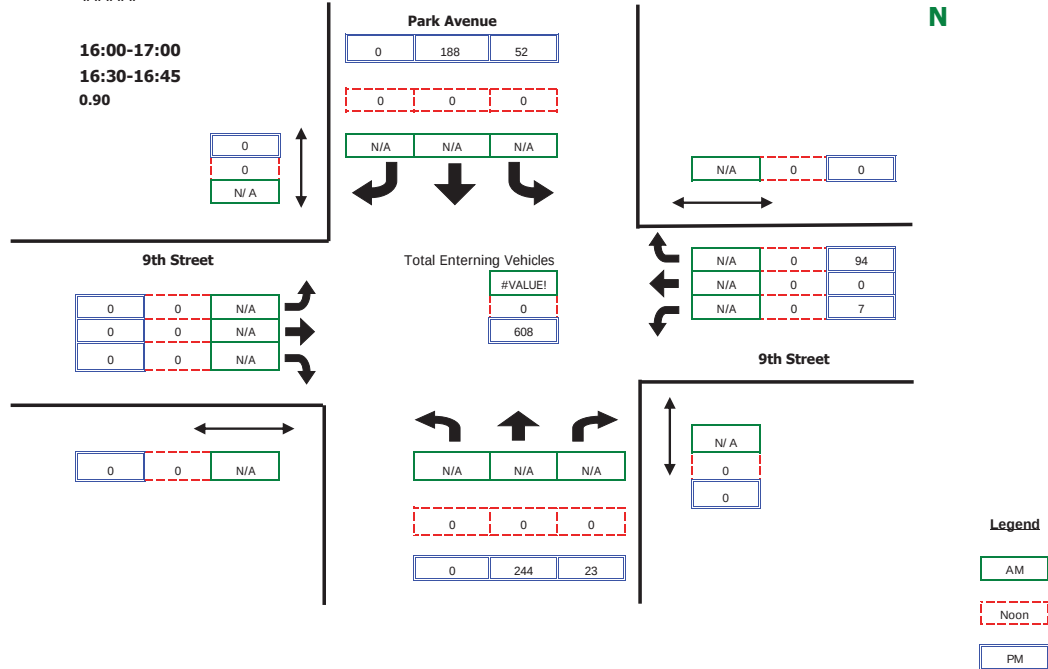
PM PEAK HOUR PERIOD:

16:00-17:00

PM PEAK 15 MINUTE PERIOD:

16:30-16:45

PM PHF: 0.90



RAW COUNT SUMMARIES	Park Avenue Northbound				Park Avenue Southbound				9th Street Eastbound				9th Street Westbound				
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
AM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
7:00-7:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15-7:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30-7:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45-8:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00-8:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15-8:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30-8:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45-9:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NOON PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
12:00-12:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15-12:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30-12:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45-13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:00-13:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:15-13:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:30-13:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:45-14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
16:00-16:15	0	63	7	0	12	51	0	0	0	0	0	0	2	0	18	0	153
16:15-16:30	0	53	5	0	13	53	0	0	0	0	0	0	1	0	23	0	148
16:30-16:45	0	72	6	0	16	44	0	0	0	0	0	0	1	0	29	0	168
16:45-17:00	0	56	5	0	11	40	0	0	0	0	0	0	3	0	24	0	139
17:00-17:15	0	43	3	0	15	43	0	0	0	0	0	0	6	0	16	0	126
17:15-17:30	0	55	4	0	10	45	0	0	0	0	0	0	3	0	24	0	141
17:30-17:45	0	43	4	0	9	47	0	0	0	0	0	0	4	0	19	0	126
17:45-18:00	0	49	6	0	13	47	0	0	0	0	0	0	4	0	14	0	133

Intersection Turning Movement Summary

Intersection:	Main Street/9th Street	Date:	1-7-14, Tue
North/South:	Main Street	Day of Week Adjustment:	100.0%
East/West:	9th Street	Month of Year Adjustment:	100.0%
Jurisdiction:	Park City, UT	Adjustment Station #:	
Project Title:	820 Park Avenue	Growth Rate:	0.0%
Project No:	UT14-1009	Number of Years:	0
Weather:			

AM PEAK HOUR PERIOD:

AM PEAK 15 MINUTE PERIOD:

AM PHF: #####

NOON PEAK HOUR PERIOD:

12:00-13:00

NOON PEAK 15 MINUTE PERIOD:

NOON PHF: #####

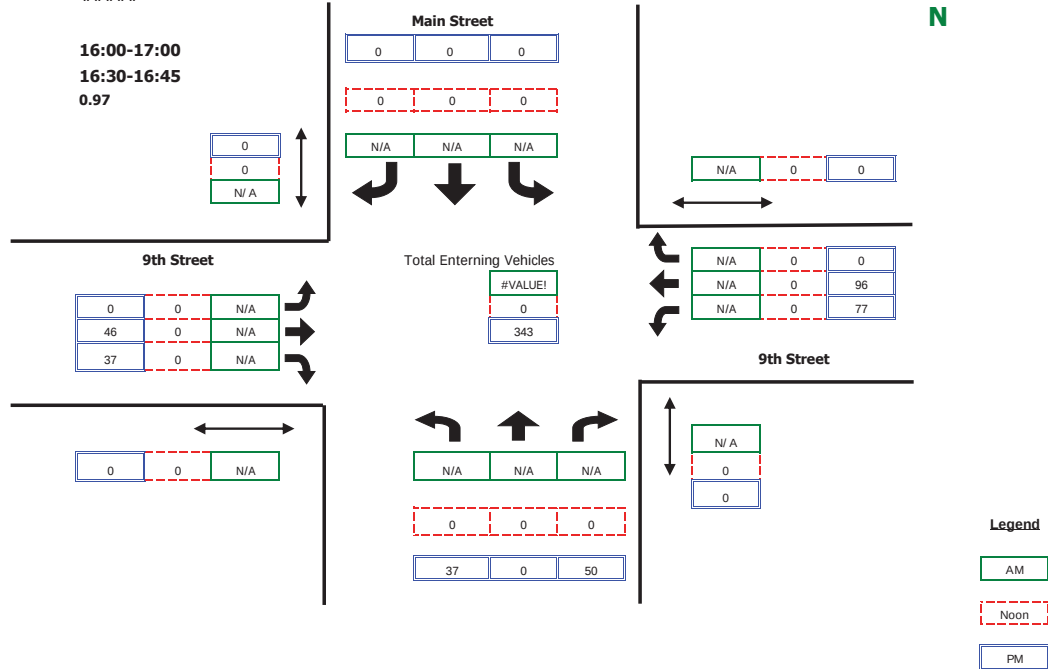
PM PEAK HOUR PERIOD:

16:00-17:00

PM PEAK 15 MINUTE PERIOD:

16:30-16:45

PM PHF: 0.97



RAW COUNT SUMMARIES	Main Street Northbound				Main Street Southbound				9th Street Eastbound				9th Street Westbound				
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
AM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
7:00-7:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15-7:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30-7:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45-8:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00-8:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15-8:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30-8:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45-9:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NOON PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
12:00-12:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15-12:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30-12:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45-13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:00-13:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:15-13:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:30-13:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:45-14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
16:00-16:15	12	0	12	0	0	0	0	0	0	15	10	0	13	23	0	0	85
16:15-16:30	8	0	15	0	0	0	0	0	0	13	10	0	20	20	0	0	86
16:30-16:45	11	0	11	0	0	0	0	0	0	10	6	0	22	28	0	0	88
16:45-17:00	6	0	12	0	0	0	0	0	0	8	11	0	22	25	0	0	84
17:00-17:15	5	0	15	0	0	0	0	0	0	9	14	0	12	24	0	0	79
17:15-17:30	3	0	18	0	0	0	0	0	0	7	8	0	21	20	0	0	77
17:30-17:45	5	0	11	0	0	0	0	0	0	13	10	0	18	19	0	0	76
17:45-18:00	8	0	19	0	0	0	0	0	0	8	4	0	16	23	0	0	78

Intersection Turning Movement Summary

Intersection:	Deer Valley Drive/9th Street	Date:	1-7-14, Tue
North/South:	Deer Valley Drive	Day of Week Adjustment:	100.0%
East/West:	9th Street	Month of Year Adjustment:	100.0%
Jurisdiction:	Park City, UT	Adjustment Station #:	
Project Title:	820 Park Avenue	Growth Rate:	0.0%
Project No:	UT14-1009	Number of Years:	0
Weather:			

AM PEAK HOUR PERIOD:

AM PEAK 15 MINUTE PERIOD:

AM PHF: #####

NOON PEAK HOUR PERIOD:

12:00-13:00

NOON PEAK 15 MINUTE PERIOD:

NOON PHF: #####

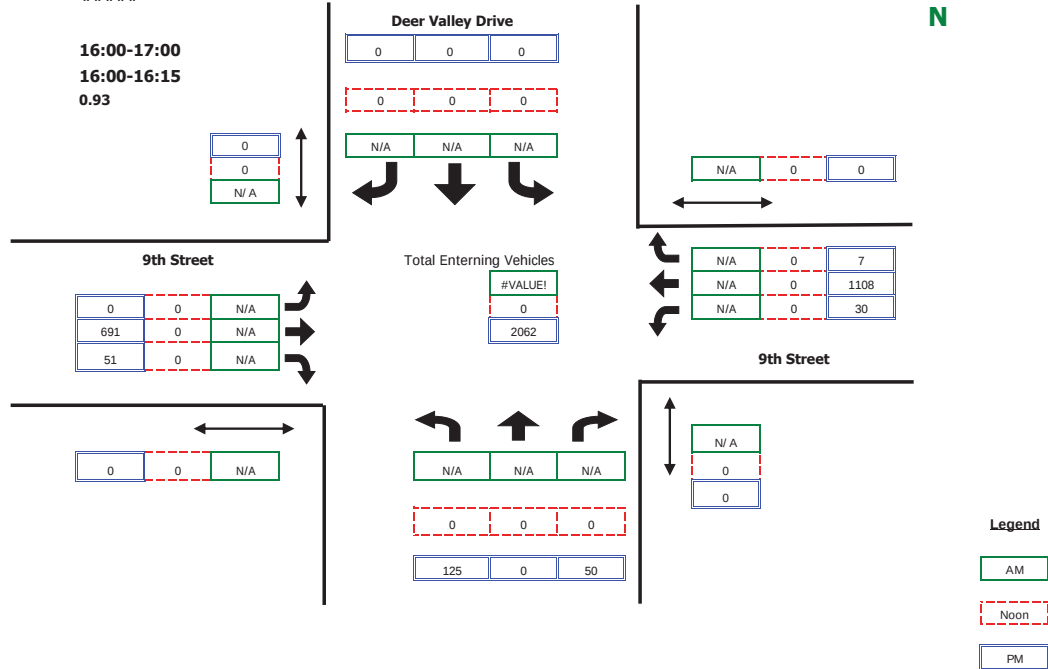
PM PEAK HOUR PERIOD:

16:00-17:00

PM PEAK 15 MINUTE PERIOD:

16:00-16:15

PM PHF: 0.93



RAW COUNT SUMMARIES	Deer Valley Drive Northbound				Deer Valley Drive Southbound				9th Street Eastbound				9th Street Westbound				
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
AM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
7:00-7:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15-7:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30-7:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45-8:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00-8:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15-8:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30-8:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45-9:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NOON PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
12:00-12:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15-12:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30-12:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45-13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:00-13:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:15-13:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:30-13:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:45-14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
16:00-16:15	39	0	7	0	0	0	0	0	0	184	18	0	12	287	6	0	553
16:15-16:30	17	0	14	0	0	0	0	0	0	162	7	0	4	248	1	0	453
16:30-16:45	41	0	14	0	0	0	0	0	0	164	15	0	5	299	0	0	538
16:45-17:00	28	0	15	0	0	0	0	0	0	181	11	0	9	274	0	0	518
17:00-17:15	28	0	11	0	0	0	0	0	0	123	10	0	13	252	0	0	437
17:15-17:30	18	0	2	0	0	0	0	0	0	138	8	0	8	218	0	0	392
17:30-17:45	21	0	8	0	0	0	0	0	0	115	16	0	11	222	0	0	393
17:45-18:00	29	0	9	0	0	0	0	0	0	122	16	0	6	160	0	0	342

Park City Traffic Model - Peak Hour Traffic Volume Output

Node evaluation

Comment:

Date: Wednesday, February 05, 2014 11:15:53 AM
VISSIM: 5.40-11 [44678]

Node 81
Node 82
Node 83

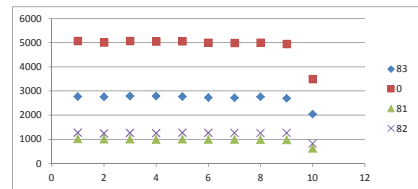
Node: Node Number

Movement: Movement (Bearing from-to)

veh(All): Number of Vehicles, All Vehicle Types

Delay(All): Average delay per vehicle [s], All Vehicle Types

Node	Movement	1	2	3	4	5	6	7	8	9	10	Throw out 10 - outlier	Average (1 St Dev (1-9))
0	All	5082	5026	5084	5060	5074	5015	4999	5016	4960	3507	100250025	5035.111 42.60119
81	All	1020	1010	1018	1006	1015	1008	1009	993	982	630	100290003	1006.778 12.19403
81	N-SE	172	175	145	173	154	166	153	140	158	107	100320030	159.5556 12.67982
81	N-SW	315	287	296	278	293	280	281	270	311	194	100760034	290.1111 15.18589
81	SE-N	169	190	190	169	190	163	206	184	168	112	100830007	181 14.39618
81	SW-N	171	179	204	193	197	210	171	184	159	116	101070027	185.3333 16.94845
81	SE-SW	133	128	135	151	127	140	156	156	126	76	101120009	139.1111 12.29273
81	SW-SE	60	51	48	42	54	49	42	59	60	25	101120012	51.66667 7.123903
82	All	1285	1251	1269	1256	1285	1267	1266	1257	1269	831	101140028	1267.222 11.90355
82	NE-NW	401	393	380	400	374	388	386	378	393	233	101160036	388.1111 9.532109
82	NE-SE	47	24	49	29	45	31	48	46	44	32	101170020	40.33333 9.539392
82	NW-NE	182	188	202	188	209	203	173	191	165	117	101480010	189 14.37011
82	NW-SE	196	184	171	177	181	196	191	181	168	112	101940037	178.3333 8.514693
82	SE-NE	50	42	51	48	46	55	40	51	54	29	101980007	48.55556 5.101743
82	SE-NW	419	420	416	414	430	424	428	410	445	308	102330027	422.8889 10.50529
83	All	2777	2765	2797	2798	2774	2740	2724	2766	2709	2046	103080000	2761.111 30.91296
83	NW-SE	926	922	946	934	930	921	907	916	880	657	106300029	920.2222 18.70012
83	NW-SW	313	289	272	298	292	272	282	265	280	198	106570017	284.7778 14.95642
83	SE-NW	1026	1013	1011	1049	1009	996	1006	1069	1030	846	108310014	1023.222 23.20441
83	SE-SW	174	173	171	153	157	176	151	147	190	114	108460010	165.7778 14.35947
83	SW-NW	237	258	271	229	284	245	254	260	236	148	120460013	250.4444 14.34496
83	SW-SE	101	110	126	135	122	130	124	109	93	83	135070016	116.6667 14.10674



Modeled													SUM
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	
Deer Valley / Main	166	1023			920	285	250		117				2761
9th / Main	139	181			160	290	185		52				1007
Park / 9th		423	49	189	178					40			1267

Counted													GEH
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	
Deer Valley / Main	30	1108			691	51	125		50				2055 14.3893
9th / Main	77	96			46	37	37		50				343 25.55092
Park / 9th		244	23	52	188					7			608 21.52883

95% t-stat	2.262	
Avg	2761.111	
SD	30.91296	
95% CI=	46.61674	2%
	2055	14.3893
	343	25.55092
	2714	2808



Level of Service Reports

Intersection						
Intersection Delay, s/veh	21.9					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	40	388	423	49	189	178
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	43	422	460	53	205	193
Major/Minor	Minor1	Major1		Major2		
Conflicting Flow All	1090	486	0	0	513	0
Stage 1	486	-	-	-	-	-
Stage 2	604	-	-	-	-	-
Follow-up Headway	4	3	-	-	2	-
Pot Capacity-1 Maneuver	238	581	-	-	1052	-
Stage 1	618	-	-	-	-	-
Stage 2	546	-	-	-	-	-
Time blocked-Platoon, %			-	-		-
Mov Capacity-1 Maneuver	186	581	-	-	1052	-
Mov Capacity-2 Maneuver	186	-	-	-	-	-
Stage 1	618	-	-	-	-	-
Stage 2	427	-	-	-	-	-
Approach	WB	NB		SB		
HCM Control Delay, s	61	0		5		
Minor Lane / Major Mvmt	NBT	NBR	WBLn1	SBL	SBT	
Capacity (veh/h)	-	-	485	1052	-	
HCM Lane V/C Ratio	-	-	0.959	0.195	-	
HCM Control Delay (s)	-	-	60.6	9.251	0	
HCM Lane LOS			F	A	A	
HCM 95th %tile Q(veh)	-	-	12.03	0.723	-	
Notes						
~ : Volume Exceeds Capacity; \$: Delay Exceeds 300 Seconds; Error : Computation Not Defined						

Intersection						
Intersection Delay, s/veh	12.1					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	185	52	139	181	160	290
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	201	57	151	197	174	315
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	831	332	489	0	-	0
Stage 1	332	-	-	-	-	-
Stage 2	499	-	-	-	-	-
Follow-up Headway	4	3	2	-	-	-
Pot Capacity-1 Maneuver	340	710	1074	-	-	-
Stage 1	727	-	-	-	-	-
Stage 2	610	-	-	-	-	-
Time blocked-Platoon, %				-	-	-
Mov Capacity-1 Maneuver	286	710	1074	-	-	-
Mov Capacity-2 Maneuver	286	-	-	-	-	-
Stage 1	727	-	-	-	-	-
Stage 2	514	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	46	4		0		
Minor Lane / Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1074	-	329	-	-	
HCM Lane V/C Ratio	0.141	-	0.783	-	-	
HCM Control Delay (s)	8.9	0	46.1	-	-	
HCM Lane LOS	A	A	E			
HCM 95th %tile Q(veh)	0.489	-	6.332	-	-	
Notes						

Intersection						
Intersection Delay, s/veh	340.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	250	117	166	1023	920	285
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	115	200	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	272	127	180	1112	1000	310
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	2072	655	1310	0	-	0
Stage 1	1155	-	-	-	-	-
Stage 2	917	-	-	-	-	-
Follow-up Headway	4	3	2	-	-	-
Pot Capacity-1 Maneuver	# 47	409	524	-	-	-
Stage 1	# 262	-	-	-	-	-
Stage 2	350	-	-	-	-	-
Time blocked-Platoon, %				-	-	-
Mov Capacity-1 Maneuver	# 31	409	524	-	-	-
Mov Capacity-2 Maneuver	# 31	-	-	-	-	-
Stage 1	# 262	-	-	-	-	-
Stage 2	# 230	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	\$ 2555	2		0		
Minor Lane / Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	524	-	31	409	-	-
HCM Lane V/C Ratio	0.344	-	8.766	0.311	-	-
HCM Control Delay (s)	15.435	-	\$ 3742.2	17.7	-	-
HCM Lane LOS	C		F	C		
HCM 95th %tile Q(veh)	1.522	-	33.165	1.305	-	-
Notes						

~ : Volume Exceeds Capacity; \$: Delay Exceeds 300 Seconds; Error : Computation Not Defined

Intersection						
Intersection Delay, s/veh	25.3					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	42	396	423	51	198	178
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	46	430	460	55	215	193
Major/Minor	Minor1	Major1		Major2		
Conflicting Flow All	1112	488	0	0	515	0
Stage 1	488	-	-	-	-	-
Stage 2	624	-	-	-	-	-
Follow-up Headway	4	3	-	-	2	-
Pot Capacity-1 Maneuver	231	580	-	-	1051	-
Stage 1	617	-	-	-	-	-
Stage 2	534	-	-	-	-	-
Time blocked-Platoon, %			-	-		-
Mov Capacity-1 Maneuver	178	580	-	-	1051	-
Mov Capacity-2 Maneuver	178	-	-	-	-	-
Stage 1	617	-	-	-	-	-
Stage 2	412	-	-	-	-	-
Approach	WB	NB		SB		
HCM Control Delay, s	70	0		5		
Minor Lane / Major Mvmt	NBT	NBR	WBLn1	SBL	SBT	
Capacity (veh/h)	-	-	477	1051	-	
HCM Lane V/C Ratio	-	-	0.998	0.205	-	
HCM Control Delay (s)	-	-	70.3	9.305	0	
HCM Lane LOS			F	A	A	
HCM 95th %tile Q(veh)	-	-	13.305	0.767	-	
Notes						
~ : Volume Exceeds Capacity; \$: Delay Exceeds 300 Seconds; Error : Computation Not Defined						

Intersection						
Intersection Delay, s/veh	13.1					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	189	54	142	181	160	295
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	205	59	154	197	174	321
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	839	334	495	0	-	0
Stage 1	334	-	-	-	-	-
Stage 2	505	-	-	-	-	-
Follow-up Headway	4	3	2	-	-	-
Pot Capacity-1 Maneuver	336	708	1069	-	-	-
Stage 1	725	-	-	-	-	-
Stage 2	606	-	-	-	-	-
Time blocked-Platoon, %				-	-	-
Mov Capacity-1 Maneuver	282	708	1069	-	-	-
Mov Capacity-2 Maneuver	282	-	-	-	-	-
Stage 1	725	-	-	-	-	-
Stage 2	508	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	50	4		0		
Minor Lane / Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1069	-	326	-	-	
HCM Lane V/C Ratio	0.144	-	0.81	-	-	
HCM Control Delay (s)	8.935	0	49.8	-	-	
HCM Lane LOS	A	A	E			
HCM 95th %tile Q(veh)	0.504	-	6.81	-	-	
Notes						

~ : Volume Exceeds Capacity; \$: Delay Exceeds 300 Seconds; Error : Computation Not Defined

Intersection						
Intersection Delay, s/veh	357.8					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	252	119	169	1023	920	287
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	115	200	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	274	129	184	1112	1000	312
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	2079	656	1312	0	-	0
Stage 1	1156	-	-	-	-	-
Stage 2	923	-	-	-	-	-
Follow-up Headway	4	3	2	-	-	-
Pot Capacity-1 Maneuver	# 46	408	523	-	-	-
Stage 1	# 262	-	-	-	-	-
Stage 2	347	-	-	-	-	-
Time blocked-Platoon, %				-	-	-
Mov Capacity-1 Maneuver	# 30	408	523	-	-	-
Mov Capacity-2 Maneuver	# 30	-	-	-	-	-
Stage 1	# 262	-	-	-	-	-
Stage 2	# 225	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	\$ 2664	2		0		
Minor Lane / Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	523	-	30	408	-	-
HCM Lane V/C Ratio	0.351	-	9.13	0.317	-	-
HCM Control Delay (s)	15.564	-	\$ 3913.8	17.9	-	-
HCM Lane LOS	C		F	C		
HCM 95th %tile Q(veh)	1.566	-	33.551	1.341	-	-
Notes						

~ : Volume Exceeds Capacity; \$: Delay Exceeds 300 Seconds; Error : Computation Not Defined

Intersection						
Intersection Delay, s/veh	0.4					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Vol, veh/h	238	11	8	428	10	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	259	12	9	465	11	7
Major/Minor	Major1	Major2	Minor1			
Conflicting Flow All	0	0	271	0	748	265
Stage 1	-	-	-	-	265	-
Stage 2	-	-	-	-	483	-
Follow-up Headway	-	-	2	-	4	3
Pot Capacity-1 Maneuver	-	-	1292	-	380	774
Stage 1	-	-	-	-	779	-
Stage 2	-	-	-	-	620	-
Time blocked-Platoon, %	-	-	-	-	-	-
Mov Capacity-1 Maneuver	-	-	1292	-	377	774
Mov Capacity-2 Maneuver	-	-	-	-	377	-
Stage 1	-	-	-	-	779	-
Stage 2	-	-	-	-	614	-
Approach	EB	WB	NB			
HCM Control Delay, s	0	0	13			
Minor Lane / Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	467	-	-	1292	-	
HCM Lane V/C Ratio	0.037	-	-	0.007	-	
HCM Control Delay (s)	13	-	-	7.805	0	
HCM Lane LOS	B			A	A	
HCM 95th %tile Q(veh)	0.116	-	-	0.02	-	
Notes						
~ : Volume Exceeds Capacity; \$: Delay Exceeds 300 Seconds; Error : Computation Not Defined						

To: Park City Planning Commission

From: Lift Lodge Owners, 875 Main Street, Park City, UT

January 3rd, 2014

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From: Catie Grimes <catiegrimes@gmail.com>
Sent: Friday, January 03, 2014 8:46 AM
To: Anya Grahm
Cc: Vanessa Carrington
Subject: Re: 820 Park Avenue Input for Planning Committee from 875 Main Street HOA (Lift Lodge)

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Planning Commission Staff Report



Subject: Park City Heights Phase 1
Subdivision plat- revised
Author: Kirsten Whetstone, MS, AICP
Date: February 12, 2014
Type of Item: Final Subdivision plat
Project #: PL-13-02189

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing for the revised Park City Heights Phase 1 Subdivision plat, consider input, and consider forwarding a positive recommendation to City Council pursuant to the findings of fact, conclusions of law and conditions of approval stated in the draft ordinance.

Topic

Applicant: Ivory Development LLC
Location: Richardson Flat Road, east of SR 248 and west of US 40
Zoning: Community Transition (CT)
Adjacent Land Uses: Open Space, Rail Trail, US 40, Quinn's Water Treatment Plant, and vacant land

Disclosure: The City retains a security interest as the holder of a Trust Deed in conjunction with a prior transaction regarding the property. However, the City is not an "applicant" and does have any current ownership in the property.

Proposal

This is a request for approval of a final subdivision plat (Exhibit A) for the first phase of the Park City Heights Master Planned Development (MPD) pursuant to the revised approved Park City Heights preliminary plat (Exhibit B). This first phase consists of 28 townhouse units ("Park Homes") to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. The first phase also includes 35 lots for "Small Lot Park Homes" located at the northern entry to the subdivision and 40 lots for a mix of "Cottage Homes" and "Homestead" lots. A public park parcel, HOA club house parcel, open space parcels, future support commercial parcel, soil repository parcel, and dedication of public streets. Dedication of utility, snow storage, drainage, and trails easements is also included. The lots, parcels, and street layout are consistent with the amended Park City Heights MPD and the revised preliminary subdivision plat (amended and approved by the Planning Commission on November 6, 2013). Conditions of approval of the amended MPD and Development Agreement, as well as Park City Heights Annexation Agreement continue to apply (Exhibits C and D).

Background

On December 28, 2013, the City Planning Department received an application for a revised first phase subdivision plat for the Park City Heights MPD. The application was deemed complete on January 7, 2014 with receipt of additional information.

The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned Community Transition (CT). On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units for a total of 239 units on 239 acres. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat for the Park City Heights MPD. On November 17, 2011, the City Council approved the original Park City Heights Phase 1 subdivision plat. In November of 2012 Ivory Development took ownership of the property. On January 24, 2013 the City Council approved an extension of the Phase 1 plat to allow the applicant additional time to resolve issues regarding historic mine soils.

On November 6, 2013, the Planning Commission approved an amended Master Planned Development and overall preliminary subdivision plat for the entire Park City Heights Development to address relocation of lots, streets, and parcels due to mine soils mitigation and a Voluntary Clean-up plan to be approved by the State. The amendments to the Master Planned Development and overall preliminary plat necessitated this submittal of a revised phase one plat.

Staff will return the amended Development Agreement for the Park City Heights MPD to the Planning Commission for ratification at the next meeting on February 26, 2014. The amended Development Agreement spells out terms, requirements, and restrictions of the development, per the November 6, 2013 amended MPD, and includes all conditions of approval of the amended MPD.

Analysis

The proposed final subdivision plat (Exhibit A) for the first phase of the Park City Heights Master Planned Development (MPD), pursuant to the revised approved Park City Heights overall preliminary plat (Exhibit B), consists of 28 townhouse units ("Park Homes") to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. The first phase also includes 35 lots for "Small Lot Park Homes" attainable units located at the northern entry to the subdivision and 40 lots for a mix of "Cottage Homes" and "Homestead" lots.

Parcels for a public park, HOA clubhouse, open space, future support commercial uses, and soil repository are proposed with the plat. Dedication of public streets and utility, snow storage, drainage, and trails easements are also included.

The lots, parcels, and street layout are consistent with the amended Park City Heights MPD, the revised preliminary subdivision plat (amended and approved by the Planning Commission on November 6, 2013), and the Park City Heights Design Guidelines.

The townhome lots range in area from 1,902 sf to 2,265 sf. The small lot “Park Home” lots range in area from 3,234 sf to 4,788 sf. The cottage and homestead lots range in area from 4,721 sf to 12,229 sf. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD. No non-conforming conditions are created by the subdivision. Maximum houses sizes and setbacks are described in the approved Park City Heights Design Guidelines.

The plat creates parcels for a publicly dedicated community park. Additionally, the plat creates parcels for an HOA owned club house, an HOA owned parcel for the soil repository and parcels for HOA owned and maintained open space. HOA owned open parcels for open space include blanket easements for access, public trails, storm water, and utilities. Parcel C1 is identified for future support commercial uses.

Access to the development is from Richardson Flat Road, a public road, with access to individual lots and parcels from local public streets within the subdivision.

All streets and drives within the subdivision plat are public streets, with final dedication to the City required upon completion and acceptance of the improvements. The City will commence maintenance and snow removal once 50% of the units for this phase are complete with certificates of occupancy.

An existing 50’ wide power line easement for PacifiCorp traverses parcels G and D. An additional 10’ is being dedicated with this plat for a total width of 60’ as requested by PacifiCorp to meet future anticipated utility easement needs.

Land Management Code review

The zoning for the subdivision is Community Transition (CT). The subdivision plat is subject to the following LMC criteria and Park City Heights MPD conditions:

ROS Zone	Permitted	Proposed
Height	28’ (+5’ for pitched roof)	28’ (+5’ for pitched roof). Complies
Unit Equivalents	1 unit per acre	Per MPD 1 unit per acre for overall PC Heights MPD Complies
Lot Size	No minimum lot size	Townhome lots range in area from 1,902 sf to 2,265 sf. Small lot “Park Home” lots range in area from 3,234 sf to 4,788 sf. The cottage and homestead lots range in area from 4,721 sf to 12,229 sf. Complies
Front setback	25’ perimeter of MPD and	Small lot Park Homes- per

	per MPD site plan for internal lot lines.	Design Guidelines Townhomes- 10' Cottage homes- 15' (10' to porches/bay windows) Complies
Rear setback	Per MPD	Small lot Park Homes- per Design Guidelines. Townhomes- 15' Cottage homes- 20' Complies
Side setbacks	Per MPD	Small lot Park Homes- per Design Guidelines Townhomes- 0' between units within structure, 5' to side open space, 10' for street side yards, with a min of 12' total between structures containing multiple townhouses. Cottage homes- 5' side yards and 10' street side yards. Complies
Parking	2 spaces per dwelling unit	2 spaces per dwelling unit Complies

General Subdivision Requirements

- (A) Subdivision Name-** The proposed subdivision name does not duplicate or closely approximate the name of another Subdivision in the area. The streets have unique names.
- (B) Monuments-** All survey monumentation as required by the LMC is required to be completed prior to acceptance of public improvements.
- (C) Limits of Disturbance-** A landscape and limits of disturbance plan for construction of the streets and utilities was submitted with the plat to identify the limits of disturbance for construction of streets and utilities, with conditions related to re-vegetation of disturbed areas per the Park City Heights MPD for this phase.
- (D) Ridgeline Development-** Not applicable as there are no major or minor ridgelines within the development portion of this phase of the Park City Heights MPD.
- (E) Open Space-** Open space parcels are designated consistent with conditions of the Park City Heights MPD.
- (F) Roads and Utility Lines-** All roads will be designated as public streets. Easements are provided for public utilities. A utility plan was submitted with this

plat application. Final approval of the utility plan is subject to approval of this plat and per final review by the City Engineer and other utility providers. Off-site utility improvements may require additional off-site easements that will need to be dedicated prior to commencing any construction on said utilities. All utilities will be designed to minimize disturbance of existing vegetation. Re-vegetation and/or remediation of disturbed areas are conditions of final utility installation acceptance.

- (G) Drainage Ways-** Existing drainage areas and ways will be incorporated into the storm water management system and open space parcels to the greatest extent possible, per the Park City Heights storm water management plan. Final design of the storm water management system is subject to approval by the City Engineer.
- (H) Soils Conditions-** As required by the Park City Heights MPD, and due to the potential for areas of expansive soils within this subdivision, a soils conditions report shall be submitted prior to issuance of any building permits for structures, utilities, and roads, and shall be reviewed by the City Engineer and Building Official prior to issuance of an excavation permit for any construction. Compliance with the final approved Voluntary Clean-up plan for historic mine waste soils is required and shall be noted on the plat.
- (I) Trails and Sidewalks-** Trails and sidewalks are consistent with the Park City Heights MPD. Sidewalks are proposed within public right of way areas. HOA open space areas shall include trail easements or shall state that blanket trail easements are dedicated for public trails within HOA open space parcels. Trails proposed outside of the proposed plat area that are within City owned property can be constructed without easements. Trails within public dedicated open space parcels can be constructed without specific easements. Off-site trails crossing other property shall be placed in easements prior to construction. The exact location of trails within Parcel A, D, M and G will be provided with the City Park design plans to be submitted to the City's Parks Board for review and approval prior to construction of the park and trails.
- (J) Limits of Disturbance/Building Pad locations-** No building pads are proposed to be platted with this phase of the MPD. The location of houses for this phase is stipulated by adherence to minimum building setbacks, as identified on the plat. A limit of disturbance plan was submitted with the landscape plan for this phase of development. The limits of disturbance plan identifies areas proposed to be disturbed and re-vegetated due to construction of roads, sidewalks, and utilities. The plan does not indicate the area to be disturbed for construction of the houses due to the size of the lots. The plan also does not indicate the area to be disturbed during construction of the City Park. This area will be determined upon completion of the design plan and layout for the park.
- (K) Top Soil Preservation and Final Grading-** Staff recommends a condition of approval that all applicable requirements of the LMC regarding top soil preservation and final grading be completed prior to issuance of a certificate of occupancy. No portion of this phase is within the Park City Soils Ordinance boundary; however, areas of disturbance due to off-site utility improvements that do fall within the Park City Soils Ordinance boundary are required to adhere to all

requirements of the Ordinance. Compliance with the final State approved Voluntary Clean- up plan is required and shall be noted on the plat.

(L) Architectural Standards- Architecture is reviewed at the time of building permit issuance for compliance with the Park City Heights Design Guidelines.

(M) Water Bodies and Water Courses- There are no bodies of water that are incorporated into the lots so as to not burden the City with responsibility of the water body. The HOA is responsible for maintenance of open space and drainage areas that are not part of individual lots, including natural drainage areas. Retention areas that are part of the storm water management plan may have standing water at times. Maintenance of these areas is the responsibility of the HOA.

(N) Fire Sprinkling- There is a plat note requiring all construction to comply with the International Building Code requirements for fire sprinklers.

General Lot Design Requirements

Staff has reviewed the proposed plat for compliance with the General Lot Design Requirements per LMC 15-7.3-3 as follows:

(A) Lot Arrangement- there are no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on these lots in compliance with the IBC, the LMC, and in providing reasonable Driveway access.

(B) Building Sites- the proposed building sites are designed to minimize disturbance of existing vegetation and there has been consideration of minimum separation between structures of 12' except as permitted with the zero lot line townhouse units.

(C) Square footage- maximum building size and floor area is identified in the Park City Heights Design Guidelines that will be referenced on the plat prior to recordation. .

(D) Lot Dimensions- proposed lot dimensions take into consideration additional width for corner lots, depth and width of lots for non-residential purposes, and areas for parking.

(E) Double Frontage Lots and access to Lots- Lots fronting on two streets is generally to be avoided, however in designing the MPD site plan, the concept of rear access garages from local public streets, with front door access from the local or collector streets on corner lots was approved through the amended MPD and Park City Heights Design Guidelines.

(F) Lot Drainage- Lots are laid out to provide positive drainage away from all Buildings. Individual lot drainage plans will be required with each building permit.

(G) Landscaping- Prior to issuance of a building permit for each lot a landscape plan is required to be submitted and reviewed by the Staff for compliance with the LMC and conditions of the MPD. HOA open space areas shall be re-vegetated and/or landscaped per the MPD and Design Guidelines.

(H) Limits of Disturbance/Vegetation protection- Prior to issuance of a building permit for each lot a limits of disturbance and vegetation protection plan is required to be submitted and reviewed by the Staff for compliance with the LMC and conditions of the MPD.

(I) Re-vegetation, seed, and sod- All disturbed areas will be re-vegetated, seeded, and/or sodded prior to issuance of a certificate of occupancy per the LMC and a financial guarantee for the completion of this re-vegetation is required to be paid or posted prior to issuance of the permit.

(J) Debris and Waste- Debris and waste are required to be removed per the LMC prior to issuance of a certificate of occupancy. This is a condition of building permitting. The Park City Heights MPD requires consolidation and recycling of construction waste and debris to be identified on the Construction Mitigation Plan prior to issuance of a building permit.

(K) Fencing- Fencing of hazardous conditions may be required by the Chief Building Official. Fences will be constructed according to standards of the LMC and conditions of approval of the Park City Heights MPD.

Road Requirements and Design

Staff has reviewed the proposed plat for compliance with the Road Requirements and Design per LMC 15-7.3-4 as follows:

(A) Layout requirements- Street layout for this phase complies with general layout requirements, including frontage on improved streets, relation to existing topography, block design, access to arterials and collectors, and dead-end roads.

(B) Road Names- Road names are identified and are sufficiently different in sound and spelling from other names in Summit County with final confirmation of street names to be provided by the local postmaster prior to plat recordation.

(C) Road Regulatory Signs- All required road and street signs will need to be approved by the City Engineer and Public Works prior to installation.

(D) Street Lighting- Installation of street lights is required of the Developer in accordance with the LMC and shall be approved by the City Engineer and Planning Department prior to installation.

(E) Reserve or Protection strip- No reserve or protection strips are proposed.

(F) Road Design Standards- The roads are in compliance with the street design and layout approved by the Planning Commission during approval of the Park City Heights MPD and consistent with the LMC.

(G) Intersection Design Standards- The streets are laid out in compliance with the intersection standards of the LMC.

(H) Bridges- No bridges are proposed.

(I) Road Dedications and Reservations- No new perimeter half-streets are proposed. No new frontage roads are proposed with this phase. No new dedication for widening existing roadways is required. There is sufficient right-of-way width for Richardson Flats Road to expand for future phases as necessary to mitigate traffic concerns as discussed and determined during the Park City Heights Annexation Agreement and the MPD approval, per conditions of approval that outline required transportation improvements and timing of said improvements.

Staff finds this subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements. General subdivision

requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc. ; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code. Utility, grading, and site work (streets) plans were submitted with the plat for review and coordination by the City and service providers (Exhibits E and F).

Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD). The applicants have met with the SBWRD officials to review the plat and utility plans for compliance with these requirements. Final approval of the sewer facilities and a signature on the plat from SBWRD is required prior to final plat recordation.

Good Cause

There is good cause for this subdivision in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides a parcel to be dedicated as a public park; provides for open space areas within and around the subdivision; dedicates trail easements and public streets; provides for future support commercial parcels; and provides for future development parcels for affordable and attainable housing and market rate units consistent with the approved the Park City Heights Annexation Agreement and Master Planned Development.

Department Review

This application has been reviewed by the Development Review Committee, including other City Departments and utility and service providers. After an initial review the applicants submitted a revised plat and utility plans for a second review by the Committee. All identified concerns have been addressed by revisions and notes on the plat and with conditions of approval as stated in the attached ordinance. Further review and approval by the City Engineer, of the streets, utilities, grading, and drainage plans is required prior to issuance of a permit for site work for this subdivision plat, as conditioned.

Notice

The property was posted and notice was mailed to property owners within 300 feet according to requirements of the Land Management Code. Legal notice was published in the Park Record according to requirements of the Code.

Public Input

Staff has not received specific input from adjacent property owners regarding this plat application. Staff received an email from an adjacent property owner with questions regarding the MPD, phasing, and ownership.

Future Process

Approval or denial of this subdivision application by the City Council constitutes Final

Action that may be appealed following the procedures found in LMC 1-18.

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the revised Park City Heights Phase 1 subdivision plat as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to City Council to deny the revised Park City Heights Phase 1 subdivision plat and direct staff to make Findings for this decision, or
- The Planning Commission may continue discussion on the revised Park City Heights Phase 1 subdivision plat to a date certain with specific direction to the applicant to return with any additional information and or revisions necessary to make a final decision.

Significant Impacts

There are no significant negative fiscal or environmental impacts that result from this application that have not been sufficiently mitigated with plat notes, conditions of approvals, and adherence to the approved, amended MPD.

Consequences of not taking the Suggested Recommendation

The property would remain as individual metes and bounds parcels. Separate lots of record would not be created for the approved Park City Heights MPD. Building permits could not be issued for the dwelling units.

Recommendation

Staff recommends the Planning Commission conduct a public hearing for the revised Park City Heights Phase 1 Subdivision plat, consider input, and consider forwarding a positive recommendation to City Council pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance.

Exhibits

Ordinance

Exhibit A- Proposed subdivision plat (2 pages)

Exhibit B- Preliminary Plat

Exhibit C- Amended MPD concept plan

Exhibit D- MPD Action letter (November 6, 2013)

Exhibit E- Site and Utility plans

Exhibit F- Street cross sections

Ordinance No. 14-

**AN ORDINANCE APPROVING THE PARK CITY HEIGHTS PHASE 1 SUBDIVISION
LOCATED AT RICHARDSON FLAT ROAD, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as Park City Heights located north of Richardson Flat Road, east of State Road 248 and west of US 40, have petitioned the City Council for approval of the Park City Heights Phase 1 subdivision; 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 of Park City; and

WHEREAS, the Planning Commission held a public hearing on February 12, 2014, to receive input on the subdivision; and

WHEREAS, the Planning Commission, on February 12, 2014, forwarded a recommendation to the City Council; and

WHEREAS, on February 27, 2014, the City Council held a public hearing on the Park City Heights Phase 1 subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Park City Heights Phase 1 subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Park City Heights Phase 1 subdivision, 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 on Richardson Flat Road east of SR 248 and west of US Highway 40.
2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned Community Transition (CT).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD.
5. On November 17, 2011, the City Council approved the original Park City Heights

Phase 1 subdivision plat.

6. On January 24, 2013 the City Council approved an extension of the Phase 1 plat to allow the applicant additional time to resolve issues regarding historic mine soils.
7. On November 6, 2013, the Planning Commission approved an amended Park City Heights MPD and preliminary plat to address relocation of lots and streets due to mine soils mitigation.
8. On December 28, 2013, the City Planning Department received an application for a revised first phase subdivision plat for the Park City Heights MPD. The application was deemed complete on January 7, 2014 with receipt of additional information.
9. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Park City Heights Master Planned Development conditions of approval and Development Agreement, and other applicable codes and regulations.
10. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary. Off-site utility work may be located within the Park City Soils Ordinance boundary.
11. The proposed subdivision plat creates lots of record for 28 townhouse units "Park Homes" to be constructed for the IHC Master Planned Development as fulfillment of the required affordable housing for the Park City Medical Center. The subdivision plat also includes lots of record for 35 "small lot Park Homes" and 40 lots for a mix of "Cottage homes" and "Homestead homes", a City Park parcel to be dedicated to the City, HOA clubhouse parcel, open space parcels, a future support commercial parcel, and dedication of first phase streets, utility, snow storage, drainage and trail easements.
12. The townhome "Park Home" lots range in area from 1,902 sf to 2,265 sf. The "small lot Park Home" lots range in area from 3,234 sf to 4,788 sf. The "Cottage" and "Homestead" lots of this phase range in area from 4,721 sf to 12,229 sf. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD and Design Guidelines.
13. No non-conforming conditions are created by the subdivision.
14. An existing 50' wide power line easement for PacifiCorp traverses parcels A, C and D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.
15. The property is accessed from Richardson Flat Road, a public county road.
16. Access to all lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets are public streets.
17. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
18. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
19. Sanitary sewer facilities are required to be installed in a manner prescribed by the

Snyderville Basin Water Reclamation District (SBWRD).

20. There is good cause for this subdivision plat in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides a parcel to be dedicated as a public park; provides for open space areas within and around the subdivision; dedicates easements and public streets; provides for future support commercial parcel; and provides for future development parcels for affordable housing and market rate units consistent with the approved the Park City Heights Annexation Agreement and amended Master Planned Development.
21. The findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Park City Heights Annexation and the Park City Heights MPD, as amended and conditioned.
4. The subdivision is consistent with the amended Park City Heights preliminary plat approved by the Planning Commission on November 6, 2013.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment 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. Conditions of approval of the Park City Heights Annexation, as stated in the Annexation Agreement, continue to apply, and shall be noted on the plat.
4. Conditions of approval of the Park City Heights MPD and preliminary plat, as amended and approved by the Planning Commission on November 6, 2013, continue to apply, and shall be noted on the plat.
5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. All streets within the subdivision plat shall be dedicated as public streets. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued. All survey monumentation as required

by the LMC is required to be completed prior to acceptance of public improvements. This shall be noted on the plat.

7. The City Park parcel (Parcel A) shall be dedicated to the City for a public park upon recordation of the plat. The exact location of trails within the Park and open space parcels will be provided with the City Park design plans to be submitted to the City's Parks Board for review and approval prior to construction of the park and trails.
8. Open Space parcels shall be deed restricted as open space, non-development parcels to be owned and maintained by the Homeowner's Association and shall include blanket utility, drainage, snow storage, and public trails easements, unless specific easements are provided as required by utilities and service providers. Public trails within the open space parcels shall be constructed in type and location consistent with the MPD site plan and trail plan. Final constructed trails are agreed, by the recording of the plat, to be within ten (10') foot public trail easements.
9. Parcel H, the soil repository shall not be dedicated to the City, and shall be used as a soil repository, subject to all conditions of the Voluntary Clean-up plan approved by the State. The soil repository shall not be utilized for snow storage. Storm water detention areas to the west of the designed repository shall be allowed to be utilized for snow storage as well as for storm water. Parcel H shall be owned and maintained by the HOA and will be subject to all conditions of the Voluntary Clean-up plan.
10. Prior to commencing any work to remediate metals impacted soils, a copy of the Utah Department of Environmental Quality approved remediation plan, prepared as part of the Utah Voluntary Clean-Up Program (VCP), shall be provided to the City.
11. The results and report of the soils investigation work prepared by IHI Environmental on May 6, 2013 that identifies and locates historic mine soils, and the remediation plan submitted to and approved by the State Department of Environmental Quality as part of the Voluntary Cleanup Program, shall be provided to the Building Department prior to issuance of any building permits for development of streets, utilities, lots, trails, parks, and all construction that requires disturbance of soil.
12. The applicants stipulate to a condition that a disclosure regarding the developer's participation in the Voluntary Clean-up Program and receipt of certificate of completion shall be included in the CCRs.
13. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval. This shall be noted on the plat.
14. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the amended MPD conditions of approval. This shall be noted on the plat.
15. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.

This shall be noted on the plat.

16. A storm water run-off and drainage plan shall be submitted with each phase of the project and with the building plans consistent with the MPD conditions of approval and shall be approved by the City Engineer prior to permit issuance. This shall be noted on the plat.
17. Prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance. This shall be noted on the plat.
18. Confirmation of street names shall be provided by the local postmaster and City Engineer prior to plat recordation.
19. A note shall be added to the plat stating that all units (including all deed restricted units) shall be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.
20. In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score. This shall be noted on the plat.
21. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with Green Building requirements as required by the amended Master Planned Development and Annexation Agreement, and shall be noted on the plat.
22. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance and noted on the plat.
23. A construction recycling area and excavation materials storage area within the development shall be utilized for this phase as required by the MPD conditions of approval and noted on the plat.
24. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC and MPD conditions of approvals, for the value of all public improvements shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.
25. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground

conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines.

26. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the Public Park and public trails, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the plat.
27. Fire protection and emergency access plan shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire protection and emergency access plan shall include any required fire sprinkler systems and landscaping restrictions within the Wild land interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected by the development.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ____ day of _____, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

PARK CITY HEIGHTS PHASE 1 SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

STATE HIGHWAY 40

PARK CITY HEIGHTS PHASE 1 SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

PARK CITY HEIGHTS PHASE 1 SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 2,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

PLANNING COMMISSION

ENGINEER'S CERTIFICATE

APPROVAL AS FORM

CERTIFICATE OF ATTEST

RECEIVED

JAN 24 2014

PARK CITY PLANNING DEPT.

PLANNING COMMISSION

ENGINEER'S CERTIFICATE

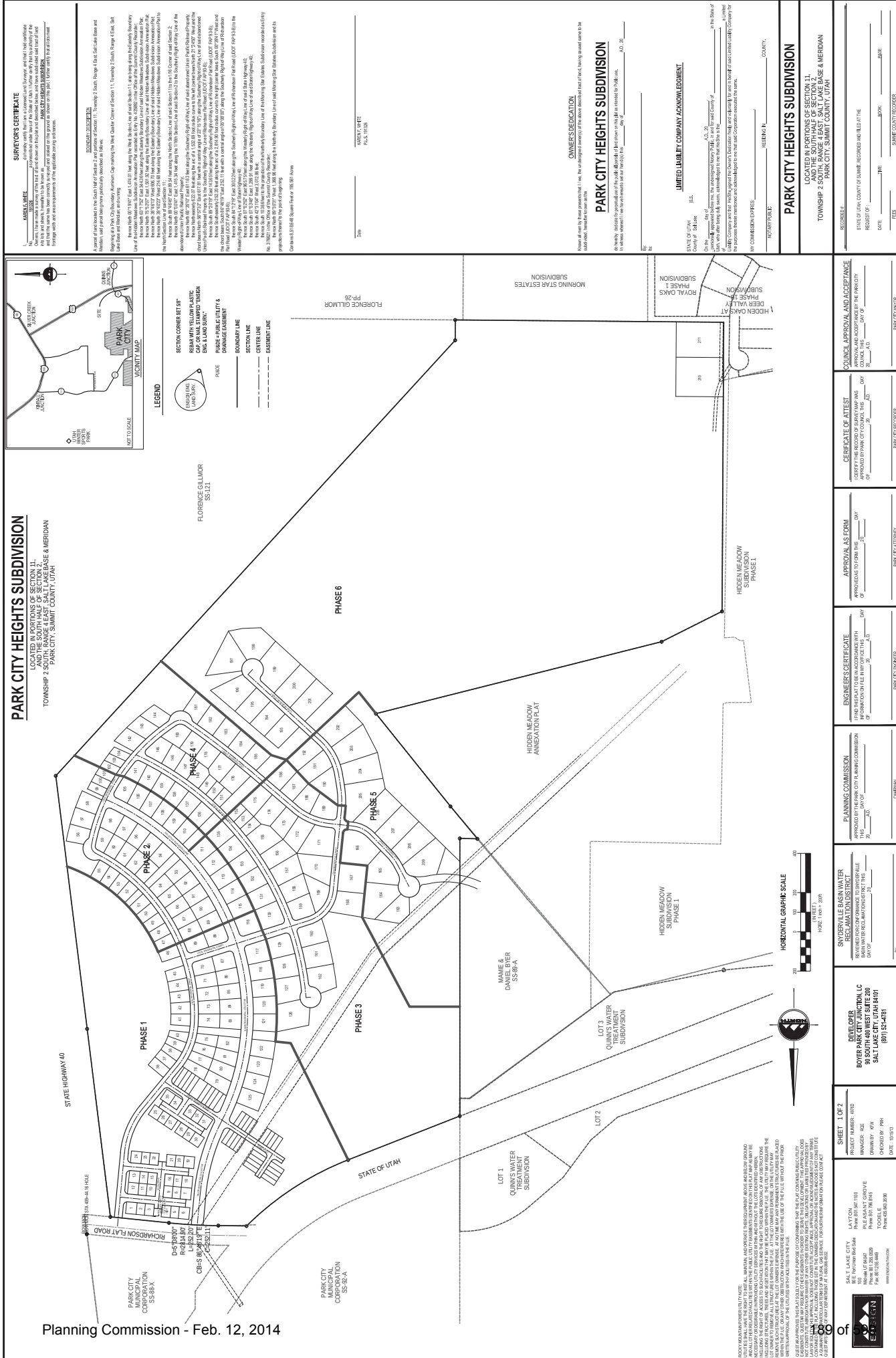
APPROVAL AS FORM

CERTIFICATE OF ATTEST

RECEIVED

JAN 24 2014

PARK CITY PLANNING DEPT.



SURVEYOR'S CERTIFICATE

I, AMBERLIE WHITE, a duly licensed and sworn Surveyor of the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner, and that the same has been compared with the original and found to be a true and correct copy of the original.

Witness my hand and the seal of my office at Salt Lake City, Utah, this 10th day of February, 2014.

AMBERLIE WHITE
Surveyor

OWNER'S DECLARATION

I, the undersigned owner of the above described land of record, having caused same to be surveyed and the survey to be made in accordance with the laws of the State of Utah, do hereby declare that the above is a true and correct copy of the original survey as shown to me by the owner, and that the same has been compared with the original and found to be a true and correct copy of the original.

AMBERLIE WHITE
Owner

UNITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH, County of SALT LAKE, ss. I, AMBERLIE WHITE, a duly licensed and sworn Surveyor of the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner, and that the same has been compared with the original and found to be a true and correct copy of the original.

AMBERLIE WHITE
Surveyor

PARK CITY HEIGHTS SUBDIVISION

LOCATED IN PORTIONS OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

RECORDED # _____

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED HEREIN AT THE _____

REGISTERED OF _____

DATE _____

FILE _____

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BOOK _____

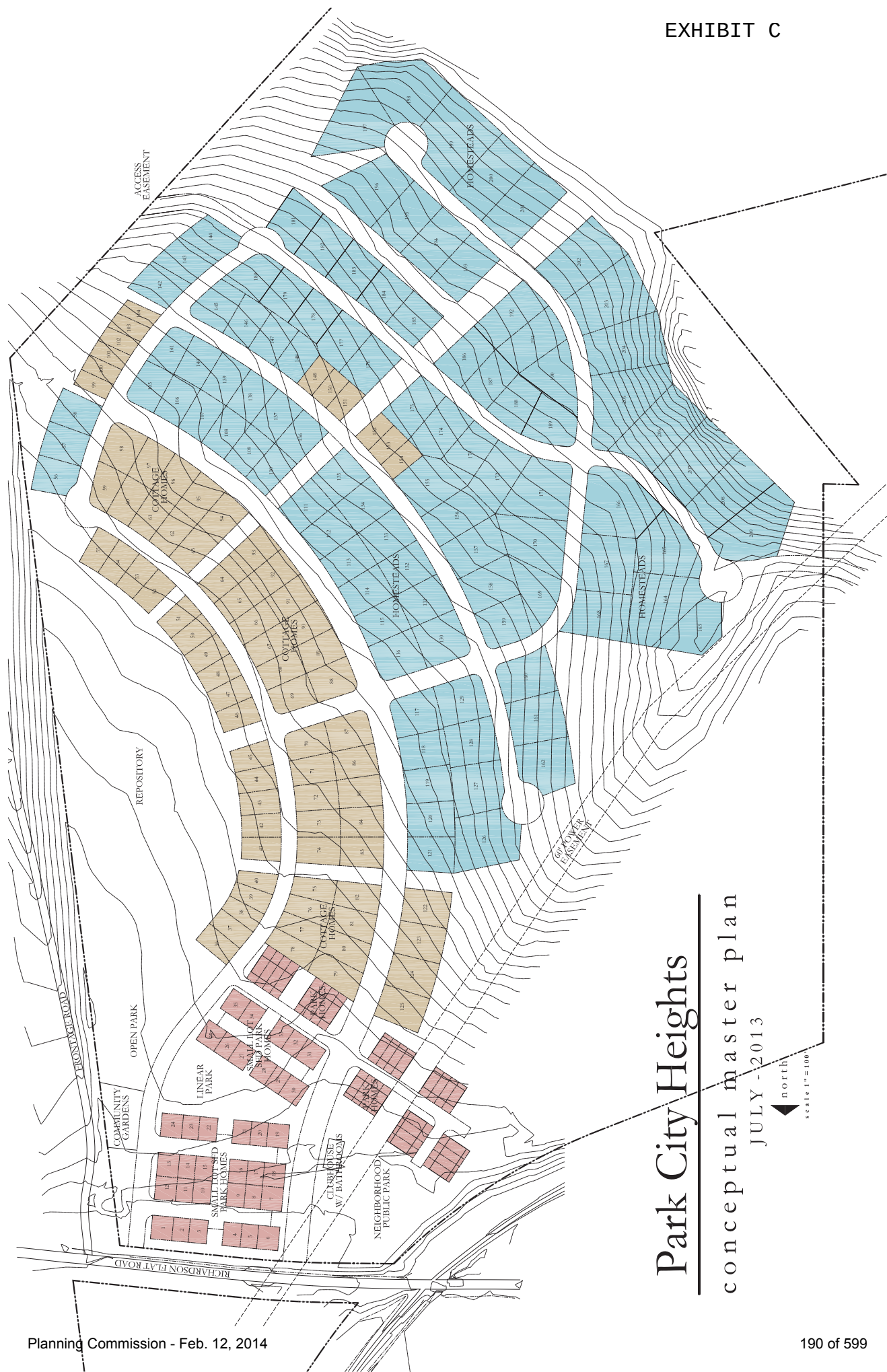
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PAGE _____

Planning Commission - Feb. 12, 2014



Park City Heights

conceptual master plan

JULY -2013

north
scale 1"=100'



November 18, 2013

Brad Mackay
Ivory Development
978 Woodoak Lane
Salt Lake City, UT 84117

NOTICE OF PLANNING COMMISSION ACTION

Project Description:	Park City Heights MPD amendment and preliminary plat revision
Project Numbers:	PL-13-02009
Project Address:	Richardson Flat Road
Date of Final Action:	November 6, 2013

Action Taken

The Planning Commission conducted a public hearing and approved the Park City Heights MPD amendment and revisions to the preliminary plat. Approval was granted in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

1. The Park City Heights MPD includes the following:

- a. 160 market rate units distributed in a mix of: cottage units on smaller lots (lots are approximately 6,000 to 8,600 sf in size); single-family detached units on approximately 8,000 sf to 27,000 sf lots; and single family detached on two upper lots which are approximately 44,000 and 48,000 sf each. The approximate distribution of types of product is identified in the Design Guidelines.
- b. 28 deed restricted townhouse units (44.78 affordable unit equivalents or AUE). These 28 units meet the required IHC affordable units under their affordable housing obligation and are configured as seven four-plexes.
- c. 16 deed restricted units (32 AUE). These 16 units meet the affordable housing required by the CT zone (LMC 15-2.23-4(A) (8)) and the Affordable Housing Resolution 17-99. These units are configured as a mix of single-family detached, cottage homes, and townhouse units. These units will be configured as Single Family Detached Cottage Homes and dispersed throughout the cottage homes area.

d. 35 additional non-required deed restricted affordable units in a mix of unit types. These units will be configured as small lot Single Family Detached Park Homes.

e. All units (including all deed restricted units) will be constructed to, National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.

. In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.

f. A total of 171.5 acres of open space (not including open space within individual lots) is provided. This is approximately 72% of the entire 239 acres. This total includes the 24 acre parcel located adjacent to Highway 248 that is deeded to the City for open space.

g. An additional 5 acres of deeded open space is provided on Round Valley Drive adjacent to US 40 south of the Park City Medical Center. This open space is not included in the 72% figure. This is in exchange for transferring the 28 IHC deed restricted townhouse units to the PC Heights neighborhood. This parcel is deed restricted per requirements of the Burbidge/IHC Annexation and Development Agreements.

h. A dedicated 5.70 acres () of public neighborhood parklands with fields, tot lot and playground equipment, shade structure, paths, natural areas, and other amenities to be designed and constructed by the developer and maintained by the City. This parkland is included in the open space calculations. Bathrooms are proposed in the club house with exterior access for the public park users. Community gardens may be developed by the HOA in close proximity to the parkland within open space areas adjacent to the small lot Park Homes or the Park Homes.

i. (intentionally left blank)

j. 3 to 4 miles of soft surface trails within and around the property and an additional mile or so of hard surfaced sidewalks and paths along the Project's streets.

k. Trail connections to the Rail Trail and Quinn's trail, including trail on the north side of Richardson Flat Road from the 248 underpass to the Rail Trail and trail on the south side of the Road from the project to the Rail Trail. Trail connections to the south property line for future connections to the Jordanelle area. Trail easements on north side of Richardson Flat Road from Rail Trail to the east property line. Trail connections to the Park City and Snyderville Basin back country trails system. Trails are further described in Finding #11.

l. A Transit bus shelter along Richardson Flat road including "dial-a-ride signs" (City bus service is expected to be extended to Park City Heights and the Park and Ride).

m. Bike racks at the club house and Public Park.

n. Cross walk across Richardson Flat road at the rail trail.

o. A 3,000 sf community center/club house shall be constructed by the developer; Exterior access bathrooms will be available for park users.

p. Water infrastructure improvements that enhance the City's overall water system and provide redundancy as required by the Water Agreement executed as part of the Annexation Agreement. Water shares were dedicated to the City as part of a pre-annexation agreement.

q. Transportation improvements to the Richardson Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) and putting the Park and Ride facility and Park City Heights on the City bus route. These transportation improvements meet the requirements in the Annexation Agreement.

r. Following Wildlife recommendations as identified in the Biological Resources Overview prepared by Logan, Simpson Design, Inc. amended March 17, 2011.

s. Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley, or equivalent.

t. No sound barrier walls or structures along US 40 within or related to the MPD.

u. Construction of support commercial such as a daycare facility, café, or other support commercial/offices would be the responsibility of the owner/developer of said property.

2. The Park City Heights MPD is subject to the Park City Heights Annexation Agreement approved by the City Council on May 27, 2010. The Annexation Agreement sets forth terms and conditions of annexation, zoning, affordable housing, land use, density, transportation and traffic, phasing, trails, fire prevention, road and road design, utilities and water, fiscal impact analysis, snow removal, fees, and sustainable development requirements for the 239 acre Park City Heights MPD. The MPD as conditioned is in compliance with the requirements of the Annexation Agreement.
3. The Park City Heights Annexation Agreement includes a Water Agreement as an integral component. The Water Agreement sets forth terms and conditions related to water facilities, restrictions regarding water, and phasing of development as it relates to completion of water infrastructure. The MPD as conditioned is in compliance with the Water Agreement.
4. On June 17, 2010, the applicants submitted a pre-MPD application based on the annexation approval and agreement. The Planning Commission reviewed the pre-MPD application at two (2) meetings (July 14 and August 11, 2010) and found the application to be in initial compliance with applicable elements of the Park City General Plan.
5. On June 30, 2010, the applicants submitted a complete MPD application.
6. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.
7. Public hearings on the MPD were held on October 13th, November 10th, and December 8th, 2010 and on February 9th, February 23rd, March 9th and March 23rd, 2011 and on April 27, 2011.
8. The property is located within the Community Transition (CT) zone. The MPD is in compliance with all applicable requirements of the CT zone, including density, uses, building setbacks, building height, parking, open space, affordable housing, and sustainable development requirements.
9. Access to the site is from Richardson Flat Road, a public road previously known as Old Dump Road. No access is proposed to the currently unimproved US 40 frontage road (UDOT) along the east property line. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement.
10. Utilities are available in the area, however extension of utilities or utility upgrades to the development site are required. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes. Location of utility boxes shall be shown on the final utility plans. The MPD

phasing plan shall be consistent with conditions of the Annexation Agreement related to provision of public services and facilities.

11. The MPD includes 1) a paved connector trail on the south side of and separated from Richardson Flat Road, from the project to the Rail Trail, 2) a paved connector trail on the north side of and separated from Richardson Flat Road, from the SR 248 underpass to the Rail Trail, 3) a trail connection from trails within the project to the south property boundary line, 4) a trail easement along the north side of and separated from Richardson Flat Road from the Rail Trail to the east property boundary line, and 5) several miles of paved and soft surfaced trails throughout the development. All trails will be constructed by the developer consistent with the Park City Trails Master Plan.

12. The MPD includes a dedicated neighborhood public park to be constructed by the developer according to the City's parks plan, and as further directed by the City Council. Bathrooms are provided at the clubhouse with exterior access for the park users.

13. Parking within the MPD is proposed at two spaces per unit within private garages. Additional surface parking is provided for guests, the community gardens/park area, and the neighborhood clubhouse/meeting area. The streets have been designed to allow for parking on one-side per the City Engineer. Final street design will be determined at the time of the final plat and additional off-street guest parking areas will be incorporated into the design.

14. The proposed MPD density of 1 unit per acre complies with the density allowed by the CT zone. (239 units on 239 acres) The net density is 0.82 units per acre (195 units on 239 acres), excluding the 44 required deed restricted housing units. The density is consistent with the Annexation Agreement. If the additional 35 deed restricted affordable units are included in this analysis the net density is 0.67 units per acre (160 units on 239 acres).

15. The LMC requires a Sensitive Lands Analysis for all Master Planned Development applications. The MPD application included a Sensitive Lands Analysis.

16. A portion of property is located within the designated SR 248 Entry Corridor. This area is identified in the MPD as open space and all required entry corridor setbacks of 200' are complied with.

17. The property contains SLO designated steep slopes, ridgelines and wetland areas. These areas are identified in the MPD as open space areas and all required wetland and stream setbacks are complied with.

18. A wildlife study was conducted and a report (December 2010) was prepared by Logan Simpson Design, Inc. A revised report was prepared on March 17, 2011. The wildlife study addresses requirements of the Land Management Code and provides recommendation for mitigation of impacts on wildlife. An updated report was submitted by Logan Simpson Design, Inc. on July 7, 2011. The purpose of the updated report was to provide additional recommendations on mitigating impacts of the development on the

wildlife in the area; to validate the observations of the earlier biological reports; to further study and identify wildlife movement corridors, evidence of species of high public interest such as Elk, Moose, Deer, and other small mammals; locations of dens or nesting sites; and to identify any areas of high native species diversity.

19. The site plan complies with the minimum MPD required 25' setback around the perimeter of the property. Setbacks range from 25' to 690' (greater to the south property line).

20. The locations of the proposed units are consistent with the MPD site planning and Sensitive Lands Overlay criteria.

21. The property is visible from the designated LMC Vantage point along State Road 248 and a visual analysis was conducted by the applicant from this Vantage point. Additional visual analysis was provided from the intersection of Richardson Flat Road and SR 248. Units along the western perimeter are most visible along the minor ridge from SR 248. Any units that are over the 28' height limit as measured in the zone will be required to obtain an Administrative Conditional Use Permit.

22. (Intentionally left blank)

23. Design Guidelines for the Park City Heights MPD address site planning, setbacks, house sizes, architecture and design, sustainability and best practices, landscaping and water conservation, and other requirements of the Annexation Agreement.

24. A comprehensive traffic study and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by the Applicant's traffic consultant, Hales Engineering, dated June 7, 2007, on file at the Park City Planning Department. An updated traffic volume and trip generation report was provided by Hales Engineering on September 27, 2010. An additional traffic update was provided in 2008 by InterPlan Co at the request of the City Transportation Department. The Hales Engineering study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. The City's Transportation Department prepared a Short Range Transit Development Plan to study demand for transit, routes, efficiency of the transit system, etc. This Transit Plan addresses the timeline for bus service in the Quinn's Junction area. The City's Transportation Master Plan update will include the projected traffic from Park City Heights MPD in the recommendations for transportation improvements within the City.

25. Construction traffic is required to be addressed in the Construction Mitigation Plan.

26. A Geotechnical Study for the Park City Heights Development was provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay soils were encountered across the site in the upper two and one-half to nine and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils, and other mitigations are spelled out in the

Study. An additional geotechnical report was prepared by AGECE dated December 20, 2011 and submitted to the City.

27. A Fire Protection Report (March 2011) identifies potential Wildland urban interface areas within the MPD. Prior to issuance of building permits the Building Department will review individual building fire protection plans for compliance with recommendations of the Fire Protection Report and applicable building and fire codes. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by development of the site.

28. Affordable housing obligations of the MPD are consistent with the affordable housing described by the Park City Heights Annexation Agreement, Housing Resolution 17-99 and as required by the CT zone. The MPD provides up to an additional 35 deed restricted housing units over the 28 deed restricted townhouse units (44.78 affordable unit equivalents (AUE) required by the IHC MPD and the 16 deed restricted units (32 AUE) required by the CT zone for the 160 market rate units). These affordable units are configured as a mix of single-family detached, cottage units, and attached townhouse units. The additional 35 non-required deed restricted affordable units are proposed to be configured as the small lot Park homes as part of this MPD consistent with the needs described in Housing Market Assessment for Park City, dated September 2010. All units are proposed as for sale units. Defining the configuration of units to be as follows:

- a. 35 Deed restricted units will be configured as Small Lot Single Family Detached Park Homes.
- b. 28 Deed restricted townhouse units will be configured as attached Four-plex Park Homes.
- c. 16 Deed restricted units will be configured as Single Family Detached Cottage Homes dispersed throughout the development.

29. No building height exceptions have been requested and all buildings will comply with the height limitations of the CT zone.

30. Lots have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as further described in the Park City Heights Design Guidelines.

31. Utilities must be extended to the site to sustain the anticipated uses. Thirty (30') foot wide non-exclusive utility easements are generally necessary for long term maintenance and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities.

32. Off-site trail and intersection improvements may create traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general. Construction Mitigation Plans are required and shall be required to include mitigation for these issues.

33. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management.

34. Final road designs will be provided to the Planning Commission for review with the final subdivision plats. To minimize visual impacts and to minimize disturbance of existing vegetation due to large areas of cut and fill slopes, low retaining structures (in steps of 4' to 6') are recommended. These low retaining structures may be stepped to minimize their height. Design of these retaining structures is included in the PC Heights Design Guidelines to ensure consistency of design, materials, and colors throughout the development.

35. A storm water run-off and drainage plan is necessary to ensure compliance with Park City's Storm Water Management policies and plans and storm water Best Management Practices for storm water during construction and post construction with special considerations to protect the wetlands delineated on and adjacent to the site.

36. A financial guarantee for all landscaping and public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner in a timely manner. This financial guarantee is required prior to building permit issuance.

37. Intentionally deleted.

38. A master sign plan is required for Planning Department review and approval and all individual signs, including subdivision identification signs, require a sign permit prior to installation.

39. Sound mitigation may be desired by owners of units along US 40. Conditions of approval prohibit sound barrier walls within the MPD. However, other sound mitigation measures may be accomplished with landscaping, berming, smart housing design and insulation, and sound barriers constructed as part of the dwelling units.

40. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement.

41. The applicant stipulates to the conditions of approval.

42. The discussion in the Analysis sections of this report and the Analysis sections of the March 23, 2011 Planning Commission Staff Report (Exhibit A) are incorporated herein.

43. The applicants have met with Rocky Mountain Power and have increased the Rocky Mountain Power line setbacks as required by this Utility.

44. The site plan for the proposed MPD has been designed to minimize the visual impacts of the development from the SR 248 Entry Corridor and has preserved, through open space, the natural views of the mountains, hillsides and natural vegetation consistent with Park City's "resort character".

45. The 171.5 acres of open space adjacent the development, the trail connections and improvements, and proposed neighborhood public park, as conditioned, will provide additional recreational opportunities to the Park City community and its visitors, which strengthens and enhances the resort character of Park City.

46. The opportunities for mixed affordable housing types, including rental units, within the development will strengthen the resort economy by providing attainable housing options in a sustainable and energy efficient community for workers in Park City's tourism/resort based industries.

47. Surrounding uses include open space, Highway 248, US 40, the Rail Trail, the Municipal Water Treatment Plant, Quinn's recreation complex (fields and ice rink), and the IHC medical center and offices.

48. The MPD provides direct connection to and critical improvements of the Rail Trail and provides alternative transportation opportunities for recreation and commuting, such as biking, walking, in-line skating, and cross country skiing to Park City's business district at Prospector Square (within 2 miles) and to the IHC medical complex.

49. The MPD provides for remediation of historic mine soils for the good of the greater Park City community.

50. Further soils investigation work was conducted and a Site Characterization Report was prepared by IHI Environmental (May 6, 2013) to identify and locate historic mine soils and to draft a remediation plan to submit to the State Department of Environmental Quality as part of the Voluntary Cleanup Program.

Conclusions of Law

1. The amended MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6- Master Planned Developments Section 15-6-5 as stated in Exhibit A, March 23, 2011 Planning Commission Staff Report.

2. The amended MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.

3. The amended MPD, as conditioned, is consistent with the Park City General Plan.

4. The amended MPD, as conditioned, is consistent with the Park City Heights Annexation Agreement in terms of uses, density, housing types, site plan, affordable housing, open space, trail connections, road and intersection improvements, interconnectivity within the neighborhood, and provided neighborhood amenities.
5. The amended MPD, as conditioned, strengthens and enhances the resort character of Park City by providing a residential neighborhood of mixed housing types and prices connected by trails to parks, schools, recreation facilities, employment centers, medical facilities, and commercial areas and that is buffered by larger interconnected areas of open space that preserve entry corridor views of the resort areas and provide wildlife movement corridors.
6. The amended MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood Compatibility.
7. The amended MPD provides amenities to the community so that there is no net loss of community amenities in that trail improvements, parkland, affordable housing, potential for neighborhood support daycare/commercial are provided, and remediation of historic mine soils on the site will be undertaken at a benefit to the community at large.
8. The amended MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed. Additional affordable house, above that required is provided within the neighborhood.
9. The amended MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible. Seventy percent of the property remains in open space, with much of the undeveloped land containing significant vegetation and characterized by steeper slopes, visible hillsides, and sensitive ridgeline areas.
10. The amended MPD promotes the Use of non-vehicular forms of transportation through the pedestrian friendly site design and by providing trail connections, sidewalks, access to the Rail Trail, and easy access to parks and open space areas.
11. The MPD and MPD amendments have been noticed and public hearings held in accordance with the LMC.

Conditions of Approval

1. All standard project conditions shall apply (Attached).
2. A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the Planning Commission and City Council and shall be recorded prior to issuance of building permits for individual units within that plat. The plats shall be consistent with the LMC, preliminary plat and the PC Heights site plan and documents reviewed and approved by the Planning Commission during the MPD approval. Final street design, including final cut and fill calculations and limit of

disturbance areas, shall be submitted with all final subdivision plats to be reviewed and approved by the Planning Commission during final subdivision review. Off-street guest parking areas shall be identified on the final plats.

3. A limit of disturbance area (LOD), maximum building footprint and/or house size limitation and a setback requirement table for the lots shall be included on the final plats consistent with the Park City Heights Design Guidelines.

4. A note shall be added to the final plats stating that a landscape plan shall be submitted for City review and approval for each lot, prior to building permit issuance for that lot.

5. A note shall be added to the final plats stating that all units (including all deed restricted units) shall be constructed to, National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.

In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score.

Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.

6. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines.

7. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance.

8. All exterior lighting, including any street and/or path lighting shall be designed to limit the trespass of light into the night sky as much as possible and shall conform to the LMC Sections 15-5-5-(I) and 15-3-3(c) and the Park City Heights Design Guidelines.

9. All exterior lighting, with the exception of bollard lighting at the park shall be privately maintained.

10. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service. The CMP shall include a site and landscape plan for the sales office building (either within the clubhouse or within a finished unit) to address landscaping, lighting, and parking for the sales office. Construction Mitigation Plans shall provide mitigation measures for traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general.

11. The CMP shall address disposal and treatment of all excavated materials. The capping of exposed soils within the City's Soils Ordinance Boundary is subject to all applicable regulations and requirements of the Park City Soils Ordinance Title 11, Chapter 15- Park City Landscaping and Maintenance of Soil Cover. A detailed Limit of Disturbance (LOD) plan shall be submitted as part of the CMP. The Limits of Disturbance for the entire site shall be minimized to the greatest extent possible, using best construction practices, and shall include the use of additional low retaining walls and steeper slopes to prevent unnecessary disturbance of native vegetation.

12. A construction recycling area and an excavation materials storage area shall be provided within the development to reduce the number of construction trips to and from the development. This condition applies at a minimum to the first two phases of development and may be waived for subsequent phases of development upon request by the applicant and upon review by the Planning, Building, and Engineering Departments.

13. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed pre-development drainage conditions and special consideration shall be made to protect the wetlands delineated on and adjacent to the site.

14. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the Public Park and public trails, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the final subdivision plats.

15. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC Subdivision Regulations, for the value of all public improvements, pedestrian amenities and trails, sidewalks, bus stop amenities, landscaping (including landscaping to re-vegetate and re-landscape areas disturbed by construction related to the MPD) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance for new construction within each phase of construction. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.

16. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plats. Utility plans shall be reviewed by the Interdepartmental staff members and the utility service providers as the Development Review Team. Utilities for the MPD shall be placed underground.

17. The City Engineer shall review and approve all associated utility and public improvements plans (including streets and sidewalks, grading, drainage, trails, public necessity signs, street signs and lighting, and other required items) for compliance with the LMC and City standards as a condition precedent to final subdivision plat recordation. This shall include phasing plans for street construction to ensure adequate fire turn-around that minimize disturbance of native vegetation. Due to expansive soils in the area, grading and drainage plans shall include a comprehensive lot drainage plan for the entire phase of each final subdivision plat.

18. Above ground utility boxes must be shown on the final utility plans. The location of these boxes shall comply with best practices for the location of above ground utility boxes. These boxes shall be located in the most efficient, logical, and aesthetic locations, preferably underground. If located above ground the boxes shall be screened to minimize visual impacts and locations shall be approved by the City Engineer.

19. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plats, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.

20. All construction, including grading and trails, within the Park City Soils Ordinance area shall comply with restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15).

21. Trail improvements necessary to connect the Rail Trail to the Hwy 248 tunnel trail on the north side of Richardson Flat Road, as well as the trail connection from the Rail Trail to the public park on the south side of Richardson Flat Road, will likely impact the

wetlands in this area. Precedent to issuance of a building permit for these trails a wetlands impacts and enhancements plan shall be reviewed by the Planning Staff. All required wetlands permits shall be obtained from the required agencies.

22. Mitigation for the disturbance of any wetland areas shall be identified on the trail construction plan and shall include enhancements of wetlands as an amenity feature for users of the trail system.

23. Enhancements to wetland areas and other disturbed areas within the MPD could include but are not limited to educational signs, such as identification of plants and animals, ecological processes, wetlands ecology, and insights into seasonal changes to the landscape; plantings that encourage and/or provide food sources for wildlife; additional on-site water sources; cleanup of degraded areas; and new nesting habitat/bird and small mammal boxes.

24. Lots 89 and 90 of the amended preliminary subdivision plat have been shifted to match the trail phasing plan to locate the trail connection on the open space.

25. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006, Geotechnical Study for the Park City Heights Development provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Special construction methods, removal of unsuitable soils, and other mitigation measures are recommended in the Study. Additional soils studies and geotechnical reports may be required by the Building Department prior to issuance of building permits for streets, utility installation, and structures.

26. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.

27. Fire protection and emergency access plans shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire protection plans shall include any required fire sprinkler systems and landscaping restrictions within the Wildland interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected by the development.

28. A limit of disturbance area shall be identified during the building permit review and construction fencing will be required to mitigate construction impacts. Silt fencing is required during construction in areas where run-off and construction may impact adjacent wetlands, water ways, and undisturbed areas as determined by the Building Department.

29. Trail easements for all proposed trails in the MPD shall be platted on the final recorded subdivision plats. All trails shall be constructed consistent with the Park City Trails Master Plan and the Snyderville Basin Trails Master Plan. Connections to undeveloped property to the south providing future connections to the Wasatch County shall be consistent with the Wasatch County Trails Plan.

30. Construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the findings, and other neighborhood amenities associated with the first phase, shall commence upon issuance of the 40th building permit for Phase I (as described in the Annexation Agreement) and shall be complete within 9 months from commencement of construction, unless otherwise directed by City Council. In subsequent phases, trails, amenities, and other improvements shall be completed prior to issuance of 50% of the certificates of occupancy for the units within that phase, or as otherwise stated in the Development Agreement.

31. The neighborhood public park shall be developed in accordance with standards set forth and required by the City Council, Recreation Advisory Board and city standards. A minimum area of 100 by 80 yards shall be initially free from fixed improvements until final field design is approved or further conditioned at subdivision approval. The park will include bathrooms in the club house with exterior access for park users.

32. An Affordable Housing Plan, consistent with the Park City Heights Annexation Agreement and as required by LMC Section 15-6-5 (J), shall be reviewed by the Planning Commission and a recommendation shall be forwarded to the Park City Housing Authority. The Park City Housing Authority shall approve the final Park City Heights Affordable Housing Plan prior to issuance of any building permits for units within the MPD.

33. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.

34. A master sign plan for the neighborhood shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.

35. No sound barrier walls or structures along Hwy 40 are permitted within the MPD. To the extent sound mitigation measures are utilized within the MPD, such measures shall be limited to landscaping and berms, energy efficient housing design and insulation, and sound mitigation constructed as part of the design of the dwelling units and shall be reviewed by the Planning Department for compliance with the Design Guidelines.

36. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire on October 26, 2014, unless Construction, as defined by the Uniform Building Code, has commenced on the project.

37. Pursuant to Section 15-6-4 (G) of the LMC, once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.

38. The Park City Soils Boundary shall be identified on the final plats (if applicable).

39. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.

40. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.

41. A re-vegetation plan for all disturbed areas (existing and newly disturbed) that are not landscaped with finished landscaping shall be submitted with the final road and utility plans for each phase. Re-vegetation of all disturbed areas within Phase One, that are not planned to be landscaped with finished landscaping, such as road and utility installation, soil remediation, other existing disturbed areas, shall be completed prior to issuance of the 28th certificate of occupancy for the Park City Heights MPD. If this area is used as a construction staging, construction recycling area, and excavated materials storage area, a new construction staging area will need to be approved by the Planning Department for the remainder of Phase I and for subsequent phases and shall be re-vegetated in a like manner with the issuance of certificates of occupancy for the final units in the respective phase.

42. Noxious weeds shall be managed per the Summit County noxious weeds ordinances during construction and in perpetuity by including regulations in the CMP, Design Guidelines, and CCRs.

43. One additional site visit was required by certified biologists during May or June 2011 to: a) validate the observations of the preliminary biological report and, b) to further study and identify wildlife movement corridors, evidence of species of high public interest (Elk, Moose, Deer, and other small mammals), locations of den or nesting sites, and any areas of high native species diversity. The report, provided to the Planning Department by Logan Simpson Design Inc. on July 7, 2011, included additional recommendations on mitigating impacts of the development on wildlife and wildlife corridors. The report was provided to the Planning Department on July 7, 2011.

44. Clearing and grubbing of vegetation and soils shall be minimized from April through July to avoid disturbance of nesting birds, unless a detailed search for active nests is conducted and submitted to the Planning Director for review by a certified wildlife biologist and any active nests are protected during construction

45. Left blank intentionally.

46. Due to the visual exposure of these lots on the minor ridge, as a condition precedent to building permit issuance for construction of a house on the western perimeter lots, namely Lots 23, 24, 30, 31, 66, 67, 76 and 77 of the preliminary subdivision plat prepared by Ensign and dated 1/17/11, a conditional use permit shall be obtained if

proposed building heights are greater than 28 feet. Lots 23, 24, 30, 31, 66 and 67 have been moved down the hill farther away from the minor ridge as much as possible and the concern for visual exposure is lessened with the revised plan. Lots 76 and 77 remain the same.

47. The applicants shall approach the adjacent property owner to the west to explore a mutually agreeable plan for incorporating the parcel into the Park City MPD and transferring density to the Park City Heights neighborhood in exchange for open space designation of this highly sensitive and visible parcel of land and the potential to relocate the upper western cul-de-sac to a less visible location.

48. All work within the Rail Trail ROW requires review by and permits issued by the Utah State Parks/Mountain Trails Foundation, in addition to the City. The Rail Trail shall remain open to pedestrians during construction to the extent possible.

49. High energy use amenities, such as snow melt systems, heated driveways, exterior heated pools and fireplaces, shall require energy off-sets and/or require the power to be from alternative energy sources, as described in the Park City Heights Design Guidelines.

50. All conditions, requirements, and stipulations of the Park City Heights Annexation Agreement and Water Agreement continue to apply to this MPD.

51. The final MPD phasing plan shall be consistent with conditions of the Water Agreement as to provision of public services and facilities.

52. All transportation mitigation requirements, as stated in the Annexation Agreement, continue to apply to this MPD.

53. The Applicant must meet all applicable bonding requirements.

54. Bus shelters on both the north and south sides of Richardson Flat Road shall be constructed within 60 days of issuance of the 40th certificate of occupancy. The shelter design and location shall be approved by the City Planning, Engineering, Building, and Transportation Departments and shall include a sign with the phone number of the Park City Bus service dial-a-ride. Information regarding the dial-a-ride service shall be posted within the shelters.

55. Sheet c4.0 (LOD Erosion Control Plan) shall be amended as follows: Note 1 shall read that the LOD for roadways is not to extend beyond 3' from the cut/fill limits as shown on the plan. Note 2: A 4 to 6 foot engineered wall shall be used in areas outside the limits of future home and driveway construction and where proposed cut/fill is in excess of 10' vertical as measured from the top back of curb to cut/fill catch point. Note 3: Proposed retaining walls shall not exceed 6 feet where they are necessary. A system of 4' to 6' walls with no individual wall exceeding 6', (i.e. tiered walls) may be used. The walls shall be separated by a 3' landscaped area from top back of lower wall to toe of upper wall. Note 4: Exceptions to these standards may be granted by the Planning

Commission at the time of final subdivision plat review as necessary to minimize overall total disturbance.

56. House size limitations for all lots within the MPD shall be identified in the Design Guidelines subject to further appropriate reduction if found necessary during the final subdivision plat process, taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, solar access of adjacent lots, onsite snow storage, and ability to achieve LEED for Homes Silver rating to meet the applicable standards of LMC 15-7.3-3.

Nothing herein shall preclude the applicant from proposing alternative methods of mitigation. Specifically, and without limitation, the Design Guidelines shall provide that house sizes of the Homestead lots shall be no greater than the following: (as delineated below by lot numbers per the preliminary plat prepared by Ensign and dated 1/17/11)

Lots 58 thru 66- 4000 square feet
Lots 130 thru 154- 4000 square feet
Lots 163 thru 164- 4000 square feet
Lots 70 thru 72- 5000 square feet
Lots 105 thru 129- 5000 square feet
Lots 155 thru 156- 5000 square feet
Lots 77 thru 98- 6000 square feet

The Design Guidelines shall reflect a preference for smaller homes consistent with (a) “best practices” in sustainable design and development to address the materials and energy impacts of larger homes and (b) the historic pattern of residential development in Old Town.

57. The Park City Heights Design Guidelines were approved by the Planning Commission prior to ratification of the Development Agreement by the Planning Commission and shall be used to review all activity and permits for compliance with the MPD.

58. The Park City Heights Design Guidelines are an integral component of the Park City Heights MPD and substantive amendments to the Design Guidelines require Planning Commission approval. Minor amendments shall be reviewed by the Planning Director for consideration and approval.

59. Adequate snow storage easements, as determined in consultation with the Park City Public Works, will be granted to accommodate for the on-site storage of snow. Snow storage shall not block internal pedestrian sidewalks and circulation trails. Removal of snow from the Park City Heights MPD is discouraged with the final decision to haul snow from this area to be made by the City’s Public Works Director. The soil repository shall not be utilized for snow storage. Stormwater detention areas to the west of the designed repository shall be allowed to be utilized for snow storage as well as stormwater.

60. To further encourage non-vehicular transportation, trail maps will be posted in the clubhouse for the benefit of future residents. There will also be a ride-share board located within the clubhouse that residents may utilize in order to plan carpooling which will further limit trips from the development. The dial-a-ride phone number shall be posted at the ride-share board. The HOA shall post information and consider a bike-share program.

61. The Park City Heights Design Guidelines and CCRs shall include information related to the history of the site and Quinn's Junction region.

62. All transportation mitigation elements, as required by the Park City Heights Annexation Agreement (July 2, 2010) continue to apply to this MPD. The Applicants, as required by the Annexation Agreement, shall complete, with the first Phase (first 90 UEs) of the MPD (as described in the Annexation Agreement), the SR248/Richardson Flat intersection improvements with all required deceleration and acceleration lanes; and shall include the required infrastructure (fiber optic, control boxes, computer links, etc.) to synchronize this traffic signal with the UDOT coordinated signal system on SR 248, within the Park City limits at the time of this MPD. At the time the traffic signal is installed, the Applicants shall request in writing that UDOT fully synchronize signals along SR 248, with supporting data as applicable. Required improvements to Richardson Flat Road, including 5' wide bike lanes, as stated in the Annexation Agreement, shall be complete with the first Phase (first 90 UEs) of the MPD. The cost sharing methodology between the Applicants and any assigns, for these mitigation elements, shall be detailed in the Park City Heights Development Agreement. The Applicant shall provide an annual assessment of traffic counts and bus needs generated by the MPD for five (5) consecutive years following issuance of the first certificate of occupancy. The applicants shall participate with the City to conduct an annual assessment, which shall include peak period counts of both summer and winter traffic in the vicinity of the SR 248/Richardson Flat Road intersection, and submit such to UDOT. This information shall be coordinated with best available UDOT data and analysis. This assessment shall be incorporated into ongoing Park City Transportation Master Plan and the Park City Transit planning efforts with UDOT. This information shall be presented annually to the Planning Commission in conjunction with an update of the City Transportation Master Plan.

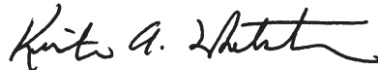
63. Prior to commencing any work to remediate metals impacted soils, a copy of the Utah Department of Environmental Quality approved remediation plan, prepared as part of the Utah Voluntary Clean-Up Program (VCP), shall be provided to the City.

64. The results and report of the soils investigation work prepared by IHI Environmental (May 6, 2013) that identifies and locates historic mine soils, and the remediation plan submitted to and approved by the State Department of Environmental Quality as part of the Voluntary Cleanup Program, shall be provided to the Building Department prior to issuance of any building permits for development of streets, utilities, lots, trails, parks, and all construction that requires disturbance of soil.

65. The applicants stipulate to a condition that a disclosure regarding the developer's participation in the Voluntary Clean-up Program and receipt of certificate of completion shall be included in the CCRs.

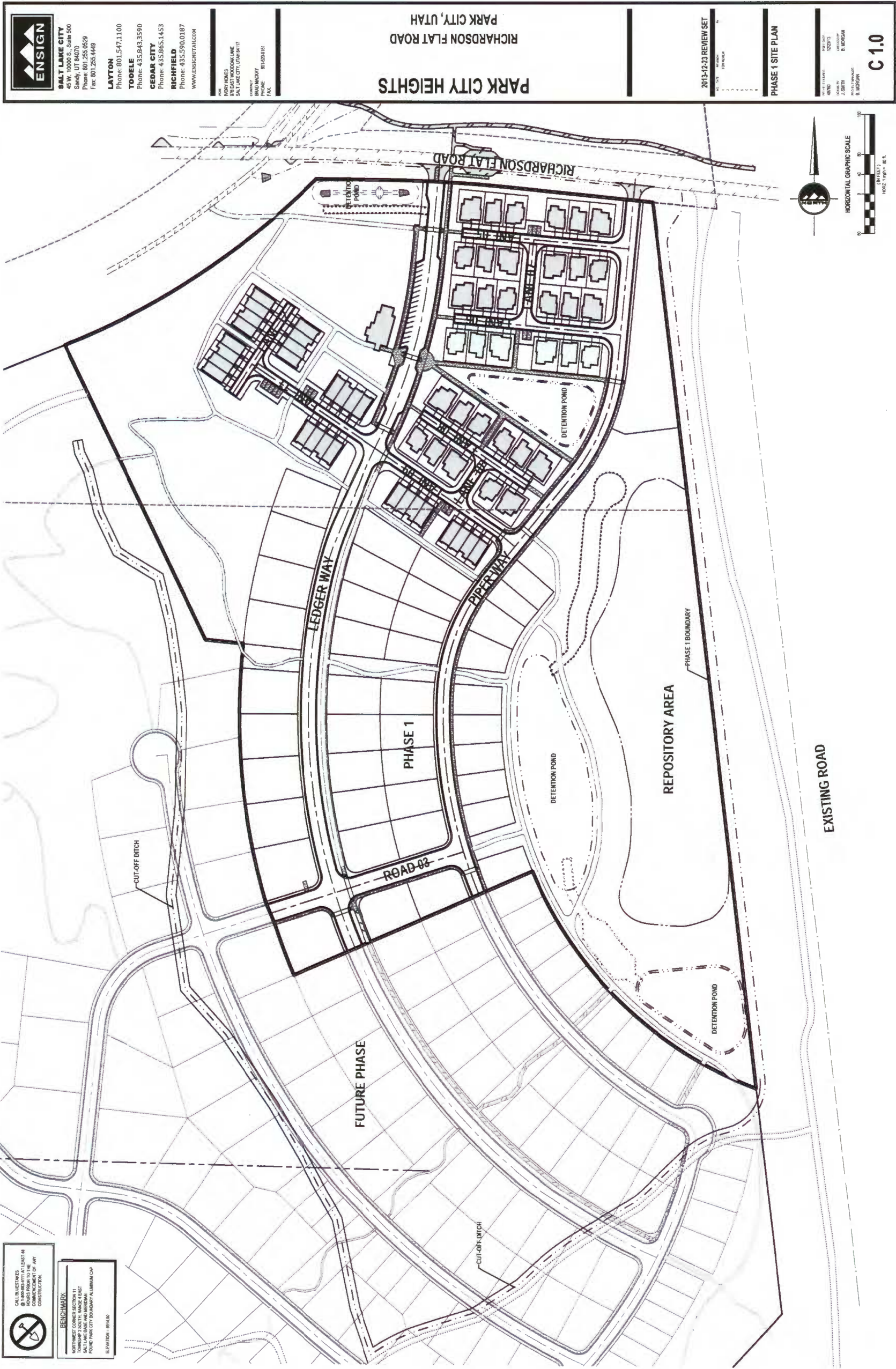
If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5066.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirsten A. Whetstone, MS, AICP
Senior Planner

File





SALT LAKE CITY
4740 FARM ROAD, SUITE 300
SANDY, UT 84070
Phone: 801.255.0529
Fax: 801.255.4449

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.590.0187
WWW.ENSIGNUTAH.COM

FOR MORE
BUTTE RICHFIELD
SALT LAKE CITY, UT 84117
CONTACT
JENNIFER HARRIS
PHONE: 801.547.1117
FAX:

PARK CITY HEIGHTS
RICHARDSON FLAT ROAD
PARK CITY, UTAH

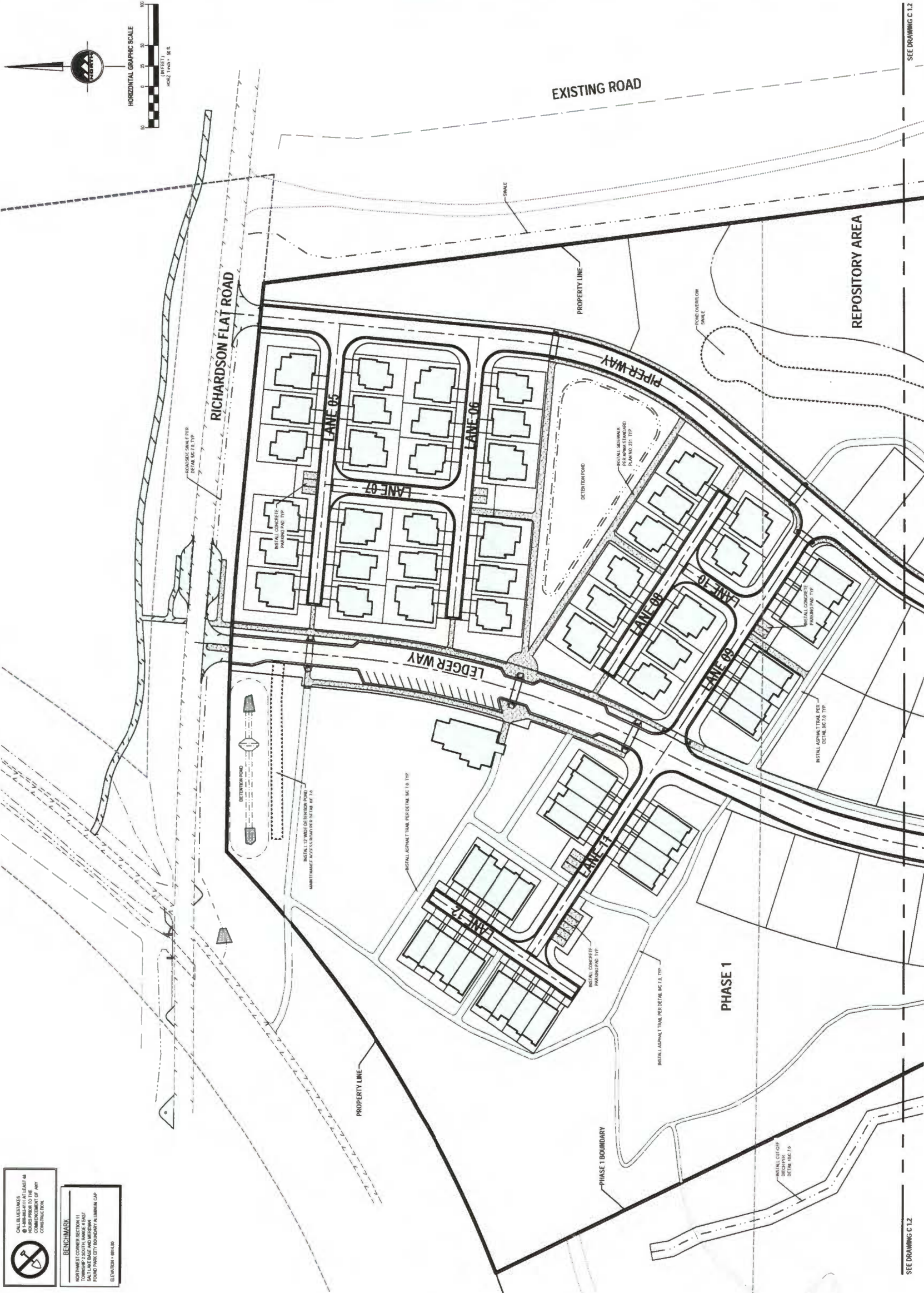
2013-12-23 REVIEW SET

DATE: 12/23/13
BY: J. SMITH
FOR REVIEW

SITE PLAN

PROJECT: 13-000000
SHEET: 13-000000
J. SMITH
B. MORGAN
B. MORGAN

C1.1





CALL SURVEYOR
@ 1-800-841-1111 AT LEAST 48
HOURS BEFORE THE
COMMENCEMENT OF ANY
CONSTRUCTION.

BENCHMARK
TOWN OF PARK CITY
SALT LAKE BASE AND MERIDIAN
POINT PARK CITY BOUNDARY ALUMINUM LIP
ELEVATION = 8844.20



SALT LAKE CITY
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PARK CITY HEIGHTS
RICHARDSON FLAT ROAD
PARK CITY, UTAH

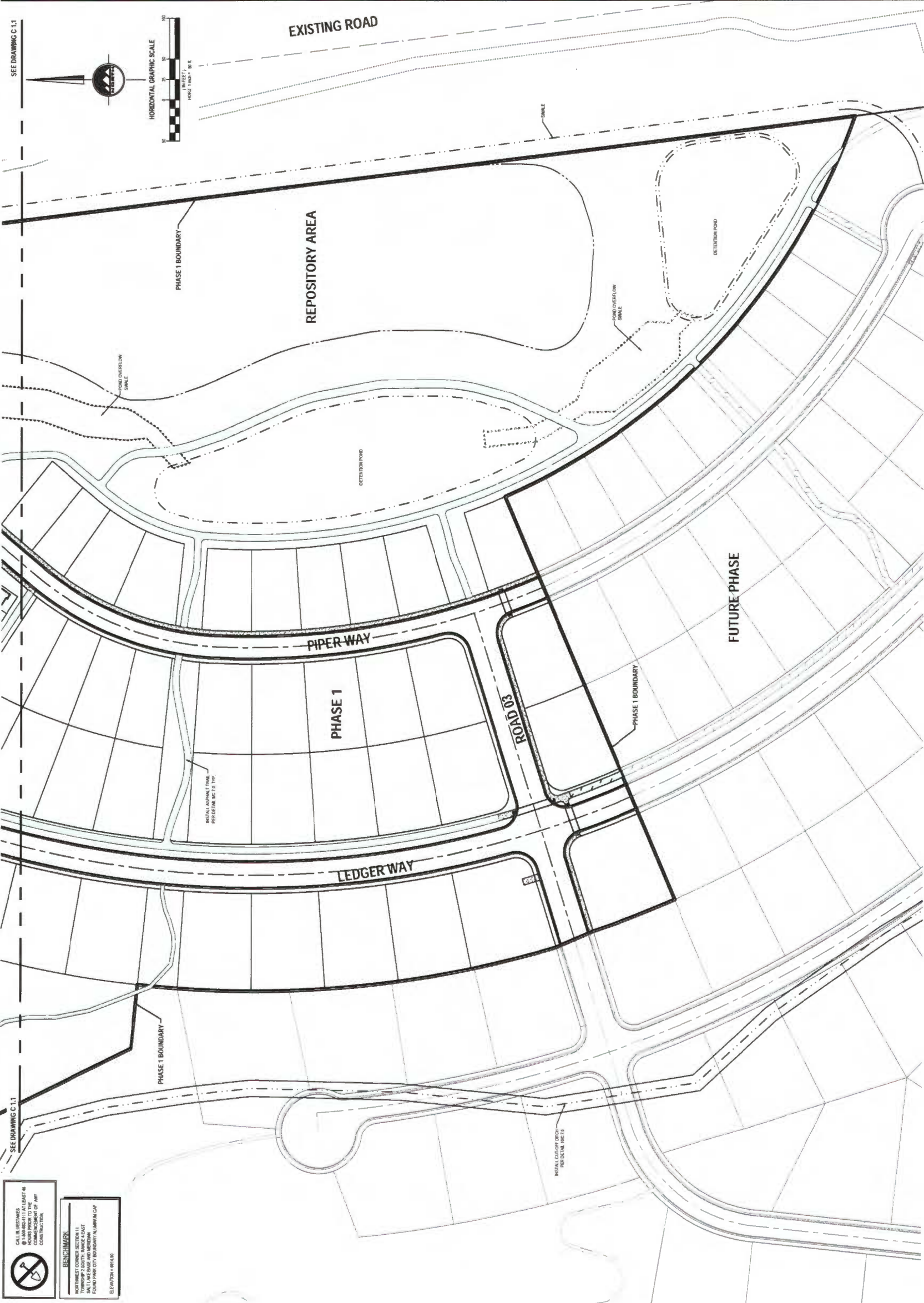
2013-12-23 REVIEW SET

DATE: 12/23/13
BY: J. SMITH
FOR REVIEW

SITE PLAN

PROJECT NUMBER: 43300
DATE: 12/23/13
DRAWN BY: J. SMITH
CHECKED BY: B. MORGAN
IN CHARGE: B. MORGAN

C1.2





SALT LAKE CITY
45 W. 1000 S., Suite 500
Salt Lake City, UT 84107
Phone: 801.255.0529
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PARK CITY HEIGHTS

RICHARDSON FLAT ROAD

PARK CITY, UTAH

2013-12-23 REVIEW SET

NO. DATE

BY

FOR

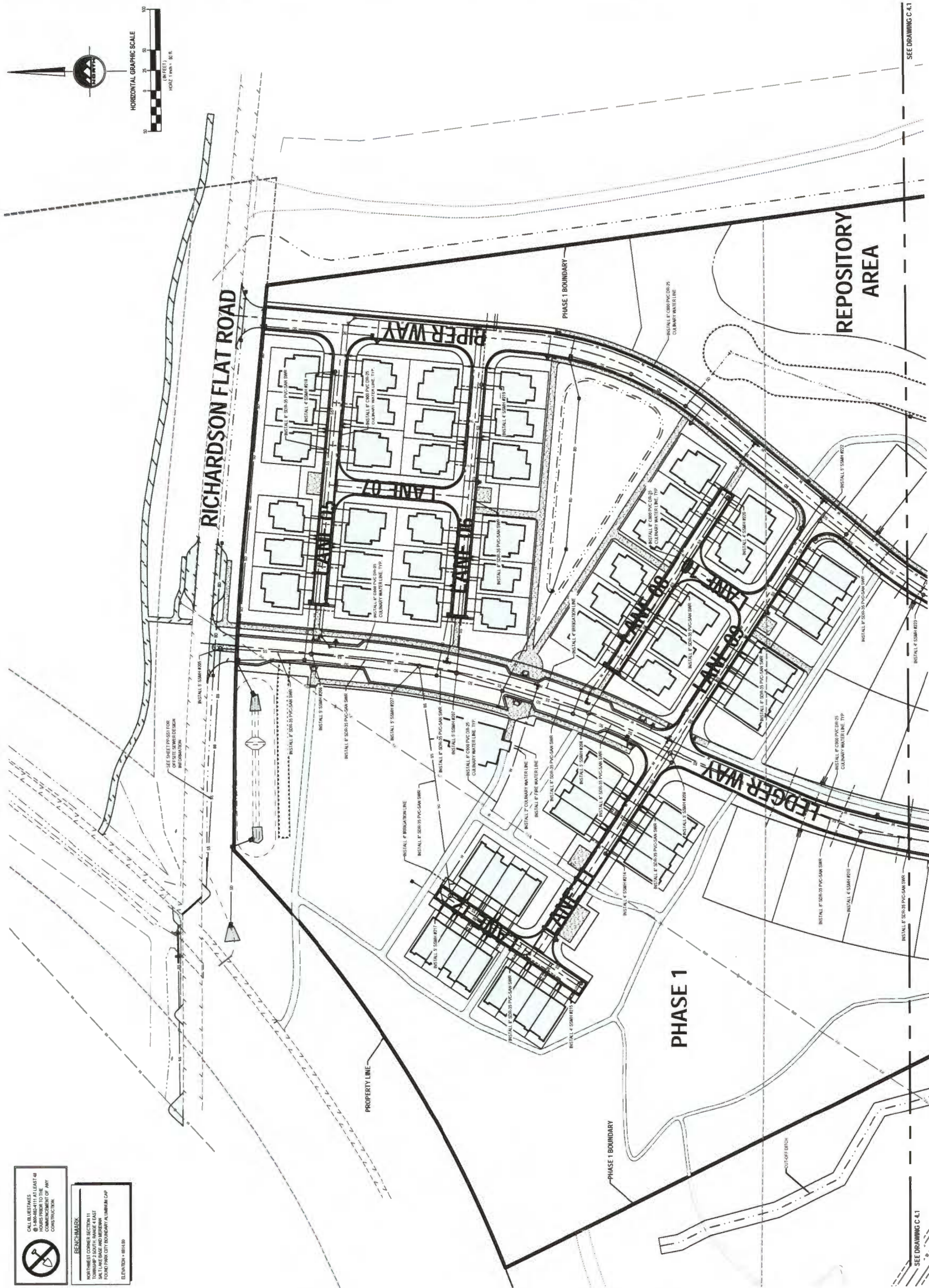
DATE

UTILITY PLAN

PROJECT TEAM
OWNER
DESIGNER
CITY ENGINEER
CITY CLERK
CITY ATTORNEY
CITY MANAGER
CITY COMMISSIONER

J. SMITH
B. MORGAN
B. MORGAN
B. MORGAN
B. MORGAN
B. MORGAN
B. MORGAN

C4.0





CALL OUTS MUST BE PLACED AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

BENCHMARK

NORTHWEST CORNER SECTION 11
TOWNSHIP 3 NORTH, RANGE 4 EAST
AS SHOWN ON THE PLAT OF THE
PARK CITY HEIGHTS SUBDIVISION

ELEVATION = 8148.8



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PARK CITY HEIGHTS

RICHARDSON FLAT ROAD

PARK CITY, UTAH

2013-12-23 REVIEW SET

NO. 1000 100' 200' 300' 400' 500' 600' 700' 800' 900' 1000'

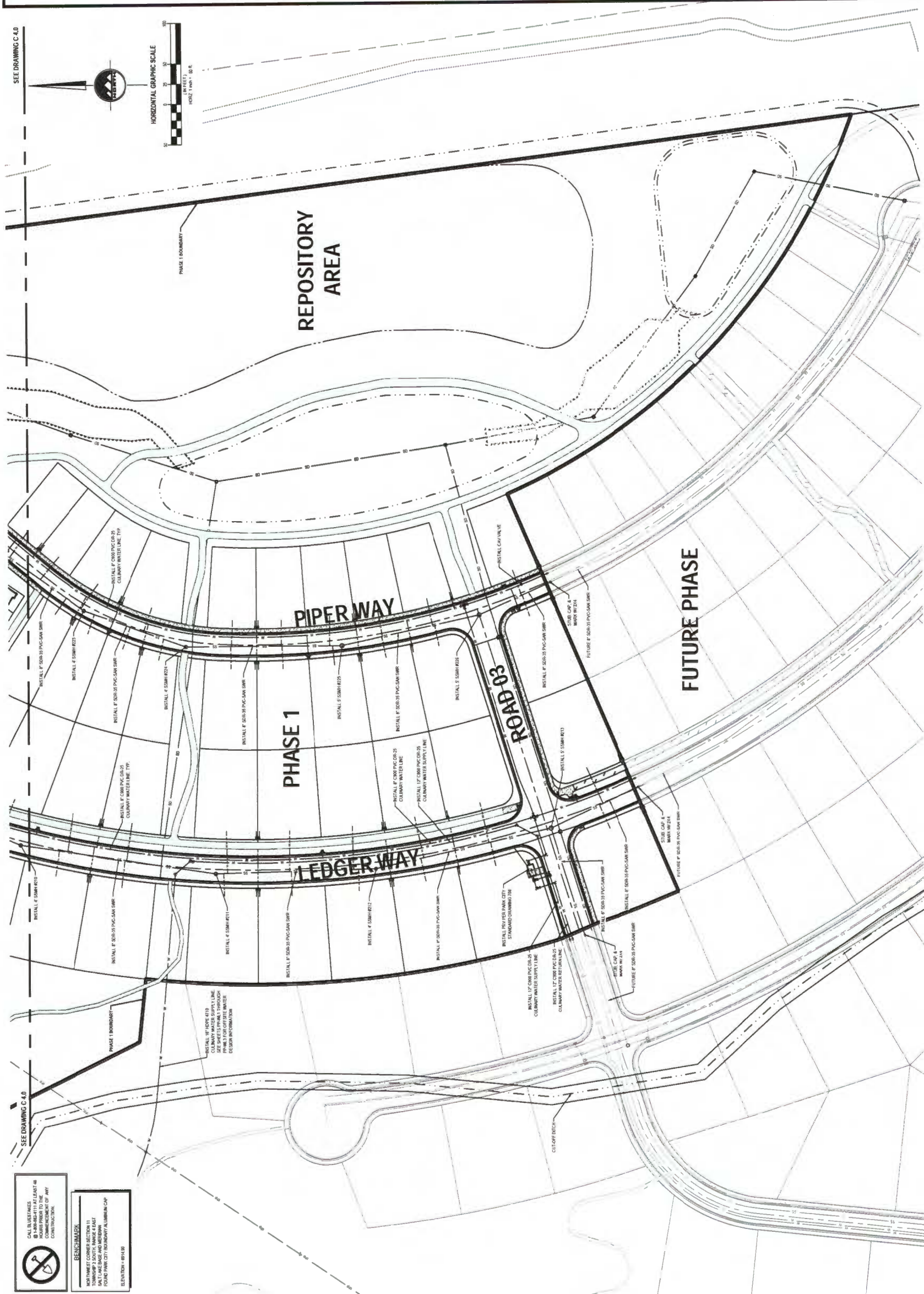
DATE: 12/23/13

BY: S. MORGAN

FOR REVIEW

UTILITY PLAN

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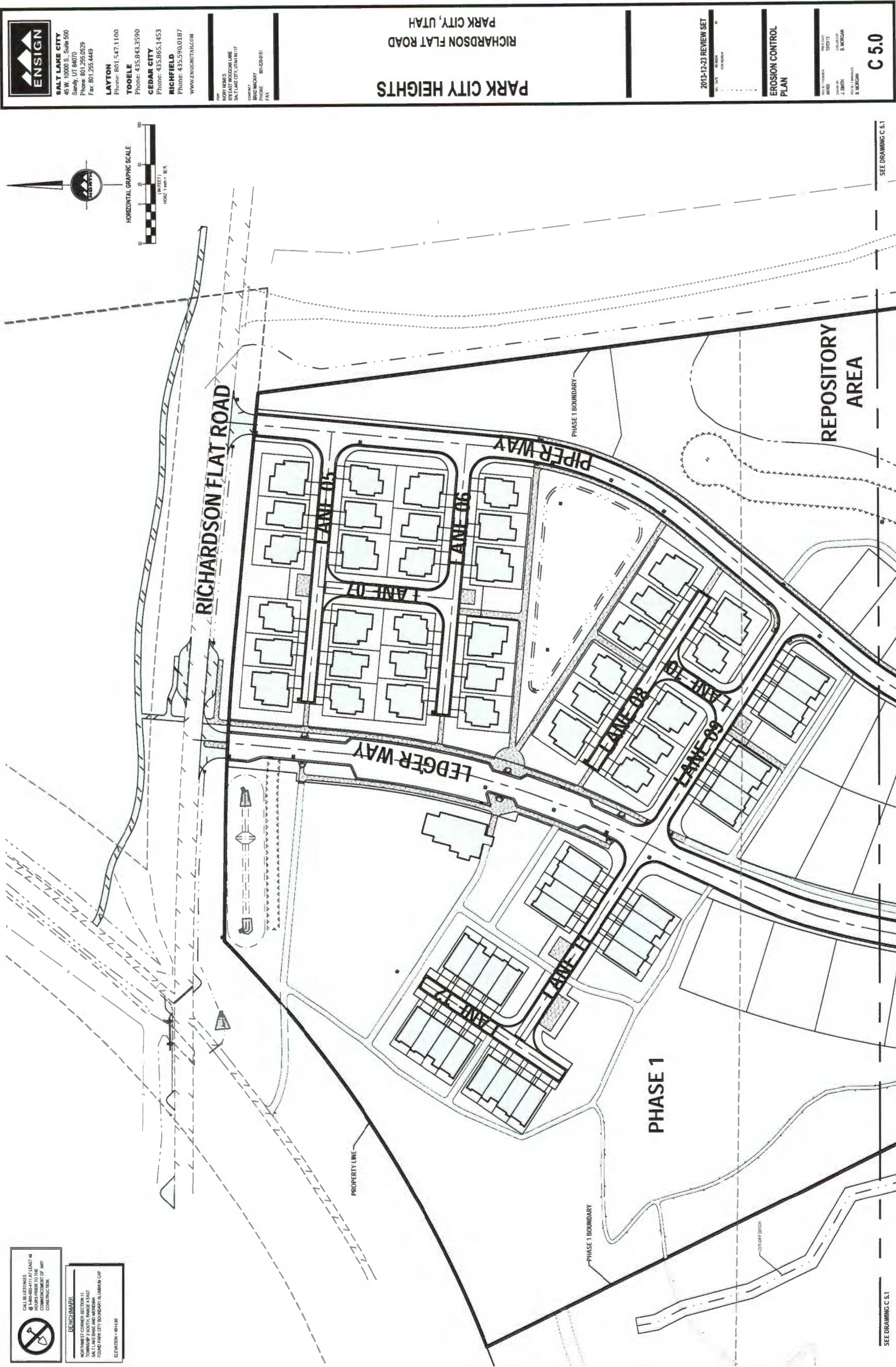


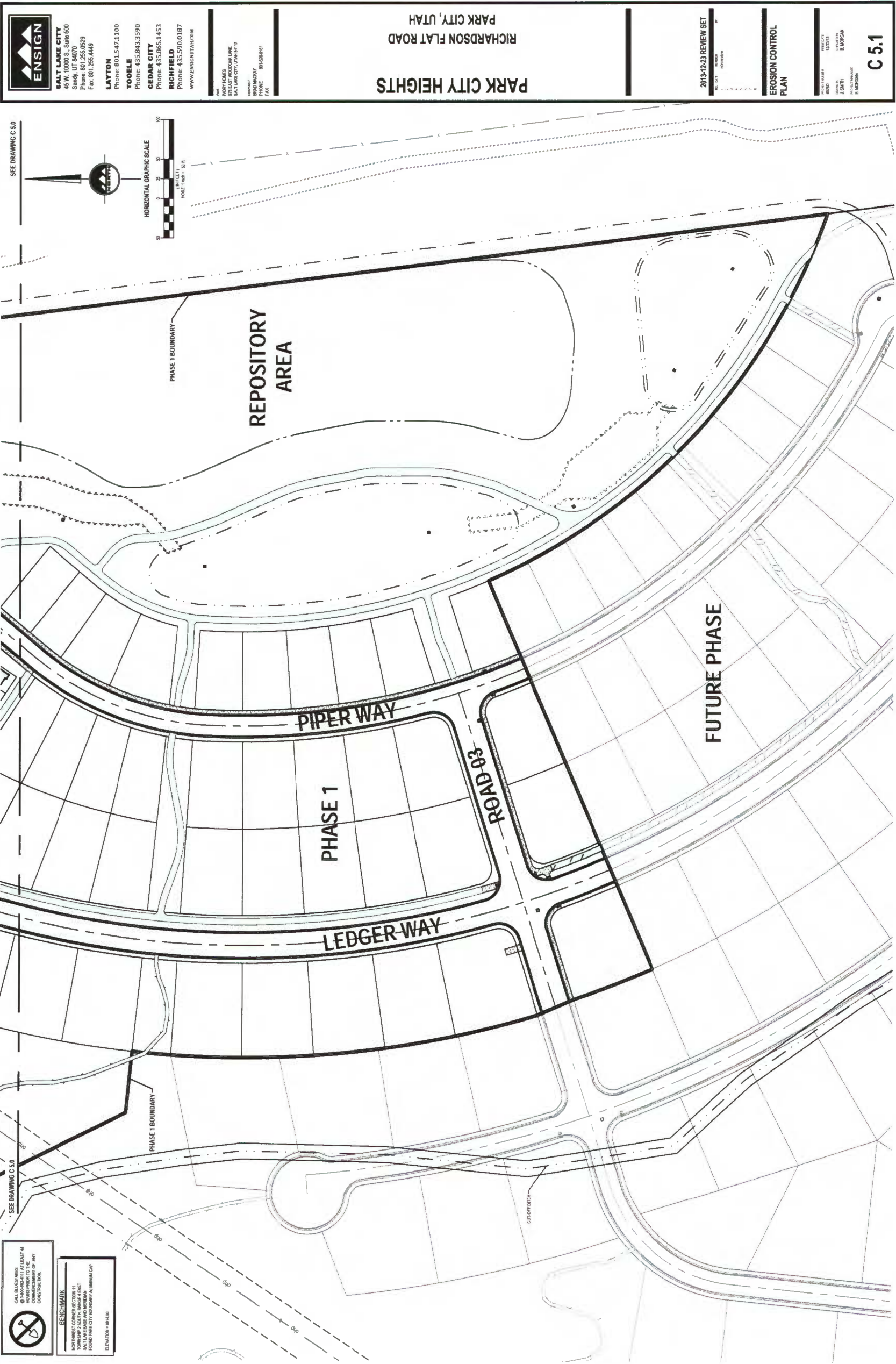


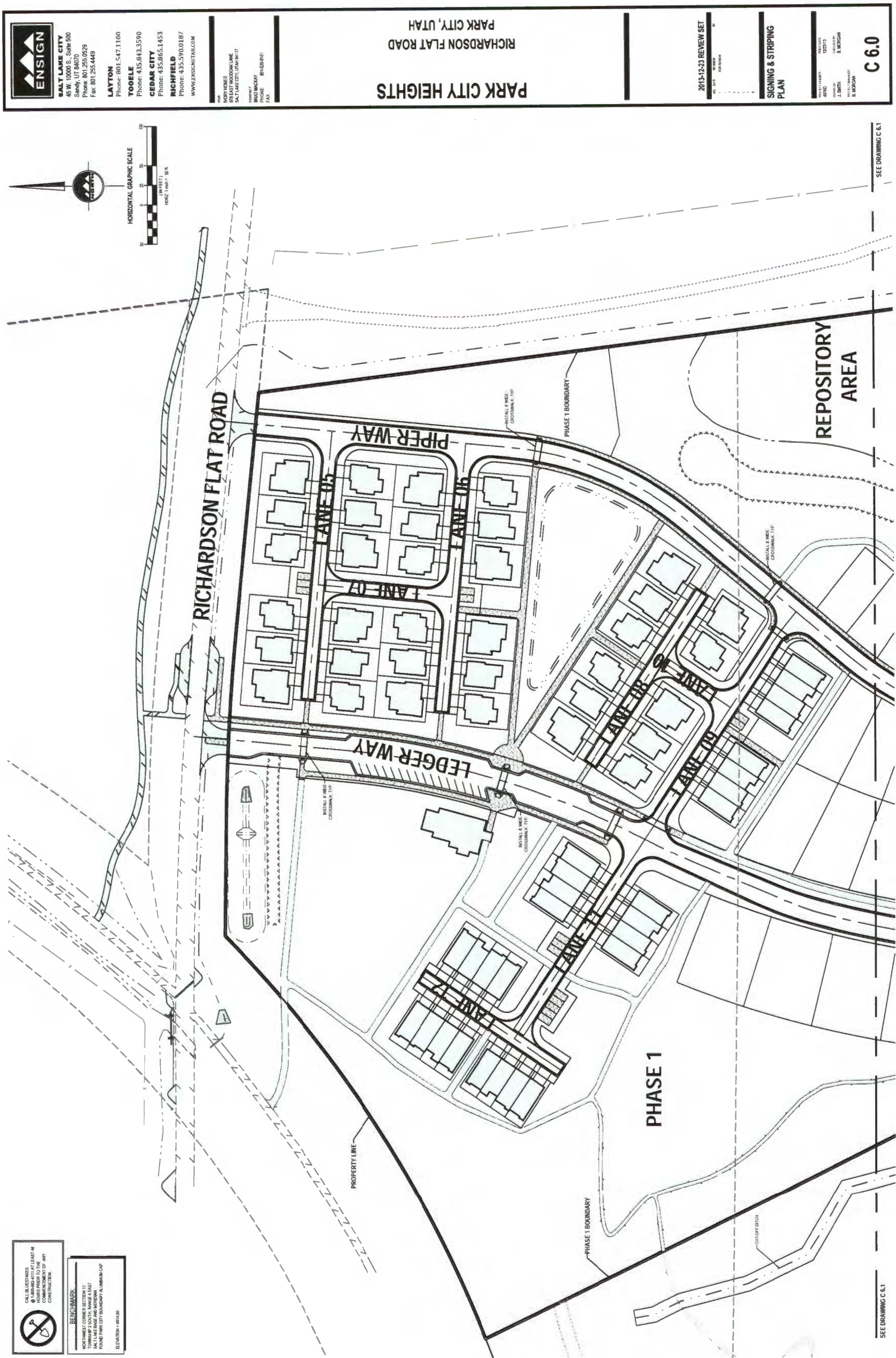
CALL BUSSTAKES
801-255-4111 AT LEAST 48
HOURS BEFORE ANY
COMMENCEMENT OF ANY
CONSTRUCTION.

BENCHMARK

WATER MAINS AND SEWER MAINS
TOWNSHIP SOUTH RANGE EAST
SALT LAKE BASIN AND MORGAN
FOURTH PARK CITY BOUNDARY ALUMINUM CAP
ELEVATION = 4014.00









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CEDAR CITY
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RICHFIELD
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PARK CITY HEIGHTS

RICHARDSON FLAT ROAD

PARK CITY, UTAH

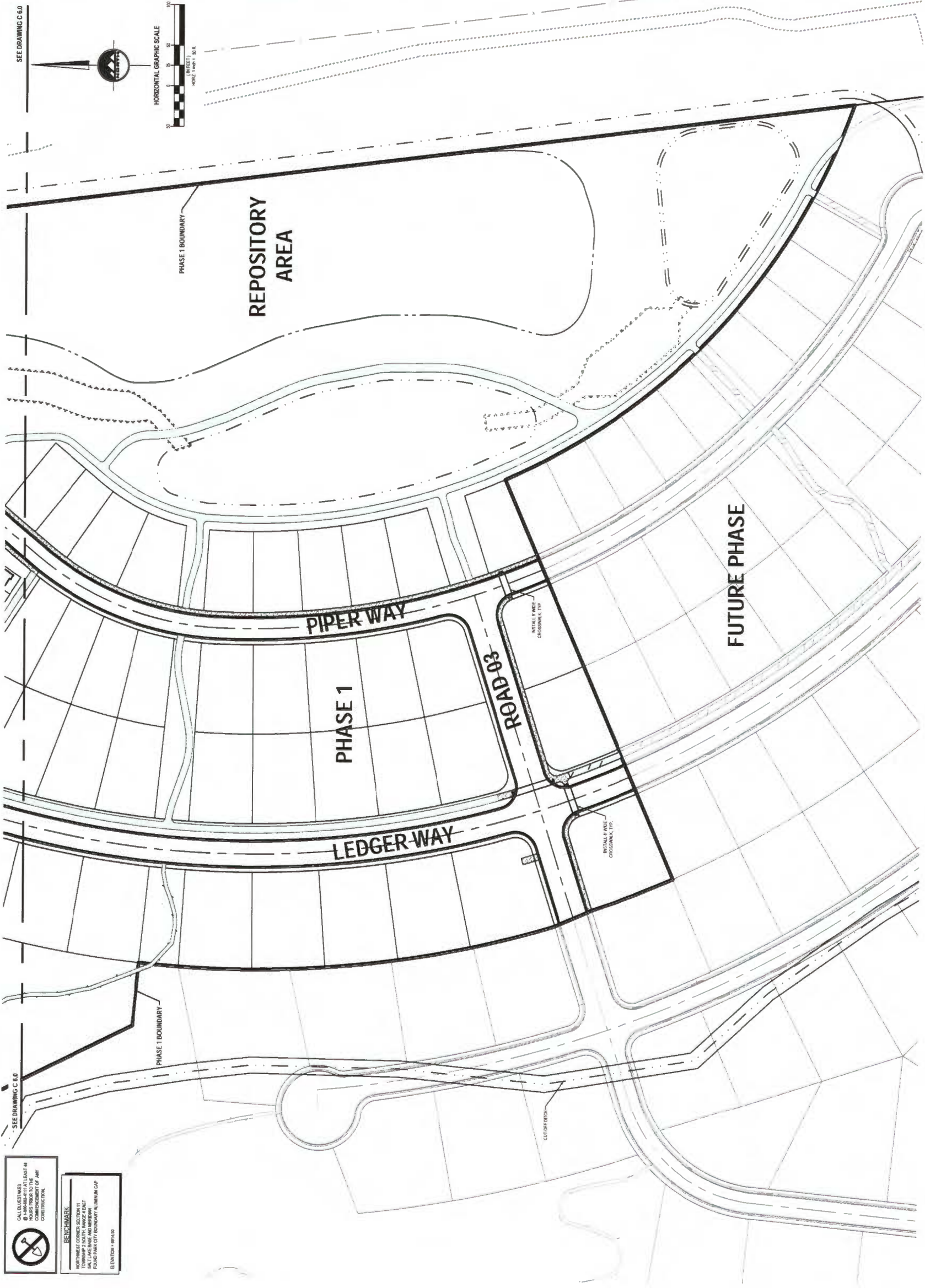
2013-12-23 REVIEW SET

DATE: 12/23/13
BY: J. SMITH
FOR: PARK CITY

SIGNING & STRIPING PLAN

PROJECT NUMBER: 4580
DATE: 12/23/13
DESIGNED BY: J. SMITH
CHECKED BY: B. JOHNSON

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CALL FOR DETAILS
@ 1-800-868-4111 AT LEAST 48
HOURS BEFORE CONSTRUCTION
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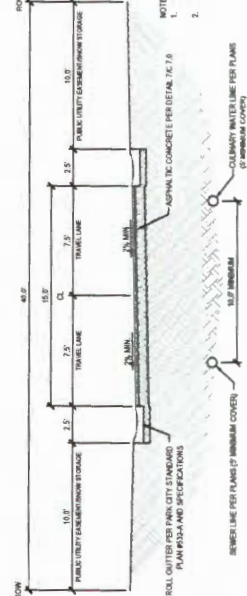
BENCHMARK

NORTHWEST CORNER SECTION 11
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ELEVATION: 8941.00

CALL TO SURVEYORS
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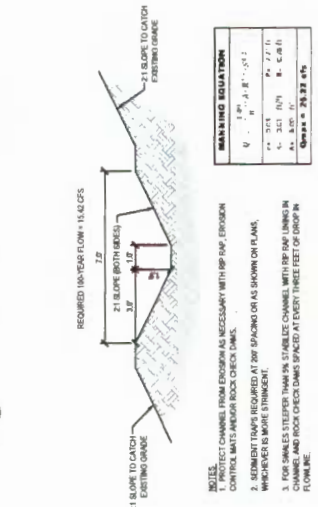
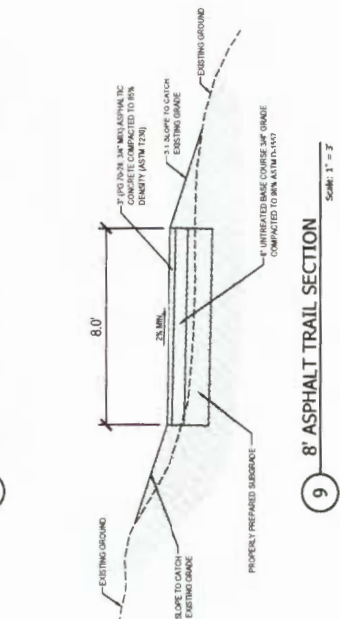
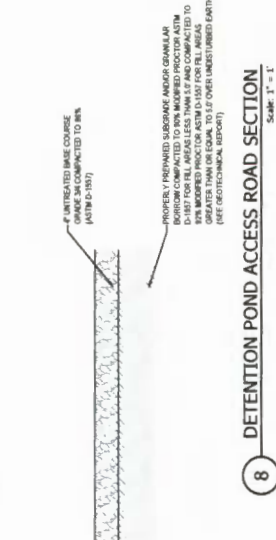
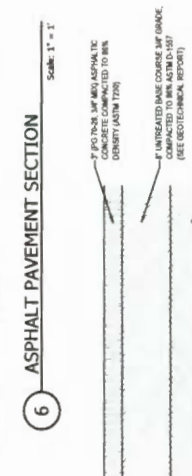
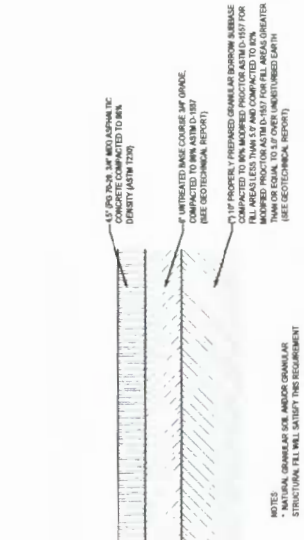
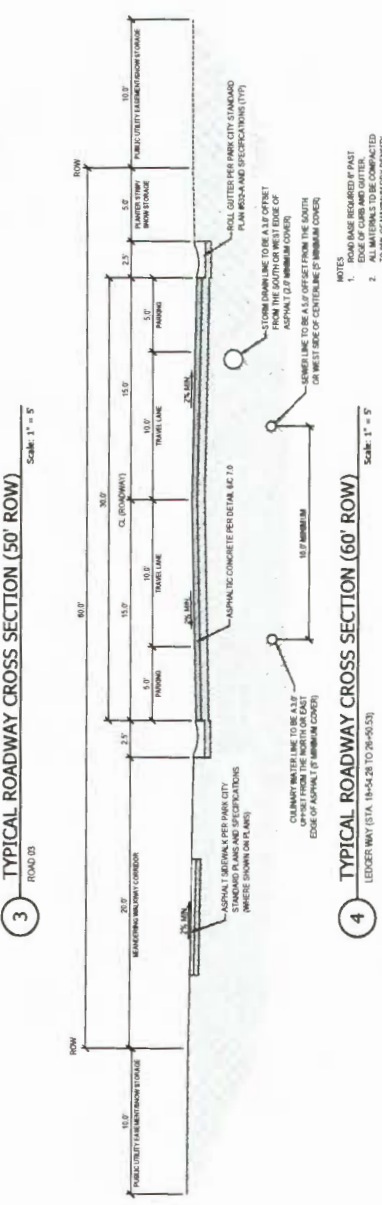
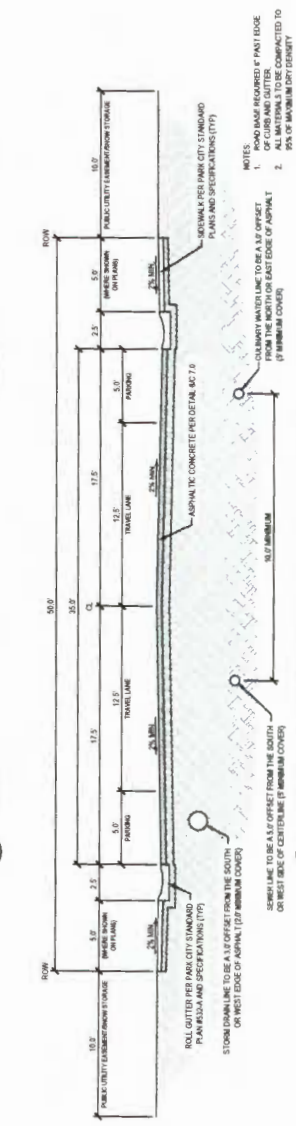
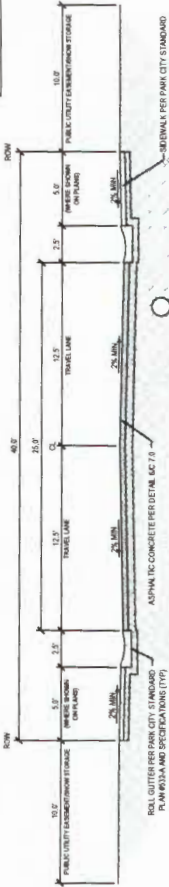
BENCHMARK

NORTHING 47,000.00
EASTING 10,000.00
ELEVATION 4,000.00



REMARKS:

- ALL ROADWAYS MUST BE DESIGNED TO A MINIMUM OF 10% MAXIMUM DENSITY.
- CONTRACTOR TO COMPLY WITH THE RECOMMENDATIONS PROVIDED BY THE GEOTECHNICAL ENGINEER FOR THIS PROJECT REGARDING SITE PREPARATION, GRADING, COMPACTION, ETC.
- COMPACT PER ASPHALT SECTION (SEE TO A MODIFIED PROCTOR DENSITY OF 95% OR GREATER).



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PARK CITY HEIGHTS
RICHARDSON FLAT ROAD
PARK CITY, UTAH

2013-12-23 REVIEW SET

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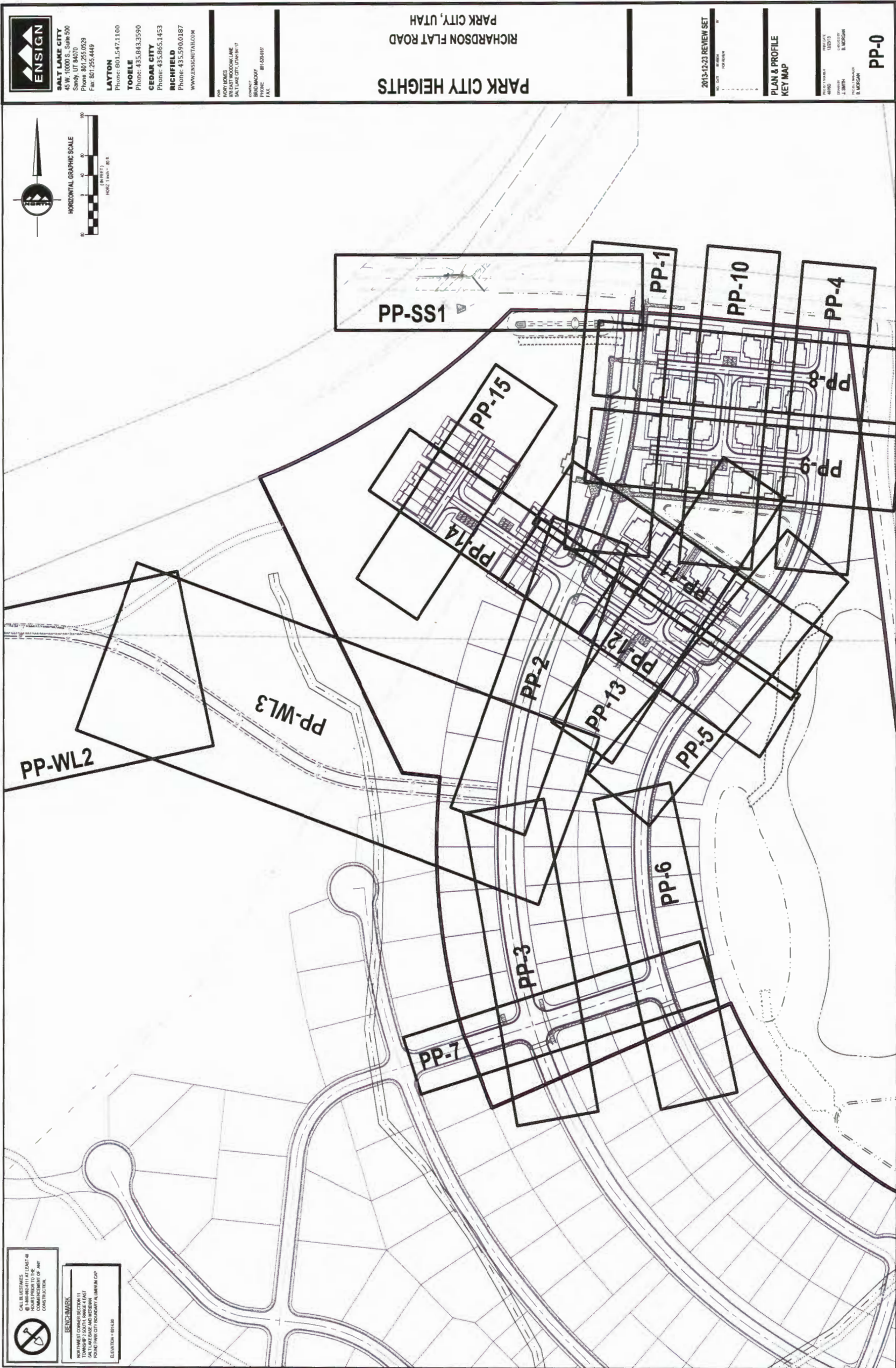
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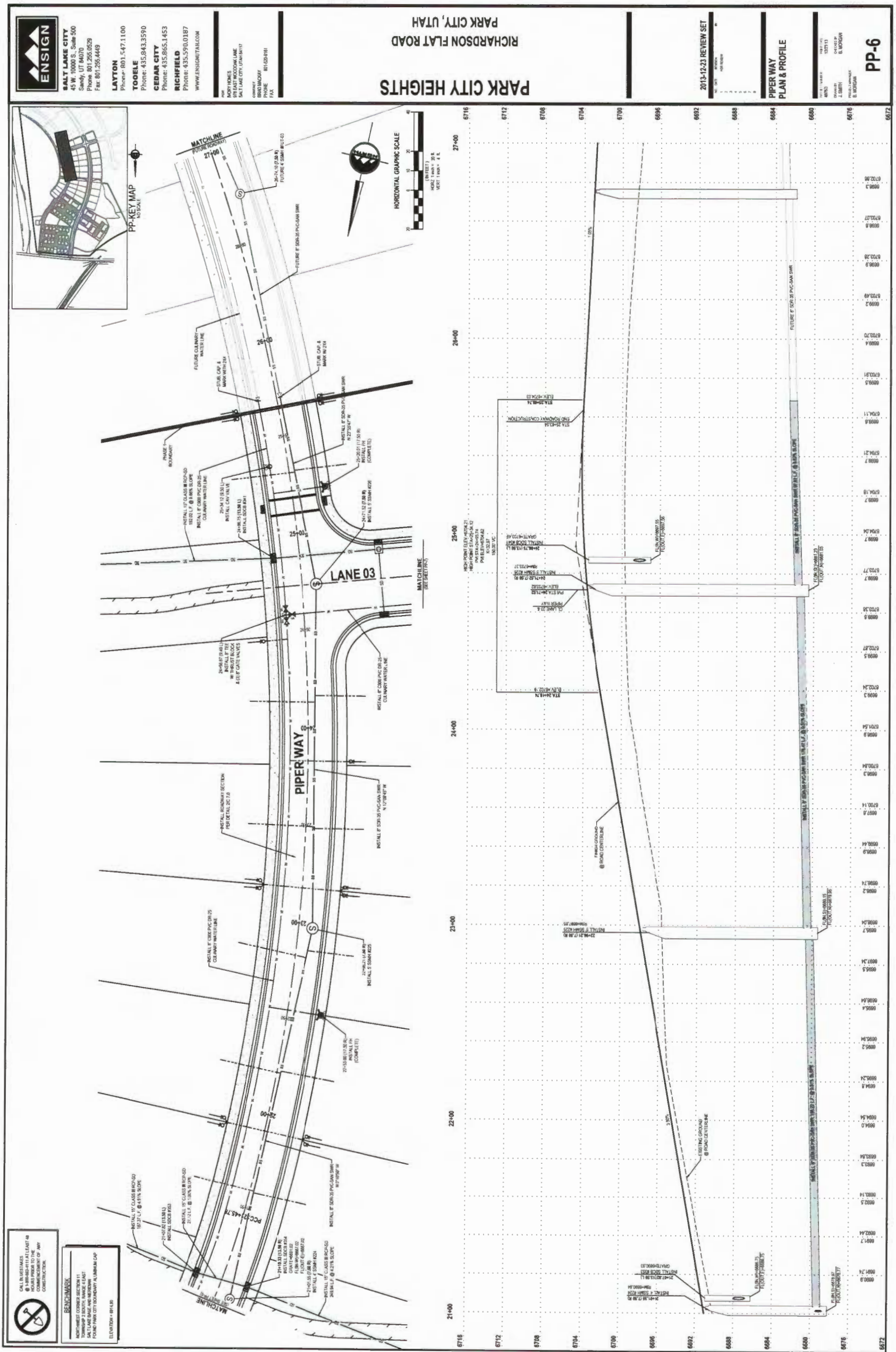
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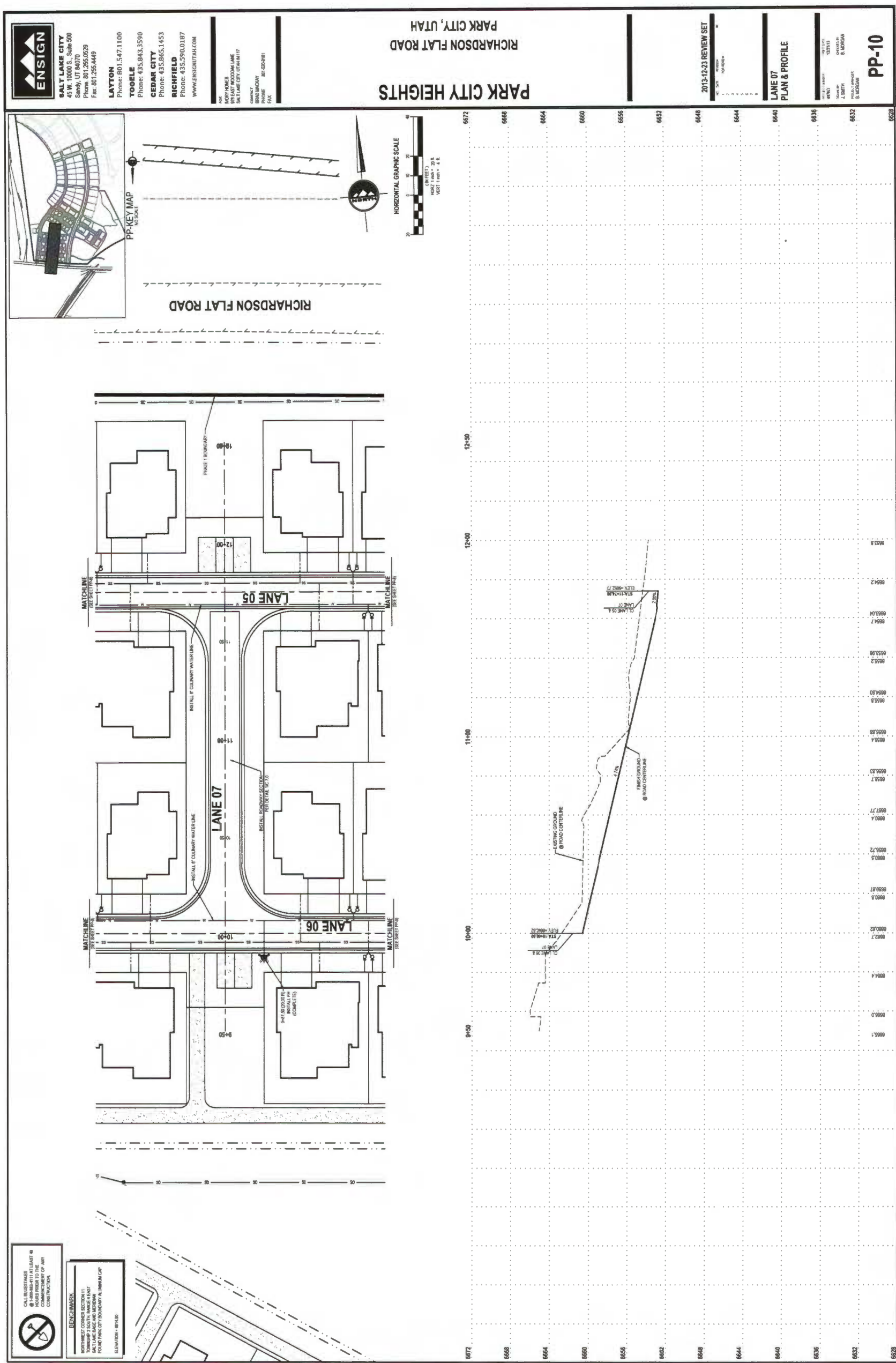
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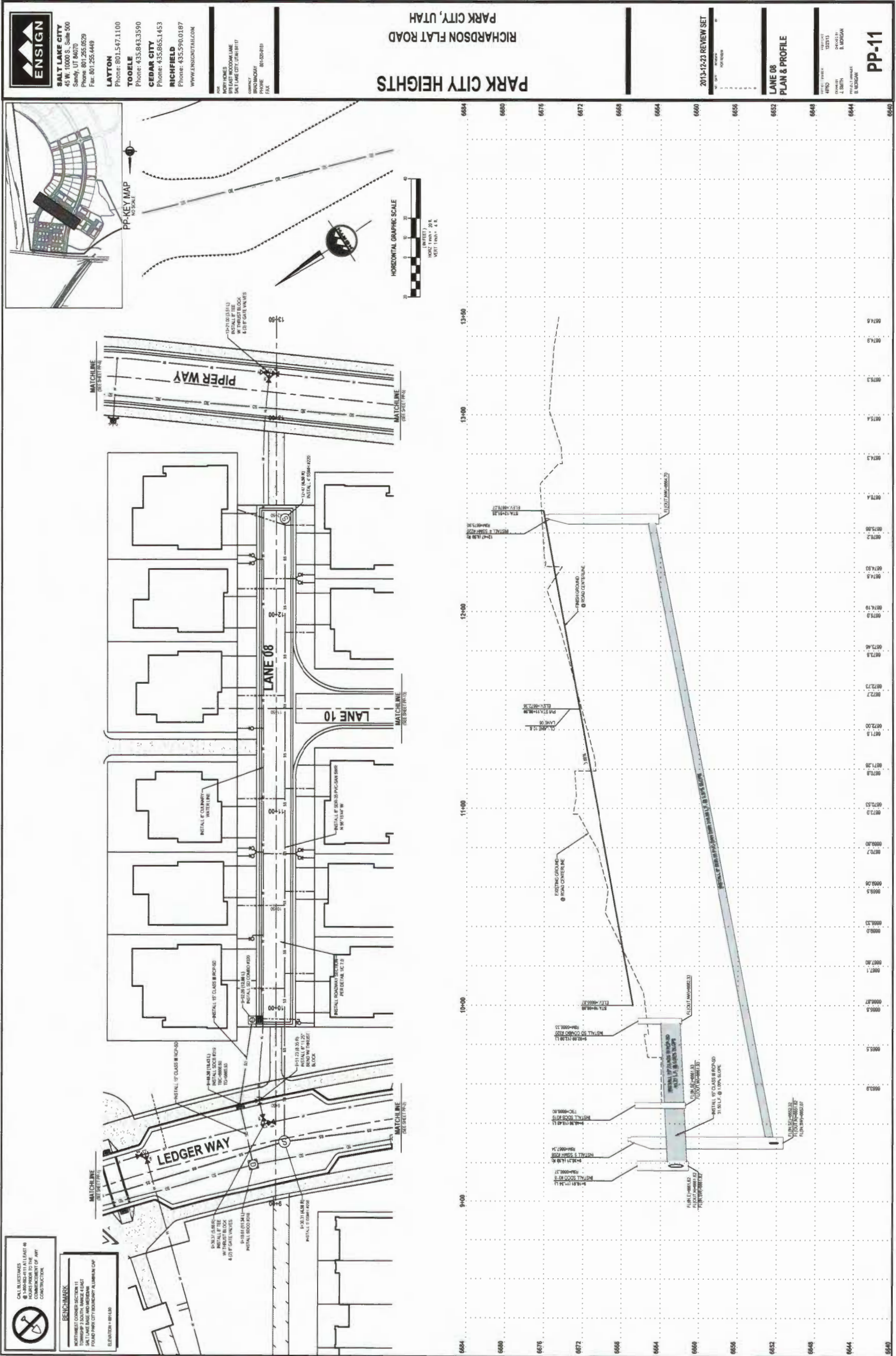
TYPICAL ROADWAY SECTIONS & STANDARD DETAILS

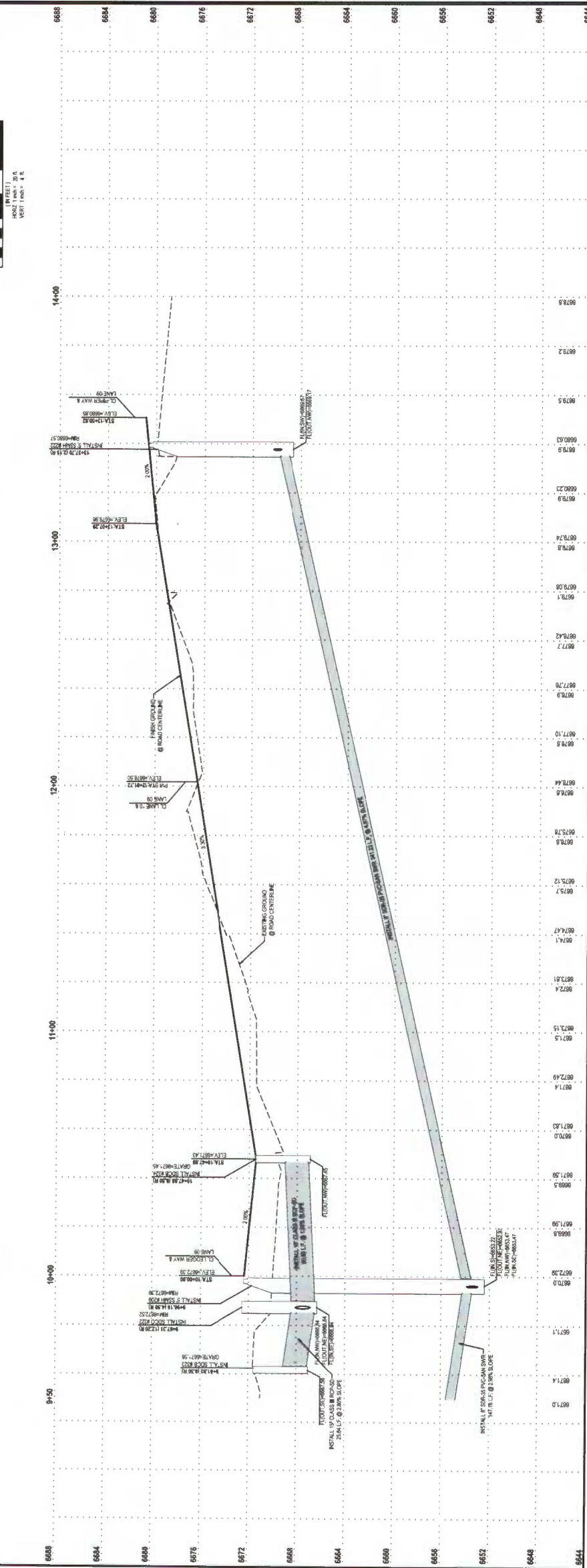
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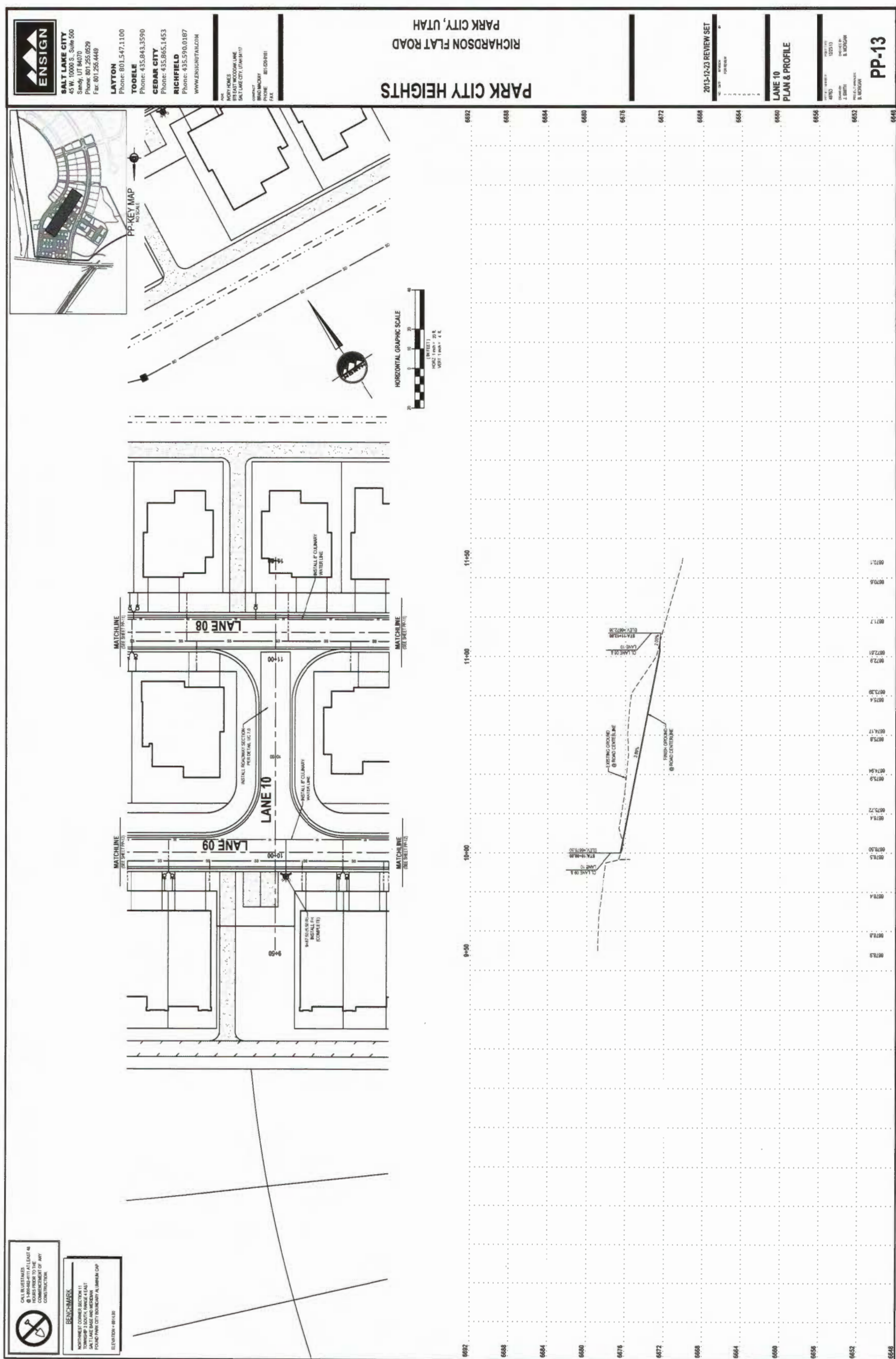














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FOR MORE HOMES
975 EAST WOODBINE
SALT LAKE CITY, UT 84117

OWNER
PARK CITY, UTAH
PHONE: 801.525.0281
FAX:

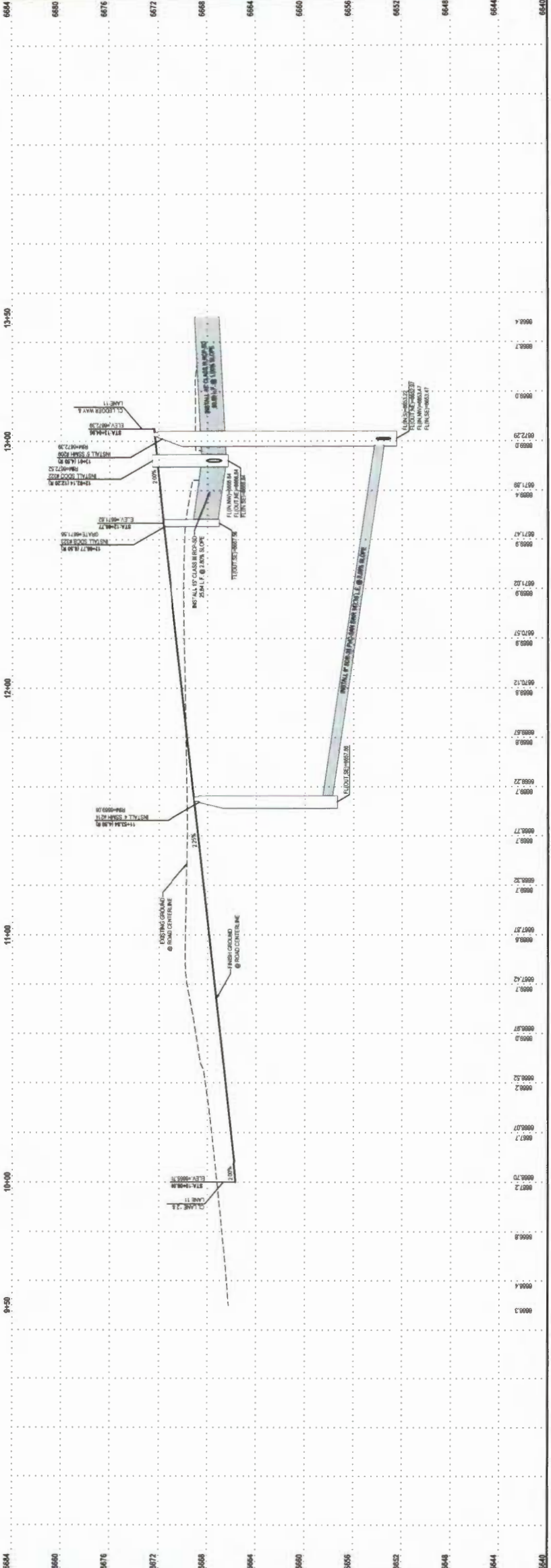
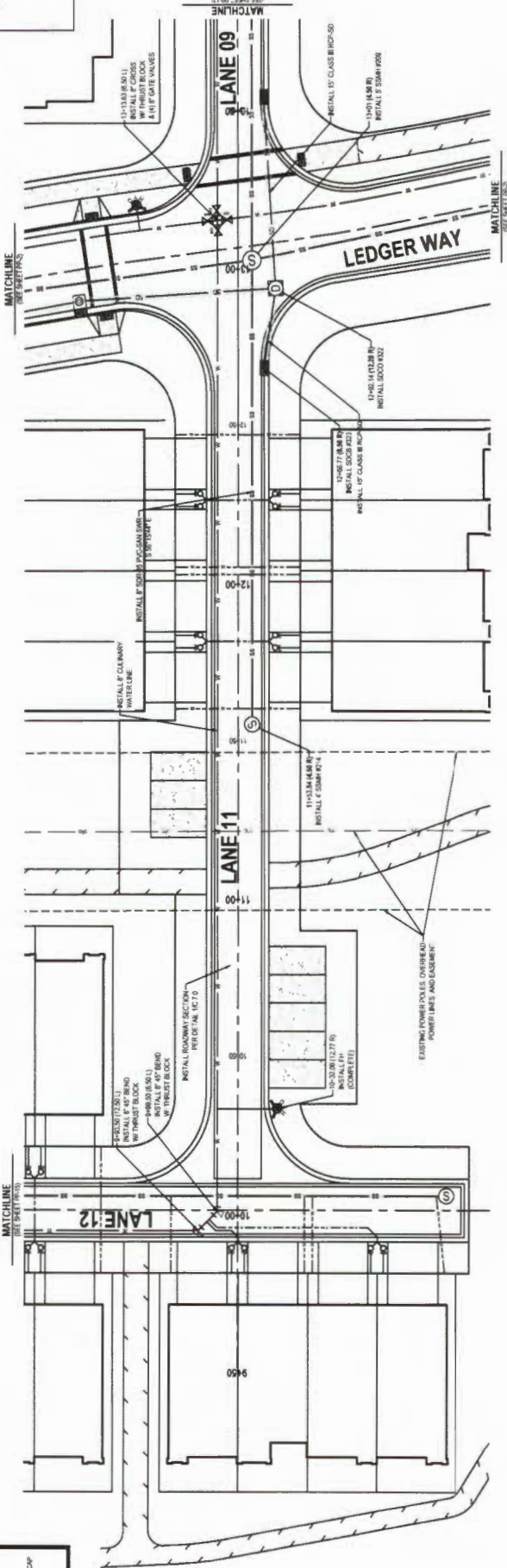
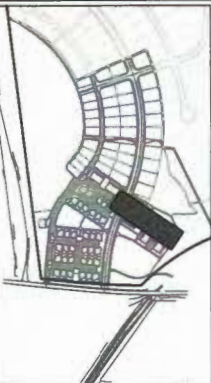
PARK CITY HEIGHTS
RICHARDSON FLAT ROAD
PARK CITY, UTAH

2013-12-23 REVIEW SET

LANE 11
PLAN & PROFILE

PROJECT NO. 122513
DATE: 12/23/13
DESIGNED BY: J. DUNN
CHECKED BY: B. MCGRAW

PP-14



BENCHMARK
UTAH STATE SURVEY
TOWNSHIP 2 SOUTH RANGE 1 EAST
SALT LAKE BASE AND MERIDIAN
ELEVATION: 5200.00

CALL OUTS
CALL OUTS AT LEAST 48 HOURS BEFORE CONSTRUCTION COMMENCEMENT OF ANY CONSTRUCTION.

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Green Park Cohousing
Authors: Francisco Astorga, Planner
Anya Grahn, Historic Preservation Planner
Project Number(s): PL-13-01831
Date: February 12, 2014
Type of Item: Administrative - Conditional Use Permit Application

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Conditional Use Permit request at 1450 / 1460 Park Avenue and consider approving it based on the findings of fact, conclusions of law, and conditions of approval as found in this staff report.

Description

Applicant: Green Park Cohousing represented by Jeff Werbelow
Architect: Craig Elliott, Elliott Workgroup Architecture
Location: 1450 / 1460 Park Avenue
Zoning: Historic Residential Medium Density (HRM) District
Adjacent Land Uses: Residential condominiums, as well as park and open space
Reason for Review: Conditional Use Permits require Planning Commission review and approval.

Proposal

The proposed project consists of ten (10) residential units including eight (8) units within the proposed multi-unit dwelling and one (1) unit in each of the two (2) existing historic structures facing Park Avenue. The proposed multi-unit dwelling is sited behind the two (2) existing historic structures.

The proposal requires a Conditional Use Permit (CUP) as a Multi-Unit Dwelling as a conditional use in the HRM District. The LMC also indicates that for additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback upon approval of a CUP.

The applicant will have a minimum of six (6) units being sold at or below affordable levels, 80% of AMI (average mean income). At least one (1) unit will be sold at an attainable level (120% of AMI). The remaining three (3) units will be sold at market rates. Prospective buyers of affordable or attainable units must show through an income/asset test that they are eligible at stated income levels. Those units will also be deed restricted at 3% annual appreciation.

Background

In 2009, Park City Municipal Corporation (the City) purchased the properties at 1450 / 1460 Park Avenue with Lower Park Redevelopment Agency funds with the intent of an eventual affordable housing project. A Request for Proposal (RFP) was sent out in 2011 to solicit bids for the property and the bidding process was completed in early 2012. In March 2012, the City Council directed Staff to proceed with negotiations with Green Park Cohousing, LLC on the purchase of the property following their selection in the RFP process. The two sites are listed on Park City Historic Sites Inventory as Significant sites.

On February 7, 2013, the City received a Plat Amendment, a CUP, and Historic District Design Review (HDDR) applications. The HDDR and Plat Amendment applications are concurrently being reviewed by Staff. On March 15, 2013, these applications were deemed complete as all the submittal requirements were fulfilled.

A Planning Commission work session was held on May 8, 2013, to discuss the project. Many adjacent property owners at the Struggler Building shared their concerns with the proposed project regarding density, parking along Sullivan Road, compliance with the Historic District Design Guidelines, etc. See Exhibit D. The applicant explained that raising the structures was necessary because of their location in the flood plain; furthermore, the developers have elected to keep contaminated soil on site due to the expense of moving contaminated soils to Tooele, Utah. The Planning Commission commented on vehicle access off Sullivan Road including City Park access during the summer, west elevation treatment as a secondary façade, history of Sullivan Road, new construction compatibility, addressing snow storage and trash, and flat roofs regarding open space.

Another Planning Commission work session was held on June 26, 2013. During this meeting the Planning Commission addressed open space requirements relating to flat roofs, usable open space and how it is defined, parking requirements regarding parking lots/driveways; and Sullivan Road Access criteria outlined in the LMC. During this meeting public input was also shared. See Exhibit E.

In September 2013 the Planning Commission and City Council amended the LMC in the HRM District, which affected this site. The HRM District is bifurcated by the Park Avenue street corridor and consists of a diverse mix of residential housing, ranging from historic single family dwellings to multi-unit condominiums. In order to encourage the rehabilitation of existing historic structures, provide for affordable housing, and create new development along an important corridor that is compatible with historic structures in the surrounding area, the City amended the LMC HRM District affecting open space requirements for multi-unit dwellings, setbacks affecting historic structures and sites, and Sullivan Road Access regarding affordable housing requirements.

Purpose

The purpose of the Historic Residential Medium Density (HRM) District is to:

- A. allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- B. encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- C. encourage the rehabilitation of existing Historic Structures,
- D. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- E. encourage Affordable Housing,
- F. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and
- G. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

Analysis

Section I: Conditional Use Permit Review - LMC § 15-2.4-3

LMC § 15-2.4-3 indicates that the Planning Director shall review any CUP Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. The Planning Director is making a positive recommendation to the Planning Commission as outlined below. The Planning Commission shall review the Application according to CUP criteria set forth in LMC § 15-1-10, as well as the following:

- A. Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites. **Complies.**

This project is consistent with the Design Guidelines for a number of reasons:

- *The historic structures at 1450 and 1460 Park Avenue will be used as they were historically. The applicant will remove non-historic additions that do not contribute to the historical significance of the structures, and missing historic elements that have been lost will be reproduced based on physical and photographic evidence. The applicant intends to assess the size of historic window and door openings once the asbestos siding has been removed. Deteriorated and damaged historic elements will be repaired, rather than replaced, based on recognized preservation methods.*
- *As proposed, the applicant has provided approximately nine feet (9') of separation between the two (2) historic structures and the new multi-unit dwelling. Deciduous trees will be planted to provide additional shielding of the new structure behind the historic structures, and limit its visibility from the Park Avenue right-of-way. This will help preserve the spatial relationships that characterize these two (2) historic sites.*

- *Staff finds that the applicants' intent to alter the topography of the site by three feet (3') with infill and raising the historic structure at 1460 Park Avenue more than two feet (2') will not substantially change the historic context of the site.*
- *The contemporary design of the new multi-unit dwelling does not radically conflict with the character of Park City's historic sites. The exterior elements of the new development—roofs, entrances, eaves, windows, and doors, are of human scale and are compatible with neighboring historic sites.*
- *Moreover, the Design Guidelines support locating parking areas within the rear yard. Staff finds that the parking area's location along Sullivan Road will not detract from the two (2) historic structures and is in keeping with the Design Guidelines. Trees and shrubs will be planted to buffer these driveways and parking spaces.*

- B. The Applicant may not alter the Historic Structure to minimize the residential character of the Building. **Complies.**

The applicant does not propose to alter the historic structures on site but to rehabilitate the two (2) so that non-contributing historic elements are removed. The residential character of the buildings will remain. Both structures will be used as individual co-housing units.

- C. Dedication of a Facade Preservation Easement to assure preservation of the Structure is required. **Complies as conditioned.**

Staff will recommend a condition of approval of the CUP that will indicate that the dedication of a Façade Preservation Easement for the two (2) existing historic structures shall be filed with the City to assure preservation of both of the aforementioned historic structures.

- D. New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street. **Complies.**

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

The multi-unit co-housing dwelling complements the mass and scale of the two (2) historic cottages, while not directly imitating the existing historic structures.

The Design Guidelines also specify that the scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites; moreover, the size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood.

The size, mass, and height of the new construction, as well as its proximity to the historic cottages, will not overwhelm the historically significant structures. On the north wing, the design steps down to meet the height of the historic structures and the use of glazing creates greater transparency in the design. The massing of the new structure is proportional to that of the historic structures. Furthermore, window and door opening visible from the Park Avenue right-of-way will be similar in scale to those on the historic structures at 1450 and 1460 Park Avenue.

Greater separation between the historic structures and the new construction has been provided. Staff finds that the increased separation of approximately nine feet (9') will provide greater differentiation between the two (2) structures as well as be more sympathetic to the historic integrity of the structures. Additional landscaping and trees will further isolate the historic structures from the new development and preserve the look and feel of the historic residential structures from the Park Avenue right-of-way.

- E. Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

The applicant intends to provide six (6) garage parking spaces at the rear of the property, facing Sullivan Road. An additional two (2) parking spaces are requested adjacent to the driveways leading to the garages. The two (2) existing Park Avenue parking spaces are to remain:



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15-3, see each individual subsection for specific analysis under Section II: Off-Street Parking.

- F. All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged. **Complies as mitigated.**

All of the vegetation will be either removed or affected by construction. The applicant shall submit a landscape plan in conjunction to the Historic District Design Review which is currently being reviewed by the Planning Department and shall mitigate the impacts of removed or removed vegetation.

- G. Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines. **Not Applicable.**

The applicant does not change the use of the site from residential. The site is surrounded by residential uses except for off Sullivan Road where the City Park is located.

- H. All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians. **Complies as mitigated.**

The exact location of utility equipment has not been identified yet. This is normally completed at building permit stage. The site shall be required to meet this criterion to prevent visual and noise impacts on adjacent Properties and on pedestrians.

Section II: Off-Street Parking - LMC § 15-3

LMC § 15-3-3 General Parking Area and Driveway Standards

A. Grading and Drainage. **Complies as conditioned.**

The City Engineer shall review and approve all appropriate grading and drainage plans for compliance with the City Standards precedent to building permit issuance. Grading and drainage shall comply with LMC § 15-3-3(A). According to the City Engineer, the submitted concepts do not address drainage; however, it appears that the site may be able to take water out to Park Avenue storm drain or it may be accommodated on site.

B. Surfacing. Parking Areas and driveways must be Hard-Surfaced, maintained in good condition, and clear of obstructions at all times.
Complies.

The current plans call for concrete parking areas/driveways.

C. Parking Area Lighting. **Not Applicable.**

If the owner requests to add parking area lighting in the future it shall comply with any applicable criteria outlined within this specific provision.

D. Parking Area Landscaping.

1. Size of parking area. A parking area is defined as five (5) spaces or more. Underground parking or parking structures are excluded from these provisions.

The applicant intends to provide six (6) garage parking spaces at the rear of the property, facing Sullivan Road. An additional two (2) parking spaces are requested adjacent to the driveways leading to the garages. The two (2) existing Park Avenue parking spaces are to remain.

The applicant has noted that the layout the rear of the site does not contain a parking area of 5 or more parking spaces due to the fact that as shown below, there are six (6) driveways and two (2) parking spaces (parking space no. 1 and no. 2). After careful consideration, including the newest layout shown below, the Planning Department agrees with this assessment; however, it needs to be noted that the City Engineer, does consider this layout a parking area containing 5 or more parking spaces:



From north to south, the proposed design intends to have an approximately 7' landscaped area, a 9' parking space, an 18' double driveway, a 7.5' landscape area, an 18' double driveway, a 9' parking space, and a 6' landscaped area.

The front Park Avenue area contains two (2) parking spaces:



2. Calculation of parking area. The parking area includes all spaces, aisles, and drives, as defined by the top-back of curb or edge or pavement.

For calculation of parking area, see section LMC 15-3-6 Parking Ratio Requirement for Specific Land Use Categories below.

3. Interior landscaping requirements in the GC, RCO, CT, and LI Zoning Districts. **Not applicable.**

The site is not located within these Zoning Districts.

4. Interior Landscaping in other Zones. Parking should generally be located to the rear of Buildings or screened so it does not dominate the Streetscape. Landscaped areas shall generally not be less than five feet (5') wide. **Complies.**

The applicant proposes to locate two (2) parking spaces accessed from Park Avenue and in existing location. Two (2) other parking spaces are located behind the building off Sullivan Road. The applicant proposes four (4) landscaping areas adjacent to the driveway/parking spaces. From north to south, these areas are as follows: 7', 7.5', 7.5', and 6'.

5. Perimeter Landscaping. **Not applicable in the Historic District.**

E. Snow Storage.

Where parking availability will be affected by weather conditions, the Owner must provide adequate non-Hard Surfaced and landscaped snow storage Areas. Said snow storage Areas must be on-Site and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area; including, Parking Spaces, aisles, driveways, curbing, gutters, and sidewalks adjacent to each surface Lot in a usable, readily accessible location. Landscaping of these Areas shall accommodate snow removal and storage on-Site.

Complies.

The site contains approximately 1,541 square feet of total hard-surfaced areas. The 425 square feet of interior landscaped areas equates to 27.8% of readily accessible snow storage.

F. Parking Space Dimensions.

1. [Exterior] Parking Spaces must be at least nine feet (9') wide by eighteen feet (18') long. **Complies.**

The six (6) exterior spaces in or adjacent to the driveways comply with this requirement, measuring ten feet (10') by twenty-five (25'). The four (4) remaining exterior spaces measure nine feet (9') by eighteen feet (18').

2. ADA Parking Space width requirements vary and shall be consistent with current International Building Code standards.

Complies as conditioned.

The applicant shall work with the Building Department towards ADA parking space width requirements.

G. Street Access and Circulation.

Off-Street Parking Areas must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted Tandem Parking, Parking Spaces shall be independently accessible and unobstructed. **Complies.**

The existing parking layout requires that two (2) vehicles back up onto Park Avenue. The applicant requests to keep these two (2) parking spaces. The proposed parking layout towards the rear of the site has access to Sullivan Road which then takes the vehicles to either Park Avenue or Deer Valley Drive. Sullivan Road is not considered by the City, including the City Engineer a public street. It's considered an internal drive for City Park and also an area to accommodate parking for the park. The Sullivan Road City Park parking is also designed to back onto Sullivan Road.

H. Driveway Widths and Spacing.

Residential Multi-unit dwellings and five (5) or more parking spaces require a minimum driveway width of eighteen feet (18'). The maximum driveway width is thirty feet (30'). **Complies.**

From north to south the driveway widths are 27', 18', and 27', respectively.

In the Historic District, a minimum of ten feet (10') Spacing between driveways is recommended. Shared driveways are strongly recommended.

The northern-most driveway is eight feet (8') from the existing driveway of the Struggler Building. The other three (3) driveways are separated by a landscaped area of five feet (7.5') in width. These driveway widths are all less than the recommended minimum ten feet (10') of separation; however, this is a recommendation and not a standard. Staff finds that the provided provide spacing is appropriate.

I. Tandem Spaces.

Parking designs, which necessitate parking one (1) vehicle directly behind another, not perpendicular to each other, are permitted only for Single Family Dwellings, Accessory Apartments, and Duplex Dwellings in all zoning districts. In any Zoning District where the Front Yard is twenty feet (20') or less, both Parking Spaces must be perpendicular to the Street, unless there is an adequate landscaped buffer between the Street and Parking pad, subject to review by the Planning Director.

LMC § 15-2.4-8(A) further clarifies that Tandem Parking is allowed in the Historic District. **Not applicable.**

Tandem parking is not requested.

J. Clear view of Intersecting Streets.

In all Zoning Districts, no obstruction is allowed in excess of two feet (2') in height above Street Grade on any corner Lot within the Site Distance Triangle.

A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit. **Not applicable.**

K. Signs. **Not applicable.**

The applicant does not request any signage. Any future signs will be required to meet the sign code (Title 12 of the LMC).

L. Permit.

A Building Permit is required for construction of all non-bearing concrete flatwork, asphalt, and/or any Impervious Surface, regardless of area or amount of paving. This includes any repairs, alterations, modifications, and expansion of existing flatwork. **Complies as mitigated.**

Any work described herein shall be subject to its appropriate permit with the City.

LMC § 15-3-4 Specific Parking Area and Driveway Standards for [...] Parking Areas with 5 or more space, [...]. **Not applicable.**

B. Parking Areas with Five (5) or More Spaces:

1. All Parking Lots shall maintain the required Front and Side Yard as would be required for any Structure.
2. Wherever a Parking Lot or driveway to a Parking Lot is proposed to abut a Residential Use, the Applicant must Screen the Lot or drive.
3. Adjacent driveways must be separated by an island of the following widths: Multi-Unit Dwelling a minimum width of eighteen feet (18'); Commercial a minimum width of twenty-four feet (24').
4. Driveways must be at least ten feet (10') from any intersecting Right-of-Way (ROW).
5. A geotechnical report must be submitted to the City Engineer providing recommendations on Parking Lot design and construction parameters.

As indicated by the applicant and as shown on the exhibit below the applicant does not request to provide five or more parking spaces. As they designed the parking off Sullivan Road to have six (6) garages and two (2) parking spaces next to the driveways leading to the garages:



The end of LMC § 15-3-4 indicates that the City Engineer may approve minor spacing and width deviations. At this time no deviations have been made by the City Engineer.

LMC § 15-3-5 [...] Private driveways within unbuilt [...] Streets. **Not Applicable.**

LMC § 15-3-6 Parking Ratio Requirement for specific Land Use Categories.

This section requires the following parking spaces per the size of each unit as found on the table below:

Use: Multi-Unit Dwelling	Parking Ratio (no. of spaces)
Apartment/ Condominium not greater than 1,000 sf. floor Area	1 per Dwelling Unit
Apartment/ Condominium greater than 1,000 sf. and less than 2,000 sf. floor Area	1.5 per Dwelling Unit
Apartment/ Condominium 2,000 sf. floor Area or greater	2 per Dwelling Unit

The site contains the corresponding unit size and parking ratio:

Unit	Size of unit	Parking Ratio
A	1,111 sf.	1.5

<i>B</i>	<i>623 sf.</i>	<i>1.0</i>
<i>C</i>	<i>623 sf.</i>	<i>1.0</i>
<i>D</i>	<i>622 sf.</i>	<i>1.0</i>
<i>E</i>	<i>760 sf.</i>	<i>1.0</i>
<i>F</i>	<i>1,188 sf.</i>	<i>1.5</i>
<i>G</i>	<i>1,443 sf.</i>	<i>1.5</i>
<i>H</i>	<i>1,439 sf.</i>	<i>1.5</i>
<i>1450 Park Ave.</i>	<i>675 sf.*</i>	<i>-</i>
<i>1460 Park Ave.</i>	<i>611 sf.*</i>	<i>-</i>
<i>Total no. of parking spaces</i>		<i>10</i>

*LMC § 15-2.4-6 indicates that Historic Structures that do not comply with Off-Street parking are valid Non-Complying Structures.

The LMC requires a minimum of ten (10) parking spaces. **Complies.**

The applicant intends to provide six (6) garage parking spaces at the rear of the property, facing Sullivan Road, two (2) parking spaces adjacent to the driveways leading to the garages, and the two (2) existing Park Avenue parking spaces.

LMC § 15-3-7 Parking in Master Planned Developments and CUPs.

In MPDs and in review of CUPs, the initial parking requirement is determined by referring to the requirements for the Use and the underlying zone. The Planning Commission may reduce this initial parking requirement to prevent excessive parking and paving. The Applicant must prove by a parking study that the proposed parking is adequate. **Not requested.**

The applicant does not request a parking reduction.

LMC § 15-3-8 Parking in the Historic District.

To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to parking if the Owner restricts the deeds to both Properties to preserve the shared drive in perpetuity. **Not requested.**

The applicant does not request the use of common driveway along shared side yards.

LMC § 15-3-9 Bicycle Parking Requirements.

New construction of 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. **Complies as conditioned.**

Staff recommends that the applicant provides at least three (3) bicycle parking spaces.

LMC S 15-3-10 Off-street Loading spaces. **Not Applicable.**

Section III: Standard Conditional Use Review Criteria - LMC § 15-1-10(E)

Per LMC § 15-1-10(E) Review, the Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

1. Size and location of the Site. **No unmitigated impacts.**

The existing site is 18,294.438 square feet (0.42 acres). The proposal consists of ten (10) units, including the two (2) historic structures, which require a minimum lot area of 11,625 square feet. In terms of density, staff finds that the area is suitable for the number of units proposed.

The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings; however, there are a number of single-family historic structures within this neighborhood. The City Park is adjacent to the site to the east.

2. Traffic considerations including capacity of the existing Streets in the Area. **No unmitigated impacts.**

To lessen traffic congestion along Park Avenue, the applicants have chosen to locate most of the parking at the rear of the lot along Sullivan Road.

3. Utility capacity, including Storm Water run-off. **No unmitigated impacts.**

The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.

4. Emergency vehicle Access. **No unmitigated impacts.**

Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.

5. Location and amount of off-Street parking. **Complies as mitigated.**

Please refer to Section II: Off Street Parking above - LMC § 15-3.

6. Internal vehicular and pedestrian circulation system. **No unmitigated impacts.**

The applicant requests that most of the direct access to the site come from Sullivan Road. There are two (2) existing parking spaces off Park Avenue that the applicant requests to keep on site.

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses. **Complies as conditioned.**

Fencing, screening, and landscaping have not been proposed. Staff does not recommend adding fencing and screening. The landscape plan landscaping through the project. The landscape plan calls for four (4) trees along each landscaping area adjacent to Sullivan Road which helps breaking up the three (3) driveways on this Road. Staff recommends that these four (4) trees to have a four inch (4") diameter breast height (DBH) caliper.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots. **No unmitigated impacts.**

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

Due to the approximately nine feet (9') of separation between the historic cottages and the new multi-unit dwelling, much of the bulk and mass of the new construction will be hidden from view from the public right-of-way. As previously described, the design steps down on the north wing, creating a second level patio area that creates a transition in height from the historic cottages to the two (2) story new development. The use of glazing to create greater transparency also breaks up the massing of the structure. Moreover, much of the new development will be screened with landscaping to provide greater visual separation between the historic structures and the new multi-unit building. Due to this increase in separation, the proximity of the new structure no longer appears to overwhelm the historically significant structures at the front of the property, adjacent to Park Avenue.

9. Usable Open Space. **No unmitigated impacts.**

Please refer to Section IV: LMC § 15-2.4-5 - Special Requirement for Multi-Unit Dwellings, open space.

10. Signs and lighting. **No unmitigated impacts.**

No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. **No unmitigated impacts.**

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

As previously noted, the mass and scale of the new multi-unit dwelling reflects the smaller proportions of the massing seen on the two (2) historic structures, and much of the bulk has been mitigated by further separating the historic structures from the new development. The proposed use of materials on the new structure as well as the human scale of the window and door openings mimic those of the historic structures and create a more cohesive design.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. **No unmitigated impacts.**

The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas. **No unmitigated impacts.**

Trash storage and recycling pick areas have been identified within the two (2) hallways extending from the courtyards toward the parking area off Sullivan Road.

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities. **No unmitigated impacts.**

Expected ownership of the entire project is anticipated as a single entity (the Green Park Cohousing LLC) until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.

Nightly rentals are an allowed use within the District.

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

The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.

Section IV: Special Requirements for Multi-Unit Dwellings - LMC § 15-2.4-5

- A. The Front Yard for any Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. [...] **Complies.**

The proposed front yard setback off Park Avenue is twenty feet (20').

The proposed front yard setback off Sullivan Road is twenty feet for the lower and garage level. The proposed front yard setback off Sullivan Road is fourteen feet (14') for the building at the second and third levels.

LMC § 15-2.4-6(A) indicates the following exception:

In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory:

- (1) Upon approval of a Conditional Use permit. **Complies.**

The project complies with the CUP criteria outlined as indicated on section III of this staff report.

- (2) When the scale of the addition is Compatible with the Historic Structure. **Complies.**

As previously noted on criterion 7, section III, the mass and scale of the new multi-unit dwelling reflects the smaller proportions of the massing seen on the two (2) historic structures, and much of the bulk has been mitigated by further separating the historic structures from the new development. The proposed use of materials on the new structure as well as the human scale of the window and door openings mimic those of the historic structures and create a more cohesive design.

- (3) When the addition [or new construction] complies with all other provisions of Chapter 15-2.4 HRM of the LMC. **Complies.**

The proposed building complies with all other provisions of LMC Chapter 15-2.4 HRM District.

- (4) When the addition complies with the International Building and Fire Codes. **Complies.**

The project shall comply with applicable International Building and Fire Codes.

The front yard setback reduction off Sullivan Road shall be reduced for the current proposal. Future expansions are not anticipated as part of this review and any future additions expanding onto the minimum setback shall be reviewed by the Planning Commission as a conditional use.

- B. The Rear yard for a Multi-Unit Dwelling is ten feet (10'). [...] **Not applicable.**

This site is considered a double frontage lot per LMC 15-4-17 (D) which indicates the following: On those Lots, which border a Street on both the back and the front, both sides must have a front Setback, unless otherwise an exception by this Code.

- C. The Side Yard for any Multi-Unit Dwelling is ten feet (10'). [...] **Complies.**

The proposed multi-unit dwelling meets the minimum side yard setbacks of ten feet (10').

- D. The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for Multi-Unit Dwellings. [...] Parking is prohibited within the Open Space. See Section 15-15 Open Space. In cases of redevelopment of existing historic sites on the Historic Sites Inventory and containing fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).

The LMC defines Landscaped Open Space as Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Building or Structures.

Applicant provided specific open space calculations which include the following:

Area	Size in square feet	Percentage
Landscape	6,920	37.8%

<i>Walkways</i>	<i>2,766</i>	<i>15.1%</i>
<i>Total</i>	<i>8,961</i>	<i>52.9%</i>

*The site consists of 52.9% open space. **Complies.***

Section V: LMC § 15-2.49 - Sullivan Road Access

The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road (“Driveway”). “Limited Access” allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

A. Criteria for Conditional Use Review for Limited access.

Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone. **Complies.**

The applicant has shown positive elements furthering reasonable planning objectives in terms of the required affordable housing. Green Park Cohousing development satisfies a crucial need in the community—affordable housing. The applicant will have a minimum of six (6) units being sold at or below affordable levels (80% of AMI). At least one (1) unit will be sold at an attainable level (120% of AMI). Remaining units will be sold at market rates. Prospective buyers of affordable or attainable units must show through an income/asset test that they are eligible at stated income levels. Units will also be deed restricted at 3% annual appreciation.

B. Neighborhood Mandatory Elements Criteria. **Does not apply (see below).**

The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

1. Utility Considerations.
2. Enhanced Site Plan Considerations.
 - a) Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts.
 - b) Increased Front Yard Setbacks.
 - c) Increased snow storage.
 - d) Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements.
 - e) Elimination of Multi-Unit or Triplex Dwellings.
 - f) Minimized Access to Sullivan Road.
 - g) Decreased Density.

3. Incorporation of Pedestrian and Landscape Improvements along Park Avenue, Sullivan Road, and Eastern Avenue.
4. Parking Mitigation.

C. Affordable Housing Applicability. **Complies.**

When the Development consists of fifty percent (50%) or more deed restricted Affordable Housing Units, per the City's most current Affordable Housing Resolution, Section 15-2.4-9 (B) above does not apply. *The development meets this criteria since more than 50% of the units will be deed restricted (7 out of 10) and therefore the criteria B above does not apply and access off Sullivan Road is permitted.*

Process

The applicant will have to submit a Building Permit application for the Multi-unit Dwelling and the rehabilitation of the historic structures. The applicant will also have to submit a Condominium Record of Survey application to be reviewed by the Planning Commission and reviewed and approved by the City Council. Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

Public Input

Adjacent property owners at the Struggler Building shared their concerns during the May 8, 2013 and June 26, 2013 Planning Commission work sessions. See Exhibit D & E, respectively. Staff has received several comments from adjacent property owners regarding the HDDR application. See Exhibit C.

Summary Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit request at 1450 / 1460 Park Avenue and consider approving it based on the findings of fact, conclusions of law, and conditions of approval as found in this staff report.

Findings of Fact

1. The site is located at 1450 / 1460 Park Avenue.
2. The site is located in the HRM District.
3. The two sites are listed on Park City Historic Sites Inventory as Significant sites.

4. The proposed project consists of ten (10) residential units including eight (8) units within the proposed multi-unit dwelling and one (1) unit in each of the two (2) existing historic structures facing Park Avenue.
5. The proposed multi-unit dwelling is sited behind the two (2) existing historic structures.
6. The proposal requires a Conditional Use Permit (CUP) as the LMC lists a Multi-Unit Dwelling as a conditional use in the HRM District.
7. The LMC also indicates that for new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback upon approval of a CUP.
8. This project is consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites.
9. The Applicant does not alter the Historic Structures to minimize the residential character of the Building.
10. Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.
11. The New Building is scale and compatible with existing Historic Buildings in the site and neighborhood and the larger building mass is located to rear of the historic structure to minimize the perceived mass from Park Avenue.
12. The yards are designed and to be maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged
13. All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.
14. The City Engineer shall review and approve all appropriate grading and drainage plans for compliance with the City Standards precedent to building permit issuance.
15. The current plans call for concrete parking areas/driveways.
16. The applicant intends to provide six (6) garage parking spaces at the rear of the property, facing Sullivan Road. An additional two (2) parking spaces are requested adjacent to the driveways leading to the garages. The two (2) existing Park Avenue parking spaces are to remain.
17. The layout towards the rear of the site does not contain a parking area of 5 or more parking spaces due to the fact that as shown below, there are six (6) driveways and two (2) parking spaces.
18. The proposed rear parking layout design intends to have (from north to south) a 7' landscaped area, a 9' parking space, an 18' double driveway, a 7.5' landscape area, an 18' double driveway, a 9' parking space, and a 6' landscaped area.
19. The site contains approximately 1,541 square feet of total hard-surfaced areas. The 425 square feet of interior landscaped areas equates to 27.8% of readily accessible snow storage.
20. The six (6) interior parking spaces measure ten feet (10') by twenty-five (25').
21. The four (4) exterior parking spaces measure nine feet (9') by eighteen feet (18').

22. The applicant shall work with the Building Department towards ADA parking space width requirements.
23. The existing parking layout requires that two (2) vehicles back up onto Park Avenue. The applicant requests to keep these two (2) parking spaces.
24. The proposed parking layout towards the rear of the site has access to Sullivan Road which then takes the vehicles to either Park Avenue or Deer Valley Drive. Sullivan Road is not considered by the City, including the City Engineer a public street. It's considered an internal road for City Park and also an area to accommodate parking for the park. The Sullivan Road City Park parking is also designed to back onto Sullivan Road.
25. Along Sullivan Road the three (3) driveway widths range from 18' to 27'.
26. The applicant does not request to provide five or more parking spaces. As they designed the parking off Sullivan Road to have six (6) garages and two (2) parking spaces next to the driveways leading to the garages.
27. The LMC requires a minimum of ten (10) parking spaces.
28. The applicant does not request a parking reduction.
29. New construction of 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.
30. Staff recommends that the applicant provides at least three (3) bicycle parking spaces.
31. The existing site is 18,294.438 square feet (0.42 acres). The proposal consists of ten (10) units, including the two (2) historic structures, which require a minimum lot area of 11,625 square feet.
32. The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings.
33. To lessen traffic congestion along Park Avenue, the applicants have chosen to locate most of the parking at the rear of the lot along Sullivan Road.
34. The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.
35. Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.
36. The applicant requests that most of the direct access to the site come from Sullivan Road. There are two (2) existing parking spaces off Park Avenue that the applicant requests to keep on site.
37. The landscape plan calls for four (4) trees along each landscaping area adjacent to Sullivan Road which helps breaking up the three (3) driveways on this Road. Staff recommends that these four (4) trees to have a four inch (4") diameter breast height (DBH) caliper.
38. No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be

reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

39. The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.
40. Trash storage and recycling pick areas have been identified within the two (2) hallways extending from the courtyards toward the parking area off Sullivan Road.
41. Expected ownership of the entire project is anticipated as a single entity (the Green Park Cohousing LLC) until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.
42. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.
43. The Front Yard for any Multi-Unit Dwelling is twenty (20') feet.
44. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line.
45. The proposed front yard setback off Park Avenue is twenty feet (20').
46. The proposed front yard setback off Sullivan Road is twenty feet for the lower and garage level. The proposed front yard setback off Sullivan Road is fourteen feet (14') for the building at the second and third levels.
47. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback location standards for additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory:
 - a. The project complies with the CUP criteria outlined as indicated on section III of this staff report.
 - b. The mass and scale of the new multi-unit dwelling reflects the smaller proportions of the massing seen on the two (2) historic structures, and much of the bulk has been mitigated by further separating the historic structures from the new development. The proposed use of materials on the new structure as well as the human scale of the window and door openings mimic those of the historic structures and create a more cohesive design.
 - c. The proposed building complies with all other provisions of LMC Chapter 15-2.4 HRM District.
 - d. The project shall comply with applicable International Building and Fire Codes.
48. The Side Yard for any Multi-Unit Dwelling is ten feet (10').
49. The proposed multi-unit dwelling meets the minimum side yard setbacks of ten feet (10').
50. In cases of redevelopment of existing historic sites on the Historic Sites Inventory and containing fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).

51. The site consists of 52.9% open space.
52. The applicant will have a minimum of six (6) units being sold at or below affordable levels (80% of AMI). At least one (1) unit will be sold at an attainable level (120% of AMI).
53. The applicant has shown positive elements furthering reasonable planning objectives in terms of the required affordable housing.
54. Green Park Cohousing development satisfies a crucial need in the community—affordable housing.
55. The analysis section of this Staff Report is incorporated herein.

Conclusion of Law:

1. The proposed application as conditioned complies with all requirements of the Land Management Code.
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use as conditioned is consistent with the Park City General, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All standard conditions of approval shall continue to apply.
2. The Dedication of a Façade Preservation Easement for the two (2) existing historic structures shall be filed with the City to assure preservation of both of the aforementioned historic structures prior to Certificate of Occupancy.
3. The City Engineer shall review and approve all appropriate grading and drainage plans for compliance with the City Standards precedent to building permit issuance. Grading and drainage shall comply with LMC § 15-3-3(A). The site may be able to take water out to Park Avenue storm drain or it may be accommodated on site.
4. The applicant shall work with the Building Department towards ADA parking space width requirements.
5. The site shall provide at least three (3) bicycle Parking Spaces for the temporary storage of bicycles.
6. The applicant shall accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.
7. The landscape plan calls for four (4) trees along each landscaping area adjacent to Sullivan Road which helps breaking up the three (3) driveways on this Road. Staff recommends that these four (4) trees to have a four inch (4") diameter breast height (DBH) caliper.
8. The setback reduction shall be reduced for the current proposal. Future expansions are not anticipated as part of this review and any future additions

expanding onto the minimum setback shall be reviewed by the Planning Commission as a conditional use.

9. The proposed addition shall comply with all other provisions outlined in LMC Chapter 2.4 HRM.
10. The proposed addition shall comply with all application International Building and Fire Codes.

Exhibits

Exhibit A – Project Description

Exhibit B – Proposed Plans

Exhibit C – HDDR Public Comments

Exhibit D – 05.09.2013 Planning Commission Minutes

Exhibit E – 06.26.2013 Planning Commission Minutes

PROJECT DESCRIPTION

This project provides for the historic renovation of 2 existing (611 SF-one bedroom/ 675 SF-two bedroom) single story residential units fronting on Park Avenue; and for the new construction of 3 one bedroom, 1 two bedroom, 2 three bedroom, two story; and two second floor, two story, 3 bedroom residential units around a central “courtyard”. Five on Street parking spaces are available on the East side of Park Avenue and 5 garages and 8 uncovered parking spaces are accessible by Sullivan Road at the western perimeter of the Site.

The existing “historic” frontage on Park Avenue will be modified to its historic footprint, the exterior envelopes and landscape will be renewed. The scale, massing, proportion and form of the new construction units will be appropriate to the visual character of the historic district.

This project will provide affordable housing ownership for a diverse population and has convenient access to the existing community infrastructure.

There is no disparity or conflict between this projects and either the current or projected zoning or land use in this district.

The proposed residential use of this property is compatible with other use in the district.

Undue noise, glare, dust pollutants or odor are not anticipated by the proposed development and improvements.

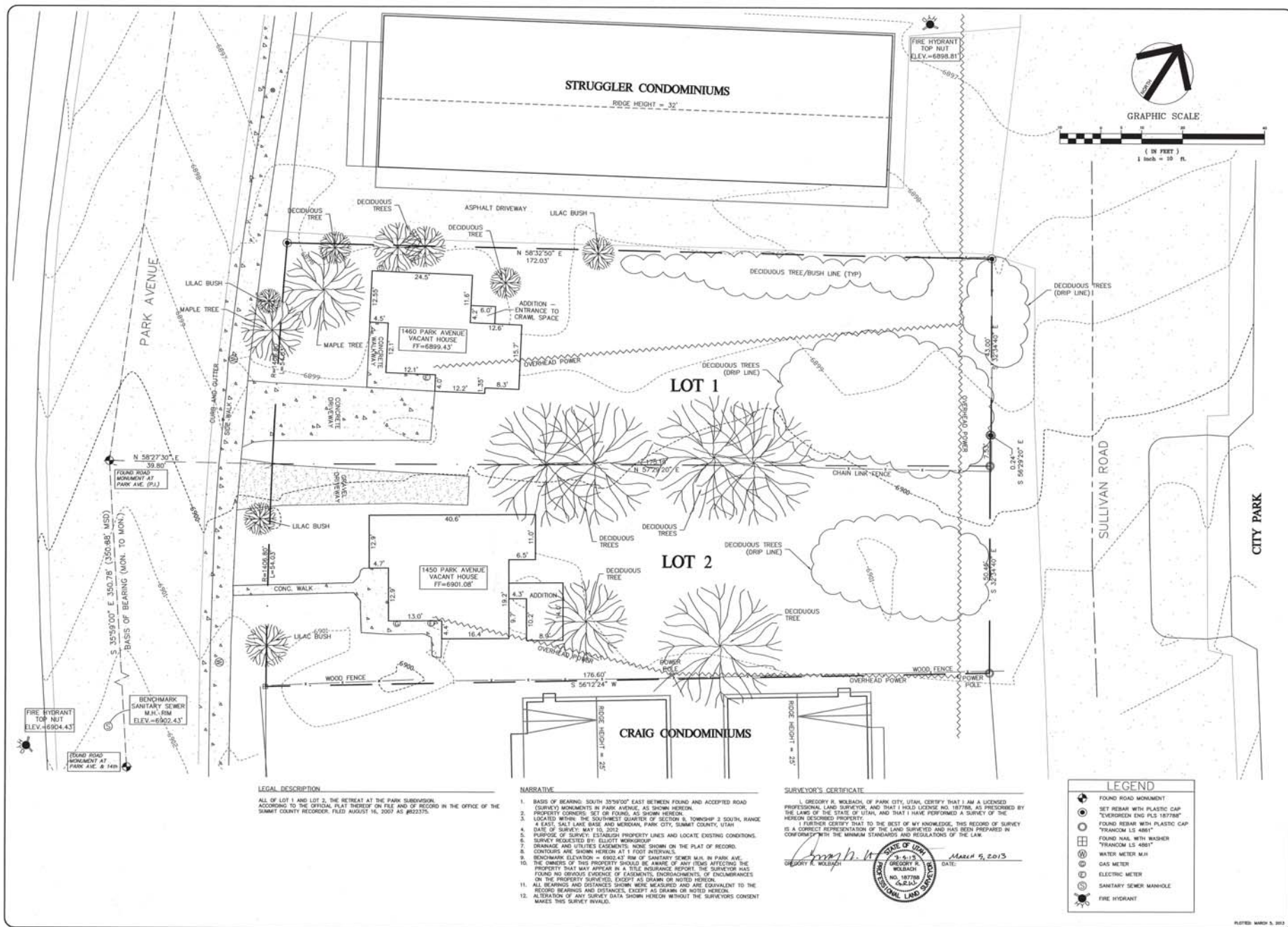
This project is intended only for normal, full-time, single family residential use and would require, no mitigation of other special issues.

green park cohousing
park avenue

february 4, rev. october 25, 2013

HDDR-001	cover sheet	HDDR-012	roof plan
HDDR-002	survey	HDDR-013	elevations
HDDR-003	existing conditions	HDDR-014	elevations
HDDR-004	existing conditions	HDDR-015	sections
HDDR-005	existing views	HDDR-016	sections
HDDR-006	adjoining properties	HDDR-017	3d views
HDDR-007	area analysis	HDDR-018	3d views
HDDR-008	site plan	HDDR-019	3d views
HDDR-009	lower & main level floor plan	HDDR-020	historic building details
HDDR-010	second level floor plan	HDDR-021	streetscapes
HDDR-011	third level	HDDR-022	park avenue views
		HDDR-023	parking study





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 Civil Engineering • Land Surveying • Land Planning
 9700 Shoshone Drive • Suite 100 • Park City, UT 84303
 Phone: 435-648-4887 • Fax: 435-648-8218
 E-mail: info@evergreeneng.com

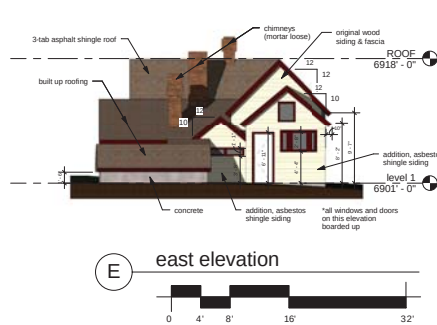
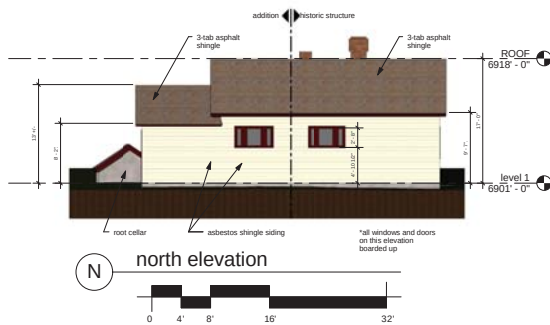
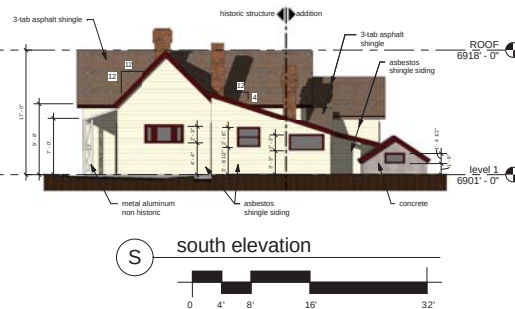
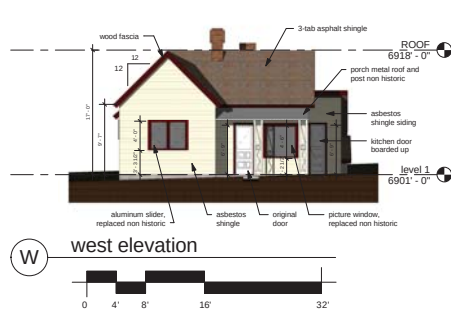
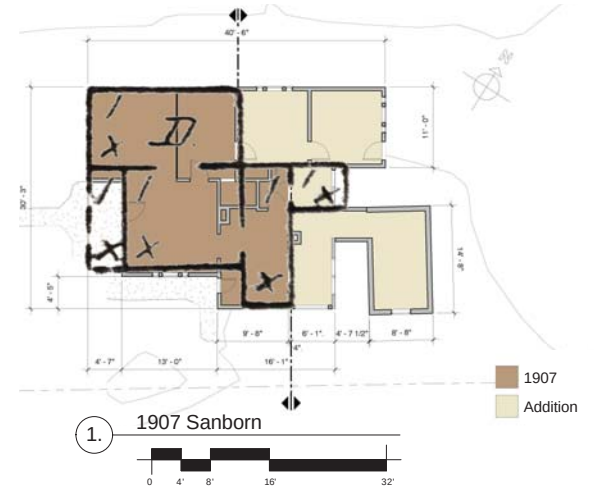
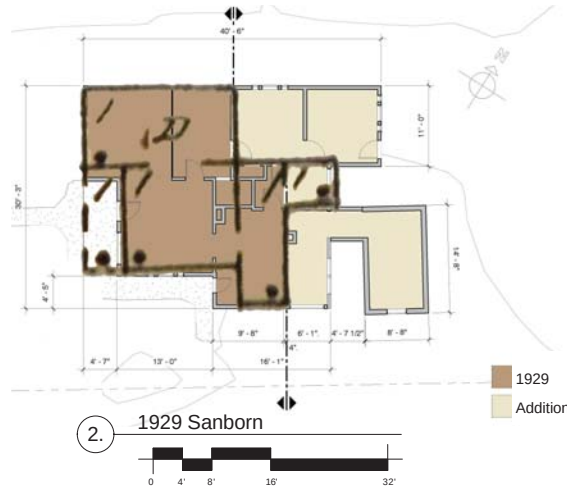
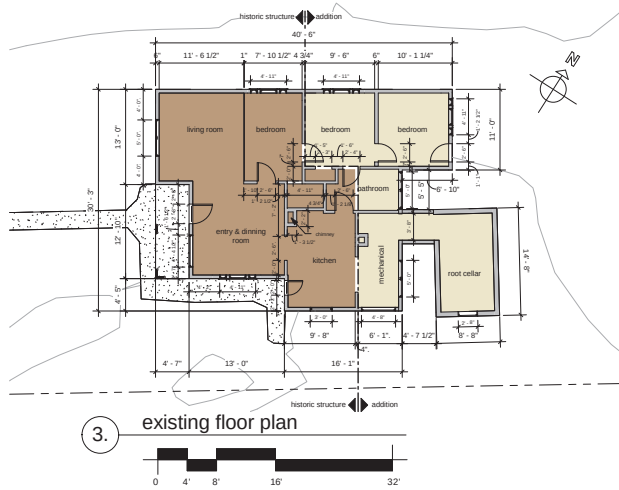
REVISIONS	COMMENTS
DATE BY	

SURVEYED BY: GRW/ADM
 DRAWN BY: GRW
 CHECKED BY: GRW

**RECORD OF SURVEY - LOT 1 & 2
 THE RETREAT AT THE PARK**

DATE: 03/09/2013
 SHEET NO.: 1206
 FILE: RETREAT.DWG
 FIRM: ELLIOTT WORKGROUP

SHEET 1 OF 1





① aerial view
SCALE: 1" = 50'-0"



④ view down park avenue
SCALE: N.T.S.



⑤ view up park avenue
SCALE: N.T.S.



⑥ view down sullivan road
SCALE: N.T.S.



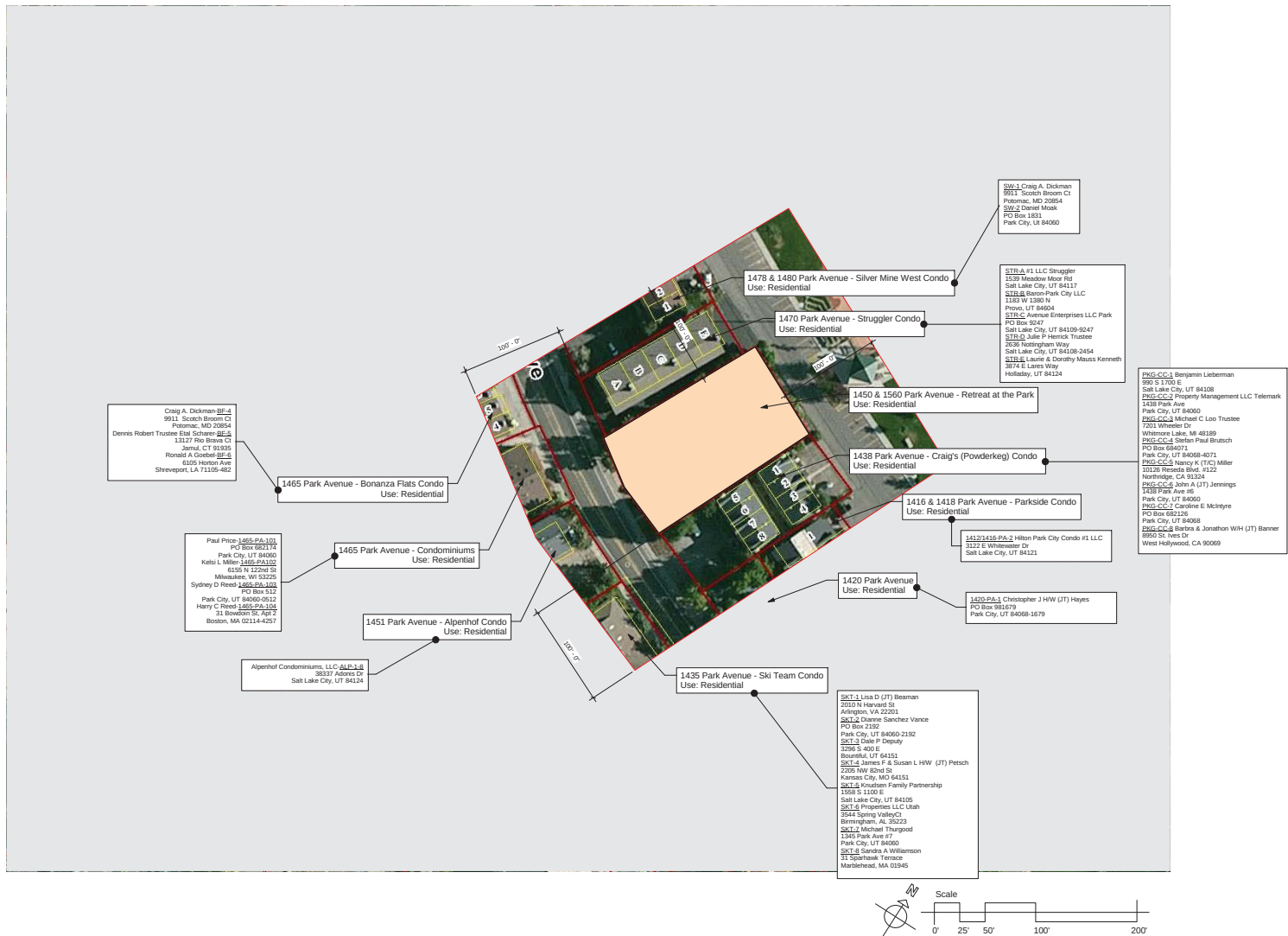
⑦ view up sullivan road
SCALE: N.T.S.



② park avenue streetscape
SCALE: N.T.S.

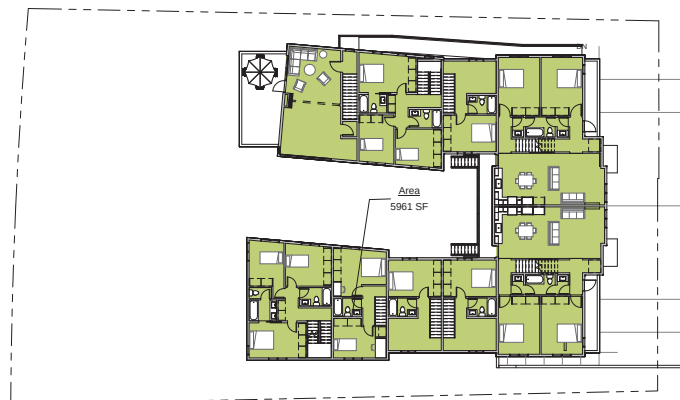


③ sullivan road streetscape
SCALE: N.T.S.





main level



second level



floor area analysis

areas schedule (gross building)			
name	level	area	comments
Area	level 1B	658 SF	
Area	level 1B	734 SF	
Area	level 1B	2340 SF	
Area	level 1B	2274 SF	
Area	level 1B	517 SF	
Area	level 2B	5961 SF	
Area	level 3C	1107 SF	
Grand total		13591 SF	

site area analysis

area schedule (site area)		
name	area SF	percentage

site area	18,298 SF	100%
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area schedule (building)		
name	area	percentage

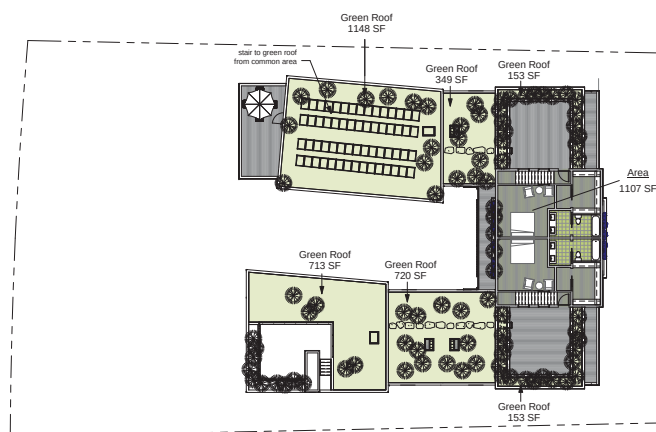
building	6677 SF	36.5%
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area schedule (open space)		
name	area	percentage

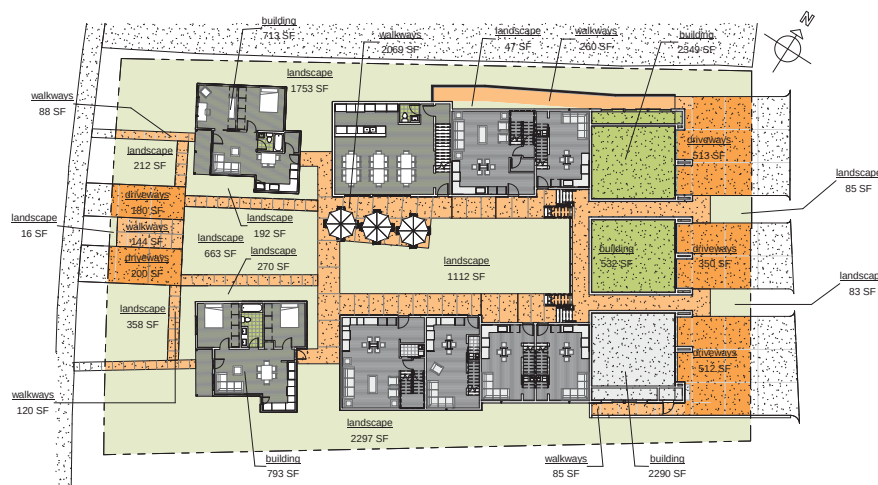
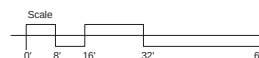
landscape	6920 SF	37.8%
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walkways	2766 SF	15.1%
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total	9861 SF	52.9%
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third level



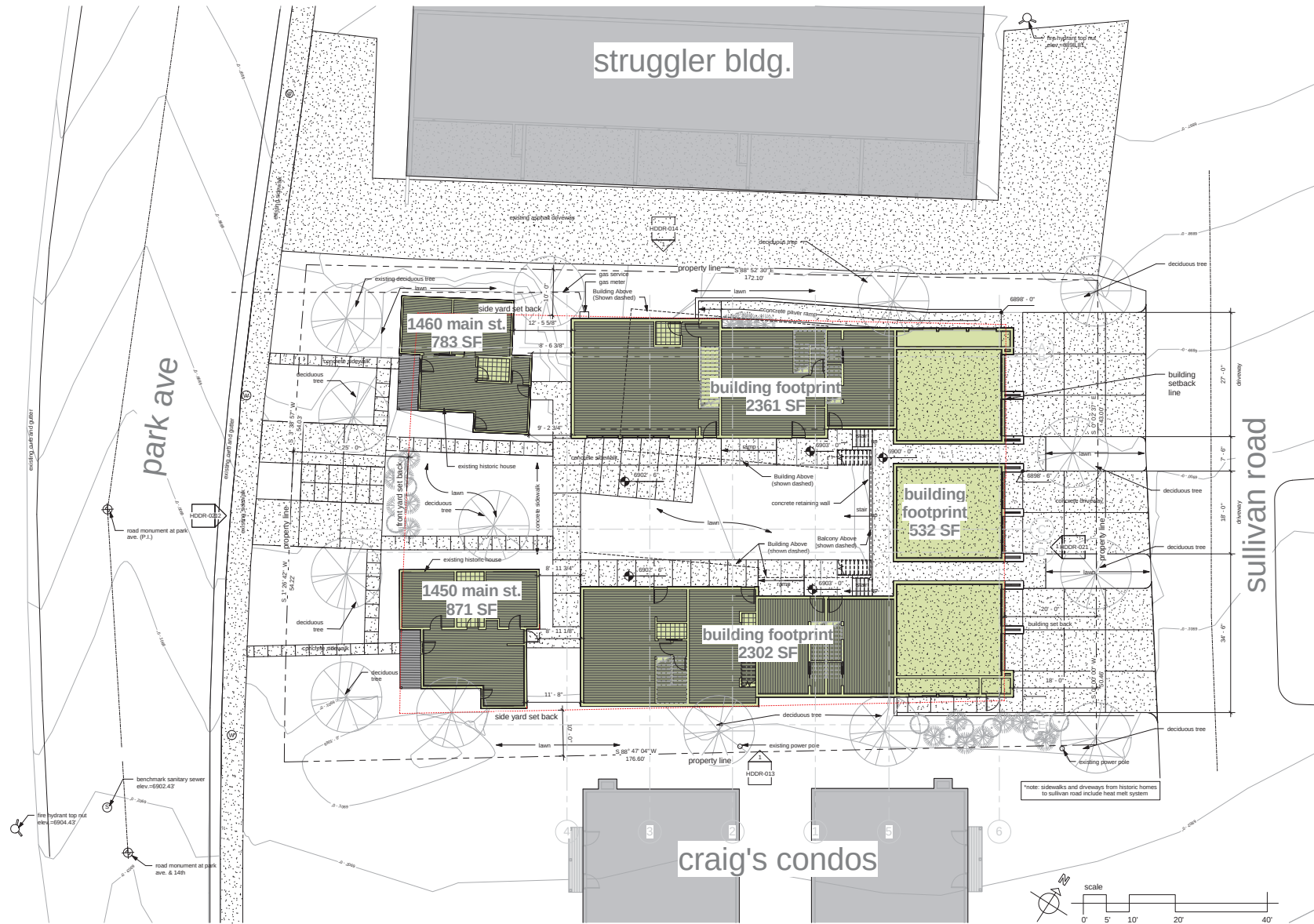
site analysis



area analysis

HDDR-007

february 4, rev. october 25, 2013



park ave



sullivan road

craig's condos

lower & main level floor plan

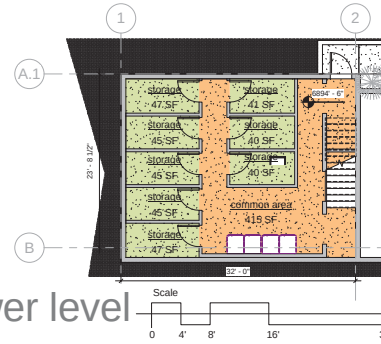
HDDR-009

february 4, rev. october 25, 2013

elliott
workgroup
architecture

Planning Commission - Feb. 12, 2014

lower level

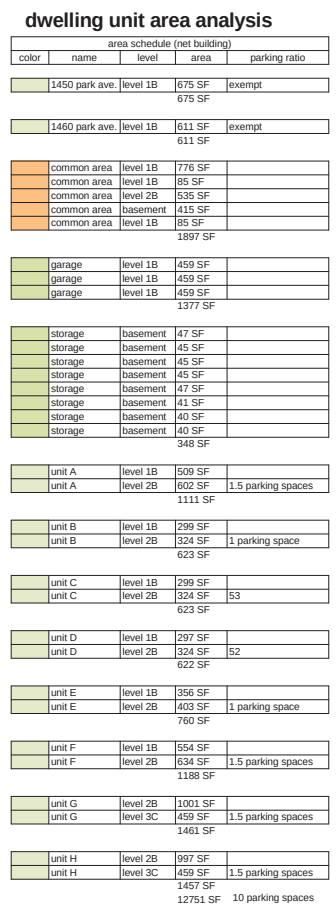


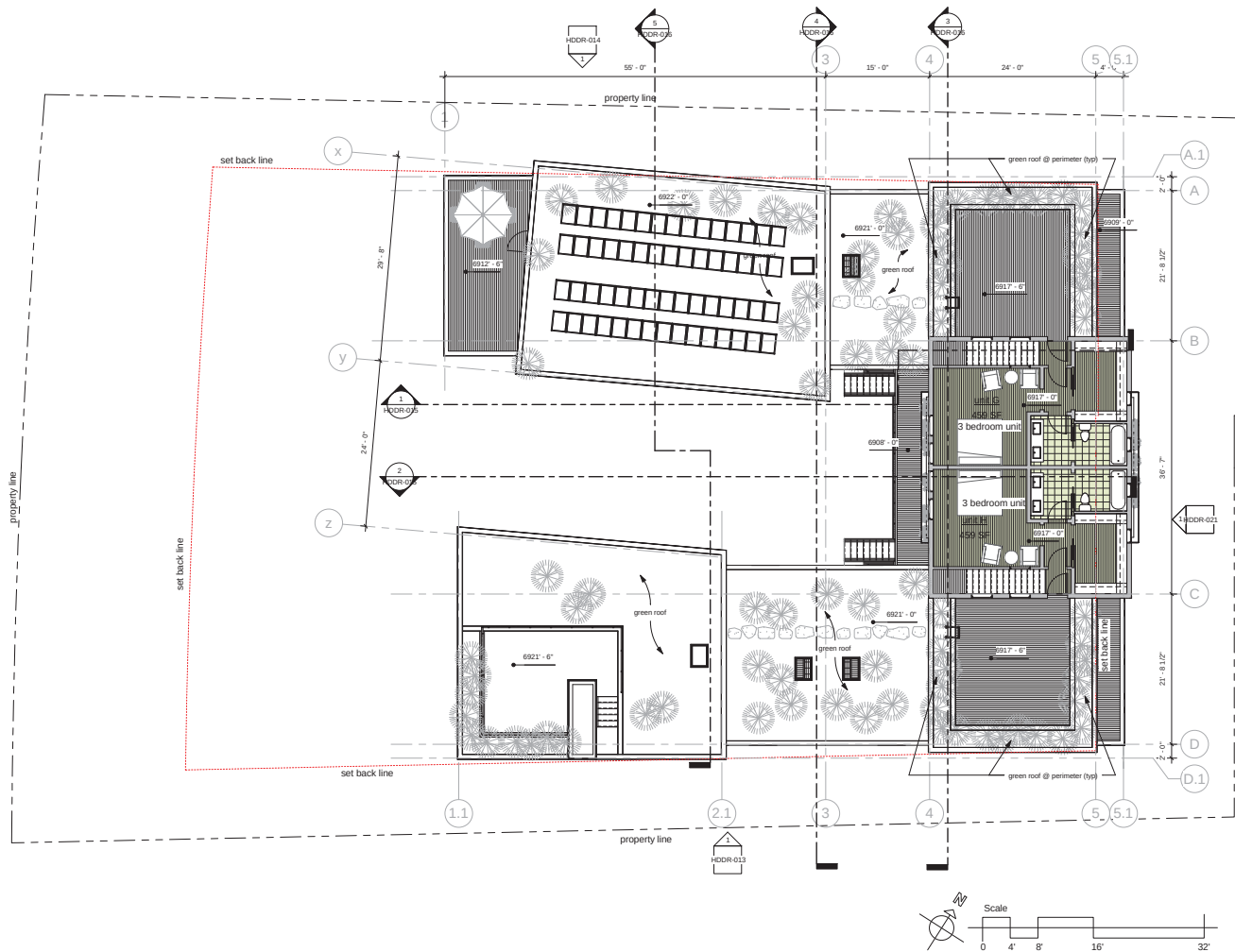
dwelling unit area analysis

area schedule (net building)				
color	name	level	area	parking ratio
	1450 park ave.	level 1B	675 SF	exempt
		level 1B	675 SF	
	1460 park ave.	level 1B	611 SF	exempt
		level 1B	611 SF	
	common area	level 1B	776 SF	
	common area	level 1B	85 SF	
	common area	level 2B	535 SF	
	common area	basement	415 SF	
	common area	level 1B	85 SF	
			1897 SF	
	garage	level 1B	459 SF	
	garage	level 1B	459 SF	
	garage	level 1B	459 SF	
			1377 SF	
	storage	basement	47 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	47 SF	
	storage	basement	41 SF	
	storage	basement	40 SF	
	storage	basement	40 SF	
			348 SF	
	unit A	level 1B	509 SF	
	unit A	level 2B	602 SF	1.5 parking spaces
			1111 SF	
	unit B	level 1B	299 SF	
	unit B	level 2B	324 SF	1 parking space
			623 SF	
	unit C	level 1B	299 SF	
	unit C	level 2B	324 SF	53
			623 SF	
	unit D	level 1B	297 SF	
	unit D	level 2B	324 SF	52
			622 SF	
	unit E	level 1B	356 SF	
	unit E	level 2B	403 SF	1 parking space
			760 SF	
	unit F	level 1B	554 SF	
	unit F	level 2B	634 SF	1.5 parking spaces
			1188 SF	
	unit G	level 2B	1001 SF	
	unit G	level 3C	459 SF	1.5 parking spaces
			1461 SF	
	unit H	level 2B	997 SF	
	unit H	level 3C	459 SF	1.5 parking spaces
			1457 SF	
			12751 SF	10 parking spaces

green park
cohousing
park avenue

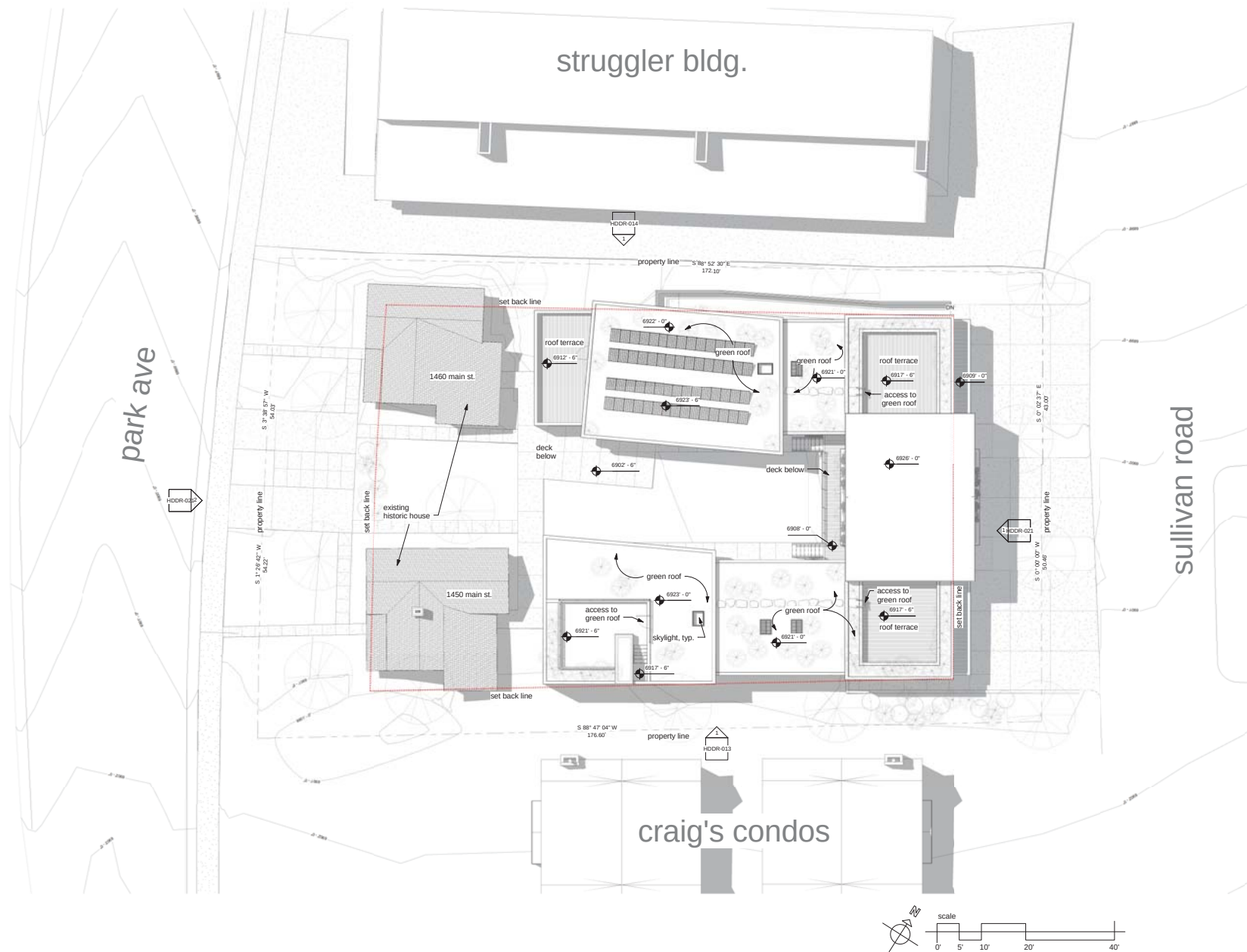
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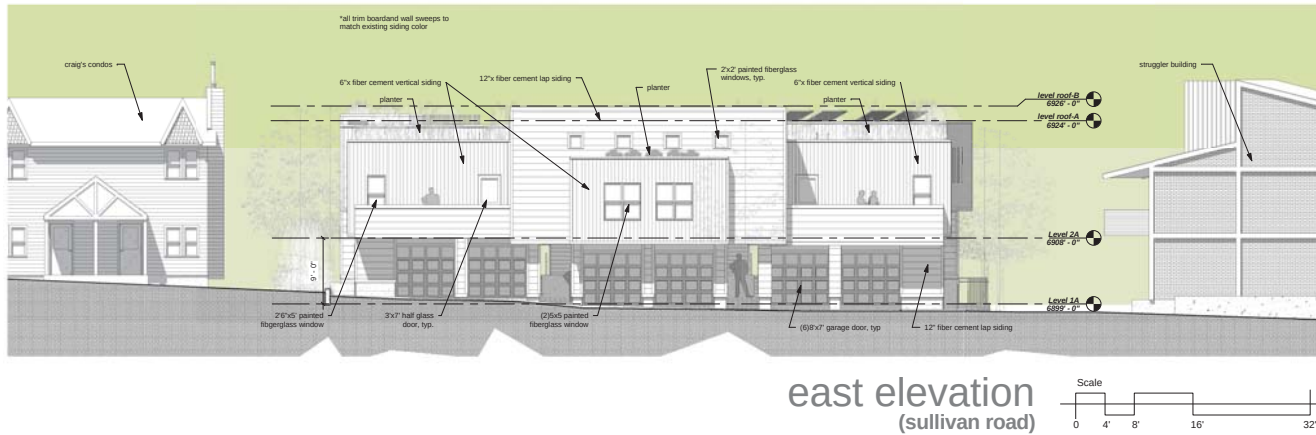
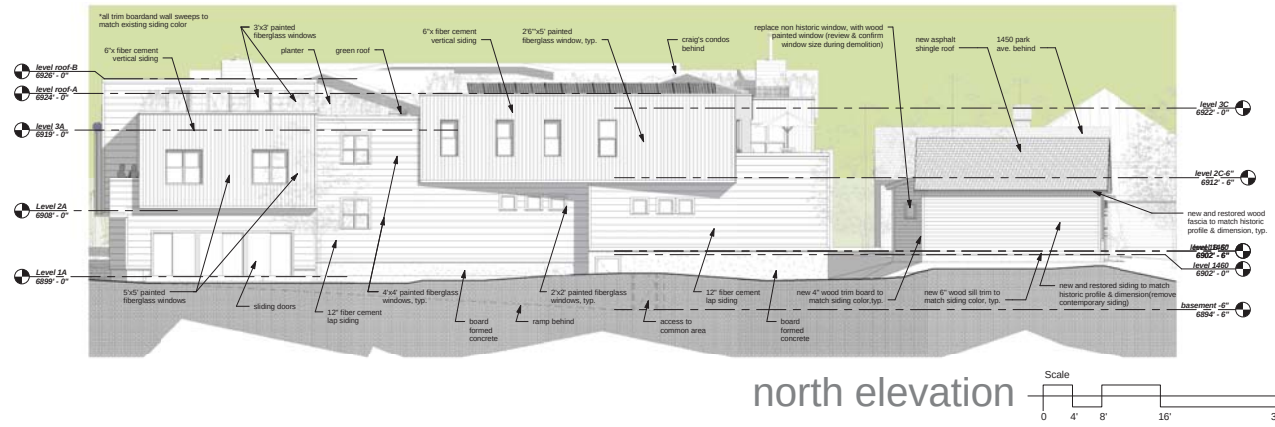


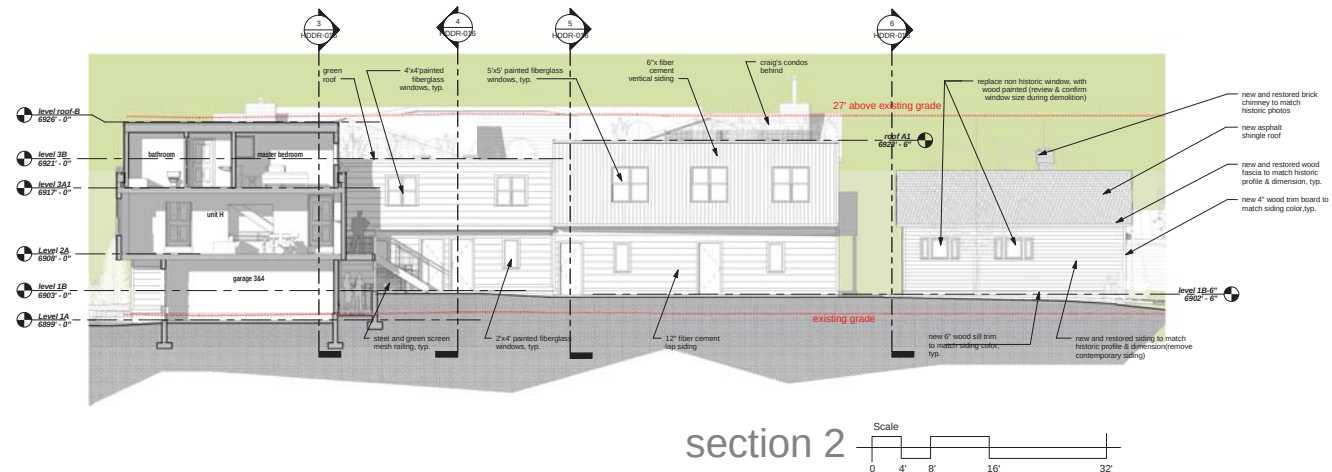
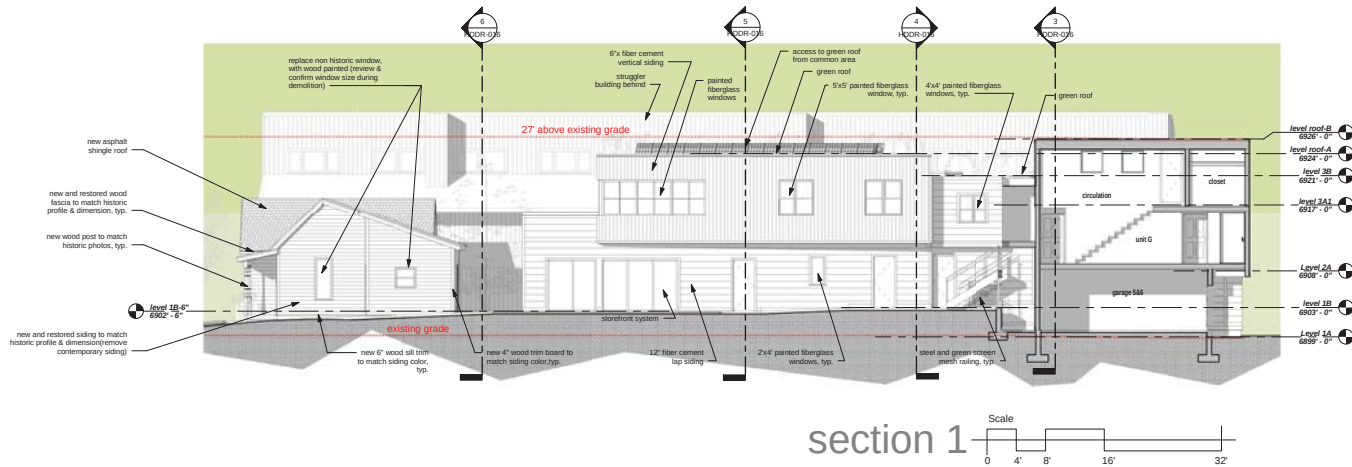
dwelling unit area analysis

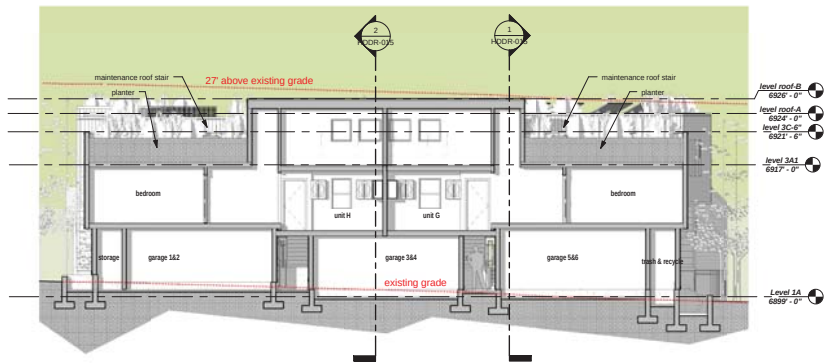
area schedule (net building)				
color	name	level	area	parking ratio
	1450 park ave.	level 1B	675 SF	exempt
			675 SF	
	1460 park ave.	level 1B	611 SF	exempt
			611 SF	
	common area	level 1B	776 SF	
	common area	level 1B	85 SF	
	common area	level 2B	535 SF	
	common area	basement	415 SF	
	common area	level 1B	85 SF	
			1897 SF	
	garage	level 1B	459 SF	
	garage	level 1B	459 SF	
	garage	level 1B	459 SF	
			1377 SF	
	storage	basement	47 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	47 SF	
	storage	basement	41 SF	
	storage	basement	40 SF	
	storage	basement	40 SF	
			348 SF	
	unit A	level 1B	509 SF	
	unit A	level 2B	602 SF	1.5 parking spaces
			1111 SF	
	unit B	level 1B	299 SF	
	unit B	level 2B	324 SF	1 parking space
			623 SF	
	unit C	level 1B	299 SF	
	unit C	level 2B	324 SF	53
			623 SF	
	unit D	level 1B	297 SF	
	unit D	level 2B	324 SF	52
			622 SF	
	unit E	level 1B	356 SF	
	unit E	level 2B	403 SF	1 parking space
			760 SF	
	unit F	level 1B	554 SF	
	unit F	level 2B	634 SF	1.5 parking spaces
			1188 SF	
	unit G	level 2B	1001 SF	
	unit G	level 3C	459 SF	1.5 parking spaces
			1461 SF	
	unit H	level 2B	997 SF	
	unit H	level 3C	459 SF	1.5 parking spaces
			1457 SF	
			12751 SF	10 parking spaces



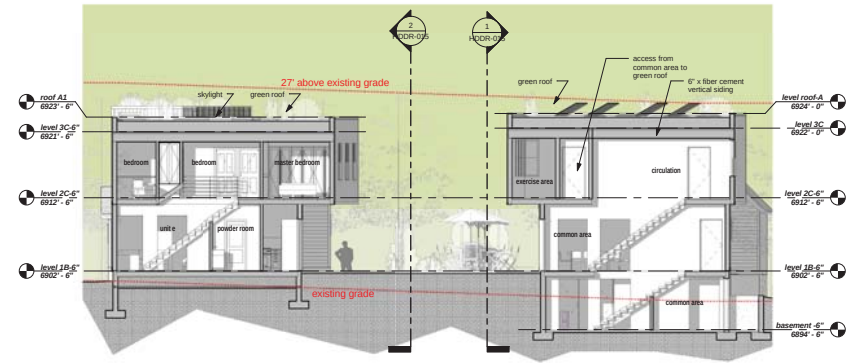




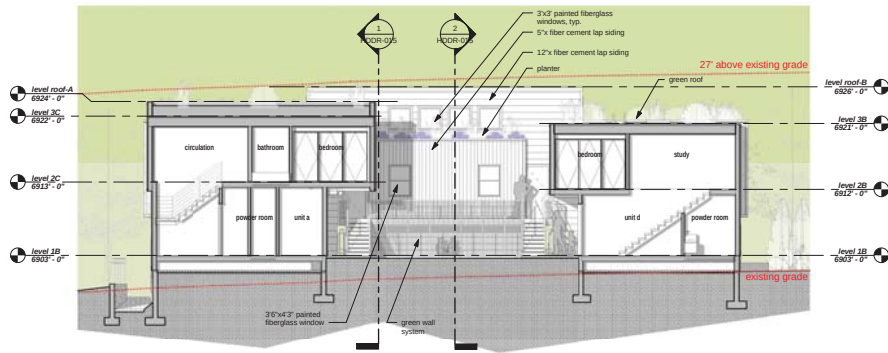




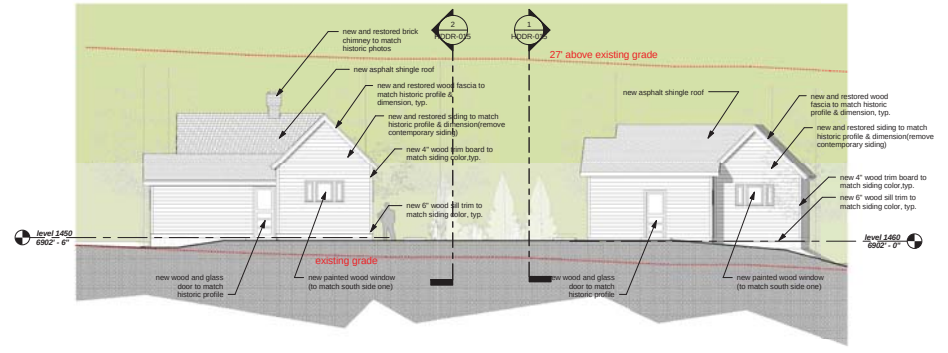
section 3



section 5



section 4



section 6



view from park ave. looking northeast

view from park ave. looking into courtyard





view from sullivan road

view from sky looking northeast



3d views
HDDR-018

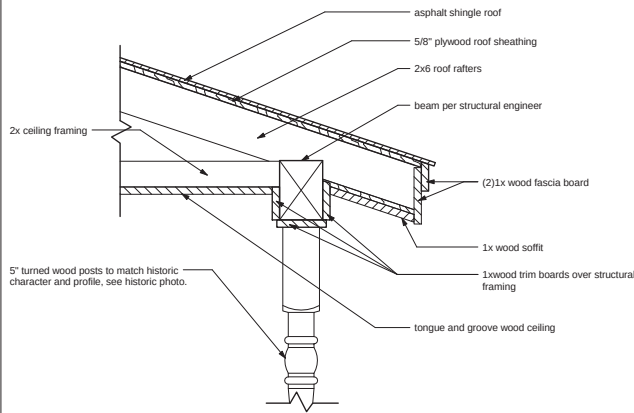
february 4, rev. october 25, 2013



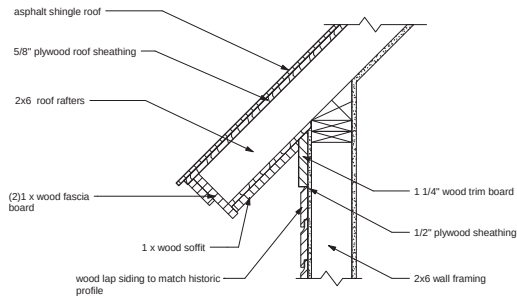
view courtyard looking towards park ave.

view courtyard

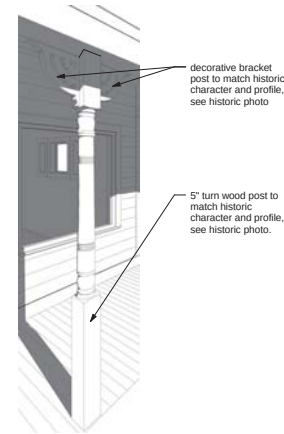




porch roof detail
1 1/2" = 1' - 0"



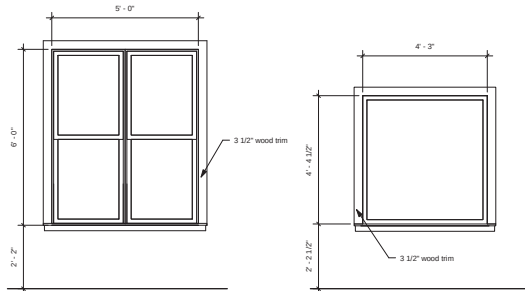
roof eave detail
1 1/2" = 1' - 0"



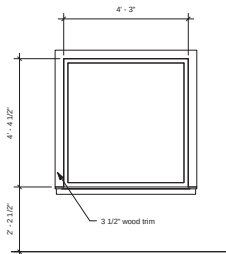
porch post detail



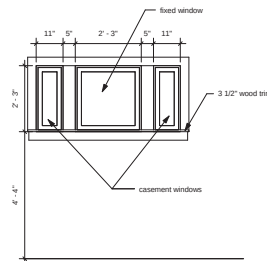
historic photo



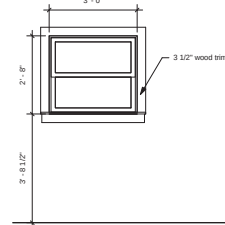
type A
double double hung window



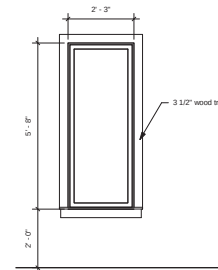
type B
fixed window



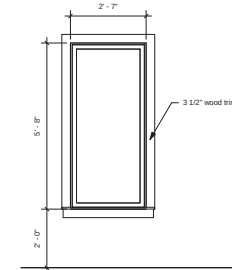
type C
fixed and casement window



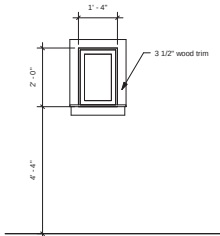
type D
double hung window



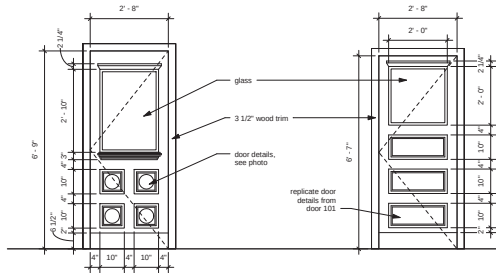
type E
fixed window



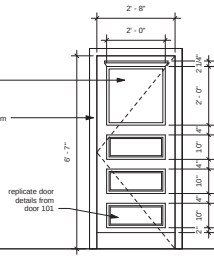
type F
fixed window



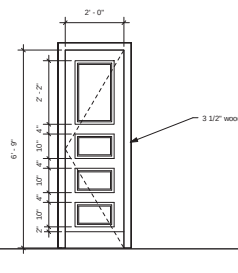
type G
fixed window



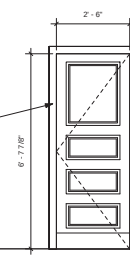
door 101
wood & glass entry door
(replicate existing)



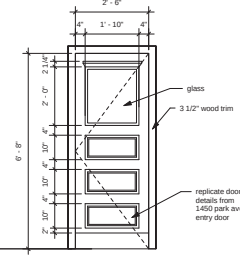
door 104
wood & glass entry door
(replicate existing)



door 102
wood door
(blocked behind)



door 105
wood door
(blocked behind)



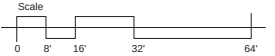
door 103/106
wood door back door



entry door photo

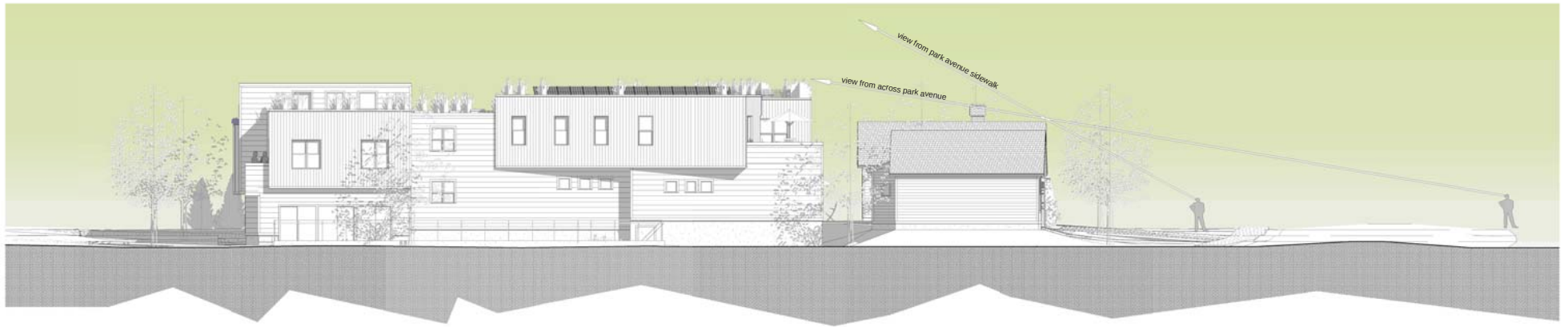


sullivan road streetscape



park ave. streetscape





view from across park avenue



view from park avenue sidewalk



dwelling unit area analysis

area schedule (net building)				
color	name	level	area	parking ratio
	1450 park ave.	level 1B	675 SF	exempt
			675 SF	
	1460 park ave.	level 1B	611 SF	exempt
			611 SF	
	common area	level 1B	776 SF	
	common area	level 1B	85 SF	
	common area	level 2B	535 SF	
	common area	basement	415 SF	
	common area	level 1B	85 SF	
			1897 SF	
	garage	level 1B	459 SF	
	garage	level 1B	459 SF	
	garage	level 1B	459 SF	
			1377 SF	
	storage	basement	47 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	47 SF	
	storage	basement	41 SF	
	storage	basement	40 SF	
	storage	basement	40 SF	
			348 SF	
	unit A	level 1B	509 SF	
	unit A	level 2B	602 SF	1.5 parking spaces
			1111 SF	
	unit B	level 1B	299 SF	
	unit B	level 2B	324 SF	1 parking space
			623 SF	
	unit C	level 1B	299 SF	
	unit C	level 2B	324 SF	53
			623 SF	
	unit D	level 1B	297 SF	
	unit D	level 2B	324 SF	52
			622 SF	
	unit E	level 1B	356 SF	
	unit E	level 2B	403 SF	1 parking space
			760 SF	
	unit F	level 1B	554 SF	
	unit F	level 2B	634 SF	1.5 parking spaces
			1188 SF	
	unit G	level 2B	1001 SF	
	unit G	level 3C	459 SF	1.5 parking spaces
			1461 SF	
	unit H	level 2B	997 SF	
	unit H	level 3C	459 SF	1.5 parking spaces
			1457 SF	
			12751 SF	10 parking spaces



Francisco Astorga

From: Joyce Baron <baronsbest@comcast.net>
Sent: Saturday, March 30, 2013 3:32 PM
To: Francisco Astorga
Cc: 'Joyce Baron'; 'Ann Henderson'
Subject: Concerns regarding Green Park Cohousing PL-13-01832

Francisco,

We received a Notice of Review of Administrative Action regarding the Green Park Cohousing project located at 1450/1460 Park Ave.

I own one condo in the Struggler condos at 1470 Park Ave.

First of all, I applaud your efforts to restore the original homes at 1450 and 1460 Park Ave.

I do have some concerns regarding the plans that were attached to the Notice. My concerns are:

1. Considering the size of the property, restoring the two homes and adding eight additional living units to the back of the property makes the back portion of the property much too high density for the neighborhood.
2. The six single car garages show on the back of the property are inadequate for eight units. Each unit should have at least two parking stalls dedicated to each condo/apartment. The struggler project has 3 parking spaces per unit. Even if you park one car in the garage with a second directly behind it (a very poor plan), you still have only 12 parking places for 8 units.
3. Placing the back of a two story complex with a 10 foot setback directly in the front of struggler units 4 and 5 will totally block their front window view and have a negative impact on their property value.

We are asking Park City to reconsider this project because of the high density of the back part of the property, extreme lack of adequate parking, and the negative impact it will have on adjacent properties. This property should be re designed for perhaps four new living units with adequate parking and open space.

Thank you for sharing our concerns with others in the planning department.

Clark and Joyce Baron
1470 Park Ave, #2
Park City.

Joyce Baron

~Artist~

www.JoyceBaron.com

1183 West 1380 North

Provo, Ut 84604

Home 801.375.4933

Mobile 801.367.1011

Francisco Astorga

From: Ann Henderson <hsales@xmission.com>
Sent: Monday, April 08, 2013 3:36 PM
To: Francisco Astorga
Cc: Lisa Draxler
Subject: APPLICATION # PL-13-01832 - 1450/1460 PARK AVENUE

Francisco,

I have received a Notice of Review of Administrative Action regarding the Green Park Cohousing projected as noted above. I, along with two others own one of the units in The Struggler Condominiums located at 1470 Park Avenue, which is directly north of the referenced project at 1450/1460 Park Avenue.

I have gone on to a website and read about co-housing and I am very concerned that a project of this type would not be suitable for the area where it is planned to be built.

1. I think the size of the property intended to house the Co-Housing project is not sufficient. The restoration of the two homes is very justified and welcomed, however the rest of the project is not appropriate.

The project is very high density for the lot and surrounding neighborhood.

2. The height of the buildings in the back part of the lot are high enough that the view of units 4 and 5 will be blocked totally from their deck window. This would have a negative impact on property value should

any of the units want to sell their property, especially units 4 and 5. The value of the entire condominium building would be devalued. I would say this would be a concern of the condos on the south as well.

3. The parking situation is undesirable in that there are only 12 parking places for 8 units. I can't imagine that a multi-unit structure with inadequate parking would be approved to be constructed. If there is ever

an empty parking space at the back of the building the people that visit the park use it and it is very hard to enforce, even with towing signs up. Therefore, the people that lived on this property would have to find parking

elsewhere, and that would create a problem with the city. None of this is appropriate.

Park City should reconsider this project for the above reasons and for the negative impact that it will have on the properties to the north and south and consider building something with less living units with adequate parking and perhaps some open space.

Please feel free to share my concerns with members of the planning committee. I would be appreciated if we were to receive notification of planning department meetings concerning this project.

Thank you,

ANN HENDERSON - STRUGGLER #1 LLC
1470 PARK AVENUE # 1
PARK CITY, UT

MAILING ADDRESS:
1539 MEADOW MOOR ROAD
SALT LAKE CITY, UT 84117
PHONE: 801-550-2931

Jane G. Crane
4435 Loren Von Dr.
Salt Lake City, UT 84124

April 5, 2013

Francisco Astorga
Park City Planning Department
445 Marsac Avenue
PO Box 1480
Park City, UT 84060

Re: Notice of Review of Administrative Action; Application #PL-13-01832; Property location 1450/1460 Park Avenue.

I am an owner of a Struggler Condominium unit located at 1470 Park Avenue, and adjacent to the application (PL-13-01832) property. After reviewing available information regarding the application I have a few concerns

1. The historic renovation of the two homes on the front of the property seems to be an appropriate proposal. The addition of eight new units, however, on the remaining back portion of the property makes the proposal density much too high for the available space and surrounding area. This is not the right piece of property to develop a high density, communal living space.
2. The parking for all units is very inadequate. The front houses originally had a drive in space that would allow for 2 cars and they were always used. The plans don't even show parking for the front 2 houses. There appears on the plans only 6 garages for the back eight units. This is inadequate for six units, let alone 8 to 10. The Struggler has parking for 2 cars at each unit plus an additional 3 spaces in front and 6 spaces in back of the units. I have a huge concern that the density of this plan will make our parking areas seem too enticing for neighbors that don't have enough parking to use. Especially in the front and back where Struggler parking is already used by non-Struggler residence or guests because of the existing high neighborhood density and general lack of adequate residential parking. The heavy use due to the proximity and lack of adequate parking at the City Park exacerbates this situation. I don't think there is a plan in any town that permits new dwellings to be built without adequate parking for the residence. Plus this is a town that needs to plow streets and side walks continually in the winter months.
3. The size and placement of the back proposed units next to the Struggler Condominiums will make it so units 4 & 5 and possibly unit 3 have absolutely no view and result in a very negative impact on their property value. Again I think the density of this proposal is too high and that fewer units with green space around the development would be more enhancing to the neighborhood.
4. The plans shows no access to the back units from Park Avenue and only one outside entry to the eight units from Sullivan. How does one expect these

potential residents to even move their household in and out with such limited access? I suspect again that the Struggler private driveway will be their alternative because of lack of planning in this proposed plan.

In summary I would like to say we have a beautiful park across the street from the proposed development and what more is communal than that access and green space. Park City is a beautiful area and allowing a closed, high density development at this location seems very detrimental to the surrounding neighborhood. I am asking the Park City Planning Department to reconsider this project for all of the reasons stated above.

Sincerely,

Jane G. Crane
(janegcrane@aol.com)

Francisco Astorga

From: Dan Mauss <danmauss@yahoo.com>
Sent: Monday, April 08, 2013 5:00 PM
To: Francisco Astorga
Subject: 1450 / 1460 Park Avenue proposed project

April 08, 2013

Dear Mr. Astorga,

As an owner of one of the units in the Struggler Condominium complex located at 1470 Park Avenue, I am writing this e-mail to voice some concerns about the Green Park Cohousing development that is proposed on the adjoining lots next door to us.

We have enjoyed the beauty and tranquility of this prized location for nearly fifty years now. It has been a second home to us, one that we have come to love dearly over the years and decades. Though Park City has grown up over the years, our neighborhood has retained it's quaint personality and not given way to over-development as can be found in other areas. We have come to love the ability to look out our windows and off our balcony at the beauty of the mountains that surround us. Imagine our horror to pick up the paper and see this proposed project which would relegate us to looking out our windows and off our balcony to the backside of a multi-story building that will house ten residential units on land that used to facilitate a mere two small homes. This kind of over-development and high density development is exactly what Park City needs less of, not more of.

With Park City guaranteeing the loan before the project receives approval and additionally selling to the developers the land at a price that represents a loss to the tax payers, this type of "behind the doors planning" smacks of collusion at the highest level. Those of us who have done our best to maintain the integrity of the neighborhood through the years, are disappointed at the apparent lack of foresight in moving this project through the approval process. Surely there must be a better location than the very gateway to the city itself for what appears to be experimental government subsidized housing.

Of extreme concern, is the lack of adequate parking. Our development requires 2-3 covered parking spaces per unit. It appears that these ten units are only providing six parking stalls for the entire complex...far fewer than housing projects built over the years of our ownership next door. Those parking areas that we have provided for our guests when they come, will surely be taken over by residents of this project who have no where else to park creating an ongoing hardship for us and for our guests.

The very concept of this complex espousing cohabitation with shared common areas, is new and unproven in this area and dictates that it should be located in an area that is more suited for an experimental project. At the very least, consideration needs to be given to the number of units proposed, the amount of parking available and the impact to the neighbors based on it's current design. Moreover, there appears to be a conflict of interest at the city level since it is both the owner of the land, and in control of the planning approval process. We respectfully request that this project be put indefinitely on hold while the neighbors and owners of property are provided a due process of comment in a public hearing process.

Thank you for taking the time to hear our concerns.

Dan Mauss and Family
Unit #5 Struggler Condominiums
1470 Park Ave.
801-580-8050

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**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
May 8, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Charlie Wintzer, Thomas Eddington, Francisco Astorga, Anya Grahn, Polly Samuels McLean

WORK SESSION ITEMS

1450/1460 Park Avenue - Conditional Use Permit (Application PL-13-01831)

1450/1460 Park Avenue - Plat Amendment (Application PL-13-01830)

Commissioner Thomas recused himself on the Park Avenue project due to a prior involvement with the project. Commissioner Thomas left the room.

Commissioner Hontz recused herself from the 1450/1460 Park Avenue discussion because she had submitted an RFP for this project. Commissioner Hontz left the room.

Craig Elliott with the Elliott Work Group represented Green Park Cohousing. Mr. Elliott presented a slide looking at properties on Park Avenue between Park Avenue and Sullivan adjacent to the ball fields at City Park. He stated that when Elliott Work Group works on a project and design concepts they initially do a context analysis. He walked the Planning Commission through the context of the site and the design concepts and finish with the submittal they have so far. Mr. Elliott felt it was important for the Commissioners to understand the thought process they went through to locate the building and the design of it.

Mr. Elliott stated that the property extends between Sullivan and Park Avenue. There are two historic homes on the lower part of the site. He noted that until he started working on this project he always thought Sullivan Road was a parking lot. Once they learned that it was a road it was important to understand how it works and functions and how this site fits into that context. Mr. Elliott stated that the two historic homes were shown in orange. There was another historic home to the north and two historic homes to the south. The farthest structure to the left was the 7-Eleven and City Park was on the right. The green area shown was the new construction project.

Mr. Elliott remarked that this project was in the HRM zone, even though there were historic homes on the entire area between the 7-Eleven and the Miners Hospital. Understanding the requirements within the HRM zone is important when doing a submittal for this type of project.

Mr. Elliott stated that the next part of their analysis was to look at the site and the existing development. He noted that the orange boxes represented condominiums with the exception of the re-construction and the 7-Eleven. He noted that there are five historic homes and 100-plus condominium units in the immediate adjacent area, most of which front onto Sullivan Road. The mass and scale of those buildings are significantly greater than the historic homes in the neighborhood. Mr. Elliott stated that this information helped them understand the massing, the actual construction and how it works.

Mr. Elliott stated that even though Park Avenue is a historic street in many ways, it is almost an arterial road because of the traffic load that comes through that area. Sullivan Road is much more of a neighborhood street and its primary intent is to service both the Park and the residential units

adjacent to it.

Mr. Elliott noted that the purple color represented the parking area. He stated that all of Sullivan Road, with the exception of this site on this block, is parking. Mr. Elliott pointed out that what remains on the block would be considered open space in this district. Properties are between a little under 5% open space to a little over 26% open space in those existing properties. He stated that this project is required to provide 60% open space per Code. Mr. Elliott noted that two driveways come in off of Park Avenue to the two historic homes.

Mr. Elliott explained that once they have all the information they apply the Code. However, more importantly, they needed to apply the principles of cohousing for this site. Mr. Elliott stated that ten units are proposed in this project. All ten units were spoken for and there is a waiting list. He noted that cohousing design is different. Ten owners come together to build and design their own place to live. Their goal is to live as a community. They generally require green and sustainable principles in their architecture and construction. They create gathering spaces to interact. They integrate into the community. A simple principle of cohousing is to park your car and walk from your car into the common areas of the project and interact with your neighbors before going into your unit. In addition, cohousing is an intergenerational type of living, and it includes everyone from small children to retirees.

Mr. Elliott provided an overlay of the 1929 Sanborn Map to show what was on the site historically. It showed peripheral structures in the center of the site towards the back. He had photographs showing sheds that went from the back of the house to Sullivan Road. Mr. Elliott indicated a darker L-shaped orange area on the map. He noted that the 1929 Sanborn map had an overlay. Underneath the overlay was one of the previous Sanborn maps. Mr. Elliott had seen the 1907 map. He noted that somewhere in between 1907 and 1929 something was on the property because you can see the image. Mr. Elliott provided a brief history of Sullivan Road and the subject property. He felt the thought that this property has always been a green, lush lawn area is out of context with the history of the site.

Mr. Elliott stated in designing cohousing they tried to create a massing of a new building that respects the two historic homes by allowing the visual to go in between those homes as they have for many years. The horseshoe shaped was responding to the massing of the larger buildings along Sullivan Road. They tried to keep those within the context of the larger structures that exist today along the entire block. Mr. Elliott remarked that the shape of the building as shown was designed in a way that represents what cohousing does. The center space of the horseshoe is the common area. Everyone comes from the parking on the perimeter on Sullivan Road, through the building through a walkway into the common space and then enter their units.

Mr. Elliott noted that the gray areas on the top represented three driveways and how they would work with the site. The two driveways were moved from the historic homes primarily for safety reasons. Mr. Elliott had requested the opportunity for parallel parking along Park Avenue but they had not heard positive comments from the City Engineer. He believed it was an interesting concept for providing additional parking spaces along Park Avenue and safer access than 90 degree parking in a driveway. Mr. Elliott stated that it was not a deal-killer on the project, but he felt it was appropriate. Mr. Elliott pointed out that the parking is very consistent with the remaining properties surrounding the site.

Mr. Elliott presented a 3-D representation of the project looking at it from the sky. He noted that the roofs are green roofs and they step back from the historic homes. In the context of the streetscape, the building in the center was the project they were proposing. Mr. Elliott explained how they tried to be consistent with the massing along the streetscape.

Mr. Elliott presented a slide of a required image in the historic district going through the HDDR process. It shows the sight line over the historic structures. Mr. Elliott reviewed the section drawings. They tried to step back from the historic homes with the massing and provide a gradual approach to the existing conditions and site parameters. Mr. Elliott identified the grade and height. He noted that the 3-D image was a massing model to help them understand the context of the site. They had shown trees between each of the breaks between the garages based on the thought that maybe long term on Sullivan, a tree could be placed wherever there is an opportunity for a green bulb-out, to create a sense of scale along the entire street. Mr. Elliott believed it was a way to improve Sullivan Road without having to do curb and gutter.

Mr. Elliott reviewed a slide from the perspective of looking at the project on the opposite side of Park Avenue, looking back at the two historic homes. Mr. Elliott noted that trees were shown as a goal to create a buffer for the horseshoe shaped common area. Mr. Elliott presented a slide from the interior perspective.

Mr. Elliott presented a slide of the overall context that dealt with some of the zoning issues. He noted that the zoning was created to encourage taking the accesses off of Park Avenue and moving them to Sullivan Road. Mr. Elliott stated that for this project the access was taken off of Park Avenue and moved to Sullivan Road. They tried to be consistent, but improve upon the concepts that already exist.

Chair Worel called for public comment.

Clark Baron stated that he owns one of the Struggler condominiums on the left of this project located at 1470 Park Avenue. Mr. Baron appreciated the work that the Park City Planning Commission has done to help maintain the historic look and feel of Park City. He understands that there is a lot of parking there now and that these condos were built prior to 2009. These projects all met the Code when they were constructed. Mr. Baron met with the Planning Department and reviewed the documents. They found them to be very professional and accurate. Mr. Baron agreed with the findings outlined in the Staff report. The Staff has done a good job identifying major issues with the project.

Mr. Baron commented on four concerns he had regarding the proposed project at 1450/1460 Park Avenue. The density of the project is concentrated on Sullivan Road. He felt this was excessive for the size of the lot. The Code requires 60% open space. This is not met by the project. He admitted that open space requirement was not met by previous project, but the Code has changed since then and it was changed to try to maintain as much open space as possible. Mr. Baron stated that Sullivan Road is the front yard for eight of the condos, yet it has minimal open space on that end of the project. With only four or five feet between the historic homes and the large multi-unit dwelling, he believed the density was too high.

Mr. Baron agreed with the Staff report that the addition should be subordinate to the historic structure. He did not believe the proposed plan complies with that requirement.

Mr. Baron stated that the design proposed is not consistent with the look and the feel of the historic lots in the neighborhood. A square box with a flat roof is very different in style from the surrounding buildings. Based on the Staff report, this project is not compatible with the surrounding structures in mass, scale, style and design.

Mr. Baron noted that the proposed plan shows that the historic structures are being raised approximately 2-feet higher than their present grade, and the bulk of the dwelling is also raised 3-feet above present grade. He believed this distracts from the look of the project and is not consistent with the Park City Design Guidelines for Historic Sites. Mr. Baron stated that the project has serious parking issues due to its design and scale. The only parking is off of Sullivan Road which is designed for limited access only. Having a main entrance, eight condo units and all six garages with separate driveways with cars backing on to Sullivan Road is limited access. Mr. Baron also questioned space for snow removal because it appears to be marginal. Access to the front doors of the condos will be through the building at that point. As noted, the driveways do not meet the Code.

Mr. Baron stated that if this project is approved, the visitors and residents to the Park will no longer have a tree-lined area back in there with smaller condos or little homes. They will see another large structure. Mr. Baron preferred to maintain a cottage type look since it is one of the few remaining historic areas. Mr. Baron urged the Planning Commission to follow the recommendations that were outlined in the Staff report and send this project back to the drawing board for major revisions and a significant reduction in scale and change in style to match the buildings in this historic neighborhood.

Mary Wintzer stated that she attended early meetings about cohousing and she was very excited about it. Since the City was partnering with this effort, she was surprised that it had gone off track a little with the areas where it does not comply. Ms. Wintzer understood that the goal of cohousing was to integrate into the community to create community. It is not to be separate or put off on the existing community. She noted that affordable housing has to comply with the LMC as much as possible. The City has spent months looking at the LMC and trying to correct some of the problems that exist in the slides Mr. Elliott presented this evening. Ms. Wintzer referred to Mr. Baron's comment that the existing buildings were built under the old Code. She noted that they were trying to improve on that and not repeat the same mistakes. Ms. Wintzer believed that if the City is partnering, they have an obligation to the citizenry to send the right message and help Mr. Elliott's team create a project that is more in line with the LMC. If the City believes in this project they should help reduce the number of units that have to be built by subsidizing this project. They should not send the wrong message to the design community, and the majority of citizens who follow the Code would not understand that a project that the City is partnering with does not have to follow the same rules. Ms. Wintzer supported the cohousing project but it needs some tweaking.

Jane Crane, a part-owner of one of the Struggler Condominiums, understood that a number of people supported the cohousing program. She believed parking was a huge issue with this design.

Ms. Crane asked the people who were in partner ownership of this project to stand. She asked how many of them only had one car.

Chair Worel asked Ms. Crane to direct her comments to the Planning Commission.

Ms. Crane reiterated that parking is a huge issue and there is a green space that juts out from the Park that happens to be right in front of this cohousing unit. People have to get off the sidewalk in the Park and come out on to the street. She agreed with the comments made by Mr. Baron and Ms. Wintzer. With the City being in partnership with this project she believed they needed to look at the size and make their best effort into making it more compatible with the rest of the area.

Audrey Hardy stated that she is part of the LLC of Green Park Cohousing and she plans on living there. She had read a book about green roofs and urban roof top gardening. She thought the green roofing on top of the building should be counted as green space in many urban setting it is the only room people have for gardening and green space. Ms. Hardy stated that the point of the green roofing on top is for environmental purposes as well as building community. It will insulate the building and it will help refresh the air.

Sara Werbelow, a member of the proposed cohousing community, stated that a lot of issues were raised that she would like to talk about, but this is a work session and she thought they would be able to dialogue about the plan before them this evening and come up with solutions. Ms. Werbelow stated that in terms of the height and density allowed on that particular site, they are not asking for a variance because they are within the allowed height per Code on that site. She noted that the project was under the allowed density for that particular site. Ms. Werbelow believed those were critical issues. She remarked that the intent is to work within the Code and to have a discussion to address any issues.

Ethel Preston stated that she was also in the LLC. Ms. Preston had noticed a very large condo on the other side of Park Avenue that has a flat roof. Therefore, the flat roof is not out of context in that area.

Darrel Finlayson, President of the Green Park Cohousing, asked Mr. Elliott for the slides of Sullivan Road. Mr. Finlayson stated that he currently lives in Wasatch Condominiums, which consists of four buildings. He has lived there for ten years. His personal experience with living on Sullivan Road in terms of traffic flow and parking is that there are 120 uncovered open parking spaces along Sullivan Road for City Park, as well as parking spaces available for all the other existing condominiums. In terms of safety, Mr. Finlayson noted that the posted speed limit on Sullivan Road is 10 miles per hour, which reflects the density of use in that area. Additionally, in the summer time speed bumps are put in, which reflects the City's goal of reducing the speed of traffic through that zone. Mr. Finlayson personally believed that having more parking consistent with the rest of the parking along that side of Sullivan will help influence the speed of the traffic. Mr. Finlayson pointed out that they were not building an addition. The new construction is a separate structure from the historic homes. He felt it was important to note that it was incorrectly referenced as an addition in the Staff report.

Dan Moss, an owner of a Struggler Condominium unit, shared the concerns expressed by Mr. Baron and Ms. Wintzer. He was relieved of some of those concerns when he saw the Staff report and how it identified some of the areas where the projects does not comply and some of the problems it represents. He encouraged the Commissioners to study the report carefully and address each concern raised in the Staff report to make sure compliance is met. His unit fronts Sullivan Road and he has watched the evolution of that road. Mr. Moss stated that it is already congested and there is

a shortage of parking. This particular construction would diminish what little parking is available and it would add to the current congestion. Mr. Moss was concerned that the general character of the area would be compromised by this high density housing project.

Chair Worel closed the public hearing.

Craig Elliott stated that he has worked on this property for two years and this was the first time he had the opportunity to give a presentation. He has had the opportunity to meet with the Staff and to respond to their review. Mr. Elliott remarked that the plan submitted was capable of being compliant within the ordinance. In response to the comments about the grade, Mr. Elliott explained that they are required to raise the historic buildings on this site because it is in a flood plain. He noted that the building to the south is within the height compliance generally accepted in the Historic District Guidelines. The building to the north is slightly above what is generally accepted, but it could be lowered within the 2-foot range. It would meet the criteria but it may not be the best solution for the project. Mr. Elliott stated that the site is also within the boundaries of the soils ordinance. Since there is no nearby repository, they would have to truck any soils from excavation to Tooele. That cost would be impossible for an affordable housing project to absorb. Mr. Elliott pointed out that the excavation from the foundations would be placed in the center of the site where nobody could see it.

All the grading change was done within the requirements of the Code. Mr. Elliott noted that the project provides over 60% open space; 53% is on the ground and 10% is shown as green roofs. Mr. Elliott stated that he was prepared to discuss architecture and style or address other issues if the Planning Commission had questions.

Planner Astorga noted that because the Staff report was lengthy, it was separated into sections. Section 1 was specific Conditional Use Permit Review criteria specifically for the HRM District, as outlined on pages 8-10 of the Staff report. Section 2 addressed parking. The project must meet the parking requirement and a small portion of that section indicates the number of parking spaces they must provide. The Staff report contained the Staff findings. Section 3 was the Standard Conditional Use Review Criteria 1-15 as outlined on page 16 of the Staff report. Planner Astorga noted that this criteria is the standard that is used throughout and it is tied to the State Code. Section 4 addressed Special Requirements for Multi-Unit Dwelling as reflected on page 19 of the staff report. The Staff interpretation is that the project as submitted falls under a multi-unit dwelling. Cohousing is not listed as a use in the Code. Cohousing is considered a social component of how someone lives. Section 5 is the criteria in the Code for access off of Sullivan Road as outlined on page 20 of the Staff report.

Planner Astorga requested input from the Planning Commission on five discussion points. The first was compliance with the design guidelines. He noted that the applicant had submitted an application for HDDR, a CUP and a plat amendment. He explained that the Staff has the review and decision on the HDDR, Planning Commission has the final say on the CUP, and the City Council makes the final decision the plat amendment. Planner Astorga explained why the Planning Commission should not focus too heavily on the design guidelines. In the event an appeal is submitted, the appeal would be heard by the Historic Preservation Board as the body who reviews appeals of HDDR applications.

Planner Astorga noted that the second discussion point was compliance with the parking requirements. The third point related to the second point in terms of whether the Planning

Commission considers the parking area to be five or more spaces. Planner Astorga stated that the applicant disagreed with the Staff analysis that there are five or more spaces at the rear, based on specific criteria that was applied.

Planner Astorga pointed out that there could possibly be three conditional permits for review. The first is the use of a multi-unit building, the second would be limited access off of Sullivan Road, and the third would be a parking area containing five or more parking spaces.

Planner Astorga stated that the fourth discussion was the open space requirement. Per Code, multi-unit buildings require 60% open space; however, the Code is not specific as to whether or not a green roof could be counted as part of the open space requirement. Planner Astorga thought it was a gray area and he requested Planning Commission input.

Planner Astorga noted that the last discussion point was limited access on Sullivan Road. The Code indicates that specific criteria must be met before the Planning Commission could grant limited access off Sullivan Road. The Staff did not believe the applicant had met all of the criteria.

Commissioner Wintzer complimented Planner Astorga on a great Staff report and a good presentation. Regarding the design guidelines, Commissioner Wintzer was comfortable with the bulk of the building and the number of units. However, he had major concerns with the east elevation. He noted that the design guidelines talk about diminishing the visual effect of the garage and the automobile. Commissioner Wintzer pointed out that the back elevation is actually a front elevation because this property has two front yards. He was not in favor of the garages with cars parked in front. Commissioner Wintzer emphasized the importance of reworking the Sullivan Road access. He understood that other buildings in the area were not sensitive to design or use of land. There was nothing they could do about the existing buildings, but new buildings should be designed to be more compatible and more presentable. Commissioner Wintzer felt that a minimum, the City should be held to the same standards as all other developers.

Commissioner Wintzer needed to see a parking plan to adequately address the parking issue. He understood that there would be six cars parked in a garage and six cars parked behind those cars and a couple more on the side. He was unsure if stacking the cars meets the Code. At the bare minimum, each unit has to move one car to back out another car. Commissioner Wintzer stated that he is a neighbor to the Affordable Housing project on Deer Valley Drive. That project has limited parking and there is at least eight cars parked on the street every night from that project. Commissioner Wintzer believed the cohousing homeowners were the most sensitive to cars in town, but they would still have a minimum of one car per person. They will be parking in City Park and taking up the limited parking.

Commissioner Wintzer agreed with the comment that if this project is too big to accommodate the parking, and the City believes that cohousing or affordable housing is an important element, they need to make the land more affordable so the number of units can be reduced to make it fit. Commissioner Wintzer did not think they should downgrade the Code or the standards to achieve affordable housing units for one project because it would carry through to every other project on the street and held up as an example.

Commissioner Wintzer was unsure how to address the open space issue. He noted that one day the City Council gave direction for flat roofs in Old Town, but they did not follow through with guidelines regarding open space and what could be done with a flat roof. He personally believed a flat roof was an appropriate use, even though it is not historically compatible. The building is a separate structure from the historic homes and he thought Mr. Elliott did a great job separating the buildings. Commissioner Wintzer understood the argument Mr. Elliott made for raising the buildings.

Commissioner Wintzer agreed with the Staff report on the Sullivan Road access, but he was not convinced that putting the access on Park Avenue was a better solution. City Park is a jewel of the City and one of the most popular open spaces in town. It needs to be protected, but he still thought it was better to have the access off of Sullivan Road, especially with the historic houses in the front. He is a strong believer in the Code and when they do not honor the Code it weakens the Code. The biggest problem in old town is that everyone wants to do it because their neighbor did it.

Commissioner Wintzer thought there was a problem with snow storage on the site, primarily due to the size of the site. He also thought trash was a problem. Making the site as tight as it was proposed leaves no room for auxiliary uses. Commissioner Wintzer stated that he is a follower of the Code, but he also believes it is important to have these types of housing opportunities in the community to be a complete community. He was not willing to ignore the Code, but there are gives and gets that could make this project possible. However, the applicant needs to make that argument because he did not want it to appear that the Planning Commission ignored the Code to make this project work.

Planner Astorga stated that when he started working on this project he found out from the City Engineer that Sullivan Road is not a platted road. It was simply built as a way for people to get to the Park. If the Commissioners had questions, they could look to the City Engineer for answers. Planner Astorga clarified that the Staff did not disagree with Mr. Elliott's comment about a sea of parking. He would like to see an aerial photograph of all the parking spaces to find out which ones have been approved by the City. Planner Astorga stated that he would like to know how many are legal parking spaces and how many were asphalted over a weekend without permits or approvals. The Staff did not have time for that research and he encouraged Mr. Elliott to work with the Building Department to locate the site plans so they could do the exercise. Commissioner Wintzer pointed out that this was an existing condition and he thought the City needed to map Sullivan Road for future reference. He did not believe finding the information suggested by Planner Astorga would change the appearance of Sullivan Road. Planner Astorga clarified that he was only looking for site plans to see how many of the parking spaces for the existing condos were actually legal and approved.

Commissioner Savage stated that this was an interesting discussion where they were trying to solve a heavily constrained problem. He noted that it could be approached from the point of view of content of the LMC, or from the point of view of context and how to implement this community benefit. He believed this cohousing facility was a community benefit because it can nucleate other good things to happen around the community. As a Commissioner and as a citizen, he supports that kind of activity. Commissioner Savage thought the context should drive their discussion.

Commissioner Savage did not have a solution for the parking and he thought it required more

detailed analysis and creative thinking, and he support Commissioner Wintzer's comments. Commissioner Savage stated that the idea of gives and gets as it relates to the open space requirement and green roofs was acceptable in his opinion. He drives Park Avenue every day and that neighborhood is a hodgepodge. Commissioner Savage remarked that a constructive attitude would be to find the right solution to allow this to be implemented in a way that helps people in the heart of Park City achieve their objective, rather than nit-picking the content.

Commissioner Gross thought it was a terrific project and Mr. Elliott did a great job of putting it together. If the project could comply with Code, it was something the Planning Commission should support. Commissioner Gross was unsure how the parking issue could be resolved. He commented on parking issues throughout Old Town and other affordable housing projects. He thought it was commendable that the Struggler Condos have 3 spaces per unit, but that was not possible on this site. Commissioner Gross stated that at a minimum they should try to achieve a one to one ratio for this cohousing project. He noted that Park Avenue is not a friendly street and being able to park on Sullivan Road would help make Park Avenue more walkable.

Commissioner Wintzer did not agree that parking on the street was the answer. Trying to reserve the parking for the units would be difficult, and the street is already over parked because there are cars everywhere. Parking is especially tight in the summer from Park users and they could not take away that parking.

Chair Worel stated that she loves the cohousing concept and she wanted to see it work in Park City. She shared the concerns of her fellow Commissioners regarding the LMC and finding a way to make the LMC work with this concept. Chair Worel asked if she was correct in understanding that seven units were required and ten were proposed.

Mr. Elliott replied that seven affordable units are required. Ten units are proposed on site to provide housing for the cohousing group, which is six less than what is allowed.

Chair Worel asked if all ten units were spoken for and purchased. Mr. Elliott answered yes. Chair Worel clarified that it would present a significant problem if the number of units was decreased. Chair Worel was comfortable using the green roofs as part of the open space; however, in looking at the plans it appears that a ladder would be the roof access. Mr. Elliott replied that it can be accessed from several different places. The areas that are all green have a step up over a terrace. The other terraces were not counted as green, even though green spaces are associated with them.

Commissioner Wintzer suggested that for the next presentation, the applicants submit a parking plan and color code what they intend to count for open space.

Chair Worel asked how people would access the green roof open space. Mr. Elliott indicated doors that would be used for access. It was called out as a ladder on the drawings but it could be stairs or something else. He noted that solar panels were not included in the open space calculation.

Commissioner Savage stated that his direction would be that the idea of counting the roof towards the green space calculation would be acceptable, particularly if the applicant can demonstrate that it

is a community benefit for the people who live in that project.

Planner Astorga asked for input from the Commissioners on the issue of five or more parking spaces. He presented a slide of the site and explained how the Staff determined the number of spaces. Based on the calculation, the Staff determined 8 spaces aside from the six garages, which triggers a CUP. The applicant disagreed with that determination.

Commissioner Wintzer agreed that it was eight parking spaces. Commissioner Gross clarified that it was all part of the same project, which made it difficult to split the parking. Commissioner Savage explained how it could be considered two separate parking areas. He believed the parking issue was again the question of interpretation. He reiterated that the discussion should be driven by the context of the design that adds value to the nature of the property and is compatible with an interpretation, rather than trying to figure out the interpretation.

Commissioner Wintzer stated that there was no room to improve the parking and he was seeing six garage doors and eight cars parked in front of them as the streetscape of this project. Mr. Elliott and Commissioner Wintzer discussed the parking. Mr. Elliott explained different parking options and how it could be accomplished.

Planner Astorga clarified that the requirement is ten parking space but it is not triggered because of the ten units. It is triggered because the two historic structures do not have a parking requirement, and four of the units trigger just one parking space because of their size, and the other four trigger 1.5 spaces for a total of 10 spaces.

Planner Astorga thought the Staff could work with the legal department on the gives and get, specifically address the limited access off Sullivan Road. He believed the Staff could also work with the applicant on fine-tuning this project. Planner Astorga noted that the Planning Department supports this type of use, but they have the responsibility to make findings for every criteria in the LMC for a CUP. Commissioner Wintzer appreciated the Staff's position. He noted that the role of the Planning Commission is to enforce the Code and to make sure the Staff has made the appropriate findings.

Commissioner Savage applauded Mr. Elliott and his team for the approach they have taken with this project.

2024 Sidewinder Drive – Discussion of Conditions of Approval for Conditional Use Permit for a church. (Application GI-12-00205)

Commissioner Gross was excused from the meeting for a short time due to another commitment.

Commissioners Hontz and Thomas returned.

Planner Evans stated that the Staff was seeking guidance from the Planning Commission regarding the condition use issues at 2024 Sidewinder Drive. He reported that the conditional use was issued in 1995 for a church. The zoning is General Commercial and a church is a conditional use within that District. It is unknown how the long church existed in that building. The upper portion has stayed intact as originally constructed. No building permits have been issued since 1995 at this

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
JUNE 26, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Mick Savage, Adam Strachan, Charlie Wintzer, Thomas Eddington, Francisco Astorga, Kirsten Whetstone, Anya Grahn, Polly Samuels McLean.

WORK SESSION ITEMS

1450/1460 Park Avenue - Conditional Use Permit (Application PL-13-01831)
1450/1460 Park Avenue - Plat Amendment (Application PL-13-01830)

Due to conflicts of interest, Commissioners Thomas and Hontz recused themselves and left the room.

Planner Francisco Astorga stated that this was the second work session for the Green Park Co-housing project at 1450/1460 Park Avenue. He provided an overview of the conditional permit for a multi-unit dwelling, a parking area with five or more spaces, and limited access off Sullivan Road. During the last meeting the Planning Commission clarified that due to the number of parking spaces they considered the parking area to be a parking lot. Planner Astorga clarified that the limited access requires a conditional use permit.

Planner Astorga stated that in addition to the CUP, the applicant had submitted applications for an HDDR, which is reviewed and approved by Staff, as well as a plat amendment to remove a lot line. He noted that the plat amendment would not make sense if the CUP is not approved for the uses.

Planner Astorga read the language from the Code stating, "A conditional use permit for limited access on Sullivan Road must be approved by the Planning Commission. He reported on a disagreement between Staff and the applicant. The applicant finds that the project meets all the applicable aspects of the conditional use permit. The Staff differed from that opinion as outlined in the Staff report. He requested input from the Planning Commission on some of the items outlined in the Staff report and the Staff interpretation. Planner Astorga stated that the Planning Commission would eventually have to make findings of fact and conclusions of law and applicable conditions of approval per the three requested uses.

Planner Astorga stated that the Planning Commission could either agree with the Staff interpretation, require the applicant to redesign the project or submit for a variance to the Board of Adjustment, or they could direct the Staff to begin a LMC amendment. If they choose the LMC amendment, it must be for the entire HRM district and not one particular site.

Planner Astorga noted that the Staff report was divided into five different sections. He stated that the Staff was not against the co-housing project and the seven affordable units proposed reflect the Park City values. He clarified that he was not against the co-housing principle, but his job was to interpret the LMC and create findings for the Planning Commission to approve in the future.

Planner Astorga stated that the first item for discussion was a special requirement for a multi-unit building. The Code requires 60% open space. However, in order to meet this criteria the applicant has to count the open space on the roof. The Staff would like to count the green roof as open space if it can be made accessible to everyone in the project. Planner Astorga pointed out that if the green

roof is not counted, the open space would only be 53%, which is less than the Code requirement.

Commissioner Gross asked if there was a special requirement for the roof to be green or whether it could be an open patio area. Planner Astorga replied that it would need to meet the green roof definition in the LMC, which requires vegetation.

Craig Elliott, the project architect, explained that the applicant was proposing a vegetated roof. Other areas with access had not been counted as open space. If those areas were counted the project would provide 85% open space. Commissioner Gross noted that many projects they have seen recently proposed green roofs and he wanted to make sure if more than just a reclaimed roof area with mechanical equipment on one side and patio tables on the other side.

Planner Astorga remarked that the Code uses the term "usable" in relation to open space. A requirement for a multi-unit building is to provide 60% open space.

Commissioner Wintzer noted that at the last meeting he had stated that he would consider approving the green roof as open space. However, this is a housing project that will have children and they were counting the setbacks as open space. In his opinion, it was not enough open space to make it work, but if someone wanted to squeeze it in under the definition, that would be their choice. Commissioner Wintzer emphasized that the City needed a definition for a green roof that works. The City Council decided that green roofs were acceptable, but they never went back to analyze the details of a green roof, what makes it work and whether it fits in the Historic District.

Commissioner Strachan asked if "usable" means access or whether it has to be useful, such as a garden or a recreation area. Planner Astorga explained that "usable" means that everyone in the project must have access to it without going through a private unit. It also means that it has to meet the definition of a green roof and have vegetation. Commissioner Strachan wanted to know how people would use the roof once they gain access. If there was nothing to do on the roof, he could not understand why they would need access.

Mr. Elliott concurred with Commissioner Strachan. He pointed out that there were a lot of reasons to have open space and green roofs count towards open space for several reasons. One is the opportunity to reduce runoff. It also reduces the heat load of the buildings. Green roofs do a lot of things that open space in general can do, and that was what they were trying to accomplish.

Planner Astorga reiterated that based on the Staff analysis, without the green roof there would only be 53.1% of open space, which would not comply with the open space requirement in the LMC. He asked if the Planning Commission agreed with the analysis, whether the applicant should redesign or submit a variance, or if the Planning Commission was willing to recommend that the Staff change the Code to lower the requirement.

Mr. Elliott remarked that people put bark, flowers and bushes and planting in the open space in their own yards. It is still open space but not space that people walk on and have access to. Commissioner Wintzer stated that the difference is that people can see it and it contributes to the community as open space. For that reason, he was having a hard time considering a roof as open space. Mr. Elliott commented on other elements in the community that is considered open space but it not used as a playground.

Director Eddington noted that Planner Astorga was interpreting usable as accessible. He agreed that there is open space in side, front and rear yards that is not overly usable, but it counts as open space. It is not the ideal and they tried to change that in the General Plan and come back with new definitions for open space. Currently, he believed that open space is basically green and not all of it is accessible. Gardens and landscaping is usable in terms of being visible and what it contributes. Director Eddington agreed that the current definition is not grand in out open space is counted. Side yards in Old Town are not that usable, and he believed the proposed green roof would fall under that category. You may not be able to play on the green roof but someone could walk around it.

Commissioner Savage understood that the developers, in conjunction with the homeowners, would have the right, but not the obligation, to turn the roof into a patio area and treat it however they wanted as long as it was accessible and complied with the requirements.

Commissioner Gross suggested that the green roof could be qualified similar to a landscaping plan on a house, where it is tied to the occupancy permit and must be completed in a certain manner.

Commissioner Savage stated that at the last meeting, his support of the green roof included the concept that it would be designed and developed in a way that would be green, accessible and desired to be accessed. He suggested that the applicant should come back with a preliminary plan indicating that the accessibility of the roof is meritorious. Chair Worel understood that the roof was accessible through private units. Mr. Elliott stated that it was no different from a typical condominium project where there is limited common space. Commissioner Wintzer pointed out that if a resident leaves town for a month, the open space would not be accessible if their unit is locked. Mr. Elliott explained that open space in a condominium project frequently is limited common area that would be accessible to that unit only and not to the entire project.

Jeff Werbelow, representing the applicant, stated that that this was not a typical project where no one is allowed in the units. It is a project where everyone shares everything in the project and everyone would have access to the green roofs. He explained that the original vision was to have an open space green roof similar to KPCW. They had not envisioned it as a playground.

Commissioner Gross understood that KPCW was not required to build the green roof. Director Eddington stated that it was negotiated into the building at the time as part of the CUP.

Planner Astorga understood that Commissioner Savage was suggested a re-design. He asked if the Planning Commission agreed with his assessment. Planner Astorga noted that if the Planning Commission did not follow the Staff recommendation, the open space would only be 53.1%. The options would be a variance or a re-design. Commissioner Strachan was unsure if the applicant could obtain a variance. Planner Astorga replied that the applicant would still have the right to apply for a variance.

Commissioner Strachan believed a third option was to change the LMC. In reading the definition of open space in the LMC, he noted that there are two types of open space; Open Space Landscape and Open Space Natural. Natural is the Round Valley type open space. Landscape is publicly accessible landscape areas, such as areas adjacent to public government facilities, playground equipment, recreational amenities, etc. He did not think a green roof was close to meeting that

definition. He was not opposed to allowing green roofs, but the Code needed to be changed before they could do it. Commissioner Strachan believed the issue was whether or not to incentivize people to put in green roofs. He personally thought they should. If that was the general consensus and the Code hinders that, then the Code should be amended so they could count green roofs at their discretion if it enhances the project and the community interest. Commissioners Worel and Wintzer concurred.

Commissioner Strachan believed the applicant had the option to redesign the project and come in under the current definition of open space, or request a Code amendment. He pointed out that amending the Code would be a slow process.

Mr. Elliott stated that part of the goal was to create garden space; however, the project is within the soils boundary. Based on the soils condition, they have an opportunity to put gardens on the roofs. Mr. Werbelow remarked that the intention is to have gardens on the roof. Commissioner Wintzer stated that they could put gardens on raised beds to keep it out of the soils, which is the same process as putting a garden on the roof.

Commissioner Wintzer pointed out that the Planning Commission has the obligation to enforce the Code. They do not have the ability to ignore it and it is not their job to change it. He felt the issue was problematic.

Commissioner Savage referred to the definition Commissioner Strachan had read, and that was included on page 20 of the Staff report, "LMC defines landscaped open space as landscaped areas which may include things such as public landscape and hardscape plazas." He stated that if the applicant came back with a schema that showed public raised bed gardening as a community garden for this shared development, he believed it would comply with the definition. Commissioner Wintzer pointed out that it would still not be publicly accessible.

Commissioner Savage thought there were two different discussions. One was publicly accessible and the other was whether the use qualifies for the definition of open space. In terms of the use, he thought it would be consistent with the definition. Chair Worel did not think it complied with the last part of the definition which states, "...but excluding buildings or structures." Commissioner Savage argued that it was a roof; not a building. It is a flat surface.

Mr. Elliott presented a slide showing the solar panels on the building. He noted that that end of the building had common area. There was a stairway that was common to everyone for access. Mr. Elliott stated that he could extend the stair to the roof and make that part green. He believed it would only require approximately 8% additional total square footage to meet the Code, if that was all that was required. In his opinion it would be a simple solution to resolve the open space access issue. Mr. Elliott was willing to make that change if the Planning Commission was willing to accept it as a solution. He clarified that it would not be a public access for anyone outside of the Green Park Co-Housing project.

Commissioner Strachan was not sure that the stair extension would meet the definition. Mr. Elliott noted that it would be privately held open space and no different from private courtyards or side yards. Commissioner Savage pointed out that where he lives he has the right to use the common space. However, "Joe Public" would not have that same right because he does not live there, but it

is still considered open space.

Commissioner Strachan thought the stair extension was a reasonable solution that comes close enough to meeting the definition. He recognized that it would not fit cleanly, but that was typical of most applications. Commissioner Wintzer concurred.

Chair Worel thought the issue made it clear that the LMC needed to be amended. Commissioner Strachan agreed that the definition needs to be revised if they want to incentivize green roofs in the future. Commissioner Wintzer reiterated his previous requests for the Staff to research a green roof definition. Director Eddington stated that the Staff has already drafted new definitions for open space, the different kinds of open space and green roofs for the General Plan. Once the General Plan process is completed, the LMC would be amended.

Director Eddington clarified that the Planning Commission would be comfortable with the green roof as open space with accessibility via the stairway; and there is no pre-exclusion with the words "but excluding buildings and structures", in the open space landscape definition. Director Eddington noted that a structure is typically defined as anything constructed and affixed to the ground. The Commissioners were comfortable with counting the green roof as open space as long as everyone in the co-housing development would have access to it.

Planner Astorga moved to the next issue of parking and interior landscaping. He noted that parking should generally be located to the rear of the buildings or screened so it does not dominate the streetscape. The Staff finds that the parking is not screened and therefore it does not comply.

Commissioner Strachan stated that a number of issues centered around the parking design. Planner Astorga replied that this section addresses the parking design. Commissioner Strachan recommended that Planner Astorga present all the parking related issues as one discussion rather than in pieces. The Commissioners concurred.

Mr. Elliott pointed out that Commissioner Strachan was absent from the last meeting and had not seen the full presentation of the projects. He requested the opportunity to briefly review his presentation because it shows the design concept, how it was put together, why they did it and what was done. He noted that it was the same presentation given at the last meeting with a few minor changes.

Mr. Elliott expressed disagreement with Planner Astorga's interpretation of the parking because the project does not have a parking lot. The project was designed with four driveways that go to garages and a driveway cannot be screened. The back lots are four Old Town lots of width. If there were four houses the driveways may be narrower but they would still exist. Mr. Elliott pointed out that the limited access discussion has a lot to do with a number of reasons. He explained that the limited access on Sullivan Road was put in because there was no dedicated right-of-way. In order to have access to the properties there needed to be something in the Code that allows it. Mr. Elliott stated that as second reason was to discourage access from Park Avenue. He noted that their plan removed two driveways from Park Avenue.

Commissioner Wintzer recalled that the Planning Commission had determined at the last meeting that the parking was a parking lot. Mr. Elliott stated that a parking lot would require a drive aisle, an

access and turn-in. Those can be screened because there is only one drive lane into a parking lot, which is a large area dedicated to parking. He would argue that this project did not have a parking lot because there were four different parking spots that connect to the street.

Planner Astorga agreed with Commissioner Wintzer that all the Commissioners, with the exception of Commissioner Strachan who was absent, determined that this qualified under the use of a parking area with five or more spaces. Commissioner Strachan was interested in seeing Mr. Elliott's presentation, particularly if changes were made since the last meeting.

Mr. Elliott reviewed the proposed development, the surrounding existing developments, as well as the roadways and parking. He noted that the orange areas indicated the historic homes on the block.

Commissioner Strachan asked if the 14 parking spaces proposed met the minimum parking requirements. Mr. Elliott replied that it exceeded the minimum requirement by four spaces. He explained why they were proposing to use parking on Park Avenue and clarified that it was not to meet the parking requirement.

Mr. Elliott pointed out the revisions that were made since the last meeting. They brought the building mass out and created recessed area for the garage and balcony areas off of each unit looking back into the Park area. Windows were added to the corners and they created a doorway in place of a window. Mr. Elliott indicated areas where the storage for trash and recycling was increased. It is screened from the public and it covered up what would have been another door. Therefore, two doors were reduced on the building mass from the previous plan, and the texture was changed for better articulation on the façade.

Commissioner Wintzer referred to the parking plan and asked if parking in the setbacks was allowed. Mr. Elliott replied that on a driveway you can park in the setback. Planner Astorga disagreed, and read language from LMC Section 15-3-14 on page 13 of the Staff report. "All parking lots shall maintain the required front and side yard as would be required for any structure". Commissioner Wintzer felt the language goes back to the question of whether this was a parking lot.

Commissioner Savage understood that whether or not this was a parking lot was a separate issue. If it is a parking lot Planner Astorga was right and if it was not a parking lot Craig Elliott was right. Planner Astorga replied that this was correct. Director Eddington explained that the alternative to the parking lot would be a series of driveways.

Commissioner Savage remarked that the nature of a parking lot is a situation where there is a certain number of parking spaces and people who have the right to use that parking lot can park in any of the spaces that exist in the lot. A driveway is dedicated to a unit and the people who do not own or live in that unit do not have the right to park in the driveway. Commissioner Wintzer pointed out that Unit 1 is parked in the garage and Unit 2 parks behind him outside of the garage. Planner Astorga pointed out that that would be part of the parking management which the City does not regulate. Commissioner Savage asked for the criteria that discerns whether or not it is a parking lot. Planner Astorga stated that he determined it was a parking lot because there are more than five parking spaces.

Commissioner Gross ask if the number of parking spaces was the only determining factor. He pointed out that the proposed parking exceeded the minimum and that was creating the issue. Planner Astorga noted that he had added the definitions of parking in his presentation.

Mr. Werbelow stated that they spent a lot of time on their parking plan. He noted that each tandem space was a unit and the family would park in the garage and in a driveway behind it. Two of the garages have parking partners and only two individuals share that space. He explained that it was not random parking where people could park anywhere like they would in a parking lot.

Planner Astorga reviewed Section 2 of his presentation, which focused on the parking issues. The first was interior landscaping of five feet. The applicant proposes four landscaping areas adjacent to the driveway/parking spaces, which is a strip of 2-1/2 feet and then two strip of 5-feet, and then another one of 2-1/2 feet. He noted that they have provided strips of landscaped areas; however, it does not meet the minimum of 5-feet. Another issue is street access and circulation, specifically parking areas designed for five or more vehicles. The LMC language states, "Must not necessitate backing cars on to adjoining public sidewalks, parking strips or roadways. The third issue was driveway widths and spacing. He read, "Residential and multi-unit dwellings and five or more parking spaces requires a minimum drive width of 18-feet. The maximum driveway width is 30-feet". Per the Historic District Guidelines, in the Historic District the minimum spacing requirement is 10-feet. Planner Astorga pointed out the conflict between the LMC requirement and the Design Guidelines. He noted that whenever there is a conflict of regulation the more strict requirement applies. Therefore, the minimum width needs to be 10-feet and this proposal does not meet that requirement. He clarified that it meets the criteria for a multi-unit building, but not in the Historic District.

Commissioner Savage asked if it was possible to resolve the collection of issues by allowing the project the spaces they need on Park Avenue. He believed expanding the parking on Park Avenue would mitigate the problem. Mr. Elliott stated that expanding the parking would require the Planning Commission to interpret it as driveways. Commissioner Savage asked if it would solve the problem of having five parking spaces if they kept the two spaces on Park Avenue and moved the open space on the front to the back. Mr. Elliott answered no.

Commissioner Wintzer asked if parking spaces 13 and 14 were in the side yard setbacks. Mr. Elliott answered yes. Commissioner Wintzer reiterated that parking in the setback is not permitted. Mr. Elliott remarked that the driveway is in the setback and parking is allowed in the driveway on the property.

Commissioner Strachan asked if any of the driveways exceed 30 feet. Planner Astorga gave the widths of all the driveways to show that they were under 30 feet.

Planner Astorga stated that the next section for discussion addressed tandem spaces. He noted that one provision in the Code states that tandem parking is only allowed for single-family dwelling, accessory apartments and duplexes in all zoning districts. However, another provision indicates that tandem parking is allowed in the Historic District. The Staff found compliance with this regulation and asked if the Planning Commission concurred with that finding.

Planner Astorga noted that the next section states that all parking lots shall maintain their required

front and side yard as would be required for any structure. The Staff did not find compliance on this issue.

Planner Astorga remarked that there was no added screening for the parking lot or driveway, and therefore, it does not comply with the criteria.

Planner Astorga noted that adjacent driveways must be separated by an island of 18-feet for a multi-unit dwelling. The Staff did not find compliance with this criteria.

For the purposes of discussion, Commissioner Savage asked if they were talking about a driveway or a parking lot. Planner Astorga stated that the Staff finds that it is both because it has a dual purpose. Commissioner Savage questioned how they could hold an applicant accountable to the most rigorous scenario for a parking lot and the most rigorous scenario for a driveway simultaneously. Planner Astorga believed they could because the use of the space has a dual purpose. You drive through it to get to a parking space in the garage and then you park another vehicle behind it. Commissioner Savage stated that it was called tandem parking. In his opinion it was a driveway and not a parking lot.

Planner Astorga stated that in all the criteria identified in Section 2, only a few apply to a parking space of five or more. He referred to page 13 of the Staff report and noted that there was not compliance with Criteria 1, 2, and 3. Criteria 4 and 5 were not applicable.

Commissioner Strachan clarified that Mr. Elliott was of the opinion that it was not a parking lot because it was broken up by the islands. Mr. Elliott stated that it was designed as a driveway. Commissioner Strachan stated that the fact that it is broken by the islands did not answer is questions. Mr. Elliott explained that the islands break the driveways into separate pieces and going into a garage makes it a driveway. It is not an access way to a parking lot.

The Commissioners and Staff discussed the widths of the islands. Director Eddington stated that the Code did not particularly address this particular situation because this development was multi-family dwelling units. He felt it was unclear on whether or not it could be called a driveway. Director Eddington pointed out that the Planning Commission previously deemed the parking a parking lot because it contained five or more spaces. Based on that determination there were spacing restrictions that Planner Astorga had previously outlined. However, the applicant believed it was a series of driveways. Director Eddington stated that the conflict needed to be resolved and the Planning Commission needed to make a determination this evening.

Commissioner Savage thought this was a good project that would be good for a lot of people. He thought the Planning Commission needed to find a way to solve the problem and to decide if it was easier to solve as a driveway or a parking lot. Commissioner Wintzer remarked that there were problems with either scenario.

Assistant City Attorney McLean advised the Planning Commission that as much as they like the project, they still needed to go back to the Code. If the Code is wrong, it can be changed, but they have the obligation to follow the Code that is in place.

Commissioner Gross felt the unfortunate issue with the problem is that it has a major frontage along

Park Avenue and a major frontage along a recreational parking lot. He assumed ten parking spaces were required for the project and the applicant was proposing 14. He thought a possible solution might be to eliminate four parking spaces and widen the buffers in the back to make them less objectionable and closer to Code. Commissioner Wintzer stated that the problem with that solution is that it would push the cars out into the neighborhood.

Planner Astorga emphasized that the bigger issue is that they do not comply with the design guidelines that says the driveway shall be limited to ten feet. He believed the smaller ones could be reduced but it would be difficult to reduce the ones that are 28.5 feet. Mr. Elliott believed the larger ones could be reduced to 21 feet. Planner Astorga pointed out that the requirement was found in the Historic District Guidelines. It was not a requirement of five or more parking spaces. The requirement applies regardless of the number of parking spaces.

Commissioner Savage stated that as a hypothetical, if the Planning Commission agreed to accept the plan as presented, he wanted to know what would need to be done to implement it. Planner Astorga replied that the Planning Commission would have to direct the Staff to change the LMC. Commissioner Savage assumed the next option would be for the applicant to apply for a variance. He understood that there was no way to approve the plan as designed without changing the LMC. Planner Astorga believed that was the only way.

Director Eddington referred to the Note on page 14 of the Staff report. Astorga read, "The City Engineer may approve minor space and width deviations. At this time no deviations have been made by the City Engineer." Mr. Elliott stated that they had not had the opportunity to visit the site with the City Engineer. Planner Astorga stated that he had many conversations with the City Engineer, which included him reviewing the entire Staff report. When Mr. Cassel has an issue he tries to work it out with Staff. Planner Astorga reported that Mr. Cassel had made no comments, which indicates that he occurs with the current Staff recommendation. Mr. Elliott stated that neither the design professional nor the owners had met with the City Engineer.

Commissioner Savage recommended that the project be set in abeyance until the applicants have the opportunity for review with the City Engineer. If the City Engineer can come up with a solution he supports, the Planning Commission would have a different position to consider. Planner Astorga pointed out that the language he read was from the LMC. Unfortunately, the City Engineer does not have the purview to override the 10-foot requirement for driveways as indicated in the design guidelines. He wanted to make sure that the applicant understood that Mr. Cassel would not be able to change the requirement from 10 to 18 feet.

Commissioner Strachan noted that if the City Engineer finds that it is not a minor deviation, it would tie the hands of the Planning Commission.

Assistant City Attorney believed that part of the conflict was that the Staff was given direction at the last meeting to review it as parking for five or more, and that was the basis of the analysis. Since both meetings were work session, it would be appropriate to re-examine whether or not it is a parking lot or driveways. She believed whichever avenue they take has its own challenges.

Planner Astorga was unclear on whether there was a different interpretation this evening as to whether it is five parking spaces or more. If the Planning Commission were to change their

interpretation, there would still be challenges to overcome to comply with Code. Commissioner Strachan could see no way to bend the Code because it was too far outside of the requirements. In his opinion, it is clearly a parking lot as defined because it has more than five spaces. It is not driveways. Assistant City Attorney stated that the alternative was to direct the Staff to look at LMC amendments for this area. Commissioner Gross was comfortable with that alternative. Commissioner Wintzer was not opposed to changing the LMC, but he thought it would be a quicker process for the applicant to consider redesign work rather than wait for changes to the LMC. Commissioner Wintzer agreed with Commissioner Strachan that there was no way to get around the Code. Commissioner Savage thought the only choice was to follow Ms. McLean's suggestion.

Planner Astorga clarified that the Planning Commission was leaning towards changing the LMC. The Commissioners concurred.

Planner Astorga commented on the Sullivan Road access. The first criteria was to increase front yard setbacks. He noted that all the setbacks met the minimum requirements. Planner Astorga referred to page 21 of the Staff report and reviewed the list of Mandatory Elements Criteria outlined in the LMC. The Staff could not find compliance with 2(b) increased front yard setbacks; 2(d) increased TDRs, open space, and/or preservation of significant landscape elements; 2(f) minimized access to Sullivan Road; 3) Design review under the Historic District Guidelines, 4) Incorporation of Pedestrian and Landscape Improvements along park Avenue, Sullivan Road and Eastern Avenue.

Mr. Elliott commented on the increased setbacks and stated that in the original concept, before the garages, the setbacks were five feet greater than the 20-foot minimum. He pointed out that the setbacks are actually 21 feet, which is one foot greater than the minimum. Planner Astorga stated that there was a dual requirement for setbacks. For a front facing garage the minimum requirement is 25 feet, and everything else is 20 feet.

Mr. Elliott explained his interpretation of the intent of the Code. Commissioner Strachan agreed with Mr. Elliott.

Planner Astorga asked if the Planning Commission agreed with his analysis that it was a double frontage lot. Commissioners Strachan, Worel, and Wintzer agreed. Commissioner Savage stated that there was no ambiguity in his mind that the front of the building was on Park Avenue and the back was on Sullivan. Commissioner Strachan believed the Code was written with the understanding that all those properties were double frontage lots and they would need to give on the Sullivan Road side to get the increased setback on Park Avenue, or visa-versa. He did not think it was necessary to increase the setback on Sullivan Road as long as there was the necessary setback on Park Avenue. He pointed out that the structures is front were historic and did not need to move. Commissioner Strachan believed his interpretation applied to the increased snow storage and to the rest of the criteria in Section 15-2.4-9B. The Commissioners concurred.

Planner Astorga referred to criteria (d) increase TDR, open space and/or preservation of significant landscaped elements. The Commissioners were unaware of any significant landscape elements. Planner Astorga stated that the Staff could make the interpretation that there were no significant landscape elements and, therefore, this requirement was not applicable.

Planner Astorga requested discussion on criteria (e), the elimination of multi-unit buildings. Commissioner Strachan noted that the Code states that the Planning Commission shall review and

evaluate the criteria for all projects along Sullivan Road. The Code does not say that a multi-unit or triplex dwelling is not allowed. In his opinion, it was optional. Commissioner Savage thought the criteria would not apply because there was not a multi-unit or triplex dwelling that could be eliminated. The Commissioners concurred.

Planner Astorga stated that criteria (f), minimize access to Sullivan Road, was in conjunction with the parking analysis. In looking at the site plan, he was unable to interpret that this would be limited access off of Sullivan. Commissioner Strachan thought the Code encouraged minimizing the access, but it is not required. The Code only says that the Planning Commission has to evaluate it. He believed they had already evaluated it in the context of the parking discussion by determining that the access to Sullivan Road as currently designed was too intensive based on the number of parking spaces.

Mr. Elliott pointed out that they were proposing 10 units, which was less than the base density of 14 units. Therefore, they had minimized the access by reducing the density. Commissioner Strachan remarked that if the applicant was able to resolve the parking problem, the access would be minimized further.

Mr. Elliott asked for clarification from the Planning Commission on whether the issue was that the proposed parking was too intensive or that it did not meet Code. Commissioner Savage replied that it did not meet the criteria of the Code. Commissioner Strachan thought it was both issues. The purpose of the Code is to control the intensity of use and that can be done through various means, including parking requirements. Mr. Elliott stated that he did not look at it as being too intense. His interpretation was being able to find a way to apply the Code. Commissioner Savage encouraged Mr. Elliott to explore a way to resolve the Code issues, which would include a reduction in the number of parking spaces.

Assistant City Attorney McLean understood that because the applicant was not maximizing the density that could be on these lots, Commissioner Strachan interpreted that as minimizing the access to Sullivan Road. She asked if there was consensus among the Planning Commission on that interpretation. The Commissioners concurred.

Planner Astorga noted that the Staff interpretation was non-compliance with 4) Incorporation of Pedestrian and Landscape Improvements along Park Avenue, Sullivan Road and Eastern Avenue. However, based on the direction he received for the increased snow storage and the preservation of the significant landscape elements, he thought he could work on finding compliance with the criteria. Commissioner Strachan thought the project needed to have better pedestrian connections. Commissioner Gross agreed, and believed it was tied in with the parking in the back. Commissioner Strachan pointed out that the Code was more mandatory in this criteria because it says "the plans must save, preserve, or enhance...." Commissioner Strachan stated that if the project preserves or enhances the existing connections he thought that would be a reasonable interpretation. Commissioner Savage thought that would definitely be accomplished on the Park Avenue side because that perspective would be much more attractive than it is currently. Based on the final design, from an aesthetic standpoint he believed the back would be equivalent or superior to the adjacent projects.

Planner Astorga read criteria 5) Parking mitigation. Plans that keep the front yard setbacks clear of parking and minimize parking impacts near intensive uses on Sullivan Road are positive elements of

any site plan. He found that the project did not comply with this criteria. Commissioner Strachan stated that these were things that should occur, but he did not read it as mandatory.

Planner Astorga requested discussion on criteria 6) Preservation of Historic structures and landscape features. He noted that the Staff did not find compliance with the Design Guidelines and the CUP criteria in terms of mass, scale, and compatibility. The issue is that the separation between one historic structure and the new structure is 3-1/2 feet. The second historic structure has a separation of four feet. The interpretation is that it is extremely difficult to have a compatible addition when it is so close to the historic structure. He clarified that these were not additions because they are not connected; however, viewed from the public right-of-way, they would be seen as additions because of the close proximity.

Commissioner Savage asked if there was a provision in the Code that speaks to the specific issue of the distance between the buildings. Planner Astorga replied that the Code does not have a hard answer. However, the Staff finds that 3-1/2 feet is not enough distance and would recommend 8 to 10 feet of separation.

Mr. Elliott pointed out that they would be allowed to do additions to the historic structures. They felt this was a more appropriate way to maintain the historic structures and identify them as being separate; and at the same time keep them close enough to the rest of the units to be part of it. Mr. Elliott believed they had maintained the character of the existing structures and reduced the impacts of the structure behind. He felt the plan was very consistent with the Design Guidelines.

Commissioner Strachan clarified that the historic structures were part of this project. Mr. Elliott replied that they were two units in the project. He explained how the project was designed based on direction from Staff at the pre-application meeting. He reviewed the elevations showing the historic homes and the new building behind. Commissioner Savage thought the new building would need to be moved back a significant distance before the separation would be visible. Planner Astorga noted that the Staff was being strict on the interpretation of compliance with the Historic District Design Guidelines because the applicant had indicated that they would have the highest degree of historic preservation. Commissioner Savage thought the focus should be on questions related to the façade, colors and compatibility between the historic structures and the structures immediately behind them.

In his opinion, the contrast of a modern building behind the historic structures would be more apparent than the distance between the buildings.

Mr. Elliott pointed out that they are encouraged not to mimic or replicate the historic structures. It is a delicate balance of design and they tried to place the building where it would have the least impact to the historic structure. As far as he could tell, they had not violated the Code or the Design Guidelines through the process, and they had designed the project with compatibility in mind.

Planner Astorga noted that the applicant would have to work with the Staff on the Historic District Design Review. The Planning Commission was not involved in the HDDR, but he encouraged their feedback and comments for consideration. Mr. Elliott was also interested in hearing the Commissioners comments. He would need to know if they did not find it compatible.

Commissioner Wintzer was uncomfortable with raising the two historic structures. He understood Mr. Elliott's reason for doing it, but it takes them out of the context of the streetscape. Mr. Elliott

stated that he could lower the one on the left by a foot, but they would have to take it out of the flood plain. The structure on the right fits the criteria in the zone and the design guidelines. Commissioner Wintzer suggested that Mr. Elliott look at taking the structures out of the flood plain.

Commissioner Strachan believed the applicant had a challenging battle meeting compatibility. The proposed structure was more modern than the adjacent multi-family structures, and he could not see a seamless transition with the two historic structures.

Chair Worel wanted to see the transition more seamless. She thought the new building was too modern to blend with the historic structures. Commissioner Gross agreed, particularly the view from Park Avenue looking east. Commissioner Strachan thought Mr. Elliott had the opportunity to revise the design to make it work.

Planner Astorga clarified that the Staff was not against co-housing and affordable units; however, they are charged with applying the Code.

Chair Worel called for public input.

Clark Barron, an owner in the Struggler condos adjacent to this project, agreed with the Staff report. In his opinion this project does not comply with Code on the issues of parking and compatibility. He recognized that some of the surrounding structures are very large, but they were built prior to the Historic District Design Guidelines. Mr. Barron remarked that the LMC and the guidelines are in place for a reason and this project should have to comply. Mr. Barron noted that the proponents of the property made them aware that these were the last two historic properties to be developed along Park Avenue. He believed that fact makes a stronger case for making sure it is developed in the right way. Mr. Barron believed the project as designed is not compatible with the surrounding structures. He agreed with the statement that new construction should be subordinate to the historic structures, and this structure is not. Mr. Barron did not agree with the discussion concerning two frontages. He noted that ten people live in the project and eight of the front yards front Sullivan Avenue and only two go the other direction. He was unsure how they could classify Sullivan Avenue as a back yard in terms of setbacks. Mr. Barron asked the Planning Commission to be cautious about counting the green roof as part of the open space. In his opinion it is a slippery slope. Another condo project could build property line to property line, cover the whole roof with grass and call it green space. That is not the intent of open space. Mr. Barron commented on the number of issues and problems with this project and noted that the reason is that it does not fit the lot. He believed there were better uses for this last historic green space.

Jane Crane, an owner in the Struggler condominiums, agreed with Mr. Barron on all the issues. She was concerned about water issues if the historic home next to the Struggler is raised. Her property already gets a lot of water from the snow and she worried about further problems if the elevation is changed.

Ethel Preston, one of the co-housing owners, was unsure what the Planning Commission was looking for in terms of compatibility. She noted that the two developments on either side of this project were built in the 1970's. Ms. Preston asked if the Planning Commission wanted the co-housing to look like a 1970's project. She did not understand their comments about looking more modern than the surrounding units.

Chair Worel explained that her comments was that she would like to see more seamless from Park Avenue so it flows with the historic structures as one property.

Ms. Preston pointed out that another person had said that the building looked too modern and it was not compatible with the surrounding structures. She asked what age they wanted the building to look like.

Commissioner Strachan noted that he had made the statement about being too modern. He could not define compatibility but he knows it when he sees it. Commissioner Savage told Ms. Preston that their comments addressed compatibility with the façade of the two historic buildings from Park Avenue. They were asking the applicant to find a way to make the façade of the new construction look harmonious and compatible with the look of the historic homes. He clarified that the Planning Commission was not recommending 1970 architecture.

Park City Heights – Possible amendments to Subdivision Plat (Application PL-11-01355)

Planner Whetstone reported that the purpose of the work session was to review contemplated changes to the subdivision plat for the Park City Heights Master Planned Development. The Master Planned Development was approved in 2011, along with a preliminary plat. The preliminary plat and the master planned development went through an extensive review over an extended period of time.

It was a concept plan with a master plan, and a lot of details were discussed before the master plan was approved with a series of conditions. Planner Whetstone noted that a number of different elements of the master plan and the preliminary plat were reviewed at the same time.

Planner Whetstone explained that due to the discovery of mine/waste and contaminated soils, the applicant felt it was necessary to create an area for an on-site repository for soils. It would require changing the configuration of the lots, but not the density. The density would remain at 239 units on 239 acres. The number of affordable housing units and market rate units would remain the same. Planner Whetstone recalled that there were eight affordable units that were not required but were being provided in the mix of 79 affordable units that were undefined. Those units have now been defined. She noted that the original neighborhood would be little smaller, but additional park areas were added.

Planner Whetstone stated that the applicant was working with the State on the Voluntary Cleanup Program; however, the remediation plan has not been approved. She had met with the applicant's representative to plan out a strategy and they felt that it was best to come back to the Planning Commission as a work session to determine the required process to address the issues. Planner Whetstone noted that the applicants would have to do a new preliminary plat for Phase 1 if the repository is approved to remedy the soils issues. The question was whether the applicants could come back to the Planning Commission with a new subdivision plat without re-opening the MPD.

Spencer White, representing the applicant, reiterated that the Park City Heights project went through a lengthy approval process and there was a significant amount of discussion between the Planning Commission and the applicants. They knew they would be coming back at each phase and they did not want to surprise the Planning Commission with a different layout. Mr. Spencer noted that they tried to keep everything as close to the original plan as possible. He not believe anything substantial

Planning Commission Staff Report

Subject: The Retreat at the Park First Amended
Author: Francisco Astorga, Planner
Project Number: PL-13-01830
Date: February 12, 2014
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for The Retreat at the Park First Amended Plat Amendment located at 1450 / 1460 Park Avenue and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Green Park Cohousing represented by Elliott Workgroup Architecture
Location: 1450 / 1460 Park Avenue
Zoning: Historic Residential Medium Density (HRM) District
Adjacent Land Uses: Residential condominiums and park/open space
Reason for Review: Plat amendments require Planning Commission review and recommendation to City Council

Proposal

The applicant requests to combine Lot 1 and Lot 2 of the “Retreat at the Park” Subdivision into one (1) lot of record in order to accommodate a proposed multi-unit co-housing project. The multi-unit dwelling is proposed to be constructed across the common lot line. A plat amendment is required to remove this property line to accommodate such structure.

The proposed project consists of ten (10) residential units consisting of eight (8) units within a multi-unit dwelling and two (2) existing historic structures facing Park Avenue. The applicant will have a minimum of six (6) units being sold at or below affordable levels, 80% of Average Median Income (AMI). At least one (1) unit will be sold at an attainable level, 120% of AMI. Remaining three (3) units will be sold at market rates. Prospective buyers of affordable or attainable units must show through an income/asset test that they are eligible at stated income levels. Units will also be deed restricted at 3% annual appreciation. Before any of the units can be sold individually the applicant will have to submit a Condominium Record of Survey request to be reviewed and approved by the City.

Purpose

The purpose of the Historic Residential Medium Density (HRM) District is to:

- A. allow continuation of permanent residential and transient housing in original residential Areas of Park City,
- B. encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- C. encourage the rehabilitation of existing Historic Structures,
- D. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- E. encourage Affordable Housing,
- F. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and
- G. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

Background

In 2009, the City purchased the properties at 1450 / 1460 Park Avenue with Lower Park Redevelopment Agency funds with the intent of an eventual affordable housing project. A request for proposal was sent out in 2011 to solicit bids for the property and the bidding process was completed in early 2012. In March 2012, the City Council directed Staff to proceed with negotiations with Green Park Cohousing, LLC on the purchase of the property following their selection in the RFP process.

In February 2013, the City received this Plat Amendment request, as well as a Conditional Use Permit (CUP) for a multi-unit dwelling and a Historic District Design Review (HDDR) application for the rehabilitation of the two historic structures and the construction of the multi-unit dwelling on the site. The CUP and HDDR applications are concurrently being reviewed by Staff.

Planning Commission work session discussions were held on May 8, 2013 and June 26, 2013 to discuss the Cohousing project specifically related to the Multi-unit dwelling and applicable Land Management Code criteria related to the proposed use. The Commission provided input and direction regarding the conditional use.

Analysis

The proposed plat amendment creates one (1) lot of record from the two (2) platted existing lots of record consisting of the two (2) lots of The Retreat at the Park Subdivision re-platted in 2007. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

- Lot size. Minimum lot areas for residential uses as follows:

Single Family Dwelling	1,875 square feet
Duplex Dwelling	3,750 square feet
Triplex Dwelling	4,687 square feet

Four-plex Dwelling	5,625 square feet
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Per Land Management Code (LMC) § 15-2.4-4 Lot and Site Requirements, developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. The proposed Plat Amendment combines the two (2) platted lots of record into one (1) lot totaling 18,294.43 square feet (0.42 acres). The proposal consists of ten (10) units which would require the minimum lot area to be 11,625 square feet.

- Lot width. The LMC requires minimum width of a Lot in the HRM to be 37.5 feet, measured fifteen feet (15') from the Front Lot Line. The proposed lot width along Park Avenue is approximately 109 feet and the proposed lot width along Sullivan Road is approximately 101 feet. The depth of the property varies from 172.1 feet along the north property line and 176.6 feet along the south property line.

The proposed plat amendment creates one (1) lot of record from two (2) platted lots of record consisting of The Retreat at the Park Subdivision, a two lot subdivision re-platted in 2007. Lot 1, 1460 Park Avenue, currently consists of 9,073 square feet. Lot 2, 1450 Park Avenue, currently consists of 9,212 square feet. As noted above, the lot combination complies with the LMC lot size area required for ten (10) units.

Staff finds good cause for this plat amendment as it facilitates an affordable housing project while at the same time ensuring the preservation of two historic structures. No remnant parcels of land are created with this plat amendment as all of Lots 1 and 2 are proposed to be combined into one lot.

Both sites are listed on Park City's Historic Site Inventory as Significant sites. They each contain a historic structure. Both structures currently meet development standards in terms of single family dwellings as they are both placed on a platted lot of record each with the exception that both historic structures do not meet the front yard setbacks of twenty feet (20'). The 1450 house is approximately 19.5 feet from the front property line. The 1460 house is approximately 16 feet from the front property line. Because of their historic status, both of these structures are considered legal compliant. There are no known violations or non-compliances found on these sites. The property owner will have to follow the adopted Design Guidelines for Historic District and Historic Sites and applicable LMC criteria pertaining to development in the HRM District. Development of multi-unit dwelling is subject to the Conditional Use Permit review process.

Process

Concurrently with this plat amendment request the applicant submitted a CUP for a Multi-unit Dwelling and a HDDR for the rehabilitation of the two (2) historic structures and construction of the Multi-unit Dwelling. Both of these applications are being respectively reviewed administratively by the Planning Commission and Planning Department. The applicant will also have to submit a Building Permit application.

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

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for The Retreat at the Park First Amended Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for The Retreat at the Park First Amended Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on The Retreat at the Park First Amended Plat Amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The platted lots would remain as is and no construction could take place across the existing lot line.

Recommendation

Staff recommends the Planning Commission hold a public hearing for The Retreat at the Park First Amended Plat Amendment located at 1450 /1460 Park Avenue and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft ordinance with Proposed Plat
Exhibit B – Project Description
Exhibit C – Record of Survey Map
Exhibit D – The Retreat at Park Subdivision

Exhibit A – Draft ordinance with Proposed Plat

Draft Ordinance No. 14-XX

AN ORDINANCE APPROVING THE RETREAT AT THE PARK FIRST AMENDED PLAT LOCATED AT 1450 & 1460 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1450 & 1460 Park Avenue have petitioned the City Council for approval of The Retreat at the Park First Amended Plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 12, 2014, to receive input on The Retreat at the Park First Amended Plat;

WHEREAS, the Planning Commission, on February 12, 2014, forwarded a recommendation to the City Council;

WHEREAS, the City Council, on _____ conducted a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve The Retreat at the Park First Amended 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 Retreat at the Park First Amended Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1450 / 1460 Park Avenue.
2. The property is located in the HRM District.
3. The proposed plat amendment creates one (1) lot of record from the two (2) platted existing lots of record consisting of the two (2) lots of The Retreat at the Park Subdivision re-platted and recorded in 2007.
4. Developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units.

5. The proposal consists of ten (10) units which would require the minimum lot area to be 11,625 square feet.
6. The proposed Plat Amendment combines the two (2) platted lots of record into one (1) lot totaling 18,294.43 square feet.
7. The LMC requires minimum width of a Lot in the HRM to be 37.5 feet, measured fifteen feet (15') from the Front Lot Line.
8. The proposed lot width along Park Avenue is approximately 109 feet.
9. The proposed lot width along Sullivan Road is approximately 101 feet.
10. The depth of the property varies from 172.1 feet along the north property line and 176.6 feet along the south property line.
11. No remnant parcels of land are created with this plat amendment.
12. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

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. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. 10 foot side public snow storage along Park Avenue and Sullivan Road.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this _____, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat Amendment

Attachment 1 - Proposed Plat Amendment



Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1670 Belmont Drive • Suite 104
P.O. Box 3801 • Park City, Utah 84060
Phone: 435.649.4667 • Fax: 435.649.9219
E-mail: office@evergreen-eng.com

CITY ENGINEER
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS DAY OF _____ A.D. 2013.
CITY ENGINEER _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DAY OF _____ A.D. 2013.
BY: SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS DAY OF _____ A.D. 2013.
CHAIRMAN _____

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS DAY OF _____ A.D. 2013.
CITY ATTORNEY _____

COUNCIL APPROVAL & ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF _____ A.D. 2013.
MAYOR _____

CERTIFICATE OF ATTEST
I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS DAY OF _____ A.D. 2013.
CITY RECORDER _____

RECORDED
N° _____
DATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF: _____
COUNTY RECORDER _____



PROJECT DESCRIPTION

The intent of this project is to renovate a dilapidated but historically significant houses and to add a structure to house a co-housing group to the rear of the property. Currently, these houses sits on two single (Lot1 and Lot 2), long but narrow lots. The lots will be combined to create one lot for the entire project to reside in, effectively creating a multi-family housing project.

Original state restoration is the goal of the project. Several later, non-historic additions to the houses will be removed, as well as non-historic siding and decorative elements. Care will be taken to restore the existing houses to their original states, using as much material that can be reasonably salvaged from the restoration process. Many aspects of the original design of the houses will be determined upon restoration. Layers of additions and improvements have made it difficult to determine many aspects. Original location of the house will be preserved, however the elevation will be raised approximately two feet in conformance with a plan to mitigate flooding potential on the site.

Exhibit C – Record of Survey Map

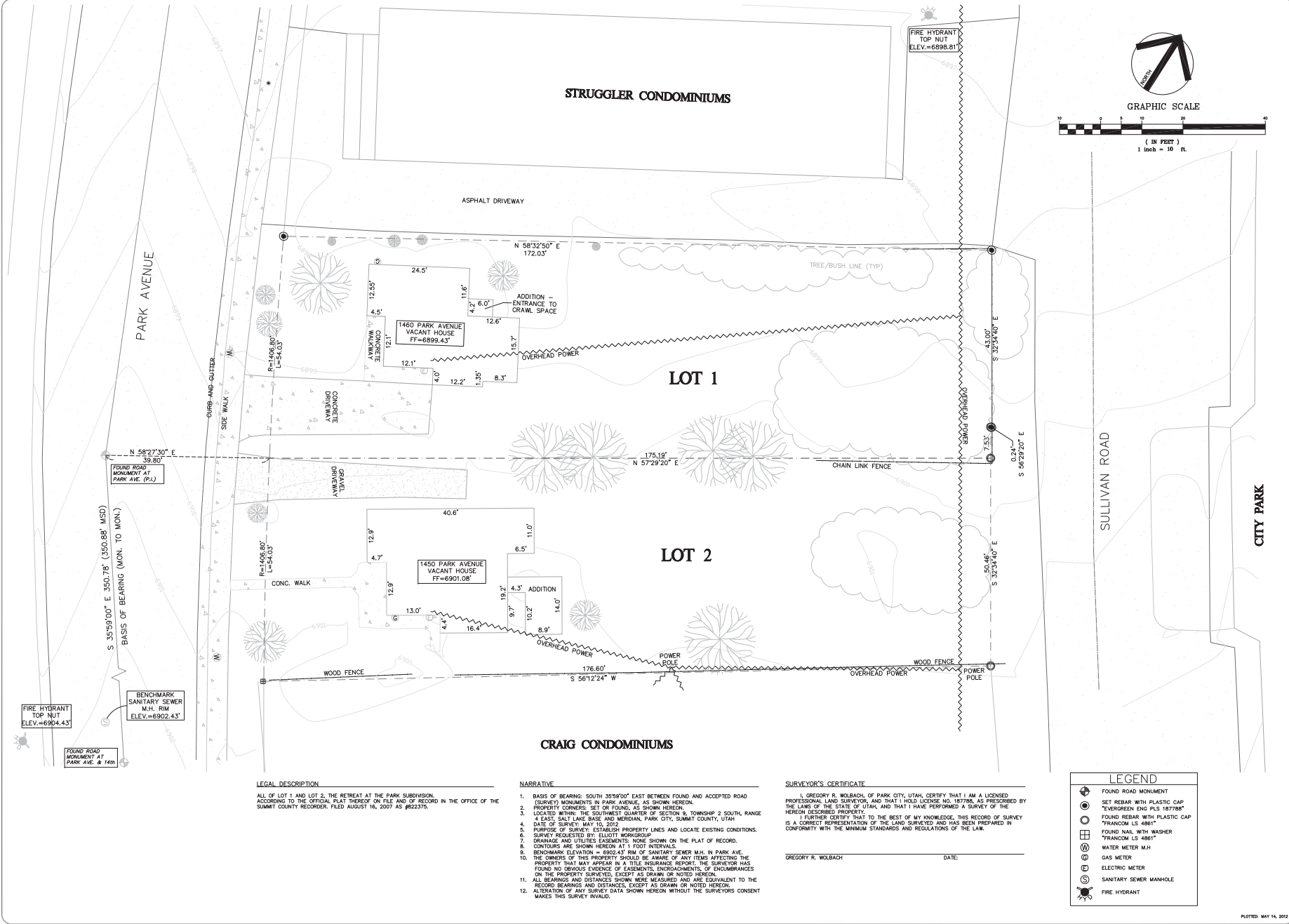
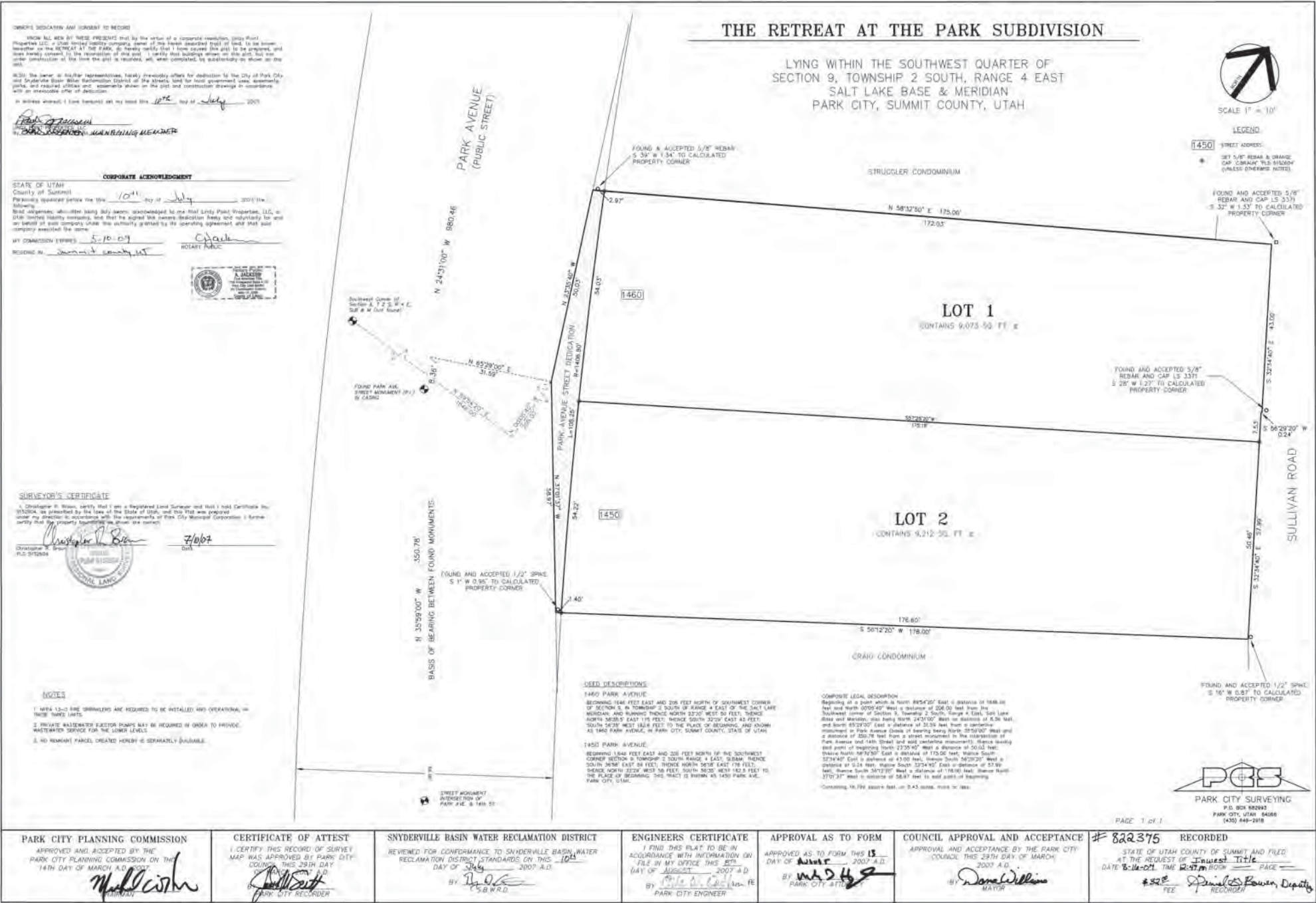


Exhibit D – The Retreat at Park Subdivision



Planning Commission Staff Report



Project Number: PL-13-02034
Subject: Stein Eriksen Residences (formerly known as North Silver Lake Lodge)
Author: Francisco Astorga, Planner
Date: February 12 , 2014
Type of Item: Administrative – Conditional Use Permit Modification

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Conditional Use Permit Modification request to allow for Nightly Rental Lockout Units at Stein Eriksen Residences, formerly known as North Silver Lake, and consider approving the requested use based on the findings of fact, conclusion of law, and conditions of approval as found in this staff report.

Description

Applicant: SR Silver Lake LLC represented by Rich Lichtenstein
Location: Lot 2B Subdivision of Lot 2, North Silver Lake
Zoning: Residential Development (RD) District
Adjacent Land Uses: Ski resort and residential
Reason for Review: Conditional Use Permit Modifications are required to be reviewed and approved by the Planning Commission

Proposal

In 2010 the Park City Planning Commission approved a Conditional Use Permit (CUP) consisting of fifty four (54) private total units: sixteen (16) detached single family dwellings/duplexes and four (4) condominium buildings containing thirty eight (38) private units. The conditions of approval of CUP reflect that lockout units were not requested at that time, and would require Planning Commission approval, if requested in the future. At this time the applicant requests the use of 85 lockout units to be located within the four (4) stacked flats, condominium buildings and that nightly rental of those lockout units be allowed.

Background

Under the Deer Valley Resort Master Plan Development (MPD) the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space. The approved MPD did not specify a Unit Equivalent limitation other than the 54 residential units. The Deer Valley MPD requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Section 15-1-10.

The Planning Commission reviewed this application during a work session discussion held on November 06, 2013. During this meeting, the Planning Commission reviewed specific mitigation related to traffic and parking. See Exhibit D – 11.06.2013 Planning Commission work session minutes. The Planning Commission concurred with Staff findings that the proposed modification, the requested Lockout Units, does not require additional mitigation related to the remaining CUP standards which were already addressed in the originally approved CUP.

The Planning Commission reviewed this application again during their regular meeting held on December 11, 2013. A public hearing was also held during this date. See Exhibit E – 12.11.2013 Planning Commission Regular Meeting Minutes. The Planning Commission continued this item to today's meeting (February 12, 2014), a date that the Condominium Record of Survey would also be placed on the agenda. The Commission requested that to review the two items during the same night, the CUP for Lockout Units and the Condo Record of Survey as they found it more beneficial to allow the public to comment on what might be overlapping issues.

District Purpose

The purpose of the Residential Development (RD) District is to:

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types

2009/2010 Conditional Use Permit

The original CUP application was before Planning Commission on five (5) different occasions: August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009. During the July 8, 2009 review, the Planning Commission approved the application with a three to one vote. One Commissioner abstained.

On July 17, 2009, neighboring property owners submitted an appeal of the CUP approval for development of the North Silver Lake Subdivision Lot 2B. The City Council reviewed the appeal on October 15, 2009 and again on November 12, 2009. During the November 12, 2009 meeting, the City Council remanded the CUP application to the Planning Commission with specific items to be addressed.

The Planning Commission reviewed the remand during two (2) work sessions on November 11, 2009 and January 13, 2010 and two (2) Planning Commission regular

agenda meetings on March 10, 2010 and April 28, 2010 to address specific findings of the City Council. The Planning Commission approved the revised CUP with a four to one vote on April 28, 2010. The applicant stipulated to additional condition of approval #19 that "Lockout units have not been included within the current conditional use permit application. The addition of lockout units would be a substantial deviation from the current plan and must be approved by the Planning Commission."

The approval was appealed by two (2) separate parties. On May 7, 2010, Mr. Eric Lee submitted an appeal on behalf of property owners in the neighborhood and on May 10, 2010, the City received an appeal from Ms. Lisa Wilson. The City Council reviewed both appeals on June 24, 2010. The Council did not find merit in the notice issues, the compatibility of revised design or other issues raised in Ms. Wilson's appeal. The Council added an additional requirement of an opportunity for neighborhood input prior to approval of the phasing plan(s), but found that the Planning Commission adequately addressed the issues of the remand. Accordingly, the City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B CUP. The City Council findings were ratified on July 1, 2010. The CUP approval included a condition that the approval would expire on July 1, 2011 if no building permits are issued within the development.

First CUP Extension

Land Management Code (LMC) § 15-1-10(G) allows for two (2) extensions of an approved CUP. On March 17, 2011, the Planning Department received a Request for Extension of the CUP approval. The Planning Director reviewed the extension request, Staff analyzed the application as provided within the administrative staff report, and public input was considered. On April 28, 2011, the Planning Director approved the Extension of the CUP for an additional year as conditioned.

The Planning Director's approval of the extension was appealed by Ms. Lisa Wilson and on June 8, 2011 the Planning Commission held a public hearing to consider the appeal. After hearing testimony from the appellant, the property owner, and Staff, the Planning Commission reviewed the matter de novo and rendered a decision to uphold the Planning Director's decision and grant the extension of the CUP to July 1, 2012.

On June 20, 2011, the City Council received a written appeal of the Planning Commission's final action of June 8, 2011, upholding the Planning Director's decision to approve an extension of the CUP for the North Silver Lake Lot 2B development. On July 21, 2011, the appeal was heard by the City Council, who held a quasi-judicial hearing before voting unanimously to uphold the Planning Commission's decision to uphold the Planning Director's issuance of an extension of time for the July 1, 2010 CUP. Because the appeal to uphold the Planning Director's decision was decided on July 21, 2011, the extension of the Conditional Use Permit was extended to July 21, 2012.

The Building Department had previously collected a bond to ensure that the existing impacts of the site will be repaired at the time of first CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses,

planting eighteen (18') new trees that vary in height from ten to twelve feet (10' - 12'), and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work was completed by July 1, 2011 and complies with the July 1, 2010 City Council conditions of approval. The applicant has continued watering the trees and vegetation as required.

Second CUP Extension

On October 27, 2011, Staff received a complete application to extend the CUP for an additional year, and on January 11, 2012, the Planning Commission heard the applicants request for an additional and final one-year extension from July 21, 2012 to July 21, 2013. After a public hearing, the Planning Commission voted 4-0 to approve the request for the one-year and final extension to the original CUP for North Silver Lake, Lot 2B.

On February 9, 2012, the City Council received a written appeal of the Planning Commission's final action of January 11, 2012, approving the request for the one-year extension to July 21, 2013 of the CUP for the North Silver lake Lot 2B development.

The second appeal of the second extension was originally scheduled for the March 22, 2012 City Council meeting. The appellant was unable to make it to the meeting due to an accident. The City Council voted to continue the item to the April 5, 2012 City Council meeting and directed Staff not to accept any additional materials from the appellant or the applicant. On April 5, 2012 the City Council conducted a public hearing and voted unanimously to deny the appeal and approve the extension of the CUP and upheld with the following conditions of approval:

1. All conditions of approval of the City Council's July 21, 2011 order continue to apply.
2. This approval will expire July 21, 2013, 12 months from the first extension of the CUP.
3. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

In March 2013, the applicant received a building permit for the first single family dwelling. This structure will be used as their model home.

LMC Definitions

Dwelling Unit. A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

Lockout Unit. An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

Nightly Rental. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

Staff finds that the requested use meets the definition of a Lockout Unit which per the LMC definition above is an area of a dwelling unit and **not separate dwelling unit**. Staff does not classify the requested use to be hotel/motel:

Hotel/Motel. A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis that includes accessory facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies, recreation facilities, group dining facilities, and/or other facilities and activities customarily associated with Hotels, such as concierge services, shuttle services, room service, and daily maid service. Hotel/Motel does not include Nightly Rental Condominium projects without restaurants, bars, spas, and on-site check-in lobbies. **Lockout Units or Bed and Breakfast Inns and Boarding Houses are not Hotels.** Hotels are considered a lodging Use and ownership of units may be by a condominium or timeshare instrument[.] Hotel rooms may include a Lockout as part of the Unit.

Hotel Room. A Unit consisting of one (1) room, without a Kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

Staff does not consider the proposed use to be a hotel due to the specific provision found in the Hotel definition which indicates that **Lockout Units are not Hotels**. The site will also have accessory facilities in the development: a spa, locker, and a dining area that were shown on the approved 2010 CUP plans. At this time the applicant has shown these three amenities on the CUP plans and their submitted Condominium Record of Survey plat. The use of these areas further reiterates that the use is not consistent with one of a hotel. These areas are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, ski rentals, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units. Staff recommends adding a condition of approval that indicates that the support commercial amenities shall be for the exclusive use of the owners, residents, and their guests at Stein Eriksen Residences (formerly known as North Silver Lake Lodge). Staff also recommends that no advertising of the amenities to the public is permitted.

The Deer Valley Master Planned Development allocated 14,525 square feet of commercial/support commercial for the Silver Lake Community. Per the 2010 approved CUP the applicant requested to accommodate 5,140 square feet of support commercial space. At this time the updated CUP plans and Record of Survey indicates a combined area of support commercial of 4,883 square feet.

Analysis

Staff finds that the proposal is in substantial compliance with the approved 2010 CUP plans as the Lockout Units are designed within the existing floor area of each unit

formerly reviewed and approved, located in the stacked flats. Nightly rentals are an allowed use in the district. No Lockout Units are being requested within the sixteen (16) single family dwellings/duplexes. The number of requested Lockout Units within each unit ranges from one to three (1 - 3). The floor plans have had minor alterations. The number of units has not changed and the plans are in substantial compliance with the approved 2010 CUP plans. The applicant proposes the following:

- Three (3) units with one (1) lockout each (i.e. 2 keys)
- Twenty-three (23) units with two (2) lockouts each (i.e. 3 keys)
- Twelve (12) units with three (3) lockouts each (i.e. 4 keys)

The RD District indicates that a Lockout Unit is an allowed use. Nightly Rentals are also an allowed use. The Nightly Rental of a Lockout Unit requires a CUP to be reviewed and approved by the Planning Commission. In addition, because of COA #19 of the 2010 CUP, the request for lockouts also requires Planning Commission review.

Staff has reviewed the April 28, 2010 Planning Commission Meeting Minutes, see Exhibit K. An excerpt below clarifies the added condition of approval relating to the Lockout Units that the applicant was not requesting at that time:

Planner Cattan had drafted a condition of approval to address lock out units. "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission." She clarified that she was unable to find the exact language but recollected that it was close to the wording drafted this evening.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units. Commissioner Strachan asked if a request for lockout units would open the CUP for re-review. Assistant City Attorney McLean replied that it would be an amendment to the CUP. Without an actual application, it was difficult to comment on the scope of review. Commissioner Strachan stated that if a lockout would change the use, it would be different from what the Planning Commission approved. Ms. McLean clarified out that the request would be to amend the use. Commissioner Strachan pointed out that the project would already be built. Ms. McLean replied that Planning Commission could deny the amendment if it did not meet the criteria.

Planner Cattan noted that the amendment would need to occur prior to building the units to create lock out units. Therefore, it would come back to the Planning Commission before it was built.

Commissioner Strachan pointed out that nothing in the Staff report prohibits lock out units. Ms. McLean stated that the condition of approval drafted by Planner

Cattan states that lock out units cannot occur without coming back to the Planning Commission for an amendment to the CUP. If that occurred, the Planning Commission would evaluate it for the lock out units, but it would not re-open the entire project. The review would be limited to the scope of the lock out units and whether or not it met the criteria of the CUP.

Commissioner Pettit requested that Planner Cattan read the drafted condition again for the record. Planner Cattan read, "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission".

MOTION: Commissioner Pettit moved to APPROVE the North Silver Lake Lodges Conditional Use Permit in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended with respect to adding Condition of Approval #19 as read into the record. Commissioner Luskin seconded the motion.

[...]

[Finding of Fact] 19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission.

This condition of approval was discussed during the City Council remand back to the Planning Commission on October 15, 2009 and November 12, 2009: See excerpts from the adopted minutes below:

October 15, 2009 CC Meeting:

[...]

The next discussion point was that the applicant has vested rights under the MPD and she stated that the applicant does have vested rights under the Master Plan and is not subject to adjusting density reallocation. The development is subject to the LMC and the Deer Valley MPD. There was also concern expressed about lockouts, allowed in the Deer Valley MPD, but no lockouts are proposed for the North Silver Lake Project. The appellant suggested a condition of approval prohibiting lockouts, but since they are allowed under the MPD, the following condition is recommended, *"The approved plans do not include lockout units. Any modification of the floor plans to include lockout units will require approval by the Planning Commission"*.

[...]

November 12, 2009 CC Meeting:

[...]

The wording of a condition of approval should be clarified that no lockout units are permitted within North Silver Lake and would require Planning Commission approval but she clarified that they are allowed in the Deer Valley Master Plan. Ms. Cattan emphasized that staff recommends that the City Council deny the appeal in whole and support the conditional use permit approval based on the findings of fact, conclusions of law and amended conditions of approval.

[...]

The allotted density of this site, the NSL Subdivision Lot 2B, per the Deer Valley Master Plan is fifty four (54) dwellings units. Sixteen (16) units are to be built in the form of single family dwellings or duplexes around the perimeter of the site. The requested Lockout Units within the Multi-unit dwellings do not increase the density as they will be simply part of the units, which does not increase the number of unit equivalents. The Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of and addresses the following items as outlined in LMC § 15-1-10(E):

1. Size and location of the site. **No unmitigated impacts.**

The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010).

The applicant has redesigned the interior layout of the units to accommodate the lockouts. Staff finds that the proposal is in substantial compliance with the reviewed and approved CUP plans as the Lockout Units are designed within the existing floor area of each unit formerly reviewed and approved.

2. Traffic considerations including capacity of the existing streets in the area. **No unmitigated impacts.**

Staff received an updated Addendum to Traffic Impact Analysis prepared by Riley Traffic Consultants, LLC, dated November 2013. This Analysis indicates that under the maximum trip scenario, all traffic is still projected to function at LOS (level of service) A, which is acceptable for a roadway of this classification. The conclusion/recommendations section of the analysis is as follows:

This updated traffic analysis assumes conservatively that 100% of the condominiums will be occupied and further assumes that 100% of the owners will exercise their options to lock out part of their units. In contrast, according to Stein Eriksen Lodge, occupancy during the peak week in 2012 (December 26-31) only reached 89%.

Assuming a maximum 100% occupancy and lockout utilization, along with the maximum number of resort shuttles, airport vans, and limousines, the peak number of additional trips will not exceed 200 per day. Even under

this worst case scenario, all traffic is projected to function at LOS (Level of Service) A, which is fully acceptable for a roadway of this classification.

All conclusions from the original study are valid for this revised development proposal.

Staff finds that based on the submitted Traffic Impact Analysis that additional traffic mitigation is not necessary based on the forecasted LOS A. The City Engineer explained that the City normally does not get concerned until we have indicates that the LOS drops to a lower level such as level D. See table 1 below:

Level of Service Descriptions – Unsignalized Intersections		
Level of Service	Description of Traffic Conditions	Average Delay (seconds/vehicle)
A	Free flow traffic conditions	0 < 10
B	Stable Operations/Minimum	> 10 and < 15
C	Stable Operations/Acceptable Delay	> 15 and < 25
D	Approaching Unstable Flow. Incidents can generate lengthy queues	>25 and < 35
E	Operating conditions at or near the roadway's capacity.	> 35 and <50
F	Breakdown in vehicular flow. Queues form quickly. Unpredictable and unacceptable.	> 50

Table 1

Staff also identifies that the Applicant needs to work with the City Engineer to ensure proper site distance. A 2009 Existing Traffic Counts and Traffic Projections indicated the following under Sight Distance conclusion and Recommendations:

Sight distance for the southwest bound, or right turning traffic out of the proposed development is over 500 feet, which meets AASHTO sight requirements.

Sight distance for the eastbound, or left turning traffic out of the proposed development was measured at 204 feet. This meets the AASHTO sight requirements for passenger cars (187 feet), but not for single unit trucks (228 feet) or combo trucks (288 feet). Clearing and/or grading the property across from the access could improve sight distance. This could also be accomplished by slightly raising the existing profile of the access. The grade of the roadway is less than 4% and does not affect the sight distance requirements at 25mph.

Based on surrounding area the access is typical. Engineering judgment should be used at the time of project opening to further evaluate the exact

and perceived sight distance. Actual distance can be affected by grade of access and light conditions.

Special warning signage is recommended during the construction period. Truck traffic should enter the project from the north along Silver Lake Drive, and exit south to Royal Street. This will minimize construction and delivery traffic through the neighborhood and avoiding crossing traffic entering and exiting the site.

Mitigation for the limited sight distance could include a warning sign, or clearing of the slope area across the street.

Staff recommends a conditional of approval that the applicant work with the City Engineer to ensure proper compliance with the recommendations outlined above related to site distance and special warning signage during the construction period.

3. Utility capacity, including storm water run-off. **No unmitigated impacts.**

The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010). No additional utility capacity is required for this project from what was approved in 2010. The Lockout Units are simply accommodated by redesigning bedrooms to now serve as Lockout Units. The overall number of bedrooms/bathroom is not increasing.

4. Emergency vehicle access. **No unmitigated impacts.**

The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010).

5. Location and amount of off-street parking. **No unmitigated impacts.**

Parking for the development, including all fifty four (54) units must be provided within the site. According to the Deer Valley MPD off-street parking requirements shall be determined in accordance with the LMC at the time of application for Conditional Use approval. The North Silver Lake development has a mix of single family dwellings/duplexes and multi-unit dwellings. When the development was approved in each single family dwelling required two (2) off-street parking spaces, multi-unit dwellings greater than 1,000 square feet and less than 2,500 square feet required two (2) parking spaces, and multi-family units greater than 2,500 square feet required three (3) parking spaces.

When the 2010 CUP was approved the Planning Commission requested that a reduction in parking be evaluated for the site. With the proposed unit configurations the applicant was required by the LMC to provide 106 spaces for the multi-unit dwellings within the stacked flats. The applicant proposed a 25% reduction in the parking for the stacked flats. This resulted in a total of 80 spaces

and approximately two (2) spaces per unit.

LMC § 15-3-7 allowed the Planning Commission the ability to reduce initial parking requirements to prevent excessive parking and paving if parking uses would overlap, support commercial spaces within the project would serve those residing within the project rather than the general public, or other factors that support the conclusion that the project would generate less parking than the LMC would otherwise require.

There is also support commercial space within the project. No parking is required for the support commercial area. The applicant proposed to limit each unit to (2) two parking spaces, rather than utilize a third (3rd) space for any unit over 2,500 square feet. Due to the single ownership of each unit, Staff and the Planning Commission found that the two (2) spaces per unit was adequate for the development. The Planning Commission made the final decision to allow the 25% percent deduction in the required parking. Staff included finding of fact #14 from the April 28, 2010 approval, each subsequent appeal denial stated that the Planning Commission supported the 25% reduction in the parking for the stacked flats within the development. This finding was based on the direction provided during the February 25, 2009 meeting.

Finding of Fact #14: The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.

In 2012 the City approved Ordinance 12-37, which reduced the number of parking spaces for multi-unit dwellings. See table 2 below:

Former parking standard for Multi-unit dwellings:		Current parking standard for Multi-unit dwellings (Ord. 12-37):	
Apartment/condo not greater than 650 sf floor area	1 per dwelling unit	Apartment/condo not greater than 1,000 sf floor area	1 per dwelling unit
Apartment/condo greater than 650 sf and less than 1,000 sf floor area	1.5 per dwelling unit		
Apartment/condo greater than 1,000 sf and less than 2,500 sf floor area	2 per dwelling unit	Apartment/condo greater than 1,000 sf and less than 2,000 sf floor area	1.5 per dwelling unit
Apartment/condo 2,500 sf floor area of greater	3 per dwelling unit	Apartment/condo 2,000 sf floor area of greater	2 per dwelling unit

Table 2

With the current standard for multi-unit dwellings, which per the dwelling unit definition includes the Lockout Unit, defined as an area and not a separate unit, the required parking for the multi-unit dwellings is actually seventy six (76) parking spaces without any parking reduction. The applicant proposed to accommodate the same eighty one (81) parking spaces, which is one more than what was originally approved. The applicant does not request to provide less parking than was originally approved consisting of a minimum seventy six (76). Exhibit H – Parking Requirement per Unit indicates a breakdown of the parking requirement.

6. Internal vehicular and pedestrian circulation system. **No unmitigated impacts.**
The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010).
7. Fencing, screening and landscaping to separate the use from adjoining uses. **No unmitigated impacts.**
The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010).
8. Building mass, bulk, and orientation and the location of buildings on the site, including orientation to buildings on adjoining lots. **No unmitigated impacts.**
The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010).
9. Usable open space. **No unmitigated impacts.**
The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010).
10. Signs and lighting. **No unmitigated impacts.**
The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010).
11. Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing. **No unmitigated impacts.**
The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010).
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. **No unmitigated impacts.**

The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010).

13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas. **No unmitigated impacts.**

The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010).

14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities. **No unmitigated impacts.**

The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010). The applicant submitted a Tax Projections that further indicates how the form of ownership affects taxing entities.

15. Within and adjoining the site, environmental sensitive lands, physical mine hazards, historic mine waste and Park City Soils Ordinance, steep slopes, and appropriateness of the proposed structure to the existing topography of the site. **No unmitigated impacts.**

The proposed use modification, the requested Lockout Units, does not require additional mitigation related to this standard which was not addressed in the originally approved CUP (2010).

Process

The approval of this Conditional Use Permit Modification Request by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

Public input has been received. See Exhibit J1 – Public Comments supporting the requested use and Exhibit J2 – Public Comments against the requested use.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The property owner would not be allowed to have any Nightly Rental Lockout Units within this development.

Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit Modification request to allow for Nightly Rental Lockout Units at Stein Eriksen Residences, formerly known as North Silver Lake, and consider approving the requested use based on the findings of fact, conclusion of law, and conditions of approval as found in this staff report.

Findings of Fact

1. The subject property is at 7101 North Silver Lake Drive, Lot 2B of the North Silver Lake Subdivision.
2. The property is known as Stein Eriksen Residences, formerly known as North Silver Lake Lodge
3. The proposed development is located within the Deer Valley Master Plan Development.
4. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
5. In 2010 the Planning Commission approved a Conditional Use Permit (CUP) consisting of fifty four (54) total units; sixteen (16) detached single family dwellings/duplexes and four (4) condominium buildings containing thirty eight (38) private units.
6. The conditions of approval for the CUP reflect that lockout units were not requested at that time, and would require Planning Commission approval, if requested in the future.
7. At this time the applicant requests the use of eighty five (85) Lockout Units to be located in the four (4) stacked flats, condominium buildings and that nightly rentals be permitted for the lockout units.
8. The original CUP application was before Planning Commission on five (5) different occasions: August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009. The Planning Commission approved the CUP on July 8, 2009.
9. On July 17, 2009, the neighboring property owners submitted an appeal of the CUP approval. The City Council reviewed the appeal on October 15, 2009 and November 12, 2009. During the November 12, 2009 meeting, the City Council remanded the CUP application to the Planning Commission with specific items to be addressed.
10. The Planning Commission reviewed the remand during two (2) work sessions on November 11, 2009 and January 13, 2010 and two (2) Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010 to address specific findings of the City Council. The Planning Commission approved the revised CUP with a four to one (4 - 1) vote on April 28, 2010.
11. The April 28, 2010 CUP approval was appealed. The City Council reviewed the

appeals on June 24, 2010. All parties stipulated to additional condition of approval #19 that “no lockouts are permitted within this approval”. The City Council affirmed and denied in part the Planning Commission’s decision to approve the North Silver Lake Lot 2B CUP. The City Council findings were ratified on July 1, 2010.

12. The Land Management Code § 15-1-10(G) allows for two (2) extensions of an approved CUP.
13. On March 17, 2011, the Planning Department received a Request for Extension of the Conditional Use Permit approval. On April 28, 2011, the Planning Director approved the Extension of the Conditional Use Permit for an additional year as conditioned.
14. The Planning Director’s approval of the extension was appealed on June 8, 2011. The Planning Commission reviewed the matter de novo and rendered a decision to uphold the Planning Director’s decision and grant the extension of the Conditional Use Permit to July 1, 2012.
15. On June 20, 2011, the City Council received a written appeal of the Planning Commission’s final action upholding the Planning Director’s decision to approve an extension of the development.
16. On July 21, 2011, the appeal was heard by the City Council, who held a quasi-judicial hearing before voting unanimously to uphold the Planning Commission’s decision to uphold the Planning Director’s issuance of an extension of time for the July 1, 2010 Conditional Use Permit. Because the appeal to uphold the Planning Director’s decision was decided on July 21, 2011, the extension of the Conditional Use Permit was extended to July 21, 2012.
17. On October 27, 2011, Staff received an application to extend the CUP for an additional year, and on January 11, 2012, the Planning Commission heard the applicants request for an additional and final one-year extension from July 21, 2012 to July 21, 2013.
18. On February 9, 2012, the City Council received a written appeal of the Planning Commission’s final action of January 11, 2012, approving the request for the one-year extension to July 21, 2013.
19. The second appeal of the second extension was originally scheduled for the March 22, 2012 City Council meeting. The appellant was unable to make it to the meeting due to an accident. The City Council voted to continue the item to the April 5, 2012 City Council meeting and directed Staff not to accept any additional materials from the appellant or the applicant.
20. On April 5, 2012 the City Council conducted a public hearing and voted unanimously to deny the appeal and approve the extension of the CUP and upheld with the following conditions of approval:
 - a. All conditions of approval of the City Council’s July 21, 2011 order continue to apply.
 - b. This approval will expire July 21, 2013, 12 months from the first extension of the CUP.
 - c. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be

reviewed by the Planning Commission.

21. In March 2013, the applicant received a building permit for the first single family dwelling. This structure will be used as their model home.
22. The LMC defines a dwelling unit as a Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.
23. The LMC defines a Lockout Unit as an Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.
24. The requested use meets the LMC definition of a Lockout Unit, which is an area of a dwelling unit and not a separate dwelling unit.
25. Staff does not consider the proposed use to be a hotel due to the specific provision found in the Hotel definition which indicates that Lockout Units are not Hotels.
26. The site will have accessory facilities in the development: a spa, ski rentals, and a dining area that were shown on the approved 2010 CUP plans. The use of these areas further reiterates that the use is not consistent with one of a hotel. These areas are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, ski rentals, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units.
27. The proposal is in substantial compliance with the reviewed and approved CUP plans as the Lockout Units are designed within the existing floor area of each unit formerly reviewed and approved, located in the stacked flats.
28. No Lockout Units are being requested within the sixteen (16) single family dwellings/duplexes.
29. The number of Lockout Units within each unit range from one to three (1 - 3).
30. The floor plans have had minor alterations. The number of units has not changed and the plans are in substantial compliance with the approved 2010 CUP plans.
31. The applicant proposes to accommodate three (3) units with one (1) lockout each, twenty-three (23) units with two (2) lockouts each, and twelve (12) units with three (3) lockouts each. Applicant wishes to be able to do nightly rentals in each of those lockouts.
32. The Planning Commission must review LMC § 15-1-10(E) when considering whether or not the proposed conditional use mitigates impacts.
33. The proposed modification, the requested Lockout Units, does not require additional mitigation related to *size and location of the site* which was not already addressed in the originally approved CUP (2010).
34. Regarding traffic considerations including *capacity of the existing streets in the area*, Staff received an updated Addendum to Traffic Impact Analysis prepared by Riley Traffic Consultants, LLC, dated November 2013.
35. The updated 2013 traffic analysis indicates that under the maximum trip scenario with all of the lockouts occupied, all traffic is still projected to function at LOS (level of service) A, which is acceptable for a roadway of this classification.
36. The Applicant needs to work with the City Engineer to ensure proper site

distance per the 2009 Existing Traffic Counts and Traffic Projections which indicates the following under Sight Distance conclusion and Recommendations which indicates that special warning signage is recommended during the construction period. Also mitigation for the limited sight distance could include a warning sign, or clearing of the slope area across the street.

37. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to utility capacity, including storm water run-off which has already been addressed in the originally approved CUP (2010).
38. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *emergency vehicle access* which has already been addressed in the originally approved CUP (2010).
39. Regarding *location and amount of off-street parking*, parking for all fifty four (54) units must be provided within the North Silver Lake development.
40. According to the Deer Valley MPD off-street parking requirements shall be determined in accordance with the LMC at the time of application for Conditional Use approval.
41. The North Silver Lake development has a mix of single family dwellings/duplexes and multi-unit dwellings. There is also support commercial space within the project. No parking is required for the support commercial area.
42. The current LMC requires 1 parking space per dwelling unit if the apartment or condominium is not greater than 1,000 sf floor area.
43. The current LMC requires 1.5 parking spaces per dwelling unit if the apartment or condominium is greater than 1,000 sf and less than 2,000 sf floor area.
44. The current LMC requires 2 parking spaces per dwelling unit if the apartment or condominium is 2,000 sf floor area or greater.
45. The required parking for the multi-unit dwellings is 76 parking spaces without any parking reduction.
46. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *the internal vehicular and pedestrian circulation system* which has already been addressed in the originally approved CUP (2010).
47. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *fencing, screening and landscaping to separate the use from adjoining uses* which has already been addressed in the originally approved CUP (2010).
48. The proposed modification, the requested Lockout Units, does not require additional mitigation related to *building mass, bulk, and orientation and the location of buildings on the site, including orientation to buildings on adjoining lots* which has already been addressed in the originally approved CUP (2010).
49. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *usable open space* which has already been addressed in the originally approved CUP (2010).
50. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *signs and lighting* which has already been addressed in the originally approved CUP (2010).
51. The proposed use modification, the requested Lockout Units, does not require

additional mitigation related to *physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing* which has already been addressed in the originally approved CUP (2010).

52. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site* which has already been addressed in the originally approved CUP (2010).
53. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas* which has already been addressed in the originally approved CUP (2010).
54. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities* which has already been addressed in the originally approved CUP (2010).
55. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *within and adjoining the site, environmental sensitive lands, physical mine hazards, historic mine waste and Park City Soils Ordinance, steep slopes, and appropriateness of the proposed structure to the existing topography of the site* which has already been addressed in the originally approved CUP (2010).

Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or traffic have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. All conditions of approval of the City Council's July 21, 2011 order shall continue to apply.
3. Approval is based on plans reviewed by the City Council on June 24, 2010 and the Planning Commission on December 11, 2013. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
4. The support commercial amenities shall be for the exclusive use of the owners, residents, and their guests at Stein Eriksen Residences (formerly known as North Silver Lake Lodge). No advertising of the amenities to the public is permitted.
5. The applicant shall work with the City Engineer to ensure proper compliance with the recommendations outlined in this staff report regarding site distance and special warning signage during the construction period.

Exhibits

Exhibit A – Applicant's Project Description
Exhibit B – Proposed Plans with Lockout Units
Exhibit C – Approved 2010 CUP Plans
Exhibit D – 11.06.2013 Planning Commission Work Session Minutes
Exhibit E – 12.11.2013 Planning Commission Regular Meeting
Exhibit F – Updated Traffic Study November 2013
Exhibit G – Stein Eriksen TDM Program
Exhibit H – Parking Requirement per Unit
Exhibit I – Modification Analysis
Exhibit J1 – Public Comments in support
Exhibit J2 – Public Comments against
Exhibit K1 – 4.24.2010 Planning Commission Minutes
Exhibit K2 – 4.24.2010 Planning Commission Verbatim Excerpt
Exhibit L – 4.24.2010 Planning Commission Action Letter
Exhibit M – 7.21.2011 City Council Ratified Findings, Conclusion, and Conditions
Exhibit N – 4.6.2012 City Council Action Letter
Exhibit O – Tax Projections

August 15, 2013

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

To Whom It May Concern:

Pursuant to the attached application, we hereby submit a request for modification of our Conditional Use Permit # PL-08-00392 (the CUP).

On April 28, 2010, the Planning Commission approved the CUP for Lot 2B of the North Silver Lake Subdivision. That approval allowed for the development of 54 units consisting of 16 detached houses and four condominium buildings containing 38 condominium units.

The Conclusions of Law at the hearing indicated that the application was:

1. Consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

The Conditions of Approval for the CUP reflect that lockout rooms were not requested at that time, and would require Planning Commission approval, if requested in the future. Therefore, at this time we hereby request that the Planning Commission modify the exiting CUP approval to include lockouts.

Specifically, our request to modify the CUP is to allow for the inclusion of 124 lockout rooms within the existing footprint of the project. Additional square footage will not be required, and the parking provided by the project will continue to exceed code requirements. As the attached drawings reflect, rooms within the existing 38 condominium units will be modified to allow for identified entrance and keyed independence from the balance of the units.



August 15, 2013

Park City Municipal Corporation
Planning Department

Page 2 of 2

At the time of our original CUP application, a management plan addressing the matter of lockouts was premature. Subsequently, Regent Properties has developed a management and branding arrangement with Stein Eriksen Lodge (SEL), which provides a unique and unusually qualified team to execute on-site management of the overall condominiums and homes including the lockouts, to be known as the Stein Eriksen Residences.

As you know, SEL has a proven track record and world-class reputation for resort and property management. They have agreed to work with Regent Properties to develop the project, and act as the on-site management team. Similar to the transportation management plan at the Stein Eriksen Lodge (the TDM), which significantly reduces the use of private vehicles with shuttle service, SEL is prepared to implement a TDM for the project for both owners and staff that will result in significant reductions to traffic and parking impacts.

Additionally, we have updated the project's traffic analysis. The result of this update indicate that even at full capacity, the level of service for all affected intersections and roadways remain at an A rating. That is the case even before factoring in the proven results of the TDM. Therefore, with the TDM in place the traffic impacts of the project will be significantly reduced further.

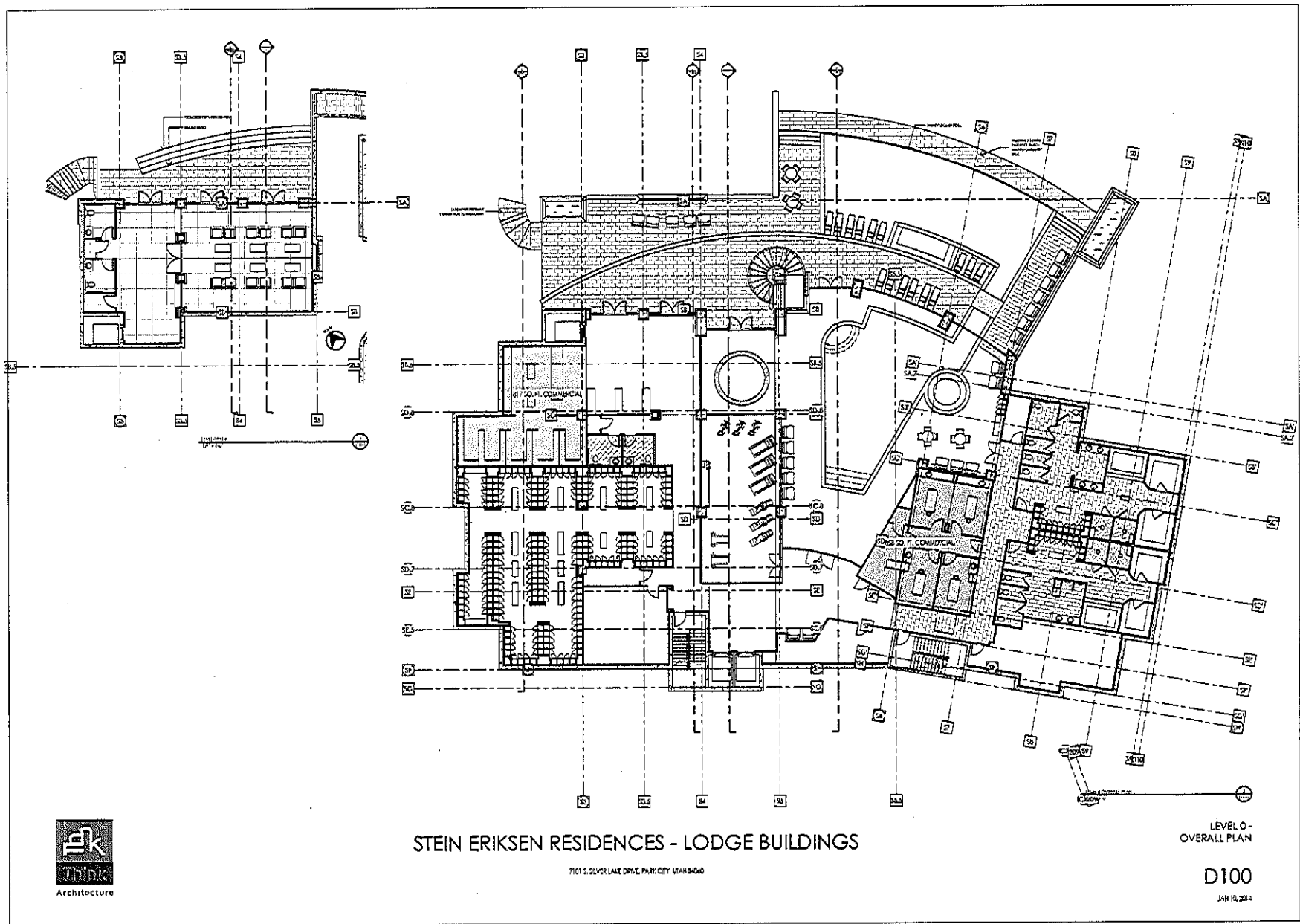
With SEL managing the project, we believe that this modification will allow for a more vibrant and stable development enhancing the public's access and enjoyment of the greater Park City, Deer Valley area.

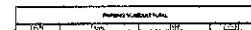
Respectfully submitted,



Richard Lichtenstein
Owner Representative

Exhibit B – Proposed Plans with Lockout Units





LEVEL 1 OVERALL PLAN
JAN 10, 2014



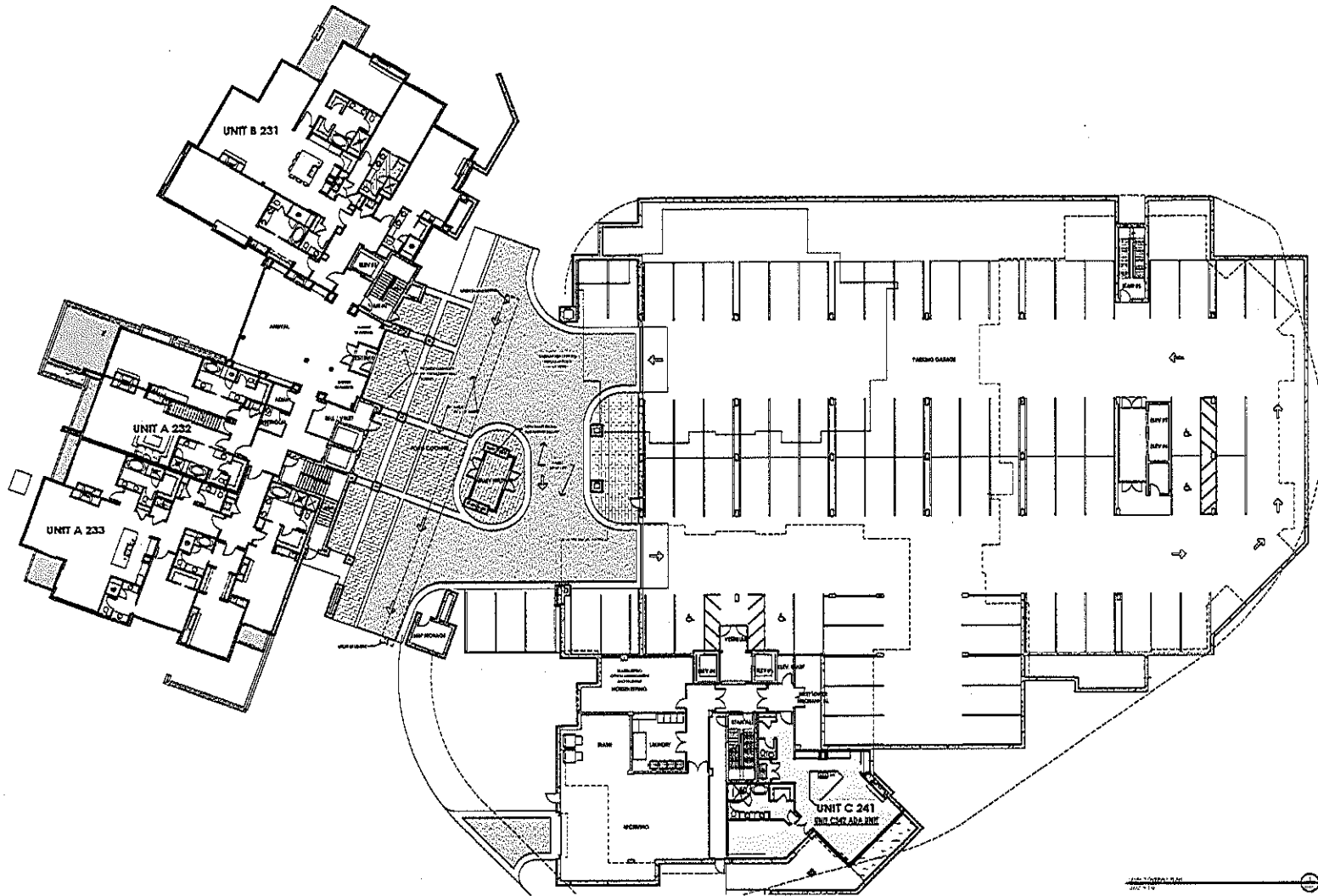
STEIN ERIKSEN RESIDENCES - LODGE BUILDINGS

7101 S. SILVER LAKE DRIVE, PARK CITY, UTAH 84098

LEVEL 1 -
OVERALL PLAN

D101

JAN 10, 2014



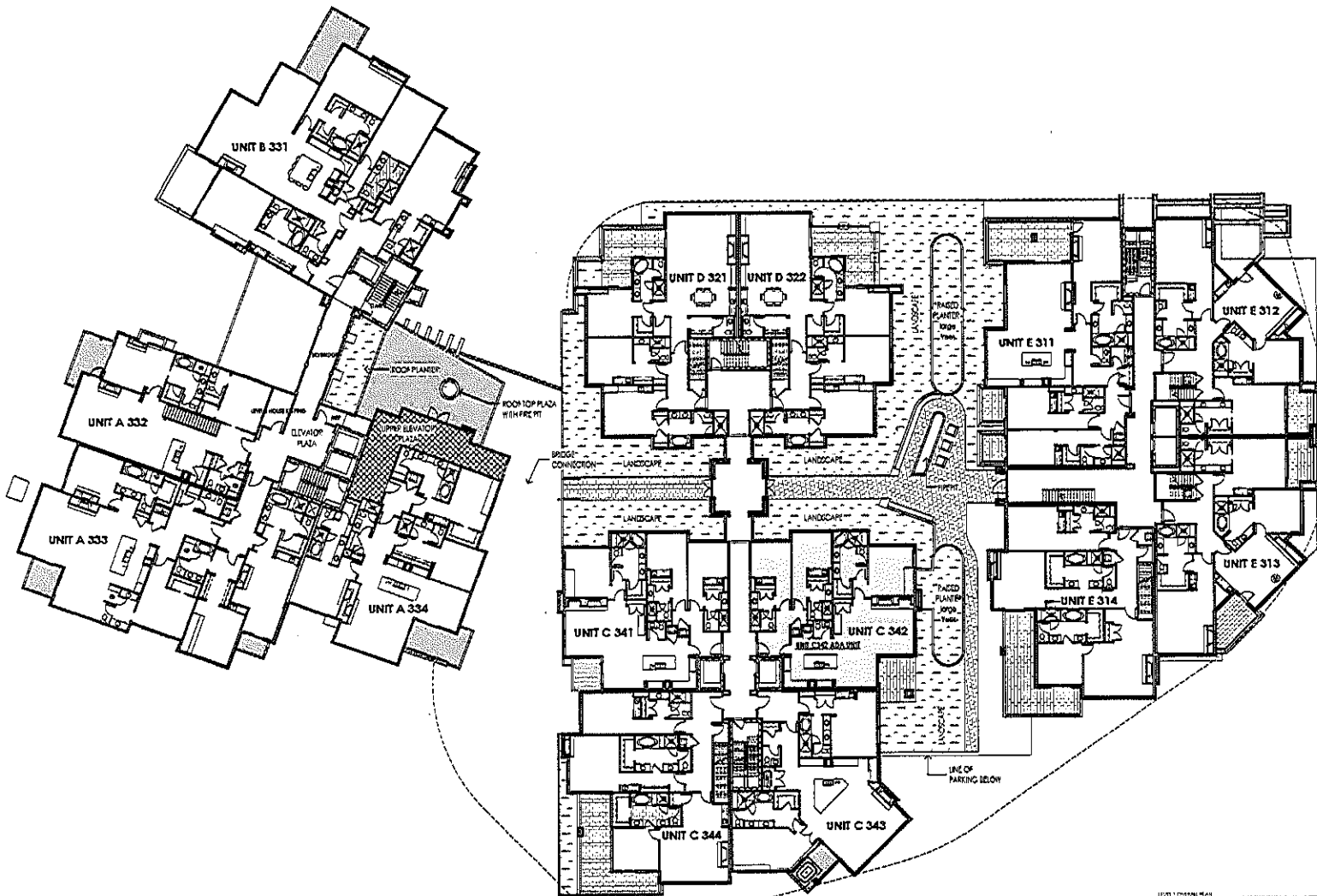
STEIN ERIKSEN RESIDENCES - LODGE BUILDINGS

7701 S. SILVER LAKE DRIVE, PARK CITY, UTAH 84096



LEVEL 2 -
OVERALL PLAN

D102
JAN 10, 2014



STEIN ERIKSEN RESIDENCES - LODGE BUILDINGS

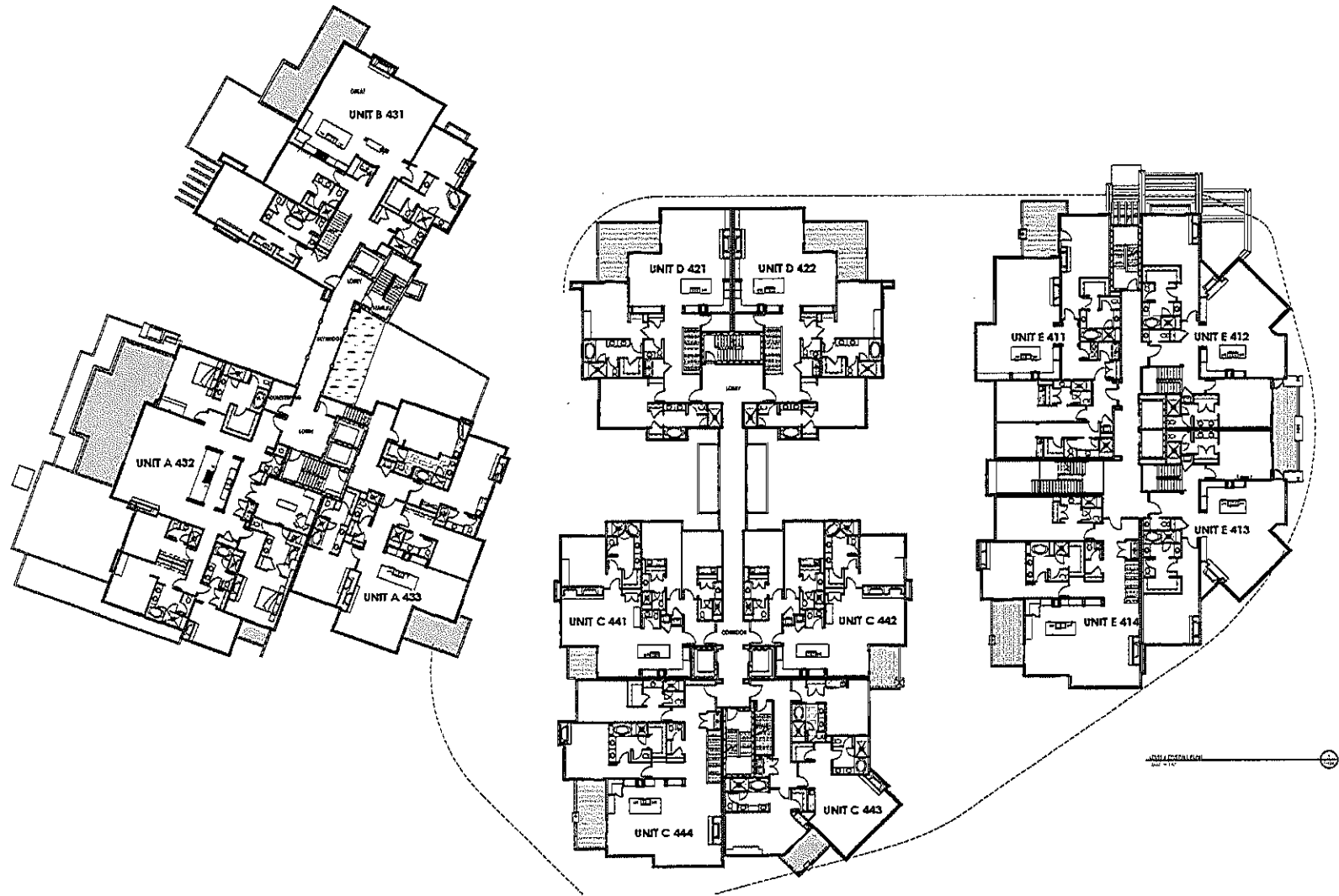
7701 S. SILVER LAKE DRIVE, PARK CITY, UTAH 84096

LEVEL 3 -
OVERALL PLAN

D103

JAN 10, 2014





STEIN ERIKSEN RESIDENCES - LODGE BUILDINGS

7701 S. OLIVER LANE DRIVE, PARK CITY, UTAH 84000

LEVEL 4 -
OVERALL PLAN

D104

JAN 10, 2014



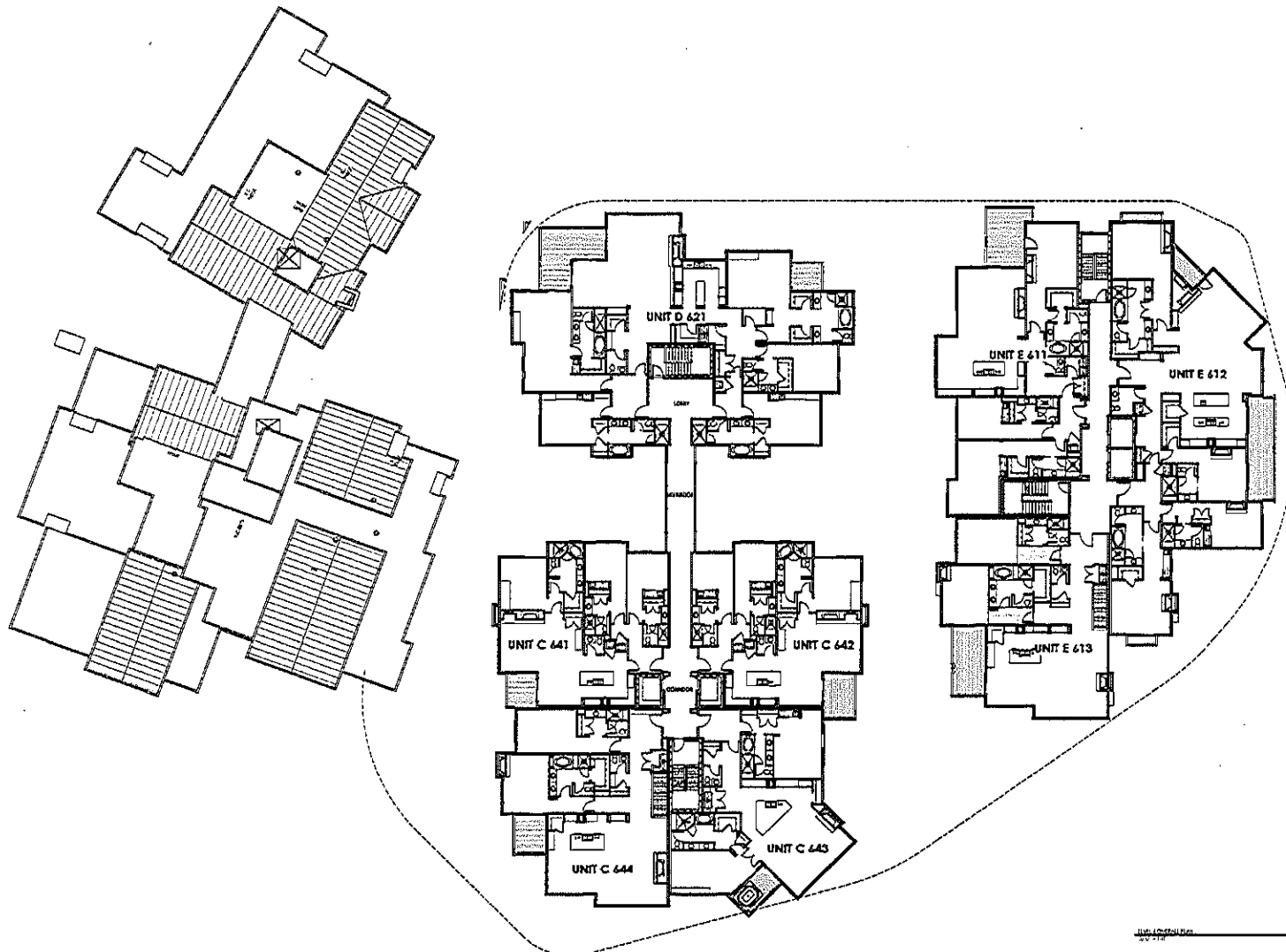
STEIN ERIKSEN RESIDENCES - LODGE BUILDINGS

7701 S. SILVER LAKE DRIVE, PARK CITY, UTAH 84096

LEVEL 5 -
OVERALL PLAN

D105

JAN 10, 2014



STEIN ERIKSEN RESIDENCES - LODGE BUILDINGS

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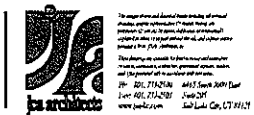
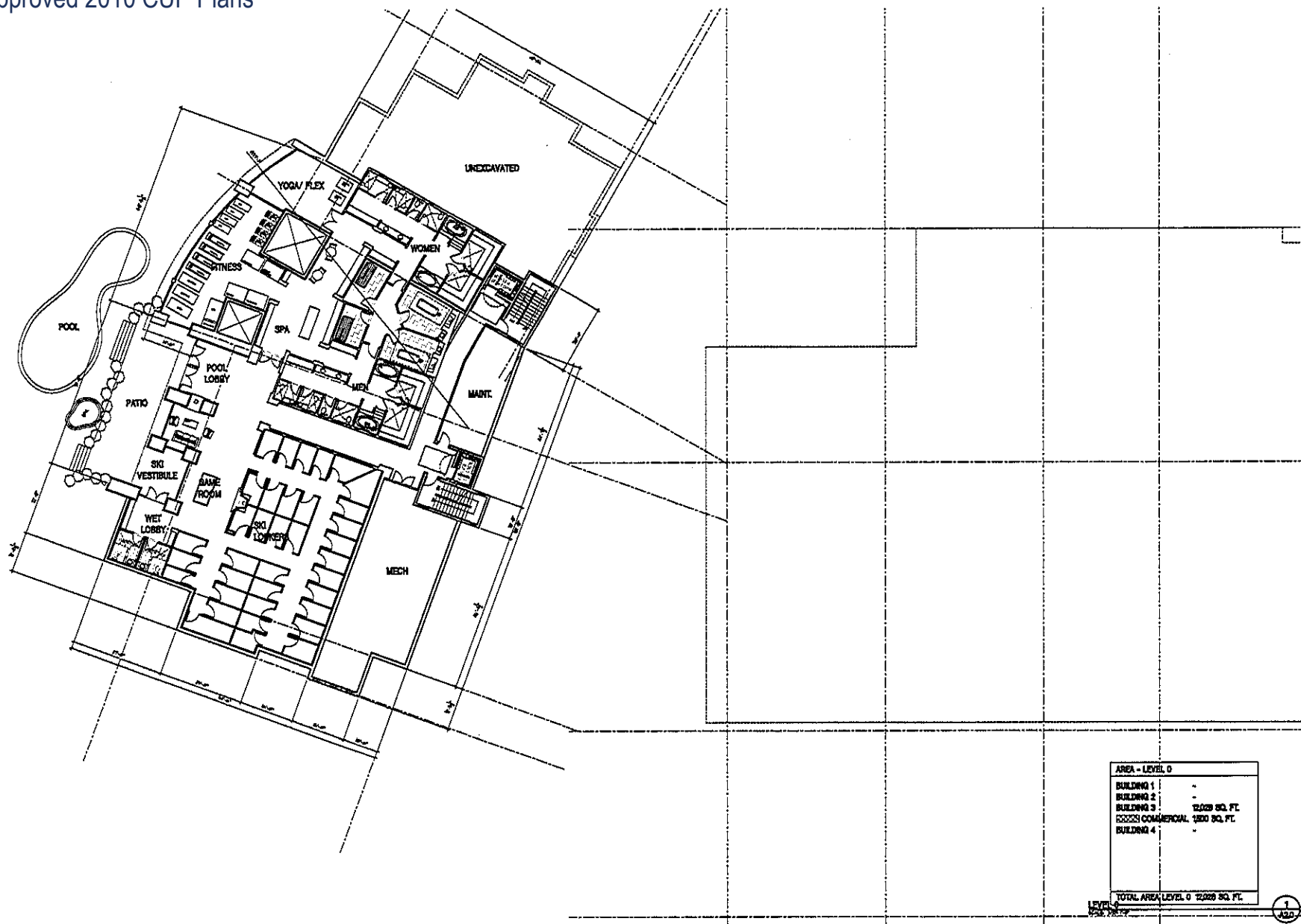
LEVEL 6 - OVERALL PLAN

LEVEL 6 -
OVERALL PLAN

D106

JAN 10, 2014

Exhibit C – Approved 2010 CUP Plans



CONSISTENT:

NORTH SILVER LAKE LODGE

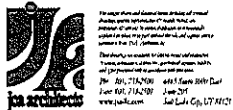
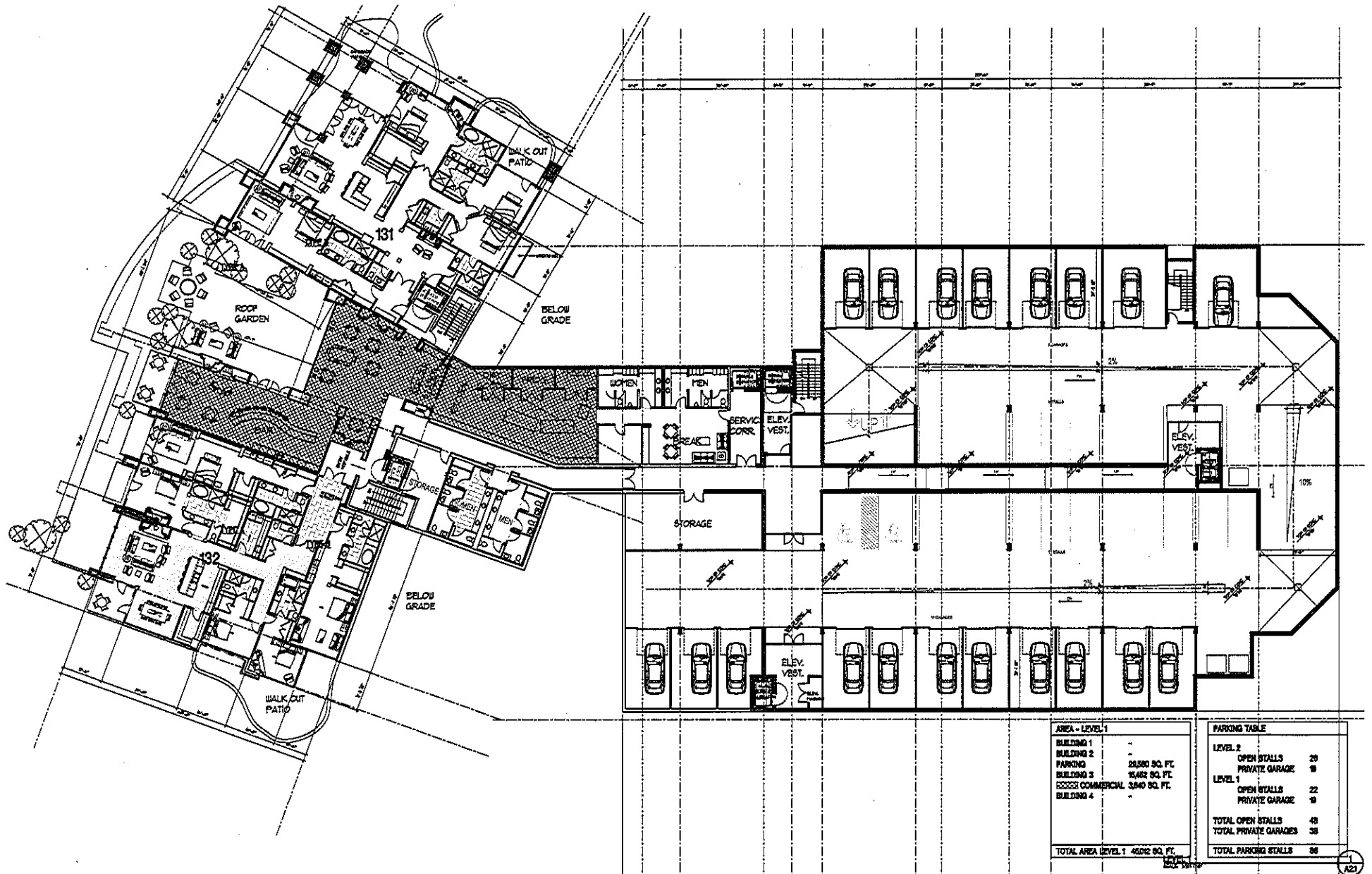
NORTH SILVER LAKE SUBDIVISION, LOT 26, DEER VALLEY, UTAH

CDD: REGENT PROPERTIES
11990 SAN VICENTE, SUITE 200
LOS ANGELES, CA 90049
310.806.9827

PROJECT: CUP/FLAMINGO ST
PARK CITY PLANNING
DATE: 2010-05-10 CUP/FLAMINGO
PAGE: 101
2010

SCHEMATIC PLAN
LEVEL 00

SD2.0



CONSISTENT

NORTH SILVER LAKE LODGE

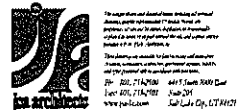
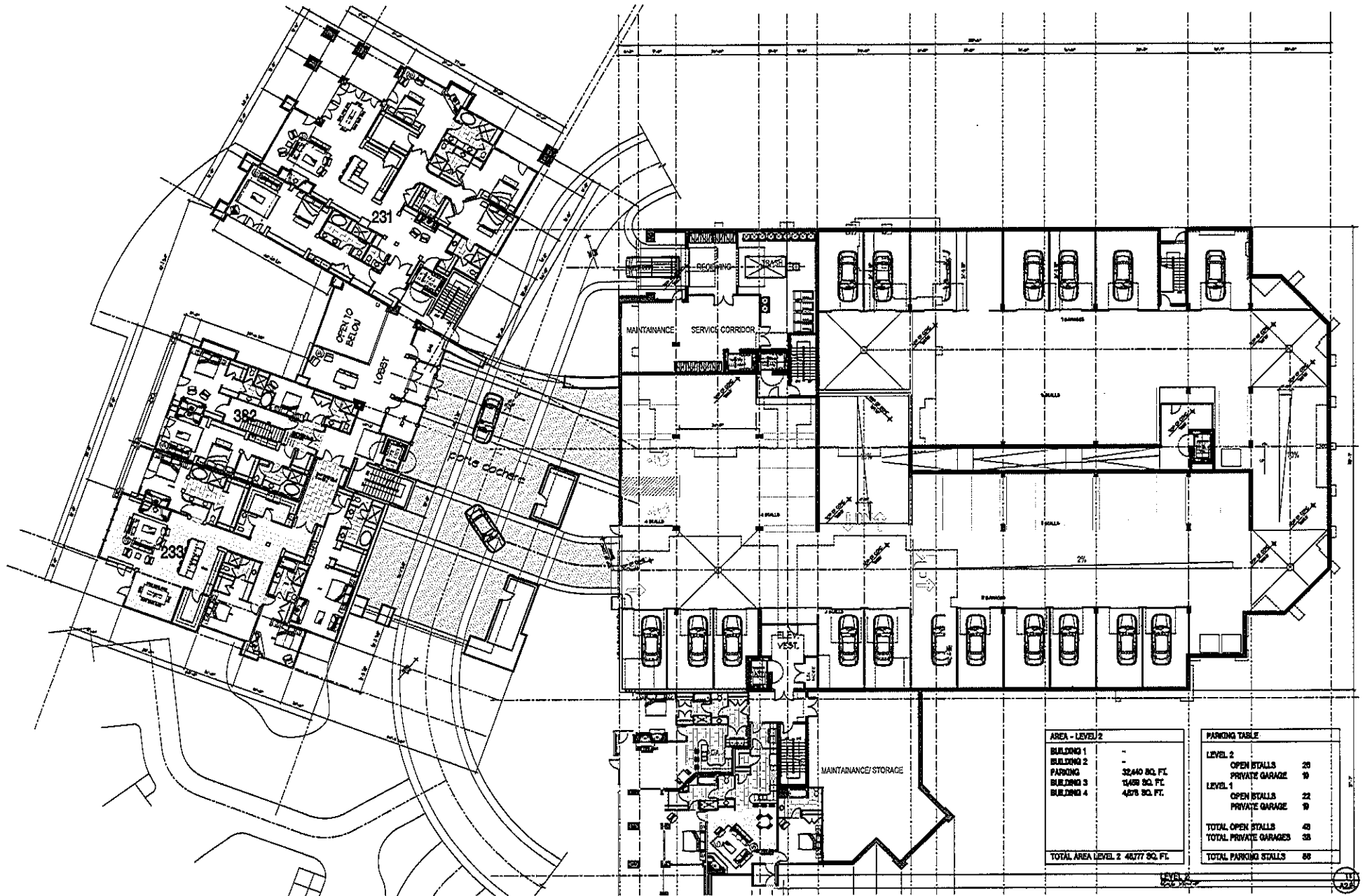
NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UTAH

OWNER
REGENT PROPERTIES
11990 SAN VICENTE, SUITE 200
LOS ANGELES, CA 90049
310.806.9827

DESIGNER
CITY OF SILVER LAKE
PARK CITY PLANNING
2012-02-10-01-01-01
2012-02-10-01-01-01
2012-02-10-01-01-01

SCHEMATIC PLAN
LEVEL 01

SD2.1



CONCATIN:

NORTH SILVER LAKE LODGE

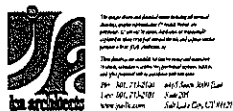
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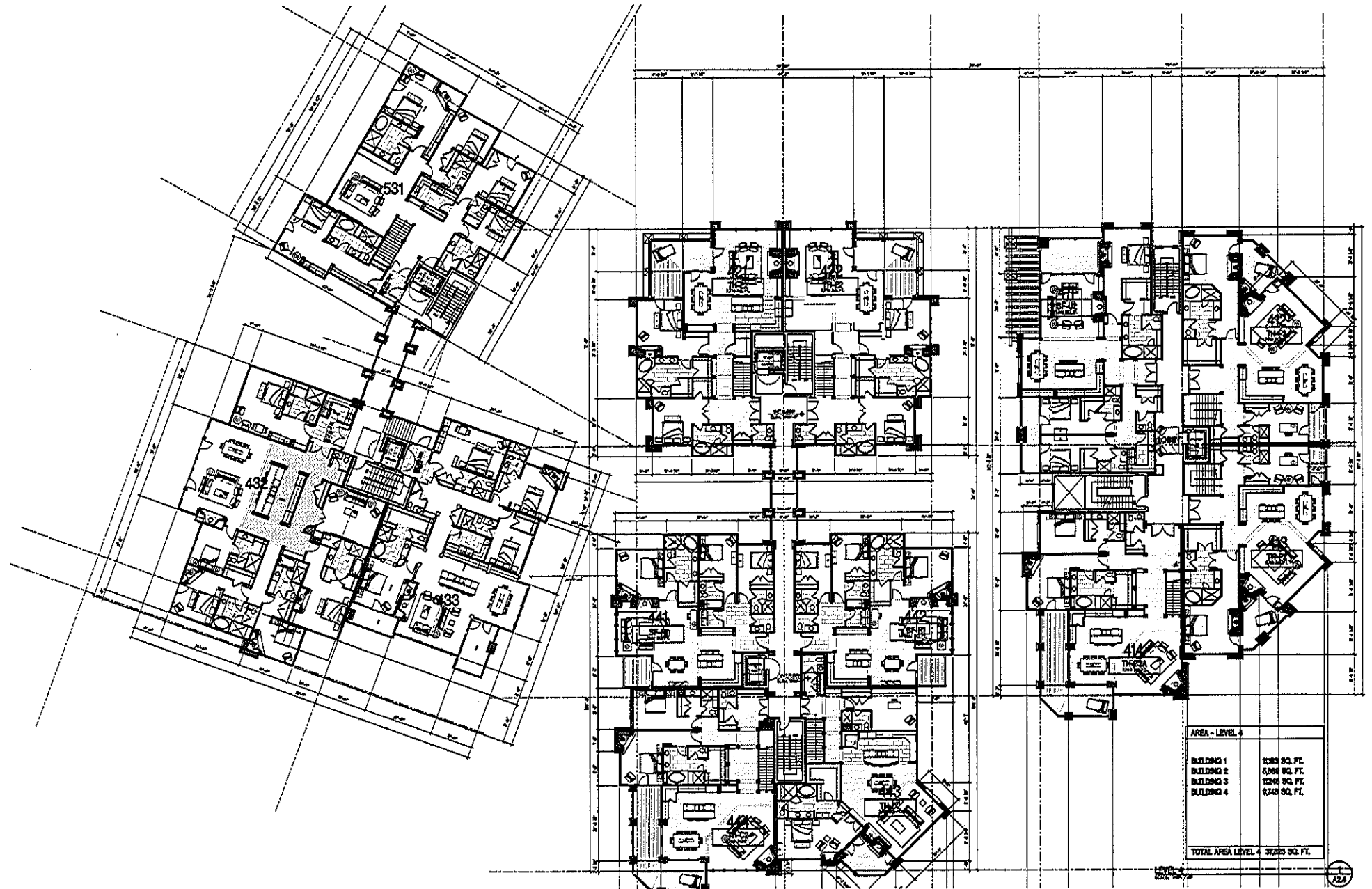
OWNER:
REGENT PROPERTIES
11990 SAN VICENTE, SUITE 200
LOS ANGELES, CA 90049
310.806.9827

PROJECT:
CITY OF SILVER LAKE
PARK CITY PLANNING
DESIGN BY CIP 9/2014
PROJECT NO.
2707

SCHEMATIC PLAN
LEVEL 02

SD2.2





NORTH SILVER LAKE LODGE

NORTH SILVER LAKE SUBDIVISION, LOT 2B, DEER VALLEY, UTAH

CLIENT: REGENT PROPERTIES
11990 SAN VICENTE, SUITE 200
LOS ANGELES, CA 90049
310.866.9827

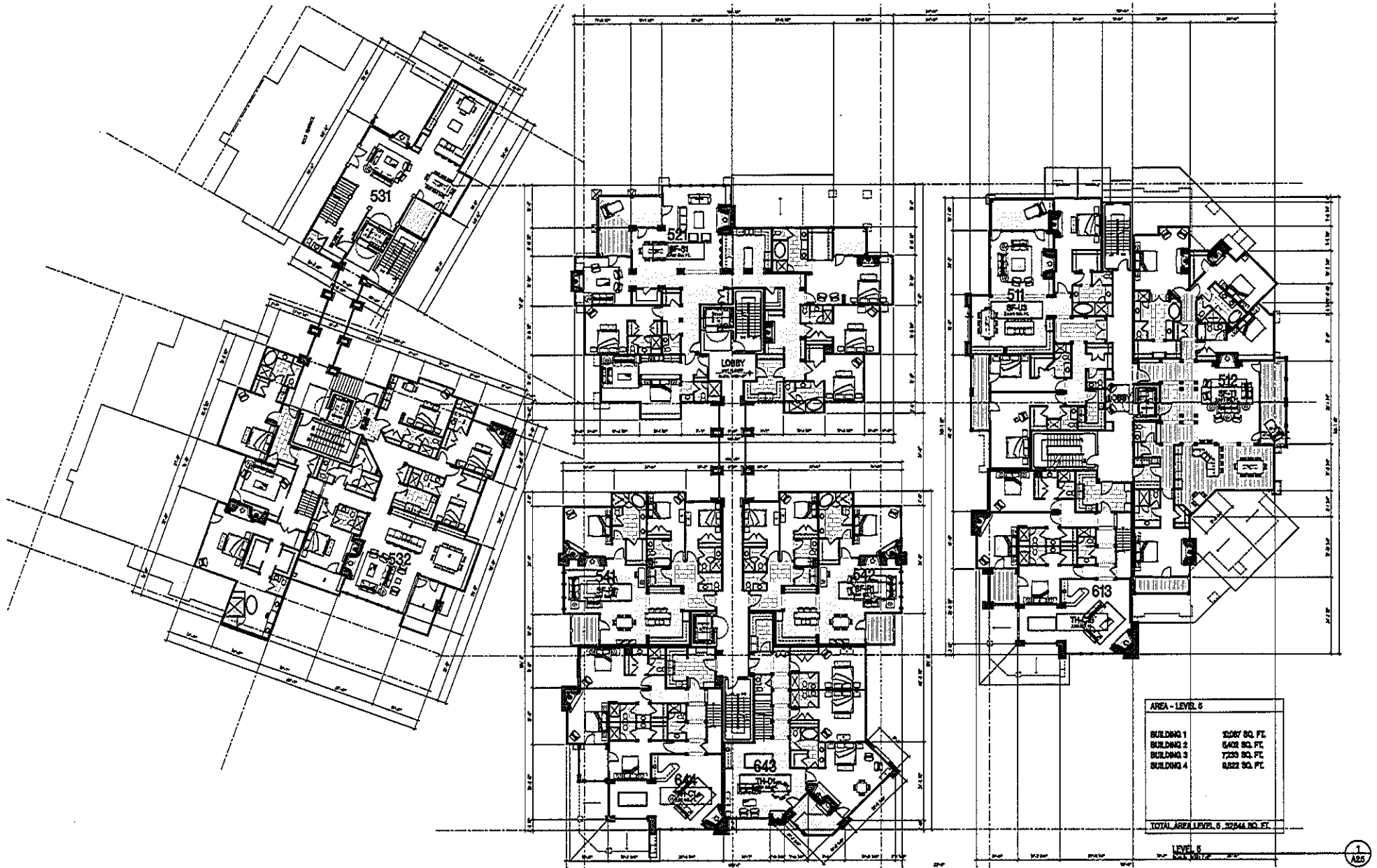
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FARM CITY PLANNING
DATE: 2005-03-10 CDP SUMMIT
SHEET: 1 OF 1

SCHEMATIC PLAN
LEVEL 04

SD2.4



CONSULTANTS:



The design shown and detailed description of project
 building, structure, equipment, and materials, all
 subject to change without notice. This document is
 prepared for the J.A. Architects, Inc.
 The design is subject to change without notice.
 J.A. Architects, Inc. 1001 South 10th East
 Salt Lake City, UT 84111
 Tel: 313.714.2000 Fax: 313.714.2001
 www.jaarchitects.com

CONSULTING:

NORTH SILVER LAKE LODGE

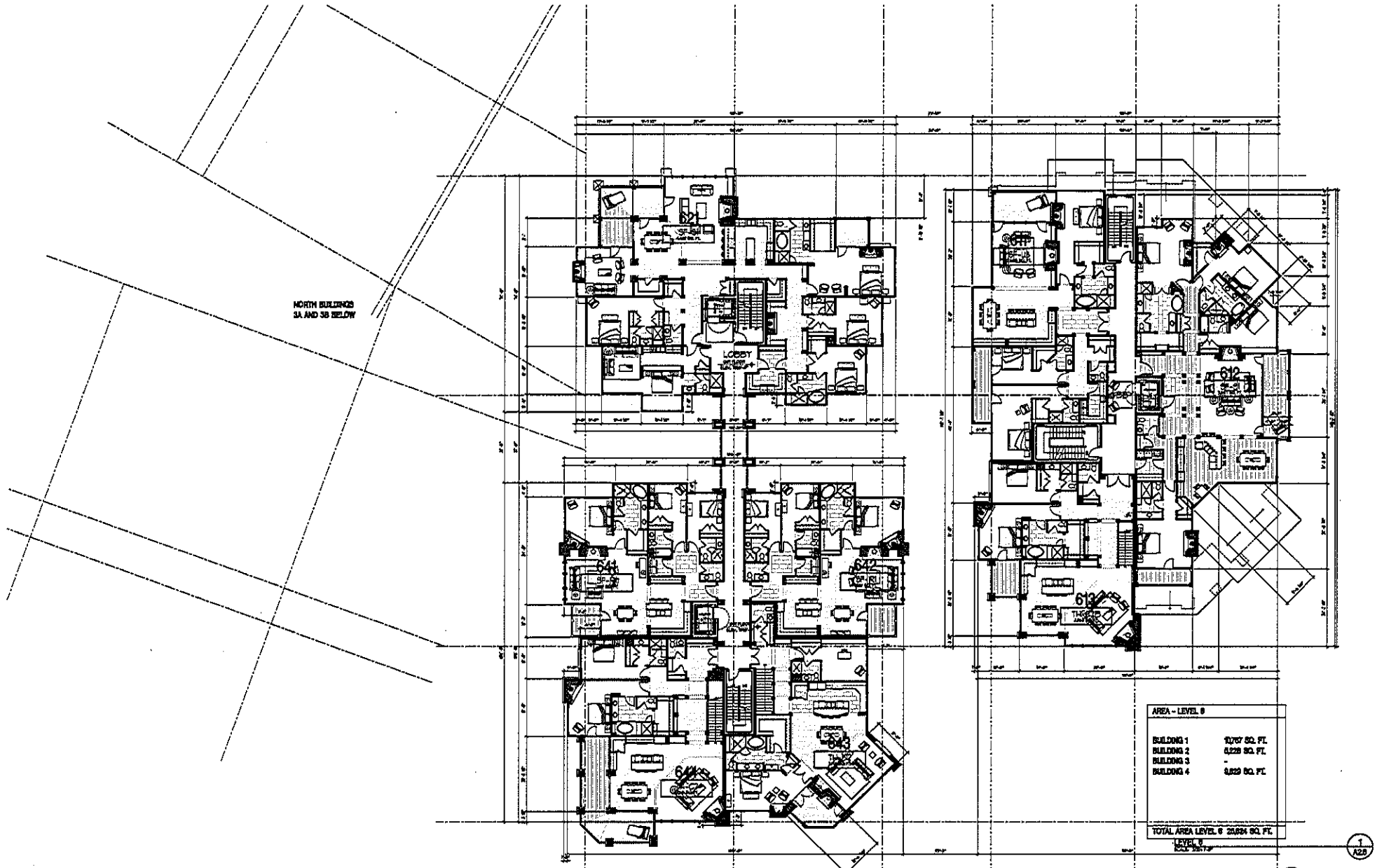
NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UTAH

CLIENT:
 REGENT PROPERTIES
 11990 SAN VICENTE, SUITE 200
 LOS ANGELES, CA 90049
 310.806.9827

DESIGNED BY:
 CLIP SUBMITTAL SET
 PARK CITY PLANNING
 2010-01-10 CLIP SUBMITTAL
 PROJECT NO:
 2007

SCHEMATIC PLAN
 LEVEL 05

SD2.5



NORTH SILVER LAKE LODGE

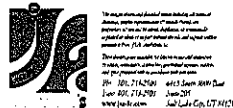
NORTH SILVER LAKE SUBDIVISION, LOT 20, DEER VALLEY, UTAH

CLIENT: REGENT PROPERTIES
11990 SAN VICENTE, SUITE 200
LOS ANGELES, CA 90049
310.806.9827

DESIGNER: CWP SCHEMATIC, LTD.
FARLEY, UTAH
OWNER: 2010-03-10 CWP SCHEMATIC
PROJECT NO: 1707

SCHEMATIC PLAN
LEVEL 06

SD2.6



CONSULTING:

Work Session Minutes

November 6, 2013

Page 2

Exception would not change anything but the height of the sign. He was told that this was correct. Planner Alexander pointed out that the Special Exception for height would apply only if the Planning Director determines that it is feasible.

Commissioner Wintzer recognized that it was not a decision for the Planning Commission; but he was comfortable moving it forward to the City Council. Commissioners Worel, Gross and Hontz concurred. Commissioner Thomas stated that he would be comfortable moving it forward as long as the lighting was addressed.

Chair Worel called for public input.

Tom Bennett, the attorney for the developer of the St. Regis. Mr. Bennett felt it was important to understand that this amendment would not change any other provision of the sign code. It is strictly a height issue. He clarified that the St. Regis was only asking for a mechanism that was similar to a variance mechanism. The Special Exception opens the door for a situation where signage visibility is a problem, and it provides a mechanism to present your case to the Planning Director, if the sign meets all other requirements of the Municipal Sign Code.

7101 Silver Lake Drive, Lot 2B Subdivision of Lot 2 North Silver Lake – CUP for lockout units. (Application PL-13-02034)

Commissioner Thomas stated that due to his involvement with the conceptual design early in the project, he would be recusing himself from this discussion, as he has consistently done throughout the process. Commissioner Thomas left the room.

Planner Francisco Astorga noted that this was a work session discussion and the Staff and applicant were requesting input and direction from the Planning Commission.

Planner Astorga reviewed the application for a conditional use permit modification. The original CUP was approved in 2010. The original approval indicated that if the applicant requested a lockout unit in the future, it would require a conditional use permit request. The applicant has filed the required CUP application with the Planning Department. Planner Astorga noted that there was some discrepancy in the number of lockout units by the applicant. The applicant incorrectly interpreted the definition of a lock out unit and request 124 lockout units. After looking at the definition of a lockout unit, which consists of a habitable room that may include a kitchenette, but not a kitchen, the applicant reduced the number to 85 lockout units to coincide with the 38 approved main units. Planner Astorga wanted to clarify that mistake on the project description.

Planner Astorga stated that the conditional use permit authorized for 38 units. The applicant was requesting to add 85 lockout units to those 38 main units. The proposed plans were in substantial compliance with the original approval with a few modifications. The Staff did not believe the modifications were substantial enough to trigger a full review.

Planner Astorga noted that pages 26 and 27 of the Staff report outlined the details of the conditional use permit approval, the appeals and two extensions.

The Staff requested discussion this evening on two points that relate to the conditional use modification of the lockout unit, which is traffic and parking.

Rich Lichtenstein, representing the applicant, stated that he has been the owner's representative on this project since its inception. He introduced Russ Olsen, the CEO of Stein Eriksen, Steve Brown, the project consultant, and John Shirley, the project architect.

Mr. Lichtenstein stated that the project was approved in 2010 for 54 units; 16 detached homes and 38 condo units. On July 1, 2010, the City Council affirmed that approval. Due to the economic climate they were unable to break ground and came forth with two extensions that were approved. They were finally able to break ground the beginning of this year and expected to have the model home completed by the end of the year. At that point they would begin to take sales reservations for the ski season. Mr. Lichtenstein stated that besides breaking ground, they were also excited to announce a strategic alliance with Stein Erikson.

Mr. Lichtenstein noted that the original CUP did not include lockouts and it was very clear that any opportunity to build lockouts would require a CUP modification approved by the Planning Commission. He stated that the alliance with Stein Eriksen Lodge required them to make that request. Mr. Lichtenstein stated that they were prepared to show that there would be no further impacts or mitigation required on the property with the lockouts. The modification results in no additional square footage, not additional height, no reduction in open space, and the parking continues to be in excess of the Code requirement.

Russ Olsen, representing Stein Eriksen Lodge, was excited about this new project in North Silver Lake for the Stein Eriksen Residence project and the alliance that was formed. He stated that Stein Eriksen is not a developer and they do not have a financial interest in the development per se; however, they are involved because they are interested in the long term viability of the project and how it fits within the business plan and the model of future growth opportunities for Stein Eriksen Lodge. Mr. Olsen named other properties they manage in the North Silver Lake area. He noted that a positive for having Stein Eriksen involved was that they would be here managing the project for the long-term. They would not leave once the project is built. Mr. Olsen commented on parking, traffic and the shuttle service. He was convinced that the transportation service they provide currently for the Chateau and Stein's would translate directly to the Stein Eriksen Residences and eliminate the need for any of the guest to have cars.

In terms of the lockout situation, Mr. Olsen stated that the viability of a project is much greater with lockouts. He noted that a primary concern of having lockouts is the amount of traffic and parking generated, particularly during a large event. He pointed out that the Stein Eriksen Residences more of a country club where it is mainly for the owners who stay there and their guests. It will not have meeting spaces that would drive group business or a public restaurant. Stein Eriksen Residences is a more contained project and development, which is much different than the Chateau and the Stein Eriksen Lodge. Mr. Olsen stated that the impact of transportation would be minimal, but more importantly, the lockouts would help make the project more viable and more attractive to potential buyers. It was also critical in Stein Eriksen's decision to become involved in the project and to move forward with a successful long-term relationship with the owner of the project.

John Shirley, the project architect, reviewed the plans of a typical lockout unit. The areas in red were areas where interior hallways were added in order to create the lockout ability. Within the units themselves, minor changes were made where the kitchenettes were added. Mr. Shirley stated that in working with Mr. Olsen and his Staff in terms of creating the amenity level they needed to meet the Stein standards, the conversion to lockout was quite easy because the units were already close to those standards.

Planner Astorga clarified that the plan Mr. Shirley was presenting was the current condo layout versus the proposed.

Commissioner Wintzer understood that the unit would go from one key to three with the two lockout units. Planner Astorga replied that the units range from 1 to 3 lockouts. The smaller lockouts are 250 square feet and the larger lockouts can be up to 1,000 square feet.

Planner Astorga stated that the first discussion item related to traffic. He noted that the applicant had resubmitted their original traffic study and provided a new updated traffic study indicating the impacts of the lockout units. Per the newly updated document, shown as Exhibit F in the Staff report, in terms of traffic level of survey, it would remain Level of Service A, which is the free-flow traffic conditions best type of scenario. Planner Astorga reported that the Staff found no additional impacts to mitigate related to traffic.

Planner Astorga asked if the Commissioners concurred with the finding regarding traffic.

Mr. Lichtenstein pointed out that when the traffic study was updated they were considering up to 148 lockout units, which was due to a miscalculation. Since they were proposing less lockout units, he believed the traffic would show better if it was updated on the current number of 85 lockout units.

Chair Worel referred to page 69 of the Staff report which states that the study was evaluated assuming 110 additional keys. She asked if the traffic study assumed that everyone would drive rather than use public transportation. Mr. Shirley explained that the assumption on the traffic analysis was 100% occupancy at peak season. Commissioner Wintzer clarified that the study assumed a car for every key, but it was still a Level of Service A.

Commissioner Hontz noted that page 76 of the Staff report talks about not considering the lockouts because each key would cause a separate dwelling unit, which produced an artificially high trip projections. She asked if they had assumed the units as residential condos instead. Commissioner Hontz was confused over whether or not it reflected 100% off of the lockout units. She also recalled language in the Staff report, stating that it was based off of parking stalls rather than the occupancy of the actual rooms. Commissioner Hontz thought a better assumption would be to run at a certain percentage of the expected occupancy at its peak. She believed it would be significantly lower, as evidenced by all the hotels that provide that service. Commissioner Hontz stated that she was confused by some of the statements in the traffic study and if that could be rectified she was comfortable with the study. She reiterated her preference to base the assumption off of the assumed occupancy rather than parking stalls.

Commissioner Wintzer stated that he would like a matrix that identifies number of keys in the worst

case scenario. He thought it was important to know the worst case scenario and make a decision from that. Commissioner Wintzer also requested something that says per Code, how many parking spaces are required. He felt that information was important in order to make a good recommendation.

Planner Astorga stated that parking was the second point for discussion. He noted that the original CUP indicated that the project needed to provide 106 parking spaces, which was without lockouts. The Planning Commission made findings to reduce that by 25%, which took the number to 80 spaces. Planner Astorga stated that the approval also indicated that the parking would be determined per the LMC regulations. He pointed out that last year the City amended the LMC as indicated on page 30 of the Staff report, and the parking requirement was reduced. Planner Astorga stated that the challenge in addressing Commissioner Wintzer's request, is that the Land Management Code provides a parking standard for a lockout unit in terms of a single family dwelling and a duplex. It does not provide a parking ratio for a lockout unit within a multi-unit building. Because of the lack of clarity in the LMC, they were simply saying that the area for the lockout unit would be consumed by the area of the multi-unit dwelling as a whole. Therefore, they do not require additional parking for a lockout unit because it is already counted as part of a multi-unit dwelling. Given the current standard, the Staff's finding is that the lockout unit parking would be a portion of the multi-unit dwelling.

Commissioner Gross asked what the demand would be based on the ratio of one parking space per bedroom. Planner Astorga replied that it would be whatever parking was required for the first 38 main dwelling, and if it was one per bedroom, that would be an additional 85 parking spaces for a total of 123. He clarified that 123 would be assuming they could borrow the standard from a single-family and a duplex, but he was unsure whether that could legally be done because it was not specified in the Code. Assistant City Attorney McLean stated that it would also be the same standard for a hotel of one per room.

Commissioner Wintzer did not believe they needed that much parking and he applauded Stein Eriksen for what they were doing. However, he wanted to be able to justify whatever the Planning Commission does and point to the interpretations, particularly if they were willing to reduce the parking. Commissioner Wintzer thought it was important to take into consideration that all the rooms could be occupied by someone with a car. It becomes a problem for the applicant if parking is not allowed on the street and the project is under parked. He wanted something that would show the basis for a parking reduction.

Planner Astorga reported that the applicant was requesting to provide 96 parking spaces. The original plan had not changed and they were not requesting to reduce that number. Mr. Lichtenstein stated that they could provide up to 96 parking spaces, but for many of the reasons being discussed this evening, he thought 80 parking spaces was an appropriate number. He concurred with Commissioner Wintzer on the need to provide justification for reducing the number. Mr. Lichtenstein reiterated Mr. Olsen's comment that the Stein Eriksen marketing program discourages people from bringing cars because there is no parking and shuttles are provided. He pointed out that reduced parking to encourage less cars contributes to the City's goal of reducing the carbon footprint.

Commissioner Hontz concurred with Commissioner Wintzer in terms of not setting a precedent. She wanted the project to be successful and that the occupancy would be high. She also hoped the traffic system that Stein Eriksen employs would work and that the parking would not be needed.

Commissioner Hontz wanted justification to show how much was based off of a hotel use and how much they believe it would actually be generated. Commissioner Hontz also wanted conditions to have a successful travel demand system implemented and no office-street parking. She was comfortable considering a reduction because they want to discourage parking and encourage people to use other methods of transportation; however, she needed the requested analysis before she could make that decision.

Commissioner Wintzer stated that every time parking comes up in a project, he requests that the Staff look at the St. Regis, the Montage or other projects that had parking plans, to find out what they were required to build and how much of the parking is actually used. It would provide the Planning Commission with internal data from hard numbers to determine whether they were requiring too much or not enough.

Director Eddington stated that the Planning Commission had reviewed the parking analysis for the Montage and St. Regis four months and both were operating around 55-60% of occupancy. Despite the fact that the parking was reduced, they were still not operating above the 55-60%, even during Sundance and the holiday season. Commissioner Wintzer apologized for not remembering that the Staff had done that analysis. He requested that the Staff include that information in future Staff reports so the Commissioners would have the real data in front of them. Planner Astorga remarked that included in the General Plan is a section called "Rethinking parking", which indicates that most parking ratios are borrowed from suburban developments. They need to do in-house research and analysis related to parking demands as suggested in the General Plan, as well as taking the direction given this evening. Planner Astorga stated that the Staff was aware of the parking issues and they were trying to address that in the General Plan.

Director Eddington remarked that that part of the Best Practices with regard to parking was not management parking through additional asphalt, but rather managing parking through people.

Planner Astorga referred to page 31 of the Staff report and the criteria for a conditional use permit. When the application came in the professional recommendation and agreed to by the applicant, was to focus on traffic and parking related to the lockout units. Planner Astorga clarified that this section of the Staff report was not intended to reopen the approved conditional use permit. He explained that most of the CUP criteria did not apply to lockout units; however, the Staff reported listed the criteria to see if the Planning Commission had additional issues for review.

Commissioner Hontz referred to page 65 of the Staff report, Sight Distance, from the eastbound left turning traffic, and recommendations suggested by the traffic engineer to improve sight distance. She believed the lockouts would result in a traffic increase beyond the previously approved plan, and she could be problematic. Commissioner Hontz thought the recommendations were minor and insignificant, but it would make it easier to turn in and out of the project. She requested that the Staff research the recommendations further.

Chair Worel wanted to know more about the impacts on utility capacity. Planner Astorga noted that

the number of bedrooms was not changing. The only change was how the bedrooms are managed through the plan. The Sewer District did not have any issues with the lockouts because the number of bedrooms remained the same. Planner Astorga offered to do the additional review and provide a better recommendation for that specific criteria.

Chair Worel opened the public hearing.

Bob Dillon, a resident of American Flag, stated that in the past he was the attorney representing a number of neighbors and HOAs. Mr. Dillon stated that this project was not approved as a hotel. It is a multi-unit dwelling. If this is a hotel that has commercial space and support commercial that is open to the public, it is completely different from what was approved. Mr. Dillon explained that as they went through the process, it was presented to the neighbors as large condominiums and that was how the parking was formulated and the traffic plan. Those plans would be different if it is operated as a hotel and the public is allowed to come in and use the parking and the unknown commercial facilities. Mr. Dillon was surprised that condo documents, the plat and the declarations had not been submitted. The Legal Department authorized pulling a building permit on this project when five provisions of the LMC did not allow them to do it. He was surprised that they have to look at lockouts before they apply for a CUP for the condo project. Mr. Dillon wanted to know what this project really is and how it would be operated. He pointed out that he had done all the legal work for the Chateau. He knows how it is constructed and how it is operated. Stein Eriksen is a great manager, but this project is not the Chateau and it is not Stein Eriksen Lodge. Mr. Dillon stated that as soon as the lockouts are approved, it really begins to look like a hotel, and this project was not approved to be a hotel.

Lisa Wilson stated that she has lived in Deer Valley since 1993. She purchased her lot fully aware that there could be a large project someday. They were told it could be a small boutique hotel and that it would be 54 units. Ms. Wilson thought she knew what a unit was. During the public process there was a compatibility argument that went on for year, and the project was deemed compatible because the units were approximately 6,000. Ms. Wilson handed out a document that was written by Katie Cattan, showing that the units would be 6,000 square feet. At one point they were compatible when the project proposed 54 units. Ms. Wilson reiterated that she thought she knew what a unit was, but now the number is as high as 140, and she no longer knows how to define a unit. Ms. Wilson presented a copy of a trust deed.

Commissioner Wintzer informed Ms. Wilson that the issue this evening was the lockout units and not the history of the project.

Ms. Wilson replied that the lockout units would tremendously change the value of the property. Since 2005 the property according to Summit County has been valued at \$1.2 million. There is a trust deed on record for \$85 million. She pointed out that changing to 140 units increases the value far more than \$85 million. Ms. Wilson passed provided the Commissioners with copies of the trust deed. Ms. Wilson commented on the amount of property taxes that have been paid since 2005. He noted that 85% of the property tax revenue should have gone to the teachers, but it did not. Ms. Wilson believed the proposal and the discussion was truly unbelievable. She presented a tax bill prior to 2005 showing that the developer used to pay over \$100,000 in property taxes and now they pay \$6,000. Ms. Wilson remarked that the developer uses ten acres of Deer Valley ski in/ski out

property and their property tax is \$6,000. Deer Valley pays \$55 in property tax for the four acres that used to be a 54 unit condo project, and has now turned into 140 hotel rooms. Ms. Wilson was unsure how it reached this point, and she hoped the Planning Commission could do something to change it. She wanted to make sure that the school district and the City gets the money they lost over the years.

Nancy Dalaska stated that she and her husband live on Royal Street in Deer Valley. They are relatively new to Park City and she had two concerns about this development. When they purchased their property five years they understood that Deer Valley was relatively low density. Having moved from Chicago she know the difference between high and low density. They moved here looking for a place with low density. Ms. Dalaska was not adverse to development and understood that good, responsible development is necessary in order for the community to thrive and they need good operators like Stein's, who she considers to be a good neighbor. However, the master development plan says 54 units were approved. She thought that number was aggressive for the property, but to add in another 85 units basically doubles the size of the project from what was approved. Ms. Dalaska stated that even though this might not be adding additional density, she was concerned about the traffic and the parking. She commended places that have shuttles, however, she has yet to see a shuttle drive by that was actually going 25 miles an hour or slower. There were already traffic issues on a small, curvy two-lane road and the shuttles drive up and down Royal Street way too fast. In addition, since they cannot require their guests to not bring a car, she thought it was reasonable to look at the worst case scenario in terms of traffic. Ms. Dalaska was concerned about the safety issues that come from the traffic and the shuttles. She was also concerned about the precedent this sets. She has seen this project and others approved for a certain scope and number of units. If this were approved with lockouts that would be different; however, to change the nature of the project after it has started seems like a bait and switch. Ms. Dalaska believed that it sets a dangerous precedent for the community. In looking at previous minutes that talked about prohibiting lockouts, she questioned whether this project would have originally been approved in 2010 if it had been presented as a hotel with lockouts. Ms. Dalaska asked the Planning Commission to consider the existing neighbors, the safety on Royal Street and the economic viability of the entire neighborhood; and not just the people buying in to this new project.

Chair Worel closed the public hearing.

For the next meeting, Commissioner Wintzer asked Planner Astorga to talk about what the Deer Valley MPD approved and whether this proposal would change the original MPD in terms of number of units. Planner Astorga stated that he would research the Deer Valley MPD and provide that information. He explained that a lockout and nightly rental were allowed uses in the District. However, a lockout nightly rental requires a conditional use permit in the District. Planner Astorga pointed out that the 2010 approval indicated that if the applicant wanted a lockout, they would have to come back to the Planning Commission for a CUP.

The Work Session was adjourned.

Exhibit E – 12.11.2013 Planning Commission Regular Meeting

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3. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
4. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 916 Empire Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the north from damage.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. Separate utility service is required for 916 Empire Avenue; services may not be shared with 920 Empire Avenue as these two structures are not attached and are not located on the same lot.
5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites and the Land Management Code. The rear roof form shall be redesigned to be lowered in order to comply with the maximum height of 23' at the lowest point of existing grade.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions and that the driveway complies with the required slope restrictions.
9. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include

calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north and existing retaining wall on the south property line.

10. This approval will expire on December 11, 2014, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted.

11. Plans submitted for a Building Permit must substantially comply with the plans reviewed by the Planning Commission on December 11, 2013.

12. An access easement for the wooden walkway and concrete stairs shall be recorded at Summit County prior to issuance of a building permit, unless these encroachments are removed and alternative access is provided to the house at 920 Empire Avenue, consistent with an approved HDDR application for that structure.

13. Modified 13-D residential fire sprinklers are required for all new structures on the lot.

14. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

5. 7101 Silver Lake Drive, Lot 2B Subdivision of Lot 2 North Silver Lake – Conditional Use Permit for Lockout Units (Application PL-13-02034)

Planner Astorga reported that the applicant had submitted a conditional use permit modification request to incorporate 85 lockout units within the approved multi-unit dwellings. The Staff report outlined the history from 2009 through 2012 due to the different extensions issued by the City Council and Planning Commission. In 2010 the Planning Commission approved a CUP for a 54 Unit development consisting of 16 single-family dwellings/duplexes around the periphery of the project and 38 multi-unit dwellings which are privately owned.

Planner Astorga read the definition of a lockout, "An area of a dwelling with separate exterior access and toilet facilities, but no kitchen." The definition of a dwelling unit is "a building or portion thereof designed for use of the residence or a sleeping place for one or more persons or families and includes a kitchen, but does not include a hotel, motel, lodge, nursing home, or lockout unit." Planner Astorga explained that the issue is that the request is for a lockout unit, but not as a separate dwelling unit. A lockout unit per the LMC definition is simply part of the multi-unit dwelling. Planner Astorga clarified that per the LMC definition, a lockout unit, bed and breakfast or boarding houses are not hotels.

Planner Astorga stated that during the work session on November 6th the Planning Commission identified two items that needed to be mitigated. One was related to the capacity of the existing streets and the other related to parking. Following the work session discussion the applicant updated the study which indicates that the level of service would remain as Level A. The City Engineer, Matt Cassel, has indicated that his real concern is when the Level of Service drops to a D or E status. Planner Astorga reiterated that according to the traffic study, which incorporates the

worst case scenario of 125 keys utilized, the Level of Service would still remain an A as indicated in the Staff report.

Planner Astorga noted that the required parking must be provided within the development. The Deer Valley MPD specifically states that the parking requirement shall be determined in accordance with the LMC at the time of the conditional use permit. Per the Staff analysis, the modification which changes the use to add lockout units triggers a parking requirement of 76 spaces. At one point the Planning Commission had issued a parking reduction from 106 spaces to 80 spaces. The 80 spaces are still being provided but at this point it is not longer considered a reduced number.

Planner Astorga noted that Exhibit H that was included in the Staff report showed a breakdown of every unit and the required parking spaces per each unit. The Exhibit also showed the square footages of the main dwelling versus the lockout unit.

The Staff found that the conditional use permit modification meets the Land Management Code Section 15-1.10, criteria for a conditional use permit. Conditions of Approval indicate that all standard of conditions shall apply. Because of the various extensions and appeals, the Staff continued to apply the City Council 2011 Order. It should also continue to comply with former approvals in that the support commercial and amenities shall be for the exclusive use of the owners, residents and their guests. Also, per the traffic study the applicant shall work with the City Engineer to ensure proper compliance with the recommendations outlined in the Staff report regarding sight distance and special warning signage during construction.

Planner Astorga reported that the Planning Department had received a significant amount of public input on Monday, Tuesday and Wednesday, which was forwarded to the Planning Commission. The comments were both negative and positive for this application.

Rich Lichtenstein, representing the applicant, noted that six or seven speakers had attended to speak in support of the project, but due to the late hour they had left. However, they met with Planner Astorga and provided their written names and comments. They were in addition to a dozen others who submitted letters of support. Mr. Lichtenstein stated that their attorney, Tom Bennett, had prepared a response to a letter that was received by the City and the applicant from attorney Robert Dillon. He believed there was evidence of an enormous amount of public support for this project and their relationship with Stein Eriksen going forward.

Mr. Lichtenstein introduced Russ Olsen, the CEO of Stein Eriksen, Steve Brown, the Stein Development Consultant, Johnny Shirley of THINK Architecture, as well as the representative from Regent Properties and the Traffic Engineer. Mr. Lichtenstein reviewed the changes and updates to the plan since the November 6th work session, most of which were outlined in the Staff report. Mr. Lichtenstein stated that after conversations with a number of the neighbors over several weeks, they were offering a new condition to read, "Lockouts shall be an approved use so long as the project is managed by Stein Eriksen Lodge Management Corporation or other manager in a luxury manner." Luxury means equality comparable to the quality of Stein Eriksen lodge as of December 2013, which has received five diamonds from AAA, five stars from Forbes, and Travel of Gold List recognition. They also agreed at the request of some of their neighbors that in the event that vehicles driven by owners, guests or employees of Stein Eriksen residents are found to be parked

illegally on Silver Lake Drive, the manager of the project would seek to immediately have the vehicle towed.

Mr. Lichtenstein addressed other issues raised during the November work session. He remarked that in all the meetings and conversations with the neighborhoods and during the public hearings, it was always understood that lockout were a permitted use in North Silver Lake and on their property. Regent Properties voluntarily offered not to pursue lockouts during the original CUP application with the absolute understanding that if desired they would come back to the Planning Commission for subsequent approval. For anyone to suggest that the language of this particular condition has suddenly appeared in Staff report was disingenuous to the Planning Staff. Mr. Lichtenstein stated that as Mr. Olsen testified during the work session, the long term viability of this project is significantly enhanced by creating the lockouts. The Stein Eriksen Residences is not a hotel, which was well-articulated by the Staff report. There are no public meeting rooms, restaurants or other public amenities associated with a typical hotel. To alleviate any continuing concerns on this matter, Regent Properties and Stein Eriksen fully support the Staff recommendation to add a condition of approval indicating that support commercial amenities shall be limited to the exclusive use of the owners, residents and guests of the Stein Eriksen Residences.

Mr. Lichtenstein noted that Regent Properties broke ground on the property earlier this year and the model home was nearly complete. They are in full preparation to begin taking sales reservations this ski season. The request before the Planning Commission was not to revisit the original CUP approval, but rather to seek approval for a modification to include the 85 lockout units. The requested modification proposes no additional square footage, no reduction in open space and no additional height. The project has been found by the Staff to be in substantial conformance and compliance with the approved CUP. No impacts have been identified from the proposed addition of lockout. Mr. Lichtenstein requested Planning Commission approval this evening.

Commissioner Hontz referred to page 224 of the Staff report, Item 1, "All conditions of approval of the City Council July 21st, 2011 order continue to apply." She noted that those conditions were listed on page 335 of the Staff report and Condition #18 states that, "No lockouts are permitted within this approval." Commissioner Hontz understood that currently the conditions of approval that apply to this project include no lockout units.

Planner Astorga explained that in 2009 an appeal was filed to prohibit lockout units. Subsequently, through the 2010 approval that condition of approval was later amended to reflect that lockout units were not part of that approval. Because a lockout unit is a conditional use in the District, the condition specified that no lockout units were permitted within this approval. It did not say "within this development." Planner Astorga clarified that the condition was added to the original approval to make sure that if a lockout unit was every requested it would have to be done through a CUP modification.

Commissioner Hontz stated that she had a different reading of the condition, particularly related to the other conditions that the applicant stipulated to. Planner Astorga agreed that the modification request was a substantial deviation from what was originally approved, which is why it requires Planning Commission approval. Commissioner Hontz thought Planner Astorga's explanation was clearer than how it was represented in the Staff report.

Russ Olson stated that as Stein Eriksen Lodge got involved with the developer on this project, a discussion they had early on was the important of having lockouts from an operational perspective from the standpoint of selling real estate and the future ongoing operations of a project of this magnitude. The request to modify the CUP to allow lockouts was important for the enhancement of the development and this project in particular.

Commissioner Savage referred to a comment that the property would be managed by Stein Eriksen or another luxury management firm. He assumed that if Stein Eriksen discontinued their management responsibility that the management company hired to replace them would have the same level of credentials. Mr. Lichtenstein answered yes. Commissioner Savage asked for the number of management companies that operate at that credential level. He was told that no other company had the same credentials. Commissioner Savage wanted to know why the Planning Commission could not add a condition of approval stating that Stein Eriksen would be the operator of the property. Mr. Lichtenstein stated that they did not see the relationship with Stein Eriksen ending, and he was comfortable adding a condition stating that if Stein Eriksen discontinued management then the lockouts would go away.

Mr. Olson reiterated that Stein Eriksen has a long term agreement with Regent Property that would transfer over to the HOA. It was a fact that they would be there for many years.

Commissioner Savage calculated that the number of keys would increase by 300% over the original approval, going from 40 to 125 keys. Mr. Lichtenstein replied that the increase was actually 54 to 125. There were 54 units on the site and they were only proposing to add the additional 85 lockout units within the condo buildings. Commissioner Savage was concerned about the increase in the number of people coming and going.

Chair Worel opened the public hearing.

Bob Dillon, representing a number of adjoining residents in the neighborhood, assumed that the Planning Commission had received the two letters he sent dated December 6th and December 11th.

He noted that the December 6th letter laid out the history of this project and how it got to be what it is today. Mr. Dillon stated that at one point the neighbors realized that if they let these big units have lockouts it is a completely different project than what was proposed. Mr. Dillon provided a hand out to the Planning Commission. He has been involved with this project for many years and it was very clear that the City and Deer Valley Resort wanted this project. It went through a multi-unit dwelling process; however, he and others always asserted that the City really did not know what the project would be until they saw the condo plan because that relates directly to how this project operates and what it is. Mr. Dillon stated that in large units with a full kitchen, people generally live within those units the same as they would within a dwelling unit. Once they add 85 lockouts as part of those units, they create a necessity to have restaurants, bars, and other retail, which is consistent with a hotel use. He used Stein Eriksen and the Chateau as examples. Mr. Dillon watched the approval process and in the October 15 City Council/Staff hearing he made the argument for why lockouts would be a material change and make this a 135 unit project instead of a 54 unit project. Mr. Dillon noted that during the process the Staff relayed that the developer was not contemplating lockout; and therefore agreed to the insertion of the condition stating that no lockouts are permitted within this approval. Mr. Dillon stated that no action was taken on October 15th and the matter was continued several times after that. It was finally discussed on April 28, 2010 with the

hearing that resulted in the approval of the project. That approval added Condition #18 that said no lockouts are permitted within this approval because it would be a major deviation and to add them would require approval by the Planning Commission.

Mr. Dillon stated that he has been called ingenuous and a crappy lawyer, but he always thought that if a project was approved that was the project that stood. Mr. Dillon noted that the applicant went through a series of extensions and reached the point where the CUP was ready to expire if they did not pull a building permit. They have still yet to file any condo plats or subdivision plats.

Commissioner Wintzer asked Mr. Dillon to keep his comments focused on the lockout units.

Mr. Dillon believed his comments were on point and continued. Mr. Dillon stated that the neighbors objected and the Legal Department came forward with a labored interpretation to allow this project to start. For the second time excavation started on this property on a project that had not been fully defined. Mr. Dillon reviewed the Legal Department's response and he told his clients that it was clear that the building permit would be allowed by the City. Their choice was to raise money to take it to 3rd District Court, which would be a long arduous process. Even if they won it would put them back in the same place. Therefore, the neighbors decided that modest improvements were made to the project and the applicant had made some concessions to address their concerns. The neighbors also thought they had succeeded in getting a lockout prohibition. For those reasons the neighbors decided to forego their legal option to appeal the decision of starting construction. Mr. Dillon was dismayed to see this lockout application with Staff support. He believed it was totally contrary to their understanding. He was also surprised to find that the applicant had filed their condo and subdivision documents. He had copies and asked if the Planning Commission had seen them. He noted that the documents revealed exactly what the neighbors were saying. The project was not a multi-unit dwelling. He has worked with Stein Eriksen for years and they run a good hotel. Mr. Dillon stated that the condo documents had commercial units, which per the Code, are units that could be rented out for businesses. He reiterated that 85 lockout units would eventually require restaurants and other hotel amenities. Mr. Dillon felt strongly that the applicant's request for lockout units was a material and substantial deviation from the project that went through the CUP approval process. Mr. Dillon stated that he later learned that the applicant withdrew the filed condo documents, which was why they were able to tell the Planning Commission this evening that they were not a hotel. Mr. Dillon pointed out that Black Diamond has support commercial but they do not have restaurants and they are not run by a hotel operator. If they intend to define support commercial in the context of a multi-unit dwelling, this applicant should not be allowed to have any of that because it runs counter to the definition of a hotel. A hotel is a building that has restaurants, spas, etc. connected with the use. If the applicant intends to have a hotel they should be required to file for a new CUP and prove that their project complies with the Code requirements for a hotel.

Mr. Dillon stated that his clients requested that the Planning Commission disapprove this application this evening and direct the developer to move forward with the multi-unit dwelling project that was approved, and to add a condition of approval that there will be no lockout units permitted in this project. They would like the Planning Commission to instruct the developer to file the condo and subdivision documents as required by the Code before any further building permits are issued.

Mr. Dillon pointed out that this was the process required by Code. If the Planning Commission was unwilling to deny the lockouts, their documents should show no material deviation in nature or use

of the project, since it will not be a unit project as required by the approved CUP. Otherwise, the developer should have to file a new CUP for a hotel.

Commissioner Strachan thought the Planning Commission should make it clear to the public that due to the late hour they would not be making a decision this evening. He would be moving for a continuance to give the Commissioners the opportunity to read the recently submitted public comment. He was willing to hear additional public comment this evening or those wishing to speak could refine their comments and come back at a later date.

There was no other public comment. Chair Worel closed the public hearing.

Director Eddington noted that the January 8th agenda was quite full. Planner Astorga stated that since the Planning Commission was only meeting once in December and once in January due to the holiday and Sundance, the agendas were anticipated to be large for January 8th and the first meeting in February.

Mr. Lichtenstein understood the scheduling predicament, but his preference was to be back on the January 8th agenda.

Regarding the condominium plat issue, Planner Astorga presented the site plan that was approved in 2010. He noted that two separate applications were filed. One was a subdivision application for the 16 homes around the periphery and the other was a condo plat. However, the Staff identified an issue with the duplex regarding lot lines. The applicant decided to withdraw their applications and do one master record of survey application for the entire application including the 16 single family dwelling/duplexes and the 38 condo unit buildings. Planner Astorga was informed today that the application would most likely be submitted on December 20th.

Assistant City Attorney McLean asked if it would make sense to continue this item to the date the condo plat would be on the agenda. Planner Astorga was unsure of the exact date because it could change depending on when the application is actually submitted. The applicant wanted to get it right this time and the surveyor was still working on the documents. Commissioner Strachan requested that the Planning Commission hear the two together. He thought it would be more beneficial to allow the public to comment on what might be overlapping issues. Director Eddington suggested February 12th.

Planner Astorga stated that if they continue this item to February 12th it should be done so with the condition that all public comment must be received one week prior to that date. Commissioner Strachan thought they could implore people to meet that deadline but they could not force them.

MOTION: Commissioner Strachan moved to CONTINUE the Conditional Use Permit application for Lot 2B of Subdivision 2 of North Silver Lake until February 12, 2014. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

6. 543 Woodside Avenue – Steep Slope CUP (Application PL-13-02034)

Addendum to Traffic Impact Analysis

**North Silver Lake Lodge
Deer Valley
Park City, Utah**

*Submitted to:
Think Architecture
Park City Corporation*

November 2013


Sara R. Crossin
11-27-2013



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1. INTRODUCTION AND SUMMARY

1.1. Purpose of Report and Study Objectives

The purpose of this addendum is to document and update the conclusions of a study undertaken to identify the traffic impacts of the proposed North Silver Lake Lodge project at approximately 7101 Silver Lake Drive in the Deer Valley area of Park City, Utah. The original study was approved in 2009. The original study was undertaken and submitted in 2009 for a development of 16 single family and 38 condominium residential units.

This report is in response to the November 5, 2013 Planning Commission hearing, where an updated addendum was requested that reflects the inclusion of 85 lockout units within the 38 condominium units. This creates a total of 125 keys on site within the same 241,814 square foot approved plans.

1.2. Executive Summary

Traffic levels in the project vicinity are assumed to be the same or less than levels recorded in 2009. The Utah Department of Transportation (UDOT) traffic statistics indicate that traffic in Park City, and specifically the Deer Valley area, have remained the same or decreased.

This analysis assumes a peak 100% occupancy of all condominiums and all condominium owners exercising their option to lock out part of their unit. According to Stein Eriksen Lodge, the peak week of occupancy in 2012 was 89% from December 26 to December 31.

The overall average daily traffic (ADT) with this revised concept is expected to be less than that of an independent condominium and home development, due in large part to the amenities and shuttle services to be provided by the property manager, Stein Eriksen Lodge, via their successful Transportation Demand Management (TDM) Program. TDM programs focus on changing or reducing travel demand, particularly at peak commute hours, instead of increasing roadway supply. Thus, TDM makes more efficient use of the current roadway system by reducing auto trip through providing a shift from single-occupant vehicles (SOV) to non-SOV transportation options. Assuming maximum occupancy and lockout utilization, and the maximum number of resort shuttles, airport vans, and limousines, a total of 415 trips per day could be expected, or 200 trips with Travel Demand Management (TDM). Even under maximum trip scenario, all traffic was still projected to function at LOS (Level of Service) A, which is acceptable for a roadway of this classification.

All conclusions from the original study are valid for this revised site plan. This section of the 2009 report is reprinted in the conclusions section of this report.

2. PROPOSED PROJECT

2.1. Proposed Project

The North Silver Lake project was approved for 16 single family and 38 condominium residential units. The property owner is now requesting to include 85 lockout units within the 38 condominium units. The “lockout” potential would allow individual owners to rent out one or two bedrooms using a separate door and key. A total of 125 keys could exist if the full lockout capability was used. This change was evaluated including traffic for an assumed 85 additional keys.

In the original approvals, The Planning Commission requested a reduction in parking required under the Land Management Code. A total of 76 spaces were required by code and an additional 4 were provided for a total of 80 stalls approved for the proposed density. Since the density is not changing, the owner is proposing no change to the number of parking stalls. Stein Eriksen Lodge, the managing entity for The Stein Eriksen Residences plans to utilize their existing TDM program, which provides shuttle service for guest staying in their managed properties. This program is outlined in greater detail in a report to be provided.

This project will have ski-in-ski out capability which when coupled with the existing TDM program significantly mitigates the need for guest use of private vehicles. Deer Valley and Park City attractions will be accessible by skis or resort shuttle. Stein Eriksen Lodge has provided a transportation analysis during the peak period that documented the rate of vehicle usage for both condominiums and lockout units.

For the purpose of this study, the highest expected vehicle traffic was estimated to evaluate the overall traffic impact on the project.

Figure 1 – Site Location & Surrounding Area



3. STUDY AREA CONDITIONS

3.1. Site Area Buildout 2009-2012

The study area has been impacted, since 2009, by economic conditions. Scheduled construction projects did not go as planned. Conditions are similar to 2009, as shown in Figures 2 and 3, which show the area buildout from 2007 to 2011.

Figure 2 – Site Area 2007 (With 2009 Project Shown)



Figure 3– Site Area 2011



4. ANALYSIS OF EXISTING CONDITIONS

4.1. Analysis of Existing Conditions

Given the economic slowdown, traffic volumes in the Park City/Deer Valley area have remained constant or have declined. No new developments have opened in the area since the study was completed. An excerpt from the publication *Traffic on Utah Highways*, prepared by the Utah Department of Transportation, is included and shows traffic from 2009 to 2011.

2011 Traffic on Utah Highways

ROUTE NAME	BEG. ACCUM. MILEAGE	END ACCUM. MILEAGE	LOCATION DESCRIPTION	2011 AADT	2010 AADT	2009 AADT
0224	4.664	5.554	Deer Valley Drive	13,910	13,955	20,750
0224	5.554	5.737	Bonanza Drive	18,575	18,630	18,705
0224	5.737	6.040	Park Avenue	19,720	19,780	19,860

5. PROJECTED TRAFFIC

5.1. Travel Demand Management (TDM)

The following planned amenities will significantly reduce trips from the proposed development.

Stein Eriksen TDM analysis is a part of a separate report to be provided.

Ski-In/Ski-Out Access

This figure shows the ski-in ski-out access from the project. Ski access is provided to Silver Dollar, Last Chance, and Success Ski Runs. From here, access is available to the Carpenter Express or Silver Link ski lifts.

Figure 4– Ski-In/Ski-Out Access



5.2. Trip Generation

Using current trends and future traffic projections, projected trip generation was determined. These values are summarized in the following table and were compared with the Institute of Transportation Engineers, (ITE) 9th Edition *Trip Generation Manual*. The manual includes the following land use categories (ITE Codes) for trip generation.

Recreational Homes - (ITE Code 260)- ITE *Trip Generation Manual* defines this category as the following: “Recreational homes are usually located in a resort containing local services and complete recreational facilities. These dwellings are often second homes used by the owner periodically or rented on a seasonal basis.” Trips for the single-family luxury homes in the project are generated using this data.

Residential Condominiums -(ITE Code 230)- ITE *Trip Generation Manual* defines this category as the following. “Residential condominiums/townhouses are defined as ownership units that have at least one other owned unit within the same building structure. Both condominiums and townhouses are included in this land use.” Trips from this land use are generated using the following variables: dwelling units (DU's), persons, and vehicles.

Lockout Units - ITE does not include a category for lockout unit condominiums. The “Residential Condominium” is still the land use, which best describes the project function. In the case of lockout utilization, the overall square footage, number of beds, and number of parking spaces remain the same. One method of analysis would be to simply assume each key would be a separate dwelling unit; however, in this case, that method would produce an artificially high trip projection.

The other two variables used to evaluate trips are the number of persons and the number of vehicles. In the case of lockout utilization, the overall same square footage, number of beds and number of parking spaces remains constant. This data for each condominium unit are shown in the Appendix, North Silver Lake Lodge, Unit Analysis.

When evaluating the project with lockouts or without lockouts, using the parking space or vehicle variable, produces the most intuitive results. While full lockout utilization may produce more trips, it will not produce three times the trips, as a single-party occupied condominium.

Tables 1 and 2 show the projected peak trips generated by the project as a standalone project, and with TDM managed by Stein Eriksen Lodge.

Table 1 – Projected Peak Trip Generation - Without TDM
9th Edition ITE Trip Generation Manual

Development	ITE Code	Development Units (DU)	Variable (Dwelling Units or Vehicles)	ADT	PM Peak Hour Total	In	Out
Recreational Homes	260	16	NA	51	4	2	2
			Dwelling Units				
Residential Condominiums*	230	38	38	221	20	13	7
			Vehicles				
Residential Condominiums (All Keyed Units including Lockouts)	230	125	80	267	26	17	9
Total *			80	318	30	19	11

* The lesser trip generation rate, Residential Condominiums by dwelling units, was not used; lockout condominium rate by vehicles was used.

Table 2 - 2013 Projected Peak Trip Generation- With TDM
9th Edition ITE Trip Generation Manual

Development	ITE Code	Development Units (DU)	% Using Vehicle	Adjusted Variable Vehicles	ADT	PM Peak Hour Total	In	Out
Recreational Homes	260	16	NA		51	4	2	2
Condominiums 2, 3, 4 & 5 Bedroom Units	230	38	33.33%*	13	43	4	3	2
Lockout Condominium Units	230	85	10%*	9	30	3	2	1
Resort Shuttles*					30	4	2	2
Airport Van/Limo*					20	2	1	1
Maintenance/ Staffing*					19	4	3	1
Total					193	21	13	9

*Data from Stein Eriksen Lodge Management Group

6. TRAFFIC ANALYSIS

6.1. Capacity Analysis

The Intersection analyses have been conducted in accordance with the *Highway Capacity Manual* 2000 guidelines, using *Synchro Version 7* software. The following table shows the existing Level of Service (LOS) and delay for the intersections within the influence area of the proposed development. Delay is listed for worst approach leg and the intersection. Where there is a free movement at an unsignalized intersection (no stop is required), intersection LOS is not calculated by the software. Approach LOS for the stopping traffic is shown in parentheses. This analysis uses the peak trip generation, as shown in Table 1, without TDM.

Table 3 – Projected Capacity Analysis Results

Intersection	PM Peak Hour	
	Average Delay (secs)	Intersection Approach LOS
Silver Lake Drive and Project Access	5.6	A(A)
Silver Lake Drive and Royal St.	3.4	A(A)

7. CONCLUSIONS AND RECOMMENDATIONS

This updated traffic analysis assumes conservatively that 100% of the condominiums will be occupied and further assumes that 100% of the owners will exercise their options to lock out part of their units. In contrast, according to Stein Eriksen Lodge, occupancy during the peak week in 2012 (December 26-31) only reached 89%.

Assuming a maximum 100% occupancy and lockout utilization, along with the maximum number of resort shuttles, airport vans, and limousines, the peak number of additional trips will not exceed 200 per day. Even under this worst case scenario, all traffic is projected to function at LOS (Level of Service) A, which is fully acceptable for a roadway of this classification.

All conclusions from the original study are valid for this revised development proposal.

8. APPENDIX



Stein Eriksen Lodge has always been committed to conservation of our natural resources as well as reducing our overall carbon foot print. In particular we have been effective in reducing vehicular trips thorough our Transportation Demand Management Program (TDM) which encourages our employees to take public transit and ride share and our guest to use our much heralded Shuttle System. When we assumed Management responsibilities for The Chateaux we effectively integrated that property into our TDM Program. It is our full intent to extend this program to the Stein Eriksen Residences once completed and operational.

Stein's successful TDM Program starts with our "coordination" and "information" efforts. Both through our reservation system and concierge services we recommend that ALL guests use private modes of transportation to and from the Airports serving our Community. Our current tracking shows that over 90% of our guests, staying at Stein Eriksen Lodge or The Chateaux, arrive and depart without use of their own vehicle (or car rental).

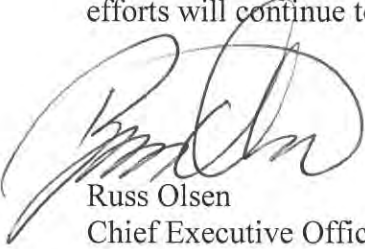
	Units	Lockouts	Total Keys	50% Occup.	80% Occup.	>95% Occup.
Stein Eriksen Lodge (actual)	65	119	184	7	9	18
% of Guest Drive Vehicles				7.6%	5.5%	10.3%
Stein Eriksen Residences projected with Shuttle Service	38	85	125	5	6	12
Stein Eriksen Residences projected without Shuttle Service	38	85	125	46	69	92

Once on Property all guests are encouraged to use our complimentary shuttle service to all destinations in the greater Park City area such as Old Town, PCMR, Deer Valley and the Canyons. Due to the conscious limitation of parking in the Deer Valley and Park City area, our guests overwhelmingly prefer to be shuttled back and forth to ski areas, restaurants, and shops. Shuttles leave the hotel every half hour (or more often when requested). Pickups are also convenient and are either pre-arranged or by call to the Concierge 24/7.

"Ridesharing" and "carpooling" is the other focus of our TDM Program and principally applies to our employees. Nearly all our employees either arrive at our Property via Carpools (carrying two to five persons), Vanpools (carrying six or more persons) or via mass transit (city bus system). This applies for not only our employees with relatively fixed schedules (i.e. office staff) but retail and residential service employees as well, regardless if working year round or seasonally. While it is anticipated that some additional staffing will be required at the Stein Eriksen Residences when fully built out, most of the additional grounds and housekeeping services will be undertaken by existing employees.

As we did when we took over management of The Chateaux, all employees once arriving in North Silver Lake area, will be shuttled as necessary between the Properties.

Stein Eriksen Lodge continues to commit itself to implementing a TDM plan that will effectively reduce peak period and daily auto usage in and around its Properties. We are confident that our efforts will continue to yield success for our residents, guests, and neighbors.

A handwritten signature in black ink, appearing to read "Russ Olsen", is positioned above the printed name and title.

Russ Olsen
Chief Executive Officer

Exhibit H – Parking Requirement per Unit

Unit Number	Unit Area (SF)	Required Number of Parking Spaces	Square Footage by Type of Area	Type of Area: Main (M) or Lockout (L)	Number of Keys
S-311	2,506	2.0	1,764	M	3
			359	L	
			383	L	
S-411	2,508	2.0	1,766	M	3
			359	L	
			383	L	
S-414	4,362	2.0	2,455	M	4
			867	L	
			614	L	
			426	L	
S-412	4,207	2.0	2,378	M	4
			453	L	
			753	L	
			623	L	
S-413	4,207	2.0	2,378	M	4
			453	L	
			753	L	
			623	L	
S-511	2,666	2.0	1,780	M	3
			359	L	
			527	L	
S-512	3,718	2.0	2,756	M	3
			377	L	
			585	L	
S-611	2,666	2.0	1,780	M	3
			359	L	
			527	L	
S-613	4,411	2.0	2,498	M	4
			428	L	
			614	L	
			871	L	
S-612	3,717	2.0	2,756	M	3
			584	L	
			377	L	
E-421	4,390	2.0	2,424	M	4
			450	L	
			345	L	
			1,171	L	
E-422	4,390	2.0	2,424	M	4
			450	L	
			345	L	
			1,171	L	
E-521	4,383	2.0	2,661	M	4
			693	L	
			546	L	
			483	L	

E-621	4,389	2.0	2,661	M	4
			699	L	
			546	L	
			483	L	
NE-131	4,005	2.0	2,775	M	3
			654	L	
			576	L	
NW-132	4,451	2.0	2,528	M	4
			525	L	
			614	L	
			784	L	
NE-231	4,077	2.0	2,634	M	3
			815	L	
			628	L	
NW-233	3,582	2.0	2,428	M	3
			525	L	
			629	L	
NE-331	3,880	2.0	2,635	M	3
			617	L	
			628	L	
NW-332	3,441	2.0	1,970	M	3
			674	L	
			797	L	
NW-333	3,581	2.0	2,421	M	3
			525	L	
			635	L	
NW-334	2,390	2.0	1,846	M	2
			544	L	
NW-432	3,955	2.0	3,955	M	1
NW-433	3,018	2.0	2,104	M	3
			449	L	
			465	L	
NE-531	4,815	2.0	3,626	M	3
			541	L	
			648	L	
NW-532	4,932	2.0	3,969	M	3
			465	L	
			498	L	
W-241 (ADA)	1,442	1.5	1,532	M	1
W-341	1,978	1.5	1,377	M	3
			307	L	
			294	L	
W-342	1,978	1.5	1,377	M	3
			307	L	
			294	L	
W-343 (ADA)	2,048	2.0	1,582	M	2
			466	L	
W-441	1,978	1.5	1,377	M	3
			307	L	
			294	L	

W-444	4,410	2.0	2,523	M	4
			865	L	
			621	L	
			401	L	
W-442	1,978	1.5	1,377	M	3
			307	L	
			294	L	
W-541	1,978	1.5	1,377	M	3
			307	L	
			294	L	
W-542	1,978	1.5	1,377	M	3
			307	L	
			294	L	
W-543	4,026	2.0	2,348	M	4
			409	L	
			728	L	
			541	L	
W-641	1,978	1.5	1,377	M	3
			307	L	
			294	L	
W-644	4,398	2.0	2,523	M	4
			865	L	
			610	L	
			400	L	
W-643	2,046	2.0	1,580	M	2
			466	L	
W-642	1,978	1.5	1,377	M	3
			307	L	
			294	L	
		75.5			125

Current Code	per DU
1,000 SF or less	1
1,000 SF - 2,000 SF	1.5
more than 2,000 SF	2

Summary:	
Private units:	38
Common ADA units:	2
Required parking spaces:	76
Lockout units:	85
Keys:	125

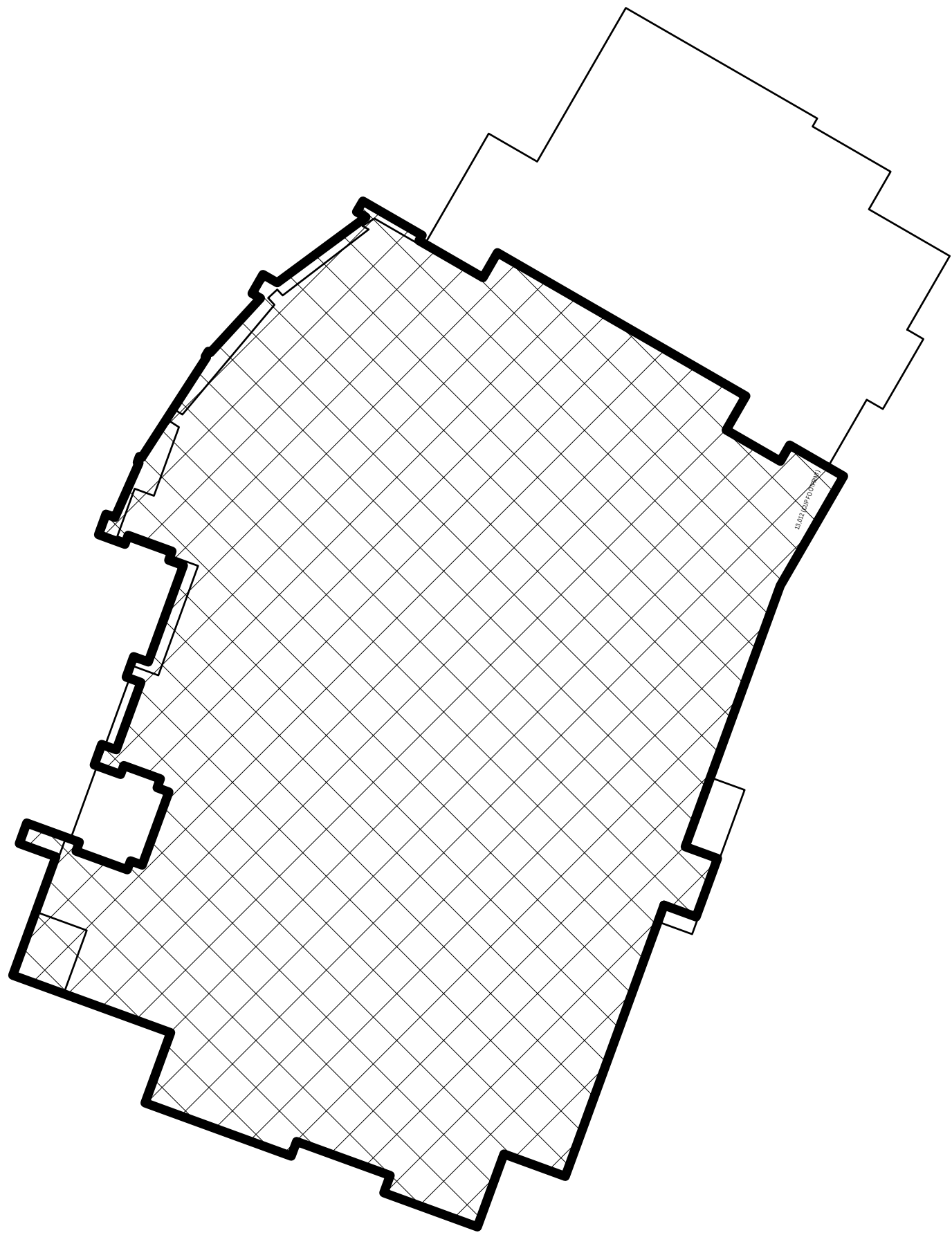


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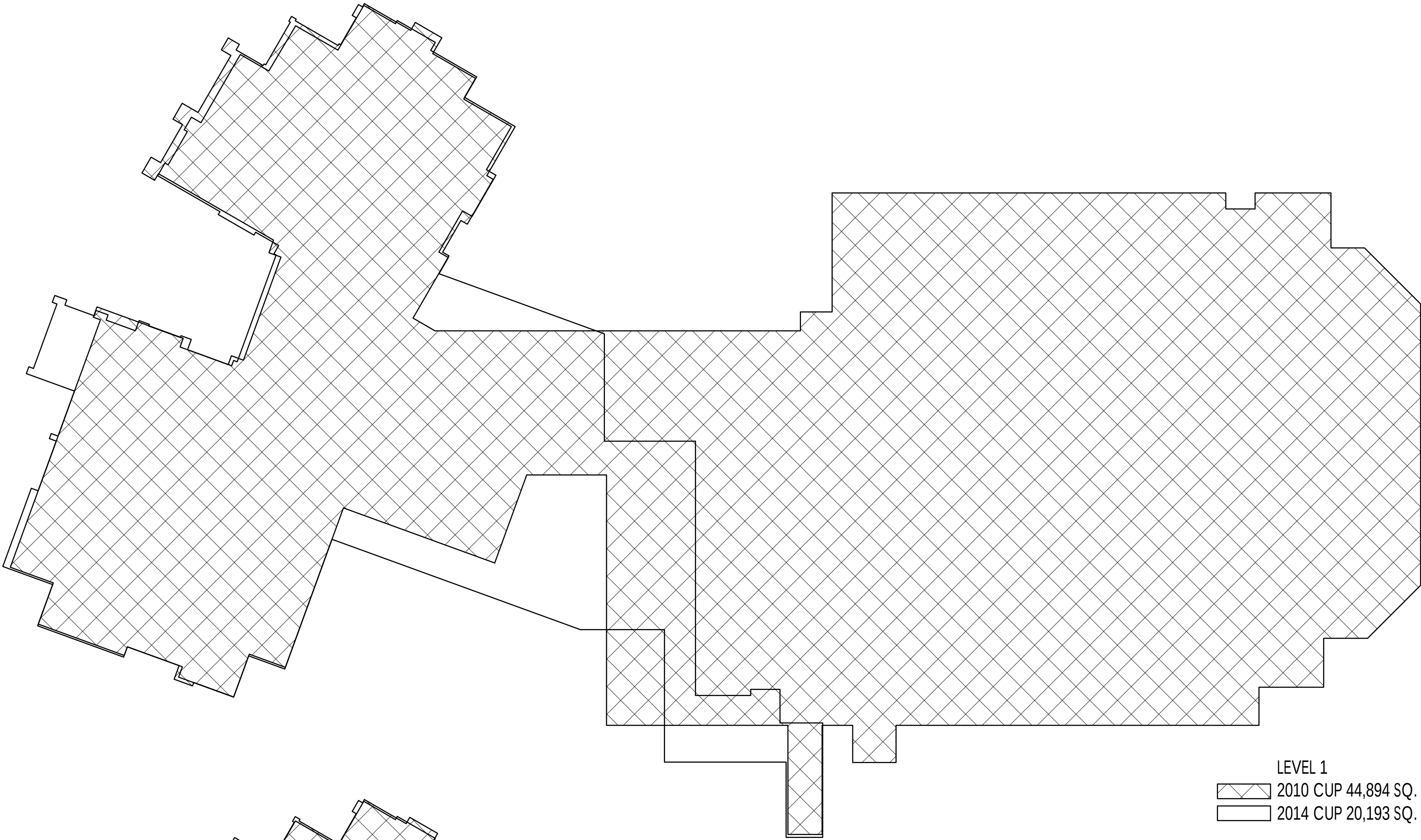
These drawings are available for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and office personnel only in accordance with this notice.



LEVEL 0
2010 CUP 13,012 SQ. FT.
2014 CUP 16,031 SQ. FT.

CUP COMPARISON LEVEL 0
3/64" = 1'-0"

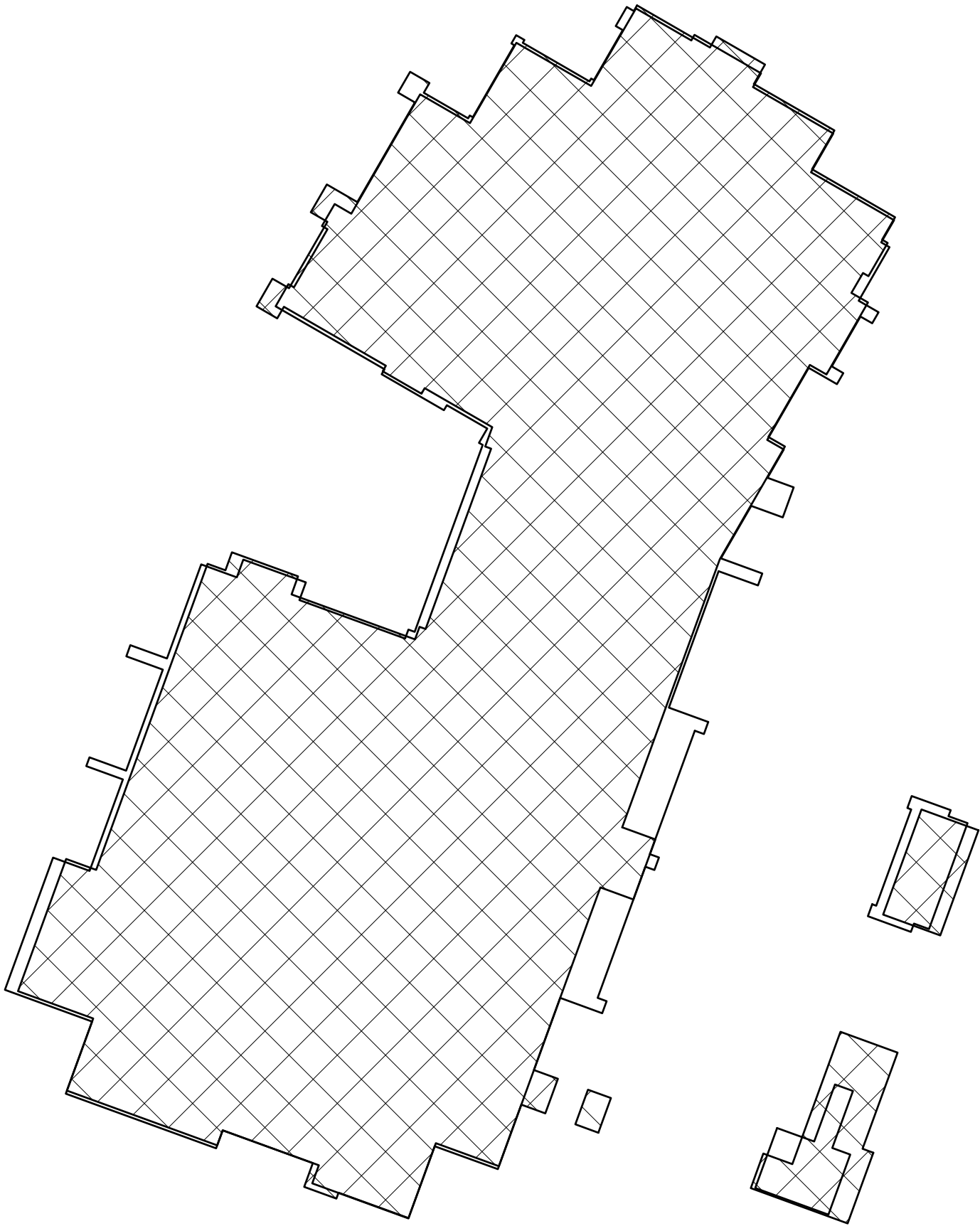
1
001



LEVEL 1
2010 CUP 44,894 SQ. FT.
2014 CUP 20,193 SQ. FT.

CUP COMPARISON LEVEL 1
3/64" = 1'-0"

2
001



LEVEL 2
2010 CUP 48,469 SQ. FT.
2014 CUP 48,283 SQ. FT.

CUP COMPARISON LEVEL 2
3/64" = 1'-0"

3
001

STEIN ERIKSEN
RESIDENCES
7101 S. SILVER LAKE DRIVE, PARK
CITY, UTAH 84060

PROJECT NO. 13022

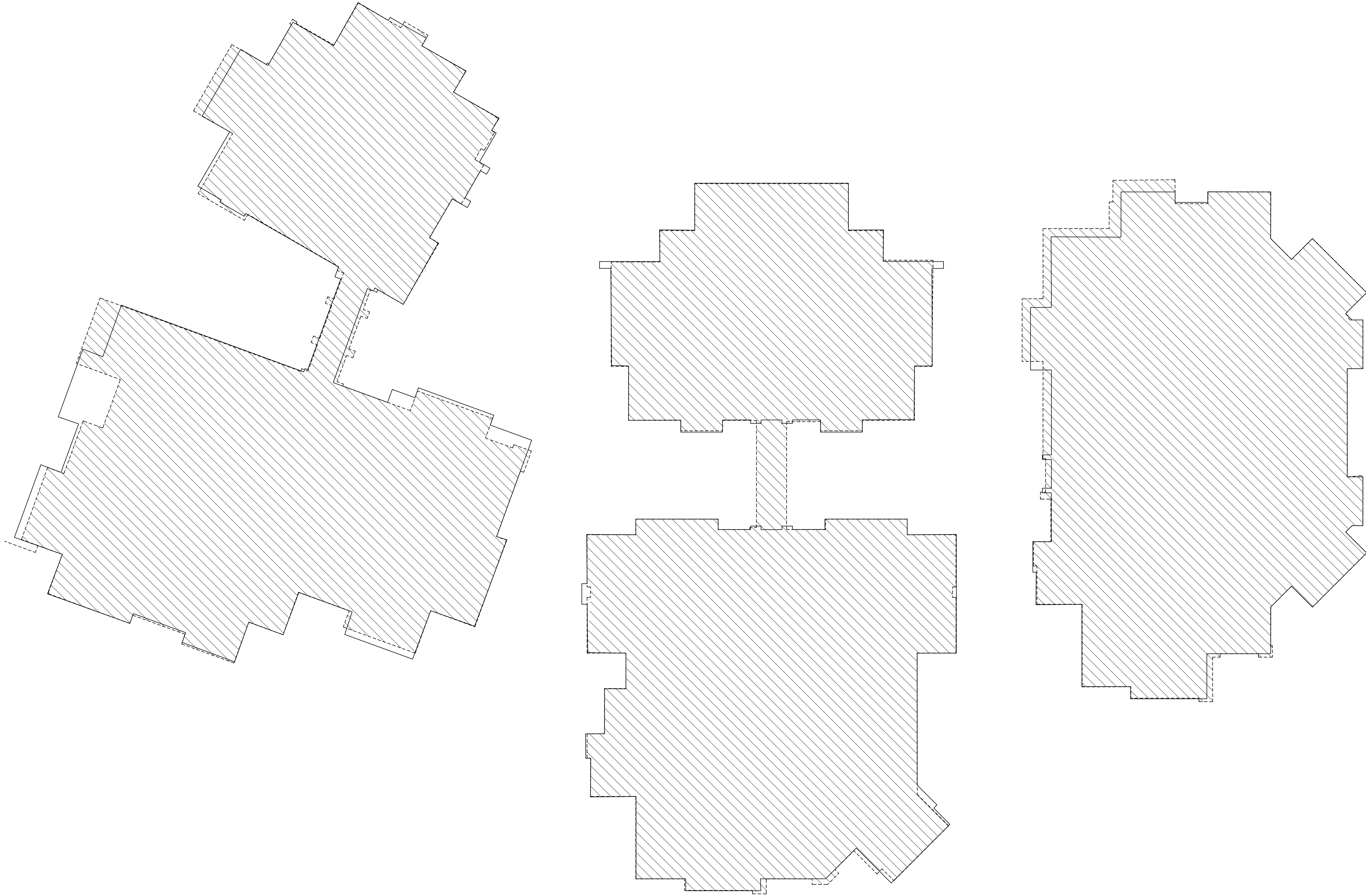
DATE: JAN 10, 2014

REVISIONS:

SHEET TITLE:
LEVEL 0 FLOOR PLAN
COMPARISON

SHEET NUMBER:

001



LEVEL 3

C.U.P BOUNDARY

PROPOSED BOUNDARY

STIEN ERICKSON LODGE
NORTH SILVER LAKE
PARK CITY, UTAH

PROJECT NO. 13021
DATE: JAN 1, 2013
REVISIONS: JES

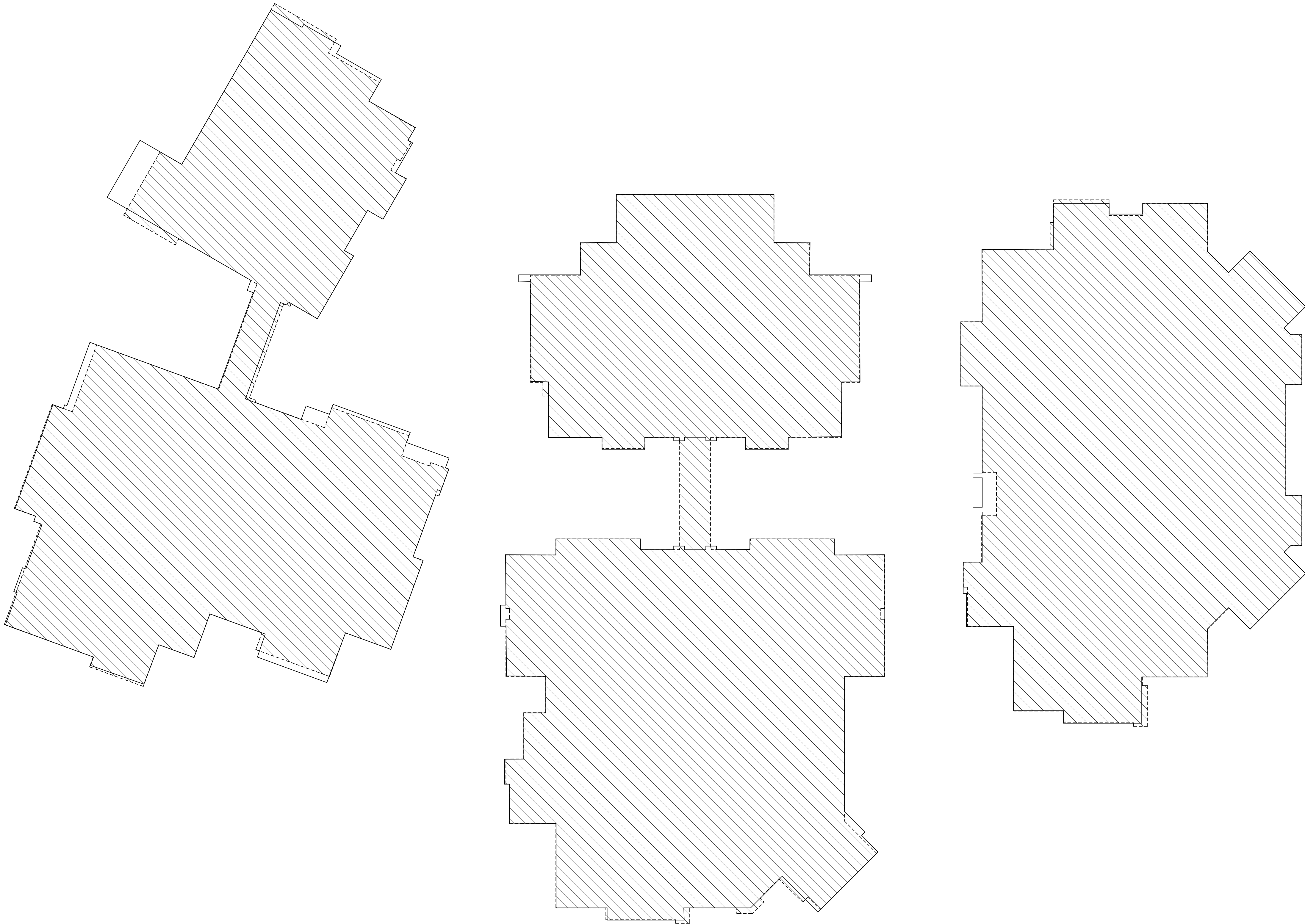
LEVEL 3
BOUNDARIES

SHEET TITLE:

SHEET NUMBER:

REVIEW

BUILDING



LEVEL 4

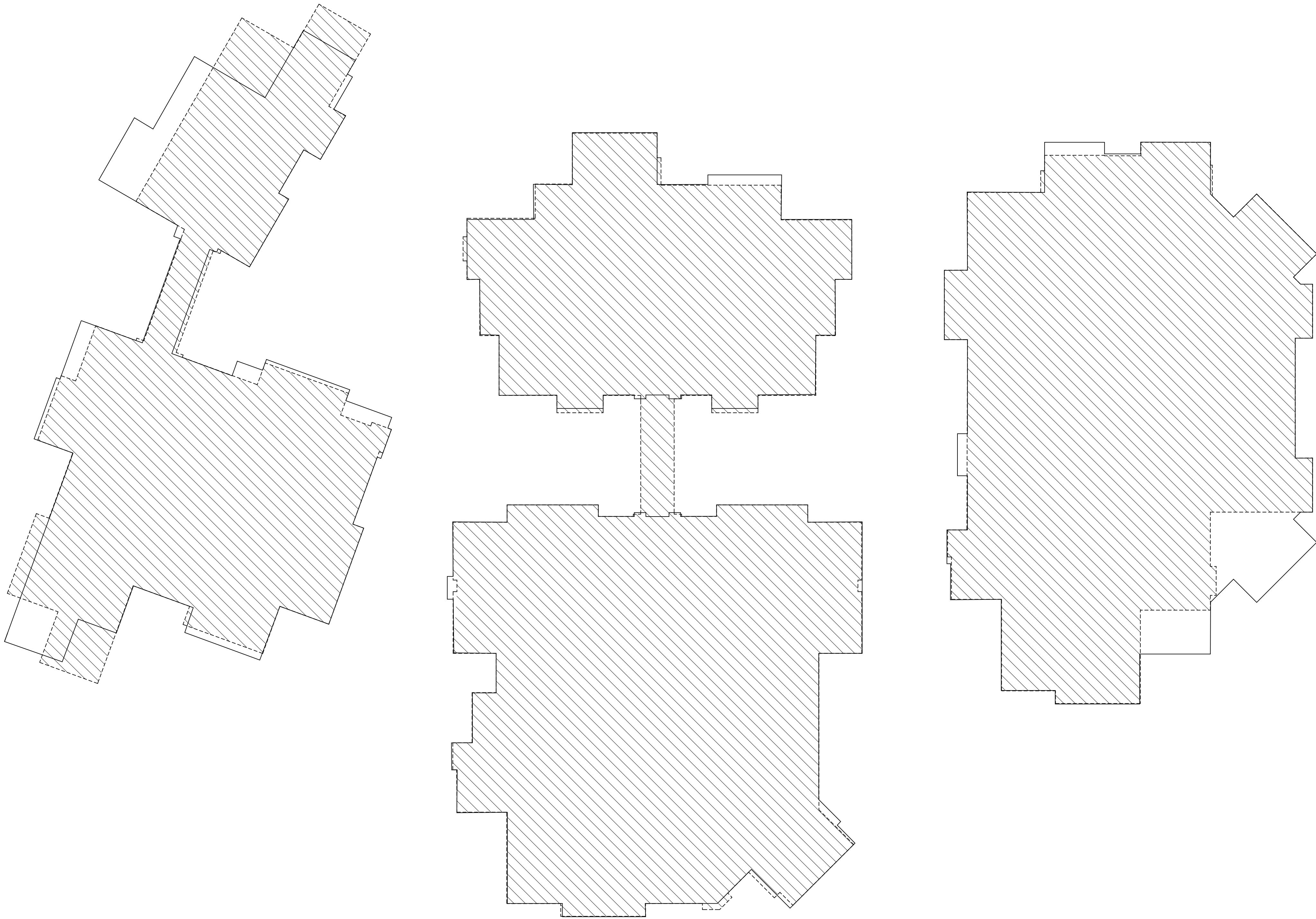
C.U.P BOUNDARY

PROPOSED BOUNDARY

STIEN ERICKSON LODGE
NORTH SILVER LAKE
PARK CITY, UTAH

PROJECT NO. 13021
DATE: JAN 1, 2013
REVISIONS: JES

LEVEL 4
BOUNDARIES
SHEET TITLE:
SHEET NUMBER:
REVIEW
BUILDING



LEVEL 5

C.U.P BOUNDARY

PROPOSED BOUNDARY

STIEN ERICKSON LODGE
NORTH SILVER LAKE
PARK CITY, UTAH

PROJECT NO.	13021
DATE:	JAN 1, 2013
REVISIONS:	JES

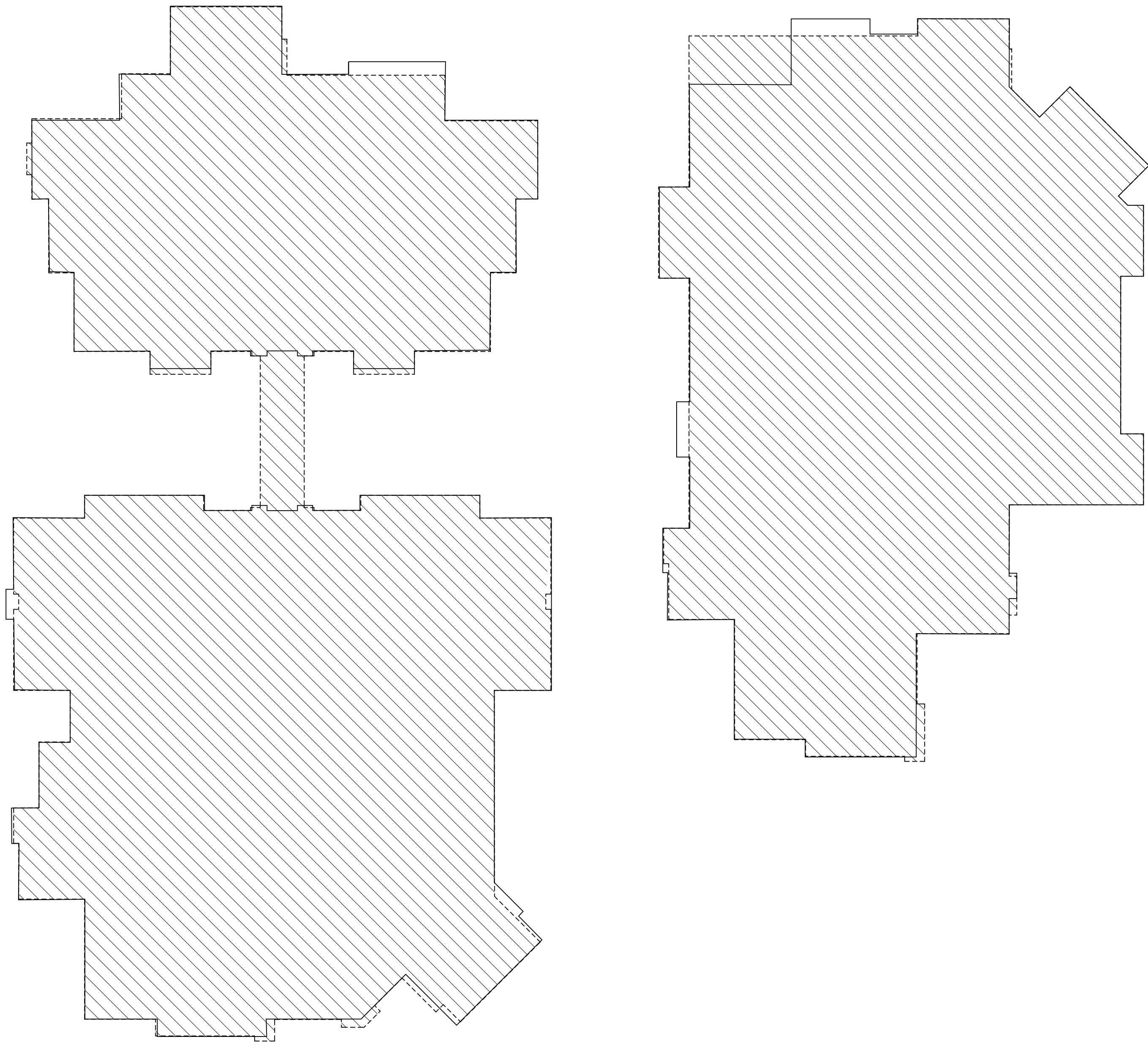
LEVEL 5
BOUNDARIES

SHEET TITLE:

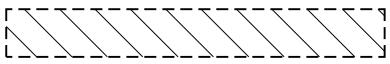
SHEET NUMBER:

REVIEW

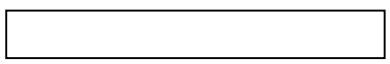
BUILDING



LEVEL 6



C.U.P BOUNDARY



PROPOSED BOUNDARY

STIEN ERICKSON LODGE
NORTH SILVER LAKE
PARK CITY, UTAH

PROJECT NO.	13021
DATE:	JAN 1, 2013
REVISIONS:	JES

LEVEL 6

BOUNDARIES

SHEET TITLE:

SHEET NUMBER:

REVIEW

BUILDING

Exhibit J1 – Public Comments in support

Francisco Astorga

From: Erin Hofmann <erhofmann@gmail.com>
Sent: Tuesday, November 05, 2013 2:22 PM
To: Francisco Astorga
Subject: Lockouts at Stein Residences

Dear Park City Planning Department,

I'm a resident in Old Town and am writing to support Stein Eriksen Residences' application to build lockouts in their new units. I work for a company in Salt Lake City that hosts conferences in Park City, and we find that lockout units make it easier to find suitable accommodations for those attending our meetings. I'm also a fan of Stein Eriksen Lodge and am pleased they will be offering our community another great product.

Sincerely,

Erin Hofmann
1013 Woodside Avenue
Park City, UT 84060
801.597.4694

Francisco Astorga

From: Rachel Sharwell <RSharwell@hotelparkcity.com>
Sent: Tuesday, November 05, 2013 11:22 AM
To: Francisco Astorga
Subject: Lockout

Dear PC Planning Dept.,

I am writing to express my support to grant approval to Stein Eriksen Residences for their application to seek approval for lockouts.

I'm aware there are many developments in Deer Valley that also offer lockout units. As a hotel industry professional in Park City, I see firsthand that lockouts provide greater convenience for both our visitors and our properties. We provide a greater service to our guests by giving them the flexibility to rent units that can be adjusted to meet their needs based on the size of their group. I often frequent Stein Eriksen Lodge, and I know they will do a great job in managing this new addition to Silver Lake's lodging offerings.

Sincerely,

Rachel Sharwell
3348 S. Forest Meadow Road
Wanship, Utah 84017
801.792.3101



Rachel Sharwell
Director of Conferences and Event Sales
HOTEL PARK CITY
2001 Park Avenue
Park City, UT 84068
Office: 435 940 5011
fax: 435-940-5002
rsharwell@hotelparkcity.com

Francisco Astorga

From: Ryan Walsh <rpw3174@gmail.com>
Sent: Tuesday, November 05, 2013 3:42 PM
To: Francisco Astorga
Subject: Stein Ericksen Residences Lockouts

> I live in Park City, ski at Deer Valley and frequent Stein's for apres ski.

>

>

>

> I understand other properties like the Residences feature lockouts and this allows more flexibility, benefitting both visitors and owners, so I am writing to express support for building lockouts in the Stein Eriksen Residences.

>

>

>

> Thank you,

>

>

>

> Ryan

>

Dear Bellemont Neighbor,

It was announced this week that Regent Properties, the developer of North Silver Lake, has entered into an alliance with Stein Eriksen Lodge Deer Valley to manage their 54 luxury residences. The development will now be called **Stein Eriksen Residences**. I wanted to share this information with you because I believe it's a great step forward, not only for the development, but for the community as a whole and brings to a close the many years of planning, discussion and uncertainty associated with the parcel in close proximity to us.

In addition to managing Stein Eriksen Lodge the lodge management already also manages the Chateaux Deer Valley. They have done a fantastic job there and I am sure will do the same with The Stein Eriksen Residences.

As many of you know I have been associated with discussions about this parcel for many, many years. Like many of you my opinions have been both favorable and negative with the various proposed owners and plans. I initially had some reservations about the current Regent development proposal for this property. But now having had a chance to see the plans and the quality and care that has not only gone into the construction but the preservation of the surrounding land, Nancy, my wife, and I are fully supportive of the project as it is currently being executed. I believe if they execute what is now being planned, that this development will positively affect the values of our properties over the coming years.

Since Regent acquired the property they have been open and accessible to the community. The alliance with Stein Eriksen Lodge will insure that they fully understand the soul and character of Park City, and that a project will be completed that is consistent with our neighborhood. Stein Eriksen Lodge's involvement will also ensure a long term commitment from a local operator whom we know and trust.

As an owner at Stein Eriksen Lodge and Bellemont, I couldn't be more excited about the new partnership between Stein Eriksen and Regent, and I hope you'll join me in welcoming the North Silver Lake project to the Stein Eriksen family. I look forward to Stein Eriksen Lodge and Regent sharing more of their plans and schedule with all of us.

Enjoy the rest of your summer. We hope to see you in the fall and when the snow flies!!

Sincerely,

Carm Santoro

Francisco Astorga

From: Nancy Nichols <nancynichols1@aol.com>
Sent: Monday, December 09, 2013 8:40 AM
To: Francisco Astorga
Subject: Support for Regent Properties' Lockout Request

Importance: High

Dear Park City Planning Commission,

I am a longtime Park City local and season pass holder at Deer Valley writing to express my support for Regent Properties' proposal to add lockout units to the Stein Eriksen Residences.

This perfectly reasonable request doesn't entail any additional square footage to their project; it simply changes the layout of the condominium units which will allow it to better accommodate guests. More importantly, it does not materially change the nature of the 16 single-family homes that are part of the development, which will continue to serve as a buffer between the condo units and their neighbors.

This project looked like it would be a good neighbor when I first learned about it several years ago, and the recent announcement of Stein Eriksen Lodge's management of the property makes me even more confident that this will be the case. I know Stein's will do a superior job managing this property as they do with everything else. Please grant this request by voting in favor of their proposal.

Sincerely,

Nancy Nichols

Francisco Astorga

From: Nancy Tallman <nancytallman@gmail.com>
Sent: Monday, December 09, 2013 4:04 PM
To: Francisco Astorga
Subject: North Silver Lake Lockouts

Dear Park City Planning Commissioners,

I'm a resident of Park City and am writing to encourage you to approve the request of Regent Properties' to add a lockout component to their North Silver Lake development. I recently learned that the project will be affiliated with Stein Eriksen Lodge and as an enthusiast of Steins as well as Deer Valley, I believe Stein Eriksen Residences will be a great neighbor and addition to Silver Lake's residential and lodging offerings. I know many of Park City's visitors enjoy having the option to stay in units with lockouts and that many properties in Deer Valley and around town successfully offer this convenience.

Steins also offers a great shuttle service for their guests, so I don't believe the concerns of increased traffic are valid. If I were a guest in Silver Lake, I would certainly make use of their convenient transportation.

Thank you for considering this matter and all the work you do for Park City.

--

Nancy Tallman
Real Estate Strategist



nancy.tallman@sothebysrealty.com
[blog | insideparkcityrealestate.com](http://blog.insideparkcityrealestate.com)
facebook.com/insideparkcityrealestate

1750 Park Ave | PO Box 2370 | Park City UT 84060
[m 435.901.0659](tel:435.901.0659) | [t 435.649.1884](tel:435.649.1884) | [800.641.1884](tel:800.641.1884)

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Francisco Astorga

From: Brian Kahn <bkahn1@gmail.com>
Sent: Tuesday, December 10, 2013 8:24 AM
To: Francisco Astorga
Subject: Support for North Silver Lake Lockouts

Dear Planning Commissioners,

I would like to go on record supporting Regent Properties' request for lockouts at their new development in Silver Lake that is being managed by Stein Eriksen Lodge. As an enthusiast of Stein's and a Deer Valley skier, I believe any property managed by Steins is good for our community and our guests. I realize there have been some concerns expressed regarding increased traffic, but I am familiar with the exceptional guest shuttle service Stein Eriksen Lodge has long offered its guests. Given that owners and guests of Stein Eriksen Residences will be offered this transportation amenity, I don't see traffic becoming a legitimate issue. Moreover, I understand lockouts are a common feature of properties in Deer Valley, so I see no reason why this request, which is not out of the ordinary, should not be granted.

I'm excited to see another great property in Deer Valley, which I know will be exceptionally managed by Stein's first-rate hospitality team. Please grant approval for this lockout request.

Sincerely,

Brian Kahn

Park City Resident

Francisco Astorga

From: R Riley <riley@team19.com>
Sent: Tuesday, December 10, 2013 5:05 PM
To: Francisco Astorga
Subject: North Silver Lake development
Attachments: PastedGraphic-3.tiff; PastedGraphic-1.tiff

Dear Park City Planning Commission

Re: Regent Properties, North Silver Lake development

As a resident of Park City, a past resident of Silver Lake Village and a promoter of the area as a destination for family and friends I wanted to convey my support for the current request of Regent Properties. The North Silver Lake development appears to be a solid addition to the quality properties here in Park City and specifically Deer Valley. In conjunction with the owners and managers of the Stein Eriksen Lodge this will be a fine addition to the offerings that can be enjoyed by those who live and visit alike.

Their specific request, to add a “lock out” capability to their development approval is reasonable and can be a benefit to both owners and users. By allowing Regent this request you increase the viability of the project and the flexibility of the individual owners without impacting the critical concerns normally faced by your board.

When faced with decisions such as this, consideration has to be given to the intent of the change and the ramifications thereof. Do the changes requested make the project better for all concerned or do they create a hardship that will ripple through the neighborhood that outweigh the positive? In this case I would suggest there will be very little effect felt beyond these meetings to discuss it.

- No change in the number of beds is being requested
- No additional hard surface area is being requested ie. Parking stalls
- The requested change is consistent with the second home nature of the overall Deer Valley development.
- Overall traffic caused by the proposal will likely go unchanged as most guests at current high end properties are using transportation options provided by the operator and not driving their own vehicles.

Combine these conclusions with the quality nature of the developer and the Stein Eriksen team, who will manage the property in the same way that created the only 5 Star hotel in Utah, and this has to be seen as a benefit for the area.

Thank you for the consideration of my correspondence in your decision and good luck with the ongoing work planning for the future of Park City.

Rod Riley
1502 Crescent Road
Park City 84050
4356199907

Please excuse typos and the brevity of response from this device.

One Utah Center, Suite 800
201 South Main Street
Salt Lake City, UT 84111-2221
TEL 801.531.3000
FAX 801.531.3001
www.ballardspahr.com

Thomas G. Bennett
Tel: 801.531.3060
Fax: 801.531.3001
bennett@ballardspahr.com

December 11, 2013

By Electronic Mail and by U. S. Mail

Planning Commission
c/o Mr. Francisco Astorga
Planning Department
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060

Re: Stein Eriksen Residences (the "Project")—Response to 12/6/13 Letter from Robert C. Dillon

This firm represents SR Silver Lake, LLC ("SRSL") in connection with its development of a condominium project on Lot 2B of the North Silver Lake subdivision plat, currently known as the Stein Eriksen Residences (the "Project"). The Project is being developed pursuant to a Conditional Use Permit approved by Park City on July 1, 2010 ("CUP"). SRSL has applied for an amendment to the CUP to allow lockouts to be created in the stacked condominium units that were approved through the CUP process. This letter is written in response to a letter regarding this proposed amendment from Robert C. Dillon to the Planning Commission dated December 6, 2013 (the "Objection Letter"). This letter will address the issues raised by Mr. Dillon's letter in the same order as set out in the Objection Letter.

1. Past History. The first three points of the Objection Letter attempt to resurrect issues concerning square footage, building height, open space, the wording of the Condition of Approval regarding lockouts, and the propriety of SRSL's building permit for its model unit. These are all issues that have been hashed out in 13 public meetings of the Planning Commission and City Council, and (in regards to the permit issue) through multiple meetings with City staff. Mr. Dillon took every opportunity to express his views on these issues in that process. Many changes were made to the Project in that process. His opinions on these issues have been heard, considered and addressed in the CUP that is currently in effect.

2. Parking. The Objection Letter argues that a request for approval of lockouts should be accompanied by an increase in the number of parking spaces in the Project, even though it is admitted in the Objection Letter that the LMC does not require additional parking. The fact that no additional parking is required by the LMC for lockouts in the Project's stacked condominiums is thoroughly analyzed in the Staff Report prepared for the December 11, 2013 Planning Commission meeting. The Table of Residential Parking Ratio Requirements in LMC 15-3-6 specifically requires additional parking if there are lockouts in single family and duplex buildings. The Table does not require additional parking for lockouts in Multi-Unit Dwellings. The LMC is silent on this issue not

DMWEST #10431567 v2

out of inadvertence or neglect. Because most of the lockouts in Park City are located in Multi-Unit Dwellings, it is only reasonable to conclude that the City Council consciously determined not to require additional parking for lockouts in such buildings. The Project will contain 80 parking spaces, which is more than the 76 spaces required by the LMC. SRS� is not requesting any reduction in the baseline LMC parking requirement, even though such a reduction might be justified. The Planning Commission's recent review of actual parking use at several of the larger projects in Deer Valley has led many to conclude that the base parking requirement may be too high. To require more than the Code-required parking for the Project is unnecessary and contrary to Park City's stated goals of encouraging less private vehicle use and more public transit, private shuttle services and other traffic-reducing means of transportation.

3. The Project is not a Hotel. After acknowledging that the LMC does not require additional parking spaces for lockouts in Multi-Unit Dwellings, the Objection Letter argues that the Project should now be reclassified as a hotel under the LMC, which would require the additional parking that Mr. Dillon desires. Developers and operators of condominium projects in Deer Valley have continually upgraded the level of services and on-site amenities provided to their owners and guests. As a result of this process, many of the amenities once found only in hotels are now commonly found in luxury condominium projects. There are multiple residential condominium projects in Empire Pass and other parts of Deer Valley that have check-in desks, onsite managers, concierge services, nightly housekeeping, and other facilities and services traditionally associated with hotels. But that does not make those projects hotels. The Project will include a small restaurant and spa facilities, but these are intended for the sole use of the owners of condominium units in the Project and their guests. Their operations are not intended for, and will not be marketed to, members of the public who are not residing at the Project. In fact, having such facilities at the Project will reduce the number of vehicles trips to and from the Project, since it will not be necessary to leave the Project to obtain a meal or enjoy spa services. These amenities will further reduce the need for owners and guests to utilize private vehicles for transportation while in residence and will, as a result, reduce parking needs.

4. Withdrawal of Plat Applications. SRS� has recently withdrawn its plat applications for the Project. This is simply because SRS�, in consultation with the Planning Department, decided to plat the Project on a single condominium plat, rather than utilize a more complicated platting approach originally contemplated that required the review and approval of three separate plats. This decision had nothing to do with the application to amend the CUP to permit lockouts.

Conclusion

While the Objection Letter attempted to expand the scope of the issues to be considered with this CUP amendment, the decision before the Planning Commission is a narrow one. The Planning Commission must simply determine whether there are any additional impacts created by permitting the requested lockouts in the Project; and, if there are any additional impacts, determine whether those impacts been appropriately and reasonably mitigated in the development plan submitted by SRS�. The analysis clearly shows that the additional impacts are minimal, primarily a small increase in traffic, and that no additional mitigation measures are required.

Planning Commission
December 11, 2013
Page 3

Thank you for your thorough and thoughtful consideration of these issues.

Very truly yours,

A handwritten signature in black ink that reads "Tom Bennett". The signature is written in a cursive, slightly stylized font.

Thomas G. Bennett

TGB/mje

Cc: Thomas Eddington
Polly Samuels McLean

DMWEST #10431567 v2

DAN & LINDESY POSTAL /
DERON & HEATHER WEBB
6434 SILVERLAKE DRIVE
PARK CITY, UTAH 84060

December 11, 2013

Mr. Daniel T. Gryczman
Executive Vice President
Regent Properties
11990 San Vicente Blvd., Suite 200
Los Angeles, California 90049

Dear Daniel,

Thank you for taking the time to discuss your development of the Stein Eriksen Residences at North Silver Lake. As I mentioned, as property owners adjacent to your development (we are located at 6434 North Silver Lake Drive) we had several concerns that I will outline below, which you have worked with us to resolve:

1. Access to Stein Eriksen Residences at North Silver Lake in Deer Valley (SER).
2. Parking on Silverlake Drive
3. Future management with the proposed lockout/parking plan

While we presented you and your team with a number of concerns, we appreciate the following steps that you have taken to address these issues:

1. Confirming/stipulating that those guests of Stein Eriksen lodge and other related facilities will not have access to the pool and facilities at SER.
2. Stipulating that "In the event vehicles driven by employees, guests, or owners of the Project are parked on Silver Lake Drive, the manager of the Project shall cause said vehicles to be towed away immediately."
3. Stipulating that "Lockouts shall be an approved use so long as the Project is managed by the Stein Eriksen Lodge Management Corporation or other similar manager in a "Luxury" manner. Luxury means of a quality comparable to the quality of the Stein Eriksen Lodge as of December 9, 2013, which had received Five Diamonds from AAA, 5 Stars from Forbes, & Conde Nast Traveler Gold List recognition."

Throughout this process, you and your team have shown that you do indeed intend to be a good neighbor and part of our community in the Evergreen Subdivision in the Silver Lake area of Deer Valley Resort and therefore we support your request for the proposed Conditional Use Permit Modification. Thank you again for taking the time to work with your neighbors to help ensure the compatibility of SER.

Kind regards,



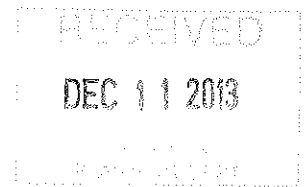
Dan Postal



Deron Webb

Cc: Mr. Francisco Astorga, Park City

Rodney Alan Riley
1502 Crescent Road #138
Park City, Utah 84060
435-619-9907



Dear Park City Planning Commission

Re: Regent Properties, North Silver Lake development

As a resident of Park City, a past resident of Silver Lake Village and a promoter of the area as a destination for family and friends I wanted to convey my support for the current request of Regent Properties. The North Silver Lake development appears to be a solid addition to the quality properties here in Park City and specifically Deer Valley. In conjunction with the owners and managers of the Stein Eriksen Lodge this will be a fine addition to the offerings that can be enjoyed by those who live and visit alike.

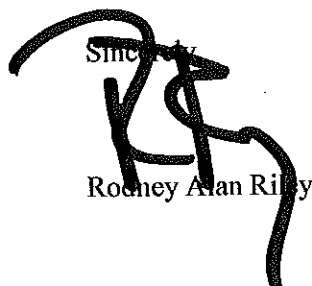
Their specific request, to add a "lock out" capability to their development approval is reasonable and can be a benefit to both owners and users. By allowing Regent this request you increase the viability of the project and the flexibility of the individual owners without impacting the critical concerns normally faced by your board.

When faced with decisions such as this, consideration has to be given to the intent of the change and the ramifications thereof. Do the changes requested make the project better for all concerned or do they create a hardship that will ripple through the neighborhood that outweigh the positive? In this case I would suggest there will be very little effect felt beyond these meetings to discuss it.

- No change in the number of beds is being requested
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- The requested change is consistent with the second home nature of the overall Deer Valley development.
- Overall traffic caused by the proposal will likely go unchanged as most guests at current high end properties are using transportation options provided by the operator and not driving their own vehicles.

Combine these conclusions with the quality nature of the developer and the Stein Eriksen team, who will manage the property in the same way that created the only 5 Star hotel in Utah, and this has to be seen as a benefit for the area.

Thank you for the consideration of my correspondence in your decision and good luck with the ongoing work planning for the future of Park City.

Sincerely,

Rodney Alan Riley

I AGREE WITH THE ABOVE STATEMENT
CELESTE L. ANDERSON

pcmommy@gmail.com

I agree with the contents of this letter.
TRACIE HEEFERNAN
2/14

Francisco Astorga

From: Brian Smith <bsmith@veriskhealth.com>
Sent: Wednesday, December 11, 2013 11:54 AM
To: Francisco Astorga
Subject: letter of support

Importance: High

Dear Planning Commission,

As a frequent guest of Stein Eriksen Lodge and the Glitretind restaurant, I am writing you to strongly express my support for Regent Properties' request to create lockout units at their North Silver Lake Lodge project.

By joining forces with Stein Eriksen Lodge, Regent is partnering with one of the most respected names in the hospitality business and the epitome of a good corporate citizen. They are responsible people, and their guests are responsible people. That's why to get around the area, SEL's guests rely on their shuttle service, which I have observed first hand.

Further proof of this project's lack of negative impacts can found in the Planning Department's staff report, which includes a new traffic study on the project that concludes the addition of lockout units will not generate more cars on the street.

I have long been impressed by Stein Ericksen Lodge's commitment to managing a first-rate property while also being an asset to the Park City community as a whole. I'm confident that their expertise in property management will allow them to skillfully manage the lockout component of the new units. This proposal may represent a change to the original development application, but it is by no means out of line with other, similar developments in Silver Lake. I support this project, and I hope that you will as well.

Thank you for your time and consideration.

Sincerely,

Brian Smith
Park City Resident



Brian C. Smith | Senior Vice President, Business Development and Alliances

Verisk Health - Corporate Sales

PHONE 801.285.5825 **MOBILE** 626.298.3178

[WEBSITE](#) | [VCARD](#) | [MAP](#) | [EMAIL](#)



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Exhibit J2 – Public Comments against

Lockouts/North Silver Lake Lodge

tabailey [tabailey12@aol.com]

Sent: Friday, October 25, 2013 5:03 PM**To:** planning

As a full time resident of Park City at 7013 Silver Lake Drive, we are adamantly opposed to granting the lookout request submitted by the developers of the North Silver Lake lodge on Silver Lake Dr. It has been our understanding throughout this process that no lockouts would be allowed and that the developer agreed to this. I am both astounded and deeply disappointed by this request and urge that no lockouts be approved. To approve this would be yet another example of the City's seeming disregard throughout the approval process for the interests of the established residents of Evergreen and the adjacent communities in favor of the economic interests of the developer, Deer Valley ski resort, the city coffers, and now Stein Erikson Lodge. Please disapprove this egregious overreach.

Thomas A. Bailey and Mary Frances Bailey
7013 Silver Lake
Park City, UT
435-901-8848

North SilverLake Lodge lock out units

Gib Myers [gmyers1@mac.com]

Sent: Friday, October 25, 2013 7:33 PM

To: planning; Mathew Evans

I live on Perseverance Court and want to second the email that Tom Boone has sent to the planning commission. This is a country build on laws and agreements among its people and institutions. I am shocked that after all the discussions and agreements about the size and shape of this project that the developer would come back to ask for these lock outs. I strongly urge the council to reject this request. Already, the modern looking tower, presumably demo units, that they have built is completely out of character for the neighborhood. Enough is enough. Do your job and do not let them escalate this project further.

sincerely, gib myers
#6 Perseverance Court

North Silver Lake project

Benjamin Schapiro [BSchapiro@questm.com]

Sent: Sunday, October 27, 2013 3:35 PM**To:** planning

Dear Sirs and Madams, I have lived in the Silver Lake area of Deer Valley for 25 years. First in a townhouse called Trailside and for the past 18 years at 15 Bellevue Court.

I receive the Park Record when I am in Baltimore and read about the develepeers of the North Silver Lake project attempting to increase the density by including 125 lock out units in the condo development. I know that with the input of neighbors and others you were careful to limit the number of residential units in this new project. Now, it seems kind of strange that the developer can come back and try to increase the units post fact.

Pleas know that I am opposed to the increase and hope that the Planning Commission recognizes the request for what it is and rejects it as it is not withing what our neighborhood has been or what we want it to be going forward.

Ben

Benjamin S. Schapiro

QuestMark Partners

bschapiro@questm.com

410-895-5811

North Silver Lake Lodge

Michael Warren [MichaelW@nuwi.com]

Sent: Monday, October 28, 2013 10:36 AM

To: planning; Mathew Evans

Attachments: image001.jpg (3 KB)

To: Planning Commissioners

Re: North Silver Lake Lodge

7101 Silver Lake Drive

During the approval process, we were told that the 16 single family homes would act as a buffer to the 38 condominiums and that the condominiums were of a size and quality to be compatible with our surrounding neighborhood. In addition, **from the first review in 2008 until the final approval, a stated Condition of Approval of the project was that there would be no lockout units.** It was always clear that this condition was accepted by the developer as a way to make the project more tolerable to our community and therefore the Planning Commission.

We have now learned that the developer wants approval for 125 lockout units within the 38 condominiums. We have been asked to believe that this substantial change in the use of the property can be more than fully mitigated through an effective van pool/shuttle program. It is obvious that the creation of 163 rental units versus the approved 38 condominiums positively changes the economic model for the developer, the City and Deer Valley. However, it is not what was approved after years of discussion and review.

Furthermore, the parking provided in the original approved plan is grossly inadequate if the number of units is effectively more than tripled by creating the lockout units.

North Silver Lake, as it has been developed, is a quiet single family community. As a result of a Master Plan that did not appropriately evolve as the community was developed we have been required to accept a project that is of a mass and scale that is not compatible with the neighborhood. Now we are being asked to accept a use and occupancy that is clearly not compatible with the surrounding community and specifically identified as an unacceptable condition in the project's approval.

The developer's creation of a vision of a project that was compatible with the surrounding neighborhood, during the approval process, is totally contradictory to their current request. I therefore request that the Planning Commissioners' do not approve this application and require the developer to comply with the no lockout unit condition of the project's approval.

Thank you for your consideration.

Michael Warren

8240 Woodland View Drive

MICHAEL WARREN

PRINCIPAL

NEW URBAN WEST, INC

1733 OCEAN AVENUE, SUITE 350 SANTA MONICA, CA 90401

TEL: 310.566.6362 FAX: 310.394.6872 CEL: 310.345.4690

Francisco Astorga

From: Lisa Wilson <lisa@winco.us>
Sent: Wednesday, November 06, 2013 3:53 PM
To: Francisco Astorga
Subject: tonights meeting

Dear Planning Commission,

The developer has requested a major change to the Deer Valley MPD at the North Silver Lake Lodge site or new Stein Erickson Lodge location according to the Park Record.

Is it ethical for the City to more than double the entitlements on one lot from 54 units to 125 units?

Are the Development Rights stated in a Master Plan Development that buyers rely on meaningless?

The Deer Valley MPD states the entitlements on 7101 Silver Lake Drive are to be a maximum of 54 units. If the Planning commission permits lock-outs, will the project no longer comply with the Deer Valley MPD?

125 units is a huge change in entitlements from 54 units. The developers request is not simple a variance but a radical change from the Deer Valley Master Plan.

Public Process for the North Silver Lake Lodge

During the public process that began around 2008, the North Silver Lake Lodge developer suggested the project would be compatible with the existing built out residential neighborhood. During multiple public hearings developers council stated the average unit size would be approximately 6,000 sq. ft. The surrounding neighborhood consists of built-out residential single family homes that are approximately 6,000 sq. ft. or more.

The following was provided as a break down by the Park City Planning Department to demonstrate the 6,000 sq. ft. average unit size in the North Silver Lake Lodge etc.

May I have the square footage of the project broken down:

- a. total square footage
- b. total common area
- c. total square footage below grade
- d. square footage of each of the towers above and below grade a), which towers are connected by a bridge above or below grade?

A. Total Square Footage : 332,493

Condos: 241,814

Homes: 90,679

Totals: 332,493

B. Common Area: 100,521

241,814 (entire condos) – 141,293 (residential) = 100,521 total Common Area including the commercial space

Of the 100,521 sf of common area, 62,000 sf is parking.

C. Total Square footage below grade: 77,452 sf

Parking Level 1	29,560
Parking Level 2	32,440 (partially below grade)
Building 3 Level 00	15,452
TOTAL	77,452

D.

Building 1.	42,238 sf
Building 2	22,496 sf
Building 3	70,358 sf (level 00 is below grade 15,452)
Building 4	44,722 sf

Parking under buildings 1, 2, and 4 is underground in level 1 (29,560 sf) and partial underground. (32,440 sf).

The connection located between building 2 and building 4 is 9 feet wide by 28.5 feet and is located above grade.

The parking garage is connected to building 3 below grade.

It appears now the developer would like to make the project **incompatible** with the surrounding neighborhood. Instead of approximately 6,000 sq. ft, lock-outs would make the unit size average around 2,000 sq. ft. Over 100 units averaging 2,000 sq. ft. is incompatible with the surrounding neighborhood and contrary to what was discussed during public hearings.

Conclusion

The change would significantly increase the number of units within the Deer Valley MPD and North Silver Lake. Allowing lock-outs would change the compatibility argument used by the developer throughout the

public process to gain approval. Property owners within the Deer Valley MPD have not been notified of a major change to the Master Plan.

FYI - The Ritz tried to move unit density from the Deer Valley Parking Lot to the same site years ago. The request to transfer density failed. Lot 2B is not a receiving zone. Units were moved off the parcel years ago, presumably to make the unit size larger.

Allowing one developer to significantly increase unit entitlements beyond what is stated in the Master Plan is a dangerous precedent.

If the developer no longer desires the units size to be around 6,000 sq. ft, **the building foot print will need to dramatically decrease.**

Sincerely,
Lisa Wilson

Francisco Astorga...please make this letter part of the public record for this meeting.

Francisco Astorga

From: Eleanor Padnick <epadnick@roadrunner.com>
Sent: Tuesday, November 12, 2013 9:26 PM
To: planning; Mathew Evans; Francisco Astorga
Cc: Glenn Padnick
Subject: Stein Eriksen Lodge (formerly North Silver Lake Lodge)

Dear Members of Park City Planning Commission,

My house is located at 8 Bellemont Court, directly adjacent to the development at 7101 Silver Lake Drive.

I was stunned to learn that the developer is trying to get approval for 125 lockout units. It was my understanding that lockout units were NOT allowed as part of receiving approval for this development.

These lockout units would **quadruple** what was approved by the Planning Commission. **38** condominiums would become **163** rental units. The project was argued as being compatible with the single family homes surrounding it. It is unconscionable to now argue that a 400% increase in rentals would not negatively impact the surrounding community, and that shuttles would prevent any negative effect.

I ask that the members of the Park City Planning Commission stand by what they approved originally and not agree to this increase.

Thank you for your consideration.

Eleanor Padnick

Francisco Astorga

From: Thomas A Bailey <tabailey12@aol.com>
Sent: Tuesday, November 19, 2013 1:56 PM
To: Francisco Astorga
Subject: Re: Public Hearings - Stein Eriksen Lodge Residences project aka North Silver Lake

Mr. Astorga,

Thank you for keeping us informed.

I remain adamantly opposed to the additional lockouts. It seems that this project has turned into a hotel which makes the interpretation of the existing CUP unintelligible. Frankly, I am totally confused as to what is going on. Hopefully, you can make some sense out of this and restore the project to a density that is compatible with the neighborhood.

Tom Bailey
Cell: 435-901-8848

Sent from my iPad

On Nov 19, 2013, at 1:08 PM, Francisco Astorga <fastorga@parkcity.org> wrote:

Concerned resident,

Thank you for submitting public comment and/or showing an interest in the Stein Eriksen Lodge Residences project, formerly known as North Silver Lake. The Planning Commission had a work session discussion (no action taken) on November 6, 2013 regarding their filed Conditional Use Permit (CUP) Modification request to allow 85 Lockout Units to be accommodated within the approved four (4) stacked flats, condominium buildings. The draft minutes are to be reviewed and adopted by the Planning Commission tomorrow night, see the following link
<http://www.parkcity.org/index.aspx?page=14&recordid=2128>.

The other two submitted applications are further subdivisions of Lot 2B, in accordance with the terms and conditions of a Conditional Use Permit approved on April 28, 2010, consisting of a total of 54 units, 16 single-family dwellings and duplexes, and 38 condominiums (multi-unit) in four (4) stacked flats:

- The Subdivision Plat divides Lot 2B into: 16 lots of record, Parcel A to consist of the 38 condominiums units, Parcel B which is not intended for development; and a Road Parcel which serves as the access drive for each of the lots as well as the condominium project.
- The Condominium Record of Survey Plat covers the area designated as Parcel A on the Subdivision Plat. This condominium plat creates the 38 stacked condominium units. It shows each of the four multi-story buildings to be included in the condominium project and designates the boundaries for each of the 38 condominium units, together with all common areas, limited common areas and other areas designated for joint use. This property is currently encumbered by a Record of Survey Plat for North Silver Lake Lodge that was recorded on April 19, 2005. That plat would be terminated of record immediately prior to the recordation of the condominium plat submitted with this application.

We noticed public hearings for the three (3) items to take place tomorrow Wednesday November 20, however, the Planning Commission will not be reviewing any of the requested applications tomorrow night. The items will be simply continued to the next Planning Commission meeting which is to take place on Wednesday December 11. See attached agenda. If you submitted written public comment, it will be added to the staff report, packet, with its accompanying full review and public hearing. Let me know if you have any questions.

Sincerely,

Francisco Astorga | Planner
Park City | Planning Department
(p) 435.615.5064 | (f) 435.658.8940

445 Marsac Avenue | PO Box 1480
Park City, UT 84060-1480

<PL-13-02034 NSL - CUP Mod. PC Staff Report & Exhibits 11.06.2013.pdf>

<Planning Commission Agenda 11.20.2013.pdf>

Francisco Astorga

From: Ron Kirk <rkirk@kirkhorse.com>
Sent: Wednesday, November 20, 2013 10:51 AM
To: Francisco Astorga
Subject: CUP modification to allow 85 lock-out units

I live at 4 Lucky Star Drive on the corner of Silver Lake Drive, so my home is one of the most affected by the (over) development of 7101 Silver Lake Drive.

I am opposed to your granting permission for 85 lock-out units. I do not believe the rental activity this would foster was ever envisioned for this location.

Ronald K. Kirk

859-321-0099

Francisco Astorga

From: Eleanor Padnick <epadnick@roadrunner.com>
Sent: Tuesday, December 10, 2013 8:36 PM
To: Francisco Astorga
Subject: Re: Stein Eriksen Lodge Residences CUP Lockout Units

Dear Francisco,

On June, 24, 2010, **"All parties stipulated to additional conditions of approval #19 that "no lockouts are permitted within this approval".** (see entire section below)

It seems disingenuous for the applicant to ask for lock out units now and make it sound like the Planning Commission did not approve of lockout units merely "because the applicant did not ask for them" previously. They did not ask for them because they agreed to the condition that lockout units were NOT permitted in the approval.

It seems to me that as the project proceeds, the developer is asking for a little more and a little more. Lockout units were not included in the approved plans and should not be added on now.

I would like you to present my letters with the Planning Commission. Thank you for suggesting that.

Eleanor Padnick 8 Bellemont Court

11. The April 28, 2010 CUP approval was appealed. The City Council reviewed the appeals on June 24, 2010. All parties stipulated to additional condition of approval #19 that "no lockouts are permitted within this approval". The City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B CUP. The City Council findings were ratified on July 1, 2010

On 12/9/2013 8:51 AM, Francisco Astorga wrote:

Eleanor,

The reason that the Planning Commission did not approve the Lockout Units in 2010 is because the applicant did not ask for them then. The exact June 24, 2010 condition of approval states the following:

19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission.

The applicant changed their mind and are now requesting Lockout Units, which is a conditional use within this district and have to be reviewed and approved by the Planning Commission. The Planning Commission must review each of the items when considering whether or not the

proposed conditional use mitigates impacts of and addresses the items as outlined in Land Management Code § 15-1-10(E). See staff report page 226 - 231. Let me know if you have any other questions. Otherwise I might be seen you at the meeting.

Sincerely,

Francisco Astorga | Planner
Park City | Planning Department
(p) 435.615.5064 | (f) 435.658.8940

445 Marsac Avenue | PO Box 1480
Park City, UT 84060-1480

From: Eleanor Padnick [<mailto:epadnick@roadrunner.com>]
Sent: Saturday, December 07, 2013 1:17 PM
To: Francisco Astorga
Subject: Re: Stein Eriksen Lodge Residences CUP Lockout Units

Dear Mr. Astorga,
I don't understand how the Staff can *now* recommend approving lockout units when "....on June 24, 2010. All parties stipulated to additional condition of approval #19 that "no lockouts are permitted within this approval"."

I hope that the Planning Commission considers that the project went ahead with the stipulation that there be NO lockout units for good reasons, and there is no reason to change that at this time.

Eleanor Padnick, 8 Bellemont Court

On 12/6/2013 2:34 PM, Francisco Astorga wrote:

Concerned resident,

The Planning Commission will be reviewing the submitted Conditional Use Permit application for Lockout Units during their upcoming regular meeting this Wednesday December 11, 2013. The meeting will start at 5:30 pm. The meeting will be held at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060.

I have attached a copy of the staff report. This report does not contain the packet page numbers or the exhibits. Another e-mail will come your way with the exhibits. Please make sure to visit our website later on today at www.parkcity.org to download the staff report/exhibits with the corresponding page numbers.

Sincerely,

Francisco Astorga | Planner
Park City | Planning Department
(p) 435.615.5064 | (f) 435.658.8940

445 Marsac Avenue | PO Box 1480
Park City, UT 84060-1480

Francisco Astorga

From: Lisa Wilson <lisawilson@me.com>
Sent: Wednesday, December 11, 2013 3:46 PM
To: Francisco Astorga
Subject: Minutes Flawed update

Hi Francisco,

Still lots of errors. Can you replace the email I sent a few minutes ago. Holidays and I really don't have time for this.

Thanks,
Lisa

Begin forwarded message:

From: Lisa Wilson <lisawilson@me.com>
Subject: Minutes Flawed
Date: December 11, 2013 3:30:23 PM MST
To: Francisco Astorga <fastorga@parkcity.org>
Bcc: Lisa Wilson <lisawilson@me.com>

Hi Francisco and Planning Commission,

I am just starting to look over things for tonight's meeting. Some flaws I have found in the minutes for Nov. 6th are as follows.

Pg. 2. "The original CUP was approved in 2010".

This is false. The original approval was July 8th, 2009. Planning meetings leading up to the original approval were Aug 13th 2008, Oct 22nd 2008, Feb 25th 2009, May 27th 2009.

Pg. 2 "The original approval indicated that if the applicant requested a lockout unit in the future, it would require a conditional use permit request"

This is false. I see no mention of lockouts in the "original approval" on July 8th 2009.

Pg. 2 "The proposed plans were in substantial compliance with the original approval with a few conditions."

This is false. The maximum number for units according to the Deer Valley MPD is 54. The original CUP has 56 units. 2 extra units are ADA units and were not included as part of the 54 unit total. The project is not in "substantial compliance" with the original 54 unit approval. 56 units exceeds the DV MPD maximum. Staff failed to count 2 units.

Pg 2. Planner Astorga noted that on pages 26 and 27 of the Staff report outlined the details of the conditional use permit approval, the appeals and two extensions.

Does page 26 and 27 mention the July 8, 2009 approval, the October 29th 2009 Appeal, and the Nov. 12th 2009 Appeal? I haven't had the chance to read everything yet.

Pg. 5 Planner Astorga stated that parking was the second point of discussion. He noted that the original CUP (July 8, 2009 is original CUP seems forgotten) indicated that the project needed to provide 106 parking space."

This is incorrect. Please read the July 8th, 2009 Staff report. 3 spaces where required for units over 2,500 sq. ft. in size. 54 units all have a avg size greater than 2,500 sq. ft. 162+ spaces where required originally.

54 x 3 = 162 parking units required originally. Also parking spaces should have been required for the 2 ADA units. I am not certain how to figure out parking for the ADA units.

Pg. 6 Planner Astorga clarified that this section of the Staff report was not intended to reopen the approved conditional use permit

From the first public discussion for the North Silver Lake Lodge, that is the Stein's Residences today, beginning April 13th 2008 to date, there is nothing in the public record from the developer that the project is a "Hotel" , of course until on November 6th 2013.

Adding lockouts creates a new Conditional Use Permit. The project has not had a full public hearing with regards to a Hotel in the midst of an established residential neighborhood. A new set of public hearings is needed to change a Condominium project into Steins Hotel.

The average size of living units within the central buildings are 3,663 sq. ft. The periphery units avg. size is 5,499 sq. ft. in the current CUP.

According to the new General Plan the average unit size in Upper Deer Valley is over 6000 sq. ft. Some units within the new request will be only 250 sq. ft. How is 250 sq. ft. rental units/condos compatible with an average of over 6000 sq. ft. for upper Deer Valley?

The project no longer in compliance with section 15-1-10

The use is no longer compatible with surrounding structures in use, scale, mass and circulation with the existing neighborhood at 250 sq. ft.

The Developer is requesting a new Conditional Use Permit. The new permit is for a Hotel, rather than a Condominium Project. If the developer wanted a Hotel, the developer should have been clear in the intent from the start. This is classic developer "smoke and mirrors" also known as "bait and switch".

This site initially had vested rights for around 70 units. As the area began to build out and size of homes and Condo's became large, Deer Valley requested change the vested rights to a54 unit

maximum. 54 units appeared to help maintain the size consistency in the neighborhood. Now the developer wants more over 100 units. 100+ units is inconsistent in compatibility with the DV MPD.

A Hotel request is very different from a Condominium CUP. When approved the project was expected to be ownership of primary residences or by 2nd home owners, or for commercial tenants in large condo's similar to what exists at the Stag Lodge.

The Summit County estimated value on the lot has been \$1.2 million since 2005 for tax purposes. I provided one tax bill for 1 of 6 homes platted on the lot last Planning Meeting (Nov 6, 2013. I also provided a Trust Deed for \$85 million.

If this is a Hotel site, the project should have been taxed as a Hotel site, instead of a value of \$1.2 million. Millions of dollars have been lost in tax revenue to the City, County and Park City Schools already.

Park City School District lost the most. 56% of property tax revenue goes to Park City Schools. Please fix this error in the Nov. 6th Planning minutes. I was quoted incorrectly. 56% of property tax revenue goes to PC Schools not 85%.

Stein Erickson is a great operator and well respected. Unfortunately, the public process that began in 2008 never suggested a possibility of over a hundred room Hotel. I appreciate the fact it would make life easier for Steins, but this is not the responsibility of the City to make Steins management easier.

This past week I had the pleasure of talking with Alaskan Senator Lisa Murkowski while she and many of her staff were in Park City. According to one DC staff member the Stein Erickson Lodge requires those that wish to stay over the Holiday Season take over an entire Condominium unit over the Holidays. The possibility of lock-outs is not an option at Stein's during the Holidays Season.

Clearly Steins has the client base to fill the Stein's residences, even if only large units are available.

The current project is out of Compliance with LMC.

1.55. COMPATIBLE OR COMPATIBILITY. Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

250 sq. ft. is non compatible with 6000 plus square feet in size identified in the Upper Silver Lake Area in the new General Plan.

The current project is out of compliance with the Deer Valley MPD. At the time of the July 8, 2009 the DV MPD stated a hotel room or Lodge Room shall constitute 1/2 a dwelling units

At 85 lockouts in the central building equates to 42.5 units. Adding the 16 homes and 2 ADA units the project is 60.5 units. The project at 60.5 units is not compliance with the 54 unit DV MPD maximum.

Conclusion

1. This is a new permit request that changes the project from large Condominiums to small Hotel units.

This is would require a new permit process.

2. The developer has asked to exceed the vested right entitlements established in the Deer Valley MPD that most relied upon when they invested in Deer Valley. The current request violates the DV MPD

3. The request is out of compliance with compatibility defined in the LMC.

The project was approved in the first place because the developer suggested the units where compatible in size with the surrounding neighborhood. 250 vs 6000 sq. ft is not compatible.

It's almost 5:00 Francisco. Sorry for Typo's.

See you soon,
Lisa Wilson
6538 Silver Lake Drive

Lisa Wilson
lisawilson@me.com

Francisco Astorga

From: Isaac Stein <isaac@steinfamily.com>
Sent: Thursday, February 06, 2014 3:53 PM
To: Francisco Astorga
Subject: North Silver Lake Lodge (Stein Erickson Residences)

Dear Planning Commissioners.

Having owned a home in Park City since 1979, I have seen the good and the bad of our local development process. But the strange machinations surrounding this NSLL project, especially the recent changes, have set a new low and I hope that you will step in and address some of the obvious problems.

I live at 6696 Silver Lake Drive and am down the street from NSLL. Like many of the neighbors, I was not opposed to development on the site but assumed that the city would ensure compatibility, traffic and parking issues were systematically addressed. As you know, the first project proposed on the site (by an earlier owner) was so massive that it would literally have created the largest building in Summit county! Mercifully, that project died after strong opposition.

The current owners proposed a more rational project and after some discussions many of us agreed to the project **as approved** and looked forward to its fast construction. But since that approval, the project has been changed in dramatic ways that contradict what was originally approved and have made the project wholly unacceptable to our community and, I hope, to you as the Planning Commission.

I will leave to our attorneys and others more knowledgeable the details that tie the current version of the project to the original representations of the owner. Let me just focus on three key areas:

1. Lockouts – It is crazy that the owner can now propose adding 85 lockout units after for years asserting that they had no intentions to ever have lockouts. In effect, they are creating a hotel in the middle of a neighborhood of single family homes and they are doing so without the hearings on compatibility, parking and traffic that a hotel application would have raised! This is way beyond bait and switch as they made their representations of no lockouts to you as well as us. People at the model house are actually telling visitors that the project will operate 'just like a hotel' and people from Stein Erickson are saying the same thing. If that is the proposal, then let's have the necessary hearings and test whether this meets the standards for a hotel, especially with a restaurant and spa now added to the proposal.
2. Height – We and you were explicitly told that the height of the perimeter houses would be held to the same height as the surrounding houses, or 33 feet. The new model house is 50 feet high! How can that make sense. A ring of 50 foot buildings will now surround the large condo buildings in the center of the site. How did that building permit for the model get issued!!
3. Architecture – We are a community of mountain lodge style homes. The project's architect and developer made repeated representations to you and us that they would have a similar architectural style. Instead, we are presented with a model that is self-described as modern and contemporary....and it is very different than any of the surrounding houses. Just look at the brightly lit entry sign which is wildly out of character with the rest of the neighborhood.

The project you once approved, and we accepted, has been changed into something very different. Before construction proceeds any further, we believe that you need to review carefully the major changes that have been made unilaterally by the developer.

Thank you for your consideration of our concerns.

Isaac Stein
6696 Silver Lake Drive

Isaac Stein
Isaac@Steinfamily.com
650.324.1245

Francisco Astorga

From: Pamela stevenson <pestevenson1@gmail.com>
Sent: Thursday, February 06, 2014 4:03 PM
To: Francisco Astorga
Cc: Tom Boone
Subject: Stein Eriksen Residences-deviations from the plan

To the Park City Planning Commission

Attn: Francisco Astorga

I concur with the objections raised by Mr Tom Boone in his letter of February 6th.

I am a seasonal resident with two homes in Park City-one in Summit county, and one in Wasatch county.

I specifically object to the inclusion of lockouts, the increased height of the buildings, including the one already built, and also the design of the development, which is not in keeping with the surrounding neighborhood.

This past summer I noted the construction on the Stein residences plot. When I returned in mid-December, I was shocked to see what looked like a space-station landed in the middle of a cozy, log-cabin, country home neighborhood. While anyone may argue that the show-house is stylish in itself, it does not fit in with the neighborhood--nor does the back-lit sign heralding its arrival. It would be more suited to a downtown condo development, but not situated in this neighborhood.

Design aside, I am distressed that something could be built that so overtly contravenes the rulings of City Council. What kind of oversight is being taken during the construction process to confirm that developers are building to plan--it seems more than just a little remiss that this has been built with the express intent to *just build it the way we want to, and let Council ask their questions later...or we (the Developer) will just have to beg mercy and see what deal we can cut with them afterwards*. The developer seems to be thumbing its nose at our City Council as well as building in direct opposition to the permissions granted.

As Tom succinctly puts it: ... This organization *believes that it is not obligated to its representations to the City* during the approval process.

Yours truly,

Pamela E Stevenson
7550 Royal St East
Park City, UT 84060
Cell: 647 281 4933

--

Pamela E Stevenson

Francisco Astorga

From: babbooopop@aol.com
Sent: Thursday, February 06, 2014 3:09 PM
To: Francisco Astorga
Subject: Lighted monuments on Stein Ericksen Silver Lake Drive property!

The lighted signs at the entrance to this new development are NOT pre-approved NOR are they in keeping with the nature of Evergreen! What next? Neon? Music blasting? LED screens with moving images? Inflatable Santas? The developer has NOT picked up broken and fallen signage. In general, the site is a mess, as will be evident once the snow melts. Who is minding the store at City Hall? E. Wayne Baumgardner, 6635 Silver Lake Drive. (645-7969), a resident of this neighborhood since 1993-94.

Francisco Astorga

From: Tom Boone <tomboone@aol.com>
Sent: Thursday, February 06, 2014 1:58 PM
To: Francisco Astorga
Subject: North Silver Lake Conditional Use Permit & Record of Survey

Francisco,
Please include the following in the material forwarded to the Planning Commissioners for the upcoming meeting.
Thank You
Tom Boone

February 6, 2014

To: Planning Commissioners
Re: Stein Eriksen Residences/North Silver Lake Lodge
7101 Silver Lake Drive

It was my hope with the issuance of the first building permit that this project would rapidly move forward in accordance with its approvals and become a tremendous success. It is now clear that the developer intends not to build the project as it was approved, materially changing its commitment to the City and the community. The changes are significant, impacting the project's use, building height and architectural design.

First, the application to change the Condition of Approval and allow 85 lockout units reflects the desire of the developer to change the stated use of the project and operate the project like a hotel. Lockouts were specifically discussed at several meetings of the City Council and Planning Commissioners. It was clear that although lockouts were permitted under the MPD the inclusion of lockouts would create a use for the project that was not compatible with the surrounding community. The developer's representations to the City and the community throughout the entire approval processes always reflected a desire for the project to be compatible in use to the mature single family neighborhood that surrounded it. The project's architect John Shirley captured the developer's intent in the July 8, 2009 Planning Commission meeting when he said *"He believed that the developer had a unique plan in trying to create a project that had a quaint village feel to encourage residents to use it more as a long-term residence versus nightly"*. The request to now rent 85 individual bedrooms in addition to the 54 approved units is a material change by the developer in the character of this project. Not only will the intensity of use increase but the character and quantity of support necessary will increase materially. The negative impact of this level of activity on our neighborhood cannot obviously be mitigated by a few vans and should not be approved.

Second, in discussions with Planning Staff I have been informed that the 16 perimeter homes can be built to a height of 45' + 5' as documented in the Deer Valley MPD. I raised this question because the first home built towers over the surrounding community, clearly exceeding the maximum height of 33' for homes in the surrounding community, and violates the developer's commitment. The proposed Condominium Plat documentation reflects that the plate height of the "model" home is 45'. Starting with the very first public meeting, to the last, the developer proudly stated that the perimeter homes would act as a buffer for the community from the four 50' condo towers in the center of the project. I have attached below excerpts from Planning Department Staff Reports and also Planning Commission and City Council Meeting minutes which

reflect the developer's commitment. This commitment was repeated regularly by the Planning Staff as well as Mr. Clyde, Mr. Peart and Mr. Shirley representing the developer. This commitment by the developer was made to mitigate the impact of the four condo towers that were clearly not compatible in height, mass and scale to the surrounding community. This commitment was also reflected in the plans submitted to the Planning Commissioners dated 5-13-2009 which stated on page 17 ... *"Even though not required, perimeter homes in the Project are less than 33'-0" in height (with a few minor exceptions) to foster compatibility with the surrounding community."* It is clear from all of the documentation that the Planning Commissioners, the City Council, the Planning Staff and the developer all believed that this architectural design helped mitigate the large mass and scale of the project. As I have learned through this process mitigation is required by the Land Management Code when a project is not compatible with the community. The developer should be required to submit plans reflecting that all remaining perimeter homes will be built to a maximum height of 33' and the City should enforce this condition.

Third the project's design features were presented by the developer and their architect to be similar and compatible to the surrounding community. The renderings presented reflected a scale and design that complemented the existing community. The model home that has been completed and the marketing of the project as "Mountain Contemporary" by the developer is not compatible with the surrounding community or representative of the drawings that were presented. It is clear that the developer intends to make a new unique architectural statement with this project. This is further reflected by the internally lit glass monument sign that bears no resemblance to any other sign for a retail store, hotel or residential community in Park City. The project's new architectural design should be submitted in reviewed by the Planning Commission to assure compatibility as required under the Land Management Code.

It has been my continually expressed hope that this project be very successful and therefore completed as quickly as possible. The neighbors have been looking at a hole in the ground for over 10 years and the ongoing construction will have a significantly negative impact on our community. The developer by choosing not to build the project as approved is putting the timely completion of this project in jeopardy.

Lockouts were specifically excluded to enhance the projects compatibility with the community. It would be unacceptable to now peel off this requirement without reexamining the compatibility of the entire project.

The height limitation of 33' for the perimeter homes has from the beginning been the major mitigant to buffer for the surrounding community from the mass and scale of this project. The fact that this 33' height commitment is not a condition of approval of this project and not to be enforced by the City is unacceptable. The restriction should be enforced on all remaining homes. If it is not, the approved CUP should reopened to determine if there are adequate mitigants to the mass and scale of the project.

The project was never represented by the developer to be contemporary in design. The fact that they have changed the project's design is just another reflection of an organization that believes that it is not obligated to its representations to the City during the approval process. Plans should be submitted and reviewed by the Planning Commissioners to determine compatibility before another building permit is approved.

Thank for your consideration of these issues.

Tom Boone
Neighbor
7051 Silver Lake Drive

The following excerpts have been cut from Planning Staff reports and also Planning Commission and City Council meeting minutes:

Staff Report Dated 8-13-2008
Planning Commission Meeting

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

..... The single family and duplex dwellings along the periphery of the site are substantially beneath the allowed height of 45 feet. The design attempted to keep the height of these buildings within the zone height of 28 feet with the additional 5 feet exception.

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

..... The site has been designed to cluster the greatest density and massing in the center of the project. The central condominiums maximize the height allowance provided under the Deer Valley MPD of 45 feet plus the 5 feet exception for a pitched roof. The central condominiums have four stories above final grade and two stories below grade containing parking, the owners' lounge, and the ski lockers.

A mix of 22 single family homes and duplexes surround the condominiums along the periphery of the property. These homes were designed with the intention of creating a compatible scale to the surrounding single family homes. Of the 22 units, 18 meet the 33 feet zone height (28 feet plus 5 feet exception for pitched roof). Portions of the remaining four are over the zone height due steep slope grade changes. The homes are stepped with the existing grade. The slope generally rolls down the hill from the central development. The ending result is a variety of 1 to 3 story front façades and 2 to 4 story rear façades. These homes create a scale more compatible to the surrounding single family homes than the four centralized condominiums.

The architectural detailing of the project is compatible with the surrounding area. The proposed materials (metal clad wood windows, cedar/fir fascia, trim and beams in a semi-transparent stain, cedar siding, stone veneer and dry stack stone retaining walls) are typical design elements used throughout the Deer Valley area.

Minutes from the 8-13-2008 Planning Meeting

Mr. Clyde referred to an earlier comment regarding the change from the units in the center of the project to the units on the edge. He stated that this is very common throughout the master planning process. Mr. Clyde pointed out that all the development at Empire Pass has taller units in the center surrounded by townhomes and PUD's. He noted that this is an intentional design to keep low scale units on the outside of the project. Mr. Peart was unsure that the adjoining homeowners understood that they moved the 45 foot building 115 feet further away from their homes.

Staff Report Dated 9-24-2008
Planning Commission Meeting

Back Ground

..... On August 13, 2008, the applicant discussed the CUP application with the Planning Commission during the regularly scheduled work session. During this meeting the Planning Commission provided the applicant with feedback on the plans. The Planning Commission concerns included scale and mass, existing vegetation, visual impact from town, overall impact of site, spacing between units, necessity of a site visit, loss of natural screening, closeness of roofs, and snow shed. The Planning Commission commended the applicant on the effort put forth to reduce heights along the periphery to match the adjacent zone height of 33 feet above existing grade.

Staff Report Dated 10-22-2008 Planning Commission Meeting

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:

..... A mix of 16 single family homes and 4 duplexes surround the condominiums along the periphery of the property. These homes were designed with the intention of creating a compatible scale to the surrounding single family homes. Of the 20 units, 15 meet the 33 feet zone height (28 feet plus 5 feet exception for pitched roof). Portions of the remaining five are over the zone height due to steep slope grade changes and moving homes closer to the center of the project to protect trees. The homes are stepped with the existing grade. The slope generally rolls down the hill from the central development. The ending result is a variety of 1 to 3 story front façades and 2 to 4 story rear façades. These homes create a scale more compatible to the surrounding single family homes than the four centralized condominiums.

.....

The architectural detailing of the project is compatible with the surrounding area. The proposed materials (metal clad wood windows, cedar/fir fascia, trim and beams in a semi-transparent stain, cedar siding, stone veneer and dry stack stone retaining walls) are typical design elements used throughout the Deer Valley area.

Minutes From 10-22-2008 Planning Meeting

Planner Cattan noted that the Planning Commission had commended the applicant on the effort they put forth in reducing heights along the periphery to match the adjacent zoning height of 33 feet from existing grade.

Mr. Peart stated that they met with various members of the community to get a sense of their objections to prior projects that were proposed to be developed on this site. They also looked at the project as if they lived across the street as neighbors. Mr. Peart remarked that the goal was to create a buffer between the taller buildings and the neighboring homes. The project was designed with a loop road around the perimeter of the project with single family, mostly downslope homes to create a soft streetscape. The average footprint on the perimeter is 2400 square feet. The average footprint in the Belle community is 3300 square feet. Mr. Peart stated that the homes on the perimeter are the same height, massing and scale as the surrounding properties.

Mr. Peart noted that the site is zoned for 45 feet height in all locations; however they felt it was important to build homes around the perimeter that was the same scale and mass as the surrounding homes.

The goal is to build a spectacular project with the highest quality of materials, great amenities, and a project that fits within the North Silver Lake community.

Staff Report Dated 2-25-2009
Planning Commission Meeting

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

.....The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site. The site is allowed to have a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk.
.....

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

.....Height limitation: As previously mentioned, the applicant has self-imposed a 33 foot height limitation for the periphery detached homes in an effort to create compatibility with the adjacent projects. The larger stacked flat condominiums are 50 feet in height. They are located within the center of the project and to the north adjacent to open space. The new location of the larger buildings creates less impact on the adjacent neighbors and less impermeable surface area than the previous site plans.

Footprint Decrease: The total footprint of the buildings has decreased by 17,719 square feet from the original site plan. There is more space between buildings and greater setbacks from the property lines.

Minutes 2-25-2009
Planning Commission Meeting

Mr. Shirley reviewed exhibits and talked about compatibility, recognizing it is as a major issue. The first exhibit showed the pattern of development on the site as it relates to the existing site. He believed that perimeter homes work well with the existing pattern that has been established on the neighboring communities. Mr. Shirley noted that the interior units run down the hill in a pattern that is consistent with the intent of the Deer Valley Master Plan.

Mr. Shirley reviewed a fog study and talked about the massing of the project. The project as it terraces on the hill fits within the 45 foot plus 5 foot component of the ordinance. Therefore, nothing exceeds the required height limits. Mr. Shirley stated that the applicants took it upon themselves to apply a 33 foot height limit, which is consistent with the neighboring homes. Just over 48% of the project footprint falls underneath the 33 foot height limit and those areas that are within the 33-45 foot height limit fall more to the lower side.

Mr. Shirley commented on architectural compatibility. He stated that the application is looking to develop a high quality project that will meet or exceed any of the projects expectations in this area or within Upper Deer Valley. The materials proposed will be of the highest quality. Mr. Shirley presented a series of renderings. He pointed out that the renderings were based on a compilation of modeling that was done on the site and aerial photographs of the site to make the renderings as accurate as possible.

Staff Report Dated 5-27-2009
Planning Commission Meeting

Back Ground

.....The Planning Commission commended the applicant on the effort put forth to reduce heights along the periphery to match the adjacent zone height of 33 feet above existing grade.

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots; **No Unmitigated Impacts**

..... The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site with minor exceptions. The site is allowed a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk.

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; **No Unmitigated Impacts**

.....Height limitation: As previously mentioned, the applicant has self-imposed a 33 foot height limitation for the periphery detached homes in an effort to create compatibility with the adjacent projects. The larger stacked flat condominiums are 50 feet in height, with pitched roofs. They are located within the center of the project and to the north adjacent to open space. The new location of the larger buildings creates less impact on the adjacent neighbors and less impermeable surface area than the previous site plans.

.....Architectural Detailing: The architectural detailing of the project is compatible with the surrounding area.

Conditions of Approval

14. Approval is based on plans dated May 22, 2009 and reviewed by the Planning Commission on May 27, 2009. Building Permit plans must substantially comply with the reviewed and approved plans.

Minutes dated 5-27-2009 Planning Commission Meeting

Planner Cattan reported that part of the master plan is a 45 foot height limit with an additional five feet for pitched roofs. She presented a display showing a 33 foot cloud over existing grade and noted that the applicant has self-imposed a 33 foot height limitation around the periphery. The project is above 33 feet in the central four units and in small portions around the periphery. For the most part they stayed under the self-imposed 33 foot height limit. The allowed height is 45 feet maximum.

Staff Report Dated 7-8-2009 Planning Commission Meeting

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots; **DISCUSSION REQUESTED**

Building mass and bulk: The applicant has modified the previously reviewed plan by decreasing the overall mass and footprints of the buildings on the site. The total coverage of buildings and pavement has decreased from the original plan (128,660 sq. ft) to the current plan (110,444 sq. ft) by 18,216 square feet. The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site with minor exceptions. The site is allowed a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating

smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk around the periphery of the site, adjacent to the existing neighborhoods. There has been a shift within the central building. The total square footage of the central buildings has increased.

Conditions of Approval

11. Approval is based on plans reviewed by the Planning Commission on July 8, 2009. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

Minutes Dated 7-8-2009 Planning Commission Meeting

Vice-Chair Russack asked how they came to the current design configuration. Mr. Clyde stated that 16 perimeter homes and four interior buildings was an evolution of the plan based primarily on comments from the Planning Commission. Vice-Chair Russack clarified that he was specifically asking how they came to design the currently proposed plan as opposed to the plan approved in 2001. Mr. Shirley stated that from the beginning, the goal has been to come up with a project that would blend with the surrounding neighborhood. Any time he designs a Lodge, the goal is to be right up against the street with as large a facade as possible. The intent is to be front and center to draw attention. He believed the developer had a unique plan in trying to create a project that had a quaint village feel to encourage people to use it more as a long-term residence versus nightly. A larger lodge design was not appropriate for this site and Mr. Shirley felt the proposed design would become very valuable in the long term.

Mr. Clyde stated that this developer met with the neighbors two years ago and one of the comments they heard was the desire for smaller buildings on the perimeter of the project.

Minutes Dated 10-15-2009 City Council Meeting

.....The next discussion point was that the applicant has vested rights under the MPD and she stated that the applicant does have vested rights under the Master Plan and is not subject to adjusting density reallocation. The development is subject to the LMC and the Deer Valley MPD. There was also concern expressed about lockouts, allowed in the Deer Valley MPD, but no lockouts are proposed for the North Silver Lake Project.

The appellant suggested a condition of approval prohibiting lockouts, but since they are allowed under the MPD, the following condition is recommended, *"The approved plans do not include lockout units. Any modification of the floor plans to include lockout units will require approval by the Planning Commission"*.

.....Ms. Cattin illustrated a diagram of the project with 15 periphery homes where the developer self-imposed a height restriction of 33 feet.

.....With regard to scale, the 33 foot height requirement was self-imposed for the homes around the periphery and an evaluation was done of the average square footage of the homes in the area. Adjacent properties averaged 4,917 square feet and within the project, the average unit size is 4,227 square feet. The massing moves toward the center making it more compatible on the edge adjacent to the neighborhood.

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The appellant suggested a condition of approval prohibiting lockouts, but since they are allowed under the MPD, the following condition is recommended, "*The approved plans do not include lockout units. Any modification of the floor plans to include lockout units will require approval by the Planning Commission*".

He emphasized that none of the buildings break height restrictions; the perimeter units are 33 feet and the allowed zone height is applied in the interior only. Mr. Clyde felt that the 33 foot height is complimentary to the zoning in adjacent neighborhoods.

Minutes Dated 11-12-2009 **City Council Meeting**

.....The wording of a condition of approval should be clarified that no lockout units are permitted within North Silver Lake and would require Planning Commission approval but she clarified that they are allowed in the Deer Valley Master Plan.

Minutes Dated 4-28-2010 **Planning Commission Meeting**

.....Planner Cattan had drafted a condition of approval to address lock out units. "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission." She clarified that she was unable to find the exact language but recollected that it was close to the wording drafted this evening.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission.

Francisco Astorga

From: Brad Wilson <brad@winco.us>
Sent: Thursday, February 06, 2014 4:53 PM
To: Francisco Astorga
Subject: Stein Eriksen Residences

Francisco Astorga,

I have followed this process since it was going to be a Ritz Carlton 10 years ago. We fought hard with the developer over issues like building height and architectural compatibility with the surrounding neighborhood and that it would not be a hotel.

The developer stated at many meetings that the height of the surrounding buildings would be limited at 33 feet to create a buffer between the surrounding neighborhood and the project. Now It appears that they are trying not to honor this commitment.

The developer gave us many slide shows showing log exteriors and a mountainy looking project now with full blessing from the city they are building something contemporary that belongs in Malibu.

The stated many times that there would be no lockouts and it would not be a hotel. Now they are requesting lockouts.

They have placed a sign that is brighter than any sign in town for a grocery store on a street with no street lights with full blessing of the city.

Everything the developer said they would do has been a lie and the city is helping them perpetrate this lie on us by approving it.

The city building staff either has not read the minutes of the meetings, does not care what was said in the public process leading to approval, or has been paid off by the developer.

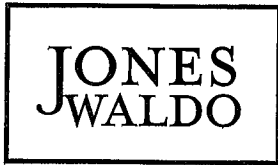
I have lost all faith in everyone in the building department.

No one at the city reads the minutes of the meetings they just rely on their memory and what the developer hands them. The city staff changes over so often that there has any corporate memory of what was negotiated or approved or said in any of the countless meetings. The meetings were a complete waste of time. I am embarrassed that I believed in and took part in the process that is blatantly being ignored by the builder with full backing of city.

If the changes they propose, that we fought so hard to prevent are approved I will have lost all faith in the planning commission as well as the rest of the city government.

The public planning process should be canceled if projects are just going to be re negotiated with the planning staff with no adherence to what was agreed to in the public process.

Brad Wilson
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AFFILIATED FIRM
LEAR & LEAR, LLP

February 6, 2014

Planning Commission
c/o Mr. Francisco Astorga
Planning Department
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Re: CUP Application PL-13-02034 for North Silver Lake Lodge Project (the "Lockout Application"); Plat/Subdivision/Record of Survey Application PL-02225 for the above referenced project (the "Condominium Application")

Commissioners:

As you are aware, my firm represents a group of concerned homeowners in residential neighborhoods surrounding the Project, and this letter is sent on their behalf. Since the Planning Commission has joined the two hearings referenced above and comments sometimes relate to both hearings, we are responding with our comments on both applications in this letter.

Reference is made to two earlier letters sent to the Planning Commission regarding this application, one dated December 6, 2013 (the "12/6 Letter") and the other December 11, 2013 (the "12/13 Letter"), copies of which are attached as Attachments 1 and 2 to this letter. Reference is also made to the Park City Land Management Code (the "Code")

Lockout Application

1. My clients have consistently opposed the addition of lockout unit capacity to this Project. The addition of lockout units materially changes the intensity of Use making the Project incompatible with the surrounding neighborhoods. At a City Council hearing held on October 15, 2009, after the applicant had made representations to the planning staff that it had no intention to seek lockouts, the City Council directed planning staff to add a condition of approval regarding no lockouts being approved for the Project. A copy of a portion of the staff report presented at this hearing relating to lockouts is attached as Attachment 3 to this letter. After much discussion of lockouts at a Planning Commission hearing held on April 28, 2010, Condition of Approval No. 19 was added to the approved CUP for the Project. A copy of the April 28 minutes is attached hereto as Attachment 4 to this letter. It should be noted as a due process issue that my clients were not permitted any discussion about the final wording of the condition since the public hearing had been closed. The final wording included the following sentence: "The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission". It should also be noted that this sentence

was later omitted from the Condition of Approvals at several hearings held after April 28, 2010. We believe that the application for lockouts is such a material deviation from the Project approved by the current CUP that the entire Project should be reopened for review by the Planning Commission.

2. The addition of 85 lockout units is a substantial change in Use of the Project which cannot be mitigated under LMC§15-1-10. It essentially allows the Project to effectively have 98 units if it were evaluated as a Hotel under the Unit Equivalency provisions of the Code and the Deer Valley Resort Master Plan Development ("MPD"). As set forth in the 12/6 and 12/13 Letters, the only reason such an action would be permitted is that the Project was exempted from the application of the Unit Equivalency provisions of the Code by the MPD. However, the creation of the ability to have 85 additional rentable rooms without kitchens is a major increase in intensity of Use of the Project. Density under the Code is defined in both qualitative and quantitative terms. To function properly, numerous additional janitorial and service employees would have to be added, many more service vehicle trips would be added, shuttle trips for the occupants of the lockout units to food and beverage facilities would have to be added unless the City improperly permits the applicant to construct and operate restaurant, bar and spa facilities that would be open to outside visitors, in which case even more employees would be needed as well as additional parking for said employees and visitors to these facilities. The addition of these facilities would be a Hotel Use under the Code, and the CUP approval for this Project is for a Multi Unit Dwelling Use. A Hotel Use requires a new CUP for the Project. All of this additional traffic necessary to service the 85 lockouts would increase commercial traffic flow through the surrounding neighborhoods, particularly those who are confused and turn into Silver Lake Drive on the lower northern end instead at the higher southern end which is a short distance to the Project entry. Because of the above stated reasons, my clients object to Findings of Fact Nos. 25, 26, 51, 52 and 53 in the Staff Report dated December 11, 2013.

3. Further, a restaurant, bar and spa capacity is not permitted to be added as Support Commercial uses as Mr. Tom Bennett argues in his December 11, 2013 letter to the Planning Commission. The other facilities such as check-in desks, onsite managers, concierge services, nightly housekeeping recited by Mr. Bennett are in fact permitted in Multi Unit Dwelling projects as Residential Accessory Uses under LMC§15-6-8(F) and as Support Commercial Uses under LMC§15-15-1.54(A). The latter Code provision also provides that the Support Commercial Uses are limited to persons or users of the project and not persons drawn from off-site. Condition of Approval No. 15 (see 7/21/11 City Council minutes) provides that the final condominium plat for the Project may not exceed the square footage for common space, private space, and commercial space as shown in the plans reviewed by the City Council on June 24, 2010. Findings of Fact No. 4 (see 7/21/11 City Council minutes) provides that the applicant has included 5,102 square feet of support commercial space within this application. The plans that were approved did not include any retail commercial space. Any portion of the plans that had

labels for kitchen, bar or spa did not constitute an approval of such uses as they are not permitted in Multi Unit Dwelling projects under the Code as set forth above, and neither the Planning staff, the Planning Commission nor the City Council has the authority to approve Uses that are violations of the Code. Because of the above stated reasons, my clients object to Findings of Fact Nos. 51, 52 and 53 in the Staff Report dated December 11, 2013. We also object to the wording of Condition of Approval No. 4 in the Staff Report dated December 11, 2013 in that the wording is broad enough to allow access to the Support Commercial areas by almost every member of the general public. As written, it would only exclude trespassers.

4. As set forth in the 12/6 Letter, our clients objected to the issuance of the building permit that was approved by the PCMC Building Department and Legal Department for the first Unit in the Project without prior final approval of its condominium plat. In reliance on the applicant's prior representations that it did not anticipate any substantial modifications to the CUP such as lockout units, and that the Project would be built in accordance with all of the existing conditions of approval that then defined the Use of the Project as a Multi Unit Dwelling project, my clients decided not to appeal the issuance of the first building permit that prevented the CUP from expiring on July 21, 2013. The applicant has had years to modify its CUP or to seek a change in use to a Hotel Use. As a result of the applicant's misrepresentations and unreasonable delay in seeking the change in its CUP for lockouts resulting in our client's change in legal position, our clients would be substantially and inequitably disadvantaged by the major increase in intensity of use that the current application would allow if approved. My clients assert that the applicant should be estopped from seeking the approval for the lockouts on the grounds of promissory estoppel, misrepresentation and/or laches.

5. The request for lockout rooms highlights the problems with the number of parking spaces in the Project and the existing traffic study which justified reductions in required Code parking. The City has combined a 25% parking reduction that it granted in 2009 with a 2012 amendment to the parking requirements that lessened parking demand by 33% (from 3 spaces per >2000sf unit to 2 spaces per unit). The Project shouldn't get the benefit of both reductions. Other Projects have not received this type of treatment. For example, The Chateaux at Silver Lake, a condominium project which has a permitted Hotel Use with 74 Residential Units and 18 Commercial Units, has a parking garage containing 485 parking spaces, 316 of which spaces are committed to the use of the Residential Units and Commercial Units conducting Retail and Commercial Businesses.

The current traffic study is flawed in a number of ways. First, it took traffic counts at the height of the recession (when ski travel was low) and characterized "peak traffic" as Sunday, Jan 31, 2009 through Wednesday, February 3, 2009. Sunday through Wednesday is the slowest part of any week in a resort town. More importantly, those particular dates also missed Christmas week,

the Sundance Film Festival, January, 15-25, 2009, Martin Luther King, Jr. weekend, January, 16-19^t, 2009, and Presidents' Weekend, February 13-16, 2009, all of which were true peak traffic events. The traffic study does not reflect the impact of employee traffic or additional shuttle trips to accommodate lockout units without kitchens for a Project that should not contain restaurants, bars and other retail businesses which are proposed in this Project, but permitted only in Hotel projects. The 2013 supplement to the traffic study simply compounds the error by using the same 2009 peak travel dates, by failing to account for traffic arising from the rebounded economy and by assuming that the additional 85 lockout units and commercial space will produce *no additional traffic*.

Because of the above stated reasons, my clients object to Findings of Fact Nos. 34, 40, 47, 50, 52 in the Staff Report dated December 11, 2013. We believe that the lockout units, together with the condominium documents submitted under the Condominium Application constitute the operation of the Project as a Hotel Use, which use requires one parking space per room or suite and one parking place per 200 square feet of separately leasable floor area. Therefore, we object to Findings of Fact Nos. 40, 41, 42, 43 and 44 in the Staff Report dated December 11, 2013.

Condominium Application

My clients have asserted for years that the Planning staff, Planning Commission and City Council would not know what this Project and its ultimate Use would be until the applicant sought and received final approval of its condominium plat and declaration as required by the Code. Despite our objections to the first building permit as set forth in the 12/6/13 letter, the City permitted the applicant to commence construction in direct violation of the Code provisions that required that the condominium plat be finally approved before the issuance of any building permit. As a result, our clients have seen construction and major grading and excavation improperly started for a second time in ten years.

We have reviewed the condominium plat (the "Plat") and the condominium declaration (the "Declaration") submitted by the applicant and we find that those documents do not comply with the Conditions of Approval for the Project (as numbered in the April 28, 2010 Planning Commission minutes) as follows:

1. The square footage for the stacked Residential Units totaling 139,475 square feet exceeds the allowed square footage shown on the plans that were approved by the Planning Commission and City Council and violate Condition of Approval No. 15. We also object to Finding of Fact No. 29 in the Staff Report dated December 11, 2013.

2. Both the Plat and the Declaration show that the Project contains Retail Commercial Units that will house a bar, restaurant and spa that are Businesses under the Code and will be open to outside use by the general public. Only Support Commercial uses are permitted under the current CUP. Allowing these Retail Commercial Units will change the Use for the Project to Hotel Use that is not permitted under its existing CUP.
3. Adding Retail Commercial Units containing 4,913 square feet requires the addition of 25 parking spaces under the Code, thus requiring an increase in common square footage of the total Project in violation of Condition of Approval No. 15.
4. The Declaration allows the 2 ADA Units to be rented independently from the rental of another Residential Unit in the Project in violation of Condition of Approval No. 13. Allowing these ADA Units to be rented out independently or in conjunction with a small lockout unit is essentially a Nightly Residential Use that will increase the intensity of their use, thereby requiring at least 3 more parking spaces. We also note that these 2 units are designated common area, not counted as Units, and their square footage is not included in the residential square footage calculations for the Project even though they are used for that purpose.
5. The Declaration and the Plat do not contain square footages for the Buildings to be built as Residential Units on the areas designated as Units 11 through 16 in that they state that the square footages will be adjusted after construction to the actual square footages. The Plat and Declaration should show the actual plans for these Buildings in order that the project will not be allowed to exceed the approved square footage as required by Condition of Approval No.15.
6. We would like to point out that throughout the approval process the applicant has said that it would voluntarily impose a 33-foot height limitation on the perimeter units so that compatibility with the surrounding neighborhood structures could be mitigated by a transitional height increase from the perimeter buildings to the 50-foot tall stacked unit buildings in the interior. We believe that this representation induced the Planning Commission and City Council to accept the proposed plans for the interior buildings other than the south building. See Attachment No.5 for excerpts from various hearings regarding the 33-foot height limitation. We now see how much that voluntary imposed height restriction means to the applicant. The first perimeter unit has been constructed to a height of almost 50 feet and the exterior contemporary design is completely different than renderings submitted in connection with the CUP approval on April 28, 2010. There is no single family residential building in any of the surrounding neighborhoods over 38 feet and are all have mountain lodge exterior finishes. The current proposed Declaration and Plat would permit all of the 6 perimeter buildings to be constructed to the same 50-foot height and with similar exterior finishes. Also, the huge entry monument has been constructed and lighted in a manner completely incompatible with any of the surrounding neighborhoods and which is typical of a Hotel sign. This type of "bait and switch" tactic has

been utilized by the applicant throughout the approval process, including the latest application for lockout units and the inclusion of commercial retail units in the project.

7. The Declaration permits the Owner of the Support Unit to conduct Retail Activities that constitute Businesses under the Code, including weddings, meetings, conferences and the sale of food and alcoholic beverages, in all of the Support Limited Common Areas, which include the outside patio and pool areas. These Uses are only permitted in a Hotel project. These Uses, which are classified as Support Activities in the Declaration, are permitted to be sold to the general public, are Retail and Business Uses under the Code, and are not normal and customary for Multi Unit Dwelling projects. These Uses would also require additional parking under the Code for Retail Commercial activities. These are not Residential Accessory Uses that are permitted under LMC§15-6-8(F). These activities should be prohibited as a condition of approval of the Project and its condominium documents. Because of these Uses which are retail in nature and can be conducted outside of the structures on patios and lawns, we object to Findings of Fact Nos. 46 and 51 and in the Staff Report dated December 11, 2013.

8. The Declaration creates a contractible condominium which allows the declarant to withdraw any portion of the Project from the condominium regime. Such an action could seriously reduce the ratio of improved area to open space below the 60% minimum required by the Code. These provisions should be struck from the Declaration. It is interesting to note that the earlier condominium documents submitted and withdrawn by the applicant was for an expandable condominium with an area shown on the previously approved plans as entirely landscaped open space as a Parcel B not even included in the Project. Parcel B, comprising .462 acres, was permitted to be added under the proposed declaration as area that could be later added and improved with common area structures and improvements. Copies of the approved plan and the withdrawn plat are attached hereto as Attachments 6 and 7 to this letter. We urge the Commission to query the applicant on why this contractible feature is necessary and that it would not be used to add additional structures at a later date to Parcel B of the North Silver Lake MPD.

9. The Staff Report dated December 13, 2013 is silent on a phasing plan with time limits for the various elements of the Project. LMC§15-7.1-4(B) requires Planning Commission approval of a phasing plan. The Building Department approved a phasing plan after a community meeting required by Condition of Approval No. 17 that was modified by the City Council at a hearing held on June 24, 2010 and called for three phases over seven years for all of the Project except for the perimeter Residential Units, which had no time limit imposed. We have just discovered that the applicant submitted a new phasing plan to the Planning Department on May 5, 2011 that contains five phases and completely eliminates any completion timing requirements, stating only that phasing to be ordered as market dictates. A copy of the new phasing plan is attached as Attachment 8 to this letter. Because of substantially improved market conditions since the approval of the first approved phasing plan, we request pursuant to LMC§15-7.1-4(B)(3) that a

time limit be imposed on the completion of all of the perimeter Residential Units and the seven year period for completion of three phases that include the interior stacked Buildings be reduced to five years. We have steadfastly maintained that construction Use is included within the defined term of Use in the Code and must be considered in the determination of compatibility, particularly in the case of a Project that has been delayed for 35 years from the original MPD while all of the surrounding neighborhoods have been fully built out. The applicant has sought and received extensions for the last five years, and it is not entitled to continue indefinitely deferring completion of this Project.

Summary

We urge the Planning Commission to take the following actions:

- A. Deny the lockout application in its entirety. Lockouts are a major deviation in intensity of use which is incompatible with the surrounding neighbors and cannot be mitigated under LMC§15-1-10.
- B. Deny the use of any units in the Project, including Support Commercial and Support Limited Common Area, for a restaurant, bar or spa uses. The existing CUP in does not permit a Hotel Use.
- C. Require a new traffic study that addresses the flaws existing in the current traffic study. If the revised traffic study shows an increase in the level of traffic, require the parking requirements of the Project to be adjusted to meet the Code requirements without any reduction as presently allowed.
- D. Impose a 33 foot height restriction on all of the remaining un-built perimeter Residential Units.
- E. Require the applicant to submit a revised condominium plat and declaration that matches up with the CUP approval of a Multi Unit Dwelling project.
- F. If the applicant insists on lockouts and commercial units in the project that will host restaurant, bar, spa and other retail business, require them to file a new CUP for a Hotel Use, and the Planning Commission will review the entire Project for its cumulative impacts on neighboring uses.

Planning Commission
February 6, 2014
Page 8

We are submitting this objection letter in advance of receiving the new Staff Report for the February 12, 2014 hearings on the Lockout application and the Condominium application. To the extent that similar Findings of Fact or Conditions of Approval for the Project are renumbered, we want our objections applied to the renumbered items. To the extent that the new Staff Reports contain additional or changed Findings of Fact or Conditions of Approval from the December 11, 2013 Staff Report, we reserve our right to submit additional written objections or voice the same at the February 12, 2014 hearings. Additionally, as a matter of due process, and in consideration of our clients' long involvement with the approval process, we request pursuant to LMC§15-12-10 that our input at the hearing not be limited to 3 minutes as has been done in the past, that we be allowed to participate after the public hearing is closed in any necessary rebuttal to the applicant's presentation and that we be allowed to participate in resolving the final wording of any changes to the Findings of Fact and Conditions of Approval.

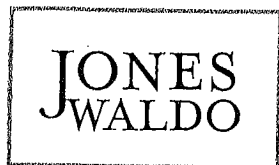
Sincerely,

A handwritten signature in black ink, appearing to read "R. C. Dillon", with a stylized, cursive script.

Robert C. Dillon

Attachments

ATTACHMENT NO. 1



Attorneys Est. 1875

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AFFILIATED FIRM
LEAR & LEAR, LLP

December 6, 2013

Planning Commission
c/o Mr. Francisco Astorga
Planning Department
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Re: CUP Application PL—13-02034 for North Silver Lake Lodge Project (the
“Project”)

Commissioners:

As you are aware, I represent a group of concerned homeowners in residential neighborhoods surrounding the Project, and this letter is sent on their behalf.

My clients have spent tens of thousands of dollars in legal fees over the years attempting to make sure that this Project is approved, constructed and completed in compliance with the PCMC Land Management Code and that it will be compatible with the surrounding neighborhoods as required by the Code. The City has made it abundantly clear through the actions of its Planning Staff, Legal Department, Planning Commission and City Council that this Project, at the urging of Deer Valley Resorts, is favored by the City and the surrounding neighbors just have to put up with it even though it most certainly isn't compatible with the surrounding neighborhoods.

First, the Project does not have to comply with the current unit equivalency requirements of the Code because it was exempted from such compliance by the terms of the Deer Valley MPD passed 20 years ago. This allowed the developer to pump up the residential square footage bounded only by height restrictions and open space requirements in the Code and the MPD. This was exacerbated by the fact that an additional provision of the MPD allowed the developer to count as open space a separate adjacent 4-acre parcel along with the surrounding ski runs as part of the open space, resulting in almost total coverage of the 6-acre parcel owned by the developer with the Project improvements.

Second, during the long process of the approval of the CUP for the project as a multi-unit residential dwelling project, my clients sought, and the Planning Commission and the City

Council put, a condition of approval that read as follows: "No lockout units are permitted within this approval". On April 10, 2010 this condition of approval was omitted by the planning staff in its staff report. We objected to the omission and the City Council required the planning staff to reinsert the condition of approval, which it did in its staff report to the City Council dated July 1, 2010. We now learn that the planning staff or legal department later added additional language to the condition of approval stating that no lockouts were requested at the time of approval; however, Planning Commission approval would be required if requested in the future. This is the first time my clients have heard of the additional language and object that it does not comply with the condition of approval language approved by the City Council in July, 2010.

Third, the City through a questionable legal interpretation of the Code allowed the developer to prevent the expiration of its CUP by allowing it to pull a building permit for one of the perimeter single-family residences without first filing its subdivision and/or condominium plats as clearly required by the Code. Attached is a copy of a letter dated April 26, 2013 we submitted objecting to the issuance of the building permit. We have always maintained that the City does not really know what this Project will be until the condominium plat and declaration are filed and approved as required by the Code.

Fourth, the developer has now filed an application to add 85 lockouts in the stacked buildings without adding additional parking because the Code is silent on a parking requirement for multi-unit residential dwellings. The Code requires a parking space for lockouts in single family, duplexes and hotel buildings. The developer also belatedly filed its subdivision and condominium applications, which applications clearly show that the developer intends to use the lockouts as part of a hotel use, not a multi-unit residential dwelling use similar to the existing Black Diamond project as approved in its CUP. The developer has hired Stein Eriksen Management, an organization that only manages hotel operations, to manage the Project.

Section 1.134 of the Code defines a hotel use as follows: "HOTEL/MOTEL. A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis that includes accessory facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies, recreation facilities, group dining facilities, and/or other facilities and activities customarily associated with Hotels, such as concierge services, shuttle services, room service, and daily maid service. Hotel/Motel does not include Nightly Rental Condominium projects without restaurants, bars, spas, and on-site check-in lobbies. Lockout Units or Bed and Breakfast Inns and Boarding Houses are not Hotels. Hotels are considered a lodging Use and ownership of units may be by a condominium or timeshare instrument Hotel rooms may include a Lockout as part of the Unit."

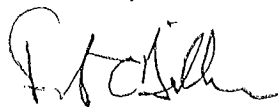
The developer's filed condominium documents included three commercial units, one support commercial unit, and 38 residential units. Commercial Unit 3 (5,731 sq ft) on the condo plat

looks like it houses a bar and a restaurant with kitchen on the first level. Commercial Unit 1 (1,339 sq ft) and Commercial Unit 2 (505 sq ft) on the condo plat looks like it houses their spa operations. These are commercial units that can be sold or rented to businesses operating them. Support Unit 1 (1,295 sq ft) on the condo plat houses their check-in lobby and administrative office. The declaration and the condo plat have a large segment of the project, including all the entry areas to the other three buildings, the corridors, the parking garage areas and the main porte cachere designated as limited common support areas appurtenant to Support Unit 1.

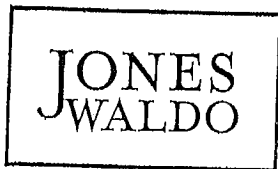
In the developer's CUP approval for a multi-unit dwelling project they said that they would only have 5,102 sq ft of resort support commercial space and no retail commercial space. This makes it a project like Black Diamond. Based on this type of use, they only had to have 80 parking spaces for the 38 residential units. They had 5 other parking spaces for the support staff. They are not permitted under their current CUP for a hotel use, which would require another CUP. If it's a hotel use, then they basically have to have one space for every bedroom (including the 85 lockouts) and 38 more spaces to cover the commercial unit use. Our guess is that they have to add 64 more parking spaces in the parking garage to comply with code for a hotel. That's probably at least one more subterranean level to the garage and more square footage to the project.

Last, we have now learned that the developer has withdrawn its subdivision and condominium applications and are only proceeding with the lockout application. They apparently don't want to deal with their hotel use issues before getting approval of the 85 lockouts. My clients strongly object to the lockouts. They change the nature and use of the Project making it even more incompatible with the surrounding neighborhoods. We urge the Planning Commission to reject the lockout application in its entirety, or at least delay any decision until the developer finally gets its subdivision and condominium documents approved and the City really knows that it has a project that complies with the Code in all respects.

Sincerely,

A handwritten signature in black ink, appearing to read "R. C. Dillon", written over a horizontal line.

Robert C. Dillon



Attorneys Est. 1875

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AFFILIATED FIRM
LEAR & LEAR, LLP

April 26, 2013

HAND DELIVERED

Park City Council
Park City Planning Commission
Mark Harrington, Park City Attorney
Thomas E. Eddington, Jr., Park City Planning Department
Chad Root, Park City Building Department
c/o Ms. Jan Scott, Recorder
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Re: Building Permit No. BD-12-17792, North Silver Lake Lodge Project (the "Permit"),
as issued on April 17, 2013 to North Silver Lake Lodge, LLC (the "Applicant").

Dear Ms. Scott:

Jones Waldo Holbrook & McDonough represents a number of owner associations and owners of properties that adjoin or are in close proximity to the North Silver Lake Lodge Project (the "Project"). Please accept this letter as our clients' objection to and appeal of the Building Department's April 17, 2013 issuance of the Permit to the Applicant.

Our position is that a building permit may not be issued for a structure in a proposed subdivision or condominium project until the subdivision or condominium plat is approved, and no such plat has been approved for the Project. Park City Land Management Code ("LMC") Section 15-7.1-1 provides: "Whenever a Subdivision of land is proposed, ... before any permit for erection of a structure in such proposed Subdivision shall be granted, the subdividing Owner, or his authorized agent, shall apply for and secure approval of such proposed Subdivision in accordance with ..." the procedures in Section 15-7.1-2. The procedures in Section 15-7.1-2 include submitting a subdivision application for approval by the Planning Commission and City Council and, after such approval, recording the approved subdivision or condominium plat with the County Recorder. None of this has been done for the Project. The prohibition against issuing a building permit under these circumstances is reinforced by LMC Section 15-7-10(C).

JONES WALDO HOLBROOK & McDONOUGH PC

1080240.1

SALT LAKE CITY • ST. GEORGE • PARK CITY • CHICAGO METRO
Planning Commission - Feb. 12, 2014

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We understand that the City may be taking the position that the Project is entitled to a building permit because a condominium plat covering the Project land was recorded with Summit County in 2005 (the "Prior Plat"). But the conditional use permit pursuant to which that Prior Plat was approved expired on March 11, 2006, when the former developer failed to build the approved project. And, of course, the Prior Plat is now deemed void under Section 15.7.4(C) because no building permit was granted within three years of the Prior Plat's approval.

Moreover, granting the present Permit based on the Prior Plat would allow the Applicant to avoid compliance with the procedures in Section 15-7.1-2, including Planning Commission and City Council review of the Project in its current form, a form substantially different from that described in the Prior Plat. According to Finding of Fact No. 4 in the approval of the Project's conditional use permit, the "Project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units...." We are aware of no Planning Commission or City Council review of a subdivision or condominium plat for a project in this form.

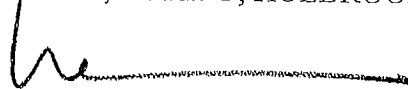
Finally, we object and appeal because the Permit, if otherwise deemed valid by the City, was issued without a neighborhood meeting on phasing plans with minimum courtesy notices to my clients and neighboring HOA's as required by the City Council in its July 21, 2011 conditional use permit approval for the Project (*see* Condition of Approval No. 17).

On these grounds, we ask that the Permit be declared invalid immediately and that notice be provided to the Applicant to ensure that any work being done under the Permit is suspended.

Please do not hesitate to contact me if you have any questions.

Sincerely,

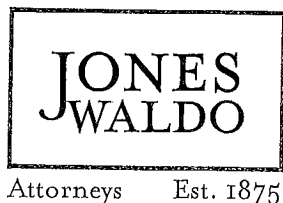
JONES, WALDO, HOLBROOK & McDONOUGH

A handwritten signature in black ink, appearing to read "Eric P. Lee", with a long horizontal flourish extending to the right.

Eric P. Lee

EPL/nbr

ATTACHMENT NO. 2



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AFFILIATED FIRM
LEAR & LEAR, LLP

December 11, 2013

Planning Commission
c/o Mr. Francisco Astorga
Planning Department
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Re: CUP Application PL—13-02034 for North Silver Lake Lodge Project (the “Project”)

Commissioners:

Please refer to my letter dated December 6, 2013 regarding the above referenced matter.

I would like to correct a misstatement that I made regarding the change in language to Condition of Approval 19 and the prohibition of lockouts. In drafting my letter I reviewed my file and found two staff reports, one dated April 28, 2010 and the other dated July 1, 2010, copies of which reports are attached hereto. The April 28 report contained no Condition 19 prohibiting lockouts and the July 1 report contained a Condition 19 that read: “No lockout units are permitted within this approval”. Because the July 1 report was after the April 28 hearing where the staff was told to reinsert Condition 19, I assumed that the additional language about commission approval was later added by staff.

In preparing for today’s hearing, I reviewed the exhibits to Mr. Astorga’s staff report dated December 6, 2013. The exhibits included the minutes of the April 28 hearing that were not in my files when I drafted the December 6 letter. In those minutes it is clear that the language change was in fact directed by the commissioners. I am afraid that I had no recollection of this at the time I wrote my December 6 letter, only the recollection that the original condition was to be restored. I sincerely apologize for my faulty memory and the incorrect assumption. Apparently Katie Cattan had the same memory lapse when she drafted the July 1 report.

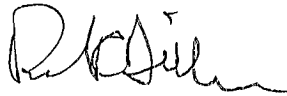
In reading the minutes of the April 28 hearing, the commissioners voted to reinsert the following Condition 19: “Lockout units have not been included within the current CUP application. The addition of lockout units would be a substantial deviation from the current plan and must be approved by the Planning Commission”. Neither the developer’s lockout request letter dated August 15, 2013 and labeled Exhibit A to Mr. Astorga’s December 11 staff report, nor the Dec

Planning Commission
December 11, 2013
Page 2

11 report itself, refers to the fact that adding lockouts has been deemed to be a substantial deviation from the approved CUP for the multi-unit dwelling project. The condominium docs filed by the developer and subsequently withdrawn clearly show that the use of the project will be changed to a hotel use which requires its own CUP with proof that that the project meets all of the requirements for a hotel use with commercial retail units under the Land Management Code. Obviously, parking would be a large problem for this project.

I will look forward to meeting with the commissioners at tonight's hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Dillon", with a stylized flourish at the end.

Robert C. Dillon

ATTACHMENT NO. 3

STAFF REPORT - 10-15-09
CITY COUNCIL - Quasi-Judicial App'd of CUD

Staff: The property owner is vested for 54 units of density on Lot 2B. By the appellants rational any dwelling units within a MPD would be subject to a density reallocation and this is not accurate. The property owner is subject to the Deer Valley MPD and the applicable City Codes. The density was established within the MPD.

* (C) The City Council should also take a historical perspective with regard to the original use of the North Silver Lake Parcel under the MPD. From 1978, when the original MPD was approved, through 1985 when the Eighth Amendment to the MPD was approved, hotel projects usually contained hotel rooms that averaged approximately 600 square feet, and were owned and managed by hotel companies. It wasn't until the late 1980s or early 1990s that the concept of condominium hotels came into use when hotel companies began divesting themselves of ownership of projects and became principally managers of projects, and hotel developers began looking for ways to lessen their economic risks by having investors buy the rooms as condominium units. This concept promoted the increase in size of units, along with designs that feature lock-out rooms. Hotel units were never contemplated to be 3,663 square feet in 1978 and 1985. Furthermore, the concept of lock-out rooms has never been discussed during the hearings for this Project. The current floor plans submitted and approved by the Commission do not show any lock-out room floor plans for the stacked units. Allowing lock-out rooms would increase the intensity of use of the units in the four central building. The conditions of approval of this CUP Application should have prohibited the use of lock-out rooms as any such design and use could materially affect the traffic studies and the number of spaces required in the parking garage. ⁶ Condition of approval #11 as currently written should not allow the Applicant to later change its approved floor plan designs when it submits its condominium/subdivision plans to include lock-out rooms using an argument that such design change does not substantially change the density or intensity of use of the Project as approved.

* Staff: If the applicant were to change the floor plans to included lock-out units, the Planning Staff would require the applicant to go before the Planning Commission to discuss the substantial change to the application. The Applicant has communicated to staff that they do not anticipate any substantial modifications to the CUP, such a lockout units, and are willing amend Condition of Approval #11 to "No lockout units are permitted within this approval".

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on July 8, 2009.
6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the urban wild land interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire October 15, 2010, 12 months from October 15, 2009, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the Planning Commission on July 8, 2009. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. No lockout units are permitted within this approval.
13. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
14. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
15. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on July 8, 2009 must be adhered to within the

building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.

16. The final condominium plat for North Silver Lake Lot 2B may not exceed the totals for common space and private space within Exhibit C and commercial as defined by the Deer Valley MPD.

Order:

1. The appeal is denied in whole. The MPD is approved with the amended Findings of Fact and Conditions of Approval as stated within the staff report.

Exhibits

- A. Appeal
- B. July 8, 2009 Planning Commission Staff Report
- C. Minutes of July 8, Meeting
- D. Letter addressing appeal from Applicant

ATTACHMENT NO. 4

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 28, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Principle Planner, Brooks Robinson; Katie Cattan, Planner; Francisco Astorga, Planner; Jacque Mauer, Planner; Polly Samuels McLean, Assistant City Attorney, Ron Ivie, Chief Building Official

=====

REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:50 p.m. and noted that all Commissioners were present except for Commissioner Savage, who was excused. Commissioner Luskin was expected to arrive later in the meeting.

II. APPROVAL OF MINUTES - March 24, 2010

MOTION: Commissioner Pettit moved to APPROVE the minutes of the March 24, 2010 meeting. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously by those who attended the meeting. Commissioner Peek abstained since he had not attended. Commissioner Luskin was not present for the vote.

II. PUBLIC COMMUNICATIONS

There was no comment.

III. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Planner Cattan reported that North Silver Lake was originally planned to be the first item on the agenda this evening. When the agenda was published it was inadvertently listed as the last item. The Staff requested that the Planning Commission adjust the agenda and move North Silver Lake to the first item. Planner Cattan had announced the change on the radio and sent emails to the North Silver Lake applicants.

MOTION: Commissioner Peek made a motion to move North Silver Lake to the first item on the agenda. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

Commissioner Pettit disclosed that she would be recusing herself from the 692 Main Street item, due to the fact that her firm is representing one of the applicants.

Chair Wintzer noted that Ron Ivie was leaving his position with the City. He recognized and appreciated the work Ron Ivie has done for the Planning Commission. Mr. Ivie has worked for the City for a long time and Prospector was one of many projects where his involvement greatly benefitted the City. Chair Wintzer stated that many of the historic structures in Old Town are still standing because of the fire codes Mr. Ivie implemented and he has raised the standards of construction to a higher level in Park City. Chair Wintzer thanked him for his service and acknowledged his efforts.

CONTINUATIONS AND PUBLIC HEARING

1. 1555 Iron Horse Loop Road - Master Planned Development
(Application PL-10-00899)

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek made a motion to CONTINUE 1555 Iron Horse Loop Road to a date uncertain. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin as not present for the vote.

2. Echo Spur on Rossi Hill - Plat Amendment
(Application PL-0900818)

Chair Wintzer opened the public hearing.

Pam Maupin stated that she lives on Rossi Hill, west of the Echo Spur development. She remarked that the neighbors were not noticed but she had read about this meeting in the Park Record. Ms. Maupin stated that the proposed plan in 2007 had lots planned into seven buildings with eight dwellings. The 2008 plan had seven lots with eleven dwellings. She pointed out that the current proposal is for nine lots and 13 dwellings, including the three lots that were mentioned in the replat discussion during work session. Ms. Maupin had read minutes from the previous meetings and noted that at each meeting, the Planning Commission continually said that the density was not consistent with the neighborhood. She believed that all her neighbors agree that the project is too dense and it would significantly increase the traffic on Rossi Hill Drive. Ms. Maupin commented on the newest subdivisions in that neighborhood. The developer of Silver Pointe gave 15% undisturbed open space. The Gateway, which is currently under construction, gave 51% undisturbed open space. Ms. Maupin did not hear open space discussed this evening and she hoped that would be considered in future discussions.

Regarding the noticing, Director Eddington clarified that the item was only intended to be for work session. It was accidentally noticed on the agenda and, therefore, it required a public hearing. Director Eddington stated that when this item is scheduled on the regular agenda, courtesy notices would be mailed to the neighbors.

MOTION: Commissioner Pettit moved to CONTINUE the Echo Spur on Rossi Hill to a date uncertain. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

3. 1440 Empire Avenue - Conditional Use Permit
(PL-09-00725)

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE 1440 Empire Avenue Conditional Use Permit to May 12, 2010. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

CONSENT AGENDA

1. 7660 Royal Street, Sterling Lodge - Amendment to Record of Survey
(Application #PL-08-00561)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

2. 1059 Park Avenue - Plat Amendment
(Application #PL-10-00918)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

3. 352 Main Street - Plat Amendment
(Application #PL-09-00750)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

4. 1895 Sidewinder Drive, Marriott - Plat Amendment
(Application #PL-10-00920)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council on all the items on the Consent Agenda based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in each of the draft ordinance. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Luskin was not present for the vote.

Findings of Fact - 7660 Royal Street East

1. The property is located at 7660 Royal Street East.
2. The property is within the Residential Development (RD) District with Master Planned Development (MPD) Overlay.
3. The proposed amendment is located on level seven of the building and is appurtenant to the upper level of Unit 9.
4. The proposed amendment to the record of survey plat converts approximately 92 square feet of Common area to Limited Common to be used as storage.
5. The Homeowners Association voted 78.77% affirmative to approve the proposed change.

Conclusions of Law - 7660 Royal Street East

6. There is good cause for this Amendment to Record of Survey Plat.
7. The Amendment to Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
8. Neither the public nor any person will be materially injured by the proposed Amendment to Record of Survey Plat.
9. Approval of the Amendment to Record of Survey Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 7660 Royal Street East

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment (or Record of Survey) for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment (of Record of Survey) at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

Findings of Fact - 1509 Park Avenue

1. The property is located at 1059 Park Avenue within the HR-1 zoning district.
2. The plat amendment is for the existing Lot 14 and the southerly 10 feet of Lot 15 in Block 4, Snyder's Addition to the Park City Survey.
3. The proposed plat amendment will create one lot of record that is 35 feet wide by 75 feet deep. The minimum lot width in the HR-1 zone is 25 feet.
4. The area of the proposed lot is 2625 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet. There is an existing historic home located at 1059 Park Avenue.
5. The neighborhood is characterized by single family and multi-family homes and condominiums.
6. All findings within the Analysis section are incorporated herein.

Conclusions of Law - 1509 Park Avenue

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

Conditions of Approval - 1509 Park Avenue

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of Approval is a condition precedent to recording the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. A ten foot wide public snow storage easement is required along the front of the property.
4. No remnant parcels are separately developable.

Findings of Fact - 352 Main Street

1. The property is located at 352/354 Main Street in the Historic Commercial Business (HCB) zone.
2. The HCB District is characterized by a mix of historic commercial structures and larger contemporary commercial structures.
3. The proposed plat amendment will combine Lot 14 and a portion of Lot 13, Block 22, Park City Survey and all of the 352 Main Street plat into two lots of record.
4. Proposed Lot 1 will be 6,085 square feet. Proposed Lot 2 will be 1,520 square feet.
5. An existing 8' wide access/utility easement exists from 354 Main through the 352 Main Street subdivision of the Park City Survey.
6. There is an existing 8' wide access easement with a 6' wide utility easement overlay from 333 Main through 352 Main to Swede Alley.
7. There is an existing 5' wide access easement on the eastern side of the property running parallel to Swede Alley.

8. A new easement is being created to the rear of 354 Main Street and to connect to the existing 8' wide access easement as identified in Finding of Fact 5 above.
9. The building meets all required setbacks for the HCB zone.
10. The plat amendment will not create any remnant lots.

Conclusions of Law - 352 Main Street

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.

Conditions of Approval - 352 Main Street

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.

Findings of Fact - 1895 Sidewinder Drive

1. The property is located at 1895 Sidewinder Drive.
2. The Park City Marriott is located in the General Commercial (GC) zoning district.
3. The subject property combines Lots 10A, 10B, 10C, 10D, 11, 12A, 12B and 12C of the Prospector Square Subdivision into one lot of record.
4. The Park City Marriott proposes to add a second story meeting space over the Common Area of the Prospector Square Property Owners Association (PSPOA).
5. The PSPOA has signed an easement of granting permission for the addition.
6. Meeting space is considered Support Commercial not requiring additional parking. Parking is allowed in all Prospector Square lots (A-K): In addition Marriott has underground parking.

Conclusions of Law - 1895 Sidewinder Drive

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

Conditions of Approval - 1985 Sidewinder Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

REGULAR AGENDA/PUBLIC HEARINGS

3. North Silver Lake - Conditional Use Permit
(Application #PL-08-00392)

Planner Katie Cattan reported that the Planning Commission previously approved this application in July 2009. The approval was appealed to the City Council and the Planning Commission is currently reviewing the remand order that came from the City Council in November.

Planner Cattan noted that the remand had three orders: 1) The height, scale, mass and bulk of Building 3 shall be further reduced to meet the compatibility standard; 2) Further specificity regarding the final landscape plan and bond in consideration for Wild Land Interface regulations shall be reviewed and/or further conditioned; 3) Construction phasing and additional bonding beyond public improvement guarantee is to be required.

Planner Cattan focused her presentation on items 2 and 3. She noted that during the last meeting the Planning Commission had requested copies of the recording and the minutes from the November City Council meeting. That material had been provided and she believed it was helpful in clarifying that the City Council wanted the Building Department to be in charge of construction phasing and additional bonding for the North Silver Lake Development. Planner Cattan noted that the Planning Commission had also requested more specifics on exactly what the applicant was being asked to improve.

Planner Cattan stated that the Staff had drafted conditions of approval #16, 17 and 18. Condition #16 addressed the Wild Land Interface regulations. Condition #17 requires a phasing and bonding plan to insure site restoration in conjunction with building phasing beyond a public improvement guarantee to be improved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.

Planner Cattan reported that currently the site is a pit. She noted that the Chief Building Official, Ron Ivie, felt that if a building permit is not pulled within a year, the neighbors should not have look into that pit any longer. The actual pit itself should be capped with soil and re-vegetated with grass. In addition, trees should be planted at the entry way to cover the view into the pit.

Ron Ivie addressed the Planning Commission. He has been in Park City since 1980 and in those thirty years the City was forced to sue on three projects relative to public nuisance complaints for unfinished product. He noted that the City was awarded settlement on all three projects. Mr. Ivie stated that most people generally complete their projects in an acceptable time limit, but there are exceptions. He was not opposed to bonding or making appropriate conditions for site improvements and site stabilization, which is the traditional process. However, his question was whether or not the City should go beyond that process and require a completion guarantee. After hearing arguments on both sides, he believed it was a policy question that needed to be addressed by the Planning Commission and the City Council. Mr. Ivie personally felt that the City has been served well by prior policies.

NOTE: Due to problems with the recording equipment, the applicant's presentation was not recorded. The meeting was stopped until the problem was resolved.

John Shirley, the project architect, concurred with the Staff findings. Mr. Shirley presented slides showing minute changes that had been made since the last meeting.

Commissioner Luskin arrived at 7:35.

Chair Wintzer opened the public hearing.

Bob Dillon stated that he was an attorney representing 30 adjacent homeowners in the American Flag HOA who still object to Building 3. Mr. Dillon noted that the analysis section in the Staff report talks about Building 3 and he could not dispute that the current plan was better than what the applicants originally presented. However, from the standpoint of compatibility on mass, scale and size, it is still not compatible. Mr. Dillon recalled hearing something about a 29% height reduction, but he understood from the Staff report that the height was reduced from 79 to 72 feet. He noted that the side elevations were still showing 5 to 6 stories.

Mr. Dillon commented on the size of Building 3, which he had addressed in a letter he submitted in early April, explaining why this was such a difficult process. Part of the problem is that the applicants have expressed their intent for condominiums, but they have never presented a condominium plan. Mr. Dillon pointed out that every review session he has attended with both the Planning Commission and the City Council, there have always been questions but no answers. He believed the only way they could get an answer from the applicant was to require the condo plans and a map.

Mr. Dillon referred to construction phasing section in the Staff report and language stating that the staff, the Planning Commission, the City Council did not require a phasing plan for the proposed development. He believed that statement was absolutely wrong because the order from the City Council requires a phasing plan. Mr. Dillon expressed regrets that Ron Ivie was leaving because the community has benefitted from his expertise and administration of the City building codes. He noted that Ron Ivie made the comment that timing and phasing is critical. Mr. Dillon addressed the completion bond issue. He understood that bonding would go to mitigation in the event of a failure to complete. However, the critical part of this process is timing and phasing. Mr. Dillon commented on the idea that suddenly the City Council wants to

delegate issues to the Building Department. He had listened to the audio from the City Council meeting and he believes that the Council wanted the Planning Commission to establish conditions of approval for phasing and bonding. Mr. Dillon thought it was appropriate to seek advice from the Building Department on the timing of the phasing or the amount of the bonds. However, input should be given for approval by the Planning Commission pursuant to a phasing plan and bonding plan that is mandated as a condition of approval. Mr. Dillon objected to the Building Department managing the bonding.

Mr. Dillon commented on location and amount of off-street parking and objected to the recommendation for a 25% reduction in parking spaces. He noted that the reduction was being done on the basis of a mystical unit size and configuration. It is mystical because the applicant has not submitted a condominium plat and plans. It is unknown what they will bring forward for the CUP. Mr. Dillon noted that the previous condition of approval #12, which prohibited the use of lockouts, has disappeared from the current conditions of approval. He believed that prohibiting lockouts should be added back in as a condition.

Mr. Dillon objected to Condition #7 because there has been limited discussion regarding retention areas. He was disappointed that Ron Ivie had already left the meeting because he had wanted Mr. Ivie's opinion on whether the proposed water method on the site was a workable solution.

Mr. Dillon objected to the language in Criteria 14 of the Staff analysis that talks about expected ownership and management of the project. Without a condo plan, there is no way to know what the applicant will do. Mr. Dillon questioned why two ADA units were not included as part of the 54 units. Given that they are not included, he believes they are support commercial rather than common space, because they are used in support of commercial renting. He believes they should count towards the 14,525 square feet of support commercial. By not including the ADA units in the square footage allows the applicant to blow up the scale of Building 3. Again, there are no condo plans.

Chair Wintzer clarified that the Planning Commission would not see condo plans until there were construction drawings. The applicant cannot do construction drawings until the issues of the remand are resolved. Chair Wintzer explained that a plat has never been recorded before seeing construction drawings, and the Planning Commission has always approved projects with this level of sophistication of plans. He emphasized that there would not be a condominium plat prior to this approval.

Mr. Dillon objected to Conclusions of Law 1, 2 and 4. He understood why the dates were changed in the conditions of approval, but he questioned whether that could be done, since it gives the applicant an additional six or seven months to commence construction. Mr. Dillon stated that there is no real question of law that they can impose conditions of approval requiring phasing and bonding. The Planning Commission has broad authority to administer the mitigation of compatibility problems once they have been established. He noted that the City Council in its Conclusion of Law #2 stated that "The Planning Commission erred in applying Land Management Code 15-1-10-(D)(2 and 4) and LMC 15-1-10(E)(7, 8 and 11) by failing to mitigate the height, scale, mass and bulk of building three and maintain or enhance the context

of the neighborhood, failing to consider a specific landscape plan in relation to restrictions of Wild Land interface, to better separate the use from adjoining site and failing to mitigate visual and construction impacts by requiring a specific construction phasing plan.” Mr. Dillon pointed out that the last sentence was key to support his comments.

Mr. Dillon noted that earlier in the day he had submitted a short letter of response. He apologized for getting it in late, but he had not been able to read the Staff report until 5:30 that morning. He thought it was clear that as a matter of law, the City Council has told the Planning Commission that construction use is within the defined use of the Land Management Code. He pointed out that the uniqueness of this project is that the MPD and development have been delayed for 25 years. If this project had moved forward while the surrounding residential neighborhoods were being built, the compatibility of construction use would be non-existent. However, when everything builds out around the site and the developer has the benefit of building a project in the middle of these mature neighborhoods, at that point, construction use become a compatibility issue. Mr. Dillon stated that the Planning Commission cannot let construction use adversely impact these mature, built neighborhoods without mitigation. Mitigation is construction phasing and timing and bonding. It is the required mitigation and that is the reason why the City Council directed the Planning Commission to establish conditions of approval that address phasing and bonding requirements.

Mr. Dillon reiterated that the problem with developing phasing requirements is that the Planning Commission does not know what the applicant intends to build. He remarked that as a condition of the phasing, the Planning Commission can require that prior to any construction start, the applicant needs to submit condo plans for whatever phase is specified so they can understand what will be built.

Mr. Dillon clarified that the neighbors are not concerned with when construction begins. Their concern is knowing what would be built, how much would be built, and if there is a time limit for completion.

Mr. Dillon showed that the previous condo plat was convertible land sprinkled with a few units. In order to preserve their CUP, the applicant dug a hole and for years have pursued extensions to the CUP claiming that the project had started on time. He thought the Planning Commission should make the applicant show what they intend to build and that the Planning Commission should require that the project be phased with a timing start and completion from the date the permit is pulled. Mr. Dillon clarified that the neighbors want the project built. They have been looking at a pit for nine years and do not want to look at foundations for another nine years. Mr. Dillon suggested that the Planning Commission make building the foundations for Building 3 and six of the perimeter units as Phase I. The applicants should be required to present the condo plans and map. Once that is platted, the applicants can begin to sell the units.

Mr. Dillon pointed out that this is a hard market and timing is critical. The neighbors want this project to succeed if it is allowed to start. He explained that the intent for requesting these conditions is to allow the applicant to pre-sell so they can obtain financing.

Lisa Wilson stated that she is a Park City mom and she has lived on the slopes of Deer Valley

since 1993. She purchased a lot in Silver Lake in 1994. Ms. Wilson commented on the pit in the Spring. She drives by it everyday and there is fencing around it. Sometimes when she hikes by she sees deer that have somehow managed to jump the fence. The deer get stuck but they always find their way out. Ms. Wilson stated that when she drove by today the gate to the fence was flipped over and the green netting around the fence was flipped over. The sign announcing this public hearing has been on the ground for nearly two weeks. Ms. Wilson thought the pit needed to be covered because it is unsightly.

Ms. Wilson noted that she also owns a lot in Deer Crest. Due to the number of homes have stopped construction, at the last homeowners meeting the decision was made to change the CC&Rs to require bonding. Ms. Wilson believed the Planning Commission needed to consider more than just Building 3 when looking at the height. She noted that Building 3 is at the bottom, and the second and third tower are above that. She stated that from the bottom the building will terrace up the slope and it will look like one contiguous building. It will be very visible from Main Street.

Mr. Wilson stated that during the City Council meeting, Council Member Hier spoke about the mistakes that were made the last time. She has been attending Planning Commission meetings for a long time and everyone was left with the impression that a vested right existed for density under the 2001 CUP and it was approximately 460,000 square feet. They assumed there was nothing they could do about this project. Ms. Wilson noted that Council Member Hier made it very clear that this was not the case. The Harrison Horn CUP has expired and the vested density no longer applies. In looking at this project, a 25% reduction in one building has not made much of a difference in the size of the project.

Ms. Wilson stated that during the appeal process, there was 123,000 square feet of common area. She was unsure where that would be. Using the Treasure Hill website as an example, Ms. Wilson requested a summary of residential units by size and a summary of building area by use for this project so they can understand where the 123,000 square feet of common area is located. When she purchased her lot in 1994 it was bought based on entitlements. She understood there was a lot with potentially 54 units and 14,000 square feet of commercial. However, this project meets none of those parameters. To date, what is being proposed in their neighborhood is a hotel with a spa and a restaurant. Ms. Wilson stated that the area in the restaurant is commercial. She indicated a space identified as common area, but that space is where the public would go to eat. Ms. Wilson referred to language in the LMC that defines commercial space to emphasize the fact that money would be exchanged in all the "common space" areas as defined in this project. She noted that by definition, common area is for the use and enjoyment of the residents. She pointed out that the spa, restaurant and hotel lobby would be for the public and not just for residents.

Ms. Wilson wanted to see a project like the one she understood would be built when she purchased her property, which is 54 units, 60% open space and 14,000 square feet of commercial. Ms. Wilson pointed to a new area in the LMC called accessory uses, which allows buildings to become unlimited, and noted that areas such as lobbies no longer count towards the entitlement.

Ms. Wilson stated that per State Statute, notification must be given to the affected property

owners if the size of the structure is modified or the use is changed. Her property will be affected, but she was not notified that the changes to the MPD would increase the development in her area by 123,000 square feet.

Chair Wintzer requested that Ms. Wilson focus her comments on the three issues of the remand.

Ms. Wilson was concerned that the project has grown because of the accessory uses. She would like to see something that breaks down the square footage. She noted that Council Member Hier admitted that mistakes were made and the project became so large because it was approved without knowing the actual numbers. Ms. Wilson urged the Planning Commission not to make that same mistake again.

Chair Wintzer closed the public hearing.

Doug Clyde, representing the applicant, noted that many of the comments this evening were not germane to the appeal. He has been practicing the Land Management Code in Park City over twenty years and none of those definitions have changed. He has never worked on a project where accessory uses and common areas were treated different from the way they are treated in this project. Mr. Clyde noted that he has never seen a situation where the plat was tied to the CUP.

Mr. Clyde remarked that the ADA uses have been treated as common area in all the projects in Empire Pass, as well projects outside of Empire Pass. The City has adopted that practice as a uniform way to deal with ADA units. Regarding issues related to bonding and phasing, Mr. Clyde concurred with the Staff report and believes it represents what was instructed by the City Council.

Mr. Clyde showed the change they were talking about in terms of the 29% reduction in facade. He compared the first Building 3 with the current Building 3 to show the difference.

Tom Bennett, Counsel for the applicant addressed Ms. Wilson's concern that the project would balloon in size. He noted that Condition of Approval #15 specifically requires that the final condominium plat not exceed the square footage for all the various components that have been submitted. That condition should alleviate her concern.

Mr. Bennett addressed Mr. Dillon's concern that the project would not be completed and the neighbors would be left with an eyesore. Mr. Dillon offered a solution to require that buildings be completed within a specific time frame or for the Planning Commission to approve a phasing plan. Mr. Bennet stated that once construction is started, the International Building Code has provisions that cause the project to continue without interruption. He referred to Ron Ivie's comment earlier this evening that in the past 30 years there have been three instances where the City had to file an action because an incomplete building became a nuisance. Mr. Bennett recalled Mr. Ivie saying that the procedures that are currently in place with the Building Department to review construction, construction phasing and mitigation plans have worked well over the years. Mr. Bennett read Item #3 of the Order of the City Council, "Construction phasing

and additional bonding shall be addressed with respect to site restoration.” He believed that issue had been addressed in the Staff report and in the added conditions of approval with respect to bonding. Mr. Bennett clarified that addressing the bonding issue does not mean that the Planning Commission is the body to require it. That is the responsibility of the Building Department.

Mr. Clyde commented on the statement about hidden commercial uses in this project. He noted that the applicant has requested a specific number of square feet for a commercial use. Every commercial use requires a business license. Part of the business license process is for the Planning Department to verify whether or not the license application corresponds with the approval.

Planner Cattan reported that there was a letter from Bob Dillon on her email just prior to this meeting. She would email copies of his letter to the Commissioners.

Planner Cattan stated that the ADA units are consistent with how ADA units are platted throughout Empire Pass and throughout town. The purpose allows someone with ADA needs to have access to a common unit that cannot be rented separately.

Planner Cattan explained that she had two sets of plans on her desk. If the CUP is approved, they would be stamped as the approved set of plans. The plans outline all residential areas, commercial areas, and all of the common areas. Once the CUP is approved, the applicants cannot increase the density or unit size and they cannot increase the commercial space. Planner Cattan clarified that the applicants were not requesting a blind approval.

Commissioner Strachan remarked that the plans have not changed since the last meeting. His concerns relating to the amount of excavation still remain. Commissioner Strachan did not believe the comparison between the surrounding homes and this building was fair, since the existing homes are single family and this project is a multi-unit dwelling. The height comparison was fair but it did not support compatibility. Commissioner Strachan could not find compatibility because the MPD is not compatible with the surrounding neighborhoods. In his opinion, it would be difficult to build anything on that site in compliance with the MPD that would be compatible. Therefore, he could not support Conclusions of Law 1, 2, 3 and 4. Since the project has been recommended for approval by Staff and if the Planning Commission votes to approve, he suggested revising Condition #15 to specify a total square footage ceiling and require standard compliance with that ceiling. The applicant has presented a 70,350 square foot ceiling for the North Building 3A and that should be incorporated into Condition of Approval #15. He realized that as-built conditions might not reflect that square footage, but the Planning Commission should require substantial compliance.

Commissioner Peek believed the specific items in the Order from the City Council had been addressed in the re-design of Building 3, as well as in Conditions of Approval 2, 4, 5, 7, 14, 16 17 and 18.

Commissioner Pettit noted that Mr. Dillon had referenced a condition in the original approval regarding lock out units. Planner Cattan also recalled that it was in the original conditions and

she was unsure why it was left out. She offered to locate it on her computer so the Planning Commission could re-adopt it with this approval. Commissioner Pettit stated that the issue had been raised and if it was in the original approval they needed to make sure it was not inadvertently left out.

Commissioner Pettit concurred with Commissioner Peek, given that the Planning Commission review was limited to three issues that were remanded back from the City Council. She agreed that based on the re-design of Building 3, the applicant has met the issues of concern regarding mitigation and compatibility. Commissioner Pettit also found that the other issues remanded back with respect to the final landscape plan and the Wild Land Interface regulations had been satisfactorily addressed. She also agreed that the added conditions of approval with respect to construction phasing met the intent of the City Council. Commissioner Pettit was inclined to vote in favor of the CUP.

Commissioner Hontz stated that considering the review constraints, she agreed with Commissioners Pettit and Peek. Commissioner Hontz stated that after reviewing her comments from March 10th, she was disappointed that the Planning Commission had not seen a new staging/phasing map that identified how this would occur on site with the buildout. She did not want time frames, but she felt this important piece of information would have met what she believed the Planning Commission was required to see as part of Condition #28 from the City Council. She thought it would have benefitted the applicant to think that through as well. Her disappointment aside, Commissioner Hontz was willing to make findings and vote in favor of this application.

Commissioner Luskin appreciated the efforts of the applicant to revised this project. While he has seen a lot of improvements, he echoed Commissioner Strachan's comments. Commissioner Luskin stated that he was still troubled by a previous issue that was not mentioned this evening, which was the use of Royal Street. He reiterated his previous concern that Royal Street is continuously terrorized by the use of big trucks. It is a common recreational street that has become extremely dangerous. He understood the difficulty of walking on Marsac with construction vehicles, but Marsac does not have the same type of recreational use. Commissioner Luskin requested that the Planning Commission further discuss the matter.

Commissioner Strachan clarified that his comments directly related to Building 3A.

Regarding the issue of Royal Street versus Marsac, Chair Wintzer felt it was a toss up because construction traffic coming off a mountain is dangerous anywhere. He understood Commissioner Luskin's concerns but it would be unfair to the residents to put a hundred percent of the traffic on Marsac.

Chair Wintzer appreciated the applicant's effort to improve Building 3 and the project. He thought the project was better than it was before it was remanded back from the City Council. He applauded the City Council for their decision. Chair Wintzer remarked that being the last one in the neighborhood is never easy and it is a difficult problem to solve. He sympathized with the neighbors, but this site was always anticipated to have this type of use. Chair Wintzer believed it was time to let the project move forward.

Commissioner Pettit stated that the Marsac residents already bear adverse impacts that are borne by that neighborhood. She felt that the building department had a better understanding to determine where the flow of construction vehicles should occur. Commissioner Pettit thought it was unfair for the Planning Commission to make that determination as a condition of approval.

Planner Cattan had drafted a condition of approval to address lock out units. "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission." She clarified that she was unable to find the exact language but recollected that it was close to the wording drafted this evening.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

Commissioner Strachan asked if a request for lockout units would open the CUP for re-review. Assistant City Attorney McLean replied that it would be an amendment to the CUP. Without an actual application, it was difficult to comment on the scope of review. Commissioner Strachan stated that if a lockout would change the use, it would be different from what the Planning Commission approved. Ms. McLean clarified out that the request would be to amend the use. Commissioner Strachan pointed out that the project would already be built. Ms. McLean replied that Planning Commission could deny the amendment if it did not meet the criteria.

Planner Cattan noted that the amendment would need to occur prior to building the units to create lock out units. Therefore, it would come back to the Planning Commission before it was built.

Commissioner Strachan pointed out that nothing in the Staff report prohibits lock out units. Ms. McLean stated that the condition of approval drafted by Planner Cattan states that lock out units cannot occur without coming back to the Planning Commission for an amendment to the CUP. If that occurred, the Planning Commission would evaluate it for the lock out units, but it would not re-open the entire project. The review would be limited to the scope of the lock out units and whether or not it met the criteria of the CUP.

Commissioner Pettit requested that Planner Cattan read the drafted condition again for the record. Planner Cattan read, "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission".

MOTION: Commissioner Pettit moved to APPROVE the North Silver Lake Lodges Conditional Use Permit in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended with respect to adding Condition of Approval #19 as read into the record. Commissioner Luskin seconded the motion.

Commissioner Peek referred to Condition of Approval #17 and corrected "sight" to "site".

Commissioner Pettit amended her motion to include the spelling change in Condition #17.

VOTE: The motion passed 4-1. Commissioner Strachan voted against the motion.

Mr. Clyde informed Commissioner Hontz that they had heard her request. The final site plan was produced, but it was inadvertently left out of the package. He noted that Ron Ivie had reviewed the final plan.

Findings of Fact - North Silver Lake CUP

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5140 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Plan requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half of a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.
8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating, "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Bellemont Subdivision utilized 1/4 acre of the Lot 2B parcel to comply with the open space

requirement.

10. The current application site plan contains 70.6% of open space on the site, including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit utilizing the exception of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with Section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.

Conclusions of Law - North Silver Lake - CUP

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The use is compatible with surrounding structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.
4. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval - North Silver Lake - CUP

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.
6. The developer shall mitigate the impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty-foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the Urban Wild Land Interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire April 28, 2011, 12 months from April 28, 2010, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the Planning Commission on April 28, 2010. Building permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.

15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space and commercial space as shown in the plans approved by the Planning Commission on April 28, 2010.
 16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
 17. A phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.
 18. A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. The existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released.
 19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission.
2. 1150 Deer Valley Drive - Conditional Use Permit
(Application #PL-09-00858)

Planner Francisco Astorga reviewed the conditional use permit application for construction within the Frontage Protection Zone at 1150 Deer Valley Drive, Snow Country condos. The applicant wishes to build two parking spaces to their existing parking lot. Planner Astorga stated that this proposal resulted from an amendment to a record of survey that the Planning Commission heard in October 2009. At that time the Planning Commission agreed with the Staff recommendation of not supporting the plat amendment, because it would increase the degree of the existing non-compliance due to the lack of parking mandated by the LMC. During the October meeting, the Planning Commission recommended that the applicant consider other options to mitigate the non-compliance issue.

Planner Astorga reported that based on that direction, the applicant decided to build two new parking spaces. He presented a site plan of the plat and noted that the LMC prohibits construction in the 0-30 foot no-build zone. Any construction beyond 30 feet to the next 100 foot requires a conditional use permit. Planner Astorga remarked that the proposal to construct two parking spaces would decrease the level of non-compliance.

The Staff report contained the Staff analysis regarding the CUP criteria. The impacts were all mitigated as described by the criteria.

Planner Astorga noted that the next item on the agenda this evening would be the amendment

ATTACHMENT NO. 5

The following are excerpts from Staff reports and Meeting minutes:

Staff Report Dated 8-13-2008
Planning Commission Meeting

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

..... The single family and duplex dwellings along the periphery of the site are substantially beneath the allowed height of 45 feet. The design attempted to keep the height of these buildings within the zone height of 28 feet with the additional 5 feet exception.

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

..... The site has been designed to cluster the greatest density and massing in the center of the project. The central condominiums maximize the height allowance provided under the Deer Valley MPD of 45 feet plus the 5 feet exception for a pitched roof. The central condominiums have four stories above final grade and two stories below grade containing parking, the owners' lounge, and the ski lockers. A mix of 22 single family homes and duplexes surround the condominiums along the periphery of the property. These homes were designed with the intention of creating a compatible scale to the surrounding single family homes. Of the 22 units, 18 meet the 33 feet zone height (28 feet plus 5 feet exception for pitched roof). Portions of the remaining four are over the zone height due steep slope grade changes. The homes are stepped with the existing grade. The slope generally rolls down the hill from the central development. The ending result is a variety of 1 to 3 story front façades and 2 to 4 story rear façades. These homes create a scale more compatible to the surrounding single family homes than the four centralized condominiums.

The architectural detailing of the project is compatible with the surrounding area. The proposed materials (metal clad wood windows, cedar/fir fascia, trim and beams in a semi-transparent stain, cedar siding, stone veneer and dry stack stone retaining walls) are typical design elements used throughout the Deer Valley area.

Minutes from the 8-13-2008 Planning Meeting

Mr. Clyde referred to an earlier comment regarding the change from the units in the center of the project to the units on the edge. He stated that this is very common throughout the master planning process. Mr. Clyde pointed out that all the development at Empire Pass has taller units in the center surrounded by townhomes and PUD's. He noted that this is an intentional design to keep low scale units on the outside of the project. Mr. Peart was unsure that the adjoining homeowners understood that they moved the 45 foot building 115 feet further away from their homes.

Staff Report Dated 9-24-2008
Planning Commission Meeting

Back Ground

..... On August 13, 2008, the applicant discussed the CUP application with the Planning Commission during the regularly scheduled work session. During this meeting the Planning Commission provided the applicant with feedback on the plans. The Planning Commission concerns included scale and mass, existing vegetation, visual impact from town, overall impact of site, spacing between units, necessity of a site visit, loss of natural screening, closeness of roofs, and snow shed. The Planning Commission commended the applicant on the effort put forth to reduce heights along the periphery to match the adjacent zone height of 33 feet above existing grade.

Staff Report Dated 10-22-2008
Planning Commission Meeting

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:

..... A mix of 16 single family homes and 4 duplexes surround the condominiums along the periphery of the property. These homes were designed with the intention of creating a compatible scale to the surrounding single family homes. Of the 20 units, 15 meet the 33 feet zone height (28 feet plus 5 feet exception for pitched roof). Portions of the remaining five are over the zone height due to steep slope grade changes and moving homes closer to the center of the project to protect trees. The homes are stepped with the existing grade. The slope generally rolls down the hill from the central development. The ending result is a variety of 1 to 3 story front façades and 2 to 4 story rear façades. These homes create a scale more compatible to the surrounding single family homes than the four centralized condominiums.

The architectural detailing of the project is compatible with the surrounding area. The proposed materials (metal clad wood windows, cedar/fir fascia, trim and beams in a semi-transparent stain, cedar siding, stone veneer and dry stack stone retaining walls) are typical design elements used throughout the Deer Valley area.

Minutes From 10-22-2008 Planning Meeting

Planner Cattan noted that the Planning Commission had commended the applicant on the effort they put forth in reducing heights along the periphery to match the adjacent zoning height of 33 feet from existing grade.

Mr. Peart stated that they met with various members of the community to get a sense of their objections to prior projects that were proposed to be developed on this site. They also looked at the project as if they lived across the street as neighbors. Mr. Peart remarked that the goal was to create a buffer between the taller buildings and the neighboring homes. The project was designed with a loop road around the perimeter of the project with single family, mostly

downslope homes to create a soft streetscape. The average footprint on the perimeter is 2400 square feet. The average footprint in the Belle community is 3300 square feet. Mr. Peart stated that the homes on the perimeter are the same height, massing and scale as the surrounding properties.

Mr. Peart noted that the site is zoned for 45 feet height in all locations; however they felt it was important to build homes around the perimeter that was the same scale and mass as the surrounding homes.

The goal is to build a spectacular project with the highest quality of materials, great amenities, and a project that fits within the North Silver Lake community.

Staff Report Dated 2-25-2009 **Planning Commission Meeting**

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

.....The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site. The site is allowed to have a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk.

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

.....Height limitation: As previously mentioned, the applicant has self-imposed a 33 foot height limitation for the periphery detached homes in an effort to create compatibility with the adjacent projects. The larger stacked flat condominiums are 50 feet in height. They are located within the center of the project and to the north adjacent to open space. The new location of the larger buildings creates less impact on the adjacent neighbors and less impermeable surface area than the previous site plans. Footprint Decrease: The total footprint of the buildings has decreased by 17,719 square feet from the original site plan. There is more space between buildings and greater setbacks from the property lines.

Minutes 2-25-2009 **Planning Commission Meeting**

Mr. Shirley reviewed exhibits and talked about compatibility, recognizing it is as a major issue. The first exhibit showed the pattern of development on the site as it relates to the existing site. He believed that perimeter homes work well with the existing pattern that has been established on the neighboring communities. Mr. Shirley noted that the

interior units run down the hill in a pattern that is consistent with the intent of the Deer Valley Master Plan.

Mr. Shirley reviewed a fog study and talked about the massing of the project. The project as it terraces on the hill fits within the 45 foot plus 5 foot component of the ordinance. Therefore, nothing exceeds the required height limits. Mr. Shirley stated that the applicants took it upon themselves to apply a 33 foot height limit, which is consistent with the neighboring homes. Just over 48% of the project footprint falls underneath the 33 foot height limit and those areas that are within the 33-45 foot height limit fall more to the lower side.

Mr. Shirley commented on architectural compatibility. He stated that the application is looking to develop a high quality project that will meet or exceed any of the projects expectations in this area or within Upper Deer Valley. The materials proposed will be of the highest quality. Mr. Shirley presented a series of renderings. He pointed out that the renderings were based on a compilation of modeling that was done on the site and aerial photographs of the site to make the renderings as accurate as possible.

Staff Report Dated 5-27-2009 **Planning Commission Meeting**

Back Ground

.....The Planning Commission commended the applicant on the effort put forth to reduce heights along the periphery to match the adjacent zone height of 33 feet above existing grade.

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots; No Unmitigated Impacts

..... The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site with minor exceptions. The site is allowed a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk.

11) Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; No Unmitigated Impacts

.....Height limitation: As previously mentioned, the applicant has self-imposed a 33 foot height limitation for the periphery detached homes in an effort to create compatibility with the adjacent projects. The larger stacked flat condominiums are 50 feet in height, with pitched roofs. They are located within the center of the project and to the north adjacent to open space. The new location of the larger buildings creates less impact on the adjacent neighbors and less impermeable surface area than the previous site plans.

.....Architectural Detailing: The architectural detailing of the project is compatible with the surrounding area.

Conditions of Approval

14. Approval is based on plans dated May 22, 2009 and reviewed by the Planning Commission on May 27, 2009. Building Permit plans must substantially comply with the reviewed and approved plans.

Minutes dated 5-27-2009

Planning Commission Meeting

Planner Cattan reported that part of the master plan is a 45 foot height limit with an additional five feet for pitched roofs. She presented a display showing a 33 foot cloud over existing grade and noted that the applicant has self-imposed a 33 foot height limitation around the periphery. The project is above 33 feet in the central four units and in small portions around the periphery. For the most part they stayed under the self-imposed 33 foot height limit. The allowed height is 45 feet maximum.

Staff Report Dated 7-8-2009

Planning Commission Meeting

8) Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots; **DISCUSSION REQUESTED**

Building mass and bulk: The applicant has modified the previously reviewed plan by decreasing the overall mass and footprints of the buildings on the site. The total coverage of buildings and pavement has decreased from the original plan (128,660 sq. ft) to the current plan (110,444 sq. ft) by 18,216 square feet. The applicant has been consistent in imposing a self-regulated height of 33' for the detached buildings around the periphery of the site with minor exceptions. The site is allowed a height of 45'. The central buildings have utilized the full 45' height allowance. The combination of creating smaller footprints of homes and self-imposing a 33' height limit has resulted in a decrease of building mass and bulk around the periphery of the site, adjacent to the existing neighborhoods. There has been a shift within the central building. The total square footage of the central buildings has increased.

Conditions of Approval

11. Approval is based on plans reviewed by the Planning Commission on July 8, 2009. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

Minutes Dated 7-8-2009

Planning Commission Meeting

Vice-Chair Russack asked how they came to the current design configuration. Mr. Clyde stated that 16 perimeter homes and four interior buildings was an evolution of the plan

based primarily on comments from the Planning Commission. Vice-Chair Russack clarified that he was specifically asking how they came to design the currently proposed plan as opposed to the plan approved in 2001. Mr. Shirley stated that from the beginning, the goal has been to come up with a project that would blend with the surrounding neighborhood. Any time he designs a Lodge, the goal is to be right up against the street with as large a facade as possible. The intent is to be front and center to draw attention. He believed the developer had a unique plan in trying to create a project that had a quaint village feel to encourage people to use it more as a long-term residence versus nightly. A larger lodge design was not appropriate for this site and Mr. Shirley felt the proposed design would become very valuable in the long term. Mr. Clyde stated that this developer met with the neighbors two years ago and one of the comments they heard was the desire for smaller buildings on the perimeter of the project.

Minutes Dated 10-15-2009
City Council Meeting

.....The next discussion point was that the applicant has vested rights under the MPD and she stated that the applicant does have vested rights under the Master Plan and is not subject to adjusting density reallocation. The development is subject to the LMC and the Deer Valley MPD. There was also concern expressed about lockouts, allowed in the Deer Valley MPD, but no lockouts are proposed for the North Silver Lake Project. The appellant suggested a condition of approval prohibiting lockouts, but since they are allowed under the MPD, the following condition is recommended, *"The approved plans do not include lockout units. Any modification of the floor plans to include lockout units will require approval by the Planning Commission"*.

.....Ms. Cattan illustrated a diagram of the project with 15 periphery homes where the developer self-imposed a height restriction of 33 feet.

.....With regard to scale, the 33 foot height requirement was self-imposed for the homes around the periphery and an evaluation was done of the average square footage of the homes in the area. Adjacent properties averaged 4,917 square feet and within the project, the average unit size is 4,227 square feet. The massing moves toward the center making it more compatible on the edge adjacent to the neighborhood.

The next discussion point was that the applicant has vested rights under the MPD and she stated that the applicant does have vested rights under the Master Plan and is not subject to adjusting density reallocation. The development is subject to the LMC and the Deer Valley MPD. There was also concern expressed about lockouts, allowed in the Deer Valley MPD, but no lockouts are proposed for the North Silver Lake Project. The appellant suggested a condition of approval prohibiting lockouts, but since they are allowed under the MPD, the following condition is recommended, *"The approved plans do not include lockout units. Any modification of the floor plans to include lockout units will require approval by the Planning Commission"*.

He emphasized that none of the buildings break height restrictions; the perimeter units are 33 feet and the allowed zone height is applied in the interior only. Mr. Clyde felt that the 33 foot height is complimentary to the zoning in adjacent neighborhoods.

Minutes Dated 11-12-2009
City Council Meeting

.....The wording of a condition of approval should be clarified that no lockout units are permitted within North Silver Lake and would require Planning Commission approval but she clarified that they are allowed in the Deer Valley Master Plan.

Minutes Dated 4-28-2010
Planning Commission Meeting

.....Planner Cattan had drafted a condition of approval to address lock out units. "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission." She clarified that she was unable to find the exact language but recollected that it was close to the wording drafted this evening.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission.

ATTACHMENT NO. 6



NORTH SILVER LAKE LODGE

1

MASTER PLAN

2009.02.25

PROJECT ANALYSIS

DETACHED HOMES

- 16 HOMES
- (2) UPHILL
- (14) DOWNHILL
- 32 GARAGES

CONDO HOMES

- 38 HOMES
- (11) TOWNHOMES
- (27) FLATS
- 100 PARKING STALLS

54 TOTAL HOMES

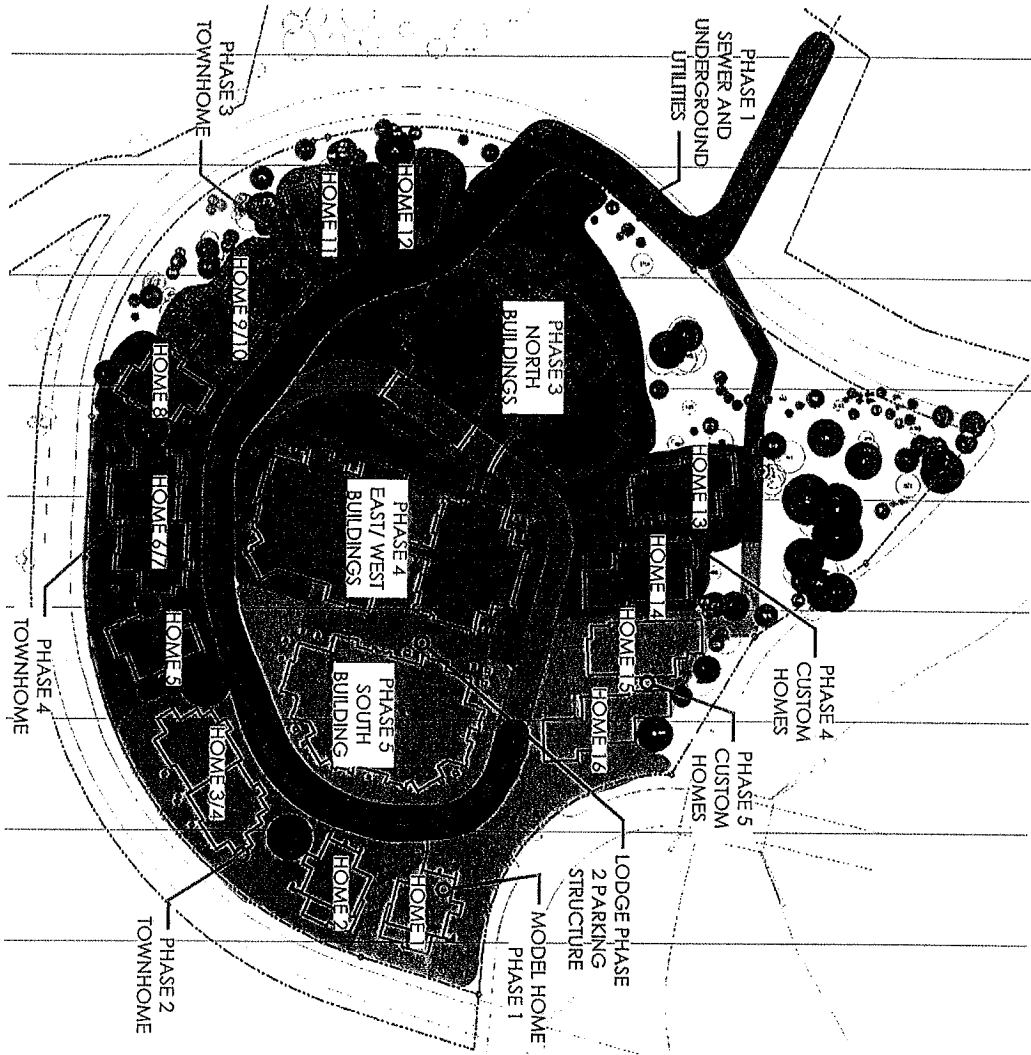
- 132 PARKING STALLS

Two accessible units to be owned and maintained by the home owners association.

Commission Feb. 12, 2010
February 25, 2009

ATTACHMENT NO. 7

ATTACHMENT NO. 8



PHASING PLAN GENERAL NOTES:

1. Phasing plan commencement and completion dates for each structure shall be adjusted as necessary to keep pace with home pre-sales.
2. Phasing to be ordered as market dictates.
3. Road/drive access to be provided to each phase in compliance with fire access requirements including hydrants and fire truck turnaround.
4. Protection of existing vegetation as per construction mitigation plan and Arborecare tree protection plan dated April 2, 2009.
5. Portions of the work activities described within the phases on the chart are intended to occur concurrently.

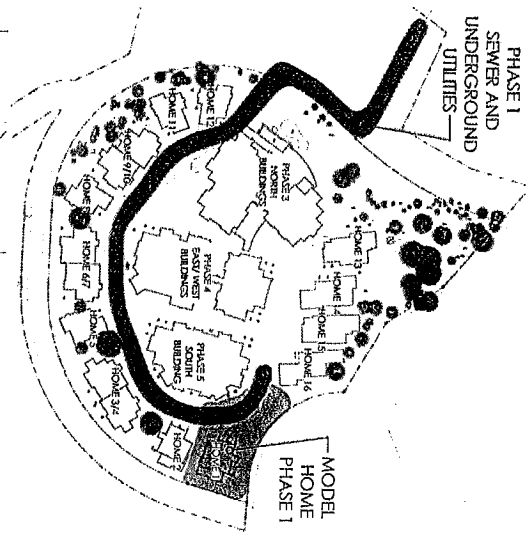
PHASING AND APPROXIMATE DURATION

Phase 1	
Underground Wet Utilities	240
Model Home #1	300
Entry Drive	65
Phase 2	
Lodge Parking Structure	340
Home #2	348
Home #3	300
Home #4	300
Phase 3	
North Building	1040
Home #9	300
Home #10	300
Home #11	348
Home #12	348
Phase 4	
East and West Buildings	780
Home #6	348
Home #7	300
Home #8	300
Custom Home #13	520
Custom home #14	520
Phase 5	
South Building	780
Custom Home #15	520
Custom Home #16	520

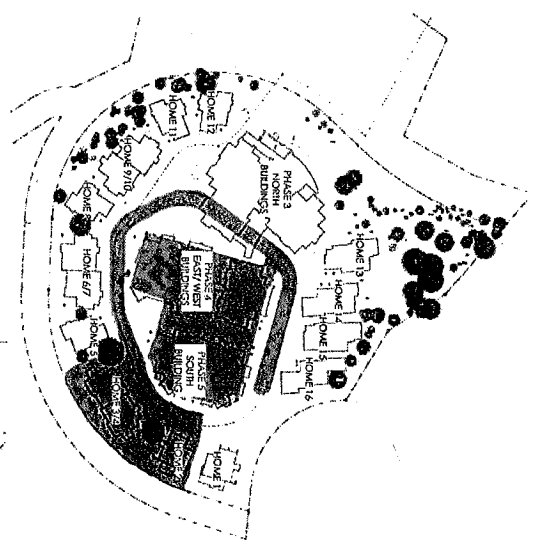
*Approximate duration in working days.

MAY 05 2011

PHASE 1 - SEWER AND UNDERGROUND UTILITIES

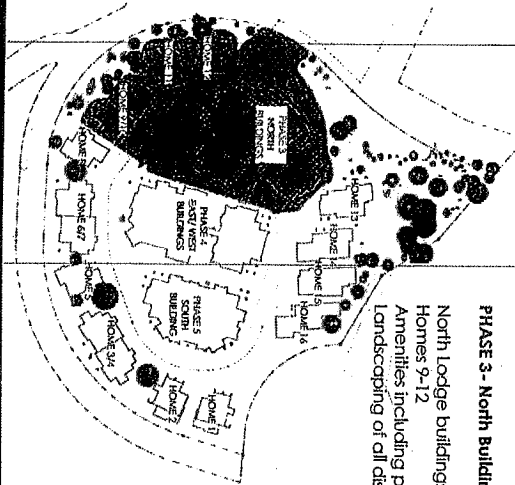


PHASE 1 - UNDERGROUND UTILITIES + HOME 1
 Deep utilities to be installed under roadway area in preparation for utility tie in. Home 1 is to be model home for single family residences.
 Entry drive and landscape south of entrance along Silver Lake Drive.
 Provide fire hydrants, storm drains, landscaping and lighting associated with disturbed area.
 Includes entry monument/ signage.
 Phase 1 to start within 180 days of permit.

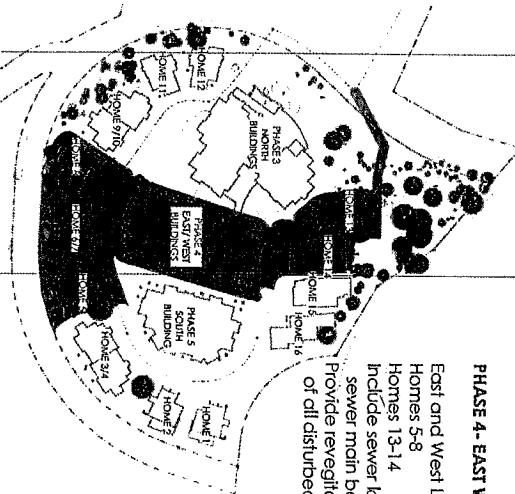


PHASE 2 - PARKING STRUCTURE
 Parking structure.
 Homes 2-4
 Includes completion of loop road hard surface, curbs, street lighting, storm drains and fire hydrants.
 Clear and grub all home building pads and reseed disturbed areas.

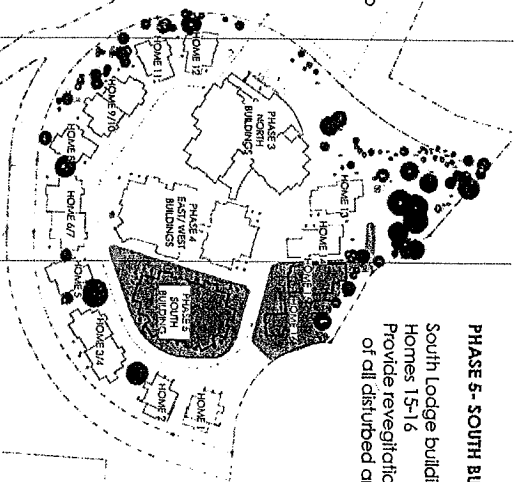
PHASE 3 - NORTH BUILDINGS
 North Lodge buildings
 Homes 9-12
 Amenities including pool and spa
 Landscaping of all disturbed area.



PHASE 4 - EAST WEST BUILDINGS
 East and West Lodge buildings
 Homes 5-8
 Homes 13-14
 Include sewer lateral line down to sewer main behind homes.
 Provide revegetation and reseed of all disturbed area.



PHASE 5 - SOUTH BUILDING
 South Lodge building
 Homes 15-16
 Provide revegetation and reseed of all disturbed area.



MAY 05 2011

Magleby
 CONSTRUCTION

NORTH SILVER LAKE LODGE
 BEER VALLEY, UTAH

2011.04.26
 Page 2 of 2

Francisco Astorga

From: charlesloyd@comcast.net
Sent: Thursday, February 06, 2014 11:20 AM
To: Francisco Astorga
Subject: Re: North Silver Lake Conditional Use Permit & Record of Survey

Francis-

Please include the following statement in the Public Comment section of the staff report regarding the North Silver Lake Conditional Use Permit.

My name is Charles Loyd. I am an attorney, Park City business owner, fifteen-year homeowner in the American Flag Subdivision of Deer Valley, and past president of the American Flag Homeowners Association.

I am opposed to the request to add lockout units to the residences, now known as the Stein Eriksen Residences, under the North Silver Lake Conditional Use Permit. The monstrosity that this project has become is bad enough; adding lockouts will make it much worse.

The Deer Valley Master Plan, written in the early 1980s and approved by the city council, was a carefully crafted and considered document that authorized specific development from Snow Park to Silver Lake. The greatest densities, through the allocation of density units, were clustered in Snow Park and Silver Lake, while reduced densities were generated in the mid-mountain region through residential neighborhoods. The DV Master Plan was a binding document references throughout the development of Deer Valley, on which both developers and purchasers of lots and homes could rely to protect their investments. The primary reason the North Silver Lake Project was allowed to go forward despite its demonstrated incongruity with the surrounding residential neighborhood is that the project was included in the DV Master Plan and the developer was reasonable relied on that approval when making his investment. But by the same logic, the developed should not be given something to which he is not entitled, namely lockout units. Amending the DV Master Plan to allow lockout units in the low-density residential neighborhood would violate the legal rights of residents and undercut the authority of all planning documents.

The lockouts requested by the NSLCUP are poorly supported by any rationale other than perhaps developer profit. No showing has been made of any need by the community, in the form of additional housing or mid-mountain density units or anything else. In particular, no need has been shown for

single night accommodations in residential mid-mountain Deer Valley and they have heretofore no been allowed. The closest equivalent to SER, Stag Lodge, has a minimum four-night stay, no lockouts, and kitchens in every unit. Three large hotels service Deer Valley, and the explosion of density units at Canyons belies any need for additional overnight guest units in the immediate county. The lockouts themselves, while semantically distinguished as “not hotel rooms” in the staff report, will function as equivalents, with no amenities such as kitchens that suggest anything but one-night accommodations. In fact, the promotional materials for SER promise a lobby, bell service, valet parking, on-site spa, dining/bar/lounge, indoor/outdoor infinity pool, fitness center, business center, and on-site ski shop, ski valets, and guest ski lockers, all amenities commonly found in a hotel.

Apparently the best SER can do to offer a rationale for the increase in density units is to speciously claim to have no impact on traffic and parking. The Riley traffic study uses a period in October, one of the slowest times of the year in terms of room-occupancy according to Chamber of Commerce statistics, and January 30-February 3, about the slowest week of the winter. Christmas week and Arts Festival weekend would have been more illustrative. And the traffic counters were placed on Silver Lake Drive near SER, okay, but the second was placed on Royal Street above the turn-off most traffic takes to reach Silver Lake, and not even SER traffic to the Stein Eriksen Lodge or the Guardsman Connection would pass that spot if they take the shortest route. Finally, there is no mention of the impact SER traffic will have on Royal Street bicycle traffic, a much-loved route of road cyclists who have become a significant driver of summer tourism.

In closing, there is nothing in the staff report or the request for modification of the CUP that warrants amending the Deer Valley Master Plan to allow lockouts for the North Silver Lake Project. No showing of community need, not showing the DVMP was somehow flawed as to this project at the time of its approval by the city council, no showing that violating the valid legal right of surrounding Deer Valley homeowners to reasonably rely on the density approvals of the DVMP are warranted. The request for modification of the CUP should be denied.

Charles Loyd

6 Stanford Court

American Flag

Deer Valley

From: "Francisco Astorga" <fastorga@parkcity.org>
To: "Francisco Astorga" <fastorga@parkcity.org>
Sent: Tuesday, February 4, 2014 11:18:48 AM
Subject: North Silver Lake Conditional Use Permit & Record of Survey

Concerned resident,

The Park City Planning Commission will be reviewing the North Silver Lake Conditional Use Permit request for Lockout Units (in the multi-unit dwellings) and Condominium Record of Survey (plat) next Wednesday February 12, 2014. The staff report from the City will be published on the Park City website (www.parkcity.org) Friday afternoon. If you would like to send in public comments different from what you have already sent in, please do so by Thursday at 5pm so we can publish them in the staff report. We will also include all written comments already sent in.

Don't hesitate to contact us should you have any questions.

Respectfully,

Francisco Astorga | Planner
Park City | Planning Department
(p) 435.615.5064 | (f) 435.658.8940

445 Marsac Avenue | PO Box 1480
Park City, UT 84060-1480

Planning Commission Meeting
April 28, 2010
Page 7

Conditions of Approval - 1985 Sidewinder Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

REGULAR AGENDA/PUBLIC HEARINGS

3. North Silver Lake - Conditional Use Permit
(Application #PL-08-00392)

Planner Katie Cattan reported that the Planning Commission previously approved this application in July 2009. The approval was appealed to the City Council and the Planning Commission is currently reviewing the remand order that came from the City Council in November.

Planner Cattan noted that the remand had three orders: 1) The height, scale, mass and bulk of Building 3 shall be further reduced to meet the compatibility standard; 2) Further specificity regarding the final landscape plan and bond in consideration for Wild Land Interface regulations shall be reviewed and/or further conditioned; 3) Construction phasing and additional bonding beyond public improvement guarantee is to be required.

Planner Cattan focused her presentation on items 2 and 3. She noted that during the last meeting the Planning Commission had requested copies of the recording and the minutes from the November City Council meeting. That material had been provided and she believed it was helpful in clarifying that the City Council wanted the Building Department to be in charge of construction phasing and additional bonding for the North Silver Lake Development. Planner Cattan noted that the Planning Commission had also requested more specifics on exactly what the applicant was being asked to improve.

Planner Cattan stated that the Staff had drafted conditions of approval #16, 17 and 18. Condition #16 addressed the Wild Land Interface regulations. Condition #17 requires a phasing and bonding plan to insure site restoration in conjunction with building phasing beyond a public improvement guarantee to be improved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.

Planner Cattan reported that currently the site is a pit. She noted that the Chief Building Official, Ron Ivie, felt that if a building permit is not pulled within a year, the neighbors should not have look into that pit any longer. The actual pit itself should be capped with soil and re-vegetated with grass. In addition, trees should be planted at the entry way to cover the view into the pit.

Ron Ivie addressed the Planning Commission. He has been in Park City since 1980 and in those thirty years the City was forced to sue on three projects relative to public nuisance complaints for unfinished product. He noted that the City was awarded settlement on all three projects. Mr. Ivie stated that most people generally complete their projects in an acceptable time limit, but there are exceptions. He was not opposed to bonding or making appropriate conditions for site improvements and site stabilization, which is the traditional process. However, his question was whether or not the City should go beyond that process and require a completion guarantee. After hearing arguments on both sides, he believed it was a policy question that needed to be addressed by the Planning Commission and the City Council. Mr. Ivie personally felt that the City has been served well by prior policies.

NOTE: Due to problems with the recording equipment, the applicant's presentation was not recorded. The meeting was stopped until the problem was resolved.

John Shirley, the project architect, concurred with the Staff findings. Mr. Shirley presented slides showing minute changes that had been made since the last meeting.

Commissioner Luskin arrived at 7:35.

Chair Wintzer opened the public hearing.

Bob Dillon stated that he was an attorney representing 30 adjacent homeowners in the American Flag HOA who still object to Building 3. Mr. Dillon noted that the analysis section in the Staff report talks about Building 3 and he could not dispute that the current plan was better than what the applicants originally presented. However, from the standpoint of compatibility on mass, scale and size, it is still not compatible. Mr. Dillon recalled hearing something about a 29% height reduction, but he understood from the Staff report that the height was reduced from 79 to 72 feet. He noted that the side elevations were still showing 5 to 6 stories.

Mr. Dillon commented on the size of Building 3, which he had addressed in a letter he submitted in early April, explaining why this was such a difficult process. Part of the problem is that the applicants have expressed their intent for condominiums, but they have never presented a condominium plan. Mr. Dillon pointed out that every review session he has attended with both the Planning Commission and the City Council, there have always been questions but no answers. He believed the only way they could get an answer from the applicant was to require the condo plans and a map.

Mr. Dillon referred to construction phasing section in the Staff report and language stating that the staff, the Planning Commission, the City Council did not require a phasing plan for the proposed development. He believed that statement was absolutely wrong because the order from the City Council requires a phasing plan. Mr. Dillon expressed regrets that Ron Ivie was leaving because the community has benefitted from his expertise and administration of the City building codes. He noted that Ron Ivie made the comment that timing and phasing is critical. Mr. Dillon addressed the completion bond issue. He understood that bonding would go to mitigation in the event of a failure to complete. However, the critical part of this process is timing and phasing. Mr. Dillon commented on the idea that suddenly the City Council wants to

delegate issues to the Building Department. He had listened to the audio from the City Council meeting and he believes that the Council wanted the Planning Commission to establish conditions of approval for phasing and bonding. Mr. Dillon thought it was appropriate to seek advice from the Building Department on the timing of the phasing or the amount of the bonds. However, input should be given for approval by the Planning Commission pursuant to a phasing plan and bonding plan that is mandated as a condition of approval. Mr. Dillon objected to the Building Department managing the bonding.

Mr. Dillon commented on location and amount of off-street parking and objected to the recommendation for a 25% reduction in parking spaces. He noted that the reduction was being done on the basis of a mystical unit size and configuration. It is mystical because the applicant has not submitted a condominium plat and plans. It is unknown what they will bring forward for the CUP. Mr. Dillon noted that the previous condition of approval #12, which prohibited the use of lockouts, has disappeared from the current conditions of approval. He believed that prohibiting lockouts should be added back in as a condition.

Mr. Dillon objected to Condition #7 because there has been limited discussion regarding retention areas. He was disappointed that Ron Ivie had already left the meeting because he had wanted Mr. Ivie's opinion on whether the proposed water method on the site was a workable solution.

Mr. Dillon objected to the language in Criteria 14 of the Staff analysis that talks about expected ownership and management of the project. Without a condo plan, there is no way to know what the applicant will do. Mr. Dillon questioned why two ADA units were not included as part of the 54 units. Given that they are not included, he believes they are support commercial rather than common space, because they are used in support of commercial renting. He believes they should count towards the 14,525 square feet of support commercial. By not including the ADA units in the square footage allows the applicant to blow up the scale of Building 3. Again, there are no condo plans.

Chair Wintzer clarified that the Planning Commission would not see condo plans until there were construction drawings. The applicant cannot do construction drawings until the issues of the remand are resolved. Chair Wintzer explained that a plat has never been recorded before seeing construction drawings, and the Planning Commission has always approved projects with this level of sophistication of plans. He emphasized that there would not be a condominium plat prior to this approval.

Mr. Dillon objected to Conclusions of Law 1, 2 and 4. He understood why the dates were changed in the conditions of approval, but he questioned whether that could be done, since it gives the applicant an additional six or seven months to commence construction. Mr. Dillon stated that there is no real question of law that they can impose conditions of approval requiring phasing and bonding. The Planning Commission has broad authority to administer the mitigation of compatibility problems once they have been established. He noted that the City Council in its Conclusion of Law #2 stated that "The Planning Commission erred in applying Land Management Code 15-1-10-(D)(2 and 4) and LMC 15-1-10(E)(7, 8 and 11) by failing to mitigate the height, scale, mass and bulk of building three and maintain or enhance the context

of the neighborhood, failing to consider a specific landscape plan in relation to restrictions of Wild Land interface, to better separate the use from adjoining site and failing to mitigate visual and construction impacts by requiring a specific construction phasing plan.” Mr. Dillon pointed out that the last sentence was key to support his comments.

Mr. Dillon noted that earlier in the day he had submitted a short letter of response. He apologized for getting it in late, but he had not been able to read the Staff report until 5:30 that morning. He thought it was clear that as a matter of law, the City Council has told the Planning Commission that construction use is within the defined use of the Land Management Code. He pointed out that the uniqueness of this project is that the MPD and development have been delayed for 25 years. If this project had moved forward while the surrounding residential neighborhoods were being built, the compatibility of construction use would be non-existent. However, when everything builds out around the site and the developer has the benefit of building a project in the middle of these mature neighborhoods, at that point, construction use become a compatibility issue. Mr. Dillon stated that the Planning Commission cannot let construction use adversely impact these mature, built neighborhoods without mitigation. Mitigation is construction phasing and timing and bonding. It is the required mitigation and that is the reason why the City Council directed the Planning Commission to establish conditions of approval that address phasing and bonding requirements.

Mr. Dillon reiterated that the problem with developing phasing requirements is that the Planning Commission does not know what the applicant intends to build. He remarked that as a condition of the phasing, the Planning Commission can require that prior to any construction start, the applicant needs to submit condo plans for whatever phase is specified so they can understand what will be built.

Mr. Dillon clarified that the neighbors are not concerned with when construction begins. Their concern is knowing what would be built, how much would be built, and if there is a time limit for completion.

Mr. Dillon showed that the previous condo plat was convertible land sprinkled with a few units. In order to preserve their CUP, the applicant dug a hole and for years have pursued extensions to the CUP claiming that the project had started on time. He thought the Planning Commission should make the applicant show what they intend to build and that the Planning Commission should require that the project be phased with a timing start and completion from the date the permit is pulled. Mr. Dillon clarified that the neighbors want the project built. They have been looking at a pit for nine years and do not want to look at foundations for another nine years. Mr. Dillon suggested that the Planning Commission make building the foundations for Building 3 and six of the perimeter units as Phase I. The applicants should be required to present the condo plans and map. Once that is platted, the applicants can begin to sell the units.

Mr. Dillon pointed out that this is a hard market and timing is critical. The neighbors want this project to succeed if it is allowed to start. He explained that the intent for requesting these conditions is to allow the applicant to pre-sell so they can obtain financing.

Lisa Wilson stated that she is a Park City mom and she has lived on the slopes of Deer Valley

since 1993. She purchased a lot in Silver Lake in 1994. Ms. Wilson commented on the pit in the Spring. She drives by it everyday and there is fencing around it. Sometimes when she hikes by she sees deer that have somehow managed to jump the fence. The deer get stuck but they always find their way out. Ms. Wilson stated that when she drove by today the gate to the fence was flipped over and the green netting around the fence was flipped over. The sign announcing this public hearing has been on the ground for nearly two weeks. Ms. Wilson thought the pit needed to be covered because it is unsightly.

Ms. Wilson noted that she also owns a lot in Deer Crest. Due to the number of homes have stopped construction, at the last homeowners meeting the decision was made to change the CC&Rs to require bonding. Ms. Wilson believed the Planning Commission needed to consider more than just Building 3 when looking at the height. She noted that Building 3 is at the bottom, and the second and third tower are above that. She stated that from the bottom the building will terrace up the slope and it will look like one contiguous building. It will be very visible from Main Street.

Mr. Wilson stated that during the City Council meeting, Council Member Hier spoke about the mistakes that were made the last time. She has been attending Planning Commission meetings for a long time and everyone was left with the impression that a vested right existed for density under the 2001 CUP and it was approximately 460,000 square feet. They assumed there was nothing they could do about this project. Ms. Wilson noted that Council Member Hier made it very clear that this was not the case. The Harrison Horn CUP has expired and the vested density no longer applies. In looking at this project, a 25% reduction in one building has not made much of a difference in the size of the project.

Ms. Wilson stated that during the appeal process, there was 123,000 square feet of common area. She was unsure where that would be. Using the Treasure Hill website as an example, Ms. Wilson requested a summary of residential units by size and a summary of building area by use for this project so they can understand where the 123,000 square feet of common area is located. When she purchased her lot in 1994 it was bought based on entitlements. She understood there was a lot with potentially 54 units and 14,000 square feet of commercial. However, this project meets none of those parameters. To date, what is being proposed in their neighborhood is a hotel with a spa and a restaurant. Ms. Wilson stated that the area in the restaurant is commercial. She indicated a space identified as common area, but that space is where the public would go to eat. Ms. Wilson referred to language in the LMC that defines commercial space to emphasize the fact that money would be exchanged in all the "common space" areas as defined in this project. She noted that by definition, common area is for the use and enjoyment of the residents. She pointed out that the spa, restaurant and hotel lobby would be for the public and not just for residents.

Ms. Wilson wanted to see a project like the one she understood would be built when she purchased her property, which is 54 units, 60% open space and 14,000 square feet of commercial. Ms. Wilson pointed to a new area in the LMC called accessory uses, which allows buildings to become unlimited, and noted that areas such as lobbies no longer count towards the entitlement.

Ms. Wilson stated that per State Statute, notification must be given to the affected property

owners if the size of the structure is modified or the use is changed. Her property will be affected, but she was not notified that the changes to the MPD would increase the development in her area by 123,000 square feet.

Chair Wintzer requested that Ms. Wilson focus her comments on the three issues of the remand.

Ms. Wilson was concerned that the project has grown because of the accessory uses. She would like to see something that breaks down the square footage. She noted that Council Member Hier admitted that mistakes were made and the project became so large because it was approved without knowing the actual numbers. Ms. Wilson urged the Planning Commission not to make that same mistake again.

Chair Wintzer closed the public hearing.

Doug Clyde, representing the applicant, noted that many of the comments this evening were not germane to the appeal. He has been practicing the Land Management Code in Park City over twenty years and none of those definitions have changed. He has never worked on a project where accessory uses and common areas were treated different from the way they are treated in this project. Mr. Clyde noted that he has never seen a situation where the plat was tied to the CUP.

Mr. Clyde remarked that the ADA uses have been treated as common area in all the projects in Empire Pass, as well projects outside of Empire Pass. The City has adopted that practice as a uniform way to deal with ADA units. Regarding issues related to bonding and phasing, Mr. Clyde concurred with the Staff report and believes it represents what was instructed by the City Council.

Mr. Clyde showed the change they were talking about in terms of the 29% reduction in facade. He compared the first Building 3 with the current Building 3 to show the difference.

Tom Bennett, Counsel for the applicant addressed Ms. Wilson's concern that the project would balloon in size. He noted that Condition of Approval #15 specifically requires that the final condominium plat not exceed the square footage for all the various components that have been submitted. That condition should alleviate her concern.

Mr. Bennett addressed Mr. Dillon's concern that the project would not be completed and the neighbors would be left with an eyesore. Mr. Dillon offered a solution to require that buildings be completed within a specific time frame or for the Planning Commission to approve a phasing plan. Mr. Bennett stated that once construction is started, the International Building Code has provisions that cause the project to continue without interruption. He referred to Ron Ivie's comment earlier this evening that in the past 30 years there have been three instances where the City had to file an action because an incomplete building became a nuisance. Mr. Bennett recalled Mr. Ivie saying that the procedures that are currently in place with the Building Department to review construction, construction phasing and mitigation plans have worked well over the years. Mr. Bennett read Item #3 of the Order of the City Council, "Construction phasing

and additional bonding shall be addressed with respect to site restoration.” He believed that issue had been addressed in the Staff report and in the added conditions of approval with respect to bonding. Mr. Bennett clarified that addressing the bonding issue does not mean that the Planning Commission is the body to require it. That is the responsibility of the Building Department.

Mr. Clyde commented on the statement about hidden commercial uses in this project. He noted that the applicant has requested a specific number of square feet for a commercial use. Every commercial use requires a business license. Part of the business license process is for the Planning Department to verify whether or not the license application corresponds with the approval.

Planner Cattan reported that there was a letter from Bob Dillon on her email just prior to this meeting. She would email copies of his letter to the Commissioners.

Planner Cattan stated that the ADA units are consistent with how ADA units are platted throughout Empire Pass and throughout town. The purpose allows someone with ADA needs to have access to a common unit that cannot be rented separately.

Planner Cattan explained that she had two sets of plans on her desk. If the CUP is approved, they would be stamped as the approved set of plans. The plans outline all residential areas, commercial areas, and all of the common areas. Once the CUP is approved, the applicants cannot increase the density or unit size and they cannot increase the commercial space. Planner Cattan clarified that the applicants were not requesting a blind approval.

Commissioner Strachan remarked that the plans have not changed since the last meeting. His concerns relating to the amount of excavation still remain. Commissioner Strachan did not believe the comparison between the surrounding homes and this building was fair, since the existing homes are single family and this project is a multi-unit dwelling. The height comparison was fair but it did not support compatibility. Commissioner Strachan could not find compatibility because the MPD is not compatible with the surrounding neighborhoods. In his opinion, it would be difficult to build anything on that site in compliance with the MPD that would be compatible. Therefore, he could not support Conclusions of Law 1, 2, 3 and 4. Since the project has been recommended for approval by Staff and if the Planning Commission votes to approve, he suggested revising Condition #15 to specify a total square footage ceiling and require standard compliance with that ceiling. The applicant has presented a 70,350 square foot ceiling for the North Building 3A and that should be incorporated into Condition of Approval #15. He realized that as-built conditions might not reflect that square footage, but the Planning Commission should require substantial compliance.

Commissioner Peek believed the specific items in the Order from the City Council had been addressed in the re-design of Building 3, as well as in Conditions of Approval 2, 4, 5, 7, 14, 16 17 and 18.

Commissioner Pettit noted that Mr. Dillon had referenced a condition in the original approval regarding lock out units. Planner Cattan also recalled that it was in the original conditions and

she was unsure why it was left out. She offered to locate it on her computer so the Planning Commission could re-adopt it with this approval. Commissioner Pettit stated that the issue had been raised and if it was in the original approval they needed to make sure it was not inadvertently left out.

Commissioner Pettit concurred with Commissioner Peek, given that the Planning Commission review was limited to three issues that were remanded back from the City Council. She agreed that based on the re-design of Building 3, the applicant has met the issues of concern regarding mitigation and compatibility. Commissioner Pettit also found that the other issues remanded back with respect to the final landscape plan and the Wild Land Interface regulations had been satisfactorily addressed. She also agreed that the added conditions of approval with respect to construction phasing met the intent of the City Council. Commissioner Pettit was inclined to vote in favor of the CUP.

Commissioner Hontz stated that considering the review constraints, she agreed with Commissioners Pettit and Peek. Commissioner Hontz stated that after reviewing her comments from March 10th, she was disappointed that the Planning Commission had not seen a new staging/phasing map that identified how this would occur on site with the buildout. She did not want time frames, but she felt this important piece of information would have met what she believed the Planning Commission was required to see as part of Condition #28 from the City Council. She thought it would have benefitted the applicant to think that through as well. Her disappointment aside, Commissioner Hontz was willing to make findings and vote in favor of this application.

Commissioner Luskin appreciated the efforts of the applicant to revised this project. While he has seen a lot of improvements, he echoed Commissioner Strachan's comments. Commissioner Luskin stated that he was still troubled by a previous issue that was not mentioned this evening, which was the use of Royal Street. He reiterated his previous concern that Royal Street is continuously terrorized by the use of big trucks. It is a common recreational street that has become extremely dangerous. He understood the difficulty of walking on Marsac with construction vehicles, but Marsac does not have the same type of recreational use. Commissioner Luskin requested that the Planning Commission further discuss the matter.

Commissioner Strachan clarified that his comments directly related to Building 3A.

Regarding the issue of Royal Street versus Marsac, Chair Wintzer felt it was a toss up because construction traffic coming off a mountain is dangerous anywhere. He understood Commissioner Luskin's concerns but it would be unfair to the residents to put a hundred percent of the traffic on Marsac.

Chair Wintzer appreciated the applicant's effort to improve Building 3 and the project. He thought the project was better than it was before it was remanded back from the City Council. He applauded the City Council for their decision. Chair Wintzer remarked that being the last one in the neighborhood is never easy and it is a difficult problem to solve. He sympathized with the neighbors, but this site was always anticipated to have this type of use. Chair Wintzer believed it was time to let the project move forward.

Commissioner Pettit stated that the Marsac residents already bear adverse impacts that are borne by that neighborhood. She felt that the building department had a better understanding to determine where the flow of construction vehicles should occur. Commissioner Pettit thought it was unfair for the Planning Commission to make that determination as a condition of approval.

Planner Cattan had drafted a condition of approval to address lock out units. "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be a substantial deviation from the current plan and must be approved by the Planning Commission." She clarified that she was unable to find the exact language but recollected that it was close to the wording drafted this evening.

Chair Wintzer clarified that lock outs would be allowed, but only with Planning Commission approval. Planner Cattan stated that the applicant would have to come back to the Planning Commission to request approval of lock out units.

Commissioner Strachan asked if a request for lockout units would open the CUP for re-review. Assistant City Attorney McLean replied that it would be an amendment to the CUP. Without an actual application, it was difficult to comment on the scope of review. Commissioner Strachan stated that if a lockout would change the use, it would be different from what the Planning Commission approved. Ms. McLean clarified out that the request would be to amend the use. Commissioner Strachan pointed out that the project would already be built. Ms. McLean replied that Planning Commission could deny the amendment if it did not meet the criteria.

Planner Cattan noted that the amendment would need to occur prior to building the units to create lock out units. Therefore, it would come back to the Planning Commission before it was built.

Commissioner Strachan pointed out that nothing in the Staff report prohibits lock out units. Ms. McLean stated that the condition of approval drafted by Planner Cattan states that lock out units cannot occur without coming back to the Planning Commission for an amendment to the CUP. If that occurred, the Planning Commission would evaluate it for the lock out units, but it would not re-open the entire project. The review would be limited to the scope of the lock out units and whether or not it met the criteria of the CUP.

Commissioner Pettit requested that Planner Cattan read the drafted condition again for the record. Planner Cattan read, "Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission".

MOTION: Commissioner Pettit moved to APPROVE the North Silver Lake Lodges Conditional Use Permit in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended with respect to adding Condition of Approval #19 as read into the record. Commissioner Luskin seconded the motion.

Commissioner Peek referred to Condition of Approval #17 and corrected "sight" to "site".

Commissioner Pettit amended her motion to include the spelling change in Condition #17.

VOTE: The motion passed 4-1. Commissioner Strachan voted against the motion.

Mr. Clyde informed Commissioner Hontz that they had heard her request. The final site plan was produced, but it was inadvertently left out of the package. He noted that Ron Ivie had reviewed the final plan.

Findings of Fact - North Silver Lake CUP

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5140 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Plan requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half of a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.
8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating, "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Bellemont Subdivision utilized 1/4 acre of the Lot 2B parcel to comply with the open space

requirement.

10. The current application site plan contains 70.6% of open space on the site, including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit utilizing the exception of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with Section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.

Conclusions of Law - North Silver Lake - CUP

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The use is compatible with surrounding structures in use, scale, mass and circulation.
3. The use is consistent with the Park City General Plan.
4. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval - North Silver Lake - CUP

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.
6. The developer shall mitigate the impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshal review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty-foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the Urban Wild Land Interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire April 28, 2011, 12 months from April 28, 2010, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the Planning Commission on April 28, 2010. Building permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.

15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space and commercial space as shown in the plans approved by the Planning Commission on April 28, 2010.
16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
17. A phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.
18. A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. The existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released.
19. Lock out units have not been included within the current conditional use permit application. The addition of lock out units would be substantial deviation from the current plan and must be approved by the Planning Commission.
2. 1150 Deer Valley Drive - Conditional Use Permit
(Application #PL-09-00858)

Planner Francisco Astorga reviewed the conditional use permit application for construction within the Frontage Protection Zone at 1150 Deer Valley Drive, Snow Country condos. The applicant wishes to build two parking spaces to their existing parking lot. Planner Astorga stated that this proposal resulted from an amendment to a record of survey that the Planning Commission heard in October 2009. At that time the Planning Commission agreed with the Staff recommendation of not supporting the plat amendment, because it would increase the degree of the existing non-compliance due to the lack of parking mandated by the LMC. During the October meeting, the Planning Commission recommended that the applicant consider other options to mitigate the non-compliance issue.

Planner Astorga reported that based on that direction, the applicant decided to build two new parking spaces. He presented a site plan of the plat and noted that the LMC prohibits construction in the 0-30 foot no-build zone. Any construction beyond 30 feet to the next 100 foot requires a conditional use permit. Planner Astorga remarked that the proposal to construct two parking spaces would decrease the level of non-compliance.

The Staff report contained the Staff analysis regarding the CUP criteria. The impacts were all mitigated as described by the criteria.

Planner Astorga noted that the next item on the agenda this evening would be the amendment

Exhibit K2 – 4.24.2010 Planning Commission Verbatim Excerpt

The Planning Commission discussed the North Silver Lake CUP on April 28, 2010. Below is a verbatim transcript of the portion of the discussion regarding lockout units.

Commissioners: Charlie Wintzer, Brooke Hontz, Dick Peek, Adam Strachan, Richard Luskin.

Staff: Planner Katie Cattan; Assistant City Attorney, Polly Samuels McLean.

Applicant representatives: Doug Clyde, Tom Bennett, John Shirley

Julia

Pettit: I have one question then I'll make a comment. Uh, I know that Mr. Dillon referenced an original finding, or an original condition of approval regarding the lockout. Do you---

Katie

Cattan: I, I recall that as well and I, it is not included in here. Um, originally-- I could take a minute and go on the computer and---

Julia

Pettit: I, I think that---

Katie

Cattan: And, and locate it and we can re-adopt---

Julia

Pettit: It's been raised and if it was in the original---

Katie

Cattan: Yeah.

Julia

Pettit: Conditions set up for the approval, let's make sure that something hasn't gotten inadvertently left out.

Katie

Cattan: Yep.

Julia

Pettit: So, that would be my recommendation.

Charlie

Wintzer: That was my comment, too.

Katie

Cattan: [Inaudible.]

Charlie
Wintzer: Sure.

While Planner Cattan looked through her computer for the original condition of approval, the Commissioners made their individual comments regarding the CUP, but nothing pertaining to lockout units.

Katie
Cattan: Would you like me to talk about lockout units.

Julia
Pettit: Yes.

Katie
Cattan: A condition of approval that we could add to this would be, "Lockout units have not been included within the current conditional use permit application. The addition of lockout units would be a substantial deviation from the current plan and must be approved by the Planning Commission."

Julia
Pettit: Was that how---

Katie
Cattan: That's how we---I, I couldn't find the exact language but that's how I remember us re-wording that the last time. So that, if the applicant were to choose to amend their plan and come back, that would be a substantial deviation and they would have to come back for approval.

Charlie
Wintzer: But right now they---

Katie
Cattan: [Inaudible.]

Charlie
Wintzer: Am I, am I correct Katie, that right now, with what you said they can have lockouts but they can only have it with our approval, is that correct?

Katie
Cattan: Only with your---they have to come back before Planning Commission and get approval of lockout units.

Adam

Strachan: And that would open the entire project up to re-review?

Charlie

Wintzer: If we say that it would that, that'll stop that issue.

Polly

Samuels

McLean: Um, I need to talk perspective. I'm just trying to think it out. I mean at the point that it would be built, it's kind of hard to say. I mean, I think that you would, it would re-open the CUP.

Katie

Cattan: It would be an Amendment.

Polly

Samuels

McLean: It would be an amendment to the CUP. The scope of that, it's just hard to say without it in front of us. I don't have a super clear answer on that. But it's---

Adam

Strachan: It seems like if it would change the use, you know, if it's built and then you change the use later, we didn't approve that use.

Polly

Samuels

McLean: Well, what, what that, they would be coming in to amend that use.

Adam

Strachan: Yeah, but it would be built already. So---

Katie

Cattan: But you could still deny it if it was incompatible with---

Polly

Samuels

McLean: Right. You'd go through the criteria.

Katie

Cattan: And it would have to occur prior to, um, building the units to create lockout units. They couldn't put, if I, if I have a set of plans which shows lockout

units, I could not approve that set of plans. It would have to come back before you. So it wouldn't be built.

Adam

Strachan: Well, not on, not by this Staff report. There's nothing that prevents them by this Staff report from building lockout units.

Polly

Samuels

McLean: Not, uh, the way I read that condition of approval is that it would--you couldn't--- they could not build lockout units right now without coming back before you and requesting them. And I would say that you would look at it as a clean slate. You would evaluate it for the lockout units, but I don't think that it would re-open the whole project. I think it would just be limited to the scope of the lockout units and whether or not it met the criteria of the CUP. You'd go through those 15 analyses.

Julia

Pettit: So, Katie, that would be an additional condition of approval #19?

Katie

Cattan: Yes.

Julia

Pettit: Or would it be added on to one of the others?

Katie

Cattan: Um, I think we could make it independent, so it would be number 19.

Julia

Pettit: And can you read that back to me again?

Katie

Cattan: Yeah. "Lockout units have not been included within the current conditional use permit application. The addition of lockout units would be a substantial deviation from the current plan and must be approved by the Planning Commission.

Charlie

Wintzer: Commissioners, any more comments or a motion?

Unidentified

Male: I mean, a lockout unit is an allowed use in the zone.

Doug

Clyde: Condition.

Unidentified

Male: Wouldn't that, I mean that would just be a Staff level approval.

Charlie

Wintzer: Not if it's a condition that's in there. We're saying that they can't---

Unidentified

Male: Yeah, yeah, yeah, I got it.

Polly

Samuels

McLean: So, right, under---

Unidentified

Male: You're making it a condition.

Polly

Samuels

McLean: We're making, we're making it a condition because of the, um, possible and additional impacts. So, that's one of your mitigations. And then you could re-evaluate that if lockout units are proposed.

Unidentified

Male: Okay, thanks for the clarification.

Adam: Mr. Chairman, I make a motion. No just kidding.

Charlie

Wintzer: I, I was waiting, 'cause if we wait too long.

Julia

Pettit: Um, Mr. Chairman, I'm going to make a motion that we approve the North Silver Lake Lodges Conditional Use Permit in accordance with the findings of fact, conclusions of law, and conditions of approval as amended with respect to Conditional of Approval #19 as it has been read into the record.

Charlie

Wintzer: We have a motion. Do we have a second?

Richard

Luskin: I'll second.

Charlie

Wintzer: Uh, any comments?

Dick
Peek: Condition of Approval 17, the first sentence, should “sight” be changed to “site”?

Doug
Clyde: Yeah, we, uh, we didn’t want anybody to think that we were restoring sight to anybody. We’re not Moses or anything.

Katie
Cattan: I don’t know who wrote that.

Julia
Pettit: I’ll amend my motion to include the change to Condition of Approval #17.

Charlie
Wintzer: Any other comments? All in favor?

VOTE: The motion passed 4-1. Commissioner Strachan voted against the motion.



Building • Engineering • Planning

April 28, 2010

North Silver Lake Lodges, LLC
11990 San Vicente, Suite 200
Los Angeles, CA 90049

NOTICE OF PLANNING COMMISSION ADMINISTRATIVE ACTION

Project Address: **Lot 2B of North Silver Lake Subdivision**
Project Description: **Conditional Use Permit**
Date of Action: **April 28, 2010**

Action Taken By Planning Commission: Approved in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as written below:

Findings of Fact

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5140 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Plan requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906



Building • Engineering • Planning

8. Within the Deer Valley MPD development parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2B towards the 60% open space requirement. The Bellemont Subdivision utilized $\frac{1}{4}$ acre of the Lot 2B parcel to comply with the open space requirement.
10. The current application site plan contains 70.6% of open space on the site including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit utilizing the exception of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.

Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.

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3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on *April 28, 2010*.
6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshall review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the urban wild land interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(l) are required prior to the issuance of an electrical permit.
10. This approval will expire *April 28, 2011*, 12 months from *April 28, 2010*, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the Planning Commission on *April 28, 2010*. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.
14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.

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15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space, and commercial space as shown in the plans approved by the Planning Commission on April 28, 2010.
16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
17. A phasing and bonding plan to ensure sight restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas.
18. A bond shall be collected to at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. The existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released.
19. Lockout units have not been included within the current CUP application. The addition of lockout units would be a substantial deviation from the current plan and must be approved by the Planning Commission. (Added during April 28, 2010 meeting).

Respectfully,

A handwritten signature in cursive script, appearing to read "Katie Cattan".

Katie Cattan
Planner

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906

**PARK CITY COUNCIL, SUMMIT COUNTY, UTAH
FINDINGS OF FACT, CONCLUSIONS OF LAW, CONDITIONS OF
APPROVAL AND ORDER FOR THE NORTH SILVER LAKE APPEAL
JULY 21, 2011**

At its regularly scheduled meeting of July 21, 2011, the Park City Council unanimously affirmed the Planning Commission decision to uphold the Planning Director's approval and grant the one year extension for the Conditional Use Permit (North Silver Lake CUP) with minor typographical corrections, specifically to Findings #3 and #9 as underlined and according to the following findings of fact, conclusions of law and conditions of approval.

Findings of Fact

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
4. The applicant has applied for a conditional use permit for the development of 54 units located on Lot 2B of the North Silver Lake Subdivision. The applicant has included 5102 square feet of support commercial space within this application. The project consists of 16 detached condominium homes and four condominium buildings containing 38 condominium units. The remaining commercial units are not transferable.
5. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
6. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
7. The Deer Valley MPD determines densities on parcels as an apartment unit containing one bedroom or more shall constitute a dwelling unit and a hotel room or lodge room shall constitute one-half a dwelling unit. The Deer Valley MPD does not limit the size of units constructed provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.
8. Within the Deer Valley MPD parcels exhibit there is a note for the NSL Subdivision Lot 2D Open Space stating "This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B." Lot 2D is 4.03 acres in size.
9. Within the original North Silver Lake Subdivision, the Bellemont subdivision was allowed to also utilize Lot 2D towards the 60% open space requirement. The Bellemont Subdivision utilized $\frac{1}{4}$ acre of the Lot 2D parcel to comply with the open space requirement.

10. The current application site plan contains 70.6% of open space on the site including the remainder 3.78 acres of open space on Lot 2D.
11. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
12. The property is within the Sensitive Lands Overlay Zone and the project complies with the Sensitive Lands Ordinance.
13. The height limit for Lot 2B was established at 45 feet within the Deer Valley Master Plan. The development complies with the established height limit, with the allowance of five feet for a pitched roof.
14. The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.
15. The Planning Commission held public hearings on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009.
16. The Planning Commission approved the CUP on July 8, 2009.
17. An appeal of the CUP approval was received July 17, 2009 within ten days per LMC 15-1-18.
18. The City Council reviewed the appeal of North Silver Lake lot 2B on October 15, 2009 and on November 12, 2009.
19. On November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
20. The Planning Commission reviewed the North Silver Lake Conditional Use Permit remand on November 11, 2009 and January 13, 2010 and two Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.
21. The Conditional Use Permit was appealed by two separate parties within ten days of the Planning Commission approval.
22. The design for Building 3 decreased the overall square footage of the Building 3 twenty-five percent (25 %), reoriented the building on the site, and divided the original single building into two interconnected buildings of smaller scale and size than the original single building.
23. The landscape plan was modified to comply with the Wild Land Interface regulations.
24. Construction phasing and additional bonding beyond a public improvement guarantee has been required.
25. On July 1, 2010, the City Council approved the North Silver Lake Lot 2B Conditional Use Permit. The approval is scheduled to expire on July 1, 2011 if no building permits are issued within the development.
26. On March 17, 2011, the Planning Department received a complete application for an extension of the Conditional Use Permit. No permits for development have been issued or applied for at time of application. The extension request was submitted prior to the expiration of Conditional Use Permit.
27. The Conditional Use Permit Criteria within LMC section 15-1-10 has not changed since the July 1, 2010 City Council approval.

28. The Conditional Use Permit application for North Silver Lake Lot 2B has not changed since the July 1, 2010 City Council Approval. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
29. Within the July 1, 2010 approval, Condition of Approval #18 states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released." This requirement had not been completed at the time of extension submittal. The work was completed by July 1, 2011, and therefore the approved extension will not be void due to incompleteness on condition of approval #18 from the July 1, 2010 City Council action.
30. The building department collected a bond to ensure that the existing impacts of the site will be repaired at the time of CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18') new trees that vary in height from 10 to 12 feet, and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work was completed by July 1, 2011 and complies with the July 1, 2010 City Council conditions of approval.
31. The Planning Director granted a one year extension to the Conditional Use Permit on April 28, 2011 to July 1, 2012.
32. An appeal to the Planning Commission of the Planning Directors approval was submitted on May 9, 2011.
33. On June 8, 2011 the Planning Commission held a public hearing to consider the appeal filed. After hearing testimony from the appellant, the property owner, and staff, the Planning Commission, after reviewing the matter de novo, rendered a decision to uphold the Planning Director's decision and grant the extension of the Conditional Use Permit.
34. On June 20, 2011, the City received a written appeal pursuant to Chapter 15-1-18(A) of the Land Management Code. The appeal is of the Planning Commission final action of June 8, 2011, upholding the Planning Director's decision to approve an extension of the Conditional Use Permit for the North Silver Lake Lot 2B development.

Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

5. No change in circumstance is proposed within the extension that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. This plan must address mitigation for construction impacts of noise, vibration, and other mechanical factors affecting adjacent property owners. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be included within the construction mitigation plan.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. The Arborcare Temporary Tree and Plant Protection Plan dated April 2, 2009 must be adhered to. A member of the Planning Staff and Planning Commission will be invited to attend the pre-installation conference. Prior to operating any excavation machinery, all operators of any excavation machinery must sign off that they have read, understand, and will adhere to the Temporary Tree and Plant Protection plan.
5. A landscape plan is required with the building permit. The landscape plan must reflect the site plan and existing vegetation plan as reviewed and approved by the Planning Commission on April 28, 2010.
6. The developer shall mitigate impacts of drainage. The post-development run-off must not exceed the pre-development run-off.
7. Fire Marshal review and approval of the final site layout for compliance with City standards is a condition precedent to building permit issuance. The proposed development shall comply with the regulations of the Urban Wild Land Interface Code. A thirty foot defensible space will be mandatory around the project, limiting vegetation and mandating specific sprinklers by rating and location. The Fire Marshal must make findings of compliance with the urban wild land interface regulations prior to issuance of a building permit.
8. Approval of a sign plan is required prior to installation of any signs on the property.
9. Staff review and findings of compliance with the lighting regulations of LMC Section 15-5-5(I) are required prior to the issuance of an electrical permit.
10. This approval will expire July 21, 2012, 12 months the date of this decision, if no building permits are issued within the development. Continuing construction and validity of building permits is at the discretion of the Chief Building Official and Planning Director.
11. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
12. The SWCA wildlife mitigation plan dated April 15, 2009 must be included within the construction mitigation plan and followed.
13. The two ADA units are to be platted as common space and cannot be separately rented without renting another unit.

14. The Sustainable Design Strategies created by Living Architecture as reviewed by the Planning Commission on April 28, 2010 must be adhered to within the building permit process. Any substantial deviation from this plan must be reviewed by the Planning Commission.
15. The final condominium plat for North Silver Lake Lot 2B may not exceed the square footage for common space, private space, and commercial space as shown in the plans reviewed by the City Council on June 24, 2010.
16. A bond shall be collected prior to issuance of a grading or building permit to cover the cost of the landscape plan as approved.
17. A phasing and bonding plan to ensure site restoration in conjunction with building phasing beyond a public improvement guarantee must be approved by the Building Department. The plan shall include re-vegetation for perimeter enhancement and screening into the project, soil capping for any new disturbance and previous disturbance of the site, and clean-up of all staging areas. Prior to building department action on approving each phase of the phasing plan, the developer and building department shall conduct a neighborhood meeting, with minimum courtesy mailed notice to both appellants, each appellant's distribution list as provided to planning staff, and any HOAs registered with the City within the 300 foot notice area.
18. No lockout units are permitted within this approval.
19. The conditions of approval of the original July 1, 2010 Conditional Use Permit approval continue to apply.

Order

1. The appeal is denied in whole. The Conditional Use Permit extension is approved with the amended Finding of Fact, Conclusions of Law and Conditions of Approval as stated above.

PASSED AND ADOPTED this 21st day of July, 2011.

PARK CITY MUNICIPAL CORPORATION



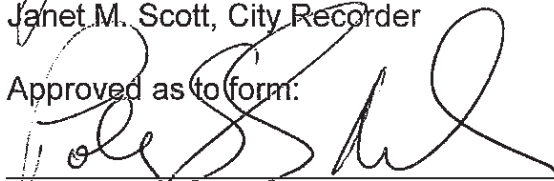
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Polly McLean Samuels, Assistant City Attorney





April 6, 2012

Lisa Wilson
P.O. Box 1718
Park City, Utah 84060

NOTICE OF CITY COUNCIL ACTION

Project Description: Appeal of Planning Commission decision to approve one-year extension
Project Numbers: PL-12-01474
Project Address: North Silver Lake Lot 2B
Date of Final Action: April 5, 2012

Action Taken: The City Council conducted a public hearing and voted unanimously to deny the appeal of Planning Commission action to approve an extension of the Conditional Use Permit for the North Silver Lake Lot 2B development and upheld the approval based on the findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
4. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
5. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
6. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
7. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
8. The Planning Commission held public hearings on the original CUP on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009 and approved the CUP on July 8, 2009.
9. The Planning Commission approval of the CUP was appealed to the City Council and on November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
10. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.

11. The revised CUP was appealed to the City Council and on July 1, 2010, the City Council approved the North Silver Lake Lot 2B Conditional Use Permit
12. On March 17, 2011, the Planning Department received a complete application for an extension of the Conditional Use Permit. The extension request was submitted prior to the expiration of Conditional Use Permit. On April 28, 2011 the Planning Director approved the one year extension to July 1, 2012.
13. An appeal of the Planning Director's approval was heard on June 8, 2011 by the Planning Commission. The Planning Commission voted to uphold the Planning Directors decision to grant the extension of time as requested by the applicant.
14. The Planning Commission's decision was appealed to the City Council and on July 21, 2011 the City Council voted to uphold the Planning Commission's decision and approve the extension until July 21, 2012.
15. Within the July 21, 2011 approval, Condition of Approval #18 states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released." This condition was met as of July 1, 2011, which was prior to the first extension request, and the applicant has since capped the rock area with soil and has re-vegetated the area with new landscaping along the perimeter entrance as required.
16. The building department collected a bond to ensure that the existing impacts of the site will be repaired at the time of CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18') new trees that vary in height from 10 to 12 feet, and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work has been completed, and the Building Department has released the bond.
17. On October 27, 2011 the applicant submitted a request for an additional one year extension until July 21, 2013 of the Conditional Use Permit which is currently set to expire on July 21, 2012.
18. On January 11, 2012, the Planning Commission granted the request for the one-year and final extension to the original CUP for North Silver Lake, Lot 2B, allowing the Conditional Use Permit to extend to July 21, 2013.
19. The Planning Commission may grant an additional one (1) year extension (of the Conditional Use Permit) when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. The Conditional Use Permit Criteria within LMC section 15-1-10 has not changed since the July 21, 2010 City Council approval.
20. The Conditional Use Permit application or plans for North Silver Lake Lot 2B has not changed since the July 21, 2010 City Council Approval.
21. There are no changes in circumstance including no physical changes to the Property or surroundings that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
22. There have been no changes to the application or the approved plans since the first

extension of time was granted on June 8, 2011 by the Planning Commission (and upheld by the City Council on July 21, 2011).

Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
3. The Planning Commission did not err in granting a 12 month extension of the CUP approval.

Conditions of Approval

1. All conditions of approval of the City Council's July 21, 2011 order continue to apply.
2. This approval will expire July 21, 2013, 12 months from the first extension of the CUP.
3. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

If you have any questions or concerns regarding this letter, please do not hesitate to contact me. I can be reached at 435-615-5063 or via e-mail me at mathew.evans@parkcity.org.

Sincerely,

Mathew W. Evans
Senior Planner

Exhibit O – Tax Projections



October 21, 2013

Jeff Dinkin
Regent Properties
11990 San Vicente Blvd., Suite 200
Los Angeles, CA 90049

Dear Jeff,

Please find enclosed tax projections for Stein Eriksen Residences (formerly North Silver Lake Lodge). The attached worksheet shows projected taxes with and without lockouts.

We used the following assumptions when calculating these projections;

- (1) Started with Stein Eriksen Lodge's rate and occupancy for the past 5 years
- (2) We reduced group room nights because of limited meeting space
- (3) Social room nights were increase because of less displacement from groups
- (4) A higher rate was used because newer properties generate higher rates

After calculating revenues and taxes, we asked Tanner LLC, a Salt Lake CPA firm to review our projections and give us an independent opinion of the reasonableness of these numbers, which is included.

Sincerely,

A blue ink signature of Russ Olsen, consisting of stylized, overlapping loops.

Russ Olsen
CEO

A blue ink signature of Mark C Lundskog, featuring a cursive 'M' and 'L'.

Mark C Lundskog
CFO



STEIN ERIKSEN LODGE RESIDENCES

Sales & Transient Taxes Annual Model

				Lockouts	Amount of Tax to Park City		Without Lockouts	Amount of Tax to Park City	
Room Revenue				\$	10,421,599		\$	4,357,851	
Taxes									
State sales	4.70%	\$	489,815	State		\$	204,819	State	
Local sales *	1.00%	\$	104,216	\$	52,108	\$	43,579	\$	21,789
Mass transit	0.30%	\$	31,265	\$	31,265	\$	13,074	\$	13,074
Botanical, cultural, zoo	0.10%	\$	10,422	County		\$	4,358	County	
County option sales	0.25%	\$	26,054	County		\$	10,895	County	
Resort community	1.10%	\$	114,638	\$	114,638	\$	47,936	\$	47,936
Add'l Resort Tax (4/1/13)	0.50%	\$	52,108	\$	52,108	\$	21,789	\$	21,789
Transient Room	3.00%	\$	312,648	County		\$	130,736	County	
Munic. Transient Room**	NA	\$	-	\$	-	\$	-	\$	-
Add'l Munic. Trans. Room**	NA	\$	-	\$	-	\$	-	\$	-
Munic. Telco. License Tax***	3.50%	\$	-	\$	-	\$	-	\$	-
Munic. Energy Tax ***	6.00%	\$	-	\$	-	\$	-	\$	-
Total To Amount to Park City				\$	250,118.37			\$	104,588.43

* 50% of this tax stays in Park City. The remaining 50% is allocated to state municipalities based on population.

** Park City has not elected to enact this tax.

*** These taxes are applied to telephone service bills and energy bills respectively.



**TANNER**BUSINESS ADVISORS AND CERTIFIED
PUBLIC ACCOUNTANTS**Tanner LLC**

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Salt Lake City, Utah 84111-1400
Telephone (801) 532-7444
Fax (801) 532-4911
www.tannerco.com

INDEPENDENT ACCOUNTANTS' REPORT

Mr. Mark Lundskog, Chief Financial Officer
Stein Eriksen Lodge Owners' Association, Inc.
7700 Stein Way
Park City, UT 84060

We have performed the consulting procedures enumerated below for Stein Eriksen Lodge Owners' Association, Inc. (the Association), which were determined by you, with respect to the sales and transient taxes model prepared by management for the Park City local tax impact analysis of the additional room lock-out development project. The specific procedures that you have asked us to perform, and our findings from those procedures, are as follows:

Sales and Transient Taxes Annual Model Related to the Additional Room Lock-Out Development Project

1. Obtain the five years' historical lodging and financial data underlying certain assumptions in the model.
 - a. *Results:* We obtained the original report data for five years of historical lodging and financial data, and we obtained the summarized report prepared in Excel. We compared the original report data to the Excel data, noting minimal deviations that did not cause large, significant, or unreasonable changes to the yearly averages. Because the historical data was used as a guideline and benchmark in the Association's determination of potential project results, we did not consider these variations to be pertinent. The historical data appears reasonable.
2. Review the fewer number of group nights used in the model, compared to historical group occupancy rates due to fewer meeting rooms resulting from the proposed room lock-out development project.
 - a. *Results:* The estimated occupancy rates for group rentals is lower than the Association's historical group occupancy rates primarily because the available space for group meetings would be much smaller, and thus the groups and related revenue would be correspondingly smaller. Management's assumptions appear reasonable.
3. Review the amount of groups sales used in the model, which groups sales are based on groups using the living and kitchen areas. This practice is currently employed at Stein Eriksen Lodge.
 - a. *Results:* Group sales used in the model are a function of the annual estimated group daily rates and annual estimated occupancy rates. We noted that annual estimated group daily rates, on average, were slightly higher than the Association's historical data based on the assumption that newer facilities tend to have the ability to charge higher rates than a more established facility like Stein



Eriksen Lodge. Our experience corroborates this assumption and management's assumption appears reasonable. The estimated occupancy rates for group rentals is lower than the Association's historical group occupancy rates, the reasoning for which is described in procedure 2 above. These two factors are combined in the model to obtain annual estimated group sales.

4. Review the higher social occupancy used in the model, compared to historical social occupancy, which is based on the assumption that fewer group nights displace less social demand.
 - a. *Results:* The annual estimated social occupancy, on average, were slightly higher than the Association's historical data based on the fact that newer facilities tend to attract more guests in the short term than a more established facility like Stein Eriksen Lodge. Furthermore, it appears reasonable that with fewer group nights displacing less social demand, that a higher social occupancy is used in the model. Our experience corroborates these assumptions and management's assumptions appear reasonable.
5. Review the higher room rate used in the model, which is based on the fact that the property will be new. Compare the higher room rates to other new properties in the vicinity, such as the Montage and St. Regis properties.
 - a. *Results:* We viewed upcoming room rates for some of the newer lodging facilities in Park City (namely the Montage and St. Regis properties). Because room rates change significantly during the year due to seasonality, and based on the length of time that data was available on the respective websites, we reviewed room rates for various dates in January, February, and May 2014. We noted that in all cases, the room rates were higher than Stein's historical rates in the respective months, but that the estimated rates for the planned facility are slightly lower than the existing properties. We consider this comparison to be reasonable based on the planned facility's size and location compared to the existing properties. Based on our comparisons, the expected estimated rates appear to be reasonable.

We were not engaged to, and did not, conduct an examination of the forecast, the objective of which would be the expression of an opinion on the forecasted accounting records. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the Association's management's information and use, and is not intended to be and should not be used by anyone else.

Tanner LLC

October 7, 2013



Planning Commission Staff Report



PLANNING DEPARTMENT

Project Number: PL-14-02225
Subject: North Silver Lake Condominium Plat
Author: Francisco Astorga, Planner
Date: February 12, 2014
Type of Item: Administrative – Condominium Record of Survey

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing for a Condominium Record of Survey for the North Silver Lake Condominium Plat, located at 7101 Silver Lake Drive, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: SR Silver Lake LLC represented by Rich Lichtenstein
Location: 7101 Silver Lake Drive
Lot 2B Subdivision of Lot 2 North Silver Lake
Zoning: Residential Development (RD) District
Adjacent Land Uses: Ski resort and residential
Reason for Review: Condominium Record of Survey Plats are required to be reviewed by the Planning Commission and reviewed and approved by the City Council

Proposal

Under the Deer Valley Resort Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial/support space. In 2010 the Park City Planning Commission approved a Conditional Use Permit (CUP) for the development consisting of fifty four (54) private total units: sixteen (16) detached single family dwellings/duplexes and four (4) condominium buildings containing thirty eight (38) private dwelling units. The applicant requests the approval of their proposed Condominium Record of Survey plat which is consistent with the approved CUP (2010).

Background

On January 10, 2014 a complete application was submitted to the Planning Department requesting approval of the North Silver Lake Condominium Plat located at 7101 Silver Lake Drive in Deer Valley. The site is located in the Residential Development (RD) District. The proposed Record of Survey identifies private and common space and allows the applicant to sell the units.

A subdivision plat, known as the North Silver Lake Subdivision, was recorded in 1993. The subdivision created two (2) lots of record. According to this subdivision, Lot 2 was contemplated for further subdivision and future development. The Lot 2 North Silver Lake Subdivision was recorded in 1997. This subdivision further amended Lot 2 into four (4) separate lots. In 2005 the North Silver Lake Lodge Record of Survey Plat was recorded. This Plat subdivided Lot 2B into six (6) units and it identified convertible land for future development of the remaining land.

At this time the applicant requests to replace the North Silver Lake Lodge Record of Survey Plat (2005) with the proposed North Silver Lake Condominium Plat. The proposed Condominium Record of Survey plat identifies private, limited common, common areas, etc., within the project. The current recorded plat will be retired when this one is recorded.

Concurrently with this application the Planning Commission is reviewing a CUP modification application for the North Silver Lake development which requests to amend the approved CUP to allow Lockout Units.

District Purpose

The purpose of the Residential Development (RD) District is to:

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types

Analysis

The proposed Condominium Record of Survey memorializes condominium units, common area, and limited common area for the development. The proposed plat identifies the private area, limited common area, support limited common area and facilities, and common area that allows the units to be sold individually.

The proposed Condominium Record of Survey consists of ten (10) single-family dwellings, six (6) duplex dwellings, thirty eight (38) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) support commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units. The boundary lines of each private unit are set forth on the proposed plat.

The boundaries for Units 11 through 16, consisting of six (6) detached single family dwellings, are depicted as two-dimensional condominium space because these units are not yet designed and the accurate dimensions are not known at this time. The condominium plat includes all of the air space on and above the location of such units as shown on the proposed plat. Upon completion of construction of a building on these units, the boundaries of such completed units will be amended and a final record of survey plat will be recorded. The owner will have the obligation to amend this proposed plat after construction of the complete units to reflect the as-built boundaries of such completed unit.

Staff recommends that for these six (6) units, unit 11 through 16, a condition of approval of this underlying condominium plat requires that upon completion of these units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

The size of the private units within the multi-unit dwelling ranges from 1,978 – 4,932 square feet. The size of the private units, the single family dwellings and duplexes range from 5,565 – 6,505. See table below showing the dwelling type, private square footage, and number of floors of units 1-10:

Unit #	Dwelling type	Private square footage	Number of floors
1	SFD	6,505	4
4	SFD	6,320	4
3	Duplex	5,840	3
4	Duplex	5,840	3
5	SFD	5,565	3
6	Duplex	5,729	3
7	Duplex	5,729	3
8	SFD	5,682	3
9	Duplex	5,732	3
10	Duplex	5,732	3

Height of the single family dwellings and duplexes

After reviewing the previous staff reports and minutes staff identified that the single family and duplex dwellings along the periphery of the site are substantially beneath the allowed height of 45 feet. The applicant's representative indicated that their proposal was designed to put all the units on the perimeter of the project at 33 feet maximum height. The larger buildings in the center are designed at 50 feet. This is reflected on the August 13, 2008 Planning Commission staff report and meeting minutes.

During the October 22, 2008 Planning Commission meeting it was indicated that the homes on the perimeter were designed to be 33 feet above grade from natural grade; two units on steep grade. It was also noted that there are units where the buildings would be between 33 and 40 feet tall to create variation in the roof forms. These homes

create a scale more compatible to the surrounding single family homes than the four centralized condominiums.

During the February 25, 2009 Planning Commission the applicant's architect reviewed a fog study and talked about the massing of the project. It was stated that the applicants took it upon themselves to apply a 33 foot height limit. That same staff report indicated the following:

Height limitation: As previously mentioned, the applicant has self-imposed a 33 foot height limitation for the periphery detached homes in an effort to create compatibility with the adjacent projects. The larger stacked flat condominiums are 50 feet in height. They are located within the center of the project and to the north adjacent to open space. The new location of the larger buildings creates less impact on the adjacent neighbors and less impermeable surface area than the previous site plans.

During the May 27, 2009 Planning Commission Planner Cattan reported that part of the master plan is a 45 foot height limit with an additional five feet for pitched roofs. She presented a display showing a 33 foot cloud over existing grade and noted that the applicant has self-imposed a 33 foot height limitation around the periphery. The project is above 33 feet in the central four units and in small portions around the periphery. For the most part they stayed under the self-imposed 33 foot height limit. The allowed height is 45 feet maximum. The Planning Commission commended the applicant on the effort put forth to reduce heights along the periphery to match the adjacent zone height of 33 feet above existing grade. The same was discussed during the July 08, 2009 Planning Commission meeting and the November 12, 2012 City Council meeting.

The following exhibit was presented to the Planning Commission during the May 27, 2009 Planning Commission meeting:



Discussion requested: Staff recommends that the applicant work closely with the Planning Department in order for the City to ensure that the height of all of the structures match what the City approved. This includes the self-imposed height condition of the single family dwellings and duplexes as the CUP was approved with this understanding. The proposed Record of Survey shall indicate the appropriate heights per the previous minutes, staff reports, and submitted exhibits reflect such self-imposed regulation. Does the Planning Commission concur with such findings and specific condition of approval?

The Record of Survey includes: limited common areas consisting of decks, roofs, driveways, etc.; support limited common areas and facilities consisting of the private road, patio, exercise area, lockers, swimming pool, lobby, lounge, etc.; support unit consisting of the lobby; and the three (3) support commercial units identified as:

- Unit C-1, spa, 852 square feet
- Unit C-2, ski rentals, 817 square feet
- Unit C-3, dining area, 3,244 square feet

These support commercial areas mentioned above and all of the other amenities identified on the plat are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, lockers, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units onsite. The Deer Valley Master Planned Development allocated 14,525 square feet of commercial/support commercial for the Silver Lake Community. Per the 2010 approved CUP, the applicant requested to accommodate 5,140 square feet of support commercial space. At this time the updated CUP plans and Record of Survey indicates a combined area of 4,913 square feet.

Staff finds good cause for this Condominium Record of Survey as it reflects the approved CUP for the development.

Department Review

This project has gone through an interdepartmental staff review meeting. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.

Public Input

No public input has been received by the time of this report.

Future Process

The approval of this condominium record of survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC

15-1-18.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the North Silver Lake Condominium Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for North Silver Lake Condominium Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on North Silver Lake Condominium Plat.

Significant Impacts

There are no significant impacts on the City from this application.

Consequences of not taking the Suggested Recommendation

The Condominium Record of Survey would not reflect the approved 2010 CUP development. The owner would not be able to sell private units.

Recommendation

Staff recommends that the Planning Commission conduct a public hearing for a Condominium Record of Survey for the North Silver Lake Condominium Plat, located at 7101 Silver Lake Drive, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Proposed Ordinance with Propose Condominium Record of Survey

Exhibit B – Project Description

Exhibit C – North Silver Lake Subdivision (1993)

Exhibit D – Lot 2 North Silver Lake Subdivision (1997)

Exhibit E – North Silver Lake Record of Survey Plat (2005)

Exhibit A – Proposed Ordinance with Condominium Record of Survey

Ordinance No. 14-XX

AN ORDINANCE APPROVING THE NORTH SILVER LAKE CONDOMINIUM PLAT LOCATED AT 7101 SILVER LAKE DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the North Silver Lake Condominium Record of Survey Plat, located at 7101 Silver Lake Drive have petitioned the City Council for approval of an amended and restated condominium record of survey plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 12, 2014, to receive input on the North Silver Lake Condominium Record of Survey Plat record of survey plat;

WHEREAS, the Planning Commission, on February 12, 2014, forwarded a recommendation to the City Council;

WHEREAS, the City Council on _____ conducted a public hearing to receive input on the North Silver Lake Condominium Plat ; and

WHEREAS, it is in the best interest of Park City, Utah to approve the North Silver Lake Condominium 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. North Silver Lake Condominium Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 7101 Silver Lake Drive.
2. The site is located in the Residential Development (RD) District.
3. A subdivision plat, known as the North Silver Lake Subdivision, was recorded in 1993. The subdivision created two (2) lots of record. According to this subdivision, Lot 2 was contemplated for further subdivision and future development.

4. Lot 2 North Silver Lake Subdivision was recorded in 1997. This subdivision further amended Lot 2 into four (4) separate lots. This record of survey plat is development of Lot 2B of the Lot 2 North Silver Lake Subdivision plat.
5. In 2005 the North Silver Lake Lodge Record of Survey Plat was recorded. This Plat subdivided Lot 2b into six (6) condominium units and identified convertible land
6. At this time the applicant requests to replace the North Silver Lake Lodge Record of Survey Plat (2005) with the proposed Record of Survey. Upon recordation of this current condominium plat, the North Silver Lake Lodge Record of Survey plat (2005) shall be retired.
7. The proposed Condominium Record of Survey plat identifies private, limited common, common areas, etc., within the project.
8. Under the Deer Valley Resort Master Plan the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
9. In 2010 the Park City Planning Commission approved a Conditional Use Permit (CUP) for the development consisting of fifty four (54) private total units: sixteen (16) detached single family dwellings/duplexes and four (4) condominium buildings containing a total of thirty eight (38) private residential dwelling units.
10. The proposed Condominium Record of Survey Plat amends Lot 2B of North Silver Lake Subdivision.
11. The boundary lines of each private unit are set forth on the proposed plat. The boundaries for Units 11 through 16, consisting of six (6) single family dwellings, are depicted as two-dimensional units, and consist of all of the air space on and above the location of such units as shown on the proposed plat.
12. Upon completion of construction of a building on unit 11 through 16, the accurate boundaries of such completed units will be amended.
13. The owner will have the obligation to amend this proposed plat after construction of the complete units to reflect the as-built boundaries of such completed unit.
14. The proposed Condominium Record of Survey plat consists of ten (10) single-family dwellings, six (6) duplex dwellings, thirty eighty (38) multi-unit dwellings, two (2) American with Disabilities Act (ADA) compliant units (platted as common areas), three (3) commercial units, and corresponding common areas and facilities, limited common areas and facilities, support unit, and commercial units.
15. The support commercial areas mentioned above and all of the other amenities identified on the plat are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, lockers, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units.
16. The Deer Valley Master Planned Development allocated 14,525 square feet of commercial/support commercial for the Silver Lake Community.
17. The 2010 approved CUP accommodated 5,140 square feet of support commercial space.
18. At this time the updated CUP plans and this Record of Survey indicates a combined area of 4,913 square feet of support commercial.
19. The applicant shall work closely with the Planning Department in order for the

City to ensure that the height of all of the structures match what the City approved. This includes the self-imposed height condition of the single family dwellings and duplexes as the CUP was approved with this understanding.

20. All findings in the analysis section of the staff report are incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will 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 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. Upon completion of Units 11 through 16, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.
4. A note shall be added to the plat referencing that the conditions of approval of the Deer Valley MPD and the North Silver Lake CUP apply to this plat.
5. A note shall be added to the plat stating that prior to issuance of a certificate of occupancy for Units 11 through 16, an amended record of survey plat shall be recorded at Summit County memorializing the "as built".
6. The proposed Record of Survey shall indicate the appropriate heights per the previous minutes, staff reports, and submitted exhibits reflect such self-imposed regulation.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ____ day of _____, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

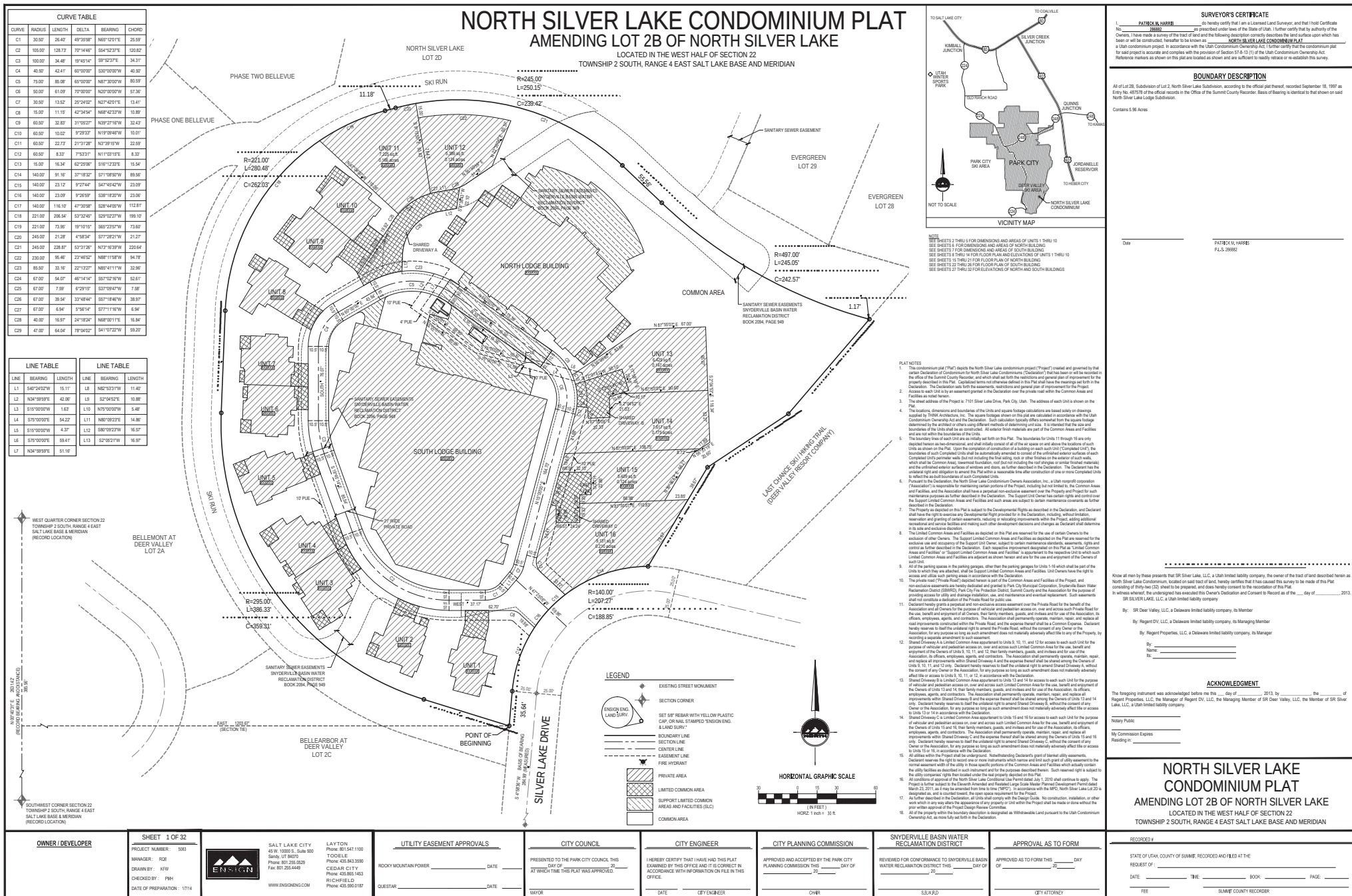
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

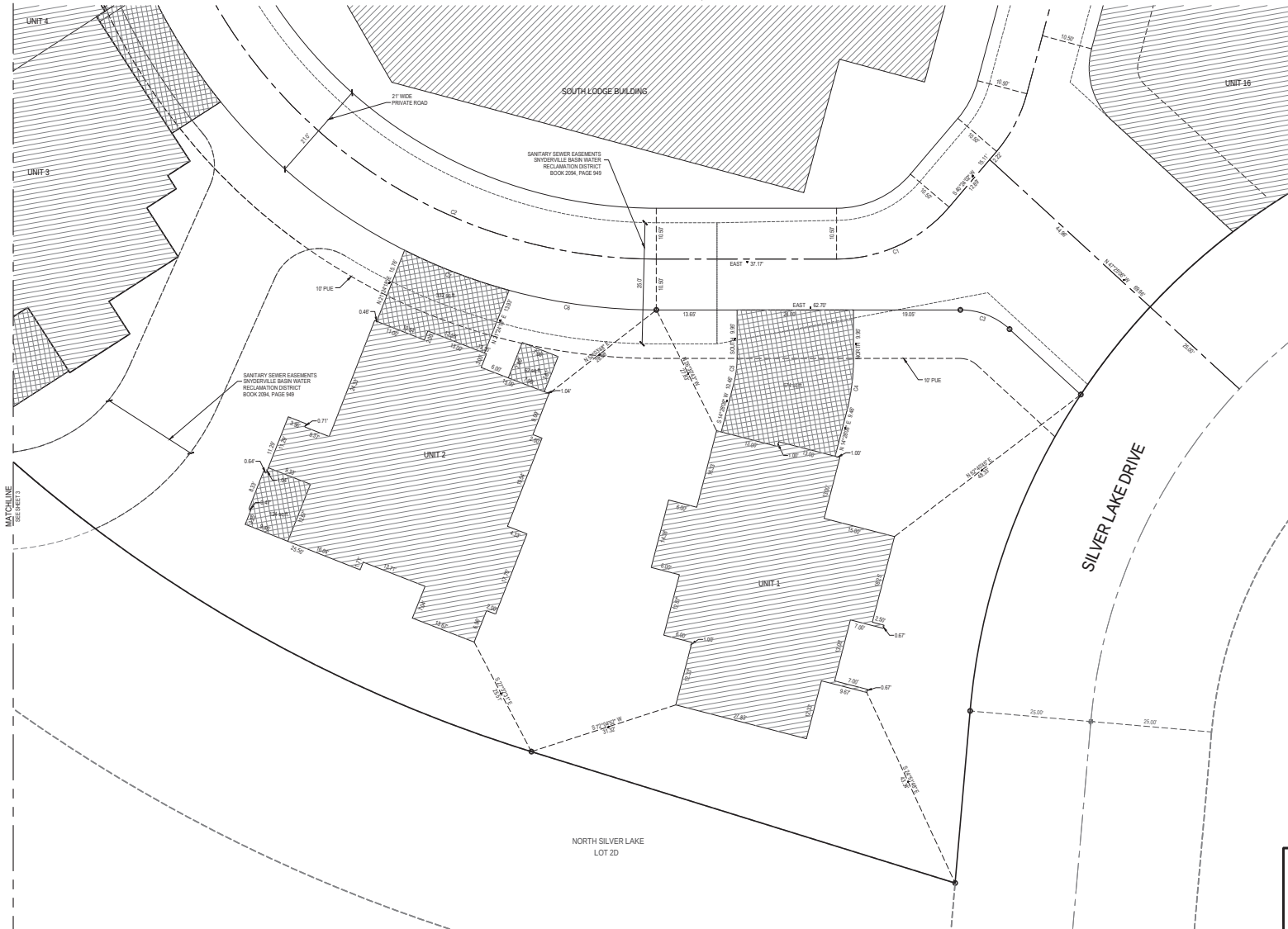
Mark Harrington, City Attorney

Attachment 1 - Proposed Condominium Record of Survey

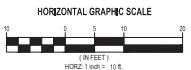


NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	26.50'	26.40'	40°10'00"	N89°12'01"E	26.90'
C2	106.00'	128.75'	30°14'46"	S89°12'37"E	120.52'
C3	16.00'	11.15'	42°24'54"	N89°42'37"W	10.80'
C4	44.00'	11.20'	14°24'00"	N7°14'04"E	11.17'
C5	20.00'	5.12'	14°28'00"	N7°14'04"E	5.12'
C6	116.00'	30.12'	10°18'02"	S87°01'08"E	30.02'
C7	116.00'	23.12'	11°28'13"	S89°01'08"E	23.00'



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 2 OF 32

PROJECT NUMBER: 5063
MANAGER: ROE
DRAWN BY: KFH
CHECKED BY: PMH
DATE OF PREPARATION: 10/14



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LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3050
CEDAR CITY
Phone: 435.865.1453

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE

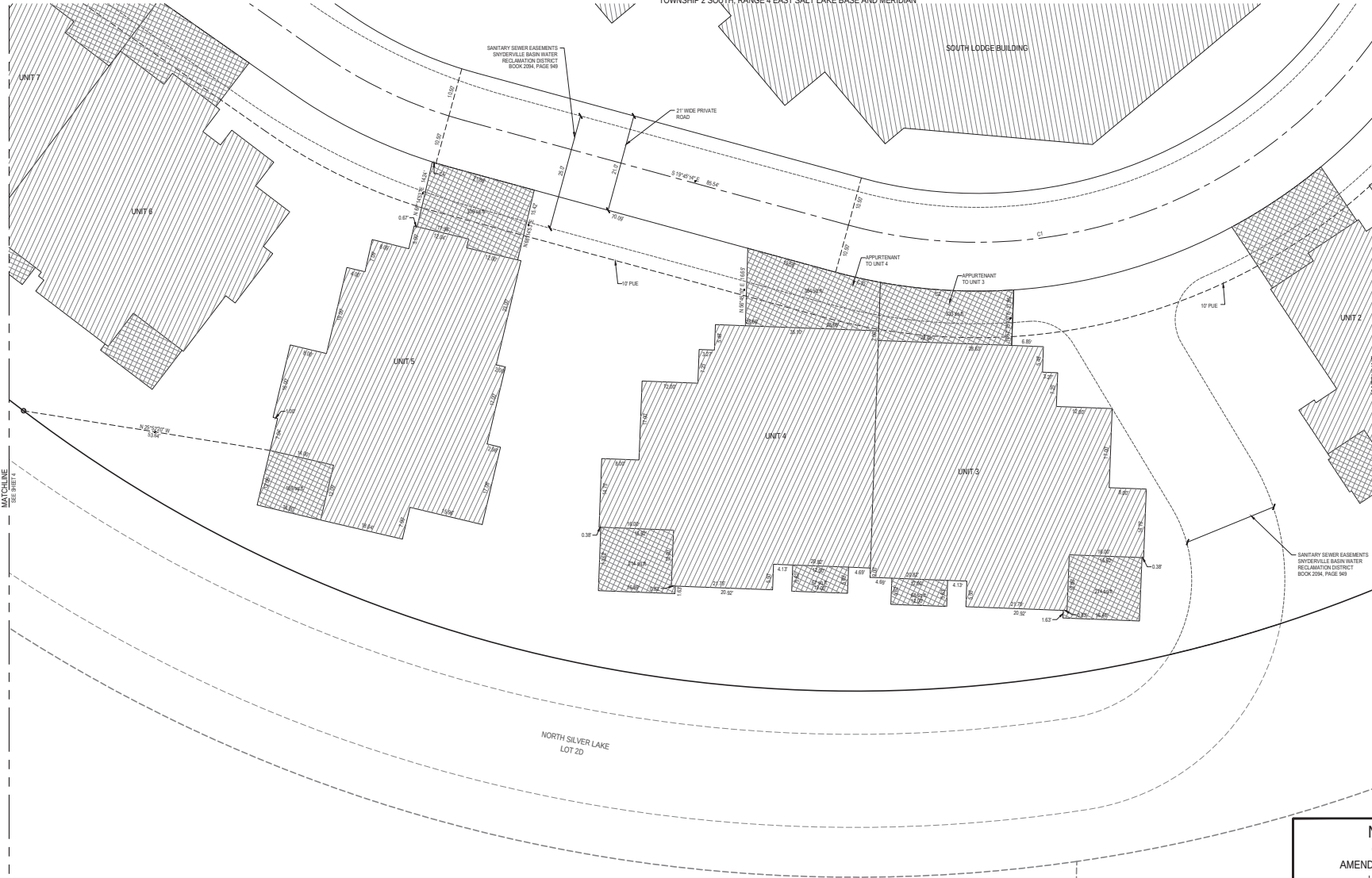
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE: _____ SUMMIT COUNTY RECORDER

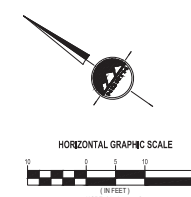
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	105.00	128.73	70°14'48"	S84°02'37"E	128.82
C2	115.52	28.77	14°16'23"	S31°48'54"E	28.79
C4	35.46	0.82	1°19'14"	S18°02'21"E	0.82
C10	115.52	9.86	4°03'28"	S22°11'08"E	9.86

LEGEND	
	EXISTING STREET MONUMENT
	SECTION CORNER
	SET 60' REBAR WITH YELLOW PLASTIC CAP, ORIGINAL STAMPED "ENGIN ENG. & LAND SURV."
	BOUNDARY LINE
	SECTION LINE
	CENTER LINE
	EASEMENT LINE
	FIRE HYDRANT
	PRIVATE AREA
	LIMITED COMMON AREA
	COMMON AREA



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 3 OF 32
PROJECT NUMBER: 5083
MANAGER: ROE
DRAWN BY: KFM
CHECKED BY: PMH
DATE OF PREPARATION: 10/14



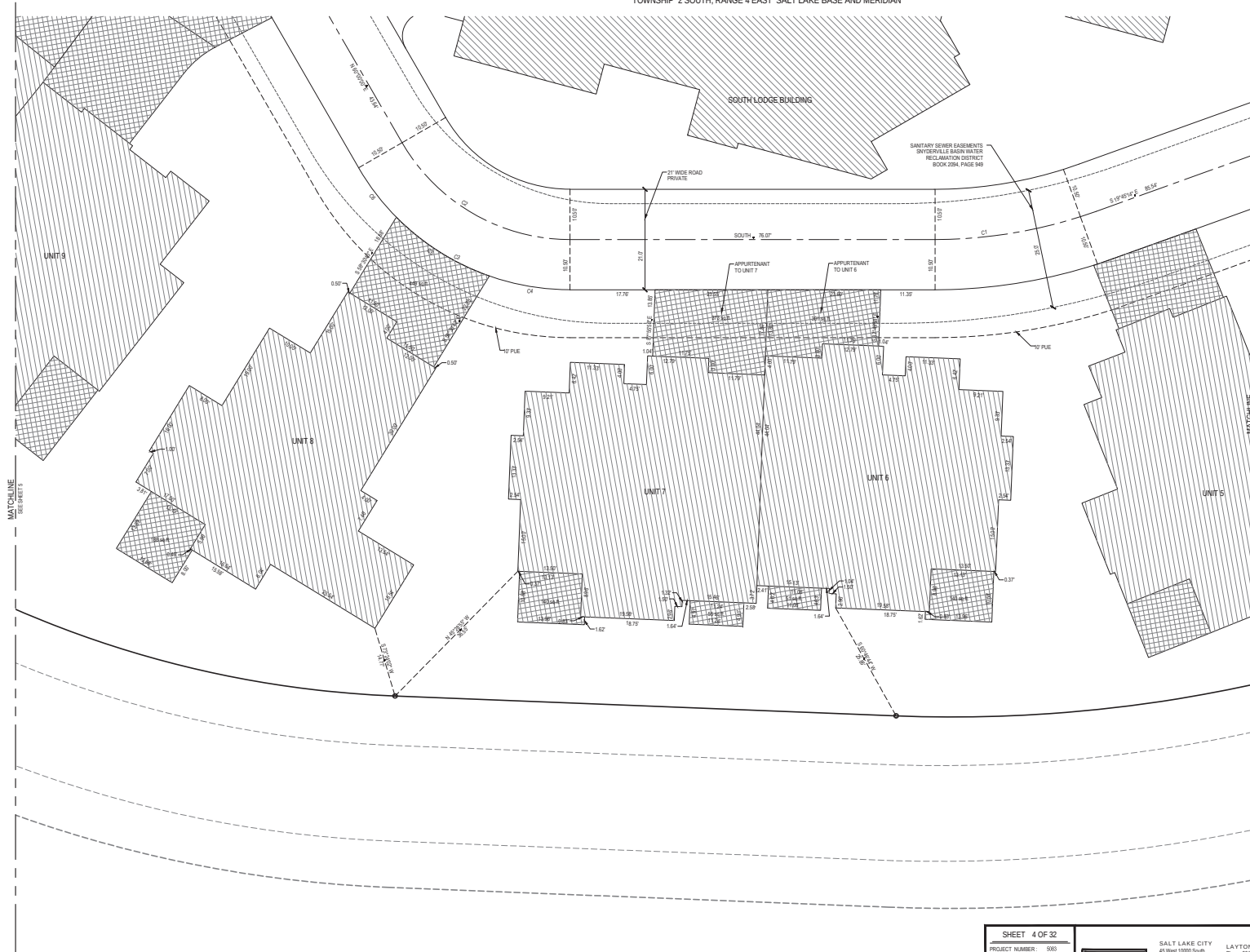
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CEDAR CITY
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STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ SUMMIT COUNTY RECORDER

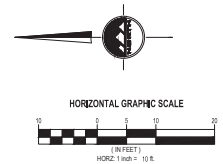
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	100.00'	34.40'	19°40'14"	S87°32'27"E	34.31'
C2	40.00'	42.41'	60°00'00"	S32°00'00"W	40.00'
C3	51.00'	53.41'	60°00'00"	S32°00'00"W	51.00'
C4	51.00'	11.11'	19°17'26"	S87°38'43"W	17.00'
C5	51.00'	23.20'	26°00'00"	S32°19'23"W	23.00'
C6	51.00'	13.00'	14°38'36"	S32°40'42"W	13.00'

LEGEND	
	EXISTING STREET MONUMENT
	SECTION CORNER
	SET 6" REBAR WITH YELLOW PLASTIC CAP OR ORIGINAL STAMPED TENSION ENG. & LAND SURVEY
	BOUNDARY LINE
	SECTION LINE
	CENTER LINE
	EASEMENT LINE
	FIRE HYDRANT
	PRIVATE AREA
	LIMITED COMMON AREA
	COMMON AREA



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 4 OF 32
PROJECT NUMBER: 5063
MANAGER: ROE
DRAWN BY: KFH
CHECKED BY: PMH
DATE OF PREPARATION: 10/14



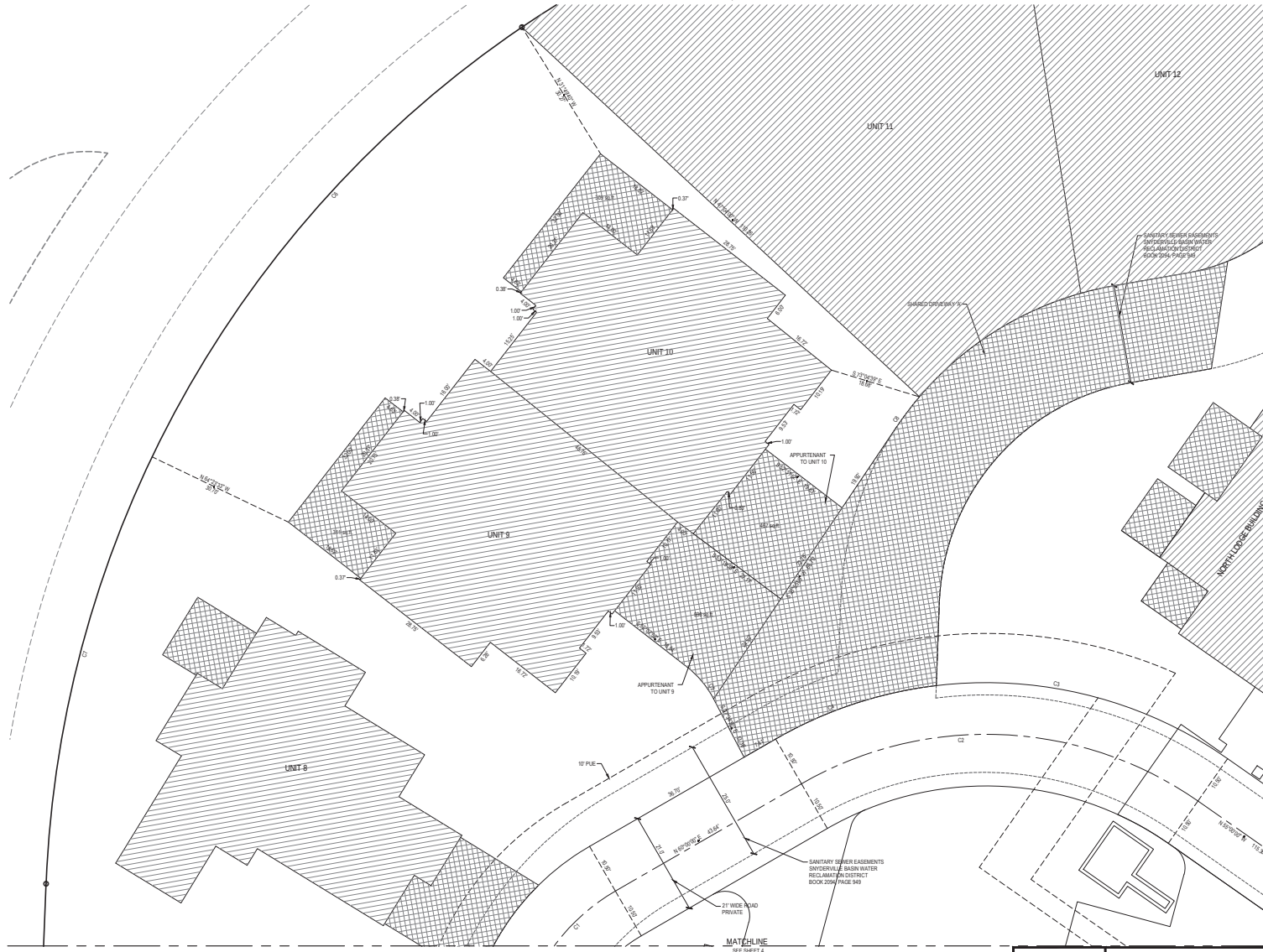
SALT LAKE CITY
45 West 10000 South
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Sandy, UT 84070
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Fax: 801.255.4449
CEDAR CITY
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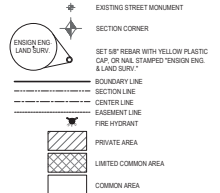
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

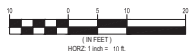


CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	40.00	42.41	60°00'00"	S30°00'00"W	40.00
C2	75.00	85.00	60°00'00"	N87°30'00"W	85.00
C3	85.00	62.37	41°47'50"	N79°03'00"W	61.00
C4	85.00	34.62	23°12'00"	S71°30'00"W	34.39
C5	20.00	8.67	24°33'00"	N09°01'22"W	8.00
C6	221.00	116.67	30°12'22"	S40°42'38"W	116.17
C7	221.00	95.03	23°02'22"	S13°56'10"W	89.40
C8	67.00	7.89	0°29'10"	S33°09'47"W	7.88

LEGEND



HORIZONTAL GRAPHIC SCALE



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 5 OF 32

PROJECT NUMBER: 5083
MANAGER: ROE
DRAWN BY: KFH
CHECKED BY: PMH
DATE OF PREPARATION: 10/11



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STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE

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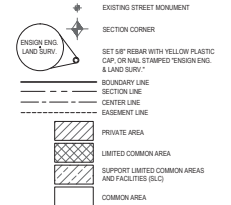
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE: _____ SUMMIT COUNTY RECORDER

NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

LEGEND



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	75.00'	85.00'	60°00'00"	N87°30'00"W	80.99'
C2	50.00'	61.00'	70°00'00"	N20°00'00"W	57.36'
C3	60.97'	32.87'	31°05'27"	N38°27'16"W	32.43'



HORIZONTAL GRAPHIC SCALE



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 6 OF 32

PROJECT NUMBER: 5083
MANAGER: ROE
DRAWN BY: KFH
CHECKED BY: PMH
DATE OF PREPARATION: 10/14



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STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE

REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE: _____ SUMMIT COUNTY RECORDER

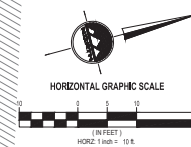
NORTH SILVER LAKE CONDOMINIUM PLAT **AMENDING LOT 2B OF THE NORTH SILVER LAKE** LOCATED IN THE WEST HALF OF SECTION 22 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

LEGEND

- EXISTING STREET MONUMENT
- SECTION CORNER
- SET 6"X 6" BEARER WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "SECTION ENG. & LAND SURV."
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EGRESSMENT LINE
- PRIVATE AREA
- LIMITED COMMON AREA
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.)
- COMMON AREA

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	20.00	8.97	25°34'52"	N67°02'11"E	8.79
C2	20.00	17.31	49°09'50"	N62°02'11"E	16.78
C3	54.00	115.86	70°14'46"	S54°32'37"E	108.76
C4	89.00	30.86	17°45'14"	S27°32'37"E	30.70
C5	64.00	73.17	69°00'00"	N67°30'00"W	69.31
C6	38.00	48.26	70°00'00"	N67°30'00"W	46.31



SHEET 7 OF 32
 PROJECT NUMBER: 5903
 MANAGER: RSE
 DRAWN BY: KTW
 CHECKED BY: PRH
 DATE OF PREPARATION: 1/1/14

**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
 LOCATED IN THE WEST HALF OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



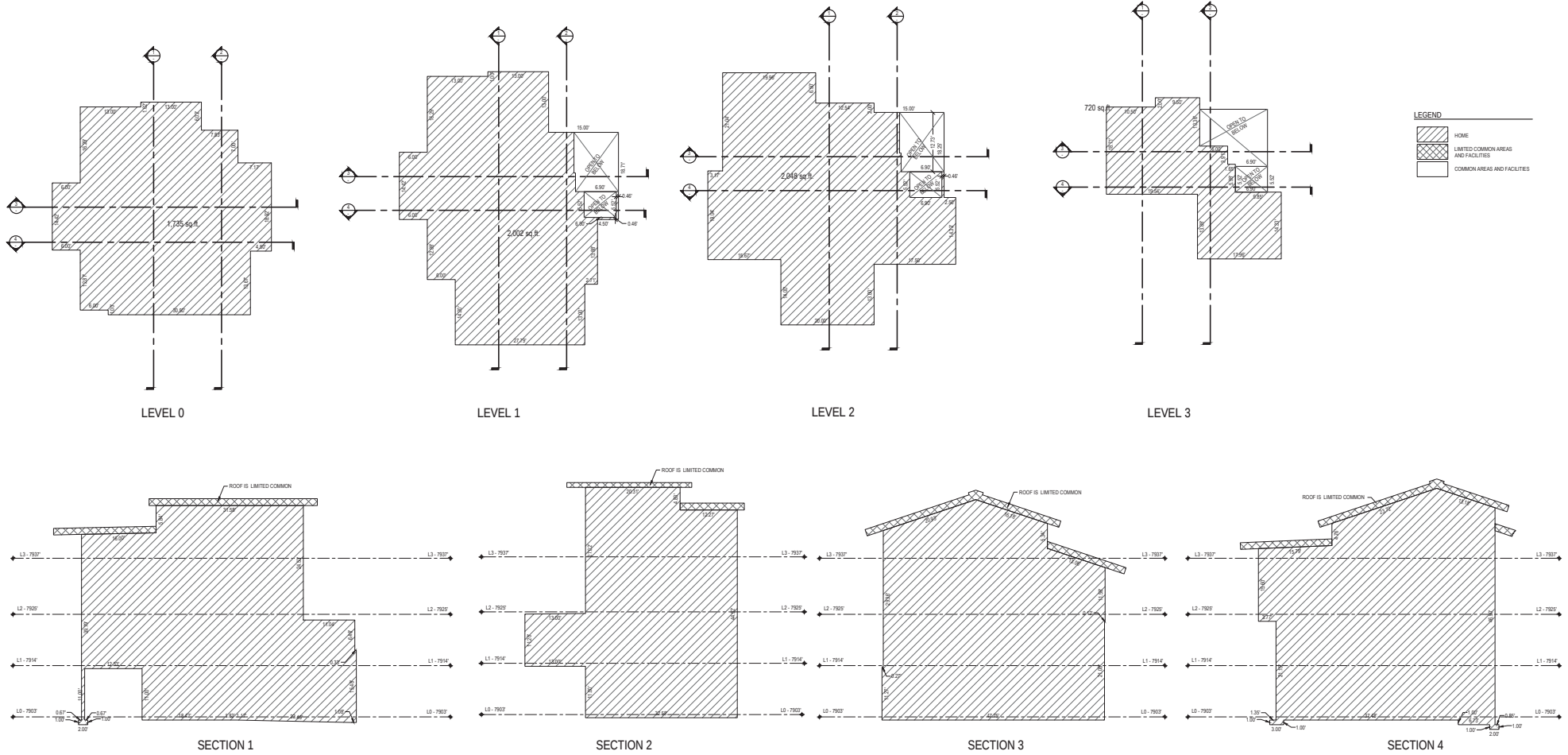
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 Suite 500
 Sandy, UT 84070
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 Fax: (801) 255-4469
 WWW.ENGINUTAH.COM

LAYTON
 Phone: (801) 547-1100
TUCOLE
 Phone: (435) 443-3500
CECILIAR CITY
 Phone: (435) 865-1453

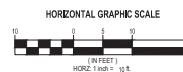
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NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNIT 1



SHEET 8 OF 32

PROJECT NUMBER: 5063
MANAGER: ROE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 10/14



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**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE

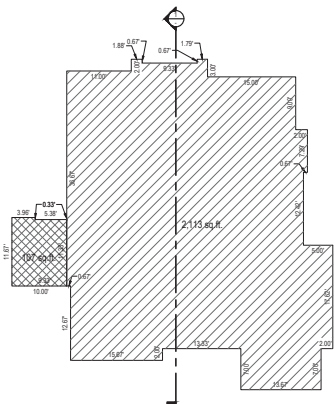
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

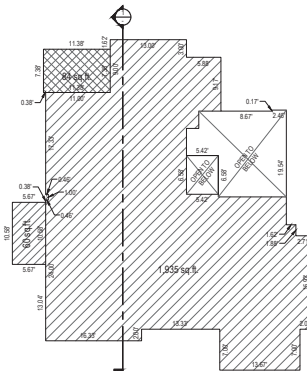
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AMENDING LOT 2B OF THE NORTH SILVER LAKE

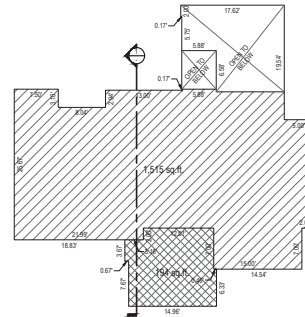
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



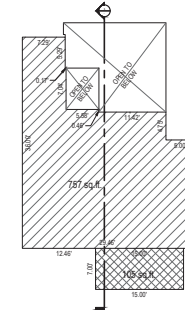
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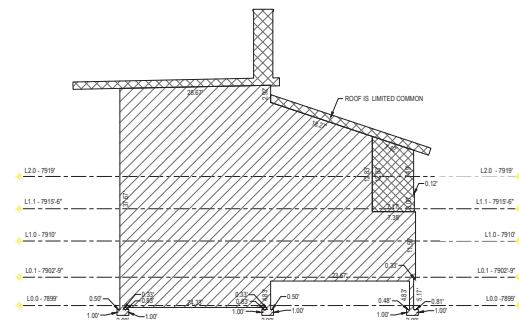
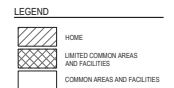
LEVEL 1



LEVEL 2

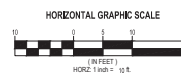


LEVEL 3



SECTION 1

UNIT 2



SHEET 9 OF 32

PROJECT NUMBER: 5063
MANAGER: PRE
DRAWN BY: KPW
CHECKED BY: PMH
DATE OF PREPARATION: 1/7/01



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CEDAR CITY
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**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED W

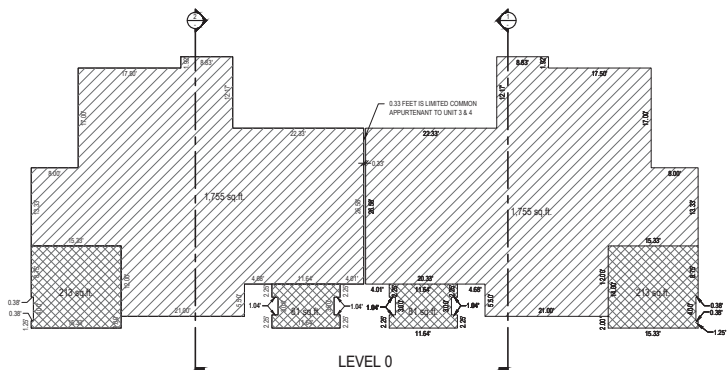
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REQUEST OF: _____

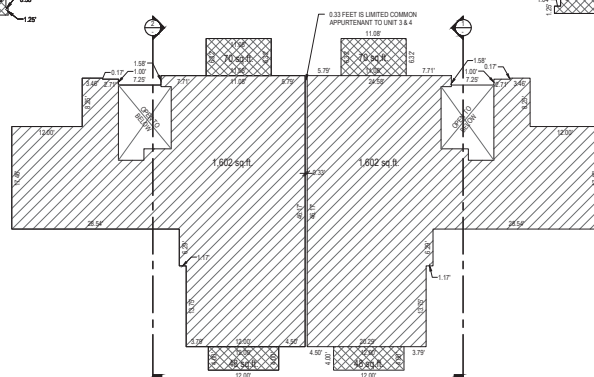
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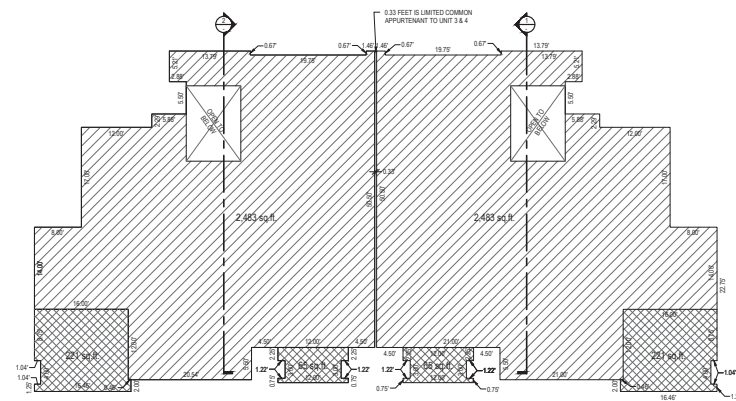
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



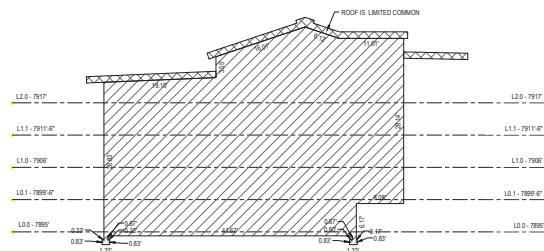
LEVEL 0



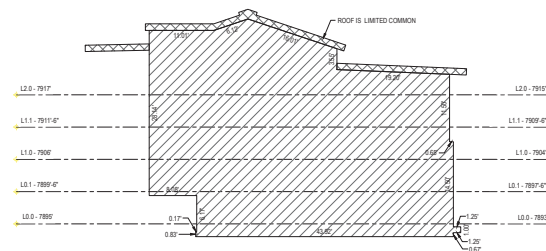
LEVEL 2



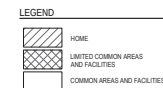
LEVEL 1



SECTION 1



SECTION 2



**NORTH SILVER LAKE
CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE**

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED # _____

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE

SUMMIT COUNTY RECORDER

SHEET 10 OF 32

PROJECT NUMBER : 5083
MANAGER : RQE
DRAWN BY : KFW
CHECKED BY : PMH
DATE OF PREPARATION : 1/1/



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TOOELE
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HORIZONTAL GRAPHIC SCALE

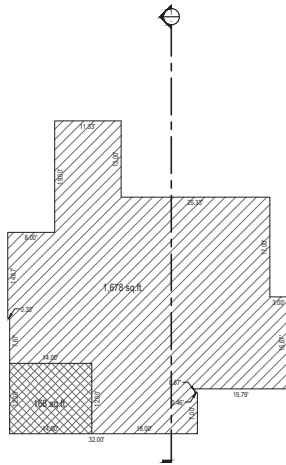


HORIZ: 1 inch = 10 ft.

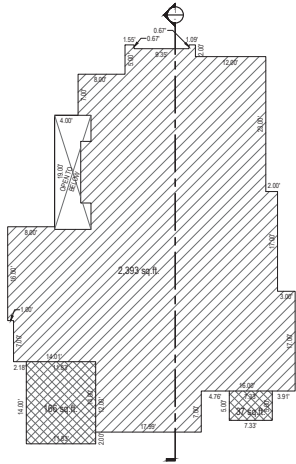
UNITS 3 & 4

NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

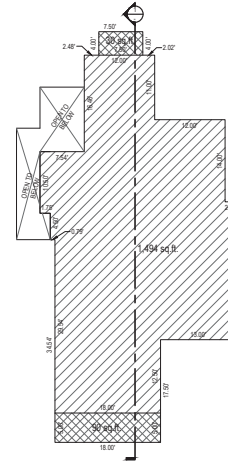
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



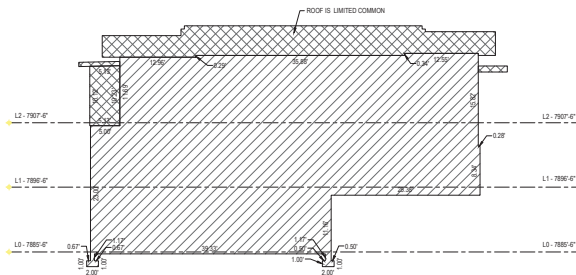
LEVEL 0



LEVEL 1

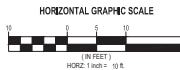


LEVEL 2



SECTION 1

UNIT 5



SHEET 11 OF 32
PROJECT NUMBER: 5883
MANAGER: RCE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/16/14



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Phone: 435.855.1453

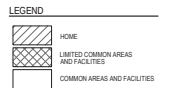
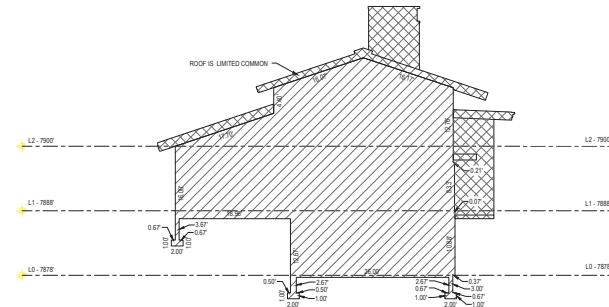
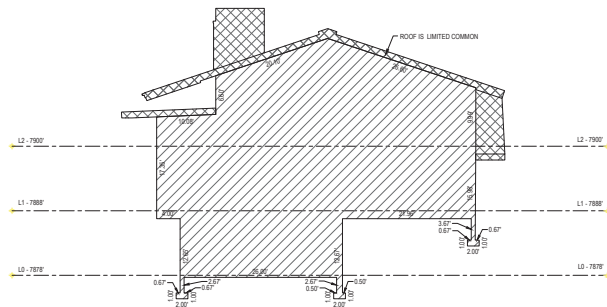
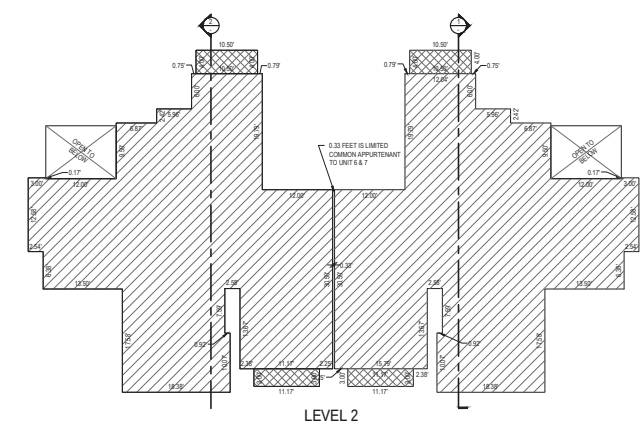
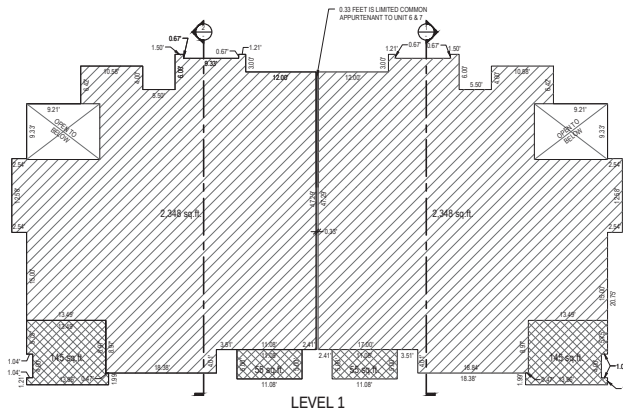
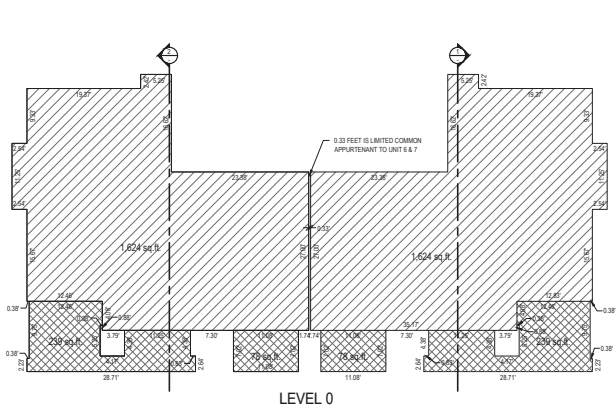
**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED

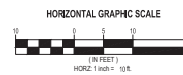
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ SUMMIT COUNTY RECORDER

NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNITS 6 & 7



SHEET 12 OF 32
PROJECT NUMBER: 5883
MANAGER: RCE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/16/14



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TOOELE
Phone: 435.963.3050
CEDAR CITY
Phone: 435.555.1453

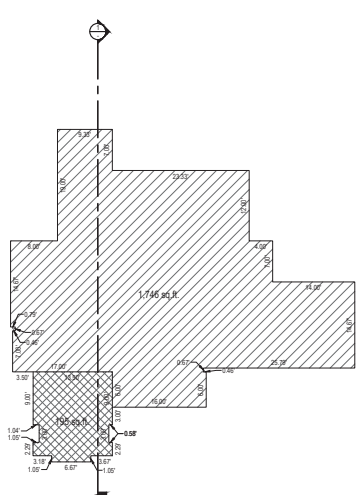
NORTH SILVER LAKE
CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ SUMMIT COUNTY RECORDER

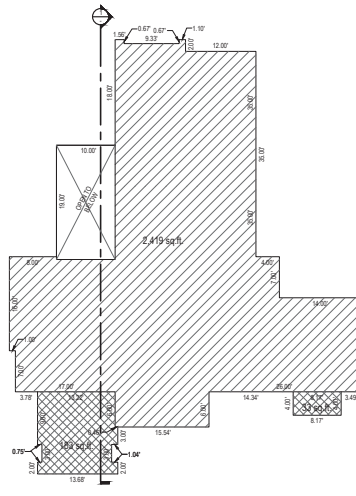
NORTH SILVER LAKE CONDOMINIUM PLAT

AMENDING LOT 2B OF THE NORTH SILVER LAKE

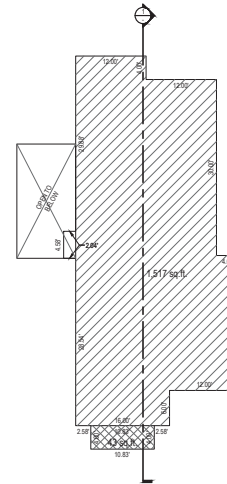
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



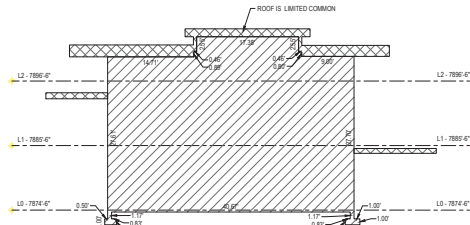
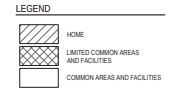
LEVEL 0



LEVEL 1

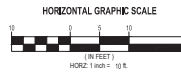


LEVEL 2



SECTION 1

UNIT 8



SHEET 13 OF 32
PROJECT NUMBER: 5683
MANAGER: RCE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/6/14



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45 West 10000 South
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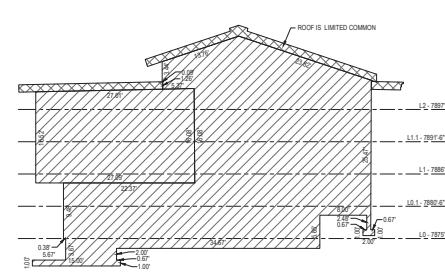
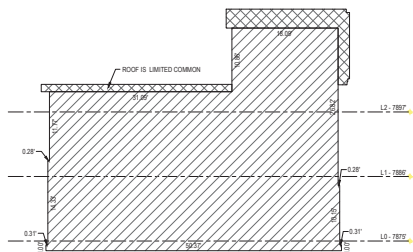
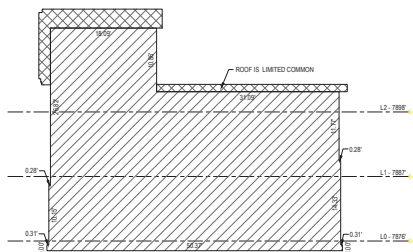
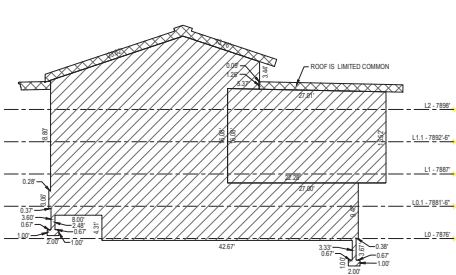
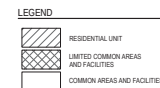
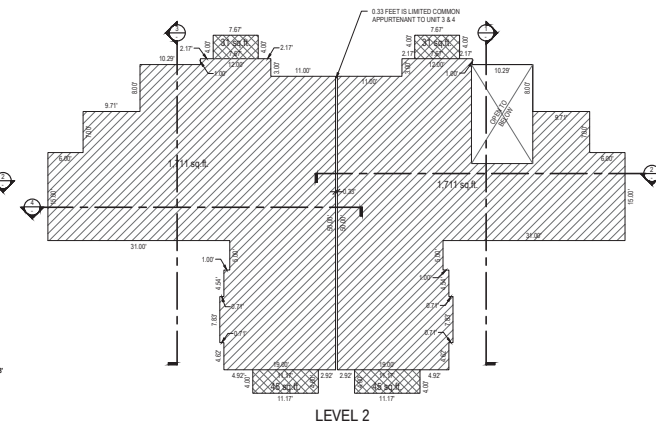
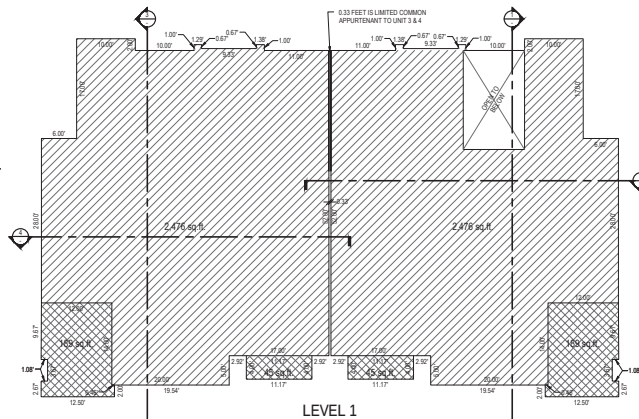
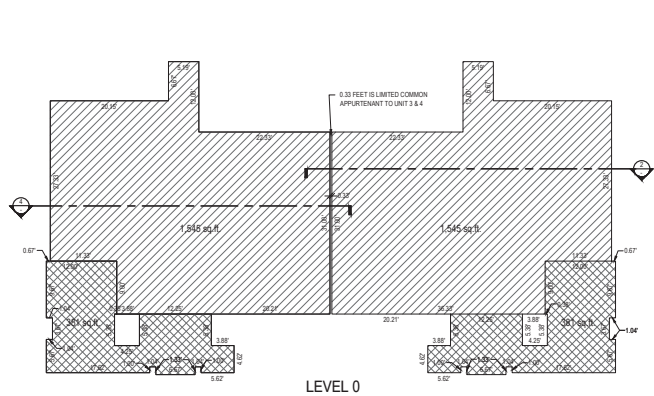
LAYTON
Phone: 801.567.1100
TOOELE
Phone: 435.543.3350
CEDAR CITY
Phone: 435.555.1453

NORTH SILVER LAKE
CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

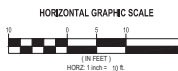
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NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF THE NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNITS 9 & 10



SHEET 14 OF 32
PROJECT NUMBER: 5883
MANAGER: RCE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/16/14



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45 West 10000 South
Suite 500
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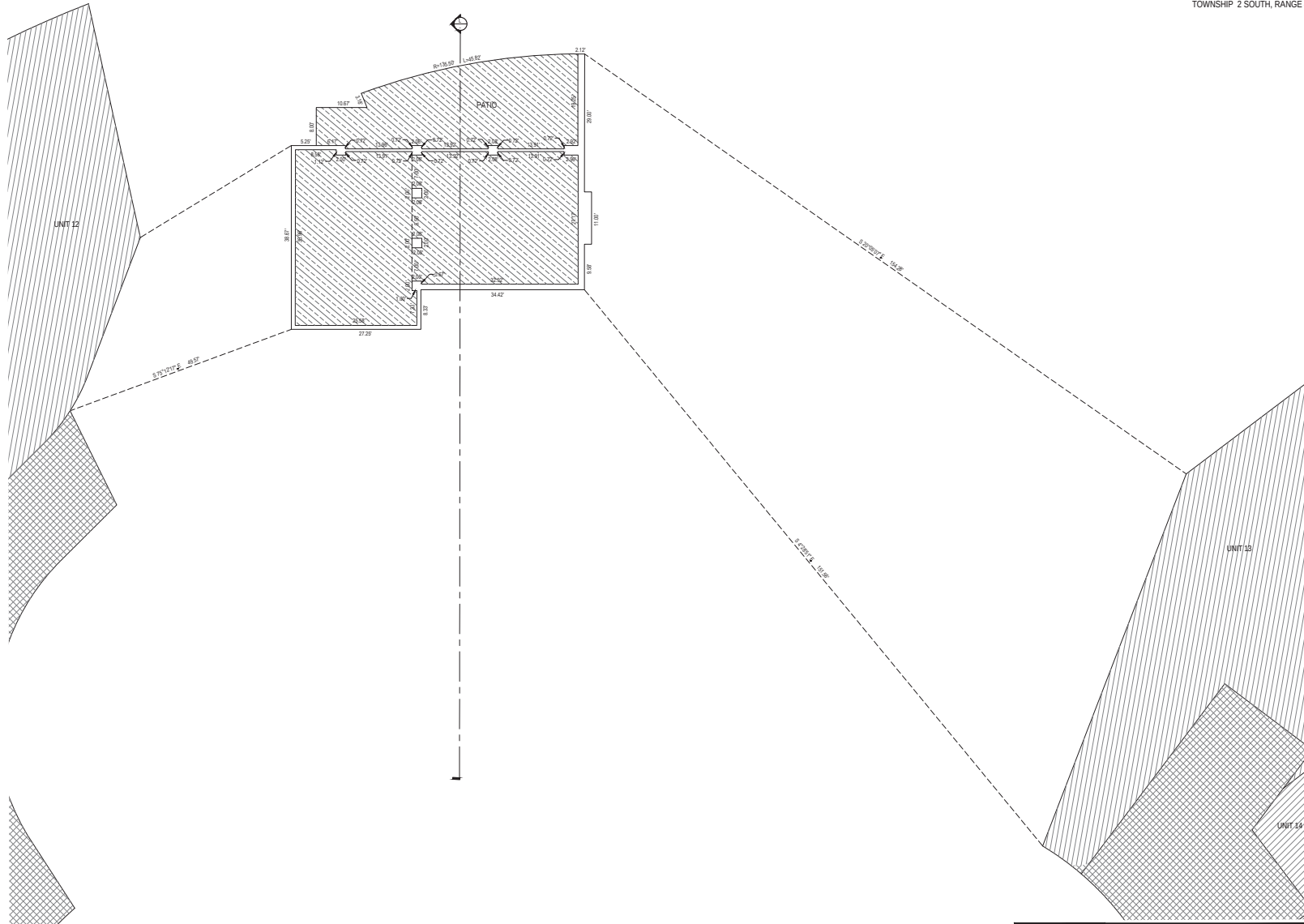
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Phone: 801.947.1100
TIOCELE
Phone: 801.943.3350
CEDAR CITY
Phone: 435.555.1453

NORTH SILVER LAKE
CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

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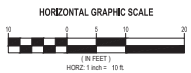
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



LEGEND

	COMMERCIAL UNIT
	SUPPORT UNIT
	SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
	RESIDENTIAL UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

**NORTH BUILDING
LEVEL SUBLEVEL 1 FLOOR PLAN**

SHEET 15 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 11/10/14



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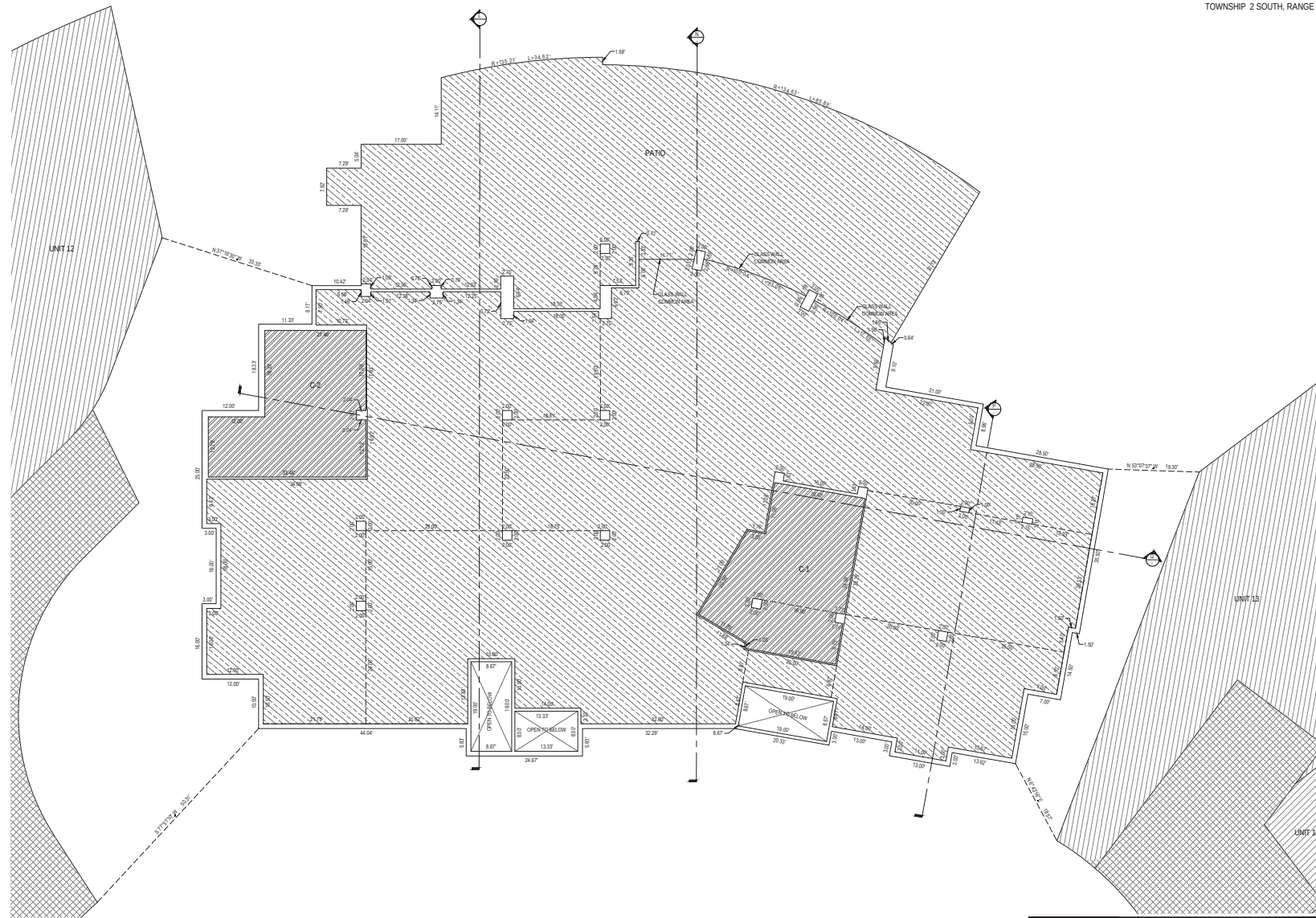
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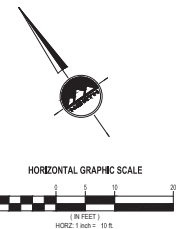
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNIT TABLE	
UNIT NAME	AREA (SQT)
C-1	882
C-2	817

LEGEND	
	COMMERCIAL UNIT
	SUPPORT UNIT
	SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.)
	RESIDENTIAL UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



NORTH BUILDING
LEVEL 0 FLOOR PLAN

SHEET 16 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/24/14



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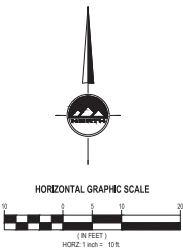
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NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

UNIT TABLE	
UNIT NAME	AREA (S.F.)
1 C-3	3,244
2 UNIT 131	4,101
3 UNIT 132	4,603

LEGEND	
	COMMERCIAL UNIT
	SUPPORT UNIT
	SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.)
	RESIDENTIAL UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



**NORTH BUILDING
LEVEL 1 FLOOR PLAN**

SHEET 17 OF 32

PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 10/14



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45 West 1000 South
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Sandy, UT 84070
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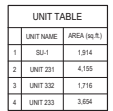
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LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

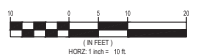


LEGEND

	COMMERCIAL UNIT
	SUPPORT UNIT
	SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
	RESIDENTIAL UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



HORIZONTAL GRAPHIC SCALE



LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 18 OF 32

PROJECT NUMBER: 5063
MANAGER: RQE
DRAWN BY: KPW
CHECKED BY: FMH
DATE OF PREPARATION: 19



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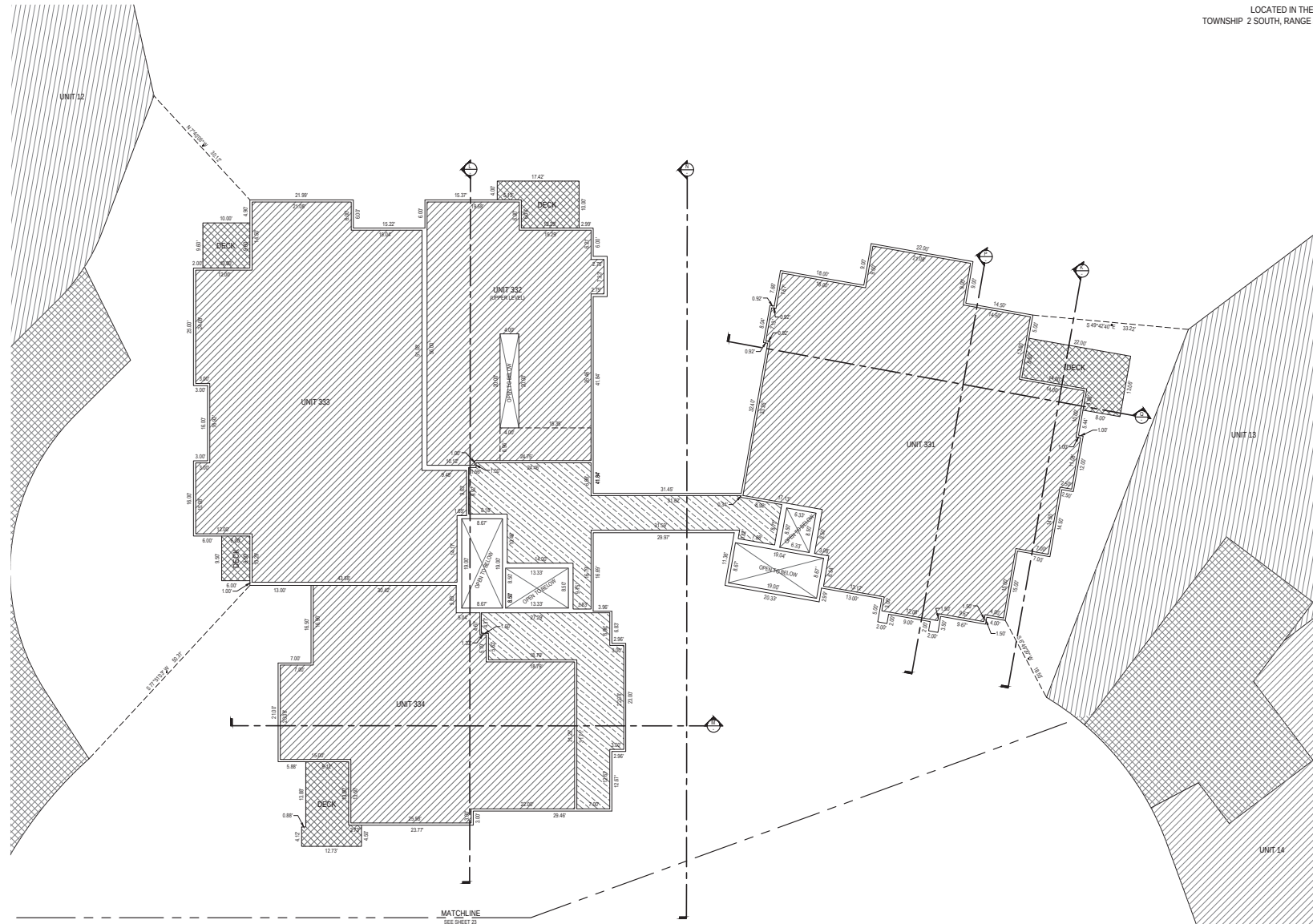
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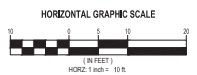
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNIT TABLE	
UNIT NAME	AREA (S.F.)
1. UNIT 331	3,996
2. UNIT 332	1,777
3. UNIT 333	3,661
4. UNIT 334	2,426

LEGEND	
	COMMERCIAL UNIT
	SUPPORT UNIT
	SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.)
	RESIDENTIAL UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

**NORTH BUILDING
LEVEL 3 FLOOR PLAN**

SHEET 18 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 10/14



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Salt Lake, UT 84103
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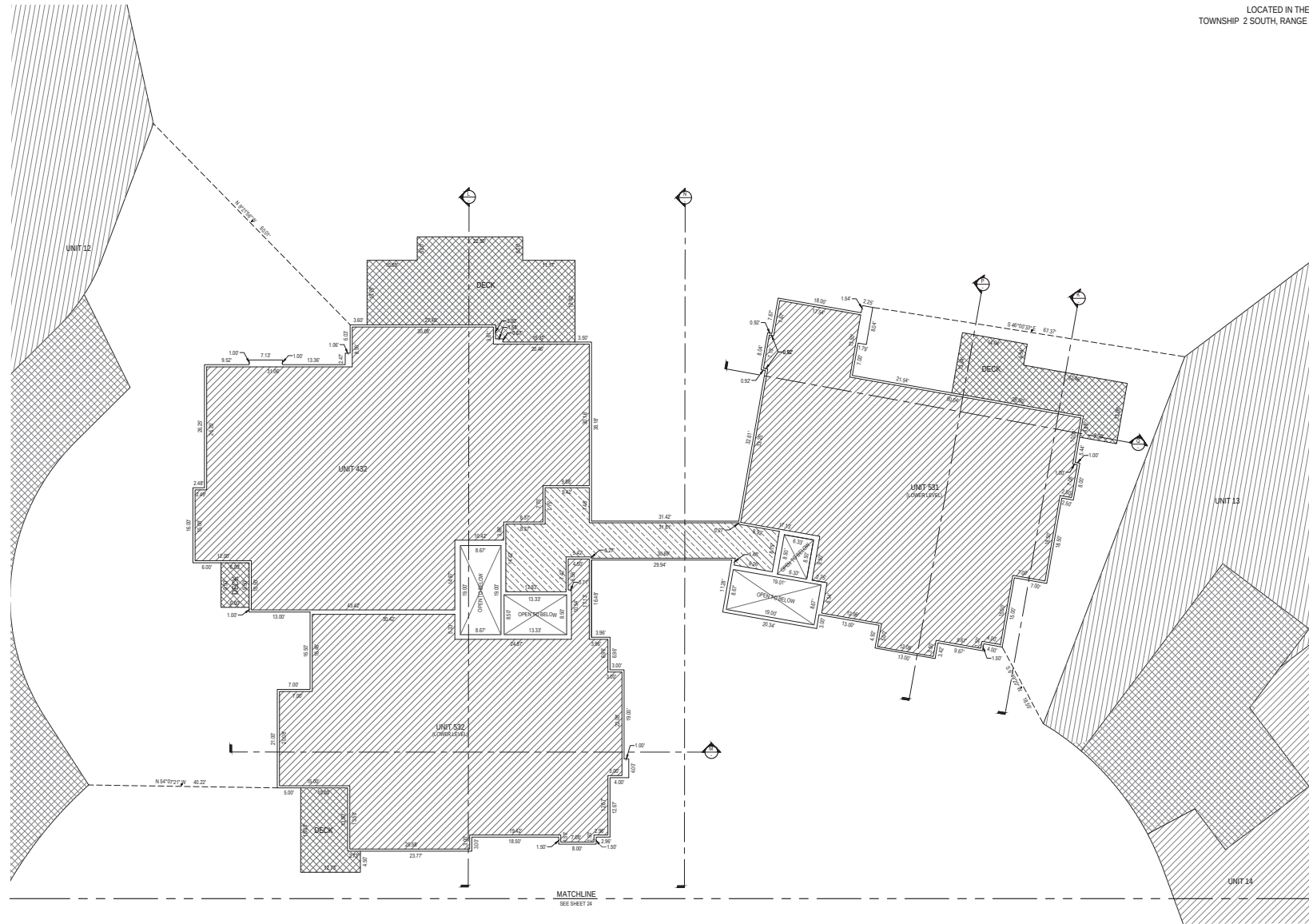
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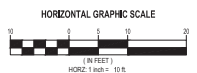
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNIT TABLE	
UNIT NAME	AREA (S.F.)
UNIT 432	3,948
UNIT 433	3,293
UNIT 434	3,071

LEGEND	
	COMMERCIAL UNIT
	SUPPORT UNIT
	SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.)
	RESIDENTIAL UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

**NORTH BUILDING
LEVEL 4 FLOOR PLAN**

SHEET 20 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/14/14



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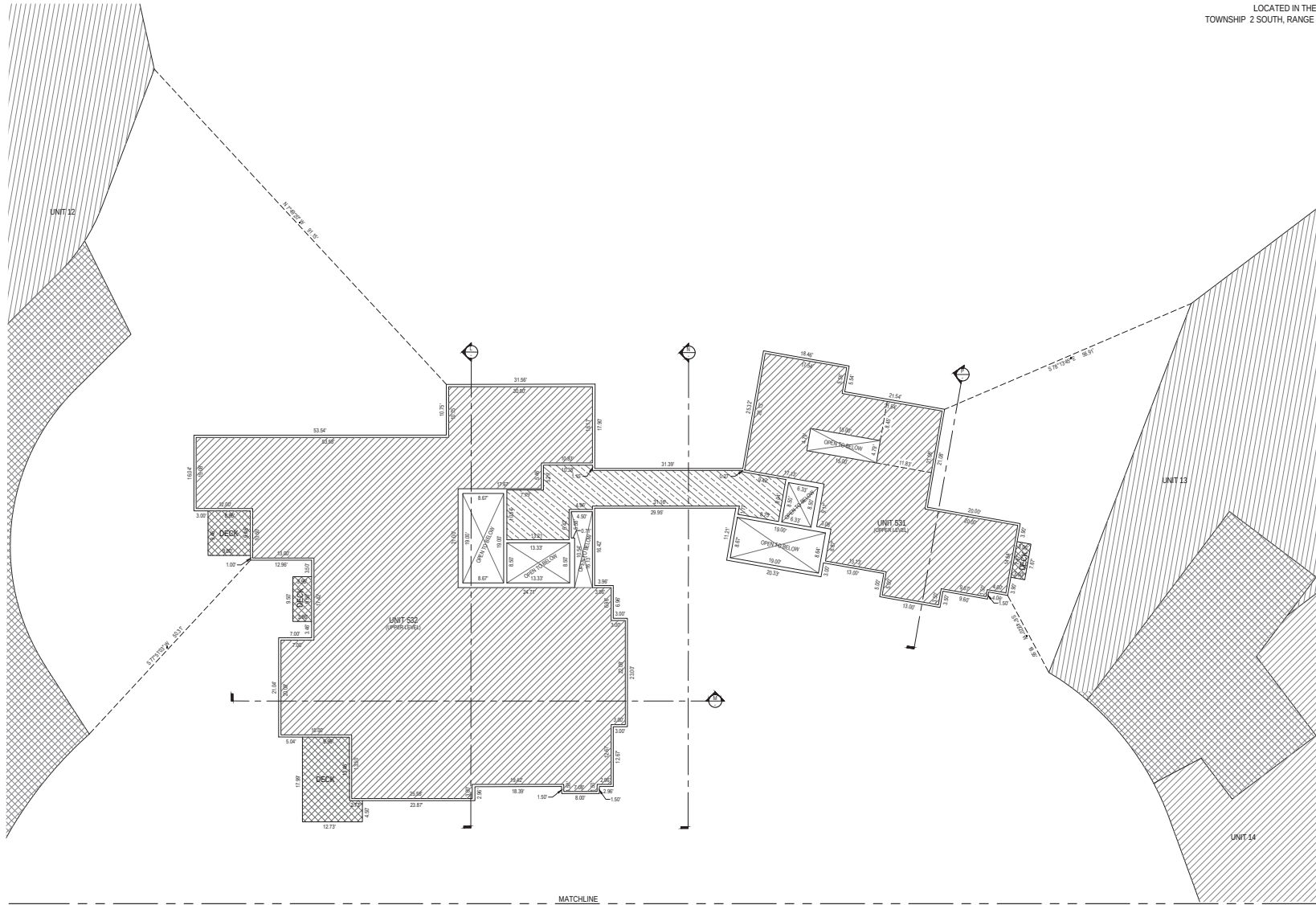
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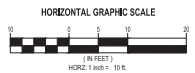
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNIT TABLE	
UNIT NAME	AREA (S.F.)
1 UNIT 531	1,487
2 UNIT 532	4,972

LEGEND	
	COMMERCIAL UNIT
	SUPPORT UNIT
	SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.)
	RESIDENTIAL UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

**NORTH BUILDING
LEVEL 5 FLOOR PLAN**

SHEET 21 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/24/14



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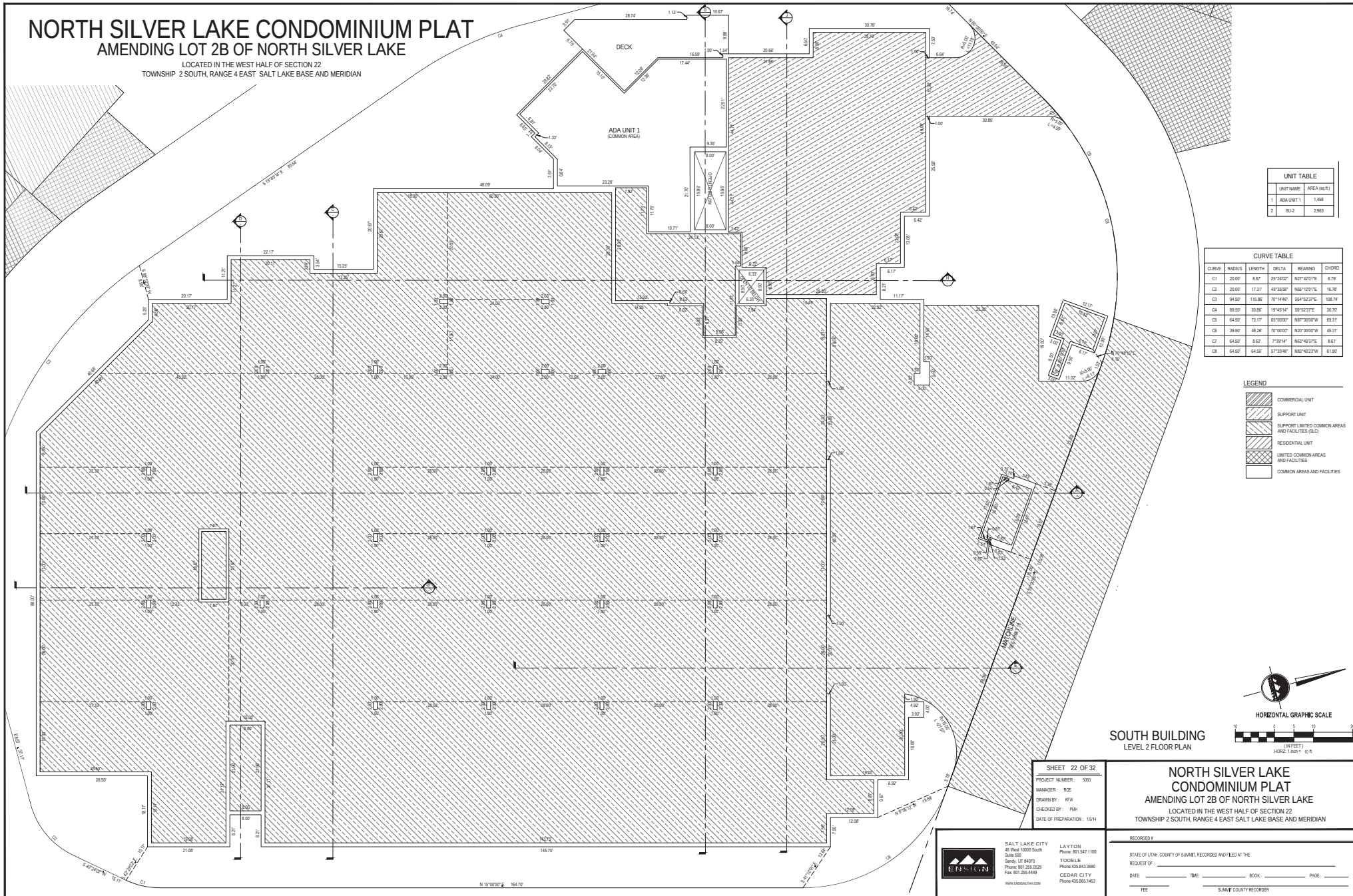
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NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

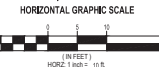
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNIT TABLE		
UNIT NAME	AREA (sq. ft.)	
1 ADA UNIT 1	1,468	
2 SU-2	2,363	

CURVE TABLE					
CURVE	RADIUS	DELTA	BEARING	CHORD	
C1	20.00'	8.87'	35°34'52"	N82°42'01"E	8.79'
C2	20.00'	17.31'	48°33'58"	N82°52'01"E	16.75'
C3	64.50'	115.86'	70°14'40"	S24°52'27"E	108.74'
C4	65.50'	30.86'	19°43'14"	S25°52'37"E	30.73'
C5	64.50'	73.17'	62°00'00"	N87°30'00"W	63.31'
C6	33.50'	48.25'	70°00'00"	N20°00'00"W	45.31'
C7	64.50'	8.62'	7°39'14"	N82°48'37"E	8.61'
C8	64.50'	64.56'	67°20'46"	N87°40'22"W	61.92'

LEGEND	
	COMMERCIAL UNIT
	SUPPORT UNIT
	SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
	RESIDENTIAL UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



SOUTH BUILDING
LEVEL 2 FLOOR PLAN

SHEET 22 OF 32
PROJECT NUMBER: 1980
MANAGER: ROE
DRAWN BY: KTH
CHECKED BY: RSH
DATE OF PREPARATION: 10/14

NORTH SILVER LAKE CONDOMINIUM PLAT
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



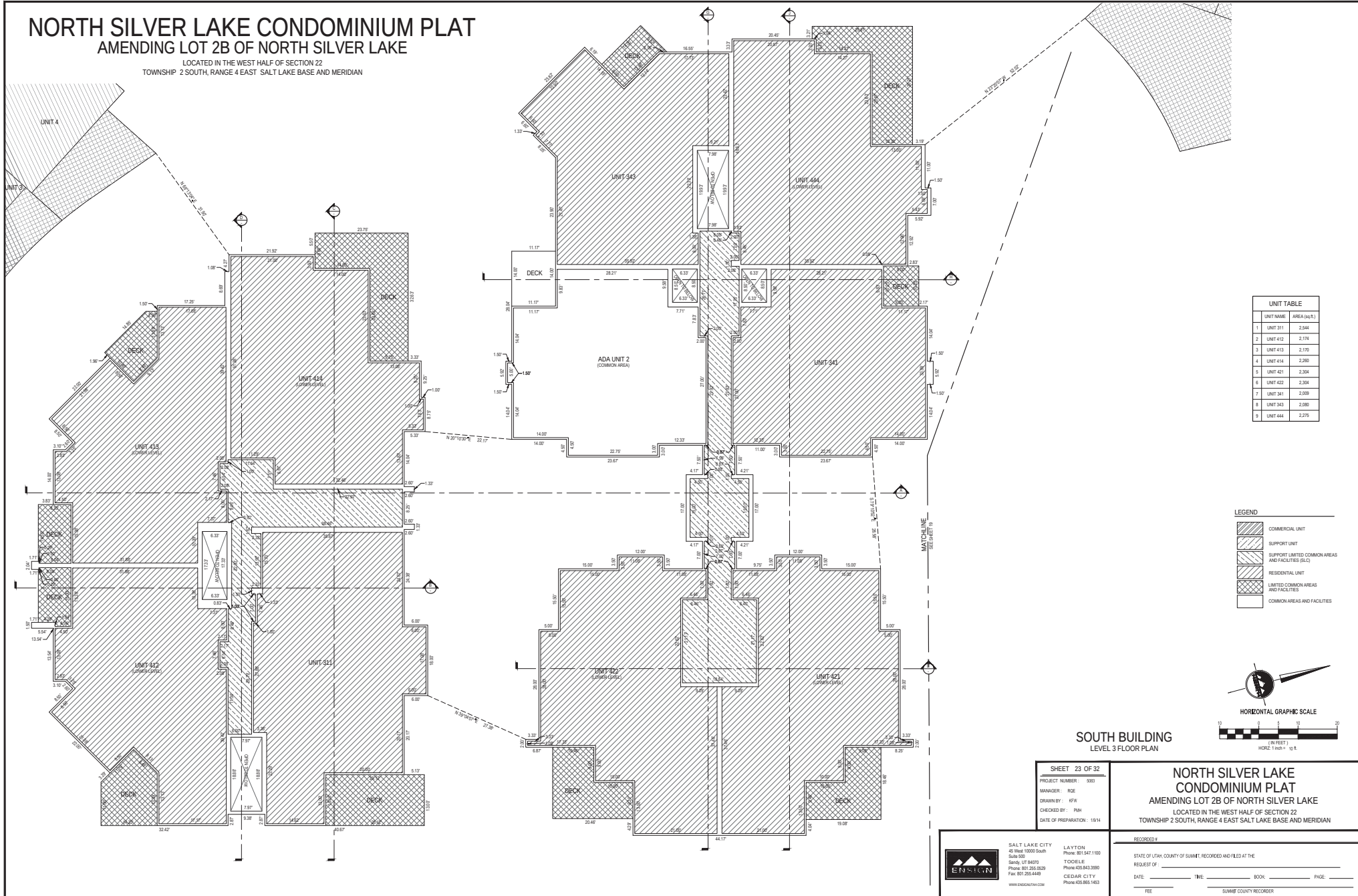
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45 West 10000 South
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Phone: 801.255.0529
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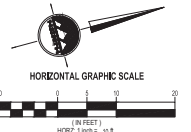
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNIT TABLE		
UNIT NAME	AREA (sq.ft.)	
1. UNIT 311	2,544	
2. UNIT 412	2,174	
3. UNIT 413	2,170	
4. UNIT 414	2,200	
5. UNIT 421	2,304	
6. UNIT 422	2,304	
7. UNIT 341	2,000	
8. UNIT 343	2,000	
9. UNIT 444	2,275	

LEGEND	
	COMMERCIAL UNIT
	SUPPORT UNIT
	SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
	RESIDENTIAL UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



**SOUTH BUILDING
LEVEL 3 FLOOR PLAN**

SHEET 23 OF 32
PROJECT NUMBER: 980
MANAGER: ROE
DRAWN BY: KTH
CHECKED BY: RMH
DATE OF PREPARATION: 10/14

**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



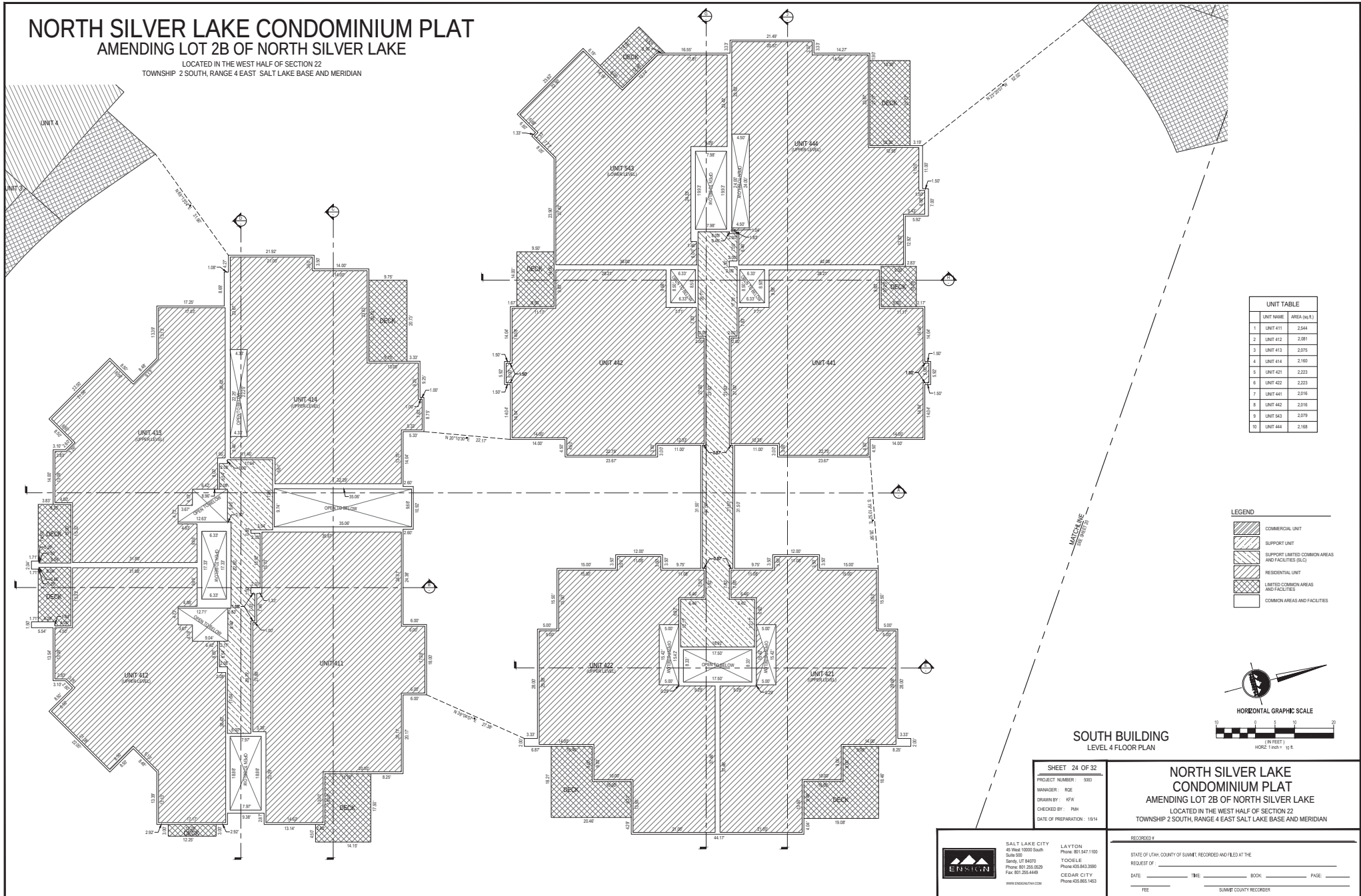
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Phone: 801.255.0529
Fax: 801.255.1440
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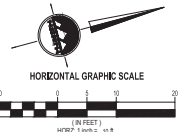
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNIT TABLE		
UNIT NAME	AREA (S.F.)	
UNIT 411	2,544	
UNIT 412	2,081	
UNIT 413	2,075	
UNIT 414	2,160	
UNIT 415	2,233	
UNIT 416	2,233	
UNIT 417	2,016	
UNIT 418	2,016	
UNIT 419	2,079	
UNIT 420	2,160	

- LEGEND**
- COMMERCIAL UNIT
 - SUPPORT UNIT
 - SUPPORT LIMITED COMMON AREAS AND FACILITIES (S.L.C.)
 - RESIDENTIAL UNIT
 - LIMITED COMMON AREAS AND FACILITIES
 - COMMON AREAS AND FACILITIES



**SOUTH BUILDING
LEVEL 4 FLOOR PLAN**

SHEET 24 OF 32
PROJECT NUMBER: 590
DRAWN BY: ROE
CHECKED BY: RSH
DATE OF PREPARATION: 10/14

**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



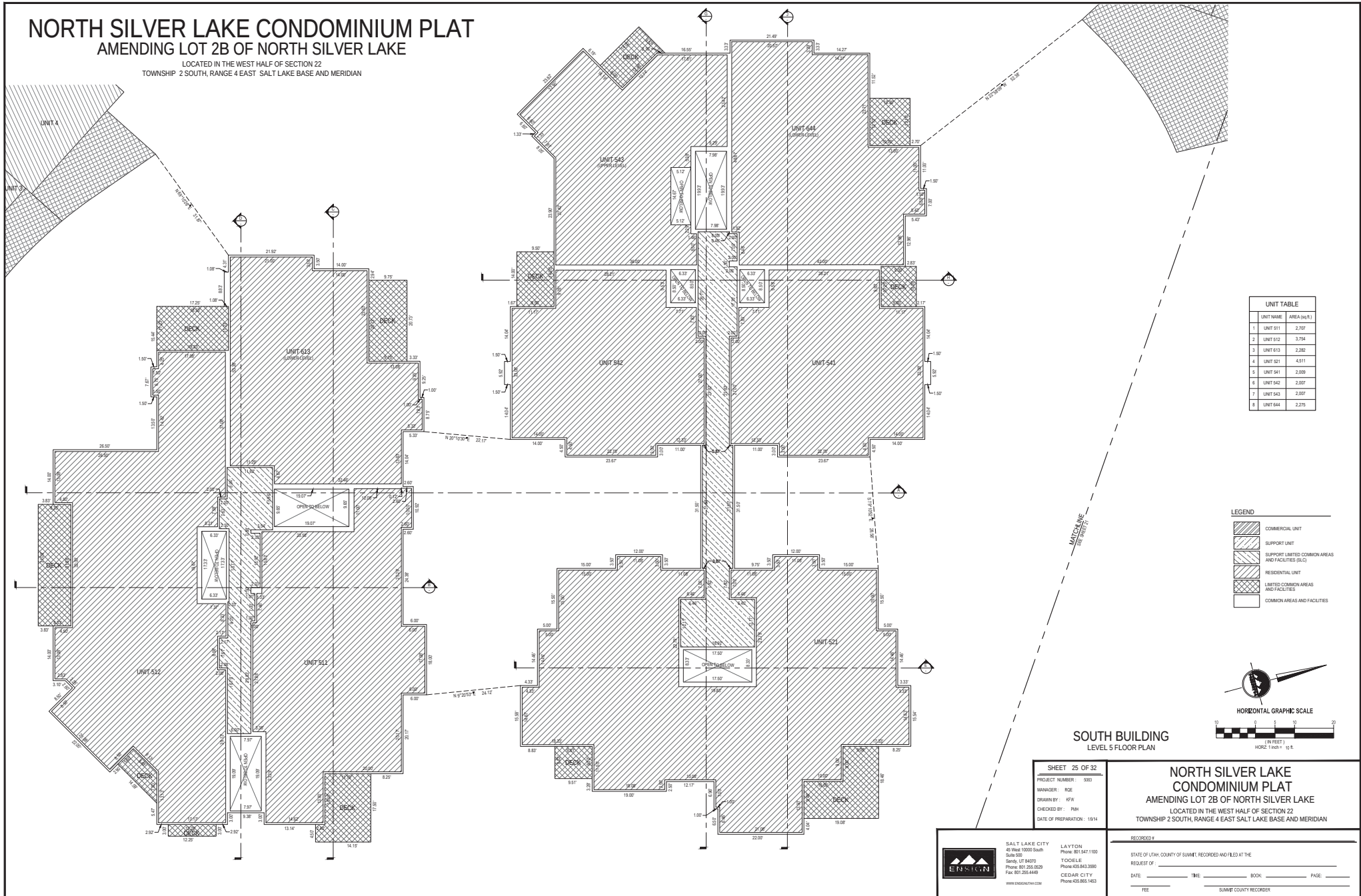
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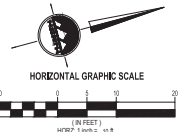
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



UNIT TABLE	
UNIT NAME	AREA (sq.ft.)
1 UNIT 511	2,707
2 UNIT 512	3,754
3 UNIT 513	2,280
4 UNIT 521	4,911
5 UNIT 541	2,009
6 UNIT 542	2,007
7 UNIT 543	2,007
8 UNIT 544	2,275

LEGEND	
	COMMERCIAL UNIT
	SUPPORT UNIT
	SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
	RESIDENTIAL UNIT
	LIMITED COMMON AREAS AND FACILITIES
	COMMON AREAS AND FACILITIES



**SOUTH BUILDING
LEVEL 5 FLOOR PLAN**

SHEET 25 OF 32
PROJECT NUMBER: 590
DRAWN BY: ROE
CHECKED BY: RSH
DATE OF PREPARATION: 10/14

**NORTH SILVER LAKE
CONDOMINIUM PLAT**
AMENDING LOT 2B OF NORTH SILVER LAKE
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



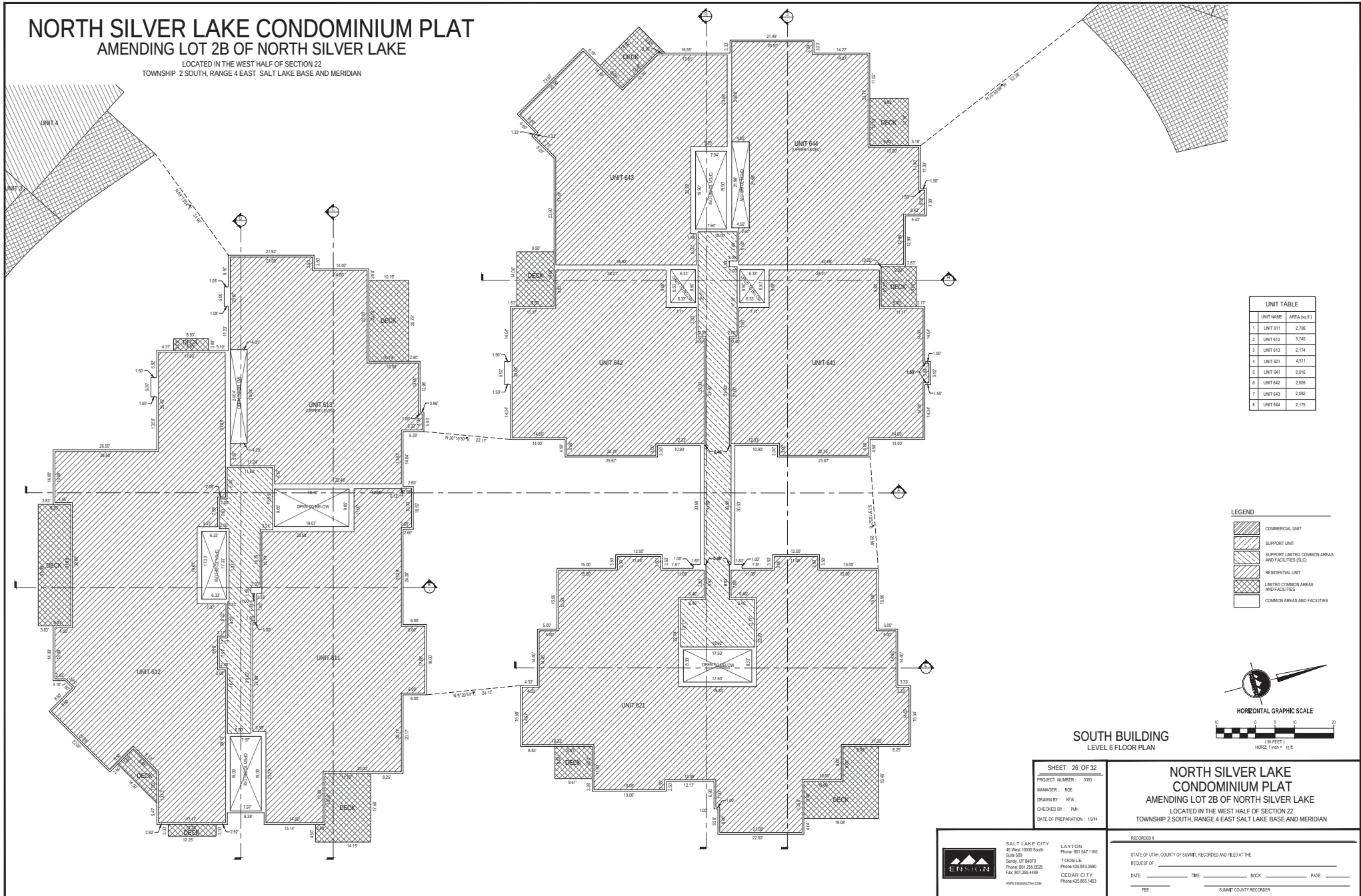
SALT LAKE CITY
45 West 1000 South
Suite 500
Stans, UT 84070
Phone: 801.255.0529
Fax: 801.255.1440
WWW.ENKINARCH.COM

LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3300
CEDAR CITY
Phone: 435.965.1463

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ SUMMIT COUNTY RECORDER

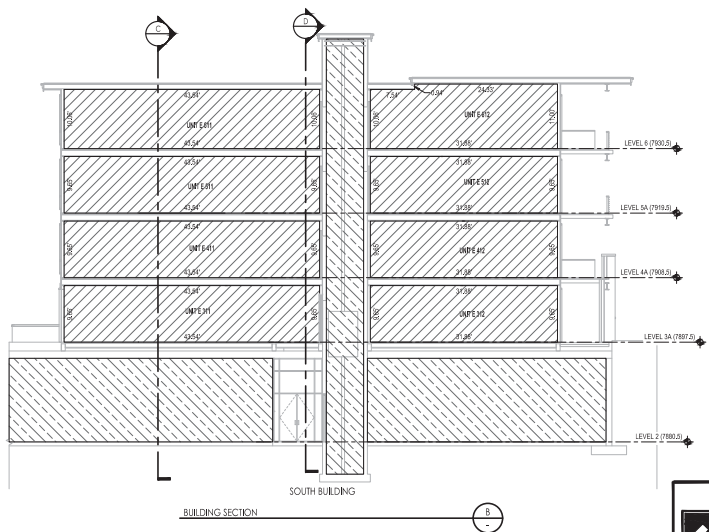
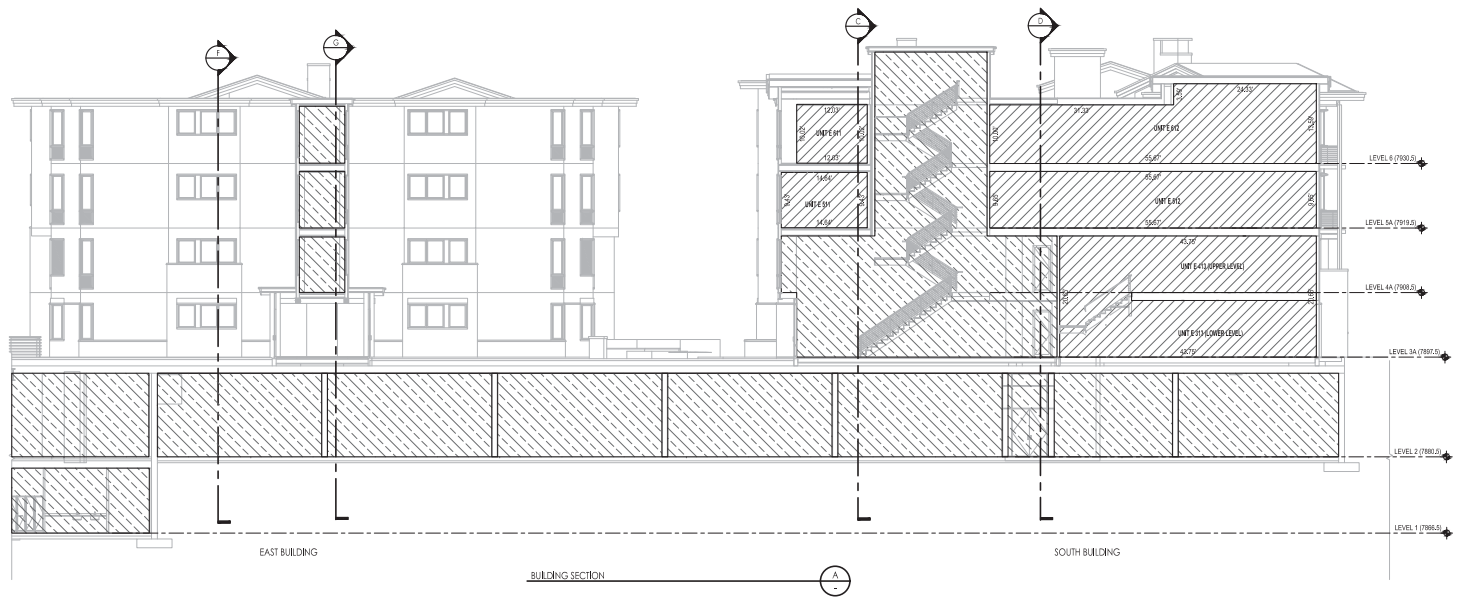
NORTH SILVER LAKE CONDOMINIUM PLAT AMENDING LOT 2B OF NORTH SILVER LAKE

LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN



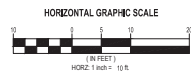
NORTH SILVER LAKE 2B CONDOMINIUM PLAT
AMENDING LOT 2B OF THE NORTH SILVER LAKE

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



LEGEND

- COMMERCIAL UNIT
- SUPPORT UNIT
- SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
- RESIDENTIAL UNIT
- LIMITED COMMON AREAS AND FACILITIES
- COMMON AREAS AND FACILITIES



SHEET 27 OF 32
PROJECT NUMBER: 5903
MANAGER: RJS
DRAWN BY: KTH
CHECKED BY: RMH
DATE OF PREPARATION: 10/14

**NORTH SILVER LAKE 2B
CONDOMINIUM PLAT**
AMENDING LOT 2B OF THE NORTH SILVER LAKE
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

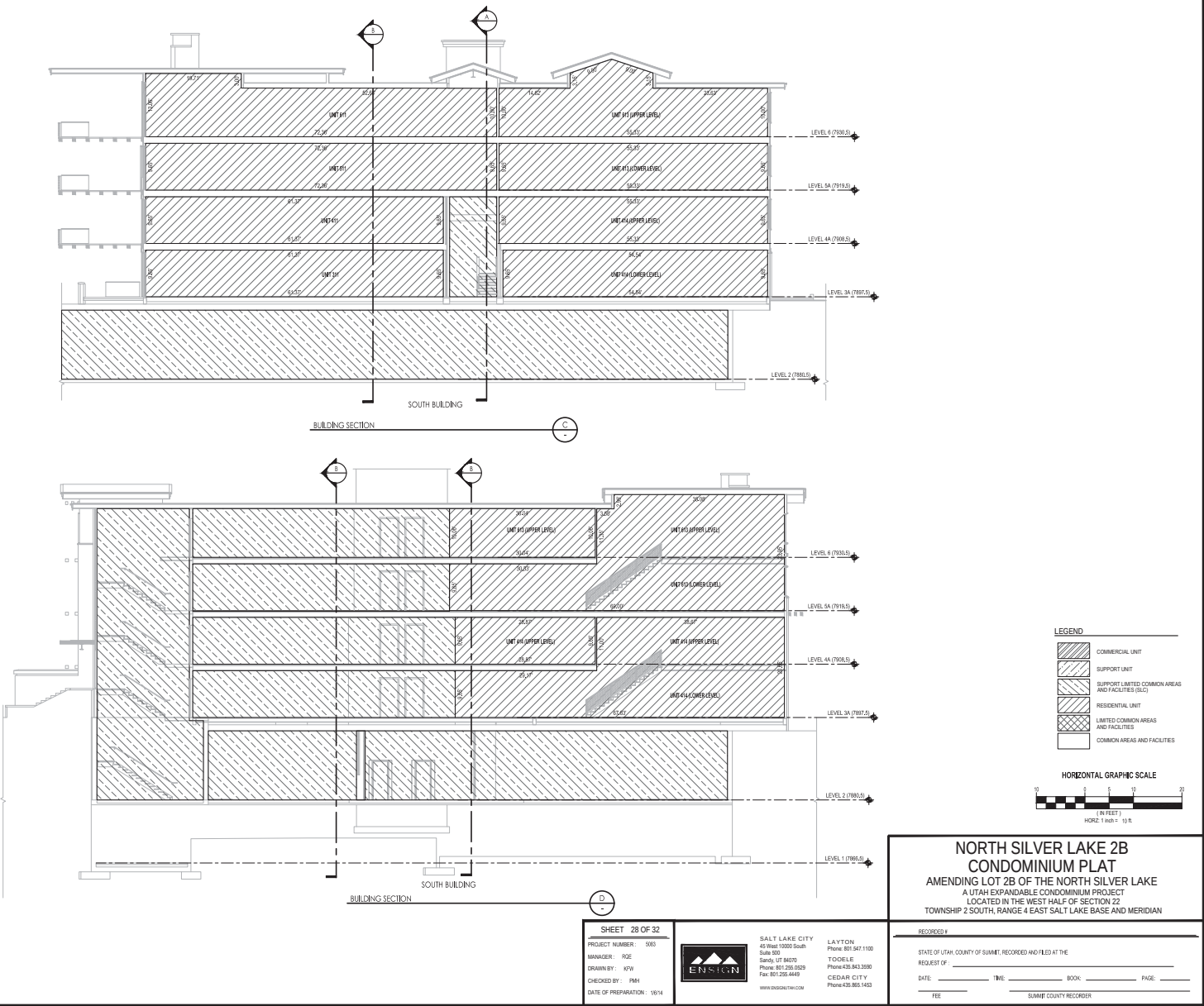
ENSIGN
SALT LAKE CITY
45 West 10000 South
Suite 300
Sandy, UT 84070
Phone: 801.225.0020
Fax: 801.225.4443
WWW.ENSIGNUTAH.COM

LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3030
CEDAR CITY
Phone: 435.865.1403

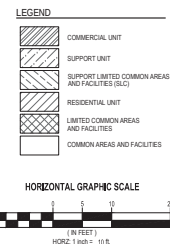
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ SUMMIT COUNTY RECORDER

NORTH SILVER LAKE 2B CONDOMINIUM PLAT
AMENDING LOT 2B OF THE NORTH SILVER LAKE

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



**NORTH SILVER LAKE 2B
CONDOMINIUM PLAT**
AMENDING LOT 2B OF THE NORTH SILVER LAKE
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

SHEET 29 OF 32

PROJECT NUMBER: 5063
MANAGER: ROE
DRAWN BY: KPW
CHECKED BY: FMH
DATE OF PREPARATION: 10/14



SALT LAKE CITY
45 West 10000 South
Suite 500
Sandy, UT 84070
Phone: 801.255.0529
Fax: 801.255.4449
www.dvdm.com

LAYTON
Phone: 801.547.1100

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RECORDED #

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE

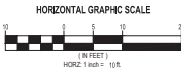
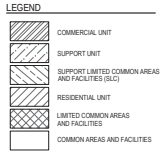
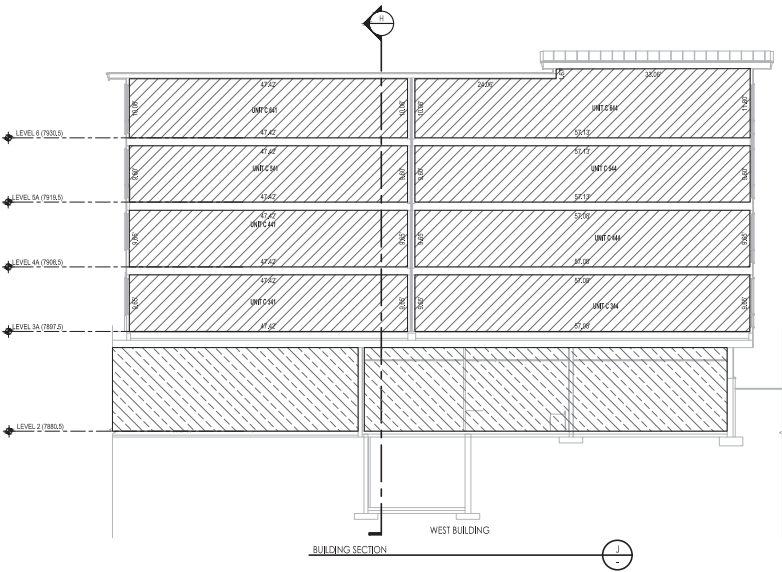
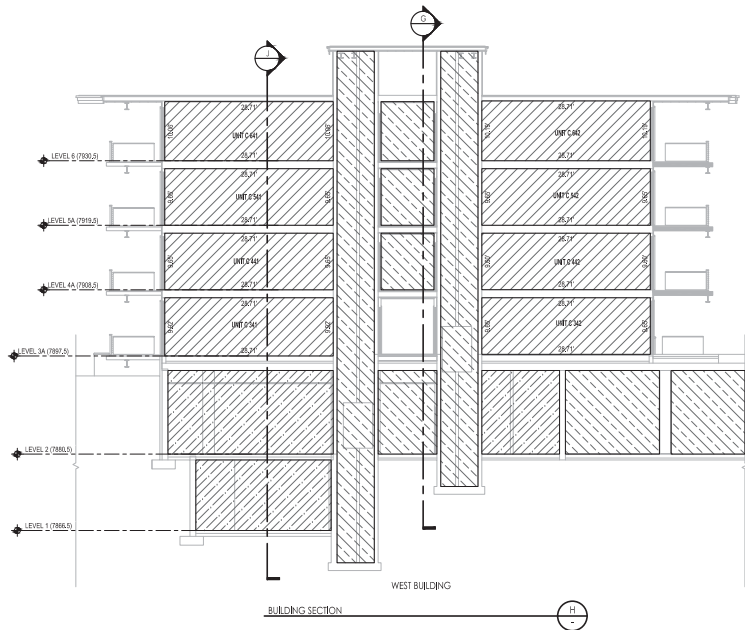
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

ID#
SUMMIT COUNTY RECORDED

NORTH SILVER LAKE 2B CONDOMINIUM PLAT
AMENDING LOT 2B OF THE NORTH SILVER LAKE

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



SHEET 30 OF 32
PROJECT NUMBER: 593
MANAGER: RJB
DRAWN BY: KTH
CHECKED BY: RMH
DATE OF PREPARATION: 10/14

NORTH SILVER LAKE 2B
CONDOMINIUM PLAT
AMENDING LOT 2B OF THE NORTH SILVER LAKE
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



SALT LAKE CITY
45 West 1000 South
Suite 300
Sandy, UT 84070
Phone: 801.225.0020
Fax: 801.225.4443
WWW.ENSIGN.COM

LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3030
CEDAR CITY
Phone: 435.865.1403

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE

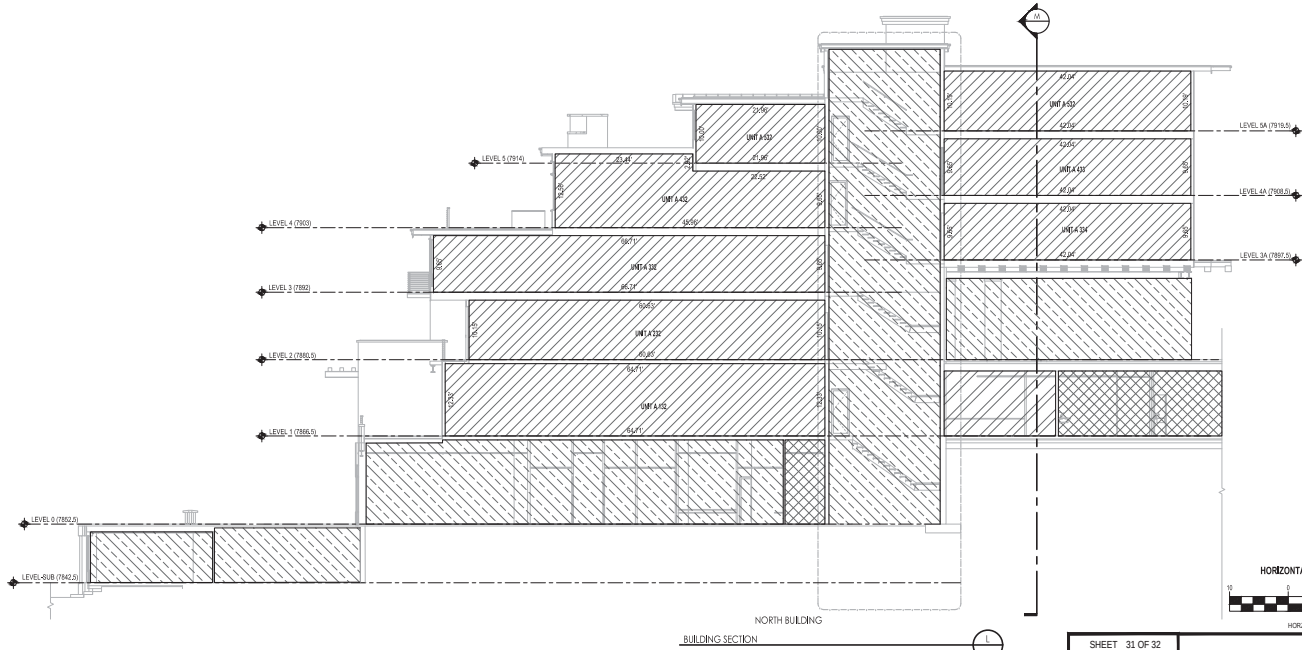
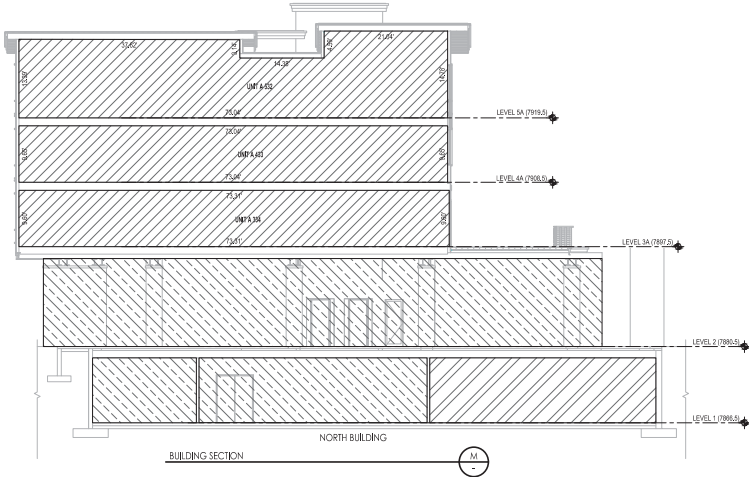
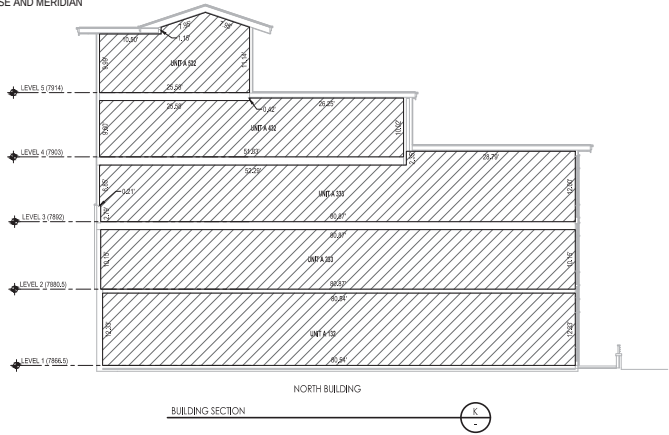
REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

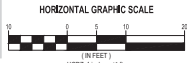
FEE: _____ SUMMIT COUNTY RECORDER

NORTH SILVER LAKE 2B CONDOMINIUM PLAT
AMENDING LOT 2B OF THE NORTH SILVER LAKE

A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



- LEGEND
- COMMERCIAL UNIT
 - SUPPORT UNIT
 - SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLO)
 - RESIDENTIAL UNIT
 - LIMITED COMMON AREAS AND FACILITIES
 - COMMON AREAS AND FACILITIES



SHEET 31 OF 32

PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/10/14



SALT LAKE CITY
45 West 1000 South
Suite 300
Salt Lake City, UT 84107
Phone: 801.225.0029
Fax: 801.225.4443
WWW.ENSIGNUTAH.COM

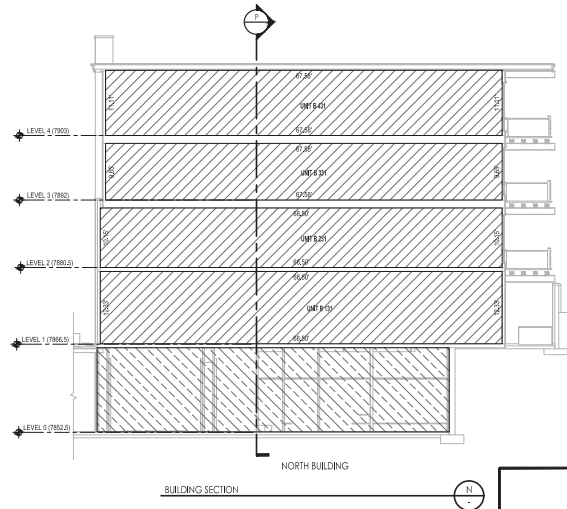
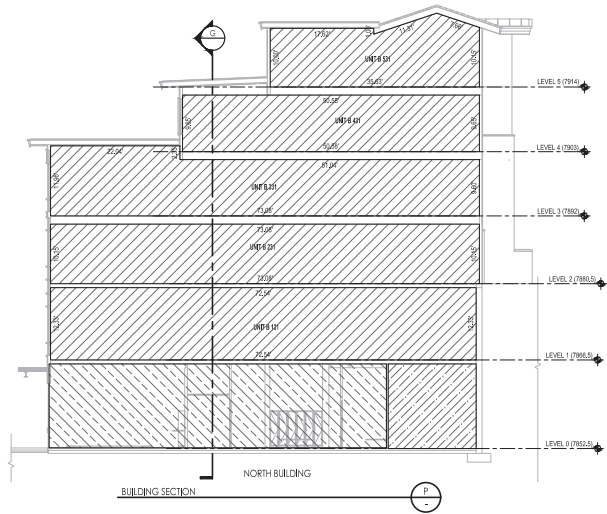
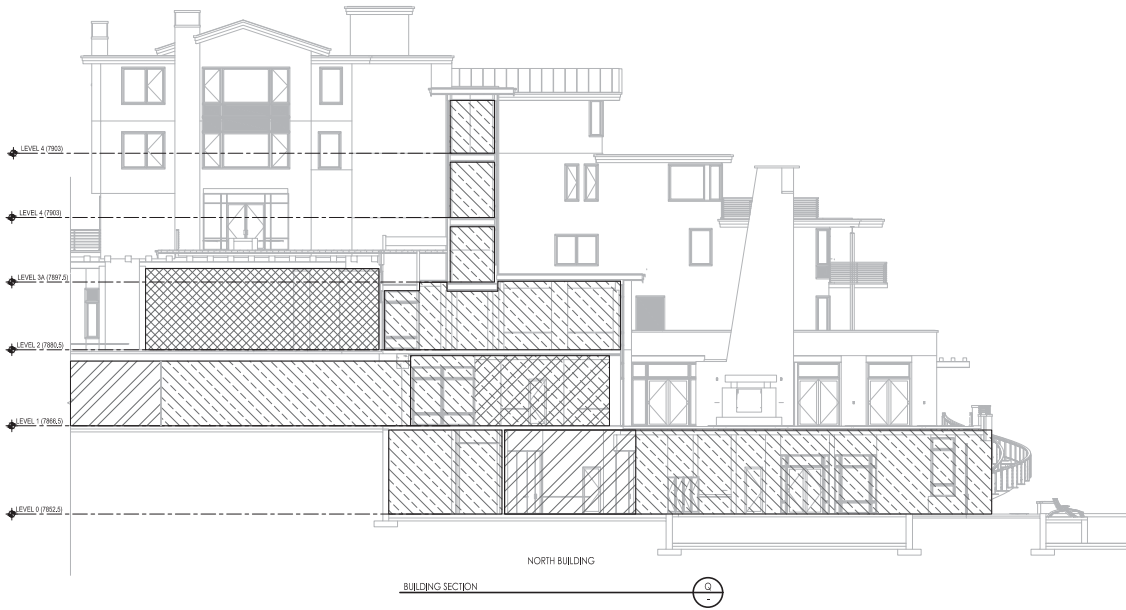
LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3030
CEDAR CITY
Phone: 435.865.1403

NORTH SILVER LAKE 2B
CONDOMINIUM PLAT
AMENDING LOT 2B OF THE NORTH SILVER LAKE
A UTAH EXPANDABLE CONDOMINIUM PROJECT
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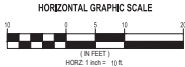
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
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NORTH SILVER LAKE 2B CONDOMINIUM PLAT
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- LEGEND
- COMMERCIAL UNIT
 - SUPPORT UNIT
 - SUPPORT LIMITED COMMON AREAS AND FACILITIES (SLC)
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 - COMMON AREAS AND FACILITIES



NORTH SILVER LAKE 2B
CONDOMINIUM PLAT
AMENDING LOT 2B OF THE NORTH SILVER LAKE
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE WEST HALF OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

SHEET 32 OF 32
PROJECT NUMBER: 5063
MANAGER: RGE
DRAWN BY: KFW
CHECKED BY: PMH
DATE OF PREPARATION: 1/10/14



SALT LAKE CITY
45 West 10000 South
Suite 300
Sandy, UT 84070
Phone: 801.225.0020
Fax: 801.225.4449
WWW.ENSONTEAM.COM

LAYTON
Phone: 801.547.1100
TODDLE
Phone: 435.843.3050
CEDAR CITY
Phone: 435.865.1403

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____ SUMMIT COUNTY RECORDER

PROJECT AND PLAT DESCRIPTION

North Silver Lake Condominiums

This is an application for the approval of a condominium plat for North Silver Lake Condominiums.

Lot 2B of the North Silver Lake subdivision was originally created pursuant to the plat entitled "Subdivision of Lot 2 North Silver Lake Subdivision", which was recorded on September 18, 1997. The plat submitted with this application is a further subdivision of Lot 2B, in accordance with the terms and conditions of a Conditional Use Permit approved on July 1, 2010 ("CUP"). The CUP authorized the development on this property of 54 units, consisting of 16 single-family homes (in detached or duplex configurations) and four stacked condominium buildings containing 38 additional residential condominium units. The stacked condominium buildings also include 3 commercial condominium units and 1 support condominium unit.

This plat divides the property into 54 condominium units and common areas including: (i) 4 single family units, (ii) 3 duplex buildings each with 2 units, (iii) 6 units currently shown as 2-dimensional lots that will be amended later to depict the 3-dimensional unit locations, (iv) 38 stacked flats in 2 buildings (North Lodge Building and South Lodge Building), and (v) a private road that is part of the common area. The condominium buildings have been designed to be consistent with the project plans submitted with, and approved as part of, the 2010 CUP.

Lot 2B is currently encumbered by a Record of Survey Plat for North Silver Lake Lodge that was recorded on April 19, 2005. That plat will be terminated of record immediately prior to the recordation of the condominium plat submitted with this application.

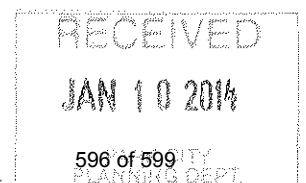


Exhibit D – Lot 2 North Silver Lake Subdivision (1997)

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a registered Land Surveyor and that I hold Certificate No. 163931 as prescribed under the laws of the State of Utah. I further certify that by the authority of the aforesaid mode, a survey of the true and correct boundaries of the land shown on this plat and described herein and subdivided said tract of land into lots to be hereafter known as SUBDIVISION OF LOT 2 NORTH SILVER LAKE SUBDIVISION and that the same has been or will be correctly surveyed and staked on the ground as shown on this plat.

9-9-97
DATE:

John Demkowicz
JOHN DEMKOWICZ

BOUNDARY DESCRIPTION

LOT 2 OF THE NORTH SILVER LAKE SUBDIVISION, according to the official plat on file and recorded as Entry #374325 (Feb. 19, 1993) in the office of the Summit County Recorder.

The above property is also described as follows:

the stone property, and the descent of the hill, the place of the Silver Lake Road, said point is located north 199.14 feet and East 71.87 feet from the Southwest corner of the lot, and the center of the circle is located at the intersection of the line Meridian, and running there N 22°00'W "W 42.81 feet to a point on a circle of 141.13' radius, and the center of the circle is located at the intersection of the line Meridian, and running there S 12°00'W "W 10.00 feet to a point on a circle of 141.13' radius, these along the arc of said circle 117.73 feet, to a central angle of 141°13' 14.13' feet, these along the arc of said circle 5.52 feet, then S 04°00'W "W 140 feet to a point on a 117.70 foot radius circle to the left, whose radius points N 89°00'W "W 117.70 feet, these along the arc of said circle 241.27 feet, then a point on a 117.70 foot radius circle to the left, whose radius points N 89°00'W "W 117.70 feet, these along the arc of said circle 283.00 foot radius circle to the left, whose radius points N 13°00'W "W 283.00 feet, these along the arc of said circle 117.70 feet, then a point on a 117.70 foot radius circle to the left, whose radius points N 13°00'W "W 117.70 feet, these along the arc of said circle 20.30 feet, then S 56°00'W "W 86.89 feet to a point on a 100.00 foot radius circle to the left, whose radius points N 34°00'W "W 100.00 feet, these along the arc of said circle 67.12 feet, then a point on a circle of 39.27'11' 39.27'11' feet, these along the arc of said circle 07°00'W "W 10.00 feet, then S 87°54'06" E 41.18 feet, to a central angle on a 117.00 foot radius circle to the left, whose radius point is S 22°25'34" E, these along the arc of said circle 117.00 feet, then a point on a 117.00 foot radius circle to the left, whose radius point is S 22°25'34" E, these along the arc of said circle 53.70'00" 143.15 feet, then S 23°36'31" W 156.70 feet, these along the arc of said circle 117.00 feet, then a point on a 117.00 foot radius circle to the left, whose radius point is S 23°36'31" W 117.00 feet, these along the arc of said circle 42.73'00" 19.90 feet, then S 56°31'39" W 96.28 feet, these along the arc of said circle 117.00 feet, then a point on a 117.00 foot radius circle to the left, whose radius point is S 56°31'39" W 117.00 feet, these along the arc of said circle 117.00 feet, then a point on a 117.00 foot radius circle to the left, whose radius point is S 00'15"44" E, these along the arc of said circle 117.00 feet, then a point on a 117.00 foot radius circle to the left, whose radius point is S 00'15"44" E, these along the arc of said circle 28.94 feet to a point on a 438.69 foot radius circle to the right, whose radius point is N 89°01'44" E, these along the arc of said circle 30.24 feet, then a point on a 438.69 foot radius circle to the right, whose radius point is N 89°01'44" E, these along the arc of said circle 20.07 foot radius circle to the right, whose radius point is N 89°01'44" E, these along the arc of said circle 117.00 feet, then a point on a 117.00 foot radius circle to the right, whose radius point is N 89°01'44" E, these along the arc of said circle 30700'00" to a point on a 95.00 foot radius circle to the left, whose radius point is N 89°01'44" E, these along the arc of said circle 117.00 feet, then a point on a 117.00 foot radius circle to the left, whose radius point is N 89°01'44" E, these along the arc of said circle 70700'00" the point is 20700'00" 115.00 feet to a point on a 117.00 foot radius circle to the left, whose radius point is N 89°01'44" E, these along the arc of said circle 145'45"45" feet, these along the arc of said circle 85.50 feet, then a central angle of 145°45'45" 85.50 feet, then a point on a 115.00 foot radius circle to the left, whose radius point is N 04°30'00" E, these along the arc of said circle 350'43" 381.06 feet to a point on a 115.00 foot radius circle to the left, whose radius point is N 04°30'00" E, these along the arc of said circle 12.86 feet to a point on a 95.00 foot radius circle to the left, whose radius point is N 04°30'00" E, these along the arc of said circle 115.00 feet, then a central angle of 150'57"00" to the point of beginning. Description contains

SOUTHWEST CORNER
SECTION 22, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN

EXISTING NON-EXCLUSIVE PUBLIC UTILITY EASEMENT
IN FAVOR OF SNYDERVILLE BASIN SEWER IMPROVEMENT
DISTRICT ENTRY NO. 263448, BK. 413, PG. 615 (HATCHED AREA)

Alliance

1-6-96 \NSL\PC\PC\P-NSL2

ALLIANCE ENGINEERING INC.
P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(801) 549-9467

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER
IMPROVEMENT DISTRICT STANDARDS ON THIS 9th
DAY OF September, 1997 A.D.
BY Paul J.

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 16th
DAY OF September, 1997 A.D.
BY *Brian M. Fisher*

ENGINEERS CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 12TH
DAY OF SEPTEMBER, 1997 A.D.
BY ONE W. C. O'NEILL PE
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 17th
DAY OF September, 1997 A.D.
BY M. L. O. H. J.
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 26 DAY
OF JUNE, 1997 A.D.
BY Janet N. Smith
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 26 DAY OF JUNE
1997 A.D.

BY Bruce A. Olson

487578 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF HIGH COUNTRY TITLE
DATE 09-18-97 TIME 15:51 PM BOOK _____ PAGE _____
\$ 35.00 Doreen M. Dunn - Deputy
RECORDER

SUBDIVISION OF LOT 2
NORTH SILVER LAKE SUBDIVISION

A SUBDIVISION
LOCATED IN THE WEST 1/2 OF SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY,
SUMMIT COUNTY, UTAH

LIN	DESCRIPTION	DISTANCE
11	N 1445 50 W	1.1
12	S 46 30 50 W	55.5
13	S 67 34 00 E	41.1
14	N 1434 40 W	4.1
15	S 0450 50 W	35.6
16	N 69 59 55 E	50.2
17	N 56 38 30 E	47.1
18	S 67 34 00 E	41.1
19	N 0450 50 W	40.0
20	S 20 00 00 W	15.0
21	S 40 00 00 W	26.8
22	N 76 30 00 E	76.8
23	N 76 30 00 E	76.8
24	S 22 00 00 E	31.8
25	N 04 30 00 E	60.4
26	S 82 40 00 E	82.4
27	N 04 30 00 E	60.4
28	S 51 40 00 E	12.8
29	N 69 59 55 E	49.2
30	S 04 30 00 E	40.0

CURVE	RADIUS	LENGTH	DELTA
C1	100.00	67.12	267.73
C2	25.00	16.84	43.72
C3	100.00	67.12	267.73
C4	472.50	57.74	57.02
C5	472.50	45.25	45.08
C6	472.50	45.25	45.08
C7	53.00	30.86	42.97
C8	134.00	54.89	145.00
C9	115.00	57.19	43.94
C10	712.00	16.25	16.25
C11	283.00	101.26	20.30
C12	53.00	58.28	84.00
C13	53.00	58.28	84.00
C14	97.00	108.49	84.00
C15	472.50	14.75	01.00
C16	50.00	14.75	14.75

GENERAL NOTES

1. Lot 28 is a non-development parcel. No development except for all trail, hiking trails, and utility easements is allowed.
2. Pursuant to the NORTH SILVER LAKE MASTER PLAN DEVELOPMENT AMENDMENT, portions of Lot 28 are allocated to Lot 2A and 2B for purposes of open space calculation.
3. The height of construction on Lot 2B shall be measured from the back of the gutter on Silver Lake Drive or Natural grade, whichever is higher.
4. All final conditions of approval dated May 14, 1997 for the North Silver Lake master plan development amendment and conditional use apply.
5. The Basis of Survey is identical with survey of the North Silver Lake Subdivision, Recorded No. 374325, in the Summit County Recorder's Office.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS: that the undersigned is the Owner of the herein described tract of land, and hereby causes the same to be divided into lots together with easements as set forth on

Also the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, and Park City Fire Protection District, a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use, and eventual replacement.

The owner, or his/her representative, hereby irrevocably offer for dedication to the City of Park City all the streets land for local government uses, easements, parks, required utilities and easements shown on the subdivision plot and construction plans in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this
9 day of September, 1997.

DEER VALLEY RESORT COMPANY, a Utah Limited Partnership,
 By: ROYAL STREET OF UTAH, a General Partner.

Robert W. Wells
 Robert W. Wells, Vice President

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF WASATCH) SS.

On this 9 day of September, 1997, personally appeared before me, the undersigned Notary Public, in and for said State and County, Robert W. Wells, who after being duly sworn, acknowledged to me that he is the Vice-President of Royal Street of Utah, a Utah Corporation, that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

Quentin J. Ward
NOTARY PUBLIC
Residing at:

My Commission Expires:

May 30, 1999

PAGE 1 OF 1

Exhibit E – North Silver Lake Record of Survey Plat (2005)

