

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
February 10, 2016



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF January 13, 2016

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

Selection of a Planning Commission representative and an alternate to Citizens Open Space Advisory Committee (COSAC)

Transportation Update

*Planning Director
Erickson*

CONSENT AGENDA – *All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda and acted on at the same meeting.*

8910 Empire Club Drive- Conditional Use Permit for construction of Building 5 of the Village at Empire Pass Master Planned Development, consisting of 27 residential units, 1 ADA unit, and 1 deed restricted unit located on Lot 15 Village at Empire Pass West Side Subdivision. <i>Possible action</i>	PL-15-02983 <i>Senior Planner Whetstone</i>	61
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8910 Empire Club Drive- Condominium record of survey plat for 27 residential units within Building 5 of the Village at Empire Pass Master Planned Development. <i>Possible recommendation to City Council on February 25, 2016</i>	PL-15-03003 <i>Senior Planner Whetstone</i>	159
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REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

2900 Deer Valley Drive, The Lodges at Deer Valley Phase one, First Amended Condominium, Record of Survey – Proposal to convert the 62 parking spaces from convertible space to common ownership. <i>Public hearing and Possible Recommendation to City Council on March 3, 2016</i>	PL-15-02943 <i>Planner Hawley</i>	187
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615 Mellow Mountain Road- First Amendment to Lot 10 Sunnyside Subdivision <i>Public hearing and possible recommendation to City Council on March 10, 2016.</i>	PL-15-03024 <i>Senior Planner Whetstone</i>	201
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1043 & 1049 Park Avenue, Plat Amendment – Proposal to combine these two lots in order to relocate the existing lot line between 1043-1049 Park Avenue to address the encroachment of the historic house at 1049 Park Avenue, as well as remove any existing lot lines of the 1043 Park Avenue plat. <i>Public hearing and possible recommendation to City Council on March 3, 2016.</i>	PL-15-02979 <i>Planner Grahm</i>	225
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408/410/412 Deer Valley Loop Road, Gateway Estates Replat Second Amended – Plat Amendment creating two (2) lots of record from three (3) platted lots. <i>Public hearing and Possible Recommendation to City Council on March 3, 2016</i>	PL-15-03017 <i>Senior Planner Astorga</i>	267
408/410/412 Deer Valley Loop Road, request for Zone Change from Historic Residential-1 (HR-1) District to Residential-1 (R-1) District. <i>Public hearing and Possible Recommendation to City Council on March 3, 2016</i>	PL-15-03018 <i>Senior Planner Astorga</i>	267

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.

**WORK SESSION
PARK CITY PLANNING COMMISSION
SNYDERVILLE BASIN PLANNING COMMISSION
JOINT MEETING TO DISCUSS
TRANSPORTATION ISSUES
January 13, 2016**

COMMISSIONERS: Adam Strachan (PC), John Phillips (PC), Doug Thimm (PC), Steve Joyce (PC), Preston Campbell (PC), Melissa Band (PC), Canice Hart (SB), Mike Barnes (SB), Bea Peck (SB) Greg Lawson (SB).

Ex Officio: Bruce Erickson, Park City Planning Director; Patrick Putt, Summit County Community Development Director; Peter Barnes, Summit County Planning and Zoning Administrator; Alfred Knotts, Park City Transportation Manager; Caroline Ferris, Summit County Regional Transportation Planning Director; Park City Assistant City Attorney, Polly Samuels McLean.

Park City Planners: Francisco Astorga, Kirsten Whetstone, Makena Hawley.

The meeting was called to order at 6:30 p.m.

Planning Director Erickson stated that at the last joint meeting both Planning Commissions gave direction on important two important issues; Transportation and Employee Housing. He commented on the importance of working together to help move forward these forward in the future and reduce the impacts. He and Patrick Putt both believe that unless they solve the transportation system, affordable housing would not help. He noted that both Park City and Summit County have high-skilled Staff working on transportation.

Patrick Putt spoke on behalf of his Staff and expressed their appreciation for being involved in this joint meeting. Mr. Putt suggested that if Alfred Knotts and Caroline Ferris could go over the high level things they were working on, it would fill in some of the missing pieces and activities that the Snyderville Basin Planning Commission has been engaged in. He believed it would directly affect potential tools that would help with transportation problems.

Transportation Manager Alfred Knotts stated that his department has been giving the City Council monthly updates. In talking with Bruce Erickson he committed to updating the Park City and Snyderville Basin Planning Commissions on a quarterly basis. Mr. Knotts clarified that his presentation this evening was slanted more towards Park City because it was one he had prepared for the City Council.

Mr. Knotts provided a brief background on his experience. Has been in Park City for eight months and his counterpart, Caroline Ferris, has been in Summit County for six months. He and Ms. Ferris work well together on behalf of Park City City and Summit County. He is

accustomed to working on regional planning issues. He was pleased to be working with County Staff and Caroline Ferris has been a good partner.

Mr. Ferris introduced herself and noted that she was the Regional Transportation Planning Director for Summit County. Ms. Ferris agreed that she and Mr. Knotts were fortunate to have a good working relationship. They have both received a lot of support from their respective planning departments. She and Mr. Knotts have taken action to move towards a more regional approach to transportation planning, and the objective this evening was to talk to both Planning Commissions about the direction for the near and long term.

Mr. Knotts outlined the format for the discussion this evening. He would talk this evening about Park City's master plan and Ms. Ferris would talk about the long range transportation plan that they were embarking on as a County-wide effort. They would explain the issues and how they were being addressed. He pointed out that there was a variety of solutions to this problem. It is a land use issue and linking land use decisions with transportation is one step in the process. Other elements include regulatory tools, engineering solutions, transit solutions, and behavioral transportation demand management solutions. Following their presentations, they would like to have a two-way conversation about what the Planning Commissions roles would be in evaluating transportation impacts and addressing those solutions.

Mr. Knotts stated that when they look at projects and make decisions they always look to the General Plans and Transportation Plans of both the City and County to make sure those documents support their decision. The Transportation Master Plan is another document that guides their transportation solutions, evaluations and projects. It was developed in 2011 and was specific to the Park City area. They were embarking on a County-wide transportation effort, but currently this was the adopted plan for Park City. It talks about the gateway corridors, which have had congestions issues for some time and those issue were being exacerbated by growth. The goal is to make sure that the context of the transportation solutions fit the geographical area in the context of the communities and the natural environment. Mr. Knotts noted that Park City acknowledged in 2011 to accept some levels of congestion.

Mr. Knotts stated that within the Transportation Master Plan, Park City acknowledged that the policy control exist. In addition there are transportation infrastructure improvements, and at the center of that is the employment, the population and the other influences of being a resort town. Mr. Knotts pointed to a variety of solutions to be implemented and how those are prioritized and developed to address the issue at hand.

Mr. Knotts stated that there was a lot of outside influence and internal influence on the

transportation system based on land use patterns. The long range transportation plan would look at a 25-30 year planning horizon and focus around growth projections to make sure they prioritize the improvements. Mr. Knotts presented updated data that was obtained from the Transportation Demand Management Plan they were currently working on. The data shows where the growth would occur, and then overall with the overall balance of the Summit County growth potential. It was based on current zoning and entitlements.

Mr. Knotts presented the traffic volumes through the corridors. He thought they could expect to see the growth patterns on these corridors continue at the same rate. Typically a 4% annual increase is applied to these type of corridors based on growth projection, which is what they were seeing on SR248. It is where most of their growth projections were anticipated and it is where they have seen it occur.

Mr. Knotts commented on ways to overcome the challenges. He stated that Park City has a very comprehensive transportation system, including bike paths, sidewalks, and an aerial system in the Old Town area. They were also contemplating the possibility of additional aerial connections in the future. Mr. Knotts stated that currently underway was a short-range transit plan, a transit marketing and expansion plan, a TDM study and plan, a review of the corridor analysis that was done for the 248 corridor in 2009. They were also doing a parking study as well.

Mr. Knotts reviewed the short-range transit plan, which was a joint effort by Park City and Summit County. It was last done in 2011 and provides information on prioritized improvements within the first through the seventh year. It provides a snapshot of the demographics and where there is traffic demand, as well as the type of system improvements needed as it relates to vehicles. Revenue generation was also necessary to meet the service needs within the near term. Mr. Knotts noted that the short range transit plan was scheduled to be complete in 2016.

Mr. Knotts stated that a study was underway for the Bonanza Park and Lower Park Avenue to identify parking strategies for that area, and whether a transit hub would serve a need in that geographic area. That was scheduled to be complete in February 2016. Some of the recommendations are consistent with land use planning identified in the General Plan, and in the in the draft Bonanza Park Area Plan.

Mr. Knotts stated that the 248 Corridor Plan was complete. It looked at the 2009 assumptions and projections and it did not project it to fail until 2020, even though it fails now at key times. A preferred alternative that came out of the study was a transit only and HOV dedicated lane within the existing footprint. It would not require any physical widening

within the corridor. Mr. Knotts remarked that it was actually looking at the entire corridor from US40 to SR224 and bringing on the Richardson Flat parking lot, which is a key asset that is vastly under-utilized. It would add a signal at that intersection for the ability to use the park and ride lot, and to make sure it is safe for buses to pull in and out. Another component that has been proposed to UDOT is to evaluate an additional tunnel on 248 to remove the at-grade crossing. Another recommendation is for improvements at the Kearns/Bonanza intersection. They would be able to look at the full corridor and wrap up all those improvements into this one project.

Caroline Ferris stated that Mr. Knotts had covered the studies that Park City was undertaking and that Summit County was participating in a lot of those studies in meaningful ways. However, the primary focus for the County is the long range transportation plan which will officially kick-off on February 10th at the Swaner Eco Center.

Ms. Ferris thought it was important for people to understand that the long range transportation plan is meant to be the keystone planning document and a comprehensive look at the entire transportation system from the standpoint of sustainability, human health and safety, economic vitality. It will bring together all of the different short term plans, TDM strategies, and the Title 6 program into one comprehensive plan so they will know which direction they are going over the next 15-25 years. Ms. Ferris commented on the steps they need to take to get there through an implementation plan and the different funding sources they need to look to in order to get things done. They hope to look at the transportation system from a new perspective and get innovative ideas out to the Planning Commissions, the Councils and the public to see if that is really where they want to go as a region.

Mr. Knotts noted that the City and County were also working on an Alternative Analysis. It is a Federal Transit Administration Process that looks at what type of modes could potentially connect the Salt Lake Valley with the Summit County area using the I-80 corridor. Some of the potentials are bus rapid transit, rail and other types of fixed guideway systems that could operate within the corridor. Mr. Knotts commented on the school district planning, particularly the 248 corridor. They engaged the School District after realizing that if the school operated its ingress and egress better the corridor would function properly. They were working directly with the School District on addressing the problems.

Mr. Knotts remarked that the City and County also jointly formed a Transportation Management Association consisting of a variety of public and private entities, including UDOT, UTA, and all the resorts. They meet monthly with a developed agenda where they talk about programs and how the public side could interact better with the private side as it relates to employee travel, parking and other management strategies.

Ms. Ferris stated that the RFP on the transit center was sent out and the intent is to begin construction in the spring.

Director Erickson noted that Mr. Knotts and Ms. Ferris were watching the traffic cameras all through the Christmas holidays and both have firsthand knowledge of the situation. Mr. Knotts stated that cameras are placed at Deer Valley Drive, 224 and 248, Empire, the Canyons and Kimball Junction. Mr. Erickson pointed out that the update electronic messaging signs was also the work of Mr. Knotts and Ms. Ferris, and it is coordinated on a daily basis. He stated that for both Planning Commissions, these type of activities are regulated inside the Master Development Plan process and they will see Code items as they review MPDs identify the things that Mr. Knotts and Ms. Ferris are looking for. Both Commissions already have Code language to do what they would be asked to do. Mr. Erickson stated that he and the County Development Director, Patrick Putt, constantly work in conjunction with Mr. Knotts and Ms. Ferris, and both Planning Commissions have an excellent opportunity to affect the outcome on this issue.

Director Erickson was personally please about the Transportation Management Association. He asked that Mr. Knotts provide more information so the Commissioners would understand who is at the table, what can happen, and his experiences in Lake Tahoe. Mr. Knotts stated that they had two Associations in Lake Tahoe because the north and south sides of the lake were very different. He explained the process and the entities involved in the Lake Tahoe Associations. A Transportation Management Association is required for Lake Tahoe and they have been around since the late 1980s. The Association is very effective and they thought it would be very effective in Summit County as well. Mr. Knotts reiterated that all the resorts have been at the table, the HPCA, Prospector. They were looking at expanding the group to possibly include the taxi drivers and shuttles for a monthly dialogue to make sure they are sharing information.

Chair Strachan thanked Mr. Knotts and Ms. Ferris for the update. He asked which projects would be coming to both Planning Commissions on a near term basis. Mr. Knotts stated that the 248 State Highway system would not typically come before the Planning Commission for an approval; however, some of the recommendations coming out of the Bonanza Park study would be coming forward. One of those would be the Bonanza intersection improvements.

Director Erickson stated that the Park City Planning Commission would be seeing the recommendations already in the Land Management Code in the second quarter of 2016. They have some regulatory to implement now, but most of it will be address in the second quarter.

Ms. Ferris stated that for the Summit County Planning Commission she believed they would continue to see plans for the Whole Foods property. They would also be talking about Phase 2 of wayfinding, which also includes signage. Mr. Knotts noted that the County had established a Blue Ribbon Committee on remote parking. They were looking at site that could potentially be located on I-80 and US40, in addition to the Richardson Flat lot. Ms. Ferris stated that the County Council had approved membership of the Blue Ribbon Committee that today. Mr. Knotts noted that it was scheduled before the City Council on January 28th.

Chair Strachan asked what both Planning Commissions could do to help. He would not interest in bogging it down in regulation and have a good project go through two meetings because two Planning Commissions are involved. On the other hand, there should be communication between the two Planning Commissions. Chair Strachan asked if there was a streamlined process.

Ms. Ferris stated that from her perspective one of the most helpful things would be to have both Planning Commissions do a double-take when looking at plans and proposals see whether it fits in with the transportation network.

Commissioner Bea Peck asked if there was a way to develop a shared criteria between the two Planning Commissions so they would be reviewing projects against the same checklist. She stated that when new projects come in it is frustrating for the Commissioners to try and figure out the transportation. She thought it would be helpful to have an organic list that expands and could be used to ask the questions and see how it applies to each project. Commissioner Peck pointed out that if both Planning Commissions worked off of the same list they would be consistent in what they impose.

Commissioner Steve Joyce stated that one of the challenges is that the Snyderville Basin Planning Commission looks at things from a larger view. Most of what the Park City Planning Commission does is approve projects. When the developer submits the required traffic study it is a blip on the existing traffic, but when there are 20 blips it adds 50% to the traffic flow. Commissioner Joyce noted that the approval process is blip by blip but the accumulative effect is that it destroys traffic over the years. He was frustrated that there is not a mechanism in place to demand anything of the smaller projects.

Commissioner Peck stated that their Planning Commission faces the same problem. It is drip by drip from each little piece. She agreed that they needed something to help with the accumulative effect.

Commissioner Greg Larson asked, with the additional regulatory actions in place in other states, whether there was a legal method of tying future growth into what could be accommodated with transportation. Mr. Knotts answered yes. Commissioner Larson thought on an accumulative basis that there should be a way to quantify what the population growth is doing versus what could be done with transportation so they can approach a more balanced condition. They are behind now and he questioned whether they could ever catch. Commissioner Larson asked if there was a way to control the rate of development to be more consistent with the rate of improvements in transportation.

Mr. Knotts stated that there was a mechanism. If there is a transportation impact and the level of service does not go down to unacceptable, they do have to model out for 20 years from opening day through the useful life the project. Therefore, if it does hit in year 15 the improvement is fully funded and constructed from the developer fees that have been collected. Mr. Lawson asked if that mechanism was already on the table in the work they were doing with transportation. Mr. Knotts believed it was.

Community Development Director, Patrick Putt, thought the comments and observations made by Commissioners Peck and Lawson were very good. He believed everyone was aware that they were working on updating the Snyderville Basin Development Code. One of the tools Park City has that Snyderville Basin does not, is a legitimate Master Planned Development process. The County has a Specially Planned Area process which is similar, but it is limited to the Kimball Junction area. Mr. Putt stated that one of the pieces of the MPD process that they were just beginning to dialogue with the Planning Commission was a submittal requirement and a review requirement whereby master planned developments are required to submit a written plan for traffic reduction. They were exploring requiring the property owner, the developer or the applicant to go through the systematic exercise of evaluating that project to examine what viable reduction measures could be built into that project. If they could apply that exercise to the drip by drip, small project by small project, it begins to create additive solutions that might build to the whole. Mr. Putt believed the City and the County could work together on a strategy that is flexible enough that it allows considerations and opportunities to reduce traffic. The key is to look at those opportunities early on. When they talk about tools that allow both the City and Snyderville to use the same language, that type of strategy might be beneficial.

Commissioner Peck noted that they do a design committee review before projects come to the Planning Commission, particularly on larger projects. She thought a shared criteria would also be helpful at that subcommittee level rather than waiting until it reaches the Planning Commission.

Mr. Putt suggested that there may be a possibility to address reduction on a case by case

basis. He noted that they were going to be doing their first ever annual review of their General Plan, and they would be presenting to the Planning Commission the concept of taking a look at the transportation system at regular intervals and doing an audit. It would pertain primarily to the public realm and it would be like complete streets audit on a regular basis.

Director Eddington stated that both he and Mr. Putt have long-term credibility in the County; and in their 40 years of planning experience this is the first time that both the County Council and the City Council have actually funded experienced transportation managers. Prior to this, every transportation plan was reviewed by either the County Engineer or the City Engineer. The Commissioners were seeing the result of six months' worth of work. Up until now they were not interpreting the data correctly. Mr. Erickson noted that all of Mr. Knotts' work and most of Ms. Ferris' work was tiered to the Mountain Accord data base, which gives them an understanding of the long range transportation implications of potential development up to 2040.

Commissioner Peck had attended the presentation by the Canyon RVMA and she wanted to know how that coordinated with the work that Mr. Knotts and Ms. Ferris were doing. Ms. Ferris stated that the RVMA's master plan will play a large role in the long range transportation plan. They have been working closely with the RVMA and the Planning Department has provided significant input and helped shape the plan towards what was needed from a County perspective. She stated that basically she and Mr. Knotts operate as one staff so they both know what the other is doing and they talk about ideas and strategies. That is how the interaction was working between the three parties.

Commissioner Joyce noted that most of what was presented this evening were long range plans. If things occur in the short term he would like to be updated both from the standpoint of a Commissioner and private citizen. He suggested informing the public through the Park Record and similar means.

Commissioner Mike Barnes assumed the February 10th date would be a presentation and conclusion of a lot of these studies. He thought that was an important date and he suggested scheduling another joint meeting with Mr. Knotts and Ms. Ferris after February 10th so they could understand it and ask questions. If that is implemented City-wide and County-wide it would become their guide.

Ms. Ferris liked the idea of giving a monthly or quarterly update through the newspaper or on the radio from either her or Mr. Knotts as to what actions they have taken in the past month or quarter to help with the transportation system. Ms. Ferris stated that one action that was implemented in November was to increase transit service out in the County. The

County, Park City Transit and Mr. Knotts assisted in getting that service implemented. It is late night service into the Kimball Junction area. It was extended an hour so there were two additional runs. There have been over 3,000 riders since November 20th. Ms. Ferris reported that in response to employee concerns about getting to the resorts by 7:00 a.m., Park City Transit gave the County a plan for additional service and within two weeks they were able to implement an early morning service for the employees. She noted that this was an example of the things she and Mr. Knotts have been able to implement in the short time they have been working together with the assistance of Planning Departments, Engineering Departments and Transit Departments.

Ms. Ferris did not believe their brief description of the TMA this evening did justice for how dynamic it has been in the two months they have been meeting. They have had good conversations with the resorts and the business association. They were able to accomplish a lot in terms of improving communication. During the holidays, with the help of Deer Valley and Vail, she and Mr. Knotts knew how many cars were in each parking lot, when they were getting close to less than 10% capacity. They knew when cars were being redirected to the high school, and when they needed to change VMS signs. Ms. Ferris agreed that a lot of studies were going on, but she in the last six months a lot of action has been taken as well.

Commissioner Joyce did not doubt things were happening, but he was not hearing it and he requested that they do more to share it. The Commissioners commented on various ways to provide updates to the public as well as to both Councils and Planning Commissions.

Commissioner Doug Thimm asked if any of the studies start to account for strategies for special events. Mr. Knott replied that it was part of the Transportation Demand Management Plan. The Parking Management Plan also ties it all together in terms of peak times and how to better manage the parking inventory. The use of technology is also recommended in the plan for wayfinding and parking. There were other alternatives that could be implemented. Ms. Ferris noted that special events people from both the City and the County participate in the TMA, and they have been able to talk about Sundance and mitigation strategies for this year. They will also be working towards a plan for future years.

Commissioner Melissa Band asked if the lodging industry was also involved. Mr. Knotts replied that Ginger was also on the TMA. Commissioner Band asked if there was data for number of people who rent cars, those who drive from lodging to Main Street, etc. Mr. Knotts replied that it was part of the dialogue and they also meet with Bill Malone on a monthly basis. It was a matter of establishing the mechanism to obtain the feedback and implement the measures.

Mr. Knotts noted that over the last two months they were also able to implement additional nighttime service to the Canyons to accommodate people who miss the gondola. It was also a benefit for employees. The service runs on 20 minute headways and it runs until midnight.

Ms. Ferris stated that there would be an entire section in the Long Range Transportation Plan dedicated to best practices for getting visitors into their destination without cars. A second item is that a robust marketing plan is a mitigation strategy that was outlined as a tier one strategy for the Canyons RVMA master plan. The RVMA is hiring a transportation coordinator and one of his/her first charges is to work with all of the resorts to create a plan that will be marketed to out-of-town guests. The resort staff will then be instructed on how to communicate to their potential visitor that a car is unnecessary. Ms. Ferris remarked that the City and County were jointly working on an alternative transportation marketing program. As part of that they are using search engine targeting.

Commissioner Canice Hart always understood that the people who live there are the greater problem. It is good to take care of the tourists but the residents create the traffic by commuting back and forth. Ms. Ferris thought it was a great point and she agreed that it was true. Several studies have been done to draw that conclusion but this was the first time she has heard locals admit that they are the problem. She noted that there is a communication campaign ongoing which is to encourage people to try an alternative once a week.

Commissioner John Phillips suggested using the buses to advertise the transit system and provide information to educate people as they are driving behind a bus in their car. Commissioner Phillips appreciated the efforts of Mr. Knotts and Ms. Ferris and he was very excited and encouraged about all of them working together. He thought it was long overdue and hopefully they could begin to make an impact.

Director Erickson thanked Councilman Andy Beerman for listening to this presentation this evening.

Chair Strachan called for public input. There were no comments.

Chair Strachan noted that the Commissioners had talked about scheduling a joint meeting quarterly. He assumed that scheduling a meeting in three months was a good goal. Commissioner Peck requested that they discuss the integration of workforce/employee housing at the next meeting. She would also like the Planning Departments to develop mutual criteria or a checklist that the Commissioners could review at the next meeting.

Commissioner Hart thought it would also be helpful to have the criteria checklist for the MPD process. The root cause might be the type of developments and that may drive some of their mutual decisions. Chair Strachan thought those were good goals for the next meeting. Looking forward to future meetings he suggested that they set aside a five or ten minute segment at each meeting to address affordable housing and transportation before they begin discussing whatever topic is scheduled on the agenda. For the next meeting, Chair Strachan suggested that the ten minute portion of the transportation update could be devoted to the checklist. The Commissioners all agreed. Chair Strachan requested that every meeting agenda include setting aside time to address transportation and affordable housing.

Chair Strachan thanked the Snyderville Basin Planning Commission for attending this evening. It was a pleasure hosting them. The next meeting would be held in Snyderville Basin.

The Work Session adjourned at 6:30 p.m.

The meeting was adjourned at 7:30 p.m.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 13, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm

EX OFFICIO:

Bruce Erickson, Planning Director, Francisco Astorga, Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney

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The Planning Commission held a joint meeting with the Snyderville Basin Planning Commission prior to the Regular Meeting. That discussion can be found in the Work Session Minutes dated January 13, 2016.

REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 6:43 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

December 9, 2015

MOTION: Commissioner Phillips moved to APPROVE the minutes of December 9, 2015 as written. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson appreciated that the Commissioners had taken the time to listen to the Transportation presentation this evening. Questions could be forwarded to him or Alfred Knotts at any time. The Planning Commission will be looking at the Code changes in the second quarter of 2016. The Planning Commission could expect to see

approximately 25 LMC changes addressing the MPD process and other regulatory issues in the first quarter.

Director Erickson reported that the Staff was also updating the employee/affordable housing plan.

The next Planning Commission meeting would be February 10th.

Commissioner Joyce reported that he is the Planning Commissioner rep for COSAC, the Citizens Open Space Advisory Committee. He stated that COSAC is made up of a number of at-large positions, as well as reps from organizations such as the Summit Lands Conservancy, Mountain Trails, Realtors, etc. Commissioner Joyce noted that it was the three year period where COSAC asks all the organizations to decide whether their existing representatives will continue or if they would be replaced with a new representative. The City Council would also be re-evaluating the at-large positions, and it would be posted for public input.

Commissioner Joyce stated that he is currently the Vice-Chair of COSAC and because the Chair left he was currently the acting-chair of COSAC. He was willing to continue as the Planning Commission rep to COSAC, but he was unsure if there was a specific policy or direction to follow.

Assistant City Attorney McLean stated that since it requires a vote, it should be placed on the agenda for the February meeting.

Commissioner Band disclosed that her office is in Silver Lake directly across the street from the proposed Goldener Hirsch on the agenda this evening. It would not affect her ability to discuss this item.

Commissioner Band disclosed that she has a client who is purchasing a Silver Strike Condo that looks directly at the proposed One Empire. The client is aware of it and it would not affect her ability to discuss and vote on the item.

CONTINUATION(S) – (conduct a public hearing and Continue to date specified)

1. 152 Sandridge Road, Plat Amendment – Subdivision to create a legal lot of record from a metes and bounds parcel. (Application PL-15-02952)

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

MOTION: Commissioner Joyce moved to CONTINUE 152 Sandridge Road Plat Amendment to a date uncertain. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. 2900 Deer Valley Drive, the Lodges at Deer Valley Phase 1, First Amended, Records of Survey Amendment – Proposal to change the 62 parking spaces from convertible space to common ownership. (Application PL-15-02943)

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

MOTION: Commissioner Joyce moved to CONTINUE 2900 Deer Valley Drive, the Lodges at Deer Valley Phase I to February 10, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1251 Kearns Boulevard – The Yard Townhomes Master Planned Development Pre-application determination consisting of 21 residential townhomes, 2 residential flats for determination of compliance with General Plan and Zoning. (Application PL-15-02911)

Planner Francisco Astorga noted that page 48 outlined the process for a pre-application for an MPD. If the Planning Commission finds compliance with the General Plan, the applicant would submit a full MPD application, as well as a conditional use permit for multi-unit buildings and a plat amendment. Planner Astorga explained that the Yard itself, the event space and the two restaurants are part of the same lot.

Planner Astorga remarked that a pre-MPD application is required based on the number of units proposed. The purpose of this meeting was to give the applicant the opportunity to present the preliminary concept to the Planning Commission and for the public to comment on the preliminary concept during the public hearing. Planner Astorga stated that the applicant has the ability to respond to comments from the Commissioners and the public.

Planner Astorga requested the opportunity to review the discussion points outlined in the Staff report after the applicant completes their presentation and before public input.

Craig Elliot, the project architect, noted that the project location was shown in purple. He reviewed a site plan to orient the Commissioners to the site and the surrounding streets,

businesses and residential developments. Mr. Elliott pointed out that the project was in the heart of the Bonanza Park District. To the south were storage units and garage spaces. There were mixed use developments and light industrial uses closer to Iron Horse. The proposed project is in the GC zone. Behind the property is the substation and the Recycle Center. Mr. Elliott stated that access to the project would be along Homestake. They believe the project location is a great opportunity to extend the residential component into this area. It reduces some of the impacts by expanding commercial into the zone, as well as mixed-type residential units and townhouses. Mr. Elliott stated that townhouses were the missing component that was brought up in earlier discussions about housing in Park City. The applicant looked at how that could be accomplished in this location.

Mr. Elliott provided a brief overview of the site. He pointed out how they had opened up the green space to the neighboring residential areas to create a common green area. That space would be used to buffer and expand the green space with the Claim Jumper Condos and the Homestake Apartments. Mr. Elliott indicated a proposed service road that goes behind the project to access parking and garages. It also buffers the project from the light industrial storage units and garages on the side, and the substation on the east side.

Mr. Elliott stated that one requirement was to do a site-suitability analysis. They apply the existing zoning to determine the maximum development potential of a piece of property. He noted that he has been using this same methodology since 2002 to determine the maximum density. Mr. Elliott stated that in the GC zone density is defined by setbacks and height. He explained that MPDs have minimum requirements for setback, stepping and transition and building volume. He noted that the open space requirement for an MPD project is 30% open space.

Mr. Elliott presented the development being proposed which included five buildings. They were looking at adding height to the zone and putting it up against the substation. He noted that the initial Bonanza Park Area discussion always talked about putting height in the middle of the zoning area. The applicant believed that height has the least impact in this area and it allows them to open up the green space to the street and to the neighboring residential spaces. Mr. Elliott stated that it allows 49.59% open space on this development. The development proposed was approximately 70,764 square feet. He pointed out that there were not FARs in this zone. However, he had done a calculation to see what it was and the result was .8. Mr. Elliott thought it was important to understand the relative size of the project and the development density.

Mr. Elliott showed the first floor plan and how it would be configured. One bedroom units were in the front on the lower level. He noted that the configuration was more like a traditional townhouse configuration seen in different cities. He indicated that there were 15 potential one-bedroom lockouts in the project. Six of those would be designated as

affordable; and there were considering the possibility of making all 15 affordable, depending on how the overall project develops. Mr. Elliott presented the floor plans moving up, and he identified the two flats in the project. He explained the configuration of the units, the common space, the service alley, the garage area and the one-bedroom units with the townhouses that sit above.

Mr. Craig provided images showing the back corner parcel which enters off the alley way and provides a backyard component to the townhouse.

Mr. Craig showed a video to better describe how the configuration of the development would look and function.

Planner Astorga stated that as part of the pre-Application for the Master Planned Development, the Staff looks for specific compliance with both the General Zoning of the District as well as the General Plan. He noted that the applicant would be requesting a height exception; however the Staff did not believe it would be appropriate to discuss the height exception at this time. The height exception should be addressed when the full MPD is reviewed. For that reason, he had not drafted Findings regarding the height exception. Under the process, the applicant has to meet specific criteria and the Planning Commission would make the decision on whether or not to grant the height exception.

On another issue Planner Astorga stated that once an MPD is submitted for a site that is more than one acres, the setbacks are automatically increased to 25 feet around the perimeter. He explained that the applicant has the burden of providing the specific criteria as specified in the MPD section of the LMC, and the Planning Commission has the ability to reduce that setback from 25 to the setbacks for the General Commercial District. Planner Astorga remarked that the Staff did not believe this should be addressed at the pre-Application stage; but the applicant would eventually be making that request.

Mr. Elliott indicated the two areas where they were asking for a reduction in the setback to go to the underlying GC zone setbacks. All other pieces of the project meets the criteria for the setbacks of the zone and the MPD.

Chair Strachan asked if the height exception would be in those same two areas. Mr. Elliott answered no. The height exception would only occur for Building C. Chair Strachan asked for the reason behind the height exception for Building C. Mr. Elliott stated that in a normal development pattern that area might be filled in to create a courtyard space. He remarked that the height exception allows almost 50% open space, it opens up a nicer relationship to the residential across Homestake, and because it is adjacent to the substation, it would have virtually no impact to any neighboring properties.

Commissioner Band asked for the purpose of the extra height in Building C. Mr. Elliott replied that it would accommodate two residential units on the top.

Planner Astorga clarified that based on the application form, the Planning Department does not ask for enough information at the pre-Application stage. Therefore, he was not able to comment on the height exception area. When that information is provided in the full application he would review it and make findings.

Planner Astorga requested that the Planning Commission focus on the General Plan Compliance regarding the Bonanza Park Area Plan. He had indicated in the Staff report that the Planning Department never adopted the BoPa Plan, and that was still the case. Planner Astorga explained that the 2012 Bonanza Park Plan was supposed to go into the road dedication and provide specific information regarding the entire Bonanza Park Area, of which this subject parcel was a key feature and identified to be a park and some type of transit hub. Planner Astorga stated that the Planning Department was no longer working on that plan. Therefore, it would have been unfair to require the applicant to comply with those regulations.

Planner Astorga pointed out that the Bonanza Park Plan had specific scenarios on a base area plan and also included an incentive plan that included this areas to be dedicated as a park and other things. He explained that he was providing that information because the General Plan that was adopted significantly mentions the future plan that was supposed to follow for Bonanza Park. Section 3.3 of the neighborhood plan within the adopted General Plan talks about this area was specifically to be a model for sustainable redevelopment. He had copied the General Plan word for word and included it in the Staff report, beginning on page 54.

Planner Astorga read from Section 3.3 Bonanza Park – Sustainable Redevelopment. “The Bonanza Park and Snow Park Avenue will be a model for green, sustainable redevelopment in balance with nature”. He pointed out that without the Bonanza Park Area Plan, they were left only with that language. The entire next section that talked about for LEED-ND criteria and such was tied to the Bonanza Park Area Plan. Planner Astorga thought the sentence they were left with was vague and he asked the Planning Commission for specific clarification on that goal.

Planner Astorga read from page 55 of the Staff report, Section 3.4 Bonanza Park - Connected via new roadways, sidewalks, trails and a park system. Again, those goals were tied specifically to the future BoPa Plan. Planner Astorga referred to 3.5 Bonanza Park - Explore as a central hub for public transportation. He stated that the General Plan did not identify it, however, there were graphics in the Bonanza Park Area Plan that identified the triangle piece as the central hub. He requested direction from the Planning

Commission on that as well. Planner Astorga pointed out that there was a “left-over” affect and the Planning Department/City was caught in the middle on how to follow up on the remaining parts of the Adopted General Plan, since it was tied it to a future plan that was no longer being reviewed. Planner Astorga asked the Commissioners to focus their discussion on those issues. He had prepared Exhibits from the Adopted General Plan that specifically mention the Bonanza Park Area Plan. He also had a copy of the draft BoPa which had a 1, 2, 3 scenario. Number one was to do nothing and follow the LMC. Number two was the Base Plan and the third was the Incentive Plan. Planner Astorga clarified that he did not have the regulation to move forward with those specific concepts.

Mr. Elliott requested the opportunity to respond after public comment. Mark Fischer, representing the applicant, stated that they tried to create a project based on what they learned the Form Based Code process that was not controversial, including in-town work force housing. He had asked Mr. Elliott to look at the Yarrow MPD that was approved by the previous Planning Commission that had three, four and five story elements. That proposal was on Park Avenue, whereas this project is buried in the center district where height was contemplated in the Form Based Code discussion. Mr. Fischer stated that if this project is not acceptable he was unsure what else would be. They had worked hard to give the community what it wanted.

Chair Strachan opened the public hearing.

Lee Whiting, President of the Claimjumper Condominium Association, which was across the street from the proposed development, congratulated the Elliot Work Group and Mr. Fischer and his associates for pulling together what looks to be an integrated part of the community. Mr. Whiting stated that the Claimjumper development has been in the community for 40 years, and some of their concerns have been alleviated by this project. One fear was the presence of height that would create a canyon effect and shadows that would encroach onto Claimjumper property. Having open space across the street makes a big difference to the residents across the street who face this property. Mr. Whiting noted that the Claimjumper Condominium Association has previously gone on record to say that they desire some outcomes for themselves and for their neighbors at the Homestake Condos to have attainable housing and other things that the City has not provided for whatever reasons, such as sidewalks, safe crossings, good intersections, a parking plan and other amenities that people enjoy throughout the community but do not exist where they live. Ms. Whiting suggested that the taxpayers of Park City consider this as a significant improvement to the overall community, and evaluate whether some of the things they seek for the safety and well-being of their children and residents could happen. They have waited a long time for these things and to have it occur in conjunction with this project would make a significant improvement. Mr. Whiting commented on what he has heard with respect to a connection to the east side of Bonanza Park by an extension of

Munchkin. He liked that approach and believed it would mitigate the effect of having a through-way. Mr. Whiting thought the plan presented this evening appeared to have a plan for storing snow. Claimjumper currently pushes snow from their driveways across the road and on to the embankment. He asked about refuse and asked if there would be a central dumpster location or whether there would be individual trash receptacles. Mr. Whiting believed that Homestake Road should be widened and add at least one lane of parking for cars under a managed plan that includes permits and enforcement.

Planner Astorga noted that Clay Stuard was in line to speak next. He noted that Mr. Stuard had sent two emails to the Planning Commission prior to this meeting.

Clay Stuard thought the proposed use, intensity of use and the general project design was very good. He believed it was a common sense, straightforward approach to a site that has number of constraints. Mr. Stuard stated that his comments related less to the project design and more to other issues that were raised during the Form Based Code discussions. One was the extension of Munchkin Road. He remarked that connectivity cuts two ways; and while it improves mobility between the east and the west half portions of Bonanza Park, it could potentially create more vehicle traffic on Homestake. Mr. Stuard stated that even though the General Plan is inadequate for this particular part of town, it does contemplate connectivity in this neighborhood. The General Plan indicates that new development and re-development plans are the appropriate times and opportunities to achieve connectivity. He believed this was the time to have a thorough discussion on whether or not Munchkin goes through and the pros and cons. At the very least he thought the right-of-way should be considered. Regardless of whether the connection is constructed in conjunction with this project, making the right-of-way available for future construction would be a wise thing to do. Mr. Stuard addressed the site suitability study. In his opinion the calculation method used is not done properly. In addition to square footage and unit equivalents, other requirements in the Building Code needs to be satisfied for light and air, ingress/egress, circulation, trash enclosures, guest parking, etc. Mr. Stuard read the definition in the Code, "The site suitability analysis will be a comprehensive analysis of the property used in making a determination of appropriate density considering such factors as sensitive lands, existing and proposed utilities and transportation systems, and other community objectives stated in the General Plan." Mr. Stuard stated that projecting a three-story cube on the net side area is not a comprehensive site analysis. He encouraged the Planning Commission to revisit that definition and make whatever changes are necessary in the near future. However, he believed they could rely upon it at the present time and include other community objectives in the comprehensive analysis. One would be transportation, and that would be the connection of Munchkin. Mr. Stuard agreed with Planner Astorga that the challenge is having a General Plan that references two things that will never occur. For that reason, he believed the General Plan needed to be amended with corresponding changes to the LMC. He encouraged the Planning Director,

the Community Development Director and the Planning Commission to immediately begin working on a new area plan for Bonanza Park that at least addresses the basic fundamental needs for that area, including transportation and project design guidelines.

Chair Strachan closed the public hearing.

Chair Strachan called for the Commissioners comments regarding the General Plan analysis on the pre-MPD application, as well as the discussion points outlined by Planner Astorga.

Commissioner Thimm stated that the idea of energy conservation and model for green sustainable development is talked about in the General Plan. He noted that the Staff report talks about limiting the square footage of envelope as the basic conservation methods. He asked if anything beyond that was contemplated.

Mr. Elliott stated that they have the opportunity to do that. The envelope discussion has to do with the townhomes efficiency. The center units have very minimal exterior exposure. The end units have only three side. In terms of looking at the types of heating and cooling demands on the building, the townhomes are extremely efficient. Mr. Elliott remarked that in the affordable housing project at 1440 they used a sip panel, which is an insulated panel for construction of the exterior walls. He stated that they have looked at the opportunity for solar panels on the project in addition to a number of different things. That would be a more in-depth discussion as they move forward in the process.

Commissioner Thimm asked if they had given any thought towards any sort of certification or a recognized benchmark being considered. He noted that LEED-ND was mentioned earlier. He understood that National Green Building Standards were more friendly for multi-family residential.

Mr. Elliott replied that the National Green Buildings Standards were used for both the Snow Creek affordable housing project and for the project at 1440 Empire. They did not have additional certification; but those were the standards they used to prepare the documents. Mr. Elliott assumed they would be moving forward at least at that level for this project. They would also look at a LEED Certification if it became necessary, but he did not believe it would produce a better product.

Commissioner Thimm asked Planner Astorga if there were standards of energy conservation or certifications that could be implemented by the Planning Commission. Planner Astorga answered no, and that was the challenge. He referred to the bottom of page 50 of the Staff report which talks about decrease per capita carbon output, decrease vehicle miles traveled, etc. He had taken that information from Objective 5A, Natural

Setting as currently written in the General Plan. Planner Astorga clarified that there were no specific standards, which is why he was seeking input from the Planning Commission and the application to see how they could meet that specific objective.

Mr. Elliott stated that the site location allows walkability to a drug store, a grocery store, three restaurants, and to the bus stop at the end of Homestake. It is a great location for housing, and affordable housing in particular.

Director Erickson stated that the Planning Commission could forward a recommendation for action on the pre-MPD with conditions that the final MPD come back with specifics on how to meet “x or y” criteria, as opposed to trying to negotiate it at this level. He pointed out that the applicant had not completed their analysis and the Staff had serious concerns that still needed to be resolved at the MPD stage. Given the state of the General Plan, Mr. Erickson remarked that there were other documents in force, one being the Transportation Master Plan from 2011 that needed to be reviewed for compliance. He remarked that Planner Astorga had requested input this evening on the questions regarding site suitability, height and connectivity. Director Erickson stated that connectivity was the most important issue related to the 2011 Transportation Master Plan.

Commissioner Thimm asked if anything was considered in terms of east/west connectivity through the site. Mr. Elliott replied that the applicant does not control the connection points. There is a substation on the east side of the project and adjacent properties lock in the site. There is no way to identify a location to connect across that area. They have some control on the west end and the plan shows sidewalks extending through the property. The access points are restricted to the property they maintain.

Commissioner Thimm asked if the open space proposed would be accessible to the public. Mr. Elliott stated that it is private property but there are no restrictions. Commissioner Thimm if the line with a series x’s shown on the plan was a fence. Mr. Elliott replied that it was the setback line.

Commissioner Campbell stated that when the bigger plan for Bonanza Park did not materialize he had asked if it could be developed organically in pieces. He thought this project was a great starting point. It complies with the General Plan and he assumed the Staff and the applicant would make that it complies with the LMC. Commissioner Campbell stated that if they could get this started, other pieces would start to come.

Commissioner Joyce stated that currently the site is used for commercial parking, and it has parking signs for the Boneyard and the Event Space. He wanted to know what would happen to the parking and the signs once the site is developed. Planner Astorga explained that in 2011 he was assigned to work on the conditional use permits in 2010 as an indoor

entertainment facility for the Event Space. The Conditional Use Permit approved by the Planning Commission was for a commercial parking lot since they had approximately 250 parking spaces. When the applicant comes back for the MPD and the CUP, they will have to make sure that all of the uses currently on the site can have the appropriate parking ratios as identified in the LMC for the restaurants and the Event Space.

Commissioner Joyce asked if the applicant definitely intended to do the sidewalks along the Homestake side that was shown in the video. Mr. Elliott answered yes. Commissioner Joyce noted that there was nothing continuing down to Homestake along the backside of the Boneyard and the Wine Dive. He asked if they had given any consideration to extending that walkway to keep people out of the road. Mr. Fischer stated that he has already spoken with Heinrich Deters at length about extending the walkway from the back entrance up to Kearns.

Commissioner Joyce stated that he was a proponent of fixing the connectivity in that neighborhood because currently it is a disaster. In his opinion, addressing the Munchkin Road extension either through right-of-way or through a plan with the City was critical with this proposal. He believed they could get most of the way there with the City-owned property for the Recycling Center. However, if the applicant builds right to the corner of the property and close to the Recycling Center it would present a challenge for completing the connectivity. Commissioner Joyce stated that he would be following this closely to make sure they do not cut off one of the most important opportunities they have to fix some of the traffic issues. Mr. Elliott remarked that the proposed plan would not restrict the opportunity to make that connection. If that were to happen they could change the configuration on the north access point to connect into Munchkin. Commissioner Joyce stated that when they reach the MPD process he would like the City to say that given the plan and the right-of-way, Munchkin could be extended to Homestake. Director Erickson remarked that the Transportation Director would be making a recommendation to the Planning Manager to that affect.

Commissioner Joyce commented on energy efficiency. He noted that energy efficiency is one of the City's top three priorities and that is backed up by the General Plan. Commissioner Joyce remarked that the statement, "condos don't have many exterior walls" was not consistent with the General Plan in terms of addressing energy efficiency. He was not prepared tonight to make a recommendation on a specific LEEDS Certification or green building certification, but they needed to see something more in line with the City Council's priority. Mr. Elliott offered to come back with an answer at the next meeting.

Commissioner Joyce wanted to see a better plan for bikes, walkability and bus transportation to keep people out of the streets. He also wanted to hear the nightly rentals issue discussed in more detail. The General Plan talks about limiting nightly rentals to

keep the Bonanza Park area focused on locals. He thought affordable housing could play into that goal.

Commissioner Joyce was uncomfortable with the height exception. He noted that the Bonanza Park Plan was so contentious because they had talked about four and five story height possibilities. As a trade-off to earn four or five stories there needed to be either significant improvements to affordable housing or significant improvements to open space. Commissioner Joyce stated that even with that trade-off, many citizens were upset about the height and it played a key role in the downfall of Form Based Code. In his opinion, the applicant needs to bring more to the table when they talk about the height exception because the reason has to be more than just being next to the power station. He thought the City has been clear about height exceptions requiring serious trade-offs.

Commissioner Joyce commented on the exception to the 25' setbacks with the townhouses. He understood what the applicant was trying to do, and he had less concern on the power station side. However, it also backs up to the property near the Windy Ridge Bakery and that caused him concern. He was interested in having that discussion if they get into the details of the MPD. Mr. Elliott explained that they were asking for the underlying Code setback, but not any variance beyond that. Commissioner Joyce understood that the underlying Code setback was 25' on anything greater than an acre. Planner Astorga stated that it was the MPD; however, through the MPD application they could further reduce it to the standard setback. Commissioner Joyce remarked that the Code is 25' unless they grant an exception. It would not be a concern if it was only the substation; but because there are other properties in close proximity he will be looking at it closely.

Commissioner Band liked the design and thought it was exactly what they have been talking about. However, the problem is that General Plan and the LMC do not go hand in hand. She noted that the General Plan identifies this as a live/work area, which she personally prefers. The LMC has nightly rentals as an allowed use and residential as a conditional use. She thought it was an interesting juxtaposition to look at, but it makes development decisions difficult. Commissioner Band noted that Craig Elliott and Mark Fischer have come before the Planning Commission many times and they worked with the City to try and figure out the Form Based Code. They have now submitted a great application, and while it probably needs to be fine tuned, she did not want to handicap the applicant because the General Plan needs to be re-written. Ms. Band noted that the General Plan for most of this zone no longer applies. Form Based Code is gone. All they can do is look at the intent of the General Plan and the LMC. Apart from a few details, she believed they had a good application and were going in the right direction.

Commissioner Band liked the lockout apartments. She would like nightly rental to be restricted, and she would like to see the City to consider partnering on a project like this for deed restricted housing to make it a live/work area.

Commissioner Band commented on the height exception. If they were going to allow extra height she believed this was a good location. Commissioner Band liked the open space plan, the garage in back, and the porches opening up to the front. If they can get the give and take they want, she would be comfortable granting the height.

Commissioner Phillips echoed Commissioner Band's comments. In general he thought this was a great application. He could see how some of the Form Based Code discussions may have played into the plan with the parking in back. He especially liked the additional open green space. Commissioner Phillips stated that the City has allowed additional height in the past and he thought it was something the applicant could achieve with a little work.

Director Erickson asked Commissioner Phillips for his thoughts on the connectivity question. Commissioner Phillips stated that he had mixed feelings. It is a great opportunity and he was anxious to hear what the applicant thought about dedicating a right-of-way for future possibility. He noted that someone previously commented on a short-cut for taxicabs and he was concerned that this would become another short-cut that would bring traffic through a neighborhood. He thought that needed be considered because he believes this project completes the whole neighborhood. Commissioner Philips personally wanted to see this project occur and to have the City invest money on the street to make it a complete neighborhood. Park City is losing its neighborhoods and this is an area they can upgrade as a City. In terms of connectivity, bringing in more cars to get from one side to the other may not be the best thing for the neighborhood but it might be better for the overall area. He would have to look at it closely before forming an opinion.

Chair Strachan agreed with his fellow Commissioners. He clarified that this was a pre-MPD and the applicant was asking for a finding of initial compliance with the General Plan. He personally believed it complied. Chair Strachan stated that the General Plan was not finished with respect to Bonanza Park, but this was not the time nor was it fair to the applicant to finish the General Plan while their application was pending.

On the height issues, Chair Strachan believed the applicant could convince at least some of the Commissioners that the affordable housing aspect warrants a height exception. He personally was amenable to hearing that argument at the MPD stage.

Chair Strachan noted that the applicant had not ruled out Munchkin Road as a potential connection and as long as it remained on the table he thought it was better to have that discussion with the MPD. Chair Strachan stated that because this was a General Commercial Zone he was unsure whether a neighborhood feel was the objective. It is not historically a residential zone. He believed connectivity was important from the standpoint of moving people around to the businesses and well as the residential units.

Chair Strachan stated that the more he thinks about nightly rentals the more he dislikes them. He thought it was important not to have nightly rentals in this development because aside from the Homestake and Claimjumper units, this would be one of the first, major residential developments in Bonanza Park in a long time. It is important to have people living there on a daily basis; otherwise the result would be a commercial zone with dark residential units, and the live/work aspect of the controlling General Plan would be lost.

Commissioner Band stated that since this was in the GC zone, which requires a conditional use for residential. Since Bonanza Park was included in the zone, she asked if they could look at changing residential to an allowed use at some point. Director Erickson replied that residential use is an allowed use in the General Commercial Zone. However, he thought it was better to rezone towards more residential units and leave the GC zone as it exists. He stated that when they come forward with the MPD they would address the CUP as a parallel action. Director Erickson remarked that the Staff has significant concerns about neighborhood compatibility with the amount of exposed glass on these units and they would be looking very carefully at the impacts it might create. The Staff had also paid attention to the excellent comments the Commissioners and the public had made regarding the traffic and circulation plan, the extension of the sidewalks and other issues.

MOTION: Commissioner Joyce moved to find preliminary compliance with the purpose of the General Commercial District and General Plan of the Master Planned Development pre-Application for 23 residential units to be located at 1251 Kearns Boulevard, the Yard townhomes, based on the Findings of Fact and Conclusions of Law found in the Staff Report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1251 Kearns Boulevard

1. The site is located at 1251 Kearns Boulevard.
2. The site is located within the General Commercial (GC) District.
3. The proposal is currently known as The Yard Townhomes.

4. The applicant requests review of a Master Planned Development (MPD) Pre-Application for twenty-one (21) residential townhomes, two (2) residential flats, and a small amenities space.
5. Sixteen (16) of the townhomes are proposed to have the ability to have a one-bedroom flat as a lockout or independent residential unit on the lower level.
6. A lockout unit is an allowed use within the GC District.
7. The submitted project description indicates that some of the one-bedroom units will be identified as affordable housing.
8. The townhomes are approximately 2,300 gross square feet in area with a garage of approximately 530 square feet.
9. The one-bedroom flats add approximately 620 gross square feet, each.
10. Access to the property is from Homestake Road, an existing public street.
11. The subject site is currently being used as commercial parking area.
12. The MPD Pre-Application is submitted for Planning Commission review prior to submittal of the full MPD Application.
13. Multi-Unit Buildings are a Conditional Use within the GC District.
14. The required Conditional Use Permit (CUP) has not been submitted to the City for review.
15. Staff recommends adding a condition of approval that a CUP application for Multi-Unit Dwellings is submitted concurrently or prior to the full MPD application.
16. There is no minimum lot size in the GC District.
17. The current lot is 4.60 acres (200,376 square feet).
18. The applicant only included the south portion of the lot to be included in the MPD Pre-Application.
19. The proposed MPD area is 2.03 acres (88,317 square feet).

20. In order to process an MPD on a portion of the lot, the site shall be subdivided as the north portion of the site is not included in this MPD Pre-Application.

21. The applicant requests a twenty foot (20') front yard setback and a ten foot (10') side and rear yard setbacks.

22. The proposal complies with the GC District minimum setbacks.

23. Once the full MPD application is submitted and deemed complete, the Planning Commission would have to make the findings for such setback reduction if adopted criteria is met.

24. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

25. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle.

26. The Building Height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis and determination.

27. At full MPD Application the Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made.

28. Once the full-MPD application is submitted, the Planning Department will be able to provide a thorough review of the height as specified on the LMC MPD section.

29. The Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

30. The submitted Landscape Plan does not show any significant vegetation to be removed during development activity.

31. At full MPD Application the City will expect the Applicant to address all of the MPD requirements outlined in LMC §15-6-5.

32. Within the 2014 General Plan, Bonanza Park is included as part of the Bonanza

Park & Prospector Neighborhood.

33. In January 2012, the City prepared the second draft of the Bonanza Park Area Plan.

34. The Bonanza Park Area Plan was not adopted by the City.

35. Volume I of the General Plan contains goals for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character.

36. The proposal complies with the Small Town goals as proposed (in the form of a MPD Pre-Application) and/or as conditioned.

37. The proposal complies with the Natural Setting goals as proposed (in the form of a MPD Pre-Application) and/or as conditioned.

38. The proposal complies with the Sense of Community goals as proposed (in the form of a MPD Pre-Application), and/or as conditioned.

39. The proposal complies with the Historic Character goals as proposed (in the form of a MPD Pre-Application) and/or as conditioned.

40. Volume II of the General Plan contains information that supports the goals outlined in Volume I.

41. The overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units (GP BOPA § 3.1).

42. The site does not contain any existing housing units; however, as indicated on this preliminary application affordable housing is attempted. The proposed residential multi-unit buildings comply with the said concentration within the redevelopment area (GP BOPA § 3.1)

43. Staff recommends that the applicant in their future full MPD Application keep in mind placemaking and authenticity by emphasizing human scale, infusion of design elements representative of residents' diverse roots, contemporary design, etc. (GP BOPA § 3.2)

44. The entire neighborhood is to become a model for green sustainable redevelopment according to the General Plan (GP BOPA § 3.3).

45.The subject area is not located along the two (2) entry corridors (GP BOPA § 3.6).

46.The future MPD/CUP application would have to show a more defined character than the current dominant architectural styles within the District (GP BOPA § 3.7).

Conclusions of Law – 1251 Kearns Boulevard

1. The preliminary MPD-Pre Application plans for the 23 residential units to be located at 1251 Kearns Boulevard within the General Commercial (GC) Zone, comply with the Park City General Plan and are consistent with the purpose statements of the General Commercial (GC) District zoning.

2. **7520 – 7570 Royal Street East – Conditional Use Permit and Plat Amendment for 28 residential units on Lots F, G and H of the Silver Lake Subdivision plat as part of the Silver Lake Community of the Deer Valley Master Planned Development.** (Application PL-15-02966 and PL-15-02977)

Chair Strachan announced that this item was being continued this evening and the public would have another opportunity to comment at a future meeting.

Planner Whetstone stated that this was an introductory work session item that was noticed for public hearing. This is a large project and letters were sent to the neighbors to inform the neighbors of what was being proposed. Planner Whetstone reported that she had received one email and provided information to another person prior to this meeting.

Planner Whetstone reported that the proposal, known as the Goldener Hirsch Hotel and Residences, consists of 1) amendments to the existing Goldener Hirsch Hotel located at Upper Deer Valley in Silver Lake; and 2) construction of 38 residential condominium units within a single multi- story building proposed that sits over two levels of parking. The proposal is on Lots F, G and H of the Silver Lake Village Subdivision, which is part of the Deer Valley MPD that was approved in 1977. This is the last undeveloped parcel in Upper Deer Valley. There is one last development parcel at Lower Deer Valley. Planner Whetstone noted that this proposal was infill development. She reviewed the MPD that was included on page 125 of the Staff. In the Deer Valley Master there is a choice of either building 34 units of any size or 34 unit equivalents. In this case the applicant chose to build 34 unit equivalents at a total of 68,000 square feet.

Planner Whetstone explained that the proposed building has 68,843 square feet of residential construction because they were proposing to move 843 square feet of the existing units at the Goldener Hirsch. Those units would be demolished due to the proposed connection between this project and Goldener Hirsch.

Planner Whetstone noted that 3,200 square feet of meeting was also proposed, which is consistent with 5% of the residential area. Lot D is allowed 6 unit equivalents or 12,000. Lot D will decrease by the amount being transferred.

The Staff had reviewed this proposal against the LMC, as well as the Deer Valley Master Planned Development and there were a number of issues they would like the Planning Commission to discuss. The Staff was asking for input on the proposed site plan and the request to decrease the side setbacks and the existing setbacks along the back. A separate application is to combine F, G and H into one developable parcel. The Staff also requested input on the general architectural character, the transfer of density from Parcel D, parking and a height exception.

Planner Whetstone pointed out that the lots are undeveloped but they were currently being used as surface parking with approximately 45 parking spaces. The developer was proposing 109 parking spaces, which is an excess of 40 spaces required for this development.

The Staff requested that the Planning Commission conduct a public hearing, discuss these items and provide input and direction to the Staff and the applicant, and continue the item.

Chris Conabee reported that the applicant held a series of public open houses and part of their presentation would include the information obtained from the open houses and things they still need to work on based on that information.

Mr. Conabee with Utah Development and Construction introduced Paul Schlachter with Olsen Kundig and John Shirley with THINK Architecture. He stated that he had worked with Planner Whetstone in 2006 on Silver Star when he was a principle and co-developer on that project. The project turned out well because they were active in the community and worked to solve the problems upfront before coming to the Planning Commissions with the solutions. He wanted the Planning Commission to know that they were still the same people and they would work towards that end. Their goal is to make the best product for themselves and for the community. He was proud of the work that was done on Silver Star and he hoped to accomplish the same for this site.

Mr. Conabee also introduced the owners, Spencer Fox Eccles, Hope Eccles, Spencer Peterson Eccles, and Patty Wells, their realtor. He noted that Oakland Construction was part of their team and worked with them at Silver Star.

Mr. Conabee reported that the first open house was held on November 18th, but it was not heavily attended. Their general practice is to notify everyone in the project to make sure they reach out to all the HOAs, so letters were sent to people outside of the 300 feet radius. Mr. Conabee stated during the open house some of the concerns expressed related to public parking. Some were worried that they would lose their day parking. It was an issue that needed to be balanced. They have parking for proposed units and existing businesses, and they have a resort operator in Deer Valley. Mr. Conabee stated that one of the things they did productively at Silver Star was to find that balance. In the off-season they have parking for locals and in the busy season it is full parking. Mr. Conabee noted that the people had questions regarding the need to have a grocery store and some sundries. He noted that commercial was not in the plan, but they hoped to expand a plaza area that could field the function of a social gathering area. There was concern expressed for Sterling Court and trash, particularly in the spring. He assumed that would go away regardless of who built on that parcel. Mr. Conabee clarified that the beautification of Sterling Court was an issue for some of the neighbors.

Mr. Conabee stated that there was some concern about building height. He noted that the original projection presented in October had six stories with a flat roof that was not compliant with the Deer Valley MPD. They went back to the drawing board and eliminated a floor and added a pitched roof.

Chair Strachan asked if the five stories included two stories of parking. Mr. Conabee answered no. The two parking stories are subterranean.

Mr. Conabee stated that a problem in Silver Lake is that a lot of traffic flows into Marsac during a certain period of time. He talked about ways to “slow the flow” and he believed they had found a way to do that in this plan with their plaza concept.

Mr. Conabee stated that a second open house was held December 2nd and the turnout was a little better. Signage was a concern. There was support for an increase in bed count. There was also support for retaining the existing Hirsch, which is a critical design issue. He remarked that the Hirsch is an icon and it is unique. It is a difficult concept that would not exist without the ownership of the current hotel. Mr. Conabee noted that the team discussed what to do with that site and decided that the Hirsch is iconic enough that if they did good work on the design and marry the two facilities together they could enhance each other. Mr. Conabee commented on access concerns for Mont Cervin. He stated that Mike Farrell who represents the HOA wanted to make sure that if a bridge is approved that there

is an ability to get future vehicles and trucks back there. The team agreed that it was a good idea and they would be doing a study to show whether they could get a crane under there, roofing materials, trucks, etc.

Mr. Conabee noted that they had also given presentations to representatives for the Chateau, the Stein Eriksen Lodge, Mont Cervin, the Black Bear Lodge, the Inn at Silver Lake and Deer Valley Resort.

Mr. Conabee reviewed the amendment to the plat. One of the issues related to setbacks. The lease complicated setback issue was the front. The MPD allows a 20' setback with garage. The current plat has a 25' setback. This applicant shares concerns with Deer Valley regarding sidewalks and snow storage. He stated that the building currently complies with 25' and they were not opposed to pushing it back to 25'. Mr. Conabee pointed to a 12' setback on the west side by the Stein Eriksen Lodge, which is consistent with the previous plat. The setback to the south next to Mont Cervin is currently 7' and they were committed to increasing it to 15'. Mr. Conabee explained that the constraint is in the width. They were asking the Planning Commission to consider the setback along Sterling Court. They would like to line up the second story of this project with the neighboring façade of the Mont Cervin property. To accomplish that they were asking the Planning Commission for a ten foot setback on the second story for the unit layout. He reiterated that they would maintain the 15' setback on the first floor.

Paul Schlachter with Olsen Kundig outlined the plaza concept and the massing concept for the project. He believed this was a unique property in Deer Valley and the last of its kind. Mr. Schlachter stated that when the original programming document was done there was a massive building that was maxed out to the corners, but it did not feel right on the site. The concept he would be presenting was the result of studies and the thought process of several people in terms of building shape. Throughout the process they kept coming up with smaller buildings collected into a whole. It turned out to be the end result because it keeps with the scale of everything else within the village core. Even though the building is larger it is broken into smaller masses to keep the village feel. Breaking the building into three smaller pieces also allowed a better connection to the plaza that connects to the bottom of the hill. Mr. Schlachter explained how they envisioned the plaza to create a unique core to that neighborhood that does not currently exist. He presented three scenarios that were done to help them achieve the best plaza concept. Mr. Schlachter reviewed the concept they decided on. They still maintained a bridge connection between the old Hirsch and the new addition. It is a thinner bridge that has the clearance required for fire truck access.

Mr. Conabee stated that the goal of creating the plaza was to increase the activity for the existing retail space to slow down the transition off the mountain and work towards

staggering the traffic flow. The intent was to create a transitional space between the new and the old, and to establish a gathering space during the ski season and the off-season.

Mr. Schlachter reviewed the proposed design layout and amenities. Mr. Conabee pointed out that the original concept showed the pull-in off of Royal Street. However, from the standpoint of traffic and congestion they decided to move it in between the two existing buildings and to utilize space in the middle of the project for cars to pull off and to create a lobby experience. It would not only help with the beautification of Sterling Court, but it would act as a centering point for both buildings and the project. It also speaks to their commitment to signage.

Mr. Schlachter did not believe the renderings did the project justice. Over the last 50 years his firm has had great experience in doing residential architecture, and they would bring that breadth of knowledge to this in terms of scale and proportions. Materials are also very important to his firm. He provided an example of the materials and elements they would use to provide a warm, cozy atmosphere. The form and shape would be simple to avoid detracting from the overall architectural spaces. They were proposing floor to ceiling windows in the units to maximize the views of Deer Valley. Mr. Schlachter remarked that the renderings were showing a board form concrete base, which is something his firm likes to do on their projects.

John Shirley with THINK architecture presented a fly-through of the proposal starting from the west and heading towards the existing Goldener Hirsch, then coming down Sterling Court towards the proposed porte cochere location. It continued from the end of the ski day across the plaza. Mr. Shirley stated that in addition to the bridge, the plaza in front of the existing Goldener Hirsch would be expanded to create activity space in front of the restaurant. He showed the entry coming into the entry lobby and up the staircase to the connecting bridge for direct access to the plaza.

Mr. Conabee stated that the Chateau and the Stein Eriksen Lodge were not shown. He explained that they had 3-D modeling done of all the buildings when they were originally looking at doing a giant plaza and the cap on Sterling Court. They were currently in the process of illustrating those two buildings in both model form and 3-D form for the next Planning Commission meeting.

Chair Strachan asked Director Erickson for direction on how to address the issues and questions since they were continuing this item for both the CUP and a Plat Amendment. Director Erickson stated that in context with the Deer Valley MPD questions regarding height and consistency with the master plan need to be discussed. Public parking is a broad question for the Planning Commission. The parking area is not part of the Deer

Valley Master Plan parking. The parking just occurred and it is managed by Deer Valley. He did not believe there were any restrictions on the parking.

The architect had prepared a 3-D model. The Commissioners left the dias to view the model. In response to a question about the 64' ceiling height in terms of a fog study, Mr. Conabee replied that it would be approximately at the roof line. He pointed out that everything sits below the maximum ceiling height established by the Silver Lake Property Owners Association.

Chair Strachan asked if the 3D model could be left in the Planning Department for people to view.

Chair Strachan opened the public hearing.

Steve Issowitz stated that he works for Deer Valley Resort and he also sits on the Board for the Silver Lake Village Plaza Association and Royal Plaza Condominiums. Mr. Issowitz stated that he is always sad to see surface parking go away, but he thanked the Eccles family for all the years they have let the community use the site for both snow storage and for Deer Valley to use it for resort parking and trailhead parking. He believed most of the issues have been mentioned, particularly the height limits in the area which are important to all the neighboring properties. In speaking with Mr. Conabee he understood that architecture finessing still needed to occur since this was still preliminary. Mr. Issowitz stated that Deer Valley supported the project as a resort. The MPD was put together in the late 1970s and he believed this would finish up the Silver Lake area and encourage people to stay longer, which would solve the traffic problems. Mr. Issowitz hoped everything would come to fruition and come together.

Chair Strachan closed the public hearing.

Commissioner Phillips commented on the additional parking being requested. He asked if it would maintain the same use as the current surface lot, and whether it would be accessible to everyone or become private or special parking. Mr. Conabee stated that the goal is to create a multiple use parking area. In the winter and high season or if there is a function in the conference facility they would need the parking, but he believed that would be rare. The majority of the time in the summer and off season months it will be open to the public. Mr. Conabee stated that they were working on getting the highest number of stalls so they do not negatively affect what is coming down Marsac, and at the same time making sure there were spaces for viable business and viable traffic flow. Mr. Conabee explained that outside of a special event, they were requesting the same thing they did at Silver Star. Each unit will have a dedicated reserved stall and a non-dedicated stall that would be available for the owner's guests or open to the general public in the summer

season. In addition to those 78 stalls, they supported the resort's desire to create additional spaces for public parking, which is why they were proposing 108 stalls.

Commissioner Phillips had mixed feelings. Traffic is a growing problem and he recently witnessed traffic backing up past Hillside on Marsac, which was causing him concern. However, he also understood the need for having parking up there. Mr. Conabee stated that if they could get those stalls contained in two levels and make it a public area it would demonstrate the commitment of the applicant and the owners to encourage traffic to stay there. If someone is parked underground at the new Goldener Hirsch Inn and they walk across the plaza, they are more likely to stop and buy something or sit next to a fire pit or engage someone in conversation. When they talk about slowing the traffic, the hope is that the path through the plaza to the garage will have that effect.

Commissioner Phillips was still trying to understand the height. Mr. Conabee remarked that Deer Valley allows 59 feet with an exception to go to the middle median of the roof. On a pitched roof they were well below their requirement because the pitch roof sits well below this. The maximum roof line is 8186'. The problem is that the height line off of grade bisects the upper floor where there is a changing room and exercise equipment. The question was Code interpretation. It is a flat roof and he would say the median of the roof was where it sits. However the pool deck is a unique feature and the question is how to get people up there and to keep people from being visible if they change next to the pool. Mr. Conabee noted that the two other pitched roofs cover it so it cannot be seen from either side. He felt it was fortunate that the Stein Eriksen Lodge has spa services on that back wall, and they are draped off and unused. Mr. Conabee stated that the roof line sits approximately a foot to a foot and a half below the peak of roof on the two buildings on either side that they were proposing to build.

Planner Whetstone clarified that the Planning Commission was being asked for an interpretation rather than an actual height exception. She noted that that MPD states that the height for these parcels is 59'; however, further into the design guidelines it talks about the mid-point of the roof. Planner Whetstone explained that height used to be measured to the mid-point of the roof, but that was changed to say the height is 28' in the RD zone plus 5' for the pitch of the roof. The MPD still has the old language and identifies 59' in height next to those parcels. Below that is a footnote that says the heights are measured from 8122' and no part of the roof can exceed 8186'. Planner Whetstone reiterated that the Staff was asking for interpretation on whether the proposal exceeds the 8186'.

Commissioner Band understood that it was the peak of the roof but that section of roof is flat. She asked if they were asking the Planning Commission to say whether the entire roof meets the requirements. Mr. Conabee explained that the top roof is allowed to go up to 8186', but if it is 10' high and they took the median it would be 5 feet. Because that pool

area has a flat roof it is higher than that, but it is still below the 8186', but the median of a flat roof is the top of the roof. That is where the problem comes in with the interpretation.

Commissioner Phillips thanked Mr. Conabee for clarifying the height issue. With that understanding, in general he would support it. Commissioner Phillips commented on the question of architectural and design, and he had no objections to what was shown. Commissioner Phillips did not object to combining the lots.

Chair Strachan asked if combining the lots was the only amendment to the plat they were being asked to approve. Planner Whetstone replied that it was combining the lots and the change to the second floor setback from 15' to 10'.

Commissioner Joyce asked the applicant to bring up the visual that showed the difference between the first floor and the second floor where they were requesting the change in setback. Mr. Conabee stated that on the southeast corner of the project the second floor steps forward five feet from what is a 15' setback on the ground floor and will encroach into a ten foot setback on the second floor.

Commissioner Band stated that she had reviewed the MPD with Planner Whetstone that morning and it was very complicated. Considering the number of times the MPD has been amended, she did not believe this proposal was out of character with all of the other "shenanigans" that have gone on. Commissioner Band was comfortable with the public parking. She thought eliminating the visual parking might keep people from driving up there, especially if they have to go underground and drive down a road. Extra parking would be a benefit and they definitely want vibrancy. Commissioner Band stated that her office is literally across the street and she would look at this every day. The architecture is important and she thought it looked nice. Commissioner Band noted that in the presentation they had shown single family homes that were more in keeping with what this project will look like. She did not think they looked exactly like everything in Silver Lake but it was a beautiful design and she liked it better than some of the other designs they have seen. Commissioner Band was not opposed to the plat amendment to combine the lots. She liked what they had done with the entrance to try and bring people in, and she especially liked that it would not come off of Royal Street. If everything else was hard and fast in the MPD the height might be a bigger issue, but considering that it is in between pitched roofs and against a hard wall she did not think it was a problem.

Commissioner Joyce stated that the current LMC has requirements for minimum parking and the Commissioners have discussed whether they should start thinking about requirements for maximum parking; especially for a hotel that is on the bus route and next to a ski resort with restaurants and other services. At some level he would prefer minimizing the traffic by minimizing the parking. Therefore, he was not in favor of the extra

parking being proposed. When they start looking at LMC Amendment he would like to know whether the minimum parking requirement is correct and whether they should be finding ways to reduce that.

Director Erickson asked if Commissioner Joyce would like the Staff to specifically look at employee transportation and shuttle service. He noted that the Planning Department has more regulatory authority over those matters and the operations of van/shuttle. Director Erickson stated that parking is soft in the LMC and the items he just mentioned were easier for the Staff and the Planning Commission to address. Commissioner Joyce made that request of Staff. He stated that Stein Eriksen as part of the Stein Eriksen Residences provided good information about the processes they went through to keep people from driving to their place. He would like to see more of that.

Commissioner Joyce commented on the plaza. He liked what they had done from an architectural walking standpoint, but in his opinion it would have zero effect on slowing down the traffic flow. He was not convinced that people would stop just because there was as 20' corridor instead of a three foot walkway. Commissioner Joyce appreciated the goal, but he thought bars, live music and places to sit and gather would be much more effective in getting people to stop. He was not in favor of the plaza area as proposed. Commissioner Joyce did not have an issue with the height. He appreciated the explanation about the Stein Eriksen piece but he would like to see a visual to make sure he understands it. His concern was from across the street and if it is actually lower than the pitched roof blocking the Chateau he had no other concerns.

Commissioner Joyce understood that this proposal would clean up Sterling Court, but he thought the bridge would feel like a tunnel and put a visual barrier across a public street. In terms of being consistent with the General Architectural Design, Commissioner Joyce had concerns with the amount of glass on the buildings. The buildings look attractive but they were not consistent with the surrounding buildings. Mr. Conabee informed Commissioner Joyce that the team was having that same discussion internally and he understood his concern.

Commissioner Campbell understood that because they were opening up the MPD, the Planning Commissioner could massage the soft numbers as a trade-off in the MPD. Director Erickson replied that he was correct. The Planning Commission has flexibility in height and setbacks and some flexibility in moving around unit equivalents. Commissioner Campbell stated that he would be willing to give the applicant almost anything they wanted if the applicant was willing to help keep more cars off the street in that direction. He thought the architecture was spectacular. His daughter lives in Seattle and they are years ahead in architecture. He was pleased to see some of that architecture come to Park City.

Commissioner Thimm was comfortable with the transfer of density. It is the same project in proximity and he did not see a change in intensity of use. The building height made sense. He understood the application and it appears to work. Commissioner Thimm had concerns with bringing more traffic into the neighborhood and into the City. He was hesitant about the increase in parking. Commissioner Thimm noted that in the presentation they said that the additional parking would benefit business. He asked if parking was currently set aside for those businesses. He was told that there was parking available in other properties in the surrounding area. None of those are guaranteed and during the winter it is paid parking as opposed to free parking. For evening events that occur at Silver Lake, any loss of parking would be detrimental to the commercial businesses. Commissioner noted that the City has been trying to temper the number of cars and lead towards the use of public transportation. Director Erickson clarified that what was being talked about in the application was a reduction of approximately 100 casual spaces to approximately 40 designed spaces. Those casual spaces tend to be the peak pressure spaces. Director Erickson stated that they were reducing approximately 60 vehicle trips in each direction by reducing it to 40 spaces. The winter peak will continue but once the spaces go underground he assumed the used would be further reduced in the off-season. Commissioner Thimm agreed that having the spaces hidden underground would be an advantage.

Commissioner Thimm was comfortable with the 10' setback given its location on the site. He liked the architectural continuity, and having a contrast rather than being a Deer Valley knock-off was positive. He agreed with previous comments that the amount of glass should be looked at in terms of energy savings. Commissioner Thimm remarked that the broken down scale of the buildings seemed appropriate and worked nicely in terms of the layout of the plan.

Mr. Conabee stated that the team was also looking at solar and when the study comes back they would present it so the Planning Commission would have an idea of where it could or could not go and what it would look like. Director Erickson asked if they would be meeting State Energy requirements on this building. Mr. Conabee answered yes.

Director Erickson stated that after review of the site conditions in Silver Lake, the Staff will be reviewing the roof forms icicle formation and snow shed with the minimum setback. The Staff has concerns on buildings from the 1980s and they will be working with the design team to make sure those are not replicated.

Chair Strachan thought this would have been better as a work session to allow for a more informal conversation and to get a better feel for the project.

Chair Strachan stated that for him personally the big thing is how this project fits in with the other existing buildings in terms of compatibility, the building mass and scale and all the criteria that the MPD requires them to look at. The model was a good step, but he would like to see fog studies to show the height, how it compares to Stein Eriksen, where it will sit in comparison to Mont Cervin, and how it relates to the rest of Silver Lake. Chair Strachan thought it would be helpful to see that in a computer model context. He agreed with the architect that the rendering do not do it justice, and they need to look at them more carefully. Chair Strachan thought it was aggressive architecture for the area. He originally questions the design, but after hearing from the more knowledgeable and experienced Commissioners he was re-thinking that view, and a something new architecturally could be positive. He asked the applicant to bring the Commissioners into the project so they can really get to know.

Chair Strachan thought the fog study would address the height issue. One of the questions in his mind is the compatibility of the bridges and the flying balconies. He needed to be convinced that it was something architecturally that Deer Valley, and Silver Lake Lodge in particular, should have. Chair Strachan agreed that the original Goldener Hirsch is icon and he believed this project had a chance of being iconic as well. He just needed to see it and he looked forward to more computer renderings.

Regarding the parking issue, Chair Strachan understood that Silver Lake Village was never intended to be a base area. It was a mid-mountain area for overnight skiers. He thought the base area for the day skier was the Snow Park Lodge. He believed this project fits with that assessment because the skiers would stay for three or four nights, and hopefully they would not bring cars. However, if they do bring cars they needed to provide the LMC required parking. They also need to make parking for day skiers as easy as possible. Chair Strachan remarked that the opportunity to create further goodwill with Deer Valley and the day skier base in Park City by providing parking accessible to locals and the general public would be in the applicant's best interest. He strongly recommended that the applicant look at Staff parking and he would be interested in hearing their solutions.

Chair Strachan stated that in terms of General Plan compliance, there was no question that this complied. He was interested in seeing more of the details.

Mr. Conabee assured Chair Strachan and the Planning Commission that they were here to solve problems and find solutions. He appreciated their time and their efforts. Mr. Conabee stated that Spencer Eccles requested time to speak this evening.

Mr. Eccles noted that skiing was superb this morning in the bright Deer Valley sunshine. Mr. Eccles stated that it was a privilege for him to appear before the Planning Commission on behalf of the beloved Goldener Hirsch Inn. His family has deep roots in the Deer Valley

area, in Park City, and in the entire State of Utah. He has now lost his great friend Stein Eriksen who he first met when Mr. Eriksen came to the United States in 1953. Mr. Eccles stated that years later he help Mr. Eriksen realize his dream as First Security financed the construction of his named lodge. Later the convention center and the spa. Mr. Eccles reported that years later he, his wife and four children bought the Goldener Hirsch Inn next door to Stein's. It was a family investment in 1991 and they just started their 25th year of operation. Mr. Eccles thought it was obvious that they were committed to the Silver Lake area and they were excited to work with everyone to put the exclamation point on what is already the finest ski area in the country. He stated that this expansion is part of their great vision of Park City and Deer Valley and they look towards working with everyone once again on something great for the entire Park City community. Mr. Eccles thanked the Planning Commission for allowing them time to give their presentation and for giving him time to tell them about the background and the love and affection that has gone into the Goldener Hirsch Inn.

Planner Whetstone requested that the Planning Commission continue this time to February 24th instead of February 10th as listed on the agenda.

MOTION: Commissioner Joyce moved to CONTINUE the Goldener Hirsch Hotel and Residence CUP and Plat Amendment to February 24th, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. **900 Round Valley Drive- Request to amend the Intermountain Health Care Master Planned Development to allow the Peace House facility to be constructed on Lot 8 of the IHC/USSA Subdivision plat, as partial fulfillment of required affordable housing, and other administrative changes.** (Application PL-15-02999)
4. **Public hearing and possible action 700 Round Valley Drive- Conditional Use Permit for new construction of the Peace House facility to be located on a portion of Lot 8 of the IHC/USSA Subdivision plat for an emergency shelter, transitional housing and support uses.** (Application PL-15-03000).

The Planning Commission discussed these two applications simultaneously.

Chair Strachan noted that Planning Commission had reviewed the applications at previous meetings.

Planner Whetstone reviewed the request to amend the IHC Master Planned Development. During the pre-MPD process the Planning Commissioner reviewed the proposal with the exception of the requested 50,000 square feet of density. That discussion had been continued.

Planner Whetstone stated that there were three amendments to the MPD. One is to allow the Peace House facility to be located on Lot 8. Second is to allow Lot 8 to be subdivided into two lots. She noted that the actual subdivision application has not yet been submitted but it would come before the Planning Commission. The amendment would allow a subdivision to occur. The third amendment relates to the 50,000 square feet of density that was previously continued for discussion at a future meeting.

Planner Whetstone commented on two additional administrative amendments that included corrections on conditions and a development agreement to memorialize the changes to the IHC MPD.

The Staff report detailed the history of the IHC MPD, the criteria for the CT zones, as well as the MPD Chapter in the LMC. The Staff recommended that the Planning Commission conduct a public hearing and consider approving the MPD amendments pursuant to the findings of fact, conclusions of law and conditions of approval as outlined in the Staff report.

Planner Whetstone reported that the application for 700 Round Valley Drive was a CUP for the Peace House to be constructed on Lot 8.

Morgan Bush, representing IHC, had read through the Staff report and concurred that it reflected everything that was discussed through the pre-MPD process and what was submitted in the Amended MPD application. He had nothing further to add.

Doug Clyde, representing the Peace House, remarked that Bob Dillon, legal counsel, had one item to address with the Planning Commission.

Bob Dillon, representing the Peace house, referred to Condition of Approval #11 of the CUP. He noted that the Peace House had executed the lease approximately a year ago as a condition for obtaining funding from the County. Mr. Dillon requested that Condition 11 be rewritten to only say, "Terms of the ground lease shall include a time frame of 40 years or longer." The remaining language would then become a separate condition and modified to read, "Any future changes to the use of the building or property **as other than transition and/or affordable housing** will require a Conditional Use Permit and may, depending upon the use, require an amendment to the IHC MPD Housing Mitigation Plan and the provision of additional affordable." Mr. Dillon remarked that the ground lease requires the

Peace House to operate it as such; otherwise the ground lease terminates. He thought it was important to address the requirement as a separate condition and not as part of the ground lease.

Mr. Clyde pointed out that if the Peace House terminates its operation at any time for any reason, it would not negate IHC's obligation to provide affordable housing. Therefore, the requested change to the condition of approval would not change anything, but it would avoid complicating the lease issue. Planner Whetstone understood that it was a 40 year lease. Mr. Clyde replied that it was a 40 year lease with two five year renewals.

Assistant City Attorney McLean was comfortable with the change to Condition of Approval #11 as proposed by Mr. Dillon.

Chair Strachan opened the public hearing on both the Amendment to the IHC MPD and the CUP for new construction of the Peace House.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to APPROVE the Second Amended Intermountain Health Care Master Planned Development for 900 Round Valley Drive pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to APPROVE the Peace House Conditional Use Permit at 700 Round Valley Drive based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 900 Round Valley Drive

1. On November 10, 2015, the City received a complete application for an MPD Amendment for the Intermountain Healthcare Master Planned Development (IHC MPD).

2. The proposed MPD Amendment includes the following items:

- Allow the Peace House facility to be located on Lot 8 of the IHC/USSA

subdivision plat to fulfill a portion of the remaining affordable housing obligation for the IHC MPD. A Conditional Use Permit (CUP) is required prior to building permit issuance. A CUP application was submitted for concurrent review with the MPD Amendment application.

- Allow Lot 8 to be subdivided into two lots with the eastern 3.6 acres proposed to be leased to the Peace House as Lot 8 and the western 6.334 acres to become a new Lot 12 retained by the Intermountain Healthcare with no density assigned to it. A plat amendment application is required and has not yet been submitted.
- Add 50 Unit Equivalents (UE) of density as 50,000 square feet of support medical offices/clinics to the overall IHC MPD to be located on Lot 1. (Note- this item was continued for further analysis and discussion with Staff recommendation to bring it back to the Planning Commission later in 2016.)
- Make administrative corrections to conditions #16 and #17 of the October 8, 2014, approval of the First Amended IHC MPD.
- Include a condition of approval requiring recordation of a Development Agreement to cover all items of the original MPD as well as the First and Second Amendments.

3. The IHC MPD was approved by the Planning Commission on May 23, 2007.

4. A First Amended IHC MPD was approved by the Planning Commission on October 8, 2014, transferring assigned medical support density from Lots 6 and 8 to Lot 1, along with other amendments related to Phase 2 of the Medical Center construction.

5. The IHC MPD consists of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11 of the Second Amended Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision (IHC/USSA Subdivision) approved and recorded at Summit County on November 25, 2008.

6. The property is generally located on Round Valley Drive west of US 40 and east of Round Valley in the Quinn's Junction neighborhood of Park City.

7. The approved IHC MPD includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) located on Lot 1 and Support Medical Office space of 150,000 square feet (150 Unit Equivalents) located on Lots 1, 7, and 10.

8. Lot 2 of the IHC/USSA Subdivision plat is dedicated as open space.

9. Lot 3 is not part of the IHC MPD and is the location of the USSA Headquarters and Training Center MPD.

10. Lot 4 was the original location of 28 affordable, deed restricted townhouse units incorporated into the Park City Heights neighborhood during the Park City Heights MPD approval. Lot 4 currently has no designated density and is an open space lot.

11. Lot 5 was dedicated and transferred to the City for future recreation uses.

12. The density initially designated for Lot 6 was transferred to Lot 1 with the First Amendment to the MPD.

13. Lot 7 contains the 25,000 sf medical support office density and is also known as Physician Holdings or MOB (Medical Office Building).

14. The density initially designated for Lot 8 was transferred to Lot 1 with the First Amendment to the MPD.

15. Lot 9 contains a small Questar gas regulating facility.

16. Lot 10 is the location of the Summit County Health Department and People's Health Clinic utilizing 25,000 sf of support medical office density. Summit County has a ground lease from IHC on this lot.

17. Lot 11 is the one acre lot around Lot 9, owned by IHC and not designated as to use or density.

18. This MPD amendment is being processed concurrent with a Conditional Use Permit application submitted for the Peace House proposed to be located on the eastern portion of Lot 8 with a ground lease to the property from IHC.

19. The Peace House includes approximately 25,964 sf of emergency shelter and transitional housing, 8,622 square feet of shelter and housing support uses related to the Peace House mission, 2,096 square feet of circulation and back of house uses (mechanical, storage, etc.), and 4,096 square feet. The proposed building also includes a 4,096 square foot parking structure for a gross building size of approximately 41,000 square feet.

20. On June 4, 2015 the Park City Housing Authority approved an amended Housing Mitigation Plan outlining the affordable housing strategy for the IHC MPD and approved the Peace House as part of that strategy.

21. The June 4, 2015 Housing Authority approval included a condition of approval that future density increases for the IHC Medical Campus at Park City Medical Center

will be reduced by 10 AUEs or 8,000 square feet to address the issue that a portion of the Peace House facility is provided as satisfaction of an affordable housing obligation for the Tanger Outlet expansion through the Summit County approvals.

22.The June 4, 2015 Housing Authority approval also included a condition that if the Peace House ceases operation of their program on Lot 8 prior to 50 years from the date of signing the amended Housing Mitigation Plan agreement, IHC will owe the City 12.5 AUEs.

23.The Park City Housing Authority is the decision making body responsible for approving any amendments to the IHC MPD Affordable Housing Mitigation Plan and for determining the number of AUEs the Peace House facility will count for. A final Housing Mitigation Plan will be reviewed by the Park City Housing Authority based on uses, residential units, and square footages of the final approved Peace House CUP.

24.The IHC MPD is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007.

25.A plat amendment application is required to be submitted for review by the Planning Commission with final action by the City Council in order to subdivide Lot 8.

26.An Annexation Agreement for this property was recorded on January 23, 2007.

27.The Annexation Agreement is currently the Development Agreement for the MPD and sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the IHC/USSA subdivision plat, such as roads, utilities, and trails.

28.The property is located in the Community Transition (CT) Zone.

29.The maximum Building Height in the CT Zone is 28 feet (33 feet with a pitched roof). The IHC MPD provided height exceptions for the Park City Medical Center on Lot 1. The remaining lots are subject to the CT Zone Height. No changes to MPD approved heights are proposed.

30.The proposed Peace House building on Lot 8 complies with the maximum Building Height of the CT Zone.

31.The setbacks within the CT Zone are twenty five feet (25') in the front, rear, and sides. The proposed Peace House building complies with these setback

requirements.

32. There is no minimum lot size in the CT Zone.

33. The base density in the CT Zone is 1 unit per 20 acres. Maximum density allowed in the CT Zone for non-residential projects is 3 units per acre provided that all Density bonus requirements set forth in LMC Section 15-2.23 A are met and the additional standards are incorporated into the Master Planned Development. This MPD Amendment does not change the allocated density within the IHC MPD.

34. Eighty percent (80%) open space is required for approved density and this MPD Amendment does not change the total open space within the MPD. With construction of the Peace House facility the open space for the entire annexation area will be at approximately 85%.

35. Trails and linkages to trails as shown on the approved IHC MPD comply with the City's Master Trail Plan. No changes to the trails or linkages are proposed with this MPD Amendment.

36. A pre-MPD application for these MPD Amendments was submitted on September 14, 2014 and reviewed by the Planning Commission on April 8th, August 26th, October 28th, and Nov 11th, 2015. The Planning Commission conducted public hearings on these dates and made findings that the proposed MPD Amendments initially comply with the intent of the Park City General Plan and general purposes of the Community Transition (CT) Zoning District.

37. Green Building requirements are part of the Annexation Agreement and continue to apply to the Peace House CUP.

38. Administrative corrections to conditions #16 and #17, of the October 8, 2014 approval of the First Amended IHC MPD, are included as part of these MPD amendments.

39. Condition #16 was left over from the original MPD approval and states that prior to issuance of a building permit for future phases the applicant and Staff shall verify that all items agreed to by the applicant (as listed in Finding of Fact #21 of the original approval), as mitigation for the loss of the use of the planned ball field at the Park City Recreation Complex, have been completed. The applicant and Staff verified that these items have been satisfied and this Condition is not necessary and should not be included in the language of the Development Agreement.

40. Condition #17 states that the applicant shall conduct and present to the Planning Commission a parking study of the Medical Center site as part of the October 8th Amendments. The Commission discussed the timing of the study and determined that the study was not needed with the Second Phase of construction but should be included with any applications for future construction of the Medical Center.

41. A condition of approval requiring recordation of a Development Agreement to cover items of the original MPD as well as the First and Second Amendments is included as part of this amended MPD.

42. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 900 Round Valley Drive

1. The MPD amendment, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD amendment, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD amendment, as conditioned, is consistent with the Park City General Plan.
4. The MPD amendment, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD amendment, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD amendment, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD amendment, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD amendment provides amenities to the community so that there is no net loss of community amenities.
9. The MPD amendment, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD amendment, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD amendment has been noticed and public hearing held in accordance with this Code.

Conditions of Approval – 900 Round Valley Drive

1. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.
2. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Second Amended subdivision plat shall apply.
3. Construction of the Peace House facility on Lot 8 shall be subject to an approved Conditional Use Permit, as well as to all applicable conditions of approval of the MPD, as amended, the Annexation Agreement, and the Subdivision plat.
4. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission within 6 months of final action on the MPD Amendment application.
5. The Development Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD, included the approved amendments.
6. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.
7. All construction within the IHC MPD is subject to the plat notes and conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008, as well as conditions of approval of the IHC MPD, as amended, including amendments to Conditions #16 and #17 of the October 8, 2014 MPD Amendment approval, as described in #8 below.
8. Conditions #16 and #17 of the October 8, 2014 approval of the First Amended IHC MPD shall be amended, and reflected in the development agreement, as follows:
 - a) Condition #16 shall be deleted.
 - b) Condition #17 shall be amended to state the following: The applicant shall submit

a parking study as part of an application for the next Medical Center expansion. The study shall include qualified transportation professionals recommendations addressing the potential impact of reduced parking ratios in future phases and a comprehensive program to increase utilization of underutilized parking areas. Along with impacts to street intersections out to and including SR-248.

9. In order to create a separate lot of record for the Peace House, a plat amendment application would be required to be submitted to the City.

Findings of Fact – 700 Round Valley Drive

1. This Conditional Use Permit is for the Peace House facility proposed on a 3.6 acre portion of Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat approved by the City Council and recorded at Summit County on November 25, 2008.

2. Lot 8 includes a total lot area of approximately 9.934 acres. Peace House has recently entered into a 50 year ground lease from IHC on the eastern 3.6 acres of Lot 8.

3. The property is subject to the Amended Intermountain Healthcare Master Planned Development (IHC MPD), originally approved on December 7, 2006 and amended in 2014 to transfer support medical office uses from Lots 6 and 8 to Lot 1.

4. On February 18, 2015, IHC submitted a pre-MPD application for various amendments to the IHC MPD. On June 18, 2015 a revised pre-MPD application was submitted with a specific request for consideration of the Peace House facility to be located on Lot 8 as fulfillment of the affordable housing requirements for the next phase of construction of the IHC Park City Medical Center.

5. The revised pre-MPD application was reviewed by the Planning Commission on August 26, 2015 and the Planning Commission made a finding that the proposed MPD amendments specific to the Peace House on Lot 8 were generally consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.

6. On November 10, 2015, applications for a second amendment to the IHC MPD and this Conditional Use Permit for the Peace House on a portion of Lot 8 were submitted to the Planning Department.

7. The applications were considered complete on November 10, 2015.
8. The property is located in the CT Zoning District.
9. The property is currently undeveloped and consists of native grasses and low vegetation with an area of delineated wetlands located to the north and west of the proposed building.
10. The wetlands delineation was done more than five years ago and will need to be updated, re-delineated and re-submitted to the Corp.
11. The proposed Peace House facility consists of approximately 37,600 square feet of new construction for an emergency shelter for victims of domestic violence; including emergency and transitional housing, support uses (day care, counseling, training, common kitchen and living areas, laundry, storage, and administrative offices), and twelve structured parking spaces. An additional 42 surface parking spaces in two separated lots are proposed. An enclosed landscaped courtyard is proposed for outdoor activities.
12. As a mixed use building the Land Management Code requires in the range of 45-50 parking spaces. A total of 54 spaces are proposed.
13. The building is two stories and at the tallest point is 27'10" above existing grade and complies with the 28' height restrictions of the CT Zoning District. The proposed building complies with required horizontal and vertical articulation.
14. The proposed mass and scale of the building, as well as the architectural design, materials, and colors are consistent with adjacent buildings in the surrounding area.
15. Adjacent to the north is the two story Physician Holdings support medical offices and clinic building and adjacent to the south is the two story Summit County Public Health and People's Health Clinic building.
16. The proposed building is setback more than 25' from all property lines and complies with the minimum 25' setbacks from property lines required by the CT Zoning District. The building and parking area comply with the required 50' setbacks from delineated wetlands located to the north and west of the proposed building.
17. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south.

18. Two driveway entrances are proposed for the facility. The southern driveway is proposed as a shared driveway with Summit County Health. This driveway currently exists and is proposed to become a secured access to the structured and secured surface parking. A northern driveway, separated by approximately 300' from the southern driveway, provides access to the main parking area and building's front entrance. An access easement agreement is required prior to using the shared driveway.

19. There are existing sidewalks along the street frontage as well as interconnecting paved trails throughout the subdivision. The site plan proposes a 6' sidewalk connecting the front entrance to the existing sidewalk on Round Valley Drive.

20. The proposed Conditional Use Permit is consistent with the Second Amended IHC MPD that identifies Lot 8 as an approved location for the Peace House as an emergency shelter with emergency and transitional housing, as well as support uses, to satisfy a portion of the remaining IHC MPD affordable housing obligation.

21. On June 4, 2015, the City's Housing Authority approved the amended IHC MPD Housing Mitigation plan allowing the Peace House facility, including housing and support uses, to satisfy affordable housing mitigation requirements for the IHC MPD.

22. The Peace House facility does not require the use of Unit Equivalents because the Peace House facility satisfies the affordable housing requirements on-site for the MPD per LMC Section 15-6-8.

23. The Analysis section of this staff report is incorporated herein.

Conclusions of Law – 700 Round Valley Drive

1. The CUP, as conditioned, is consistent with the IHC Master Planned Development, as amended, and the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use, as conditioned, is compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 700 Round Valley Drive

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final landscape plan shall be submitted with the building permit application. The Planning Department shall review and approve the final landscape plan prior to issuance of a building permit. The plan shall include water efficient landscaping and irrigation, snow storage areas, defensible space requirements, and additional berming and landscaping to screen parking and security walls from Round Valley Drive.
3. All exterior lighting, including parking lot lighting, must comply with the City's lighting requirements as outlined in LMC Chapter 5. Final compliance with the City's lighting requirements will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
4. A security lighting plan shall be submitted with the building permit application for Planning Department review and approval.
5. All exterior signs require a sign permit, approved by the Planning and Building Departments, prior to installation.
6. The final building plans (site and landscape plans, building design, articulation, materials, colors, and design details) shall be in substantial compliance with the plans and drawings reviewed by the Planning Commission on January 13, 20
7. Final utility, storm water, and grading plans must be approved by the City Engineer prior to Building Permit issuance.
8. The Park City Housing Authority has the final authority to approve the IHC Housing Mitigation Plan and to determine how the Peace House Facility fulfills affordable housing obligations required by the IHC Annexation and Amended IHC Master Planned Development.
9. The wetlands delineation shall be updated and re-submitted to the Corp for approval prior to issuance of a building permit.
10. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
11. Terms of the ground lease shall include a time frame of 40 years or longer.

12. Any future changes to the use of the building or property as other than transition and/or affordable housing will require a Conditional Use Permit and may, depending upon the use, require an amendment to the IHC MPD Housing Mitigation Plan and the provision of additional affordable

13. The applicant shall demonstrate at the time of Building Permit application that the building plans and construction meets the NAHB Green Standards or a LEED Certificate level. All appliances and products, including light bulbs shall be Energy Star qualifying products.

14. The access easement agreement for the shared driveway with Summit County Health Department shall be recorded at Summit County prior to issuance of a certificate of occupancy for the Peace House.

5. **8910 Empire Club Drive- Conditional Use Permit for construction of Building 5 of the Village at Empire Pass Master Planned Development, consisting of 27 residential units, 1 ADA unit, and 1 deed restricted unit located on Lot 15 Village at Empire Pass West Side Subdivision. (Application PL-15-02983)**
6. **8910 Empire Club Drive- Condominium record of survey plat for 27 residential units within Building 5 of the Village at Empire Pass Master Planned Development. (Application PL-15-03003)**

The Planning Commission discussed the two applications simultaneously.

Planner Whetstone reported that the Planning Commission had reviewed the application at a work session during a previous meeting.

Planner Whetstone reviewed the application for a conditional use that is subject to the Flagstaff Annexation and Master Planned Development; and more specifically subject to the Village at Empire Pass MPD. She had prepared a density chart on page 377 of the Staff report. Planner Whetstone explained that the site was not identified for this amount of density. There is a pool of density which they can pull from, and in this case the applicant purchased an x-number of UEs from Talisker. She pointed out that they had not exceeded that density. Planner Whetstone stated that the benefit of having a condo plat is that every square foot of the condominium plat is identified with the square footage. The Staff had reviewed the condominium plat in detail. They will review it again prior to recordation to make sure remains at or under the density that was purchased.

Planner Whetstone identified three changes. The first is that the total residential floor area, not including the affordable or the ADA units, should be changed from 64,374 square feet to the correct number of 64,965 square feet. The second change was instead of 32.2 unit equivalents, the number should be 32.48 unit equivalents. The third change is the gross square footage of the entire building. She noted that 113,293 should be changed to 113,884. Planner Whetstone clarified that wherever the numbers occur in the Findings of Fact of both Staff reports, it should be changed to reflect the correct number.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Conditional Use Permit for One Empire Pass pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval in the Staff report as amended.

For the Condominium Plat, the Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council pursuant to the Finding of Fact, Conclusions of Law and Conditions of Approval as amended.

Assistant City Attorney McLean asked Planner Whetstone to clarify whether the change in numbers was due to a typo or a change to the plat. Planner Whetstone explained that the new condominium plat was delivered to the Planning Department after the Staff report went out. The square footage of the top floor units had increased, which increased the UEs and the overall square footage of the buildings. Ms. McLean asked if the Planning Commission had been given a copy of the new plat. Planner Whetstone had copies available but it had not been provided to the Commissioners.

Bill Fiveash, representing the applicant, explained that the minor modification to the plat occurred on the 6th level of the building. There was a flat roof section that separated one residence from the stair core. A small flat roof section in another area separated another residence from the stair core. In order to accommodate multiple exits on that level, both residences were extended to connect to the stair core to achieve two exits from the residences on the 6th Floor. Mr. Fiveash stated that it was a small addition of square footage which was still allowed under the 65,537 square foot cap on the allowed plat area that was purchased from Talisker in 2005. He clarified that the change was also a function of Building Code.

Joe Drew with IBI, the project architect stated that upon the original plat work, they were still in the process of going through the Code analysis for the building, which then determined the two exit requirements. Mr. Drew assumed that because they were still under the square footage that it would be acceptable.

Chair Strachan asked Assistant City Attorney McLean about process since the plan they were being asked to approve was not part of the Staff report. He pointed out that it was noticed for public hearing but the public had not seen the correct plat. Ms. McLean stated that the Planning Commission could make the determination of whether or not to accept the amendments as outlined. She thought the changes appeared to be minor; however, that was hard to evaluate at this point. Ms. McLean pointed out that typically the Commissioners would have the opportunity to review it in their packet or at least as a separate document prior to the meeting. She also pointed out that it was a long meeting and it was not the fault of the applicant that they were being heard this late in the evening. Ms. McLean noted that the condominium plat is the issue and it would go back to the City Council. Therefore, the public would have the opportunity to see the revised plat and make comment. Assistant City Attorney McLean stated that legally the Planning Commission could make a determination that the changes were minimal and within the realm.

Commissioner Joyce did not believe this was much different from when they find minor changes or typos in findings of fact or conditions of approval, and modify those at the time. He thought it was clear that the change in square footage had no material effect on the design or cross the boundaries of acceptable space. It would not change any of the other parameters. Commissioner Joyce stated that it still fits the criteria of minimum. He remarked that the Planning Commission needed to make a choice. Either they get to the point of continuing any application that has a minor change or exception, or they should move this one forward.

Assistant City McLean asked if the applicant had redlines of what had changed. Mr. Drew presented a slide and explained how the spaces were connected to the residences. Commissioner Phillips asked for the total square footage. Director Erickson replied that it was a total of 600 square feet. Planner Whetstone pointed out that it only occurs on the 6th level.

Chair Strachan clarified that his only concern was for the public who had looked at the packet without any knowledge that the plat had been changed. He would not want to be in the position of having someone challenge the process. However, if Ms. McLean felt they could legally move forward, he preferred to do that instead of making the applicant come back.

Planner Whetstone offered to include the redlined portion in the City Council packet. Chair Strachan thought that was a good idea. He also wanted the City Council to clearly understand that the Planning Commission had not seen the Findings of Fact or the plat after it was amended.

Chair Strachan opened the public hearing for both the Conditional Use Permit and the Condominium Record of Survey Plat.

There were no comments.

Chair Strachan closed the public hearing.

Assistant City Attorney McLean asked if the volumetrics in the CUP would be affected by the change to the condo plat. Commissioner Thimm believed it would change the percentages. Ms. McLean understood that it was minimal but she wanted to make sure they addressed it to avoid any issues.

Mr. Drew explained that they had not changed the roof form. They simply extended the space to connect with other existing roofs. He presented a slide showing the maximum heights and pointed out that everything remains under it. Nothing extended to the ridgeline and in fact, it was 9 to 12 feet below the ridgeline. Ms. McLean asked if the roof gets bumped out. Mr. Drew answered no. Ms. McLean verified that the outside volumetrics of the building were exactly the same, and that the change was only to convert stairwell area to private area. Mr. Drew replied that it was attic space that was converted to actual square footage of unit space to connect the unit to the actual staircase exit.

Commissioner Phillips clarified that it was an interior remodel. He was told that was correct. Ms. McLean was unclear as to why the gross square footage had changed. Mr. Drew replied that it was attic space that was not part of the unit. Doug Clyde explained that the gross square footage changed because the attic space was not habitable space. Gross square footage only includes habitable space.

Commissioner Thimm asked Mr. Drew to walk them through the roof plan on page 319 of the Staff report. Mr. Drew stated that the flat roof between grid lines three and four was an existing roof line and that did not change. The portion of the flat roof to the right of grid line four, which was down at the floor level, was turned into interior space. It was the same between grid lines 10 and 11. Mr. Drew pointed out that in looking at the building elevation the roof shape had not changed at all. They simply extended over those spaces to connect to the other existing roofs to make the exiting work.

Commissioner Campbell noted that the stairwells were not shown on the plan. Commissioner Thimm asked if they were adding the whole area identified as flat roof. Mr. Drew answered yes. In doing the calculations Mr. Drew thought it was more than 600 square feet. Commissioner Thimm agreed. Mr. Drew calculated that the total difference was 600 square feet. They may have shrunk other portions of the building to achieve that. Commissioner Thimm asked if those would differ as well.

Based on the number of questions and the difficulty of making a clean motion, Chair Strachan thought it was best to continue the plat amendment. He believed it could come back as a Consent Agenda item where the Commissioners could see the final plat.

Tom Bennett, representing the applicant, asked if it would be possible to approve the plat in the form that was circulated and allow the Staff to determine that the changes are immaterial changes. Commissioner Strachan would not be opposed. Assistant City Attorney McLean requested that when this goes to the City Council they include a redline of the plat and outline all of the numbers so it is very clear.

Commissioner Thimm asked for the upper limit of the allowed square footage. Planner Whetstone stated that the upper limit based on the agreement with Talisker was 65,537 square feet for residential area. However, that does not include the ADA unit or the affordable housing units. There was also no limit to the amount of amenity space. Chair Strachan noted that it was currently at 64,965 sf. However, if they add 1200 sf it exceeds it. Mr. Drew clarified that the 64,965 sf was the net number on the plat as submitted.

Director Erickson wanted an opportunity for the Staff to carefully review the amended plat before it moves forward. Given the questions and discussion, Director Erickson preferred not to follow Mr. Bennett's suggestion and he requested that the Planning Commission continue the plat amendment this evening. Chair Strachan deferred to the Planning Director and agreed that it was better to take a cautious course of action. He preferred that it come back as a Consent Agenda item for the February 10th meeting if possible.

Commissioner Joyce referred to page 295 of the Staff report, last bullet item which stated that approximately 368 certificates of occupancy have been done and that the affordable housing obligation comes due for every 150 certificates of occupancy. Commissioner Joyce wanted to know what, if anything, would increase it to 450 certificates of occupancy. Planner Whetstone explained that they were beyond the 300 certificates of occupancy and some Cos were withheld when they reach approached the 300 on another project. In addition to this one, there are a couple of single units under construction at Red Cloud. After those three are built there was anything else except the second phase of Montage, which would probably push it over the 450.

Mr. Clyde noted that the CUP and the plat were separate applications and he asked if they could take action on the CUP. Director Erickson remarked that the CUP also had incorrect information that required modifications to make the square footage and the areas conform

MOTION: Commissioner Joyce moved to CONTINUE the conditional use permit for One Empire Pass to February 10, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to CONTINUE the One Empire Pass condominium records of survey plat to February 10, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Mr. Bennett asked if they could get a fixed date for a City Council meeting to expedite the process once the Planning Commission takes action. Chair Strachan suggested that Mr. Bennett work with the Staff.

The Park City Planning Commission Meeting adjourned at 10:15 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Application: PL-15-02983
Subject: One Empire Pass
Author: Kirsten Whetstone, AICP, Sr. Planner
Date: February 10, 2016
Type of Item: Administrative - Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing, consider public input, and approve the Conditional Use Permit for One Empire Pass (Building 5) of the Village at Empire Pass MPD pursuant to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Description

Applicant: Guardsman Lodge, LLC, represented by Bill Fiveash, managing partner
Location: 8910 Empire Club Drive- Pod A, Lot 15 Village at Empire Pass West Side Subdivision (Building 5)
Zoning: Residential Development (RD) District as part of the Flagstaff Annexation and Master Planned Development (MPD)
Adjacent Land Uses: Deer Valley Resort, condominiums, townhouses, and vacant development parcels of the Village at Empire Pass Pod A

Background

On October 26, 2015, the Planning Department received an application for a CUP for a 27 unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision (Exhibits A-E). The building is identified as Building 5 on the Village at Empire Pass MPD. The application was deemed complete on October 30, 2015. An application for a condominium plat was submitted on November 13, 2015 for concurrent review. Substantial background information on this property was described in the January 13, 2016 Staff Report and is included in the attached findings of fact.

At the Planning Commission work session on December 9, 2015, the applicant presented an over view of the project and reviewed the site plan, building plans, and volumetric. Volumetric and building height diagrams approved with the MPD are attached as Exhibit F.

On January 13, 2016, the Planning Commission conducted a public hearing and discussed the proposed condominium plat. No public input was provided and the public hearing was closed. Staff explained that there had been minor changes to the plat submitted on January 11th after the packet had gone out. The Commission continued the item to February 10, 2016 to allow Staff and the applicant to get the correct figures, plat, and plans into the packet for the Commission to review.

Staff did have the correct overall gross building square footage (113,293 sf), as it was provided by the architects on Friday, January 8th before the final report was placed in the packet. An intermediate change to the plat made in December (that was not submitted to the City) increased the size of some of the some units bringing the total residential area to the 64,374 sf, which was the same number that Staff referred to in the January 13th report that was calculated from the revised architectural drawings that were submitted for the Conditional Use Permit.

The original November plat was included in the January 13th meeting packet, because the December plat was not submitted to the City. The November plat reflected the originally submitted total residential square footage of 62,668 sf. The intermediate plat reflected the total residential floor area as 64,374 sf (a 1,706 sf increase primarily to Unit 604, with minor changes to other units) that matched the architectural floor plans submitted by the architect. The revised plat (submitted January 11th) reflects the correct total residential floor area of 64,965 sf (32.48 UE), an increase of 591 square feet (primarily to Unit 603) from the 64,374 sf figure staff used in the January 13th report.

Staff incorrectly thought that the gross building area also increased, but the figure (113,293 sf), provided by the architects, and included in the January 13th report, was correct, already reflecting the changes made to the plat and to the volumetric exhibits submitted for the CUP. Staff has provided the correct residential square footage (64,965 sf) and UE (32.48 UE) throughout this report and in the findings of fact in the draft Ordinance.

Purpose

The purpose of the Residential Development (RD) Zoning District is to:

- (A) allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

Land Management Code (LMC) and Village MPD Analysis

The proposal complies with lot and site requirements of the RD Zoning District as described below.

	RD Zoning District and/or Village at Empire Pass MPD
Lot Size	No minimum lot size. Lot is approximately 1.17 acres (50,999 square feet)
Building Footprint- Floor Area Ratio (FAR)	Density is per the Flagstaff Annexation and Development Agreement and Village and Empire Pass MPD. Building 5 site was sold with up to 65,537 net residential square feet (32.8 UE). The proposed CUP is for 27 units (64,965 sf, utilizing 32.48 unit equivalents (UE). Density is based on 1 UE is equivalent to 2,000 sf of residential floor area. The Flagstaff annexation and Development Agreement tracks both UEs (each 2,000 sf) as well as total number of units. The gross building is 113,293 sf, including the parking garage, mechanical, circulation, common areas, storage, and other areas that do not use UE.
Front yard setbacks	25 feet to front facing garage, 20 feet to building. Minimum of 25 foot front setbacks are proposed.
Rear yard setbacks	15 feet. Minimum of 15 foot rear setbacks are proposed.
Side yard setbacks	12 feet. Minimum of 12 foot side setbacks are proposed.
Building Height	Per Village MPD Volumetric and Height Exception Diagrams (Exhibit F) For Building 5, 20% of the building was permitted to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 5 to be four to six stories.
Parking	The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, fifty-two (52) spaces would be required for the 27 units based and one ADA unit. With the 25% reduction 40 spaces are required. The underground parking structure will have 38 spaces and 2-4 surface spaces will be provided near the front drop-off area.

Architectural Design	All construction is subject to Village at Empire Pass Design Review Board approval and LMC Chapter 15-5 Architectural Design Guidelines with final review conducted at the time of the Building Permit. The building complies with the Village MPD volumetric, including articulation and height exceptions.
Residential Units	27 units ranging in size from 1,140 sf to 3,895 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit.
Commercial space	No commercial space is proposed.
Support space	Common amenity areas are provided for the unit owners, including storage areas, locker rooms, fitness area, lounge and lobby areas, children's room, and small business center areas.
Density Summary	The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units. To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built within the Mountain Village. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Still to be approved are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5. There is sufficient remaining density in the MPD (226.7 UE), or 198 units, to accommodate the density of Building 5 (32.19 UE) as 27 units in a lodge style building. (see Exhibit J)

Analysis of Conditional Use Criteria

Conditional Uses are subject to review according to the following criteria set forth in the LMC 15-1-10(E). Staff's analysis is in *italics*.

(1) Size and location of the Site;

One Empire Pass consists of a single multi-story building with 27 residential units ranging in size from 1,140 sf to 3,895 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit. It is located north of the Silver Strike Lodge on Lot 15 of the Village at Empire Pass West Side Subdivision. The lot consists of approximately 1.17 acres (50,999 square feet). Excluding the affordable and ADA units, the total residential floor

area is 64,965 sf, utilizing 32.48 unit equivalents (UE). The Village MPD identified a pool of 785 residential Unit Equivalents for the Mountain Village (Pods A, B1 and B2) for a maximum total of 550 units. A total of 65,537 sf of residential floor area (32.8 UE) was purchased by this applicant from the MPD (owner).

The site slopes up from the street and the design proposes a single level underground parking structure with up to six stories of residential units above. The garage entrance is at grade with the street and built into the slope of the lot so that the back of the garage and first story is underground. The building pad is relatively level as it was graded and used during construction of surrounding buildings.

The building plan complies with setbacks, height, density, and parking. The building size and location are appropriate for the site and comply with parameters of the MPD. **No unmitigated impacts.**

(2) Traffic considerations including capacity of the existing Streets in the Area;
The site will be served by Empire Club Drive, a private road that connects to Marsac Avenue, a public Right-of-Way. A traffic management plan was approved as part of the Technical Reports for the Flagstaff Annexation and Development Agreement to reduce overall traffic generated from the development. A Construction Mitigation Plan is required at the time of Building Permit issuance in compliance with the Flagstaff Development Agreement that reiterates that downhill truck traffic will use Royal Street, unless use of Marsac Avenue is approved and/or required by the City Engineer and Chief Building Official. The Construction Mitigation Plan shall also address where excavated materials will be hauled if they are not used on this site. The Development Agreement requires excavated materials to remain within the Annexation Area. **No unmitigated impacts.**

(3) Utility capacity;
A storm water plan is being reviewed by the City Engineer (Exhibit G). A final approved storm water plan, as well as a utility and grading plan, is required prior to issuance of a building permit. Adequate sewer, electric, gas, and phone service is available. All utility above ground infrastructure (transformers, ground sleeves, telephone boxes, cable boxes, etc.) are to be located on the property. Staff recommends condition of approval related to the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property is shown and can be adequately screened. Showing dry utilities on the final plans allows verification from utility companies that the location shown on the plans is viable for their installation. **No unmitigated impacts.**

(4) Emergency vehicle Access;
Primary emergency access is from Marsac Avenue and Empire Club Drive that winds through the Village area with two access points onto Marsac Avenue. **No unmitigated impacts.**

(5) Location and amount of off-Street parking;

*The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Fifty-two (52) spaces would be required for the 27 units and one ADA unit. The 25% reduction rounds to a required 40 spaces. The underground parking structure will have 38 spaces and 2-4 surface spaces will be provided near the front drop-off area. **No unmitigated impacts.***

(6) Internal vehicular and pedestrian circulation system;

*Access to One Empire is from Empire Club Drive, a private street. A drop-off area is located in the front of the building and a bus stop is located nearby on Marsac Avenue. A pedestrian path system is proposed consistent with the Village Master Plan of Trails. **No unmitigated impacts.***

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

*A landscape plan that provides a buffer between buildings to the greatest extent possible is required as a condition precedent to Building Permit. Landscaping and irrigation will be water efficient, utilizing drought tolerant plantings, limited turf area, and drip irrigation. **No unmitigated impacts.***

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

*This building is one of ten lodge buildings clustered within Pod A. One Empire Pass has four to six floors of residential units with a single level parking structure under the building. Gross building area, including parking and all common areas is 113,293 square feet. Twenty-seven (27) units are proposed with a total of 64,965 square feet, not including the 900 square foot deed restricted affordable housing unit and the 944 square foot ADA unit. All zone required setbacks will be maintained. To the south, there are five existing buildings of a similar size, height, and volumetric, with four still to be constructed, for a total of ten similar lodge style buildings within the VMPD. The mass of the building steps across the lot and is well articulated both horizontally and vertically. **No unmitigated impacts.***

(9) Usable Open Space;

*Both passive and active Open Space is provided in excess of 88% within the annexation boundary. The individual lots were not required to provide open space. The proposal includes useable open space plaza areas in the front, as well as adjacent to the ski run/lift area. **No unmitigated impacts.***

(10) Signs and lighting;

*Signs and lighting must be in conformance with the Park City codes and the Flagstaff Mountain Resort Design Guidelines. Signs require a separate sign permit. Street lights must be approved by the City Engineer (LED, 48 watt, 2700 K in a style consistent with Park City street lights) and will be privately maintained. **No unmitigated impacts.***

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

*In the immediate area, there are four existing similarly sized multi-story residential condominium buildings (Silver Strike, Flagstaff (aka Snowberry), Shooting Star, and Talisker Tower Club), as well as the two story Larkspur town homes and Paintbrush PUD style homes (single-family detached homes). The master developer is coordinating design elements for all phases of the project and all developments require approval by the Flagstaff Architectural Design Review Board. Staff has reviewed the proposed building for compliance with the Volumetric Diagram and height exceptions and finds that the building complies. The building is 4 to 6 stories and is lower in height by 8' to 15' from the allowed height exceptions. The building also complies with required horizontal and vertical building articulation. **No unmitigated impacts.***

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

*All uses are inside the residential building and there are no expected impacts on residents/visitors or Property Off-Site. Staff recommends conditions of approval related to screening of mechanical equipment. **No unmitigated impacts.***

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

*Service and delivery will be minimal as there is no commercial or support commercial component in the building. It is anticipated that laundry/maid service will be needed on a weekly basis throughout the Village. Trash pickup will be in the parking garage. **No unmitigated impacts.***

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

*The project will be platted as a condominium. Nightly rental is a permitted use within the RD zoning district. These units will primarily be second homes and it is unlikely that many will be full-time residences, although this possibility is not precluded. **No unmitigated impacts.***

(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site. *There are no Environmentally Sensitive Lands within or adjoining the site. The building, as with most of the Village, is located on the flatter slopes within the Pod. The site is currently vacant with little significant vegetation as it was used during construction of the surrounding buildings, ski lift, and ski run. **No unmitigated impacts.***

Department Review

This project has gone through an interdepartmental review. Staff is working with the applicant to address storm water issues. No further issues were brought up at that time.

Notice

The property was posted and notices were mailed to property owners within 300 feet on December 23, 2015. A legal notice was published in the Park Record on December 26,

2015. No public input has been received at the time of this report.

Alternatives

1. The Planning Commission may approve the Conditional Use Permit for One Empire Pass as conditioned or amended, or
2. The Planning Commission may deny the Conditional Use Permit for One Empire Pass and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the Conditional Use Permit for One Empire Pass.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated with the Flagstaff Agreement and Master Planned Development conditions.

Recommendation

Staff recommends that the Planning Commission hold a public hearing, consider public input, and discuss the Conditional Use Permit for One Empire Pass (Building 5) of the Village at Empire Pass MPD. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration:

Findings of Fact:

1. The One Empire Pass Conditional Use Permit (CUP) is located in the RD-MPD zoning district, within Pod A of the Village at Empire Pass Master Planned Development.
2. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
3. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage). The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units. To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built.
5. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Still to be approved are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5. There is sufficient remaining density (226.7 UE), or 198 units, to accommodate the density of Building 5 (32.48 UE) as 27 units in a lodge style building.

6. Approximately 368 certificates of occupancy for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D) have been issued. According to the Annexation and Development Agreement, the affordable housing obligations come due for each 150 certificates of occupancy. The next housing obligation trigger point is 450 certificates of occupancy. The 27 certificates of occupancy for One Empire Pass would bring the total to 395 certificates of occupancy.
7. One affordable AUE is proposed as part of the One Empire Pass condominium plat, as part of the sale agreement for the 32.8 UEs the applicant purchased from the owner.
8. On October 26, 2015, the Planning Department received an application for a Conditional Use Permit for a twenty seven unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision.
9. The application was deemed complete on October 30, 2015.
10. Access to the property is from Empire Club Drive, a private street, via Marsac Avenue, a public street.
11. The property is also known as Lot 15 of the Village at Empire Pass West Side Subdivision, approved by Council in 2005 and recorded at Summit County on August 12, 2005. Lot 15 consists of 50,999 square feet of lot area and is currently undeveloped.
12. The property is subject to subdivision plat notes that require compliance with RD zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.
13. The proposed One Empire Pass CUP consists of a single multi-story building with 27 residential units ranging in size from 1,140 sf to 3,895 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit. The gross building area is 113,293 sf, including the parking garage, storage, mechanical, trash and recycling area, fire command closet, pool mechanical, and entry lobby, as well as circulation elevators and stairs, and common amenities on the upper floors that do not utilize UEs.
14. The building consists of 64,965 square feet of residential uses and utilizes 32.48 Unit Equivalents. Common amenities areas (exercise and recreation rooms, ski lockers, locker rooms, etc. are proposed at the south end of levels one and two. Common amenity areas do not require use of UEs.
15. No commercial uses are proposed.
16. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, fifty-two (52) spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 40 spaces. The underground parking structure will have 38 spaces and 2-4 surface spaces will be provided near the front drop-off area.
17. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
18. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village Master Plan Development.

Specific volumetric diagrams were approved for each Building Site. For Building 5, 20% of the building was permitted to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 5 to be four to six stories.

19. The proposed building complies with the granted height exceptions and percentages, number of stories, and required vertical and horizontal articulation. The proposed building is 11.5' to 15' lower than the 80' allowance (20% of the building), approximately 9'-8" below the 92' allowance (55% of the building), and approximately 5' lower than the 74' allowance (25% of the building).
20. The building complies with all RD District zone setbacks maintaining a 25' front setback, 12' side setbacks, and 15' rear setbacks.
21. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
22. The Construction Mitigation Plan for the Mountain Village reiterates downhill construction truck traffic for this Conditional Use Permit will use Royal Street, as opposed to Marsac Avenue.
23. Excavated soil will remain within the Flagstaff Annexation area as required by the Annexation Agreement.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Village at Empire Pass Master Planned Development and Flagstaff Mountain Resort Master Planned Development, the Park City Land Management Code, and the General Plan.
2. The proposed use, as conditioned, will be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Departments.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
4. All exterior signs require a sign permit prior to installation.
5. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 13, 2016.

6. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof.
7. All utility facilities must be located on site. A plan must be provided at the time of the building permit application showing all utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and the utility boxes can be screened.
8. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 13, 2016 and February 10, 2016.
9. The applicant shall record a condominium Record of Survey prior to selling individual units.
10. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
11. Affordable housing provided with this Conditional Use Permit shall comply with all requirements and stipulations of the Flagstaff Development Agreement and the City's affordable housing resolution in effect at the time of the Development Agreement prior to issuance of a certificate of occupancy for the building.
12. All conditions of approval of the Village at Empire Pass MPD shall continue to apply.
13. All conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply, including the restrictions on solid wood burning fireplaces, removal of excavated materials, construction of pedestrian connections to the transit hub within the Village, and provision of any required ADA and affordable housing units.

Exhibits

Exhibit A – Project Description

Exhibit B – Existing Conditions

Exhibit C – Subdivision plat

Exhibit D – Site and Landscape Plans and Floor Plans

Exhibit E – Architectural Elevations and Materials

Exhibit F – Village at Empire Pass MPD approval and Volumetric Diagrams

Exhibit G – Utility Plans

Exhibit H – Flagstaff Annexation Agreement (related sections)

Exhibit I – Village Map

Exhibit J– Density Summary

Guardsman Lodge, LLC

PO Box 682023
Park City, Utah 84060
Phone: 435.714.0267
E-Mail: bfiveash@ewpartners.com

To: Park City Planning
From: Bill Fiveash OBO Guardsman Lodge, LLC
Date: October 21, 2015
Re: VEPWS - 15 - CUP Written Statement

Memo

Guardsman Lodge LLC is seeking a Conditional Use Permit for the development and construction of a residential building on VEPWS-15 at Empire Pass. The site is part of the land subject to the Amended and Restated Development Agreement for Flagstaff Mountain recorded in March 2007 which granted the Developer/Owner of the property a Large Scale Master Planned Development. This application seeks to move forward the approvals as required in the development agreement to the level considered a Small Scale Master Plan, for which, we believe a CUP is required.

Guardsman Lodge LLC is proposing to build a 109,479 SF structure consisting of 27 residential for sale properties (Not exceeding 65,537 SF), 1 Accessible Unit as required by town code (1 ADA Unit), 1 Employee Housing Unit (1 EHU Unit), 42 total parking spaces, and various Residential Accessory Uses as defined in the Development Agreement.

Below are answers to specific questions required in the CUP Application:

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

The development of a resort style condominium property was specifically contemplated for this site within the previously granted MPD. The proposed building fits the approved massing and square footage allowances per previous approvals.

What type of service will it provide to Park City?

The property is part of the resort residential development of Empire Pass Village.

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

The proposed development is consistent with the Development Agreement recorded in March 2007 for Flagstaff Mountain.

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

Yes, the proposed property has received preliminary approval from the Empire Pass HOA Design Review Board as being compliant with the expected design and use of the property.

Is the proposed use suitable for the proposed site?

Yes, the proposed property fits within the prescribed massing and maximum SF.

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

The proposed use is similar in design to the other condominium buildings in Empire Pass Village. There are no extraordinary uses or mechanical systems that one would expect to produce any emissions dissimilar to the other existing properties.



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

As a residential property, it is expected to be occupied during all hours of the day. The developer is proposing to have Deer Valley Lodging operate the HOA and thus will employ at least one FTE employee as a lodge keeper, plus other support employees from existing staff of DV Lodging.

Are other special issues that need to be mitigated?

No.



BUILDING 5 EMPIRE PASS east west partners

Guardsman Lodge - Park City, Utah

Architect:
IBI Group
10 Exchange Place, Suite 112
Salt Lake City, UT 84111
T: 801.532.4233
F: 801.532.4231
Contact: Joe Geroux, AIA



IBI Project # 38654

CONDITIONAL USE PERMIT

REVISED JAN. 14, 2015

OWNER:

Owner:
east west partners
126 Riverfront Lane,
5th Floor
Avon, CO 81620
T - 970.845.9200

CONSULTANTS:

Landscape Architect:
IBI Group
10 Exchange Place, Suite 112
Salt Lake City, Utah 84111
T - 801.532.4233
F - 801.532.4231

Civil Engineer:
Alliance Engineering Inc
323 Main Street
Park City, Utah 84060-2684
T - 435.649.9467
F - 435.649.9475

Structural Engineer:
Dunn Associates Inc
380 W 800 S, Suite 100
Salt Lake City, Utah 84101
T - 801.575.8877
F - 801.575.8875

Mechanical Engineer:
VBFA
330 S 300 E
Salt Lake City, Utah 84111
T - 801.530.3148

Electrical Engineer:
Envision Engineering
240 E Morris Ave, Suite 200
Salt Lake City, Utah 84115
T - 801.534.1130

SHEET INDEX:

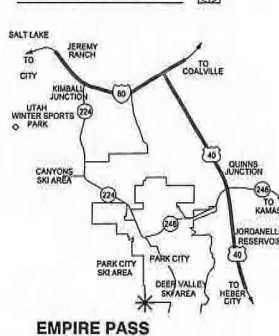
GENERAL
COVER SHEET, SHEET INDEX

CIVIL
1 OF 1 EXISTING CONDITION & TOPOGRAPHIC MAP
1 OF 1 ALTA / ACSD / LAND TITLE SURVEY
C100 GRADING & UTILITIES PLAN
C101 DETAILS

LANDSCAPE
L100 MASTER SITE PLAN
L101 ENLARGED SITE PLAN AUTOCOURT
L102 ENLARGED SITE PLAN AMENITY DECK
L103 PLANTING PLAN
L201 ENLARGED SITE PLANTING PLAN
L202 ENLARGED SITE PLANTING PLAN

ARCHITECTURAL
A000 FINISHED LEVEL PLAN
A001 LEVEL 1 PLAN
A002 LEVEL 2 PLAN
A003 LEVEL 3 PLAN
A004 LEVEL 4 PLAN
A005 LEVEL 5 PLAN
A006 LEVEL 6 PLAN
A007 ROOF PLAN
A008 BUILDING ELEVATIONS
A009 BUILDING ELEVATIONS (RENDERED)
A010 BUILDING ELEVATIONS (RENDERED)
A011 BUILDING ELEVATIONS (RENDERED)
A012 BUILDING SECTIONS
1 OF 4 SOUTH ELEV - MASSING DIAGRAM
2 OF 4 NORTH ELEV - MASSING DIAGRAM
3 OF 4 PLAN OVERLAY W/ ROOF BLDG. OUTLINE
4 OF 4 PLAN OVERLAY W/ ROOF BLDG. OUTLINE

VICINITY MAP:



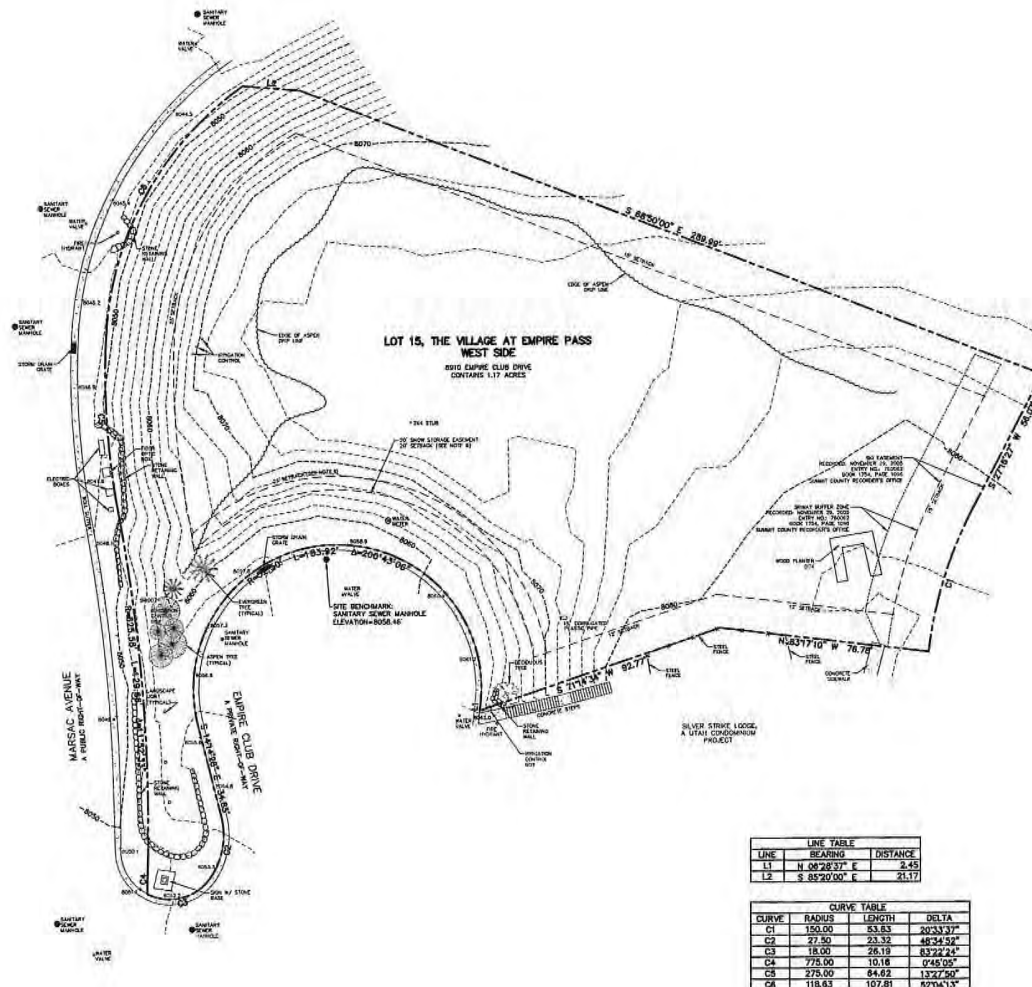
Updated Rendering



EXHIBIT B

EXHIBIT B

EXISTING CONDITIONS



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark Sanitary Sewer Manhole Elevation=8058.46'
2. See record of survey plot for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey performed on June 19, 2015.
5. Property corners were set or found during a previous survey.
6. The required 25' setback for master planned developments is measured from the Flagstaff annexation boundary. The internal setback lines shown herein are standard RD zone setbacks. RD zone setbacks are as follows: 20' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.

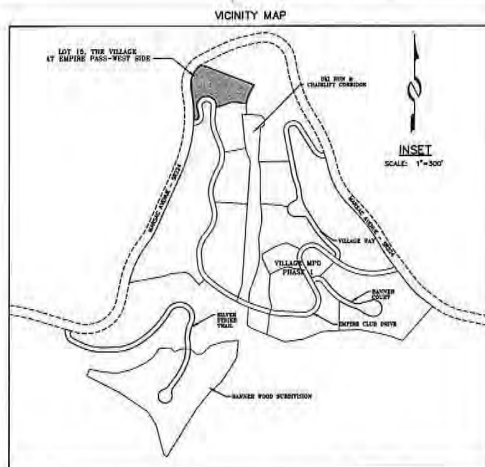


LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 08°28'37" E	2.45
L2	S 85°20'00" E	21.17

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	150.00	53.83	20°33'37"
C2	27.50	23.32	48°34'52"
C3	18.00	26.18	53°22'24"
C4	775.00	10.16	0°45'05"
C5	275.00	84.62	13°27'50"
C6	118.63	107.81	82°04'13"



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street, P.O. Box 2014 Park City, Utah 84060-2014	(435) 644-8987 STAFF: MARSHALL KING MARTY MORRISON HARRISON HOLLEY	EXISTING CONDITIONS & TOPOGRAPHIC MAP LOT 15, THE VILLAGE AT EMPIRE PASS WEST SIDE, 8910 EMPIRE CLUB DRIVE FOR: EAST WEST PARTNERS JOB NO. 17-2-15 FILE: X:\Empire\dwg\topo2015\070215.dwg	SHEET 1 OF 1
	DATE: 6/26/15		



NARRATIVE

- The underground utilities shown on this survey are from construction drawings.
- This survey is performed in conjunction with a Commitment for Title Insurance issued by Park City Title Company dated February 10, 2015, as File No. 20594.
- The following exceptions in Schedule B, Section II of the Title Commitment dated February 10, 2015, as File No. 20594 are not addressed by this survey: 1, 2, 5-8, 11-14, 15.
- A relocation survey of Sections 28, 29, 31, 32 and 33 was performed by RBB Land Surveyors. The section corners shown on this survey are based on the RBB survey. See recorded survey no. 5-3819, Summit County, Utah, and recorded survey no. 09C-024-028-5-1020, Wasatch County, Utah. The aluminum pipe w/cap set at the north 1/4 corner of Section 28 during the RBB survey no longer exists.
- The subject property is located in Flood Insurance Rate Map Panel 49043C1125C and is in Zone X, which is determined to be outside the 0.2% annual chance floodplain.
- The subject property is zoned RD and is part of a Master Planned Development (MPD) and may have building requirements specific to the approval of this MPD. See Park City Municipal Corporation for information regarding requirements and restrictions.
- The property was vacant at the time of the survey.
- There is no observed evidence of current earth moving work or building construction.
- There are no known proposed changes to street right-of-way lines nor is there any evidence of recent street or sidewalk construction or repairs.
- There is no observed evidence of the site being used as a solid waste dump, pump or sanitary landfill.
- There are no wetland areas on the property.

SETBACK NOTE

(as approved by Park City Municipal Corporation Empire Pass Village Master Plan, July 21, 2004.)

- The required 25' setback for master planned developments is measured from the Right-of-Way line. The internal setback lines shown hereon are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.

MINING CLAIM LOCATION

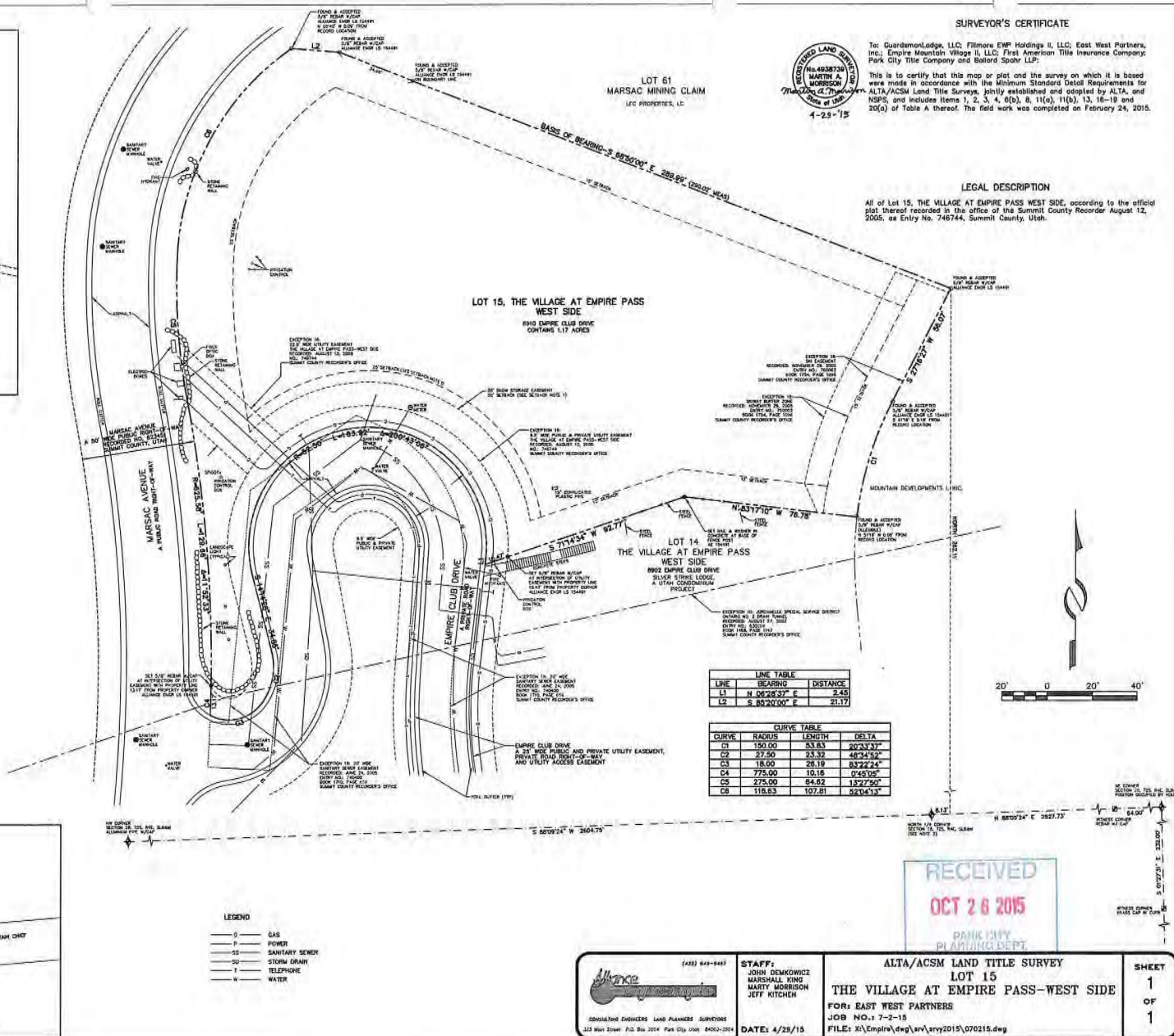
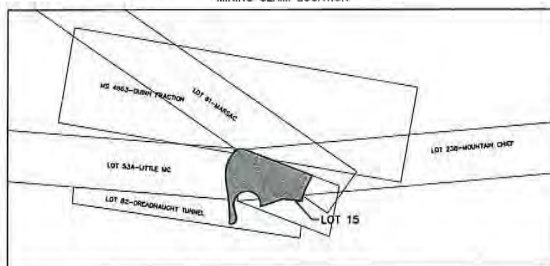
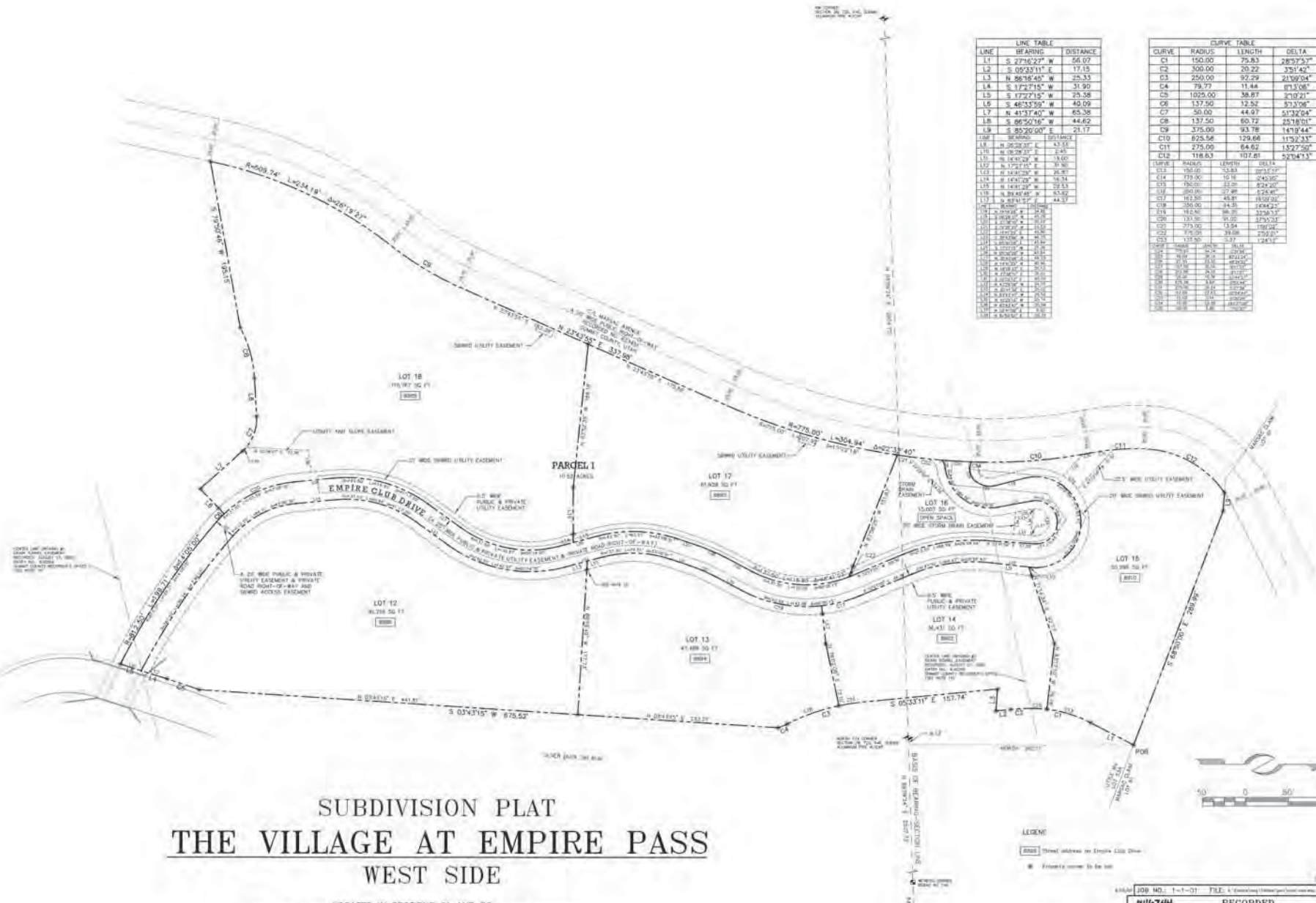


EXHIBIT C

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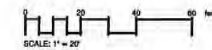


LINE	BEARING	DISTANCE
L1	S 27°16'27" W	56.07
L2	S 05°33'11" E	17.15
L3	N 86°16'45" W	25.53
L4	S 12°21'15" W	31.90
L5	S 12°21'15" W	25.58
L6	S 48°53'59" W	40.09
L7	N 41°17'40" W	65.58
L8	S 86°50'18" W	44.62
L9	S 85°50'00" E	21.17
L10	N 26°28'37" E	12.87
L11	N 08°29'37" E	2.40
L12	N 17°11'15" E	30.90
L13	N 14°47'29" W	25.87
L14	N 14°47'29" W	16.74
L15	N 14°47'29" W	22.53
L16	N 89°48'49" W	55.88
L17	N 87°11'15" E	44.57
L18	S 10°15'18" E	24.88
L19	S 10°15'18" E	24.88
L20	S 10°15'18" E	24.88
L21	S 10°15'18" E	24.88
L22	S 10°15'18" E	24.88
L23	S 10°15'18" E	24.88
L24	S 10°15'18" E	24.88
L25	S 10°15'18" E	24.88
L26	S 10°15'18" E	24.88
L27	S 10°15'18" E	24.88
L28	S 10°15'18" E	24.88
L29	S 10°15'18" E	24.88
L30	S 10°15'18" E	24.88
L31	S 10°15'18" E	24.88
L32	S 10°15'18" E	24.88
L33	S 10°15'18" E	24.88
L34	S 10°15'18" E	24.88
L35	S 10°15'18" E	24.88
L36	S 10°15'18" E	24.88
L37	S 10°15'18" E	24.88
L38	S 10°15'18" E	24.88
L39	S 10°15'18" E	24.88
L40	S 10°15'18" E	24.88
L41	S 10°15'18" E	24.88
L42	S 10°15'18" E	24.88
L43	S 10°15'18" E	24.88
L44	S 10°15'18" E	24.88
L45	S 10°15'18" E	24.88
L46	S 10°15'18" E	24.88
L47	S 10°15'18" E	24.88
L48	S 10°15'18" E	24.88
L49	S 10°15'18" E	24.88
L50	S 10°15'18" E	24.88

CURVE	RADIUS	LENGTH	DELTA
C1	150.00	75.83	28°27'57"
C2	300.00	20.22	3°51'42"
C3	250.00	92.29	21°09'04"
C4	75.77	11.44	8°13'08"
C5	1025.00	38.87	5°10'21"
C6	137.50	12.52	5°13'08"
C7	50.00	44.97	51°32'04"
C8	137.50	60.72	23°18'01"
C9	375.00	93.78	14°10'44"
C10	825.56	129.66	11°52'33"
C11	275.00	64.62	15°27'50"
C12	118.63	107.81	52°04'13"
CURVE	RADIUS	LENGTH	DELTA
C13	150.00	75.83	28°27'57"
C14	75.77	11.44	8°13'08"
C15	1025.00	38.87	5°10'21"
C16	137.50	12.52	5°13'08"
C17	50.00	44.97	51°32'04"
C18	137.50	60.72	23°18'01"
C19	375.00	93.78	14°10'44"
C20	825.56	129.66	11°52'33"
C21	275.00	64.62	15°27'50"
C22	118.63	107.81	52°04'13"
C23	150.00	75.83	28°27'57"
C24	75.77	11.44	8°13'08"
C25	1025.00	38.87	5°10'21"
C26	137.50	12.52	5°13'08"
C27	50.00	44.97	51°32'04"
C28	137.50	60.72	23°18'01"
C29	375.00	93.78	14°10'44"
C30	825.56	129.66	11°52'33"
C31	275.00	64.62	15°27'50"
C32	118.63	107.81	52°04'13"

LANDSCAPE PLANS

EastWest



696

No.	Date	Apprent	Chief Apprv.	Description
1	02/10/18	JO	BF	DRG SUBMISSION
2	10/05/2018	JO	BF	FO CLIP
3	10/06/2018	JO	BF	DD - PENDING SET

No.	Date	Apprv.	Description

Revisions

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Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with fabrication.

Project Title:

BUILDING 5
EMPIRE PASS

Send This

MASTER SITE PLAN

1

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End File

113

1

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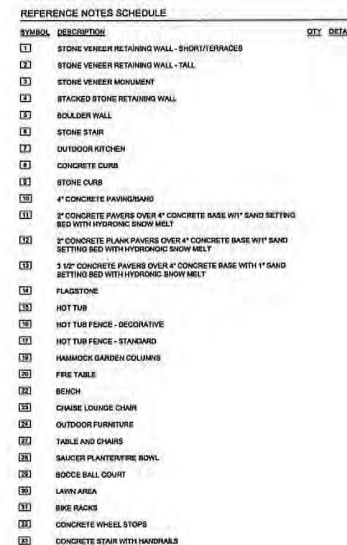
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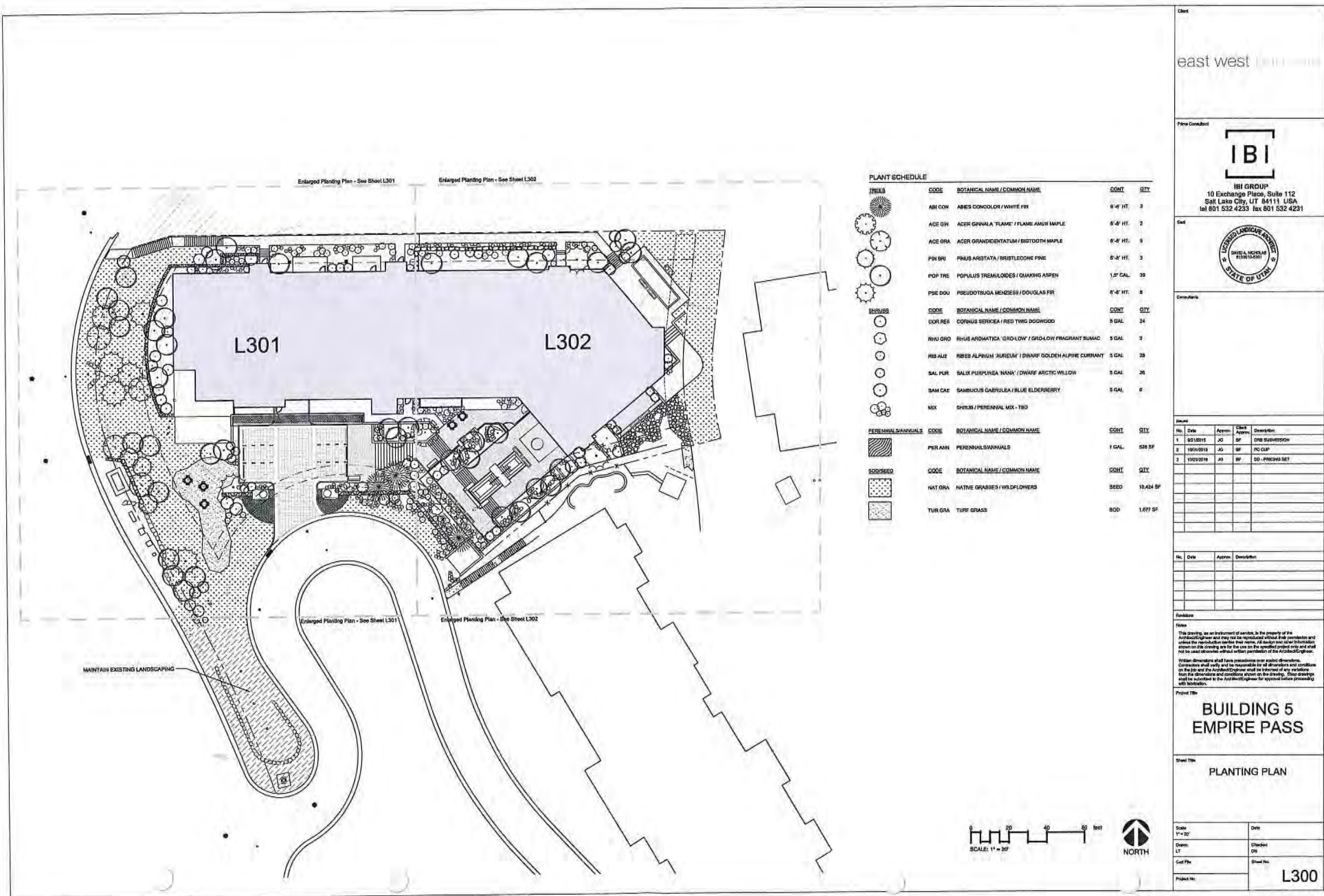
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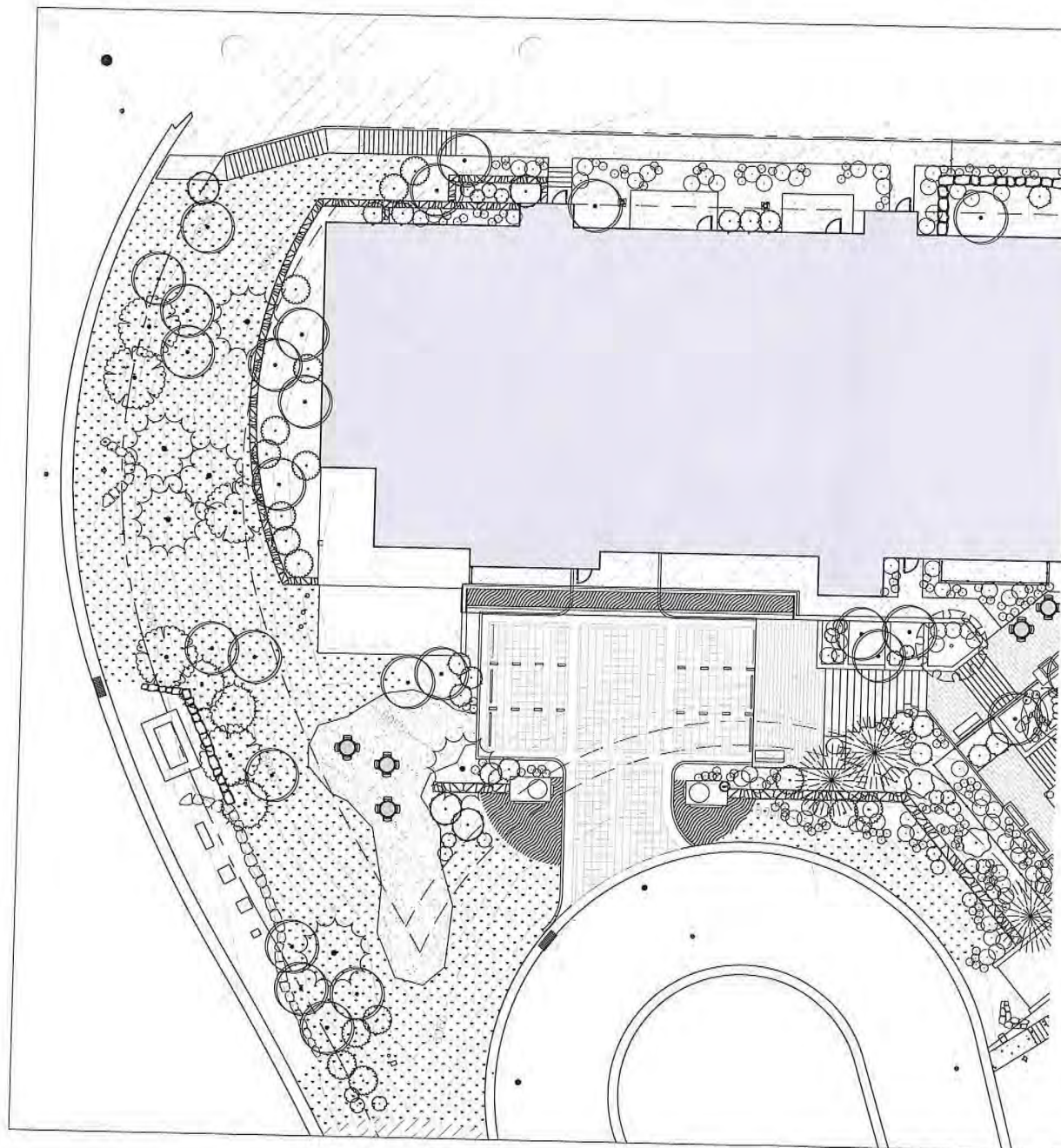
Sheet No.

10

L100

[illegible]





PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
ARB CON	ARIES CONCOLOR / WHITE FIR	6'-8" HT.	3	
ACE CON	ACER GINNALA 'FLAME' / FLAME AMUR MAPLE	6'-8" HT.	2	
ACE GRA	ACER GRANDIDENTATUM / BIGTOOTH MAPLE	6'-8" HT.	3	
PHN BR	PHILUS ARISTATA / BRISTLE CONE PINE	6'-8" HT.	3	
POP TRE	POPULUS TREMULOIDES / QUAKING ASPEN	1.5" CAL.	38	
PSE DOU	PSEUDOTSUGA MANDSCHII / DOUGLAS FIR	6'-8" HT.	6	
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
COR RES	CORNUS SERICEA / RED TWIG DOGWOOD	5 GAL	24	
PHS GRD	PHYSARONATEA 'GOLD-LOW' / GOLD-LOW FRAGRANT SUNAG	5 GAL	3	
REB ALZ	RIBES ALPNUM 'ALPINE' / DWARF GOLDEN ALPINE CURRANT	5 GAL	28	
SAL PUR	SALIX PURPUREA 'NANA' / DWARF ARCTIC WILLOW	5 GAL	28	
SAM GAE	SAMBUCCUS CAERULEA / BLUE ELDERBERRY	5 GAL	8	
MX	SHRUB / PERENNIAL MIX - TBD			
PERENNIALS/ANNUALS	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
PER ANN	PERENNIALS/ANNUALS	1 GAL	526 SF	
SOILSEED	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
NAT GRA	NATIVE GRASSES / WILDFLOWERS	SEED	10,424 SF	
TUR GRA	TURF GRASS	SCB	1,077 SF	

SCALE: 1" = 10'



east west



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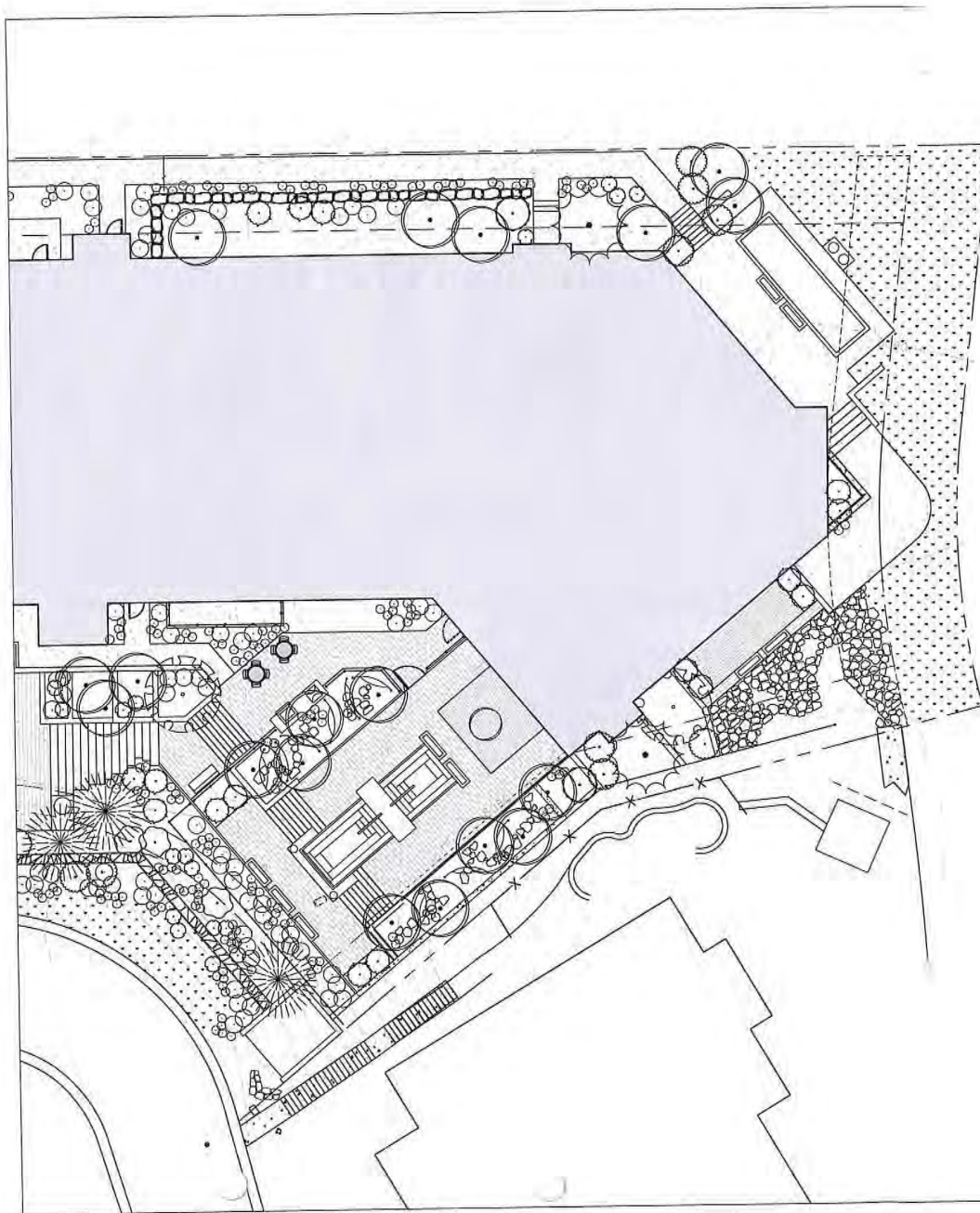
No.	Date	Appr.	Chg.	Description
1	8/21/2016	JD	AP	CHG SUBMISSION
2	8/21/2016	JD	BP	PG CLIP
3	10/26/2016	JD	BP	PG - PRICING SET

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Project Title
**BUILDING 5
EMPIRE PASS**

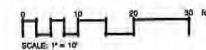
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**ENLARGED
PLANTING PLAN**

Scale 1" = 10'	Date
Drawn LJ	Checked JD
Cell File	Sheet No.
Project No.	L301



PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
ABI CON	ABIES CONCOLOR / WHITE FIR	6'-8" HT.	3	
ACE GR	ACER GINNA 'FLAME' / FLAME AMAR MAPLE	6'-8" HT.	2	
ACE GRA	ACER GRABIGENTATUM / REDTOOTH MAPLE	6'-8" HT.	6	
PH RR	PIRUS ARISTATA / BRISTLECONE PINE	6'-8" HT.	3	
POP TRE	POPULUS TREMULOIDES / QUAKING ASPEN	1.5' CAL.	39	
PSE DOU	PSEUDOTSUGA MENZIESII / DOUGLAS FIR	6'-8" HT.	6	
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
COR RES	CORNUS SERICEA / RED TWIG DOGWOOD	5 GAL	24	
RHU GRD	RHUS AROMATICA 'GRO-LOW' / GRO-LOW FRAGRANT SUMAC	5 GAL	3	
RIB AU2	RIBES ALPIMUM 'AUREUM' / DWARF GOLDEN ALPINE CURRANT	5 GAL	28	
SAL PUR	SALIX PURPUREA 'NANA' / DWARF ARCTIC WILLOW	5 GAL	28	
SAM GAE	SAMBUCUS CAERULEA / BLUE ELDERBERRY	5 GAL	6	
MIX	SHRUB / PERENNIAL MIX - TBD			
PERENNIALS/ANNUALS	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
PER ANN	PERENNIALS/ANNUALS	1 GAL.	325 SF	
SEEDS	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
NAT GRA	NATIVE GRASSES / WILDFLOWERS	SEED	10,424 SF	
TUR GR	TURF GRASS	SOO	1,077 SF	



east west

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Seal



Consultants

Revisions

No.	Date	Appr.	Chg.	Description
1	09/10/2010	JD	WF	ISSUE FOR PERMIT
2	10/20/2010	JD	WF	PC CLP
3	10/20/2010	JD	WF	DO - PENDING SET

No.

Date	Appr.	Description

Revisions

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Revisions shall be made and the project shall be updated accordingly. Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title

**BUILDING 5
EMPIRE PASS**

Sheet Title

**ENLARGED
PLANTING PLAN**

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Drawn: LT	Checked: DH
Card File:	Sheet No.:
Project No.:	

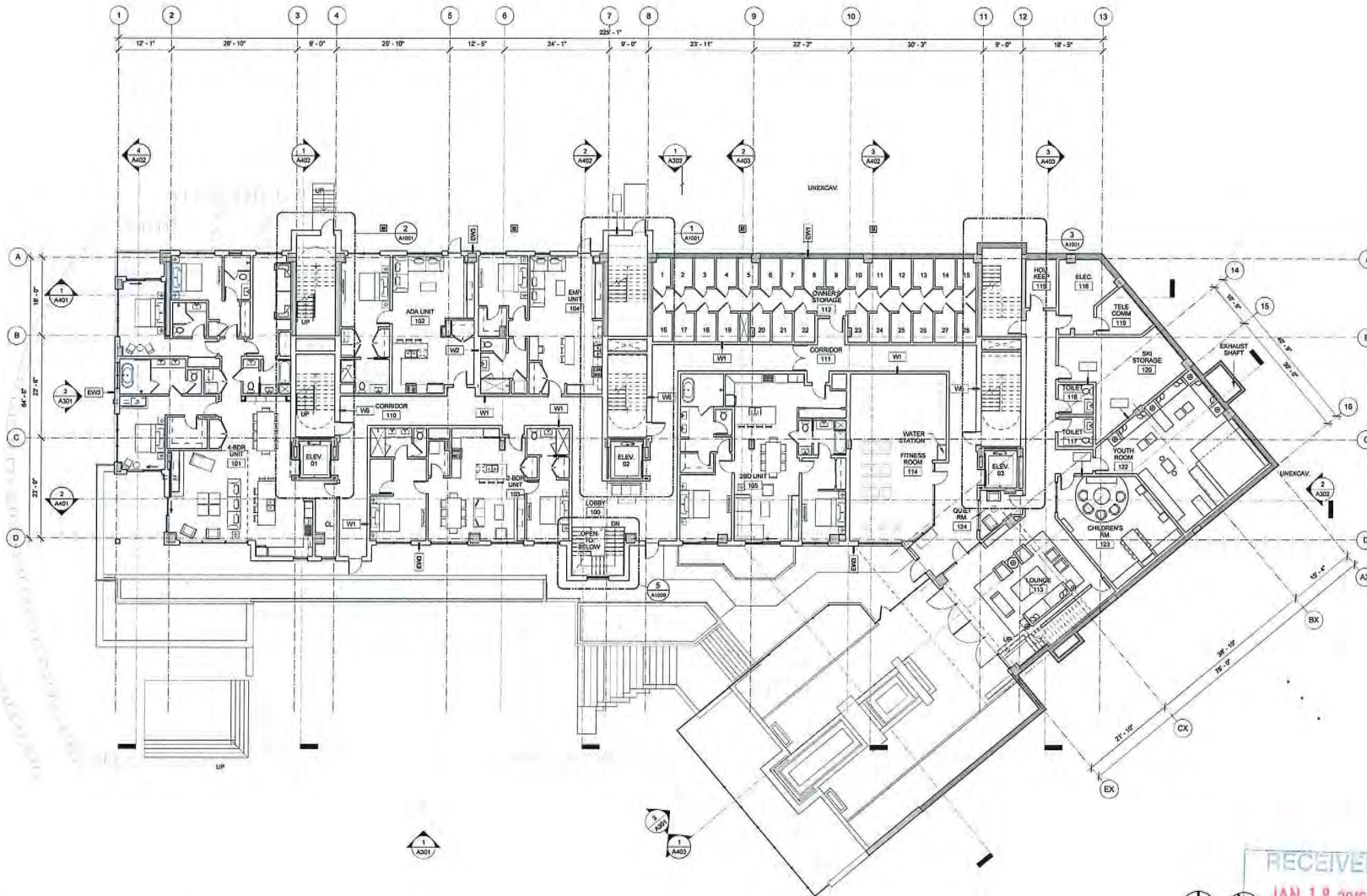
L302

EXHIBIT E

FLOOR PLANS



1/13/2016 5:17:00 PM



1 Level 1 Plan
A201 Scale: 3/32" = 1'-0"

east west architects

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No.	Date	Appr.	Rev.	Description
1	12/23/2015	JG	01	PROGRESS SALES PACKAGE
2	10/20/2015	JG	01	PC CLIP
3	10/20/2015	JG	01	DO: PROGRESS SET

No.	Date	Appr.	Revision

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Without dimensions shall have precedence over stated dimensions.
Dimensions shall be to the center of the wall unless otherwise noted.
On the job and the Architect/Engineer shall be informed of any violation from the dimensions and specifications shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title
ONE EMPIRE PASS

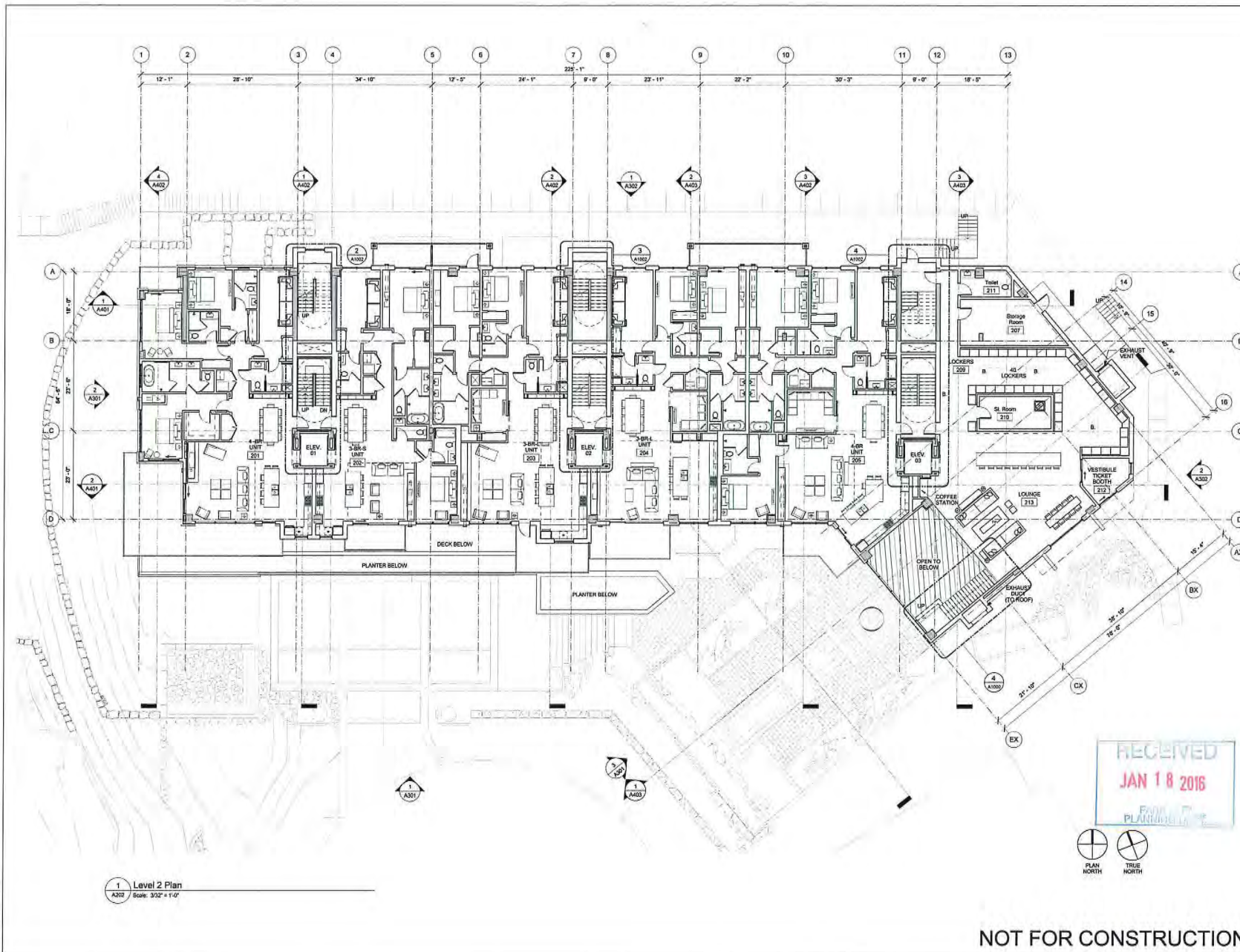
Sheet Title
LEVEL 1 PLAN



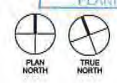
NOT FOR CONSTRUCTION

Scale 3/32" = 1'-0"	Date 10/20/15
Drawn JGK	Checked JGK
Cost Fee	Sheet No.
Project No. 38854	A201

1/13/2016 5:17:18 PM



1 Level 2 Plan
Scale: 3/32" = 1'-0"



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Client

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Sub

Consultants

No.	Date	Appr'd	Drawn	Description
1	12/23/2015	JCS	BP	PROGRESS SALES PACKAGE
2	10/20/2016	JCS	BP	PG DUP
3	10/20/2016	JCS	BP	DD - PRONG SCT

No.	Date	Appr'd	Description

Revisions

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Unless otherwise noted, all dimensions are in feet and inches.

Dimensions shall verify and be responsible for all dimensions and sections on this plan and the Architect/Engineer shall be informed of any errors.

When the drawing is completed, it shall be submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title

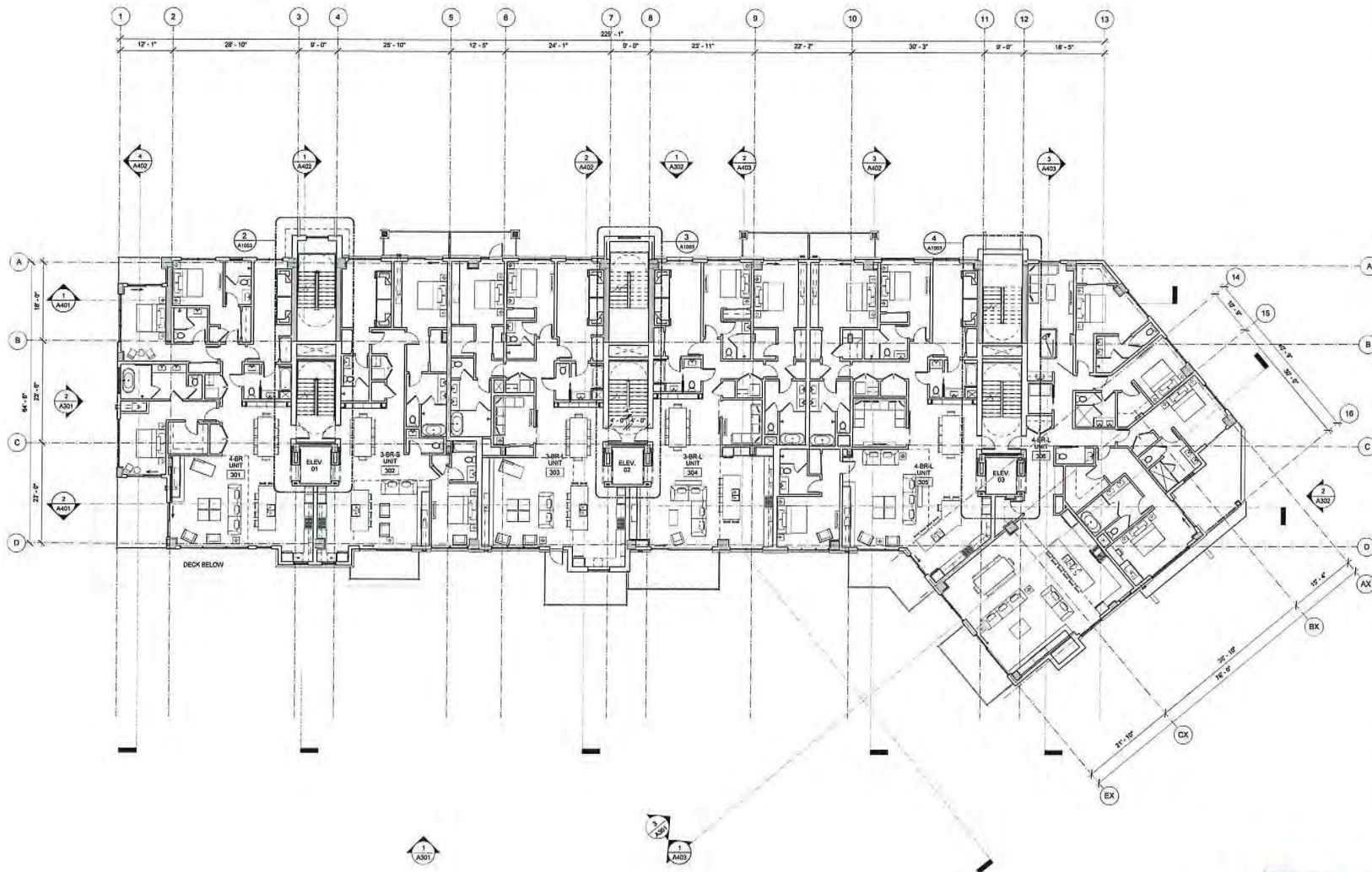
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Sheet Title

LEVEL 2 PLAN

Scale	3/32" = 1'-0"	Date	10/20/16
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Chief		Sheet No.	
Project No.	38654		A202

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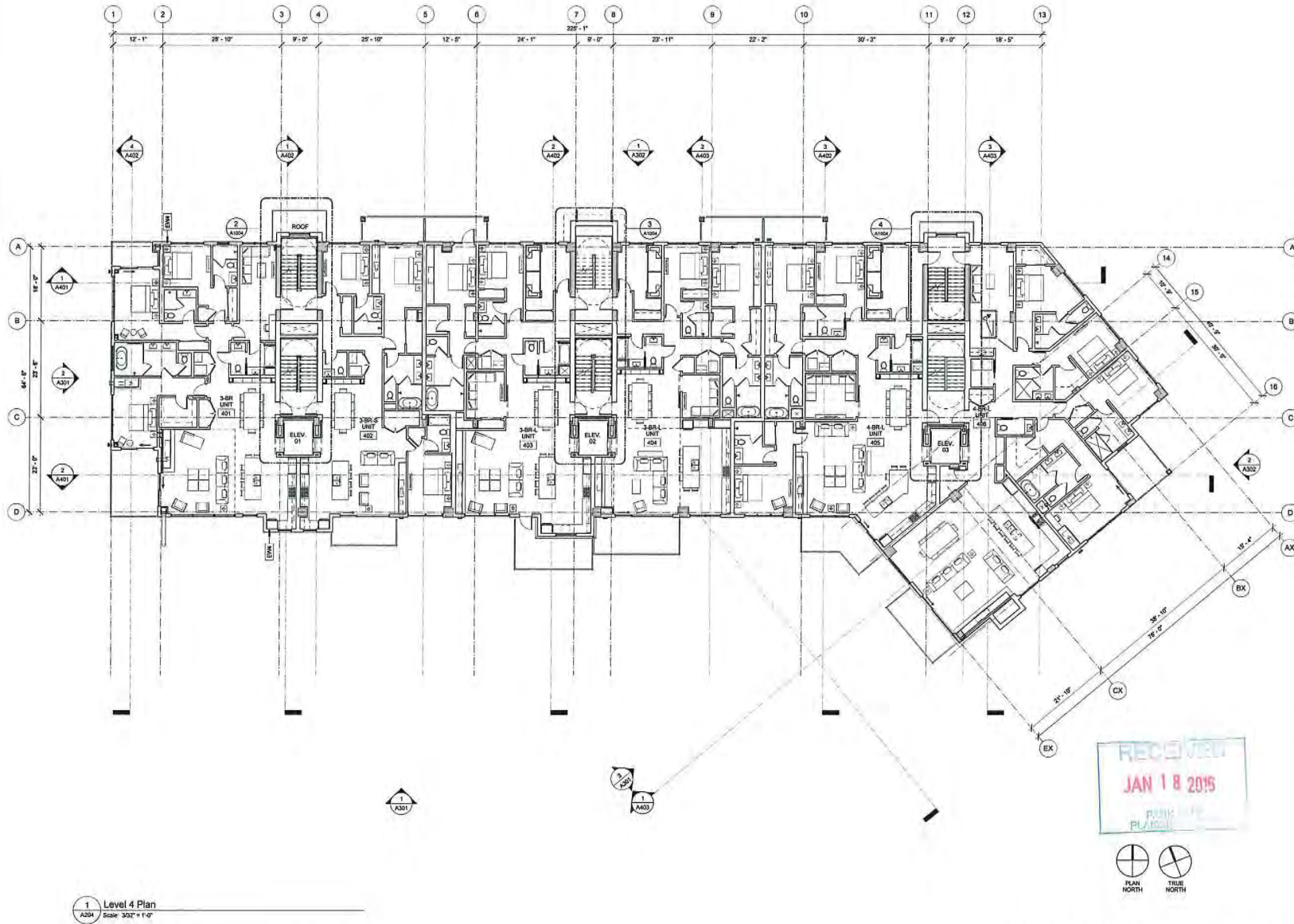
1 Level 3 Plan
A203 Scale: 3/32" = 1'-0"



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Prime Consultant																					
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Sect																					
Calculations																					
Revisions																					
<table border="1"><thead><tr><th>No</th><th>Date</th><th>Appr</th><th>Chg</th><th>Description</th></tr></thead><tbody><tr><td>1</td><td>12/23/2015</td><td>JCS</td><td>SP</td><td>PROGRESS (SALES) PACKAGE</td></tr><tr><td>2</td><td>12/23/2015</td><td>JCS</td><td>SP</td><td>PG CUP</td></tr><tr><td>3</td><td>12/23/2015</td><td>JCS</td><td>SP</td><td>DD: PRICING SCT</td></tr></tbody></table>		No	Date	Appr	Chg	Description	1	12/23/2015	JCS	SP	PROGRESS (SALES) PACKAGE	2	12/23/2015	JCS	SP	PG CUP	3	12/23/2015	JCS	SP	DD: PRICING SCT
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2	12/23/2015	JCS	SP	PG CUP																	
3	12/23/2015	JCS	SP	DD: PRICING SCT																	
Notes																					
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Project Title																					
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LEVEL 3 PLAN																					
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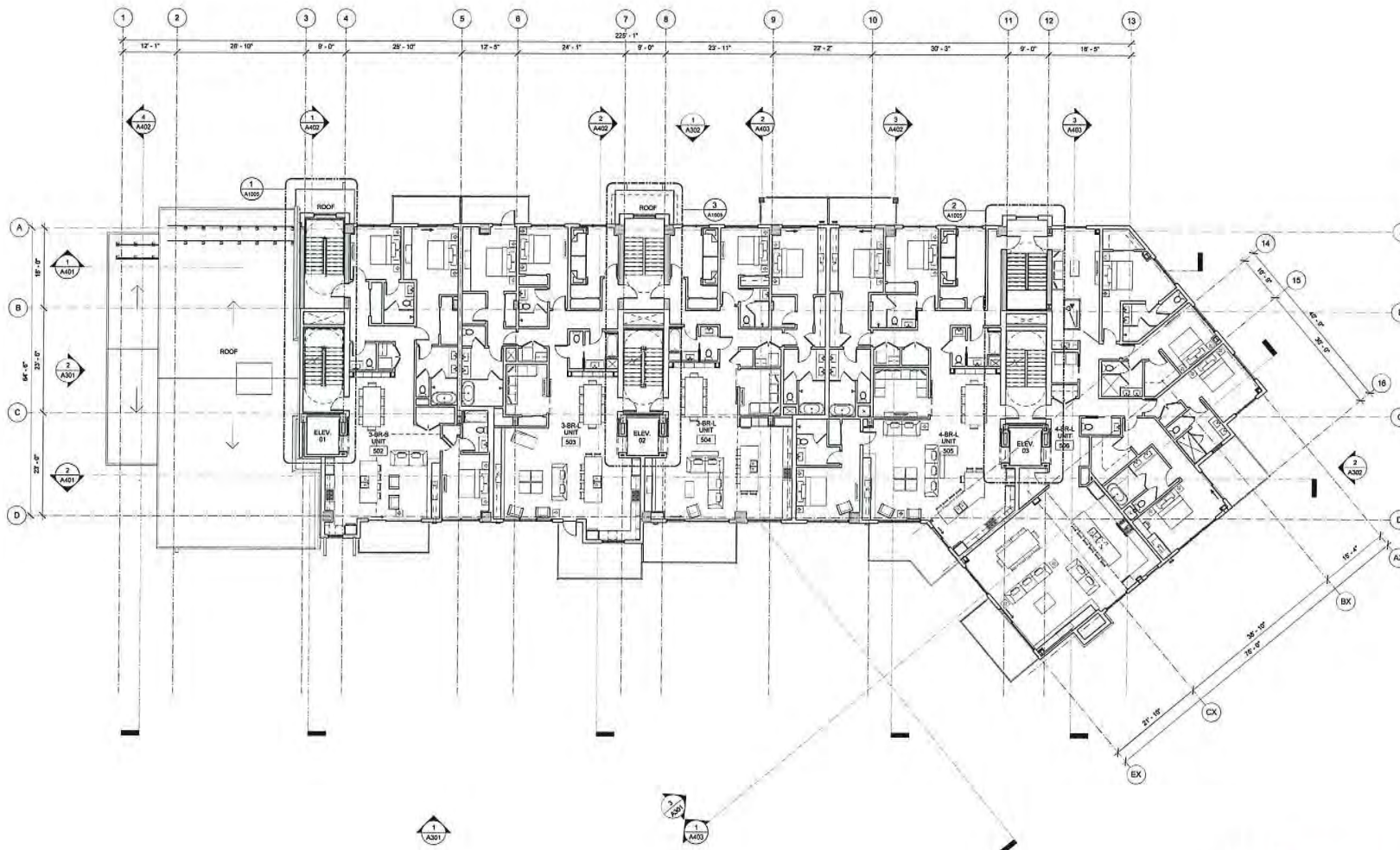


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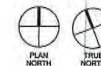
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Prime Consultant	
[IBI] IBI GROUP 10 Exchange Place, Suite 112 Salt Lake City, UT 84111 USA tel 801 532 4233 fax 801 532 4231	
Self	
Consultants	
Revisions	
Notes	
Project Title	
ONE EMPIRE PASS	
Sheet Title	
LEVEL 4 PLAN	
Scale	
3/32" = 1'-0"	
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10/20/15	
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Project No.	
38654	
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1 Level 5 Plan
A205
Scale: 3/32" = 1'-0"



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Notes	
Project Title	
ONE EMPIRE PASS	
Sheet Title	
LEVEL 5 PLAN	
Scale	
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Project No.	
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A205	

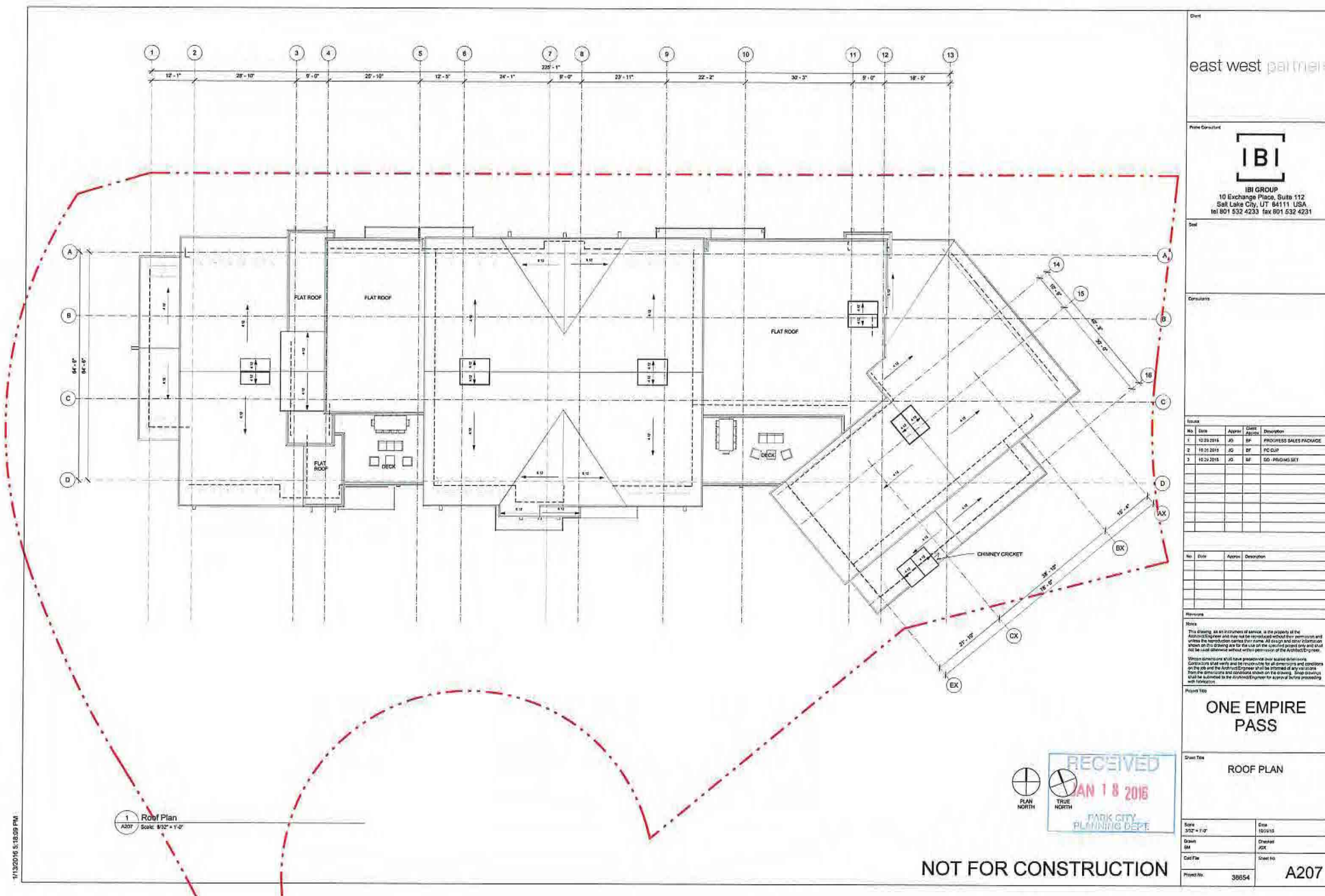
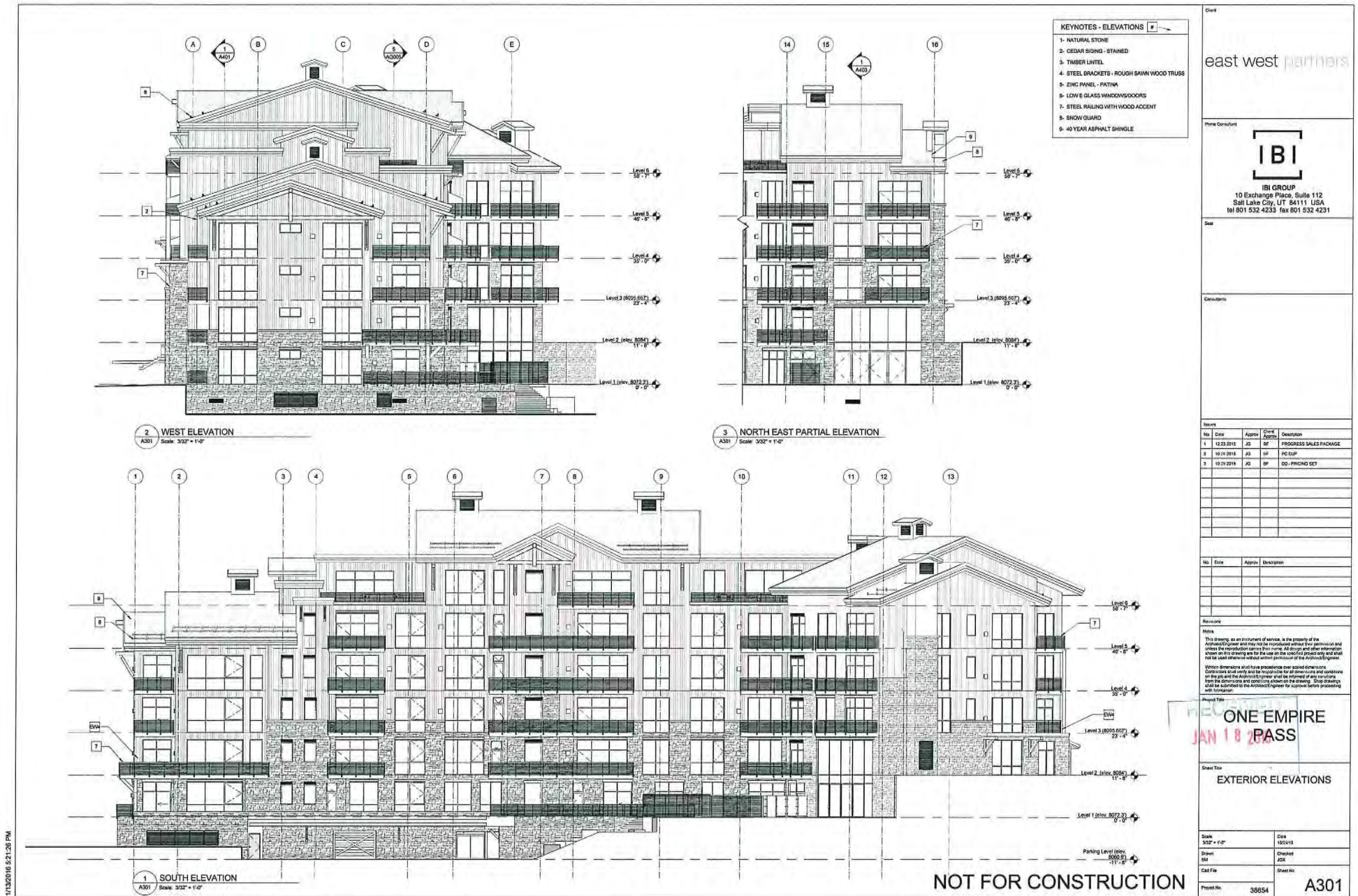


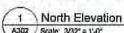
EXHIBIT E ELEVATIONS





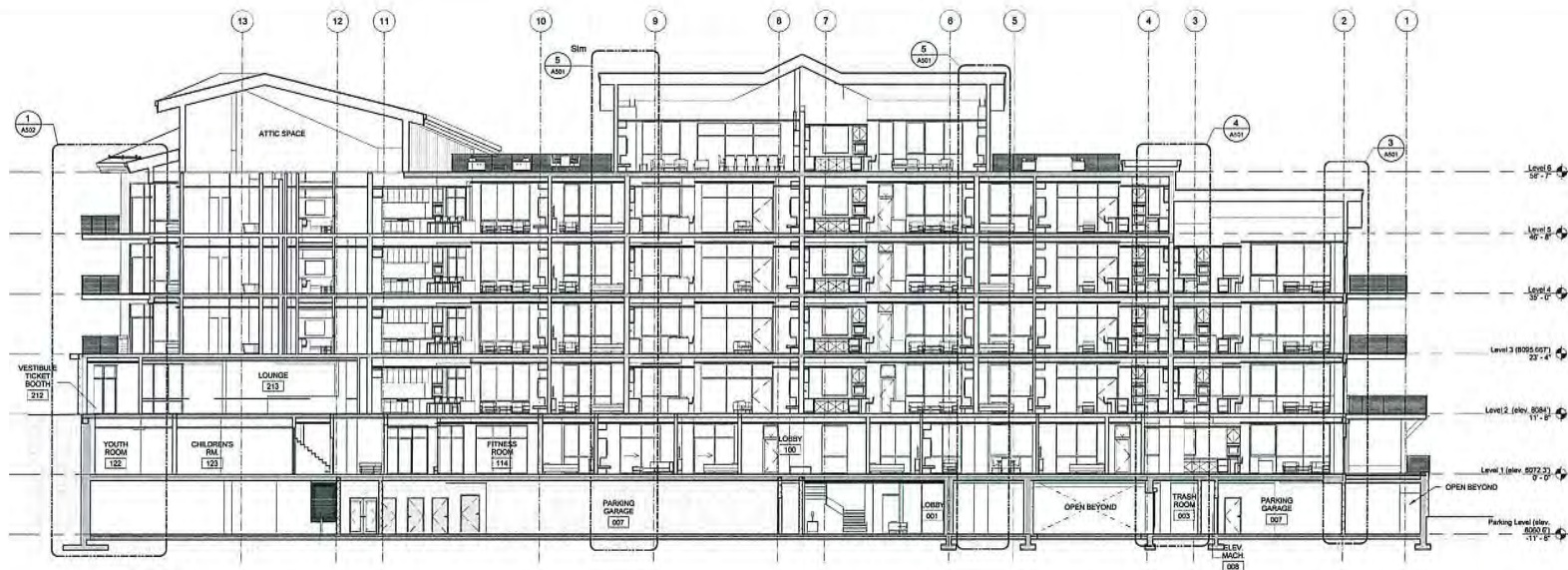
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tel 801 532 4233 fax 801 532 4231

End



Scale 3/32" = 1'-0"	Date 10/26/11
Drawn SM	Checked JGX
Cad File	Sheet No.
Project No. 38654	A302

1/13/2016 5:22:50 PM



2 Building Section 2
A401 Scale: 3/32" = 1'-0"



1 Building Section 1
A401 Scale: 3/32" = 1'-0"

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IBI IBI GROUP 10 Exchange Place, Suite 112 Salt Lake City, UT 84111 USA tel 801 532 4233 fax 801 532 4231																					
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Consultants																					
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No.	Date	Appr.	Chk.	Description																	
1	12.23.2015	JG	BF	PROGRESS SALES PACKAGE																	
2	12.23.2015	JG	BF	PCDUP																	
3	12.23.2015	JG	BF	OO-PRICING SET																	
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Sheet Title BUILDING SECTIONS																					
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east west PART 111111



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10 Exchange Place, Suite 112
Salt Lake City, UT 84111 USA
tel 801 532 4233 fax 801 532 4231

Consulate

Notes

No.	Date	Appr.	Descr.
1	10.19.2015	JDC	PROGRESS SLEAS PACKAGE
2	10.26.2015	JDC	PC CUP
3	10.29.2015	JDC	DO-PRICING SET

No.	Date	Appr.	Descr.

Revisions

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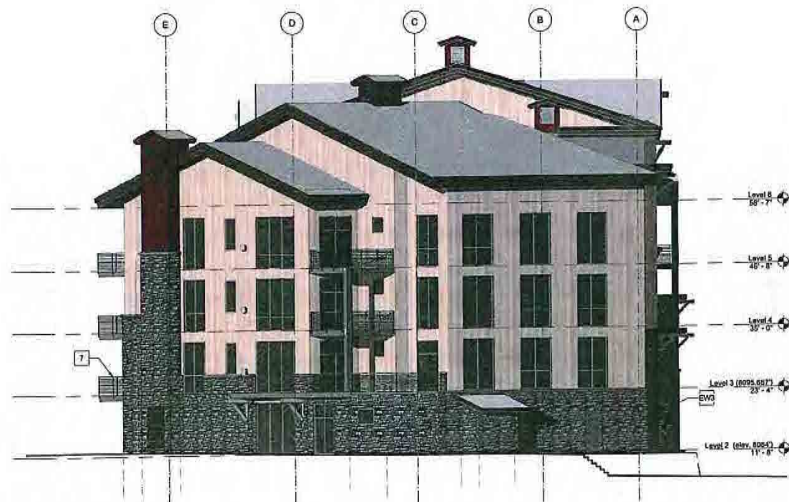
Project Title

ONE EMPIRE PASS

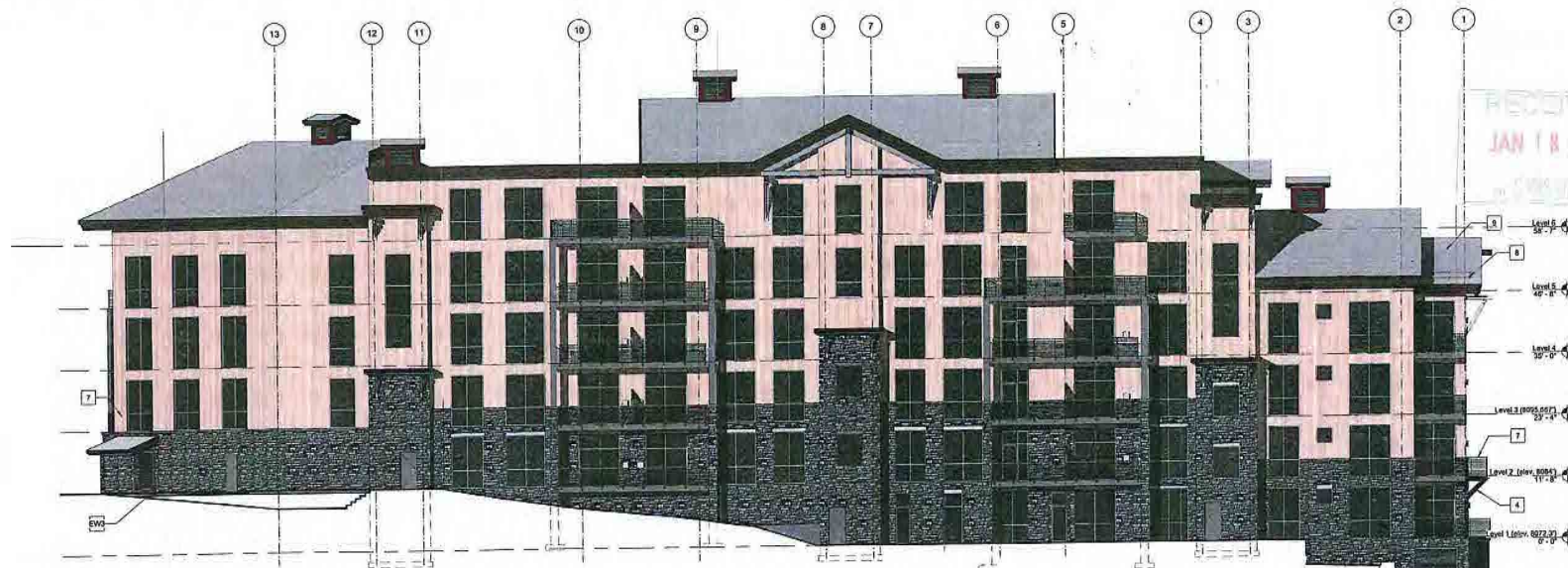
Sheet Title

EXTERIOR ELEVATIONS - COLOR

Scale 3/32" = 1'-0"	Date 10/26/15
Drawn SM	Checked JDC
Call File	Sheet No.
Project No. 38854	A302C

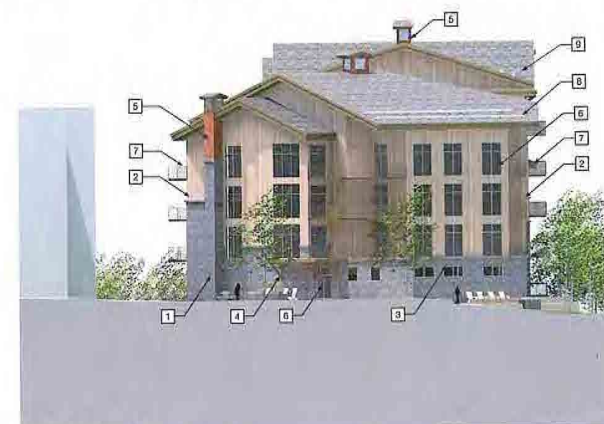
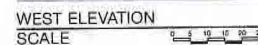


2 EAST ELEVATION COLOR
A302C
Scale: 3/32" = 1'-0"



1 NORTH ELEVATION COLOR
A302C
Scale: 3/32" = 1'-0"

NOT FOR CONSTRUCTION

[illegible]



east west

part 100

Prime Consultant

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Seal

Consultants

Issues

No.	Date	Approv.	Client Approval	Description
1	9/21/2015	JG	BF	DRB SUBMISSION
2	10/30/2015	JG	BF	PC CLP

Revisions

No.	Date	Approv.	Description

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Project Title

BUILDING 5
EMPIRE PASS

Sheet Title

COLOR
EXTERIOR
ELEVATIONS

Scale	Date
Drawn	10/30/15
SBM	Checked
CSM	JGX
Project No.	Sheet No.
38654	500

EXHIBIT F VOLUMETRICS



DOUGLAS CLYDE
Mountain Resort Consulting Services, LLC

P.O. Box 561
5258 N. New Lane
Oakley, UT 84055

MEMO

To: Kirsten Whetstone

Re: Building 5 Volumetric Analysis

Date: 12/15/15

Kirsten, following up on our meeting of last week, I have attached some drawings that detail the façade and roof shifts in building number 5 of Empire Pass. The data in these drawings correspond to the volumetric analysis in that MPD approval. In short, the building meets or exceeds those design elements that were contemplated in the MPD. The volumetric analysis is essentially broken down into building height and façade shifts the dimensions of which are called out on the attached drawings. Beyond the volumetrics, the project square footage is controlled by the unit equivalent formula (UE) and the total unit count, which is a unique requirement of the Empire Pass approval. UEs and units float within the Village MPD approval and are not specific to any building. In short, every building can have as many units and UEs as can be contained in the volumetrics.

Building Height:

Maximum building height was detailed for each building and further broken down within each building to provide stepping of the building at each end. The height of the building was determined from existing grade and corresponded to visual analysis that was presented during the MPD approval. As can be seen in the attached drawing, the building is substantially under the maximum heights in all reaches of the building.

Volumetrics:

Each building (1-9) within the Village was associated with a specific volumetric drawing and subject to the Supplemental Project Description. The drawings themselves are representative of the anticipated forms and are sometimes repeated from one to another, albeit that no two buildings were meant to be identical.

Mountain Resort Consulting Services, LLC
Douglas Clyde its Managing Member
Phone: 435-333-8001 - Fax: 435-333-8002 - email: dclyde@allwest.net

The Volumetric section of the Supplemental Project Description noted, among other things:

"The intent of the volumetric analysis is to define the architectural massing of a building and insure that the mass of the building is broken up by significant façade and roofline shifts.... "

"The volumetrics generally depicts the location and heights modeled in the attached visual analysis, however there has been, and will continue to be, some changes in the shapes and approximate locations of the buildings as the plans evolve through the design process."

With respect to Building 5, the architecture in the CUP closely follows the volumetric diagram, so no extrapolation is required to interpret the building mass per se. The building has several façade and roof shifts that meet or exceed the expectations of the MPD approval and its overall height as a percentage of length is likewise compliant. Further, while the overall height of the building is lower than the total allowance, the mass of the building shifts as specified. See attached drawings.

There has been some specific questions about the roof zone (the "1/2 story") and what its utility is in the overall approval. The purpose of defining this zone was to prevent penthouse units from having large vaulted ceilings with associated glazing. In short, glazing and ceiling height were limited by the restriction on stem wall height or physical limitations on the size of dormers. If dwelling units were in the roof zone, this would drive roof forms that were consistent with "mountain" architecture. In addition, and for the same purpose, the floor to floor height restriction was also incorporated, again primarily to avoid excessive glazing and forms that were not in the vernacular of traditional mountain architecture. By and large, this restriction has caused the typical building in Empire Pass to avoid residential units in the "roof zone". Such is the case with this CUP.

Attachments:

Building 5 façade shift and height analysis
Flagstaff MPD with attachments (Supplemental Project Description)

Village MPD Supplemental Project Description and Conditions

Site Plan

The site plan for the project shows the location of the nine condo-lodge buildings that have received additional height as established in the volumetrics. The shape and location of these buildings on the site plan are approximate and are more fully described in the attached volumetric analysis. The building locations for the nine condo lodges are controlled by the preliminary parcel map. Within the parcels on that map areas have been identified where reduced setbacks will be allowed. Final dimensions of these setback reductions will be determined at CUP approval for the individual buildings. Building location within the parcel is subject only to the zoned setbacks and the approved reductions, and general compliance with preservation of significant vegetation as shown on the MPD Limits of Disturbance exhibit.

Volumetrics

The intent of the volumetric analysis is to define the architectural massing of a building and insure that the mass of the building is broken up by significant façade and roofline shifts, as well as introducing architectural elements at the base of the building. The volumetrics define three distinct zones within the building: a parking zone, the intermediate floor plates and a roof zone. The roof zone is a region in which the roof shapes and architectural elements that appear in the project design guidelines are required to be employed in order to break up the building massing and provide architectural character. The roof zones are allowed as residential or mechanical space.

The volumetrics generally depicts the location and heights modeled in the attached visual analysis, however there has been, and will continue to be, some changes in the shapes and approximate locations of the buildings as the plans evolve through the design process.

The volumetrics will be used in conjunction with the approved project Design Guidelines to control final architecture that will be reviewed by the Planning Commission at a subsequent CUP.

Building Height

Building height is measured continuously from the highest point of the building to the existing grade directly below that point. The isometric diagrams establish maximum heights at various areas of the building. This height allow for three separate elements above existing grade as follows:

1. Height to accommodate the roof and residential units within the roof zone.
2. Height for the Intervening full floors of residential below the roof zone, and
3. Height for a varying amount of parking structure above the existing grade depending on where you draw the section through the building.

The sum of these three elements cannot exceed the maximum heights and are further restricted as follows:

Floor to Floor Height

The isometric diagram shows numbered full height floors that are sandwiched between the garage and roof zone. The floor to floor height of these floors is limited to 12'. The remaining height up to the maximum height of the building is available only for roof elements, garage, and the provision for residential units in the roof zone as described below.

The Roof Zone

In addition to the numbered floors that are between the roof zone and the garage, there is a provision for units in the roof. Residential units are encouraged within the roof to the extent that they add architectural interest by providing for dormers and window elements in the roof. Out of the maximum height allowed within each area of a building, up to 6' of that height can be allocated for a stem wall in order to accommodate a functional residential unit in the roof. The height of the stem wall is measured from the floor of the unit to where the units ceiling intersect the wall on the inside of the unit. The floor of the Roof Zone unit cannot be more then 12' above the floor of the lower unit. Acceptable roof forms are found in the approved Design Guidelines.

Ground Floor Architectural Elements

The volumetrics denote "entry structures" at possible locations that are intended to break down the mass of the structure at the entry points. In addition, a portion of the ground floor will have architectural elements such as covered balconies that will project out from the façade above in order to break down overall building scale.

Building Appurtenances and Exceptions

Beyond the height and massing shown in the volumetrics, some appurtenances are allowed outside of this envelope. Acceptable appurtenances include but are not limited to:

1. Dormer with ridge heights not exceeding the ridge height of the roof to which they are attached
2. Chimneys and chimney roof forms used for HVAC equipment and mechanical penthouses provided that they do not extend more the 5' above the top of the roof. Elevator penthouses may exceed the ridge height by 8'.
3. Skylights not exceeding 3' above the ridgeline of the roof that it is on
4. Code required parapet walls
5. Roof overhangs, brackets and bracing
6. Awnings
7. Covered and uncovered balconies
8. Grade level arcades not to exceed 15' in height
9. Kiosks, pool and spa pavilions, outdoor food service not exceeding 15' in height
10. Bay windows not exceeding 5' in depth measured perpendicular to the building
11. Screened and covered HVAC equipment
12. Porte Cochere structures not to exceed 28' in height
13. Accessory buildings and other structures and appurtenances as allowed in the zone by the LMC

Appurtenances that fall outside of the building envelope must not remove significant vegetation as preserved in the Limits of Disturbance plan and are subject to Planning Commission approval through a CUP. All appurtenances are subject to the projects approved Design Guidelines.

Conservation Easements and Conservation Parcels

Conservation Easements and Conservation Parcels are to remain as open space. Their purpose is to maintain a vegetative buffer between the project and Marsac Avenue. No structures, accessory building or appurtenances are allowed in any Conservation Easement or Conservation Parcel. Only those utilities as approved by the MPD or as revised in subsequent CUPs are allowed. Signs, as allowed by the Land Management Code, which are adjacent to the road, are allowed provided they do not cause the removal of Significant Vegetation as defined by the LMC.



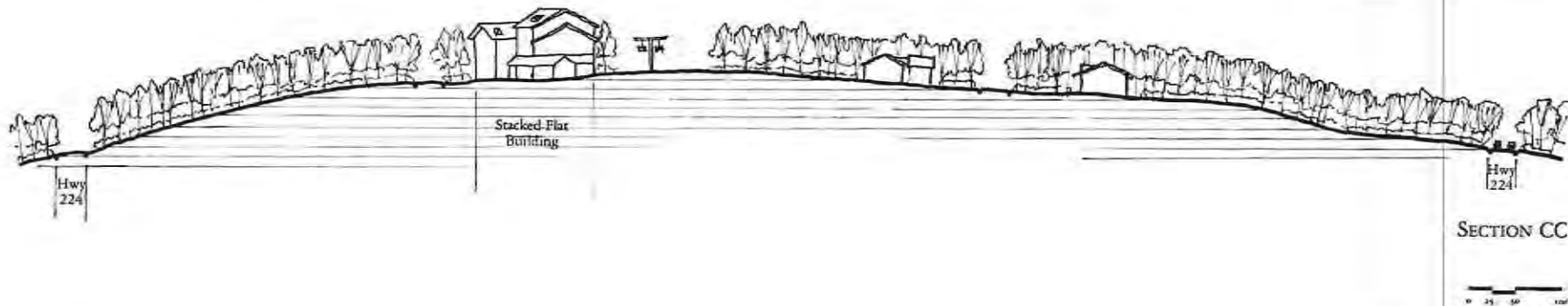
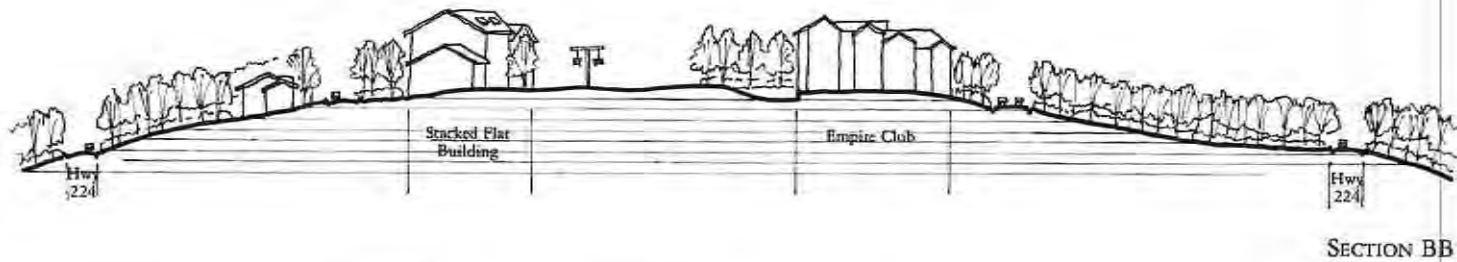
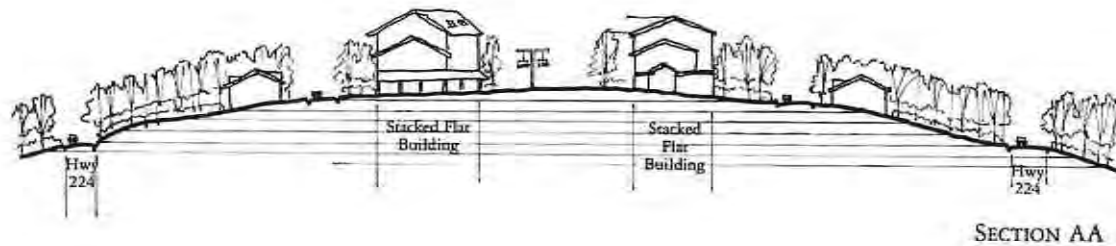
Building Height Diagram

* Revised Building Height Diagram as requested by the Park City Planning Commission.

May 6, 2004

HART HOWERTON
PLANNING & ARCHITECTURE
1000 WEST 1000 SOUTH
SALT LAKE CITY, UT 84119

THE VILLAGE AT EMPIRE PASS
Park City, Utah



May 6, 2004

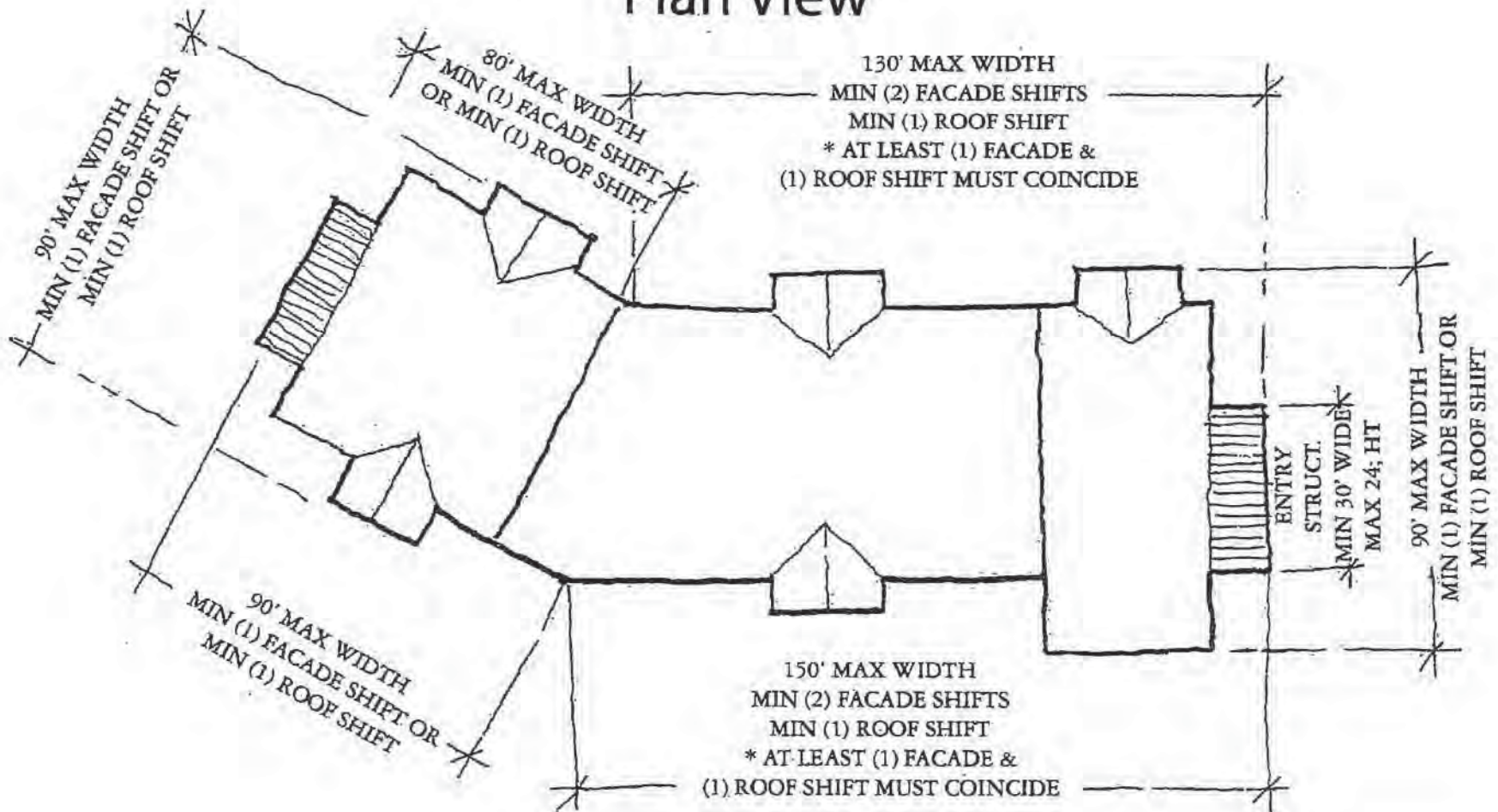
United Park City Mines Company

HART HOWERTON
PLANNING ENGINEERS
2000 WEST 1000 SOUTH
SALT LAKE CITY, UTAH 84119

THE VILLAGE AT EMPIRE PASS
Park City, Utah

*Pod A Preliminary Sections
Volume Analysis*

Building 5 Volumetric Plan View

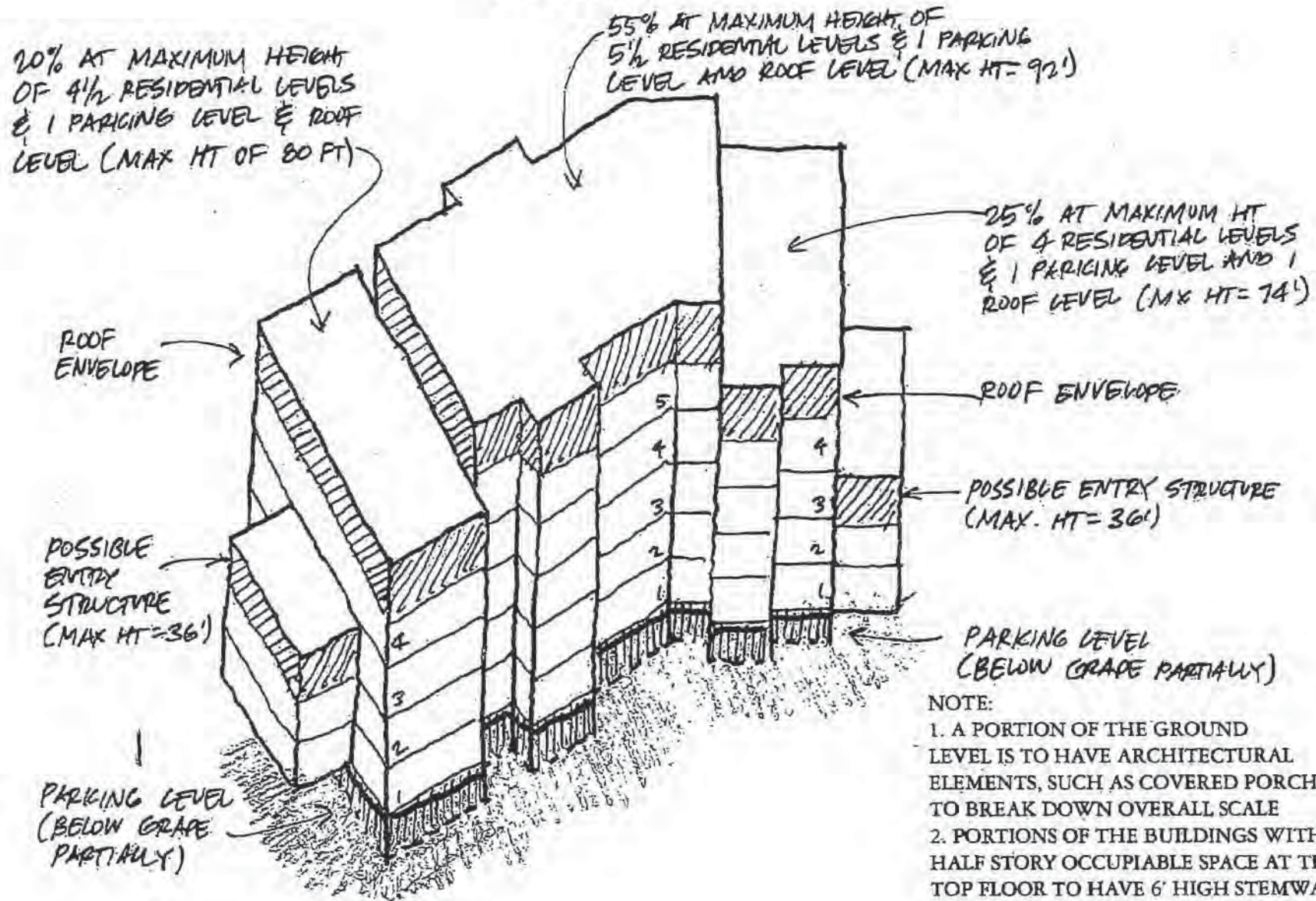


NOTES:

1. WHERE (1) FACADE SHIFT IS REQUIRED IT MUST BE >10'
2. WHERE (2) FACADE SHIFTS ARE REQUIRED THE SUM TOTAL MUST BE >16'
3. WHEN BUILDING LENGTH EXCEEDS 120' AT LEAST (1) FACADE AND (1) ROOF SHIFT MUST COINCIDE

JUNE 17, 2004

Building 5 Volumetrics Isometric View



JUNE 17, 2004



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JAN 18 2016
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ONE EMPIRE PASS
CONDITIONAL USE PERMIT

SOUTH ELEVATION - MASSING DIAGRAM

DEER VALLEY, UTAH
EMPIRE PASS
JAN. 2016

1 OF 4



RECEIVED
JAN 18 2016
CITY OF DEER VALLEY

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ONE EMPIRE PASS
CONDITIONAL USE PERMIT

NORTH ELEVATION - MASSING DIAGRAM

DEER VALLEY, UTAH
EMPIRE PASS
JAN. 2016

2 OF 4



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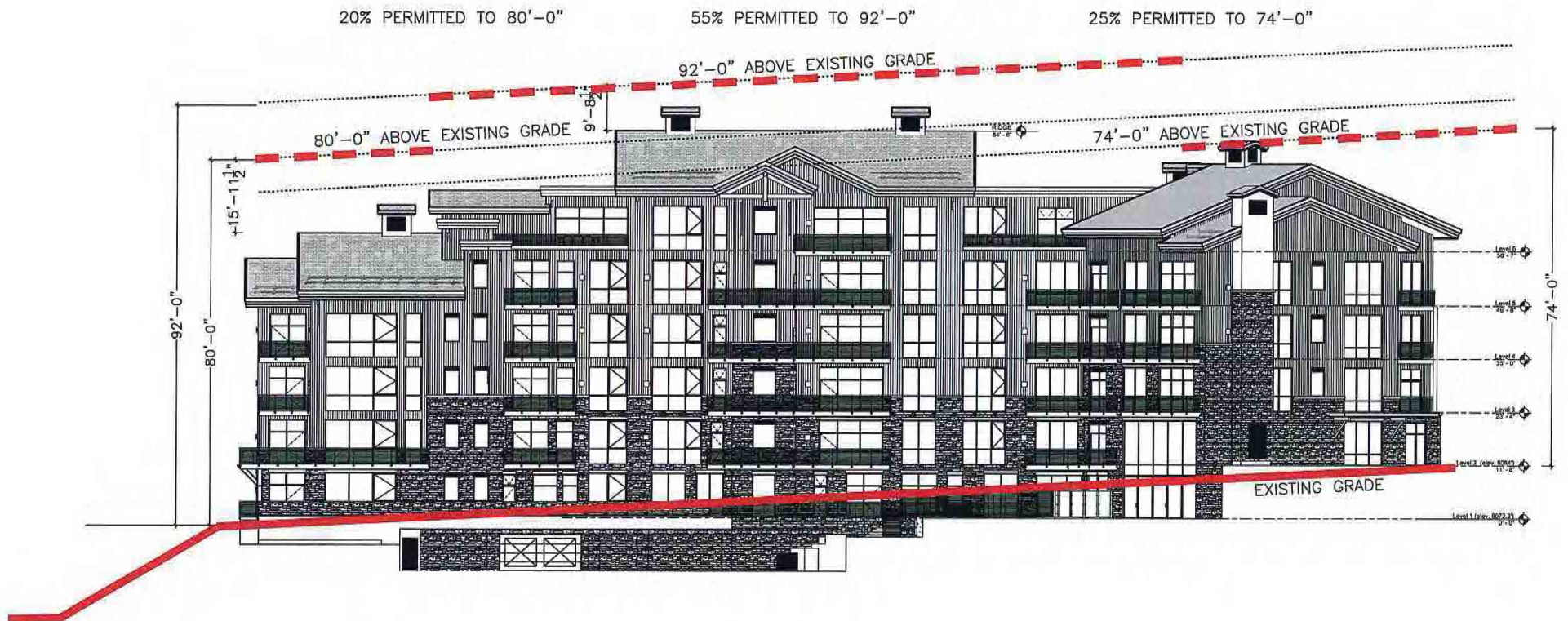


ONE EMPIRE PASS
CONDITIONAL USE PERMIT

SOUTH ELEVATION - MASSING DIAGRAM

DEER VALLEY, UTAH
EMPIRE PASS
JAN. 2016

1 OF 2



JAN 18 2016

PARK CITY
PLANNING DEPT.

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ONE EMPIRE PASS
CONDITIONAL USE PERMIT

SOUTH ELEVATION - MASSING DIAGRAM

DEER VALLEY, UTAH
EMPIRE PASS
DEC. 2015

1 OF 4



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ONE EMPIRE PASS
CONDITIONAL USE PERMIT

NORTH ELEVATION - MASSING DIAGRAM

DEER VALLEY, UTAH
EMPIRE PASS
DEC. 2015

2 OF 4



DEER VALLEY, UTAH
EMPIRE PASS
DEC. 2015

3 OF 4



PLAN OVERLAY WITH ROOF AND BUILDING
OUTLINE AT GRADE

DEER VALLEY, UTAH
EMPIRE PASS
DEC. 2015

4 OF 4



DEER VALLEY, UTAH
EMPIRE PASS
DEC. 2015

1 OF 2



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ONE EMPIRE PASS
CONDITIONAL USE PERMIT

NORTH ELEVATION - MASSING DIAGRAM

DEER VALLEY, UTAH
EMPIRE PASS
JAN. 2016

2 OF 2

EXHIBIT G

Planning Commission Staff Report



Author: Brooks T. Robinson
Subject: Village at Empire Pass,
Master Planned Development
Date: July 28, 2004
Type of Item: Administrative

**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval.

Topic

Applicant

United Park City Mines / Talisker Corp.

Location

Village at Empire Pass (formerly known as Flagstaff Mountain Resort)

Zoning

Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)

Adjacent Land Uses

Deer Valley Resort ski terrain, State Route 224

Background

On June 24, 1999, Council adopted Ordinance 99-30 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 99-30 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

The Development Agreement specifies that only 147 acres of the 1,655 acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which the subject MPD and preliminary/final plat will be reviewed.

During the Olympic break a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara focused on a review of the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33 foot height limit. These items were reviewed at a work session and a public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

1. The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 99-30 could potentially be constructed within the approved development pods without the necessity of a height increase above the 33-foot RD zone height limit; and
2. Building height increases for specific multi-family/resort-related buildings may be considered based on site-specific reviews and compliance with the standards set forth in the Master Planned Development section of the Land Management Code (LMC).

Proposal

The applicant seeks Master Planned Development (MPD) approval for the Mountain Village (Pods A, B-1, and B-2), now called the Village at Empire Pass. Pod B-1 was previously approved in May 2002. B-2 is not far enough along in the planning process to have a clear idea of that part of the development. However, residual units and unit equivalents remain for a future B-2 MPD.

The Development Agreement constrains the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

- The Mountain Village is to be contained within 84 acres.
- No more than 705 Unit Equivalents (2,000 square feet each) in no more that 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
- 65% of the residential units (306) must be within Pod A.
- No more than 75,000 square feet of resort support commercial.
- A maximum 35,000 square foot day skier lodge in Pod B-2 with no public road access, no day skier parking, and limited parking to meet service and administrative requirements.

On May 22, 2002, the Planning Commission approved an MPD and final plats for portions of the Mountain Village including:

Lot	Unit Equivalents	Actual Units	Acres
Ten single family homes	Does not count towards 705 total		6.40 acres in Pod B-1

A: Empire Day Lodge	None currently. Commercial activities outside of Day Skier use may require use of Commercial UEs.		1.33 acres in Pod B-2
B: PUD-style homes	27 UEs	18	16.99 acres in Pod B-1
C: Ironwood Townhomes	37.5 UEs	25	3.63 acres in Pod B-1
D: Building H	33 UEs plus 1UE Support Commercial	22	1.34 acres in Pod A
Larkspur Townhomes (currently approved is a tri-plex and a duplex)	7.1 UEs or 14,052 sf	5	Pod A
Paintbrush PUD-style SFD	18.1 UEs or 36,139 sf	7	Pod A
TOTAL: 77 units (10 SFD homes do not count towards total)	123.7	77	28.35 acres outside of Pod A

Proposed Pod A Village (excludes Building H which is in Pod A; includes already approved Paintbrush and Larkspur units)

Lot	Unit Equivalents	Actual Units	Units as PUDs	Single Family
Buildings 1-9	225.6 UEs	217 Units		
PUD-style	85.4	30	30	
Townhomes	64	51	8	
Banner SFD				6
Total	375	298	38	6

Analysis

Master Planned Development Review

Staff has performed a final review of the proposed Master Planned Development per the Land Management Code Section 15-6-5: Master Planned Developments–MPD Requirements.

Length of Approval

Construction of the approved MPD will be required to commence within two (2) years of the approval date. After construction commences, the MPD remains valid as long as it is consistent with the approved MPD and any phasing plan.

MPD Modifications

Substantive changes to the MPD require a subsequent Planning Commission review and approval of the MPD and Development Agreement.

Site Specific Approvals

Conditional use permit approval including a specific density (square foot) allocation will be required prior to the construction of the PUD-style single-family units and the multi-family units. No conditional use permit is required for the proposed 6 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of the proposed subdivision.

Density

With the current approvals noted above, Pod A and the development parcel of Pod B-2 outside of the Empire Day Lodge is limited to 55.65 acres, 393 residential units and 563.3 Unit Equivalents. Pod A has 34 units (9 PUDs, 3 townhomes, and 22 condo-lodge units in Building H) already approved of the 306 residential units that are required to be in Pod A. Proposed for Pod A is 321.5 Units, which includes the 34 units, leaving up to 105.5 units unallotted. In addition, the remaining 6 single-family lots of the 16 allowed in the Village are proposed in Pod A.

Marsac Claim/Mayflower

Please refer to the July 14, 2004 report for discussion on the Marsac Claim and Mayflower holdings. The Court issued a ruling in the partition case between Mayflower and Unite Park. Staff will update the Commission as necessary, but it does not impact this application or approval.

Pod B-1

The density table allocates 90,000 square feet or 45 Unit Equivalents to Lot C. The previous MPD approval for these 18 PUD-style homes allocated 27 UEs to this lot, with each unit being up to 5,000 square feet. The footprints and sections that were reviewed by the Planning Commission were concepts of 5,000 square foot units. An amendment to the MPD will be required to adjust this number, however the density table recognizes that up to 90,000 square feet may be assigned to Lot C.

Pod B-2

The developer is unsure what this last development piece may look like. Several alternatives were presented in the Planning Commission binder. An MPD will be required when a UPK has a better idea of how this pod will develop. This MPD approval only applies to Pod A.

Setbacks

The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. The proposed Village MPD complies with this standard. Within the Village, the Planning Commission may reduce the RD zone setbacks. Exhibit 10 (Setback Exhibit) shows potential areas for setback reductions based on the conceptual site plans. Specific setbacks will be considered during the Conditional Use Permit process.

Open Space

The Development Agreement limits the overall development to 147 acres out of the 1,655-acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC. Within each of the pods, Conservation Easements will be placed on several lots to restrict development on platted lots. Staff finds that this restriction is consistent with the development acreage restriction and will not count the Conservation Easement areas as part of the development acreage.

Off-Street Parking

The Parking and Transit Management Plans (adopted by the Planning Commission on October 24, 2001) establish specific parking requirements for the project area that include a 25% parking reduction from the normal LMC requirements for multi-family and commercial units. Parking for all single-family and PUD-style single-family units will meet or exceed the two-space/unit requirement. Specific parking requirements for the multi-family units and any commercial area will be subject to more specific analysis during the subsequent conditional use permit review process.

Building Height

The single-family (both PUD and non-PUD) and townhouse units will be constructed pursuant to the 33' RD-zone height limitation. Height exceptions are being requested for the nine stacked-flat condo-lodges including the Empire (Alpine) Club. The applicant's request and discussion of the four required findings for additional height are discussed in the Volumetrics Analysis section of the application binder. The Planning Commission gave a final review of the Visual Analysis and building heights at the July 14, 2004 hearing and preliminarily determined the proposed heights comply with these criteria.

The LMC grants the Planning Commission the authority to allow additional building height based upon site-specific analysis provided the Commission can make the following four findings. The findings are listed below with Staff comments.

1. The increase in building height does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

Complies. In January 2002, a Planning Commission subcommittee and staff met with the applicant over the course of several meetings to review a base zone height analysis of the Flagstaff Mountain Resort (now Empire Pass) project. The

analysis was conducted to determine whether or not the density authorized in Development Agreement and Large-Scale MPD could be designed to meet the RD District 33-foot building height limits. Based on this analysis, it was determined that the Mountain Village area (Pods A, B-1, and B-2) could be designed utilizing 2-3 story, relatively-flat roof structures (4:12 roofs) and meet all necessary LMC height, setback, and facade shift requirements without the necessity of height exceptions. The result of such a design approach to the Mountain Village would be significantly greater site disturbance and loss of significant areas of vegetation. At the March 27, 2002 meeting, the Planning Commission reviewed the analysis and concluded that additional building height could be considered for multi-unit dwellings provided that proposal was consistent with the LMC.

Consistent with the base zone height analysis previously reviewed by Staff and the Planning Commission, the proposed buildings 1-9 volumetrics result in a unit count and overall square footage consistent with the density assigned to the Mountain Village area pursuant to the Development Agreement and Large-Scale MPD approval. Therefore, there is no increase in density or square footage as a result of the height increase. The additional height is also offset by increased setbacks that offer opportunities for greater landscape buffers to be established. The proposed roof design, including pitched roofs that step with grade, are consistent with LMC Architectural Design Guidelines, suggestive of pitched/sloping roofs found on historic mine structures originally located in the area, provide increased vertical breaks in the building mass, and increased architectural interest beyond that provided by a relatively flat roof building.

2. Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.

Complies. No structures currently exist on the neighboring properties. Townhouses and Single Family/PUD-style units are proposed to the south, east and west of the nine building core. The conceptual site plan is designed to orient the multi-family units to the central ski run and to mountain views to the west and east.

3. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.

Complies. The proposed building exceeds the RD District setback requirements. The setback requirements of the RD District are 20 feet for front yards, 15 feet for rear yards, and 12 feet for side yards. The proposed setbacks are 25-55 feet for the front yard setback, 15-25 feet for the rear setback, and 15-30 feet for the side yard setback. Staff finds that sufficient building separation between each

structure is provided. A specific landscaping/buffer plan will be required as part of the conditional use permit review for each of the nine buildings.

4. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.

Complies. The Mountain Village design clusters the majority of the Empire Pass density into Pods A, B-1, and B-2 in exchange for larger areas of project open space. The LMC requirement for MPD open space is 60%. Approximately 88% open space is provided pursuant to the Development Agreement. The bulk of the project open space is utilized for passive recreation areas, trails, ski terrain and improvements, wildlife areas, and sensitive terrain preservation.

In addition to the criteria outlined above, the Planning Commission subcommittee identified several vantage points during the Olympic break that are to be used during MPD and subsequent PUD reviews. The vantage points include views from King Road, two points from Stein Eriksen Lodge, the Marsac Building, Guardsman Road/Guardsman Road Connection intersection, the Daly West head frame, and American Flag Subdivision. A visual analysis of the Village from these vantage points has been included with this report as an attachment. As demonstrated by the visual analysis, the nine buildings are partially visible from the subcommittee's vantage points, but are mitigated by the current and potential tree canopy and the backdrop of the mountains behind. The buildings do not break any significant ridgelines.

Site Planning

The nine site planning criteria outlined in the LMC are intended to promote overall design that incorporates the development into the site's natural characteristics. Generally, the location of the proposed development parcels is consistent with the development pods approved as part of Development Agreement and Large-Scale MPD which clustered the development onto less-steep terrain and in the least visually sensitive areas. The open space areas designated in the Development Agreement are respected with this plan.

Roads

The roadway system has been reviewed by staff and is much preferable to the previous configurations. Three roads plus a frontage road on the north end townhouses serve Pod A. The previous configuration had dead-end cul de sacs serving the interior larger buildings. The present configuration allows for greater tree buffer along Marsac Avenue and reduced grading. However, a cul de sac in excess of 650 feet is created in the southwest quadrant. This is in conflict with the general policy and subdivision code of the City to limit the length of dead-end roads. The Chief Fire Marshall finds the plan to comply with the necessary standards for fire access and safety. The end of the cul de sac continues as an emergency access point as part of the Emergency Response Plan. The Commission reviewed this issue at the work session of April 14, 2004 and was

accepting of the Fire Marshall's recommendation. Approval of the proposed cul de sac will require a specific finding of the Planning Commission.

Trails

Existing and new trails are accommodated with the proposed plan. All "back-country" work is to be coordinated with the Mountain Trails Foundation. The proposed trail work is consistent with the Trails Master Plan adopted by the Planning Commission on October 24, 2001.

Overall pedestrian circulation is outlined in the applicant's packet. The internal pedestrian paths are intended to keep users off the roads as much as possible and to link the Empire Club with the outlying areas. There may be instances, particularly at the north and south ends, where sidewalks along the streets would be required in order to meet the subdivision regulations. The Planning Commission discussed this issue on April 14, 2004 and agreed to waive this requirement. Snow storage, landscaping, recycling, delivery access, and ADA access for multi-family units will also be analyzed during the subsequent conditional use permit process.

Landscape and Streetscape

Landscaping, streetscape, and lighting will be reviewed for the multi-family and PUD-style single-family lots during the subsequent conditional use permit process. The applicant will need to clarify the amount and type of street lighting proposed along the residential streets. The lighting must comply with the City Engineer's specifications, the Municipal Lighting Code, and the Design Guidelines adopted by the Planning Commission on October 24, 2001. All streetlights will be privately maintained. Staff has added a Condition of Approval that each CUP application include a preliminary landscape plan with water-efficient irrigation systems.

Sensitive Lands Compliance

The Sensitive Lands (overlay) Zone did not specifically apply to the Empire Pass Large-Scale MPD and annexation; however, the locations of the development pods are based on Sensitive Lands principles.

Employee/Affordable Housing

Pursuant to the Flagstaff Mountain Resort Employee/Affordable Housing Plan, 15 employee/affordable housing units are required to be constructed or in-lieu fees paid with the Certificate of Occupancy of 150 Unit Equivalents. Review of the employee housing units and specific conditions of approval will take place during the conditional use permit review process.

Recommendation: The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval for the Village at Empire Pass as follows:

Findings of Fact

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
 - no more than 75,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.

7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 Unit Equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
9. The 14 technical reports/studies, along with the Land Management Code and the Development Agreement (99-30) form the standards which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B) Volumetric Analysis (dated July 5, 2004, Exhibit D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), and Supplemental Plans including Building Height Diagram, Vegetative Buffer, Trails, and Construction Sequencing (Exhibit H). Together with the Site Plans dated July 21, 2004 (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count towards the PUD limit of 60.
15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for Six (6) single-family homes.
16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count towards the development acreage.
17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.

18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over length cul de sac.
20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June June 15, 2004.
21. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
23. The applicant has requested additional building height for the structures proposed as Buildings 1-9, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.
25. Proposed Buildings 1-9 has been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 on includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code;

2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code;
3. The MPD, as conditioned, is consistent with the Park City General Plan;
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
7. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;
8. The MPD provides amenities to the community so that there is no net loss of community amenities;
9. The MPD, as conditioned is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site:
11. The MPD, as conditioned promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and,
12. The MPD has been noticed and public hearings held in accordance with this Code.
13. The requirements necessary for the Planning Commission to grant additional building height within the MPD pursuant to the Land Management Code Section 15-6-5 have been met.

Conditions of Approval

1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.

2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the Village Master Planned Development area.
3. Utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
4. If and when the realigned Guardsman road is dedicated to the City, the Developer will execute an encroachment agreement, in a form acceptable to the City Attorney and City Engineer for the private improvements (ski bridges and/or tunnels) within the rights-of-way.
5. All essential municipal public utility buildings associated with the utility plan for the subdivision require a conditional use permit.
6. The proposed over-length cul de sac that ends in the six single family lots will have a secondary emergency access from the end of the road to Marsac Avenue. The emergency access will continue as a minimum 20-foot wide all-weather surface road.
7. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
8. A preliminary landscape plan, including provisions for water-efficient irrigation systems, shall be submitted with each CUP application.
9. All subsequent applications and approvals are subject to the Technical Reports as approved or amended,

Exhibits

- A – Master Plan Development Project Description (8 pages)
- B – Supplemental Project Description and Conditions (3 pages)
- C - Conceptual Plans (10 pages)
- D – Volumetric Analysis (3 pages)
- E – Volumetrics, Buildings 1-9 (19 pages)
- F – Visual Analysis (5 pages)
- G – Architectural Character (6 pages)
- H – Supplemental Plans

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EXHIBIT F

Planning Commission Meeting
Minutes of July 28, 2004
Page 10

Findings of Fact - Marsac Avenue & Chambers Street Right-of-Way

1. The property is located between platted Marsac Avenue at the Sandridge parking lots and the Guardsman Connection to Silver Lake.
2. The zoning along the road is HR-1 and ROS.
3. The City Council adopted Ordinance 99-20 on June 24, 1999, approving the annexation and development agreement for the 1,655-acre Flagstaff Mountain area.
4. The Flagstaff Annexation Development Agreement Section 2.10.2 stipulates certain road and intersection improvements, including widening the road, drainage improvements, a passing lane, and runaway truck ramp.

Conclusions of Law

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

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

6. Empire Pass Master Planned Development

Planner Brooks Robinson commented on Pod A at Empire Pass and noted that the Planning Commission has discussed many details of his master planned development over several months. The public hearing was re-opened on July 14 and continued to this evening. The Staff has prepared findings of fact, conclusions of law, and conditions of approval for the master plan for Pod A. Pod B1 was previously approved. The Staff finds that this application complies with the Land Management Code and the Development Agreement, which are the controlling documents. There will be additional units and density left over from this approval, and Pod B2 will come in at a later date with its own master plan once the applicants are further along in planning development for that area. The applicant had prepared a number of exhibits and updates for the Commissioners' binders which will comprise this approval. These includes the project description and minor grammatical

error and language revisions. Planner Robinson outlined other updates distributed this evening. The Staff recommended that the Planning Commission re-open the public hearing, consider public input, and provide direction to the Staff and applicant.

Chair Barth referred to Pages 115-123 of the staff report, Summary of Compliance with the Technical Reports, and noted that he did not see in the draft findings any reference to incorporate those pages into a motion. Planner Robinson recalled that on July 14 Commissioner Erickson requested compliance with technical reports, and the decision was made to provide them as a separate document. He offered to add them as a finding.

Doug Clyde, representing the applicant, distributed to the Commissioners a visual simulation from King Road that was inadvertently left out of their package. He was uncertain which phasing plan is included in their packets and wanted to be sure the one they have shows the right units. He noted that town home units 16 and 17 and cluster home units 11 and 12 are in Phase I. He referred to page 6 of the recent handouts and corrected the number of Townhomes and PUD's from 28 to 23 units in the first phase.

Chair Barth re-opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

Commissioner Erickson read the conditions of approval relative to traffic circulation based on the development agreement and asked if they are part of the transportation mitigation plan and part of the 14 technical reports. Mr. Clyde replied that they are reflected in the existing construction mitigation plans currently on file with the City. Planner Robinson explained that every CUP that comes forward will need its own construction mitigation plan which will be reviewed by the Planning Commission.

The Planning Commission and Mr. Clyde discussed enforcement procedures for downhill traffic.

Planner Robinson revised Finding of Fact 10 by inserting a comma after A(Exhibit H)@ and adding Aand a compliance matrix with the technical reports (Exhibit I).@

Mr. Clyde referred to the density indicated on page 104 of the staff report and noted that 563 takes into account the additional 18 PUD units. This is not reflected in the table above, and he suggested adding the language Accounting the additional 18 PUD units noted below.@

MOTION: Commissioner Erickson moved to APPROVE the MPD in accordance with the findings of fact, conclusions of law, and conditions of approval with the following revisions:

- 1) The incorporation of the revised July 28, 2004, project description as presented by Staff.
2. The revision to Finding of Fact 10 incorporating the compliance report with the 14 technical reports, Exhibit I.
3. The revision to the phasing plan incorporating the town home Units 16 & 17 and the cluster home Units 11 & 12.
4. Correction to the staff report, page 104, with regard to the density incorporating the phrase that the 563.3 units includes the 18 unit equivalents referenced in Pod B1 below.
5. Incorporation of Condition of Approval 10 that they incorporate the technical report updates and clarifications as presented in the staff report

Mr. Clyde stated that the PUD's were originally intended to be 5,000 square feet each, but they had a problem with the Unit Equivalent calculation. He will return with a revised UE calculation which raises the number by 18 additional UE's. It will not change the plan, but it will make it correspond with the way they interpret UE's.

Planner Robinson referred to the density in the Pod B1 section on page 104 and noted that the last sentence should recognize that 90,000 square feet should be assigned to Lot B and not Lot C.

Commissioner Erickson incorporated the change to Page 104 as described by Planning Robinson into his motion. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously. Commissioner Thomas abstained from the vote, and Commissioner Zimney was not present for the vote.

Commissioner Volkman referred to the status of the technical reports regarding the mine soils hazard plan and the language which states, AA draft work plan for the clean up of Empire Canyon was approved by the EPA and reviewed by the Park City Municipal Corporation. Work will begin this summer.@ Mr. Clyde explained that the Empire Canyon work referred to is the clean up of the creek below the Deer Valley Day Lodge and the top of Daly Avenue. It has no relation to moving the mine dump.

Findings of Fact - Empire Pass

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The

- Development agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-use development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2 and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
 4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites;
 - no more than 85,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
 5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
 6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.
 7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 unit equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
 8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
 9. The 14 technical reports/studies along with the Land Management Code and the Development Agreement (99-30) for the standard which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
 10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B), Volumetric Analysis (dated July 5, 2004, Exhibits D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), Supplemental Plans

- including Building Height Diagram, Vegetative Buffer, Trails, and construction Sequencing (Exhibit H), and a Compliance Matrix with the Technical Reports (Exhibit I). Together with the Site Plans dated July 21, 2004, (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and the City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
 12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
 13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
 14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count toward the PUD limits of 60.
 15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for six (6) single-family homes.
 16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count toward the development acreage.
 17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.
 18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
 19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over-length cul-de-sac.
 20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June 15, 2004.
 21. The Maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
 22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
 23. The applicant has requested additional building height for the structures proposed as Buildings 109, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
 24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

25. Proposed Buildings 1-9 have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law - Empire Pass

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is compatible in use, scale, and mass with adjacent properties and promotes neighborhood compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place development on the most developable land and least visually obtrusive portions of the site.
11. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearings held in accordance with this Code.
13. The requirements necessary for the Planning Commission to grant additional building height within the MPD pursuant to the Land Management Code Section 15-6-5 have been met.

Conditions of Approval - Empire Pass

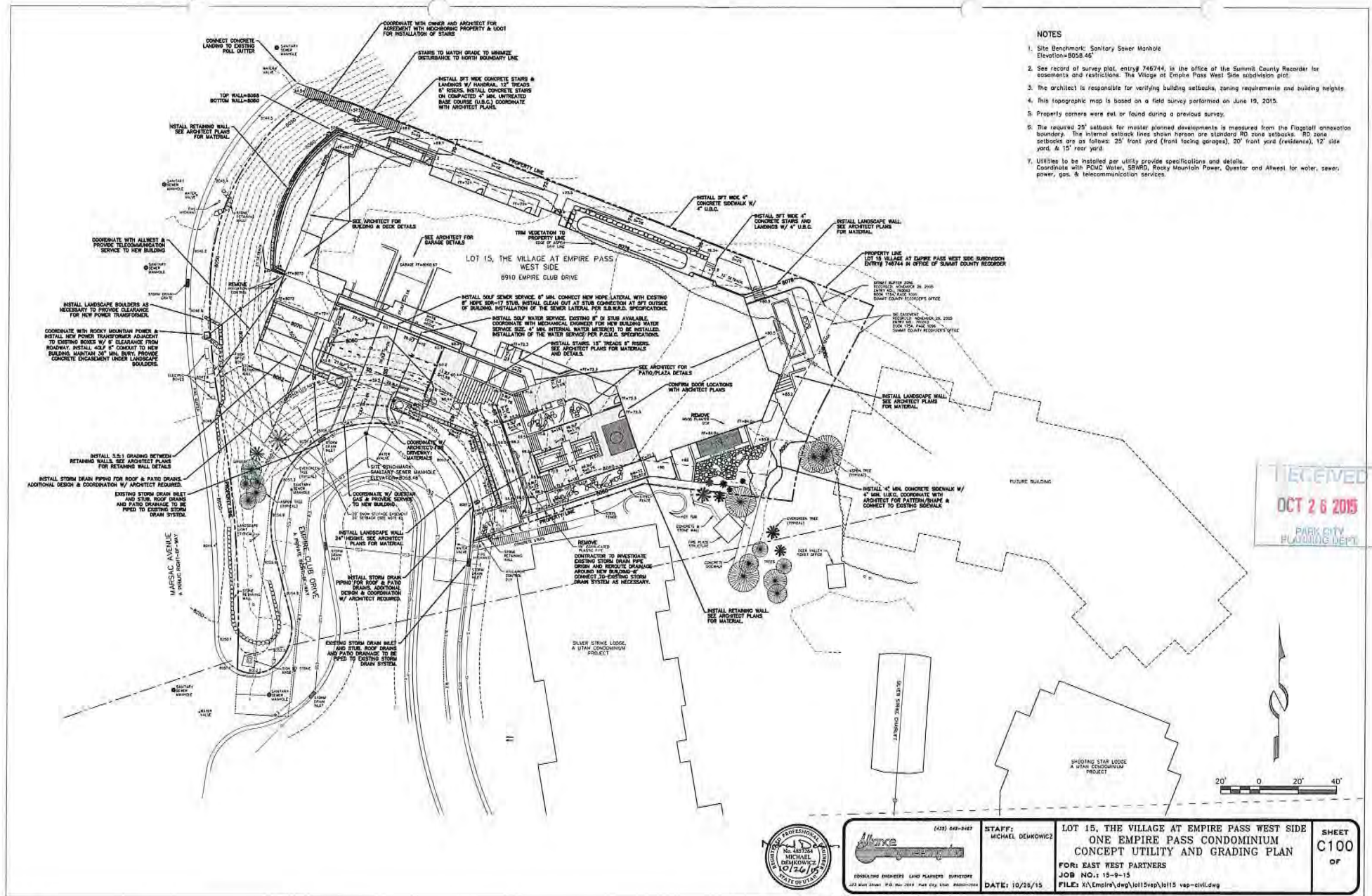
1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family

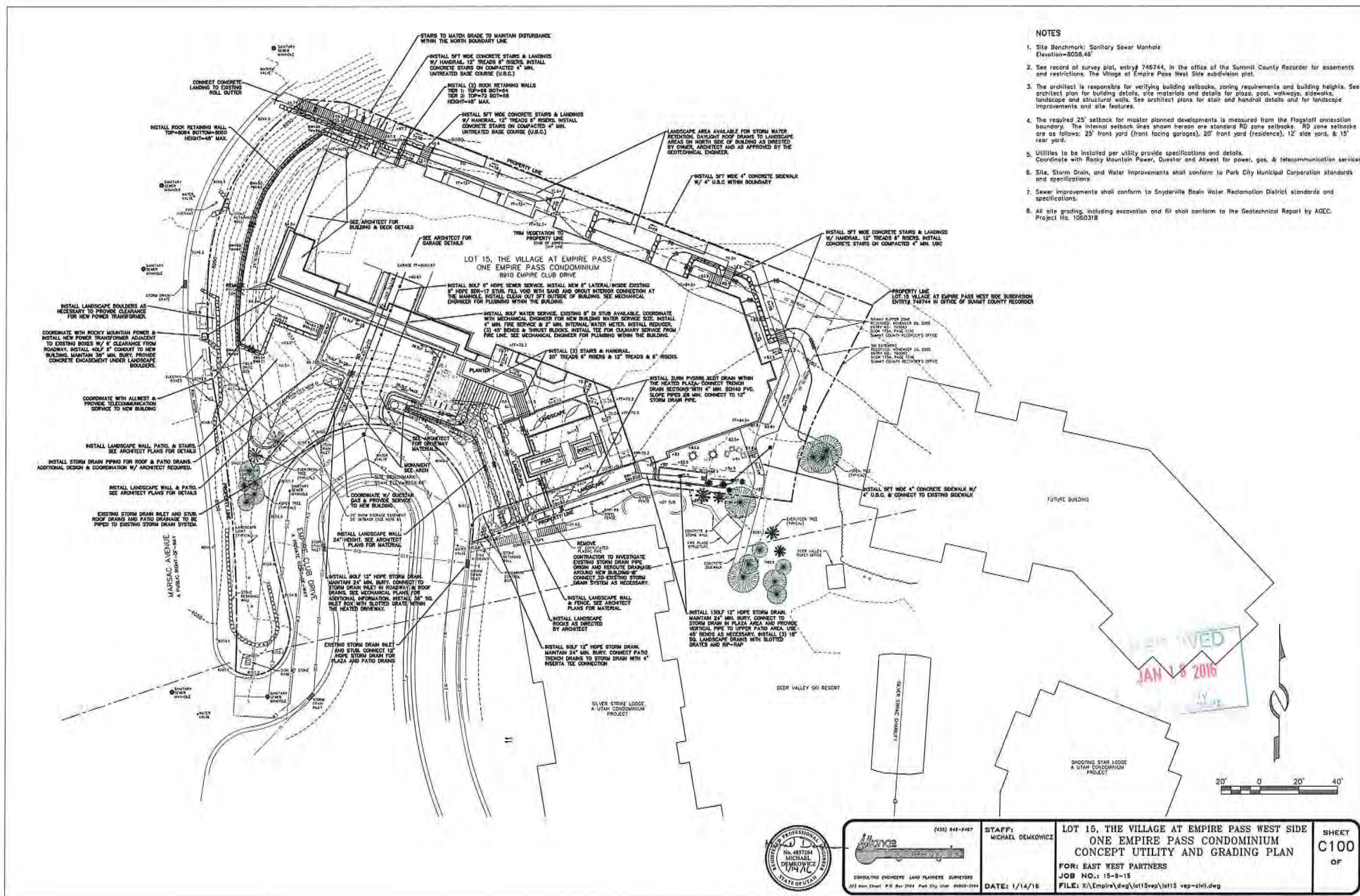
- buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.
2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the Village Master Planned Development area.
 3. Utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
 4. If and when the realigned Guardsman Road is dedicated to the City, the Developer will execute an encroachment agreement in a form acceptable to the City Attorney and City Engineer for the private improvements (ski bridges and/or tunnels) within the rights-of-way.
 5. All essential municipal public utility buildings associated with the utility plan for the subdivision require a conditional use permit.
 6. The proposed over-length cul de sac that ends in the six single-family lots will have a secondary emergency access from the end of the road to Marsac Avenue. The emergency access will continue as a minimum 20-foot-wide all-weather surface road.
 7. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
 8. A preliminary landscape plan, including provisions for water-efficient irrigation systems, shall be submitted with each CUP application.
 9. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
 10. The technical report updates and clarifications as presented in the staff report shall be incorporated in this approval.
7. Red Cloud Subdivision

Planner Robinson noted that Red Cloud, commonly called Pod D, is the third and final Empire Pass application. Thirty single-family lots are proposed on the land owned and controlled by Talisker and the United Park City Mine Company. At the July 14 work session, the Planning Commission discussed the Enchanted Forest and how to apply the statement in the development agreement that no development should occur in the Enchanted Forest. Planner Robinson understood there to be general consensus from the Commission that having a ski easement/conservation easement across an area to be determined would constitute adequate protection. The language will prohibit snowmobiles but will allow skiing in the winter for people coming off the Red Cloud lift. The other issue discussed on July 14 was whether to amend the development agreement and Exhibit A of the development agreement which shows the pod boundaries to move the boundaries further south and west. This would not change the density or average lot size. The Staff analyzed that proposal for separation from ski runs and a visual analysis, and it is the Staff's opinion that the development agreement would have to be amended to allow that to

EXHIBIT H

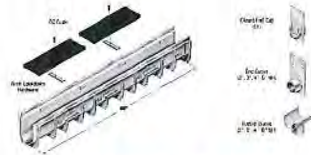
EXHIBIT G





- NOTES**
1. Site Benchmark: Sanitary Sewer Manhole Elevation=8058.45'
 2. See record of survey plat, entry 746744, in the office of the Summit County Recorder for easements and restrictions. The Village of Empire Pass West Side subdivision plat.
 3. The architect is responsible for verifying building setbacks, zoning requirements and building heights. See architect plan for building details, site materials and details for plaza, pool, walkways, sidewalks, landscape and structural walls. See architect plans for stair and handrail details and for landscape improvements and site features.
 4. The required 25' setback for master planned developments is measured from the Flagstaff annexation boundary. The internal setback lines shown hereon are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.
 5. Utilities to be installed per utility provide specifications and details. Coordinate with Rocky Mountain Power, Qwest and Allwest for power, gas, & telecommunication services.
 6. Site, Storm Drain, and Water Improvements shall conform to Park City Municipal Corporation standards and specifications.
 7. Sewer Improvements shall conform to Snyderville Basin Water Reclamation District standards and specifications.
 8. All site grading, including excavation and fill shall conform to the Geotechnical Report by AGEC, Project No. 1050318

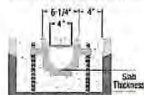
		(435) 248-9187 STAFF: MICHAEL DEMKOWICZ MICHAEL DEMKOWICZ 1/14/16	LOT 15, THE VILLAGE AT EMPIRE PASS WEST SIDE ONE EMPIRE PASS CONDOMINIUM CONCEPT UTILITY AND GRADING PLAN	SHEET C100 OF
			FOR: EAST WEST PARTNERS	
			JOB NO.: 15-0-15	
			FILE: N:\Empire\dwg\lot15\exp\lot15_vsp-chl.dwg	



Model	Section	Length	Weight	Area	Volume	Notes
880	12"	10'	100	100	100	
882	12"	10'	100	100	100	
884	12"	10'	100	100	100	
886	12"	10'	100	100	100	
888	12"	10'	100	100	100	
890	12"	10'	100	100	100	
892	12"	10'	100	100	100	
894	12"	10'	100	100	100	
896	12"	10'	100	100	100	
898	12"	10'	100	100	100	
900	12"	10'	100	100	100	
902	12"	10'	100	100	100	
904	12"	10'	100	100	100	
906	12"	10'	100	100	100	
908	12"	10'	100	100	100	
910	12"	10'	100	100	100	

Z886 System Profile

Z886 Installation Specification



Z886 PVSS (Paver Set)

Z886 Features and Benefits

- 80" Modular Channel Sections with 20" and 40" Grates
- 70% Built-In Slope - Handles Greater Flows, Uniform Slope
- Refined Bottom - Better Flow Rate, Less Debris Build-up
- Smooth High Density Polyethylene Structural Composite Interior - 90° Water Absorption
- Durable and Lightweight
- Sideview Extensions for Sloped Runs Greater Than 120 Feet
- Paver Slot Option
- Variety of Gratings (Refer to Page 4)
- Gate Options - ADA (A-11-19) for more information, refer to www.zurn.com
- Trench drain shall be Flo-Thru model Z886. For a complete engineering specification, visit www.zurn.com

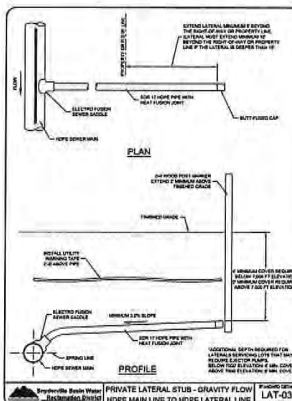
Z886-PVSS



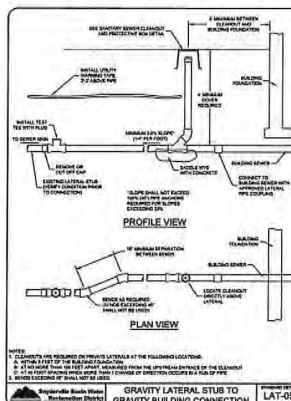
Z886 PVSS (Paver Set)

Z886 Features and Benefits

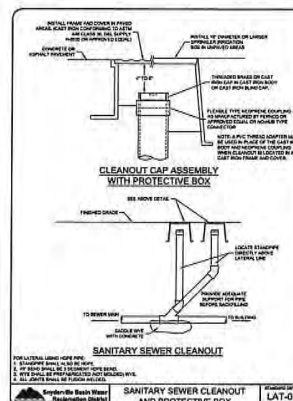
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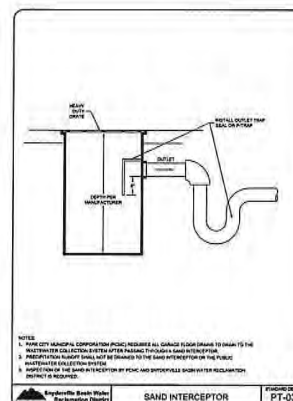
PRIVATE LATERAL STUB - GRAVITY FLOW



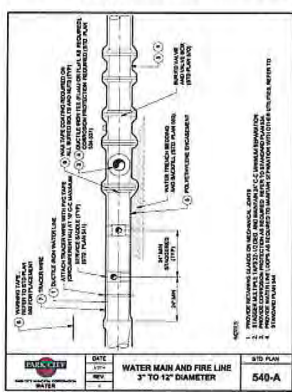
GRAVITY LATERAL STUB TO GRAVITY BUILDING CONNECTION



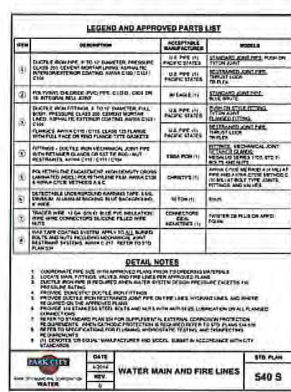
SANITARY SEWER CLEANOUT AND PROTECTIVE BOX



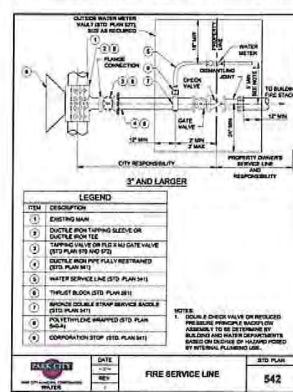
SAND INTERCEPTOR



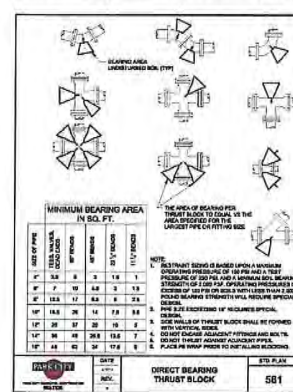
WATER MAIN AND FIRE LINE



WATER MAIN AND FIRE LINES



FIRE SERVICE LINE



DIRECT BEARING THRUST BLOCK



CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

12/10/15

Mr. Cassel
Park City Engineer
Po Box 1480
Park City Utah, 84060

RE: One Empire Pass storm water management

Dear Mr. Cassel:

As a follow up to our meeting on December 3, 2015, the purpose of this letter is to address the storm water management for the One Empire Pass lodge located on Lot 15, the Village at Empire Pass west side subdivision.

The master plan approval of Empire Pass and the subsequent infrastructure, including roads, utilities and a storm water detention pond occurred more or less between 2000 and 2007. The design for the detention pond located just south of the water tank in Empire Canyon (Daly Avenue) was to contain the increase runoff for the 100 year storm event due to the entire Empire Pass Development, which includes all of Village at Empire Pass, the development adjacent to the Northside chairlift at Deer Valley as well as the Montage and the Red Cloud Subdivision. The detention pond accounted for all hardscape areas of the development. The detention pond and the storm drain piping and inlets have been installed and the system is currently operating.

The proposed plan for One Empire Pass is to utilize the existing storm drain system for the driveway and south plaza area for storm water runoff as originally intended for the development. Portions of the building area, such as the north, east and west side of the building is proposed for on-site storm water detention and infiltration within the landscape areas outside of the building that is consistent with current Park City storm water management requirements.

The storm water management of One Empire Pass is consistent with the original and current Park City storm water management requirements and will utilize the storm drain and detention pond system as well as isolate areas of the new development for on-site detention and infiltration within the landscape areas.

Sincerely,

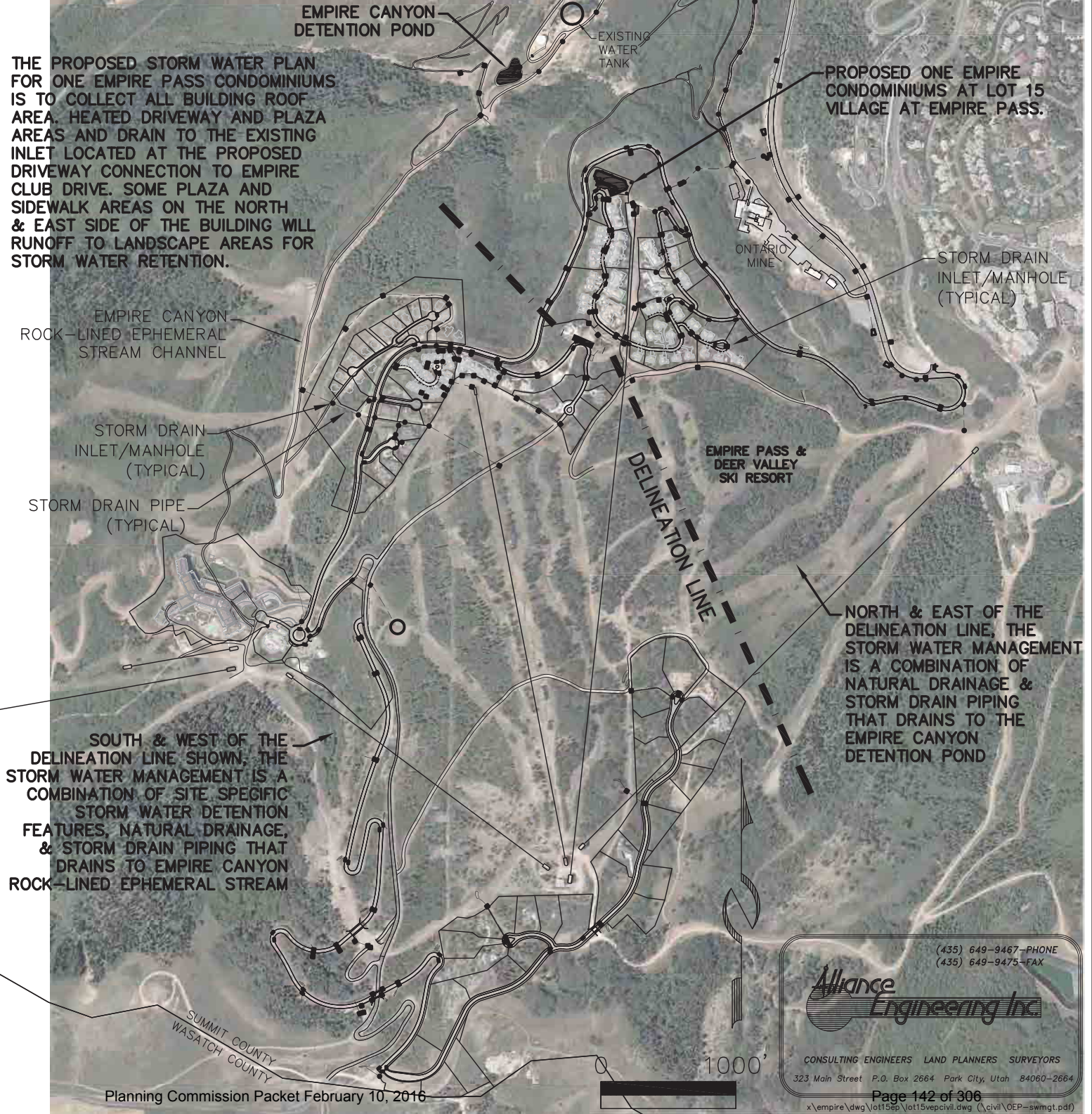
ALLIANCE ENGINEERING, INC.

Michael Demkowicz, PE

EMPIRE PASS STORM WATER MANAGEMENT LOT 15 VILLAGE AT EMPIRE PASS

THIS EXHIBIT ILLUSTRATES THE STORM WATER MANAGEMENT SYSTEM FOR EMPIRE PASS (FORMERLY KNOWN AS FLAGSTAFF MOUNTAIN). THE EXISTING DETENTION POND IN EMPIRE CANYON, SOUTH OF DALY AVENUE, WAS DESIGNED TO ACCOMMODATE INCREASE IN STORM WATER FOR THE ENTIRE DEVELOPMENT. THE DETENTION POND WAS CONSTRUCTED IN THE MID 2000'S. THE POND RECEIVES STORM WATER RUNOFF FROM THE ROCK-LINED STREAM CHANNEL SOUTH OF THE DETENTION POND AS WELL AS A PIPING SYSTEM ALONG THE EXISTING DIRT ROAD FROM EMPIRE CANYON TO THE ONTARIO MINE.

THE PROPOSED STORM WATER PLAN FOR ONE EMPIRE PASS CONDOMINIUMS IS TO COLLECT ALL BUILDING ROOF AREA, HEATED DRIVEWAY AND PLAZA AREAS AND DRAIN TO THE EXISTING INLET LOCATED AT THE PROPOSED DRIVEWAY CONNECTION TO EMPIRE CLUB DRIVE. SOME PLAZA AND SIDEWALK AREAS ON THE NORTH & EAST SIDE OF THE BUILDING WILL RUNOFF TO LANDSCAPE AREAS FOR STORM WATER RETENTION.



(435) 649-9467-PHONE
(435) 649-9475-FAX

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

Page 142 of 306

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EMPIRE PASS STORM WATER MANAGEMENT LOT 15 VILLAGE AT EMPIRE PASS

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EMPIRE CANYON
ROCK-LINED EPHEMERAL
STREAM CHANNEL

STORM DRAIN
INLET/MANHOLE
(TYPICAL)

STORM DRAIN PIPE
(TYPICAL)

EMPIRE CANYON
DETENTION POND

EXISTING
WATER
TANK

TO DALY AVENUE
DETENTION POND

EXISTING EPHEMERAL
STREAM CHANNELS

TO MARSAC AVENUE
DETENTION PONDS

EXISTING EPHEMERAL
STREAM CHANNELS

STORM DRAIN PIPE
(TYPICAL)

PROPOSED ONE EMPIRE
CONDOMINIUMS AT LOT 15
VILLAGE AT EMPIRE PASS.

STORM DRAIN
INLET/MANHOLE
(TYPICAL)

ONTARIO
MINE

EMPIRE PASS &
DEER VALLEY
SKI RESORT

DELINATION LINE

NORTH & EAST OF THE
DELINATION LINE, THE
STORM WATER MANAGEMENT
IS A COMBINATION OF
NATURAL DRAINAGE &
STORM DRAIN PIPING
THAT DRAINS TO THE
EMPIRE CANYON
DETENTION POND

SOUTH & WEST OF THE
DELINATION LINE SHOWN, THE
STORM WATER MANAGEMENT IS A
COMBINATION OF SITE SPECIFIC
STORM WATER DETENTION
FEATURES, NATURAL DRAINAGE,
& STORM DRAIN PIPING THAT
DRAINS TO EMPIRE CANYON
ROCK-LINED EPHEMERAL STREAM

SUMMIT COUNTY
WASATCH COUNTY

1000'

(435) 649-9467-PHONE
(435) 649-9475-FAX

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2054 Park City, Utah 84060-2054

Page 143 of 306

x:\empire\dwg\lot15ep\lot15epchv8.dwg (\civil\DEP-aumgl.pdf)

EXHIBIT I



Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060

Recorded this ____ day of
____, 2007
at Book # ____ Page # ____

ENTRY NO. 00806100

03/02/2007 02:42:51 PM B: 1850 P: 1897

Agreement PAGE 1 / 49

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



**AMENDED AND RESTATED DEVELOPMENT AGREEMENT
FOR FLAGSTAFF MOUNTAIN,
BONANZA FLATS, RICHARDSON FLATS,
THE 20-Acre QUINN'S JUNCTION PARCEL
AND IRON MOUNTAIN**

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 2nd day of March, 2007, by and between UNITED PARK CITY MINES COMPANY, ("UPCM" or "DEVELOPER"), DEER VALLEY RESORT COMPANY, ("DEER VALLEY"), and PARK CITY MUNICIPAL CORPORATION, a third class city of the State of Utah ("City") (collectively, the "Parties").

RECITALS

- A. WHEREAS, DEVELOPER and DEER VALLEY own approximately: 1,600 of 1,750 acres of patented mining claims located in the unincorporated Flagstaff Mountain area of Summit County, more particularly described and depicted in Exhibit A attached hereto (hereafter, "Flagstaff Mountain"); approximately 106 acres of patented mining claims located on Iron Mountain within an unincorporated area of Summit County more particularly described and depicted in Exhibit B attached hereto (hereafter, "the Iron Mountain Parcels"); approximately 1,500 acres of patented mining claims, constituting all of UPCM's land located in the unincorporated Bonanza Flats area of Wasatch County more particularly described and depicted in Exhibit C attached hereto (hereafter, "Bonanza Flats"); all of UPCM's land east of U.S. 40 and south of S.R. 248 constituting approximately 650 acres of real property owned in fee simple located immediately east of U.S. 40 and south of S.R. 248 within an unincorporated area

of Summit County more particularly described and depicted in Exhibit D attached hereto (hereafter, "Richardson Flats"); and approximately 20-Acres of real property owned in fee simple located west of U.S. 40 and south of S.R. 248 within an unincorporated area of Summit County more particularly described and depicted in Exhibit E attached hereto (hereafter, "the 20-Acre Quinn's Junction Parcel");

- B. WHEREAS, on May 17, 1994 DEVELOPER filed an application for annexation to Park City of Flagstaff Mountain, consisting of DEVELOPER's, DEER VALLEY's and Northside Neighborhood Property Owners' land, together totaling an area of approximately 1,750 acres;
- C. WHEREAS, on May 10, 1997 the Park City Council unanimously resolved by Resolution 10-97 to annex Flagstaff Mountain under certain Development Parameters;
- D. WHEREAS, on July 8, 1998 DEVELOPER requested reconsideration by the City of Resolution 10-97 and offered certain incentives for limiting development of the Bonanza Flats, Richardson Flats and the Iron Mountain Parcels;
- E. WHEREAS, on September 10, 1998 the Park City Council unanimously adopted a resolution to rescind Resolution No. 10-97 and to adopt new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats and the Iron Mountain Parcels, as set forth in this Agreement;
- F. WHEREAS, in the intervening months since the City Council adopted the September 10, 1998 development parameters, the DEVELOPER further refined its proposal by offering to move 16 single family homes from the sensitive Prospect Ridge area to the Mountain Village and to constrain development in the Northside Neighborhood to reduce site disturbance and to facilitate sale to a conservation buyer for a time certain;
- G. WHEREAS, the Parties intended to enter into the original Agreement to establish new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and the Iron Mountain Parcels and to establish a time certain for annexation of Flagstaff Mountain (now referred to generally as Empire Pass) into the City;

H. WHEREAS, the Parties in fact entered into the original Agreement on or about June 24, 1999; and

I. WHEREAS, the Parties desire to amend and restate the original Agreement in connection with the development of a project known as the Montage Resort & Spa which is presently planned to include 192 hotel rooms and suites, with spa, restaurant and conference facilities, and a residential component that consists of resort condominiums.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

SECTION I. DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by the Park City Land Management Code (LMC) in effect on the date of a complete application or, if different, by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.

- 1.1 **"Annexation Property"** means that approximately 1,750 acres of property known as Flagstaff Mountain, described and depicted on Exhibit A.
- 1.2 **"Bonanza Flats"** means that approximately 1,500 acres of UPCM property commonly referred to as Bonanza Flats, constituting all of UPCM's holdings in Bonanza Flats and described and depicted on Exhibit C.
- 1.3 **"DEER VALLEY"** means the Deer Valley Resort Company, a Utah limited Partnership and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEER VALLEY shall cause its employees and agents to act in accordance with the terms of this Agreement.
- 1.4 **"DEVELOPER"** means United Park City Mines Company, a publicly traded Delaware corporation, and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEVELOPER shall cause its employees and agents to act in accordance

with the terms of this Agreement.

- 1.5 **"Inaction"** provisionally¹ means (a) DEVELOPER's failure to pursue a sequential permit (i.e. Small Scale MPD permit, conditional use permit, subdivision application, or building permit) by failing to submit a complete application for such a permit or by failing to respond to the City's written requests for information which the City deems is necessary to process the application; or (b) DEVELOPER's failure to sustain permitted construction such that the permit under which construction is allowed, expires or is otherwise suspended or revoked.
- 1.6 **"Meeting Accessory Uses"** provisionally² means uses normally associated and necessary to serve meeting and banquet space. Meeting Accessory Uses do not require the use of Unit Equivalents and include:
- 1.6.1 Administrative and Banquet Offices
 - 1.6.2 Banquet Storage Areas
 - 1.6.3 Banquet Prep Areas Storage Areas
 - 1.6.4 Common A/V Storage Areas
 - 1.6.5 Coat Check Areas
 - 1.6.6 Public Restrooms
 - 1.6.7 Public Telephone Areas
 - 1.6.8 Public Hallways
 - 1.6.9 Public Circulation Areas.
- 1.7 **"Mountain Village"** means that mixed-use portion of Flagstaff Mountain described and depicted as the Mountain Village in Exhibit A attached hereto and limited to a total of 87 acres, within three development Pods (A, B₁, and B₂) and maximum densities, unit equivalencies and configuration more fully described herein.

¹ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

² This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.8 **“Northside Neighborhood”** means that 63-acre portion of Flagstaff Mountain described and depicted as the Northside Neighborhood in Exhibit A attached hereto and limited to the maximum density, unit equivalency, and configuration more fully described herein.
- 1.9 **“Northside Neighborhood Property Owners”** means, in addition to UPCM and DEER VALLEY, Park City Star Mining Company, Inc., a Utah corporation, Bransford Land Company, representing the interests of Anne Bransford Newhall, Mary Bransford Leader and Carolyn Bransford MacDonald, and Stichting Beheer Mayflower Project, a legal entity representing the interests of Stichting Mayflower Recreational Fonds and of Stichting Mayflower Mountain Fonds.
- 1.10 **“Pedestrian Village”** means an area configured within Pod A of the Mountain Village for the mixed use of residential, Residential Accessory, Resort Support Commercial, Resort Accessory, meeting and Meeting Accessory Uses within which at least fifty percent (50%) of the residential properties are clustered within walking distance (5 minutes) of a Transportation Hub for such residential properties, which can be directly accessed by pathways or sidewalks.
- 1.11 **“Planned Unit Development” or “PUD”** means a master planned development consisting of clustered, detached, single family or duplex units with common open space and coordinated architecture.
- 1.12 **“Pod Z”** means that area, depicted on Exhibit F that is limited for ski-related uses as further defined herein.
- 1.13 **“Project”** means the residential, recreational and commercial real estate development to be constructed within Flagstaff Mountain.
- 1.14 **“Residential Accessory Uses”** provisionally³ means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project. Residential Accessory Uses do not require the use of Unit Equivalents. Residential Accessory Uses include:

³ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superceded by an LMC definition of the term.

- 1.14.1 Common Ski Lockers
- 1.14.2 Common Lobbies
- 1.14.3 Registration
- 1.14.4 Concierge
- 1.14.5 Bell Stand/Luggage Storage
- 1.14.6 Common Maintenance Areas
- 1.14.7 Mechanical Rooms
- 1.14.8 Common Laundry Facilities and Common Storage Areas
- 1.14.9 Employee Facilities
- 1.14.10 Common Pools, Saunas and Hot Tubs
- 1.14.11 Public Telephone Areas
- 1.14.12 Public Restrooms
- 1.14.13 Administrative Offices
- 1.14.14 Public Hallways and Circulation Areas

1.15 **“Resort Accessory Uses”** provisionally⁴ means uses that are clearly incidental to and customarily found in connection with the principal resort building or use and are operated for the convenience of the owners, occupants, employees, customers or visitors to the principal resort use. Resort Accessory Uses do not require the use of Unit Equivalents. They include such uses as:

- 1.15.1 Information
- 1.15.2 Lost and Found
- 1.15.3 Mountain Patrol
- 1.15.4 Mountain Administration
- 1.15.5 Mountain Maintenance and Storage Facilities
- 1.15.6 Mountain Patrol and Emergency Medical Facilities
- 1.15.7 Public Lockers
- 1.15.8 Public Restrooms
- 1.15.9 Employee Lockers
- 1.15.10 Ski School/Day Care

⁴ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

1.16 **“Richardson Flats”** means all of UPCM’s property at the southeast corner of U.S. 40 and S.R. 248, more fully described and depicted on Exhibit D.

1.17 **“Transportation Hub”** means the terminus of a public and/or private transportation system that is located at a convenient location within the Mountain Village.

1.18 **“Unit Equivalent,”** with respect to commercial structures and multifamily and PUD structures, has the meaning set forth in the LMC.⁵ Each single family residential structure (excluding PUDs) approved by the City pursuant to this Agreement for construction within the Project shall have a Unit Equivalent of 1.00, regardless of the size or the location of the single family residential structure. Each commercial structure or portion thereof (as such may be determined in applicable MPD approvals) shall consume 1 Unit Equivalent for each 1000 square feet. Each multifamily and PUD residential structure shall consume 1 Unit Equivalent for each 2000 square feet.

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

2.1. DEVELOPER is hereby granted the equivalent of a Large Scale Master Planned Development (Large Scale MPD) for Flagstaff Mountain. This Large Scale MPD sets forth maximum densities, location of densities and DEVELOPER-offered amenities and is subject to all normally-applicable City processes, and in addition thereto, such processes defined below, including DEVELOPER’s responsibility, prior to or concurrent with the Small Scale MPD process, to submit and ultimately to obtain (upon modification, if necessary) City approval, of satisfactory plans detailed below:

⁵ Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent.

- 2.1.1. Mine/Soil Hazard Mitigation Plan--which plan shall include an inventory of all mine sites, potential sources of release of hazardous materials into the environment, and a plan and schedule for their remediation;
 - 2.1.2. Detailed Design Guidelines, with strong architectural themes, for the entire Flagstaff Mountain Project;
 - 2.1.3. Specific Transit Plan;
 - 2.1.4. Parking Management Plan;
 - 2.1.5. Detailed Open Space Management Plan;
 - 2.1.6. Historic Preservation Plan;
 - 2.1.7. Emergency Response Plan, including DEVELOPER's commitments to provide infrastructure necessary to serve the Project and Bonanza Flats and phasing therefor;
 - 2.1.8. Trails Master Plan setting forth trail locations, specifications, phasing and timing of public easements;
 - 2.1.9. Private Road Access Limitation Procedures;
 - 2.1.10. Construction Phasing Plan—including construction milestones for project amenities, including Richardson Flats development;
 - 2.1.11. General Infrastructure and Public Improvements Design and Phasing Plan, which calls for the efficient extension of services, concentrating initial infrastructure development in the Mountain Village, and secondarily in the Northside Neighborhood. Such plan shall allow for the construction of a variety of housing types in each phase;
 - 2.1.12. Utilities Master Plan—including the timing, alignment and service strategy for water and sewer service, as well as storm water management throughout the Project and Bonanza Flats;
 - 2.1.13. Wildlife Management Plan; and
 - 2.1.14. Affordable Housing Plan, including phasing.
- 2.2. **Maximum Development Parameters--Flagstaff Mountain.** Flagstaff Mountain is composed of the Mountain Village, the Northside

Neighborhood; various ski related improvements, and the Silver Mine Adventure. Upon annexation, Flagstaff Mountain will be zoned as shown on the zoning map attached hereto as Exhibit P. The following maximum development parameters apply to Flagstaff Mountain:

2.2.1 Mountain Village: The Mountain Village is constrained as follows:

- 2.2.1.1 Small Scale MPD.** Site specific volumetrics and configuration will be established in the Small Scale MPD process.
- 2.2.1.2. Maximum Development Area.** In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.
- 2.2.1.3. Maximum Density.** The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.⁶ Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.
- 2.2.1.4. Pedestrian Village.** At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B₁, and B₂) within the Mountain Village must be linked by transit.
- 2.2.1.5. Commercial.** The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

⁶ Hotel rooms of 500 square feet or less constitute 1/4 Unit Equivalent. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at the rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units.

Convenience Commercial uses for residents and visitors such as groceries and sundries.

2.2.1.6. **Mine Site Reclamation.** To the greatest extent possible, DEVELOPER shall locate density in disturbed areas. This provision applies primarily to potential density at the Daly West site. Additionally, DEVELOPER shall reclaim⁷ all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review.

2.2.1.7. **Public Trails.** DEVELOPER shall construct and dedicate public trails designated on an accepted Trails Master Plan. Many trails will be constructed on land ultimately owned by DEER VALLEY. In those areas, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for public trail use. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.2.1.8. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER and/or DEER VALLEY shall execute for the benefit of the City perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which, at a minimum, shall prevent the construction thereon of residential, commercial and retail structures but shall provide for ski-related uses consistent with paragraph 2.5 herein.

2.2.1.9. **Parking.** Each Small Scale MPD submittal shall include a parking management plan with respect to the portion of the property covered by such Small Scale MPD submittal.

⁷ Reclamation shall include, at a minimum, revegetation of exposed areas.

The goal of the plan is to design the Mountain Village in such a way as to reduce parking demand by 25%. DEVELOPER shall plan and encourage within the Mountain Village portion of the Project programs such as parking management, paid parking for commercial uses, shuttles and other programs designed to reduce the demand for private vehicles and parking. DEVELOPER shall provide for shared parking in all commercial, short-term residential and mixed-use buildings. Assigned or reserved spaces within commercial, short-term residential and mixed-use buildings are prohibited except that in the case of the Montage, one parking space may be assigned for each dwelling unit (excluding the 192 hotel rooms). The majority of the required parking areas will be fully enclosed and/or constructed underground.

2.3 **Prospect Ridge.** DEVELOPER considers the Prospect Ridge area depicted in Exhibit K to be a critical viewshed area for Old Town.

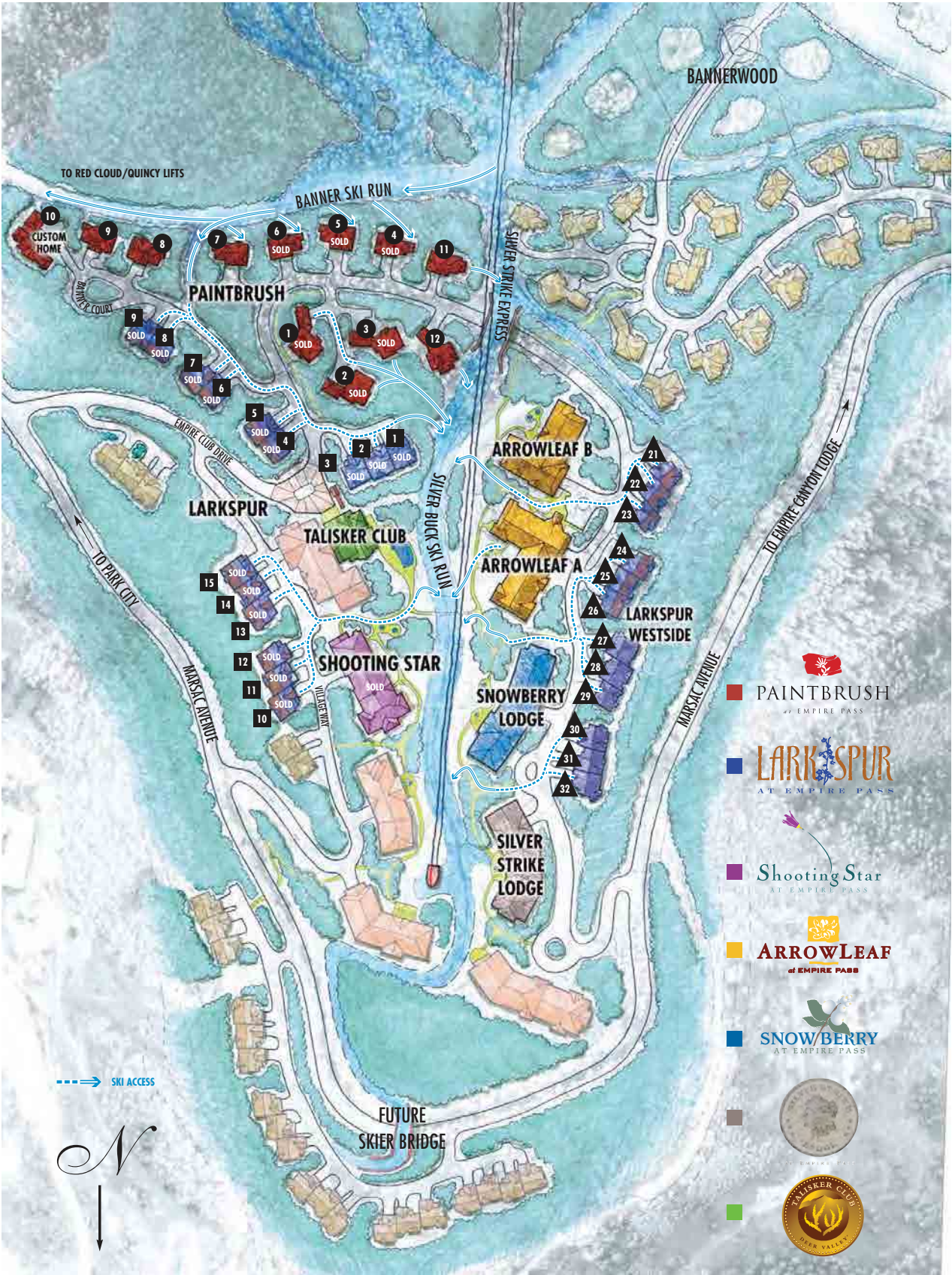
2.3.1 **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" on Exhibit K which shall prevent the construction thereon of residential, commercial and/or retail structures, ski lifts, and developed alpine ski runs.

2.4. **Northside Neighborhood.** The Northside Neighborhood is composed of property owned by five separate Northside Neighborhood Property Owners and, upon their written acceptance of the terms of this Agreement,



THE VILLAGE
AT EMPIRE PASS





Master Plan - Summer

May 6, 2006

HART HOWERTON
PLANNING AND DESIGN

THE VILLAGE AT EMPIRE PASS
 Park City, Utah

Empire Pass within Flagstaff Development Agreement Density Summary

12/22/15

1. Residential

Location Pod	Building or lot	Desc.	Average Sq Ft per Unit	Type	MF Total Net sq ft	MF Unit Equivalent total per proj	Total MF Units Lodge, PUD, TH	Total MF Units as PUDs	Total Single Family	Notes
PLATTED / COMPLETED / UNDER CONSTRUCTION/SOLD										
A	2	Shooting Star	1,719	Lodge	36,109	18.1	21	0	0	
A	5*	East West One Empire Pass (aka Snowberry)	2,427	Lodge	65,537	32.8	27	0	0	Plus 1 ADA unit plus 1 EHU (Employee Housing Unit)
A	6	Silver Strike (Koson)	2,097	Lodge	71,305	35.7	34	0	0	Plus 1 ADA unit plus 2 EHU.
A	7	Flagstaff Lodge	1,987	Lodge	73,506	36.8	37	0	0	Plus 1 EHU.
A	8	Arrowleaf A	1,659	Lodge	46,458	23.3	28	0	0	Plus 3 EHU
A	9	Arrowleaf B	1,741	Lodge	48,746	24.4	28	0	0	Plus 2 ADA
A	H	Grand Lodge	2,420	Lodge	65,344	32.7	27	0	0	Plus 1 ADA unit
A	13-30	Belles (aka Friends of Bannerwood) PUD	5,294	PUD	90,000	45.0	17	17	0	Max SF per PSA. 17 homes platted.
A	1-12	Paintbrush PUD style	5,256	PUD	63,074	31.6	12	12	0	Includes garages over 600 sf
A	1-15	Larkspur East Townhouses	3,246	TH	48,696	24.4	15	6	0	Duplex TH use two PUDs.
A	21-32	Larkspur West Townhouses	3,439	TH	41,273	20.7	12	0	0	
A	SF	Bannerwood- Single Family	10,000	SF			0	0	6	1 SF = 1 UE
B1	Lot B	Nakoma (aka Spagot) PUD style	5,294	PUD	90,000	45.0	17	17	0	Max SF per PSA. 17 homes platted.
B1	Lot C	Ironwood Townhouses	3,223	TH	74,130	37.1	23	0	0	Plus 1 EHU. Platted as 24 units, but two combined.
B1		Northside Village- Single Family		SF			0	0	10	1 SF = 1 UE
Empire Village Subtotal (Pods A and B1)					814,178	407.6	298	52	16	
D										
Red Cloud Subdivision all Single Family (not part of the MV)					10,000	SF			30	1 SF = 1 UE
										All platted, 8 built/being built (6 COs)- double check
B2	West	Montage Hotel 174 rooms	809		139,150	69.6		0	0	Counts as 1 CO
B2	West	Montage 81 Condos	2,812		227,800	113.9	81	0	0	As built stats from condo map.
B2 Subtotal					366,950	183.5	81	0	0	All built and platted
Mountain Village (Pods A, B1 and B2)										
Totals Density Platted or Sold (includes One Empire Pass)										
MV only Development Agreement Limits										
Remaining Density = 179 units										
					1,181,128	591.1	379	52	16	
					1,570,000	785.0	550	60	16	
					388,873	193.9	171	8	0	

Totals **Certificates of Occupancy with One Empire Pass (without One Empire Pass) = 395 (368)** **MF= 346** **SF= 22** **Total Units Pods A, B1, B2, (minus 3 Belles, 4 Nakoma) Plus 6 CO issued in Pod D**

Notes: 1. The remaining unplatted and/or unbuilt buildings are Empire Village Sites 1 (Tower Residence), 3, 4, and 5 (One Empire Pass); Nakoma (4 left); Belles (3 left); Marsac Horseshoe (TH); VEMP-1-1 and VEMP-1-2 (TH); and POD B2 East (MF). Larkspur "18-20" will not be built by EWV as EWV used density elsewhere and recorded no-build restriction on land. Ironwood was originally platted as 24 units but 2 were combined. Nakoma and Belles each platted as 17 units (45 UE).

2. Net Square Footage refers to the interior square footage of a condominium (that which is privately owned) and excludes exterior hallways, and other common and limited common space within the building.

3. Total UE (built/platted) in Pods A, B1 and B2 = 607.1 Total UE (built/platted) in Pod A (includes One Empire Pass) = 331.5 (>50%)

Planning Commission Staff Report



Application: PL-15-03003
Subject: One Empire Pass
Author: Kirsten Whetstone, AICP, Sr. Planner
Date: February 10, 2016
Type of Item: Legislative - Condominium Record of Survey Plat

Summary Recommendations

Staff recommends that the Planning Commission forward a positive recommendation to the City Council for the One Empire Pass Condominiums record of survey plat. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant: Guardsman Lodge, LLC, represented by Bill Fiveash, managing partner
Location: 8910 Empire Club Drive- Pod A, Lot 15 Village at Empire Pass West Side Subdivision (Building 5)
Zoning: Residential Development (RD) District as part of the Flagstaff Annexation and Master Planned Development
Adjacent Land Uses: Deer Valley Resort, condominiums, townhouses, and other development parcels of the Village at Empire Pass Pod A

Background

On November 13, 2015, the Planning Department received an application for a Condominium Record of Survey plat (Exhibit A) for a twenty seven unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision (Exhibit C). The building is identified as Building 5 on the Village at Empire Pass MPD. The application was deemed complete on November 20, 2015. An application for a CUP was submitted on October 26, 2015, and is being reviewed concurrent with the record of survey plat. An existing conditions survey, aerial photo, and photos of the site were also submitted with the application (Exhibits B and D). Substantial background information on this property was described in the January 13, 2016 Staff Report and is included in the findings in the Ordinance.

On January 13, 2016, the Planning Commission conducted a public hearing and discussed the proposed condominium plat. No public input was provided and the public hearing was closed. Staff explained a revised plat was submitted on January 11th after the packet had gone out. The revised plat increased the size of a unit on the upper floor. Staff initially thought that the change impacted the gross building square footage, total residential square footage and UE figure and at the meeting provided the new figures for these items. The applicant stated that the gross building square footage was correct, however the residential square footage and UE figures needed to be updated. The Commission continued the item to February 10, 2016 to allow Staff and the

applicant to get the correct figures, plat, and plans into the packet for the Commission to review.

Staff did have the correct overall gross building square footage (113,293 sf), as it was provided by the architects on Friday, January 8th before the final report was placed in the packet. An intermediate change to the plat made in December (that was not submitted to the City) increased the size of some of the some units bringing the total residential area to the 64,374 sf, which was the same number that Staff referred to in the January 13th report that was calculated from the revised architectural drawings that were submitted for the Conditional Use Permit application for this building.

The original November plat was included in the January 13th meeting packet, because the December plat was not submitted to the City. The November plat reflected the originally submitted total residential square footage of 62,668 sf. The intermediate plat reflected the total residential floor area as 64,374 sf (a 1,706 sf increase primarily to Unit 604, with minor changes to other units) that matched the architectural floor plans submitted by the architect. The revised plat (submitted January 11th) reflects the correct total residential floor area of 64,965 sf (32.48 UE), an increase of 591 square feet (primarily to Unit 603) from the 64,374 sf figure staff used in the January 13th report.

Staff incorrectly thought that the gross building area also increased, but the figure (113,293 sf), provided by the architects, and included in the January 13th report, was correct, already reflecting the changes made to the plat and to the volumetric exhibits submitted for the CUP. Staff has provided the correct residential square footage (64,965 sf) and UE (32.48 UE) throughout this report and in the findings of fact in the draft Ordinance.

Purpose

The purpose of the Residential Development (RD) Zoning District is to:

- (A) allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

Land Management Code (LMC) and Village MPD Analysis

The proposal complies with lot and site requirements of the RD Zoning District as described below:

	RD Zoning District and/or Village at Empire Pass MPD
Lot Size	No minimum lot size. Lot 15 is 1.17 acres (50,999 square feet)
Building Footprint- Floor Area Ratio (FAR)	Density is per the Flagstaff Annexation and Development Agreement and Village and Empire Pass MPD. Building 5 site was sold with up to 65,537 net residential square feet (32.8 UE). The proposed CUP is for 27 units (64,965 sf, utilizing 32.48 unit equivalents (UE). Density is based on 1 UE is equivalent to 2,000 sf of residential floor area. The Flagstaff Annexation and Development Agreement tracks both UEs (each 2,000 sf) as well as total number of units. The gross building is 113,293 sf, including the parking garage, mechanical, circulation, common areas, storage, and other common areas that do not use UE.
Front yard setbacks	25 feet to front facing garage, 20 feet to building. Minimum of 25 foot front setbacks are proposed.
Rear yard setbacks	15 feet. Minimum of 15 foot rear setbacks are proposed.
Side yard setbacks	12 feet. Minimum of 12 foot side setbacks are proposed.
Building Height	Per Village MPD Volumetric and Height Exception Diagrams (See CUP report) For Building 5, 20% of the building was permitted to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 5 to be four to six stories. The building complies.
Parking	The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, fifty-five (55) spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-6 surface spaces will be provided near the front drop-off area. Parking complies.
Architectural Design	All construction is subject to Village at Empire Pass Design Review Board approval and LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the Building Permit.

Residential Units	27 units ranging in size from 1,140 sf to 3,895 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit.
Commercial space	No commercial space is proposed.
Support space	Common amenity areas are provided for the unit owners, including storage areas, locker rooms, fitness area, lounge and lobby areas, children's room, and small business center areas.
Density Summary	The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units. To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Still to be approved are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, aka Building 5. There is sufficient remaining density in the MPD (226.7 UE), or 198 multi-family units, to accommodate the density of Building 5 (32.48 UE) as 27 units in a lodge style building.

This application meets the necessary subdivision requirements of Land Management Code (LMC) Section 15-7 of the Park City Municipal Code and is consistent with the CUP application for One Empire Pass Lodge. Parking is provided at 75% of the Code requirement consistent with the Development Agreement that requires a 25% reduction in parking.

The total residential square footage is 64,965 sf, utilizing 32.48 Unit Equivalents (UEs). In addition, an Employee Housing Unit (EHU) of 900 square feet (Unit #104) and one ADA accessible unit of 944 square feet (Unit #103) are provided. The applicant requests that the EHU unit be platted as private space so that the unit can be managed and rented out by the project owners/applicant rather than turn it over to the 27 members of the future HOA. The applicant has had good success leasing the affordable units in their other buildings, typically to a manager of the property or to someone employed in the Empire Pass area. A deed restriction for the EHU unit, acceptable to the City, is a Condition of Approval prior to plat recordation. The deed restriction should outline and resolve concerns that may have come up on other affordable units platted as private. The ADA unit is platted as Common Area.

Good Cause

Staff finds good cause for this record of survey as this condominium plat is consistent

with the development pattern envisioned in the MPD and the 14 Technical Reports and identifies the specific square footage for residential units, affordable unit, ADA unit and common area.

Department Review

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with revisions to the application and conditions of approval.

Notice

The property was posted and notices were mailed to property owners within 300 feet on December 23, 2015. A legal notice was published in the Park Record on December 26, 2015. No public input has been received at the time of this report.

Alternatives

1. The Planning Commission may forward a positive recommendation to City Council to approve the Condominium Record of Survey plat for One Empire Pass Condominiums, as conditioned or amended, or
2. The Planning Commission may forward a negative recommendation to deny the Condominium Record of Survey plat and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the Condominium Record of Survey plat One Empire Pass Condominiums to a date certain and provide Staff and the applicant with direction regarding additional information needed in order to make a recommendation to City Council.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated with the Flagstaff Agreement and Master Planned Development conditions and recommended conditions of approval.

Consequences of not taking the Suggested Recommendation

The units could not be separately sold.

Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding the One Empire Pass Condominiums record of survey plat. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Exhibits

Ordinance

Exhibit A – Proposed record of survey plat

Exhibit B – Existing Conditions

Exhibit C – Subdivision plat

Exhibit D – Photos of the Site

Ordinance 16-XX

AN ORDINANCE APPROVING THE ONE EMPIRE PASS CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 8910 EMPIRE CLUB DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the One Empire Pass, located at 8910 Empire Club Drive, Lot 15 of the Village at Empire Pass West Side Subdivision, have petitioned the City Council for approval of the One Empire Pass Condominiums record of survey; and

WHEREAS, the property was noticed on December 26, 2015 and posted on December 23, 2015, according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on December 23, 2015; and

WHEREAS, the Planning Commission held a public hearing on January 13th, 2016, to receive input on the One Empire Pass Condominiums record of survey;

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on February 25th, 2016, the City Council held a public hearing on the One Empire Pass Condominiums record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the One Empire Pass Condominiums record of survey.

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 One Empire Pass Condominiums record of survey 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 One Empire Pass Condominiums are proposed on Lot 15 of the Village at Empire Pass West Side Subdivision, within Pod A of the Village at Empire Pass Master Planned Development.
2. The property is located at 8910 Empire Club Drive.
3. The property is in the Residential Development (RD) Zoning District.
4. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 as amended on March 2, 2007.

5. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage).
6. The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multi-family units) and 16 single-family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.
7. To date, 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single-family units have been platted and/or built within the Mountain Village.
8. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Condominium record of survey plats have been approved and recorded for these buildings.
9. Still to be approved as Conditional Use Permits are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5.
10. A Conditional Use Permit application for One Empire Pass, aka Building 5 was received on October 26, 2015 and is being reviewed concurrently with this application.
11. There is sufficient remaining density (226.7 UE), or 198 units, to accommodate the density of Building 5 (32.48 UE) as 27 units in a lodge style building.
12. Approximately 368 certificates of occupancy for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D) have been issued. According to the Annexation and Development Agreement, the affordable housing obligations come due for each 150 certificates of occupancy. The next housing obligation trigger point is 450 certificates of occupancy. The 27 certificates of occupancy for One Empire Pass would bring the total to 395 certificates of occupancy.
13. On November 13, 2015, the Planning Department received an application for a Condominium Record of Survey plat for the 27 unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision.
14. The application was deemed complete on November 20, 2015.
15. The Village at Empire Pass West Side Subdivision was approved by Council in 2005 and recorded at Summit County on August 12, 2005. Lot 15 consists of 50,999 square feet of lot area and is currently undeveloped.
16. The property is subject to subdivision plat notes that require compliance with RD District zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.
17. The proposed One Empire Pass Lodge building is a multi-story building with 27 residential units ranging in size from 1,140 sf to 3,895 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit. The ADA unit is platted as Common Area. The affordable unit is platted as Private Area and a deed restriction acceptable to the City will be recorded prior to recordation of the plat.

18. The proposed gross building area, including parking and all common areas is approximately 113,293 square feet. The total residential area subject to Unit Equivalents is 64,965 square feet utilizing 32.48 Unit Equivalents. All saleable residential area platted as private area within the Units is counted into the Unit Equivalent figure and one UE is 2,000 square feet of residential area. Common amenities areas (exercise and recreation rooms, ski lockers, locker rooms, etc. for the use of unit owners and guests) are proposed at the south end of levels one and two. No commercial uses are proposed.
19. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, 55 spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-5 surface spaces will be provided near the front drop-off area.
20. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
21. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village Master Plan Development. Specific volumetric diagrams were approved for each Building Site. For Building 5, 20% of the building was permitted to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 5 to be four to six stories.
22. The proposed building complies with the granted height exceptions and volumetric in terms of percentage at certain heights, number of stories, and required vertical and horizontal articulation. The proposed building is 11.5' to 15' lower than the 80' allowance (20% of the building), approximately 9'-8" below the 92' allowance (55% of the building), and approximately 5' lower than the 74' allowance (25% of the building).
23. The building complies with all RD District zone setbacks maintaining a 25' front setback, 12' side setbacks, and 15' rear setbacks.
24. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
25. The proposed record of survey plat for the condominium building and development is consistent with the development pattern envisioned in the MPD and the 14 Technical Reports.

Conclusions of Law:

1. There is good cause for this record of survey.
2. The 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 record of survey.
4. Approval of the record of survey, subject to the conditions stated below, does not

adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the 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 record of survey 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 written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. The record of survey plat will note that all conditions of approval of the Village at Empire Pass Master Planned Development, the Village at Empire Pass West Side subdivision plat, and the One Empire Pass Conditional Use Permit shall continue to apply.
4. A deed restriction for the Employee Housing Unit acceptable to the City is required prior to plat recordation. The plat will note that the EHU is subject to a deed restriction. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
5. The plat will note the Employee Housing Unit and the ADA accessible unit.
6. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on Lot 15.

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

PASSED AND ADOPTED this _____ day of February, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

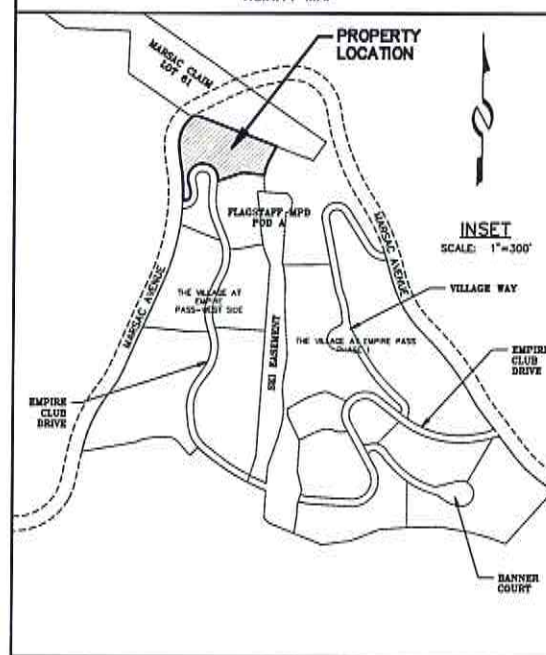
Exhibit A – Proposed record of survey plat

SETBACK NOTE

(as approved by Park City Municipal Corporation Empire Pass Village Master Plan, July 21, 2004.)

1. The required 25' setback for master planned developments is measured from the Flagstaff annexation boundary. The internal setback lines shown hereon are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.

VICINITY MAP

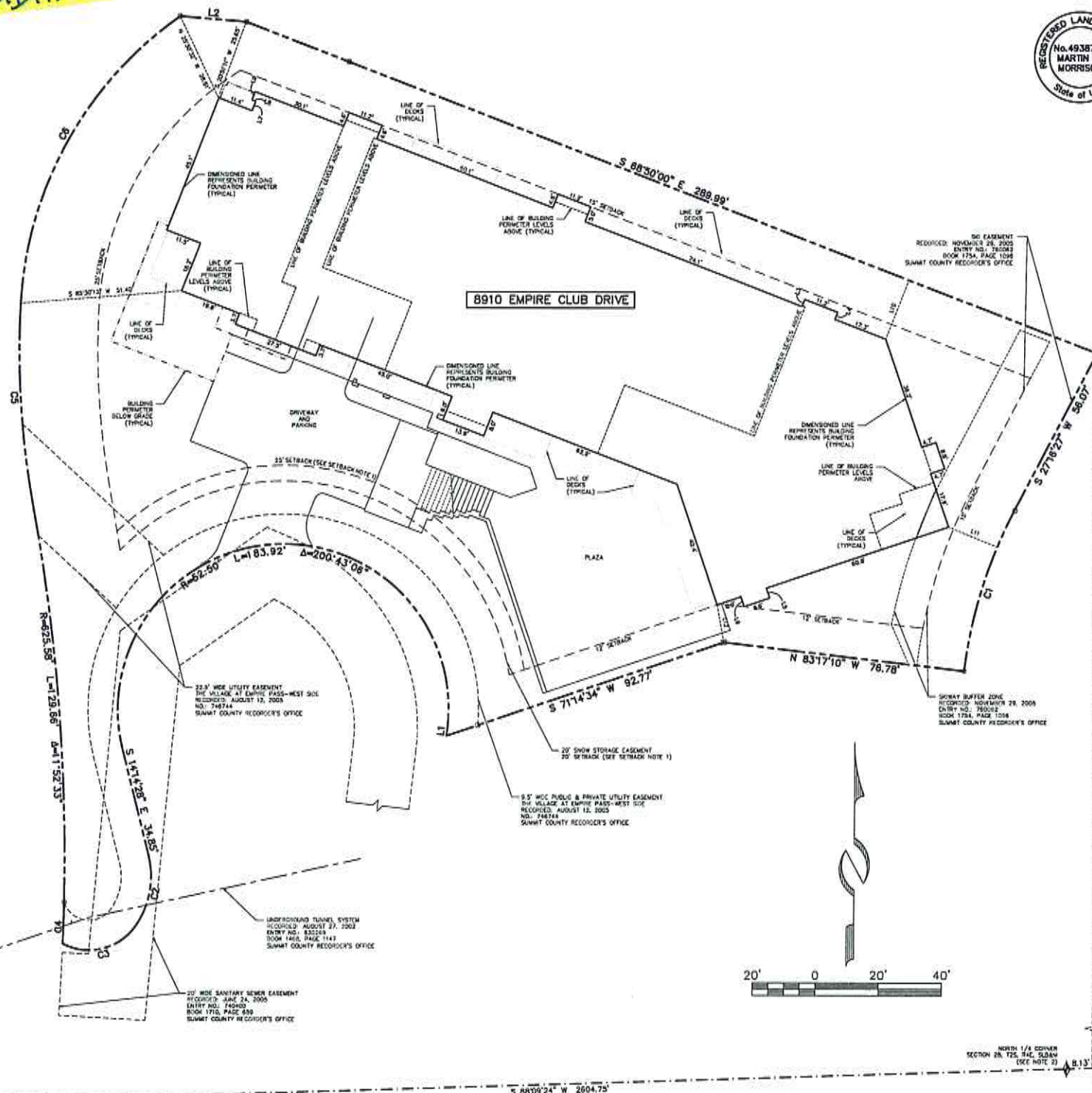


LINE	BEARING	DISTANCE
L1	N 05°28'37" E	2.45
L2	S 85°20'00" E	21.17
L3	S 85°20'00" E	2.45
L4	S 85°20'00" E	2.45
L5	S 85°20'00" E	2.45
L6	S 85°20'00" E	2.45
L7	S 85°20'00" E	2.45
L8	S 85°20'00" E	2.45
L9	S 85°20'00" E	2.45
L10	S 85°20'00" E	2.45
L11	S 85°20'00" E	2.45
L12	S 85°20'00" E	2.45

CURVE	RADIUS	LENGTH	DELTA
C1	150.00	53.83	20°33'37"
C2	27.50	23.32	48°34'52"
C3	18.00	26.19	83°22'24"
C4	775.00	10.16	0°45'05"
C5	275.00	64.62	13°27'50"
C6	118.63	107.81	52°04'13"

LEGEND

- Set nail and washer, AE 154491
○ Set 5/8" rebar w/cap, ALLIANCE ENGR/L/S 154491



CONDOMINIUM PLAT FOR ONE EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Condominium for Flagstaff.



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of ONE EMPIRE PASS CONDOMINIUMS has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plot. I further certify that the information on this plot is accurate.

LEGAL DESCRIPTION

All of Lot 15, THE VILLAGE AT EMPIRE PASS WEST SIDE, according to the official plat thereof recorded in the office of the Summit County Recorder August 12, 2005 as Entry No. 746744, Summit County, Utah

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT One Empire Pass, LLC, a Delaware limited liability company, the owner of the tract of land described herein as One Empire Pass Condominiums, a Utah condominium project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plat consisting of ten (10) sheets to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.

The owner certifies that the buildings shown on this plot, but not under construction at the time the plat was recorded, will, when completed, be substantially as shown on the plat.

In witness whereof, the undersigned has executed this certificate and dedication this _____ day of _____, 2016.

ONE EMPIRE PASS, LLC, a Delaware limited liability company

By: HF Holding Corp. III, a Colorado corporation

Manager

Title

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2016, _____ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, _____ acknowledged to me that One Empire Pass, LLC is the owner of the herein tract of land and that he/she, as the Authorized Signatory of HF Holdings Corp. III, the Manager of One Empire Pass, LLC, is authorized to sign the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

NOTE

- The dimensions of the private spaces and square footage calculations are based on drawings supplied by DB Group. The square footages shown on this plot are calculated in accordance with the Utah Condominium Act and the Declaration of Condominium for One Empire Pass, a Utah Condominium Project. Such calculations typically differ somewhat from the square footages determined by the architect or others using different methods of determining unit size. It is the intent that the private ownership area of the units will be as constructed.
- All common structural elements are designated as Common Areas and Facilities, as described in the Declaration of Condominium.
- Building lies on this sheet are from the property line to the building foundation as shown.
- All Common Area and Facilities is dedicated as non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Service District, and Summit County for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
- Access to the units is by private roads and is not warranted by Park City.
- The units of the One Empire Pass Condominium Development are served by a Common Private Lateral Wastewater Line. The Empire Pass Master Owners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of said Private Lateral Wastewater Line serving One Empire Pass. The cost of such maintenance and replacement shall be paid by the One Empire Pass Owners Association, Inc. as part of the common expenses.
- The property corners at Empire Club Drive are set at the intersection of the 9.5' wide public and private utility easement and the lot line or as shown hereon.
- Unit 104: Deed Restricted Employee/Affordable Housing Unit (DHU)
- All conditions of approval of the Village at Empire Pass (Pad A) Master Planned Development, the Village at Empire Pass West Side Subdivision Plat, the One Empire Pass Conditional Use Permit, and Park City Ordinances shall continue to apply.
- At the time of resurfacing of Empire Club Drive, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
- The Ski Easement and Skiway Buffer Zone shown on this plot identifies certain portion of the Common Area that may be used for summer and winter recreation. Ski, all-terrain, and other adjacent recreation areas. The Ski Easement and Skiway Buffer Zone may be used by all owners of the Village at Empire Pass development, and as otherwise permitted in the Declaration of Condominium for One Empire Pass.

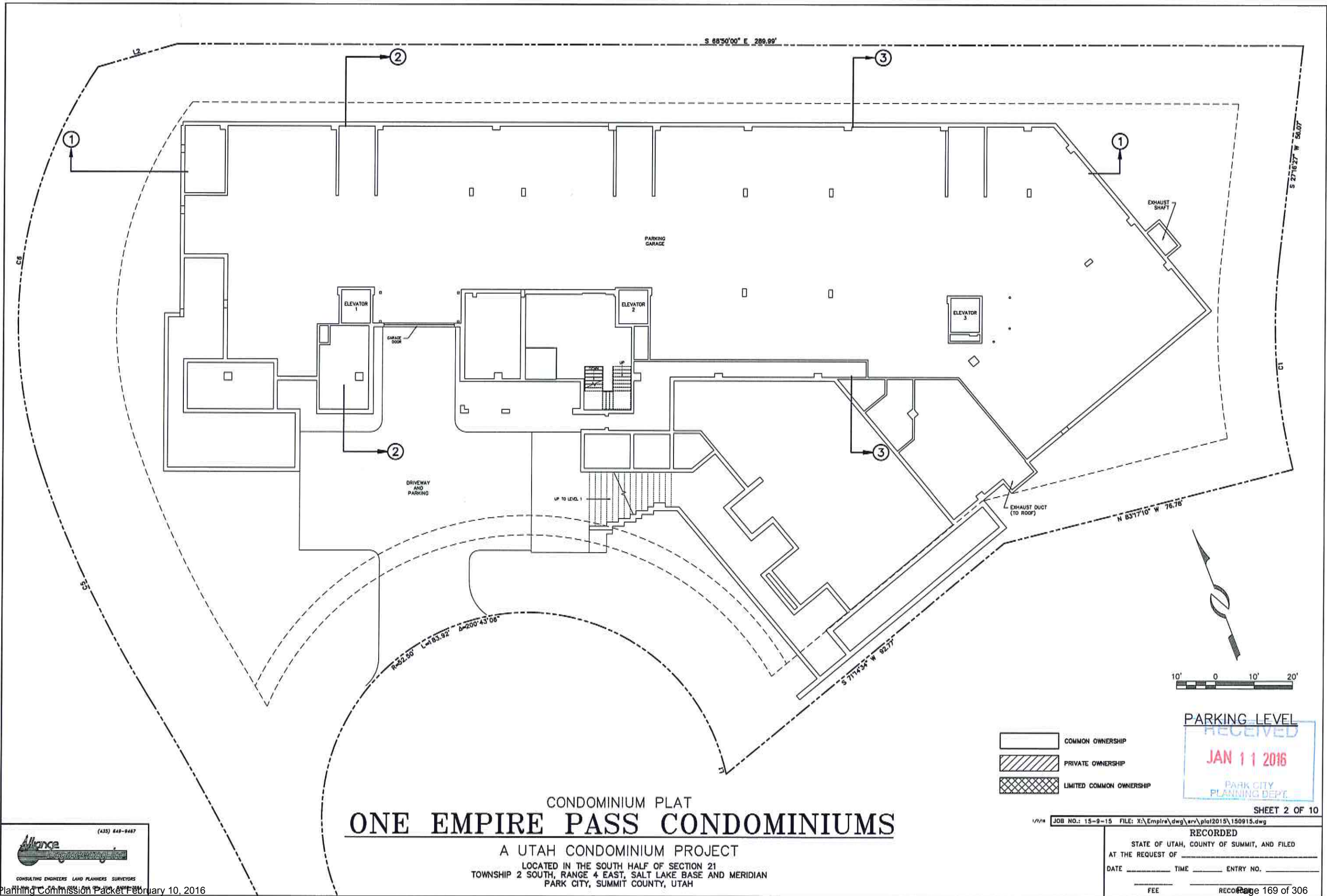
JAN 11 2016

PARK CITY
PLANNING DEPT.

SHEET 1 OF 10

1/7/16 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\ar\plot15\150915.dwg

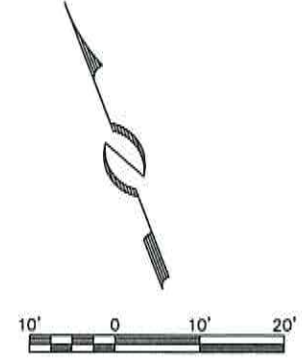
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 113 MAIN STREET, SUITE 200, PARK CITY, UTAH 84301 PHONE: 435-249-9467 FAX: 435-249-9468	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ REC'D _____
	Planning Commission Packet February 10, 2016						



CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

PARKING LEVEL
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PARK CITY
PLANNING DEPT.



1/1/18 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\serv\plat2015\150915.dwg

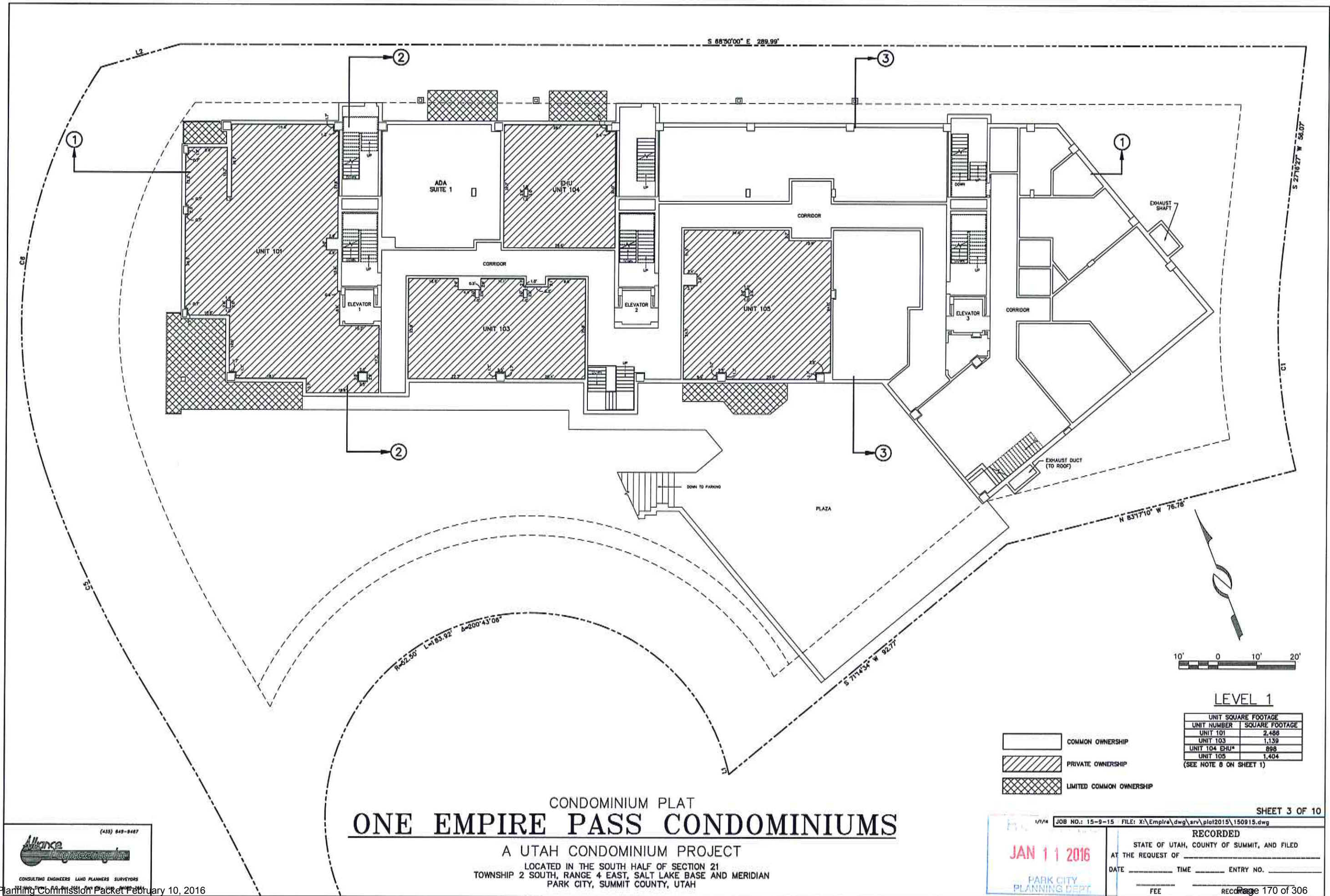
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____ ENTRY NO. _____

FEE _____ RECORDED _____



CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

LEVEL 1

UNIT SQUARE FOOTAGE	
UNIT NUMBER	SQUARE FOOTAGE
UNIT 101	2,488
UNIT 103	1,139
UNIT 104 EHU*	888
UNIT 105	1,404

(SEE NOTE 8 ON SHEET 1)

1/7/16 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\arv\plat2015\150915.dwg

JAN 11 2016

PARK CITY PLANNING DEPT

SHEET 3 OF 10

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____ ENTRY NO. _____

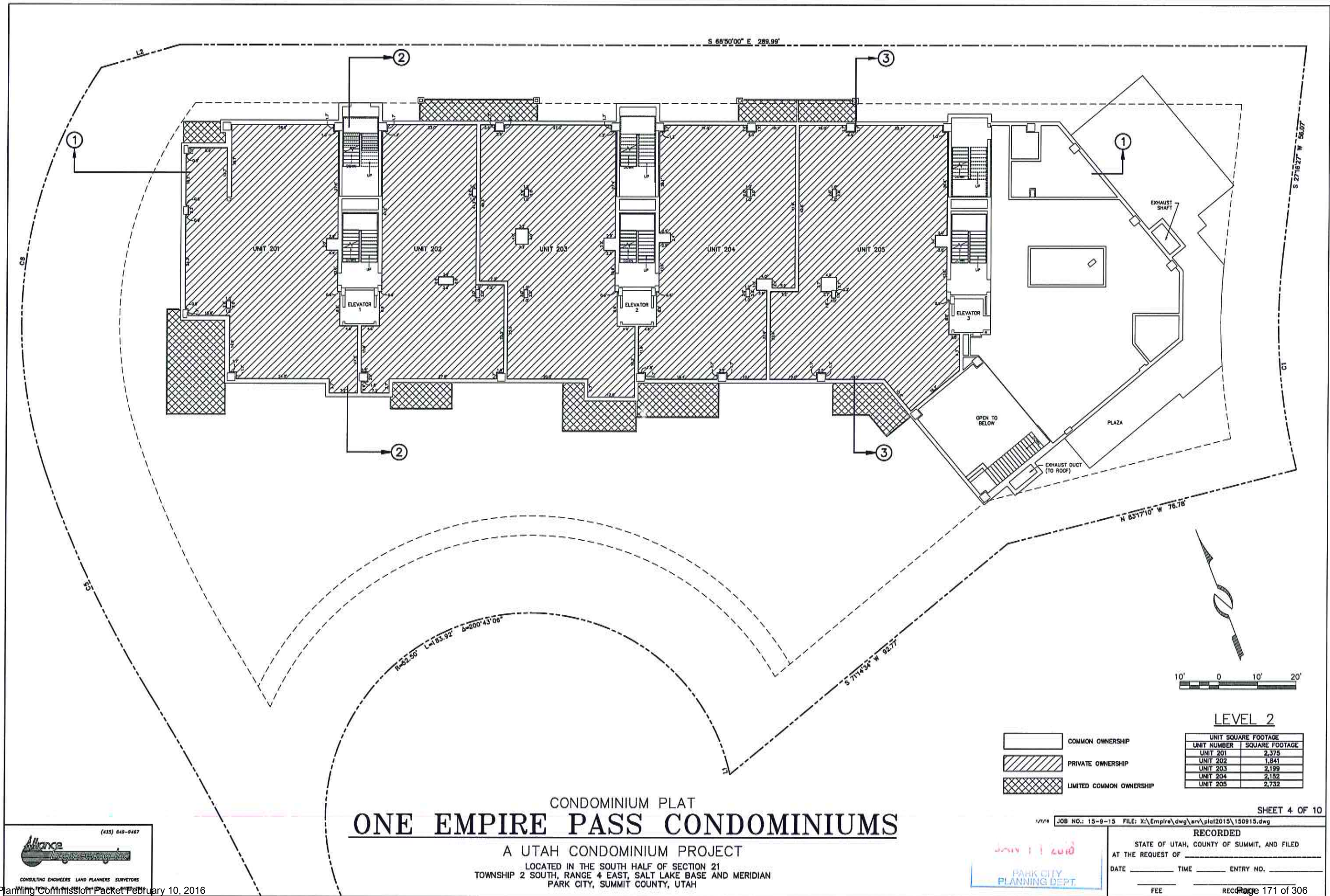
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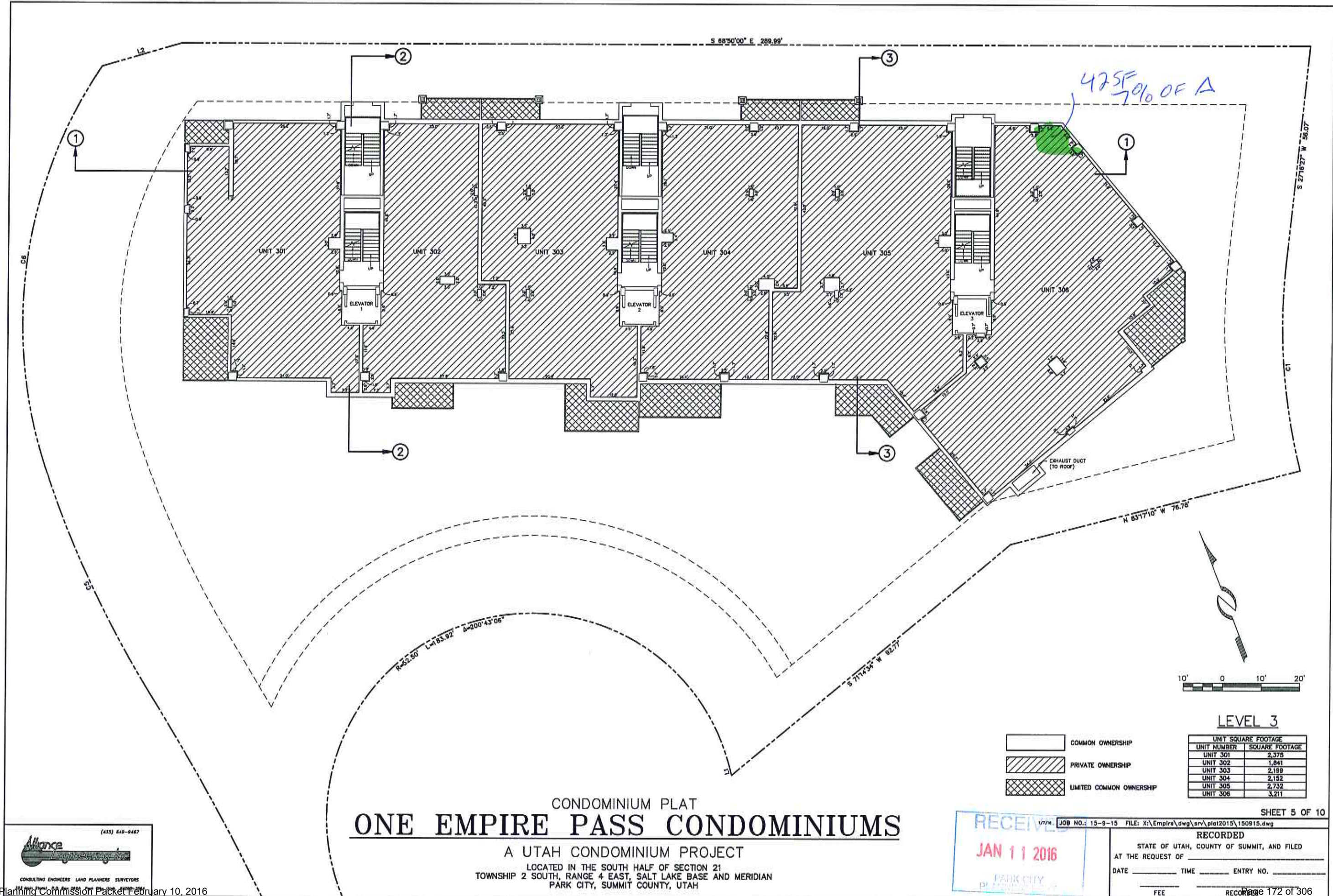
(435) 649-8487

Alliance

Engineering & Planning

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS





475% OF A

CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

LEVEL 3

UNIT SQUARE FOOTAGE	
UNIT NUMBER	SQUARE FOOTAGE
UNIT 301	2,375
UNIT 302	1,841
UNIT 303	2,199
UNIT 304	2,152
UNIT 305	2,732
UNIT 306	3,211



SHEET 5 OF 10

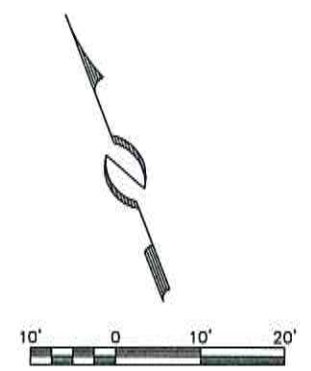
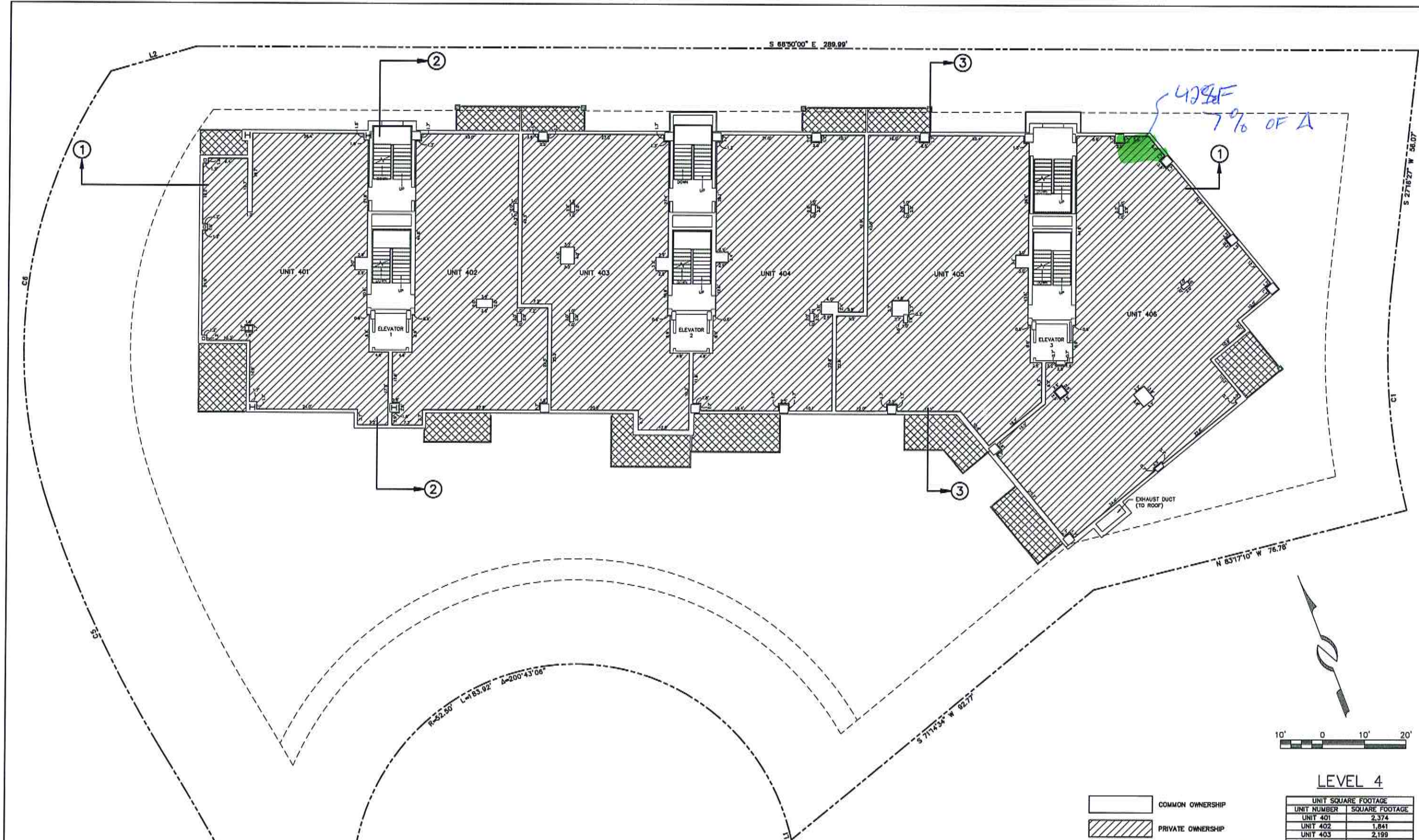
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____ ENTRY NO. _____

FEE _____



- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

LEVEL 4

UNIT SQUARE FOOTAGE	
UNIT NUMBER	SQUARE FOOTAGE
UNIT 401	2,374
UNIT 402	1,841
UNIT 403	2,199
UNIT 404	2,152
UNIT 405	2,732
UNIT 406	3,211

CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTH HALF OF SECTION 21
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



SHEET 6 OF 10

1/7/16 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\arv\plat2015\150915.dwg

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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

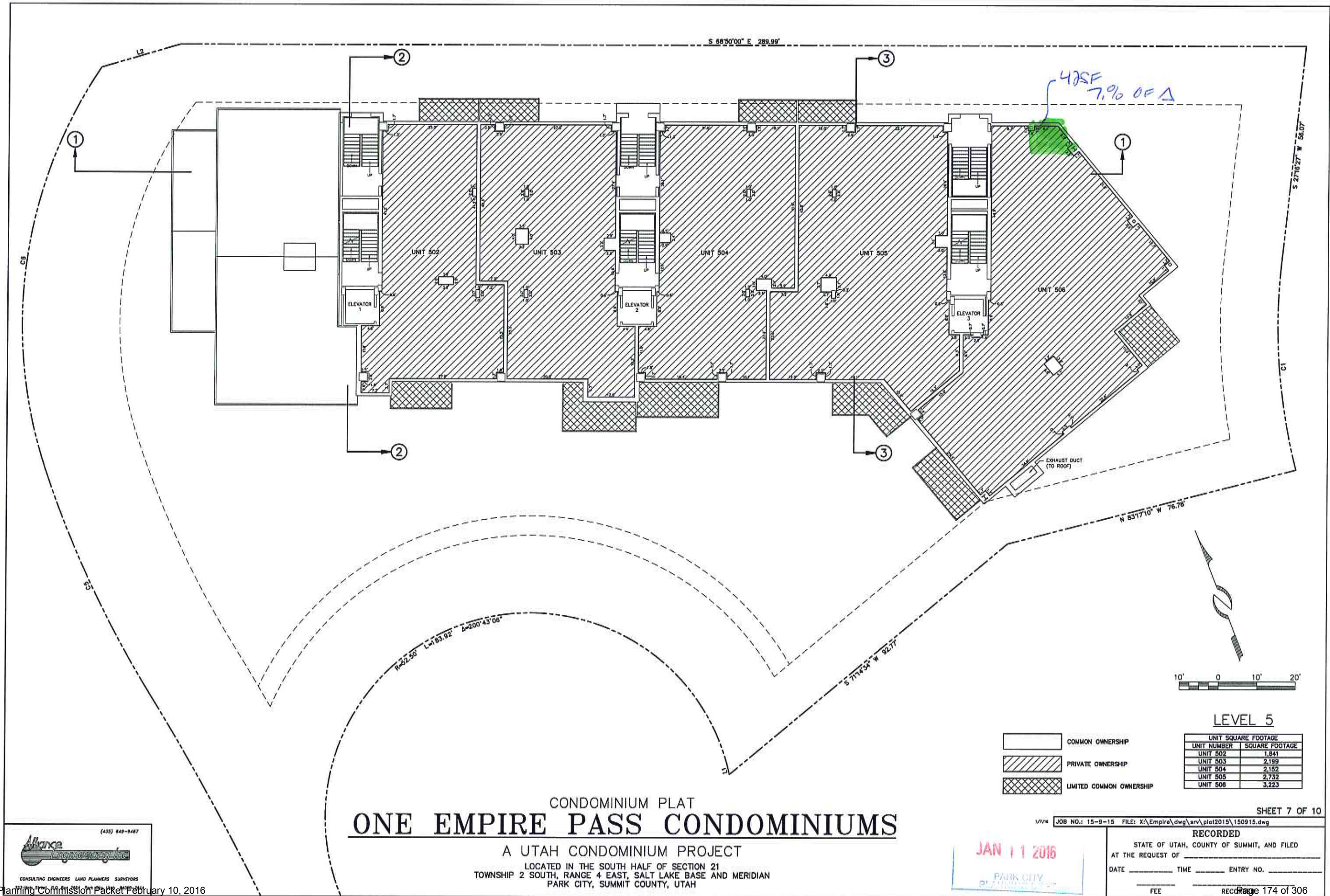
DATE _____ TIME _____ ENTRY NO. _____

FEE _____ RECORDED _____

Page 173 of 306

JAN 11 2016

PARK CITY
PLANNING DEPT



CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

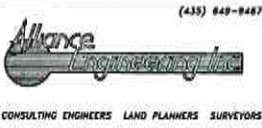
LEVEL 5

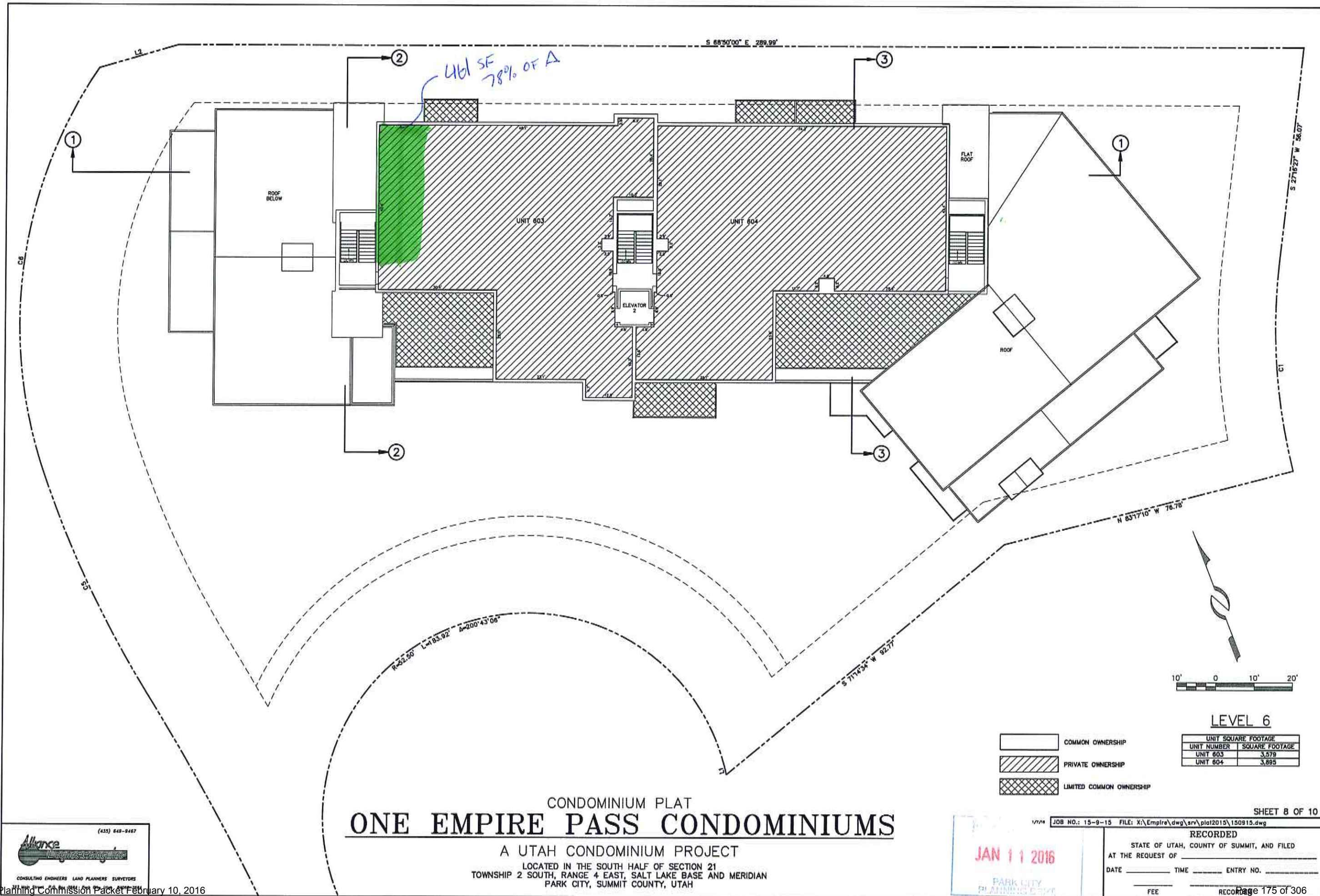
UNIT NUMBER	SQUARE FOOTAGE
UNIT 502	1,841
UNIT 503	2,199
UNIT 504	2,152
UNIT 505	2,732
UNIT 506	3,223

SHEET 7 OF 10
JOB NO.: 15-9-15 FILE: X:\Empire\dwg\arv\plat2015\150915.dwg

JAN 11 2016
PARK CITY PLANNING DEPT

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ ENTRY NO. _____
FEE _____ REC'D _____





CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

LEVEL 6

UNIT NUMBER	SQUARE FOOTAGE
UNIT 603	3,579
UNIT 604	3,895

JAN 11 2016

PARK CITY PLANNING DEPT

SHEET 8 OF 10

1/1/16 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\ar\plat2015\150915.dwg

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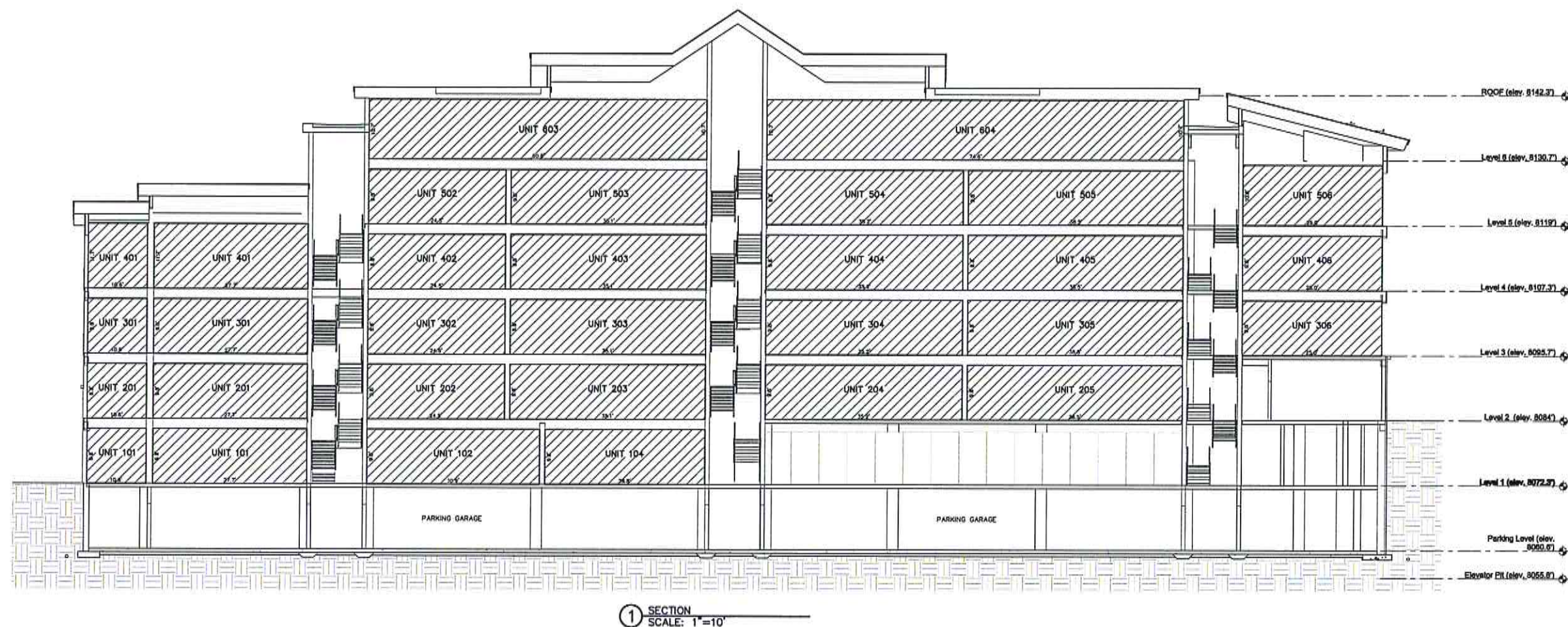
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____ ENTRY NO. _____

FEE _____

RECORDED _____



- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP



CONDOMINIUM PLAT ONE EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

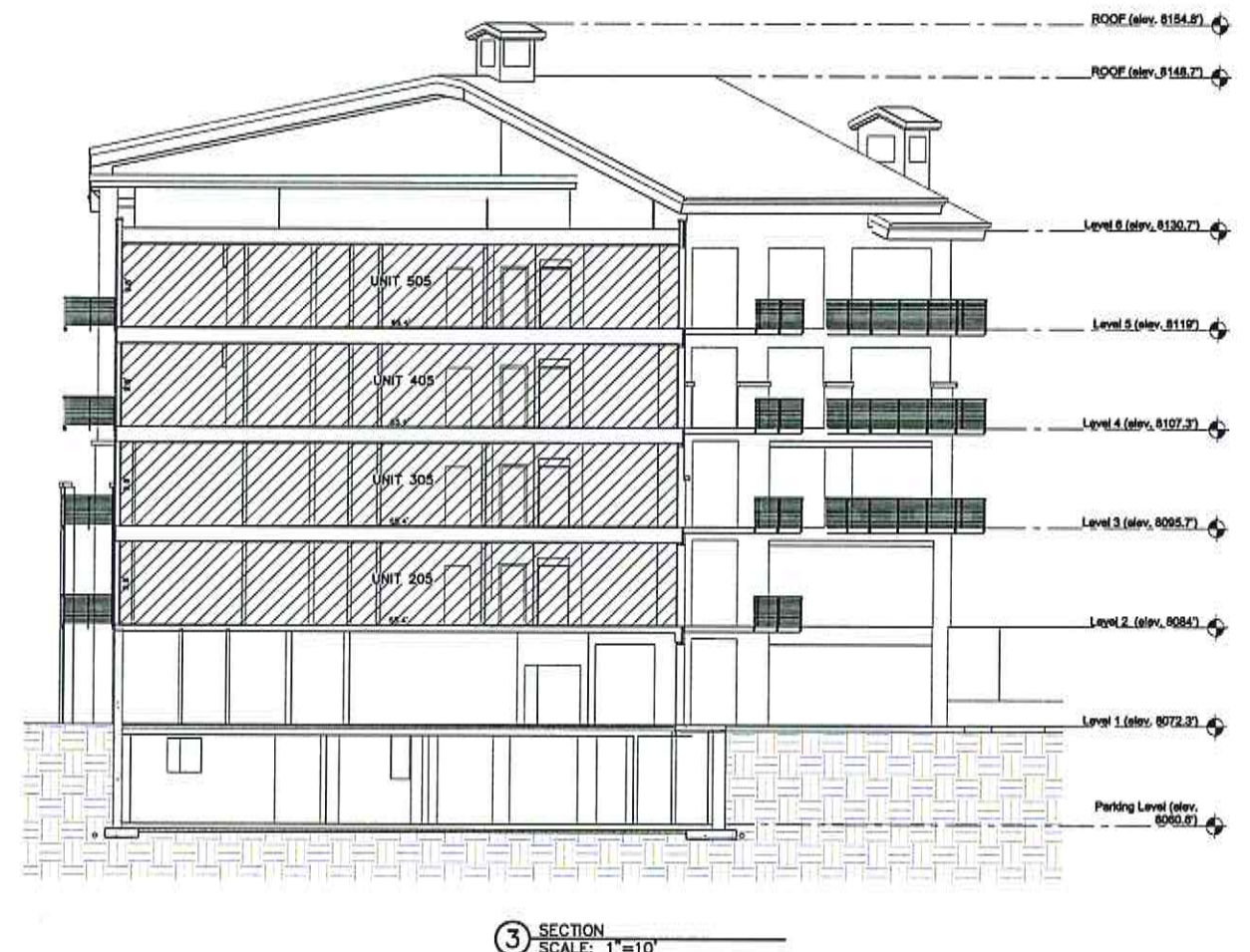
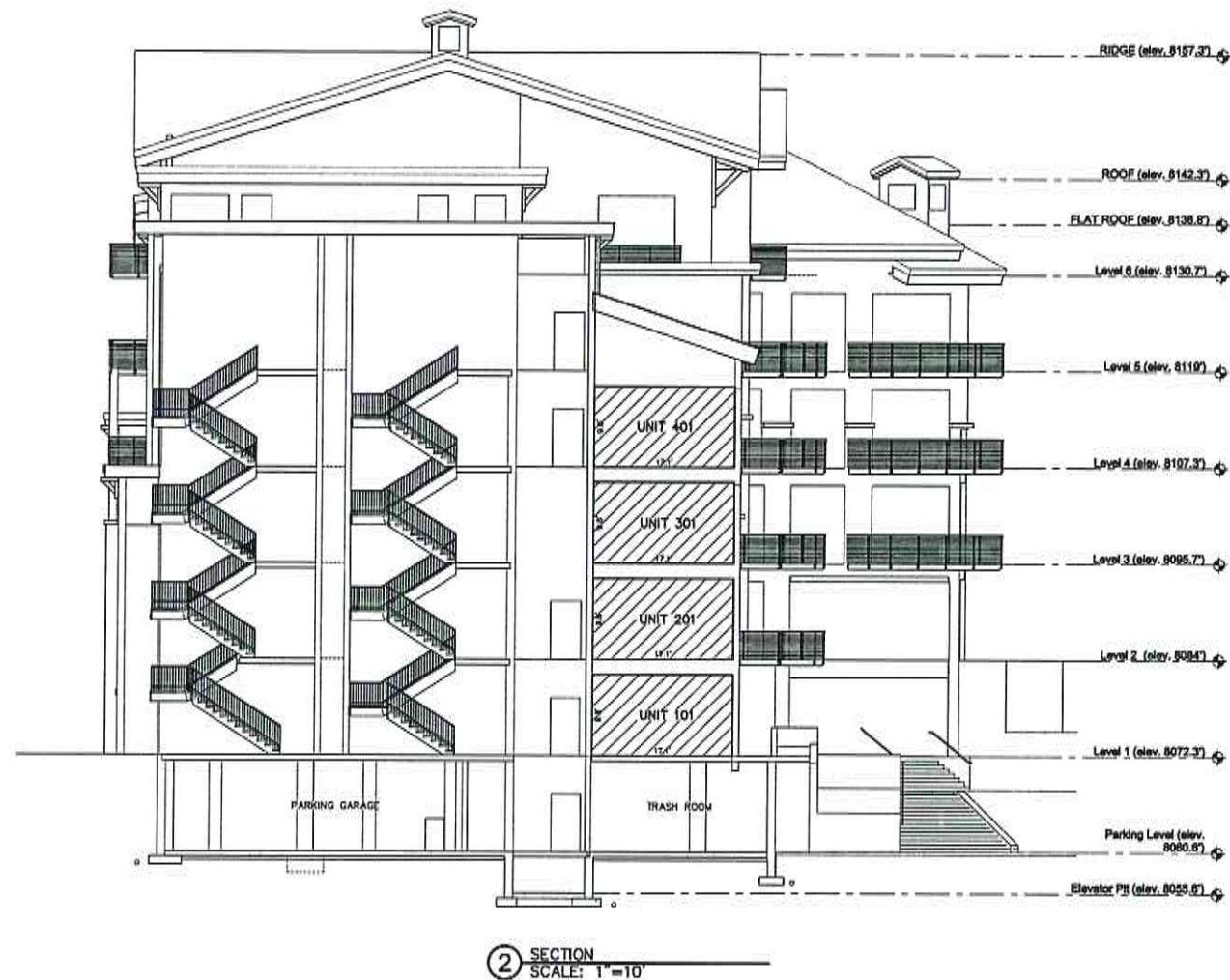
SHEET 9 OF 10			
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RECORDED			
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED			
AT THE REQUEST OF _____			
DATE _____	TIME _____	ENTRY NO. _____	
FEE _____		RECORD _____	

JAN 11 2016

PARK CITY
PLANNING DEPARTMENT



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS



COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP



CONDOMINIUM PLAT **ONE EMPIRE PASS CONDOMINIUMS**

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 10 OF 10

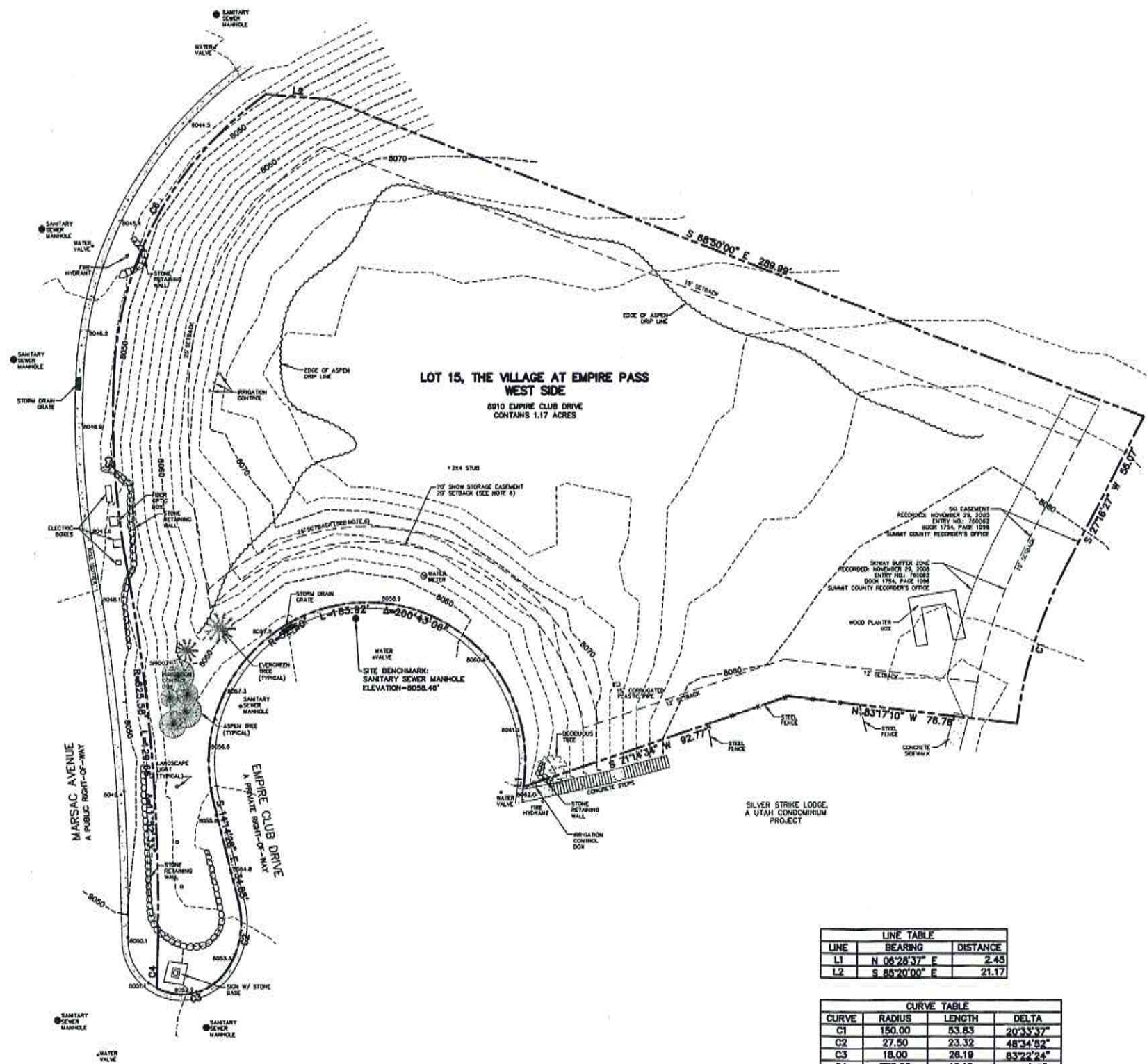
RECORDED
JAN 11 2016
PARK CITY PLANNING DEPT

JOB NO.: 15-9-15 FILE: X:\Empire\dwg\arv\plot2015\150915.dwg

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ ENTRY NO. _____
FEE _____ RECORD _____



EXHIBIT B



SURVEYOR'S CERTIFICATE

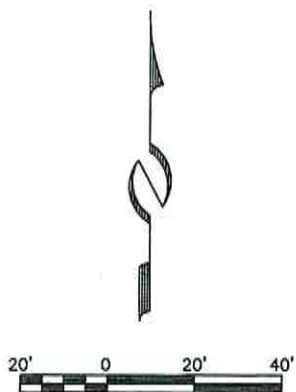
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

- 1. Site Benchmark: Sanitary Sewer Manhole Elevation=8058.48'
- 2. See record of survey plot for easements and restrictions.
- 3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
- 4. This topographic map is based on a field survey performed on June 19, 2015.
- 5. Property corners were set or found during a previous survey.
- 6. The required 25' setback for master planned developments is measured from the Flagstaff annexation boundary. The internal setback lines shown hereon are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 08°28'37" E	2.45
L2	S 85°20'00" E	21.17

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	150.00	53.63	20°33'37"
C2	27.50	23.32	48°34'52"
C3	18.00	26.19	83°22'24"
C4	775.00	10.18	0°45'05"
C5	275.00	64.62	13°27'50"
C6	118.63	107.61	52°04'13"



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(435) 648-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
MARTY MORRISON
HARRISON HOLLEY

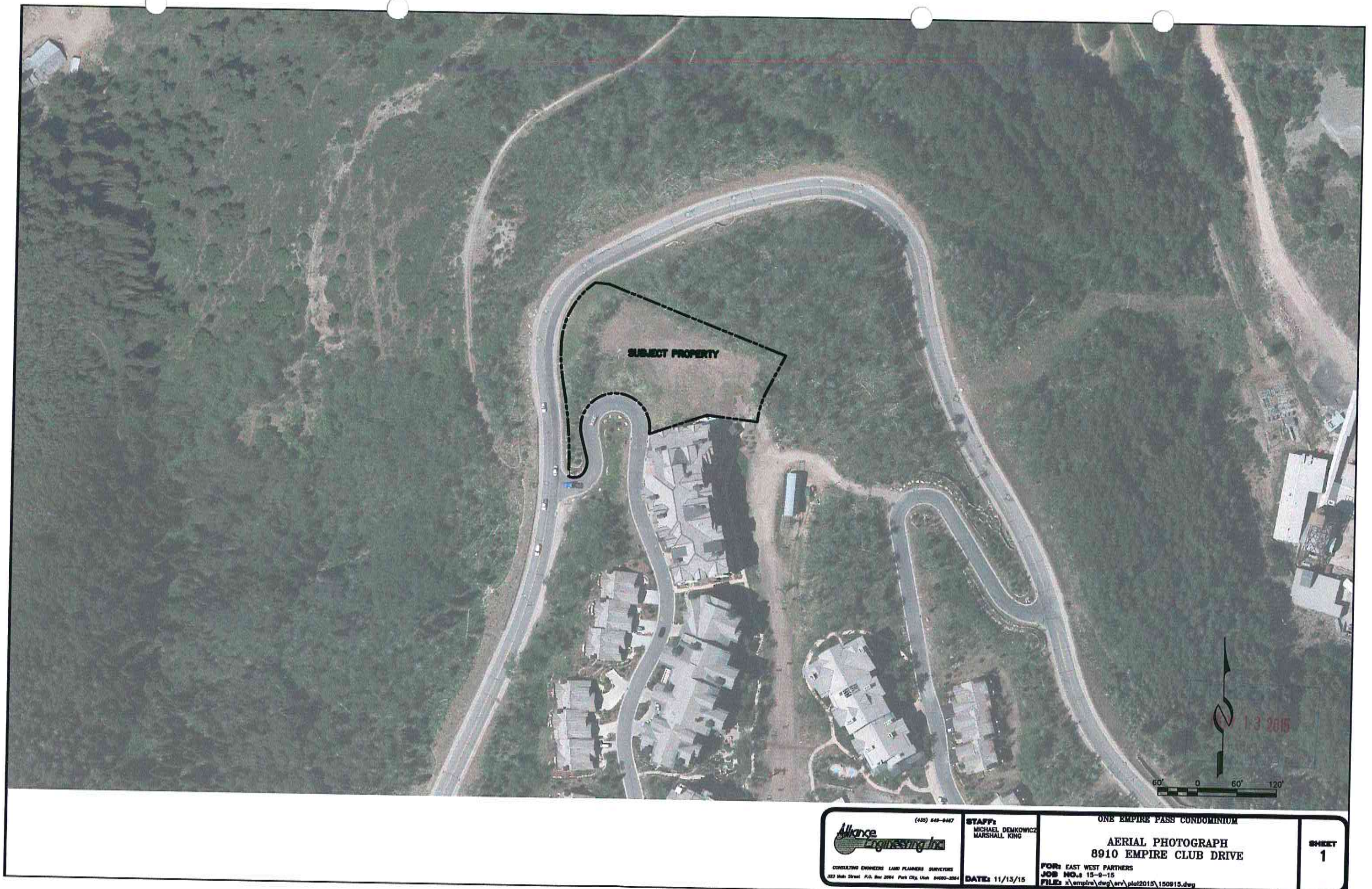
DATE: 6/28/15

EXISTING CONDITIONS & TOPOGRAPHIC MAP
LOT 15, THE VILLAGE AT EMPIRE PASS
WEST SIDE, 8910 EMPIRE CLUB DRIVE

FOR: EAST WEST PARTNERS
JOB NO.: 7-2-15
FILE: X:\Empire\dwg\snv\topo2015\070215.dwg

SHEET
1
OF
1

Page 178 of 306



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 1023 Main Street, P.O. Box 2064, Park City, Utah 84060-2064	(435) 840-0467	STAFF: MICHAEL DEMKOWICZ MARSHALL KING	ONE EMPIRE PASS CONDOMINIUM	SHEET 1
			AERIAL PHOTOGRAPH 8910 EMPIRE CLUB DRIVE	
		DATE: 11/13/15	FOR: EAST WEST PARTNERS JOB NO.: 15-0-15 FILE: x:\empire\dwg\env\plat2015\150915.dwg	

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as THE VILLAGE AT EMPIRE PASS, WEST SIDE and that the same has been or will be correctly located on the ground as shown on this plat. I further certify this plat accurately represents the surveyed property.

John Demkowicz
John Demkowicz

6/15/05
Date

BOUNDARY DESCRIPTION

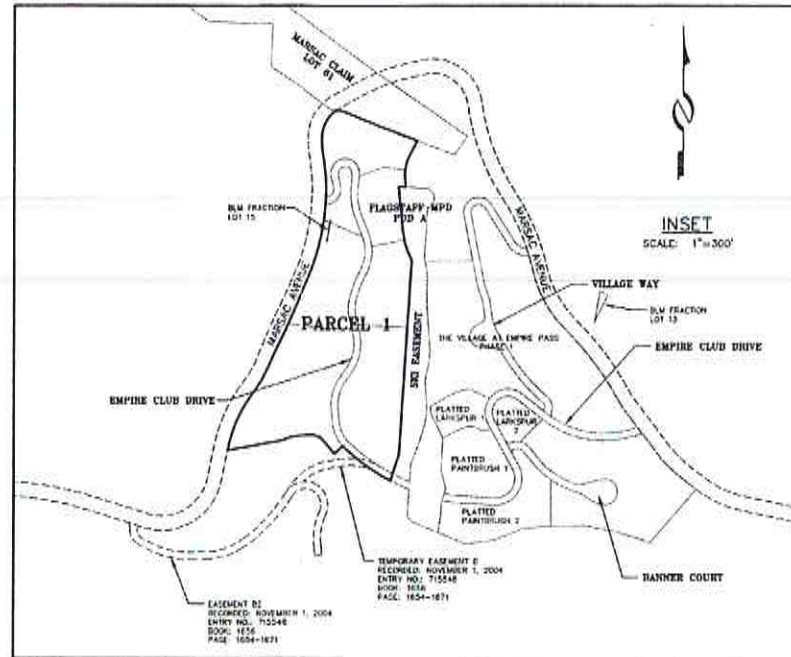
PARCEL 1

A parcel of land located in the south half of Section 21 and the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 8.13 feet along section line and North 262.11 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 27°16'27" West 55.07 feet to a point on a curve to the left having a radius of 150.00 feet, of which the radius point bears South 62°43'33" East; thence along the arc of said curve 75.83 feet through a central angle of 28°57'57" to a point of compound curve to the left having a radius of 300.00 feet, of which the radius point bears North 88°18'30" East; thence southerly along the arc of said curve 20.22 feet through a central angle of 03°51'42"; thence South 05°33'11" East 17.15 feet; thence North 86°16'45" West 25.33 feet; thence South 05°33'11" East 157.74 feet to a point on a curve to the left having a radius of 250.00 feet, of which the radius point bears North 84°26'49" East; thence along the arc of said curve 92.29 feet through a central angle of 21°09'04" to a point of reverse curve to the right having a radius of 79.77 feet, of which the radius point bears South 63°17'44" West; thence southeasterly along the arc of said curve 11.44 feet through a central angle of 08°13'06"; thence South 03°43'15" West 675.52 feet to a point on a non tangent curve to the left having a radius of 1025.00 feet, of which the radius point bears South 70°22'23" East; thence southerly along the arc of said curve 38.87 feet through a central angle of 02°10'21"; thence South 17°27'15" West 31.90 feet to a point on the northerly right-of-way of Empire Club Drive as shown and dedicated on The Village at Empire Pass, Phase I, recorded November 24, 2004, as #718034, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence South 17°27'15" West 25.38 feet to a point on the southerly right-of-way of Empire Club Drive, said point also being on a non tangent curve to the right having a radius of 812.50 feet, of which the radius point bears North 27°15'53" East; thence northwesterly along the arc of said curve 199.71 feet through a central angle of 14°05'00" to a point of compound curve to the right having a radius of 137.50 feet, of which the radius point bears North 41°20'53" East; thence northwesterly along the arc of said curve 12.52 feet through a central angle of 05°13'06"; thence South 46°33'59" West 40.09 feet; thence North 41°37'40" West 65.38 feet to a point on a curve to the left having a radius of 50.00 feet, of which the radius point bears South 48°22'20" West; thence along the arc of said curve 44.97 feet through a central angle of 51°32'04"; thence South 86°50'16" West 44.62 feet to a point on a curve to the left having a radius of 137.50 feet, of which the radius point bears South 03°09'44" East; thence along the arc of said curve 60.72 feet through a central angle of 25°18'01"; thence South 79°50'46" West 195.15 feet to a point on a non tangent curve to the right having a radius of 509.74 feet, of which the radius point bears South 78°16'48" East, said point also being on the easterly boundary of Marsoc Avenue Right-of-Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded #623451; thence along the easterly boundary of Marsoc Avenue Right-of-Way the following seven (7) courses: 1) northeasterly along the arc of said curve 234.19 feet through a central angle of 26°19'27" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 51°56'21" West; thence 2) northeasterly along the arc of said curve 93.78 feet through a central angle of 14°19'44"; thence 3) North 23°43'55" East 337.98 feet to a point on a curve to the left having a radius of 775.00 feet, of which the radius point bears North 66°16'05" West; thence 4) along the arc of said curve 304.94 feet through a central angle of 22°32'40" to a point of compound curve to the left having a radius of 625.58 feet, of which the radius point bears North 88°48'45" West; thence 5) northerly along the arc of said curve 129.66 feet through a central angle of 11°52'33" to a point of reverse curve to the right having a radius of 275.00 feet, of which the radius point bears North 79°18'42" East; thence 6) northerly along the arc of said curve 64.62 feet through a central angle of 13°27'50" to a point of compound curve to the right having a radius of 118.63 feet, of which the radius point bears South 87°13'28" East; thence 7) northeasterly along the arc of said curve 107.81 feet through a central angle of 52°04'13" to a point on the northerly sideline of the Little Mc mining claim, Lot 53A in the Utah Mining District; thence along the northerly sideline of the Little Mc mining claim the following two (2) courses: 1) South 85°20'00" East 21.17 feet; thence 2) South 68°50'00" East 289.99 feet to the point of beginning.

Description contains 10.52 acres, more or less.

VICINITY MAP



NOTES:

- All building setbacks from property lines are to be the residential development zone (RD) minimums unless approved otherwise by the Village at Empire Pass Master Plan Development.
- Conditional use permit approval will be required prior to construction on each of the development lots shown hereon.
- A declaration of condominium and a record of survey of condominium will be required for the purpose of the sale of individual units within the development lots shown hereon.
- All utility and trail easements adjacent to or traversing across the lots, as shown hereon, are for public use. No improvements may be made to these public ways that would hinder passage, endanger the users, or interfere with existing utilities.
- The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass ("Master Declaration") requires the membership of each lot owner. Members are subject to the terms of its articles of incorporation, its bylaws, and the rules and regulations that may be established from time to time by the master association, including assessments and transfer fees as provided therein.
- The operation and maintenance responsibilities for the public use, hiking, and biking trails that may be established across the lots shown hereon are set forth in the Master Declaration.
- Public safety access and public utility easements are hereby dedicated for all public and private roadways, emergency access roads, and private driveways.
- The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.
- A 20' snow storage easement is hereby dedicated along the frontage of all lots.
- A line extension agreement (LEA) will be required to be filed with Snyderville Basin Water Reclamation District (SDWRD) with the development of each lot.
- Empire Club Drive is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Empire Club Drive is not a public road or right-of-way. This Record of Survey Map shall not be deemed to grant any rights in the public to use Empire Club Drive or create any obligations on the part of Park City Municipal Corporation to maintain or repair Empire Club Drive. All such use and maintenance shall be governed by the terms and provisions of the Master Declaration and the Maintenance Agreement dated March 17, 2004 (and as amended from time to time) between Park City Municipal Corporation, United Park City Mines Company, Blue Ledge Corporation and the Master Association.
- At the time of any resurfacing of Empire Club Drive, the Master Association is responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards. Maintenance adjustment of manholes within private roadways included as part of specific developments shall be the responsibility of the homeowners association for such development.
- The Master Association shall be responsible for the maintenance and replacement of all sanitary sewer laterals situated within Empire Club Drive or the SDWRD easement shown hereon. The Master Association shall have the right to assess the cost of such maintenance and repair to parcel(s), unit(s), or condominium associations served by such laterals, in accordance with the Master Declaration.
- The easement in favor of the Jordanville Special Service District is for a water drain tunnel situated approximately 900 feet below the surface of the property.
- All property corners to be set along Empire Club Drive will be set at the intersection of the 9.5' wide public and private utility easement and the lot line or up shown hereon.
- Any landscaping shall utilize either no irrigation or water efficient irrigation, limited turf, and limited disturbance.
- The maintenance of the water system is the private responsibility of the Empire Pass Master Homeowners Association.
- The units of The Village at Empire Pass West Side are served by a Common Private Lateral Wastewater Line. The Empire Pass Master Association shall be responsible for ownership, operation and maintenance of all Common Private Lateral Wastewater Lines.

SUBDIVISION PLAT

THE VILLAGE AT EMPIRE PASS

WEST SIDE

LOCATED IN SECTIONS 21 AND 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 16th day of June, 2005.

EMPIRE MOUNTAIN VILLAGE, LLC,
A Delaware limited liability company
By: *Joe Haggan*
Joe Haggan, President
Title: *Joe Haggan*

ACKNOWLEDGMENT

State of *Utah*

County of *Summit*

This instrument was acknowledged before me this 16th day of June, 2005 by *Joe Haggan*, the *Vice President* of EMPIRE MOUNTAIN VILLAGE, LLC, a Colorado corporation, Manager of EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company.

Joseph J. Haggan
A Notary Public commissioned in Utah

Joseph J. Haggan
Printed Name

Residing in: *Canby, Idaho*

My commission expires: *11/16/07*

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT UNITED PARK CITY MINES COMPANY, a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 16th day of June, 2005.

UNITED PARK CITY MINES COMPANY
A Delaware corporation
By: *Joe Haggan*

Title: *Vice President*

ACKNOWLEDGMENT

State of *Utah*

County of *Summit*

This instrument was acknowledged before me this 16th day of June, 2005 by *Joe Haggan*, the *Vice President* of UNITED PARK CITY MINES COMPANY, a Delaware corporation.

Joseph J. Haggan
A Notary Public commissioned in Utah

Joseph J. Haggan
Printed Name

Residing in: *Canby, Idaho*

My commission expires: *11/16/07*

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 16th day of June, 2005.

MOUNTAIN DEVELOPMENTS I, INC.
A Delaware corporation
By: *Mark R. Brown*

Title: *Vice President*

ACKNOWLEDGMENT

State of *Utah*

County of *Summit*

This instrument was acknowledged before me this 16th day of June, 2005 by *Mark R. Brown*, the *Vice President* of MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation.

Mark R. Brown
A Notary Public commissioned in Utah

Mark R. Brown
Printed Name

Residing in: *Canby, Idaho*

My commission expires: *11/16/07*

SHEET 1 OF 2

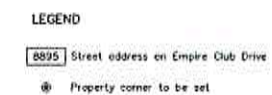
6/15/05 JOB NO.: 1-1-01 FILE: C:\Users\jag\My Documents\jag\West side.dwg

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 201 West 1000 South, Suite 100, Park City, Utah 84302 Planning Commission Packet February 10, 2016	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>22nd</u> DAY OF <u>June</u> , 2005 A.D. BY <u>B.O.R.</u> O.S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS <u>16th</u> DAY OF <u>August</u> , 2005 A.D. BY <u>B.O.R.</u> (B.O.R.) CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>22nd</u> DAY OF <u>JULY</u> , 2005 A.D. BY <u>Joe Haggan</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>11th</u> DAY OF <u>August</u> , 2005 A.D. BY <u>Mark R. Brown</u> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>16th</u> DAY OF <u>June</u> , 2005 A.D. BY <u>Joe Haggan</u> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>16th</u> DAY OF <u>June</u> , 2005 A.D. BY <u>Dana Williams</u> MAYOR	746744 RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Park City Title</u> DATE <u>8-12-05</u> TIME <u>16:02</u> BOOK <u>1000</u> PAGE <u>1</u> FEE <u>\$164.00</u> Page 180 of 306
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CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	150.00	75.83	28°57'57"
C2	300.00	20.22	3°31'42"
C3	250.00	92.29	21°08'04"
C4	78.77	11.44	8°31'06"
C5	1025.00	36.87	21°02'1"
C6	137.50	12.52	51°30'06"
C7	50.00	44.97	51°32'04"
C8	137.50	60.72	25°18'01"
C9	375.00	83.78	14°01'44"
C10	625.58	129.68	11°52'33"
C11	275.00	64.62	13°27'50"
C12	118.63	107.81	52°04'13"

CURVE	RADIUS	LENGTH	DELTA
C13	150.00	53.83	20°23'37"
C14	775.00	10.16	0°45'05"
G15	150.00	22.01	8°24'20"
C16	250.00	27.98	8°24'41"
C17	162.50	45.81	18°02'02"
C18	250.00	64.31	14°44'27"
C19	162.50	96.25	33°56'14"
C20	137.50	91.02	37°55'33"
C21	775.00	13.54	13°06'02"
C22	775.00	39.08	7°53'21"
C23	137.50	3.37	17°41'21"

PC	PNT	RADIUS	LENGTH	DELTA
C14	775.00	32.74	21°23'54"	
C15	16.00	28.19	83°22'21"	
C16	37.50	28.19	83°22'21"	
C17	187.50	30.59	91°31'37"	
C18	212.50	54.00	91°31'37"	
C19	37.50	35.96	21°44'27"	
C20	625.58	8.00	252°44'	
C21	775.00	2.57	252°45'	
C22	61.00	32.23	203°44'44"	
C23	15.50	0.14	0°25'04"	
C24	37.50	0.25	0°25'04"	
C25	50.00	8.35	71°02'51"	



LOCATED IN SECTIONS 21 AND 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 2 OF 2

JOB NO.: 1=1=01 FILE: E:\mpire\cong\tatiana\stat\west side.mpg
7/46/744 RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF Park City Title
DATE 8-12-05 TIME 4:02 pm BOOK _____ PAGE _____
\$67.00 REC'D BY [Signature]
FEE REC'D BY [Signature] 8/10/05



The Village at Empire Pass – West Side, Lot 15 looking northerly



The Village at Empire Pass – West Side, Lot 15 looking southeasterly



The Village at Empire Pass – West Side, Lot 15 looking easterly



The Village at Empire Pass – West Side, Lot 15 looking westerly

Planning Commission Staff Report



Subject: The Lodges at Deer Valley – Phase One – First Amended – Record of Survey Plat
Author: Makena Hawley, City Planner
Project Number: PL-15-02943
Date: February 10, 2016
Type of Item: Administrative – Condominium Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the Lodges at Deer Valley – Phase One – First Amended record of survey plat, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: The Lodges at Deer Valley Owners Association
(Represented by Marshall King, Alliance Engineering)
Location: 2900 Deer Valley Drive
Zoning: Residential Development (RD), Master Planned Development
Adjacent Land Uses: Single-family, duplex residential, Deer Valley Resort parking lots, and recreation open space
Reason for Review: Plat amendments require Planning Commission review and City Council review and action.

Proposal

The applicant is requesting a Plat Amendment for the purpose of memorializing the existing “convertible space 2” parking spaces as common area. The existing record of survey had originally separated specific areas of the parking garage as “convertible space 2” for possible amenities in the future. Since the recordation of the initial plat, the space has only been used as parking spots and now the HOA is proposing the plat reflect the area as common area. The plat amendment changes the ownership designation from convertible space to common area and does not remove any of the existing parking spaces.

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 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.

Background

On September 25, 2015 the applicant submitted a complete application for the Lodges at Deer Valley – Phase One – First Amended record of survey plat. The property is located at 2900 Deer Valley Drive in the Residential Development (RD) District, subject to the provisions of the Deer Valley Master Planned Development (MPD). This development is adjacent to the Hanover-Queen Esther Subdivision and recreation open space just down the street from the Deer Valley Resort parking lots. The affected areas are recognized by the County as Parcels: LDVC-1-D-102, LDVC-1-B-301, LDVC-1-C-316 (Tax ID's).

The Lodges at Deer Valley record of survey was originally approved by City Council on November 11, 1997 and recorded on March 20, 1998. The total area of the approved Development is 12.65 acres and construction of the eighty five (85) units began in 1999. All of the units have been constructed and certificates of occupancy have been issued.

The recorded record of survey for the Lodges at Deer Valley, page 2, designated 62 parking stalls as “convertible space 2”. Originally the developer of the Lodges at Deer Valley created the “Convertible space 2” to allow for development options for the future in case the space could be turned into a ski shop or commercial space of some kind. In 2013 the Lodges at Deer Valley HOA acquired ownership of this space and have been paying tax on the “convertible space 2” under the Tax ID LDVC-1-CS-2. The space is already utilized as common area, the HOA would like to memorialize it as common area which will also take away the Tax ID number that was assigned to it and the taxes would fall under normal common area taxes. The request does not remove any parking spaces from the building.

Analysis

The proposed plat amendment will retire the original Sheet 2 and replace it with the proposed Sheet 2 for this application. This will effectively memorialize the 62 parking spaces currently known as “convertible space 2” to “common area”. The existing as-built conditions of the 62 parking spaces will not change. The proposed plat amendment will not affect any of the lot requirements for the RD zone or the approved record of survey as no changes to the built environment will occur.

In 1999 the parking requirements by the Land Management code required 2 parking spaces for every unit with full bedroom and exceeded one thousand (1,000) square feet. The current Land Management code requires 1.5 spaces per dwelling unit greater than one thousand (1,000) square feet and less than two thousand (2,000) square feet.

LMC Parking Requirement for 85 units in 1998 -	169 spaces
LMC Parking Requirement for 85 units in 2016 -	127 spaces

The Lodges at Deer Valley have 162 parking spaces total. There appears to be more spaces than would be required by the current code however at the time when the Lodges were built the code required additional spaces then that which is currently necessary.

The proposed plat amendment does not create any new non-conforming situations and does not remove any of the parking spaces. This plat amendment is consistent with the Park City LMC and applicable State law regarding condominium plats. Any future additions to the existing development must comply with current LMC requirements as well as the Deer Valley MPD.

Good Cause

Planning Staff finds there is good cause for this record of survey plat amendment. Memorializing the convertible space 2 to common area will allow the Lodges at Deer Valley owners to have an undivided interest in the area and the plat will not allow for the space to be further developed outside of what the HOA can allow. 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 requirements and the Deer Valley MPD. 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. No decrease in parking spaces is proposed.

Department Review

This project has gone through an interdepartmental review. The Legal Department raised an issue that because under one section of the Utah State Code, it states that Convertible space is common area. However, another section states that it should be treated as a Unit. Due to this conflict and because the convertible space could be developed in the future, the County gives convertible space a tax ID. Since the HOA acquired the area, they decided to memorialize the space to common area to be taxed as such. No additional issues were raised by any of the other departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

Notice

On January 10, 2016 the property was posted and notice was mailed to property owners within 300 feet in accordance with requirements in the LMC. On January 23, 2016 the 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 and City Council public hearings.

Process

Approval of this 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 the City Council for the Lodges at Deer Valley – Phase One – First Amended record of survey plat as conditioned or amended; or
- Planning Commission may forward a negative recommendation to the City Council for the Lodges at Deer Valley – Phase One – First Amended record of survey plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the existing plat would remain as is. The Lodges at Deer Valley unit owners would continue to pay taxes on the Convertible 2 space and there would still be possibilities to develop this area in the future.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Lodges at Deer Valley – Phase One – First Amended record of survey plat located at 2900 Deer Valley 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 – Draft Ordinance

Exhibit B – Project Intent Letter

Exhibit C – Current Plat (Page 1 &2 only – Entire Plat is available upon request)

Exhibit D –Proposed Plat (Page 2 only)

Exhibit E – Recorded Tax Deed

Exhibit F – Current tax ID receipt from Convertible Space 2 area

Exhibit A- Draft Ordinance and Proposed Plat

Ordinance 16-XX

AN ORDINANCE APPROVING THE LODGES AT DEER VALLEY PHASE ONE, FIRST AMENDED RECORD OF SURVEY PLAT, UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED AT 2900 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Lodges at Deer Valley Phase One, have petitioned the City Council for approval of the Lodges at Deer Valley Phase One, First Amended subdivision plat; and

WHEREAS, the owners of the Lodges at Deer Valley Phase One wish to change the Convertible Space 2 to Common Area on page 2 of the Lodges at Deer Valley Phase One Record of Survey plat; and

WHEREAS, on January 23, 2016 the legal notice was published in the Park Record and on the public notice website in accordance with the requirements of the Land Management Code; and

WHEREAS, the property was properly noticed and letters sent to affected property owners on January 10, 2016, according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on February 10, 2016 to receive input on the proposed subdivision;

WHEREAS, on February 10, 2016 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 3, 2016, the City Council held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 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 Deer Valley Phase One, First Amended record of survey plat, a Utah expandable condominium project, 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 2900 Deer Valley Drive within the Residential Development (RD) Zoning District and is subject to the Deer Valley Master Planned Development.
2. The Lodges at Deer Valley Phase One record of survey plat was originally approved by City Council on November 11, 1997 and recorded on March 20, 1998.
3. The total area of the Lodges at Deer Valley Phase One record of survey plat is 12.65 acres.
4. There are fifty three (53) units in the Lodges at Deer Valley Phase One record of survey plat and eighty five (85) units total at the Lodges at Deer Valley.
5. On September 21, 2015, the applicant submitted an application to amend the existing Lodges at Deer Valley Phase One record of survey plat.
6. The application was deemed complete on September 25, 2015.
7. The original page 2 of the Lodges at Deer Valley Phase One record of survey plat includes 62 parking spaces labeled as Convertible space.
8. The proposed plat amendment would memorialize the existing 62 parking spaces as common area of the Lodges at Deer Valley Phase One record of survey plat and remove that area as convertible space.
9. The proposed plat amendment does not create any new non-complying or non-conforming situations.
10. The proposed plat does not decrease the number of parking spaces.
11. 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 condominium plats.
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. A note shall be included on the plat that all conditions of approval and plat notes of the Lodges at Deer Valley Phase One record of survey continue to apply.

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

PASSED AND ADOPTED this ____ day of _____, 2016

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT B - Project Intent Letter

THE LODGES AT DEER VALLEY PHASE 1-FIRST AMENDED

September 9, 2015

PROJECT INTENT

The Lodges at Deer Valley, Phase One, was recorded March 20, 1998, as Entry No. 502238. Page 2 of the plat, the Parking Level, contains 62 parking stalls designated as Convertible Space 2. The Lodges at Deer Valley Owners Association has since acquired ownership of this space. The purpose of this plat amendment is to change the Convertible Space 2 to common ownership. It is intended to retire the original Sheet 2 and replace it with the proposed Sheet 2 in this application.

EXHIBIT C - Current Plat (Pages 1 & 2 Only)

DEER CREST

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner(s), this Record of Survey Map of THE LODGES AT DEER VALLEY, PHASE "1", an Expandable Utah Condominium Project in accordance with the provisions of Section 57-8-1.3(1) of the Utah Condominium Ownership Act. I further certify this plat accurately represents the surveyed property.

JOHN DEMKOWICZ, L.S. 163931

2-24-98
DATE

BOUNDARY DESCRIPTION

A parcel of land located in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian; Beginning at a point on the easterly right-of-way line of Deer Valley Drive East, a public right-of-way, which is due South: 893.86 feet and due East 4263.10 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence; North 37° 00' 00" East 73.72 feet along said easterly right-of-way line to a point on a 464.15 foot radius curve to the left (center bears North 5° 00' 00" West 464.15 feet of which the central angle is 36° 09' 46"); thence northerly along the arc of said curve and said easterly right-of-way line 292.95 feet to the point of a 25.00 foot radius reverse curve to the right (center bears South 89° 09' 46" East 25.00 feet of which the central angle is 84° 07' 58"); thence northeasterly along the arc of said curve and the easterly right-of-way line of Queen Esther Drive, a public right-of-way, 36.71 feet to a point of tangency; thence North 84° 58' 11" East 34.83 feet along said easterly right-of-way line to a point on a 200.00 foot radius curve to the left (center bears North 05° 01' 49" West 200.00 feet of which the central angle is 34° 01' 35"); thence northeasterly along the arc of said curve and said easterly right-of-way line 118.77 feet; thence South 39° 03' 24" East 94.43 feet; thence South 81° 27' 39" East 97.62 feet; thence South 66° 01' 24" East 170.47 feet; thence South 10° 11' 15" West 541.77 feet; thence North 85° 42' 00" West 303.24 feet; thence North 04° 18' 00" East 148.02 feet; thence North 81° 27' 39" West 92.34 feet; thence North 53° 00' 00" West 171.70 feet; to the point of beginning. This description contains 6.27 Acres.

CONVERTIBLE LAND 1

A parcel of land located in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian; Beginning at a point South 944.91 feet and East 4357.30 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 08° 32' 21" West 35.41 feet; thence North 81° 27' 39" West 20.38 feet; thence North 33° 10' 50" East 38.95 feet; thence South 81° 27' 39" East 4.14 feet to the point of beginning. This description contains 0.01 Acres.

CONVERTIBLE LAND 2

A parcel of land located in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian; Beginning at a point South 944.91 feet and East 4357.30 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 81° 27' 39" East 158.51 feet; thence North 08° 32' 21" East 59.53 feet; thence South 81° 27' 39" East 44.68 feet; thence South 08° 32' 21" West 25.46 feet; thence South 81° 27' 39" East 115.58 feet; thence South 08° 32' 21" West 212.75 feet; thence North 85° 42' 00" West 159.71 feet; thence North 04° 18' 00" East 148.02 feet; thence North 81° 27' 39" West 92.34 feet; thence North 53° 00' 00" West 86.86 feet to the point of beginning. This description contains 0.89 Acres.

CONSENT TO RECORD AND SUBORDINATION

The undersigned U.S. Bank National Association is the holder of a Deed of Trust dated June 30, 1997, and recorded June 30, 1997, as Entry No. 481740, in Book 1057, beginning at Page 87 of the official records of Summit County, Utah, together with related loan documents (collectively "Loan Documents") which constitute liens of record against the property to this Record of Survey Map. U.S. Bank National Association hereby subordinates the liens and encumbrances of the Loan Documents to this Record of Survey Map and to the rights of the Owners as set forth in the Declaration of Condominium for THE LODGES AT DEER VALLEY and consents to the recordation of this Record of Survey Map.

U.S. Bank National Association

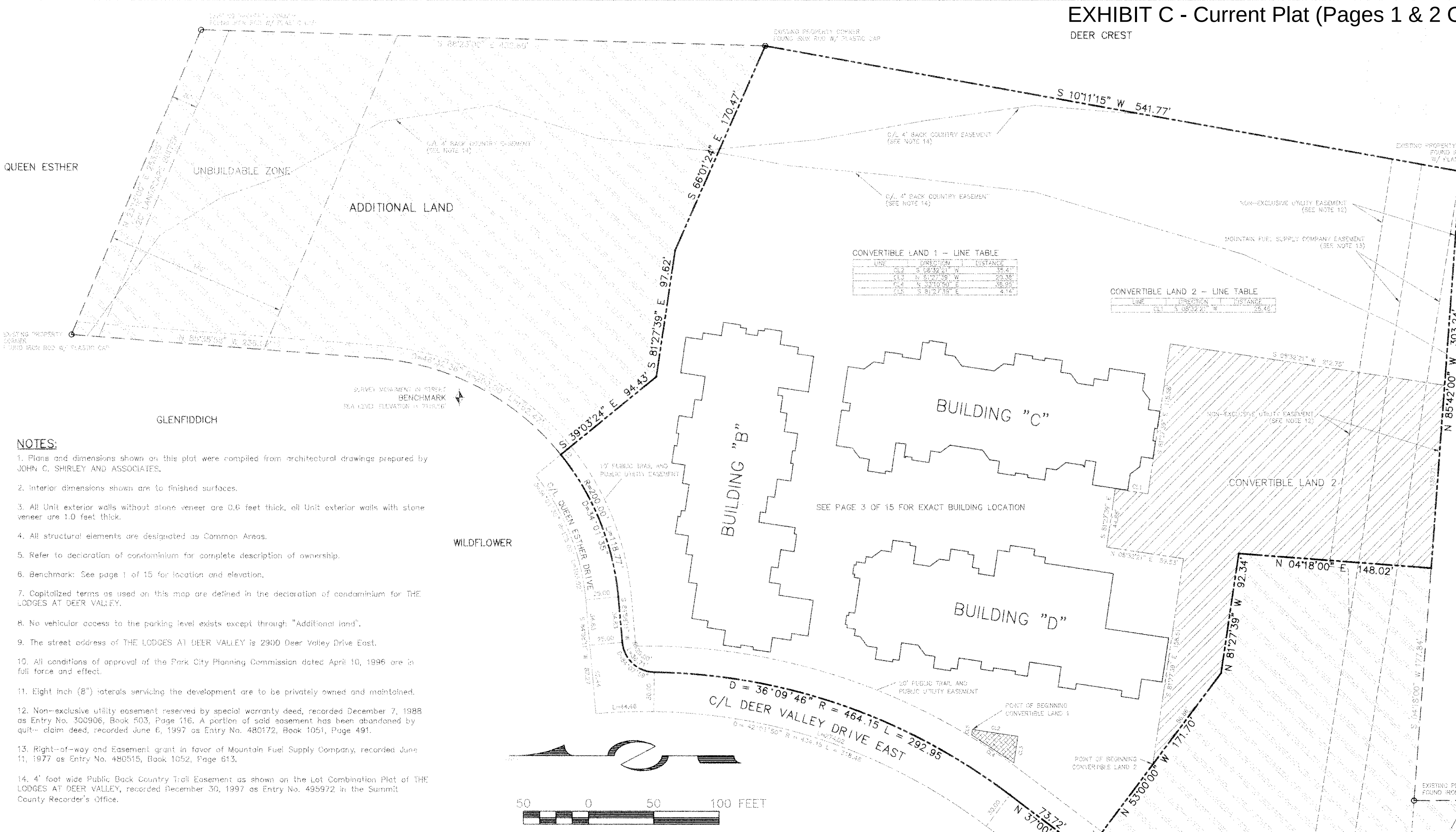
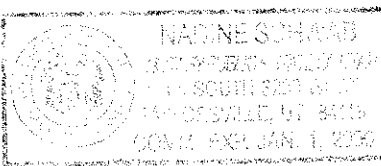
By Christy Davis
its Vice President

STATE OF Utah)
COUNTY OF Salt Lake) SS.

ACKNOWLEDGMENT

On the 24th day of February, 1998, personally appeared before me Robert M. Brown who, being by me duly sworn, did say that he is the Vice President of U.S. Bank National Association, that said instrument was signed in behalf of said corporation by authority of its by-laws or a resolution of its board of directors, and said Robert M. Brown acknowledged to me that said corporation executed the same.

Robert M. Brown
Notary Public
My Commission Expires: January 1, 2000



NOTES:

- Plans and dimensions shown on this plat were compiled from architectural drawings prepared by JOHN C. SHIRLEY AND ASSOCIATES.
- Interior dimensions shown are to finished surfaces.
- All Unit exterior walls without stone veneer are 0.6 feet thick, all Unit exterior walls with stone veneer are 1.0 feet thick.
- All structural elements are designated as Common Areas.
- Refer to declaration of condominium for complete description of ownership.
- Benchmark: See page 1 of 15 for location and elevation.
- Capitalized terms as used on this map are defined in the declaration of condominium for THE LODGES AT DEER VALLEY.
- No vehicular access to the parking level exists except through "Additional land".
- The street address of THE LODGES AT DEER VALLEY is 2900 Deer Valley Drive East.
- All conditions of approval of the Park City Planning Commission dated April 10, 1996 are in full force and effect.
- Eight inch (8") laterals servicing the development are to be privately owned and maintained.
- Non-exclusive utility easement reserved by special warranty deed, recorded December 7, 1988 as Entry No. 300906, Book 503, Page 116. A portion of said easement has been abandoned by quit-claim deed, recorded June 6, 1997 as Entry No. 480772, Book 1051, Page 491.
- Right-of-way and Easement grant in favor of Mountain Fuel Supply Company, recorded June 11, 1977 as Entry No. 480515, Book 1052, Page 613.
- 4 foot wide Public Back Country Trail Easement as shown on the Lot Combination Plat of THE LODGES AT DEER VALLEY, recorded December 30, 1997 as Entry No. 495972 in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, Lodge Development Company, L.L.C., a Utah limited liability company, is the fee simple owner of the herein described tract of land and consents to the recordation of this Record of Survey Map in accordance with Utah Code Annotated §57-8-13, subdividing the land into condominium ownership, and creating units, common areas, limited common areas, convertible spaces, and easements, all as set forth herein, to be known as THE LODGES AT DEER VALLEY. Also the undersigned dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County, any non-exclusive utility easements shown on this Record of Survey Map for the purpose of providing utility service to the property, and the installation, use, maintenance, and eventual replacement of utilities.

Lodge Development Company, L.L.C.,
a Utah limited liability company

F. Lynn Padon
F. Lynn Padon
Manager and member

ACKNOWLEDGMENT

STATE OF Utah)
COUNTY OF Summit) SS.

On the 25th day of February, 1998, personally appeared before me F. Lynn Padon, who, being by me duly sworn, did say that he is a manager and member of Lodge Development Company, L.L.C., a Utah limited liability company, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said limited liability company, and said F. Lynn Padon duly acknowledged to me that he executed the same on behalf of said limited liability company with proper authority.

Andrew J. Moore
Notary Public
My Commission Expires: July 1, 2001

OPEN SPACE

- CONVERTIBLE LAND 1
- CONVERTIBLE LAND 2
- CONVERTIBLE SPACE 1
- CONVERTIBLE SPACE 2
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP ASSOCIATED WITH CONVERTIBLE SPACE 1
- ADDITIONAL LAND

RECORD OF SURVEY MAP

THE LODGES AT DEER VALLEY

PHASE ONE

A UTAH EXPANDABLE CONDOMINIUM PROJECT

LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO. 1-10-95 \LDV\PHIPI

ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(435) 649-9467

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 25th DAY OF FEBRUARY, 1998 A.D.

BY Madison D. Morgan
S.B.S.I.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 11th DAY OF MARCH, 1998 A.D.

BY B. M. L.
CHAIRMAN

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 4th DAY OF MARCH, 1998 A.D.

BY Eric W. Adams
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 16th DAY OF MARCH, 1998 A.D.

BY Mark D. Hargis
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 11th DAY OF NOVEMBER, 1997 A.D.

BY Janet M. Smith
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 11th DAY OF NOVEMBER, 1997 A.D.

BY Paula J. Orr
MAYOR

502238

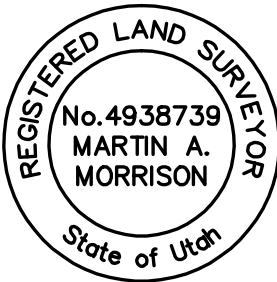
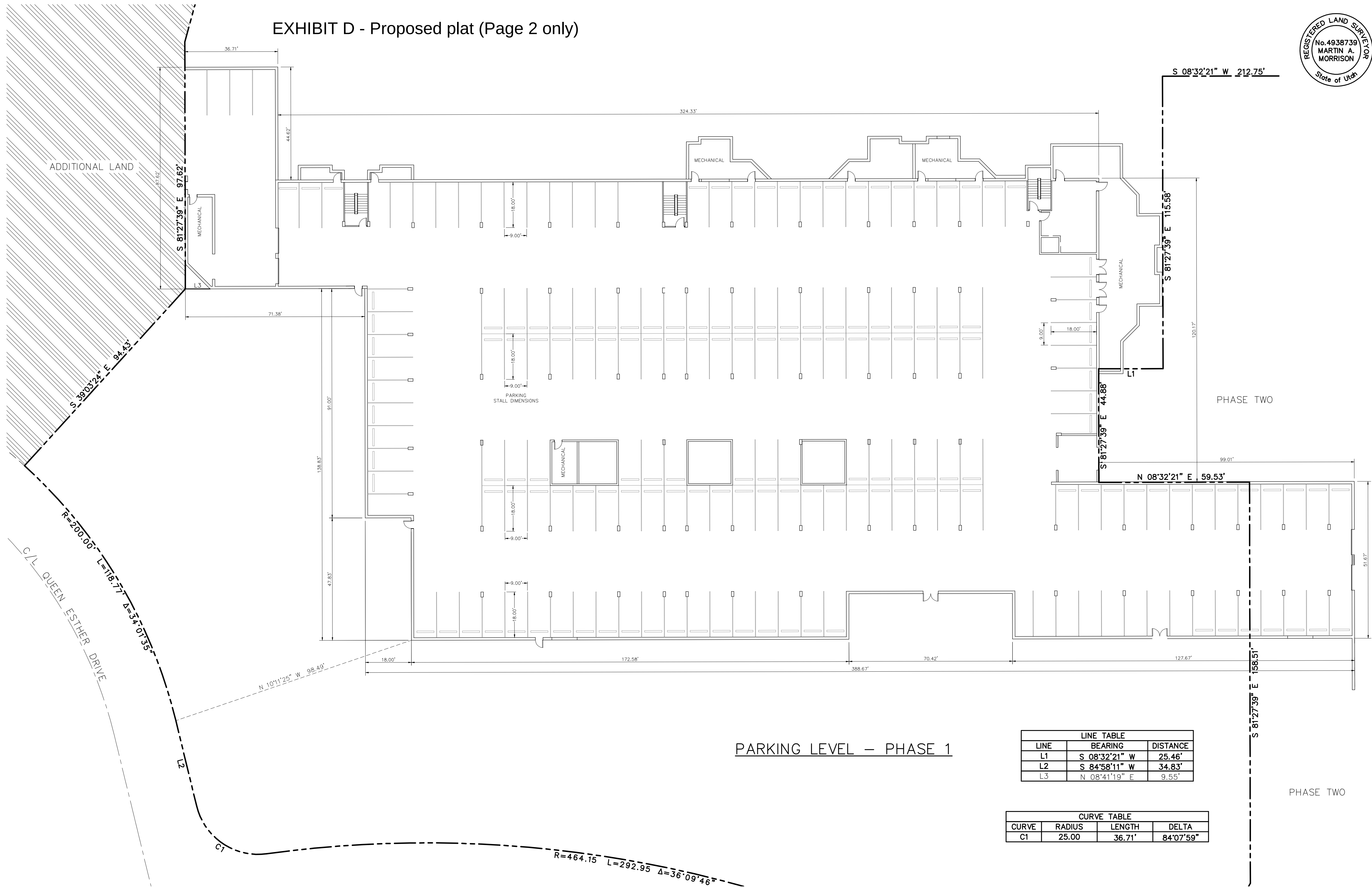
RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Coalition Title DATE 03-20-98 TIME 9:27 AM BOOK - PAGE -

FEE \$503.00 RECORDER Alan Davis

36.27'

EXHIBIT D - Proposed plat (Page 2 only)



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of The Lodges At Deer Valley Phase One-First Amended 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.

LEGAL DESCRIPTION

Convertible Space 2, The Lodges At Deer Valley, Phase One, a Utah Expandable Condominium Project, together with an undivided appurtenant interest in and to the common areas and facilities of said project, as the same are identified and established in the Record of Survey Map recorded March 20, 1998, as entry no. 502238 and in the declaration of covenants, conditions and restrictions, recorded March 20, 1998, as entry no. 502239, in book 1129, at page 13, in the Summit County Recorder's Office.

ASSOCIATION DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, on behalf of The Lodges At Deer Valley Owners Association, having complied with the requirements of both Statutes and the Recorded Declaration hereby consent to the recording of this amended record of survey map.

Karl R. Sattler, President
The Lodges At Deer Valley Owners Association

ACKNOWLEDGMENT

State of _____;
County of _____;
SS: _____

On this _____ day of _____, 2015, personally appeared before me, the undersigned Notary Public, in and for said County and State, Karl R. Sattler, being duly sworn, acknowledged to me that he is the president of the The Lodges At Deer Valley Owners Association and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the The Lodges At Deer Valley Condominium Project acting as a group (under the name of the The Lodges At Deer Valley Owners Association) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for The Lodges At Deer Valley Condominium.

A Notary Public Commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

NOTES:

- This plat is subject to the Conditions of Approval in Ordinance 15-_____.
- Plans and dimensions shown on this plat were compiled from architectural drawings prepared by John C. Shirley and Associates.
- Interior dimensions shown are to finished surfaces.
- All unit exterior walls without a stone veneer are 0.6 feet thick. All unit exterior walls with a stone veneer are 1.0 feet thick.
- All structural elements are designated as common areas.
- Refer to Declaration of Condominium for complete description of ownership.
- Benchmark: See page 1 of 15 for location and elevation.
- Capitalized term as used on this map are defined in the Declaration of Condominium for The Lodges At Deer Valley.
- The street address of The Lodges At Deer Valley is 2900 Deer Valley Drive East.
- All conditions of approval of the Park City Planning Commission dated April 10, 1996, are in full force and effect.

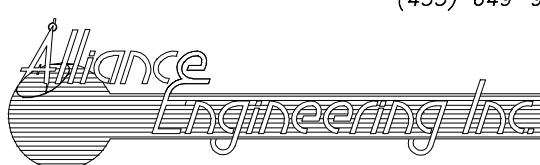
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 08°32'21" W	25.46'
L2	S 84°58'11" W	34.83'
L3	N 08°41'19" E	9.55'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	25.00	36.71'	84°07'59"

RECORD OF SURVEY MAP
THE LODGES AT DEER VALLEY
PHASE ONE-FIRST AMENDED
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 2 OF 15

9/18/2015 JOB NO.: 6-7-15 FILE: X:\SnowParkVillage\dwg\sr\plat2015\060715.dwg



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____

DAY OF _____, 2016

BY _____
S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____

DAY OF _____, 2015

BY _____
CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____

DAY OF _____, 2016

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____

DAY OF _____, 2016

BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY

COUNCIL THIS _____ DAY OF _____, 2016

BY _____
MAYOR

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY

OF _____, 2016

BY _____
PARK CITY RECORDER

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ ENTRY NO. _____

_____ FEE _____ RECORDER

EXHIBIT E- Recorded Tax Deed

ENTRY NO. 00972319

06/13/2013 11:27:24 AM B: 2191 P: 1397

Tax Deed PAGE 1/1

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER

FEE 0.00 BY SUMMIT COUNTY AUDITOR



When recorded return to:
Summit County Auditor
Send Tax Notice To:

Lodges at Deer Valley Owners Association
P.O. Box 2250
Park City, Utah 84060

TAX DEED

SUMMIT COUNTY, a body corporate and politic of the State of Utah, Grantor, hereby conveys to: Lodges at Deer Valley Owners Association
P.O. Box 2250
Park City, Utah 84060

Grantee, of the following described real estate in SUMMIT COUNTY, UTAH:

Parcel # LDVC-1-CS-2

CONVERTIBLE SPACE 2, THE LODGES AT DEERVALLEY CONDOMINIUM PHASE 1; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE. CONT 9957 SQ FT. TOGETHER WITH AN UND 1.646% INT IN THE COMMON AREA

This conveyance is made in consideration of payment by the Grantee of the sum of \$34,369.03 delinquent taxes, penalties, interest and costs, constituting a charge against said real estate, which was sold to said County at preliminary sale for non-payment of general taxes assessed against it for the year 2008 in the sum of \$5,011.67.

Dated this 13th day of June, 2013.

SUMMIT COUNTY

By:

Blake L. Trusell
Auditor



EXHIBIT F - Current Tax ID Receipt from Tax Account

Summary

Convertible space 2

Account Id 0341861

Parcel Number LDVC-1-CS-2

Owners LODGES AT DEER VALLEY OWNERS ASSOCIATION

Address PO BOX 2250
PARK CITY, UT 84060

Situs Address 2900 DEER VALLEY DR E

Legal CONVERTIBLE SPACE 2, THE LODGES AT DEER VALLEY CONDOMINIUM PHASE 1; ACCORDING TO THE
OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE. CONT 9957 SQ FT. TOGETHER
WITH AN UND 1.646% INT IN THE COMMON AREA 2191-1397

Inquiry

As Of 11/23/2015

Taxes Due \$5,825.76

Total Due \$5,825.76

Update

Value

Area Id	Tax Rate	
07 - 07 - PARK CITY A,J,K,U (D-D)	0.0084800000	
	Actual	Assessed
MISC - 13A	687,000	687,000
Taxes		\$5,825.76

The amounts of taxes due on this page are based on 2015 property value assessments.

Planning Commission Staff Report



Subject: First Amended Sunnyside Subdivision Lot 10
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Project Number: PL-15-03024
Date: February 10, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the First Amended Sunnyside Subdivision Lot 10 plat amendment located at 615 Mellow Mountain Road 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: Greylock Holdings, LLC, owner
Applicant Representative: Marshall King, Alliance Engineering
Location: 615 Mellow Mountain Road
Zoning: Single Family (SF) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The applicant requests to combine an adjacent remnant parcel with Lot 10 of the Sunnyside Subdivision to create one (1) 20,518 square foot, platted lot of record in order to construct a single-family house on the property. Lot 10 and the remnant parcel are commonly owned by the Applicant. (See Exhibit A proposed plat and Exhibit B applicant's letter).

Background

On December 8, 2015, the City received a plat amendment application for Sunnyside Subdivision Lot 10 located at 615 Mellow Mountain Road. The application was deemed complete on December 11, 2015. The property is located within the Single Family (SF) District and is currently undeveloped. The 16,163 sf platted lot (Lot 10) and the 4,355 sf remnant parcel are commonly owned by the applicant and recognized by Summit County as Parcel #SNS-10.

Sunnyside Subdivision was approved by City Council on July 19, 1979, and recorded at Summit County on August 3, 1979 (See Exhibit C existing Sunnyside Subdivision plat). At the time of plat recordation, there was land, adjacent and to the east, that was by error not included in the subdivision plat drafted for recordation. The eastern boundary of the subdivision was to coincide with the eastern boundary of the MS 5665 Lilly No. 3

Mining Claim but it fell approximately 31' short. See Exhibit D- Summit County Recorder Office working copy of the Sunnyside Subdivision plat, Exhibit E- County Recorder Map, Exhibit F- Boundary Survey of Mining Claim Lots in the area and Exhibit G- Aerial Photo showing Quit Claim parcel.

The Sunnyside Subdivision plat was drawn up excluding this approximately 31' wide strip of property. The error was discovered in December of 1979 and the strip was quit claimed from the original land owner/developer (Royal Street Land Company) to the owner of the recorded subdivision (Park City Alliance, James Gaddis Investment Company, LTD, etc.), as Entry No. 161985, Book M147, Page 467 at Summit County Recorder Office. The strip of land runs north/south from the southern boundary of Lot 10 to the northern boundary of Lot 11 across Mellow Mountain Road.

On January 15, 1981, a warranty deed, Entry No. 175389, Book M 177, Page 414 was recorded at Summit County Recorder office conveying a parcel approximately 31 feet wide extending the length of Lot 10 from the southerly boundary to the northerly boundary. This parcel is the 4,355 sf remnant parcel subject to the requested plat amendment. A similar warranty deed was entered in the records for Lot 11 on the other side of Mellow Mountain Road.

In 1986, a building permit was issued for construction of a single-family house on Lot 11 located at 606 Mellow Mountain Road. The house was constructed across the warranty deed line and there was no requirement for a plat amendment at that time. The house on Lot 11 was constructed with a side setback measured from the eastern boundary of the warranty deed description (see Exhibit G).

The current owner of Lot 10 would like to construct a single-family house on Lot 10 and is required to record the plat amendment to resolve the remnant parcel issue prior to issuance of a building permit. Summit County recognizes Lot 10 and the remnant parcel with a single Tax ID number (SNS-10). Based on research by the applicant, there are no utilities currently located in the non-exclusive public utility easement described on the Sunnyside Subdivision plat. Staff reviewed the documents, including a document from Summit County stating that the utility easement along the east boundary of the lot was moved to the east boundary of the warranty deed description back in the early 1980s. The applicant verified that there are no existing utilities.

Purpose

The purpose of the Single Family (SF) Zoning District is to:

- (A) maintain existing predominately Single Family detached residential neighborhoods,
- (B) allow for Single Family Development Compatible with existing Developments,
- (C) maintain the character of mountain resort neighborhoods with Compatible

residential design; and

(D) require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

Analysis

The proposed plat amendment creates one (1) lot of record from undeveloped, platted Lot 10 of the Sunnyside Subdivision and an adjacent remnant parcel. Lot 10 was platted with approval and recordation of the Sunnyside Subdivision in 1979. Lot 10 is 16,163 square feet (sf) in area. The adjacent remnant lot is 4,355 sf in area. Amended Lot 10 will have a total of 20,518 sf of lot area. Lots in Sunnyside Subdivision range in area from 8,596 sf to 23,860 sf. The applicant desires to construct a single-family house on the amended lot.

A single-family dwelling is an allowed use in the Single Family (SF) District. Duplexes and multi-dwelling buildings are not allowed. There are no minimum or maximum lot sizes in the SF District. There is not a minimum or maximum lot width identified in the SF District. The existing lot is 63.54 feet wide and the proposed lot is 97.74 feet wide. Access to the property is from Mellow Mountain Road.

The following table shows applicable development parameters in the Single Family (SF) District (Land Management Code Section 15-2.11):

LMC Requirements	Requirements
Building Footprint	No maximum building footprint or house size is associated with the SF District or Sunnyside Subdivision.
Front/Rear Yard Setbacks	Front setback- minimum of 25 feet for front facing garage and 20 feet for the main house or side of garage. Rear setback- minimum of 15 feet. (standard exceptions apply)
Side Yard Setbacks	Side setbacks- minimum of 12 feet. (standard exceptions apply)
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-eight (28') from Existing Grade. Exceptions apply, including 5' height to 33' for pitched roof (4:12 and greater).

Utility easements recorded on the Sunnyside Subdivision plat shall be platted on the amended plat, including 5' wide non-exclusive utility easements along the front and side lot lines and 20' wide non-exclusive utility easement along the rear lot line. The applicant verified that there are no existing utilities in the 5' non-exclusive utility easement along the existing Lot 10 easterly property boundary. The easement was relocated to the east boundary of the warranty deed description by the County.

The final mylar plat is required to be signed by the Snyderville Basin Water Reclamation

District (SBWRD) and this ensures that requirements of the District are addressed prior to plat recordation. A ten foot wide public snow storage easement is required along the front lot line.

Good Cause

Planning Staff finds that there is good cause for this plat amendment as the plat amendment will resolve a remnant parcel issue. The plat amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met. Combining the Lot and parcel will allow the property owner to move forward with a building permit for a new house on the new lot. There are no encroachments to be resolved. Plat recordation and compliance with all requirements of the SF District are required prior to issuance of a building permit.

Process

Approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code § 1-18.

Department Review

This project has gone through an interdepartmental review. Issues raised regarding the history of the remnant parcel have been further researched by staff and explained by the applicant (see Exhibit B). Other issues have been addressed with conditions of approval.

Notice

On January 27, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on January 23, 2016, 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 a positive recommendation to the City Council for the First Amended Sunnyside Subdivision Lot 10 plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the First Amended Sunnyside Subdivision Lot 10 plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on this item.

Consequences of not taking the Planning Department's Recommendation

The platted lot and remnant parcel would remain as is, and continue to be commonly owned. A house could be built on the platted lot; however the issue of the remnant parcel would remain unresolved. Sunnyside Subdivision does not have house size

limitations based on lot size.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the First Amended Sunnyside Subdivision plat amendment located at 615 Mellow Mountain Road 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 – Applicant's Project Intent and existing conditions survey/aerial

Exhibit C – Existing Sunnyside Subdivision plat

Exhibit D – Recorders Working Copy of Sunnyside Subdivision plat

Exhibit E – County Recorder Map

Exhibit F – Boundary Survey of Mining Claims- Lilly No. 5

Exhibit G – Quit Claim property Exhibit and on Aerial Photo

Exhibit H – Photos

Ordinance No. 16-XX

AN ORDINANCE APPROVING THE FIRST AMENDED SUNNYSIDE SUBDIVISION LOT 10 PLAT AMENDMENT LOCATED AT 615 MELLOW MOUNTAIN ROAD, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 615 Mellow Mountain Road has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on January 23, 2016, the property was properly noticed according to the requirements of the Land Management Code and legal notice was published in the Park Record; and

WHEREAS, on January 27, 2016, the property was posted and notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 10, 2016, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on March 10, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the First Amended Sunnyside Subdivision plat amendment.

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

SECTION 1. APPROVAL. The First Amended Sunnyside Subdivision Lot 10 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 615 Mellow Mountain Road.
2. The property is in the Single Family (SF) Zoning District.
3. The subject property consists of platted Lot 10 of the Sunnyside Subdivision and a remnant parcel located adjacent to the easterly boundary of Lot 10.
4. The property, including Lot 10 and the remnant parcel, is recognized by Summit County as Parcel SNS-10 (Tax ID).
5. The property is currently undeveloped and the owner would like to construct a single family home on the new platted lot.
6. The proposed plat amendment creates one (1) 20,518 square foot (sf), platted lot

of record, by combining the 16,163 sf existing Lot 10 and the 4,355 sf remnant parcel under common ownership.

7. There are no minimum or maximum lot sizes in the SF District.
8. Lots in Sunnyside Subdivision range in area from 8,596 sf to 23,860 sf.
9. Sunnyside Subdivision was approved by City Council on July 19, 1979 and recorded at Summit County on August 3, 1979.
10. At the time of plat recordation, land adjacent and to the east, was by error not included in the subdivision plat drafted for recordation. The eastern boundary of the subdivision was to coincide with the eastern boundary of the MS 5665 Lilly No. 3 Mining Claim.
11. The Sunnyside Subdivision plat was drawn up excluding this approximately 31' wide strip of property. The strip of land runs north/south from the southern boundary of Lot 10 to the northern boundary of Lot 11 across Mellow Mountain Road.
12. The platting error was discovered in December of 1979 and the 31' wide strip was quit claimed from the original land owner/developer (Royal Street Land Company) to the owner of the recorded subdivision (Park City Alliance, James Gaddis Investment Company, LTD, etc.), as Entry No 161985, Book M147, Page 467 at the Summit County Recorder's Office.
13. On January 15, 1981, a warranty deed, Entry No. 175389, Book M 177, Page 414, was recorded at the Summit County Recorder's office conveying a parcel approximately 31 feet wide extending the length of Lot 10 from the southerly boundary to the northerly boundary. This parcel is the 4,355 sf remnant parcel subject to the requested plat amendment.
14. A similar warranty deed was entered into the records for Lot 11.
15. In 1986 a building permit was issued for construction of a single family house on Lot 11 located at 606 Mellow Mountain Road. The house was constructed across the warranty deed line and there was no requirement for a plat amendment at that time. The house on Lot 11 was constructed with a side setback measured from the eastern boundary of the warranty deed description, which is the eastern boundary of TAX ID number SNS-11.
16. The applicant desires to construct a single family house on the amended Lot 10.
17. There is no maximum building footprint or house size identified for the Sunnyside Subdivision and all requirements of Land Management Code Section 15-2.11 (SF District) apply.
18. A single-family dwelling is an allowed use in the Single Family (SF) District.
19. There is not a minimum or maximum lot width identified in the SF District. The existing lot is 63.54 feet wide and the proposed lot will be 97.74 feet wide.
20. Access to the property is from Mellow Mountain Road, a public street.
21. Duplexes and multi-family dwellings are not allowed in the SF District.
22. There are no encroachment issues.
23. Utility easements recorded on the Sunnyside Subdivision plat are required to be shown on the amended plat, including 5' wide non-exclusive utility easements along the front and side lot lines and 20' wide non-exclusive utility easement along the rear lot line.
24. There are no existing utilities in the 5' non-exclusive utility easement along the

existing Lot 10 easterly property boundary and the Summit County documents show that the 5' easement was moved to the eastern boundary of the warranty deed (remnant parcel). The plat amendment plat will memorialize utility easements per the original plat and warranty deed.

25. An existing wastewater line extends along the western property line of Lot 10.
26. The final mylar plat is required to be signed by the Snyderville Basin Water Reclamation District to ensure that requirements of the District are addressed prior to plat recordation.
27. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
28. 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 plat amendments.
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 for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If the plat is not recorded within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date of March 10, 2017 and an extension is granted by the City Council.
3. All new construction shall comply with LMC setback regulations in effect at the time of building permit issuance.
4. A ten foot (10') wide public snow storage easement is required along the Mellow Mountain Road frontage of the property and shall be shown on the plat prior to recordation.
5. A five foot (5') wide non-exclusive public utilities and SBWRD easement is required along the front and side lot lines of the new lot.
6. A twenty foot (20') wide non-exclusive public utilities easement is required along the rear lot line of the new lot.
7. Modified 13-D sprinklers are required for any new construction and shall be noted on the plat.
8. All requirements of the Snyderville Basin Water Reclamation District shall be satisfied prior to recordation of the plat and/or noted on the plat.

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

PASSED AND ADOPTED this 10th day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

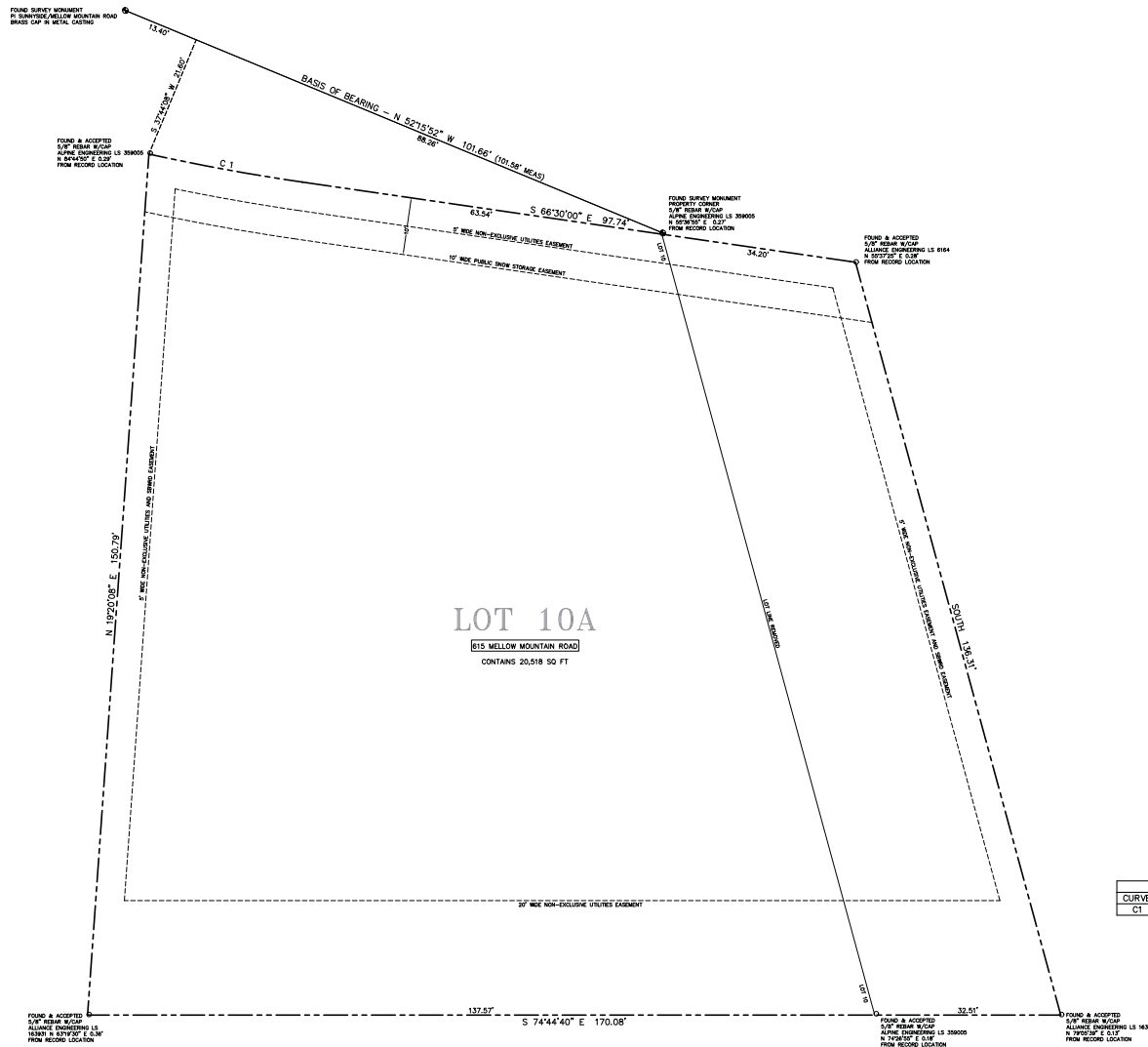
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A- Proposed plat

EXHIBIT A



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of the FIRST AMENDED LOT 10 SUNNYSIDE SUBDIVISION has been prepared under my direction 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.

DEED DESCRIPTION

LOT 10, SUNNYSIDE SUBDIVISION, according to the official plat thereof, recorded in the Summit County Recorder's Office.

Also:

Beginning at the southeast corner of Lot 10, SUNNYSIDE SUBDIVISION according to the official plat thereof on file and of record in the office of the Summit County Recorder; and running thence South 74°44'40\"

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that GREYLOCK HOLDINGS, LLC, a Connecticut limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as FIRST AMENDED LOT 10 SUNNYSIDE SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this ____ day of _____, 2016.

GREYLOCK HOLDINGS, LLC, a Connecticut limited liability company

By: Brian Navarro, Managing Member

ACKNOWLEDGMENT

State of: _____

ss: _____

County of: _____

On this ____ day of _____, 2016, Brian Navarro personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Managing Member of GREYLOCK HOLDINGS, LLC, a Connecticut limited liability company, and that said document was signed by him on behalf of said corporation by authority of its Bylaws, or Resolution of its Board of Directors, and he acknowledged to me that he executed the FIRST AMENDED LOT 10 SUNNYSIDE SUBDIVISION.

A Notary Public commissioned in _____

Printed Name _____

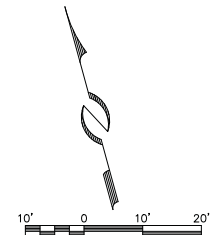
Residing in: _____

My commission expires: _____

NOTE

This subdivision is subject to the Conditions of Approval in Ordinance 16-_____

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	370.52	27.20	04°12'23"



FIRST AMENDED LOT 10 SUNNYSIDE SUBDIVISION

A SINGLE FAMILY SUBDIVISION LOCATED IN SECTION 15
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

SHEET 1 OF 1

 (435) 649-9457 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2864 Park City, Utah 84060-2864	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
	1/15/16 JOB NO.: 6-9-15 FILE: X:\EastofOldTown.dwg\ar\plat2015\060915.dwg						
	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT						
	PLANNING COMMISSION						

SUNNYSIDE SUBDIVISION
LOT 10 PLUS ADDITIONAL

(615 MELLOW MOUNTAIN ROAD)

PROJECT INTENT

January 11, 2016

Sunnyside Subdivision was recorded August 3, 1979, in the office of the Summit County Recorder. At the time of the plat recordation, there was additional land to the east of Sunnyside Subdivision that erroneously was not included in the originally recorded subdivision. The east boundary of Sunnyside Subdivision was to be the east boundary of the Lilly No. 3 mining claim, but the Lilly No. 3 mining claim was previously surveyed in the incorrect location.

On December 5, 1979, a quitclaim deed, Entry No. 161985, Book M147, Page 467, for a parcel approximately 31 feet wide (the difference between where the Lilly No. 3 mining claim should have been and where the subdivision was actually platted) extending from the northerly boundary of Lot 11, Sunnyside Subdivision, across Mellow Mountain Road to the southerly boundary of Lot 10 Sunnyside Subdivision, was granted to the developer of Sunnyside Subdivision. On January 15, 1981, a warranty deed, Entry No. 175389, Book M177, Page 414, for a parcel approximately 31 feet wide, extending from the northerly boundary of Lot 10 to the southerly boundary of Lot 10, was conveyed by the developer to the owner of Lot 10, Sunnyside Subdivision. A similar scenario also occurred with Lot 11, Sunnyside Subdivision.

It is the desire of the current owner to unify the original Lot 10 with the additional 31-foot-wide strip into one lot of record, with the ultimate goal of constructing a single-family residence on the amended and unified lot of record.

Sunnyside Subdivision Lot 10

EXHIBIT B2

NARRATIVE

1. Survey requested by: Thayne Capital LLC.
2. Purpose of survey: locate the deed description, the improvements and the topographic relief.
3. Basis of survey: found Street and Property Monuments.
4. Date of survey: October 26, 2012.
5. Property monuments set or found as shown.
6. Located in the West Half of Section 15, 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. " 5.0' wide non-exclusive utilities easement at the front, sides, and rear of all lots unless noted otherwise."
9. See the official plat of Sunnyside Subdivision, on file and of record in the office of the Summit County Recorder, for other possible easements, restrictions or setbacks.
10. An assumed elevation of 7200 feet, from the U.S.G.S. Quad. map 'Park City East', was assigned to the top of the sewer manhole lid in front of the property as shown.

DEED DESCRIPTION

Lot 10, Sunnyside Subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office; containing 0.37 acres, more or less.

Also:
Beginning at the Southeast corner of Lot 10, Sunnyside Subdivision, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; and running thence South 74°44'40" East 32.51 feet; thence North 136.31 feet; thence North 66°30' West 34.20 feet to the Northeast corner of said Lot 10; thence South 141.395 feet to the point of beginning; containing 0.10 acres, 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.

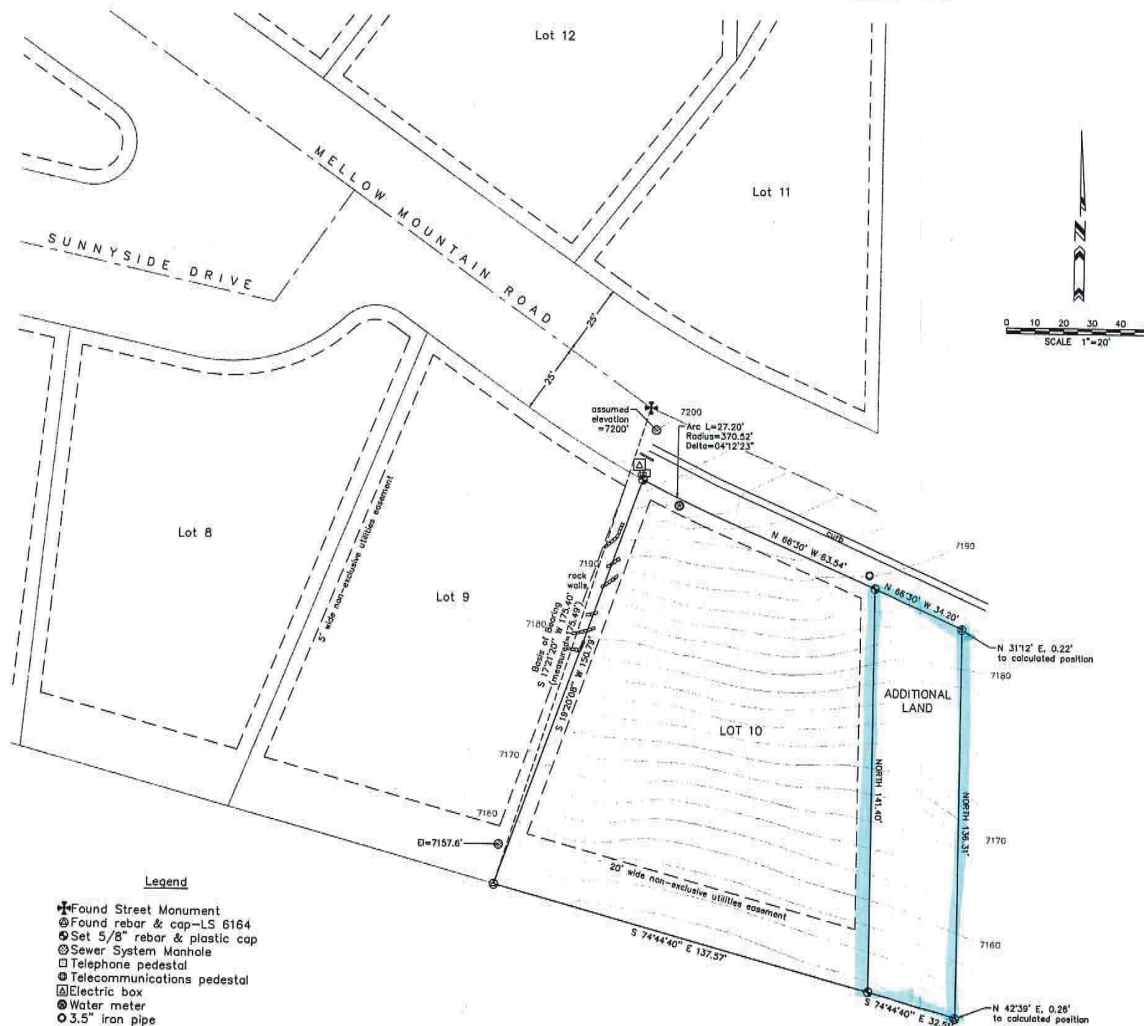
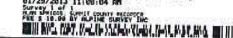


Nov. 6, 12
Date

J.D. Gailey, URS 359005



FILE NO. S0007694



Legend

- Found Street Monument
- Found rebar & cap-LS 6164
- Set 5/8" rebar & plastic cap
- Sewer System Manhole
- Telephone pedestal
- Telecommunications pedestal
- Electric box
- Water meter
- 3.5" iron pipe



(435) 848-9487 W&K <i>Engineering</i> CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 West Street P.O. Box 2154 Park City, Utah 84060-2154	STAFF: MARSHALL KING JESSIE MORENO	AERIAL PHOTOGRAPH 615 MELLOW MOUNTAIN ROAD LOT 10, SUNNYSIDE + ADDITIONAL FOR: BRIAN NAVARRO JOB NO.: 6-9-15 FILE: X:\CostaOldTown\dwg\Exhibits\sunnyside lot 10-ortho.dwg	SHEET 1 OF 1
DATE: 10/20/15			

Surveyors Certificate

[illegible]

4 June 1972

Owners Dedication

James Badillo Investments Co. LLC
A CORP. LIMITED PARTNERSHIP
by: James Badillo
General Partner

G. Stewart Engineering Inc.

2nd Silver

For All India Engineering
Aakrushi Education

Acknowledgement

State of Utah
County of Summit

On this 5th Day of June
A.D. 1979 personally appeared before me,
the undersigned Notary Public in and for
said State and County, J.S. Wright, who
being by me duly sworn to say that he is an
able and sober man, of good and lawful
memory, he has acknowledged to me, the
Notary, that he has signed the foregoing
instrument, and that he signed the same declaration
truth and voluntariness for the purposes therein
expressed.

Shirley Kintuck
NOTARY PUBLIC
My Commission Expires 10-2-88
Residing at Shaw Lake, County, Wash.

Acknowledgment

State of Utah
County of Summit

On this _____ Day of _____ A.D. 1994,
personally appeared before me, the undersigned
Judge of the District Court of the County of Summit,
State of Utah, _____, who being duly sworn, she
declared that he is the general partner of former Dakota
Investments, Inc., a Utah limited partnership
and a "small business" enterprise, as an owner
and partner in common of the property on which
the proposed Summit Subdivision is located, and
that he signed the current declaration ready and
voluntarily for the purposes therein mentioned.

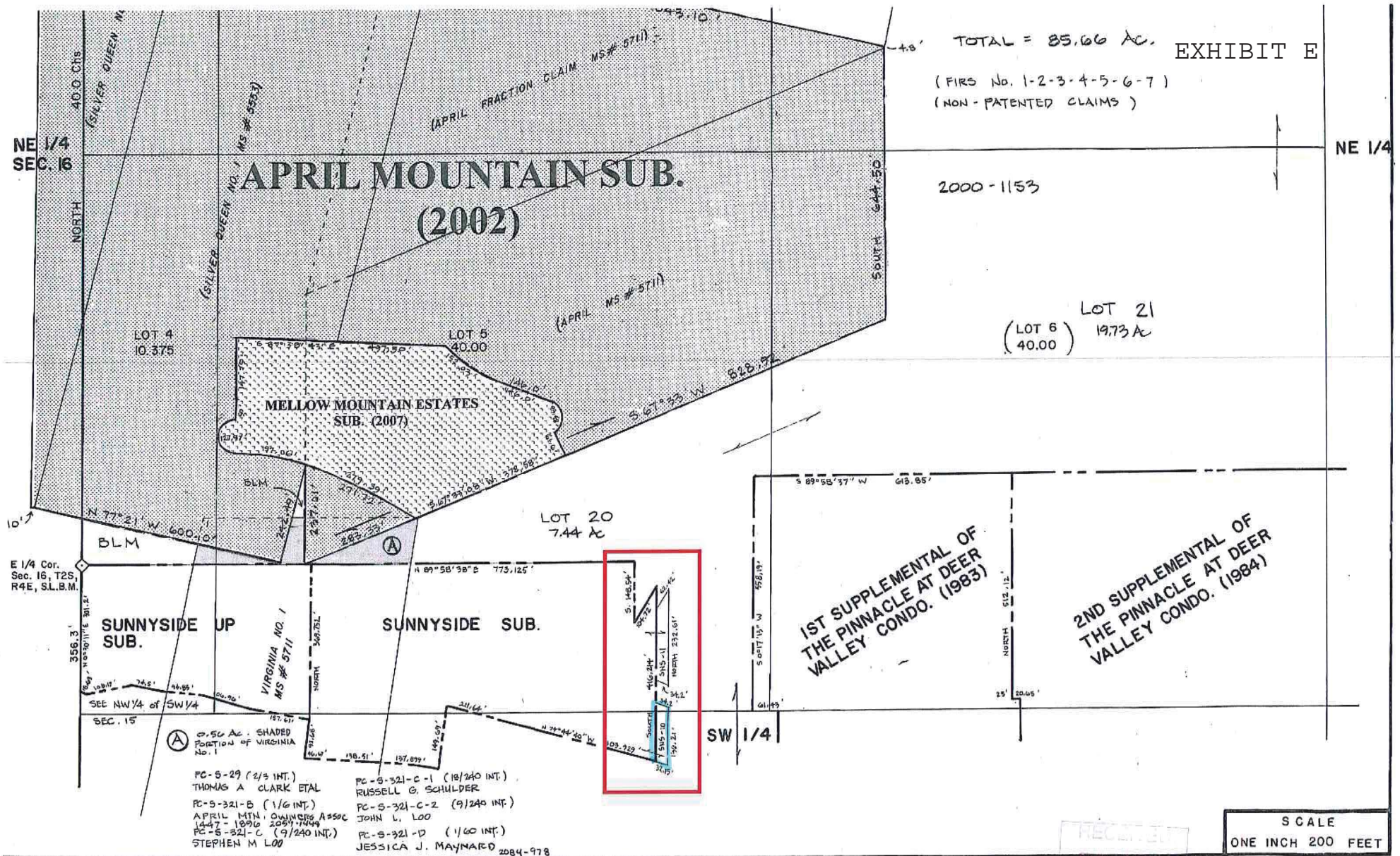
Judge of the District Court

my Commission Expires 12/31/2011
Residing in Clark County, NV

A Single Family Subdivision located in the West 1/2 of Section 15, Township 2 South, Range 4 East, Galt Lake Base and Meridian Recorded concurrently herewith a Declaration

Recorded concurrently herewith a Declaration
of Protective Covenants for Burnside Subdivision

4300142 (C)



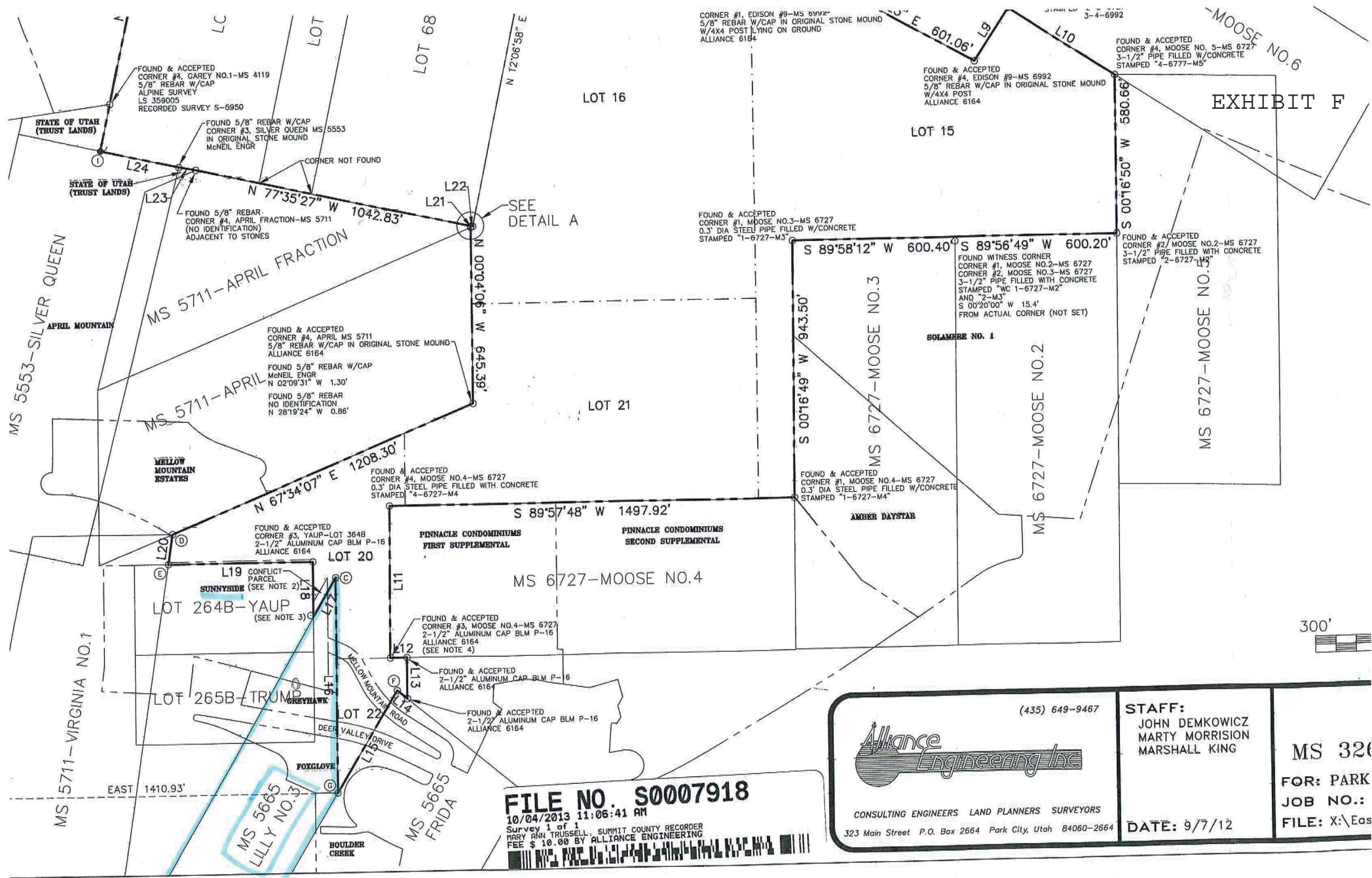


EXHIBIT G 1

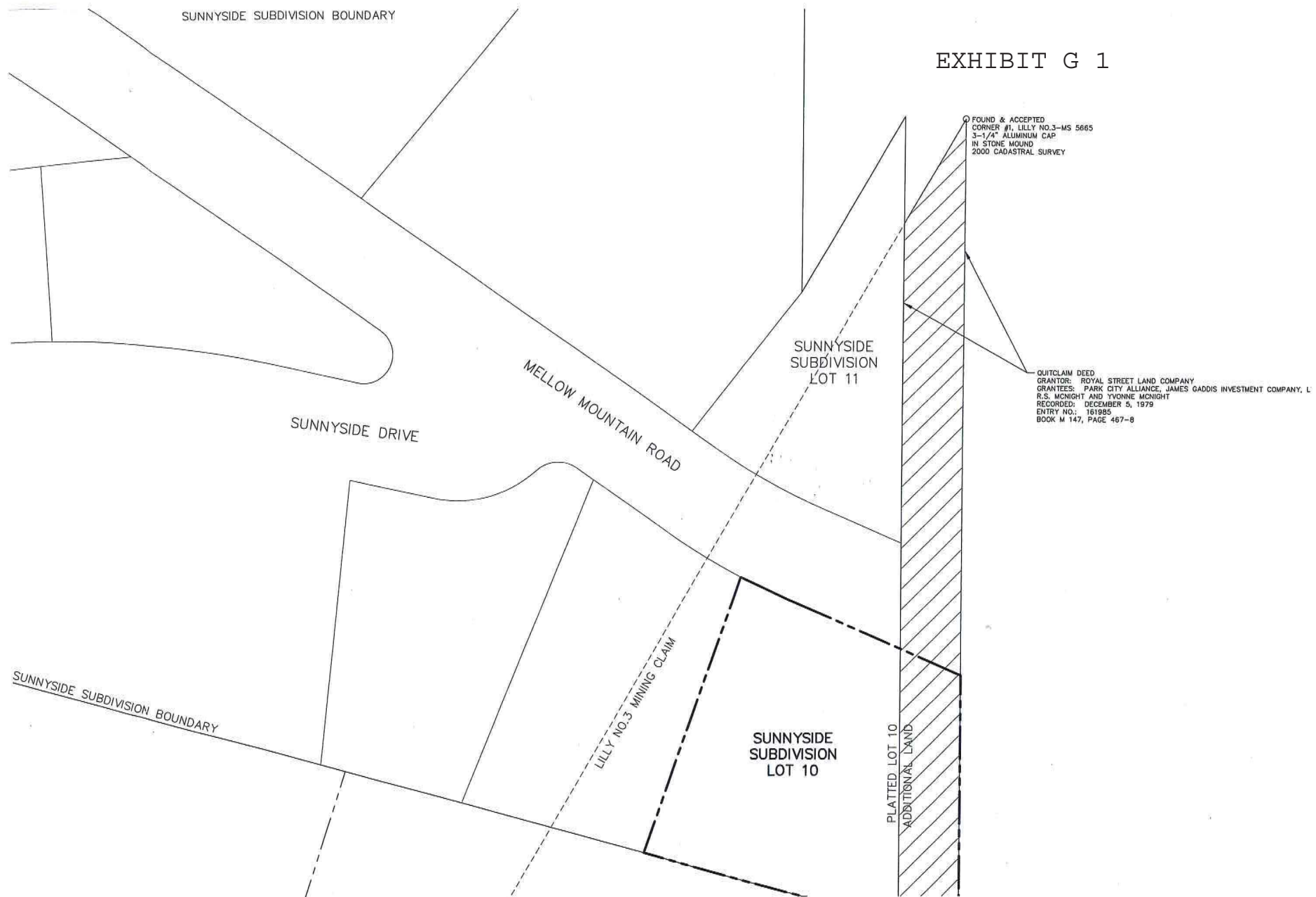
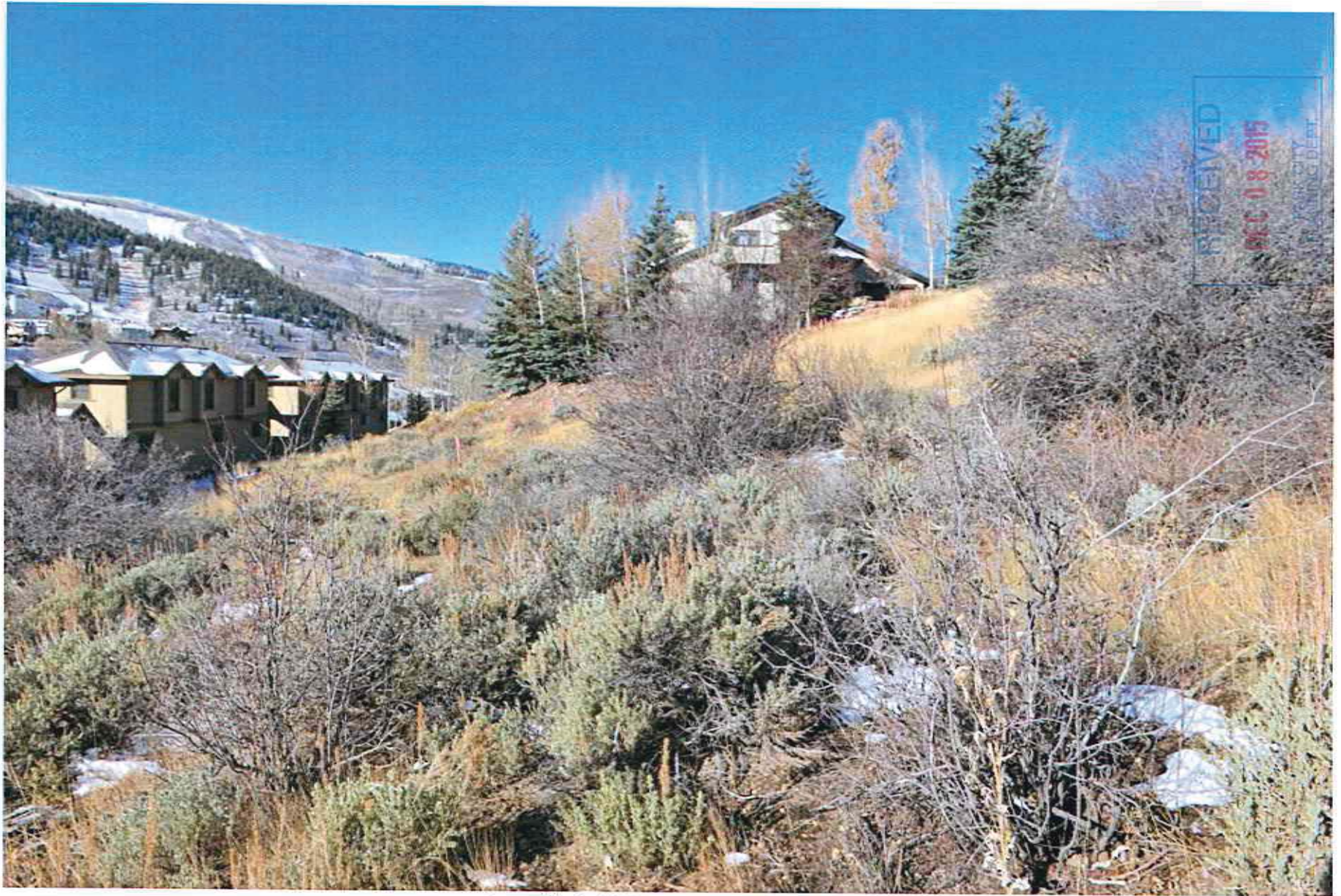




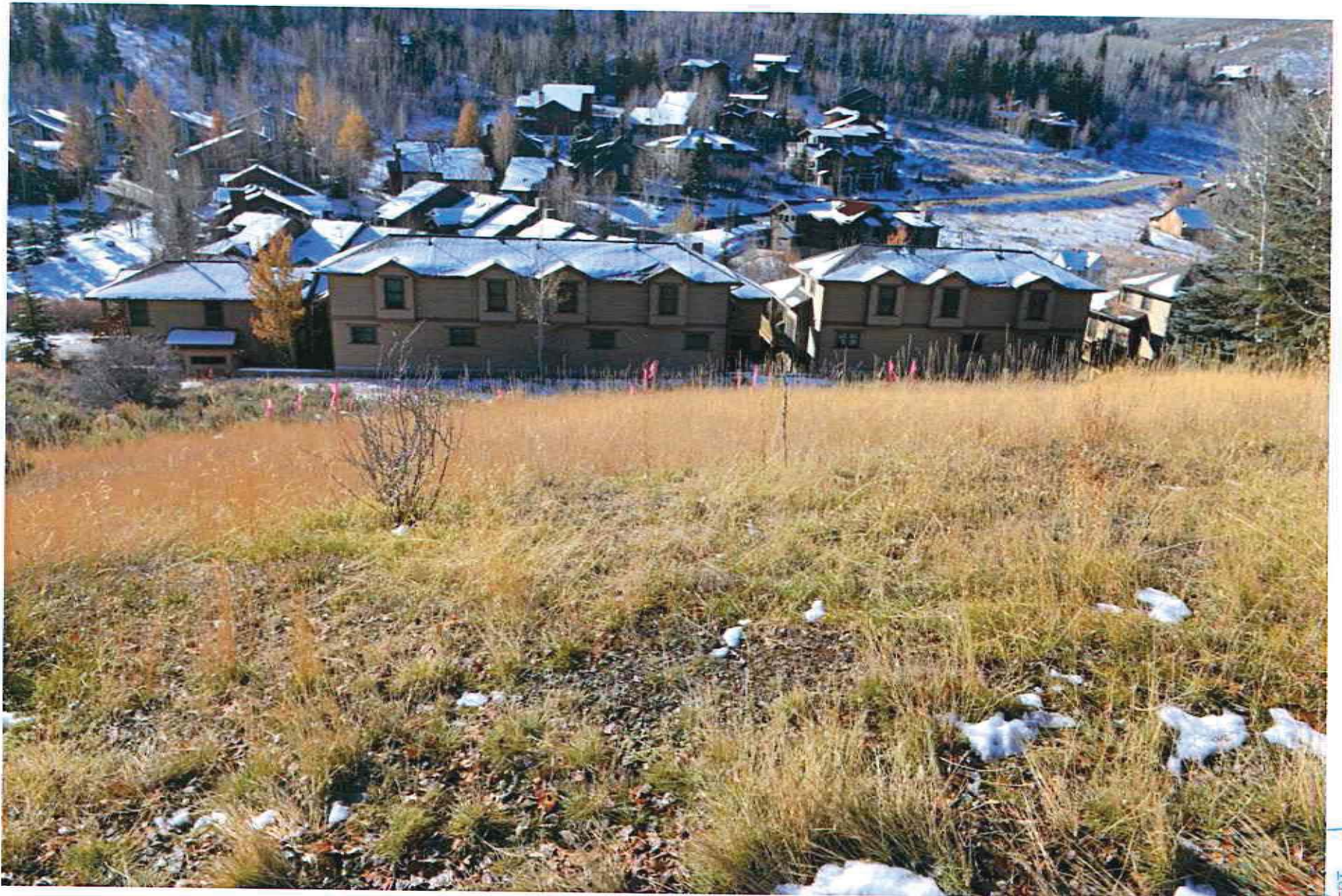
EXHIBIT H



Sunnyside Subdivision, Lot 10 looking northeasterly

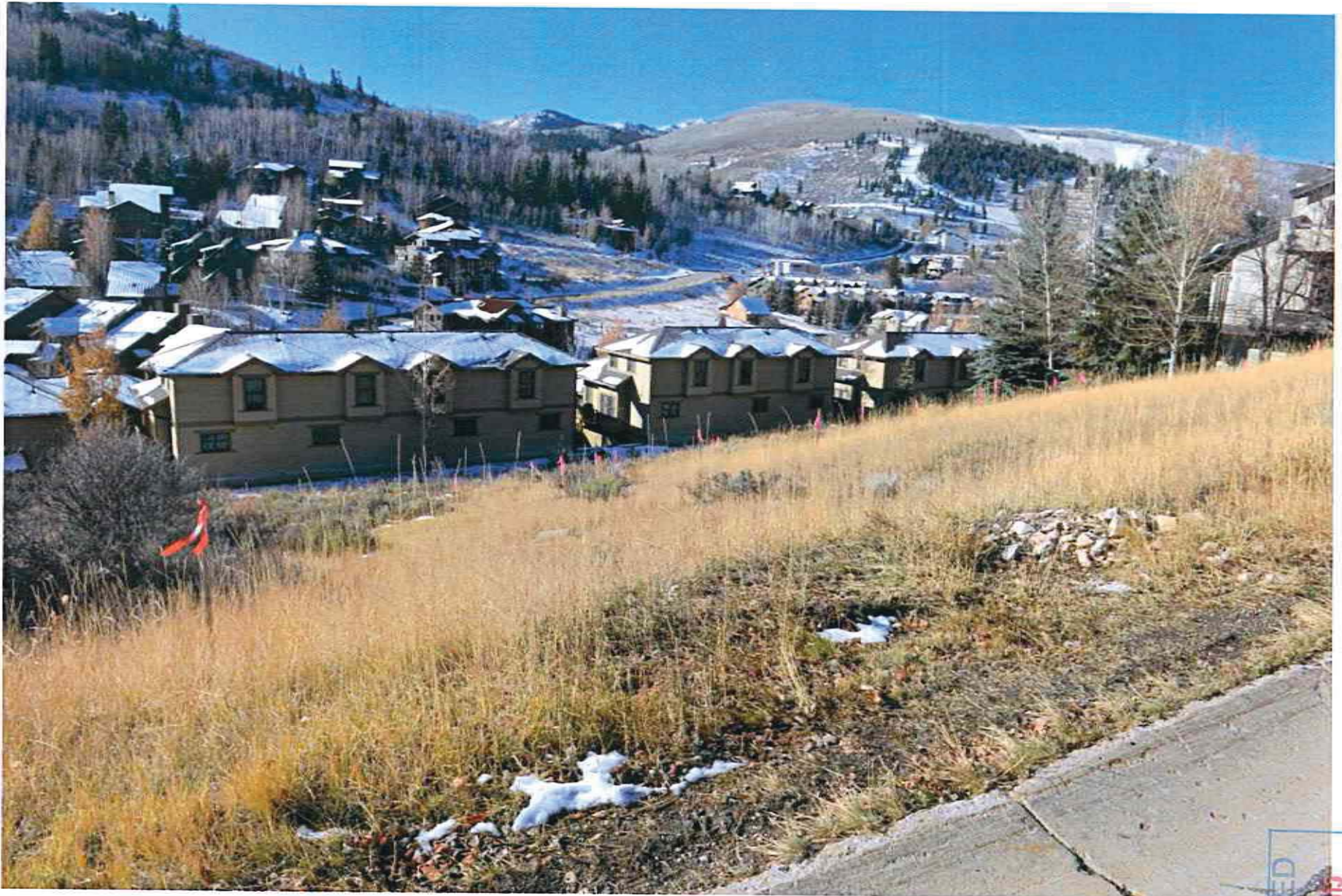


Sunnyside Subdivision, Lot 10 looking west



Sunnyside Subdivision, Lot 10 looking south





Sunnyside Subdivision, Lot 10 looking southwesterly





Planning Commission Staff Report

PLANNING DEPARTMENT

Subject: 1043 & 1049 Park Avenue Plat Amendment
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-02979
Date: February 10, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1043 & 1049 Park Avenue Plat Amendment located at the same address 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

Applicants: 1043 Park Avenue Holdings, LLC and Jeffrey Stanford
Pierce
Location: 1043-1049 Park Avenue
Zoning: Historic Residential-1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The 1049 Park Avenue Plat Amendment was recorded on June 13, 2014; whereas, 1043 Park Avenue currently consists of the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City. The applicant is proposing to add approximately five feet (5') of the north portion or existing Lot 12 to Lot 13, changing the location of the lot line between 1049 and 1043 Park Avenue so that each historic house on its own lot. Additionally, this plat amendment will remove the lot line which runs through the historic house at 1043 Park Avenue.

Background

On October 21, 2015, the City received a Plat Amendment application for the 1043 and 1049 Park Avenue Plat Amendment; the application was deemed complete on November 24, 2015. The properties are located at the same address and are in the Historic Residential (HR-1) District. The subject property consists of all of the 1049 Park Avenue Subdivision as well as the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City which is where 1043 Park Avenue is located.

Both 1043 and 1049 Park Avenue are listed on Park City's Historic Sites Inventory (HSI). 1043 Park Avenue is designated as "significant," and 1049 Park Avenue is designated as "landmark". Both properties were built between 1895-1905, during the

Mature Mining Historic Era (1894-1930). The historic house at 1049 Park Avenue encroaches over its south property line into the 1043 Park Avenue property, and the historic house at 1043 Park Avenue encroaches over its south property line into 1035 Park Avenue. There is currently a Conditional Easement agreement between 1043 and 1049 Park Avenue for maintenance of the encroachment of the 1049 Park Avenue historic house, recorded in April 2004.

The historic house at 1043 Park Avenue received a Historic District grant in 1990; however, it does not appear that grant funds were ever awarded or that any renovation work was completed. In 2014, a building permit was issued to restructure the roof from the interior in order to meet snow loads. The house has been used as a nightly rental.

The historic house at 1049 Park Avenue also had improvements in the past. In 2007, a plat amendment was previously approved for Sarah's Subdivision to replat 1049 Park Avenue; however, the plat was never recorded. Similarly, the property received a Historic District Grant in 2009, but the funds were never dispersed due to inactivity. After the current owner acquired the property, a Historic District Design Review (HDDR) application was approved in 2013 and a Historic District Grant was awarded the same year. The plat amendment for the 1049 Park Avenue Subdivision which only included Lot 13 and north 5 feet of Lot 12 was approved by City Council in March 2014, and the plat was recorded in June 2014 (see City Council staff report 3.20.14—Exhibit G).

Purpose

The purpose of the HR-1 District is to:

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

Analysis

The proposed Plat Amendment will create two (2) lots of record from the existing Lot 1, 1049 Park Avenue subdivision, as well as the north half (1/2) of Lot 11, the south 20 feet of Lot 12 and the north half (1/2) of Lot 22, Block 4, Snyder's Addition.

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings. The following table shows applicable Land Management Code (LMC) development parameters in the HR-1 District for the existing situation:

Existing Conditions:				
Required	1043 Park Avenue (Lot 2) Existing	Permitted	1049 Park Avenue (Lot 1), Existing	Permitted
Lot Size	2,984.3 square feet	1,875 square feet minimum Complies	2,640.7 square feet	1,875 square feet minimum Complies
Allowed Footprint	1,174 square feet	1,261.78 square feet square feet, maximum. Complies	1,043 square feet	1,138.27 square feet, maximum. Complies
Front/Rear Yard Setbacks	26 feet, front yard; 78 feet rear yard	15 feet, for total of 30 feet Complies¹	19 feet, front yard; 10 feet rear yard	10 feet, for total of 20 feet Complies¹
Side Yard Setbacks	7 feet north side yard; 0 feet south side yard	3 feet, minimum for total of 6 feet. Historic – valid complying¹	3 feet north side yard; 0 feet south side yard	3 feet, minimum for total of 6 feet. Historic – valid complying¹

¹LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

As previously noted, the historic house at 1049 Park Avenue encroaches over the existing lot line and into the 1043 Park Avenue property. The applicant intends to relocate the property line approximately 3.5 feet at the east (front) side of the property and approximately 6.5 feet at the west (rear) side of the property in order to maintain a minimum 3 foot side yard setback from the house at 1043 Park Avenue, which complies with Building Code requirements. The relocation will create a side yard setback for 1043 Park Avenue of 3 feet and a side yard setback for 1049 Park Avenue of 2.36 feet. The modification to the existing property line between 1043-1049 Park Avenue will eliminate the encroachment of the historic 1049 Park Avenue house into the 1043 Park Avenue property, while also allowing 1043 Park Avenue to meet International Building Code separation requirements for fire safety.

The following conditions will exist following the plat amendment:

Proposed Conditions:		
	1043 Park Avenue (Lot 2)	1049 Park Avenue- (Lot 1)
Lot Size	2,994.7 square feet	2,630.4 square feet
Allowed Footprint	1,265.43 square feet	1,134.49 square feet

At the recommendation of the Development Review Committee (DRC) and the Building Department, the applicant has located the new property line between 1043 and 1049 Park Avenue to be 3 feet from 1043 Park Avenue and 2.36 feet from 1049 Park Avenue (see Exhibit F). This will allow 1043 Park Avenue to meet the required three foot (3') side yard setback and comply with the International Building Code (IBC) requirements for fire ratings. The relocation of the existing lot line will also resolve the encroachment

of 1049 Park Avenue and provide the structure with a 2.36 foot side yard setback along the south side of the property. Historic structures that do not comply with Building Setbacks are valid complying structures per LMC 15-2.2-4.

As part of the renovation of 1049 Park Avenue, a deck was constructed over the existing property line into the 1043 Park Avenue property, now owned by the same owner. The applicant is working with the City to remove a portion of the new deck at 1049 Park Avenue in order to resolve the encroachment. Decks, not more than thirty inches (30") in height above Final Grade are permitted in the setback, and this deck does not exceed thirty inches (30") in height. Condition of Approval #7 has been added to this plat amendment to guarantee that the work is completed.

The submitted survey also reveals a number of encroachments:

- At 1043 Park Avenue, the historic house extends two feet (2') over the south property line into the 1035 Park Avenue property. Further, the hot tub encroaches two feet (2') over the rear (west) property line, and there is an existing block patio that extends over the 1043-1035 Park Avenue lot line in the south side yard.
- At 1049 Park Avenue, the historic house extends three feet (3') over the property line and the historic front porch is built to property line. The deck at 1049 Park Avenue extends to the south wall of the historic house, and encroaches approximately five feet (5') over the existing property line. By relocating the property line between 3.5 and 6.5 feet to the south, the encroachments at 1049 Park Avenue will be resolved. Staff has added Condition of Approval #4 requiring that the applicant address all encroachments on the site which will exist after the proposed lot line amendment prior to plat recordation.

The City Engineer will also require two (2) – ten foot (10') snow storage easements to be granted along the front and rear property lines of 1043 Park Avenue to address street frontages, per Condition of Approval #3; public snow storage easements have already been granted as part of the 1049 Park Avenue Subdivision and shall remain along Park Avenue.

Good Cause

Staff finds good cause for this Plat Amendment. By relocating the property line between 1043 and 1049 Park Avenue 3.5 to 6.5 feet to the south, the historic house at 1049 Park Avenue will no longer encroach into the 1043 Park Avenue property. The plat amendment will also address existing encroachments that exist on both properties. Interior lot lines between Lots 11 and 12 and Lots 11 and 22 will also be removed at 1043 Park Avenue. Finally, public snow storage and utility easements will be provided on the lots.

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 further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet on January 27, 2016. Legal notice was also published in the Park Record according to requirements of the Land Management Code on January 23, 2016.

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 1043 & 1049 Park Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1043 & 1049 Park Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 1043 & 1049 Park Avenue Plat Amendment.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The site would remain as is. The historic structure at 1049 Park Avenue will continue to encroach into the 1043 Park Avenue property. Any new development to occur at 1043 Park Avenue will be required to be built to setbacks determined by the property's interior lot lines, and encroachments on this property, such as the hot tub and patio, will not be resolved. Further, the City will not gain the additional snow storage easements at 1043 Park Avenue.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 1043 & 1049 Park Avenue Plat Amendment located at the same address and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)
Exhibit B – Survey
Exhibit C – County Tax Map
Exhibit D – Aerial Photographs with 500' Radius
Exhibit E– Site Photographs

Exhibit F—Structures Relative to Proposed Property Line
Exhibit G – 3.20.14 1049 Park Avenue City Council Report

Exhibit A – Draft Ordinance

Ordinance No. 16-XX

AN ORDINANCE APPROVING THE 1043 & 1049 PARK AVENUE PLAT AMENDMENT LOCATED AT 1043 AND 1049 PARK, PARK CITY, UTAH.

WHEREAS, the owners of the properties located at 1043 and 1049 Park Avenue have petitioned the City Council for approval of the 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 February 10, 2016, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on March 3, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1043 & 1049 Park Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 1043 & 1049 Park 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 properties are located at 1043 and 1049 Park Avenue.
2. The properties are located in the Historic Residential (HR-1) District.
3. The subject property consists of all of the 1049 Park Avenue Subdivision, recorded in 2013, as well as 1043 Park Avenue, which contains the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City.
4. The applicant is proposing to add the north five feet (5') of Lot 12 to Lot 13, changing the location of the lot line between 1049 and 1043 Park Avenue so that each historic house on its own lot. Additionally, this will remove the lot line which runs through the historic house at 1043 Park Avenue.

5. The house at 1043 Park Avenue is listed as “Significant” on Park City’s Historic Sites Inventory; the house at 1049 Park Avenue is listed as “Landmark.”
6. The proposed Plat Amendment creates two (2) lots of record from the existing one (1) lot, two (2)-half (1/2) lots, and one partial lot.
7. The Plat Amendment removes one (1) lot line going through the historic house at 1043 Park Avenue, and the interior lot line separating Lots 11 and 22.
8. The Plat Amendment also resolves the encroachment of the historic house at 1049 Park Avenue encroaching over the existing property line and into the 1043 Park Avenue property.
9. The proposed Plat Amendment combines the property into two (2) lots. 1043 Park Avenue (Lot 2) will contain 2,994.7 square feet and 1049 Park Avenue (Lot 1) will contain 2,630.4 square feet.
10. A single-family dwelling is an allowed use in the District.
11. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
12. The minimum lot width required is twenty-five feet (25’). The proposed lots meet the minimum lot width requirement.
13. At 1043 Park Avenue, the maximum building footprint allowed based on proposed lot size of 2,994.7 square feet is 1,265.43 square feet.
14. At 1049 Park Avenue, the maximum building footprint allowed based on the proposed lot size of 2,630.4 square feet is 1,134.49 square feet.
15. The minimum front/rear yard setback for 1043 Park Avenue is fifteen feet (15’) based on the lot depth. The minimum total front/rear yard setback is thirty feet (30’).
16. The minimum front/rear yard setback for 1049 Park Avenue is twelve feet (12’) based on the lot depth. The minimum total front/rear yard setbacks for both lots are twenty-five feet (25’).
17. The minimum side yard setbacks for both lots are three feet (3’) based on the lot width. 1043 Park Avenue currently has side yard setbacks of seven feet (7’) on the north and 0 feet on the south. 1049 Park Avenue currently has a side yard setback of three feet (3’) on the north and 0 feet on the south. Both historic houses encroach over their prospective south property lines.
18. Per LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures. 1043 and 1049 Park Avenue are valid complying structures.
19. At 1043 Park Avenue, the existing historic house encroaches approximately two feet (2’) over the south property line and into the 1035 Park Avenue property. The hot tub and block patio also encroach two feet (2’) over the west (rear) property line.
20. At 1049 Park Avenue, the existing historic house encroaches approximately 3 feet (3’) over the south property line and into the 1043 Park Avenue property. There is a deck, constructed in 2015, that encroaches five feet (5’) over the current property line.
21. 1043 and 1049 Park Avenue are located in a FEMA Flood Zone X.
22. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue and Woodside Avenue frontages of 1043 Park Avenue; the existing public snow storage easements along Park Avenue at 1049 Park Avenue shall remain.
4. At 1043 Park Avenue, the applicant shall address the encroachment of the historic house onto the 1035 Park Avenue site.
5. At 1043 Park Avenue, the applicant shall also remove or enter into an encroachment agreement for the encroaching hot tub and block patio prior to plat recordation.
6. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
7. At 1043 Park Avenue, vehicular access to the site shall be limited to Woodside Avenue.
8. A portion of the new deck at 1049 Park Avenue shall be removed to the property line in order to resolve the encroachment. Decks, not more than thirty inches (30") in height above Final Grade are permitted in the setback, and this deck does not exceed thirty inches (30") in height.

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

PASSED AND ADOPTED this 3rd day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

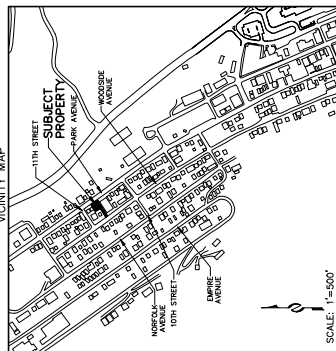
ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Jeffrey A. Morrison, certify that I am a Registered Land Surveyor and that I hold the original plat of this survey in my possession. I have examined the original plat of this survey and the record of this survey in the office of the County Recorder of the county, and I have found that the same are correct and true. I have also examined the ground as shown on this plat, and I have found that the same are correct and true. I have also examined the original plat of this survey and the record of this survey in the office of the County Recorder of the county, and I have found that the same are correct and true. I have also examined the ground as shown on this plat, and I have found that the same are correct and true.

BOUNDARY DESCRIPTION

PARCEL 1:

The North 1/2 of Lot 1, the South 1/2 of Lot 12, and the West 1/2 of Lot 25, Block 4, Snyder's Addition, as shown on the original plat thereof on file and of record in the Summit County Recorder's Office.

PARCEL 2:

All of Lot 1, 1049 Park Avenue, Subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 1043 PARK AVENUE HOLDINGS, LLC, as the owner of the above described land, do hereby certify that he has examined the original plat of this survey and the record of this survey in the office of the County Recorder of the county, and I have found that the same are correct and true. I have also examined the ground as shown on this plat, and I have found that the same are correct and true. I have also examined the original plat of this survey and the record of this survey in the office of the County Recorder of the county, and I have found that the same are correct and true. I have also examined the ground as shown on this plat, and I have found that the same are correct and true.

ACKNOWLEDGMENT

State of _____

County of _____

On this _____ day of _____, 2016, the undersigned Jeffrey A. Morrison, Registered Land Surveyor, do hereby certify that I have examined the original plat of this survey and the record of this survey in the office of the County Recorder of the county, and I have found that the same are correct and true. I have also examined the ground as shown on this plat, and I have found that the same are correct and true. I have also examined the original plat of this survey and the record of this survey in the office of the County Recorder of the county, and I have found that the same are correct and true. I have also examined the ground as shown on this plat, and I have found that the same are correct and true.

A history Public commissioned in _____

Printed Name _____

Reading In _____

My commission expires _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Jeffrey Standard Place, as the owner of the above described land, do hereby certify that he has examined the original plat of this survey and the record of this survey in the office of the County Recorder of the county, and I have found that the same are correct and true. I have also examined the ground as shown on this plat, and I have found that the same are correct and true. I have also examined the original plat of this survey and the record of this survey in the office of the County Recorder of the county, and I have found that the same are correct and true. I have also examined the ground as shown on this plat, and I have found that the same are correct and true.

ACKNOWLEDGMENT

State of _____

County of _____

On this _____ day of _____, 2016, the undersigned Jeffrey A. Morrison, Registered Land Surveyor, do hereby certify that I have examined the original plat of this survey and the record of this survey in the office of the County Recorder of the county, and I have found that the same are correct and true. I have also examined the ground as shown on this plat, and I have found that the same are correct and true. I have also examined the original plat of this survey and the record of this survey in the office of the County Recorder of the county, and I have found that the same are correct and true. I have also examined the ground as shown on this plat, and I have found that the same are correct and true.

A history Public commissioned in _____

Printed Name _____

Reading In _____

My commission expires _____

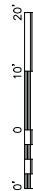
NOTE

This modification is subject to the Conditions of Approval in Ordinance 14-____.

LEGEND

XXXX Street address on Park Avenue

LINE	TABLE	BEARING	DISTANCE
L1	S	35°55'00" E	12.50'



A RE-SUBDIVISION OF PLATTED LOTS IN BLOCK 4, SNYDER'S ADDITION TO PARK CITY SURVEY 1043 & 1049 PARK AVENUE PLAT AMENDMENT

LOCATED IN SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 12 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.E.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE FIND THIS PLAT TO BE IN ACCORDANCE WITH THE PLAT FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I, _____, CLERK OF THE CITY OF PARK CITY, DO HEREBY CERTIFY THAT THIS PLAT OF _____ COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____
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SHEET 1 OF 1

SURVEYOR'S CERTIFICATE

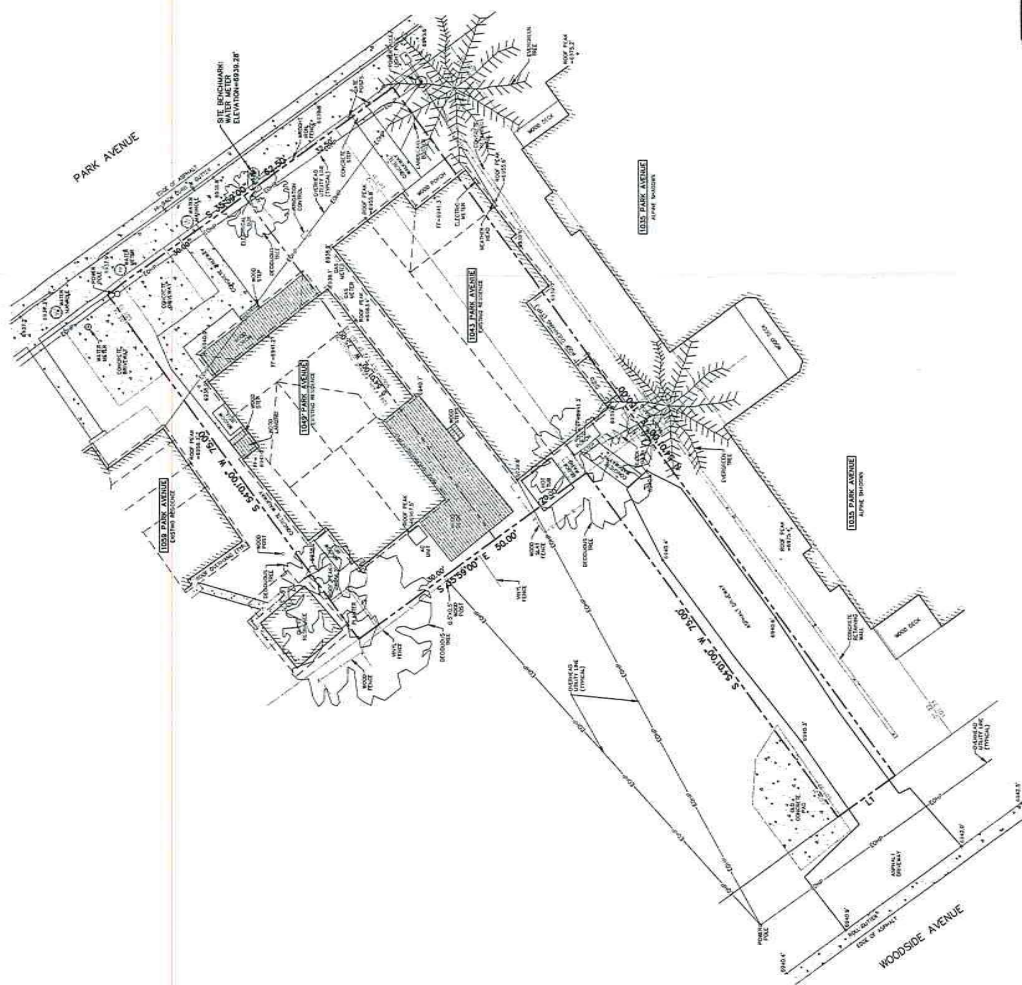
I, Mark A. Moreno, a duly Licensed Surveyor, State of Utah, do hereby certify that I am a registered land surveyor and that I have certification no. 4430739 as evidenced under the laws of the State of Utah. I further certify that a topographic survey of the property described herein was made by me or under my direct supervision and that the same was completed and is in compliance with generally accepted industry standards for accuracy.

11-23-15
Mark A. Moreno
Surveyor
No. 4430739
State of Utah

NOTES

1. Site Benchmark Water Meter Elevation 6939.28
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 21, 2014.
4. Property corners were set or found.

LINE	TABLE	DETAILED
LINE	LINE	LINE
LINE	LINE	LINE



10' 0' 10' 20'



UTAH SURVEYING ENGINEERS AND LAND PLANNERS SOCIETY OF UTAH
222 West Center Street, Suite 200, Salt Lake City, Utah 84102-2044

STAFF:
MARK A. MORENO
JESSE MORENO

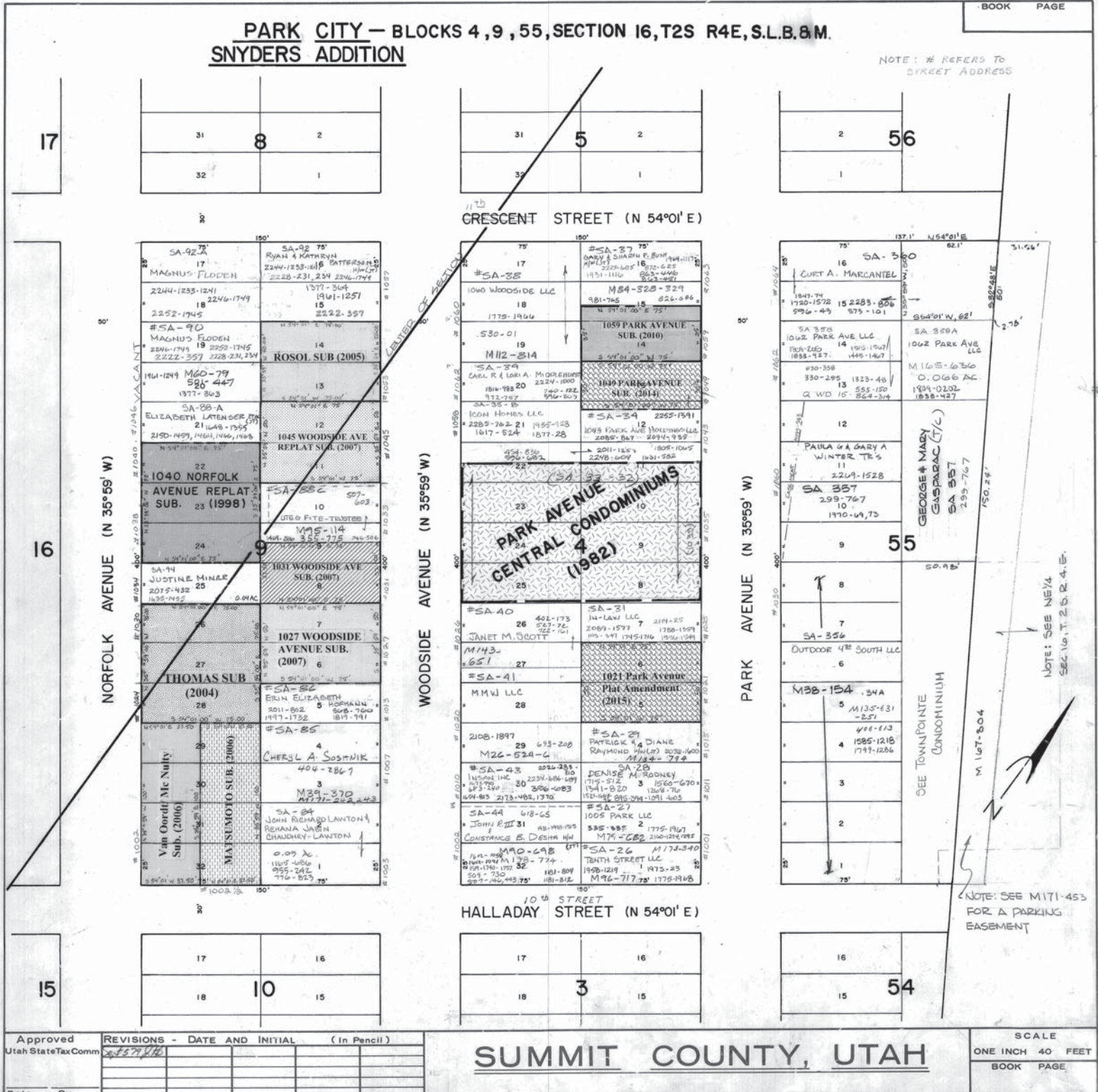
DATE: 11/23/15

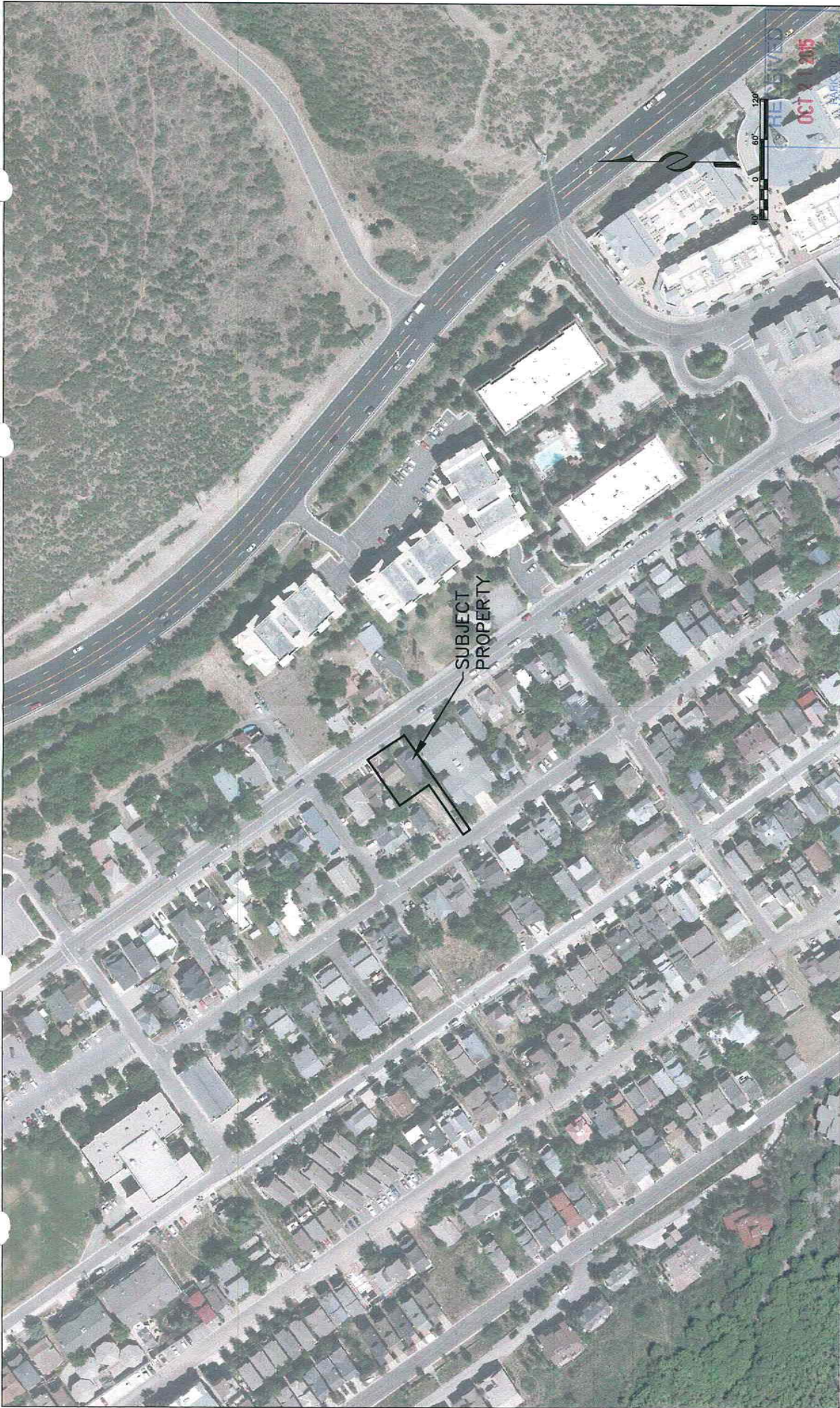
EXISTING CONDITIONS & TOPOGRAPHIC MAP
1043 & 1049 PARK AVENUE
LOTS 12, 13, & 1/2 OF LOTS 11 & 22
FOR: DAVE BAGLIO
JOB NO.: 8-12-13
FILE: X:\Soyden\Addition\dwg\topo2015\081213.dwg

SHEET
1
OF
1

**PARK CITY — BLOCKS 4, 9, 55, SECTION 16, T2S R4E, S.L.B. & M.
SNYDERS ADDITION**

NOTE: # REFERS TO STREET ADDRESS





	STAFF: MARSHALL KING JAY KITCHEN	DATE: 3/2/15
	AERIAL PHOTOGRAPH 1043 & 1049 PARK AVENUE	
	FOR: WAGNER ENGINEERING CONTRACTORS	
	JOB NO.: E-15-13 FILE: \\A:\Support\del\del\Aerial\1043&1049 park ave-aerial.jpg	
SHEET 1 OF 1		



Looking West



Looking Southwest

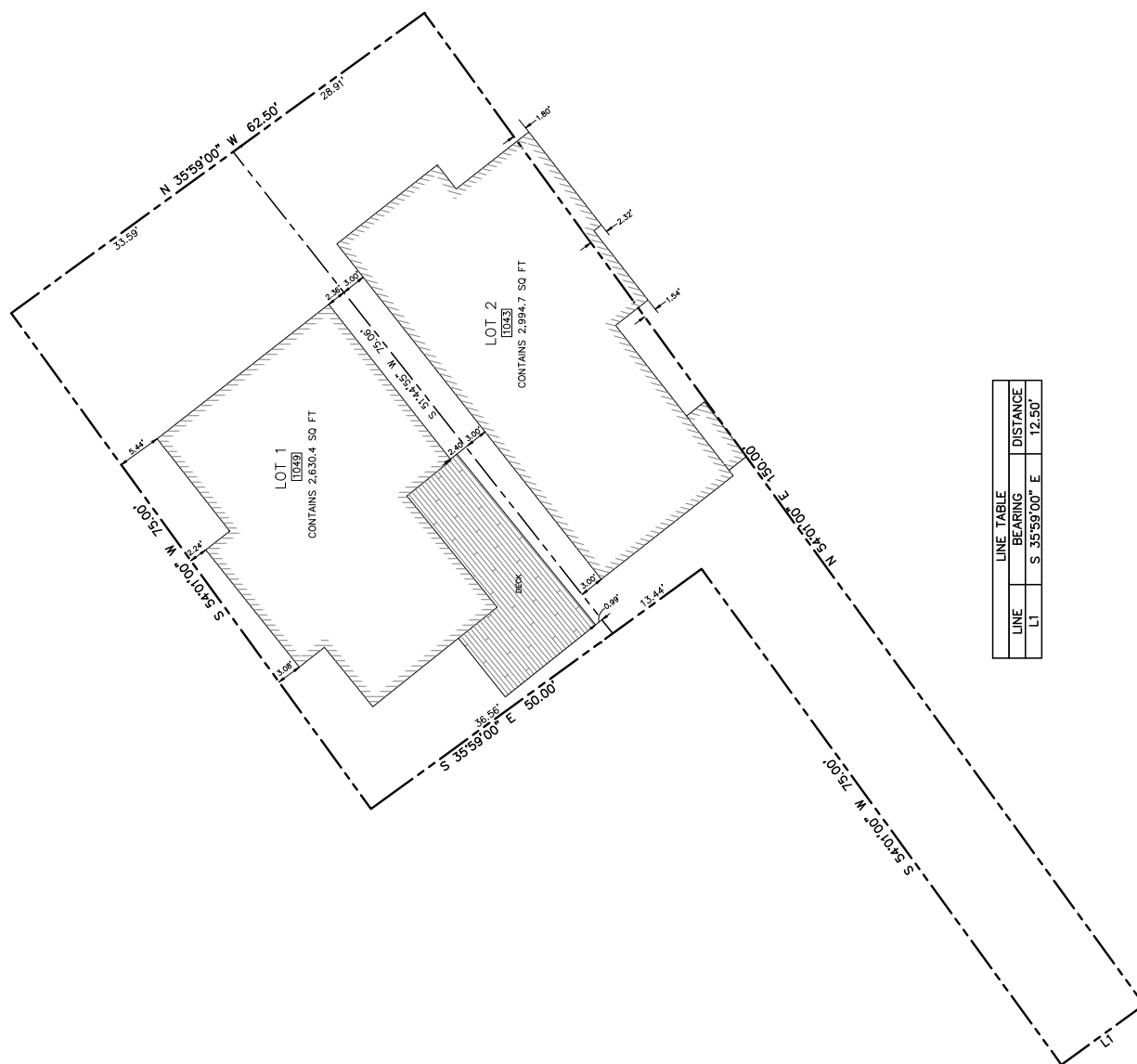


1043 Park Avenue Looking North



Looking East





1043 & 1049 PARK AVENUE SUBDIVISION

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

12/31/15 X: \SnydersAddition\dwg\srv\plat2013\091213-2015.dwg

City Council Staff Report



Application #: PL-13-01893
Subject: 1049 Park Avenue Subdivision
Author: Anya Grahn, Historic Preservation Planner
Date: March 20, 2014
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 1049 Park Avenue Subdivision located at the same address, and consider approving the proposed plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Dave Baglino, Wasatch Engineering Contractors
Location: 1049 Park Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential condominiums, single-family residential, vacation rentals
Reason for Review: Plat approval requires City Council review and approval

Proposal

The applicant is requesting a Plat Amendment for the purpose of combining the north five feet (5') of Lot 12 and all of Lot 13 of Block 4 of Snyder's Addition to the Park City Survey. There is an existing historic home on the property identified as a Landmark on the City's Historic Sites Inventory (HSI) that straddles the lot line between Lots 12 and 13, and encroaches into the neighboring property to the south by two (2') to three (3') feet. The applicant wishes to combine the lots in order to move forward with a Historic District Design Review (HDDR) approval.

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- (A) Preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) Define Development parameters that are consistent with the General Plan policies for the Historic core, and

- (F) Establish Development review criteria for the new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

The 1049 Park Avenue property is listed on the Historic Sites Inventory (HSI) as a “Landmark” site which includes a two (2) story frame hall-parlor house. The house has had minimal changes, the most significant of which is the reconstruction of the front porch with a pediment above the entrance. The hall-parlor form is the earliest type to be built in Park City and is one (1) of three (3) of the most common house types built in Park City during the Mining Era. The site was individually nominated to the National Register of Historic Places in 1984 as part of the Park City Mining Boom Era Residences Thematic District, but was not listed due to the owner’s objection. Because the site retains its historic integrity and is eligible for the National Register, it has been designated as “landmark” on the City’s HSI.

On May 29, 2013, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of 1049 Park Avenue, which included constructing a new addition at the rear of the historic structure. The HDDR application was approved on July 18, 2013; however, the Building Department was unable to issue a building permit for the construction of a new basement addition which would occur on the adjacent property. Though a maintenance easement existed, the City required the applicant to submit a consent letter from the neighboring property owner that provided their permission to build the basement over the shared property line. Further analysis revealed that a root cellar and crawl space existed beneath the historic structure. The root cellar is approximately seven feet ten inches (7’10”) in height and encroaches approximately three feet (3’) into the 1043 Park Avenue property. A crawlspace is beneath the remainder of the structure and is roughly three feet ten inches (3’10”) in height. A portion of the crawlspace also encroaches approximately two feet (2’) into the neighboring property.

The Planning Director determined that the replacement of the existing root cellar and foundation with a new basement foundation did not increase the degree of the existing foundation’s nonconformity on February 10, 2014 (Exhibit F).

During this analysis, it was also discovered that the applicant needed to complete a plat amendment in order to remove the interior property line. A revised HDDR action letter was sent to the applicant on February 10, 2014, that added a Condition of Approval that no building permit would be issued prior to the recordation of the subdivision plat amendment.

In January 2014, the applicant applied for a plat amendment in order to move forward with the approved HDDR. The applicant requested that the Planning Commission forward a positive recommendation to City Council for a plat amendment combining the north five feet (5’) of Lot 12 and all of Lot 13 of Block 4 of the Snyder’s Addition to Park City. The existing landmark historic structure encroaches over the interior lot line and on to the property at 1043 Park Avenue. This encroachment increases from east to

west, varying from two feet (2') to three feet (3'). The square footage of the encroachment is 47.5 square feet.

1043 Park Avenue, the parcel directly to the south of 1049 Park Avenue, contains the north half of lot 11, the south twenty feet (20') of lot 12, and the north half of lot 22 of Block 4 of Snyder's Addition. This lot contains approximately 3,375 square feet, or 0.07 acres. It is not a substandard lot. Further, the site is listed as "Significant" in the City's Historic Site Inventory.

The Planning Commission held a Public Hearing and voted unanimously (5-0) to forward a positive recommendation of the 1049 Park Avenue Subdivision on February 19, 2014. Public comment was provided at this meeting in regards to the parking conditions on Sampson Avenue.

Analysis

The home currently straddles the lot line between Lots 12 and 13 of Block 4 of the Snyder's Addition. The plat amendment is necessary in order for the applicants to make the necessary improvements to the site, which were approved as part of the Historic District Design Review (HDDR) on July 18, 2013.

	HR-1 Zone Designation	Existing Conditions	Proposed Conditions
<i>Lot Size</i>	1,850 SF	2,250 SF	2,250 SF
<i>Setbacks</i>			
Front (West)	10 ft.	18.5 ft. (porch) ; <i>complies</i>	18.5 ft.
Rear (East)	10 ft.	19 ft.; <i>complies</i>	10 ft.
Side (North)	3 ft.	2 ft. ; <i>valid complying (historic)</i>	2 ft.
Side (South)	3 ft.	0 ft. (encroaches 2-3ft, increasing to the west); <i>valid complying (historic)</i>	0 ft. (encroaches 2-3 ft. increasing to the west.)
<i>Height above existing grade</i>	27 ft.	23.5 ft.	26.5 ft. (new rear addition)

The proposed plat amendment does not increase any degree of nonconformity with respect to setbacks. The plat amendment would remove existing encroachments over the interior lot lines. The additions to the landmark structure would be required to meet the current setback requirements.

In running the footprint formula, the total allowed footprint on this lot is 991.4 SF. The historic structure encroaches 47.5 feet onto the property at 1043 Park Avenue. The total footprint of the historic building and new addition will be 1,035.75 square feet; however, only 988.25 square feet of this footprint will be located on the 1049 Park Avenue property because the remaining 47.5 square feet is located on the property at 1043 Park Avenue. As has been the standard in Park City, the 47.5 SF that encroach

will be deducted from the total allowed footprint at 1043 Park Avenue. With the reduction of the encroachment, 1043 Park Avenue would be able to have a footprint of approximately 1,348.5 square feet; the total allowed square footage for that property is 1,396 square feet based on the survey (see Exhibit E).

As seen in the following chart, the current size of the historic structure at 1049 Park Avenue is similar in size to other historic structures in the neighborhood. The proposed addition is relatively small due to the footprint limitations and will not create a house that is larger than those seen in the neighborhood. The chart below shows the approximate house size for other historic structures on the 1000 block of Park Avenue.

Address:	Year Built:	Lot Size (+/-)	Existing SF	Max Footprint	Historical Significance
1000 Park	2002	100,928.52 SF	Condo Development		Non-Historic
1001 Park	1984	1,875 SF	1,620 SF	844 SF	Non-Historic
1005 Park	1993	1,875 SF	1,520 SF	844 SF	Non-Historic
1011 Park	1968	1,875 SF	1,059 SF	844 SF	Non-Historic
1015 Park	1894	1,875 SF	1,049 SF	844 SF	Significant
1021 Park	1901	3,750 SF	980 SF	1,519 SF	Landmark
1025 Park	1993	1,875 SF	1,834 SF	844 SF	Non-Historic
1030 Park	1971	14,810 SF	1,071 SF	3222 SF	Non-Historic
1035 Park	1982	11,250 SF	Condo Development		Non-Historic
1043 Park	1905	3,375 SF	1,204 SF	1,396 SF	Significant
1049 Park	1910	2,250.04 SF	1,171 SF	991.4	Landmark
1059 Park	1904	2,613.6 SF	848 SF	1,128.31	Significant
1060 Park	1946	13,939.2 SF	953 SF	3,184.46	Significant
1062 Park	1926	3,750 SF	605 SF	1,519 SF	Landmark
1064 Park	Vacant Lot	6,969.6	N/A	2,355.55	Non-Historic
1063 Park	1920	3,049.2	857	1,284.53	Landmark

The amendment of one (1) partial lot and one (1) full lot is not uncommon in Old Town, and the 1049 Park Avenue Subdivision is in keeping with the lot sizes already in existence in this neighborhood. The smallest lot size on this block is 1,875, or a traditional twenty-five by seventy-five foot (25'x75') Old Town Lot. The largest lot size is at 1000 Park Avenue and includes the three (3) condominium structures facing Deer Valley Drive. The second largest is at 1030 Park Avenue and is 14,810 square feet; this is the location of Prudential Real Estate Office. The average lot size, not including the development at 1000 Park Avenue is 4,958 square feet, and the property at 1049 Park Avenue is roughly forty-five percent (45%) of the average lot size.

Aside from an HDDR and Building Permit, if the applicant wishes to add an addition to the house, there are no other regulatory processes anticipated for this property. The site is not on a steep slope.

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 restoring the historic landmark house and adding a rear addition. If left un-platted, the property remains as is. Moreover, the plat amendment will resolve the issue of the existing landmark structure straddling interior lot lines. 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 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 Park Avenue as well as resolve the existing building encroachments over interior lot lines. The applicant cannot move forward with this addition until the plat amendment has been recorded.

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 was provided at the February 26, 2014, Planning Commission.

Alternatives

- The City Council may approve the 1049 Park Avenue Subdivision as conditioned or amended; or
- The City Council may deny the 1049 Park Avenue Subdivision and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 1049 Park Avenue Subdivision; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and one (1) and one-half (1/2) existing lots would not be adjoined. Any additions to or renovations of the historic house would not be permitted because the interior lot line runs through the house.

Recommendation

Staff recommends the City Council hold a public hearing for the 1049 Park Avenue Subdivision, and consider approve the 1049 Park Avenue Subdivision based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial Photograph and streetscape photos

Exhibit D – Plat Map

Exhibit E – Survey of 1043 Park Avenue

Exhibit F – Planning Director Determination Letter, 2.10.14

Exhibit G – Planning Commission Minutes, 2.12.14

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

AN ORDINANCE APPROVING THE 1049 PARK AVENUE SUBDIVISION PLAT LOCATED AT 1049 Park Avenue, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1049 Park Avenue, has petitioned the City Council for approval of the 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 February 26, 2014 to receive input on the proposed subdivision;

WHEREAS, on February 26, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 20, 2014 the City Council held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1049 Park Avenue 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 1049 Park 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 1049 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting to combine the north five (5) feet of Lot 12 and all of Lot 13 of Block 4, Snyder's Addition into one (1) Parcel.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of a rear yard addition to the historic house.
4. The amended plat will create one new 2,250.04 square foot lot.
5. The existing historic 1,171 square foot home is listed as "Landmark" on the Historic Sites Inventory (HSI).

6. Per Land Management Code (LMC) 15-2.2-4 Historic Structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid Complying Structures. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 12 and 13.
7. The existing historic structure encroaches into the property at 1043 Park Avenue. The degree of the encroachment increases from two feet (2') to three feet (3') from east to west. The total square footage of the encroachment is 47.5 square feet. A conditional easement currently exists to address this encroachment.
8. Any proposed additions to the existing historic home require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
9. The maximum allowed building footprint allowed on the lot is 991.3 square feet. The applicant intends to construct a new rear addition and renovate the existing historic home. Following the renovation, the total footprint of the house will be 1035.75 square feet; however, only 988.25 square feet of this footprint will be located on the 1049 Park Avenue property. The remaining 47.5 square feet of the encroachment is located at 1043 Park Avenue.
10. The amendment of one and one-half (1.5) lots would be smaller than the average size of lot combinations on Park Avenue and is in keeping with the traditional size of development on the 1000 block of Park Avenue.
11. New additions to the rear of the historic home 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.
12. On May 29, 2013, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of 1049 Park Avenue, which included constructing a new addition at the rear of the historic structure. The HDDR application was approved on July 18, 2013; however, no building permit can be issued prior to the recording of the plat amendment.
13. The approval of the HDDR application was revised on February 10, 2014.
14. There is an existing root cellar and crawlspace beneath the historic building. The applicant intends to replace this makeshift foundation with a new basement foundation. The Planning Director determined that a new basement foundation did not increase the degree of the existing foundation's nonconformity on February 10, 2014. Rather, the replacement of the existing root cellar and foundation with a new basement foundation is maintenance and necessary to ensure the longevity of the historic structure.
15. On January 14, 2014, the applicant applied for a plat amendment in order to move forward with the approved HDDR. The application was deemed complete on February 11, 2014.

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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a 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 is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. A 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Park Avenue and shall be shown on the plat.
6. 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

SURVEYOR'S CERTIFICATE

I, John Staudacher, being duly sworn, depose and say that I am a Registered Land Surveyor and that I have surveyed the above described land and that the same has been duly recorded in the office of the Salt Lake County Recorder.

BOUNDARY DESCRIPTION

The North 5 feet of Lot 12 and all of Lot 13, Block 4, Snyder's Addition to the Park City Survey, County of Salt Lake and State of Utah, as shown on the plat in the office of the Salt Lake County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

None.

ACKNOWLEDGMENT

State of _____ County of _____

_____ Owner

A PARCEL COMBINATION PLAT

A COMBINATION OF THE NORTH 5 FEET OF LOT 12 AND ALL OF LOT 13 IN BLOCK 4, SNYDER'S ADDITION

1049 PARK AVE. SUBDIVISION

LOCATED IN SECTION 18
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION THIS _____ DAY OF _____, 2014 A.D.

BY _____ CHAIR

ENGINEER'S CERTIFICATE

I, _____, being duly sworn, depose and say that I am a Registered Professional Engineer and that I have surveyed the above described land and that the same has been duly recorded in the office of the Salt Lake County Recorder.

APPROVED BY THE ENGINEER THIS _____ DAY OF _____, 2014 A.D.

BY _____

CERTIFICATE OF ATTEST

I, _____, being duly sworn, depose and say that I am a Notary Public and that I have witnessed the signing of the above described plat and that the same has been duly recorded in the office of the Salt Lake County Recorder.

APPROVED BY THE NOTARY PUBLIC THIS _____ DAY OF _____, 2014 A.D.

BY _____

INTERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO INTERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D.

BY _____

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.

BY _____

RECORDED

STATE OF SALT LAKE COUNTY OF SUMMIT, AND FILED AT THE RECORDER OF _____ DATE _____ TIME _____ PAGE _____

ENTRY NO. _____ FILE _____ RECORDER _____

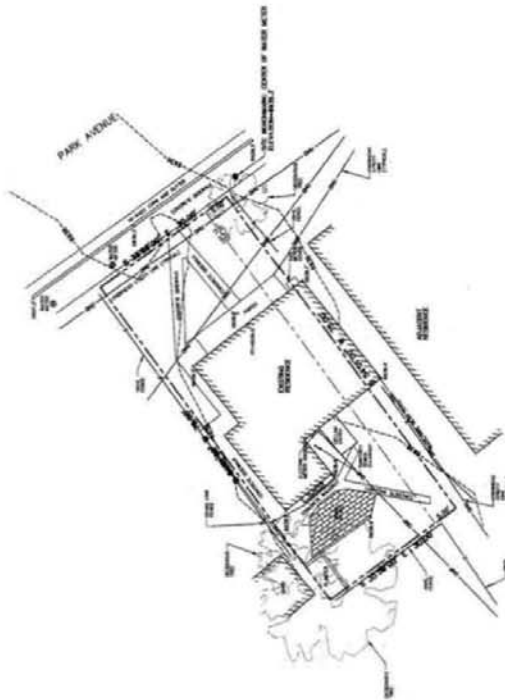
RECEIVED

JAN 14 2014

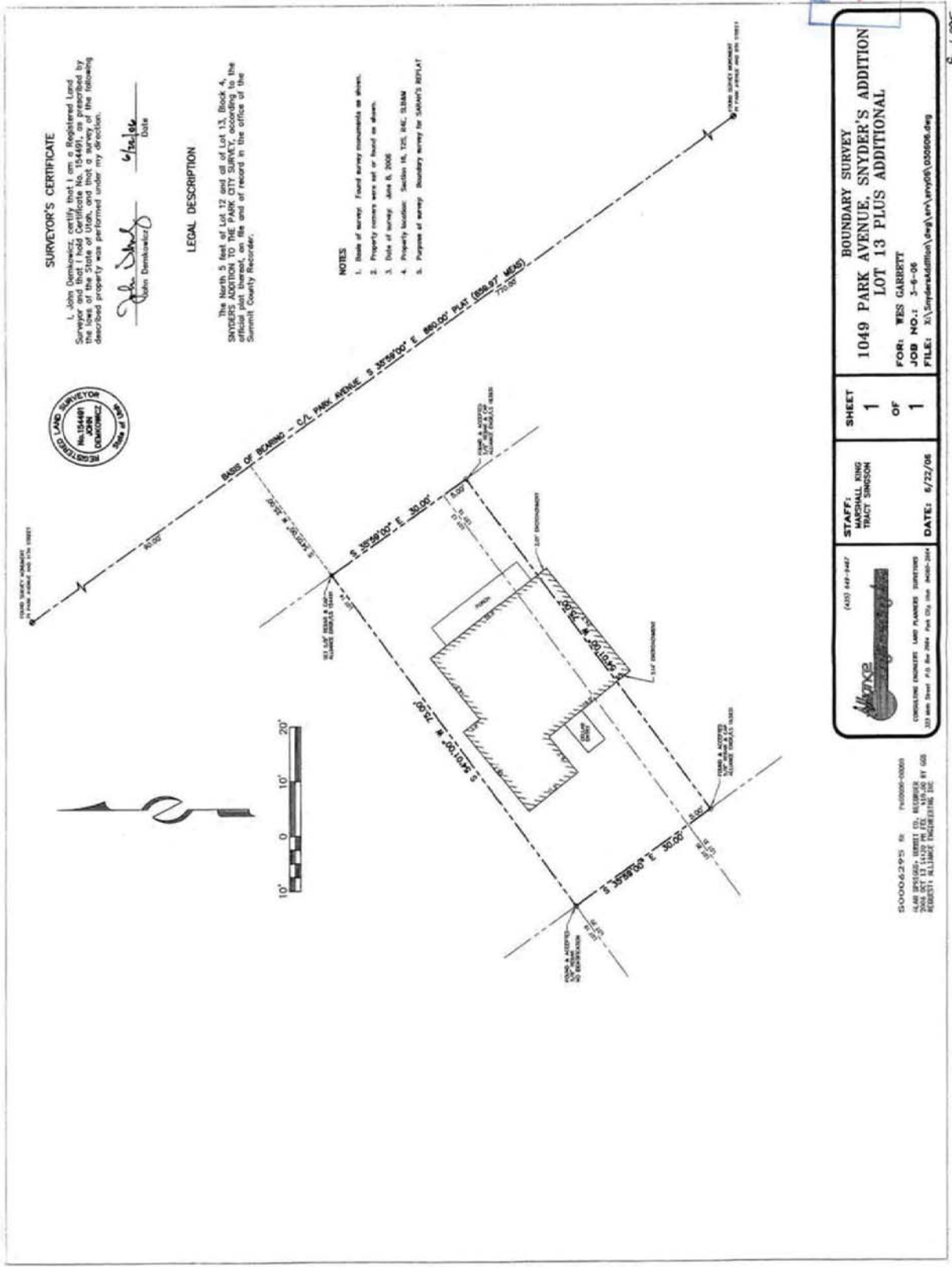
PARK CITY PLANNING DEPT

1. Site Description: Center of water outlet

2. The gradient is responsible for verifying building activities, setting requirements and building heights.
3. This topographic map is based on a field survey performed on June 8, 2006.
4. Property corners were set or found.



(410) 448-2440 	STAFF: KIM TERRY SIMMONS	MEETING CONDITIONS MAP 1040 PARKWAY ADDRESS: NORTH 57 OF LOT 12 AND LOT 13	SHEET OF 201
	JOB: MD-1 3-5-54 DATE: 8/31/58	JOB: MD-1 3-5-54 DATE: 8/31/58	JAN 14 2011 PARK CITY PLANNING DEPT



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor of the State of Utah, and that a survey of the following described property was performed under my direction.

John Demkowicz
 Date: 6/22/06



LEGAL DESCRIPTION

The North 5 feet of Lot 12 and all of Lot 13, Block 4, Snyder's Addition to the Park City Survey, according to the official record of the plat and of record in the office of the Summit County Recorder.

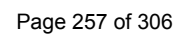
NOTES

1. State of survey: Found survey monuments as shown.
2. Property corners were set or found as shown.
3. Date of survey: June 6, 2006
4. Property location: Section 16, T2S, R4E, S34M
5. Purpose of survey: Boundary survey for Snyder's Addition

RECEIVED
 JAN 14 2016

BOUNDARY SURVEY 1049 PARK AVENUE, SNYDER'S ADDITION LOT 13 PLUS ADDITIONAL	
FOR: WES GARRETT JOB NO.: 1 FILE: X:\SnyderAddition\Drawn\wsgarrett\000006.dwg	DATE: 6/22/06
STAFF: MARSHALL KING TRACY SINGSON	SHEET 1 OF 1

S-6285



SURVEYOR'S CERTIFICATE

I, John Dembiczek, certify that I am a Registered Land Surveyor in the State of Utah, and that a survey of the following described property was performed under my direction.

John Dembiczek
John Dembiczek
Date 1-19-08



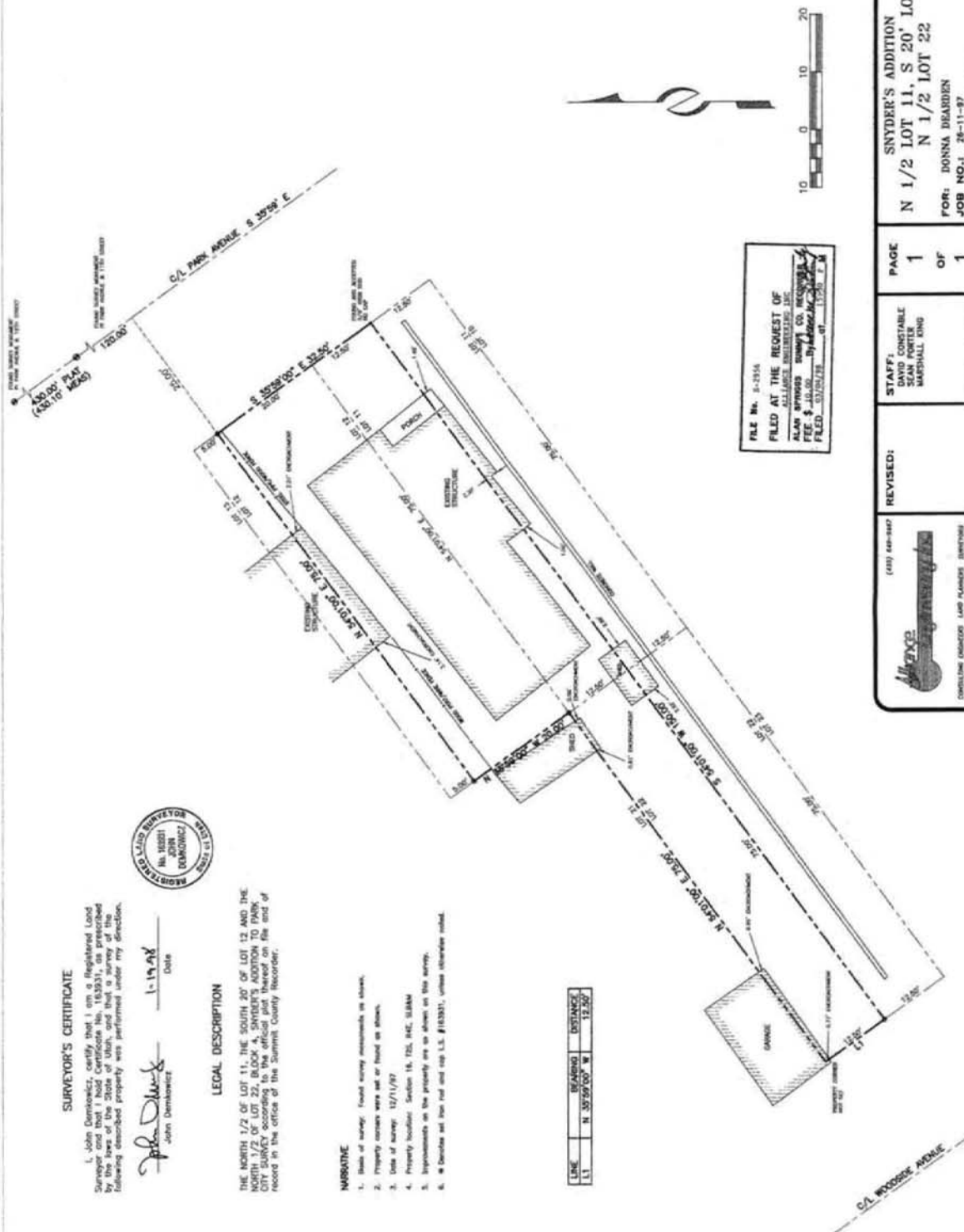
LEGAL DESCRIPTION

THE NORTH 1/2 OF LOT 11, THE SOUTH 20' OF LOT 12 AND THE NORTH 1/2 OF LOT 22, BLOCK 4, SNYDER'S ADDITION TO PARK CITY SURVEY according to the official plat thereof on file and record in the office of the Summit County Recorder.

NARRATIVE

1. Date of survey: Field survey measurements on above.
2. Property corners were set or found as shown.
3. Date of survey: 12/11/97
4. Property boundaries: Section 16, T2S, R4E, S8&M
5. Improvements on the property are as shown on this survey.
6. All boundaries set from and to the U.S. #163071, unless otherwise noted.

LINE	BEARING	DISTANCE
1.1	N 35°59'00" W	12.30'



FILE NO. 8-2516
FILED AT THE REQUEST OF
ALLIANCE BUILDERS, INC.
ALAN SPRINGER, SUMMIT CO. RECORDER
FEE \$ 10.00 BY *John Dembiczek*
FILED - SUMMIT CO. AT 11:25 A.M.

RECEIVED
JAN 14 2008
PARK CITY
PLANNING DEPT.

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 107 Main Street, 2nd Floor, Park City, Utah 84002	REVISED:	STAFF:	PAGE	SNYDER'S ADDITION N 1/2 LOT 11, S 20' LOT 12 N 1/2 LOT 22 FOR: DONNA BEARDEN JOB NO. 1 28-11-97 FILE: Y:\5-1-5097\501281197.dwg
		DAVID CONSTABLE JAN BEARDEN MARSHALL KING	1 OF 1	
		DATE: 12-17-97		



10 February 2014

Kevin Horn
PO Box 386
Bountiful, UT 84011

Dave Baglino
Wasatch Engineering Contractors, Inc.
1762B Prospector Avenue
Park City, UT 84060

Dear Kevin and Dave:

NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address:	1049 Park Avenue
Project Description:	Determination of legal non-complying structure status for existing landmark structure
Project Number:	HDDR: PL-12-01816; Plat: PL-14-02232
Date of Action:	January 28, 2014

Action Taken By Planning Director:

The Planning Director has made a determination that the existing structure located at 1049 Park Avenue is a valid complying structure. According to Land Management Code Section 15-2.2-4, Historic Structures that do *not* comply with building setbacks, off-street parking, and driveway location standards are valid complying structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards, and Building Height.

The proposed basement addition is replacing an existing cellar and crawlspace. The basement and crawlspace do not meet the setback requirements and appear to have been built out-of-period. This portion of the house is legal non-complying and there is a conditional easement in place as the house extends over the property line. Per LMC 15-9-6(A), any non-complying structure may be repaired, maintained, altered, or enlarged provided that such repair, maintenance, alteration, or enlargement shall neither create a new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of the structure.

The Planning Director finds that replacing the existing foundation and cellar with a new basement does not create a new non-compliance nor will it increase the degree of the existing non-compliance of all or any part of the basement structure.

Similarly, there is an existing non-complying out-of-period (non-historic) one-story addition along the north property line that does not currently comply with setbacks. The walls of this structure are comprised of tin panels atop limited stud wall construction. Some wood wall construction has rotted along the north elevation, near finished grade. During the renovation, these walls will be replaced with new walls that meet the International Building Code (IBC). This will be completed in an effort to repair the existing structure.

The Planning Director has made this determination based on the following findings of fact and conditions of approval:

Findings of Fact:

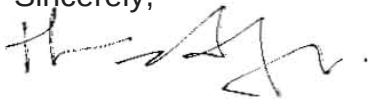
1. The property is located at 1049 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District, and is subject to all the requirements of the Park City Land Management Code (LMC) and the 2009 updates to the Park City Design Guidelines for Historic Districts and Historic Sites.
3. The lot contains an existing historic "landmark" house.
4. The area of the lot is 2,250 square feet. The minimal lot size in the HR-1 zoning district is 1,875 square feet.
5. Per LMC 15-2.2-4, Historic Structures that do not comply with Building Setbacks, Off-street parking, and driveway location standards are valid complying structures. The existing historic structure encroaches over the south property line and a non-historic one-story addition does not meet the current side yard setbacks along the north property line. No on-site parking is currently available.
6. A conditional easement was recorded with the county on May 3, 2004, for the maintenance of the encroaching historic structure over the neighboring property to the south. The historic structure encroaches by approximately two feet (2') to three feet (3'), increasing from east to west.
7. The historic structure will be elevated twenty-four inches (24") in order to pour a new basement foundation to follow the footprint of the existing structure and new addition. Per Design Guidelines B.3.2, the basement foundation will not significantly diminish the original placement, orientation, and grade of the historic building. No more than two feet (2') of the new foundation will be visible above the finished grade on the primary and secondary facades.
8. The setback requirements for the lot are three feet (3') for the side yards and ten feet (10') in the front and rear yards. The existing structure does not meet the setback requirements.

9. On July 18, 2013, a Historic District Design Review (HDDR) application was approved by Planning Staff for an exterior remodel of the structure. A revised Action Letter was sent on February 10, 2014.
10. The structure complies with the 27 foot height limit.

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. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the high volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and drainage plans, and construction within the ROW, for compliance with the City standards is a condition precedent to building permit issuance.
4. No building permits shall be issued for this project until the final plans for the building remodel are reviewed and approved by the Planning Department staff for compliance with the Historic District Design Review and conditions as approved on July 18, 2013 and revised on February 10, 2014.
5. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a Certificate of Occupancy for the structure.
6. No building permit shall be issued prior to recording the plat amendment.

Sincerely,



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

CC: Anya Grahn, Historic Preservation Planner

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 901 Norfolk Avenue plat amendment to March 12, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA – Discussion, public hearing, action.

1. 1049 Park Avenue Subdivision
(Application PL-13-01893)

Planner Anya Grahn reviewed the application for a plat amendment for the property located at 1049 Park Avenue. A historic house is located on the property. The lot consists of one Old Town lot and an additional two to three feet of the north half of Lot 12, which is directly to the south. The applicant was requesting to remove an interior lot line in order to move forward with renovation plans for the house.

Planner Grahn noted that the existing house encroaches approximately 48 feet on to the neighboring property, which is typical on Park Avenue. When the street was resurveyed all the lot lines shifted and the encroachments occurred. A conditional easement with the neighbor allows them to do maintenance.

Planner Grahn stated that the requested plat amendment was standard procedure for removing an interior lot line. Once the interior lot line is removed, the lot would be slightly larger than a standard Old Town lot; but still relatively small compared to other lots in the neighborhood. In addition to the lot line combination allowing the applicant to move forward with his renovation plan, the City would also gain a ten-foot snow storage easement across the front of the property.

The Staff recommended that the Planning Commission conduct a public hearing for 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 outlined in the Staff report.

Kevin Horn, the project architect, noted that the Staff report did not mention that the applicant had a signed letter from the neighbor giving consent for the plat amendment to move forward.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for the plat amendment at 1049 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1049 Park Avenue

1. The property is located at 1049 Park Avenue within the Historic Residential (HR-1) Zoning District.

2. The applicants are requesting to combine the north five (5) feet of Lot 12 and all of Lot 13 of Block 4, Snyder's Addition into one (1) Parcel.

3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of a rear yard addition to the historic house.

4. The amended plat will create one new 2,250.04 square foot lot.

5. The existing historic 1,171 square foot home is listed as "Landmark" on the Historic Sites Inventory (HSI).

6. Per Land Management Code (LMC) 15-2.2-4 Historic Structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid Complying Structures. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 12 and 13.

7. The existing historic structure encroaches into the property at 1043 Park Avenue. The degree of the encroachment increases from two feet (2') to three feet (3') from east to west. The total square footage of the encroachment is 47.5 square feet. A conditional easement currently exists to address this encroachment.

8. Any proposed additions to the existing historic home require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.

9. The maximum allowed building footprint allowed on the lot is 991.3 square feet. The applicant intends to construct a new rear addition and renovate the existing historic home. Following the renovation, the total footprint of the house will be 1035.75 square feet; however, only 988.25 square feet of this footprint will be located on the 1049 Park Avenue property. The remaining 47.5 square feet of the encroachment is located at 1043 Park Avenue.

10. The amendment of one and one-half (1.5) lots would be smaller than the average size of lot combinations on Park Avenue and is in keeping with the traditional size of development on the 1000 block of Park Avenue.

11. New additions to the rear of the historic home 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.

12. On May 29, 2013, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of 1049 Park Avenue, which included constructing a new addition at the rear of the historic structure. The HDDR application was approved on July 18, 2013; however, no building permit can be issued prior to the recording of the plat amendment.

13. The approval of the HDDR application was revised on February 10, 2014.

14. There is an existing root cellar and crawlspace beneath the historic building. The applicant intends to replace this makeshift foundation with a new basement foundation. The Planning Director determined that a new basement foundation did not increase the degree of the existing foundation's nonconformity on February 10, 2014. Rather, the replacement of the existing root cellar and foundation with a new basement foundation is maintenance and necessary to ensure the longevity of the historic structure.

15. On January 14, 2014, the applicant applied for a plat amendment in order to move forward with the approved HDDR. The application was deemed complete on February 11, 2014.

Conclusions of Law – 1049 Park Avenue

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 – 1049 Park Avenue

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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a 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 is recorded with the Summit County Recorder's office.

4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

5. A 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Park Avenue and shall be shown on the plat.

6. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.

2. 7101 Silver Lake Drive – Conditional Use Permit for Lockout Units
(Application PL-13-02034)

Planner Francisco Astorga handed out public comment he had received over the weekend. Due to a personal matter he was out of the office and unable to forward the comments to the Planning Commission prior to the meeting.



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Gateway Estates Replat, Second Amended &
Zoning Map Amendment Request
Author: Francisco Astorga, AICP, Senior Planner
Project Number: PL-15-03017 & PL-15-03018
Date: 10 February 2016
Type of Item: Legislative – Plat Amendment & Zoning Map Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Gateway Estates Replat - Second Amended located at 408/410/412 Deer Valley Loop 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.

Staff recommends the Planning Commission hold a public hearing for the requested Zoning Map Amendment from Historic Residential-1 (HR-1) District to Residential-1 (R-1) District at 408/410/412 Deer Valley Loop 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: Charles and Judith Tink
represented by Marshall King, Alliance Engineering, Inc.
Location: 408/410/412 Deer Valley Loop
Zoning: Historic Residential-1 (HR-1) District
Proposed Zoning: Residential-1 (R-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments and Re-zoning applications require Planning Commission review and City Council review and action

Proposal

Lots 1, 2, and 3 of the Gateway Estates Replat Subdivision Amended are owned by Charles and Judith Tink, as tenants in common since 2011. The property owners request to reconfigure the existing three (3) lots into two (2) lots of record. The property owners also request to rezone the property from HR-1 to R-1 District.

Background

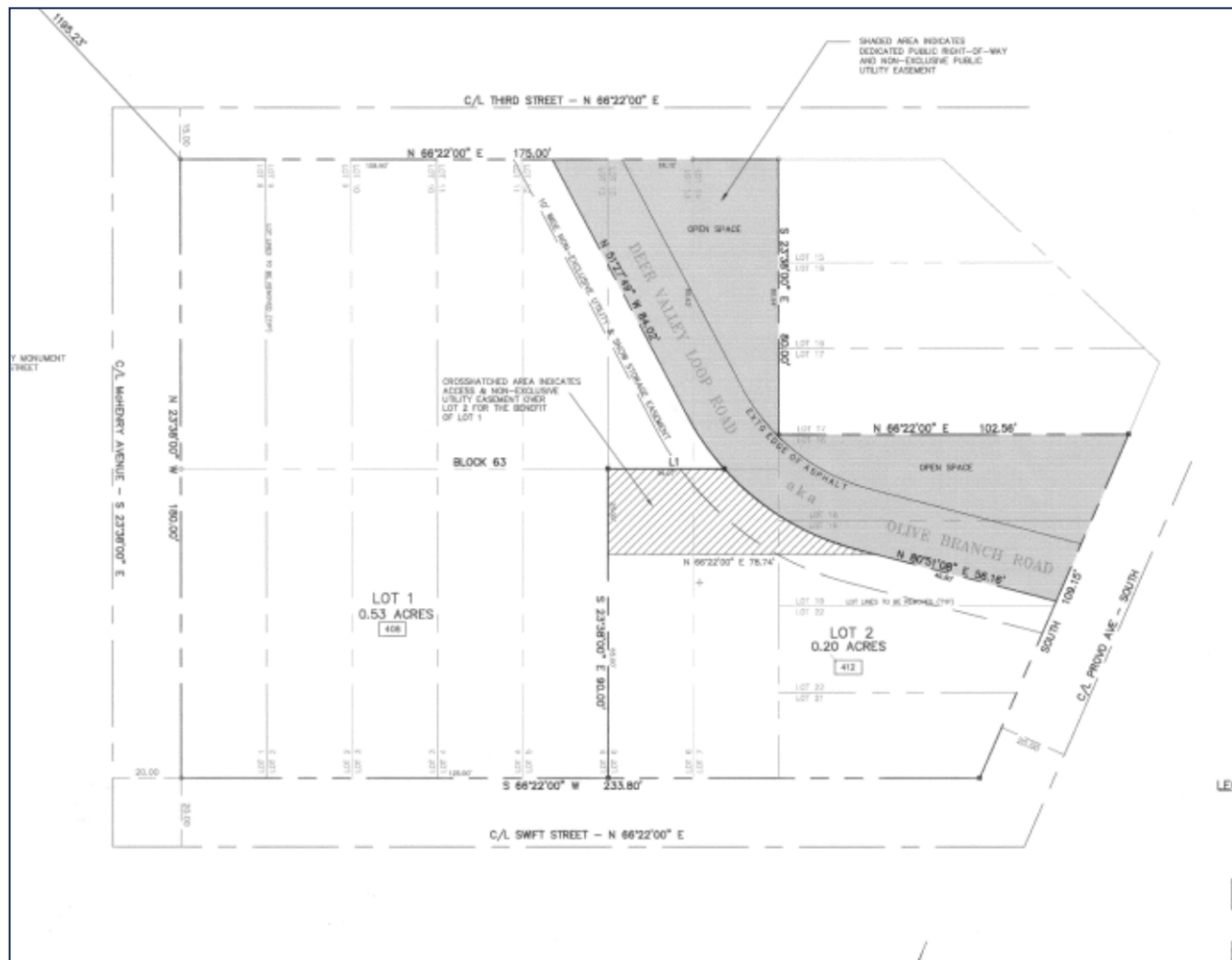
On December 04, 2015, the City received a completed Plat Amendment application for the Gateway Estates Replat - Second Amended and a completed Zoning Map Amendment application requesting to change the zoning from HR-1 to R-1 District. The property is located at 408/410/412 Deer Valley Loop. The property is in the HR-1

District. The subject property consists of Lots 1, 2, and 3 of the Gateway Estates Replat Subdivision Amended. Lot 1 is recognized by Summit County as Parcel GWE-1-Am (Tax ID). Lot 2 is recognized by Summit County as Parcel GWE-2-Am (Tax ID). Lot 3 is recognized by Summit County as Parcel GWE-3-Am (Tax ID).

Currently, Lot 3 contains a single-family dwelling. The single-family dwelling was built in 2010, after the property owner was able to obtain the proper development permits with the City. According to Park City Building Department approved records the existing single-family dwelling is approximately 4,315 square feet, consisting of a the livable area, basement, and garage.

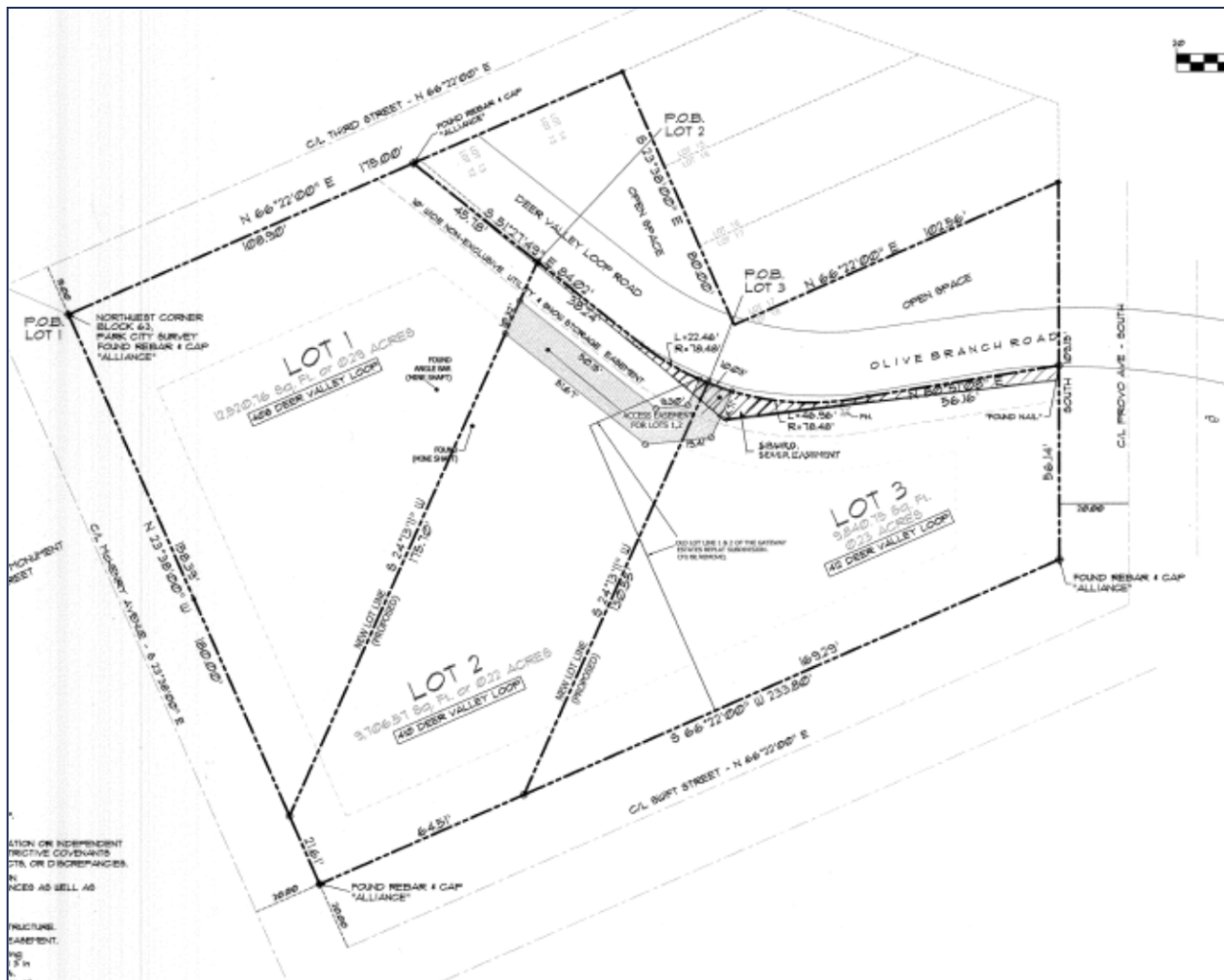
Plat Amendment History

In March 2000, the City Council approved the Gateway Estates Replat Subdivision. This Plat Amendment combined eighteen (18) Old Town lots in Block 63 of the Park City Survey into two (2) lots of record. This plat was recorded in June 2000. See Exhibit F – Gateway Estates Replat (retired), or partial exhibit below:

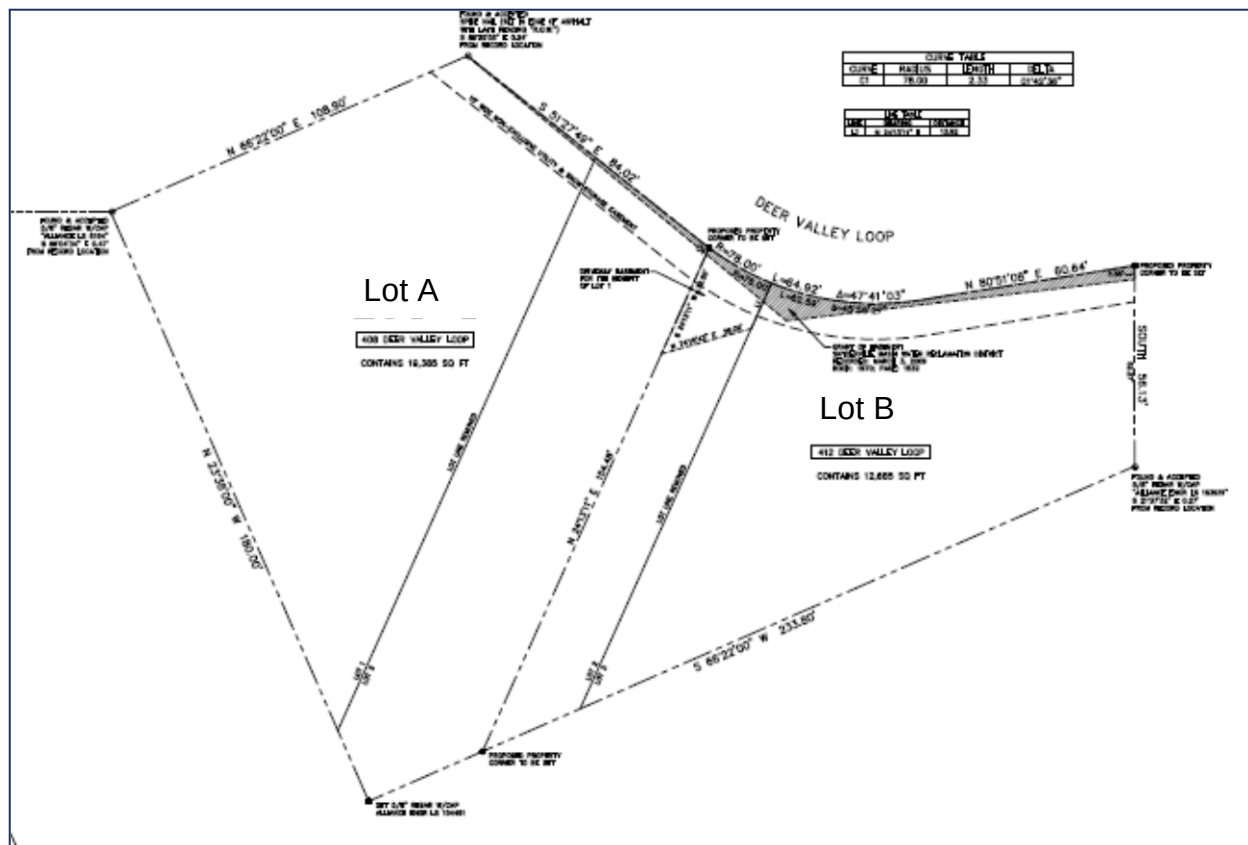


In August 2008, the City Council approved the Gateway Estates Replat Subdivision Amended. This Plat Amendment reconfigured the two (2) approved lots into three (3).

This Plat Amendment was recorded in March 2009 and the 2000 Plat Amendment was *retired* at the County. See Exhibit G – Gateway Estates Replat Amended, or partial exhibit below:



The current proposal is similar to the 2000 Plat Amendment. See Exhibit A1 – Plat Amendment Attachment 1 – Proposed Plat, or partial exhibit below:



In September 2008, the property owner submitted three (3) Steep Slope Conditional Use Permits (SSCUPs) and three (3) Historic District Design Review (HDDR) applications for the construction of three (3) single-family dwellings, one (1) on each lot. In April 2009, the Planning Commission approved the SSCUPs and the Planning Department approved the HDDRs. The property owner at the time, moved forward with building permit plans for Lot 3, 412 Deer Valley Loop. The property owner did not submit building permits for Lot 1 or 2 of the Gateway Estates Replat Amended (2009 plat, see Exhibit G) and the remaining approved SSCUPs and HDDRs expired as no building permits were applied for within one (1) year's time.

Purpose

The purpose of the HR-1 District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes

which mitigate impacts to mass and scale and the environment.

The purpose of the Residential R-1 District is to:

- A. allow continuation of land Uses and architectural scale and styles of the original Park City residential Area,
- B. encourage Densities that preserve the existing residential environment and that allow safe and convenient traffic circulation,
- C. require Building and Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile,
- D. require Building design that is Compatible with the topographic terrain and steps with the hillsides to minimize Grading,
- E. encourage Development that protects and enhances the entry corridor to the Deer Valley Resort Area,
- F. provide a transition in Use and scale between the Historic Districts and the Deer Valley Resort; and
- G. encourage designs that minimize the number of driveways accessing directly onto Deer Valley Drive.

Plat Amendment Analysis HR-1 District

The proposed Plat Amendment reconfigures three (3) lots of record into two (2) lots. Lot 1 is currently 12,520.76 square feet (0.29 acres). Lot 2 is currently 9,706.57 square feet (0.22 acres). Lot 3 is 9,840.75 square feet (0.23 acres).

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet (approx. 0.04 acres). Proposed Lot A is 19,385 square feet. Proposed Lot B is 12,685 square feet. The proposed lots meet the minimum lot area for single-family dwellings within the HR-1 District.

A duplex dwelling is a conditional use in the HR-1 District, however; when the three (3) lot subdivision was approved in 2008/2009, a plat note was placed indicating that duplexes would not be allowed in this subdivision as stipulated by the property owner at the time. The current property owner stipulates to continuing this existing plat note/condition of approval. See Condition of Approval no. 3.

The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). The proposed width of Lot A is approximately 98 feet. The proposed width of Lot B is approximately 129 feet. The proposed lots meet the minimum lot width required in the HR-1 District.

The table below shows applicable development parameters in the HR-1 District:

LMC Regulation	Requirement:
Building Footprint	Lot A: 4,500 square feet max., based on lot size. Lot B: 3,109.5 square feet max., based on lot size.

	(see Building Footprint section below)
Front & Rear Yard	Lot A: 10 feet, min., based on lot depth. Lot B: 15 feet, min., based on lot depth.
Side Yard	Lot A: 10 feet, min., 24 feet total, based on lot width. Lot B: 10 feet, min., 30 feet, total, based on lot width.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Plat Amendment Analysis R-1 District

The proposed Plat Amendment reconfigures three (3) lots of record into two (2). A single-family dwelling is an allowed use in the R-1 District. The minimum lot area for a single-family dwelling is 2,812 square feet (approx. 0.065 acres). Proposed Lot 1 is 19,385 square feet. Proposed Lot 2 is 12,685 square feet. The proposed lots meet the minimum lot area for a single-family dwelling in the R-1 District.

A duplex dwelling is an allowed use in the R-1 District, however; when the three (3) lot subdivision was approved in 2008/2009, a plat note was placed indicating that duplexes would not be allowed in this subdivision as stipulated by the property owner at the time. The current property owner does not request to undo this existing plat note/condition of approval. See Condition of Approval no. 3.

A triplex is a conditional use in the R-1 District. The minimum lot area for a triplex dwelling is 5,625 square feet. The proposed lots meet the minimum lot area for a triplex dwelling.

The applicant has stipulated to not allow any duplexes on site, to be consisting with the 2008/2009 approved Plat Amendment. A Triplex dwelling is even more intensive than a duplex. Staff recommends adding a condition of approval in the form of a Plat note that simply indicates that a triplex dwelling would not be allowed. See Condition of Approval no. 3.

The minimum lot width allowed in the R-1 District is thirty-seven and one-half feet (37.5'). The proposed width of Lot A is approximately 98 feet. The proposed width of Lot B is approximately 129 feet. The proposed lots meet the minimum lot width allowed in the R-1 District.

The table below shows applicable development parameters in the R-1 District:

LMC Regulation	Requirements
Front Yard	The minimum Front Yard is fifteen feet (15'). New Front Facing Garages for Single Family and Duplex Dwellings must be at least than twenty feet (20') from the Front Property Line.
Rear Yard	The minimum Rear Yard is ten feet (10').
Side Yard	The minimum Side Yard is five feet (5').
Special Setback Requirements for Conditional Uses	Side Yard: The minimum Side Yard is ten feet (10'). Front Yard: The minimum Front Yard is twenty feet (20'). All yards of Structures fronting on any Streets must be considered Front Yards for the purposes of determining required Setbacks. Garages must be a minimum of five feet (5') behind the front facade of the Main Building or underground. Rear Yard: The minimum Rear Yard is ten feet (10').
Building (Zone) Height	No Structure may be erected to a height greater than the Zone Height of twenty-eight feet (28') from Existing Grade. Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

The following requirements below, outlined in the HR-1 District regulations, are not required in the R-1:

- Building Footprint (max. based on lot size)
- Final Grade (+/- 4 around the periphery)
- Lowest Finish Floor Plane to Highest Wall Top Plate (35' max. internal height)
- Vertical Articulation (10' step-back at downhill façade)
- Roof Pitch (required from 7:12 - 12:12).

Staff recognizes that with the R-1 District zoning designation, the property owner would no longer be restricted to these regulations above. Other than Building Footprint, Staff does not find any issues of concern regarding the R-1 designation of the subject site as this site is disconnected in terms of connectivity with the rest of the HR-1 District. The character of this sub-neighborhood is completely different than what is expected in what Park City is most familiar with the HR-1 District, known as the historic single-family dwelling neighborhood. Because of its disconnection, the site does not feel like a part of Old Town. See Zoning Map Amendment Analysis section of this staff report.

Building Footprint

The recorded plat has a maximum footprint table as shown below:

	Maximum Footprint Allowed
Lot 1	2243 Sq. Ft.

Lot 2	1750 Sq. Ft.
Lot 3	1750 Sq. Ft.

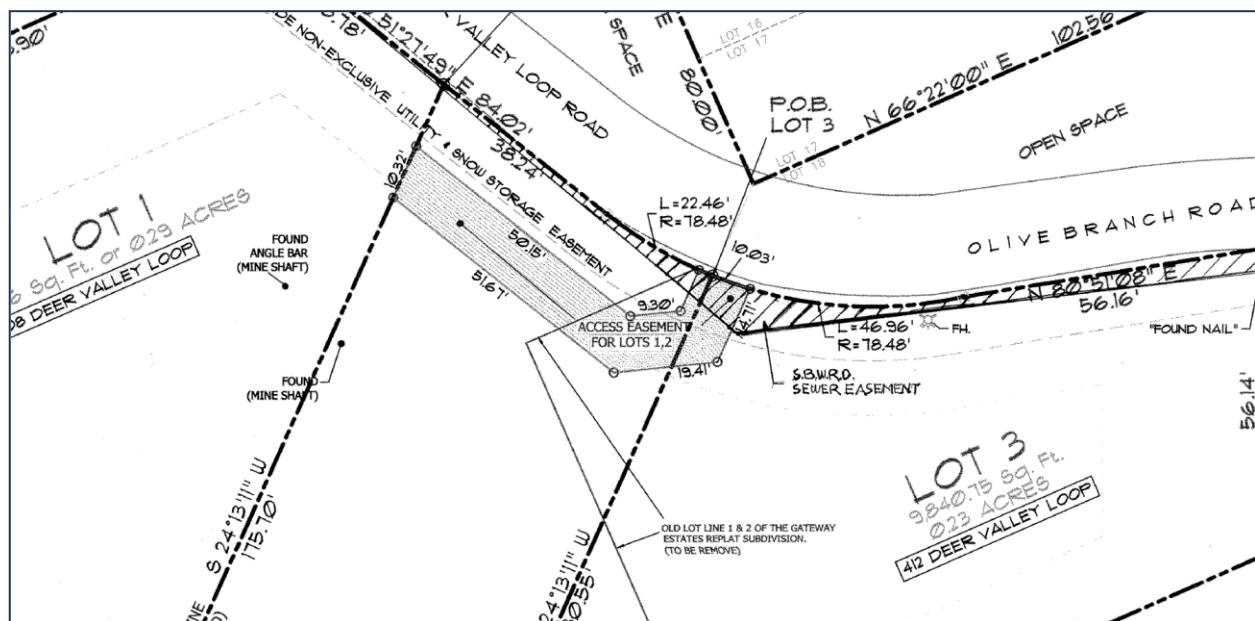
In 2008/2009 the City limited the maximum Building Footprint to a combined total of **5,753** square feet. The City was consistent with the 2000 Plat Amendment approval which limited Lot 1 to 3,150 square feet and Lot 2 to 2,593 square feet, a combined total of **5,753** square feet. According to the 2000 Plat Amendment approval, remnant lots north of Deer Valley Loop were used as part of the total footprint calculation formula as they were dedicated to the City as open space. See Exhibit K – 30 March 200 CC Staff Report.

The applicant, at this time, requests to rezone the property from HR-1 to R-1. The R-1 District Does not restrict the Building Footprint. Staff recognizes the consistency of the Maximum Building Footprint regulation that has been followed through the sub-sequent Plat Amendments which originated from the first in 2000.

Staff recommends adding a condition of approval that would indicate that the combined maximum footprint of the two (2) lots shall not exceed **5,753** square feet. Staff recommends limiting the Building Footprint to the original Plat Amendment note which limited Lot 1 to 3,150 square feet, maximum, and Lot 2 to 2,593 square feet, maximum, a combined total of **5,753** square feet. See Condition of Approval no. 8.

Access

In 2008/2009 the approved Plat contained an access easement for the benefit of lot 1 and Lot 2 over Lot 2 and Lot 3. See Exhibit G – Gateway Estates Replat Amended, or partial exhibit below:



The proposed Plat Amendment requests re-platting a similar driveway access easement

over proposed Lot B for the benefit of proposed lot A. See Condition of Approval no. 7.

Mine Shaft

During the 2008/2009 review of the Plat Amendment and other Land Use applications, Planning Staff identified two (2) mine shafts onsite near the Lot 1/Lot 2 side property line. See Exhibit G – Gateway Estates Replat Amended, or partial exhibit above. In order to mitigate the impacts of construction the following Condition of Approval was added to that approval as suggested by the Chief Building Official at the time:

A letter shall be provided to the city by a registered Professional Engineer certifying that the mine shafts have properly been closed and that they can adequately support any proposed construction if applicable prior to building permit issuance.

Staff recommends keeping that same condition. See Condition of Approval no. 5.

Good Cause

Planning Staff finds that there is Good Cause for this Plat Amendment as the amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code can be met.

Zoning Map Amendment Analysis

The subject site is currently in the HR-1 District. As indicated on the current zoning map below, the site is adjacent to the R-1 District to the north and northeast, and adjacent to the HR-1 to the south and southwest. The site is completely disconnected from Old Town. The access to the site is off Deer Valley Drive to Deer Valley Loop. The area from the Marsac Avenue/Deer Valley Drive round-about is in the R-1 District towards the end of the subject property towards the east as it then transitions to the Residential-Medium Density (RM) District.

The major difference between the HR-1 and the R-1 District is the requirement of Historic District Design Review (HDDR) and Steep Slope Conditional Use Permit (SSCUP) in the HR-1 zone. HDDRs are reviewed by the Planning Department. SSCUPs are reviewed by the Planning Commission. Should the site be rezoned to R-1 the property owner would no longer need to submit HDDR and SSCUP applications in order to move forward with development.

The subject site does not contribute to preserving present land uses and character of the historic residential areas of Park City as its access is surrounded by the R-1 and RM District. The surround sites do not contribute to the character and scale of the Historic District. The subject site provides a transition in use and scale between the Historic District and the Deer Valley Resort.

Regarding allowed/conditional uses, see the following table below:

Listed Use:	HR-1	R-1
Single Family Dwelling	allowed	allowed
Lockout Unit ¹	allowed	allowed
Nightly Rental ¹	allowed	allowed
Home Occupation	allowed	allowed
Child Care, In-Home Babysitting ²	allowed	allowed
Child Care, Family ²	allowed	allowed
Child Care, Family Group ²	allowed	allowed
Accessory Building and Use	allowed	allowed
Conservation Activity	allowed	allowed
Agriculture	allowed	allowed
Residential Parking Area or Structure, with four (4) or fewer spaces	allowed	allowed
Duplex Dwelling	conditional	allowed
Tripex Dwelling		conditional
Guest House on Lots one (1) acre or greater	conditional	conditional
Secondary Living Quarters	conditional	allowed
Accessory Apartment ³	conditional	allowed
Group Care Facility	conditional	conditional
Child Care Center	conditional	conditional
Public and Quasi-Public Institution, church and school	conditional	conditional
Essential Municipal and Public Utility Use, Facility, Service, and Structure	conditional	conditional
Telecommunication Antenna ⁴	conditional	conditional
Satellite Dish, greater than thirty-nine inches (39") diameter ⁵	conditional	conditional
Bed and Breakfast Inn ⁶	conditional	conditional
Hotel, Minor, (fewer than sixteen (16) rooms) ⁶	conditional	
Residential Parking Area or Structure with five (5) or more spaces.	conditional	
Temporary Improvement ⁷	conditional	conditional
Passenger Tramway Station and Ski Base Facility ⁸	conditional	
Ski tow rope, ski lift, ski run, and ski bridge ⁹		conditional
Outdoor Event ⁸		conditional

¹Nightly Rental of a Lockout Unit requires a Conditional Use permit

²See LMC Chapter 15-4-9 for Child Care Regulations

³See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁶In Historic Structures only. Parking requirements of Chapter 15-3 shall apply.

⁷Subject to Administrative or Administrative Conditional Use permit

⁸See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

⁹As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18, Passenger Tramways and Ski Base Facilities

Master Planned Development with moderate income housing Density bonus ¹⁰		conditional
Master Planned Development with residential and transient lodging Uses only ¹⁰		conditional
Recreation Facility, Private		conditional
Fences and walls greater than six feet (6') in height from Final Grade ⁸		conditional

The allowed/conditional use difference lies within duplex dwellings, triplex dwellings, secondary living quarters, accessory apartments, minor hotels, residential parking areas or structures with five (5) or more spaces, ski facilities, ski facility amenities, outdoor events, MPDs, and private recreation facilities.

Any use not listed as an allowed or conditional use is prohibited. Any spaces left blank on this table would indicate that the use is not allowed in this district. Staff notes that fences/walls greater than six feet (6') are allowed in the HR-1 District, as they are allowed City wide per LMC § 15-4-2.

Staff finds that the requested Zoning Map Amendment from HR-1 to R-1 is appropriated based on the fact that this site is completely disconnected from the rest of the HR-1. A resident and/or visitor, does not have to go through any historic neighborhood to get to this site. This part of town, the Deer Valley Loop sub-neighborhood, is often associated as the Deer Valley entry. Furthermore, all properties in the immediate area are in the R-1 District.

Staff recognizes that the requested Zoning Map Amendment from HR-1 to R-1 removes the Historic District Design Review and Steep Slope Conditional Use Permit. It also removes specific building height parameters of the HR-1 District outlined in the Plat Amendment section of this report: final grade (+/- 4 around the periphery), internal height (35' max.), 10' step-back at downhill façade, required roof pitch (7:12 - 12:12). Staff finds that the regulations no longer needed because of the Zone Change are alleviated by the specific conditions of approval regarding Building Footprint limitation and duplex/triplex restriction in conjunction with the Plat Amendment which removes the one (1) unit of density. The existing character of this sub-neighborhood is passive to the HR-1 Building Height requirements such as the 10' step-back at downhill façade, required roof pitch, etc. The existing character of this sub-neighborhood does not reflect character defining features represented in the compliance of the Design Guidelines for Historic Districts.

General Plan Compliance

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals are copied below in *italics* below:

¹⁰Subject to provisions of LMC Chapter 15-6, Master Planned Development

Small Town

- *Goal 1: Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood.*
- *Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Salt Lake County regions through regional land use and transportation planning. Not applicable.*
- *Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character. Not applicable.*

Natural Setting

- *Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. Not applicable.*
- *Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020. Not applicable.*
- *Goal 6: Climate Adaptation: Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change. Not applicable.*

Sense of Community

- *Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents. Not applicable.*
- *Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City. Not applicable.*
- *Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. Not applicable.*
- *Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. Not applicable.*
- *Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. Not applicable.*
- *Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. Not applicable.*

- *Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression. Not applicable.*
- *Goal 14: Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region. Not applicable*

Historic Character

- *Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. The subject site, based on its proximity, does not assist in maintaining the integrity of historic resources within Park City as there are no sites designated on the Park City Historic Sites Inventory and its two National Register Historic Districts that can be affected by the Zone Change. The proposed Zone Change does not affect the character, context and scale of the local historic district.*
- *Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. The proposed Zone Changes does not affect the “heart” of the City, Main Street.*

Process

The approval of this Plat Amendment application and approval of the proposed rezoning application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-8

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 a positive recommendation to the City Council for the Gateway Estates Replat - Second Amended and the Zoning Map Amendment as conditioned or amended; or (+ +)
- The Planning Commission may forward a negative recommendation to the City Council for the Gateway Estates Replat - Second Amended and the Zoning Map

- Amendment and direct staff to make Findings for this decision; or (- -)
- The Planning Commission may forward a positive recommendation to the City Council for the Gateway Estates Replat- Second Amended and may forward a negative recommendation on the Zoning Map Amendment application and direct staff to make Findings for this decision. (+ -)
- The Planning Commission may forward a negative recommendation to the City Council for the Gateway Estates Replat- Second Amended and may forward a positive recommendation on the Zoning Map Amendment application and direct staff to make Findings for this decision. (- +)
- The Planning Commission may continue the discussion on Gateway Estates Replat - Second Amended and the Zoning Map Amendment.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The lots and zoning designation would remain as is.

Summary Recommendations

Plat Amendment

Staff recommends the Planning Commission hold a public hearing for the Gateway Estates Replat - Second Amended located at 408+410+412 Deer Valley Loop 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.

Rezoning

Staff recommends the Planning Commission hold a public hearing for the requested Zoning Map Amendment from Historic Residential-1 (HR-1) District to Residential-1 (R-1) District at 408/410/412 Deer Valley Loop 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 A1 – Plat Amendment Draft Ordinance with Proposed Plat
- Exhibit A2 – Zoning Map Amendment Draft Ordinance
- Exhibit B – Applicant's Project Description
- Exhibit C – Existing Conditions & Topographic Map
- Exhibit D – Aerial Photograph
- Exhibit E – County Tax Map
- Exhibit F – Gateway Estates Replat (retired)
- Exhibit G – Gateway Estates Replat Amended
- Exhibit H – Site Photographs
- Exhibit I – Zoning Exhibit
- Exhibit J – Adjacent Use Aerial Photograph
- Exhibit K – 30 March 200 CC Staff Report

Exhibit A1: Plat Amendment Draft Ordinance

Ordinance No. 16-XX

AN ORDINANCE APPROVING GATEWAY ESTATES REPLAT - SECOND AMENDED LOCATED AT 408/410/412 DEER VALLEY LOOP, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 408/410/412 Deer Valley Loop has petitioned the City Council for approval of the 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 February 10, 2016, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on March 3, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Gateway Estates Replat - Second Amended.

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

SECTION 1. APPROVAL. Gateway Estates Replat - Second Amended as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

General Findings of Fact:

1. The property is located at 408/410/412 Deer Valley Loop.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of Lots 1, 2, and 3, of the Gateway Estates Replat Subdivision Amended.
4. Lot 1 and 2 are currently vacant.
5. Lot 3 contains a single-family dwelling, built in 2010, approximately 4,315 square feet.
6. In March 2000, the City Council approved the Gateway Estates Replat Subdivision which combined eighteen (18) Old Town lots in Block 63 of the Park City Survey into two (2) lots of record and was recorded in June 2000.

7. In August 2008, the City Council approved the Gateway Estates Replat Subdivision Amended, which reconfigured the two (2) approved lots into three (3) lots of record and was recorded in March 2009.
8. When the Gateway Estates Replat Subdivision Amended (2009) was recorded at Summit County, the Gateway Estates Replat Subdivision (2000) was retired.
9. The proposed Plat Amendment reconfigures three (3) lots of record into two (2) lots.

Plat Amendment Findings of Fact HR-1

1. A single-family dwelling is an allowed use in the HR-1 District.
2. The minimum lot area for a single-family dwelling is 1,875 square feet.
3. Proposed Lot A is 19,385 square feet.
4. Proposed Lot B is 12,685 square feet.
5. The proposed lots meet the minimum lot area for single-family dwellings within the HR-1 District.
6. A duplex dwelling is a conditional use in the HR-1 District, however; when the three (3) lot subdivision was approved in 2008/2009, a plat note was placed indicating that duplexes would not be allowed in this subdivision as stipulated by the property owner at the time. See Condition of Approval no. 3.
7. The minimum lot width allowed in the HR-1 District is twenty-five feet (25').
8. The proposed width of Lot A is approximately 98 feet.
9. The proposed width of Lot B is approximately 129 feet.
10. The proposed lots meet the minimum lot width required in the HR-1 District.
11. In 2008/2009 the City limited the maximum Building Footprint to a combined total of 5,753 square feet.
12. The City was consistent with the 2000 Plat Amendment approval which limited Lot 1 to 3,150 square feet and Lot 2 to 2,593 square feet, a combined total of 5,753 square feet.
13. According to the 2000 Plat Amendment approval, remnant lots north of Deer Valley Loop were used as part of the total footprint calculation formula as they were dedicated to the City as open space.
14. The R-1 District Does not restrict the Building Footprint.
15. Staff recommends limiting the Building Footprint to the original Plat Amendment note which limited Lot 1 to 3,150 square feet, maximum, and Lot 2 to 2,593 square feet, maximum, a combined total of 5,753 square feet. See Condition of Approval no. 8.
16. In 2008/2009 the approved Plat contained an access easement for the benefit of lot 1 and Lot 2 over Lot 2 and Lot 3.
17. The proposed Plat Amendment requests re-platting a similar driveway access easement over proposed Lot B for the benefit of proposed lot A.
18. During the 2008/2009 review of the Plat Amendment, Planning Staff identified two (2) mine shafts onsite near the Lot 1 and Lot 2 side property line.
19. In order to mitigate the impacts of possible construction a condition was added to that approval as suggested by the Chief Building Official requiring that a letter be provided to the City by a registered Professional Engineer certifying that the mines shafts have properly been closed and that they can adequately support any

proposed construction if applicable prior to building permit issuance. See Condition of Approval no. 4.

Plat Amendment Findings of Fact R-1 District

1. A single-family dwelling is an allowed use in the R-1 District.
2. The minimum lot area for a single-family dwelling is 2,812 square feet (approx. 0.065 acres).
3. Proposed Lot A is 19,385 square feet.
4. Proposed Lot B is 12,685 square feet.
5. The proposed lots meet the minimum lot area for a single-family dwelling in the R-1 District.
6. A duplex dwelling is an allowed use in the R-1 District, however; when the three (3) lot subdivision was approved in 2008/2009, a plat note was placed indicating that duplexes would not be allowed in this subdivision as stipulated by the property owner at the time.
7. The current property owner does not request to undo this existing plat note/condition of approval.
8. A triplex is a conditional use in the R-1 District.
9. The minimum lot area for a triplex dwelling is 5,625 square feet.
10. The proposed lots meet the minimum lot area for a triplex dwelling.
11. The minimum lot width allowed in the R-1 District is thirty-seven and one-half feet (37.5').
12. The proposed width of Lot A is approximately 98 feet.
13. The proposed width of Lot B is approximately 129 feet.
14. The proposed lots meet the minimum lot width allowed in the R-1 District.
15. In 2008/2009 the City limited the maximum Building Footprint to a combined total of 5,753 square feet.
16. The City was consistent with the 2000 Plat Amendment approval which limited Lot 1 to 3,150 square feet and Lot 2 to 2,593 square feet, a combined total of 5,753 square feet.
17. According to the 2000 Plat Amendment approval, remnant lots north of Deer Valley Loop were used as part of the total footprint calculation formula as they were dedicated to the City as open space.
18. The R-1 District Does not restrict the Building Footprint.
19. Staff recommends limiting the Building Footprint to the original Plat Amendment note which limited Lot 1 to 3,150 square feet, maximum, and Lot 2 to 2,593 square feet, maximum, a combined total of 5,753 square feet. See Condition of Approval no. 8.
20. In 2008/2009 the approved Plat contained an access easement for the benefit of lot 1 and Lot 2 over Lot 2 and Lot 3.
21. The proposed Plat Amendment requests re-platting a similar driveway access easement over proposed Lot B for the benefit of proposed lot A.
22. During the 2008/2009 review of the Plat Amendment, Planning Staff identified two (2) mine shafts onsite near the Lot 1 and Lot 2 side property line.
23. In order to mitigate the impacts of possible construction a condition was added to that approval as suggested by the Chief Building Official requiring that a letter be

provided to the City by a register Professional Engineer certifying that the mines shafts have properly been closed and that they can adequately support any proposed construction if applicable prior to building permit issuance. See Condition of Approval no. 4.

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 for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that duplexes and triplex dwellings are not allowed in the subdivision.
4. A letter shall be provided to the city by a register Professional Engineer certifying that the mines shafts have properly been closed and that they can adequately support any proposed construction if applicable prior to building permit issuance.
5. There shall be a ten foot (10') wide non-exclusive utility and snow storage easement along the front property line as indicated on the plat.
6. There shall be an access easement over Lot B for the benefit of Lot A as indicated on the plat.
7. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
8. A note shall be added to the plat prior to recordation limiting the Maximum Building Footprint for Lot A to 3,150 square feet and for Lot B to 2,593 square feet.

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

PASSED AND ADOPTED this 3rd day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A2: Zoning Map Amendment Draft Ordinance

Ordinance No. 16-XX

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FROM HISTORIC RESIDENTIAL (HR-1) DISTRICT TO RESIDENTIAL (R-1) DISTRICT AT 408/410/412 DEER VALLEY LOOP, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 408/410/412 Deer Valley Loop has petitioned the City Council for approval of a Zoning Map 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 February 10, 2016, to receive input on Zoning Map Amendment; and

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on March 3, 2016, the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Amend the Zoning Map.

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

SECTION 1. APPROVAL. Zoning Map Amendment from Historic Residential (HR-1) District to Residential (R-1) District is approved subject to the following Findings of Facts, and Conclusions of Law.

Findings of Fact:

1. The property is located at 408/410/412 Deer Valley Loop.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of Lots 1, 2, and 3, of the Gateway Estates Replat Subdivision Amended.
4. Lot 1 and 2 are currently vacant.
5. Lot 3 contains a single-family dwelling.
6. The site is adjacent to the R-1 District to the north and northeast.
7. The site is adjacent to the HR-1 to the south and southwest.
8. The site is completely disconnected from Old Town.

9. The access to the site is off Deer Valley Drive then to Deer Valley Loop.
10. The area from the Marsac Avenue/ Deer Valley Drive roundabout is in the R-1 District towards the end of the subject property towards the east as it then transitions to the Residential-Medium Density (RM) District.
11. The HR-1 District requires Historic District Design Reviews and Steep Slope Conditional Use Permit applications.
12. Historic District Design Reviews are reviewed by the Planning Department. Steep Slope Conditional Use Permits are reviewed by the Planning Commission.
13. The R-1 District does not require the review of Historic District Design Reviews and Steep Slope Conditional Use Permit applications.
14. The subject site does not contribute to preserving present land uses and character of the historic residential areas of Park City as its access is surrounded by the R-1 and RM District.
15. The surround sites do not contribute to the character and scale of the Historic District.
16. The subject site provides a transition in use and scale between the Historic District and the Deer Valley Resort.
17. The allowed/conditional use difference lies within duplex dwellings, triplex dwellings, secondary living quarters, accessory apartments, minor hotels, residential parking areas or structures with five (5) or more spaces, ski facilities, ski facility amenities, outdoor events, MPDs, and private recreation facilities.
18. The HR-1 District lists duplex dwellings, secondary living quarters, and accessory apartments as conditional uses.
19. The R-1 District lists duplex dwellings, secondary living quarters, and accessory apartments as allowed uses.
20. The HR-1 District does not allow triplex dwellings.
21. The R-1 District lists triplex dwellings as a conditional use.
22. The HR-1 District lists minor hotels, residential parking area or structure with five (5) or more spaces, and passenger tramway station/ski base facilities as conditional uses.
23. The R-1 District does not allow minor hotels, residential parking area or structure with five (5) or more spaces, and passenger tramway station/ski base facilities.
24. The R-1 lists ski tow rope/ski lift/ski run/ski bridge, outdoor events, MPDs, and private recreation facilities as conditional uses.
25. The HR-1 District does not allow ski tow rope/ski lift/ski run/ski bridge, outdoor events, MPDs, and private recreation facilities.

26. The requested Zoning Map Amendment from HR-1 to R-1 is appropriate.
27. The subject site completely disconnected from the rest of the HR-1.
28. A resident and/or visitor, does not have to go through any historic neighborhood to get to this site.
29. This part of town, the Deer Valley Loop sub-neighborhood, is often associated as the Deer Valley entry.
30. All properties in the immediate area are in the R-1 District.
31. The requested Zoning Map Amendment removes the Historic District Design Review and Steep Slope Conditional Use Permit.
32. It also removes specific building height parameters of the HR-1 District outlined in the Plat Amendment section of this report: final grade (+/- 4 around the periphery), internal height (35' max.), 10' step-back at downhill façade, required roof pitch (7:12 - 12:12).
33. The regulations in the HR-1 not found in the R-1 District are alleviated by the specific conditions of approval regarding Building Footprint limitation and duplex/triplex restriction in conjunction with the Plat Amendment which removes the one (1) unit of density.
34. The existing character of this sub-neighborhood is passive to the HR-1 Building Height requirements such as the 10' step-back at downhill façade, required roof pitch, etc.
35. The existing character of this sub-neighborhood does not reflect character defining features represented in the compliance of the Design Guidelines for Historic Districts.
36. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood.
37. The subject site, based on its proximity, does not assist in maintaining the integrity of historic resources within Park City as there are no sites designated on the Park City Historic Sites Inventory and its two National Register Historic Districts that can be affected by the Zone Change.
38. The proposed Zone Change does not affect the character, context and scale of the local historic district.
39. The proposed Zone Changes does not affect the "*heart*" of the City, Main Street.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

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

PASSED AND ADOPTED this 3rd day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

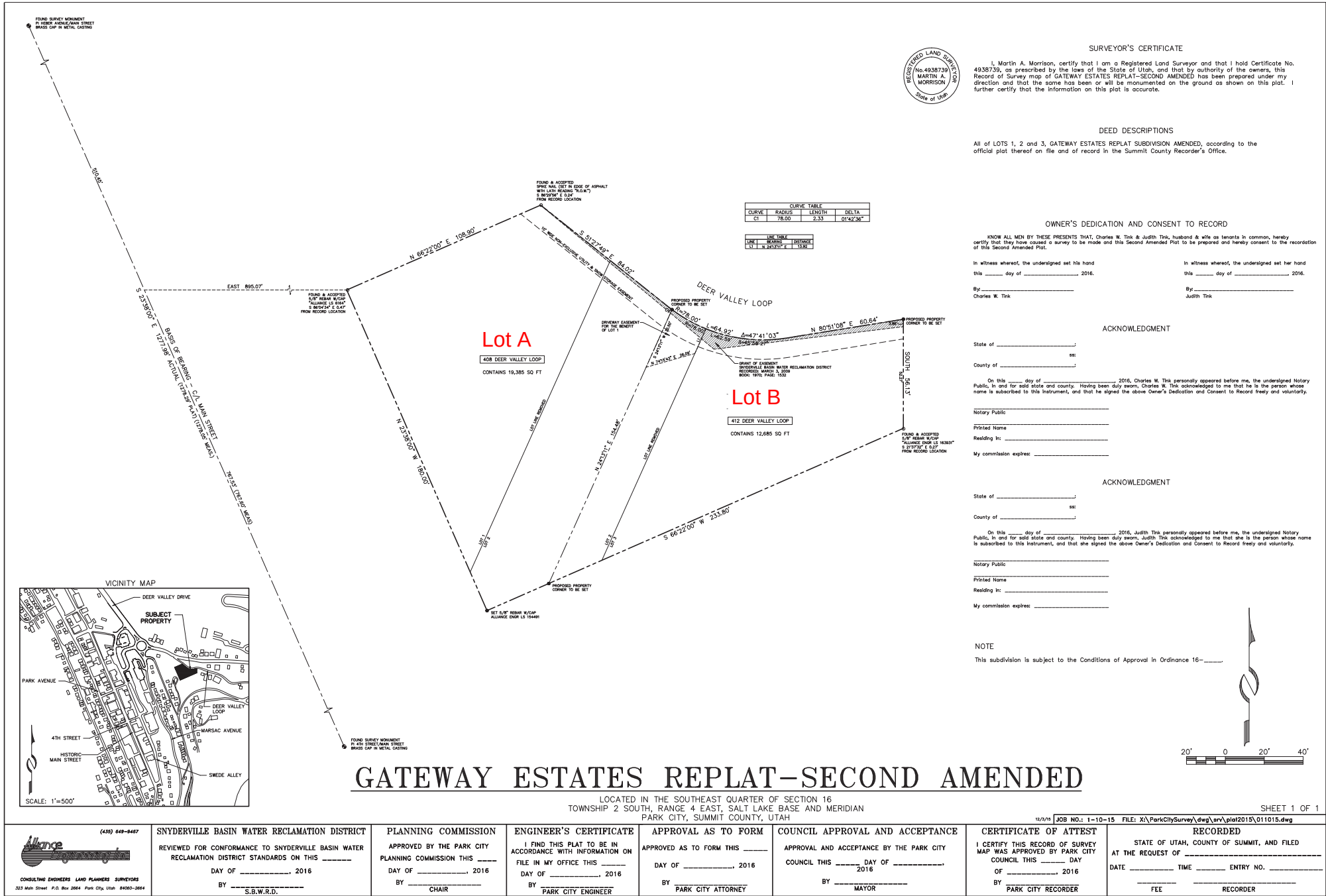
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 - Proposed Plat



Project Intent

Judy and Bill Tink would like to build a contemporary home for themselves on what is currently Lot 1 and Lot 2 of Gateway Estates, Park City (408 and 410 Deer Valley Loop).

They currently reside at 412 Deer Valley Loop (Lot 3 of Gateway Estates) and intend to sell this property upon completion of their new home.

History

Approval had been granted in 2009 for three single family homes to be built on Lots 1, 2 and 3 of Gateway Estates. But in the end, only Lot 3 was developed.

The house was completed in August 2010 and the Tinks purchased the house in June 2011. Lots 1 and 2 were purchased by the Tinks in July 2011 and have remained undeveloped.

Plat Amendment

The submitted existing conditions and topographic map shows the three lots as currently delineated on the currently recorded amended plat of Gateway Estates along with a proposed modification to return Gateway Estates into two lots.

Reasons for this include but are not limited to:

- We wish to reduce the number of homes from three to two on the total property thus decreasing the density.
- We wish to increase the distance between properties built on this land
- Improve the privacy afforded the homeowners on each lot
- Significantly increase the amount of land devoted to green space on these lots by reducing homes from three to two
- Afford additional space for native animal traffic to move through the area

Re-Zone

Gateway Estates exists as an anomaly within the Deer Valley Loop / Deer Valley Drive residential area. It is zoned as Historic Residential (HR-1) and yet the only property built to HR-1 standards that we are aware of is our home at 412 Deer Valley Loop.

We request that Gateway Estates be re-zoned to Residential (R-1) for the reasons outlined below:

- We wish to build a more contemporary style home and feel the HR-1 restrictions would compromise this
- All properties in the immediate area (with the exception of 412 Deer Valley Loop) are R-1
- Our immediate neighbor would be Roundabout Condos and this is a contemporary structure



- The ridgeline paralleling Ontario Road is the visual separation of Old Town and 408 Deer Valley Loop and therefore our property cannot be seen from Old Town
- The new condominiums and the Tlou property on Echo Spur are contemporary design and yet both of these are between Old Town and 408 Deer Valley Loop. We believe these properties were rezoned from HR-1 to R-1
- The Park City Land Management Code under R-1 defines one of its purposes as "Encourage development that protects and enhances the entry corridor to the Deer Valley Resort Area". Certainly this property will be part of this entry corridor as it will be at the junction of Deer Valley Drive and Deer Valley Loop
- Another purpose of the R-1 code is to "Encourage densities that preserve the existing residential environment and that allow safe and convenient traffic circulation". Certainly there would be no impact on traffic as entry to the property would be via the existing easement access agreement for a driveway with 412 Deer Valley Loop. Also, we would be reducing the house densities by re-establishing Gateway Estates to two lots verses the current three lots.
- All current new construction in this area can be defined as contemporary or modern. This includes Roundabout Condominiums, Echo Spur Condominiums, the Tlou home on Echo Spur and the Mullen home on Rossie Hill Drive.

Furthermore, it is highly likely that we would use the same architect as being used on the Roundabout Condos thus providing a consistent architectural feel as people access the entry corridor to the Deer Valley Resort Area.

Bill Tink
October 25, 2015

DEC 01 2015

Exhibit C – Existing Conditions & Topographic Map

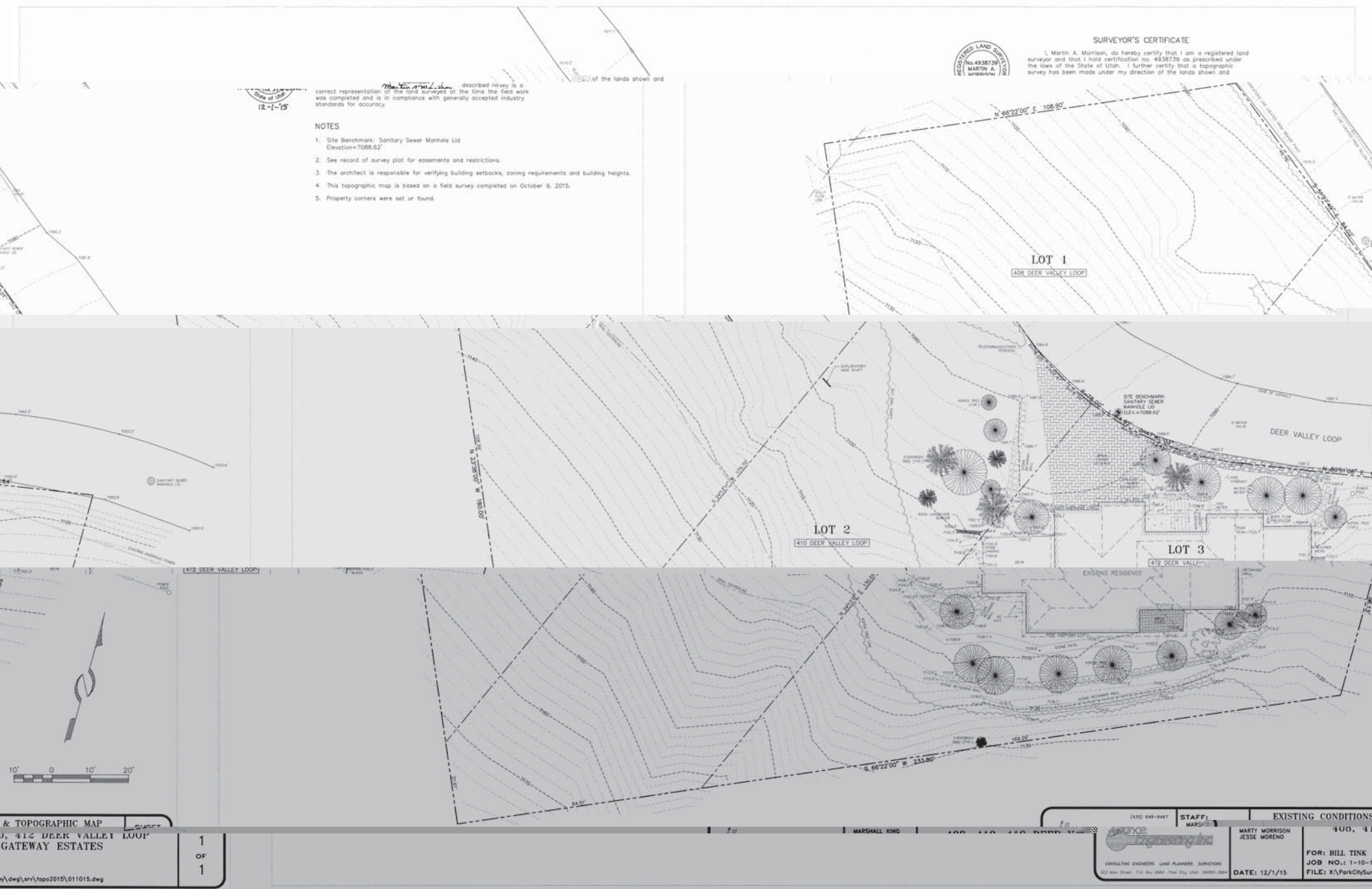
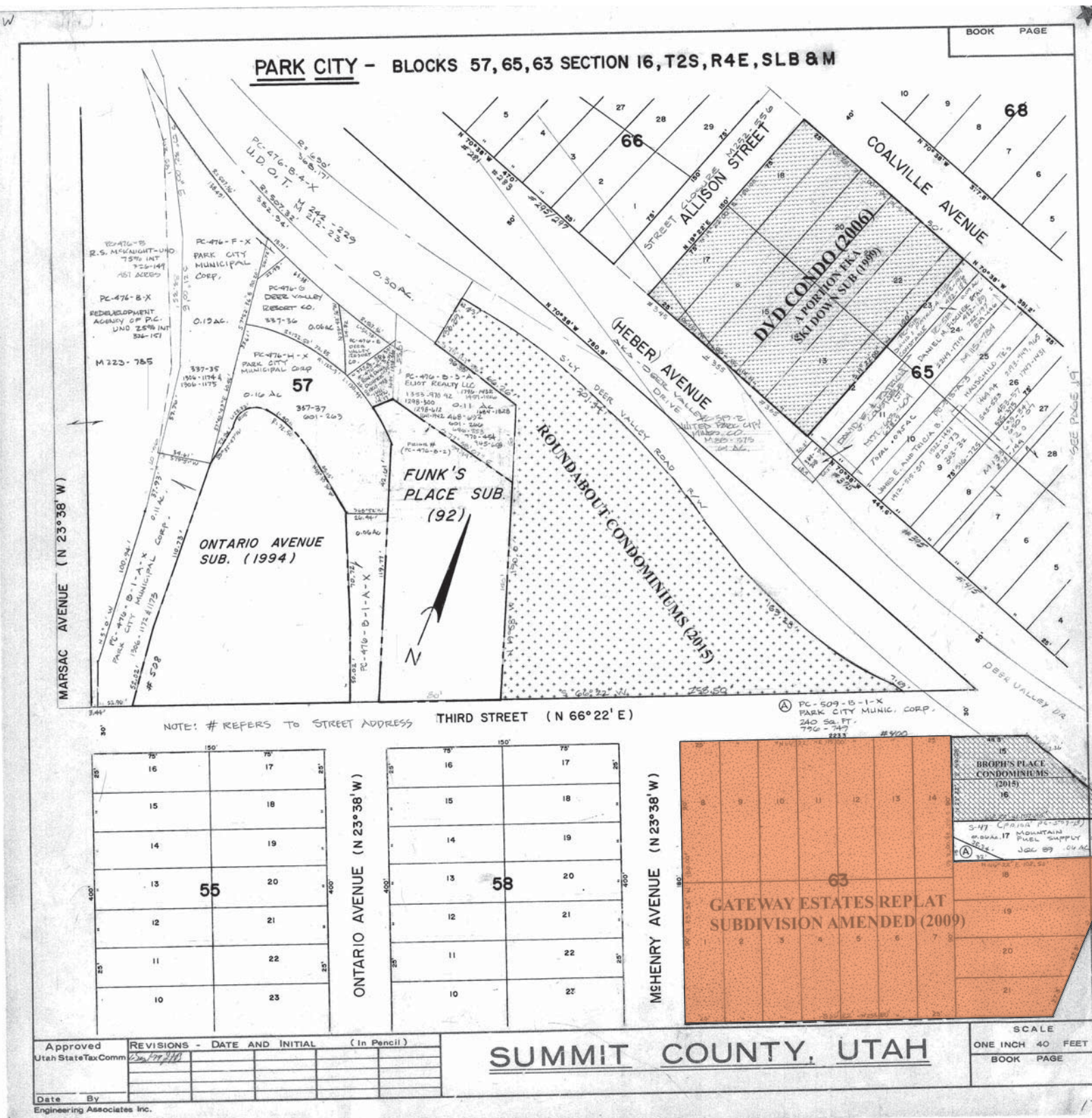


Exhibit D – Aerial Photograph



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2164 Park City, Utah 84060-2164	(435) 648-9467	STAFF: MARSHALL KING JESSE MORENO	AERIAL PHOTOGRAPH GATEWAY ESTATES BLOCK 63, PARK CITY SURVEY FOR: BILL TINK JOB NO.: 1-10-15 FILE: X:\ParkCitySurvey\dwg\ExhibitA\gateway_estates-aerial.dwg	SHEET 1 OF 1
		DATE: 12/1/15		

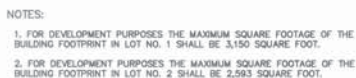
Exhibit E – County Tax Map



(432) 642-9487

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

322 West Street P.O. Box 2004 Park City, Utah 84060-2004



LINE TABLE		
LINE	LENGTH	BEARING
13	37.04	S68°22'00"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	19.19	78.00	14°00'40"
C2	45.73	78.00	53°35'23"

LEGEND

- PROPERTY CORNER TO BE SET

DEDICATED PUBLIC RIGHT-OF-WAY
AND NON-EXCLUSIVE PUBLIC
UTILITY EASEMENT

 ACCESS & NON-EXCLUSIVE UTILITY EASEMENT

412 STREET ADDRESS ON DEER VALLEY LOOP ROAD

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
AND THE PARK CITY SURVEY, PARK CITY, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey map of GATEWAY ESTATES REPLAT and that the same has been or will be monumented on the ground as shown on this plat.

John Demkowicz
John Demkowicz

5/16/00
Date

LEGAL DESCRIPTION

ALL OF BLOCK 63, PARK CITY SURVEY, PARK CITY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN THE OFFICE OF THE COUNTY RECORDER, SUMMIT COUNTY, UTAH, EXCEPTING THEREFROM LOTS 15, 16, AND 17.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the GATEWAY ESTATES REPLAT, do hereby certify that we have caused this Lot Line Amendment Plat to be prepared, and we, Thomas Hurd and Paula Hurd, husband and wife, as joint tenants, hereby consent to the recordation of this Lot Line Amendment Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of

In witness whereof, the undersigned set their hands this 16th day

of
May 2000

James A. ...

Thomas
Dwyer

Owner

Paula J.

Owner

ACKNOWLEDGEMENT

State of Utah:
County of Summit:

On this 16th day of May, 2000, Thomas Hurd and Paula Hurd personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Thomas Hurd and Paula Hurd acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Wendi Barber-Gomes
History Public

My commission expires: November 5, 2001

PAGE 1 OF 1

JOB NO.: 6-12-99 FILE: Z:\SRV\SRV99\PCS\HURDRP.Dwg

#566533 RECORDED

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF *Coalition Title*

DATE 06-01-2000 TIME 09:06 AM BOOK - PAGE -

3300
Dorlene M. Dunn

FEE RECORDER

Cotnam Estates, Inc.

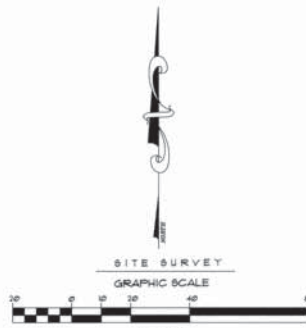
2021.11.24 14:00 210

Page 296 of 306

Page 290 of 300

GATEWAY ESTATES REPLAT SUBDIVISION (AMENDED)

LOT LINE ADJUSTMENT
AMENDING LOT 1 & 2
IN THE SOUTHEAST 1/4 OF
SHIP 2 SOUTH, RANGE 4
ALT LAKE BASE & MERID
SUMMIT COUNTY, UTAH



	MAXIMUM FOOTPRINT ALLOWED
LOT 1	2,243 Sq. Ft.
LOT 2	1,750 Sq. Ft.
LOT 3	1,750 Sq. Ft.

- UTILITIES, PIPES, ETC. ARE NOT SHOWN ON THIS MAP. CONTACT BUREAU STAKE BEFORE DIGGING.
- 2. EXCEPT AS SHOWN SURVEYOR HAS MADE NO INVESTIGATION ON INDEPENDENT BASIS REGARDING EXISTING ENCUMBRANCES RESPECTIVE CO-OWNERSHIP TITLE EVIDENCE, ON ANY OTHER FACTS, CONFLICTS, OR DISCREPANCIES.
- 3. SEE CITY PLANNING AND ZONING MAPS FOR INFORMATION REGARDING SETBACKS, SIDE YARD, AND REAR YARD DISTANCES AS WELL AS OTHER REQUIREMENTS.
- 4. DUPLEXES ARE NOT ALLOWED IN THIS SUBDIVISION.
- 5. MODIFIED 3-D SPRINKLER ARE REQUIRED FOR EACH STRUCTURE.
- 6. PARKING SPACES ARE NOT TO BE ALLOCATED WITHIN DRIVEWAYS EXCEPT AS NOTED.
- 7. Costs of Assessors' maintenance and equipment including:
 - a. Survey removal shall be divided among owners of Lots 1 and 2 and 3 in the following proportion:
 - Lot 1 - 50%
 - Lot 2 - 25%
 - Lot 3 - 25%
 - b. Each lot shall have one vote. The quality, extent and necessity of assessors' maintenance and equipment shall be determined by lot owners by majority vote.



LDE
LAND DESIGN ENGINEERING LLC

CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK
PLANNING COMMISSION ON THIS
15 MAR 2004

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS
APPROVED BY PARK CITY COUNCIL THIS 7th
DAY OF ~~July~~ August 2025 A.D.
James M. Scott
PARK CITY RECORDER

PARK CITY ENGINEER'S CERTIFICATE

I FIND THIS PLAN TO BE IN ACCORDANCE WITH
INFORMATION ON FILE IN MY OFFICE THIS 12TH
DAY OF MARCH 2007 A.D.

[Signature]

PARK CITY ENGINEER DAY

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN
 WATER RECLAMATION DISTRICT STANDARDS
 THIS 15 DAY OF March
 A.D. 2001

[Signature]
 2001

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS 28
 OF March

 CITY ATTORNEY

867964
STATE OF UTAH
COUNTY OF SUMMIT
FILED AT THE REC
DATE: 3-24-0

RECORDED

OF: U.S. Title of Utah

TIME: 3:01 PM BOOK: PAGE: FEE: \$33.00

Armed & Dangerous Deputy

I, TIMOTHY R. JOHANSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR HOLDING CERTIFICATE NO. 5152650 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY THE OWNERS I HAVE SURVEYED THE TRACT OF LAND SHOWN ON THIS PLAT OF BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



AMENDING LOT# 2 OF THE GATEWAY ESTATES REPLAT SUBDIVISION.
(FILE# 0666533) RECORDED JUNE 1, 2000. LOCATED IN THE SOUTHEAST
1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASSE & MERIDIAN, SUMMIT COUNTY, UTAH.

ALSO, DESCRIBED AS, ALL OF BLOCK 63, PARK CITY SURVEY,
PARK CITY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF,
RECORDED IN THE OFFICE OF THE COUNTY RECORDER, SUMMIT
COUNTY, UTAH, EXCEPT THE PORTION THEREOF DESCRIBED
HEREIN. THE REASONS FOR THIS PARTICULARLY DESCRIBED AS FOLLOWS:

ALSO, DESCRIBED AS, ALL OF BLOCK 63, PARK CITY SURVEY, PARK CITY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN THE OFFICE OF THE COUNTY RECORDER, SUMMIT COUNTY, UTAH, EXCEPTING THEREFROM LOTS 15, 16, AND 17. NEW LOTS 1-3 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point that is South 66°57'00" East, a distance of 1,195.23 feet from an existing monument located in the intersection of Heber Avenue & Main Street to the Point of Beginning; said point being describe as the Northwesterly corner of Block 3, Park City Survey; said point monument with a 5/8" Heber & Cap stamped "Alliance" thereon running
North 66°22'03" East, a distance of 105.90 feet; thence
South 51°27'49" East, a distance of 45.78 feet; thence
South 24°13'11" West, a distance of 175.70 feet; thence
North 23°38'00" West, a distance of 158.39 feet to the Point of Beginning.
(Containing 12,521 square feet or 0.287 acres, more or less.)

Beginning at the point that is East, a distance of 135.57 feet; thence North, a distance of 15.14 feet from the Northwestern corner of Block 63, Park City Survey; said point monumented with a 5/8" Rod & Cap stamped "Advised" thence northerly a distance of 38.24 feet to the point of curve of a not tangent curve to the left, of which the radius point lies North 36°29'11" East, a radial distance of 78.48 feet, thence southeasterly along the arc through a central angle of 16°23'48", a distance of 22.46 feet; thence South 24°12'11" West, a distance of 130.55 feet; thence South 69°22'00" West, a distance of 64.51 feet; thence North 23°30'50" West, a distance of 21.61 feet; thence North 24°13'11" East, a distance of 175.70 feet to the Point of Beginning.

(Circumference 3,206 square feet or 0.223 acres, more or less.)

Beginning at a point that is East, a distance of 184.82 feet; thence South, a distance of 19.98 from the Northwestern corner of Block 63, Park City Survey; said point monumented with a 5/8" Rebar & Cap stamp "Alliance" thence running
At the beginning of a curve to the left, of which the radius point lies North 22°05'24" East, a radial distance 75.48 feet; thence
entirely along the arc, through a central angle of 34°16'48", a distance of 46.96 feet; thence North 80°05'16" East, a distance of 56.16 feet; thence
South, a distance of 56.14 feet; thence South 68°02'20" West, a distance of 169.29 feet; thence North 24°13'11" East, a distance of 130.55 feet to the Point of Beginning.
(Containing 8.841 square feet or 0.228 acres, more or less.)

KNOW ALL MEN BY THESE PRESENTS THAT DEER VALLEY LOOP, LLC AND RENWOOD ROAD TWO, LLC, THE UNDERSIGNED OWNERS OF THE RESPECTIVE PARCELS OF LAND IN DEER VALLEY HERETOFORE AS GATEWAY ENTRANCES REPLAT SUBDIVISION (AMENDED), CERTIFY THAT I HAVE CAUSED THIS LOT LINE ADJUSTMENT PLAT TO BE MADE AND THE CONSENT OF THE ADJACENT AT THIS LOT LINE ADJUSTMENT PLAT ALSO, THE OWNER, OF HIS/HER REPRESENTATIVE, HEREBY HEREBY OFFER UP FOR RESUBMISSION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, EASEMENTS AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF RESUBMISSION TO THE CITY OF PARK CITY.

IN WITNESS WHEREOF, THE UNDERSIGNED SET THEIR HAND THIS _____ DAY OF _____, 20____.

DEER VALLEY, UOOR-442

RENWOOD ROAD TWO, LLC

STATE OF UTAH
COUNTY OF SUMMIT S.S.

ON THIS 11 DAY OF Feb A.D. 2007, PERSONALLY
APPEARED BEFORE ME Mark DeWitt, WHO BEING DULY SWORN DO
SAY THAT THEY ARE THE unmarried agent of Deer Valley Wood
Deer Valley Wood Robert Long Deer Valley Wood
NOTARY PUBLIC WE COMMITTED FORGE



LOT LINE ADJUSTMENT
AMENDING LOT 1 & 2
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
SUTTIT COUNTY, UTAH



Gateway Estates looking east

Exhibit H – Site Photographs



Gateway Estates looking southeast

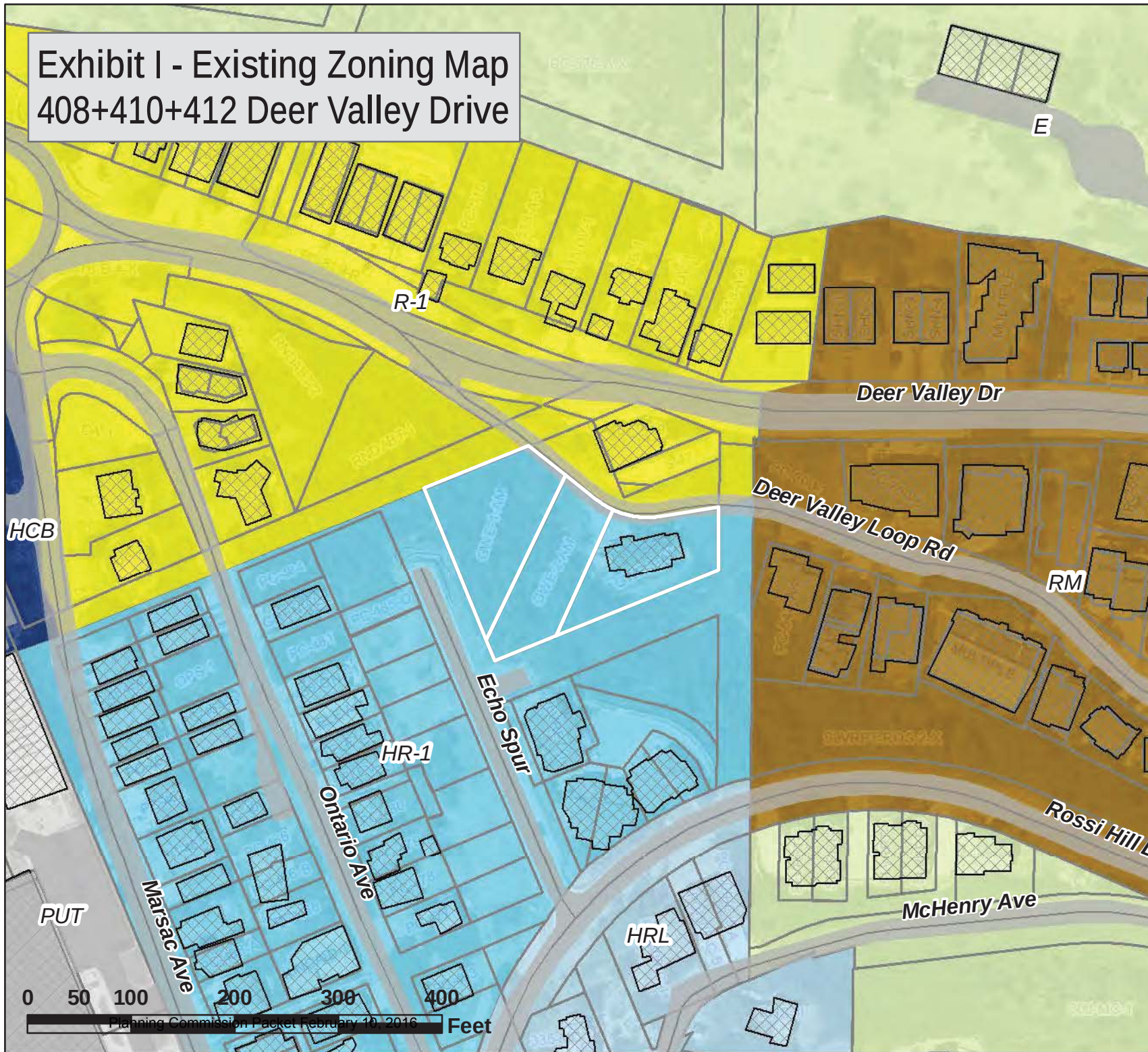


Gateway Estates looking northeasterly



Gateway Estates looking west

Exhibit I - Existing Zoning Map 408+410+412 Deer Valley Drive



Legend

- Road Edges
 - Building Outline
 - Parcels
 - Streets
- ### Zoning District
- HRL
 - HR-1
 - HR-2A
 - HR-2B
 - HRM
 - HRC
 - HCB
 - ROS
 - POS
 - E
 - SF
 - R-1
 - RD
 - RDM
 - RM
 - RC
 - GC
 - LI
 - PUT
 - CT
 - RCO
 - MPD

Exhibit J – Adjacent Use Aerial Photograph



 (435) 648-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2654 Park City, Utah 84060-2654	STAFF: MARSHALL KING JESSE MORENO DATE: 12/1/15	AERIAL PHOTOGRAPH GATEWAY ESTATES BLOCK 63, PARK CITY SURVEY FOR: BILL TINK JOB NO.: 1-10-15 FILE: X:\ParkCitySurvey\dwg\Exhibits\Gateway Estates\gateway estates-ortho.dwg	SHEET 1 OF 1
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PARK CITY

1884

CITY COUNCIL STAFF REPORT

Date: March 30, 2000
Department: Planning Department
Title: 412 Deer Valley Loop Road - Plat Amendment
Type of Item: Legislative

Summary Recommendations: Conduct a public hearing and adopt the attached Ordinance approving a plat amendment to consolidate lots 1-14 and lots 18-21 of Block 63 of the Park City Survey into two separate lots of record.

A. Project Statistics

Applicant: Tom and Paula Hurd
Location: 412 Deer Valley Loop Road
Zoning: HR-1 - Historic Residential District
Adjacent Land Uses: Residential
Project Planner: Kevin LoPiccolo
Date of Application: January 5, 2000

B. Background

On February 23, 2000, the Planning Commission voted to forward to City Council a positive recommendation to approve a plat amendment to combine a total of eighteen historic platted lots into two separate lots of record.

The proposed application requests is to combine 18 lots in Block 63 of the Park City Survey into two separate lots of record. Lot 1 would be approximately 27,007 square feet and Lot 2 would be approximately 12,196 square feet. The property is zoned HR-1. The lots are located on the northeast slope of Rossie Hill below Silver Pointe Subdivision.

The property slopes up to the south to platted Fifth Street. Lots 1-14 has a slope of approximately 40% and Lots 18-21 has a slope of approximately 30 %. Deer Valley Loop Road, a prescriptive right-of-way, bisects the northeast portion of the property. Deer Valley Loop Road was known as Olive Branch Road in the mining era.

The development pattern in the general area of Deer Valley Loop Road consists of single-family dwellings and multi-family structures.

C. Analysis

Use: Future development will need to comply with requirements for Steep Slope Development as set forth in the Land Management Code. Each lot will be reviewed separately under a conditional use permit. The design of each proposed single-family dwelling will be reviewed pursuant to the Historic Design Guidelines.

Minimum lot size and underlying zoning: As currently platted, the applicant has 18 platted HR-1 lots. Under the HR-1 zone, the minimum lot size is 1,875 square feet. The applicant is proposing to combine all lots into two lots of record. The new lots will be 27,007 and 12,196 square feet respectively.

23,035 2 12

Access

Deer Valley Loop Road, a prescribed roadway, crosses the property and an existing driveway would provide access to both parcels. An easement would be created across a portion of parcel 2 for access and utilities for the benefit of parcel 1. Deer Valley Loop Road and two small remnant parcels as part of the condition of approval will be dedicated to City as part of the Plat Amendment approval. In exchange for the road dedication, the square footage of the two small remnant parcels will be added to Lot 1 for purposes of calculating maximum building footprints. The area of the dedicated road right-of-way will not be added to the lot areas for purposes of calculating maximum building footprint.

D. Public Input

All owners within 300' of the property were noticed. As of the date of this report there have been two phone calls in support of the proposed plat amendment.

Recommendation

The Community Development Department recommends approval of the proposed Plat Amendment application to allow the creation of two lots of record, based upon the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Finding of Fact:

1. The property is in the HR-1 Zone.
2. Deer Valley Loop Road is characterized by single-family dwellings, and multi-family structures.
3. The plat amendment results in combining eighteen lots into two lots of record.
4. The proposed lot combination will create one 27,007 square foot lot and one 12,196 square foot lot. Minimum lot size for a single family dwelling is 1,875 square feet.
5. The applicant is deducting Deer Valley Loop Road through the property as public right-of-way and the remnant parcels to the north as open space.
6. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. Neither the public nor any person will be materially injured by the proposed plat revision.

2. There is good cause for the amendment.
3. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding Subdivision plats.

Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. All standard Project Conditions shall apply and Land Management Codes shall apply.
3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year time, the approval and the plat shall be considered void.
4. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
5. The project complies with the fire and emergency access requirements, by virtue of a fire protection plan which addresses alternative methods of code compliance, such as provision of type 13D fire sprinkler systems, alternative access, fire separation of structures, and non-combustible roof materials.
6. A ten (10) foot non-exclusive utility and snow storage easement along Deer Valley Loop Road shall be dedicated to the City on the plat. Adherence to these provisions is required.
7. Construction for Steep Slope Development shall be reviewed by the Planning Commission as provided in the Land Management Code.
8. Design of the proposed homes on all lots require review and approval for compliance with the Historic District Design Guidelines.
9. The Deer Valley Road right-of-way may not be used for maximum building footprint calculation. The remnant lots north of Deer Valley Loop Road may be used as part of the total footprint calculation formula found in the HR-1 zone. The remnant lots north of Deer Valley Loop Road shall be designated as Open Space on the plat.
10. No remnant lot created hereby is separately developable.
11. The remnant parcels to the north shall be revised and shown on the plat public as right-of-way.

Exhibits:

- Exhibit A - Vicinity Map
- Exhibit B- Existing Plat Map
- Exhibit C - Standard Project Conditions
- Exhibit D - Minutes from February 23, 2000