



**PARK CITY SPECIAL PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
February 21, 2024**

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

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

3. PUBLIC COMMUNICATIONS

4. REGULAR AGENDA

- 4.A. **220 King Road – Plat Amendment** – On February 14, 2024, the Planning Commission Conducted a Public Hearing and Directed Planning Staff to Draft a Final Action Letter Approving the Proposed Amendment of Lot 2 Phase 1 Treasure Hill Subdivision Plat Notes to Demolish Two Existing Dwellings and to Construct a New Single-Family Dwelling and Accessory Buildings within the Sweeney Master Planned Development, Historic Residential - 1 Zoning District, and Partially within the Sensitive Land Overlay. PL-22-05319
(A) Action
- 4.B. **220 King Road – Conditional Use Permits** – On February 14, 2024, the Planning Commission Conducted a Public Hearing and Directed Planning Staff to Draft a Final Action Letter Approving the Proposed Plans to Demolish Two Existing Dwellings to Construct a New Single-Family Dwelling and Accessory Buildings and Outdoor Pool within the Sweeney Master Planned Development, Historic Residential - 1 Zoning District, and Partially within the Sensitive Land Overlay. PL-22-05318, PL-23-05523
(A) Action
- 4.C. **220 King Road – Steep Slope Conditional Use Permit** – On February 14, 2024, the Planning Commission Conducted a Public Hearing and Directed Planning Staff to Draft a Final Action Letter Approving the Proposed Plans to Demolish Two Existing Dwellings to Construct a New Single-Family Dwelling and Accessory Buildings within the Sweeney Master Planned Development, Historic Residential - 1 Zoning District, and Partially within the Sensitive Land Overlay. PL-23-05571
(A) Action

5. ADJOURNMENT

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

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

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

Planning Commission Staff Report



Subject: 220 King Road
Lot 2, Phase I Treasure Hill Subdivision
Sweeney Master Planned Development

Applications: PL-22-05318 – Conditional Use Permit
Single-Family Dwelling
PL-22-05319 – Plat Amendment
PL-23-05523 – Conditional Use Permit, Outdoor Pool
PL-23-05571 – Steep Slope Conditional Use Permit

Authors: Rebecca Ward, Planning Director
Caitlyn Tubbs, Senior Historic Preservation Planner

Date: February 21, 2024

Type of Items: Plat Amendment, Conditional Use Permits,
Steep Slope Conditional Use Permit

Recommendation

(I) Review the proposed Final Action Letter prepared by the Applicant and amended by the Planning Commission on February 14, 2024, to:

(A) Approve the Second Amendment for Lot 2, Phase 1 Treasure Hill Subdivision to:

1. Amend Plat Notes 1 (Footprint), 4 (Height), 5 (Façade Height, Easterly Facing), and 9 (Precedence) of the Lot 2, Phase I Treasure Hill Subdivision, and
2. Shift Plat Note 9 (Precedence) to Plat Note 1 and add Plat Notes 10, 11, 12, and 13 to the Second Amendment for Lot 2, Phase 1 Treasure Hill Subdivision to accommodate the proposed project.

(B) Approve the Conditional Use Permits for (i) design of a Single-Family Dwelling and outdoor pool pursuant to the Sweeney Master Planned Development; and (ii) development on a steep slope to:

1. Demolish a 4,235-square-foot Single-Family Dwelling and 4,189-square-foot Guest House,
2. Construct a:
 - A Single-Family Dwelling with:
 - Approximately 7,461 square feet of finished space.
 - Approximately 5,898 square feet of unfinished space.
 - Approximately 1,690 square feet of terrace/patio area.
 - A 1,103-square-foot Accessory Building.
 - A 243-square-foot Swim Spa.
 - A 4,794-square-foot Underground Parking Area.

(II) Ratify the Final Action Letter.

Description

Applicant:	Pesky Porcupine, LLC Represented by Wade Budge with the Law Offices of Snell & Wilmer
Location:	220 King Road Lot 2, Phase I of the Treasure Hill Subdivision
Zoning District:	Historic Residential – 1 Sensitive Land Overlay
Adjacent Land Uses:	To the north and west are 42 acres of Open Space dedicated to Park City Municipal in the Recreation and Open Space Zoning District. To the east are six Single-Family Dwellings in the Historic Residential – 1 Zoning District with lots averaging 0.075 acres (7,260 square feet). To the south is a 0.86-acre vacant Lot (200 King Road) in the Historic Residential – 1 Zoning District.
Reason for Review:	The Planning Commission reviews, holds a public hearing, and takes Final Action on Conditional Use Permits, ¹ Steep Slope Conditional Use Permits, ² and Plat Amendments. ³

Summary

220 King Road, of the Treasure Hill Subdivision Lot 2 Phase 1 amended plat is a 1.23-acre lot with a 4,235-square-foot Single-Family Dwelling built in 1998 and a 4,189-square-foot Guest House built in 2000. The Applicant proposes demolishing the existing structures to build a new Single-Family Dwelling and Accessory Buildings.

- The project was first scheduled for a Planning Commission work session on October 26, 2022. The Applicant requested the item be continued to a later date. ([Planning Commission Packet](#); [Meeting Minutes](#), p. 3).
- On October 11, 2023, the Applicant presented updated plans in a Planning Commission work session ([Planning Commission Packet](#); [Meeting Minutes](#), p. 2).
- On January 2, 2024, the attorneys for the Applicant submitted a request for Final Action within 45 days pursuant to Utah Code [Section 10-9a-509.5\(2\)](#) for the Plat Amendment, Conditional Use Permit, and Steep Slope Conditional Use Permit.

¹ LMC [§ 15-1-10](#)

² LMC [§ 15-2.2-6](#)

³ LMC [§ 15-1-8\(H\)](#)

- On January 24, 2024, the Planning Commission conducted a work session on the proposed project ([Planning Commission Packet](#); [Audio](#)).
- On February 14, 2024, the Planning Commission conducted a public hearing on the proposed project ([Planning Commission Packet](#); [Audio](#)).

On February 14, 2024, the Planning Commission voted 4-2 to approve the Plat Amendment finding Good Cause for the proposed Second Amendment for Lot 2, Phase 1, Treasure Hill Subdivision, amending the Building Area Limits to accommodate the Accessory Building and amending Plat Notes 1 (Footprint), 4 (Height), 5 (Façade Height, Easterly Facing), and 9 (Precedence) of the Lot 2, Phase I Treasure Hill Subdivision, and shifting Plat Note 9 (Precedence) to Plat Note 1 and adding Plat Notes 10, 11, 12, and 13 to the Second Amendment for Lot 2, Phase 1 Treasure Hill Subdivision.

The Planning Commission voted 4-3 to approve the Conditional Use Permit for residential design review pursuant to the Sweeney Master Planned Development finding reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards for the Conditional Use Permit to construct a Single-Family Dwelling and outdoor pool. The Planning Commission Chair broke the initial 3-3 tie.

The Planning Commission voted 4-3 to approve the Steep Slope Conditional Use Permit finding reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards for the Steep Slope Conditional Use Permit to construct the project. The Planning Commission Chair broke the initial 3-3 tie.

The Planning Commission directed staff to prepare a draft Final Action Letter based on the Applicant's submitted drafts reviewed and revised by the Planning Commission on February 14, 2024 (Exhibit A). Exhibits B, C, and D include each draft Final Action Letter with redlines tracked.

Public Input has been updated to reflect emails received since the February 14, 2024 packet was published on February 9, 2024 (Exhibit E).

Exhibits

- A: Draft Final Action Letter
- B: Plat Amendment Draft Final Action Letter Redlines
- C: Conditional Use Permit Draft Final Action Letter Redlines
- D: Steep Slope Conditional Use Permit Draft Final Action Letter Redlines
- E: Public Input Received through February 16, 2024
- F: Public Input Submitted by the Applicant



February 21, 2024

Pesky Porcupine, LLC

CC: Wade Budge with the Law Offices of Snell & Wilmer

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 220 King Road
Lot 2, Phase I of the Treasure Hill Subdivision
Sweeney Master Planned Development

Zoning District: Historic Residential – 1
Sensitive Land Overlay

Applications: PL-22-05318 – Conditional Use Permit, Single-Family Dwelling
PL-22-05319 – Plat Amendment
PL-23-05523 – Outdoor Pool
PL-23-05571 – Steep Slope Conditional Use Permit

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: February 21, 2024

Project Summary: The Applicant proposes to demolish a 4,235-square-foot Single-Family Dwelling and 4,189-square-foot Guest House, to construct a:

- A Single-Family Dwelling with:
 - Approximately 7,461 square feet of finished space.
 - Approximately 5,898 square feet of unfinished space.
 - Approximately 1,690 square feet of terrace/patio area.
- A 1,103-square-foot Accessory Building.
- A 243-square-foot Swim Spa.
- A 4,794-square-foot Underground Parking Area.

The Applicant proposes to amend Plat Notes 1 (Footprint), 4 (Height), 5 (Façade Height, Easterly Facing), and 9 (Precedence) of the Lot 2, Phase I Treasure Hill Subdivision, and shift Plat Note 9 (Precedence) to Plat Note 1 and add Plat Notes 10, 11, 12, and 13 to the Second Amendment for Lot 2, Phase 1 Treasure Hill Subdivision, and to shift the Building Area Limits to accommodate the proposed project.

Action Taken

On February 14, 2024, the Planning Commission conducted a public hearing and approved the Second Amendment for Lot 2, Phase 1, Treasure Hill Subdivision, amending Plat Notes 1 (Footprint), 4 (Height), 5 (Façade Height, Easterly Facing), and 9 (Precedence) of the Lot 2, Phase I Treasure Hill Subdivision, shifting Plat Note 9 (Precedence) to Plat Note 1 and adding Plat Notes 10, 11, 12, and 13 to the Second Amendment for Lot 2, Phase 1 Treasure Hill Subdivision, and shifting the Building Area Limits to accommodate the proposed project. The Planning Commission conducted a public hearing and approved the Conditional Use Permit for a Single-Family Dwelling and Outdoor Pool and the Steep Slope Conditional Use Permit for the project according to the following findings of fact, conclusions of law, and conditions of approval:

The January 24, 2024 and February 14, 2024 staff reports and meeting minutes are incorporated herein.

Plat Amendment **File No. PL-22-05318**

Findings of Fact

1. The Applicant has proposed a new plat entitled the Second Amendment for Lot 2, Phase 1, Treasure Hill Subdivision ("Amended Plat"), a copy of which is attached hereto as Exhibit A, which will amend the existing Lot 2, Phase I Treasure Hill Subdivision Plat, including the Amended Plat's notes which are attached hereto as Exhibit B.

2. On July 18, 2022, the applicant Pesky Porcupine LLC ("Applicant") submitted an application for a proposed subdivision plat amendment in connection with a proposed single-family residence to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the "Property").

3. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the "Amended Sweeney Properties MPD"). The Property is also platted within the First Amended Lot 2, Phase 1, Treasure Hill Subdivision of record with the Summit County Recorder's Office ("Treasure Hill Subdivision Plat").

4. The Property is currently being used for one single-family residence and one guest house that the Applicant intends to demolish to construct a new single residence.

5. The Amended Plat differs from the Treasure Hill Subdivision Plat in two ways. First, the Amended Plat modifies plat note 1 on the Treasure Hill Subdivision Plat to align with the Amended Sweeney Properties MPD approval conditions and other phases within the Amended Sweeney Properties MPD. Second, the Amended Plat modifies the buildable area by reducing the overall buildable area and relocating a portion thereof to the west side of the Property, as depicted on the attached Amended Plat.

6. The Applicant submitted all materials required by the Park City Land Management Code (“LMC”) for the proposed plat amendment.

7. The Planning Commission has authority to act as the land use authority to approve the Amended Plat pursuant to LMC § 15-7-7.

8. After carefully reviewing the Amended Plat, the Amended Sweeney Properties MPD approval documents, other materials presented by the Applicant, and input received by the Applicant, City staff, and the public in a public hearing, the Planning Commission has determined that good cause exists for amending the Treasure Hill Subdivision Plat via the Amended Plat as more fully specified below. See Utah Code § 10-9a-609(1)(a).

9. The Planning Commission further concludes that no public street or municipal utility easement is being vacated or amended by the Amended Plat. See Utah Code § 10-9a-609(1)(b).

10. The Planning Commission expressly finds this approval is limited to the Amended Plat of the Amended Sweeney Properties Master Planned Development, and as such shall not create any precedent nor interpretation of general applicability in the Historic Residential-1 Zoning District, for current Land Management Code regulations, or other plat amendments.

Additional Findings

11. The Planning Commission, as the land use authority, finds that there is good cause to approve the Amended Plat based on the following:

a. Note 1 of the Treasure Hill Subdivision Plat contains a development limitation that buildings must have a building footprint of 3,500 square feet or less. That allowable building footprint includes garages but does not include:

- i. Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;

- ii. Exterior walkways;
- iii. Exterior stairs; and
- iv. Driveways.

Note 1 was included on the Treasure Hill Subdivision Plat but was not imposed upon the Property via the Amended Sweeney Properties MPD. Other subdivisions within the Amended Sweeney Properties MPD define “building footprint” more broadly and nothing within the Amended Sweeney Properties MPD requires the Treasure Hill Subdivision Plat’s more restrictive definition.

b. The Amended Plat also contains a building footprint limitation of 3,500 square feet or less. The allowable building footprint includes garages but does not include:

- i. Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
- ii. Exterior walkways;
- iii. Exterior stairs;
- iv. Driveways; and
- v. That portion of any carport, mechanical space, parking areas or living space that is located below existing grade and which has landscaping or deck (as provided in (1(A)) located above it.

c. The Amended Plat’s development limitation is more consistent with the Amended Sweeney Properties MPD approval as the building footprint limitation was intended to limit the visual impact of development and subgrade improvements, excluded under the Amended Plat, have a de minimis visual impact on adjacent uses.

d. The overall buildable area of the Treasure Hill Subdivision Plat is 490 square feet larger than the buildable area of Amended Plat. The Amended Plat removes buildable area from portions of the Property that are visible to downtown Park City and relocates such buildable area to the west side of the Property to reduce the visual impact of the buildable area.

e. The Planning Commission finds that good cause exists, see LMC §§ 15-15-1 & 15-7.1-3.B, for amending the Treasure Hill Subdivision Plat based on the following:

- i. The Amended Plat resolves an existing non-conformity as the two residential units constructed on a single lot will be demolished in favor of a single residential unit on a single lot.

- ii. The Amended Plat preserves the character of the neighborhood and Park City as the Amended Plat is more consistent with the Amended Sweeney Properties MPD approval.
- iii. Reducing the buildable area and relocating a portion of the buildable area will reduce the visual impact of the Property's development. This is consistent with best planning and design practices.
- iv. The Amended Plat facilitates the construction of a single residence in place of one residence and one guest house that have been used as short-term rentals. Demolishing the two existing short-term rentals reduces the overall density of the area, alleviates traffic, decreases utility usage, minimizes noise and light pollution, and is more consistent with neighboring uses.
- v. The Amended Plat facilitates the termination of the existing short-term rentals. This furthers the health, safety, and welfare of the Park City community as it will decrease the number of unknown persons in the community and increase the overall sense of community by housing long-term residents.
- f. The Amended Plat includes all existing public streets and municipal utility easements and does not propose to vacate or amend the same.

Conclusion

Based on the foregoing, good cause exists to approve the Amended Plat as it satisfies the requirements of Utah Code § 10-9a-609(1) and LMC § 15-7-7. The Planning Commission concludes it is appropriate to approve the Amended Plat.

Conditions of Approval

The Conditional Use Permit and Steep Slope Conditional Use Permit Conditions of Approval below are incorporated herein.

Amended Plat to be Updated to Reflect Exhibit B

[illegible]

Exhibit B
Amended Plat Notes

SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED AS SHOWN HEREON:

1. PRECEDENCE. THE BELOW SPECIAL RESTRICTIONS ARE CONSISTENT WITH THE SWEENEY MASTER PLAN APPROVED BY THE PARK CITY MUNICIPAL CORPORATION ON OCTOBER 16, 1986 AND AS SUBSEQUENTLY AMENDED ON OCTOBER 14, 1987 AND DECEMBER 30, 1992. FINAL HOUSE DESIGN SHALL BE REVIEWED UNDER THE CONDITIONAL USE PERMIT PROCESS IN ACCORDANCE WITH THE SWEENEY MASTER PLAN.

2. FOOTPRINT. THE RESIDENTIAL FOOTPRINT OF THE DWELLING ("MAIN HOUSE"), TO BE LOCATED ON THE SECOND AMENDMENT FOR LOT 2, PHASE I, TREASURE HILL SUBDIVISION (THE "LOT"), SHALL BE CALCULATED FROM THE OUTSIDE FACE OF WALLS ON ANY SINGLE LEVEL, AND A MAXIMUM OF THREE THOUSAND FIVE HUNDRED (3,500) SQUARE FEET FOOTPRINT INCLUDING GARAGES. THE FOLLOWING SHALL NOT COUNT TOWARD THE FOOTPRINT CALCULATIONS:

- a) DECK WHICH IS OPEN ON AT LEAST TWO SIDES, BUT WHICH MAY HAVE RAILINGS AS REQUIRED, COVERED OR UNCOVERED, AND THAT DOES NOT HAVE ABOVE-EXISTING NATURAL GRADE OR LIVING SPACE LOCATED BELOW OR ABOVE IT;
- b) EXTERIOR WALKWAYS;
- c) EXTERIOR STAIRS;
- d) DRIVEWAY; AND
- e) THAT PORTION OF ANY CARPORT, MECHANICAL SPACE, PARKING AREA, OR LIVING SPACE THAT IS LOCATED BELOW EXISTING GRADE AND WHICH HAS LANDSCAPING OR DECK (AS PROVIDED IN 1(A)) LOCATED ABOVE IT.

3. BUILDING AREA LIMITS. IMPROVEMENTS, INCLUDING FENCES AND FORMAL LANDSCAPING (UNLESS OTHERWISE PERMITTED UNDER EASEMENTS OR AGREEMENTS OF RECORD OR AS SHOWN ON THE PLAT OR AS CONSISTENT WITH THE APPROVED CONSTRUCTION DRAWINGS OF THE DRIVEWAYS, UPPER NORFOLK TURNAROUND, KING ROAD TURNAROUND, SKI BRIDGE AND UTILITY PLANS) SHALL BE LIMITED TO THE BUILDING AREA LIMITS NOTED ON THE PLAT.

4. CONSTRUCTION DISTURBANCE. UNLESS OTHERWISE PROVIDED IN AGREEMENTS WITH PARK CITY MUNICIPAL CORPORATION WHICH ARE OF RECORD, TEMPORARY CONSTRUCTION DISTURBANCE SHALL BE LIMITED TO TWENTY (20) FEET BEYOND THE BUILDING AREA LIMITS OR TO ADJOINING LOT PROPERTY LINES WHICH EVER IS CLOSER.

SUCH DISTURBED AREA SHALL BE REVEGETATED WITH NATIVE LANDSCAPING.

5. HEIGHT. THE BUILDING HEIGHT SHALL BE MEASURED FROM EXISTING GRADE TO THE TOP OF THE FLAT ROOFS AND TO THE RIDGE OF PITCHED ROOFS. THE MAXIMUM HEIGHT, IN GENERAL, SHALL BE TWENTY-FIVE (25) FEET FOR FLAT ROOFS AND THIRTY (30) FEET FOR PITCHED ROOFS. A MAXIMUM HEIGHT OF TWENTY EIGHT (28) FEET FOR FLAT ROOFS AND THIRTY-THREE (33) FEET FOR PITCHED ROOFS SHALL BE PERMITTED FOR THE EXPRESSED PURPOSE OF ACCOMMODATING ACCESS AND LIGHT FEATURES NO GREATER THAN 24 FEET IN LENGTH, I.E. STAIRWELLS AND/OR ELEVATORS, BETWEEN FLOOR LEVELS. IN ACCORDANCE WITH THE SWEENEY MPD, WHICH WAS APPROVED BY THE PARK CITY MUNICIPAL CORPORATION ON OCTOBER 16, 1986, AND AS SUBSEQUENTLY AMENDED ON OCTOBER 14, 1987 AND DECEMBER 30, 1992, BUILDING HEIGHT SHALL ONLY BE MEASURED AS OUTLINED IN THIS PLAT NOTE #5.

6. FACADE HEIGHT, EASTERLY FACING. THE MAXIMUM FACADE HEIGHT FOR THE EASTERLY FACING FACADES WITHOUT A STEP BACK OR STEP OUT OF AT LEAST FIVE (5) FEET SHALL BE TWENTY FIVE (25) FEET FROM EXISTING OR REESTABLISHED GRADE WHICHEVER IS GREATER.

7. MASSING. HOUSE DESIGNS MAY BE COMPRISED OF ONE OR MORE CONNECTED OR UNCONNECTED BUILDING MASSES. NO ONE BUILDING MASS WITHIN THE 3,500 SQUARE FOOT FOOTPRINT REFERENCED IN NOTE 1 ABOVE, SHALL HAVE A FOOTPRINT THAT EXCEEDS 1,500 SQUARE FEET. MASSING ELEMENTS SHALL BE SEPARATED BY HORIZONTAL AND/OR VERTICAL FACADE BREAKS.

8. SEWER LATERALS. MAINTENANCE AND REPLACEMENT OF SEWER LATERALS SHALL BE THE RESPONSIBILITY OF THE OWNER(S) AND NOT THAT OF SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT.

9. FIRE SPRINKLING. INTERNAL AND EXTERNAL MODIFIED 13d FIRE SPRINKLERS SHALL BE PROVIDED FOR THE HOME. WOOD ROOFING MATERIAL SHALL BE PROHIBITED.

10. EXTERIOR LIGHTING. ALL EXTERIOR LIGHTING SHALL BE DOWN DIRECTED AND FULLY SHIELDED WITH BULBS 3,000 DEGREES KELVIN OR LESS. FLOOD LIGHTS ARE PROHIBITED. OUTDOOR LIGHTS SHALL NOT BE INSTALLED MORE THAN 12 FEET ABOVE EXISTING GRADE. GROUND-LEVEL FIXTURES SHALL BE FULLY SHIELDED.

11. GLAZING. SIXTY PERCENT (60%) OF THE EASTERN FACING FAÇADE IS PERMITTED TO BE GLAZING AND LIGHTING IMPACTS FROM THE EASTERN

FACING FAÇADE SHALL BE MITIGATED BY INTERIOR FIXTURES DESIGNED TO MINIMIZE DIRECT VISIBILITY OF THE LIGHTING ELEMENT FROM RESIDENCES WITHIN 1/3 MILE OF THE RESIDENCE.

12. CONTINGENT UPON A STEEP SLOPE CONDITIONAL USE PERMIT APPROVAL BY THE PLANNING COMMISSION, DETACHED BELOW GRADE ACCESSORY BUILDINGS. BELOW GRADE ACCESSORY BUILDINGS ARE PERMITTED WITHIN THE BUILDABLE AREA. THE FOOTPRINT OF A DETACHED BELOW GRADE ACCESSORY BUILDING DOES NOT COUNT TOWARDS THE FOOTPRINT AREA OF THE DWELLING AS ALLOWED IN NOTE #1.

13. USE OF RESIDENTIAL STRUCTURE. ANY RESIDENCE CONSTRUCTED AFTER THE DATE OF THIS AMENDMENT SHALL ONLY BE USED AS A SINGLE-FAMILY RESIDENCE. THE NEW RESIDENCE SHALL NOT BE USED AS A CONDOMINIUM, TIME INTERVAL OWNERSHIP, FRACTIONAL OWNERSHIP, OR NIGHTLY RENTALS. HOME OCCUPATIONS SHALL BE PERMITTED IN ACCORDANCE WITH LMC § 15-4-3.

Conditional Use
File No. PL-22-05319
File No. PL-23-05523
[220 King Residence and Outdoor Pool]

Findings of Fact

1. On July 18, 2022 the applicant Pesky Porcupine LLC (“Applicant”) submitted an application and paid the required fee for a conditional use permit in connection with a proposed single-family residence (the “Residence”) to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the “Property”).
2. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the “Amended Sweeney Properties MPD”). The Property is also platted within the First Amended Lot 2, Phase 1, Treasure Hill Subdivision of record with the Summit County Recorder’s Office (“Treasure Hill Subdivision Plat”), as amended.
3. Condition No. 3 of the Amended Sweeney Properties MPD requires that the Planning Commission and Park City’s staff review proposed development on King Road as a conditional use and ensure that the design of structures will minimize visual impact on adjacent property.
4. The Property is currently being used for one single-family residence and one guest house, that the Applicant intends to demolish to construct the new Residence.

The existing single-family residence and guest home have been used for short-term rentals.

5. The application is for the construction of the Residence ("Residence CUP") as required by Condition No. 3 of the Amended Sweeney Properties MPD.

6. The Planning Commission has authority to act as the land use authority for the Residence CUP. See Condition No. 3 of the Amended Sweeney Properties MPD; LMC § 15-1-10.D.

7. The Applicant submitted all the materials required by the LMC for the Residence and outdoor pool CUP and presented in a public hearing regarding the proposals set forth in Residence CUP application.

8. The Planning Commission, after carefully considering the site plan attached hereto as Exhibit C and other design materials, the Applicant's submittals, and the Applicant's presentation at the public hearing, has determined that the Residence was designed to minimize visual impact on adjacent property owners.

Additional Findings

9. The Planning Commission, as the land use authority, finds that the proposed Residence CUP is in compliance with the standards in LMC § 15-1-10.E, as applied pursuant to the Amended Sweeney Properties MPD. Specifically, the Residence:

a. As applied pursuant to the Amended Sweeney Properties MPD, is an appropriate size and location for the Property. See LMC § 15-1-10.E.1 This finding is supported further as follows:

i. The Property is notably larger than most of the other buildable lots in the Amended Sweeney Properties MPD. The ratio of lot size to the Residence is significantly smaller than neighboring residences.

ii. The Property's buildable area is being reduced by approximately 490 square feet concurrently with this approval. The Residence will be located within the reduced buildable area.

iii. The Residence will be adequately setback and buffered from the surrounding properties. The nearest adjacent residence is approximately 120 feet away.

b. Addresses traffic considerations including the capacity of the existing streets in the area. See LMC § 15-1-10.E.3. This finding is supported as follows:

i. The new residence will utilize the same access point as the existing homes. No additional traffic or traffic impacts will result from the new residence. In fact, traffic impacts will be decreased as two homes have more traffic than the single Residence.

ii. The capacity of the existing streets is sufficient to accommodate the new residence and no traffic impact study was necessary.

c. Has sufficient utility capacity, including storm water run-off. See LMC § 15-1-10.E.3. This finding is supported as follow:

i. All utilities on the Property were installed with the existing houses and are adequate to service the existing houses.

ii. The Residence will decrease utility usage by utilizing more efficient construction materials and by replacing one existing home and one existing guest house used as short-term rentals.

iii. All storm water run-off from new impervious surfaces will be retained onsite.

d. Provides adequate emergency vehicle access. See LMC § 15-1-10.E.4. Specifically, the Residence has been designed to meet all emergency vehicle access and driveway slope requirements as set forth in the LMC, including by providing a fire turnaround in the underground parking area.

e. Provides adequate off-street parking. See LMC § 15-1-10.E.5. Specifically, the Residence provides at least two off-street parking stalls as required by LMC § 15-3-6(A).

f. Provides sufficient internal vehicular and pedestrian circulation system. See LMC § 15-1-10.E.6. This finding is supported as follow:

i. Vehicles accessing the Property will continue to use existing access points from King Road. The Residence is designed such that vehicles can turnaround and park via the private driveway and the underground parking area.

ii. There is minimum pedestrian traffic in the area as the public roadways do not have sidewalks. There is a 10' public non-motorized bike, pedestrian trail, and ski easement on the Property for the benefit of a neighboring property. No change is being proposed to those easements.

g. Provides fencing, screening, and landscaping to separate the use from adjoining uses. See LMC § 15-1-10.E.7. This finding is supported as follow:

i. The existing fencing, screening, and landscaping for the existing houses is adequate to separate the use from adjoining uses. No additional fencing is being proposed by the Applicant.

ii. New landscaping will consist of native grasses and trees and existing vegetation will be maintained and managed.

iii. Perimeter vegetation will continue to provide a visual barrier to the Property and mitigate visual impact.

h. As applied pursuant to the Amended Sweeney Properties MPD, is appropriately massed, bulked, and oriented, on the site. See LMC § 15-1-10.E.8. This finding is supported as follow:

i. The Residence has been intentionally designed to break up the perceived mass and follows the plat notes relative to massing. Specifically, the plans show the Residence: (i) broken up into at least four (4) massing elements that are each less than 1,500 square feet; (ii) have an overall footprint of less than 3,500 square feet, as measured by the definition on the second amended subdivision plat; and (iii) complies with the seconded amended subdivision plat.

ii. The site is designed to respect the existing topography and site features such as existing trees and vegetation. Cut, fill, and retaining wall areas will be located behind the Residence to minimize any visible impact on neighboring uses.

iii. The Residence meets the height limitation stated on the second amended subdivision plat.

i. Contains usable open space. See LMC § 15-1-10.E.9. Specifically, the new residence does not substantially change the existing site's open space. All existing landscape easements will be maintained.

j. Contains no signs but will provide appropriate lighting. See LMC § 15-1-10.E.10. The Property will comply with the city's outdoor lighting requirements found at LMC § 15-5-5(J).

k. As applied pursuant to the Amended Sweeney Properties MPD, is physically designed to be compatible with surrounding structures. See LMC § 15-1-10.E.11. Specifically, the Residence is consistent with other single-family residences within the Amended Sweeney Properties MPD.

l. Does not produce noise, vibration, odors, steam, or other mechanical factors that would affect people or off-site property. See LMC § 15-1-10.E.12.

m. Properly controls delivery and service vehicles, loading and unloading zones, and screens trash and recycling pickup areas. See LMC § 15-1-10.E.13. Specifically, a vehicle control gate will control access to delivery and service vehicles, and the Property is adequately sized to park delivery and service vehicles without impacting adjoining uses.

n. Will not be used as a condominium, time interval ownership, fractional ownership, nightly rental, or for a commercial use. See LMC § 15-1-10.E.14. Indeed, the Property will be used only as a single-family residence and the short-term rental uses on the existing home and guest house will be terminated.

o. Is appropriately situated on the existing topography of the Property. See LMC § 15-1-10.E.15. This finding is supported as follow:

- i. The site is already adequately graded to support the existing houses and minimal additional grading will be required for the Residence.
- ii. For the reasons discussed below, a steep slope conditional use permit will be issued for the very steep slope disturbance.

p. Is consistent with the goals and objectives of the Park City General Plan. See LMC § 15-1-10.E.16. This finding is supported as follow:

- i. The existing houses to be demolished are not historically significant.
- ii. The proposed design of the Residence is consistent with the design criteria contemplated by the Amended Sweeney Properties MPD approval.

10. The Planning Commission finds that for the reasons above, the Residence will not have a detrimental impact on surrounding uses. The Planning Commission further finds that by terminating the existing short-term rental uses of the home and guest house currently existing on the Property, the Residence will have a reduced overall impact on surrounding uses.

11. As discussed below, the Applicant has agreed to self-impose certain conditions on the Property to minimize any potential detrimental effects that may result

from the proposed use. The Planning Commission finds that these conditions adequately mitigate any potential detrimental effects that may result from the Residence.

Conclusion

Based on the foregoing, and subject to the conditions listed below, the Residence and Outdoor Pool CUP applications meet the standards and requirements of the LMC as applied pursuant to the Amended Sweeney Properties MPD, including the criteria for approving a conditional use per LMC § 15-1-10.E and 10-9A-507, Utah Code Ann. The Planning Commission concludes it is appropriate to issue the Residence CUP subject to the below conditions, each of which will mitigate any reasonably anticipated detrimental effects associated with the Residence.

Conditions

The use approved by the Residence and outdoor pool CUP is conditioned upon the following:

A. Final building plans shall reflect substantial compliance with the plans approved February 14, 2024, by the Planning Commission, and attached as Exhibit D. Any changes, modifications, or deviations from the approved design that have not been approved in advance by Park City's Planning and Building Departments may result in a stop work order.

B. The Applicant is responsible for notifying the Planning and Building Departments prior to proposing any changes to this approval. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for planning review and approval/denial in accordance with the applicable standards prior to construction.

C. The current access point of King Road must be maintained, and no new access points are allowed. The driveway width within the platted easement on 200 King Road and within the setbacks required for 220 King Road shall not exceed 12 feet in width, unless required by the Park City Fire District to accommodate turning radius and emergency vehicles.

D. The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to Municipal Code of Park City Section 11-14-4(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning Director and Chief Building Official. No alternative soil exporting will be permitted until plans are approved.

E. All storm water run-off from new impervious surfaces must be contained on the Property.

F. Applicant shall submit a storm drainage analysis to the Park City Engineering Department. The analysis must show that the required storm drainage storage volume matches the pre-development and post-development conditions for a 100-year 24-hour event.

G. Applicant shall submit a soil investigation report, geotechnical report, and slope stability report to the city concurrent with or prior to submitting a building permit application.

H. Prior to obtaining a building permit, the Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized.

I. The proposed development must include a vehicular turnaround that meets applicable fire code standards.

J. The Residence's occupants must use as on-site parking the sub-grade parking area shown on the proposed plans.

K. The proposed development must include a vehicle control gate that allows Park City emergency vehicle access and for vehicles to queue in the Property's driveway and not on King Road.

L. No additional fencing is permitted without further approval by the Park City Planning and Building Departments.

M. After construction of the Residence is completed, Applicant shall revegetate the site consistent with the submitted landscape plan.

N. The Residence must be constructed according to the approved plans.

O. The Applicant shall receive approval through the Historic District Design Review process prior to submitting a building permit.

P. The proposed residence's roof shall be consistent with the plans approved by the Planning Commission on February 14, 2024, and attached as Exhibit D.

Q. The existing access and landscaping easement shall remain in place.

R. Except for a typical "for sale" sign no signs will be permitted on the Property.

S. The primary use of the Property shall be limited to a single-family residential use. The proposed residence shall not be used for a short-term rental or have fractional ownership.

T. Any areas disturbed during construction shall be restored to the original state after the proposed residence, accessory building and structures, and retaining walls are completed.

U. The railing of the roof terrace shall minimize the visibility when viewed cross-canyon.

V. All exterior lighting shall be down directed, fully shielded, with bulbs 3,000 degrees Kelvin or less to prevent glare onto adjacent property and shall comply with the City's outdoor lighting code per LMC § 15-5-5(J). Flood lights are prohibited. Fully Shielded outdoor lights shall not exceed 12 feet above Existing Grade. Ground-level fixtures shall be Fully Shielded. Final lighting details must be reviewed by Planning Staff prior to installation.

W. All proposed mechanical equipment, the pool, and/or a hot tub shall be screened. Any hot tub installation is prohibited on east façade decks or terraces.

X. No more than eight inches of the new foundation shall be visible above Final grade on the primary façade and no more than two feet of the foundation shall be visible above Final Grade on secondary and tertiary facades.

Y. Lower-level glazing on the north, east, and south facades shall be screened with berms and/or vegetation as approved by the Planning Department.

Z. The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.

AA. The Applicant shall demonstrate the proposed metal siding and roofing materials have a Solar Reflectivity Index (SRI) of 35 or less prior to the submittal of a building permit.

BB. Prior to submittal of a Building Permit, the Applicant shall submit for review the excavation and grading plans for Engineering Department review and approval to ensure no additional erosion, land subsidence, or avalanche hazard is created.

CC. Cuts, fills, and retaining walls shall be minimized.

DD. The Applicant shall demonstrate compliance with Municipal Code of Park City Chapter 11-21 Utah Wildland-Urban Interface Code at the time of Building Permit submittal.

EE. The Applicant shall demonstrate adequate turnaround to allow a fire apparatus to maneuver to and from the site as approved by the Park City Fire District prior to submitting a Building Permit. The Applicant shall provide a fire hydrant within 600 feet of the proposed development.

FF. The Applicant should upsize the existing service line to provide adequate pressure to the additional living area and fire sprinkler system. Please note the City operates substantial water lines to the west of the proposed dwelling.

GG. To conduct construction across the neighboring 200 King Road property, including any additional width required to accommodate the installed improvements, all work shall be limited to the limits of the platted easement. The applicant shall submit required approvals for any work or structures proposed outside of the easement at 200 King Road.

HH. Glazing on the east façade shall comply with the Second Amendment for the Lot 2 Phase 1 Treasure Hill Subdivision plat notes. Vinyl and aluminum doors and windows are prohibited. Window and door details shall be reviewed and approved through the Historic District Design Review process.

Conditional Use
File No. PL-23-05571
[Steep Slope –220 King]

Findings of Fact

1. On February 21, 2023, the applicant Pesky Porcupine LLC (“Applicant”) submitted an application and paid the required fee for a conditional use permit in connection with a proposed single-family residence (the “Residence”) to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the “Property”).
2. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the “Amended Sweeney Properties MPD”).

3. Condition No. 3 of the Amended Sweeney Properties MPD requires that the Planning Commission and Park City's staff review proposed development on King Road as a conditional use and ensure that the design of structures will minimize visual impact on adjacent property.

4. The Property is currently being used for one single-family residence and one guest house, that the Applicant intends to demolish to construct the new Residence. The existing single-family residence and guest house have been used for short-term rentals.

5. The conditional use permit application is for construction on a steep slope ("Steep Slope CUP") as required by Section 15-2.2-6 of Park City's Land Management Code ("LMC").

6. In connection with the Steep Slope CUP application, the Applicant submitted the following documents prepared by Alliance Engineering Inc. for the Planning Commission's consideration:

- a. Existing Conditions Map (Job No. 8-3-23);
- b. Conceptual Grading Plan (Job No. 8-3-23);
- c. Drainage Plan (Job No. 8-3-23);
- d. Steep Slope Map (Job No. 8-3-23);
- e. Stormwater Management Plan (Job No. 8-3-23); and
- f. Excavation Section View (Job No. 8-3-23).

7. The Planning Commission has authority to act as the land use authority for the Steep Slope CUP. See LMC § 15-1-10.D.

8. The Applicant submitted all the materials required by the LMC for the Steep Slope CUP and presented in a public hearing regarding the proposals set forth in Steep Slope CUP application.

9. With respect to the Steep Slope CUP, the Planning Commission, after carefully considering the Applicant's submittals referenced above and the Applicant's presentation at the public hearing, has determined that any detrimental effects caused by proposed development on steep slopes can be reasonably mitigated and comply with the LMC's requirements.

Additional Findings

10. The Planning Commission, as the land use authority, finds that the proposed Steep Slope CUP complies with the standards in LMC § 15-2.2-6.B. Specifically, the proposed steep slope disturbance and Residence:

a. As applied pursuant to the Amended Sweeney Properties MPD, are located and designed to reduce the visual and environmental impacts. See LMC § 15-2.2-6.B.1. Specifically, the hillside cuts and impact to the very steep slope will be located behind the Residence and will generally not be visible to the town core of Park City.

b. Will be consistent with the visual analysis and landscaping plan submitted by the Applicant. See LMC § 15-2.2-6.B.2. Specifically, the Applicant submitted to the Planning Commission a visual analysis and landscaping plan that showed the proposed steep slope disturbance. The Planning Commission has determined that the steep slope disturbance will generally not be visible from the town core of Park City as it is screened from view by the proposed residence.

c. Are consistent with the applicable access and driveway screening requirements. See LMC § 15-2.2-6.B.3. Specifically, access to the Property is not changing as the existing driveway will be used and improved. The driveway improvements will comply with the LMC's requirements.

d. Will be appropriately terraced to regain natural grade. See LMC § 15-2.2-6.B.4. Terraced structures will be screened from view of the town core of Park City by the proposed residence.

e. Are designed to preserve the perceived natural topography of the Property. See LMC § 15-2.2-6.B.5. Specifically, all cuts to the hillside will be screened from view of the town core of Park City by the Residence.

f. As applied pursuant to the Amended Sweeney Properties MPD, are consistent with the building form and scale requirements of LMC § 15-2.2-6.B.6. Specifically, the Residence is divided into several massing elements to reduce massing and to orient against the Property's existing contours. Portions of the Residence have been located below grade to reduce visibility and perceived bulk.

g. Are consistent with the applicable setback requirements. See LMC § 15-2.2-6.B.7.

h. Are consistent with the applicable volume limitations. See LMC § 15-2.2-6.B.8.

i. Are consistent with the applicable building height requirements. See LMC § 15-2.2-6.B.8. Specifically, the Residence meets the height requirements identified in the Amended Sweeney Properties MPD.

11. The Planning Commission finds that for the reasons above, the steep slope disturbance will not have a detrimental impact on surrounding uses.

12. As discussed below, the Applicant has agreed to self-impose certain conditions on the Property to minimize any potential detrimental effects that may result from the proposed steep slope disturbance. The Planning Commission finds that these conditions adequately mitigate any potential detrimental effects that may result from the steep slope disturbance or the Residence.

Conclusion

Based on the foregoing, and subject to the conditions listed below, the Steep Slope CUP meet the standards and requirements of the LMC, including the criteria for approving a conditional use per LMC § 15-2.2-6.B as applied pursuant to the Amended Sweeney Properties MPD, and 10-9A-507, Utah Code Ann. The Planning Commission concludes it is appropriate to issue the Steep Slope CUP subject to the below conditions, each of which will mitigate any reasonably anticipated detrimental effects associated with the uses described in the Steep Slope CUP application.

Conditions

The use approved by the Steep Slope CUP is conditioned upon the following:

JJ. All retaining walls shall be generally placed behind the proposed residence to reduce visibility from the town core of Park City.

KK. The driveway to the proposed residence shall not exceed 12 feet in width unless required by Park City Fire District for emergency vehicle turning radius and access, shall not exceed a 14% grade, and must comply with LMC § 15-3-3(A)(4).

LL. Access to the parking area located on the Property shall not face King Road.

MM. If the proposed development contains any retaining walls that are taller than four feet in height, then the Applicant shall provide engineered plans for the retaining walls at the time the Applicant makes application for a building permit.

NN. Applicant shall maintain vegetative screening in accordance with the submitted vegetation plan to reduce the visibility of retaining walls and landscaping and berming shall reduce the visibility of the east façade glazing.

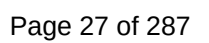
OO. The limits of disturbance around the proposed residence shall be limited to the minimal area necessary to excavate and backfill the foundation.

PP. Structures on the Property shall conform to the HR-1 setbacks set forth in LMC § 15-2.2-3. The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance with State and Federal law.

QQ. The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to Municipal Code of Park City Section 11-14-4(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning Director and Chief Building Official. No alternative soil exporting will be permitted until plans are approved.

RR. The Applicant shall provide elevation drawings of all segments of the Accessory Buildings that have an exposed face to Planning staff for review as part of the Historic District Design Review process.

REVISED
20-SEP-2022, DEC 28, 2022



If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5060 or email planning@parkcity.org.

Sincerely,

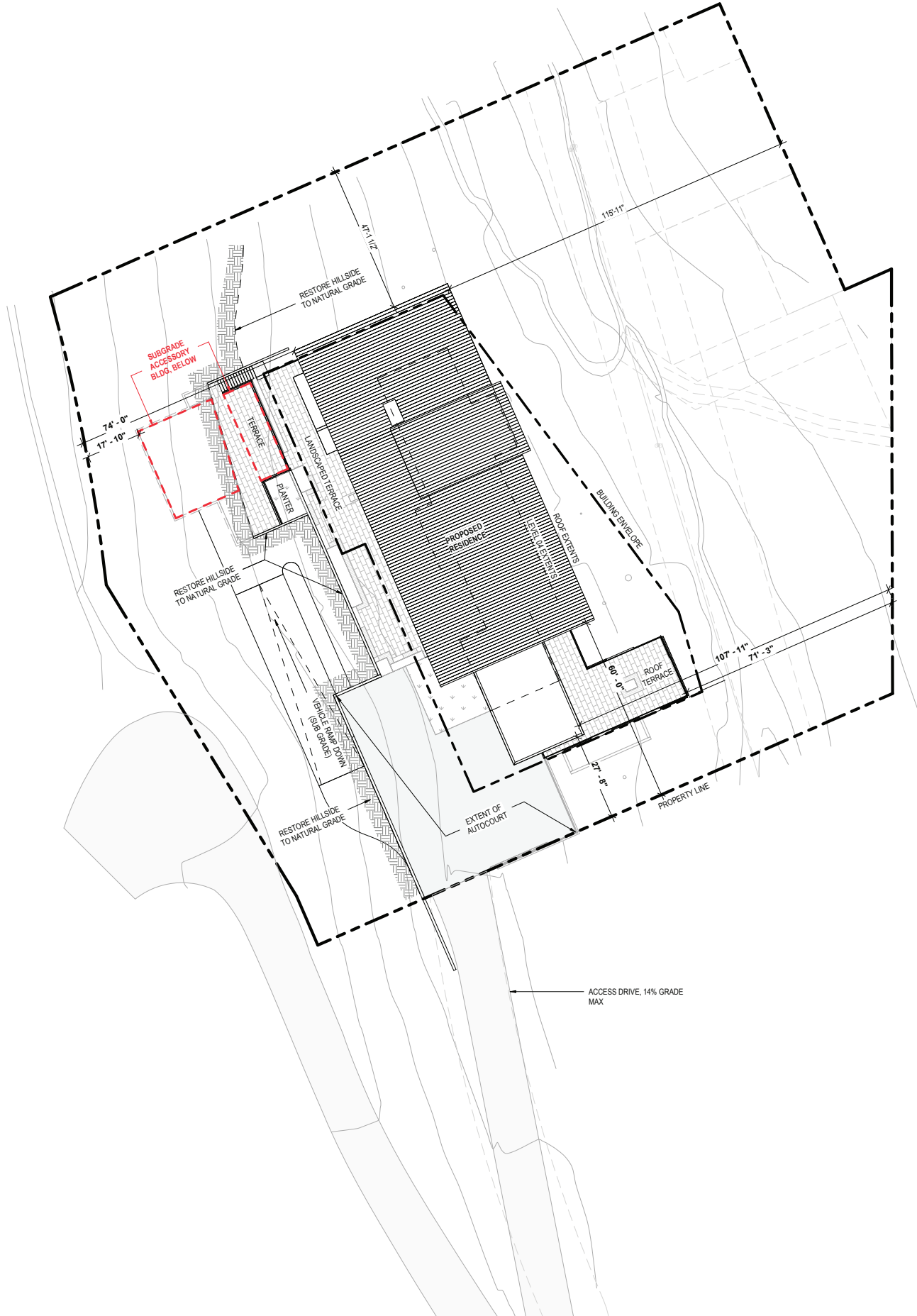
Sarah Hall, Planning Commission Chair

CC: Rebecca Ward, Planning Director
Caitlyn Tubbs, Senior Historic Preservation Planner

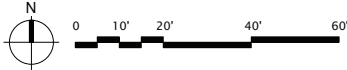
Exhibit D – Approved Plans

Building Diagrams

Approved 2-14-2024



1 SITE PLAN
SCALE: 1" = 20'-0"



159 South Jackson St, Suite 600
Seattle, Washington 98104 USA
+1 206 624 5670 olsonkundig.com

Olson Kundig

project:
PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by
checked by
job no. 20102
date 12/28/23

revisions:

no. date by

NOT FOR CONSTRUCTION
PLANNING COMMISSION
12/28/23

SITE PLAN
A1.00

Approved 2-14-2024



GENERAL NOTES

- EXISTING STRUCTURES AND HARDSCAPE ON SITE TO BE DEMOLISHED.
- RETURN HILLSIDE TO NATURAL GRADE AFTER DEMOLITION.
- POST-DEMOLITION CONTOUR LINES REPRESENT EXISTING GRADE FOR PROPOSED BUILDING HEIGHT ANALYSIS.

KEY LEGEND

Diagram illustrating contour lines and roof spot elevation:

- MINOR CONTOUR, SURVEYED (dashed line)
- MAJOR CONTOUR, SURVEYED (-7350- dashed line)
- MINOR CONTOUR, POST-DEMOLITION (solid line)
- MAJOR CONTOUR, POST-DEMOLITION (-7350- solid line)
- ROOF SPOT ELEVATION (underlined text)
- ROOF HEIGHT AT POINT (arrow pointing to XXXX' - X")
- ROOF HEIGHT ABOVE POST-DEMO GRADE (arrow pointing to XX' - X" HT)

1 ROOF HEIGHT TO GRADE
SCALE: 1" = 20'-0"



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principal architect TK
project manager SG
drawn by _____
checked by _____
job no. 20102
date 12/28/23

revisions:

no.	date	by
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ROOF HEIGHT TO
GRADE

A1.04

Approved 2-14-2024

149'-0"

15'-10 1/2"

15'-10 1/2"

21'-3 1/2"

17'-9"

13'-0"

20'-3 1/2"

8'-1 1/2"

15'-10 1/2"

21'-0"

A3.01

1

A3.01

2

UNFINISHED SPACE (SUB GRADE)

UNFINISHED SPACE

LINE OF FINISHED GRADE, THIS LEVEL

9'-8"

16'-4"

9'-9"

59'-9"

10'-4"

4'-3"

9'-5"

A3.00

1

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220 KING ROAD
PARK CITY, UT 84060

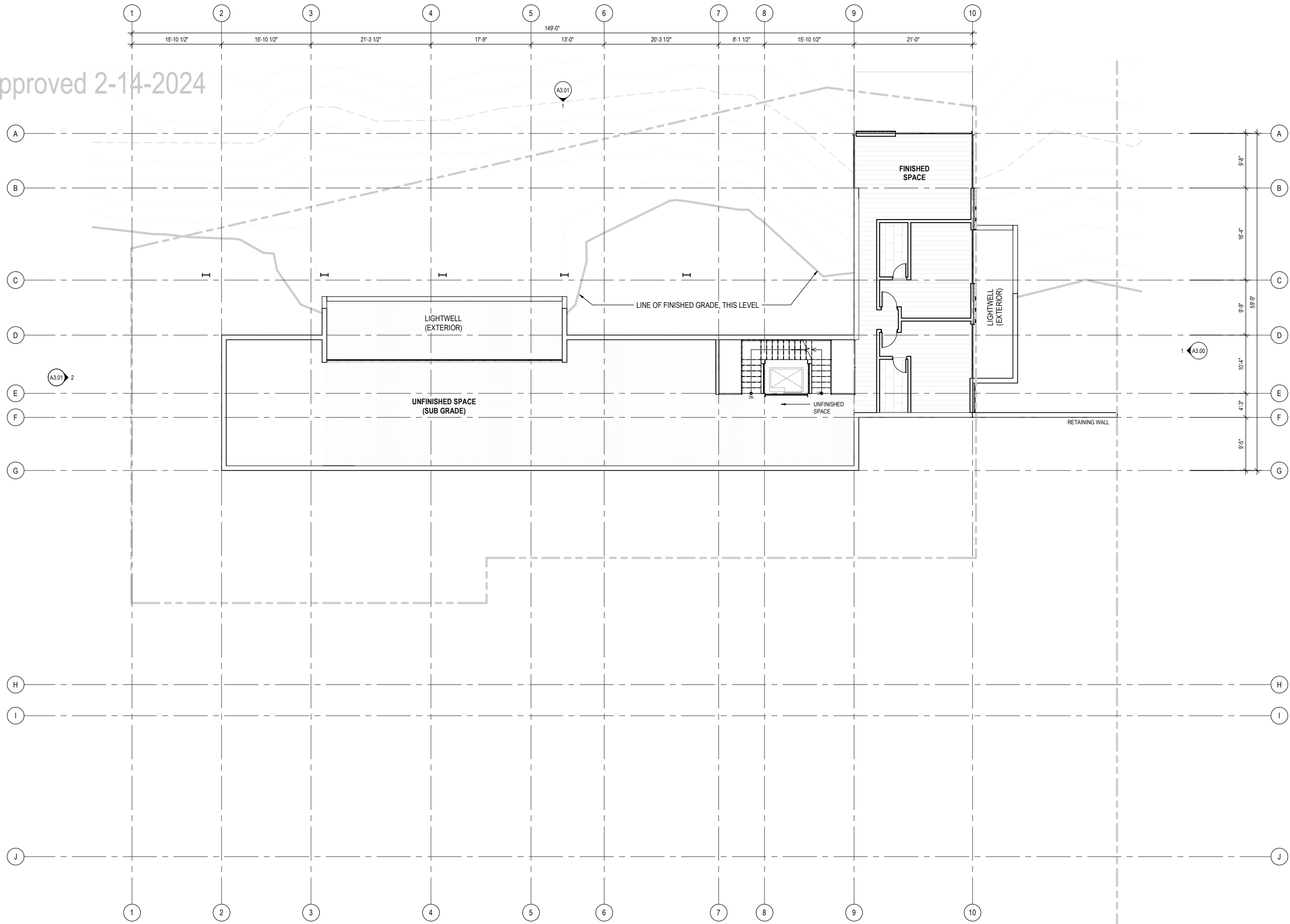
Revisions:

12/28/23

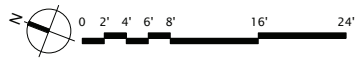
PLAN - LEVEL 01

A2.10

Approved 2-14-2024



1 LEVEL 02 PLAN
SCALE: 1/8" = 1'-0"



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12/28/23

PLAN - LEVEL 02

A2.20

Architectural site plan showing building layout, parking, and site features. The plan includes a grid system (1-10 horizontally, A-J vertically) and various annotations.

Annotations:

- Approved 2-14-2024
- LINE OF FINISHED GRADE, THIS LEVEL
- WALL OPENING
- FINISHED SPACE
- ENTRY
- UNFINISHED EXTERIOR SPACE (SUB-GRADE)
- ACCESSORY BLDG ABV
- VEHICLE RAMP UP 10' @ 15% GRADE
- AUTOCOURT ABOVE
- LINE OF FINISHED GRADE, THIS LEVEL

Dimensions:

- Horizontal dimensions: 15'-10 1/2", 15'-10 1/2", 21'-3 1/2", 17'-9", 13'-0", 20'-3 1/2", 8'-1 1/2", 15'-10 1/2", 21'-0"
- Vertical dimensions: 9'-5", 16'-4", 9'-9", 10'-4", 4'-3", 9'-5", 37'-11 3/4", 5'-6", 25'-0"

Other features:

- Staircase
- Vehicle ramp
- Shaded areas indicating specific site conditions or structures.

PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

date by

Page 34 of 287

[illegible]

PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

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2/28/23

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PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

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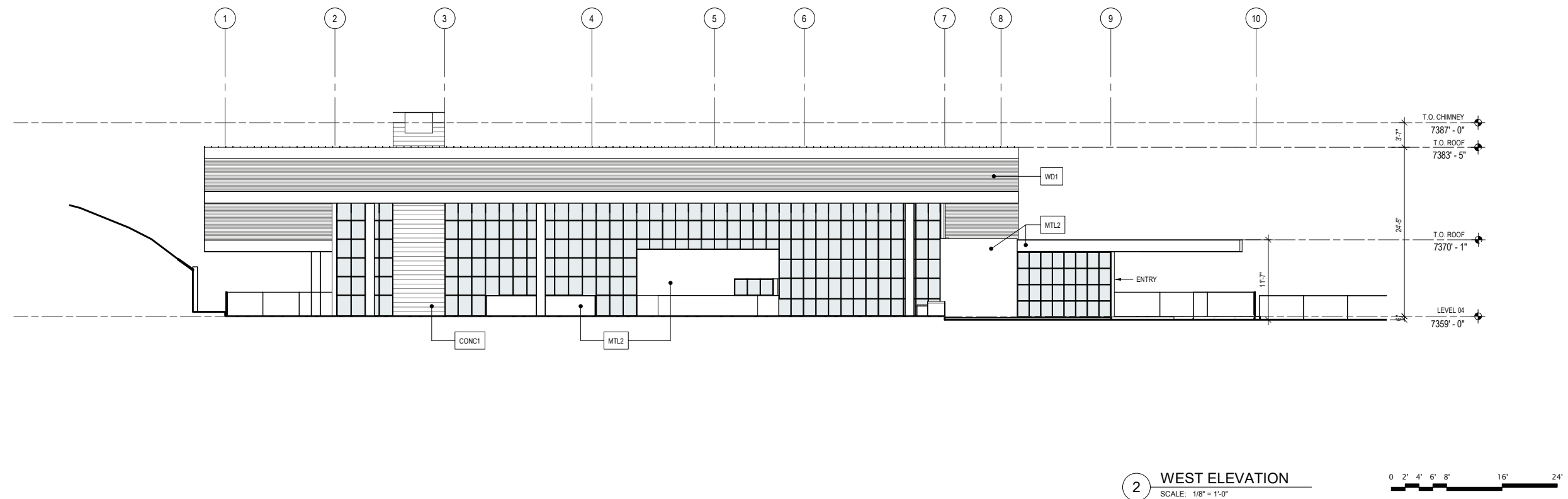
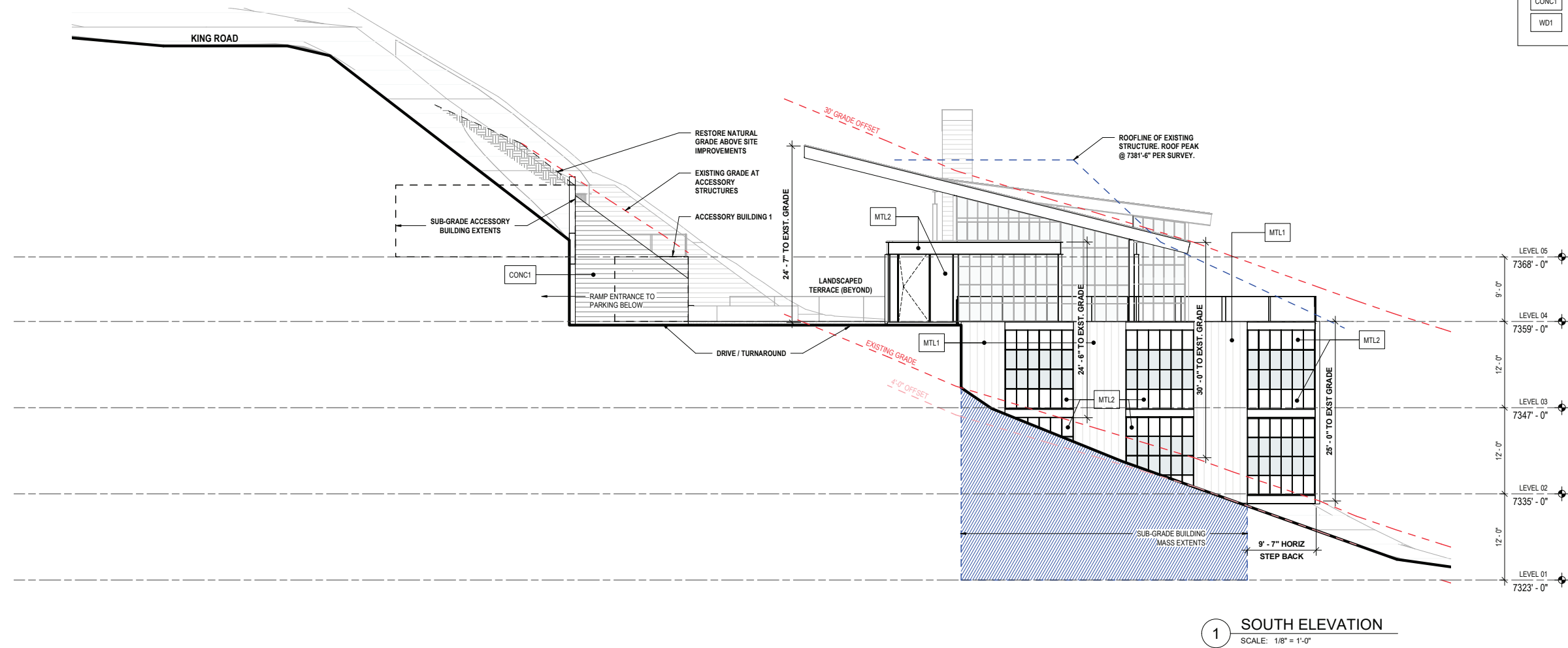
PLANNING COMMISSION

2/28/23

PLAN - LEVEL 05

A2.50

Approved 2-14-2024



MATERIAL LEGEND

MTL1	METAL PLANK SIDING, VERTICALLY ORIENTED, ZINC FINISH
MTL2	PRE-WEATHERED STEEL
MTL3	STANDING SEAM ROOF PANEL, PRE-WEATHERED STEEL FINISH
CONC1	BOARD FORMED CONCRETE (12" PLANK FORMAT)
WD1	TONGUE AND GROOVE WOOD PLANK

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Olson Kundig

project.

PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect TK _____
project manager SG _____
drawn by _____
checked by _____
job no. 20102 _____
date 12/28/23 _____

revisions:

revisions:

no.	date	by
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NOT FOR CONSTRUCTION

PLANNING COMMISSION

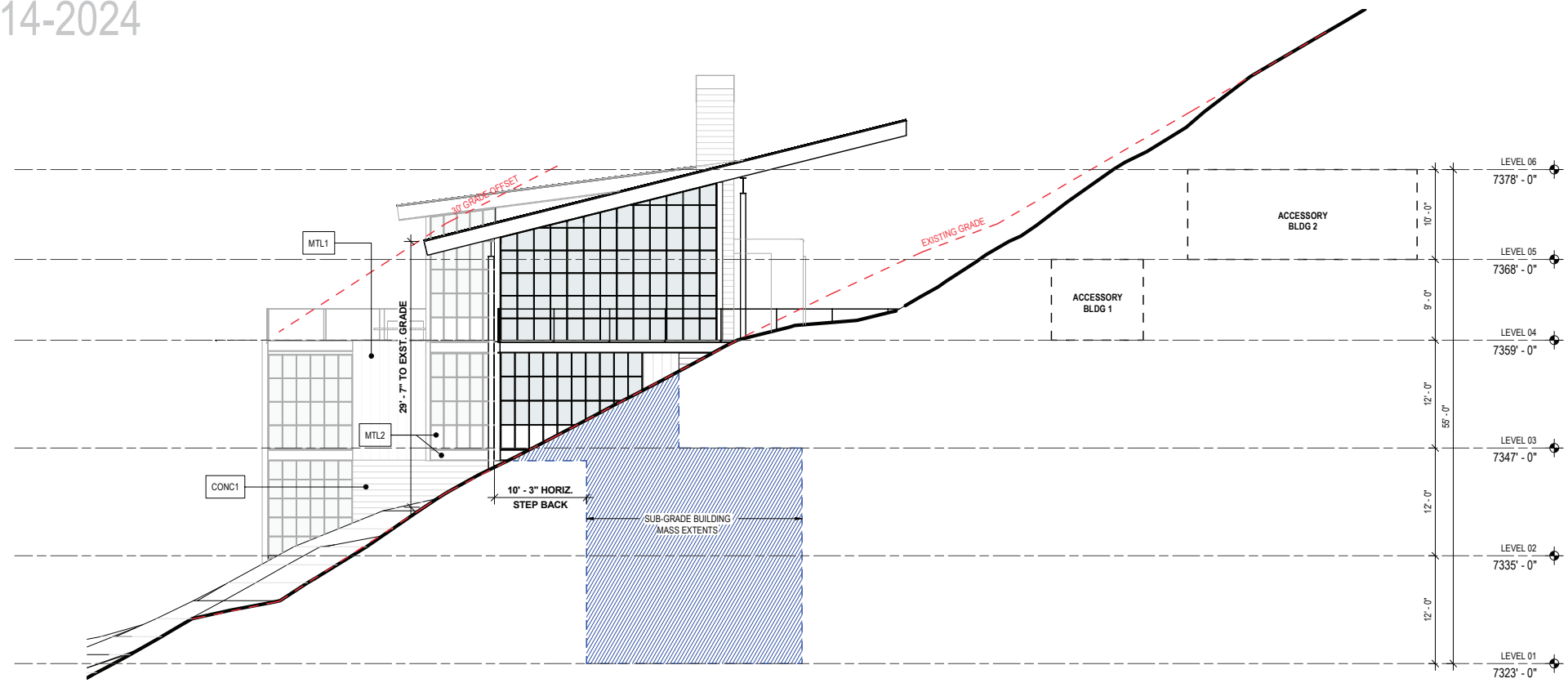
12/28/23

EXTERIOR ELEVATIONS

A3.00

MATERIAL LEGEND

MTL1	METAL PLANK SIDING VERTICALLY ORIENTED, ZINC FINISH
MTL2	PRE-WEATHERED STEEL
MTL3	STANDING SEAM ROOF PANEL, PRE-WEATHERED STEEL FINISH
CONC1	BOARD FORMED CONCRETE (12" PLANK FORMAT)
WD1	TONGUE AND GROOVE WOOD PLANK



2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

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220 KING ROAD
PARK CITY, UT 84060

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PLANNING COMMISSION

2/28/23

EXTERIOR ELEVATIONS

A3.01

Approved 2-14-2024



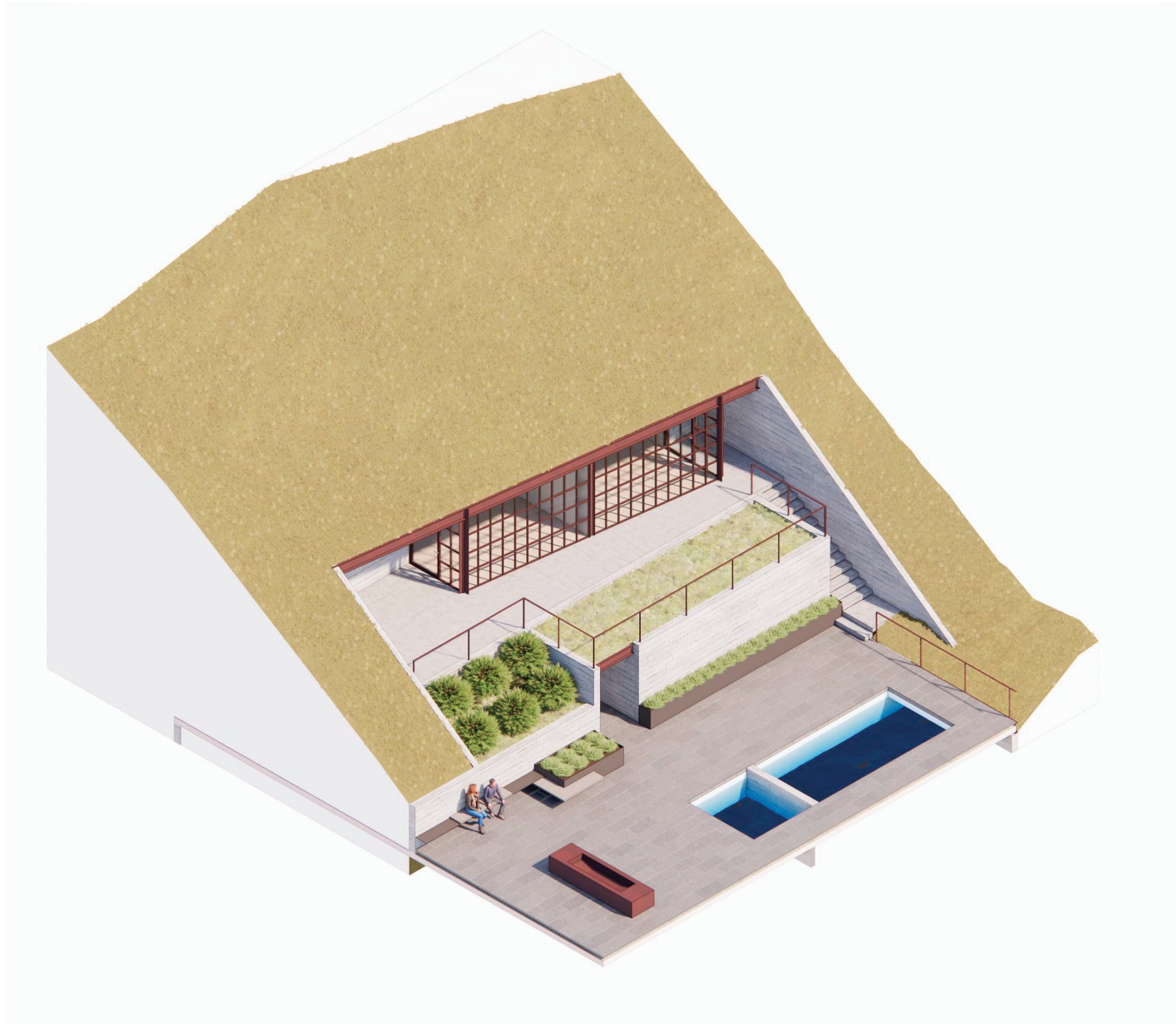
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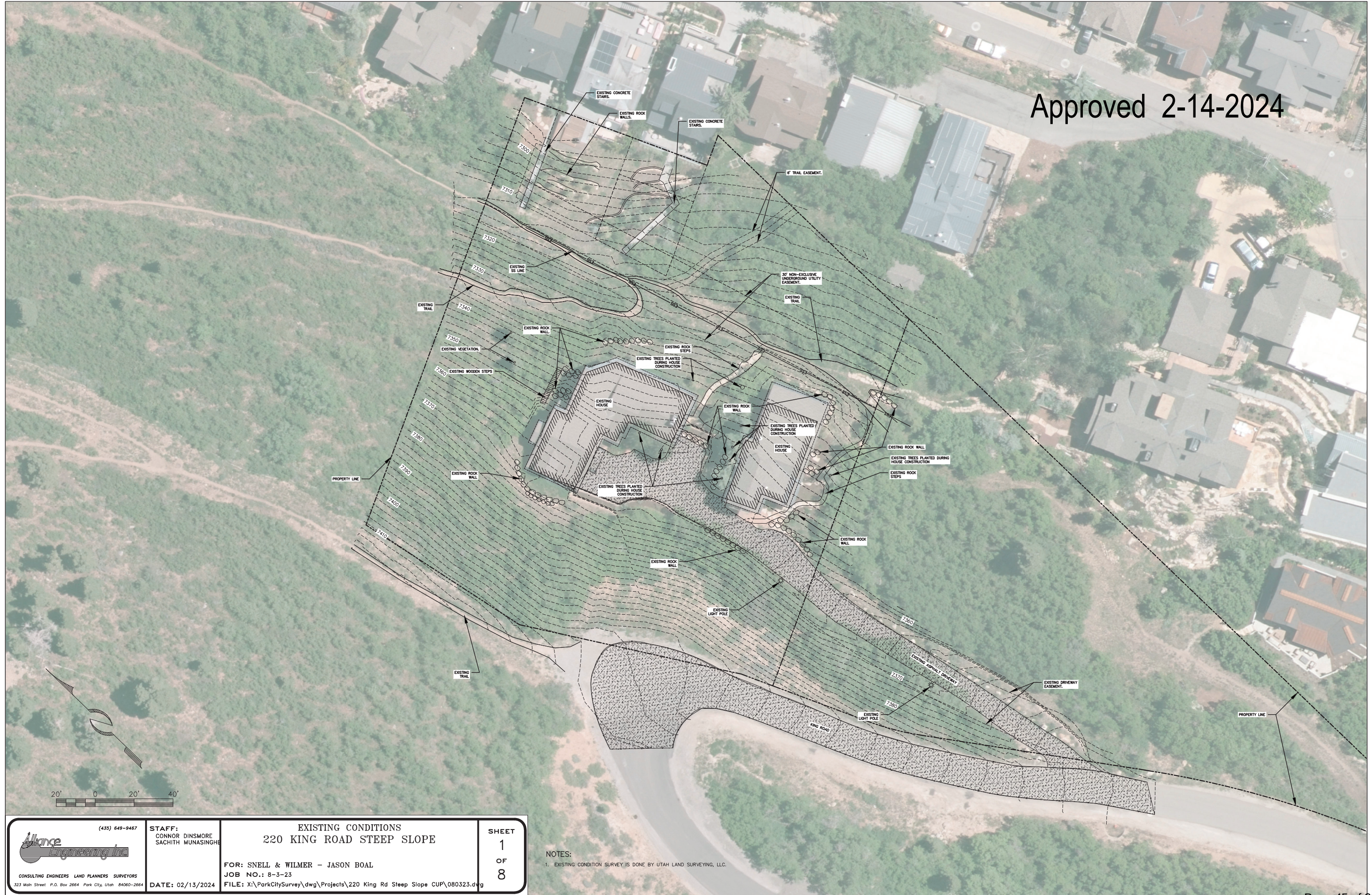






Grading Plan

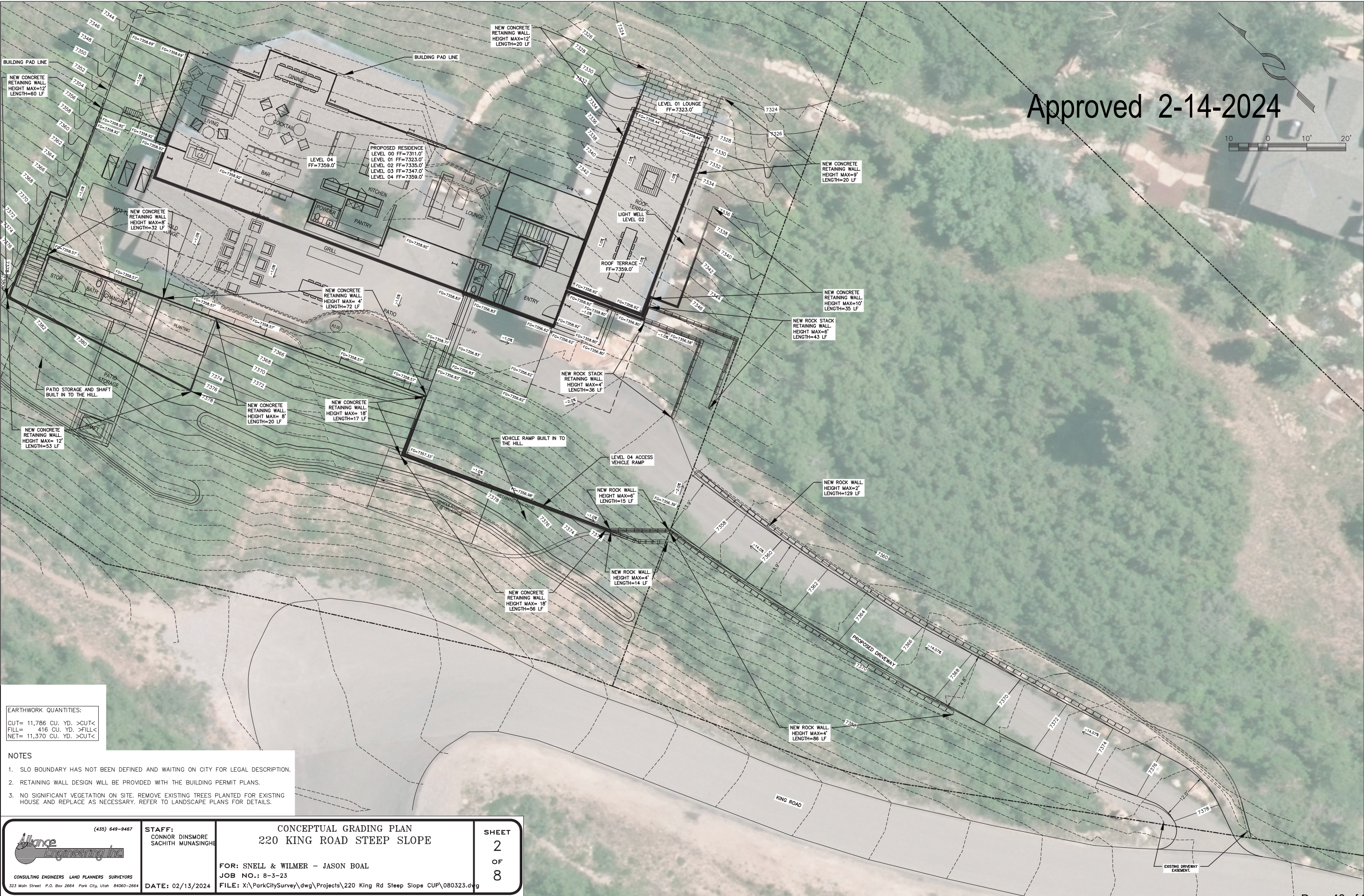
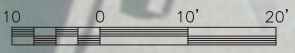
Approved 2-14-2024



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	EXISTING CONDITIONS 220 KING ROAD STEEP SLOPE FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg	SHEET 1 OF 8
	DATE: 02/13/2024			

NOTES:
1. EXISTING CONDITION SURVEY IS DONE BY UTAH LAND SURVEYING, LLC.

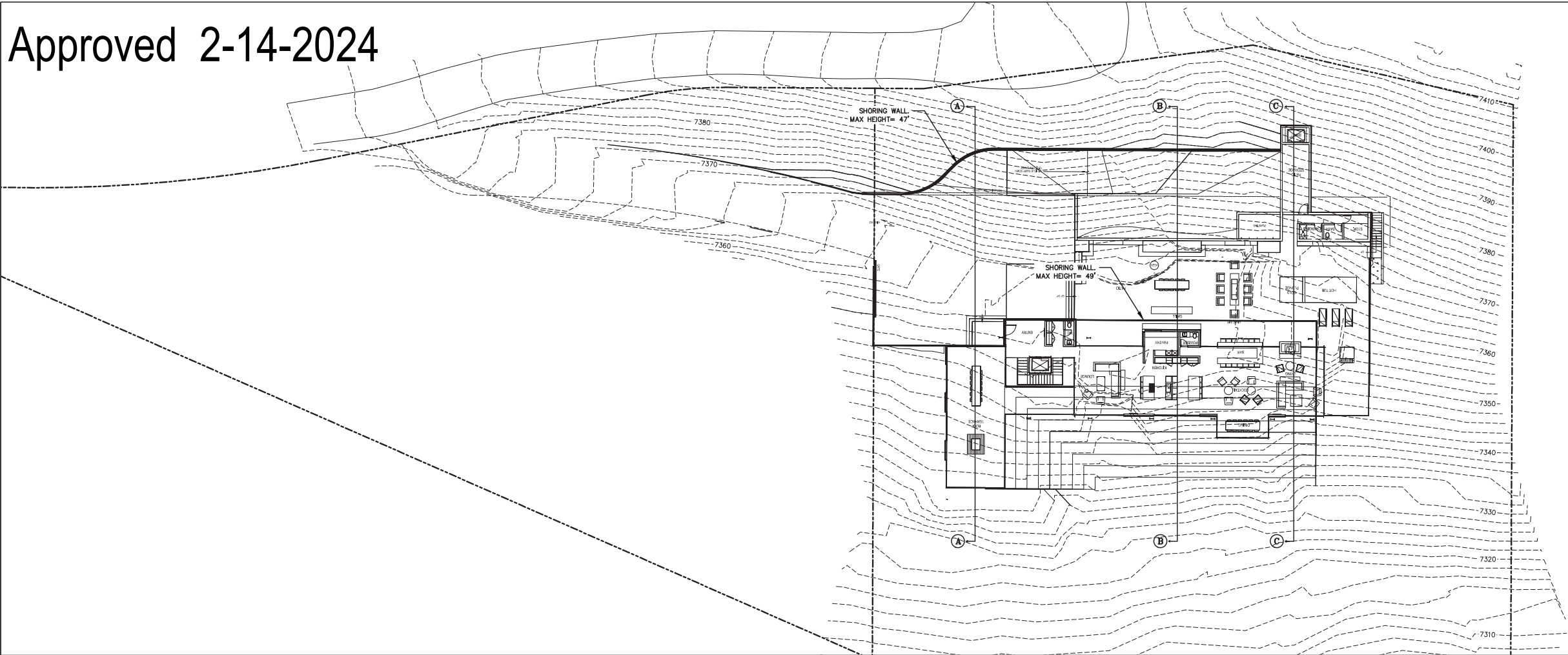
Approved 2-14-2024



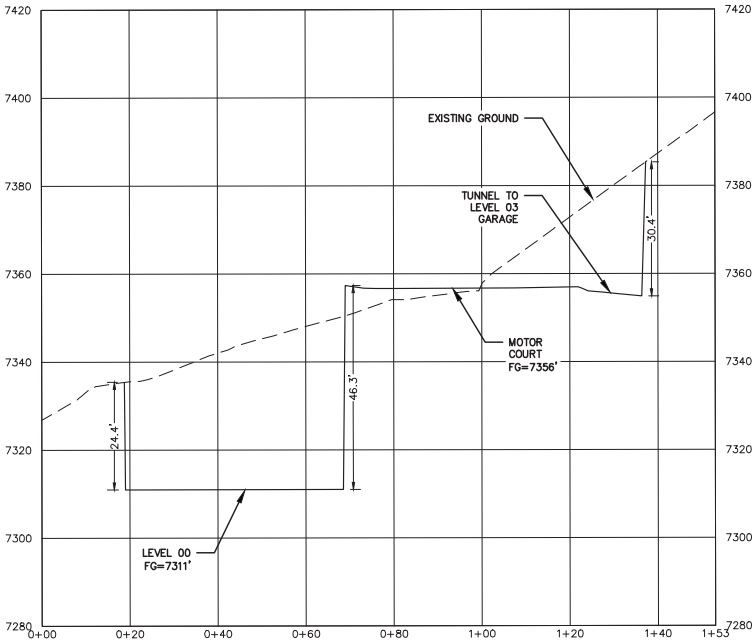
EARTHWORK QUANTITIES:
CUT= 11,786 CU. YD. >CUT<
FILL= 416 CU. YD. >FILL<
NET= 11,370 CU. YD. >CUT<

- NOTES
1. SLO BOUNDARY HAS NOT BEEN DEFINED AND WAITING ON CITY FOR LEGAL DESCRIPTION.
 2. RETAINING WALL DESIGN WILL BE PROVIDED WITH THE BUILDING PERMIT PLANS.
 3. NO SIGNIFICANT VEGETATION ON SITE. REMOVE EXISTING TREES PLANTED FOR EXISTING HOUSE AND REPLACE AS NECESSARY. REFER TO LANDSCAPE PLANS FOR DETAILS.

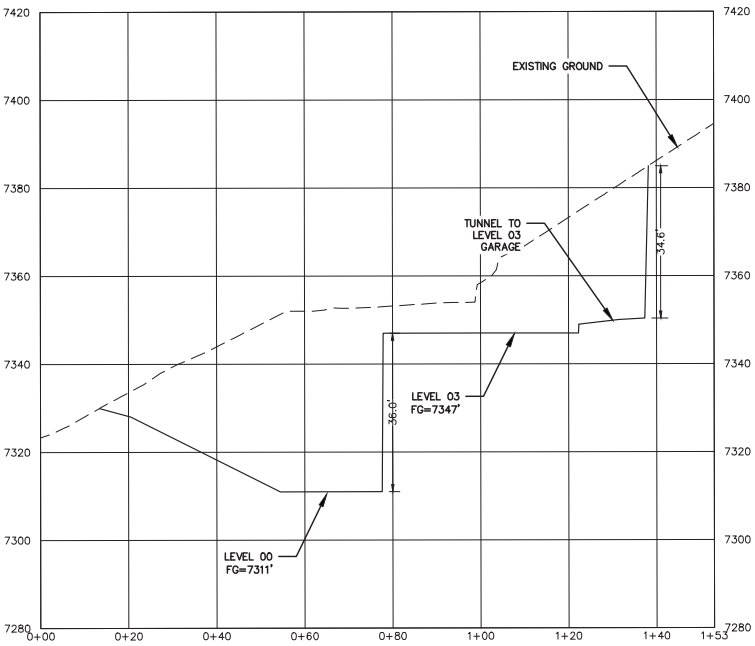
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	CONCEPTUAL GRADING PLAN 220 KING ROAD STEEP SLOPE	SHEET 2 OF 8
	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE		
	FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23		
	DATE: 02/13/2024 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg		



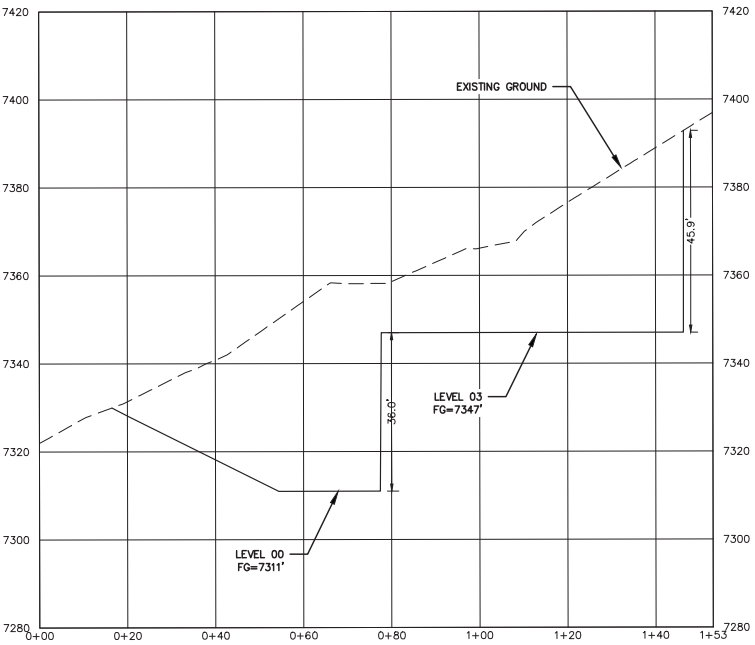
SECTION "A-A"



SECTION "B-B"



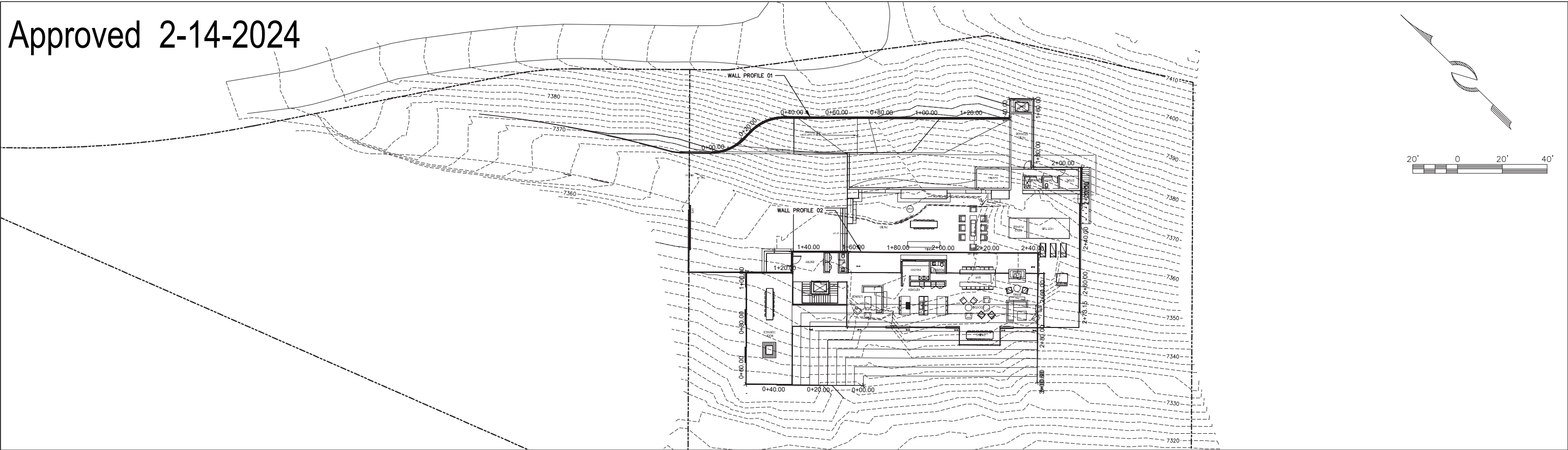
SECTION "C-C"



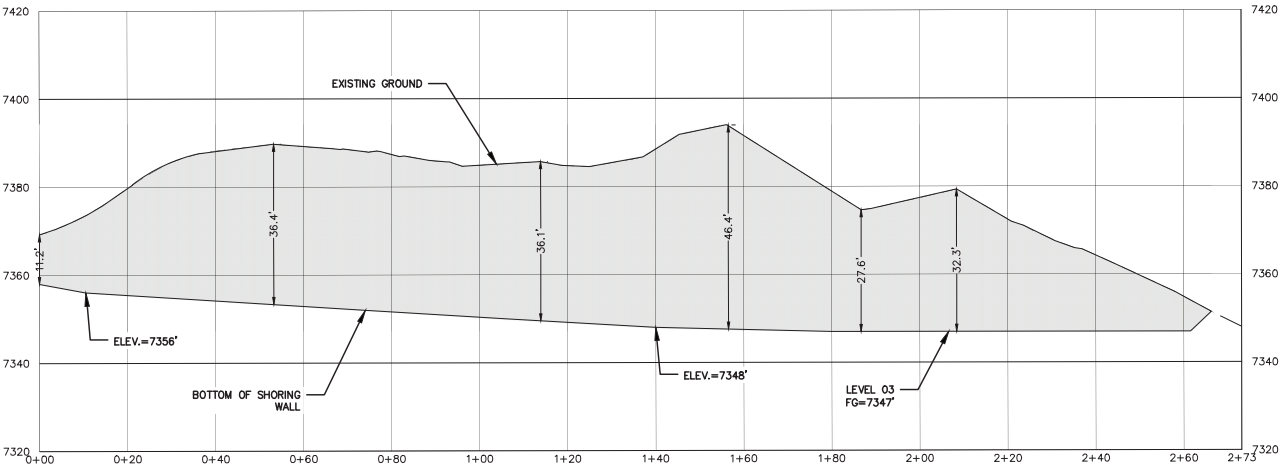
EARTHWORK QUANTITIES:
CUT= 11,786 CU. YD. >CUT<
FILL= 416 CU. YD. >FILL<
NET= 11,370 CU. YD. >CUT<

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	EXCAVATION SECTION VIEW 220 KING ROAD STEEP SLOPE	SHEET 7 OF 8
	DATE: 02/13/2024	FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg		

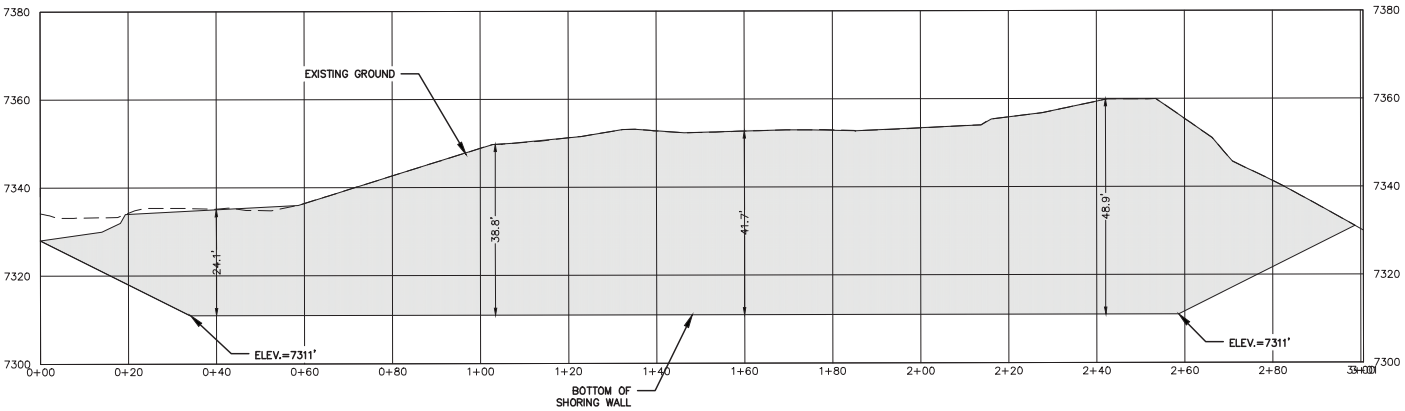
Approved 2-14-2024



WALL PROFILE 01



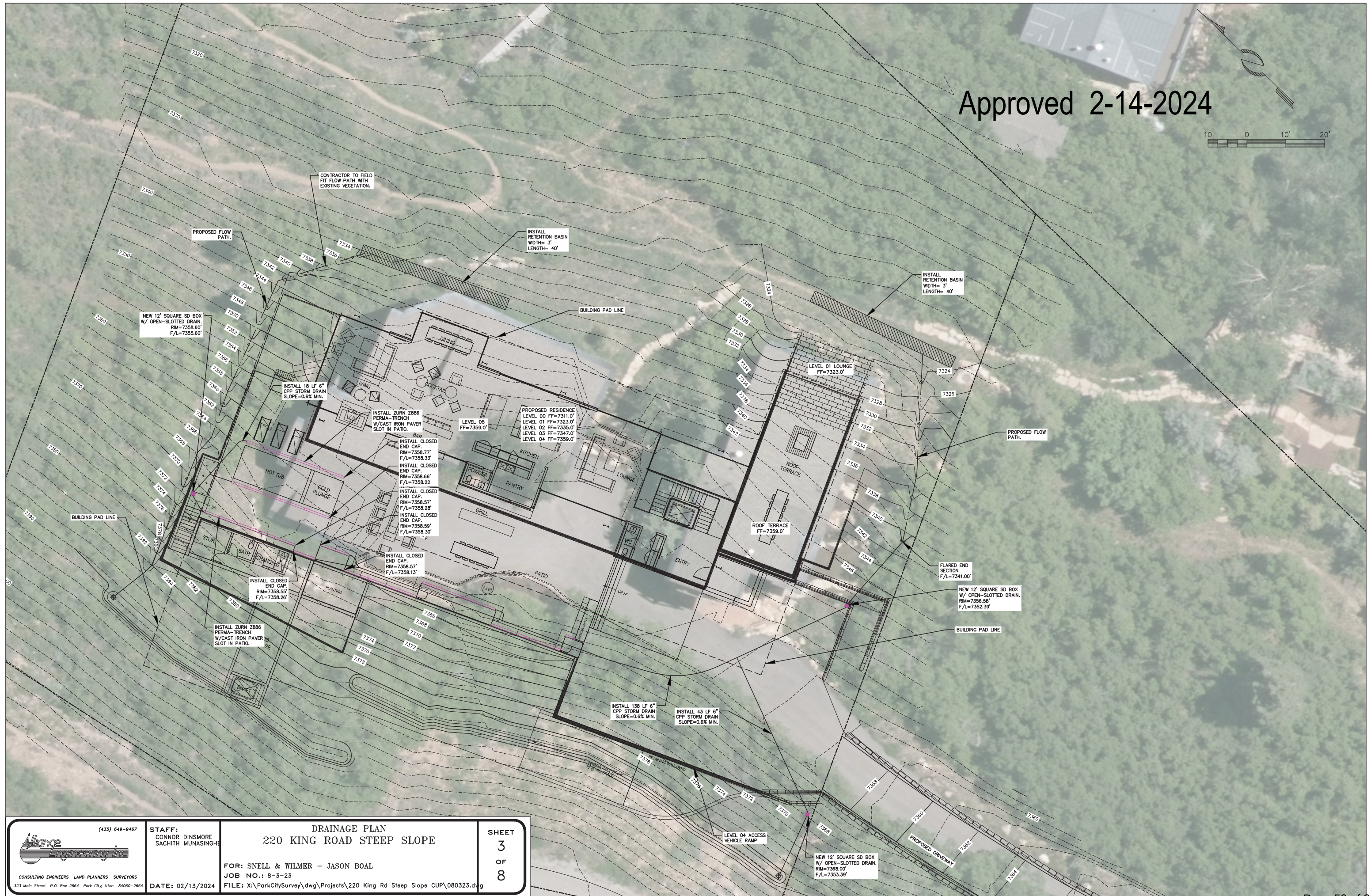
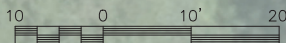
WALL PROFILE 02



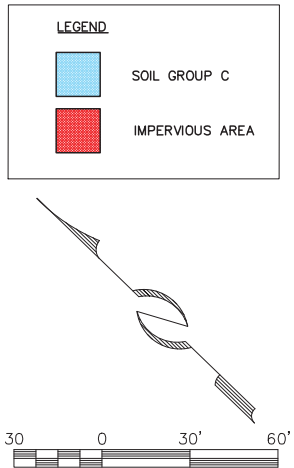
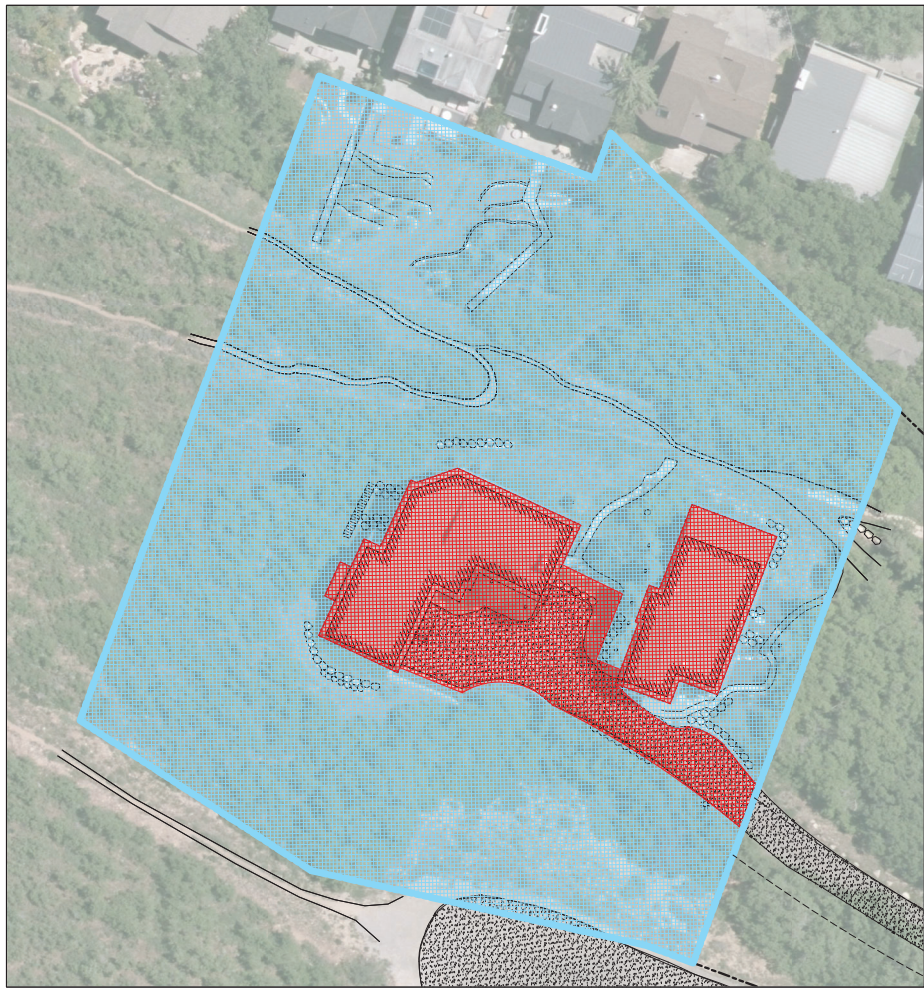
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	PLAN AND PROFILE OF THE SHORING WALL 220 KING ROAD STEEP SLOPE	SHEET 8 OF 8
	DATE: 02/13/2024	FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg		

Drainage Plan

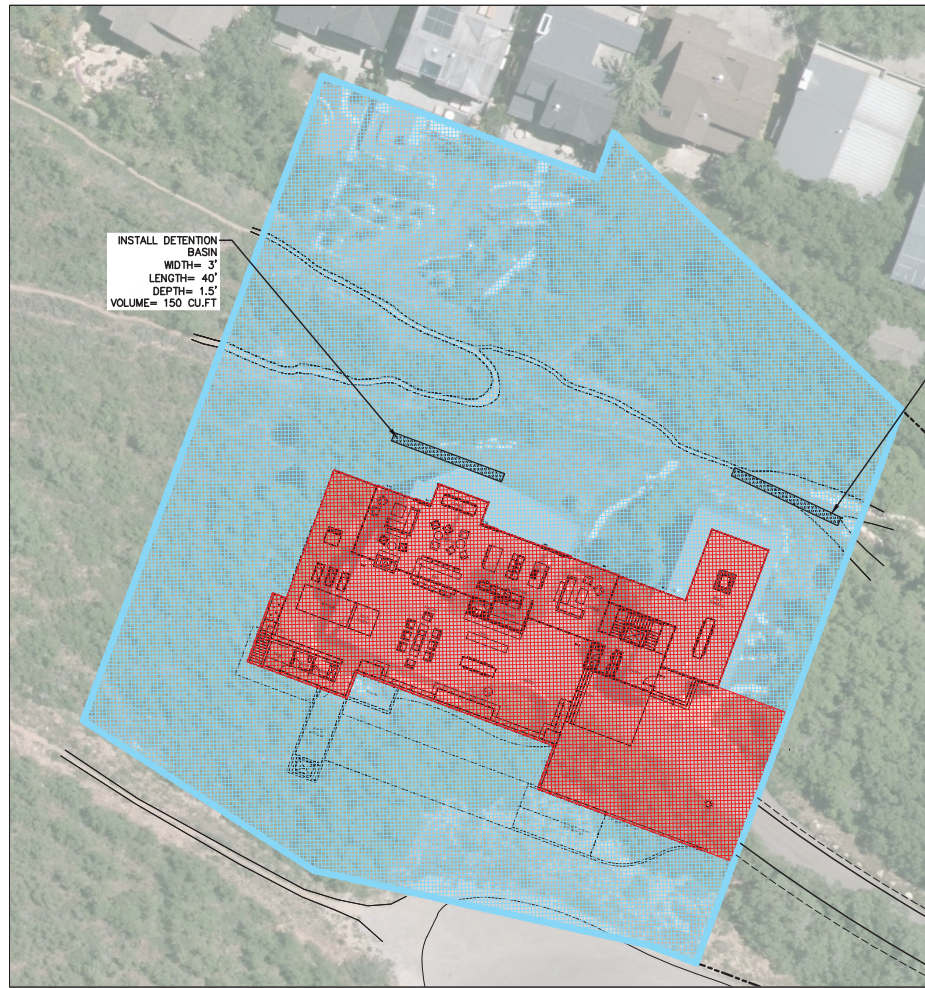
Approved 2-14-2024



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	DRAINAGE PLAN 220 KING ROAD STEEP SLOPE FOR: SNELL & WILMER - JASON BOAL JOB NO.: 8-3-23 FILE: X:\ParkCitySurvey\dwg\Projects\220 King Rd Steep Slope CUP\080323.dwg	SHEET 3 OF 8
	DATE: 02/13/2024			



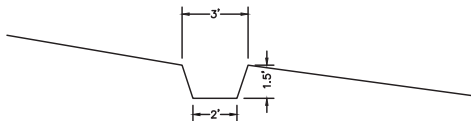
Approved 2-14-2024



INSTALL DETENTION BASIN
WIDTH= 3'
LENGTH= 40'
DEPTH= 1.5'
VOLUME= 150 CU.FT

INSTALL DETENTION BASIN
WIDTH= 3'
LENGTH= 40'
DEPTH= 1.5'
VOLUME= 150 CU.FT

TYPICAL STORMWATER
DETENTION POND
CROSS-SECTION



STORMWATER DETENTION REQUIRED = 232 CU. FT.
STORMWATER DETENTION PROVIDED = 300 CU. FT.

NOTES:

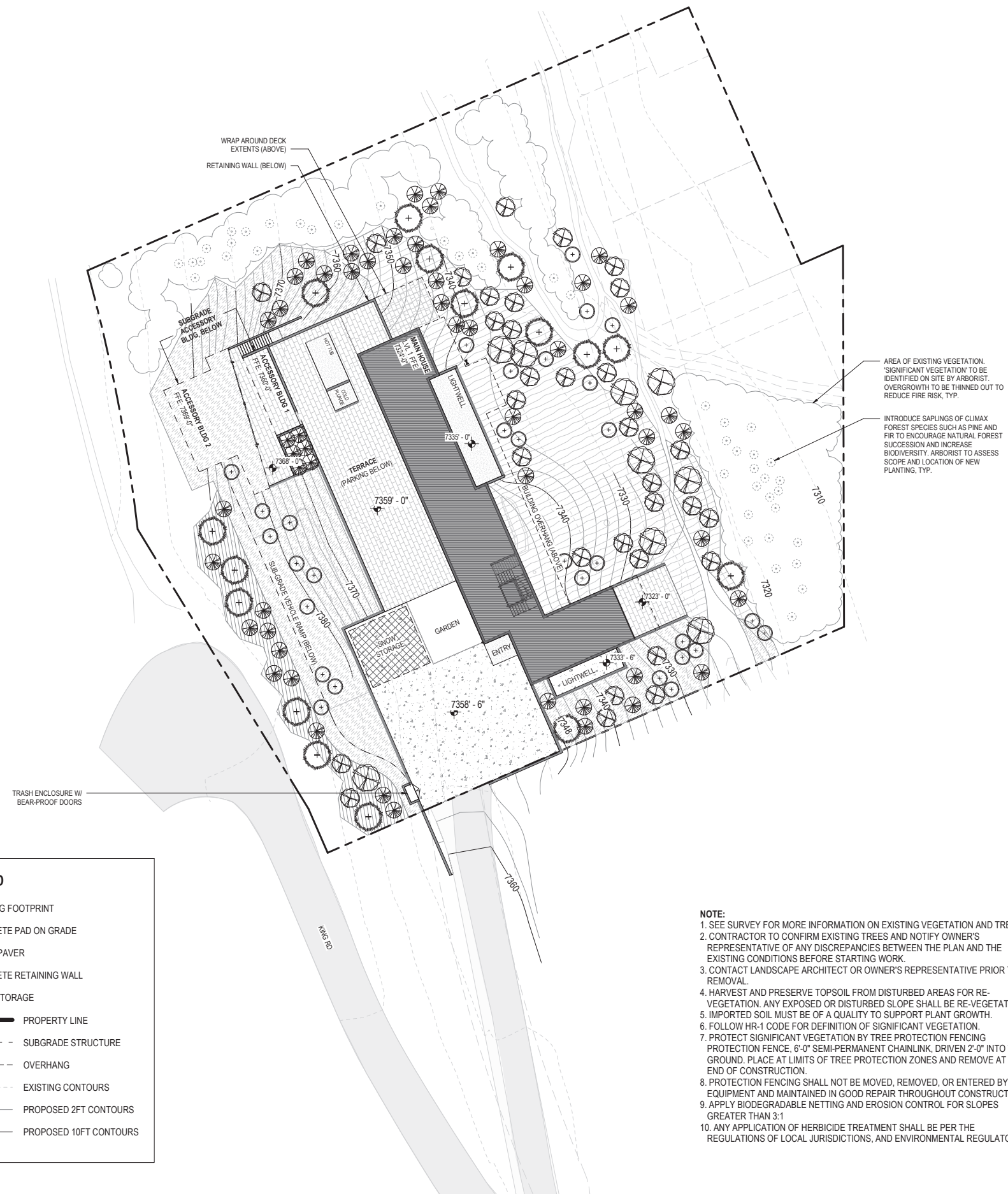
1. PEAK RUNOFF VOLUME OF 232 CU. FT. IS TO BE 100% DETAINED IN PROPOSED POND. THE DIMENSIONS OF THE DETENTION BASIN IS NOTED ON THE ABOVE PLAN. CUMULATIVE DETENTION VOLUME = 300 CU. FT.
2. OUTLET ROOF DRAINS SO THAT THE STORM WATER FLOWS FROM HOUSE DOWN GRADING AND INTO DETENTION BASIN.
3. STORMWATER DETENTION POND ALIGNMENT MAY VARY, FOLLOW EXISTING CONTOUR.
4. THE DETENTION POND HAVE BEEN SIZED TO DETAIN 100% OF THE WATER QUALITY VOLUME (PER SUMMIT COUNTY ORDINANCE NO. 381-A, APPENDIX F) MEETING THE COUNTY REQUIREMENTS FOR TSS REMOVAL AND GROUNDWATER RECHARGE.

WATER QUALITY VOLUME CALCULATIONS							
ASSUMPTIONS		PRE-DEVELOPMENT WATER QUALITY VOLUME			GROUNDWATER RECHARGE VOLUME		
METHOD OF ANALYSIS: WQ _v =CITA DESIGN STORM: 90TH PERCENTILE EVENT NOTE: INTENSITY = 0.60 IN/HR PER SUMMIT COUNTY MS4.		AREAS FOR WEIGHT AVERAGE "C":			ΔWQ _v = 130 CU FT		
VARIABLES		SLOPE		HYDROLOGIC SOIL GROUP			
Q = RUNOFF FLOWRATE [CUBIC FEET/SEC] C = RUNOFF COEFFICIENT (WEIGHT AVERAGE BY SOIL GROUP AND AREA TYPE) RUNNOFF COEFFICIENTS "C":				A	B	C	D
		FLAT (0-2%)					
		AVERAGE (2-6%)					
		STEEP (>6%)				45,298	
		SURFACING		PERVIOUS		IMPERVIOUS	
		HARDSCAPE				8,509	
				A= 53,807 FT ²			
				C= 0,37			
				i= 0,05 FT/HR		ΔWQ _v = 1,005 CU FT	
				t= 1,00 HR			
		POST-DEVELOPMENT WATER QUALITY VOLUME					
		AREAS FOR WEIGHT AVERAGE "C":					
		SLOPE		HYDROLOGIC SOIL GROUP			
				A	B	C	D
		FLAT (0-2%)					
		AVERAGE (2-6%)					
		STEEP (>6%)				41,322	
		SURFACING		PERVIOUS		IMPERVIOUS	
		HARDSCAPE				12,485	
				A= 53,807 FT ²			
				C= 0,42			
				i= 0,05 FT/HR		ΔWQ _v = 1,135 CU FT	
				t= 1,00 HR			

PEAK RUNOFF CALCULATIONS									
ASSUMPTIONS			PRE-DEVELOPMENT PEAK DISCHARGE					EXCESS RUNOFF STORAGE VOLUME	
METHOD OF ANALYSIS: RATIONAL METHOD $Q=CIA$			AREAS FOR WEIGHT AVERAGE "C":					$\Delta Q=$ 0,39 CFS	
STORM RETURN PERIOD: 100 YEARS								t= 600 SEC.	
NOTE: FOR THE 100 YR RECURRENTIAL INTERVAL, THE COMPOSITE "C" VALUE IS ADJUSTED BY A FACTOR OF 1.25 BEFORE COMPUTING Q.			SLOPE					V= 232 CU FT	
STORM DURATION: 10 MN.									
SOURCE: NOAA ATLAS 14 - PARK CITY RADIO STATION 42-6648			HYDROLOGIC SOIL GROUP						
VARIABLES									
Q = RUNOFF FLOWRATE [CUBIC FEET/SEC]			A						
C = RUNOFF COEFFICIENT									
(WEIGHT AVERAGE BY SOIL GROUP AND AREA TYPE)			C _{ADJ}						
RUNOFF COEFFICIENTS "C":									
SLOPE			HYDROLOGIC SOIL GROUP						
FLAT (0-2%)			A= 1,24 ACRES						
AVERAGE (2-6%)			C= 0,37						
STEEP (>6%)			C _{ADJ} = 0,47					Q= 2,88 CFS	
SURFACING			i= 5,00 IN/HR						
HARDSCAPE									
POST-DEVELOPMENT PEAK DISCHARGE									
AREAS FOR WEIGHT AVERAGE "C":									
SLOPE									
HYDROLOGIC SOIL GROUP									
FLAT (0-2%)									
AVERAGE (2-6%)									
STEEP (>6%)									
SURFACING									
HARDSCAPE									
A= 1,24 ACRES									
C= 0,42									
C _{ADJ} = 0,53									
i= 5,02 IN/HR									
Q= 3,27 CFS									

Landscape/Vegetation Plan

Approved 2-14-2024



PLANTING SCHEDULE

TREES					
	ABBR.	BOTANICAL NAME	COMMON NAME	SIZE	QTY.
	PT-1	<i>Populus tremuloides</i>	Quaking Aspen	1 1/2" CAL	32
	PT-2	<i>Populus tremuloides</i>	Quaking Aspen	4" CAL	9
	AC	<i>Abies concolor</i>	White Fir	#65 (7FT TALL)	55
	PM	<i>Pseudotsuga menziesii</i>	Douglas Fir	4" CAL, #95/100	16
	SA	(mixed native species)	Sapling	#5	TBD

SHRUBS				
ABBR.	BOTANICAL NAME	COMMON NAME	SIZE	QTY.
⊕ - QB	<i>Quercus gambelii</i>	Colorado Scrub Oak	#10	30

GRASS AND PERENNIAL				
TYPE	BOTANICAL NAME	COMMON NAME	SIZE	QTY.
NATIVE GRASS MIX			1 GAL	7,591 S
	<i>Festuca ovina</i>	Sheep Fescue		
	<i>Bouteloua gracilis</i>	Blue Grama Grass		
	<i>Bouteloua curtipendula</i>	Sideoats Grama		
	<i>Artemisia tridentata</i> var. <i>vaseyana</i>	Vasey's Sagebrush		
	<i>Penstemon strictus</i>	Rocky Mountain Penstemon		
	<i>Achillea millefolium</i>	Common Yarrow		

NATIVE PARTIAL SHADE MIX		1 GAL	7,637 S
<i>Festuca ovina</i>	Sheep Fescue		
<i>Stipa hymenoides</i>	Indian Rice Grass		
<i>Leymus cinereus</i>	Great Basin Rye		
<i>Machaeranthera tanacetifolia</i>	Tahoka Daisy		
<i>Geranium viscosissimum</i>	Wild Geranium		
<i>Sphaeralcea grossularifolia</i>	Globeamallow		

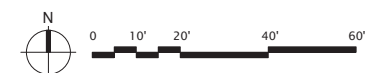
 NATIVE RE-VEGETATION SEEDING MIX HYDROSEEDING 1,647 S

KEY LEGEND

 BUILDING FOOTPRINT
 CONCRETE PAD ON GRADE
 STONE PAVER
 CONCRETE RETAINING WALL
 SNOW STORAGE
 PROPERTY LINE
 SUBGRADE STRUCTURE
 OVERHANG
 7320 EXISTING CONTOURS
 7330 PROPOSED 2FT CONTOURS
 7330 PROPOSED 10FT CONTOURS

NOTE:

1. SEE SURVEY FOR MORE INFORMATION ON EXISTING VEGETATION AND TREES.
2. CONTRACTOR TO CONFIRM EXISTING TREES AND NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES BETWEEN THE PLAN AND THE EXISTING CONDITIONS BEFORE STARTING WORK.
3. CONTACT LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE PRIOR TO REMOVAL.
4. HARVEST AND PRESERVE TOPSOIL FROM DISTURBED AREAS FOR RE-VEGETATION. ANY EXPOSED OR DISTURBED SLOPE SHALL BE RE-VEGETATED.
5. IMPORTED SOIL MUST BE OF A QUALITY TO SUPPORT PLANT GROWTH.
6. FOLLOW HR-1 CODE FOR DEFINITION OF SIGNIFICANT VEGETATION.
7. PROTECT SIGNIFICANT VEGETATION BY TREE PROTECTION FENCING PROTECTION FENCE, 6'-0" SEMI-PERMANENT CHAINLINK, DRIVEN 2'-0" INTO THE GROUND. PLACE AT LIMITS OF TREE PROTECTION ZONES AND REMOVE AT THE END OF CONSTRUCTION.
8. PROTECTION FENCING SHALL NOT BE MOVED, REMOVED, OR ENTERED BY EQUIPMENT AND MAINTAINED IN GOOD REPAIR THROUGHOUT CONSTRUCTION.
9. APPLY BIODEGRADABLE NETTING AND EROSION CONTROL FOR SLOPES GREATER THAN 3:1
10. ANY APPLICATION OF HERBICIDE TREATMENT SHALL BE PER THE REGULATIONS OF LOCAL JURISDICTIONS, AND ENVIRONMENTAL REGULATORS.



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Seattle, Washington 98104 USA
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Olson Kundig

project.

PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect TK
project manager SG
drawn by _____
Author
checked by Checker
job no. 20102
date 12/28/23

revisions:

[illegible]

no.	date	by
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NOT FOR CONSTRUCTION

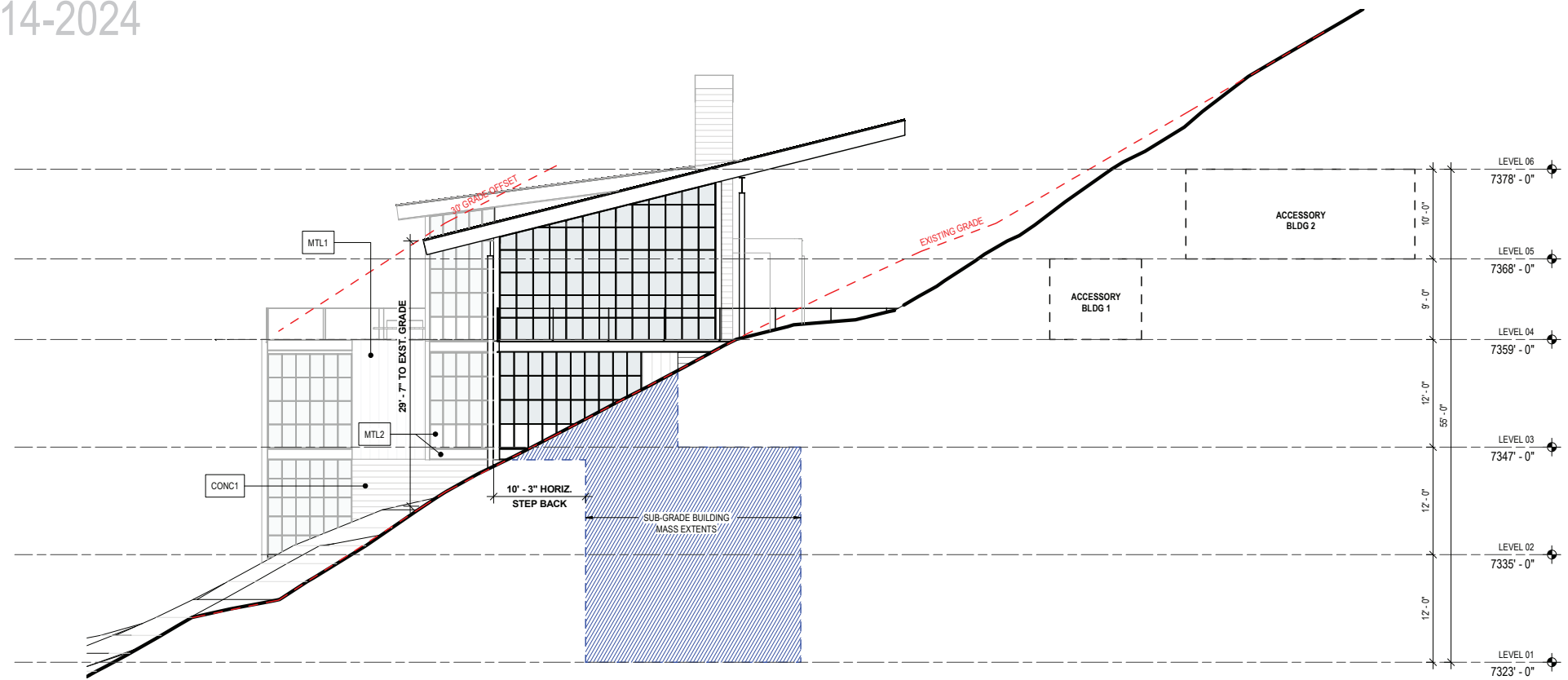
PLANNING COMMISSION

12/28/23

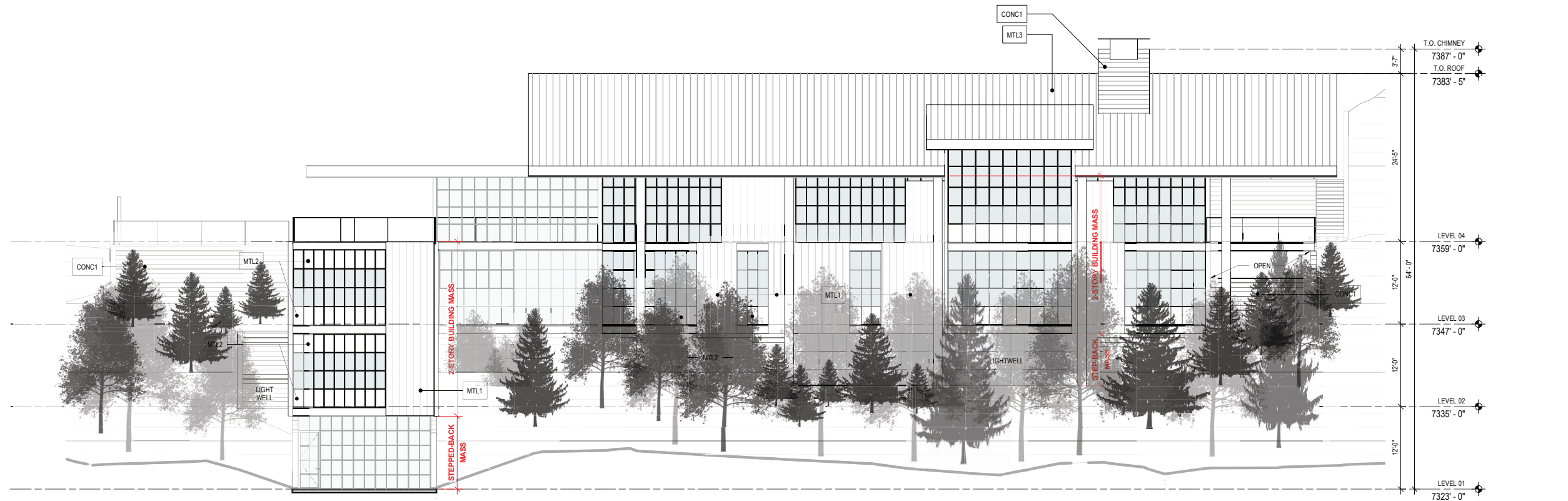
SITE PLAN - LANDSCAPE

A1.03

Approved 2-14-2024



2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



1 EAST ELEVATION
SCALE: 1/8" = 1'-0"



<u>MATERIAL LEGEND</u>	
MTL1	METAL PLANK SIDING, VERTICALLY ORIENTED, ZINC-FINISH
MTL2	PRE-WEATHERED STEEL
MTL3	STANDING SEAM ROOF PANEL, PRE-WEATHERED STEEL FINISH
CONC1	BOARD FORMED CONCRETE (12" PLANK FORMAT)
WD1	TONGUE AND GROOVE WOOD PLANK

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Seattle, Washington 98104 USA
+1 206 624 5670 olsonkundig.com

Olson Kundig

PARK CITY RESIDENCE - PRINCE
220 KING ROAD
PARK CITY, UT 84060

principal architect TK _____
project manager SG _____
drawn by _____
checked by _____
job no. 20102 _____
date 12/28/23 _____

revisions:

revisions:

[illegible]

no.	date	by
-----	------	----

NOT FOR CONSTRUCTION

PLANNING COMMISSION

2/28/23

EXTERIOR ELEVATIONS

A3.01

Plat Amendment
File No. PL-22-05318

Findings of Fact

1. The Applicant has proposed a new plat entitled the Second Amendment for Lot 2, Phase 1, Treasure Hill Subdivision (“Amended Plat”), a copy of which is attached hereto as Exhibit A, which will amend the existing Lot 2, Phase 1 Treasure Hill Subdivision Plat, including the Amended Plat’s notes which are attached hereto as Exhibit B.

2. On July 18, 2022, the applicant Pesky Porcupine LLC (“Applicant”) submitted an application for a proposed subdivision plat amendment in connection with a proposed single-family residence to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the “Property”).

3. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the “Amended Sweeney Properties MPD”). The Property is also platted within the First Amended Lot 2, Phase 1, Treasure Hill Subdivision of record with the Summit County Recorder’s Office (“Treasure Hill Subdivision Plat”).

4. The Property is currently being used for two single-family residences that the Applicant intends to demolish to construct a new single residence.

5. The Amended Plat differs from the Treasure Hill Subdivision Plat in two ways. First, the Amended Plat modifies plat note 1 on the Treasure Hill Subdivision Plat to align with the Amended Sweeney Properties MPD approval conditions and other phases within the Amended Sweeney Properties MPD. Second, the Amended Plat modifies the buildable area by reducing the overall buildable area and relocating a portion thereof to the west side of the Property, as depicted on the attached Amended Plat.

6. The Applicant submitted all materials required by the Park City Land Management Code (“LMC”) for the proposed plat amendment.

7. The Planning Commission has authority to act as the land use authority to approve the Amended Plat pursuant to LMC § 15-7-7.

8. After carefully reviewing the Amended Plat, the Amended Sweeney Properties MPD approval documents, other materials presented by the Applicant, and input received by the Applicant, City staff, and the public in a public hearing, the Planning Commission has determined that good cause exists for amending the Treasure Hill Subdivision Plat via the Amended Plat as more fully specified below. *See* Utah Code § 10-9a-609(1)(a).

9. The Planning Commission further concludes that no public street or municipal utility easement is being vacated or amended by the Amended Plat. *See* Utah Code § 10-9a-609(1)(b).

9-10. The Planning Commission expressly finds this approval is limited to the Amended Plat of the Amended Sweeney Properties Master Planned Development, and such shall not create any precedent nor interpretation of general applicability in the Historic Residential – 1 Zoning District, for current Land Management Code regulations, or other plat amendments.

Additional Findings

10-11. The Planning Commission, as the land use authority, finds that there is good cause to approve the Amended Plat based on the following:

a. Note 1 of the Treasure Hill Subdivision Plat contains a development limitation that buildings must have a building footprint of 3,500 square feet or less. That allowable building footprint includes garages but does not include:

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

Note 1 was included on the Treasure Hill Subdivision Plat but was not imposed upon the Property via the Amended Sweeney Properties MPD. Other subdivisions within the Amended Sweeney Properties MPD define “building footprint” more broadly and nothing within the Amended Sweeney Properties MPD requires the Treasure Hill Subdivision Plat’s more restrictive definition.

b. The Amended Plat also contains a building footprint limitation of 3,500 square feet or less. The allowable building footprint includes garages but does not include:

- i. Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
- ii. Exterior walkways;
- iii. Exterior stairs;
- iv. Driveways; and
- v. That portion of any ~~garage, carport, mechanical space, parking area, or~~ living space that is located below existing grade and which has landscaping or deck (as provided in (1(A)) located above ~~the garage, carport, mechanical space, or living space~~it.

c. The Amended Plat’s development limitation is more consistent with the Amended Sweeney Properties MPD approval as the building footprint limitation was intended to limit the visual impact of development and subgrade improvements, excluded under the Amended Plat, have a de minimis visual impact on adjacent uses.

d. The overall buildable area of the Treasure Hill Subdivision Plat is 490 square feet larger than the buildable area of Amended Plat. The Amended Plat removes buildable area from portions of the Property that are visible to downtown Park City and relocates such buildable area to the west side of the Property to reduce the visual impact of the buildable area.

e. The Planning Commission finds that good cause exists, *see* LMC §§ 15-15-1 & 15-7.1-3.B, for amending the Treasure Hill Subdivision Plat based on the following:

- i. The Amended Plat resolves an existing non-conformity as the two residential units constructed on a single lot will be demolished in favor of a single residential unit on a single lot.
- ii. The Amended Plat preserves the character of the neighborhood and Park City as the Amended Plat is more consistent with the Amended Sweeney Properties MPD approval.
- iii. Reducing the buildable area and relocating a portion of the buildable area will reduce the visual impact of the Property's development. This is consistent with best planning and design practices.
- iv. The Amended Plat facilitates the construction of a single residence in place of two residence that ~~have been are presently~~ used as short-term rentals. Demolishing the two existing short-term rentals reduces the overall density of the area, alleviates traffic, decreases utility usage, minimizes noise and light pollution, and is more consistent with neighboring uses.
- v. The Amended Plat facilitates the termination of the existing short-term rentals. This furthers the health, safety, and welfare of the Park City community as it will decrease the number of unknown persons in the community and increase the overall sense of community by housing long-term residents.

f. The Amended Plat includes all existing public streets and municipal utility easements and does not propose to vacate or amend the same.

Conclusion

Based on the foregoing, good cause exists to approve the Amended Plat as it satisfies the requirements of Utah Code § 10-9a-609(1) and LMC § 15-7-7. The Planning Commission concludes it is appropriate to approve the Amended Plat.

Conditions of Approval

The Conditional Use Permit and Steep Slope Conditional Use Permit Conditions of Approval below are incorporated herein.

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Page 59 of 287

Exhibit B
Amended Plat Notes

SPECIAL RESTRICTIONS FOR SINGLE FAMILY HOMES TO BE CONSTRUCTED AS SHOWN HEREON:

1. PRECEDENCE. THE BELOW SPECIAL RESTRICTIONS ARE CONSISTENT WITH THE SWEENEY MASTER PLAN APPROVED BY THE PARK CITY MUNICIPAL CORPORATION ON OCTOBER 16, 1986 AND ASSUBSEQUENTLY AMENDED ON OCTOBER 14, 1987 AND DECEMBER 30, 1992. FINAL HOUSE DESIGN SHALL BE REVIEWED UNDER THE CONDITIONAL USE PERMIT PROCESS IN ACCORDANCE WITH THE SWEENEY MASTER PLAN.

24. FOOTPRINT. THE RESIDENTIAL FOOTPRINT OF THE DWELLING ("MAIN HOUSE"), TO BE LOCATED ON THE SECOND AMENDMENT FOR LOT 2, PHASE I, TREASURE HILL SUBDIVISION (THE "LOT"), SHALL BE CALCULATED FROM THE OUTSIDE FACE OF WALLS **ON ANY SINGLE LEVEL**, AND A MAXIMUM OF THREE THOUSAND FIVE HINDERED (3,500) SQUARE FEET FOOTPRINT INCLUDING GARAGES. THE FOLLOWING SHALL NOT COUNT TOWARD THE FOOTPRINT CALCULATIONS:

- a) DECK WHICH IS OPEN ON AT LEAST TWO SIDES, BUT WHICH MAY HAVE RAILINGS AS REQUIRED, COVERED OR UNCOVERED, AND THAT DOES NOT HAVE ABOVE-EXISTING NATURAL GRADE OR LIVING SPACE LOCATED BELOW OR ABOVE IT;
- b) EXTERIOR WALKWAYS;
- c) EXTERIOR STAIRS;
- d) DRIVEWAY; AND
- e) THAT PORTION OF ANY GARAGE, CARPORT, MECHANICAL SPACE, PARKING AREA, OR LIVING SPACE THAT IS LOCATED BELOW EXISTING GRADE AND WHICH HAS LANDSCAPING OR DECK (AS PROVIDED IN 1(A)) LOCATED ABOVE IT.**

32. BUILDING AREA LIMITS. IMPROVEMENTS, INCLUDING FENCES AND FORMAL LANDSCAPING (UNLESS OTHERWISE PERMITTED UNDER EASEMENTS OR AGREEMENTS OF RECORD OR AS SHOWN ON THE PLAT OR AS CONSISTENT WITH THE APPROVED CONSTRUCTION DRAWINGS OF THE DRIVEWAYS, UPPER NORFOLK TURNAROUND, KING ROAD TURNAROUND, SKI BRIDGE AND UTILITY PLANS) SHALL BE LIMITED TO THE BUILDING AREA LIMITS NOTED ON THE PLAT.

43. CONSTRUCTION DISTURBANCE. UNLESS OTHERWISE PROVIDED IN AGREEMENTS WITH PARK CITY MUNICIPAL CORPORATION WHICH ARE OF RECORD, TEMPORARY CONSTRUCTION DISTURBANCE SHALL BE LIMITED TO TWENTY (20) FEET BEYOND THE BUILDING AREA LIMITS OR TO ADJOINING LOT PROPERTY LINES WHICH EVER IS CLOSER. SUCH DISTURBED AREA SHALL BE REVEGETATED WITH NATIVE

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LANDSCAPING.

~~54.~~ HEIGHT. THE BUILDING HEIGHT SHALL BE MEASURED FROM EXISTING GRADE TO THE TOP OF THE FLAT ROOFS AND TO THE RIDGE OF PITCHED ROOFS. THE MAXIMUM HEIGHT, IN GENERAL, SHALL BE TWENTY -FIVE (25) FEET FOR FLAT ROOFS AND THIRTY (30) FEET FOR PITCHED ROOFS. A MAXIMUM HEIGHT OF TWENTY EIGHT (28) FEET FOR FLAT ROOFS AND THIRTY-THREE (33) FEET FOR PITCHED ROOFS SHALL BE PERMITTED FOR THE EXPRESSED PURPOSE OF ACCOMMODATING ACCESS AND LIGHT FEATURES NO GREATER THAN 24 FEET IN LENGTH, I.E. STAIRWELLS AND/OR ELEVATORS,

BETWEEN FLOOR LEVELS. IN ACCORDANCE WITH THE SWEENEY MPD, WHICH WAS APPROVED BY THE PARK CITY MUNICIPAL CORPORATION ON OCTOBER 16, 1986, AND AS SUBSEQUENTLY AMENDED ON OCTOBER 14, 1987 AND DECEMBER 30, 1992, BUILDING HEIGHT SHALL ONLY BE MEASURED AS OUTLINED IN THIS PLAT NOTE #54 AND THERE ARE NO INTERIOR HEIGHT RESTRICTIONS.

~~65.~~ FACADE HEIGHT, EASTERLY FACING. THE MAXIMUM FACADE HEIGHT FOR THE EASTERLY FACING FACADES WITHOUT A STEP BACK OR STEP OUT OF AT LEAST FIVE (5) FEET SHALL BE TWENTY FIVE (25) FEET FROM EXISTING OR REESTABLISHED GRADE WHICHEVER IS GREATER.

~~76.~~ MASSING. HOUSE DESIGNS MAY BE COMPRISED OF ONE OR MORE CONNECTED OR UNCONNECTED BUILDING MASSES. NO ONE BUILDING MASS WITHIN THE 3,500 SQUARE FOOT FOOTPRINT REFERENCED IN NOTE 1 ABOVE, SHALL HAVE A FOOTPRINT THAT EXCEEDS 1,500 SQUARE FEET. MASSING ELEMENTS SHALL BE SEPARATED BY HORIZONTAL AND/OR VERTICAL FACADE BREAKS.

~~87.~~ SEWER LATERALS. MAINTENANCE AND REPLACEMENT OF SEWER LATERALS SHALL BE THE RESPONSIBILITY OF THE OWNER(S) AND NOT THAT OF SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT.

~~98.~~ FIRE SPRINKLING. INTERNAL AND EXTERNAL MODIFIED 13d FIRE SPRINKLERS SHALL BE PROVIDED FOR THE HOME. WOOD ROOFING MATERIAL SHALL BE PROHIBITED.

9. PRECEDENCE. THE ABOVE SPECIAL RESTRICTIONS ARE CONSISTENT WITH THE SWEENEY MASTER PLAN APPROVED BY THE PARK CITY MUNICIPAL CORPORATION ON OCTOBER 16, 1986 AND AS SUBSEQUENTLY AMENDED ON OCTOBER 14, 1987 AND DECEMBER 30, 1992. FINAL HOUSE DESIGN SHALL BE REVIEWED UNDER THE SMALL SCALE MASTER PLAN PROCESS IN ACCORDANCE WITH THE SWEENEY MASTER PLAN.

10. EXTERIOR LIGHTING. ALL EXTERIOR LIGHTING SHALL BE FULLY SHIELDED TO PROTECT THE NIGHT SKY DOWN DIRECTED AND FULLY SHIELDED WITH BULBS 3,000 DEGREES KELVIN OR LESS. FLOOD LIGHTS ARE PROHIBITED. OUTDOOR LIGHTS SHALL NOT BE INSTALLED MORE THAN 12 FEET ABOVE EXISTING GRADE. GROUND-LEVEL FIXTURES SHALL BE FULLY SHIELDED.

11. GLAZING. SIXTY PERCENT (60%) OF THE EASTERN FACING FAÇADE IS PERMITTED TO BE GLAZING AND LIGHTING IMPACTS FROM THE EASTERN FACING FAÇADE SHALL BE MITIGATED BY INTERIOR FIXTURES DESIGNED TO MINIMIZE DIRECT VISIBILITY OF THE LIGHTING ELEMENT FROM RESIDENCES WITHIN 1/3 MILE OF THE RESIDENCE.

12~~1~~. CONTINGENT UPON A STEEP SLOPE CONDITIONAL USE PERMIT APPROVAL BY THE PLANNING COMMISSION, DETACHED BELOW GRADE ACCESSORY BUILDINGS. BELOW GRADE ACCESSORY BUILDINGS ARE PERMITTED WITHIN THE BUILDABLE AREA. THE FOOTPRINT OF A DETACHED BELOW GRADE ACCESSORY BUILDING DOES NOT COUNT TOWARDS THE FOOTPRINT AREA OF THE DWELLING AS ALLOWED IN NOTE #1.

13~~2~~. USE OF RESIDENTIAL STRUCTURE. ANY RESIDENCE CONSTRUCTED AFTER THE DATE OF THIS AMENDMENT SHALL ONLY BE USED AS A SINGLE-FAMILY RESIDENCE. THE NEW RESIDENCE SHALL NOT BE USED AS A CONDOMINIUM, TIME INTERVAL OWNERSHIP, FRACTIONAL OWNERSHIP, OR NIGHTLY RENTALS. HOME OCCUPATIONS SHALL BE PERMITTED IN ACCORDANCE WITH LMC §_15-4-3.

Conditional Use
File No. PL-22-05319
[220 King Residence]

Findings of Fact

1. On July 18, 2022 the applicant Pesky Porcupine LLC (“Applicant”) submitted an application and paid the required fee for a conditional use permit in connection with a proposed single-family residence (the “Residence”) to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the “Property”).

2. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the “Amended Sweeney Properties MPD”). The Property is also platted within the First Amended Lot 2, Phase 1, Treasure Hill Subdivision of record with the Summit County Recorder’s Office (“Treasure Hill Subdivision Plat”), as amended.

3. Condition No. 3 of the Amended Sweeney Properties MPD requires that the Planning Commission and Park City’s staff review proposed development on King Road as a conditional use and ensure that the design of structures will minimize visual impact on adjacent property.

4. The Property is currently being used for two single-family residences, that the Applicant intends to demolish to construct the new Residence. The existing single-family residences have been used for short-term rentals.

5. The application is for the construction of the Residence (“Residence CUP”) as required by Condition No. 3 of the Amended Sweeney Properties MPD.

6. The Planning Commission has authority to act as the land use authority for the Residence CUP. See Condition No. 3 of the Amended Sweeney Properties MPD; LMC § 15-1-10.D.

7. The Applicant submitted all the materials required by the LMC for the Residence and outdoor pool CUP and presented in a public hearing regarding the proposals set forth in Residence CUP application.

8. The Planning Commission, after carefully considering the site plan attached hereto as Exhibit A and other design materials, the Applicant’s submittals, and the Applicant’s presentation at the public hearing, has determined that the Residence was designed to minimize visual impact on adjacent property owners.

~~9. The City’s staff have questioned whether the Sensitive Land Overlay Zone (“SLO” applies to the Property and whether the Applicant must comply with the SLO requirements found in LMC § 15-2.21-4. After carefully considering the staff’s concerns and supporting documentation submitted by the Applicant, the Planning Commission has determined that the SLO does not apply to the Property.~~

Additional Findings

~~10-9.~~ The Planning Commission, as the land use authority, finds that the proposed Residence CUP is in compliance with the standards in LMC § 15-1-10.E, as applied pursuant to the Amended Sweeney Properties MPD. Specifically, the Residence:

a. As applied pursuant to the Amended Sweeney Properties MPD, ~~is~~ an appropriate size and location for the Property. See LMC § 15-1-10.E.1 This finding is supported further as follows:

i. The Property is notably larger than most of the other buildable lots in the Amended Sweeney Properties MPD. The ratio of lot size to the Residence is significantly smaller than neighboring residences.

ii. The Property's buildable area is being reduced by approximately 490 square feet concurrently with this approval. The Residence will be located within the reduced buildable area.

iii. The Residence will be adequately setback and buffered from the surrounding properties. The nearest adjacent residence is approximately 120 feet away.

b. Addresses traffic considerations including the capacity of the existing streets in the area. See LMC § 15-1-10.E.3. This finding is supported as follows:

i. The new residence will utilize the same access point as the existing homes. No additional traffic or traffic impacts will result from the new residence. In fact, traffic impacts will be decreased as two homes have more traffic than the single Residence.

ii. The capacity of the existing streets is sufficient to accommodate the new residence and no traffic impact study was necessary.

c. Has sufficient utility capacity, including storm water run-off. See LMC § 15-1-10.E.3. This finding is supported as follow:

i. All utilities on the Property were installed with the existing houses and are adequate to service the existing houses.

ii. The Residence will decrease utility usage by utilizing more efficient construction materials and by replacing two existing homes used as short-term rentals.

iii. All storm water run-off from new impervious surfaces will be retained onsite.

d. Provides adequate emergency vehicle access. *See* LMC § 15-1-10.E.4. Specifically, the Residence has been designed to meet all emergency vehicle access and driveway slope requirements as set forth in the LMC, including by providing a fire turnaround in the underground parking area.

e. Provides adequate off-street parking. *See* LMC § 15-1-10.E.5. Specifically, the Residence provides at least two off-street parking stalls as required by LMC § 15-3-6(A).

f. Provides sufficient internal vehicular and pedestrian circulation system. *See* LMC § 15-1-10.E.6. This finding is supported as follow:

i. Vehicles accessing the Property will continue to use existing access points from King Road. The Residence is designed such that vehicles can turnaround and park via the private driveway and the underground parking area.

ii. There is minimum pedestrian traffic in the area as the public roadways do not have sidewalks. There is a 10' public non-motorized bike, pedestrian trail, and ski easement on the Property for the benefit of a neighboring property. No change is being proposed to those easements.

g. Provides fencing, screening, and landscaping to separate the use from adjoining uses. *See* LMC § 15-1-10.E.7. This finding is supported as follow:

i. The existing fencing, screening, and landscaping for the existing houses is adequate to separate the use from adjoining uses. No additional fencing is being proposed by the Applicant.

ii. New landscaping will consist of native grasses and trees and existing vegetation will be maintained and managed.

iii. Perimeter vegetation will continue to provide a visual barrier to the Property and mitigate visual impact.

~~h.~~ As applied pursuant to the Amended Sweeney Properties MPD, ~~is~~ appropriately massed, bulked, and oriented, on the site. *See* LMC § 15-1-10.E.8. This finding is supported as follow:

~~iv.~~ The Residence has been intentionally designed to break up the perceived mass and follows the plat notes relative to massing. Specifically, the plans show the Residence: (i) broken up into at least four (4) massing elements that are each less than 1,500 square feet; (ii) have an overall footprint of less than 3,500 square feet, as measured by the definition on the second amended subdivision plat; and (iii) ~~is 30' or less in height~~ complies with the seconded amended subdivision plat.

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~~ii.v.~~ The site is designed to respect the existing topography and site features such as existing trees and vegetation. Cut, fill, and retaining wall areas will be located behind the Residence to minimize any visible impact on neighboring uses.

~~iii.vi.~~ The Residence meets the ~~30'~~ height limitation stated on the second amended Treasure Hill Subdivision Plat ~~subdivision plat~~.

~~i.h.~~ Contains usable open space. See LMC § 15-1-10.E.9. Specifically, the new residence does not substantially change the existing site's open space. All existing landscape easements will be maintained.

~~j.i.~~ Contains no signs but will provide appropriate lighting. See LMC § 15-1-10.E.10. The Property will comply with the city's outdoor lighting requirements found at LMC § 15-5-5(J).

~~k.j.~~ As applied pursuant to the Amended Sweeney Properties MPD, is physically designed to be compatible with surrounding structures. See LMC § 15-1-10.E.11. Specifically, the Residence is consistent with other single-family residences within the Amended Sweeney Properties MPD.

~~l.k.~~ Does not produce noise, vibration, odors, steam, or other mechanical factors that would affect people or off-site property. See LMC § 15-1-10.E.12.

~~m.l.~~ Properly controls delivery and service vehicles, loading and unloading zones, and screens trash and recycling pickup areas. See LMC § 15-1-10.E.13. Specifically, a vehicle control gate will control access to delivery and service vehicles, and the Property is adequately sized to park delivery and service vehicles without impacting adjoining uses.

~~n.m.~~ Will not be used as a condominium, time interval ownership, fractional ownership, nightly rental, or for a commercial use. See LMC § 15-1-10.E.14. Indeed, the Property will be used only as a single-family residence and the short-term rental uses on the two existing homes will be terminated.

~~o.n.~~ Is appropriately situated on the existing topography of the Property. See LMC § 15-1-10.E.15. This finding is supported as follow:

- i. The site is already adequately graded to support the existing houses and minimal additional grading will be required for the Residence.
- ii. For the reasons discussed below, a steep slope conditional use permit will be issued for the very steep slope disturbance.

~~p.o.~~ Is consistent with the goals and objectives of the Park City General Plan. See LMC § 15-1-10.E.16. This finding is supported as follow:

- i. The existing houses to be demolished are not historically significant.
- ii. The proposed design of the Residence is consistent with the design criteria contemplated by the Amended Sweeney Properties MPD approval.

~~q. The Planning Commission finds that the SLO does not apply to the Property based on the following:~~

- ~~i. The Amended Sweeney Properties MPD predates the City's adoption of the SLO ordinance and the Amended Sweeney Property MPD established site suitability. The Amended Sweeney Property MPD's approval cannot be undone by applying the SLO ordinance.~~
- ~~ii. The SLO ordinance has never been applied within the Amended Sweeney Properties MPD, even when certain properties clearly fall within the SLO.~~
- ~~iii. City staff have previously represented to the public that the SLO does not apply within the Amended Sweeney Properties MPD. For example, according to the minutes of the Planning Commission meeting on August 11, 2004, page 25, former Director Putt stated that the SLO does not apply to applications within the Amended Sweeney Properties MPD. Likewise in a staff report, dated June 8, 2016, page 52, Senior Planner, Francisco Astorga stated that projects within the Amended Sweeney Properties MPD predate the SLO and therefore the "SLO does not specifically apply in terms of a density determination and site suitability analysis."~~
- ~~iv. In exchange for the Property's development, the Amended Sweeney Properties MPD protected sensitive land by dedicating significant open space areas within the development.~~
- ~~v. Pursuant to LMC § 15-1-6.A "zoning boundary lines are intended to conform to existing Property boundary lines . . . unless the lines are located by specific dimensions . . ." Also, "[w]here the Zoning District lines appear to have *intentionally* divided a Lot or Parcel between two (2) or more districts" the zoning will apply to each portion of the Lot or Parcel. See LMC § 15-1-6.B. The most recent map of the SLO depicts the SLO bisecting the Property. There is no evidence that the SLO was intentionally drawn to bisect the Property nor is there evidence that the boundary lines intentionally followed specific dimensions. Accordingly, the SLO boundary was intended to follow the property's boundary and exclude the Property. Even if the SLO intentionally~~

~~bisected the Property, the Residence is excluded from the SLO and thus the SLO does not apply to this approval.~~

~~11.10.~~ The Planning Commission finds that for the reasons above, the Residence will not have a detrimental impact on surrounding uses. The Planning Commission further finds that by terminating the existing short-term rental uses of the two homes currently existing on the Property, the Residence will have a reduced overall impact on surrounding uses.

~~12.11.~~ As discussed below, the Applicant has agreed to self-impose certain conditions on the Property to minimize any potential detrimental effects that may result from the proposed use. The Planning Commission finds that these conditions adequately mitigate any potential detrimental effects that may result from the Residence.

Conclusion

Based on the foregoing, and subject to the conditions listed below, the Residence CUP application meets the standards and requirements of the LMC ~~as applied pursuant to the Amended Sweeney Properties MPD~~, including the criteria~~1~~ for approving a conditional use per LMC § 15-1-10.E and 10-9A-507, ~~Utah Code Ann.~~ The Planning Commission concludes it is appropriate to issue ~~the~~ Residence CUP subject to the below conditions, each of which will mitigate any reasonably anticipated detrimental effects associated with the Residence.

Conditions

The use approved by the Residence ~~and outdoor pool~~ CUP is conditioned upon the following:

A. Final building plans shall reflect substantial compliance with the plans approved February 14, 2024, by the Planning Commission, ~~and attached as Exhibit B~~. Any changes modifications, or deviations from the approved design that have not been approved in advance by Park City's Planning and Building Departments may result in a stop work order.

B. The Applicant is responsible for notifying the Planning and Building Departments prior to proposing any changes to this approval. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for planning review and approval/denial in accordance with the applicable standards prior to construction.

C. The current access point of King Road must be maintained, and no new access points are allowed.

D. ~~The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to the requirements of Municipal Code of Park City Section 11-14-4(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning Director and Chief Building Official.~~

~~No alternative soil exporting will be permitted until plans are approved. Applicant shall include in its construction mitigation plan as required by LMC § 11-14-14, a proposal to direct excavated clean soils for use on the Park City Mountain Resort so as to minimize any impact on public City streets. If Park City Mountain Resort will not accept the excavated clean soils, Applicant will submit to the Community Development Department a proposed amendment to the construction mitigation plan for transportation of the excavated clean soils.~~

E. All storm water run-off from new impervious surfaces must be contained on the Property.

F. Applicant shall submit a storm drainage analysis to the Park City Engineering Department. The analysis must show that the required storm drainage storage volume matches the pre-development and post-development conditions for a 100-year 24-hour event.

G. Applicant shall submit a soil investigation report, geotechnical report, and slope stability report to the city concurrent with or prior to submitting a building permit application.

H. Prior to obtaining a building permit, the Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized.

I. The proposed development must include a vehicular turnaround that meets applicable fire code standards.

J. The Residence's occupants must use as on-site parking the sub-grade parking area shown on the proposed plans.

K. The proposed development must include a vehicle control gate that allows vehicles to queue in the Property's driveway and not on King Road.

L. No additional fencing is permitted without further approval by the Park City Planning and Building Departments.

M. After construction of the Residence is completed, Applicant shall revegetate the site consistent with the submitted landscape plan.

N. The Residence must be constructed according to the approved plans.

O. The Applicant shall receive approval through the Historic District Design Review process prior to ~~receiving~~ submitting a building permit.

P. The proposed residence's roof shall be consistent with the ~~approved~~ plans approved by the Planning Commission on February 14, 2024, and attached as Exhibit B.

Q. The existing access and landscaping easement shall remain in place.

R. Except for a typical "for sale" sign no signs will be permitted on the Property.

~~S.~~ All outdoor lighting on the Property shall comply with LMC § 15-5-5(J).

~~T.S.~~ The primary use of the Property shall be limited to a single-family residential use. The proposed residence shall not be used for a short-term rental or have fractional ownership.

~~U.T.~~ Any areas disturbed during construction shall be restored to the original state after the proposed residence, accessory building and structures, and retaining walls are is completed.

~~V.U.~~ The railing of the roof terrace shall minimize the visibility when viewed cross-canyon.

~~W.V.~~ All exterior lighting shall be down directed, fully shielded, with bulbs 3,000 degrees Kelvin or less to prevent glare onto adjacent property and shall comply with the City's outdoor lighting code per LMC § 15-5-5(J). Flood lights are prohibited. Fully Shielded outdoor lights shall not exceed 12 feet above Existing Grade. ~~Outdoor lights installed higher than 12 feet above Existing Grade require additional shielding, as approved by the Planning Department. Fully Shielded g~~Ground-level fixtures are encouragedshall be Fully Shielded. Final lighting details must be reviewed by Planning Staff prior to installation.

~~X.W.~~ All proposed mechanical equipment, the pool, and/or a hot tubs shall be screened. ~~Hot tubs~~Any hot tub installation is prohibited on east façade decks or terraces.

~~Y.X.~~ No more than eight inches of the new foundation shall be visible above Final grade on the primary façade and no more than two feet of the foundation shall be visible above Final Grade on secondary and tertiary facades.

Y. Lower-level glazing on the north, east, and south facades shall be screened with berms and/or vegetation as approved by the Planning Department.

Z. The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.

AA. The Applicant shall demonstrate the proposed metal siding and roofing materials have a Solar Reflectivity Index (SRI) of 35 or less prior to the submittal of a building permit.

BB. Prior to submittal of a Building Permit, the Applicant shall submit for review the excavation and grading plans for Engineering Department review and approval to ensure no additional erosion, land subsidence, or avalanche hazard is created.

CC. Cuts, fills, and retaining walls shall be minimized.

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DD. The Applicant shall demonstrate compliance with Municipal Code of Park City Chapter 11-21 Utah Wildland-Urban Interface Code at the time of Building Permit submittal.

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EE. The Applicant shall demonstrate adequate turnaround to allow a fire apparatus to maneuver to and from the site as approved by the Park City Fire District prior to submitting a Building Permit. The Applicant shall provide a fire hydrant within 600 feet of the proposed development.

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FF. The Applicant shall upsize the existing service line to provide adequate pressure to the additional living area and fire sprinkler system. Please note the City operates substantial water lines to the west of the proposed dwelling.

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GG. To conduct construction across the neighboring 200 King Road property, including any additional width required to accommodate the installed improvements, all work shall be limited within the platted easement. The applicant shall submit required approvals for any work or structures proposed outside of the easement at 200 King Road.

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HH. Glazing on the east façade shall comply with the Second Amendment for the Lot 2, Phase 1 Treasure Hill Subdivision plat notes. Vinyl and aluminum doors and windows are prohibited. Window and door details shall be reviewed and approved through the Historic District Design Review Process.

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II. The Applicant's stormwater mitigation plan shall be reviewed and approved by the Engineering Department prior to building permit submittal.

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The site plan shows a large rectangular building footprint with a hatched pattern, labeled 'PARK CITY RESIDENCE - PRINCE'. To the right of the building is a parking area with several spaces, some of which are highlighted in red. The entire site is enclosed by a dashed line. The plan includes various annotations such as 'PARKING', 'LANDSCAPE', 'WALKWAY', and 'BICYCLE PATH'. A north arrow and a scale bar (0 to 100 feet) are located in the bottom left corner. A title block in the bottom right corner contains the project name, address, and contact information.

Conditional Use
File No. PL-23-05571
[Steep Slope –220 King]

Findings of Fact

1. On February 21, 2023, the applicant Pesky Porcupine LLC (“Applicant”) submitted an application and paid the required fee for a conditional use permit in connection with a proposed single-family residence (the “Residence”) to be constructed on the Summit County, Utah Tax Parcel No. THILL-2-AM (the “Property”).

2. The Property is located within the Sweeney Properties Master Plan Development that was approved December 18, 1985, as amended on October 20, 1987 (as amended, the “Amended Sweeney Properties MPD”).

3. Condition No. 3 of the Amended Sweeney Properties MPD requires that the Planning Commission and Park City’s staff review proposed development on King Road as a conditional use and ensure that the design of structures will minimize visual impact on adjacent property.

4. The Property is currently being used for two single-family residences, that the Applicant intends to demolish to construct the new Residence. The existing single-family residences have been used for short-term rentals.

5. The ~~second~~ conditional use permit application is for construction on a steep slope (“Steep Slope CUP”) as required by Section 15-2.2-6 of Park City’s Land Management Code (“LMC”).

6. In connection with the Steep Slope CUP application, the Applicant submitted the following documents prepared by Alliance Engineering Inc. for the Planning Commission’s consideration:

- a. Existing Conditions Map (Job No. 8-3-23);
- b. Conceptual Grading Plan (Job No. 8-3-23);
- c. Drainage Plan (Job No. 8-3-23);
- d. Steep Slope Map (Job No. 8-3-23);
- e. Stormwater Management Plan (Job No. 8-3-23); and
- f. Excavation Section View (Job No. 8-3-23).

7. The Planning Commission has authority to act as the land use authority for the Steep Slope CUP. See LMC § 15-1-10.D.

8. The Applicant submitted all the materials required by the LMC for the Steep Slope CUP and presented in a public hearing regarding the proposals set forth in Steep Slope CUP application.

9. With respect to the Steep Slope CUP, the Planning Commission, after carefully considering the Applicant's submittals referenced above and the Applicant's presentation at the public hearing, has determined that any detrimental effects caused by proposed development on steep slopes can be reasonably mitigated and comply with the LMC's requirements.

Additional Findings

10. The Planning Commission, as the land use authority, finds that the proposed Steep Slope CUP complies with the standards in LMC § 15-2.2-6.B. Specifically, the proposed steep slope disturbance and Residence:

a. As applied pursuant to the Amended Sweeney Properties MPD, Aare located and designed to reduce the visual and environmental impacts. See LMC § 15-2.2-6.B.1. Specifically, the hillside cuts and impact to the very steep slope will be located behind the Residence and will generally not be visible to the town core of Park City.

b. Will be consistent with the visual analysis and landscaping plan submitted by the Applicant. See LMC § 15-2.2-6.B.2. Specifically, the Applicant submitted to the Planning Commission a visual analysis and landscaping plan that showed ~~that~~ the proposed steep slope disturbance. The Planning Commission has determined that the steep slope disturbance will generally not be visible from the town core of Park City as it is screened from view by the proposed residence.

c. Are consistent with the applicable access and driveway screening requirements. See LMC § 15-2.2-6.B.3. Specifically, access to the Property is not changing as the existing driveway will be used and improved. The driveway improvements will comply with the LMC's requirements.

d. Will be appropriately terraced to regain natural grade. See LMC § 15-2.2-6.B.4. Terraced structures will be screened from view of the town core of Park City by the proposed residence.

e. Are designed to preserve the perceived natural topography of the Property. See LMC § 15-2.2-6.B.5. Specifically, all cuts to the hillside will be screened from view of the town core of Park City by the Residence.

f. As applied pursuant to the Amended Sweeney Properties MPD, Aare consistent with the building form and scale requirements of LMC § 15-2.2-6.B.6. Specifically, the Residence is divided into several massing elements to reduce massing and to orient against the Property's existing contours. Portions of the Residence have been located below grade to reduce visibility and perceived bulk.

g. Are consistent with the applicable setback requirements. See LMC § 15-2.2-6.B.7.

h. —Are consistent with the applicable volume limitations. See LMC § 15-2.2-6.B.8. Specifically, the Residence's volume is less than what is permitted in the HR-1 District.

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i. —Are consistent with the applicable building height requirements. See LMC § 15-2.2-6.B.8. Specifically, the Residence meets the height requirements identified in the Amended Sweeney Properties MPD.

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11. The Planning Commission finds that for the reasons above, the steep slope disturbance will not have a detrimental impact on surrounding uses.

12. As discussed below, the Applicant has agreed to self-impose certain conditions on the Property to minimize any potential detrimental effects that may result from the proposed steep slope disturbance. The Planning Commission finds that these conditions adequately mitigate any potential detrimental effects that may result from the steep slope disturbance or the Residence.

Conclusion

Based on the foregoing, and subject to the conditions listed below, the Steep Slope CUP meet the standards and requirements of the LMC as applied pursuant to the Amended Sweeney Properties MPD, including the criteria for approving a conditional use per LMC § 15-2.2-6.B and 10-9A-507, Utah Code Ann. The Planning Commission concludes it is appropriate to issue the Steep Slope CUP subject to the below conditions, each of which will mitigate any reasonably anticipated detrimental effects associated with the uses described in the Steep Slope CUP application.

Conditions

The use approved by the Steep Slope CUP is conditioned upon the following:

A. All retaining walls shall be generally placed behind the proposed residence to reduce visibility from the town core of Park City.

B. The driveway to the proposed residence shall not exceed 12 feet in width unless required by Park City Fire District for emergency vehicle turning radius and access, shall not exceed a 14% grade, and must comply with LMC § 15-3-3(A)(4).

C. Access to the parking area located on the Property shall not face King Road.

D. If the proposed development contains any retaining walls that are taller than four feet in height, then the Applicant shall provide engineered plans for the retaining walls at the time the Applicant makes application for a building permit.

E. Applicant shall maintain vegetative screening in accordance with the submitted vegetation plan to reduce the visibility of retaining walls and landscaping and berming shall reduce the visibility of the east façade glazing.

F. The limits of disturbance around the proposed residence shall be limited to the

minimal area necessary to excavate and backfill the foundation.

G. Structures on the Property shall conform to the HR-1 setbacks set forth in LMC § 15-2.2-3. The property is located outside of the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine-related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance with State and Federal law.

H. The Applicant shall include in their Construction Mitigation Plan (CMP), in addition to the requirements of Municipal Code of Park City Section 11-14-2(H), a specific plan for all soil exporting. Soil shall be transported uphill on King Road to an approved site for deposit. Time of operations, location of deposit site, total cubic yards to be exported, and number of trips hauling shall be outlined and regulated through the CMP. If the property owner of an approved site for deposit will not accept the excavated soils, the applicant will submit an alternative soil exporting plan for review by the Planning Director and Chief Building Official. No alternative soil exporting will be permitted until plans are approved.

G-I. The Applicant shall provide elevation drawings of all segments of the Accessory Buildings that have an exposed face to Planning staff for review as part of the Historic District Design Review process.

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From: Rebecca Ward <rebecca.ward@parkcity.org>
Sent: Friday, February 9, 2024 9:47 AM
To: Caitlyn Tubbs
Subject: FW: [External] 220 King Road

-----Original Message-----

From: Alexandra Ananth <alexandra.ananth@parkcity.org>
Sent: Monday, February 5, 2024 12:47 PM
To: David Bennett <[REDACTED].com>
Cc: Rebecca Ward <rebecca.ward@parkcity.org>; Caitlyn Tubbs <caitlyn.tubbs@parkcity.org>
Subject: RE: [External] 220 King Road

Thank you for your comment. We will add it to the public record.

-----Original Message-----

From: David Bennett <[REDACTED].com>
Sent: Monday, February 5, 2024 12:45 PM
To: Alexandra Ananth <alexandra.ananth@parkcity.org>
Subject: [External] 220 King Road

Warning: Replies to this message will go to [REDACTED] If you are unsure this is correct please contact the helpdesk.
[CAUTION] This is an external email.

While I am a long time resident of Park Meadows, I spend time in old town and am flabbergasted at the proposed house at 220 King Road.

The Oliver/Olson historical design review is an excellent, professionally prepared document outlining all of the technical issues why this current proposal should be denied.

The above referenced report states, "...the size, scale, and proportions of the residence and its component elements, including the shed roof and cantilevered flat roof, are reminiscent of a large-scale industrial building rather than a residential building, which is not compatible with the HR-1 zone."

Please reject the current proposal and direct the applicant to follow Park City's Design Guidelines.

Thank you

David

From: [REDACTED]
To: [Alexandra Ananth](mailto:Alexandra.Ananth@wblaw.com)
Cc: wbludge@swlaw.com
Subject: [REDACTED] 220 King Project
Date: Wednesday, February 7, 2024 7:59:44 PM
Attachments: [sblf90_6bc45d17-4fb8-4569-a28a-8fb040c56588.png](#)
[ATT00001.txt](#)
[ATT00002.htm](#)

Alexandra -

My family owns and spends a great deal of time at our home located at [REDACTED] Norfolk Avenue. Our home is adjacent to the 220 King property that is currently the subject of discussion involving proposed redevelopment by Matthew and Tatiana Prince). We know Matthew and Tatiana and are aware of their plans for 220 King. We support these plans and look forward to the conversion of a part-time rental property to a single family residence. Further, we are familiar with the architectural plans for 220 King and think this new residence will be a welcome addition to our "neighborhood" in particular and community more generally.

Importantly, Matthew and Tatiana are thoughtful, responsible and engaged members of the Park City community (Matthew grew up in Park City and has returned to make Park City his home). The project at 220 King reflects their commitment to our town.

Please do not hesitate to contact me if you would like to discuss our strong support for this project in greater detail.

Sincerely,
Mark Bernstein
Rachel Bendit

Mark Bernstein

Attorney

Direct Phone: [REDACTED]
[REDACTED]

Office Fax: [REDACTED]



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

www.callsam.com

Sam Bernstein is our founder, of counsel, and a retired shareholder.

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From: Nann Worel <nann.worel@parkcity.org>
Sent: Wednesday, February 7, 2024 5:01 PM
To: D Constable; jeremy.rubel@parkcity.org; Ryan Dickey;
Tana Toly; Ed Parigian; Bill Ciraco;
Rebeccaward@parkcity.org
Cc: D Constable
Subject: Re: 220 King Road

Thanks for taking the time to weigh in Patricia. I've missed seeing you at City Council meetings!

Emails sent to the Council are not entered into the public record unless requested by the author. Would you this this email to be included in the record for the February 14 Planning Commission meeting?

Warm regards,

Nann Worel

she, her, hers

Mayor

Park City Municipal Corporation

www.parkcity.org

445 Marsac Avenue, PO Box 1480

Park City, UT 84060

o: 435.615.5010 | c: 435.513.9955



From: D Constable <[REDACTED]>
Sent: Wednesday, February 7, 2024 12:45:37 PM
To: Nann Worel <nann.worel@parkcity.org>; jeremy.rubel@parkcity.org <jeremy.rubel@parkcity.org>;
Ryan Dickey <ryan.dickey@parkcity.org>; Tana Toly <tana.toly@parkcity.org>; Ed Parigian
<ed.parigian@parkcity.org>; Bill Ciraco <bill.ciraco@parkcity.org>; Rebeccaward@parkcity.org
<Rebeccaward@parkcity.org>
Cc: D Constable <[REDACTED]>
Subject: [External] 220 King Road

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[CAUTION] This is an external email.

Honorable Planning Director & City Council,

My husband David and I have recently become aware of the project that Matt Prince is planning to build at 220 King Road, an HR-1 zoned historical district. As we live on McHenry Avenue and would be impacted by this project day and night, we are alarmed by it's apparent disregard of the HR-1 standards set in the PC land management code. We support the Historic Design Review done by Anne Oliver, Principal Architectural Historian and Christina Olsen, Lead Architectural Historian, SWCA Enviromental Consultants, SLC, UT.

Respectably,

David & Patricia Constable

■ McHenry Ave., Park City

From: Rebecca Ward <rebecca.ward@parkcity.org>
Sent: Friday, February 9, 2024 1:37 PM
To: Caitlyn Tubbs
Subject: FW: [External] 220 King

-----Original Message-----

From: Jim Doilney <[REDACTED]>
Sent: Friday, February 9, 2024 1:36 PM
To: Alexandra Ananth <alexandra.ananth@parkcity.org>
Cc: Rebecca Ward <rebecca.ward@parkcity.org>; Max Doilney <[REDACTED]>
Subject: [External] 220 King

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[CAUTION] This is an external email.

PLEASE treat this application the same as that of any resident.

The applicant has seemingly BOUGHT preferential treatment for his request. A \$1,000,000 contribution got him our mining history advocates support! He bought the Park Record to manage his media profile. As an Old Town Parkite and former council member I am extremely upset to think our town's soul is seemingly being sold.

Please treat him like everyone else.

Jim Doilney

Money should never put anyone above the law.
Sent from my iPhone

From: planning <planning@parkcity.org>
Sent: Friday, February 9, 2024 9:23 AM
To: Caitlyn Tubbs; Rebecca Ward
Subject: FW: [External] 220 King Road

From: Ed Axtell <[REDACTED]>
Sent: Thursday, February 8, 2024 9:39 PM
To: planning <planning@parkcity.org>
Subject: [External] 220 King Road

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As a long time Old Town resident, I am writing to ask the Planning Commission to support the Staff Report's long list of revisions required for the structure at 220 King Road to conform to the Historic Residential District municipal code. I often wonder why we spend so much taxpayer time and money making and writing down the codes if we don't adhere to them consistently.

Ed Axtell

[REDACTED]

Park City

From: [REDACTED]
To: [Alexandra Ananth](#)
Subject: [External] Matthew and Tatiana Prince (220 King Project)
Date: Friday, February 9, 2024 5:00:04 AM

Warning: Replies to this message will go to [REDACTED]. If you are unsure this is correct please contact the helpdesk.

[CAUTION] This is an external email.

Alexandra,

Let me introduce myself. I along with my wife Viki are the owners of [REDACTED] Norfolk Ave located in Old Town. We are also neighbors of Matthew and Tatiana Prince, the owners of 220 King which is located directly above our home.

Matthew has shared his plan to remove 2 existing homes and replace with 1 single family home. We have no concerns and in fact have no doubt that the Prince's plan will not only have a positive impact for our immediate neighborhood but also Park City and the county as well . This project will obviously be a very significant investment by the Prince's and we applaud their continued commitment and support to the Park City community.

I am available if I can provide any further information or assistance.

Regards,
Greg Grimme (PC221, LLC)

Caitlyn Tubbs

From: planning <planning@parkcity.org>
Sent: Friday, February 9, 2024 11:52 AM
To: Caitlyn Tubbs; Rebecca Ward
Subject: FW: 220 King Road

From: Eric R. Hermann [REDACTED]
Sent: Friday, February 9, 2024 11:41 AM
To: planning <planning@parkcity.org>
Subject: [External] 220 King Road

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February 9, 2024

VIA EMAIL

Park City Municipal Corporation
Park City Planning Commission
PO Box 1480
Park City, Utah 84060

Re: 220 King Road Plat Amendment, Conditional Use Permit, and Steep Slope Conditional Use Permit

Dear Planning Commission,

We are the owners of several Old Town Properties neighboring 220 King Road (Parcel No. THILL-2-AM) including the land at 200 King Road (Parcel No. THILL-1) and our home at 205 Norfolk Avenue (201-NA-SUB-2), both of which abut the property at 220 King Road. We have called Old Town home for many years and treasure the unique character of our community. We try hard to be good neighbors and to live and let live. The last thing we would ever embrace is conflict with a neighbor. We wish our neighbors, the Princes, every good thing as they grow their family, and we support their right to build a home. Nevertheless, the surprisingly deferential language in the recent Planning Department Staff Report and deferential questioning by the Commissioners in Work Sessions have forced us to weigh in, ruefully, on a neighbor's business.

First, the atmospherics in the Work Sessions have been unfair to the previous owners of 220 King Road who were our neighbors for 14 years. They used one of their homes for personal use and rented the other through Park City Lodging, a respected property management company. The renters were almost invariably vacation skiers, not wild partiers. Second, the issue is not whether the community and authorities should support

construction of a private family residence (versus nightly rentals), but whether *this particular* residence should be built. Finally, we recognize that many projects, including those in the Sweeney estate lots, have negotiated flexibility with certain aspects of HR-1 and the LMC, but we know of no approvals that have obtained the massive waivers sought here.

We well remember the many compromises made when we built in Old Town that were required to comply with the applicable building codes and regulations specific to our Old Town properties. In light of our appreciation of all of the rules to which we adhered and the character of Old Town which they preserve; we must express our sincere concerns regarding the applications submitted for the redevelopment of 220 King Road. We very much hope that the Applicant will be able to make the significant revisions required to build a family home that complies with Old Town rules and regulations.

Specifically, we are concerned that the application for 220 King Road fails to comply with the guidelines established by the Sweeney Master Planned Development (the “Sweeney MPD”) and the underlying Land Management Code (the “LMC”). We therefore request and expect that the Planning Commission will act prudently to require compliance with the well-established guidelines and code in order to preserve the unique character of our street and Old Town in general.

In the most recent Planning Commission Staff Report dated January 24, 2024 (the “Staff Report”), there were several issues stated to be a priority for discussion and determination. In this letter, we will focus on the following issues:

- 1) Whether the proposed changes to the Plat are consistent with the Sweeney MPD (as amended) and the LMC, and do not result in increased Building Height, visibility or impacts to the environmentally sensitive site;
- 2) Whether the proposed development is consistent with the scale of existing residences in the Historic District;
- 3) Whether the proposed shift to the Building Area Limits does not result in increased visibility or impacts to Sensitive Land Overlay (the “SLO”); and
- 4) Whether the design of the new structure(s) including how building height is measured is consistent with the LMC and Historic District Guidelines for Infill Development.

Each of these issues is addressed individually below.

1. The proposed changes to the Plat are inconsistent with the Sweeney MPD, as amended, and the LMC.

The Applicant’s plans as submitted to date do not comply with the express regulations of either the MPD or LMC because the proposed structure does not meet building height requirements, building footprint limitations, or roof form limitations.

a) Building Height:

The MPD was approved in 1985. A copy of the Staff Report for the MPD from 1985 sets forth ten (10) different “Development Parameters and Conditions,” one of which states, in part:

5. “Building heights **shall** be limited to the maximum envelope described on the Restrictions and Requirements Exhibit. At the time of the conditional use approval, projects **shall** be reviewed for conformance with the heights prescribed thereon, and the following:

(a). The various parcels located within the Historic Residential (HR-1) zone district **shall** abide by the Land Management Code and **no height exceptions will be considered**. Maximum building height on the single family lots shall be limited to 25' in order to reduce potential visibility" MPD COA 5 (emphasis added).

The 1985 Staff Report further reveals that the MPD applied to a number of different parcels and categorizes the various parcels of land into four categories, one of which is entitled "Miscellaneous Properties." The Staff Report correctly notes that the 220 King Road parcel was one of these properties which was subject to the following condition:

"Development would be restricted to single-family homes with no greater than 3500 square foot footprints and maximum building heights of 25 feet." (See 1985 Staff Report, page 9).

In 1997, the previous owners of 220 King Road filed an application to amend the Plat to relocate the building pad several feet from its originally platted location. The amended Plat for 220 King Road was approved and incorporated the previous plat height restrictions with some variances allowed for roof shape and interior home features:

"The building height shall be measured from existing grade to the top of the flat roofs and the ridge of the pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators between floor levels. (See Plat Note 4 First Amended Record of Survey Map Lot 2, Phase 1, Treasure Hill Subdivision).

Under the LMC, the property is within the Historic Residential District (HR-1) which purpose is defined to: "(A) preserve present land Uses and character of the Historic Residential Areas of Park City; (B) encourage the preservation of Historic Buildings and/or Structures; (C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods; (D) define Development parameters that are consistent with the General Plan policies for the Historic core; and (E) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment." LMC 15-2.2-1. The LMC defines "building height" as "the vertical distance under any roof or roof element to Existing Grade." LMC 15-15. For HR-1 zoning, building height is limited to 27 feet from Existing Grade with a maximum height of 35 feet "measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters." LMC 15-2.2-5.

The Staff Report notes that the MPD and Plat are more restrictive than the LMC by design and agreement (See Staff Report, pg. 7). Thus, the property is subject to the more restrictive regulations of the MPD and Plat. Applicant's exterior building height is compliant with the MPD, Plat, and LMC; however, the interior building height measures 53.5 feet which clearly does not comply with the MPD, Plat Notes, or the LMC. Applicant contended in the last session that it would leave 5900 square feet unfinished to bring it in to compliance; however, none of the applicable regulations make any exceptions for "unfinished space" (and one full story of the unfinished space could easily be finished at a later date). As submitted, the interior building height is not compliant with the MPD or the underlying Code.

b) Building Footprint

As referenced above, the 1985 Staff Report for the MPD included limitations for the building footprint at a maximum of 3500 square feet. The 1997 Plat also includes Plat Note 1 which states:

“The maximum footprint, calculated from the outside face of walls and subject to the massing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the footprint calculations: (a) Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them; (b) exterior walkways; (c) exterior stairs; (d) driveways.” *See* Plat Note 1, First Amended Record of Survey Map Lot 2, Phase 1, Treasure Hill Subdivision.

The LMC defines “Building Footprint,” as “the total area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated in to the Main Building.” LMC 15-15. Under the LMC, the maximum building footprint is 4,500 square feet for lots which are over 18,750 square feet. *See* LMC 15-2.2-3(E).

The site is subject to the more stringent building footprint of 3500 square feet set out in the MPD and Plat. This restriction “was established to ensure the scale of projects in keeping with the scale of existing residences and to minimize the visual impact of development on the Historic District.” From the submissions from the Applicant, it is difficult to determine the “total area of the foundation of the Structure” or the “furthest exterior wall of the Structure projected to Natural Grade.” Applicant claims the footprint is not over 3500 square feet but it has not provided measurements for every floor of the proposed structure. Moreover, Applicant’s representation as to the Building Footprint is not supported by the renderings and plans it showed in the last work session. In those demonstratives, the footprint of the proposed structure fully encapsulated the existing home and guest house and the entire area between the two. The footprint of the existing buildings alone captures the full 3500 square feet. In applying the LMC calculation to the actual building footprint submitted by Applicant, **staff calculated the building footprint to be 11,300 square feet (See January 24, 2024 Staff Report Figure 6). This number is more than three times the allowed footprint under the Sweeney MPD standards.** It also does not include “ancillary structures” which are a significant part of the project.

Applicant requests an amendment to Plat Note 1 to make its footprint “compliant.” However, this would go against the stated purpose of not only the MPD but the Park City Land Management Code with its stated intention of preserving the integrity and uniqueness of the historic district of Old Town as well as HR-1 guidelines intended to restrict size and mass of individual structures. Moreover, expansion of the footprint by excluding areas such as the garage, which will require massive amounts of excavation, is inconsistent with the purpose of the MPD and the Code’s intent to conserve sensitive hillside sites.

c) Roof

The MPD provides that its purpose is to “deal with the general concept of the proposed development and defer or relegate the very detailed project review elements to the conditional use stage of review.” The MPD did not give guidance for roof restrictions, so we turn to the regulations of the underlying Code for applicable HR-1 zoning.

As noted previously, one of the purposes of the HR-1 district is to “encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.” LMC 15-2.2-1(C). Requirements for “roof pitch” in the HR-1 zone require that a “Structure’s Contributing Roof Form shall be between seven: twelve (7:12) and twelve: twelve (12:12) and shall occupy a minimum horizontal distance of 20 feet measured from the primary façade to the rear of the building, as viewed from the primary public right-of-way.” LMC 15-2.2-5. For new residential construction in the historic district, the LMC specifically states that “[e]xterior elements—roofs, entrances, eaves, chimneys, porches,

windows, doors, steps, garages, etc.—of the new infill residential building shall be of human scale and shall be compatible with neighboring historic structures.” LMC 15-13-8(A)(6).

The proposed primary roof structure is a 2:12 pitch and is approximately 117 feet in width, spanning nearly the width of 5 traditional Old Town lots. Applicant’s roof is clearly not complying with the express provisions of the LMC nor the declared purpose for the underlying HR-1 zoning.

d) Windows

The 1985 staff report recognized that much of the land under the MPD would be developed at a future date and contemplated that the “Planning Commission shall review projects for compliance with the adopted codes and ordinances in effect at the time, in addition to ensuring conformance with the approved Master Plan.” See 1985 Staff Report, page 3. The report went on to state that the MPD “attempts to deal with the general concept of the proposed development and defer or relegate the very detailed project review elements to the condition use state of review.” *Id.*, page 9.

LMC 15-13-8(B)(2)(d)(1) states that “[l]arge expanses of glazing are inappropriate on residential structures. Large glass surfaces shall be divided into smaller windows that are in scale with those seen historically.” And the “general rule is the height shall be twice the dimension of the width (commonly referred to as a 2:1 ratio).” *Id.* d(4).

Here, the Applicant’s proposed windows are 1:2 and 1:3, in other words, floor to ceiling windows. These non-historic windows will be highly visible from all areas of Old Town and surrounding neighborhoods. When lit up at night, this row of solid windows will result in a veritable hundred plus foot bar of light overlooking Main Street.

2. The proposed development is not consistent with the scale of existing residences in the Historic District.

The MPD’s conditions for development are a result of “staff’s recommended conditions” specifically “directed toward minimizing the potential conflicts related to neighborhood compatibility considerations.” See Park City Planning Department Revised Staff Report dated 12 18, 1985. One condition is to “minimize the amount of grading necessary.” Another recommends seeking “a concept that results in considerably less site clearing and grading” striking a “balance between site disturbance and scale/visibility.”

As noted above the purpose of the HR-1 zoning is to “encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District” and to “establish Development review criteria for new development on Steep Slopes.” LMC 15-2.2-1.

The Applicant is proposing to shift the building envelope into the Sensitive Lands Overlay and is seeking to disturb an expansive area. It is unclear exactly how much of the hillside the Applicant is seeking to remove and grade, but it is not a “minimal” area.

3. The proposed shift to the Building Area Limits impacts the Sensitive Land Overlay (the “SLO”) area and Applicant has not met Code requirements for a Site Suitability Determination.

Under the LMC, the purpose of the Sensitive Land Overlay Zone is to “prohibit Development on Ridge Line Areas, Steep Slopes and wetland, and protect and preserve environmentally sensitive land.” LMC 15-2.21-1. There are four steps that an Applicant must comply with for any proposed development that falls within an SLO Zone, one of which includes a Sensitive Lands Analysis. LMC 15-2.21-2(A). The Analysis must be performed by a “Qualified Professional” who identifies and depicts the following: i) visual assessment, ii)

slope/topographic map; iii) if property is within “steep slopes or with very steep slopes within fifty feet (50’) of the property” additional requirements include a soil investigation report, geotechnical report, and additional slope information; iv) ridge line areas; v) vegetative cover; vi) designated vantage points; vii) wetlands; viii) stream corridors, canals, irrigation ditches; and ix) wildlife habitat areas.

Further, staff must review the Sensitive Lands Analysis for a Site Development Suitability Determination. LMC 15-2.21-2 (C). Building and site design shall respect the existing topography, the character-defining site features, including existing trees and vegetation, and shall minimize cut, fill and use of retaining walls.” LMC 15-13-8(A)(5).

In addition to the main structure, the uphill ancillary structures appear to require significant excavation within the SLO Zone.

Here, the Applicant has not provided any of the foregoing materials required for the Sensitive Lands Analysis, thus no formal determination on this issue is feasible as required under the Code. For this reason alone, the Applicant’s application should be denied.

4. The design of the new structure(s) including the proposed building height is inconsistent with the LMC and Historic District Guidelines for Infill Development.

The purpose of the HR-1 District is to “encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District.” The Code specifically identifies the type of individual who should provide an opinion on historical compatibility. That person is a “Qualified Historic Preservation Professional.” The code defines such a professional as “[a] professional with a combination of education in a closely related field of study plus work experience to meet the Secretary of the Interior’s Historic Preservation Qualification Standards. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. The standards are set for history, archaeology, architectural history, architecture, and historic architecture.”

Here, Staff wisely sought the opinion of a Qualified Historic Preservation Professional as to whether the proposed structure was consistent with the Historic District Guidelines for Infill Development in the HR-1 Zone. That opinion is found in Exhibit J to Staff’s January 24, 2024 Staff Report. Exhibit J is a “Technical Memorandum” provided by Anne Oliver, Principal Architectural Historian, and Christina Olson, Lead Architectural Historian at SWCA Environmental Consultants. **The SWCA report is the only evidence in the record as to whether the Applicant’s proposed structure complies with the LMC and Historic District Guidelines for Infill Development.**

The Report specifically details the LMC Design Guidelines for New Residential Infill Construction in Historic Districts LMC15-13-8. It outlines several of the “Universal Guidelines” and “Specific Guidelines” for new infill residential buildings and exterior elements. For example, SWCA notes that “the size, scale, and proportions of the residence and its component elements, including the shed roof and cantilevered flat roof are reminiscent of large-scale industrial building rather than a residential building, which is not compatible with the HRE -1 Zone and the surrounding Historic District, not a full-scale industrial building such as the Silver King Mill Building.” Similarly, Staff stated in its January 24, 2024 report that “the proposed Structure seems overscale when compared to the surrounding Mining Boom Era Residences Thematic District and existing development pattern in the Historic Residential-1 Zoning District.”

For these and other reasons, SWCA ultimately concludes that **“the guidelines are clear regarding requirements for residential massing and scale and the proposed design does not comply.”**

In sum, we strongly support the Applicant's desire to construct a primary residence for his family in Old Town, but it must be significantly revised (notably, downsized) to fit into Old Town Park City. We expect the Planning Commission to enforce the restrictions of the MPD and Park City Code to preserve the unique character of Old Town.

Sincerely,

Eric R. Hermann
Susan T. Fredston-Hermann

Park City, UT 84060

From: planning <planning@parkcity.org>
Sent: Friday, February 9, 2024 9:23 AM
To: Caitlyn Tubbs; Rebecca Ward
Subject: FW: 220 King Road

From: Dennis Hranitzky <[REDACTED]>
Sent: Friday, February 9, 2024 5:28 AM
To: planning <planning@parkcity.org>
Subject: [External] 220 King Road

Warning: Replies to this message will go to [REDACTED] If you are unsure this is correct please contact the helpdesk.

[CAUTION] This is an external email.

Dear Commissioners

I reside at [REDACTED] Sandridge Road. Along with my immediate Old Town neighbors and the residents of Rossi Hill, I have a direct view of 220 King Road. I am concerned that the proposed structure at 220 King Road stands out as dramatically larger than other residences in Old Town. The January 24 Planning Staff Report estimates that the proposed structure is 130 feet wide (5 old town lots!), that the roof is 117 feet wide, and states that it is four and a half stories high. In some areas, floor to ceiling windows will reflect the rising sun each morning. Although some of those stories are "basement levels" there are four levels of windows which the Applicant states echo fenestration of industrial mining structures. These are not typical Old Town residential windows or fenestration that has ever been allowed in the historical district. Of even more concern than morning light is nighttime light pollution. The Prince family states that this will be their primary residence, which means much of the structure is likely to be lit at night much of the year. I hope the Planning Commission will adhere to HR-1/LMC guidelines and prevent the creation of a huge bar of bright light looming over Old Town each night. I note that the Applicant has provided no nighttime rendering of the proposed structure.

In general, the Staff Report indicates that the main proposed structure does not comply with code regarding: height, footprint, mass, windows, roof, etc. Also of concern, the proposed ancillary structures are located on Very Steep Slope and Sensitive Lands Overlay. I hope the Planning Commission will ensure that the proposed structure conforms to all the codes and approval processes that the rest of us in Old Town must abide by. I personally worked diligently with my architect and the Planning Department to obtain approval of a remodel of my home in conformance with the relevant code requirements.

Sincerely,

Dennis Hranitzky

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

From: planning <planning@parkcity.org>
Sent: Friday, February 9, 2024 9:23 AM
To: Caitlyn Tubbs; Rebecca Ward
Subject: FW: 220 King Road

From: Dennis Hranitzky <dennishranitzky@quinnemanuel.com>
Sent: Friday, February 9, 2024 5:28 AM
To: planning <planning@parkcity.org>
Subject: [External] 220 King Road

Warning: Replies to this message will go to dennishranitzky@quinnemanuel.com. If you are unsure this is correct please contact the helpdesk.

[CAUTION] This is an external email.

Dear Commissioners

I reside at 218 Sandridge Road. Along with my immediate Old Town neighbors and the residents of Rossi Hill, I have a direct view of 220 King Road. I am concerned that the proposed structure at 220 King Road stands out as dramatically larger than other residences in Old Town. The January 24 Planning Staff Report estimates that the proposed structure is 130 feet wide (5 old town lots!), that the roof is 117 feet wide, and states that it is four and a half stories high. In some areas, floor to ceiling windows will reflect the rising sun each morning. Although some of those stories are "basement levels" there are four levels of windows which the Applicant states echo fenestration of industrial mining structures. These are not typical Old Town residential windows or fenestration that has ever been allowed in the historical district. Of even more concern than morning light is nighttime light pollution. The Prince family states that this will be their primary residence, which means much of the structure is likely to be lit at night much of the year. I hope the Planning Commission will adhere to HR-1/LMC guidelines and prevent the creation of a huge bar of bright light looming over Old Town each night. I note that the Applicant has provided no nighttime rendering of the proposed structure.

In general, the Staff Report indicates that the main proposed structure does not comply with code regarding: height, footprint, mass, windows, roof, etc. Also of concern, the proposed ancillary structures are located on Very Steep Slope and Sensitive Lands Overlay. I hope the Planning Commission will ensure that the proposed structure conforms to all the codes and approval processes that the rest of us in Old Town must abide by. I personally worked diligently with my architect and the Planning Department to obtain approval of a remodel of my home in conformance with the relevant code requirements.

From: [REDACTED]
To: [Alexandra Ananth](#); [REDACTED]
Subject: [External] Support of Prince design
Date: Thursday, October 19, 2023 9:14:05 AM

[CAUTION] This is an external email.

Hi Alexandra,

Sue Barsamian and I wanted to drop you an email to voice our support for the house design proposed by Matthew and Tatiana Prince.

While it is always difficult to build new structures in a historic area, we feel this design has taken design cues from old mining structures and merged them with a modern aesthetic. It is not an easy task to maintain sensitivity to structures of the past, but this design will improve the city's skyline without a stark contrast to the historic houses below on the hill.

Hope this is helpful in your review and thanks for all you do keeping Park City special.

Bill Romans

[REDACTED]
[REDACTED]

Sue Barsamian

[REDACTED]
[REDACTED]

From: Robert Sfire [REDACTED]
Sent: Thursday, February 8, 2024 4:13 PM
To: Planning_Mail
Subject: [External] Fwd: Jan.27 issue re:220 King RD Pamela Manson

Follow Up Flag: Follow up
Flag Status: Flagged

Warning: Replies to this message will go to bobsfire@gmail.com. If you are unsure this is correct please contact the helpdesk.

[CAUTION] This is an external email.

re: 220 King Rd. request for planning approval

----- Forwarded message -----

From: Robert Sfire [REDACTED]
Date: Sun, Feb 4, 2024 at 2:10 PM
Subject: Jan.27 issue re:220 King RD Pamela Manson
To: [REDACTED], <planning@parkcity.com>

Pamela,
I am certainly in favor of the Princes building a single personal residence for themselves. I am the previous owner of those homes and I had been telling the city council for years that this property will probably get redeveloped as a larger single home.

I built those homes and only the larger home was ever rented. Park City Lodging, Rhonda Sideris, was the only company that ever managed them. They were never marketed as party houses. PCL is a top quality property management company-40 years in PC. The rental house has 5 bedrooms and sleeps 14 max, often rented by 2 or 3 families.

The Sweeney family developed the Treasure Hill subdivision. Since Pat Sweeney is in approval of this proposed change the city should approve it.

Good day,
Bob Sfire

--

Take a deep breath,

Bob

From: [REDACTED]
To: [Alexandra Ananth](#)
Subject: [External] 220 King Road
Date: Thursday, February 8, 2024 5:11:31 PM

Warning: Replies to this message will go to [REDACTED]. If you are unsure this is correct please contact the helpdesk.

[CAUTION] This is an external email.

Please include in packet.

Greetings.

I was surprised to see a project at 220 King Road requiring a Plat Amendment, a Conditional Use Permit, and a Steep Slope Conditional Use Permit in order to build.

Why would anyone want to build a house so far out of the range of compatibility in this Historic Old Town neighborhood?

I am confident the Planning Commission will deny the plat amendment and CUPs, keeping the integrity of Historic Old Town Park City intact.

Respectfully,

Carol Sletta
[REDACTED] Sampson Avenue
(50 year Old Town resident)

February 8, 2024

Rebecca Ward, Planning Director
Alexandra Ananth, Senior Planner
Caitlyn Tubbs, Historic Preservation Senior Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060
Re: 220 King Road Plat Amendment, Conditional Use Permit, and Steep Slope
Conditional Use Permit

Dear Rebecca, Alexandra, and Caitlyn,

This letter follows my previous two letters dated January 24, 2024, and February 1, 2024, copies of which are appended immediately below for convenience. Regarding the Application and the relevant Staff Report, I want to specifically address further No. 3 in the second letter. Please provide a copy of this letter to the Planning Commission and put a copy in the related public comments.

The Staff Report states, "the LMC also limits interior Building Height to 35 feet."⁸ The Planning Department calculates the interior Building Height at 53.5 feet as measured from the lowest finish floor plane to the top of the topmost wall plate." The relevant footnote cites "§ 15-2.2-3" of the LMC. We believe there is a typo and it should be § 15-2.2-5, as -3 talks about "Lot and Site Requirements" and -5 "Building Height." When searched, the only reference to "thirty five feet" in the LMC is found in 15-2.2-5. 15-2 is specific to the HRL, Historic Residential-Low Density zone. 220 King Road is not in this zone. 220 King Road is in the HR-1 zone on the current website plat map. There is no such restriction in the HR-1 zone. Regardless, the correct zone for 220 King Road is HR-1 / MPD, a zone peculiar to the Sweeney Properties Master Plan, adopted unanimously by the City Council on August 2, 1990. In the associated staff report dated August 1, 1990, Suzanne McIntyre, Project Planner, states: "The Master Plan was approved after considerable study of more than eight different development scenarios for the area and numerous concepts for each of the smaller development parcels within the area. The Plan spells out the densities and development parameters for each of the parcels, and includes a provision that each be zoned according to the Master Plan." She goes on to state: "The Planning Staff believes the requested rezones are consistent with the approved Master Plan, and that they help formalize the agreement between MPE Inc. and the citizens of Park City." See attached Exhibit G.

Simply put, there is no interior building height restrictions. History bears this out in the Master Plan, the associated HR-1 and Estate / MPD zones, the resulting plat notes, small scale master plan / CUP approvals that have followed these, and in the structures built to date on Lots 2, 3, 4, 5, 6, and 7. As an example, the green house built on Lot 3 located off Upper Norfolk in the late nineties has a basement located completely below reestablished grade and a maximum height from finished floor to highest top plate of approximately 55 feet. This allows a functional connection between multiple levels on a steep slope and creates very valuable below grade space. This space makes life better for the owners and their guests. At the same time, such functional space located underground is less impactful than similar space above ground. Parking underground, in particular, helps keep vehicles off adjacent streets. The only thing that nearby neighbors experience regarding this space and similar space located on Lot 4, the white house, is the open space and public ski runs and bike trails serving upper Old Town which surround these homes.

Sincerely,

Pat Sweeney

Manager of Sweeney Land Company LLC
President MPE INC
Manager Brothers III LLC
Personally for Mike, Pat and Ed Sweeney

cc: Matt Dias, Mark Harrington, Margaret Plane, Matthew Prince, Heinrich Deters,
Chick Hill

January 24, 2024

Rebecca Ward, Planning Director
Alexandra Ananth, Senior Planner
Caitlyn Tubbs, Historic Preservation Senior Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060
Re: 220 King Road Plat Amendment, Conditional Use Permit, and Steep Slope
Conditional Use Permit

Dear Rebecca, Alexandra, and Caitlyn,

As you know, I reached out to Matt Dias, City Manager, a couple of days ago and was directed to you to air my concerns regarding the 220 application specifically with respect to the draft staff report. I appreciate the opportunity to talk with Rebecca that day and to meet with the three of you yesterday to explain those concerns. This is the brief letter I mentioned regarding those concerns generally. I will followup with specifics.

No word can better explain how the Sweeney entities and the three brothers personally (together "Sweeneys") feel about the Master Plan than the term "master" meaning "CONTROLLING" and "most important." We are currently fully engaged with Heinrich Deters, Trails and Open Space Manager, in a two year plus process to further protect the open space on Treasure Hill from being eroded over time. The 42 acre Lot 5 is part of this open space. The Sweeneys are equally passionate about preserving rights related to the 7 single family lots, Lots 1, 2, 3, 4, 6, 7, and 8, regarding the owners having the right to build and enjoy large homes on these. The open space would not exist with out the single family lots and visa versa. Both need to be respected equally.

The Sweeneys look forward to sharing our thoughts with the Planning Commission directly when procedurally appropriate. Please put this letter in the comments.

Sincerely,


Pat Sweeney

Manager of Sweeney Land Company LLC
President MPE INC
Manager Brothers III LLC
Personally for Mike, Pat and Ed Sweeney

cc: Matt Dias, Matthew Prince, Heinrich Deters, Chick Hill

February 1, 2024

Rebecca Ward, Planning Director
Alexandra Ananth, Senior Planner
Caitlyn Tubbs, Historic Preservation Senior Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

Re: 220 King Road Plat Amendment, Conditional Use Permit, and Steep Slope Conditional Use Permit

Dear Rebecca, Alexandra, and Caitlyn,

This letter contains more specifics promised in my previous letter dated January 24, 2024, copy attached immediately below, regarding the pending 220 applications (together "Application") and the relevant Staff report ("Staff Report"). It is separated into one general comment followed by 7 specific comments.

General. Park City Municipal Corporation ("City") in effect entered into a contract with the Sweeneys which contract can't be changed with subsequent zoning, irrelevant codes, or other concerns which in effect lays waste to the contract. Tom Clyde, City Attorney, said in a letter to Ed Sweeney dated June 26, 1985: "Having filed your development proposal and paid the fees with the Planning Department, your zoning rights with respect to this particular project and application are vested under the existing zoning and would not be affected by subsequent zone changes." Joel Paterson, Project Planner, referred to the process in a letter to Pat Sweeney dated July 18, 1985 as a "contract zone." The first recorded plat notes concerning the Sweeney Properties Master Plan (historically "SPMP"; in the Staff Report "Sweeney MPD"; also "Master Plan") conclude on Page 3 with: "9. PRECEDENCE. The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan." This language is repeated three times in ensuing years with respect to amendments and the platting of Lots 6, 7, and 8. The common accepted meaning of "in accordance with" is "IN AGREEMENT WITH, in conformity with, in line with, commensurate with, in compliance with, true to, in fulfillment of, in obedience to, in the spirit of, following, honoring, heeding, observing." See attached Exhibits A-C. *Simply put, the City can't reduce the amount of use expected from the Sweeney MPD terms and related plats for the 7 single family lots, Lots 1, 2, 3, 4, 6, 7, and 8 and the Sweeneys can't reduce the amount of open space in Lot 5 nor the amount of deed restricted open space in Lot 8.*

1. The Sensitive Land Overlay zone ("SLO") does not apply to the Application. According to the minutes of the Planning Commission Meeting of August 11, 2004, page 25, concerning an application for the un-platted portion of the Sweeney MPD located on Treasure Hill at the time: "Commissioner O'Hara asked if the Sensitive Lands Ordinance applies to any portion of this review. Director Putt replied that the SLO does not apply specifically to this application." In the staff report, dated June 8, 2016, Page 52, related to the same application, Francisco Astorga, Senior Planner says: "Project predates the SLO therefore SLO does not specifically apply in terms of a density determination and site suitability analysis." See attached Exhibits D and E.
2. Historic District Guidelines at the time of the Sweeney MPD approval emphasize historic proportions and materials, avoiding replication, and the design being a contemporary expression. The Application accomplishes this. There are no further essential requirements. Regarding scale, the size of the single family homes were clearly expected to be larger than nearby historically small Park City homes. In subsequent Historic District review processes and related approvals scale difference was bridged in and structures subsequently built on Lots 3, 4, 6, 7, and 8 with comparisons to larger historic buildings in scale such as schools, churches, and boarding houses, and mine structures, for example, the Silver King Mine. As recently as April 20, 2020 this approach was deemed acceptable for an addition on Lot 8 with the staff report finding on Page 53 "substantial compliance with the intention of the Historic District Design Guidelines" and the Planning Commission approving the CUP finding the design on Page 3 "to substantially comply with LMC 15-13-8." See attached Exhibit F containing the staff report and Planning Commission CUP approval.
3. Interior space limitations don't exist regarding the intent and letter of the Master Plan, related plats and approvals. Explained further, the application of more restrictive codes in the Staff Report contradicts statement of the City attorney at the time of initial MPD application and the initial Project Planner who characterized the process as a contract. Simply put, interior space limitations don't exist. This is demonstrated by existing approvals on Lots 3, 4, 6, 7, and 8 and resultant construction which includes access exceptions, space that does not count against the 3,500 square feet footprint, and basements without limitations. See attached Exhibit F for a recent example on Lot 8.
4. With respect to lot restrictions, the application complies with the 3,500 square feet footprint and 30 feet height restriction for sloped roofs. This is demonstrated by the existing approvals on Lots 3, 4, 6, 7, and 8 and resultant construction under the same restrictions. Site access improvements, underground parking, and underground occupied space do not count against the 3,500 square feet footprint. This is demonstrated by the existing prior approvals on Lots 3, 4, 6, 7, and 8 and resultant construction. Access improvements and parking located outside of the 3,500 square feet footprint minimize impacts on adjacent

streets and neighbors and provide fire and safety access. The effectiveness of these types of improvements, in this regard, has been demonstrated on Lots 3, 4, 6, 7, and 8 over many years. See attached Exhibit F for a recent example on Lot 8.

5. There is good cause for the plat amendment and clarification notes. With respect to the 3,500 square feet footprint, these notes are consistent to similar clarifications provided on the more recent plat for Lot 8 and are consistent with existing prior approvals on Lots 3, 4, 6, 7, and 8, application of the notes, and resultant construction. The proposed Building Area Limits adjustment (which includes less area) makes sense for a more functional design and is consistent with similar plat amendments approved for Lots 3, 4, and 8.

6. The accessory space located uphill of the main house elements is below preexisting grade and has deck or landscaping above. It is consistent with similar space recently approved and constructed on Lot 8 which was not counted against the 3,500 square feet footprint. See attached Exhibit F for a recent example on Lot 8.

7. All reasonably anticipated impacts have been mitigated.

Because of the above and other thoughtful design details, the Application merits approval.

The above comments reflect how we have lived with the Master Plan for almost 40 years. There is no legitimacy in using the Application to reinvent the Master Plan terms. Rather, the Application should reaffirm its terms.

The Sweeneys look forward to sharing the above with the Planning Commission directly when procedurally appropriate. Please provide a copy of this letter to the Planning Commission and put a copy in the related public comments. The following link contains the Exhibits A through F: [REDACTED]

Sincerely,


Pat Sweeney

Manager of Sweeney Land Company LLC
President MPE INC
Manager Brothers III LLC
Personally for Mike, Pat and Ed Sweeney

cc: Matt Dias, Mark Harrington, Matthew Prince, Heinrich Deters, Chick Hill

Page 3
[REDACTED]

EXHIBIT G

PARK CITY PLANNING DEPARTMENT
STAFF REPORT

TO: PLANNING COMMISSION
FROM: PLANNING STAFF *mm*
DATE: AUGUST 1, 1990
Re: SWEENEY MPD REZONES

=====

I. PROJECT STATISTICS:

Applicant:	MPE Inc.
Project Address:	Hillside West of Historic Dist.
Request:	Rezones Consistent w/MPD
Zoning:	As Described Below
Adjacent Land Uses:	Open Space, Historic Residential
Date of Application:	April 30, 1990
Date of Staff Report:	July 27, 1990
Project Planner:	Suzanne McIntyre
Staff Recommendation:	FORWARD A POSITIVE RECOMMENDATION

II. BACKGROUND INFORMATION:

The Sweeney Master Plan was approved by the City Council in October, 1986. The Master Planned area involves 125 acres of the hillside adjacent to the Historic District and the Park City Ski Area, to the west of the Main Street area.

The Master Plan was approved after considerable study of more than eight different development scenarios for the area and numerous concepts for each of the smaller development parcels within the area. The Plan spells out the densities and development parameters for each of the parcels, and includes a provision that each be zoned according to the Master Plan. Those zones are described below.

This request is being processed concurrently with MPE's request to subdivide two of the single family development parcels: the King Road 2-Lot Single Family Subdivision, and the Upper Norfolk 2-Lot Subdivision. The subdivisions are being reviewed in a separate Staff Report and are not directly tied to this request for the rezones.

III. PROJECT DESCRIPTION:

The requested rezones are for the following parcels:

SWEENEY MPD REZONES

page 2

1. HILLSIDE PARCEL: 109 acres
Current Zoning: Estate
Proposed Zoning: Recreation Open Space
2. UPPER NORFOLK SINGLE FAMILIES: 2 SFUs
Current: HR-1
Proposed: HR-1 - MPD
3. KING ROAD SINGLE FAMILIES: 2 SFUs
Current: HR-1
Proposed: HR-1 - MPD
4. 5TH STREET SINGLE FAMILIES: 2 SFUs
Current: HR-1
Proposed: HR-1 - MPD
5. SHEEN SINGLE FAMILY:(adjacent to the Rush Bed & Breakfast) 1 SFU
Current: HR-1
Proposed: HR-1 - MPD
6. TOWN LIFT MIDSTATION: 3.75 acres
39 Unit Equivs
35.5 ues hotel/condominium
3.5 ues support commercial
Current: HR-1
Proposed: Estate - MPD
7. CREOLE GULCH: 7.75 acres
177 Unit Equivs
161.5 ues hotel/condominium
15.5 ues support commercial
Current: Estate
Proposed: Estate - MPD
8. COALITION WEST: .543 Acres
(SW Corner of 8th St.
& Park Ave.)
16 Unit Equivs
hotel/condo/commercial
Current: HRC
Proposed: HRC - MPD
9. COALITION EAST: 1.157 acres
(East Side of Park
Ave. at 8th St.)
40 Unit Equivs
hotel/condo/commercial
Current: HRC
Proposed: HCB - MPD

IV. ISSUES FOR DISCUSSION:

The Planning Staff believes the requested rezones are consistent with the approved Master Plan, and that they help formalize the agreement between MPE Inc. and the citizens of Park City. In addition, MPE Inc. and the City Attorney are working on an agreement or some form of conservation easement which will guarantee the ROS Hillside Area remain as open space in perpetuity.

PUBLIC INPUT STATEMENT: The Planning Staff has received numerous phone calls from people requesting information, but no specific comments.

V. STAFF RECOMMENDATION:

The Planning Staff recommends that the Planning Commission forward a POSITIVE recommendation to the City Council on the requested rezones.

Mr. Olch stated that this will be taken under consideration this winter when golf rates are reviewed.

III PUBLIC HEARINGS

1. FY 1990-91 final budget and certified tax rate - The Finance Director explained the budget review process and the requirements for adoption. Council adopted a tentative budget in June which included a \$206,000 increase. A "tax increase" is defined as an increase from the previous year in dollars from tax revenues. Property owners have been notified by the county regarding the proposed tax rates. The modifications in the tentative budget include an increase of \$6,927 reflecting the property taxes from Wasatch County, adjustments in the revised pay plan, and transfers in the City and MBA budgets to reflect the \$1.1 water/property transaction.

Kent Parker explained that the taxing jurisdictions include the School District, Weber Water Basin, Summit County, Fire District, Sewer District, and the City. The City's portion of the tax assessment last year was 27.5% and the proposed tax rate for FY 90-91, the City's portion will decrease to 26.1%. Property taxes primarily fund debt service (17.7%) and the balance to the general operations of the City (82.3%). Last year the tax rate was .004872; the proposed rate is .004783, which is 1.8% less than FY 89-90. The Finance Director discussed the practice of bonding for delinquent property taxes over the years. Because collection has increased, funding from this source will not be available and Mr. Parker noted the 4% inflation rate all contributing to the recommendation to adopt this budget for the additional \$200,000.

Teri Whitney - Snowflower Condominium manager, stated her confusion with the verbiage in the legal notice.

Kent Parker clarified that the School District is the only jurisdiction that has a rate increase from the prior year. The Finance Director agreed that the notice indicates an 18.6% increase, however, of that 18.6%, 63% was from new growth which the City would receive anyway without a tax increase. He also noted that taxes will be affected by increases in assessed valuations.

With no further comments or questions, the public hearing was closed.

2. Rezone portions of the Historic District; specifically 109 acres of hillside on Treasure Mountain from Estate to Recreation Open Space and several development parcels, specifically; two Fifth Street single family lots from HR1 to HR1-MPD; and two upper Norfolk (approximately 400 Upper Norfolk) single

family lots from HR1 to HR1-MPD; and two King Road (approximately 200 King Road) single family lots from HR1 to HR1-MPD; and one Lower Norfolk Avenue (approximately 700 Lower Norfolk) single family lot from HR1 to HR1-MPD; and a 3.75 acre condominium/commercial lot at the Town Lift Midstation from HR1 to Estate-MPD; and a 7.75 are hotel/condo/commercial lot at the Creole Gulch site from Estate to Estate-MPD; and a .543 acre hotel/condo/commercial lot at the Coalition West Site at approximately 775 Park Avenue from HRC to HRC-MPD; and a 1.57 acre hotel/condo/commercial site at approximately 770 Park Avenue from HRC to HCB-MPD - Suzanne McIntyre reported that the Sweeney Master Plan was approved in October 1986 and involves 125 acres of a hillside, commonly referred to as Treasure Mountain. The Master Plan was approved after extensive study of numerous concepts and spells out the densities and development parameters for each of the parcels and includes a provision that each be zoned according to the Master Plan. This request is being processed concurrently with a request for two two-lot single family subdivision. The subdivision plats were preliminary approved by the Planning Commission on August 8 and final plat approval is pending.

Ms. McIntyre described the nine development areas by illustration of a map, more specifically detailed in the heading. The rezones are essentially attaching master plan designations to the subject sites which would require a more thorough review process. The Planning Commission has forwarded a positive recommendation.

Jim Tatora - Stated his concern with changing the zoning in Old Town for development.

Jim Carter reiterated that the MPD designation is a more restrictive zone providing the City will more control. With no further comment, the public hearing was closed.

IV MINUTES OF MEETING OF AUGUST 2, 1990

Jim Santy, "I move approval". Ruth Gezelius seconded. Motion unanimously carried.

V COMMUNICATIONS FROM COUNCIL AND STAFF

1. MBA acquisition - Jim Carter reported that the acquisition of 350 acre feet of water, property, and vehicles closed last week. The Legal Department is in the process of preparing a change application to allow the City to use the newly acquired water right in the Treasure Mountain Middle School Well.

2. Initiative Petition finding - The City Attorney continued that the Utah Supreme Court affirmed the City Recorder's

Page 2
City Council Meeting
August 23, 1990

to call-up the approval action of the Planning Commission last night on Lots 16 and 17 in Evergreen Subdivision, 6774 and 6808 Silver Lake Drive for the purpose of discussion of set-backs and scale of neighborhood". Ray Johnson seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Ray Johnson	Aye
Bob Richer	Nay
Jim Santy	Aye

VI REPORTS FROM COMMISSIONS AND BOARDS

Parks, Recreation, and Beautification Advisory Board - Chairman Joram Lichtenstein advised Council of the resignation of Scott Becker and Bruce Manning. He urged Council to make the appointments as soon as possible because of a planned Board retreat in October.

VII ORDINANCES

1. An Ordinance repealing Ordinance 83-16, as amended, and enacting revised beer and liquor regulations and licenses - Ruth Gezelius, "I move approval of the Ordinance repealing Ordinance 83-16, as amended". Bob Richer seconded. Motion unanimously carried.

Because of the extent of the amendments to Ordinance 83-16, it will be repealed in its entirety. The set-up license becomes "extinct" as of January 1, 1990, thus the City will lose approximately \$2,600 in renewals in this category. The current restaurant liquor license will most likely convert into the new restaurant liquor category. Most likely, some of the restaurants with current set-up licenses will apply for a restaurant liquor license in January 1991. This may offset some of the lost revenue from above.

Under the on-premise beer/tavern category, there are currently five licenses. Off-premise licenses currently total 12, and the on-premise (all others) make up the largest group with a current total of 57 licenses.

The definition of "nuisance" in Section 2.08 has been amended to include violations of any city, county, state or federal law or ordinance. The hearing procedure in 7.01 has been amended to limit the licensed hearing examiner to making finding of fact, reserving to the Council the power and authority to make conclusions of law, and enter an order, accordingly.

2. An Ordinance rezoning portions of the Historic District; specifically 109 acres of hillside on Treasure Mountain from Estate

Page 3
City Council Meeting
August 23, 1990

to Recreation Open Space and several development parcels, specifically; two Fifth Street single family lots from HR1 to HR1-MPD; and two upper Norfolk (approximately 400 Upper Norfolk) single family lots from HR1 to HR1-MPD; and two King Road (approximately 200 King Road) single family lots from HR1 to HR1-MPD; and one Lower Norfolk Avenue (approximately 700 Lower Norfolk) single family lot from HR1 to HR1-MPD; and a 3.75 acre condominium/commercial lot at the Town Lift Midstation from HR1 to Estate-MPD; and a 7.75 are hotel/condo/commercial lot at the Creole Gulch site from Estate to Estate-MPD; and a .543 acre hotel/condo/commercial lot at the Coalition West Site at approximately 775 Park Avenue from HRC to HRC-MPD and from HR-1 to HR-1 MPD; and a 1.57 acre hotel/condo/commercial site at approximately 770 Park Avenue from HRC to HCB-MPD; and amending the Official Zoning Map of Park City, Utah - See public hearing commentary of August 16, 1990. Ruth Gezelius, "I move approval of the Ordinance rezoning portions of the Historic District, as outlined in the agenda and corrected by staff". Bob Richer seconded. Motion unanimously carried.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a Redevelopment Agency meeting convened.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:45 p.m. Members in attendance were Mayor Brad Olch, Sally Elliott, Ruth Gezelius, Ray Johnson, Bob Richer, and Jim Santy. Staff present were Toby Ross, City Manager; and Jim Carter, City Attorney. Ruth Gezelius, "I move to close the meeting to discuss property acquisition". Bob Richer seconded. Motion unanimously carried.

The meeting opened at approximately 4:20 p.m.

* * * * *

The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott



From: Rebecca Ward <rebecca.ward@parkcity.org>
Sent: Friday, February 9, 2024 9:46 AM
To: Caitlyn Tubbs
Subject: FW: [External] Comments Regarding 220 King Road for the 2/14/24 Planning Commission Meeting
Attachments: [bbab0217-0b73-4f5c-8316-f7607e216470 exhibit J 220 King.pdf](#)

From: John Vrabel [REDACTED]
Sent: Thursday, February 8, 2024 5:36 PM
To: Alexandra Ananth <alexandra.ananth@parkcity.org>
Cc: Rebecca Ward <rebecca.ward@parkcity.org>
Subject: [External] Comments Regarding 220 King Road for the 2/14/24 Planning Commission Meeting

Warning: Replies to this message will go to [REDACTED]. If you are unsure this is correct please contact the helpdesk.
[CAUTION] This is an external email.

C/O Alexandra Ananth & Rebecca Ward:

The above is a Historic Design Review done by Anne Oliver, Principal Architectural Historian and Christine Olsen, Lead Architectural Historian, SWCH Environmental Consultants, SLC, UT.

Dear Honorable Planning Commissioners:

I am a 56 year resident of [REDACTED] Upper Norfolk Avenue, in Old Town Park City. My residence is approximately 115 yards from Mr. Prince's 220 King Road project.

I include the above Olsen/Oliver review because the quality, detail and accuracy describing Mr. Prince's project is, in my opinion, beyond reproach.

It then begs the question, "Why dose Mathew Prince deserve special treatment?"

He doesn't! At least not in the historic district of Old Town. Mr. Prince is quoted as saying: "All we want is to be good neighbors, turn two party houses into a single-family home that we can be proud of."

Mr. Prince then should go be proud in the Colony, where this size dwelling is allowed.

For many years I along with the residents of Park City have watched our Planning Department fight the good fight and deal with troublesome development in a kind and orderly manor.

Examples include the Peg development in the PCMR parking lot, where they (Peg) proposed a terrible plan that only benefited themselves. The planners offered several options for improvement but Peg

refused to budge and ultimately departed. (Thank you Planners!)

Next was the Kimball Art Center's 'Monument-to-the-World' plan which (they thought) was so magnificent, that no Planning over-site was even needed! Not so fast! And when they didn't get their way they packed up and moved. (Thank you Planners!)

Next was the original Alice Claim project in Woodside Gulch where the developer had some 13 homesites spread everywhere. The developer refused to change a really bad plan, and waited until the very last day before his permit expired and finally agreed to a sensible plan for a very sensitive, canyon area. 9 home sites were then aligned along the only road, and a difficult problem was solved. (Thank you Planners!)

In closing is 'The Sweeney' project. This was a unique and complex project as there were so many aspects involved, including an unusually long time span, which added another element to the difficulty. Our Planners showed great patience over a long and difficult period. It is my opinion that both the Planning Commission and the City Council are to be commended for their final resolution.

If Mathew Prince really wants to be a good neighbor he would follow the direction of our town's professional planners and help them to maintain the high quality of our town's historic residential neighborhood, an outcome that we can all be proud of.

Thank you!

Respectfully,

John Vrabel

Resident.

Sent from my iPhone

TECHNICAL MEMORANDUM

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

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

Date: April 26, 2023

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

OVERVIEW

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

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

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

HISTORIC DISTRICT DESIGN GUIDELINES REVIEW

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

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

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

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

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

A. Universal Guidelines

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

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

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

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

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

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

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

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

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

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

B. Specific Guidelines (Primary Structures)

Mass, Scale, and Height

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Windows

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

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

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

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

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

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

Roofs

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

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

CONCLUSION

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

REFERENCES CITED

Historic American Engineering Record (HAER)

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

Park City Planning Department

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

ATTACHMENT A

Figures



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



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

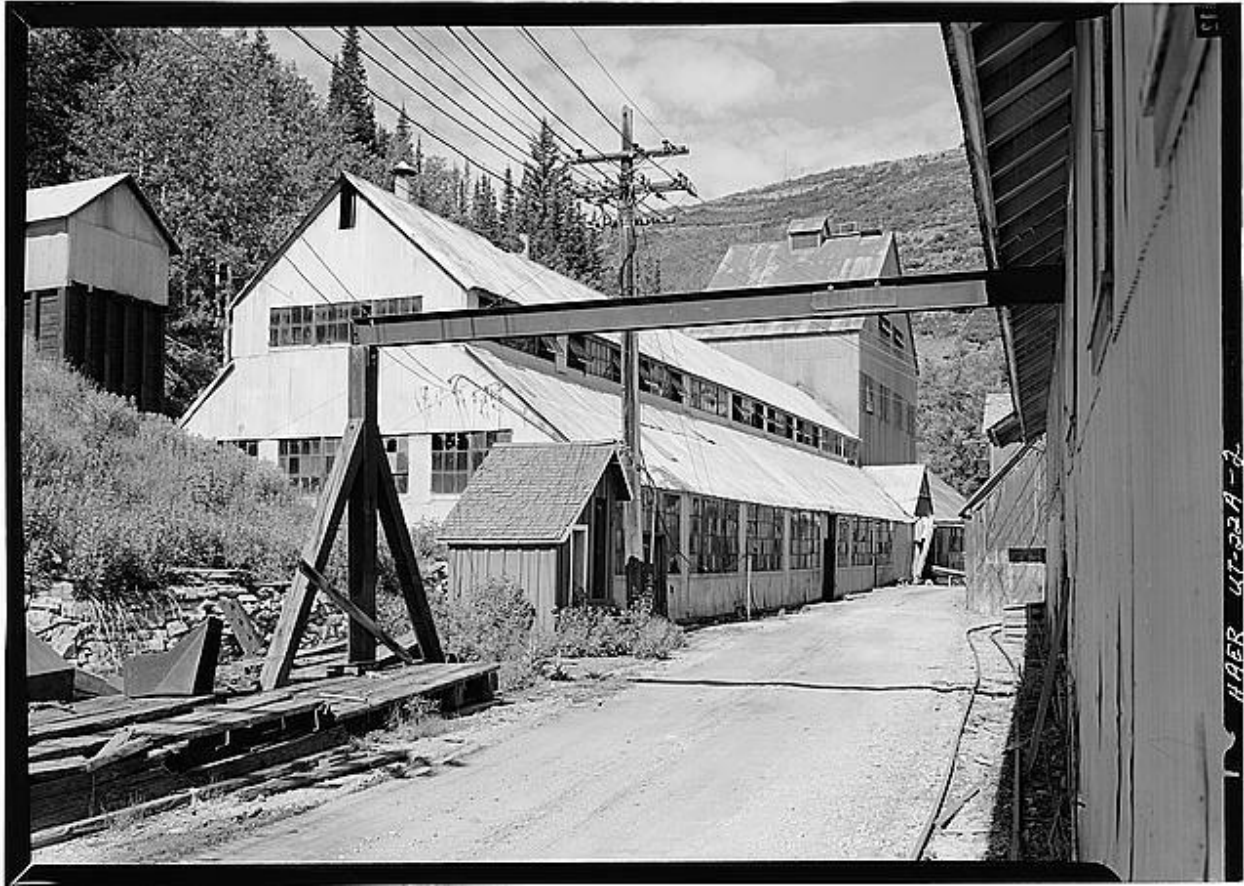


Figure A-3. Silver King Mine Hoist House (view from west), Woodside Gulch, Park City, Summit County, UT (HAER 1971). Note the complex massing of the building and its stepped and varied roofs over the component masses, as well as the multi-pane steel windows, window heights, proportion of solid wall to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



Silver King Mill

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

February 8, 2024

Rebecca Ward, Planning Director
Alexandra Ananth, Senior Planner
Caitlyn Tubbs, Historic Preservation Senior Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060
Re: 220 King Road Plat Amendment, Conditional Use Permit, and Steep Slope
Conditional Use Permit

Dear Rebecca, Alexandra, and Caitlyn,

This letter follows my previous two letters dated January 24, 2024, and February 1, 2024, copies of which are appended immediately below for convenience. Regarding the Application and the relevant Staff Report, I want to specifically address further No. 3 in the second letter. Please provide a copy of this letter to the Planning Commission and put a copy in the related public comments.

The Staff Report states, "the LMC also limits interior Building Height to 35 feet."⁸ The Planning Department calculates the interior Building Height at 53.5 feet as measured from the lowest finish floor plane to the top of the topmost wall plate." The relevant footnote cites "§ 15-2.2-3" of the LMC. We believe there is a typo and it should be § 15-2.2-5, as -3 talks about "Lot and Site Requirements" and -5 "Building Height." When searched, the only reference to "thirty five feet" in the LMC is found in 15-2.2-5. 15-2 is specific to the HRL, Historic Residential-Low Density zone. 220 King Road is not in this zone. 220 King Road is in the HR-1 zone on the current website plat map. There is no such restriction in the HR-1 zone. Regardless, the correct zone for 220 King Road is HR-1 / MPD, a zone peculiar to the Sweeney Properties Master Plan, adopted unanimously by the City Council on August 2, 1990. In the associated staff report dated August 1, 1990, Suzanne McIntyre, Project Planner, states: "The Master Plan was approved after considerable study of more than eight different development scenarios for the area and numerous concepts for each of the smaller development parcels within the area. The Plan spells out the densities and development parameters for each of the parcels, and includes a provision that each be zoned according to the Master Plan." She goes on to state: "The Planning Staff believes the requested rezones are consistent with the approved Master Plan, and that they help formalize the agreement between MPE Inc. and the citizens of Park City." See attached Exhibit G.

Simply put, there is no interior building height restrictions. History bears this out in the Master Plan, the associated HR-1 and Estate / MPD zones, the resulting plat notes, small scale master plan / CUP approvals that have followed these, and in the structures built to date on Lots 2, 3, 4, 5, 6, and 7. As an example, the green house built on Lot 3 located off Upper Norfolk in the late nineties has a basement located completely below reestablished grade and a maximum height from finished floor to highest top plate of approximately 55 feet. This allows a functional connection between multiple levels on a steep slope and creates very valuable below grade space. This space makes life better for the owners and their guests. At the same time, such functional space located underground is less impactful than similar space above ground. Parking underground, in particular, helps keep vehicles off adjacent streets. The only thing that nearby neighbors experience regarding this space and similar space located on Lot 4, the white house, is the open space and public ski runs and bike trails serving upper Old Town which surround these homes.

Sincerely,

Pat Sweeney

Manager of Sweeney Land Company LLC
President MPE INC
Manager Brothers III LLC
Personally for Mike, Pat and Ed Sweeney

cc: Matt Dias, Mark Harrington, Margaret Plane, Matthew Prince, Heinrich Deters,
Chick Hill

January 24, 2024

Rebecca Ward, Planning Director
Alexandra Ananth, Senior Planner
Caitlyn Tubbs, Historic Preservation Senior Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060
Re: 220 King Road Plat Amendment, Conditional Use Permit, and Steep Slope
Conditional Use Permit

Dear Rebecca, Alexandra, and Caitlyn,

As you know, I reached out to Matt Dias, City Manager, a couple of days ago and was directed to you to air my concerns regarding the 220 application specifically with respect to the draft staff report. I appreciate the opportunity to talk with Rebecca that day and to meet with the three of you yesterday to explain those concerns. This is the brief letter I mentioned regarding those concerns generally. I will followup with specifics.

No word can better explain how the Sweeney entities and the three brothers personally (together "Sweeneys") feel about the Master Plan than the term "master" meaning "CONTROLLING" and "most important." We are currently fully engaged with Heinrich Deters, Trails and Open Space Manager, in a two year plus process to further protect the open space on Treasure Hill from being eroded over time. The 42 acre Lot 5 is part of this open space. The Sweeneys are equally passionate about preserving rights related to the 7 single family lots, Lots 1, 2, 3, 4, 6, 7, and 8, regarding the owners having the right to build and enjoy large homes on these. The open space would not exist with out the single family lots and visa versa. Both need to be respected equally.

The Sweeneys look forward to sharing our thoughts with the Planning Commission directly when procedurally appropriate. Please put this letter in the comments.

Sincerely,


Pat Sweeney

Manager of Sweeney Land Company LLC
President MPE INC
Manager Brothers III LLC
Personally for Mike, Pat and Ed Sweeney

cc: Matt Dias, Matthew Prince, Heinrich Deters, Chick Hill

February 1, 2024

Rebecca Ward, Planning Director
Alexandra Ananth, Senior Planner
Caitlyn Tubbs, Historic Preservation Senior Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

Re: 220 King Road Plat Amendment, Conditional Use Permit, and Steep Slope Conditional Use Permit

Dear Rebecca, Alexandra, and Caitlyn,

This letter contains more specifics promised in my previous letter dated January 24, 2024, copy attached immediately below, regarding the pending 220 applications (together "Application") and the relevant Staff report ("Staff Report"). It is separated into one general comment followed by 7 specific comments.

General. Park City Municipal Corporation ("City") in effect entered into a contract with the Sweeneys which contract can't be changed with subsequent zoning, irrelevant codes, or other concerns which in effect lays waste to the contract. Tom Clyde, City Attorney, said in a letter to Ed Sweeney dated June 26, 1985: "Having filed your development proposal and paid the fees with the Planning Department, your zoning rights with respect to this particular project and application are vested under the existing zoning and would not be affected by subsequent zone changes." Joel Paterson, Project Planner, referred to the process in a letter to Pat Sweeney dated July 18, 1985 as a "contract zone." The first recorded plat notes concerning the Sweeney Properties Master Plan (historically "SPMP"; in the Staff Report "Sweeney MPD"; also "Master Plan") conclude on Page 3 with: "9. PRECEDENCE. The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan." This language is repeated three times in ensuing years with respect to amendments and the platting of Lots 6, 7, and 8. The common accepted meaning of "in accordance with" is "IN AGREEMENT WITH, in conformity with, in line with, commensurate with, in compliance with, true to, in fulfillment of, in obedience to, in the spirit of, following, honoring, heeding, observing." See attached Exhibits A-C. *Simply put, the City can't reduce the amount of use expected from the Sweeney MPD terms and related plats for the 7 single family lots, Lots 1, 2, 3, 4, 6, 7, and 8 and the Sweeneys can't reduce the amount of open space in Lot 5 nor the amount of deed restricted open space in Lot 8.*

1. The Sensitive Land Overlay zone ("SLO") does not apply to the Application. According to the minutes of the Planning Commission Meeting of August 11, 2004, page 25, concerning an application for the un-platted portion of the Sweeney MPD located on Treasure Hill at the time: "Commissioner O'Hara asked if the Sensitive Lands Ordinance applies to any portion of this review. Director Putt replied that the SLO does not apply specifically to this application." In the staff report, dated June 8, 2016, Page 52, related to the same application, Francisco Astorga, Senior Planner says: "Project predates the SLO therefore SLO does not specifically apply in terms of a density determination and site suitability analysis." See attached Exhibits D and E.
2. Historic District Guidelines at the time of the Sweeney MPD approval emphasize historic proportions and materials, avoiding replication, and the design being a contemporary expression. The Application accomplishes this. There are no further essential requirements. Regarding scale, the size of the single family homes were clearly expected to be larger than nearby historically small Park City homes. In subsequent Historic District review processes and related approvals scale difference was bridged in and structures subsequently built on Lots 3, 4, 6, 7, and 8 with comparisons to larger historic buildings in scale such as schools, churches, and boarding houses, and mine structures, for example, the Silver King Mine. As recently as April 20, 2020 this approach was deemed acceptable for an addition on Lot 8 with the staff report finding on Page 53 "substantial compliance with the intention of the Historic District Design Guidelines" and the Planning Commission approving the CUP finding the design on Page 3 "to substantially comply with LMC 15-13-8." See attached Exhibit F containing the staff report and Planning Commission CUP approval.
3. Interior space limitations don't exist regarding the intent and letter of the Master Plan, related plats and approvals. Explained further, the application of more restrictive codes in the Staff Report contradicts statement of the City attorney at the time of initial MPD application and the initial Project Planner who characterized the process as a contract. Simply put, interior space limitations don't exist. This is demonstrated by existing approvals on Lots 3, 4, 6, 7, and 8 and resultant construction which includes access exceptions, space that does not count against the 3,500 square feet footprint, and basements without limitations. See attached Exhibit F for a recent example on Lot 8.
4. With respect to lot restrictions, the application complies with the 3,500 square feet footprint and 30 feet height restriction for sloped roofs. This is demonstrated by the existing approvals on Lots 3, 4, 6, 7, and 8 and resultant construction under the same restrictions. Site access improvements, underground parking, and underground occupied space do not count against the 3,500 square feet footprint. This is demonstrated by the existing prior approvals on Lots 3, 4, 6, 7, and 8 and resultant construction. Access improvements and parking located outside of the 3,500 square feet footprint minimize impacts on adjacent

streets and neighbors and provide fire and safety access. The effectiveness of these types of improvements, in this regard, has been demonstrated on Lots 3, 4, 6, 7, and 8 over many years. See attached Exhibit F for a recent example on Lot 8.

5. There is good cause for the plat amendment and clarification notes. With respect to the 3,500 square feet footprint, these notes are consistent to similar clarifications provided on the more recent plat for Lot 8 and are consistent with existing prior approvals on Lots 3, 4, 6, 7, and 8, application of the notes, and resultant construction. The proposed Building Area Limits adjustment (which includes less area) makes sense for a more functional design and is consistent with similar plat amendments approved for Lots 3, 4, and 8.

6. The accessory space located uphill of the main house elements is below preexisting grade and has deck or landscaping above. It is consistent with similar space recently approved and constructed on Lot 8 which was not counted against the 3,500 square feet footprint. See attached Exhibit F for a recent example on Lot 8.

7. All reasonably anticipated impacts have been mitigated.

Because of the above and other thoughtful design details, the Application merits approval.

The above comments reflect how we have lived with the Master Plan for almost 40 years. There is no legitimacy in using the Application to reinvent the Master Plan terms. Rather, the Application should reaffirm its terms.

The Sweeneys look forward to sharing the above with the Planning Commission directly when procedurally appropriate. Please provide a copy of this letter to the Planning Commission and put a copy in the related public comments. The following link contains the Exhibits A through F: [REDACTED]

Sincerely,


Pat Sweeney

Manager of Sweeney Land Company LLC
President MPE INC
Manager Brothers III LLC
Personally for Mike, Pat and Ed Sweeney

cc: Matt Dias, Mark Harrington, Matthew Prince, Heinrich Deters, Chick Hill

Page 3
[REDACTED]

EXHIBIT G

PARK CITY PLANNING DEPARTMENT
STAFF REPORT

TO: PLANNING COMMISSION
FROM: PLANNING STAFF *mm*
DATE: AUGUST 1, 1990
Re: SWEENEY MPD REZONES

=====

I. PROJECT STATISTICS:

Applicant:	MPE Inc.
Project Address:	Hillside West of Historic Dist.
Request:	Rezones Consistent w/MPD
Zoning:	As Described Below
Adjacent Land Uses:	Open Space, Historic Residential
Date of Application:	April 30, 1990
Date of Staff Report:	July 27, 1990
Project Planner:	Suzanne McIntyre
Staff Recommendation:	FORWARD A POSITIVE RECOMMENDATION

II. BACKGROUND INFORMATION:

The Sweeney Master Plan was approved by the City Council in October, 1986. The Master Planned area involves 125 acres of the hillside adjacent to the Historic District and the Park City Ski Area, to the west of the Main Street area.

The Master Plan was approved after considerable study of more than eight different development scenarios for the area and numerous concepts for each of the smaller development parcels within the area. The Plan spells out the densities and development parameters for each of the parcels, and includes a provision that each be zoned according to the Master Plan. Those zones are described below.

This request is being processed concurrently with MPE's request to subdivide two of the single family development parcels: the King Road 2-Lot Single Family Subdivision, and the Upper Norfolk 2-Lot Subdivision. The subdivisions are being reviewed in a separate Staff Report and are not directly tied to this request for the rezones.

III. PROJECT DESCRIPTION:

The requested rezones are for the following parcels:

SWEENEY MPD REZONES

page 2

1. HILLSIDE PARCEL: 109 acres
Current Zoning: Estate
Proposed Zoning: Recreation Open Space
2. UPPER NORFOLK SINGLE FAMILIES: 2 SFUs
Current: HR-1
Proposed: HR-1 - MPD
3. KING ROAD SINGLE FAMILIES: 2 SFUs
Current: HR-1
Proposed: HR-1 - MPD
4. 5TH STREET SINGLE FAMILIES: 2 SFUs
Current: HR-1
Proposed: HR-1 - MPD
5. SHEEN SINGLE FAMILY:(adjacent to the Rush Bed & Breakfast) 1 SFU
Current: HR-1
Proposed: HR-1 - MPD
6. TOWN LIFT MIDSTATION: 3.75 acres
39 Unit Equivs
35.5 ues hotel/condominium
3.5 ues support commercial
Current: HR-1
Proposed: Estate - MPD
7. CREOLE GULCH: 7.75 acres
177 Unit Equivs
161.5 ues hotel/condominium
15.5 ues support commercial
Current: Estate
Proposed: Estate - MPD
8. COALITION WEST: .543 Acres
(SW Corner of 8th St.
& Park Ave.)
16 Unit Equivs
hotel/condo/commercial
Current: HRC
Proposed: HRC - MPD
9. COALITION EAST: 1.157 acres
(East Side of Park
Ave. at 8th St.)
40 Unit Equivs
hotel/condo/commercial
Current: HRC
Proposed: HCB - MPD

IV. ISSUES FOR DISCUSSION:

The Planning Staff believes the requested rezones are consistent with the approved Master Plan, and that they help formalize the agreement between MPE Inc. and the citizens of Park City. In addition, MPE Inc. and the City Attorney are working on an agreement or some form of conservation easement which will guarantee the ROS Hillside Area remain as open space in perpetuity.

PUBLIC INPUT STATEMENT: The Planning Staff has received numerous phone calls from people requesting information, but no specific comments.

V. STAFF RECOMMENDATION:

The Planning Staff recommends that the Planning Commission forward a POSITIVE recommendation to the City Council on the requested rezones.

Mr. Olch stated that this will be taken under consideration this winter when golf rates are reviewed.

III PUBLIC HEARINGS

1. FY 1990-91 final budget and certified tax rate - The Finance Director explained the budget review process and the requirements for adoption. Council adopted a tentative budget in June which included a \$206,000 increase. A "tax increase" is defined as an increase from the previous year in dollars from tax revenues. Property owners have been notified by the county regarding the proposed tax rates. The modifications in the tentative budget include an increase of \$6,927 reflecting the property taxes from Wasatch County, adjustments in the revised pay plan, and transfers in the City and MBA budgets to reflect the \$1.1 water/property transaction.

Kent Parker explained that the taxing jurisdictions include the School District, Weber Water Basin, Summit County, Fire District, Sewer District, and the City. The City's portion of the tax assessment last year was 27.5% and the proposed tax rate for FY 90-91, the City's portion will decrease to 26.1%. Property taxes primarily fund debt service (17.7%) and the balance to the general operations of the City (82.3%). Last year the tax rate was .004872; the proposed rate is .004783, which is 1.8% less than FY 89-90. The Finance Director discussed the practice of bonding for delinquent property taxes over the years. Because collection has increased, funding from this source will not be available and Mr. Parker noted the 4% inflation rate all contributing to the recommendation to adopt this budget for the additional \$200,000.

Teri Whitney - Snowflower Condominium manager, stated her confusion with the verbiage in the legal notice.

Kent Parker clarified that the School District is the only jurisdiction that has a rate increase from the prior year. The Finance Director agreed that the notice indicates an 18.6% increase, however, of that 18.6%, 63% was from new growth which the City would receive anyway without a tax increase. He also noted that taxes will be affected by increases in assessed valuations.

With no further comments or questions, the public hearing was closed.

2. Rezone portions of the Historic District; specifically 109 acres of hillside on Treasure Mountain from Estate to Recreation Open Space and several development parcels, specifically; two Fifth Street single family lots from HR1 to HR1-MPD; and two upper Norfolk (approximately 400 Upper Norfolk) single

family lots from HR1 to HR1-MPD; and two King Road (approximately 200 King Road) single family lots from HR1 to HR1-MPD; and one Lower Norfolk Avenue (approximately 700 Lower Norfolk) single family lot from HR1 to HR1-MPD; and a 3.75 acre condominium/commercial lot at the Town Lift Midstation from HR1 to Estate-MPD; and a 7.75 are hotel/condo/commercial lot at the Creole Gulch site from Estate to Estate-MPD; and a .543 acre hotel/condo/commercial lot at the Coalition West Site at approximately 775 Park Avenue from HRC to HRC-MPD; and a 1.57 acre hotel/condo/commercial site at approximately 770 Park Avenue from HRC to HCB-MPD - Suzanne McIntyre reported that the Sweeney Master Plan was approved in October 1986 and involves 125 acres of a hillside, commonly referred to as Treasure Mountain. The Master Plan was approved after extensive study of numerous concepts and spells out the densities and development parameters for each of the parcels and includes a provision that each be zoned according to the Master Plan. This request is being processed concurrently with a request for two two-lot single family subdivision. The subdivision plats were preliminary approved by the Planning Commission on August 8 and final plat approval is pending.

Ms. McIntyre described the nine development areas by illustration of a map, more specifically detailed in the heading. The rezones are essentially attaching master plan designations to the subject sites which would require a more thorough review process. The Planning Commission has forwarded a positive recommendation.

Jim Tatora - Stated his concern with changing the zoning in Old Town for development.

Jim Carter reiterated that the MPD designation is a more restrictive zone providing the City will more control. With no further comment, the public hearing was closed.

IV MINUTES OF MEETING OF AUGUST 2, 1990

Jim Santy, "I move approval". Ruth Gezelius seconded. Motion unanimously carried.

V COMMUNICATIONS FROM COUNCIL AND STAFF

1. MBA acquisition - Jim Carter reported that the acquisition of 350 acre feet of water, property, and vehicles closed last week. The Legal Department is in the process of preparing a change application to allow the City to use the newly acquired water right in the Treasure Mountain Middle School Well.

2. Initiative Petition finding - The City Attorney continued that the Utah Supreme Court affirmed the City Recorder's

Page 2
City Council Meeting
August 23, 1990

to call-up the approval action of the Planning Commission last night on Lots 16 and 17 in Evergreen Subdivision, 6774 and 6808 Silver Lake Drive for the purpose of discussion of set-backs and scale of neighborhood". Ray Johnson seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Ray Johnson	Aye
Bob Richer	Nay
Jim Santy	Aye

VI REPORTS FROM COMMISSIONS AND BOARDS

Parks, Recreation, and Beautification Advisory Board - Chairman Joram Lichtenstein advised Council of the resignation of Scott Becker and Bruce Manning. He urged Council to make the appointments as soon as possible because of a planned Board retreat in October.

VII ORDINANCES

1. An Ordinance repealing Ordinance 83-16, as amended, and enacting revised beer and liquor regulations and licenses - Ruth Gezelius, "I move approval of the Ordinance repealing Ordinance 83-16, as amended". Bob Richer seconded. Motion unanimously carried.

Because of the extent of the amendments to Ordinance 83-16, it will be repealed in its entirety. The set-up license becomes "extinct" as of January 1, 1990, thus the City will lose approximately \$2,600 in renewals in this category. The current restaurant liquor license will most likely convert into the new restaurant liquor category. Most likely, some of the restaurants with current set-up licenses will apply for a restaurant liquor license in January 1991. This may offset some of the lost revenue from above.

Under the on-premise beer/tavern category, there are currently five licenses. Off-premise licenses currently total 12, and the on-premise (all others) make up the largest group with a current total of 57 licenses.

The definition of "nuisance" in Section 2.08 has been amended to include violations of any city, county, state or federal law or ordinance. The hearing procedure in 7.01 has been amended to limit the licensed hearing examiner to making finding of fact, reserving to the Council the power and authority to make conclusions of law, and enter an order, accordingly.

2. An Ordinance rezoning portions of the Historic District; specifically 109 acres of hillside on Treasure Mountain from Estate

Page 3
City Council Meeting
August 23, 1990

to Recreation Open Space and several development parcels, specifically; two Fifth Street single family lots from HR1 to HR1-MPD; and two upper Norfolk (approximately 400 Upper Norfolk) single family lots from HR1 to HR1-MPD; and two King Road (approximately 200 King Road) single family lots from HR1 to HR1-MPD; and one Lower Norfolk Avenue (approximately 700 Lower Norfolk) single family lot from HR1 to HR1-MPD; and a 3.75 acre condominium/commercial lot at the Town Lift Midstation from HR1 to Estate-MPD; and a 7.75 acre hotel/condo/commercial lot at the Creole Gulch site from Estate to Estate-MPD; and a .543 acre hotel/condo/commercial lot at the Coalition West Site at approximately 775 Park Avenue from HRC to HRC-MPD and from HR-1 to HR-1 MPD; and a 1.57 acre hotel/condo/commercial site at approximately 770 Park Avenue from HRC to HCB-MPD; and amending the Official Zoning Map of Park City, Utah - See public hearing commentary of August 16, 1990. Ruth Gezelius, "I move approval of the Ordinance rezoning portions of the Historic District, as outlined in the agenda and corrected by staff". Bob Richer seconded. Motion unanimously carried.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a Redevelopment Agency meeting convened.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:45 p.m. Members in attendance were Mayor Brad Olch, Sally Elliott, Ruth Gezelius, Ray Johnson, Bob Richer, and Jim Santy. Staff present were Toby Ross, City Manager; and Jim Carter, City Attorney. Ruth Gezelius, "I move to close the meeting to discuss property acquisition". Bob Richer seconded. Motion unanimously carried.

The meeting opened at approximately 4:20 p.m.

* * * * *

The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott





Legal Department

Mr. Edward S. Sweeney
Beile, Haslam & Hatch
50 West Broadway, Suite 400
Salt Lake City, Utah 84101

RECEIVED
JUN 26 1985
BEILE, HASLAM & HATCH

Re: Sweeney Property

Dear Ed:

After our conversation on June 12th and subsequent conversation at the Public Hearing on the Comprehensive Master Plan, it appears that you and your family members have been somewhat misinformed on the nature of the Master Plan and its effect on your property. Having filed your development proposal and paid the fees with the Planning Department, your zoning rights with respect to this particular project and application are vested under the existing zoning and would not be affected by subsequent zone changes. This would only be true for the plan now on file or any Planning Commission approved modifications of that plan. If that plan ultimately is rejected or withdrawn, any new plan would have to be submitted under the zoning as it existed at that time.

There was apparently some concern that the adoption of the City's Master Plan constituted an adoption of a zoning map which changed the zone immediately. That is not the case. The Master Plan is intended to put the public and the City Staff on notice of the general direction of land use planning within the City. Subsequent zone changes should be made in furtherance of that Master Plan, but the actual zone district boundaries and specific requirements have not been worked out at this stage. Each of those changes would have to go through a formal publication and hearing process.

The City Staff has serious concerns about the development to HR-1 densities on your family's property that is currently zoned HR-1. With your current planning proposal, however, you have moved in the same general direction that the Master Plan is suggestion. That takes some of the urgency out of the zone change on the HR-1 property and the implementation plan will probably focus on some of the commercial areas first.

As long as the currently submitted plan is active, you do not need to be concerned about future zone changes. The Master Plan should put everyone on notice of the City's

intent to ultimately down zone the HR-1 area to something to the Estate zone. That should emphasize the importance of pursuing your current proposal through the approval stage. The initial reactions to the proposal have generally been favorable and it does seem to fit with the Master Plan. I would not anticipate any serious problems in getting that approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom", written in dark ink.

Thomas E. Clyde
City Attorney



Community Development/Engineering
Building and Planning Departments

July 18, 1985

Dr. Patrick J. Sweeney
MPE Incorporated
P.O. Box 2429
Park City, UT 84060

Dear Pat,

During our Staff Review meeting on July 16, 1985, the staff continued our general discussion on the proposed Sweeney Properties MPD and your letter dated July 1, 1985. The following is a summary of the response to your letter:

1. Development Concept. Subsequent to our field trip with both the Planning and Historic District Commissions, a number of the Commissioners expressed major concerns with the scope of development proposed primarily on the hillside sites. Although it is difficult for anyone to envision 200 plus "unit equivalents" and the form they may take, I believe their concerns at this point are very valid. The potential for that many condominiums or hotel rooms is truly staggering. I would anticipate that a number of poignant issues will undoubtedly be raised as they begin to hone in on the **evolving concept**.

The staff will now need to review in greater detail how the various sites identified can be reasonably developed with minimal impact on the balance of the community. An analysis that demonstrates what could be physically (and realistically) be built under today's zoning contrasted to the proposed cluster concept would be invaluable.

2. Unit Equivalents. Project application fees are based on the total number of unit equivalents included in the application for the MPD. For Large Scale MPD's, a fee of \$50.00 per unit equivalent is due at the time of application. Any unit equivalents that are not paid for will be deleted from the MPD. It is the City staff's position that fees are due on the five developed HR-1 units, if they are to be included in the MPD proposal.
3. Zoning. Through conventional means, the City cannot rezone the hillside property with the restrictions on the HR-1 (2 units per acre) and RC (18 unit equivalents per acre) districts that you are proposing without creating completely

new zoning districts. However, a concept know as contract zoning will be considered and should allow the City to accomplish this objective.

4. Utilities.

- a. Water System - The City Engineer, Eric DeHaan, still has some major concerns with the proposed water system. The present concept will create unacceptable impacts on the City water system. The City still encourages you to investigate the possibility of combining the proposed water tank with the Park City Village water tank.
- b. Storm Drainage - Eric DeHaan is also very concerned with the proposed storm drainage system, particularly with the detention ponds.
- c. Sanitary Sewer - The Snyderville Basin Sewer Improvement District encourages you to meet with them to discuss service needs and off-site improvements. Off-site improvements may require that you participate with other parties in upgrading lines. Timing of necessary sewer improvements may not coincide with the timeline that you have put forth.

5. Access.

- a. Maintenance of Lowell & Empire Avenues - Because of the long build-out period and phasing proposed for the development of this project, the construction impact on Lowell and Empire Avenues will be spread-out over a 20 year period. These streets may need to be reconstructed as many as three times because of construction impacts. The costs will be above and beyond the standard impact fees and the developer will be responsible for its continued maintenance and probably reconstruction.
- b. Fire Protection Access - The Fire District is very concerned with access, especially in Creole Gulch. Exterior access for fire protection will be very difficult during the winter. Proposed building heights also create serious fire protection concerns. The Fire District does not have the necessary equipment to access the roof of a 50' structure. We recommend that the Fire District be contacted to discuss fire protection issues for the hillside properties, as soon as practicable.
- c. Upper Norfolk - It is apparent that a hammerhead is necessary on Upper Norfolk to improve the circulation in this area. The City staff is agreeable with looking at forming a special improvement district to help pay for these improvements. Your contribution of land necessary to accomplish this end would enable us to seriously consider this possibility.

6. Hiking Trails - All proposed trails must conform with the Trails Master Plan. It is likely that additional trail connections and stairways will be required.
7. Process - The Sweeney Properties MPD will be scheduled for another work session on August 14, 1985 with the Planning Commission. Following this meeting, the Commission has the option of scheduling subsequent work sessions or begin the formal hearings on the applications.

The staff is looking forward to continue working closely with you on the evolution of this project.

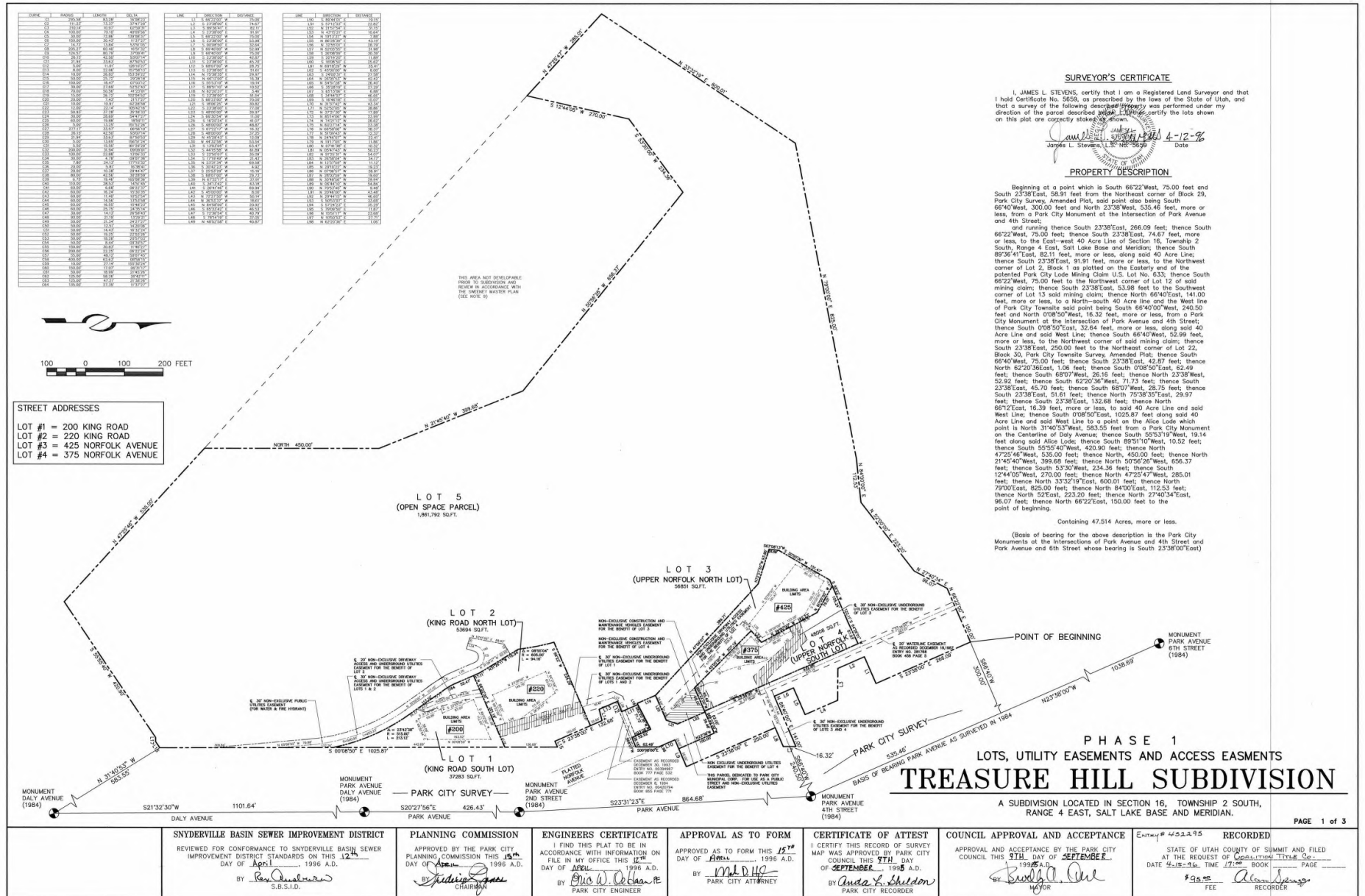
Sincerely,



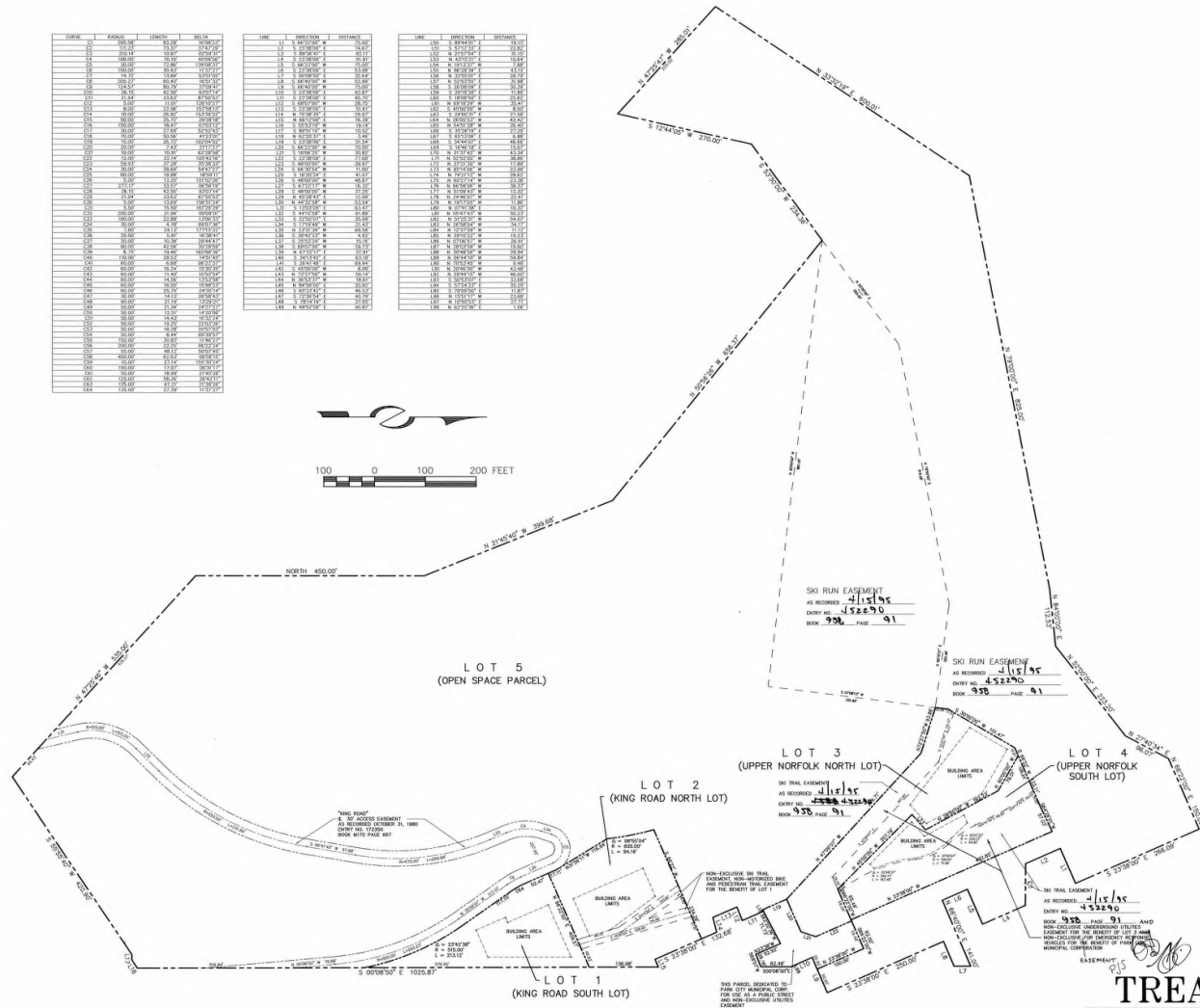
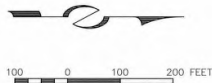
Joel G. Paterson
Project Planner

JGP:ew

EXHIBIT C1



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1	N 12° 44' 00" E	270.00	1	N 12° 44' 00" E	270.00	1	N 12° 44' 00" E	270.00
2	S 72° 00' 00" E	100.00	2	S 72° 00' 00" E	100.00	2	S 72° 00' 00" E	100.00
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90	S 72° 00' 00" E	100.00	90	S 72° 00' 00" E	100.00	90	S 72° 00' 00" E	100.00
91	N 12° 44' 00" E	270.00	91	N 12° 44' 00" E	270.00	91	N 12° 44' 00" E	270.00
92	S 72° 00' 00" E	100.00	92	S 72° 00' 00" E	100.00	92	S 72° 00' 00" E	100.00
93	N 12° 44' 00" E	270.00	93	N 12° 44' 00" E	270.00	93	N 12° 44' 00" E	270.00
94	S 72° 00' 00" E	100.00	94	S 72° 00' 00" E	100.00	94	S 72° 00' 00" E	100.00
95	N 12° 44' 00" E	270.00	95	N 12° 44' 00" E	270.00	95	N 12° 44' 00" E	270.00
96	S 72° 00' 00" E	100.00	96	S 72° 00' 00" E	100.00	96	S 72° 00' 00" E	100.00
97	N 12° 44' 00" E	270.00	97	N 12° 44' 00" E	270.00	97	N 12° 44' 00" E	270.00
98	S 72° 00' 00" E	100.00	98	S 72° 00' 00" E	100.00	98	S 72° 00' 00" E	100.00
99	N 12° 44' 00" E	270.00	99	N 12° 44' 00" E	270.00	99	N 12° 44' 00" E	270.00
100	S 72° 00' 00" E	100.00	100	S 72° 00' 00" E	100.00	100	S 72° 00' 00" E	100.00



OWNER'S DEDICATION AND CONSENT TO RECORD

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

IN WITNESS WHEREOF, the undersigned sets their hands this 4TH day of April, 1999.

[Signature]
EDMUND J. BEAULIEU
By *[Signature]*
Patrick J. Sweeney
Managing Partner

SWEENEY LAND COMPANY, a Utah general partnership
By *[Signature]*
Patrick J. Sweeney
Managing Partner

ACKNOWLEDGEMENT

STATE OF Utah
COUNTY OF Summit

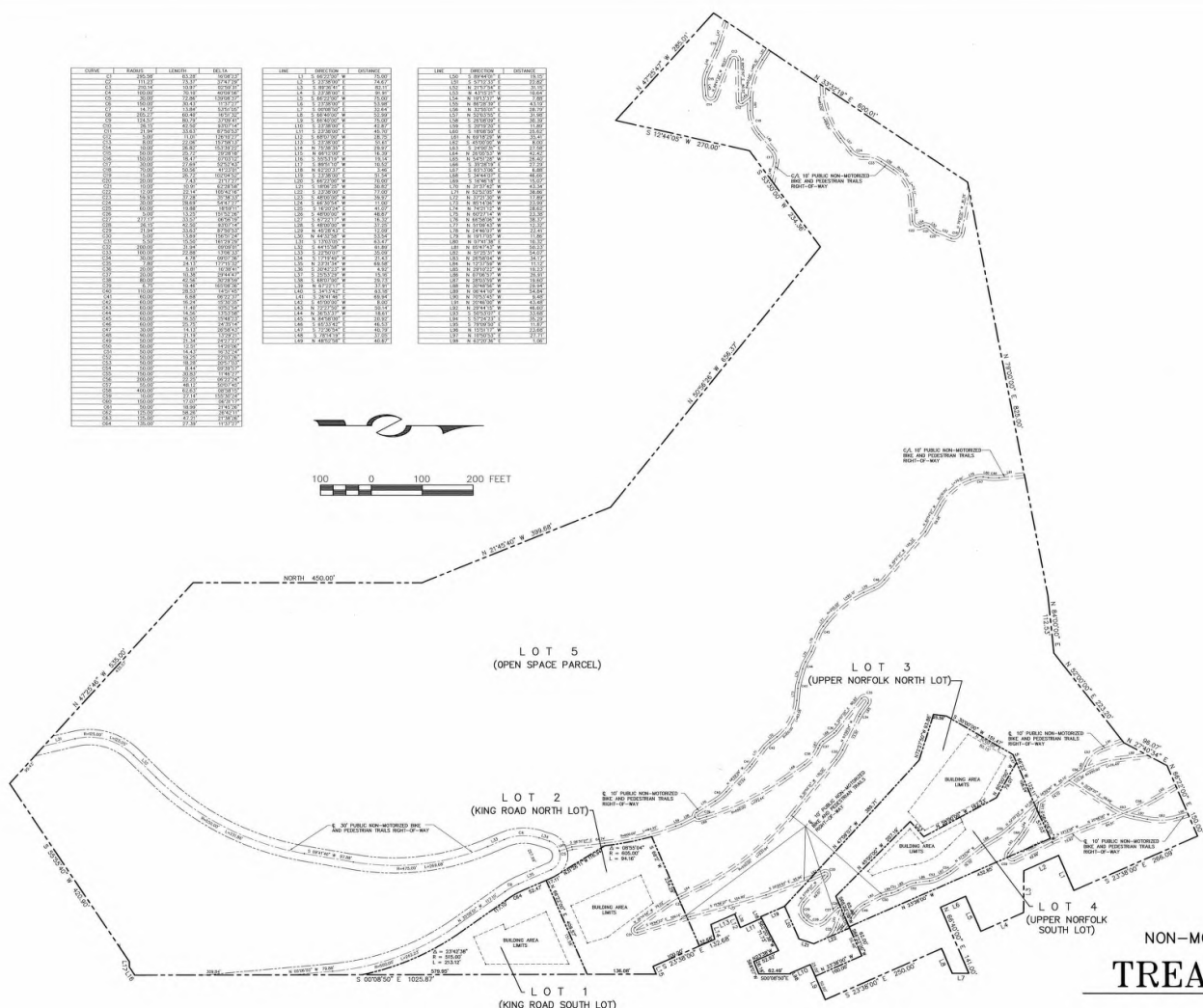
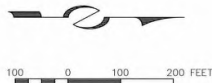
On this 4TH day of April, 1999, personally appeared before me EDMUND J. BEAULIEU, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

[Signature]
NOTARY PUBLIC
Residing at: Summit, Co. Utah

My Commission Expires: Nov 27, 1997

TRAIL	WIDE	LENGTH	FEET
1	10	100	1000
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TRAIL	WIDE	LENGTH	FEET
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100	10	100	1000



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

- FOOTPRINT:** The maximum footprint, calculated from the outside face of walls and subject to the massing requirements of Note 7, shall be three thousand five hundred (3500) square feet including garages. The following shall not count towards the foot print calculations:
 - Decks which are open on at least two sides (but which may have railings as required), covered or uncovered, and which do not have above grade living space below or above them;
 - Exterior walkways;
 - Exterior stairs;
 - Driveways.
- BUILDING AREA LIMITS:** Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plot or as consistent with the approved construction drawings of the driveways, Upper Norfolk turnaround, King Road turnaround, ski bridge and utility plans) shall be limited to the Building Area Limits noted on the Plot. Notwithstanding the foregoing, flat areas located on the Ski Trail Easements where they cross Lots 3 and 4 and are directly adjacent to the Building Area Limits of Lots 3 and 4 may be landscaped with irrigated groomed grass.
- CONSTRUCTION DISTURBANCE:** Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20) feet beyond the Building Area Limits or to adjoining lot property lines which ever is closer. Such disturbed area shall be revegetated with native landscaping.
- HEIGHT:** The building height shall be measured from existing grade to the top of flat roofs and to the ridge of pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators, between floor levels.
- FACADE HEIGHT, EASTERLY FACING:** The maximum facade height for the Easterly facing facades without a step back of at least five (5) feet shall be twenty five (25) feet from existing or reestablished grade whichever is greater.
- MASSING:** House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3500 square foot footprint referenced in Note 1 above, shall have a footprint that exceeds 1,500 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks.
- SEWER LATERALS:** Maintenance and replacement of sewer laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Sewer Improvement District.
- FIRE SPRINKLING:** Internal and external modified 134 fire sprinklers shall be provided for the homes. Wood roofing material shall be prohibited.

PRECEDENCE: The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1996 and as subsequently amended on October 14, 1997 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan.

PHASE 1
NON-MOTORIZED BIKE AND PEDESTRIAN TRAILS RIGHT-OF-WAY
TREASURE HILL SUBDIVISION
A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PAGE 3 of 3

ENTRY# 452395	RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED	
AT THE REQUEST OF LOCALIZATION TITLE CO.	
DATE 4-15-98	TIME 11:00 AM
FEE \$94.00	RECORDER

TREASURE HILL SUB. 303

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

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

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

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

3. **CONSTRUCTION DISTURBANCE.** Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20) feet beyond the Building Area Limits or to adjoining-lot property lines which ever is closer. Such disturbed area shall be revegetated with native landscaping.

4. **HEIGHT.** The building height shall be measured from existing grade to the top of flat roofs and to the ridge of pitched roofs. The maximum height, in general, shall be twenty five (25) feet for flat roofs and thirty (30) feet for pitched roofs. A maximum height of twenty eight (28) feet for flat roofs and thirty three (33) feet for pitched roofs shall be permitted for the expressed purpose of accommodating access, i.e. stairwells and/or elevators, between floor levels.

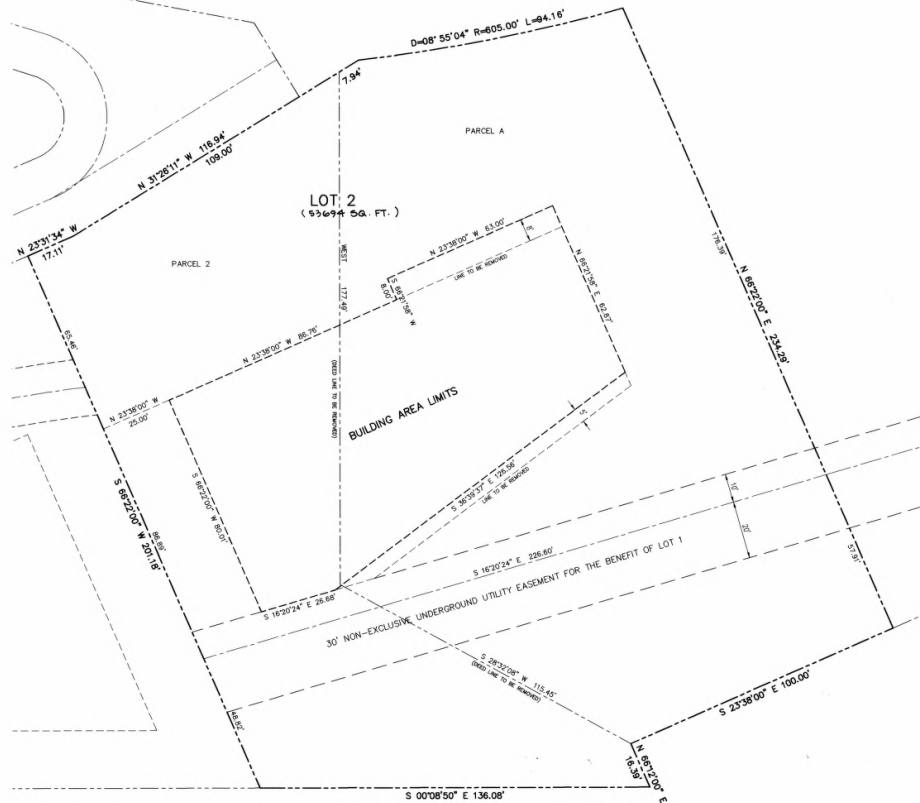
5. **FACADE HEIGHT, EASTERLY FACING.** The maximum facade height for the Easterly facing facades without a step back of at least five (5) feet shall be twenty five (25) feet from existing or reestablished grade whichever is greater.

6. **MASSING.** House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3500 square foot footprint referenced in Note 1 above, shall have a footprint that exceeds 1,500 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks.

7. **SEWER LATERALS.** Maintenance and replacement of sewer laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Sewer Improvement District.

8. **FIRE SPRINKLING.** Internal and external modified 13d fire sprinklers shall be provided for the homes. Wood roofing material shall be prohibited.

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



SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931 as prescribed by the laws of the State of Utah, and that this plat amendment was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation.

John Demkowicz
JOHN DEMKOWICZ, L.S. 163931

7-11-97
DATE



BOUNDARY DESCRIPTION

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

PARCEL A:

Beginning at a point which is South 66° 22' 00" West 21.67 feet and South 00° 08' 50" East 81.95 feet, more or less, from the Northeast Corner of Lot 32, Block 78, Millsite Reservation to Park City, Utah said point also being South 66° 40' 00" West 240.50 feet and South 00° 08' 50" East 599.26 feet from a Park City Monument at the intersection of Park Avenue and Fourth Street; and running thence South 00° 08' 50" East 136.08 feet; thence South 66° 22' 00" West 201.16 feet; thence North 23° 31' 34" West 17.11 feet; thence North 31° 26' 11" West 109 feet to the point of beginning and running thence North 31° 26' 11" West 7.94 feet to a point on a 605 foot radius curve to the left (long chord bears North 11° 00' 00" West 34.07 feet); thence running northwesterly along the arc of said curve 94.16 feet (delta = 08° 55' 04"); thence North 66° 22' 00" East 234.29 feet; thence South 23° 36' 00" East 100.00 feet; thence South 28° 32' 08" West 115.445 feet; thence West 177.49 feet to the point of beginning.

PARCEL 2:

Beginning at a point which is South 66° 22' 00" West 21.67 feet and South 00° 08' 50" East 81.95 feet, more or less, from the Northeast Corner of Lot 32, Block 78, Millsite Reservation to Park City, Utah said point also being South 66° 40' 00" West 240.50 feet and South 00° 08' 50" East 599.26 feet from a Park City Monument at the intersection of Park Avenue and Fourth Street; and running thence South 00° 08' 50" East 136.08 feet; thence South 66° 22' 00" West 201.16 feet; thence North 23° 31' 34" West 17.11 feet; thence North 31° 26' 11" West 109.00 feet; thence East 177.49 feet; thence North 28° 32' 08" East 115.445 feet; thence North 65° 12' 00" East 16.39 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

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

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

By: *Robert Sfire*
Robert Sfire

By: *Constance Sfire*
Constance Sfire

ACKNOWLEDGMENT

State of Michigan ss.
County of Washtenaw ss.

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

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

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

NOTES:

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

FIRST AMENDED RECORD OF SURVEY MAP

**LOT 2, PHASE 1,
TREASURE HILL SUBDIVISION**

ADDRESS = 220 KING ROAD

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



JOB NO: 19-5-97 FILE: \SSH\DP-12RP1

ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(801) 649-9467

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 24th DAY OF July, 1997 A.D.
BY: *Paul Ziemer*
S.E.S.I.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 24th DAY OF August, 1997 A.D.
BY: *Ben Mankin*
CHAIRMAN

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 24th DAY OF JULY, 1997 A.D.
BY: *Eric W. DeBlanc*
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 1st DAY OF August, 1997 A.D.
BY: *Mal D. Hargis*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 13th DAY OF April, 1997 A.D.
BY: *David M. Scott*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

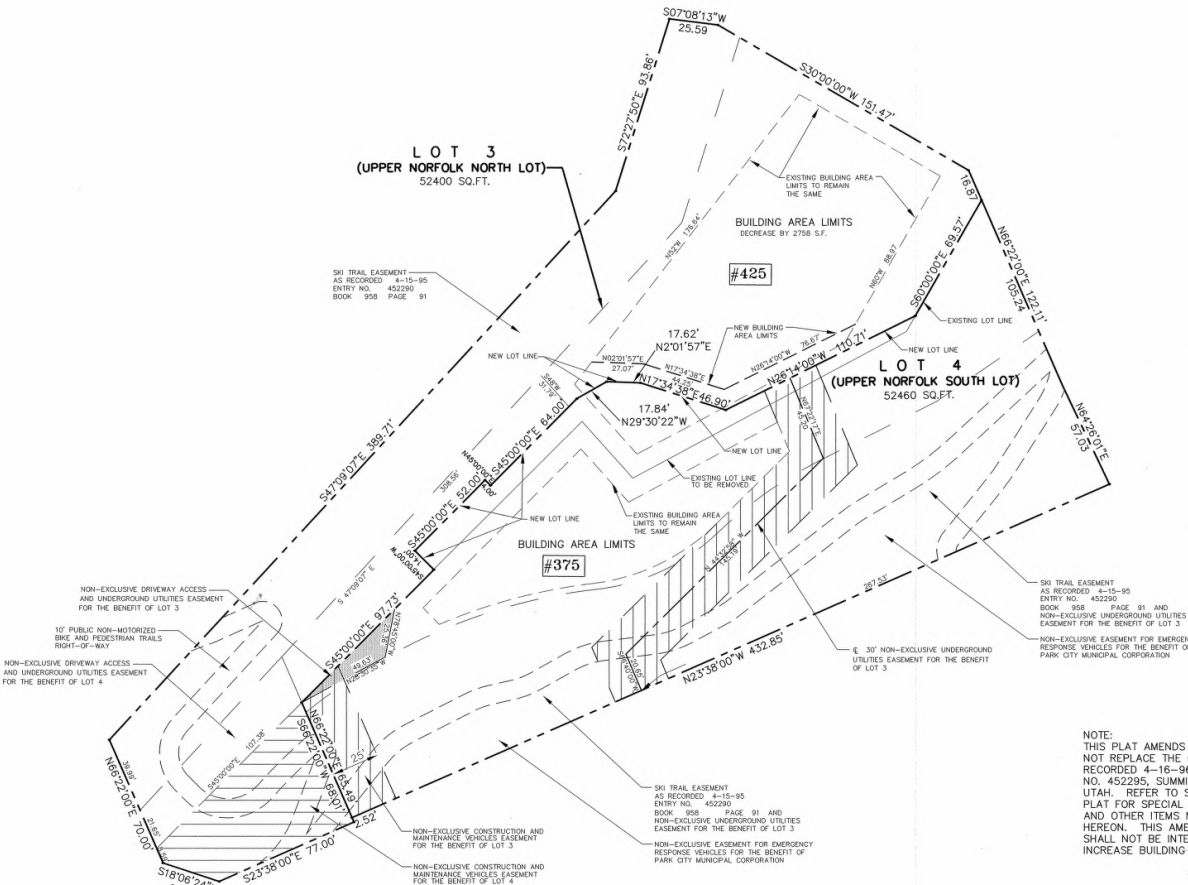
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 13th DAY OF April, 1997 A.D.
BY: *Barbara J. Quinn*
MAYOR

RECORDED

484377
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF *Coalition Title* DATE 08-18-97 TIME 08:54 AM BOOK 111 PAGE 1
FEE 53.18
RECORDED BY: *Doreen D. Smith*

Treasure Hill Lot 2

0 30 60 90
SCALE IN FEET



NOTE:
THIS PLAT AMENDS BUT DOES NOT REPLACE THE ORIGINAL PLAT RECORDED 4-16-96 AS ENTRY NO. 452295, SUMMIT COUNTY, UTAH. REFER TO SAID ORIGINAL PLAT FOR SPECIAL RESTRICTIONS AND OTHER ITEMS NOT INCLUDED HEREON. THIS AMENDMENT SHALL NOT BE INTERPRETED TO INCREASE BUILDING AREA LIMITS.

SURVEYOR'S CERTIFICATE

I, JAMES L. STEVENS, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5659, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH AND THAT THIS LOT LINE AMENDMENT PLAT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.

James L. Stevens
JAMES L. STEVENS
No. 5659
STATE OF UTAH

7-14-99
DATE

LEGAL DESCRIPTION

ALL OF LOTS 3 AND 4 OF TREASURE HILL SUBDIVISION PHASE 1 ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, TREASURE HILL SUBDIVISION PHASE 1 LOT LINE AMENDMENT PLAT DO HEREBY CERTIFY THAT WE HAVE CAUSED THIS LOT LINE AMENDMENT PLAT TO BE PREPARED, AND WE, PATRICK J. SWEENEY AND WILTON D. HILL HEREBY CONSENT TO THE RECORDED 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 LAND FOR LOCAL GOVERNMENT USES, EASEMENTS AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THIS PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AND IRREVOCABLE OF DEDICATION.

IN WITNESS WHEREOF, THE UNDERSIGNED SET THEIR HANDS THIS 2ND DAY OF AUGUST 1999:

Patrick J. Sweeney
PATRICK J. SWEENEY
Wilton D. Hill
WILTON D. HILL



ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SUMMIT

ON THIS 2ND DAY OF AUGUST 1999, PATRICK J. SWEENEY AND WILTON D. HILL PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE SAID STATE AND COUNTY, HAVING BEEN DULY SWORN, PATRICK J. SWEENEY AND WILTON D. HILL, 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.

Notary Public
NOTARY PUBLIC
MY COMMISSION EXPIRES 4/2/02



LOT LINE AMENDMENT PLAT TREASURE HILL SUBDIVISION, PHASE 1

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.
ORIGINAL PLAT RECORDER ENTRY NO. 452295, ON 4-16-96, STATE OF UTAH, COUNTY OF SUMMIT

PAGE 1 of 1

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 14th DAY OF AUGUST 1999 A.D. BY <i>[Signature]</i> S.B.S.I.D.	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 26th DAY OF AUGUST 1999 A.D. BY <i>[Signature]</i> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 7th DAY OF SEPTEMBER 1999 A.D. BY <i>[Signature]</i> PARK CITY ATTORNEY	COMMUNITY DEVELOPMENT DIRECTOR APPROVED BY ADMINISTRATIVE AUTHORITY BY THE PARK CITY COUNCIL THIS 25th DAY OF AUGUST 1999 A.D. BY <i>[Signature]</i> COMMUNITY DEVELOPMENT DIRECTOR	RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Coalition Title DATE 9-2-99 TIME 2:24 PM BOOK 32# PAGE 32# FEE <i>[Signature]</i> RECORDER
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Lot Line Amendment Plat
Treasure Hill Sub. Phase 1

EXHIBIT C2

TREASURE HILL SUBDIVISION PHASE II

A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH SUMMIT COUNTY

LOT DESCRIPTIONS

5th STREET SOUTH LOT 7

Beginning at a point which is South 66°22' West, 75.00 feet from the Southeast Corner of Block 28, Park City Survey, Amended Plat, said point also being South 23°38' East, 412.75 feet and South 66°22' West, 300.00 feet from a Park City Monument at the intersection of Park Avenue and 8th Street; and running thence South 66°22' West, 75.00 feet; thence North 23°38' East, 30.00 feet; thence North 66°22' East, 75.00 feet; thence South 23°38' East, 58.91 feet; thence South 66°22' West, 150.00 feet; thence South 27°40'34" West, 96.08 feet; thence North 23°38' East, 241.84 feet; thence North 66°22' East, 224.99 feet; thence South 23°38' East, 42.50 feet; thence South 66°52' West, 25.00 feet; thence South 23°38' East, 25.48 feet to the point of beginning.

Containing 0.93 Acres, more or less.

Subject to and together with any and all easements, right-of-ways and restrictions of record or enforceable at law or in equity.

(Basis of bearing for the above description is the Park City Monuments at the intersections of Park Avenue and 4th Street and Park Avenue and 8th Street whose bearing is South 23°38' East.)

5th STREET NORTH LOT 6

Beginning at the point which is South 66°22' West, 75.00 feet and North 23°38' East, 92.97 feet from the Southeast Corner of Block 28, Park City Survey, Amended Plat, said point also being South 23°38' East, 319.78 feet and South 66°22' West, 300.00 feet from a Park City Monument at the intersection of Park Avenue and 8th Street; and running thence South 66°22' West, 224.99 feet; thence North 23°38' East, 153.63 feet; thence North 66°22' East, 224.99 feet; thence South 23°38' East, 153.63 feet to the point of beginning.

Containing 0.79 Acres, more or less.

Subject to and together with any and all easements, right-of-way and restrictions of record or enforceable at law or in equity.

(Basis of bearing for the above description is the Park City Monuments at the intersections of Park Avenue and 4th Street and Park Avenue and 8th Street whose bearing is South 23°38' East.)

5th Street Trail Easements

Beginning at a point which is South 66°22' West, 75.00 feet and South 23°38' East, 30.00 feet from the Southeast Corner of Block 28, Park City Survey, Amended Plat, said point also being South 23°38' East, 442.75 feet and South 66°22' West, 300.00 feet from a Park City Monument at the intersection of Park Avenue and 8th Street; and running thence South 23°38' East, 58.90 feet; thence South 66°22' West, 62.00 feet; thence North 23°38' West, 58.91 feet; thence North 66°22' East, 53.00 feet to the point of beginning.

Containing 0.08 Acres, more or less.

Also, Beginning at a point which is South 66°22' West, 57.00 feet from the Southeast Corner of Block 28, Park City Survey, Amended Plat, said point also being South 23°38' East, 412.75 feet and South 66°22' West, 300.00 feet from a Park City Monument at the intersection of Park Avenue and 8th Street; and running thence South 66°22' West, 47.00 feet; thence North 23°38' West, 92.97 feet; thence North 32°08'52" West, 155.34 feet; thence North 66°22' East, 70.00 feet; thence South 23°38' East, 196.13 feet; thence South 66°52' West, 25.00 feet; thence South 23°38' East, 25.00 feet; thence North 66°52' East, 25.00 feet; thence South 23°38' East, 25.48 feet to the point of beginning.

Containing 0.93 Acres, more or less.

Also, Beginning at a point which is South 66°22' West, 225.00 feet and South 23°38' East, 88.91 feet from the Southeast Corner of Block 28, Park City Survey, Amended Plat, said point also being South 23°38' East, 501.66 feet and South 66°22' West, 450.00 feet from a Park City Monument at the intersection of Park Avenue and 8th Street; and running thence South 27°40'34" West, 96.08 feet; thence North 23°38' West, 395.57 feet; thence North 66°22' East, 74.99 feet; thence South 23°38' East, 335.51 feet to the point of beginning.

Containing 0.63 Acres, more or less.

(Basis of bearing for the above description is the Park City Monuments at the intersections of Park Avenue and 4th Street and Park Avenue and 8th Street whose bearing is South 23°38' East.)

NOTES TO PURCHASERS

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

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

B. BUILDING AREA LIMITS. Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as consistent with the approved construction drawings of the driveway, funneled and utility) plans shall be limited to the Building Area Limits noted on the Plat. Notwithstanding the foregoing notes, flat areas located on the Ski Trail Easements directly adjacent to and East of the Building Area Limits of Lots 6 and 7 may be landscaped with irrigated grass.

C. CONSTRUCTION DISTURBANCE. Unless otherwise provided in agreements with Park City Municipal Corporation which are of record, temporary construction disturbance shall be limited to twenty (20') feet beyond the Building Area Limits or to adjoining lot property lines, whichever ever is closer. Such disturbed areas shall be re-vegetated with native landscaping, and a guarantee for the cost of re-vegetation shall be posted with the City at the time of building permit issuance. The adjacent ski trails may be used for construction staging.

D. HEIGHT. The building height shall be measured from existing grade. The maximum height shall be twenty five (25') feet for roofs and roof elements that generally are parallel to natural grade and thirty (30') feet for roof ridges that are generally oriented (in the horizontal plane) perpendicular to existing contour lines, for example, dormers. The Planning Commission may, during the small-scale MPO approval process, grant height exceptions up to a maximum height of thirty three (33') feet for pitched roofs for the expressed purpose of accommodating access, lean-to walls and/or elevators between floor levels.

E. FACADE HEIGHT, EASTERLY FACING. The maximum facade height for the Easterly facing facades, without a step back of at least five (5') feet shall be twenty-five (25') feet from existing or re-established grade, whichever is greater.

F. MASSING. House designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3,500 square foot footprint shall have a footprint that exceeds 1,500 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks. This requirement shall be interpreted to mean that there will be significant variation of roof heights for the different building masses.

G. ACCESS. The lots shall be accessed by a common underground driveway within the 5th Street right-of-way. Minimum vertical clearance in the tunnel shall be 14 feet. The Historic District Commission shall review the design of the entrance onto Woodside and the driveway. The design shall include provisions for covering the driveway/parking structure with vegetation and to maintain as much as possible the current "green-open look" of 5th Street. HDC approval of this design is required prior to issuance of a building permit for the driveway.

H. UTILITIES. Utilities shall be extended from Norfolk Waterline and from Woodside Avenue. Where necessary, utilities for 501 Woodside (Lot 1, Block 28, Park City Survey) shall be replaced as part of the underground driveway at the expense of the developer of Lots 6 and 7.

Laterals shall be the responsibility of their respective owners and not that of the Snyderville Basin Water Reclamation District. The approved plan shall include proposed methodology to minimize inconvenience to neighbors during construction.

I. FIRE SPRINKLERS. Residential fire sprinkling and/or other safety features shall be required at the determination of the Chief Building Official at the time of building permit issuance. Wood roofing material shall be prohibited.

J. STAIRWAY. A four foot wide stairway serving the ski run as well as the adjacent properties on Woodside shall be constructed as part of the driveway access construction for the lots in this subdivision.

K. EASEMENTS. These lots are subject to the Town Lift Easements as recorded in Book 01228, pages 213, Summit County Recorder's Office, Summit County, Utah and as shown on Sheet 14 of the SPMPD. These lots are subject to the Norfolk Waterline Easement as recorded in Book 458, pages 5-7, Summit County Recorder's Office, Summit County, Utah and the developer shall pay for any necessary rerouting of such and shall provide a new easement if necessary. These lots are subject to ski/pedestrian easements as described in the SPMPD, Section 4.4 of the Master Plan Summary and as shown on Sheets 1, 2, and 4-9 of the SPMPD.

L. PRECEDENCE. The above special restrictions are covenants of and consistent with the Snyderville Properties Master Plan approved by the Park City Council on October 16, 1998 and as subsequently amended on October 14, 1997; December 30, 1992; and November 7, 1996. Final house design shall be reviewed under the Small Scale Master Plan process as a Conditional Use Permit, in accordance with the SPMPD. These lots shall not be further subdivided.

SURVEYOR'S CERTIFICATE

I, James V. Wehde, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 334551, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owner(s), I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land in lots and streets, hereafter to be known as:

TREASURE HILL SUBDIVISION PHASE II

and that same has been correctly surveyed and staked on the ground as shown on this plat.

Date: May 18, 2003

James V. Wehde, PLS.
License No. 334551



LEGAL DESCRIPTION

A part of the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point which is South 66°22'00" West and 58.91 feet South 23°38' East from the Northeast corner of Block 28, Park City Survey, Amended Plat, said point of beginning also being 300.00 feet South 66°22'00" West and 537.02 feet North 23°38'00" West from a Park City Monument at the intersection of Park Avenue and 4th Street, said point also being the point of beginning of Treasure Hill Subdivision, as recorded in the Summit County Recorder's Office, and running thence South 66°22'00" West 150.00 feet along the Northerly line of said Treasure Hill Subdivision; thence continuing along said line South 27°40'34" West 96.08 feet; thence North 23°38'00" West 395.57 feet; thence North 66°22'00" East 224.99 feet; thence South 23°38'00" East 196.13 feet to the Southwest corner of Lot 5, Block 28, Park City Survey, Amended Plat; thence North 66°52'00" West 25.00 feet; thence South 23°38'00" East 25.00 feet; thence North 66°52'00" East 25.00 feet to the Northwest corner of Lot 1 of said Block 28; thence South 23°38'00" East 25.48 feet to the Southwest corner of said Lot 1; thence South 66°22'00" East 75.00 feet; thence South 23°38'00" East 30.00 feet; thence North 66°22'00" East 75.00 feet to the Northwest corner of Lot 19 of Block 29, Park City Survey, Amended Plat; thence South 23°38'00" East 58.91 feet to the point of beginning. Contains 1.719 acres, more or less.

BASIS OF BEARINGS

The basis of bearing is South 23°31'23" East along the Monument Line of Park Avenue between the Park City Monuments found at the intersections of 4th Street and 2nd Street.

OWNERS OFFER OF DEDICATION

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

IN WITNESS WHEREOF, the undersigned sets their hands this _____ day of _____, 2003.

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

STATE OF ILLINOIS)

COUNTY OF JEFFERSON) ss.

On this 18th day of May, 2003, personally appeared before me EDMUND J. BEAULIEU, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

My Commission Expires: 3/26/07
NOTARY PUBLIC,
Residing at: 850 N. Milwaukee
Park City, Utah

STATE OF NEW MEXICO)

COUNTY OF SAN JUAN) ss.

On this 16th day of June, 2003, personally appeared before me CLYDE CARLIS, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

My Commission Expires: June 26, 2004
NOTARY PUBLIC,
Residing at: Georgetown, TX 78608

STATE OF UTAH)

COUNTY OF SUMMIT) ss.

On this 19th day of June, 2003, personally appeared before me PATRICK J. SWEENEY, who being by me duly sworn, did say that he is the Managing General Partner of Sweeney Land Company, a Utah general partnership, and that the foregoing instrument was signed on behalf of said partnership, and said partnership acknowledged to me that said partnership executed the same.

My Commission Expires: Nov 29, 2006
NOTARY PUBLIC,
Residing at: Summit Co. Utah

TREASURE HILL SUBDIVISION PHASE II

A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH SUMMIT COUNTY

SHEET 1 OF 2

PREPARED BY:



Dominion
Engineering Associates, L.C.
5684 South Green Street
Murray, Utah 84123 801-713-3000

NUMBER _____
ACCOUNT _____
SHEET 1
OF 2 SHEETS

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS ON
THIS 13th DAY OF August, A.D. 2003
BY B. O. A.
S.W.M.R.D.

PLANNING COMMISSION
APPROVED AS TO FORM THIS 13th DAY OF August, A.D. 2003
BY [Signature]
THE PARK CITY PLANNING COMMISSION
CHAIRMAN

ENGINEERS' CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH
INFORMATION ON FILE IN MY OFFICE THIS 16th DAY OF JULY, A.D. 2003
BY [Signature]
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 17th DAY OF AUGUST, A.D. 2003
BY [Signature]
PARK CITY ATTORNEY

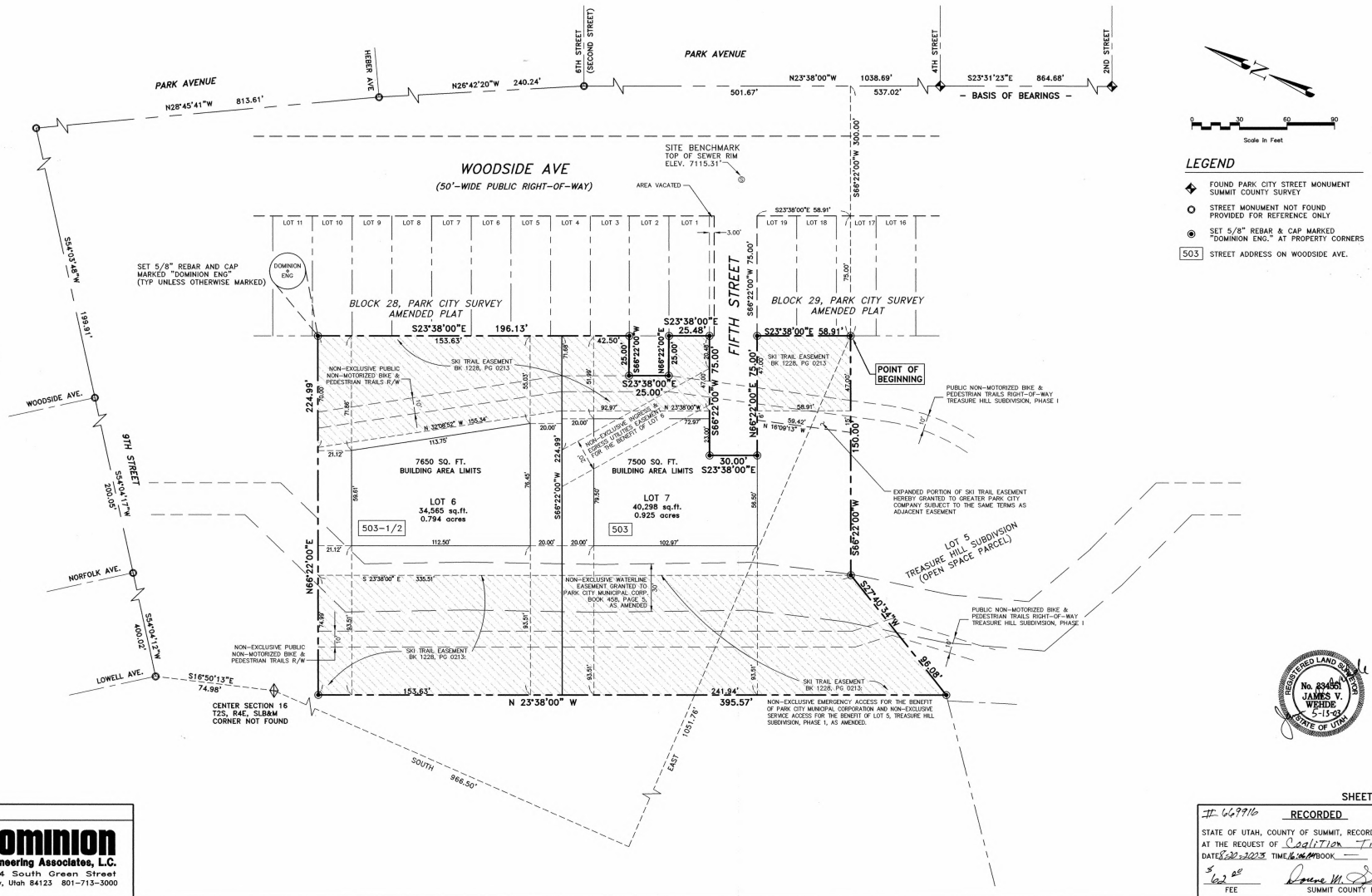
CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS
APPROVED BY PARK CITY COUNCIL THIS 19th DAY OF JUNE, A.D. 2003
BY [Signature]
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL
THIS 15th DAY OF JUNE, A.D. 2000
BY [Signature]
MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED
AT THE REQUEST OF Coalition Title
DATE 8-26-2003 TIME 10:46 AM PAGE 1
FEE \$62.00
SUMMIT COUNTY RECORDER

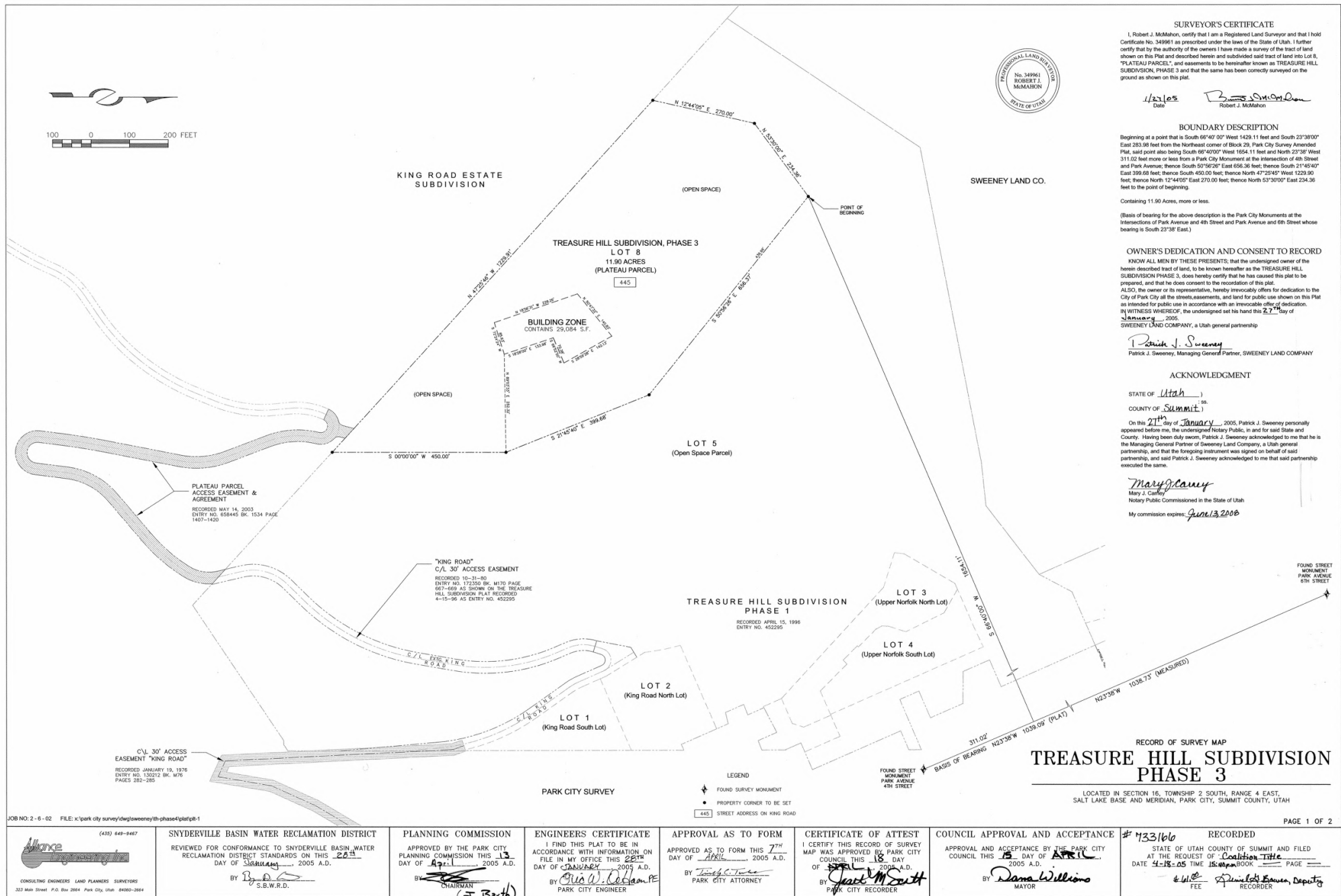
TREASURE HILL SUBDIVISION PHASE II

A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH SUMMIT COUNTY



SHEET 2 OF 2

PREPARED BY:
DOMINION
Engineering Associates, L.C.
5684 South Green Street
Murray, Utah 84123 801-713-3000



TREASURE HILL SUBDIVISION PHASE 3

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



KING ROAD ESTATE
SUBDIVISION

SKI EASEMENT FOR THE
BENEFIT OF THE SWEENEY
LAND COMPANY
RECORDED JANUARY 27, 2005
ENTRY NO. 524777 BK. 1075
PAGES 1009-1015

TREASURE HILL SUBDIVISION
PHASE 3
LOT 8
11.90 ACRES
(PLATEAU PARCEL)

TREASURE HILL SUBDIVISION
PHASE 1

RECORDED APRIL 15, 1996
ENTRY NO. 452295

LOT 2
(King Road North Lot)

LOT 1
(King Road South Lot)

LOT 5
(Open Space Parcel)

UTILITY EASEMENT OVER
LOT 5 FOR THE BENEFIT
OF THE "PLATEAU
PARCEL"
RECORDED APRIL 15, 1996
ENTRY NO. 452292 BK. 958
PAGES 192-222

QUITTING TIME TRAIL AND
LIFT EASEMENT
RECORDED FEBRUARY 9, 1999
ENTRY NO. 529817, BK. 1228
PAGES 213-236

LOT 3
(Upper Norfolk North Lot)

LOT 4
(Upper Norfolk South Lot)

UTILITY EASEMENT FOR
THE BENEFIT OF THE
"PLATEAU PARCEL"
RECORDED AUGUST 20, 2003
ENTRY NO. 669920 BK. 1563
PAGES 79-86

SWEENEY LAND CO.

LOT 7
(Treasure Hill
Phase 2)

LOT 6
(Treasure Hill
Phase 2)

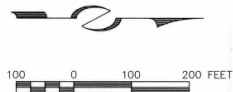
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2	15.00	15.00	90.00
3	15.00	15.00	90.00

LINE	LENGTH	BEARING
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2	15.00	N 00°00'00" E
3	15.00	N 00°00'00" E
4	15.00	N 00°00'00" E
5	15.00	N 00°00'00" E
6	15.00	N 00°00'00" E
7	15.00	N 00°00'00" E
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10	15.00	N 00°00'00" E
11	15.00	N 00°00'00" E
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98	15.00	N 00°00'00" E
99	15.00	N 00°00'00" E
100	15.00	N 00°00'00" E

- PLAT NOTES**
- FOOTPRINT.** The residential footprint of the dwelling ("Main House"), to be located on Lot 8, Phase IV, Treasure Hill Subdivision (the "Lot"), shall be calculated from the outside face of walls, subject to the existing requirements of Note 6, and a maximum of three thousand five hundred (3,500) square foot footprint including garages. The following shall not count toward the footprint calculations:
 - Deck which is open on at least two sides, but which may have railings as required, covered or uncovered, and that does not have above-existing natural grade or living space located below or above it.
 - Exterior walkways.
 - Exterior stairs.
 - Driveway.
 - That portion of any garage, carport, mechanical space, or living space that is located below existing natural grade and which has landscaping or deck (as provided in 1(a)) located above it.
 - The footprint for up to fifteen hundred (1,500) square feet for an additional attached or detached residence, further provided such residential space is used only for a caretaker's house or guest house, and is to be sold or leased separately from the Main House and provided that the height of such additional structure from existing natural grade shall not exceed twenty (20) feet, measured from existing natural grade, including all elements other than chimneys, mechanical exhausts, and sanitary sewer vents.
 - VISIBILITY.** The Main House and Caretaker's Guest House shall be located and screened by existing vegetation. If necessary, they shall be screened by new vegetation so as to be substantially out of sight from the Historic District determined solely by the Park City Planning Department.
 - BUILDING AREA ZONE.** Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on this Plat or as consistent with construction drawings approved by the Park City Municipal Corporation ("City") for the driveway and utilities ("Drawings")) shall be limited to the Building Zone noted on this Plat.
 - BUILDING AREA CONSTRUCTION DISTURBANCE.** Temporary construction disturbance associated with construction of the residence, including the driveway, and utilities as shown on the Drawings shall be limited to the Building Area Limits. Such disturbed area shall be revegetated with native landscaping, and a guarantee for the cost of revegetation shall be posted with the City at the time of building permit issuance. The adjacent site trails may be used for construction staging subject to the Town LRE Easements referenced in Note 10 below.
 - HEIGHT.** The Main House height shall be measured from existing natural grade. The maximum height shall be twenty-five (25) feet for roofs and roof elements that generally are parallel to existing natural grade and thirty (30) feet for roof ridges that are generally oriented in the horizontal plane perpendicular to existing contour lines, for example, dormers. Such perpendicularly oriented roof portions located above twenty-five (25) feet in height shall comprise less than 20 percent of the roof plan. Planning Commission may, during the Conditional Use approval process, grant height exceptions up to a maximum height of thirty-three (33) feet for pitched roofs for the expressed purpose of accommodating access, i.e., stairways and/or elevators between floor levels.
 - MASSING.** Designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3,500 square foot footprint (referred to in Note 1 above) shall have a footprint that exceeds 2,000 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks. This requirement shall be interpreted to mean that there will be significant variation of roof heights and wall faces for the different building elements.
 - ACCESS.** The Lot shall be accessed by a minimum of a twelve foot (12') wide driveway as shown on the Drawings. The maximum width shall be 20 feet except for turn around areas approved by the Park City Planning Department.
 - UTILITIES.** Utilities (water, sewer, phone, cable, and power) shall be extended from Woodside Avenue with the exception that power may come from the North. The water supply lift station and other utilities will be initially installed and perpetually maintained at the owner's expense.
- The waste water lateral stub for the "Plateau Parcel" has been provided on Lot 7 of the Treasure Hill Phase 2 Plat (within the Utility Easement for the benefit of the "Plateau Parcel"). This lateral passes under a reinforced concrete tunnel. Maintenance and replacement of the waste water lateral shall be the responsibility of the owner of the "Plateau Parcel" and not that of the Snyder Basin Water Reclamation District ("SRWD").
- FIRE PROTECTION PLAN.** Residential fire sprinkling and other safety features shall comply with the Fire Protection Plan on file with the Chief Building Official at the time of plat recordation. Wood roofing materials shall be prohibited.
 - EASEMENTS AND AGREEMENTS.** This Plat is subject to the following easements and agreements:
 - Special Warranty Deed with Possibility of Reverter with certain rights as recorded April 15, 1996, Entry No. 452292, Book 958, Pages 192-222, in the office of the Summit County Recorder, Summit County, Utah.
 - The Plateau Agreement with covenants and understandings between the Greater Park City Company and Patrick J. Sweeney executed February 1, 1999.
 - Ski and Pedestrian Easements as described in Section 4.4 of the Sweeney Properties Master Plan ("SPMP") summary and as shown on sheets 1, 2, and 4 through 9 of the SPMP.
 - Combined Amended Grant of Easements to the Greater Park City Company as recorded February 9, 1996, Entry No. 529817, Book 1228, Pages 213-236, in the office of the Summit County Recorder, Summit County, Utah.
 - Access Easement Agreement as recorded May 14, 2003, Entry No. 668445, Book 1534, Pages 1407-1420, in the office of the Summit County Recorder, Summit County, Utah.
 - Utility and Construction Access Easement Agreement as recorded August 20, 2003, Entry No. 666620, Book 1563, Pages 79-88, in the office of the Summit County Recorder, Summit County, Utah.

15. PRECEDENCE. The above special restrictions are covenants of and consistent with the SPMP approved by the Park City Council on October 10, 1990, and as subsequently amended on October 14, 1997; December 30, 1992; and November 7, 1999. Final house design shall be reviewed under the Conditional Use process in accordance with the SPMP. This property shall not be further subdivided.

JOB NO: 2 - 6 - 02
FILE: c:\park city survey\dwg\seweeney\th phase3\pl3.dwg
733166 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Condition Title
DATE 4-18-05 TIME 5:00 PM BOOK 1563 PAGE 1
FEE \$41.80 Daniel R. Bowen, Deputy
RECORDED



KING ROAD ESTATE
SUBDIVISION

TREASURE HILL SUBDIVISION, PHASE 3
LOT 8
11.90 ACRES
(PLATEAU PARCEL)

REVISED
BUILDING
ZONE
CONTAINS 29,063.9 SF

ABANDONED
BUILDING
ZONE

LOT 5
(Open Space Parcel)

PLATEAU PARCEL
ACCESS EASEMENT &
AGREEMENT
RECORDED MAY 14, 2003
ENTRY NO. 658445 BK. 1534 PAGE
1407-1420

"KING ROAD"
C/L 30' ACCESS EASEMENT
RECORDED 10-31-90
ENTRY NO. 123350 BK. M170 PAGE
667-669 AS SHOWN ON THE TREASURE
HILL SUBDIVISION PLAT RECORDED
4-15-96 AS ENTRY NO. 452295

TREASURE HILL SUBDIVISION
PHASE 1
RECORDED APRIL 15, 1996
ENTRY NO. 452295

LOT 3
(Upper Norfolk North Lot)

LOT 4
(Upper Norfolk South Lot)

LOT 2
(King Road North Lot)

LOT 1
(King Road South Lot)

C/L 30' ACCESS
EASEMENT "KING ROAD"
RECORDED JANUARY 19, 1978
ENTRY NO. 130212 BK. M170
PAGES 282-285

PARK CITY SURVEY

LEGEND

- FOUND SURVEY MONUMENT
- PROPERTY CORNER TO BE SET
- STREET ADDRESS ON KING ROAD



SURVEYOR'S CERTIFICATE
I, Robert J. McMahon, certify that I am a Registered Land Surveyor and that I hold Certificate No. 349961 as prescribed under the laws of the State of Utah. I further certify that by the authority of the owner I have made a survey of the tract of land shown on this Plat and described herein and subdivided said tract of land into Lot 8, "PLATEAU PARCEL", and easements to be hereinafter known as "TREASURE HILL SUBDIVISION PHASE 3 FIRST AMENDED", and that the same has been correctly surveyed on the ground as shown on this Plat.

6/30/09
Date
Robert J. McMahon
Surveyor

BOUNDARY DESCRIPTION
Beginning at a point that is North 23°38'00" West 311.02 feet and South 66°40'00" West 1654.11 feet from a Park City Monument located at the intersection of 4th Street and Park Avenue; thence South 50°56'20" East 656.36 feet; thence South 21°45'40" East 389.68 feet; thence South 450.00 feet; thence North 47°25'45" West 1229.90 feet; thence North 12°44'05" East 270.00 feet; thence North 53°30'00" East 234.36 feet to the point of beginning.

Containing 11.90 Acres, more or less.
Basis of bearing for the above description is South 23°38' East between the found Street Monument at the Intersections of Park Avenue and 6th Street and a found nail at the intersection of Park Avenue and 4th Street.

OWNER'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS, that Patrick J. Sweeney the undersigned owner of the herein described tract of land to be known hereinafter as the TREASURE HILL SUBDIVISION PHASE 3 FIRST AMENDED, does hereby certify that he has caused this plat to be prepared and that he does consent to the recordation of this Plat.
ALSO, the owner or his representative hereby irrevocably offers for dedication to the City of Park City all the streets, easements, and land for public use shown on this Plat as intended for public use in accordance with an irrevocable offer of dedication. IN WITNESS WHEREOF, the undersigned set his hand this 30 day of June, 2009.

Patrick J. Sweeney
Patrick J. Sweeney, Owner

ACKNOWLEDGMENT

STATE OF Utah
COUNTY OF Summit

On this 30 day of June, 2009, Patrick J. Sweeney personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Patrick J. Sweeney acknowledged to me that he is the owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Craig R. Rodman
A Notary Public Commissioned in the State of Utah
Residing at: Park City, UT
My commission expires: 7/6/2010

**TREASURE HILL
SUBDIVISION PHASE 3
FIRST AMENDED**

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

PAGE 1 OF 2

**ALTA
ENGINEERING
INC.**
CIVIL ENGINEERING • LAND PLANNING
SURVEYING • PROJECT MANAGEMENT
PO BOX 2864 PARK CITY, UTAH 84050 435-649-9191

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS 20th
DAY OF July, 2009 A.D.
BY: [Signature]
U.S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 15th
DAY OF May, 2009 A.D.
BY: [Signature]
CHAIRMAN

ENGINEERS CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 24th
DAY OF September, 2009 A.D.
BY: [Signature]
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 23rd
DAY OF September, 2009 A.D.
BY: [Signature]
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS 26th DAY
OF September, 2009 A.D.
BY: [Signature]
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 28th DAY OF May,
2009 A.D.
BY: [Signature]
MAYOR

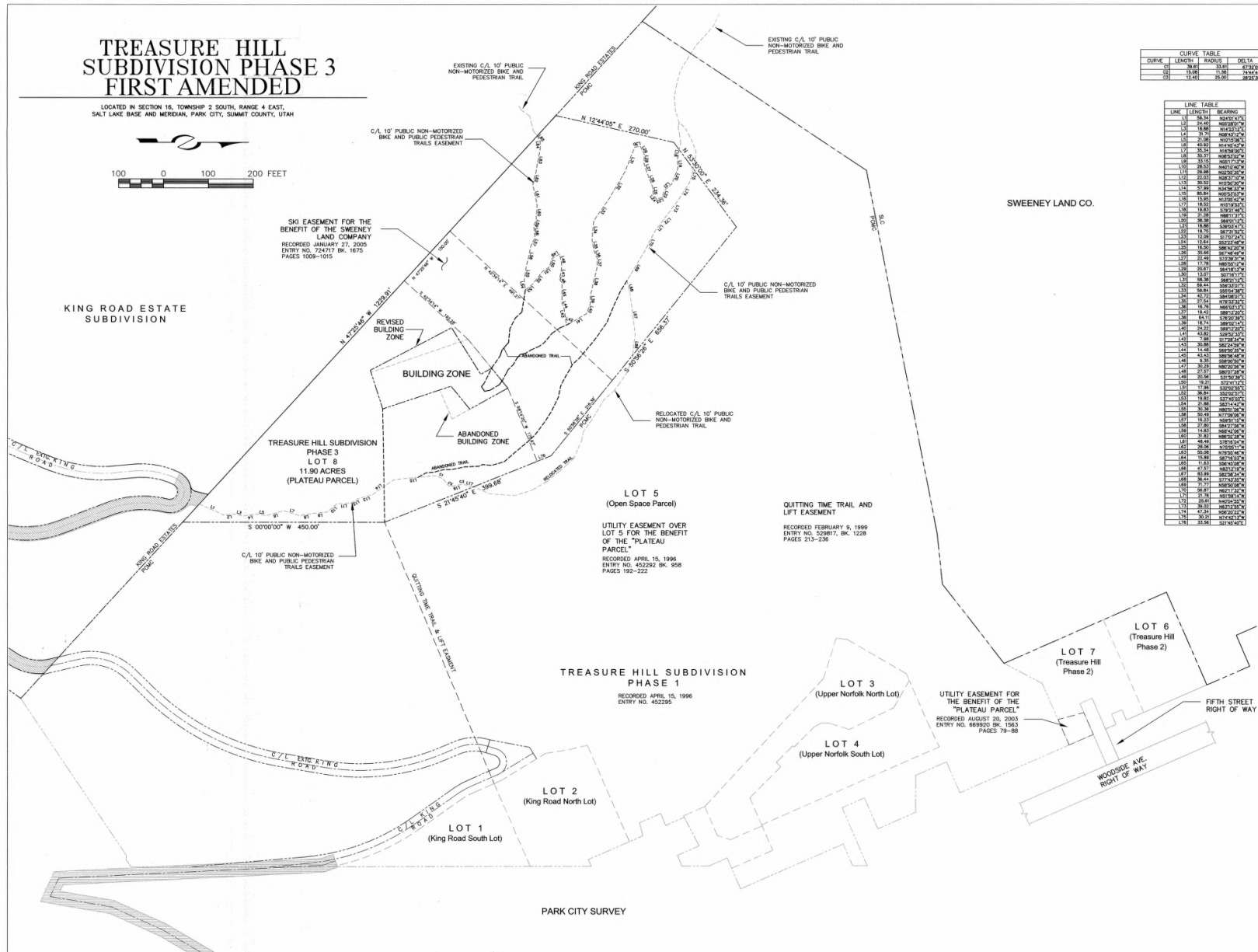
RECORDED
STATE OF UTAH COUNTY OF SUMMIT FILED
AT THE REQUEST OF Coalition Title
DATE 10-5-2009 TIME 3:30 PM BOOK PAGE
FEE RECORDER

TREASURE HILL SUBDIVISION PHASE 3 FIRST AMENDED

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



KING ROAD ESTATE SUBDIVISION



CURVE	LENGTH	RADIUS	DELTA
1	13.96	21.96	74.84°
2	12.41	20.00	82.82°

LINE	LENGTH	BEARING
1	36.50	N 24°44'00" E 270.00°
2	13.96	N 74°16'00" E 105.16°
3	12.41	N 82°18'00" E 112.18°
4	13.96	N 24°44'00" E 270.00°
5	13.96	N 74°16'00" E 105.16°
6	12.41	N 82°18'00" E 112.18°
7	13.96	N 24°44'00" E 270.00°
8	13.96	N 74°16'00" E 105.16°
9	12.41	N 82°18'00" E 112.18°
10	13.96	N 24°44'00" E 270.00°
11	13.96	N 74°16'00" E 105.16°
12	12.41	N 82°18'00" E 112.18°
13	13.96	N 24°44'00" E 270.00°
14	13.96	N 74°16'00" E 105.16°
15	12.41	N 82°18'00" E 112.18°
16	13.96	N 24°44'00" E 270.00°
17	13.96	N 74°16'00" E 105.16°
18	12.41	N 82°18'00" E 112.18°
19	13.96	N 24°44'00" E 270.00°
20	13.96	N 74°16'00" E 105.16°
21	12.41	N 82°18'00" E 112.18°
22	13.96	N 24°44'00" E 270.00°
23	13.96	N 74°16'00" E 105.16°
24	12.41	N 82°18'00" E 112.18°
25	13.96	N 24°44'00" E 270.00°
26	13.96	N 74°16'00" E 105.16°
27	12.41	N 82°18'00" E 112.18°
28	13.96	N 24°44'00" E 270.00°
29	13.96	N 74°16'00" E 105.16°
30	12.41	N 82°18'00" E 112.18°
31	13.96	N 24°44'00" E 270.00°
32	13.96	N 74°16'00" E 105.16°
33	12.41	N 82°18'00" E 112.18°
34	13.96	N 24°44'00" E 270.00°
35	13.96	N 74°16'00" E 105.16°
36	12.41	N 82°18'00" E 112.18°
37	13.96	N 24°44'00" E 270.00°
38	13.96	N 74°16'00" E 105.16°
39	12.41	N 82°18'00" E 112.18°
40	13.96	N 24°44'00" E 270.00°
41	13.96	N 74°16'00" E 105.16°
42	12.41	N 82°18'00" E 112.18°
43	13.96	N 24°44'00" E 270.00°
44	13.96	N 74°16'00" E 105.16°
45	12.41	N 82°18'00" E 112.18°
46	13.96	N 24°44'00" E 270.00°
47	13.96	N 74°16'00" E 105.16°
48	12.41	N 82°18'00" E 112.18°
49	13.96	N 24°44'00" E 270.00°
50	13.96	N 74°16'00" E 105.16°
51	12.41	N 82°18'00" E 112.18°
52	13.96	N 24°44'00" E 270.00°
53	13.96	N 74°16'00" E 105.16°
54	12.41	N 82°18'00" E 112.18°
55	13.96	N 24°44'00" E 270.00°
56	13.96	N 74°16'00" E 105.16°
57	12.41	N 82°18'00" E 112.18°
58	13.96	N 24°44'00" E 270.00°
59	13.96	N 74°16'00" E 105.16°
60	12.41	N 82°18'00" E 112.18°
61	13.96	N 24°44'00" E 270.00°
62	13.96	N 74°16'00" E 105.16°
63	12.41	N 82°18'00" E 112.18°
64	13.96	N 24°44'00" E 270.00°
65	13.96	N 74°16'00" E 105.16°
66	12.41	N 82°18'00" E 112.18°
67	13.96	N 24°44'00" E 270.00°
68	13.96	N 74°16'00" E 105.16°
69	12.41	N 82°18'00" E 112.18°
70	13.96	N 24°44'00" E 270.00°
71	13.96	N 74°16'00" E 105.16°
72	12.41	N 82°18'00" E 112.18°
73	13.96	N 24°44'00" E 270.00°
74	13.96	N 74°16'00" E 105.16°
75	12.41	N 82°18'00" E 112.18°
76	13.96	N 24°44'00" E 270.00°
77	13.96	N 74°16'00" E 105.16°
78	12.41	N 82°18'00" E 112.18°
79	13.96	N 24°44'00" E 270.00°
80	13.96	N 74°16'00" E 105.16°
81	12.41	N 82°18'00" E 112.18°
82	13.96	N 24°44'00" E 270.00°
83	13.96	N 74°16'00" E 105.16°
84	12.41	N 82°18'00" E 112.18°
85	13.96	N 24°44'00" E 270.00°
86	13.96	N 74°16'00" E 105.16°
87	12.41	N 82°18'00" E 112.18°
88	13.96	N 24°44'00" E 270.00°
89	13.96	N 74°16'00" E 105.16°
90	12.41	N 82°18'00" E 112.18°
91	13.96	N 24°44'00" E 270.00°
92	13.96	N 74°16'00" E 105.16°
93	12.41	N 82°18'00" E 112.18°
94	13.96	N 24°44'00" E 270.00°
95	13.96	N 74°16'00" E 105.16°
96	12.41	N 82°18'00" E 112.18°
97	13.96	N 24°44'00" E 270.00°
98	13.96	N 74°16'00" E 105.16°
99	12.41	N 82°18'00" E 112.18°
100	13.96	N 24°44'00" E 270.00°

- PLAT NOTES**
- 1. FOOTPRINT.** The residential footprint of the dwelling ("Main House"), to be located on Lot 6, Phase IV, Treasure Hill Subdivision (the "Lot"), shall be calculated from the outside face of walls, subject to the existing requirements of Note 6, and a maximum of three thousand five hundred (3,500) square feet footprint including garages. The following shall not count toward the footprint calculation:
 - (a) Deck which is open on at least two sides, but which has railings as required, covered or uncovered, and that does not have above-existing-natural-grade garage or living space located below or above it.
 - (b) Exterior walkways.
 - (c) Exterior stairs.
 - (d) Driveway and
 - (e) That portion of any garage, carport, mechanical space, or living space that is located below existing natural grade and which has landscaping or deck (as provided in 1(f)) located above it.
 - 2. VISIBILITY.** The Main House and Cantalero Guest House shall be located and screened by existing vegetation. If necessary, they shall be screened by new vegetation so as to be substantially out of sight from the Historic District as determined solely by the Park City Planning Department.
 - 3. BUILDING AREA ZONE.** Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on the Plat or as considered with construction drawings approved by the Park City Municipal Corporation ("CPC") for the driveway and utilities ("Crown") shall be limited to the Building Zone noted on this Plat.
 - 4. BUILDING AREA CONSTRUCTION DISTURBANCE.** Temporary construction disturbance associated with construction of the residence, excluding the driveway and utilities, as shown on construction drawings and the deposit on the Lot of excess excavated material placed in accordance with an approved construction mitigation plan, shall be limited to twenty (20) feet outside the Building Area Zone shown herein subject to Note 2 above. Such disturbed area shall be revegetated with native landscaping, and a guarantee for the cost of revegetation shall be posted to the City at the time of building permit issuance. The adjacent site may be used for construction staging subject to the Town LIR Easements referenced in Note 10 below.
 - 5. HEIGHT.** The Main House height shall be measured from existing natural grade. The maximum height shall be twenty-five (25) feet for roofs and roof elements that generally are parallel to existing natural grade and thirty (30) feet for roof ridges that are generally oriented (in the horizontal plane) perpendicular to existing contour lines, for example, dormers. Such perpendicularly oriented roof elements located above twenty-five (25) feet in height shall comprise less than 20 percent of the roof plan. Planning Commission may, during the Conditional Use approval process, grant height exceptions up to a maximum height of thirty-three (33) feet for pitched roofs for the expressed purpose of accommodating access, i.e. stairwells and elevators between floor levels.
 - 6. MASSING.** Designs may be comprised of one or more connected or unconnected building masses. No one building mass within the 3,500 square foot footprint (referred to in Note 1 above) shall have a footprint that exceeds 2,000 square feet. Massing elements shall be separated by horizontal and/or vertical facade breaks. This requirement shall be interpreted to mean that there will be significant variation of roof heights and wall faces for the different building elements.
 - 7. ACCESS.** The Lot shall be accessed by a minimum of a twelve foot (12) wide driveway as shown on the Drawings. The maximum width shall be 20 feet except for turn around areas approved by the Park City Planning Department.
 - 8. UTILITIES.** Utilities (water, phone, cable, and power) shall be extended from Woodside Avenue with the exception that power may come from the North. The water supply line station and other utilities will be initially installed and perpetually maintained at the owner's expense.
- At the request of the owner, Park City allowed emplacement of an individual disposal system (septic tank) on this property. The owner did not request that this property be connected to a Snyderville Basin Water Reclamation District (SBWRD) waste water line. Septic systems can fail. All costs associated with the correction of a failed septic system, including sewer connection from the property to an existing SBWRD waste water line shall be at the sole expense of the property owner. SBWRD shall be in no way responsible for these or any related costs associated with septic system failure.
- There is an existing waste water lateral stub for the Plateau Parcel which has been provided on Lot 7 of the Treasure Hill Phase 2 Plat (within the Utility Easement for the benefit of the Plateau Parcel). This lateral passes under a reinforced concrete tunnel. Maintenance and replacement of the waste water lateral shall be the responsibility of the owner of the Plateau Parcel and not that of SBWRD.
- 9. FIRE PROTECTION PLAN.** Residential fire sprinkling and other safety features shall comply with the Fire Protection Plan on file with the Chief Building Official at the time of plat recordation. Wood roofing materials shall be prohibited.
 - 10. EASEMENTS AND AGREEMENTS.** This Lot is subject to the following easements and agreements:
 - Special Warranty Deed with Possibility of Reverter with certain rights as recorded April 15, 1996, Entry No. 452292, Book 616, Pages 115-222, in the office of the Summit County Recorder, Summit County, Utah.
 - The Plateau Agreement with covenants and understandings between the Greater Park City Company and Patrick J. Sweeney executed February 1, 1999.
 - Ski and Pedestrian Easements as described in Section 4.4 of the Sweeney Properties Master Plan ("SPMP") summary and as shown on sheets 1, 2, and 4 through 5 of the SPMP.
 - Combined Amended Grant of Easements to the Greater Park City Company as recorded February 9, 1999, Entry No. 528617, Book 1228, Pages 213-236, in the office of the Summit County Recorder, Summit County, Utah.
 - Access Easement Agreement as recorded May 14, 2003, Entry No. 658445, Book 1534, Pages 1407-1420, in the office of the Summit County Recorder, Summit County, Utah.
 - Utility and Construction Access Easement Agreement as recorded August 20, 2003, Entry No. 669920, Book 1563, Pages 79-88, in the office of the Summit County Recorder, Summit County, Utah.
 - 11. Lighting** on the lot including the interior and exterior of all structures shall be shielded from direct view from all viewpoints within the City limits with the exception of "seasonal lighting" allowed December 1 through January 15.
 - 12. PRECEDENCE.** The above special restrictions are covenants of and consistent with the SPMP approved by the Park City Council on October 16, 1996, and as subsequently amended on October 14, 1997, December 30, 1998, and November 7, 1999. Final house design shall be reviewed under the Conditional Use process in accordance with the SPMP. This property shall not be further subdivided.
 - 13.** All previous Conditions of Approval of the Sweeney Properties Master Plan (Treasure Hill) continue to apply.

ALTA ENGINEERING INC.
CIVIL ENGINEERING • LAND PLANNING
SURVEYING • PROJECT MANAGEMENT
PO BOX 2864 PARK CITY, UTAH 84060 435-649-8191

PAGE 2 OF 2

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED

AT **ENTRY NO. 00883780**

DATE: 10/05/2006 10:20:40 PM 8: 2004 P: 1448

PLAT PAGE 2 OF 2

NOT FOR CONSTRUCTION TITLE

10/05/2006 10:20:40 PM 8: 2004 P: 1448



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION AGENDA
445 MARSAC AVENUE
WEDNESDAY, SEPTEMBER 8, 2004 – 5:30 P.M.**

WORK SESSION – 5:30 P.M.

Items scheduled for Work Session are for discussion purposes between the Planning Staff, the Project applicants and the Planning Commission. **NO ACTION WILL BE TAKEN.** The public is encouraged to attend, however, no public testimony will be received. For further information, please call the Planning Department at 615-5060.

Royal Street in Upper Deer Valley, The Lookout at Deer Valley-Master Planned Development/Conditional use permit
2260 Park Avenue, Nutraceutical Corporation-Conditional use permit modification
Review of Regular Agenda

REGULAR MEETING – 6:30 p.m.

ROLL CALL



ADOPTION OF MINUTES OF AUGUST 11 & AUGUST 25, 2004

PUBLIC COMMUNICATIONS

STAFF/COMMISSIONER'S COMMUNICATIONS

REGULAR AGENDA/PUBLIC HEARINGS

Hofmann Annexation (continue to a date uncertain)
64 Ontario Canyon-Subdivision (continue to September 22)
201 Heber Avenue, Union Square-Master Planned Development (continue to September 22)
1412 & 1416 Park Avenue-Condominium conversion (Public hearing and possible recommendation to City Council)
Spiro Tunnel-Master Planned Development (Continuation of public hearing and discussion)

ADJOURN

The Work Session will be held at 5:30 p.m. in the City Council Chambers, 445 Marsac Avenue. The Regular Meeting will be held at 6:30 p.m. The public is welcomed to attend. For further information, please call the Planning Department at 615-5060. (Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department, 615-5060 24 hours prior to the meeting.)

Published: September 1, 2004
Posted: September 1, 2004

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 11, 2004

COMMISSIONERS IN ATTENDANCE:

Chair Jim Barth, Bruce Erickson, Michael O'Hara, Bob Powers, Jack Thomas

EX OFFICIO: Patrick Putt, Planning Director; Kevin LoPiccolo, Planner; Jonathan Weidenhamer, Planner; Grayson Thompson, Planning Intern; Tim Twardowski, Assistant City Attorney

=====

REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Barth called the meeting to order at 6:35 p.m. and noted that all Commissioners were present except Commissioners Volkman and Zimney who were excused.

II. ADOPTION OF MINUTES

MOTION: Commissioner O'Hara moved to APPROVE the minutes of July 28, 2004, as written. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV. STAFF & COMMISSIONERS' COMMUNICATIONS

Planning Director Patrick Putt announced that Planner Kevin LoPiccolo, who has been with the Planning Staff for eight years, has accepted a job as a Planning Administrator for Salt Lake City. His last day with Park City will be August 18.

Director Putt provided the Commissioners with a letter from Craig Smay expressing concern that some of his comments were not entered into the minutes of the July 14 meeting. Director Putt will review the minutes to see what part of Mr. Smay's comments may have not been included. He informed the Commissioners that he may return with a revised set of minutes to address Mr. Smay's concerns.

Director Putt reported that a public hearing is scheduled for possible amendments to the Land Management Code. The amendments deal with three primary items:

1. Additions to the definitions sections to include revised definitions for timeshare unit, timeshare project, and timeshare estate;
2. New inclusions and additions to the definitions section to include definitions for a private residence club, private residence club project, and private residence club conversion;
3. The additional conditional use permit inclusions in the LMC in the RD, RDM, RC, GC, LI, RCO, HCB, and HRC zones to include private residence club and private residence club projects into these zones as a conditional use permit.

The Staff recommended that the Planning Commission conduct a public hearing and consider public input. A red-line, strike-out amendment to the LMC had been prepared in the event the Planning Commission chooses to forward a positive recommendation to the City Council this evening.

Chair Barth opened the public hearing.

Pat Sweeney, representing his brothers and the Sweeney Land Company, asked the Planning Commission, Staff, and City Council to consider adding the Estate MPD zone to this consideration. Based on his knowledge of what it takes to create active bed base, quarter shares, twelve shares, and time shares create the most active bed base and provide a vehicle for ownership of the land that makes it economically feasible. He believed the two Marriott projects in Park City had done a good job with that. He referred to a project he is proposing on the hillside that has a great opportunity to provide active bed base for Main Street with appropriate connections and asked that the Planning Commission include that opportunity in this consideration. He stated that active management is another advantage of this type of project which is a benefit to Park City by dealing with good managers when it comes to City issues and interface.

Bob Wells, representing Deer Valley, stated that Deer Valley participated with Staff in developing this recommendation. The residence club has emerged as a big competitor in the market place, and in their particular zone, Deer Valley RD, having the residence club included under the timeshare definition prohibits this use. Deer Valley would like to have the use from a competitive standpoint, particularly with respect to resorts in Colorado where this use has been successful. Mr. Wells stated that a number of projects have gone through the Planning Commission with the inference that fractional use would be present or that the residence club concept would be present. That includes the North Silver Lake Lodge project and the Chateau project. The hotel at Deer Crest is different because of the split zone situation. The Roosevelt Gap side of Deer Crest is the RC zone which would accommodate this type of use. The zoning on the Snow Park side is RD, which creates a conflict. Mr. Wells stated that the primary motivation is to acknowledge the emergence of

this type of land ownership and its popularity and to be able to achieve it on a conditional use basis within their project.

Chair Barth closed the public hearing.

Commissioner Erickson stated that he generally supports the residence club concept in the definitions included in the text and that he supports expanding it into the proposed zones. He was interested in hearing whether they would need to be conditional uses or part of an MPD. He was not interested in expanding fractional ownership timeshares into those zones and would consider additional restrictions on fractional ownership until the parking requirements are revised to adequately reflect the true parking use. He verified with Director Putt that the amendments would only add definitions for residence clubs and not expand timeshares. Director Putt explained that expanding the zones in which a private residence club could be permitted is also included. This action would not allow the expansion of timeshares. Commissioner Erickson stated that he was not prepared to include the Estate MPD zone as requested by Mr. Sweeney without further guidance from the Staff.

Director Putt stated that the proposed draft currently includes the language, "whose use is established by a reservation system and is managed on site with a front desk operating 24 hours a day, seven days a week providing reservation and registration capabilities." If the language were modified to say, "whose use is established by a reservation system and 24 hour a day management," it could allow a 24-hour-a-day front desk, or it could be operated by a 24-hour-a-day management that could potentially be off site. Commissioner Erickson stated that he would be comfortable with that suggestion.

Chair Barth referred to language stating that the private residence club allows a minimum of four members and up to 12 owners per unit and asked if a unit is considered property. Director Putt replied that it is.

MOTION: Commissioner Erickson moved to forward a POSITIVE recommendation to the City Council for the revisions to the Land Management Code relative to the residence club definitions as presented in the staff report and the expansion of the residence club uses to the RD, RDM, RCO, and LI zones as presented in the staff report, with the revision made by Planning Staff that it is a 24-hour management and not 24-hour on-site activities.

Commissioner Erickson asked if the Commissioners wanted to leave the requirement as a CUP or change it to an MPD. Chair Barth and Commissioner O'Hara indicated that they were leaning toward an MPD. Commissioner Erickson suggested leaving the motion as stated with the request that the Staff provide guidance to the City Council with respect to these uses requiring MPD. This will allow the Staff time to analyze the situation and have the City Council make the decision.

Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

7. Treasure Hill conditional use permit for single, multi-family, hotel, and commercial uses

Director Putt noted that a public hearing is scheduled this evening on a CUP submitted by the Sweeney brothers for primarily the Mid-Station and Creole Gulch portions of the Treasure Hill MPD. The project from general overview is a mixed-use project consisting of approximately 282 mixed residential units and 19,000 square feet of support commercial located in the Creole Gulch and Mid-Station areas. The two areas comprise approximately 11-1/2 acres. Director Putt reported that the Planning Commission has been going through a systematic review of this process, looking at the CUP criteria a few at a time. They have reached the point of looking at two criteria that deal with building mass, bulk and orientation, and usable open space. After a review of the project by the applicant, the Staff would request discussion of building bulk and open space issues. No action is required. The Staff and applicant will return at a future meeting for a more detailed review. Director Putt requested that the public hearing be re-opened and kept open at the conclusion of this evening's hearing.

Pat Sweeney, the applicant, stated that he intends to cover Conditions 11 and the balance of 15 this evening and to concentrate on bulk, massing, and separation. Signage and open space will also be discussed. Mr. Sweeney introduced the team members involved with the project.

Mr. Sweeney provided a slide presentation showing the mass and orientation of the project. He explained that the basic concept was to put all the density in the gulch where it will have the least impact. He explained that they started with an accurate field survey and then flew over the project to get the topography at elevations appropriate for construction. That data was combined into a data base of the entire City for purposes of this demonstration and a study of the project's mass. He noted that fire protection drove much of the design. In terms of deciding where to put the mass, they looked at ski runs, lift vehicles, and the height zones in the master plan that determines where height can be placed. The Creole Gulch portion of the master plan has an average height above existing grade of 45 feet or less. The Mid-Station portion of the master plan requires an average height of 25 feet or less. Using the average heights, everything was calculated into square footage. Mr. Sweeney indicated one area that is greater than the 45-foot height limit in the Creole Gulch portion and area that is more than 25 feet above existing grade in the Mid-Station area. The plan for Mid-Station shows an actual height of 20 feet, which is five less than what is required. With respect to Creole Gulch, the plan achieves 33.4 feet, which is less than the 45 feet allowed. The project is required to maintain 75% open space. Inside

Mid-Station, 80% open space was achieved, and insider Creole Gulch, 72% was achieved. The project total is 74.6% open space. Mr. Sweeney presented a slide showing the areas of usable open space.

Mr. Sweeney commented on separation, screening, and massing. He presented a slide showing existing vegetation on the lower part of Treasure Hill which offers a significant screen to the immediate residents. Steve Perkins, with Perkins Associates, felt it was important to predominantly remember the vegetation on the east facing slopes, which has a greater vegetative mosaic than on the west facing slopes. As well as creating separation from residential areas, Mr. Perkins stated that they need to make the transition back to the natural areas as they incorporate this project into the site. He presented a slide showing an evolving landscape plan which divides the landscape into three separate zones with specific issues that need to be addressed as part of the project planning. The first zone is the perimeter landscape extending along the upper edges of the project on the south and west side. That would be re-vegetated in native trees and shrubs to blend back to the adjacent natural forest canopy. This area would have minimal irrigation, and forestry management will be required within this zone. The second zone is the transition zone, and third is the plaza zone which extends through the commercial area, on the terraces and plazas, and around the pool and spa. The plaza areas will be the most active zones where most of the activities take place. The remainder of the site is in the transition zone which is important when looking at separation of uses. The transition zone extends along the cliffscape areas on the south and west side and the residential perimeters along Woodside and parts of Lowell and Empire, as well as the areas that border the ski run. Those transition areas will be planted with native vegetation and other complimentary trees and shrubs where appropriate. They will be irrigated with overhead spray intended as supplemental watering. Mr. Perkins noted that irrigating those areas will help with fire suppression and reduce the risk of wildfire and health and management. These will be actively managed areas with careful consideration of canopy density and fuel load on the ground. This is also the area where they plan to create screening and buffering from the residential neighbors. Mr. Perkins identified the different species of trees and shrubs they intend to plant. He noted that the plan is a work in progress, and they have worked with the architectural model to specifically locate trees for building screening, separating, and adjusting masses. He reviewed the plans for separation from surrounding neighborhoods and explained how they built into the Gulch by excavating out and creating cliffscape areas to separate the uses from adjacent residential neighborhoods and to reduce visual impacts on those neighbors. The larger buildings are located in the back of the Gulch and the smaller buildings are in the foreground. The smaller buildings tend to screen the larger buildings behind them.

Mr. Perkins reviewed Sections A through G which run north and south clockwise and are designed to show particular relationships between the project buildings and the neighborhood. He commented that signage is important, and he expects to create a

comprehensive master sign program for the project. This will include regulatory signs, way finding signs, signs for limited commercial uses, and a comprehensive environmental graphics program. Signs will be consistent with the Park City sign ordinance and developed in a way to give the project distinction and character. Lighting is another big issue, and several aspects of lighting need to be considered. Safety and security at night needs to be provided, and several levels of lighting will be provided at main entrances along major pedestrian corridors and for vehicular access. Light control is a major issue, and for consistency with the ordinance, the lighting program will consider controlling ambient light produced by the project and create lighting zones. The greatest concentration of light will be in the plaza areas. Transitional areas will have less lighting, primarily for pedestrian walks, entrances, and exits. No lighting will be proposed in the perimeter. Light will only be provided where and when needed with appropriate lighting fixtures.

Mr. Sweeney stated that all the information and drawings presented this evening are contained on their web site. At the next meeting, they will discuss the building details in a conceptual sense, and formal renderings of the project will be provided from several different viewpoints.

Chair Barth re-opened the public hearing.

Alan Larson, a resident at 911 Lowell Avenue, stated that he is President of the North Star Homeowners, an association of 10 lots adjacent to the proposed Treasure Hill development. He noted that his lot is contiguous to the proposed development and will be very much affected by this project. He expressed concern about traffic flow to the neighborhood which he believed would be exacerbated by this project. He noted that the only practical way a fire vehicle or emergency vehicle can get into their part of the subdivision is to approach from Empire Avenue. When the subdivision was developed, the City restricted access to Lowell Avenue and required that there be one access on North Star. The angle of North Star can only practically be approached by coming around Empire to Lowell Loop. Mr. Larson stated that Empire Avenue is an important issue for emergency vehicles given the turn and nature of the road. If this project is approved, Mr. Larson urged the Planning Commission to admonish the City to live up to the existing standards for parking, road maintenance, and plowing. If there were a fire or emergency situation in their subdivision, it would only take one blockage due to increased traffic along Empire Avenue to cause chaos.

Annie Lewis Garda stated that she and her husband have had a second home in Park City since 1983 and have lived in their house since 1990 when they moved in after building it. They live in Park City approximately five months of the year and are the residents most impacted by this project. Ms. Garda stated that she met Pat Sweeney several years ago right after the City rejected the plan to put multiple houses up the hillside. Since then, Mr.

Sweeney has been responsive to her questions about the project, and she expressed appreciation for his attention to her concerns. Ms. Garda stated that a major concern is continued access to the trails for skiing and hiking. Another concern is landscaping to mitigate the impacts of the seven-story building which will be 100 feet from her back deck. She noted that Mr. Sweeney has said that the visual impact of this massive building could be alleviated if the Sweeney's were given some leeway in terms of how they build their units. She understands that without encroaching on the promised open space and without increasing square footage, some leeway will allow for more step back, which will help the impact on the City and the residents. Ms. Garda urged the Planning Commission to grant that leeway as far as practical. She commented that the photos and charts are wonderful, but she did not believe they were as effective as a 3-D model like the one presented for another project earlier this evening during the Union Square discussion. She believed a model would help in understanding the true visual impact of this massive building. She requested that the applicants provide a 3-D model in addition to the photographs. Ms. Garda stated that she has concerns about traffic but was unsure if this is the appropriate time to address that issue. She understood that traffic studies had been done, but she believed there would be more traffic than envisioned due to traffic generated by employees, delivery trucks, and garbage trucks. She requested that the Planning Commission consider the traffic issues. She stated that she has spoken with City Engineer Eric DeHaan and the Fire Marshall, and they feel confident about the fire plan. She was confident about emergency vehicles once they reach the gate of the project, but reaching the gate will be a challenge when snow is on the ground and the roads are blocked by garbage trucks and garbage cans on Empire Avenue.

Brad Surel, a resident on Empire Avenue, agreed with Ms. Garda's comments about providing a 3-D model. He commented on traffic and stated that, after speaking with a number of his neighbors, they share his concerns. He referred to the suggestion in the traffic study that Empire Avenue be reduced to one side street parking. He stated that last week when he drove down Empire Avenue, even though cars were only parked on one side, he still needed to wait for cars to pass by. He noted that traffic studies do not account for noise. Currently it is hard to hear anything when a small truck goes down the street, and that problem will worsen when there is a constant stream of garbage and delivery trucks. He wanted to be sure that the Planning Commission spends a lot of time on traffic and access, because those issues affect everyone.

Chair Barth continued the public hearing until August 25, 2004.

Commissioner O'Hara referred to Item 7, fencing, screening, and landscaping. He noted that the Garda house is fairly close by, and the residential use they are separating from the commercial use deserves to be well separated, including noise separation. He would hate to be the residents sitting outside in the summer listening to the HVAC units on top of the building. Those issues need to be adequately addressed so that whatever screening the

applicant considers will separate the uses and provide visual landscaping. Residential users deserve the quiet enjoyment of their homes, and this issue deserves more attention than a beautiful landscape plan. Commissioner O'Hara asked if the Sensitive Lands Ordinance applies to any portion of this review. Director Putt replied that the SLO does not apply specifically to this application. However, criteria in the CUP section of the Code refer to site design and compatibility with environmentally sensitive areas. Commissioner O'Hara asked if the Planning Commission could approach the review by setting specific view points. Director Putt stated that they could to the degree that they can agree on the areas and what they are intended to show.

Mr. Sweeney stated that he worked with Planner Whetstone, and they came up with nine viewpoints, including from the Resort looking up Lowell, from the Park, from Deer Valley Drive where it passes the skate park, from outside the Marsac Building, from the Aerie, from Heber Avenue and Main Street, from the Town Lift deck, and one from the Gardas' home.

Commissioner O'Hara stated that he was previously concerned with Section G. The transition from Old Town off of Woodside to this project is very important, and he was pleased to see how it was represented in Section G. He believed the applicant would have a hard time convincing the Planning Commission that Section A is not really seven stories.

Director Putt noted that Item 15 in Chapter 1 of the Development Code addresses project compatibility with the adjoining site, impacts on environmentally sensitive lands, slope retention, and appropriateness of the proposed structure with the topography of the site. Item 15 gives the Planning Commission the ability to look at the relationships of the buildings, the grading, and the adjacent properties.

Commissioner Thomas referred to the cross sections, specifically Building 4B, and asked if they had been studied in terms of breaking the facade lines both in plane and elevation. Mr. Sweeney explained that was purposely taken out of the drawings for this meeting because the topic was bulk and mass as opposed to architecture. He believed they had facade variations, which will be part of the presentation in two weeks. Mr. Thomas stated that he would be anxious to see that as well as the grading impacts relative to the seven story building and impacts of adjacent vegetation, etc. Mr. Sweeney noted that much of that information is on the website, and he will bolster it with further drawings. Commissioner Thomas stated that the concerns about building mass and relationship with the adjacent community are an important component, and they need to be satisfied in terms of the relationship of the massive structures with the height of the community. He understood that height is factored into the project, but he was curious to see how they would step the building massing.

what they have learned to determine what how to move forward with general plan changes in the future. The Staff recommended that the Planning Commission take public comment, provide necessary changes, and accept and adopt these findings formally drawing closure to the study.

Commissioner O'Hara stated that he participated in the joint committee meetings with the County, and one issue of overwhelming importance was traffic flow and patterns. He noted that traffic is not mentioned in the conclusions and asked why. Director Putt replied that the fact that it was not added as a specific principle does not diminish the issue. It was felt that traffic was sufficiently addressed by the emphasis on land use patterns primarily being directed toward open space, recreation, and possible institutional use and the provisions that those types of development be transit related and interconnected to the properties involved within the study area.

Chair Barth opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

MOTION: Commissioner Erickson moved to ADOPT and APPROVE the findings and complete the technical report on the joint study area in Quinn's Junction with the provision that the term "density" used in the text be referenced to the definition of density in the Land Management Code. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously.

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

Approved by Planning Commission _____



Planning Commission Staff Report

PLANNING DEPARTMENT

Subject: Treasure Hill
Author: Francisco Astorga, AICP, Senior Planner
Date: 8 June 2016
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the history and development parameters of the Treasure Hill Conditional Use Permit as provided in the staff report, allow the applicant to re-introduce the project, and provide the applicant and Staff with direction on the outlined items. Staff recommends that the Planning Commission hold a public hearing and continue the item to the July 13, 2016 Planning Commission meeting. This meeting is also informational/introductory for the Planning Commission and the Public. No action is requested at this time.

Description

Applicant: Sweeney Land Company and Park City II, LLC
 represented by Pat Sweeney
Location: Creole Gulch and Mid-station Sites
 Sweeney Properties Master Plan
Zoning: Estate District –Master Planned Development
Adjacent Land Use: Ski resort area and residential
Reason for Review: Conditional Use Permits are required for development per the Sweeney Properties Master Plan. Conditional Use Permits are reviewed by the Park City Planning Commission.

Background

The Sweeney Properties Master Plan (SPMP) was approved by the Planning Commission on December 18, 1985. The City Council called up the project for review. On October 16, 1986, the City Council approved the SPMP with amendments to the maximum allowed building heights in Hillside Properties known as the Town Lift Mid-Station and the Creole Gulch sites.

The SPMP approval consisted of 277 unit equivalents (UE), including 258 residential and 19 UEs worth of support commercial space on 123.59 acres. The Sweeney Properties were located throughout the western edge of the historic district of Park City. The SPMP included the Coalition properties by the town lift plaza (1.73 acres), the HR-1 properties (0.45 acres), the Hillside Properties (123 acres), and three (3) single-family lots within Old Town.

The SPMP was amended in October 14, 1987 to provide for the Woodside (ski) Trail. It was then amended December 30, 1992 with respect to the Town Lift Base. It was amended once again on November 7, 1996 to provide for the Town Bridge. The

Woodside Trail (now commonly referred to as the Town Run), the Town Lift Base, and Town Bridge have subsequently been built.

The Hillside Properties consists of the Town Lift Mid-Station and the Creole Gulch sites. These Hillside Properties are the last two (2) parcels to be developed within the SPMP. The following is the maximum density allowed for each of the sites:

- Creole Gulch, 7.75 acres
 - 161.5 residential UEs
 - 15.5 support commercial UEs
- Mid-station, 3.75 acres
 - 35.5 residential UEs
 - 3.5 support commercial UEs

A combined total of 197 residential UEs and 19 support commercial UEs was approved for the 11.5 acre remaining development sites. Of the 123 acres of Hillside Property, 110 have become zoned recreation open space (ROS) due to the agreement within the SPMP. During the original master plan review many development options were reviewed. The Planning Commission and later City Council decided on the most dense option which resulted in the greatest amount of open space.

Under the SPMP, each development site is required to attain the approval of a Conditional Use Permit (CUP) from the Planning Commission. On January 13, 2004, the applicant submitted a CUP application for the Creole Gulch and Mid-station sites. The CUP was reviewed by the Planning Commission from April 14, 2004 until April 26, 2006 in a series of twenty-three (23) separate meetings.

During the April 26, 2006 Planning Commission meeting, staff outlined additional application requirements which were required to be submitted by the applicant as part of the revised plans in order to continue the full analysis of the proposed development. A complete set of revised plans were received by staff by October 1, 2008. Staff requested additional details, and also requested a description of the affordable housing plan. These additional materials were received by staff on December 18, 2008.

The CUP was reviewed by the Planning Commission from January 7, 2009 until February 10, 2010 in a series of eleven (11) separate meetings, including a meeting with the Park City Housing Authority. Some sheets were revised in January 2009 and others were updated in March 2009.

The City Council decided to proactively engage the applicant to explore additional alternatives and negotiate as a buyer in 2010. The negotiations, which included several public updates, surveys, and an open house, concluded in 2014 without a solution. Since then, the applicant has been meeting with the Planning staff to review and work on its application. On April 8, 2016, the Applicant submitted a letter requesting that their CUP application be placed back on the agenda for the Planning Commission's consideration.

Proposal

The applicant's [written & pictorial explanation](#) indicates the following regarding their proposal:

"The plan is to build a dense, compact, pedestrian oriented, extension of the historic district. The design is contemporary within a traditional framework. It leaves the vast majority of Treasure Hill as open space. The buildings are nested in the open space at the base of the Creole Gulch. The units are moderately sized and will provide a steady customer base for historic Main Street. The design incorporates a variety of building styles including single family, row houses, flats, apartments, hotel, and industrial."

According to the applicants' calculations, the current proposal consists of the following:

Residential (net):	393,911 square feet
Commons space & circulation (gross)	145,655 square feet
Allotted Commercial (MPD UE's, gross)	18,863 square feet
Support Commercial (gross)	33,412 square feet
Meeting Space (gross)	16,127 square feet
Accessory Space (gross)	70,372 square feet
Parking (gross)	3,661 square feet
Subtotal	682,001 square feet
<i>Underground/basement areas:</i>	
Parking (gross)	241,402 square feet
Common Space & Circulation (gross)	27,555 square feet
Accessory Space (gross)	65,929 square feet
Subtotal	334,886 square feet
Grand Total	1,016,887 square feet

The proposal consists of 424 parking spaces.

Meeting Summaries

The following outline consists of summaries made over the years compiled by various City Planners assigned to work on this CUP application taken directly from staff reports and meeting minutes. The actual record, published Planning Commission staff reports and adopted meeting minutes can be found at the [City's website](#). Comments and/or questions were often made by individual Planning Commission members and a vote was not taken.

April 14, 2004 Planning Commission

- Introduction to Project/review History.
- Break down of Creole Gulch and Mid-station allowance under MPD.
- Commission concerns:
 - emergency and fire protection

- circulation throughout the project ,utility service, maintenance, and public improvements,
- interface with the resort,
- site plan and location of various land uses within and adjacent to the project,
- general building design, architecture, and massing,
- cliff-scape design, and
- construction mitigation and phasing.

April 28, 2004 Planning Commission

- Website established by applicant. Applicant prepared visual analysis for PCMR bus stop, intersection of Heber and Main, and the Park City golf course.
- Commission comments:
 - key issues traffic studies, traffic mitigation, construction mitigation, and phasing in a way that amenities used for the public and the bed base will be incorporated in the early phases of the project.
 - Which viewpoints will be required?
 - Need to discuss technical issues before getting into visual analysis
 - Approval of volumetric first then an architect is hired to design specifics. Both require approval of CUP. Issue of CUP expiring after 1 year.
 - Use transition is important factor.
 - Phased build-out must be bonded or set so they will be finished and can stand alone.
 - Request for water conservation plan.
 - Review the service and utility access of property.
 - Traffic study assumption of 41% occupancy should consider effect of events and festival operation.
 - More control mechanism for outdoor operations on the plazas to control events and minimize impacts to the neighborhood.
 - Program to encourage tourists not to rent cars.
 - Preservation of the residential historic district important.

May 26, 2004 Planning Commission

- Review and discuss CUP criteria 1-6.
 1. Size and location of the site – discussion of subdivision plat and visual analysis to be shown during meeting by applicant.
 2. Traffic considerations including capacity of the existing streets – discussion of traffic study by Project Engineering Consultant.
 3. Utility capacity – Water, Sewer, and Storm – Additional coordination of these items with the City Engineer, City Public Works Director, and Snyderville Basin Water Reclamation District will be necessary before staff can provide a complete analysis and return with meaningful findings. Electric power, natural gas, phone, TV, internet, etc. – need to have a utility coordination meeting to discuss in greater detail. More analysis at a later date.

4. Emergency vehicle access – fire protection plan and technical documents are complete to the extent that the Fire Marshall and Chief Building Official are in agreement that the site plan, circulation, building locations, access, etc. are acceptable and defensible as proposed.
 5. Location and amount of off street parking – Amount of parking proposed complies with MPD requirements. Staff suggests that the applicant submit a preliminary phasing and construction mitigation plan for broader neighborhood input and planning commission review.
 6. Internal vehicular and pedestrian circulation system. Discussion of access to town lift, PCMR, and adjacent neighborhood.
- Commission comments:
 - Traffic Circulation – recommendation of comprehensive traffic study for the area. Need to review the four-way intersection study.
 - Service vehicle plan needed and they pertain to health, safety, and welfare. Need plan to control when service vehicles come and go.

June 23, 2004 Planning Commission

- Focus on CUP criteria 7 – 10.
 - 7) Fencing, screening , and landscaping to separate use: internal separation of multi-level plazas, commercial on lower levels and oriented towards internal site, ski runs, and plazas. Residential use on multi-levels. Landscape using cliff-scape schematic. Screening and buffering separation for the single family homes in North Star subdivision. Staff recommended the applicant provide additional details in the form of a preliminary landscape plan for the Planning Commission to review.
 - 8) Building mass, bulk, orientation and location on site, including orientation to adjacent buildings or lots: no analysis.
 - 9) Usable open space. No definite numbers at the time of report
 - 10) Signs and lighting. Master sign plan and lighting plan will be reviewed separately unless the Planning Commission would like to add conditions of approval to address lighting and signs.
 - 11) Physical design and compatibility with surrounding structures in mass, scale and style, design and architectural detailing. No analysis.

July 14, 2004 Planning Commission

- Focus on CUP criteria 2, 12 - 15.
 - 12) Noise vibration, odors, steam, or other mechanical factors that might affect people and property off-site. Reviewed during building permit process and to be a condition of approval. (Did not address impacts during construction)
 - 13) Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas. All delivery is through the underground parking garage. Trash pick-up area must be identified. Control of delivery and service vehicles – plan not made yet.
 - 14) Expected ownership and management of the property. “It is expected that individuals will own the condominium units and the condo-hotel units

will be operated primarily as a traditional hotel (with various units in a rental pool). Timeshare units or club ownership units are not allowed per LMC in the estate zone. Nightly rental of residential units is permitted by the LMC” Anticipate the entire project will be subject to a Master Owner’s association.

- 15) Within and adjoining the site, impacts on Sensitive lands, slope retention, and appropriateness of the proposed structures to the topography of the site. **Project predates the SLO therefore SLO does not specifically apply in terms of a density determination and site suitability analysis.**
- 2) Traffic considerations including capacity of the existing streets in the area. Applicants have updated traffic analysis “Treasure Hill Traffic Impact Analysis, July 2004 prepared by Project Engineering Consultants. Studies the proposed development and potential traffic impacts on Lowell and Empire Avenues, as well as on 6 associated intersections. Access through PCMR area equals gridlock on peak skier days. “final staff position regarding traffic.. it’s not yet complete”
- Commission discussion:
 - Conclusions drawn from traffic study are based on cabriolet. Need closer look at cabriolet (operates, maintained, hours of use, costs)
 - City engineer memo commending the traffic work.
 - Service vehicle and construction vehicle plans must be memorialized in the approval documents.
 - What is backup plan if Cabriolet is down for length of time?

August 11, 2004 Planning Commission

- Request discussion on criteria 7- 10.
 - Fencing, screening, and landscaping to separate uses. Staff requests discussion of criterion and direction as to whether the information to date is adequate to formulate a decision regarding compliance.
 - Building mass, bulk, orientation and location on site, including orientation to adjacent buildings or lots. Building locations and heights in conformance with the 1985 Sweeney Properties Master Plan. Massing and footprints discussed. Setbacks from the perimeter property line are generally greater than the required MPD setback of 25’. Setbacks off the Lowell/Empire Avenue switchback range from 30’ to 60’ for the wall of the parking structure and 70’ to 80’ for the buildings. Plaza and landscaped areas are located between the buildings and Lowell/Empire. Setbacks from the east property line, above old town range from approximately 50’ to 90’ with the driveway retaining wall setback about 35’. Request discussion of location of building 4A in terms of setback and stepping. Should the Planning Commission require additional building stepping for bldgs. 4a and 4b? Additional horizontal and vertical stepping may be needed for compliance with criterion. Staff concerned with massing of bldg 1B. Waiting on complete visual analysis and architectural modeling are complete.

- Usable Open Space – 75% of developed areas are open space. (Staff found compliance with criteria).
- Discussion on setting 9 viewpoints.
- Concern for building 4b and break of façade lines both in plane and elevation.
- Concern for building mass and relationship with the adjacent community. Need to be satisfied in terms of the relationship of the massive structures with the height of the community

August 25, 2004 Planning Commission

- Concern that the buildings appear to be coming out of what appears to be the SL Avenues District rather than PC concept.
- Did not understand why they used Chicago, San Francisco, and Salt Lake City as comparative architectural styles to Park City. They do not match the character and style.
- Struggle with criteria # 11 in terms of scale in relationship with the adjacent neighborhood fabric, because Park City is not an urban fabric. Park City is a townscape with a different scale and quality.
- Not enough information to be able to provide input on criterion 11 and architectural detail, design, style, and scale. Did not believe there was transition from a neighborhood to this kind of scale.

September 22, 2004 Planning Commission

- Felt they were going in the right the direction and appreciated the reduction in height of the buildings closest to the residential neighborhoods. Need additional articulation.
- Why is all verticality placed in one location during the MPD process?
- Is the massing fixed by zoning that was done years ago or could they look for a better solution. Is it set due to MPD or could they look for a better solution?
- Going in right direction transferring some density into other locations within the project, to hide height in Creole Gulch.
- North wall needed stepping and a reduction in height.
- Would like to provide applicant with more flexibility to provide the best product he can achieve.

October 13, 2004 Planning Commission

- Time to evaluate the proposal for the site and compliance with the CUP and development
- Progress had been made in the massing and asked about the wall.
- Concern for the 25' wall off Lowell/Empire.
- Agreed that it was time to move forward with the evaluation of the project.
- Questioned whether the height restrictions put in place by the development agreement might cause difficulty since the tallest buildings are not against the hillside.
- Concern for height of building 4b and development agreement parameters being incorrect when assigned during MPD.

- Planning Director clearly explained the steps in possibly amending the MPD. “Number of steps. First would be to address in what area the project square footage could be relocated on the site that would be different from the volumetric allowed in the MPD, which could be done in work session discussions...Nothing would have to be amended to accomplish that. Once it can be determined whether positive changes can be achieved that will work for the applicant and the City, the next step will be to craft the language and what the volumetrics should be. If that is acceptable to the PC and the applicant, the last step will be to formally amend the MPD exhibit related to the specific areas of the plan... Amendments would be made only to those specific components of the MPD. If a decision is made to not approve the amendment, the PC would go back to the heights of the 1985 MPD.”
- Suggested that the evaluation discussion be held with a subcommittee to move the process along faster. Two commissioners volunteered to sit on the subcommittee.
- Applicant concerned of reopening MPD.

December 08, 2004 Planning Commission

- Could not look at massing without considering the impacts on grading. Noted that a 105-foot cut is shown in that location against the building site. Unsure about the soil conditions or the ramifications of excavation. Normally a 1-to-1 cut is considered for the angle proposed, and the diagram shows a substantially higher cut.
- Noted that the cut line goes beyond the lot line. Stated that wants to be clear about the ramifications of a mass this substantial and a cut this low against the hillside as the ramifications of protecting the hillside are great.
- Concerned about the immensity of the project and the impacts on the City.
- Further reduce the severity of the edge as it meets the surrounding neighborhood.

January 12, 2005 Planning Commission

- Traffic Study: look at traffic study that applicant submitted with application.
 - Potential traffic impacts on Lowell and Empire Avenue as well as on 6 associated intersections. Staff report goes into depth on existing conditions and projected conditions.
 - Condition of approval suggested by staff for annual review of traffic and parking to determine whether changes need to be implemented.
 - City does not recommend changing existing patterns.
 - Additional way finding signs may be necessary to direct traffic safely and efficiently.
 - Service and Delivery (Criteria #12) – Control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas.
- Work Session Public Hearing
 - Applicant listed the mitigators on the project for traffic: Pedestrian connections, cabriolet to town lift base, foot paths and stairs to town lift

base, heber and park, main and 6th / Service – centralized, off street and covered / Ski to and ski from / Onsite amenities / Cabriolet bus connection / No new public roads

- Applicant's traffic consultant discussed formal traffic study. Recalled two traffic studies previously completed:
 - 1980 for the Silver Mountain Development
 - 1996 for the Park City Village
- New study done in by July 2004. Based on study info gathered on June 16, 2004
- Commission comments:
 - Health and safety related to traffic is concern.
 - Questioned traffic engineer if proposal could cause additional traffic demand due to mitigators. No answer until built. Study based on vehicles per hour based on square footage of restaurant.
 - Suggestion that no nightly rentals be allowed to protect health, safety, and welfare issues for neighborhood.
 - Idea of city buying down density from the developer at the suggestion of the mayor.
 - Asked Planning Staff to put together a decision matrix of the consequences of various decisions and the potential next steps.

January 26, 2005 Planning Commission

- Staff Report
 - Focus on traffic study. Applicants to provide presentation on traffic for public benefit. Presentation outlining construction mitigation plan and construction traffic impacts and mitigation.
 - Matrix outlining general consequences of various decisions and potential next steps attached under separate cover.
 - Purpose of meeting is to focus on traffic and service and delivery, including construction-related traffic, Staff requested additional info regarding more accurate winter counts, more documentation and information regarding trip reductions, and information and ideas about the ability to further reduce trips with the centralization of certain activities.
- Work Session Meeting minutes/Commissioner comments:
 - On road today barely wide enough for two cars on Lowell.
 - Consensus of Commissioners for additional traffic study including winter months, pedestrian traffic, parking and snow storage. Concern for safety must be addressed in next study. More definitive numbers on construction workers impact on road.
 - City Engineer clarified that the development agreement did not require improvements of widen Empire and Lowell but rather to reconstruct them the same dimensions so the pavement can withstand the construction impacts.
- Meeting minutes/Commissioner Comments:
 - Concern with human health and safety

- would like to have Ron Ivie (Chief Building Official), Kerry Gee (Park City Mines), Eric DeHaan (City Engineer), and Jerry Gibbs (Public Works Director) involved at a PC meeting.
- Traffic study to include winter traffic counts.
- Traffic study to include proposed direction of traffic flow or mitigation of traffic flow to assist in mitigating impacts.
- Pedestrian safety.
- Do not agree with approach noted in study that states that a project of this complexity must be reviewed annually to re-examine conclusions and determine whether changes need to be implemented. Do not agree with band-aid approach.
- Disappointed that applicant not willing to enter into negotiations with the city
- Recommend that the city pay for a study
 - look at bottlenecks on Manor Way.
 - impact to crescent tramway from project.
 - analysis should indicate how many times Lowell and empire could or would fail.
- Need to look at impact on bottleneck at the end of ski day. Will people staying at the lodges add to this or is this an assumption?
- Hotel traffic may not peak, construction traffic will peak.

March 9, 2005 Planning Commission

- Staff Report
 - Provide community with better understanding of the history of the Sweeney Master Plan and details of the proposed Treasure Hill CUP.
 - Outline a review of the proposed CUP for compliance with the Master Plan.
 - Exhibit: Included a CUP review of the criteria to date.
- Meeting Minutes
 - City Engineer has draft scope of work for independent traffic analysis.
 - Applicant discussion on family history and how property was acquired.
 - Applicant provides a visual presentation.
- Commissioner comments:
 - Planning looking for direction on what additional information the Planning Commission may need in order to make a determination if the application meets the Sweeney MPD.
 - Need to be clear with public that the Sweeney Master Plan is a contract already in place between the municipality and the Sweeneys. A denial of this permit would leave all the density in place and allow the applicant to return with another plan. Denying the project based on traffic will not make Master Plan disappear.

May 25, 2005 Planning Commission

- Request the Commission provide direction to staff on the CUP criteria.
- Planning Staff provided overview.

- Staff still waiting on the peer review traffic study and the study has not yet gone to a consultant.
- Staff looking for direction on the 15 CUP criteria.
- Applicant provided project history, 6 months for city to do a peer review of proposed traffic study.
- Commissioner response:
 - Bulk and mass has previously been addressed. Need architectural rendering.
 - Waiting on traffic study.
 - Compliance with Sweeney master plan but not CUP: bulk and height, need architectural rendering, height does not belong along property edge,
 - Staff look into mine waste: PCMC Environmental Coordinator working on report.
 - City cannot keep building and adding more traffic.
 - Impact of grading on neighboring project.
 - Massing on north side of development.

August 10, 2005 Planning Commission Staff and Commissioner's Communications

- Copy of traffic study was provided to each Commissioner. The Study will be reviewed at Planning Commission on September 14, 2005. Engineers will be in attendance.

September 14, 2005 Planning Commission

- Traffic:
 - Fehr and Peers contracted by City to do Traffic Study. Fehr and Peers findings:
 - i. Background and forecast traffic volumes prepared in TIA by PEC were adequate
 - ii. Confirmed trip generation assumptions and calculation reported by PEC.
 - iii. The Fehr and Peers Treasure Hill Traffic Review includes the following recommendations:
 1. Lack of adequate non-ski pedestrian connections between Treasure Hill and PCMR
 2. Forecasting for existing plus project traffic may not have accounted for background growth unrelated to TH CUP that is likely to occur in the interim until construction (2012 design year).
 3. Assumed no use on Crescent Tram from Treasure Hill. Expect increase of 10% worst case scenario.
 4. TIA underestimate of delay at Deer Valley Drive and Park Avenue.
 5. Also looked at potential capacity limitations resulting from snow storage and on-street parking.
 6. Intersections are impacted by "friction created by pedestrians, pick-up/drop-off traffic, and transit traffic"

- Consolidating and channeling pedestrian crossings and improving the circulation of pick-up and drop-off traffic.
- 7. Mitigation recommended at Deer Valley/Park Avenue and Empire Avenue/Silver King Drive intersections.
- iv. Fehr and Peers also assessed:
 1. public safety (emergency access)
 2. roadway capacity of Lowell Avenue and Empire Avenue
 3. intersection capacity and queuing
 4. pedestrian connectivity
- v. Recommends conditioning CUP to mitigate impacts on criteria #2 and #4.
- Planning staff request specific direction from the Planning Commission as to any of the recommendations contained in the traffic study.
- Traffic study presentation.
- Commission comments:
 - Utah very liberal state in terms of vesting laws. Entitlements and density are vested and no choice but to address the project.
 - Good study and good mitigation but does not fit the reality.
 - Liability of City raised. Would like to know the City's liability before moving forward.
 - How can parking mitigation be handled without penalizing the existing residents?
 - Pedestrian component must be resolved.
 - Health, safety, and welfare on public and pedestrian safety and the degradation of the quality of life that would result from the increase traffic. Proposed plan will not work.

October 12, 2005 Planning Commission

- Staff report:
 - List of 13 questions raised during the September 14th meeting that have not been addressed by the consultants, staff or Planning Commission.
 - Also went through a list of possible conditions of approval to mitigate traffic, 11 total.
 - Liability was clarified "Any new road or pedestrian improvement will meet applicable standards and are unlikely to increase City liability. The City's liability for the existing condition is minimal. The City is allowed to prioritize on-going maintenance and upgrades to its historic roads in the CIP in accordance with legal standards.
- Staff asked commissioners to look at list of issues and identify the primary issues.
- Staff will take them to consultants and allow them enough time to prepare a formal response or explanation of their finding.
- Planning Director reiterates the LMC CUP: "There are certain uses that, because of their unique characteristics or potential impacts on the municipality, surrounding neighborhoods, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts."

- Planning Director suggests that the Planning Commission have a discussion with consultant focus on how suggested mitigation measures make the traffic, circulation, and the pedestrian issues better.
- Commission comments:
 - First identify and define the incremental impacts.
 - Real issues are incremental increase in traffic, pedestrian, delivery vehicles, and construction vehicles.
 - Applicant must return with plans that address the issues caused by development.
 - Crescent Road will be utilized more than forecast.
 - General Plan: maintaining the quality of life in Old Town. Must find a way to maintain quality of life.
 - Tourist cause less traffic than residents or employees.
 - City partnership in project needs to be defined.
 - Enforcing parking on Lowell.
 - Applicant and PCMR work on future of Lowell.
 - Issues to be addressed concerning traffic:
 - incremental impacts
 - construction traffic
 - pedestrian/vehicular conflict exploration and definition
 - feasibility of mitigation attempts
 - City's role in mitigation
 - study of Crescent Tram
 - employee traffic plan
 - input from City: Public Works, City Engineer,
 - General Plan application
 - protect quality of life
 - PCMR involvement short and long term
 - existing entitlements
- Planning Director clarifies that first 3 issues to be addressed are pedestrian/vehicular, feasibility of plan, construction traffic.

December 14, 2005 Planning Commission

- Staff Report:
 - Resume traffic review discussion requesting traffic consultants provide info on three specific issues.
 - Staff conducted a parking analysis of existing off-street parking on Lowell and Empire Avenue and will present study during PC meeting.
- City Engineer requested questions be directed towards himself or consultants to provide answers.
- Planning Staff restates three specific issues being addressed and goes over findings of parking, 173 units in area, 345 off-street parking spaces in garage or driveways.
- Fehr and Peers Engineer
 - Reviewed PEC study and found it provided adequate assessment of the traffic characteristics and impacts.

- i. Adequate means they have met the professional standards and their methodologies and analysis are consistent with the state of the practice within the traffic engineering industry.
 - ii. Recommendation of PEC. Residents park with permits on one side of street along Lowell and Empire. Fehr and Peers concurred.
 - iii. Roads could be reconstructed to 25'.
 - iv. Discussion on accuracy of PEC Study. Finding that the survey was conservative in the methods used.
 - v. Pedestrian connection.
 - vi. Construction mitigation.
 - vii. Intersection mitigation
- Commissioner comments:
 - Why up Lowell and down Empire?
 - answer: maximize right hand turns
 - Do industry standards take into consideration annual snow fall and cold temps?
 - Yes. This study took these coefficients into consideration.
 - If parking is limited to one size how many of the existing 300 spaces will be lost?
 - 300 spaces were in garages or driveways. None will be eliminated.
 - Can intersection be widened to have two left turn lanes?
 - Yes.
 - Have they looked at widening Manor Way or adding a sidewalk? Can it handle large construction vehicles?
 - Four Seasons was going to improve pedestrian and traffic improvements on Manor Way. City Engineer states that Manor Way does need additional attention. There is not enough right-of-way.
 - Applicant must be responsible for mitigating the incremental impacts generated by project.
 - Construction impacts must be shown better.

January 11, 2006 Planning Commission

- Mass and scale by themselves are out of context and architecture brings it into context. If architecture is separate CUP then there must be room with height and mass to achieve best design. Need to look at vantage points from town.
- Planning Staff "recalled that during the Town Lift project, the City Council formed the Town Lift Design Review Task Force consisting of representatives from the HPB, PC, and architects. The task force drafted design guidelines specific to the project. Same could be done for TH.
- Consensus reached that separating design review in a separate CUP ok.
- Still uncomfortable with the NW corner where the largest massing occurs adjacent to the residential neighborhood. Very vertical and contrasting form next to the scale of the residences.

- Concerned with setting the volumetric and massing in stone when the hotel operator will probably want to do something different. Can they recognize density, height, and volume to buildings without being too specific?
- They have to specify the volumetric, keeping in mind that they represent the maximum extent that a building can be built. There is certain wisdom in coming back for final details once they have a known hotelier who will be building a known product.
- Did not believe that the massing and volumetrics presented was the best for the site.
- Hard to make decisions without having the drawings in scale with the surrounding community.
- Summarized that PC will separate architecture review but not yet satisfied with building mass, particularly the N and W side adjacent to homes, key vantage points at the street level to be reviewed.

January 25, 2006 Planning Commission

- Staff remarked that prior to doing any modeling, the applicant wanted input from the Planning Commission.
- Planning Commissioners had several questions raised from the computer generated drawing presented by the applicant.
- The Planning Commission discussed specific areas they would each like to use as viewpoints:
 - Must provide viewpoints from eye-level
 - Street façade important
 - Pedestrian connection with regards to mass and how they can enhance pedestrian connectivity through community
 - Need to see existing building surrounding project
 - What are impacts on lowering Lowell and Empire on existing residents?
 - approx. 5 feet elevation change
 - will allow massing shifts
 - benefit improving the grade
 - Visual analysis
 - previously: the aerie, city park, deck of the town lift base, the Garda deck, the golf course, Heber/main intersection, Marsac building, PCMR
 - New suggestions: from homes on East side of Lowell looking towards PCMR, top of the stairs near Woodside, coming down the ski trail, animation up Lowell and down Empire, panorama from the Larson deck and Garda deck, Heber/main, roundabout, Aerie, PCMR, City Park, Radisson,
 - compare with existing structures
 - provide cross sections

February 8, 2006 Planning Commission

- Construction mitigation continued from January 11, 2006 meeting:

- Could the applicant provide more information regarding specific trip generation numbers for specific construction related activities?
- Has the applicant addressed seasonality and large events?
- Are there other impacts that haven't been considered?
- Turning radii for trucks, can they make the turns from Park Avenue to site?
- Access issues with PCMR need to be addressed in more detail? Timing to avoid peaks?
- More information needed regarding environmental impacts during excavation, remediation, and soil removal.
- Outline vantage points identified at last meeting
 - Top of stairs near Woodside
 - Heber/Main intersection
 - Round-about
 - City Park (along Deer Valley Drive)
 - Aerie Drive
 - In front of the project at Lowell/Empire (animation along Lowell/Empire)
 - Marsac Building (near south entrance)
 - Park Avenue and Holiday Ranch Loop intersection
 - Golf Course (18th Fairway)
 - Park City Mountain Resort looking up Lowell
 - Panorama from Larson deck without new trees and looking up the hill
 - Panorama from Garda deck without new trees and looking up the hill
- PC Chairman read 10 items submitted by another Commissioner regarding traffic study.
- Need to extend the hauling delivery dates to include Christmas, President's day, and other peak days.
- Next meeting answers to public and commission questions from applicant.
- Also, clarification from City Engineer on the plan to widen the road. Traffic study is based on this improvement.
- Snow removal must be addressed.

March 8, 2006 Planning Commission

- Many plans of street: which one is being proposed?
- City Engineer commented that no one cross section will be applied. There are areas where parking is needed, areas where pedestrian safety is needed. It is a mix, not one pattern will solely work.
- Health/safety/welfare is priority. Streets must be safe in order to approve cup.
- City needs to show that they can maintain the snow off that road in a timely manner.
- MPD: support commercial is to be onsite use and not designed to attract off-site customers.
- MPD: all buildings should be reviewed for conformance with HDDG and related architectural requirements at the time of CUP.
- MPD: Utility plans must include water, fire flow, sewer, storm drain, gas, and utilities in detail analysis at time of CUP.
- Employee housing to be reviewed at the time of the CUP submittal.

- Exhibit referred to in MPD defining the business envelope limitation.

April 12 2006 Planning Commission

- Planning Commission provide comments to the five items:
 - Type of resort support commercial
 - Lowell & Empire Avenues protection
 - Architectural information for compatibility (see bullets below)
 - Task force creation
 - On-site material storage and staging
- Architectural information for compatibility:
 - How can you evaluate scale and massing, relationship, character, and compatibility without some degree of architecture?
 - Did not recall that they had agreed to separate the architecture. Open to the idea, but unsure how it could be done.
 - Architecture consistent with the neighborhood.

April 26, 2006 Planning Commission

- Would like the opportunity for the applicants to complete the drawings.
- Be the only item on the agenda when the information is presented.
- Item continued to a date uncertain.
- Staff recommended that applicant provide a complete set of revised project plans including:
 1. all site plan and grading details (including vegetation protection and excavated material relocated on site)
 2. open space calculations;
 3. building setbacks for all structures
 4. building height compliance with approved building volumetrics
 5. residential unit size and configuration so as to verify density and parking compliance
 6. architectural details illustrating size, building form and massing, roof shapes, exterior details including materials, window to wall ratios, decks, plaza/outdoor spaces, retaining walls, etc.
 6. project streetscape detailing the design of project entrances, retaining walls, landscape areas, pedestrian ways.
 7. preliminary landscape plan
 8. ski lift and funicular design

January 7, 2009 Planning Commission

- Staff provided brief history of the original SPMP and outlined the review criteria for the current CUP.
- Staff requested that Planning Commission review the proposed Affordable Housing plan and provide staff with a recommendation.
- The Planning Commission unanimously recommended that the applicant have all the required Affordable Housing on-site, rather than have partial on-site in conjunction with payment an in lieu fee for the remainder as proposed by the Applicant.

- The Planning Commission agreed with concentrating on one aspect of the CUP review at a time and in the order outlined by staff (affordable housing, traffic, mass and scale, etc.)
- The Planning Commission requested that staff provide a recap of each previous meeting within each newly prepared staff report.

February 11, 2009 Planning Commission

- Staff provided the Planning Commission with an outline of the previous Planning Commission meetings regarding traffic.
- Staff outlined four issues raised within the previous Planning Commission review followed with specific questions, as follows:
 - Proposed Use and Traffic Generation
 - Pedestrian Circulation
 - On-site Parking
 - Displaced Parking
- Planning Commission request:
 - Additional detail of the support commercial from the applicant. The uses must be better defined in order to make a decision of whether or not the support commercial is attracting offsite visitors and creating additional traffic. Applicant asked to return with specifics of the support commercial uses.
 - Exact details of the improvements be shown on a site plan. The documents provided by the applicant did not contain enough information to make a decision. All improvements including proposed parking areas, sidewalks, retaining walls, and snow storage areas must be identified on a site plan.
 - No additional parking on site. The Planning Commission is in favor of reducing the onsite parking requirement and would like the applicant to explore the parking reduction requirements of the LMC, Section 15-3-7.
 - Exact details be shown on an overlay of the access roads to the project. There was inadequate information provided to make findings of mitigation. The updated site plan must show how many on-street parking spaces are being created in order for staff to evaluate whether or not the existing parking is being displaced.
- List provided to the applicant to prepare for the March 25, 2009 meeting. Due to inadequate time, the applicant requested an extension to the April 22, 2009 meeting.
- Staff requested a Construction Mitigation Plan.
- Planning Commission suggested to continue the transportation component to give the applicants the opportunity to respond.
- Planner summarized that the applicants needs to come back with a better definition of uses for commercial spaces in the building. They need a hard design for exactly where parking will be on Lowell Avenue and the number of spaces. The applicant needs to better clarify plans for the retaining wall. Staff was to do an analysis on the parking situation. Empire, Manor Way, and the intersection of Empire and Park Avenue to be included in the staff analysis.

- Commission needs to see the life safety aspect of pedestrian circulation, and how they plan to address and mitigate the impacts during storm conditions.
- Commission requested a walkability study. Could it be expanded to include the cross streets from 15th to 8th. The northbound numbers in the traffic study of the Park Avenue/Deer Valley Drive light indicate a profound number of cars. Interested in knowing how many of those are coming down from the Empire/Woodside neighborhoods.

February 26, 2009 Housing Authority (City Council)

- Employee Housing: Housing Authority directed the applicant to place the employee housing onsite. Chairman Williams confirmed consensus to be 22,000 square feet, mixed housing on site and no in-lieu fees. A formal plan will return to the Housing Authority for consideration and approval.

April 22, 2009 Planning Commission Meeting

- Independent attorney was retained as independent counsel to render an advisory opinion on the issue of vested rights presented his findings.
- Applicant responded to concerns raised by the Planning Commission during the February 11, 2009 meeting outlined by staff in a letter.
- Planning Commission expressed concern that the proposed mitigation was creating too much of a burden on the adjacent neighborhood and that mitigation to Empire Avenue had not been addressed.
- The City/Planning Commission to review each of the following:
 2. Traffic considerations including capacity of the existing Streets in the area;
 4. Emergency vehicle access;
 5. Location and amount of off-street parking;
 6. Internal vehicular and pedestrian circulation system;
 13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas.
- Applicant expressed disagreement with the Planning Commission request for improvements to be shown as far as the Deer Valley Drive and Park Avenue intersection.
- In response to the applicant's opinion that the project is a "very minor contributor to the traffic" beyond Manor Way, staff finds that they are a "contributor" and therefore must work with the Planning Commission and the City to mitigate the contributing impacts.
- Incremental impacts of 197 residential units and 19 commercial units will add to the traffic at Park City Mountain Resort and the intersection at Park Avenue and Deer Valley Drive.
- The City Staff finds that the developer should contribute to the cost of improvements for the incremental impacts as quantified within the traffic studies.
- Exhibit B updated from the December 2008 Packet.
- Applicant responded to the following topics:
 - More details of pedestrian safety mitigation on Empire Avenue, including mitigation for pedestrian safety during winter conditions.

- Specify/define the types of use for the commercial areas.
- Specify/define the types of ownership within the project.
- Provide an analysis of the correlation between the proposed meeting space area as it relates to the occupancy of the hotel/nightly rental units.
- Parking Management Plan.
- The parking for all buildings within the Sweeney Properties Master Plan Development is required to be provided on-site and in enclosed structures.
- The proposed project contains 424 parking spaces total. Per the MPD, 366 spaces are required for the proposed unit sizes. The applicant has designed additional spaces for the use of employees.
- Commissioner comments:
 - Commission agreed with the issues raised in the Staff report.
 - Disappointed with the mitigation measures presented by the applicant.
 - Concerned that there had been no analysis or discussion on mitigation plans for Empire. Did not think that the lack of parking should be a burden that is passed on to the residents. Alternative transportation should be explored. As proposed, did not think the use was consistent with the MPD.
 - Parking reductions must be supported by valid studies. Commented on the maximum road width and whether it would be sufficient to accommodate construction vehicles, such as large cement trucks. With parking and snow, Lowell Avenue would not be able to accommodate two trucks passing. Suggested that the support commercial should be reviewed at the time of business license renewal to assure that the business is a compatible use for the development.
 - Understood that the applicants have vested rights; however those rights were vested in the 1980's. Felt they needed to do a better job of making the project work with the issues and situations they face today. Thought it was unrealistic for the applicant to think that people would not use Empire Avenue as access to and from the project. Encouraged the applicants to realistically address parking and traffic issues. Believed the hotel would encourage off-site visitors and that is inconsistent with the MPD. Interested in knowing what specific commercial uses would be considered. He did not favor interval ownership of units such as timeshare and he did not favor parking exceptions.
 - Matter of "reasonable detrimental effect" addressed in LMC 15-1-10 and stated that to not mitigate would be grounds for denial. Expecting people to park a quarter-mile away is too far and people would park illegally. Pointed out that the street plan prepared by Alta Engineering did not address traffic circulation. Did not believe signs would be sufficient to help direct traffic.
 - Concerns could be resolved but the applicants need to think outside the box. Applicants had sufficient direction from the Planning Commission regarding traffic issues to come back with better solutions.

July 22, 2009 Planning Commission

- Applicant presented customized approach to pedestrian mitigation. Continued concern for snow removal cost and management, location of improvements, width of streets, and onsite parking.
- Commission submitted a list of suggestions for traffic mitigation.
- The City/Planning Commission to review each of the following:
 - 2. Traffic considerations including capacity of the existing Streets in the area;
 - 4. Emergency vehicle access;
 - 5. Location and amount of off-street parking;
 - 6. Internal vehicular and pedestrian circulation system;
 - 13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas
- Since the April 22, 2009 meeting the applicant has changed the proposed mitigation which includes:
 - Empire Avenue
 - All sections 31 feet wide including curb.
 - Anticipate future public process involving all impacted properties to arrive at detailed design customizing sections to meet individual neighbor needs based on the three sections provided (Options A - C).
 - Accommodate snow storage equivalent to present conditions.
 - Suggest permit parking for residents and guests.
 - All current right-of-way parallel, perpendicular, and driveway parking maintained and located outside of the two travel lanes.
 - Suggest 15 mph speed limit.
 - Signs to limit truck traffic on Empire (subject to fine) and direct traffic to Lowell.
 - Encourage traffic from Treasure project to utilize Lowell Avenue with left turn only sign.
 - Lowell Avenue and Manor Way
 - Four foot sidewalk from Manor up Empire on downhill (east) side. The sidewalk will continue in front of Treasure and around to Lowell Avenue. In this section it will be 5 feet wide. The sidewalk will continue down Lowell on the uphill (west) side at 4 feet wide down to Manor Way.
 - Removed previous proposal to construct 10th street stair between Lowell and Empire.
 - Removed snow storage location on the project site.
 - Cross walks added at Empire and Lowell.
 - Do not support prohibiting parking between 2 – 6 am for snow removal. Suggest occasional snow emergencies where residents are noticed to move their cars for a period of time for snow removal as happens in the rest of Old Town.
 - Additional cost of maintenance will be covered by project tax base.
 - Agree to participate in cost of improvements north of Manor
- The revisions also include changes to Lowell Avenue. Previously the sidewalk was proposed on the downhill side of the street. The City supported this location

because it would result in greater utilization. By moving the sidewalk between the parking/snow storage and the retaining wall it will be very difficult to keep clear and will be utilized less.

- The applicant's engineer has stated that the two reasons for this modification:
 - By putting the sidewalk on the downhill side of Empire Ave and on the uphill side of Lowell, it make for a continuous pedestrian path from the lower end of Empire all the way up and around the Treasure project and then down Lowell all the way to the Park City Mountain Resort without having to cross the street. The sidewalk was put on the downhill side of Empire because it creates the least impact to existing structures/driveways.
 - By putting the sidewalk on the uphill side of Lowell it allows for tailoring the grading to fit the existing conditions and approaches and is the option that creates the least impact to the existing conditions.
- The three options proposed for Empire Avenue address the issues of pedestrian safety (introduction of sidewalk) and traffic calming (narrower streets). The customized approach to accommodate existing conditions is an improvement over the sole mitigation of signs to deter traffic. Each of the options decreases the width of travel lanes and would be customized toward the existing conditions on the street.
 - Option 1. Existing Conditions with Downhill Sidewalk on Empire. Two 9 feet wide travel lanes with a 2 ½ foot curb and gutter. Parking, landscaping, and a 4 feet wide sidewalk is also included.
 - Option 2: Landscape Islands with Downhill Sidewalk on Empire. Two 8 feet wide travel lanes with 2 ½ foot curb and gutter on each side of the travel lanes. Alternating parking and landscape islands, and a 4 feet wide sidewalk is also included.
 - Option 3: Landscape Islands Both Sides with Downhill Sidewalk on Empire. Two 8 feet wide travel lanes with 2 ½ foot curb and gutter on each side of the travel lanes. Alternating parking and landscape islands on both sides of the street and a 4 feet wide sidewalk are also included.
- The applicant provided mitigation to decrease trips from the project once guest/residents have arrived:

○ Cabriolet ○ 8th Street Improvements ○ Bike and ski trail ○ Ticket Sales	○ Connectivity to public transportation ○ Onsite amenities ○ Storage
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- The applicant submitted a proposal to decrease the demand to the site.
- The applicant provided staff with an updated traffic study which places the through traffic to the site on Lowell Avenue. The previous study distributed the traffic between the two streets.
- The original traffic study assumed road widths to be 25 feet.
- The City Engineer and the Public Works Transportation Manager determined that in order to provide the level of service that will accommodate the projected traffic the roads must be maintained to a width of 25 feet as the PEC traffic study suggest.

- In order to maintain the 25 feet width, the City must impose the management practice of no parking between the hours of 2 am and 6 am.
- The parking on the street is not a problem due to the existing traffic levels. With increased traffic levels from the project, the road must be kept clear and therefore the additional demand requires that additional impact is mitigated.
- The applicant has stated that “We no longer support the winter prohibition of parallel street parking from 2 AM to 6 AM.”
- The applicant suggests “occasional snow emergencies where residents are noticed by the placement of temporary signs over existing to move their cars for a period of time to the designated snow storage areas having been previously cleared.”
- City staff cannot support the newly proposed snow management plan.
- The City utilizes the management practice of emergency snow removal in order to haul snow from tight residential streets. This management practice does not occur on a regular basis due to the impacts to the residents, the difficulty in logistics, and the expense.
- City staff asked the applicant to answer the questions in response to the need to remove cars from Lowell and Empire between the hours of 2 – 6 am:
 - How many cars will be displaced due to the snow removal management plan?
 - Where will the displaced cars park?
- Not all residents have off-street parking.
- City staff has requested a number associated with the number of residents actually impacted to determine if mitigation is achieved.
- If a number is known, then the Planning Commission can make a determination of an acceptable level where mitigation is achieved.
- City staff finds that the sidewalk will not sufficiently mitigate the pedestrian safety issues due to inadequate snow removal. The previous snow removal cost did not include the maintenance of the sidewalk. The sidewalk plow mentioned in the bid is only slated for use for hauling, not for regular plow service. Public Works use the small sidewalk plow to get snow from around obstacles and out of the gutter during hauling events.
- City Staff does not support the location of the sidewalk on the uphill side of Lowell Avenue. It is expected that the sidewalk will be utilized by the local residents more than the visitors of the development. By placing the sidewalk closer to the majority of the existing neighbors on the downhill side it will be easier access for the residents and snow will melt more quickly. The challenges of locating the sidewalk on the uphill side include grade issues due to the steeper existing conditions and keeping a sidewalk cleared adjacent to the proposed snow storage areas.
- Another concern of City Staff is the proposed improvements to Empire Avenue. The proposed landscape islands on Empire Avenue will necessitate ongoing planting, watering and maintenance, again creating another financial and labor burden on the City for years to come.
- The City Engineer has concern for the proposed travel lane width of 8 feet. A standard truck width of 7’9” not including the side mirrors.

- Commission concurred with the staff analysis.
- Commissioner letter read out.
- Lengthy discussion between applicant and his consultants, Public Works Director, City Engineer, Senior Planner and the Planning Commission during the work session regarding traffic and parking mitigation.

August 26, 2009 Planning Commission

- Commission asked if there is a computer simulation tool that would help them understand the feet of excavation and final grade. It was difficult for them to understand what existing grade is today and what final grade will be once excavation occurs.
- Planning Staff stated that the applicant had updated the elevation of the buildings to show the difference between final grade and the existing grade through the building. She offered to put together a packet that better explains the grades.
- Commission felt a massing model would help demonstrate the excavation.

September 23, 2009 Planning Commission

- Staff finds that any support commercial over 5% of the total floor area within specific hotels must count towards the MPD 19 unit equivalents.
 - Even if the Planning Commission agrees with the applicant, any support commercial above the 19 unit equivalents is not vested and would be subject to a full blown, new compatibility and MPD/CUP review (if you allow the applicant to take advantage of more permissive provisions of the current code, such application would be a substantive amendment to the original MPD and require re-opening the entire MPD).
 - Staff indicated that additional support commercial causes additional impacts such as impacts to mass and building size, traffic from deliveries and employees, greater water usage, etc. Rather than focus on the calculation methods, the Planning Commission should focus on impacts of additional support commercial and the level of mitigation. The developer has vested rights to 19,000 square feet of support commercial and 5% of the hotel area as long as impacts are mitigated within the CUP review.
- Staff discussion points:
 - Does the Planning Commission agree with Staff's analysis on support commercial? The applicant has given the staff the perception that the project as it is designed today will not be modified. This should be discussed during the work session. If the applicant is not going to make modifications to comply with the support commercial, staff can make findings for denial and move onto the next elements in the review.
 - The total square footage of the project is larger than originally anticipated within the master plan approval and original CUP submittal.
 - The modification of grade is more extensive than originally anticipated creating greater impacts to the site, scale, hillside, and neighborhood.
 - Staff requests discussion and direction on additional square footage.
 - Should the design be revised to become more efficient and comply with the limits of the MPD?

- Would the Planning Commission like another streetscape of the project showing the full elevations of the buildings? Does the Planning Commission have other areas of concern not identified by staff? Should a separate design review task force be created to evaluate the style, design, and architectural detailing of the project?
- Are the proposed structures appropriate to the topography of the site?
- Commission comments:
 - Conclusions from the staff report analysis were consistent with the supported documentation of the Land Management and the legal counsel interpretation of which Code applies.
 - The size of the building, the amount of commercial space, and the amount of excavation relate to future uses that contribute to mass and space. They needed to do as much as possible to reduce the mass and scale of the building and to make sure the commercial space requested is used in the original content of the MPD, which is support commercial only. It cannot attract outsiders into this project.
 - Open to addressing the Sweeney rebuttal in conjunction with the Staff report at the next meeting.
 - Regarding excavation, stated that in looking at the original MPD, found that the point of excavation for the significant buildings was from natural grade. In each drawing, by the time it gets to the top of the building, there is a half a story of existing grade without the big cut. With a million square feet proposed and without having the tailing issue resolved to the satisfaction of the City Staff, felt the excavation still needed to be addressed.
 - The currently proposed project has grown from what was approved under the MPD.
 - Noted that four primary items that identify where the increases have occurred and how it impacts mass and scale were the additional support commercial at 33,412 square feet; the additional meeting space at 16,127 square feet; and the circulation, common space and accessory space at 309,511 square feet, which was slightly under the amount of residential.
 - Concern with the amount of back of house circulation square footage is built into the additional support commercial and meeting space.
 - Planning Commission would need to spend a considerable amount of time on that issue to understand the impacts of the excavation, as well as the water and mine tailing issues. Felt strongly about having an environmental impact study commissioned by the City because it is crucial in evaluating the final plans for the project.
 - In doing the excavation and taking existing grade down to final grade, the massing is much larger than what was approved with respect to the MPD.
 - Felt a major question raised in the Staff report was whether or not the applicant was willing to change their plan. Commissioner asked the

- applicant if they were willing to change their plan or if the Planning Commission should rule on the current proposal.
 - Applicant replied that they would need time to discuss their options and to respond to the Staff report before making that decision.
 - Commissioner stated that shifting the mass into the hill only changes the mass; it does not reduce the mass. In addition, that approach triggers other impacts caused by the additional excavation required to move the massing back. Unsure if that was a wise approach and questioned whether it was permissible under the MPD or the CUP criteria.
 - Commission encouraged the applicants to provide a massing model of the project with topos as part of the streetscape. Remarked that most of the visuals provided by the applicant are in a vacuum and do not show the correlation with the surrounding houses. Requested a streetscape that provides a better feel for how that fits in with the surrounding structures on the street.
- Commission interested in another site visit and Planning Staff offered to schedule a visit before the October 28th meeting.

October 28, 2009 Planning Commission

- Work session: scheduled site visit
- Due to the weather, the site visit was cancelled.
- The Commissioners concurred that there was a need to visit the site and rescheduled the site visit on November 5. The public would be noticed site visit.
- Planning Staff reported that the applicants have commissioned an architect to prepare a model of the project that will be presented at the December 9th meeting. She understood that the model would show how the structure fits within the landscape. Planning Staff noted that the purpose of the site visit was to calculate the height for a better perception and she thought the model could provide that information.
- Commissioner Wintzer remarked that there were two issues; the height and the height in relationship to other buildings in close proximity.
- Commissioner Jack Thomas stated that they were also interested in the existing natural grade versus finished grade.
- Commissioner Peek pointed out that the section drawings showed existing grade but not the final grade.
- Pat Sweeney, the applicant, distributed information packets for Treasure Hill to each Commissioner.

February 10, 2010 Planning Commission

- Commission comments:
 - Commission agreed with the comments about making the development project a different color in the model.
 - Planning Commission Chair pleased with the model.
 - “The applicant will present only general development concepts that may be approved at this juncture. Final unit configuration and mix may be adjusted by future developers at the time of conditional use review.”

- “The master plan development procedure attempts to deal with the general concept of a proposed development and defers or relegates the very detailed project and new elements to the conditional use stage of review”.
- On September 23, 2009 four Commissioners made specific comments that were in agreement with the Staff report. Five Commissioners wanted the applicant to prepare a rebuttal for the next meeting.
- Model attempts to address two discussion points from the last meeting; 1) providing additional streetscape; and 2) are the structures appropriate to the topography, it does not address the other significant discussion points of; a) excessive proposed support commercial; b) excess square footage; and c) efficiency of design.
- Did not find that the applicants’ proposal on points a, b or c comply with Criteria 8, 11 or 15.
- Commissioner did not find the project to be in compliance with the MPD. Commissioner felt the first step in the process was to reach agreement that the CUP application complies with the underlying MPD.
- Property lines behind the buildings that encroach on to open space. Did not believe anyone had anticipated going into open space, excavating material and taking out the trees, and then leaving it as a guide wall or cliffscape, which is not a natural open space setting.
- Efficiency of design and noted that in 2004 they received a design that was roughly 500,000 square feet. In that design 57% was residential units and he thought that was an inefficient design. Now they have a design that is over a million square feet and 39% of the area is residential units. Project was going backwards in its efficiency rather than forward. The project now is 20% larger than it was when they began talking about mass and scale.
- The 1986 plan showed the development starting with natural grade and excavating only what was needed for the buildings. The buildings appeared to step up the mountain and then it went back to existing grade. There was very little change between the existing grade and the finished grade. The proposed excavation and grade change is a major contrast to the 1986. Nothing to reduce the parking requirement, including the commercial space. This was one reason why the project was lopsided on its efficiency.
- If the plans were final, the Planning Commission needed to assess those plans and vote on them. In order to do that, the Staff needed to prepare all the documents, all the studies, and all the Staff reports so the Planning Commission could vote on the project. Applicant attorney letter saying that the further they go down this road the more the applicant detrimentally relies on what the applicant is being told by Staff. The way to stop that detrimental reliance is to stop the Staff’s analysis and vote on what appears to be the final plan.
- If the applicant intends to change their plans substantially based on comments from the Planning Commission, the April meeting may not be a

- vote. However, unless there are substantial changes to the plans provided, the Planning Commission has the obligation to vote on the plan and stop the alleged detrimental reliance by the applicant.
- Commission asked Staff to prepare the documents the Planning Commission would need to decide on this project:
 - The MPD, which includes the 1986 Staff report and the original plans.
 - Crowd, traffic and parking studies and all traffic and parking plans that have been generated by both the applicant and the City.
 - All mitigation plans in any form submitted by the applicant. All excavation plans submitted by the applicant. Any construction mitigation plans submitted by the applicant.
 - Any environmental studies by both the City and the applicant or any third party.
 - Applicable 1986 Code sections for both the LMC and the historic guidelines.
 - All legal opinion memoranda that has been submitted by both the applicant's attorney and by the outside counsel retained by the City.
 - Minutes from all the meetings since the time the DVD was given to the Planning Commission.
 - The Planning Commission responded to the eight points outlined in the Staff report as follows:
 - Support Commercial. All the Commissioners concurred with the Staff's analysis.
 - The applicant's willingness to make changes. The Commissioners had already addressed this point in their comments.
 - Staff request for discussion and direction on additional square footage. The Commissioners had addressed this point in their comments.
 - Should the design be revised to become more efficient and comply with the limits of the MPD. The Commissioners concurred that the first step is to comply with the MPD.
 - Whether the Planning Commission wanted another streetscape of the project showing full elevations of the building. Planning Commission Chair believed the model accomplished what they needed to see. The Commissioners concurred. Commissioner requested detailed photographs of the model for future reference. Commissioner thought it would be helpful to have GPS coordinates for the top parts of the buildings. He felt there needed to be an objective standard for measuring height about sea level. PC Chair requested copies of the slides that Mr. Elliott had presented this evening.
 - Whether the Planning Commission had other concerns not identified by Staff. Commissioner was interested in seeing an avalanches assessment due to the risks involved with the amount of excavation proposed and the slope retention.

- Should a separate design review task force be created to evaluate style, design, architecture detailing of the project, and the HDDR? Commissioner felt the Historic Preservation Board was qualified and the MPD identifies the HPB as the body for review. Planning Staff noted that the Historic District Design Review is usually conducted by Staff, but it could go before the HPB at the request of the Planning Commission. Commissioner believed the MPD envisioned a review by the HPB. Chair noted that the Historic Review has changed since the time of the MPD and he preferred to have the HPB involved. Commissioner commented on other projects where the City Council had designated a design review task force. He believed that the scale and impacts of this project would warrant a design review task force. The Commissioners concurred.
- Are the proposed structures appropriate to the topography of the site. Chair reiterated an earlier comment that the applicants have spent more time fitting things in to the site as opposed to fitting them on the site. He did not believe it was appropriate as proposed. Simply based on the excavation, Commissioner did not think it was appropriate to the topography. Commissioner thought the model helped demonstrate the sprawl and excessive height, which was not appropriate for the site. Commissioner pointed out the absence of any stepping.
 - In reading the minutes of the MPD, believed the intent was for the project to be hidden in the Gulch. At this point, that has not been accomplished. There is too much of the project out front and not enough in the Gulch. Buildings on the left side were appropriate, except for the cliffscape behind them that is outside of the limits of disturbance. Bckdrop is altered so much that it changes the mass of the project. Buildings on the other side do not follow the topography of the hill.
 - The mass had changed in the project, concerned that the appearance of the mass would be even greater once the project was excavated.
 - Applicant architect representative felt the Planning Commission had provided good comments and direction. The applicants would take those comments, consider their options and provide a response as soon as possible regarding the next step to move forward.

Review Process

The developments of Mid-Station and Creole Gulch sites must be reviewed by the Planning Commission as a Conditional Use Permit and must comply with the development parameters and conditions of the original SPMP approval.

Conditional Use Permit Review

The application has remained active since the April 26, 2006 Planning Commission meeting. The applicant has been in communication with staff since 2006 to inform them that they have been continuing to work on the additional submittal requirements. The

City was actively working on alternatives with the applicant from 2010-2014. The applicant was actively meeting with City Staff from 2014-2016. The application is vested under the Land Management Code (LMC) CUP criteria as it existed at the time of the submittal in 2004. Within the original SPMP a timeline was established for the development of each property. The applicant has followed the timeline and has obtained CUPs for each of the developments. The Hillside Properties were identified in the timeline as the last properties to be developed. The Master Plan is still valid due to the applicant keeping within the timeline established during the approval.

As indicated on the LMC 50th Edition, revised as of July 10, 20003 (LMC 50th), a Conditional Use is defined as (LMC 50th § 15-15-1.52):

A land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts.

LMC 50th § 15-1-10 indicates the following:

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

The Community Development Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

LMC 50th § 15-1-10(D) indicates the following:

(D) Standard of Review. *The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:*

- (1) the Application complies with all requirements of this LMC;*
- (2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;*
- (3) the Use is consistent with the Park City General Plan, as amended; and*
- (4) the effects of any differences in Use or scale have been mitigated through careful planning.*

LMC 50th § 15-1-10(E) states:

(E) **Review.** The Community Development Department and/or Planning Commission must review each of the following items when considering a Conditional Use permit:

- (1) size and scale of the location of the Site;
- (2) traffic considerations including capacity of the existing Streets in the Area;
- (3) utility capacity;
- (4) emergency vehicle Access;
- (5) location and amount of off-Street parking;
- (6) internal vehicular and pedestrian circulation system;
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
- (8) Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;
- (9) usable Open Space;
- (10) signs and lighting;
- (11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
- (12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
- (13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;
- (14) expected Ownership and managements of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of ownership affects taxing entities; and
- (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.

Master Plan Development Parameters and Conditions

The Planning Commission will also review conformance with the approved master plan of 1986. This include conformance with the development parameters and conditions, as well as the ten (10) findings identified in the original SPMP. The developer of the parcels is legally bound by and obligated to perform the ten (10) development parameters. These parameters outline the unique maximum height envelopes, parking requirements, construction mitigation, employee housing and the obligation of improvement and easements. The following are the master plan findings as well as the development parameters and conditions of the 1986 approval:

Sweeney Properties Master Plan Findings:

1. The proposed clustered development concept and associated projects are consistent with both the Park City Comprehensive Master Plan and the underlying zoning.
2. The uses proposed and general design of the project is or will be compatible with the character of the development in surrounding area.

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

Sweeney Properties Master Plan Development Parameters and Conditions:

1. *The Sweeney Properties Master Plan is approved based upon the information and analysis prepared and made a part hereof. While most of the requirements imposed will not be imposed until individual parcels are created or submitted for conditional use approval, certain specific obligations are also identified on the approved phasing plan. At the time of conditional use or subdivision review, the staff and Planning Commission shall review projects for compliance with the adopted codes and ordinances in effect at the time, in addition to ensuring conformance with the approved Master Plan.*
2. *Upon final approval of the proposed Master Plan, a recordable document (in accordance with the Land Management Code) shall be prepared and submitted. The Official Zone Map will be amended to clearly identify those properties included within the Master Plan and the hillside property not included within either the Town Lift Mid-Station or Creole Gulch sites (approximately 110 acres) shall be rezoned to Recreation Open Space. At the time of conditional use review, final building configurations and heights will be reviewed in accordance*

with the approved Master Plan, applicable zoning codes and related ordinances. A minimum of 70% open space shall be provided within each of the development parcels created except for the Coalition properties.

3. *The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon. Parking shall be provided on-site in enclosed structures and reviewed in accordance with either the table or the approved Restrictions and Requirements Exhibit or the adopted ordinances at the time of project approval. All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas.*
4. *Access to the Town Lift and Creole sites shall be provided by a private roadway with acceptable emergency access and utility easements provided. No city maintenance of these streets is expected. All utility lines shall be provided underground with private maintenance required wherever located in inaccessible locations or outside approved easements.*
5. *Building heights shall be limited to the maximum envelope described on the Restrictions and Requirements Exhibit. At the time of conditional use approval, projects shall be reviewed for conformance with the heights prescribed thereon, and the following:*
 - (a) *The various parcels located within the Historic Residential (HR-1) zone district shall abide by the Land Management Code and no height exceptions will be considered. Maximum building height on the single family lots shall be limited to 25' in order to reduce potential visibility.*
 - (b) *The Coalition East sites are limited to a maximum building height of 55', subject to compliance with the stepped façade (as shown on the applicable plans) concept submitted and the setbacks provided.*
 - (c) *The Coalition West properties are limited to a 35' maximum building height adjacent to Park Avenue and a 28' height along Woodside Avenue; subject to the footprints defined, common underground parking and access, and no commercial uses allowed.*
 - (d) *The Town Lift Mid-Station development is restricted to a maximum height of 45 feet. The maximum height of 35 feet is required for at least 90% of the total unit equivalent volume of all above grade buildings and an overall average height of less than 25 feet measured from natural undisturbed grade. No portion of any building shall exceed the elevation 7,240 feet above main sea level. (Per City Council amendment on October 16, 1986)*

(e) The Creole Gulch site shall be limited to a maximum height of 75 feet. An average overall height of less than 45 feet shall be provided and no portion of any building shall exceed either elevation 7,250 feet for the easternmost building or elevation 7,275 feet for the balance of the project. (Per City Council amendment on October 16, 1986)

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

- 6. At the time of project review and approval, all buildings shall be reviewed for conformance with the Historic District Design Guidelines and related architectural requirements. No mechanical equipment or similar protuberances (i.e.: antennae, flags, etc.) shall be permitted to be visible on any building roof-tops or shall any bright or flashing lights be allowed.*
- 7. All easements, deeds, and/or rights-of-way shall be provided without cost to the City and in accordance with the Master Plan documents and phasing plan approved. Likewise, it shall be the developer's sole responsibility to secure all easements necessary for the provision of utility services to the project.*
- 8. Master Planned Development approval only conceptually established the ability of local utility service providers to supply service to the projects. It does not constitute any formal approval per se. The applicant has been notified that substantial off-site improvements will be necessary and that the burden is on the future developer(s) to secure various easements and upsize whatever utility lines may be necessary in order to serve this project. Prior to resale of this property in which this MPD approval is carried forward, or prior to any conditional use application for any portion of the MPD, a utility plan addressing water, fire flows, and sanitary sewer, storm drainage, cable utilities, and natural gas shall be prepared for review and approval by City Staff and the Snyderville Basin Sewer Improvement District. Part of the plan shall be cost estimates for each item of utility construction as it is anticipated that major costs for these utilities will be necessary. All such costs shall be paid by the developer unless otherwise provided. If further subdivision of the MPD property occurs, the necessary utility and access improvements (see below) will need to be guaranteed in roads, and access questions which will need to be resolved or upgraded by the developers at their cost (in addition to impact fees, water development and connection fees, and all other fees required by City Ordinances are as follows:*
 - (a) Empire Avenue and Lowell Avenue will be the main access routes to the Creole Gulch site. As such, during construction these roads will need to carry heavy traffic, probably in the vicinity of up to 300 heavy trucks per day. At the present time and until the Creole Gulch site develops, Empire and Lowell south of Manor Way are and will be low-volume residential streets, with a pavement quality, width, and thickness that won't support that type of truck*

traffic. The City will continue to maintain the streets as low-volume residential streets, including pavement overlays and/or reconstruction. None of that work will be designed for the heavy truck traffic, but in order to save money for the developer of the Creole Gulch site, he or she is encouraged to keep the City Public Works Director notified as to the timetable of construction at Creole Gulch. If the City is notified that the construction is pending such that an improved pavement section can be incorporated into normal City maintenance projects, then it is anticipated that the incremental additional cost of the additional pavement thickness (which is likely to be in the vicinity of 3 additional inches of asphalt over the entire 46,000 linear feet [25-foot asphalt width] of Lowell/Empire south of Manor Way, or approximately \$80,000 additional cost in 1986 dollars) could be paid by the developer with said amount deducted from future impact fees paid to the City as long as it did not exceed the total future impact fees. However, if the increased pavement section is not coordinated with the City by the developer such that the pavement of Lowell and Empire south of Manor Way remains inadequate at the time the Creole Gulch site is developed, then the developer shall essentially reconstruct the entire 4,600-foot length of Lowell and Empire south of Manor Way at his or her cost, which with excavation and reconstruction of an anticipated 6-inch asphalt thickness on top of 10 inches of road base, plus all other normal construction items and costs, would be in the approximately cost range of \$300,000 to \$400,000 in 1986 dollars. Further, because that reconstruction would be inconvenient to residents and the City, and because delays, impacts, and potential safety hazards would be created over and above normal City maintenance of existing streets, that action by the developer would be a new impact on City residents and the cost therefore would not be deductible from any developer impact fees.

- (b) Contribute to the Park City Village, or other water tanks, determined to be necessary by the City Engineer in order to serve the project with culinary and fire storage. Based on a Type 1 fire resistive construction, it is assumed that the contribution would be on the order of 500,000 gallons at a cost of approximately \$300,000, although the exact figures would need to be determined in a detailed study using adopted City standards.
- (c) Construct pumped pressure system(s) with backup emergency power to provide a means of delivery of fire flows to the project. Construct a meter vault at the edge of the road adjacent to the project, beyond which all water facilities would be privately maintained. It is anticipated that in the vicinity of 2,500 feet of 12-inch water line with appurtenances may be required. Such pipe would cost about \$70,000 in 1986 dollars exclusive of the pumps and backup power, which are even more expensive.
- (d) Provide an easement, or pay all costs related to condemnation by Park City of an easement, suitable for construction and maintenance of a storm drain from the project site to Silver Creek or McLeod Creek. All City streets and any

public utility drainage easements normally provided in the course of other private development shall be available for utility construction related to this MPD subject to reasonable construction techniques and City standards.

- (e) Pay for downstream detention basin construction costs in accordance with the ratio of increased runoff from the project during the 50-year flood event to the total design volume of the basin. (Note: The City Engineer will require runoff to meet the current standard. The detention basin must be able to hold the difference between pre and post development based on a 100 year storm event.)*
 - (f) Construct a storm drain line to Silver Creek or McLeod Creek adequate to contain the runoff running through and off the site during the 50-year flood event. It is assumed that a minimum of 36-inch concrete storm drain line will need to be installed solely for Creole Gulch drainage. It is further assumed that special clean-out boxes and inlet boxes will need to be designed to address difficult hydraulic problems. Such boxes are expensive. (Note: the City Engineer will require that the storm drain meet the current standard. The size of the storm drain line should be able to handle the difference between pre and post development. This must be calculated and submitted to the City for review.)*
 - (g) Provide re-vegetation over all on-site and off-site areas disturbed for project-related utilities.*
 - (h) Sanitary sewer improvements are assumed to involve replacing in the vicinity of 3,000 feet of sewer line, with new manholes included. Such construction will cost in the vicinity of \$100,000, is subject to the approval of SBSID (now SBWRD), and is further subject to all District fees and agreements necessary for extension of lines.*
- 9. To minimize additional construction traffic impacts, on-site material stockpiling/staging and parking shall be provided during the course of construction. Similarly, cut and fill shall be balanced and distributed on-site whenever practicable, with any waste material to be hauled over City specified routes. Also at the time of conditional use review/approval, individual projects or phases shall provide detailed landscaping, vegetation protection, and construction staging plans.*
- 10. As projects are submitted for conditional use approval, the City shall review them for required employee housing in accordance with adopted ordinances in effect at the time of application.*

Review of Conditional Use Permit

In the interest of moving forward efficiently and in an orderly fashion, Planning Staff requests to outline the CUP review criteria and development parameters/conditions and

determine in which order the Planning Commission anticipates to consider the filed CUP. Currently, Planning Staff is tentatively planning for one (1) meeting per month for this application. Each meeting will have an opportunity for public input and is planned to review one or more of the CUP review criteria as the Planning Commission directs. If items are continued for further discussion, that may affect the rate at which each CUP review criteria can be heard by the Planning Commission and for the public to comment. For these reasons, a fixed schedule is not possible to predict. The Planning Department will make all reasonable efforts to keep a dedicated website at www.parkcity.org up to date and each meeting will adhere to public noticing requirements.

Staff requests that the review of the CUP be guided into four (4) basic review principles including: history/basic parameters, site, buildings, and operations. The following outline has been prepared to allow the Planning Department and the Commission to focus on specific items while at the same time being able to recognize specific items that are inter-related. Staff estimates that the full review would be able to be handled in a minimum of nine (9) meetings as follows:

- I. History/Basic Parameters (1 meeting anticipated)
 - Introduction
 - History of Project
 - Proposal
 - Review Standards
- II. Site (3 meetings anticipated)
 - (1) Size and scale of the location of the Site.
 - (2) Traffic considerations including capacity of the existing Streets in the Area.
 - (3) Utility capacity.
 - (4) Emergency vehicle Access.
 - (5) Location and amount of off-Street parking.
 - (6) Internal vehicular and pedestrian circulation system.
 - (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses.
 - (9) Usable Open Space.
 - (10) Signs and lighting.
 - (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.
- III. Buildings (3 meetings anticipated)
 - (1) Size and scale of the location of the Site.
 - (5) Location and amount of off-Street parking.
 - (8) Building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots.
 - (10) Signs and lighting.

- (11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.
- (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.
 - Employee housing.

IV. Operations (1 meeting anticipated)

- (12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.
- (13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas.
- (14) Expected Ownership and managements of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of ownership affects taxing entities.
 - Construction Management.
 - Shuttles/taxis/night lift operations.
 - Snow removal/storage.

V. Wrap-up (1 meeting anticipated)

Discussion Requested. Staff would like consensus from the Planning Commission that the anticipated outlined review process is favored. If Planning Commission would like the staff to proceed with the review differently, comments regarding process would be appreciated. The CUP criteria have been divided into three (3) major sections. The order of CUP criteria is to be determined, e.g. mass (8) and compatibility (11) would be reviewed together.

Notice

The property was posted and notice was mailed to property owners within 300 feet on May 11, 2016. Legal notice was published in the Park Record on April 27, 2016 and May 11, 2016 according to requirements of the Land Management Code.

Public Input

Public input has been received by the time of this report. See Exhibit A – Public Comments.

All public comments are forwarded to the Planning Commission and kept on file at the Planning Office. The planning Staff will not typically respond directly to the public comments, but may choose to address substantive review issues in subsequent staff reports. There are four (4) methods for input to the Planning Commission:

- Attending the Planning Commission meeting and giving comments in the public hearing portion of the meeting.
- Preparing comments in an e-mail to treasure.comments@parkcity.org.
- Visiting the Planning office and filling out a Comment Card.

- Preparing a letter and mailing/delivering it to the Planning Office.

Exhibits/Links

[Exhibit A – Public Comments](#)

[Approved MPD Narrative](#)

[Approved MPD Plans](#)

[Proposed Plans – Visualization Drawings1](#)

[Proposed Plans – Visualization Drawings2](#)

[Proposed Plans – Architectural/Engineering Drawings 1a](#)

[Proposed Plans – Architectural/Engineering Drawings 1b](#)

[Proposed Plans – Architectural/Engineering Drawings 2](#)

[Applicant's Written & Pictorial Explanation](#)

Additional Exhibits/Links

[2009.04.22 Jody Burnett MPD Vesting Letter](#)

[Staff Reports and Minutes 2009-2010](#)

[Staff Reports and Minutes 2006](#)

[Staff Reports and Minutes 2005](#)

[Staff Reports and Minutes 2004](#)

[2004 LMC 50th Edition](#)

[1997 General Plan](#)

[1986.10.16 City Council Minutes](#)

[1985.12.18 Planning Commission Minutes](#)

EXHIBIT F



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
April 22, 2020**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, April 22, 2020.

MEETING CALLED TO ORDER AT 5:30 PM.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from March 11, 2020.
[PC Minutes 03.11.2020 - Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.CONTINUATIONS

- 5.A. Work Session – Staff Compiled the Planning Commission’s Goals and Priorities for Land Management Code Amendments Provided by the Commission in the Work Session on February 26, 2020. Staff will Present a Plan and Schedule of Proposed 2020 Land Management Code Amendments for the Commission’s Review.
(A) Continuation to a Date Uncertain
[2020 Land Management Code Amendment Continuation Staff Report](#)
- 5.B. Land Management Code (LMC) Amendment – Amending LMC § 15-10-5 to Allow the Board of Adjustment Alternate to Count Toward Establishing a Quorum. PL-20-04459
(A) Public Hearing (B) Continuation to a Date Uncertain
[Board of Adjustment Quorum Amendment Staff Continuation Report](#)

6.REGULAR AGENDA

- 6.A. 445 King Road –Conditional Use Permit – The Applicant is Requesting a Conditional Use Permit For The Construction of a Single Family Dwelling, Consistent With the Plat and Master Development Plan. This Item was Originally Continued From the February 12, 2020 Planning Commission Meeting to the March 25, 2020 Meeting, Which was Cancelled. PL-19-04373

(A) Public Hearing (B) Possible Action
445 King Road Conditional Use Permit Staff Report
EXHIBIT A: Applicant Statement and Project Description Documents
EXHIBIT B: Plans
EXHIBIT C: Treasure Hill Subdivision Phase 3 First Amended Plat
EXHIBIT D: Memorandum from Park City Public Utilities, dated December 20, 2019
EXHIBIT E : Ordinance 03-36
EXHIBIT F: Ordinance 03-37

- 6.B. 1209 Park Avenue – Plat Amendment – The 1209 Park Avenue Plat Amendment Proposes to Combine Lot 3 and the Northern Half of Lot 2 of Block 6 of the Snyders Addition to Park City Into One Lot of Record. PL-20-04500

(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on May 14th, 2020

1209 Park Ave Plat Amendment Staff Report
Exhibit A : Proposed Ordinance
Exhibit B: Applicant's Project Intent
Exhibit C: Current Plat
Exhibit D: Existing Conditions Survey
Exhibit E: Aerial Photograph
Exhibit F: Site Photographs
Exhibit G: Snyderville Basin Water Reclamation District Approval Letter

- 6.C. 1064 Park Avenue – Condominium Plat – The 1064 Park Avenue Condominium Plat Proposes to Create a Two (2) Unit Condominium Plat from the Duplex That is Under Construction On This Lot.

(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on May 14, 2020

1064 Park Avenue Condominium Plat Staff Report
Exhibit A: Draft Ordinance
Exhibit B: Current Plat
Exhibit C: Applicant's Project Intent
Exhibit D: Existing Conditions Survey
Exhibit E: Aerial Photograph
Exhibit F: Site Photographs

- 6.D. 2290 Deer Valley Drive East - Condominium Plat - The applicant is requesting approval of the Snow Park Residences Condominium Plat, Phase 2 of the larger St. Regis Deer Valley project. The Snow Park Residences includes a four story (4) condominium building with one (1) level of underground parking, nine (9) condominium units, meeting spaces, and support commercial space. PL-20-04471.

(A) Public Hearing (B) Recommendation to City Council on May 14, 2020

St. Regis Phase 2 Condo Plat Staff Report
Exhibit A: St Regis 1st Amended HMP 8-2019
Exhibit B: Deer Crest Settlement Agreement
Exhibit C: CUP Action Letter 4.18.16
Exhibit D: Deer Valley Twelfth Amended and Restated MPD

Exhibit E: Parking and UE Analysis
Exhibit F: St. Regis Parking Phases

7.ADJOURN

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION 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 Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

***Parking validations will be provided for meeting attendees that park in the China Bridge parking structure.**

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 445 King Road
Project: PL-19-04373
Author: Liz Jackson, Planner
Date: April 22, 2020
Type of Item: Administrative – Conditional Use Permit (CUP)

Summary Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for 445 King Road in the Estate (E) Zoning District, conduct a Public Hearing, and consider approving the Conditional Use Permit for 445 King Road according to the Findings of Facts, Conclusions of Law, and Conditions of Approval as outlined in this report.

Description

Applicant: Patrick J. Sweeney
Location: 445 King Road
Zoning District: Estate (E)
Adjacent Land Uses: Residential and Recreation Open Space
Reason for Review: The Planning Commission reviews and approves Conditional Use Permit Applications

Proposal

The Applicant is requesting that the Planning Commission review their proposal for a new Single Family Dwelling at 445 King Road. The new Single Family Dwelling site is labelled as the "Main House" according to the Treasure Hill Subdivision Phase 3 First Amended Plat and will be referenced as such herein. Per the Plat for this Site (Note 12), final house design shall be reviewed under the Conditional Use Permit (CUP) process. The proposal is in accordance with the Plat and Sweeney Properties Master Planned Development (Sweeney Properties Master Plan – SPMP). This Site is located in the Estate (E) Zoning District.

Zoning District

445 King Road is located in the Estate (E) Zoning District. The purpose of the E District is to:

- A. allow very low density, environmentally sensitive residential Development which:
 - 1. preserves ridge tops, meadows, and visible hillsides,
 - 2. preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
 - 3. preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
 - 4. mitigates geologic and flood hazards,
 - 5. protects views along the City's entry corridors, and
 - 6. decreases fire risk by keeping Development out of sensitive wild land

interface Areas.

- B. incorporate pedestrian trail linkages between and through neighborhoods; and
- C. encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through Application of the Sensitive Lands Ordinance.

Background

The CUP Application was deemed complete on December 11, 2019. Per Summit County's records, this Site is Lot 8 of the Treasure Hill Subdivision Phase 3 First Amended Plat. Currently, the Site has an existing 1,500 square foot (Footprint) Structure being utilized as the "Main House" on the property. This was built with the intention that it would become a Guest House at a later date and a larger "Main House" would be built, in accordance with the Plat. A timeline of past Land Use and Development Activity is below.

Site Timeline

October 16, 1986 – Sweeney Master Planned Development (also known as Sweeney Properties Master Plan) was approved by the City.

July 31, 2003 – City Council approved a Zone Change for this Site from Recreational Open Space (ROS) to Estate (E). This was per Ordinance 03-36 (see Exhibit E).

July 31, 2003 – City Council approved a Subdivision Plat to create one Lot of record for this 11.9 acre Site. A six month Extension for this Application was approved by City Council on August 12, 2004. The Plat was subsequently recorded. This was per Ordinance 03-37 (see Exhibit F).

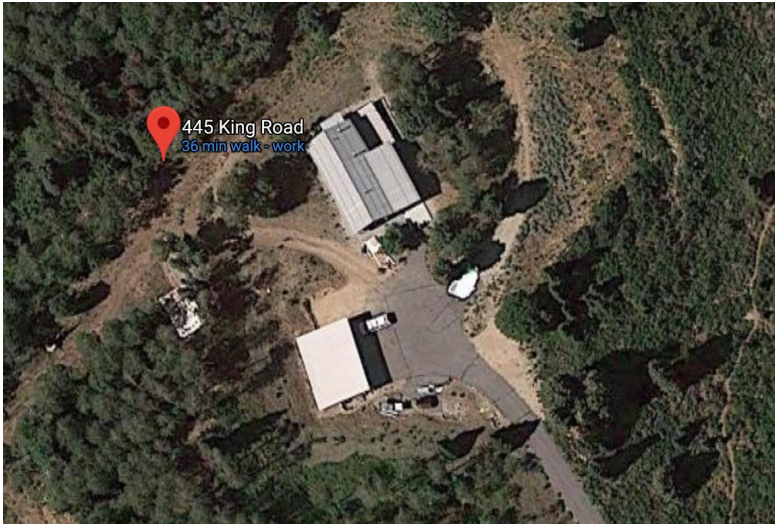
June 22, 2005 – A Conditional Use Permit was approved by the Planning Commission for construction of a Single Family Dwelling on this Site in accordance with the Sweeney Properties Master Plan. This approval had an expiration date of one year and has expired. No Building Permit was ever issued.

May 13, 2009 – Planning Commission approved a Conditional Use Permit for construction of a small Single Family Dwelling and detached garage with a carport. Condition of Approval 9 states that any future Dwelling on the Lot requires a separate Conditional Use Permit. The small Single Family Dwelling has a Footprint of 1,500 square feet and was considered to be the "Main House" at the time, but the intention – as stated by the Applicant – was to construct a larger "Main House" at a later date. The existing "Main House" will now be considered the Guest House, per the Plat and the Guest House definition in [LMC 15-15-1](#), and the Applicant is now applying to construct a larger "Main House."

May 28, 2009 – A Subdivision Plat Amendment for this Site was approved by City Council. The Plat was recorded as Entry Number 00883780 with Summit County (Exhibit B).

December 17, 2009 – A Building Permit was issued for a 1,500 square foot Single Family Dwelling at this Site (at the time was considered a “Main House”, with the intention that it would become a Guest House at a later date), and was subsequently built.

To date, the existing Structure on the Site has been utilized by the Applicant as the “Main House”. The current Application now seeks approval for a larger “Main House” with the existing Structure to be used as a Guest House. Reference to this Structure is noted in Plat Note 1(f). See images below titled Existing Structures and Existing Site for reference to the current built Structure(s) configuration and how the proposed Development location relates to the overall Site conditions.



Existing Structures – Google Maps



Existing Site – Park City ArcGIS Map

February 12, 2020 – Planning Commission continued this item to the March 25, 2020 Planning Commission meeting, in order to give staff time to review new plans submitted by the Applicant. The Future Phase 3 Addition was discussed to offer clarification on why and how that will be reviewed as an Administrative Conditional Use Permit. See Analysis section of this report (Review of Potential “Future Phase 3 Addition” sub-section) regarding that Addition. No concerns or amendments to the proposed Conditions of Approval were proposed. See meeting minutes linked [here](#), beginning on page 17.

March 25, 2020 –Planning Commission meeting was cancelled and items were noticed as being rescheduled to the April 22, 2020 meeting.

Analysis

A Conditional Use is defined in Land Management Code (LMC) [15-15-1](#) as a land Use that, because of its unique characteristics or potential impact, is allowed only if certain measures are taken to mitigate or eliminate the potential impacts. The Land Management Code requires the Planning Commission to review certain criteria when considering whether or not a proposed Conditional Use mitigates impacts. [LMC 15-1-10\(E\)](#). The criteria are outlined below, which include staff’s analysis.

1. Size and location of the Site.

No unmitigated impacts

The proposed Structure will be a Single-Family Dwelling for the “Main House” on an

11.9 acre parcel. This Site is of a substantial size, especially compared to the nearby Historic Districts' Lots to the east that allow Lots as small as 1,875 square feet (.04 acre). The size of the Lot and its location on the hillside allows for the proposed Structure to be physically and visually buffered from the adjacent Historic District neighborhoods. See image below titled Cross-canyon View of Site. The adjacent Lots to the south and west are within the Estate Zone, which requires a minimum Lot size of 3 acres per Dwelling Unit, and the adjacent 555 King Road Site is 55.9 acres (within the Estate Zone – see Exhibit B Sheet C1.0). 445 King Road's size is not only compatible with the adjacent Estate parcel's size, but the Site's size limits the impact that a large Structure would have on the Historic District's smaller Structures and Lots through natural vegetation, a visual buffer of the hillside, and distance. The nearest adjacent residence is 853 feet away, as measured.

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

No unmitigated impacts

The Site is accessed off of King Road. In the fall of 2019, the Applicant upgraded a portion of King Road to be 16' wide paved asphalt, with 2' on either side of compacted gravel. This was done to improve Fire Department and emergency vehicle access, as prior to this it was a substandard road. This was approved through Building Permit BD-19-27208. This portion of the road is shown in the image below between the two red lines (indicated by arrows marked "Pave King Road").



The Applicant has an Access Easement Agreement (recorded with Summit County as

document number 00658445) that lays out the parties responsible for the use and maintenance of the public and private portions of King Road. Any traffic increase to this Site will be minor, as the proposed development is a Single Family Dwelling (i.e. "Main House") and the existing Structure may only be used as a caretaker or Guest House. The Lot may not be further subdivided per Plat Note 12.

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

Potential impact mitigated through Conditional Use Permit Conditions of Approval

All utilities to the Site were installed during construction of the existing 1,500 square foot house. The Site has a booster pump installed for the drinking water, which was approved and previously regulated by the Division of Drinking Water. Any update to the system and/or increase in demand would need their review and approval, and Park City Public Utilities requests they be included in the review and approval process with the Division of Drinking Water. See Exhibit D for Memorandum regarding the Site's utilities. Maintenance and replacement of this system is the responsibility of the current or future Property owner. This is addressed in Condition of Approval 7. The Park City Fire District will need to review and approve the new development demands on the current system, at the Building Permit phase, to determine if the new development demands on the current system will be sufficient for fire flow and that the current backup systems are adequate.

4. Emergency vehicle Access.

No unmitigated impacts

See item 2 above, as that addresses the upgrades to King Road for emergency vehicle access.

5. Location and amount of off-Street parking.

No unmitigated impacts

Two (2) parking spaces are required for the proposed "Main House" (i.e. Single Family Dwelling - up to the first six [6] bedrooms) and one (1) space is required for the existing Guest House Structure, per [LMC 15-3-6\(A\)](#). The Application is in compliance with these parking requirements. See Exhibit B Sheet CU-103. This project proposes more than ample parking, as there are at least four (4) covered Parking Spaces (two [2] side-by-side and two [2] tandem, with extra garage space) within the existing and proposed Garage, one (1) carport, and a paved, uncovered parking area between the existing Structure and the proposed Structure. The proposed Structure has three (3) bedrooms proposed, so no extra parking spaces are required other than what has been proposed.

6. Internal vehicular and pedestrian circulation system.

Condition of Approval Recommended

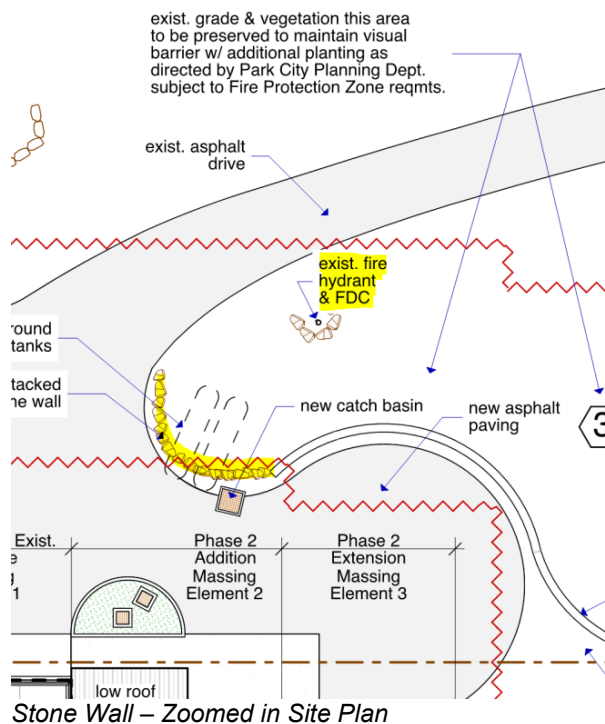
Vehicle Circulation: King Road is predominantly a steep and narrow street, and likely the simplest form of access to the Site would be by vehicle. The Site circulation is vast, as there is private driveway leading from King Road to a circular driveway adjacent to the "Building Zone", ideal for turning vehicles. The "Building Zone" and Building Area Zone terms are noted in Plat Note 3, and are similar to Building Envelope, per the

definition in [LMC 15-15-1](#). Plat Note 3 states this area includes “Improvements, including fences and formal landscaping (unless otherwise permitted under easements or agreements of record or as shown on this Plat or as consistent with construction drawings approved by the Park City Municipal Corporation (“City”) for the driveway and utilities (“Drawings”) shall be limited to the “Building Zone” noted on this Plat.” Vehicle circulation to the Site is via King Road which has sufficient capacity for the proposed “Main House”. The Applicant is requesting that the driveway be restricted to what is proposed in the plans (i.e. not allowed to change locations and further disrupt the Site, adjacent to the existing fire hydrant). See Condition of Approval 10.

Pedestrian Circulation: Although a portion of the road has been widened by the Applicant, it is likely not an ideal road for pedestrians as it is steep and does not have sidewalks. Once on the Site there are multiple ski runs and recreation trails within walking distance. Ski and pedestrian easements exist on this Property, per the Sweeney Properties Master Plan. See Plat Note 10. No changes to trails or easements are proposed with this Application.

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses.
Condition of Approval Recommended

No Fencing is proposed at this time. Landscaping is proposed to be native grasses to blend in with existing vegetation. See Exhibit B Sheet CU-101. The Applicant is requesting that the driveway be restricted to what is proposed in the plans (i.e. not allowed to change locations and further disrupt the Site, adjacent to the existing fire hydrant) and a low demarcation wall be required on the Site to not allow for further landscaping disturbance from development, expansion of driveway, and similar activities in the future. See fire hydrant and wall highlighted in yellow below in image from Exhibit B Sheet CU-101, titled Stone Wall – Zoomed in Site Plan. See Condition of Approval 10. The landscaping that exists is meant to maintain a visual barrier of this Site’s “Main House” and assist in mitigating its visual impact. Per Plat Note 2 Park City Municipal Corporation can determine if more vegetation is necessary.



The Applicant also currently practices landscaping techniques that are recognized industry-wide in order to have a “firewise” property, and is proposing to continue that practice, per Exhibit A. Staff finds that as this Site is on a highly vegetated hillside, allowing “firewise” landscaping, as shown on the plans, outside of the “Building Zone” is permissible to protect the Structures (“Main House” and Guest House) should a wildfire occur. Per Plat Note 2, the Structures must be shielded from the view of the Historic District, through the maintenance of existing vegetation. A Water-wise and “firewise” landscape plan will be required at the time of the Building Permit submittal, and shall only disturb within the area shown on the plans reviewed by the Planning Commission on April 22, 2020. See Exhibit B Sheet CU-101 Site Plan for this area shown with red outline. Plat Note 4 restricts temporary Construction disturbance, that must be revegetated with native vegetation, to 20’ outside of the Building Zone. This will need to occur at the Building Permit phase. This is not to be confused with the “firewise” landscaping area that staff has found to be appropriate (noted above) per the vegetation conditions and potential wildfire risk for this Site, but to put parameters around the allowable disturbance that may occur during Construction.

Additional landscaping may be required post-construction after review by the City Forestry Manager. A landscape plan will need to be reviewed prior to the issuance of a Building Permit. See Condition of Approval 4.

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

Potential impact mitigated through Conditional Use Permit Conditions of

Approval and Existing Plat Requirements

The proposal is for a “Main House” Structure, with a large portion of the first floor below Existing Grade. As proposed, per the architect on the project, the total square footage for the “Main House” is 7,925. This is including the interior square footage of all three levels of the “Main House”. This calculation is just informational as, per the Plat, the restriction on the “Main House’s” size is measured by the Building Footprint. Per Plat Note 1, the “Main House” will have a maximum Footprint of 3,500 square feet. It states “The following shall not count toward the Footprint calculations:

- 1) Deck which is open on at least two sides, but which may have railings as required, covered or uncovered, and that does not have above-existing-natural-grade or living space located below or above it;
- 2) Exterior walkways;
- 3) Exterior stairs;
- 4) Driveway; and
- 5) That portion of any Garage, carport, mechanical space, or living space that is located below existing Natural Grade and which has landscaping or deck (as provided in 1(a)) located above it.
- 6) The Footprint for up to fifteen hundred (1,500) square feet for an additional attached or detached residence, further provided such residential space is used for only a caretaker’s house or guest house...”

The applicable Building Footprint for the “Main House” is 2,617 square feet, as measured, which is allowed per Plat Note 1. See Exhibit B Sheet CU-102 for Footprint Area Analysis. The applicable Footprint areas are marked with green dashed lines. This includes the proposed Phase 2 Addition (1,873 square feet), Phase 2 Extension (546 square feet), and Garage (198 square feet, non-exempt portion per Plat Note 1). Staff proposes that the possible “Future Phase 3 Addition” as shown on Exhibit B Sheet CU-101 Site Plan be reviewed and approved via an Administrative Conditional Use Permit, per Condition of Approval 3. At this time, the Applicant is requesting only the “Main House” (2,617 square feet of Footprint proposed), with a possible “Future Phase 3 Addition” that may utilize the remaining Footprint square footage (maximum of 883 square feet, per Plat Note 1 and the proposed plans in Exhibit B). As this is a small portion of the allowed “Main House” Footprint and at this time considered a *possible* addition, staff finds this can be done administratively at a future date. See Condition of Approval 3 regarding materials review for the “Main House”.

This “Main House” will be located behind a cluster of aspen trees. Per Plat Note 2, the Planning Department may require additional vegetation screening for the Structure(s). See image below from McHenry Street, titled Cross-canyon View of Site, showing the Site (labelled in red as “Lot 8”). This image shows the existing Structure (to be the Guest House) and the shielding that its location on the hillside and existing vegetation provide.



Cross-canyon View of Site

The image below titled Proposed Structure and Potential Vegetation Locations shows the proposed “Main House”, Guest House, and possible new vegetation (green triangles) that can be added to minimize the visual impact of the “Main House”.



Proposed Structure and Potential Vegetation Location

Per Plat Note 5, the maximum height of the “Main House” may be twenty-five feet (25') from existing grade for roof ridges/roof elements that are parallel from Existing Grade and thirty feet (30') for roof ridges/roof elements that are perpendicular from Existing Grade. Any roof ridges above twenty five feet (25') in height that are oriented

perpendicular to Existing Grade may make up to twenty percent (20%) of the roof plan. See Exhibit B Sheet CU-102 for height analysis showing that ten percent (10%) of the perpendicular roof heights exceed twenty five feet (25') in height (marked as red dashed areas on Sheet CU-102 - Building Height Analysis). Per Plat Note 6, the design of the "Main House" is broken up into multiple masses, which allows for variation in roof heights and wall faces, with the largest massing element (Phase 2 Addition) having a footprint of 1,873 square feet. The maximum footprint a massing element – disconnected or connected – may have, per Plat Note 6, is 2,000. The entire "Main House" Building Footprint shall not exceed 3,500 square feet, per the Plat.

9. Usable Open Space.

Condition of Approval Recommended

The proposed Use does not significantly change the Site's Open Space. The "Building Zone" for the Lot is 29,084 square feet on an 11.9 acre (518,364 square feet) Lot, per the Plat. The proposed Building Footprint, not including the exclusions of Plat Note 1, is 2,617 square feet. No disturbances are permitted outside of the "Building Zone" shown on the Plat, unless it is a driveway improvement or an approved utility. The proposed driveway expansion allows for access to the proposed Structure and vehicle circulation, and the adjacent walls prevent further expansion of said driveway area, per Condition of Approval 10.

10. Signs and lighting.

No unmitigated impacts

No signs are proposed. The lighting must conform to Building and Land Management Code standards at the time of Application(s). The Plat for this Site also requires that lighting on the Lot including the interior and exterior of all Structures be shielded from direct view from all viewpoints within the City Limits with the exception of Seasonal Lighting, per Plat Note 11. This will be reviewed at the time of Building Permit.

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

Condition of Approval Recommended

This Site is adjacent to the Historic District, and is required to abide by the Historic District Design Guidelines of [LMC 15-13](#) Design Guidelines For Historic Districts and Historic Sites, per the SPMP. This was reviewed by the Planning Department's Design Review Team and was found to substantially comply with [LMC 15-13-8](#). One aspect to note from this review was that although the "Main House" is predominantly sided with corrugated metal, per Exhibit B Sheet CU-104, this is appropriate in regard to the massing of this Structure. Typically in the Historic District, homes were of a small scale and had wood siding. As this Structure is permitted to be of a larger size, per Plat Note 1, it reads as more of a commercial Structure that would have been seen historically. These types of Structures may have had metal siding, and therefore this is in substantial compliance with the intention of the Historic District Design Guidelines. The Building Zone is also not typical to the street fronting homes seen in the Historic District, and as such the "Main House" materials won't have a negative impact on surrounding Structures.

Per the Design Review Team's comments, there are no immediate surrounding Structures near this property to evaluate the compatibility. However, historically this hillside and surrounding areas were identified by the low-density, large, scattered industrial-type buildings with no residential style structures in the vicinity. As the Use of this project is residential, and the massing and scale comply with the required plat note, allowing this residential structure to portray a more industrial style of architecture as opposed to the primarily wood-sided small houses in the Historic Residential districts complies with the intent of not replicating structures that never existed in Park City, as well as not creating an architectural language that would have never been seen historically in this area.

See Condition of Approval 3 regarding materials review for the "Main House", as this will allow staff to determine if proposed materials are compatible with surrounding Structures. The Site is shielded by vegetation and distance from other Sites, so the Structure's design will have minimal impact on surrounding Sites.

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

No unmitigated impacts

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

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

No unmitigated impacts

Residential trash pickup is contracted by the Applicant with a private company and this is noted in Condition of Approval 8. Currently, the Applicant uses a dumpster on the Site, which is swapped out every eight (8) weeks. It is likely the new Dwelling will increase the frequency at which the dumpster is replaced, but staff finds that it likely won't have a significant impact on surrounding Sites. The dumpster is located within the "Building Zone" and is not visible from neighboring Sites. The loading and unloading of said dumpster occurs within the "Building Zone".

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

No unmitigated impacts

At this time, the Single-Family Dwelling will be the primary residence of the Applicant. Per the project description in Exhibit A, the Applicant has proposed a restriction be recorded against the Property which will limit driveway access to one point and restrict further expansion and relocation. See Condition of Approval 10. The Lot cannot be further subdivided, per Plat Note 12. Nightly Rentals are an allowed Use in the Estate Zoning District, should the current or future owner decide to utilize the Property in this way. Per [LMC 15-4-6](#), Guest Houses may not be sold or leased separate – including Nightly Rentals – from the "Main House". See Condition of Approval 12.

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

No unmitigated impacts

Grading and slope retention must be approved prior to issuance of a Building Permit. This Site and the adjoining Sites are not within the Soil Ordinance boundary, but are within the Sensitive Lands Overlay (SLO). Staff finds that this proposal is in substantial compliance with [LMC 15-2.21](#), as the size of the “Building Zone” is six percent (6%) of the overall Property Area, with the rest remaining as Open Space. The location of the “Building Zone” was approved in the 2004 Plat Amendment and is in a location with minimal impact on the Slope and Ridge Line of the Site, overall hillside, and adjacent properties and neighborhoods. The height limitations on the Plat (Plat Note 5) were put into place, along with massing limitations (Plat Note 6) and vegetation screening (Plat Note 2), in order to preserve the view of the Ridge Line from surrounding Sites. There are no wetlands or streams on the Site.

As there is virtually no development allowed outside of the “Building Zone” (see item 9 regarding driveway and utilities), disturbance to wildlife habitat areas would be minimal. This Site includes – and/or is surrounded by – trails and ski runs that allow for human activity all year long, and can be used heavily depending on the season, so impact on wildlife would not be greatly varied by the addition of a main Dwelling. The Site is already utilized by the Property owner and accessible by members of the public. The “Building Zone” does not have environmentally sensitive lands.

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

Condition of Approval Recommended

Goal 6 of the General Plan, Natural Setting, is to implement climate adaptation strategies to enhance the City’s resilience to the future impact of Climate Change. Wildfire probability is increased with a lack of moisture, and as Climate Change has affected the snow fall and amount of moisture in Park City, preparing for a possible fire is a key measure community members can take to limit Structure and properties from burning. The Applicant has incorporated “firewise” techniques on the Property to minimize the impact of a potential wildfire to the Structure and Site. Condition of Approval 4 will help to mitigate impacts of future landscaping.

Goal 9 of the General Plan, Parks & Recreation, is to continue to provide unparalleled parks and recreation opportunities for residents and visitors. Objective 9A includes maintaining local recreation opportunities. This Site’s development allows for continued public use of trails on the Property, with minimal impact from the built Structures and Use.

Review of Potential “Future Phase 3 Addition”

Although the current proposed design complies with the height, massing, and visibility requirements, the Building Permit for this Structure must also comply with the Land

Management Code in effect at the time of Application. Pertaining to item 11 above regarding a proposed Administrative Conditional Use review, and regarding Plat Note 12 that states that final house design will be reviewed under the Conditional Use process in accordance with the SPMP, staff finds that the proposal has a significant portion of the “Main House” shown, with a possible addition in the future (see Exhibit B Sheet CU-101 Site Plan showing red dashed “Future Phase 3 Addition”). The Applicant has proposed the “Main House”, as shown in Exhibit B, as being a total of 2,617 square feet (per Plat Note 1’s exemptions) with 883 square feet of Footprint remaining. As that addition is a fraction of the house size and the proposal outlines the greater design of the Structure, staff finds that possible “Future Phase 3 Addition” can be reviewed administratively. See Condition of Approval 3. This addition’s (to the “Main House”) Footprint may be up to 883 square feet, per Plat Note 1, as the plans are proposed. Staff has determined that the plans meet the requirements of the Plat, specifically Plat Note 12 that states the Final House Design shall be reviewed under the Conditional Use process.

CUP Expiration Date

Per [LMC 15-1-10\(G\)](#), Conditional Use Permits expire one (1) year from the date of Planning Commission approval, unless otherwise indicated. The Applicant is requesting that the CUP have an expiration date of five (5) years from approval, as it is possible the proposed “Main House” will not be built within the next few years or that the Applicant will sell the property. The Applicant is also proposing additional ways to restrict the property from further development. These restrictions are shown in Condition of Approval 10 (i.e. no changes to the driveway be permitted, and maintenance of a visual buffer between the “Main House” and adjacent properties). Staff finds that these restrictions are beneficial for minimizing the impacts of the proposed “Main House” on the natural environment of the Site and on adjacent properties and neighborhoods. Due to the nature and location of the Site being shielded from the Historic District and a large distance from adjacent properties – and that the “Main House” will need to abide by the SPMP and Plat, and the Land Management Code in effect at the time of Building Permit Application – staff recommends allowance of a five (5) year expiration of this Conditional Use Permit. This will vest development on the Site and limit further Development of built Structures. As this timeframe is already extending the typical one (1) year expiration period, per LMC 15-1-10(G), staff recommends a Conditions of Approval stating that extensions not be granted for this Permit. See Condition of Approval 2.

Department Review

The Applicant’s proposal has gone through an interdepartmental review. Comments received have been added into this report.

Notice

Notice was posted, and a courtesy notice was mailed to Property owners within 300’ of the Property, on January 29, 2020. Notice was published in the *Park Record*, City website, and the Utah Public Notice website on January 29, 2020.

Public Input

No public input was received prior to the issuance of this Staff Report.

Alternatives

1. The Planning Commission may approve the Conditional Use Permit for the 445 King Road Conditional Use Permit, as conditioned; or
2. The Planning Commission may continue the discussion on the Conditional Use Permit for the 445 King Road and direct staff to conduct further research and analysis; or
3. The Planning Commission may deny the Conditional Use Permit for the 445 King Road and direct staff to make findings for this decision.

Recommendation

Staff recommends that the Planning Commission review the proposed Conditional Use Permit for 445 King Road in the Estate District, conduct a public hearing, and consider approving the Conditional Use Permit for 445 King Road according to the Findings of Facts, Conclusions of Law, and Conditions of Approval as outlined below:

Findings of Fact

1. The Property is located at 445 King Road, Summit County Parcel Number THILL-3-8-1AM, and is within the Estate (E) Zoning District.
2. The Property is located on Lot 8 of the Treasure Hill Subdivision, Phase 3.
3. Per Plat Note 12, final house design shall be reviewed under the Conditional Use Permit process. Plat Note 1 lists this as the “Main House.” This “Main House” is considered a Single Family Dwelling per the definition in [LMC 15-15-1](#). The new Single Family Dwelling site is labelled as the “Main House” according to the Treasure Hill Subdivision Phase 3 First Amended Plat and will be referenced as such herein.
4. The proposed “Main House”, a 7,925 square foot residence, is located on a 11.9 acre parcel.
5. The City approved the Sweeney Master Planned Development on October 16, 1986. The Sweeney Master Plan Approval identifies miscellaneous Properties including, “...a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company’s plans for development off of King Road). Development would be restricted to single-family homes with no greater than 3,500 square foot Footprints and maximum Building heights of 25 feet.” Final house designs are required to be reviewed as Conditional Use Permits in accordance with the Sweeney Properties Master Plan.
6. On July 31, 2013, the City Council approved a Subdivision Plat to create one (1) Lot of record for this 11.9 acre Site. On this same date, Council approved a Zone Change for this Site to be changed from Recreation Open Space (ROS) to the Estate (E) Zoning District.
7. The CUP Application was deemed complete on December 11, 2019.
8. The Application meets the requirements of [LMC 15-1-10\(E\)](#), regarding the Conditional Use Review Process.
9. Per LMC 15-1-10(E)(1), there are no unmitigated impacts of the Site size and

- location as the Site's size and location are not changing.
10. Per LMC 15-1-10(E)(2), there are no unmitigated impacts regarding the traffic considerations including capacity of the existing Streets in the Area. In the fall of 2019, the Applicant upgraded a portion of King Road to 16' wide asphalt paving, with 2' on either side of compacted gravel to allow for Fire Department Access. This allows for sufficient emergency vehicle access on King Road. This Conditional Use Permit will not alter the required emergency vehicle access.
 11. Per LMC 15-1-10(E)(3), there are potential impacts to the utility capacity, including storm water run-off. 445 King Road is currently used as a private residence and the addition of the "Main House" will not significantly change overall utility capacity and storm water run-off. See Condition of Approval 7 for drinking water booster pump requirements if updates to this system are proposed.
 12. Per LMC 15-1-10(E)(4), there are no unmitigated impacts to emergency vehicle Access.
 13. Per LMC 15-1-10(E)(5), there are no unmitigated impacts to the location and amount of Off-Street parking. Pursuant to [LMC 15-3-6\(A\)](#), three (3) parking spaces are required for this Site – two (2) for the Single-Family Dwelling and one (1) for the Guest House. This proposal meets these requirements. There is an enclosed Garage with two (2) side-by-side parking spaces and at least two (2) tandem parking spaces; and a carport with one (1) parking space.
 14. Per LMC 15-1-10(E)(6), there are impacts to the internal vehicular and pedestrian circulation system. There is ample vehicular circulation on the Site, with a private driveway that leads from King Road to the "Building Zone". There is also a circular parking area that can be used as a turning point for vehicles. As this area is expanding, but staff finds it acceptable per the proposed "Main House" location, Condition of Approval 10 will mitigate further expansion of driveway area. The Property includes trail easements for public access, per the Plat.
 15. Per LMC 15-1-10(E)(7), there are no unmitigated impacts to the Fencing, but Screening and Landscaping to separate the Use from the adjoining Uses are proposed to be affected. No Fencing is proposed at this time. Landscaping is proposed to be native grasses to blend in with existing vegetation. The Applicant is requesting that the driveway be restricted to what is proposed in the plans (i.e. not allowed to change locations and further disrupt the Site, adjacent to the existing fire hydrant) and a low demarcation wall be required on the Site to not allow for further landscaping disturbance from development, expansion of driveway, and similar activities in the future. See Conditions of Approval 4 and 10.
 16. Per LMC 15-1-10(E)(8), Conditions of Approval are proposed regarding impacts of the Building mass, bulk, and orientation, and the location of Buildings of the Site. The Building mass, bulk, orientation, and location are in accordance with the requirements of the Plat. The Plat (Notes 1, 2, 3, 5, and 6) already has restrictions regarding Footprint, visibility, Building Area (Zone), height, and massing to mitigate impacts the Building's design would have on the Site and adjacent Structures. As conditioned, the proposal is in alignment with restrictions on the Plat. See Condition of Approval 3 for review of the future design of the "Main House".
 17. The Building Footprint for the "Main House" can be up to 3,500 square feet with a Guest House of an additional 1,500 square feet, per Plat Note 1. The Building

Footprint included in this calculation is 2,617 square feet, as measured. This includes the proposed Phase 2 Addition (1,873 square feet), Phase 2 Extension (546 square feet), and Garage (198 square feet, non-exempt portion per Plat Note 1). A future extension of this Building's Footprint may be up to 883 square feet, per Plat Note 1.

18. The Plat states in Note 5 that "The 'Main House' height...shall be twenty-five (25') feet for roofs and roof elements that generally are parallel to existing Natural Grade and thirty (30') feet for roof ridges that are generally oriented (in the horizontal plane) perpendicular to existing contour lines... Such perpendicularly oriented roof portions located above twenty five (25) feet shall comprise less than 20 percent of the roof plan." The Applicant has shown this requirement being met in Exhibit B Sheet CU-102, including an analysis of the percentage of perpendicularly oriented roof portions that are above 25 feet in height. It is noted as 10% of the roof plan on that sheet. The Structure's physical design is compatible with surrounding Structures.
19. Per LMC 15-1-10(E)(9), there are no unmitigated impacts to the usable Open Space. The Application is for a private Parcel, although there are easements on the Site for public access, per Plat Note 10. Approximately 74% of the 0.11-acre parcel is landscape. The development of the "Main House" will not significantly impact the Open Space or easements on the Site.
20. Per LMC 15-1-10(E)(10), there are no unmitigated impacts regarding Signs and lighting. No signs or additional lighting are proposed to be installed.
21. Per LMC 15-1-10(E)(11), staff has proposed Conditions regarding the physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. See Condition of Approval 3 regarding the materials and final detail design of the Structure. This Site is adjacent to the Historic District, and is required to abide by the Historic District Design Guidelines of [LMC 15-13](#) Design Guidelines For Historic Districts and Historic Sites, per the SPMP. This was reviewed by the Planning Department's Design Review Team and was found to substantially comply with [LMC 15-13-8](#).
22. Per LMC 15-1-10(E)(12), there are no unmitigated impacts regarding noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. No noise, vibration, odors, steam, or mechanical factors that might affect people and Property are anticipated.
23. Per LMC 15-1-10(E)(13), there are no unmitigated impacts regarding control of deliver and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup areas. No deliveries are anticipated. Residential trash pickup for the Property will be similar to the frequency it is currently at, which is about every 8 weeks. Frequency of pick-up may increase slightly with the new Structure, but staff anticipates not greatly.
24. Per LMC 15-1-10(E)(14), there are no unmitigated impact regarding the ownership and management of the Property. At this time, the Single-Family Dwelling will be the primary residence of the Applicant. The Property cannot be further subdivided per Plat Note 12. Per [LMC 15-4-6](#), Guest Houses may not be sold or leased separate – including Nightly Rentals – from the "Main House".
25. Per LMC 15-1-10(E)(15), there are no unmitigated impacts regarding Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and

- Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site. 445 King Road is located outside of the Park City Soils Ordinance Zone, but is within the Sensitive Land Overlay Zone.
26. Per LMC 15-1-10(E)(16), staff recommends that Condition of Approval 3 be added that allows for staff to review the “Future Phase 3 Addition” (as shown in Exhibit B Sheet CU-101 Site plan that depicts a red dashed Footprint of this addition) as an Administrative Conditional Use Permit. Per the Plat for this Site – Plat Note 12 – the final house design shall be reviewed under the Conditional Use process. Staff has determined that the plans submitted by February 27, 2020 (Exhibit B) are in compliance with this requirement and the future final details (phase 3 addition, window and door placement, proposed materials, and similar details) shall be reviewed through an Administrative Conditional Use Permit prior to Building Permit approval.
 27. Due to the nature and location of the Site being shielded from the Historic District and a large distance from adjacent properties, staff recommends an allowance of five (5) years for expiration of this Conditional Use Permit. This will vest restrictions on the Site to limit further Development than what is allowed per the Plat and this CUP, as shown in this report. Staff recommends this be the maximum timeframe for this Permit and no further Extensions be granted. See Condition of Approval 2.
 28. The Application was reviewed by the Planning Commission on February 12, 2020 meeting and continued to the March 25, 2020 meeting date, which was cancelled. Cancelled meeting items were noticed as being rescheduled to the April 22, 2020 meeting.

Conditions of Law

1. The proposed Application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Structure is compatible with surrounding Structures in Use, scale, mass, and circulation.
3. The proposed Conditional Use Permit is consistent with the Park City General Plan.
4. The Conditional Use Permit is consistent with the Sweeney Master Planned Development.
5. The effects in difference in use or scale of the Conditional Use Permit have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. All standard project conditions shall apply.
2. This Conditional Use Permit shall expire on April 22, 2025, if the Applicant or any future Site owner has not been issued a Building Permit by that date. As this timeframe is already extending the typical one (1) year expiration period, per LMC 15-1-10(G), further extensions may not be granted for this Permit.
3. Prior to applying for a Building Permit:
 - a. Regarding the “Main House” as it is shown in Exhibit B, material samples and final design details must be approved by staff prior to issuance of any Building Permits. Construction shall be in substantial compliance with plans reviewed by the Planning Commission on April 22, 2020.

- b. Regarding the “Future Phase 3 Addition” that is shown in Exhibit B, the Applicant shall apply for and receive approval from the Planning Department of an Administrative Conditional Use Permit for final design of the “Main House”. Material samples and final design details must be approved by staff prior to any Building Permit issuance. Construction shall be in substantial compliance with plans reviewed by the Planning Commission on April 22, 2020, regarding Footprint and location. Height shall be in compliance with Plat Note 5.
4. A water efficient (Water-wise) landscape and irrigation plan shall be submitted at the Building Permit phase for staff’s review. This shall include information regarding defensible space on the Site. This plan shall abide by the Land Management Code at the time of submittal and will be reviewed by the Fire Marshal and Forestry Manager.
5. Exterior lights shall conform to the Land Management Code at the time of Building Permit submittal.
6. All Conditions of the First Amended Treasure Hill Subdivision Plat Phase 3 continue to apply.
7. Any update to the drinking water booster pump system and/or increase in demand will require Park City Public Utilities to be included in the review and approval process with the Utah Division of Drinking Water. Proof of this approval will need to be submitted at the Building Permit phase.
8. Grading and slope retention must be approved by the City prior to issuance of a Building Permit.
9. Trash pick-up will be by private contractor.
10. The proposed driveway Footprint shall not be expanded or changed. The stone-clad demarcation wall to the east of the new Structure (“Main House”) will remain onsite to limit Site disturbance and any further driveway expansion into the naturally vegetated areas.
11. Final design of the “Main House” shall abide by the Plat, the Sweeney Property Master Plan, and the Land Management Code at the time of submittal.
12. Per [LMC 15-4-6](#), Prior to Building Permit issuance, a deed restriction “Notice to Purchaser” stating that the Guest House may not be sold or leased separate from the “Main House”, shall be recorded at the County Recorders Office. Applicant will include a copy of the recorded document in the Building Permit file.

Exhibits

Exhibit A – Applicant’s Statement and Project Description Documents

Exhibit B – Plans

Exhibit C – Treasure Hill Subdivision Phase 3 First Amended Plat

Exhibit D – Memorandum from Park City Public Utilities, dated December 20, 2019

Exhibit E – Ordinance 03-36

Exhibit F – Ordinance 03-37

EXHIBIT A

November 7, 2019

Bruce Erickson
Planning Director
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Dear Bruce,

Phase 2 of the residence construction on Treasure Hill Subdivision, Phase 3, Amended Plat (Plat) consists of 1976 SF of footprint as calculated according to Plat notes. The structure is three stories with an entrance and garage on the first level, bedrooms and a sitting area on the second level, and a bedroom, kitchen, dining/living area on the third level. It is compliant with all the Plat parameters. The design is meant to reflect historic mine architecture with dull grey corrugated metal siding and seamed roof. The siding and roof is tin clad stainless steel commonly referred to in Europe as terne. The trim of the windows is dark brown with a green tint. All lighting, exterior and interior, will be shielded from view from offsite.

We propose that a restriction be recorded against the property, with the Park City Municipal Corporation named as the beneficiary, which limits driveway access to one point, north of the existing fire hydrant, employs a 10' demarcation stone clad wall (as viewed from the interior of the site and much shorter as viewed from the Old Town side), provides for preservation (after disturbance necessary for construction of the wall) of the peninsula of vegetation between Phase 2 (and the future Phase 3) and the City-augmented with plantings as directed by the Park City Planning Department subject to the Fire Protection Zone Requirements.

The intent is to decrease the visibility of Phase 2 (and future Phase 3) as seen from the Historic District and elsewhere and to specifically prevent an intermediate driveway access to Phase 2 or Phase 3 with the result of exposing multiple levels of structure to view from offsite.

Regards,


Pat Sweeney

RECEIVED

NOV 15 2019

PARK CITY
PLANNING DEPT.

Project Description

- How will the proposed use “fit-in” with surrounding uses? Proposed improvements have been designed to minimize the impact on the landscape of Treasure Hill as intended by the approved Sweeney Properties Master Plan (“SPMP”), Ordinance No. 09-18 and May 28, 2009 CUP (“CUP”). See below SPMP History. Also below is the Treasure Hill Subdivision, Phase 3 First Amended Plat (“Plat”) showing, Lot 8 (“Property”).
- What type of service will it provide to Park City? Open space: 11.2 acres of 11.9 acres – 94%, public trails, low visibility of buildings and improvements, ski easements in favor of the Park City Mountain.
- Is the proposed use consistent with the current zoning district and with the General Plan? Yes – consistent with the approved Plat.
- Is the proposed use similar or compatible with other uses in the same area? Yes – there is one other single family residence in the general vicinity.
- Will the proposed use emit noise, glare dust, pollutants, or odor? No, other than that of a typical single family residence occupation and maintenance.
- What will be the hour of operation and how many people will be employed? Not Applicable – single family residence.
- Are other special issues that need to be mitigated? Visibility from Old Town will be mitigated by a recorded one point driveway access restriction, wall feature, dedicated open space, and plantings. Of note, there is a sophisticated fire protection system with overhead grounds sprinklers that help protect the buildings and nearby vegetation. All lights (interior/exterior) will be shielded to prevent light pollution offsite. Building materials have been chosen to minimize glare, especially from exterior walls, windows, and roof.

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NOV 15 2019

PARK CITY
PLANNING DEPT.

Revision Stats - Sweeney Residence Phase 2 Addition CUP Submittal

Item	1/9/20 vrs.	2/27/20 vrs.	difference
Footprint	2518	2617	99
Roof % Above 25'	12%	10%	-2%
Overall Floor Area	7584	7925	341

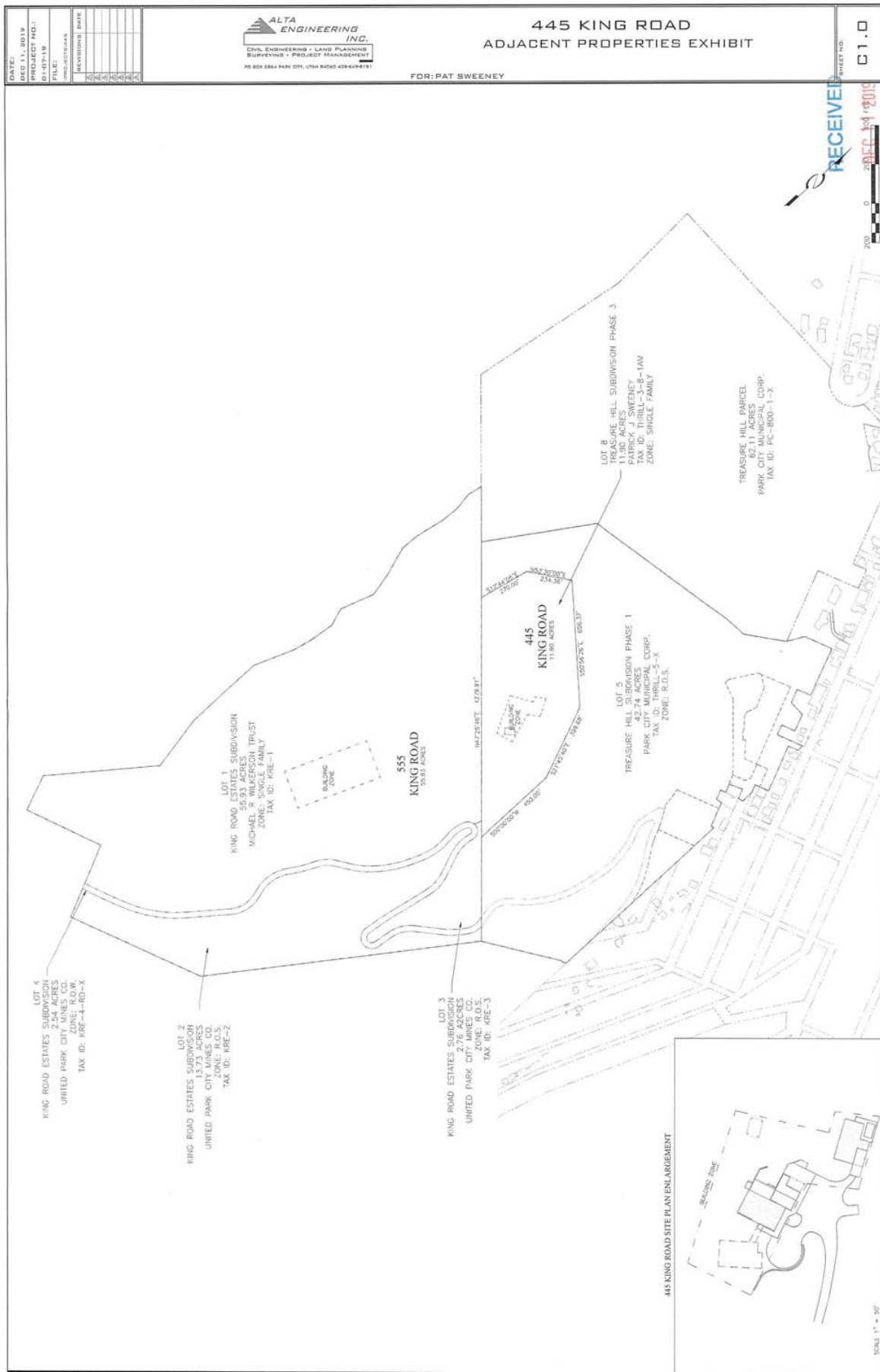
2/27/20 Revision General Description:

1) The primary change is the inclusion of a "stepped back" portion of the east facade central massing element (#2) which is intended to further articulate distinct, separate massing elements per Plat Note #6

2) Some of the roof details have been further refined for appearance and structural issues. The main upper roof has been raised approx. 12 inches

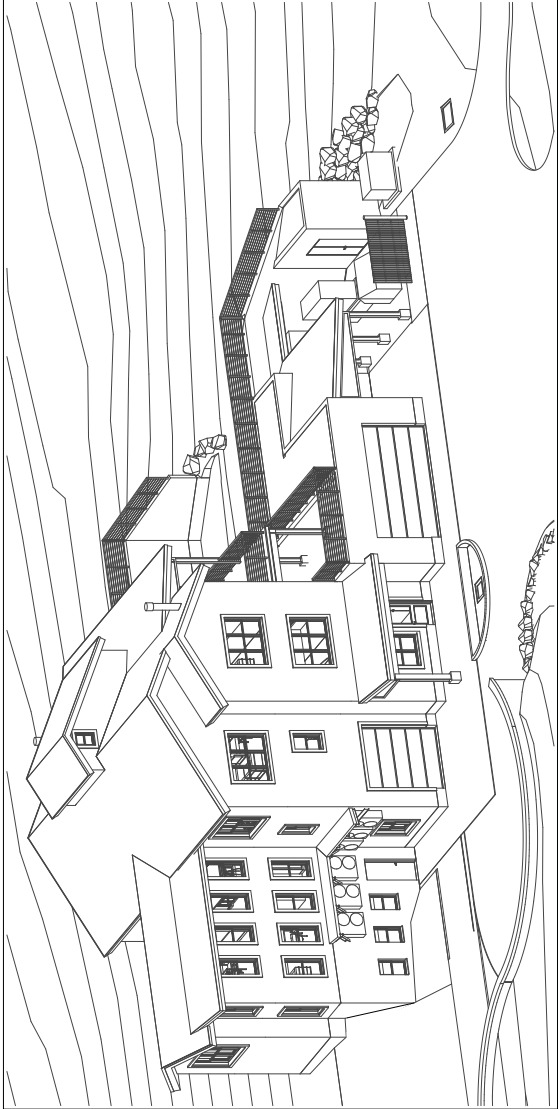
2) The addition has been set back 5 feet further into the hillside which reduces visibility of the structure when viewed from Historic Old Town in compliance with Plat Note #2

3) Locating the addition further back into the hillside has the additional benefit of reducing the percentage of roof more than 25 feet above E.N.G.





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B1 AERIAL VIEW FROM SOUTHEAST (MASSING)
 NOT TO SCALE

EXTERIOR MASSING STUDIES



APPROXIMATE BUILDABLE ENVELOPE FOR FUTURE PHASE 3 ADDITION. DEVELOPMENT SUBJECT TO THE RESTRICTIONS ON THE PLAT

D1 AERIAL VIEW FROM EAST (W/ PHASE 3 ADDITION)
 NOT TO SCALE

CONDITIONAL USE REVIEW SET - 11-7-19, REV 2-27-20



Public Utilities

Park City Public Utilities
1053 Iron Horse Drive PO Box 1480 | Park City, UT 84060-1480
p (435)-615-5323 | f (435) 615-4912
griffin.lloyd@parkcity.org

Memorandum

To: Elizabeth Jackson, Planner
cc: Roger McClain, Public Utilities Engineering Manager
Clint McAfee, Public Utilities Director
From: Griffin Lloyd, Public Utilities Engineer
Subject: Water service review of 445 King Road
Date: December 20, 2019

Upon review of the 445 King Road, Conditional Use Permit reviewed in the Development Review Committee on December 17, 2019, Public Utilities have the following items to be addressed and/or listed as condition of approval.

1. Park City Public Utilities does not allow booster pump connections from their system. This connection has been previously approved by and regulated by the Division of Drinking Water. Any update to the system and increase in demand would need their review, approval and/or exception. Park City Public Utilities requests they be included on any such approvals with Division of Drinking Water.
2. Park City Fire Department would need to review and approve new development demands on current system to see if fire flow conditions are met for new and existing structures, and that current backup power systems are adequate.
3. Because current booster system is serving both old and new structures; ownership, operation, and maintenance/replacement of the booster station and piping needs to be addressed. Due to the possible change in ownership, this information would need to be on a plat or recorded document, not just CCRs (which are changeable by the owners) to insure any future owner continues responsibility of system.
4. If booster pumps are to be upsized, Park City Public Utilities requests engineered drawings and calculations of the new pumps design to insure pump sizing does not negatively affect or damage existing water infrastructure.

If Division of Drinking Water should deny the booster connection, the property owner can explorer a service connection to a different water main in the vicinity, with Public Utilities.

Ordinance No. 03-36

AN ORDINANCE APPROVING A ZONE CHANGE FROM RECREATIONAL OPEN SPACE (ROS) TO ESTATE (E) AT 445 KING ROAD, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 445 King Road have petitioned the City Council for approval of the zone change; 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 July 23, 2003, to receive input on the zone change;

WHEREAS, the Planning Commission, on July 23, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 31, 2003, the City Council held a public hearing and approved the zone change; and

WHEREAS, it is in the best interest of Park City, Utah to approve the zone change.

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

SECTION 1. APPROVAL. The zone change on the lot 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 445 King Road and is known as lot 12 of the Treasure Hill Subdivision Phase 4, part of the Sweeney Properties Master Plan.
2. The property is currently zoned Recreation Open Space - ROS-MPD. The 11.9 acre property is unimproved.
3. The Sweeney Properties Master Plan (SPMP) was approved by the City Council on October 16, 1986 and amended on October 14, 1987, December 30, 1992, and November 7, 1996.
4. The underlying zoning of the Hillside Parcels, including this one, at the time of MPD approval was Estate.
5. The SPMP approval designated this development parcel as being subject to Estate-MPD approval.
6. The purpose of the Estate zone is to allow very low density, environmentally sensitive residential development which preserves ridge tops, meadows, and visible hillsides, preserves large, cohesive, unbroken Areas of Open Space and undeveloped land, preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development, mitigates geologic and flood

hazards, protects views along the City's entry corridors, and decreases fire risk by keeping Development out of sensitive wild land interface Areas, incorporates pedestrian trail linkages between and through neighborhoods; and encourages comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.

7. The entire lot will be zoned Estate. The area outside of the Building Pad will be subject to a Conservation or Open Space Easement.
8. The Planning Commission held a public hearing on July 23, 2003 and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. The development of this lot is consistent with the E District purpose statements.
2. The change from ROS to E-MPD Zoning is consistent with the Park City General Plan and the Sweeney Properties Master Plan.
3. The rezone from ROS to E is in the best interest of the community.

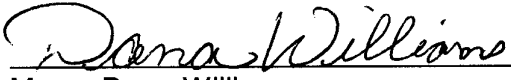
Conditions of Approval:

1. This zone change is contingent upon the recordation of the plat approved concurrently herein.

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

PASSED AND ADOPTED this 31st day of July, 2003.

PARK CITY MUNICIPAL CORPORATION



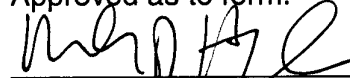
Mayor Dana Williams

Attest:

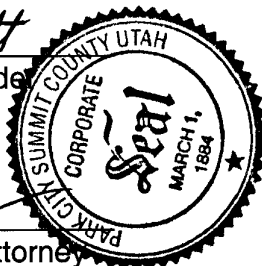


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



SURVYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Surveyor under the laws of the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original record of the Survey of the above described land, as the same appears on the books of the Surveyor General of the State of Utah, and that the same is a true and correct copy of the original record of the Survey of the above described land, as the same appears on the books of the Surveyor General of the State of Utah.

BOUNDARY DESCRIPTION

The Survey of the above described land was made by me, the undersigned, on the 15th day of June, 1900, and the same is a true and correct copy of the original record of the Survey of the above described land, as the same appears on the books of the Surveyor General of the State of Utah, and that the same is a true and correct copy of the original record of the Survey of the above described land, as the same appears on the books of the Surveyor General of the State of Utah.

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being a duly qualified and licensed Surveyor under the laws of the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original record of the Survey of the above described land, as the same appears on the books of the Surveyor General of the State of Utah, and that the same is a true and correct copy of the original record of the Survey of the above described land, as the same appears on the books of the Surveyor General of the State of Utah.

ACKNOWLEDGMENT

I, the undersigned, being a duly qualified and licensed Surveyor under the laws of the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original record of the Survey of the above described land, as the same appears on the books of the Surveyor General of the State of Utah, and that the same is a true and correct copy of the original record of the Survey of the above described land, as the same appears on the books of the Surveyor General of the State of Utah.

NOTES TO PURCHASER

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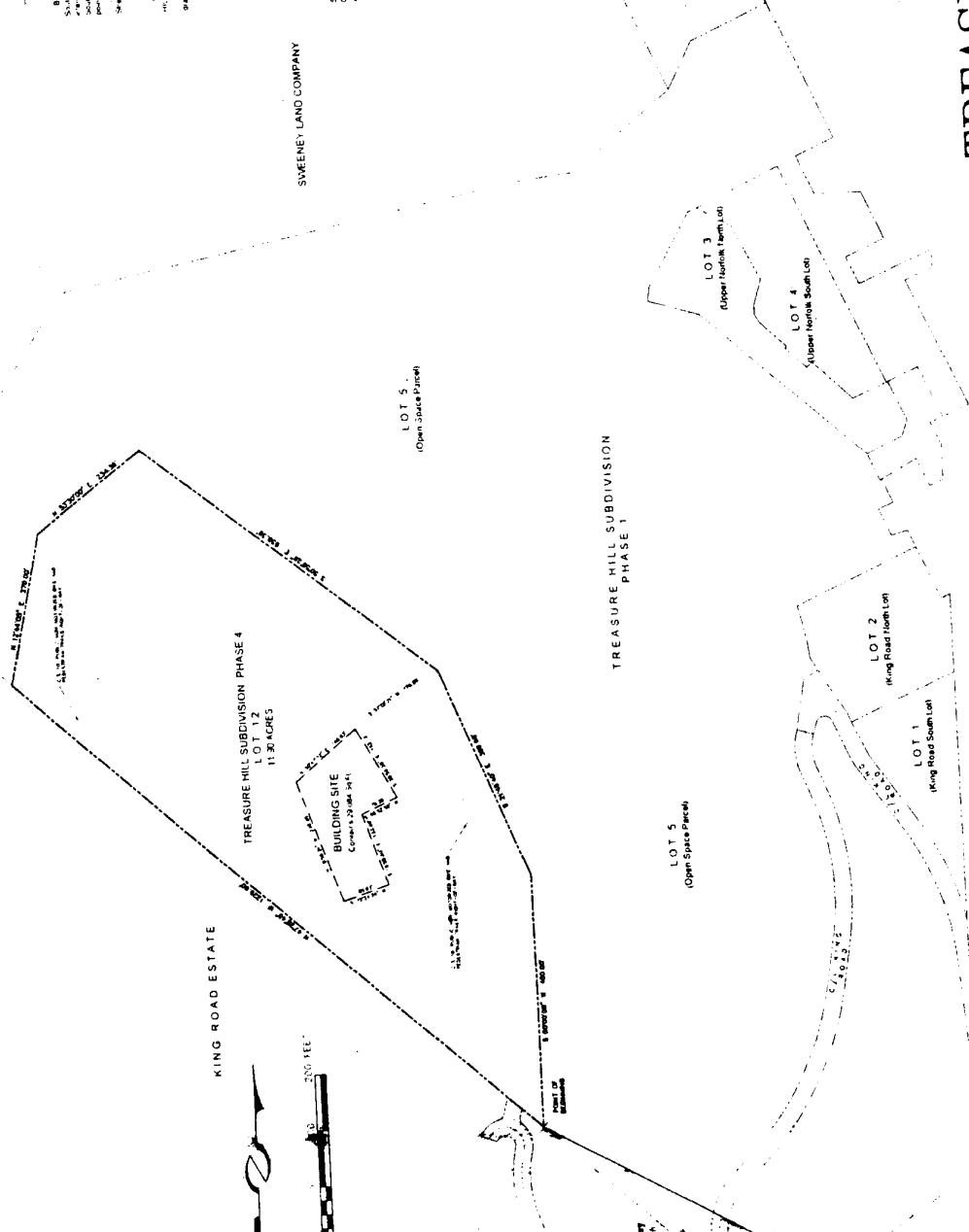
TREASURE HILL SUBDIVISION PHASE 4

A SUBDIVISION LOCATED IN SECTION 18, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 1

RECORDED	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF SUMMIT, UTAH, ON THE 15TH DAY OF JUNE, 1900, AT 10 O'CLOCK A.M.	NOTARIAL PUBLIC FOR THE STATE OF UTAH J. H. HARRIS My Comm. Expires Dec. 31, 1900	APPROVAL AND ACCEPTANCE BY THE BOARD OF PARK CITY, UTAH J. H. HARRIS My Comm. Expires Dec. 31, 1900	FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF SUMMIT, UTAH, ON THE 15TH DAY OF JUNE, 1900, AT 10 O'CLOCK A.M.

APPROVAL AS TO FORM	ENGINEERS' CERTIFICATE	PLANNING COMMISSION	SANDVILLE BASIN WATER RECLAMATION DISTRICT
APPROVED AS TO FORM J. H. HARRIS My Comm. Expires Dec. 31, 1900	ENGINEERS' CERTIFICATE J. H. HARRIS My Comm. Expires Dec. 31, 1900	PLANNING COMMISSION J. H. HARRIS My Comm. Expires Dec. 31, 1900	SANDVILLE BASIN WATER RECLAMATION DISTRICT J. H. HARRIS My Comm. Expires Dec. 31, 1900



Ordinance No. 03-37

**AN ORDINANCE APPROVING A SINGLE LOT SUBDIVISION AT 445 KING ROAD,
PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 445 King Road have petitioned the City Council for approval of the Subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 23, 2003, to receive input on the subdivision;

WHEREAS, the Planning Commission, on July 23, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 31, 2003, the City Council held a public hearing and approved the subdivision; and

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

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

SECTION 1. APPROVAL. The subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 445 King Road and is known as lot 12 of the Treasure Hill Subdivision Phase 4, part of the Sweeney Properties Master Plan. The property is currently zoned Recreation Open Space - RD-MPD with a request for zone change pending. The property is vacant.
2. The Sweeney Properties Master Plan (SPMP) was approved by the City Council on October 16, 1986 and amended on October 14, 1987, December 30, 1992, and November 7, 1996.
3. One lot of record will be created with the subdivision.
4. The Treasure Hill Subdivision Phase 4 plat includes plat notes regarding building footprint, heights, setbacks, massing, building pad footprints, limits of disturbance, access, re-vegetation, utilities, and fire protection.
5. Utilities are available to sustain the anticipated property uses. Utilities will generally tie into Woodside Avenue, follow the Quittin' Time ski run in its lower extent and connect to the Building Pad along a future ski run to the Payday area.
6. The Chief Fire Marshall has reviewed the Fire Protection Plan and has conceptually approved it.

7. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.
8. The Planning Commission held a public hearing on July 23, 2003 and forwarded a positive recommendation to the City Council.

Conclusions of Law:

1. There is good cause for this subdivision plat.
2. The subdivision plat is consistent with the Park City Land Management Code, 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 Conditions of Approval for the Sweeney Properties Master Planned Development remain in full force and effect.
2. The design of the Main House and any Guest House will follow the Conditional Use Permit process in accordance with the Sweeney Properties Master Plan (SPMP).
3. All standard project conditions shall apply.
4. The Building Pad is 29,084 square feet in which all construction activity must take place, excepting the driveway and utility construction.
5. The Main House footprint is limited to 3500 square feet. A single caretaker's or guest house may have a footprint up to 1500 square feet.
6. The Height of the Main House is 25 feet measured from natural grade for ridges that run parallel to the natural contours and 30 feet from natural grade for ridges perpendicular to the existing contours. Such perpendicular ridges may not comprise more than 20 percent of the roof plan. The Guest House may not exceed 20 feet from natural grade in height.
7. All trails, as indicated on the Treasure Hill subdivision plat, which have not yet been constructed and approved, shall be completed prior to issuance of a certificate of occupancy for the residences. Relocation of said trails shall be reviewed and approved by City Staff.
8. The applicant must record an Open Space Easement, or other instrument of record, for that area outside of the Building Pad to forever preserve the natural state. Ski runs and those public trails dedicated on this plat may be allowed in this open space.
9. The City Engineer shall review and approve appropriate grading, utility, public improvements and drainage plans for compliance with City standards as a condition precedent to permit issuance.
10. Final details of the Fire Protection plan are required to be approved prior to plat recordation.
11. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans.
12. A financial guarantee, for the value of all public improvements, landscaping, re-

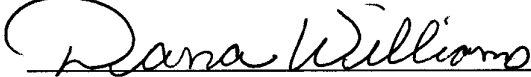
vegetation, and trails to be completed, shall be provided to the City prior to building permit issuance. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

13. Re-vegetation of the disturbed areas, including utility installation areas, shall be done with native species acceptable to the Planning Department Landscape Architect.
14. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 31st day of July, 2003.

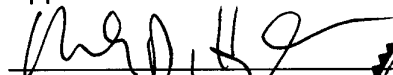
PARK CITY MUNICIPAL CORPORATION

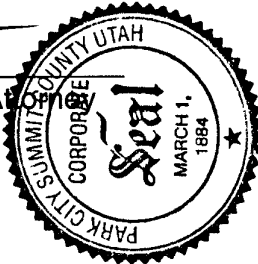

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



STREPTOCYCLIC ACETATE

STREPTOCYCLIC ACETATE is a new, powerful, and effective antibiotic. It is a member of the Streptocycline family, which is known for its broad spectrum of activity against a wide variety of bacteria. STREPTOCYCLIC ACETATE is particularly effective against Gram-positive bacteria, including Staphylococcus aureus, Streptococcus pneumoniae, and Streptococcus pyogenes. It is also active against some Gram-negative bacteria, such as Escherichia coli and Klebsiella pneumoniae. STREPTOCYCLIC ACETATE is available in various forms, including tablets, capsules, and injections. It is used to treat a wide range of bacterial infections, including pneumonia, skin infections, and urinary tract infections. STREPTOCYCLIC ACETATE is a powerful antibiotic that is effective against a wide variety of bacteria. It is a member of the Streptocycline family, which is known for its broad spectrum of activity. STREPTOCYCLIC ACETATE is available in various forms, including tablets, capsules, and injections. It is used to treat a wide range of bacterial infections, including pneumonia, skin infections, and urinary tract infections.

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— *Author's address:* Department of Psychology, University of California, San Diego, La Jolla, CA 92037, U.S.A.
 E-mail: j.sussangkarn@ucsd.edu

ACKNOWLEDGMENT

COUNTRY OF _____

[illegible]

1. *What is the purpose of the study?*
2. *What is the research question?*
3. *What is the hypothesis?*
4. *What is the independent variable?*
5. *What is the dependent variable?*
6. *What is the control group?*
7. *What is the experimental group?*
8. *What is the sample size?*
9. *What is the data collection method?*
10. *What is the data analysis method?*
11. *What is the conclusion?*
12. *What are the limitations of the study?*
13. *What are the implications of the study?*
14. *What are the future research directions?*
15. *What are the references?*

Direct

[illegible]

Table 1. Mean values of the variables measured during the 10-min test period

[illegible]

RECORD OF SURVEY MAP
JRE HILL SUBDIVISION

PHASE 4

RECORDED

COUNCIL APPROVAL AND ACCEPTANCE

STATE OF OHIO, COUNTY OF COLUMBIA, ss: I, the undersigned, Clerk of the Board of Health of the County of Columbia, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Board of Health of the County of Columbia.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Board of Health, at Columbus, Ohio, this 1st day of May, 1904.

CLERK OF BOARD OF HEALTH OF COLUMBIA COUNTY, OHIO.

APPROVAL AND ACCEPTANCE OF THE BOARD:

BOARD OF HEALTH OF COLUMBIA COUNTY, OHIO.

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April 22, 2020

Patrick Sweeney
P.O. Box 2429
Park City, UT 84060

CC: Mike Sweeney and Dave Richards, Architect

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-19-04373
<u>Subject</u>	445 King Road – Conditional Use Permit (CUP)
<u>Address</u>	445 King Road
<u>Description</u>	Conditional Use Permit for the Construction of a Single Family Dwelling, Consistent with the Plat and Master Development Plan
<u>Action Taken</u>	Approved
<u>Date of Action</u>	April 22, 2020

On April 22, 2020, the Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission Approved your application based on the following:

Findings of Fact

1. The Property is located at 445 King Road, Summit County Parcel Number THILL-3-8-1AM, and is within the Estate (E) Zoning District.
2. The Property is located on Lot 8 of the Treasure Hill Subdivision, Phase 3.
3. Per Plat Note 12, final house design shall be reviewed under the Conditional Use Permit process. Plat Note 1 lists this as the "Main House." This "Main House" is considered a Single Family Dwelling per the definition in [LMC 15-15-1](#). The new Single Family Dwelling site is labelled as the "Main House" according to the Treasure Hill Subdivision Phase 3 First Amended Plat and will be referenced as such herein.
4. The proposed "Main House", a 7,925 square foot residence, is located on a 11.9 acre parcel.
5. The City approved the Sweeney Master Planned Development on October 16, 1986. The Sweeney Master Plan Approval identifies miscellaneous Properties including, "...a third lot to be situated up on top of Treasure Mountain (possible future access predicated on United Park City Mines Company's plans for development off of King Road). Development would be restricted to single-family homes with no greater than

3,500 square foot Footprints and maximum Building heights of 25 feet.” Final house designs are required to be reviewed as Conditional Use Permits in accordance with the Sweeney Properties Master Plan.

6. On July 31, 2013, the City Council approved a Subdivision Plat to create one (1) Lot of record for this 11.9 acre Site. On this same date, Council approved a Zone Change for this Site to be changed from Recreation Open Space (ROS) to the Estate (E) Zoning District.
7. The CUP Application was deemed complete on December 11, 2019.
8. The Application meets the requirements of [LMC 15-1-10\(E\)](#), regarding the Conditional Use Review Process.
9. Per LMC 15-1-10(E)(1), there are no unmitigated impacts of the Site size and location as the Site’s size and location are not changing.
10. Per LMC 15-1-10(E)(2), there are no unmitigated impacts regarding the traffic considerations including capacity of the existing Streets in the Area. In the fall of 2019, the Applicant upgraded a portion of King Road to 16’ wide asphalt paving, with 2’ on either side of compacted gravel to allow for Fire Department Access. This allows for sufficient emergency vehicle access on King Road. This Conditional Use Permit will not alter the required emergency vehicle access.
11. Per LMC 15-1-10(E)(3), there are potential impacts to the utility capacity, including storm water run-off. 445 King Road is currently used as a private residence and the addition of the “Main House” will not significantly change overall utility capacity and storm water run-off. See Condition of Approval 7 for drinking water booster pump requirements if updates to this system are proposed.
12. Per LMC 15-1-10(E)(4), there are no unmitigated impacts to emergency vehicle Access.
13. Per LMC 15-1-10(E)(5), there are no unmitigated impacts to the location and amount of Off-Street parking. Pursuant to [LMC 15-3-6\(A\)](#), three (3) parking spaces are required for this Site – two (2) for the Single-Family Dwelling and one (1) for the Guest House. This proposal meets these requirements. There is an enclosed Garage with two (2) side-by-side parking spaces and at least two (2) tandem parking spaces; and a carport with one (1) parking space.
14. Per LMC 15-1-10(E)(6), there are impacts to the internal vehicular and pedestrian circulation system. There is ample vehicular circulation on the Site, with a private driveway that leads from King Road to the “Building Zone”. There is also a circular parking area that can be used as a turning point for vehicles. As this area is expanding, but staff finds it acceptable per the proposed “Main House” location, Condition of Approval 10 will mitigate further expansion of driveway area. The Property includes trail easements for public access, per the Plat.
15. Per LMC 15-1-10(E)(7), there are no unmitigated impacts to the Fencing, but Screening and Landscaping to separate the Use from the adjoining Uses are proposed to be affected. No Fencing is proposed at this time. Landscaping is proposed to be native grasses to blend in with existing vegetation. The Applicant is requesting that the driveway be restricted to what is proposed in the plans (i.e. not allowed to change locations and further disrupt the Site, adjacent to the existing fire hydrant) and a low demarcation wall be required on the Site to not allow for further landscaping disturbance from development, expansion of driveway, and similar

- activities in the future. See Conditions of Approval 4 and 10.
16. Per LMC 15-1-10(E)(8), Conditions of Approval are proposed regarding impacts of the Building mass, bulk, and orientation, and the location of Buildings of the Site. The Building mass, bulk, orientation, and location are in accordance with the requirements of the Plat. The Plat (Notes 1, 2, 3, 5, and 6) already has restrictions regarding Footprint, visibility, Building Area (Zone), height, and massing to mitigate impacts the Building's design would have on the Site and adjacent Structures. As conditioned, the proposal is in alignment with restrictions on the Plat. See Condition of Approval 3 for review of the future design of the "Main House".
 17. The Building Footprint for the "Main House" can be up to 3,500 square feet with a Guest House of an additional 1,500 square feet, per Plat Note 1. The Building Footprint included in this calculation is 2,617 square feet, as measured. This includes the proposed Phase 2 Addition (1,873 square feet), Phase 2 Extension (546 square feet), and Garage (198 square feet, non-exempt portion per Plat Note 1). A future extension of this Building's Footprint may be up to 883 square feet, per Plat Note 1.
 18. The Plat states in Note 5 that "The 'Main House' height...shall be twenty-five (25') feet for roofs and roof elements that generally are parallel to existing Natural Grade and thirty (30') feet for roof ridges that are generally oriented (in the horizontal plane) perpendicular to existing contour lines... Such perpendicularly oriented roof portions located above twenty five (25) feet shall comprise less than 20 percent of the roof plan." The Applicant has shown this requirement being met in Exhibit B Sheet CU-102, including an analysis of the percentage of perpendicularly oriented roof portions that are above 25 feet in height. It is noted as 10% of the roof plan on that sheet. The Structure's physical design is compatible with surrounding Structures.
 19. Per LMC 15-1-10(E)(9), there are no unmitigated impacts to the usable Open Space. The Application is for a private Parcel, although there are easements on the Site for public access, per Plat Note 10. Approximately 74% of the 0.11-acre parcel is landscape. The development of the "Main House" will not significantly impact the Open Space or easements on the Site.
 20. Per LMC 15-1-10(E)(10), there are no unmitigated impacts regarding Signs and lighting. No signs or additional lighting are proposed to be installed.
 21. Per LMC 15-1-10(E)(11), staff has proposed Conditions regarding the physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. See Condition of Approval 3 regarding the materials and final detail design of the Structure. This Site is adjacent to the Historic District, and is required to abide by the Historic District Design Guidelines of [LMC 15-13](#) Design Guidelines For Historic Districts and Historic Sites, per the SPMP. This was reviewed by the Planning Department's Design Review Team and was found to **substantially comply with LMC 15-13-8.**
 22. Per LMC 15-1-10(E)(12), there are no unmitigated impacts regarding noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. No noise, vibration, odors, steam, or mechanical factors that might affect people and Property are anticipated.
 23. Per LMC 15-1-10(E)(13), there are no unmitigated impacts regarding control of deliver and service vehicles, loading and unloading zones, and Screening of trash

and recycling pickup areas. No deliveries are anticipated. Residential trash pickup for the Property will be similar to the frequency it is currently at, which is about every 8 weeks. Frequency of pick-up may increase slightly with the new Structure, but staff anticipates not greatly.

24. Per LMC 15-1-10(E)(14), there are no unmitigated impact regarding the ownership and management of the Property. At this time, the Single-Family Dwelling will be the primary residence of the Applicant. The Property cannot be further subdivided per Plat Note 12. Per [LMC 15-4-6](#), Guest Houses may not be sold or leased separate – including Nightly Rentals – from the “Main House”.
25. Per LMC 15-1-10(E)(15), there are no unmitigated impacts regarding Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site. 445 King Road is located outside of the Park City Soils Ordinance Zone, but is within the Sensitive Land Overlay Zone.
26. Per LMC 15-1-10(E)(16), staff recommends that Condition of Approval 3 be added that allows for staff to review the “Future Phase 3 Addition” (as shown in Exhibit B Sheet CU-101 Site plan that depicts a red dashed Footprint of this addition) as an Administrative Conditional Use Permit. Per the Plat for this Site – Plat Note 12 – the final house design shall be reviewed under the Conditional Use process. Staff has determined that the plans submitted by February 27, 2020 (Exhibit B) are in compliance with this requirement and the future final details (phase 3 addition, window and door placement, proposed materials, and similar details) shall be reviewed through an Administrative Conditional Use Permit prior to Building Permit approval.
27. Due to the nature and location of the Site being shielded from the Historic District and a large distance from adjacent properties, staff recommends an allowance of five (5) years for expiration of this Conditional Use Permit. This will vest restrictions on the Site to limit further Development than what is allowed per the Plat and this CUP, as shown in this report. Staff recommends this be the maximum timeframe for this Permit and no further Extensions be granted. See Condition of Approval 2.
28. The Application was reviewed by the Planning Commission on February 12, 2020 meeting and continued to the March 25, 2020 meeting date, which was cancelled. Cancelled meeting items were noticed as being rescheduled to the April 22, 2020 meeting.

Conclusions of Law

1. The proposed Application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Structure is compatible with surrounding Structures in Use, scale, mass, and circulation.
3. The proposed Conditional Use Permit is consistent with the Park City General Plan.
4. The Conditional Use Permit is consistent with the Sweeney Master Planned Development.
5. The effects in difference in use or scale of the Conditional Use Permit have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. All standard project conditions shall apply.
2. This Conditional Use Permit shall expire on April 22, 2025, if the Applicant or any future Site owner has not been issued a Building Permit by that date. As this timeframe is already extending the typical one (1) year expiration period, per LMC 15-1-10(G), further extensions may not be granted for this Permit.
3. Prior to applying for a Building Permit:
 - a. Regarding the "Main House" as it is shown in Exhibit B, material samples and final design details must be approved by staff prior to issuance of any Building Permits. Construction shall be in substantial compliance with plans reviewed by the Planning Commission on April 22, 2020.
 - b. Regarding the "Future Phase 3 Addition" that is shown in Exhibit B, the Applicant shall apply for and receive approval from the Planning Department of an Administrative Conditional Use Permit for final design of the "Main House". Material samples and final design details must be approved by staff prior to any Building Permit issuance. Construction shall be in substantial compliance with plans reviewed by the Planning Commission on April 22, 2020, regarding Footprint and location. Height shall be in compliance with Plat Note 5.
4. A water efficient (Water-wise) landscape and irrigation plan shall be submitted at the Building Permit phase for staff's review. This shall include information regarding defensible space on the Site. This plan shall abide by the Land Management Code at the time of submittal and will be reviewed by the Fire Marshal and Forestry Manager.
5. Exterior lights shall conform to the Land Management Code at the time of Building Permit submittal.
6. All Conditions of the First Amended Treasure Hill Subdivision Plat Phase 3 continue to apply.
7. Any update to the drinking water booster pump system and/or increase in demand will require Park City Public Utilities to be included in the review and approval process with the Utah Division of Drinking Water. Proof of this approval will need to be submitted at the Building Permit phase.
8. Grading and slope retention must be approved by the City prior to issuance of a Building Permit.
9. Trash pick-up will be by private contractor.
10. The proposed driveway Footprint shall not be expanded or changed. The stone-clad demarcation wall to the east of the new Structure ("Main House") will remain onsite to limit Site disturbance and any further driveway expansion into the naturally vegetated areas.
11. Final design of the "Main House" shall abide by the Plat, the Sweeney Property Master Plan, and the Land Management Code at the time of submittal.
12. Per [LMC 15-4-6](#), Prior to Building Permit issuance, a deed restriction "Notice to Purchaser" stating that the Guest House may not be sold or leased separate from the "Main House", shall be recorded at the County Records Office. Applicant will include a copy of the recorded document in the Building Permit file.

If you have questions regarding your application or the action taken please don't hesitate to contact the project Planner, Liz Jackson, at 435-615-5065 or liz.jackson@parkcity.org.

Sincerely,

John Phillips
Planning Commission Chair

A handwritten signature in black ink, appearing to read 'John Phillips', written over a horizontal line.

CC: Liz Jackson, Planner



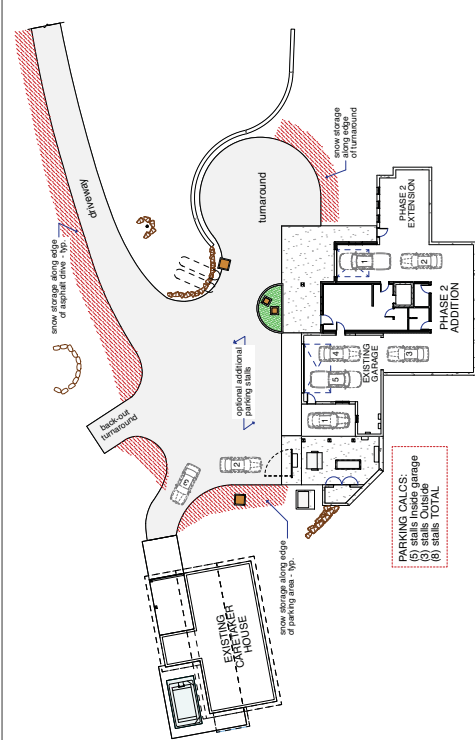
SWEENEY RESIDENCE - PHASE 2

CONDITIONAL USE REVIEW SET - 11.7.19, REV 2-27-20

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SHEET INDEX

- CONDITIONAL USE
- CU-101 SITE PLAN, PARKING & SNOW STORAGE PLAN
 - CU-102 HEIGHT & FOOTPRINT ANALYSIS
 - CU-103 EXTERIOR ELEVATIONS
 - CU-104 EXTERIOR ELEVATIONS
 - CU-105 EXTERIOR 3D VIEWS



B1 SITE PARKING & SNOW STORAGE PLAN
SCALE: 1" = 20'

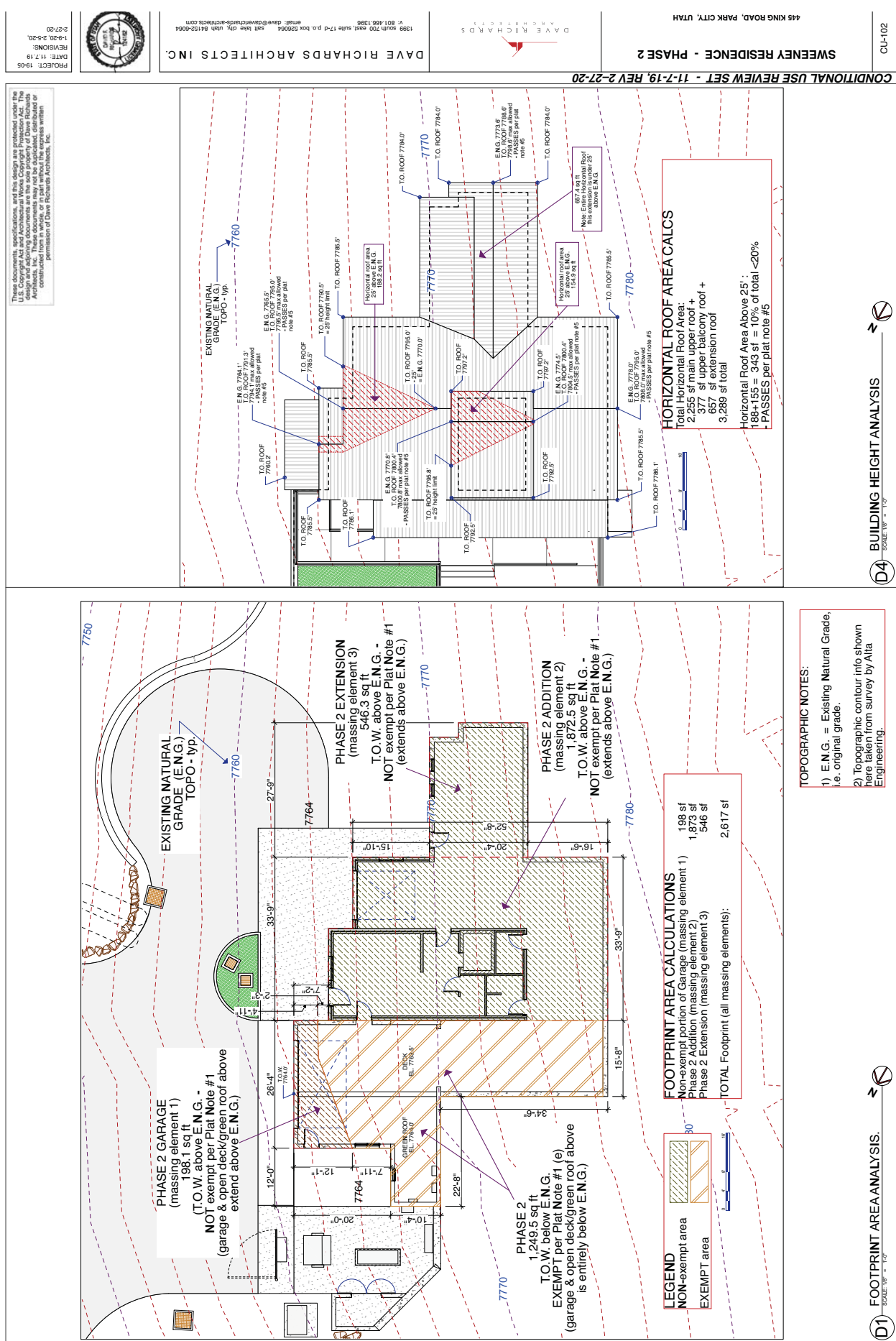
PLAT NOTE NARRATIVE - COMPLIANCE WITH PLAT NOTES RELEVANT TO THE ARCHITECTURAL DESIGN

- Plat Note #1 Footprint:**
Allows for maximum 3,500 SF total footprint. Actual proposed area is 2,617 SF for Phase 2 - complies.
3,500 SF total allowable footprint per Plat note #1, thus 883 SF remaining allowable footprint for future Phase 3 Addition.
- Plat Note #2 Visibility:**
Requires that Main House & Caretaker/Guest House shall be located and screened so that the structures are substantially out of sight from the Historic District. Due to the following existing conditions and proposed improvements and measures, Phase 2 complies and further mitigates visibility:
 - Considerable distance to the building site.
 - The steep topography combined with placement of the improvements into the hillside away from the Historic District.
 - Intervening existing (previously constructed) evergreen trees.
 - Proposed new evergreen trees to be planted in Phase 3 and the Historic District with proposed wall to permanently set off this area and further decrease visibility.
 - Limit driveway access to one point.
- Plat Note #3 Building Area Zone:**
All applicable construction and improvements shall be limited to the Building Zone indicated on the Plat and the attached Site Plan - complies
- Plat Note #6 Massing:**
Requires that no one massing element (within 3,500 SF total footprint) shall exceed 2,000 SF. Largest actual massing element proposed is 1,873 SF - complies.

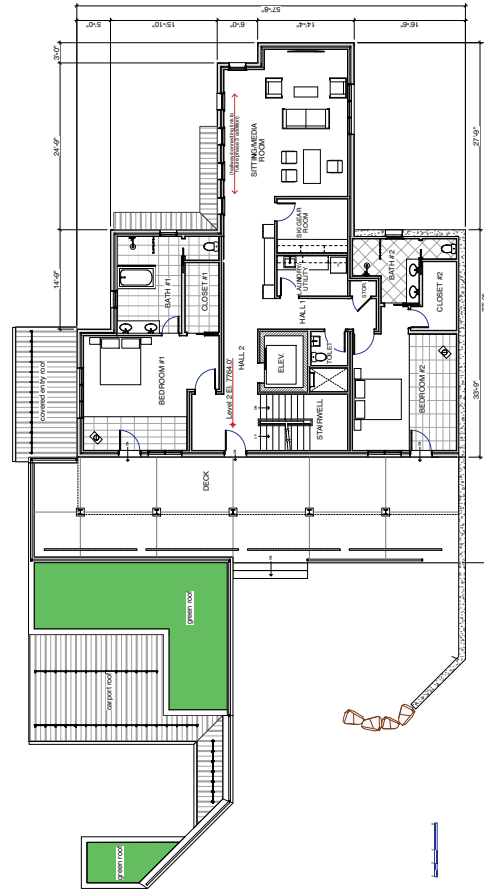
Calculation	Value
Phase 2 Addition	2,617 SF
Phase 3 Addition	883 SF
Total	3,500 SF

- REFERENCE GENERAL NOTES:**
1. MAXIMUM ALLOWABLE FOOTPRINT AS CALCULATED PER PLAT - 1,800 SF. (SEE PLAT NOTE #1)
 2. MAXIMUM ALLOWABLE FOOTPRINT AS CALCULATED PER PLAT - 2,000 SF. (SEE PLAT NOTE #2)
 3. EXISTING GRADE AND VEGETATION TO REMAIN TO SCREEN VISIBILITY FROM OLD TOWN (SEE PLAT NOTE #2).
 4. MAXIMUM ALLOWABLE FOOTPRINT AS CALCULATED PER PLAT - 3,500 SF. (SEE PLAT NOTE #1).
 5. EXISTING GRADE AND VEGETATION TO REMAIN TO SCREEN VISIBILITY FROM OLD TOWN (SEE PLAT NOTE #2).
 6. MAXIMUM ALLOWABLE FOOTPRINT AS CALCULATED PER PLAT - 2,000 SF. (SEE PLAT NOTE #2).
 7. MAXIMUM ALLOWABLE FOOTPRINT AS CALCULATED PER PLAT - 3,500 SF. (SEE PLAT NOTE #1).
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 20. EXISTING GRADE AND VEGETATION TO REMAIN TO SCREEN VISIBILITY FROM OLD TOWN (SEE PLAT NOTE #2).

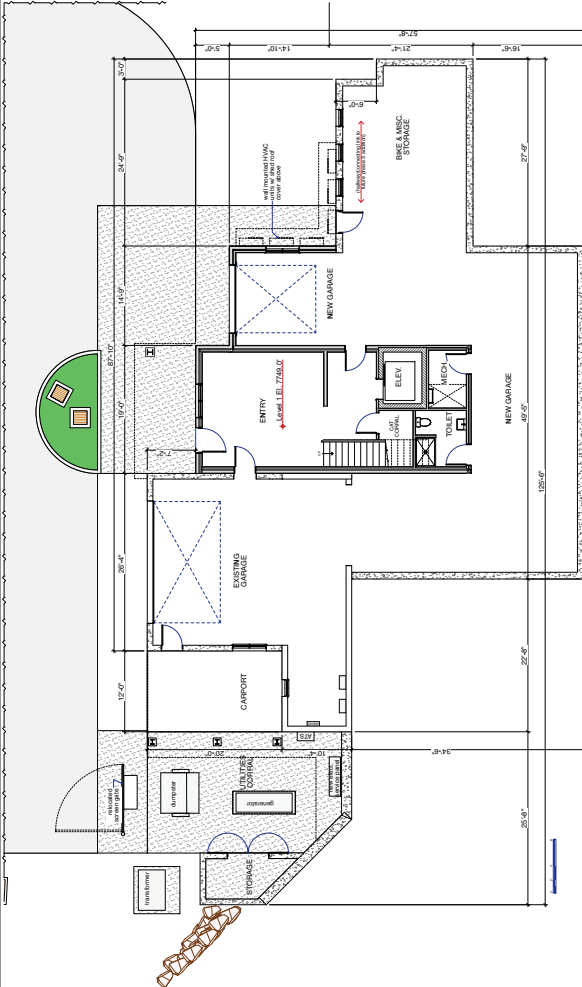
D3 SITE PLAN
SCALE: 1" = 20'



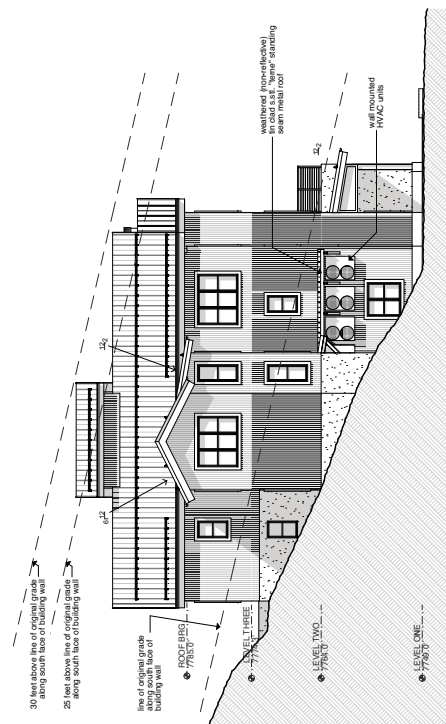
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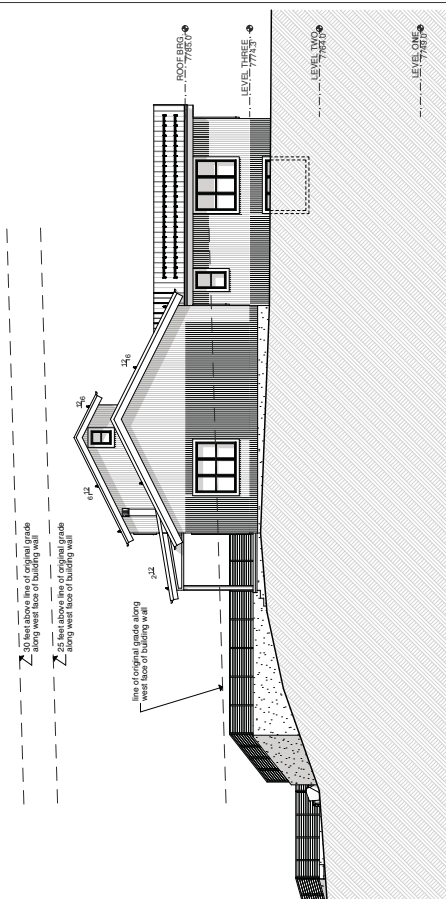
B1 LEVEL ONE PLAN
SCALE: 1/8" = 1'-0"



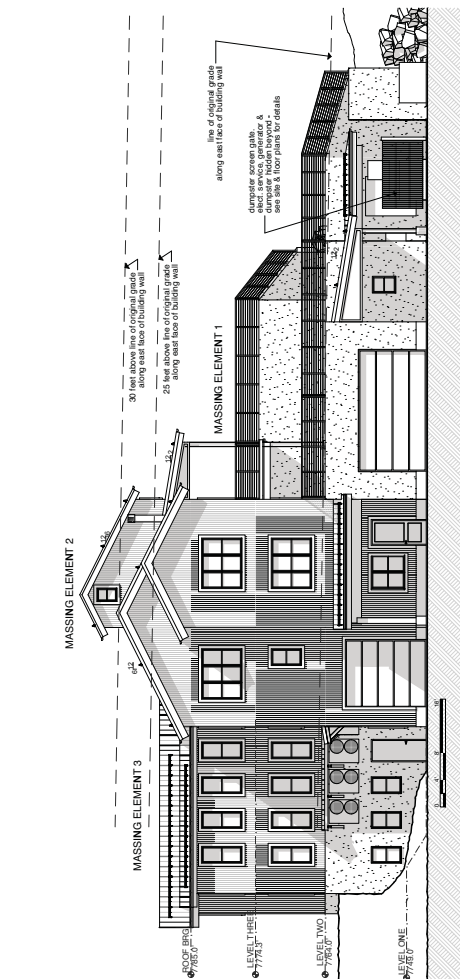
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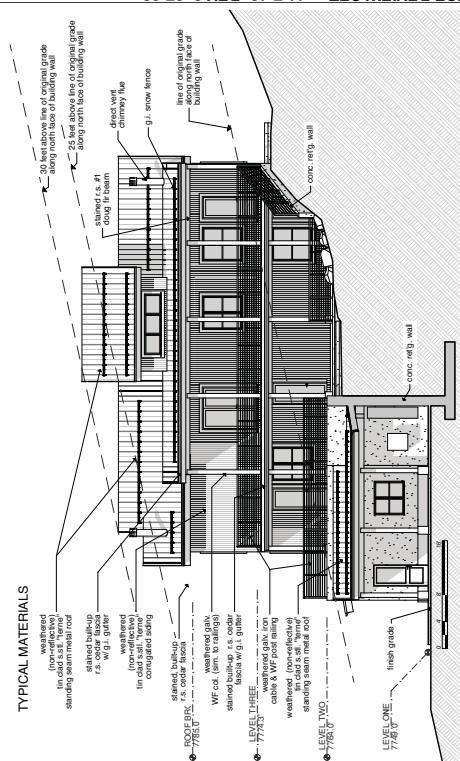
B1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



B3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



D1 EAST ELEVATION
SCALE: 1/8" = 1'-0"



D3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

CONDITIONAL USE REVIEW SET - 11-7-19, REV 2-27-20

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PROJECT: 19-05
DATE: 11.7.19
REVISIONS:
1-020: 2-5-20,
2-07-20



DAVE RICHARDS ARCHITECTS INC.
1399 South 700 West, Suite 1740 P.O. Box 520064
Salt Lake City, Utah 84152-0064
email: dave@dave-richards.com
tel: 801.466.1399



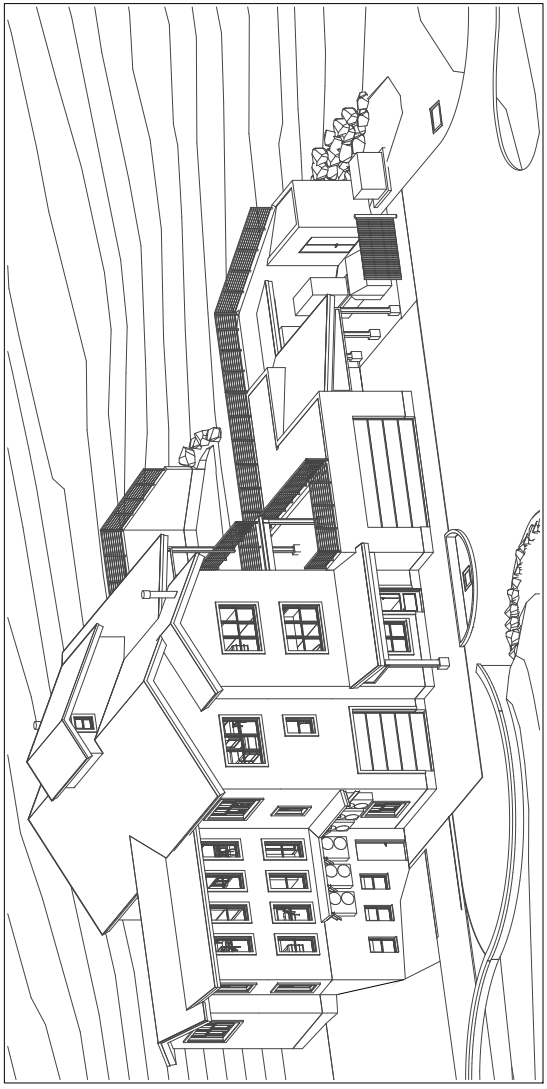
445 KING ROAD, PARK CITY, UTAH

SWEENEY RESIDENCE - PHASE 2

CU-105

CONDITIONAL USE REVIEW SET - 11-7-19, REV 2-27-20

EXTERIOR MASSING STUDIES



B1 AERIAL VIEW FROM SOUTHEAST (MASSING)
NOT TO SCALE



APPROXIMATE BUILDABLE ENVELOPE
FOR FUTURE PHASE 3 ADDITION.
DEVELOPMENT SUBJECT TO THE
RESTRICTIONS ON THE PLAT

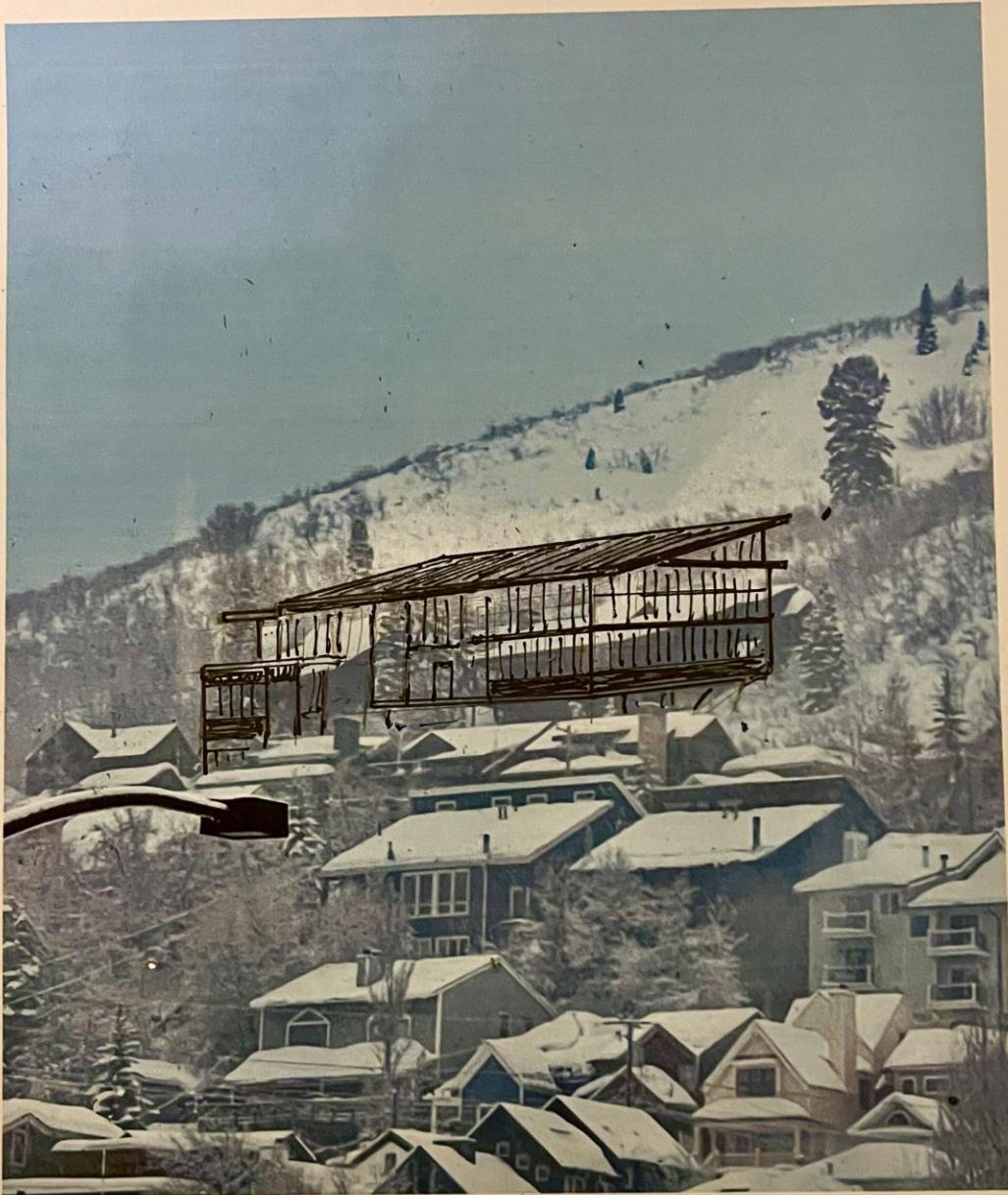
D1 AERIAL VIEW FROM EAST (W/ PHASE 3 ADDITION)
NOT TO SCALE

Wednesday, February 14, 2024, 3:14 PM

Rebecca

I noticed the Prince rendering of his proposed house. It is completely misleading! There is no way it is that low to the ground. We know he's asking for an additional 18.5 feet higher than code. We can assume when Mr. Sfire built his 2 homes, he built to the permitted height, everyone dose. So if you add 18.5 feet to Sfire's height, it would be noticeable. Below are 3 photos: #1 is a photo where I have sketched a dwelling 18 feet higher than the Sfire's 2 houses, and the approximate width which Prince is proposing. #2 is Prince's fudged rendering. And #3 is a regular photo of the Sfire dwellings:

FR = Flat roof
E = Front edge
RA = Roof Angle
RT = Roof top



SE
RT
FE
FR

FR
RT
SE
FE
FR

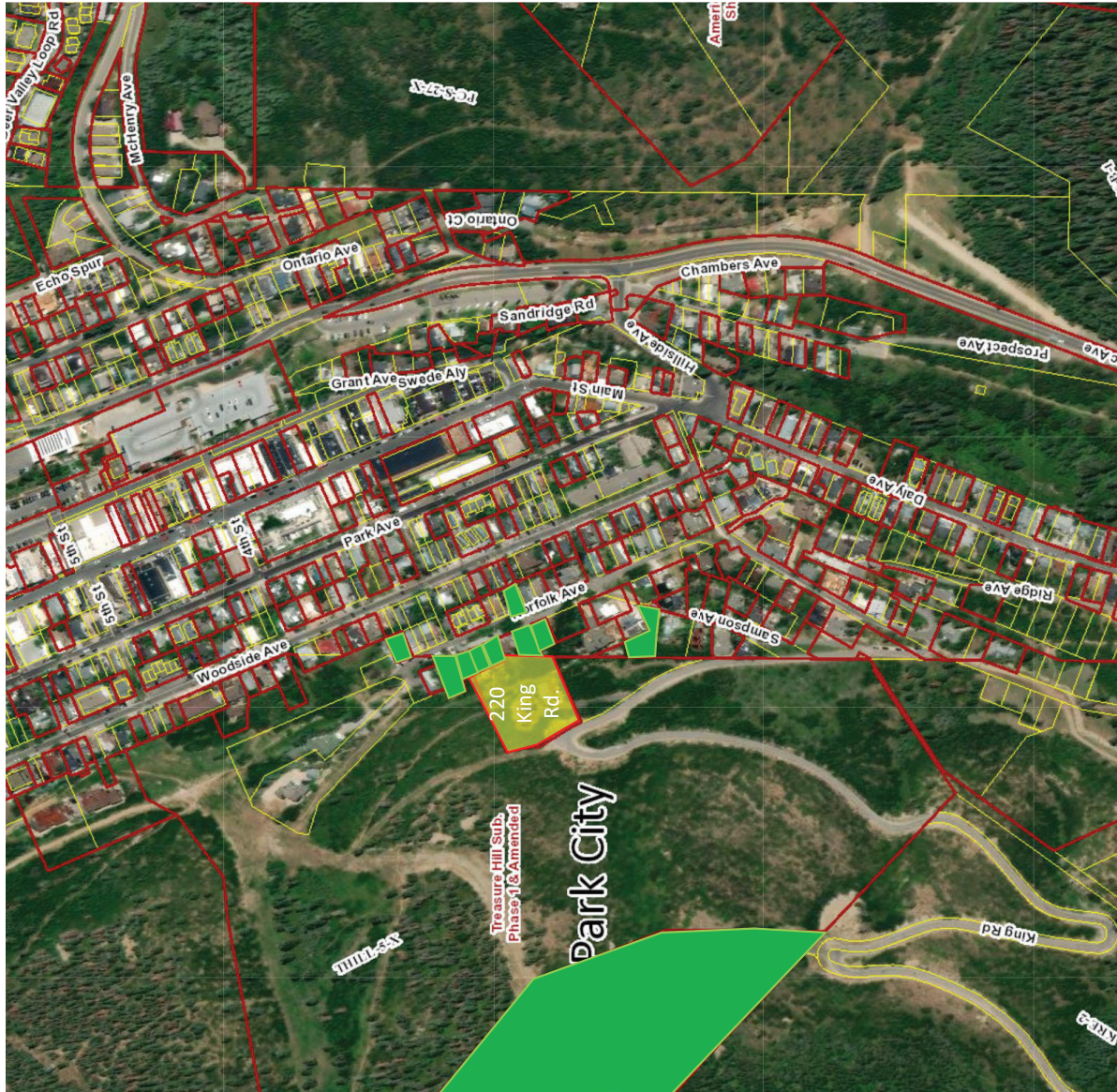




Please make the comparisons. Or have a non partisan professional make an accurate sketch/comparison, because Prince's rendering is intentionally misleading!

This project, even with the non-coverage from the Park Record, the people of Park City are catching wind of what is going on, and they are outraged! If somehow Prince prevails, the reaction will be seismic!

Kind Regards,
John Vrabel



Properties that
have submitted
letters of support





October 20, 2022

To: Park City Planning Commission
Via: Alexandra Ananth, Park City Planning Department

Dear Commissioners,

I write to you in support of Matthew Prince's plans for his family's property at 220 King Road. This new structure draws significant inspiration from Park City's largest, and most prosperous, mining operation. More importantly the Silver King Mine complex buildings that have inspired Mr. Prince and his architect's plans still remain standing and visible to all who hike, bike, or ski near them - though these structures are not visible from downtown as this new structure would be.

We at the Park City Historical Society and Museum operate under a mission to preserve, protect, and promote Park City's history and heritage. Our mining history is integral to our work and is the primary content of our tours, lectures, and hikes. This architectural example will serve as an obvious point of reference for us to educate our visitors and interpret our mining legacy.

Mr. Prince understands and appreciates our Park City history more than most. This homage to our incredible mining past is not only an improvement to the city skyline (in comparison to what currently stands at this property) but is also environmentally friendly and meets the requirements laid out in our local building code.

I was excited to learn about this project due to its potential and its intent. I trust others will be just as enthusiastic.

Sincerely,

Morgan Pierce
Executive Director

Alexandra Ananth

From: Monday, August 29, 2022 1:00 PM
Sent: Alexandra Ananth
To:
Subject: [External] 220 King Road
Categories: Red Category

[CAUTION] This is an external email.

This is Jeff and Debbie Brabender. We are long-time, year-around residents at 283 Norfolk Avenue and neighbors of 220 King Road. As you are aware, the Prince family is pursuing a redesign and rebuild of 220 King Road and are seeking approval from the planning commission. The purpose of our sending you this email is to inform the building department and planning commission that we are aware of the proposed design and believe it will contribute positively to the neighborhood and our broader community. We encourage the city planners to allow this project to move forward as proposed.

For more than a decade the existing two homes on 220 King Road have been nightly rentals that are within our close visual and aural range. From our perspective, it will be nice to see these two nightly rentals converted to a single family home that will be owner-occupied by full-time residents who love their community.

Again, we encourage your commission to approve the proposed build. If you have any questions, please contact Debbie or myself via email, or text/call

Regards,
Jeff and Debbie Brabender

Alexandra Ananth

From: Janet Holland
Sent: Monday, August 29, 2022 12:01 PM
To: Alexandra Ananth
Subject: [External] 220 King Road

[CAUTION] This is an external email.

Hi Alexandra. My name is Janet Holland and I live at 226 Norfolk Ave. I understand that the owners of 220 King have submitted plans and I wanted to let you know that I am supportive of their intent to rebuild a single-family home on their property. I know there's some issue with the property being partially used for nightly rentals. We do not have an issue if they want to make a change with that. Matthew and Tatiana Prince are good neighbors and I trust that they will do something that is aesthetically pleasing to their neighbors and to the community. If you have any questions or want to reach out, feel free. Warmly, Janet Holland

Alexandra Ananth

From: Jessica Davis Mills
Sent: Monday, August 29, 2022 10:50 AM
To: Alexandra Ananth
Subject: [External] 220 King Road - Support from Owner of 261 Norfolk Ave

[CAUTION] This is an external email.

Ms. Ananth:

I represent the owner of 261 Norfolk Ave (held in Twinkle Weasel Mountain LLC). 261 Norfolk Avenue shares a property border with 220 King Road.

My client, the owner of 261 Norfolk Avenue, has reviewed and is supportive of the plans for 220 King Road, including eliminating it as a nightly rental, converting it into a single-family home, and honoring the historic architectural heritage of the community.

The owner of 261 Norfolk Avenue encourage the Planning Commission to approve the requested amendments to the 220 King Road plat.

Regards,
Jessica

Jessica Davis Mills
Senior Counsel

Alexandra Ananth

From: Scott M. McCullough
Sent: Monday, August 29, 2022 9:32 AM
To: Alexandra Ananth
Cc: Chelsea Plumhof
Subject: [External] 220 King Road Park City Utah

Categories: Red Category

[CAUTION] This is an external email.

Alexandra,

My name is Scott M. McCullough. I am an attorney in Salt Lake City. I represent the owners of 233 Norfolk Avenue which shares a property border with 220 King Road. The owners of 233 Norfolk Avenue have reviewed and are supportive of the plans for 220 King Road, including eliminating it as a nightly rental, converting it into a single-family home, and honoring the historic architectural heritage of the community. The owners of 233 Norfolk Avenue encourage the Planning Commission to approve the requested amendments to the 220 King Road plat.

Please let me know if you have any questions or if I can be of further assistance.

Best,

Scott M. McCullough | The McCullough Group

Alexandra Ananth

From: Maggie Perks
Sent: Sunday, August 28, 2022 10:57 PM
To: Alexandra Ananth
Cc: Ed Perks
Subject: [External] 220 King Road

[CAUTION] This is an external email.

Dear Ms. Ananth,

We are writing to express our support for the plans that our neighbors, Matthew and Tatiana Prince, have for 220 King Road. Our home is on Upper Norfolk Avenue, and their property is adjacent to ours. We have reviewed the plans and trust that the permanent residence they are proposing to build will enhance the property, and we appreciate that the plans purposefully honor the area's historic mining past.

The Princes have long-standing ties to Park City, and we would like to encourage the Planning Commission to support them and their exciting project.

Respectfully,
Maggie and Ed Perks

Alexandra Ananth

From: Ben Dahl
Sent: Sunday, August 28, 2022 9:26 PM
To: Alexandra Ananth
Subject: [External] 220 King Road Replat
Categories: Red Category

[CAUTION] This is an external email.

Alexandra,

My understanding is that the owners of 220 King Road are in front of the Planning Commission on August 29th for a requested replat. We are the owners of 30 Sampson Ave, which nearly abuts the property of 220 King Road. Our ski easement in fact runs through that property. We have had the opportunity to meet and review the plans for their home. For the reasons outlined below, we support the replat.

When we reviewed the plans for their house, we could not help but see the echoes of some of the old mining buildings on the mountain. The planned new structure is much more in keeping with the character of Park City than the current houses. Those old residences feel wholly independent of the unique heritage of Park City.

Matthew has longstanding connections to the Park City community and has always appreciated its unique mining history and the quirkiness & charm that it affords the whole community. The planned residence is evocative of that past. In addition, Matthew and Tatiana are long term residents that deeply care about the Park City community and all that it means to us all.

One additional small item of note, we think it is in the best interests of the neighborhood for 220 King Road to be a permanent residence as opposed to one used for occasional nightly rentals. Given the perch on the hillside, we also think wildfire prevention will be more fulsome with it being a full-time residence rather than being rented on a nightly basis. Given that we are right below that residence, we would feel vastly better with the improvements and supervision that would come with its transition.

In summary, we urge the Planning Commission to approve the replat. Please do not hesitate to contact us with any questions regarding our support.

Sincerely,
Ben & Erica Dahl

From: [John Holland](#)
To: [Alexandra Ananth](#)
Subject: [External] 220 King Road
Date: Sunday, August 28, 2022 9:45:16 AM

[CAUTION] This is an external email.

Alexandra – my name is John Holland and I live at 226 Norfolk Avenue with my wife Janet. We have talked with the owners of 220 King (Matthew and Tatiana Prince) and seen their plans for a new home. I am supportive of their request to rebuild a single family home on the property and convert it from a part-time rental property to a residence. Matthew Prince is a long term Utah resident who grew up here and has the community's interest in mind. He and Tatiana have been a great addition to the neighborhood. The plans for he and Tatiana's house appear to be in keeping with the mining tradition of Park City and will replace two dwellings that look both dated and out of sync with Park City. I encourage the Planning Commission to approve their project.

Best, John Holland

From: Joel Preston
To: Alexandra Ananth
Subject: [External] Proposed changes to 220 King
Date: Sunday, August 28, 2022 6:54:45 AM

[CAUTION] This is an external email.

Dear Sirs,

Carol and I are residents of 314 Norfolk Ave, Park City, UT. We know the owners of 220 King Road and totally support the rebuilding of the property as a single family home. The Prince's are very active in the community and will work for a better Park City both past and present. Carol and I strongly encourage the Planning Commission to approve the proposed changes to 220 King.

Thank you,
Carol O'Donoghue
Joel Preston

From: Mark Bernstein
Sent: Wednesday, February 7, 2024 7:59 PM
To: alexandra.ananth@parkcity.org

Subject: Support for 220 King Project

Alexandra -

My family owns and spends a great deal of time at our home located at 263 Norfolk Avenue. Our home is adjacent to the 220 King property that is currently the subject of discussion involving proposed redevelopment by Matthew and Tatiana Prince). We know Matthew and Tatiana and are aware of their plans for 220 King. We support these plans and look forward to the conversion of a part-time rental property to a single family residence. Further, we are familiar with the architectural plans for 220 King and think this new residence will be a welcome addition to our "neighborhood" in particular and community more generally.

Importantly, Matthew and Tatiana are thoughtful, responsible and engaged members of the Park City community (Matthew grew up in Park City and has returned to make Park City his home). The project at 220 King reflects their commitment to our town.

Please do not hesitate to contact me if you would like to discuss our strong support for this project in greater detail.

Sincerely,
Mark Bernstein
Rachel Bendit

From: Greg Grimme
Sent: Friday, February 9, 2024 7:00 AM
To: alexandra.ananth@parkcity.org
Subject: Matthew and Tatiana Prince (220 King Project)

Alexandra,

Let me introduce myself. I along with my wife Viki are the owners of 221 Norfolk Ave located in Old Town. We are also neighbors of Matthew and Tatiana Prince, the owners of 220 King which is located directly above our home.

Matthew has shared his plan to remove 2 existing homes and replace with 1 single family home. We have no concerns and in fact have no doubt that the Prince's plan will not only have a positive impact for our immediate neighborhood but also Park City and the county as well . This project will obviously be a very significant investment by the Prince's and we applaud their continued commitment and support to the Park City community.

I am available if I can provide any further information or assistance.

Regards,

Greg Grimme (PC221, LLC)

February 8, 2024

Rebecca Ward, Planning Director
Alexandra Ananth, Senior Planner
Caitlyn Tubbs, Historic Preservation Senior Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060
Re: 220 King Road Plat Amendment, Conditional Use Permit, and Steep Slope
Conditional Use Permit

Dear Rebecca, Alexandra, and Caitlyn,

This letter follows my previous two letters dated January 24, 2024, and February 1, 2024, copies of which are appended immediately below for convenience. Regarding the Application and the relevant Staff Report, I want to specifically address further No. 3 in the second letter. Please provide a copy of this letter to the Planning Commission and put a copy in the related public comments.

The Staff Report states, "the LMC also limits interior Building Height to 35 feet.⁸ The Planning Department calculates the interior Building Height at 53.5 feet as measured from the lowest finish floor plane to the top of the topmost wall plate." The relevant footnote cites "§ 15-2.2-3" of the LMC. We believe there is a typo and it should be § 15-2.2-5, as -3 talks about "Lot and Site Requirements" and -5 "Building Height." When searched, the only reference to "thirty five feet" in the LMC is found in 15-2.2-5. 15-2 is specific to the HRL, Historic Residential-Low Density zone. 220 King Road is not in this zone. 220 King Road is in the HR-1 zone on the current website plat map. There is no such restriction in the HR-1 zone. Regardless, the correct zone for 220 King Road is HR-1 / MPD, a zone peculiar to the Sweeney Properties Master Plan, adopted unanimously by the City Council on August 2, 1990. In the associated staff report dated August 1, 1990, Suzanne McIntyre, Project Planner, states: "The Master Plan was approved after considerable study of more than eight different development scenarios for the area and numerous concepts for each of the smaller development parcels within the area. The Plan spells out the densities and development parameters for each of the parcels, and includes a provision that each be zoned according to the Master Plan." She goes on to state: "The Planning Staff believes the requested rezones are consistent with the approved Master Plan, and that they help formalize the agreement between MPE Inc. and the citizens of Park City." See attached Exhibit G.

Page 1

PO Box 2429, Park City, Utah 435-901-2077 psbro23@mac.com

Simply put, there is no interior building height restrictions. History bears this out in the Master Plan, the associated HR-1 and Estate / MPD zones, the resulting plat notes, small scale master plan / CUP approvals that have followed these, and in the structures built to date on Lots 2, 3, 4, 5, 6, and 7. As an example, the green house built on Lot 3 located off Upper Norfolk in the late nineties has a basement located completely below reestablished grade and a maximum height from finished floor to highest top plate of approximately 55 feet. This allows a functional connection between multiple levels on a steep slope and creates very valuable below grade space. This space makes life better for the owners and their guests. At the same time, such functional space located underground is less impactful than similar space above ground. Parking underground, in particular, helps keep vehicles off adjacent streets. The only thing that nearby neighbors experience regarding this space and similar space located on Lot 4, the white house, is the open space and public ski runs and bike trails serving upper Old Town which surround these homes.

Sincerely,

Pat Sweeney

Manager of Sweeney Land Company LLC
President MPE INC
Manager Brothers III LLC
Personally for Mike, Pat and Ed Sweeney

cc: Matt Dias, Mark Harrington, Margaret Plane, Matthew Prince, Heinrich Deters,
Chick Hill

January 24, 2024

Rebecca Ward, Planning Director
Alexandra Ananth, Senior Planner
Caitlyn Tubbs, Historic Preservation Senior Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060
Re: 220 King Road Plat Amendment, Conditional Use Permit, and Steep Slope
Conditional Use Permit

Dear Rebecca, Alexandra, and Caitlyn,

As you know, I reached out to Matt Dias, City Manager, a couple of days ago and was directed to you to air my concerns regarding the 220 application specifically with respect to the draft staff report. I appreciate the opportunity to talk with Rebecca that day and to meet with the three of you yesterday to explain those concerns. This is the brief letter I mentioned regarding those concerns generally. I will followup with specifics.

No word can better explain how the Sweeney entities and the three brothers personally (together "Sweeneys") feel about the Master Plan than the term "master" meaning "CONTROLLING" and "most important." We are currently fully engaged with Heinrich Deters, Trails and Open Space Manager, in a two year plus process to further protect the open space on Treasure Hill from being eroded over time. The 42 acre Lot 5 is part of this open space. The Sweeneys are equally passionate about preserving rights related to the 7 single family lots, Lots 1, 2, 3, 4, 6, 7, and 8, regarding the owners having the right to build and enjoy large homes on these. The open space would not exist with out the single family lots and visa versa. Both need to be respected equally.

The Sweeneys look forward to sharing our thoughts with the Planning Commission directly when procedurally appropriate. Please put this letter in the comments.

Sincerely,


Pat Sweeney

Manager of Sweeney Land Company LLC
President MPE INC
Manager Brothers III LLC
Personally for Mike, Pat and Ed Sweeney

cc: Matt Dias, Matthew Prince, Heinrich Deters, Chick Hill

PO Box 2429, Park City, Utah 435-901-2077 psbro23@mac.com

February 1, 2024

Rebecca Ward, Planning Director
Alexandra Ananth, Senior Planner
Caitlyn Tubbs, Historic Preservation Senior Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060
Re: 220 King Road Plat Amendment, Conditional Use Permit, and Steep Slope Conditional Use Permit

Dear Rebecca, Alexandra, and Caitlyn,

This letter contains more specifics promised in my previous letter dated January 24, 2024, copy attached immediately below, regarding the pending 220 applications (together "Application") and the relevant Staff report ("Staff Report"). It is separated into one general comment followed by 7 specific comments.

General. Park City Municipal Corporation ("City") in effect entered into a contract with the Sweeneys which contract can't be changed with subsequent zoning, irrelevant codes, or other concerns which in effect lays waste to the contract. Tom Clyde, City Attorney, said in a letter to Ed Sweeney dated June 26, 1985: "Having filed your development proposal and paid the fees with the Planning Department, your zoning rights with respect to this particular project and application are vested under the existing zoning and would not be affected by subsequent zone changes." Joel Paterson, Project Planner, referred to the process in a letter to Pat Sweeney dated July 18, 1985 as a "contract zone." The first recorded plat notes concerning the Sweeney Properties Master Plan (historically "SPMP"; in the Staff Report "Sweeney MPD"; also "Master Plan") conclude on Page 3 with: "9. PRECEDENCE: The above special restrictions are consistent with the Sweeney Master Plan approved by the Park City Municipal Corporation on October 16, 1986 and as subsequently amended on October 14, 1987 and December 30, 1992. Final house design shall be reviewed under the Small Scale Master Plan Process in accordance with the Sweeney Master Plan." This language is repeated three times in ensuing years with respect to amendments and the platting of Lots 6, 7, and 8. The common accepted meaning of "in accordance with" is "IN AGREEMENT WITH, in conformity with, in line with, commensurate with, in compliance with, true to, in fulfillment of, in obedience to, in the spirit of, following, honoring, heeding, observing." See attached Exhibits A-C. *Simply put, the City can't reduce the amount of use expected from the Sweeney MPD terms and related plats for the 7 single family lots, Lots 1, 2, 3, 4, 6, 7, and 8 and the Sweeneys can't reduce the amount of open space in Lot 5 nor the amount of deed restricted open space in Lot 8.*

1. The Sensitive Land Overlay zone ("SLO") does not apply to the Application. According to the minutes of the Planning Commission Meeting of August 11, 2004, page 25, concerning an application for the un-platted portion of the Sweeney MPD located on Treasure Hill at the time: "Commissioner O'Hara asked if the Sensitive Lands Ordinance applies to any portion of this review. Director Putt replied that the SLO does not apply specifically to this application." In the staff report, dated June 8, 2016, Page 52, related to the same application, Francisco Astorga, Senior Planner says: "Project predates the SLO therefore SLO does not specifically apply in terms of a density determination and site suitability analysis." See attached Exhibits D and E.
2. Historic District Guidelines at the time of the Sweeney MPD approval emphasize historic proportions and materials, avoiding replication, and the design being a contemporary expression. The Application accomplishes this. There are no further essential requirements. Regarding scale, the size of the single family homes were clearly expected to be larger than nearby historically small Park City homes. In subsequent Historic District review processes and related approvals scale difference was bridged in and structures subsequently built on Lots 3, 4, 6, 7, and 8 with comparisons to larger historic buildings in scale such as schools, churches, and boarding houses, and mine structures, for example, the Silver King Mine. As recently as April 20, 2020 this approach was deemed acceptable for an addition on Lot 8 with the staff report finding on Page 53 "substantial compliance with the intention of the Historic District Design Guidelines" and the Planning Commission approving the CUP finding the design on Page 3 "to substantially comply with LMC 15-13-8." See attached Exhibit F containing the staff report and Planning Commission CUP approval.
3. Interior space limitations don't exist regarding the intent and letter of the Master Plan, related plats and approvals. Explained further, the application of more restrictive codes in the Staff Report contradicts statement of the City attorney at the time of initial MPD application and the initial Project Planner who characterized the process as a contract. Simply put, interior space limitations don't exist. This is demonstrated by existing approvals on Lots 3, 4, 6, 7, and 8 and resultant construction which includes access exceptions, space that does not count against the 3,500 square feet footprint, and basements without limitations. See attached Exhibit F for a recent example on Lot 8.
4. With respect to lot restrictions, the application complies with the 3,500 square feet footprint and 30 feet height restriction for sloped roofs. This is demonstrated by the existing approvals on Lots 3, 4, 6, 7, and 8 and resultant construction under the same restrictions. Site access improvements, underground parking, and underground occupied space do not count against the 3,500 square feet footprint. This is demonstrated by the existing prior approvals on Lots 3, 4, 6, 7, and 8 and resultant construction. Access improvements and parking located outside of the 3,500 square feet footprint minimize impacts on adjacent

streets and neighbors and provide fire and safety access. The effectiveness of these types of improvements, in this regard, has been demonstrated on Lots 3, 4, 6, 7, and 8 over many years. See attached Exhibit F for a recent example on Lot 8.

5. There is good cause for the plat amendment and clarification notes. With respect to the 3,500 square feet footprint, these notes are consistent to similar clarifications provided on the more recent plat for Lot 8 and are consistent with existing prior approvals on Lots 3, 4, 6, 7, and 8, application of the notes, and resultant construction. The proposed Building Area Limits adjustment (which includes less area) makes sense for a more functional design and is consistent with similar plat amendments approved for Lots 3, 4, and 8.

6. The accessory space located uphill of the main house elements is below preexisting grade and has deck or landscaping above. It is consistent with similar space recently approved and constructed on Lot 8 which was not counted against the 3,500 square feet footprint. See attached Exhibit F for a recent example on Lot 8.

7. All reasonably anticipated impacts have been mitigated.

Because of the above and other thoughtful design details, the Application merits approval.

The above comments reflect how we have lived with the Master Plan for almost 40 years. There is no legitimacy in using the Application to reinvent the Master Plan terms. Rather, the Application should reaffirm its terms.

The Sweeneys look forward to sharing the above with the Planning Commission directly when procedurally appropriate. Please provide a copy of this letter to the Planning Commission and put a copy in the related public comments. The following link contains the Exhibits A through F: <https://www.dropbox.com/scl/fo/kkxb7qjhcq3ep5cpvb4f/h?rikey=ejzhktdltmhnbyaj6ux1tcsy4&dl=0>

Sincerely,


Pat Sweeney

Manager of Sweeney Land Company LLC
President MPE INC
Manager Brothers III LLC
Personally for Mike, Pat and Ed Sweeney

cc: Matt Dias, Mark Harrington, Matthew Prince, Heinrich Deters, Chick Hill

Page 3

PO Box 2429, Park City, Utah 435-901-2077 psbro23@mac.com

PARK CITY PLANNING DEPARTMENT
STAFF REPORT

TO: PLANNING COMMISSION
FROM: PLANNING STAFF *mm*
DATE: AUGUST 1, 1990
Re: SWEENEY MPD REZONES

=====

I. PROJECT STATISTICS:

Applicant:	MPE Inc.
Project Address:	Hillside West of Historic Dist.
Request:	Rezones Consistent w/MPD
Zoning:	As Described Below
Adjacent Land Uses:	Open Space, Historic Residential
Date of Application:	April 30, 1990
Date of Staff Report:	July 27, 1990
Project Planner:	Suzanne McIntyre
Staff Recommendation:	FORWARD A POSITIVE RECOMMENDATION

II. BACKGROUND INFORMATION:

The Sweeney Master Plan was approved by the City Council in October, 1986. The Master Planned area involves 125 acres of the hillside adjacent to the Historic District and the Park City Ski Area, to the west of the Main Street area.

The Master Plan was approved after considerable study of more than eight different development scenarios for the area and numerous concepts for each of the smaller development parcels within the area. The Plan spells out the densities and development parameters for each of the parcels, and includes a provision that each be zoned according to the Master Plan. Those zones are described below.

This request is being processed concurrently with MPE's request to subdivide two of the single family development parcels: the King Road 2-Lot Single Family Subdivision, and the Upper Norfolk 2-Lot Subdivision. The subdivisions are being reviewed in a separate Staff Report and are not directly tied to this request for the rezones.

III. PROJECT DESCRIPTION:

The requested rezones are for the following parcels:

SWEENEY MPD REZONES
page 2

1. HILLSIDE PARCEL: 109 acres
Current Zoning: Estate
Proposed Zoning: Recreation Open Space
2. UPPER NORFOLK SINGLE FAMILIES: 2 SFUs
Current: HR-1
Proposed: HR-1 - MPD
3. KING ROAD SINGLE FAMILIES: 2 SFUs
Current: HR-1
Proposed: HR-1 - MPD
4. 5TH STREET SINGLE FAMILIES: 2 SFUs
Current: HR-1
Proposed: HR-1 - MPD
5. SHEEN SINGLE FAMILY:(adjacent
to the Rush Bed & Breakfast) 1 SFU
Current: HR-1
Proposed: HR-1 - MPD
6. TOWN LIFT MIDSTATION: 3.75 acres
39 Unit Equivs
35.5 ues hotel/condominium
3.5 ues support commercial
Current: HR-1
Proposed: Estate - MPD
7. CREOLE GULCH: 7.75 acres
177 Unit Equivs
161.5 ues hotel/condominium
15.5 ues support commercial
Current: Estate
Proposed: Estate - MPD
8. COALITION WEST: .543 Acres
(SW Corner of 8th St.
& Park Ave.) 16 Unit Equivs
hotel/condo/commercial
Current: HRC
Proposed: HRC - MPD
9. COALITION EAST: 1.157 acres
(East Side of Park
Ave. at 8th St.) 40 Unit Equivs
hotel/condo/commercial
Current: HRC
Proposed: HCB - MPD

IV. ISSUES FOR DISCUSSION:

The Planning Staff believes the requested rezones are consistent with the approved Master Plan, and that they help formalize the agreement between MPE Inc. and the citizens of Park City. In addition, MPE Inc. and the City Attorney are working on an agreement or some form of conservation easement which will guarantee the ROS Hillside Area remain as open space in perpetuity.

PUBLIC INPUT STATEMENT: The Planning Staff has received numerous phone calls from people requesting information, but no specific comments.

V. STAFF RECOMMENDATION:

The Planning Staff recommends that the Planning Commission forward a POSITIVE recommendation to the City Council on the requested rezones.

Mr. Olch stated that this will be taken under consideration this winter when golf rates are reviewed.

III PUBLIC HEARINGS

1. FY 1990-91 final budget and certified tax rate - The Finance Director explained the budget review process and the requirements for adoption. Council adopted a tentative budget in June which included a \$206,000 increase. A "tax increase" is defined as an increase from the previous year in dollars from tax revenues. Property owners have been notified by the county regarding the proposed tax rates. The modifications in the tentative budget include an increase of \$6,927 reflecting the property taxes from Wasatch County, adjustments in the revised pay plan, and transfers in the City and MBA budgets to reflect the \$1.1 water/property transaction.

Kent Parker explained that the taxing jurisdictions include the School District, Weber Water Basin, Summit County, Fire District, Sewer District, and the City. The City's portion of the tax assessment last year was 27.5% and the proposed tax rate for FY 90-91, the City's portion will decrease to 26.1%. Property taxes primarily fund debt service (17.7%) and the balance to the general operations of the City (82.3%). Last year the tax rate was .004872; the proposed rate is .004783, which is 1.8% less than FY 89-90. The Finance Director discussed the practice of bonding for delinquent property taxes over the years. Because collection has increased, funding from this source will not be available and Mr. Parker noted the 4% inflation rate all contributing to the recommendation to adopt this budget for the additional \$200,000.

Teri Whitney - Snowflower Condominium manager, stated her confusion with the verbiage in the legal notice.

Kent Parker clarified that the School District is the only jurisdiction that has a rate increase from the prior year. The Finance Director agreed that the notice indicates an 18.6% increase, however, of that 18.6%, 63% was from new growth which the City would receive anyway without a tax increase. He also noted that taxes will be affected by increases in assessed valuations.

With no further comments or questions, the public hearing was closed.

2. Rezone portions of the Historic District; specifically 109 acres of hillside on Treasure Mountain from Estate to Recreation Open Space and several development parcels. Specifically; two Fifth Street single family lots from HR1 to HR1-MPD; and two upper Norfolk (approximately 400 Upper Norfolk) single

family lots from HR1 to HR1-MPD; and two King Road (approximately 200 King Road) single family lots from HR1 to HR1-MPD; and one Lower Norfolk Avenue (approximately 700 Lower Norfolk) single family lot from HR1 to HR1-MPD; and a 3.75 acre condominium/commercial lot at the Town Lift Midstation from HR1 to Estate-MPD; and a 7.75 are hotel/condo/commercial lot at the Creole Gulch site from Estate to Estate-MPD; and a .543 acre hotel/condo/commercial lot at the Coalition West Site at approximately 775 Park Avenue from HRC to HRC-MPD; and a 1.57 acre hotel/condo/commercial site at approximately 770 Park Avenue from HRC to HCB-MPD - Suzanne McIntyre reported that the Sweeney Master Plan was approved in October 1986 and involves 125 acres of a hillside, commonly referred to as Treasure Mountain. The Master Plan was approved after extensive study of numerous concepts and spells out the densities and development parameters for each of the parcels and includes a provision that each be zoned according to the Master Plan. This request is being processed concurrently with a request for two two-lot single family subdivision. The subdivision plats were preliminary approved by the Planning Commission on August 8 and final plat approval is pending.

Ms. McIntyre described the nine development areas by illustration of a map, more specifically detailed in the heading. The rezones are essentially attaching master plan designations to the subject sites which would require a more thorough review process. The Planning Commission has forwarded a positive recommendation.

Jim Tatora - Stated his concern with changing the zoning in Old Town for development.

Jim Carter reiterated that the MPD designation is a more restrictive zone providing the City will more control. With no further comment, the public hearing was closed.

IV MINUTES OF MEETING OF AUGUST 2, 1990

Jim Santy, "I move approval". Ruth Gezelius seconded.
Motion unanimously carried.

V COMMUNICATIONS FROM COUNCIL AND STAFF

1. MBA acquisition - Jim Carter reported that the acquisition of 350 acre feet of water, property, and vehicles closed last week. The Legal Department is in the process of preparing a change application to allow the City to use the newly acquired water right in the Treasure Mountain Middle School Well.

2. Initiative Petition finding - The City Attorney continued that the Utah Supreme Court affirmed the City Recorder's

to call-up the approval action of the Planning Commission last night on Lots 16 and 17 in Evergreen Subdivision, 6774 and 6808 Silver Lake Drive for the purpose of discussion of set-backs and scale of neighborhood". Ray Johnson seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Ray Johnson	Aye
Bob Richer	Nay
Jim Santy	Aye

VI REPORTS FROM COMMISSIONS AND BOARDS

Parks, Recreation, and Beautification Advisory Board - Chairman Joram Lichtenstein advised Council of the resignation of Scott Becker and Bruce Manning. He urged Council to make the appointments as soon as possible because of a planned Board retreat in October.

VII ORDINANCES

1. An Ordinance repealing Ordinance 83-16, as amended, and enacting revised beer and liquor regulations and licenses - Ruth Gezelius, "I move approval of the Ordinance repealing Ordinance 83-16, as amended". Bob Richer seconded. Motion unanimously carried.

Because of the extent of the amendments to Ordinance 83-16, it will be repealed in its entirety. The set-up license becomes "extinct" as of January 1, 1990, thus the City will lose approximately \$2,600 in renewals in this category. The current restaurant liquor license will most likely convert into the new restaurant liquor category. Most likely, some of the restaurants with current set-up licenses will apply for a restaurant liquor license in January 1991. This may offset some of the lost revenue from above.

Under the on-premise beer/tavern category, there are currently five licenses. Off-premise licenses currently total 12, and the on-premise (all others) make up the largest group with a current total of 57 licenses.

The definition of "nuisance" in Section 2.08 has been amended to include violations of any city, county, state or federal law or ordinance. The hearing procedure in 7.01 has been amended to limit the licensed hearing examiner to making finding of fact, reserving to the Council the power and authority to make conclusions of law, and enter an order, accordingly.

2. An Ordinance rezoning portions of the Historic District: specifically 109 acres of hillside on Treasure Mountain from Estate

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to Recreation Open Space and several development parcels, specifically; two Fifth Street single family lots from HR1 to HR1-MPD; and two upper Norfolk (approximately 400 Upper Norfolk) single family lots from HR1 to HR1-MPD; and two King Road (approximately 200 King Road) single family lots from HR1 to HR1-MPD; and one Lower Norfolk Avenue (approximately 700 Lower Norfolk) single family lot from HR1 to HR1-MPD; and a 3.75 acre condominium/commercial lot at the Town Lift Midstation from HR1 to Estate-MPD; and a 7.75 are hotel/condo/commercial lot at the Creole Gulch site from Estate to Estate-MPD; and a .543 acre hotel/condo/commercial lot at the Coalition West Site at approximately 775 Park Avenue from HRC to HRC-MPD and from HR-1 to HR-1 MPD; and a 1.57 acre hotel/condo/commercial site at approximately 770 Park Avenue from HRC to HCB-MPD; and amending the Official Zoning Map of Park City, Utah - See public hearing commentary of August 16, 1990. Ruth Gezelius, "I move approval of the Ordinance rezoning portions of the Historic District, as outlined in the agenda and corrected by staff". Bob Richer seconded. Motion unanimously carried.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a Redevelopment Agency meeting convened.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:45 p.m. Members in attendance were Mayor Brad Olch, Sally Elliott, Ruth Gezelius, Ray Johnson, Bob Richer, and Jim Santy. Staff present were Toby Ross, City Manager; and Jim Carter, City Attorney. Ruth Gezelius, "I move to close the meeting to discuss property acquisition". Bob Richer seconded. Motion unanimously carried.

The meeting opened at approximately 4:20 p.m.

* * * * *

The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

