



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
January 27, 2021**

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, January 27, 2021.

NOTICE OF ELECTRONIC MEETING AND HOW TO COMMENT VIRTUALLY:

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4) is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record, but not read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org/public-meetings.

Exhibit A: Determination of Substantial Health and Safety Risk

The Board Chair has determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

- Statewide COVID cases and hospitalizations remain high;
- Based on metrics established by the statewide COVID-9 Transmission Index, Summit County moved to the High Risk designation on October 22, 2020; and
- Park City is a resort community continually hosting visitors from areas which may be experiencing rapid COVID-19 spread.

This determination is valid for 30 days, and is set to expire on February 20, 2021.

Dated: January 20, 2021

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 January 13, 2021.

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.REGULAR AGENDA

- 5.A. 1271 Lowell Avenue – Master Planned Development (MPD) Modification – The Planning Commission will Consider (1) a Request to Amend the King's Crown Condominium Building D Plat and (2) whether the Proposal is a Minor or Substantive Modification to the MPD. The Applicant Proposes Reducing the Units from 12 to 11, Reducing the Parking from 22 to 21 spaces, Reducing the Limited Common Area Square Footage by 386 Square Feet, and Increasing the Private Area Square Footage by 712 Square Feet. (A) Public Hearing and (B)(1) Action and (2) Continuation to February 10, 2021
[King's Crown Master Planned Development Modification Staff Report](#)
[Exhibit A: Proposed King's Crown Condominiums Plat Amendment](#)
[Exhibit B: Recorded King's Crown Condominium Plat](#)
[Exhibit C: Letter Vacating and Rescinding Building D Approvals](#)
[Exhibit D: January 8, 2021 Applicant Statement](#)
[Exhibit E: January 10, 2021 Applicant Statement](#)
[Exhibit F: January 10, 2018 King's Crown MPD-CUP Planning Commission Approval Letter](#)
[Exhibit G: The Residences at King's Crown Condominium Plat](#)
[Exhibit H: July 25, 2017 Public Input](#)
[Exhibit I: November 11, 2019 Public Input](#)
[Exhibit J: September 23, 2020 Public Input](#)
[Exhibit K: December 9, 2020 Public Input](#)
[Exhibit L: January 21, 2021 Public Input](#)
[Exhibit M: Public Input](#)
- 5.B. Land Management Code Amendments – The Planning Commission will Consider An Ordinance Enacting Affordable Master Planned Development [MPD] Chapter 15-6.1 to Establish a New Review Process and Criteria for Affordable MPDs wherein at least Half of the Residential Square Footage is for Deed-Restricted Affordable Units. Building Height for Affordable MPDs is Proposed to be up to Forty-Five Feet and Parking Requirements may be Reduced with Certain Mitigations. Affordable MPDs are Proposed to be Allowed in the Residential Development, Residential Development Medium, Residential Medium, Recreation Commercial, General Commercial, Light Industrial, and Community Transition Zoning Districts. For More Information Please Visit www.parkcity.org/housing-lmc. PL-21-04738
(A) Public Hearing, (B) Continuation to February 10, 2021
[Affordable Master Planned Development Land Management Code Amendments](#)
[Exhibit A: Draft Ordinance and Land Management Code Redlines](#)
[Exhibit B: Background Exhibit](#)
[Exhibit C: Public Input](#)

6.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.**

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 13, 2021

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sara Hall, John Kenworthy, Laura Suesser, Doug Thimm, Laura Suesser

EX OFFICIO: David Everitt, Deputy City Manager, Rebecca Ward, Planner; Liz Jackson, Planner; Brendan Conboy Planner; Mark Harrington, City Attorney, Jessica Nelson, Planning Analyst

The Planning Commission meeting was conducted virtually via Zoom.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

Chair Phillips read the Public Notice for Electronic Meetings and Exhibit A: Determination of Substantial Health and Safety Risk.

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020 and Park City Resolution 8-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4), is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, raise your hand on Zoom. Written comments submitted before or during the meeting date will be entered into the public record but not read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org/publics-meetings.

Exhibit A: Determination of Substantial Health and Safety Risk

On January 13, 2020 the Commission Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

- Governor Herbert declared a Covid-19 State of Emergency on November 8, 2020. Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021.
- Statewide COVID cases and hospitalizations are

increasing exponentially. This determination is valid for 30 days and is set to expire on February 13, 2021.

Dated January 13, 2021.

ROLL CALL

Chair Phillips called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

APPROVAL OF MINUTES

Chair Phillips noted an error in the agenda. The Planning Commission would be approving the Minutes of December 9, 2020 and December 16, 2020 this evening; not the November Minutes as indicated on the agenda.

December 9, 2020

Commissioner Thimm referred to the Minutes of December 9th, page 27 of the Staff report, third paragraph from the bottom and changed horizontal mixed up to correctly read **horizontal mixed use**.

MOTION: Commissioner Thimm moved to APPROVE the Minutes of December 9, 2020 as amended. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

December 16, 2020

MOTION: Commissioner Suesser moved to APPROVE the Minutes of December 16, 2020 as written. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

No eComments were submitted and no hands were raised on Zoom.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

There were no Staff communications.

Commissioner Kenworthy asked if Snow Engineering would be part of the presentation for the Base Area project on January 20th. City Deputy Manager Everitt unsure. He had not seen Snow Engineering referenced in his initial reading of the Staff report; however, AECOM was referenced. Commissioner Kenworthy noted that several months ago he had requested that Snow Engineering participate in the next transportation meeting. He reiterated his request for Snow Engineering to be in attendance on January 20th.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

5.A. 1105 Iron Horse Drive – A Conditional Use Permit Application to Convert a Retail and Service Commercial Minor Use to a Restaurant Use in the Light Industrial Zoning District, Expanding an Existing Coffee Shop from 500 Square Feet to 2,000 Square Feet. (Application PL-20-04729)

Planner Rebecca Ward reviewed the application for a conditional use permit for 1105 Iron Horse Drive, which is Ritual Chocolate. This lot is part of the Ironhorse Park Commercial Subdivision. It is located on Parcel E within the subdivision along Ironhorse Drive and Bonanza Drive.

Planner Ward reported that currently Ritual Chocolate operates a 500 square foot coffee shop and a 1500 square foot chocolate factory in the Light Industrial Zone, which is a minor commercial retail and service use. The applicant was proposing 680 square feet for a kitchen, as well as additional square footage to replace the factory with expanded retail space and additional seating. There would be no changes to the structure and only interior modifications were being proposed.

Planner Ward noted that the kitchen space triggers a restaurant use under the Land Management Code, which requires a conditional use permit in the Light Industrial Zone. The Planning Commission approves these conditional use permits if reasonable conditions are proposed or can be imposed to mitigate reasonably anticipated detrimental effects.

Planner Ward stated that the Staff was recommending a few conditions of approval to address compliance with the sign code and the outdoor lighting ordinance, and also to screen outdoor recycling dumpsters and compost bins on the site. Planner Ward remarked that the main conditions of approval are geared to parking. The parking requirement for the current use is 16 spaces. If the proposed use were designated a cafe, the parking requirement would remain the same. She noted that cafes are defined in the LMC as businesses that primarily sell beverages for onsite consumption. They do not have a commercial kitchen and do not employ hostesses, wait staff, bus staff, chefs or other employees typically associated with a restaurant. Planner Ward

thought that sounded very much like the proposal for changes to Ritual Chocolates; however, the proposed 680 square foot triggers the restaurant definition in the LMC, which requires four additional spaces for a total of 20.

Planner Ward stated that the parking is shared. When the Ironhorse Park Commercial Subdivision was approved, two plat notes allow for shared parking onsite. There are 16 designated parking spots for Ritual Chocolates within Parcel E. Mercer has 37 dedicated spots. There are also ten shared parking spots. Planner Ward reported that the Ironhorse Park Commercial Subdivision requires two conditions for parking. The first is compliance with the CC&Rs and the second is approval by the Trustees. The CCRs allow owners to enter into agreement for reciprocal parking within the subdivision, as long as the minimum parking requirements and City ordinances are satisfied. There are a total of 87 parking spaces onsite. With the current uses in place, 21 spaces are required for minor commercial retail and service; 6 for office space; 3 for the auto related service, and 20 for the restaurant use. Planner Ward stated that with the existing uses, there are 85 required parking spaces and 87 available spaces. She reiterated that Ritual Chocolate has 16 designated spaces and 10 spaces that are shared with Mercer Automotive.

Planner Ward reported that the second requirement is approval by the Trustees. The Staff report contained an exhibit with a letter that was submitted.

Planner Ward stated that some of the recommended conditions of approval include addressing potential changes to the interior of the restaurant use. If the retail is reduced and the restaurant use is expanded in the future, this would trigger re-evaluation of the parking to ensure that the 10 shared parking spaces are still sufficient considering all the other commercial uses in the subdivision at that time. If the total parking does not meet the parking requirements, the Staff could request a parking study and management plan, and additionally require their staff to park in the spaces that are shared with Mercer automotive, so the 16 spaces are available to Ritual Chocolate customers. A condition of approval outlines this requirement and restricts the staff parking to no more than five spaces. Planner Ward stated that if the service transitions from counter service to table service and additional staff are employed, the Planning Director could request a parking study and re-evaluate the shared parking. If there are significant changes of use within the subdivision and it is determined that the parking does not sufficiently address the demand, the Planning Commission could re-evaluate the parking for the restaurant use specifically.

Planner Ward referred to the subdivision plat shown at the beginning of her presentation and noted that the parking she discussed is north of Ironhorse Drive.

However, there are additional parking spaces to the south of Ironhorse Drive could be brought in to meet some of the parking needs.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the restaurant conditional use permit.

Robbie Stout, the applicant, had nothing new to add. He thanked Planner Ward for her efforts and her presentation this evening. Mr. Stout stated that he was excited to move forward with the proposed plan at Ritual Chocolates. He thought it was a natural evolution of how things have evolved in the community and how they Ritual Chocolates has evolved from more of a chocolate factory into a community hub. He noted that a lot of cyclists come in.

Chair Phillips stated that he initially had concerns with what would happen if the uses of the other units change, but after hearing the presentation he thought the Staff had devised a plan if that occurs. Chair Phillips remarked that he frequents many of the business there and he has never had a hard time finding parking. He believed his concerns were addressed this evening.

Commissioner Suesser asked the applicant to speak to their parking needs as they have become a community hot spot, and whether they think the parking is adequate. She asked if having more cyclists has had an impact on the parking. Commissioner Suesser wanted to get a sense of the current situation.

Mr. Stout stated that they used to have the chocolate factory and the cafe. For the last five years they had the entire production team as well as the baristas, which was quite a few employees. Now that the factory is gone, the number of employees has reduced, and it will never be that high again with just the cafe. Mr. Stout clarified that they are not planning on sit-down service like a restaurant. It will still have the cafe model of ordering at the counter to go or to eat in-house. He stated that most customers will have a very short dining time and cars should not be parked there for more than an hour max and less in most cases.

Mr. Stout stated that cyclists do not cause parking problems because they come on their bikes. Most of the cyclists belong to a local club and he has good communication with the Club in general. They continually request that people not drive to the cafe and park to go on their bike ride. In terms of the lot being full, he has never heard a credible complaint from customers that they could not find parking. Historically it has not been a problem, and as they move forward, they will put more emphasis on the employees parking on the 10 overflow spots in hopes of leaving the 16 dedicated spaces open for customers at all times. Mr. Stout stated that there have been no parking problems in

the past and he could not foresee any future issues as long as they are smart about signage and asking employees to park in the overflow parking.

Chair Phillips asked if there were bike racks. Mr. Stout answered yes. The bike racks are old, but as they grow this year, he would like to improve the bike parking.

Commissioner Suesser asked where the chocolate factory was moving to. Mr. Stout replied that the chocolate factory has already been moved to a 12,000 square foot space in Heber.

Chair Phillips opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Phillips closed the public hearing.

Chair Phillips liked that the business promotes the bicycling community in Park City. It was also nice to see the business grow. Mr. Stout stated that the cafe component of the business has been entirely community driven. They did not initially set out to have a cafe. It was mostly a chocolate shop with hot chocolate, but the community kept asking for more products. Chair Phillips pointed out that the area where Ritual is located is in close proximity to the highest density of residents in Park City. He assumed there were a lot of walk-in customers as well.

Commissioner Hall asked if the Mercer dedicated parking was restricted only to their building. Mr. Stout answered yes. There were also 10 spots in the Mercer lot that are dedicated as shared spaces for the businesses in the business park. He noted that Mercer is closed on weekends, which is his busiest time of the week.

Commissioner Hall stated that she would patronize Ritual before Covid, but she did not recall seeing any signage for dedicated parking. Mr. Stout stated that currently there is a small sign that says this is Mercer's lot and another sign that says Little Gym's lot, please do not park here. Mr. Stout remarked that if it becomes an issue with the neighboring businesses, they could definitely put up more signage.

Chair Phillips noted that one of the Staff recommendations was to comply with the City's sign ordinance. Planner Ward replied that he was corrected. Also, the exhibit submitted by Mary Wintzer includes plans to update the signs to clarify which parking spaces are allocated.

Mary Wintzer, representing the applicant, stated that she had the signs made and they were at her office. When this came up and Ritual needed to go through the Conditional Use process, she waited to install them until they knew the outcome.

Commissioner Thimm thought the City should encourage the use of shared parking with the understanding that there are compatible uses that can allow for fewer stalls and still accommodate the needs.

MOTION: Commissioner Thimm moved to APPROVE the Conditional Use Permit for 1105 Ironhorse Drive allowing restaurant use in the Light Industrial Zoning District, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Staff report. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1105 Ironhorse Drive

1. In 1993, the City Council approved the Ironhorse Park Commercial Subdivision, a seven-Lot subdivision located along Iron Horse Drive and Bonanza Drive in the Bonanza Park Neighborhood (Summit County Recorder No. 425123).
2. 1105 Iron Horse Drive is Parcel E, a 0.44-acre Lot within the Ironhorse Park Commercial Subdivision.
3. 1105 Iron Horse Drive is located in the Light Industrial Zoning District.
4. 1105 Iron Horse Drive contains a one-story, 2,888-square-foot Building.
5. Over the years, 1105 Iron Horse Drive was operated as The Lost Sock Laundry (1993), The Green Building Center (2008), District Gallery (2009), Slackbow LLC (2011), AvantLink (2012), and Ritual Chocolate (2015).
6. Ritual Chocolate—a local chocolatier—currently operates a 500-square-foot coffee shop and 1,500-square-foot chocolate factory, an Allowed Minor Commercial Retail and Service Use in the Light Industrial Zoning District.
7. Ritual Chocolate proposes modifications to convert the Use to a Restaurant Use, to replace the factory with additional Restaurant seating and retail space (1,320 square feet), and to allocate 680 square feet for kitchen use.
8. A Restaurant Use in the Light Industrial Zoning District is a Conditional Use and requires Planning Commission approval.
9. On December 21, 2020, the Applicant submitted a complete application for a Conditional Use Permit.
10. 1105 Iron Horse Drive is located within the Bonanza Park Neighborhood (Exhibit B). The General Plan identifies this area as a mixed-use neighborhood and local employment hub.

11. The Lot is 0.44 acres, a small Lot in the Light Industrial Zoning District. The adjacent Lots are 1.35 acres, 0.86 acres, 5.11 acres, and 1.31 acres. The smaller 0.44 Lot is aligned with the General Plan recommendation to incentivize the subdivision of properties within the Zoning District for smaller developments and human-scale design.
12. Ritual Chocolate traffic is accessed through Iron Horse Drive.
13. No changes to access or vehicle circulation are proposed.
14. Currently, Ritual Chocolate operates the coffee shop from 8 AM to 5 PM. Ritual Chocolate plans to operate the Restaurant Use from 7 AM to 7 PM.
15. In 2019, Ritual Chocolate averaged 67 transactions per day.
16. In 2020, Ritual Chocolate averaged 73 transactions per day.
17. The majority of Ritual Chocolate business involves to-go orders with an average parking time of 5 – 10 minutes.
18. The Development Review Committee did not identify any utility capacity or storm water run-off impacts triggered by the conversion to a Restaurant Use.
19. The Development Review Committee did not identify any impacts to emergency vehicle access. No changes to access or vehicle circulation are proposed.
20. The Applicant proposes no changes to Fencing, Screening, or Landscaping.
21. The Applicant proposes no changes to the Building.
22. The Applicant proposes no changes to the Open Space.
23. The Applicant proposes no changes to the exterior of the existing Building.
24. No changes are proposed that will increase noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.
25. Supplies are delivered to an existing door at the rear of the building, not visible from Iron Horse Drive. No changes to deliveries are proposed.
26. Ritual Chocolate does not have a trash receptacle on site, but rather uses one on the adjacent site. No changes to the trash receptacle are proposed.
27. Ritual Chocolate leases 1105 Iron Horse Drive from Wintzer-Wolfe Properties, Ltd.
28. On December 21, 2020, the property owner consented to the CUP application for the Restaurant Use.
29. 1105 Iron Horse Drive is not located within the Sensitive Lands Ordinance Boundary.
30. 1105 Iron Horse Drive is located within the Park City Soils Ordinance Boundary, but no exterior modifications are proposed.
31. 1105 Iron Horse Drive is not located on a Steep Slope.
32. The conversion of Ritual Chocolate from a small coffee shop to a restaurant meets the following goals and objectives of the General Plan:
 - a. Goal 12 – Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City.
 - b. Objective 12A – Retain and expand existing Park City businesses.

- c. Objective 12C – Support locally owned and independent businesses that reflect the core values of Park City and add to the Park City experience.
- 33.1105 Iron Horse Drive has 16 on-Site parking spaces, including one ADA compliant space. The current Minor Commercial Retail and Service Use requires three parking spaces for each 1,000 square feet of net leasable floor area, which excludes hallways, mechanical and storage Areas, and restrooms. Only six of the 16 parking spaces are required for the current Use.
- 34.The Applicant proposes interior modifications to allocate 680 square feet for kitchen use and 1,320 square feet for Restaurant seating and retail space. Restaurants require one parking space for every 100 square feet of net leasable area, including kitchen areas.
- 35.While the required parking for the Restaurant would be 20 spaces, the Applicant's proposal is a hybrid between a retail and Restaurant Use – the Applicant proposes expansion of a retail display area and a service counter rather than Restaurant table service. Retail has significantly lower parking requirements than Restaurant Uses – only three spaces are required for 1,000 square feet of net leasable area, rather than one space per 100 square feet of net leasable area.
- 36.The LMC reduces the parking requirement for Cafés. Cafés are defined as —a Business that primarily sells beverages for on-Site consumption. May serve food prepared off-premises but does not have International Building Code (IBC) Commercial Kitchen facilities and generally does not employ hostesses, wait staff, bus staff, chef, or other employees typically associated with a restaurant.¶
- 37.Staff worked with the Building Department to understand how the proposed Ritual Chocolate kitchen will be defined, and while small and geared for light pastry and soup preparation only, it will meet the Commercial Kitchen threshold, triggering the Restaurant definition. However, the parking requirements for a Café may better reflect the parking demand for the retail and service counter proposal. The required parking for a Café is the same as that of Minor Commercial Retail and Service: three spaces per 1,000 square feet of net leasable floor area, which would only require six parking spaces.
- 38.The 16 dedicated on-Site parking spaces may be sufficient for the proposed hybrid retail and Restaurant Use and staff recommends Conditions of Approval that reflect the proposed retail and Restaurant Use to mitigate parking demand and ensure adequate parking if the Restaurant Use is ever expanded.
- 39.If the 16 parking spaces are not sufficient at times, there are 10 additional shared parking spaces allocated in an agreement between Ritual Chocolate and Mercer Automotive, described below.
- 40.This shared parking is authorized pursuant to the Commercial Subdivision approval. 1105 Iron Horse Drive is Lot E of the Ironhorse Park Commercial Subdivision (Summit County Recorder Entry No. 425123). All Uses within the

Commercial Subdivision share a common Parking Area and access.

41. When the Commercial Subdivision was approved, standards were put into place so that there could be shared parking between Uses as Uses changed over time.

42. Note 1 of the subdivision plat says —see Covenants, Conditions & Restrictions for complete description of circulation easements and parking restrictions.¶

43. The First Amendment to Declaration of Covenants, Conditions and Restrictions – Ironhorse Park Commercial Subdivision ¶ 10.4 states —[n]othing in this declaration shall preclude the Owners from entering into agreements calling for reciprocal use of all of the available parking within the subdivision, or within parts of it, on a shared or common pool system in order to maximize parking use, so long as the minimum parking requirements of City ordinances have been satisfied.¶

44. Mercer Automotive is classified as an Auto-Related Service with ~7,500 square feet of net leasable space. The LMC requires 5 spaces per 1,000 square feet, totaling 38 required parking spaces. There are 37 parking spaces dedicated to Mercer Automotive and 10 parking spaces that are shared between Mercer Automotive and Ritual Chocolate.

45. To ensure the 16 on-Site parking spaces are available for Ritual Chocolate customers, the Applicant proposes that Ritual Chocolate employees park in the 10 parking spaces that are shared with Mercer Automotive. Ritual Chocolate has no more than five employees at any one time.

46. Note 3 of the subdivision plat says —no new occupancy will be permitted by the trustees if the parking requirement for the proposed occupancy, when combined with the parking requirement for all other tenants on that lot will exceed the available parking on that lot. The parking demand will be calculated in the manner described in the Park City Land Management Code for the particular use in question at the time the Use is changed.¶

47. On January 4, 2021, the trustees submitted a letter approving the proposed Restaurant Use and parking.

Conclusions of Law – 1105 Ironhorse Drive

1. The Application complies with requirements of the Land Management Code.
2. The Use will be Compatible with surrounding Structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. Changes to signage shall comply with the Municipal Code of Park City Chapter 12, Sign Code.
2. Outdoor lighting shall comply with Land Management Code § 15-5-5(J).

3. Unscreened recycle bins and compost bins located in the rear of the Lot shall be screened.
4. No more than five employees shall park within the Ironhorse Park Commercial Subdivision at any one time. Employees shall park in the designated spaces shared with Mercer Automotive. The 16 parking spaces on Parcel E shall be reserved for customer parking only.
5. The Applicant shall obtain a Building Permit for the proposed interior modifications.
6. The Conditional Use will expire one year from the date of Planning Commission approval unless the Applicant has commenced on the project or a Building Permit for the Use has been issued.
7. If any future renovations to Ritual Chocolate or other tenant or Owner operating a Restaurant Use at 1105 Iron Horse Drive reduces the retail and expands the Restaurant Use, the Planning Director shall re-evaluate the parking of the Ironhorse Park Commercial Subdivision to ensure the 10 shared parking spaces between Mercer Automotive and 1105 Iron Horse Drive continue to be sufficient for both Uses, considering all Commercial Use parking requirements within the Commercial Subdivision at the time of application. If the total parking within the Commercial Subdivision does not meet the parking requirements of the Land Management Code, staff may request a parking study and parking management plan.
8. If service transitions from counter service to table service and additional waitstaff and hostesses are employed, the Planning Director may request a parking study and shall re-evaluate the shared parking within the Commercial Subdivision, considering all Commercial Use parking requirements within the Commercial Subdivision at the time of the proposed change. If the total parking within the Commercial Subdivision does not meet the parking requirements of the Land Management Code, staff may request a parking study and parking management plan.
9. If there are significant changes of Use within the Ironhorse Park Commercial Subdivision and staff makes a determination that the parking does not sufficiently address parking demand, staff may request that the Planning Commission reevaluate the parking for the Restaurant Use.

5.B. Daly Avenue, Empire Canyon Raw Water Storage Tank – A Conditional Use Permit (CUP) Application to Replace Aging Infrastructure and Install a New Essential Municipal Services Water Storage Tank and Appurtenances in the Recreation Open Space (ROS) Zone. (Application PL-20-04711).

Planner Brendan Conboy reviewed the conditional use permit application for an essential public utility greater than 600 square feet in the Recreation and Open Space

Districts. Planner Conboy stated that they were specifically talking about the replacement of a water tank located at the terminus of Daly Avenue, also known as Empire Canyon Road, just beyond the gated trailhead.

Planner Conboy stated that the proposal includes the demolition of an existing 73' diameter, 32' tall, one million gallon above ground steel water storage tank that was built in 1978. It also involves the demolition of a smaller 166 square foot concrete masonry unit building, and the demolition of an existing meter and vault. It will all be replaced by a new 200,000 gallon buried reinforced concrete raw water storage tank, and a new 485 square foot buried bunkered concrete vault. It will all be regraded and reseeded to blend into the surroundings.

Planner Conboy presented a slide showing the existing conditions and another slide showing the proposed conditions. He presented the site plan and noted that it will be a smaller envelope. Since everything will be buried the site will be cleaner and more aesthetic.

The Staff analyzed the application for the zoning district and found that it complied with the purpose of the Recreation Open Space Zone. They checked setbacks and concluded that utilities can be located within the front and side rear setbacks. Planner Conboy noted that the site sits across two parcel lines; however, due to an exemption it still complies. The height limit is 28' in the zone and the new tank will be in conformance. The regraded landscaping will also comply.

Planner Conboy reported that the Staff analyzed all 16 CUP criteria and found no unmitigated impacts as conditioned. Planner Conboy stated that per the LMC, the square footage of the operation would trigger 5 parking spaces. In speaking with the City Attorney and interpreting the Code they determined that 5 spaces did not make sense because it was not habitable square footage. They reached a compromise for a condition of approval that requires one parking space when workers go to the site. The area in front of the sampling metering vault was designated as meeting the required dimensions.

Planner Conboy stated that the site is within the Sensitive Lands Overlay. The Staff analyzed the submitted materials for compliance with the Sensitive Lands Overlay Analysis Criteria and found that the applicant met all eight requirements as conditioned. One condition of approval still outstanding was the submittal of a wildlife memo report by a qualified professional stating that wildlife will not be impacted by the replacement of the water tank. He had received that report just prior to the meeting and had forwarded it to the Planning Commission. Planner Conboy had not had the opportunity

to review the report in detail, but the conclusion of the report was that there would not be any major wildlife impacts to any threatened species.

Planner Conboy reported that the Operations and Maintenance Plan for Empire Canyon is the governing document that rules this area. The site is within a Comprehensive Environmental Response Compensation and Liability Act (CERCLA) site. A governing document for operation and maintenance which has provisions above and beyond the requirements of the SLO will help mitigate impacts as well.

Planner Conboy noted that the Staff was able to make all the required findings for conditional use permits.

Planner Conboy reported that the Construction Management Plan that was proposed by the applicant and codified into the conditions of approval shows access coming from Ontario Canyon. No access will be allowed from Daly Avenue.

Planner Conboy walked through the Conditions of Approval as outlined in the Staff report.

Roger McClain from the Public Utilities Department was the representative for the applicant, Park City Municipal. Mr. McClain was on the line and prepared to answer questions.

Commissioner Suesser asked about the construction timeline on the project and when it was anticipated.

Ms. McClain stated that the schedule is to begin construction in 2021 and being completed by November 2021. When the construction begins is variable because the existing steel tank needs to come down. The contractor would like to start a little earlier while the conditions are still damp to mitigate any construction issues. Mr. McClain remarked that the tank needs to be online by the end of the year to be ready for conveyance of water from the Judge tunnel to the treatment plant, as it is being constructed and finalized in 2023.

Commissioner Thimm referred to the trail system that passes through that site and asked if the intent is to maintain that trail intact throughout construction. Mr. McClain answered yes. They recognize that the area is heavily used going up Empire Canyon; therefore, the construction mitigation plan provides fencing to keep construction equipment and vehicles separated from the trail users.

Chair Phillips opened the public hearing.

Paul Pilzer raised his hand on Zoom and was unmuted to make comment.

Paul Zane Pilzer asked why they were going from a 1-million-gallon tank to a 200,000 gallon tank.

Mr. McClain stated that this is an operational tank as much as storage tank. It is used to control the water coming out of the Judge tunnel and feeding to the treatment plant. It is not the large storage vessel that it used to be. Mr. McClain remarked that it is a wide spot in the Judge pipeline. He explained that they no longer need the storage, and the tank will be for operational purposes only. Mr. McClain noted that they rarely downsize anything, and this was a case where it could be done.

Mr. McClain stated that the last time he was before the Planning Commission he brought the Three Kings Water Treatment Plant. He was happy to be bringing a project that could actually be hidden and make improvements to the surrounding area.

Chair Phillips agreed that this project was a huge improvement visually in an area that is heavily used.

Chair Phillips closed the public hearing.

MOTION: Commissioner Thimm moved to APPROVE the conditional use permit for the Essential Municipal Public Utility Use - Empire Canyon Raw Water Storage Tank Facility Service and structure greater than 600 square feet in the Recreation Open Space District, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Staff report. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Empire Canyon Raw Water Storage Tank

1. The applicant's proposed replacement water storage tank and appurtenances are located within an existing reservoir easement granted to Park City Municipal Corporation for municipal water storage and conveyance recorded in September of 1978 (Summit County Recorder, Entry No. 147912) on properties owned by United Park City Mines Company.
2. The site of the water tank and appurtenances on the subject properties is legally described as an 'easement for a reservoir' within the aforementioned easement.
3. The water tank is in the general location of the terminus of Daly Avenue/Empire

Canyon Road on an unpaved section of road within Empire Canyon.

4. The subject property is located within the Residential and Open Space (ROS) Zoning District.

5. An Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 square feet is a Conditional Use in the ROS Zoning District.

6. On October 23, 2020, the Applicant submitted an application on behalf of Park City Municipal Corporation to request the Commission review and approve a Conditional Use Permit for the Empire Canyon Raw Water Storage Tank.

7. The proposal will result in the demolition and removal of an existing 73 foot diameter, 32 foot tall, 1,000,000-gallon, aboveground steel water storage tank constructed in 1978; the demolition and removal of an existing 166 square foot aboveground concrete masonry unit building containing treatment equipment and valving; The demolition and removal of an existing buried metering vault; A new 200,000 gallon, buried, reinforced, concrete raw water storage tank; A new 485 square foot buried/ bunkered concrete vault/ equipment structure and associated buried piping; and Site regrading and reseeding

8. The proposed new structures will be comprised of a buried tank structure with a 3,840 square foot footprint. The existing above ground tank being replaced is 4,185 square foot footprint; The buried vault structure is a 458 square foot footprint. The existing above grade building being replaced is a 166 square foot footprint.

9. The proposed new structures will replace existing structures and bury structures with minimal northern façade exposed clad in Cor-Ten corrugated steel to minimize visibility impacts from adjacent trails.

10. The subject site location on Daly Avenue is a narrow and steep street. The site is not accessible by public vehicular traffic.

11. A Conditional Use Permit will not alter the required emergency vehicle access.

12. The applicant proposes landscaping changes that will screen the development and increase landscaping on site over existing conditions.

13. The building mass, bulk, orientation, and location will be reduced from existing conditions.

14. No signs or additional lighting are proposed to be installed.

15. No noise, vibration, odors, steam, or mechanical factors that might affect people and property are anticipated.

16. No deliveries beyond what are reasonably expected for a water storage tank are anticipated.

17. The property will be maintained by the Park City Public Utilities Department.

18. The Empire Canyon Raw Water Storage Tank is located outside the Park City Soils Ordinance Zone.

19. The Empire Canyon Raw Water Storage Tank is located within the Sensitive Lands Overlay and complies with the requirements.

Conclusions of Law – Empire Canyon Raw Water Storage Tank

1. The proposed application, as conditioned, complies with the requirements of the Land Management Code.
2. The proposed water storage tank is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed water storage tank is consistent with the Park City General Plan.
4. The effects in difference in use or scale of the water storage tank have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval - Empire Canyon Raw Water Storage Tank

1. At time of Building Permit submittal the applicant shall designate a location on the plans for maintenance workers to temporarily park a service vehicle within the reservoir easement site on the submitted site plan. The parking area shall not obstruct the road/trail access. The parking area surface shall be unpaved, of sufficient grade, and of like appearance to the roadway and/or natural surroundings and measuring a minimum dimension of 9 feet in width by 18 feet in length.
2. At the time of Building Permit submittal the applicant shall supply a Construction Management Plan to be approved by staff.
3. All workers and personnel onsite shall have HAZWOPER training.
4. The project site shall be fenced with signage directing trail users around the construction area. The applicant shall install trail sign directions indicating path around construction site. The contractor shall coordinate sign content with the owner.
5. The applicant shall maintain trail user access and protection during construction. The applicant shall maintain a 10' wide trail user access along the unimproved road during construction, delineated with orange Limit of Disturbance fencing.
6. No parking, staging, or stockpiling materials outside the existing reservoir easement is allowed.
7. No construction access is allowed from Daly Avenue. The site instead must be accessed from Ontario Canyon and the Mine Bench Site. The applicant shall ensure that all gated security points are kept secure and in operation while accessing the site.
8. The main 8" line, along with the associated easement, shall be shown and labeled on the Site and Grading Plan.
9. Prior to issuance of Building Permit, the applicant shall provide staff a report/memo prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant disciplines which establishes that wildlife will not be impacted by the replacement of the water tank.

10. Access along the easement must be maintained for SBWRD and all other parties with vehicular access to the site including utilities and emergency vehicles.

11. The installation of the 2' riser on the existing sewer manhole (Private flow meter manhole) will need to be inspected by SBWRD.

12. All excavated existing material shall remain on site, be incorporated into the site grading, and be capped with a minimum of 18 inches of clean material consistent with the Park City Soils Ordinance Boundary lead and arsenic level requirements. Imported fill material shall be clean and consistent with the Park City Soils Ordinance Boundary lead and arsenic level requirements.

5C. Land Management Code Amendment – The Planning Commission will Consider Updates to the City’s Outdoor Lighting Regulations, Land Management Code §15-3-3(C), § 15-3-4(C), and § 15-5-5(J), to Align with Summit County’s Recently-Adopted Code and the International Dark-Sky Association Standards to Set Maximum Lumens for Fixtures and Properties, to Prevent Harsh Lighting with a Maximum of 3,000 degrees Kelvin, and to Fully Shield Lighting. (Application PL-20-04545)

Planner Rebecca Ward noted that the Staff has been working through the proposed outdoor lighting code based on input at the beginning of 2020, with the to achieve some of the General Plan goals and to mitigate the impacts of outdoor lighting. As part of the process, the Staff received significant community input. In addition, 306 community members participated in a survey and provided input. The Staff worked to craft the Code based on that input. Planner Ward stated that the Planning Commission held two work sessions and a public hearing, and the Staff incorporated the input received from the Planning Commission into the proposed draft. Planner Ward stated that recently the Staff created a webpage, a survey, and a mailer was sent to property owners within the City. There have been several virtual discussions and the Staff reached out to Homeowner Associations and other associations within town.

Planner Ward stated that as part of the work sessions and public input from the survey, more than half of the respondents believe their lighting already complies with the proposed Code. For outdoor lighting fixtures that may not be fully shielded but are partially shielded, under one of the exemptions those would comply with what is being proposed. For example, lights that were approved by the Planning Department within the last five years would comply with this proposal.

Planner Ward remarked that the cost of retrofits could range from a few hundred dollars to thousands. She noted that 73.9% of community members thought they could bring their lighting into compliance by a 2024 deadline. There was not strong support on regulating indoor lighting in ridgeline areas. Therefore, this Code was crafted

specifically to outdoor lighting. Approximately 69% of the respondents would like the City to seek an International Dark Sky Community designation. Planner Ward clarified that the dark sky designation was not being proposed as part of this LMC amendment; however, it was something the City could consider in the future.

Planner Ward reported that the Code has not been updated since 1998 and does not address technology such as LEDs and best practices in outdoor lighting. The goal is to conserve energy, to protect the ecosystems and wildlife, protect human health, public safety, and require good neighbor lighting, and at the same maintain a balance for recreational uses.

Planner Ward stated that there are three main aspects to the Code; set a maximum for Lumens, establish a maximum of 3,000 degrees Kelvin, and a fully shielded requirement for outdoor fixtures. Planner Ward noted that exceptions are carved out for historic fixtures and replica fixtures as long as they have a low lumen bulb, which reflects historic lighting. The Code is also crafted to exempt streetlights. The Staff received a lot of public input regarding the cobra headlights on the Rocky Mountain Power Poles. Planner Ward reported that beginning this month, Rocky Mountain Power initiated a new program where they now offer updates with fully shielded lights that are 3,000 degrees Kelvin. She noted that as discussed in previous meetings, the streetlight policy has been ahead of the LMC Amendment in that streetlights that are now installed throughout the City are fully shielded and below the Kelvin requirement at 2700 degrees Kelvin.

Planner Ward commented on concerns regarding public safety and potential impacts that the Code could have on public safety. The Staff went through the draft and made significant changes to ensure that there is sufficient lighting for the community to feel safe. She noted that the Park City Police Department had reviewed this Code.

Planner Ward outlined the changes. They exempted the parking area lighting from maximum lumen constraints. They removed the maximum lumen constraints for residential properties. They exempted public trails lighting. They doubled the maximum lumen regulations for multi-unit dwellings and non-residential properties.

Planner Liz Jackson commented on the ridgeline aspect. She noted that the Staff had added criteria and clarification on how to regulate that lighting, which include allowing the minimum lighting necessary for pathways, entryways, and private outdoor areas; prohibiting floodlights; setting a 12' height limitation on outdoor lights; encouraging ground level fixtures; and require additional shielding. In addition, there will be reviews by the Staff and Planning Commission in certain instances.

Chair Phillips commented on the 12' height limitation on outdoor lights. He assumed they were freestanding lights rather than lights that are fixed to a structure. Planner Jackson replied that it was 12' in general; however, based on feedback it was clarified that something like a light under a deck or a soffit light could be acceptable if reviewed and approved by the Staff. It would depend on the situation.

Planner Jackson commented on seasonal lights. She stated that the Staff proposal follows Summit County's allowed timeline of November 1st to March 1st, as opposed to the April date currently in the Code. Residential lighting would be turned off by 11:00 p.m. and commercial lighting by midnight. The lights must comply with zone setbacks and not cause trespass or greatly impact other properties. Planner Jackson pointed out that based on previous discussions, Main Street, Swede Alley, and commercial uses would be exempt from the November 1st to March 1st duration. The HPCA requested that the light be allowed to stay on until 2:00 a.m., and that change was reflected in the redlines. Planner Jackson stated that the Staff also distinguished seasonal lights and holiday lights from typical string lights on a porch.

Planner Jackson commented on questions regarding light fixture replacements and outlined certain options. Not all light fixtures require replacement. Most metal fixtures and different bulbs can be recycled. There is also an option for fixtures that are already down directed that have an opaque top and a glass globe. The globes can either be replaced or techniques can be done to frost the glass. Planner Jackson stated that the Staff reached out to manufacturers and distributors regarding those techniques. They were also informed about the potential option for dark sky bulbs. The bulbs might not be a perfect solution to retrofitting because they could easily be replaced but it is still an option.

Planner Jackson stated that in terms of replacement, the proposal exempts low lumen lights pursuant to Summit County and Moab's adopted standards. She noted that those can often comply by just replacing the bulb. Lights that meet the 3,000-degree Kelvin requirement and shielded by a roof overhand are exempt.

Planner Jackson outlined the compliance timeline. She stated that outdoor lighting that was installed after the effective date of the ordinance will need to conform. Any outdoor lighting that legally existed and was installed prior to the effective day of the ordinance will need to conform by December 31, 2024. There is a potential to condition business licenses, including those for nightly rentals, on outdoor lighting compliance as of January 1, 2025. Compliance for site improvements, reconstruction, expansion, alteration or modification of an existing structure. Any damaged or inoperative non-conforming lighting to be replaced or repaired will need to comply.

Planner Jackson stated that moving forward, the Staff is planning an informative mailer and web page that is accessible to all property owners within Park City, as well as adding a one-page informational attachment to development applications through the Planning and Building Departments. The Staff also plans to continue community meetings for the updated lighting code to go over lighting requirements through 2024, and to continue outreach efforts to the community groups listed earlier in this presentation. Planner Jackson remarked that the Staff was looking into grant funding opportunities for community members to utilize. They have been working with the University of Utah to collaborate with their dark sky consortium, as well finalizing a plan in 2021 to bring outdoor lighting for City-owned building into compliance. She reiterated that they were working with Rocky Mountain Power to update the cobra headlights.

Planner Jackson stated that enacting the proposed lighting code now will help mitigate the outdoor lighting for the major development the Planning Commission is currently reviewing. The proposed Code helps Park City align with Summit County's Code and the neighboring communities that are currently updating their lighting codes.

The Staff recommended that the Planning Commission review the outdoor lighting amendments, conduct a public hearing, and forward a positive recommendation for City Council consideration on January 21, 2021, with the following amendments: The first was specific to ridgelines and amends redline 421 to include "outdoor lights may not exceed 12' above existing grade. An exception may be granted for deck areas that are 12' above existing grade but additional shielding may be required". The second amends redline 492 to include "as an exception to the fully shielded requirement, a down directed luminaire that is shielded by a deck or patio roof overhang or similar solid structure shield that extends at least 5' beyond the luminaire and directs all light emitted by the luminaire below the horizontal plane of the roof overhang or similar solid structural shield". Planner Jackson clarified that the amendment is to clarify that a light underneath that type of roof overhang will be exempted for this instance.

Chair Phillips asked if the stated amendments were specific to the ridgeline portions. Planner Jackson replied that 421 was specifically ridgeline, but 492 would be one of the exceptions.

Chair Phillips liked how the Staff had distinguished between string lights versus seasonal lights as requested by the Planning Commission. Chair Phillips asked if the historic fixtures were tied to historic structures, or whether someone building a new modern home could purchase a historic fixture for their home. Planner Ward stated that based on how it was drafted, the intent is if the structure is on the Historic Sites Inventory and the historic fixture is associated with the structure and goes through the same process to contribute to the historic integrity, it could be exempted. If that intent

is not clear the language could be further amended. Chair Phillips clarified that he was comfortable giving the exemption for historic buildings and he thought the language should clearly codify the intent.

Commissioner Thimm commented on the recommendations amending redline 421. He noted that the word “may” was used twice in the sentence. He was not opposed to the first use, but the second use of “may” seemed unenforceable. Commissioner Thimm suggested revising the language to state, “The need for additional shielding will be evaluated and will be required if the need is determined by the Planning Staff”.

To address Chair Phillips concern, Planner Ward amended 410 to clarify fixtures on sites listed on the Historic Sites Inventory.

Commissioner Hall commented on the exemption for the fully shielded requirement for the down directed lights of 5’ beyond. She asked the Staff to explain how that works with overhang. Planner Ward explained that it is exempted if the roofline extends 5’ beyond the luminaire extending outward. She noted that the language was taken from other code examples to clarify that it would not apply to a slight overhang. It needs to be the overhang of a deck or some other extended feature. Commissioner Hall understood that once a homeowner replaced the light bulb to the proper kelvin and lumens, even if the fixture is not in compliance with a partially shielded one, the exemption applies if the light is 5’ deep from the roof line regardless of how high the roof is above it. Planner Ward replied that as drafted, Commissioner Hall’s interpretation was correct.

Commissioner Hall thought 5’ was a significant overhang. Chair Phillips agreed. A roof over a deck or a deck itself were the only overhangs he could think of that would be 5’. Chair Phillips stated that if the light is 6’ high and the roof overhang is 15’ higher from that, it will not stop the light from going up into the night sky because of the angle. He was unsure how often that would be a problem.

Commissioner Hall agreed with Chair Phillips. When he read the Staff report he thought 5’ was an extensive overhang. Commissioner Hall asked if 5’ was the necessary requirement for dark sky. She believed many homeowners who do not have light fixtures that are fully shielded would not fall under this exemption. Planner Ward stated that the intention is to distinguish between a typical overhang and something that is within an enclosed deck or patio area. Based on how the Code was applied in the past, the Staff has required lighting similar to what is outlined in the exemptions for the fully shielded requirement. As long as there was an opaque cap at the top of the light, the light was down directed, and there was some sort of non-glass globe, those lights in the past were considered fully shielded. The Staff was trying to shape this Code so

lights that were approved in the last five years would still comply with this Code. As part of the approval process, if a light was under a roof overhang they were exempted. Planner Ward noted that the proposed Code amendment would align with approvals that have been consistent over the past five years.

Commissioner Hall reported that she had sent Planner Ward pictures of all the light fixtures on her street to get a sense of how this would impact her neighbors and many others throughout town. She noted that most of the lights would not be in compliance because the overhang is not 5'. Out of the six homes on the small cul-de-sac, none were fully shielded, three are already frosted and three were not. The three that were not frosted are under an overhang, but they would not meet the 5' overhang. Commissioner Hall remarked that half of the people on her street would need to replace their light fixtures.

Planner Ward noted that the Staff responded to Commissioner Hall's email. She stated that after reaching out to the manufacturers, there are options to bring those glass fixtures into compliance without replacing the fixture. The intention is to bring the Code to allow flexibility for what has been approved in the past five years, but also to mitigate unshielded lights. Commissioner Hall asked if 5' is the required overhang in order for it to be dark sky. She pointed out that the three homes on her street that would not comply with the 5' overhang could comply with a smaller overhang.

Commissioner Suesser asked the Staff to clarify what falls under the approvals in the last five years. Planner Ward stated that in the current Code, nothing requires outdoor fixtures to meet the standards being proposed. She presented images fixtures that were approved in the past five years. In one, the Staff required the transition to the glass. In another there was some painting of the glass, which was considered fully shielded, to the extent that the Code allowed at that time. Planner Ward pointed out that this has been the standard for the last five years. The Staff tried to craft the proposed amendment to allow the lights that were approved in that timeline under those standards to continue to apply without additional retrofits.

Chair Phillips wanted to provide as much as information as possible, including directing people to the fixture manufacturer for potential retrofits. He thought it was important to provide that information in an effort to lessen the impact on the homeowners. Chair Phillips thought it was important to amend the lighting ordinance as drafted to protect the night skies from light pollution. He stressed that the public information portion would be key in helping everyone reach that goal.

Commissioner Thimm asked if whether the light fixture shown on the right of the slide was in compliance under the new Code. Planner Ward answered yes. Commissioner

Thimm asked if coming into compliance is burdensome on a homeowner in the City, if there is a way to apply for an exemption if they have not complied by 2024. Planner Ward replied that the existing Code has language regarding exemptions, but it would not apply in this case. She thought the images shown were from a recent project in town. Planner Jackson clarified that the photos were taken at an inspection that occurred in December. Planner Ward noted that bringing the light into compliance was easily addressed with paint.

Planner Ward stated that the Staff was committed to doing everything they could to make this process as easy and painless for the community as possible. Planner Jackson noted that Exhibit G is the draft for an example mailer of retrofits. She thought Chair Phillips was correct about making sure they have as many resources available to the homeowners as possible. She thought it could be a matter of pivoting when the community starts asking questions. When they spoke with the different manufacturers and distributors, oftentimes their answer was "it depends". Planner Jackson believed there were a lot of resources from the manufacturers themselves to the companies that do the sandblasting for pieces of glass. The Staff was open to as much information as possible.

Commissioner Hall clarified that in general she was supportive of the Dark Skies Ordinance, and she believes this is a good idea; but she was not comfortable creating a problem for her neighbors and others rather than solving a problem. She was trying to find a solution that supports the Dark Skies Ordinance without causing problems for her neighbors. Commissioner Hall thought the proposed amendments made sense for a lot of areas in town because of the close proximity to neighbors.

Commissioner Suesser asked if there was some consideration for not making the changes retroactive. She suggested moving forward that lights cannot be replaced with anything that does not comply and any new lights or fixtures installed in the future need to be compliant. Commissioner Suesser questioned whether it was necessary to ask people to retrofit their existing lights. She also suggested the possibility of extending the compliance date.

Planner Ward replied that removing the compliance timeline section of the Code was an option, as well as having the ordinance only apply to all new projects moving forward beginning on the day the code is enacted. She noted that other communities have done that; however, in the dark skies survey and in their outreach to community members, the support has been overwhelmingly positive for moving in this direction. As far as meeting the timeline, the majority of people who participated in the survey felt the 2024 timeline was reasonable. Planner Ward reported that the Staff chose that date because Summit County recently updated their Code and require compliance by March

2024. They tried to align with Summit County's regulations but pushed the timeline to December 31st of 2024.

Chair Phillips was willing to have a discussion to address the concerns and suggestions raised by Commissioners Hall and Suesser; however, he personally supported being in alignment with Summit County and reducing light pollution. Chair Phillips asked how Moab handled their requirement and whether they had established a compliance date. Planner Ward replied that Moab will have a timeline, but it has not yet been defined because they are still in the phase of updating lights.

Commissioner Thimm supported Commissioner Suesser's suggestion for having the requirement applicable to new construction. He would also add "or replacement" to her suggestion. Commissioner Thimm pointed out that at some point everything eventually needs to be replaced. Chair Phillips did not disagree; however, generally people do not come to the City when they need to replace a light fixture on the front of their house. Chair Phillips thought it was important to have a compliance date, but he was not opposed to pushing back the date.

Commissioner Van Dine agreed with pushing back the date but keeping it as a requirement. She was not in favor of grandfathering in or having exemptions for prior approved lighting. It is still light pollution and Park City is very progressive. These are progressive goals that she believed were very doable.

Commissioner Kenworthy concurred with Commissioner Van Dine. He also factored in the fact that it is a reduction of electrical and helps towards the overall City goal to reduce and become net zero. Commissioner Kenworthy was sympathetic to the point of view that one code needs to fit so many different neighborhoods. He recognized that it is difficult but preferred to err on the environmental side of the issue.

Commissioner Hall stated that she has always been an advocate for environmental sensitivity and sustainability, which also goes hand in hand with her concern about being wasteful by throwing away perfectly good light fixtures. Commissioner Hall was unsure whether there was a way to exempt construction and remodels in certain areas that are less dense and have the Code apply to areas that are denser, which was driving the support for these amendments.

Chair Phillips understood that the issue is the cumulative light coming up from the City into the sky. It is not necessarily the light from a denser neighborhood shining into their neighbor's property. Even though it may be darker in certain neighborhoods, the cumulative impact on the sky is the problem and having universal compliance across the City will lessen that impact. Commissioner Hall understood the cumulative effect;

however, a lot of the public comment has been about light from their neighbor. She would like to find a way to appease some people by mitigating the light pollution that directly impacts their neighbors versus others who feel like their street is too dark.

Chair Phillips opened the public hearing.

Paul Zane Pilzer raised his hand on Zoom and was unmuted to make comment.

Paul Zane Pilzer stated that he built homes in Park Meadows and he currently lives in the Aerie. Most of the larger homes he sees that are not in Old Town have a 3' or 4' overhang on their roofs, and most are mandated by the HOAs. Mr. Pilzer stated that there are no 5' overhangs because a 5' overhang means the house needs to be set back an additional 1' to 2'. He remarked that very few lots are big enough for a homeowner to afford to put his home on a 5' overhang. Mr. Pilzer stated that the 5' overhang is something that no one will be able to meet. Mr. Pilzer remarked that most of the overhangs have lights in them, but they are bent in. The roof is on a 30-degree angle and the light put in is a standard spotlight screwed in bulb, but it is not seen from the road. The overhangs are typically 12' or 24' high. They wash the walls of the house with light, which is a good thing because you never see the bare bulb. Mr. Pilzer liked the idea of making sure bulbs do not shine directly up into the sky causing light pollution, or into his face horizontal. As long as the light is focused towards the house on a 30-degree angle, it washes the wall, and it looks pretty. Mr. Pilzer remarked that almost everyone has those lights because it is the least expensive light to install. Mr. Pilzer stated that people are hurting financially right now, and it is not right to require them to retrofit their homes with new lighting. He was very upset about this proposal.

Mr. Pilzer asked if he was correct in understanding the soffit requirement. If he has an overhang 24' high and a light in the soffit 24' high shining towards the house on a 30-degree angle so no direct light is visible from the road, that would not be approved under the current proposal.

Planner Ward stated that under the current code soffit lighting is allowed and under the proposed Code soffit lighting is still allowed. She clarified that soffit lighting under the overhang would still be allowed if it is directly against the overhang. Regarding Mr. Pilzer's question regarding the overhang, Planner Ward explained that the overhang exemption would be specific for lights that are next to a front door within a deck area. However, Mr. Pilzer was correct about general overhangs. The soffit lighting would be allowed if there was additional lighting next to the soffit.

Mr. Pilzer clarified that a soffit 24' or 36' high washing the walls of the house would be approved. Planner Ward stated that it would be approved as long as the bulbs are 3,000 degrees Kelvin.

Chair Phillips informed Mr. Pilzer that a public hearing gives the public the opportunity to make their comments, but typically not engaging in discussion with the Staff. Chair Phillips appreciated Mr. Pilzer's comments. He should make his comments and ask his questions and the Staff will try to address them after the public hearing portion of the meeting.

Marc Ozarski raised his hand on Zoom and was unmuted to make comments.

Mr. Ozarski stated that he is on the agenda for the last item this evening and was just a casual observer on this item. He appreciated the difficult decisions the Planning Commission is faced with, and he thought the general intent of what they were trying to achieve is noble. Mr. Ozarski remarked that with respect to the idea of the retroactive application for the rules, he thought it was worthwhile to take a step back and think about that as a policy, and whether or not Park City wants to endeavor in retroactive rule making. He appreciated the idea that light pollution is important; however, he suggested they consider it in light of the importance of solid rule making and not necessarily generating consternation among people for changing rules once they have been made. Mr. Ozarski commented on the overhang issue and stated that the language was vague and could be clarified. He thought the objective was correct in trying to protect against the dissemination of light vertically. He suggested an approach that would implement some sort of ratio between the overhang and the distance that the light is beneath the overhang. From the standpoint of the examples presented this evening, he noticed the shielding and the idea of full coverage. He was unclear on the meaning of full coverage. Mr. Ozarski thought there could be simple clarifications that could meet the objective but create less ambiguity and more comfort for everyone.

Chair Phillips closed the public hearing.

Commissioner Hall stated that she could support changing out the lightbulbs to comply with the lumens and kelvin requirements, even retroactively, because it is an inexpensive, simple solution that would have a good impact. However, she was opposed to making fully shielded retroactive. Commissioner Hall agreed with the public comment in that generally she was hesitant to do anything retroactive. She would accept changing the light bulbs because it would not be expensive or burdensome, and it would have a significant positive impact.

Commissioners Thimm and Suesser agreed with Commissioner Hall. Commissioner Suesser understood that Chair Phillips and Commissioner Van Dine were looking at a different direction, but if the majority supported a non-retroactive direction, she thought the Staff should work on rewording the proposed language.

Commissioner Thimm asked if it was possible to reword the language this evening so the Planning Commission could take action. Planner Ward stated that in looking at the redlines, they could remove 497 to 501, which requires all outdoor lighting to come into compliance by December 31, 2024. She asked if the Planning Commission wanted to leave in the exemptions from the fully shielded requirement for new development that would allow some flexibility for outdoor lighting fixtures as long as there are mitigations; or whether they want those exemptions removed and all lights moving forward would be fully shielded.

Commissioner Thimm favored leaving the mitigations. Commissioner Hall agreed if the research shows it is sufficient for dark skies. In terms of retroactive, Commissioner Thimm liked the suggestion made by Commissioner Hall with respect to limiting the temperature of light sources retroactively to 3,000 Kelvin. Commissioner Suesser agreed. Commissioner Thimm clarified that it would still be based on the 2024 timeline.

Commissioner Hall asked if the Planning Commission could pause this application and ask Planner Ward to rewrite the language while they move through the rest of the agenda. Chair Phillips was not opposed to having Planner Ward rewrite the language for the Planning Commission to review so they could take action this evening.

Chair Phillips noted that as the Chair he would not be voting; however, he wanted it on the record that he supported the Staff report as written. He was more in favor of extending the compliance date. Chair Phillips believed that leaving it open and not having community-wide compliance would create enforcement issues.

Commissioner Suesser thought it made sense to include in the ordinance that going forward people should not be allowed to replace existing fixtures with non-compliant fixtures. She understood Chair Phillips' comment about enforcement, but she thought the entire ordinance had enforcement concerns. Commissioner Hall agreed.

Commissioner Kenworthy asked if they would put in a caveat encouraging people to work with the manufacturer, sandblast the glass, and some of those items. Commissioner Thimm thought that was part of the mitigations. He would like those to remain. Commissioner Hall thought the outreach could be the same and they should still educate people on measures they can take. It would just not mandate that people replace their fixture.

Chair Phillips stated that the Commissioners would move forward with the rest of the agenda while the Staff revised the language based on their comments and direction. The Planning Commission would review the revised language and take action after the last item on the agenda.

5.D. Land Management Code Amendment – Amendment to Footnote 2 of Section 15-2.1(B)(1), Uses, to Establish a Conditional Use Permit for Nightly Rentals in the Lower Rossi Hill Area of the Historic Residential Low-Density Zoning District. (Application PL-20-04613)

Planner Ward reviewed the proposal to correct an oversight from 2017 in the Land Management Code. The Planning Commission reviewed this item in September 2020 and decided not take action until the City Council conducted a work session on nightly rentals.

Planner Ward stated that Planning, Finance, Economic Development, Parking, Building, and Police Departments collaborated and worked on items that could be implemented to help improve internal tracking of nightly rental complaints, and to improve business license compliance numbers.

Planner Ward reported that on December 17, 2020 the Staff presented these proposals to the City Council, and the Council conducted a work session and voiced support. Planner Ward outlined what had already been put into place to date. She noted that previously the zoning map for nightly rentals was on one link of the website and the nightly rental business license application was on another link. The Staff consolidated all things related to nightly rentals onto one webpage, and they will be doing outreach to inform the community. As part of that, the Staff established an online complaint form so members of the community can go directly to the City's website to log their complaint, and those complaints are forwarded to all relevant departments. Planner Ward stated that the City issued a request for proposals for nightly rental inventory, compliance and analytic services. The City will be looking to a third party to track the nightly rentals listed so they can reach out and encourage business licensing compliance.

Planner Ward reported that a system was put in place so if the police respond to a noise or disturbing the police complaint, those addresses and complaints are sent to finance on a regular basis, and those complaints are linked to the business license and the City can take action if there are multiple complaints. Planner Ward stated that the City also allocated staff internally to make sure they can process more business licenses.

Planner Ward noted that the Parking Department is working on transitioning how they permit these lodging permits for nightly rentals. Currently it is a free hang tag. The Parking Department is updating to software where lodging permits will be done in a way that tracks the permit based on the license plate number for the vehicle. It will also be tied to the property and the property owner so vehicles that violate parking regulations will be linked to a nightly rental. Planner Ward stated that parking anticipates this program to be in place this summer.

Planner Ward noted that this item is on the agenda to correct an oversight. They have been talking about historic residential low-density nightly rentals. There are three subzones: 1) the Western HRL area where last year the City Council established a cap for these nightly rental CUPs; 2) the McHenry HRL Area where in 2015 the residents petitioned for an LMC amendment to prohibit nightly rentals; 3) the Lower Rossi Hill area being discussed this evening, which was recently rezoned in 2017. Planner Ward stated that there are three historic properties along Rossi Hill Drive. In 2017 the City Council rezoned this area in part to protect those historic structures. It was initially Residential Medium density and now it is Historic Residential Low density. She noted that previously there could have been duplexes and triplexes. When the transition to density was reduced, the minimum lot size was extended. When this zoning amendment went through the Staff report represented to the Planning Commission and the City Council that nightly rentals would be a conditional use permit, which was the understanding when the property owner worked with the City to downzone the property.

Planner Ward reported that in 2020 the City Council approved a five-lot plat for single-family dwellings. She pointed to the historic homes with two single-family lots below. Planner Ward noted that these were the only properties impacted by the amendment. To the west is land owned by the City and BLM.

Planner Ward presented a map showing the area that was previously residential medium. She pointed out that it is surrounded by other properties that are residential medium and residential development where nightly rentals are allowed. Planner Ward stated that by requiring a conditional use permit for each nightly rental, the public has an opportunity to come before the Planning Commission and weigh in on these proposals, and it allows conditions of approval to mitigate any impacts that might need mitigation. The Code would require that vehicles be limited to the number of onsite parking spaces, and that property management contact information be displayed.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to amend the footnote to establish nightly rentals as a conditional use permit to correct the 2017 oversight.

Commissioner Kenworthy remarked that as he has stated in previous meetings regarding this nightly rental issue, he leans towards protecting the primary neighborhood that surrounds this property for the reasons previously stated. Commissioner Kenworthy asked City Attorney Harrington to help with the legal issue of correcting a mistake.

City Attorney Harrington stated that the Planning Commission was making a legislative recommendation to the City Council and it needs to be made in the context of the welfare powers they have consistent with the General Plan and zoning, enabling legislation of the State. Mr. Harrington noted the facts before the Planning Commission show that there was a misrepresentation in a prior Staff report that resulted in a specific decision. Mr. Harrington stated that the Commissioners needed to consider how they would have assessed the situation and made their recommendation if the report had been written correctly. If they make the assessment consistent with that line of thought and reach a different conclusion, they will need new reasons for articulating their basis for doing that. At the same time, there is a fairness issue because different people may have attended the public hearing at that time had they realized that was occurring. Mr. Harrington asked the Planning Commission to keep all that in mind as they forward their recommendation.

Chair Phillips opened the public hearing.

Mary Wintzer raised her hand on Zoom and was unmuted to make comments.

Mary Wintzer, a resident at 320 McHenry Street, stated that she lives in the neighborhood that was able to get their section designated no nightly rentals. Ms. Wintzer did not want to mess up the developer of Lower Rossi Hill since it was just an error in how it was laid out. However, she stated during the last snowstorm on two different occasions different vehicles were parked on the Rossi Hill Road on those new places. The fallout for the neighbors or anyone on Ontario taking the safer way down rather than Thrill Hill, is that when that happens the road gets narrow. If the plow cannot plow the full width it goes down to less than two cars being able to pass. Ms. Wintzer assumed it was an enforcement issue, but when Matt Cassell was at the Engineering Department, they were all told that that side of the street would be posted no parking, but there are no, no parking signs there. Ms. Wintzer stated that if someone is doing a nightly rental and they park there, the neighbors have no recourse if they call the police because there are no posted signs. She wanted that in the record as something that needs to be done.

Commissioner Suesser noted that the Staff briefly talked about the change from a hang tag to a registered licensed plate of nightly rental owners. She asked if that also

captures the vehicles of those in the nightly rentals. Since they are giving attention to the Lower Rossi Hill area she asked if proper signage has been put in place regarding on-street parking.

Planner Ward offered to confirm with the Engineering Department the signage that is on the street in that area. She clarified that the parking for nightly rentals would require a seven-day lodging permit to park in residential areas that require the permit. For vehicles parked in this particular zone that were not on site, the software program would not capture those violations. They would be ticketed as vehicles are usually ticketed. Planner Ward stated that one of the conditions of approval required under this Code is what the Planning Commission put into place for nightly rentals that were recently approved, which includes the lease agreement and that the business license be reliant on restrictions. The number of vehicles allowed per nightly rental is based on the number of parking spaces on site.

Commissioner Kenworthy asked how the tracking process that Planner Ward mentioned earlier would work. Planner Ward explained that the tracking process would come into play in areas within the City that require a residential permit to park on the street. For areas that do not require a residential parking permit, those parking mitigations are in the conditions of approval that parking be on site. If cars are parked on the street without a permit, community members can go to the online complaint form and file a complaint. Tickets would be issued for those vehicles specifically; and not necessarily tied to nightly rentals in those circumstances.

Frank Watanabe raised his hand on Zoom and was unmuted to make comments.

Frank Watanabe, a resident on Ontario Avenue, stated that he was in the process of moving up the hill from these properties on Coalition. He is a developer along with his partner of the Lower Rossi. Mr. Watanabe remarked that Ms. Wintzer is right about people parking in front of these historic properties all the time. He noted that people live in those cabins, and two of the cabins are condemned. Mr. Watanabe supported restricting or eliminating parking in front of those cabins because it is not consistent with the historic nature of the cabins. He pointed out that people park off the street on the BLM land to the west all the time. Mr. Watanabe would be supportive of the Planning Commission and the City Council further restricting street parking in this area. He stated that it has nothing to do with their nightly rentals because as Planner Ward mentioned, a condition of approval would put parking limitations on them, which he completely agreed with. Mr. Watanabe stated that the prior owner, Dick Dennis, passed away. However, before that Mr. Dennis was very clear that he would not have agreed to this downzoning if it had been communicated that there were no nightly rentals. That was what was communicated to the City Council and a matter of public

record. It was also a matter of public record when he purchased the property from Mr. Dennis. He only found out that there was a clerical error when he went in to apply for their plat. Mr. Watanabe felt strongly that there is an equity issue. It was voted on by City Council that there were nightly rentals in this area contingent on a CUP. The only thing the Planning Commission was being asked to do is correct the fact pattern as to what was voted on by the City Council.

Mary Wintzer stated that they have all dealt with the cars that Mr. Watanabe was talking about on the lower part. She clarified that the area she was specifically talking about that needs to be signed is right outside the driveways of the new units Mr. Watanabe built up above the hairpin curve. She questioned why someone would not pull into the driveway unless they were afraid or there was no room in the garage. Ms. Wintzer stated that the neighbors would request signage not only on the lower part, but also above the hairpin on Rossi Hill because the cars do not use the driveway. If they sign that area, they have some recourse if the neighbors call the police.

Chair Phillips closed the public hearing.

Chair Phillips agreed with the importance of getting good signage on those roads.

Commissioner Suesser agreed with Ms. Wintzer's comment that the parking on the upper part in front of the new units is dangerous and problematic and should not occur. However, she believed the lower part around the lower side of that drive is overflow parking for a number of residents in that area. People are accustomed to parking there and unless it is causing a dangerous condition, she thought overflow parking in that area should continue. Commissioner Suesser anticipated backlash from the neighbors in that community if that overflow parking is eliminated. If it is not creating a dangerous condition, she was in favor of allowing that parking to continue, and she did not think it should be restricted.

Commissioner Thimm asked if the parking requirements and lack of signage was part of what the Planning Commission was considering this evening. Chair Phillips thought it was associated because it is in the same area, but he did not think it was directly tied to their decision.

Commissioner Suesser stated that since the Planning Commission was considering permitting nightly rentals in the new units, and if there has already been a parking problem with those units, she thought that the parking issues should be addressed.

Commissioner Thimm thought parking was already addressed in the ordinance. Commissioner Van Dine pointed out that each unit would come to the Planning Commission for a CUP and parking could be addressed at that time.

Chair Phillips asked Planner Ward to summarize the discussion when the Commissioners previously reviewed this item. Planner Ward stated that in July the Planning Commission recommended that the City Council conduct a work session on nightly rentals. The City Council planned to have a that work session, but it had not yet been scheduled. In September the Planning Commission suggested delaying a decision until after the work session was conducted. Chair Phillips understood that the work session was not tied directly to this item, but it was all related to nightly rentals.

Chair Phillips stated that he always held the position that a mistake was made because the intent from the discussions at that time was to allow nightly rentals. Chair Phillips thought this process was beneficial to the community because over the last two year the City has made great strides in mitigating the impacts of nightly rentals on an individual basis and also a City-wide policy basis. Chair Phillips agreed with all the recommendations that were discussed by the City Council on how to mitigate the impacts. He expected to continue these discussions as the nightly rental market continues to evolve.

Chair Phillips stated that he was in favor of forwarding a positive recommendation to the City Council on fixing the mistake that was made. Commissioners Thimm and Suesser concurred.

Commissioner Kenworthy stated that he was leaning towards fixing the mistake that took place in the past in allowing for nightly rentals. He understood that one of the conditions is to display the name of the property management inside the homes. Commissioner Kenworthy thought that information should also be available on the website. If someone who does not want to make a police report could at least contact the owner or property manager as a good neighbor before taking it to the police.

Planner Ward stated that the Economic Development Department was overseeing the third-party work that will be done in 2021 and that is something being considered. If not, all licensed nightly rentals have a responsible party and that is also being looked into. Commissioner Kenworthy asked if that would be a condition with each CUP. Planner Ward stated that it is not in place at this point, but they could look into it at the time of a CUP application.

City Attorney Harrington remarked that those types of regulations are addressed in the nightly rental business license section. The problem is making sure the City retains the

authority because the State limits the ability to use online advertisements for enforcement purposes. Mr. Harrington pointed out that if they add a condition regarding something online, they would not be able to enforce it.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the amendment to correct a 2017 Staff oversight and allow nightly rentals as a conditional use in the Lower Rossi Hill Historic Residential Low-Density area for their consideration on February 4, 2021. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

5.E 89 King Road – A Conditional Use Permit (CUP) Application for a Nightly Rental CUP for a 5-Bedroom Home in the Historic Residential – Low Density (HRL). (Application PL-20-04573)

Planner Conboy reviewed the application for a nightly rental conditional use permit. He noted that there are different areas that are zoned Historic Residential Low. This application is in the Western Historic Residential Low-Density zone, which is King Road, Ridge Road, and Sampson.

Planner Conboy stated that in July 2020, the City Council established a cap in this area of 12 nightly rentals in the Western HRL area. There are currently 7 nightly rentals issued for the Western HRL. He clarified that the application listed 9, which was a mistake. According to the Finance Department there is currently one active business license within the HRL boundaries, and six active licenses total in the surrounding area. Planner Conboy noted that this area in the HR1 does not require a CUP.

Planner Conboy stated that 89 King Road is a recently constructed home built in 2020. It is five bedrooms and seven bathrooms and 4,059 square feet. The plat was recorded in 2018 and it includes a 10' snow storage easement on the front. There is a 10' setback to the garage doors, and as a result the Staff added a condition of approval that limits parking onsite to the two garage spaces and requires the vehicles to park within those spaces. There is no tandem parking within this area.

Planner Conboy commented on the conditions of approval regarding traffic considerations that were developed for this area, as outlined in the Staff report. He noted that the lease agreement must inform the applicant that there may be times when it is snowy and they will need to park their vehicle offsite in a public parking lot and walk to the property. All wheel drive vehicles are required during the winter months. Planner Conboy commented on additional traffic considerations and pedestrian circulation as a

requirement of the CUP criteria. Condition #10 requires that the applicant provide renters with detailed information regarding walkable access to skiing, Main Street, Old Town, etc., as well as free transit service. Planner Conboy commented on additional conditions in the Staff report that were intended to help mitigate impacts on the neighborhood.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the conditional use permit based upon the findings of fact, conclusions of law, and conditions of approval found in the Staff report.

Julie Ponder, the applicant, was available to answer questions. She thought Planner Conboy had done a good job presenting her application.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

Commissioner Suesser asked if there was a cap on the number of nightly rentals along King Road. Planner Conboy stated that there are currently seven nightly rentals in the Western HRL. This application and the following application would bring the number to 9 nightly rentals. The cap is 12.

Chair Phillips clarified that the cap on nightly rentals is for the zone and not specifically King Road, but they all access from King Road.

Commissioner Suesser asked Planner Conboy to define the perimeters of the zone that 89 King Road and 162 Ridge Avenue fall under. Planner Conboy pointed to Lower Rossi Hill, the McHenry HRL area that prohibits nightly rental, and the Western HRL, which is the upper portion of King Road, Ridge Avenue, and Sampson. It also includes the western side of Norfolk to the intersection of Sampson.

Commissioner Suesser stated that since they limit the number of nightly rentals, she asked if it made sense to understand where the other nightly rentals approved in this zone were located; or whether they were just putting a cap on it and not worry about the location, even if the nightly rentals are right next to each other. She understood this application would be #8 in the zone. Planner Conboy recalled that the application for 158 Ridge included a map of the existing nightly rentals.

Chair Phillips had the same concern. He thought they appeared to be concentrated in this area.

Commissioner Thimm pointed out that as written, the Code does not differentiate between clusters. It appears to be just for the whole district in terms of quantity.

Chair Phillips was curious about how they conditioned the nightly rental on 85 King Road which is downhill from 89 King Road and very similar. Chair Phillips noted that the Planning Commission has the ability to add specific conditions to each nightly rental, which is why they come through as a CUP. He asked Planner Conboy to make sure that whatever they condition on 89 King Road is in alignment with the 85 King Road conditions.

Planner Conboy recalled that a lot of the conditions were based off of 81 King Road. It was a more recent application and they codified some of those conditions relating to off street parking requirements, noticing, walkability, transit, and things of that nature. Commissioner Suesser cautioned against conforming this application with 85 King Road without first looking at those conditions. She was more comfortable conforming to a more recent application because the Planning Commission is getting better at conditioning nightly rentals.

Commissioner Kenworthy stated that he lives nearby, and as indicated in the Staff report, it is a very steep and narrow street and cars slide regularly in the winter. There are no sidewalks and walkability is very difficult. He understood there is parking at the end of Main Street that can be used when the spaces are not accessible, but he it is a steep and dangerous street. Commissioner Kenworthy remarked that there is a reason why previous Planning Commissions carved out this zone, and it mostly had to do with the terrain, snow shed areas, and the traffic. To put three or four nightly rentals in close proximity along that street creates safety concerns.

Commissioner Suesser asked Planner Conboy to explain the parking and the snow storage. She recalled that it is a five-bedroom house with 2 parking spots. She asked if the parking spots are covered. Planner Conboy replied that there are two garage spaces. He stated that the main concern is that there is a 10-foot snow storage easement that occupies the entire driveway to access the garage. There is a 10-foot setback from the house to the street. It is not an area where they would want cars to park because of that snow storage easement. The requirement of the condition of approval limits this nightly rental to two parking spaces, and the vehicles must be parked within the garage itself.

Commissioner Thimm asked if it was customary to have a snow storage area be the entire driveway. He questions how cars would get into the garage if snow is stored in the driveway. Commissioner Thimm suggested adding a condition of approval that requires snow removal elsewhere, so the driveway remains operational.

Ms. Ponder asked if the snow storage easement means the City can plow snow into her driveway. She paid to have radiant heat and presumably snow in her driveway will melt, but it will not melt a 10-foot pile. Ms. Ponder stated that she enjoyed the last two weeks with her family, and they did have two cars in her driveway without any issue because that is how everyone parks on King Road. She stated that having four cars may not be legal or acceptable from a rental perspective, but the two cars in the driveway were fully off the road. There were two cars in the garage and two on the driveway without a problem.

Commissioner Suesser asked Planner Conboy to clarify the snow storage easement conditions. Planner Conboy stated that the intent is to not have cars out in that area in the event of a snowstorm that requires plowing King Road. He noted that the conditions of approval are intended to try to mitigate the impacts of short-term rentals on the neighborhood. It was a conscious effort to address that issue by limiting parking to garage spaces only.

Chair Phillips stated that his house is four or five houses away from this one and there will be some winters when the snowplows cannot choose where to pile the snow. When Park City has an epic storm that driveway could have 6 or 7 feet of snow on top of the radiant. He thought it was important to plan for those situations. Chair Phillips remarked that they cannot tell the plowers where to put the snow because they run out of places on these narrow streets. Chair Phillips believed that at this point all they could do was limit the parking to the two legal spots in the garage.

Ms. Ponder was comfortable with that approach. Her ideal rental would be extended families. If there are two cars with families with children, they could all park in the garage. If there is a need to park on the driveway, she has a professional property management company who can take care of it if there is an epic storm.

Chair Phillips stated that knowing the road and the situation on this particular application, he asked if the applicant would be open to minimum signage stating that parking on the driveway is prohibited and all vehicles must be parked in the garage. Ms. Ponder was not opposed to that suggestion. She felt that anyone who pays to rent a house with a covered garage would not want to dig out their car.

Commissioner Suesser pointed out that the parking is already restricted to the garage with the conditions of the CUP. Chair Phillips clarified that he was suggesting signage to make sure the renters are aware. He assumed it would be in the rental agreement, but if only one person signed the rental agreement it would alert everyone else coming to stay. Commissioner Suesser thought it was the responsibility of the owner to enforce the terms of the lease.

Commissioner Suesser stated that she had not meant to interrupt any discussion that Commission Kenworthy wanted to have on the issue of rentals in close proximity. Commissioner Kenworthy stated that the real danger issue is right above Woodside going up King Road where Norfolk comes in. That section of road can be very icy, and cars slide. It is a dangerous situation. The Code indicates that the area is walkable to PCMR, which it is with the staircases, but King Road is not walkable. It is not a safe place to put four nightly rentals in a row on King Road.

Chair Phillips stated that this was the only the place in Old Town where they limited the number of units in a certain area, and they did it because it is difficult. Separate from this application, Chair Phillips thought the City should look at the entire Norfolk stretch in the future because the same reasoning should apply to the remainder of Upper Norfolk. For this application, Chair Phillips thought the Planning Commission could approve it as proposed. Commissioner Suesser agreed.

MOTION: Commissioner Suesser moved to APPROVE the conditional use permit application for a nightly rental CUP for 89 King Road, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Staff report. Commissioner Van Dine seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 89 King Road

1. The property is located at 89 King Road, Summit County in the Historic Residential-Low Density (HRL) District.
2. 89 King Road is a five-bedroom/seven-bathroom Single-Family Dwelling that is located on a 0.11-acre parcel.
3. 89 King Road is within walking distance to Park City Mountain Resort skiing and to Park City's free public transit.
4. The five-bedroom/seven-bathroom Single-Family Dwelling at 89 King Road is located within the area designated for Nightly Rentals in the HRL District, subject to a Conditional Use Permit.
5. On June 25, 2020, the owner of 89 King Road submitted an application to

request Commission review and approve a Nightly Rental Conditional Use Permit.

6. There are currently nine (9) Nightly Rental Conditional Use Permits in the western HRL District. The Commission may approve up to twelve Nightly Rental Conditional Use Permits for Nightly Rentals in the western HRL Zoning District.

7. In addition to a Nightly Rental Conditional Use Permit, the owner must secure a Nightly Rental Business License to use the property as a Nightly Rental. The business license application process requires that the Building Department inspect the property to ensure that the property meets all applicable building and fire codes.

8. 89 King Road is a five-bedroom house on a 0.11 acre site located within the potential Nightly Rental Conditional Use Permit zone and there are no unmitigated impacts from the site size and location.

9. King Road is a narrow and steep street and lease rental occupancy shall only allow two vehicles associated with a Nightly Rental on this lot. All nightly rental occupant parking shall be contained in the two-car garage or off-site public parking garage. This portion of King Road is steep and all-wheel drive vehicles are required during winter months.

10. 89 King Road is approved as a private residence and use of the property as a Nightly Rental will not change utility capacity and storm water run-off.

11. A Nightly Rental Conditional Use Permit will not alter the required emergency vehicle access.

12. During weather-related road conditions, access to 89 King Road may be limited and renters may need to find parking off-site to walk to the property. Leases shall contain information on available municipal parking and all-wheel drive vehicles shall be required during winter months.

13. No fencing or landscaping changes are proposed at this time.

14. The building mass, bulk, orientation, and location will remain unchanged.

15. No signs or additional lighting are proposed to be installed.

16. No changes to the physical design of the house or site are proposed.

17. No noise, vibration, odors, steam, or mechanical factors that might affect people and property are anticipated.

18. No deliveries beyond what are reasonably expected for a Single Family Dwelling are anticipated. Residential trash pickup for the property will be from King Road and subject to the Municipal Code of Park City § 6-1-11.

19. The property will be maintained by a professional property management company.

20. Use of 89 King Road as a Nightly Rental is in keeping with Objective 7C of Goal 7 to focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley. 89 King Road is within a walkable distance to Park City Mountain Resort with access through Upper Norfolk Avenue.

Conclusions of Law – 89 King Road

1. The proposed application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Nightly Rental is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed nightly rental use is consistent with the Park City General Plan.
4. The effects in difference in use or scale of the Nightly Rental have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval – 89 King Road

1. The applicant must obtain and maintain a valid Nightly Rental Business License.
2. Compliance with all building and fire code standards is required as a condition precedent to issuance of a Nightly Rental Business License.
3. All existing and any new exterior lighting shall conform to the City's lighting requirements prior to the issuance of a Nightly Rental Business License.
4. No exterior commercial signs are approved as part of this Nightly Rental Conditional Use Permit. Any future signs on the property shall be subject to the Park City Sign Code.
5. This Nightly Rental Conditional Use Permit is approved for the five bedroom/seven-bathroom Single-Family Dwelling. Any additions to the Structure that enlarge the Structure terminate this Conditional Use Permit and require a new Conditional Use Permit that reflects the altered size of the Single-Family Dwelling.
6. All lease agreements for Nightly Rental shall include language that limits the vehicles allowed at 89 King Road to two (2) vehicles that must utilize on-site garage parking. No tandem parking in the driveway and no parking in the surrounding residential neighborhood by the rental occupants is permitted.
7. The property owner or a Property Management Company shall place trash receptacles for trash pickup according to the Municipal Code of Park City § 6-1-11, which requires that trash receptacles cannot be set out for collection prior to 6:00 PM of the day before collection. All trash receptacles in the HRL District must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:50 PM the day they are emptied.
8. Property management contact information shall be displayed in a prominent location inside the Nightly Rental.
9. All lease agreements for Nightly Rental shall include language indicating that during heavy snowfall or bad road conditions, access to the property may be

limited and a list of municipal garages shall be provided. There may be times when renters need to park off-site in a public parking lot and walk to the property, and all-wheel drive vehicles are required during winter months.

10. The applicant must provide renters with detailed information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, to Park City's free transit service and to Park City Municipal Garages.

11. Nightly Rental of 89 King Road prohibits Commercial Uses such as hospitality houses, screening rooms, reception centers, etc.

12. The property owner or a professional property management company shall oversee the property and shall maintain the property and landscaping in a manner that shall comply with all City Code and Land Management Code standards.

5F. 162 Ridge Avenue – A Conditional Use Permit (CUP) Application for a Nightly Rental CUP for a 3-Bedroom Home in the Historic Residential – Low Density Zone (HRL). (Application PL-20-04679)

Planner Conboy reviewed the application for a nightly rental in the Western Historic Residential Low-Density Zone. This home is directly behind 89 King Road. This would be #9 of the 12 nightly rentals allowed in the zone. The home was built in 2018. It is a 3,030 square foot single-family home, three bedrooms, three baths.

Planner Conboy presented the plat for the King Ridge Estates Subdivision. The subject property is Lot 2. He indicated a private common driveway and fire access road for Ridge Avenue. The Staff added conditions of approval to limit parking to the garage and the driveway space. No parking will be allowed on Ridge Avenue.

Planner Conboy stated that Parcel A was dedicated to Park City when the King Ridge Estates Subdivision Plat was recorded. The Engineering Department determined that due to the turning radius requirements, snow storage, and fire access, no parking would be allowed on Parcel A or Ridge Avenue in this area.

Planner Conboy noted that the single-car garage was platted as a parking space in the driveway. It is a tandem space, one in front of the other. A condition of approval limits no more than two vehicles. One must be parked in the garage and one must be parked in the driveway. The other two requirements were codified in conditions of approval regarding Ridge Avenue and the platted unbuilt drive. Planner Conboy remarked that the conditions for 162 Ridge are consistent with the conditions for 158 Ridge Avenue, which is the neighbor next door.

Planner Conboy stated that the conditions regarding traffic and pedestrians are the same conditions that applied to 89 King Road. The conditions are also the same for trash pickup and recycling, commercial uses, and landscaping required for mitigating impacts on the neighborhood.

The Staff recommended that the Planning Commission conduct a public hearing and consider approve the conditional use permit for a nightly rental at 162 Ridge Avenue.

Marc Ozarski, the applicant, stated that he generally agreed with the Staff report and was available to answer questions.

Chair Phillips thought most of their discussion on 89 King Road applied to this application.

Commissioner Suesser asked if once the Planning Commission approves these CUPs as conditioned whether they are registered with the business license and connected to the City database of nightly rentals with the complaint forms and property management information.

City Attorney Mark Harrington explained that each owner is responsible for separately doing their annual business license which has those requirements. If they do not renew each year, they could lose their CUP status, particularly if the ordinance changes. Mr. Harrington clarified that it is not automatic. The responsibility falls to the owner. Commissioner Suesser stated that if they condition a nightly rental on not permitting cars being parked in the driveway, are the neighbors aware of that condition. For example, if there is a parking problem, would a neighbor be able to confirm the conditions of approval for parking by looking it up in the City database. Mr. Harrington did not believe that level of detail was available at this point. A neighbor could request a copy of the CUP conditions, but he was unsure whether it would be available online. Commissioner Suesser understood that if there were a series of complaints the conditions would be looked up. Mr. Harrington answered yes.

Chair Phillips opened the public hearing.

No hands were raised on Zoom and no eComments were submitted.

Chair Phillips closed the public hearing.

Mr. Ozarski stated that he learned how the area was developed when he was doing his due diligence in connection with the acquisition of the property. He noted that throughout a lot of Old Town the sidewalks are essentially staircases. He was unsure

how those came about over time, but to the extent there was an opportunity to add such a staircase from the end of Ridge Avenue down to the King Road, he wanted to know the process for looking into it further. Chair Phillips recommended that Mr. Ozarski discuss that option with the Staff.

City Attorney Harrington stated that Heinrich Deters in the Trails Department was the best person to contact. Mr. Ozarski could also contact the City Engineer to request an enhanced level of service. There is a petition process where the neighbors can petition for a capital improvement program.

MOTION: Commissioner Van Dine moved to APPROVE the Conditional Use Permit for a nightly rental at 162 Ridge Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Staff Report. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 162 Ridge Avenue

1. The property is located at 162 Ridge Avenue in the Historic Residential-Low Density (HRL) District.
2. 162 Ridge Avenue is a three-bedroom/three-bathroom Single-Family Dwelling that is located on a 0.135-acre parcel.
3. 162 Ridge Avenue is within walking distance to Park City Mountain Resort skiing and to Park City's free public transit.
4. The three-bedroom/three-bathroom Single-Family Dwelling at 162 Ridge Avenue is located within the area designated for Nightly Rentals in the HRL District, subject to a Conditional Use Permit.
5. On October 15, 2020, the owner of 162 Ridge Avenue submitted an application to request Commission review and approve a Nightly Rental Conditional Use Permit.
6. There are currently nine (7) Nightly Rental Conditional Use Permits in the western HRL District.
7. In addition to a Nightly Rental Conditional Use Permit, the owner must secure a Nightly Rental Business License to use the property as a Nightly Rental. The business license application process requires that the Building Department inspect the property to ensure that the property meets all applicable building and fire codes.
8. 162 Ridge Avenue is a three-bedroom/three-bathroom house on a 0.135 acre site located within the potential Nightly Rental Conditional Use Permit zone and there are no unmitigated impacts from the site size and location.

9. Ridge Avenue is a narrow and steep street and should only be accessed by two vehicles associated with a Nightly Rental on this lot. All parking shall be contained on site and there shall be no parking allowed on surrounding neighborhood streets. This portion of Ridge Avenue is steep and all-wheel drive vehicles are required during winter months.

10.162 Ridge Avenue is approved as a private residence and use of the property as a Nightly Rental will minimally change utility capacity and storm water run-off.

11.A Nightly Rental Conditional Use Permit will not alter the required emergency vehicle access.

12.During weather-related road conditions, access to 162 Ridge Avenue may be limited and renters may need to find parking off-site to walk to the property.

Leases shall contain information on available municipal parking and all-wheel drive vehicles shall be required during winter months.

13.No fencing or landscaping changes are proposed at this time.

14.The building mass, bulk, orientation, and location will remain unchanged.

15.No signs or additional lighting are proposed to be installed.

16.No changes to the physical design of the house or site are proposed.

17.No noise, vibration, odors, steam, or mechanical factors that might affect people and property are anticipated.

18.No deliveries beyond what are reasonably expected for a Single Family Dwelling are anticipated. Residential trash pickup for the property will be from Ridge Avenue and subject to the Municipal Code of Park City § 6-1-11.

19.The property will be maintained by a professional property management company.

20.162 Ridge Avenue is located outside of the Park City Soils Ordinance Zone.

21.Use of 162 Ridge Avenue as a Nightly Rental is in keeping with Objective 7C of Goal 7 to focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley. 162 Ridge Avenue is within a walkable distance to Park City Mountain Resort with access through Upper Norfolk Avenue.

Conclusions of Law – 162 Ridge Avenue

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

2. The proposed Nightly Rental is compatible with surrounding structures in use, scale, mass, and circulation.

3. The proposed nightly rental use is consistent with the Park City General Plan.

4. The effects in difference in use or scale of the Nightly Rental have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval – 162 Ridge Avenue

1. The applicant must obtain and maintain a valid Nightly Rental Business License.
2. Compliance with all building and fire code standards is required as a condition precedent to issuance of a Nightly Rental Business License.
3. All existing and any new exterior lighting shall conform to the City's lighting requirements prior to the issuance of a Nightly Rental Business License.
4. No exterior commercial signs are approved as part of this Nightly Rental Conditional Use Permit. Any future signs on the property shall be subject to the Park City Sign Code.
5. This Nightly Rental Conditional Use Permit is approved for the three bedroom/three-bathroom Single-Family Dwelling. Any additions to the Structure that enlarge the Structure terminate this Conditional Use Permit and require a new Conditional Use Permit that reflects the altered size of the Single-Family Dwelling.
6. All lease agreements for Nightly Rental shall include language that limits the vehicles allowed at 162 Ridge Avenue to two (2) vehicles that must utilize on-site parking in the one (1) garage space and one (1) on-site driveway space. No parking in the surrounding residential neighborhood is permitted.
7. Parking for nightly rental use on Ridge Avenue is prohibited.
8. Parking for nightly rental use on the private driveway on the platted, unbuilt Ridge Avenue right-of-way that provides access to 162 Ridge Avenue is prohibited.
9. All rental agreements shall include language indicating that all-wheel drive vehicles are required during the winter season.
10. Property management contact information shall be displayed in a prominent location inside the Nightly Rental
11. The property owner or a Property Management Company shall place trash receptacles for trash pickup according to the Municipal Code of Park City § 6-1-11, which requires that trash receptacles cannot be set out for collection prior to 6:00 PM of the day before collection. All trash receptacles in the HRL District must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:50 PM the day they are emptied.
12. All lease agreements for Nightly Rental shall include language indicating that during heavy snowfall or bad road conditions, access to the property may be limited and a list of municipal garages shall be provided. There may be times when renters need to park off-site in a public parking lot and walk to the property, and all-wheel drive vehicles are recommended during winter months.
13. The applicant must provide renters with detailed information regarding walkable access to skiing, to Park City's Historic Main Street, to Old Town, to Park City's free transit service and to Park City Municipal Garages.

14. Nightly Rental of 162 Ridge Avenue prohibits Commercial Uses such as hospitality houses, screening rooms, reception centers, etc.

15. The property owner or a professional property management company shall oversee the property and shall maintain the property and landscaping in a manner that shall comply with all City Code and Land Management Code standards.

NOTE: The Planning Commission delayed further discussion on the Lighting Code Amendment until the end of the agenda to allow the Staff time to revise the conditions based on their direction.

5.C. Continued discussion from earlier in the meeting of the Land Management Code Amendment to Consider Updates to the City's Outdoor Lighting Regulations. (Application PL-20-04545)

Planner Jackson reviewed the revised language. Based on the comments the Staff had drafted suggested motion language.

Planner Jackson read the revisions as follows:

- Amend Redline 410 to restrict historic fixtures to historic sites.
- Amend Redline 421 for ridgeline areas to add a new subsection that the Planning Commission or Planning Staff may approve outdoor lights that exceed 12' above existing grade and may require additional shielding.
- Amend Redline 497-501 - "All outdoor legally existing and installed prior to the effective date of this outdoor lighting subsection, and which is not exempted, shall update lights to comply with the 3,000 degrees Kelvin requirement by December 31, 2024". "Add Subsection E to the compliance timeline. Property Owner shall not replace outdoor lighting with non-compliant fixtures".

Commissioner Suesser asked if the revisions capture the compliance for new projects and new construction going forward as of the effective date. Planner Ward replied that redline 495 states, "All outdoor lighting installed after the effective date of this outdoor lighting subsection shall conform". Redline 502 states, "Immediate compliance is required as a condition of approval for site improvements, construction, LEED construction, expansion, alterations". "If there is damaged or inoperative non-conforming lighting it will be replaced or repaired".

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for their consideration on January 21, 2021 for the Outdoor Lighting Amendments as amended. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission Meeting adjourned at 8:52 p.m.

Approved by Planning Commission: _____

PENDING APPROVAL

Planning Commission Staff Report



Subject: King's Crown Condominiums - Building D
Application: PL-20-04661 and PL-21-04739
Author: Rebecca Ward
Date: January 27, 2021
Type of Item: Administrative – Condominium Plat Amendment and Master Planned Development Modification

Recommendation

(1) Determine whether the proposed King's Crown Condominiums Plat Amendment specific to Building D is a minor or substantive modification to the King's Crown Master Planned Development; (2) conduct a public hearing; and (3) continue the discussion to February 10, 2021.

Description

Applicant: CRG Development, LLC
Location: 1271 Lowell Avenue
Zoning District: Recreation Commercial
Adjacent Land Uses: Multi-Unit and Single-Family Dwellings
Reason for Review: Plat amendments require Planning Commission review and recommendation and City Council review and action

The Planning Commission determines when a modification to a Master Planned Development triggers a minor or substantive amendment

Acronyms

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

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

Executive Summary

On January 10, 2018, the Planning Commission approved the King's Crown Master Planned Development and Conditional Use Permit (MPD/CUP),¹ a 32-Lot subdivision with:

- 27 Single-Family Lots;²
- Seven townhomes on Lot 30;
- The King's Crown Workforce Condominiums A on Lot 1;

¹ The Planning Commission approved the King's Crown Master Planned Development and Conditional Use Permit under one application. The findings of fact and conditions of approval are the same for both approvals.

² On January 7, 2021, the City Council enacted [Ordinance No. 2021-03](#), combining three Single-Family Lots into two, reducing the overall number to 26.

- The King's Crown Condominiums B | C | D on Lot 2; and
- Over 11 acres of Open Space on Lots 31 and 32.

However, there was a discrepancy in the information and exhibits presented to the Planning Commission as part of the King's Crown MPD/CUP approval, discussed below. Staff did not identify this discrepancy and reviewed the subsequent plat approvals based on the Applicant's engineer exhibits.

In 2019, the Applicant submitted an application for the King's Crown Condominium Plat for Buildings B | C | D on Lot 2 and staff determined the Plat conformed to the King's Crown MPD/CUP approval. On May 22, 2019, the Planning Commission reviewed the Plat and forwarded a positive recommendation to City Council ([Staff Report](#); [Minutes](#), p. 46). On June 20, 2019, the City Council adopted [Ordinance No. 2019-34](#), approving the Plat ([Staff Report](#); [Minutes](#), p. 8-9). On December 10, 2019, the Applicant recorded the Plat with the County (Exhibit B; Summit County Recorder Entry No. 112337).

Buildings B and C of the King's Crown Condominiums are under construction.

On August 12, 2020, the Applicant submitted a letter requesting to vacate and rescind City approvals for Building D in order to begin the review process anew (see Exhibits C, D, and E). The Applicant also proposes to:

- Confirm the location of Building D;
- Reduce the units from 12 to 11;
- Reduce the parking from 22 to 21 spaces;
- Reduce the limited common area by 386 square feet; and
- Increase the private area by 712 square feet.

To provide context for the Analysis Section, the image below—taken from the Summit County Parcel Viewer—highlights the King's Crown Condominiums Building D, the Lift Lodge Condominiums, and The Residences at King's Crown, a three-unit condominium that extends between Lowell Avenue and Empire Avenue. (Please note that The Residences at King's Crown were approved in 2006 and are not part of the King's Crown MPD/CUP). References in the Planning Commission meeting minutes to "the Crafton [sic]/Horowitz [sic] house" (Kravtin/Horwitz house) are specific to Unit C of The Residences at King's Crown (KC Residences below), which faces Lowell Avenue.



The Google image below shows the Lift Lodge Condominiums (on the left) and Unit C of the Residences at King's Crown Condominiums (on the right) to provide the Planning Commission with context of the Condominiums located across Lowell Avenue from Building D.



Background

The King's Crown MPD/CUP and subsequent plats were approved after several Planning Commission work sessions, and Planning Commission and City Council public hearings:

July 26, 2017	The Commission conducted an initial work session (Staff Report , p. 100; Minutes , p. 15)
November 29, 2017	The Commission conducted a public hearing (Staff Report , p. 212; Minutes , p. 93)
December 13, 2017	The Commission conducted a work session (Staff Report , p. 189; Minutes , p. 72)
January 10, 2018	The Commission approved the King's Crown Master Planned Development and Conditional Use Permit (Staff Report , p. 354; Minutes , p. 38-61)
January 10, 2018	The Commission reviewed the King's Crown Re-Subdivision Plat and forwarded a positive recommendation to the City Council (Staff Report , p. 354; Minutes , p. 38-61)
February 1, 2018	The Council approved Ordinance No. 2018-05 , the King's Crown Re-Subdivision Plat (Staff Report p. 58; Minutes , p. 8-9)
June 13, 2018	The Commission ratified the King's Crown Development Agreement (Staff Report ; Minutes , p. 53-54)
May 22, 2019	The Commission modified the King's Crown Master Planned Development and Conditional Use Permit (Staff Report ; Minutes , p. 46-55)
May 22, 2019	The Commission reviewed the King's Crown Condominium Plat and forwarded a positive recommendation to City Council (Staff Report ; Minutes , p. 46)
June 20, 2019	The Council adopted Ordinance No. 2019-34 , approving the King's Crown Condominium Plat for Buildings B C D on Lot 2 (Staff Report ; Minutes , p. 8-9)
November 13, 2019	The Commission reviewed the amended King's Crown Condominium Plat and forwarded a positive recommendation to City Council (Staff Report ; Minutes , p. 30)
November 21, 2019	The Council approved Ordinance No. 2019-56 , amending the King's Crown Condominium Plat for Buildings B C D on Lot 2 (Staff Report ; Minutes , p. 14)

August 12, 2020	The Applicant submitted a letter requesting to vacate and rescind City approvals for Building D of the King's Crown Condominium Plat and engineering approval (Exhibit C)
December 9, 2020	The proposed Plat Amendment was scheduled for the Planning Commission's consideration but the application was withdrawn and the Applicant later submitted an application to amend the King's Crown MPD/CUP

Analysis

Plat amendments are reviewed according to the requirements of LMC [§ 15-7.1-6\(B\)](#) with Planning Commission review and recommendation and City Council action. The Commission reviews the plat, taking into consideration requirements of the MPD.³

MPDs “provide design flexibility necessary for well-planned . . . developments that are Compatible with the surrounding neighborhood.”⁴ The goal of MPDs is in part to “ensure neighborhood Compatibility.”⁵ One of the required findings the Commission must make when approving an MPD is that the MPD “is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility . . . and protects residential neighborhoods and Uses.”⁶

Conditional Use Permits require mitigation of “Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots.”⁷ Additionally, Multi-Unit Dwellings approved as a Conditional Use must address “physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.”⁸

The King's Crown MPD/CUP was designed to locate Multi-Unit Dwellings near Marriott's Mountainside to the north and Lift Lodge Condos to the east. Single-Family Lots were designed to mirror the Lot size of Single-Family Dwellings across Lowell. The seven King's Crown Townhomes were located near the North Star Townhomes. The image below indicates the locations of the overall King's Crown MPD/CUP within the context of neighboring properties. (The image below is taken from the Applicant's submission materials. Staff added text to identify properties).

³ LMC [§ 15-7.1-6\(C\)](#).

⁴ LMC [§ 15-6-1](#).

⁵ LMC [§ 15-6-1\(B\)](#).

⁶ LMC [§ 15-6-6\(F\)](#).

⁷ LMC [§ 15-1-10\(E\)\(8\)](#).

⁸ LMC [§ 15-1-10\(E\)\(11\)](#).



In the first work session (July 26, 2017) the Planning Commission conducted for the King's Crown MPD/CUP, "[the Applicant] noted that the proposed condominium buildings were moved farther north and the roof design was modified to maintain the view of the Horowitz's [sic] unit" ([Minutes](#), p. 23, ¶ 3).

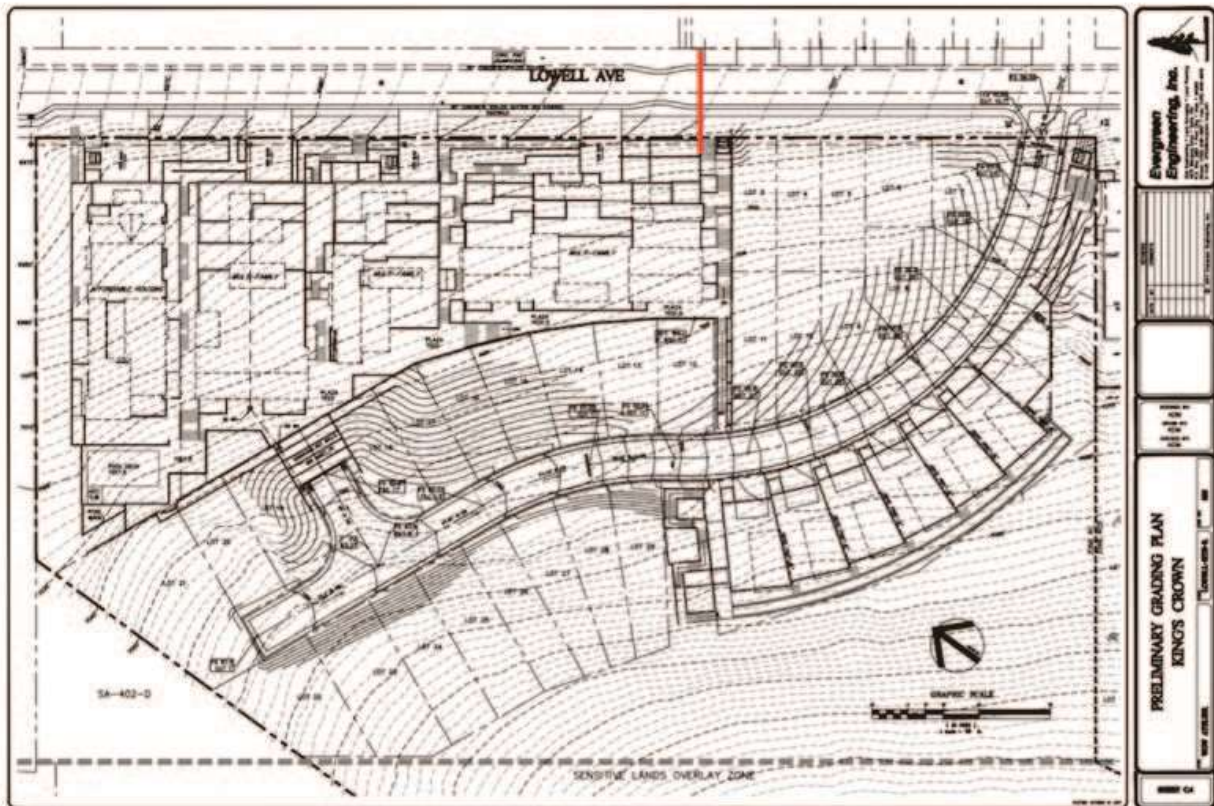
In the second work session, the Applicant provided the following information about the location of Condominium Building D on Lot 2:

"[a] building was moved 15 feet north from its original site to accommodate the Crafton [sic]/Horowitz [sic] house, and minimize the disturbance on their visual corridor" ([Minutes](#), p. 97, ¶ 1).

The Applicant "reiterated that relative to the Crafton [sic]/Horowitz [sic] house, they pulled the building 15' to the north. He noted that the southernmost boundary on Building C/D matches the southernmost boundary of the Lift Lodge. Also, the driveway for Building D was pulled 42' to the north to accommodate Crafton [sic]/Horowitz [sic] because they did not want headlights coming out of the driveway and into their house" ([Minutes](#), p. 98, ¶ 2).

[CONTINUED ON THE NEXT PAGE]

However, the location of Building D is not consistent in the exhibits that were presented to the Planning Commission. For example, [Exhibit U4 – Civil Drawings](#), shown below, identifies the Building D location in the context of the properties across Lowell Avenue and shows the Building D location extending south of the southernmost boundary of the Lift Lodge Condominiums:



[CONTINUED ON THE NEXT PAGE]

[Exhibit W – Architectural Site Drawings](#), AS-004 Diagrammatic Site Plan, below, shows the southern boundary of the Building D Condominiums aligning with the southernmost boundary of the Lift Lodge Condominiums. Please see Exhibit D, pages 3 - 4, for the project architect's statement on this discrepancy.



On January 10, 2018, the Commission approved the King's Crown MPD/CUP with the following Findings of Fact (Exhibit F):

112: The project has been designed to mirror the existing neighborhood development patterns.

113: The larger mass buildings are located adjacent to the larger buildings on Lowell, and the project homes mirror the East side of Lowell, with the townhomes continuing the townhome pattern as well ([Staff Report](#), p. 384).

The Commission determined the following Conclusions of Law for the MPD:

The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood

Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses.

The Commission determined the following Conclusions of Law for the CUP:

The Uses will be Compatible with surrounding Structures in Use, scale, mass, and circulation.

The effects of any difference in Use or scale have been mitigated through careful planning ([Staff Report](#), p. 387).

To date, staff relied on the engineering exhibits—not the architecture’s diagrammatic site plans—that were included as exhibits to the King’s Crown MPD/CUP approval to determine subsequent plat compliance with the approval. However, those exhibits did not reflect the 15 foot shift to the north as represented at the hearings and on the architect’s exhibit.

On May 22, 2019, the Commission reviewed the King’s Crown Condominium Plat ([Staff Report](#); [Minutes](#), p. 55). The Commission forwarded a positive recommendation to City Council. On June 20, 2019, the City Council adopted [Ordinance No. 2019-34](#), approving the King’s Crown Condominium Plat for Buildings B | C | D on Lot 2 ([Staff Report](#); [Minutes](#), p. 8-9). This plat was never recorded. Rather, it was amended.

On November 13, 2019, the Commission reviewed amendments to the King’s Crown Condominium Plat that altered Building B and impacted the interior of Building D, separating one unit into two ([Staff Report](#); [Minutes](#), p. 30). On November 21, 2019, the City Council approved [Ordinance No. 2019-56](#), amending the King’s Crown Condominium Plat for Buildings B | C | D on Lot 2 ([Staff Report](#); [Minutes](#), p. 14).

The Applicant requested to vacate and rescind this approval specific to Building D and proposes a plat amendment. The plat amendment clarifies that Building D will not move 15 feet to the north and will be located in the footprint illustrated in the Applicant’s King’s Crown MPD/CUP engineer exhibits. (See Exhibit D: January 8, 2021 Applicant Statement).

The proposed King’s Crown Condominium Plat Amendment for Building D complies with the Land Management Code, Recreation Commercial Zoning District, and Parking requirements.

The Setback and Height requirements for Building D were evaluated at the time of the MPD/CUP approval. Building D was approved as a four-story building above a parking garage ([Staff Report](#), p. 380, Finding of Fact 35). The required 25-foot MPD perimeter Setback along Lowell Avenue and the 10-foot Rear and Side Setbacks are indicated on the Plat.⁹

⁹ LMC [§ 15-2.16-3](#).

The proposed amendments mostly impact the internal units and limited common deck areas, outlined below:

Limited Common Space – Reduced by 386 SF

Unit	Recorded Plat	Proposed Plat
D101	410 SF	451 SF
D102	330 SF	455 SF
D103	70 SF	265 SF
D104	465 SF	Removed
D201	310 SF	331 SF
D202	540 SF	344 SF
D203	296 SF	298 SF
D301	441 SF	458 SF
D302	460 SF	420 SF
D303	758 SF	742 SF
D401	857 SF	883 SF
D402	694 SF	598 SF
TOTAL	5631 SF	5245 SF

Private Area – Increased by 712 SF

Unit	Recorded Plat	Proposed Plat
D101	2286 SF	1999 SF
D102	1260 SF	2605 SF
D103	1261 SF	2149 SF
D104	2050 SF	Removed
D201	2123 SF	2500 SF
D202	2506 SF	2261 SF
D203	2497 SF	2637 SF
D301	1988 SF	2165 SF
D302	2298 SF	1950 SF
D303	1806 SF	2193 SF
D401	2500 SF	2544 SF
D402	2218 SF	2502 SF
TOTAL	24,793 SF	25,505 SF

Total Parking Spaces – Reduced from 22 to 21

LMC [§ 15-3-6\(A\)](#) outlines required parking spaces for Multi-Unit Dwellings based on Floor Area square footage, which is defined as “[t]he Area of a Building, including all enclosed Areas, consisting of the Area of all floors located under a ceiling that is above Final Grade, measured in square feet. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area.” LMC [§ 15-15-1](#).

Units between 1,000 and 2,000 SF require 1.5 parking spaces and Units greater than 2,000 SF require 2 parking spaces:

Unit	Square Footage	Required Parking Spaces
D101	1999 SF	1.5
D102	2605 SF	2
D103	2149 SF	2
D201	2500 SF	2
D202	2261 SF	2
D203	2637 SF	2
D301	2165 SF	2
D302	1950 SF	1.5
D303	2193 SF	2
D401	2544 SF	2
D402	2502 SF	2
TOTAL		21

The Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council for a plat amendment.¹⁰

Good Cause is defined as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”¹¹

Staff recommends the Planning Commission review the proposed plat amendment as a substantive modification to the King’s Crown MPD/CUP approval to resolve the exhibit discrepancy and establish Good Cause.

The Planning Commission determines whether a proposed modification to an approved MPD is minor or substantive.¹² Minor modifications comply with the LMC and MPD approval and are reviewed through a staff-level Administrative Permit, while substantive modifications, reviewed by the Planning Commission, create additional impacts and may include a change to a Finding of Fact or Condition of Approval.

Due to the discrepancy in the exhibits presented to the Planning Commission for the King’s Crown MPD/CUP approval in January of 2018, staff recommends the Planning Commission review the proposed plat amendment as a substantive modification so that the Planning Commission may evaluate the location of Building D within the context of the approved Findings of Fact and Conclusions of Law. Staff recommends the Planning Commission continue this discussion to February 10, 2021.

¹⁰ LMC [§ 15-7.1-6\(C\)](#).

¹¹ LMC [§ 15-15-1](#).

¹² LMC [§ 15-6-4\(K\)](#).

Staff also recommends the Planning Commission request that the Applicant submit exhibits showing the proposed Building D in the context of the properties across Lowell Avenue so that staff and the Planning Commission can fully evaluate the Building D location within the King's Crown MPD/CUP approval.

Department Review

The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on January 13, 2021. Staff mailed courtesy notice to property owners within 300 feet on January 13, 2021. The *Park Record* published notice on January 13, 2021.¹³

Public Input

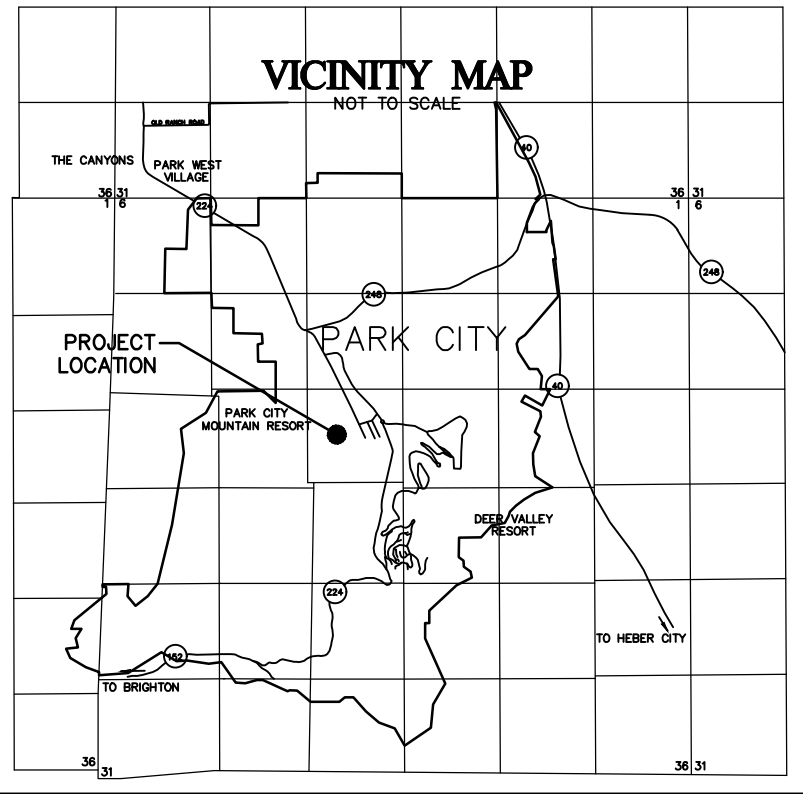
For public input from Patricia Kravtin and Jon Horwitz, please refer to Exhibits H, I, J, K, and L.

For general public input, please see Exhibit M.

Exhibits

- Exhibit A: Proposed King's Crown Condominiums Plat Amendment
- Exhibit B: Recorded King's Crown Condominium Plat
- Exhibit C: Letter Vacating and Rescinding Building D Approvals
- Exhibit D: January 8, 2021 Applicant Statement
- Exhibit E: January 10, 2021 Applicant Statement
- Exhibit F: January 10, 2018 King's Crown MPD/CUP Planning Commission Approval
- Exhibit G: The Residences at King's Crown Condominium Plat
- Exhibit H: July 25, 2017 Public Input
- Exhibit I: November 11, 2019 Public Input
- Exhibit J: September 23, 2020 Public Input
- Exhibit K: December 9, 2020 Public Input
- Exhibit L: January 21, 2021 Public Input
- Exhibit M: Public Input

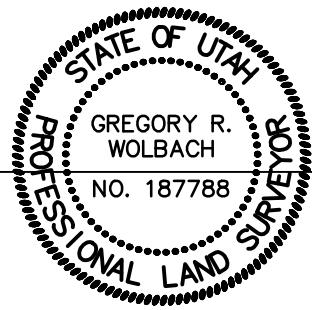
¹³ LMC [§ 15-1-21](#).



SURVEYOR'S CERTIFICATE

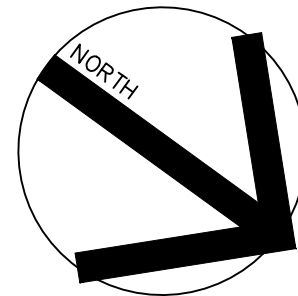
I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8, CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57, REAL ESTATE.



GREGORY R. WOLBACH

DATE:



GRAPHIC SCALE



(IN FEET)
1 inch = 16 ft.

CONDOMINIUM PLAT
KING'S CROWN CONDOMINIUMS, FIRST AMENDED
— A UTAH CONDOMINIUM PROJECT —
A CONDOMINIUM PROJECT LOCATED WITHIN SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION

UNIT NOS. B101, B102, B103, B201, B202, B301, B302, AND B401 IN BUILDING B; UNIT NOS. C101, C102, C201, C202, C301, C302, AND C401 IN BUILDING C; UNIT NOS. D101, D102, D103, D104, D201, D202, D203, D301, D302, D303, D401, AND D402 IN BUILDING D, CONTAINED WITHIN THE KING'S CROWN CONDOMINIUMS, AS THE SAME IS IDENTIFIED IN THE RECORD OF SURVEY MAP RECORDED IN SUMMIT COUNTY, UTAH, AS ENTRY NO. 1123377, IN BOOK 2544, AT PAGE 1025, AND IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND BYLAWS OF THE KING'S CROWN CONDOMINIUMS, RECORDED IN SUMMIT COUNTY, UTAH, ON DECEMBER 10, 2019, AS ENTRY NO. 1123378, IN BOOK 2544, AT PAGE 1123378, OF THE OFFICIAL RECORDS, AND ALL AMENDMENTS THEREIN.

TOGETHER WITH: (A) THE UNDIVIDED OWNERSHIP INTEREST IN SAID CONDOMINIUM PROJECT'S COMMON AREAS AND FACILITIES WHICH IS APPURTENANT TO SAID UNIT, (THE REFERENCED DECLARATION OF CONDOMINIUM PROVIDING FOR PERIODIC ALTERATION BOTH IN THE MAGNITUDE OF SAID UNDIVIDED OWNERSHIP INTEREST AND IN THE COMPOSITION OF THE COMMON AREAS AND FACILITIES TO WHICH SAID INTEREST RELATES); (B) THE EXCLUSIVE RIGHT TO USE AND ENJOY EACH OF THE LIMITED COMMON AREAS WHICH IS APPURTENANT TO SAID UNIT, AND (C) THE NON-EXCLUSIVE RIGHT TO USE AND ENJOY THE COMMON AREAS AND FACILITIES INCLUDED IN SAID CONDOMINIUM PROJECT (AS SAID PROJECT MAY HEREAFTER BE EXPANDED) IN ACCORDANCE WITH THE AFORESAID DECLARATION AND SURVEY MAP (AS SAID DECLARATION AND MAP MAY HEREAFTER BE AMENDED OR SUPPLEMENTED) AND THE UTAH CONDOMINIUM OWNERSHIP ACT.

CONTAINS: 41,773.16 SQUARE FEET (0.9590 ACRES) MORE OR LESS.

NOTES:

1. BASIS OF BEARING: NORTH 35°59'00" WEST BETWEEN FOUND AND ACCEPTED EMPIRE AVENUE SURVEY MONUMENTS, AS SHOWN HEREON.
2. PROJECT BENCHMARK ELEVATION = 6987.32'. SANITARY SEWER MANHOLE RIM IN LOWELL AVENUE, AS SHOWN HEREON.
3. THIS PLAT REPRESENTS AN AMENDMENT TO "KING'S CROWN CONDOMINIUMS", ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, ENTRY NO. 01123377.
4. COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ANY ITEMS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH TO THIS CONDOMINIUM CONVERSION ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
5. THE UNITS OF THIS CONDOMINIUM PLAT ARE SERVED BY PRIVATE LATERAL WASTEWATER LINES THAT CROSS THE COMMON AREA. "THE KING'S CROWN CONDOMINIUM OWNERS ASSOCIATION" SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF THE PRIVATE LATERAL WASTEWATER LINES WITHIN THE COMMON AREA.
6. COMMON AREAS WITHIN THE PLAT ARE DEDICATED FOR PRIVATE UTILITIES, INCLUDING PRIVATE LATERAL WASTEWATER LINES.
7. BUILDING DEPARTMENT APPROVAL OF A FIRE SPRINKLER PLAN IS REQUIRED.
8. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE 2019-34.
9. ALL CONDITIONS OF APPROVAL OF THE AMENDED MASTER PLAN NED DEVELOPMENT, CONDITIONAL USE PERMIT, KING'S CROWN RE-SUBDIVISION PLAT ORDINANCE NO. 2018-05, AND ORDINANCE NO. 2019-51, AND AMENDED HOUSING MITIGATION PLAN SHALL CONTINUE TO APPLY.
10. UNIT MEASUREMENTS SHOWN HEREON ARE FINISHED SURFACE OF INSIDE WALL TO FINISHED SURFACE OF INSIDE WALL (ON SHEETS 2-4).

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT BY THE VIRTUE OF A CORPORATE RESOLUTION, CRG PARTNERS, LLC, A UTAH LIMITED LIABILITY COMPANY, OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE "KING'S CROWN CONDOMINIUMS, FIRST AMENDED", DOES HEREBY CERTIFY THAT WE HAVE CAUSED THIS PLAT TO BE PREPARED, AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

ALSO, THE OWNERS DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

ALSO, THE OWNERS, OR HIS/HER REPRESENTATIVES, HEREBY CERTIFY THAT THE BUILDINGS CONTAINING UNITS SHOWN ON THIS PLAT, UNDER CONSTRUCTION AT THE TIME THE PLAT IS RECORDED, WILL, WHEN COMPLETED, BE AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20____.

RORY MURPHY, MANAGER
CRG DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH) :ss

COUNTY OF SUMMIT)

PERSONALLY APPEARED BEFORE ME THIS _____ DAY OF _____, 20____, THE FOLLOWING: RORY MURPHY, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS MANAGER OF CRG DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND ON BEHALF OF SAID CORPORATION AND THAT SAID CORPORATION EXECUTED THE SAME.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC _____.

RESIDING IN _____.

LIEN HOLDER CONSENT

ON THE _____ DAY OF _____, 20____, _____, CRG DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY, ENTERED INTO A DEED OF TRUST WITH STERLING NATIONAL BANK, WHICH DEED OF TRUST IS SECURED BY THE PROPERTY MORE PARTICULARLY DESCRIBED IN THE ABOVE IDENTIFIED DEED OF TRUST. SAID DEED OF TRUST WAS RECORDED ON APRIL 10, 2020, AS ENTRY NO. 1130518 IN BOOK 2565 AT PAGE 0236 IN THE OFFICIAL RECORDS OF THE SUMMIT COUNTY RECORDER'S OFFICE.

STERLING NATIONAL BANK IS FULLY AWARE THAT CRG DEVELOPMENT, LLC IS IN THE PROCESS OF RECORDING A PLAT CREATING A PROJECT KNOWN AS "KING'S CROWN CONDOMINIUMS, FIRST AMENDED" AND STERLING NATIONAL BANK HEREBY CONSENTS TO THE RECORDING OF THE PLAT FOR ALL PURPOSES SHOWN THEREON.

DATED THIS _____ DAY OF _____, 20____.

STERLING NATIONAL BANK

BY: _____
PRINT NAME: _____
TITLE: _____

ACKNOWLEDGMENT

STATE OF UTAH)

COUNTY OF _____) :ss

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED _____, THE _____ OF STERLING NATIONAL BANK PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THE FOREGOING LIEN HOLDER'S CONSENT REGARDING THE KING'S CROWN CONDOMINIUMS, FIRST AMENDED AND WAS SIGNED BY HIM ON BEHALF OF SAID STERLING NATIONAL BANK AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES _____.

NOTARY PUBLIC _____.

RESIDING IN _____.

SHEET 1 OF 4
PLOT DATE: OCTOBER 26, 2020
DRAWING: KC-L012-CONDO-PP-R.dwg
© 2020 Evergreen Engineering, Inc.

AREA TABULATIONS

COMMON AREA	64,199 SF TOTAL
LIMITED COMMON AREA	11,752 SF TOTAL
UNIT B101	366 SF
UNIT B102	313 SF
UNIT B103	127 SF
UNIT B201	528 SF
UNIT B202	217 SF
UNIT B301	509 SF
UNIT B302	410 SF
UNIT B401	1100 SF
UNIT C101	222 SF
UNIT C102	342 SF
UNIT C201	584 SF
UNIT C202	223 SF
UNIT C301	314 SF
UNIT C302	229 SF
UNIT C401	1023 SF
UNIT D101	451 SF
UNIT D102	455 SF
UNIT D103	265 SF
UNIT D201	331 SF
UNIT D202	344 SF
UNIT D203	298 SF
UNIT D301	458 SF
UNIT D302	420 SF
UNIT D303	742 SF
UNIT D401	883 SF
UNIT D402	598 SF
PRIVATE AREA (UNITS)	52,832 SF TOTAL
UNIT B101	756 SF
UNIT B102	1147 SF
UNIT B103	1762 SF
UNIT B201	1916 SF
UNIT B202	1704 SF
UNIT B301	2677 SF
UNIT B302	1766 SF
UNIT B401	3121 SF
UNIT C101	1930 SF
UNIT C102	1745 SF
UNIT C201	1815 SF
UNIT C202	1660 SF
UNIT C301	1837 SF
UNIT C302	1762 SF
UNIT C401	2485 SF
UNIT D101	1999 SF
UNIT D102	2605 SF
UNIT D103	2140 SF
UNIT D201	2500 SF
UNIT D202	2261 SF
UNIT D203	2637 SF
UNIT D301	2168 SF
UNIT D302	1950 SF
UNIT D303	2193 SF
UNIT D401	2544 SF
UNIT D402	2502 SF

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA
- ACCESS EASEMENT "A"
- ACCESS EASEMENT "B"

STREET ADDRESS (TYP.):
LOWELL AVENUE 1271



PUBLIC SAFETY
ANSWERING POINT APPROVAL

APPROVED THIS _____ DAY OF _____ A.D. 20____.

JEFF WARD,
GIS COORDINATOR/ADDRESSING AUTHORITY

CITY
ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 20____.

CITY ENGINEER _____

SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ AD 20____.

BY:

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING
COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ A.D. 20____.

CHAIR _____

APPROVAL AS
TO FORM

APPROVED AS TO FORM ON THIS _____ A.D. 20____.

CITY ATTORNEY _____

COUNCIL APPROVAL
& ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 20____.

MAYOR _____

CERTIFICATE OF
ATTEST

I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 20____.

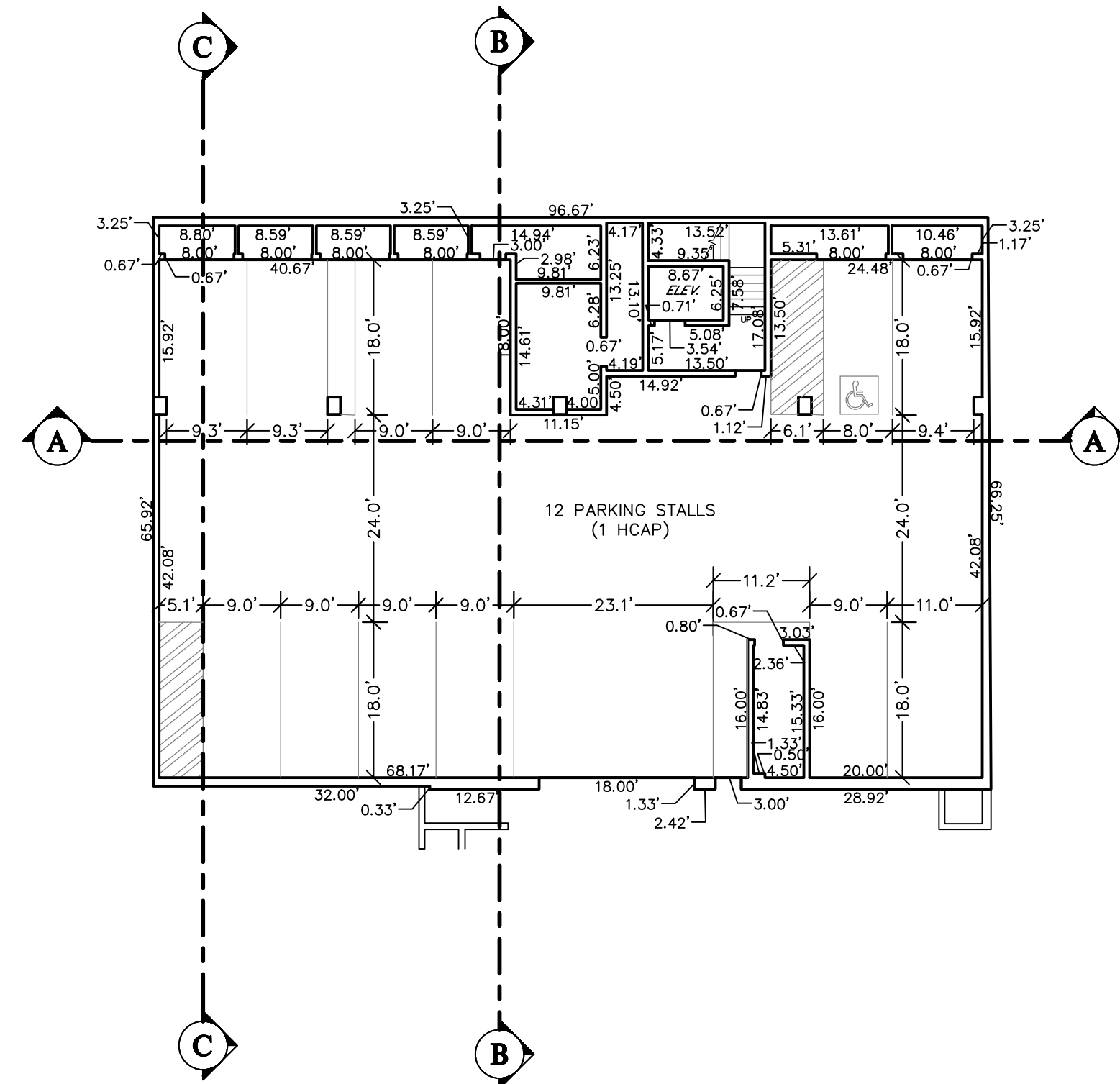
CITY RECORDER _____

RECORDED

Nº. _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF: _____

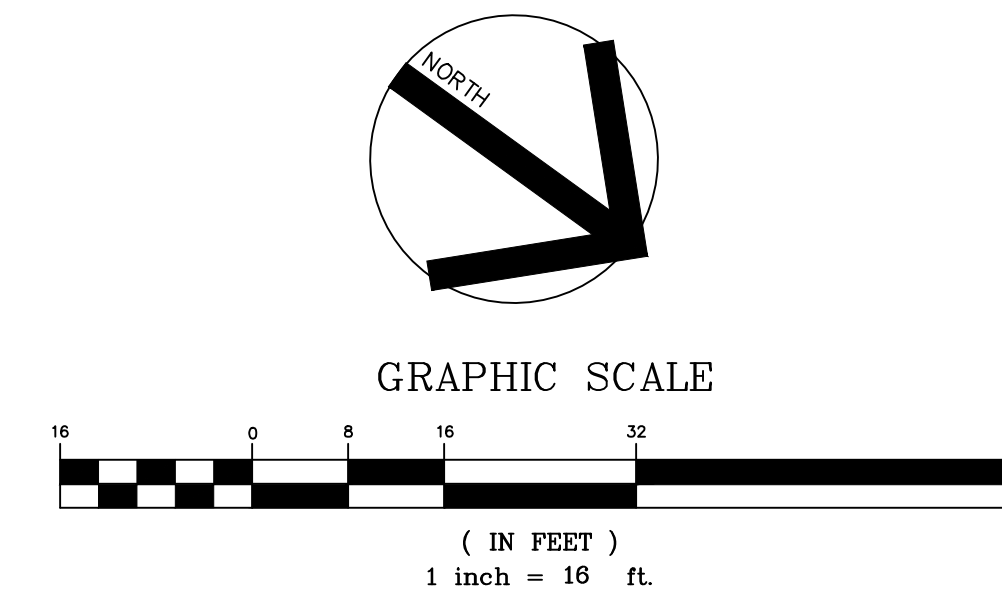
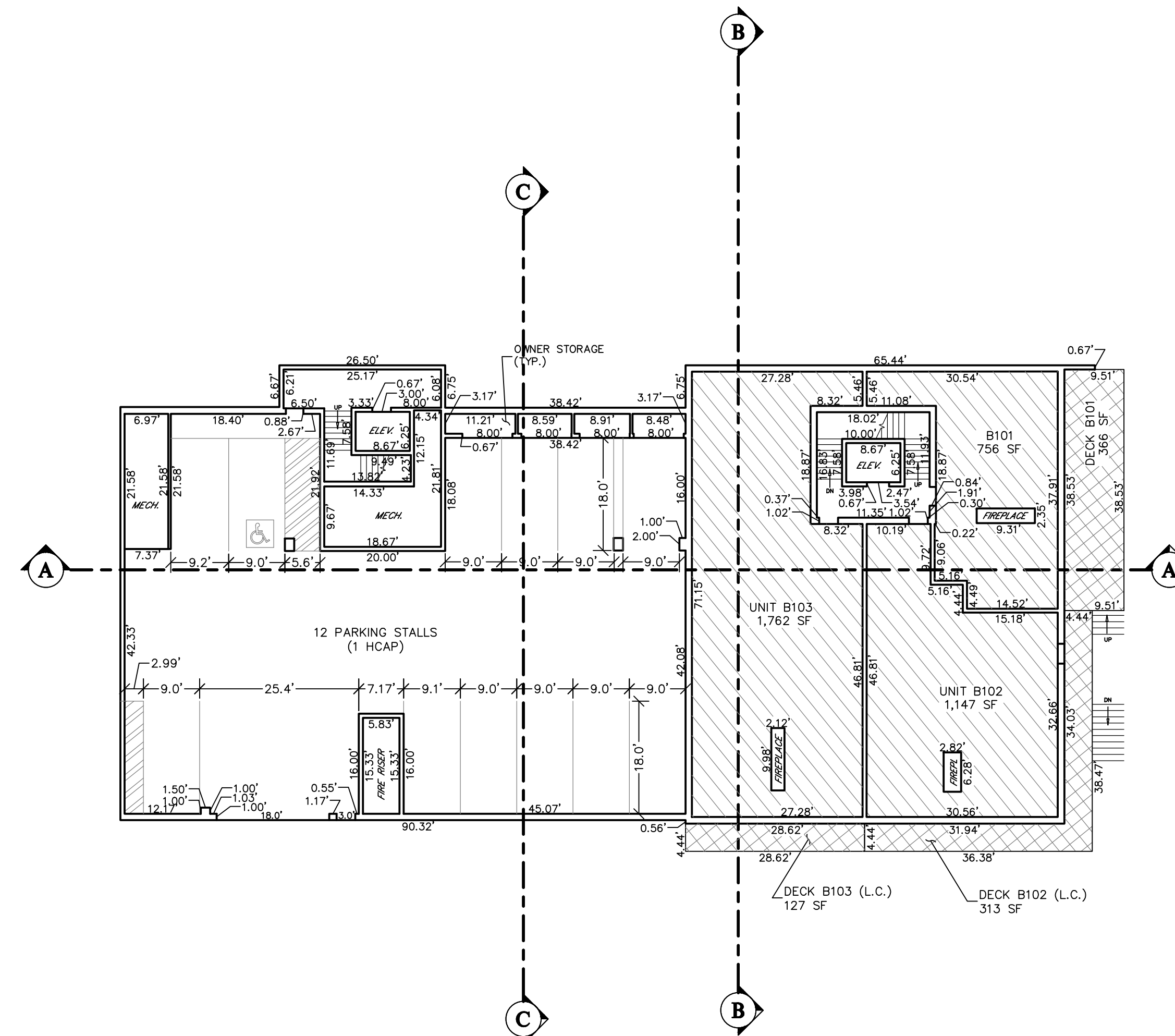
COUNTY RECORDER _____

LEVEL 1
BUILDING B
PARKING LEVEL



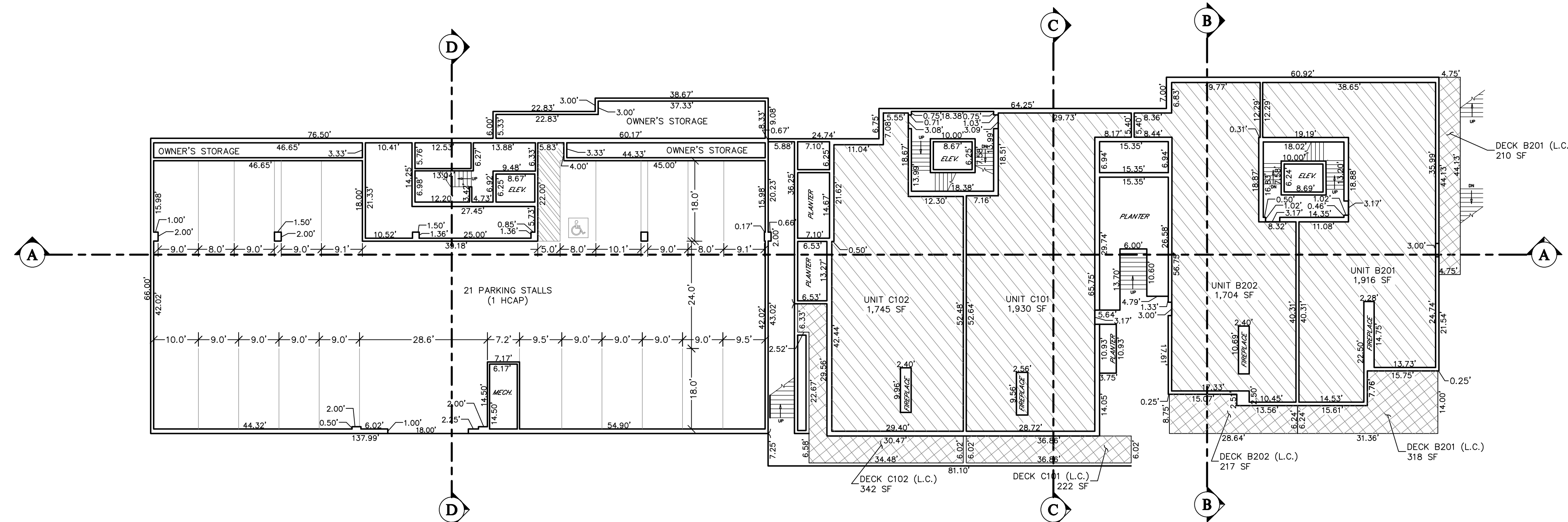
LEVEL 2
BUILDING B
UNITS B101, B102, B103

BUILDING C
PARKING LEVEL



LEVEL 3
BUILDING B
UNITS B201, B202

BUILDING C
UNITS C101, C102
BUILDING D
PARKING LEVEL

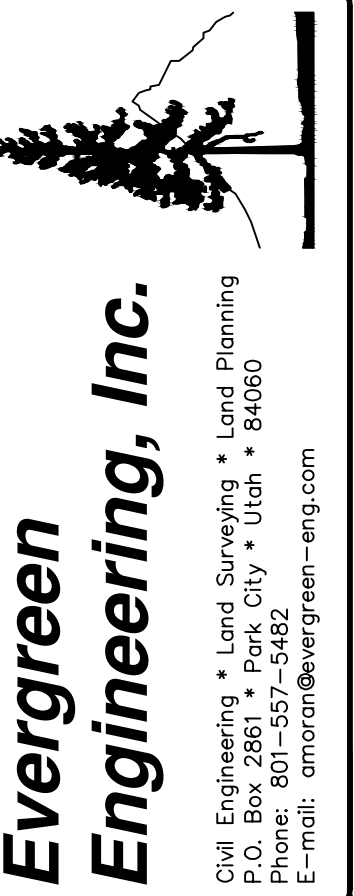
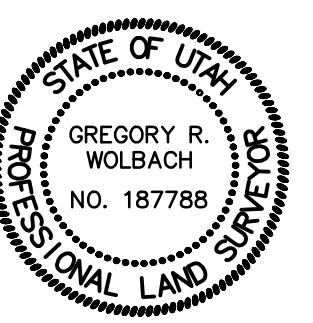


HATCHING LEGEND

- | | |
|---|---------------------|
|  | COMMON AREA |
|  | LIMITED COMMON AREA |
|  | PRIVATE AREA |

PLOT DATE: OCTOBER 26, 2020

NO. _____	RECORDED
DATE _____	
STATE OF _____	
CITY OF _____	
RECORDED AT THE REQUEST OF _____	
FFFS _____	CITY RECORDER _____

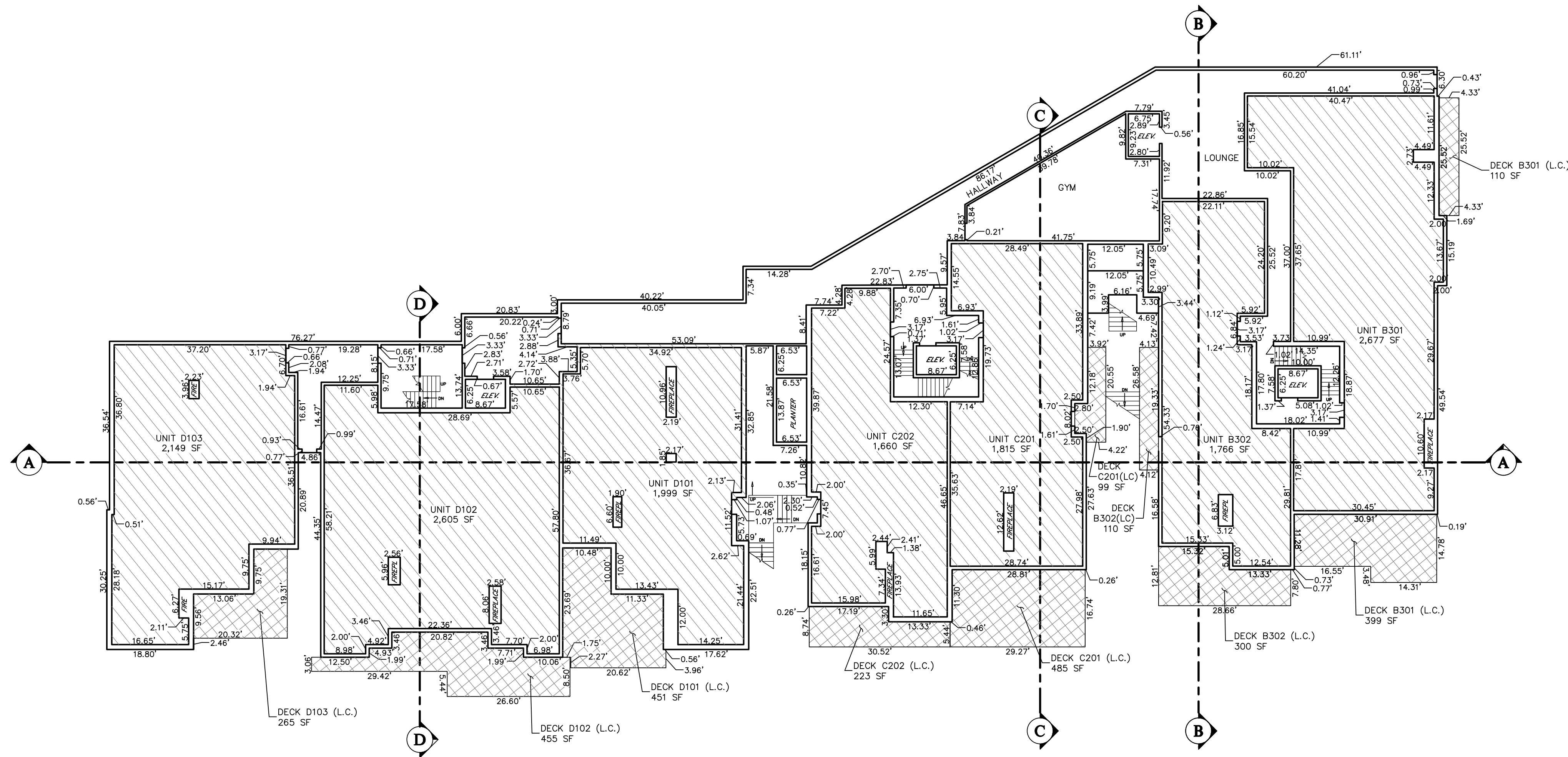
[illegible]

DESIGNED BY:
WOW
DRAWN BY:
ADM
CHECKED BY:
ADM

**KING'S CROWN CONDOMINIUMS, 1ST AMENDED
FLOOR PLANS - LEVELS 1, 2 & 3**

CRG PARTNERS	KC-LOT2-CONDO-FP-R	1626
--------------	--------------------	------

SHEET 2 OF 4

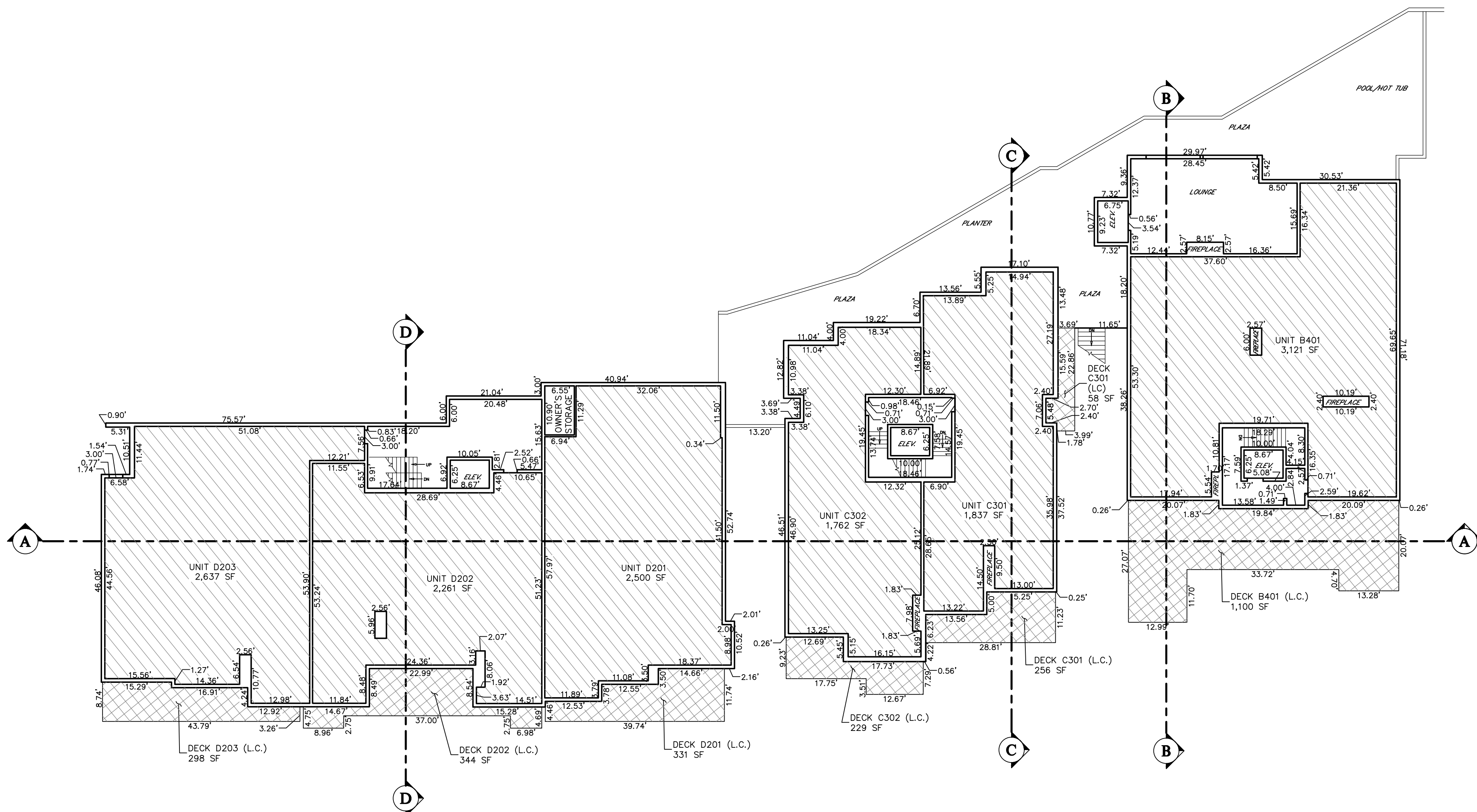
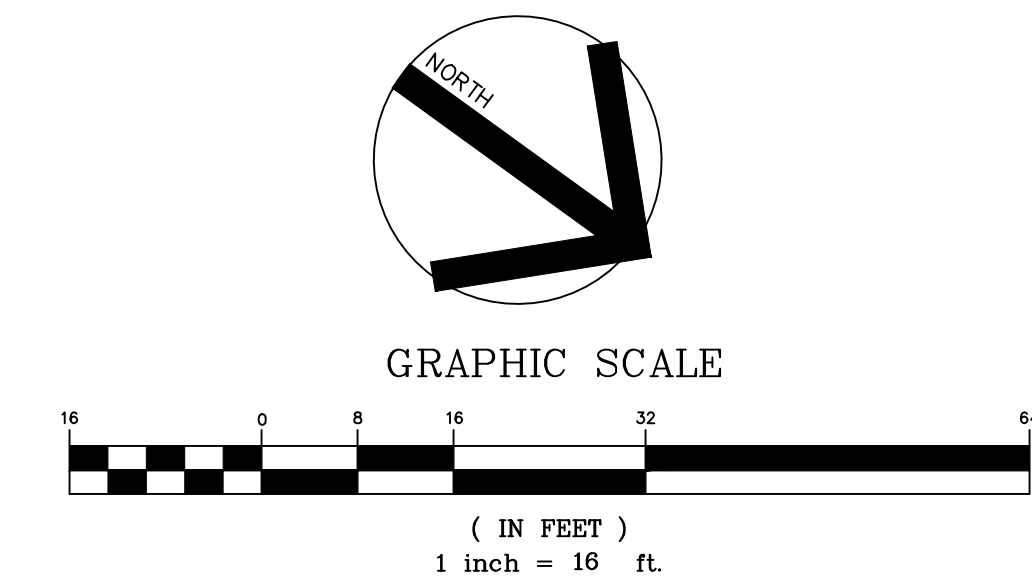


LEVEL 4

BUILDING B
UNITS B301, B302

BUILDING C
UNITS C201, C202

BUILDING D
UNITS D101, D102, D103



LEVEL 5

BUILDING B
UNITS B401

BUILDING C
UNITS C301, C302

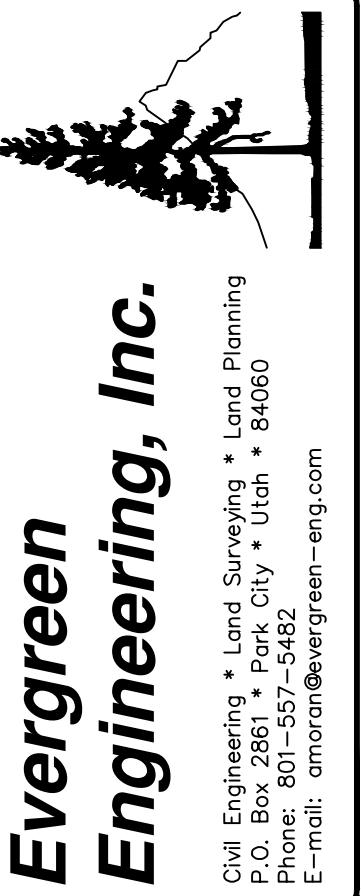
BUILDING D
UNITS D201, D202 & D203

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

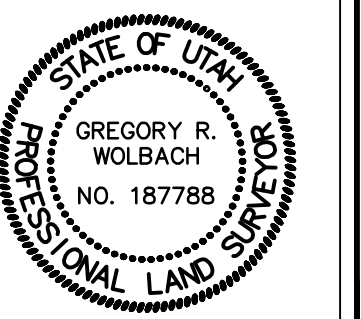
PLOT DATE: OCTOBER 26, 2020

NO. _____ RECORDED
DATE _____
STATE OF _____
CITY OF _____
RECORDED AT THE REQUEST OF _____
FEES _____ CITY RECORDER



Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
P.O. Box 2861 • Park City • Utah • 84060
Phone: 801-557-5682
E-mail: info@evergreen-eng.com

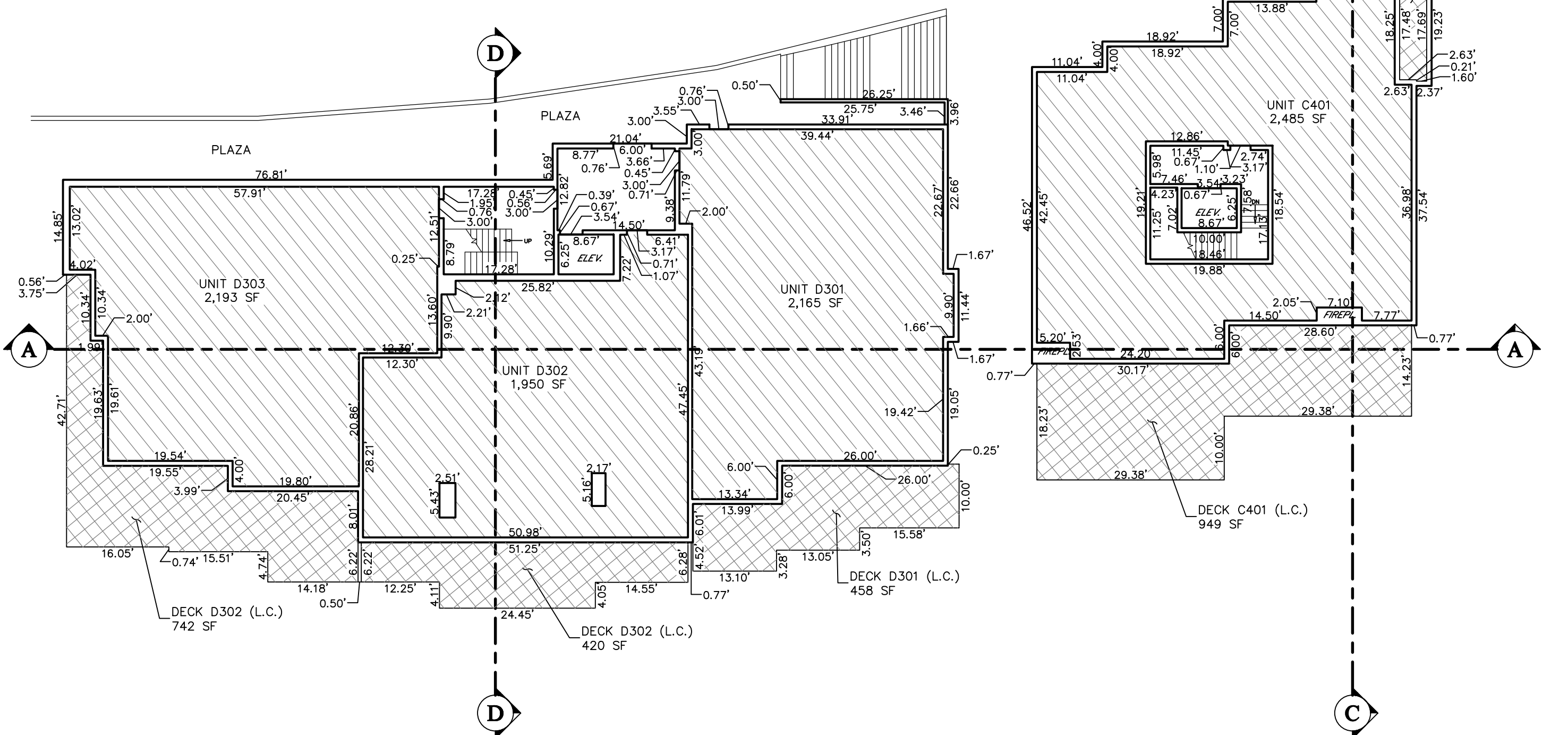
DATE	BY	REVISIONS	COMMENTS



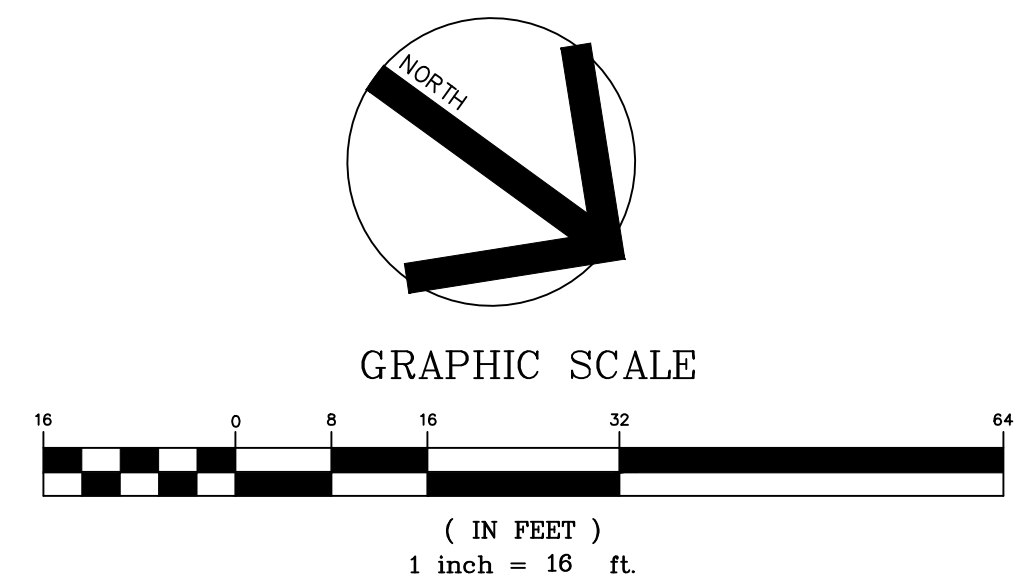
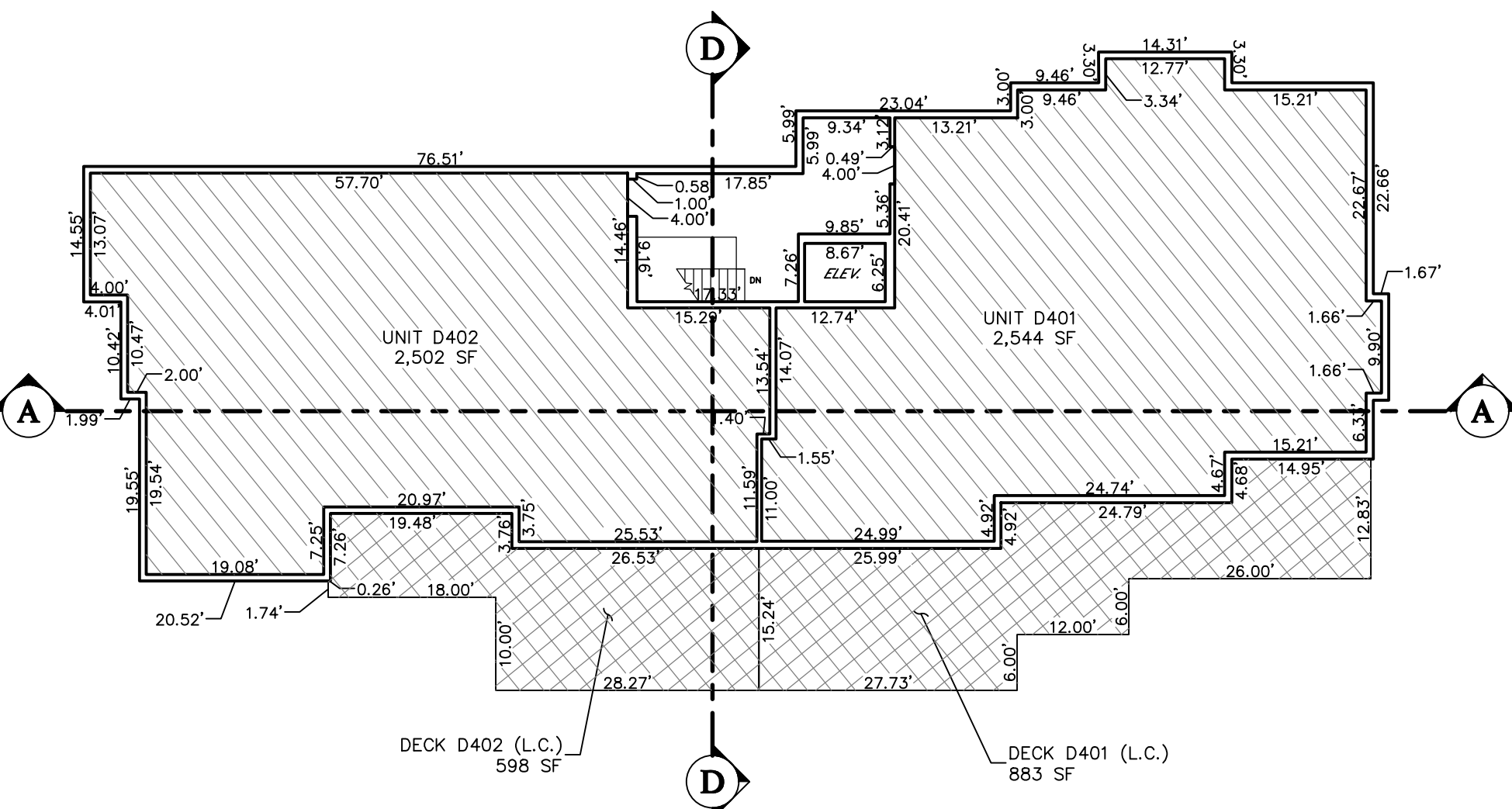
DESIGNED BY:
WOW
DRAWN BY:
ADM
CHECKED BY:
ADM

KING'S CROWN CONDOMINIUMS, 1ST AMENDED
FLOOR PLANS - LEVELS 4 & 5
FOR: **CRG PARTNERS**
PROJECT NO: **KC-LOT7-CONDO-FP-R**
JOB NO: **1626**

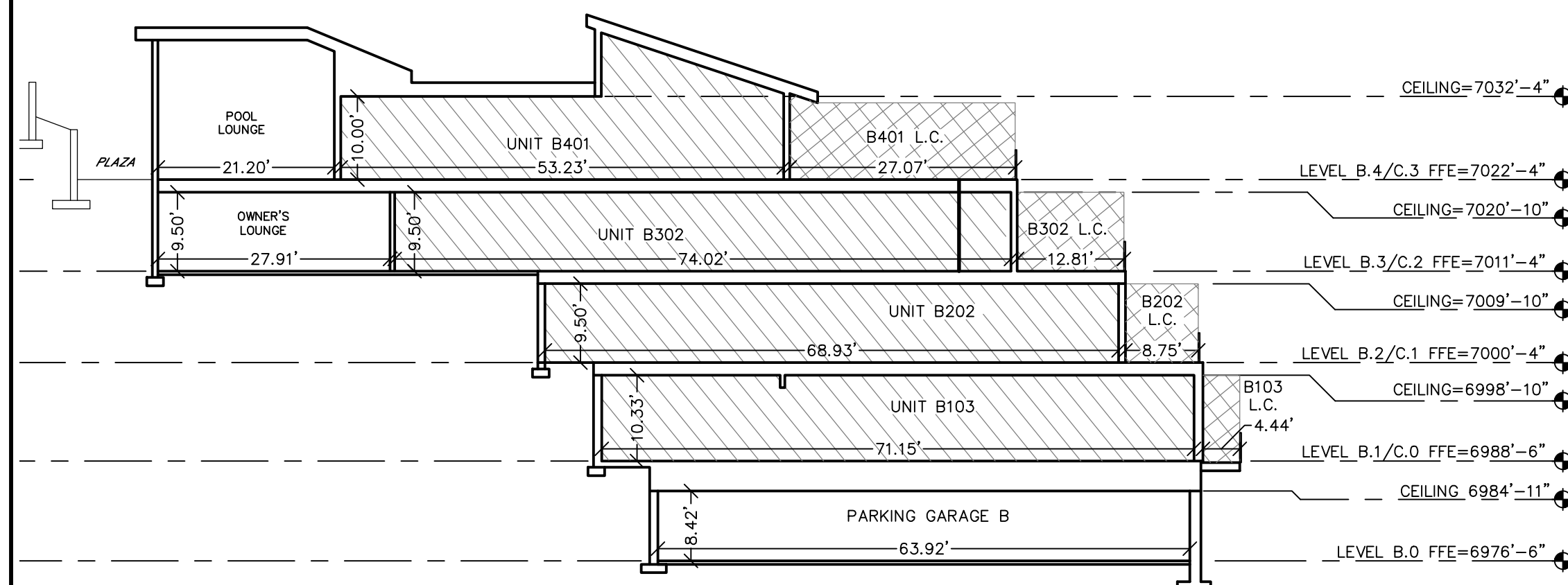
LEVEL 6
BUILDING C
UNIT C401
BUILDING D
UNITS D301, D302 & D303



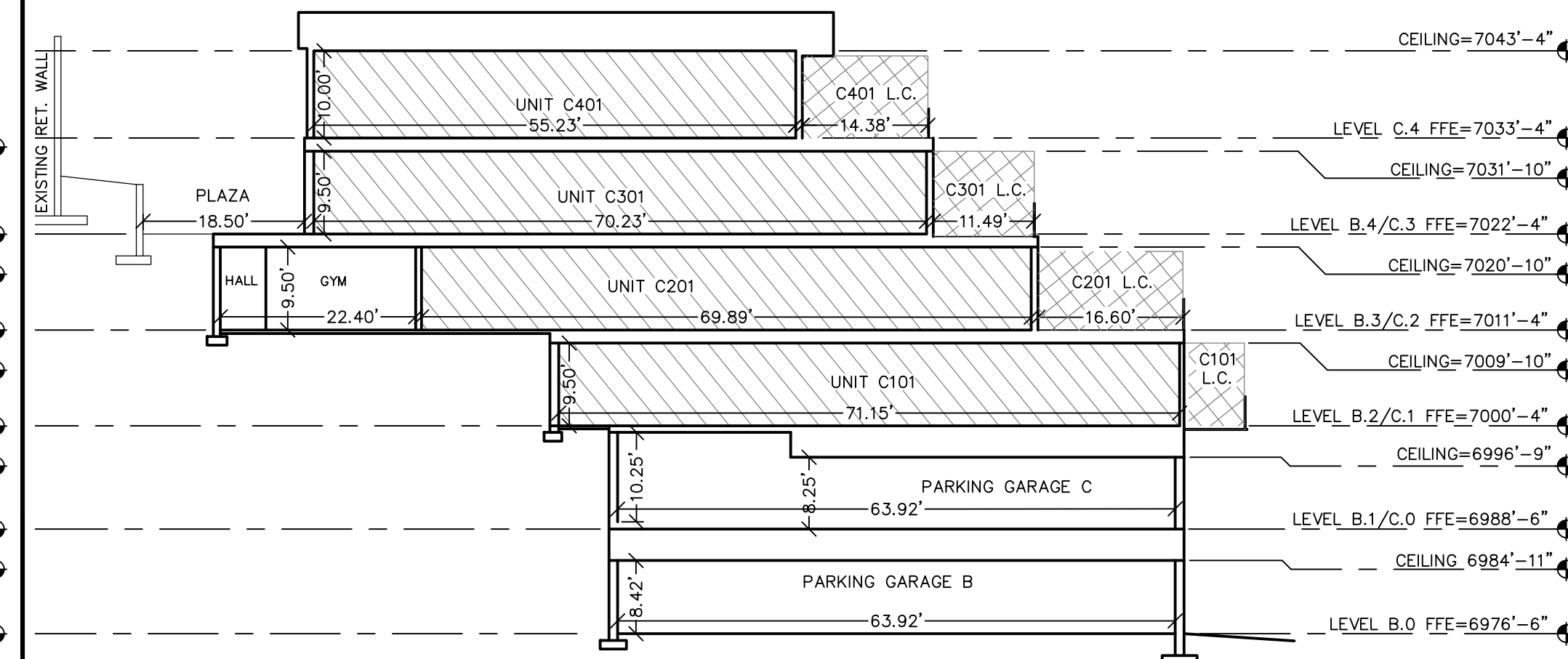
LEVEL 7
BUILDING D
UNITS D401 & D402



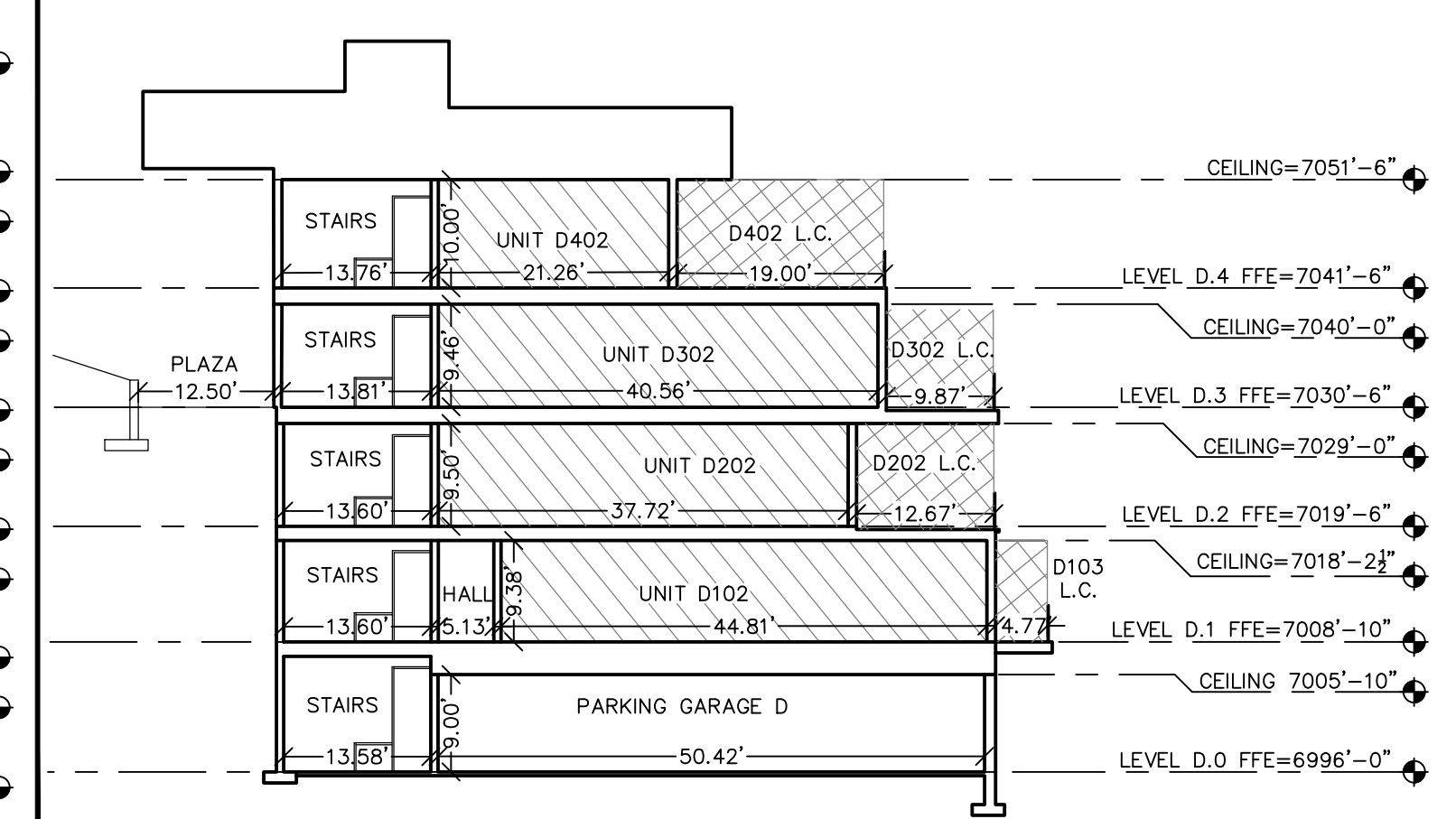
BUILDING B CROSS SECTION



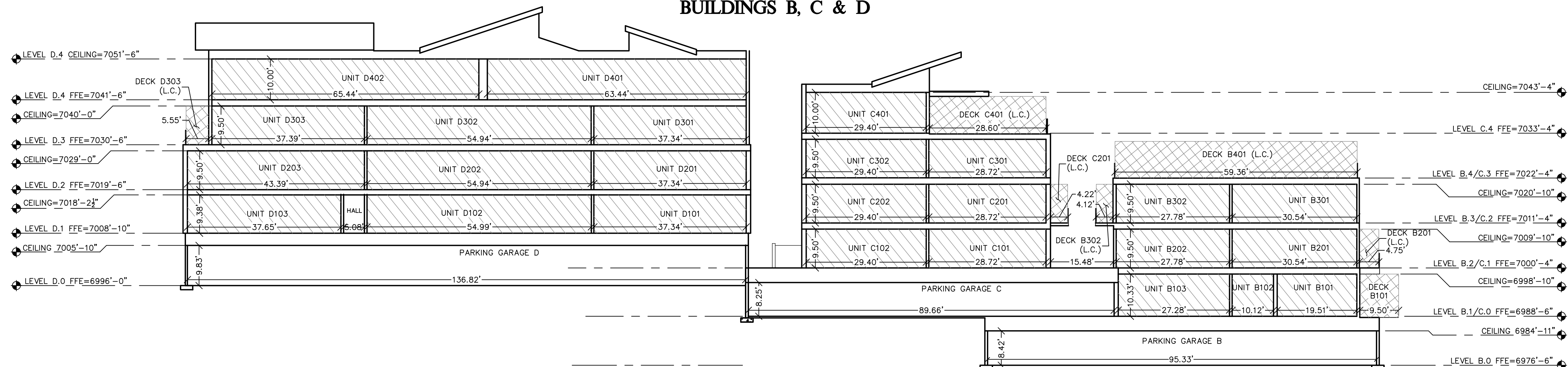
BUILDING C CROSS SECTION



BUILDING D CROSS SECTION



BUILDINGS B, C & D



HATCHING LEGEND

	COMMON AREA
	LIMITED COMMON AREA
	PRIVATE AREA

NO. _____ DATE _____ STATE OF _____ CITY OF _____ RECORDED AT THE REQUEST OF _____	RECORDED _____ CITY RECORDER
--	--



**Evergreen
Engineering, Inc.**

Civil Engineering • Land Surveying • Land Planning
P.O. Box 2861 • Park City • Utah • 84060
Phone: 801-557-5482
E-mail: amaron@evergreen-eng.com

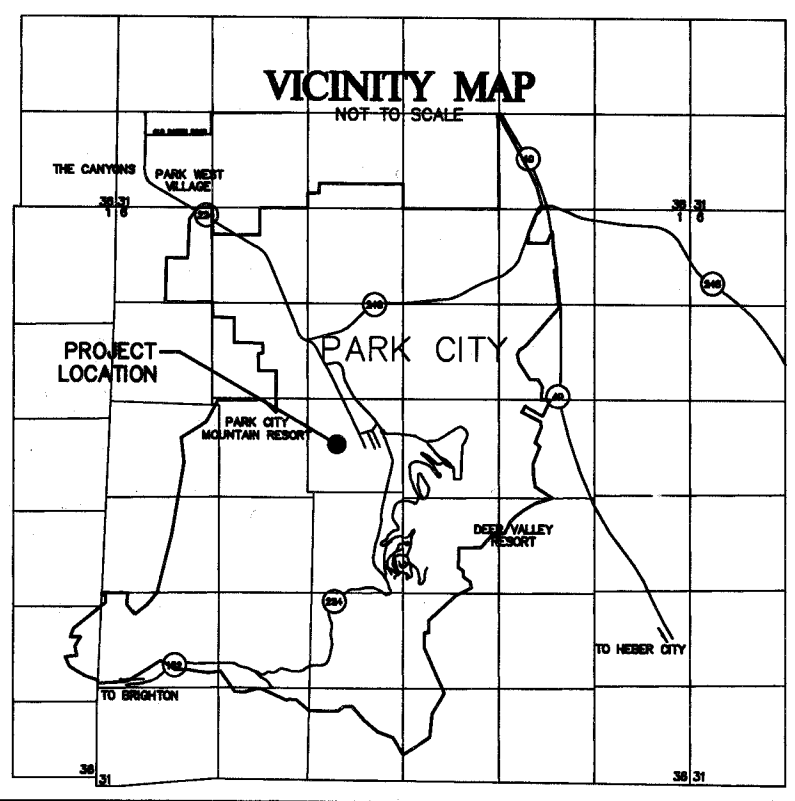
[illegible]A circular seal for a Professional Land Surveyor in the State of Utah. The outer ring contains the text "STATE OF UTAH" at the top and "PROFESSIONAL LAND SURVEYOR" at the bottom. The center of the seal contains the name "GREGORY R. WOLBACH" and the number "NO. 187788".

DESIGNED BY:
WOW
DRAWN BY:
ADM
CHECKED BY:
ADM

KING'S CROWN CONDOMINIUMS, 1ST AMENDED
 FLOOR PLANS - LEVELS 6 & 7
 BUILDING CROSS-SECTIONS
 ORG PARTNERS DWG NO. JOB NO. 1626
 KC-LOT7-CONDO-FP

CRG PARTNERS	KC-LOT2-CONDO-FP	1626
--------------	------------------	------

SHEET 4 OF 4



CONDOMINIUM PLAT

KING'S CROWN CONDOMINIUMS

- A UTAH CONDOMINIUM PROJECT -
A CONDOMINIUM PROJECT LOCATED WITHIN SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

AREA TABULATIONS

COMMON AREA	59,977 SF TOTAL
LIMITED COMMON AREA	12,138 SF TOTAL
UNIT B101	366 SF
UNIT B102	313 SF
UNIT B103	127 SF
UNIT B201	528 SF
UNIT B202	217 SF
UNIT B301	509 SF
UNIT B302	410 SF
UNIT B401	1100 SF
UNIT C101	222 SF
UNIT C102	162 SF
UNIT C201	584 SF
UNIT C202	223 SF
UNIT C301	314 SF
UNIT C302	229 SF
UNIT C401	1023 SF
UNIT D101	410 SF
UNIT D102	330 SF
UNIT D103	70 SF
UNIT D104	465 SF
UNIT D201	310 SF
UNIT D202	540 SF
UNIT D203	296 SF
UNIT D301	441 SF
UNIT D302	460 SF
UNIT D303	758 SF
UNIT D401	857 SF
UNIT D402	694 SF
PRIVATE AREA (UNITS)	52,876 SF TOTAL
UNIT B101	756 SF
UNIT B102	1147 SF
UNIT B103	1762 SF
UNIT B201	1918 SF
UNIT B202	1704 SF
UNIT B301	2677 SF
UNIT B302	1766 SF
UNIT B401	3121 SF
UNIT C101	1930 SF
UNIT C102	1745 SF
UNIT C201	1815 SF
UNIT C202	1660 SF
UNIT C301	1837 SF
UNIT C302	1762 SF
UNIT C401	2485 SF
UNIT D101	2286 SF
UNIT D102	1260 SF
UNIT D103	1261 SF
UNIT D104	2050 SF
UNIT D201	2123 SF
UNIT D202	2508 SF
UNIT D203	2487 SF
UNIT D301	1988 SF
UNIT D302	2298 SF
UNIT D303	1826 SF
UNIT D401	2590 SF
UNIT D402	2218 SF

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA
- ACCESS EASEMENT "A"
- ACCESS EASEMENT "B"

STREET ADDRESS (TYP):
LOWELL AVENUE 1271

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
P.O. Box 2861 • Park City • Utah • 84060
Phone: 801.557.5482
E-mail: amoran@evergreen-eng.com



PUBLIC SAFETY ANSWERING POINT APPROVAL
APPROVED THIS 10th DAY OF December, A.D. 2019.
JEFF WARD
GIS COORDINATOR/ADDRESSING AUTHORITY

CITY ENGINEER
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS 4th DAY OF December, A.D. 2019.
C. Ryan Taylor
CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 26th DAY OF November, A.D. 2019.
BY: B. Davis
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS 13th DAY OF November, A.D. 2019.
CHAIR

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS 6th DAY OF December, A.D. 2019.
M.D. Hoge
CITY ATTORNEY

COUNCIL APPROVAL & ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 21st DAY OF November, A.D. 2019.
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS 9th DAY OF December, A.D. 2019.
Michele Kellogg
CITY RECORDER

RECORDED
No. 01123377 Time: 2:54pm
STATE OF UTAH Date: 12/10/2019
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
METRO NATURAL TITLE
Fee: 254.00
COUNTY RECORDER

FOUND BRASS CAP SURVEY MONUMENT (EMPIRE AVE. & 11TH ST.)
BASIS OF BEARING: N 35°59'00" W (MOR. TO MOR.)
RECORD DISTANCE: 1145.62' (MEASURED DISTANCE: 1145.68')

PROJECT BENCHMARK
SAN. SEWER MANHOLE
RIM ELEV. = 6987.32'

LOWELL AVE
(50' PUBLIC RIGHT OF WAY)
CURB & GUTTER

LEGAL DESCRIPTION

LOT 2, KING'S CROWN RE-SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

CONTAINS: 41,773.16 SQUARE FEET (0.9590 ACRES) MORE OR LESS.

NOTES

1. BASIS OF BEARING: NORTH 35°59'00" WEST BETWEEN FOUND AND ACCEPTED EMPIRE AVENUE SURVEY MONUMENTS, AS SHOWN HEREON.
2. PROJECT BENCHMARK ELEVATION = 6987.32'. SANITARY SEWER MANHOLE RIM IN LOWELL AVENUE, AS SHOWN HEREON.
3. THIS PLAT REPRESENTS A CONDOMINIUM CONVERSION OF LOT 2, "KING'S CROWN RE-SUBDIVISION", ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, ENTRY NO. 1091847, AS AMENDED.
4. COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ANY ITEMS PREVIOUSLY ASSOCIATED WITH THE PROPERTY DESCRIBED HEREON REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH TO THIS CONDOMINIUM CONVERSION ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
5. THE UNITS OF THIS CONDOMINIUM PLAT ARE SERVED BY PRIVATE LATERAL WASTEWATER LINES THAT CROSS THE COMMON AREA. "THE KING'S CROWN CONDOMINIUM OWNERS ASSOCIATION" SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF THE PRIVATE LATERAL WASTEWATER LINES WITHIN THE COMMON AREA.
6. COMMON AREAS WITHIN THE PLAT ARE DEDICATED FOR PRIVATE UTILITIES, INCLUDING PRIVATE LATERAL WASTEWATER LINES.
7. BUILDING DEPARTMENT APPROVAL OF A FIRE SPRINKLER PLAN IS REQUIRED.
8. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE 2019-34.
9. ALL CONDITIONS OF APPROVAL OF THE AMENDED MASTER PLAN NED DEVELOPMENT, CONDITIONAL USE PERMIT, KING'S CROWN RE-SUBDIVISION PLAT ORDINANCE NO. 2018-05, AND ORDINANCE NO. 2019-51, AND AMENDED HOUSING MITIGATION PLAN SHALL CONTINUE TO APPLY.
10. UNIT MEASUREMENTS SHOWN HEREON ARE FINISHED SURFACE OF INSIDE WALL TO FINISHED SURFACE OF INSIDE WALL (ON SHEETS 2-4).

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT BY THE VIRTUE OF A CORPORATE RESOLUTION, CRG DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY, OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREINAFTER AS THE "KING'S CROWN CONDOMINIUMS", DOES HEREBY CERTIFY THAT WE HAVE CAUSED THIS PLAT TO BE PREPARED, AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT. ALSO, THE OWNERS, OR HIS/HER REPRESENTATIVES, HEREBY CERTIFY THAT THE BUILDINGS CONTAINING UNITS SHOWN ON THIS PLAT, UNDER CONSTRUCTION AT THE TIME THE PLAT IS RECORDED, WILL, WHEN COMPLETED, BE AS SHOWN ON THIS PLAT. THE OWNERS DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 26th DAY OF November, 2019.

Rory Murphy, Manager
CRG DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY
STATE OF UTAH
COUNTY OF SUMMIT

CORPORATE ACKNOWLEDGMENT

PERSONALLY APPEARED BEFORE ME THIS 26th DAY OF November, 2019, THE FOLLOWING: RORY MURPHY, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS MANAGER OF CRG DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND ON BEHALF OF SAID CORPORATION AND THAT SAID CORPORATION EXECUTED THE SAME.

MY COMMISSION EXPIRES 3-16-20
NOTARY PUBLIC
RESIDING IN Salt Lake, Utah

LIEN HOLDER CONSENT

ON THE 26th DAY OF November, 2019, CRG DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY, ENTERED INTO A DEED OF TRUST WITH BANK OF AMERICAN FORK, A DIVISION OF PEOPLE'S INTERMOUNTAIN BANK, WHICH DEED OF TRUST IS SECURED BY THE PROPERTY MORE PARTICULARLY DESCRIBED IN THE ABOVE IDENTIFIED DEED OF TRUST. SAID DEED OF TRUST WAS RECORDED ON AUGUST 3, 2018, AS ENTRY NO. 1098168 IN BOOK 2473 AT PAGE 1083 IN THE OFFICIAL RECORDS OF THE SUMMIT COUNTY RECORDER'S OFFICE.

BANK OF AMERICAN FORK IS FULLY AWARE THAT CRG DEVELOPMENT, LLC IS IN THE PROCESS OF RECORDING A PLAT CREATING A PROJECT KNOWN AS "KING'S CROWN CONDOMINIUMS" AND BANK OF AMERICAN FORK HEREBY CONSENTS TO THE RECORDING OF THE PLAT FOR ALL PURPOSES SHOWN THEREON.

DATED THIS 26th DAY OF November, 2019.
BANK OF AMERICAN FORK
BY: Ivan Warner
PRINT NAME: IVAN WARNER
TITLE: VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF Utah)

ON THIS 26th DAY OF November, 2019, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED IVAN WARNER, THE VICE PRESIDENT OF BANK OF AMERICAN FORK PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THE FOREGOING LIEN HOLDER'S CONSENT REGARDING THE KING'S CROWN CONDOMINIUMS AND WAS SIGNED BY HIM ON BEHALF OF SAID BANK OF AMERICAN FORK AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

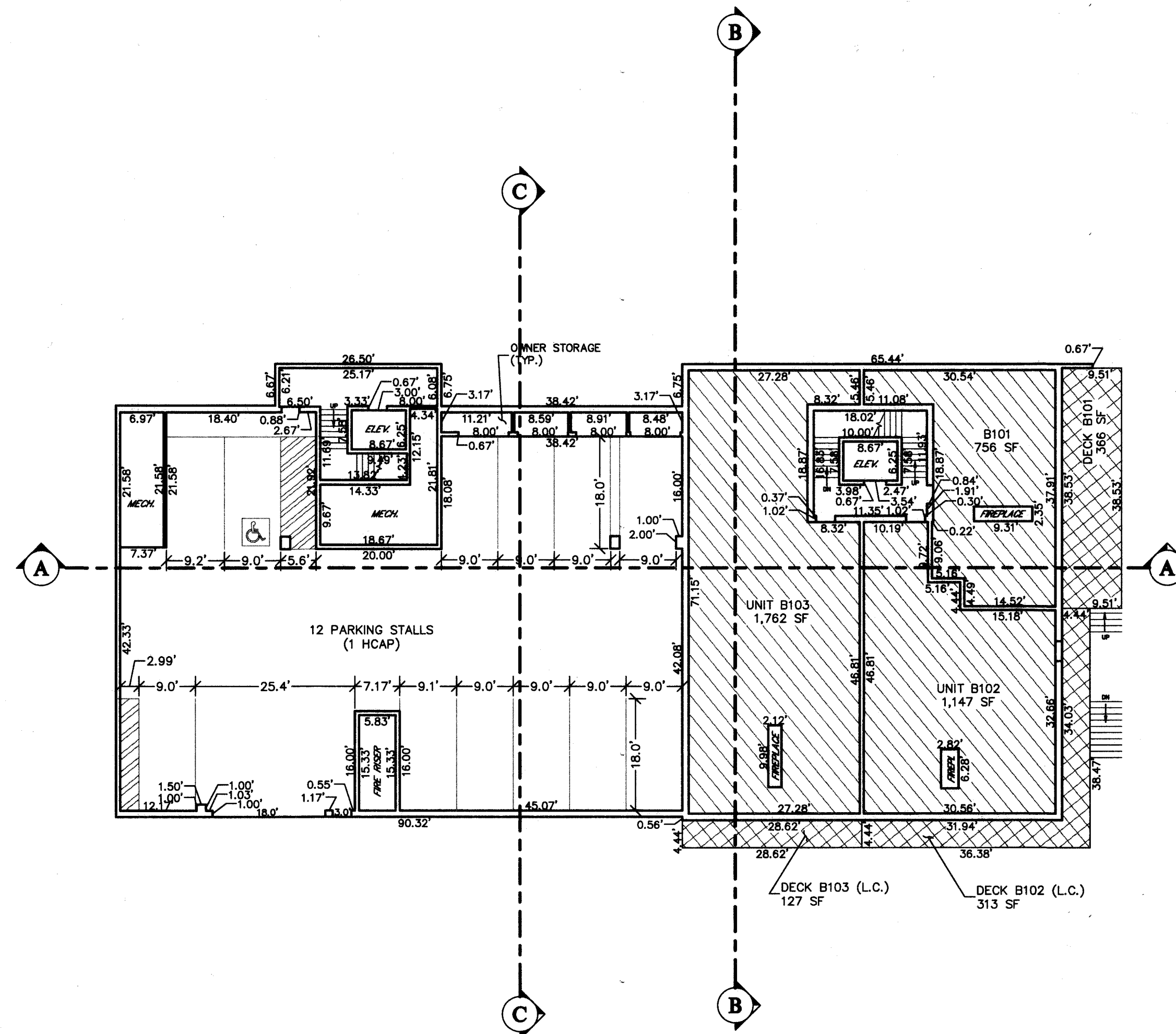
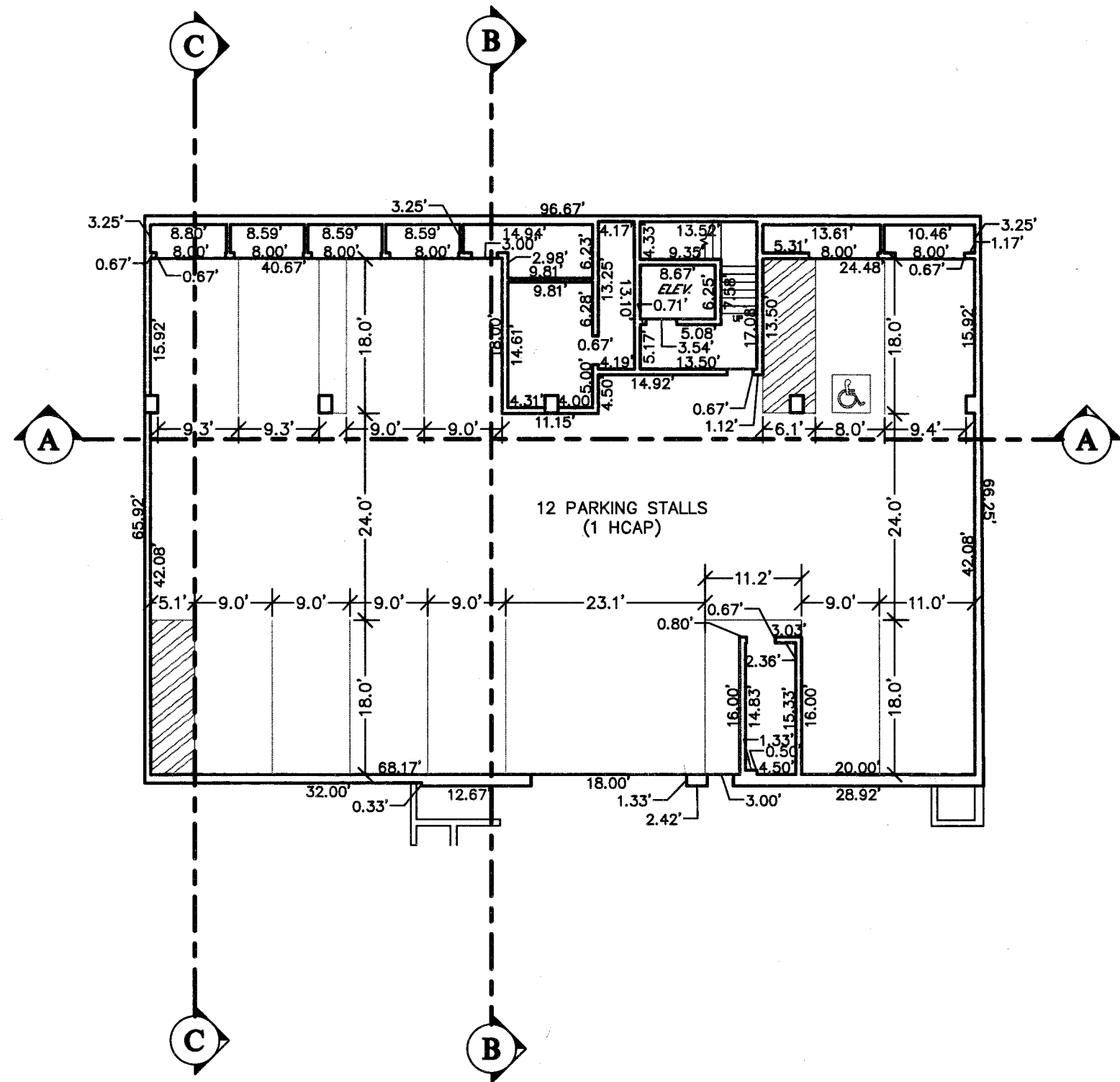
MY COMMISSION EXPIRES 3-16-22
NOTARY PUBLIC
RESIDING IN Salt Lake, Utah

SURVEYORS CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY. I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8, CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57, REAL ESTATE.

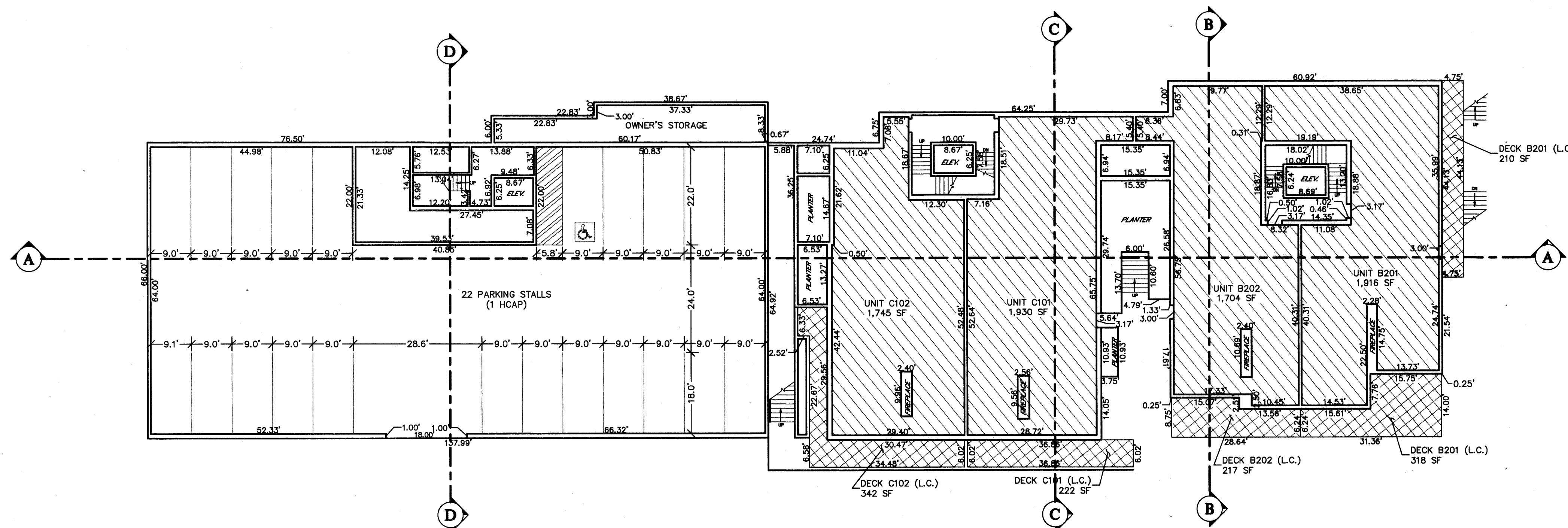
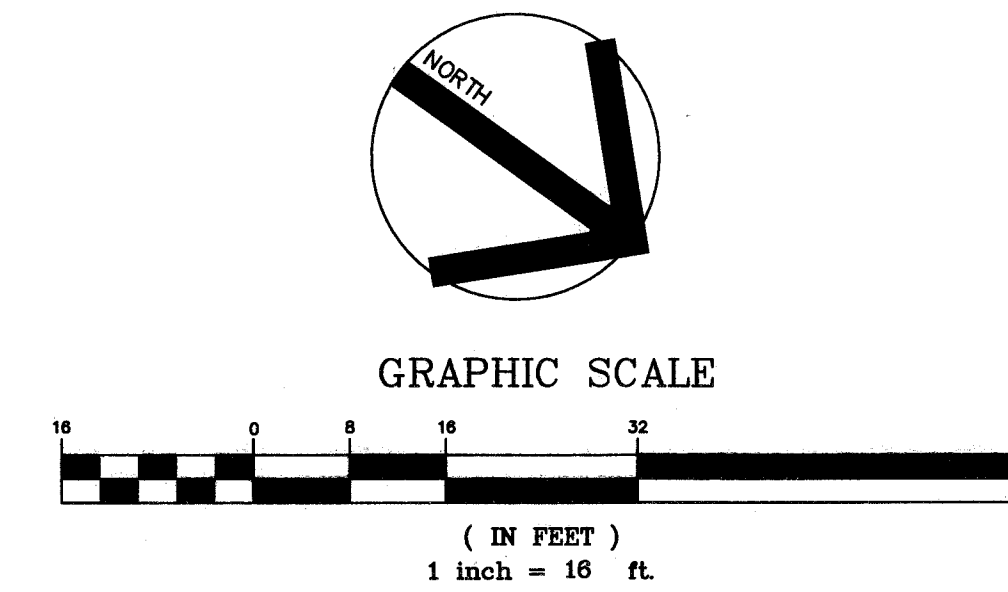
GREGORY R. WOLBACH
GREGORY R. WOLBACH
NO. 187788
DATE: November 25, 2019
SHEET 1 OF 4
DRAWING: KC-L012-COND-PP-H-Long
© 2019 Evergreen Engineering, Inc.

LEVEL 1
BUILDING B
PARKING LEVEL



LEVEL 2
BUILDING B
UNITS B101, B102, B103

BUILDING C
PARKING LEVEL



LEVEL 3
BUILDING B
UNITS B201, B202

BUILDING C
UNITS C101, C102

BUILDING D
PARKING LEVEL

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

ENTRY NO. 01123377

12/10/2019 02:54:44 PM B: 2544 P: 1025
PLAT PAGE 1/1
BUREAU OF RECORDS, SOUTHERN COUNTY RECORDS
FEE: 254.00 BY METRO NATIONAL TITLE

FEES CITY RECORDER

KINGS CROWN CONDOMINIUMS

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
P.O. Box 2861 • Park City • Utah • 84060
Phone: 801-557-5482
E-mail: amoran@evergreen-eng.com

REVISIONS
DATE BY COMMENTS

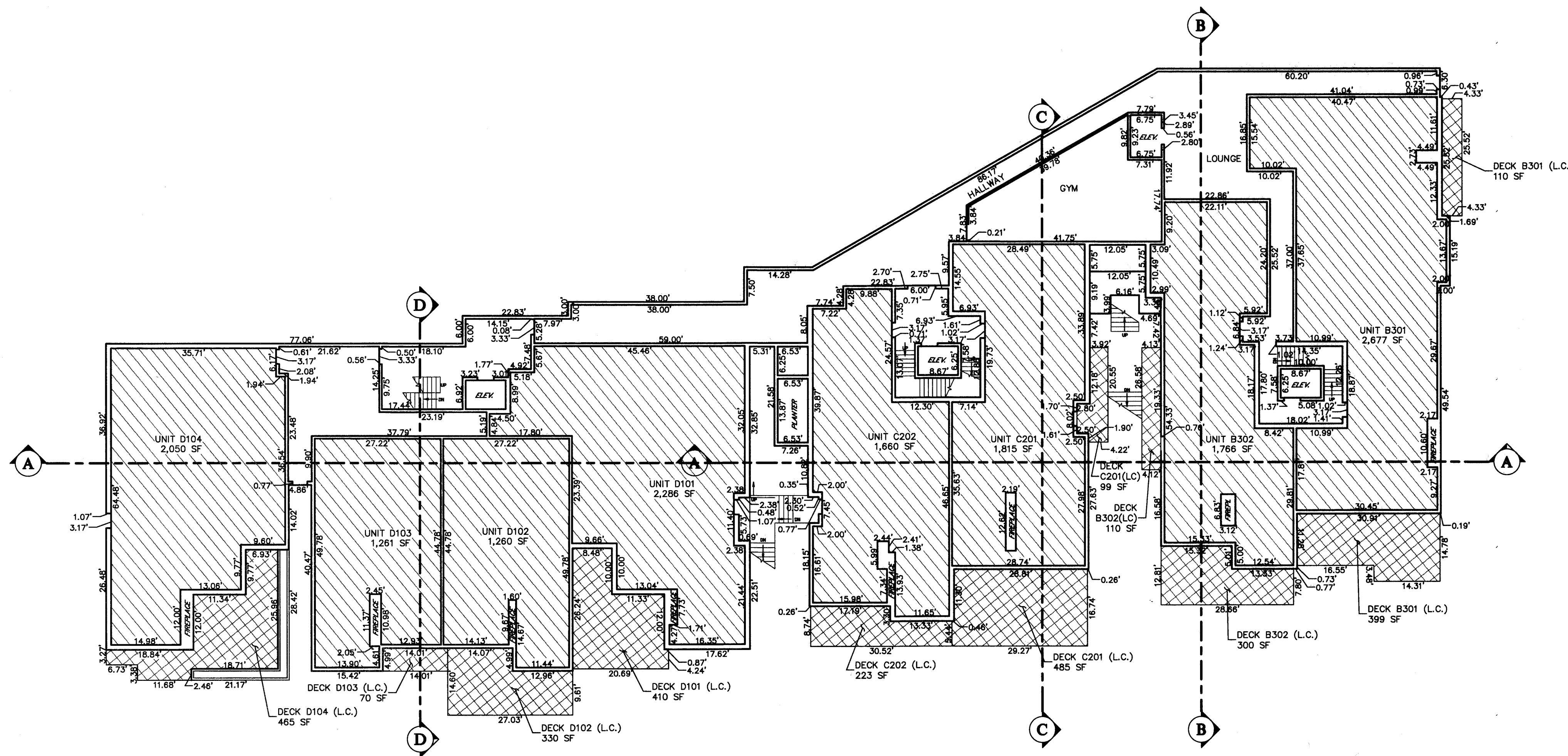
STATE OF UTAH
PROFESSIONAL LAND SURVEYOR
GREGORY R. WALBACH
NO. 187788
9/2/2019

DESIGNED BY:
WOW
DRAWN BY:
ADM
CHECKED BY:
ADM

KING'S CROWN CONDOMINIUMS
FLOOR PLANS - LEVELS 1, 2 & 3

FOR: **CRG PARTNERS**
JOB NO: **1606**
DATE: **KC-LOT2-CONDO-FP**

SHEET 2 OF 4

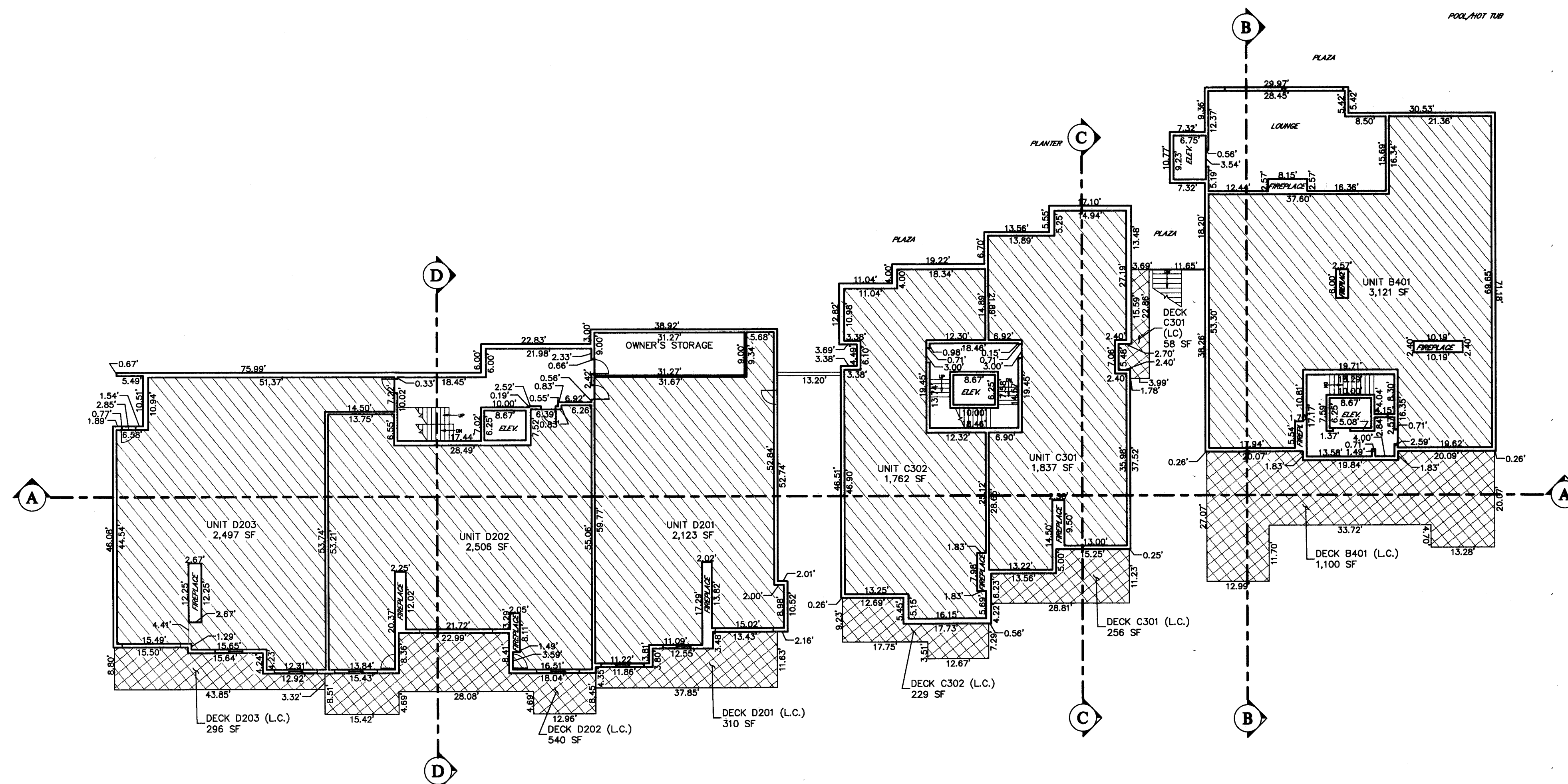
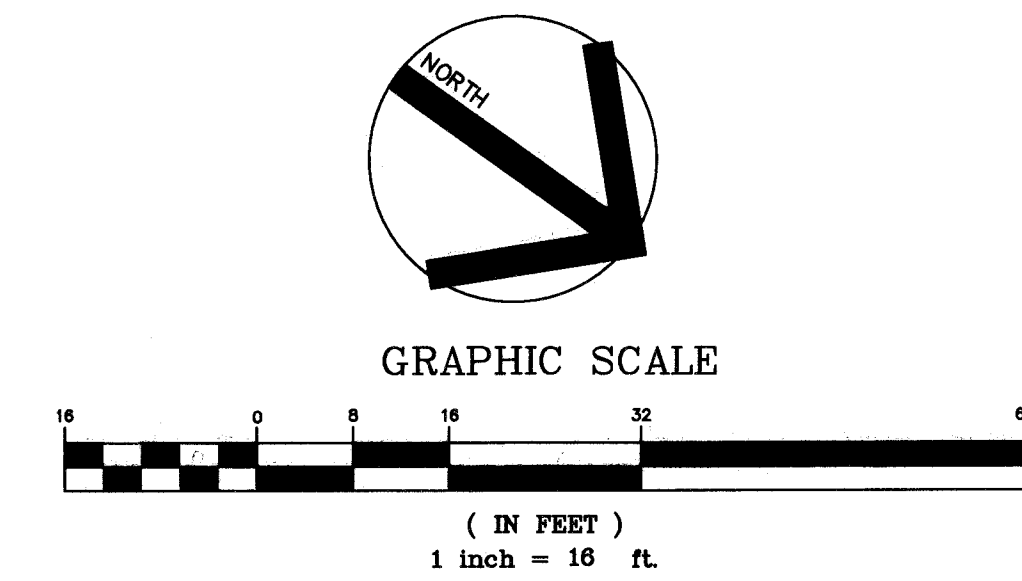


LEVEL 4

BUILDING B
UNITS B301, B302

BUILDING C
UNITS C201, C202

BUILDING D
UNITS D101, D102, D103, D104



LEVEL 5

BUILDING B
UNITS B401

BUILDING C
UNITS C301, C302

BUILDING D
UNITS D201, D202 & D203

HATCHING LEGEND	
	COMMON AREA
	LIMITED COMMON AREA
	PRIVATE AREA

ENTRY NO. 01123377

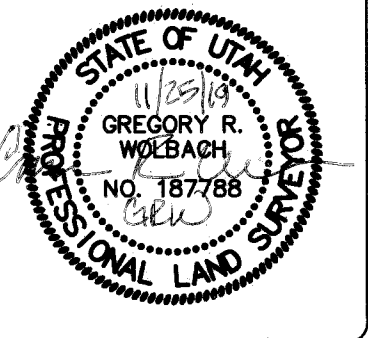
12/10/2019 02:54:44 PM B: 2544 P: 1025
PLOT DATE: NOVEMBER 25, 2019

FEES CITY RECORDER

KING'S CROWN CONDOMINIUMS

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
P.O. Box 9851 • Park City • Utah • 84060
Phone: 801-557-5482
E-mail: amaran@evergreen-eng.com

DATE	BY	REVISIONS	COMMENTS



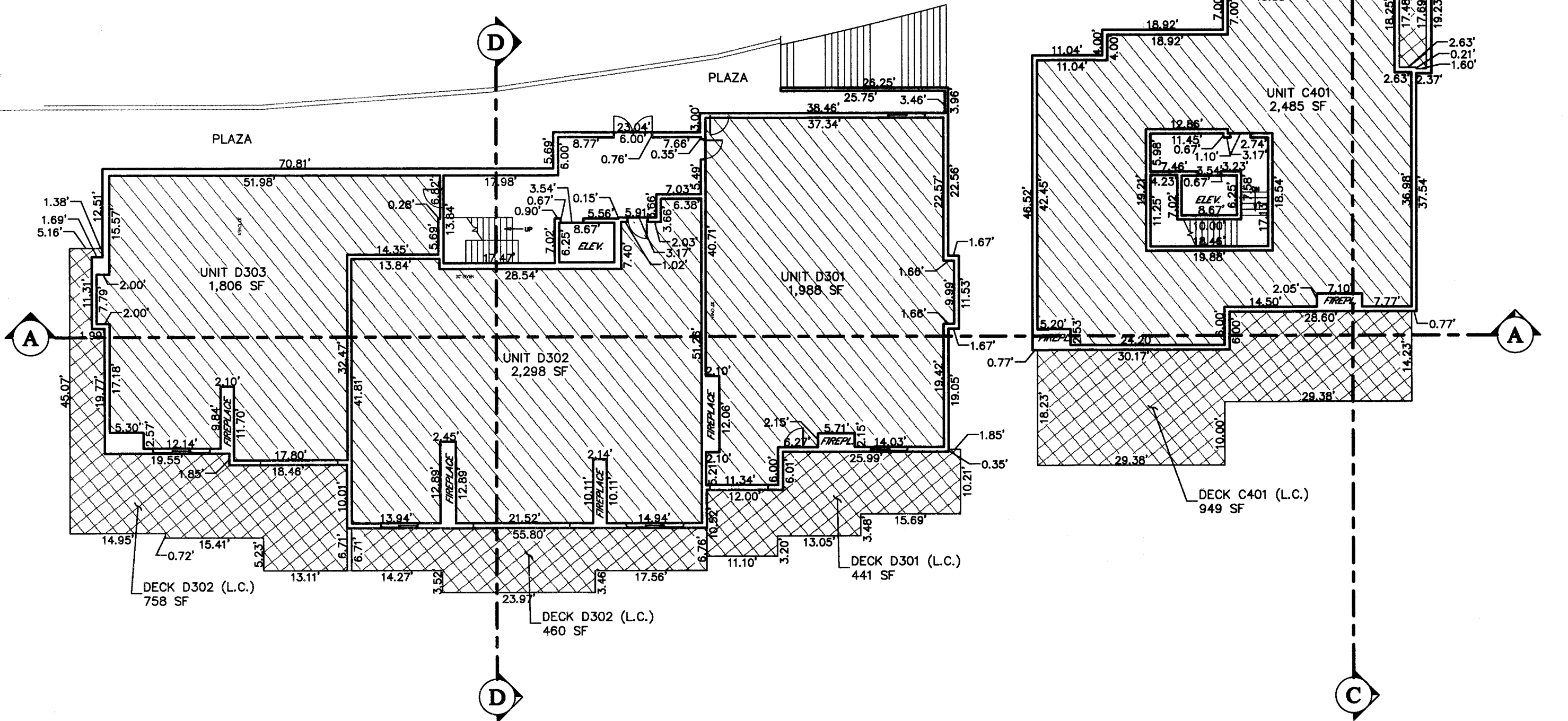
DESIGNED BY:
WOW
DRAWN BY:
ADM
CHECKED BY:
ADM

KING'S CROWN CONDOMINIUMS
FLOOR PLANS - LEVELS 4 & 5

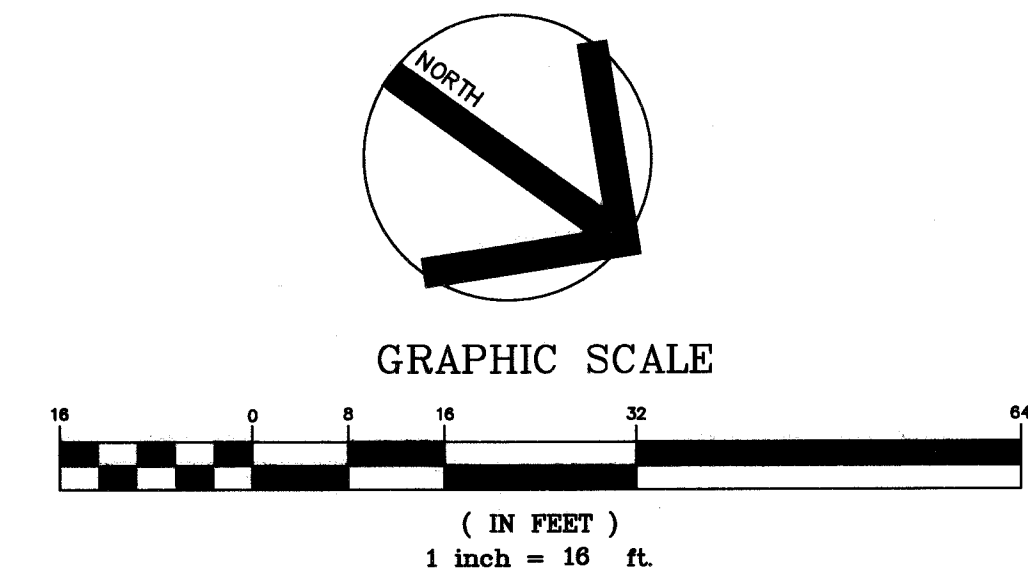
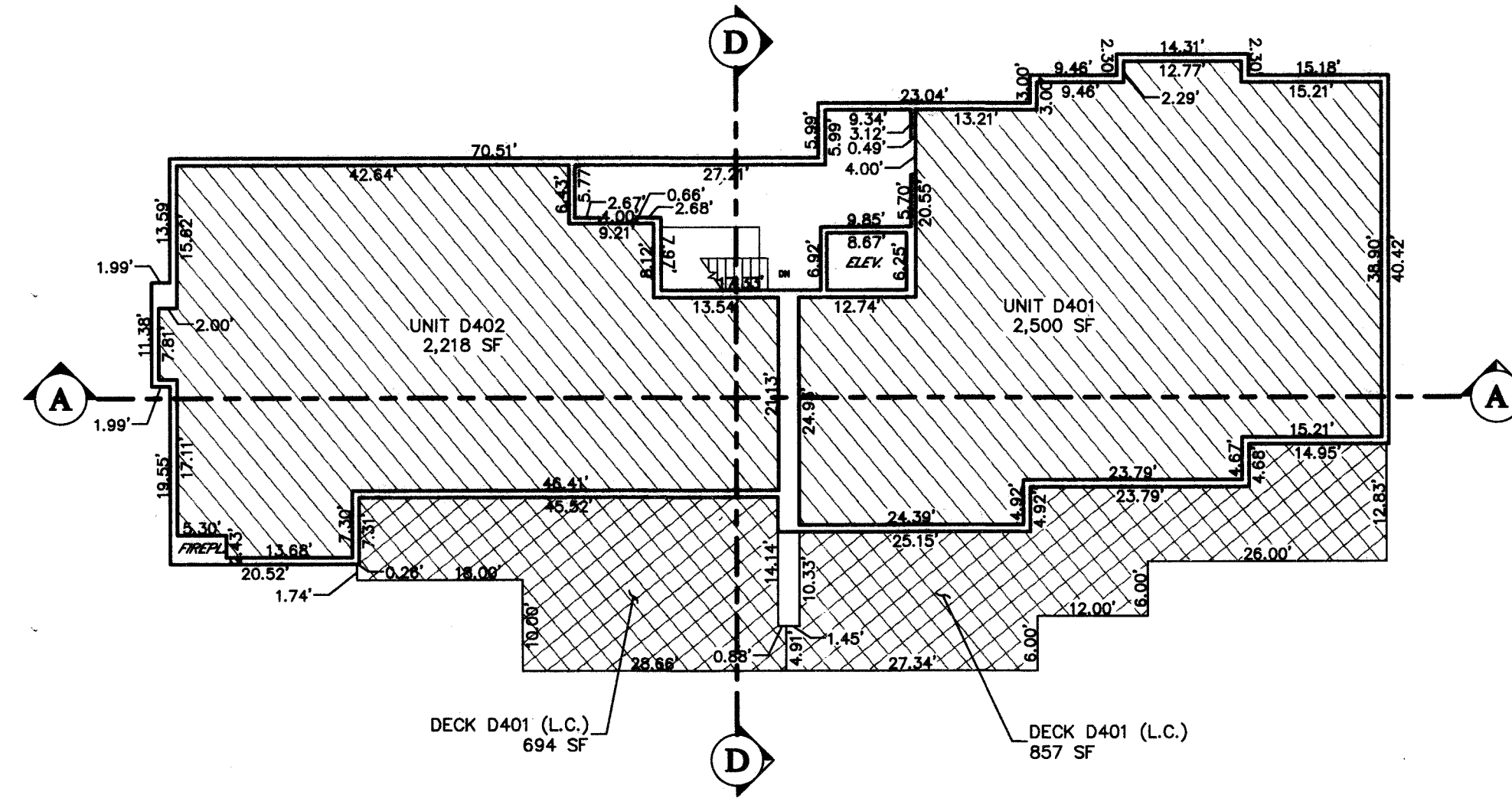
FOR: **CRG PARTNERS** DWS: **KC-LOT2-CONDO-FP** JOB NO: **1026**

SHEET 3 OF 4

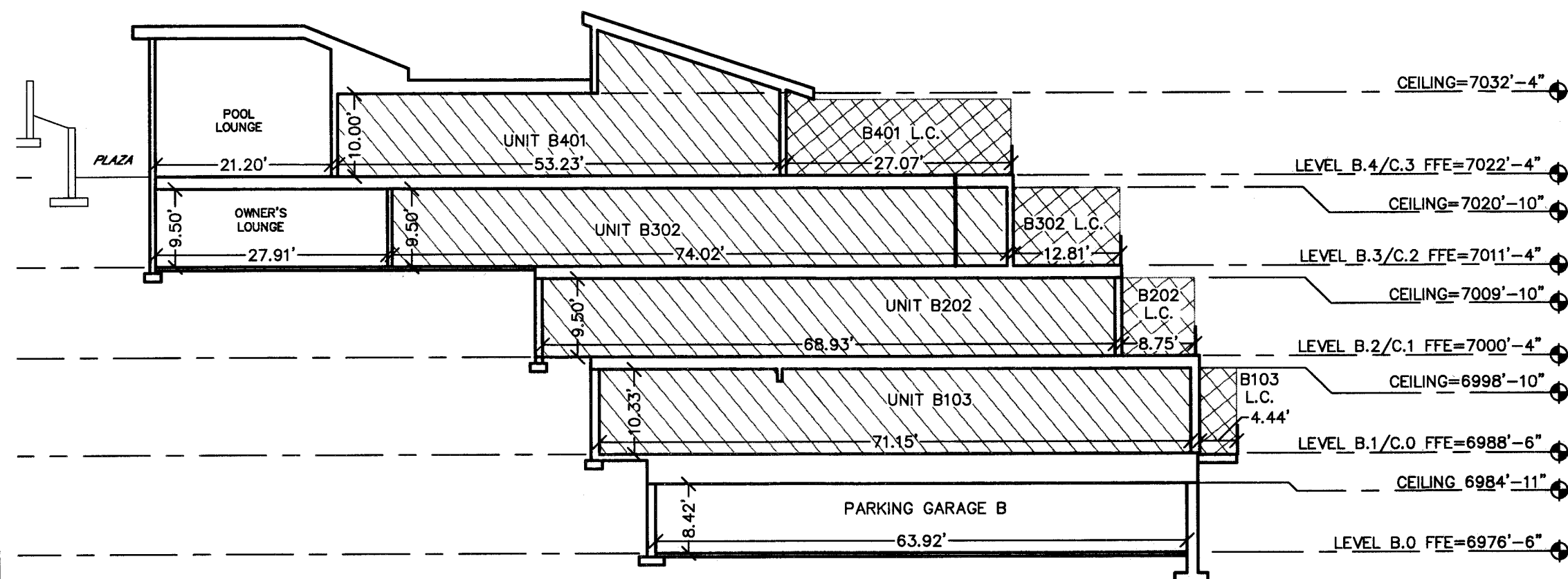
LEVEL 6
BUILDING C
 UNIT C401
BUILDING D
 UNITS D301, D302 & D303



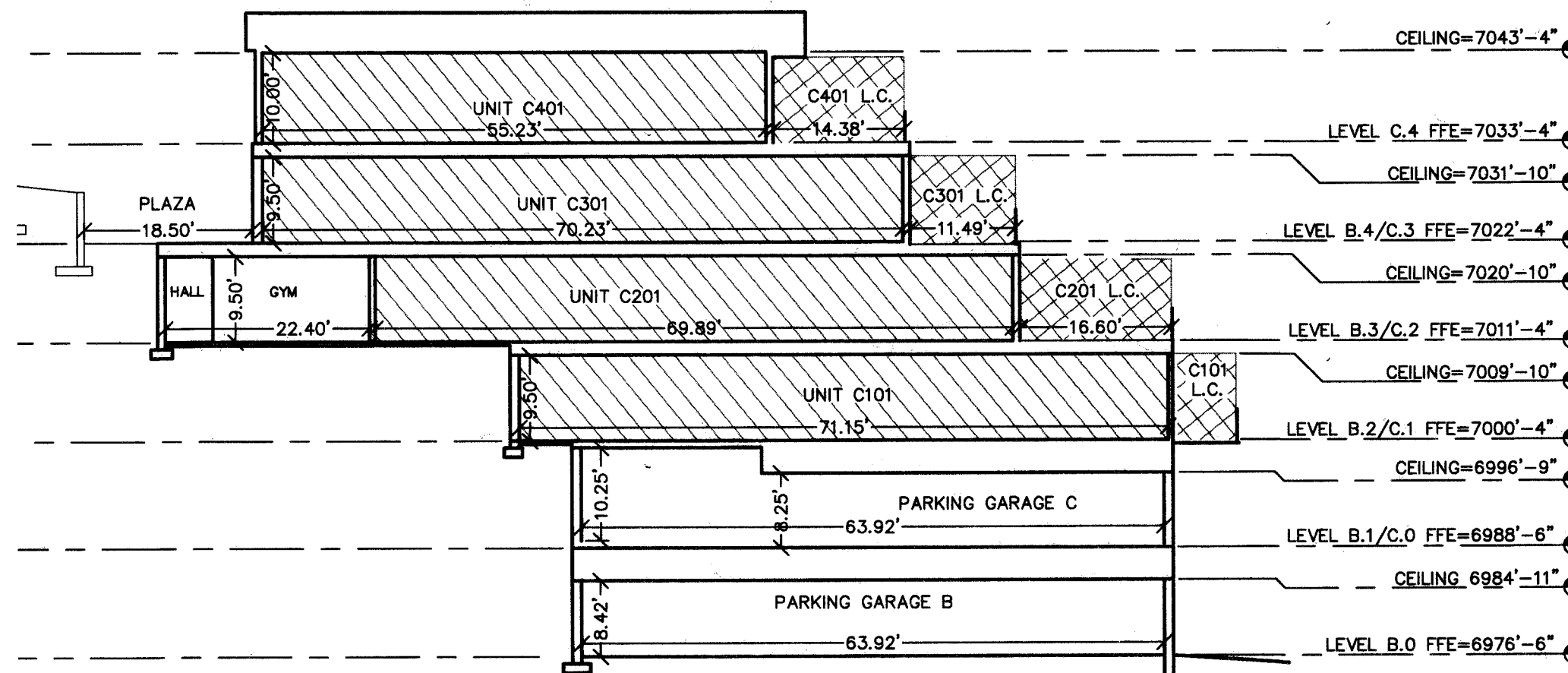
LEVEL 7
BUILDING D
 UNITS D401 & D402



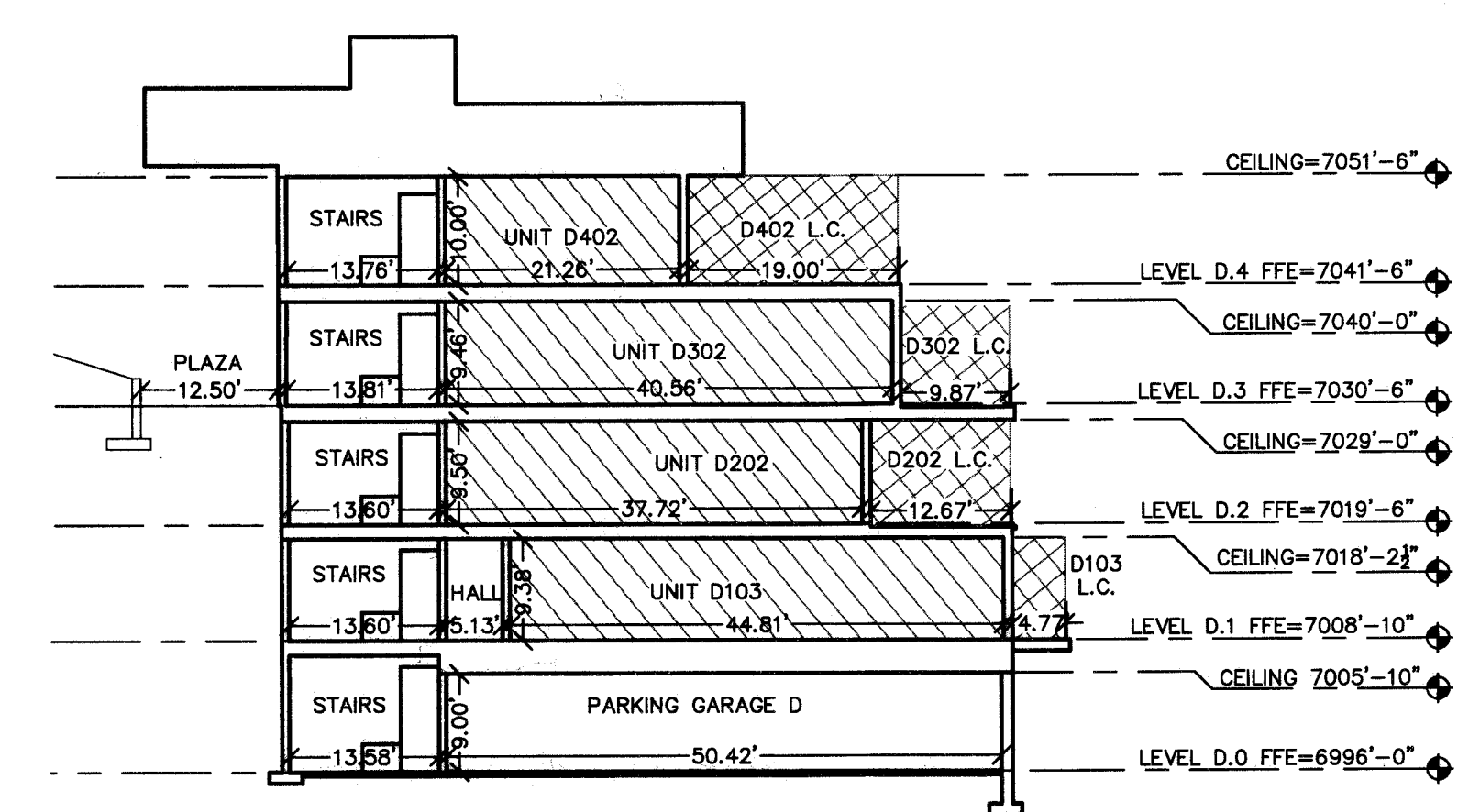
BUILDING B CROSS SECTION



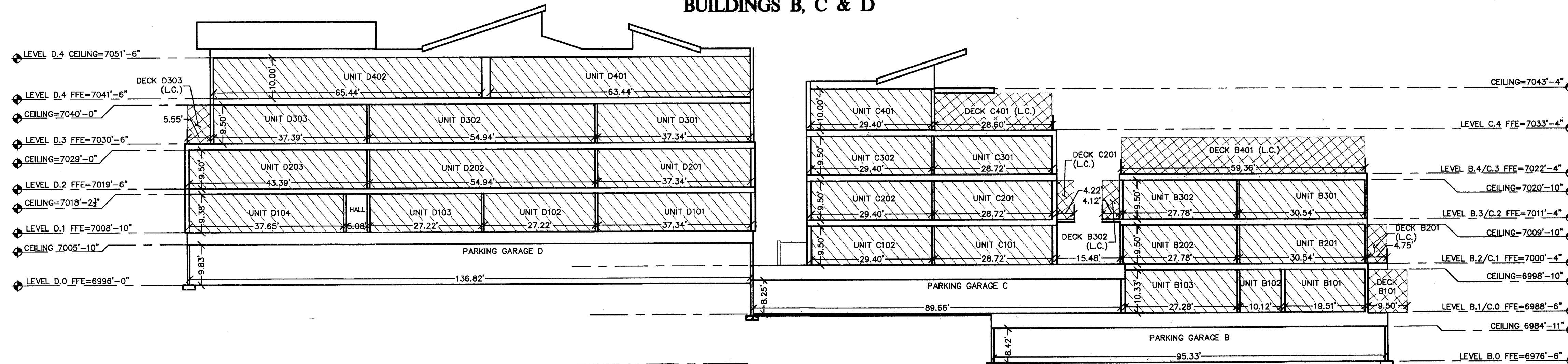
BUILDING C CROSS SECTION



BUILDING D CROSS SECTION



BUILDINGS B, C & D



HATCHING LEGEND

[Pattern]	COMMON AREA
[Pattern]	LIMITED COMMON AREA
[Pattern]	PRIVATE AREA

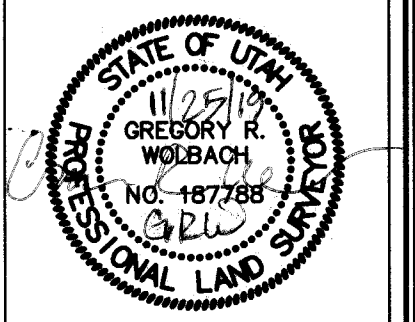
RECORDED
 ENTRY NO. 01123377
 12/10/2019 02:54:44 PM B: 2544 P: 1025

FEES CITY RECORDER

KINGS CROWN CONDOMINIUMS

Evergreen Engineering, Inc.
 Civil Engineering • Land Surveying • Land Planning
 Phone: 801-557-5485 • Fax: 801-557-5486
 E-mail: amoran@evergreen-eng.com

DATE	BY	COMMENTS



DESIGNED BY:
 WOW
 DRAWN BY:
 ADM
 CHECKED BY:
 ADM

KING'S CROWN CONDOMINIUMS
FLOOR PLANS - LEVELS 6 & 7
BUILDING CROSS-SECTIONS

FOR: CRG PARTNERS
 JOB NO. 1626
 DATE: NOVEMBER 25, 2019

August 12, 2020

Mr. Bruce Ericksen, Planning Director
Ms. Rebecca Ward, Senior Planner
Park City Planning Department
Park City Municipal Corporation
PO Box 1450
445 Marsac Avenue
Park City, UT

Re: King's Crown Condominiums

Dear Bruce and Rebecca:

CRG Development, LLC, a Utah limited liability company ("CRG"), has been pursuing the process of seeking from Park City Municipal Corporation (the "City") the necessary approvals to develop and construct the King's Crown Condominiums on Lot 2 of King's Crown Re-subdivision in Park City. The Planning Commission (the "**Planning Commission**") and the City Council (the "**City Council**") of the City have previously granted plat approval and engineering approval for Building D and the Building D Parking Structure within King's Crown Condominiums.

Notwithstanding the approval received by CRG from the Planning Commission and the City Council, CRG has determined to seek amendments from the Planning Commission and the City Council pertaining to the plat approval and the engineering approval with respect to Building D and the Building D Parking Structure. Consequently, CRG hereby requests that all approvals previously obtained by CRG from the Planning Commission and from the City Council pertaining to the engineering, design and location of Building D and the Building D Parking Structure be vacated and rescinded. CRG shall immediately initiate again the process to seek from the Planning Commission and from the City Council the plat approval and the engineering approval for Building D and the Building D Parking Structure.

Very truly yours,

CRG DEVELOPMENT, LLC
a Utah limited liability company

By: 
Rory Murphy, Manager

January 8, 2021

Rebecca Ward, Senior Planner
Park City Planning Department
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1450
Park City, UT 84060

RE: Submittal for Phase 2 King's Crown Condominiums (Building D)

Dear Rebecca,

CRG Development, LLC ("CRG") previously submitted to you a Condominium Plat Application package from CRG, as the Applicant, for King's Crown Condominiums Phase 2, Building D. As you and I have discussed, CRG has vacated its original plat approval for Building D, and CRG has presented this Application to begin the process anew. This Application follows the LMC to the letter, and there are no exceptions to the LMC requested. The proposed Plat is exactly in accord with the previous MPD and the CUP approvals that have been awarded for Lot 2 of the King's Crown Re-Subdivision. CRG has reduced the overall number of units from 12 to 11, but that is the only substantive change.

Rather than simply adjust the previously approved Building D Plat, CRG has elected to start from the beginning on Building D, due to an unfortunate situation with some adjacent neighbors, Patricia Kravtin and Jonathan Horwitz (who will be referred to in this submittal at times as the "Neighbors"). In connection with the Park City Planning Commission meeting scheduled for September 23, 2020, the Neighbors submitted to the City a document entitled "Summary of Public Comment and Requested Action" pertaining to Building D. In their submitted document to the City, the Neighbors make multiple references to an alleged "2017 Agreement" between them and CRG Development, LLC and CRH Partners, LLC pertaining to the relocation of the southernmost boundary of Building D. Although CRG Development, LLC, as the developer of Building D, attempted in good faith over an extended period of time to address multiple concerns and objections raised by the Neighbors pertaining to Building D, there never was, nor is there now, any agreement between CRG Development, LLC and/or CRH Partners, LLC and the Neighbors pertaining to Building D.

Attached to the Summary of Public Comment and Requested Action submitted to the Planning Commission by the Neighbors for the September 23, 2020 Planning Commission Meeting are numerous Exhibits which the Neighbors apparently deem to be relevant with respect to Building D. Included within Exhibit 18 submitted to the Planning Commission by the Neighbors is a copy of an email from Jon Horwitz to Rory Murphy sent on July 31, 2020. The second paragraph in that email from Jon Horwitz reads as follows: "Up to a few weeks ago, when you ceased returning our communications, we have had a very positive working relationship built up over the past three years. Until your letter, we thought we were getting closer to reaching an agreement on how to resolve this situation."

By Jonathan Horwitz' own written admission, which has been submitted by him to the Planning Commission, there never was an agreement between CRG Development, LLC and/or CRH Partners, LLC and the Neighbors pertaining to Building D. Jonathan Horwitz acknowledges that he and Patricia Kravtin merely "thought we were getting closer to reaching an agreement on how to resolve this situation."

The Neighbors also submitted to the Planning Commission written comments for the December 9, 2020 Planning Commission pertaining to CRG's resubmitted Condominium Plat Application for King's Crown Condominiums, Building D. As you know, CRG requested that the Planning Commission's consideration of CRG's Building D Condominium Plat Application be rescheduled from December 9, 2020 to the Planning Commission meeting scheduled for January 27, 2021. The written comments from the Neighbors for the December 9, 2020 meeting again contain numerous references to an alleged agreement between them and CRG pertaining to the relocation of the southern most boundary of Building D. In spite of the multiple allegations by the Neighbors in their December 9, 2020 written comments delivered to the Planning Commission, there never was, nor is there now any agreement between CRG and/or CRH Partners, LLC and the Neighbors pertaining to Building D. As mentioned above, the continued insistence by the Neighbors regarding any such alleged 2017 agreement is contradicted by Jonathan Horwitz' own written admission delivered to the Planning Commission for the September 23, 2020 Planning Commission.

The Neighbors make repeated allegations regarding an alleged desire, decision or effort by CRG to move the location of Building D on Lot 2. The engineering position of Building D has never changed in the entire King's Crown application process. Every engineering document has shown the location of Building D exactly where CRG proposes with its current Application.

The accurate location of Building D is shown on thirteen of the Exhibits attached to the King's Crown MPD Submittal (please see attached Exhibits), which are identified as:

1. King's Crown at Park City Preliminary Plat
2. Preliminary Utility Plan
3. Preliminary Grading Plan.
4. Detailed Grading Plan.
5. Site Distance Exhibit.
6. Materials Exhibit.
7. Planting Exhibit.
8. Open Space Calculations.
9. Building Pads/Setbacks.
10. Snow Storage Diagram.
11. Internal Pedestrian Circulation.
12. Retaining Wall Plan.
13. Architectural Site Plan.

14. Height FOG Studies.
15. Streetscape Elevations.
16. Preliminary 3D Views.
17. Preliminary Overall Sketch.

Of all the Exhibits attached to the King's Crown MPD Submittal only one (the Diagrammatic Site Plan) is subject to misinterpretation. In spite of all of the Exhibits that accurately and correctly depict the location of the Building D, the Neighbors have focused upon the one ambiguous Exhibit regarding the location of Building D. The ambiguous Exhibit was prepared by Chimso Onwuegbu of WOW Atelier, which company has been retained by CRG to perform the architectural work pertaining to the King's Crown Condominium Project. Attached to this letter is a letter addressed to Rory Murphy from Chimso Onwuegbu (Exhibit A) in which he explains: (a) the history of the preparation of the ambiguous Exhibit and (b) Chimso's prior statement regarding the alignment of Building D with the Lift Lodge Condominiums on the opposite side of Lowell Avenue.

Chimso's letter states as follows:

The original MPD exhibit which eventually turned into an exhibit for the neighbors across the street began in the infancy of the project—in fact, it was one of the initial driving decision makers for the general layout for the site. It was created as a diagrammatic tool for the city to show the context of our project. It wasn't meant as a scalable drawing as it was always based on a google image. The purpose was to show that within the context of the city, we would be respectful of the development patterns and break our project into 3 general categories of development and that each area would roughly align with the existing uses already existing in the neighborhood. The first was that mutli-family buildings would be developed along Lowell to a point in general proximity to the condominiums across the street, single family lots would also generally align with the homes across the street, and the townhomes would continue the development pattern of the existing duplex structures on the West side of Lowell.

At a later date, we were asked if the condominiums still existed in their original location across from the Lift Lodge, and we answered to the affirmative, keeping in mind that from WOW's perspective, we were still talking in generalities, and not an exact alignment - again, because that was never the intent of the exhibit. As the initial drawings, civil and architectural, show, the property line of the condo project has never shifted, and the general location of the southernmost building also remains as always represented. We erred in responding to the alignment of the building to the Lift Lodge because not until our first in person meeting with the Neighbors did we realize that they were in fact using our diagram as a literal

representation of alignment with the Lift Lodge. If we had understood the level of specificity which was being implied from the aerial image exhibit, we could have pointed out at a much earlier date, early on in the MPD/CUP process, that we weren't aligning exactly with the Lift Lodge. Even the actual exhibit showed an underlay of the survey, prepared in anticipation of construction documents, [which] didn't perfectly align with the google aerial image. In hindsight, we would have removed the google image and simply used the survey to show the location of Building D in the exhibit as that has stayed constant since the earliest stages of the design, and made clear that the initial diagram was in the context of Lowell Avenue, and not specific to neighboring sites.

The Neighbors are claiming that their failure to oppose the approval by the City of the King's Crown MPD rested upon the Neighbors' misunderstanding of this Exhibit. CRG should not be required to adjust the location of Building D based upon a single ambiguous Exhibit and the Neighbors' alleged reliance on such ambiguous Exhibit. It dramatically affects the economics and tenability of the project. When the confusion caused by the Exhibit was pointed out to CRG by the Neighbors, CRG made a tremendous effort to try to address the Neighbors' concerns, even though CRG had no legal obligation to do so.

CRG's architect re-designed the southern edge of Building D no less than three times. That effort was met with stubborn refusal by the Neighbors to agree to a compromise. CRG was never able to enter into an agreement with the Neighbors.

CRG simply asks the Staff and Commission to approve what is squarely within the four corners of the Land Management Code. CRG is not requesting any setback deviations from Code. CRG strongly believes that CRG has done a yeoman's effort to do its best to address the concerns of the Neighbors, well above and beyond what could reasonably be expected. CRG is not interested in offering any further concessions to the Neighbors, and CRG requests that the Planning Commission reaffirm the current location of Building D and acknowledge that all of the Exhibits that were part of the MPD/CUP application and approval did reflect the actual location of Building D, with the exception of one ambiguous Exhibit as explained above.

The language of the MPD approval states that development patterns should be generally mirrored. The Neighbors consistently allege that the southern edge of Building D should be parallel with the southern edge of the southern building of Lift Lodge Condominiums located across Lowell Avenue. In this regard, it should be noted that the southern edge of the Lift Lodge building across the street is located 6 feet, 8 inches north from the southern property line of the Lift Lodge Condominiums. The southern edge of the parking garage and level 1 of Building D is located 11 feet, 8 inches north from the southern boundary line of Lot 2. Consequently, the setback of Building D from the southern property line is 5 feet greater than the setback of the Lift Lodge Condominium building located across the street from Building D.

Regardless of their demands made to preserve their view, the Neighbors must realize that their residence is part of a multi-family building, so the spirit of the ordinance would be that a multi-family building be placed across the street from them. Right now, there is nothing across the

street from them. What is a particularly good indication of the “spirit of the conversation” between CRG and the Neighbors is that the location of the access stairs from Lowell Avenue to Rothwell Road was deliberately placed in front of the Neighbors’ home to mitigate the specific visual impacts of the project.

The Neighbors have been involved in the King’s Crown project from its inception and have constantly lobbied for special favor the entire time. The first concession CRG made to them was to put the stairway in front of their multi-family condominium building, “The Residences at King’s Crown”. This opened up the view for them and allowed them to get more sunlight and exposure than any other house along Lowell across from the King’s Crown project. The meetings and effort to appease the Neighbors have been numerous. Every effort has been made to work with them and it is clear to CRG that its efforts to try to accommodate the Neighbors have been futile.

A few examples of the efforts that have been made to date by CRG for the benefit of the Neighbors include the following items.

- CRG re-designed the southern roof element of Building D to accommodate the Neighbors’ view from their bedroom window so they could continue to see Iron Mountain.
- CRG placed the stairway in front of the Neighbors’ house to give them the best view possible.
- CRG moved the entrance of the parking garage from near the Neighbors’ home to the north 40 feet so the car headlights would not shine in their condo. It was fine if it shone in someone else’s unit as long as it didn’t impact them.
- CRG hired a structural engineer and replaced the angle iron on their driveway free of charge.
- CRG planted a tree in the Neighbors’ front yard to hide the construction from their view.
- CRG shut down the entire job for a day and a half for the Neighbors’ daughter’s wedding.

In addition to the partial list above, there were numerous occasions when the Neighbors would contact CRG or the contractor and demand certain actions be undertaken on their behalf. CRG tried very hard to accommodate them, and the instruction given by CRG to its contractors was always “just try to make them happy”. Despite the contractors’ frustration, CRG’s contractors continued to try to work with the Neighbors, and CRG constantly responded to their request for personal favors, such as landscaping, construction advice, cleaning of their area, etc.

CRG attached one ambiguous Exhibit to its MPD submittal. That is the focus of this entire discussion. All of the remaining submittal Exhibits were correct and showed the property lines accurately. Unfortunately, CRG did not realize this until late December 2019. Up until that point it was CRG’s understanding that the Exhibit the Neighbors kept referring to was unambiguous. CRG did not realize the ambiguity in the one Exhibit until it was brought to our attention by the Neighbors. All of the remaining Exhibits were correct and unambiguous. However, the Neighbors demanded that CRG be bound by one ambiguous Exhibit.

CRG first redesigned the building as shown on Exhibit B. This was not acceptable to the Neighbors and was rejected by them. Please understand that CRG was under no legal obligation to appease them. At great cost and effort, CRG redesigned the building a second time. This is attached as Exhibit C. Again, this was rejected by the Neighbors. The Neighbors claimed to be very upset, and it was difficult to communicate with them. CRG then underwent a third redesign, shown on Exhibit D, in which CRG reduced the square footage of Building D and completely redesigning the southern section of Building D. In fact, CRG estimates that this design shaved 1,400 of finished square footage off of Building D. All of this was offered by CRG because of one ambiguous Exhibit and CRG's desire to appease the Neighbors.

CRG does not believe anyone else would have gone to such lengths to try to mitigate this type of situation. In spite of CRG's efforts which CRG felt were incredibly generous, and which cost CRG in square footage lost, redesign fees and engineering costs, Mr. Horwitz called Rory Murphy and said the Neighbors could accept the third redesign provided CRG gave the Neighbors the following items:

- A heated underground parking space.
- A 4' by 8' heated storage space.
- A full ski club membership.
- A full gym membership.
- A full pool/lounge club membership.

CRG estimates the cost of these items to be approximately \$330,000. These demands were unacceptable to CRG. CRG is no longer interested in trying to appease the Neighbors. While CRG is not planning to move the garage entrance back or redesign the roof, CRG is unwilling to make any more changes to Building D to appease the Neighbors. CRG has no duty to redesign Building D to suit the Neighbors. CRG's duty is to the Park City Land Management Code and to the Park City Planning Commission and City Council. CRG is not requesting anything outside of what is permitted by the LMC. The location of Building D has not changed one foot since the approval of the MPD and CUP. The Neighbors' objections are based on one Exhibit that was inadvertently ambiguous. It is not fair nor is it reasonable to suggest that CRG re-work its entire plan to accommodate one inadvertently ambiguous Exhibit.

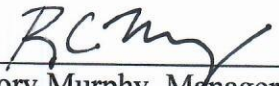
CRG requests from the Commission that they issue a clarification for the MPD submittal that acknowledges that the placement of Building D was represented accurately on all of the Exhibits, with the possible exception of one ambiguous Exhibit, and that such unambiguous Exhibits remain the standard by which the subsequent Plat will be measured.

As previously mentioned, the proposed Plat for Building D does not seek height exceptions, setback exceptions or parking exceptions. There are 21 parking spaces required, and there are 21 spaces provided on the Plat. The setbacks meet the Park City Land Management Code, and the proposed sighting of Building D mirrors the multi-family building that exists across the street.

CRG appreciates the opportunity to submit this Application and looks forward to presenting this to the Commission. Please do not hesitate to contact me with any questions or concerns whatsoever.

Sincerely,

CRG Development, LLC

By: 

Rory Murphy, Manager

January 10, 2021

Rebecca Ward, Senior Planner
Park City Planning Department
Park City Municipal Corporation
PO Box 1480
445 Marsac Avenue
Park City, Utah 84060

RE: Request for Planning Commission Determination for a Minor Modification/Clarification to an MPD

Dear Rebecca,

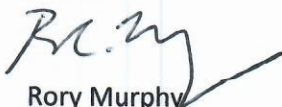
Please find attached to this letter our full submittal for an MPD Minor Modification/Clarification Determination from the Park City Planning Commission for the location of Building D (Phase 2) in Lot 2 of the King's Crown Resubdivision. We are requesting this Minor Modification/Clarification to our MPD and CUP approvals due to an unfortunate situation with one of the neighbors adjacent to the King's Crown Project. The situation is explained in detail in the MPD Submittal Letter attached to this application.

Included in this Application are the following documents:

- Signed and complete Application Form.
- Submittal Letter for Phase 2 King's Crown Condominiums (Building D).
- Original King's Crown MPD Submittal.
- King's Crown MPD and CUP Approval document from Park City to Applicant.
- Update Title Report.
- List of neighbors within 300' of the project.
- Addressed/stamped envelopes of neighbors within 300' of the project.

We are respectfully requesting that the Planning Commission make the Determination that this is a Minor Modification to the King's Crown MPD. We believe that it is really a clarification since all but one of the original submittal exhibits were correct and consistent with the previous approvals from the Planning Commission. We thank the Staff and the Planning Commission for your consideration of this request. We welcome any comments or questions on this request this Determination and deeply appreciate your time with this proposal.

Sincerely,



Rory Murphy
Manager, CRG Development, LLC



22 January 2018

Rory Murphy
1887 Gold Dust Lane, Suite 301
Park City, Utah 84060

Re: King's Crown Master Planned Development and Conditional Use Permit

Rory:

On January 10, 2018, the Planning Commission of Park City approved your Master Planned Development (application no. PL-17-03515) and Conditional Use Permit (PL-17-03566), subject to the following findings of fact, conclusions of law, and conditions of approval:

Master Planned Development & Conditional Use Permit Findings of Fact:

1. The subject site is located at 1201 – 1299 Lowell Avenue.
2. The subject site is within the RC, ROS, and SLO District.
3. The proposed development takes place roughly over 30% of the property, all contained within the RC District located adjacent to Lowell Avenue towards the northeast of the subject site.
4. The applicant proposes to build three (3) multi-unit buildings with access off Lowell Avenue, a private road/drive to be known as Rothwell Road, and a townhouse building with access off Rothwell Road.
5. The proposed private road/drive begins at the 12th Street / Lowell Avenue intersection which then curves up to a hammer-head turn around.
6. Rothwell Road climbs up approximately sixty feet (60') and is approximately 548 feet long.
7. The applicant also proposes to develop 27 single-family lots, 4 of which would be accessed off Lowell Avenue, and the remaining 24 would be accessed off Rothwell Road (15 on the west side of the private road and 8 on the east side of the private road).
8. The applicant does not plan on building the 27 houses, but to develop the lots to be able to sell them individually.
9. The MPD includes a total of 32 lots.
10. The MPD includes seven (7) deed restricted affordable housing condominium

- units (8.55 affordable unit equivalents).
11. The MPD includes eight (8) additional non-required deed restricted affordable housing condominium units (9.07 affordable unit equivalents).
 12. The MPD includes 11.2 acres of platted open space in the form of large tracts of contiguous natural open space that does not include open space area around the units, equating to 74.6%. The total open space percentage is 83.9.
 13. The MPD includes 23 market rate condominiums, 7 market rate townhomes, and 27 market rate single family detached houses.
 14. Building A is a multi-unit dwelling, listed as a conditional use.
 15. Building A has 15 residential affordable housing units.
 16. Building A has the following square footage:
 - a. Residential: 16,520
 - b. Mechanical: 256
 - c. Internal circulation (hallways and stairs): 1,833
 - d. Parking and vehicular circulation: 5,571
 - e. Overall: 24,180
 17. Building A has 18 parking spaces located in an enclosed underground parking garage.
 18. Building A has vehicular access off Lowell Avenue through one (1) driveway.
 19. Building A has 5 stories above the parking garage.
 20. Building A is on proposed lot 1.
 21. Affordable housing residential units do not count towards residential Unit Equivalents.
 22. Building B/C is a multi-unit dwelling, listed as a conditional use.
 23. Building B/C has 12 residential units.
 24. Building B/C has the following square footage:
 - a. Residential: 28,253 (14.13 residential Unit Equivalents)
 - b. Mechanical: 375
 - c. Internal circulation (hallways, stairs, and elevator): 1,133
 - d. Parking and vehicular circulation: 9,305
 - e. Overall: 39,066
 25. Building B/C has 21 parking spaces located in enclosed underground parking garages.
 26. Building B/C has vehicular access off Lowell Avenue through two (2) separate driveways.
 27. Building B/C has 4 stories above the parking garage
 28. Building B/C is on proposed lot 2
 29. Building D is a multi-unit dwelling, listed as a conditional use.
 30. Building D has 11 residential units
 31. Building D has the following square footage:
 - a. Residential: 24,590 (12.30 residential Unit Equivalents)
 - b. Mechanical: 166
 - c. Internal circulation (hallways, stairs, and elevator): 1,827
 - d. Parking and vehicular circulation: 8,313
 - e. Overall: 34,896
 32. Building D has 22 parking spaces located in an enclosed underground parking

- garage.
33. Building D has vehicular access off Lowell Avenue through one (1) driveway.
 34. Building D has 4 stories above the parking garage.
 35. Building D is on proposed lot 2.
 36. Townhomes Building is a multi-unit dwelling, listed as a conditional use.
 37. Townhomes Building has 7 residential units
 38. Townhomes Building is 29,005 (14.50 residential Unit Equivalents).
 39. Townhomes Building has 14 parking spaces, 2 within each parking garage.
 40. Townhomes Building has vehicular access off proposed private drive through individual driveways.
 41. Townhomes Building has 3 stories above the garage level.
 42. Townhomes Building is on proposed lot 30
 43. Single-family dwellings are an allowed use within the District.
 44. The applicants request to plat 27 lots to accommodate one (1) single-family dwelling on each lot.
 45. The approximate buildable square footage of the single family dwellings is 71,880 (35.94 residential Unit Equivalents).
 46. The single-family dwellings require 54 parking spaces, 2 within each lot as required.
 47. The single-family dwellings have vehicular access off proposed private drive through individual driveways and four (4) off Lowell Avenue.
 48. The single family lots are on proposed lots 3-29.
 49. The applicant proposed two (2) lots to be re-platted as open space.
 50. Proposed open space Lot 31 is 2,106.4 square feet with retaining walls and stair access to adjacent property to the south.
 51. Proposed open space Lot 32 is 487,798.29 square feet (11.2 acres).
 52. Proposed open space Lot 32 is to house an accessory building, 750 square feet, consisting of restroom and lockers for the exclusive use of property owners.
 53. The proposed accessory building on Lot 32 is located on the RC District.
 54. Accessory buildings are an allowed use with the RC District.
 55. Restrooms/lockers are considered residential accessory space and does not count towards Unit Equivalents.
 56. The site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:
 - a. RC District: 199,867 sf. (4.59 acres)
 - b. RC District within the SLO Zone: 78,654 sf. (1.81 acres)
 - c. ROS District: 84,194 sf. (1.93 acres)
 - d. ROS District within the SLO Zone: 291,145 sf. (6.68 acres)
 57. The applicant proposes to build solely within the zoning boundaries of the RC District. The applicant does not request to build within the boundary of the RC District/SLO, or within the ROS District, and these areas would be dedicated as open space.
 58. Within the RC District, sites with multi-unit dwellings receive a maximum floor area ratio (FAR) of 1.0.
 59. The portion of the site in the RC District has a maximum floor area of 199,867 sf. for multi-unit dwellings.
 60. The RC District does not provide a FAR standard for single-family dwelling lots,

- but rather, a minimum lot area requirement of 1,875 sf.
61. The proposal contains a total FAR of 0.41 ($80,963 \div 199,867$) for multi-unit dwellings.
 62. In applying the FAR at its maximum, the site would have a remaining 118,904 sf. in density ($199,867 - 80,963$).
 63. In applying the floor area not used for multi-unit dwelling for single-family dwellings, this would create approximately 63 residential lots (applying the minimum lot area of 1,875 square feet).
 64. The applicant requests to re-subdivide 27 single-family lots in conjunction with their 80,963 sf. of multi-unit dwellings.
 65. A residential Unit Equivalent is 2,000 square feet.
 66. The applicant proposes the construction of the following 30 residential units and the allotment of 27 lots:
 - a. 12 flats within multi-unit Building B/C totaling 27,683 square feet (13.84 residential Unit Equivalents).
 - b. 11 flats within multi-unit Building D totaling 24,255 square feet (12.13 residential Unit Equivalents).
 - c. 7 townhouses within the Townhome Building totaling 29,005 square feet (14.50 residential Unit Equivalents).
 - d. 27 lots to accommodate one (1) future single-family dwelling on each lot which would be approximately 71,880 square feet (35.94 residential Unit Equivalents).
 67. The applicant requests to maintain the MPD setback of 25 feet around the perimeter of the entire development, with the exception of seven (7) future single-family residential Lots 3-7 and 21-22.
 68. Applicant seeks the following setback reductions as allowed by the Code, if granted by the Planning Commission:
 - a. Proposed Lot 3-7 front setback reduction to ten feet (10').
 - b. Proposed Lot 21 side setback reduction to twenty feet (20').
 - c. Proposed Lot 22 side setback reduction to ten feet (10').
 69. The proposed setback reductions as described above matches the abutting zone setbacks and all aspect of the project will comply with applicable Building and Fire codes. The reductions do not increase project density, maintain the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and they meet open space requirements of the MPD.
 70. The proposed setback reductions are in compliance with LMC MPD provisions.
 71. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 [...].
 72. The site contains a total of 653,759 square feet. The site contains 17,012 square feet of hard-scaped plazas equating to 2.6% of the site and 531,519 square feet (12.20 acres) equating to 81.3% of natural open space.
 73. The applicant proposes to designate the use of the two (2) open space lots on the proposed Re-Subdivision (plat).
 74. The applicant does not request to decrease the required number of off-street parking spaces; therefore, no parking analysis has been submitted. See building by building requirement:

- a. Affordable Housing Building A requires 18 parking spaces based on the size of the units. The proposed building contains 18 parking spaces.
 - b. Building B/C requires 21 parking spaces based on the size of the units. The proposed building contains 21 parking spaces.
 - c. Building D requires 21 parking spaces based on the size of the units. The proposed building contains 22 parking spaces.
 - d. Townhome building requires 14 parking spaces based on the size of the units, two (2) parking spaces per unit. Proposed building contains 14 parking spaces.
 - e. Single-family dwelling residential lots require 54 parking spaces, based on unit count. These 27 residential lots would require a minimum of 2 parking spaces per unit.
75. The proposal complies with the provisions of the building height parameters for multi-unit buildings listed under LMC § [15-2.16-4 Building Height](#) and single-family dwellings listed under LMC § [15-2.16-5 Special Requirements For Single Family And Duplex Dwellings \(subsection L-M\)](#), including all applicable height exceptions as allowed in the LMC.
 76. The applicant does not seek additional height under the MPD parameters listed under LMC § [15-6-5 MPD Requirements, Sub-section F](#).
 77. The project has been designed to maintain the existing neighborhood development pattern, with the larger scale buildings located alongside the existing multi-family.
 78. The proposed plan uses the massing of the buildings to mitigate the need for retaining walls by burying the buildings into the hillside. The balance of the required retaining walls has been stepped in shorter wall sections to reduce/eliminate tall retaining walls.
 79. Roads and utility lines are proposed to work with the existing grades to the greatest extent possible, as indicated on the civil site and grading plans. Areas of the deepest cuts are mitigated by using the townhome buildings to step up the hill.
 80. All trails proposed with the MPD are incorporated into open space elements and in some areas are maintained and improved in their existing locations. Trail easements will be platted on the final recorded subdivision plats. Staff recommends adding a public recreation easement on Rothwell Road (private road) connecting to trail network on the mountain.
 81. The City requests to secure a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access.
 82. The City requests to prepare a public trail plan for the open space parcel, provide for trail 'corridors' subject to final alignment, which would be part of the recorded development agreement. The applicant stipulates to this condition of approval.
 83. There are sufficient areas adjacent to the streets, driveways, and parking areas to store snow.
 84. The MPD shall comply with the trash storage and collection and recycling regulations contained herein.
 85. There are no commercial or non-residential uses with this project, and all off-

street parking requirements are met within the project. The bus stop/ transportation area is located yards away from the project at the resort base. The applicant is considering placing an e-bike sharing station on site on Lowell Avenue for public use.

86. The submitted landscape plans specify the maximum area allowed for lawn or turf is limited to fifty percent (50%) of the total Area allowed to be disturbed and not covered by Buildings and other hard surfaces.
87. Drought tolerant species and species native to the area are stipulated in the Guidelines. Native rock and boulders are stipulated as allowed within the LMC.
88. Lighting is proposed to comply with requirements of LMC Chapter 15-5, Architectural Review and is further spelled out in the Guidelines.
89. No development within the MPD is located within the SLO with the exception of trails, which are an allowed use in the SLO.
90. The proposal includes 200% of the required Affordable Housing as required by the current housing resolution (03-2017).
91. The current affordable housing proposal, which is developed through the Affordable Housing Staff and the Affordable Housing Authority (The City Council), is shown on a table within this staff report. The Staff and the Affordable Housing Authority retain the final say on these figures.
92. The proposal does not create additional demands for child care.
93. An environmental survey ([Exhibit P - Environmental Survey](#)) was prepared revealing no environmental contaminants on the property.
94. A mine site study ([Exhibit Q - Mine Site Studies](#)) was conducted and determined that there were no mining related activities on the property.
95. The proposal fulfills the following goals and objectives of the General Plan.
96. A cultural survey ([Exhibit O - Cultural Survey](#)) was prepared revealing the only significant historical element on site was the Crescent Tramway, which will remain as the existing ski/ bike trail on the property. There are no historic structures on site.
97. LMC § 15-6-4 (G) states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement and shall be submitted to the Planning Department within six (6) months of MPD approval, for ratification by the Planning Commission..
98. Multi-unit dwellings and Master Planned Developments are listed as a conditional uses in the RC District.
99. The applicant proposes the construction of four (4) multi-unit dwelling buildings which includes one (1) building housing the affordable housing units that exceeds the required affordable housing requirements.
100. 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.
101. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.
102. The project is located on Lowell Avenue, between 12th and 13th Street.

103. The four (4) multi-unit dwellings are located at the lower portion of the subject site.
104. A traffic study (Triton Engineering, June, 2017) was provided by the applicant and reviewed by the City indicating that study intersections are anticipated to continue operating at acceptable levels of service.
105. Capacity of existing streets can handle anticipated normal traffic especially based on the fact that maximum density is not being pursued by the applicant.
106. Utilities necessary for these proposed uses are available at or near the site.
107. Final utility plans, including grading and storm water run-off plans will be required at time of building permit review.
108. The proposed plans have been reviewed by the City and the Park City Fire District for compliance and meet the requirements for emergency vehicle access based on the close proximity to Lowell Avenue and the direct connection of the private drive.
109. The proposed conditional use meets all LMC parking regulations.
110. The internal circulation plan incorporated on the site plan showing proposed access to existing trails as well community access point to the trails and ski runs.
111. Adjoining uses mirror the uses proposed in this project, and no separation is required. In fact, the project is providing community access through to adjacent open space.
112. The project has been designed to mirror the existing neighborhood development patterns.
113. The larger mass buildings are located adjacent to the larger buildings on Lowell, and the project homes mirror the East side of Lowell, with the townhomes continuing the townhome pattern as well.
114. As designed, approximately 82 percent of the project is contiguous open space, with access to skiing and bike trails.
115. All signs and lighting for the project will be approved through the Master Sign Plan application process and through building department review for compliance with the LMC.
116. The physical design of the proposed additions and new buildings, in terms of mass, scale, style, design and architectural detailing.
117. The proposed buildings complement the existing neighborhood in architectural character, materials, colors, mass and scale.
118. Proposed materials consist of metal and membrane roofing, wood and metal siding, natural stone and other elements consistent with the existing buildings.
119. This project will not create any of the conditions listed that are not normally associated in the residential nature of the proposed use.
120. There will be no commercial delivery or service vehicles to the project as the entire project is residential. Typical residential delivery service will utilize residential streets and driveways.
121. Trash and Recycling will mirror the existing Old Town pattern and usage with small residential trash bins, and shall comply with the required regulation listed under Master Planned Developments.
122. All condominiums will be sold as wholly owned condominiums and be required to follow local guidelines relative to other uses, the same applies to the single-family

- lots.
123. The proposed development is not within any environmentally sensitive lands, physical mine hazards, historic mine waste, or Park City Soils Ordinance.
 124. The site is within steep slopes found throughout the site.
 125. The overall proposal, both Multi-Unit Dwellings (conditional use) and single-family detached houses (allowed use) takes place over approximately 30% of the entire site.
 126. The Applicant provided [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations, with the](#) placement, volume and height of on-mountain waste rock on a map showing the placement areas for waste rock
 127. Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.
 128. [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations](#) also shows the proposed study of the corresponding volumes and depths of the waste material on adjacent property.
 129. Applicant indicates that all waste material must be certified as environmentally clean, compacted in no more than 2-foot lifts (to achieve a 90%+ compaction) covered with six inches (6") of topsoil, seeded with a native grass mix and sod placed over the grass seeds.
 130. Applicant demonstrates that the maximum depth would be 5 feet, tapering off to 0 feet.
 131. Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.
 132. Applicant explains that in the highly unlikely case that they are unable to secure a written agreement with the Park City Mountain, the excavation material would be disposed of by the traditional method used in the vast majority of construction projects to be approved by the City prior to issuance of building permits.
 133. The applicant estimates 14,400 cubic yards of material (includes swell) which would equate to 1,440 truckloads (at 10 yds. / truck).
 134. As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.
 135. Applicant has indicated that they will instruct construction staff to keep delivery trucks off the streets during the peak busy times of between 8:30 am and 10:00 am as well as the peak afternoon times of 3:30 pm through 4:30 pm.
 136. Applicant agrees to not deliver materials during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
 137. Applicant has provided the approximate excavation quantities of the 27 single-family dwellings which would be approximately 7500 cubic yards.
 138. The applicant does not plan on building the 27 single-family dwellings but plans to sell the lots to individuals and/or builders.
 139. The Chief Building official has studied the applicant's preliminary Construction

Mitigation Plan and finds that the proposal is in compliance with current Building Department policies.

140. Construction Mitigation Plan will be finalized by the Building Dept. once building permits are submitted by the applicant.

141. The applicant stipulates to the conditions of approval.

142. The discussion in the Analysis section is incorporated herein.

Master Planned Development Conclusions of Law

- A. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- B. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- C. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
- D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- F. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- H. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
- I. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- J. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- K. The MPD has been noticed and public hearing held in accordance with this Code.
- L. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
- M. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- N. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
- O. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditional Use Permit Conclusions of Law:

1. The proposal satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16).
2. The proposal complies with all requirements of this LMC.
3. The Uses will be Compatible with surrounding Structures in Use, scale, mass
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Master Planned Development & Conditional Use Permit Conditions of Approval:

1. All standard project conditions shall apply.
2. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
3. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed predevelopment drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
4. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
5. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plat.
6. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
7. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
8. An Affordable Housing Plan shall be approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD and deed restrictions shall be recorded.

9. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.
10. A master sign plan for the project shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.
11. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.
12. Once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
13. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
14. Vegetation and landscaping will be planted in such a manner that screening of adjacent properties is to be consistent with approved landscape plans. The applicant recognizes that the City Engineer have final authority on landscape placement in required easement areas.
15. All interior roads shall be constructed to Park City Engineering standards. Final grades, storm drainage and width to be approved by the City Engineer.
16. Interior roads are proposed to be private and maintained by the HOA.
17. An HOA shall be in place to maintain and govern the property.
18. An open space use plan shall be approved by the Park City Planning Department and shall be included as part of the development agreement. Such uses shall be consistent with the LMC and shall include ski runs, hiking/biking trails and related ski improvements such as snow making and signage as needed and appropriate.
19. A trails master plan that is consistent with the city's needs and desires shall be forwarded by the City Trails personnel and approved by both the applicant and the Park City Planning Department, which would be part of the recorded development agreement.
20. The applicant shall allow a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access, and shall be shown on the plat.
21. The proposal shall comply with all Architectural Design Guidelines outlined in LMC § 15-5-5 which includes prohibited architectural styles and motifs, prohibited siding materials, design ornamentation, number of exterior wall materials, roofing materials, roof shapes, solar panels and skylights, window treatments, Lighting, trash and recycling enclosures, mechanical equipment, patios and driveways, and landscaping. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 10, 2018.

22. The proposal shall comply with the trash storage and collection parameters with the language outlined in LMC § 15-5-5(G).
23. The proposal shall not undergo excavation or footings and foundation work on the multi-family buildings or the access road (Rothwell Road) during the winter season from Christmas (December 25) through April 1st.
24. Materials shall not be delivered during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
25. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 10, 2018.
26. The applicant shall record a plat prior to selling individual units.
27. A deed restriction all affordable housing units shall be recorded prior building permit issuance.
28. The CCRs shall be submitted with the plat for review and approval by the City prior to final plat recordation.
29. The CCRs submitted with condominium plats that include any deed restricted affordable housing units shall limit the HOA dues related to the deed restricted employee housing unit in order to ensure that the units remain affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the units (or exempt the units from HOA fees) to ensure that the units don't lose their affordability due to HOA fees. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
30. The Conditional Use Permit shall expire on January 10, 2019, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.
31. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on January 10, 2018.
32. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
33. This development is part of a common development that is greater than one (1) acre. This development shall meet the MS4 storm water requirements.

Please be aware that this approval in no way exempts the property from complying with other requirements that may be in effect on the property, and building permit regulations, as applicable. It is the responsibility of the property owner to ensure compliance with these regulations.

As the applicant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Planning Commission meeting are available in the Planning Department office.

If you have questions regarding your applications or the action taken please don't hesitate to contact me at 435-615-5064 or fastorga@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Astorga". The signature is fluid and cursive, with a long horizontal stroke at the end.

Francisco Astorga, AICP
Senior Planner

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned Legacy Development Group, LLC, the owner of the tract of land described herein as The Residences at King's Crown, a Utah Condominium Project located on said tract of land, has caused a survey to be made and this Record of Survey Map to be prepared does hereby give its consent to the recordation of the Record of Survey Map and submit this property to the Utah Condominium Ownership Act. Further, the owner does hereby irrevocably offer for dedication to Park City Municipal Corporation, the Snyderville Basin Water Reclamation District, the Park City Fire Protection District, a non-exclusive easement over the utility easements, and snow storage easements shown on this plot for the purpose of providing access for utility installation, maintenance, use and eventual replacement, in accordance with an irrevocable offer of dedication. The owner further certifies all buildings will be built as shown.

In witness whereof, the undersigned has set its hand on this 3 day of January, 2007.

LEGACY DEVELOPMENT GROUP, LLC,

By: Sara K. Werbelow, Member

By: MICHAEL A. AND SONJA SALTMAN LIVING TRUST, Member

By: Michael A. Saltman, Trustee

By: Sonja Saltman, Trustee

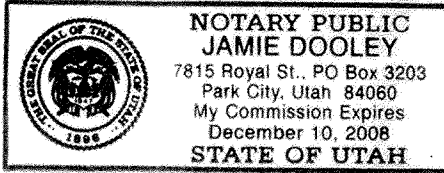
ACKNOWLEDGMENT

State of Utah
County of Summit

On the 3 day of January, 2007, personally appeared before me the undersigned Notary Public in and for the said State and County, Sara K. Werbelow, who after being duly sworn, acknowledged to me that he is the Member of the Legacy Development Group, LLC, the owner of the herein described tract of land, and that the foregoing instrument was signed on the behalf of said corporation by authority of its Articles of Organization or its Operating Agreement.

Jamie Dooley
Notary Public

Residing at: 7815 Royal Street Park City, UT
My commission expires: 12/10/2008



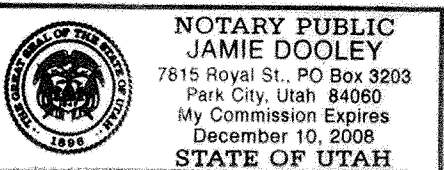
ACKNOWLEDGMENT

State of Utah
County of Summit

On the 3 day of January, 2007, personally appeared before me the undersigned Notary Public in and for the said State and County, Sonja Saltman, who after being duly sworn, acknowledged to me that she is the Trustee of the Michael A. and Sonja Saltman Living Trust 1997, a member of the Legacy Development Group, LLC, the owner of the herein described tract of land, and that the foregoing instrument was signed on the behalf of said corporation by authority of its Articles of Organization or its Operating Agreement.

Jamie Dooley
Notary Public

Residing at: 7815 Royal Street Park City, UT
My commission expires: 12/10/2008



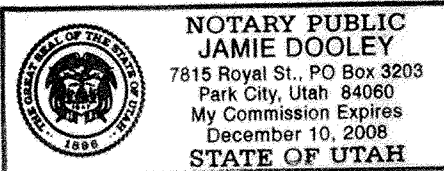
ACKNOWLEDGMENT

State of Utah
County of Summit

On the 3 day of January, 2007, personally appeared before me the undersigned Notary Public in and for the said State and County, Sonja Saltman, who after being duly sworn, acknowledged to me that she is the Trustee of the Michael A. and Sonja Saltman Living Trust 1997, a member of the Legacy Development Group, LLC, the owner of the herein described tract of land, and that the foregoing instrument was signed on the behalf of said corporation by authority of its Articles of Organization or its Operating Agreement.

Jamie Dooley
Notary Public

Residing at: 7815 Royal Street Park City, UT
My commission expires: 12/10/2008



RECORD OF SURVEY MAP

THE RESIDENCES AT KING'S CROWN CONDOMINIUM PLAT

A UTAH CONDOMINIUM PROJECT

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

SHEET

1 of 3

BASELINE SURVEYING, Inc

960 East Atkin Avenue
Salt Lake City, UT 84106

(801) 209-2152

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY COUNCIL
THIS 9th DAY OF November, 2006.

John M. Smith
PARK CITY RECORDER

PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY
PLANNING COMMISSION THIS 25th DAY OF October, 2006.

Michelle L. Smith
PLANNING COMMISSION CHAIRMAN

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS 9th DAY OF November, 2006.

Dana Williams
MAYOR

CITY ENGINEER

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT
REVIEWED BY THIS OFFICE AND IT IS CORRECT IN
ACCORDANCE WITH AVAILABLE INFORMATION ON
FILE IN THIS OFFICE.

Jan 12 2007
DATE

Chris W. Callahan
PARK CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS THIS 4th
DAY OF Jan, 2007.

B. A. C.
S.B.W.R.D.

APPROVAL AS TO FORM

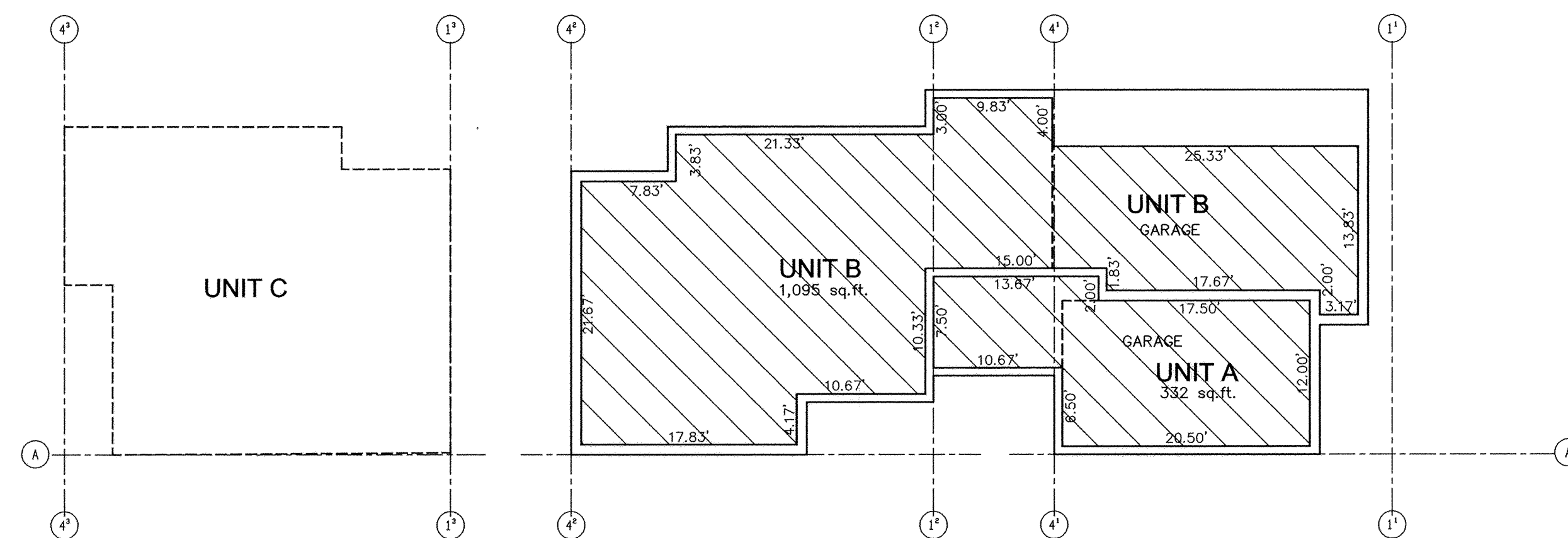
APPROVED AS TO FORM ON THIS 25th
DAY OF January, 2007.

Paul S. Muhl
PARK CITY ATTORNEY

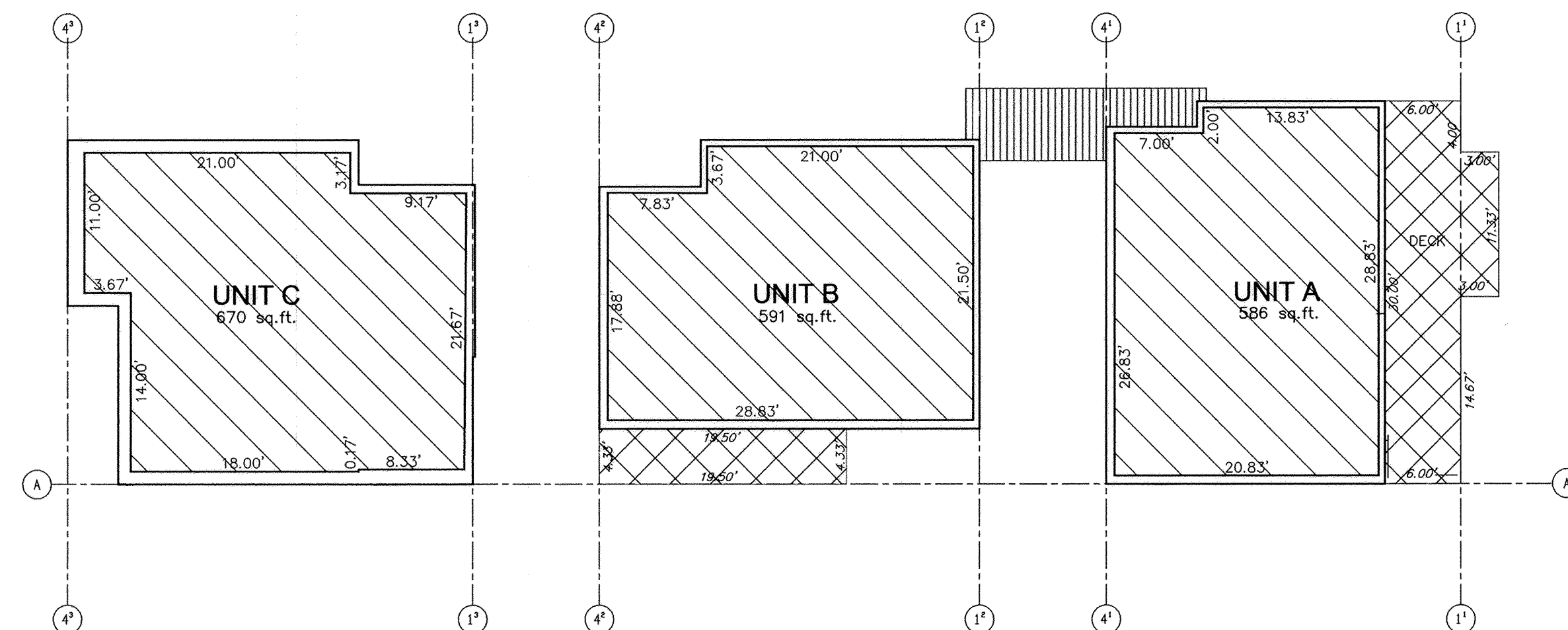
RECORDED

ENTRY NO. 803090 BOOK --- PAGE ---
STATE OF UTAH, COUNTY OF SUMMIT
DATE 1-26-07 TIME 11:43 A.M.

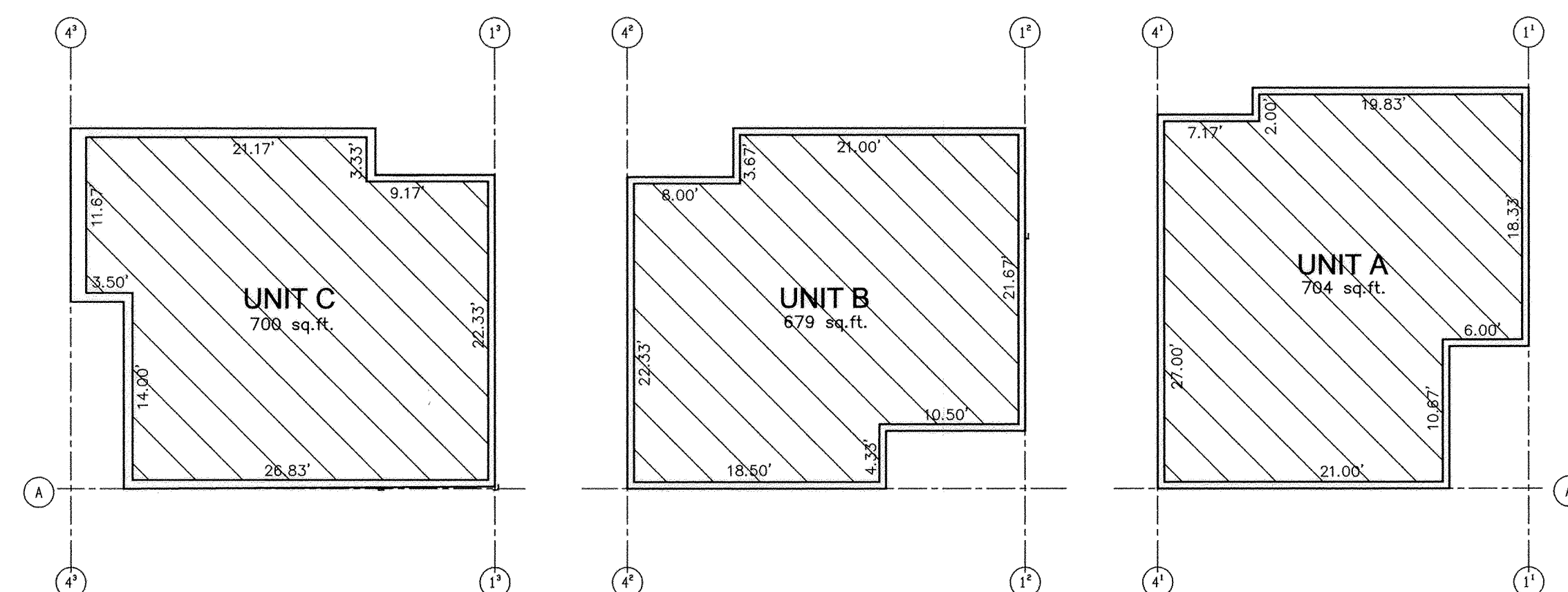
RECORDED AND FILED AT THE REQUEST OF:
Coalition Title
3cc5932
COUNTY RECORDER



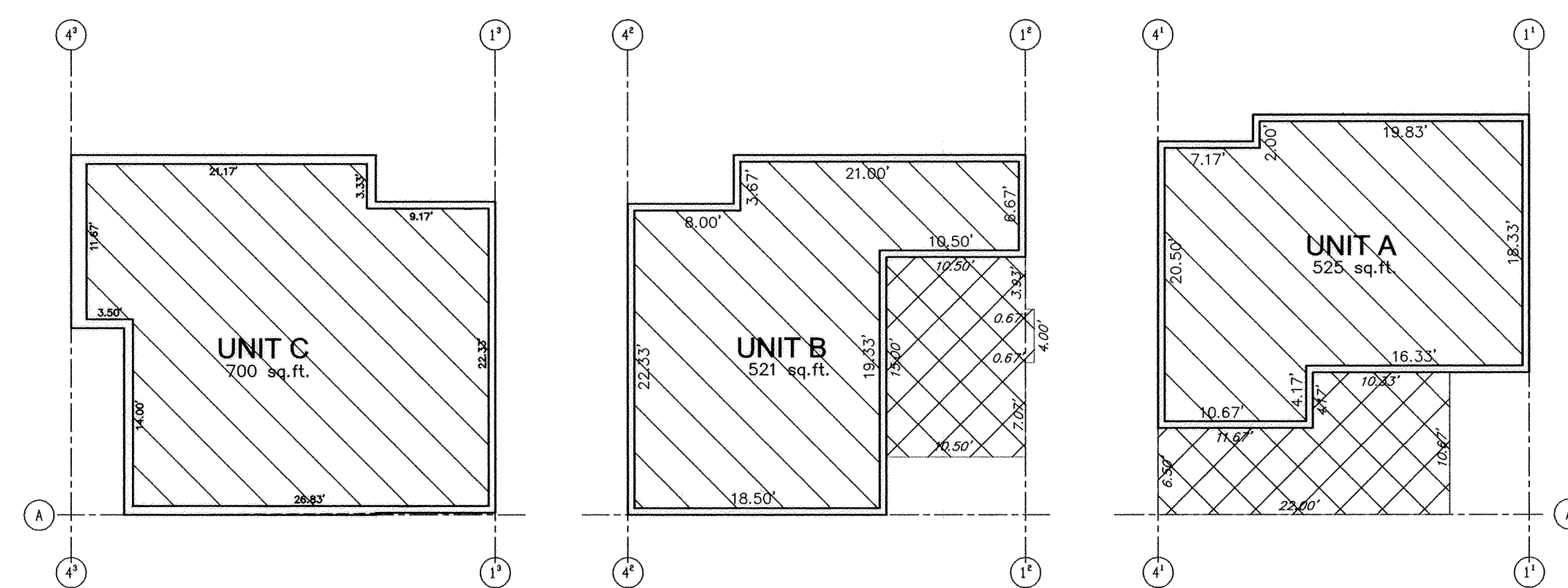
FLOOR PLAN LEVEL 1



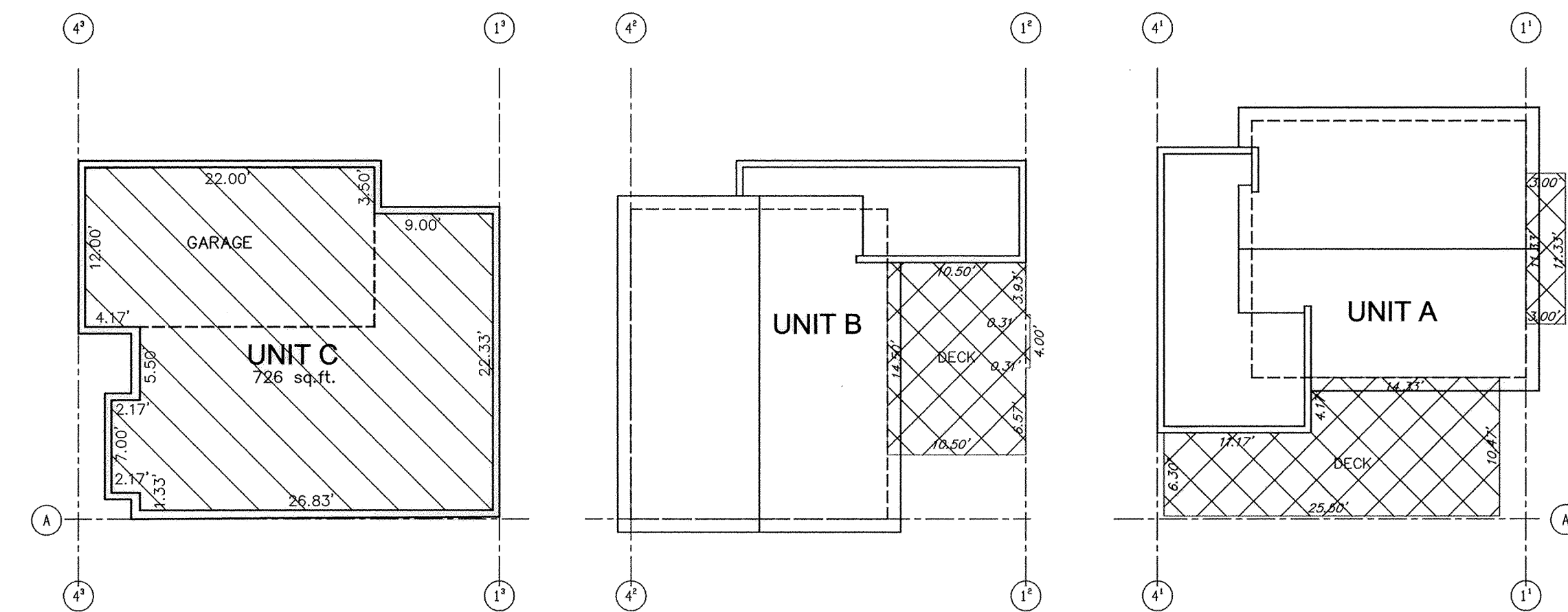
FLOOR PLAN LEVEL 2



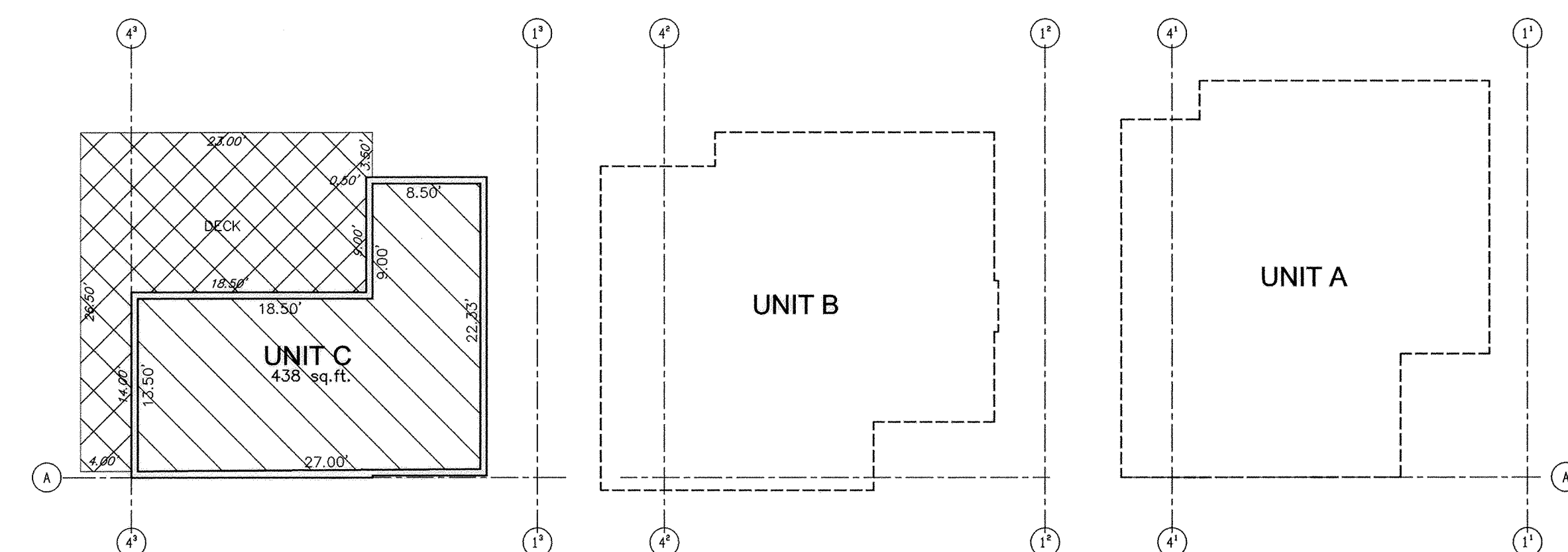
FLOOR PLAN LEVEL 3



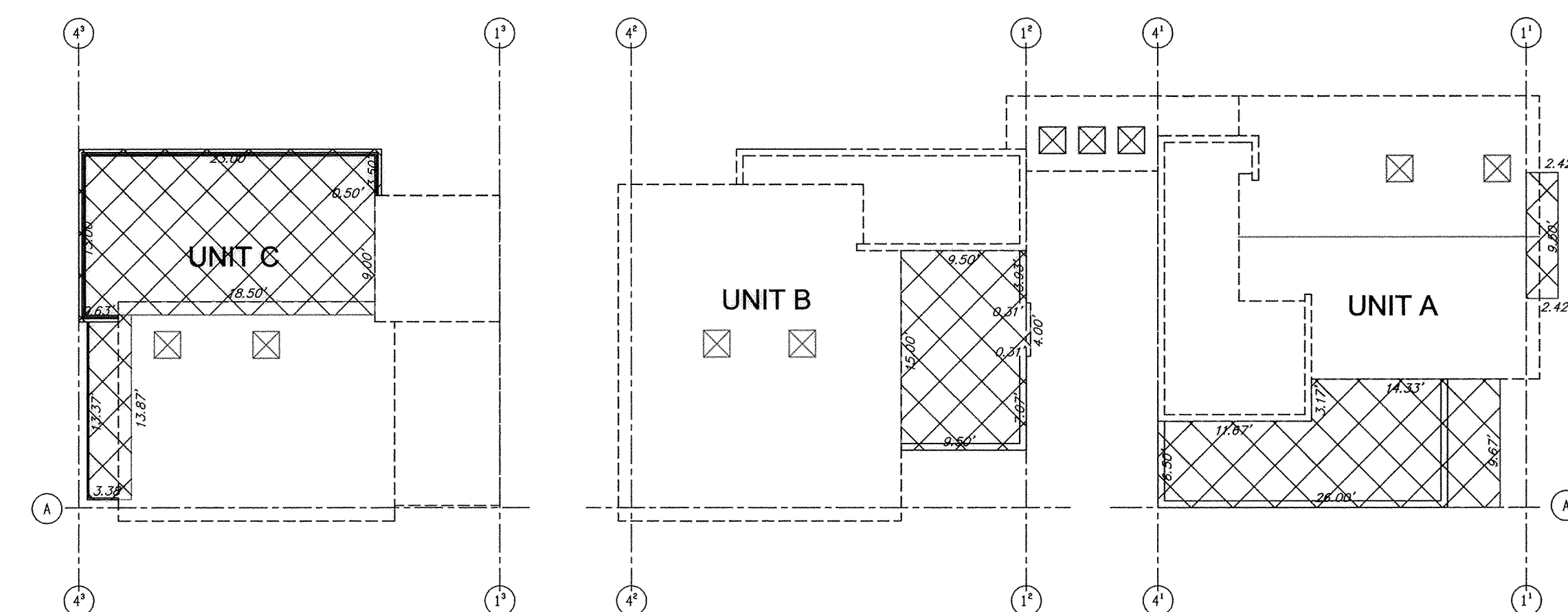
FLOOR PLAN LEVEL 4



FLOOR PLAN LEVEL 5



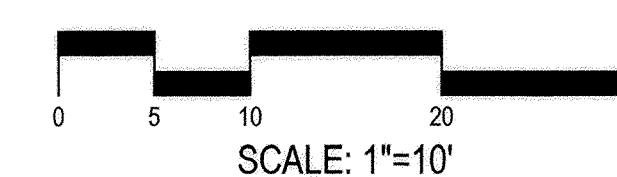
FLOOR PLAN LEVEL 6



ROOF PLAN

- LEGEND
- PRIVATE OWNERSHIP
 - LIMITED COMMON AREA
 - COMMON AREA

UNIT SQUARE FOOTAGE	
UNIT A	2147 sq. ft.
UNIT B	2886 sq. ft.
UNIT C	3234 sq. ft.



THE RESIDENCES AT KING'S CROWN CONDOMINIUM PLAT

A UTAH CONDOMINIUM PROJECT

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

SHEET
2 of 3

BASELINE SURVEYING, Inc

960 East Atkin Avenue
Salt Lake City, UT 84106

(801) 209-2152

803090 RECORDED

ENTRY NO. 803090 BOOK PAGE

STATE OF UTAH COUNTY OF SUMMIT

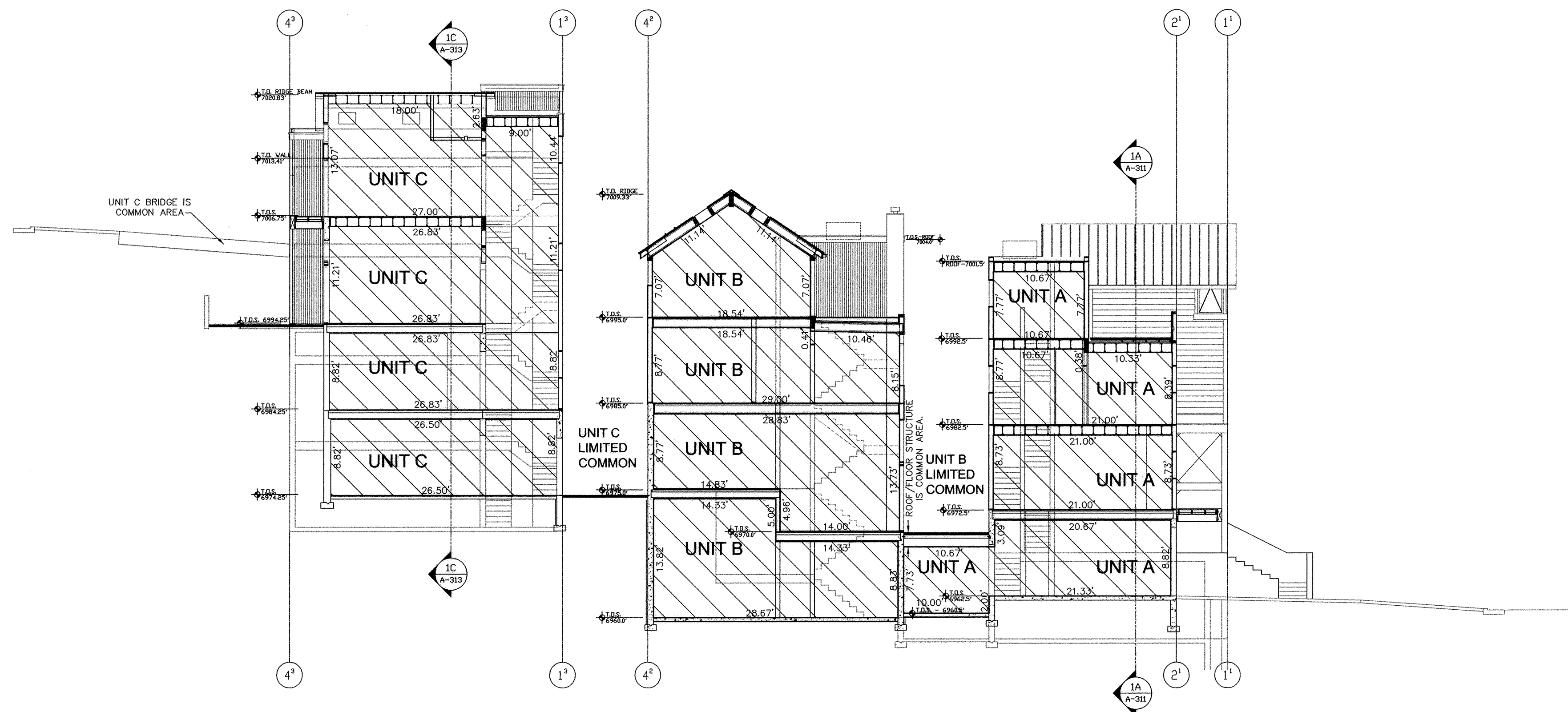
DATE 1-26-07 TIME 11:43 AM

RECORDED AND FILED AT THE REQUEST OF:

Coalition Title

Fee \$93.00

Denise Bower, Deputy
COUNTY RECORDER

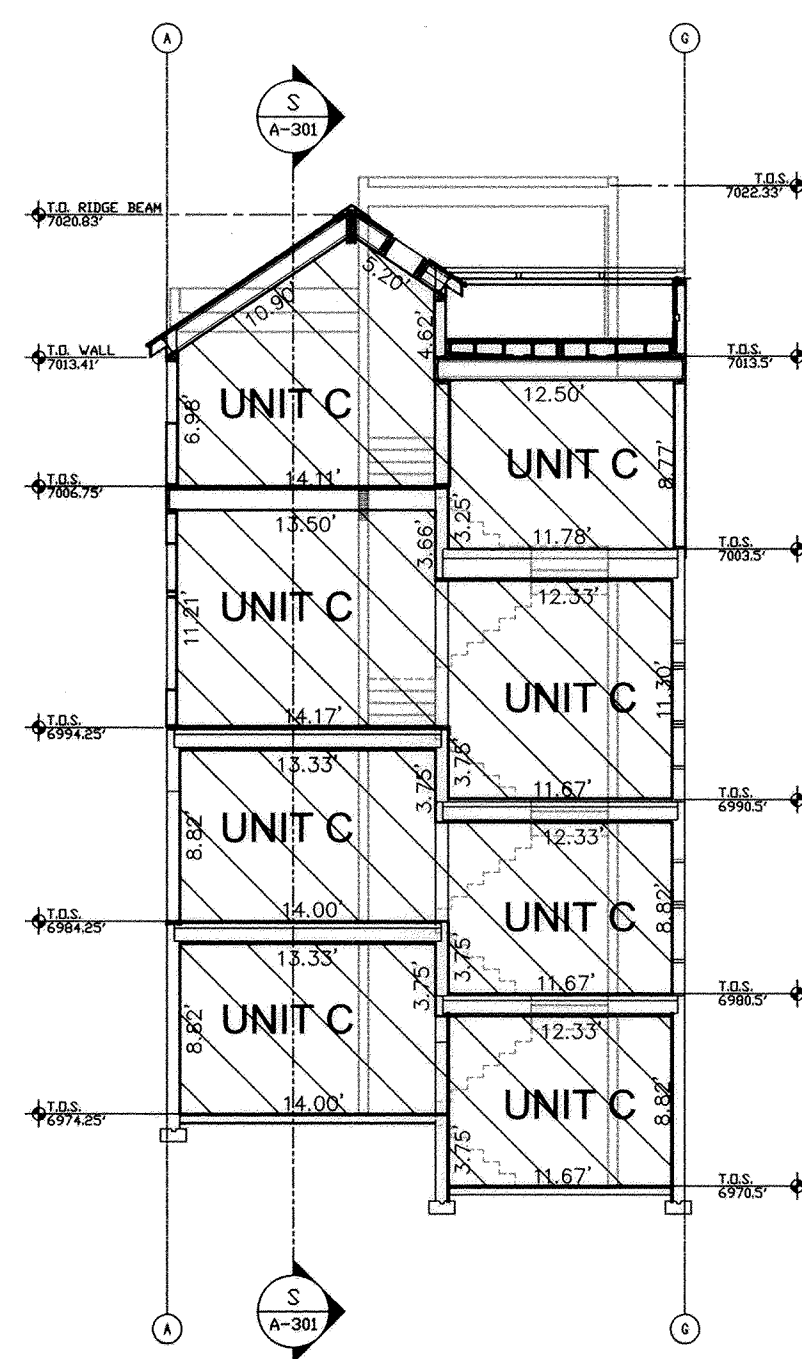


OVERALL SOUTH SITE SECTION

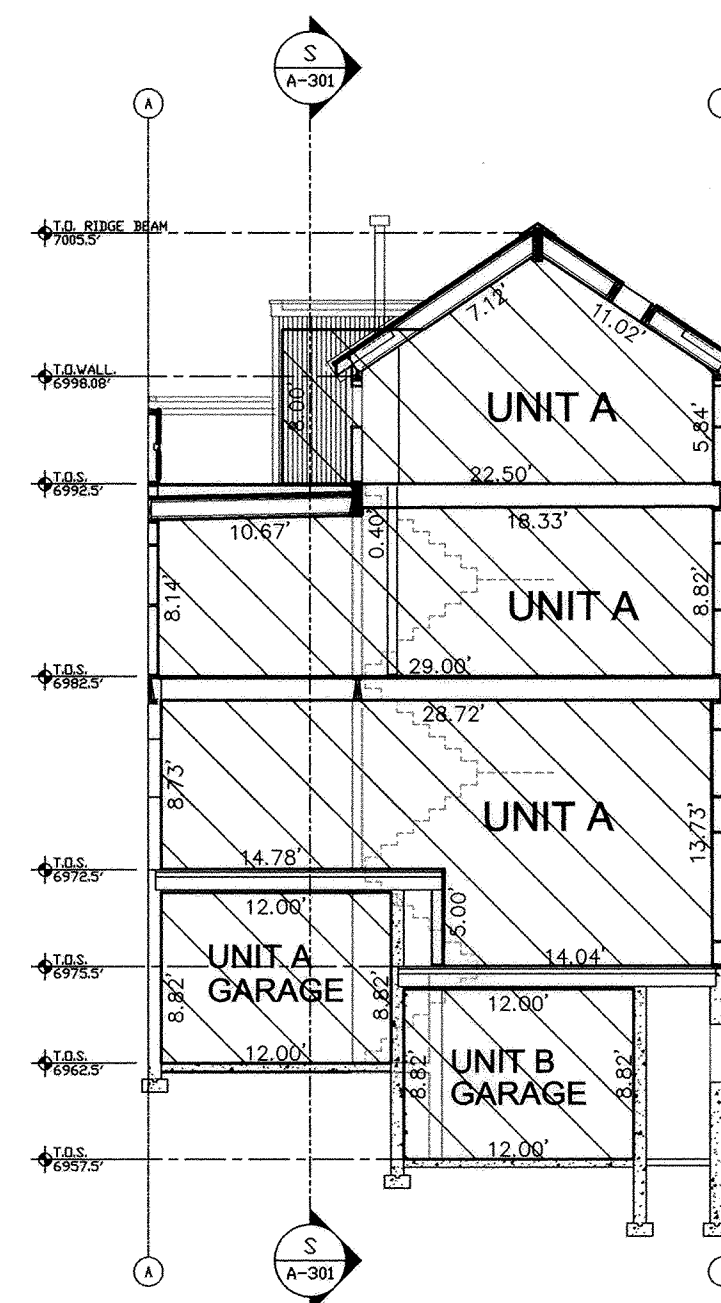
LEGEND

	PRIVATE OWNERSHIP
	LIMITED COMMON AREA
	COMMON AREA

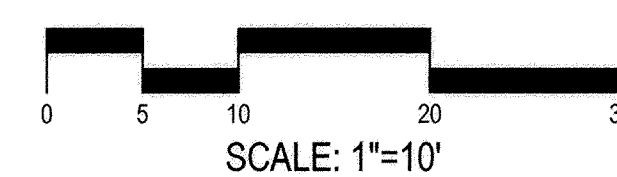
UNIT SQUARE FOOTAGE	
UNIT A	2147 sq. ft.
UNIT B	2886 sq. ft.
UNIT C	3234 sq. ft.



SECTION 1C



SECTION 1A



THE RESIDENCES AT KING'S CROWN CONDOMINIUM PLAT

A UTAH CONDOMINIUM PROJECT

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

SHEET

3 of 3

BASELINE SURVEYING, Inc
960 East Atkin Avenue
Salt Lake City, UT 84106
(801) 209-2152

803090 RECORDED
ENTRY NO. 803090 BOOK PAGE
STATE OF UTAH COUNTY OF SUMMIT
DATE 1-26-09 TIME 11:43 AM.
RECORDED AND FILED AT THE REQUEST OF:
Coalition Title
COUNTY RECORDER

Francisco Astorga

From: Patricia Kravtin <pdkravtin@comcast.net>
Sent: Tuesday, July 25, 2017 12:36 PM
To: Francisco Astorga
Subject: Public Comment on Kings Crown MPD, 1201-1299 Lowell Avenue Project

Public Comment on Proposed King's Crown Project

On Planning Commission Meeting

Agenda Item: Wednesday July 26th, 2017

We are residents of 1240 Lowell Avenue, which is currently the first single-family residence on Lowell Avenue south of Manor Way. As such, we will be among the most, if not the most impacted abutter of the proposed Kings Crown development in regard to its impact on the residential/old town character of the portion of Lowell Avenue south of the Resort base. We have previously shared issues of abutter impact and means of mitigation with the development team prior to their submission to the commission, and we are very appreciative of the developers' outreach and consideration given to the neighborhood quality of Lowell Avenue south of Manor Way. That said, this is a development of significant scale in a neighborhood that already bears the heavy burden of negative spillover effects of the Resort, and will bear the brunt of the burden of future potentially unprecedented large-scale development associated with the Treasure project. Per the Commission's Corrected Notice of Public Hearing, we understand "the Planning Commission is not expected to take Final Action as this is the initial introduction of the projected" and that the item will be continued to a future date. As key abutters, we respectfully ask for the Commission to give this important project its full and careful consideration, taking into account the potential significant impacts of the development on the Lowell Avenue residential neighborhood.

Respectively,
Patricia Kravtin and Jonathan Horwitz
1240 Lowell Avenue
Park City, Utah 84060

November 11, 2019

My name is Patricia Kravtin. My husband, Jonathan Horwitz, and I are residents of 1240 Lowell Avenue, which is the first single-family residence on Lowell Avenue south of Manor Way. As such, we are among the most, if not the most impacted abutter of the proposed Kings Crown development in regard to its impact on the residential/old town character of the portion of Lowell Avenue south of the Resort base. We have on numerous occasions, from the very beginning of the project review process in the fall of 2017 and throughout the past two years shared our concerns with the Developer and the Commission and its Staff regarding the negative impacts of a development of this size and massing on the residential character and quality of life on the northern end of Lowell by the Resort Base. We have over the past two years followed the review process closely and engaged in productive discussions concerning mitigation with the Developer CRH (through its liaison, Mr. Rory Murphy) and then lead planner Mr. Francisco Astorga.

The productive outcome of our engagement with the Developer and Mr. Astorga, as memorialized by CSH representative Mr. Rory Murphy at the Planning Commission's November 29, 2017 meeting (See pages 97-98 of the Minutes of this meeting) was the agreement that the southernmost condominium building, Building D – the building most proximal to the residential segment of Lowell Avenue and also the building of greatest massing, would not extend beyond the southernmost edge of the Lift Lodge condominium building. Agreements were also made about the placement, staggered design, and landscaping of the planned pedestrian access stairs, to be located between the southernmost edge of Building D and the northern edge of House Lot #3 which was to line up with the Kravtin/Horwitz home. (See attached Excerpts from Minutes of November 28, 2019 Planning Commission Meeting).

The project now is well underway. Understandably, there have been changes in various aspects of the project and numerous iterations of plans and drawings since the project's initial approval, including this most recent set of changes now before the Commission. As lay people, however, it is not clear to us from our review of the current proposal and of the current plat drawings included in the Staff Report as well as our visual inspection of the physical stakes that have since been put in the ground, how the various changes that have come before the Commission may impact prior representations made by the Developer to the Commission that served to help mitigate the negative impact of this project on the Lowell Avenue residential neighborhood and in particular, on our home which is directly across the street from this development.

Over the past two years, we have reached out to CRH and received oral assurances that current plans for the placement of Building D were still as agreed, i.e., that the southernmost boundary of Building D and the pedestrian access on its south side will be in conformance to the agreed upon representations as memorialized in the minutes of the November 29, 2017 meeting. Earlier in the process, we had been provided a courtesy drawing from CRH that illustrated the lineup of Building D and the placement and design of the public access stairway in a manner that would leave no ambiguity. (see Attached). As shown in the attached drawing, that the southernmost edge of Building D would not exceed past the southernmost boundary of the Lift

Lodge condominium. The staircase is also staggered and landscaped in a manner that helps minimize the impact of the Building D.

At this very critical juncture of the project, we again respectfully ask that the Commission and its Staff to ensure with CRH that the representations they made to us and this Commission in November 2017 concerning the placement of Building D and the pedestrian access way will be complied with and are fully reflected in the current drawings and official plat -- notwithstanding the numerous changes in the plans and drawings that have occurred in the past two years including the most recent set of changes before the Commission at this week's meeting.

Thank you for the opportunity to express our concerns as the Kings Crown development in our Lowell Avenue neighborhood is evolving from concept to reality.

Sincerely,
Patricia Kravtin and Jonathan Horwitz
1240 Lowell Avenue
Park City, UT 84060

.....
Excerpts from the minutes of the November 29, 2017 Planning Commission meeting:

“Mr. Murphy stated that they had significant roof and building placement consideration. A building was moved 15 feet north from its original site to accommodate the Crafton/Horowitz [sic] house, and minimize the disturbance on their visual corridor.”
(Minutes of the November 29, 2017 Meeting at p.97)

“They also plan vegetation mitigation adjacent to the pedestrian access stairs in an effort to protect the views of the Crafton/Horowitz house.” (Id. At p. 97)

“Mr. Murphy reiterated that relative to the Crafton/Horowitz house, they pulled the building 15” to the north. He noted that the southernmost boundary on Building C/D matches the southernmost boundary on the Lift Lodge. Also, the driveway for Building D was pulled 42” to the north to accommodate Crafton/Horowitz because they did not want headlights coming out of the driveway and into their house.” (Id. at. p. 98)



EMPIRE AVE
(50' ROW)

BASIS OF BEARING: N 35° 59' 00" W (MON. TO MON.)
RECORD DISTANCE: 1745.92' (MEASURED DISTANCE: 1745.68')

LOWELL AVE

LIFT LODGE
HORWITZ/KRAVITZ

BUILDING D
PLANTERS
COMMUNITY STAIRS

12TH STREET
(50' ROW)

BLOCK 26

SIGHT TRIANGLE SHALL BE
KEPT FREE OF ANY OBSTACLES

Patricia Kravtin and Jonathan Horwitz

1240 Lowell Avenue

Written Comment for September 23, 2020 Planning Commission Meeting

RE: Developer's Error in Plans for Kings Crown Development Building D Southern Boundary Line in Contravention of Approval Requiring Development Mirror Existing Neighborhood Pattern for Existing Small-Scale Homes Commencing at 1240 Lowell Avenue.

Summary of Public Comment and Requested Action:

Park City Municipal Code governing Master Planned Developments requires, among other things, compatibility with existing neighborhoods. In 2017, the then lead planner, Francisco Astorga ("Planner Astorga"), facilitated an agreement between the developer CRG and CRH (the "Applicant") and us (the "2017 Agreement") to relocate the southernmost boundary of Building D of the Kings Crown development project (the "Project") to conform Building D to the Master Planned Development ("MPD") and conditional use permit findings of fact specifically requiring that the Project "mirror the existing neighborhood pattern" and that "the larger mass buildings are located adjacent to the larger buildings on Lowell, and the [P]roject homes mirror the east side of Lowell, with the townhomes continuing the townhome patterns as well". The 2017 Agreement satisfied the MPD and the above-noted conditional use permit findings of fact necessary for the city's approval of the Project with respect to the plat for Building D.

Specifically, under the 2017 Agreement, the Applicant agreed to move the southernmost boundary of Building D a minimum of 15 feet to the north to line up with southernmost boundary of the existing Lift Lodge in order to mitigate the visual and physical impact of the enormous scale of Building D on the existing small-scale residential neighborhood pattern of homes on the east side of Lowell Avenue beginning with our home at 1240 Lowell Avenue. Because of our home's location as the first single-family residential home on the east side of Lowell in that small-scale neighborhood pattern, we are perhaps the most impacted by the Project. For this reason, we have been active, vocal participants in the planning approval process and have maintained regular communications with the Applicant since the Project's inception. We have repeatedly raised the issue of the Building D boundary and requested strict enforcement of municipal code and the MPD to mitigate the various harmful impacts of Building D's massing on our home in public statements before the commission, and in communications with Planning staff and with the Applicant.

Indeed, for the past three years, we were repeatedly assured by the Applicant both in private communications and, more significantly, on the public record of the meetings of this Commission that our concern with the southernmost boundary of Building D had been addressed and resolved by the Applicant as agreed upon. Most prominent of those assurances was provided in an email dated November 26, 2017, wherein the Applicant's representative, Rory Murphy, stated: "We will make a point to clarify to the commission verbally that the south wall of Building D lines up with the southernmost edge of the Lift Lodge. This building moved 15 feet from its original location...." Mr. Murphy stated further, "... we moved the building 15 feet north from its original

location to help mitigate the impact on your home. Again, the southern boundary of Building D lines up with the southern boundary of Lift Lodge.”

To further buttress these assurances, Mr. Murphy provided us with a drawing clearly delineating the boundary of Building D to align with the southern boundary of Lift Lodge. See Exhibit 1 (providing above-referenced email and copy of the attached agreement boundary document). As recently as the Commission’s November 13, 2019 meeting, Mr. Murphy confirmed, on the meeting record, and reaffirmed by follow up email to us dated November 14, 2019, “[t]hat both I [Mr. Murphy] and the new Planner, Rebecca Ward, reiterated the position publicly ***we have discussed all along regarding aligning the southernmost edge of Building D with the southernmost edge of Lift Lodge.***” (Emphasis added). See Exhibit 2 (providing referenced email).

It was not until early December 2019, after years of providing written and oral assurances to us and in statements on the record before this Commission, that the Applicant admitted that its filed plans were, in fact, in error, and, if uncorrected, would place the boundary of Building D too far to the south, in contravention of applicable code, the 2017 Agreement and the MPD. In the first few months that followed the Applicant’s acknowledgement of its error, we were repeatedly assured by Mr. Murphy, in writing, that the error would be corrected. Indeed, Mr. Murphy went so far as to state, by email dated December 18, 2019, that the Applicant would not proceed “without our blessing.” See Exhibit 3 (providing referenced email dated December 18, 2019).

Unfortunately, that spirit of cooperation abruptly ended in a letter from Mr. Murphy dated July 27, 2020, stating that the Applicant would no longer be communicating with us regarding correction of the Building D boundary line error in the plans, and notifying us, for the first time, of the Applicant’s intention to bring the matter of “Building D and the Building D parking structure” back before the Commission and the city council to “initiate the process once again to request ...all necessary approvals.” See Exhibit 4 (providing referenced letter attached to email from Mr. Murphy dated July 27, 2020).

Since the Applicant is no longer communicating with us, we can only surmise that, having now realized its error in the positioning of the southern boundary of Building D, the Applicant believes that by seeking to vacate the approvals and reopening the matter of Building D before the Commission, it will be able to free itself from the 2017 Agreement and the many affirmative representations it made, on the record, to this Commission at the November 29, 2019 meeting that the Building D boundary line would be aligned with the boundary line for the Lift Lodge and avoid compliance with the conditional use findings of fact and applicable provisions of the municipal code regarding neighborhood compatibility.

Accordingly, we respectfully request the Commission, in its role as steward of the public interest and the Park City Municipal Code for MPDs, recognize and hold the Applicant to the 2017 Agreement or, alternatively, exact from the Applicant an alignment of the boundary line of Building D with the boundary line for the Lift Lodge for any proposed new plan in order to mitigate the damage this large master planned developed and large scale buildings will have on the existing small-scale home neighborhood pattern and on our home in particular. Requiring that the Project as a whole— and Building D specifically— conform to the MPD and conditional use findings of

fact requiring mirroring the existing small-scale neighborhood pattern that begins with our home and requiring larger mass buildings to be located nearer the existing larger buildings along Lowell Avenue, is critical for protecting the city's residents and the public trust and to preserve the integrity of the planning and approval process.

We further request this Commission require the Applicant to take responsibility for the errors in the plans and its failure to align the boundary line of Building D with the larger scale Lift Lodge building boundary by conforming its plan and that the Commission not allow the Applicant to unfairly shift the impact of its plan errors onto us as the initial home in the small scale home neighborhood pattern in the form of an intrusive, large scale parking garage and/or building through seeking to vacate the existing approvals.

More detail written comments and documentation follow.

Patricia Kravtin and Jonathan Horwitz
1240 Lowell Avenue
September 23, 2020 Planning Commission Meeting

RE: Kings Crown Project Building D

Public Comment and Additional Background Facts and Documentation (Exhibits 1 through 18).

As noted in the above Summary, Planner Astorga facilitated the 2017 Agreement between the Applicant and us (which is memorialized in a series of email correspondence and affirmed by the Applicant on the record at meetings of this Commission) to move the southernmost boundary of Building D a minimum of 15 feet to the north so as to line up with southernmost boundary of the Lift Lodge, in accordance with the MPD and Conditional Use Permit Finding of Fact. Commission members may recall that Conditional Use Permit Findings of Facts #77, #112 and #113 collectively conditioned approval of the Project on the requirement that the Project “maintain the existing development pattern, with the larger scale buildings alongside the existing multi-family” (Finding #77), “mirror the existing neighborhood pattern,” (Finding #112), and, as more specifically prescribed in Finding #113, “the larger mass buildings are located adjacent to the larger buildings on Lowell, and the [P]roject homes mirror the east side of Lowell, with the townhomes continuing the townhome patterns as well.” The 2017 Agreement is memorialized, in part, in a December 7, 2017 email from Mr. Murphy, in which he states that “***we placed the single family lots in front of your home and the other homes to the south so they would match what was across the street and we would have similar, less-imposing structures across from those existing homes.***” (Emphasis added). See Exhibit 5. The consideration for the 2017 Agreement

was our positive public comment to the Commission in support of the Project, which was satisfied. See Exhibits 5 and 6.

The 2017 Agreement remains critical to the Applicant's compliance with the MPD and Conditional Use Permit Finding of Facts to mitigate numerous anticipated detrimental impacts on our home if Building D, the largest mass building of the Project, is sited directly across from our small, single-family home, as originally proposed rather than moved to the north at least 15 feet to mirror the small-scale neighborhood homes on the other side of Lowell Avenue. See Exhibit 7 (showing pictures of our home at 1240 Lowell and its exposure to the large massing impacts of Building D and attendant detrimental externalities associated with a structure of that scale and mass).

The terms and validity of the 2017 Agreement were expressly acknowledged by the Applicant on the record of this Commission's November 29, 2017 meeting. Specifically, the meeting minutes state: "Mr. Murphy stated that ... [a] building was moved 15 feet north from its original site to accommodate the Crafton Horowitz house [sic]. See Exhibit 8. The minutes further state:

Mr. Murphy reiterated that relative to the Crafton/Horowitz [sic] house, they pulled the building 15' to the north. He noted that the southernmost boundary on Building C/D matches the southernmost boundary on the Lift Lodge. Also, the driveway for Building D was pulled 42' to the north to accommodate the Crafton/Horowitz [sic] because they did not want headlights coming out of the driveway and into their house." Id.

The 2017 Agreement was again affirmed by the Applicant and by Planner Rebecca Ward at the Commission's November 13, 2019. See Exhibit 9. (Relevant portions of the November 13, 2019 meeting minutes). Unfortunately, an error in the plans would now place the boundary of Building D too far to the south, encroaching on the small-scale residential pattern of the Lowell

Avenue neighborhood, which starts at our residence at 1240 Lowell Avenue. See Exhibit 10 (showing pictures of small scale residential streetscape beginning at 1240 Lowell Avenue).

The Applicant has had ample opportunity over the past three years to have identified and corrected its Building D boundary error. We repeatedly raised the question about Building D's southernmost boundary between April 2017 and December 19, 2019 with the Applicant, and in public comments submitted before the Commission. See Exhibit 11 (providing copies of our written and oral public comments submitted July 26, 2017, November 29, 2017, November 13, 2019, and December 19, 2019, seeking Commission clarification with the Applicant concerning Building D's southernmost boundary vis-à-vis documentation from the Applicant as to its proper siting).

In response to our repeated inquiries as to the correctness of Building D boundary line we were repeatedly given assurances by Mr. Murphy that he had checked with the project architect, and even further representations that the architect had made the conforming changes and had sent those on to Planner Astorga. See Exhibits 12 and 13 (email correspondence with Applicant).

More recently, in an email dated November 11, 2019 responding to our email dated November 9, 2019 expressing our concern based on our observation that "the distance between lot 3 and building D on the current drawing does not seem to reconcile with Building D ending with the Lift Lodge building," Mr. Murphy responded that he would confirm the boundary line location aligned with the Lift Lodge boundary and stated, "[p]lease ***be assured that I will honor what was said.***" (Emphasis added). See Exhibit 14.

Two days later, Mr. Murphy stated in an email to us:

I understand your concerns and your requests are absolutely fair and reasonable. When you are next here, I will get the surveyor/civil engineer to join us on site and

we will measure off. This should give you peace of mind you are seeking. Relative to tonight [Planning Commission meeting], I will reiterate our position on this and further put this on the record.

Mr. Murphy, in fact, did confirm the Applicant's commitment to correct the boundary error, alongside Planner Rebecca Ward, on the public record, that Building D would not move from what had been agreed to per the 2017 Agreement.

The on-site meeting referred to in Mr. Murphy's above referenced correspondence occurred December 3, 2019, but no surveyor or civil engineer attended. Mr. Murphy and Mr. Onwuegbu [Project architect] indicated that was unnecessary as they could now confirm themselves that the concerns we had repeatedly expressed to them over the past three years with regard to the accuracy of their Building D plans were, in fact, valid, *i.e.*, that the plans on file with the Commission for Building D did not actually align with the southernmost boundary of Building D with Lift Lodge as agreed and as represented to the Commission. Mr. Murphy continued to provide assurances to us, however, noting in an email dated December 18, 2019, "I want you to know emphatically that we [the Applicant] will not submit anything for Building D without your blessing." See Exhibit 3; see also Exhibits 15 and 16, (providing additional email communications from Mr. Murphy providing further assurances, dated February 21, 2020 and March 2, 2020, respectively).

Those late 2019 and early 2020 email assurances from the Applicant concerning the boundary of Building D were consistent with the tenor and spirit in which we had positively and constructively engaged with the Applicant from the very inception of the project. Indeed Mr. Murphy on numerous occasions orally and in writing acknowledged the fairness and reasonableness of our mitigation requests and concerns and thanked us for our constructive, cooperative attitude as highly impacted neighboring property owners in being willing to work with

them including as recently as this past November. See Exhibit 17 (email communications from Mr. Murphy dated December 7, 2017 and November 13, 2019). In this same spirit, following Applicant's discovery of the error in the plans, we continued to positively engage with the Applicant on potential mutually agreeable solutions to the boundary issue and believed we were on a path that could have led to resolution.

Unfortunately, the Applicant's willingness to address the error and to abide by the 2017 Agreement abruptly changed. By letter dated July 27, 2020, we were notified that the Applicant was unilaterally terminating all discussions with us concerning Building D, and purported to instruct us instead to use the "opportunity to express your opposition and concerns pertaining to the engineering, design, construction, and location of Building D and the Building D Parking Structure directly to the Planning Commission, to the City Council, to the City's Building Department and to any and all employees and officers of the City as you deem appropriate." ... See Exhibit 4.

Despite the adversarial tone of that letter, we reached out to Mr. Murphy in a spirit of cooperation and expressed our willingness to reengage in productive dialogue with him and the development team concerning the boundary Building D "to resolve this in a more expeditious and less cumbersome manner than your letter suggests," *i.e.*, to have the matter of Building D reopened anew before the City. By letter dated August 5, 2020, the Applicant reaffirmed its unwillingness to correct its error and advised that "further discussion between [us] and representatives of CRG [the Applicant] will not be productive." See Exhibit 18 (containing copy of our outreach to Mr. Murphy on July 31, 2020 and Applicant's August 5, 2020 Letter in response). We are now advised by Planner Rebecca Ward that the Applicant has requested to vacate its prior approvals and are

understandably concerned that the Applicant is seeking to avoid the 2017 Agreement and compliance with the MPD and Conditional Use Findings of Facts as set forth above.

Based on the Applicant's agreement with us and the Applicant's numerous representations to this Commission, we would expect that the Commission would look very unfavorably on any effort by the Applicant to use the recently acknowledged error in its plans for Building D as a basis for negating the 2017 Agreement and the MPD and Conditional Use Permit Finding of Facts on which the 2017 agreement was based. To allow the Applicant to do so would cast serious doubts on the integrity of the planning process in serving the greater public good over special interests—a process we personally respect and have indeed put our faith in. We thank you for your time and consideration and the opportunity to provide these comments.

Sincerely, Patricia Kravtin and Jonathan Horwitz

EXHIBIT INDEX

1.	Email from Rory Murphy dated November 22, 2017 with Attached Boundary Document
2.	Email from Rory Murphy dated November 14, 2019
3.	Email from Rory Murphy dated December 18, 2019
4.	Email from Rory Murphy dated July 27, 2020 with Attached Letter
5.	Email from Rory Murphy dated December 7, 2017
6.	Email communication to and from Patricia Kravtin and Francisco Astorga between July 25, 2017 and August 16, 2017
7.	Pictures of Residence at 1240 showing home's exposure to large massing impacts of Building D's
8.	Excerpt from November 29, 2017 Meeting Minutes with Mr. Murphy on record describing the Building D Boundary Agreement in relation to the Crafton/Horowitz(sic) house
9.	Excerpt from November 13, 2019 Meeting Minutes with Mr. Murphy on record confirming the Building D Boundary Agreement alongside Planner Rebecca Ward
10.	Pictures of Small-Scale Pattern of Residential Streetscape beginning at 1240 Lowell
11.	Written Public Comments of Patricia Kravtin & Jonathan Horwitz submitted for the Commission's meetings dated July 26, 2017, November 13, 2019, and December 19, 2019
12.	Email from Patricia Kravtin and Jonathan Horwitz to Rory Murphy dated April 7, 2017 and his response dated April 9, 2017, copying architect Chimso Onwuegbu, and his further response dated April 10, 2017 confirming Mr. Onwuegbu's movement of the building per the agreement and Mr. Onwuegbu's representation he sent to Francisco
13.	Email from Patricia Kravtin and Jonathan Horwitz to Rory Murphy dated July 28, 2017 and Mr. Murphy's response dated August 1, 2017.
14.	Email from Jon Horwitz to Rory Murphy dated November 9, 2019, and Mr. Murphy's response dated November 11, 2019
15.	Email from Rory Murphy dated February 21, 2020
16.	Email from Rory Murphy dated March 2, 2020
17.	Email communications from Rory Murphy dated December 7, 2017 and November 13, 2019
18.	Email from Rory Murphy dated August 5, 2020 with Attached Letter

Exhibit 1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Rory Murphy [fmailto:paladinparkcity@aol.com](mailto:paladinparkcity@aol.com))
Sent: Wednesday, November 22, 2017 11:11 AM
To: jon_horwitz@putnam.com; pdkravtin@comcast.net
Cc: chimso@be-wow.com
Subject: Fwd: Horwitz/Kravtin View

Hi Jon and Pat,

I hope you both are well. Sorry for the delay in getting this to you. My Mom passed last month and I'm afraid I've been rather occupied. When you get a chance, please look over the below view and let me know if we are getting closer to your expectations on this item.

take care,

Rory

Rory Murphy
paladinparkcity@aol.com

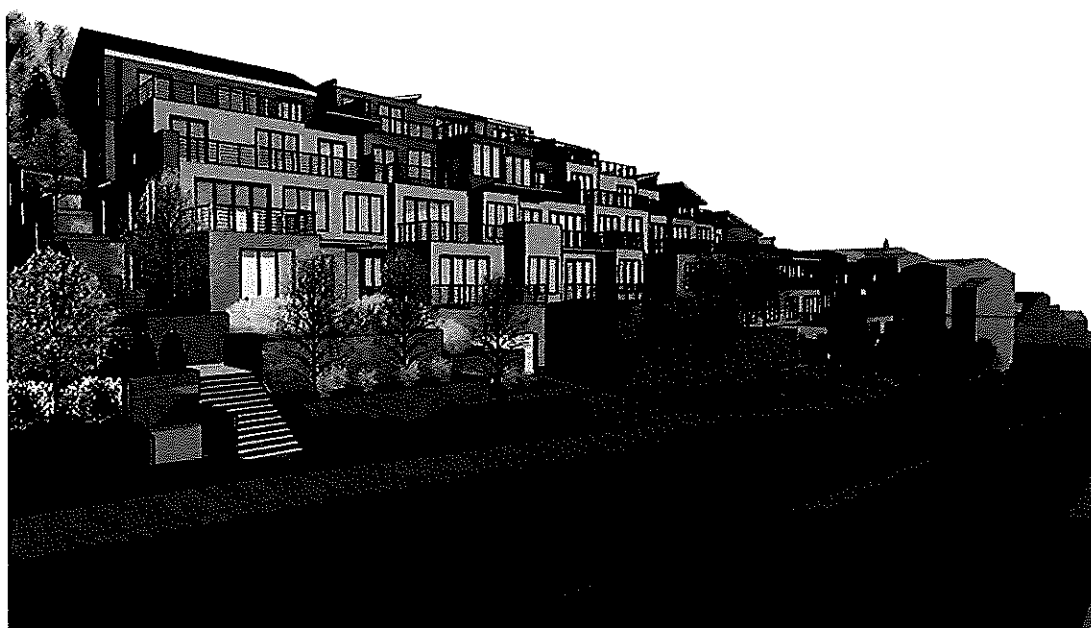
435 640 5068
 2590 Sidewinder Drive
 Park City, UT 84060

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

From: Chimso Onwuegbu <chimso@be-wow.com>
 To: Rory Murphy <paladinparkcity@aol.com>
 Sent: Tue, Nov 21, 2017 9:53 am
 Subject: Horwitz/Kravtin View

Rory -

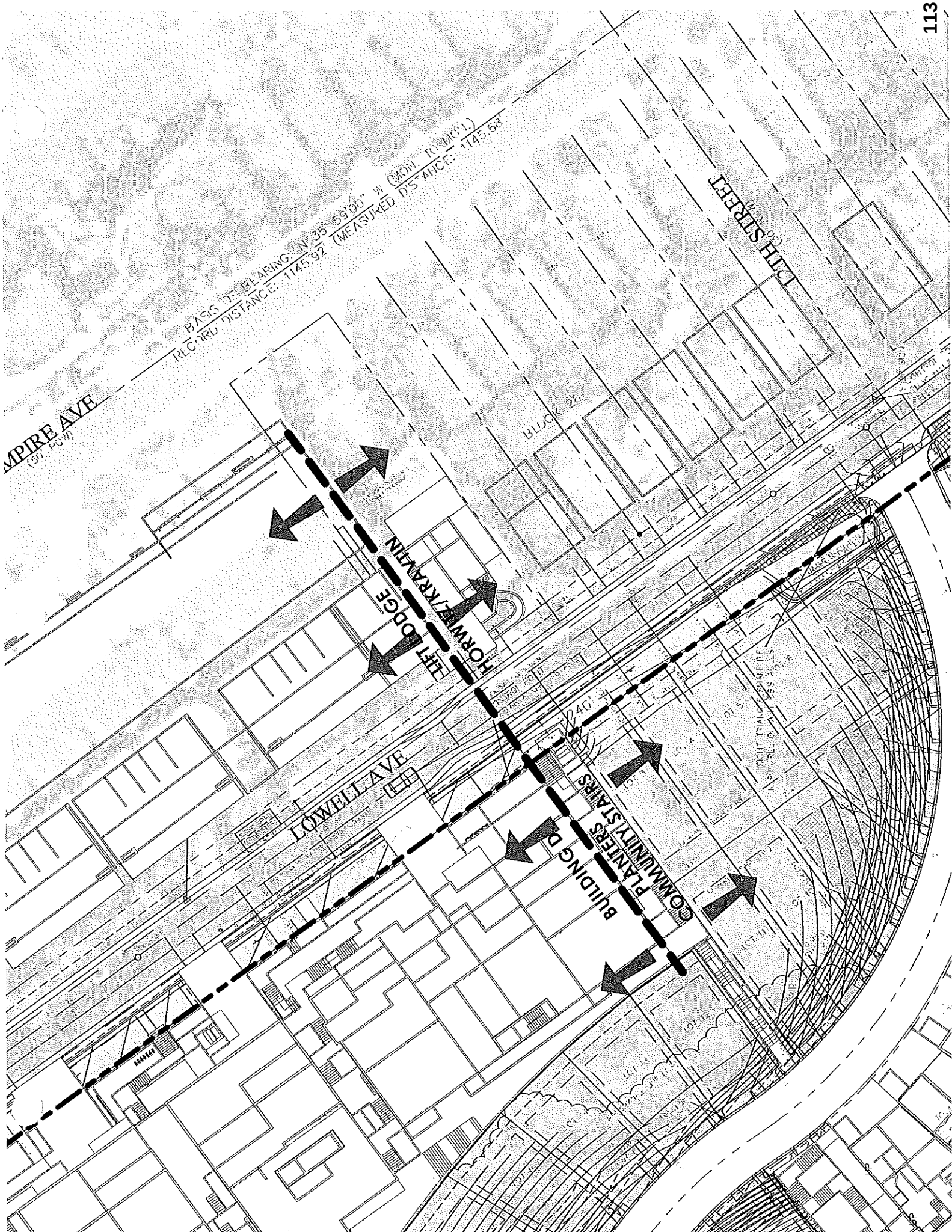
Here is a current image which shows a view from the Living area. It shows the driveway moved down per their request, as well as significant undulations to both the Lowell Ave facade as well as the South elevation along the community stairs. Let me know if this is what you were looking for?



chimso onwuegbu chimso@be-wow.com cell 801.712.4078



This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>



EMPIRE AVE
(Gr. 1957)

BEARING: $N 35^{\circ} 59' 00'' W$ (MON. TO MON.)
RECORD DISTANCE: 1145.92 (MEASURED DISTANCE: 1145.68)

12TH STREET
(Gr. 1957)

BLOCK 26

LOWELL AVE

LOT 12

LOT 11

LOT 10

LOT 9

LOT 8

LOT 7

LOT 6

LOT 5

LOT 4

LOT 3

LOT 2

LOT 1

Exhibit 2

Group	Yes (%)
People who have been in a relationship for 10 years or more	85
People who have been in a relationship for less than 10 years	75

Gender	Percentage
Men	85%
Women	75%

Pat/Jon,

Thanks,

Rory

Rory Murphy
paladinparkcity@aol.com
435 640 5068
2590 Sidewinder Drive
Park City, UT 84060

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>

Exhibit 3

From: rory murphy (<mailto:paladinparkcity@aol.com>)

Sent: Wednesday, December 18, 2019 11:49 AM

To: Jon Horwitz <Jon_Horwitz@putnam.com>; pdkravtin@comcast.net

Subject: Building D

Hi Jon and Pat,

I wanted to drop you a line and let you know that I am not neglecting the redesign of Building D. We have been trying to get platted, construction loan in place, contracts executed, etc. while barreling towards the holidays. We continue to work on it and should have something pulled together within the next couple of weeks. I have had Chimso working on it, but his first effort wasn't to my expectations. I want you to know emphatically that we will not submit anything for Building D without your blessing. I greatly value the relationship we have developed and at the end of the day it is a lot more important to me that you feel we have integrity.

If I don't see you, then Happy Holidays and we'll see you when you are next in town. Please do not hesitate to contact me with any questions or concerns.

Take care,

Rory

Rory Murphy
paladinparkcity@aol.com
 435 640 5068
 2590 Sidewinder Drive
 Park City, UT 84060

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the

e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>

Exhibit 4

July 27, 2020

VIA EMAIL

Jon Horwitz
Pat Kravtin

Re: King's Crown Condominiums

Dear Jon and Pat:

As you know, over the past two years I have communicated with you on behalf of CRG Development, LLC ("CRG") in reference to CRG's King's Crown Condominiums project (the "Project") that is being developed on Lot 2 of King's Crown Re-Subdivision in Park City, Utah ("Lot 2"). Specifically, I have communicated extensively with you regarding the engineering, design and location within the Project of Building D and the below-ground parking structure to be constructed beneath Building D (the "Building D Parking Structure").

During the process pursued by CRG to obtain from the Planning Commission (the "Planning Commission") and the City Council (the "City Council") of Park City Municipal Corporation (the "City"), you have expressed concerns about the engineering, design and location of Building D and the Building D Parking Structure. In an effort to address your concerns, in the process of seeking and obtaining approvals from the Planning Commission and from the City Council of the City regarding the engineering, design and location of Building D and the Building D Parking Structure, CRG, at great expense to CRG, has made significant modifications pertaining to the engineering, design and location of Building D and the Building D Parking Structure. You have even suggested that, during the course of your discussions with me regarding the engineering, design and location of Building D and the Building D Parking Structure, you may have foregone your opportunities to express your concerns and your opposition pertaining to Building D and the Building D Parking Structure directly to the Planning Commission and the City Council.

In spite of the major modifications and concessions made by CRG with respect to Building D and the Building D Parking Structure, recently you have communicated to me that you are still very opposed to the final approvals obtained by CRG from the Planning Commission and from the City Council regarding the engineering, design and location of Building D and the Building D Parking Structure.

In light of your ongoing dissatisfaction with respect to the final approvals obtained by CRG from the Planning Commission and the City Council of the City with respect to the engineering,

John Horwitz
Pat Kravtin
July 27, 2020
Page Two

design and location of Building D and the Building D Parking Structure, CRG has decided that CRG will immediately request that all approvals previously received by CRG from the Planning Commission and from the City Council pertaining to the engineering, design and location of Building D and the Building D Parking Structure be vacated and rescinded. Thereafter, CRG shall initiate the process once again to request from the Planning Commission and from the City Council of the City all necessary approvals with respect to CRG's proposed engineering, design, construction and location of Building D and the Building D Parking Structure on Lot 2. During this new application and approval process, you will have the unfettered opportunity to express your opposition and concerns pertaining to the engineering, design, construction and location of Building D and the Building D Parking Structure directly to the Planning Commission, to the City Council, to the City's Building Department and to any and all employees and officers of the City as you deem appropriate.

It is the intent of CRG to comply with all applicable laws, ordinances, rules and regulations of the City, as CRG seeks to obtain new approvals from the Planning Commission and from the City Council of the City for the engineering, design, construction and location of Building D and the Building D Parking Structure.

Very truly yours,

CRG Development, LLC,
a Utah limited liability company

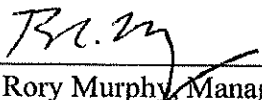
By: 
Rory Murphy, Manager

Exhibit 5

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

subsequently the townhomes to be pushed farther up the hill, which would create other concerns with visual impacts on a larger scale.

That being said, I would still like to meet with both of you and Chimso to discuss this and see what we can do to try to accurately visualize the impact to your home and minimize that to the extent possible. We are due to appear in front of Commission next week for a work session (no action) and then again in January (for possible action). If you are in town for the holidays, then lets try to meet and discuss this. otherwise, lets definitely plan to conference call during the next short while at your convenience. Hans, Chuck and I are out of town until Monday, but are available after that.

Thank you again for your willingness to work with us. We very much appreciate it.

Sincerely,

Rory

Rory Murphy
paladinparkcity@aol.com
 435 640 5068
 2590 Sidewinder Drive
 Park City, UT 84060

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

From: Jon Horwitz <Jon_Horwitz@putnam.com>

To: Rory Murphy <paladinparkcity@aol.com>; pdkravtin <pdkravtin@comcast.net>

Cc: chimso <chimso@be-wow.com>; cv.heath.pc <cv.heath.pc@gmail.com>; hans <hans@xmission.com>

Sent: Mon, Dec 4, 2017 1:25 pm

Subject: RE: Horwitz/Kravtin View

Hi Rory

Pat told me she was very impressed with the presentation you gave to the commission notwithstanding the very late hour, and I would like to echo her appreciation for your clarifying to the Commission the changes to Unit D and its garage, as well as additional landscaping and other architectural features you added to help mitigate our impacts from that building's massing impact. There was one item however that she said came up during the meeting, seemingly the first time we have heard of this issue, that I wanted to follow-up on with you on related to the setback for the single family lots on Lowell Ave across from our home.

From what she explained, the standard setback for single family homes from the street is 20 feet, and that was reflected as part of your original plan. She told me that it was subsequently brought to your attention that in old town, exemptions for 10 foot setbacks are permitted, and on that basis your plans were amended, and you are now seeking exemptions for all lots, including those on Lowell Ave across the street from us. She indicated one of the Commissioners questioned that change, specifically for the lots across the street from us fronting on Lowell, noting that it did not keep in line with the larger setback of the stacked condos. We also have concerns about the potential impact of the smaller setbacks on us personally (shadows, blocking sunlight, massing etc.) as well as the visual impact on the Lowell Ave streetscape generally. She mentioned that Chimso in response to the Commissioner said that most home builders would typically prefer the 20 foot setback in old town to allow room to park more cars since parking is so limited, such that according to Chimso, most setbacks existing on Lowell today are generally 20 feet or greater, and so he did not think this would turn out to be a real concern. That said, there is no guarantee as to what any individual lot owner would do. Given this exposure, and based on Chimso's comments, I would respectfully ask that you keep the standard set back requirements at the original 20 feet - at least for the lots directly fronting Lowell Ave next to the stacked condos (the ones having the most visual impact on the streetscape), as the Commissioner noted. It would certainly give us much more peace of mind not to have to add worry about the additional potential visual massing impact of the single family homes directly across the street from us in addition to the stacked condos we know we are going to be facing.

Let me know where you are at on this issue.

Thanks Rory,

Jon

From: Rory Murphy [<mailto:paladinparkcity@aol.com>]

Sent: Tuesday, November 28, 2017 11:53 AM

To: Jon Horwitz <Jon_Horwitz@putnam.com>; pdkravtin@comcast.net

Cc: chimso@be-wow.com; cv.heath.pc@gmail.com; hans@xmission.com

Subject: Fwd: Horwitz/Kravtin View

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

From: Patricia Kravtin <pdkravtin@comcast.net>

To: 'Rory Murphy' <paladinparkcity@aol.com>; jon_horwitz <jon_horwitz@putnam.com>

Cc: chimso <chimso@be-wow.com>; 'Jon Horwitz' <Jon_Horwitz@putnam.com>

Sent: Sun, Nov 26, 2017 5:00 pm

Subject: RE: Horwitz/Kravtin View

Rory, Jon and I are still going through the materials posted on the commission site but had a few threshold questions for you and Chimso that we are seeking clarification on for us and the Commission.

We very much appreciate that the image below is definitely getting closer to our expectation in that it appears to incorporate changes we had discussed for, i.e., movement of the garage entrance down from the uphill end of Unit D so headlights did not glare into house, and also that undulations had been added to the Lowell Ave facade and South elevation for a less harsh architectural massing.

We would like to clarify:

(1) that with this movement of the garage entrance, which is only partway down from the uphill end of the building, that Chimso is confident and can represent to us and the Commission that we will not have the glare of headlights coming into our home. This is a real concern of ours given the size of Unit D and the volume of cars that might be going in and out of that building. We do appreciate the movement of the garage, but had been hoping the garage would be located *even* further away from our end of that Building. We understand your concern regarding the garage. In the latest drawings, we pulled the entrance to the garage 42 feet to the north along Lowell from where we had it to accommodate your concerns. This was as far as was practical as we were already pushing the limits of constructability relative to cross-slopes on the road. This really is as far as we can push it. Relative to the headlights, if a driver turns south from the garage entrance, then there will be a brief instant when the cars lights will shine on your home, but it appears that it will hit the first floor and not the bedroom.

(2) that you will clarify to the Commission that the proposed plat in their package does not reflect the true location of Unit D relative to Lift Lodge and our home, as the plat in the package is inconsistent with your updated drawings which show the uphill end of Unit D to be located well north of our home. We will make a point to clarify to the Commission verbally (and therefore on the record) that the south wall of Building D lines up with the southernmost edge of the Lift Lodge. This building moved 15 feet from its original location to accommodate your view.

(3) following up on point (2), there is still ambiguity as to where exactly the uphill (i.e., southern-most) end of Unit D would be located relative to our home and Lift Lodge structures. The last email we had on the subject indicated the building had definitely been *moved* 15 feet to the north but also that there would be an effort made to *move* it *even* further north of our home to mitigate our negative impacts. Given the importance of Unit D's placement, we would like to remove this ambiguity and for you to clarify for us and the Commission more precisely where the southernmost end of Unit D would lie. Please see the attached drawing showing the proposed locations of the buildings. After we met, we moved the Building D 15 feet north from its original location to help mitigate the impact on your home. Again, the southern boundary of Building D lines up with the southern boundary of Lift Lodge. Please note where the stairs are. The stairs are interspersed with planter boxes which should significantly improve the visual effect from your home. We were, unfortunately, squeezed in the other direction by the City Engineer for the placement of a water line and unfortunately cannot move it farther and still maintain building heights.

(4) Finally, as with the garage movement, we like the tweaks to the original images that Chimso has added to soften the Building D's massing. That said, we had hoped for the addition of more dramatic side terracing as featured in the photo of your Main Street development that Jon had previously forwarded to you. Could you clarify whether you have considered and ruled out the possibility of adding more such prominent features to Building D or whether there remain opportunities to consider further architectural refinements that might soften the building's massing? I discussed this with Chimso this morning and he said he played with the terracing quite a bit and is confident that the effect will soften your views in that direction. We've also added planters where we will plant trees and shrubs to further reduce the visual intrusion on your home. That being said, we should continue our dialogue with Chimso to try to achieve the best end result for your views as possible.

Thanks so much, as always, we so appreciate your outreach and constructive dialogue throughout this process.
Best Pat

From: Rory Murphy [<mailto:paladinparkcity@aol.com>]
Sent: Wednesday, November 22, 2017 11:11 AM
To: jon_horwitz@putnam.com; pdkravtin@comcast.net
Cc: chimso@be-wow.com
Subject: Fwd: Horwitz/Kravtin View

Hi Jon and Pat,

I hope you both are well. Sorry for the delay in getting this to you. My Mom passed last month and I'm afraid I've been rather occupied. When you get a chance, please look over the below view and let me know if we are getting closer to your expectations on this item.

take care,

Rory

Rory Murphy
paladinparkcity@aol.com
435 640 5068
2590 Sidewinder Drive
Park City, UT 84060

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

From: Chimso Onwuegbu <chimso@be-wow.com>
To: Rory Murphy <paladinparkcity@aol.com>
Sent: Tue, Nov 21, 2017 9:53 am
Subject: Horwitz/Kravtin View

Rory-

Here is a current image which shows a view from the Living area. It shows the driveway moved down per their request, as well as significant undulations to both the Lowell Ave facade as well as the South elevation along the community stairs. Let me know if this is what you were looking for?

Exhibit 6

(b) (5) DPP, (b) (7)(C), (b) (7)(D)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Patricia,

We will not have a King's Crown meeting on August 23. Date to be determined. I will let you know.

Thanks,

445 Marsac Avenue | PO Box 1480
Park City, UT 84060-1480

Hi Francisco, I just wanted to check whether there was still a chance the Kings Crown development could make it on the August 23rd agenda. I was planning on going back East for a couple of weeks since I hadn't heard back I just wanted to double-check before I made my travel plans. Thank you again for taking the time to meet with Jon and I we're very appreciative of your time and attention to our concerns. Best Patricia

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

From: fastorga@parkcity.org

To: pdkravtin@comcast.net

Cc:

Sent: 2017-07-31 11:56:55 AM

Subject: RE: Public Comment on Kings Crown MPD, 1201-1299 Lowell Avenue Project - follow up

Patricia,

The item was continued to a date uncertain. I will let you know as soon as I find out the new date. Tuesday August 8, Thursday August 10, and Friday August 11 works for me. Let me know at what time.

Sincerely,

Francisco Astorga, AICP ♦ Senior Planner

Park City ♦ Planning Department

(p) 435.615.5064 ♦ (f) 435.658.8940

445 Marsac Avenue ♦ PO Box 1480

Park City, UT 84060-1480

From: Patricia Kravtin [<mailto:pdkravtin@comcast.net>]

Sent: Friday, July 28, 2017 2:04 PM

To: Francisco Astorga

Subject: Re: Public Comment on Kings Crown MPD, 1201-1299 Lowell Avenue Project - follow up

Francisco,

I wanted to follow up on scheduling as we discussed.

First, I wondered if you had any better sense whether the Commission would next be deliberating on the Kings Crown project at its August 23rd or its September 27th meeting?

Also, I did want very much to meet with you the week after next when my husband and I are both in town. We could meet Tuesday August 8th through Friday August 11th – is there one of those days that would be better for you? Would very much like to make an appointment at time convenient to you.

Thanks so much Patricia

From: Francisco Astorga <fastorga@parkcity.org>

Date: Tuesday, July 25, 2017 at 8:21 PM

To: "Patricia D. Kravtin" <pdkravtin@comcast.net>

Subject: RE: Public Comment on Kings Crown MPD, 1201-1299 Lowell Avenue Project

Patricia,

I would love to speak with you over the phone. Please let me know what phone number I can reach you at.

Thanks,

Francisco Astorga, AICP ♦ Senior Planner
Park City ♦ Planning Department
(p) 435.615.5064 ♦ (f) 435.658.8940

445 Marsac Avenue ♦ PO Box 1480
Park City, UT 84060-1480

From: Patricia Kravtin [<mailto:pdkravtin@comcast.net>]
Sent: Tuesday, July 25, 2017 12:38 PM
To: Francisco Astorga
Subject: FW: Public Comment on Kings Crown MPD, 1201-1299 Lowell Avenue Project

Francisco – see below and in separate transmission I sent you a public comment statement I would ask be included in the public record.

As we got so limited advance notice of the agenda item, we are not able to attend tomorrow's night meeting.

Is there a way to get more advance notice of when the Commission will next continue its deliberations on this project?

My husband and are very vested in the outcome of this project as it is directly across the street from our home.

Best Patricia

From: "Patricia D. Kravtin" <pdkravtin@comcast.net>
Date: Tuesday, July 25, 2017 at 2:35 PM
To: <fastorga@parkcity.org>
Subject: Public Comment on Kings Crown MPD, 1201-1299 Lowell Avenue Project

Public Comment on Proposed King's Crown Project

On Planning Commission Meeting

Agenda Item: Wednesday July 26th, 2017

We are residents of 1240 Lowell Avenue, which is currently the first single-family residence on Lowell Avenue south of Manor Way. As such, we will be among the most, if not the most impacted abutter of the proposed Kings Crown development in regard to its impact on the residential/old town character of the portion of Lowell Avenue south of the Resort base. We have previously shared issues of abutter impact and means of mitigation with the development team prior to their submission to the commission, and we are very appreciative of the developers' outreach and consideration given to the neighborhood quality of Lowell Avenue south of Manor Way. That said, this is a development of significant scale in a neighborhood that already bears the heavy burden of negative spillover effects of the Resort, and will bear the brunt of the burden of future potentially unprecedented large-scale development associated with the Treasure project. Per the Commission's Corrected Notice of Public Hearing, we understand "the Planning Commission is not expected to take Final Action as this is the initial introduction of the projected" and that the item will be continued to a future date. As key abutters, we respectively ask for the Commission to give this important project its full and careful consideration, taking

into account the potential significant impacts of the development on the Lowell Avenue residential neighborhood.

Respectively,
Patricia Kravtin and Jonathan Horwitz
1240 Lowell Avenue
Park City, Utah 84060

Staff recommended that the Planning Commission grant that reduction and had drafted a finding to support their recommendation. He stated that it is not a special exception or a variance, but it is an exception that is codified in the MPD language that allows the Planning Commission to grant that if it meets specific criteria. One criteria is that no additional density is being requested. Another criteria is that the exception does not remove or take away from any open space requirements. Planner Astorga believed the proposed open space was approximately 82%. For those reasons the Staff believed the Planning Commission could reduce the setbacks from 25' to the zoning designation of the RC District for single family dwellings, which is a minimum of 10'. Planner Astorga noted that the same request was being made to reduce the rear yard setbacks for Lots 21 and 22. Planner Astorga reviewed a site plan to identify which lots were requesting the exception.

Chair Pro Tem Campbell asked if there would be sidewalks in front of those lots. Planner Astorga replied that there were no sidewalks, as currently proposed by the applicant, to comply with City Engineer policy. Chair Pro Tem Campbell understood that the houses across the street had a 10' setback without a sidewalk. Planner Astorga explained that the minimum is 10'. He was not aware of the built setback because the RC District on Lowell Avenue has a very interesting development pattern, and they do not see many lot combinations on Lowell Avenue. It remains true to the standard Old Town development pattern of 25' x 75', which would trigger a minimum setback of 10'. However, in order to accommodate at least one exterior parking space, that portion of the house would be set back at least 18'. If a house has two interior parking spaces, then the setback is 10' minimum.

Chair Pro Tem Campbell recalled from the last meeting that the neighbors on that side supported the reductions. Planner Astorga replied that it was Patricia Crafton. He received an email from Ms. Crafton indicating that she had worked out her issues directly with the applicant. Ms. Crafton did not offer public comment and was not in attendance this evening. Chair Pro Tem Campbell assumed that meant Ms. Crafton had no objections. Planner Astorga agreed.

Planner Astorga pointed out that there is no guarantee that if the Planning Commission allows a 10' setback that all of those five houses would be built exactly at 10' because it is the minimum. The applicant could come back with an 18' setback to accommodate the exterior parking space.

Rory Murphy, representing the applicant, stated that their property line is 18' from the edge of the road, and that is where these lots would start. He pointed out that there is an effect of 18' already, plus the 10' setback. As Planner Astorga reported, having a

Exhibit 7









Exhibit 8

the access ski run; and that will be on the adjacent ski run. They were working with Vail on that matter.

Mr. Murphy stated that they had significant roof and building placement consideration. A building was moved 15 feet north from its original site to accommodate the Crafton/Horowitz house, and minimize the disturbance on their visual corridor. They also moved the townhomes around in an effort to accommodate some of the issues that were raised by Planner Astorga and Director Erickson. In addition, they moved some of the single family homes to accommodate snow storage areas, as well utility lines, based on concerns raised by the City Engineer.

Mr. Murphy remarked that all construction parking would be on-site. No parking will be allowed on the street. Lowell would remain open throughout the process. The only time it may be necessary to close Lowell would be at the end of the project when they re-scarify and repave that road. Mr. Murphy stated that they were approached by the Marriott Hotel about shielding the pool activities. At the request of the Planning Commission, they have implemented community within the neighborhood gathering areas. One is a pool and hot tub area. The other is a ski locker area located to the townhomes adjacent to the ski run. They will shield the pool activity area with vegetation and architectural screening to protect that activity from the Marriott as much as possible.

Mr. Murphy reiterated that this project will have no hotel, convention, or commercial uses. The building facades will match the current vernacular of a mountain mining theme. Landscape mitigation is planned in several places. One is to protect the Smith lots around the townhome areas. They also intend to do landscape mitigation by the Marriott as much as possible, given the restraints of an existing water line. They also plan vegetation mitigation adjacent to the pedestrian access stairs in an effort to protect the views of the Crafton/Horowitz house.

Mr. Murphy stated that the windows were adjusted on the affordable housing building at the request of the Marriott, so the windows do not stare into each other. They continue to work with Mark Harney, the General Manager of the Marriott on that issue.

In terms of dust control, they intend to have a water truck onsite at all times throughout the excavation. Mr. Murphy did not believe the dust would be dramatic, but they will do their best to mitigate it and will continue to work with the neighbors on that issue.

Mr. Murphy stated that they were planning to put a community gathering area on the affordable housing deck, which was directly adjacent to space the Marriott considers to

be private and quiet space. At the request of the Marriott, they agreed to remove the deck and not offer it as a community gathering area to address those concerns.

Mr. Murphy noted that the access road was aligned with 12th Street to keep lights from cars from directly impacting any particular house. A set of stairs was added to the Smith property so those townhomes can access the ski run. They have made significant roofline modifications for neighbors' views in at least four different areas in trying to protect views where they exist.

Mr. Murphy reiterated that relative to the Crafton/Horowitz house, they pulled the building 15' to the north. He noted that the southernmost boundary on Building C/D matches the southernmost boundary on the Lift Lodge. Also, the driveway for Building D was pulled 42' to the north to accommodate Crafton/Horowitz because they did not want headlights coming out of the driveway and into their house. Mr. Murphy stated that the applicant would continue to make a strong effort to keep the public informed. They were setting up bi-weekly meetings with the Marriott and anyone else who is interested during the construction period.

Mr. Murphy outlined some of the major benefits of the proposed plan. The project has significantly less density than even the most conservative estimates of what is allowed on the site. None of the property in the SLO overlay zone would be disturbed. The applicant was proposing 84% open space, including hardscape; and 82% contiguous undisturbed open space with a conservation easement placed on it. The visual aesthetics of the hillside will be preserved. They were proposing 200% of the affordable housing obligation. Mr. Murphy stated that the most important point of the entire proposal is the elimination of 247 platted Old Town lots. The project has no commercial or hotel uses. No height exceptions are being requested, no use exceptions being requested, and no zoning exceptions being requested. They will preserve the maple forest on the property in perpetuity.

Chair Strachan wanted to know the plans for a mountain biking trail goes through the maple forest. Mr. Murphy replied that the trail has a special quality and it will remain. It is an old railroad line and the only historic feature on the site.

Chair Strachan asked for clarification on the request for the setback exception. Mr. Murphy stated that for the five homes along Lowell, the 10' setback is on every other single-family home on Lowell. He stated that no one had thought about it until Planner Astorga pointed it out. Chismo Onwuegbu stated that the biggest reason for the 10' setback was to maintain the character of the single family homes throughout that zone.

Exhibit 9

PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION MEETING MINUTES
 COUNCIL CHAMBERS
 MARSAC MUNICIPAL BUILDING
 NOVEMBER 13, 2019

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: Planning Director Bruce Erickson; Alexandra Ananth, Planner; Caitlyn Barhorst, Planner; Rebecca Ward, Planner; Mark Harrington, City Attorney

=====

ROLL CALL

Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

APPROVAL OF MINUTES

October 16, 2019

MOTION: Commissioner Sletten moved to APPROVE the Minutes of October 16, 2019 as written. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

October 23, 2019

Commissioner Sletten referred to page 17 and the question from Commissioner Kenworthy regarding the Twisted Branch site visits. Commissioner Sletten asked if the Commissioners could individually schedule a site visit. Director Erickson replied that each Commissioner could communicate directly with Planner Ananth to schedule a site visit.

Commissioner Hall referred to Condition of Approval #3 which states, "The City Council to review and approve the encroachment agreement". She recalled the discussion during the meeting that City Attorney Harrington had said the Planning Commission could direct the City Council to review the previous encroachment agreement. Commissioner Hall did not believe that direction was highlighted sufficiently in the condition as written. She thought the language was too standard to address the important issue that Commissioner Kenworthy had raised; and preferred that it be accentuated.

Planning Commission Meeting
November 13, 2019
Page 30

including 15-4-12, 15-7.1-3(C), 15-12-15(B)(9), and applicable State law regarding condominium plat amendments.

3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 875 Main Street

1. All Conditions of Approval of the original Lift Lodge at Town Lift condominium plat and any subsequent modifications continue to apply.

2. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

3. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

4. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.

**8.E 1271 Lowell Avenue – Condominium Plat – The King's Crown
Condominium Plat Consists of 26 Market Rate Units and 1 Affordable
Housing Unit. (Application PL-19-0415)**

Planner Ward presented this item on behalf of Laura Kurhmeyer, the project planner.

Planner Ward reported that this item was the condominium plat for Lot 2 within the King's Crown re-subdivision that was previously approved. The Planning Commission approved this plat on May 22, 2019; however, changes have been proposed since that approval.

Planner Ward stated that one of the proposed changes was to remove 545 square feet from Unit B-401. Another change was to remove the pool from inside Building B to the rear of Building B. The applicant was also proposing to remove approximately 7,000 square feet from the bottom two floors of Building B. Planner Ward noted that originally the affordable housing unit was showing as common area on the plat; and the applicant was now proposing to show the affordable unit as a private unit. The unit would still remain under the same affordable housing deed restrictions. The unit could eventually be sold as an affordable housing unit and those deed restrictions would remain in place. Planner Ward stated that originally the Penthouse in Building D was proposed for

Planning Commission Meeting
November 13, 2019
Page 31

one owner; however, since the May 22nd approval, the applicant was proposing to divide that unit into two units.

Planner Ward reported on an email from the neighbors at 1240 Lowell that was received after the Staff report was published. The email was forwarded to all the Commissioners. Planner Ward stated that the residents at 1240 Lowell are located across the street from Building D and they wanted to ensure that the staggered design, the landscaping, and pedestrian access stairs would not change. Planner Ward clarified that at this time, the location of Building D and the stairs are proposed to remain as they were in the plat that was approved on May 22nd.

Rory Murphy, representing the applicant, reiterated the neighbor's concerns and he assured everyone that Building D would not move.

Chair Phillips opened the public hearing.

There were no comments.

Chair Phillips closed the public hearing.

Chair Phillips noted that the original plan was to dig into the hillside, which required a significant amount of truck traffic for hauling. He believed the proposal to remove 7,000 square feet was a positive change to the plan and he supported the request.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the King's Crown Condominium plat located at 1271 Lowell Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

Planner Ward indicated a minor change to Finding of Fact #17, to reflect the change in the square footage of the private units.

Commissioner Thimm accepted the change to Finding of Fact #17 in his motion.

Findings of Fact – 1271 Lowell Avenue

1. The site is located at 1271 Lowell Avenue, Lot 2 of the King's Crown Re-Subdivision.
2. The site is located within the Recreation Commercial District.
3. On January 10, 2018 the Park City Planning Commission approved the King's

Planning Commission Meeting
November 13, 2019
Page 32

- Crown Master Planned Development and a Conditional Use Permit for Multi-Unit Dwellings throughout the development for market rate and affordable housing units.
4. On February 1, 2018 the Park City Council approved the King's Crown ReSubdivision Plat per Ordinance No. 2018-05.
 5. On June 13, 2018 the Park City Planning Commission ratified the Development Agreement required by the approved Master Planned Development.
 6. On June 14, 2018 Summit County recorded the Development Agreement -entry no. 01093392.
 7. On May 16, 2018 Summit County recorded the King's Crown Re-Subdivision Plat – entry no. 1091847.
 8. On August 30, 2018 the Park City Housing Authority approved the King's Crown Affordable Housing Mitigation Plan.
 9. On March 19, 2019 the Park City Planning Department received a complete Condominium Plat.
 10. On May 22, 2019 the Planning Commission amended the MPD and CUP.
 11. On August 14, 2019, the Planning Department received a complete application for this Condominium Plat.
 12. On September 22, 2019, the Planning Commission reviewed the King's Crown Resubdivision First Amended Plat and forwarded a unanimous positive recommendation to Council.
 13. On October 10, 2019, the City Council reviewed and approved the King's Crown Resubdivision First Amended Plat, but removed the additional internal Lot Line splitting Lot 2 into Lot 2A and Lot 2B.
 14. The proposed Condominium Plat memorializes common, limited common, and private areas that would that allows the units to be sold individually.
 15. The proposed Condominium Plat consists of twenty-six (26) market rate units, and one (1) Affordable unit within the King's Crown Building B, C, and D, to be platted as King's Crown Condominiums.
 16. The unit boundaries of each private unit would be set forth on the recorded plat.
 17. The size of the private units within the multi-unit dwelling ranges from 756 – 3,121 square feet.
 18. Common areas include mechanical spaces, internal circulation, parking garage and circulation, swimming pool, spa, gym area, entertainment area, exterior walls and internal bearing walls/columns, footing and foundation, roof, etc.
 19. Limited common areas include several exterior decks throughout the three (3) buildings.
 20. The recordation of this Condominium Plat would allow the applicant to sell each unit.
 21. There is Good Cause for this Condominium Plat as it reflects compliance with the amended Master Plan Development and Conditional Use Permit, approved ReSubdivision Plat, and amended Affordable Housing Mitigation Plan.
 22. The analysis section of the staff report is incorporated herein.

Planning Commission Meeting
November 13, 2019
Page 33

Conclusions of Law – 1271 Lowell Avenue

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

Conditions of Approval – 1271 Lowell Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat and CCRs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A plat note shall state that all conditions of approval of the amended Master Planned Development, Conditional Use Permit, King's Crown Re-Subdivision Plat (Ordinance No. 2018-05 and Ordinance No. 2019-51), and amended Housing Mitigation Plan shall continue to apply.

8.F 1500 Snow Creek – Conditional Use Permit – Silver King Coffee is Seeking a CUP for a Retail Drive-up use in the Regional Commercial Overlay District in the South-East Side of the Snow Creek Crossing Parking Lot. **(Application PL-19-04339)**

Planner Ananth introduced Ben Buehner and Brooke Hontz, representing the applicant.

Planner Ananth reviewed the application for a conditional use permit to relocate the existing drive-thru business from Kearns Boulevard to the Snow Creek Shopping Center. The applicant is proposing to locate in a landscaped area of the Snow Creek Shopping. The Center is zoned RD with a Regional Commercial Overlay. It is also a transfer of development rights receiving zone. Planner Ananth reported that an MPD governs the shopping center.

Planner Ananth reported that retail drive-thru businesses require a CUP to consider traffic impacts on the surrounding area.

Exhibit 10



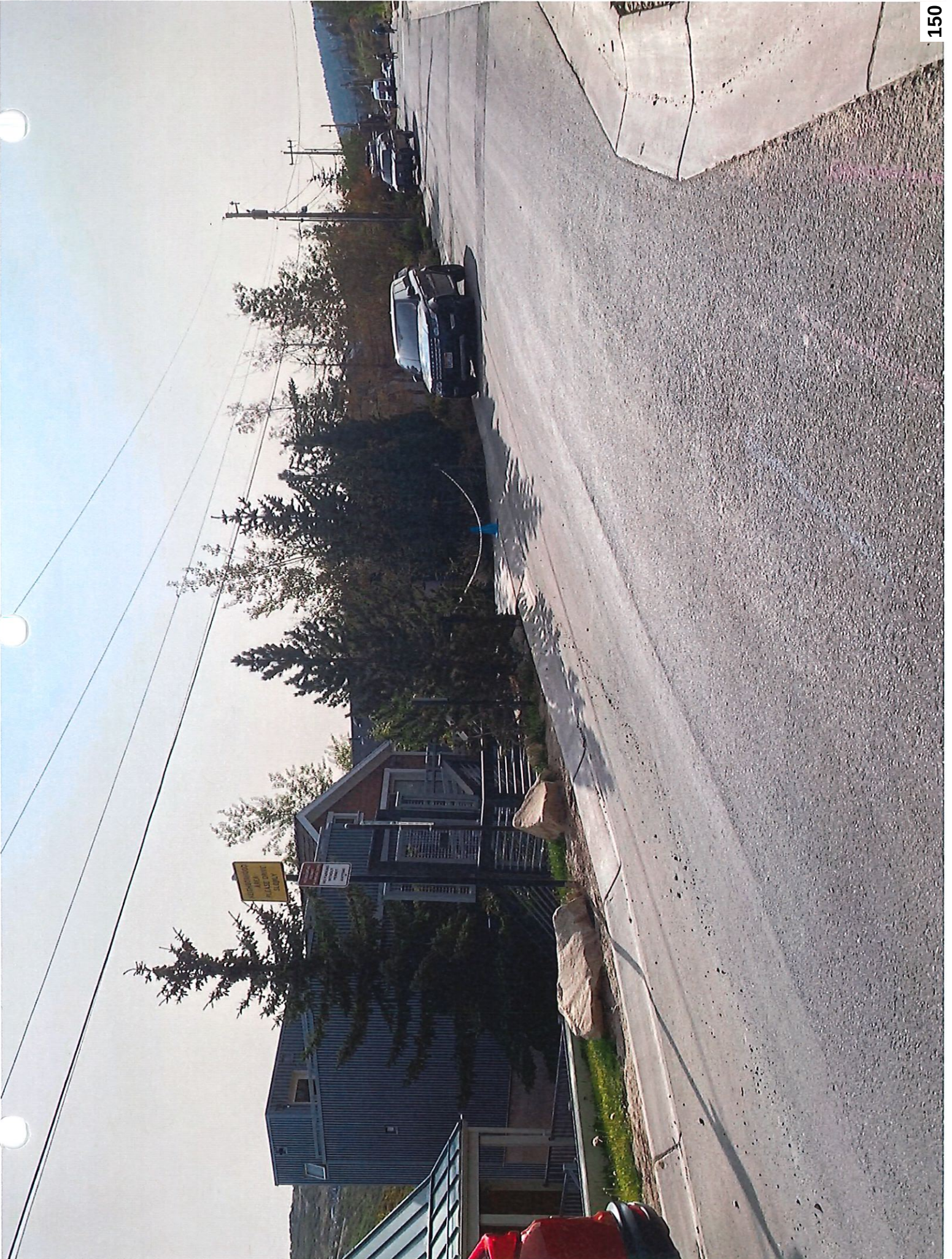


Exhibit 11

November 11, 2019

My name is Patricia Kravtin. My husband, Jonathan Horwitz, and I are residents of 1240 Lowell Avenue, which is the first single-family residence on Lowell Avenue south of Manor Way. As such, we are among the most, if not the most impacted abutter of the proposed Kings Crown development in regard to its impact on the residential/old town character of the portion of Lowell Avenue south of the Resort base. We have on numerous occasions, from the very beginning of the project review process in the fall of 2017 and throughout the past two years shared our concerns with the Developer and the Commission and its Staff regarding the negative impacts of a development of this size and massing on the residential character and quality of life on the northern end of Lowell by the Resort Base. We have over the past two years followed the review process closely and engaged in productive discussions concerning mitigation with the Developer CRH (through its liaison, Mr. Rory Murphy) and then lead planner Mr. Francisco Astorga.

The productive outcome of our engagement with the Developer and Mr. Astorga, as memorialized by CSH representative Mr. Rory Murphy at the Planning Commission's November 29, 2017 meeting (See pages 97-98 of the Minutes of this meeting) was the agreement that the southernmost condominium building, Building D – the building most proximal to the residential segment of Lowell Avenue and also the building of greatest massing, would not extend beyond the southernmost edge of the Lift Lodge condominium building. Agreements were also made about the placement, staggered design, and landscaping of the planned pedestrian access stairs, to be located between the southernmost edge of Building D and the northern edge of House Lot #3 which was to line up with the Kravtin/Horwitz home. (See attached Excerpts from Minutes of November 28, 2019 Planning Commission Meeting).

The project now is well underway. Understandably, there have been changes in various aspects of the project and numerous iterations of plans and drawings since the project's initial approval, including this most recent set of changes now before the Commission. As lay people, however, it is not clear to us from our review of the current proposal and of the current plat drawings included in the Staff Report as well as our visual inspection of the physical stakes that have since been put in the ground, how the various changes that have come before the Commission may impact prior representations made by the Developer to the Commission that served to help mitigate the negative impact of this project on the Lowell Avenue residential neighborhood and in particular, on our home which is directly across the street from this development.

Over the past two years, we have reached out to CRH and received oral assurances that current plans for the placement of Building D were still as agreed, i.e., that the southernmost boundary of Building D and the pedestrian access on its south side will be in conformance to the agreed upon representations as memorialized in the minutes of the November 29, 2017 meeting. Earlier in the process, we had been provided a courtesy drawing from CRH that illustrated the lineup of Building D and the placement and design of the public access stairway in a manner that would leave no ambiguity. (see Attached). As shown in the attached drawing, that the southernmost edge of Building D would not exceed past the southernmost boundary of the Lift

Lodge condominium. The staircase is also staggered and landscaped in a manner that helps minimize the impact of the Building D.

At this very critical juncture of the project, we again respectfully ask that the Commission and its Staff to ensure with CRH that the representations they made to us and this Commission in November 2017 concerning the placement of Building D and the pedestrian access way will be complied with and are fully reflected in the current drawings and official plat -- notwithstanding the numerous changes in the plans and drawings that have occurred in the past two years including the most recent set of changes before the Commission at this week's meeting.

Thank you for the opportunity to express our concerns as the Kings Crown development in our Lowell Avenue neighborhood is evolving from concept to reality.

Sincerely,
Patricia Kravtin and Jonathan Horwitz
1240 Lowell Avenue
Park City, UT 84060

.....
Excerpts from the minutes of the November 29, 2017 Planning Commission meeting:

"Mr. Murphy stated that they had significant roof and building placement consideration. A building was moved 15 feet north from its original site to accommodate the Crafton/Horowitz [sic] house, and minimize the disturbance on their visual corridor."
(Minutes of the November 29, 2017 Meeting at p.97)

"They also plan vegetation mitigation adjacent to the pedestrian access stairs in an effort to protect the views of the Crafton/Horowitz house." (Id. At p. 97)

"Mr. Murphy reiterated that relative to the Crafton/Horowitz house, they pulled the building 15" to the north. He noted that the southernmost boundary on Building C/D matches the southernmost boundary on the Lift Lodge. Also, the driveway for Building D was pulled 42" to the north to accommodate Crafton/Horowitz because they did not want headlights coming out of the driveway and into their house." (Id. at. p. 98)

BASIS OF BEARING: N 35 59'00" W (MON. TO MON.)
RECORD DISTANCE: 1145.92 (MEASURED DISTANCE: 1145.58)

12TH STREET
(GO RTD)

BLOCK 26

STAIRS
BUILDING

My name is Patricia Kravtin. My husband, Jonathan Horwitz, and I are residents of 1240 Lowell Avenue, which is the first single-family residence on Lowell Avenue south of Manor Way. As such, we are among the most, if not the most impacted abutter of the proposed Kings Crown development in regard to its impact on the residential/old town character of the portion of Lowell Avenue south of the Resort base. We have on numerous occasions, from the very beginning of the project review process in the fall of 2017 and throughout the past two years shared our concerns with the Developer and the Commission and its Staff regarding the negative impacts of the stacked condominium buildings with their size and massing on the residential character and quality of life on the northern end of Lowell by the Resort Base.

We have over the past two years followed the review process closely and engaged in productive discussions concerning mitigation with the Developer CRH (through its liaison, Mr. Rory Murphy) and then lead planner Mr. Francisco Astorga, and most recently, Ms. Rebecca Ward. We most recently submitted public comments to the Commission on November 11, 2019 expressing our concerns that the current plat drawings before the Commission as regarding Building D – the building most proximal to the residential segment of Lowell Avenue and also the building of greatest massing, does not currently conform to the developer's representation to us and in statements before the Commission on November 29, 2017 that the southernmost edge of Building D would not extend beyond the southernmost edge of the Lift Lodge condominium building.

While we understand the matter before the Commission today is primarily focused on changes to Buildings B and C, we wish to make it clear that our concerns regarding the location and impact of Building D, of this date, are yet to be resolved. It is our further understanding, based on recent email

communications with CSH representative Mr. Rory Murphy, that revised plans for Building D will be forthcoming. We are hopeful those plans will finally address the unresolved issues with Building D's placement that honor the commitment made by the developer and memorialized by CSH representative Mr. Rory Murphy at the Planning Commission's November 29, 2017 meeting (See pages 97-98 of the Minutes of that meeting, as attached to my November 11, 2019 public comments along with a drawing provided to us by the Developer showing the agreed upon boundary of Building D).

Respectfully, Patricia Kravtin and Jonathan Horwitz, 1240 Lowell Avenue

Public Comment on Proposed King's Crown Project

On Planning Commission Meeting

Agenda Item: Wednesday July 26th, 2017

We are residents of 1240 Lowell Avenue, which is currently the first single-family residence on Lowell Avenue south of Manor Way. As such, we will be among the most, if not the most impacted abutter of the proposed Kings Crown development in regard to its impact on the residential/old town character of the portion of Lowell Avenue south of the Resort base. We have previously shared issues of abutter impact and means of mitigation with the development team prior to their submission to the commission, and we are very appreciative of the developers' outreach and consideration given to the neighborhood quality of Lowell Avenue south of Manor Way. That said, this is a development of significant scale in a neighborhood that already bears the heavy burden of negative spillover effects of the Resort, and will bear the brunt of the burden of future potentially unprecedented large-scale development associated with the Treasure project. Per the Commission's Corrected Notice of Public Hearing, we understand "the Planning Commission is not expected to take Final Action as this is the initial introduction of the projected" and that the item will be continued to a future date. As key abutters, we respectfully ask for the Commission to give this important project its full and careful consideration, taking into account the potential significant impacts of the development on the Lowell Avenue residential neighborhood.

Respectively,

Patricia Kravtin and Jonathan Horwitz

1240 Lowell Avenue

Park City, Utah 84060

Exhibit 12

1

paladinparkcity@aol.com

435 640 5068

2590 Sidewinder Drive

Park City, UT 84060

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

From: Chimso Onwuegbu <chimso@be-wow.com>

To: Rory Murphy <paladinparkcity@aol.com>

Sent: Sun, Apr 9, 2017 1:10 pm

Subject: Re: Neighborhood Meeting King's Crown

Here you go - I will also send to Francisco.

chimso onwuegbu chimso@be-wow.com cell 801.712.4078



On Fri, Apr 7, 2017 at 3:01 PM, Rory Murphy <paladinparkcity@aol.com> wrote:

Jon,

You are correct. I didn't catch this in our submittal.

Chimso: can you correct the overall site plan drawing superimposed over the ortho when you get a chance? We will need to send an updated copy to Francisco as well.

Thanks Jon, nice catch. We will update you with elevations as they become available.

Rory

Rory Murphy

paladinparkcity@aol.com

435 640 5068

2590 Sidewinder Drive

Park City, UT 84060

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

From: Jon Horwitz <Jon_Horwitz@putnam.com>

To: Patricia Kravtin <pdkravtin@comcast.net>; paladinparkcity
<paladinparkcity@aol.com>; hans <hans@xmission.com>; cv.heath.pc
<cv.heath.pc@gmail.com>

Sent: Fri, Apr 7, 2017 2:27 pm

Subject: Re: Neighborhood Meeting King's Crown

Hi Rory

Looking at the attached documents, I believe the one that shows the site plan superimposed on the photograph of Lowell Ave does not appear to be accurate as it seems to place the individual homes across from Lift Lodge and the site driveway directly across from our home. Could you please take a look and clarify for us as the placement of the development relative to us is one of our main concerns. Also, if you could share any elevation drawings once completed.

Thanks again for sharing this with us, it is appreciated.

Best,

Jon

Sent from my iPad

> On Apr 7, 2017, at 2:35 PM, Patricia Kravtin <pdkravtin@comcast.net> wrote:

>

> fyi

>

> From: Rory Murphy <paladinparkcity@aol.com<<mailto:paladinparkcity@aol.com>>>

> Date: Friday, April 7, 2017 at 1:26 PM

> To: "Patricia D. Kravtin" <pdkravtin@comcast.net<<mailto:pdkravtin@comcast.net>>>

> Cc: <hans@xmission.com<<mailto:hans@xmission.com>>>, <cv.heath.pc@gmail.com<<mailto:cv.heath.pc@gmail.com>>>

> Subject: Re: Neighborhood Meeting King's Crown

>

> Hi Pat,

>

> Thanks for your kind words :) Agreed on Lowell parking. I don't think either side of the street should be used for parking. We'll keep working Staff and Council while we are in front of them on this. Please find attached two drawings that show the proposed plan in some detail. Call me with your questions or comments when you have an opportunity.

>

> take care,

>

> Rory

>

> Rory Murphy

> paladinparkcity@aol.com<<mailto:paladinparkcity@aol.com>>

> 435 640 5068

> 2590 Sidewinder Drive

> Park City, UT 84060

>

>

> -----Original Message-----

> From: Patricia Kravtin <pdkravtin@comcast.net<<mailto:pdkravtin@comcast.net>>>

> To: Rory Murphy <paladinparkcity@aol.com<<mailto:paladinparkcity@aol.com>>>

> Sent: Fri, Apr 7, 2017 9:25 am

> Subject: Re: Neighborhood Meeting King's Crown

>

> HI Rory,

> Thanks again for your updates, Jon and I both truly appreciate the neighborhood outreach you and your partners have engaged in and we look forward to further such outreach as your project progresses.

> I did want to follow up and ask that you email a copy of the preliminary drawing you displayed at the meeting last week.

> And lets keep that pressure on the town to get all of Lowell zoned as Residential Permit Parking only. Matt Cassel again confirmed to Hans and I at last night's road construction meeting that he was going to be pushing for it. Lets hold him to it!!

>

> Best Pat

>

> From: Rory Murphy <paladinparkcity@aol.com<<mailto:paladinparkcity@aol.com>>>

> Date: Tuesday, February 28, 2017 at 11:52 AM

> To: <paladinparkcity@aol.com<<mailto:paladinparkcity@aol.com>>>,

<ARusten@aol.com<<mailto:ARusten@aol.com>>>,

<HDLMAL@bellsouth.net<<mailto:HDLMAL@bellsouth.net>>>,

<nick@E7parkcity.com<<mailto:nick@E7parkcity.com>>>,

<nancy@kwparkcity.com<<mailto:nancy@kwparkcity.com>>>,

<elsteven00@gmail.com<<mailto:elsteven00@gmail.com>>>,

<NielsPV@yahoo.com<<mailto:NielsPV@yahoo.com>>>,

<psustonehome@yahoo.com<<mailto:psustonehome@yahoo.com>>>,

<CarolA@E7parkcity.com<<mailto:CarolA@E7parkcity.com>>>,

<csramussen@msn.com<<mailto:csramussen@msn.com>>>,

<shsmith@resortside.com<<mailto:shsmith@resortside.com>>>,

<cnhult@comcast.net<<mailto:cnhult@comcast.net>>>,

<mark.harney@mvmc.com<<mailto:mark.harney@mvmc.com>>>,

<laura.suesser@gmail.com<<mailto:laura.suesser@gmail.com>>>,

<drwinarski@gmail.com<<mailto:drwinarski@gmail.com>>>,

<dean@parkcitysport.com<<mailto:dean@parkcitysport.com>>>,

<jamie@parkcitysport.com<<mailto:jamie@parkcitysport.com>>>,

<aplloren@gmail.com<<mailto:aplloren@gmail.com>>>,

<jon_horwitz@putnam.com<mailto:jon_horwitz@putnam.com>>,

<jennettelawrence@gmail.com<<mailto:jennettelawrence@gmail.com>>>,

<amoran@evergreen-eng.com<<mailto:amoran@evergreen-eng.com>>>, "Patricia D.

Kravtin" <pdkravtin@comcast.net<<mailto:pdkravtin@comcast.net>>>

> Cc: <cv.heath.pc@gmail.com<<mailto:cv.heath.pc@gmail.com>>>,

<hans@xmission.com<<mailto:hans@xmission.com>>>, <[chimso@be-](mailto:chimso@be-wow.com)

[wow.com](mailto:chimso@be-wow.com)<<mailto:chimso@be-wow.com>>>,

<fastorga@parkcity.org<<mailto:fastorga@parkcity.org>>>

> Subject: Re: Neighborhood Meeting King's Crown

>

> All,

>

> We have had a number of additional meetings with neighbors of the King's Crown property with individuals and groups that could not be at the meeting on the 9th. Attached please find an updated list with additional input from those neighbor meetings. Thank you again for your thoughts and time. We will keep you posted as to the progress as things develop. In the meantime, please do not hesitate to share your thoughts and concerns with us regarding the property. We look forward to continuing our dialogue.

>

> take care,

>

> Rory

>

> Rory Murphy
 > paladinparkcity@aol.com<<mailto:paladinparkcity@aol.com>>
 > 435 640 5068
 > 2590 Sidewinder Drive
 > Park City, UT 84060
 >
 >
 > -----Original Message-----
 > From: Rory Murphy <paladinparkcity@aol.com<<mailto:paladinparkcity@aol.com>>>
 > To: ARusten <ARusten@aol.com<<mailto:ARusten@aol.com>>>; HDLMAL
 <HDLMAL@bellsouth.net<<mailto:HDLMAL@bellsouth.net>>>; nick
 <nick@E7parkcity.com<<mailto:nick@E7parkcity.com>>>; nancy
 <nancy@kwparkcity.com<<mailto:nancy@kwparkcity.com>>>; elsteven00
 <elsteven00@gmail.com<<mailto:elsteven00@gmail.com>>>; NielsPV
 <NielsPV@yahoo.com<<mailto:NielsPV@yahoo.com>>>; psustonehome
 <psustonehome@yahoo.com<<mailto:psustonehome@yahoo.com>>>; CarolA
 <CarolA@E7parkcity.com<<mailto:CarolA@E7parkcity.com>>>; csramussen
 <csramussen@msn.com<<mailto:csramussen@msn.com>>>; shsmith
 <shsmith@resortside.com<<mailto:shsmith@resortside.com>>>; cnhult
 <cnhult@comcast.net<<mailto:cnhult@comcast.net>>>; mark.harney
 <mark.harney@mwwc.com<<mailto:mark.harney@mwwc.com>>>; laura.suesser
 <laura.suesser@gmail.com<<mailto:laura.suesser@gmail.com>>>; drwinarski
 <drwinarski@gmail.com<<mailto:drwinarski@gmail.com>>>; dean
 <dean@parkcitysport.com<<mailto:dean@parkcitysport.com>>>; jamie
 <jamie@parkcitysport.com<<mailto:jamie@parkcitysport.com>>>; aplloren
 <aplloren@gmail.com<<mailto:aplloren@gmail.com>>>
 > Cc: cv.heath.pc <cv.heath.pc@gmail.com<<mailto:cv.heath.pc@gmail.com>>>; hans
 <hans@xmission.com<<mailto:hans@xmission.com>>>; chimso <chimso@be-wow.com<<mailto:chimso@be-wow.com>>>; fastorga
 <fastorga@parkcity.org<<mailto:fastorga@parkcity.org>>>
 > Sent: Sun, Feb 12, 2017 5:15 pm
 > Subject: Neighborhood Meeting King's Crown
 >
 > Dear All,
 >
 > I want to reiterate our thanks for attending the neighbor meeting on Thursday. We very much appreciate you taking the time to attend and offer your comments. As we promised, I have attached a list of the comments to this email to be used as a basis for further input and discussion. In that view, please do not hesitate to continue to contact us with your comments and suggestions. This is enormously helpful for us and we are grateful for your participation.
 >
 > An administrative note: I tried to copy the emails as best I could. If any bounce back, I will reach out and call to get the correct one. I had to make a best guess with some of them :)
 >
 > Take care,
 >
 > Rory Murphy 435-640-5068
 <paladinparkcity@aol.com<<mailto:paladinparkcity@aol.com>>
 > Hans Fuegi 435-640-1383 hans@xmission.com<<mailto:hans@xmission.com>>
 > Chuck Heath 435-659-8875 cv.heath.pc@gmail.com<<mailto:cv.heath.pc@gmail.com>>
 >
 >
 > Rory Murphy
 > paladinparkcity@aol.com<<mailto:paladinparkcity@aol.com>>
 > 435 640 5068
 > 2590 Sidewinder Drive
 > Park City, UT 84060
 > <Kings Crown Site final .pdf>
 > <Kings Crown Overall Site final.pdf>

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail.

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>



Exhibit 13

[illegible]

Age Group	Percentage of Respondents Vaccinated
18-24	75%
25-34	95%
35-44	90%
45-54	80%
55+	65%

From: Rory Murphy [mailto:paladinparkcity@aol.com]
Sent: Tuesday, August 01, 2017 4:07 PM
To: Jon Horwitz <Jon_Horwitz@putnam.com>; pdkravtin@comcast.net
Cc: chimso@be-wow.com; hans@xmission.com; cv.heath.pc@gmail.com
Subject: Fwd: 1240 Lowell Ave.

Jon and Pat,

My apologies for taking so long to reply to this. I dropped my computer on Friday and managed to break the hard drive. A pretty fine mess. I'm just now back in operation.

We are happy to discuss the views and the roof lines when you get back into town. As we have said, if we can accommodate you, we will strive to. Chimso and I can meet with you at your convenience and we can continue to discuss this.

You are correct with the belief that the building has been moved the 15 feet north that we discussed earlier. The drawings that you referenced, the Utility plan and the Civil Site

Plan were, as you put (and I really like this phrase) an "artifact" of the previous iterations. The building has been moved down and the area in front of your house is a stairway that walks up to the ski run. We will clarify this in our next presentation at the Planning Commission. Chimso and I have also discussed moving the entrance to the condo building closest to you further north to mitigate the concern you raised in your email below. We can discuss that next week as well.

I want to express our thanks for your taking the time to actually get into the details and understand what we are trying to do. We know this a development is not what you want to have happen across the street from you. Taking the time to get the facts straight is truly appreciated.

take care,

Rory

Rory Murphy

paladinparkcity@aol.com

[435 640 5068](tel:4356405068)

2590 Sidewinder Drive

Park City, UT 84060

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Rory Murphy [<mailto:paladinparkcity@aol.com>]
Sent: Thursday, July 27, 2017 12:37 PM
To: Jon Horwitz <Jon_Horwitz@putnam.com>; pdkravtin@comcast.net
Cc: chimso@be-wow.com; cv.heath.pc@gmail.com; hans@xmission.com
Subject: Fwd: Jon & Pat

Hi Jon and Pat,

Please take a look at these view when you get a chance. We did fool with the roofs quite a bit to maintain the view northwest to Iron Mountain. I thought this turned out reasonably well. I'm less satisfied with the view to the southwest. I think we can continue to work the roof lines on the townhomes here to maximize your view a little better. Still a work in progress. When you get to town, please contact me and we will set up a time to get together. This dialogue has been very helpful.

Relative to your questions form the preceding email, I think it is important that we continue to work on the entrance so we do not have headlights shining into your unit. Chimso: can you please take a look at this and see what can be done to make this situation better for Jon and Pat? Also, your suggestion that each lot have a vegetation plan makes a lot of sense. There is excellent mature vegetation up there and it needs to be protected where possible. I think having each lot submit a vegetation plan to the HOA architectural committee before construction would be appropriate and the maple trees protected to the extent practical. In no case would we allow what has happened below you where they stripped the land bare long before construction and just let it sit there.

As always, thank you for your continued comments and suggestions. They have been very helpful and given us great ideas.

take care,

Rory

Rory Murphy

paladinparkcity@aol.com

435 640 5068

2590 Sidewinder Drive

Park City, UT 84060

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

From: Chimso Onwuegbu <chimso@be-wow.com>

To: Rory Murphy <paladinparkcity@aol.com>

Sent: Tue, Jul 25, 2017 2:57 pm

Subject: Jon & Pat

Rory -

Here are a couple views from their deck.

chimso onwuegbu

chimso@be-wow.com

cell 801.712.4078



Virus-free. www.avast.com

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail.

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>

Exhibit 14

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

Location of Harassment	Percentage of Respondents
Sexual harassment in the workplace	75%
Sexual harassment in the community	95%
Sexual harassment in the home	85%
Sexual harassment in the workplace and community	80%
Sexual harassment in the workplace and home	60%

From: rory murphy [mailto:paladinparkcity@aol.com]
Sent: Monday, November 11, 2019 2:55 PM
To: Jon Horwitz <Jon_Horwitz@putnam.com>
Cc: pdkravtin@comcast.net
Subject: Re: Horwitz/Kravtin View

Hi Jon and Pat,

Hope you are both well. I do not believe that the building has moved at all and the areas shown are planter beds, but I am meeting with Chimso in an hour and will confirm. Please be assured that I will honor what was said. I also owe you some assistance on your concrete where you have puddling on your lower deck. Good luck with the surgery and I look forward to seeing you both soon. I will report back to you after my meeting with Chimso.

Take care,

Rory

Rory Murphy

paladinparkcity@aol.com

435 640 5068

2590 Sidewinder Drive

Park City, UT 84060

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

From: Jon Horwitz <Jon_Horwitz@putnam.com>

To: rory murphy <paladinparkcity@aol.com>

Cc: Pat Kravtin (pdkravtin@comcast.net) <pdkravtin@comcast.net>

Sent: Mon, Nov 11, 2019 8:15 am

Subject: FW: Horwitz/Kravtin View

Hi Rory

I also wanted to give you a heads-up that Pat will not be able to make the meeting this week because I am having a minor surgical procedure. Instead, she is planning to submit a comment to the commission reiterating our understanding, citing back to your presentation at the 11/29/17 planning commission meeting, that the southern edge of Building D not extend past the southern edge of lift lodge. As you know, from the beginning this has been a really important point for us and what we learned is that when the guys show up with plans and orange spray paint, all they care about is what's on that piece of paper.

Best,

Jon

From: Jon Horwitz

Sent: Saturday, November 09, 2019 11:36 AM

To: rory murphy <paladinparkcity@aol.com>; Chimso Onwuegbu <chimso@be-wow.com>; Pat Kravtin (pdkravtin@comcast.net) <pdkravtin@comcast.net>

Subject: FW: Horwitz/Kravtin View

Hi Rory

Hope all is well with you. I wanted to follow-up on the placement of building D. Rebecca Ward shared the staff report from the most recent presentation before the planning commission with Pat. It appears that the original staggered stairway is being shown as a straight stairway, with less width, and we wanted to confirm that your commitment to end building D in line with the Lift Lodge building (see attached) has not changed with all the restructuring that is taking

place. We are concerned because the distance between lot 3 and Building D on the current drawing does not seem to reconcile with building D ending with the lift lodge building, so we would appreciate your clarification of the two different drawings and their impact on us.

Thanks so much.

Best, Jon and Pat

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

From: Rory Murphy <paladinparkcity@aol.com>

Date: Nov 28, 2017 11:53 AM

Subject: Fwd: Horwitz/Kravtin View

To: Jon Horwitz <Jon_Horwitz@putnam.com>, pdkravtin@comcast.net

Cc: chimso@be-wow.com, cv.heath.pc@gmail.com, hans@xmission.com

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

From: Patricia Kravtin <pdkravtin@comcast.net>

To: 'Rory Murphy' <paladinparkcity@aol.com>; jon_horwitz@putnam.com

Cc: chimso@be-wow.com; 'Jon Horwitz' <Jon_Horwitz@putnam.com>

Sent: Sun, Nov 26, 2017 5:00 pm

Subject: RE: Horwitz/Kravtin View

Rory, Jon and I are still going through the materials posted on the commission site but had a few threshold questions for you and Chimso that we are seeking clarification on for us and the Commission.

We very much appreciate that the image below is definitely getting closer to our expectation in that it appears to incorporate changes we had discussed for, i.e., movement of the garage entrance down from the uphill end of Unit D so headlights did not glare into house, and also that undulations had been added to the Lowell Ave façade and South elevation for a less harsh architectural massing.

We would like to clarify:

(1) that with this movement of the garage entrance, which is only partway down from the uphill end of the building, that Chimso is confident and can represent to us and the Commission that we will not have the glare of headlights coming into our home. This is a real concern of ours given the size of Unit D and the volume of cars that might be going in and out of that building. We do appreciate the movement of the garage, but had been hoping the garage would be located even further away from our end of that Building. We understand your concern regarding the garage. In the latest drawings, we pulled the entrance to the garage 42 feet to the north along Lowell from where we had it to accommodate your concerns. This was as far as was practical as we were already pushing the limits of constructability relative to cross-slopes on the road. This really is as far as we can push it. Relative to the headlights, if a driver turns south from the garage entrance, then there will be a brief instant when the cars lights will shine on your home, but it appears that it will hit the first floor and not the bedroom.

(2) that you will clarify to the Commission that the proposed plat in their package does not reflect the true location of Unit D relative to Lift Lodge and our home, as the plat in the package is inconsistent with your updated drawings which show the uphill end of Unit D to be located well north of our home. We will make a point to clarify to the Commission verbally (and therefore on the record) that the south wall of Building D lines up with the southernmost edge of the Lift Lodge. This building moved 15 feet from its original location to accommodate your view.

(3) following up on point (2), there is still ambiguity as to where exactly the uphill (i.e., southern-most) end of Unit D would be located relative to our home and Lift Lodge structures. The last email we had on the subject indicated the building had definitely been moved 15 feet to the north but also that there would be an effort made to move it even further north of our home to mitigate our negative impacts. Given the importance of Unit D's placement, we would like to remove this ambiguity and for you to clarify for us and the Commission more precisely where the southernmost end of Unit D would lie. Please see the attached drawing showing the proposed locations of the buildings. After we met, we moved the Building D 15 feet north from its original location to help mitigate the impact on your home. Again, the southern boundary of Building D lines up with the southern boundary of Lift Lodge. Please note where the stairs are. The stairs are interspersed with planter boxes which should significantly improve the

visual effect from your home. We were, unfortunately, squeezed in the other direction by the City Engineer for the placement of a water line and unfortunately cannot move it farther and still maintain building heights.

(4) Finally, as with the garage movement, we like the tweaks to the original images that Chimso has added to soften the Building D's massing. That said, we had hoped for the addition of more dramatic side terracing as featured in the photo of your Main Street development that Jon had previously forwarded to you. Could you clarify whether you have considered and ruled out the possibility of adding more such prominent features to Building D or whether there remain opportunities to consider further architectural refinements that might soften the building's massing? I discussed this with Chimso this morning and he said he played with the terracing quite a bit and is confident that the effect will softened your views in that direction. We've also added planters where we will plant trees and shrubs to further reduce the visual intrusion on your home. That being said, we should continue our dialogue with Chimso to try to achieve the best end result for your views as possible.

Thanks so much, as always, we so appreciate your outreach and constructive dialogue throughout this process.

Best Pat

From: Rory Murphy [mailto:paladinparkcity@aol.com]
Sent: Wednesday, November 22, 2017 11:11 AM
To: jon_horwitz@putnam.com; pdkravtin@comcast.net
Cc: chimso@be-wow.com
Subject: Fwd: Horwitz/Kravtin View

Hi Jon and Pat,

I hope you both are well. Sorry for the delay in getting this to you. My Mom passed last month and I'm afraid I've been rather occupied. When you get a chance, please look over the below view and let me know if we are getting closer to your expectations on this item.

take care,

Rory

Rory Murphy

paladinparkcity@aol.com

435 640 5068

2590 Sidewinder Drive

Park City, UT 84060

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

From: Chimso Onwuegbu <chimso@be-wow.com>

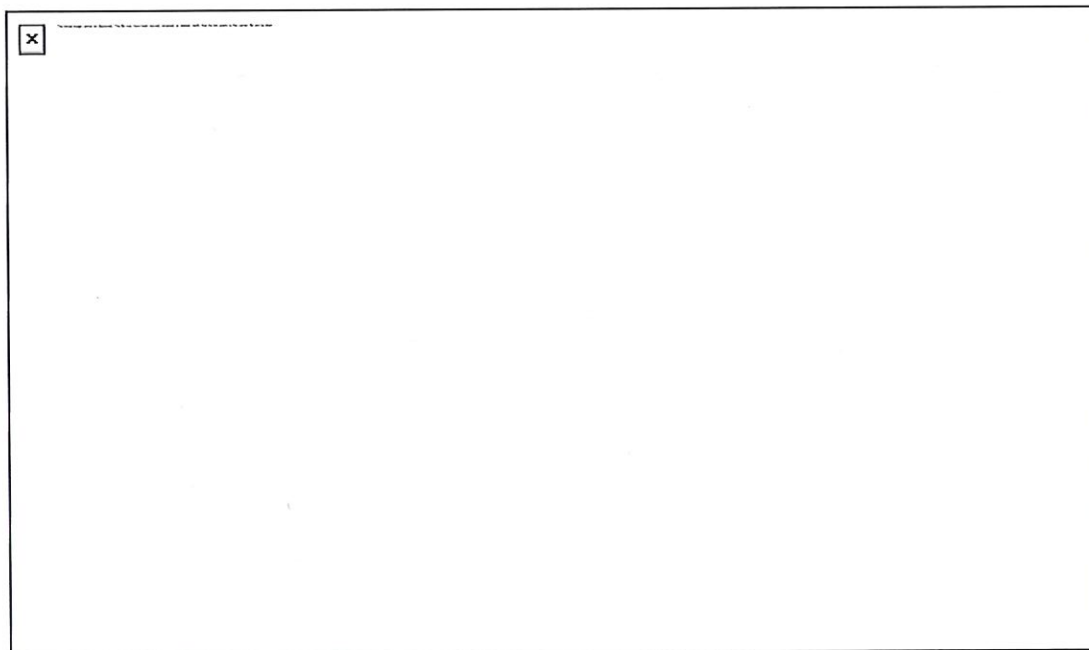
To: Rory Murphy <paladinparkcity@aol.com>

Sent: Tue, Nov 21, 2017 9:53 am

Subject: Horwitz/Kravtin View

Rory -

Here is a current image which shows a view from the Living area. It shows the driveway moved down per their request, as well as significant undulations to both the Lowell Ave facade as well as the South elevation along the community stairs. Let me know if this is what you were looking for?



chimso onwuegbu

chimso@be-wow.com

cell 801.712.4078



This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>

Exhibit 15

Left Chart: NRA and NEA Membership

Organization	Percentage of Respondents
NRA	~15%
NEA	~10%
Other	~5%
NEA	~12%
Other	~18%

Right Chart: NRA, NEA, NTA, and NEPC Membership

Organization	Percentage of Respondents
NRA	~95%
NEA	~85%
NTA	~45%
NEPC	~40%
Other	~35%

Gender	Percentage
Men	85%
Women	90%

From: paladinparkcity@aol.com [mailto:paladinparkcity@aol.com]
Sent: Friday, February 21, 2020 10:51 AM
To: Jon Horwitz <Jon_Horwitz@putnam.com>
Cc: pdkravtin@comcast.net; chimso@be-wow.com
Subject: Re: Building D

Jon/Pat,

Today doesn't work for Chimso, but he and I are available Sunday afternoon if that works for you. Attached is our latest efforts on the re-design. Don't worry, it is still a draft set and that is why we are hoping to meet. We've made some progress but are still not there.

Sorry to have caused you stress with this. It has easily been one of the most stressful issues I have have dealt with regarding this project.

Look forward to seeing you.

Rory

Rory Murphy

paladinparkcity@aol.com

435 640 5068

2590 Sidewinder Drive

Park City, UT 84060

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

From: Jon Horwitz <Jon_Horwitz@putnam.com>

To: paladinparkcity@aol.com <paladinparkcity@aol.com>

Cc: pdkravtin@comcast.net <pdkravtin@comcast.net>; chimso@be-wow.com <chimso@be-wow.com>

Sent: Thu, Feb 20, 2020 5:57 pm

Subject: Re: Building D

Hi Rory

We are well and I hope you are too. We are currently in Park City, but I am leaving Monday morning. If it works for you we could meet tomorrow afternoon at 3:30 or 4:00. We are also available on the weekend, but I don't want to take you guys away from family. Let me know if tomorrow works.

It would be helpful to get an email with revised drawings in advance, and also to know that building D will end where lift lodge ends.

Thanks so much and look forward to seeing you.

Best,

Jon

Sent from my iPhone

On Feb 20, 2020, at 3:59 PM, "paladinparkcity@aol.com" <paladinparkcity@aol.com> wrote:

Hi Pat and Jon,

I hope this email finds you well and you are getting a lot of skiing in this year. Now that the dust has settled with Buildings B and C, I was hoping to meet with you both the next time you are in town and it is convenient and go over the work we have done on Building D.

Let me know what works and Chimso and I will make ourselves available.

Take care,

Rory

Rory Murphy

paladinparkcity@aol.com

435 640 5068

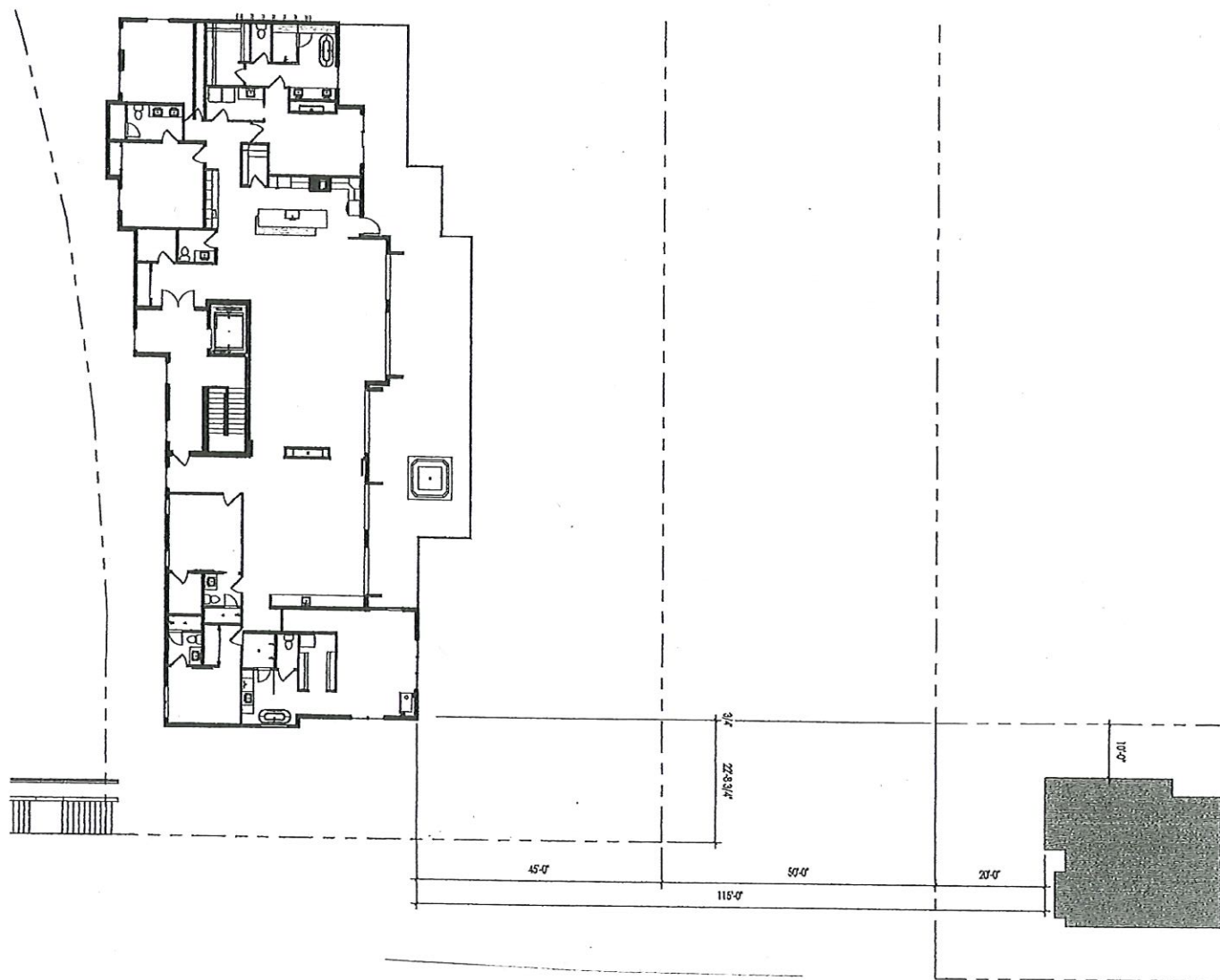
2590 Sidewinder Drive

Park City, UT 84060

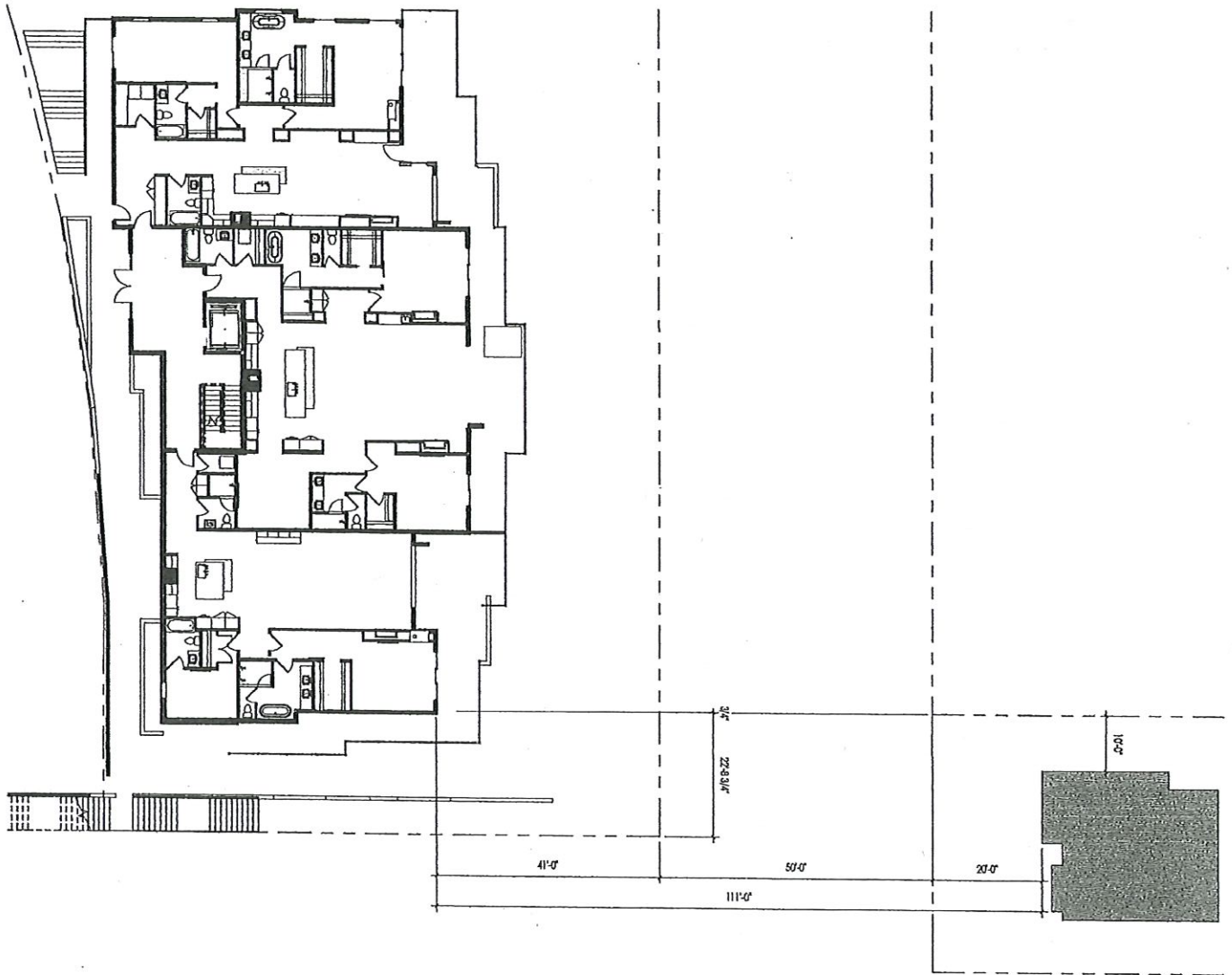
This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official

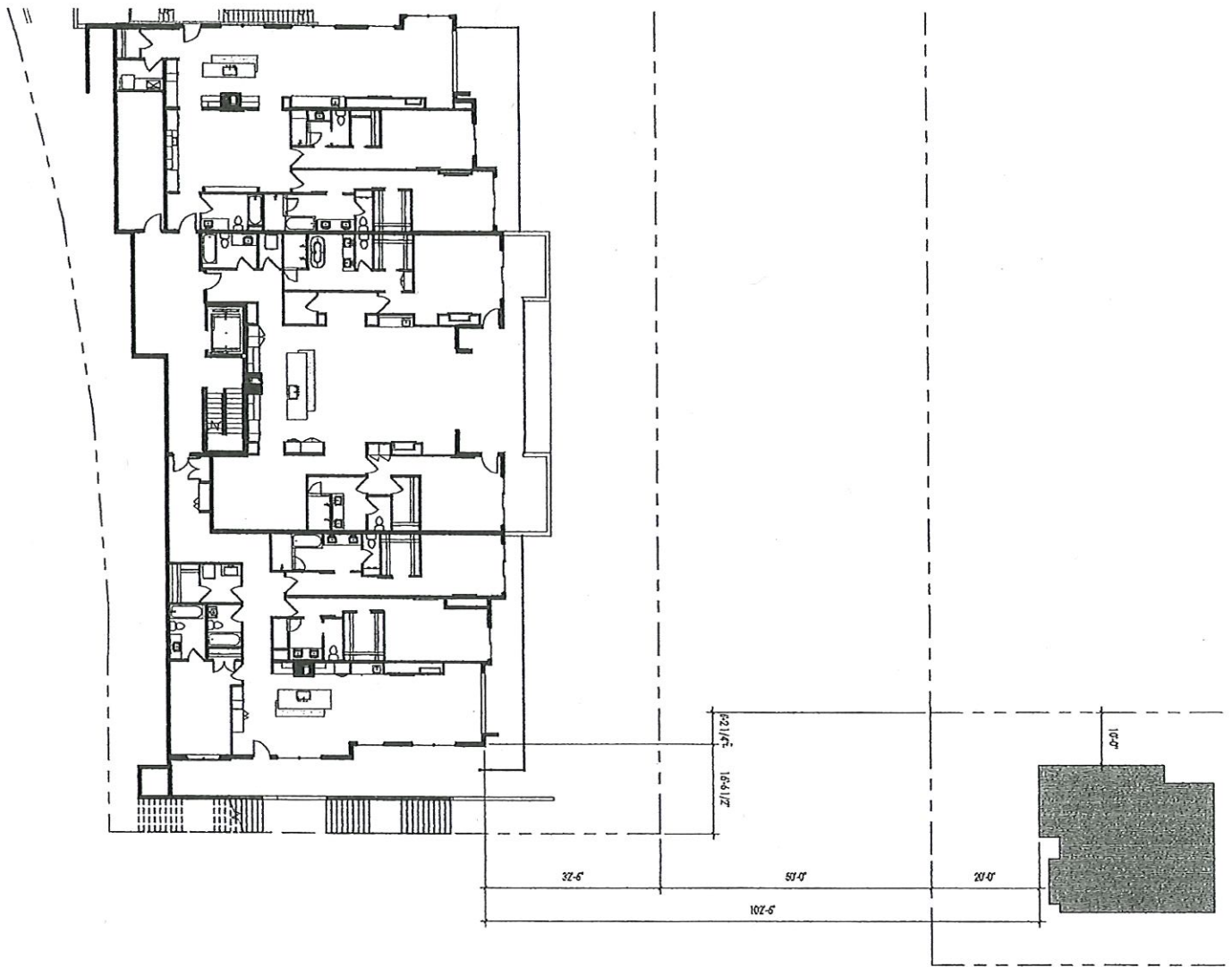
confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>



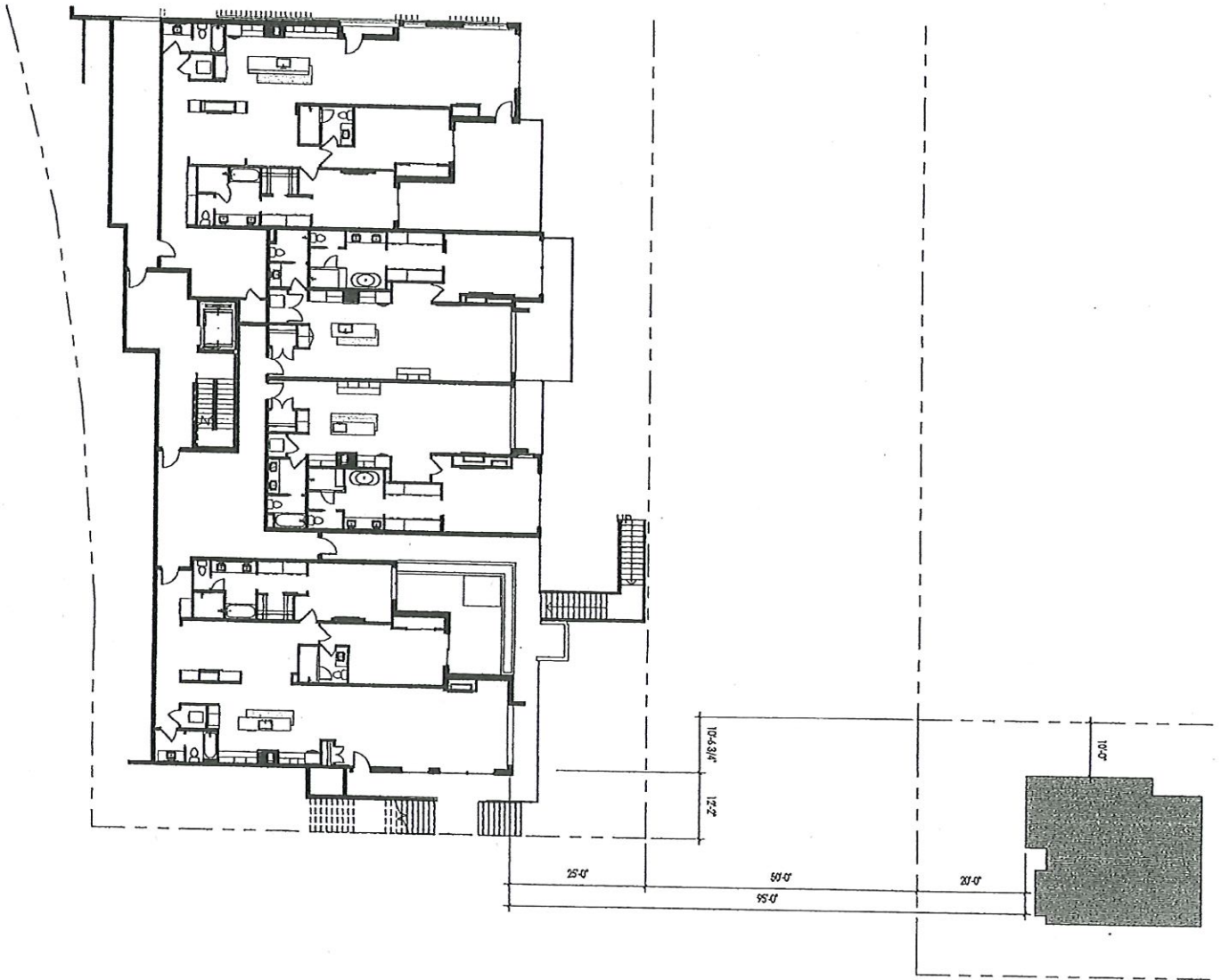
FOURTH FLOOR



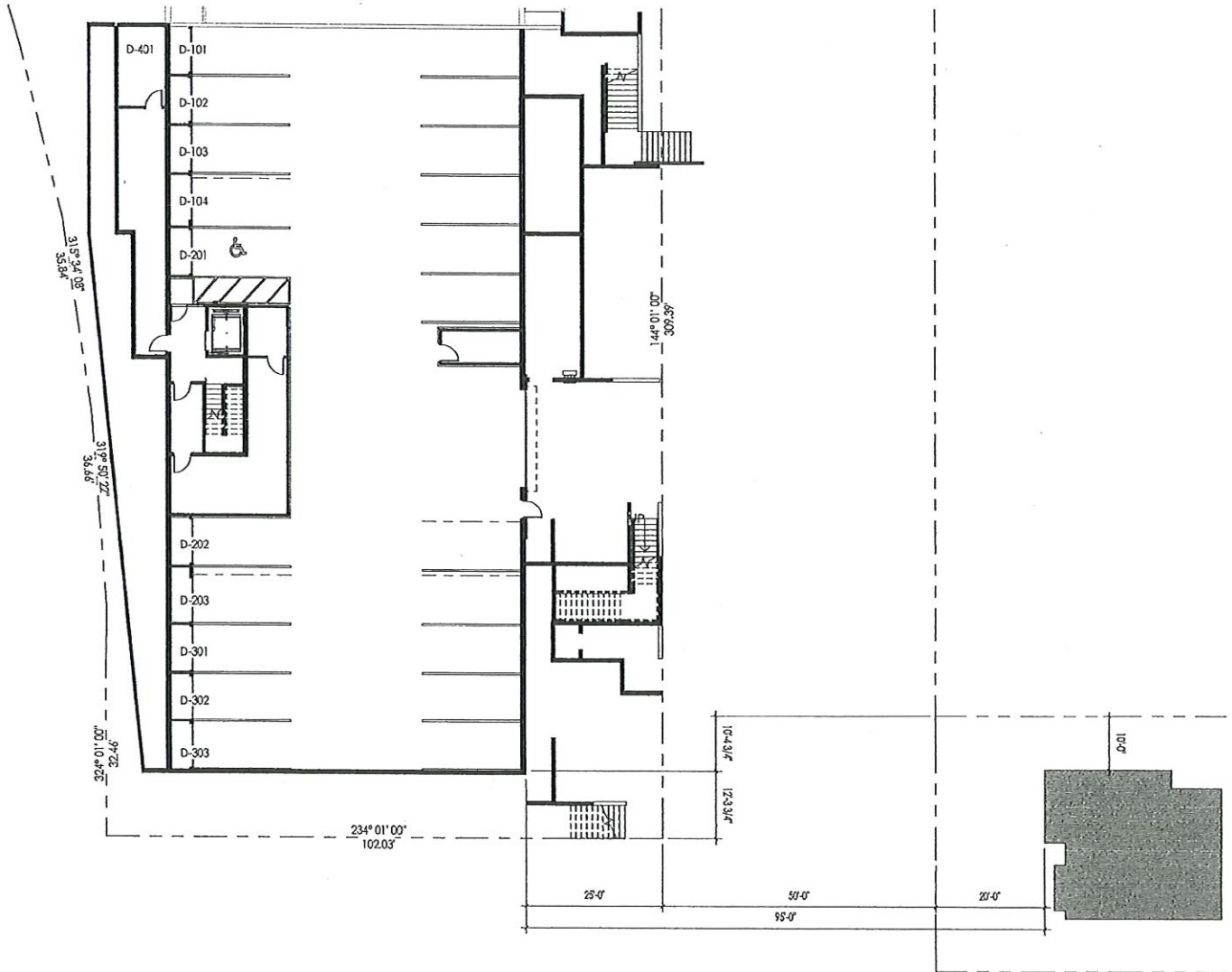
THIRD FLOOR



SECOND FLOOR



FIRST FLOOR



GARAGE

Exhibit 16

1

435 640 5068

2590 Sidewinder Drive

Park City, UT 84060

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>

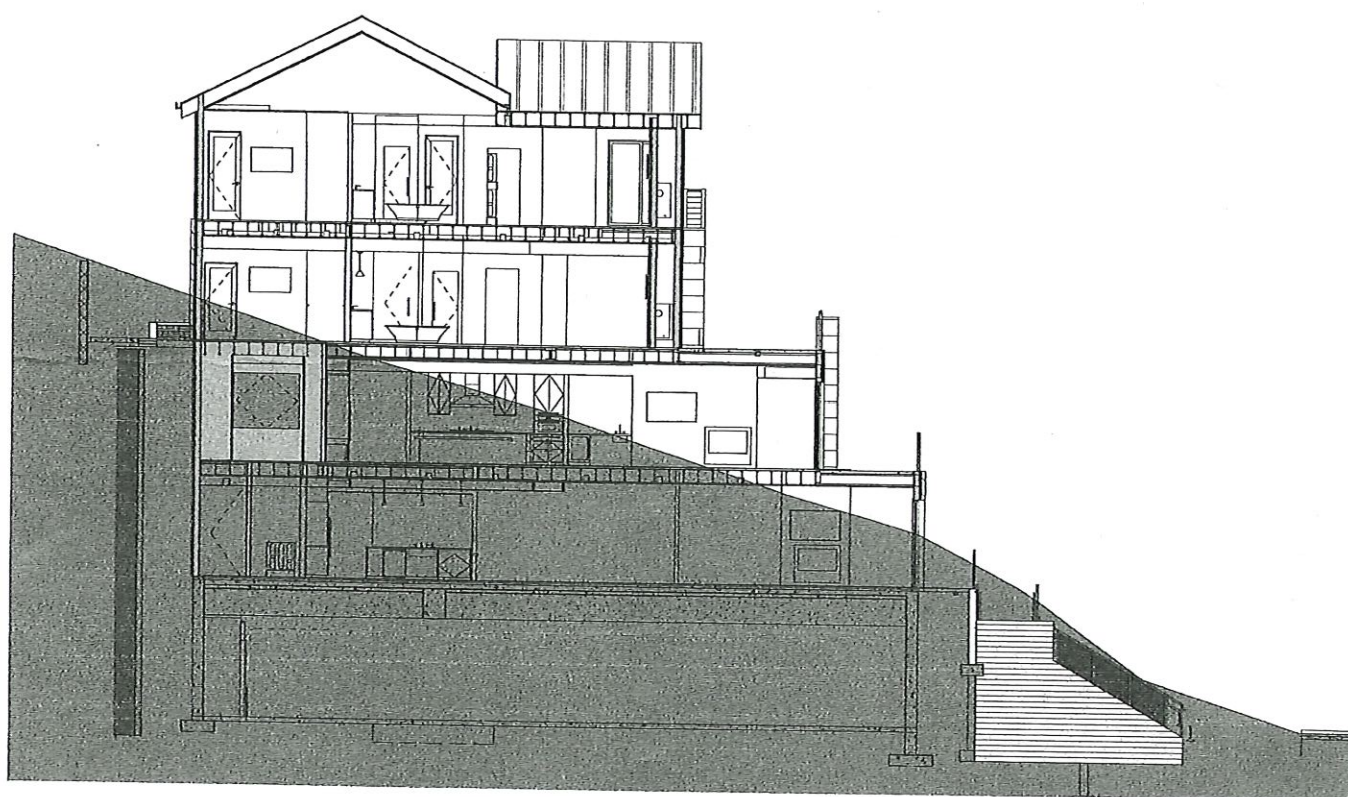


Exhibit 17

1

Rory Murphy

paladinparkcity@aol.com

435 640 5068

2590 Sidewinder Drive

Park City, UT 84060

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

From: Patricia Kravtin <pdkravtin@comcast.net>

To: rory murphy <paladinparkcity@aol.com>; jon_horwitz <jon_horwitz@putnam.com>

Sent: Wed, Nov 13, 2019 9:38 am

Subject: Re: Location of Building D

Thanks Rory, I am responding for Jon since he is still kind of loopy, but doing well.

We very much appreciate the response, but it still seems to leave the question open for an outcome other than certain that the edge of Building D will not exceed past the end of the Lift Lodge/Sweetwater.

We certainly appreciate your willingness to sit down with us, but what we are really looking for here is clarity now that we have a hard reference point for Lot's 3 foundation to go off on, it seems to us that should be possible.

Seems like we should be able at this point, to measure off the edge of Lot 3, the additive components of the actual distance between the Lot 3 foundation, the Lot 3 side set back, the public access stairway/side setback, and the allowable edge of Building D per the plat.

Otherwise, the commitment regarding the edge of Building D is not something we can count on the Plat making clear.

Also, it would give us additional peace of mind if, given the opportunity, you are able to reiterate there is no change regarding the edge of Building D, and that the plat so reflects that commitment, at the meeting tonight.

Thanks for all!! Best Pat

From: rory murphy <paladinparkcity@aol.com>
Date: Wednesday, November 13, 2019 at 12:04 PM
To: <jon_horwitz@putnam.com>, "Patricia D. Kravtin" <pdkravtin@comcast.net>
Subject: Location of Building D

Dear Jon and Pat,

I hope the surgery went well. Sorry to hear you had to go through it! As far as I can tell and more importantly as far as Chimso can tell, Building D remains in the same place and will remain in line with the end of Lift Lodge/Sweetwater. I *think* that the edge you may be concerned with is planter boxes going up adjacent to the stairs. Let's plan to sit down and go over any concerns you have when you are next in town. On another note, we will start with concrete on the condo buildings in about two weeks and I had planned to address your concrete when my guys were on site.

Hope you are both doing good and look forward to seeing you.

Rory

Rory Murphy

paladinparkcity@aol.com

435 640 5068

2590 Sidewinder Drive

Park City, UT 84060

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any

comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>

Exhibit 18

The figure consists of two horizontal bar charts. The left chart displays the percentage of respondents who are members of the National Rifle Association (NRA). The right chart displays the percentage of respondents who are members of the National Education Association (NEA). Both charts compare membership across five categories: Total, White, Black, Hispanic, and Asian.

Organization	Total	White	Black	Hispanic	Asian
NRA	~10%	~15%	~5%	~12%	~18%
NEA	~45%	~40%	~55%	~42%	~48%

Gender	Percentage
Men	85%
Women	80%

From: Jon Horwitz
Sent: Friday, July 31, 2020 6:59 PM
To: rory murphy <paladinparkcity@aol.com>
Cc: Pat Kravtin (pdkravtin@comcast.net) <pdkravtin@comcast.net>
Subject: Reply to your letter

Dear Rory

We are in receipt of your letter dated July 27, 2020. While we were surprised and disappointed by the tone of the letter, and certain characterizations, we are hopeful that the decision by CRH to withdraw its approvals related to Building D at this time is a positive gesture, given they do not reflect the agreement to move building D 15 feet from the outside edge of our house to the north.

Up to a few weeks ago, when you ceased returning our communications, we have had a very positive working relationship built up over the past three years. Until your letter, we thought we were getting closer to reaching an agreement on how to resolve this situation.

Please let us know if you are interested in scheduling a time for us to meet with you and the development team in an effort to try again to resolve this in a more expeditious and less cumbersome manner than your letter suggests.

Best Regards,

Jon and Pat

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>

Age Group	Percentage of Respondents Vaccinated
18-24	75%
25-34	95%
35-44	90%
45-54	80%
55+	65%

From: paladinparkcity@aol.com [mailto:paladinparkcity@aol.com]
Sent: Wednesday, August 05, 2020 12:16 PM
To: Jon Horwitz <Jon_Horwitz@putnam.com>; pdkravtin@comcast.net
Subject:

Dear John and Pat,

Please see the attached letter from CRG Development, LLC.

Best Regards,

Rory

Rory Murphy

paladinparkcity@aol.com

435 640 5068

2590 Sidewinder Drive

Park City, UT 84060

This message is intended for the recipient only and is not meant to be forwarded or distributed in any other format. This communication is for informational purposes only. It is not intended as an offer or solicitation for the purchase or sale of any financial instrument, or security, or as an official confirmation of any transaction. Putnam does not accept purchase or redemptions of securities, instructions, or authorizations that are sent via e-mail. All market prices, data and other information are not warranted as to completeness or accuracy and are subject to change without notice. Any comments or statements made herein do not necessarily reflect those of Putnam Investments, LLC (DBA Putnam Investments) and its subsidiaries and affiliates. If you are not the intended recipient of this e-mail, please delete the e-mail. Information on how Putnam gathers and uses personal data is available in Putnam's privacy notice which can be found at <https://www.putnam.com/policies>

August 5, 2020

VIA EMAIL

Jon Horwitz
Pat Kravtin

Re: King's Crown Condominiums

Dear Jon and Pat:

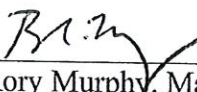
Thank you for your email message sent on July 31, 2020 in which you inquired if representatives of CRG Development, LLC ("CRG") are interested in scheduling a time to meet with you to resolve your concerns pertaining to the engineering, design and location of Building D and the Building D Parking Structure within CRG's King's Crown Condominiums Project. As you mentioned in your email, representatives of CRG have been communicating with you over the past three years in an effort to address your concerns and objections pertaining to the engineering, design and location of Building D and the Building D Parking Structure without reaching an agreement with you on how to resolve your concerns. All of the members of CRG have concluded that further discussion between you and representatives of CRG will not be productive.

In light of your ongoing dissatisfaction with respect to the final approvals obtained by CRG from the Planning Commission and the City Council of Park City Municipal Corporation (the "City") with respect to the engineering, design and location of Building D and the Building D Parking Structure, CRG will request that all approvals previously received by CRG from the Planning Commission and from the City Council of the City pertaining to the engineering, design and location of Building D and the Building D Parking Structure be vacated and rescinded. CRG is in the process of initiating once again the process to request from the Planning Commission and from the City Council of the City all necessary approvals with respect to CRG's proposed engineering, design, construction and location of Building D and the Building D Parking Structure.

As mentioned in CRG's letter to you dated July 27, 2020, during this new application and approval process, you will have the unfettered opportunity to express your opposition and concerns pertaining to the engineering, design, construction and location of Building D and the Building Parking Structure directly to the Planning Commission, to the City Council, to the City's Building Department and to any all employees and officers of the City as you deem appropriate.

Very truly yours,

CRG DEVELOPMENT, LLC,
a Utah limited liability company

By: 
Rory Murphy, Manager

Patricia Kravtin and Jonathan Horwitz

1240 Lowell Avenue

Written Comment for December 9, 2020 Planning Commission Meeting

RE: KINGS CROWN BUILDING D CONDOMINIUM PLAT RESUBMISSION:

CRG'S RESUBMITTED BUILDING D CONDOMINIUM PLAT DOES NOT CONFORM TO THE AGREED UPON BUILDING D SOUTHERNMOST BOUNDARY, AND IN DOING SO FAILS TO MEET MPD AND CUP REQUIREMENTS FOR MIRRORING, COMPATIBILITY, AND MITIGATION OF ADVERSE IMPACTS.

Introduction and Summary of Public Comment and Requested Action:

We are submitting these comments to bring to your attention the very unfortunate situation that has developed with regard to Building D of the Kings Crown Master Planned Development. The developer (CRG) had agreed to, and represented to us and the Commission on multiple occasions dating back to November 2017, that they had provided very specific mitigation of the harmful, adverse impacts of Building D's large massing, scale, and height on our single-family residence, the first single family home on Lowell Avenue located directly adjacent to the proposed Building D. The agreed upon mitigation, coordinated under the auspices of Lead Planner Francisco Astorga, was to shift the building's southernmost boundary 15 feet to the north to align with the southernmost boundary of the multi-unit Lift Lodge. This movement of the southernmost boundary of Building D established a small, but meaningful buffer zone between Building D and our west front-facing home. (See attached pictures to these comments.) Unlike many homes built on the downslope in in Old Town, our primary windows face uphill towards Building D.

This early agreed upon mitigation, was from our standpoint, far less desirable than what we originally sought, i.e., a single family home to mirror our property, as enjoyed by our neighbors to our south, but we agreed to the brokered mitigation in a spirit of compromise and goodwill, and in response to CRG's early acknowledgement of the adverse impacts that Building D would have on us and our home. CRG's attempt now, some three years later, to walk back on their word and deny us this reasonable mitigation -- as agreed from the very inception of the project until CRG finally realized (or acknowledged) in December 2019, that their architect had made a

mistake in the platted boundary -- is an affront to us and the governing MPD and CUP process upon which we put our faith to protect us from adverse impacts.

Despite our raising of numerous red flags based on our layman's review of CRG drawings and marketing materials concerning the accuracy of Building's D plat to CRG, Planning Staff, and in prior comments to this Commission, CRG liaison Mr. Rory Murphy continued to represent to us, Planning Staff, and the Commission as he had done over the course of the past couple of years that nothing had changed with respect to CRG's agreement with us to align the southernmost boundary of Building D with the southernmost boundary of the Lift Lodge building to the immediate north of our home. Indeed, as late as November 2019, on the record of this Commission, and alongside Planner Rebecca Ward, Mr. Murphy reaffirmed nothing had changed relative to the agreed upon placement of Building D. He provided even further reassurances of his public declaration in November 2019 in follow-up email communications to us, where he "wanted to let you know that both I and the new Planner Rebecca Ward, reiterated the position publicly we have discussed all along regarding aligning the southernmost edge of building D with the southernmost edge of Lift Lodge." (See Exhibits 2 and 9 attached to our September 23, 2020 Comments).

All remained good, until December 2019, when CRG finally acknowledged to us at an onsite meeting that their architect had made a "mistake" in their recorded plat, that the southernmost boundary of Building D was sited further to the south than agreed, they believed roughly 11 to 12 feet too far to the south, confirming our observations the building would encroach into the agreed upon buffer zone between Building D and our home. Nonetheless at that time, CRG agreed to revise their plans to rectify the situation and make good on their word to provide us with the agreed upon buffer zone. Communications between us and CRG remained amicable between the time of their acknowledgement of their error and the next several months that followed. In mid-December 2019, CRG asked for time to rework their plans, but with Mr. Murphy providing strong assurances to us: "I want you to know emphatically that we will not submit anything for Building D without your blessing." (See Exhibit 3 to our September 23, 2020 Comments). In the months that followed, CRG shared redesigned versions of Building D that incrementally moved towards the agreed upon mitigation, but ultimately CRG fell well short

of its prior and repeated representations to us, Planning Staff, and on the public record of the Commission.

The situation finally came to a head when in July 2020, to our surprise and dismay, CRG unilaterally cut-off all discussions with us despite our continued willingness to work with them to consider solutions to their predicament. Instead of taking us up on our continued willingness to work with them, CRG instead chose to withdraw all their original approvals pertaining to the flawed Building D plat and to bring the matter again before the Commission in an attempt to have the Commission reapprove the resubmitted Building D plat incorporating the same flawed plat boundary – but this time with everyone’s acknowledgement of that flaw. Without the agreed upon southernmost boundary, the plat is void of reasonable mitigation of the adverse impacts of the large mass stacked condo Building D on adjacent single-family home abutters – of which we are the most severely impacted due to our home’s location directly adjacent to the building. See attached pictures of our home and its exposure to the imposing massing, scale, and height of Building D and the negative externalities associated with a building of that scale.

In effect, CRG is seeking a mulligan from the Commission, at our expense and adverse impact, to allow CRG to proceed with the construction of Building D in total disregard of the agreed upon mitigation to us concerning the southernmost boundary of Building D. We believe CRG’s disregard of the Building D boundary is at odds with the MPD and CUP process requiring Building D, as part of the Kings Crown MPD, to mirror the existing neighborhood, “be compatible with surrounding structures in use, scale, mass,” or be “mitigated through careful planning.”

CRG is acting like we, Planning Staff, and the Commission will have total collective amnesia concerning the boundary agreement or our legitimate needs as severely impacted abutters for mitigation. Given the irreparable harm we face from the prospect of the behemoth of Building D in the shadow of our home including its wide and high visual massing; structural blockade; generation of air, light, and noise pollution; traffic congestion and impacts on auto and pedestrian safety; generation of auto exhaust and glaring headlights emanating from its garage structure; noisy mechanicals; invasions into our privacy; etc., we believe CRG’s action to renege on the previously agreed upon and well documented mitigation plan is reprehensible. It is all the more stunning to us given assurances from CRG liaison Mr. Rory Murphy of his value of the

relationship we have developed, our belief in CRG's integrity, and again that CRG "would not submit anything for Building D without [our] blessing." (See Exhibit 3 of our September 23, 2020 Comments).

Our Ask of the Commission and Further Comments to Follow

We have put our faith in the MPD and CUP process these past three years. We respectfully ask the Commission in full earnest to use its authority and respond appropriately to the situation CRG has placed you in, by holding CRG to all prior representations concerning mitigation of Building D, including the crucial siting of the southernmost boundary of Building D to align with the southernmost boundary of the Lift Lodge. We believe our requested action by the Commission is essential to CRG's compliance with the MPD and CUP requirements and to addressing our legitimate needs for mitigation against harmful impacts. To let CRG walk away scot-free from their clearly stated commitments to us as severely impacted abutters and to you on the public record which gained our early favor and facilitated your swift approval of their project -- in juxtaposition to what was going on with the highly contentious Treasure Project also before the Commission at that time -- will send a clear signal and encourage other developers to engage in this kind of bait and switch strategy.

In our comments that follow, we will give more detail on why CRG's brazen resubmission of the Building D Condominium Plat void of the originally agreed upon mitigation should not be rewarded with a quick rubber stamping by the Commission, as CRG's actions suggests it believes the Commission might do.

A Fuller Context for Our Comments and Concerns Regarding CRG's Building D "Resubmission"

As residents of the first single family house on the east side of Lowell Avenue located directly across from CRG's Kings Crown MPD, this will be our fifth time providing comments to the Commission. Reference to our situation as the most severely impacted abutter of CRG's Building D appeared even more times on the record of your public meetings and also in our multiple conversations with Planning Commission staff. In the first four comments we submitted between November 2017 and December 2019, we indicated our cautious support for this massive, but seemingly responsible development in our neighborhood based on CRG's early neighborhood outreach and representations made by CRG to us and other neighbors early on concerning

mitigation they would provide. But at the same time, we noted we were depending on the Commission to hold CRG to its promises and representations made before you as part of the approval process. As a directly adjacent front facing single-family home abutter, we have a legitimate need for mitigation of the negative impacts that a building of the mass, height, and scale of Building D will impose on us.

Most recently, in our September 23, 2020 Comments and Exhibit, we came before you in light of new, extremely troubling information that CRG's previously approved Building D plat did not in fact conform to the MPD and CUP requirements for mirroring and compatibility with the existing pattern of the neighborhood, and CRG's acknowledged failure to incorporate its multiple, prior public representations on the record of this Commission that CRG had moved Building D a minimum of 15 feet to the north so as to align its southernmost boundary with the boundary of the Lift Lodge.

Our September 23, 2020 comments provided you with the full history and facts of what has transpired over the past three years with regard to Building D's siting, leading up to the very unfortunate, sudden, and dramatic about face by CRG in July 2020. In the vicinity of July 2020, after two and a half years of amicable communications with us and repeated assurances from CRG Liaison Mr. Murphy and project architect Chimso Onwuegbu that the southernmost boundary of Building D would align with the southernmost boundary of Lift Lodge (to our immediate north), CRG unilaterally cut off all communications with us. At this time, it became clear CRG had decided to totally renege on its long-standing public commitment to move the building 15 feet to the north so as to provide the agreed upon buffer zone between Building D and our single-family home. The actions taken by CRG are in blatant disregard and disrespect of over two years of clear, unambiguous, and amicable representations to us, and also before the Planning Staff, and the Commission itself as transcribed in your public meeting minutes. Instead of honoring their repeated, prior representations, CRG embarked on a new strategy to rescind all its prior approvals from the Commission and City, and start the process "anew."

We fear, based on CRG's recent submittals to the Commission, that despite its claims to us that the process of Building D's approval would start "anew," and afford us full opportunity to voice our concerns and mitigation needs as severely impacted abutters, that CRG is seeking – and indeed expecting to receive - a quick, streamlined rubber stamp approval by the Commission and City

Council to give it the green light to proceed full steam ahead with CRG's desired construction of Building D without the required mirroring of the southernmost boundary of that building to the southernmost boundary of the Lift Lodge.

The History and Facts of the Building D Boundary and its Import

The history and facts of the matter are clear, notwithstanding CRG's current attempt for a mulligan from this Commission as regards the siting of Building D. In late summer of 2017, under the auspices of Lead Planner Francisco Astorga, CRG voluntarily agreed to move the southernmost boundary of Building D-- the largest of the four mass stacked condominium structures it was planning to squeeze into pre-existing quiet, low density Lowell Avenue neighborhood south of Manor Way and the PCMR resort base-- some 15 feet to the north so that the southernmost boundary of Building D would align with the southernmost boundary of the Lift Lodge, the last multi-unit building on Lowell Avenue before the neighborhood pattern shifted into one of small scale Old Town character homes.

In the very words of Mr. Rory Murphy, as transcribed in the publicly recorded minutes of the Commission's November 29, 2017 meeting -- words he consistently stood behind for over three years until his July 2020 letter informing us of the cut off of all communications with CRG: "*Mr. Murphy stated that ... building [D] was moved 15 feet north from its original site to accommodate the Crafton Horowitz house [sic].* (See Exhibit 8 of our September 23, 2020). The minutes go on to further state: *Mr. Murphy reiterated that relative to the Crafton/Horowitz [sic] house, they pulled the building 15' to the north. He noted that the southernmost boundary on Building C/D matches the southernmost boundary on the Lift Lodge. Also, the driveway for Building D was pulled 42' to the north to accommodate the Crafton/Horowitz [sic] because they did not want headlights coming out of the driveway and into their house.*" *Id.*, emphasis added.

CRG's amicable and voluntary agreement to shift the Building D structure 15 feet to the north achieved many things:

- It smoothed the way for fast, smooth project approval by addressing in one simple, elegant solution the need for CRG to address the negative impacts and incompatibility of Building D's mass, height, and scale on the small scale residential pattern of homes immediately to its south, that we and other impacted abutters could otherwise, had we

chosen to follow the pattern of the highly contentious Treasure, brought before the Commission leading to likely delay if not derailment of their project. To be clear, had CRG previously acknowledged the failure of its plat to reflect its representations to us and made on the record of the Commission, and CRG's unwillingness to honor those representations, rather than give us repeatedly false assurances, we, and we believe our neighbors as well, would have been before you in force at every meeting the Kings Crown MPD was on your agenda, calling truth to power so to speak, and asking the Commission to require CRG to amend *its plat prior to final approval*.

- It satisfied the MPD and CUP requirements as framed by Lead Planner Astorga that the project specifically requiring that the Project “mirror the existing neighborhood pattern” and that “the larger mass buildings are located adjacent to the larger buildings on Lowell, and the [P]roject homes mirror the east side of Lowell, with the townhomes continuing the townhome patterns as well.”
- It gave us, the most impacted and proactive of abutters (what sadly turned out to be a false sense of complacency) a basis to accept of Building D going in across the street from our home, because of the buffer zone that CRG agreed very early on to create by moving the building 15 feet to the north so as to line up with Lift Lodge. In the words of Mr. Murphy, “Please see the attached drawing showing the proposed locations of the buildings. After we met, we moved the Building D 15 feet north from its original location to help mitigate the impact on your home. Again, the southern boundary of Building D lines up with the southern boundary of Lift Lodge.” (See November 26, 2017 email from Mr. Murphy, provided as Exhibit 5 to our September 23, 2020 Comments, reproduced here for ease of reference). We rested at night on the belief, based on over two years of constant reassurances from Mr. Murphy including those on the record of this Commission, that while we would not be mirrored as we thought we should pursuant to the MPD and CUP requirements by a single family house directly opposite us as enjoyed by our neighbors to our south, that in the spirit of compromise, our adverse impact would be tolerable if we at least had a similar buffer zone across the street to our west, that we had to our immediate north with the multi-unit Lift Lodge.

- As shown in the siting plans CRG provided us (see Exhibit 1 to our September 23, 2020 comments, in particular to a diagram Mr. Murphy referred to subsequently as “the smoking gun,” attached also to these comments for ease of reference), our house, while not mirrored by another single family home like ours (as we would have wanted and believe strict adherence to the MPD and CUP requirements would warrant), would face the public access stairway. The public access stairway, as shown on the attached drawing also provided in Exhibit 1, was also represented and assured by CRG early on, would be double width, terraced, and landscaped so as to provide us screening and visual relief from the behemoth of Building D going in across from us. In the words of Mr. Murphy, “Please note where the stairs are. The stairs are interspersed with planter boxes which should significantly improve the visual effect from your home.” (See November 26, 2017 email from Mr. Murphy provided in Exhibit 5 to our September 23, Comments).

Where We are Today – A Problem of CRG’s Own Making that CRG is Asking the Commission to Fix at Our Expense and in Seeming Disregard of the “Resubmission” Process CRG Has Forced on Us

So where does this bring us today? To be clear, we are here due to a problem of CRG’s own making. Despite our raising of numerous red flags, well documented in email correspondence between us and Mr. Murphy, copied onto CRG’s architect Mr. Onwuegbu, and CRG/CRH partners Hans Fuegi and Chuck Heath concerning the southernmost boundary reflected in the various Building D Condominium plats submitted to the Commission throughout the various stages of the process between 2017 and 2019, CRG maintained the Building boundary aligned on the southernmost side as agreed with the Lift Lodge. That is until December 2019. And as noted above, until July 2020, CRG had maintained it would make good on its finally acknowledged “error.” What changed in CRG’s mind, we cannot say, other than the obvious, that fixing the error was not in their pecuniary interest, and a sense that the City would let them get away with not providing the agreed upon mitigation to us.

It is most disheartening from a process perspective that there is the potential here that the matter of Building D’s siting is being considered and time-lined as a mundane “amendment” despite CRG’s rescinding of all approvals and description of the Building D Condominium. That CRG’s

“resubmission” is a ruse of a strategy to extract itself out of its three-year mitigation agreement with us and its past affirmative representations on the public record of this Commission of that agreement. We are most concerned that the “Amendment to Building D” as identified on the Commission agenda and on the Public Notice does not adequately describe or give notice of what is at stake here for impacted abutters such as ourselves. The language in the Public Notice mailed out to property owners within 300 feet describes “a petition[...]to amend the Building D Condominium Plat to reduce the units from 12 to 11, to reduce the parking from 22 to 21 parking spaces, to reduce the limited common area square footage by 386 square feet, and to increase the private area square footage by 712 square feet. This does not seem to adequately describe the import of the Amendment before the Commission at this time.

As so stated in correspondence dated July 27, 2020 from CRG and confirmed by Planner Rebecca Ward in email correspondence dated November 24, 2020, “[t]his process amends the recorded plat and through that amendment, vacates the previously recorded plat. *All approvals pertaining to Building D through the City have been rescinded and are dependent upon approval of the updated Building D plat.*” As further clarified by CRG, it was rescinding all prior approvals in order for us to “have the unfettered opportunity to express [our] opposition and concerns pertaining to the engineering, design, construction and location of Building D and the Building D Parking Structure.”

Our Clarion Call and Request for Commission Action

From the very beginning, we have believed in the integrity of the MPD and CUP process, the Planning Commission Staff, and the Commission. It is in this vein, that we are here before the Commission asking that the Commission stand up for process by holding CRG to the requirements of the MPD and CUP requirements for mirroring the existing pattern of development on Lowell Avenue and providing mitigation of harmful impacts. We would like to believe our ask should be an easy one -- given we are only asking the Commission to hold CRG to its very own words, to mitigation it agreed to voluntarily and early on, as well documented in the packet of materials contained in our September 23, 2020 Exhibit.

We are making this clarifying call for action by the Commission not just to hold CRG and its liaison Mr. Murphy to his own words to align the southernmost boundary of Building D with the southernmost boundary of the Lift Lodge for the sake of doing so, or because of Mr. Murphy’s

repeated avowals that unlike other developers, CRG were local developers who valued their integrity, but because it is the action required to:

- Mirror the existing neighborhood pattern on Lowell Avenue and “be compatible with surrounding structures in use, scale, mass” or be “mitigated through careful planning.” (See Minutes of May 22, 2019 meeting at 55);
- Address our legitimate needs as severely impacted abutters for mitigation of the harmful impacts of the mass, scale and height of Building D on our home, without which we could suffer irreparable harm to the quality of our residential life and our property value;
- Maintain the integrity of the MPD and CUP process in which we put our faith and willingness to accept compromise mitigation, thereby supporting a model of amicable versus contentious environment for future MPD in the City;
- Ensure the resubmission of Building D is not a mere rubber stamping of the previously approved plat which all parties now know does not provide the agreed upon buffer zone, and which to our eye is off by at least 11 to 12 feet from where CRG represented on the record of this Commission the building had been moved.

Accordingly, we respectfully request the Commission, in its role as steward of the public interest and the Park City Municipal Code for MPDs, to recognize and hold the Applicant to the 2017 Agreement. Or in the alternative “to exact” from the Applicant an alignment of the southernmost boundary line of Building D with the boundary line for the Lift Lodge for any proposed new plat in order to mitigate the damage this large master planned developed and large scale buildings will have on the existing small-scale home neighborhood pattern and on our home in particular. Requiring that the Project as a whole—and Building D specifically—conform to the MPD and conditional use findings of fact requiring mirroring the existing small-scale neighborhood pattern that begins with our home and requiring larger mass buildings to be located adjacent to the existing larger buildings along Lowell Avenue, is critical for protecting the city’s residents, including adjacent abutters of which we are the most severely impacted, from adverse effects of Building D as well as keeping the public trust in the integrity of the planning and approval process pertaining to MPD projects.

We further request this Commission require the Applicant to take full responsibility for the error in its submitted plat to align the boundary line of Building D with the Lift Lodge building boundary by conforming its plat and that the Commission not now allow the Applicant to do an end run around the original approval process and unfairly shift the costs of its plat errors onto us by denying us reasonable mitigation.

Respectfully submitted,

Patricia Kravtin and Jonathan Horwitz

1240 Lowell Avenue

Attachments to Follow:

Attachment 1:

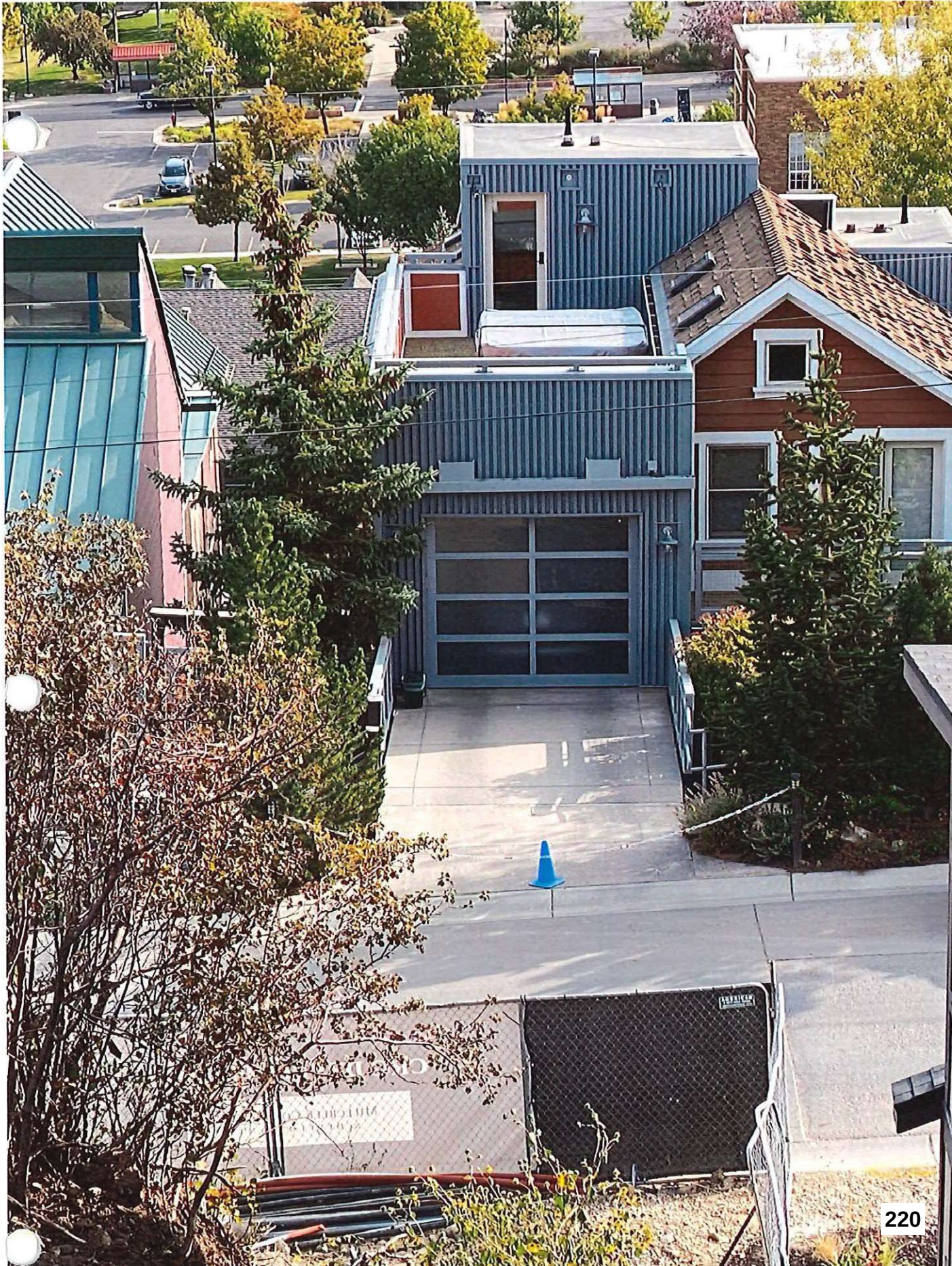
Pictures of Our Home at 1240 Lowell Avenue, Residential Streetscape on the East Side of Lowell Avenue, and Building D Construction Site

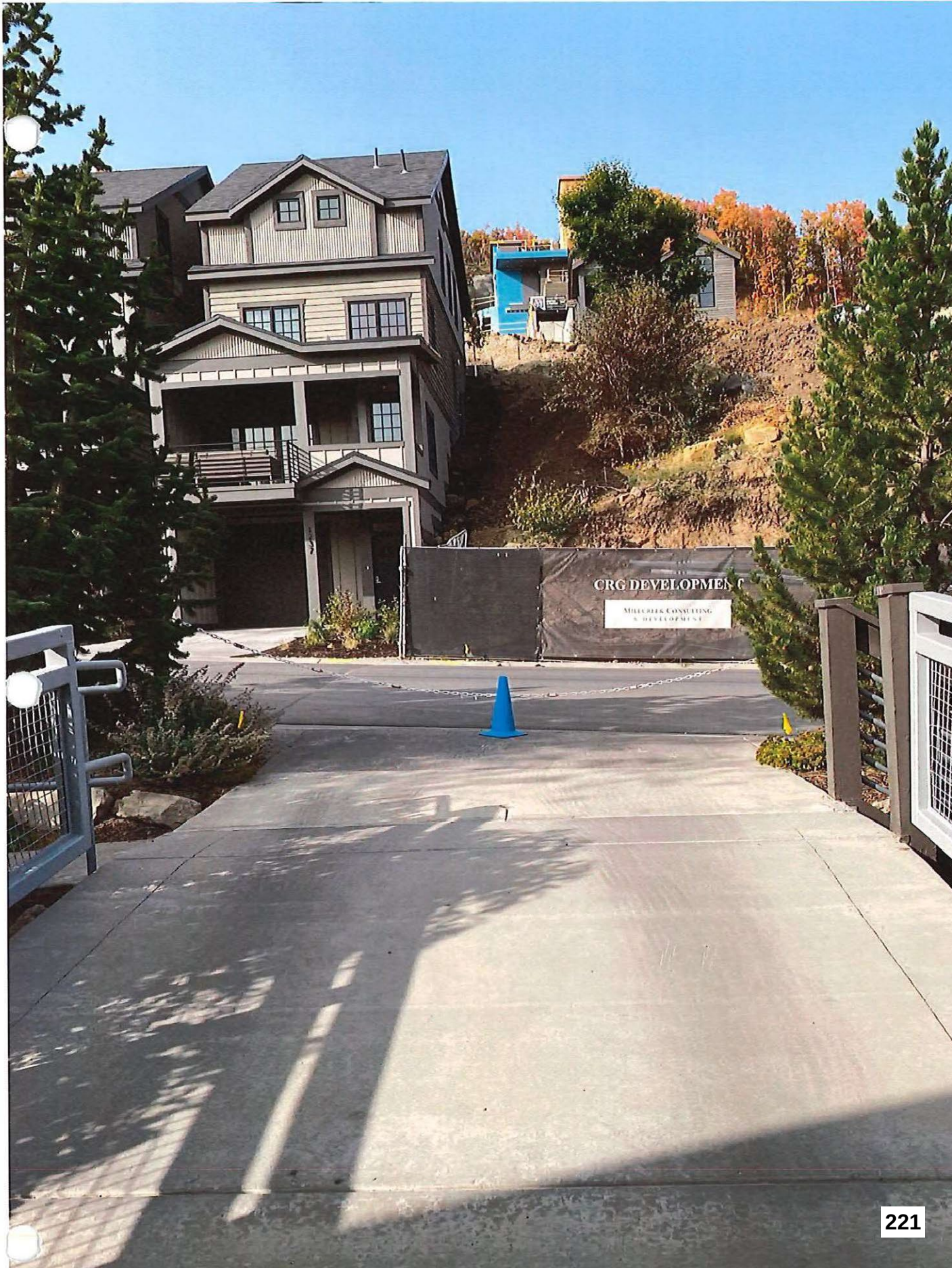
Attachment 2:

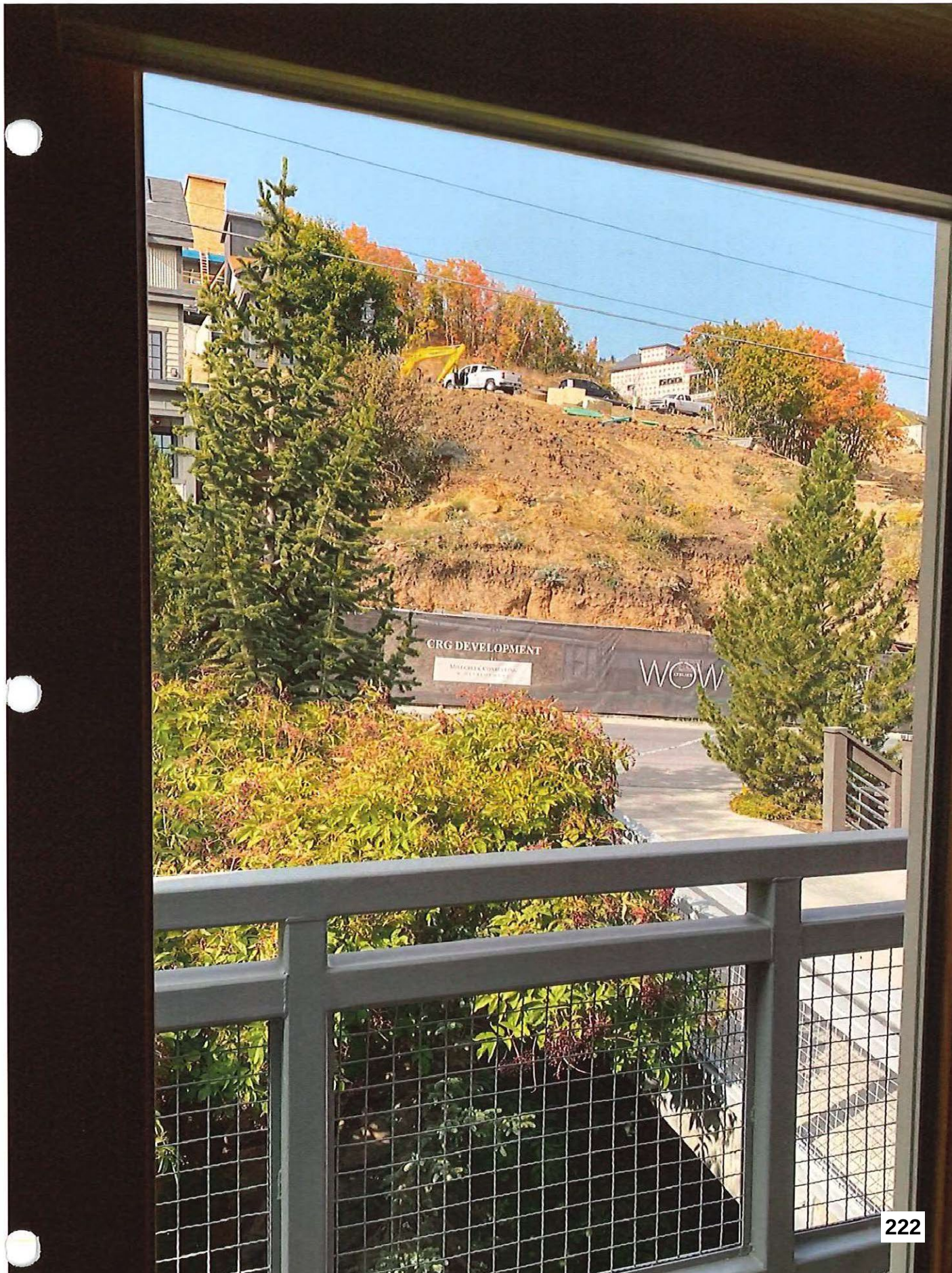
November 28, 2017 Email from Rory Murphy with Attached Site Drawing and Boundary Diagram

Attachment 1

Pictures of Our Home at 1240 Lowell Avenue, Residential Streetscape on the East Side of Lowell Avenue, and Building D Construction Site

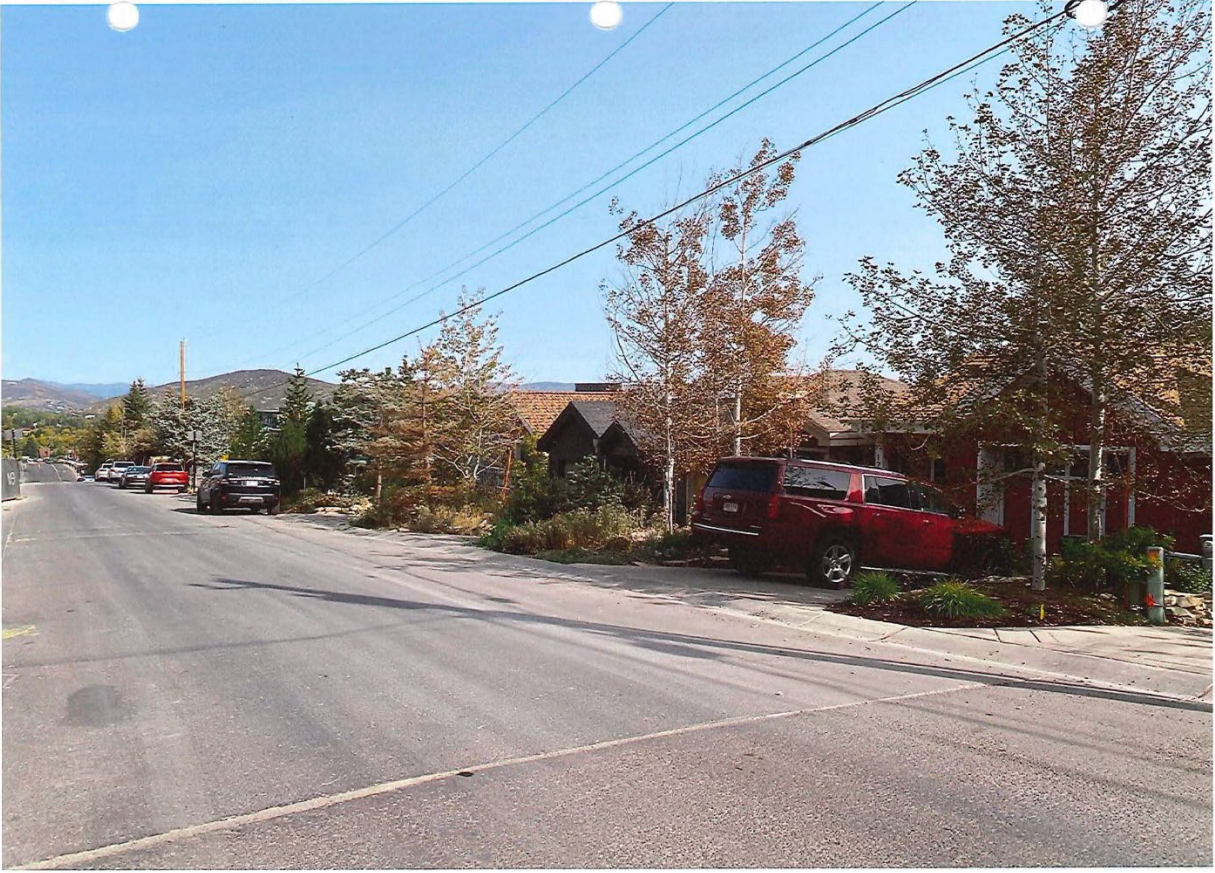












Attachment 2

November 28, 2017 Email from Rory Murphy with Attached Site Drawing and Boundary Document

From: Rory Murphy [<mailto:paladinparkcity@aol.com>]

Sent: Tuesday, November 28, 2017 11:53 AM

To: Jon Horwitz <Jon_Horwitz@putnam.com>; pdkravtin@comcast.net

Cc: chimso@be-wow.com; cv.heath.pc@gmail.com; hans@xmission.com

Subject: Fwd: Horwitz/Kravtin View

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

From: Patricia Kravtin <pdkravtin@comcast.net>

To: 'Rory Murphy' <paladinparkcity@aol.com>; jon_horwitz <jon_horwitz@putnam.com>

Cc: chimso <chimso@be-wow.com>; 'Jon Horwitz' <Jon_Horwitz@putnam.com>

Sent: Sun, Nov 26, 2017 5:00 pm

Subject: RE: Horwitz/Kravtin View

Rory, Jon and I are still going through the materials posted on the commission site but had a few threshold questions for you and Chimso that we are seeking clarification on for us and the Commission.

We very much appreciate that the image below is definitely getting closer to our expectation in that it appears to incorporate changes we had discussed for, i.e., movement of the garage entrance down from the uphill end of Unit D so headlights did not glare into house, and also that undulations had been added to the Lowell Ave façade and South elevation for a less harsh architectural massing.

We would like to clarify:

(1) that with this movement of the garage entrance, which is only partway down from the uphill end of the building, that Chimso is confident and can represent to us and the Commission that we will not have the glare of headlights coming into our home. This is a real concern of ours given the size of Unit D and the volume of cars that might be going in and out of that building. We do appreciate the movement of the garage, but had been hoping the garage would be located even further away from our end of that Building. **We understand your concern regarding the garage. In the latest drawings, we pulled the entrance to the garage 42 feet to the north along Lowell from where we had it to accommodate your concerns. This was as far as was practical as we were already pushing the limits of constructability relative to cross-slopes on the road. This really is as far as we can push it. Relative to the headlights, if a driver turns south from the garage entrance, then there will be a brief instant when the cars lights will shine on your home, but it appears that it will hit the first floor and not the bedroom.**

(2) that you will clarify to the Commission that the proposed plat in their package does not

reflect the true location of Unit D relative to Lift Lodge and our home, as the plat in the package is inconsistent with your updated drawings which show the uphill end of Unit D to be located well north of our home. We will make a point to clarify to the Commission verbally (and therefore on the record) that the south wall of Building D lines up with the southernmost edge of the Lift Lodge. This building moved 15 feet from its original location to accommodate your view.

(3) following up on point (2), there is still ambiguity as to where exactly the uphill (i.e., southern-most) end of Unit D would be located relative to our home and Lift Lodge structures. The last email we had on the subject indicated the building had definitely been moved 15 feet to the north but also that there would be an effort made to move it even further north of our home to mitigate our negative impacts. Given the importance of Unit D's placement, we would like to remove this ambiguity and for you to clarify for us and the Commission more precisely where the southernmost end of Unit D would lie.

Please see the attached drawing showing the proposed locations of the buildings. After we met, we moved the Building D 15 feet north from its original location to help mitigate the impact on your home. Again, the southern boundary of Building D lines up with the southern boundary of Lift Lodge. Please note where the stairs are. The stairs are interspersed with planter boxes which should significantly improve the visual effect from your home. We were, unfortunately, squeezed in the other direction by the City Engineer for the placement of a water line and unfortunately cannot move it farther and still maintain building heights.

(4) Finally, as with the garage movement, we like the tweaks to the original images that Chimso has added to soften the Building D's massing. That said, we had hoped for the addition of more dramatic side terracing as featured in the photo of your Main Street development that Jon had previously forwarded to you. Could you clarify whether you have considered and ruled out the possibility of adding more such prominent features to Building D or whether there remain opportunities to consider further architectural refinements that might soften the building's massing? I discussed this with Chimso this morning and he said he played with the terracing quite a bit and is confident that the effect will softened your views in that direction. We've also added planters where we will plant trees and shrubs to further reduce the visual intrusion on your home. That being said, we should continue our dialogue with Chimso to try to achieve the best end result for your views as possible.

Thanks so much, as always, we so appreciate your outreach and constructive dialogue throughout this process.

Best Pat

From: Rory Murphy [<mailto:paladinparkcity@aol.com>]

Sent: Wednesday, November 22, 2017 11:11 AM

To: jon_horwitz@putnam.com; pdkravtin@comcast.net

Cc: chimso@be-wow.com

Subject: Fwd: Horwitz/Kravtin View

Hi Jon and Pat,

I hope you both are well. Sorry for the delay in getting this to you. [REDACTED]
[REDACTED] When you get a chance, please look over the below view and let me know if we are getting closer to your expectations on this item.

take care, Rory

Rory Murphy
paladinparkcity@aol.com 435
640 5068
[2590 Sidewinder Drive](#)
[Park City, UT 84060](#)

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

From: Chimso Onwuegbu <chimso@be-wow.com>

To: Rory Murphy <paladinparkcity@aol.com>

Sent: Tue, Nov 21, 2017 9:53 am

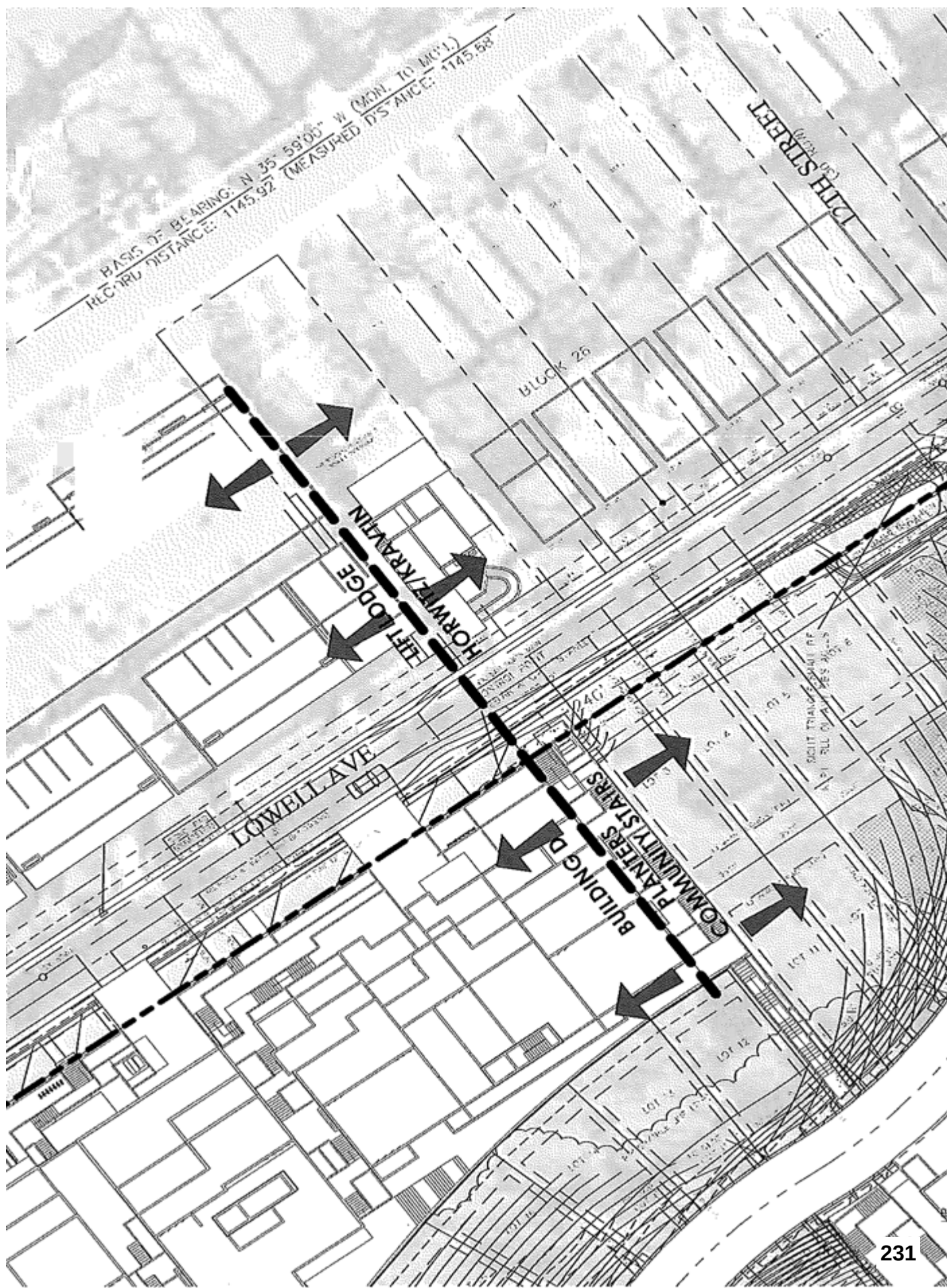
Subject: Horwitz/Kravtin View

Rory -

Here is a current image which shows a view from the Living area. It shows the driveway moved down per their request, as well as significant undulations to both the Lowell Ave facade as well as the South elevation along the community stairs. Let me know if this is what you were looking for?

chimso onwuegbu chimso@be-wow.com cell [801.712.4078](tel:801.712.4078)





January 21, 2021

Dear Rebecca,

We are Patricia Kravtin and Jonathan Horwitz, residents of 1240 Lowell Avenue. We once again, as we have now done multiple times now over the past 3 years, weigh in on the issue of Building D, the last and biggest of the three Kings Crown MPD mass stacked condo buildings going in across from us on Lowell Avenue and in the view of lower Old Town as you look up the hill toward the development.

While we are pleased that the matter of Building D has finally made it to the Commission's meeting agenda, after several false starts last year, we are very troubled and concerned by the non-transparent nature of the Public Notice and the process by which the matter of Building D has been framed.

As of this writing, neither we nor our neighbors have had an opportunity to review a copy of the proposed resubmitted Building D plat and the developer's plan if any to address the needed mitigation of the mass of Building D that was discussed as part of the original MPD approval process, despite our timely filing of a GRAMA request for those documents.

The Public Notice from the Commission dated January 13, 2021, is totally non-transparent and difficult to understand. It does not clarify the differences between the developer's current Proposal and the developer's 2017 representations reiterated over the course of the past two years regarding mitigation to the neighboring abutters, and also the fact that the developers more recently rescinded all prior approvals.

The Notice mentions only the developers' combination of two units and associated changes, and provides only the vague language as to whether "the Proposal is a Minor or Substantive Modification to the MPD." The Notice given no mention of any proposal of the developer to address the mitigation issues of most pressing impact to us as adjacent abutters, namely the siting location of Building D, and the design and landscaping of the public access stairway that will line up across from our own front stairway.

This lack of transparency alone raises concerns that Building D, the biggest of the three condos in the MPD, and the one closest to the smaller residential homes, is not going to get the full and proper review it deserves by the Commission. To the contrary, it suggests the developer's belief it is going to get your fast-track approval of Building D without a full and complete hearing on the harmful impacts of Building D on us and the other small-scale homes in the Lowell Avenue neighborhood. In fact, the developer's website recently posted Building D units as "just released" along with square footage and prices. How can this be given they have no current approvals for Building D?

These circumstances are not the least bit consistent with the developer's rescinding of all city approvals in its September 24, 2021 submittal to you. In that letter, the developer expressly states:

"Rather than simply adjust the previously approved Building D Plat, CRG has elected *to start from the beginning on Building D*, due to an unfortunate situation with some adjacent neighbors." (*italics added*)

In full transparency, we are the adjacent neighbors they are referring to. But the unfortunate situation is entirely of the developer's own making and reneging on its promises and representations on your public record concerning Building D. The process that is unfolding before us does not come close to being a

"start from the beginning on Building D" as the developer states in its letter. The Public Notice gives no suggestion or hint of a "start from the beginning on Building D."

In light of the developer's rescinding of all prior City approvals specific to Building D, the developer's failure to show its proposed Building D plat conforms with the specific promises and representations it made in 2017 concerning mitigation of the negative impacts of Building D on the neighbors, and the developer's own words that the approval process concerning Building D is to "start from the beginning," **the current Building D Proposal must be evaluated as a "substantive modification to the MPD" and not as a "minor" modification to be glossed over and rubber stamped for approval by the Commission.**

The public record from the 2017 deliberations on the Kings Crown MPD could not be clearer as to the developer's representations about the placement and siting of Building D and the design of public access stairway. Our past comments of which we attach the latest submitted for the December 9, 2020 meeting (but not put on the record due to the last-minute pulling of the item by the developer) provide extensive documentation of the developer's statements to us and to you. We know our comments are voluminous and tedious to review, but we respectfully ask you to invest your time in understanding what is at stake here.

This is not a mere matter of one abutter versus a developer as we suspect the developer would like you to believe. To be clear, this a matter that impacts the entire character of our neighborhood, but even bigger than that, the matter goes to the heart of the integrity of the MPD/CUP planning process and whether developers will be held to promises and representations of mitigation made on the record of the Commission at the time of project approval to gain favor. This matter goes to the transparency of the planning process and whether the review process affords affected residents and citizens the opportunity to get the mitigation they are lawfully entitled to a fair hearing on. Once the developer decided it was no longer willing to honor its representations made to us and you on your record in 2017, and again in November 2019, concerning Building D, it all falls on the Commission now to see the MPD and CUP process works to the public benefit.

Our sincere hope is that the Planning Commission and City will hold the developer to its words on the agreed upon mitigation, that they agreed to all along under the auspices of Lead Planner Astorga, until their unfortunate acknowledgement that the plans were not in conformance. Pursuant to the MPD and CUP requirements, the developer must be held accountable to provide mitigation of the impact of their mass development on the small-scale Lowell Avenue neighborhood beginning at our home at 1240 Lowell Avenue.

Thank you for your consideration,

Patricia Kravtin and Jonathan Horwitz
1240 Lowell Avenue

January 21, 2021, 9:08 PM

Rebecca - I received below notice copy from one of my neighbors as I didn't get ours in the mail yet. We live at 1232 Lowell Ave. I reviewed below and I plan to attend the planning meeting. It looks like there are several items that we are concerned about to be discussed on the agenda for review but without seeing exactly what the builder is proposing I am not sure exactly what details to support or to oppose yet. I am hoping this will be a substantive review and not a minor due to the size and scale of the project, this seems to be the largest building of the entire development and it will be towering over our street and the neighborhood if not thoughtfully executed. I feel that if they are looking at reducing common area and increasing living space, it means that the building D might be larger in size which I would oppose. If they have any wiggle room to move the building further away from our property (closer to Marriott and away from single family homes) I would support that whole heartedly, also designate entrance to parking to be further down as well so the traffic associated with it doesn't reach our home. I remember the conversation a couple years ago to build it to line up the building D with the existing Sweetwater Lodge building across the street so the walls are lined up to match multi-family across each other. I thought it was all already resolved before construction began on the whole development and was very surprised to see this to be up for discussion again. We have been living in a construction zone this whole time. There were 3 car accidents on Lowell due to project vendors colliding with residents including our car (we have all 3 police reports to provide if needed) this summer. We would welcome any reduction in traffic - patrol or speed bumps - to increase safety of our street while this is all going on. We are a family with a little child and I don't feel safe walking down our street with a stroller due to so much machinery driving up and down our street every day. I welcome any member of the committee to spend a few hours or even minutes in front of our house or in our driveway during the week to see if you or your children would feel comfortable walking out into the street to take out the trash, take a walk down to the resort, drive out from the driveway to run a quick errand and feel safe at the same time. Let me make it clear - we love our neighborhood and our proximity to the PCMR and Main Street, being in old town has amazing benefits and we hope that when construction is over the end result is worth all the sacrifices and a good fit for the neighborhood and the city for many years to come. Our location is part of the city post card, building a giant building doesn't conform to the neighborhood look and feel so any effort to reduce the size would be a huge plus for our town and our street. Also, from my memory and looking at original designs the space between the building D and the single family homes to the south of it should be a stair case with landscaping and provide the buffer for open space, noise and much needed sunlight on our street in the afternoon when the sun goes behind the hill. Also, I'd like to consider a very obvious

trend here that NONE of these new buildings (except for attainable housing perhaps) host actual full time residents - so far we met developers, builders, plenty of contractors, investment property owners, second home owners and mostly nightly renters, they are not planning to live here full time and they have no substantial reason to care about the long term impact on the neighborhood. We would be very lucky if any of them stay here as full time residents to build relationship with them.

I am looking forward to seeing the proposed design and I hope my comments of concern are taken into a consideration for the meeting.

Thanks! Elena Stein

1232 Lowell Ave Park City UT 84060

January 19, 2021, 10:02 PM

I am writing to express my concerns regarding whether the changes to the Kings Crown Condominium Building D Plat is a Minor or Substantive Modification to the Master Plan Development. I have no doubt that the proposed encroachment, and the developers attempt to not honor its original commitments to mirror the existing neighborhood, is a major and substantive request.

I am asking the Commission to require the Developer honor its original boundary and location of Building D, or sever Building D from the Kings Crown Master Plan Development for a new and complete review. The changes requested by the Developer, and presented by the Planning Commission, are difficult to understand and need a full and transparent review and discussion. The proposed changes, and the impact on the neighborhood, are not a mere amendment as the public notice suggests.

Further review and complete and total transparency are needed to ensure that the Kings Crown Development honor and keep the original plan that mirrors the existing neighborhood; not just from a functional aspect but also from an aesthetic aspect. A complete and total review is necessary for the integrity of the Developer and the Planning Commission.

Sincerely,

Connee Rasmussen

1243 Empire Ave

Park City, UT

Planning Commission Staff Report



Subject: Affordable Master Planned Developments
Authors: Jason Glidden, Affordable Housing Manager
Rebecca Ward, Land Use Policy Analyst
Application: PL-21-04738
Date: January 27, 2021
Type of Item: Legislative – Land Management Code Amendment

Recommendation

Review the proposed Affordable Master Planned Development Land Management Code amendments and continue the discussion to February 10, 2021.

Description

Applicant: Planning Department

Zoning Districts: Residential Development
Residential Development Medium
Residential Medium
Recreation Commercial
General Commercial
Light Industrial
Community Transition

Land Management Code Amendments: Repealing § 15-6-7, *Master Planned Affordable Housing Development*
Enacting Chapter 15-6.1, *Affordable Master Planned Developments*
Amending Chapter 15-15, *Defined Terms*

Reason for Review: The Commission has the primary responsibility of reviewing LMC amendments and forwarding a recommendation for City Council's consideration. The City Council holds a public hearing and takes Final Action.

Acronyms

AMI Area Median Income
AMPD Affordable Master Planned Development
LMC Land Management Code
MCMP Municipal Code of Park City
MPD Master Planned Development

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

Background

The proposed Affordable Master Planned Development (AMPD) amendments are the final phase in a nearly three-year process to amend the Land Management Code (LMC) to incentivize public-private partnerships in the development of Affordable Housing. The proposed code separates the AMPD review and approval process from the MPD process and allows Building Heights up to 45 feet and reduced parking when impacts can be mitigated.

Please see Exhibit B for detailed Background information.

The proposed Affordable Master Planned Development (AMPD) code includes recommendations from two reports produced by Cascadia Partners:

[*Affordable Master Planned Development Code Audit Report*](#) (“Code Audit Report”)

[*Height and Parking Best Practices Research*](#) (“Best Practices Report”)

The Planning Commission conducted the following work sessions on the proposed code:

October 28, 2020	Parking Reductions <u>Staff Report</u> ; <u>Minutes</u> , p. 3
November 11, 2020	Increased Height <u>Staff Report</u> ; <u>Minutes</u> , p. 4
December 9, 2020	Separating the AMPD from the MPD Code, establishing a 50% affordable unit minimum, allowing mixed-use development, and restricting Nightly Rentals <u>Staff Report</u> ; <u>Minutes</u> , p. 14

Analysis

The proposed AMPD code implements Park City General Plan Goals, Objectives, and Community Planning Strategies and the Housing Assessment and Plan Goals.

The Land Management Code (LMC) implements the goals and policies of the General Plan.¹ Goal 7 of the General Plan is to “[c]reate a diversity of primary housing opportunities to address the changing needs of residents.”²

Objective 7A is to “[i]ncrease diversity of housing stock to fill voids within housing inventory (including price, type, and size) to create a variety of context sensitive housing opportunities.”³

¹ LMC [§ 15-1-2](#).

² <https://www.parkcity.org/home/showpublisheddocument?id=12388> (p. 4).

- Community Planning Strategies include:
 - 7.1.2 for “[i]ncreased density that might allow for affordable/attainable housing.”
 - 7.1.3, recommending “[s]maller residential units to create market rate attainable housing in Park City and/or ‘step down’ housing options for seniors in the community.”

Goal 8 of the General Plan is to “[i]ncrease affordable housing opportunities and associated services for the workforce of Park City.”⁴

Objective 8A is to “[p]rovide increased housing opportunities that are affordable to a wide range of income levels.”

Objective 8B is to “[i]ncrease rental housing opportunities for seasonal workers in close proximity to resorts and mixed-use centers.”

- Community Planning Strategies include:
 - 8.4 to “[u]pdate incentives for density bonuses for affordable housing developments to include moderate and mixed-income housing.”
 - 8.5 to “[e]valuate the Land Management Code to remove unnecessary barriers to affordable housing.”
 - 8.7 to “[r]eview the affordable housing Master Planned Development requirements and amend according to existing economics. This review should be completed in conjunction with the housing needs assessment during the regular two year review.”⁵

The General Plan Housing Toolbox recommends decreased parking requirements, a density bonus, and increased height for affordable developments.⁶

The 2021 [Update to the Housing Assessment and Plan](https://www.parkcity.org/home/showpublisheddocument?id=12388) establishes Goal 1: “[b]uild affordable and attainable units on City-owned property through public-private partnerships” and Goal 3: “[i]mplement zoning incentives for Affordable Units in new developments; reduce parking for certain affordable housing and amend the Land Management Code to incentivize affordable housing development.” Goal 4 is to “[e]ncourage affordable housing near transit.”

³ <https://www.parkcity.org/home/showpublisheddocument?id=12388> (p. 5).

⁴ <https://www.parkcity.org/home/showpublisheddocument?id=12388> (p. 8).

⁵ <https://www.parkcity.org/home/showpublisheddocument?id=12388> (p. 10).

⁶ <https://www.parkcity.org/home/showpublisheddocument?id=12371> (p. 22 and 25).

The purpose of the proposed code is to implement the strategies outlined in the General Plan and Housing Assessment and Plan.

Staff recommends amendments to:

(I) Separate the MPD and AMPD criteria, review, and approval process.

LMC [§ 15-6-7\(D\)](#) states that all of the MPD requirements apply to Affordable Housing Master Planned Developments. The proposed code repeals LMC [§ 15-6-7](#), *Master Planned Affordable Housing Development* and creates a new Chapter, LMC Chapter 15-6.1, *Affordable Master Planned Developments*. This repeal and replace separates the criteria recommended by the Cascadia reports and the Planning Commission that are specific to AMPDs, including Open Space, Building Height, parking, and Setbacks, from the MPD code.

The reason for this separation is in part because all MPDs trigger affordable housing obligations under [Housing Resolution 25-2020](#). Approved MPDs must provide Affordable Units for 20% of the total Residential Unit Equivalents. Additionally, the Developer must provide Affordable Units for 20% (divided by 1.5 workers per household) for the employees generated by the development.⁷ Affordable Units that are built on site of an approved MPD are exempt from the Density calculation. The separation provides additional clarity regarding which site and zoning standards apply to Affordable Units in a traditional MPD versus an AMPD.

Also, separating the AMPD from the MPD code will help achieve the different purposes of both. The purpose of AMPDs is to incentivize private development or public-private partnerships in the development of Affordable Units to fill a much-needed void in the housing market and results in projects wherein at least 50% of the Residential Unit Equivalents are Affordable Units. The purpose of the Housing Resolution MPD obligations is to mitigate the impact of the development on the community in part by providing Affordable Units for the workforce generated by the specific development proposed.

Lastly, separating the AMPD from the MPD code will simplify the review and approval process for the public, staff, and the Planning Commission.

(II) Establish the AMPD in non-Historic Zoning Districts where Multi-Unit Dwellings are a Conditional Use.

The Cascadia report and Commission discussions were specific to Multi-Unit Dwellings. As a result, the proposed code is drafted to allow AMPDs in Zoning Districts where Multi-Unit Dwellings are either an Allowed Use or Conditional Use, excluding the Historic Recreation Commercial (a small Zoning District at the base of Main Street with commercial and residential development including the Depot, Main & Sky, and the Barclay Butera Building), Historic Commercial Business (the Main Street/Swede Alley

⁷ [Housing Resolution 25-2020](#), ¶ 5.

area), and Historic Residential Medium Density (including properties along Park Avenue between 10th Street and 15th Street) Zoning Districts.

The Commission determined that increased Height to 45' is not appropriate in the Historic Districts, which have maximum Building Heights ranging from 27' to 30' with some exceptions. The LMC may be amended in the future to include these Historic Zoning Districts that allow Multi-Unit Dwellings and will require additional public notice and Historic Preservation Board review and recommendation.

In the meantime, AMPDs are proposed in the following Zoning Districts:

- Residential Development
- Residential Development Medium
- Residential Medium
- Recreation Commercial
- General Commercial
- Light Industrial
- Community Transition

(III) Establish Volume-Based Density that overrides base-zoning.

When staff first proposed the AMPD code in 2018, staff acknowledged that a Density Bonus would be challenging to apply in certain Zoning Districts because some are volume-based (established by Setbacks and Height), some are based on Floor Area Ratio, and others are based on units per acre ([Staff Report](#), p. 57-60).

The proposed code establishes volume-based Density for AMPDs in all Zoning Districts, meaning the AMPD units can be built to the full Density available on a Lot so long as the reduced Open Space and Setback requirements, increased Height regulations, and parking requirements are met.

(IV) Allow for reduced Parking.

In the work session on October 28, 2020, the Commission voted 5 – 1 and directed staff update Cascadia's proposed parking ratio as follows:

Current Requirement		Recommended Requirements		
Dwelling Size	All Units	Dwelling Size	Market Rate Units	Affordable Units
<1,000 sf	1 space per unit	< 750 sf  600 sf	0.5 spaces per unit	None
1,000 - 2,000 sf	1.5 spaces per unit	750 - 1,000 sf	1 space per unit	0.5 spaces per unit
>2,000 sf	2 spaces per unit	1,000 - 2,000 sf	1.5 spaces per unit	1 space per unit
		>2,000 sf	2 spaces per unit	1.5 spaces per unit

The Commission voted 5 – 1 to deduct 5,000 square feet per floor from the sum of total floor area that is used to calculate parking requirements for projects on smaller sites.

The Commission voted 4 – 2 to completely reduce parking requirements for projects on Lots that are less than 5,000 square feet.

For further reductions, the Commission voted 6 – 0 to require the AMPD Applicant to fund and submit a parking and traffic study completed by a third party selected by the City.

The Commission voted 4 – 2 to allow Off-Street parking along the perimeter of the AMPD to count toward required parking.

The Commission voted 6 – 0 to allow off-Site Parking Areas or Parking Structures within 800 – 1,000 feet from the AMPD to count toward required parking if there is a clear and irrevocable agreement that memorializes the use of the Parking Area or Parking Structure.

The Commission voted 6 – 0 to establish parking demand management strategies for further site-specific parking reductions including:

- The AMPD is within a ¼-mile distance from a bus stop that is improved with a waiting shelter, consistent with the City's standards;
- The AMPD provides parking spaces dedicated for carshare vehicles;
- The AMPD provides dedicated parking spaces for motorcycles or scooters;
- The AMPD provides more than the minimum number of required bicycle parking spaces.

Please see redline 304 for staff's recommended hybrid of these proposals.

(V) Allow for increased Height.

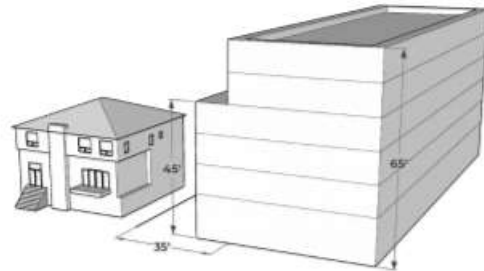
In the November 11, 2020 work session, the Commission voted 6 – 0 to allow increases in Height up to 45' in zones that are predominantly residential, mixed residential and/or resort-oriented, and commercial Zoning Districts, if appropriate measures reduce the bulk, mass, and scale.

The proposed AMPD code requires compliance with the Zoning District Building Height requirements, but establishes site specific standards to approve AMPD Building Height up to 45' if the following criteria are met:

- The Building includes a 10' stepback on all AMPD perimeter façade planes;
 - The Commission may increase the 10' stepback to mitigate impacts to adjacent Structures;
- Infrastructure is in place or can be updated to support the increased Building Height;

- The Building complies with Façade variation requirements, based on the current LMC [§ 15-5-8](#), *Façade Length and Variations*, but amended to address Building Height stepbacks.

The photos below, taken from Cascadia’s Best Practices Report, illustrate the concept of the stepback:



Staff will hire a third party to produce example renderings for this LMC Section.

The following exceptions may exceed the Building Height established in the zone and are the standard LMC exceptions:

- A gable, hip, gambrel, or similarly pitched roof may extend up to five feet (5') above the zone-required Building Height;
- Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code requirements;
- Water towers, mechanical equipment, and Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the Building Height; and
- Elevator Penthouses may extend up to eight feet (8') above the Building Height.

(VI) Allow for mixed-use development.

Goal 8 of the General Plan is to “[i]ncrease affordable housing opportunities and associated services for the workforce of Park City.”⁸ The existing code requires AMPDs to be 100% Affordable Units. Allowing Commercial, Retail, Office, Public, and Quasi-public Uses that are less than 10,000 square feet (so that the MPD code is not triggered) in AMPDs may help further incentivize private development of Affordable Units because—while more expensive to finance upfront—may produce long-term returns higher than residential returns.

Under Housing Resolution 25-2020, developers must provide housing for 20% of the employees generated by the development (divided by 1.5 workers per household). The

⁸ <https://www.parkcity.org/home/showpublisheddocument?id=12388> (p. 8).

proposed code does not apply this same formula to AMPDs that include mixed-use as an additional incentive – both for the construction of Affordable Units, and also for mixed-use developments that provide on-Site services for residents.

(VII) Prohibit Nightly Rentals and Timeshares.

The current code prohibits Nightly Rentals and timeshares for Affordable Units. Now that the proposed AMPD code includes market-rate units, this prohibition is extended for both Affordable Units and market-rate units to create long-term housing opportunities for community members.

(VIII) Require recordation of deed restrictions for a 40-year period.

The proposed code requires deed restrictions for all Affordable Units in an AMPD to protect the long-term affordability of the units. The standard deed restriction template for Affordable Units within the City requires that deed restrictions include an initial 40-year term, and allows the City Council the option to conduct an independent market study to determine whether the Affordable Units are still necessary to satisfy the affordable or workforce housing needs of the City at the end of the 40-year term. If the City does not make a determination when the forty-year term ends, the deed restrictions automatically renew for one or more additional consecutive ten-year terms.

The proposed code requirements for:

- Recordation of the deed restriction prior to a Certificate of Occupancy for any market rate or Affordable Unit within the AMPD, approved by the City Attorney; and
- Compliance with the deed restriction requirements outlined in the Housing Resolution
 - Outlining Qualified Buyer and Qualified Renter criteria
 - Full-time residency requirements for owners of Affordable Units
 - Rental restrictions
 - The resale process and Maximum Resale Price formula (for-sale Affordable Units increase in value by 3% per year, less costs to bring units to Minimum Standards outlined in the deed restrictions)
 - An option for the City to purchase Affordable Units in the event of owner default⁹

(IX) Require annual compliance reports.

Each Property Owner of an Affordable Unit within an AMPD must complete an annual compliance report to the City verifying deed restriction compliance. The Affordable Housing Team sends these compliance reports with requests for additional information, including car ownership. This annual data will help staff evaluate car ownership and the effectiveness of parking mitigations.

⁹ https://parkcity.municipalcodeonline.com/book?type=resolutions#name=25-2020_Affordable_Housing_Guidelines

(X) Update Definitions.

The LMC definition of Affordable Housing does not reflect updated definitions in [Housing Resolution 25-2020](#) and does not include definitions for terms like *Affordable Unit*, *Micro-Unit*, or *Residential Unit Equivalent*. The proposed code includes these definitions and bases the *Residential Unit Equivalent* definition on the existing LMC [§ 15-6-8](#), *Unit Equivalents*.

NEXT STEPS:

Evaluate AMPD Fees

Municipal Code of Park City (MCMP) [§ 11-12-13](#) provides City Council discretion to waive building permit, plan check, planning application, construction inspection, and other fees “for those projects, which are deemed to serve a beneficial public purpose that would be harmed by the City requiring payment of such fees, such as low income housing projects.”

Municipal Code of Park City (MCMP) [§ 11-13-4](#) allows the City Manager to waive impact fees for construction of affordable housing up to \$25,000. The City Council may waive impact fees above that amount for the construction of affordable housing. However, Section 7 of the [Housing Resolution 25-2020](#) specifically states that affordable housing obligations that fulfill Housing Resolution requirements triggered by an MPD approval are not eligible for fee waivers.

Staff will seek City Council direction when the Council considers the proposed AMPD code to explore possibilities to waive some fees for AMPDs.

Exhibits

Exhibit A: Draft Ordinance and Land Management Code Redlines

Exhibit B: Background Information

Exhibit C: Public Input

Department Review

The Development Review Committee, Planning, Affordable Housing, Budget, and Legal Departments reviewed this report.

Notice

The *Park Record* published notice on January 13, 2021. Staff published notice on the City’s website and the Utah Public Notice website and mailed notice to property owners within the applicable Zoning Districts and to Affected Entities on January 13, 2021.

DRAFT ORDINANCE 2021-XX

AN ORDINANCE REPEALING LAND MANAGEMENT CODE § 15-6-7, *MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT*; ENACTING CHAPTER 15-6.1, *AFFORDABLE MASTER PLANNED DEVELOPMENTS*; AND AMENDING CHAPTER 15-15, *DEFINED TERMS*

WHEREAS, the Park City General Plan establishes goals, objectives, and community planning strategies to create a diversity of primary housing opportunities to address changing needs of residents; to increase diversity of housing stock to fill voids within housing inventory to create a variety of context sensitive housing opportunities, to increase density that might allow for affordable housing, to increase affordable housing opportunities and associated services for the workforce of Park City, and to provide increased housing opportunities that are affordable to a wide range of income levels;

WHEREAS, the Park City General Plan recommends updating incentives for density bonuses for affordable housing developments to include moderate and mixed-income housing, to evaluate the Land Management Code to remove unnecessary barriers to affordable housing, and to review the affordable housing Master Planned Development requirements and amend according to existing economics;

WHEREAS, the Park City General Plan Housing Toolbox recommends decreased parking requirements, a density bonus, and increased height for affordable developments;

WHEREAS, the Park City 2020 and 2021 Housing Assessment and Plan establishes goals to build affordable and attainable units on City-owned property through public-private partnerships, to implement zoning incentives for Affordable Units in new developments, to reduce parking for certain affordable housing and amend the Land Management Code to incentivize affordable housing development, and to encourage affordable housing near transit;

WHEREAS, the Land Management Code implements the goals, objectives, and policies of the Park City General Plan to maintain the quality of life and experiences for City residents and visitors;

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah, to promote the health, safety, and welfare of the residents, visitors, and property owners of Park City;

WHEREAS, the Planning Commission duly noticed and conducted work sessions on October 28, 2020, November 11, 2020, December 9, 2020, and duly noticed and

conducted public hearings on January 27, 2021 and February 10, 2021 and forwarded a _____ recommendation to City Council,

WHEREAS, the City Council duly noticed and conducted a public hearing on February 25, 2021.

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

SECTION 1. MUNICIPAL CODE OF PARK CITY, LAND MANAGEMENT CODE TITLE

15. The recitals above are incorporated herein as findings of fact. Section 15-6-7, *Master Planned Affordable Housing Development* is hereby repealed; Chapter 15-6.1, *Affordable Master Planned Developments* is hereby enacted; and Chapter 15-15, *Defined Terms*, is hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 27th day of February, 2021

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

1 **15-6-7 [Master Planned Affordable Housing Development]**

2 **Repealed**

3 A. **PURPOSE**. The purpose of the Master Planned Affordable Housing
4 Development is to promote housing for a diversity of income groups by providing
5 Dwelling Units for rent or for sale in a price range affordable by families in the
6 low-to-moderate income range. This may be achieved by encouraging the private
7 sector to develop Affordable Housing.

8
9 Master Planned Developments, which are one hundred percent (100%)
10 Affordable Housing, as defined by the housing resolution in effect at the time of
11 Application, may be considered for a Density incentive greater than that normally
12 allowed under the applicable Zoning District and Master Planned Development
13 regulations with the intent of encouraging quality Development of permanent
14 rental and permanent Owner-occupied housing stock for low and moderate
15 income families within the Park City Area.

16 B. **RENTAL OR SALES PROGRAM**. If a Developer seeks to exercise the
17 increased Density allowance incentive by providing an Affordable Housing
18 project, the Developer must agree to follow the guidelines and restrictions set
19 forth by the Housing Authority in the adopted Affordable Housing resolution in
20 effect at the time of Application.

21 C. **MIXED RENTAL AND OWNER/ OCCUPANT PROJECTS**. When projects are
22 approved that comprise both rental and Owner/occupant Dwelling Units, the
23 combination and phasing of the Development shall be specifically approved by

the Planning Commission and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the City.

~~D. **MPD REQUIREMENTS**. All of the Master Planned Development requirements and findings of this Chapter shall apply to Affordable Housing Master Planned Development projects.~~

~~E. **DENSITY BONUS**. The Planning Commission may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.~~

~~F. **OPEN SPACE**. All Master Planned Affordable Housing Developments shall contain a minimum of twenty percent (20%) Open Space as defined in Chapter 15-15. On-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities are encouraged. Open Spaces may not be utilized for Streets, roads, or Parking Areas.~~

~~The Planning Commission may decrease the required Open Space for projects located within 300 feet (300') of a Public Use, including, but not limited to a public park, Recreation Open Space, public trail, public school, or Public Recreation Facilities.~~

~~G. **RENTAL RESTRICTIONS**. The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units~~

shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.]

HISTORY

Adopted by Ord. 02-07 on 5/23/2002

Amended by Ord. 06-22 on 4/27/2006

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 2020-09 on 1/30/2020

Amended by Ord. 2020-45 on 10/1/2020

15-6.1 Affordable Master Planned Developments

15-6.1-1 Purpose

15-6.1-2 Requirements

15-6.1-3 Zoning Districts And Uses

15-6.1-4 Process

15-6.1-5 Approved Affordable Master Planned Developments

15-6.1-6 Density

15-6.1-7 Setbacks

15-6.1-8 Building Height and Facades

15-6.1-9 Parking

15-6.1-9 Open Space

15-6.1-10 Site Planning

15-6.1-11 Required Findings And Conclusions of Law

15-6.1-12 Deed Restrictions

15-6.1-13 Compliance

15-6.1-1 Purpose

The purpose of Affordable Master Planned Developments is to:

- A. Incentivize private development and public-private partnerships to develop Affordable Units for the workforce of Park City;
- B. Create developments that include market-rate and Affordable Units and increase housing opportunities that are affordable to a wide range of incomes;
- C. Increase Building Height and Density and decrease parking requirements for Affordable Units if impacts to the community are mitigated;
- D. Ensure neighborhood Compatibility; and
- E. Encourage mixed-use, walkable, and sustainable development and redevelopment that provides innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.

15-6.1-2 Requirements

- A. Affordable Master Planned Developments must contain at least 10 Residential Unit Equivalents (20,000 square feet).
- B. At least fifty percent (50%) of Affordable Master Planned Development Residential Unit Equivalents shall be Affordable Units.
- C. Affordable Units may differ from market rate units with regard to interior amenities and Gross Floor Area provided that:

- a. These differences, excluding differences related to size, are not apparent in the general exterior appearances of the market-rate units within the Affordable Master Planned Development;
- b. These differences do not include insulation, windows, heating systems, and other features related to the energy efficiency of the Affordable Master Planned Development.
- D. Nightly Rentals and Timeshares are prohibited for market-rate and Affordable Units within an Affordable Master Planned Development.

15-6.1-3 Zoning Districts And Uses

- A. **ZONING DISTRICTS.** Affordable Master Planned Developments are Allowed in the following Zoning Districts:

1. Residential Development
2. Residential Development Medium
3. Residential Medium
4. Recreation Commercial
5. General Commercial
6. Light Industrial
7. Community Transition

- B. **USES.** An Affordable Master Planned Development can only contain Uses that are Allowed or Conditional in the Zoning District in which it is located.

- C. **COMMERCIAL USES.** An Affordable Master Planned Development may include up to 10,000 square feet of Commercial, Retail, Office, Public, and Quasi-public Uses.

15-6.1-4 Process

- A. **PRE-APPLICATION CONFERENCE.** An Applicant may request a pre-Application conference with Planning Department staff to become acquainted with the Affordable Master Planned Development procedures and requirements.
- B. **APPLICATION.** An Applicant shall submit a Complete Application for an Affordable Master Planned Development to the Planning Department. The Application shall include written consent by all Owners of the Property to be included in the Affordable Master Planned Development. The Planning Director shall assign the Application to a staff planner who will review the Application for completeness. The staff planner will inform the Applicant if additional information is required to constitute a Complete Application.
- C. **PUBLIC OUTREACH.** It is recommended that the Applicant conduct public outreach and that the Applicant host neighborhood meetings prior to submitting an Application for an Affordable Master Planned Development.
- D. **WORK SESSION.** After the staff planner determines an Affordable Master Planned Development Application is complete, the Applicant may request a work session with the Planning Commission in order to provide an opportunity for the public and the Planning Commission to give preliminary input.
- E. **ADDITIONAL STUDIES.** The Planning Commission may require Applicants to submit and fund additional studies for Affordable Master Planned Development proposals that significantly increase the Density and intensity of Use of a Site. If the Planning Commission requires an Applicant to submit a traffic study, the

Transportation Department and City Engineer shall recommend a method of modeling and scope of the study area.

F. **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Affordable Master Planned Developments.

G. **PUBLIC HEARING.** The Planning Commission is required to hold a public hearing prior to taking action on an Affordable Master Planned Development. Multiple public hearings may be necessary for larger, complex projects. Staff shall notice each public hearing in accordance with Sections 15-1-12 and 15-1-21.

H. **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Affordable Master Planned Development, based on the findings outlined in Section 15-6.1-11. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval.

I. **APPEALS.** Appeals of Planning Commission action shall be conducted in accordance with Section 15-1-18.

15-6.1-5 Approved Affordable Master Planned Developments

A. **DEVELOPMENT AGREEMENT.** Planning Commission approval of an Affordable Master Planned Development shall be put in the form of a Development Agreement approved by the City Attorney and shall contain, at a minimum, the following:

1. A legal description of the land;

2. All relevant zoning and Land Management Code parameters, including all findings, conclusions, and conditions of approval, specifying any exceptions;
3. An express reservation of the future legislative power and zoning authority of the City;
4. A provision to allow for minor, administrative modifications without revision of the Agreement;
5. A copy of the approved Site plan, architectural plans, Landscaping plans, Grading plan, trails and Open Space plans, and other plans, which are a part of the Planning Commission approval;
6. A description of all Developer exactions or agreed upon public dedications;
7. Developer agreement to pay all specified impact fees;
8. The Initial Purchase Price of the Affordable Units, as defined in the Housing Resolution in effect at the time of a Complete Application;
9. The form of ownership anticipated for the project;
10. A specific project phasing plan;
11. A list and map of all known Physical Mine Hazards on the Property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards;

12. A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.

B. DEVELOPMENT AGREEMENT RATIFICATION.

1. The Applicant shall submit a draft Development Agreement to the Planning Department within six (6) months of the date the Planning Commission approved the Affordable Master Planned Development or the Planning Commission approval shall expire.
2. The Planning Commission shall hold a public hearing prior to ratifying a Development Agreement.
3. A Development Agreement ratified by the Commission shall be signed by the Mayor and the Applicant and recorded with the Summit County Recorder within eighteen (18) months of Planning Commission approval.

C. LENGTH OF APPROVAL. Construction, as defined by the International Building Code, is required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the Affordable Master Planned Development shall remain valid as long as it is consistent with the approved project phasing plan set forth in the Development Agreement. The project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the Affordable Master Planned Development.

D. EXTENSION. The Planning Commission may grant an extension of an Affordable Master Planned Development for up to two (2) additional years when

the Applicant demonstrates no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the Affordable Master Planned Development requirements in the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surrounding Properties. Applicants must submit a written extension request to the Planning Department prior to the expiration of the Affordable Master Planned Development. Staff shall notice extension request public hearings according to Sections 15-1-12 and 15-1-21.

E. **MODIFICATIONS.** The Planning Commission shall determine whether a proposed modification to an approved Affordable Master Planned Development is minor or substantive.

1. **Minor Modification.** A minor modification to an approved Affordable Master Planned Development is a modification that complies with the Land Management Code and Affordable Master Planned Development approval and does not trigger additional Off-Street Parking requirements, does not reduce Open Space, and does not increase traffic by 5% or more as demonstrated by a traffic generation study. The Planning Director shall review and take Final Action on a minor modification to a Master Planned Development and shall issue an Administrative Permit for an approval. The Administrative Permit approval may be appealed to the Planning Commission.

2. **Substantive Modifications.** Substantive modifications to an approved Affordable Master Planned Development create additional impacts and

require review of the entire Affordable Master Planned Development and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. Substantive modifications include but are not limited to a change to a Finding of Fact or Condition of Approval, a change in Use or an increase in Floor Area that triggers additional Off-Street Parking requirements, a change in Use or an increase in Floor Area that generates more than a 5% increase in traffic demonstrated by a traffic generation study, or a reduction in Open Space.

F. **SITE SPECIFIC APPROVALS.** Any portion of an approved Master Planned Development may require additional review by the Planning Commission as a Conditional Use, if so required by the Planning Commission at the time of the Affordable Master Planned Development approval.

1. Site specific approvals must comply with the review criteria of the Affordable Master Planned Development approval and the Conditional Use permit criteria in Section 15-1-10.
2. The Planning Department will review Site specific plans, including Site layout, architecture, and Landscaping plans for compliance with the Affordable Master Planned Development approval and Land Management Code prior to issuance of Building Permit.

15-6.1-6 Density

A. Density for Affordable Master Planned Developments is not determined by the underlying Zoning District. Rather, Density for Affordable Master Planned Developments is volume based and is determined by the requirements outlined

in this Affordable Master Planned Development Chapter. Setbacks shall comply with Section 15-6.1-7, Building Height and Facades shall comply with Section 15-6.1-8, parking shall comply with Section 15-6.1-9, Open Space shall comply with Section 15-6.1-9, and Site planning shall comply with Section 15-6.1-10.

15-6.1-7 Setbacks

- A. The minimum Setback around the exterior boundary of an Affordable Master Planned Development is twenty-five feet (25') for Property greater than two (2) acres.
1. The Planning Commission may decrease the required perimeter Setback from twenty-five feet (25') for Affordable Master Planned Developments greater than two (2) acres to the zone-required Setback to provide architectural interest and variation.
- B. For Property two (2) acres or less, the minimum Setback around the exterior boundary of an Affordable Master Planned Development shall be the zone-required Setback.
- C. For perimeter Setbacks or Setbacks within the Affordable Master Planned Development, the Planning Commission may increase Setbacks to retain existing Significant Vegetation or natural features, to create an adequate buffer to adjacent Uses, or to meet Historic Compatibility requirements.
- D. The Planning Commission may reduce Setbacks within the project boundary, but not perimeter Setbacks, from those otherwise required in the Zoning District to match an abutting zone-required Setback, provided the project meets minimum International Building Code and Fire Code requirements, maintains the general

character of the surrounding neighborhood in terms of mass, scale, and spacing between Structures, and meets Open Space criteria.

E. Final Setback approvals shall be specified as a Finding of Fact in the Affordable Master Planned Development Approval, in the Development Agreement, and on each plat within the Affordable Master Planned Development.

15-6.1-8 Building Height and Facades

A. **BUILDING HEIGHT.** Affordable Master Planned Development Building Height shall comply with the underlying Zoning District Building Height, unless the Planning Commission allows an increase up to forty-five (45) feet from Existing Grade when the following criteria are met:

1. The Building includes a 10' stepback on all Affordable Master Planned Development perimeter façade planes;
2. Infrastructure is in place or can be updated to meet the increased demand; and
3. The Building complies with Façade variation requirements.

B. **FAÇADE VARIATION.**

1. Buildings greater than sixty feet (60') but less than one-hundred-twenty feet (120') in length must exhibit a prominent shift in the facade of the Building so that no greater than seventy-five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a ten foot (10') change in Building Facade alignment or a ten foot (10') change in the Building Height, or a combined change in Building Facade and Building Height totaling ten feet (10').

2. Structures that exceed one-hundred-twenty feet (120') in length on any Facade shall provide a prominent shift in the mass of the Building at each one-hundred-twenty-foot (120') interval, or less, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.
3. The Facade length and variation requirements apply to all sides of a Building.

15-6.1-9 Parking

- A. Affordable Master Planned Developments shall comply with Section 15-3-3, General Parking Area And Driveway Standards, Section 15-3-4(B) and (C), Parking Areas With 5 Or More Spaces, And Parking Garages and Structures, Section 15-3-9, Bicycle Parking Requirements, and Section 15-3-11, Electric Vehicle Charging Stations.
- B. Affordable Master Planned Developments are exempt from Section 15-3-6, Parking Ration Requirements for Specific Land Use Categories. Table 1 outlines Affordable Master Planned Development parking ratio requirements:

Unit Size	Market-Rate Units	Affordable Units
< 600 SF	0.5 spaces per unit	None
600 – 1,000 SF	1 space per unit	0.5 spaces per unit
1,000 – 2000 SF	1.5 spaces per unit	1 space per unit

> 2,000 SF	2 spaces per unit	1.5 spaces per unit
------------	-------------------	---------------------

Table 1

C. The Planning Commission may reduce the number of required parking spaces if the Applicant demonstrates that parking reductions are required for the feasibility of the proposed Affordable Master Planned Development, the Applicant funds and submits a parking and traffic study completed by a third party selected by the City, the Applicant demonstrates that reduced parking requirements will not impact the community, and the Applicant submits a parking management plan that the Planning Commission may review and amend to address changing circumstances. The Planning Commission may reduce parking:

1. On sites that are one acre or less by deducting 5,000 square feet per 15,000 square feet of Gross Floor Area for each floor from the sum of total floor area that is used to calculate parking requirements;
2. Off-Street parking is available along the perimeter of the Affordable Master Planned Development;
3. A clear and irrevocable agreement authorizes Affordable Master Planned Development residents to park in an off-Site Parking Area or Parking Structure that is located within 800 – 1,000 square feet of the Affordable Master Planned Development perimeter boundary;
4. The Affordable Master Planned Development is within ¼-mile from a bus stop that includes a waiting shelter consistent with City standards;
5. On-Site parking is provided for motorcycles and/or scooters;
6. Bicycle parking exceeds the requirements of Section 15-3-9;

7. The Affordable Master Planned Development provides dedicated parking spaces for resident carshare vehicles.

D. In mixed-use Affordable Master Planned Developments, the Commercial, Retail, Office, Public, and/or Quasi-public Uses shall meet the parking ratio requirements outlined in Section 15-3-6.

15-6.1-9 Open Space

A. Affordable Master Planned Developments shall contain a minimum of twenty percent (20%) Open Space. On-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, and significant landscaping are encouraged. Open Space may not be used for Streets, roads, or Parking Areas.

B. The Planning Commission may decrease the required Open Space for projects located within 300 feet (300') of a Public Use, including but not limited to a public park, Recreation Open Space, public trail, public school, or Public Recreation Facility.

15-6.1-10 Site Planning

An Affordable Master Planned Development shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The Development should be designed to fit the Site, not the Site modified to fit the project. The Applicant shall address the following in the Site planning:

A. **CLUSTERED DEVELOPMENT.** Units shall be clustered on the most developable and least visually sensitive portions of the Site. Open Space shall

separate the clusters. The Open Space should be designed so that existing Significant Vegetation is maintained on the Site.

B. **GRADING.** Projects shall be designed to minimize Grading and the need for large retaining Structures. Roads, utility lines, and Structures should be designed to work with Existing Grade. Cuts and fills shall be minimized.

C. **TRAILS.** Existing trails shall be incorporated into the Open Space elements of the project and shall be maintained in their existing location whenever possible. Applicants may be required to grant the City a trail easement to connect proposed trails with existing trails. Construction of new trails shall be consistent with the Park City Trails Master Plan.

D. **INTERNAL CIRCULATION.** Adequate internal vehicular, pedestrian, and bicycle circulation shall be provided. Pedestrian and bicycle circulations shall be separated from vehicular circulation and shall provide safe travel within the boundaries of the Affordable Master Planned Development and safe travel to adjoining public sidewalks, trails, and Rights-of-Way. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

E. **SNOW REMOVAL.** The Site plan shall include adequate Areas for snow removal and snow storage. The Landscaping plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. Snow shall be stored on-Site, unless otherwise approved by the Planning Commission.

378 F. **TRASH AND RECYCLING.** The Site plan shall include adequate Areas for trash
379 and recycling containers and shall include an adequate circulation area for pick-
380 up vehicles. Convenient pedestrian Access shall be provided within the
381 Affordable Master Planned Development to the trash and recycling containers.
382 No Site plan with a Commercial Development or Multi-Unit Dwelling shall be
383 approved unless there is a mandatory recycling program, which may include
384 Recycling Facilities for the Site. Single Family Dwellings shall include a
385 mandatory recycling program with curb side recycling, and may also include
386 Recycling Facilities. The Recycling Facilities shall be identified on the Site plan to
387 accommodate for materials generated by the tenants, residents, users,
388 operators, or owners of such Master Planned Development. Such Recycling
389 Facilities shall include, but are not limited to, glass, paper, plastic, cans,
390 cardboard or other household or commercially generated recyclable and scrap
391 materials. Centralized trash and recycling containers shall be located in a
392 completely enclosed Structure with a pedestrian door and a truck door or gate.
393 The enclosed Structure shall be designed with materials that are compatible with
394 the principal Structures in the Affordable Master Planned Development and shall
395 be constructed of masonry, steel, or other substantial materials. The Structure
396 shall be large enough to accommodate a trash container and at least two
397 recycling containers to provide for the option of dual-stream recycling.
398 G. **TRANSPORTATION AMENITIES.** The Site plan shall include transportation
399 amenities including drop-off Areas for van and shuttle service, and a bus stop, if
400 applicable.

- H. **SERVICE AND DELIVERY.** Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.
- I. **LANDSCAPE AND LIGHTING.** A preliminary Landscaping plan must be submitted with the Affordable Master Planned Development Application. The Landscaping plan shall comply with all criteria and requirements of Section 15-5-5(N) LANDSCAPING. All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy. Lighting must meet the requirements of Section 15-5-5(J).
- J. **SENSITIVE LANDS COMPLIANCE.** Applicants for an Affordable Master Planned Development that contains any Area within the Sensitive Land Overlay Zone shall conduct a Sensitive Lands Analysis and shall conform to the Sensitive Lands Chapter 15-2.21.
- K. **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for an Affordable Master Planned Development if the Planning Commission determines that the project will create additional demands for Child Care.
- L. **MINE HAZARDS.** Applications shall include a map and list of all known Physical Mine Hazards on the Property and a Physical Mine Hazard mitigation plan.
- M. **HISTORIC MINE WASTE MITIGATION.** An Applicant for a Master Planned Development with Property that is located within the Park City Soils Ordinance Boundary shall submit a soil remediation mitigation plan and shall indicate areas

of hazardous soils and proposed methods of remediation and/or removal subject to the requirements and regulations of the Municipal Code of Park City Chapter 11-15.

N. **GENERAL PLAN REVIEW.** The Planning Commission shall review Affordable Master Planned Developments for consistency with the goals and objectives of the General Plan; however such review for consistency shall not alone be binding.

O. **HISTORIC SITES.** Applicants shall submit a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report prepared by a Qualified Historic Preservation Professional.

15-6.1-11 Required Findings And Conclusions Of Law

The Planning Commission must make the following findings in order to approve an Affordable Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings. The Affordable Master Planned Development, as conditioned:

A. Provides at least 50% Affordable Units;

B. Complies with requirements of the Land Management Code;

C. Meets the minimum requirements of this Chapter;

D. Provides meaningful Open Space for residents and the public;

E. Strengthens and enhances the resort character of Park City;

F. Compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

- G. Meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- H. Promotes the Use of non-vehicular forms of transportation through design and by providing trail and pathway connections;
- I. Was noticed and the Planning Commission held a public hearing in accordance with this Chapter;
- J. Incorporates best planning practices for sustainable development, including water conservation measures and energy-efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application, and includes Energy Star qualified products for appliances;
- K. Addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
- L. Addresses and mitigates Historic Mine Waster and complies with the requirements of the Park City Soils Boundary Ordinance;
- M. Addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan;
- N. Addresses and mitigates traffic;
- O. Addresses and mitigates parking reductions and parking management.

15-6.1-12 Deed Restrictions

- A. Prior to a Certificate of Occupancy for any market rate or Affordable Unit within the Affordable Master Planned Development, provisions to ensure continued

affordability of affordable units shall be embodied in legally binding deed restrictions, approved by the City Attorney, and recorded with the County.

- B. The deed restrictions shall conform with the deed restriction requirements outlined in the Park City Affordable Housing Resolution in effect at the time of a complete Affordable Master Planned Development Application submission, or as otherwise determined by the Park City Housing Authority.
- C. The deed restriction shall continue in full force and effect for a period not less than forty (40) years. Upon expiration of the initial forty (40) year term, or any subsequent term, the City shall have six (6) months in which to determine, based on an independent market study, that the affordable units within the Affordable Master Planned Development are no longer necessary to satisfy the affordable or workforce housing needs of the City. The City Council or its successor shall make the final determination of such continuing need, and if the City makes no such determination, the deed restrictions shall automatically renew for one or more additional consecutive ten (10) year terms.

15-6.1-13 Compliance

- A. Each Property Owner of an Affordable Unit within the Affordable Master Planned Development shall submit to the City an annual compliance report, as amended from time to time by the City or its designee, verifying deed restriction compliance.
- B. Municipal Code Section 8-3-6 establishes that it is a crime to commit affordable housing fraud. Violation of Section 8-3-6 is subject to criminal prosecution.

491

492 **15-15-1 Defined Terms**

493 **AFFORDABLE HOUSING.** Housing that is priced affordable to households with
494 incomes ranging from 50% to 80% of Area Median Income.

495 **AFFORDABLE UNIT.** Affordable Master Planned Development units that are deed
496 restricted to the housing size and type for individuals meeting occupancy guidelines
497 approved and adopted by the City Council and outlined in the Housing Resolution in
498 effect at the time of an Affordable Master Planned Development.

499 **MICRO UNIT.** A unit that is between 250 and 600 square feet designed around a single
500 room incorporating features of a living room, bedroom, dining room/kitchen, and
501 bathroom.

502 **RESIDENTIAL UNIT EQUIVALENT.** For Multi-Unit Dwellings, Residential Unit
503 Equivalents are calculated on the basis of one (1) Unit Equivalent per 2,000 square feet
504 and portions of Unit Equivalents for additional square feet above or below 2,000. For
505 example: 2,460 square feet of a Multi-Unit Dwelling equals 1.23 Residential Unit
506 Equivalents.

507 **15-15-2 List Of Defined Terms**

508

509 -A-

510 Access

511 Accessory Apartment

512 Accessory Building

513 Accessory Use

514 Active Building Permit

515 Administrative Permit

516 Affected Entity

517 Affordable Housing

518 Affordable Unit

519 Agent

520 Agriculture

521 Allowed Use

522 Alteration, Building

523 Ancillary Structure

524 Anemometers and Anemometer Towers

525 Antenna

526 Antenna, Test Drive

527 Antenna, Enclosed

528 Antenna, Freestanding

529 Antenna, Roof Mounted

530 Antenna, Temporary

531 Antenna, Wall Mounted

532 Apartment

533 Applicant

534 Application

535 Application, Complete

536 Architectural Detail

537 Area or Site

538 Attic

539

540 **-M-**

541 Master Planned Development (MPD)

542 Material Deconstruction or Dismantling

543 Maximum Extent Feasible

544 Maximum House Size

545 Medical Cannabis Pharmacy

546 Medical Cannabis Production Establishment

547 Micro Unit

548 Model Home

549

550 **-R-**

551 Receiving Site

552 Reconstruction

553 Recreation Equipment, Outdoor

554 Recreation Facilities, Commercial

555 Recreation Facilities, Private

556 Recreation Facilities, Public

557 Recycling Facility

558 Recycling Facility, Class I

559 Refractive Light Source

560 Regulated Use

561 Rehabilitation

562 Residential Unit Equivalent

563 Residential Use

564 Resort Support Commercial

565 Restaurant

566 Restaurant, Drive-Through

567 Restoration

568 Resubdivision

569 Rhythm and Pattern

570 Retail and Service, Commercial-Auto Related

571 Retail and Service, Commercial-Major

572 Retail and Service, Commercial-Minor

573 Retail and Service, Commercial-

574 Personal Improvement

575 Ridge Line Area

576 Riding Stable, Commercial

577 Right-of-Way

578 Road, Collector

579 Road Classification

580 Road Right-of-Way Width

581 Roof Form

582	Roof Form, Contributing
583	Roof Form, Flat
584	Roof Form, Secondary
585	Roof, Total

Exhibit B: Background

In 2016, the City Council passed [Resolution HA 01-2016](#), establishing a goal to create 800 new affordable units by 2026 with an interim goal of 220 units by 2020. The graphic below illustrates the City's progress. While the City has made strides with 537 units in progress, there is still a long way to go and public-private partnerships will be important in developing the remaining 263 units in the next five years.



The proposed Affordable Master Planned Development (AMPD) amendments are the final phase in a nearly three-year process to amend the AMPD code to incentivize public-private partnerships in the development of Affordable Housing.

Since 1984, the AMPD code provided a 20-unit Density Bonus for AMPDs with 100% Affordable Housing. However, in 37 years, no AMPD has ever been constructed by a private developer or through a public-private partnership. In early 2018, the City Council directed Planning and Housing staff to evaluate the AMPD code to identify obstacles.

In 2018, staff proposed AMPD amendments to:

- (I) Reduce the requirement from 100% to 50% affordable or attainable housing;
- (II) Create a sliding scale for Density Bonuses based on the total percentage of Affordable units and the Area Median Income served – the more affordable units and the lower AMI served, the greater Density Bonus;
- (III) Reduce Off-Street Parking to match general MPD parking requirements; and
- (IV) Exempt micro-units 500 square feet or less from parking requirements.

The Planning Commission forwarded a positive recommendation to City Council but requested continued work on Height, micro-unit limitations, and clarification with respect to market-rate units and the density bonus, parking restrictions, and rental units ([Staff Report](#), p. 52; [Minutes](#), p. 11).

When staff presented the proposed AMPD amendments, the City Council requested further study to demonstrate whether the proposed AMPD amendments went far enough to incentivize public-private partnerships. The Council directed staff to hire a consultant. The City hired Cascadia Partners to audit the proposed AMPD code (City

Exhibit B: Background

Council [Staff Report](#); [Minutes](#), p. 12 - 13).

On November 25, 2019, Cascadia Partners submitted the [Affordable Master Planned Development Code Audit Report: Identifying Zoning and Housing Development Barriers](#). Cascadia concluded that the proposed AMPD code did not sufficiently mitigate the funding gap and could not be accommodated on certain sites. Cascadia recommended additional incentives through:

- Reduced Setbacks
- Reduced Open Space
- Increased Floor Area Ratio (allow more Height)
- Increased Lot Coverage
- Reduced Parking

On December 5, 2019, the City Council reviewed Cascadia's Audit Report and directed staff to amend the AMPD code in two phases: Phase I to reduce Setbacks, Open Space, and Parking, and Phase II to increase Height and further reduce parking.

On January 30, 2020, the City Council adopted [Ordinance 2020-09](#), enacting Phase I to reduce MPD Setbacks for Lots less than two acres to the Zone-Required Setbacks, to reduce AMPD Open Space from 50% to 20%, and to reduce AMPD Parking requirements to match general MPD requirements.

To implement Phase II, staff hired Cascadia Partners to evaluate land use codes that incentivize Affordable Housing through reduced parking and increased Height. Cascadia submitted [Best Practice Research on Height and Parking Code Standards for AMPD Update](#). The Planning Commission conducted two work sessions and provided input below.

Parking Reductions

On October 28, 2020, the Planning Commission considered parking reductions and provided the following direction ([Staff Report](#); [Minutes](#), p. 3):

- Reduce parking for Affordable Units and require parking mitigations based on transit access, available carshares, motorcycle/scooter parking, and bicycle parking.

Current Requirement		Recommended Requirements		
Dwelling Size	All units	Dwelling Size	Market-Rate Units	Affordable Units
<1,000 SF	1 space per unit	<600 SF	0.5 spaces per unit	None
1,000 – 2,000 SF	1.5 spaces per unit	600 SF – 1,000 SF	1 space per unit	0.5 spaces per unit
>2,000 SF	2 spaces per unit	1,000 – 2,000 SF	1.5 spaces per unit	1 space per unit
		>2,000 SF	2 spaces per unit	1.5 spaces per unit

Exhibit B: Background

- Provide additional parking reductions for AMPDs on small sites: for every 15,000 square feet per floor, reduce the parking requirement for 5,000 square feet.
- Reduce Off-Street Parking Requirements for projects on Lots with an area less than 5,000 square feet if sufficient parking demand reductions can be implemented.
- Allow credit for on-street parking along the site frontage.
- Allow credit for off-site parking spaces within 800 to 1,000 feet from the AMPD that are dedicated to AMPD parking.

Increased Height

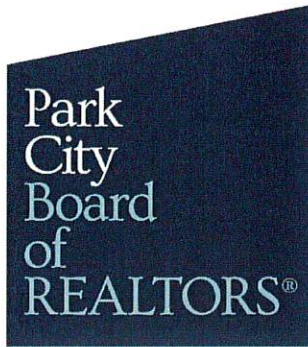
On November 11, 2020, the Planning Commission provided input on the following ([Staff Report](#); [Audio](#)):

- Allow Height up to 45 feet in:
 - Predominantly Residential Zoning Districts (RD, E, SF)
 - Mixed Residential and Resort-Oriented Zoning Districts (RDM, R-1, RM)
 - Resort-Oriented and Commercial Zoning Districts (RC, LI, GC)
 - Highway 40 Entry Corridor Zoning District (CT)
- Require Height stepdowns from the edge of Buildings to mitigate the impact.
- Apply a maximum building length and façade articulation standard.

AMPD Affordable/Market-Rate Requirements

The final phase in the amended AMPD code includes an update to the percentage of affordable versus market-rate units. Based on amendments to the Housing Resolution and lessons learned through City development of Affordable Housing, the proposed code implements the following:

- (I) Separates AMPDs from MPDs and Housing Resolution obligations;
- (II) Requires anywhere 50% Affordable Units;
- (III) Allows only Affordable Units – not Attainable Units;
- (IV) Bases the Density Bonus on an envelope encompassing reduced Setbacks, Open Space, and increased Height rather than on base-zoning Density;
- (V) Prohibits Nightly Rentals in both affordable and market-rate AMPDs;
- (VI) Allows commercial development on the first floor if the total is less than 10,000 square feet.



Dear Commissioners,

In response to the Planning Commission public hearing scheduled for Wednesday, January 27th, 2021, The Park City Board of REALTORS® would like to make the following statement for public record pertaining to the Affordable Master Planned Development Chapter 15-6.1 in the Park City Land Management Code:

The Park City Board of REALTORS® supports affordable housing and recognizes the dire need for it right now, as well as in the future in our local community. We look forward to being active partners in constructive dialogue to determine how to preserve our great lifestyle and still welcome all individuals who make it possible. We recognize the need for educators, first responders, and the like to need attainable housing in our city. We would like to encourage commissioners to continue to make aggressive efforts to support Community goals of affordability in housing while ensuring there is no major compromise to the property rights of others.

Sincerely,

A blue ink signature of Mark Jacobson, written in a cursive style.

**Mark Jacobson, President
Park City Board of REALTORS®**

A blue ink signature of Jamie Johnson, written in a cursive style.

**Jamie Johnson, Chief Executive Officer
Park City Board of REALTORS®**

A blue ink signature of Tal Adair, written in a cursive style.

**Tal Adair, Government Affairs Director
Park City Board of REALTORS®**

January 15, 2021, 12:57 PM

Hello Rebecca Ward!

I am a long time resident of Park , 30 years. I have heard the City want to construct affordable housing many times. They Usuall do this at the request of special interest groups.

Park City is over-built. Please provide the demographics of the current residents of the Park City. Please provide the demographics of the people who need affordable housing.

I think that what you find is a great disparity of the incomes, social status and education of the people who can find affordable housing to the employment of the people who need affordable housing. The housing provided by the affordable housing projects are not for people can work and live in Park City.

There are not that many well paying jobs in this Resort Town. You should also provide the opportunities available to people who wish to live in affordable housing. Most of the higher income residents currently living in Park City, live in the three subdivisions but work in Salt Lake City.

Neal Krasnick

January 16, 2021, 7:48 AM

Please excuse the typos and lack of quantifiers in my message. I have heard the new people request the City of Park City nees affordable housing every election year for the past 30 years. This is true for the seasonal workers. They can never afford the housing currently constructed inside of Park City. When the skiing and snowboarding was booming, and the snow was free from mother nature the businesspeople who owned their business-built homes inside the city limits. Thes homes were never affordable the the seasonal employees who worked for minimum wage.

Part of the wages the businesspeople gave their employees was discount equipment and use of the businesses corporate pass. The employees never had health insurance or social security. times change and middle-class residents in Summit county have built homes out in the County. This is the cause of our traffic problem. every enening and every morning the employees must commute into the City in 224 and 248. They have to start very early to be at work by 8 am. They have a traffic jam at 3 pm to 5 pm.

You need to find a fast and convenient way to quickly allow the employees to get to and from work. Alta insists they need their important employees available every day, they provide housing for these people. The shop owners and the resort owners do not provide enough employee housing, especially for the married employees.

The tourist shops and gift store inside of Park City are orientated to the discretionary spending habits of the vacationer. There are no shops or food services designed for the middle class or lower class, those families shop online or at big box stores in Salt Lake City.

Demographics. Your effort is doomed to fail if you do not explore the reasonable options to tearing down small buildings and building four story dormitories. It is too expensive. much of Park City is a Super Fund site, the area was polluted by the 60 years os silver and lead

mining. many homes had to inter their toxic soil on site. this prevents the area from rebuilding and remodeling the current construction.

the history and demographic of Park City has constructed what we have today the overcrowded vacation homes exist because people wanted a second home near the resort. Employees do not earn enough money to rent or purchase these homes. The City could subsidize their employees to rent or purchase existing homes. That is an option you may wish to explore.

I'm sorry for the first e mail it was too brief and quickly typed. contact me for explanations.

Neal