



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
February 10, 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, February 10, 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.

[PC Minutes 01.20.2021_Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.REGULAR AGENDA

- 5.A. 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) Possible Recommendation for City Council's Consideration on February 25, 2021
[Affordable Master Planned Development Staff Report](#)
[Exhibit A: Draft Ordinance and Land Management Code Redlines](#)
[Exhibit B: Background Exhibit](#)
[Exhibit C: Public Input](#)
- 5.B. 7677 Village Way - Plat Amendment - The Applicant Proposes To Subdivide the Main Parcel Underlying the Building, and Create a Second Parcel Containing .35 Acres on the Northernmost Point of the Development. The Applicant Is Also Proposing To Combine Units 201 and 202 Into One (1) Unit (Now 201) for a Prospective Buyer. PL-20-04374.
A) Public Hearing and B) Possible Recommendation for City Council's Consideration on 2/25/2021
[7677 Village Way Plat Amendment Staff Report](#)
[Exhibit A: Applicant's Project Description](#)
[Exhibit B: Current Recorded Plat](#)
[Exhibit C: Ordinance 2019-58](#)
- 5.C. 1271 Lowell Avenue – Master Planned Development (MPD) Substantive Modification – The Planning Commission will Consider a Substantive Modification to the King's Crown MPD to Amend Building D of the King's Crown Condominiums Plat to Reduce the Units from 12 to 11, Reduce the Parking from 22 to 21 spaces, Reduce the Limited Common Area Square Footage by 386 Square Feet, and Increase the Private Area Square Footage by 712 Square Feet.
(A) Public Hearing, (B) Possible Recommendation for City Council's Consideration on February 25, 2021
[King's Crown MPD Modification and Condominium Plat Amendment 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
Exhibit N: February 4, 2021 Public Input
Exhibit O: Draft Ordinance
Exhibit P: Applicant Exhibit Showing King's Crown Building D MPD Exhibit in Lowell Avenue Context
Exhibit Q: Applicant Exhibit Showing Proposed King's Crown Building D Plat Amendment in Lowell Avenue Context
Exhibit R: Stairs and Landscaping

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 20, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, John Kenworthy, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: David Everitt, Deputy City Manager, Alexandra Ananth, Planner; Mark Harrington, City Attorney; Jessica Nelson, Planning Analyst

The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

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.

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Comments from the Mayor and Commissioners

Mayor Beerman assumed that everyone had heard that Bruce Erickson passed away this weekend. He noted that the Planning Commission more than anyone worked very closely with Bruce. His death is sad and is certainly felt across the organization and across the City. Mayor Beerman stated that Bruce has not only been a long-time local, but he was also aggressively engaged in the community. Bruce spent a decade and a half on the Planning Commission, he was a volunteer at Recycle Utah and very involved with Glenwood Cemetery. He was a close friend and neighbor to many in the community. Mayor Beerman remarked that there is a lot of sadness across town, and many people are disappointed that they were not able to say good-bye. Mayor Beerman stated that when Bruce's health started to decline, he was very adamant in asking the small group who knew that they respect his privacy. It was Bruce's nature, and he was very stoic on certain things. He did not want his health to be made public. Mayor Beerman was certain that Bruce knew that everyone supported him and cared for him and he did not need it reaffirmed.

Mayor Beerman stated that he spoke with Bruce's son, Justin, yesterday and offered condolences on behalf of all the organizations. Justin said he was overwhelmed by the number of people in the community who reached out to him and who put up posts telling stories about his father. He was feeling very proud of his dad.

Mayor Beerman was unsure what Bruce's family was planning regarding a memorial service. Mayor Beerman noted that because of Covid gatherings are not appropriate right now, but when it is safe to gather again, the City will find an appropriate way to celebrate.

Mayor Beerman announced that Gretchen Milliken was hired as the new Planning Director. She will be starting in two weeks and the Planning Commission will have the opportunity to meet her and work with her. He had the opportunity to speak with her a few times and he believed she would bring great energy to the process. Ms. Milliken will never replace Bruce, but she will add a new dimension and keep things moving forward.

Chair Phillips stated that Bruce's death affected all of them hard. He was a library of knowledge and he always unloaded that knowledge in the different hats that he wore.

Bruce was a mentor to a lot of people, and he considered himself one of them. Chair Phillips stated that Bruce passed on his knowledge to many people, but everyone together would still not have all the knowledge that was in his mind.

Chair Phillips stated that he had the pleasure of working with Bruce at the Glenwood Cemetery, which helped ground him with his roots in Park City. He got to know his ancestors better and it gave him more pride in his community. Chair Phillips remarked that one of the biggest things Bruce did for him was to set an example and teach him about being a good citizen. Bruce will be dearly missed.

Commissioner Thimm echoed Chair Phillips. He appreciated what Bruce brought to the Planning Commission and also what he brought to the City. From a personal standpoint, Commissioner Thimm stated that he and Bruce would quip back and forth, and he came to appreciate his sense of humor. He also appreciated his wealth of knowledge, and more importantly, the true love that Bruce had for the community. It truly is a better place because of what Bruce brought to it. Commissioner Thimm stated that he thanked Bruce on a number of occasions for his mentorship for the young planners that were part of the Staff and really blossomed with him. That part of Bruce will continue on both in this community as well as other communities.

Mark Sletten, who recently resigned from the Planning Commission, stated that Chair Phillips had invited him to make a few comments about Bruce. He echoed what Mayor Beerman had said about Bruce's commitment to the community. Mr. Sletten stated that his paths crossed with Bruce through the industry at Snow Engineering. After he heard of Bruce's passing, he reached out to Tim Beck who was President of Snow Engineering at the time. Mr. Sletten wanted to quote what Mr. Beck said about Bruce, "Park City will miss all of Bruce's institutionalized knowledge and the pragmatic approach he took. He will be missed." Mr. Sletten echoed Mr. Beck's words.

Commissioner Kenworthy offered these words, "Rest in peace. You were our Captain and you served with great honor".

Chair Phillips stated that on behalf of the Planning Commission they all send their condolences to Bruce's family.

ROLL CALL

Chair Phillips called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Hall, who was excused.

PUBLIC COMMUNICATIONS

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

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

David Everitt, City Deputy Manager, was sitting in on the meeting but he had nothing to report.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- 4.A. 4.A. Park City Mountain Resort Base Parking Lots - MPD Modification - Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. This Hearing Will Focus on an Update on the Applicant's Circulation Scenarios, the Applicant's Updated Architectural Plans, Building Height and Setbacks. (Application PL-20-04475).**

Planner Alexandra Ananth reported that this item was the Base Resort Development and the application to replace Exhibit D of the Development Agreement, which is the 1998 Base Area Plan, with a new plan known as the Park City Base Area Lot Redevelopment Master Plan Study.

Planner Ananth stated that on the line this evening was the City Engineer, John Robertson, Senior Transportation Planner, Julia Collins, and the City's Transportation Consultant, AECOM, represented by Laynee Jones and Kordel Braley. Robert Schmidt was also on the line representing PEG Development, as well as their traffic consultant, Hales Engineering, and Pete Williams from SE Group, another consultant for the applicant.

Planner Ananth stated that the agenda this evening was more like a work session format because they wanted to provide an update and have the opportunity to discuss it with the Planning Commission before the Staff comes back with a final recommendation for circulation in February. Planner Ananth explained that they will be presenting what has been done to date on Transportation and Circulation and emphasized that they will be back with a final recommendation in February and a full analysis of the applicant's final proposed circulation scenario with regards to the MPD requirements.

Planner Ananth stated that the goal is to have the best transport first circulation solution for the Resort base that complies with the LMC and the other regulatory plans and minimizes impacts on the surrounding neighborhood. This is a generational opportunity

to improve conditions over the congestion that exists now and to facilitate increased transportation options and transit trips at the base for the long term.

Planner Ananth provided a brief overview of the framework for the City's report that was contained in her Staff report. Julia Collins will speak about the City's transportation priorities for the base area, as well as an update on City Transportation initiatives. AECOM will review the potential circulation scenarios they have been working with to date. Finally, the applicant will present updates on transportation, as well as some of the updates on architecture. Planner Ananth reported that the next meeting on this project was scheduled for February 17th.

Planner Ananth stated that as laid out in the Staff report, on July 8th the Planning Commission determined that the applicant's site plan was considered a substantive modification to the MPD and would justify review of the entire master plan and development agreement. Without limiting the Planning Commission's review of the full MPD, the Staff was expecting the Planning Commission to focus on unit density, the new site plan, perimeter setbacks, building height exceptions, parking, traffic and transportation mitigation, affordable housing, and phasing.

Planner Ananth stated that there are three primary review paths for the requested MPD modification, including no material change. If the applicant is consistent with the original MPD and development agreement and the current LMC criteria, they would decide there is no material change. The second path is newly applied for, as in the case of the proposed new site plan, the request for exceptions for perimeter setbacks and building height, as well as parking, transportation, and phasing. The third path is the substantive amendment path, which allows for new review of the proposal using more of a blended analysis of the original MPD and the current LMC criteria. Planner Ananth stated that the proposed density shift towards Parcel C and the affordable housing plan are examples of aspects of the application that was taking this amendment towards the blended path.

Planner Ananth thought it was important to note that because there was partial execution of the original MPD which remains in effect, there is some relevance to the underlying MPD and Development Agreement approvals in all three of the different review paths. The Planning Commission can employ different levels of review, prioritizing, and balance in these three paths. Planner Ananth stated that in the no material change path, the original MPD and Development Agreement is the primary review document and the LMC criteria is applied to the specifics of the particular development proposal to implement the original approval in a manner that mitigates any impacts consistent with the applicable criteria or development agreement requirements. In the newly applied path, the current LMC criteria is the basis for the new

determination, and the overall MPD is secondary. In the substantive amendment path, the evaluation of the change is a blended approach with the original approval and the LMC criteria both relevant. However, the Planning Commission at its discretion can reevaluate proposed changes consistent with the overall goals and mitigation requirements of the current LMC.

Senior Transportation Planner, Julia Collins, provided an overview of the City's transportation planning goals and initiatives as it relates to the Resort Base Area Development. She stated that in October of 2020, as part of the long-range transportation master plan update the City Council identified a modal hierarchy framework, which Ms. Collins presented to the Planning Commission last Fall. She noted that the hierarchy prioritizes bikes, pedestrians, and transit over parking and vehicles.

Ms. Collins stated that also coming out of recent planning efforts, such as the Vision 2020 and the long-range and short-range planning, has been a transit first philosophy. Last Spring the Vision 2020 effort identified finding innovative transportation solutions as the biggest opportunity for Park City over the next decade. Ms. Collins emphasized that the City Council identified transportation as a critical priority. She stated that all the guiding Vision documents and philosophies mark a paradigm shift to give people more options for more sustainable modes of travel. They rely on expanding transit and multi-modal options.

Ms. Collins stated that the Park City Base Area is one of the four major destinations within Park City. People, employees, visitors, and residents travel to and from both locally throughout the region and from the State. She remarked that this destination is important and regionally significant. This developed is an incredible opportunity and if they can accomplish the principles of improved transit circulation and provide multi-model options, they can move the transportation needle in Park City.

Ms. Collins noted that the City asked the applicant to take a lot of these principles forward to improve the transit circulation and to think about how this impacts their development and site planning.

Ms. Collins presented a slide showing the detail General Plan objectives that outline specific goals for the Park City Resort development. These General Plan objectives echo much of the documents and philosophies she laid out, and they will provide the Planning Commission with the framework for their decision-making. The objectives include increasing opportunities for public transit to the base area; consideration of a dedicated transit lane; circulation improvements for the user arriving and leaving the resort; implementing alternative parking locations with transit connections; implement

travel demand management strategies to decrease the amount of vehicles going to and from the site; improve multi-modal connections to major destinations; decrease the resort impacts on the surrounding residential communities; discourage resort through traffic on Three Kings Drive. Ms. Collins reiterated that these objectives are identified in the General Plan and they have been shared with the applicant and the Resort.

Ms. Collins outlined the critical initiatives that the City was doing that has an impact on the regional transportation network, which includes long and short-range transportation planning efforts that are currently underway. Park City is transitioning to a regional transit service under Summit County. This will allow the City to focus on managing the transit services within the City and provide more improved services and have more flexibility and control over its transit service. Park City was also advancing transit initiatives on both gateway corridors in partnership with UDOT and Summit County. Ms. Collins reported that in Spring and Summer of 2021, they were building a westbound shoulder running bus lane on SR248. Currently, there are shoulder running bus lanes on both sides of SR224 between Kimball Junction and the Canyons. This allows buses to operate in that shoulder and bypass traffic. Ms. Collins stated that in the longer term they were advancing a dedicated transit only lane called Bus Rapid Transit between Kimball Junction and Park City. Under the SR224 work in partnership with UDOT, they were looking at transit priority options for the intersection of Empire/Park Avenue/SR224/Deer Valley Drive. Ms. Collins remarked that they also have a regional park and ride strategy of over 1700 parking stalls in partnership with Summit County. Ms. Collins stated that while the City is implementing frequent reliable transit service with dedicated lanes on the Gateway corridors and controlling its transit service, they will also have satellite park and ride lots outside of the City to connect users through major destinations throughout Park City.

Ms. Collins remarked that establishing this comprehensive transportation network gives people more transportation options. It prioritizes transit and multi-modal transportation all working together to establish the transportation network.

Ms. Collins provided a snapshot of the current Resort conditions. She stated that the current conditions for transit circulation stand to benefit from any improvements. The bus often gets stuck in existing traffic flow, and there are many chokepoints where the bus is navigating its space with taxis, shuttles or other cars. Ms. Collins remarked that the current bus stop itself lacks adequate passenger amenities of not providing sufficient bus bays and stalls that are servicing the area. It does not have a transit shelter, great lighting for nighttime access, safe crossings, and nearby bathrooms and other passenger amenities. Ms. Collins stated that under the current normal transit service, 26 buses per hour service this site; and with the development of the gateway corridor transit connections that could grow. In normal traffic conditions it may take six

minutes for the buses to circulate the Resort loop. However, under holiday, event, or peak times it can take significantly longer, which gives the user a very poor experience riding transit. People who take the bus want it to be on time and not be stuck in traffic. People rely on buses the most during peak times and they need to be as fast, if not faster, than a car going to their destination.

Ms. Collins reiterated that this development creates an incredible opportunity to implement the transit first principles. Prioritizing people, transit, walking, and biking over the current conditions will significantly impact the transportation network and move the needle on what they are trying to accomplish in Park City.

Laynee Jones with AECOM reviewed statistical stats. She noted that PEG Development worked hard to develop people-based numbers. Ms. Jones stated that the transportation industry does a good job of counting cars, and they asked PEG to dive deep into counting people because they want this to be a people-first site.

Ms. Jones reported that on peak days approximately 20,000 people go to the base area of the ski Resort. That means in a peak a.m. hour condition, over 7,000 people are going to the site, and currently 75% of those people arrive in some type of vehicle and either park or get dropped off. Approximately 13% either walk or take the ski lift. The remaining 12% take a bus or shuttle.

Ms. Jones stated that in terms of pedestrian conditions, everyone who arrives on the site today turns into a pedestrian at some point, unless they take a ski lift and start skiing right away. Under current conditions and under the first scenario that PEG Development evaluated, approximately 2500 people cross Lowell Avenue. Ms. Jones remarked that the number could go up or down depending on which scenario they look at. The point is that there will be a significant amount of pedestrian traffic across Lowell Avenue.

Ms. Jones clarified that the numbers she presented were winter conditions. She thought they needed to look at summer peak conditions as well.

Ms. Jones stated that this redevelopment provides the opportunity to build infrastructure that will be in place for a long time. She pointed out that future generations will be more tied to transit, walking and biking, automated vehicles, Uber and Lyft, etc. There are a lot of disruptive trends going on in the transit industry right now. Ms. Jones remarked that Covid has impacted transit, but AECOM believes that public transit will rebound after Covid. Ms. Jones commented on the City goals Ms. Collins had outlined. She intended to expand on the opportunity to reduce the parking onsite. With all the factors, there is an opportunity to reduce the number of vehicles circulating at the site. Ms.

Jones presented a slide where she had outlined the scenario of reducing the number of cars parking on site by 400 parking spaces. The numbers were included in the Staff report and she flushed out what that would mean. It could reduce the number of people arriving via car to 60%, increase the number of people walking or taking lifts to 20%, and people take the bus and shuttle to 20%. She believed those numbers were more in line with the City's goals. Ms. Jones thought this was a feasible option to look at as they look at different scenarios. Ms. Jones presented a chart showing the comparison in modes that are more consistent with City goals. She clarified that currently there is no agreement on the option of reducing parking onsite, but she wanted to show it as an illustration.

Ms. Jones stated that AECOM had a collaborative process with PEG. They had a lot of workshops with the City and PEG to identify ways to get transit priority and pedestrian and walking priority on the site. She recalled that 10 options were outlined and those were included in the Staff report. Ms. Jones remarked that AEMCO and PEG narrowed the options to two or three. She presented the evaluation criteria they initially used to narrow the criteria.

Ms. Jones summarized that the goal is transit first, how to get buses to move more quickly through the site in a reliable fashion and improve the transit rider experience; and at the same time maintain roadway flow. Ms. Jones stated that after agreeing on these criteria collaboratively with PEG, PEG and their consultants generated the scenarios that were included in the Staff Report.

Kordel Braley presented a slide of a concept that was originally proposed by PEG Development when they were last before the Planning Commission. It entails one-way circulation going across Silver King, down Lowell, down Manor Way, and back up and around. It essentially turns the existing two-lane road into a one-way circular road that circles around on the site. Mr. Braley stated that the analysis PEG did showed that from a traffic operation standpoint, this concept works well moving cars in and out of the Resort, but it does not provide any transit priority. For that reason, this alternative was no longer under consideration.

Mr. Braley remarked that several alternatives have been proposed. He presented Scenario 3b that goes further into the process. It has an above grade bus loop on the north end of the site going around Building D, which is the proposed building between Empire and Lowell just south of Silver King. Mr. Braley noted that this alternative would still have one-way circulation around the entire site, but it would have an exclusive bus lane that would loop around Building D with a stop somewhere within the Building D footprint. Mr. Braley remarked that this alternative was removed from consideration because the bus stop is further away from the destinations that some of the other

alternatives. Everyone who arrives by transit would still need to cross Lowell creating the pedestrian/vehicle conflict. Some of the other alternatives were able to put passengers on the west side of Lowell to eliminate that conflict. As they try to get more and more people to the Resort by transit, it would be great if they do not continue to have that conflict. Mr. Braley pointed out that this alternate also had signals.

Mr. Braley presented Scenario 2b. He noted that this option does not have one-way circulation around the site. This alternative would provide transit only lanes along Silver King that would turn down Lowell. There would be an enlarged bus loop in the same location as the current transit stop. They still need to work on making sure the buses can turn around, but this alternative could accommodate the quantity of buses they anticipate. Mr. Braley pointed out that this alternative would have two-way circulation, bi-directional traffic on Empire for regular vehicles going to the neighborhoods and going into the Resorts. This alternative would also allow southbound traffic on Lowell Avenue. This was included to still provide pickup and drop-off for people arriving through other modes out in front of the proposed hotel on the west side of Lowell Avenue and the Resort. It would be another way for people to get in there in the morning. There would be no northbound traffic on Lowell between Shadow Ridge and Silver King. There would be southbound traffic only, and no through traffic would be allowed between Shadow Ridge and down to Manor Way. There would potentially be a loop on the south side for general purpose traffic, then the transit loop, and in the middle just west of Building B between Shadow and Manor is an area where pedestrians could cross with no conflicts. Emergency access could still be provided in this area with some method to allow emergency vehicle access, but it would primarily be a pedestrian thoroughfare.

Mr. Braley pointed out that PEG Development provided a higher-level concept analysis of traffic volumes. He presented a slide and noted that the red arrows indicated the possibility that traffic volumes could exceed capacity. He noted that most of the traffic in Alternative 2b is essentially on Empire and there is no ability to widen Empire to accommodate additional lanes. That was the reason for showing a red arrow in the a.m. peak and the p.m. peak.

Mr. Braley summarized that in addition to the bus lanes, Scenario 2b proposes 4 new traffic signals, as well as one pedestrian hoc signal between Silver King and Shadow to allow pedestrian crossing. There would be one-lane drop offs on Lowell and two-way traffic on Empire. Mr. Braley commented on the advantages of Scenario 2b. It provides better transit service than what currently exists. The developer laid out a concept that would accommodate eight buses at the turnaround based on AECOM's recommendation. It also provides car free crossing on Lowell. Mr. Braley stated that

one of the big concerns with this alternative is the congestion on Empire Avenue since all the vehicular traffic coming in and going out would be on a two-lane road.

Ms. Jones stated that if the site is going to have exclusive transit lanes it would be difficult to come up with a scenario that will not have a small section of roadway that will fail. She pointed out that this will be a concern with many of the alternatives and the applicant and the City are working through those issues. Ms. Jones remarked that one advantage of reducing the amount of parking on site is that it reduces the number of cars traveling on those small narrow sections of road. She believed the applicant was leaning towards Scenario 2b.

Mr. Braley stated that all the maps showing traffic volumes were based on current existing conditions. They do not account for the potential parking reduction or for mode split, which are people switching from vehicular modes to transit modes. This was the purpose of the graphics that Ms. Jones showed earlier that demonstrates how providing the amenities and experience through transit opens it up to something that people are more willing to do that will shift some of the traffic. It would also affect some of the numbers in the preliminary analysis. The focus is to push for making transit a higher priority. Mr. Braley believed that building the right system would help promote transit.

Mr. Braley presented Scenario 3a. He reported that iterations were still being considered with this scenario and different options were still being looked at. Mr. Braley stated that Scenario 3a keeps the one-way circulation for vehicular traffic in place, southbound on Lowell and northbound on Empire. However, instead of transit coming down Lowell to the existing transit site, it would come west on Silver King all the way back behind Buildings E and C and would travel south on the back side. It would then come back to Shadow Ridge, travel east on Shadow Ridge, and back north on Empire. Mr. Braley remarked that Shadow Ridge and Empire would have exclusive transit lanes in this scenario. One of the benefits would be the ability to put a transit stop closer to the Resort and closer to the destination people are trying to go. Mr. Braley stated that one option with this scenario would be to put the transit only lane on the backside of Buildings D and E underground. If transit is located on the backside below ground, a few sub-options would be to have the bus stop below grade or have the stop closer to the intersection of Lowell centrally located between the development. Mr. Braley stated that another option with Scenario 3a would be to have the bus route on the backside be at grade at ground level behind the ski resort. Grade would be less of an issue this case. There were also options where the bus stop is located. Another option would be instead of the exclusive lane coming out on Shadow Ridge and up Empire, the transit lane could come back up Lowell and over on Silver King.

Commissioner Suesser commented on the 3a Scenario and asked about the entrance to the underground area. She asked if Mr. Braley had a picture of how that would work. Mr. Braley replied that it was not developed enough to have any renderings. He noted that the grade is traveling uphill to the south in that area. The bus would start going down, but the grade goes up at the same time.

Ms. Jones pointed out that there is underground parking in the building so there would be an entrance for vehicles. This concept was expanding the entrance to allow for a bus.

Chair Phillips stated that he was trying to understand the impacts of traffic lights and the number of traffic lights. In one of the scenarios there were four traffic lights. He asked Mr. Braley to explain how the number of traffic lights impacts the traffic flow. Mr. Braley replied that traffic lights slow down traffic. Traffic lights also handle conflicting movements. In trying to cross transit across heavy traffic flow on southbound Lowell, a traffic signal would provide an advantageous and safe way to allow traffic crossing. It will slow down traffic on Lowell, but it also provides an opportunity for traffic to cross. Mr. Braley stated that something to keep in mind with traffic signals as opposed to other forms of traffic control is that a signal can allow for transit signal priority. Technology is already in Utah that allows certain buses and snowplows to get priority at signals. He remarked that a signal opens up a lot of technology that can play to the advantage of prioritizing transit.

Chair Phillips understood that a well-placed traffic lights would help manage the conflict of pedestrians and traffic, as opposed to the conflicts without a light where pedestrians just cross at will. Mr. Braley answered yes. He noted that the hoc signal for pedestrians is another example of a signal that will stop cars and provide benefit to the site.

Ms. Jones noted that the applicant would need to do a full analysis to see if signals are actually warranted.

Commissioner Van Dine noted that one of the scenarios mentioned a hoc signal. She asked if there would potentially be a hoc signal across Lowell between Buildings C and D as well, or if that would be free crossing. Mr. Braley was not sure why a mid-block signal was not shown in Scenario 3a. He thought it would come down to making sure they understand how many pedestrians are crossing at each location.

Ms. Jones remarked that Scenario 3a was outlined in a way that all the people getting off the bus would be dropped on the slope side and would not have to cross Lowell.

Commissioner Dine stated that if the intent is to filter people into the plaza area with a transit stop before the turnaround, pedestrians will still be forced to go up to the lights to cross. Mr. Braley agreed. He had not noticed that before and he assumed the developer would explain why that occurs. He offered to look into it further. Mr. Braley stated that in the end, where there are heavy conflicts between pedestrians and cars, this is one tool they can use to help make it safer.

Commissioner Kenworthy asked Julia Collins if the bus lanes would connect to the park and rides all the way through as restricted bus lanes only. Ms. Collins stated that her intent for giving the summaries of the plans for SR224 and SR248 was to show how they are working with their partners at UDOT, who own and manage those corridors along with Summit County, to work towards a transit priority solution. The idea is to connect those destinations served with high frequency transit service and dedicated transit lanes. Ms. Collins noted that they have made progress with the shoulder running bus lanes on SR224 and soon on SR248. Currently, the focus is on SR224 and connecting a southern terminus in Park City along the SR224 corridor to Kimball Junction. Ms. Collins remarked that a study is underway with UDOT at the intersection of SR224/Deer Valley Drive/Park Avenue to identify short-term, such as signal technology or quick design fixes that would help with transit priority in the near term; and in the long-term thinking about the BRT and giving transit priority once the buses hit that intersection and come up to the Resort. Ms. Collins stated that they were still working on answering all the questions and a lot of things are in motion.

Commissioner Kenworthy thought the elevated view of how the public/private works together was critical. If this is a standalone and the buses are stopping and starting all the way along from these proposed park and rides, they will have the same situation and they will not meet their goal of improving the ingress and egress.

Mr. Braley stated that it is a massive problem when looking at the entire region or the City. However, when they have an opportunity with this type of redevelopment, they do the best they can in this spot and then look for other opportunities. He noted that it will not solve everything but doing the best they can on this site is just one piece of the puzzle that will not need to be solved later. He agreed that the buses will get stopped in other places around town, but at least with one of these options they can achieve something better for this small part of the City than what exists today.

Commissioner Kenworthy stated that Park City is famous for doing studies, and many of these studies wanted this development and wanted to explore the east-west connections. He asked Mr. Braley to talk about the possibilities for 14th and 15th Street. Without those solutions he questioned whether they really were making an improvement. Mr. Braley thought there would still be a bottleneck at Deer Valley and

Park Avenue, but the bottlenecks they currently have at the Resort would be resolved by one of the alternatives that were outlined. He understood Commissioner Kenworthy's concern, but he was not prepared to talk about other solutions for problems outside of this development area.

Commissioner Kenworthy stated that in reading the General Plan and the old studies, they all encouraged looking at the east-west solutions at 14th and 15th Street. He understood that it was not Mr. Braley's purview, but he asked if AECOM had looked into those options or had those discussions. He like the different options presented this evening. Some options seemed very workable and there were pros and cons to each one. Mr. Braley understood that there is a desire to keep a lot of the traffic off of Park Avenue. He was concerned that creating better connections on 14th and 15th would undermine the intent to keep traffic off of Park Avenue.

Ms. Jones clarified that these options were the applicant's designs, and AECOM was working for the City to just evaluate them. Hales Engineering is working for the applicant and AECOM has made suggestions. Ms. Jones personally thought 14th and 15th Streets might be options for pedestrian connections, which is why they asked the developer to look at where pedestrians were coming from. It might be possible to send buses up Park Avenue and up 14th and 15th, but they had not asked the applicant to explore that option.

Commissioner Kenworthy remarked that the applicant had created a view corridor and a plaza, and he suggested going further and possibly looking at a cabriolet. He stated that Snow Engineering recently completed an aerial study for the entire City, and they found a doable but expensive way of making this work. Commissioner Kenworthy wanted a public/private partnership to be the number one goal because it is the guiding principle of the General Plan. He pointed out that all the studies from the past ten or fifteen years talk about circulation through the entire RDA area.

Commissioner Kenworthy liked the options and the fact that the applicant was willing to be flexible and come up with different options; but the public part needs to go alongside with it. Julia Collins agreed with Commission Kenworthy. She noted that they asked and encouraged the applicant to consider all of these plans and projects and to look at the General Plan and the foundational planning principles that guides the transportation decisions for the City. This was the foundation the applicant used to come up with each scenario. Ms. Collins clarified that the scenarios presented were proposed by the applicant. They are not scenarios the City is proposing. It was a collaborative process, and these were the scenarios the applicant brought to the table.

Ms. Collins pointed out that the City was also working on short-range and long-range planning efforts. Pivoting off the Resort development, the City will look at where the applicant had not mitigated development impacts and make the proper connections and look at what needs to be done. Ms. Collins remarked that the City sees these initiatives as a collaborative partnership, but they were relying on the applicant to look at the impacts from a people perspective with bikes, pedestrians, transit and automobiles.

Planner Ananth stated the current thinking is to protect 14th, 15th, and Three King Drives from being used as cut-through roads to access the Resort. However, one of the fundamental problems the 1200 cars coming and going twice a day because of the number of parking spaces. Unless that is changed, it is difficult to reduce congestion simply by making a road slightly more efficient. Planner Ananth remarked that they do not want to widen the roads or prioritize vehicles, and one option that will come up is whether they should be looking at decreasing the amount of parking on site to lessen the congestion and potentially expand off-site parking strategies. Planner Ananth believed that trying to keep vehicles out of the City is key when looking at ways to improve congestion over the existing conditions.

Commissioner Kenworthy agreed with looking into those options and the sustainability of transit first. However, when he reads the report going back ten years, he was unsure where the City was coming up with the plan to protect the neighborhood between Park Avenue and the Resort. He understood Three Kings and he was adamant that it not be used as a corridor; but all the others were called out as potential solutions in all the studies. Commissioner Kenworthy thought they should keep 14th and 15th Streets in whatever mode options the talented transportation engineers came up with and he was not in favor of taking that out of their vision. He wanted the applicant to use 14th and 15th as the General Plan specifically states.

Chair Phillips agreed with Commissioner Kenworthy and he liked some of the new scenarios in thinking about alternatives. Chair Phillips thought an unintended consequence of reducing parking is the impacts on the surrounding neighborhood because they always talk about how the neighborhoods are strained with people parking on those streets. If they consider a parking reduction, they will need solid and strategic methods to mitigate parking impacts on the immediate neighborhood.

Commissioner Suesser agreed that the parking should be reduced at this site. She favored the idea of going from 1200 spaces to 800 spaces. Commissioner Suesser liked the idea of looking at more off-site parking to encourage people to park away from town and taking mass transit to the Resort. She believed that was key and should be encouraged. Commissioner Suesser also supported express buses from Kimball

Junction and Quinn's Junction to the Resort. She thought people would be more willing to use transit if they can get to the Resort faster.

Commissioner Suesser wanted to know who would control whether the 800 parking spaces at the Resort is paid or unpaid parking. She believed more people would use transit if it was paid parking at the Resort. Commissioner Suesser suggested doing an analysis of how much parking would be required if it becomes paid parking. She thought it would reduce the need a great deal.

Commissioner Suesser commented on Scenario 2b. She asked if the exclusive bus lane was on the exterior and would then come around. She also asked if there would be three or four lanes going up Silver King. Mr. Braley stated that Scenario 2b showed 4 total lanes, one general purpose lane in each direction and one transit lane in each direction. In terms of coordinating with the nearest bus stop, it would be difficult to have a bus stop on the outside and then make its way into an inside lane. Commissioner Suesser noted that there is a bus stop on Empire before Silver King, and it is highly utilized. She pointed out that this was an issue because the bus cannot not be cutting across the general traffic. Mr. Braley stated that this is where a signal could play a part. He identified a few options that could be explored. Commissioner Suesser noted that there is a bus stop on Empire between Silver King and Shadow Ridge, which is also highly utilized, and the proposed route in Scenario 2b does not service those people.

Regarding Commissioner Kenworthy's comments regarding 14th and 15th Streets, Commissioner Suesser stated that those are very steep streets and general traffic coming out onto Empire from those streets causes a lot of problems on Empire. A lot of cars have trouble going up those streets in the winter and currently creates traffic problems on Empire. Commissioner Suesser thought pedestrians and bikes should be able to utilize 14th and 15th with sidewalks and bike lanes, but she questioned whether they should be directing general traffic down those side streets. Commissioner Suesser liked Commissioner Kenworthy's out of the box ideas for a cabriolet and other things but using 14th and 15th for general traffic was not a good solution.

Commissioner Suesser raised other issues with Scenarios that she thought the developer should keep in mind. She thought they were seeing an increased number of shuttles coming to the Resort from various places in town, and those shuttles are now taking up a quarter of the upper parking lot. The shuttles are not circulating. They are standing in the lot waiting for people. Commissioner Suesser did not see accommodations for shuttles in any of the plans presented and she suggested the possibility of considering a lot specifically for shuttles based on what is currently occurring. Commissioner Suesser liked the idea of moving the bus drop-off for people getting off. However, she thought there would need to be improved infrastructure to

make the user experience getting to the Resort nicer than it would be if people were currently being dropped off in the new location proposed in Scenario 3a.

Chair Phillips agreed with Commissioner Suesser on having a plan for the shuttles.

Commissioner Thimm agreed with most of the comments, particularly the shuttles. He also thought a public/private solution was imperative. Commissioner Thimm was generally not opposed to signalization, but in looking at the proximity between signal devices he thought they appeared to be close to each other. He asked if an analysis was being done along Silver King Drive to see whether queuing would work properly with the expected volume of traffic so one light is not affecting the other. Mr. Braley replied that it still needed to be look at as they move forward. The development team had started doing a preliminary analysis, but they were not to the point of being able to comment on how well traffic will operationally work with the signals. Commissioner Thimm stated that where they were telling people to come up the greenway needs to be closely looked at in terms of the crossings and conflicts being created.

Planner Ananth provided a preview of the upcoming meetings. In February the City will come back with final recommendations and analysis on the applicant's preferred alternative. The City may have its own alternative or they may agree with the applicant's choice. That was still being determined. Planner Ananth expected the February meeting to also focus on parking and the applicant's Transportation Demand Management Plan. For the March meeting, she expected a final Traffic and Parking Management Operation Plan from the applicant, Construction Phasing and Mitigation plans, as well as proposed landscape and open space calculations.

Planner Ananth had included a chart in the Staff report that she would touch on after the applicant discusses their architecture. The chart goes over the 1998 plan, the square footage and the proposed design. She was also able to obtain parking above grade information that was also included in the comparison table, as well as building heights. She was very clear on the applicant's proposal peak building heights, which was measured from how height is currently measured which is roof elevation over existing topography. She clarified that these were peak heights on each parcel. Planner Ananth stated that she took the peak heights for the old plan from the 1998 plan volumetrics. She noted that those heights are not always taken from existing grade, so while they look very equivalent, some of the 1998 buildings are a bit taller because they are not referencing existing grade. She would continue to refine the building height comparison table as they move forward.

Commissioner Thimm referred to Planner Ananth's comments about coming back in February to discuss circulation and transportation and that the Staff may or may not be

in agreement with the applicant. He requested that every effort be made that whatever is presented to the Planning Commission and to the public represents a consensus if at all possible. Planner Ananth replied that it was the goal.

Robert Schmidt, representing PEG Development, offered their condolences on the passing of Bruce Erickson.

Mr. Schmidt addressed some of the comments and questions that were raised in the traffic presentation this evening. He appreciated the hard work that went into all three scenarios. Mr. Schmidt stated that PEG Development preferred the 2b Scenario. They believed this scenario has many advantages and there are practical reasons to go in that direction, recognizing that there are still many details that need to be worked out.

Mr. Schmidt commented on Scenario 3a. The applicant had prepared a conceptual site plan and a plan of profile of what an alignment would look like and he had that available. However, it is very technical, and he was unsure whether it would be much benefit. Mr. Schmidt noted that the Staff had those plans, and they could review it and provide their assessment to the Planning Commission. Mr. Schmidt stated that providing sufficient room for loading and off-loading of buses causes a squeeze on the site plan and it eliminates the open space plaza between Building C and E. In terms of on grade or below grade, they feel like an on-grade alignment of that option is a safety issue. It is not a good planning idea to have a bus running between the bottom of a ski hill to a plaza where people will be crossing multiple times a day. In terms of below grade, Mr. Schmidt stated that there are significant grade issues to get a bus from below grade back up to grade at the intersection of Lowell and Shadow Ridge. There is approximately 40 feet of grade difference within a few hundred feet.

Mr. Schmidt stated that the applicant would like to resolve the issues and allow them to focus on one option moving forward. He noted that one of the options presented this evening was removed from consideration. If they can reach agreement on one option, they would be able to move ahead.

Mr. Schmidt asked if the Planning Commission was interested in seeing the technical details of the plans that were submitted to the Staff. Chair Phillips thought it was better to wait and see which direction they gravitate. Commissioner Thimm suggested making it an exhibit to the next Staff report.

Mr. Schmidt referred to a question about shuttle staging and arriving of shuttles. He noted that there was a plan for shuttles in Scenario 2b on the south half of Lowell on the other side of the loop. It was labeled a potential shuttle and condo drop-off area. The intent is that it becomes a condo arrival for condo guests on Parcel B, and a shuttle

drop-off. There is also access for the lodges in that location, a fire lane, and other access needs for the upper base. Mr. Schmidt believed there was enough room to provide a dedicated shuttle drop-off zone to help alleviate some of those concerns.

Mr. Schmidt commented on the question regarding the proximity of signals to each other. He stated that they had started an analysis of the streets. They started with Scenario 2b in terms of signals, queuing, and those types of things. Mr. Schmidt pointed out that a lot of details still needed to be worked out, but they had started the process.

Mr. Schmidt responded to questions related to parking and the ideas of parking reduction. He stated that Pete Williams with SE Group was on the line. Mr. Williams had provided an analysis in a previous meeting centered around parking and parking demand needs. It also included discussion around capacities. Mr. Schmidt pointed out that parking will be paid parking onsite. They believe that will have a significant effect in terms of encouraging people to ride the bus and use other modes of transportation.

Mr. Schmidt stated that the developer is on a schedule and they want to move forward. He asked how and when these offset improvements occur to make the bus more convenient. From a practical standpoint, he wanted to know how they could have assurance that it happens and that guests will use the bus more. Mr. Schmidt remarked that there is a certain element of managing or controlling their own destiny. He understood the concerns that the number of vehicles create traffic impacts; however, he also knows that some of the changes being made in terms of transit improvements and charging for parking will have a significant impact on the increase in bus ridership. Mr. Schmidt was very concerned about losing 400 stalls.

The Commissioners had no further questions on traffic or transportation at this time.

Mr. Schmidt moved to the architectural presentation and introduced Emir Tursic, the project architect.

Mr. Tursic noted that the Planning Commission last saw the architectural design in November 2020. At that time, he went through the overall requirements that the project will be evaluated against that goes beyond just a comparison to the 1998 plan. He also looked specifically at the building height exception and setback exception criteria, and how the project basically meets the criteria.

Mr. Tursic stated that the purpose of the presentation this evening is to provide an update on Parcel B design and the Fourth Street corridor in particular. They understood

from the last meeting that this was an important part of the original master plan that needed to be maintained, and they made major modifications to the design to accomplish that. Mr. Tursic stated that the other part of the presentation will focus on the comparison to the 1998 plan, specifically regarding building height and the massing. To clear up confusion at the last meeting, they developed visual diagrams to help the Commissioners understand how the building height is measured and the comparison between the two plans.

Mr. Tursic commented on the Parcel B design. He stated that that the original master plan identified two major view corridors. One was basically the arrival view corridor from the intersection of Empire and Silver King, which is a major part of their design and an improvement over the 1998 plan. The second view corridor was the 14th Street corridor that maintained the pedestrian and the mountain view connection.

Mr. Tursic stated that since the last meeting they looked at ways to maintain that pedestrian connection across the site. He reminded everyone that they were providing generous sidewalks that will provide access around Parcel B that do not exist today. In addition, they were now providing a pedestrian connection across the site. He pointed to 14th Street and noted that they were providing a new public grand stair at the terminus of 14th street that would provide access to the elevated passel across the site down to Lowell Avenue. Mr. Tursic remarked that in order to do that they had to reduce the amount of parking on that level to make the connection. They made up for that loss by adding more parking below grade.

Mr. Tursic stated that the area shown in white on Parcel B was the publicly accessible space coming across Parcel B, and there will be an additional elevated deck that will act as an amenity deck for the condos. Mr. Tursic reiterated that additional parking will be provided completely below grade to make up the lost parking stalls from the top level to provide the connection. He stated that the connection is important not only because of allowing more flexibility for pedestrians to cross and to maintain the view corridor, but also in terms of massing. He showed the elevation that was presented in November with three-story townhomes cascading down Empire and continued into the affordable housing building. It was a continuous facade. There was a lot of horizontal and vertical articulation but there was no break in the massing. The community expressed that concern repeatedly. Mr. Tursic noted that the pedestrian connection also allowed them to provide a major break in the massing of about 80-feet along Empire.

Mr. Tursic outlined three major elements on Parcel B; the three-story townhomes, the affordable housing building that continues along Shadow Ridge and wraps the corner of Empire, and the condo building beyond. In response to a request at the last meeting to demonstrate what the mountain view corridor would look like, Mr. Tursic had created a

photo realistic rendering standing on the corner of 14th Street and Empire Avenue. He indicated the stop sign and moved to public space with a public stair that allows people to go up to the pedestrian passel. They were also adding a new elevator in that location to make sure the connection is accessible for everyone to use. Mr. Tursic pointed to additional landscaped area for people to enjoy summer or winter. Mr. Tursic liked the potential being created by the elevated deck. He pointed out how much of the mountain will be visible. He would later compare it to the original master plan and what was proposed in 1998.

Mr. Tursic reported on a work session with the residents last week and they walked through the changes on Parcel B. A number of people wanted to see what the connection would look like from the opposite end. Mr. Tursic presented a perspective from Empire Avenue to show what that connection would look like.

Mr. Tursic provided a quick comparison to the 1998 plan. He presented the elevation from the original 1998 plan looking from Empire against the connection. He noted that the original master plan called for a minimum 30-foot opening. If they extrude the volumetrics that were approved and the building height, the aperture is a lot smaller than what is being proposed today.

Mr. Tursic remarked that the changes were a major rework of Parcel B to not only create a pedestrian connection, but also to provide a much wider mountain corridor compared to the original master plan.

Commissioner Suesser asked Mr. Tursic to again show what the connection looks like on Lowell Avenue and what the access across Lowell to the Resort would look like. Mr. Tursic pulled up the rendering and indicated the two major entrances into the parking garage. He stated that the pedestrian connection being proposed would align with one of the entrances into the garage.

Mr. Schmidt pointed out that with the traffic and transit plans multiple options are in process and that will affect how the crossing occur. For example, with Scenario 2b there would be a signal at the intersection of Shadow Ridge and Lowell, which would provide a protected pedestrian crossing at that intersection. There would also be an at-grade dedicated pedestrian crossing between the bus loop and the shuttle loop. Mr. Schmidt clarified that there were still discussions and plans still needed to be worked out.

Commissioner Kenworthy thought the updated plan for Parcel B was a fabulous improvement from the previous iteration; however, it was missing the pedestrian overpass. He needed to be convinced as why they could not engineer a bridge from the

upper staircase straight across into the existing Resort Center. Commissioner Kenworthy referred to studies that were done in 2012 and 2014 that included a pedestrian overpass in that same location. He noted that the previous Resort owner, with City cooperation on the Resort Center, had planned for an overpass. Mr. Schmidt agreed that the elevated plaza presents opportunities for an overpass and it was something they would consider.

Mr. Tursic noted that the applicant had submitted a narrative that was attached to the Staff report that looked at the proposed plan and compared it to the original 1998 approved plan, specifically related to the program of each parcel, density, open space, and building height and massing. Mr. Tursic provided a more visual comparison between how the original plan compares to the new plan.

Mr. Tursic presented slides of the sections from the original master plan. Parcel B was envisioned as a residential building and varied in height between three to six stories, and it was sitting on a three-story parking structure. The building had 191 residential units. Mr. Tursic stated that PEG Development was proposing a similar residential program on Parcel B that varies from three to six stories. The proposed plan provides more parking than the original plan. All the parking is clad with residential units; therefore, the parking structure is only exposed at the major entrances into the parking structure on Manor Avenue. Currently, the program is comprised of approximately 56 condominium units and 73 affordable housing units. Mr. Tursic remarked that the plan residential program has been refined in accordance with the current LMC to provide affordable housing that the original plan did not contemplate or provide. It also includes the affordable housing for the first phase, which was completed but never provided the affordable housing.

Mr. Tursic commented on the building massing of the original plan. He heard a lot of references to the original plan and how it was composed of four different buildings. He presented the original plan with two large courtyards that served as entrances into the residential buildings. He pointed to the pedestrian connection that goes across Parcel B. Mr. Tursic noted that from the Empire perspective the building is more continuous and perceived as two or three different masses rather than four masses. The four different buildings are only recognizable in the plan. Mr. Tursic stated that in PEG's proposal the building is comprised of three different massing, which include the townhomes, the affordable housing units, and the condominium units.

Mr. Tursic presented some of the original diagrams of the approved building heights and volumetrics that were presented last time. He pointed out that the original master plan measured the building height from the established datum point and not necessarily from finished grade. In this particular case the building that was on the corner of Manor Way

and Empire was measured from elevation 6951, which was the ground level elevation. The two buildings at the opposite end at Shadow Ridge were measured from 6941. Mr. Tursic stated that in an effort to compare the building heights, they modeled the original approved volumetrics. He presented a slide looking from the corner of Shadow Ridge and Empire Avenue, and the approved massing from the 1998 plan. Mr. Tursic had color coded the diagram showing the pitched roof zone in yellowish green. The pink area below was the approved building enveloped. Shown in blue was the extra height that goes from the established datum point all the way to finished grade, which is how building heights are measured today, and it was not accounted for in the diagrams. Mr. Tursic explained that what was showing as 78' was not 78' from the finished grade, but instead 78' from the elevation of 6941.

Mr. Tursic stated that they overlaid the current massing over the approved volumetrics from 1998. There was no dispute that the plans are very different. Mr. Tursic explained why the building height in general across the site is very compatible in both plans. He compared the proposed massing with the massing that was approved in 1998. Regarding open space, Mr. Tursic reviewed the original plan and compared it to the open space in the proposed plan. In terms of setbacks, the original plan approved 20' setbacks on all four sides of the building. The applicant was requesting a setback exception on three sides along Empire, Shadow Ridge, and Lowell. Mr. Tursic explained why the setback exception was necessary in order to create the architectural variation and reduce the perceived scale of the building.

Mr. Schmidt commented on the setback exhibit. He specifically pointed to the townhome portion along Empire that poke through the 25' plane. He stated that those are basically a portico, which is a small section of each townhome that provides architectural variation and defines each unit with strong architecture. On Shadow Ridge he noted that the white portion that pokes through the 25' setback was a portion of the facade that provides strong horizontal articulation. He noted that Mr. Tursic talked about the perceived scale of a building and how he was using the horizontal articulation to reduce the perceived scale. Mr. Schmidt stated that in theory that section of the building could be pushed back to 25' and still have the same height, but it would feel taller and more massive. Providing horizontal articulation is necessary to provide the architectural interest and variation they were trying to achieve and what the LMC suggests. Mr. Schmidt emphasized that the applicant was not asking for an across the board 20' setback. They were asking for a limited 20' setback to provide architectural variation.

Commissioner Suesser asked about the building between the townhomes and the pedestrian walkway. Mr. Tursic replied that it was one of the entrances/exits into the parking garage. He noted that they were providing three separate accesses at three

different elevations of the parking structure to maximize the flow and avoid bottlenecks. There was an entrance and exit on Shadow Ridge, along Empire, and along Manor Way.

Mr. Tursic compared Parcel C with the original 1998 plan. He noted that the original master plan considered Parcel C to be another residential building rather than a hotel, which is one of the major differences between the original plan and the current design. The building was approximately six stories in height and stepped down as it approached the street. It was sitting on top of a three-story parking structure with an entrance to the parking garage on Lowell. Mr. Tursic presented the volumetric of the residential building. The building height was measured from the ground level elevation of 6921, and everything below it along the plaza was not counted in the building height.

Mr. Tursic had modeled the approved volumetrics of the original plan using the same color scheme and overlaid it over the proposed building. He pointed out that there was an obvious difference in the massing and articulation. The original design was more of a two-wing configuration that stepped down. Mr. Tursic remarked that some of the design was driven by the realignment of Lowell that was proposed at that time but is no longer feasible today. Mr. Tursic stated that despite the different configuration, the building heights were generally maintained in the proposed plan.

Mr. Tursic stated that based on the feedback from previous meetings, the residential building on Parcel D was reduced by an entire floor, and it was added to the wing closest to the mountain to mitigate the impact on the adjacent residential neighborhood. He presented a slide showing the proposed massing for Parcel C.

Mr. Tursic commented on the major differences in programming between the original plan and the proposed plan. The original plan proposed for Parcel C was a residential building, and it had a learning center fronting the plaza in the center. PEG Development was proposing a four-star hotel on Parcel C. He thought that was an important difference because they were trying to provide a variety of lodging as opposed to providing only condos. A four-star hotel would become the epicenter of activity. It would provide additional retail and a variety of new housing options that does not currently exist at the base of the resort. Mr. Tursic remarked that the proposed design has more support and accessory space because a hotel has more back-of-house and support functions than a residential building.

Mr. Tursic commented on open space and presented a view of the plaza of the original master plan to give a sense of the Lowell realignment that was proposed. It created a much larger Parcel E and a much larger Parcel D.

Mr. Schmidt explained why the Lowell realignment would not be feasible today. Their analysis shows that Lowell has existed in its current alignment for decades and there are a lot of utilities within Lowell. Most recently the City's raw water line was added into that alignment. Mr. Schmidt stated that from a practical standpoint it made more sense to leave Lowell in its current alignment. He noted the 1998 plan showed Lowell realigning and connecting at or very near to the intersection of Empire and Silver King. However, the 1998 plan provided no details as to how that would work from a traffic standpoint. Mr. Schmidt stated that separating the intersection of Lowell and moving further away from the intersection of Empire allows them to manage the traffic load and circulation more effectively and reduce congestion. PEG Development was not proposing to realign Lowell for the reasons stated. Mr. Tursic stated that there is also a major elevation difference between the existing mountain and Lowell Avenue.

Mr. Tursic indicated a large open space area that created a new lower base for the Resort between Parcels C and E, which was maintained in the proposed plan. Unlike the original plan which provided only a learning center and skier services, the proposed plan provides significantly more retail to truly activate the plaza. They were trying to create a sense of place and a new lower base that will revive the identity of the Park City Mountain Resort and match its reputation as one of the best resorts in North America. Mr. Tursic reviewed the plaza elevation which included a grand stair that overcomes the elevation difference, as well as accessible ramps that come across. Mr. Tursic pointed out two-story retail on both sides. In addition to retail at the plaza elevation, the hotel restaurants also help activate the plaza.

Mr. Tursic stated that the original master plan had an exception for 20' setbacks along Lowell in limited locations. It asked for a minimum 30' setback along the private road. The PEG was asking for a very subtle encroachment in almost the same locations along Lowell. In a couple of instances, they encroach to 20', but for the most part, they actually exceed the setbacks.

Mr. Tursic remarked that the Parcel D footprint is a major difference between the 1998 plan versus what was being proposed today. He noted that the original Lowell realignment eliminated a portion of Silver King Drive, which enlarged Parcel E and made Parcel D a lot smaller. It was another residential building three to six stories in height with approximately 60 residential units. Mr. Tursic stated that the current design was proposing 40 units. In the original plan the ridge height was approximately 60' measured from the ground level elevation. He provided a visual comparison and point out how the proposed massing fits within the approved envelope with the exception of the ridge height. If that was modified slightly it would be within the approved building height. Mr. Tursic pointed to a pavilion that the applicant was proposing to support the

open space as a community amenity that was not part of the original master plan. Mr. Tursic provided views of Parcel D from different sides.

Mr. Tursic understood the applicant was proposing a different plan in terms of massing, but they were also trying to demonstrate that it is also compatible with the 1998 plan. He remarked that the plans vary due to programming, utilities and road perspective. Mr. Tursic noted that the original master plan provided a lot less open space on Parcel D because it was a smaller footprint, and the residential building took up most of the site. It had a 20' setback approval along Lowell, and 15' setback approval on the south side against the existing condominiums, which is no longer an option under the current LMC.

Mr. Tursic stated that PEG took the opportunity of the extra space to improve the sense of arrival at the roundabout and to maximize the mountain view. They looked at Parcel D as an opportunity to transition from the Resort scale and use to the residential neighborhoods. The open space would be year-around community space. The retail envisioned in Parcel D would serve not only the new but also the existing residential neighborhoods. Mr. Tursic reviewed the setback diagrams.

Mr. Tursic moved to Parcel E. He stated that because of the road realignment in the original plan, this parcel deviates the most from the 1998 plan. The original master plan had a much larger footprint than the current Parcel E plan. The original building was three to six stories high with 91 residential units. They were currently proposing 46 units. Where possible they were stepping it down to a two-story building and increasing the setbacks. He stated that along Silver King in particular, there is not enough space to do the same kind of stepping of the building that was done in the original plan. Mr. Tursic presented another view, noting that some of the massing was pushed to the plaza and the building was stepped down to alleviate the impacts on the plaza. Mr. Tursic stated that the setback on Parcel E was approved at 20'. He indicated where on the proposed plan they needed 20', but beyond that they were well within the 25' setback envelope.

Mr. Schmidt requested time at the end of the public comment period to respond to any comments or concerns that may arise.

Chair Phillips appreciated the visuals that were presented this evening. He referred to page 63 of the presentation and asked for clarification of a piece that was sticking out of the setback line. Mr. Tursic stated that a small portion of the stair tower and the articulation below that extends beyond the 25' setback. He would fix that issue.

Chair Phillips referred to the visual showing the view corridor on page 57. He thought they were deceiving. He understood how someone would interpret that the building is

supposed to fit within those boxes. Mr. Phillips wanted everyone to understand that they have the setback parameters, as well as the height parameters, which is simply a volumetric. Chair Phillips referred to page 32 of the presentation. He thought it was helpful when Mr. Tursic showed the extra datum heights. He thought combining all three of the exhibits with the building envelope was very helpful. Chair Phillips was interested in seeing the visuals because it confirmed what he thought. If those buildings were made of rubber and filled with air, and they pushed the buildings within the setback, the buildings fronting on Empire would be taller and the building on Manor Way would be a vertical flat wall.

Chair Phillips stated that personally he was comfortable with the requested setback reductions because it is being done for good reasons and allows for architectural variations. He thought the applicant had done a great job with the 14th Street corridor and he believed it aligns with the vision of the original documents.

Chair Phillips opened the public hearing.

Nikki Deforge, representing RRAD, thanked the Staff and the applicant for the progress they made on improving the plan in many areas. However, RRAD had continuing concerns that they hoped would eventually be addressed. Ms. Deforge stated that a number of the remaining issues would need to be addressed before this development could be approved. Ms. Deforge stated that she had not intended to discuss the framework for the review based on the Staff report; however, some of the comments made in the slides presented this evening made her realize that they still do not fully understand the framework. Ms. Deforge noted that the Staff report outlined the three paths that the different aspects would be viewed through; the no material change, the newly applied for, and the substantive amendment. She remarked that a chart above those in the Staff report specified which of the different issues are reviewed under which standard. Ms. Deforge believed that was generally correct, but one of the screens that was shared showing the framework pulled in a number of things into the newly applied for category that was not shown on the chart and was not correct. Ms. Deforge stated that the only newly applied for items are the perimeter setbacks and building height exceptions. Most everything else is a substantive amendment because it is not newly applied for. She wanted to make sure there is not that disconnect moving forward in terms of the framework, that they are consistent in approaching it, and what they see presented at each meeting is the same as what they see in the Staff report.

Ms. Deforge had prepared a PowerPoint presentation. She commented on the transportation and connectivity issues. She stated that RRAD endorses the idea of transit first, and that needs to guide the design and the development rather than being dictated by the design and development. She thought the plans presented were more

of a secondary consideration. The developer has designed first, and based on that design, is trying to fix the transit and transportation issues created by the design. To the extent that it cannot be fixed, they throw up their hands and say Empire is a disaster, all of the parking is concentrated in one corner with all the pedestrians and vehicles, but there is nothing they can do about it. They work with that design and then accept the transportation mess. Ms. Deforge recognized that the applicant tries to mitigate it as much as possible, but they do not try to change the design to fix any of those issues. She sees that continuing on the transit issue with the plans that were presented that are not showing crosswalks, sidewalks, bike lanes, or all the driveways. These considerations appear to be secondary and because of that, they will end up not with a public/private partnership, but rather the private design dictating the public transportation issues and problems.

Ms. Deforge agreed with the Planning Staff that this development is a generational opportunity, but she felt like the City was being reactive to the developer's plans rather than proactive in making sure the plans work for the community. Ms. Deforge stated that if the design creates untenable transportation, transit and pedestrian situations they cannot accept the design. It would be far more optimal to work with the developer at this stage and require them to make the necessary adjustments. Ms. Deforge thought Parcel B was a good example. The applicant made some improvements, but it will still create a traffic nightmare because 65% of the day skier parking is on Parcel B. It is where most of the pedestrians would be and where cars will be coming and going, and it pushes all the traffic under Scenario 1b on to Empire. Ms. Deforge remarked that according to the Staff report, Empire capacity is 800 cars per hour. Under the plan preferred by the developer they will see 1200 cars per hour on Empire, which is a residential street. In addition, almost 2700 pedestrians will be crossing Lowell in a single a.m. peak hour. Ms. Deforge did not believe they had enough information to see the impacts. They were given vehicle numbers but not pedestrian numbers, and they cannot see where they are concentrated. Ms. Deforge thought some of the estimates were low regarding pedestrians. She pointed out that the tables provided indicate 2800 housing units within a quarter mile, and 2.4 people walking per unit which equates to 6700 pedestrians per day. To say that only 2600 pedestrians will be crossing Lowell is not accurate.

Ms. Deforge commented on parking, particularly the day skier parking in Parcel B. She noted that the Development Agreement required 1800 underground day skier parking spaces. This developer reduced that parking to 1200 space, which are currently taken up by 9:30 a.m. every day of the week even with Covid, limited passes, and lack of snow. Ms. Deforge pointed out that they were now talking about reducing the parking to 800 spaces and pull 400 spaces off site. She remarked that the 1800 spaces required in the DA was based on the density in the development at that time. Ms. Deforge

stated that if they intend to pull parking off this site, they need to go back and look at the numbers originally required and think about why they were agreeing to a loss of 1,000 parking spaces on the site. Ms. Deforge stated that moving some of the parking off of Parcel B would go a long way in fixing the transit, circulation and transportation issues. It will separate the pedestrians and it will separate and disburse the traffic. It will keep a lot of the traffic off of Empire because cars all of the cars will not be using the three or four parking garages and entrances on Parcel B. It will require the traffic to disburse over Empire and it will be consistent with the DA. Ms. Deforge recommended thinking outside the box and think of solutions rather than just accepting the developer's design and a circulation and transit situation that does not really work to accommodate the design.

Ms. Deforge remarked that RRAD needed additional information in order to evaluate this development, many of which were mentioned in the Staff report such as updating the vehicle counts to match the current plans and show where the pedestrian traffic is concentrated. As of now, the pedestrians will be over on parcel B. They need to update the calculations of the hotel rooms and the parking spaces to match the current plans, and consider the transfer of 14,000 sf from Parcel D to the hotel on Parcel C. She pointed out that no one had discussed the impact that would have on transportation and connectivity. Ms. Deforge stated that they also need to include the sidewalks, crosswalks, bike lanes and driveways, including the townhouses on Empire. Without that information they cannot analyze the plans well enough to end up with a good plan for the community.

Ms. Deforge stated that these were RRAD's initial thoughts regarding transportation and circulation. As they get more information, they will be able to provide more substantive feedback. They hoped the City would look at this as an opportunity, but that it will not be dictated by the design to potentially create another bad situation around the Resort.

Regarding the design updates, Ms. Deforge pointed out a number of issues that still need to be addressed. She noted that the proposed maximum building heights are currently 74' to 80' above grade, which is more than double the 35' allowed under the LMC. They should not lose sight of the significant increase over what the LMC allows. Ms. Deforge thought it was even more apparent when they look at this development with boots on the ground. They talk about grade, but because of the slope, in some places they are talking about 100' above the grade. Ms. Deforge referred to comments in the Staff report about these heights being consistent with the adjacent properties. She did not believe that was true. The residential houses on Empire and in the Resort area are all two to four stories with the exception of one building. She disputes that these six, seven, eight story buildings are consistent with the Resort area properties. Ms. Deforge pointed out that the only building taller than four stories in the entire area is

the Marriot Mountainside. That building was intentionally to keep the height against the mountain and away from the adjacent properties and away from the street. The building steps up significantly at multiple levels until it reaches the peak height up against the mountain. Ms. Deforge stated that the drawings presented this evening were completely unlike the Marriott Mountainside. In the PEG Development, the heights are the highest where the setbacks are reduced the most. They are right up against the streets and right up against the neighborhood homes. Ms. Deforge stated that it is important to go back to the LMC requirements and look at what is actually required for the Planning Commission to grant a height variance. There are six conditions and each one must be met. The first is that the increased height does not result in increased square footage or building volume. The second is that the buildings need to be positioned to minimize visual impacts on adjacent structures. It also addresses the stepping issue and these plans do not step. Ms. Deforge remarked that the developer seems to think that stepping means adding a little architectural variation. She pointed out that stepping requires minimizing the visual impacts on the street level and on the adjacent neighborhoods. The building should be significantly pushed back from the street and properties to minimize the height, but that is not shown in the proposed plans. Ms. Deforge provided examples to support her comments about the buildings not being stepped. The third condition is adequate landscaping and buffering. She pointed out that landscaping plans have not been submitted so they were unable to know if that condition was met. Ms. Deforge stated that the fourth condition is crucial because it requires increased setbacks and separations from adjacent projects in order to grant height variances. Ms. Deforge noted that there are no increased setbacks along the portions of the project where the heights are the highest, and they often have reduced setbacks while doubling the maximum height. When one end goes up higher, the other end needs to be reduced, but they are not seeing those reductions. Ms. Deforge provided examples to support her comments. Ms. Deforge stated that the fifth condition is that it must result in more than a minimum amount of publicly accessible open space. She agreed with the Staff that the developer still needed to provide updated calculations based on the updated plans. They need to know what the developer is claiming as open space and what is publicly accessible as opposed to private amenities. Ms. Deforge noted that the sixth condition is that the additional building height must be designed to provide a transition in roof elements in compliance with Chapter 15-5 of the LMC. She believed that would implicate the stepping issue as well.

Ms. Deforge reiterated that all six conditions need to be met before the Planning Commission can grant a height variance. The burden is on the developer to show the six conditions are met, and the Planning Commission needs to make findings that all six are met. She stated that the Planning Commission cannot make those findings based on the plans as currently proposed.

Ms. Deforge noted that the developer has asked for setback reductions throughout the project. The Commissioners cannot just grant the setbacks reductions. The standard is only if setback reductions are necessary for architectural interest and variations. Ms. Deforge stated that a setback reduction is not necessary for architectural interest and variation just because the developer proposes to go taller without it. She pointed out that they would not have the right to go taller because the height must meet the 35' maximum. Ms. Deforge remarked that when a developer comes in with an application, they are required to work within the building envelope, the height maximums, open space requirements, facade variation requirements and many other requirements to meet. It is not a justification for the developer to say they cannot comply with all the requirements of the LMC without setback and/or height exceptions. Ms. Deforge emphasized that the City does not owe this developer and they cannot ignore the provisions of the LMC without good reason. She pointed out that the developer implied that there are no setbacks less than 20' in the plan; however, the Staff said there is. The LMC does not provide any discretion to the Planning Commission to allow those and RRAD hoped the final plans would be free of any such setbacks.

Ms. Deforge commented on affordable and employee housing. She noted that the Staff had suggested moving employee housing off site and RRAD agreed with doing that. They believe that all the affordable and employee housing should be moved off site, and shuttles should be provided for the employee house. It would go a long way towards addressing some of the issues. Ms. Deforge stated that RRAD agrees with the Staff that the updated calculations are needed, and that clarifications are needed as to what is being claimed as publicly accessible.

Ms. Deforge appreciated the improvements and the work that was being done, especially by the Staff, in evaluating the project. RRAD hoped that the traffic issues would be looked at more critically and less reactively. They wanted to make sure that this generational opportunity results in something that works for the community instead of a development that was foisted on the community because they liked the developer's plan. In the end, they need to think about the residents that live in this area and their interests need to take priority.

The following speakers raised their hand on Zoom and were unmuted to make comments.

Sherie Harding, heard why PEG dispensed with the realignment of Lowell Avenue. She stated that the realignment was a key component of the 1998 concept master plan which highlighted the gateway to Park City Mountain, as well as numerous other benefits they were just beginning to recognize. Ms. Harding stated that this realignment

is very appealing as they consider site circulation. She pointed out that Julia Collins talked about transit first, a dedicated transit lane, and a BRT. Ms. Harding agreed that Scenario 2B looked like the best option and it advances Park City's objectives. Ms. Harding remarked that with realignment, the Lowell/Silver King traffic light could disappear, leaving three new signals rather than four. Secondly, with realignment the dedicated transit lane delivers skiers and shoppers directly and more quickly to the south Lowell transit center. The road is on the diagonal. Also, with realignment more space is available on Parcel E to resolve those disturbingly abundant issues of pedestrian safety, height, setbacks, shadows, etc. Ms. Harding stated that the decreased footprint is not an advantage on Parcel E. It is an excuse for a monolithic structure. Ms. Harding remarked that with realignment, underground parking under Parcel E could actually be entered sooner. Ms. Harding asked the Planning Commission to at least consider the realignment of Lowell. It is a brilliant piece of the 1998 plan, and they should incorporate that option into the traffic and transit studies. Ms. Harding thought the aerial views of the project that were presented this evening points out the improvement offered by the realignment of Lowell Avenue. She emphasized that the realignment needs to be reconsidered. Ms. Harding stated that utilities can be moved, and more dramatic things have been done with other developments in Park City.

Angelica Palank-Harlet stated that she and her husband own Unit 30 in the Snowflower which is immediate to Parcel E. They have had a lot of concerns about traffic flow and other impacts from this development on their property, the property values, and the pleasure of their use of those properties. Ms. Palank-Harlet absolutely opposed traffic option 3a, at least on grade. She stated that if an entire transit lane can go undergrade, why could they not put pedestrian lanes undergrade or pedestrian catwalks to keep pedestrians and vehicles from interfering with each other. It would provide better flow and better safety all around. Ms. Palank-Harlet commented on the variances and exceptions being requested, and she agreed with Ms. Deforge that no developer has an authorized right to an affirmative vote from the Planning Commission or anyone else because they give a pretty picture. She noted that they have all seen situations where developers come in with pretty pictures, get their rights vested, and then sell off to someone else who gets the exceptions but builds a different picture. Ms. Palank-Harlet stated that having the 88' height next to her windows is offensive. Without at least a landscape plan that shows the ability to screen the vast majority of the building from her view, it is not an acceptable approval. She stated that the building heights do not have to be that height just because it is what the developer wants. Ms. Palank-Harlet stated that if the developer is going to consider running a traffic pattern between Building E and the Snowflower, she would find that exceedingly offensive and unacceptable. If the developer needs to marry Parcel E to Parcel D across the way, they will need to figure out something different. If they were to go in the traffic pattern between Parcels E and

C and then loop back behind D, they would not be interfering with any other buildings. Ms. Palank-Harlet believed more creative solutions could be explored. She also did not think they should be eliminating parking spaces. There should be a charge for parking and the parking should be expensive because it encourages people to make a dollar decision to take mass transit rather than impinge upon the residents parking. She was concerned that Snowflower would need to hire someone to make sure those going to the Resort do not try to use their limited parking. Ms. Palank-Harlet asked the Planning Commission to consider those who were there before and who helped create the value in this property that the developer is now enjoying. She had no problem with it being developed, but it needs to be done in a way that does not reduce their value in order for the developer to make a profit.

Deborah Rentfrow stated that with regards to the circulation, AECOM had pointed out 2500 plus pedestrians crossing Lowell per hour. She remarked that the way the building is currently designed for Parcel B, they are more than doubling the number of parking spaces on Parcel B as of today. Ms. Rentfrow thought it was important to understand that the 2500 pedestrians is grossly understated for what it would be with the new development. She believed that needs to be taken into consideration when they look at the various scenarios. Ms. Rentfrow stated that because they were only looking at this in terms of what exists today, she asked if it takes into account the 249 hotel rooms and the 150 additional condos, the affordable housing and the employee housing in their figures.

Planner Ananth stated that the scenarios shown this evening all include the proposed plans. It was not the existing conditions, but the additional parking on Parcel B, as well as the number of trips created by the development. Chair Phillips clarified that the developer had accounted for full buildout in all the scenarios.

Ms. Rentfrow referred to Scenario 2b. She stated that the section where Empire is failing both north and south is between Shadow Ridge and Silver King. She recalled at one point the developer talked about a one-way loop that went all the way around. She asked if any consideration was given to making that two lanes northbound, one-way only between Shadow Ridge and Silver King. She noted that 14th Street is south of Shadow Ridge. People who live on Empire and Lowell could travel up Park Avenue or Woodside and come up 14th Street and head southbound to get to their homes. Even emergency vehicles use 14th Street because she saw one use 14th Street last night. They made a left turn and went up Empire and over to the Marriott Mountainside. Ms. Rentfrow stated that emergency vehicles would have another alternative besides going through Silver King, 15th Street, around the loop in order to get there. In addition, three of the main buildings that have the majority of the residences are Powder Point, Edelweiss, and Snowblaze front both Empire and Woodside. All of their dumpsters are

on Woodside and the garbage trucks do not have to travel down Empire. It would only be that short section. Ms. Rentfrow stated that she had not discussed her idea with anyone else, but she thought it might be worth considering because of the failure on Empire in that short stretch.

Ms. Rentfrow stated that her primary concern with Scenario 3a is when the bus comes out from underground. They talked about it being in a couple different places and she wondered how it would impact the NAC drop-off, parking, etc. She had grave concerns about the potential negative impact on the NAC if they go with that scenario. Ms. Rentfrow did not understand why there was not a hoc signal for Scenario 3a. She also did not understand why there was no light at Empire and Shadow Ridge. Ms. Rentfrow stated that she is very pro dedicated bus lanes. However, she agrees with Commissioner Kenworthy and others about fixing it from far out. If it still takes 25 minutes to get from the high school satellite parking lot to the corner of Empire/Park Avenue/SR224, the 25 minutes sitting on the bus will discourage people from using transit.

Ms. Rentfrow commented on building design. She thought the 14th Street corridor was a great improvement. Ms. Rentfrow remarked that parking data was not included with each parcel in its programming. She thought this was a problem because it goes to building height and massing, and the setbacks requests. She pointed out that a lot of the massing is attributed to the parking and that information needs to be included in order to do a complete assessment. Ms. Rentfrow noted that the Staff had suggested that the developer consider a payment in lieu to move a floor of affordable housing. She agreed and pointed out that the 1998 Development Agreement had employee housing off site. She was in favor of having the developer making a payment in lieu to move all of the affordable housing off site. This would allow the developer to spread the 73 condos across the parcel and reduce the height of the entire parcel. As to the parking that is causing some of the additional building height, Ms. Rentfrow stated that the highest level of parking in the 1998 plan was at 6940. PEG's highest level is at 6952. That is one level above grade at the corner of Lowell and Manor Way, which is the highest point of the entire parcel. It then goes clear across the whole parcel. She stated that eliminating that one level of parking they could bring the whole building down a level. If they do the payment in lieu for affordable housing, the result would be a significant reduction in height and massing for that parcel. Ms. Rentfrow stated had an issue with stepping on the majority of the parcels. Manor Way and Empire goes from three to seven stories. Shadow Ridge and Empire is six stories. She pointed out that Shadow Ridge across the street is only four stories and it goes downhill.

Ms. Rentfrow commented on setback exceptions. She noted that the developer was not requesting a setback exception on Manor Way. She pointed out that there are no

residences that face Parcel B on that end of the building, yet that is the only end where they are not requesting an exception. She agreed with Ms. Deforge that if they are going for additional building height, they must have increased setbacks, and if should definitely be done on the residential sides of the parcel rather than the side that does not have residences opposite from it. Ms. Rentfrow noted for Parcel C the developer talks about having excessive setbacks on the backside of Parcel C, which is towards the mountain. However, on the front side they want reduced setbacks. She did not understand the logic. Ms. Rentfrow noted that Parcel C still exceeds the square footage. It is a six-story building with very little stepping on the north end. Ms. Rentfrow stated that the loading dock will have an impact with any plan they choose because that loading dock is on Lowell and it requires the vehicle to back in. It is not a hairpin turn. If trucks need to unload, they will need to actually pull in and back into the loading dock, which will certainly stop traffic. Ms. Rentfrow noted that the northeast side of Parcel D does not step down. It is a five-story building across from existing three-story buildings. Ms. Rentfrow stated that Parcel E is monolithic and unappealing. The developer talks about how wonderful it is on the plaza side, but they need to also consider the adjacent properties. In comparison to the Three Kings Condos and Snowflower, it is absurd. She did not believe the smaller parcel was justification for excessive building height or setbacks. Ms. Rentfrow stated that she looked at the square footage table and found that the developer cut the resort accessory use square footage by over 50%. She looked up what is included in resort accessory use, and it includes ski patrol and medical clinic. She noted that they have yet to hear any plans specifically addressing those items. A medical clinic and a helicopter pad are very important. This issue cannot be overlooked and must be addressed. She thought it was interesting that the developer was cutting the square footage for that type of usage in Parcel E.

Ms. Rentfrow stated that the developer keeps talking about activating the lower base, but there needs to be connectivity to the existing base. She had not seen any drawings that shows how the developer plans to connect the two. Ms. Rentfrow referred to a comment by Mr. Tursic about not realigning Lowell at Silver King and Empire and how currently when you approach that intersection you see a snowbank and parked cars. She asked if they intend to regrade that parcel to almost a street level grade to get the benefit of that view.

Justin Keys appreciated the time the developer has taken to meeting with him and others to discuss their concerns. He represents the Three Kings HOA. Mr. Keys stated that he had submitted a written letter for the last traffic discussion, and he believed those same points still resonate. He found it disturbing that some of the issues still need to be addressed. Mr. Keys appreciated the efforts to try to address public transit because it is an important issue; however, some of the plans do not work well. He definitely opposed the 3a plan because it would direct all the public transit up Silver

King Drive, which is very narrow in front of Building E. There is not enough room to expand it to the number of lanes necessary for dedicated transit lanes and still have residential access. It is one of the primary accesses to the Three Kings community. He has not seen a study indicating that there is enough room to expand to four lanes in that section. Mr. Keys thought it would also create an unworkable scenario in that junction of Three Kings Drive and Silver King. Buses would be turning into the traffic circle at the same time that other buses, which were not accounted for in the study, are coming down Three Kings Drive because it is currently on the public bus route. There is an existing bus stop across the street from the proposed Building E that many skiers use. Everything would need to be coordinated to funnel into whatever dedicated bus route would be running behind Building E.

Mr. Keys did not see where they had addressed pedestrian and bicycle use. As stated in LMC 15-6-5(G), when looking at these types of projects they need to see whether there is adequate internal vehicular/pedestrian/bicycle circulation. Mr. Keys heard a lot of discussion about vehicular circulation, but there was nothing about other types of movement. Many residents within Three Kings walk every day across the street to access the mountain. He appreciated that the developer was proposing an actual path behind Building E, which the Three Kings residents have a right to use via a prescriptive easement. However, he was unsure how that would work if buses were running over the same exact path as shown in Scenario 3a. Mr. Keys was uncomfortable as to what is truly being proposed when everyone ranging in age from 9 to 90 will be crossing at that point. Mr. Keys stated that in his very first meeting with PEG Development they talked about the need for a plan of how people will cross that section and access the mountain. At this point, there is still not even a crosswalk or talk about painting stripes on the road. Mr. Keys pointed out that in a previous public hearing he had said that Building E in this section of Silver King was somewhat overlooked by the traffic patterns proposed. He appreciated that it was no longer overlooked, but what they have is more traffic being pushed that road. It is the primary access to the mountain for emergency services and he assumed that would continue to be the case. There is still the loading dock and commercial uses that are still unaccounted for in any of the studies would also be coming up Silver King Drive. Mr. Keys stated that a worst-case scenario for Three Kings residents is a circumstance where they could have all the public transportation coming up Silver King Drive, which is a two-lane road, in addition to all the commercial traffic to service Vail, and another 440 days skiers who will be parking under Building E. They would all be using the same two-lane road that the Three Kings residents use to access their homes. Mr. Keys thought it was important to fully address that situation, as well as pedestrian and bicycle uses that are prevalent in that location.

Mr. Keys thought Scenario 2b was a better approach, but there were still outstanding concerns about pushing a lot of traffic up Building E without a specific plan. He

understood that the developer has talked about putting a dedicated turning lane to avoid a log jam of traffic at that light that would prevent the Three Kings residents from accessing or leaving their homes. He has not seen a dedicated turn lane in any of the plans and he thought it might be impossible under some of the proposals presented.

In terms of massing, Mr. Keys agreed with Ms. Deforge and others who said what was being proposed is a monolithic structure as it relates to Building E in particular. He noted that the building directly across the street is two stories. He had not seen a shadow study, but he believed if a shadow study is done, given where that building is located directly to the south and being 88' above a grade that will be higher than the current grade, that building is likely to spend most of the day shaded. He pointed out that the Code discourages that type of construction, which is why there is supposed to be a transition into surrounding uses. One way to do that is to step the building back. He thought it was ironic that Building E steps, but it steps on the south side away from the plaza, the hotel, and the internal side of this development, rather than stepping away from the existing residential uses. He believed a better architectural look would be to account for the surrounding low-density residential uses by stepping away from those uses. He would like to see a proposal addressing that issue. Mr. Keys understood the developer's predicament in terms of the cost to reroute Lowell, including moving all the utilities, but he agreed with Ms. Harding that it would result in a better project. He pointed out that the Code states that the project should be designed to fit the site. The site should not be modified to fit the project. He remarked that the developer was trying to squeeze a lot of density into a very small space because their footprint was cut back. He thought the developer has acknowledged that Building E was the most dramatic change from the original approved site plan. Mr. Keys appreciated that the developer did cut back on the residential density in that building, but based on his reading, he believed other density was added in that building. Some of the residential reduction was exchanged for retail uses in the lower section on the south end facing the plaza. He understood the reasoning, but it needs to be acknowledged in the density discussion.

Mr. Keys stated that everyone at Three Kings understands the developer has the right to construct this development and they are excited to be their neighbors. They appreciated the developer's time to meet with the residents and listen to their concerns, but they would like to see changes in the proposals to address those concerns. The concerns were expressed directly to the developer, they were submitted in writing, and he has raised them in the public hearing.

Doug Lee, a resident on Empire Avenue, thanked Mr. Schmidt and the entire PEG team for having listened to the community and taking some of their concerns to heart. Mr. Lee agreed with all the comments from the previous speakers. Mr. Lee commented on

setbacks. He stated that as they know from Woodside II, there is a strong legal precedent that the setbacks must be necessary for architectural interest and variation. Setbacks are not necessary to help the developer fit their square footage within the building envelope. Mr. Lee noted that the developer continues to make that argument, but his response is if they want to include the articulation, they should shrink the perimeter of the building five feet, which would give them room to project five feet wherever they want it. Mr. Lee believed this could be accomplished by moving some of the mass more internal. It is a simple solution. Mr. Lee was encouraged that Planner Ananth had included accurate FAR square footage calculations for the entire project on page 116 of the Staff report. As talked several times over the last few months, the project continues to be well over the permitted maximum FAR in the DA and MPD on Parcel B and Parcel C. They are 25,000 square feet over on Parcel B and 31,000 square feet on Parcel C. There is not only a prohibition on shifting density, but the square footage currently proposed violate the maximum permitted square footage numbers in the Development Agreement and the MPD.

Mr. Lee commented on traffic. He stated that in looking at Scenarios 2b, 3a, and 3b on pages 13, 14, and 15 of the Staff report, there is a lot of red ink on the page. Red ink is a failing grade. Page 71 of the Staff report, which is the final page of the Hales study, shows that intersections are labeled with a grade of F. These are failing intersections. It includes the current scheme as well as Scenarios 2b, 3a, and 3b. Mr. Lee pointed out that there are extensive comments in the General Plan, in Vision 2020, and in the Development Agreement that the traffic from any new project must improve circulation, improve the user experience, and decrease the impact on the surrounding neighbors. He stated that with failing grades on multiple streets in each scenario, they do not have a plan that is workable, feasible or approvable.

Deborah Hickey agreed with Mr. Lee. She also agreed with all the comments by Ms. Deforge. Ms. Hickey noted that they opened the meeting this evening stating that transit is the key that makes this project work. Through the vision statement, one of the mandates is that the transit must work. In her opinion, these designs are not working. They are a response to the developer's choice for where to place the buildings even though this is an amended situation. Ms. Hickey believed this project was at a roadblock, and they redesigned the project to fit the transit problems. She thought it appeared that they would be taking away more access from local people who would normally park there by adding employee parking, reduced ownership parking, condo parking, and hotel parking. All of those new initiatives have taken precedence over giving the local people access to reach the Resort. Ms. Hickey questioned the loops that were created in the scenarios. She lives in the Silver King and it seems like everything is being directed up and around Silver King and Shadow Ridge without consideration for those residents who are surrounded by the traffic flow. Ms. Hickey

thought there must be better ways to disseminate the traffic amongst all the streets that surround the Park City base area. Nobody wants the traffic, but it cannot only be concentrated on Lowell.

Ms. Hickey stated commented on other user groups that use Parking Lot C this winter and she wondered where those people would go when that area is developed. Ms. Hickey was in favor of moving employee and low-income housing off site in an effort to reduce the size of the buildings. She stated that the developers added the Shadow Ridge buildings on the map, but she questioned whether they were drawn to scale because they still feel dwarfed by the enormous heights surrounding the Silver King. She was certain that large shadows would be created and there will be icy walkways. Ms. Hickey remarked that the entire project needs to be reconsidered with access and traffic as a priority. Then they can see what fits for the density the developer is proposing, and what fits to have a beautiful and comfortable route for people to enjoy skiing. She stated that if it is too difficult to take the bus, people will be deterred from coming to the Resort. Ms. Hickey was adamant that the Planning Commission consider all these aspects. Traffic is key as the Vision Plan has stated, and they need to redesign the project to make it easy for people to get to the Resort so everyone can live there comfortably and still enjoy their location.

Chair Phillips closed the public hearing.

Commissioner Kenworthy stated that he specifically invited Pete Williams from Snow Engineering Group to attend this meeting. He thought they would be remiss if they did not allow Mr. Williams time to speak. Commissioner Kenworthy explained that Snow Engineering recently completed the aerial study for the gondolas. Snow Engineering is working for Deer Valley. They are also working for Mayflower and they have worked for the City. Snow Engineering is the consultant for the applicant. In terms of mountain resort design and engineering, Snow Engineering is extremely experienced, as is AECOM. Commissioner Kenworthy was interested in hearing Mr. Williams ideas regarding parking and transit first. The Planning Commission was asking for final considerations of this transportation plan at the Resort Center, and he would like AECOM and Snow Engineering to independently come back to the Planning Commission with all the wisdom and experience they have both internationally and locally. It would give them the velocity to go ahead and accelerate their reviews and suggestions.

Based on Ms. Deforge's suggestion, Commissioner Kenworthy asked if AECOM and Snow Engineering would uncuff themselves from the contracts where they are working for the City, for Vail, and for the developer, and use all the tools in the toolbox to take one last look at this and try to figure out the most efficient way to do this. He would like

to give them a blank canvas because it is their number one concern for the community. It can either be the biggest net gain for the community or it can be a disaster.

Pete Williams with Snow Engineering was willing to take an object look and discuss some of the issues. Mr. Williams noted that a lot of discussions are going on and there are a lot of different players, but there has not been a comprehensive look at ways for people to move around the entirety of the area, and how many people per hour they want to move from one site to another. He thought it would be interesting to look.

Mr. Williams stated that from the standpoint of these specific opportunities at the base area, he felt comfort in the analysis that unless something big changes, such as a gondola or something else that could deliver 3,000 plus people in the morning access period, it is important to have those total parking spaces. Regardless of how you run the numbers, those spaces are used. Mr. Williams remarked that large numbers of people access Park City Mountain Resort on a big day through that portal. The question is where those people are coming from. As the situation stands right now, the 1200 surface lots, parking at the Resort Center, and parking in other places are all being used. Without something to replace that parking, it is difficult not see that demand. On the other hand, the math does not show a demand for a larger number of needed parking. It is based on looking at the demand of the numbers of people on the mountain now and projected to be in the future.

Mr. Williams acknowledged that there are issues with capacity, traffic, pedestrians, and other things. It would be fantastic if they could find a way to get those skiers into the Resort Center and up on the Mountain. A long-term goal for everyone is to have less cars coming into town, but the current demand is definitely still there.

Mr. Williams appreciated the discussion of looking at it with a clean slate and he was very interested in doing that.

Chair Phillips asked Mr. Williams if anything stood out to him from the discussion this evening. Mr. Williams replied that nothing in particular stood out. All of those methods would legitimately provide access for skiers to get onto the Mountain. The Park City transit system is a very critical way for people to get to the Resort and maintain a clear route for them to get on the Mountain. Mr. Williams thought transit first was a great way to encourage people to use transit. He believed all the proposed techniques will get people there. Mr. Williams stated that a benefit of the plan is that 700 skiers will not have to drive to the Resort. They can get on an elevator, put on their skis, and head up the Mountain. He remarked that any time they can reduce the demand for people coming in by car via any another method will be a benefit. Any and all techniques are

beneficial from the standpoint of efficiency for getting people onto the Mountain and reducing the congestion in the base area.

Commissioner Kenworthy appreciated that Mr. Williams was open to an independent review. He did not think the Planning Commission would get two better opinions given the years of experience and the wisdom of both AECOM and Snow Engineering. If they do it independently, it will be interesting to see where they overlap. He asked if AECOM and Snow Engineering would be able to do the work and report back on February 17th. Mr. Williams stated that it was possible from his standpoint. Laynee Jones replied that AECOM would be ready to come back in February.

Commissioner Thimm noted that the Staff report requested that the Commissioners provide input as to whether they thought the existing base mountain development should be brought into the conversation concerning traffic and circulation. He personally thought it absolutely should be part of the conversation. Commissioner Thimm suggested that it could even extend to consideration of determining how much staff actually comes into the site adding to the traffic and parking, and if there is some way of setting up a shuttle system.

Commissioner Thimm noted that both the Staff report and public input mentioned fee-in-lieu of work force housing on the site. He thought the fee-in-lieu would be a mistake. In terms of traffic and parking, having a work force that is able to walk to work makes sense. Commissioner Thimm did not think work force housing should be moved away from the development.

Commissioner Thimm was unsure about the number of parking stalls being 1200 or 1800. He needed to further look at the studies to understand it. He agreed with Commissioner Suesser that if there is a fee to park it would be interesting to see whether it would make difference. If the charge was a significant amount, the question is whether people would actually park elsewhere and shuttle in, and what that would mean in terms of the number of stalls actually needed. He thought it would be a shame to build too many stalls and have them stand empty. However, it would be a bigger shame to not build enough and have parking impact the surrounding neighborhoods. Commissioner Thimm stated that the balance needs to be well understood.

Commissioner Thimm noted that open space was briefly touched on this evening. He would like the Staff to do a complete analysis of the open space and provide findings on what is required, what is being provided, and how it compares to the 1998 approval.

With regard to architecture and exceptions to heights and setbacks, Commissioner Thimm noted that for the last several months the Commissioners have asked the

applicant to look at this through the lens of the 1998 approval. That comparison was finally provided in the Staff report and the presentation given this evening, and he appreciated the effort. Commissioner Thimm stated that he now understands much better how the massing is being apportioned about the site and how it compares to the 1998 approval. Commissioner Thimm remarked that what occurs along Empire Avenue at the Building B site is a vast improvement. He believed that acknowledging that the applicant was listening to them was a gross understatement. Major changes have been made along there compared to what was first presented. The first submittal had an exposed parking structure along much of Empire Avenue, and that has since been changed. There is scale, they have circulation and pedestrian access through the site, and they have a view corridor. He thought the plan had come a long way. Commissioner Thimm stated that consistent with his previous comments, he continues to support the idea of moving square footage and height from Building D to Building C. There would be an increase to that site, but in looking at the overall project, there would be an overall decrease in square footage and, therefore, intensity of use. Commissioner Thimm stated that in general, having the heights move in that direction has been good. It appears from the exhibits this evening that there is some continuity between what is being presented and what was presented in 1998. Commissioner Thimm was still concerned about the east end of Building D. It is a stark facade along Empire Avenue, and it should be looked at closer.

In terms of setback justification, Commissioner Thimm felt the criteria was starting to be addressed. Findings need to be made on a situation-by-situation basis, that they are matching up with what the LMC says is required to allow for the reduced setback. Commissioner Thimm saw evidence of adherence to that requirement on many of the parcels, with the exception of Building D.

Commissioner Suesser echoed Commissioner Thimm's comments. She had provided her comments regarding circulation earlier in the meeting. Commissioner Suesser heard the comments about the requirement for these height exceptions requiring the stepping up. She did not believe there was enough stepping in this project and she would be looking at that closely in terms of the building heights, especially Building D and the high point of Building B. Commissioner Suesser agreed that a lot of progress has been made, particularly on Building B, the access way, and the townhomes. She appreciated that the developer listened to their comments and were proposing better and better solutions for this development.

Commissioner Van Dine agreed completely with Commissioners Thimm and Suesser. She did not think they should decrease the parking because they already use the existing parking. She was not opposed to paid parking, but the number of parking stalls should not be reduced. Commissioner Van Dine appreciated the changes to Lot B and

she thought more work could be done. Regarding the stepping and setback exceptions, she believed they would have a hard time justifying the architectural design element with what has been presented so far. Commissioner Van Dine appreciated the changes to the transit and she thought even more improvements could be done. She appreciated the developer's willingness to listen to their comments and provide other options. She was especially pleased to hear their willingness to look at the pedestrian bridge as suggested by Commissioner Kenworthy and how that might be an option with the changes to Parcel B. She also like the dedicated crossing area in Scenario 2B. Commissioner Van Dine looked forward to seeing further revisions at the next meeting.

Chair Phillips remarked that the applicant continues to make adjustments as acknowledged by the public and the Commissioners. He thought the developer had done a good job and he assumed they would take the comments from this evening and move forward with further adjustments on heights, facades, and stepping. Chair Phillips noted that the Planning Commission previously asked for shadow studies. He thought this was a good time for that study because it may help determine where some of those changes need to occur.

Chair Phillips stated that he always felt that the employee/affordable housing should be onsite. He noted that moving some of the affordable housing offsite will reduce the mass of the buildings and reduce parking, but it will also increase traffic. The balance is finding the right place to move it. He would continue to listen to the arguments on both sides, and he was also interested in getting an opinion from the Housing Authority. Chair Phillips had the same conflict with parking. There are a lot of people looking at the best place for parking and he anticipated a more robust parking discussion at the next meeting. Chair Phillips understood the philosophy of reducing parking because it helps the City-wide goals of reducing traffic coming into town. However, not having enough parking could be devastating. Chair Phillips remarked that insufficient parking is a problem that is difficult to fix later. He believed that evidence from the professionals would help point them in the right direction to make that decision.

Chair Phillips favored the 2b solution. He thought Scenario 3a was more problematic. Commissioner Suesser thought there was confusion about Scenario 3A. She thought that it was underground. Chair Phillips recalled that most of it was based underground and there was some discussion on above ground. At this point, he did not believe anyone was thinking that above ground was a good solution. Chair Phillips felt there were other issues with Scenario 3a as well.

Commissioner Van Dine reported that she had received comments from Commissioner Hall that she was asked to read into the record this evening. She had also forwarded the emailed with Commissioner Hall's comments to the Planning Commission.

Commissioner Van Dine read the emailed comments from Commissioner Hall as follows:

Commissioner Hall stated that she was unable to participate but she was sending her input on transportation. 1) Per page 7 question in the Staff Report, yes. I would like the applicant and Staff to approach Vail to expand offsite parking strategies. For example, on a random Tuesday at 8:30, especially last Tuesday, the PCMR parking lots were about two-thirds full because of Staff parking and early bird skiers. This was neither a powder day nor a holiday. Every time I drive by the Ecker Park and Ride it is essentially empty, including pre-Covid times. People, particularly employees, need to use the various park and rides. She would like to require this on some level. Additionally, she would like to find a true incentive for skiers as well. i.e., \$1 food credit for bus ride, free meal after five rides, free Epic hat after ten rides. Raffles for first tracks. Free ski valet, etc. If only 12% of people continue to arrive via bus/shuttle, we are failing. She knows UDOT is outside of their jurisdiction, but she wanted to know if there was any way to bring back the plan to make the middle lane a bus lane going with traffic to expedite bus travel time. Arriving faster at PCMR is definitely an incentive. Please add winter and summer bike parking. 2) Per page 8, yes, please add employee trips to this analysis. This is vital information to ensure that parking and traffic impacts are mitigated and is required for approval. 3) Per Scenario starting on page 11, she was interested in learning more about the logistics of 3a. Commissioner Hall looked forward to the expected reports and notes on Exhibit A that will be beneficial to this discussion.

Mr. Schmidt appreciated the comments and the conversation this evening. As he listened to the discussion regarding the request for a setback variance, he noted that the language reads "necessary to provide architectural variation". However, he did not see where architectural variation is specifically defined within the Code. Mr. Schmidt believed the Code gives the discretion to the Planning Commission to make the determination of necessary. He stated that they are at a master plan level, and the question is whether they want to see more variation in the facade as it is depicted, or if they prefer staying within the 25' with the implications. They would comply with the Code, even though the Code is not as robust in providing the variation the developer would like to provide with the exception. Mr. Schmidt reiterated his belief that the latitude is given to the Planning Commission to make the determination. Regarding the building height, Mr. Schmidt noted that it was discussed in November where they talked about the justifications and how the developer felt they were meeting those justifications. He referred back to the November discussion, and assumed it would be discussed further.

Mr. Schmidt stated that their traffic engineer, Ryan Hales, was prepared to talk about the realignment of Lowell and why it does or does not make sense. He asked if the

Planning Commission was interested in hearing from Mr. Hales or if they preferred to let the consultants have that discussion.

Commissioner Suesser was interested in hearing from Mr. Hale, but it did not need to be tonight. There are problems with Lowell now and that will only continue. The little job in Lowell creates a lot of problems. Mr. Schmidt stated that if Commissioner Suesser was talking about the jog on Lowell at Shadow Ridge, they were proposing to straighten that out to make a smoother transition. They were talking about the realignment of Lowell described in the 1998 plan. Mr. Schmidt suggested allowing Mr. Hales to give a brief explanation of why that realignment does not make sense from a traffic standpoint, and they will work with the consultants to get more details.

Ryan Hales stated that the little jog will be difficult to bring everybody together. A lot of traffic occurs at that intersection and the more they condense it all together they harder it will be. If there is a right turn, they can get many of those vehicles to round the corner fairly quickly, it works well. If they bring some back the opposite direction it becomes more difficult. Mr. Hales stated that in the 1998 study that was completed by Sear Brown, approximately 760 cars were entering during the peak hour. Currently, they anticipated 1200 to 1500, which increases the volume of back up traffic by 25%. Mr. Hales stated that they are working on this as a group. They will meet with the City and talk through this to find the best solution. They next time they come back they will be able to show sidewalks, crosswalks, and other issues.

Mr. Hales stated that they were also trying to prioritize transit. He believed they had found good solutions, but it still needed to be tweaked. He looked forward to working with the City to continue refining those as best as possible.

Mr. Schmidt appreciated everyone's time this evening and he looked forward to continued discussions at the next meeting.

The Planning Commission Meeting adjourned at 9:57 p.m.

Approved by Planning Commission: _____

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 27, 2021

COMMISSIONERS IN ATTENDANCE:

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

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

The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

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 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 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/public-meetings

Exhibit A: Determination of Substantial Health and Safety Risk

The Commission 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-19 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.

ROLL CALL

Chair Phillips called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Hall, who was excused.

ADOPTION OF MINUTES – January 13, 2021

MOTION: Commissioner Thimm moved to APPROVE the Minutes of January 13, 2021 as written. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

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

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

David Everitt, City Deputy Manager, stated that the Staff was working diligently to prepare for Gretchen Milliken, to start next week as the City's new Planning Director. In an effort to provide her with the necessary information, if any of the Commissioners are interested in being involved and getting to know Ms. Milliken, they should contact Mr. Everitt.

Chair Phillips was interested in meeting her and stated that she could reach out to him as well.

Chair Phillips reported that in January 2020 he had asked the Staff to schedule a work session to discuss the Planning Commission's priorities, goals, and objective. That work session was very helpful and he requested that the Staff prepare another work session to revisit their goals and determine what they had accomplished on the list they created last year. Chair Phillips thought they had made a lot of progress and he would like to build on it. He also thought it would be helpful for the incoming Planning Director and new Planning Commission members to understand the Planning Commission's priorities. If the Commissioners had things to add to the list, they could bring their ideas to the work session or provide it to the Staff prior to the work session.

Chair Phillips stated that he listened to the last City Council meeting and Councilmember Henney had applauded the Planning Commission for their efforts in being proactive. He suggested that Goal #1 could be to continue to be proactive.

Commissioner Kenworthy requested that the Planning Commission be updated on the historic preservation efforts from Empire Pass in terms of funding, what was done, what was planning to be done for this ongoing historic preservation. Mr. Everitt offered to look into it.

Mr. Everitt stated that he had asked Brendan Conboy to prepare an informational document on Flagstaff MPD/Development Agreement. It is a mini-tentacle document that reaches into so many other parts of operations in the City and has implications for land use development outside of the City. At some point that will be coming before the Planning Commission as a work session education opportunity for the Commissioners, the public, and the Staff.

The Commissioners congratulated Commissioner Hall on her new baby girl.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- 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.**

Planner Rebecca Ward noted that this item was specific to Building D within the King's Crown condominiums. Within the Master Planned Development that was approved by the Planning Commission in 2018 there are 27 single-family lots. There are condominiums on Lot 1, Lot 2 has Buildings B, C and D condominiums, Lot 30 has seven townhomes, and Lots 31 and 32 are open space.

Planner Ward stated that the condominiums were planned to be located near Marriott Mountainside and across from the Lift Watch Condominiums and the residences at King's Crown, which are not part of the King's Crown MPD. Going up the slope are the

single-family dwellings that are across from the single-family residences on Lowell Avenue. The townhomes are located near the North Star townhomes.

Planner Ward reported that the applicant was proposing to amend the plat for Building D of the King's Crown condominiums to reduce the units from 12 to 1, to reduce parking by one space, and to reallocate some of the common area and private area. Planner Ward clarified that these minor changes comply with the LMC, the King's Crown MPD approval, and the prior plat approval. However, there is a discrepancy in the King's Crown MPD exhibits relating to Building D. To clarify the 2018 approval, the applicant was requesting that the Planning Commission determine whether the proposed plat amendment is a minor or substantive modification to the MPD. If it is a minor modification it would comply with the LMC, and the MPD approval, and it would be reviewed through a Staff level administrative permit. The Staff would review the minor modification and the plat would come before the Planning Commission on February 10th. If the Commissioners determine it is a substantive modification, the Planning Commission would review the modification and potentially change either a finding of fact or a condition of approval.

Planner Ward stated that because the Planning Commission reviews plats in consideration of the requirements and the approval of the MPD, which takes into consideration compatibility with the neighborhood and the surrounding properties, the Staff requested that the Planning Commission consider this a substantive amendment for clarification. Planner Ward reported that in the second work session, information was provided about the location of the Building D condominium, that the southernmost boundary would line up with the Lift Lodge boundary. In addition to the work sessions, the Planning Commission went through several public hearings and public meetings before the project was approved.

Planner Ward indicated the King's Crown Condominiums Building B and C across Lowell Avenue, and Building D. Across the street are the Lift Lodge Condominiums. She pointed to the residences at King's Crown, which is a three-unit condominium located between Lowell and Empire Avenue. She stated that the question regarding Building D is where the southern boundary was approved to be located. To provide context, Planner Ward pointed to the Lift Lodge Condominiums across Lowell Avenue and the King's Crown residences.

Planner Ward stated that when the Planning Commission approved the MPD there were two Findings of Fact stating that the project was designed to mirror the existing neighborhood development patterns, that 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.

Planner Ward stated that the question comes from discrepancies in the exhibits that were approved. The engineering exhibits that were prepared show the southern boundary of Building D coming beyond the Lift Lodge Condominiums. However, the architectural exhibits show the southern boundary aligning with the Lift Lodge Condominiums.

The Staff recommended that the Planning Commission review the proposed plat amendment as a substantive modification to clarify the approved exhibits and to amend the Findings of Fact to establish the Building D approval, and to continue the discussion to February 10th to review this modification and the plat amendment. The Staff requested that the applicant submit exhibits showing the Building D plat amendment within the context of the properties across Lowell Avenue. This item was noticed for a public hearing.

Rory Murphy, representing the applicant, asked for a moment to acknowledge the passing of Bruce Erickson. He also congratulated Commissioner Hall on her new baby.

Mr. Murphy thought it was important to note that the location of Building D was entirely within the four corners of the Land Management Code. The concerns raised by the neighbors are the result of one exhibit out of 19 exhibits that were submitted with the MPD. The other engineering exhibits were correct. Mr. Murphy stated that because of those concerns, the applicant made an extraordinary effort to try to appease the neighbors despite having no legal or regulatory obligation to do so. Mr. Murphy noted that the neighbors have made multiple references to a 2017 agreement between the neighbors and the applicant, but there was never an agreement then and there is no agreement between them now. Mr. Murphy stated that in recent correspondence with the City, the neighbors submitted a copy of an email that was sent to Mr. Murphy stating, "We thought we were getting closer to reaching an agreement on how to resolve the situation". Mr. Murphy stated that despite three complete redesigns of the southern edge of the building, they were all rejected. The applicant came to the conclusion that they could not meet the neighbor's expectations and they would not consider what they believed were extraordinarily unreasonable demands that had nothing to do with the LMC.

Mr. Murphy stated that since they were unable to reach any kind of reasonable agreement, they withdrew the plat and scheduled this meeting with the Planning Commission to give the neighbors the unfettered opportunity to express their position and to explain why this applicant should be held to a greater restriction on setbacks that the LMC demands.

The project architect, Chimso Onwuegbu, presented the Exhibit that was in question. He noted that Mr. Murphy had asked him to go through the process from the start to where they are now. Mr. Onwuegbu stated that they started with several neighborhood meetings prior to submitted anything to the City. During the course of those meetings, it was suggested that they pull the condominium building back further north, which they did. He noted that north was the upper left of the drawing. Mr. Onwuegbu noted that the Staff report mentions 15 feet; however, 10' of that was pulled out before the applicant submitted anything to the City based on neighbor comments. He clarified that the building was moved north approximately 10' prior to submitted plans for the MPD. They also went through the MPD and the CUP processes without asking for any exceptions to the LMC. Mr. Onwuegbu recalled that there were no negative comments from the public during the process.

Mr. Onwuegbu stated that following that, they began meeting with the neighbors because they had design suggestions for the building, which included articulation on the south face of the building and on the southeast corner, which the applicant addressed and modified the building. The neighbors asked to have the driveway moved 40' to the north so it was not coming out in front of their homes. That modification was done as well. Mr. Onwuegbu stated that his office modeled the existing home in three dimensions and placed views in different areas to show them what the views from their home would be with the condominium building as designed.

Mr. Onwuegbu showed the exhibit that came up during the process, which shows the building lining up with the Lift Lodge. He pointed out several things related to the exhibit. One was a survey, which shows that King's Crown is designed and accurate based on that survey because they have the CAD drawings and everything to scale. It also showed the different lots across the street. Mr. Onwuegbu pointed out that the condo building is in the correct location in reference to the King's Crown building. He explained that the only part of the exhibit that was inaccurate and where the ambiguity lies was the overall of the Google image, which traced out the Lift Lodge. In looking at the exhibit, the Lift Lodge is shown further south than it is in reality. Mr. Onwuegbu stated that with that in mind, in 2019 Mr. Murphy asked him to redesign the building to bring it closer what the neighbors understood it to be. He emphasized that they went through three redesigns of the entire southern half of Building D. He initially suggested looking only at the top two levels Building D thinking that those levels would have the most impact on the neighbors across the street, and those were pulled back. The next redesign pulled back the bottom levels. By the time they were done, everything except the garage was pulled back to line up with the Lift Lodge. They resigned the entire front of the building, re-landscaped it, and changed the access from Lowell up to Rothwell Road so the stairs did not come down directly in front of the home. Mr. Onwuegbu

stated that after the last iteration, Mr. Murphy informed him that the changes were not enough for the neighbors and they were going back to the original approved plan.

Mr. Onwuegbu noted that Building D, as originally and currently submitted, is setback twice as far from the south property line as the Lift Lodge is from its south property. It is approximately 13' from the property line, even though the setback requirement is only 10'. He pointed out that Planner Ward had mentioned the additional residential area. Mr. Onwuegbu remarked that it was the result of adding an affordable housing unit, and it came primarily from common space. He clarified that transferring the additional square footage did not grow the massing of Building D.

Mr. Murphy stated that they were before the Planning Commission this evening because of the unintentional ambiguity. The entire process has been difficult with the neighbors. Mr. Murphy reiterated that for these particular neighbors they moved Building D ten feet farther to the north and they reset the stairs in front of their residence to maximize their view. He noted that the neighbors were very active in neighborhood meetings requesting specific changes. In addition, they redesigned the southern roof element to protect their view of Iron Mountain, the parking garage was moved 40' to the north so the lights would not shine into their homes, they did structural engineering, as well as the repair and installation of their driveway at no cost. They planted a tree in their front yard to screen the construction. They shut down the entire job site for a day and a half for their daughter's wedding. Mr. Murphy stated that to be in this position at this point in the project was more than discouraging and disheartening. He thought it was important to note that the engineering of this building has not changed at all since the submittal. Mr. Murphy noted that they have not and have no intentions of asking for a single exception to the LMC.

Mr. Murphy stated that he was willing to abide by whatever decision the Planning Commission made.

Chair Phillips asked if the plan on the screen was the same one the Planning Commission saw when they originally reviewed the application. Mr. Murphy stated that it was one of 19 iterations. Mr. Onwuegbu explained that the exhibit showing was originally created at the onset of the MPD to show that the compatibility of the project at a macro scale with the neighborhood. It was never intended to be relative to anything specific. Chair Phillips clarified that this was more of an illustrative exhibit, and all the engineering exhibits were properly placed.

Chair Phillips recalled the previous discussions regarding the shift, the neighbors concern regarding the headlights, the alignment of the stairs, and other issues. Chair Phillips understood that the 15' shift was done before the applicant submitted the

application to the City. He wanted to know the reason for the shift. Mr. Onwuegbu explained that two different shifts totaled the 15'. The first ten feet was prior to submission based on neighbor comments at two or three neighborhood meetings. The final five feet came after the submission and it was due to the road alignment that occurred at the very bottom of Rothwell Road. The Planning Commission wanted the road to line up with the center line of 12th Street, which pushed Rothwell Road approximately 5 additional feet north. When they did that it shifted the five lots to the north, which also pushed Lot 2.

Commissioner Suesser asked if the applicant had exhibits showing the proposed Building D in relation to the properties across the street on Lowell. Mr. Murphy stated that they went through the MPD submittal and 18 of the 19 iterations were correct. He offered to provide the original MPD submittal to the Commissioners. Chair Phillips understood that the focus was on one exhibit, but he thought it would be helpful to see some of the other exhibits as well. Mr. Murphy pointed out that Planner Ward had included one of the exhibits in the Staff report. Mr. Onwuegbu offered to find the exhibit Commissioner Suesser was requesting.

Chair Phillips moved to the public hearing while Mr. Onwuegbu looked for the exhibit. He informed the public that the Planning Commission was interested in hearing their comments, but the public hearing is not intended to be a discussion or to have questions answered. If anyone member of the public has a question when making their comments, the Staff and Commissioners will make note and those questions will be addressed after the public hearing.

Chair Phillips opened the public hearing.

The following people raised their hands on Zoom to make comments:

Patricia Kravtin introduced her husband Jonathan Horwitz. They reside at 1240 Lowell and they are the neighbors being discussed. Ms. Kravtin stated that she and her husband have been the most active in this process; however, she believed their issues reflect the good of the entire neighborhood. It was a quiet, small scale neighborhood that began south of the Lift Lodge. Ms. Kravtin remarked that they have been living and breathing this project for nearly three years. They have been waiting for almost a year to get the matter with Building D before the Planning Commission because of the difficulties they had with the developer when they reneged on promises made to the neighbors in 2017 and also stated on the public record during a Planning Commission meeting, that affects the mitigation of what is an incompatible building in terms of mass, scale, design, and compatibility with the neighborhood. Ms. Kravtin remarked that she and her husband have been fair and reasonable, and they were only looking to get the

appropriate mitigation for the impacts of this compatible structure on their property and the enjoyment of their home, and also for the neighborhood.

Ms. Kravtin stated that she and her husband participated in earlier meetings and their position was that according to the MPD and the CUP, as well as the theme of the developer, was that it would be like against like, homes across homes, townhomes across townhomes, and big mass buildings down towards the Resort. Ms. Kravtin stated that the developer keeps referring to their house as a condo, but it is a single-family home. They are designated as part of a three-unit condo because they share water, sewer, and a stairway with two other homes. She wanted it clear that their structure is a single-family home, and they are not a condo multi-use application.

Ms. Kravtin offered sincere condolences on Bruce Erickson's passing. They expected Mr. Erickson to see this matter to fruition as he did with other projects. It is very sad that he is gone. Ms. Kravitz recognized that the City has a great Staff who has been up to the challenge of this complex issue. She gave a shout out to Rebecca Ward for the outstanding and meticulous job she has done to bring this matter before the Planning Commission. Ms. Kravtin stated that it should have never come to this because there was an agreement on the record about the placement. She stated that in the Staff report and in many communications from Mr. Murphy there was no ambiguity. She read from page 15 of the Staff report, "The southernmost boundary building matches the southernmost boundary of the Lift Lodge". She did not believe that was ambiguous. Ms. Kravitz stated that as late as November 2019, Mr. Murphy states on the record and wrote to her, "I wanted to let you know that by I and the new Planner, Rebecca Ward, reiterated the position that we publicly discussed all along about aligning the southernmost edge of Building D with the southernmost edge of Lift Lodge. So maybe we meet with the engineer and Chimso to set the stake." Ms. Kravtin emphasized that this was not a matter of ambiguity. It is part of a negotiation that was brokered under the auspices of Francisco Astorga, who was the lead planner at the time, where the developer reached out to the neighborhood, and neighbors like them who did not want to be like the Treasure neighbors. They did not want to fight and litigate. They only wanted fair mitigation and they thought they had a developer that would work with them to come up with these agreements of mitigation to save the Planning Commission this protractive problem. Ms. Kravitz stated that they worked within the system and under the auspices of Mr. Astorga, who told them that it was fair and reasonable to line up their mass condo with the Lift Lodge. They have a house and she thought there would be a house across from them. In the spirit of negotiating and compromise and trying to avoid an adversarial discussion, they agreed to the Lift Lodge boundary and so did Mr. Murphy. She remarked that they had a very congenial relationship until things started to show that their plats and drawings were not lining up. Ms. Kravitz appreciated Commissioner Suesser's question because they have been seeking clarity themselves,

notwithstanding Mr. Murphy's repeated statements to the neighbors and on the record, that the building line up as shown in the schematic diagram. She thought there was a lot of confusion and a lot of different drawings through the record as to where it actually lines up. The drawings are all over the place, but they know what the words say and what they agreed to. They indicated their support for this project at the November 2017 meeting, and their support for the project was noted in the January 2018 meeting. At that time, it was said that the abutter and the developer have reached an agreement. Ms. Kravitz stated that there are so many points of reference that talk about their agreement about the boundary. It was not ambiguous, and it was also not just to get something unreasonable. Ms. Kravitz invited the Commissioners to Lowell Avenue to look at the construction and the nature of the MPD. It is very dense and very massive. All the development is pushed down toward the residential neighborhood at Lowell. They were seeking a small but significant buffer between the residential homes and the big mass stack condos that have no compatibility with the existing residential scale, quality, and design of the neighborhood. That was all they were seeking, and it was what they were promised. She believes what happened is that somewhere along the way the developer discovered that the plats filed with the City did not line up with the Lift Lodge. The developer admitted to the error when they met with the neighbors on site the first week in December. They said at the time they would fix it and they never indicated any concerns about the agreement to line it up, or that the neighbors were being unreasonable in any respect. Ms. Kravitz felt that in his comments this evening Mr. Murphy painted an unfair timeline and narrative of their relationship with the developer, what they were asking for and what they were given. She could go through each item with documentation that undermines most of Mr. Murphy's and Mr. Onwuegbu's statements. The things they say were provided were things either the neighbors had not asked for, offered to pay, or actually do not mitigate against Building D. Regarding her son's wedding, she only asked that they try to clean up the mud around her house and try not to take out any more trees. Ms. Kravitz wanted the Planning Commission to understand there is another side to the narrative, and she was sad that Mr. Murphy felt the need to present a different view of her and her husband. Mr. Murphy and Mr. Astorga both told them they were being fair and reasonable in terms of their rights for mitigation.

Ms. Kravitz believed the record before the Planning Commission was ample to support an immediate finding that the developer should be held to its unambiguous representations to the neighbors and to the Staff and on the public record. Ms. Kravitz deferred to and respect the Staff's analysis, that the Planning Commission continue this discussion to February 10th, and that the amendment and proposed plat concerning Building D be treated and reviewed as a substantive modification in light of these revealed discrepancies and also the good cause for approval that must be found. Ms. Kravitz had a few points of clarification with the wording of the Staff's recommendation

that she thought was important to raise and for the Planning Commission to address in its determinations this evening. With respect to the wording of the Staff's bolded recommendation on page 61 of the Staff report, she believed that the discrepancies that must be resolved in the establishment of good cause is not just a matter of exhibit discrepancy. She believes the review needs to go fuller and deeper to resolve the discrepancies between clear statements Mr. Murphy made on the public record, to the Staff and in communications with the neighbors. Ms. Kravitz referred to the Staff recommendation on page 62 of the Staff report that asks the applicant to submit exhibits showing where Building D actually locates relative to her property. She would like that expanded to ask the applicant to clarify the other mitigations promised, particularly the aesthetic design of the stairway and softening of the mass. In addition, she would like the Planning Commission to recognize that the applicant rescinded all approvals. In the process of further deliberation of Building D, she asked that the developer understand and that it be confirmed on the record, that they cannot build until all the issues are resolved. She was concerned that the developer was proceeding with grading of the hill and possibly pre-construction activity.

Dar Rasmussen stated that he and wife Connie are long time residents of Park City. They are currently owners of one of the houses in the King's Crown development and they face Empire Avenue. Mr. Rasmussen stated that his primary concern is when he looks at the map that was shown this evening, he did not think it was ambiguous whatsoever. He would like to see what the proposed map for the proposed change looks like compared to what was shown this evening with the same format. One showed the south border of the King's Crown development consistent with the south border of the Lift Lodge. It also showed a stairway that he thought looked aesthetically pleasing. Mr. Rasmussen shared Commissioner Suesser's concern and he too would like to see an equivalent map that shows the proposed change. He believed that was the only way to tell for sure whether it is a minor or a major change.

Connie Rasmussen stated that a picture is worth a thousand words. She has not been involved before now, but she remembered seeing a drawing that showed a double-wide beautiful staircase with landscaping. Now it seems things have changed. The building has moved farther up the hill and the applicant was asking to narrow the staircase and eliminate some landscaping. She thought that was a wrong choice. They need to soften those large condominium buildings so the neighbors that have single-family homes are not overwhelmed by this mass building. Ms. Rasmussen stated that if the applicant was asking for something that is so minor, why has it changed so significantly. Ms. Rasmussen requested that the builder and the architect present exactly what the changes are and how the landscaping is going to be changed because that was a significant request by the neighbors to soften Building D so when they come up their staircase, they can look at something equally done as well. Ms. Rasmussen stated that

the original drawings she saw were beautifully done and showed that. There is a major change going on that the Planning Commission needs to address.

Jana Potter stated she was trying to get arms around what was significantly changing from what they thought they were getting, and how much of an actual impact it would make. Ms. Potter asked if something was lost through this situation in terms of the alteration or how the alteration was achieved. She understood what they were thinking, but at the same time she also understood how this property has brought a condensed development and utilized a small portion of what the developer could have used. Ms. Potter thought the developer had done a spectacular job in what they provided the community. She believed it would be an iconic project that all the neighbors would be proud to have around them. Ms. Potter stated that her question relates to what type of damage is caused or what was being altered to cause the problem, aside from the fact that people knew a development was coming. She has had the opportunity in working with Mr. Murphy, who is stellar in his attempt to work with every citizen or anyone who has a question about something going on in an area where he is building. She has witnessed it firsthand many times. Ms. Potter looked forward to hearing how they can come to a solution and make everyone happy.

Chair Phillips closed the public hearing.

Mr. Onwuegbu was unsure exactly what Commissioner Suesser was looking for when she requested to see a drawing; however, he had a few documents to show to help answer her question. He presented the actual engineering drawings that were submitted and approved. One was the project scope document that basically broke at a macro scale showing the workforce housing, condos, lots, and townhomes. Mr. Onwuegbu clarified that these were the official drawings that were approved as part of the MPD. He indicated the site plan and the grading plan. He indicated the property line and the driveway of the King's Crown residences across the street. He noted that the building sits essentially where it sits today. Ms. Onwuegbu remarked that he keeps hearing that the building has moved; but the building itself has never moved. It has always been where it is now. A single exhibit inadvertently showing the Lift Lodge further south was the only thing that was different with just the overlay. The building itself has always been placed where it is. Mr. Onwuegbu presented a few different exhibits that were part of the MPD that showed the building location and that it did not move.

Mr. Onwuegbu addressed the comment regarding the design of the stairs. He pointed to a center run of stairs with a small planter on the side of the stairs as it comes up. The stairs go all the way up with a couple more planters at the upper end. Mr. Onwuegbu stated that in working with the neighbors some changes were made to the stairs

because they had concerns about the mass they were looking at. He noted that there was still a planter on top, but instead of having the run of stairs that was essentially shifted over the six feet with another small planter, they turned the entire area between the stairs into a large planting area, with the exception of the easement for utilities. Mr. Onwuegbu point out how the landscaped area provides a screen of the building, which is more shielding that having a single tree sitting at the front of the stairs. He clarified that the only change is that there is no longer a small planter and instead there is a patio space. The building itself did not move closer. It just turned from one planter in that location into a more continuous patio.

Chair Phillips understood that they were using the same space, but the stairs are now aligned and not staggered. Mr. Onwuegbu replied that he was correct. Chair Phillips asked if the patio space wraps around the building to the one planter along the stairs. Mr. Onwuegbu pointed to an actual egress pathway from the units.

Commissioner Thimm asked if it was possible to show a split screen showing the plan that was approved so they could compare it with the current image. Mr. Onwuegbu was able to show both images and explained what they had done to change the stairway and create the planter area. Commissioner Thimm asked if the change was made in response to coordination with the neighbors. Mr. Onwuegbu answered yes. He indicated the change that was specifically made at the request of the neighbors across the street. They wanted more shielding so they were not looking at the lower level of the building. He drew a line to show that what occurs still lines up with the building and that the building was not moved.

Commissioner Suesser thought the last slide Mr. Onwuegbu had shown was helpful in showing that the building was not moved. However, she understood that the expectation of the neighbors was that Building D would sign up with the south lot line of the Lift Lodge. Commissioner Suesser asked if the slide on the screen was showing the faulty slide that showed it lined up. Mr. Onwuegbu answered yes.

Chair Phillips asked if Mr. Onwuegbu had a satellite view that did not have anything transposed over the top. He wanted to look at the satellite view versus the illustrative exhibit. Mr. Onwuegbu presented the satellite image.

Commissioner Thimm asked Planner Ward if there was a finding of fact or conditions of regarding alignment with the Lift Lodge. Planner Ward answered no and stated that it was one of the reasons why the Staff was asking for clarification. The only statement about the alignment was in the public record from the meeting Minutes. Planner Ward clarified that there is a discrepancy between the exhibits, but there is no finding of fact or condition of approval that specifies the location of Building D. Commissioner Thimm

understood that it was represented in verbal presentation. Planner Ward replied that it was in verbal presentation and through the architectural exhibit where the plats were not shown. She explained that the engineering exhibits were not always shown in the context of Lowell Avenue, but the architect's exhibit did show alignment.

Commissioner Suesser asked if the architect's exhibit that Planner Ward referenced that shows the alignment was the slide the Planning Commission had just seen. Planner Ward stated that the slides she shared in her presentation were from the exhibits that were approved. She noted that all the exhibits were linked in the Staff report. Planner Ward stated pulled up the architect's exhibit that was in question that was shown to the Planning Commission on the date of approval in 2018. She presented an engineering exhibit that showed the context of the properties across Lowell. Planner Ward remarked that the engineering exhibits are consistent and show the southern boundary south of the Lift Lodge Condominiums.

Commissioner Thimm referred to the exhibits with the red lines and asked if those red lines existed when the exhibits were previously shown to the Planning Commission. Planner Ward replied that the red lines were added for this presentation to clarify the alignment.

Commissioner Suesser referred to the language that describes Exhibit U4 extending south of the southernmost boundary of the Lift Lodge Condominiums and asked if that language added today or if it was in the Exhibit U4 that was previously presented. Planner Ward stated that the exhibit were attachments to the Staff report. There were no details in the Staff report regarding Building D specifically. In researching this, the information they have is through the exhibits that were attached to the approvals, the meeting Minutes, and the Staff reports. Planner Ward reiterated that the Staff report did not specifically address the Building D location at the time of the King's Crown MPD approval.

Commissioner Suesser asked whether Planner Ward could share the Minutes where the alignment was stated in verbal presentation. Planner Ward replied that the Minutes were included in the Staff report. The information was also presented in the first two work sessions on this application. She noted that the language was pulled from the meeting Minutes and included in the Staff report. The link to the minutes was also provided in the Staff report.

Planner Ward clarified that the Staff was not asking for any determination on the plat or a recommendation for approval this evening. They were only asking the Planning Commission to determine if this was a minor modification, and if that is the case, the Staff would do an administrative permit and re-evaluate the context of the approval and

the plat amendment within the approval. If they determine that it is a substantive amendment, it will come back to the Planning Commission on February 10th for a determination and review of the plat.

Chair Phillips understood from the Staff report that the Staff recommendation was a substantive amendment. Planner Ward replied that he was correct. They were also recommending that the Planning Commission amend the findings of fact so it is very clear moving forward on approvals for this site.

Commissioner Kenworthy noted that the neighbors thought the comments made on the record indicated that the two building would line up. He asked if the developer agreed that the comments were made on public record indicating that the two building would line up. Mr. Onwuegbu stated that from an architectural perspective, when they submitted and discussed the alignment of the project with the neighborhood, they were always discussing at a macro level that the development would continue the patterns of the existing neighborhood as opposed to anything specific. The design team always looked at this from a neighborhood perspective, not an individual lot or individual perspective.

Mr. Murphy stated that the ambiguity of the one exhibit was brought to his attention by the neighbors. He had no reason to believe it was inaccurate. In looking at the drawing itself, the planters, the balconies, and the stairs on the other side, it was their general belief that they were lining up. They abandoned the plat and opened this up again because it was not clear. Mr. Murphy noted that he was quoted in two statements. One is that it would line up, and the other is that the building would be moved 15'. He stated that they did move the building 15' from where it was originally placed. The other issue was whether or not it would line up, and he thought it did. Mr. Murphy acknowledged that he did misspeak, and he was not going to deny it. However, the mistake was not intentional and that is what this clarification is about.

Chair Phillips stated that there were a lot of exhibits that show the building has not changed. The other exhibits are engineering drawings that are actual drawings and not illustrative image. Chair Phillips understood the confusion on the language in terms of the building lining up, but he questioned what that even means in reality. Chair Phillips thought it was clearly stated that the 15' was discussed more than anything and he thought it was still in alignment. He could not recall any plat coming before the Planning Commission that referred to a building in its relationship to a building that is not on the actual site. Chair Phillips stated that this exhibit was not accurate, and nobody caught it at the time, but they should really be looking at the intent of the Planning Commission. He believed the 15' space and the stairs all appears to be in line with what was approved.

Chair Phillips agreed with the Staff recommendation that this is a substantive change, and it should be pursued as such.

Commissioner Thimm agreed with Chair Phillips. He did not remember his exact thoughts when this previously came before the Planning Commission; however, he knows he would have looked most closely at the engineering drawings. Commissioner Thimm stated that whether something was in alignment or out of alignment with something across the street would not have had a major bearing on his opinions at the time. He thought it was regretful that the record was not completely accurate, but he understood that it can happen, and that the developer presents the best information they have to their knowledge. Commissioner Thimm thought it was important that the record be made clear and they should go through the full process. He was leaning towards looking at this as a substantive change rather than a minor issue.

City Attorney Harrington stated that the motion anticipated is a determination of a substantive change in conjunction with a continuation to February 10th.

Commissioner Hall asked if there was further insight into the qualifications for substantive versus minor. She felt it was a gray area and she would like more clarification for future decisions.

Planner Ward remarked that one thing that triggers a substantive change is an amendment to a finding of fact. The Staff was requesting that Finding of Fact #112 and #113 be amended to clarify the Planning Commission's approval. Planner Ward

Commissioner Thimm thought it was important to give the applicant some direction for the next meeting. He would like what the south edge of the property will look like in terms of landscaping, the stairway, and similar issues. Commissioner Thimm noted that the Planning Commission has seen two representations and he would like it clarified in terms of the final plan on February 10th. Mr. Murphy offered to come back with a clearly illustrated street view of that particular area of the building.

Commissioner Suesser asked if they would also have exhibits showing the proposed Building D relative to the properties across the street on Lowell for further clarification of how that will look. Mr. Murphy replied that the exhibit will be crystal clear and accurate.

MOTION: Commissioner Thimm moved to CONTINUE the 1271 Lowell Avenue Master Plan Development Modification to February 10, 2021, with the stipulation that it is a substantive modification to the MPD. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

- 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. (Application PL-21-04738)**

Planner Ward stated that this item is specific to the Affordable Master Plan Development (MPD) Land Management Code amendments that have been in progress for three years. This is the final phase. The purpose is to incentivize public/private partnerships to develop affordable housing, to implement General Plan goals and the Housing Assessment and Plan Goals, and to incorporate suggestions made by Cascadia Partners in how the City can reduce obstacles in the LMC to incentivize these developments. The proposed Code also includes amendments that were enacted in 2020, which reduced the required open space for the AMPDs to 20%. It also reduces the setbacks for projects on less than two acres to the zone required setbacks.

Planner Ward stated that this is the first time the Planning Commission will conduct a public hearing on these proposed amendments. There were several work sessions throughout 2020 on these proposed amendments. Public input will be taken this evening. The Staff mailed notice to property owners within the zoning district where the AMPDs are proposed to be allowed.

Planner Ward reported that the proposed zones are zones where multi-unit dwellings are either an allowed use or a conditional use. She presented a zoning map and pointed to the Residential Development zone, which is spread across the City and is already mostly built out. She indicated the RDM zone along SR224, the RM zone along Deer Valley Road, the Recreation Commercial zone by the resort area, the General Commercial zoning district, and the Bonanza Park Area with the Light Industrial district. She also pointed to the Commercial Transition Zone along the eastern boundary.

Planner Ward remarked that the proposed Code sets a new process for AMPD review and approvals that allows some of the incentives for projects that provide at least 50% of the total unit residential equivalents as deed restricted affordable units. It would be allowed in the zones where multi-unit dwellings are already allowed as conditional uses. It establishes volume-based density, allows for parking reductions and increased heights, and mixed-use development. It prohibits nightly rentals and timeshares, and it requires recordation of deed restrictions for a 40-year period to renew based on the housing need at the time. It also establishes a Code to require annual compliance for tenants within these affordable units.

Planner Ward stated that based on the previous work sessions, parking has been a big point of discussion. The way the Code is currently drafted, affordable master plan developments would be required to comply with all the standards in place, including the electric vehicle charging station requirements. However, there would be exemptions where AMPDs would have a lower parking ratio requirement. She presented the parking ratio based on the last Planning Commission discussion.

Planner Ward commented on one point of clarification for discussion this evening. She noted that the reduced parking was already drafted in the Code as the ratio that would be required. The Staff would like clarification on whether this was the default requirement for affordable units, or whether it was the option if other mitigating factors are in place. The first would be that the applicant demonstrates that the parking reductions are required for the feasibility of the project; that the applicant funds and submits a parking and traffic study; it can be demonstrated that the reduced parking requirement will not impact the community; that the parking demand can be met through some other means; and that the applicant submits a parking management for the Planning Commission to review and amend in changing circumstances.

Planner Ward reported that based on the last work session, some of the potential reductions for these parking requirements would be for AMPDs on sites that are 1 acre or less, by taking away 5,000 square feet per 15,000 square feet of gross floor area to help lower the parking requirements; if off-street parking is available along the perimeter of the AMPD; if there is a clear and irrevocable agreement that authorizes AMPD tenants to park in an off-site parking area that is within 800 to 1,000 feet of the AMPD; if the affordable MPD is within a quarter mile of a bus station; if there is on-site parking for motorcycles, scooters; if the bicycle parking exceeds the requirements; or the AMPD provides dedicated parking spaces for resident carshare vehicles.

Planner Ward noted that at last work session the Planning Commission was open to allowing up to 10,000 square feet of commercial retail office and quasi-public uses to create some mixed use AMPDs. She stated that whatever the use of this commercial

use, it would meet the parking requirements already in place with the Code. No parking reductions are proposed for these commercial uses.

Planner Ward commented on building height and facades. Where the AMPDs are proposed in the zoning districts, the height for the majority of the zones is up to 33' for pitched roofs, which would allow for a 12' increase in height in some zoning districts. She noted that the Recreation Commercial Zone and the General Commercial Zone already goes up to 40', and this would allow an additional five feet in those zones. Planner Ward clarified that based on the Planning Commission's input to date, a 10' stepback would be required on all perimeter facade planes to help mitigate the impact of that height. There would also need to be an evaluation of the infrastructure that is already in place or can be updated to meet the increased demand. The building would also need to comply with the facade variation requirements already established in the architectural guidelines in the LMC. Planner Ward noted that the Staff was working on getting update illustrations that would reflect what was proposed in the Code. She presented images from the Cascadia report and noted that the image on the left side showed the idea of a 10' stepback, which would be required on all four perimeters of the project. The facade variation is already established in the LMC so the longer buildings would have some breaks in the design elements.

Planner Ward reported that four-story affordable developments have already been built in the City and they can work in the context of certain locations.

Planner Ward requested that the Planning Commissioner open the public hearing on the proposed LMC amendments and continue the discussion to February 10th when they hope to finalize this Code. She also requested that the Planning Commission provide clarification on the parking reductions and whether the reduced parking table is the default approval, or whether it is the table that establishes the lowest parking ratio if other mitigating factors can be put into place.

Jason Glidden, the Affordable Housing Manager, was available to answer questions.

Commissioner Suesser thought the parking table should not be the default but rather the minimum parking if other mitigating factors have been met. Commissioners Van Dine, Thimm, and Phillips agreed with Commissioner Suesser.

Commissioner Thimm asked Planner Ward to return to the exhibits that outlined the mitigating factors. He noted that it stated, "if the parking structure is located within 800 to 1,000 feet". He did not believe there was a need to specify 800 feet and preferred to just say, "within 1,000 feet". He thought 1,000 feet was a good walkable distance.

Commissioner Suesser asked if public transportation was mentioned in the mitigating factors. Planner Ward replied that if the affordable housing development is within a quarter mile from a bus stop, the way the Code is drafted it would be an improved bus stop with a waiting shelter consistent with the City standards, which the Transportation Department was working on getting established and adopted.

Commissioner Suesser clarified that the height exception would be raised to 45'. Planner Ward replied that it would be increased up to 45', which is an increase of 12' to 5' depending on the zone. Chair Phillips recalled a current process in some zones that gives the Planning Commission the discretion to grant a height exception for the purposes of affordable housing. Planner Ward stated that under the MPD Code, there are criteria where the Planning Commission can increase height. However, under the MPD Code, the increase in height cannot result in more livable square footage. This amendment to the Code would allow the height increase to result in increased density beyond what would be allowed otherwise. Chair Phillips recalled from the last meeting that the Planning Commission also discussed that regardless of where the building was placed on the lot, it should still step back 10'. Planner Ward recalled that it was either the setback from the property line or the setback from the facade plane of the building. It was based on the Historic Commercial Business Zone, which also also allows for the setback. It is set from where the building is on the site instead of from the lot line.

Chair Phillips opened the public hearing.

Jessica Nelson noted that an eComment was submitted by Michael Kaplan and he requested that she read his comments into the record.

Mr. Kaplan wrote: Dear Planning Commissioners, I own several long and nightly rental properties in Old Town. For several years I have been proposing to build affordable rental units in Park City. I have made a number of proposals to City Staff for them to bring to the City Council. In essence, my partners and I have proposed a public/private partnership to build and manage affordable rental units. In essence, we suggest the City provide the land and we incur the cost of the construction. Further, we added that we would accept rent price limits and we would incur the management costs. Even though these were well thought out and serious proposals, sadly our efforts were met with what we felt were inappropriately short, negative replies, and we eventually gave up our efforts.

Mr. Kaplan also raised his hand on Zoom to speak and was unmuted to speak.

Michael Kaplan stated that a function of the real estate values makes it unable to build a lot of affordable housing. He has been focusing on rentals, and he suggested that the

Commissioners might consider the for-sale needs versus the rental market needs. He has been proposing micro units, which are 300-400 square foot units primarily for work force housing. He also thought they should consider whether being on a bus line affects the parking requirements. Mr. Kaplan stated that he has faced many issues, including NIMBY, density issues, and height issues. The bottom line is that people want to step forward, but they have been disincentivized by the current Code. Mr. Kaplan encouraged the Commissioners to try to modify that and incentivize people to move forward.

Chair Phillips thanked Mr. Kaplan for his comments. He noted that the Planning Commissioner was trying to work on incentivizing to make it easier to do affordable housing.

Neal Krasnick raised his hand on zoom and was unmuted to speak.

Neal Krasnick stated that he is an owner and resident of property in Park City and he has lived in Park City for 30 years. From listening to the public comments, it sounds like someone wants to build affordable rental units as a condominium. He has owned a condominium since the early 1990s, and parking is an extreme issue in town because most people in the Country own a vehicle. If people want to go somewhere, they will get in their car and drive there, especially in the kind of winter conditions in Park City. Mr. Krasnick understood that when Stein Eriksen moved to Deer Valley and wanted a lodge, he instituted indoor parking. A lot of condominiums in the historic Old Town area have underground parking or indoor parking. On street parking is very limited. The biggest problem for people who live on Park Avenue is the lack of parking for their visitors. Mr. Krasnick remarked that the Planning Commission was going down a road to allow one car for one unit, but that person will still have people come and visit and they will drive there. When the weather is bad the bus system slows down and people will not walk 1,000 feet in the snow, rain, wind, or heat. If the City needs individual units for employee housing that are 300-600 feet, it is just like the condominium he lives at. His place has had many problems for the last 30 years because no one shows up with one car, even though there is only enough parking for one car. Mr. Krasnick stated that this environment is not conducive for year-around transportation as a means to an end to get back and forth. City transportation does not have buses going in every direction 24/7 twelve months of the year. It is difficult to go anywhere if you need to rely on public transportation in Park City. Mr. Krasnick welcomed questions from the Commissioners if his comments were ambiguous or unclear.

Chair Phillips closed the public hearing.

Commissioner Kenworthy responded to the public comments. He noted that the City hired an expert, Cascadia Partners, and the proposed changes were recommended based on what they have seen work in other cities across the Country. The City has a critical priority to have affordable housing and rental housing, which adds to the life and sustainability of a City. The City has goals, and they are coming up short on those goals. Commissioner Kenworthy stated that these experts are proposing these changes after 36 years of failed attempts with City Hall trying to do it alone. They have also failed to get into any public/private partnership with private entities who can be far more efficient at building these units if they do it together.

Commissioner Kenworthy understood that there are compromises. He pointed out to Mr. Krasnick that Park City has a transit first philosophy and agenda. A comprehensive plan is not in place currently, but they need to start somewhere. Commissioner Kenworthy was in favor of what the experts were proposing in implementing these changes into the Code.

Chair Phillips agreed with Commissioner Kenworthy. As discussed earlier in the meeting, they also paid extra attention to mitigation. Chair Phillips hoped this action would move the needle and make it more viable to create more affordable units. He agreed that affordable rental was the next focus, and he thought the City and private applicants might be able to make it work. Chair Phillips was comfortable with where they were on this and he believed they had done most of the work in prior meetings. He was in favor of the amendments as drafted.

Commissioner Thimm agreed. He thanked Planner Ward for a superb job incorporating the ramblings of the Planning Commission into something sensible. He supported the draft amendments.

Commissioner Hall agreed with Commissioners Thimm and Phillips. She agreed that the Planning Commission did a lot of work in previous meetings. She appreciated all that Planner Ward had done to incorporate their direction into the draft. Commissioner Hall also agreed with public comment and the need for affordable rentals. She looked forward to continuing that discussion in the near future.

Chair Phillips wanted to know why the Planning Commission was being asked to continue this item. Planner Ward stated that the intent was to provide another opportunity for public input. It was legally noticed to be forwarded to the City Council for their consideration on February 25th. If the Planning Commission wanted to conduct another public hearing it could be continued. If not, she thought the direction was clear on reworking the parking section so the table is the lowest possible parking that could

be approved if the other mitigating factors are put into place. Otherwise, the usual parking ratio requirements will be required.

Planner Ward noted that since the public notice went out, she has had a lot of input and a lot of questions from the public. She thought it would be beneficial to provide another opportunity for public input.

Chair Phillips stated that the Planning Commission would continue this item to the next public hearing on February 10th. At that time the Commissioners would forward a recommendation to the City Council for their consideration on February 25th, where the public would have another opportunity to comment.

Commissioner Hall asked if it was possible to add something about the rentals before it comes back on February 10th. Planner Ward offered to go through the section on the deed restrictions and clarify that it can apply to rentals or ownership.

Commissioner Kenworthy asked Jason Glidden to address the concerns with regard to the Code changes. He recalled that Mr. Glidden had done a specific drill down on rentals.

Mr. Glidden stated that a presentation was recently given to the City Council regarding the City's forward movement on housing and talked a little about some of the demographics as far as the work force, hourly wages, and how those compare to buying power. It showed there was a major need for rentals. Mr. Glidden noted that the City will be pushing to encourage rentals to be produced into the future. He emphasized that there should be a mix. They should still do some for-sale as well, but the need they are seeing is primarily the rental product in the near future.

Commissioner Kenworthy thought they previously talked about the financial aspects from a builder standpoint and that these Code amendments would allow for some financial profit in motivating the private sector to move forward on rental units.

Mr. Glidden stated that during a previous work session with the Planning Commission, he reviewed a spreadsheet showing the financial impact that these Code changes would have on a development. It was a fictitious spreadsheet of a possible development and it was based off a rental model just to show that it is a possibility to run the rental model. Mr. Glidden stated that the goal with all the Code changes being proposed is to really incentivize public/private partnerships to develop.

Mr. Glidden reiterated that they presented to the City Council with the facts and the demand in the market for affordable the rental product, and that they should focus more of their efforts in that direction.

Mr. Glidden appreciated the feedback and the questions and working through the process was very productive. Based on what they are modeling, a lot of the changes are moving them in the right direction and would hopefully lead to some development of affordable housing. Mr. Glidden was hesitant to put in the deed restriction that the units need to be rental properties. He preferred to leave it somewhat open. He thought it was important to let the market drive the direction. The push right now is for rentals. With these Code changes, he thought they could see more of that move into town if they can find developers willing to partner with the City.

MOTION: Commissioner Hall moved to CONTINUE the discussion and public hearing for the Affordable MPDs to February 10, 2021. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission Meeting adjourned at 7:37 p.m.

Approved by Planning Commission: _____

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: February 10, 2021
Type of Item: Legislative – Land Management Code Amendment

Recommendation

(1) Review the proposed Affordable Master Planned Development Land Management Code amendments; (2) re-open a public hearing; and (3) consider forwarding a positive recommendation for City Council's consideration on February 25, 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 Land Management Code 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

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. 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 three-year process to amend the Land Management Code (LMC) to add cost effective design standards to facilitate financially feasible affordable housing projects, whether public or private or both, and thereby increase incentives for public-private partnerships in the development of Affordable Housing. The proposed code separates the AMPD review and approval process from the MPD process and reduces Open Space requirements and Setbacks, allows Building Heights up to 45 feet, and reduces parking when impacts are mitigated. The proposed code requires at least 50% of the Residential Unit Equivalents to be Affordable Units and allows for mixed-use development. Please see Exhibit B for detailed Background information.

The proposed AMPD code includes recommendations from two reports produced by Cascadia Partners:

[*Affordable Master Planned Development Code Audit Report*](#)

[*Height and Parking Best Practices Research*](#)

The Planning Commission conducted the following work sessions on the proposed code:

October 28, 2020	Parking Reductions Staff Report ; Minutes , p. 3
November 11, 2020	Increased Height Staff Report ; Minutes , 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 Staff Report ; Minutes , p. 14

On January 27, 2021, the Planning Commission conducted the first public hearing on the proposed code ([Staff Report](#); [Audio](#)). The Commission confirmed that AMPDs must meet the parking requirements of the LMC and parking may only be reduced if the Commission determines sufficient mitigation. A parking ratio table outlines the lowest possible parking requirements for AMPDs. Additionally, the Commission requested clarification that the Affordable Units may be for-sale or rental units. The proposed code reflects these requests, described below.

Analysis

Please see the January 27, 2021 [Staff Report](#) for a full code analysis. The analysis section below outlines the changes to the code since the Commission's January 27, 2021 review.

(I) The parking section is updated to reflect full parking ratio requirements, unless the Applicant demonstrates impacts of reduced parking are mitigated and the Planning Commission approves reduced parking and parking management plan.

The proposed code incorporates the Commission input as follows:

15-6.1-9 Parking

- A. Affordable Master Planned Developments shall comply with Chapter 15-3, Off-Street Parking.
- B. The Applicant may request that the Planning Commission reduce the parking required by Section 15-3-6, Parking Ratio Requirements For Specific Land Use Categories. To request a parking reduction, the Applicant must:
 - 1. Demonstrate that parking reductions materially increase the feasibility of the proposed Affordable Master Planned Development;
 - 2. Fund and submit a parking and traffic study completed by a third party selected by the City; and
 - 3. Demonstrate that the proposed Affordable Master Planned Development sufficiently addresses the parking demand for the project.

C. If the Planning Commission approves a reduction in the parking requirements, the Applicant shall submit a parking management plan for Planning Commission review and approval prior to the issuance of a Certificate of Occupancy for any portion of the Affordable Master Planned Development.

1. The Planning Commission may amend the parking management plan at any time to address changing circumstances.

D. The Planning Commission may reduce the parking required by Section 15-3-6, *Parking Ratio Requirements For Specific Land Use Categories*, for Affordable Master Planned Developments according to one or more of the criteria outlined below:

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. Parking in the Right-of-Way along the perimeter of the Affordable Master Planned Development Site is available;
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 1,000 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.

E. The Planning Commission may not reduce Affordable Master Planned Development parking requirements below the ratio outlined in Table 1:

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

F. In mixed-use Affordable Master Planned Developments, the Commercial, Retail, Office, Public, and/or Quasi-public Uses shall meet the parking requirements outlined in Chapter 15-3.

(II) The Building Height Section is clarified.

The redlines are updated to clarify that:

- Certain exceptions are allowed in the 10-foot Stepback;
- The 45-foot Building Height is allowed when three criteria are met.

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 for the perimeter Building Façade planes. Building Height is forty-five feet (45') from Existing Grade when the following criteria are met:

1. The Building includes a ten foot (10') stepback on all perimeter Building Façade planes from the underlying Zoning District Building Height to the forty-five foot (45') Building Height;

2. Infrastructure is in place or can be updated to meet the increased demand; and
3. The Building complies with Building Façade variation requirements.

B. **EXCEPTIONS.** The following may exceed the Building Height:

1. 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;
2. Water towers, mechanical equipment, and Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the forty-five foot (45') Building Height; and
3. Elevator Penthouses may extend up to eight feet (8') above the forty-five foot (45') Building Height.

C. **STEPBACK EXCEPTIONS.**

1. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the setback.
2. Roof overhangs or eaves projecting not more than two feet (2') into the setback.
3. Window sills, belt courses, trim, exterior siding, cornices, or other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.
4. Rooftop Decks projecting not more than six feet (6') into the setback.
5. Solar Energy Systems.
6. Green Roofs.

7. Rooftop gardens projecting not more than six feet (6') into the stepback.
8. Screened mechanical equipment, hot tubs, or similar Structures projecting not more than six feet (6') into the stepback.

D. 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 Façade of the Building so that no greater than seventy-five percent (75%) of the length of the Building Façade appears unbroken. Each shift shall be in the form of either a ten foot (10') change in Building Façade alignment or a ten foot (10') change in the Building Height, or a combined change in Building Façade and Building Height totaling ten feet (10').
2. Structures that exceed one-hundred-twenty feet (120') in length on any Façade 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 Façade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Façade 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 Façade length and variation requirements apply to all sides of a Building.

(III) The proposed code allows for both for-sale and rental Affordable Units.

The Commission recommended a code that allows for both for-sale and rental Affordable Units. As drafted, LMC § 15-6.1-13, *Deed Restrictions*, (redline 497) requires the recordation of deed restrictions for all Affordable Units. The deed restrictions must comply with the requirements outlined in the Park City Affordable Housing Resolution in effect at the time of a complete AMPD submission. [Resolution 25-2020](#), *Affordable Housing Guidelines*, establishes deed restriction requirements for both for-sale and rental units, including the maximum for-sale or rental rate of Affordable Units, required qualifications for purchase or rental of an Affordable Unit, and for-sale and rental procedures. As a result, staff finds that the proposed code sufficiently provides for both for-sale and rental Affordable Units.

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

15-6.1-10 Open Space

15-6.1-11 Site Planning

15-6.1-12 Required Findings And Conclusions of Law

15-6.1-13 Deed Restrictions

15-6.1-14 Compliance

15-6.1-1 Purpose

The purpose of Affordable Master Planned Developments is to:

- A. Incentivize public, private, and public-private development of 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 ten (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:

- 90 1. These differences, excluding differences related to size, are not apparent
91 in the general exterior appearances of the market-rate units within the
92 Affordable Master Planned Development;
- 93 2. These differences do not include insulation, windows, heating systems,
94 and other features related to the energy efficiency of the Affordable Master
95 Planned Development.
- 96 D. Nightly Rentals and Timeshares are prohibited for market-rate and Affordable
97 Units within an Affordable Master Planned Development.

98 **15-6.1-3 Zoning Districts And Uses**

- 99 A. **ZONING DISTRICTS.** Affordable Master Planned Developments are Allowed in
100 the following Zoning Districts:

- 101 1. Residential Development
- 102 2. Residential Development Medium
- 103 3. Residential Medium
- 104 4. Recreation Commercial
- 105 5. General Commercial
- 106 6. Light Industrial
- 107 7. Community Transition

- 108 B. **USES.** An Affordable Master Planned Development can only contain Uses that
109 are Allowed or Conditional in the Zoning District in which it is located.

- 110 C. **COMMERCIAL USES.** An Affordable Master Planned Development may include
111 up to 10,000 square feet of Commercial, Retail, Office, Public, and Quasi-public
112 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 15-6.1-12. 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;

- 157 2. All relevant zoning and Land Management Code parameters, including all
158 findings, conclusions, and conditions of approval, specifying any
159 exceptions;
- 160 3. An express reservation of the future legislative power and zoning authority
161 of the City;
- 162 4. A provision to allow for minor, administrative modifications without revision
163 of the Agreement;
- 164 5. A copy of the approved Site plan, architectural plans, Landscaping plans,
165 Grading plan, trails and Open Space plans, and other plans, which are a
166 part of the Planning Commission approval;
- 167 6. A description of all Developer exactions or agreed upon public
168 dedications;
- 169 7. Developer agreement to pay all specified impact fees;
- 170 8. The Initial Purchase Price of the Affordable Units, as defined in the
171 Housing Resolution in effect at the time of a Complete Application;
- 172 9. The form of ownership anticipated for the project;
- 173 10. A specific project phasing plan;
- 174 11. A list and map of all known Physical Mine Hazards on the Property, as
175 determined through the exercise of reasonable due diligence by the
176 Owner, as well as a description and GPS coordinates of those Physical
177 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 15-6.1-10, and Site planning shall comply with Section 15-6.1-11.

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 for the perimeter Building Façade planes. Building Height is forty-five feet (45') from Existing Grade when the following criteria are met:

1. The Building includes a ten foot (10') stepback on all perimeter Building Façade planes from the underlying Zoning District Building Height to the forty-five foot (45') Building Height;
2. Infrastructure is in place or can be updated to meet the increased demand; and
3. The Building complies with Building Façade variation requirements.

B. **EXCEPTIONS.** The following may exceed the Building Height:

1. 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;
2. Water towers, mechanical equipment, and Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the forty-five foot (45') Building Height; and

- 293 3. Elevator Penthouses may extend up to eight feet (8') above the forty-five
294 foot (45') Building Height.

295 C. **STEPBACK EXCEPTIONS.**

- 296 1. Chimneys not more than five feet (5') wide and projecting not more than
297 two feet (2') into the stepback.
- 298 2. Roof overhangs or eaves projecting not more than two feet (2') into the
299 stepback.
- 300 3. Window sills, belt courses, trim, exterior siding, cornices, or other
301 ornamental features projecting not more than six inches (6") beyond the
302 main Structure to which they are attached.
- 303 4. Rooftop Decks projecting not more than six feet (6') into the stepback.
- 304 5. Solar Energy Systems.
- 305 6. Green Roofs.
- 306 7. Rooftop gardens projecting not more than six feet (6') into the stepback.
- 307 8. Screened mechanical equipment, hot tubs, or similar Structures projecting
308 not more than six feet (6') into the stepback.

309 D. **FAÇADE VARIATION.**

- 310 1. Buildings greater than sixty feet (60') but less than one-hundred-twenty
311 feet (120') in length must exhibit a prominent shift in the Façade of the
312 Building so that no greater than seventy-five percent (75%) of the length of
313 the Building Façade appears unbroken. Each shift shall be in the form of
314 either a ten foot (10') change in Building Façade alignment or a ten foot

(10') change in the Building Height, or a combined change in Building Façade and Building Height totaling ten feet (10').

2. Structures that exceed one-hundred-twenty feet (120') in length on any Façade 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 Façade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Façade 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 Façade length and variation requirements apply to all sides of a Building.

15-6.1-9 Parking

- A. Affordable Master Planned Developments shall comply with Chapter 15-3, Off-Street Parking.

- B. The Applicant may request that the Planning Commission reduce the parking required by Section 15-3-6, Parking Ratio Requirements For Specific Land Use Categories. To request a parking reduction, the Applicant must:

1. Demonstrate that parking reductions materially increase the feasibility of the proposed Affordable Master Planned Development;
2. Fund and submit a parking and traffic study completed by a third party selected by the City; and

- 338 3. Demonstrate that the proposed Affordable Master Planned Development
339 sufficiently addresses the parking demand for the project.
- 340 C. If the Planning Commission approves a reduction in the parking requirements,
341 the Applicant shall submit a parking management plan for Planning Commission
342 review and approval prior to the issuance of a Certificate of Occupancy for any
343 portion of the Affordable Master Planned Development.
- 344 1. The Planning Commission may amend the parking management plan at
345 any time to address changing circumstances.
- 346 D. The Planning Commission may reduce the parking required by Section 15-3-6,
347 *Parking Ratio Requirements For Specific Land Use Categories*, for Affordable
348 Master Planned Developments according to one or more of the criteria outlined
349 below:
- 350 1. On sites that are one acre or less by deducting 5,000 square feet per
351 15,000 square feet of Gross Floor Area for each floor from the sum of total
352 floor area that is used to calculate parking requirements;
- 353 2. Parking in the Right-of-Way along the perimeter of the Affordable Master
354 Planned Development Site is available;
- 355 3. A clear and irrevocable agreement authorizes Affordable Master Planned
356 Development residents to park in an off-Site Parking Area or Parking
357 Structure that is located within 1,000 feet of the Affordable Master Planned
358 Development perimeter boundary;
- 359 4. The Affordable Master Planned Development is within ¼-mile from a bus
360 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.

E. The Planning Commission may not reduce Affordable Master Planned Development parking requirements below the ratio outlined in Table 1:

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

F. In mixed-use Affordable Master Planned Developments, the Commercial, Retail, Office, Public, and/or Quasi-public Uses shall meet the parking requirements outlined in Chapter 15-3.

15-6.1-10 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.

15-6.1-11 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.

F. **TRASH AND RECYCLING.** The Site plan shall include adequate Areas for trash and recycling containers and shall include an adequate circulation area for pick-up vehicles. Convenient pedestrian Access shall be provided within the Affordable Master Planned Development to the trash and recycling containers. No Site plan with a Commercial Development or Multi-Unit Dwelling shall be approved unless there is a mandatory recycling program, which may include Recycling Facilities for the Site. Single Family Dwellings shall include a mandatory recycling program with curb side recycling, and may also include Recycling Facilities. The Recycling Facilities shall be identified on the Site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such Master Planned Development. Such Recycling Facilities shall include, but are not limited to, glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials. Centralized trash and recycling containers shall be located in a completely enclosed Structure with a pedestrian door and a truck door or gate. The enclosed Structure shall be designed with materials that are compatible with

the principal Structures in the Affordable Master Planned Development and shall be constructed of masonry, steel, or other substantial materials. The Structure shall be large enough to accommodate a trash container and at least two recycling containers to provide for the option of dual-stream recycling.

G. **TRANSPORTATION AMENITIES.** The Site plan shall include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if 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). 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 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 an Affordable 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.

15-6.1-12 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;

- 471 B. Complies with requirements of the Land Management Code;
- 472 C. Meets the minimum requirements of this Chapter;
- 473 D. Provides meaningful Open Space for residents and the public;
- 474 E. Strengthens and enhances the resort character of Park City;
- 475 F. Compliments the natural features on the Site and preserves significant features
- 476 or vegetation to the extent possible;
- 477 G. Meets the Sensitive Lands requirements of the Land Management Code and is
- 478 designed to place Development on the most developable land and least visually
- 479 obtrusive portions of the Site;
- 480 H. Promotes the Use of non-vehicular forms of transportation through design and by
- 481 providing trail and pathway connections;
- 482 I. Was noticed and the Planning Commission held a public hearing in accordance
- 483 with this Chapter;
- 484 J. Incorporates best planning practices for sustainable development, including
- 485 water conservation measures and energy-efficient design and construction, per
- 486 the Residential and Commercial Energy and Green Building program and codes
- 487 adopted by the Park City Building Department in effect at the time of the
- 488 Application, and includes Energy Star qualified products for appliances;
- 489 K. Addresses and mitigates Physical Mine Hazards according to accepted City
- 490 regulations and policies;
- 491 L. Addresses and mitigates Historic Mine Waster and complies with the
- 492 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.

15-6.1-13 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.

15-6.1-14 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. The Municipal Code of Park City 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.

....

15-15-1 Defined Terms

AFFORDABLE HOUSING. Housing that is priced affordable to households with incomes at or below 80% of Area Median Income.

AFFORDABLE UNIT. Affordable Master Planned Development units that are deed restricted to the housing size and type for individuals meeting occupancy guidelines approved and adopted by the City Council and outlined in the Housing Resolution in effect at the time of a Complete Affordable Master Planned Development Application.

MICRO UNIT. A unit that is between 250 and 600 square feet designed around a single room incorporating features of a living room, bedroom, dining room/kitchen, and bathroom.

RESIDENTIAL UNIT EQUIVALENT. For Multi-Unit Dwellings, Residential Unit Equivalents are calculated on the basis of one (1) Unit Equivalent per 2,000 square feet and portions of Unit Equivalents for additional square feet above or below 2,000. For

537 example: 2,460 square feet of a Multi-Unit Dwelling equals 1.23 Residential Unit

538 Equivalents.

539 **15-15-2 List Of Defined Terms**

540

541 -A-

542 Access

543 Accessory Apartment

544 Accessory Building

545 Accessory Use

546 Active Building Permit

547 Administrative Permit

548 Affected Entity

549 Affordable Housing

550 Affordable Unit

551 Agent

552 Agriculture

553 Allowed Use

554 Alteration, Building

555 Ancillary Structure

556 Anemometers and Anemometer Towers

557 Antenna

558 Antenna, Test Drive

559 Antenna, Enclosed

560 Antenna, Freestanding
561 Antenna, Roof Mounted
562 Antenna, Temporary
563 Antenna, Wall Mounted
564 Apartment
565 Applicant
566 Application
567 Application, Complete
568 Architectural Detail
569 Area or Site
570 Attic
571

572 **-M-**
573 Master Planned Development (MPD)
574 Material Deconstruction or Dismantling
575 Maximum Extent Feasible
576 Maximum House Size
577 Medical Cannabis Pharmacy
578 Medical Cannabis Production Establishment
579 Micro Unit
580 Model Home
581

582	-R-
583	Receiving Site
584	Reconstruction
585	Recreation Equipment, Outdoor
586	Recreation Facilities, Commercial
587	Recreation Facilities, Private
588	Recreation Facilities, Public
589	Recycling Facility
590	Recycling Facility, Class I
591	Refractive Light Source
592	Regulated Use
593	Rehabilitation
594	<u>Residential Unit Equivalent</u>
595	Residential Use
596	Resort Support Commercial
597	Restaurant
598	Restaurant, Drive-Through
599	Restoration
600	Resubdivision
601	Rhythm and Pattern
602	Retail and Service, Commercial-Auto Related
603	Retail and Service, Commercial-Major
604	Retail and Service, Commercial-Minor

605	Retail and Service, Commercial-
606	Personal Improvement
607	Ridge Line Area
608	Riding Stable, Commercial
609	Right-of-Way
610	Road, Collector
611	Road Classification
612	Road Right-of-Way Width
613	Roof Form
614	Roof Form, Contributing
615	Roof Form, Flat
616	Roof Form, Secondary
617	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.

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 of 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

January 27, 2021, 8:06 AM

I have serious concerns with some of the proposals being reviewed as amendments to the Affordable Master Plan Development.

I would like these concerns shared with the Planning Commission.

First: "Building Height up to 45 feet" That is a lot of building, especially if located next to or near many of the town's buildings which would be less than half of that number. It's very clear how the proposal would make it cheaper and increase the profit margin for developers. It is NOT clear how it would preserve the lifestyle or enhance the lives of people in residential zones living next to such a structure. There are probably places where this would work (think Richardson Flat). It seems like a real "in your face" to so many people in town who have worked for so many years to preserve the character and livability of residential Park City, especially the Old Town area.

Second: The proposal to eliminate parking requirements is even worse. With the exception of the past year when no one is going anywhere or doing much of anything, traffic and parking are the issues (above all else) which Park City residents are forced to deal with. People have cars. People who live here have cars. People who might live here someday will likely have cars as well. It's easy to explain why parking wasn't built in Old Town, but to move forward and build new/dense structures without parking

requirements seems almost criminal. **Enhanced** parking requirements would seem to make more sense.

Third: It's not clear to me where this proposal is coming from. I'm pretty sure people all around town are NOT asking for bigger building next to them, or large complex developments with no place to park once the building are built. Please clarify.

The Planning Commission has numerous roles, and I understand that. But from my perspective, the most important of those roles is to protect the people who live here (and pay taxes here) from development that will adversely affect their lives. I believe these development proposals do just that, and this makes me sad.

One job I do **not** think falls on the shoulders of the Planning Commission is to ensure that developers can increase and maximize their profit margins. I believe these development proposals do just that, and this makes me sad.

Thank you for your time.

Carol Murphy
2440 Sidewinder Dr.
Park City, Utah 84060



Planning Commission Staff Report

Subject: Argent at Empire Pass Condominiums
Project #: PL-20-04278
Author: Alexandra Ananth, Sr. Planner
Date: February 10, 2021
Type of Item: Administrative – Condominium Plat Amendment

Summary Recommendation

Staff recommends the Planning Commission 1) review the requested Condominium Plat Amendment, 2) conduct a public hearing, and 3) consider forwarding a positive recommendation for City Council's Consideration on February 25, 2021.

Description

Applicant: Lot 2 Empire Pass North, LLC
Location: 7677 Village Way, Empire Pass Lot 2
Zoning: Residential Development (RD) District as part of the Flagstaff Annexation and Village at Empire Pass Master Planned Development (MPD)
Adjacent Land Uses: Deer Valley Resort, condominiums building and townhouses, vacant development parcels and open space
Reasons for Review: Plat Amendments require Planning Commission review and recommendation and City Council review and action

Executive Summary

The Argent at Empire Pass Condominium Plat was originally approved by the Planning Commission on November 13, 2019 ([Staff Report](#), beginning on p. 406; [Minutes](#), beginning on p. 48), and by the City Council on December 5, 2019 ([Staff Report](#), beginning on p. 75; [Minutes](#), p. 9). A CUP was also approved by the Commission on November 13, 2019 ([Staff Report](#), beginning on p. 321; [Minutes](#), beginning on p. 48), as required by the Village at Empire Pass Master Planned Development ([VEP MPD](#)). The 28 unit building is currently under construction.

The ownership of the Argent are requesting to amend the Condominium Plat in order to accomplish two things:

1. To combine two units into one for a prospective buyer (no change in total square footage or to the building exterior).
2. To subdivide the underlying land into two separate parcels.

Background

The property at 7677 Village Way is located within the Residential Development (RD) zoning district on the 2.01 acre Lot 2 of the [Village at Empire Pass North Subdivision](#). The property is subject to the Village at Empire Pass Master Planned Development ([VEP MPD](#)), approved by the Planning Commission on July 28, 2004 and the [Flagstaff Mountain Development Agreement](#), most recently amended and restated on March 2,

2007.

Flagstaff Annexation

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” Master Planned Development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions, restrictions, obligations, and amenities for each parcel. The Flagstaff Development Agreement was amended and restated in March 2007.

The 2007 Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UEs) configured in no more than 550 dwelling units as multi-family, hotel, townhouse or PUD units. The number of PUD units is restricted to sixty units (60). The MPD also allowed 16 single family home sites within the Mountain Village. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A). The development pods are linked by City public transit and the Empire Pass Master Owners Association also operates a “Dial-A-Ride” shuttle from Empire Pass to various locations in Park City. A fourth pod, Pod D, is allowed 30 single family lots, this area was platted as the Red Cloud Subdivision for 30 single family home sites. The subject property is located within Pod A.

There are also [14 technical reports](#) associated with the Empire Pass development area. The 14 technical reports, along with the Land Management Code and the Amended Agreement, form the standards under which the developments in the area are reviewed.

Village at Empire Pass Master Planned Development

On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass (Pod A), known as the Village at Empire Pass Master Planned Development ([VEP MPD](#)). The VEP MPD was the first step in the development process for Pod A.

The purpose of the VEP MPD is to establish unit mix and density for the Mountain Village as well as address overall project infrastructure throughout the Annexation Area. The VEP MPD establishes building volumetrics, including specific height exceptions, density and development location. The VEP MPD requires Conditional Use Permit approval for the “lodge” (multifamily) buildings and administrative Conditional Use Permit approval for the townhouses and PUD style units, prior to building permit issuance for construction. The subject property is considered a “lodge” building and is known as Building 4 in the VEP MPD, and complies with the pre-established building volumetrics.

Subdivision Approvals

[Village at Empire Pass North Subdivision](#) Plat, approved by Council on June 15, 2017, plats metes and bounds parcels within the VEP MPD area for the purpose of creating

platted lots of record for Buildings 3 and 4, as well as townhouse units on Lot 1 (Exhibit A). The plat identifies a requirement for affordable housing to be constructed within the buildings on Lots 2 and 3 to be completed prior to issuance of a certificate of occupancy for each building and in compliance with the housing plan. The subject property is considered Lot 2 in the Village at Empire Pass North Subdivision Plat, and the applicant is now proposing to subdivide this parcel into two parcels in order to create an opportunity for a potential future land swap between the ownership of Argent at Empire Pass, and the neighboring Marsac Claim parcel, in order to protect view corridors and open space adjacent to the Argent at Empire Pass.

Purpose of the RD Zone

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

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

Analysis

LMC §[15-7-7 Vacation, Alteration Or Amendment Of Plats](#), states that "The City Council may, on its own motion, or pursuant to a petition, consider and resolve at a public hearing any proposed vacation, alteration or amendment of a Subdivision plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as provided in Section 10-9a-608 through 10-9a-611 of the Utah Code Annotated (1953) as amended. If the amended plat is approved and recorded, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat on the same land. The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance."

The ownership of the Argent at Empire Pass are requesting to amend the Condominium Plat in order to accomplish two things:

1. To combine two units into one for a prospective buyer (no change in total square footage or to the building exterior).
2. To subdivide the underlying land into two parcels.

The applicant is proposing to combine units 201 and 202 into one larger unit (201) for a prospective buyer who would like to combine them into one tax ID. There is no change in total area that will result from the unit combination and there are no exterior changes to the building as a result of the combination. Proposed unit 201 will now be 3,484 square feet, or 1.742 UEs. The overall density UE's of the project, affordable housing obligations for the site (2 units), and parking (38 stalls) remain unchanged. Approval of this amendment will bring the number of Multi-Family Units approved in Empire Pass to 536 units, which is within the 550 units allowed in the Flagstaff Development

Agreement.

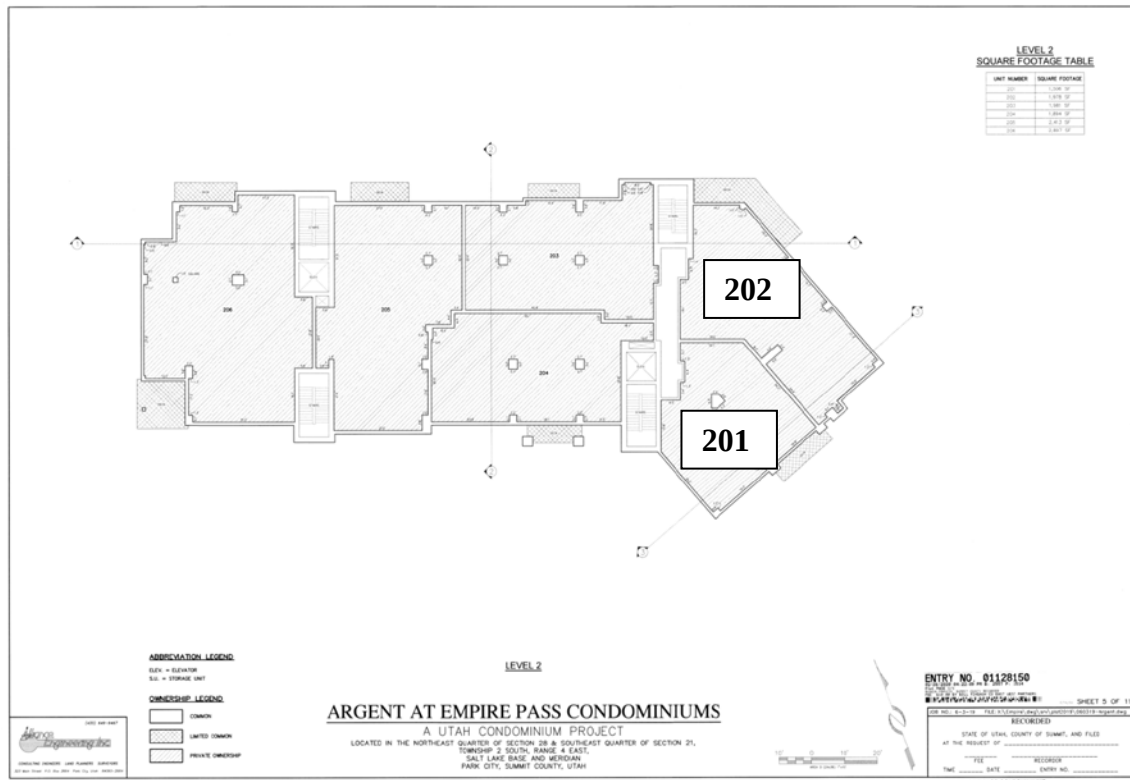


Figure 1: Existing Recorded Plat Showing Units 201 and 202

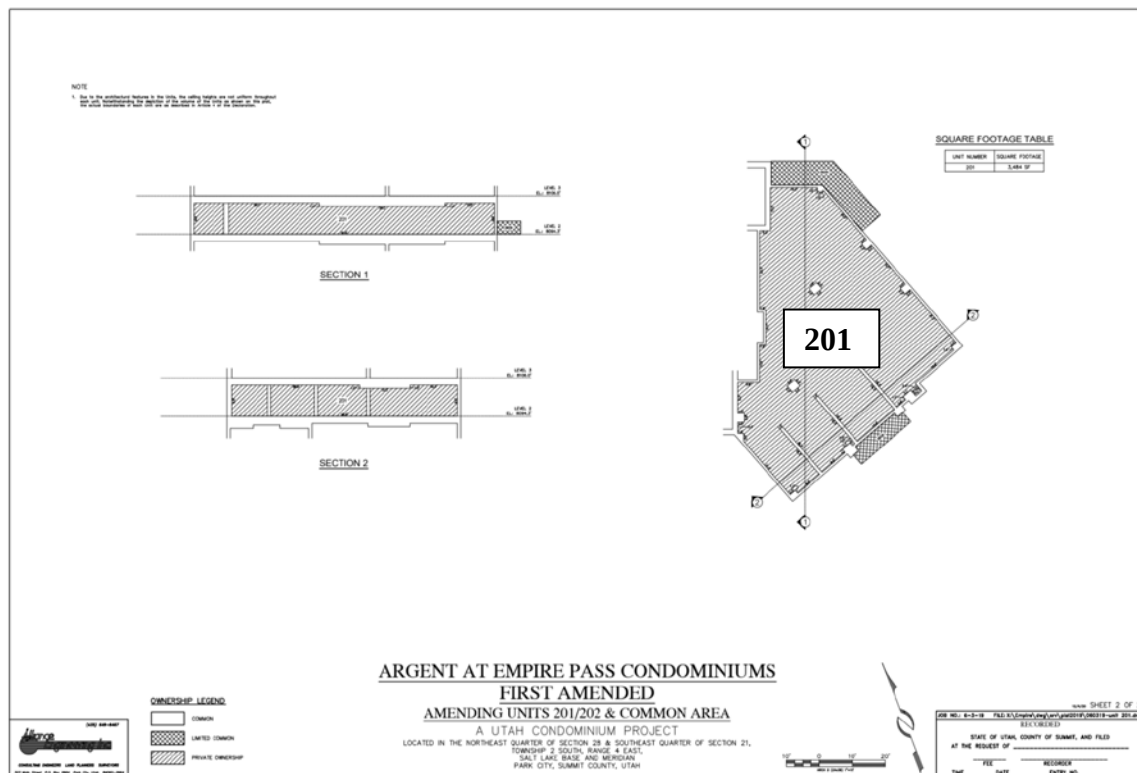


Figure 2: Proposed Plat Showing Combined Units 201 and 202, as Unit 201

The applicant is also proposing to subdivide the underlying parcel (Lot 2) into two parcels, Lot 2, and new Parcel A, a 0.35 acre parcel on the northernmost portion of the lot. The purpose of this is to create an opportunity for a potential future land swap between the ownership of Argent at Empire Pass, and the neighboring Marsac Claim parcel. This would protect the view corridor and open space adjacent to the Argent at Empire Pass to the north, from future development on the Marsac Claim parcel. Dividing Lot 2 into two separate parcels has no material change to the Density or Setbacks of the project.

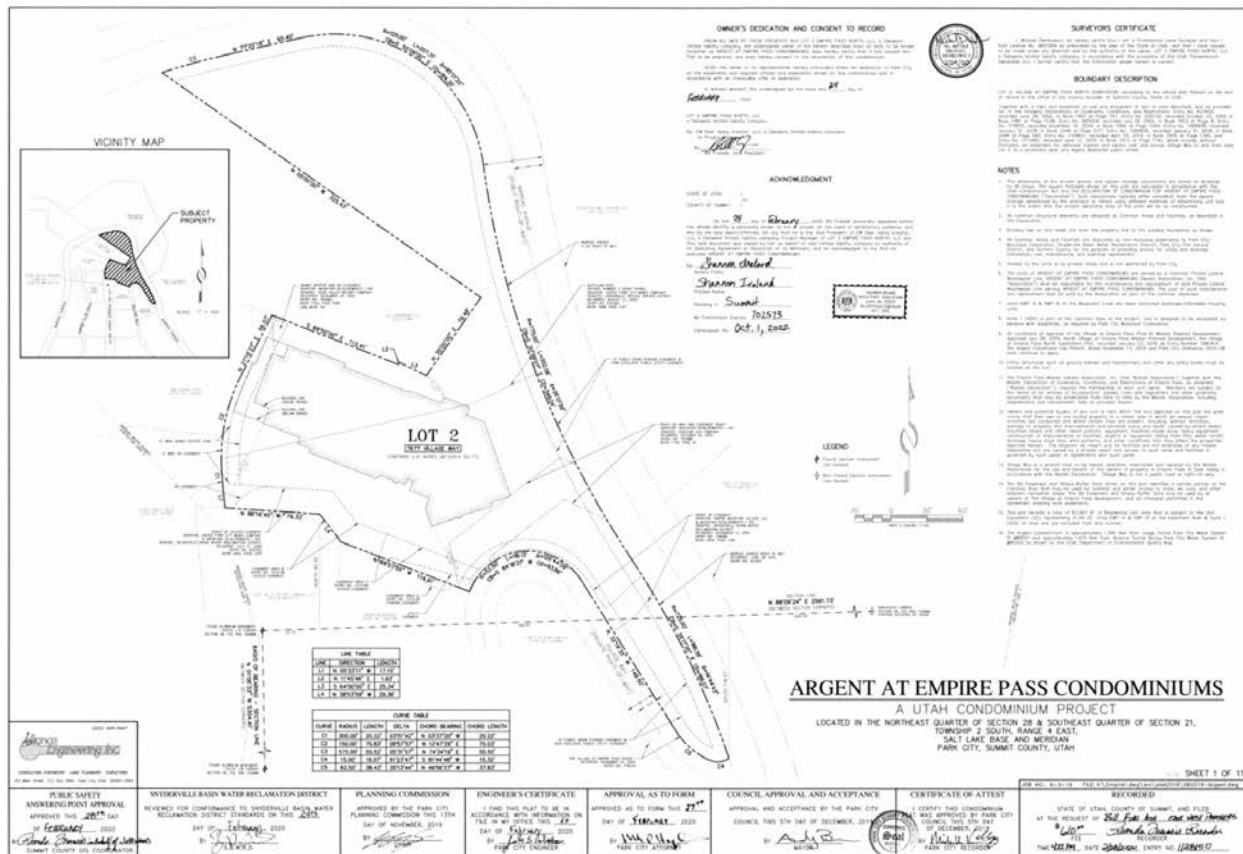
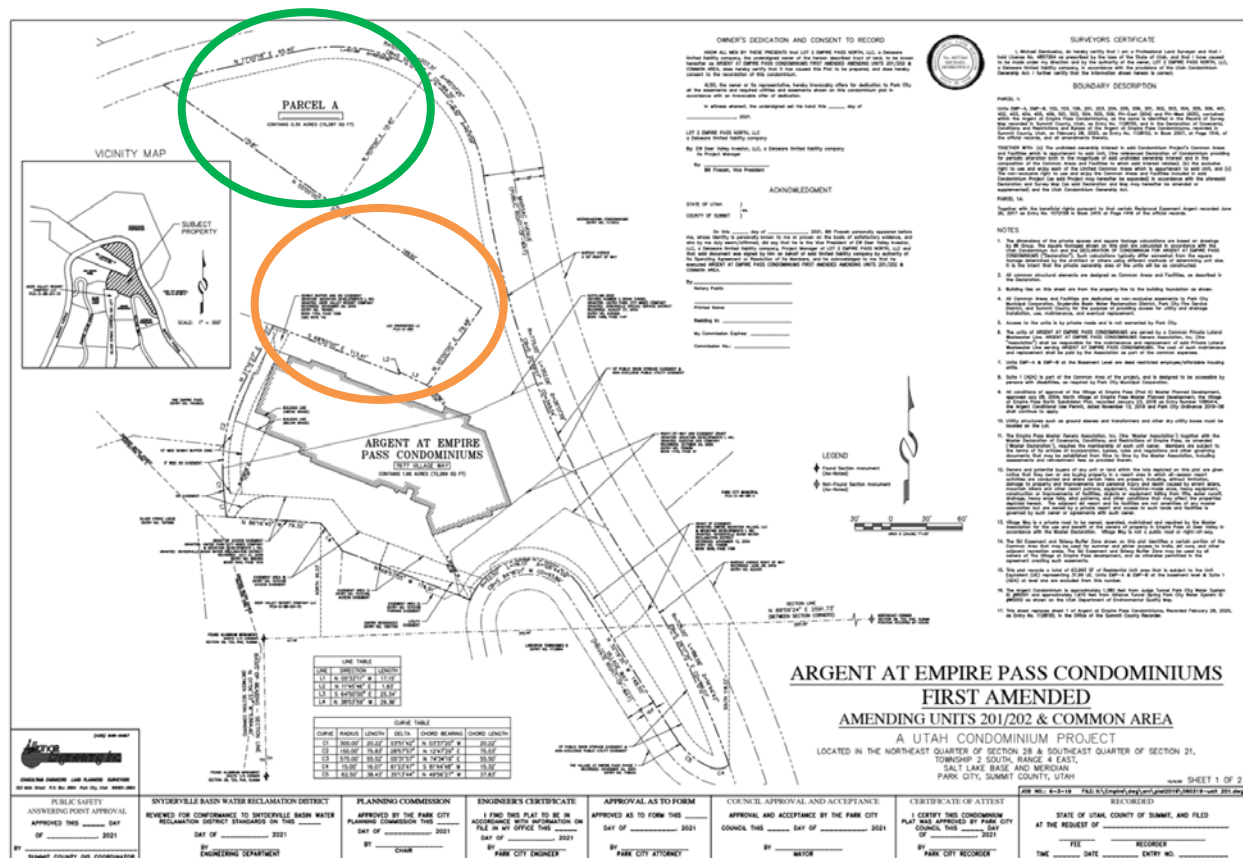


Figure 3: Existing Recorded Plat Showing Lot 2



The applicants hope to eventually swap Parcel A with land circled in orange (currently part of the Marsac Claim), to protect views and open space adjacent to the Argent at Empire Pass from future development on this portion of the Marsac Claim parcel.

The zoning for Lot 2 is Residential Development (RD) subject to the VEP MPD and CUP. The two proposals comply with LMC lot and site requirements of the RD Zoning District and the VEP MPD as described below.

	RD Zoning District and/or VEP MPD
Lot Size	No minimum lot size. Lot 2 is being reduced from approximately 2.01 acres (87,556 square feet) to 1.66 acres (72,269 square feet). Parcel A is .35 acres (15,287 square feet). <u>Complies.</u>
Front yard setbacks	Minimum 25 feet to front facing garage, 20 feet to building. Front setback is ~45' (garage entrance is setback ~52'). <u>Complies, No Change.</u>
Rear yard setbacks	Minimum 15 feet rear setbacks. Rear setback is 15'. <u>Complies, No Change.</u>

Side yard setbacks Roof eaves are allowed to extend 3' into the side, rear and front setbacks. Shared driveway is permitted across the property line within the platted access easement per plat. Sidewalks that provide circulation within the Village are permitted as shown within platted access easements. Screened mechanical equipment may extend 5' into the side setback area.	Minimum 12 feet side setbacks. Side setback is 12'. Mechanical equipment located outside setback and screened with landscaping and retaining wall. <u>Complies, No Change.</u>
Building Height Per Village MPD: 25% of the building is permitted to reach 74' above existing grade (north end), 55% of the building to reach 92' above existing grade, and 20% of the building (south end) to reach 80' above existing grade.	The building contains 5 levels of residential units, with a 6th level of residential units located in the roof area of the central portion of the building. <u>Complies, No Change.</u> Building has 25% of the building at or below 74', 55% is less than 92', and 20% is less than 80'. <u>Complies, No Change.</u>
Parking The <u>Flagstaff Transit and Parking Management Plan</u> approved with the MPD <u>requires</u> a 25% reduction in parking from what would be normally required by the LMC and the Empire Pass HOA is required to provide shuttle service.	Per LMC, based on unit sizes, fifty (50) spaces are required for the 27 units, and two EHUs. With the 25% reduction 38 spaces are required. The underground parking structure has 35 spaces (including 2 ADA). There are 4 surface spaces for a total of 39 spaces. <u>Complies, No Change.</u>
Architectural Design All construction is subject to Village at Empire Pass Design Review Board (DRB) approval and LMC Chapter 15-5 Architectural Design Guidelines with final review conducted at the time of the Building Permit.	The building was reviewed by the Village at Empire Pass DRB including site and architectural design. The applicant received Final Design Approval on September 30, 2019. <u>Complies, No Change.</u>
Residential Units	27 market rate units ranging from 1,506 sf to 3,927 sf (total of 63,993 sf). Deed restricted employee units are 815 and 803 sf. <u>Complies.</u>
Commercial space or Service /Support Area	No commercial uses are proposed in the building. Total service and support area is 15,893 sf. <u>Complies, No Change.</u>
Residential Accessory uses (Guest amenities)	Common residential amenity areas are provided on level one, including ski lockers, a kid's room, fitness area, lounge/après ski area. The basement level contains an owner's storage area and game room. There is also a reading room and deck on the 6 th floor. Total guest amenity area is approximately 8,433 sf. <u>Complies, No Change.</u>

Density Summary Density is per Development Agreement and VEP MPD. Up to 32 UE (64,000 square feet) were allocated to this lot by the Developer. ADA and EH units do not count towards UE cap. Proposed market rate residential – 63,924 sf (32 UE).	The Mountain Village (Pods A, B1 and B2) was approved with a maximum of 785 UE (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units. To date 738 UEs have been platted and/or built within the Mountain Village not including the subject property (Building 4 at 32 UEs). Constructed lodge style buildings include Shooting Star (Building 2), One Empire Pass (Building 5), Silver Strike (Building 6), Flagstaff Lodge (Building 7), Arrowleaf A and B (Building 8 & 9), and Grand Lodge. Empire Residences (Building 3) and The Residences at the Tower (Building 1) are under construction. The Argent at Empire Pass Condominiums brings the total approved UEs to 770. There is sufficient remaining density for the project. <u>Complies, No Change.</u>
Affordable Housing Approximately 572 UE certificates of occupancy have been issued for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D). According to the Annexation and Development Agreement, 15 AUE of affordable housing obligations come due for each 150 UE certificates of occupancy. The next housing obligation trigger point is 600 UE certificates of occupancy, when 60 AUE are required to be complete. As of now 105 AUE affordable units are completed and have certificates of occupancy (89 AUE are off-mountain and 16.675 AUE are on-mountain). The Village at Empire Pass North Subdivision identifies an on-site housing obligation of 2 AUE for the subject property.	There are two deed restricted affordable units, or AUEs as they are called in Flagstaff, within the building consisting of 2.0 AUE. One unit is 815 sf and the second unit is 803 sf. One unit is a Studio and one unit is a 1 bedroom unit. <u>Complies, No Change.</u>

Good Cause

Staff finds Good Cause for this Condominium Plat Amendment as it is consistent with the density and uses identified in the approved VEP Master Planned Development Site Plan and the Village at Empire Pass North Subdivision Plat, and the original approval of the Argent at Empire Pass. The Condominium Plat Amendments allows for the combination of two units into one larger unit, and for the creation of Parcel A, a 0.35 acre parcel that may be used in the future for a land swap with the adjacent owner in order to protect the views and open space adjacent to the Argent at Empire Pass to the north. Dividing Lot 2 into two separate parcels has no material change on the Density, Open Space or Setbacks of the project.

Department Review

The Development Review Committee reviewed this application on January 19, 2021. No issues were raised.

Notice

On January, 27, 2021, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on January, 27, 2021.

Public Input

Staff did not receive any public input prior to the publication of this Staff Report.

Alternatives

- Planning Commission may forward a positive recommendation to City Council for the Argent at Empire Pass Condominiums Plat Amendment, as conditioned or amended, or
- Planning Commission may forward a negative recommendation to City Council for the Argent at Empire Pass Condominiums Plat Amendment, and direct staff to make Findings for this decision, or
- Planning Commission may continue the item to a date certain.

Exhibits

Draft Ordinance

Exhibit A – Applicant's Project Description

Exhibit B – Current Condominium Plat

Exhibit C – Ordinance 2019-58

Draft Ordinance No. 2021-XX

**AN ORDINANCE APPROVING THE ARGENT AT EMPIRE PASS CONDOMINIUMS,
FIRST AMENDED, LOCATED AT 7677 VILLAGE WAY, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Argent at Empire Pass Condominiums, located at 7677 Village Way, petitioned the City Council for approval of the Argent at Empire Pass Condominiums First Amended Condominium Plat; and

WHEREAS, on January 27, 2021, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on January 27, 2021, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission, on February 10, 2021, held a public hearing and forwarded a _____ recommendation to the City Council; and,

WHEREAS, the City Council on February 25, 2021, held a public hearing and took final action on the Condominium Plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Argent at Empire Pass Condominiums First Amended Condominium Plat consistent with the Village at Empire Pass Master Planned Development Agreement and the Argent at Empire Pass Condominiums Conditional Use Permit.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Argent at Empire Pass Condominiums First Amended Condominium Plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property was originally part of the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
2. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (VEP MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (also known as the Mountain Village) was later amended to include Pod B2 (Montage and B2 East).
4. The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60

PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.

5. To date 770 UEs and 16 single family units have been platted and/or built including the Argent at Empire Pass Condominiums.
6. Constructed lodge style buildings include Shooting Star (Building 2), One Empire Pass (Building 5), Silver Strike (Building 6), Flagstaff Lodge (Building 7), Arrowleaf A and B (Buildings 8 & 9). Empire Residences (Building 3) and the Condominiums at the Tower (Building 1) are currently under construction.
7. There is sufficient density remaining within the VE MPD for the 27 units (32 UE).
8. 572 UE certificates of occupancy have been issued for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D). According to the Annexation and Development Agreement, 15 AUE of affordable housing obligations come due for each 150 UE certificates of occupancy. The next housing obligation trigger point is 600 UE certificates of occupancy, when 60 AUE are required to be complete. As of now 105 affordable units are completed and have certificates of occupancy (89 units are off-mountain and 16 units are on-mountain).
9. As part of the Argent at Empire Pass Condominiums CUP 2.0 AUE (1600 sf) is required by the subdivision plat for this lot. The affordable units consists of an 815 sf studio and a 803 sf one bedroom unit designated as private area and can be sold as an affordable unit or used for long term rental to qualified workers consistent with the Flagstaff Housing Mitigation Plan and applicable housing resolutions.
10. On December 5, 2019, the City Council approved the Argent at Empire Pass Condominium Plat.
11. On December 23, 2020, the Planning Department received an application to amend the Condominium Plat to combine two units into one for a prospective buyer; and to subdivide the underlying land into two separate parcels.
12. The property is located at 7677 Village Way and is known as Lot 2 of The Village at Empire Pass North Subdivision, approved by Council on June 15, 2017.
13. Access to the property is from Village Way, a private street.
14. The property is subject to subdivision plat notes that require compliance with the Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each lodge building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20' snow storage easement along the street frontages, water efficient landscaping, and various utility and maintenance provisions.
15. No commercial uses are proposed in the building.
16. Based on the unit sizes, a minimum of 38 parking spaces are required when taking into consideration the 25% parking reduction required by the Flagstaff Development Agreement and MPD.
17. An underground parking structure provides 35 parking spaces, including 2 ADA spaces, as well as limited common storage areas for some unit. Four surface spaces are provided for a total of 39 parking spaces.
18. The application is in compliance with the location, density and affordable housing requirements of the Development Agreement as they apply to this lot, the VEP MPD approved in 2004, and The Village at Empire Pass North Subdivision Plat approved in 2017.

Conclusions of Law:

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

Conditions of Approval:

1. All Conditions of Ordinance 2019-58 shall continue to apply.
2. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium 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 Condominium Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
4. Conditions of approval of the Village at Empire Pass Master Planned Development (MPD) and the Empire Residences Conditional Use Permit (CUP) apply to this Plat and a note shall be added to the plat prior to recordation referencing that conditions of approval of the Village at Empire Pass MPD, Village at Empire Pass North Subdivision, and the Empire Residences CUP continue to apply to this Condominium Plat Amendment.
5. All applicable recorded public utility and access easements shall be indicated on this Condominium Plat Amendment prior to recordation.
6. Parcel A is currently restricted as open space, is not separately developable, and has no density associated with it. Any amendment will be processed in accordance with the Land Management Code in effect at the time of application.

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

PASSED AND ADOPTED this ____ day of February, 2021.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

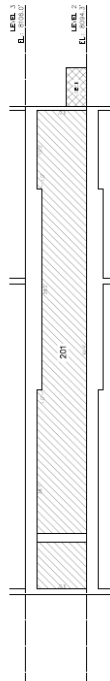
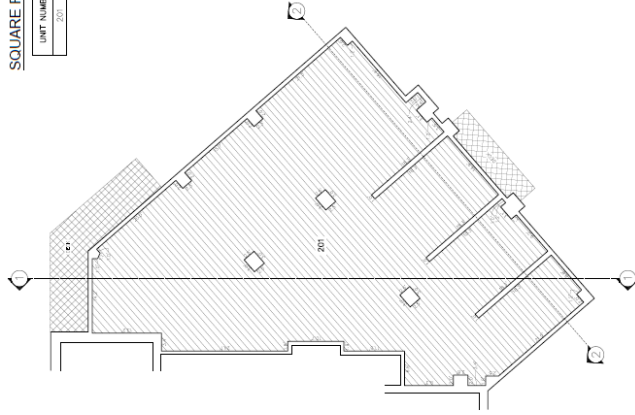
Exhibits

Exhibit A – Condominium Plat Amendment

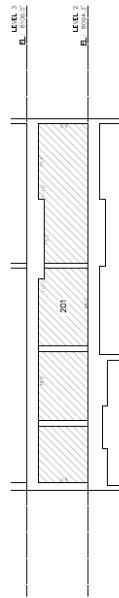
NOTE:
1. THE SHOWN UNIT IS A REPRESENTATIVE UNIT. THE ACTUAL UNIT MAY VARY FROM THE SHOWN UNIT.
2. THE SHOWN UNIT IS A REPRESENTATIVE UNIT. THE ACTUAL UNIT MAY VARY FROM THE SHOWN UNIT.
3. THE SHOWN UNIT IS A REPRESENTATIVE UNIT. THE ACTUAL UNIT MAY VARY FROM THE SHOWN UNIT.

SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
201	3,084 SF



SECTION 1



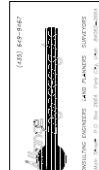
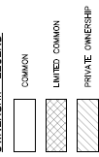
SECTION 2

ARGENT AT EMPIRE PASS CONDOMINIUMS FIRST AMENDED

AMENDING UNITS 201/202 & COMMON AREA

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 28 & SOUTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASIN AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

OWNERSHIP LEGEND

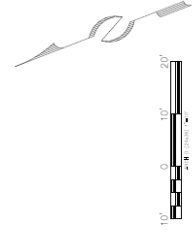


FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT, SUMMIT COUNTY, UTAH, ON 01/11/2017, AT 10:00 AM. SHEET 2 OF 2

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, A-11 FILED
AT THE REQUEST OF

FILE DATE SCALE
TIME DATE SCALE



Argent at Empire Pass

Condominium Plat Amendment Application Overview

To: Park City Planning Department

Applicant: Lot 2 Empire Pass North, LLC

Applicant Representative: Hannah Tyler

Subject Property: Argent at Empire Pass
7677 Village Way
Park City, UT 84060

Enclosed is a package containing the complete application requirements for a Condominium Plat Amendment. The information below is intended to provide the Planning Department with an application overview describing the intent of the proposed Condominium Plat Amendment.

The Argent at Empire Pass Condominiums were approved by Planning Commission on November 13, 2019. The building is currently under construction. The ownership of the Argent at Empire Pass has been in the process of building the property and contracting for the sale of the individual units. They subsequently need to amend the Condominium Plat to adjust a pair of units for a buyer and amend the underlying parcel for a future opportunity to secure an additional amenity for the building.

The purpose of the proposed Condominium Plat Amendment is to accomplish two (2) things:

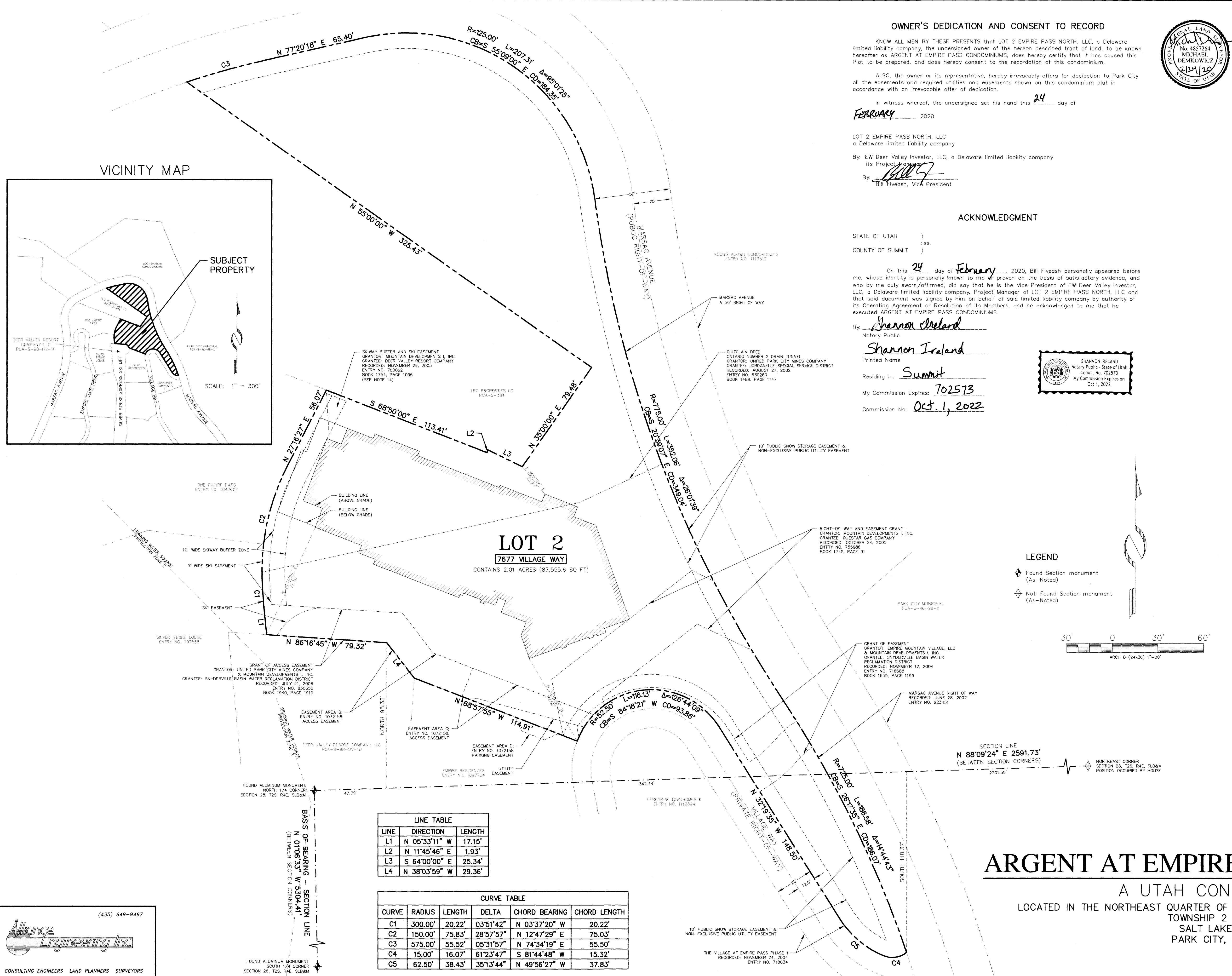
1. To combine units 201 and 202 into one (1) unit (now 201). A prospective buyer is purchasing both units and would like to combine them into one Tax ID. There will be no change in total area that will result from the unit combination.
2. Subdivide the underlying parcel into two (2) parcels. The applicant proposes to subdivide the main parcel underlying the building and create a second parcel

containing .35 acres on the northernmost point of the development. The purpose of this new parcel is to create the opportunity for a future land swap between the ownership of Argent at Empire Pass and the neighboring Marsac Claim parcel for the purposes of protecting view corridors and open space adjacent to the building for the future owners of Argent at Empire Pass. There will be no increase in density from the Master Planned- or zone allowed-densities and there will be no reduction in open space.

Attached are all application requirements listed on pages 2 and 3 of the Condominium Plat Amendment application. The following details notes applicable to specific application requirements:

Because the Argent at Empire Pass Condominiums are under a single ownership as no units have been transferred or sold, application requirement #10 is satisfied by the signature of Bill Fiveash as a Authorized Signer for the single owner, Lot 2 Empire Pass North, LLC.

Hard copies of the proposed plat, certified topographic survey, and aerial photograph will be dropped off to the City Hall Planning Department dropbox following digital submittal and in compliance with Park City Municipal Corporation COVID-19 protocols.



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that LOT 2 EMPIRE PASS NORTH, LLC, a Delaware limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as ARGENT AT EMPIRE PASS CONDOMINIUMS, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this condominium.

ALSO, the owner or its representative, hereby irrevocably offers for dedication to Park City all the easements and required utilities and easements shown on this condominium plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this 24 day of FEBRUARY, 2020.

LOT 2 EMPIRE PASS NORTH, LLC
a Delaware limited liability company

By: EW Deer Valley Investor, LLC, a Delaware limited liability company
its Project Manager

By: Bill Fivash, Vice President

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SUMMIT)

On this 24 day of February, 2020, Bill Fivash personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Vice President of EW Deer Valley Investor, LLC, a Delaware limited liability company, Project Manager of LOT 2 EMPIRE PASS NORTH, LLC and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed ARGENT AT EMPIRE PASS CONDOMINIUMS.

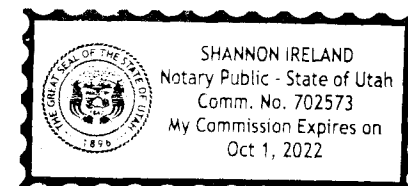
By: Shannon Ireland
Notary Public

Printed Name: Shannon Ireland

Residing in: Summit

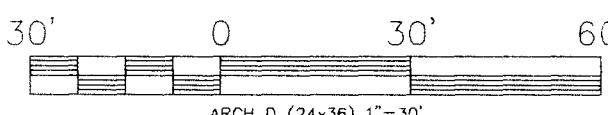
My Commission Expires: 702573

Commission No.: Oct. 1, 2022



LEGEND

- Found Section monument (As-Noted)
- Not-Found Section monument (As-Noted)



ARGENT AT EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 28 & SOUTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

2/24/20 SHEET 1 OF 11

PUBLIC SAFETY
ANSWERING POINT APPROVAL

APPROVED THIS 28TH DAY
OF FEBRUARY, 2020
BY: Shonda Owens in behalf of Summit County GIS Coordinator

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 24TH DAY OF FEBRUARY, 2020
BY: S.B. W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 13TH DAY OF NOVEMBER, 2019
BY: CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 25 DAY OF FEBRUARY, 2020
BY: John S. Ireland PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 27TH DAY OF FEBRUARY, 2020
BY: Mike P. Hays PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 5TH DAY OF DECEMBER, 2019
BY: Andy B. MAYOR

CERTIFICATE OF ATTEST

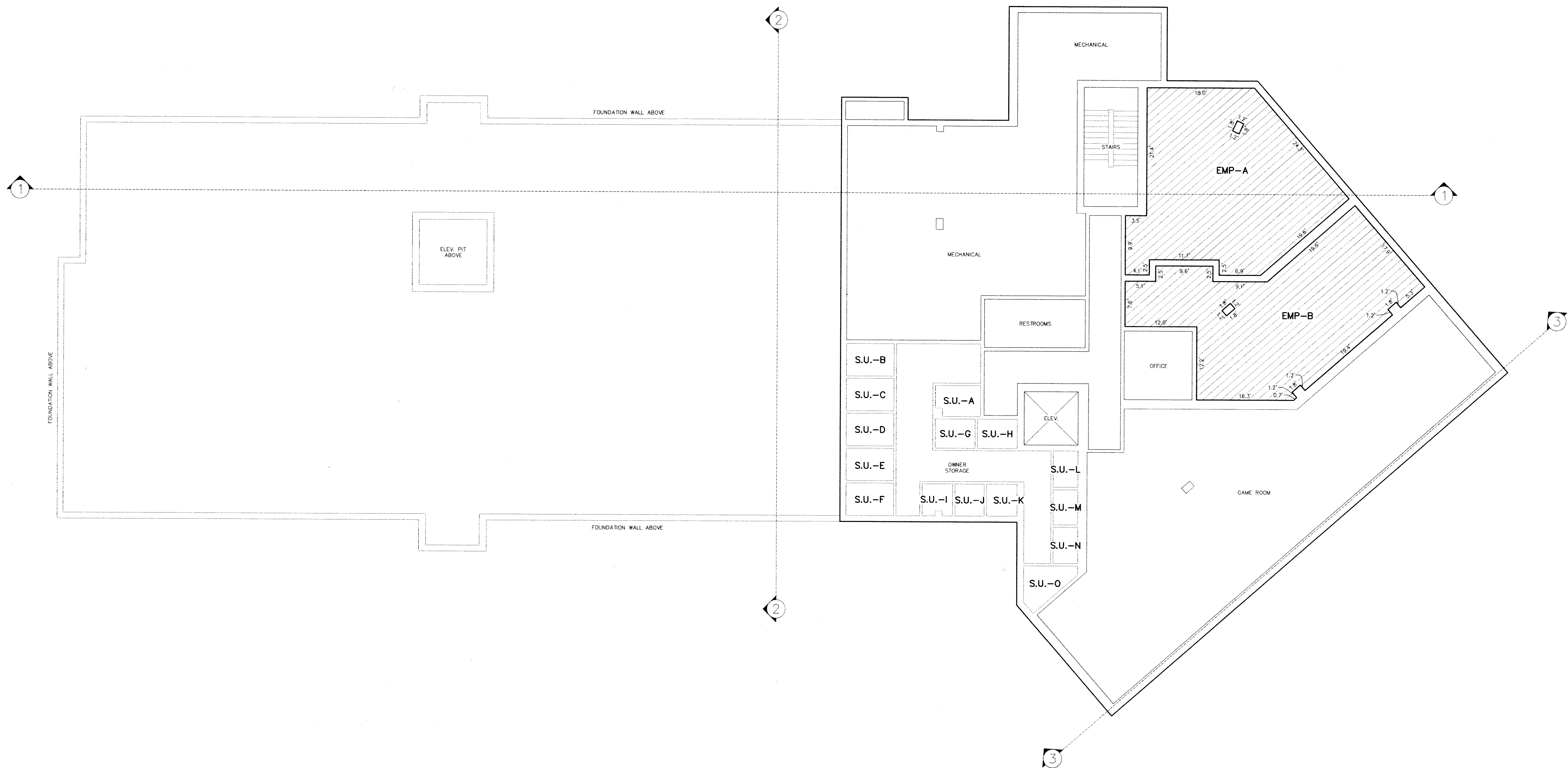
I CERTIFY THIS CONDOMINIUM PLAT WAS APPROVED BY PARK CITY COUNCIL THIS 5TH DAY OF DECEMBER, 2019
BY: Michael Kelly PARK CITY RECORDER

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Bill Fivash and West Phinney 610.00 FEE Shonda Owens RECORDER
TIME 4:22 PM DATE 2/28/2020 ENTRY NO. 1138150

BASEMENT
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
EMP-A	803 SF
EMP-B	815 SF



ABBREVIATION LEGEND

ELEV. = ELEVATOR
S.U. = STORAGE UNIT

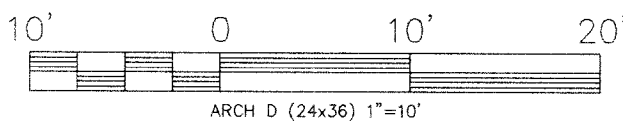
OWNERSHIP LEGEND

	COMMON
	LIMITED COMMON
	PRIVATE OWNERSHIP

BASEMENT

ARGENT AT EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 28 & SOUTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



ENTRY NO. 01128150

02/28/2020 04:22:09 PM B: 2557 P: 1514
PLOT PAGE 1/1
NOTED: PROFILES
FEE \$10.00 BY BILL FIVEASH CO EAST WEST PARTNERS

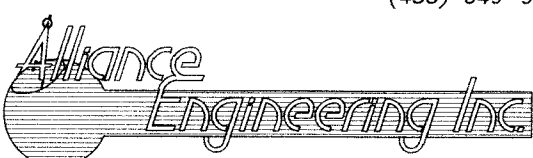
1/30 SHEET 2 OF 11

JOB NO.: 6-3-19 FILE: X:\Empire\dwg\sr\plat2019\060319-Argent.dwg

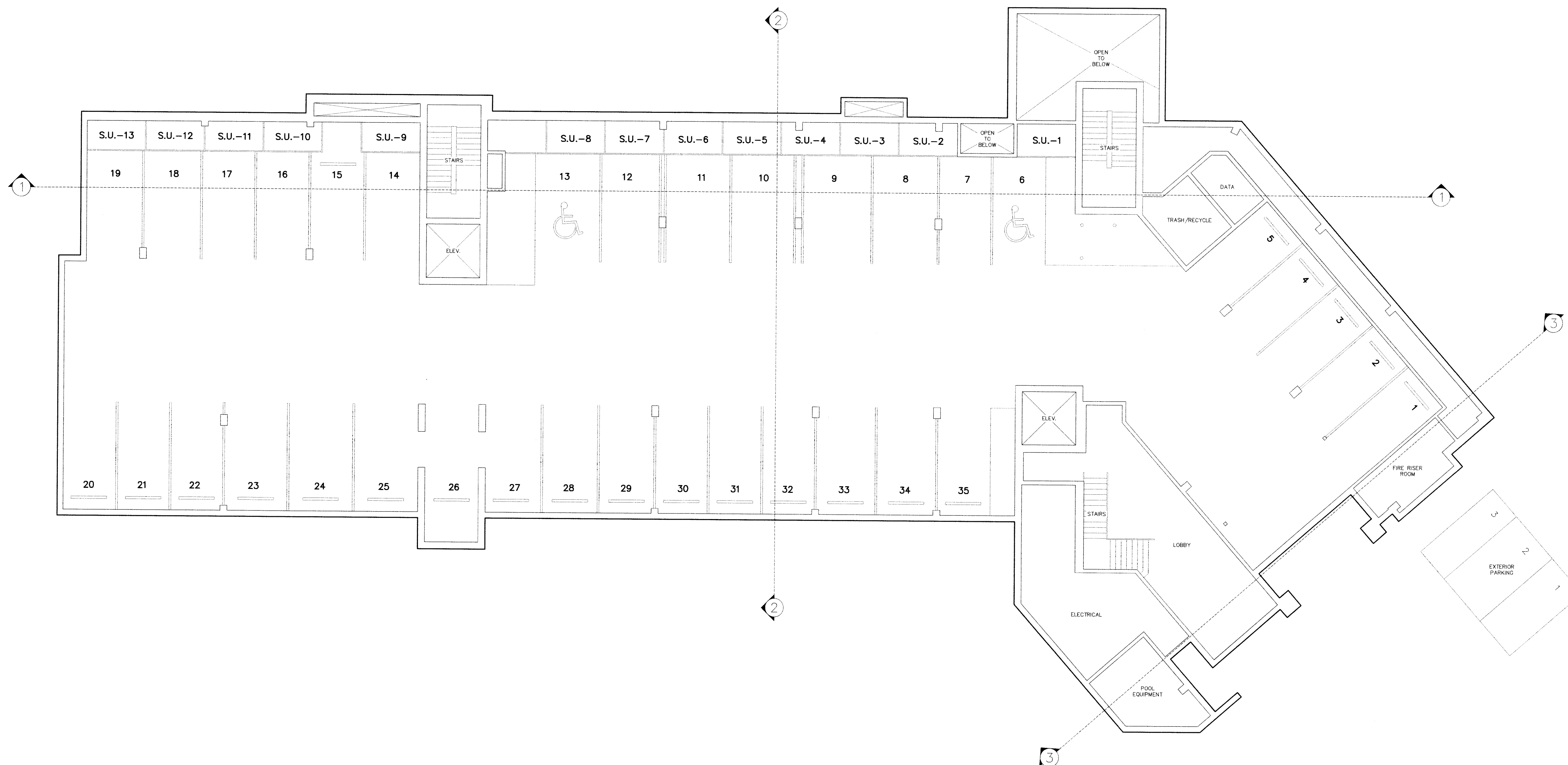
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____

____ FEE _____ RECORDER
TIME _____ DATE _____ ENTRY NO. _____



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



ABBREVIATION LEGEND

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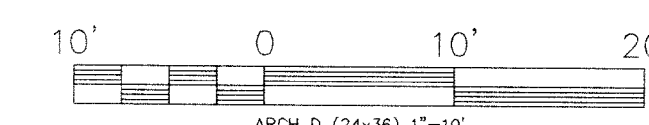
OWNERSHIP LEGEND

- COMMON
- LIMITED COMMON
- PRIVATE OWNERSHIP

PARKING

ARGENT AT EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 28 & SOUTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
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PARK CITY, SUMMIT COUNTY, UTAH



ENTRY NO. 01128150

02/28/2020 04:22:09 PM B: 2557 P: 1514
Plot PAGE 1/1
RECORD FEE: 610.00 BY BILL FIVEASH CO EAST WEST PARTNERS

/20 SHEET 3 OF 11

JOB NO.: 6-3-19 FILE: X:\Empire\dwg\sr\plot2019\060319-Argent.dwg

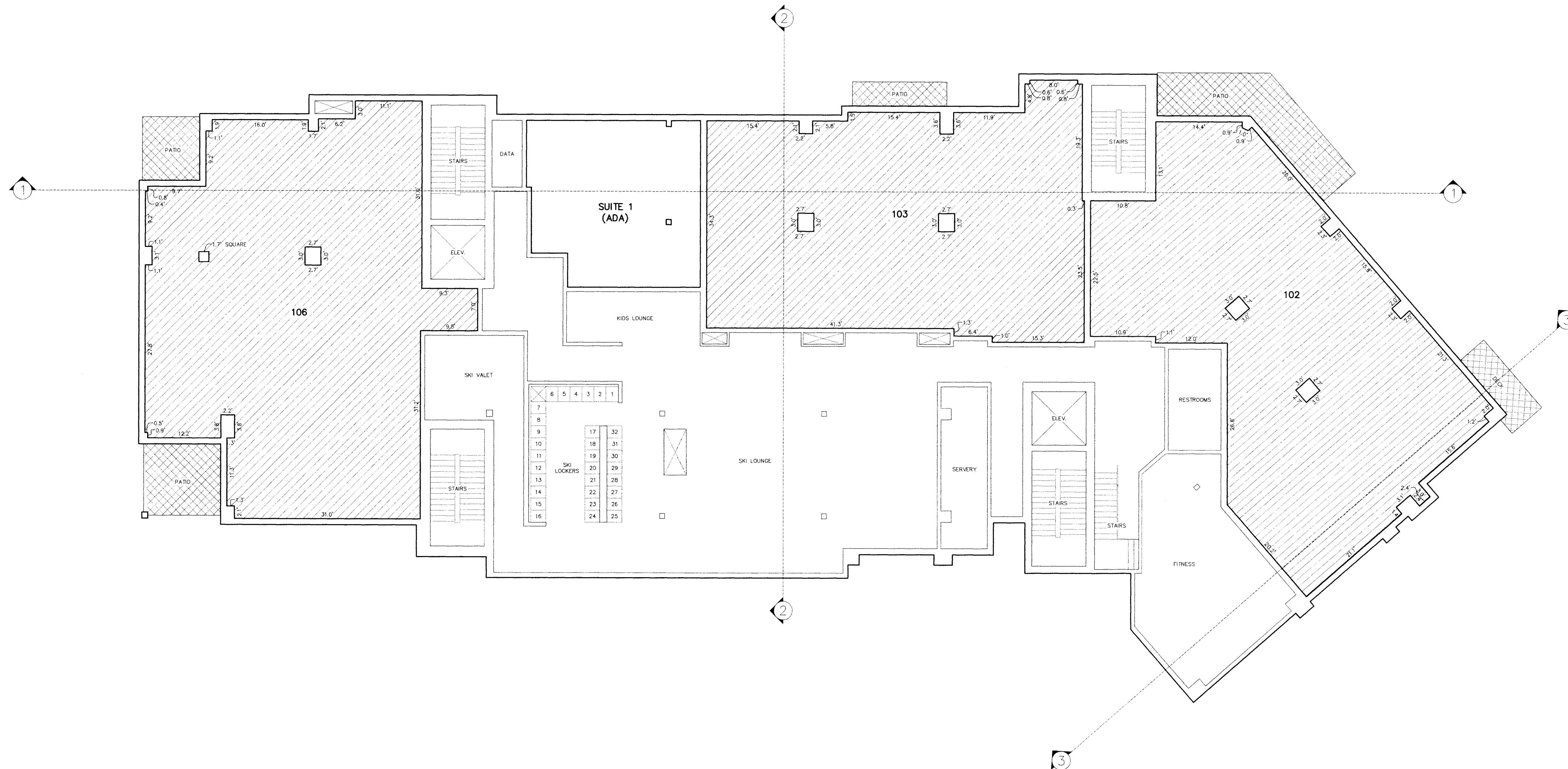
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____

FEE RECORDER
TIME _____ DATE _____ ENTRY NO. _____

LEVEL 1 SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
102	2,620 SF
103	2,283 SF
106	2,819 SF



ABBREVIATION LEGEND

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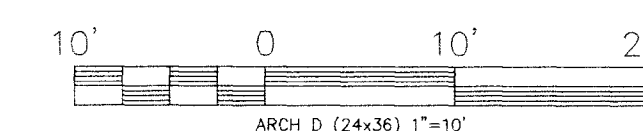
OWNERSHIP LEGEND

	COMMON
	LIMITED COMMON
	PRIVATE OWNERSHIP

LEVEL 1

ARGENT AT EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 28 & SOUTHEAST QUARTER OF SECTION 21,
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PARK CITY, SUMMIT COUNTY, UTAH



ENTRY NO. 01128150
02/28/2020 04:22:09 PM B: 2557 P: 1514

Plot PAGE 1/1
SUMMIT COUNTY RECORDERS
FEE \$10.00 BY BILL FIVEASH CO EAST WEST PARTNERS

SHEET 4 OF 11

JOB NO.: 6-3-19 FILE: X:\Empire\dwg\srvt\plat2019\060319-Argent.dwg

RECORDED

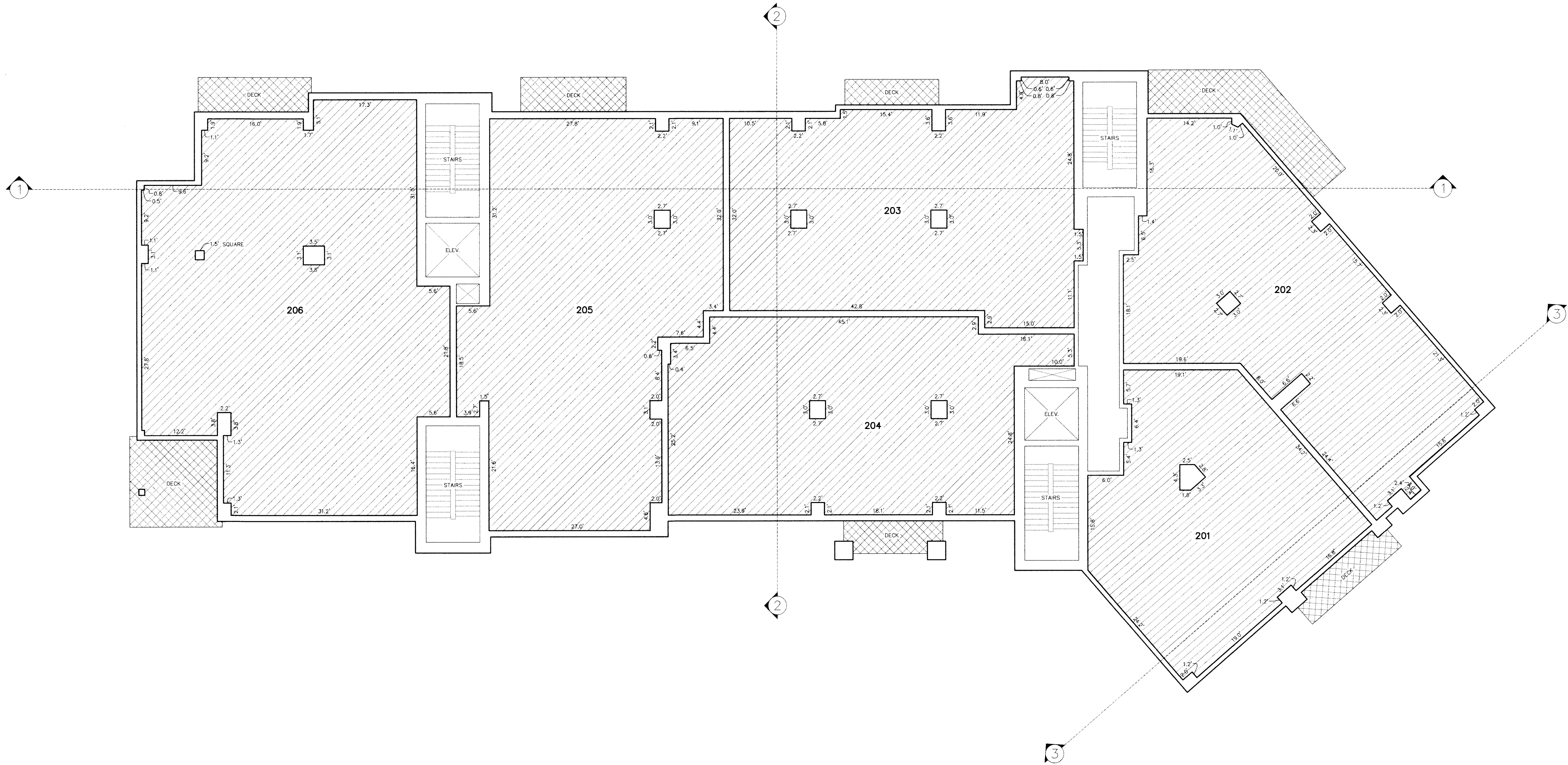
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____

FEE RECORDER
TIME DATE ENTRY NO.

ARGENT AT EMPIRE PASS CONDOMINIUMS

LEVEL 2
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
201	1,506 SF
202	1,978 SF
203	1,981 SF
204	1,894 SF
205	2,413 SF
206	2,897 SF



ABBREVIATION LEGEND

ELEV. = ELEVATOR
S.U. = STORAGE UNIT

OWNERSHIP LEGEND

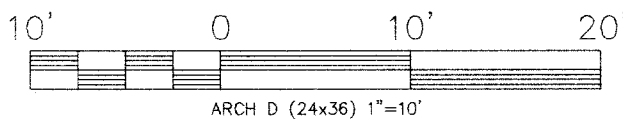
	COMMON
	LIMITED COMMON
	PRIVATE OWNERSHIP

LEVEL 2

ARGENT AT EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 28 & SOUTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
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PARK CITY, SUMMIT COUNTY, UTAH



ENTRY NO. 01128150

02/28/2020 04:22:09 PM B: 2557 P: 1514
PLAT PAGE 1/1
RUIDA PROJECTS SUMMIT COUNTY RECORDER
FEE: \$10.00 BY BILL FIVEASH CO EAST WEST PARTNERS

3/19/20 SHEET 5 OF 11

JOB NO.: 6-3-19 FILE: X:\Empire\dwg\sr\plat2019\060319-Argent.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

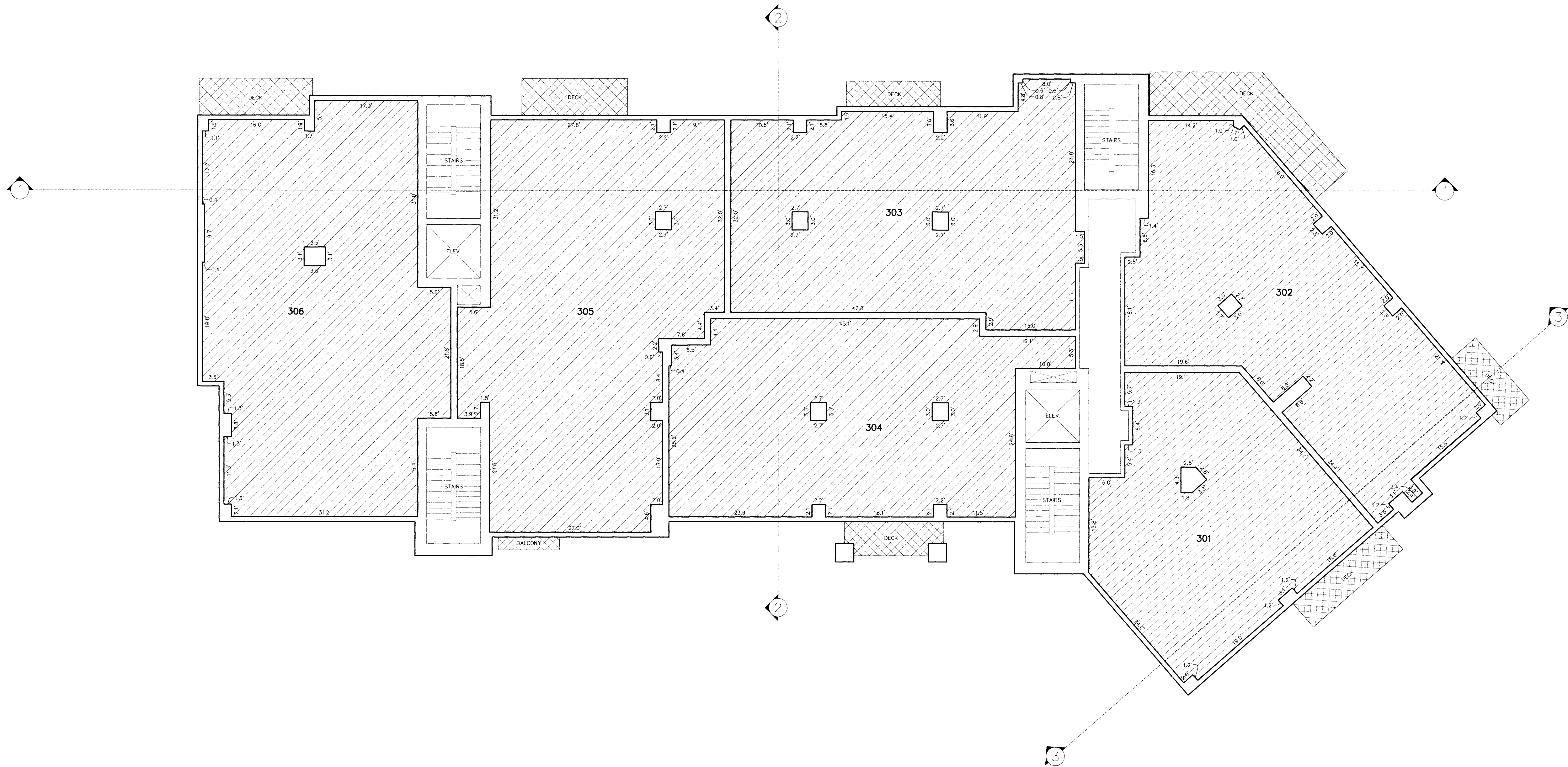
FEE _____ RECORDER _____

TIME _____ DATE _____ ENTRY NO. _____

ARGENT AT EMPIRE PASS CONDOMINIUMS

LEVEL 3
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
301	1,506 SF
302	1,978 SF
303	1,981 SF
304	1,894 SF
305	2,413 SF
306	2,450 SF



ABBREVIATION LEGEND

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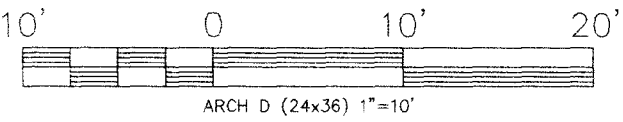
OWNERSHIP LEGEND

- COMMON
- LIMITED COMMON
- PRIVATE OWNERSHIP

LEVEL 3

ARGENT AT EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 28 & SOUTHEAST QUARTER OF SECTION 21,
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PARK CITY, SUMMIT COUNTY, UTAH



ENTRY NO. 01128150

02/28/2020 04:22:09 PM B: 2557 P: 1514

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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF

FEE RECORDER

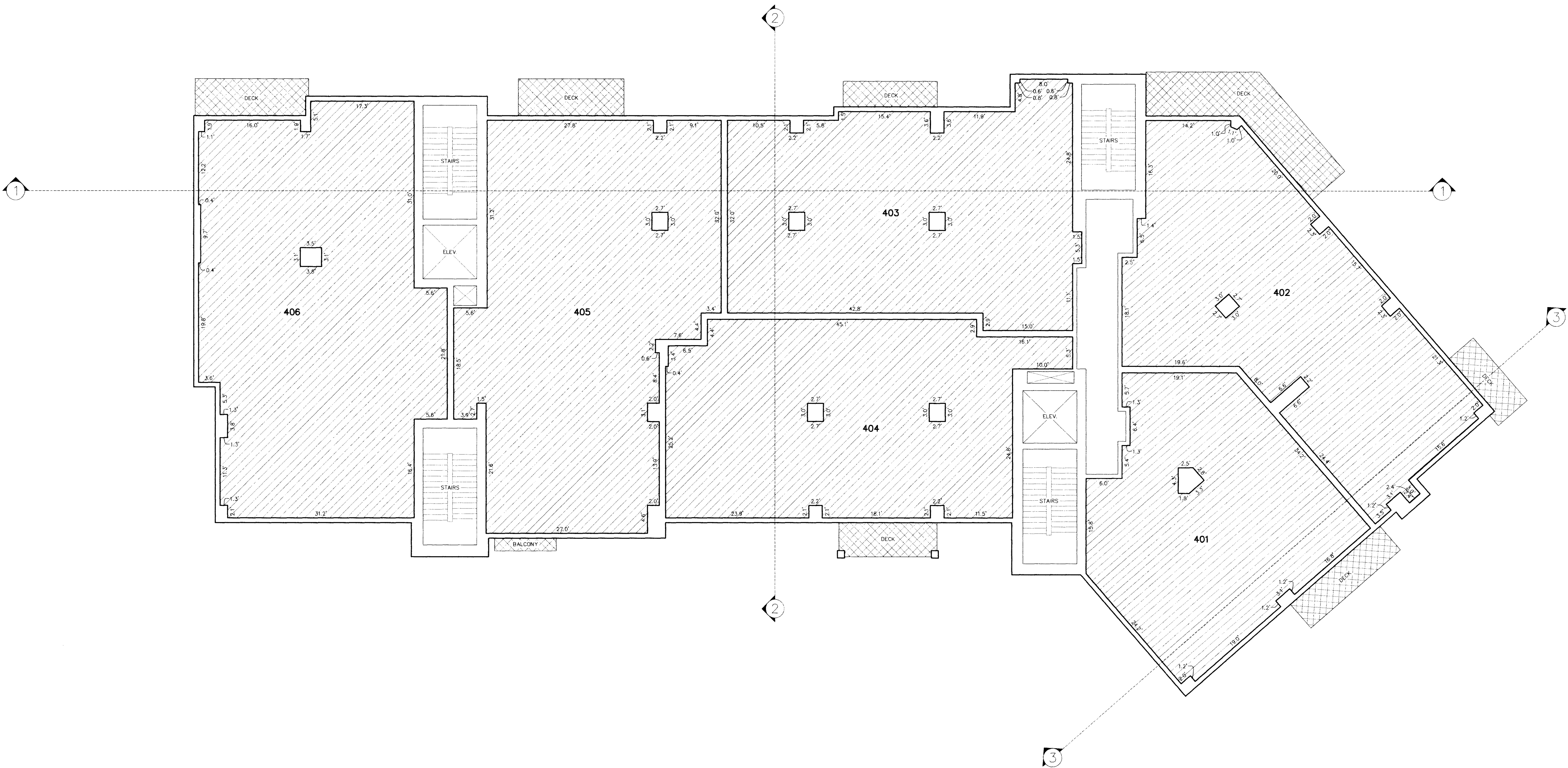
TIME DATE ENTRY NO.

ARGENT AT EMPIRE PASS CONDOMINIUMS

SHEET 6 OF 11

LEVEL 4
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
401	1,506 SF
402	1,978 SF
403	1,981 SF
404	1,894 SF
405	2,413 SF
406	2,450 SF



ABBREVIATION LEGEND

ELEV. = ELEVATOR
S.U. = STORAGE UNIT

OWNERSHIP LEGEND

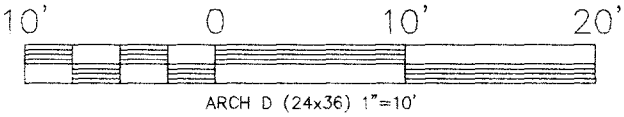
	COMMON
	LIMITED COMMON
	PRIVATE OWNERSHIP

LEVEL 4

ARGENT AT EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT

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PARK CITY, SUMMIT COUNTY, UTAH



ENTRY NO. 01128150

02/28/2020 04:22:09 PM B: 2557 P: 1514

Plot: PAGE 1/1

RECORDING: SUMMIT COUNTY RECORDER

FEE: \$10.00 BY BILL FIVEASH CO EAST WEST PARTNERS

2/19/20

SHEET 7 OF 11

JOB NO.: 6-3-19 FILE: X:\Empire\dwg\sr\plat2019\060319-Argent.dwg

RECORDED

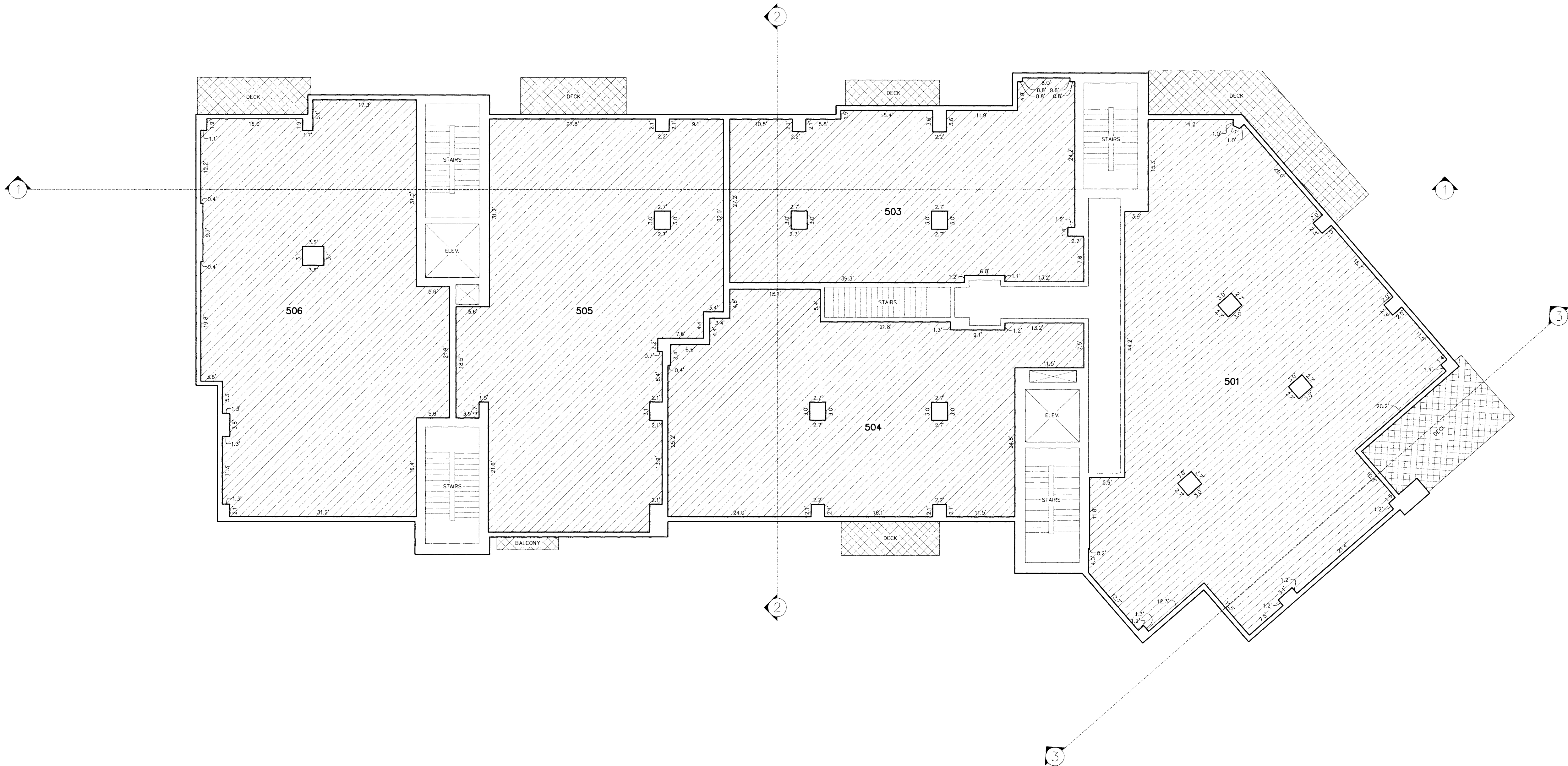
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____

FEE RECORDER
TIME _____ DATE _____ ENTRY NO. _____

ARGENT AT EMPIRE PASS CONDOMINIUMS

LEVEL 5
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
501	3,207 SF
503	1,649 SF
504	1,986 SF
505	2,415 SF
506	2,450 SF



ABBREVIATION LEGEND

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OWNERSHIP LEGEND

- COMMON
- LIMITED COMMON
- PRIVATE OWNERSHIP

LEVEL 5

ARGENT AT EMPIRE PASS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
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SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

ENTRY NO. 01128150

02/28/2020 04:22:09 PM B: 2557 P: 1514
Plot PAGE 1/1
OWNER: FIVEASH, SUMMIT COUNTY RECORDS
FEE: 610.00 BY BILL FIVEASH CO EAST WEST PARTNERS

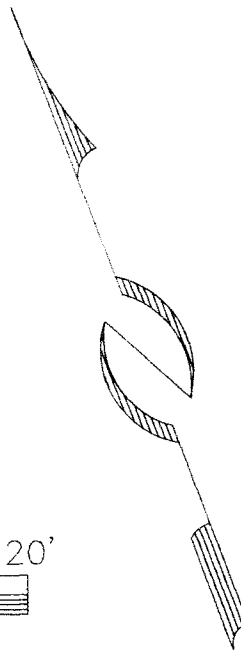
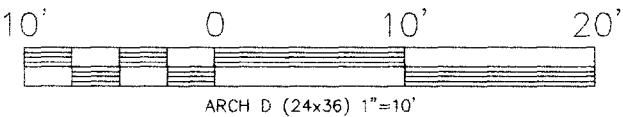
3/15/20 SHEET 8 OF 11

JOB NO.: 6-3-19 FILE: X:\Empire\dwg\sr\plat2019\060319-Argent.dwg

RECORDED

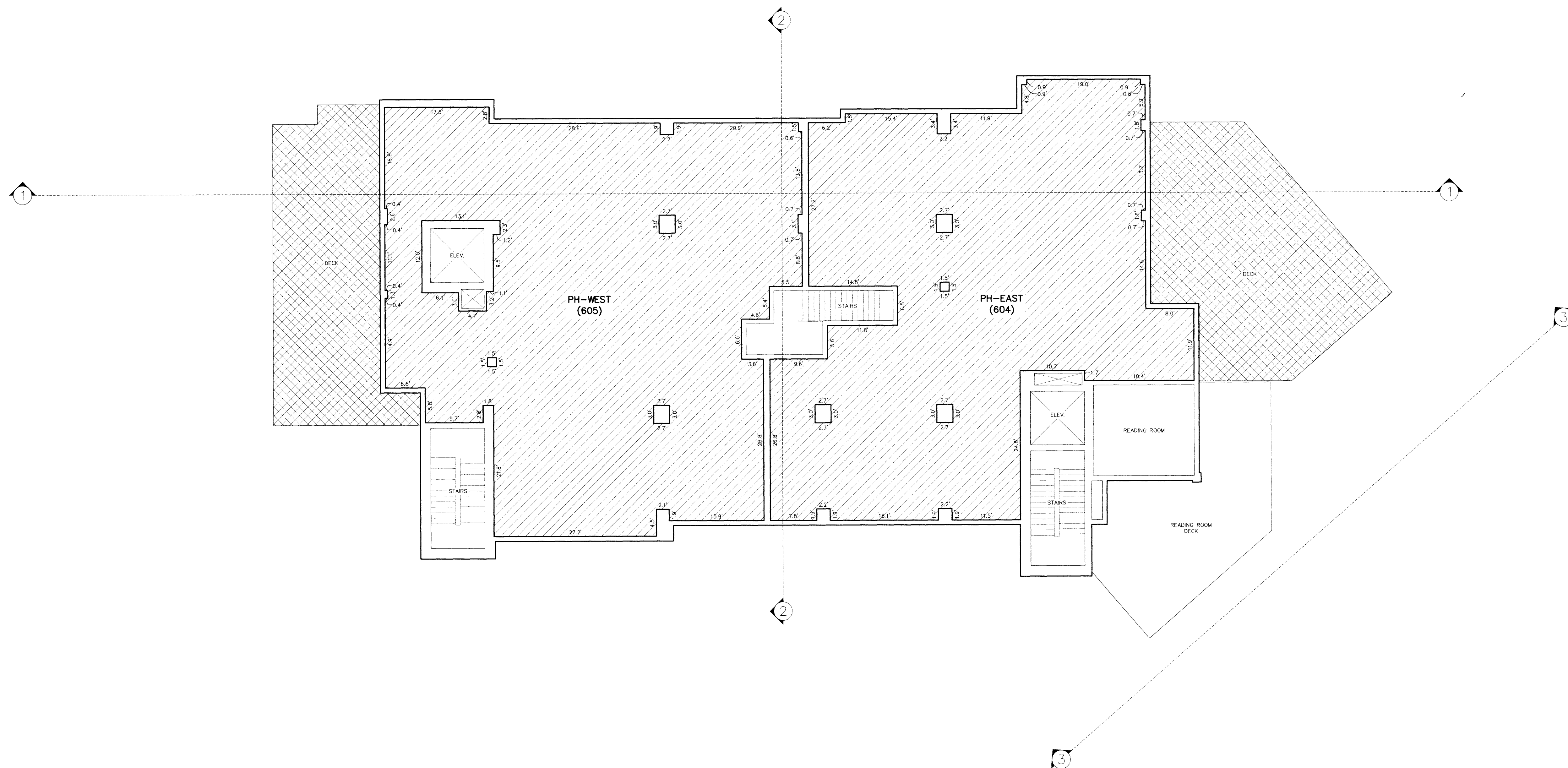
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

ARGENT AT EMPIRE PASS CONDOMINIUMS



LEVEL 6
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
PH-EAST (604)	3,524 SF
PH-WEST (605)	3,927 SF



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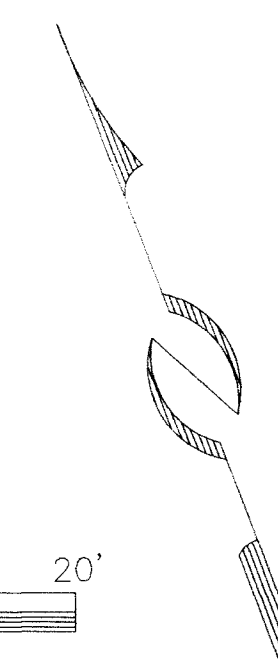
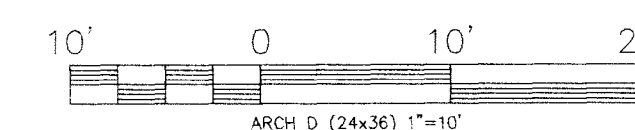
OWNERSHIP LEGEND

	COMMON
	LIMITED COMMON
	PRIVATE OWNERSHIP

LEVEL 6

ARGENT AT EMPIRE PASS CONDOMINIUMS

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ENTRY NO. 01128150
02/28/2020 04:22:09 PM B: 2557 P: 1514
Plot PAGE 1/1
SUBDIVISION: SUMMIT COUNTY RECORDER
FEE: \$10.00 BY BILL FIVEASH CO EAST WEST PARTNERS

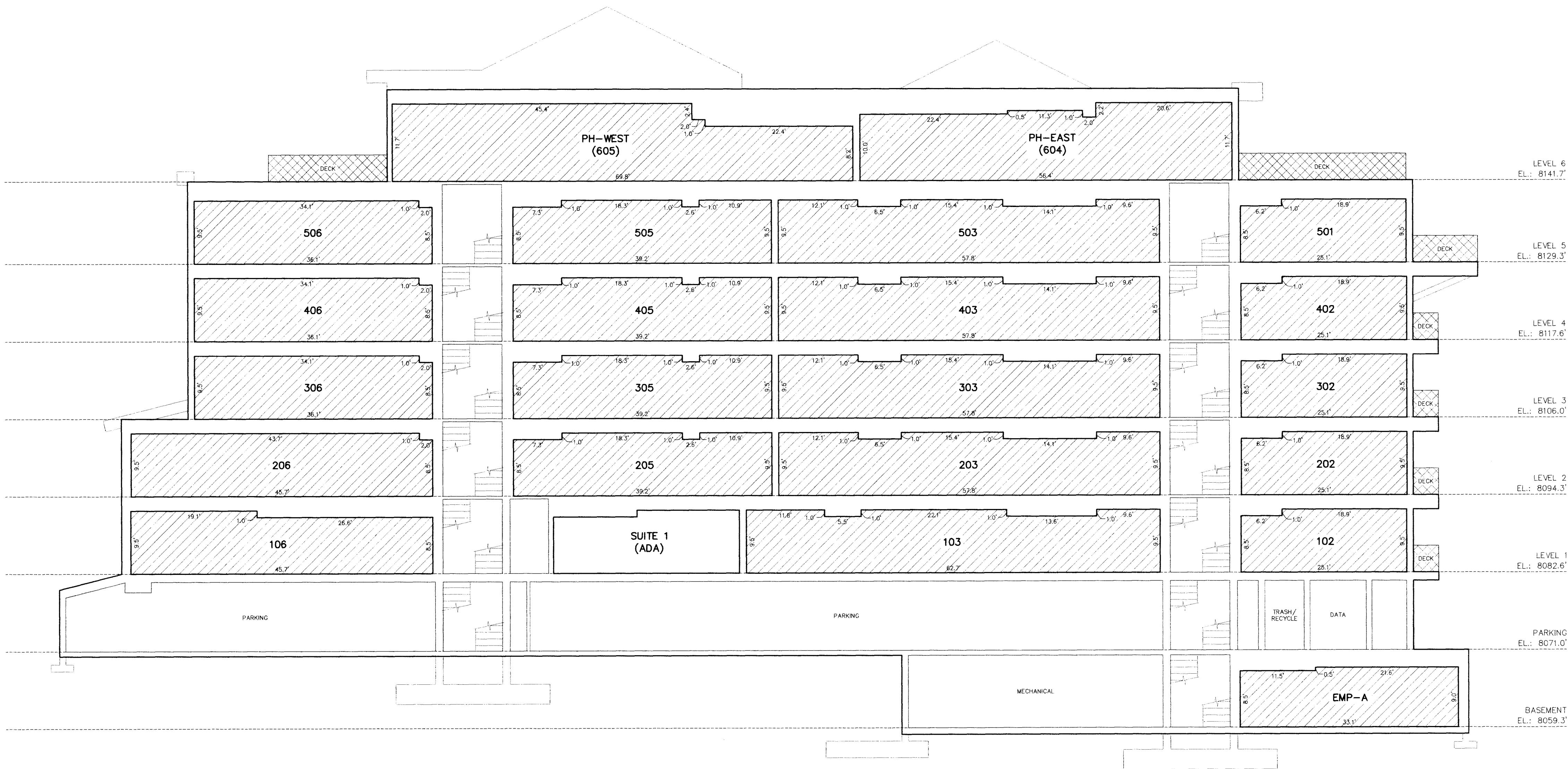
1/19/20 SHEET 9 OF 11

JOB NO.: 6-3-19 FILE: X:\Empire\dwg\sr\plot2019\060319-Argent.dwg	
RECORDED	
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED	
AT THE REQUEST OF _____	
FEE _____	RECORDER _____
TIME _____ DATE _____	ENTRY NO. _____

ARGENT AT EMPIRE PASS CONDOMINIUMS

NOTE

1. Due to the architectural features in the Units, the ceiling heights are not uniform throughout each unit. Notwithstanding the depiction of the volume of the Units as shown on this plot, the actual boundaries of each Unit are as described in Article 4 of the Declaration.



SECTION 1

ABBREVIATION LEGEND

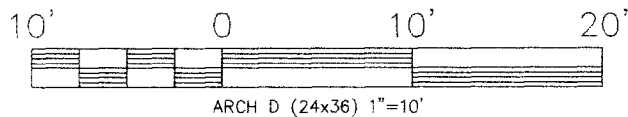
ELEV. = ELEVATOR
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OWNERSHIP LEGEND

	COMMON
	LIMITED COMMON
	PRIVATE OWNERSHIP

ARGENT AT EMPIRE PASS CONDOMINIUMS

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ENTRY NO. 01128150

02/28/2020 04:22:09 PM B: 2557 P: 1514

PLAT PAGE 1/1

SUMMIT COUNTY RECORDER

FEE \$10.00 BY BILL FIVEASH CO EAST WEST PARTNERS

RECORDED

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RECORDED

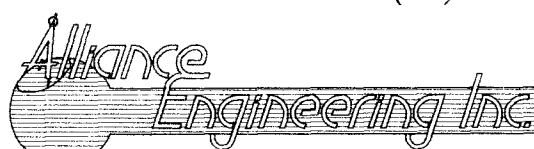
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

_____ FEE _____ RECORDER

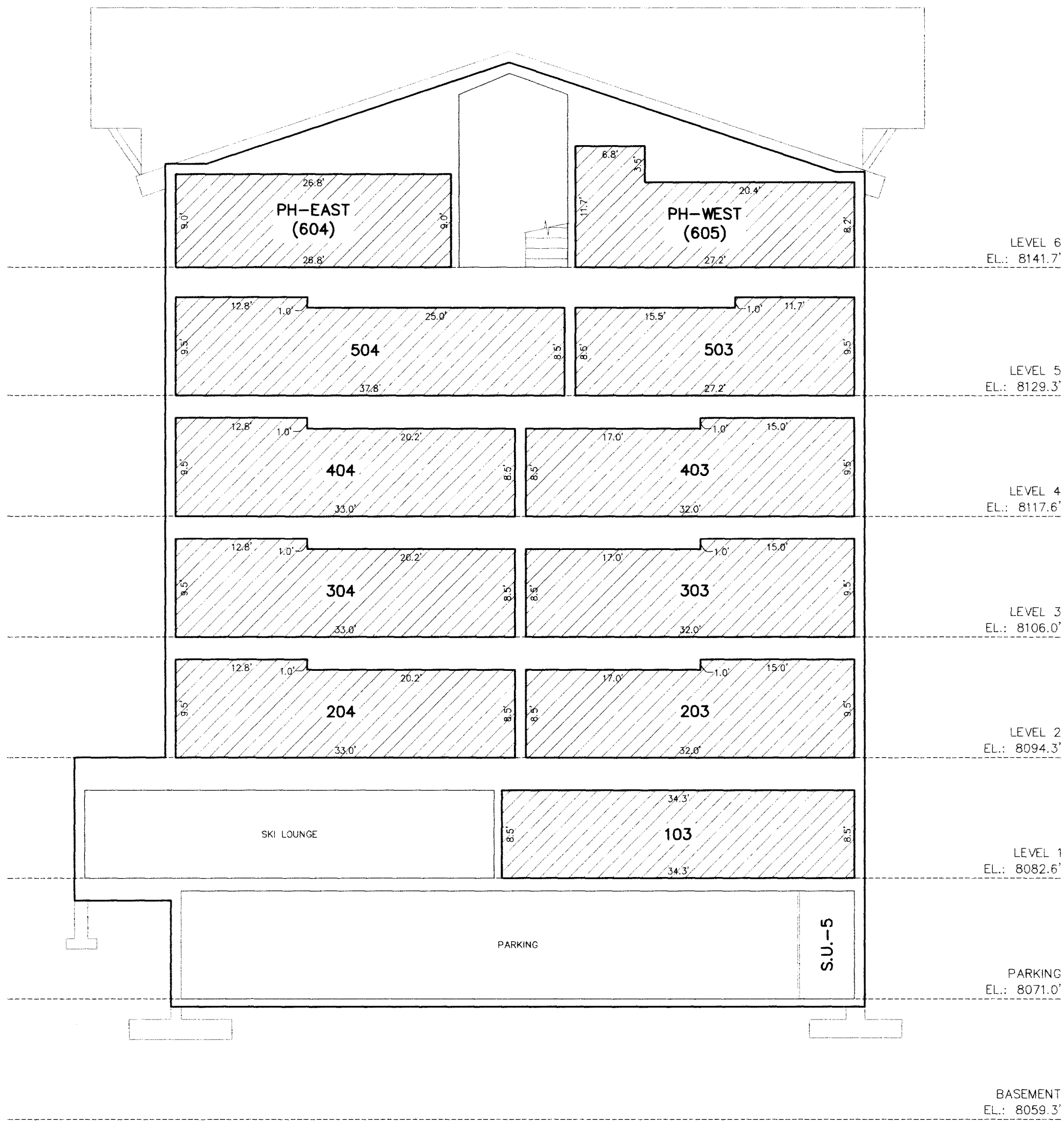
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ARGENT AT EMPIRE PASS CONDOMINIUMS

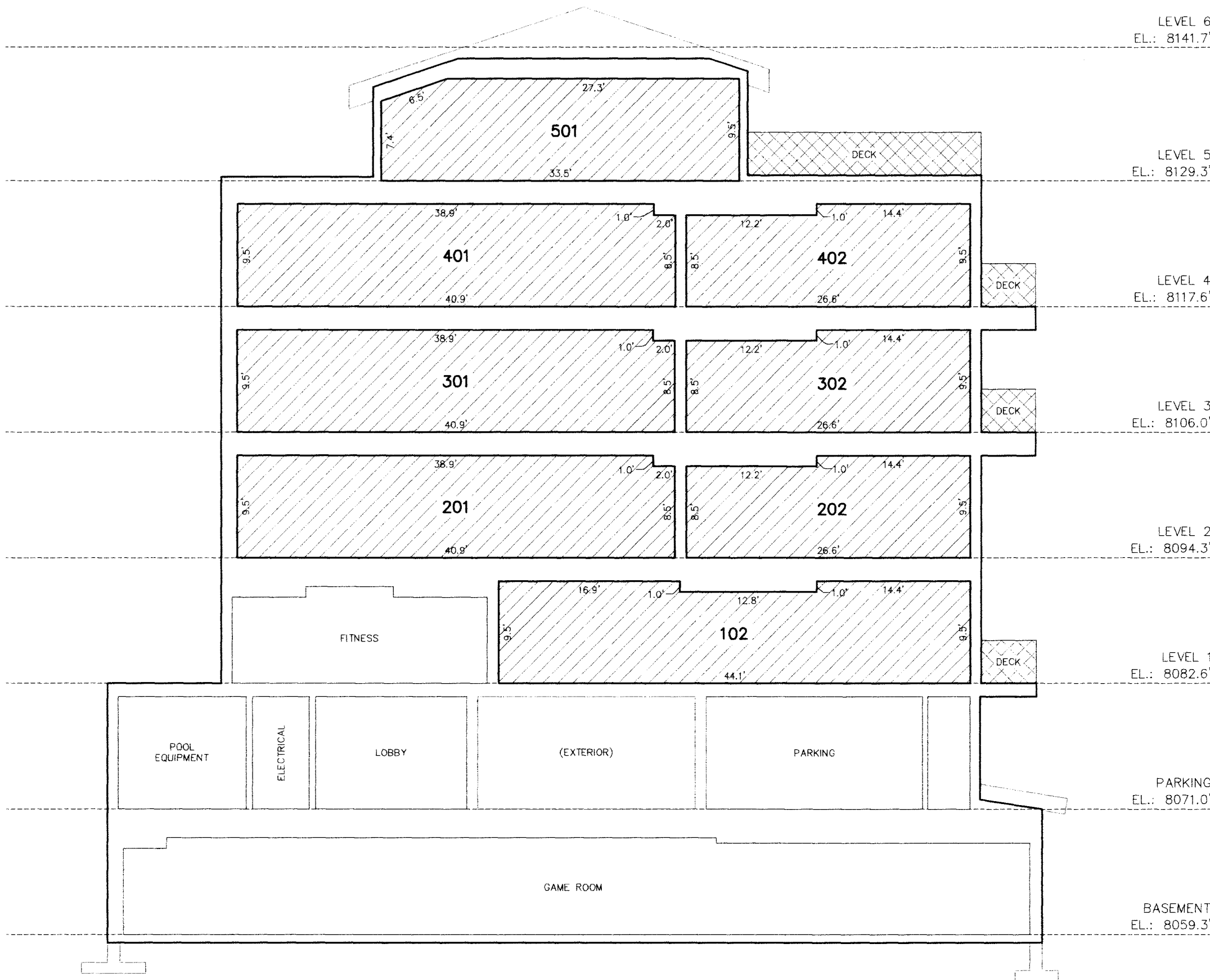


CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

NOTE
1. Due to the architectural features in the Units, the ceiling heights are not uniform throughout each unit. Notwithstanding the depiction of the volume of the Units as shown on this plat, the actual boundaries of each Unit are as described in Article 4 of the Declaration.



SECTION 2



SECTION 3

ABBREVIATION LEGEND

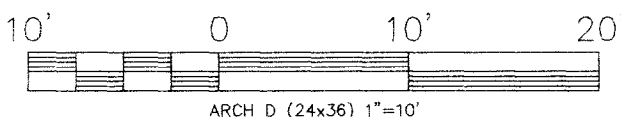
ELEV. = ELEVATOR
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OWNERSHIP LEGEND

- COMMON
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- PRIVATE OWNERSHIP

ARGENT AT EMPIRE PASS CONDOMINIUMS

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ENTRY NO. 01128150
02/28/2020 04:22:09 PM B: 2557 P: 1514
PLAT PAGE 1/1
FEE: \$10.00 BY BILL FIVARSH CO EAST WEST PARTNERS
2/28/20 SHEET 11 OF 11

JOBS NO.: 6-3-19 FILE: X:\Empire\dwg\srvt\plat2019\060319-Argent.dwg
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
FEE RECORDER
TIME DATE ENTRY NO.

**AN ORDINANCE APPROVING THE ARGENT AT EMPIRE PASS CONDOMINIUMS
LOCATED AT 7677 VILLAGE WAY, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Argent at Empire Pass Condominiums, located at 7677 Village Way, petitioned the City Council for approval of the Argent at Empire Pass Condominiums Plat; and

WHEREAS, on September 25, 2019, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on September 25, 2019, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission opened the Public Hearing on October 9, 2019, and continued the item to after a November 7, 2019 Study Session to consider compliance matters regarding Technical Reports 5 & 6 as part of the proposed Memorandum of Agreement with the Master Owners Association;

WHEREAS, the Planning Commission, on November 13, 2019, continued the Public Hearing on the Condominium Plat and forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council on December 5, 2019, held a public hearing and took final action on the Condominium Plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Argent at Empire Pass Condominiums consistent with the Village at Empire Pass Master Planned Development Agreement and the Argent at Empire Pass Condominiums Conditional Use Permit.

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

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

Findings of Fact:

1. The property was originally part of the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
2. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (VEP MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (also known as the Mountain Village) was later amended to include Pod B2 (Montage and B2 East).

4. The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.
5. To date 770 UEs and 16 single family units have been platted and/or built including the Argent at Empire Pass Condominiums.
6. Constructed lodge style buildings include Shooting Star (Building 2), One Empire Pass (Building 5), Silver Strike (Building 6), Flagstaff Lodge (Building 7), Arrowleaf A and B (Buildings 8 & 9). Empire Residences (Building 3) and the Condominiums at the Tower (Building 1) are currently under construction.
7. There is sufficient density remaining within the VE MPD for the proposed 28 units (32 UE).
8. 572 UE certificates of occupancy have been issued for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D). According to the Annexation and Development Agreement, 15 AUE of affordable housing obligations come due for each 150 UE certificates of occupancy. The next housing obligation trigger point is 600 UE certificates of occupancy, when 60 AUE are required to be complete. As of now 105 affordable units are completed and have certificates of occupancy (89 units are off-mountain and 16 units are on-mountain).
9. As part of the Argent at Empire Pass Condominiums CUP 2.0 AUE (1600 sf) is required by the subdivision plat for this lot. The affordable units consists of an 815 sf studio and a 803 sf one bedroom unit designated as private area and can be sold as an affordable unit or used for long term rental to qualified workers consistent with the Flagstaff Housing Mitigation Plan and applicable housing resolutions.
10. On July 22, 2019, the Planning Department received an application for a both a Condominium Plat and a Conditional Use Permit for a twenty-eight (28) unit residential building to be located on Lot 2 of the Village at Empire Pass North Subdivision. The applications were deemed complete on August 22, 2019 and are currently under review by the Planning Commission.
11. The property is located at 7677 Village Way and is known as Lot 2 of The Village at Empire Pass North Subdivision, approved by Council on June 15, 2017.
12. Access to the property is from Village Way, a private street.
13. Lot 2 consists of 2.01 acres or 87,556 square feet and is currently undeveloped.
14. The property is subject to subdivision plat notes that require compliance with the Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each lodge building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20' snow storage easement along the street frontages, water efficient landscaping, and various utility and maintenance provisions.
15. The proposed condominium plat memorializes the density, size and configuration of units to be construction in one phase and identifies areas of private, common and limited common ownership.
16. The condominium plat identifies 28 private residential units totaling 63,993 sf, utilizing up to 32 UE. The units range in size from 1,506 sf to 3,927 sf. The 801 sf ADA accessible one bedroom unit is identified as common area. The 815 and 803 sf deed restricted units are identified as private area.
17. No commercial uses are proposed in the building.

18. Based on the unit sizes, a minimum of 39 parking spaces are required when taking into consideration the 25% parking reduction required by the Flagstaff Development Agreement and MPD.
19. An underground parking structure provides 35 parking spaces, including 2 ADA spaces, as well as limited common storage areas for some unit. Four surface spaces are provided for a total of 39 parking spaces.
20. All parking spaces will remain Common Area on the Plat but each unit will be assigned one stall and the rest will be kept as common usage.
21. The plat is consistent with the approved Village at Empire Pass Master Planned Development and the Empire Residences Conditional Use Permit in terms of density, height, uses, setbacks, and parking.
22. The application is in compliance with the location, density and affordable housing requirements of the Development Agreement as they apply to this lot, the VEP MPD approved in 2004, and The Village at Empire Pass North Subdivision Plat approved in 2017.
23. On November 7, 2019 the City Council held a Study Session to consider the Historic Preservation obligations of Developers under the Flagstaff Development Agreement and compliance responsibilities.
24. At the November 7, 2019 Study Session, Council was presented with a Planning Department Staff Report which summarized an October 2019 report by SWCA Environmental Consultants titled Historic Preservation Plan Update for Flagstaff Mountain Resort in Park City.
25. The October 2019 SWCA Report and the November 7, 2019 Staff Report identified current deficiencies in historic preservation obligations and mitigation and/or maintenance work needed (Nov. 7 Staff Report Tables 2-5 and 9), identified additional suggested historic preservation work needed (Nov. 7 Staff Report Table 6), and found that immediate stabilization was needed on the Judge Mining and Smelting Building before the coming winter.
26. No decisions were made by Council at the November 7, 2019 Study Session and Council stated that the issues would be further addressed at a future work session. However, Council indicated that preservation of the historic mine site structures was a priority for the Council. Also, that applications before the Planning Commission should continue to be addressed on a case-by-case basis.
27. City Council stated at the November 7, 2019 Study Session their desire to proactively work with responsible parties via a new Memorandum of Agreement to achieve compliance with the obligations of the Flagstaff Annexation and Development Agreement and Technical Reports 5 & 6, including continuing maintenance.
28. The currently proposed Memorandum of Agreement (MOA) has not yet been executed and its terms have not yet been finalized.
29. In the currently proposed MOA, developers Storied and REDUS agree in paragraph 3(b) to provide \$40,000 each into escrow for costs incurred by the Association to stabilize the Judge Mining and Smelting Building. This amount has not yet been determined to be adequate.
30. This applicant, East West Partners for the Argent at Empire Pass, is not a signatory to the proposed MOA.

31. The Applicant agrees to use its best efforts to encourage the Empire Pass Master Owners Association to work to expeditiously complete and continue its preservation and maintenance obligations of the Flagstaff Development Agreement and Technical Reports 5 & 6, and will cooperatively work with the City to achieve actual compliance.
32. Prior to Plat recording, the applicant has agreed to voluntarily contribute \$20,000 to Historic Preservation efforts in the Flagstaff Development Area, to be held in escrow by the City.
33. A Residences at the Tower Condominiums Plat Condition of Approval requires finalizing that MOA prior to the recordation of the Twisted Branch Road Subdivision Plat.
34. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the Condominium Plat.
35. The condominium plat allows for the sale of individual units.

Conclusions of Law:

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:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Condominium Plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The applicant will record the Condominium Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. Conditions of approval of the Village at Empire Pass Master Planned Development (MPD) and Empire Pass Lot 2 Conditional Use Permit (CUP) apply to this Plat and a note shall be added to the Plat prior to recordation referencing that Conditions of Approval of the Village at Empire Pass MPD, Village at Empire Pass North Subdivision, and Empire Pass Lot 2 CUP continue to apply to this Condominium Plat.
4. All applicable recorded public utility and access easements shall be indicated on this Condominium Plat prior to recordation.
5. The deed restricted housing units shall be a minimum of 815 and 803 sf respectively, to meet the plat note requirement of 2.0 AUE for this lot. One AUE is equivalent to 800 sf according to the Development Agreement.
6. Deed Restrictions for the restricted units, approved by the City in accordance with the applicable Housing Resolution, shall be recorded prior to Plat recordation. The deed restrictions shall outline and resolve any issues or concerns that may have come up on

other affordable units platted as private. The Plat shall note that the EHU is subject to a deed restriction.

7. The CCRs shall limit the HOA dues related to the deed restricted employee housing units in order to ensure the units remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to such fees. The CCRs shall be submitted with the Condominium Plat for review and approval by the City prior to final Condominium Plat recordation.
8. The ADA unit shall be platted as Common Area.
9. Prior to plat recording, the applicant has agreed to voluntarily contribute \$20,000 to Historic Preservation efforts in the Flagstaff Development Area, which will be held by the City in escrow.

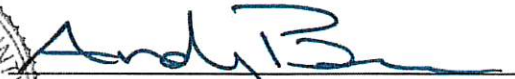
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 5th day of December, 2019.

PARK CITY MUNICIPAL CORPORATION

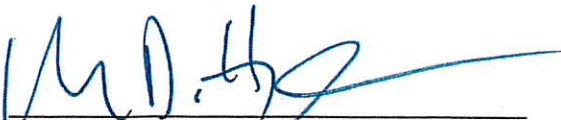
ATTEST:




Andy Beerman, MAYOR


Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

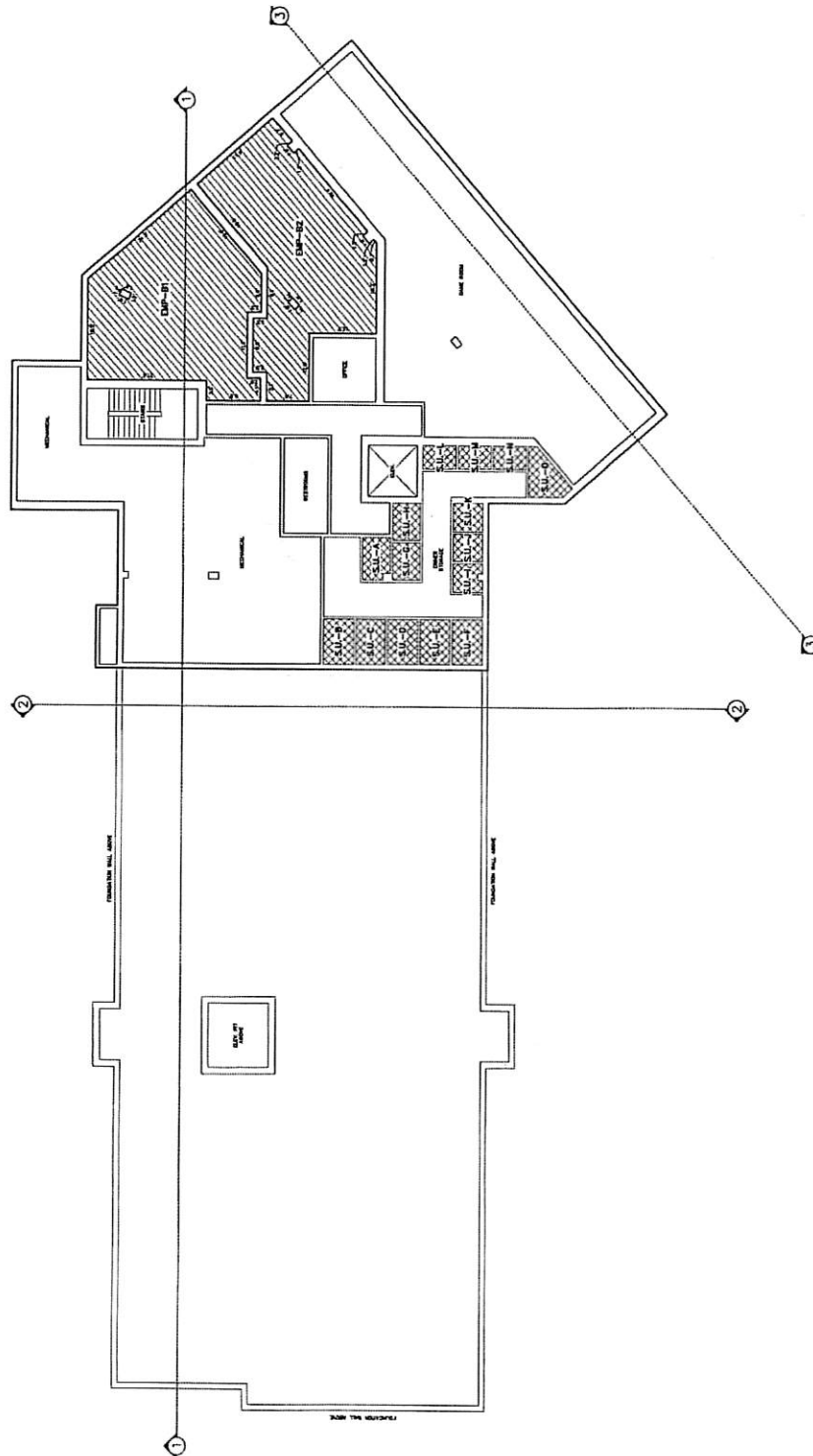

Mark Harrington, City Attorney

Exhibits

Exhibit A – Condominium Plat

UNIT NUMBER	SQUARE FOOTAGE
EMP-01	803 SF
EMP-02	815 SF

OWNER STORAGE UNIT NUMBER	ROOM UNIT NUMBER
SU-A	
SU-B	
SU-C	
SU-D	
SU-E	
SU-F	
SU-G	
SU-H	
SU-I	
SU-J	
SU-K	
SU-L	
SU-M	
SU-N	
SU-O	



ELEV. = ELEVATOR
S.U. = STORAGE UNIT

COMMON

1

Example

COMPLETING ENGINEER LARS PLUMMER, BARTTICE
13 Lake Street P.O. Box 2044 Port City, Ohio 44026-2044
(412) 848-9427

SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

TIME _____ RECORDER _____
FEE _____ DATE _____ ENTRY NO. _____

Planning Commission Staff Report



Subject: King's Crown Condominiums, Building D
Application: PL-20-04661, PL-21-04739, and PL-21-04578
Author: Rebecca Ward
Date: February 10, 2021
Type of Item: Administrative – Condominium Plat Amendment and Substantive Master Planned Development Modification

Recommendation

(1) Review the substantive King's Crown Master Planned Development modification and consider amending Findings of Fact 112 and 113 and adding Conditions of Approval 4 - 10 to the draft ordinance for the King's Crown Condominiums Plat Amendment; (2) review the King's Crown Condominiums Plat Amendment specific to Building D; (3) conduct a public hearing; and (4) consider forwarding a positive recommendation for City Council's consideration on February 25, 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: The Planning Commission reviews and takes Final Action on substantive Master Planned Development modifications

Plat amendments require Planning Commission review and recommendation and City Council review and Final Action

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;

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 Workforce Condominiums A on Lot 1;
- The King's Crown Condominiums B | C | D on Lot 2; and
- Over 11 acres of Open Space on Lots 31 and 32.

On November 21, 2019, the City Council enacted [Ordinance No. 2019-56](#), approving the King's Crown Condominium Plat for Buildings B | C | D on Lot 2 ([Staff Report](#); [Minutes](#), p. 14). 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 submitted an application for the King's Crown Condominiums Building D Plat Amendment and an MPD modification. The Applicant 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.

On January 27, 2021, the Planning Commission determined the King's Crown Condominiums Building D Plat Amendment was a substantive MPD modification to the King's Crown MPD and may include a change to a Finding of Fact or Condition of Approval.³ The Planning Commission continued the discussion to February 10, 2021 ([Staff Report](#); [Audio](#)).

In the January meeting, the Planning Commission requested that the Applicant submit additional exhibits to show the location of Building D within the context of the properties across Lowell Avenue. Please see Exhibit P to view the Applicant's exhibit showing 2018 Building D MPD Exhibits in the context of Lowell Avenue, Exhibit Q to view the Applicant's proposed Building D Plat Amendment in the context of Lowell Avenue, and Exhibit R to view the proposed public access stairs and landscaping. Some of these exhibits are also included in the staff report Analysis Section below.

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)
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³ LMC [§ 15-6-4\(K\)](#).

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 plat and the King's Crown MPD/CUP

January 27, 2021

The Planning Commission determined the King's Crown Building D Plat Amendment was a substantive modification to the King's Crown MPD and continued the discussion to February 10, 2021 ([Staff Report](#); [Audio](#))

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. The discrepancy was specific to the King's Crown Condominiums Building D. An exhibit prepared by the Applicant's architect showed the southern boundary of Building D aligning with the southern boundary of the Lift Lodge Condominiums across Lowell Avenue. The exhibits prepared by the Applicant's engineer showed the southern boundary of Building D extending beyond the southern boundary of the Lift Lodge Condominiums. Staff did not identify this discrepancy prior to reviewing the subsequent plat approvals and based compliance of subsequent plats on the King's Crown MPD/CUP Findings of Fact, Conclusions of Law, Conditions of Approval, and the Applicant's engineer exhibits.

For example, 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). However, the Applicant never recorded this Plat.

Rather, the Applicant requested minor amendments to the King's Crown Condominium Plat. Again, staff determined the Plat complied with the King's Crown MPD/CUP approval. On 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). On November 21, 2019, the City Council approved [Ordinance No. 2019-56](#), amending the King's Crown Condominium Plat ([Staff Report](#); [Minutes](#), p. 14). On December 10, 2019, the Applicant recorded the Plat with the County (Exhibit B; Summit County Recorder Entry No. 112337).

As mentioned above in the Executive Summary, the Applicant vacated and rescinded all City approvals for Building D in order to begin the review process anew.

Analysis

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. Building D of the King's Crown Condominiums is located across from the Lift Lodge Condos and the Residences at King's Crown, a three-unit condominium that is located between Lowell Avenue and Empire Avenue. (Please note that the Residences at King's Crown Condominiums are not part of the King's Crown MPD/CUP. See [Ordinance 06-78](#) (p. 142) and Exhibit G.)

Single-Family Lots were designed to mirror 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 in the Recreation Commercial Zoning District (light purple), abutting the Historic Residential 1 Zoning District (teal).



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 [Unit C of the Residences at King's Crown]" ([Minutes](#), p. 23, ¶ 3).

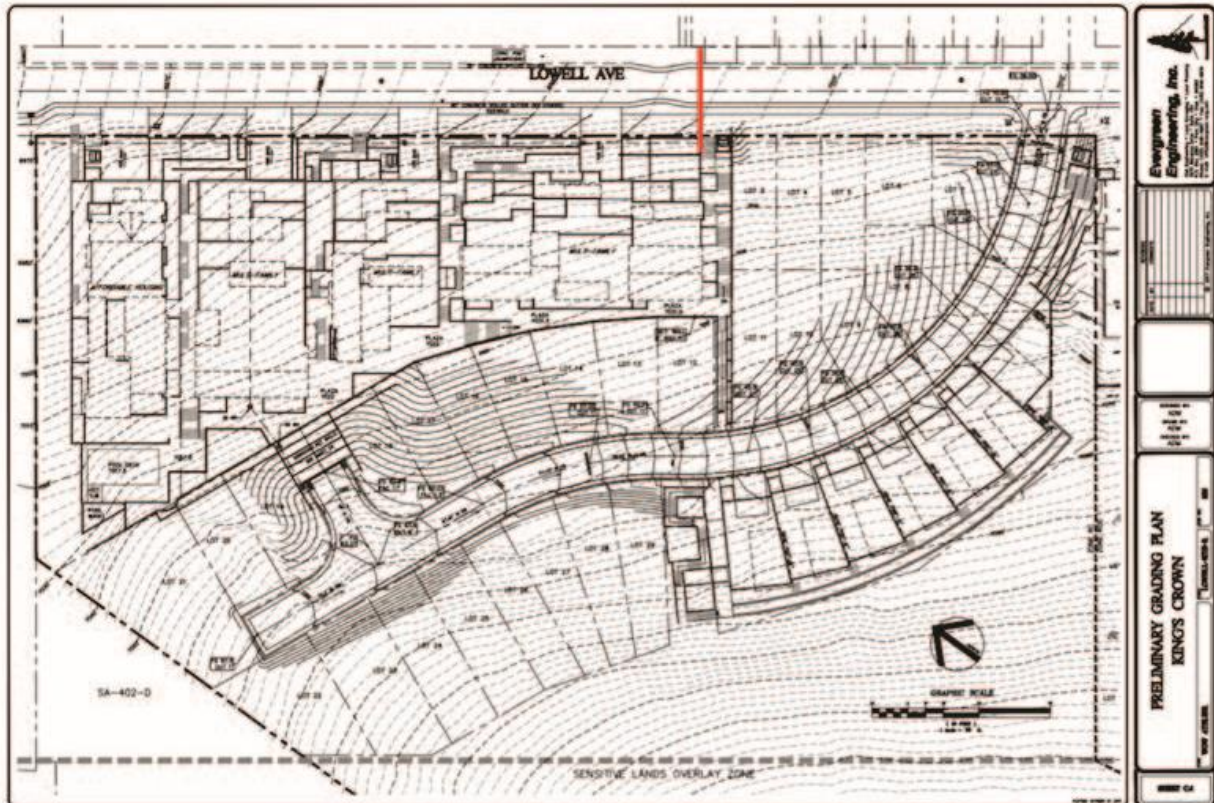
In the second work session, the Applicant provided the following information about the location of Building D on Lot 2:

"[a] building was moved 15 feet north from its original site to accommodate the Crafton [sic]/Horowitz [sic] house [Unit C of the Residences at King's Crown Condominiums], and minimize the disturbance on their visual corridor" ([Minutes](#), p. 97, ¶ 1).

The Applicant "reiterated that relative to the Crafton [sic]/Horowitz [sic] house [Unit C of the Residences at King's Crown Condominiums], 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] [residents of Unit C of the Residences at King's

Crown Condominiums] because they did not want headlights coming out of the driveway and into their house” ([Minutes](#), p. 98, ¶ 2).

However, the location of Building D is not consistent in information and the exhibits 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 (staff added a red line to illustrate alignment):



[CONTINUED ON 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. (Staff added a red line to illustrate alignment.)



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.

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. 384).

To date, staff relied on the King's Crown MPD/CUP Findings of Fact, Conclusions of Law, and Conditions of Approval, as well as the Applicant's engineer exhibits—not the Applicant's architect exhibit—to determine subsequent plat compliance.

(I) Staff recommends the Planning Commission amend the King's Crown MPD/CUP Findings of Fact 112 and 113 and Conditions of Approval 4 – 10 of the draft ordinance to establish Good Cause for the proposed King's Crown Condominiums Plat Amendment for Building D.

The Planning Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council for a plat amendment.⁴ 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.”⁵

To establish Good Cause for the King's Crown Condominiums Plat amendment, staff recommends amending Findings of Fact 112 and 113 and adding Conditions of Approval 4 – 10 to the draft ordinance to mitigate negative impacts, provide public amenities and benefits, resolve existing issues and non-conformities, and preserve the character of the neighborhood. These are factors the Planning Commission previously considered when the Planning Commission approved the King's Crown MPD/CUP in 2018. Staff recommends amending the King's Crown MPD/CUP Findings of Fact to clarify the Planning Commission's intention in this approval.

For example, MPDs “provide design flexibility necessary for well-planned . . . developments that are Compatible with the surrounding neighborhood.”⁶ The goal of MPDs is in part to “ensure neighborhood Compatibility.”⁷ 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.”⁸

⁴ LMC [§ 15-7.1-6\(C\)](#).

⁵ LMC [§ 15-15-1](#).

⁶ LMC [§ 15-6-1](#).

⁷ LMC [§ 15-6-1\(B\)](#).

⁸ LMC [§ 15-6-6\(F\)](#).

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.”⁹ 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.”¹⁰

The image below highlights the Multi-Unit Dwelling Condominiums lots in orange that abut Lowell Avenue on the west (the King’s Crown MPD) and on the east (the Lift Lodge Condominiums and the Residences at Kings Crown Condominiums). The image highlights the Single-Family Dwelling lots in yellow.



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⁹ LMC [§ 15-1-10\(E\)\(8\)](#).

¹⁰ LMC [§ 15-1-10\(E\)\(11\)](#).

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.



On January 27, 2021, the Planning Commission requested that the Applicant submit exhibits outlining the location of the proposed Building D Plat Amendment within the context of the properties across Lowell Avenue.

The Applicant's *Current BLDG D Placement AS-020* Exhibit (Exhibit Q) illustrates the proposed Building D Plat Amendment in the context of the properties across Lowell Avenue, and includes the following:

1. Condo buildings all remain in identical locations as originally submitted (minor adjustments made through the course of taking the design from a pre-schematic design at MPD submittal to current construction documents)
2. Garage entrance moved 40 feet north
3. Removed majority of structured retaining/planter walls
4. Revised landscape to provide softer boulder [sic] walls
5. Added significant plantings at southernmost end of project to soften the impact of the condo buildings
6. Maintained final stair offset and planter
7. Relocated electrical transformer and replaced with a tree
8. Maintained mid stair planter against building

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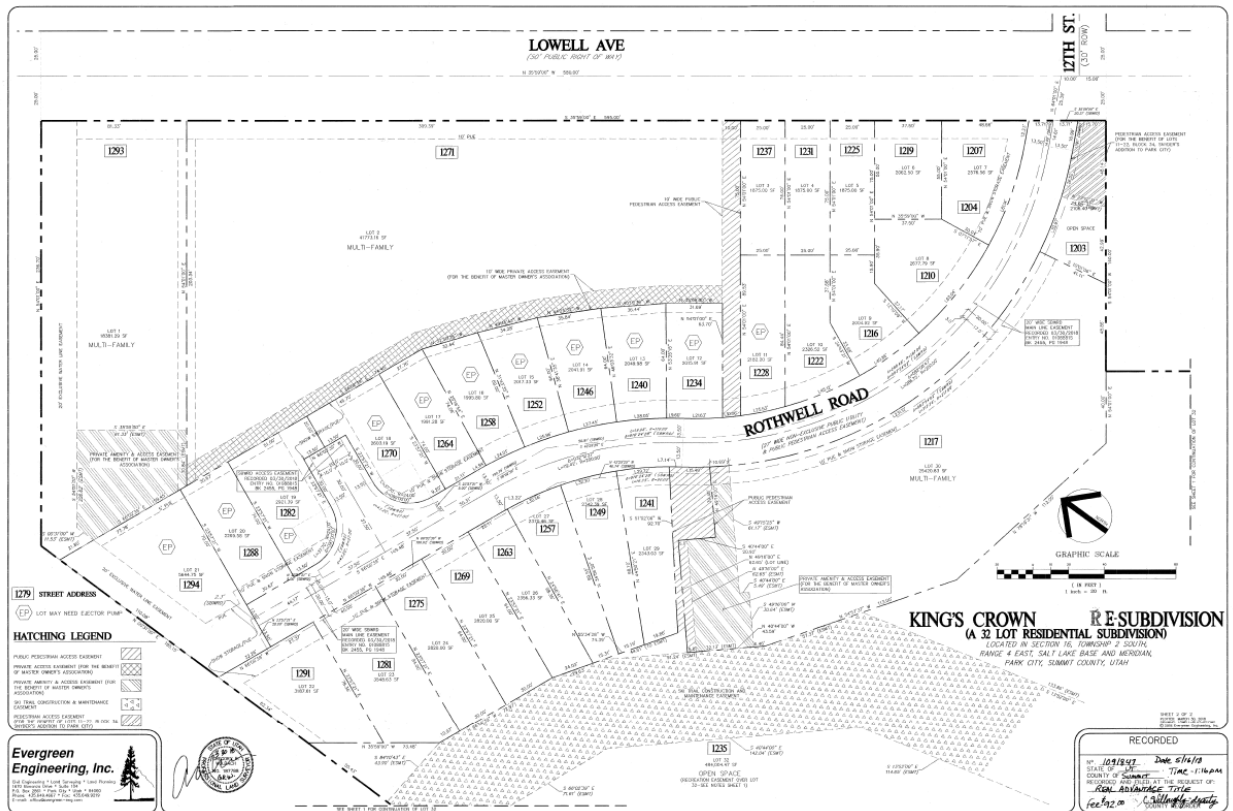
The Applicant's submission, AS-021 below (Exhibit Q), shows the 3D view of the proposed Building D (including Buildings B | C | D) from Lowell Avenue:



No Findings of Facts, Conclusions of Law, or Conditions of Approval in the 2018 King's Crown MPD/CUP required the southern boundary of Building D to align with the southern boundary of the Lift Lodge Condominiums. However, there are mitigations the Planning Commission may approve to minimize the impact of Building D on properties across Lowell Avenue.

The Planning Commission forwarded a positive recommendation for the King's Crown Re-Subdivision Plat on the same date the Commission approved the King's Crown MPD/CUP. On February 1, 2018, the City Council approved [Ordinance No. 2018-05](#), the King's Crown Re-Subdivision Plat ([Staff Report](#) p. 58; [Minutes](#), p. 8-9). Staff determined "Good Cause for this Re-Subdivision (Final Plat) as it allows the development based on the MPD and CUP, which allow a significant portion of the site to not be disturbed and which places development at the lower portions of the subject site" ([Staff Report](#), p. 66, ¶ 3). Again, no Findings of Facts, Conclusions of Law, or Conditions of Approval in [Ordinance No. 2018-05](#) require alignment with any Lot or Building across Lowell Avenue.

The King's Crown Re-Subdivision Plat establishes the boundary for Lot 2 for the King's Crown Condominiums. Staff recommends that the King's Crown Re-Subdivision Plat be the standard by which compliance of the King's Crown Condominium Plat is measured.



Using the King's Crown Re-Subdivision Plat as the standard requires a 10-foot side setback from the southern boundary of Building D to the southern Lot line. The proposed Building D Plat Amendment exceeds this 10-foot side setback by two feet. The result of the 12-foot setback places the southern boundary of Building D to nearly align with the Unit C of the Residences at King's Crown driveway and garage, the northern boundary of Unit C, across Lowell Avenue. Staff recommends that a 12-foot side setback for Building D be added to the draft ordinance as Condition of Approval 10.

Staff also recommends the Planning Commission consider amending the King's Crown MPD/CUP Findings of Fact to establish the King's Crown Re-Subdivision Plat (Exhibit S) as the baseline standard for determining project compliance:

112: The project has been designed to mirror the existing neighborhood development patterns, outlined in the King's Crown Re-Subdivision Plat (Summit County Recorder Entry No. 1091847).

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, outlined the King's Crown Re-Subdivision Plat (Summit County Recorder Entry No. 1091847).

To further mitigate the impacts of Building D on the properties across Lowell Avenue, staff recommends adding the following Conditions of Approval to the draft ordinance:

The Building D garage entrance shall be as shown in the Exhibit *Current BLDG D Placement AS-020* (Condition of Approval 4);

The Applicant shall install boulder retaining walls that front Lowell Avenue (Condition of Approval 5);

The Applicant shall maintain a mid-stair planter, shown in the Exhibit *Current BLDG D Placement AS-020* (Condition of Approval 6);

At the time of Building Plan submission, the Applicant shall submit a landscaping plan that sufficiently complies with *Current BLDG D Placement AS-020* with species outlined in the City's Wildland Urban Interface Code (Condition of Approval 7);

The Applicant shall expand the public access easement at the base of the public access stairs according to the requirements of the City Engineer and City Attorney and shall include the expanded easement on the final plat to increase landscaping to mitigate the visual impacts to property owners across Lowell, as shown in the Exhibit *Current BLDG D Placement AS-020* (Condition of Approval 8);

The Applicant shall install signage approved by the Planning Department in compliance with the Park City Municipal Sign Code at the base of the public access easement informing the public of the public access to the ski run (Condition of Approval 9).

If the Planning Commission determines these amended Findings of Fact and Conditions of Approval establish Good Cause, staff recommends the Planning Commission forward a positive recommendation for the King's Crown Condominium Plat Amendment for February 25, 2021, because the proposed Plat Amendment conforms to Land Management Code requirements, outlined below.

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

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.¹¹

The King's Crown MPD is located in the Recreation Commercial Zoning District. Staff analysis is in italics below.

The purpose of the Recreation Commercial Zoning District is to:

¹¹ LMC [§ 15-7.1-6\(C\)](#).

A. Allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities;

Not applicable.

B. Allow for resort-related transient housing with appropriate support commercial and service activities;

The King's Crown MPD is a residential development near the Park City Mountain Resort.

C. Encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;

The King's Crown MPD includes 11.2 acres of open space, which is 83.9 percent of the development (January 10, 2018 Finding of Fact 12).

D. Limit new Development on visible hillsides and sensitive view Areas;

The King's Crown MPD is developed within the Recreation Commercial Zoning District and the area located within the Sensitive Lands Ordinance and Recreation Open Space is dedicated open space (January 10, 2018 Finding of Fact 57).

E. Provide opportunities for variation in architectural design and housing types;

The proposed buildings complement the existing neighborhood in architectural character, materials, colors, mass and scale (January 10, 2018 Finding of Fact 116).

F. Promote pedestrian connections within Developments and to adjacent Areas;

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 (January 10, 2018 Finding of Fact 20). The recorded King's Crown Condominiums Plat and proposed Plat includes a 10-foot public access easement along the stairs to the south of Building D.

G. Minimize architectural impacts of the automobile;

The King's Crown Condominiums provide underground parking (January 10, 2018 Finding of Facts 17, 25, and 32).

H. Promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs;

The King's Crown Condominiums must comply with LMC Chapter 15-5, Architectural Guidelines.

I. Promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City; and

The Crescent Tramway remains on site as the existing ski/bike trail on the property (January 10, 2018 Finding of Fact 96).

J. Promote the preservation and rehabilitation of Historic Buildings.¹²

See above.

Multi-Unit Dwellings are a Conditional Use in the Recreation Commercial Zoning District.¹³ On January 10, 2018, the Planning Commission approved a Conditional Use Permit for the King's Crown Condominiums (Exhibit F). The Findings of Fact for Building D include the following:

32. Building D has 22 parking spaces located in an enclosed underground parking garage.

The Applicant proposes reducing this number to 21, which is the required parking and is described in the parking analysis below.

33. Building D has vehicular access off Lowell Avenue through one (1) driveway.

No change to vehicular access is proposed.

34. Building D has 4 stories above the parking garage.

No change to Building Height is proposed.

35. Building D is on proposed lot 2.

. . . .

66. The applicant proposes the construction of the following 30 residential units and the allotment of 27 lots:

b. 11 flats within multi-unit Building D totaling 24,255 square feet (12.13 residential Unit Equivalents).

The first amendment to the plat added a unit. This amendment removes the additional unit for a total of 11 units.

. . . .

¹² LMC [§ 15-2.16-1](#).

¹³ LMC [§ 15-2.16-2\(B\)\(1\)](#).

74. The applicant does not request to decrease the required number of off-street parking spaces; therefore, no parking analysis has been submitted . . .

c. Building D requires 21 parking spaces based on the size of the units. The proposed building contains 22 parking spaces.

The proposed Plat provides 21 parking spaces.

. . . .

77. The project has been designed to maintain the existing neighborhood development pattern, with the larger scale buildings located alongside the existing multi-family.

. . . .

The Applicant requests the following minor amendments to Building D of the King's Crown Condominiums:

- 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.

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 recorded and proposed Plat.¹⁴

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

¹⁴ LMC [§ 15-2.16-3](#).

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

If the Planning Commission agrees to amend the King's Crown MPD/CUP Findings of Fact 112 and 113 and draft ordinance Conditions of Approval 4 - 8, and any other mitigations the Planning Commission determines will clarify the 2018 MPD approval, staff recommends the Planning Commission consider forwarding a positive recommendation for City Council's consideration on February 25, 2021, outlined in the

draft ordinance, Findings of Fact, Conclusions of Law, and Conditions of Approval, Exhibit O.

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, 2021.¹⁵

Public Input

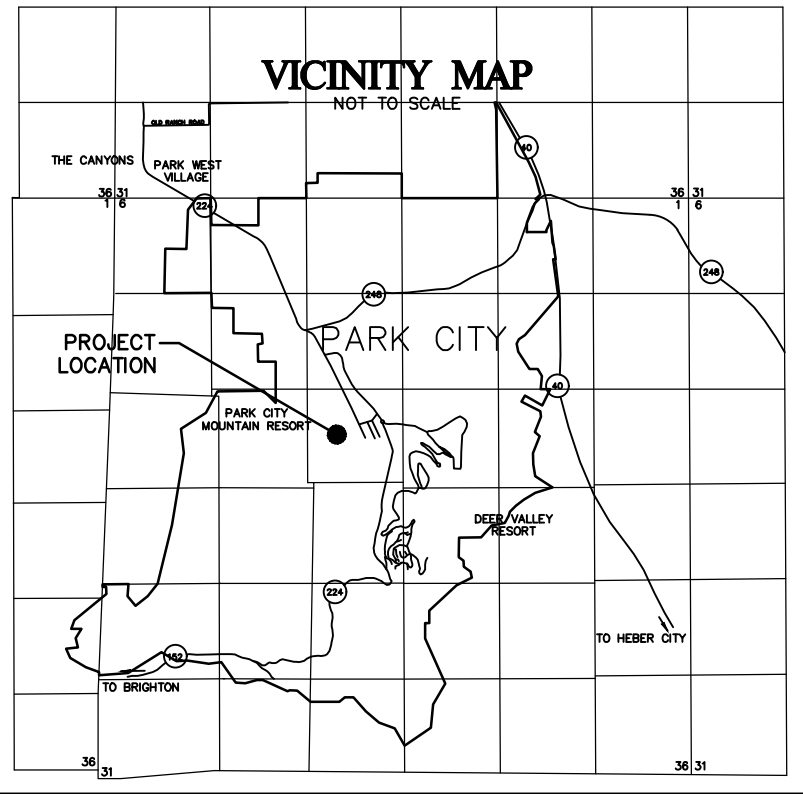
For public input from Patricia Kravtin and Jon Horwitz, please refer to Exhibits H, I, J, K, L, and N.

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
- Exhibit N: February 4, 2021 Public Input
- Exhibit O: Draft Ordinance
- Exhibit P: Applicant Exhibit Showing King's Crown Building D MPD Exhibit in Lowell Avenue Context
- Exhibit Q: Applicant Exhibit Showing Proposed King's Crown Building D Plat Amendment in Lowell Avenue Context
- Exhibit R: Applicant Exhibit Showing Stairs and Landscaping
- Exhibit S: King's Crown Re-Subdivision Plat

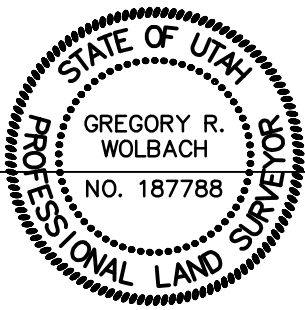
¹⁵ LMC [§ 15-1-21](#).



SURVEYOR'S CERTIFICATE

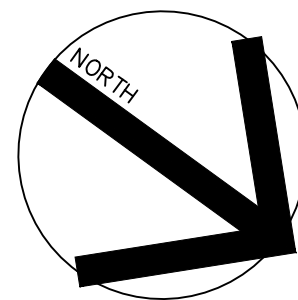
I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

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
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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____.
DAY OF _____

CHAIR _____

APPROVAL AS
TO FORM

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

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____.

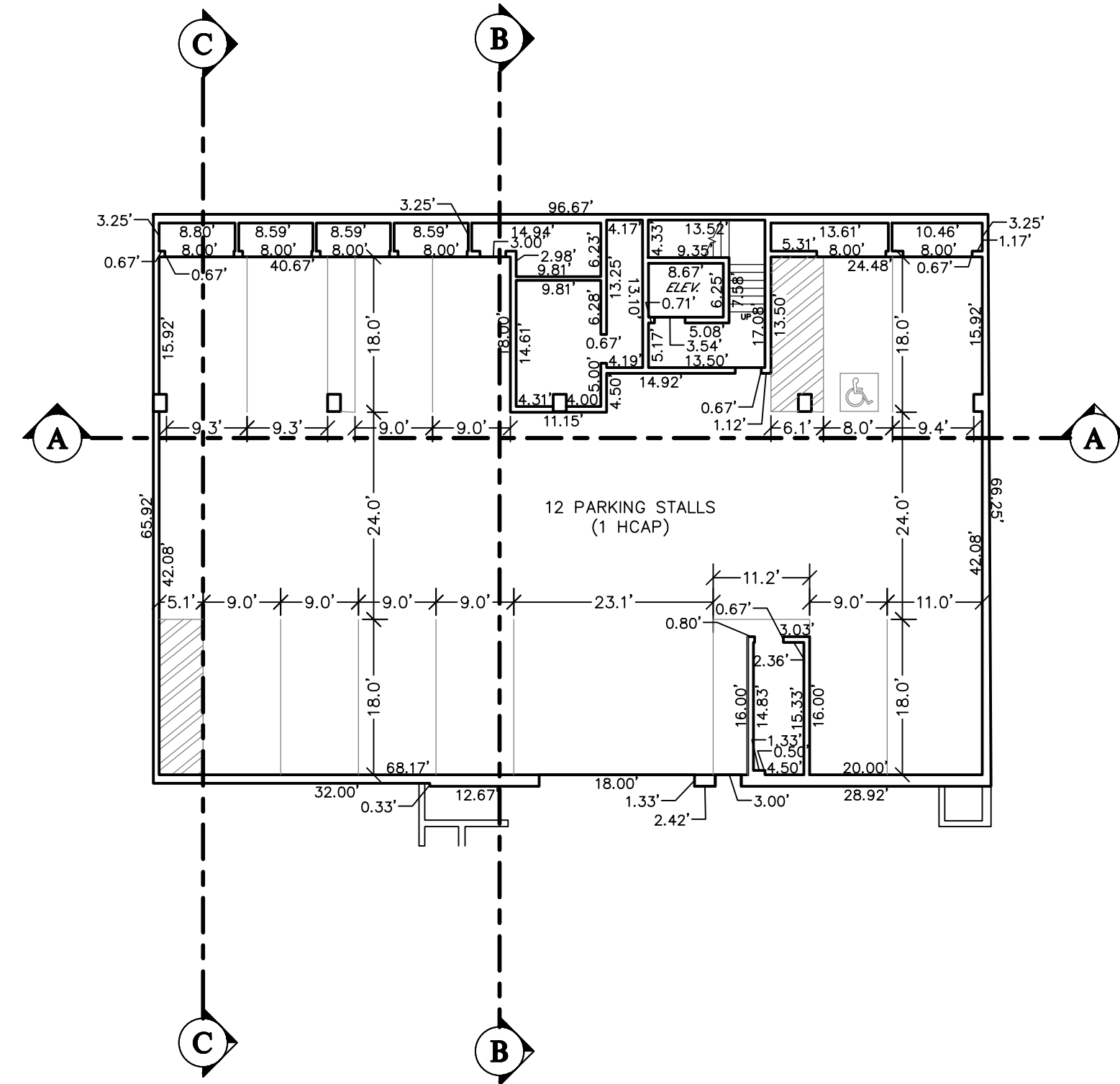
CITY RECORDER _____

RECORDED

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

COUNTY RECORDER _____

LEVEL 1
BUILDING B
PARKING LEVEL

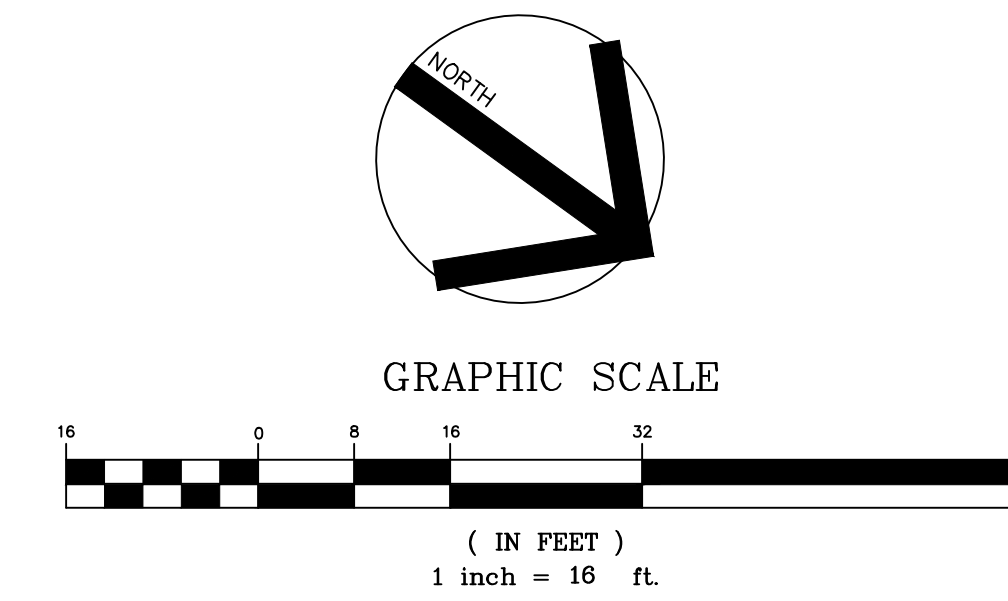
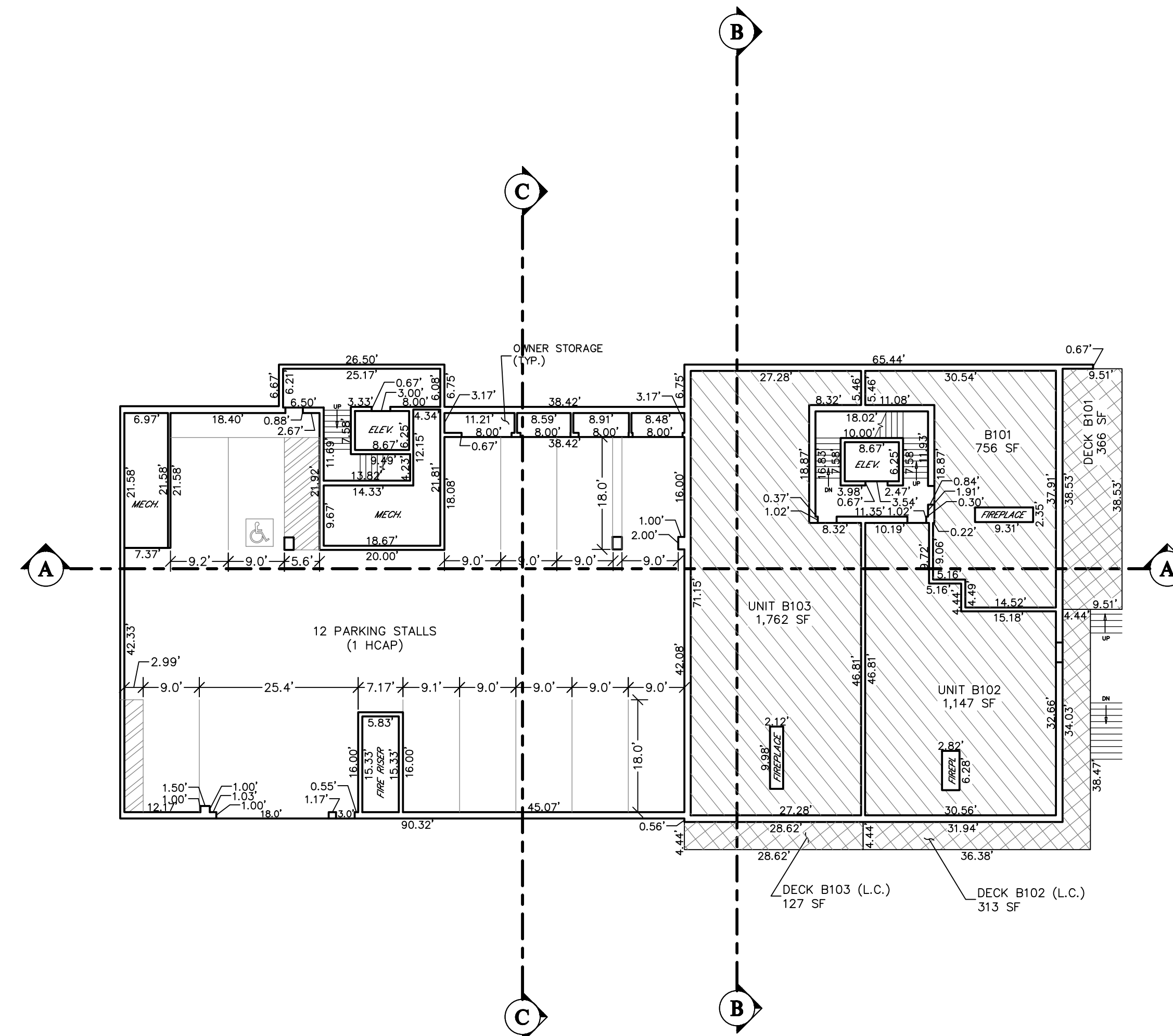


LEVEL 2

BUILDING B

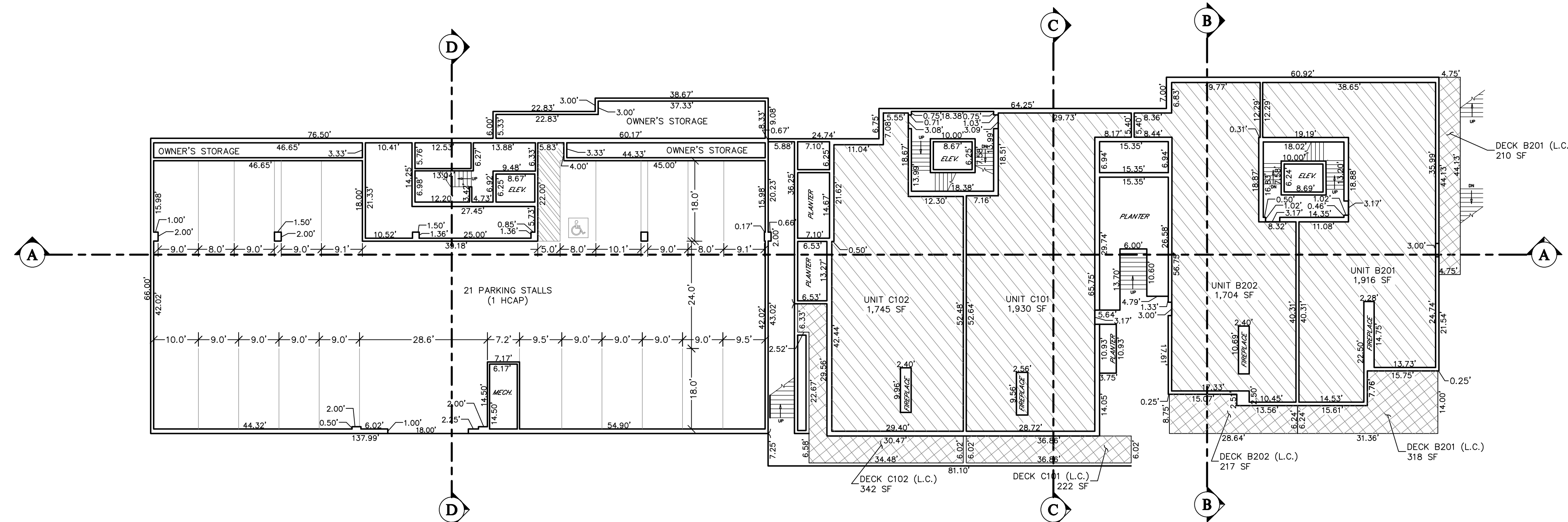
UNITS B101, B102, B103

**BUILDING C
PARKING LEVEL**



LEVEL 3
BUILDING B
UNITS B201, B202

BUILDING C
UNITS C101, C102
BUILDING D
PARKING LEVEL

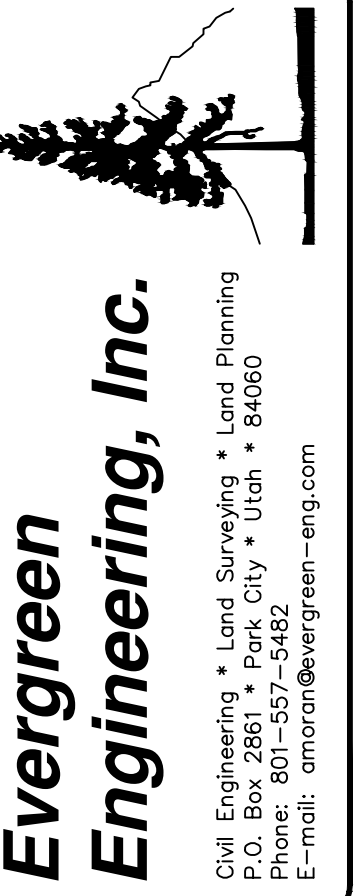
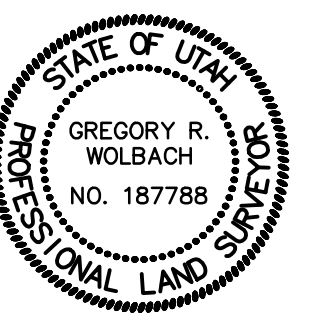


HATCHING LEGEND

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

PLOT DATE: OCTOBER 26, 2020

NO. _____	RECORDED
DATE _____	
STATE OF _____	
CITY OF _____	
RECORDED AT THE REQUEST OF _____	
FEE \$ _____	CITY RECORDER _____

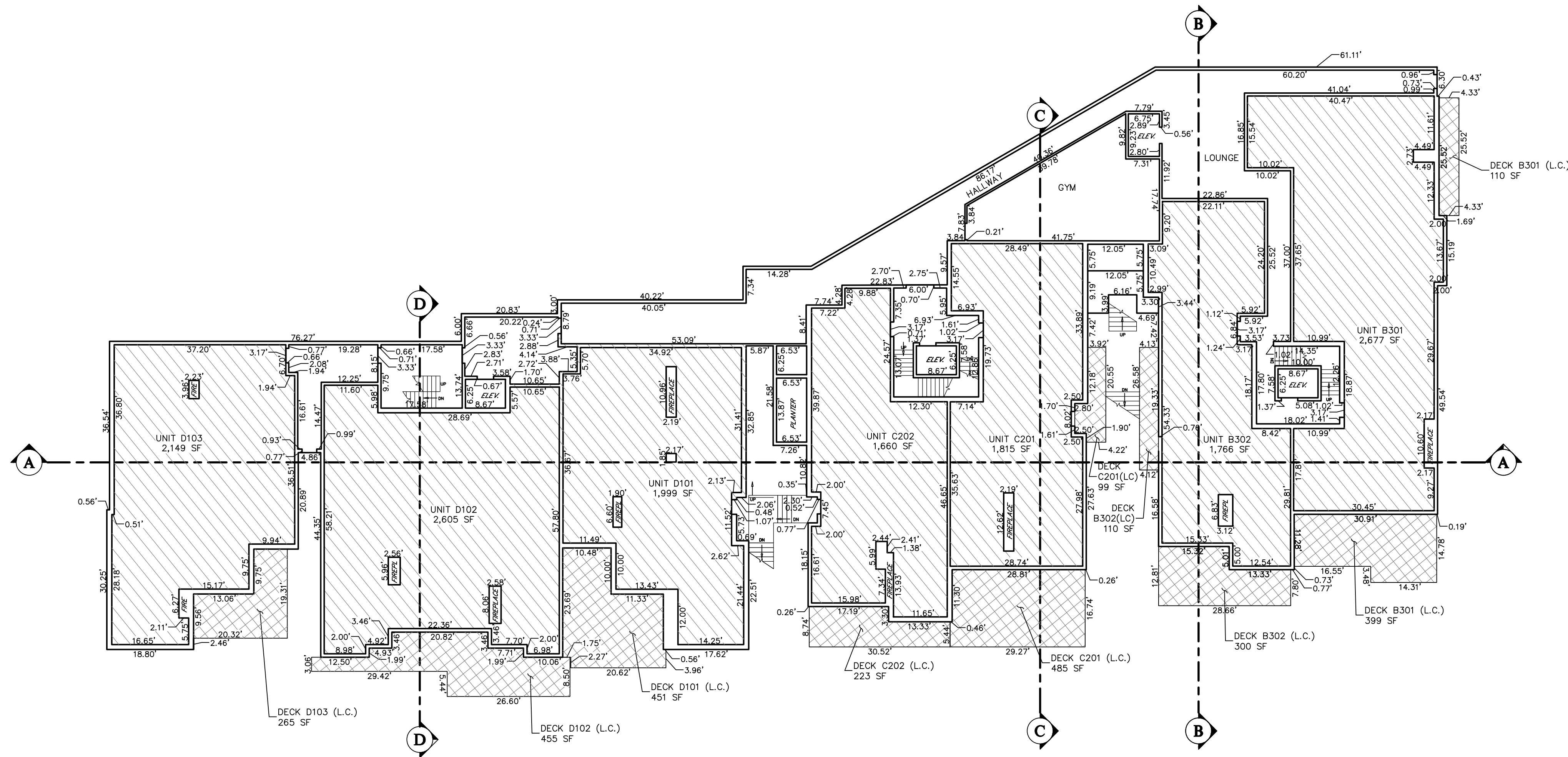
[illegible]

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
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SHEET 2 OF 4

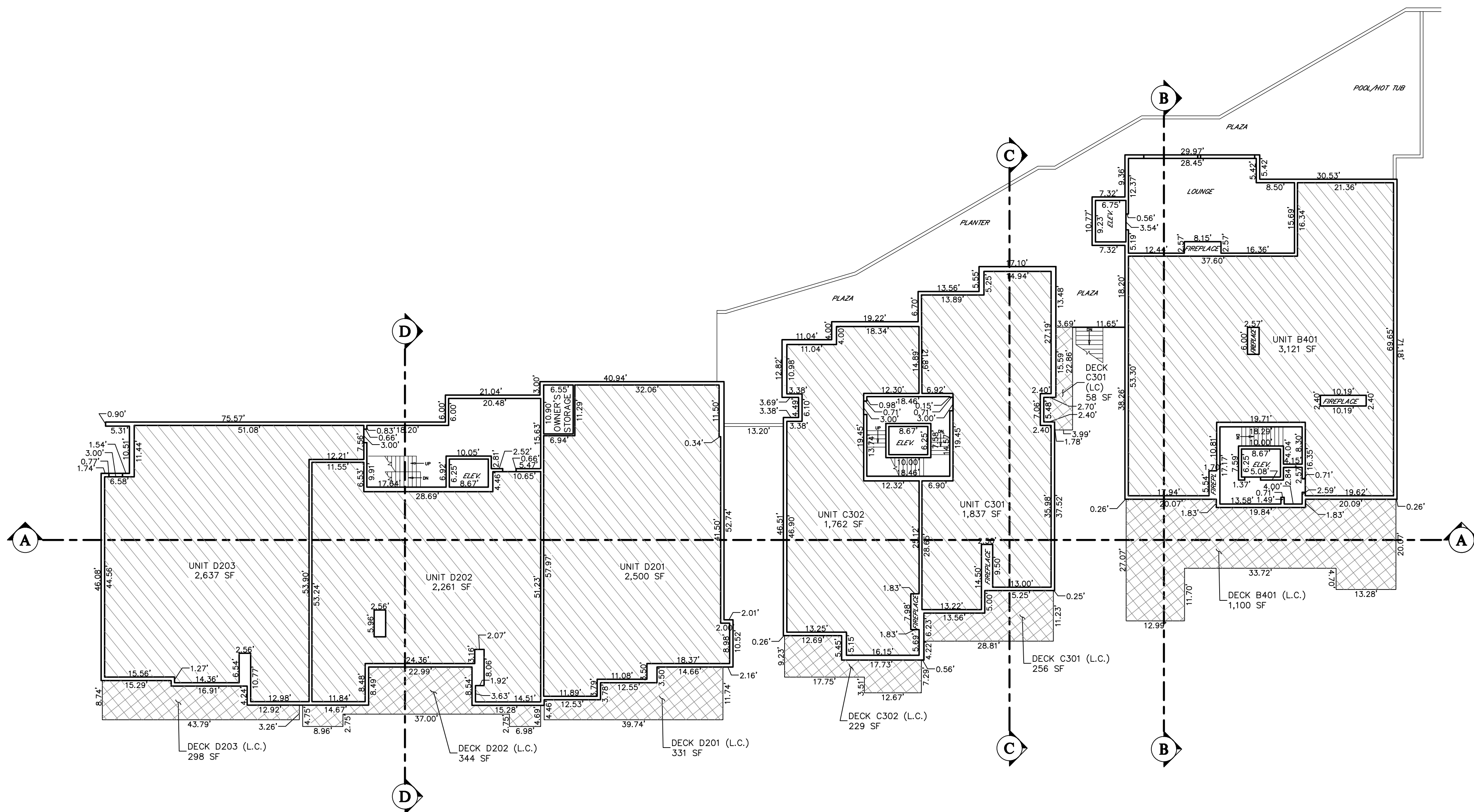
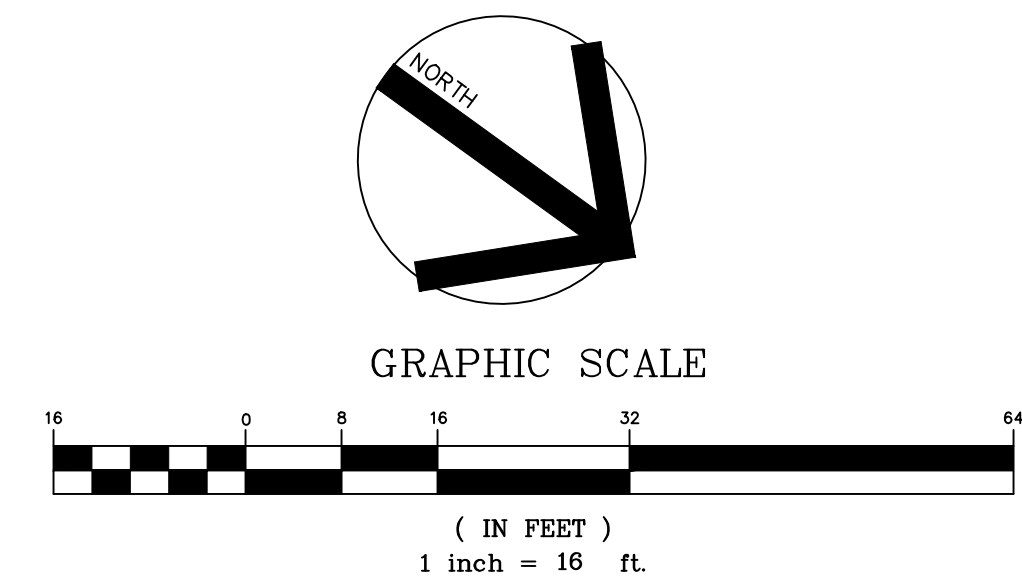


LEVEL 4

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

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

STATE OF UTAH
GREGORY R. WOLBACH
NO. 187788
PROFESSIONAL LAND SURVEYOR

DESIGNED BY:
WOW

DRAWN BY:
ADM

CHECKED BY:
ADM

KING'S CROWN CONDOMINIUMS, 1ST AMENDED

FLOOR PLANS - LEVELS 4 & 5

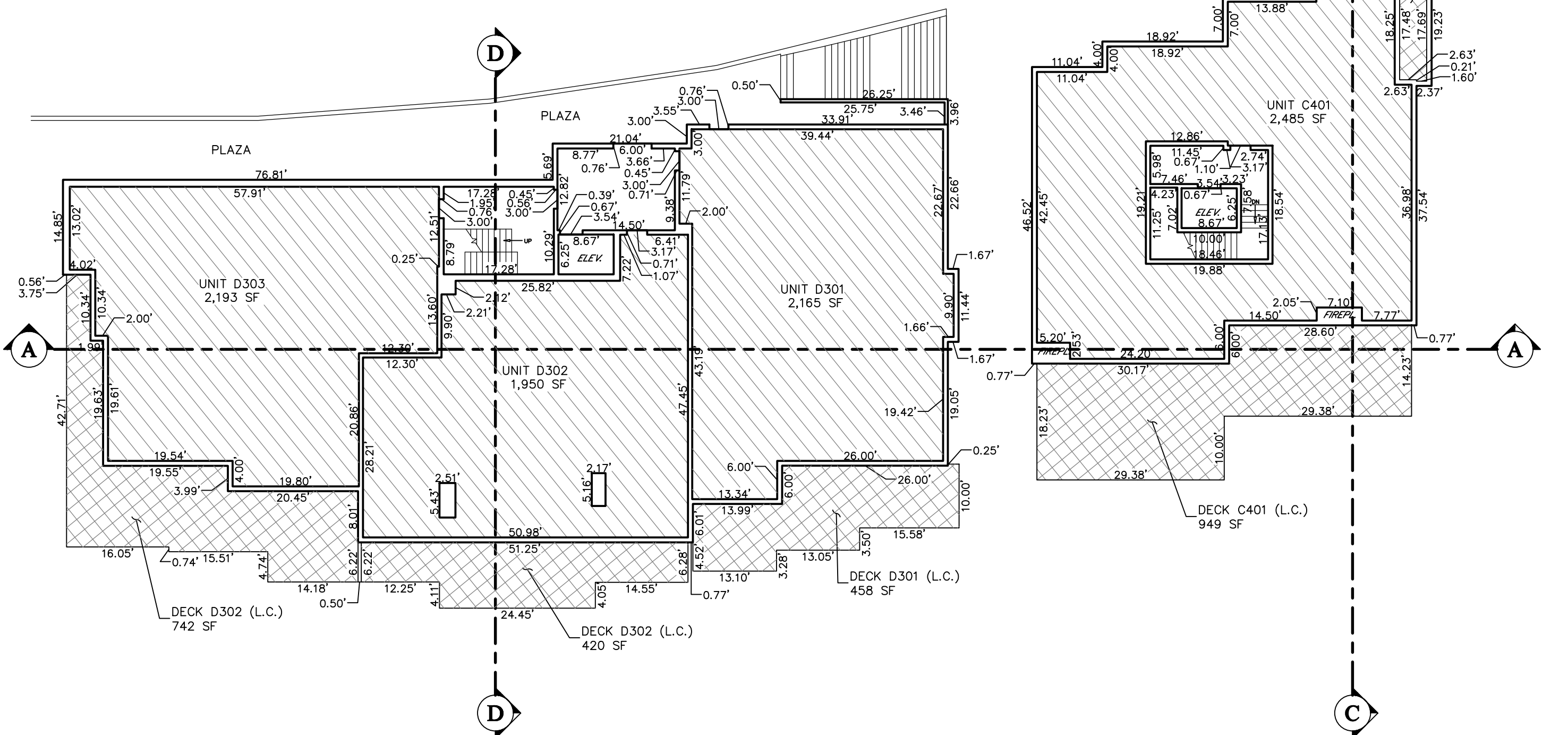
FOR: **CRG PARTNERS**

PROJECT NO: **KC-1072-CONDO-FP-R**

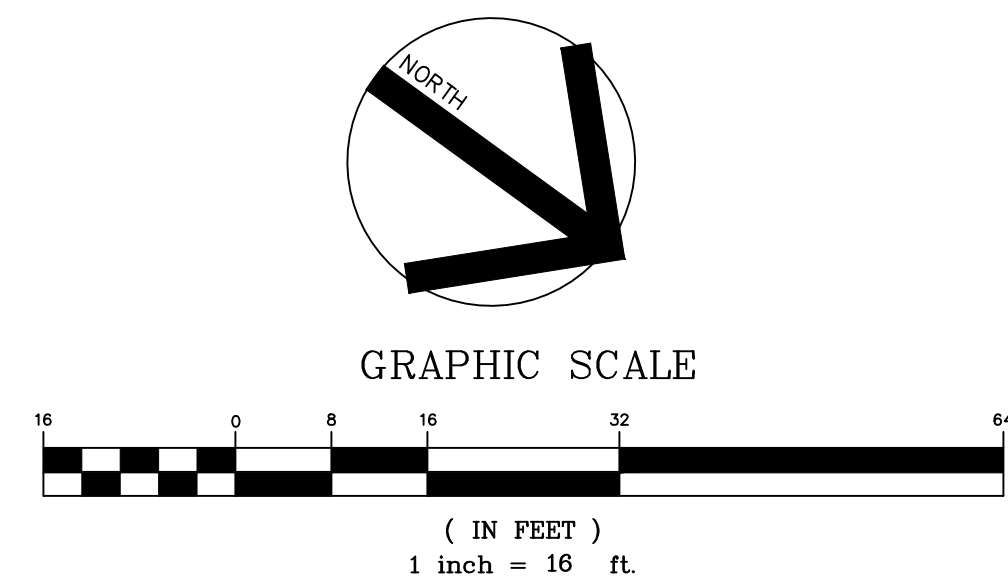
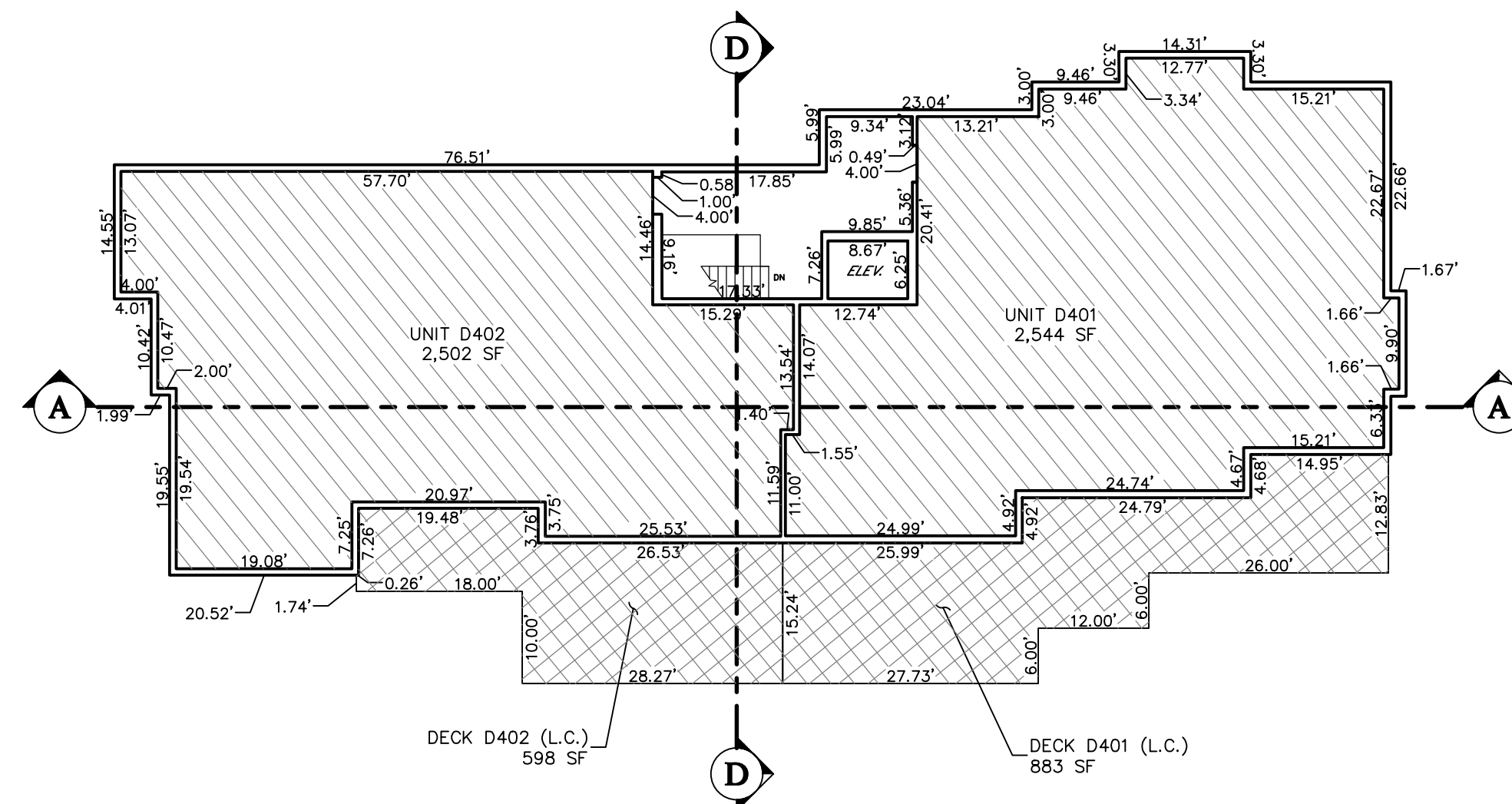
DATE: **10/26**

SHEET 3 OF 4

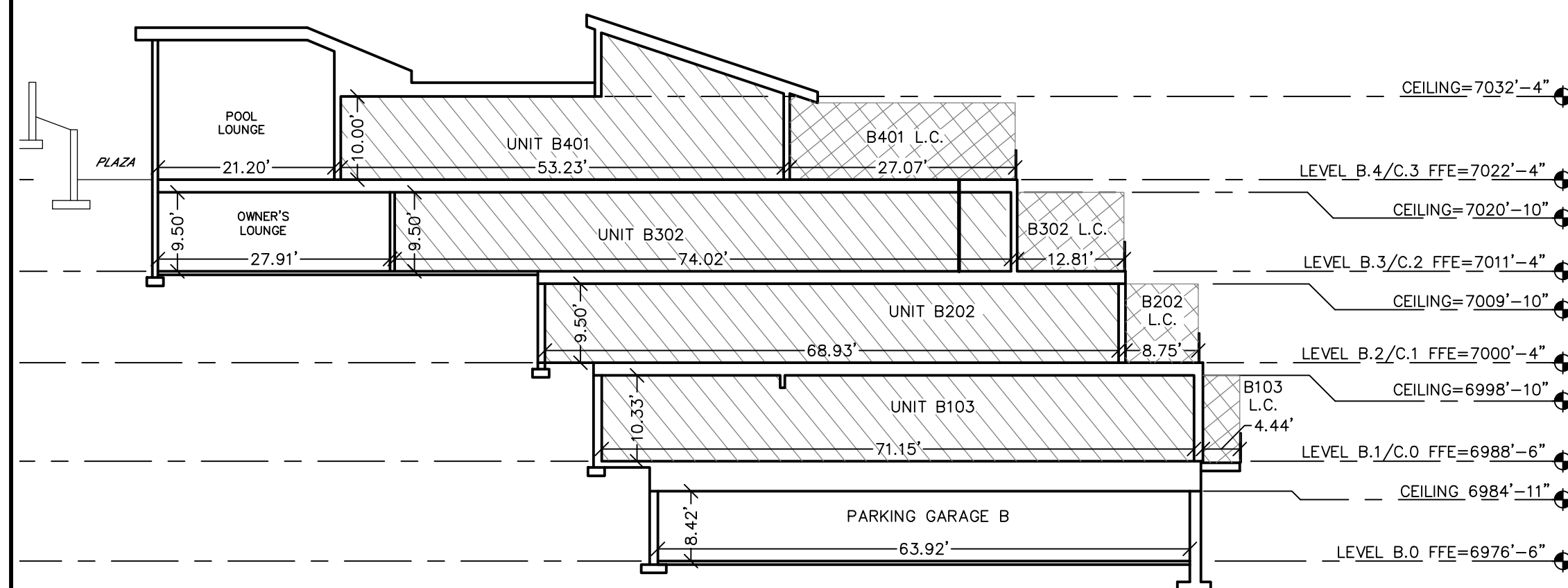
LEVEL 6
BUILDING C
UNIT C401
BUILDING D
UNITS D301, D302 & D303



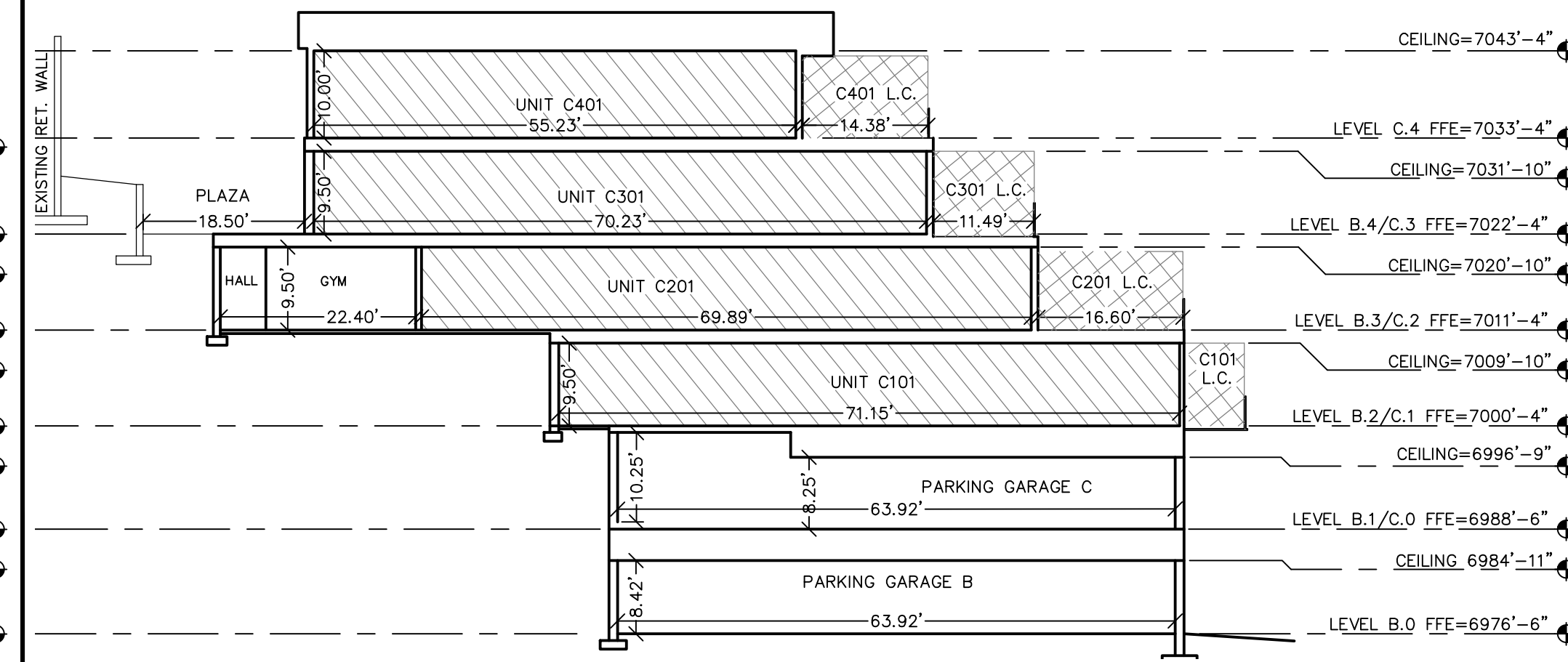
LEVEL 7
BUILDING D
UNITS D401 & D402



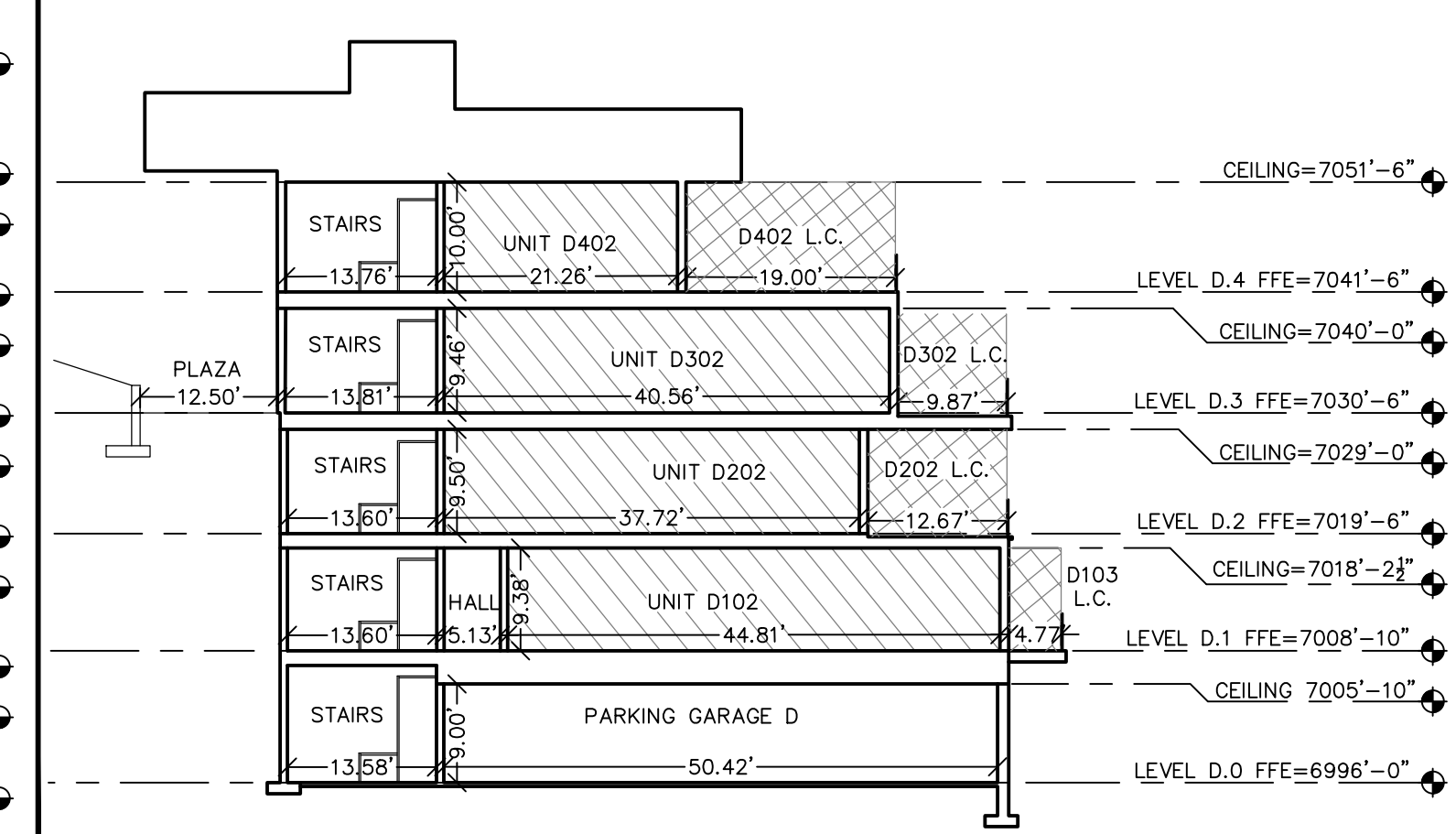
BUILDING B CROSS SECTION



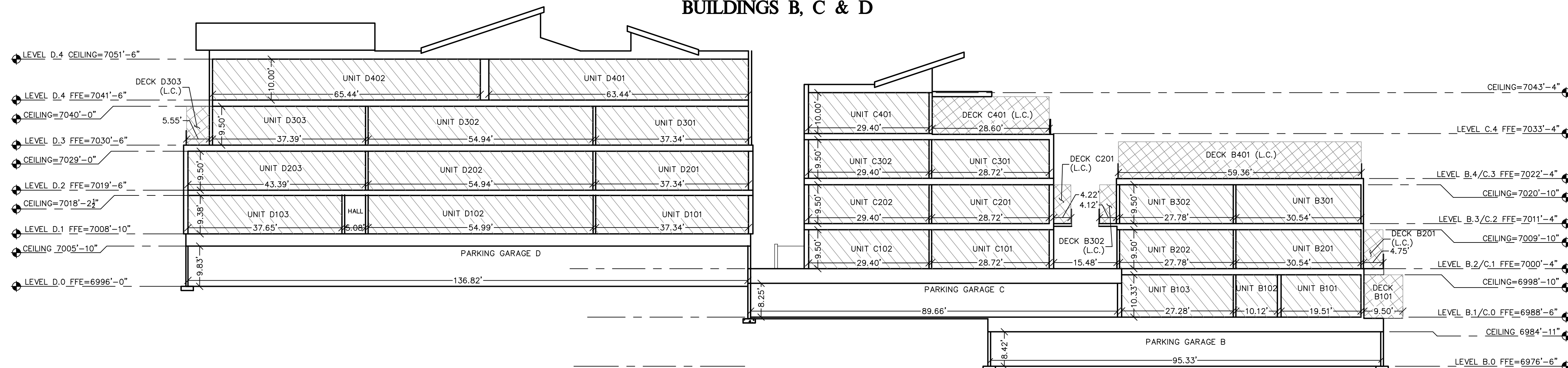
BUILDING C CROSS SECTION



BUILDING D CROSS SECTION



BUILDINGS B, C & D



HATCHING LEGEND

[Hatched Box]	COMMON AREA
[Cross-hatched Box]	LIMITED COMMON AREA
[Diagonal-hatched Box]	PRIVATE AREA

NO. _____
DATE _____
STATE OF _____
CITY OF _____
RECORDED AT THE REQUEST OF _____
FFES _____ 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: info@evergreen-eng.com

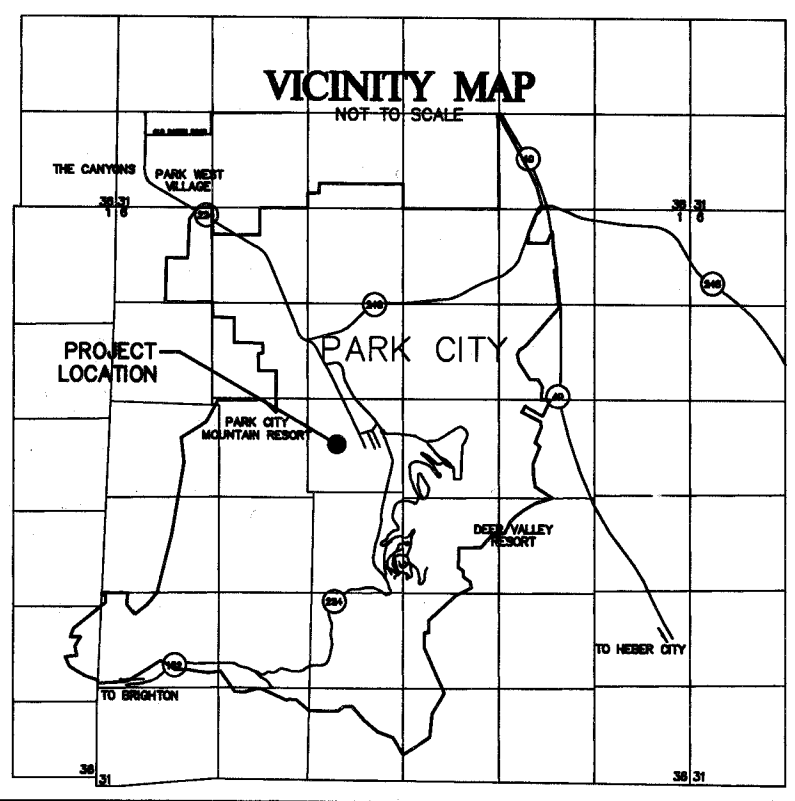
DATE	BY	REVISIONS	COMMENTS

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

**KING'S CROWN CONDOMINIUMS, 1ST AMENDED
FLOOR PLANS - LEVELS 6 & 7
BUILDING CROSS-SECTIONS**

FOR: **CRG PARTNERS**
PROJECT: **KC-1072-CONDO-PP**
JOB NO: **1626**

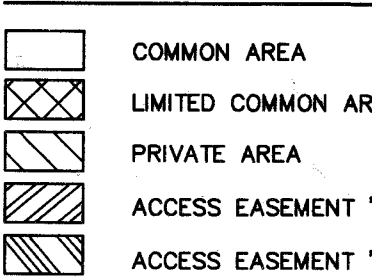
SHEET 4 OF 4



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	1862 SF
UNIT D401	2590 SF
UNIT D402	2218 SF

HATCHING LEGEND



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.

Gregory R. Wolbach
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. D. ...
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. H. ...
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.

MICHAEL KELLEY
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

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

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, ORG 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.

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

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

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH

COUNTY OF SUMMIT

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 ORG 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 City, Utah

LIEN HOLDER CONSENT

ON THE 26th DAY OF November, 2019, ORG 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 ORG 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, WHO 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 City, Utah

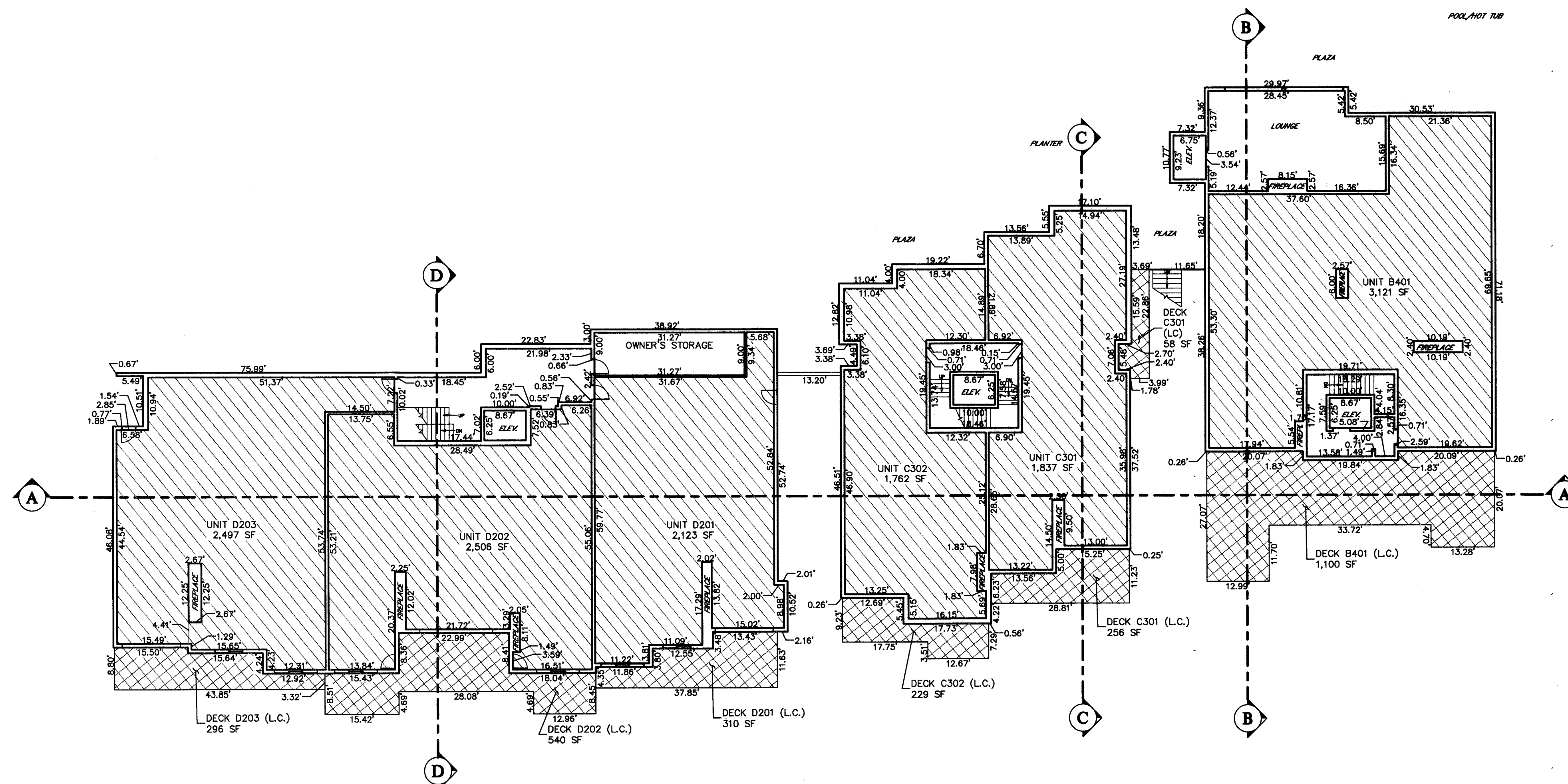
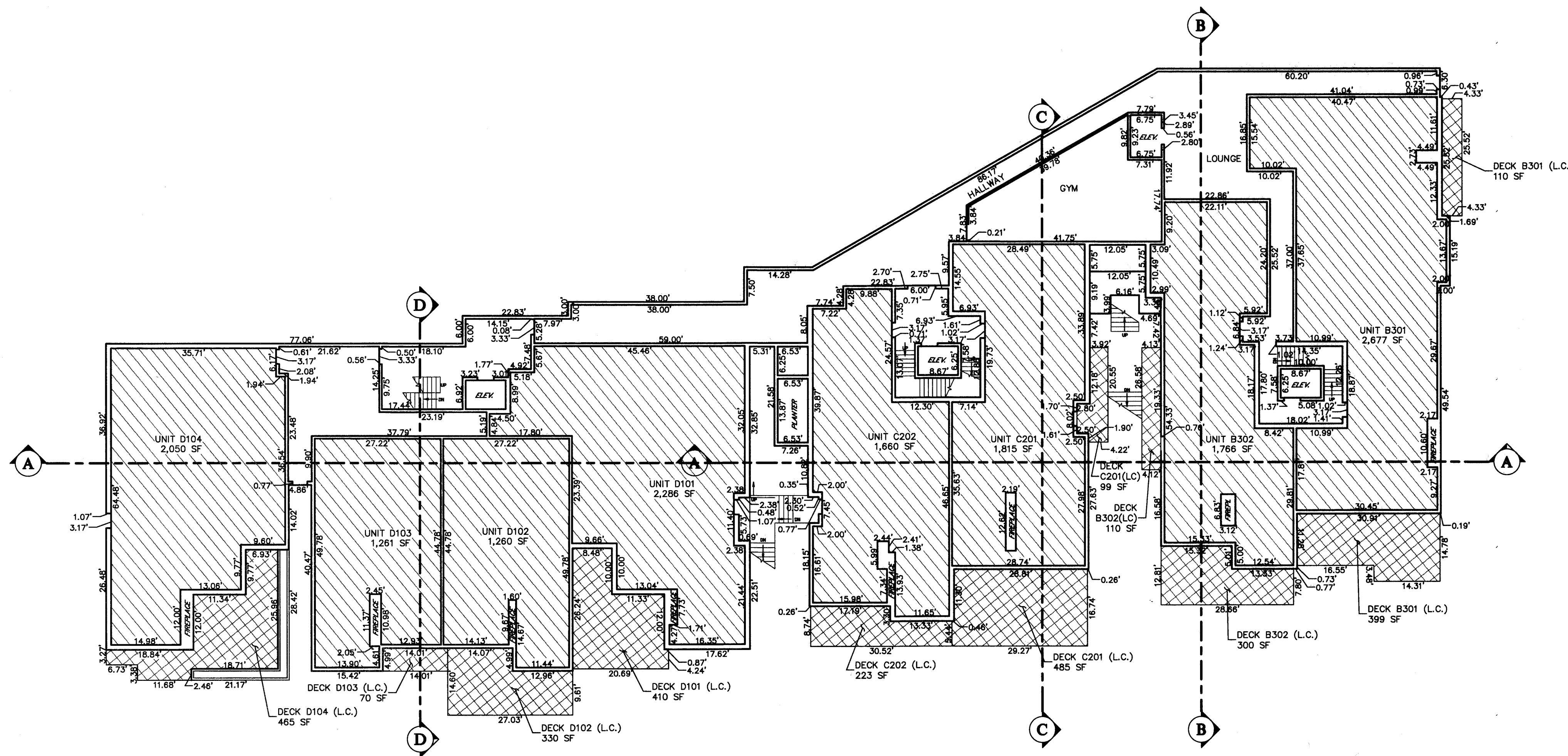
SURVEYORS CERTIFICATE

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
PLOT DATE: NOVEMBER 25, 2019
DRAWING: KC-L012-COND-PP-H-Long
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ENTRY NO. 01123377

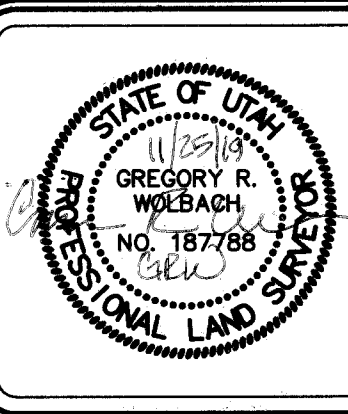
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PLOT DATE: NOVEMBER 25, 2019

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

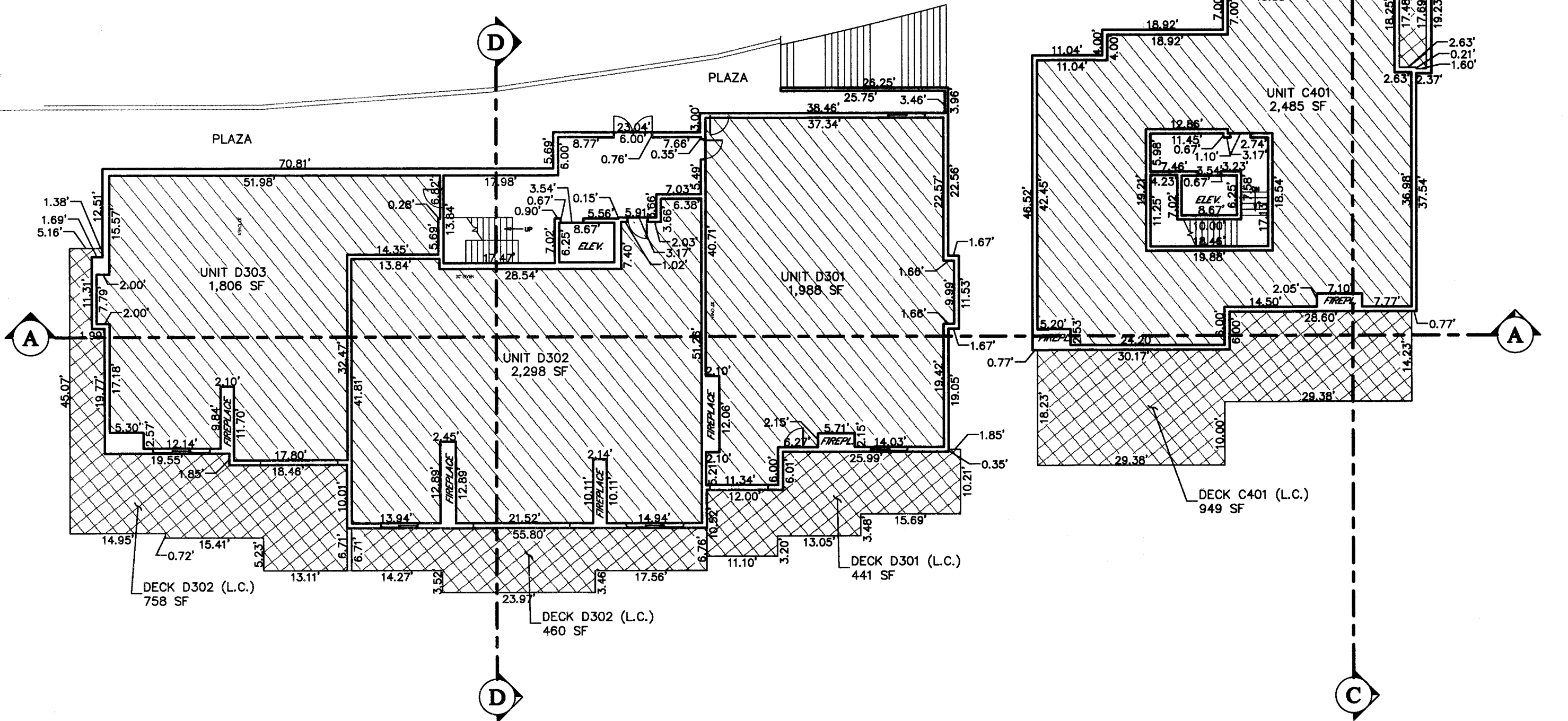
DATE	BY	REVISIONS	COMMENTS



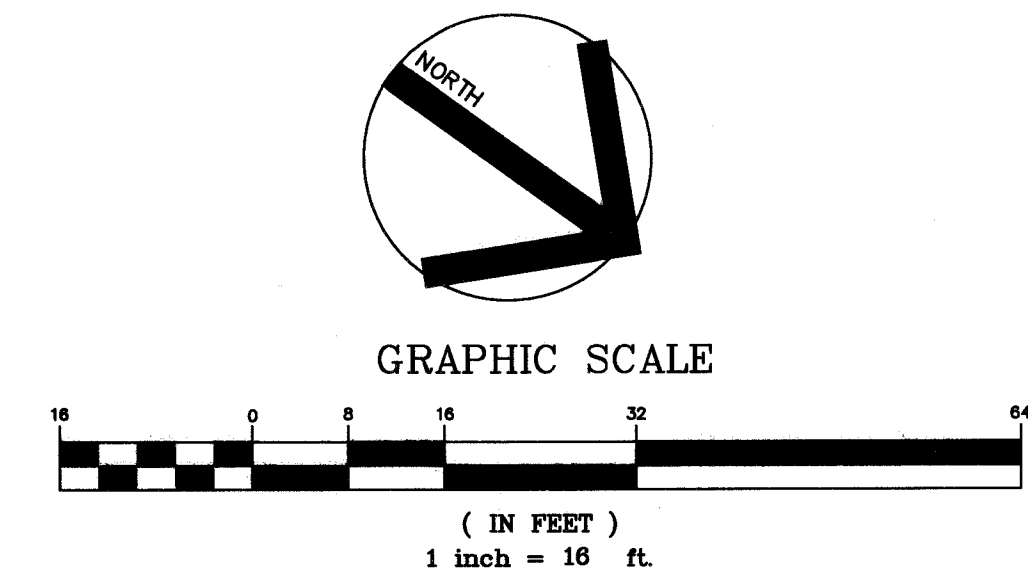
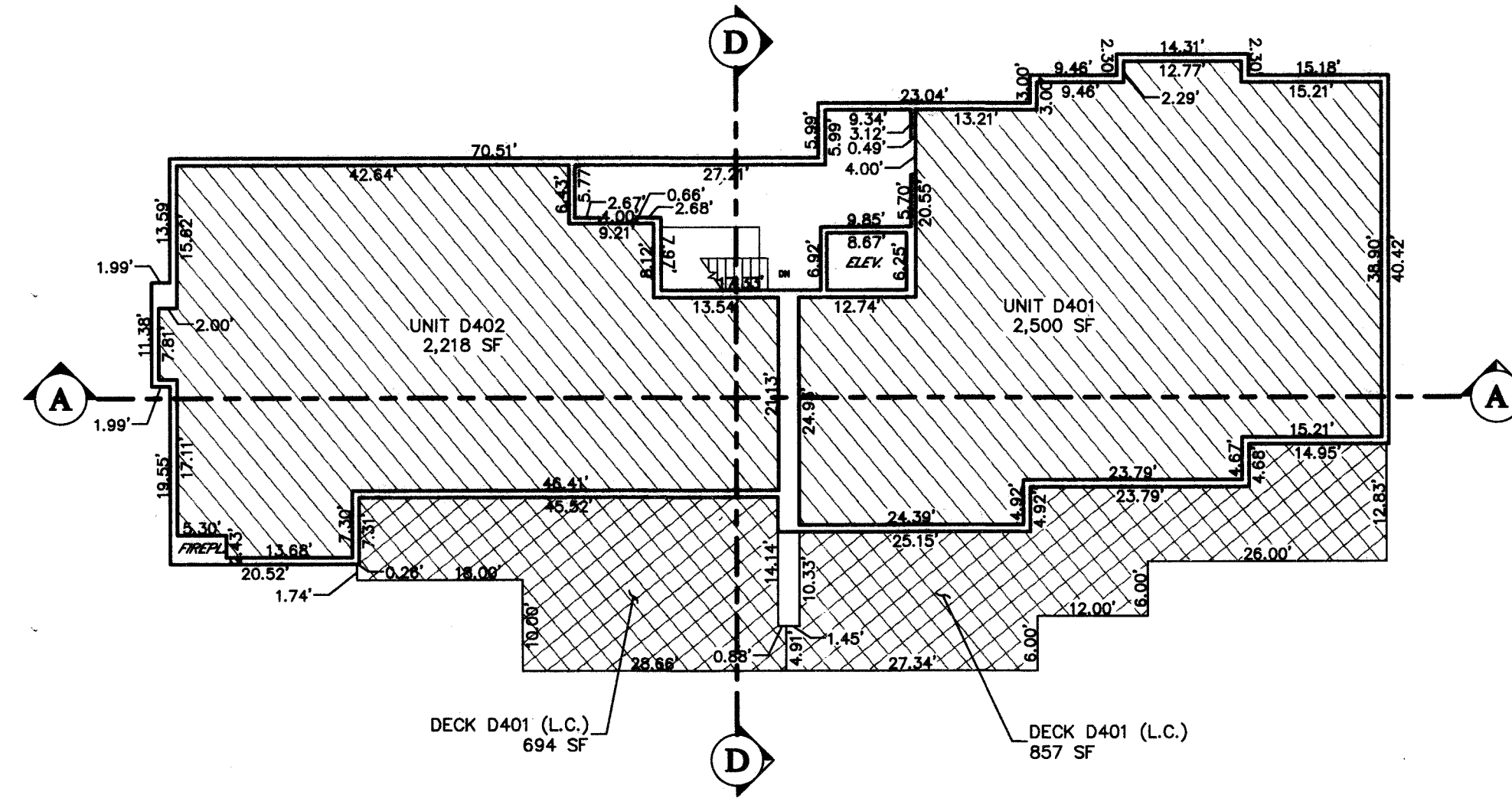
DESIGNED BY:
WOW
DRAWN BY:
ADM
CHECKED BY:
ADM

KING'S CROWN CONDOMINIUMS
FLOOR PLANS - LEVELS 4 & 5
DWC: KC-LOT2-CONDO-FP
JOB NO: 1026
FOR: CRG PARTNERS

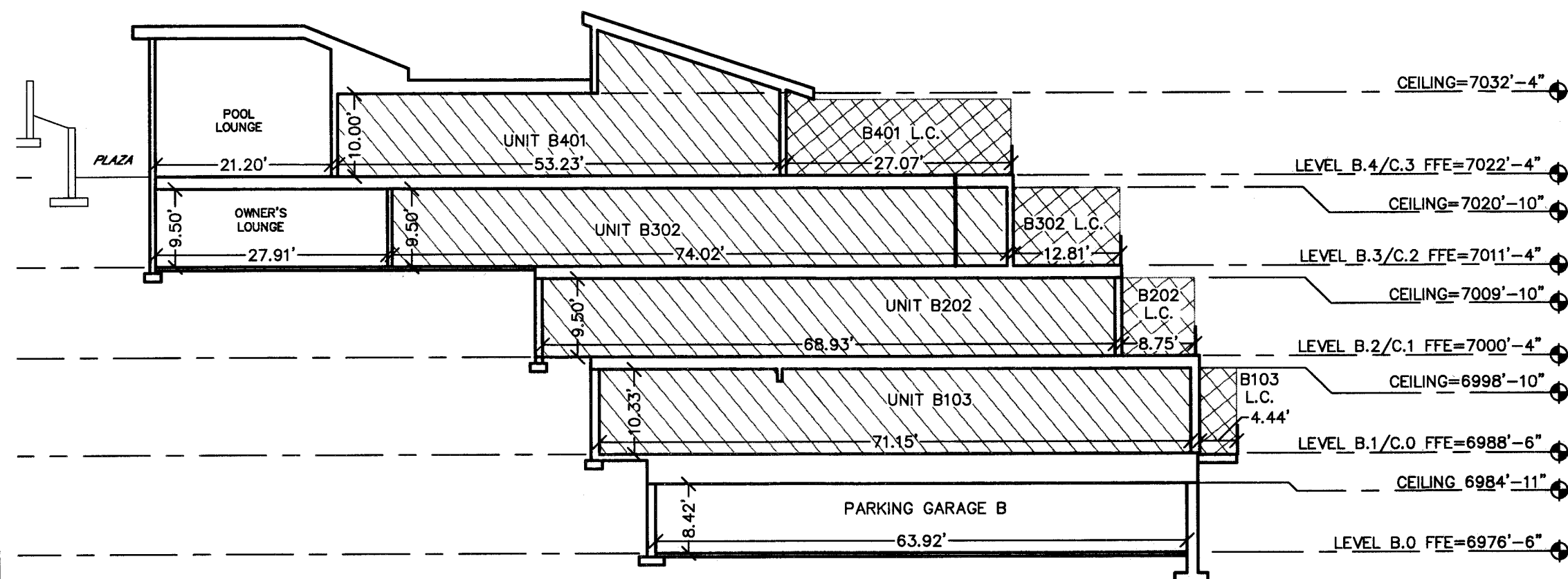
LEVEL 6
BUILDING C
UNIT C401
BUILDING D
UNITS D301, D302 & D303



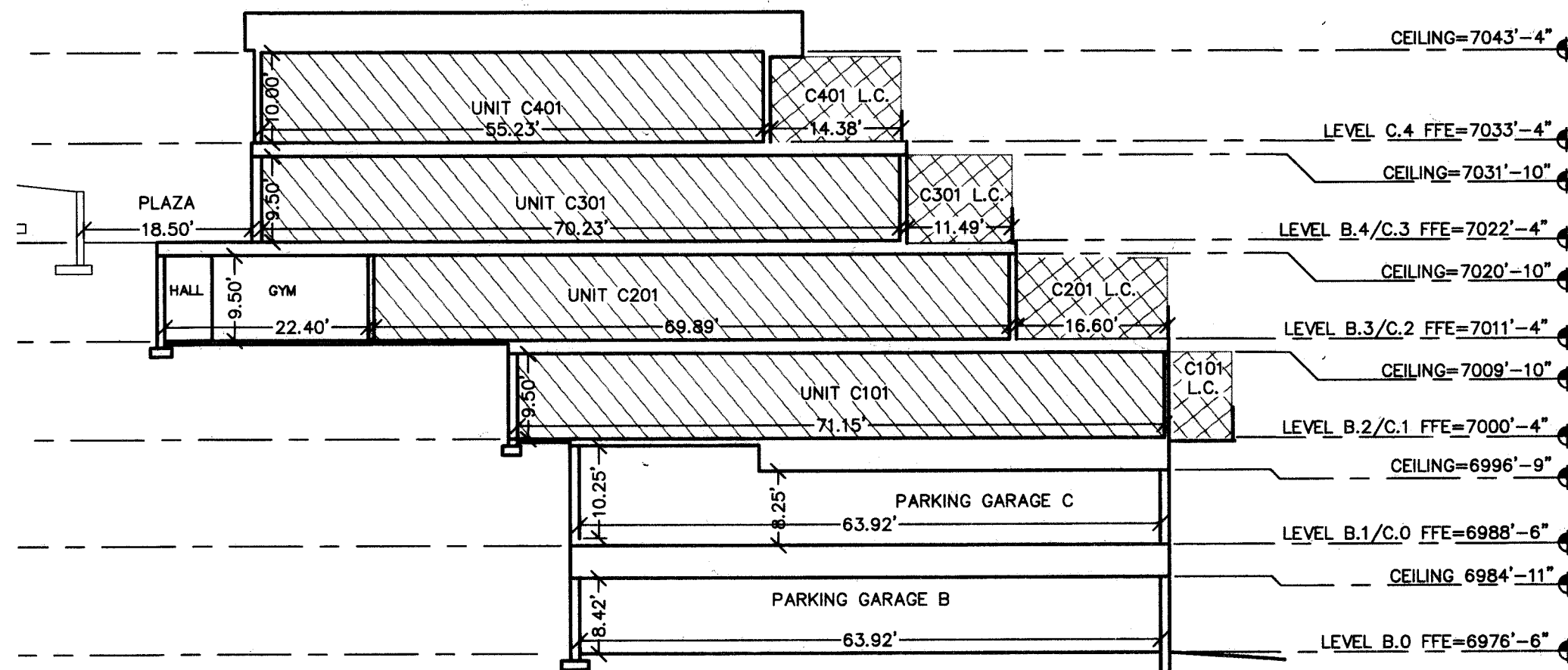
LEVEL 7
BUILDING D
UNITS D401 & D402



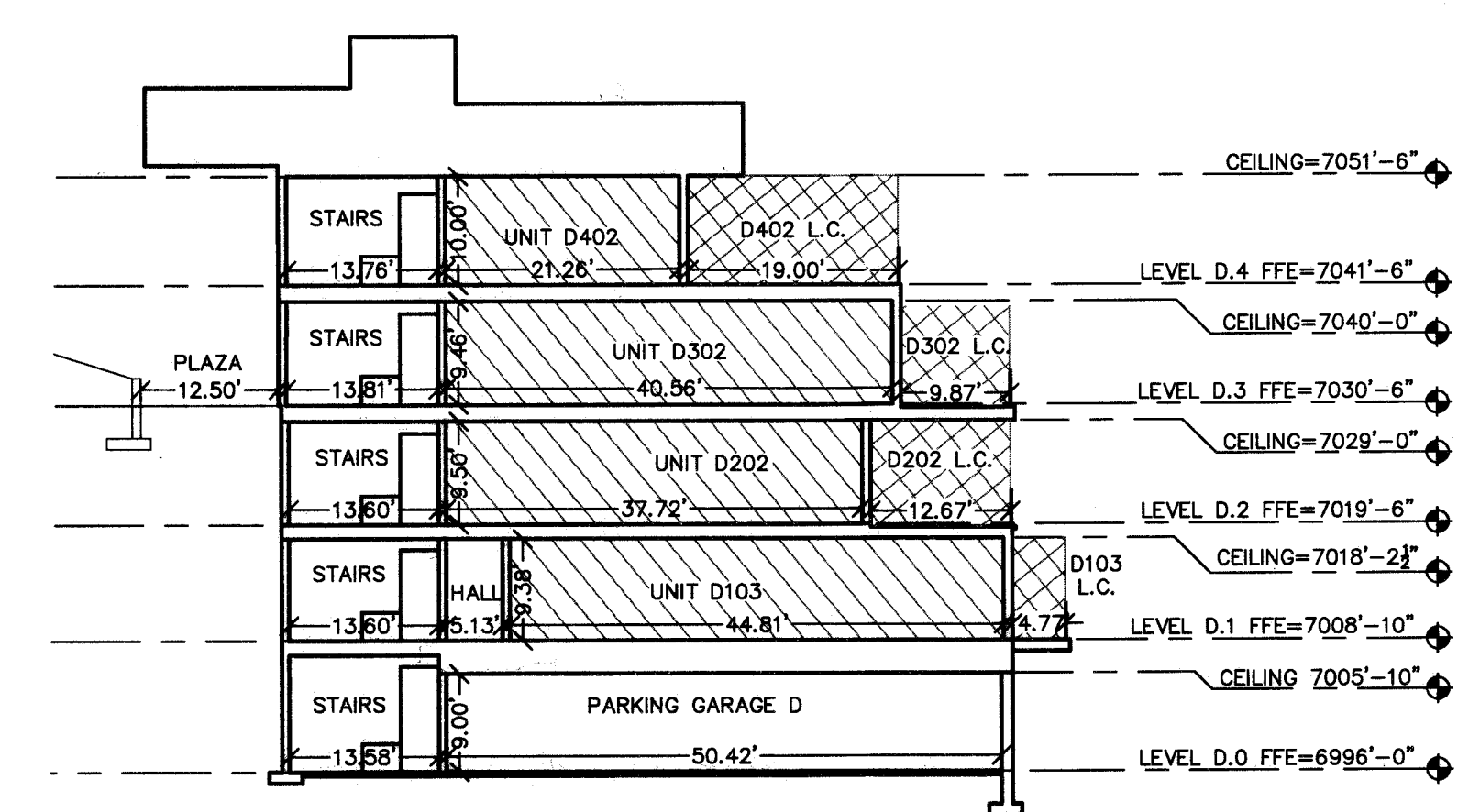
BUILDING B CROSS SECTION



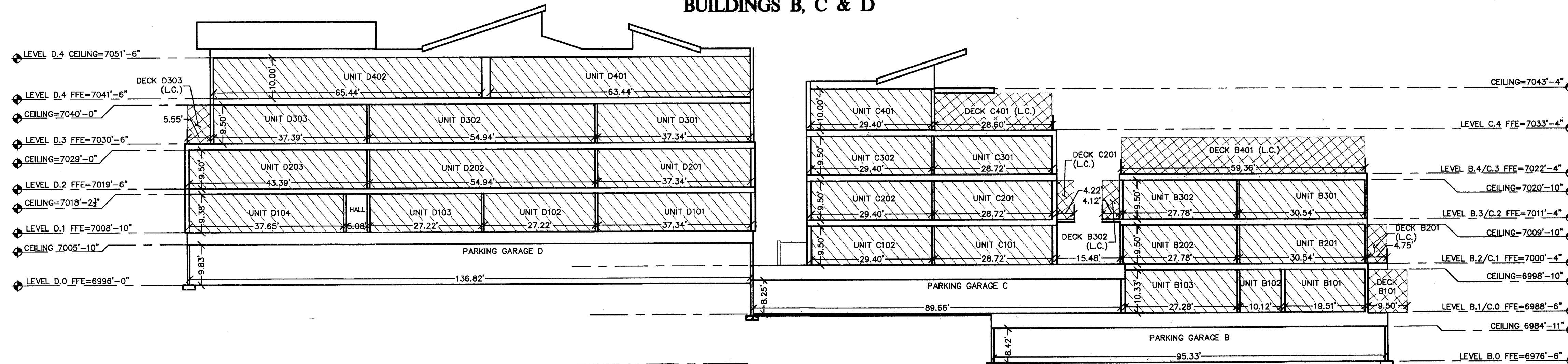
BUILDING C CROSS SECTION



BUILDING D CROSS SECTION



BUILDINGS B, C & D



HATCHING LEGEND

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

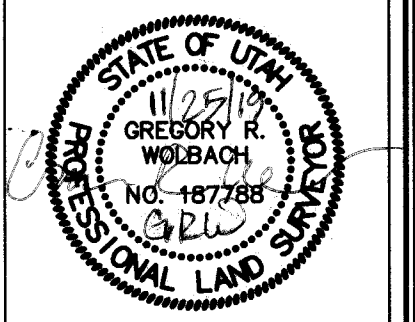
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 P14: PROJE 1/1
 RECORD: FRANKLIN & SUTHERLAND COUNTY RECORDER
 FEE: \$54.00 BY METRO NATIONAL TITLE

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: **10/26/2019**

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

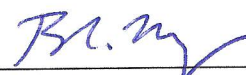
Dear Bruce and Rebecca:

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.

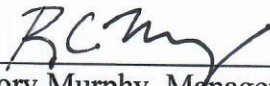
CRG requests from the Commission that they issue a clarification for the MPD submittal that acknowledges that the placement of Building D was represented accurately on all of the Exhibits, with the possible exception of one ambiguous Exhibit, and that such unambiguous Exhibits remain the standard by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

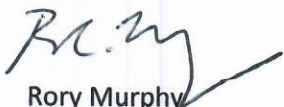
Please find attached to this letter our full submittal for an MPD Minor Modification/Clarification Determination from the Park City Planning Commission for the location of Building D (Phase 2) in Lot 2 of the King's Crown Resubdivision. We are requesting this Minor Modification/Clarification to our MPD 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

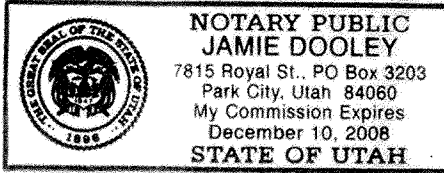
ACKNOWLEDGMENT

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



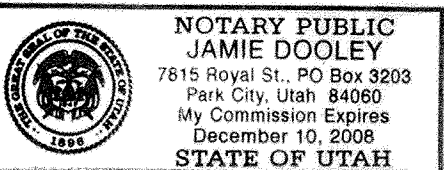
ACKNOWLEDGMENT

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



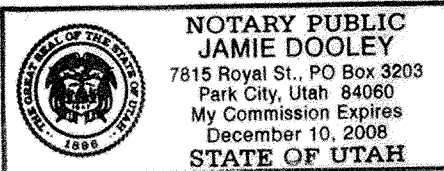
ACKNOWLEDGMENT

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

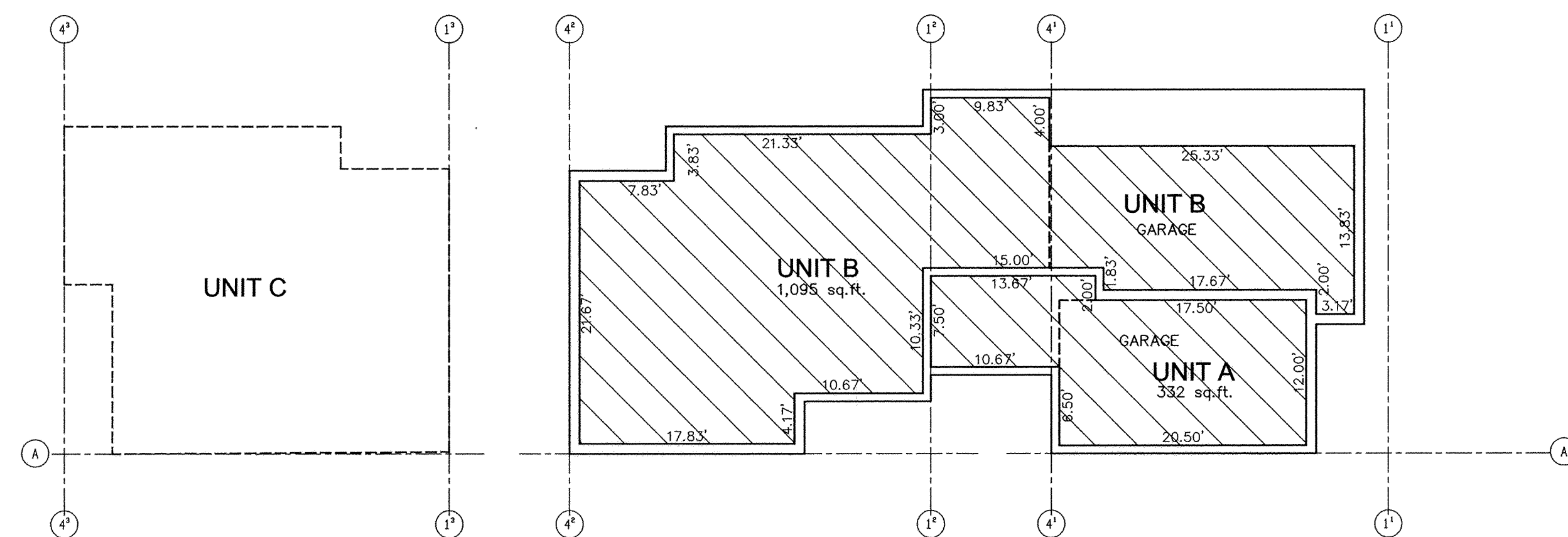
APPROVED AS TO FORM ON THIS 25th
DAY OF January, 2007.

Paul S. Meltzer
PARK CITY ATTORNEY

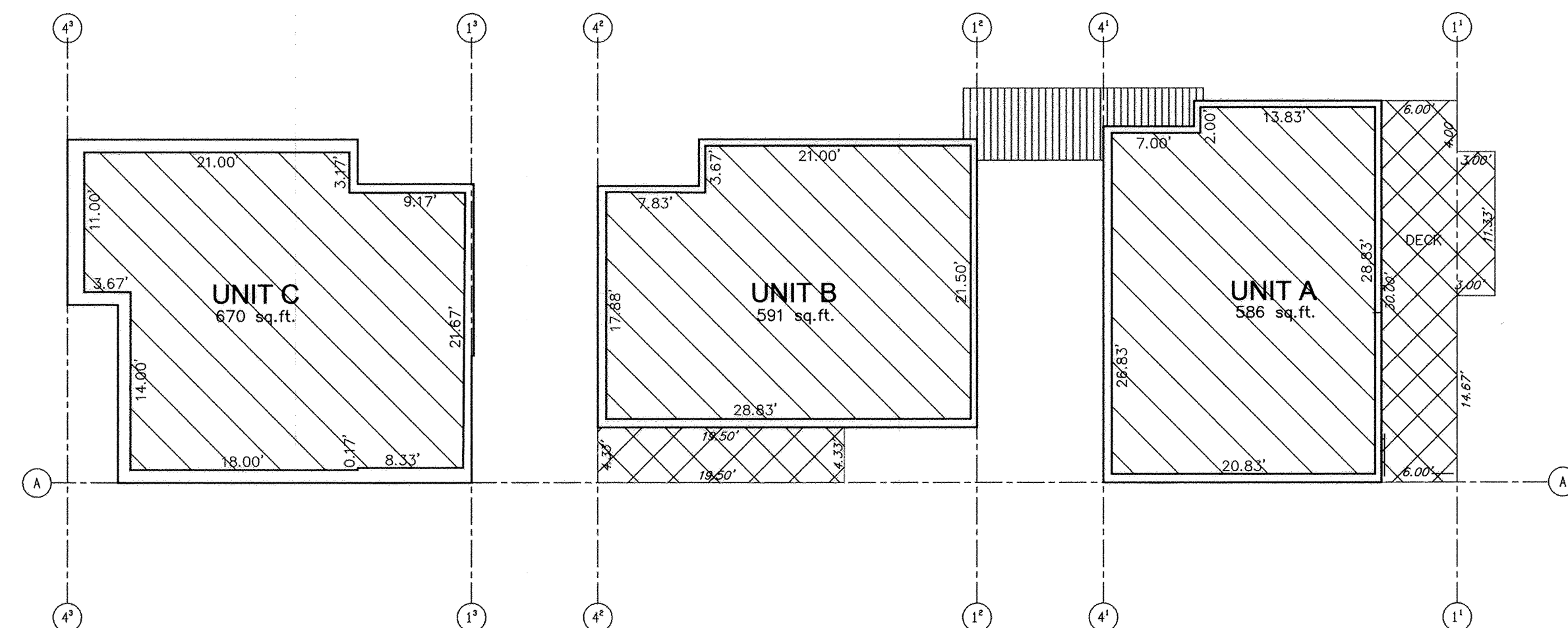
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STATE OF UTAH, COUNTY OF SUMMIT
DATE 1-26-07 TIME 11:43 A.M.

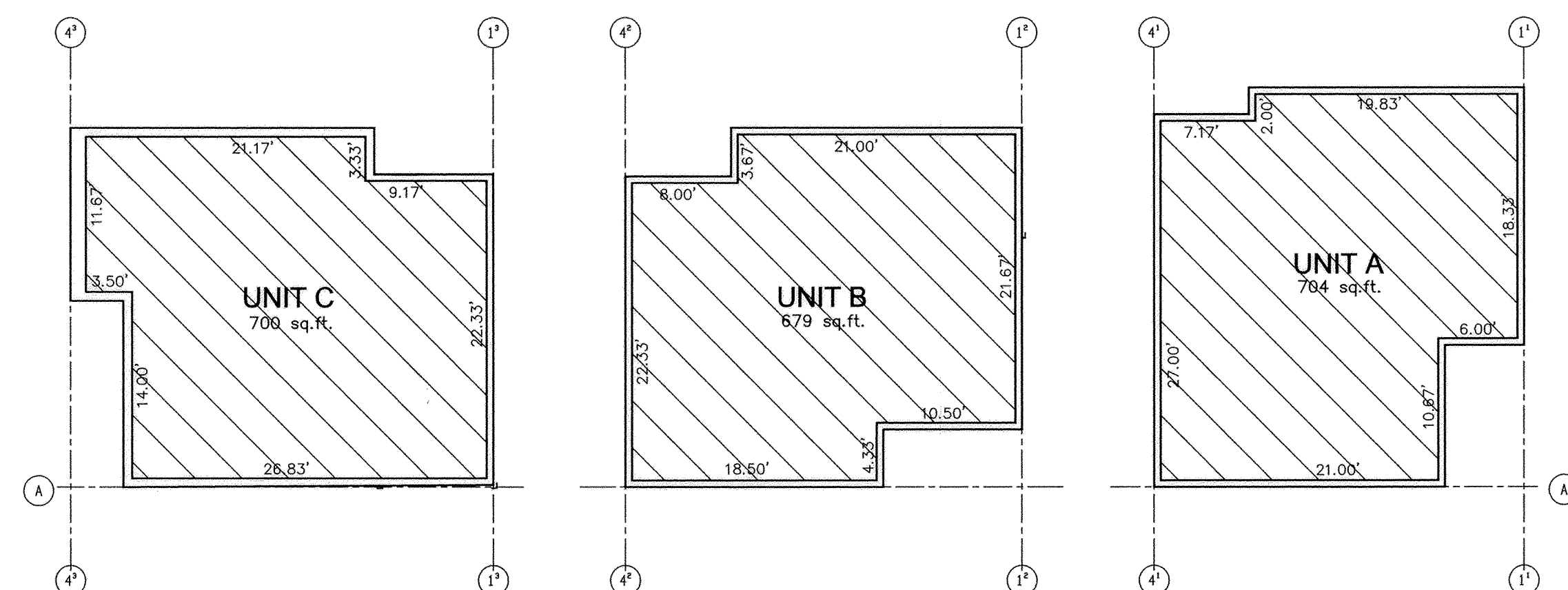
RECORDED AND FILED AT THE REQUEST OF:
Coalition Title
3cc5932
COUNTY RECORDER



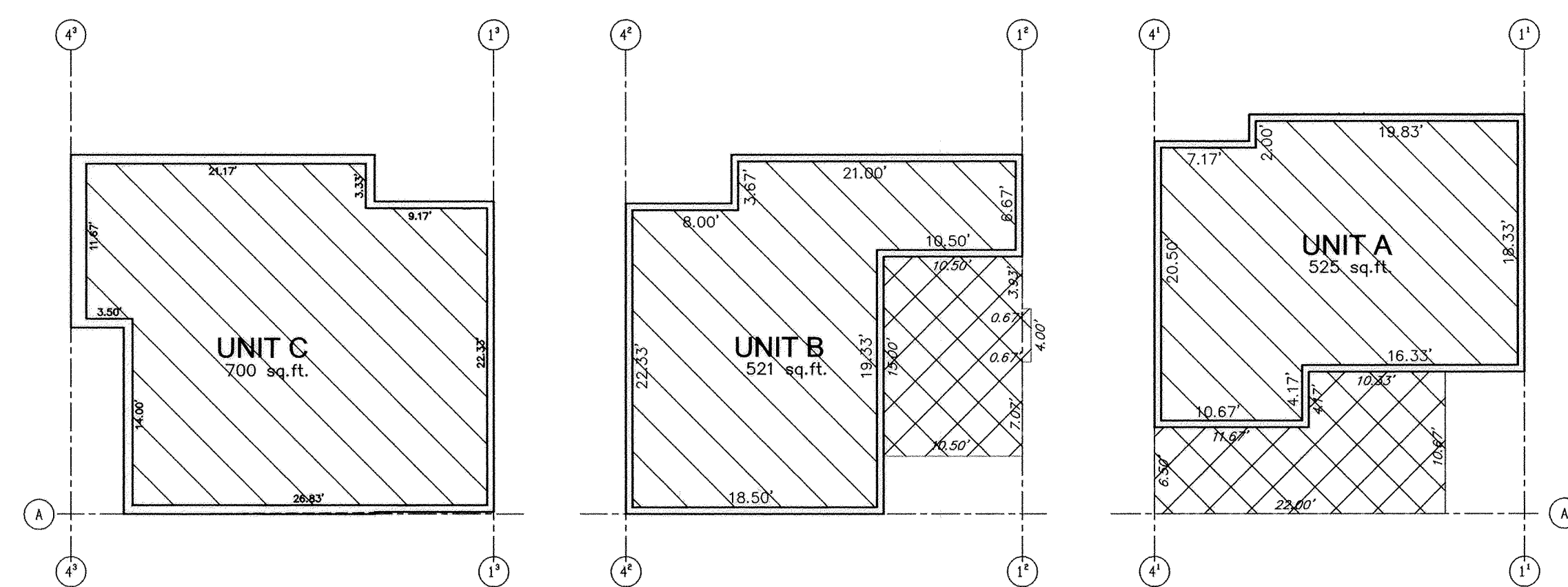
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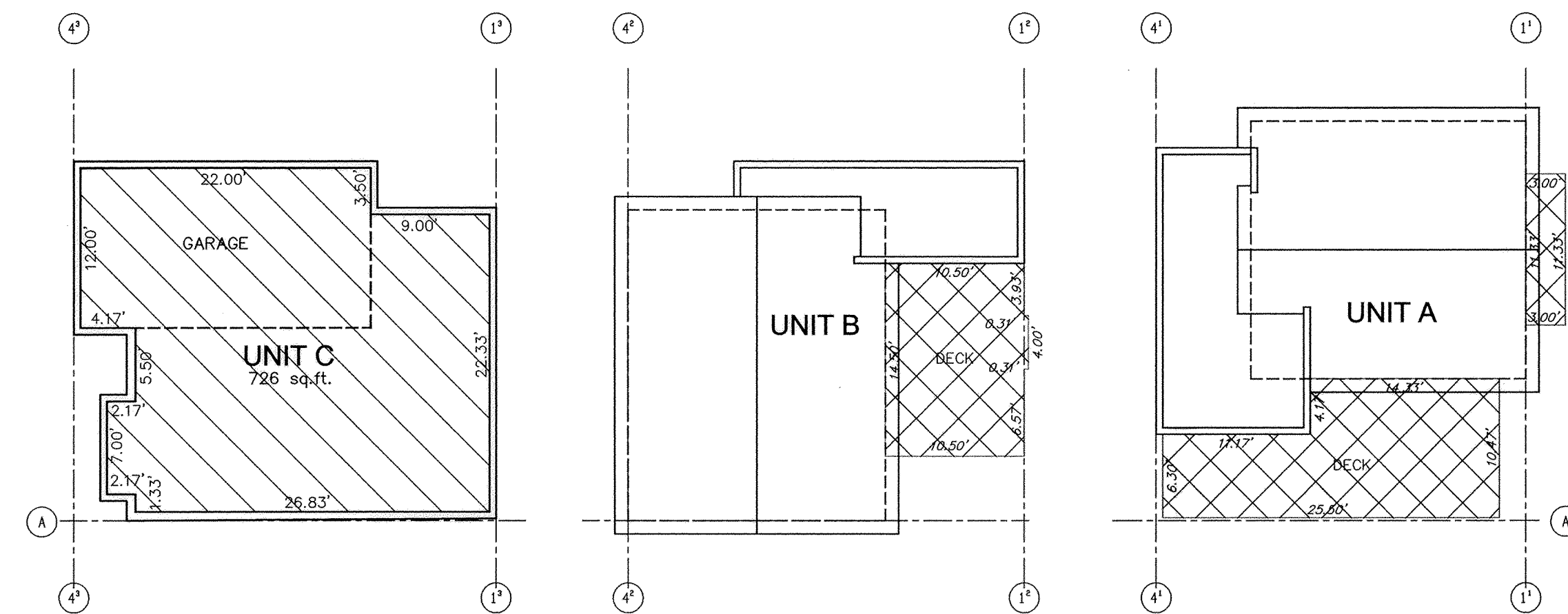
FLOOR PLAN LEVEL 2



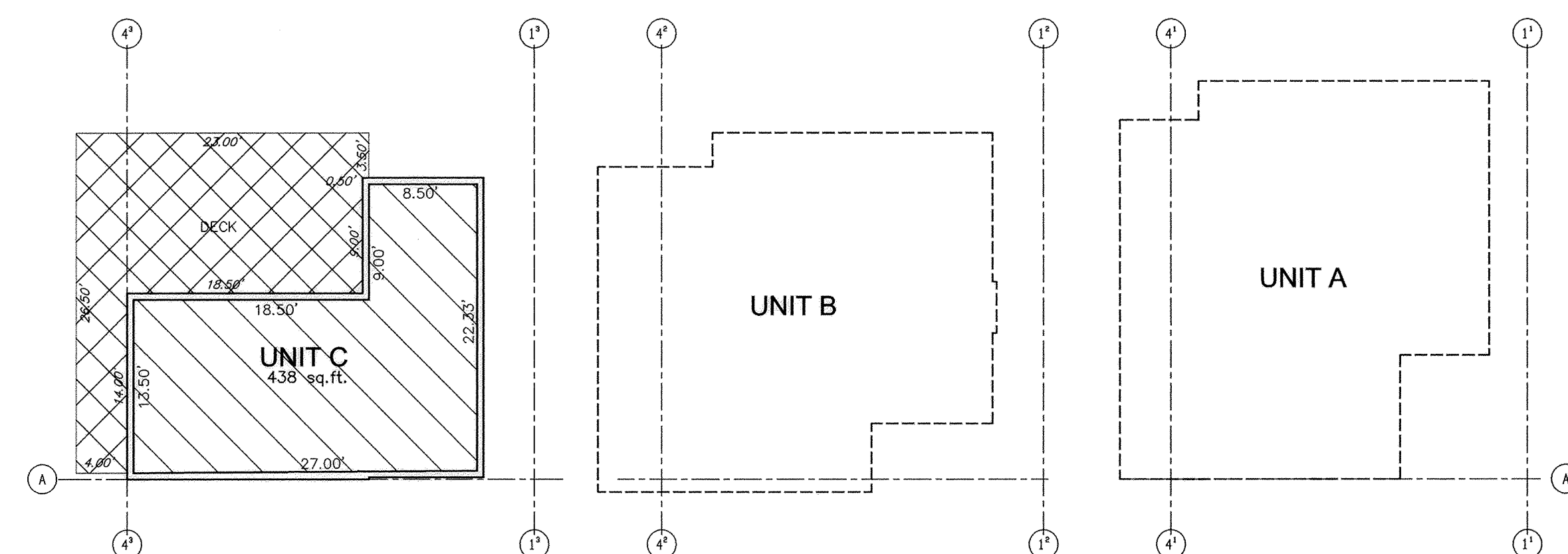
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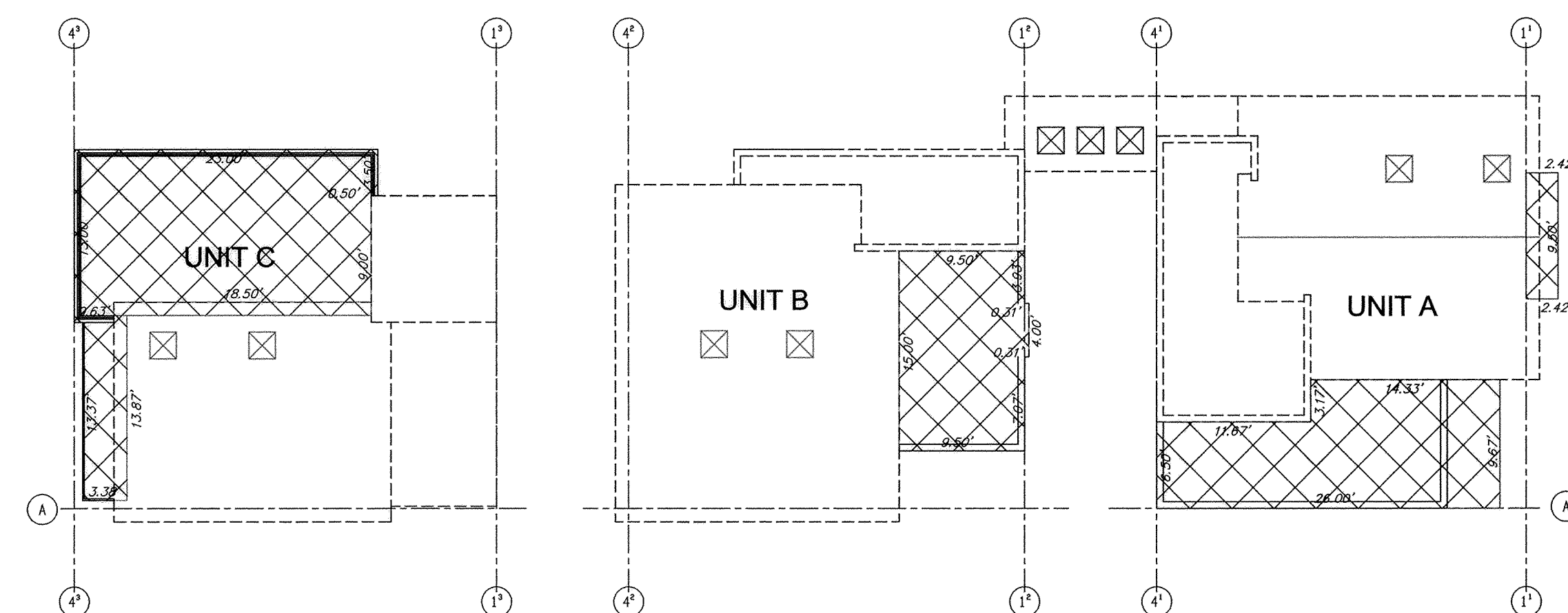
FLOOR PLAN LEVEL 4



FLOOR PLAN LEVEL 5



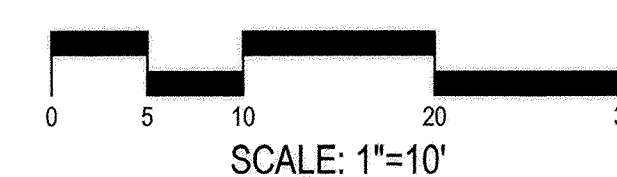
FLOOR PLAN LEVEL 6



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

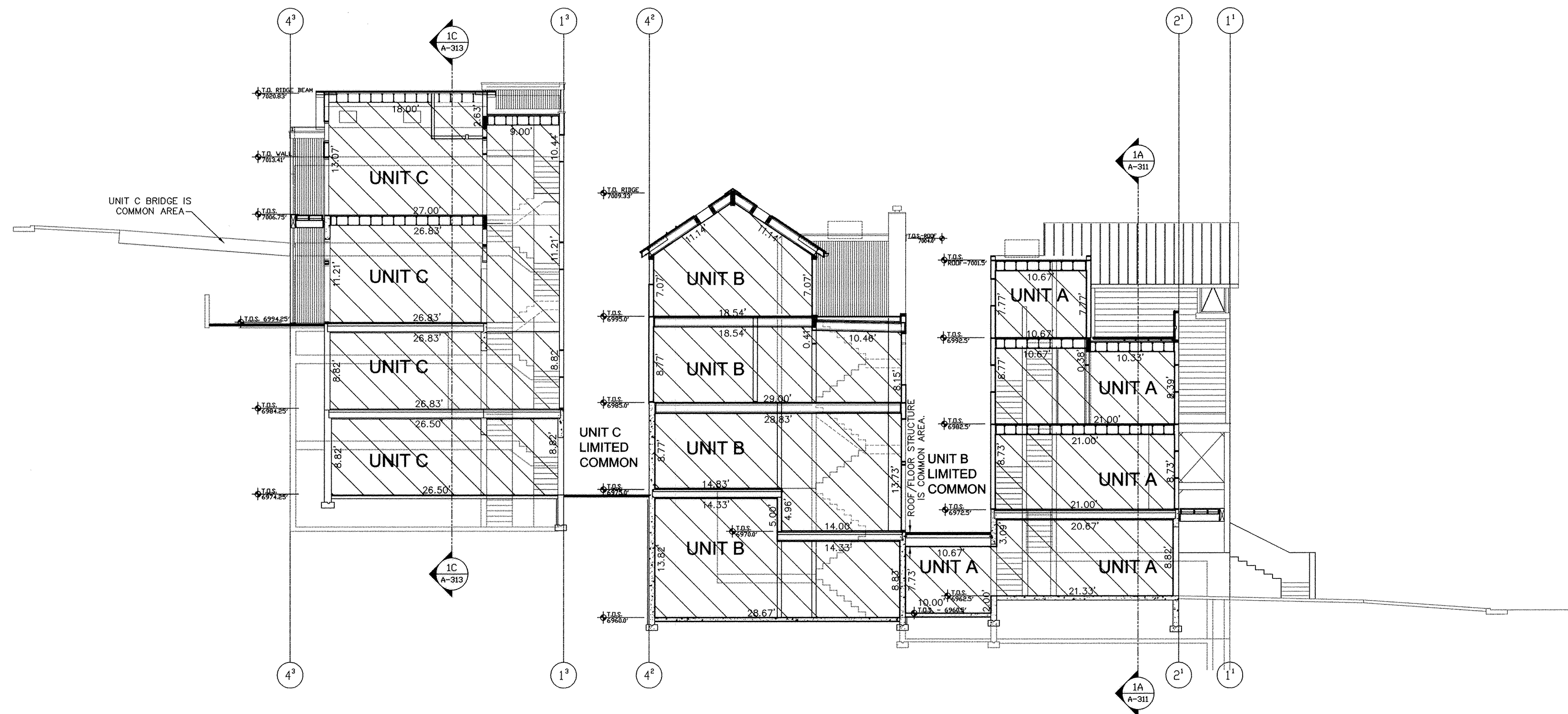
DATE 1-26-07 TIME 11:43 AM

RECORDED AND FILED AT THE REQUEST OF:

Coalition Title

Fee \$93.00

Denise Bower, Deputy
COUNTY RECORDER



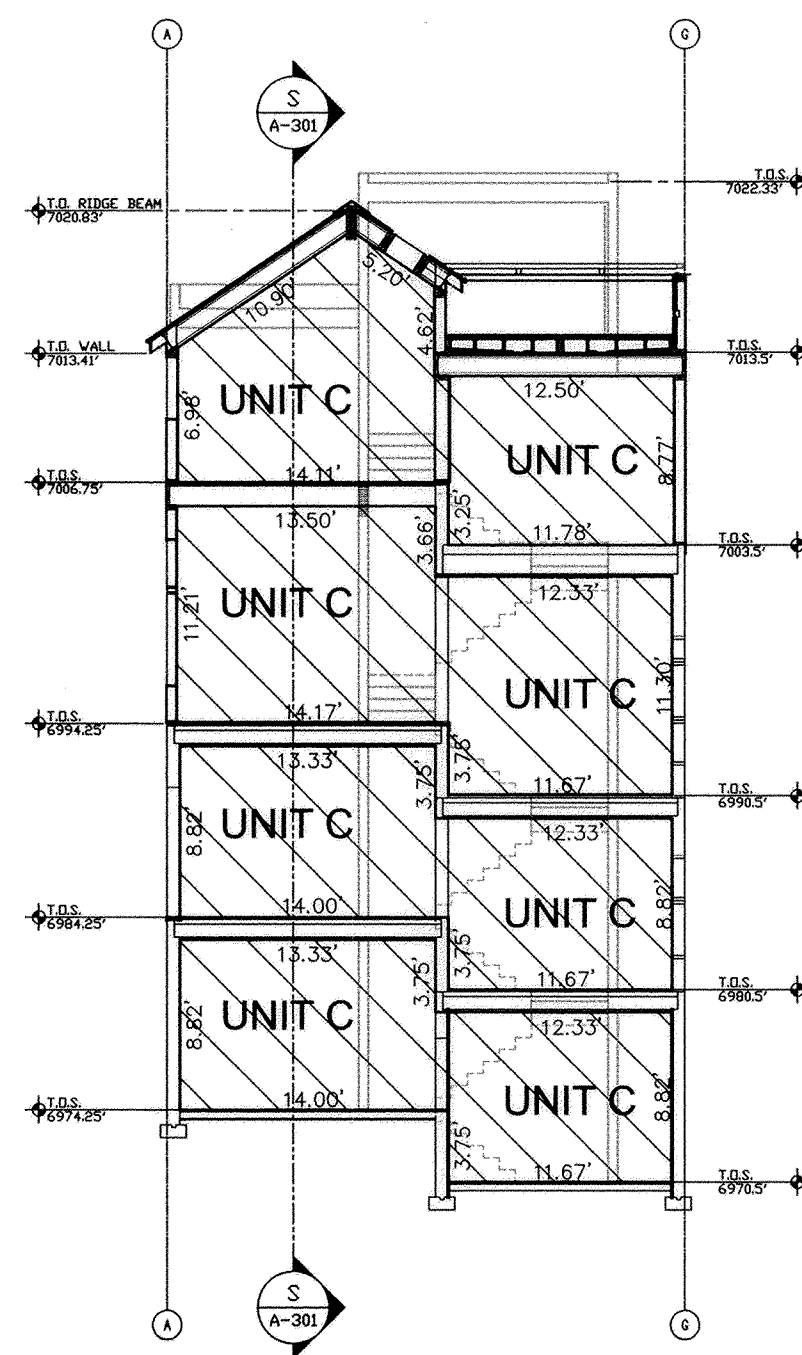
LEGEND

	PRIVATE OWNERSHIP
	LIMITED COMMON AREA
	COMMON AREA

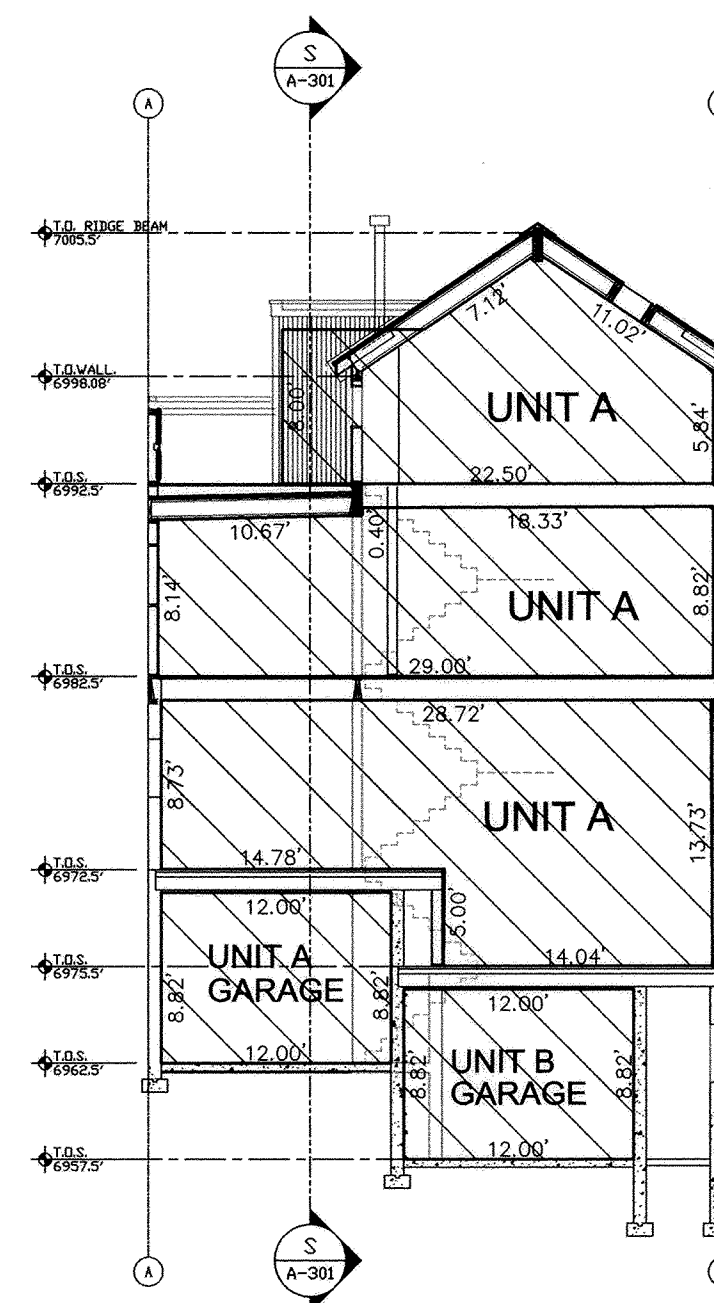
UNIT SQUARE FOOTAGE

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

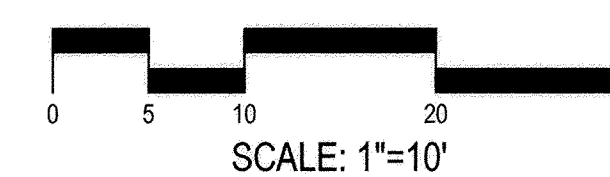
OVERALL SOUTH SITE SECTION



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)



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]
 [REDACTED]

[REDACTED]

[REDACTED]

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

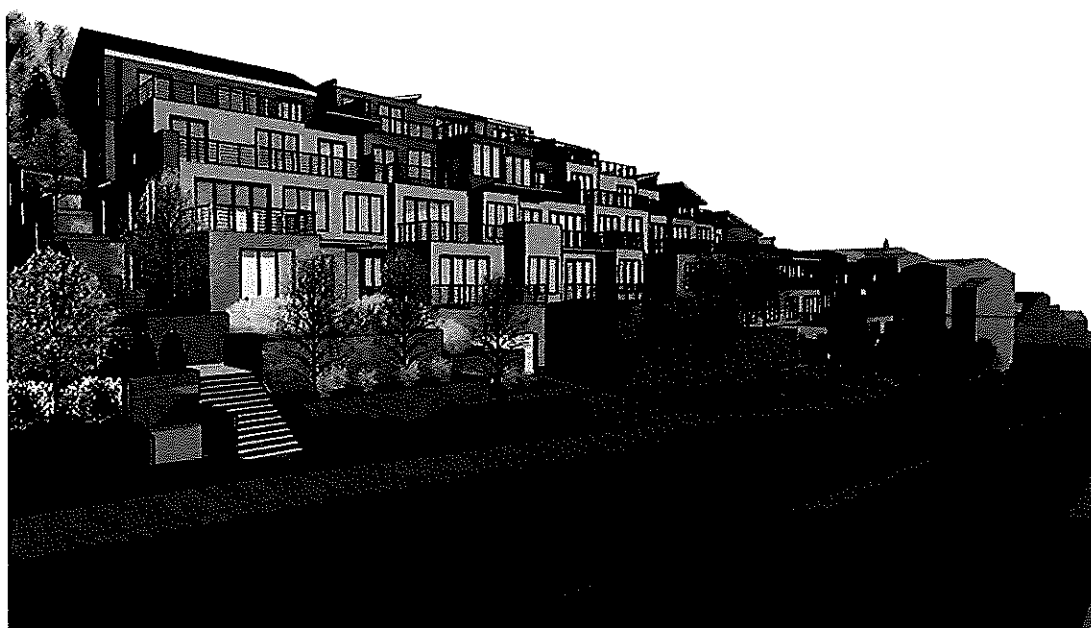
435 640 5068
 2590 Sidewinder Drive
 Park City, UT 84060

-----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



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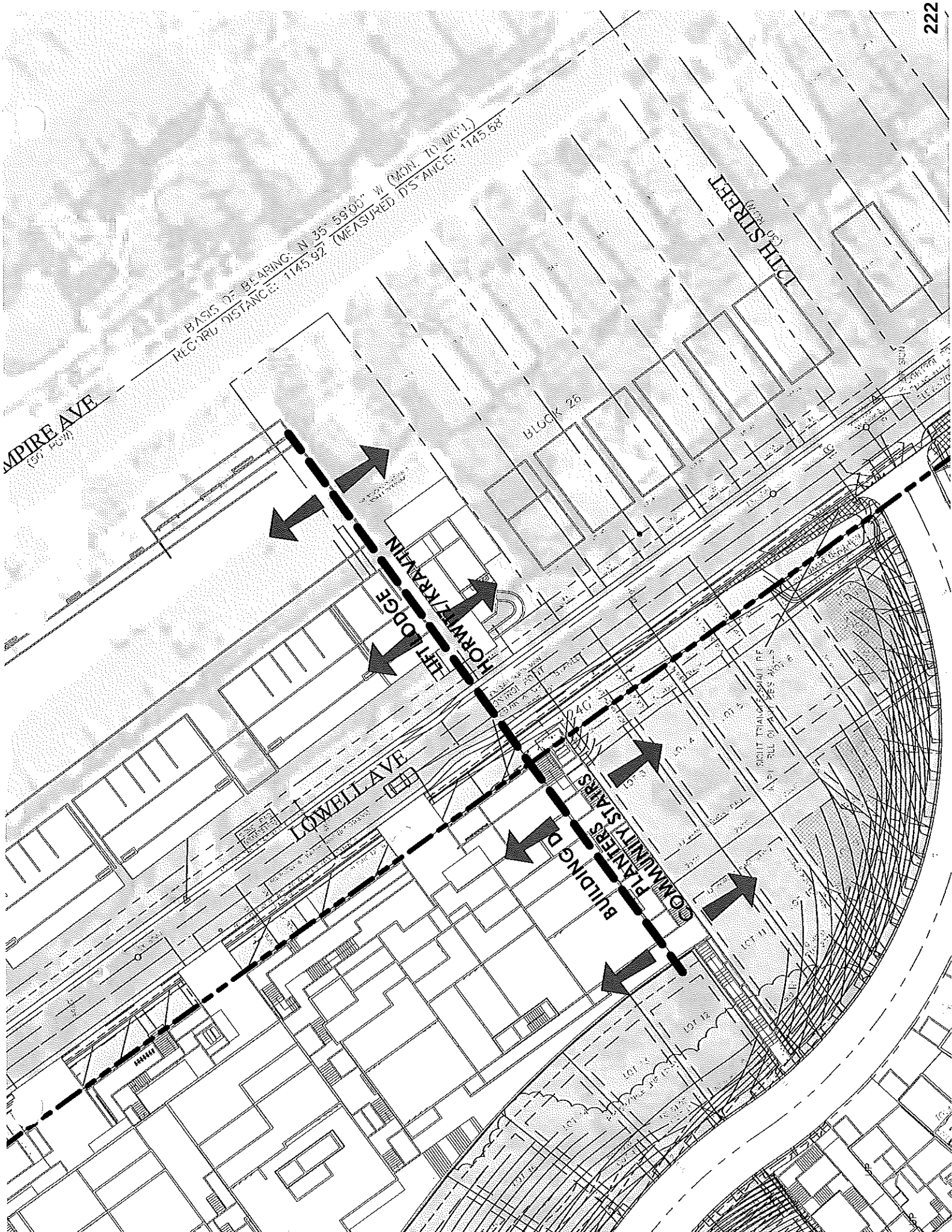


Exhibit 2

Category	Percentage
Very satisfied	10%
Satisfied	25%
Dissatisfied	65%

Age Group	Percentage Vaccinated
18-24	15%
25-34	45%
35-44	75%
45-54	85%

From: rory murphy [<mailto:paladinparkcity@aol.com>]
Sent: Thursday, November 14, 2019 12:06 PM
To: pdkravtin@comcast.net; Jon Horwitz <Jon_Horwitz@putnam.com>
Subject: Meeting Last Night

Pat/Jon.

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. I am gone for Thanksgiving, but back on that Sunday, so maybe we can plan to meet Monday with the Engineer and Chimso to set the stake? Let me know if that still works. Jon: hope you are recovering!

Thanks,

Rory

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

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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

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Exhibit 4

Gender	Percentage
Men	85%
Women	80%

Dear Jon and Pat,

Please see the attached letter from CRG Development, LLC.

Kindest Regards,

Rory

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

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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

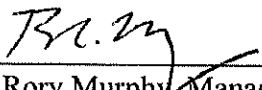
By: 
Rory Murphy, Manager

Exhibit 5

Category	Value
Category 1	10
Category 2	20
Category 3	5
Category 4	15

[illegible]

From: Rory Murphy [<mailto:paladinparkcity@aol.com>]
Sent: Thursday, December 07, 2017 5:52 PM
To: Jon Horwitz <Jon_Horwitz@putnam.com>; pdkravtin@comcast.net
Cc: chimso@be-wow.com; cw.heath.pc@gmail.com; hans@xmission.com
Subject: Fwd: Horwitz/Kravtin View

Hi Jon and Pat,

Thank you for your kind words regarding the presentation as well as Pat's speech during public comment. We very much appreciate your working with us and continuing to work with us on the various issues with the proposed project.

The standard for the single family lots in Park City is 10' in the HRI Zone as well as the RC Zone where the project is located. Where the conflict comes in is that an MPD (Master Planned Development), which this is, has a typical requirement of a 25' setback surrounding it. The exception would be from the MPD requirements, not the Zone requirements. This is because MPD's rarely involve single family homes, which are restricted to 27' above grade, as opposed to multi-family and commercial structures, which allow heights to go to 35' above the grade (and thus greater mass). Altering a MPD setback is permissible under the Code if it conforms to the underlying Zone, which this does. The lots were designed the way they were to match the lots found across the street and the approximately 95% of the lots in Old Town. 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 smaller, less-imposing structures across from those existing homes.

The 20' measurement comment you were referring to that Chimso mentioned comes from the requirement that every home provide room for two cars. With the length of a car requiring 20', the garage is set 10' back from the 10' setback, allowing for one car in the garage and one car on the driveway. The practical result is a 20' setback from the curb, while you only need 12-14' for a garage, the practical reality is that while there may be a small entryway adjacent to the garage (maximum 7' wide or so), most people simply chose to park there or put in some stairs (as you did with your house). This is true of virtually every house on Lowell. A quick look at google earth will show you what I am saying. The aforementioned reality of construction in the historic Zone would achieve the results you indicated below.

We discussed it at length and the conclusion was that pushing the houses further back up the hill to achieve the 25' setback would not only be inconsistent with the rest of the single family homes in the area, it would also force the building mass into a larger box to maximize the areas of their homes, which would likely be counter-productive to the visual massing effect you referred to in your email. Pushing the whole project up would also force the road and

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

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







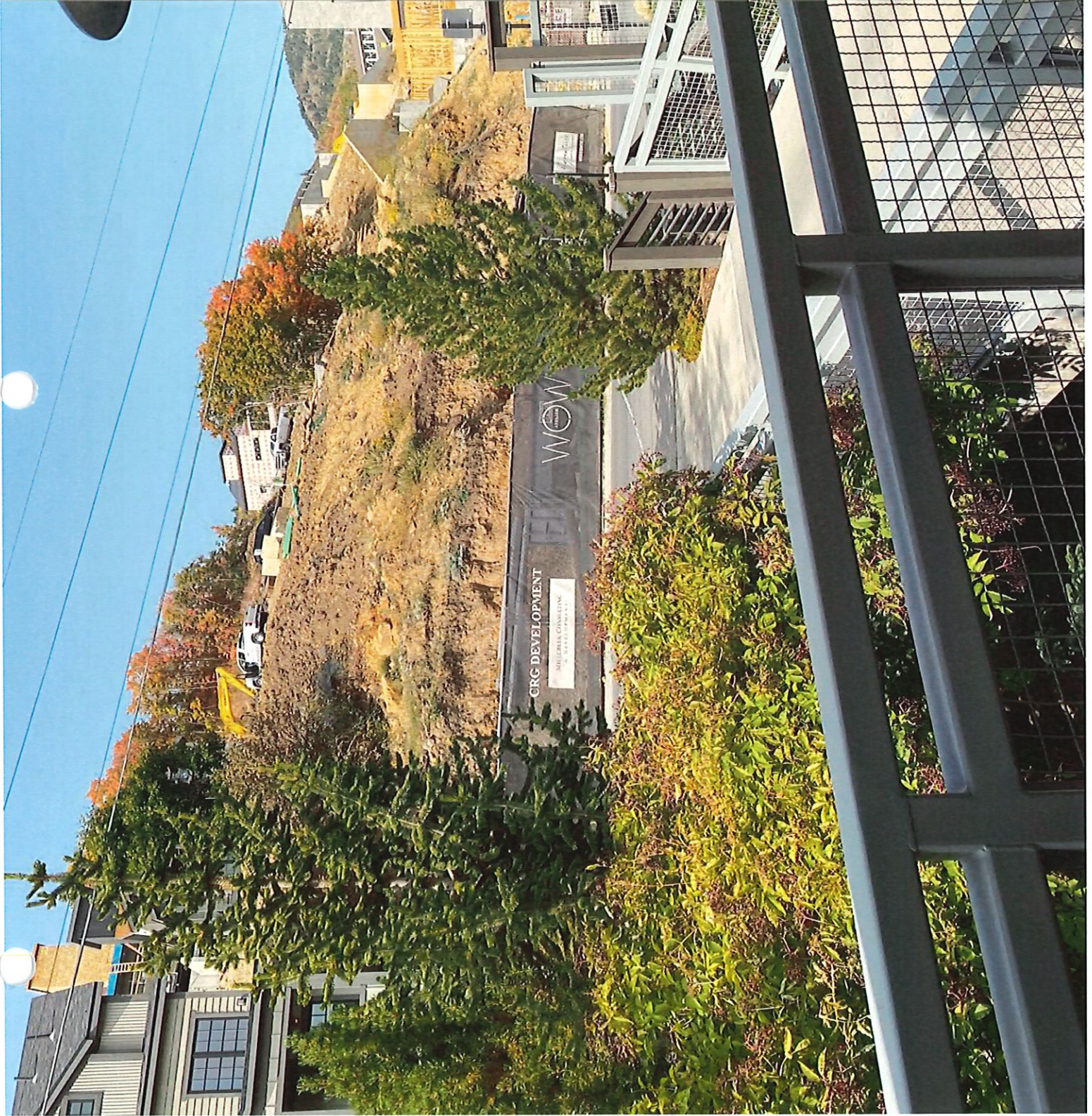


Exhibit 8

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)

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](tel:4356405068)

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>>>, <[\[wow.com\]\(mailto:wow.com\)<<mailto:chimso@be-wow.com>>>,](mailto:chimso@be-</p>
</div>
<div data-bbox=)

<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@mvwc.com<<mailto:mark.harney@mvwc.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>

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Exhibit 13

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Age Group	Percentage 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.

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.

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



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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	55%

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>

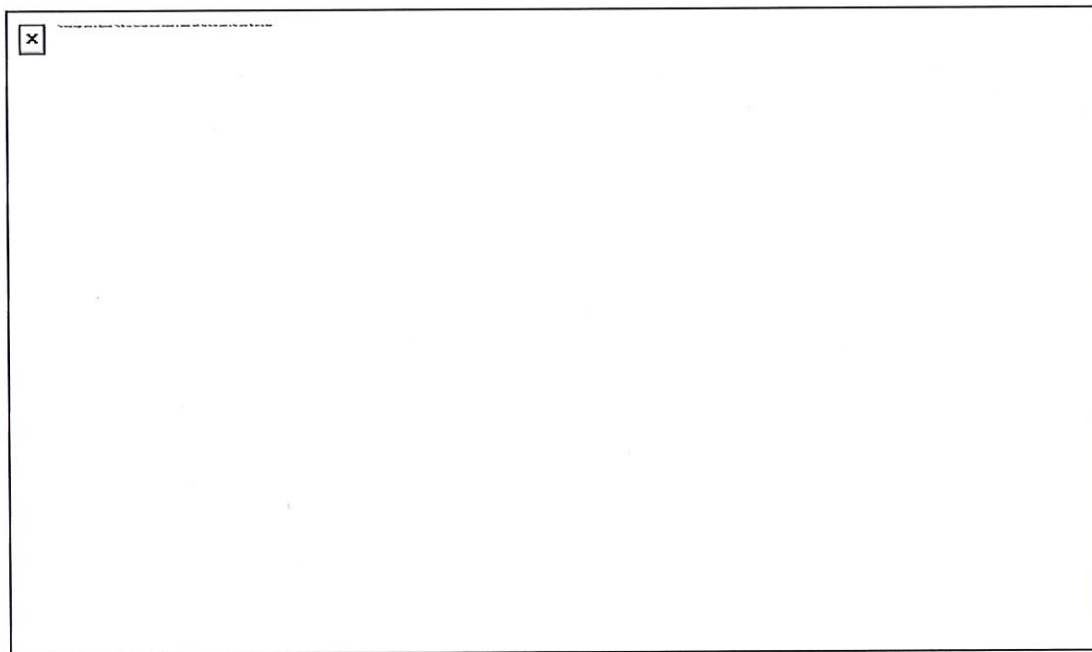
To: Rory Murphy <paladinparkcity@aol.com>

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



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Exhibit 15

Organization	Percentage of Respondents
Protestant	10%
Catholic	8%
Muslim	3%
Jewish	2%
Other	5%

Organization	Percentage of Respondents
American Legion	100%
Elks Lodge	90%
Veterans of Foreign Wars	60%
Moose Lodge	40%
United Way	30%

Age Group	Percentage
18-29	85%
30-49	83%
50-64	77%
65-74	70%
75+	63%

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

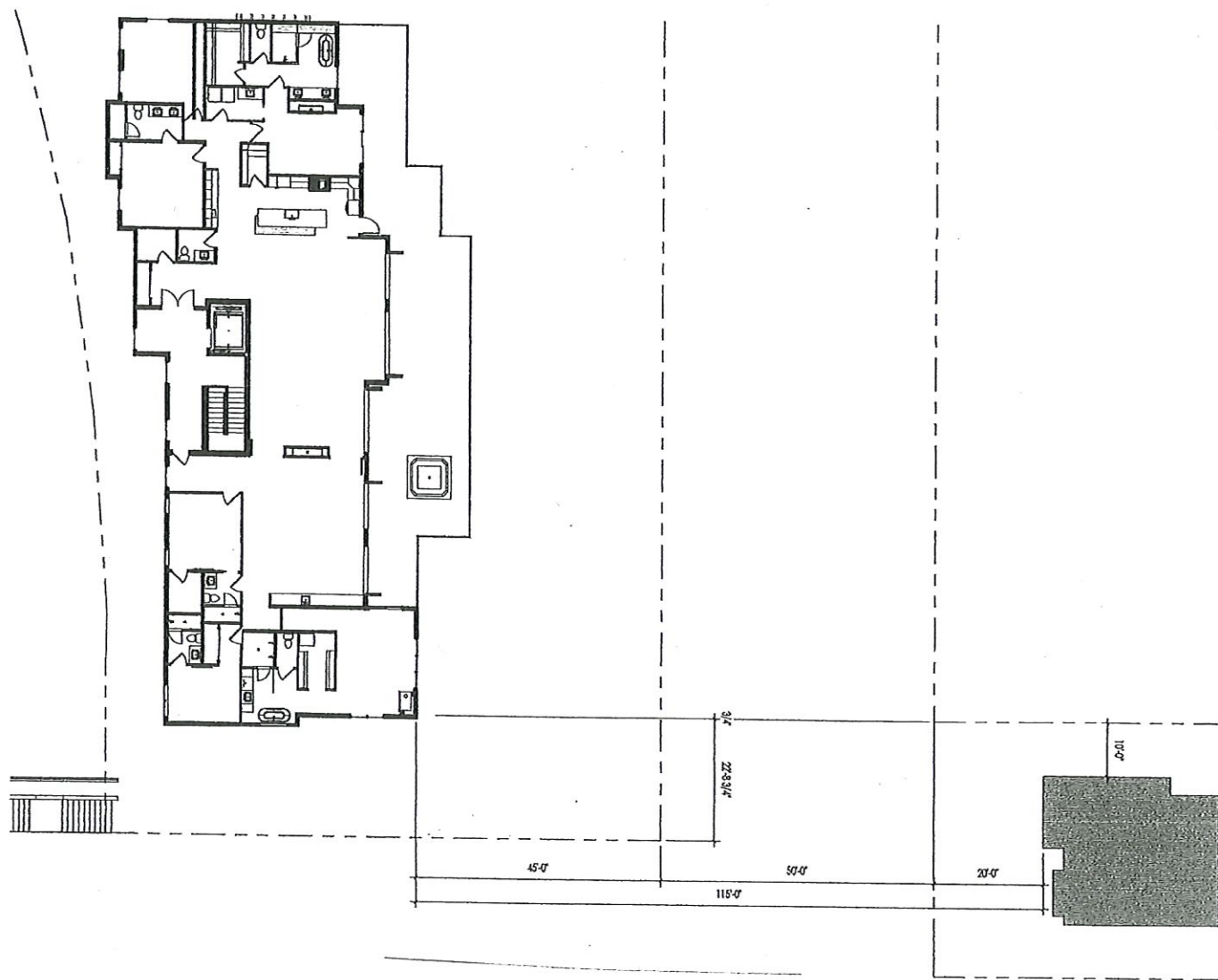
2590 Sidewinder Drive

Park City, UT 84060

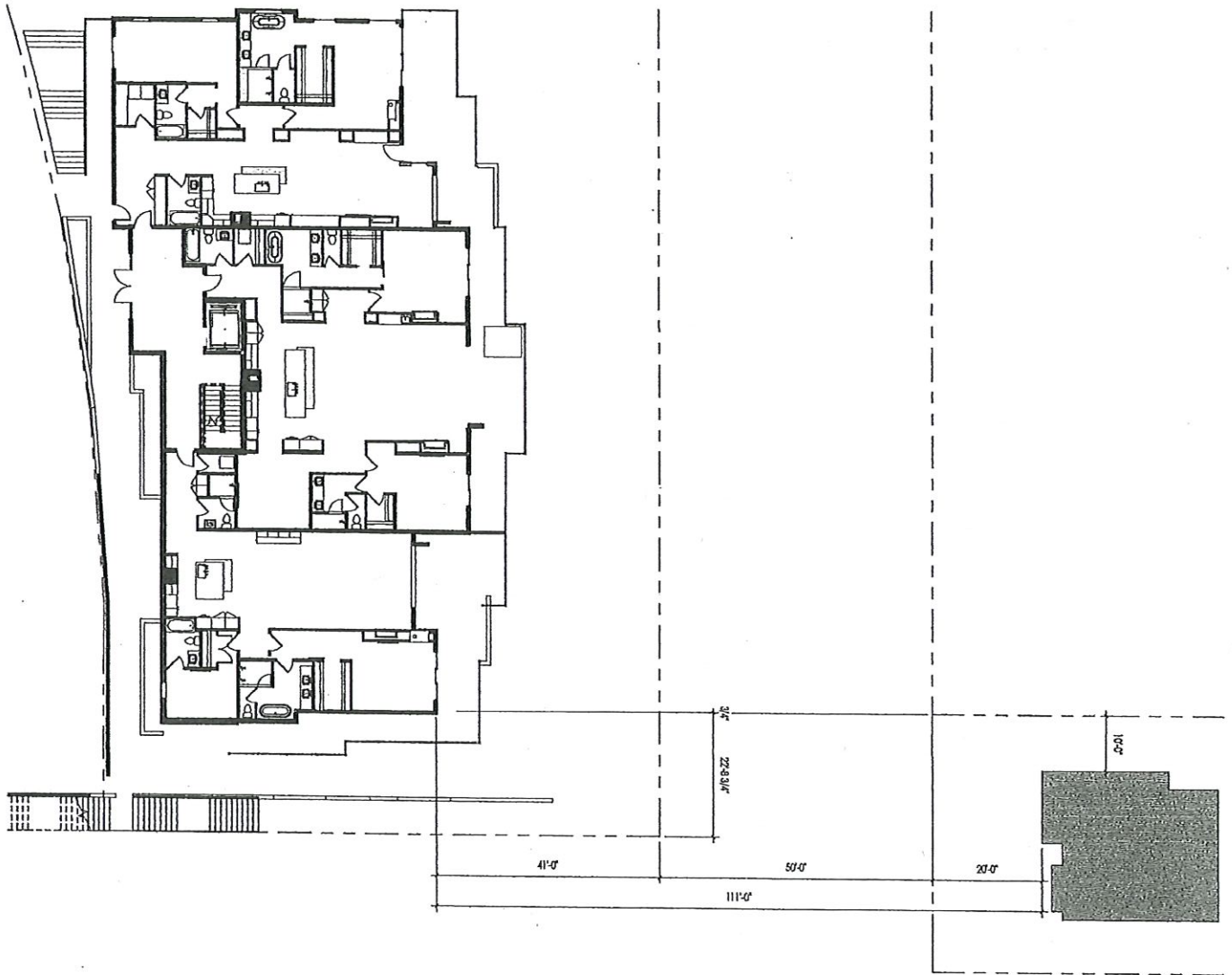
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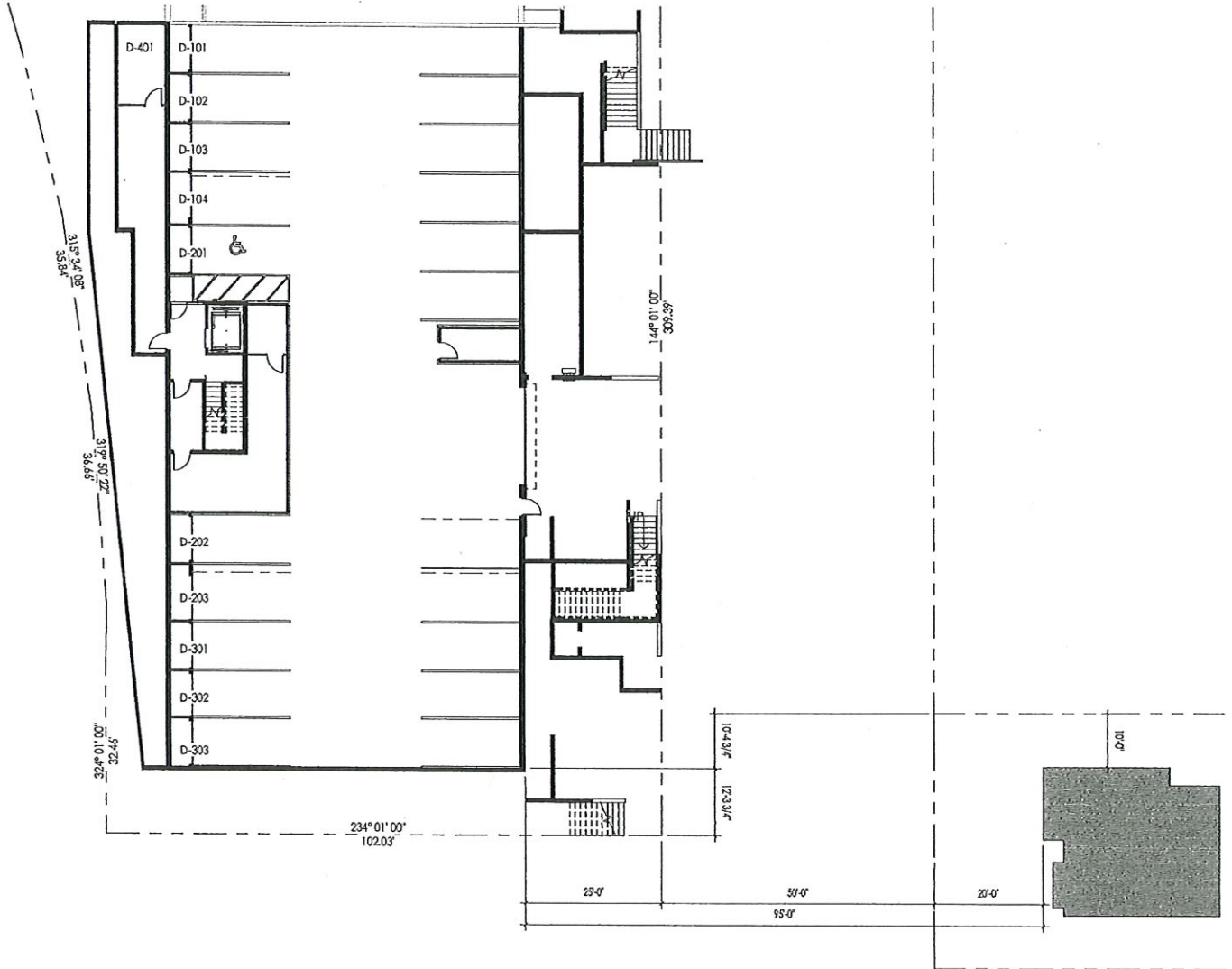
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FOURTH FLOOR



THIRD FLOOR



GARAGE

Exhibit 16

1

435 640 5068

2590 Sidewinder Drive

Park City, UT 84060

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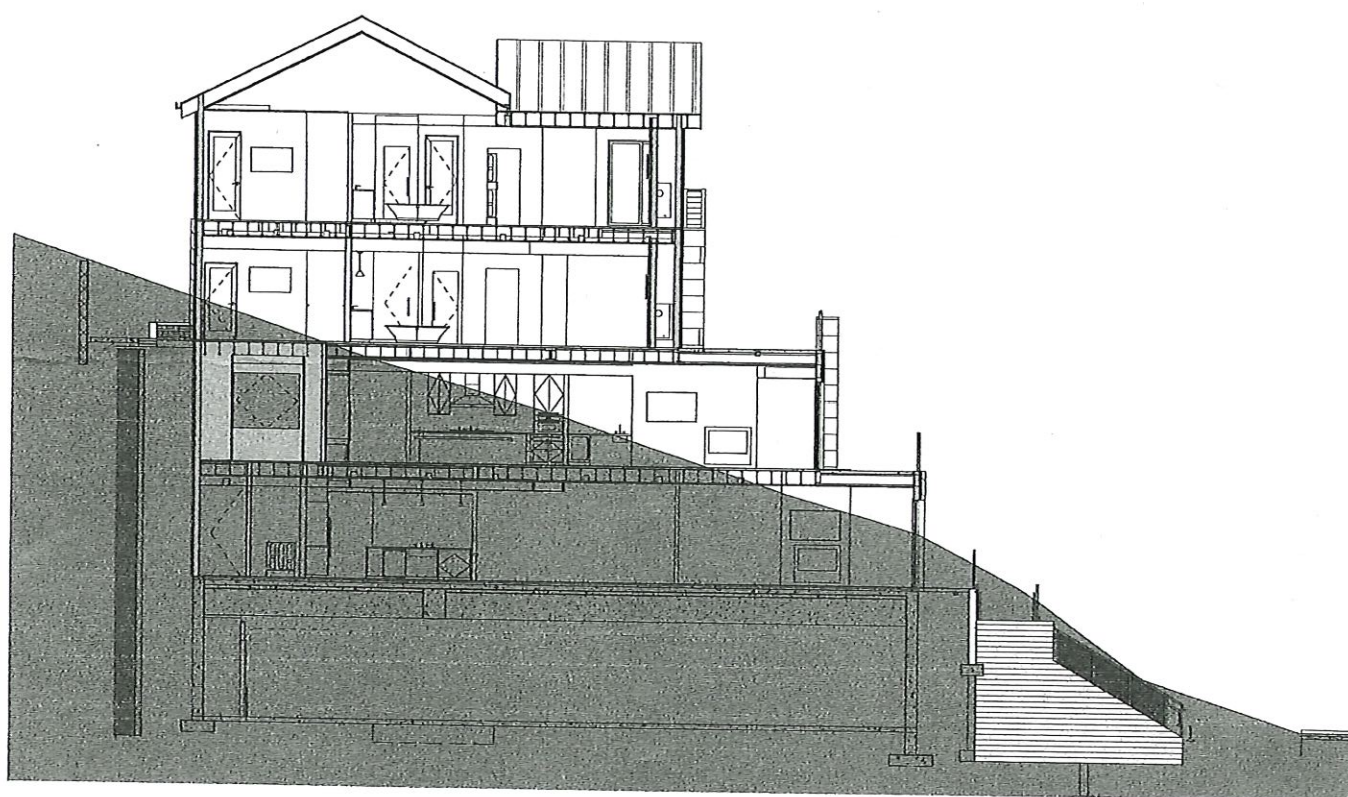


Exhibit 17

From: rory murphy [mailto:paladinparkcity@aol.com]
Sent: Wednesday, November 13, 2019 11:51 AM
To: pdkravtin@comcast.net; Jon Horwitz <Jon_Horwitz@putnam.com>
Subject: Re: Location of Building D

Hi Pat,

Please give Jon my best!

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 the peace of mind you are seeking. Relative to tonight, I will reiterate our position on this and further put this on the record. Sometimes I am asked not to speak in the interests of time, however, if the opportunity is there, I will state this again for the record.

Thanks,

Rory

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

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Exhibit 18

Question	Yes (%)
1. Do you have a job?	~10
2. Do you have a car?	~15
3. Do you have a house?	~5
4. Do you have a bank account?	~20
5. Do you have a credit card?	~10
6. Do you have a job?	100
7. Do you have a car?	~90
8. Do you have a house?	~60
9. Do you have a bank account?	~55
10. Do you have a credit card?	~10

Age Group	Percentage of Respondents
18-29	~75%
30-49	~85%
50-69	~80%
70+	~65%
Don't know	~10%

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

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Response	Percentage
Current administration	85%
Previous administration	15%

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

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August 5, 2020

VIA EMAIL

Jon Horwitz
Pat Kravtin

Re: King's Crown Condominiums

Dear Jon and Pat:

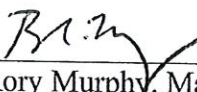
Thank you for your email message sent on July 31, 2020 in which you inquired if representatives of CRG Development, LLC ("CRG") are interested in scheduling a time to meet with you to resolve your concerns pertaining to the engineering, design and location of Building D and the Building D Parking Structure 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 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

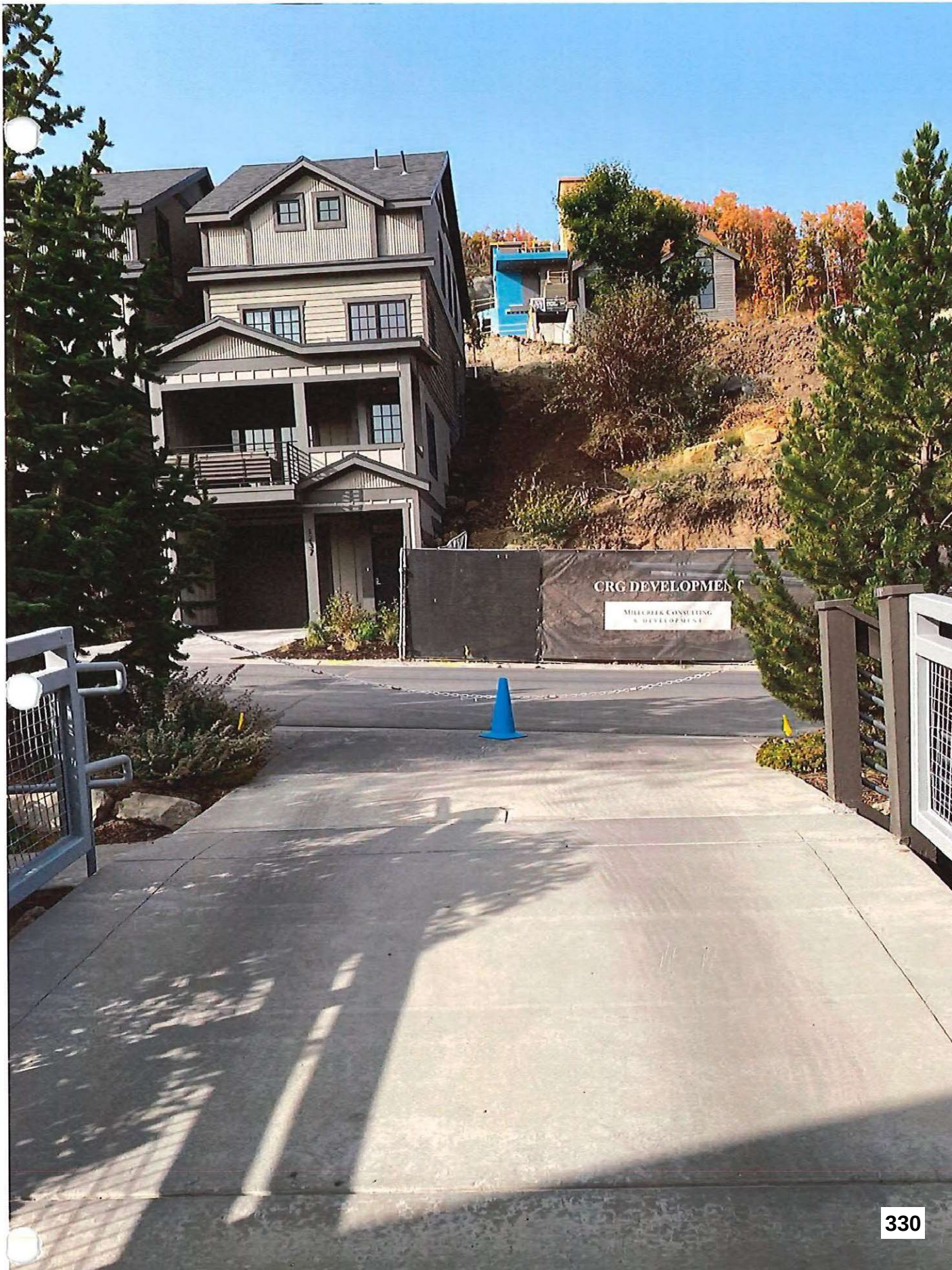
Attachment 2:

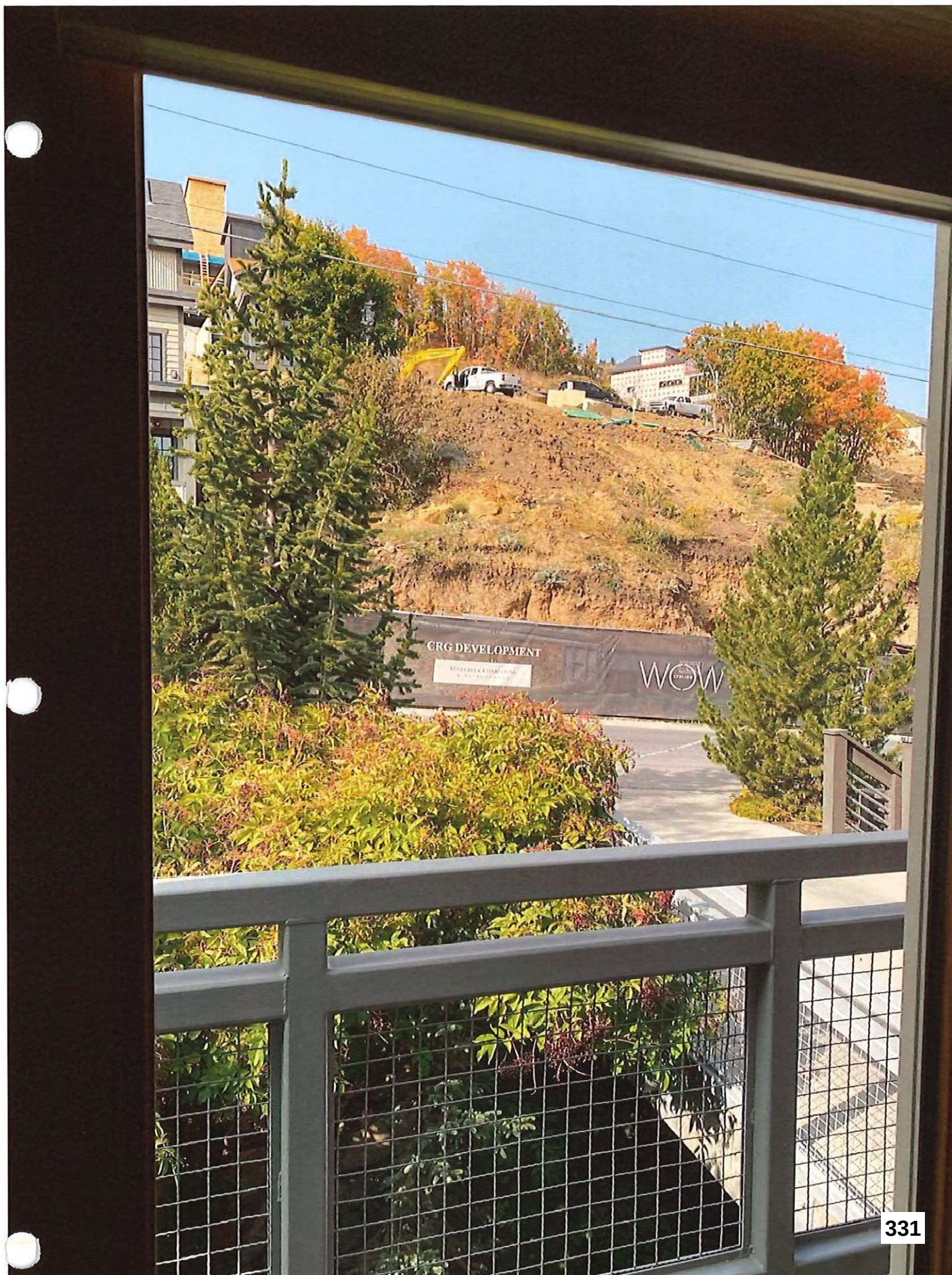
November 28, 2017 Email from Rory Murphy with Attached Site Drawing and Boundary Diagram

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

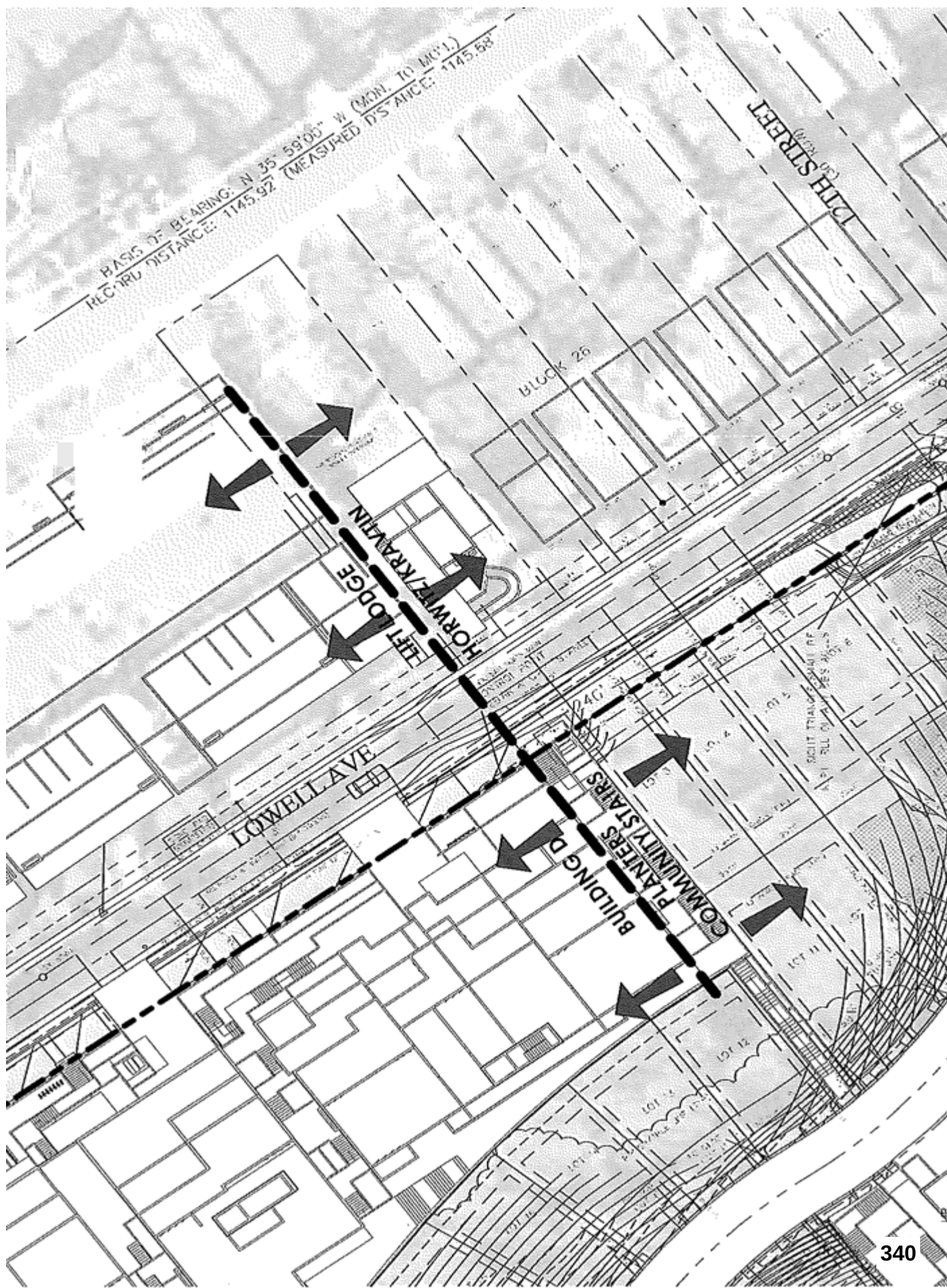
Subject: Horwitz/Kravtin View

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

Tuesday, 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

Friday, January 22, 2021, 5:24 PM

Dear Rebecca:

By way of introduction we live at 1243B Empire Ave. As abutters within 300 feet of Kings Crown, we received the notice dated January 13, 2021 concerning a new proposal regarding Building D. We wish to comment on the public record.

The lack of transparency regarding the approvals for Building D is troubling to us. As abutters, the notices we have received concerning Building D have been difficult to understand and have not made clear the differences between the current Proposal and the developer's prior representations regarding mitigation to the neighboring abutters, and also the fact that the developers more recently rescinded all prior approvals. The

lack of transparency 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 getting the proper review it deserves by the Commission.

In light of the Developer's rescinding of all prior City approvals specific to Building D, and 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, the current Building D Proposal must be evaluated as a "substantive modification to the MPD" and not as a "minor" modification, allowing thorough review and comment to assure no adverse impact to our neighbors.

Thank you for your consideration,
Greg and Rachel Ashley

Thursday, February 4, 2021, 3:45 PM

Ms. Ward,

I would like to be included in the planning commission's next virtual meeting regarding the ongoing status of the Kings Crown Development. I request visual, as well as audio, participation. I apologize for my inexperience with these virtual meetings but I am very thankful for the planning commissions help and for allowing me to address my concerns.

My major concerns are the expansion of Building D and the diminishing and narrowing of the public access stairway. As you can see, by the recently submitted 3D street view, it is impossible to visualize the stairway and the major problem regarding soil retention on such a steep hillside, with the removal of many beautiful and, I believe, necessary staggered planter boxes. The over use of fake landscape art is obscuring the actual architecture of the building and does not show the narrowing of the stairway and what it will look like with the removal of the planter boxes. My point is made by an evergreen plopped on the path in front of the stairway, in the submitted top view, and a tree growing out of the stairs in the lower right corner of the second view. I know the removal of the off-set stairs and the soil retaining planters is a cost cutting measure, however; it is also much less visually and aesthetically appealing and does keep faith with the original plan. I think it would be helpful to be provided with an accurate visual drawing of the space between Condo Building D and the uphill townhouse.

The submitted drawing, addressing items 1-7, is unfortunately vague and inconsistent with providing all of us with the information that is necessary to obtain honest and accurate information on Building D's boundaries. I have recently stated that there are many questions regarding the expansion of Building D in keeping with the "mirroring" of the neighbors that are, as of now, not addressed. I assume, at this point in construction, the developers know exactly what they want to do. Should they not be required to provide complete information so an informed decision can be made on this substantive modification request?

Sincerely,
Connee Rasmussen
1243 Empire Avenue
Park City, Utah

February 4, 2021

To: Rebecca Ward, Senior Planner

Re: Substantive Modification of Building D in Lot 2 of the King's Crown Subdivision

We are Patricia Kravtin and Jonathan Horwitz, residents of 1240 Lowell Avenue. We submit these written comments following the Commission's January 27, 2021 determination the proposed King's Crown Plat Amendment specific to Building D is a substantive modification to the MPD, and as such "creates additional impacts and may include a change to a Finding of Fact or Condition of Approval." (Jan 27, 2021, Staff Report at 61)

SUMMARY OF COMMENTS

We urge the Commission not to rush its deliberations on Building D, but to take the time necessary to fully consider and understand: (1) the very detrimental additional impacts that the proposed Plat Amendment will impose on the entire Lowell Avenue neighborhood but that fall disproportionately and singularly on us as the most directly impacted abutter, and (2) to make the appropriate and necessary changes (as proposed in Attachment A to our comment) to the relevant Findings of Fact and Condition of Approvals as required to mitigate the grossly non-conforming incompatible use, scale, mass, style, design and architectural detailing of Building D in juxtaposition to our home and other adjacent properties as demonstrated in the pictures and accompanying narrative presented in this submission.

Point One: There never was ambiguity in the promises and commitments of mitigation made by the Developer regarding the placement of Building D in relation to the southernmost boundary of Lift Lodge.

Point Two: The developer's current disavowal of prior representations and promises of mitigation made to us pursuant to the MPD and CUP process is in stark contrast with its early constructive outreach and understanding of the negative harms that its mass stacked condo Building D would impose on us, as well documented.

Point Three: The clearly articulated mitigation to align the southernmost boundary of Building D with the Lift Lodge is necessary, reasonable and commensurate with the non-compatibility of Building D and the singularly harmful impacts of that mass structure to us and our single- family home.

Point Four: Claims by the developer it has provided us adequate mitigation for the detrimental impacts of Building D on us and our home is simply not supported by the facts.

Conclusion: Neither the Commission nor we should be responsible for or bear the burden for the errors or lack of due diligence on the part of the developer and its architect. It is reasonable and in the public interest to hold the developer accountable for promised lawful mitigation to impacted abutters. That is all we have ever asked of the Commission is to hold this developer accountable and all we continue to respectfully ask for now.

In its submission dated January 10, 2021 and its oral presentation at the January 27, 2021 meeting, the developer CRG suggests it never intended to provide clarity in prior representations made to us, Commission Staff, and the Commission concerning the siting of the southernmost boundary of Building D, and that the discrepancies identified in the January 27, 2021 Staff Report boil down to what CRG repeatedly characterizes as one “ambiguous” Exhibit prepared by project architect Chimso Onweugbu and provided by CRG to us and to the Commission in its submission package (See Exhibit W of the Jan. 27, 2021 Staff Report).

Remarkably, given the documentation we have demonstrating otherwise, including an additional document provided to us that CRG displayed up on its screen during its oral presentation at the Jan. 27, 2021 meeting (*see Figure 1 below*), the architect now claims in an undated, unsigned letter attached to the developer’s January 20, 2021 submission that from his perspective, the exact line up of the Building D southernmost boundary to the Lift Lodge southernmost boundary, as shown in Exhibit W of the Jan. 27, 2021 Staff Report and as clearly demarcated by bolded arrows placed by the architect himself in the Figure 1 diagram below, was never intended to reflect an exact alignment, but rather should be considered only in the context of “talking in generalities.”

The architect’s recent claim that he was only “talking in generalities” defies credulity on several levels. Specifically, Mr. Onweugbu’s claim the diagram was never meant to be taken as a “literal representation” is directly contradicted by:

(1) The clear, unambiguous reiteration of the Building D’s alignment with Lift Lodge by Mr. Murphy on the public record of the Commission on November 29, 2017 as excerpted below with emphasis added (Mr. Murphy’s words were also cited in the Jan. 27, 2021 Staff Report at 56):

“Mr. Murphy stated that ... building [D] was moved 15 feet north from its original site to accommodate the Crafton Horowitz house [sic]. 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.”

(2) Confirming representations to both Planners Astorga and Ward regarding the alignment with the Lift Lodge as memorialized in written communications from Mr. Murphy to us (see Exhibit J to 1/27/21 Staff report, reproducing our 9/23/20 Exhibits No. 12 and No. 2);

(3) The narrative response from Mr. Murphy that accompanied CRG’s provision of Figure 1 below, *the very purpose of which as documented below was to remove any possible ambiguity of the Building D southernmost boundary*; (See excerpts of Mr. Murphy’s narrative response provided below, and the complete email provided in Attachment B to these comments);

(4) Chimso’s own acknowledgment in the unsigned letter, that when asked to confirm at a later date (actually there many such confirmations to us between November 2017 to November 2019) that the condominiums still aligned with Lift Lodge, “*we answered in the affirmative;*” and

(5) The focus on the Lift Lodge (also known as Sweetwater) as a key demarcation point of the boundary of Building D existed from the very onset of the project, as memorialized in an email from Mr. Murphy circulated February 12, 2017 summarizing notes from the Neighborhood Meeting of February 9, 2017.

What Chimso leaves out in his unsigned, undated letter presented for the first time as part of the developer's Jan. 10, 2021 submission, but to which our documentation attests, is these affirmations to us and the Commission about the alignment of the southernmost boundary of Building D with the Lift Lodge occurred repeatedly between 2017 and 2019, right up until the onsite meeting in early December. It was at that time that Rory and Chimso told us it was not necessary to have a surveyor meet us at the site as originally offered by Mr. Murphy; Rory and Chimso readily admitted to us there and then that they had messed up and the plat on file mistakenly placing the building too far to the north, by their own admission by about 10 feet or so (we believe closer to 11.5 feet). *To this day, we still don't know for sure how far their proposed siting extends past the Lift Lodge southernmost boundary based on the most recent submittal to the Commission.*

Neither Rory nor Chimso said anything then (at the December 2019 onsite meeting) or in the six months that followed, to remotely suggest what they are now saying, namely that Rory's repeated statements -- including those he made a point to us to put on your public record in the seminal 2017 public work session to "give us peace of mind" and also in his request to you "to use the public forum to address the issues raised by the neighbors so that their promises go on the record and the neighbors are assured for their sincerity regarding their concerns" -- were never intended to be taken as a literal representation; similarly, there was no such prior representation to us regarding Figure 1 (*again provided to us in the specific context of clarification and removing ambiguity*) or to our knowledge to Commission Staff regarding Exhibit W, that these architect prepared documents were never intended by the architect to be exact, accurate, or that we were mistaken in taking Chimso's diagram and other architectural drawings provided us to be anything but an accurate representation of the boundary and other mass softening architectural and landscaping elements. Why would we, given their preparation by a licensed professional architect and fully supported by repeated assurances from Rory in over three years of written and oral statements to us and the Commission where a laser focus has been on the relationship between the southernmost boundary of Building D and the Lift Lodge?

Prior to CRG's representation to you at the 1/27/21 meeting, we had never been told over the prior 3 and a half years not to take Mr. Murphy and the architect's words about the boundary of Building D as a "literal representation;" indeed the whole point of our repeated discussions and Mr. Murphy's documented affirmations in 2017 and 2018 was to establish a boundary in reference to the Lift Lodge. In December 2019, we heard none of the talk we are hearing now -- only that they had messed up, and Rory asked us to give him time to make it right.

As we have only been reasonable and cooperative despite our substantial detrimental impacts from CRG's project, we agreed to give Rory time to make it right but we did convey the issue we were having with CRG to the then new Planner Rebecca Ward. But little did we expect the turn of events that transpired between December 2019 - when CRG freely admitted to us that the plat

on file with the City was in error - and the present where CRG is asking you now to double down and approve their plat again despite their admitted error which precludes our rightful mitigation from the negative impacts of their incompatible structure. From Rory's assurances to us that CRG would make it right in December 2019, to CRG's complete and utter disavowal of all their past statements including ones on your record expressly intended to memorialize the exact alignment with Lift Lodge, peppered with a series of false characterizations of us as over demanding abutters impossible to satisfy.

CRG's characterizations of us are untrue and unfair given our ready willingness to accept a compromise offer of mitigation, brokered by Planner Astorga in 2017 which Francisco affirmed our resolution with the developer on the record at the January 2018 meeting. What that resolution was is well documented, i.e., to align the southernmost boundary of Building D with the Lift Lodge along with a beautiful double wide terraced and well landscaped public access stairway as a minimal buffer from the mass and negative externalities from Building D. As also well documented in the summaries of the Public Outreach meetings held in 2017 circulated by Mr. Murphy, we had initially advocated to the developer and Mr. Astorga for the boundary of D to be located much further to the north of Lift Lodge to provide more buffer to the quaint residential pattern of Lowell Avenue as we felt the MPD and CUP requirements and good planning would dictate given the degree of harmful impact from Building D's grossly incompatible mass, scale, design, detail and use from existing development patterns on Lowell Avenue as you move up Lowell up from Manor Way (*See Figures 5A-C below*).

But ironically so as to avoid an adversarial planning process or potential litigative outcome and as keen supporters of responsible development, we readily agreed to the compromise. We never felt entitled to the open space or expansive views we enjoyed for the first ten years in our home, but we also expected good planning to protect us from a grossly incompatible structure going in directly across from us, with such massing and harsh visual blockade from our major living areas. Ironical indeed that we are being portrayed now by CRG as difficult and stubborn neighbors, simply because we are asking the Commission to hold the developer accountable for promised and necessary mitigation to us and our neighboring abutters from CRG's decision to place *the least compatible structure* in terms of mass and scale closest to the small-scale pattern of development on Lowell south of Manor Way. As demonstrated below (*See Figures 5A-C*), the behemoth of Building D is going to dwarf our home, impose a harsh visual blockade, markedly diminish our natural light, reduce our privacy, create a source of toxic exhaust fumes, headlights, and overall reduce our quality of residential living, property value, and degrade our surrounding neighborhood by its inherent gross incompatibility with the adjacent and surrounding structures.

In the following key points, we address and respond in more detail to the numerous misrepresentations and mischaracterizations by CRG regarding their promised mitigation to us and why CRG must be held accountable for the specific promises and representations made to us and to our surrounding neighbors in the form of our proposed changes to the Findings of Fact and Conditions of Approval in order to comply with the MPD and CUP requirements if they are to have any meaning. (See Attachment B for our proposed changes) As documented below, the so-called mitigation the developer claims to have provided us are either not true or do not

represent actual or meaningful sources of mitigation for the specific and costly harm to ourselves, our property, and surrounding neighborhood of the grossly incompatible Building D in its current proposed placement.

Point One: There never was ambiguity in the promises and commitments of mitigation made by the Developer regarding the placement of Building D in relation to the southernmost boundary of Lift Lodge.

There is no ambiguity in what the developer originally promised and committed to as mitigation regarding the alignment of the southernmost boundary of Building D; only now an admitted error or inexactness by the architect that he and the developer must own and bear the burden of, especially given the time both had to address and correct the problem.

While the question of Building D placement may have been ambiguous in early to mid-2017, that was well clarified by Mr. Murphy on the record in November 2017 and in documented correspondence we submitted in prior comments. The fact that the various plat drawings submitted by the developer did not conform to those multiple commitments from Mr. Murphy was not a matter of ambiguity, it was plain and simply admitted to us in December 2019 to be a mistake by the architect. *Regardless, whether it was an unintentional error, an oversight, or the lack of good faith to honor CRG's promised mitigation to us and surrounding neighbors, it is not a basis for the Commission to now relieve CRG of its agreed upon mitigation to us and surrounding neighbors, and in doing so, to take away from us any meaningful mitigation of the harms we are poised to incur in the absence of CRG's specific mitigation promises.*

The following exchange of e-mail correspondence, first from Patricia Kravtin and Jon Horwitz to Rory Murphy and Chimso Onwuegbu on 11/26/17 (IN BLACK, with yellow highlighting added for emphasis), and then the response from Mr. Murphy (IN RED), including the developers own drawing from Rory Murphy with Chimso Onwuegbu, Chuck Heath and Hans Fugi being CC'ed on 11/28/17 serves as undeniable documentation that Mr. Murphy and the development team fully understood the commitment they had made with regard to the placement of Building D relative to lining up with the southernmost edge of Lift Lodge. (See Attachment B for the entirety of this key email communication)

Patricia Kravtin (Point of Clarification #2): "We would like to clarify 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".

Rory Murphy (Reply #2): "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".

Patricia Kravtin (Point of Clarification #3): "We would like to clarify, 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.

Rory Murphy (Reply #3): "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.

Following is the "attached drawing" Mr. Murphy refers to above in responding to our question specifically asking him to clarify the boundary "for us and the Commission" so as "remove this ambiguity" as may have existed before the Commission's November 14, 2017 public work session. The drawing confirms Mr. Murphy's narrative and agreement to clarify on your record, that "the south wall of Building D lines up with the southernmost edge of the Lift Lodge."

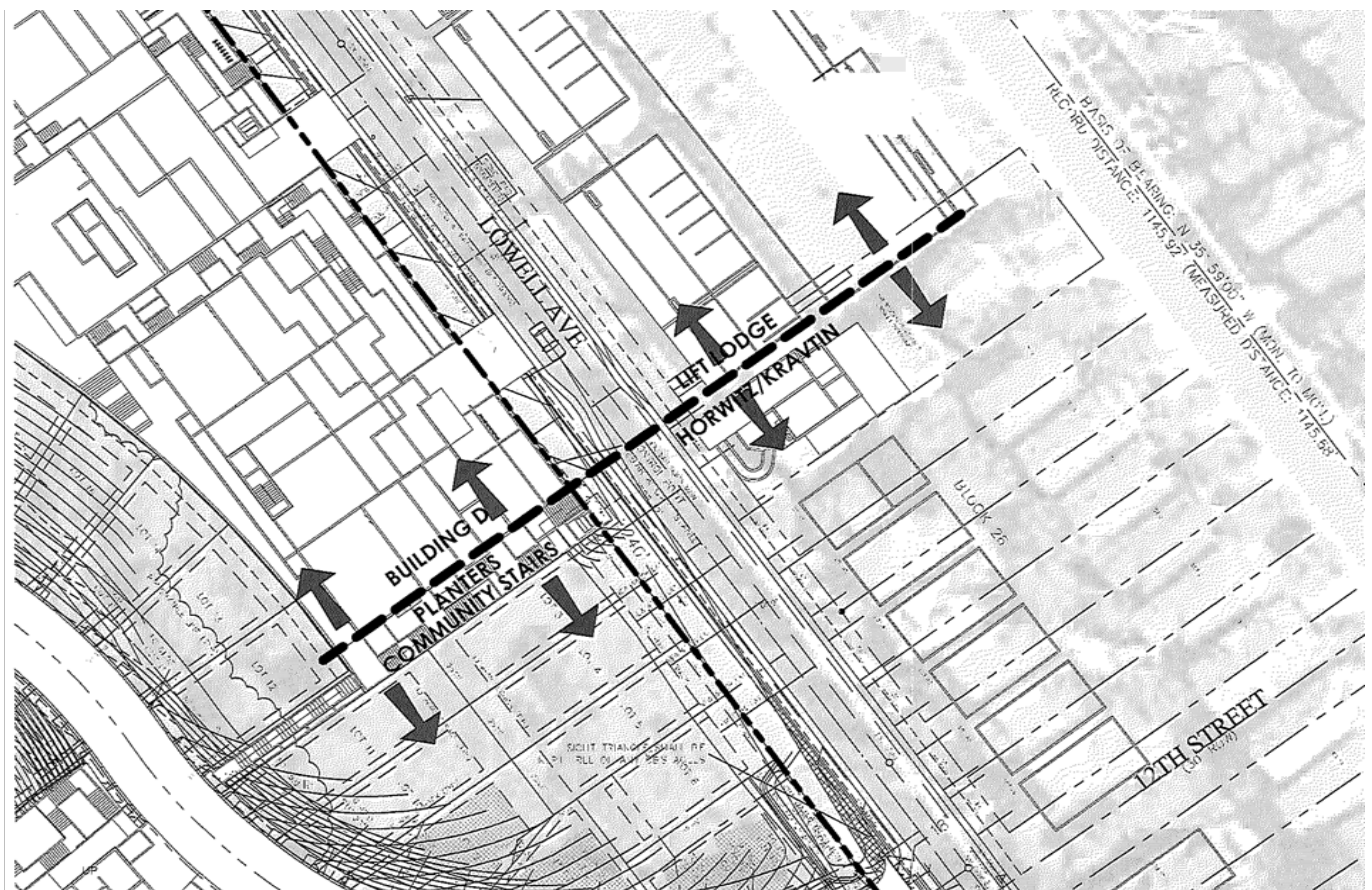


FIGURE 1

Point Two: The developer's current disavowal of prior representations and promises of mitigation made to us pursuant to the MPD and CUP process is in stark contrast with its early constructive outreach and understanding of the negative harms that its mass stacked condo Building D would impose on us, as well documented.

The developer at the onset of the project showed a good faith effort to provide necessary lawful mitigation to the neighborhood as evidenced by the drawings and narrative language accompanying those drawings provided us in November 2017 showing very specific mitigation of the incompatible massing of Building D; only now that its MPD project is well underway, we have a developer attempting to disavow its promised and necessary mitigation seemingly on the grounds it never really meant its written and oral words and licensed architect drawings be taken "as a literal representation of alignment with the Lift Lodge."

In addition to the overlay drawing above, the 11/26/17 correspondence from Mr. Murphy also included the attached drawing from the architect, shown below. CRG's commitment on the placement of Building D and the rendering in *Figure 2* below showing a heavily terraced Building D and double-width terraced beautifully landscaped public access stairwell gave additional assurances that the developer and architect had considered mitigation and were understanding of the need to be sensitive to the neighborhood given the overwhelming mass of the development the developer was proposing as part of its ability to gain a swift and abutter-uncontested approval of the MPD by the Commission - especially given the climate created by Treasure, and what we now see on the horizon with the PCMR lot project.



FIGURE 2

Sadly, that sense of responsibility to mitigate the negative impacts of the massing and other incompatibilities of Building D on the immediate surrounding neighborhood as demonstrated in the drawings provided us in 2017 and that secured our approval of their project, despite the

disproportionate impact on our home and us personally appears to have evaporated in the ensuing years between the original grant of their MPD approval and the imminent construction of Building D. *The plat they are seeking your recommendation of approval contains no meaningful mitigation of the very negative impacts of their incompatible mass stacked condominium Building D*; indeed, it does not even contain any of the later somewhat improved redesigns CRG notes in its submission it presented us after it acknowledged its plat error – but that still fell well short of its promised mitigation reiterated on your public record.

While CRG claims it offered three redesigns, the first of the three was never presented to us because Mr. Murphy himself declared “I have had Chimso working on it, but his first effort wasn’t to my expectations. I want you to know emphatically we will not submit anything to the Commission without your blessing.” (See Staff Report, Exhibit J, reproducing Exhibit 3 of our September 23, 2020 Comment). The second offered up to us we understood from the architect was very close to the first redesign that did not meet even Mr. Murphy’s expectations. The third redesign, while still falling well short of what Mr. Murphy had agreed upon regarding the Building boundary the past three years, at least made an effort to align some portion of the building with the Lift Lodge, although that alignment traded off indoor square footage with private outdoor square footage, raising other mitigation concerns for which we expressed our need for additional clarity and information to be able to meaningfully evaluate our impacts of the redesign vis-à-vis what we had agreed upon under the auspices of Planner Astorga. Unfortunately, it was shortly thereafter the developer unilaterally cut off all communications with us. (The drawings we believe reflect the third redesign were provided to us in a GRAMA request are attached as Attachment C to these comments).

That their narrative portrays us as the unreasonable party for expecting them to honor words clearly and unambiguously spoken on your public record regarding the boundary is like shaming the victim. Whatever costs they purport to have incurred to “accommodate” us could easily have been avoided by their earlier due diligence in confirming (as we requested of him on many occasions) their plat adhered to words Mr. Murphy unambiguously stated, indeed “reiterated” on your public record in November 2017, regarding the alignment with Lift Lodge and as confirmed with Planner Ward as recently as November 2019.

Point Three: The clearly articulated mitigation to align the southernmost boundary of Building D with the Lift Lodge is necessary, reasonable and commensurate with the non-compatibility of Building D and the singularly harmful impacts of that mass structure to us and our single- family home.

The mitigation to align the southernmost boundary of Building D with the Lift Lodge was brokered by Lead Planner Astorga at the earliest stages of the project in 2017. Both we and Mr. Murphy readily accepted the brokered mitigation in a congenial fashion. Neither we nor Mr. Murphy ever expressed any dissatisfaction with the statement of the boundary in relation to Lift Lodge. Mr. Murphy reiterated CRG’s acceptance of the boundary in relation to Lift Lodge to us and to you on your public record.

For the reasons we elaborate on below, the alignment of the southernmost boundary of Building D with the Lift Lodge is necessary and reasonable mitigation pursuant to the MPD and CUP requirements of the City commensurate with the non-compatibility of Building D and the singularly harmful impacts of that mass structure to us and our single- family home. These

include diminution of our enjoyment of our home and our property value and the degradation of our surrounding neighborhood vis-à-vis the preexisting pattern of development on Lowell Avenue and our reasonable expectation of a conforming compatible structure opposite adjacent our home pursuant the MPD findings of fact and conditions of approval in the absence of the promised mitigation.

The picture shown on the following page captures the view of Kings Crown homes looking south up Lowell Ave. *(See Figure 3 below)*. Contrast this pleasant compatible streetscape, mass, use, design, and architecture with the views to the north *(see Figure 4 below)* where the CRG mass stacked condos are going in. Note above the attractive single-family homes and view of treetops. We believe Building D will be a full story taller than these four-story homes and that is why mitigation in the form of placing Building D no further up Lowell Ave than Lift Lodge was such an important part of the agreed upon mitigation in order to soften the visual blockade from our major sleeping and living quarters.

In contrasting view to our north looking toward CRG's Kings Crown mass stacked condos, the view to our south shows the pleasant conforming structures of the single-family lots (not built by CRG). *This view of conforming single-family homes shown in Figure 3 is a mirroring of our home consistent with the MPD and CUP findings of fact and conditions of approval. By no stretch of the imagination or reality could Building D be found to be a mirroring image of our home compliant with the MPD and CUP findings of fact and conditions of approval, or even a mirroring of the low-profile style and design of Lift Lodge from the Lowell Avenue streetscape.*



FIGURE 3

As shown in the photo on the following page (*see Figure 4*) taken from our master bedroom you can see the last of the Kings Crown single family homes on the left and Building C on the right. Building D will completely fill the space in between and will be considerably taller than the single-family home on the left, and Building C on the right because we believe it will be a full story taller than both the single-family home on the left and Building C. Because of this, from the onset in 2017 we were very focused on the placement of Building D. Originally the request submitted and summarized as “community input” was to have Building D well north of Lift Lodge. In our meeting with City Planner Francisco Astorga, he offered a compromise he believed he could get the developer to agree of having the southernmost edge of Building D line up with the Southernmost edge of Lift Lodge.

While this was not ideal, we are pro responsible development, and so we felt we could live with the small buffer zone between our home and the giant mass of building D, softened by the promised double width terraced and well landscaped public access stairway and we agreed with the proposal in the spirit of good citizenship. As Mr. Astorga opined, Mr. Murphy also agreed to the proposal, CRG sent drawings to Francisco, he sent drawings to us, and Rory further agreed to us that he would state it on the record of the Planning Commission for clarity and for our peace of mind. There was absolutely no ambiguity following the developer’s initial agreement with the

brokered agreement. This suggestion of ambiguity has only newly surfaced as a strategy to extricate itself from promises made on the record the developer no longer finds it convenient to adhere.

We believe the truth is that the developer made an early unfortunate mistake in failing to check the engineering drawings they submitted to conform with Mr. Murphy's statements and now don't want to own up and bear the costs of their mistake or oversight. This is unfortunate because there were so many opportunities the due diligence could have been performed to avoid this situation. On many occasions we pointed out to Mr. Murphy questions about the placement of Building D as other aspects of the MPD were going into the ground around the Building D site, but on each occasion, he confirmed that Building D and Lift Lodge lined up, each time noting his reach out to Chimso for confirmation. For whatever reason, Mr. Murphy, and the architect failed to do the real due diligence to confirm what they were literally saying to us and to you since 2017 as actually being "true." It was not until December 2019 when we met Mr. Murphy, the architect, and a member of CRG at the site that Mr. Murphy admitted they had messed up. We as severely impacted neighbors who worked closely with the city and the developer on this issue over multiple years should not be the ones to bear the impact of the developer's error and lack of attention to detail.



FIGURE 4

These next set of pictures on the following page (*Figures 5A – 5C*) show our home in brown siding and gray metal. The first panoramic picture shows the relatively low impact of the homes and Lift Lodge on the other side of the street from the Kings Crown development. It demonstrates that the mass of Building D is incompatible with the neighborhood. The second and third pictures show our side stairway which is included in our ten-foot setback. Lift Lodge is

a clear delineation of the residential neighborhood, and why it was agreed to as a mitigation proxy.



FIGURE 5A, 5B, 5C



FIGURE 6

Figure 6 above provides a view of the small-scale residential pattern of development to the south of our home, once again demonstrating the gross incompatibility of Building D relative to our pre-existing surrounding structures both to our north and our south.

Point Four: Claims by the developer it has provided us adequate mitigation for the detrimental impacts of Building D on us and our home is simply not supported by the facts.

The various items of mitigation listed in their January 10, 2021 comment either is not true in the first instance (and we have documentation to prove it), is not meaningful mitigation to the harmful impacts we are poised to suffer from the imposing mass of Building D in our direct line of sight, and/or in no way could be reasonably taken to provide offsetting mitigation in lieu of the promised alignment of the southernmost boundary to align with Lift Lodge and other mass-softening features represented in the architect's drawing above.

False claim of mitigation regarding preserving our Iron Mountain View. We have already lost our view of Iron Mountain from the other buildings of the MPD to our north. CRG claims to have redesigned the southern roof of Building D preserve the view of Iron Mountain from our master bedroom window. Truth is we have already lost our view of Iron Mountain from Building C:

On the following page (*see Figure 7*) is a four-part picture collage showing the view from our master bedroom looking down Lowell Ave: The pictorial collage shows the progression of Building C as it removes any view of Iron Mountain from our bedroom, contrary to CRG's claim that they preserved the view. When Building D goes in, we will be further blockaded by mass. The view of the hillside remaining will be obliterated by Building D.

False claim of mitigation regarding the public access stairway given CRG's current proposal.

The placement of the stairway more has to do with the location of their amenity building than to our mitigation. We would have preferred the placement of a single-family house across from us as the mirroring condition would warrant. We stand to lose significant privacy and also have the public try to use our private stairwell as a continuation. Most importantly, the promised mitigation of the public stairway was conditioned on the double width beautiful terraced landscape design that CRG's current submission fails to honor. The proposed downgrade of the stairway is a significant issue for us and other immediate neighbors in addition to the boundary, and odd that Mr. Murphy would highlight it given the downgrade.



FIGURE 7

False claim of mitigation with a “tree.” Mr. Murphy claims to have planted to screen our view from D was in reality a small 2 ½ foot bush that had nothing to do with the side of our property facing Building D. The small bush in question was planted on the south side of our property as shown in the picture below (*See Figure 8*), behind existing evergreen trees. It was purely ornamental and provided no screening from Building D or construction vehicles. We never asked Mr. Murphy to plant or pay for the bush; we were informed one day by our gardener that Mr. Murphy had approached him about paying for a planting. Ironically, the bush died, and we paid for its replacement.



FIGURE 8

False claim of mitigation with the driveway. While they may have moved the driveway 40 feet to keep headlights from glaring into our window, they will not be providing the agreed upon minimal mitigation if they building itself has shifted well south of its agreed upon alignment with Lift Lodge. Our home is singularly impacted by the multi-unit driveway. And unlike Lift Lodge occupants, we are full-time residents and so will bear the burden of the negative externality of the headlight invasion into our sleeping space on a permanent basis.

False claims of mitigation with engineering work. Our documentation will show all we requested was the reference for an engineer we could hire to ensure the structural integrity of our driveway particularly with concerns about the trucks that could be trying to turn around in during construction. And we offered to pay for the service rendered. While Mr. Murphy was gracious not to accept our offer to pay for the service, he never indicated in the case of the engineering work that what he presented as neighborly gestures given the severe inconveniences his project was causing us was being provided in lieu of our agreed upon mitigation. Had he done so, we would have respectfully declined this gesture.

False claims of mitigation concerning shutting down entire job for a day and half during our daughter's [sic] wedding. Our documentation shows all we asked was for him to have his crews perform routine water cleansing of the mud and dirt debris from their construction in front of our house which we understand to be in compliance with city requirements in the first instance and which Mr. Murphy insisted we contact him regarding these kinds of issues as they arose in lieu of contacting the city. We also inquired whether some existing tree screening we knew ultimately would be pulled out was scheduled for that week in the hope it would not. We never specifically asked the developer for a total shut-down during the period of our son's wedding. To suggest it was a special favor to keep our road and entrance to our driveway free of their construction mud and debris, which has plagued all our neighbors over the past three years we have been living with the MPD constructions, is disingenuous if not insulting. Ironically, the main purpose of our outreach to Mr. Murphy that week, and why he knew of our son's wedding in the first instance, was to ask the nature of the matters before the Commission at that week's meeting; given our occupation with the wedding, we did not feel our participation at the meeting was necessary if items pertinent to Building D were not on the agenda, as Mr. Murphy had indicated to us in an email response to our inquiry sent prior to the May 2019 meeting. In retrospect, had we known then what we learned the following December that CRG's plat did not correctly reflect the boundary agreement then we would have made it a priority to attend, wedding week notwithstanding.

CONCLUSION AND REQUEST FOR ACTION

Hopefully the pictures and associated narratives we have provided in these comments better clarify for the Commission the extent of the burden of negative externalities we are singularly and disproportionately being asked to bear as a result of CRG's decision to build a fourth mass stacked condo building (indeed *the largest* of the four stacked condo style building) across from our single family home versus the compatible single family dwellings to our south or even a low profile multi-unit dwellings like the Lift Lodge (see Figures 5A,5B, and 5C). And hopefully you can better understand why we have participated so actively in the MPD and CUP process from the very onset.

The developer has sought to unfairly characterize us as overly aggressive, unreasonable, troublesome neighbors. This feels like shaming and blaming of the victim, and we ask the Commission to see through these false representations of us and our rightful expectations that the Commission would hold the developer to its words and to its promises made on your record regarding necessary and lawful mitigation to us pursuant to the MPD and CUP requirements – conditions which permitted your swift approval of their MPD in 2017, with no real abutter opposition --- most importantly none coming from us based on Mr. Murphy's clear representations of CRG's mitigation of our negative impacts by alignment of the southernmost boundary of Building D with the Lift Lodge.

That they not only have decided not to honor their clearly stated and well documented commitments of mitigation to us, that we had every right to accept as literal and exact, and in exchange for our on the record support and lack of opposition to their project between 2017 and 2019 – right up until they admitted their plat error and Mr. Murphy signaled push back from the investors to honor past representations to us as recorded on your record. The situation deteriorated further when they unilaterally walked away from the table after we expressed willingness – against our own interests – to sit down with them to try and explore other means of mitigation they could provide that would be less costly to them than what they promised us and reiterated on your record.

On top of all the angst they have caused us, the expenditure of countless hours of our time, and substantial outlay of our resources for professional advice we have had to incur over the past year from their actions and failure to live up to their on-record commitments to us, they have sought to portray us as the unreasonable party. And instead coming before you in earnest and in good faith to own up to their plat error, they are doubling down to have you approve the same plat that has now been shown not to comply with the agreed upon, minimum level of mitigation given the harmful impacts we are facing from Building D, given we are a single-family home and by all accounts should be opposite adjacent a single-family home or town home style structure, not a noncompatible behemoth of a mass stacked condo building.

Moreover, the plat they are asking you to recommend for approval still leaves so many unanswered questions that impact our home and our surrounding neighborhood including not only the precise boundary of the southernmost edge of Building D, but the design and landscape plan for the public access stairway (which appears to inexplicably dead end into trees at the

bottom of Lowell) and other design features of the building, the garage and the surrounds that have significant impact on our mitigation and that of our neighbors.

In conclusion, we respectfully ask the Commission not to rush through the requested approval of a plat with remaining unresolved issues of mitigation. Please take the time necessary to fully consider and understand: (1) the very detrimental additional impacts that the proposed Plat Amendment will impose on the entire Lowell Avenue neighborhood but that fall disproportionately and singularly on us as the most directly impacted abutters, and (2) to make the appropriate and necessary changes (as proposed in Attachment A to our comment) to the relevant Findings of Fact and Condition of Approvals as required to mitigate the grossly non-conforming incompatible use, scale, mass, style, design and architectural detailing of Building D in juxtaposition to our home and other adjacent properties as demonstrated in the pictures and accompanying narrative presented in this submission.

Neither the Commission nor we should be responsible for or bear the burden for the errors or lack of due diligence on the part of the developer and its architect. It is reasonable and in the public interest to hold the developer accountable for promised lawful mitigation to impacted abutters. That is all we have ever asked of the Commission is to hold this developer accountable and all we continue to respectfully ask for now.

Submitted by: Patricia D. Kravtin and Jonathan Horwitz, 1240 Lowell Avenue

Attachment A – Proposed Changes to MPD and CUP Findings of Fact and Condition of Approvals

Attachment B – Email Communications dated November 28, 2017 between Rory Murphy and Patricia Kravtin and Jonathan Horwitz, cc'ed to Architect and CRG Partners

Attachment C – Redesign of Building D Prepared by CRG June 2020

PROPOSED ADDITIONAL FINDINGS OF FACT AND CONCLUSIONS OF LAW

Findings of Fact

1. CRG made written and visual (in the form of architectural drawings) assurances to neighbors, including adjacent neighbors at 1240 Lowell Avenue, that the southernmost wall of Building D shall align with the southernmost wall of the Lift Lodge.
2. CRG made affirmative representations in public meetings that the southernmost wall of Building D shall align with the southernmost wall of the Lift Lodge.
3. CRG made written and visual representations to neighbors and the City regarding mitigation of Building D's impact on the neighborhood and adjacent neighbors, including placement of a terraced and landscaped double-wide staircase, various terraces and other features that would break up and mitigate significant massing and scale of Building D.
4. The City and neighbors relied upon CRG's representations regarding the placement of Building D and additional mitigation that would be included in the architectural design of Building D.
5. Certain neighbors, including adjacent neighbors at 1240 Lowell Avenue, agreed to a compromise plan and withdrew other objections that they had, in reliance on CRG's representations regarding the placement and design of Building D.
6. The plat submitted by CRG to the City relating to dimensions and placement of Building D on the property has been withdrawn by CRG. A new plat that reflects CRG's prior representations and promises to the City and neighbors regarding the placement of Building D will need to be submitted and approved by the City prior to any construction.

Conditions of Approval

1. CRG must create and submit for approval a final plat for Building D, which shall reflect and confirm that the southernmost wall of Building D shall align with the southernmost wall of the Lift Lodge.
2. The final architectural design of Building D, and related double width stairways, will be terraced and landscaped in a manner that will mitigate the large box massing and scale of Building D. The final architectural design shall be approved by the Planning Department prior to any construction of Building D.

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 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

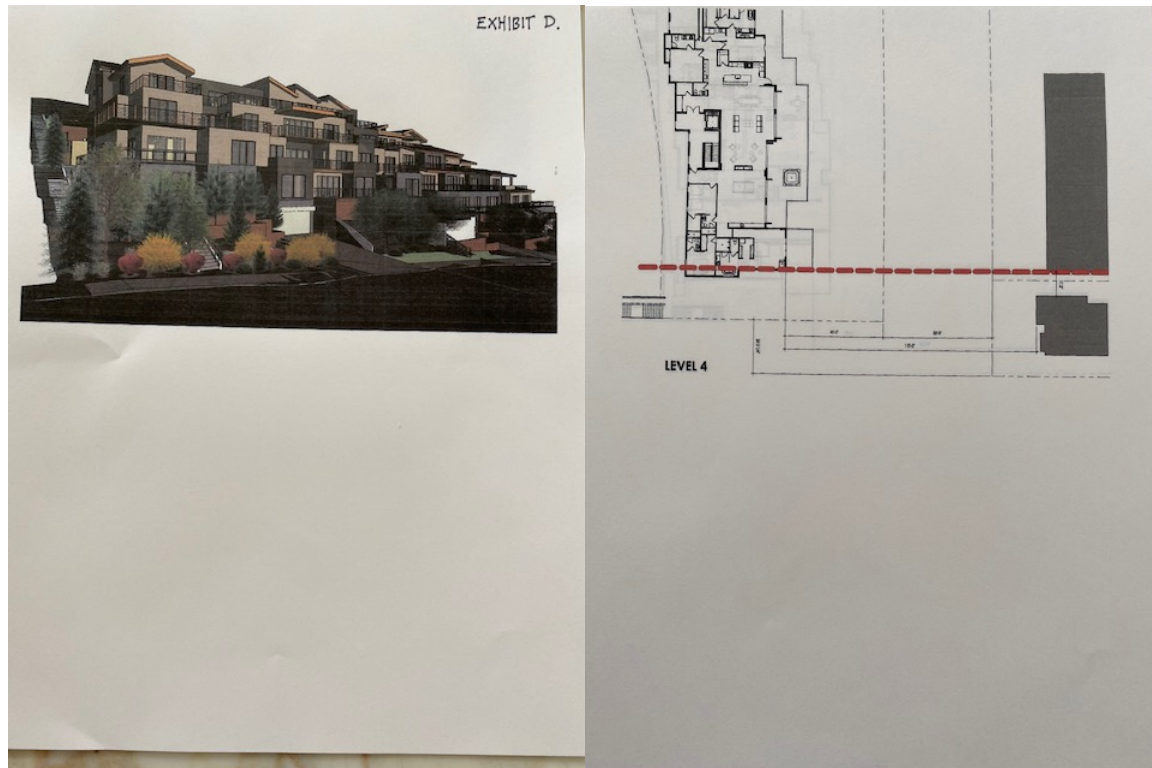
-----Original Message-----

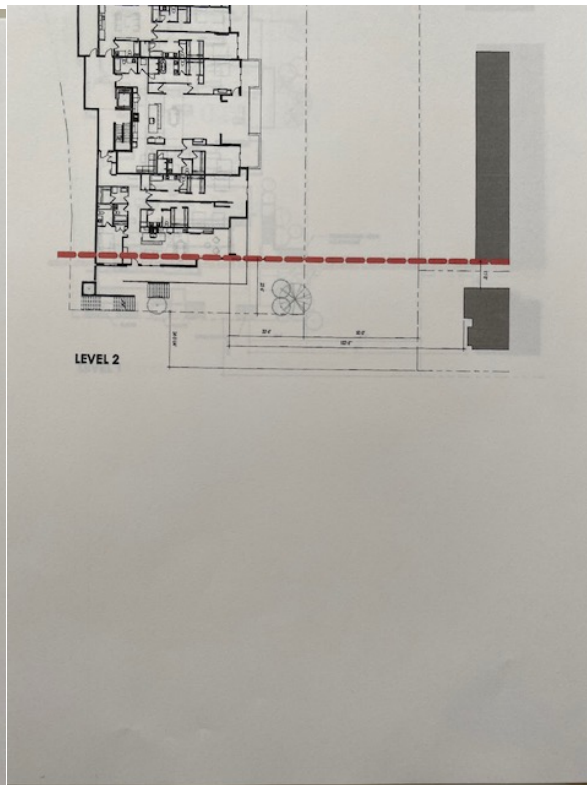
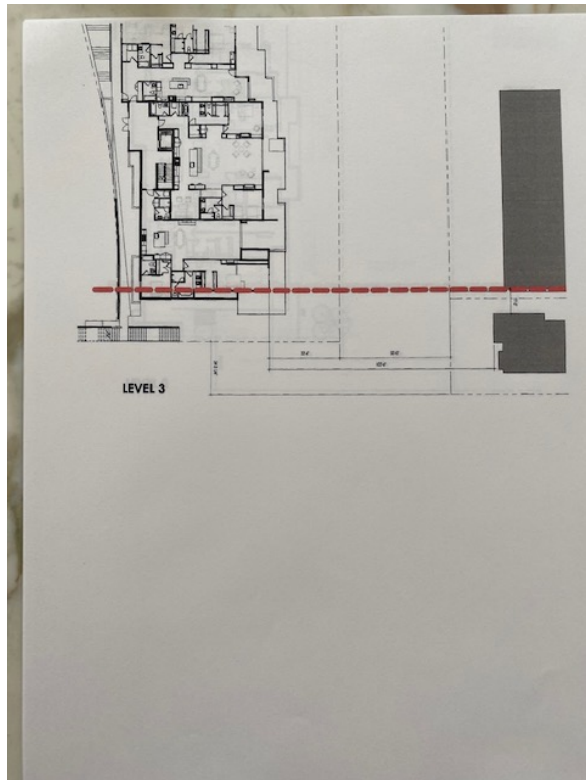
From: Chimso Onwuegbu <chimso@be-wow.com>
To: Rory Murphy <paladinparkcity@aol.com>
Sent: Tue, Nov 21, 2017 9:53 am
Subject: Horwitz/Kravtin View

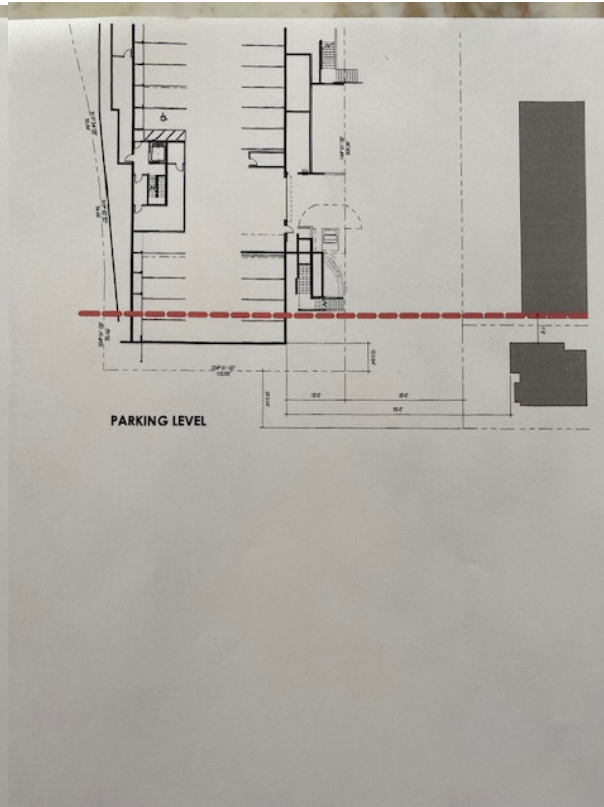
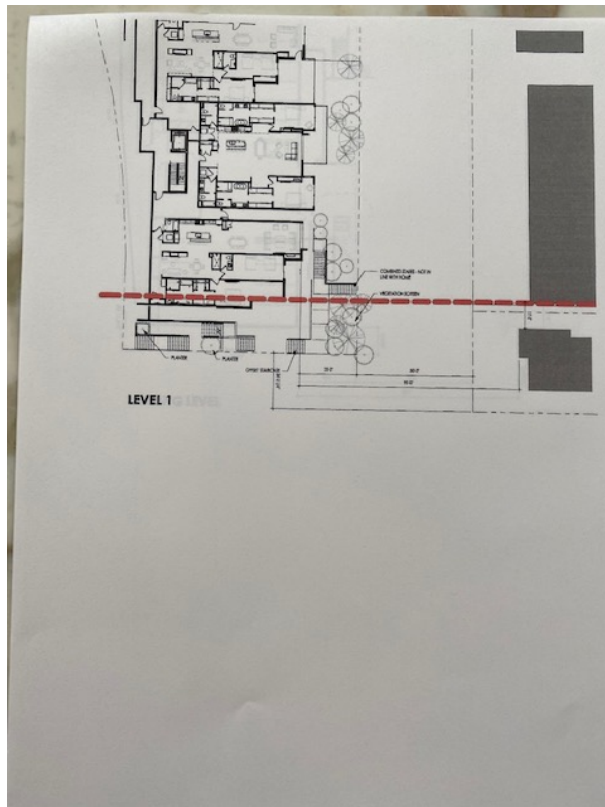
Rory -

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?

Attachment C to Horwitz Kravtin Comments - Redesign of CRG- June 2020







Ordinance No. 2021-XX

**AN ORDINANCE APPROVING THE KING'S CROWN CONDOMINIUMS FIRST
AMENDED CONDOMINIUM PLAT LOCATED IN PARK CITY,
SUMMIT COUNTY, UTAH**

WHEREAS, on January 10, 2018, the Planning Commission approved the King's Crown Master Planned Development and Conditional Use Permit for a 32-Lot subdivision with Single-Family Lots, Condominiums, Townhomes, and Open Space;

WHEREAS, there was a discrepancy in the information and exhibits presented to the Planning Commission regarding the location of the King's Crown Condominiums Building D during the King's Crown Master Planned Development approval;

WHEREAS, staff reviewed subsequent King's Crown plats based on the King's Crown Master Planned Development Findings of Fact, Conclusions of Law, and Conditions of Approval and the Applicant's engineer exhibits;

WHEREAS, on June 20, 2019, the City Council adopted Ordinance No. 2019, 34, approving the King's Crown Condominium Plat for Condominium Buildings B | C | D;

WHEREAS, the Applicant did not record this approved plat with Summit County, but rather requested to amend the plat;

WHEREAS, on November 21, 2019, the City Council approved Ordinance No. 2019-56, amending the King's Crown Condominium Plat;

WHEREAS, on December 10, 2019, the Applicant recorded the Plat with the County (Summit County Recorder Entry No. 112337);

WHEREAS, 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;

WHEREAS, the Applicant submitted an application to amend the King's Crown Condominiums Plat specific to Building D and to modify the King's Crown Master Planned Development;

WHEREAS, on January 27, 2021, the Planning Commission duly noticed a public hearing and determined the King's Crown Condominiums Building D Plat Amendment was a substantive King's Crown Master Planned Development modification and continued the discussion to February 10, 2021;

WHEREAS, on February 10, 2021, the Planning Commission amended the King's Crown Master Planned Development Findings of Fact 112 and 113 and the

Conditions of Approval 4 through 10 in this Ordinance to establish Good Cause for the King's Crown Condominium Plat;

WHEREAS, on February 10, 2021, the Planning Commission forwarded a _____ recommendation to the City Council for consideration;

WHEREAS, on February 25, 2021, the City Council duly noticed a public hearing and reviewed the proposed plat amendment.

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

SECTION 1. APPROVAL. The King's Crown Condominiums, First Amended Plat amending Building D is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. On January 10, 2018, the Planning Commission approved the King's Crown Master Planned Development and Conditional Use Permit.
2. The King's Crown Master Planned Development is a 32-Lot subdivision in the Recreation Commercial Zoning District that includes Single-Family Lots, seven townhomes on Lot 30, the King's Crown Workforce Housing Condominiums (Building A) on Lot 1, and the King's Crown Condominiums (Buildings B | C | D) on Lot 2. Over 11 acres are preserved as Open Space on Lot 32.
3. On February 1, 2018, the City Council approved Ordinance No. 2018-05, the King's Crown Re-Subdivision Plat (Summit County Recorder Entry No. 1091847).
4. On June 13, 2018, the Planning Commission ratified the King's Crown Development Agreement (Summit County Recorder Entry No. 1093392).
5. On May 22, 2019, the Planning Commission modified the King's Crown Master Planned Development and Conditional Use Permit.
6. 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 of the King's Crown Re-Subdivision.
7. There was a discrepancy in the information and exhibits presented to the Planning Commission as part of the King's Crown MPD/CUP approval. The discrepancy was specific to the King's Crown Condominiums Building D. An exhibit prepared by the Applicant's architect showed the southern boundary of Building D aligning with the southern boundary of the Lift Lodge Condominiums across Lowell Avenue. The exhibits prepared by the Applicant's engineer showed the southern boundary of Building D extending beyond the southern boundary of the Lift Lodge Condominiums. Staff did not identify this discrepancy prior to reviewing the subsequent plat approvals and based compliance of plats on the

King's Crown MPD/CUP Findings of Fact, Conclusions of Law, Conditions of Approval, and the Applicant's engineer exhibits.

8. On August 12, 2020, the Applicant submitted a letter to the Planning Department requesting to vacate and rescind City approvals for Building D of the King's Crown Condominium Plat and engineering approval in order to amend Building D.
9. The Planning Commission reviews plat amendments according to the requirements of LMC § 15-7.1-6(B) and makes a recommendation for City Council action. The Planning Commission reviews the plat, taking the Master Planned Development requirements into consideration.
10. MPDs provide design flexibility necessary for well-planned developments that are Compatible with the surrounding neighborhood.
11. The goal of MPDs is in part to ensure neighborhood compatibility. One of the required findings the Planning 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.
12. 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. Building D of the King's Crown Condominiums is located across from the Lift Lodge Condos and the Residences at King's Crown, a three-unit condominium that is located between Lowell Avenue and Empire Avenue. (The Residences at King's Crown Condominiums are not part of the King's Crown MPD/CUP.
13. The proposed plat amendment:
 - a. Reduces the total units within Building D from 12 to 11;
 - b. Reduces limited common space by 386 square feet;
 - c. Increases private area by 712 square feet; and
 - d. Reduces parking from 22 to 21 spaces.

Conclusions of Law

1. There is Good Cause for this plat amendment because the amended King's Crown MPD/CUP Findings of Fact 112 and 113 and Conditions of Approval of this Ordinance mitigate the impact of Building D on properties across Lowell Avenue.
2. The plat amendment is consistent with the Land Management Code.
3. Neither the public nor any person will be materially injured by this plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Applicant is responsible for compliance with all conditions of approval.
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 shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, 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. The Building D garage entrance shall be as shown in the Exhibit *Current BLDG D Placement AS-020*;
5. The Applicant shall install boulder retaining walls that front Lowell Avenue;
6. The Applicant shall maintain a mid-stair planter, shown in the Exhibit *Current BLDG D Placement AS-020*;
7. At the time of Building Plan submission, the Applicant shall submit a landscaping plan that sufficiently complies with *Current BLDG D Placement AS-020* with species outlined in the City's Wildland Urban Interface Code.
8. The Applicant shall expand the public access easement at the base of the public access stairs according to the requirements of the City Engineer and City Attorney and shall include the expanded easement on the final plat to increase landscaping to mitigate the visual impacts to property owners across Lowell, as shown in the Exhibit *Current BLDG D Placement AS-020*;
9. The Applicant shall install signage approved by the Planning Department in compliance with the Park City Municipal Sign Code at the base of the public access easement informing the public of the public access to the ski run.
10. The side Setback for the southern boundary of Lot 2 shall exceed the code-required side Setback of 10 feet and shall retain a 12-foot side Setback.

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

PASSED AND ADOPTED this 25th Day of February, 2021.

PARK CITY MUNICIPAL CORPORATION

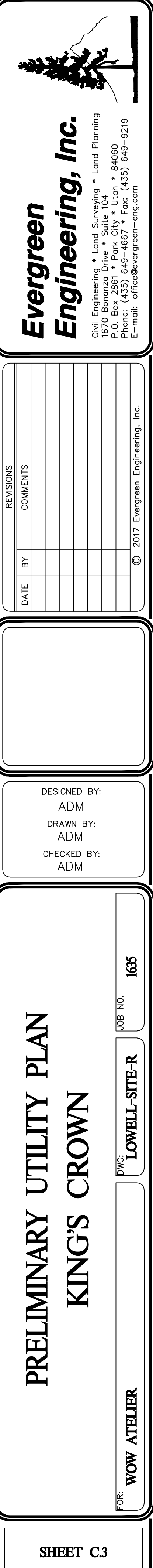
Andy Beerman, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

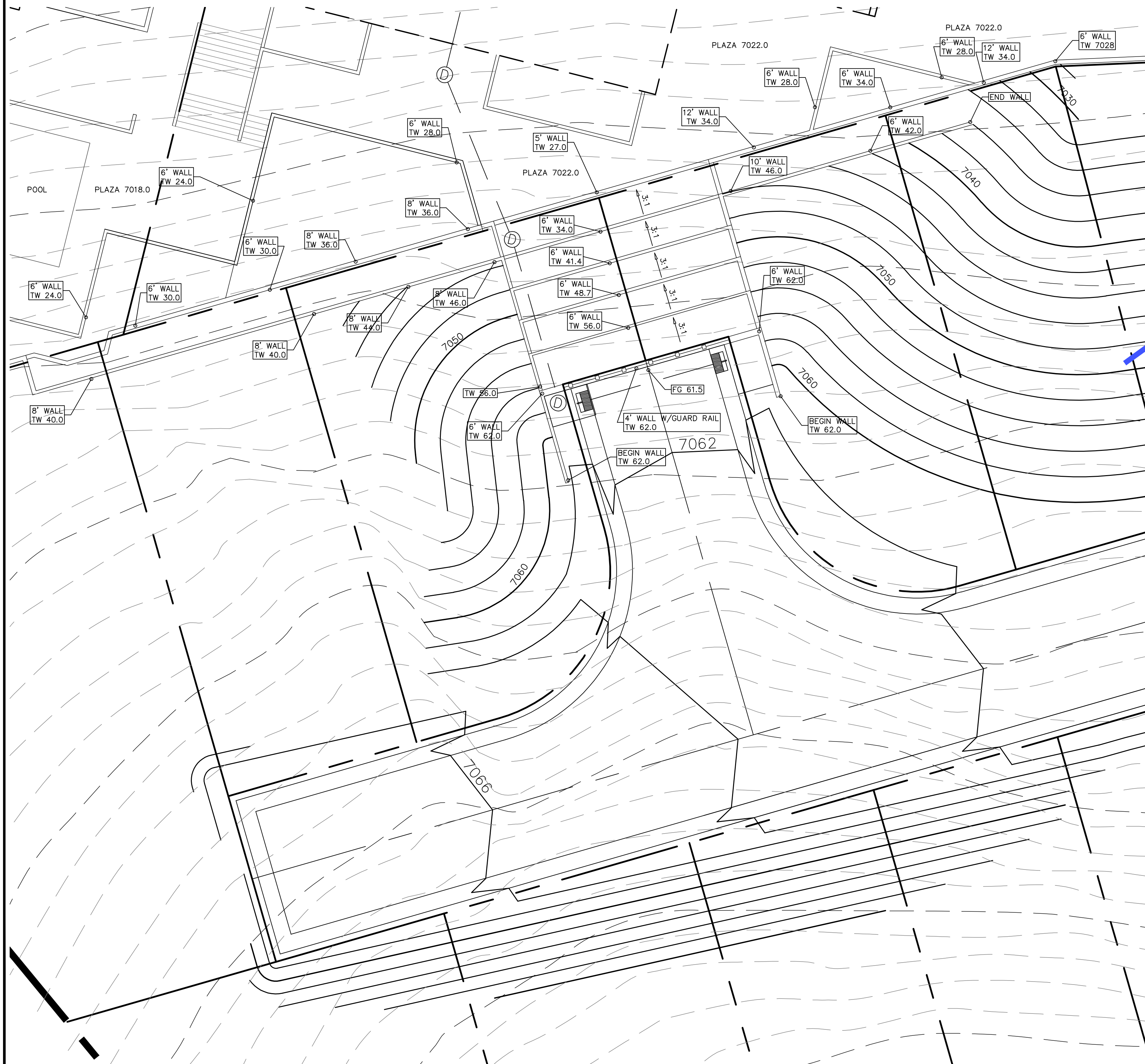
Mark Harrington, City Attorney



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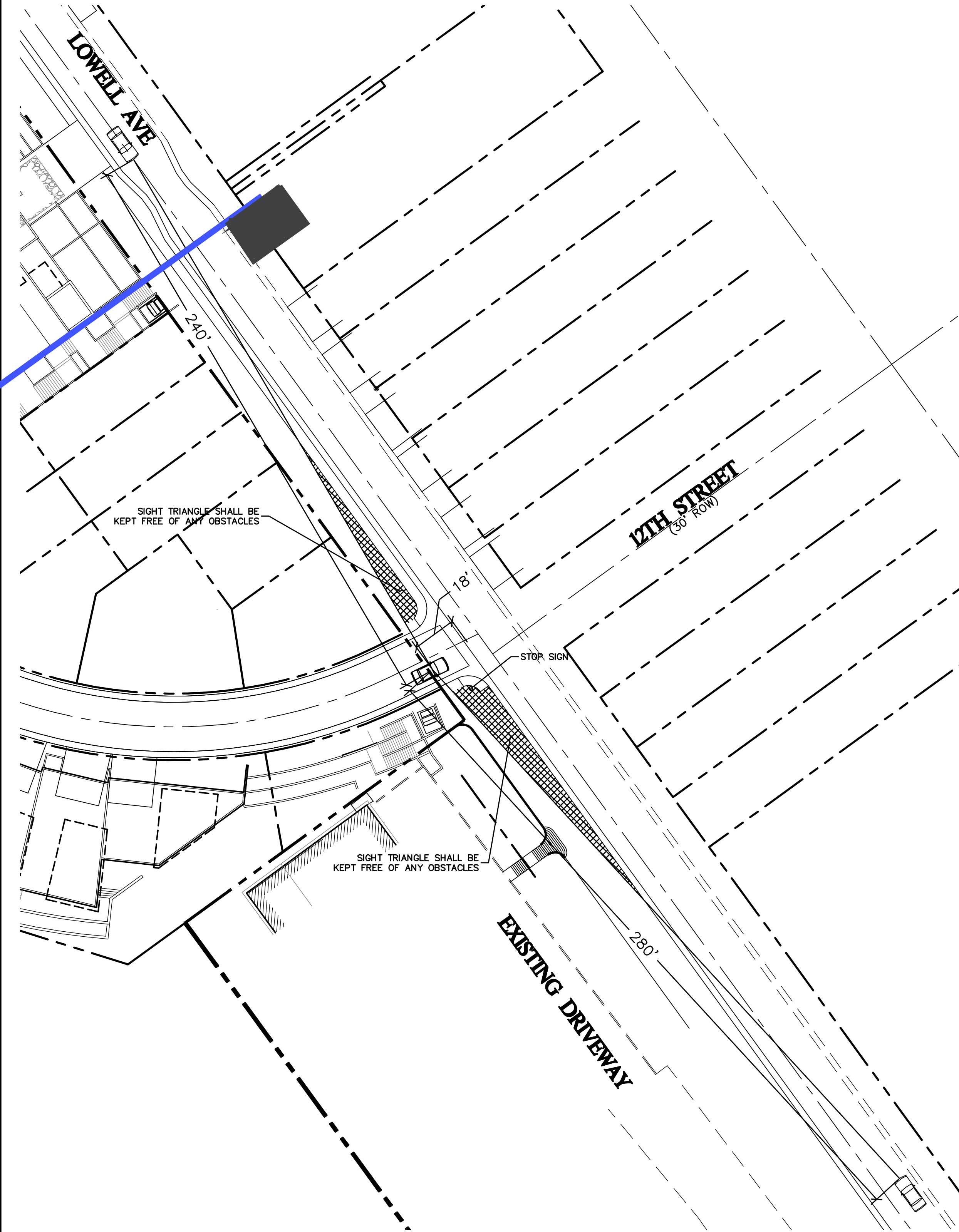
(IN FEET)

1 inch = 10 ft.



(IN FEET)

1 inch = 30 ft.



PLOTTED: OCTOBER 27, 2017



Civil Engineering * Land Surveying * Land Planning
1670 Bonanza Drive * Suite 104
P.O. Box 2861 * Park City * Utah * 84060
Phone: (435) 649-4667 * Fax: (435) 649-9219
E-mail: office@evergreen-eng.com

[illegible]

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

DETAILED GRADING PLAN SIGHT DISTANCE EXHIBIT KING'S CROWN

FOR: **WOW ATELIER**

SHEET C.6

the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Atelier, LLC and shall not be used on any other work do not scale drawings all conditions shall be verified on site, discrepancies shall be brought to the attention of the architect before proceeding.
plot date: 10/27/2017 1:07:47 PM



DIAGRAMMATIC SITE
PLAN

AS-004

COPYRIGHT: WOW atelier, LLC. 2017

PROJECT #:
160026
ISSUE DATE:
10/27/2017
ISSUE:
MPD SUBMITTAL
REVISIONS

KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

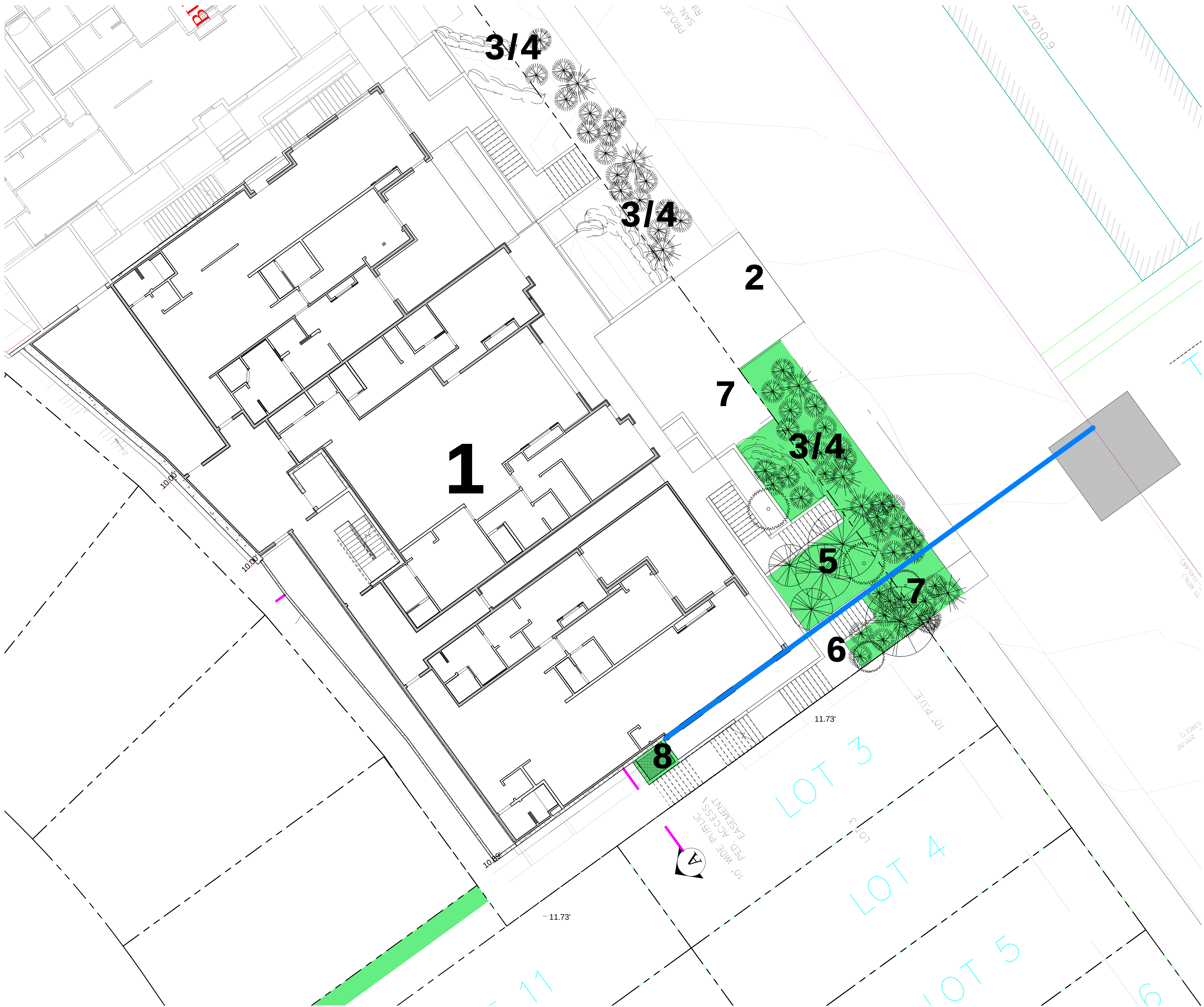
CIVIL:
EVERGREEN
STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
PVE INC
ELECTRICAL:
BNA CONSULTING
LANDSCAPE:
LO/CI
INTERIOR:
WOW +

PRELIMINARY
NOT FOR
PERMIT OR
CONSTRUCTION

WOW

the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Atelier, LLC and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site, discrepancies shall be brought to the attention of the architect before proceeding.
plot date 2/1/2021 2:27:00 PM D:\Revit Local Files\Kings Crown Condos_PHASE2_CENTRAL\ghimso@be-wow.com.rvt

1 ARCHITECTURAL SITE PLAN -JP
SCALE: 1" = 10'-0"



CURRENT CONDITION VS ORIGINAL

1. CONDO BUILDINGS ALL REMAIN IN IDENTICAL LOCATIONS AS ORIGINALLY SUBMITTED (MINOR ADJUSTMENTS MADE THROUGH THE COURSE OF TAKING THE DESIGN FROM A PRE-SCHEMATIC DESIGN AT MPD SUBMITTAL TO CURRENT CONSTRUCTION DOCUMENTS.
2. GARAGE ENTRANCE MOVED 40FT NORTH
3. REMOVED MAJORITY OF STRUCTURED RETAINING/PLANTER WALLS
4. REVISED LANDSCAPE TO PROVIDE SOFTER BOULDER WALLS
5. ADDED SIGNIFICANT PLANTINGS AT SOUTHERMOST END OF PROJECT TO SOFTEN THE IMPACT OF THE CONDO BUILDINGS
6. MAINTAINED FINAL STAIR OFFSET AND PLANTER
7. RELOCATED ELECTRICAL TRANSFORMER AND REPLACED WITH A TREE
8. MAINTAINED MID STAIR PLANTER AGAINST BUILDING

CURRENT BLDG D
PLACEMENT
AS-020
COPYRIGHT: WOW atelier, LLC. 2021

PROJECT #:
180025
ISSUE DATE:
ISSUE:
REVISIONS

KING'S CROWN
1271 LOWELL AVENUE
PARK CITY, UTAH

CIVIL:
EVERGREEN ENGINEERING
STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
DB W/ JTB ENGINEERING
ELECTRICAL:
BNA INC
LANDSCAPE:
INTERIOR:
WOW + 7 NATURAL INSTINCTS

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PERMIT OR
CONSTRUCTION

WOW

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plot date 2/1/2021 2:29:55 PM D:\Revit Local Files\Kings Crown Condos_PHASE2_CENTRAL.ctb hms@be-wow.com.rvt



3D STREET VIEWS
AS-021
COPYRIGHT: WOW atelier, LLC. 2021

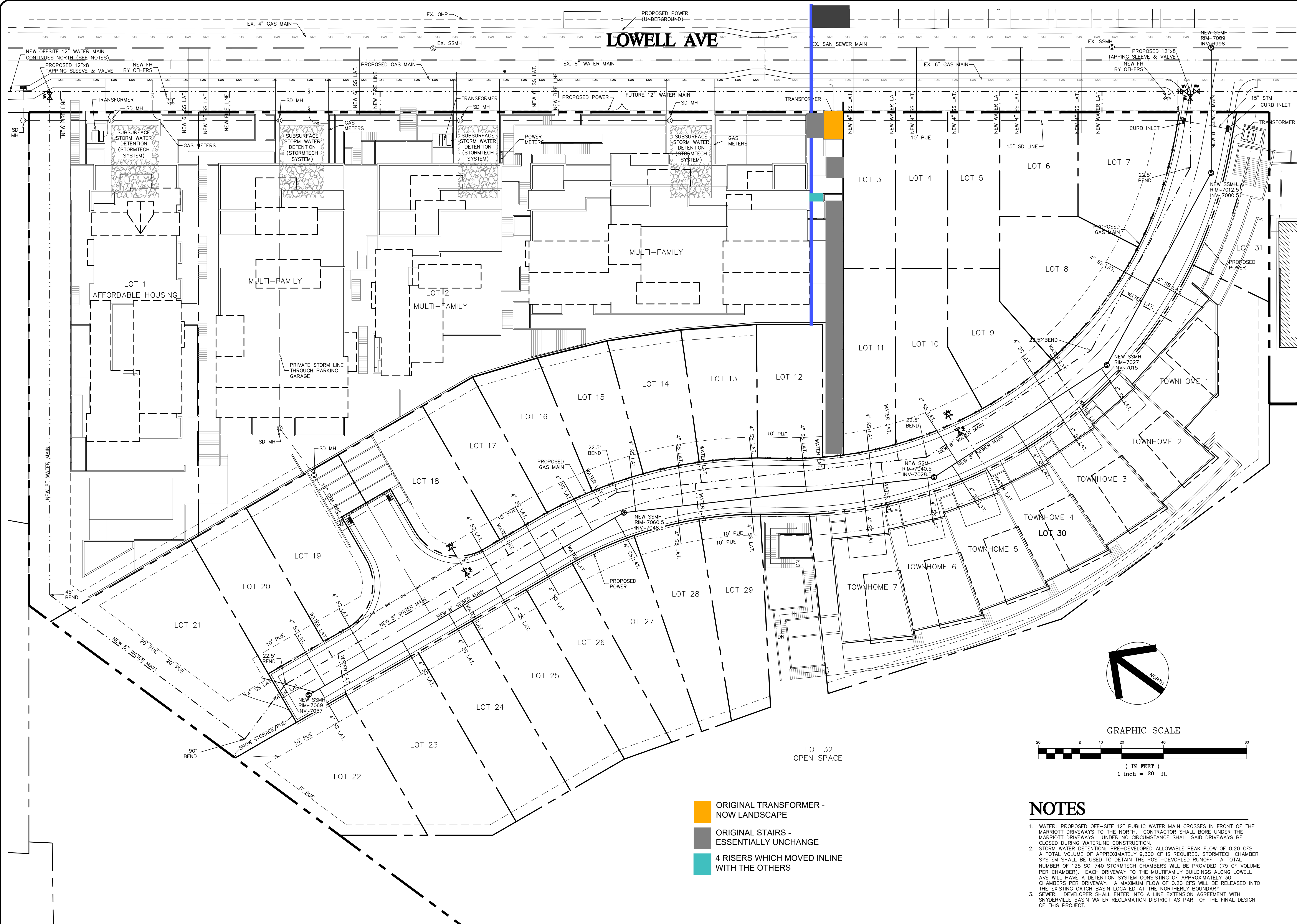
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180025
ISSUE DATE:
ISSUE:
REVISIONS

KING'S CROWN
1271 LOWELL AVENUE
PARK CITY, UTAH

CIVIL:
EVERGREEN ENGINEERING
STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
DB W/ JTB ENGINEERING
ELECTRICAL:
BNA INC
LANDSCAPE:
INTERIOR:
WOW + 7 NATURAL INSTINCTS

PRELIMINARY
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PERMIT OR
CONSTRUCTION

WOW



Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1670 Bonanza Drive • Suite 104 • 84600
P.O. Box 286 • Park City • Utah • 84060
Phone: (435) 649-9219
E-mail: office@evergreen-eng.com

REVISIONS	
DATE	COMMENTS

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

FOR: **WOW ATELIER**
JOB NO. **1635**
DWG: **LOWELL-SITE-R**

PRELIMINARY UTILITY PLAN
KING'S CROWN
SHEET C3