



**PARK CITY REGULAR PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
September 8, 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, September 8, 2021.

MEETING CALLED TO ORDER AT 5:30 PM.

Notice of Electronic Meeting and How to Comment Virtually

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically. Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from August 18, 2021.
[08.18.2021 PC Meeting Minutes - Pending Approval](#)
- 2.B. Consideration to Approve the Planning Commission Meeting Minutes from August 25, 2021.
[08.25.2021 PC Meeting Minutes - Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

- 4.A. Staff Communications Report Regarding Meeting Start Times
[Planning Commission Meeting Start Time Staff Communications Report](#)

5.CONTINUATIONS

- 5.A. 1660 & 1700 Three Kings Drive - Payday Condominiums - Plat Amendment - The Applicant is Requesting to Amend the Existing Plat to Rectify Inconsistencies and Clarify

Developable Private Residential Space for Condominium Owners.
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on
October 7, 2021
[Planning Commission Continuation Report](#)

6.CONSENT AGENDA

7.WORK SESSION

- 7.A. 9300 Marsac Ave (Sommet Blanc/B2East Parcel) - Applicant is Requesting a Work Session Before the Planning Commission Prior to Public Hearings for a Conditional Use Permit and Amendments to the Approved Master Planned Development and Flagstaff Development Agreement for Proposed Development of 43 Residential Units Above Underground Parking, 4 Townhome Villas within 2 Duplexes on the North-Eastern Portion of the Site, a 3,600-Square-Foot Public Restaurant, and a Detached Ancillary Ski Locker Building. PL-21-04771 & PL-20-04702
[Sommet Blanc 9300 Marsac Avenue Staff Report](#)
[Exhibit A: Applicant Narrative](#)
[Exhibit B: Applicant Presentation](#)
[Exhibit C: Analysis of Sommet Blanc CUP Hill Glazier Challenges](#)
[Exhibit D: 3.0 Architectural Guidelines of Book V \(B2E\) Empire Pass Design Guidelines](#)
[Exhibit E: Prelim DRB Approval 6-11-21](#)
[Exhibit F: Sommet Blanc DRB Approval 7-28-21](#)
[Exhibit G: B2 East and West MPD and Volumetric](#)
[Exhibit H: 2007 MPD](#)
[Exhibit I: Flagstaff DA](#)
[Exhibit J: B2East Plat Original](#)
[Exhibit K: 15-6-5 MPD Requirements](#)

8.REGULAR AGENDA

- 8.A. 543 Park Ave - Hotel, Minor Conditional Use Permit - The Applicant Requests a Minor Hotel Conditional Use Permit to Convert the Washington School Inn, a Landmark Historic Structure on the Park City Historic Sites Inventory in the Historic Residential -- 1 Zoning District, from a Bed and Breakfast to a Minor Hotel with Accessory Facilities for Events. PL-20-04477. (A) Public Hearing; (B) Continuation to October 13, 2021
[Staff Report](#)
- 8.B. 91 and 95 King Road - Plat Amendment - The Applicant Proposes Removing Internal Lot Lines and to Dedicate a Portion of the Property for the Ridge Avenue Right-of-Way to Create a Two Lots of Record, Amending the Plat to Create Two Lots in the Historic Residential - Low Density (HRL) Zoning District. PL-21-04775. (A) Public Hearing; (B) Action
[Staff Report](#)
[Exhibit A: Draft Ordinance](#)
[Exhibit B: Block 76 Plat, Park City Survey](#)
[Exhibit C: Existing Conditions](#)

Exhibit D: 91 and 95 King Road Proposed Plat Amendment
Exhibit E: Applicants Statement
Exhibit F: 91 King Road Variance Final Action Letter
Exhibit G: 91 King Road Variance Final Action Letter
Exhibit H: Baer Subdivision
Exhibit I: Streets Master Plan
Exhibit J: Ridge Avenue Right-of-Way Preservation (Engineering Department)

9.ADJOURN

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

***Parking 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
AUGUST 18, 2021**

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Bill Johnson, Christin Van Dine

Excused: Laura Suesser and Doug Thimm

EX OFFICIO: *Alexandra Ananth, Senior City Planner; John Roberts, City Engineer;* Rebecca Ward, Senior City Planner; Gretchen Milliken, Planning Director; Brendan Conboy, Senior City Planner; *Mark Harrington, City Attorney*

1. ROLL CALL

Chair Phillips called the meeting to order at 5:30 p.m.

The following written determination was read:

On May 19, 2021, the Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

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

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from July 21, 2021. Consideration to Approve the Planning Commission Meetings from July 28, 2021.

MOTION: Commissioner Van Dine moved to approve the meeting minutes from July 21, 2021. Commissioner Johnson seconded the motion.

VOTE: Sarah Hall-Aye, Bill Johnson-Aye, Christin Van Dine-Aye, John Kenworthy-Abstained, Chair John Phillips-Aye. The motion passed unanimously with one abstention.

MOTION: Commissioner Johnson moved to approve the meeting minutes from July 28, 2021. Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

3. PUBLIC COMMUNICATIONS

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

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

There were no staff or board disclosures.

5. CONTINUATIONS

6. CONSENT AGENDA

7. WORK SESSION

A. Park City Mountain Resort Base Parking Lots - MPD Modification Work Session - 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. The Commission Will Discuss Transportation, Draft Findings of Fact, Draft Conditions of Approval and Other Issues Raised in the Staff Report. 1 Park City Page 2 PL-20-04475.

Senior City Planner, Alexandra Ananth, presented the staff report and stated that the request is to amend the 1998 Development Agreement ("DA") and replace expired Exhibit D with a new Base Area Master Plan Study. The next meeting of the project was scheduled for September 15.

Summit County Regional Transportation Planning Director, Caroline Rodriguez, stated that she also serves as the Executive Director of High Valley Transit, which will be her sole position beginning in 2022. She was available to answer questions.

Commissioner Kenworthy commented that several months ago the meeting packet included a Park City and Summit County Regional Park and Ride Map that supported mitigating substantial amounts of parking requirements at the resort base in Park City. Ms. Rodriguez was familiar with the map presented. She was asked to describe the public/private relationship that exists on Ecker Hill. Ms. Rodriguez explained that Ecker Hill includes approximately 450 spaces, 100 of which are reserved for Canyons Village Management Association ("CVMA") employees. Currently, they are not gated so any member of the public could park there. At any time, however CVMA could choose to gate off the west side of the lot and have key cards for their employees only. Ms. Rodriguez stated that the remaining 350 spaces are open to the general public although this year most of the spaces will be occupied by temporary bus depot and operations for High Valley Transit.

Ms. Rodriguez explained that the CVMA applied for an amended Development Agreement they had with the County. As part of the approval, they gave a large portion of capital funding to construct the Park and Ride lot. In addition to that infusion of capital, they pay about \$80,000 per year in operations and maintenance for the 100 parking spaces. As a result, at any time they have the ability to put in key card parking gates. Commissioner Kenworthy asked if there was a similar arrangement for the use of Quinn's Junction. Ms. Rodriguez was not aware. She was of the understanding that the template came from County Attorney, Dave Thomas but it went through the Community Development Department as well.

Commissioner Kenworthy next inquired about the **Clinedahl (sp?)** Park and Ride and asked if it will ever get built out. Ms. Rodriguez stated that currently there is no plan for anything on the property. With regard to the Kimball Junction Transit Center Park and Ride currently has 40 spaces. Commissioner Kenworthy asked where that is in their future planning. Ms. Rodriguez stated that the parking will remain even if they reconfigure the space. They do not consider it a park and ride because from the

transportation team's perspective if people are driving into Kimball Junction they have failed because they have gone through the pinch points. They consider it a hub rather than a park and ride. The existing spaces, however, will remain open to the public moving forward.

With the planning taking place with Dakota Pacific and the transformation, Commissioner Kenworthy asked if a park and ride is coming. Ms. Rodriguez stated that there is not. It was confirmed that the Jeremy Ranch has been completed with just over 80 spaces. It was estimated that there are 470 park and ride spaces. In response to a question raised by Commissioner Kenworthy, Ms. Rodriguez stated that there is no destination or original data for transit riders; however, Park City, through its partnership with Vail were tracking that through their Ride On app.

Commissioner Kenworthy asked Ms. Rodriguez to address the County takeover on July 1 and how that will work. Ms. Rodriguez stated that the cooperation will remain largely the same. High Valley Transit provides a very high level of service with a route that runs from Jeremy Ranch to Deer Valley. It runs every 15 minutes and is scheduled and the transfers are timed to the extent possible. They try to mirror the times that existed previously. There are several stops between Jeremy Ranch and Park City Mountain because of the way it is structured. On the County portion, most of the stops that were on the route before remain. As a result, it acts like a local service between Jeremy Ranch, Pinebrook, and Kimball Junction. There are also stops on SR-224. It runs more express into the Park City Mountain Base.

Commissioner Kenworthy pointed out that Park City Municipal's jurisdiction ends at the white barn. He inquired about passes and how to capture people outside of Kimball Junction before they reach the pinch points. Ms. Rodriguez stated that additional funding is needed, which could come from a municipality or a private interest. Park City could also choose to annex into the High Valley Transit District which would give them a spot on the governing board and have voting rights and have a say in how the service is structured and where resources are deployed. Ms. Rodriguez stated that they are providing capital funding to the system with an agreement in place to receive a certain level of service. Commissioner Kenworthy stated that the intent is to reduce the ADL and they count on buses. Going forward, Ms. Rodriguez stated that no other park and ride lots are planned for transit. Commissioner Kenworthy asked about the potential for an exclusive bus lane from SR-224. Ms. Rodriguez stated that it is on the horizon. They are going through the environmental process currently and expect to be finished in less than one year with categorical exclusion. They will be moving forward concurrently with project development when they get toward the end of the environmental process.

They have applied for a large federal grant and are pursuing the Invest in America Act for the bus rapid transit. They hope to begin construction by 2023 with one lane each way that is exclusive for buses. Commissioner Kenworthy asked if the plan is for the County to go beyond the white barn. Ms. Rodriguez stated that they intend to go all the way to the Old Town Transit Center although the dedicated lanes will likely only run to the A-Fresh Market.

Commissioner Kenworthy next addressed Highway 228 and commented on the park and ride area there with eight spaces. Ms. Rodriguez explained that it is an unimproved lot. The County had previously planned to improve it and add amenities but it currently functions as a paved lot. It has the capacity to accommodate 70 to 80 cars. In addition, Francis City has opened up their City Hall parking lot which comprises 15 additional spaces to transit because the transit route was extended to that point. She noted that there is not much demand for it. Most of the current riders either walk or get dropped off there.

SR-248 was next addressed. Ms. Rodriguez stated that it involves Park City Transit Service since it is within the City limits with the exception of the Kamas route. The High Valley route includes three runs in the morning and three in the evening. It is commuter service and there are stops at the Francis Town Center, the Kamas Park and Ride, Deer Mountain, the Learning Center, the Cemetery, A Fresh Market, and the Old Town Transit Center. In the County, there are no satellite parking lots planned on SR-248. To put a stop at the top of Browns would require participation in the Transit District from Wasatch County.

Commissioner Kenworthy next addressed Highways 248 and 224. In 2010, a memorandum was sent to Don Fisher when he was the County Manager regarding the intercept of parking discussions. Between 2010 and 2015 daily vehicle trips on SR-224 and SR-248 increased by an average of 10.5% including 9% on SR-224 and 12% on SR-248. The Utah Department of Transportation ("UDOT") predicted a large transportation increase. In terms of future roadway capacity, Ms. Rodriguez stated that she has been involved in all of the studies on SR-224 that UDOT has done and recognized that traffic is going to increase.

Commissioner Van Dine asked if the County intends to have the High Valley Micro Transit go into the resort center or utilize them to just get to points closer to the resort this winter. Ms. Rodriguez stated that they have no intention of using micro transit to go to the Park City side. Park City is not in the County's transit district boundary and micro transit is not intended to be a taxi service but rather a piece of a larger transit puzzle. From the public site, their micro and ADA paratransit vehicles are the same. The

County's district boundary encompasses all of the Park City School District boundary as well as some of Silver Creek excluding Park City Municipal. Technically, the boundary is exactly where Park City Municipal starts between White Pine Canyon Road and the White Barn. Their fixed route will go to Park City Mountain Resort because they operate in the public roadway and Park City is not trying to prevent transit. The fixed route includes a minimum of four buses per hour from SR-224. That does not include Park City Transit buses. More were anticipated from High Valley in the future. She expected the frequency to double or triple during peak periods on the SR-224 side. If they were to implement a Wasatch County or Heber route, it might run every 15 minutes as well during peak periods. Over the next five years as both base areas come online and the demand is there for transit, Park City will work with the County to serve the demand as best it can.

City Engineer, John Roberts, stated that with respect to Quinn's Junction, they plan to go out to bid this winter and they are expecting 465 stalls to be constructed. Richardson Flat currently has 630 stalls and there have been no plans to expand that. His understanding was that some stalls have been set aside for Upper Deer Valley. Ultimately, nearly 1,100 stalls will be ready for use by day ski users and others by the end of summer 2022.

Commissioner Kenworthy asked about the exclusive use by one resort, Park City Municipal, or Deer Valley on either of those lots. Planner Ananth stated that the applicant is proposing to use Richardson Flats on Fridays, Saturdays, and Sundays for employees only and will run their own shuttles. At Quinn's Junction, no exclusivity was proposed. In all there will be nearly 800 stalls available for day ski users in addition to what the County has offered. The strategy is that when Quinn's Junction begins to fill up they will shift people to the Richardson Flats lot.

Commissioner Kenworthy commented on the spaces that are leased from the high school. He stated that it is a one-year contract. He asked if the Commission needs to mitigate the potential end of the contract. Planner Ananth stated that that is the purpose of Richardson Flats. The legal issues of what can and cannot be done on Richardson Flats were to be addressed later in the meeting.

Commissioner Johnson commented that the applicant has gotten very creative with the bus slots proposed and prepared a mockup of Richardson Flat. He asked if there is a size difference between the Park City and High Valley transit buses. Ms. Rodriguez stated that currently they are very similar. Presently, Park City Transit's largest bus is 35 feet. Most of the High Valley Transit buses are 35 feet but they do have 40-foot

buses coming. An MCI coach bus is slightly larger than that and can be seen on the PC/SLC Connect route. She expected that the 40-foot buses will eventually go to Park City Mountain Resort.

Planner Ananth commented that the Transportation Plan in her opinion does not have enough stalls and has not been fully developed.

Ms. Rodriguez commented that the goal is to increase ridership. While their goal is not to add more parking but to capture users where they originate. Commissioner Kenworthy commented that in Wasatch County there are a significant number of daily riders that come to the Park City Mountain Resort from the Heber Valley. He asked about the status of Wasatch County in terms of regional support. Mr. Rodriguez stated that they have a joint Council meeting to discuss the issue on October 5 as well as the action plan for 2021-2022 and how Wasatch County could be incorporated into the transit district. She felt that the addition of micro under High Valley Transit has demonstrated that the technology has enabled first and last mile solutions and makes it easier to serve regional origins.

Robert Schmidt from PEG Development asked about the utilization rate of the stalls at Ecker Hill. Ms. Rodriguez stated that typically during the winter peak they are at 80 to 90 percent capacity. He asked how the parking supply affects transit. Ms. Rodriguez had no information in that regard.

A question was raised regarding how the Old Town Transit Center is doing since the incorporation of High Valley Transit and the City moving through the area. Ms. Rodriguez stated that there have been challenges but they have not been due to the volume of buses but due to lack of training on the part of some of the drivers. There have, however, been no major incidences. Kim Fjeldsted, Transit Manager for Park City, reported that overall the transit system is going well overall. The area is tight and there is a learning curve involved in coordinating with High Valley Transit. Timing issues were discussed. Ms. Fjeldsted stated that the data shows that during the 4:00 p.m. hour, 18 people on average exit the bus. They are able to move a considerable amount of people in a very short time frame.

Strategies employed at the drop off zones were described as well as the unique strategies to accommodate that. The applicant has worked to determine what they need to provide shuttles and have been providing the space in their existing parking lot for years. The applicant has worked to provide the same linear square footage equivalent. In addition to that area, should there be more drop-offs, the applicant is

proposing to use garage space for those types of uses. The area is flexible and after speaking with the resort operator find that there is sufficient space to accommodate the shuttles.

Commissioner Kenworthy commented that in the morning hours, 42% of those parking at Snow Park come from SR-224. With 470 spaces and no future planned spaces, and 42% being verified by Deer Valley, he did not see how what is proposed would work just by using that one verified number. He asked for an explanation of how the numbers work.

Ms. Rodriguez verified that CVMA did not receive additional density for their contribution to the Park and Ride and stated that their density was actually reduced in the process. She was relatively certain that they paid \$3 million for the 100 spaces but agreed to provide the exact number.

Ms. Rodriguez commented that to address the issue there will have to be dedicated bus lanes. The intent was for less cars to drive into Summit County. She did not think it was unreasonable that the same deal could be made with existing Utah Transit Authority ("UTA") Park and Rides or parking locations in the valley. They could be collected and taken up I-80, which has few capacity issues, on to a dedicated bus lane. Even in mixed flow traffic, with the right technology and vehicle the bus would still travel faster than the vehicle next to you. Commissioner Kenworthy commented that the guiding principle for the development is to improve the guest experience of arriving and leaving the resort center. He believed that is something that can be achieved for both locals and visitors.

Kordel Braley, Senior Traffic Engineer with AECOM, stated that they have not yet reviewed what Fehr & Peers has submitted. He pointed out, however, that Google Maps currently shows that to travel from Salt Lake City to Downtown Park City it is a 39-minute drive using SR-244 and a 40-minute drive using SR-248. The two routes are surprisingly even in terms of travel time but he did not think it was outside the realm of possibility for people to know that Quinn's Junction and Richardson Flat have a lot of parking. The question was whether the 40% comes from the Kimball's Junction area or the Salt Lake Valley. If a lot is coming from the Salt Lake Valley, Quinn's Junction and Richardson Flat are still very viable park and ride locations, if needed.

Commissioner Kenworthy's interpretation was that the 40% was the drive to from the Salt Lake Valley. To include Kimball Junction and Jeremy Ranch, that is an additional 34% of the visitors that come every morning. That now equates to 76% of the drive to

market that comes from SR-224. Mr. Braley stated that he had not reviewed that but assumed that most people come up SR-224 because they assume that is the fastest way to get to Park City. If people are educated on the parking situation and realize that most of the parking is at Quinn's Junction, it will be a viable option. He offered to provide his opinion further once he has looked at the data. It was suggested that his analysis include the interchange at US-40.

Chair Phillips stated that the bus system and how passengers arrive is the goal. Currently, 42% of people are driving their car, which is not the preferred method. The intent is for them to be on a bus. Providing more parking at the end destination works against the goal of getting them on the bus. Making the bus option faster and cheaper is the goal. For that reason, his concern was making sure that they are reducing the impacts on the entire community. Creating parking at the end destination works against that goal.

Ms. Rodriguez was asked to address the facilities proposed at the park and rides. She stated that with a parking lot such as Richardson Flat, a shelter makes no difference and is all about security and keeping employees safe at a remote lot. In a broad sense, amenities at a park and ride make very little difference. What is important is the speed at which a bus comes because the passengers do not want to get out of their vehicle and wait at a shelter. They want to know when the bus is coming and when is the best time to exit their vehicle and get on the bus.

Chair Phillips commented on the Canyons Village Base and the contribution given. He felt that a contribution from this applicant would go a long way in ensuring that funds are in place if a deck needs to be put in. Ms. Rodriguez stated that Patrick Putt or Tiffanie Robinson from Community Development would be happy to prepare relevant staff reports that hit the highlights of that agreement.

Commissioner Kenworthy was interested in getting information regarding where traffic comes from and stated that it is critical to the bus schedule. It was noted that the resorts generally have that information. The benefits of the information were described. He explained that they need to have bus schedules that will incentivize people to get on the bus and come to the resorts. As other projects come in they need to look at those individually as well and accommodate them.

Appreciation was expressed to the professional who were present to answer questions and give valuable information.

Chair Phillips reported that information was received from AECOM. He suggested the Commission keep in mind that they are missing two key Commission Members from this discussion.

Representatives from AECOM were present to answer questions. Planner Ananth stated that many of their suggestions dealt with managing effective conditions of approval.

Mr. Braley reported that the memo that was prepared was specifically in response to the Commission's previous discussion. (**Shannon – please start here – 15:18:12 or 1:45 into the recording. The person speaking is Mr. Braley. Planner Ananth and Chair Phillips have also been speaking. Commissioner Kenworthy had a lot of questions previously in the meeting and may have more going forward. He has a distinctive, somewhat high pitched scratchy voice. Thanks!)

8. REGULAR AGENDA

9. ADJOURN

The Planning Commission Meeting adjourned at [REDACTED] p.m.

Approved _____ by _____ Planning Commission:



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 25, 2021**

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Laura Suesser, Doug Thimm, Bill Johnson, Christin Van Dine

EX OFFICIO: Alexandra Ananth, Senior City Planner; Rebecca Ward, Senior City Planner; Gretchen Milliken, Planning Director; Browne Sebright, Senior City Planner; Mark Harrington, City Attorney; City Planner, Austin Taylor

1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m.

The following written determination was read:

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

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2. ROLL CALL

Chair Phillips noted that all Commissioners were present.

3. MINUTES APPROVAL

There were no minutes to approve.

4. PUBLIC COMMUNICATIONS

There were no public communications.

5. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken reported that people with Android devices were having difficulty connecting to the Zoom link for this meeting and explained how to connect.

Commissioner Kenworthy disclosed that he is often approached at events about a wide variety of City issues and he has had no discussions on a substantive level with regard to any application. He further stated that he and Commissioner Suesser met with the developer of the Snow Park Project before the application was submitted. He also disclosed that he has been a substantial seasonal housing landlord for Deer Valley and others for over a decade. He encourages those who wish to speak to him on a Planning Commission issue to submit an email or join in the public comments. With regard to the application under consideration, he affirmed that he would not render any decisions until the application is completed, and nothing outside of the public hearings would affect his judgment.

In response to an inquiry from Commissioner Kenworthy regarding these disclosures, City Attorney, Mark Harrington stated that the aforementioned disclosure need only be made during the first public hearing on the application and they could assess further disclosures as the matter proceeds.

Commissioner Hall disclosed that she recently became a member of the 1981 Club, which is owned by Deer Valley. She stated that this membership will not have any impact on any decisions regarding Deer Valley's application.

6. CONTINUATIONS

There were no continuations.

7. WORK SESSION

A. Deer Valley Snow Park Proposal – Project Overview with Respect to Parking and Site Circulation. PL-21-04811.

Senior City Planner, Alexandra Ananth, reported that the Planning Department resolved the threshold issues regarding the appropriate application needed for this proposal. The applicant submitted an application for an amendment to the Deer Valley Master Planned Development permit ("MPD"). This application will run concurrently with the Phase One Conditional Use Permit ("CUP") application, submitted previously. Planner Ananth stated that the Planning Department agreed to keep this matter on the agenda in a Work Session format to allow Deer Valley to finalize the MPD application, which was submitted earlier in the day.

Planner Ananth reported that the previous month's meeting involved a high-level introduction and overview of the project as well background information on existing conditions and the goals and objectives of the City's General Plan for the Lower Deer Valley neighborhood. The current presentation will focus on the proposed site circulation, as well as the applicant's off-street required parking calculations.

Planner Ananth reported that the City will be hiring a third-party Transportation Engineer to assist with the review of this project. She anticipated that the City's consultant will supplement their analysis for the October 2021 meeting. For the next meeting scheduled for September 22, 2021,

they intend to focus on the site design, height, and density of the project, as well as the transit and mobility hub.

Vice-President of Development, Rich Wagner, explained that the presentation on-site circulation will be focused on the south parking garage ingress/egress, as well as vehicle/pedestrian circulation through the plaza area. Overall traffic and transit circulation will be presented after the third-party review.

In response to an inquiry, Planner Ananth reported that they have issued a Request for Quote ("RFQ") for the third party consultant, and anticipate selecting the consultant in the near term. She noted that the project site is governed by the existing MPD, which is the 12th Amendment to the Restated MPD permit. The applicant's proposal will be the 13th amendment to the MPD. The Land Management Code ("LMC") sets forth the processes and requirements for both the MPD and CUP. She added that the City's affordable housing requirements and General Plan for the Deer Valley Neighborhood also sets goals, objectives, and requirements for the project. She referenced the City's various adopted Transportation Plans including the Complete Streets Resolution, Transportation Demand Management Plan, and the Traffic and Transportation Master Plan, which must also be considered.

The City's Vision 2020 Report, which identifies traffic and transportation as the biggest challenge facing Park City in the next five to 10 years will also govern this application. It embraces the City's new "transit first and car optional" philosophy. It calls for the City and its partners to reimagine transit using the best service models and technologies available.

Planner Ananth stated that this presentation will focus on the Phase One CUP request, which includes the overall transportation site plan, as well as the south parking structure and the new transit and mobility hub. She explained that there will be an expansion of the Snow Park Lodge as part of the later phases of this project, as well as development of a parking structure north of Deer Pass Road.

She explained that the applicant has proposed significant changes to the existing neighborhood traffic patterns, effectively creating two dead-end roads by splitting Deer Valley Drive West and Deer Valley Drive East at the Y intersection. The proposal contemplates that Deer Valley Drive West would serve as the primary public transportation route to the resort, ending at the transit mobility hub. It would also provide general traffic access to the Royal Street area as well as to trails and development. The applicant has proposed that Deer Valley Drive East serve as the primary access for all other vehicles accessing the Deer Valley neighborhoods and the resort, including the proposed parking structure.

Planner Ananth reported that the City has requested that the applicant submit additional information to clarify how this plan would restrict general ski traffic from using Deer Valley Drive West. They have also requested an Active Transportation Plan clarifying that the existing sidewalk and trail loop would remain intact for pedestrians and cyclists. Additional detail on the reconstruction of the Y intersection was also requested.

Planner Ananth stated that the Phase One parking structure will have primary access on Deer Valley Drive East, one entrance on Deer Valley Drive West, and two entrances on Doe Pass Road. She explained that the proposed garage will have four levels and a paid parking system would be implemented. The reimagined arrival experience along Deer Valley Drive East will allow for guests to either drop off in front of the Snow Park Lodge, park in the garage, or utilize a valet

parking option. She noted that the proposed entrance to the P-1 level is very close to the mobility hub, and staff has expressed concern that this could create congestion in that area. They would like to ensure that the applicant and the City's Transportation Engineer review this configuration carefully.

The application included only one elevation of the garage, so staff requested additional elevations and views. Planner Ananth explained that because Phase Two involves the vertical development and wraps a portion of the garage structure, they need further information on what Phase One would look like, in and of itself. She reported that the applicant proposed a new transportation and mobility hub along Deer Pass Drive. It is expected that the bus station will have a minimum of six (6) bus stalls, with a separate ride share zone located on Doe Pass Road. There will also be a drop-off/pick-up zone in front of the Snow Park Lodge. Planner Ananth expressed her belief that the drop-off/pick-up zone is at least as large as the existing zone but they have requested the applicant provide further information.

Planner Ananth stated that elevators, escalators, and a pedestrian route would lead up from the parking garage and mobility hub to a new village envisioned for the top of the garage. The lifts will be relocated closer to the new, expanded base area. She noted that the applicant has also identified an area to house a future gondola terminal. Staff requested additional details on the proposed transit and mobility hub, including a list of proposed amenities, plans, and elevations and a geometric plan showing that the turning radius would be sufficient for both Park City and High Valley Transit systems.

Planner Ananth reported that the entire Snow Park Village project will require 2,262 off-street parking stalls. The LMC allows the Planning Commission to reduce parking requirements to prevent excessive parking based on a parking analysis submitted by the applicant. Planner Ananth stated that Deer Valley Resort is seeking approval of 1,810 parking stalls, which equates to a 452 stall, or a 20% parking exception.

Currently, there are 1,340 surface parking stalls, and the resort utilizes up to 140 on-street parking spaces on limited occasions. The applicant has proposed 1,500 parking stalls for the resort. Staff requested more detail on the Community Events Center, which carries with it a parking requirement of 252 stalls. She explained that the applicant's Transportation Analysis estimates a parking reduction of 17% based on the implementation of paid parking, as well as a reduction of up to 9% for shared parking. No credit was taken for increased transit use. The City would like the project to achieve a modal split similar to the Park City Mountain Base area; therefore staff requested more information from the applicant on this issue.

The applicant reportedly indicated that a 20% parking reduction would be appropriate due to the nature of the ski resort as the major parking generator over the new uses, which would be complementary to the resort. Planner Ananth reported that staff requested that the applicant provide further analysis on the proposed parking exceptions based on the MPD requirements, which will be presented to the third-party consultant for review. The applicant must also provide a Parking and Transportation Demand Management Plan.

Planner Ananth presented a list of additional information requested from the applicant. She noted that they have also requested an analysis of the modal split goal to reduce traffic and congestion in the City and the lower Deer Valley Neighborhood in general. In collaboration with the applicant, they created a proposed project schedule, which includes simultaneous review of the MPD and CUP. In September, they envision reviewing the site design, height, density, and the mobility

hub. In October, they expect to revisit site circulation, parking, utilities, and construction phasing. Sustainability, remaining project issues, the proposed subdivision application and, if appropriate, findings of fact and conditions of approval are expected to be ready for discussion in November 2021, with a projected final vote on this application set for December 2021.

Chair Phillips expressed his appreciation to the applicant for working with staff on the threshold issues and for working on a 13th amendment to the MPD concurrent with the CUP. He stated that pursuing these applications at the same time would be a more efficient path forward. Mr. Wagner commented that the massing and blocking of Phases Two and Three are placeholders with the ultimate plan still to be determined.

Peter Pillman from IBI Group, provided an overview of the topics that would be covered in the presentation. He stated that the building designs they are presenting are tied to the use areas and are being utilized for density, unit equivalent, and parking calculations. They will also be addressing pedestrian circulation, parking calculations, and the logic that went into the parking reduction strategy. Mr. Pillman also stated that the Commission will be shown the garage details and he will address issues regarding access and mitigating the potential conflicts with transit. They also plan to address the emergency egress plan.

Mr. Pillman noted that the main circulation issues will be deferred until the City's consultant is retained. The current traffic circulation conditions involve intersections that are oriented so that most traffic comes in and flows along Deer Valley Drive West, then splits between the high road and the low road. The resort itself unveils itself as one reaches the flagpole, where vehicles, buses, and pedestrians are brought into the heart of the on-site activities. He stated that their logic involved separating those uses and all of that activity. They propose to sever that end of Deer Valley Drive and change the location of the traffic and transit routes, which would improve the features and comply with the City's objectives of pedestrian and alternative transit modes.

Mr. Pillman highlighted the transit priority roads, shown in green on the graphic, as well as the primary vehicle and day-skier access, shown in blue. He commented that they will address the Y intersection at future meetings but commented that the idea behind reconfiguring it was to make the natural flow of traffic come down to Deer Valley Drive East allowing them to provide guests with a better approach to the resort, as well as introduce signage and wayfinding for parking locations before visitors get to the end of the road. This configuration will also allow them to maintain the upper road as a transit priority road.

Mr. Pillman explained that with this plan, as one drives along Deer Valley Drive East, the approach will include a natural right turn into the garage, allowing for better traffic flow. The wayfinding and signage system will allow them to indicate parking availability. He also explained that this system not only separates the distance between the vehicles and the pedestrians, it also vertically separates the pedestrian experience from the vehicles since the plaza deck is several floors above the garage. Elevators and escalators will take people from the garage or the mobility hub to the plaza deck. He stated that this will create a much nicer resort experience on the way to Ski Beach and the lifts. Mr. Pillman stated that cutting the roadway off at the face of the Snow Park Lodge allows a much better interface between parking and transit, and the resort guests.

Commissioner Suesser asked if there is day-skier parking in the north parking lot. Mr. Pillman stated that it is contemplated that for the overflow days the north parking lot could be utilized. The lot also houses employee parking. He added that they have contemplated two potential ways for

users of the north parking lot to access the plaza. One involves a bridge from the north to the south lot and the other would involve some sort of site circulating transit on peak days.

In response to an inquiry from Chair Phillips regarding parking availability and congestion, Mr. Pillman stated that the expectation is that they would use a parking management system so that the visual signs outside of the garages advise motorists where available parking is located. The type of system they propose was shown to the Commission and it was noted that it is similar to that used at the Salt Lake City Airport. Dave Nicholas from IBI Group stressed that signage and wayfinding would be installed at key decision points so that a driver would not drive past entrance points.

In response to an inquiry regarding day-skier parking on level P-1, Mr. Pillman stated that there will potentially be some day-skier parking available there, although the primary day-skier parking levels will be on P-2 and P-3. As those levels fill up, they could direct people towards the north garage or to P-1. He noted that the parking management system will keep the best parking spots utilized while directing overflow to other areas as required. The parking garages are designed to be separate. Mr. Pillman noted that the most efficient parking garages do not have ramping, which allows for maximum stall counts within the structure. He reiterated that with good traffic management and signage, they would be able to direct people easily to available parking. Mr. Nicholas added that they are effectively utilizing Deer Valley Drive East as the ramp between parking levels, with separate entrances for each level as well as flat floor plates. This design is user-friendly and will improve the guest experience.

Mr. Pillman addressed the anticipated uses of the parking garage levels and stated that P-1 is the lowest level that would have an entrance off of Doe Pass Road. The hotel and development above will utilize level P-1 and it could also be valet parked. A portion of this level would also be available for day-skier parking on peak days. It was anticipated that levels P-2 and P-3 would be used primarily for day-skier parking.

Mr. Pillman explained that level P-3, which is proposed to have 455 parking stalls, will be the primary day-skier garage and loaded first. The secondary day-skier level will be P-2, which is the first entrance along Deer Valley Drive East. The level at P-2 would have 368 parking stalls. He noted that the garage entrances are adjacent to the existing grade to minimize ramping.

Commissioner Kenworthy asked if the parking plan includes any underground drop-offs within the garages. Mr. Pillman stated that they have not included underground drop-offs, but noted that the transit facility would be underground and covered. In response to a question from Commissioner Suesser, Mr. Pillman explained that the garage plan would involve excavating in a terraced fashion up the slope. The garage decks would not be stacked on top of one another, with the exception of a slight overlap between levels P-2 and P-3.

Mr. Pillman clarified that they have worked with the assumption that level P-1 would be utilized for hotel and development on the plaza deck, with a portion available for overflow day-skier parking. At the beginning of each day, day-skier parking would be initially directed to level P-3. Once P-3 is filled, traffic would be directed to level P-2; if and when that level becomes full, traffic would then be directed to level P-1 or to the north lot. He stated that currently, the north lot is a surface parking lot with over 500 parking stalls.

Mr. Wagner added that level P-1 would be designated for the hotel, commercial and day-skier uses. It would take on the proposed 96 units for the lifestyle hotel as well as the commercial

requirement for the project and day-skier overflow. He noted that there is some wiggle room in terms of where they park employees between the north parcel and P-1. He anticipated being able to present a more detailed plan regarding the parking layout at the next meeting. Mr. Pillman responded to a question about level P-4 and stated that it would have 131 parking stalls and would likely be used for valet parking, hotel parking, and potential overflow.

With respect to the intersection of Doe Pass Road and Deer Valley Drive East, Mr. Pillman stated that it is contemplated that most transit vehicles would use Doe Pass Road to enter the mobility hub and then loop back out. He added that there currently are bus stops along Deer Valley Drive that would remain. Specific details regarding routes are still to be determined, but they expect some transit vehicles to be circulating in the area.

He added that a majority of transit vehicles would come in from the top of Doe Pass Road, stop at the mobility hub and then go back out at the top, staying on the transit priority road to avoid traffic. Mr. Pillman explained that passenger vehicle circulation would depend on the season and time of day. They want to limit the number of passenger vehicles in the area to ensure the smooth flow of the transit vehicles. He anticipated that the Traffic Management Plan would call for mitigation of passenger vehicle traffic on the transit route; however, at this point, they have a framework that can be developed collectively with the City and the transit agencies to arrive at a system that works.

Commissioner Thimm commented that the entrance to P-1 is very near to the mobility hub circulation loop, and with over 400 stalls in P-1, he questioned the car count entering and exiting P-1 at peak use times. Mr. Pillman stated they anticipate that P-1 would be used by hotel and development traffic, which would not conflict with the day-skier arrival/departure times, but agreed that this is something that still needs to be worked out as a managed access point. He adding that there is some flexibility in moving the parking entrances, but noted that they are tied to the proposed road grades to minimize ramping.

Commissioner Thimm also asked whether the north entrance into level P-2 and the west entrance into level P-3 would be considered secondary entrances. Mr. Pillman stated that the grade allows two entry points into these parking levels. Depending on the time, season, and use requirements, traffic could be directed to the upper entrance. Alternatively, they could have a secondary entrance or dedicated exit during peak times.

Chair Phillips expressed concern that this concept mixes too many single-occupant vehicles with transit vehicles. He suggested that close attention be paid to this plan since transit will be an important component of achieving the modal split. He offered that a way to mitigate this could be to have only a right turn out of P-1 and P-2 to direct traffic to the primary vehicle route.

Commissioner Thimm commented that if they are routing vehicles out of P-1 and P-2 to the east, then they are creating potential conflicts with the transit path. He noted that if the secondary access points in P-2 and P-3 were dedicated exits, they could then direct traffic to the primary vehicle route, which might mitigate potential conflicts with bus traffic. Mr. Pillman noted that there are many opportunities with this plan and they are looking at something that would work year-round. Commissioner Thimm agreed and expressed that the plan must be able to function in the worst-case scenario.

Mr. Pillman noted that parking is currently designated in the proposal as “open parking.” They are in discussions with operations personnel at Deer Valley as well as parking consultants to

refine the need for potential “reserved parking” areas. Mr. Wagner confirmed that they are working through the assignment and location of parking, but opined that the general layout would work well. He highlighted the need for discussion regarding ski school drop-off locations.

The flexibility of the plan is significant and Mr. Pillman noted that there are many available solutions and options to talk through. Chair Phillips added that in addition to ski school drop-offs, consideration should be given to drop-offs for the Deer Valley Academy.

Mr. Nicholas presented the site plan and reiterated that it represents a concept to allow them to determine square footage for parking calculations and to ensure that they are within the entitlements that currently exist. He noted that they have looked at the Active Transportation Plan, and they recognize the importance of looking at the site from a trailhead perspective, including connections to existing trails and pedestrian systems in the area. He specifically highlighted the multi-purpose pathways along Deer Valley Drive and noted that this proposal would ensure that they are connected with continuous, seamless pathways. They also have a pedestrian loop around the south village area with a multi-purpose pathway connecting through the upper plaza.

He listed other pedestrian improvements, including a sidewalk along the east side of Deer Valley Drive East that would connect users across the street to the village as well as connections to existing pathways around the Lakeside area. They are also looking for strategic locations for bike parking stations throughout the village from Snow Park Lodge to the Lakeside area.

Mr. Nicholas clarified that the 8 – 10 foot multi-use paths could include pedestrians, strollers, bikes, and e-bikes. Commissioner Thimm suggested that a 12-foot multi-use path should be considered. In response to a question from Commissioner Suesser, Mr. Nicholas confirmed that the existing multi-use path around The Ponds that goes up to Deer Valley Drive West are 8 feet wide, while the existing multi-use path along Deer Valley Drive East is 10 feet wide. Mr. Wagner added that they would also be assessing striping ideas along Deer Valley Drive East for on-street bicycle facilities.

Jon Nepstad from Fehr & Peers introduced Seishi Yamagata also from Fehr & Peers to speak to the factors that went into the breakdown of the 20% reduction in parking. Mr. Yamagata explained that they took the proposed land use numbers and looked at the required parking rates set forth in the LMC. The ski resort also provided them with parking counts during peak times. He commented that the Urban Land Institute (“ULI”) provides a parking analysis methodology that looks at the benefits of shared parking.

Mr. Yamagata stated that the ULI shared parking analysis suggests a 9% reduction in parking based on the shared land use characteristics. He explained that Fehr & Peers has an internal tool that allows them to analyze the effects of paid parking by evaluating items ranging from occupancy, dwell time, and volume. Using this tool, they calculated that paid parking could result in a parking reduction of up to 17%. Mr. Yamagata stated that the calculations support a 26% parking reduction, but to be conservative, they utilized a 20% reduction. Mr. Wagner added that they chose to take the 20% reduction because it reduces the parking count while allowing enough parking to support the business operations of the resort itself.

Mr. Nepstad emphasized that the internal operations of the garages would be highly managed and informative for arriving visitors in an effort to reduce the stress of getting to the parking structures and finding available parking. In response to an inquiry from Commissioner Kenworthy,

Mr. Wagner advised that they currently park approximately 250 – 300 of the 3,000 total employees at Snow Park. This plan contemplates 250 – 300 parking stalls for employees.

CUTBOW Principal Consultant, Hannah Tyler, addressed how the parking calculations relate back to the Development Agreement. They received feedback during the last Planning Commission meeting asking how the parking calculations were formulated and how they could expect the Planning Commission to approve a garage for uses that had not been clearly defined for the phases beyond Phase One.

She stated that this is a resort-based development and Deer Valley Resort is and would continue to be the operator of the resort during and after all phases of construction. Deer Valley Resort's visioning process for the overall programming of the base resort contemplates a guest experience that starts from arrival and extends to the ski experience and departure. This process resulted in a projected use mix for the Snow Park Development that would align and complement the desired programming.

Ms. Tyler added that the developer worked this visioning process into the existing entitlements established by the Development Agreement. She noted that even though a third part developer would be assisting in the construction and overall process management of Phases Two and Three, Deer Valley would still be at the table and they have established what they envision as their ideal use mix.

She reported that Deer Valley proposed that in order to successfully create the programming and desired guest experience, they would need a certain amount of square footage for guest amenities and other commercial uses. The project architects have projected square footages for those assigned uses, assigned the use type, established unit equivalents (UE) for those uses, and then utilized the parking requirements from the LMC.

While the owners and operators of the commercial spaces and hotels have not yet been identified, they are able to determine the parking requirements. She stressed that Phases Two and Three would not exceed the parking calculations presented. Fehr & Peers has assigned the reduction in the parking requirement based on shared uses and other factors and the project will not exceed the density in the future Phases, nor the parking requirements that are established.

She presented a chart identifying the projected uses and how the parking reduction was applied. Square footages and UE's that are assigned are also listed in the chart and tied back to the Development Agreement UE's. She expressed that this should give the Commission the confidence in not only the calculations but also how the 1,810 parking spaces would be realized throughout the phasing of the project.

Commissioner Suesser asked if the uses anticipated by Deer Valley are allowed in the MPD. Ms. Tyler stated that the Development Agreement establishes a broader spectrum UE count at 209.75 and blanket square footage for commercial. She pointed out that the chart reflects that there are no UE's assigned to commercial because of the blanket allowance. She explained that the blanket UE calculation of 209.75 gives Deer Valley the ability to be more flexible on what they decide to put into the various phases of the development. Ms. Tyler added that due to the lack of specificity regarding allowable uses in the Development Agreement, the chart presented should give the Commission more clarity and assurance that when the future phases come in, they would be in compliance with overall density, and the parking will already have been assigned for those uses.

Commissioner Thimm asked how they arrived at the 1,500 stalls for day-skier parking. Ms. Tyler stated that parking calculation is a combination of what currently exists, plus what has been allowed on the street. Commissioner Thimm agreed with the 20% reduction in day-skier parking.

Commissioner Thimm then asked whether Fehr & Peer's analysis supporting a reduction based on paid parking also supports the reduction for residential, hotel, and commercial parking. Mr. Nepstad stated that the parking would be managed internally but acknowledged the merit in evaluating the rate based on different managed uses.

After discussion regarding timing and the presentation of specific issues, Mr. Nicholas turned to the topic of drop-off zones and walking distances. He reported that currently, the distance from the passenger vehicle drop-off zone to the Carpenter Lift is 330 feet with a 12-foot vertical grade change. From the bus transit drop-off, the distance is 480 feet with a 15-foot vertical change. He also showed the walk distances and vertical grade changes from Lots 1, 2, 3, 4, and 5.

He stated that the concept plan separates the passenger vehicle drop-off from the mobility hub and pulls the chair lifts further down into the village. With this proposal, there would be no vertical grade change from the vehicle drop-off to the Carpenter Lift and Silver Lake Lift, and the walking distance would be 200 feet and 300 feet, respectively. From the mobility hub, the overall distance to the Silver Lake Lift would be 750 feet, 200 feet of which would be via escalator. The 50-foot vertical elevation change would also be via an escalator. The Carpenter Lift would be another 250 feet from the mobility hub.

Mr. Nicholas presented a slide representing the existing drop-off area, which shows it to be just under 1,000 lineal feet. The existing shuttle drop-off is 250 lineal feet, while the bus lane is 286 lineal feet. The proposal calls for the passenger vehicle drop-off zone to be approximately 1,200 lineal feet, while the mobility hub would have approximately 575 lineal feet of curb space for buses and shuttles.

Mr. Wagner explained that all drop-off areas would include a newly reimagined arrival sequence that is far better than what currently exists. The drop-offs will accommodate more vehicles and provide a flatter, shorter walk for pedestrians. Commissioner Johnson asked if the tighter turns will negatively impact the function of the drop-off zones and circulation through them. Mr. Wagner stated that they do not see any issues, and indicated that the specific design will be presented at a future meeting. He commented that the area has three lanes and will function well with the added benefit of a flat walk to the lifts. Commissioner Johnson added that this design eliminates the daycare drop-off, which could increase traffic in the drop-off zone unless a different solution is reached.

Michael Demkowicz from Alliance Engineering addressed the comments from the last meeting regarding emergency access. He presented an exhibit demonstrating the alternate opportunities to exit the area in the event of an emergency. He explained how Royal Street and Mellow Mountain Road will be utilized to exit the area. He noted that while Deer Crest Road has a private road and gate system, it could be used in the event of an emergency to get large volumes of people out of the area. Additionally, there are dirt road emergency access opportunities from Deer Crest Road and The Oaks Development that will lead people out to the frontage road along US 40 and allow a return to Richardson Flat. Mr. Wagner added that a key consideration is that Snow Park is always considered a part of the Deer Valley MPD, so when the egress roads are

developed, this project was already considered as part of that strategy. The plan is more than sufficient to address the emergency egress issues.

Chair Phillips opened the public hearing.

Jim and Brenda Bauer reported that they live directly across the street from this project site and have been long-time Park City residents. Mr. Bauer stated that the applicant has already indicated that they are looking for quick approval to accommodate the construction schedule. He had faith that the Commission has heard this argument in the past and that it would not become part of the decision-making process that is to grade plans that work in the long-term for the overall benefit of the City. The concerns of the neighbors and the rest of the community surround the elevations and how they would be established. He has written to the Planning Commission on these concerns. Mr. Bauer commented that they are surprised that the circulation plan appears to propose turning Deer Valley Drive East into a service road, which presents issues for the residents who live in the neighborhood. He noted that if the original Master Plan is compared to this plan, this plan is much more grandiose. Instead of one hotel contemplated in the Master Plan, the site would have a myriad of hotels.

Jack Thomas identified himself as the former Mayor of Park City. He expressed appreciation to the Planning Commission for their work. He also thanked Deer Valley for being a patient, community team player in Park City. They have been a part of the community for a long time and have engaged with, and supported the City for decades. He mentioned their efforts for affordable housing, support for non-profits, and engagement with other communities and resorts. He stated that this proposal is a culmination of thinking that occurred over several decades. He acknowledged that it takes a lot of time to comprehend a plan that is this significant, and offered that the decision-making should be slow and contemplative to make sure that everyone knows what the plan entails. He stressed that this is not a reactionary design; it has been deeply contemplated and shared with many people over the past few decades. Mr. Thomas added that Deer Valley is a resort that is readily willing to listen and support the underlying values of the community.

Michael Kerby reported that he attended one of the outreach meetings and is very familiar with ski resorts and bases and what it takes to develop a resort design. He noticed how much thought and effort was put into this and stated that it is a very well thought out design, from the traffic flow plan to moving the lifts closer to the village. He has been in Park City for 15 years and is excited about this project. He knows that the Commission will conduct its due diligence and work through the process but highly supports this project to be part of the community. He stated it reminds him of Whistler Village in Vancouver, Canada. He sees this as a well-planned ski village that would be the closest the lower 48 states would have to Whistler.

John Lindell expressed appreciation for the effort of all involved in this project. He has resided in the area for 20 years and is on the Lower Deer Valley Coalition that represents the neighborhoods. He stated that they need a clearer understanding of the heights and expressed concerns about traffic and parking. One issue that has not been raised was the reduction in bus services. He wanted to know more about that reduction. He also did not hear anything about the impact of paid parking and reduced parking on the neighborhood and suggested that people would likely end up parking on the neighborhood streets. Mr. Lindell stated that the current walkways around The Ponds are three feet wide and are used as multi-use trails. He stated that these walkways need attention during this process. He also raised the issue of the anticipated noise not only during the lengthy construction process but also once the project is complete.

There were no further public comments. Chair Phillips closed the public hearing.

Chair Phillips commented that these discussions provide the opportunity to provide early comments and concerns. He expressed hope that the community stays engaged in this process by providing input so that it may be taken into consideration. Based on his experience with large projects like this, the timelines given at the outset are typically exceeded. He expressed that the timeline presented for this project is very aggressive and he doubts that it will be met, but they are committed to working through this project with Deer Valley.

He referenced a comment from the prior meeting, where Steven Issowits, Deer Valley Vice President of Real Estate and Resort Planning, stated that the idea would be to attract day-skiers into enjoying the amenities after skiing, which could reduce some of the afternoon traffic impacts. Chair Phillips stated that even though there may not be a way to calculate the impacts that concept might have, it made him consider other ways to mitigate afternoon traffic issues, not just for this project but for others as well. He requested input on how they could expand on these ideas. He suggested that since paid parking is a significant component of this plan, reducing rates after a certain hour could potentially be used to soften the outflow in the evening and incentivize people to stay longer. Another option could be validations from restaurants.

Chair Phillips recognized Mr. Issowits who requested to comment. Mr. Issowits stated that he would like to focus on the framework at this stage. He acknowledged that there is still work to do with the City in terms of operations, but the goal of the framework was to use the elevations to create the most efficient methods for vehicle travel and parking. He highlighted the discussion surrounding the entrances to P-1 and P-2, and flexibility built into the framework as to where visitors can ingress and egress and how they could be directed.

In terms of parking reduction, he noted that they have utilized many of the assumptions that the City has included in the visioning process over a number of years, and they align well with the development. They are dramatically increasing the size and amenity of the transit center and how it flows into the resort as well as decreasing walking distances to the lifts by pulling the lifts down into the village. Mr. Issowits stated that in regard to the uses assigned to level P-1, the more residential uses would be less transient than day-skier traffic, which highlights why they have focused on who they planned to park in each garage.

He expressed appreciation to everyone working on this project and specifically thanked Planner Ananth. He also expressed appreciation for the neighbors, who have given their time for meetings to share their ideas and concerns. The input helps them work through issues in a detailed way to help them build a great project. Chair Phillips added that most, if not all future meetings would be solely on this project.

Commissioner Kenworthy liked the way the plan begins by addressing parking needs and he feels it creates more flexibility than the existing transit concerns. He also liked that the parking includes employees. He noted that at first glance, the new transit zones look like a win-win. He was impressed that the applicant responded to Commissioner Suesser's questions regarding an evacuation plan. He expressed appreciation to Planner Ananth, as well as former Mayor Jack Thomas for still contributing to the City.

Commissioner Suesser reiterated that the 13 items included in the Staff Report are items that need to be addressed. She would also like to see the proposed amendment to the MPD and

would like more details on the number of hotels proposed. She noted that the Event Center, which was described as a compatible use with the ski resort and development base, might also draw from the broader community. She liked the applicant's approach in presenting the circulation plan and parking first and noted that it is refreshing to see the thought and planning that has gone into this proposal.

Commissioner Van Dine agreed with Commissioner Suesser's comments and requests regarding the Event Center. She added that the multi-use paths need to be bigger, and noted that because there is so much bike traffic in the area and around the City in general that addressing the bike traffic is essential. She appreciated the efforts in the Transit Report to determine where potential visitors would come from.

Commissioner Johnson echoed the comments of the other Commissioners and stated that the City's checklist should answer many of his questions and is looking forward to the applicant's response. He referenced the suggestion of using Treasure Mountain as overflow parking, and with the potential dim future of that property, he moving forward, he would like to hear a backup plan for that proposal.

Commissioner Hall agreed with the prior comments of the Commissioners. She expressed appreciation for the applicant's quick response to Commissioner Suesser's request from the last meeting.

Commissioner Thimm noted that his comments were expressed during the presentation and expressed appreciation for the effort that has gone into this proposal. He stated that it would be important for them to fully understand how they would minimize any traffic impact on the neighborhoods, both during construction and post-construction. He would also like to understand the plan for rubbish and deliveries. He thanked Mayor Thomas for calling in and for inviting him to sit on the Commission. Chair Phillips echoed those comments regarding Mayor Thomas.

Commissioner Suesser added that she would like information on the location of loading docks and delivery access points.

After a brief recess, Chair Phillips took a brief roll call to confirm the presence of Commissioners.

8. REGULAR AGENDA

A. 3805 Fox Tail Trail – Plat Amendment – The Applicant Proposes Creating One Lot from Parcel PCA-S-98-SEC-11 for a Single-Family Dwelling in the Estate Zoning District and One Parcel in the Recreation Open Space Zoning District. PL-21-04826(A).

City Planner, Browne Sebright, reported that staff recommended that a public hearing be opened for this agenda item, and then it be continued to the September 22, 2021, Planning Commission meeting.

In response to a question from Chair Phillips regarding why these items remained in the Regular Agenda, Planner Ananth explained that an item would be listed under Continuations if it had been heard before and then came back before the Commission.

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

the public hearing.

MOTION: Commissioner Thimm moved to continue the 3805 Fox Tail Trail – Plat Amendment to the September 22, 2021, Planning Commission meeting. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

- B. 3805 Fox Tail Trail – Rezone – The Applicant Proposes Reallocating the Estate and Recreation Open Space Zoning for Parcel PCA-S-98-SEC-11 to Create an 8.85-Acre Area in the Estate Zoning District for the Construction of a Single-Family Dwelling Outside of the Ridge Line Area and a 23.89-Acre Area in the Recreation Open Space Area to be Dedicated to Park City Pursuant to Conservation Easement. PL-21-04865.**

Planner Sebright reported that staff recommended that a public hearing be opened for this agenda item and it continued to the September 22, 2021, Planning Commission meeting.

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

MOTION: Commissioner Thimm moved to continue the 3805 Fox Tail Trail – Rezone to the September 22, 2021, Planning Commission meeting. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

- C. Land Management Code and Municipal Code of Park City Amendment – On January 4, 2018, the City Council of Park City Adopted Resolution No. 01-2018 to Establish a Complete Streets Policy. The Proposed Amendments Codify an Updated Complete Streets Policy in Municipal Code of Park City Title 14, Chapter 8, and Amends the Land Management Code Chapters 15-6, Master Planned Developments, and 15-7, Subdivisions, to Reference the Complete Streets Policy. PL-21-04738.**

City Planner, Austin Taylor, reported that he is part of the Transportation Planning Department who recommended that the above item be continued to an unspecified date. He explained that this item involves a Complete Streets Policy that codifies the resolution adopted in 2018 that the City already follows. He noted that the City is already designing streets to take into account the needs of all street users. The recommended continuation would allow them to continue to revise the amendment and obtain additional feedback from other departments.

Commissioner Suesser asked if Complete Streets applies to affordable housing development projects. Planner Taylor responded that Complete Streets applies to all public and private streets, so if an affordable housing project creates a new street, then the Complete Streets standard would be applied.

Planner Taylor clarified that the Complete Streets standard does not mean that every street has a bike lane or a sidewalk on both sides; they do not have the room for that in Park City. It means that throughout the City they will strive to have a complete network, and where there is space,

they will install that infrastructure. Commissioner Suesser asked specifically about sidewalks and Planner Taylor confirmed that sidewalks are part of the standard.

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

MOTION: Commissioner Thimm moved to continue the Land Management Code and Municipal Code Amendment Concerning Complete Streets to a date uncertain. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

D. 1913-1915 Prospector Avenue – Plat Amendment – Amend Lot F of the Gigaplat Replat with an Access Easement Connecting Prospector Avenue to the Rail Trail, Gigaplat Replat, First Amended and Restated, Park City, Utah, in the General Commercial Zoning District. PL-21-04864.

Planner Ananth reported that the above matter involves an application for an access easement in Parking Lot F in Prospector Square, which is located in the General Commercial zone. This is a shared parking lot for the uses in that area. The City is requesting to amend the existing plat with an access easement to maintain public access in perpetuity between Prospector Avenue and the Rail Trail. She stated that the Prospector Square Property Owners' Association owns the access easement area. No other changes to the plat are proposed.

Planner Ananth presented an aerial map showing the lot and the location of the access easement. She commented that the City recently improved the area with a new staircase and handicap-accessible access to the Rail Trail. This access easement provides access in perpetuity and also clarifies maintenance obligations. She presented the plat showing the new access easement. She mentioned that a similar project was recently approved on Parking Lot G in the Prospector Square area.

The proposed plat amendment was reviewed in accordance with LMC Chapter 15-7 and she reported that Staff found good cause for this plat amendment as the access easement would maintain and solidify access from Prospector to the Rail Trail. Planner Ananth also stated that staff recommends the Commission hold a public hearing and consider forwarding a positive recommendation for the City Council's consideration at its' September 23, 2021 meeting.

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

MOTION: Commissioner Thimm moved to forward a positive recommendation for the 1913-1915 Prospector Avenue Plat Amendment to the City Council for consideration on September 23, 2021, subject to the following:

Findings of Fact:

1. The property is located at 1913-1915 Prospector Avenue in the General Commercial (GC) Zoning District.

2. Ordinance 14-28, approved by the City Council on June 5, 2014, approved the Gigaplat Replat, relocating the two development pads and common parking layout for 1913-15 Prospector Avenue and Parking Lot F.
3. The proposed easement amends this plat.
4. The plat amendment formalizes an access easement on the existing walkway that connects Prospector Avenue to the Rail Trail located south of the property.
5. The easement will maintain public access in perpetuity and defines the maintenance agreements between the City and property owners.
6. No additional density is created nor is any additional parking required.
7. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this Plat Amendment as the access easement will ensure public access from Prospector Avenue to the Rail Trail and will define maintenance agreements.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions, including LMC § 15-7.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. A Plat Note shall indicate that any Conditions of Approval of the Gigaplat Replat shall continue to apply.
4. A Plat Note shall indicate that the Plat is subject to Ordinance 2021-XX.

Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

E. 633 Park Avenue – Condominium Plat Amendment – Expand the Second Level by Enclosing a Portion of the Deck at the Rear of the Building, the Crescent Condominiums First Amended Amending Unit B, Park City, Utah, in the Historic Recreation Commercial Zoning District. PL-21-04858.

Planner Ananth reported that the Crescent Condominiums is a three-unit condominium recorded in 2006, and located in the Historic Recreation Commercial zoning district. The applicant is proposing to expand the second level of Unit B by 51 square feet, which involves enclosing the rear deck and converting it to private ownership. She added that no additional parking requirements are triggered by this plat amendment and the expansion is located outside of the rear setback.

Planner Ananth presented a map showing the location of the property on Park Avenue at the intersection with the Crescent Tram. She also presented the existing second-floor deck and area proposed to be enclosed. The plat amendment was also presented. She reported that staff finds good cause for this condominium plat amendment, as it would expand the private area with no change to the building's footprint and no impact on the light, air, or privacy of adjacent residents. The Homeowners Association (HOA) has approved this application, and no public streets, right-of-way, or easements would be vacated or amended as a result of this plat amendment. Staff recommended that the Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for their September 23, 2021 meeting.

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

MOTION: Commissioner Kenworthy moved to forward a positive recommendation for the 633 Park Avenue Condominium Plat Amendment to the City Council for consideration on September 23, 2021, subject to the following:

Findings of Fact:

1. The property is located at 633 Park Avenue in the Historic Recreation Commercial (HRC) Zoning District.
2. The Crescent Condominiums is a 3-unit condominium building originally recorded in 2006.
3. The proposed amendment is to expand the second level of Unit B 51 square feet, by enclosing a portion of the limited common ownership deck at the rear of the building and converting the enclosed portion to private ownership.
4. The 631/633/635 Homeowners Association approved the proposed additions in a letter dated June 10, 2021.
5. The additions do not change the number of residential Lots, Density, or require additional parking.
6. The enclosed deck meets all setback requirements.

7. Staff finds Good Cause for this Plat Amendment as the Amendment expands the unit owner's private area with no change to the building's front façade and no impacts to the light, air, or privacy of adjacent residents.
8. No Public Streets, Right-of-Way, or easement has been vacated or amended.
9. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this Plat Amendment as the Amendment expands the private area of Unit B with no change to the building's front façade and no impacts to the light, air, or privacy of adjacent residents.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivisions, including LMC § 15-7.
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.
5. No Public Streets, Right-of-Way, or easements have been vacated or amended.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
2. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. The applicant shall receive Historic District Design Review approval prior to the issuance of a building permit for the enclosed deck.
4. A Plat Note shall indicate that any Conditions of Approval of the Crescent Condominiums Plat, shall continue to apply.
5. A Plat Note shall indicate that the Plat is subject to Ordinance 2021-XX.

Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

- F. 1013 Northstar Avenue – Steep Slope Conditional Use Permit – The Applicant Requests a Steep Slope Conditional Use Permit for a New Single-Family**

Dwelling on a Vacant Lot in the Historic Residential – 1 Zoning District. PL-21-04808.

Planner Sebright reported that the applicant's representative, Jonathan DeGray, as well as the applicant, Greg Schott, were present. He explained that this is the first of two items related to 1013 Northstar Avenue. This item involves the Steep Slope Conditional Use permit. 1013 Northstar Avenue is just less than one acre in size. The applicant is requesting a Steep Slope Conditional Use permit for a new single-family residential dwelling on a vacant lot in the HR-1 District. The entire lot is at a 30% slope or greater, and the development is proposed for the lowest portion of the lot to the east.

Planner Sebright explained that this lot is on a private road on the historic Crescent Tram Grade. The survey illustrates that the grade is consistent throughout the entire lot. The building would be located on the bottom-most portion of the lot with required setbacks and access through a driveway. He presented photographs showing the existing streetscape and a rendering of the proposed building. Based on staff's analysis of the proposal, they concluded that the proposed single-family dwelling complies with the HR-1 zoning district requirements, including lot size, width, maximum building footprint, setback, building height, and parking requirements.

Additionally, staff concluded that the proposal complies with the criteria for development on steep slopes. The construction on this lot is to be clustered on the easternmost portion of the lot, which is the lowest elevation. Staff found that it complies with requirements for access, terracing, and setback requirements. Planner Sebright added that the terracing portion of the design was raised during the Historic District Design Review process and, as a result, the final design has an approximate 20% reduction of the number of retaining walls from previous versions. The retaining walls that exist now are primarily located around the driveway.

Planner Sebright added that staff's analysis of the proposal in terms of visual analysis, and building form and scale was based on the applicant's submission of what the cross-canyon view would be for this development. Staff also evaluated dwelling volume and building height as it relates to other developments within the subdivision. He noted that this is the second-largest lot in the subdivision, and is comparable in footprint and in percentage based on lot size.

Planner Sebright reported that this development went before the Development Review Committee and underwent the applicable reviews by City departments. The only comment received was from Public Utilities, which indicated that there is a known issue with water pressure on the uppermost floors of the building in this subdivision. Staff has not received any public input at this time. He stated that staff recommended that the Planning Commission review the proposed plans, conduct a public hearing, and consider approval of the Steep Slope Conditional Use permit.

Commissioner Suesser expressed concerns about the proposed retaining walls and terracing. She requested images of driveway access and garage door location. Planner Sebright referred back to the streetscape rendering and noted that the garage is proposed for the front of the building. He noted that part of the reasoning for the location of the garage was to minimize the cut and fills required for the driveway. The driveway access is to the north.

Commissioner Suesser commented in an effort to decrease massing, they generally try to configure garage doors on structures of this size to the side of the structure. Planner Sebright agreed and noted that this was a point of discussion amongst the design review team. Commissioner Suesser reiterated that she has concerns about the size, length, and height of the

retaining walls and the length and height of the terracing, and requested more information on those dimensions.

Planner Sebright presented additional views of the proposed driveway.

Chair Phillips commented that this might fall under that part of the Code that prohibits altering existing terrain by more than four feet for residential buildings. He noted that it appears that this may be why the terracing was proposed. Jonathan DeGray, AIA stated that the terracing around the driveway falls under an exemption in the Code that allows them to exceed the four-foot limit to allow access to the home and to the driveway. He explained that they have tried to maintain the four-foot limit, noting that there is only a small portion on the right side of the elevation where they struggled to match grade. In that location, the wall would be 5 ½ to 6 feet tall at its maximum. Everything else on the rendering is 4 feet or less.

Chair Phillips agreed that access is exempt from the Code requirement.

In response to a question from Commissioner Suesser, it was confirmed that this home would be part of the Northstar HOA. It was reported that the HOA approved the plan, and has requested the drainage plan, which is being prepared.

Commissioner Suesser requested confirmation that this application was properly noticed, as she was surprised that they have not received comment from anyone in the Northstar Development about this project. Planner Sebright confirmed that notice was sent, and stated that he has heard from members of the HOA, but no other public comments were received. Mr. Schott added that the HOA's Architectural Review Committee has reviewed the plan and they are very supportive of the project.

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

MOTION: Commissioner Kenworthy moved to approve the Steep Slope Conditional Use Permit for 1013 Northstar Drive, subject to the following:

Findings of Fact

1. The property is located at 1013 Northstar Drive.
2. On December 21, 2020, the Planning Department received the current Historic District Design Review (HDDR) application for the construction of a new single-family dwelling at 1013 Northstar Drive.
3. The HDDR application was approved on April 25, 2021.
4. On April 6, 2021, the Planning Department received a complete application for an Administrative Steep Slope Conditional Use Permit (SS-CUP) for "Construction on a Steep Slope" at 1013 Northstar Drive. The property is located in the Historic Residential (HR-1) District. The lot contains 41,967 square feet and it is an uphill lot.
5. The property is located in the Historic Residential (HR-1) District.

6. The lot contains 41,967 square feet. It is an up lot, and the average slope of this lot is 49%. The average slope within the footprint is 49%. The average slope beneath the proposed driveway is approximately 13%.
7. Access to the property is from Northstar Drive, a private street.
8. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes, and duplexes. The streetscape is dominated by homes setback from the street. The homes are a mix of one- to two-story residential developments, with a few three- to four-story houses.
9. The proposal complies with LMC 15-2.2-2(A) as a Single-Family Dwelling is an Allowed Use in the HR-1 zone.
10. The proposal complies with LMC 15-2.2-3(A) as the minimum Lot Size for a Single-Family Dwelling is 1,875 square feet, the proposal is 41,967 square feet.
11. The proposal complies with LMC 15-2.2-3(E) as the maximum building footprint allowed is 3,500 square feet and the Applicant has proposed 3,497 square feet.
12. The proposal complies with LMC 15-2.2-5 Building Height. The zone height is twenty-seven feet (27') from Existing Grade, and the tallest portion of the proposed building is below 27 feet from Existing Grade.
 - a. A structure is required to have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate supporting the ceiling joists or roof rafters; the applicant is proposing an interior height below 35 feet.
 - b. The LMC also requires a 10-foot horizontal step on the downhill façade that takes place at a maximum height of 23 feet from where the Building Footprint meets the lowest point of existing Grade; the applicant has incorporated a horizontal step on the façade of the building.
13. The proposal complies with LMC 15-3-6(A) as a Single-Family Dwelling requires two (2) parking spaces per Dwelling Unit. The applicant has proposed a total of four (4) covered parking spaces.
14. The proposal complies with LMC 15-2.2-6(C)(1), as the proposed single-family dwelling is located on the lot in a manner that reduces the visual and environmental impacts.
15. The proposal complies with LMC 15-2.2-6(C)(2), as the applicant submitted a photographic visual analysis, including street and aerial views, to show the proposed streetscape (See Exhibit D). As demonstrated by the visual analysis, the proposed new single-family dwelling fits within the context of the slope, neighboring structures, and existing vegetation. The neighborhood consists of historic houses with one- to two-story additions, one- to two-story new houses, and a few three- to four-story new residential developments. The visual analysis and streetscape view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated.

16. The proposal complies with LMC 15-2.2-6(C)(3), as the proposed driveway leads to the driveway and the garage.
17. The proposal complies with LMC 15-2.2-6(C)(5), as the new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
18. The proposal complies with LMC 15-2.2-6(C)(6), as the applicant broke up the mass of the new structure by incorporating multiple rooflines and articulation of the wall planes. By breaking up the structure into a series of individual smaller components, the entire structure is more compatible with the overall mass and scale of the Historic District.
19. The proposal complies with LMC 15-2.2-6(C)(7), as the new structure complies with all applicable setbacks. The applicant has worked to break up the mass and scale of the structure through incorporating smaller components, multiple rooflines, and articulation of the wall planes.
20. The proposal complies with LMC 15-2.2-6(C)(8), as the proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed single-family dwelling and surrounding structures.
21. The proposal complies with LMC 15-2.2-6(C)(9), as the proposed new construction complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. The height of the tallest portions of the new structure is below 27 feet above existing grade. As designed the house is compatible in mass and scale with houses in the surrounding neighborhood.
22. The property was posted and notice was mailed to property owners within 300 feet on August 10, 2021.
23. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(C).
2. The Use is consistent with the Park City General Plan.
3. The effects of any differences in use of scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on August 25, 2022, if a Building Permit has not been issued by the building department before the expiration date unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Director or Designee on August 5, 2021, and the Final HDDR Design.
6. Fire sprinklers are required, to the satisfaction of the Chief Building Official, for all new construction on this lot.
7. All exterior lighting shall be down directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
8. Construction waste should be diverted from the landfill and recycled when possible.
9. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.

Commissioner Thimm seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

G. 1013 Northstar Avenue – Accessory Dwelling Unit – The Applicant Requests an Accessory Apartment Conditional Use Permit for a New Single-Family Dwelling on a Vacant Lot in the Historic Residential – 1 Zoning District. PL-21-04809.

Planner Sebright stated that this application seeks a conditional use permit for an accessory apartment for the single-family home on this property. He reported that the total living area is approximately 8,000 square feet for the home. The accessory apartment would be approximately 990 square feet and would have one bedroom and one bathroom. He presented the first level plan to illustrate the proposed location of the accessory apartment in the lower-left corner of the building, with a separate entrance.

Planner Sebright reported that staff reviewed this application and determined that it complies with the requirements of the HR-1 zoning district. It complies with lot size, lot width, footprint, setbacks, and height. He referred back to the site plan presented for the previous item. He referenced the Accessory Apartments code requirements and language and stated that this apartment meets the size requirements and accommodates all required parking on-site. It also complies with all additional requirements, including density limits of accessory apartments in the surrounding neighborhood and ownership. Staff looked at all homes within a 300-foot radius and found no other approved accessory apartments.

Planner Sebright noted that there are conditions of approval regarding required deed restrictions, limits on use for nightly rentals, and HOA notification. He reported that the Development Review Committee reviewed this application, and other than the aforementioned comments regarding water pressure, there were no concerns from other departments. Staff has not received any public input. Staff recommended that the Planning Commission review the plan for the accessory apartment, conduct a public hearing, and consider approving the Accessory Apartment Conditional Use permit.

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

MOTION: Commissioner Thimm moved to approve the Conditional Use Permit for an Accessory Apartment for 1013 Northstar Drive, subject to the following:

Findings of Fact

1. The property is located at 1013 Northstar Drive.
2. On December 21, 2020, the Planning Department received the current Historic District Design Review (HDDR) application for the construction of a new single-family dwelling at 1013 Northstar Drive.
3. The HDDR application was approved on April 25, 2021.
4. On April 6, 2021, the Planning Department received a complete application for a Conditional Use Permit (SS-CUP) for an Accessory Apartment at 1013 Northstar Drive. The property is located in the Historic Residential (HR-1) District. The lot contains 41,967 square feet and it is an uphill lot.
5. The property is located in the Historic Residential (HR-1) District.
6. The lot contains 41,967 square feet, with Steep Slopes throughout the lot.
7. Access to the property is from Northstar Drive, a private street.
8. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes, and duplexes. The streetscape is dominated by homes setback from the street. The homes are a mix of one- to two-story residential developments, with a few three- to four-story houses.

9. The proposal complies with LMC 15-2.2-2(A) as a Single-Family Dwelling is an Allowed Use in the HR-1 zone.
10. The proposal complies with LMC 15-2.2-3(A) as the minimum Lot Size for a Single-Family Dwelling is 1,875 square feet, the proposal is 41,967 square feet.
11. The proposal complies with LMC 15-2.2-3(E) as the maximum building footprint allowed is 3,500 square feet and the Applicant has proposed 3,497 square feet.
12. The proposal complies with LMC 15-2.2-5 Building Height. The zone height is twenty-seven feet (27') from Existing Grade, and the tallest portion of the proposed building is below 27 feet from Existing Grade.
 - a. A structure is required to have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate supporting the ceiling joists or roof rafters; the applicant is proposing an interior height below 35 feet.
 - b. The LMC also requires a 10-foot horizontal step on the downhill façade that takes place at a maximum height of 23 feet from where the Building Footprint meets the lowest point of existing Grade; the applicant has incorporated a horizontal step on the façade of the building.
13. The proposal complies with LMC 15-3-6(A) as a Single-Family Dwelling requires two (2) parking spaces per Dwelling Unit. The applicant has proposed a total of four (4) covered parking spaces.
14. The proposal complies with LMC 15-4-7(A)(1), as the proposed Accessory Apartment is approximately 1,063 square feet in size, comprising approximately 13.23% of the square footage of the entire building.
15. The proposal complies with LMC 15-4-7(A)(2), as the proposed Accessory Apartment contains one bedroom, requiring one (1) parking space in addition to DRAFT the two (2) parking spaces required for the primary residence. The proposed design has an approximately 864 square foot garage area (24 feet by 36 feet), which will provide four (4) parking spaces.
16. The proposal complies with LMC 15-4-7(A)(3), as the proposed design contains one (1) Accessory Apartment on the Lot.
17. The proposal complies with LMC 15-4-7(A)(4), as the Applicant submitted a Historic District Design Review application to building a new Single-Family Dwelling on the property, which was approved on August 5, 2021.
18. The proposal complies with LMC 15-4-7(A)(5), as there are no properties within a 300' radius of the Applicant's Property boundary with recorded Accessory Apartments with Deed Restrictions.
19. The proposal will comply with LMC 15-4-7(A)(6), as stipulated in Condition of Approval 4.
20. The proposal will comply with LMC 15-4-7(A)(7), as stipulated in Condition of Approval 4.

21. The proposal will comply with LMC 15-4-7(A)(8), as stipulated in Condition of Approval 3.
22. The proposal will comply with LMC 15-4-7(A)(9), as stipulated in Condition of Approval 4.
23. The property was posted and notice was mailed to property owners within 300 feet on August 11, 2021.
24. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-4-7.
2. The Use is consistent with the Park City General Plan.
3. The effects of any differences in use of scale have been mitigated through careful planning.

Condition of Approval

1. All Standard Project Conditions shall apply.
2. The proposed project shall comply with all conditions of approval per the Historic District Design Review PL-21-04730.
3. If an Accessory Apartment permit is granted, neither the main Dwelling Unit nor the Accessory Apartment shall be rented for periods of time less than thirty (30) days.
4. A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states: a. "A permit for an Accessory Apartment was issued to _____, the current Owner of this Property on DRAFT _____. This permit runs with the land and is automatically transferred to the new owner by the Sale or Transfer of this Property, provided, however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7(B)(1). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner. The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short-term rentals of less than thirty (30) days.
5. Prior to, or at the time of Application for a permit for any Development, the Applicant shall file with the City evidence of notification to the appropriate registered Owners association(s).
6. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.

7. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
8. This approval will expire on August 25, 2022, if a Building Permit has not been issued by the building department before the expiration date unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Director or Designee on August 5, 2021, and the Final HDDR Design.
10. Fire sprinklers are required, to the satisfaction of the Chief Building Official, for all new construction on this lot.
11. All exterior lighting shall be down directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.

Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

H. 199 Daly Avenue – Steep Slope Conditional Use Permit – The Applicant Proposes Constructing an Accessory Garage into the Rear Steep Slope of a Significant Historic Site in the Historic Residential – 1 Zoning District. PL-21-04837.

Senior City Planner, Rebecca Ward, explained that 199 Daly Avenue is a historic home where the applicant is proposing to remodel the addition at the back of the home. As part of that remodel, the applicant proposed a detached garage be constructed into the steep slope. The slope is greater than 30% and requires Planning Commission review and approval. The lot is over 5,000 square feet in size. She reported that this application was presented to the Planning Commission on July 15, 2021, and was continued to today to allow for clarifications on the roof deck and the renderings for the proposed detached garage. Planner Ward reported that the applicant made changes to the proposal by removing the rooftop deck and replacing it with a green roof. The applicant also produced updated renderings for the detached garage, slope restoration, and landscaping.

Planner Ward presented a rendering showing the historic structure and the proposed driveway that goes from the rear of the property to the detached garage. She also presented renderings of views from the southern neighbor that shows how the garage would be located beneath the slope, with the green roof above. The Landscape Plan shows the green roof that would replace what was originally designed as an active, outdoor deck.

She reported that the proposal complies with the zoning district requirements and the Steep Slope Conditional Use Permit requirements. She noted that they have included conditions of approval from the engineering department that relate to slope stabilization. The construction department also included conditions of approval since the construction would be close to a lot line. The applicant and the adjacent property owner also agreed to additional conditions of approval.

Planner Ward noted that the Engineering Department has requested to review the final plans with the applicant before they apply for the building permit, to ensure that the slope would be stabilized. The building permit will require access agreements between the applicant and the adjacent property owner prior to construction. The applicant and the adjacent property owner have agreed to a heated driveway, a common fence between the properties that would be retained or replaced, a green roof with a solid wall separating the properties, and the reconfiguration of the driveway to preserve the cottonwood tree.

Planner Ward reported that the Planning Department included a condition of approval that the detached garage would not be converted to a dwelling unit and the area above the garage would remain a green roof. Staff recommended the Planning Commission conduct a public hearing and consider approving the Steep Slope Conditional Use Permit, subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Commissioner Suesser requested clarification regarding the hot tub area shown on the renderings. Planner Ward clarified that the hot tub would be placed at the rear of the property in compliance with the setbacks to the rear property line. She explained that the active roof space previously proposed has been shifted further into the property. Commissioner Suesser commented that slope stabilization with a Steep Slope application is something she has not heard before and asked why this application includes stabilization. Planner Ward stated that based on this specific site, additional studies and assurances from the City Engineer were required. She added that sometimes these issues are addressed at the building permit phase, but in this case, the City Engineer weighed in during the Development Review Committee process and outlined those requirements specific for this site.

Planner Ward directed the Commission to those portions of the plan that address soil stabilization details and stated that the City Engineer requested to review each of these plans prior to the building permit phase.

Commissioner Suesser reiterated her question asking why there were not similar conditions of approval as part of the Northstar Drive application. Planner Ward stated that this is an unusual site and explained that the back of the property is a uniquely steep slope, which would explain the additional conditions.

Steven Swanson, on behalf of the applicant, explained that the City owns the property above and to the east of this lot, which is zoned as Open Space. The slope likely exceeds 30%.

Chair Phillips understood that slope stabilization as a condition of approval for this application is specific to this lot and is not required for every property. He noted that the City has stepped up its shoring and excavation requirements, and particular attention is likely being paid to this application because of the circumstances of the lot.

In response to a question from Commissioner Suesser, Planner Ward stated that the slope exceeds 30%, but was unsure of the actual slope. Mr. Swanson estimated that the slope is approximately 40% in some places. He added that if the application were approved, they would submit the appropriate shoring design and implement that plan during excavation. He explained that the plan calls for them to essentially build a concrete vault that would be buried up to 8 or 9 feet on the deepest end. He estimated that 60-70% of the building would be completely underground when complete.

Commissioner Suesser asked if there is a slope that would take an application outside of the Planning Commission's approval authority. Planner Ward stated that it would depend on the zoning district as well as whether a lot was within the Sensitive Lands overlay. This property is not within that Sensitive Lands overlay. She stated further that based on Staff review, this proposal complies with the Historic Residential-1 zoning district and the Steep Slope Conditional Use Permit criteria specific to this zone.

Commissioner Thimm noted that page 270 of the Staff Report shows that the slope is actually supported by the roof of the garage and not just a retaining wall. He agreed that extra scrutiny is well warranted and applauded the City Engineer for bringing it forth, whether it is City property above or not.

Chair Phillips thanked the applicant for taking the Commission's prior comments into consideration. He stated he is much more in favor of the changes proposed and had no further concerns at this point.

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

MOTION: Commissioner Kenworthy moved to approve the Steep Slope Conditional Use Permit for 199 Daly Avenue, subject to the following:

Findings of Fact

1. 199 Daly Avenue is a Significant Historic Site on the Park City Historic Sites Inventory.
2. 199 Daly Avenue is in the Historic Residential – 1 Zoning District.
3. The Applicant proposes a detached garage to be constructed within a slope greater than 30% and requires a Steep Slope Conditional Use Permit.
4. Planning Commission approval is required for Steep Slope Conditional Use Permits on Lots greater than 3,750 square feet. 199 Daly Avenue is a 5,750- square-foot lot.
5. The purposes of the Historic Residential – 1 (HR – 1) Zoning District are in part to encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and to maintain existing residential

neighborhoods and to establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

6. The Minimum Lot size for a Single-Family Dwelling in the HR-1 is 1,875 square feet. The Lot is 5,750 square feet.
7. The Minimum Lot width in the HR-1 is 25 feet. The Lot width is 57.5-feet wide.
8. The Maximum Building Footprint for a 5,750-square-foot lot in the HR-1 is 2,081 square feet. The Building Footprint is 1,460 square feet.
9. Front and Rear Setbacks for Lots up to 100 feet in length in the HR-1 are 12 feet and 13 feet for a total of 25 feet. The Front Setback exceeds 30 feet; the Rear Setback is 12 feet.
10. Side Setbacks for Lots up to 62.5 feet wide in the HR-1 are five feet for a total of 14 feet. The northern Side Setback is five feet; the southern Side Setback is 8.9 feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures. New construction shall meet the Setback requirements.
11. The detached garage is an Accessory Building.
12. The HR – 1 Zoning District establishes the following Setback exceptions for Accessory Buildings:
 - a. Rear Setback Exceptions include detached Accessory Buildings not more than 18 feet in height located a minimum of five feet behind the front façade of the Main Building and maintaining a minimum Rear Setback of one foot. Such structure must not cover over 50% of the Rear Setback. The detached garage is proposed to be 14 feet in height and is located more than five feet behind the front façade of the Significant Historic Structure with a Rear Setback of one foot, covering less than 50% of the Rear Setback.
 - b. Side Setback Exceptions include one private driveway leading to a garage.
 - c. Detached Accessory Buildings, not more than 18 feet in height located a minimum of five feet behind the front façade of the Main Building, maintaining a minimum Side Setback of three feet. The detached garage is proposed to be 14 feet in height and is located more than five feet behind the front façade of the Significant Historic Structure and maintains a Side Setback of three feet.
13. The Planning Commission reviews Steep Slope Conditional Use Permits pursuant to the criteria outlined in LMC Section 15-2.2-6.
14. LOCATION OF DEVELOPMENT – development is located and designed to reduce visual and environmental impacts of the Structure. The detached garage is proposed to be located at the rear of the site within the steep slope to mitigate the visual impact.

15. **VISUAL ANALYSIS** – the Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the proposed access and building mass and design and to identify the potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. The accessory garage will not be viewable from Vantage Points, which are defined in LMC § 15-15-1. Rather, the garage will be embedded into the Steep Slope. Please see Exhibit E to view the Applicant's submitted garage visual analysis.
16. **ACCESS** – Access points and driveways must be designed to minimize Grading of the natural topography and to reduce the overall Building scale. Side Access to garages is strongly encouraged, where feasible. The driveway will be constructed with minimized Grading of the natural topography and will be located on the relatively flat area of the Site.
17. **TERRACING** – the project may include terraced retaining Structures if necessary to regain Natural Grade. The Applicant proposes the construction of a four-foot retaining wall above the accessory garage to provide terracing and to stabilize the slope.
18. **BUILDING LOCATION** – Building, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the front yard. The Significant Historic Structure Front Setback exceeds 30 feet. New construction on a similar-sized Lot in the Zoning District must meet a 12 to 13-foot Front Setback. As a result, the Building Footprint is 620 square feet smaller than what is allowed under the LMC. A gravel pad in the front yard currently provides parking for the Significant Historic Structure. The detached garage will allow the Applicant to replace the parking area in the front yard with landscaping.
19. **BUILDING FORM AND SCALE** – Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low-profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the Main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage. The garage is subordinate in design to the Significant Historic Structure and will be located at the rear of the property.
20. **SETBACKS** – The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a wall effect along the Street front and/or the rear lot line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. The proposed detached garage meets the Accessory Building Setback requirements of the HR-1 Zoning District.
21. **DWELLING VOLUME** – The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. The minimum size requirements for Single-Family Dwellings are 11 feet wide and 20 feet deep. The proposed garage dimensions are 14.6 feet in width by 19.6 feet in depth.

22. BUILDING HEIGHT | STEEP SLOPE – The HR – 1 Zoning District Height is 27 feet. The Planning Commission may require a reduction in Building Height for all or portions of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and the Historic character of the neighborhood's existing residential Structures. The Significant Historic Site is below the 27-foot height limit and the detached garage is proposed to be 14 feet in height.

Conclusions of Law

1. The Application complies with the Land Management Code Chapter 15-2.2, Historic Residential – 1 Zoning District, and LMC Section 15-2.2-6, Development on Steep Slopes.
2. The Use will be Compatible with surrounding Structures in scale and mass.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
2. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit and 1 LMC § 15-3-4(A)(1). shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
3. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. This approval will expire on August 25, 2022, if a building permit has not been issued by the Building Department before the expiration date, unless the Applicant submits an extension request in writing to the Planning Department and the Planning Director approves an extension of this approval.
5. The detached garage shall not be converted to a Dwelling Unit.
6. The Applicant shall submit a plan demonstrating how they will provide the temporary shoring needed during construction prior to submitting a building permit, subject to City Engineer approval.
7. The Applicant shall submit a geotechnical report and design of the temporary shoring and final slope stability prior to submitting a building permit, subject to City Engineer approval.
8. The Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized prior to submitting a building permit, subject to City Engineer approval.

9. The Applicant shall submit a landscape bond to ensure the stabilization and vegetation rehabilitation is complete prior to submission of a building permit.
10. The Applicant shall demonstrate the driveway can properly slope away from the Significant Historic Structure without a retaining wall or grading along the southern property line prior to submission of a building permit, subject to City Engineer approval.
11. The Applicant shall complete an Access Agreement allowing property access to adjoining properties to complete the construction proposed to be within five feet or less from the Lot line or steep slope prior to submitting a building permit.
12. The Applicant shall work with the Planning and Building staff to comply with the required garage depth in compliance with Building and Fire Codes.
13. The driveway shall be a heated driveway.
14. The fence along the common 199 Daly Avenue and 203 Daly Avenue lot line shall be retained or replaced.
15. A solid wall shall separate the green roof on the detached garage along the common 199 Daly Avenue and 203 Daly Avenue lot line.
16. The driveway shall be constructed in a way that preserves the cottonwood tree located along the southern 199 Daly Avenue lot line.
17. The area above the detached garage shall remain a green roof.
18. The building permit plans shall be in substantial compliance with the August 25, 2021 plans reviewed as part of this Steep Slope Conditional Use Permit. The Applicant shall notify staff if any changes to the plans are proposed prior to submitting a building permit application.

Commissioner Hall seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

I. 7 Perseverance Court Plat Amendment – The Applicant Proposes Amending the Limits of Disturbance for Lot 8 of the Evergreen Subdivision in the Residential Development Zoning District. PL-21-04845.

Planner Ward reported that the applicant has proposed to amend the Area of Disturbance for Lot 8 of the Evergreen Subdivision. She presented an exhibit that showed the location of 7 Perseverance Court that sits along Silver Lake Drive. In the original plat approval, there was an Area of Disturbance that was established for the lot. She reported that the single-family dwelling on the lot was built in approximately 1994. It already exceeds the designated Area of Disturbance, so the applicant is seeking an amendment to reflect the as-built condition, and to further extend it to allow for a ground-level patio and an upper-level deck extension. Planner Ward walked the Commission through the graphic that illustrates the proposed plat amendment and pointed out the 20-foot ski easement along Silver Lake Drive, as well as the side and fence setback.

There have been other amendments to Area of Disturbance in this subdivision. In 1994, there was an amendment to Lot 15 to preserve mature evergreens on the site. In 2005, there was an amendment to clean up a ski easement and an addition to a home on Lot 10. Additionally, in 2007 there was an amendment to resolve a ski easement, encroachment, and covered deck, and in 2020, Lot 1 sought an amendment to expand the buildable area by 990 square feet.

Planner Ward reported that the City Council enacted an amendment in 1995 that clarified the Area of Disturbance for the lots in this subdivision. The amendment states that the Area of Disturbance represents the boundary in which all building and associated construction disturbance shall occur. When the building footprint is established, the limits of construction disturbance shall be no greater than 15 feet beyond the foundation wall. The amendment also provided that the building footprint could shift within the Area of Disturbance and driveway access shall be no wider than 20 feet. She noted that the Evergreen Architectural Committee must approve deviations.

The applicant submitted Evergreen Architectural Committee's approval on August 2, 2021. The approval was subject to the following three conditions:

- The expansion does not encroach on the recorded ski easement;
- The site maintains all lot setbacks required by the LMC; and
- The final design matches the architecture and materials used in the existing home.

Planner Ward reported that the applicant agreed to a condition of approval to remove any encroachments into the 20-foot ski easement and agreed that new construction would not encroach into that easement. The applicant also agreed to restore the landscaping within that easement prior to final inspection.

Finally, the applicant also agreed that the architecture and materials would match that used in the existing house. She noted that the Planning Commission must make a finding of good cause prior to forwarding a positive recommendation to the City Council. She explained that "good cause" is defined in the LMC as providing positive benefits and mitigating negative impacts on a case-by-case basis to include such things as:

- Providing public amenities;
- 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 community.

Planner Ward reported that they received quite a bit of public input regarding this application, which were submitted to the Commission as Exhibit L. Most of the concerns centered on the potential for increased outdoor noise to adjacent properties due to the increased square footage to the outdoor deck and patio. Concerns were also expressed regarding potential impacts to the trees on the site. Staff recommended that the Planning Commission review the proposal, conduct a public hearing and determine whether there is good cause to forward a positive recommendation to the City Council for their meeting on September 23, 2021.

Planner Ward mentioned that representatives of the applicant, Jared Edgel, and Michael Johnston, were present and wished to share information with the Commission regarding this application.

Mr. Johnston explained that he is a Principal Engineer with Summit Engineering Group, and represents the owners, Julianne and Derek McDowell. With regards to the concerns about trees being removed, he stated that there are no trees that would be removed. He also clarified that the existing house is smaller than the Area of Disturbance and the proposal would not exceed the Area of Disturbance but rather expand across it. He stressed that the applicant is not asking for an expansion of the Area of Disturbance, just a revision to the shape to include the as-built house and approximately nine feet to the rear to allow them to expand the deck to accommodate outdoor tables and chairs.

Commissioner Suesser referenced the public input and asked whether the “hardship” language in the LMC is applicable to this application. Planner Ward stated that because the applicant submitted a plat amendment, the standard of review is “good cause.” She felt there was some confusion in the public input about whether this would be presented to the Board of Adjustment or the Planning Commission.

In response to an inquiry from Commissioner Thimm regarding whether the applicant provided an outline of “good cause” to support approval, Planner Ward referenced the plat note that was amended in 1995 that provided that Architectural Review Committee approval supports approval of the plat amendment. She noted, however, that even with Architectural Review Committee approval, this plat amendment still requires a finding of “good cause.”

Commissioner Thimm stated he was looking for something from the applicant that addressed one or all of the items listed in the Code that establishes “good cause.” He acknowledged that his struggle with this application is the “good cause” requirement.

Mr. Johnston responded that the “good cause” of nearly all plat amendments is the happiness and enjoyment of property rights by the applicant and generally does not involve some public benefit. The fact that lot boundaries are changed, easements are moved and building areas are changed or expanded was evidence that plat amendments come before every legislature in the State of Utah. He stated that Park City has a list of factors that constitute “good cause,” but he offered that the most important thing is the happiness and enjoyment of property rights.

He argued the U.S. Constitution that protects the life, liberty, and the pursuit of happiness, is primarily accomplished by protecting property rights from undue and unnecessary curtailment. He also pointed out that the Utah Constitution strongly supports the right of people to enjoy their property with undue burdens and regulations, unless those rights are significantly detrimental to the public.

Mr. Johnston stated that he has personally applied for at least a dozen plat amendments in Park City in the past decade, and none of them had a “public benefit.” The “good cause” of each of those plat amendments was the personal satisfaction and happiness of the property owners to enjoy their property in a manner consistent with City standards and norms. He referred back to the 1995 Amendment that required approval by the Architectural Review Committee. He stated that he was hard-pressed to see how a lot line adjustment or any other plat amendment meets the definition of “good cause” as defined in the Code. Nevertheless, there is “good cause” for this application because the property owners desire to do it.

Commissioner Johnson asked about conflicts with the 20-foot ski easement. Planner Ward explained that the 20-foot ski easement runs along Silver Lake Drive, and the current structure does not encroach on that easement. She stated that the proposed plan would not encroach, but because the original plans show some minor encroachments, the Architectural Review Committee made it a condition of approval that the final plans would be modified to remove any encroachments into the easement.

She clarified that there were current minor encroachments that would have to be removed and any new construction must be outside the ski easement.

Chair Phillips assumed that the rock retaining walls that used to exist on the property were present to retain the grade difference from the patio level. He wondered whether the reconfigured patio would require retaining walls to allow for the patio extension. Mr. Johnston confirmed that they would install 4-foot concrete walls within the Area of Disturbance.

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

Commissioner Kenworthy commented that pursuant to LMC Section 15-15-1, he does not find any of the required "good cause" for this application. Commissioner Suesser agreed.

Commissioner Thimm suggested that the statements in the Staff Report indicating that resolving existing non-conformity establishes "good cause" has been met. That said, he finds none of the good cause elements were met to extend the Area of Disturbance. He suggested continuing the hearing on this application to allow either the modification of the application to limit it to resolving existing non-conformance or to establish good cause.

Chair Phillips agreed with Commissioner Thimm and added that he would need to have a better understanding of the proposed retaining walls and the grade difference in relation to the surroundings. He noted that if the applicant returns on this application, he would likely go to the site so he could better understand the proposed amendment.

Mr. Johnston stated that they could return with more extensive drawings to address the Commission's comments. With respect to the issue of "good cause," he stated that just last year, this Planning Commission approved a change to the Area of Disturbance on Lot 1 that more than doubled its size from 3,120 square feet to 6,260 square feet. He stated he would provide "good cause" as requested, but stood by his prior comments that "good cause" to the citizens and property owners is not necessarily a public benefit. Plat amendments occur all the time and it is difficult to show the required "good cause." He emphasized that "good cause" is more than the list found in the Code, which only states that it "may" include these findings.

He confirmed that the applicant would be happy to return and provide the requested information.

Planner Ward requested that if this matter were continued, that it be continued to September 22, 2021. She also highlighted that the Staff Report included links to ordinances that have approved changes to Areas of Disturbance on lots within the Evergreen Subdivision, along with a summary of the cause to support those amendments.

Chair Phillips reiterated his concerns regarding the grade changes and his request for further information on that issue. He expressed concern with having the addition right on the line and suggested pulling back on the size of the expansion.

MOTION: Commissioner Suesser moved to continue the hearing on 7 Perseverance Court --Plat Amendment to the September 22, 2021, Planning Commission meeting. Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

9. ADJOURN

Commissioner Suesser moved to adjourn the meeting.

The meeting adjourned at approximately 9:20 p.m. The meeting adjourned at approximately 9:10 p.m.

PENDING APPROVAL



Planning Department

Planning Commission Staff Communication

Subject: Planning Commission Meetings
Author: Alexandra Ananth, Sr. Planner
Date: September 8, 2021
Type of Item: Informational

Summary

At the June 9, 2021, Planning Commissioners raised the issue of moving the Planning Commission meeting start time up one hour to 4:30 PM. There was consensus among Commissioners that this was a good idea given the length of recent agendas. The change in start time must be publicly noticed for two weeks. Therefore, starting on September 29, 2021, Planning Commission meetings may start at 4:30PM.

In addition, the Planning Commission raised the possibility of hosting hybrid meetings at the Jim Santy Auditorium at the Park City Library to safely accommodate the public in a more open environment. The City's IT Department offered the following thoughts on this idea:

"Utilizing the Santy Auditorium (located at the Park City Library) to host hybrid meetings requires defined use, technical setup, and additional support staff. The prescribed use, priority, and in-person participation scale will determine the needed assets and setup time required. As technical requirements increase, so does the risk. Thus, consideration of hiring a professional videographer with AV support could be warranted. Some general considerations include:

1. Live presentations, PowerPoints, and need to project over the stage or rolling LCD screens,
2. Camera inputs for the presenter and in-person public comments,
3. Audio inputs control for microphones, including furniture placement
4. Speaker outputs from the stage or using an overhead sound system, and
5. Streaming and recording through Granicus (meeting archiver), located in City Hall, with post video processing as needed.

IT has access to a set of portable AV equipment, best suited for a single presenter, and can advise based on the desired outcome."

Based on the potential costs of the above, additional staff time and requirements to move meetings to the Santy Auditorium or another location, and the COVID-19 Delta variant, Planning staff recommends 1) tabling the Santy Auditorium idea for the time being, and 2) beginning Commission meetings at 4:30 PM starting on September 29, 2021, through the end of the year. This issue can be re-evaluated in January 2022.

Planning Commission Staff Report

Subject: Payday Condominiums Amended Plat
Application: PL-20-04725
Author: Makena Hawley, Planner II
Date: September 8, 2021
Type of Item: Administrative – Plat Amendment



Summary Recommendations

Staff recommends the Planning Commission continue the item to October 27, 2021.

Description

Applicant: Susan Philipp (HOA)
Location: 1660 & 1700 Three Kings
Zoning District: Residential Development (RD)
Reason for Review: Plat Amendments require Planning Commission review and recommendation and City Council review and action.

Planning Commission Staff Report



Subject: Sommet Blanc/B2 East Conditional Use
Permit and Amendments to Pod B2 Master
Planned Development and Flagstaff
Development Agreement

Applications: PL-20-04702, PL-21-04771

Author: Makena Hawley, Planner II

Date: September 8, 2021

**Type of
Item:** Administrative – Work Session

Recommendation

Staff recommends the Planning Commission hold a final Work Session to review the application for a proposed Conditional Use Permit for Multi-Unit Dwellings in the Residential Development (RD) Zone and amendments to the Pod B2 Master Planned Development (MPD) and Flagstaff Development Agreement (Agreement) and determine what outstanding information the Planning Commission needs to determine whether the proposed amendments to volumetrics, design, and unit definitions are consistent with the previous approvals, the Land Management Code, and the Park City General Plan.

Staff plans to schedule a public hearing for Planning Commission action on October 13, 2021.

Description

Applicant: Sommet Blanc Residences I LLC /
Douglas Ogilvy and Hannah Tyler

Location: 9300 Marsac Avenue

Zoning: Master Planned Development (MPD) – Residential
Development (RD)

Adjacent Land Uses: Empire Day Lodge, Montage Deer Valley, Deer Valley Ski
Resort

Reason for Review: The Planning Commission takes final action on Conditional
Use Permits and amendments to Master Planned
Developments

Summary

The site is Lot 1 of the B2 East Subdivision (Parcel B2East, Please see Exhibit J), located at 9300 Marsac Avenue, adjacent to the Deer Valley Empire Day Lodge and the Montage Deer Valley, and is subject to the requirements of the approved 2007 Empire Pass B-2 Master Planned Development (MPD, Exhibit H) and the [2007 Amended Flagstaff Development Agreement](#) (Agreement, Exhibit I).

In November 2020, the applicant submitted an application for a Conditional Use Permit for three condominium lodges with 44 residential units above underground parking, a 3,600-square-foot public restaurant, and six (6) townhome villas within three (3) duplexes, and a detached ancillary ski locker building located on the hillside above the condominiums.

In the Residential Development (RD) zone a Multi-Unit Dwelling is a Conditional Use. Additionally, in conversation with the applicant, staff determined that because the applicant is requesting to amend the approved Agreement and the approved volumetric guidelines of the 2007 MPD, the applicant would need to submit a separate application to amend the MPD. These applications are therefore running concurrently.

On February 22, 2021, the applicant submitted a Modification of Approval application for amendments to both the Agreement and the MPD, additional materials for the CUP application, and revisions to the overall site plan design.

On July 15, 2021, the applicants submitted updated plans utilizing feedback from the previous Planning Commission work sessions. The latest submittal proposes three condominium buildings with **43** residential units above underground parking, a 3,600-square-foot public restaurant, **four (4)** townhome villas within **two (2)** duplex buildings, and a detached ancillary ski locker building.

Background

On March 24, 2021, the Planning Commission held an initial work session and determined that the proposals constituted a Substantive Modification due to the larger scope of change proposed by the applicant to an approved Master Planned Development, per [LMC § 15-6-4\(K\)](#). For additional background information please see the [Staff Report](#) and [Minutes](#).

At the June 9, 2021 meeting, the Planning Commission held a second Work Session for the project. The applicants addressed previous discussions regarding materials, density implications, volumetrics, and the architecture of the proposed Sommet Blanc in the context of Empire Pass development. For additional background information please see the [Staff Report](#) and [Minutes](#).

The Planning Commission requested additional information from the applicant regarding:

- Residential Accessory space versus Resort Commercial space.
- A focus on the architecture (Contemporary vs. Craftsman) and the roof pitches.
- The approved volumetrics for the 2007 Hill-Glazier Plan versus what is proposed.
- A better understanding of building height compared to 2007 Hill-Glazier plan.

Overview

This work session is to allow the applicant the opportunity to present their proposal and gain feedback regarding the changes they are proposing as part of the Conditional Use Permit, Amendment to the Flagstaff Development Agreement, and modification to the Pod B-2 Empire Pass Master Planned Development. For context regarding the updated information, the Planning Commission will eventually be reviewing the project for compliance with:

1. The 16 Conditional Use Permit criteria outlined in LMC Section [15-1-10\(E\)](#).
2. An amendment to the Flagstaff Development Agreement (DA) reducing permitted Multi-Family units by 5 and increasing the number of PUD units permitted by 2.

3. An amendment to the Flagstaff Design Guidelines (Exhibit D) by creating a new section of design guidelines specific to the B2 East Site.
4. An approval to modify the Conditions of Approval #1 and #2 regarding Volumetrics and height within Pod B2 MPD pursuant to LMC [Chapter 15-6](#), Master Planned Developments, which requires considerations of the natural features of the site, site planning that clusters units in the most developable and least visually sensitive portions of the site, minimization of grading and the need for large retaining structures, adequate internal vehicular, pedestrian, and bicycle circulation, and transportation amenities including drop-off areas for van and shuttle service, and a bus stop, if applicable.
 - a. COA #1 “The building plans and volumetrics for the project shall meet substantial compliance with the drawings dated April 24, 2006, and as reviewed by the Planning Commission.”
 - b. COA #2 “A height exception for the Montage to 114 feet above a benchmarked grade (USGS 8346') is granted with the Master Plan. A height exception for the east side condominiums to 82 feet above benchmarked grades (USGS 8330' for north datum point and 8380' for south datum pint) is granted with the Master Plan. Datum points are indicated on the site plans reviewed by the Planning Commission.” (Pg. 9 of Exhibit H):

Updated Information

To address discussions from the June 9th meeting, the applicant has submitted updated information and renderings (Please see Exhibits A and B). Staff has provided analysis on the subjects below:

1. Residential Accessory space and Resort Accessory space.

The 2007 MPD and the Land Management Code each provide definitions for the following uses with very slight differences:

Per the LMC:

[15-6-8-\(D\)](#) MEETING SPACE. Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for support commercial uses within a Hotel or Nightly Rental Condominium project.

[15-6-8\(F\)](#) RESIDENTIAL ACCESSORY USES. Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:

Ski/Equipment lockers
Lobbies
Registration
Concierge

Bell stand/luggage storage
 Maintenance Areas
 Mechanical rooms and shafts
 Laundry facilities and storage
 Employee facilities
 Common pools, saunas and hot tubs, and exercise areas not open to the public
 Telephone Areas
 Guest business centers
 Public restrooms
 Administrative offices
 Hallways and circulation
 Elevators and stairways

Per the 2007 Agreement:

“Meeting Accessory Uses” provisionally means uses normally associated and necessary to serve meeting and banquet space.

“Residential Accessory Uses” provisionally means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project.

In the DA, above definitions hold footnotes stating: “This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

The applicant proposes 29,625 sq ft of amenity space (Meeting space and Residential Accessory Use).

Per LMC § 15-6-8(F) Residential Accessory Space includes the following:	Per the applicant’s submittal, the following is proposed as Residential Accessory Space:
• Ski/Equipment lockers • Lobbies • Registration • Concierge • Bell stand/luggage storage • Maintenance Areas • Mechanical rooms and shafts • Laundry facilities and storage • Employee facilities • Common pools, saunas and hot tubs, and exercise areas not open to the public • Telephone Areas • Guest business centers • Public restrooms • Administrative offices • Hallways and circulation • Elevators and stairways	• Skier Lounges • Ski/Boot Storage • Fitness Facilities • Yoga & Massage Rooms • Swimming Pool and Hot Tubs • Board Room • Concierge Desk

Per the 2007 Agreement, “Meeting Accessory Use” and “Residential Accessory Uses” do not require the use of Unit Equivalents.

Per the LMC “Meeting Space” may not exceed five percent (5%) of the total floor area of the approved residential unit equivalents, and “Residential Accessory Space” does not require the use of unit equivalents just like the 2007 agreement.

Staff finds that the applicant’s proposal for Residential Accessory space complies with the described uses in LMC § [15-6-8\(F\)](#). The square footage used to create these spaces is to be utilized by residents and guests of the Sommet Blanc only.

Staff will propose a Condition of Approval that Meeting Space and Residential Accessory Space cannot change to be open to the public. Any programming that evolves on-site, like massage services, yoga classes, and fitness classes that attract participants from the general public who are not guests of the project will be subject to additional requirements, including Affordable Unit requirements pursuant to [Resolution No. 25-2020](#), *Affordable Housing* Guidelines, or on-site parking. Staff also recommends a Condition of Approval that any changes of use will require approval by the Planning Commission for further mitigation.

2. A focus on the architecture (Contemporary vs. Craftsman) and the roof pitches.

As part of the MPD and Agreement modifications it will be in the Planning Commission’s purview to review and determine if the Design Guidelines may be accepted with proposed modifications to include the new architecture proposed. Please see Exhibit A and B for the applicant’s comments and presentations regarding flat roofs and design changes in addition to the Design Guidelines Book V – Site, Landscape, and Architectural Design Guidelines for Pod B2 East (Please see Exhibit D).

“Book V”, is an addition to the Empire Pass Design Guidelines specific to the B2 East site. This does not change the Design Guidelines in effect for the rest of Empire Pass. The 2003 Design Guidelines have four books:

Book I - Custom Homes

Book II - Townhouses and Cluster Homes

Book III - Condominium Lodges

Book IV - All Building Types (Administration of Design Guidelines)

As the applicant worked with the Design Review Board (DRB), the DRB concluded that it made more sense to have one comprehensive set of Design Guidelines for the B2 East site requiring architectural continuity between the condominium lodges and the villas. The DRB also wanted to ensure the changes would not impact built neighborhoods within Empire Pass. The applicant and DRB had multiple meetings and redlines of these design guidelines prior to approval in May (the first meeting). The final product of the “redlines” was an addition of Book V to the overall Design Guidelines.

The roof pitches have slight modifications with the changes to the building massing and contain 33% of green roofs. The applicant has organized a presentation of Park City architecture and surrounding developments of Empire Pass (Please see Exhibit B) as well as a rendering of the Sommet Blanc development in it’s proposed location to be viewed in context with the Day Lodge and the Montage (Please see Exhibit C).

Within the Flagstaff Agreement, under Section II, it states that it is the Developers

responsibility to submit and ultimately obtain City approval for items such as mine/soils mitigation plans, transit plans, etc. Included in this list at 2.1.2 is “Detailed Design Guidelines” which were submitted and accepted at the time. Further in the agreement under 2.9 Flagstaff Mountain Mitigation/Amenities and more specifically 2.9.9 Neighborhood-Specific Design Guidelines, it states the Design Guidelines must emphasize strong, common architectural themes and be enforceable by one or more of the Associations mentioned in the Agreement – namely the Master Resort Association for Flagstaff and a Project-specific Property Owners Association or the Mountain Village which now is regarded as the Empire Pass Design Review Board.

Therefore, the process to amend the Design Guidelines would first, require review and approval from the Design Board to amend and accept any changes proposed to the Neighborhood design guidelines. After approval from the appointed associations, then these guidelines may be presented for acceptance by the City (in this case the Planning Commission).

The applicant asserts that the Flagstaff CC&Rs allow the Design Review Board to modify, adopt, and establish Design Guidelines. The applicant has sought several reviews and provided preliminary design approval from the Board which are included in the exhibits from June 11, 2021 and July 28, 2021 (Exhibits E and F).

3. The approved volumetrics for the 2007 Hill-Glazier Plan versus what is proposed.

The applicant has provided an overhead rendering of the Hill Glazier proposal as well as additional analysis of access, slope disturbance and circulation for each development (Please see applicant submittal Exhibit C).

When discussing volumetrics, it's important to view the project through the lens of LMC 15-6-5 Master Planned Development Requirements. Items to frame the discussion could be as follows:

15-6-5(A) Density – How is the density changing?

- Since Residential Accessory Use does not count as a UE – how much was considered before and how much is proposed now?

15-6-5-(F) Height – How is the height changing?

15-6-5(B) Building Footprint – How is the building footprint changing?

- How does this affect the site disturbance?

15-6-5(G) Site Planning

- Are the units clustered on the most developable and least visually sensitive portions of the site?
- How does the change affect the minimization of grading/slope degradation?
- How are the roads and structures designed to work with existing grade?

(Please see Exhibit K for full portion of 15-6-4 Master Planned Development Requirements)

4. A better understanding of building height compared to 2007 Hill-Glazier plan.

During the approval of the 2007 MPD, the site was evaluated for height exceptions. Due to substantial mitigation of mine soils in the area, the site has been heavily disturbed, and it was determined that no “natural grade” could be established. This led to the Planning Commission granting a height exception that was based off maximum height allowances above USGS benchmark grades (For both Pod A and Pod B). Within the MPD analysis it may have caused confusion because it states:

“...the 80 UEs for B2-East can be absorbed within the Empire Pass project in Code compliant 33 -foot height buildings...” (Pg. 2 of Exhibit H).

However, as approved, at the end of the report in the MPD there is a Condition of Approval stating:

COA #2 “A height exception for the Montage to 114 feet above a benchmarked grade (USGS 8346') is granted with the Master Plan. A height exception for the east side condominiums to 82 feet above benchmarked grades (USGS 8330' for north datum point and 8380' for south datum pint) is granted with the Master Plan. Datum points are indicated on the site plans reviewed by the Planning Commission.” (Pg. 9 of Exhibit H):

Regarding the transition from Empire Lodge to Building A, the applicant has submitted modified proposals (Please see Exhibit B) with changes that include lowering Building A to a height of 70 feet (dropping one floor, adjacent to Empire Canyon Day Lodge) and raising Building C to 92 feet above benchmark grade. The proposed benchmark locations for the condominium buildings at Sommet Blanc is currently proposed by the applicant as the grade of the entry level for Building A, and the skier entry/amenity level for Buildings B and C. Such a height determination would result in varying heights from different portions of the building relative to the benchmark. Please see Exhibit A and B where the applicant has provided comments and a presentation of development height in Empire Pass to review the Sommet Blanc design within the context of surrounding building in Empire Pass. Due to the proposed changes, building C rises six (6) feet above the MPD approved 82 feet from benchmark grade. It will be within the Planning Commission's purview during the CUP and Modification process to assess the modified benchmark USGS height maximums within the 2007 MPD.

Exhibits

- Exhibit A - Applicant Narrative
- Exhibit B - Applicant Presentation
- Exhibit C - Analysis of Sommet Blanc CUP Hill Glazier Challenges
- Exhibit D - Empire Pass Design Review Board Preliminary Approval 6/11/21
- Exhibit E - Empire Pass Design Review Board Preliminary Approval 7/28/21
- Exhibit F - B2 East and West MPD and Volumetric
- Exhibit G - 2007 Empire Pass B-2 Master Planned Development
- Exhibit H - 2007 Amended Flagstaff Development Agreement
- Exhibit I - B2 East Subdivision Plat
- Exhibit K - 15-6-5 MPD Requirements

Empire Pass Pod B2 East - Sommet Blanc & Alpine Villas

- Flagstaff Development Agreement Amendment (Duplexes)
- MPD Amendment (Volumetric Guidelines)
- CUP

Follow Up to 6/9/21 Planning Commission Work Session

August 25, 2021

At the 6/9 Planning Commission Work Session, the Applicant outlined the many community benefits associated with the Sommet Blanc project proposed for the B2 East site. The Applicant also introduced various design changes made in response to Planning Commission comments from the 3/24 Planning Commission Work Session.

1. The consensus of Planning Commission was that the design changes were insufficiently bold to address Commission concerns.
2. There was considerable discussion about whether it is appropriate to introduce new Design Guidelines and architectural vernacular on the B2 East site since Empire Pass has few remaining development sites other than single family homesites at Red Cloud
3. Planning Commission expressed a strong desire for brevity with a focus on design changes. To respect this directive, this package is limited to material relevant to discussion of the matters raised at the most recent Work Session.

1. Architectural Vernacular

Architecture is organic, constantly evolving and responding to new building materials and technologies. Throughout Park City, mature MPD communities are responding to a strong consumer desire for modern architecture. Existing traditional buildings are undergoing major renovations to introduce modern elements. New construction is heavily skewed towards modern architecture.

This shift is easily observed in both new infill and redevelopment projects in the following communities amongst others:

- Park Meadows
- The Aerie
- Old Town
- Deer Crest
- Lower Deer Valley
- Silver Lake
- Empire Pass

Attached as Exhibit A is a photo study of this architectural evolution in these communities. Nowhere in Park City has architecture remained frozen in time. Flat roof modern buildings co-exist with traditional pitched roof buildings in every neighborhood.

When Empire Pass (then Flagstaff) was first approved in 1998, the prevalent architectural trend was traditional mountain architecture with heavy stone and log elements, pitched roofs and small windows. The Empire Canyon Day Lodge was built in this style. In 2004, the Empire Pass Design Guidelines were modified to codify Craftsman architectural vernacular as the required direction for Empire Pass homes. The first wave of homogeneous Empire Pass Village lodges strictly followed this Craftsman direction.

The Montage was the last project commenced before the Great Recession. The Montage is not subject to the Empire Pass Design Guidelines and was built as a 13 story building with long flat facades punctuated only with protruding balconies. Flat primary ridge lines extend for significant length with false dormers to provide architectural relief.

After an eight year hiatus, development resumed in 2016 with One Empire Pass. Situated immediately adjacent Silver Strike Lodge, One Empire blends traditional pitched roofs with flat roof sections and other contemporary elements such as floor to ceiling glazing. This transitional style continued with Empire Residences and Argent, both built in close proximity to the unremarkable Craftsman lodges from the first era of Empire Pass development.

While not the last project at Empire Pass, Sommet Blanc will be the largest project other than the Montage. The 7 acre site is almost a mile from Empire Pass Village and over 500' from the Montage. Rather than constructing one large building, the Applicants have proposed seven buildings on the site all constructed in a distinct modern vernacular. Exhibit B shows the considerable separation between the Sommet Blanc project and the Montage. Other than the Empire Canyon Day Lodge, there are no other Empire Pass buildings within sight of the project.

Exhibit B also shows the use of color to integrate modern Sommet Blanc buildings with “log cabin” Day Lodge building and Craftsman Montage building. While each of the three projects each has a distinct architectural style, there is harmony in the exterior colors across the entire B2 development pod.

The Empire Pass Design Review Board, the design authority for Empire Pass, agrees that the B2 East site is sufficiently large and sufficiently separated from other Empire Pass lodge buildings to support a unique set of design guidelines that respond to the site and to changes in architectural style since 2004. The B2 East Design Guidelines were approved in June after several iterations of review and edits at the direction of the Design Review Board.

2. Flat Roofs

Traditionally, mountain architecture featured pitched roofs. Prior to the development of modern membrane systems, this was the best way to ensure positive roof drainage and to minimize leaks. Roof forms were simple and pedestrian activity avoided areas of snow and ice fall. As building sizes increased, gables and valleys were introduced to break up the roof mass and to reduce areas exposed to snow dump. With these valleys came ice dams and increased roof leaks. As buildings have become taller, the hazards of snow and ice fall increased necessitating ever more elaborate retention systems, with increased roof penetrations and risk of roof leaks.

As any architect working in a mountain environment knows, with modern membrane systems a flat roof is the most functional solution to management of water, snow and ice. Internal drains don't freeze. Flat roofs don't shed. Cornice development can be addressed with snow melt systems and access for snow shovelers is easy.

With appropriate architectural treatment, flat roofs can offer as much or more interest and articulation as seen from below. Flat and low pitch roofs are prevalent on new construction throughout Park City. The design team feels that flat roofs are a very appropriate design solution to enable the construction of extensive pedestrian access areas off the restaurant and other amenity spaces throughout the project.

3. Design Changes

At the last work session, it was noted that the Tom Kundig team has designed beautiful buildings for the project, but there was concern about how these buildings fit within the Empire Pass neighborhood. There was a consensus that the Empire Pass Village buildings are not award winning architecture, offset by the question of what is appropriate for the B2 East site. The Applicants strongly believe that it is quite appropriate to bring award winning architecture to the capstone project for Empire Pass.

Independent of design direction, there was a general consensus on the Commission that the transition from the Empire Canyon Day Lodge to Sommet Blanc Building A required further study. There were also some concerns about the location of the villas on the upper driveway. After design team review of various alternatives to address these concerns, the Applicants are proposing the following changes to the prior design as shown in Exhibit D:

- One floor dropped from Bldg A adjacent the Day Lodge.
- New west elevation is 4 stories at upper cantilever climbing to 5 stories for west penthouse.
- At far east end, Bldg A is dropped to 5 stories climbing to 6 stories for east penthouse.
- Cantilevered glass element added to Bldg A facing roundabout to increase architectural interest.
- Restaurant patio reduced to introduce landscape buffer between patio and ski beach.
- Penthouse roofs on Bldg B rotated to face west rather than north/south, reducing building height at ends of buildings.
- Area of green roof increased on Bldgs A and B raising total green roof to over 30% of roof area on the seven Sommet Blanc buildings.
- One floor added to Bldg C (increasing height to 92' above benchmark)
- Villa development reduced from 5 homes to 4 in two duplex buildings.
- Total unit count drops from 48 to 47 residential condos. In addition, there are 6 Affordable and 2 ADA units.

As shown in the 3D renderings in Exhibit C, the transition from the Empire Canyon Day Lodge to Bldg A is now much softer and the ridge line climb from Bldg A to Bldg C is much more pronounced.

The villa reduction creates greater separation between the northernmost villa and Marsac Avenue below, and the shift from triplex to duplex allows for more landscape and less building. The two duplex buildings are now situated on the flattest portion of the upper site. By dropping one villa, the amenity building and driveway hammerhead are pulled further north.

The Applicants believe that with the building massing changes proposed, the Sommet Blanc project is a strong architectural solution that fits in harmony with the Montage and Empire Canyon Lodge just as the flat roof contemporary infill homes in Old Town co-exist in harmony with the homes of varying ages nearby.

Exhibit E shows the proposed Volumetric Guidelines to address the height reduction in Building A (West) and the addition of a floor in Building C to accommodate density shifted from Building A and the eliminated villa.

4. Hill Glazier Site Plan

At prior meetings Planning Commission requested a comparison of the current application with the previously approved 2007 Hill Glazier (“HG”) plan. Exhibit F shows the HG site plan overlaid on the 2021 Olson Kundig (“OK”) site plan. The total footprint of the two projects are similar, but using different portions of the site. The HG plan includes villas at the steep SE corner of the site reserved for a possible ski trail (Parcel A) on the B2 East plat. On the OK plan these villas move to the more gently sloped NE corner of the site. The lodge product in the HG plan is one large building with three distinct wings. On the OK plan, the lodge product is broken up into three distinct buildings with view corridors between. The OK plan is set much further back from the ski trail.

5. Height Study

Exhibit G updates the height study presented at the June Work Session to reflect the changes to the proposed Sommet Blanc project.

List of Exhibits:

- Exhibit A: Photo Study of Park City Neighborhoods
- Exhibit B: B2 Neighborhood Context Study
- Exhibit C: Updated Civil, Landscape & Site Plans
- Exhibit D: Massing Changes
- Exhibit E: Proposed Volumetric Guidelines
- Exhibit F: Hill Glazier Site Plan Comparison
- Exhibit G: Height Study



SOMMET BLANC

Sommet Blanc (B2 East) - CUP & MPD Amendment
Architectural Language of Neighborhood
July 15th, 2021

The texture of our built environment is created through the layering of architectural style over time. From urban cities to remote getaways inserted in natural landscapes, the architectural space of the places we live and visit shape our memory of place. Architecture evolves not simply due to stylistic preference. It is a reflection of advanced material technologies, construction methods, aesthetics, safety improvements, and perhaps most importantly, a shift in the desire to live, interact and play in new ways.

As a result, architecture is rooted in time and place. Contemporary architecture aspires to advance the way we inhabit space and interact with the natural context. This desirable texture in our built environment emerges as we embrace the natural evolution of architectural style over time.

Sommet Blanc seeks to integrate with the existing diverse built environment of Park City while contributing to a new way of living.





























Sommet Blanc (B2 East) - CUP & MPD Amendment
Exhibit A - Proposed Massing Changes in Context
September 8th, 2021





BEN
IN PROGRESS PREVIEW

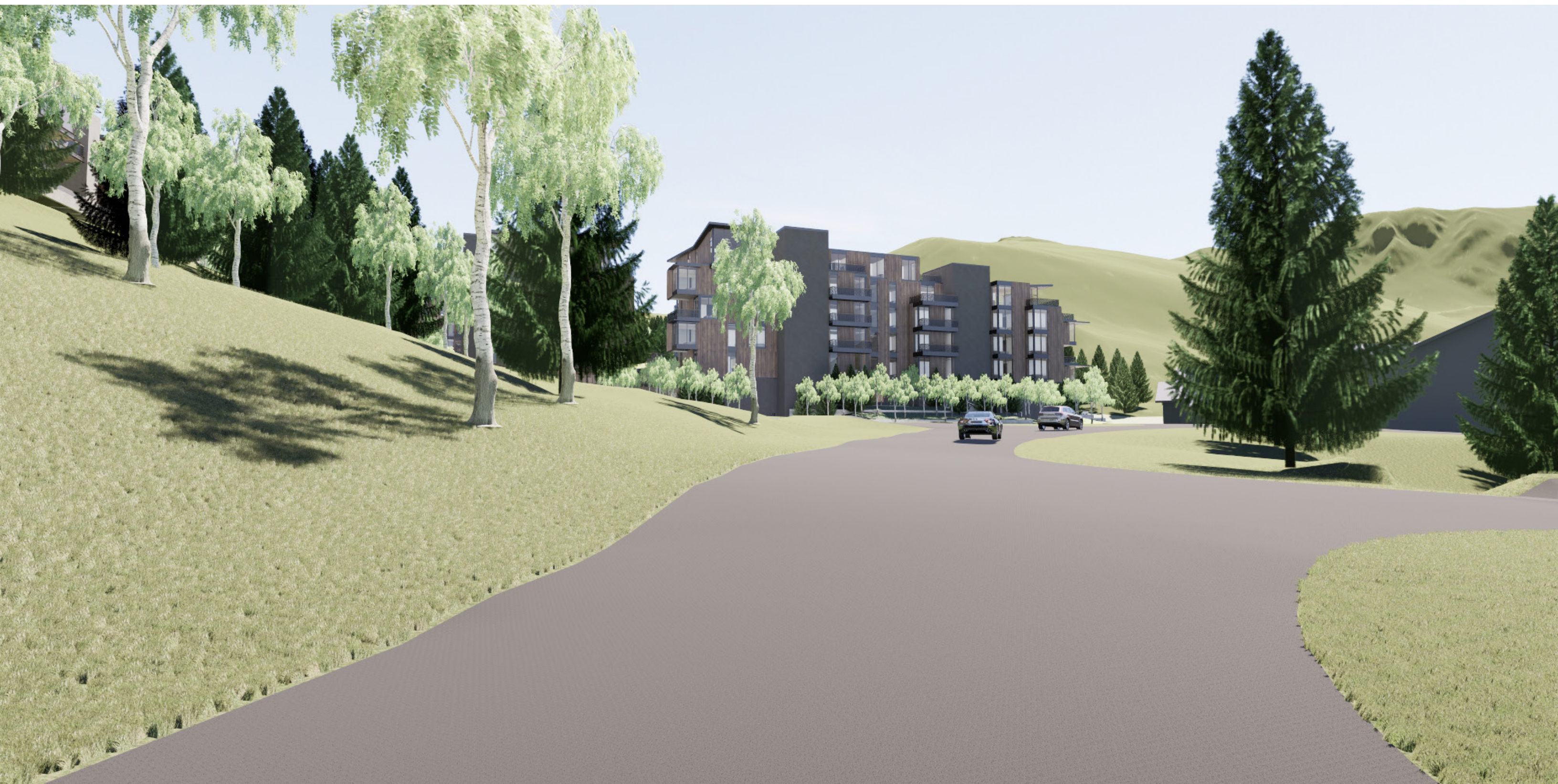










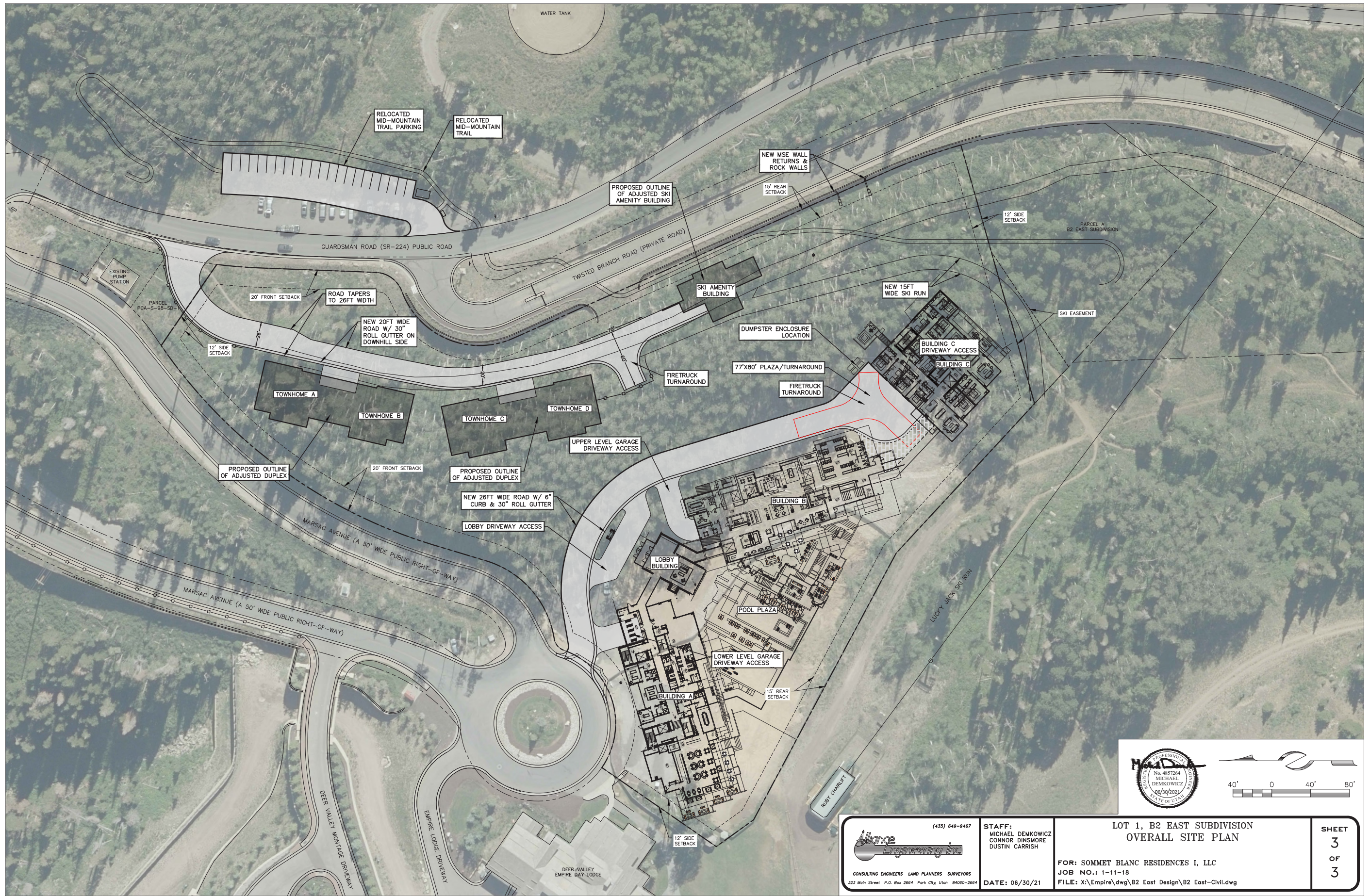




Sommet Blanc (B2 East) - CUP & MPD Amendment

Exhibit B - Civil, Landscape, and Site Plan

September 8th, 2021





ALPINE TRANSITION LANDSCAPE W/ DECORATIVE RETAINING WALLS AND SLOPE STABILIZATION STRATEGIES

MID MOUNTAIN TRAIL PARKING

ALPINE NATIVE LANDSCAPE PROTECT IN PLACE AND RESTORE TO NATIVE

UPPER ROAD STREETSCAPE AND DECORATIVE PAVING

MID MOUNTAIN TRAIL RESTROOM AND KIOSK

ALPINE NATIVE LANDSCAPE PROTECT IN PLACE AND RESTORE TO NATIVE

LOWER ROAD DECORATIVE PAVING AND STREETSCAPE

EXISTING LANDSCAPE AND PATIO AT EMPIRE PASS

ALPINE TRANSITION LANDSCAPE DECORATIVE RETAINING WALLS AND SLOPE STABILIZATION STRATEGIES

ALPINE GARDEN AREA SEE AMENITY ENLARGEMENT PLAN

BUILDING C PLAZA AND TURN AROUND AREA

SKI BACK TRAIL FROM UPPER ROAD

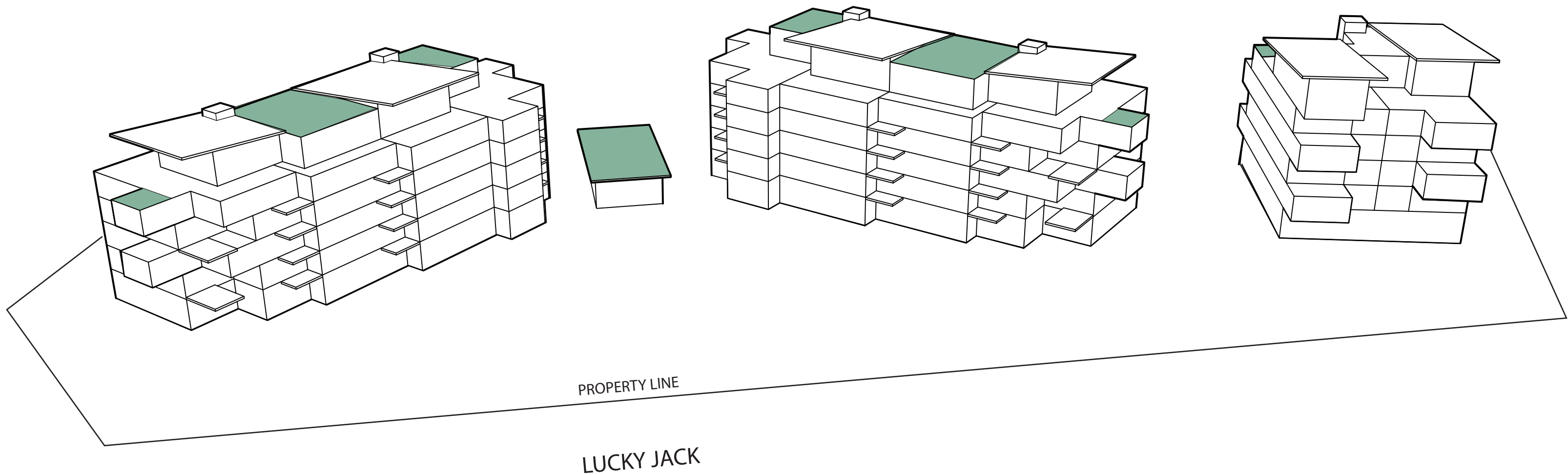


Sommet Blanc (B2 East) - CUP & MPD Amendment

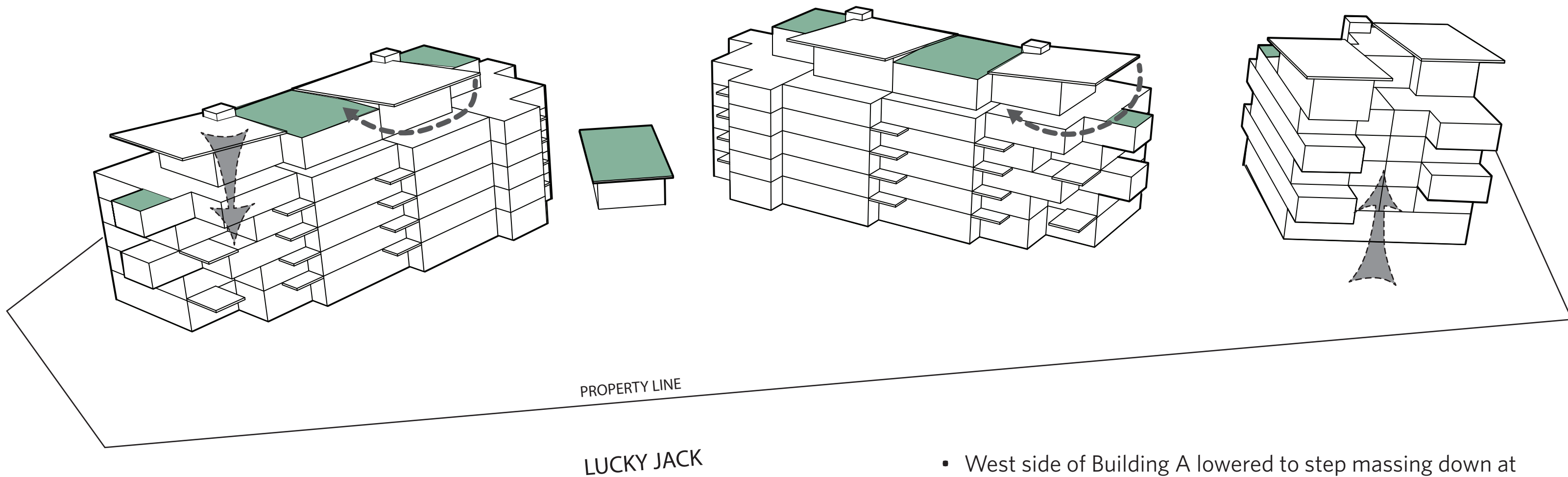
Exhibit C - Massing Changes

September 8th, 2021

PRIOR MASSING

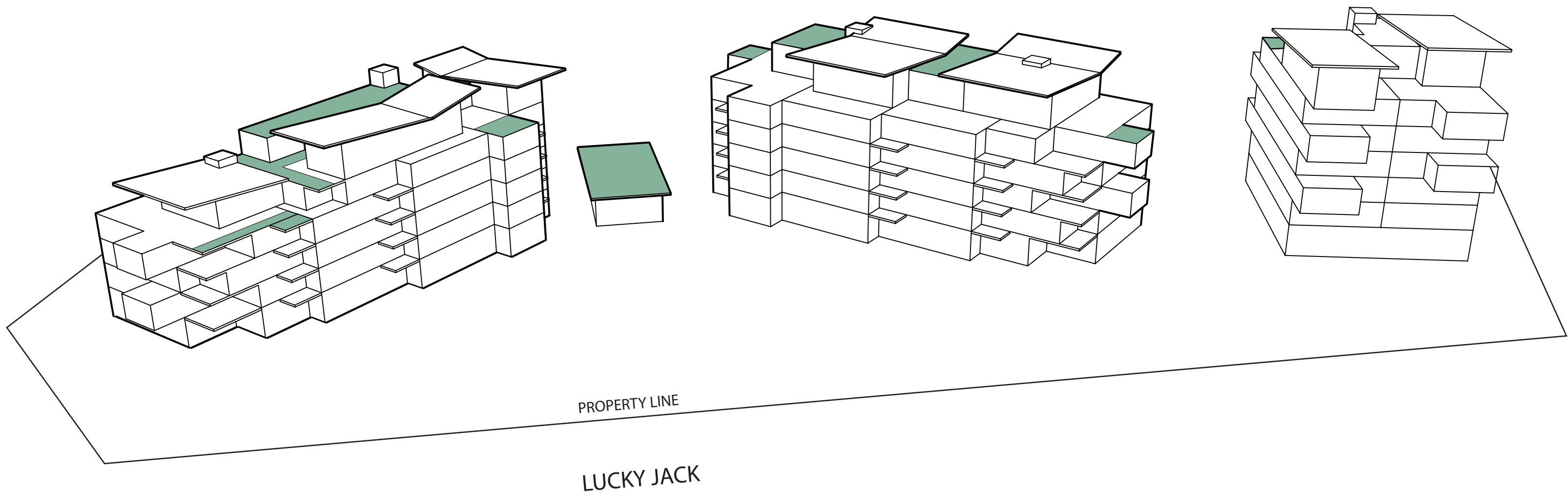


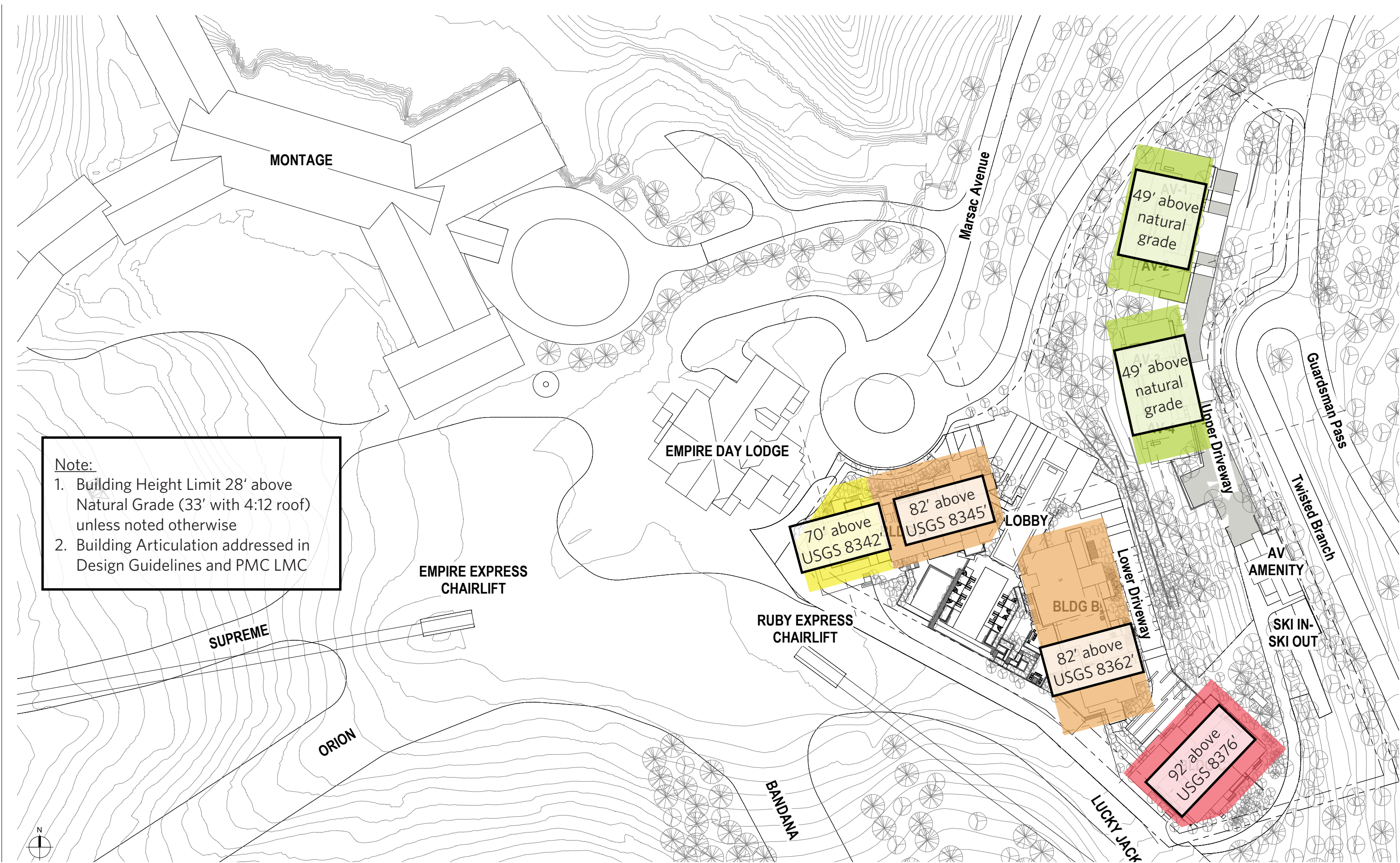
MODIFICATIONS



- West side of Building A lowered to step massing down at Empire Day Lodge
- Density shifted from Building A and Villas to Building C
- Building C is one story taller
- Penthouses rotate and adjust to new massing and articulate roofline at both Lucky Jack and Marsac Ave

PROPOSED MASSING





Sommet Blanc (B2 East) - CUP & MPD Amendment
Exhibit D - Height Study & Volumetrics
September 8th, 2021

Existing condominium lodge building heights:

	Ridge Height Above Road	Ridge Height Above Slopeside Patio	Ridge Height Other
Montage	114'	102'	165' above Event Lawn
One Empire Pass	110'	85'	97' above Pool Deck
Talisker Tower Residences	103'	78'	
Empire Residences	95'	88'	
Argent	91'	85'	131' above Marsac

The following are proposed maximum building heights for the three condominium lodges:

	Height	Benchmark	Location
Building A West	70'	8,342'	Restaurant
Building A East	82'	8,345'	Entry Lobby
Building B	82'	8,362'	Skier Lobby/Amenity Level
Building C	92'	8,376'	Skier Lobby/Amenity Level

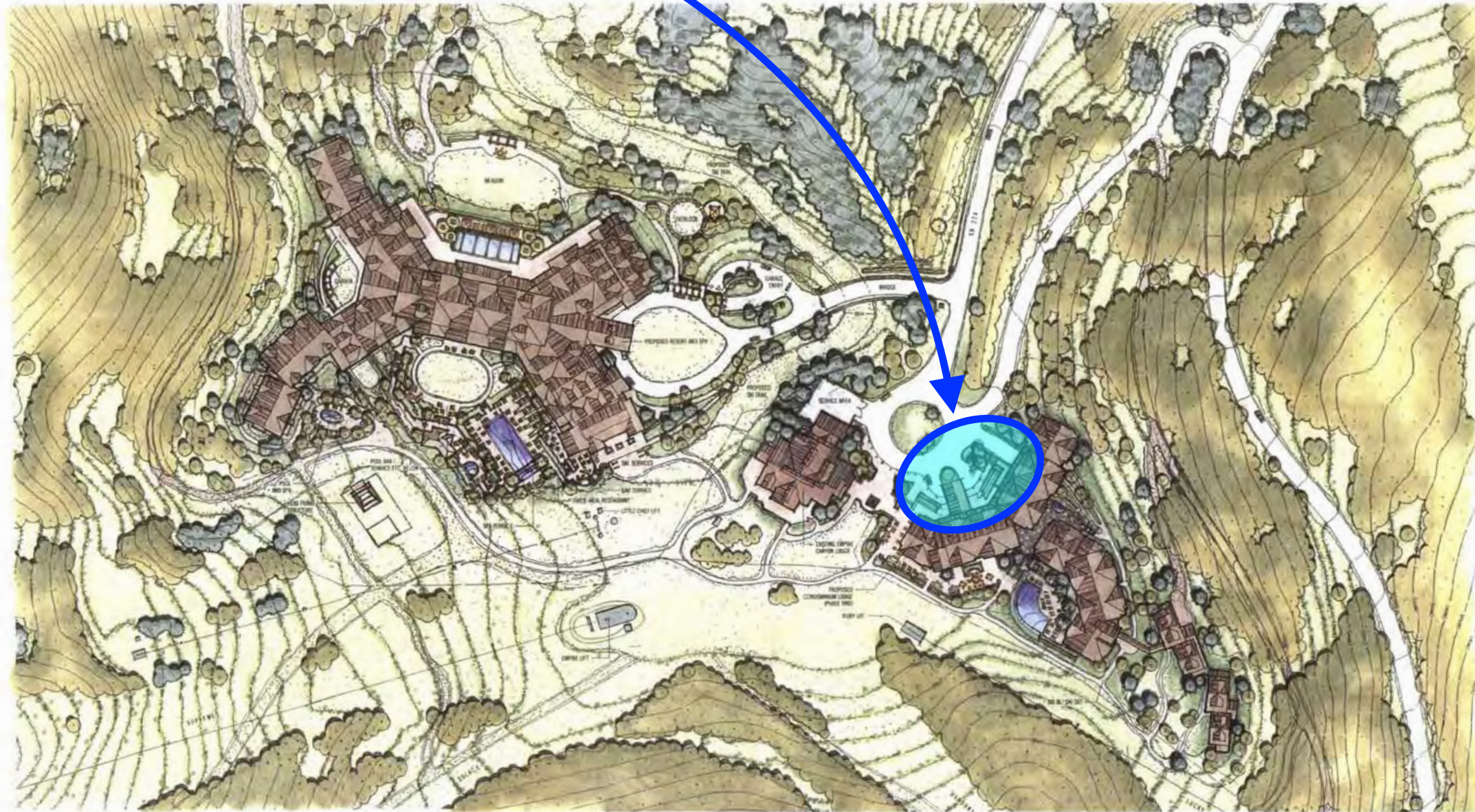
With the proposed volumetrics, maximum building heights relative to roads, driveways and slopeside patios will be as follows:

	Ridge Height Above Road	Ridge Height Above Slopeside Patio	Ridge Height Other
Building A West	75' (Marsac)	69' (Restaurant)	77' (Ruby Chair)
Building A East	89' (Marsac)	79' (Pool Deck)	80' (Arrival)
Building B	88' (Driveway)	84' (Après Patio)	95' (Pool Deck)
Building C	104' (End Driveway)	91' (Lounge Patio)	

Olson Kundig

Sommet Blanc (B2 East) - CUP & MPD Amendment
Exhibit 5 - Hill Glazier Challenges
September 2nd, 2021

Three B2 East
curb cuts on
Marsac
roundabout

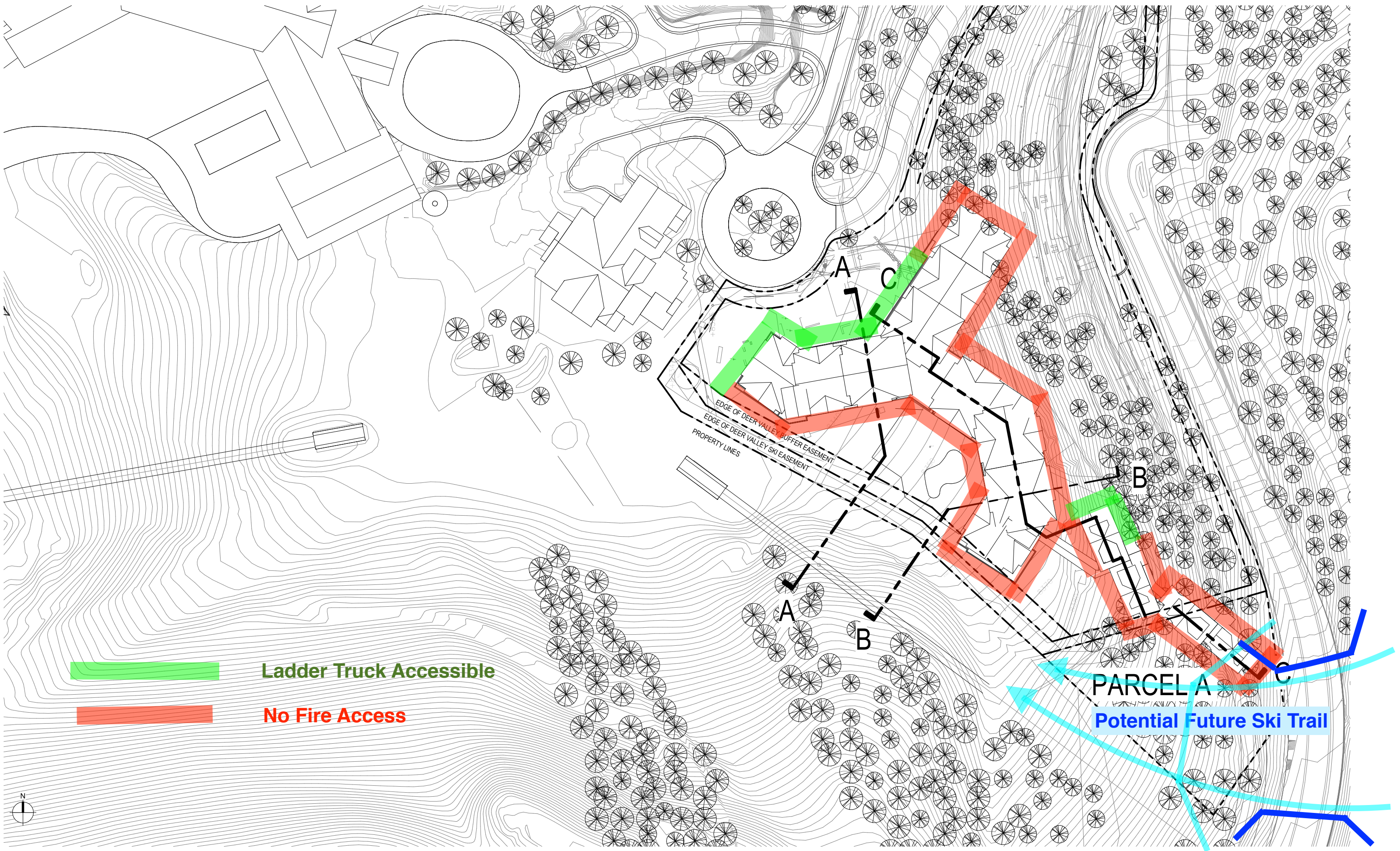


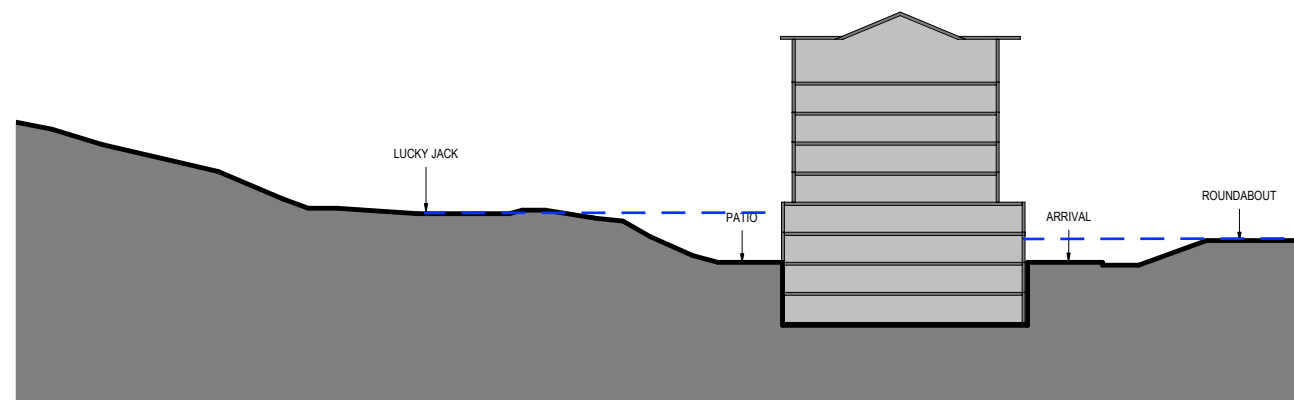
CONCEPTUAL LANDSCAPE PLAN

Montage Resort and Spa at Deer Valley PARK CITY, UTAH



Project No.	1000
Date	APRIL 14, 2005
Scale	AS NOTED
Sheet No.	L 101

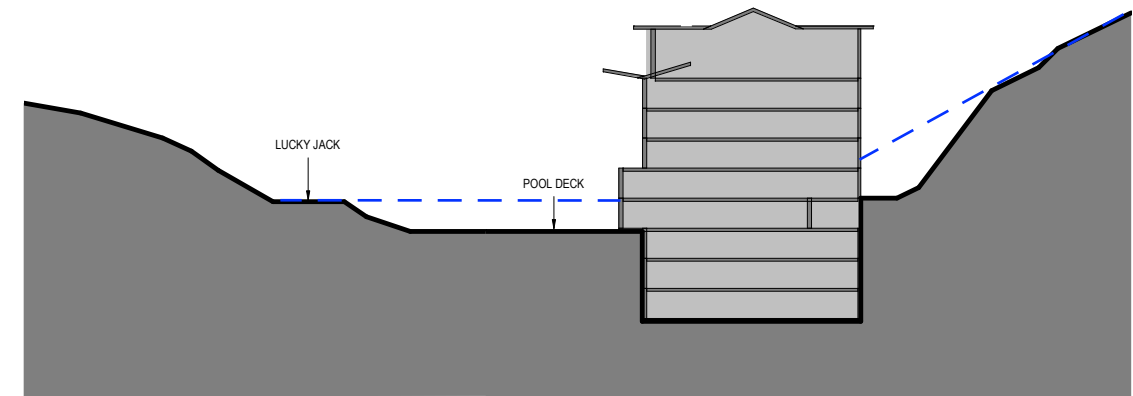




**Patio well below
Lucky Jack**

(A) HILL GLAZIER -SECTION A

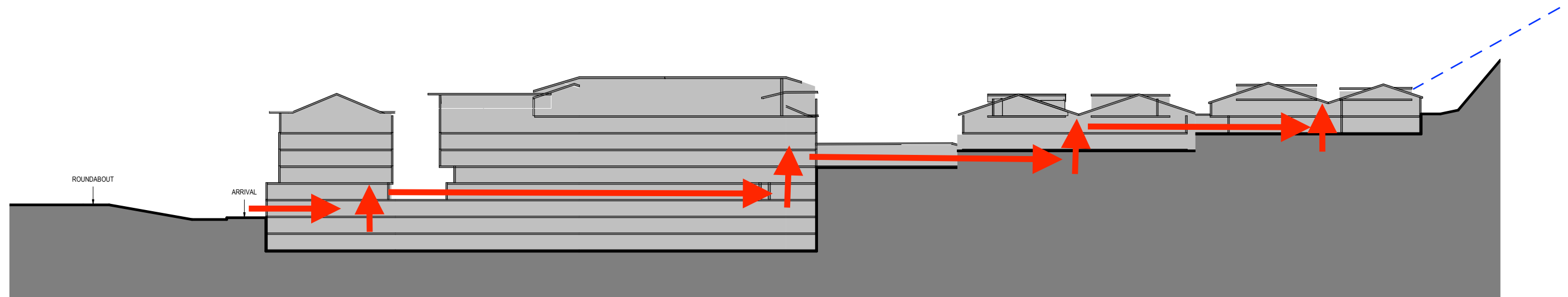
**Arrival below
roundabout**



**Pool deck well
below Lucky Jack**

(B) HILL GLAZIER -SECTION B

**Massive cut slope
at rear of building**

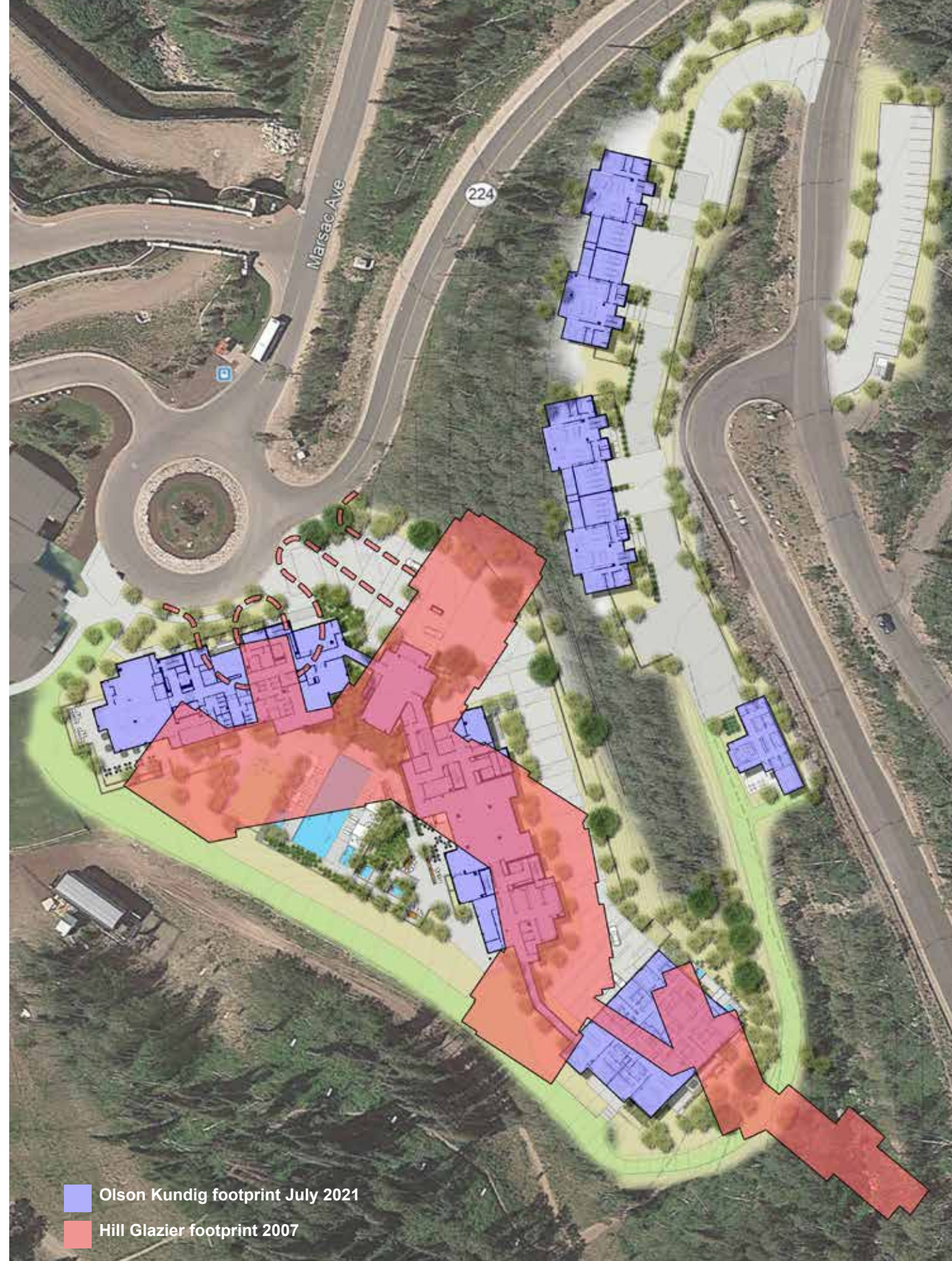


**Arrival below
roundabout**

(C) HILL GLAZIER -SECTION C

**Crazy internal circulation.
See red arrows**

**Massive cut slope
above last villa**



BOOK FIVE
Site, Landscape and Architectural
Design Guidelines for Pod B2 East

3.0 ARCHITECTURAL GUIDELINES

The following chapter sets forth Guidelines and standards for all work relating to the renovation, alteration or addition to the exterior finish of an existing structure and/or new construction of building(s), including Building Heights, Massing, color and materials.

3.1 ARCHITECTURAL DESIGN OBJECTIVES

Buildings in the B2 East Neighborhood are to compliment the existing natural landscape and the overall history of the site. Nestled in a large natural bowl, the site is surrounded by quaking aspens and long-range expansive views. The following design objectives have been identified to help further the overall vision for Empire Pass.

- ***Design buildings that compliment the surrounding natural landscape.*** Like the dramatic surrounding mountains, building masses are to be bold yet in harmony with the natural surroundings. Buildings facades and rooflines are to be articulated with variations and not flat. Building massing shall step with existing topography as the site climbs from north to south.
- ***Design buildings that respond to the local climate and take advantage of the outdoor lifestyle of the Wasatch Mountains.*** Buildings are to be oriented to the outdoor lifestyle available year-round to residents of the Park City region. Decks, balconies and windows are to be located and designed to capture views, maximize sun and shade (depending on season), reduce wind exposure and otherwise take advantage of the spectacular outdoor environment.
- ***Utilize building materials that are true to their structural purpose.... Materials shall clearly fit into a structural or cladding language, architecturally. Efforts should be made to keep this distinction between materials “honest” when possible.. Building massings or trimwork that is purely decorative should be discouraged and will be considered on a case by case basis***
- ***Develop custom detailing designs that tie the Villas on the upper portion of the site to the Lodges on the lower portion of the site.*** Custom detailing at accent features, exposed roof edge details, balconies, railings, chimney caps, colors, materials and other architectural elements are to create a unique architectural character for the B2 East Neighborhood.

3.2 BUILDING FORMS

Building forms are to be designed with three main elements:

1. Foundation walls on the Villas may be recessed behind the residential floors above in order to reduce disturbance of the ground plane and the height of exposed foundation walls. Foundation walls shall be constructed of cast in-place concrete. Foundation walls on the Lodges shall be a maximum one story in height except at garage entries. Foundation walls may seamlessly transition into vertical stair tower elements.
2. Villas Building walls are not to exceed three Stories in height. Lodge Building Walls height shall be limited by Volumetrics approved for B2 East Neighborhood.
3. Articulation of massing through “Ragged Edges” of cantilevered living spaces over decks below at the ends of each Lodge building will be the dominant design element of the Lodges, framing the calmer middle sections of the buildings. The Villas’ massing will be broken up by multiple roof elevations stepping down from three stories over the master bedroom to an understated two story element incorporating the garages.

3.3 BUILDING MASS, SCALE AND COMPOSITION

In summary, buildings are to reflect the scale and drama of their mountain setting, have large sheltering roofs and dramatic use of cantilevers as a counterpoint to the rugged surrounding mountains.

- Structures are to utilize a variety of forms, arranged in a hierarchy with one form clearly dominant. For the Villas, roof lines shall step down with the lowest roof height over the garage element between units creating separation of building mass. Lodges buildings shall incorporate multiple roof steps and also incorporate a variety of roof elements. Overall, the Lodges buildings will climb following the grade of the adjacent ski trail.
- Villas Building Massing is to be broken into room-sized volumes, reflective of interior spaces and uses. Building materials, offsets, projections, recessed windows and doors, and balconies are to be used to provide shadow and texture. In order to avoid large bulky masses, Villas garages are to be articulated as a distinct building form, subordinate to the main Residences.
- Lodges Building Massing is to be composed of clusters of building forms so that they appear to be a collection of individual masses and not rows and/or stacks of essentially identical “products”.
- Lodges Accent Features (architectural elements that add interest and relief to building elevations) are to be incorporated in order to create the sense that the Lodges consist of a collection of building forms rather than one large unarticulated rectangular mass. Lodges may incorporate the following techniques to create Accent Features:
 - The use of full-height stacked balcony elements or other building projections to break up the perceived building length.
 - The incorporation of building projections of various heights that are approximately the size of a bedroom, living room or large alcove.
 - Variations in building materials at entries, balconies and other building projections.
- Adjacent Lodges buildings are to be designed to blend with and not contrast with each other. This is to be achieved by:
 - Breaking up long horizontal lines at wall and roof planes by introduction vertical elements, such as balconies; and
 - Linking buildings to landscape features and neighboring Lodges buildings by the use of walls, plantings, patios and/or terraces.
- Porte cocheres, entry gables, shed roofs, balconies and other single-story elements are to be introduced to reduce the apparent height and mass of Lodges buildings and to provide shadow and texture.
- Building masses are to use simple, bold forms.
- Roof forms and skylines are to be fragmented with varied roof elements and with roof lines climbing from one building to the next as the site climbs from north to south.
- All Buildings shall conform to PCMC LMC Section 15-5-8 (Facade Length and Variations).

3.4 BUILDING SIZE

In conjunction with building Massing, building size will be evaluated by the DRB to ensure building's are in scale with their surrounding natural setting. Building size is calculated using Saleable Square Feet. (Refer to Appendix A for the definition of Saleable Square Feet.)

- Development on the B2 East site is limited to 162,000 sf Saleable Square Feet, plus 3,600 sf of Resort Support Commercial.
- To reduce the project density adjacent the ski trail, site planning incorporating approximately 25,000 Saleable Square Feet of Villas on the upper portion of the B2 East site is encouraged.
- To break down the project density adjacent the ski trail the remaining development incorporated in the Lodges shall be broken into several distinct buildings.

3.5 BUILDING HEIGHT

Building heights are to be designed according to the following Guidelines in order to create buildings that are pedestrian-friendly and not overwhelming in scale.

Building Height is measured as “the vertical distance under any roof or roof element to existing grade”, or as set forth in the most current Park City Land Management Code. Building Height is subject to the more restrictive of the following Guidelines:

- Buildings are to comply with maximum Building Height as specified by Park City.
- Building Heights are to generally be consistent with the Volumetrics as shown on the B2 East Site Plan dated 4/16/2021, or subsequent revisions as approved by Planning Commission.
- The height of chimneys, cupolas and other roof forms will be reviewed on a case- by-case basis.
- Villas Buildings are to remain below surrounding tree canopy levels.

3.6. ACCESSORY BUILDINGS

All Accessory Buildings, such as the entry lobby, detached skier lounge and trash enclosures are subject to the following Guidelines:

- Accessory Buildings are to be subordinate to the main Buildings and similar in detailing and stylistic qualities.
- Accessory Buildings may be freestanding or connected to the main Buildings by outdoor rooms and/or architectural projections such as breezeways or arcades.

3.7 ROOFS

In keeping with the mountain climate, roof designs are to be kept simple. Roofs are to be designed in accordance with the following Guidelines:

3.7.1 *ROOF MATERIALS AND COMPOSITIONS*

- Roofs are to be large sheltering forms, predominantly flat or very low pitched shed roofs. Clipped gables, conical, and flat roofs are generally discouraged, but may be considered at secondary roofs on a case-by-case basis. A-frame roofs are not allowed.
- Roofs are to use a limited palette of materials in order to present a coherent design image throughout the community. Approved primary roof materials include:
 - Standing seam metal (in a dark color approved by the DRB)
 - Vegetated green roofs on flat roofs are encouraged.
 - Concrete pavers may be used on high flat roofs where vegetated green roofs are not appropriate or practical.
- Flashing, gutters and downspouts are to be constructed of durable materials, such as copper or other pre-finished metals that have the appearance of aged copper. Metals are to weather and/or be treated to blend with the adjacent walls and roofs.
- All exposed metal is to be consistent in appearance and finish.

3.7.2 *ROOF PITCHES AND DIMENSIONS*

- Roof pitches are to generally be between 0:12 and 2:12. The DRB may consider alternate roof pitches provided the roof relates well to the wall mass below, is well suited to the specific site and presents an overall aesthetic consistent with these Guidelines when viewed from off-site.
- Roofs sharing the same ridge are to have the same pitch. Pitch breaks are permitted when they occur at architecturally appropriate locations such as plate lines or changes in plane.
- Long roof overhangs (minimum of 24 inches) are to be incorporated to give a sense of shelter and enclosure. Deeper overhangs are to be used above large window openings.
- Roofs eaves are not permitted within 7 feet of finished grade.

3.7.3 *SNOW GUARDS, GUTTERS AND DOWNSPOUTS*

- Roofs are to be designed to retain snow. Pedestrians may be protected from snow shedding by use of snow guards and heating of eaves as appropriate. Either cold roof or super insulated roof construction may be used.
- Snow guards may be used, per Park City building regulations, wherever significant amounts of snow may accumulate over occupied areas, such as entries, patios, decks, balconies or parking areas.
- Snow guards are to be constructed of plate steel vertical supports with steel members that relate to nearby structural members. All exposed steel is to be acid-washed or painted to match the roof or building trim.
- Gutters and downspout are to be used at roofs that partially cover outdoor gathering areas. Where roofs are in constant shadow or have northern exposures, gutters and downspouts

may be more effective when used in conjunction with heat tape.

- Gutters used below snow guards are to be designed to withstand the load of the accumulated snow and ice released from snow guards.
- Approved materials for gutters, downspouts and eavelines include:
 - Copper
 - Galvanized steel, acid-washed
 - Corten steel
 - Pre-finished metal, finished to look like aged copper
 - Coated metal
- Gutter sections may be traditional or half-round.
- Roof drains internal to the building are encouraged.

3.8 EXTERIOR WALL MATERIALS

Exterior wall materials are to use authentic, indigenous and rustic looking materials, such as local stone, rough-sawn wood and hammered metal. The following Guidelines apply to the use of all exterior wall materials at B2 East.

3.8.1 *MATERIALS AND FINISHES*

- Approved foundation wall finish materials include:
 - Exposed cast in-place concrete with finish to be reviewed and approved by Design Review Board prior to concrete placement.
- Approved building wall finish materials include:
 - Vertical wood siding
 - Cementitious siding, with a texture to simulate natural wood grain
 - Exposed natural concrete with finish to be reviewed and approved by Design Review Board prior to concrete placement.
 - Pre-finished metal panels/flashing
 - Natural metals that develop a living finish, such as zinc, copper, or steel
- Inappropriate exterior wall materials include, but are not limited to:
 - Faux and/or non-local stone
 - Cobblestone and river rock
 - Logs

- Board and batt
- Shingles
- Additional siding materials may be considered by the DRB on a case-by-case basis.
- A maximum of three exterior wall materials and a minimum of two are to be used on any one building.
- Reflective materials or finishes are not allowed. All materials are to utilize staining or natural weathering processes which render them non-reflective within one year of completed construction.

3.8.2 *CONCRETE WALL APPLICATIONS*

- Exposed board formed concrete is to be used at building foundations and ground floor levels to give buildings the appearance of having a properly proportioned and load bearing foundation. Concrete may also be used to define three-dimensional elements, such as stair towers or chimney elements. Concrete is not to be used merely as a skirting strip around building bases or as panels within a wood sided wall.
- Concrete walls are to be vertical.

3.8.3 *WOOD WALL APPLICATIONS*

- Wood siding (and cementitious siding as required by fire code) is to be limited to two types per building. Vertical siding is to be the dominant application, but may be complemented with horizontal siding on accent elements. Transitions between wood siding materials are to take place at offsets in the wall plane, such as at cantilevers and/or building additions, rather than in horizontal layers.

3.9 DOORS AND WINDOWS

Fenestration design is to comply with the following Guidelines:

3.9.1 *GENERAL GUIDELINES*

- Windows and doors are generally rectangular in shape.
- Fenestration design is to utilize generous expanses of glass with minimal use of mullions.
- Clear glazing is preferred, however, glass may be coated and tinted to control solar heat gain. Mirrored appearance is not acceptable.
- Building facades shall include sufficient solid elements to contrast with and separate the expansive glazing elements.

3.9.2 *EXTERIOR DOORS*

- Doors are to avoid the danger of shedding snow by placing them under protective roof elements.

- Door massing and sizes are to be appropriately scaled to the size and materials of the wall in which they are placed.
- Exterior doors may be of glass, wood or steel.
- Door wall systems providing for indoor/outdoor living are encouraged.

3.9.3 *WINDOWS*

- Approved window types include:
 - Fixed - Double-hung
 - Awning - Casement
- Jalousie, glass block and similar window types are not allowed. Pivoting and/or hopper windows will be considered on a case-by-case basis.
- Window proportions are to be based on a vertical or square unit, whether set into a wall or grouped together in horizontal openings.
- The shapes and details of all openings are to be appropriate to the structural expression of the walls within which they are located.
- Window designs are to be consistently applied throughout all elevations of a building through the use of consistent proportions, modular elements and/or similar lite designs.
- Windows are to be clad in maintenance free metals such as copper, powder-coated aluminum or acid-washed galvanized steel. Copper cladding may be left to patina naturally, provided it loses its reflective properties within one year of construction completion. Vinyl cladding is not permitted. Refer to Section 3.15 for approved color selections.
- Window shutters are not permitted.

3.10 STRUCTURAL EXPRESSION

Structural systems may be concealed within floor and roof elements. Exterior columns may be minimized to maintain expansive views and transparency of building between residential decks below and living areas above.

3.11 CHIMNEYS AND ROOF PROJECTIONS

- The sizes and heights of chimneys are to be in scale with the building's architecture.
- Rooftop equipment, including vents and all flues 6 inches in diameter or greater, are to be concealed in chimney-like structures that are an integral part of roof designs.
- Heights of wood-burning chimneys are to comply with all applicable codes. Heights of gas-burning chimneys or boiler flues are to match those of their wood burning counterparts.
- Chimney veneers are to be constructed of stone or concrete to match and/or complement building materials.

- Chimneys may terminate in decorative caps of stone, concrete or metal. Creative designs are encouraged. When flat or pitched stone caps are used, they are to have a minimum thickness of 6 inches. All chimney caps are to have screen spark arrestors per local codes.
- Air conditioning and heating equipment may not be mounted on roofs, unless completely concealed.

3.12 FIREPLACES

Per Park City code, wood-burning fireplaces are not allowed in individual Villas or Lodges units. The quantity of gas burning fireplaces is not restricted.

3.13 DECKS, BALCONIES AND RAILINGS

Decks and balconies are to be used to strengthen the connection between the indoors and the outdoors, subject to the following Guidelines:

- Railing designs are to maximize transparency. Approved railing materials include:
 - Metal mesh or flat bar
 - Metal, non-reflective and similar to metal detailing used elsewhere on the Buildings
- Balcony, deck, porch and railing designs shall be consistent between buildings within the B2 East neighborhood.
- Floors of balconies that are visible from off-site, or from units located above or adjacent to them, are to be finished in wood, stone, or colored, stamped or patterned concrete or concrete pavers.
- Design of balconies, decks and porches is to take into consideration shade, sun, wind, snow shedding and other climatic influences.

3.14 DETAILS

Finish details such as exterior hardware and light fixtures shall reflect the contemporary architectural vernacular.

3.15 APPROVED FINISHES AND COLORS

The color of exterior elements, including roofs, walls, trims and landscape structures, is generally subdued, complementary of and slightly darker than the colors found in the surrounding landscape. Accent colors and trims, however, are to add more vibrancy and warmth to buildings.

- Building elements are to fall within the following general color ranges:
 - Roofs are to be brown, gray, dark green and/or gray-green in hue
 - Wood walls are natural browns or grays
 - Accent and trim colors are dark grays, browns or bronze
 - Fences are to be of dark colors to minimize visibility

- Colors shall be selected to provide contrast between primary building cladding materials. Monochromatic color schemes are discouraged.
- More vibrant accent colors may to be used at entry and first floor levels to add interest and warmth to pedestrian levels.
- Color schemes in the B2 East neighborhood are to be generally consistent between buildings, with no color changes between units in one building.
- Wood walls are to use more transparent stains to emphasize and retain the natural texture, grain and variation of the wood.
- Concrete and wood materials are not to be covered with paints and/or opaque stains.
- Steel vertical supports at snow guards are to be painted black or to match roof colors.

3.16 SKYLIGHTS SOLAR PANELS AND SATELLITE DISHES

Skylights, solar panels and satellite dishes are to be completely screened from off-site and are subject to the following additional Guidelines:

- Satellite dishes and their locations are to be approved by the DRB. An application, application fee and proposed location for all satellite dishes must be submitted to the DRB for review and approval prior to satellite dish installation. (Refer to *Book IV* for design review procedures and application requirements.)
- Satellite dishes are to be a maximum of 24 inches in diameter and colored to blend with the site or building. A maximum of two satellite dishes are permitted per building.
- Skylights and solar panels are permitted only where not visible from off-site.
- Where approved, skylights are to use clear, flat and non-reflective glass. Skylights are to match the pitch of the roof and are not to extend further than 4 inches above the roof plane.
- Interior lights may not be pointed upwards through skylights or cast light onto overarching vegetation.

3.17 IT/TELECOMMUNICATION FACILITIES

All Buildings at Empire Pass have access to high bandwidth infrastructure that delivers high-speed data connection for real-time services such as remote-location teleconferencing, learning, healthcare and entertainment. In order to avoid impacts to off-site views, all wiring and equipment housing is to be incorporated as part of the building design and not as an exterior detached utility closet. Recommended cabling requirements are outlined in the *Multi-Family Residential Pre-Wire Guidelines*, available from the DRB office.

ATTACHMENT 1: SITE PLAN



EMPIRE PASS
DESIGN REVIEW BOARD

June 11, 2021

Sommet Blanc Development, LLC
Mr. Lynn Padan
PO Box 980022
Park City, UT 4098

RE: Sommet Blanc, 9300 Marsac Ave
Empire Pass Development
Preliminary Design Approval

Dear Lynn,

Thank you for your recent application regarding Sommet Blanc, 9300 Marsac Ave to the Empire Pass Design Review Board (the DRB) requesting Preliminary Design approval of the proposed condominiums and townhomes project. At the June 9, 2021 meeting the DRB granted Preliminary Approval with the following conditions:

1. Preliminary Review is based off plans dated April 16, 2021.
2. The total site of is comprised of 6.91 acres.
3. There are 2 Villa Buildings:
 - 5 Units Total
 - The Total Saleable Square Footage for the Villas is 25,000
 - The maximum building height for the Villas is 48 feet above natural grade
 - The driveway width for the villas road coming off of Guardsman Road is 26 feet wide, the first section of grade is 5% with a 10% maximum grade and leveling off at 1%
 - The villas have 10 enclosed parking spaces.
 - There is a Ski Lounge Building for the Villas (single story)
4. There are 3 Lodge Buildings
 - Building A: 17 units
 - Building B: 17 units
 - Building C: 9 units
 - There is a Lobby Building for the Lodges (single story)
 - The Total Saleable Square Footage for the Lodges is 137,000
 - The Max Square Footage per Pod B2 approved MPD is 162,000
 - The maximum building height for the Lodge buildings are 82 feet above datum points
 - The driveway width for the Lodges coming off Marsac Ave is 26 feet wide, with 4% for the first section, 10% maximum and finishing off at 5% grade.
 - The lodges have 155 enclosed parking spaces, 4 at grade totaling 159.

EMPIRE PASS
DESIGN REVIEW BOARD

5. The Lodge's height of ridges at building ends:

Building A

- West End - Level 5 Roof 8,407'
 - Restaurant Patio 8,342'
 - Height from Finished Grade 65'
- East End - Level 6 Roof 8,424'
 - Lobby Driveway 8,345'
 - Height from Finished Grade 79'

Building B

- North End - Level 5 Roof 8,424'
 - Lobby Driveway 8,345'
 - Height from Finished Grade 79'
- South End - Level 6 Roof 8,441'
 - Upper Cul de Sac 8,362'
 - Height from Finished Grade 79'

Building C

- West End - Level 6 Roof 8,455'
 - Ski Lounge Patio 8,376'
 - Height SW corner 79'
 - Upper Cul de Sac 8,364'
 - Height NW Corner 91'
- East End - Level 6 Roof 8,455'
 - Level 3 Patio 8,402'
 - Height SE corner 53'
 - Upper Cul de Sac 8,364'
 - Height NE corner 91'

6. The DRB walked the site to review the lot staking of the entire project. The DRB would like to see more details for landscaping and walls on the corner of the property adjacent to the Empire Canyon day lodge.
7. The DRB discussed the preservation of trees above the proposed condo retaining walls and the area below the Villas ski lounge building. To be field verified with applicant when LOD is set.
8. The applicant will provide finish materials for all proposed retaining walls.
9. The DRB granted a variance for retaining walls to have a maximum height of 14 feet to accommodate the Fire Marshall required shift of the lower driveway to meet ladder access requirements.
10. The flat roofs now have the addition of green roofs.

EMPIRE PASS
DESIGN REVIEW BOARD

11. The DRB conceptually approved and favored the proposed exterior materials.
12. All exterior materials are subject to mockup review and approval.
13. The applicant to provide deck and railing details for final review.
14. Submit color and texture sample for colored concrete drive areas, which requires DRB approval prior to installation.
15. Applicant understand that no faux or manufactured materials may be used as finished exterior product, this would include glue-lam beams, faux stone, bare concrete, vinyl siding, etc.
16. The DRB to review the complete lighting plan, including cut sheets and specifications for all exterior light fixtures proposed with the applicant for final review.
17. Applicant to provide complete landscape plan, including counts and planting specs, for DRB review.
18. Art work specs to be provided for final review.
19. The applicant shall submit a detailed sign program to the DRB for review and approval prior to installation of the same.
20. Building height, volumetrics and square footage calculations to be addressed to the satisfaction of the DRB and the City.
21. Applicant understands the requirement to provide an on-site mock-up of exterior materials, colors and construction techniques for further DRB review and approval prior to installation of the same.
22. Applicant has provided utility routes, connection points.
23. The DRB to review the construction mitigation plan with the applicant during the final review.
24. Applicant to provide details of the entry monument for final review.
25. Provide for final review: excavation export/import quantities, identify soil storage areas on construction management plan.

Again, we thank you for your Preliminary Design submittal and look forward to working with you and your team as the process continues.

Feel free to contact our office at 435-333-3700 with any questions regarding the Design Review process.

Respectfully,

Trish Waterman

Trish Waterman, Empire Pass MOA Director
On behalf of the Empire Pass Design Review Board

EMPIRE PASS
DESIGN REVIEW BOARD

July 28, 2021

Sommet Blanc Development, LLC
Mr. Lynn Padan
PO Box 980022
Park City, UT 4098

RE: Sommet Blanc, 9300 Marsac Ave
Empire Pass Development
DRB Modified Plan Preliminary Design Approval

Dear Mr. Padan,

Thank you for your re-submittal of Preliminary plans regarding Sommet Blanc, 9300 Marsac Ave to the Empire Pass Design Review Board (the DRB). The DRB previously granted Preliminary approval on June 9, 2021 based off plans dated April 16, 2021. On July 27, 2021 the DRB reviewed modified Preliminary plans dated July 15, 2021 and granted an amended Preliminary approval with the following conditions:

The DRB approved changes to the Buildings on site include:

Building A

1. One floor was dropped on the west side adjacent to the Empire Canyon Day Lodge.
2. The west elevation is now 4 stories at the upper cantilever and climbs to 5 stories for the west penthouse.
3. At the far east end the building is dropped to 5 stories and climbs to 6 stories for the east penthouse.
4. A cantilevered glass element was added the elevation facing the roundabout to increase architectural interest.
5. Area of the green roof increased.
6. The transition from the Day Lodge to the building is now softer.

Building B

1. The penthouse roofs were rotated to face west rather than north/south, which reduced the building height at the ends of the building.
2. Area of the green roof increased.

Building C

1. One floor was added, which increased the height to 92' above the benchmark.

Villas

1. The number of villas was reduced to 4 units from 5 units.
2. There is now separation between the northernmost villa and Marsac Ave below and allows more landscaping opportunities.
3. The two duplex buildings are not situated on the flattest portion of the upper site.
4. The amenity building and the driveway hammerhead are pulled further north.

EMPIRE PASS
DESIGN REVIEW BOARD

Patio Area

1. The restaurant patio was reduced to introduce a landscape buffer between the patio and the ski beach.

Exhibit D shows the updated volumetrics to the height of Building A (west) and the addition of another floor to Building C to accommodate density shifted from Building A and the eliminated villa. The DRB asked the applicant to do their best to preserve the trees between Building C and the villas. The DRB favored the direction of the architecture with the flat roofs, which comply with the B2 East design guidelines.

Again, we thank you for your submittal. Feel free to contact our office at 435-333-3700 with any questions regarding the Design Review process.

Respectfully,

Trish Waterman

Trish Waterman, Empire Pass MOA Director
On behalf of the Empire Pass Design Review Board



Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

RUTH K. KENNEDY ARCHITECT 1000 LAKESIDE DRIVE PARK CITY, UTAH 84302		Project No. Date Sheet No. Title
		C0.01

Montage Resort and Spa at Deer Valley

B-2 MPD Village Master Plan at Empire Pass

PARK CITY, UTAH



April 24, 2006

SHEET INDEX

A	0.01	SHEET INDEX
A	1.01	PERSPECTIVE B2-W AND B2-E FROM SKI AREA
A	1.02	PERSPECTIVE B2-W HOTEL APPROACH
L	1.01	CONCEPTUAL LANDSCAPE PLAN
LW	1.02	SITE SECTION AT HOTEL B2-W
AW	3.01	VOLUMETRICS PLAN HOTEL B2-W
AW	3.02	VOLUMETRICS PLAN VIEW EAST - HOTEL B2-W
AW	3.03	VOLUMETRICS PLAN VIEW NORTH - HOTEL B2-W
AW	3.04	VOLUMETRICS PLAN VIEW WEST - HOTEL B2-W
AW	3.05	VOLUMETRICS PLAN VIEW SOUTH - HOTEL B2-W
AE	3.06	VOLUMETRICS PLAN CONDOMINIUM B2-E
AE	3.07	VOLUMETRICS PLAN VIEW NORTH - CONDOMINIUM B2-E
AE	3.08	VOLUMETRICS PLAN VIEW SOUTH - CONDOMINIUM B2-E
C	1.01	SITE PLAN & VICINITY MAP
C	1.02	B2 WEST & B2 EAST CONCEPT UTILITY PLAN



Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No.	10001
Date	APR 12 2002
Sheet	A 001
Scale	A 001

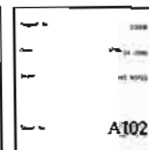


PERSPECTIVE B2-W HOTEL APPROACH



Montage Resort and Spa at Deer Valley

PARK CITY, UTAH



A102



CONCEPTUAL LANDSCAPE PLAN

Montage Resort and Spa at Deer Valley

PARK CITY, UTAH



HILL GLAZIER ARCHITECTS, INC. 200

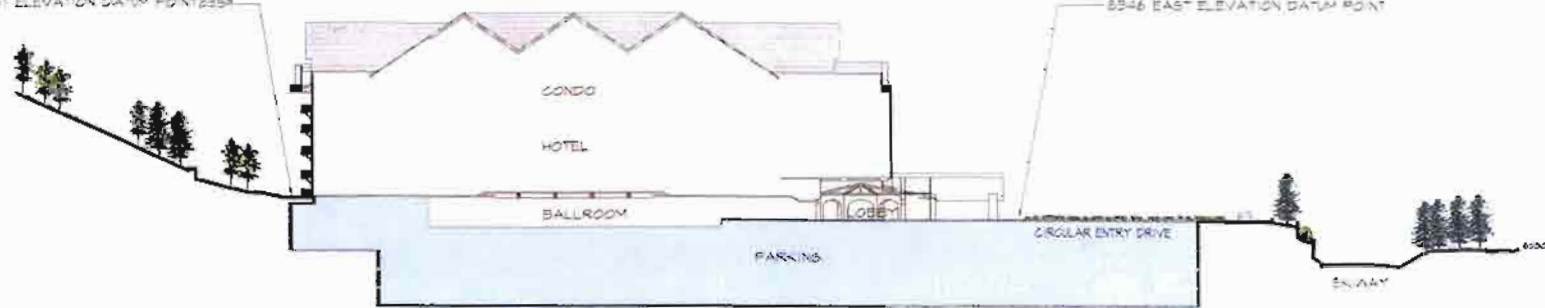


TERRASAN
PLANNING &
ARCHITECTURE
10000 CANYON STREET
DENVER, CO 80231
TEL: (303) 333-1717
FAX: (303) 333-1818

Project No.	07220
Date	APRIL 14, 2008
Scale	AS SHOWN
Sheet No.	L 101

WEST ELEVATION DATUM POINT 8354

8346 EAST ELEVATION DATUM POINT

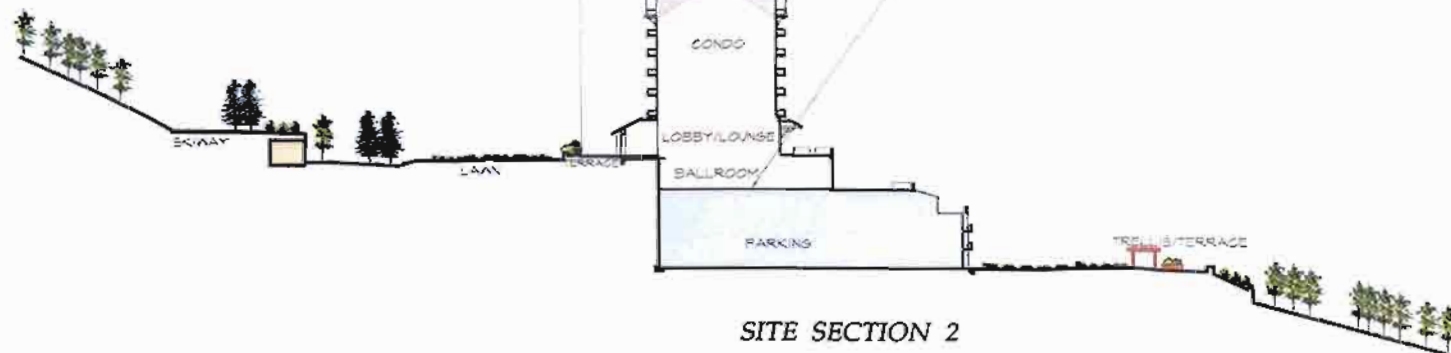


SITE SECTION 1

1" = 30'-0"

SOUTH ELEVATION DATUM POINT 8355

8346 NORTH ELEVATION DATUM POINT



SITE SECTION 2

1" = 30'-0"

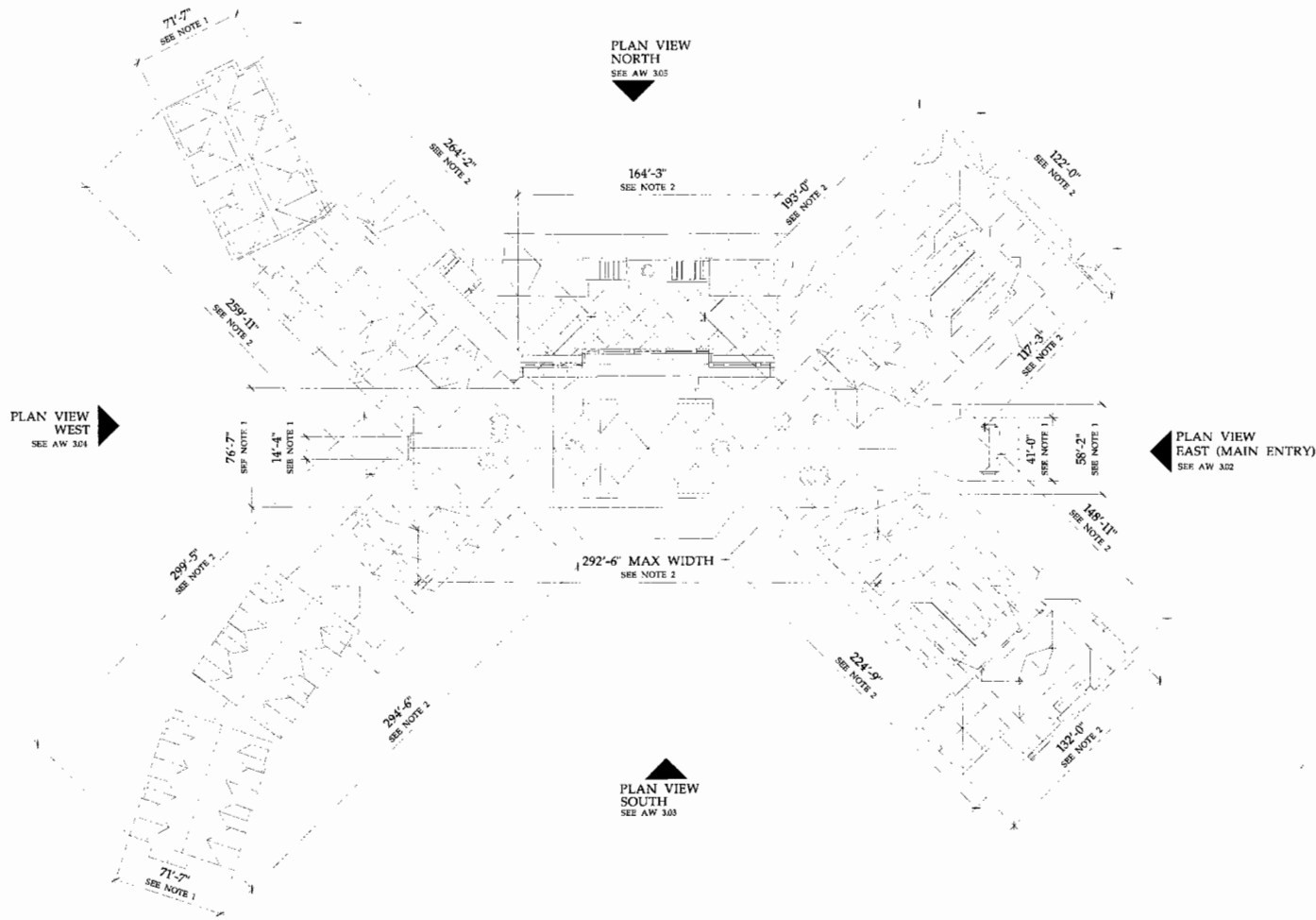


MONTAGE RESORT AND SPA AT DEER VALLEY

PARK CITY, UTAH

PROJECT NO.	1308
DATE	APR. 14, 2004
SCALE	1" = 30'-0"
FILE NO.	LWL02

132



FACADE LENGTH AND VARIATIONS NOTES

1. Structures greater than sixty feet (60'), but less than 120 feet in length must exhibit a prominent shift in the facade of the Structure so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a ten foot (10') change in Building Facade alignment or a ten foot (10') change in roof line height, or a combined change in facade and roof line totaling ten feet (10').

2. Structures which exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in roof line. A combination of both a roof line and facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.

VOLUMETRICS OVERALL PLAN VIEW

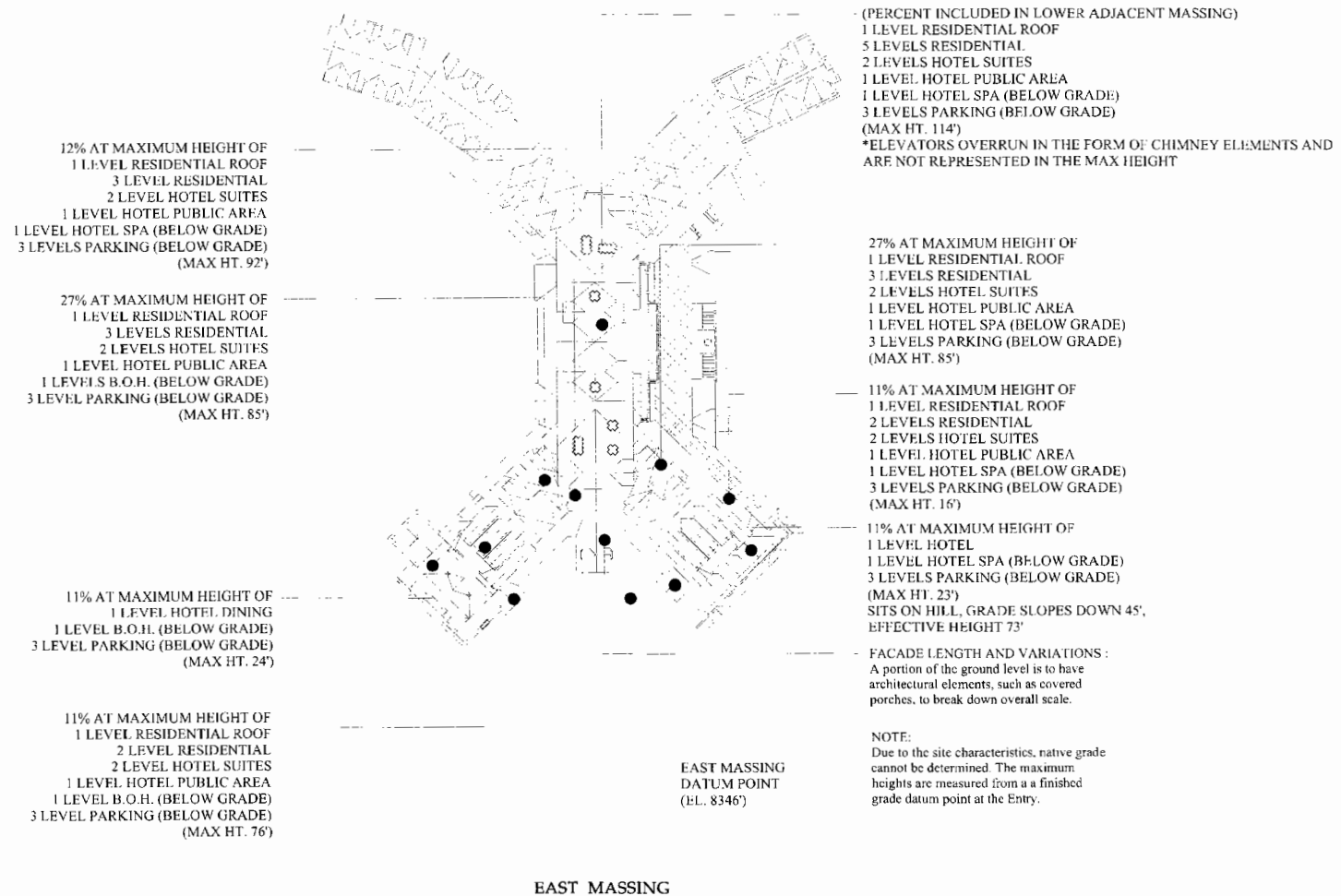
HG
HILL GLAZIER
ARCHITECTS

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Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No. 0308
Date APRIL 14, 2004
Scale AS NOTED
Sheet No. AW 3.01



VOLUMETRICS PLAN VIEW EAST



HILL GLAZIER ARCHITECTS, INC. 200

Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No.	13108
Date	JUN 11 2013
Scale	AS NOTED
Sheet No.	AW 3.02

25% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
5 LEVELS RESIDENTIAL
1 LEVEL HOTEL SUITES
2 LEVELS HOTEL PUBLIC AREA
1 LEVEL HOTEL SPA
3 LEVELS HOTEL SUITES
(MAX HT. 114')

20% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
3 LEVELS RESIDENTIAL
2 LEVELS HOTEL SUITES
1 LEVEL HOTEL PUBLIC AREA
4 LEVELS HOTEL SUITES
(MAX HT. 85')

10% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
2 LEVELS RESIDENTIAL
2 LEVELS HOTEL SUITES
1 LEVEL HOTEL PUBLIC AREA
4 LEVELS HOTEL SUITES
(MAX HT. 76')

5% AT MAXIMUM HEIGHT OF
1 LEVEL HOTEL PUBLIC AREA
4 LEVELS HOTEL SUITES
(MAX HT. 23')

10% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
3 LEVELS RESIDENTIAL
2 LEVELS HOTEL SUITES
1 LEVEL HOTEL PUBLIC AREA
1 LEVEL HOTEL SPA
3 LEVELS HOTEL SUITES
(MAX HT. 85')

20% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
3 LEVELS RESIDENTIAL
4 LEVELS HOTEL SUITE
(MAX HT. 92')

NORTH MASSING
DATUM POINT
(EL. 8346')

NORTH MASSING

FACADE LENGTH AND VARIATIONS:
A portion of the ground level is to have
architectural elements, such as covered
porches, to break down overall scale.
(Major balconies, Entry gables, Spa skylight)

NOTE:
Due to the site characteristics, native grade
cannot be determined. The maximum
heights are measured from a finished
grade datum point at the Entry.

VOLUMETRICS
PLAN VIEW NORTH



Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No. 1909
Date: APR. 24, 2018
Scale: AS NOTED
Sheet No. AW 3.03

(PERCENT INCLUDED IN ADJACENT MASSING)
 1 LEVEL RESIDENTIAL ROOF
 4 LEVELS RESIDENTIAL
 1 LEVEL HOTEL PUBLIC AREA
 1 LEVEL HOTEL (BELOW GRADE)
 1 LEVEL HOTEL SPA (BELOW GRADE)
 3 LEVELS PARKING (BELOW GRADE)
 (MAX HT. 97')

25% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 3 LEVELS RESIDENTIAL
 2 LEVELS HOTEL SUITES
 (MAX HT. 72')

15% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 2 LEVELS RESIDENTIAL
 1 LEVEL HOTEL SUITES
 (MAX HT. 72')

10% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 2 LEVELS RESIDENTIAL
 (MAX HT. 72')

SOUTH MASSING
 DATUM POINT
 (EL. 8359')

FACADE LENGTH AND VARIATIONS:
 A portion of the ground level is to have architectural elements, such as covered porches, to break down overall scale.
 (Major balconies, Pool house)

SOUTH SIDE MASSING

20% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 5 LEVELS RESIDENTIAL
 2 LEVEL HOTEL SUITES
 1 LEVEL HOTEL PUBLIC AREA
 1 LEVEL HOTEL (BELOW GRADE)
 1 LEVEL HOTEL SPA (BELOW GRADE)
 3 LEVEL PARKING, B.O.H./SUITES (BELOW GRADE)
 (MAX HT. 101')
 *ELEVATORS OVERRUN IN THE FORM OF CHIMNEY ELEMENTS AND ARE NOT REPRESENTED IN MAX HEIGHTS

(PERCENT INCLUDED IN ADJACENT MASSING)
 AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 4 LEVELS RESIDENTIAL
 1 LEVEL HOTEL PUBLIC AREA
 1 LEVEL HOTEL SPA (BELOW GRADE)
 3 LEVELS PARKING (BELOW GRADE)
 (MAX HT. 97')

30% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 3 LEVELS RESIDENTIAL
 2 LEVELS SUITES
 2 LEVELS B.O.H. (BELOW GRADE)
 3 LEVELS PARKING (BELOW GRADE)
 (MAX HT. 72')

10% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 2 LEVELS RESIDENTIAL
 2 LEVELS HOTEL SUITES
 2 LEVELS B.O.H. (BELOW GRADE)
 3 LEVELS PARKING (BELOW GRADE)
 (MAX HT. 63')

5% AT MAXIMUM HEIGHT OF
 1 LEVEL HOTEL DINNING
 1 LEVEL B.O.H. (BELOW GRADE)
 3 LEVEL PARKING (BELOW GRADE)
 (MAX HT. 11')

NOTE:
 Due to the site characteristics, native grade cannot be determined. The maximum heights are measured from a finished grade datum point at the Lobby Terrace

VOLUMETRICS
 PLAN VIEW SOUTH



Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No.	C223
Date	APR. 14, 2016
Scale	AS SHOWN
Drawn By	AW 3.05

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1. Structures greater than sixty feet (60'), but less than 120 feet in length must exhibit a prominent shift in the facade of the Structure so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a ten foot (10') change in Building Facade alignment or a ten foot (10') change in roof line height, or a combined change in facade and roof line totaling ten feet (10').
2. Structures which exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in roof line. A combination of both a roof line and facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.
3. No variation required.

VOLUMETRICS
OVERALL PLAN VIEW

HG
HILL GLAZIER
ARCHITECTS
SOUTHEAST STREET PAID AUTO. CA. 8400-1-2498
TEL. 650-617-0366 FAX. 650-617-0373

Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

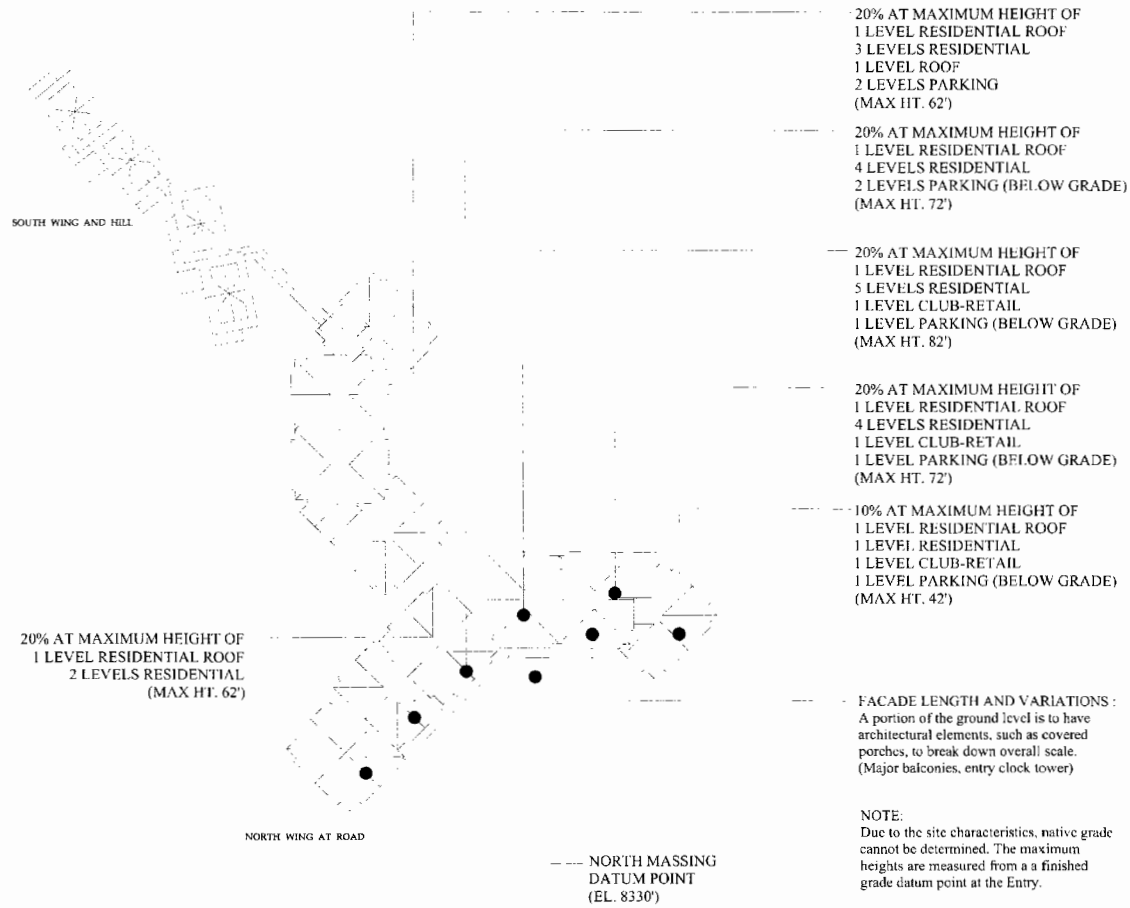
Project No. 00000

Date APR. 24 2020

Title #2 10'10

Sheet No. **AE 3.06**

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NORTH MASSING

CONDO VOLUMETRICS
PLAN VIEW NORTH

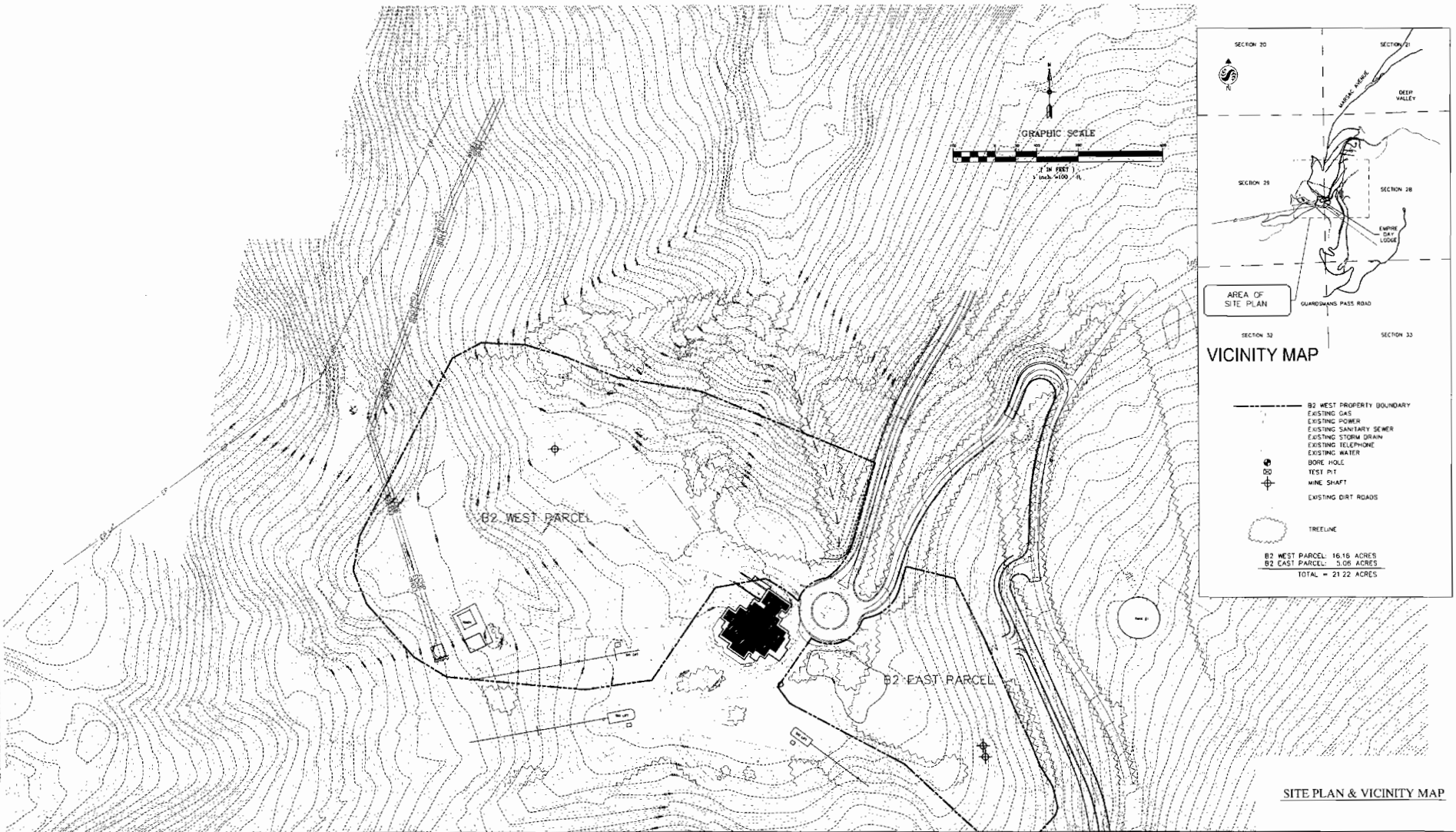


Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No.	0908
Date	APR. 21, 2016
Scale	AS SHOWN
Sheet No.	AE 3.07

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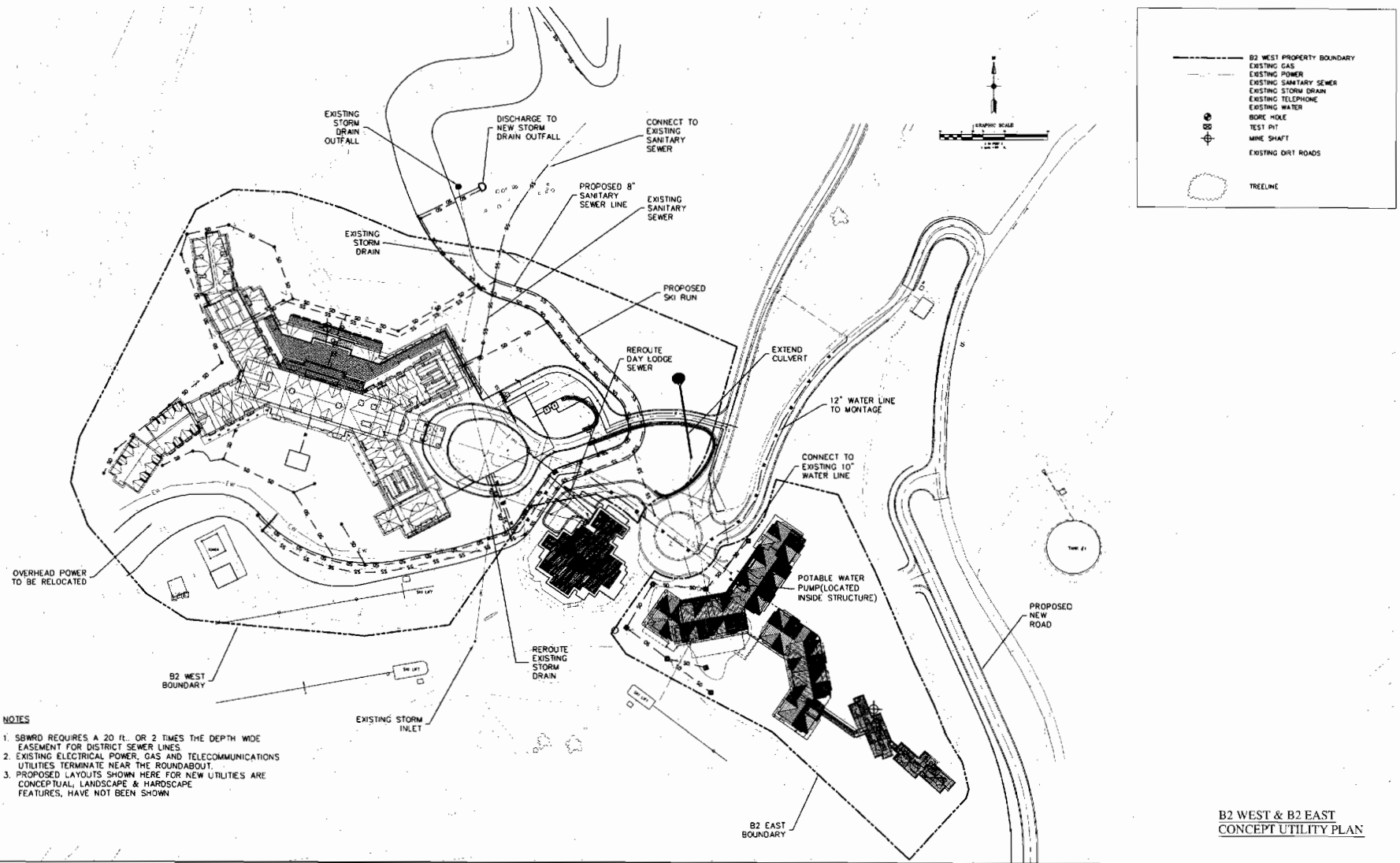
Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No.	03008
Date	APRIL 18, 2006
Scale	1" = 80'
Sheet No.	C 1.01

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B2 WEST & B2 EAST
CONCEPT UTILITY PLAN

HG
HILL GLAZIER
ARCHITECTS

800 Park Street, Suite 200, Salt Lake City, UT 84103-2000
Tel: 800-875-0000 Fax: 800-875-0001

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Stantec

Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No.	0300
Date	APR. 28, 2004
Scale	1" = 80'
Sheet No.	C 1.02



March 15, 2007

The DV Luxury Resort LLC
136 Heber Avenue, Suite 204
Park City UT 84060

Sent via email

NOTICE OF PLANNING COMMISSION ACTION

<u>Project Name</u>	Pod B-2, Empire Pass
<u>Project Description</u>	Master Planned Development
<u>Date of Meeting</u>	March 14, 2007

Action Taken By Planning Commission: The Planning Commission APPROVED the proposed Empire Pass B-2 Master Planned Development based on the following:

Analysis

All Master Planned Developments shall contain the following minimum requirements in accordance with Section 15-6-5 of the Land Management Code.

*(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.*

Complies

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

The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 99-30 could potentially be constructed within the approved

development pods without the necessity of a height increase above the 33-foot RD zone height limit; and

Building height increases for specific multi-family/resort-related buildings may be considered based on site-specific reviews and compliance with the standards set forth in the Master Planned Development section of the Land Management Code (LMC).

The additional 80 Unit Equivalents proposed for B-2 can be absorbed within the Empire Pass project in Code compliant 33-foot height buildings as shown on Exhibit A. The total number of units approved with this MPD are 192 hotel rooms using 69.6 Unit Equivalents (UEs) and 94 hotel condominiums (114 UEs) in the west side and 81 condominiums (81 UEs) on the east side.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT. (Not applicable)

(C) SETBACKS. *The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size.*

Complies

The annexed area of Flagstaff Mountain was granted a large-scale MPD at the time of annexation with specific development pods. The Planning Commission and staff have consistently maintained that the setback requirement is fulfilled at the annexation boundary and does not need to be met within the defined development pods.

(D) OPEN SPACE. *All Master Planned Developments shall contain a minimum of sixty percent (60%) open space.*

Complies

As with the setback requirement in (C) above, the annexation area contains more than the minimum 60% requirement. The development of the Village (pods A, B-1 and B-2) is limited to 87 acres, as amended, within the original 1550 acres or 5% of the land area.

(E) OFF-STREET PARKING. *The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal.*

Complies

The Flagstaff Development Agreement stipulates that parking will be reduced by 25% below the Code requirements. The parking plan submitted meets this requirement and exceeds it. Based on the proposed residential unit sizes, hotel rooms and commercial spaces, the parking at B-2 West (west of the Empire Day Lodge, the site for the Montage Hotel) would require 742 spaces, reduced 25% to

561. The applicant is proposing a further reduction at B2 West to 530 stalls because valet parking will be mandatory for guests. The valet parking will be in a tandem configuration. The Planning Commission will need to make a finding that tandem parking for 192 spaces is acceptable with a valet program. Parking at B-2 East (east of the Empire Day Lodge and site of 81 condominiums and two employee housing units) would require by Code 165 spaces plus the 75 for the Empire Day Lodge. The 165 would be reduced 25% to 124 spaces. Each of the residential condominium units will be allowed to have one space assigned to the unit.

*(F) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:*

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

Complies

Please refer to section (A) Density above for discussion on the density built at the 33-foot zone height. Exhibit B is the applicant's narrative on each of the criteria for additional height. Square footage is governed by the Development Agreement, as amended. Code requirements for façade and roof variation will apply. The applicant is requesting a maximum building height of 114 feet above the USGS datum at the entry to the Montage and a maximum building height of 82 feet for the east side condominiums. As each of these sites have been or will be heavily disturbed for the mine soils mitigation, no "natural grade" can be established.

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

Complies

The only existing structure is the Empire Day Lodge. The lodge is situated between the Montage Hotel to the west and the additional residential condominiums to the east. Neither of the proposed buildings will have an effect on the solar access to the day lodge. The major controlling factor in B2 is the ridgelines to the east, south, and west. Proposed are greater setbacks from the buildings to the day lodge than would be allowed by the LMC thereby allowing greater air flow through the project area.

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

Complies

The Montage hotel to the west of the day lodge is approximately 170 feet away; the condominium buildings to the east are approximately 70 away from the day lodge. The RD zone requirement is 12 feet for side yard setbacks. The conceptual landscape plan has significant landscaping between these buildings.

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;

Complies

The Flagstaff Annexation clustered the development of the project into several development pods, leaving 88% of the area as open space. Most of this open space is used for ski terrain, other recreation, and wildlife habitat.

(5) MPD's which include the additional height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9 Architectural Guidelines or Historic District Design Guidelines if within the Historic District; and

Complies

The applicant has provided conceptual renderings and detailed volumetrics for the Montage hotel and east side condominiums. The roof elements are substantially stepped and provide architectural interest.

(6) Structures within the HR-1 District which meets the standards of development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6.

This section is not applicable.

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) SITE PLANNING. *An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:*

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

Complies

The Montage hotel on the west side is placed within a heavily disturbed site. The east side condos are sited over the existing sales office and East-West development office. This area has significant regulated soils that are required to be removed and would necessitate the removal of the aspens in this area. There is significant space

between the Montage and the Empire Lodge and the Lodge and the condo buildings to the east. These gaps provide visual corridors to the ridgeline behind.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

Complies

Significant excavation will be required; however, the buildings will fill the excavated areas with underground parking and service facilities. There are several retaining structures and a bridge into the entry court to the Montage. Generally, the buildings step with the site without the need of large or numerous retaining structures. The outdoor amenities to the buildings will flow at grade into the existing landscape. The ski run around the east and north side of the Hotel will require substantial grading; however, this is already a disturbed site from previous mining and remediation activities.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

Complies

Minimal road work is required. An access road to the Montage is proposed to intersect State Route 224 just before the traffic circle. A bridge will span the drainage gully in this area. The buildings will step with the grade requiring minimal walls and cut/fill slopes.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

Complies

The Mid-Mountain trail loops behind (south) of the project site. Although not a specifically identified trail on the Mountain Trails Foundation 2006 Trail Map, the emergency access road up Empire Canyon from the top of Daly Avenue is used by hikers and bikers. The site plan shows a proposed ski trail to the future pod Z lift in the area as well.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

Complies

No new streets are being created except for the short access road into the project site.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape 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. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

Complies

There are minimal hard surfaces as all parking is underground. The hard surfaces proposed (entry drives, porte cochere, and patios) will be heated eliminating the need for snow storage.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

Complies

All refuse storage facilities will be underground in the garages of the buildings. Hotel staff will handle refuse and recycling collection.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

Complies

The Flagstaff Mountain annexation included 15 Technical Reports, one of which is the Transit Plan. The Transit Plan has been amended and updated with the inclusion of the Montage. The Montage project has additional transportation elements for guests and employees as found in the November 27, 2006 Technical Memorandum submitted by Fehrs and Peers, Transportation Consultants, on behalf of the developer.. Both the east and west phases will have drop-off/pick-up areas outside of the circulation pattern for the garages.

(9) 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.

Complies

Service and delivery, particularly for the Montage hotel, are located within the garage level. The garage door and loading areas can accommodate a semi-truck.

*(H) **LANDSCAPE AND STREETSCAPE.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.*

Complies

Minimal vegetation currently exists due to the mining activities associated with the site. Landscaping will be accomplished using native and other appropriate drought-

tolerant plant materials in accordance with the Flagstaff Design Guidelines. A small formal lawn area is proposed on the south side of the Montage. Irrigation will be principally by drip.

*(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.*

Complies

The Flagstaff Annexation is not included in the Sensitive Lands Overlay. However, there is one locally rare native plant that has been identified by the Utah Native Plant Society. The applicant has been in contact with the UNPS to identify the location of the plant colony and to take steps to preserve it. The plant is not located within the development area.

*(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.*

Complies

Additional employee/affordable housing is required with the increased 80 Unit Equivalents. The mitigation rate in the original Development Agreement would increase the housing requirement by 5.7 Affordable Employee Units (AEUs). In accordance with the Development Agreement, 25% of the required housing must be on-mountain. The Montage is programming 10 units on-site which include the 5.7 and additional AEUs for the rest of Empire Pass.

*(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.*

Complies

Staff does not recommend that a Child Care Center be provided on-site. Limited permanent Child Care demands will be generated by the hotel and condominiums.

Approval: The Planning Commission based their decision on the Analysis, above, and the following:

Findings of Fact

1. The Master Planned Development (MPD) is for Pod B-2 of the Flagstaff Mountain Resort Annexation area, know known as Empire Pass.
2. The MPD is located in the RD-MPD zoning district.
3. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.

4. The City Council approved an amendment to the Development Agreement on February 1, 2007, that increased the allowable density by 80 Unit Equivalents, 192 hotel rooms (included in the 80 UEs) and the allowable units by 77.5, to be located in the B-2 MPD.
5. Concurrent with this application and approval, the Planning Commission approved the Conditional Use Permit for Phase I of this MPD on March 14, 2007. Phase I is the Montage Hotel to be located on the west side of the Empire Day Lodge (B-2 West).
6. Concurrent with this application, the Planning Commission forwards a positive recommendation to the City Council for the amended Pod B-2 Empire Village Subdivision.
7. The total number of units approved with this MPD are 192 hotel rooms using 69.6 Unit Equivalents (UEs) and 94 hotel condominiums (114 UEs) in the west side of the Empire Day Lodge (B-2 West) and 81 condominiums (81 UEs) on the east side of the Empire Day Lodge (B-2 East). In addition, there is 35,000 square feet of spa space, 28,059 square feet of bar/restaurant/retail space and approximately 15,000 square feet of meeting/conference space and lounge areas.
8. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 114 feet above a benchmarked grade (USGS 8346') is requested.
9. The volumetrics as shown in the exhibits dated April 24, 2006, and reviewed by the Planning Commission provide the façade shifts and roof shifts necessary to create architectural interest and break the building into smaller components.
10. The setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property line, platted street, or existing curb or edge of street.
11. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
12. The Development Agreement requires the Master Developer to provide water source capacity.
13. The Flagstaff Mountain Resort Development Agreement, as amended, requires reclamation of mine hazards.
14. The **Analysis** section of this staff report is incorporated herein.

Conclusion of Law:

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.

6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearing held in accordance with this Code.
13. The MPD, as conditioned, is consistent with the approved Flagstaff Mountain Resort Development Agreement, as amended.

Conditions of Approval:

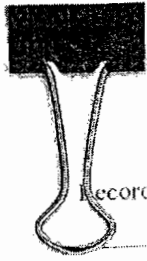
1. The building plans and volumetrics for the project shall meet substantial compliance with the drawings dated April 24, 2006, and as reviewed by the Planning Commission.
2. A height exception for the Montage to 114 feet above a benchmarked grade (USGS 8346') is granted with the Master Plan. A height exception for the east side condominiums to 82 feet above benchmarked grades (USGS 8330' for north datum point and 8380' for south datum point) is granted with the Master Plan. Datum points are indicated on the site plans reviewed by the Planning Commission.
3. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the B-2 Master Planned Development area. The utility plan may include temporary utilities that must be removed (not just abandoned) upon completion of permanent utilities.
4. All regulated soils will be removed from the site and transported via SR 224 and SR 248 to the engineered repository at Richardson Flats. A specific hauling plan, similar to the previous soils hauling operation, must be approved by the Chief Building Official and will incorporate safety inspections, daily reports, and coordination between the City Police and Utah Highway Patrol.
5. Prior to issuance of any building permits for that unit or building which causes overall water consumption at Empire Pass to exceed 150 gallons per minute (approximately 75 units), the Master Developer shall have provided adequate water source capacity satisfactory to the City Attorney and Public Works Director.
6. A revised Mine Soils Hazard Remediation Technical Report (Exhibit 1 of the Technical Reports) shall be submitted to the Chief Building Official. Approval of the revised plan shall have been made by the Building Official prior to any building permit being issued. Prior to vertical construction of the project, UPCM

shall provide acknowledgement from the State of compliance with State mining regulations regarding operation, reclamation, surety, and post-mining land use permit requirements.

7. A revised Emergency Response Plan (Exhibit 7 of the Technical Reports) shall be submitted to the Chief Building Official. Approval of the revised plan shall have been made by the Building Official prior to any building permit being issued. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the Montage.
8. The revised Transit Plan dated November 27, 2006, as submitted by Fehr and Peers, Transportation Consultants, on behalf of the applicant will be implemented at Certificate of Occupancy for the Montage Hotel.
9. The \$1.8 million bond for the Richardson Flats Park and Ride, in a form approved by the City Attorney, shall be posted prior to any building permit issuance.
10. The 30 acres at Richardson Flats for the Park and Ride and future recreation facilities will be dedicated to the City (unless the City agrees to a lease), in a form approved by the City Attorney, prior to building permit issuance.
11. The additional 20 Employee Housing Units will begin construction within 24 months from the effective date of the amended Development Agreement (March 2, 2007) or post a financial guarantee in a form acceptable to the City Attorney equal to 10 percent of the estimated construction costs of the additional Affordable Units.

Sincerely,

Brooks T. Robinson
Principal Planner



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

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

ENTRY NO. 00806100

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

Agreement PAGE 1 / 49

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



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

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

RECITALS

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

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

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

- H. WHEREAS, the Parties in fact entered into the original Agreement on or about June 24, 1999; and
- I. WHEREAS, the Parties desire to amend and restate the original Agreement in connection with the development of a project known as the Montage Resort & Spa which is presently planned to include 192 hotel rooms and suites, with spa, restaurant and conference facilities, and a residential component that consists of resort condominiums.

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

SECTION I. DEFINITIONS

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

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

with the terms of this Agreement.

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

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

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

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

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

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

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

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

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

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

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

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

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

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

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

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

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

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

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

2.2.1.1 **Small Scale MPD.** Site specific volumetrics and configuration will be established in the Small Scale MPD process.

2.2.1.2. **Maximum Development Area.** In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.

2.2.1.3. **Maximum Density.** The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.⁶ Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.

2.2.1.4. **Pedestrian Village.** At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B₁, and B₂) within the Mountain Village must be linked by transit.

2.2.1.5. **Commercial.** The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

⁶ Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at the rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units.

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

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

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

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

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

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

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

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

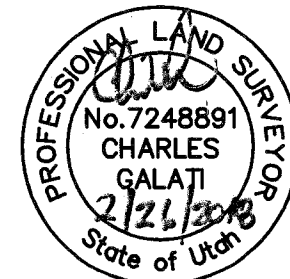
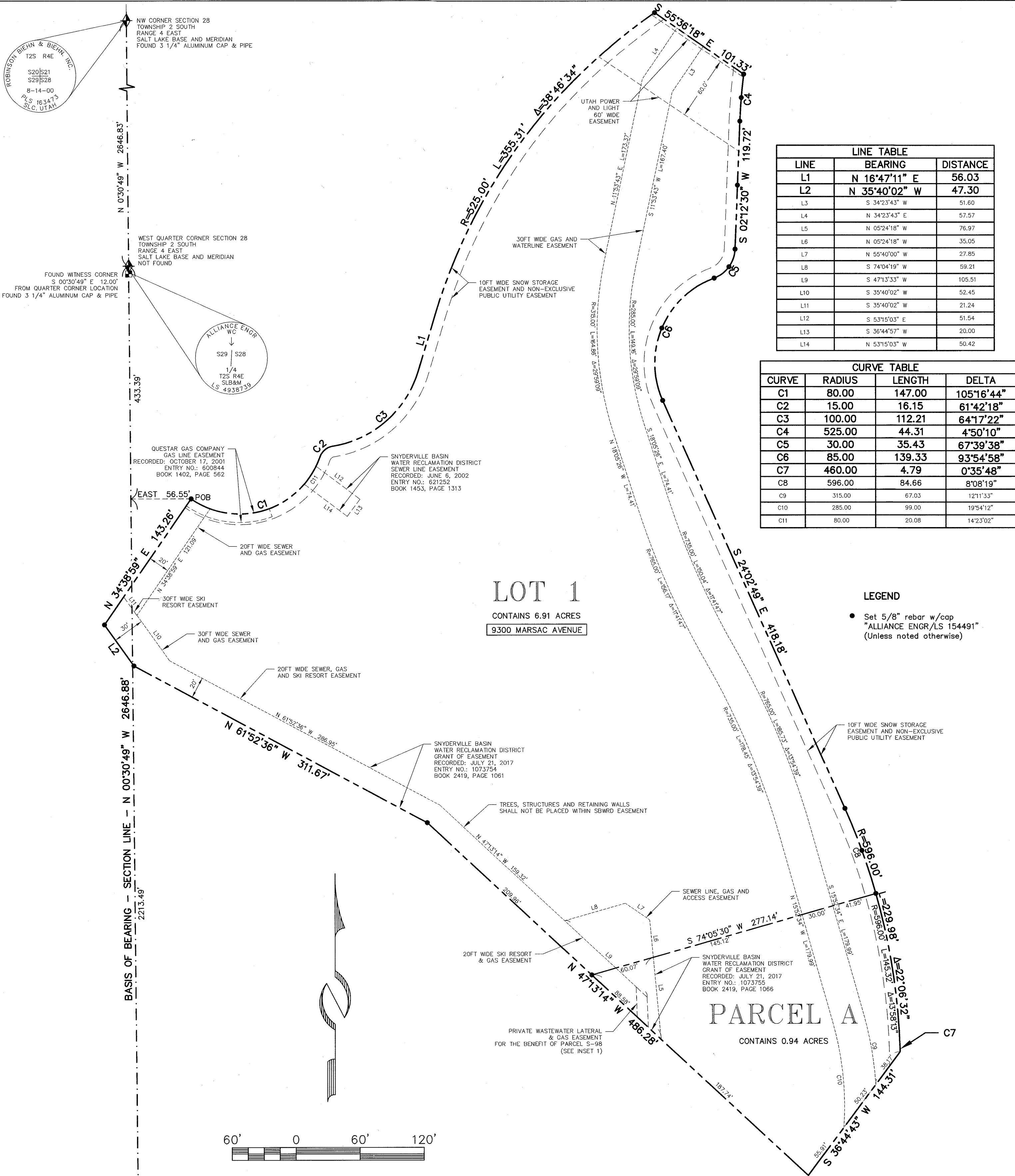
2.3.1 **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

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

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

NOTES:

- This plat is subject to the Conditions of Approval in Ordinance 2017-07.
- All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain recorded at Summit County on March 2, 2007, as Entry No. 00806100 in Book 1850, Page 1897 (the "Development Agreement"), and associated technical reports and agreements, continue to apply.
- Conditions of approval of the Village at Empire Pass Master Planned Development, approved July 28, 2004, and the Pod B-2 at Empire Pass Master Planned Development, approved March 14, 2007, shall continue to apply.
- Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
- Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit.
- No building permits shall be issued on Lot 1 or Parcel A until the mine shaft has been fully closed and mine soil remediation under EPA supervision has been completed. Prior to issuance of any building permits, documentation certifying the work is complete shall be presented to the Chief Building Official and Planning Director. As part of any building permit submission, property owner shall submit a closure plan for the adit, approved by a geotechnical engineer, and detailing any additional work required in conjunction with building construction in the vicinity of the adit.
- Prior to building permit issuance, documentation from UDOT showing approval of any curb cuts or modifications to existing curb cuts onto Marsac Avenue, a state highway, is required.
- A conditional use permit approval is required prior to issuance of a building permit for any residential building proposed on Lot 1. A construction mitigation plan shall be submitted with the conditional use permit application and in advance of issuing building permits. Parcel A is not a development lot.
- A declaration of condominium and a record of condominium plat are required prior to the sale of individual units within the development.
- Lot 1 is subject to the Declaration of Development Covenants, recorded as Entry No. 0081411, in the official records of the Summit County Recorder. Lot 1 has an on-site affordable housing obligation of 4.2 Affordable Unit Equivalents as defined in the Development Agreement. All deed restricted units shall be identified on the final condominium plat prior to recordation of such plat. Phasing of affordable housing units shall be commensurate with the certificates of occupancy for the buildings.
- Wastewater service to B2 East Subdivision shall be provided by the Snyderville Basin Water Reclamation District ("SBWRD"). A Line Extension Agreement approval letter was provided by SBWRD on January 24, 2017, in connection with that certain Line Extension Agreement for Public Wastewater System dated January 23, 2017 (the "Line Extension Agreement"). The owner shall be responsible for extending the public wastewater system within Lot 1 according to requirements of the Line Extension Agreement. Easements associated with the Line Extension Agreement are depicted on the plat.
- The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
- This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
- The Empire Pass Master Owners Association, Inc. (the "Master Association"), together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass (as amended the "Master Declaration") requires the membership of each lot or unit owner. Members are subject to the terms of the Master Association's articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinvestment fees as provided therein.
- Requirements and obligations of the Development Agreement, as applicable to this property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lot 1, unless otherwise conditioned herein. This includes number of shuttles in operation, collection mechanism for real estate reinvestment fees, and all other such obligations as are outlined in the Development Agreement. Per that certain Acknowledgement and Waiver [Marsac 100] dated November 30, 2017 by Park City Municipal Corporation, a political subdivision of the State of Utah ("PCMC") and that certain Acknowledgement and Waiver [Mine Bench] dated November 30, 2017 by PCMC, obligations under the Development Agreement for off-site affordable housing and gondola payments have been deemed satisfied, terminated, and fulfilled.
- Owners and potential buyers of any parcel, unit or land within the lot or parcel depicted on this plat are given notice that they own or are buying property in a resort area in which all-season resort activities are conducted and where certain risks are present, including, without limitation, damage to property and improvements and personal injury and death caused by errant skiers, snowboarders, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow falls, wind patterns, and other conditions that may affect the properties depicted hereon. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such owner or agreements with such owner.



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold Certificate No. 7248891, as prescribed by the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described hereon, and have subdivided said tract of land into lots and parcels together with easements, hereafter to be known as B2 EAST SUBDIVISION and that the same has been, to the best of my knowledge, correctly surveyed and monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

A parcel of land located in the west half of Section 28 and the southeast quarter of Section 29, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point that is North 00°30'49" West 2213.49 feet along Section Line and East 56.55 feet from the southwest corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the southerly line of the Marsac Avenue Right of Way, according to the official plat thereof on file and of record in the office of the Recorder, Summit County, Utah, and on a curve to the left having a radius of 80.00 feet, of which the radius point bears North 34°38'59" East; and running thence along the southerly line of the Marsac Avenue Right of Way the following five (5) courses: 1) easterly along the arc of said curve 147.00 feet through a central angle of 105°16'44" to a point on a reverse curve to the right having a radius of 15.00 feet, of which the radius point bears South 70°37'45" East; thence 2) northeasterly along the arc of said curve 16.15 feet through a central angle of 61°42'18" to a point on a curve to the left having a radius of 100.00 feet, of which the radius point bears North 08°55'27" West; thence 3) northeasterly along the arc of said curve 112.21 feet (chord bears North 48°55'52" East 106.41 feet) through a central angle of 64°17'22"; thence 4) North 16°47'11" East 56.03 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 73°12'49" East; thence 5) northeasterly along the arc of said curve 355.31 feet through a central angle of 38°46'34"; thence South 55°36'18" East 101.33 feet to a point on a curve to the left having a radius of 525.00 feet; thence southerly along the arc of said curve 44.31 feet (chord bears South 04°37'35" West 44.30 feet) through a central angle of 4°50'10"; thence South 02°12'30" West 119.72 feet to a point on a curve to the right having a radius of 30.00 feet, of which the radius point bears North 87°47'30" West; thence southerly along the arc of said curve 35.43 feet through a central angle of 67°39'38" to a point of reverse curve to the left having a radius of 85.00 feet, of which the radius point bears South 20°07'52" East; thence southwesterly along the arc of said curve 139.33 feet through a central angle of 93°54'58"; thence South 24°02'49" East 418.18 feet to a point on a curve to the right having a radius of 596.00 feet, of which the radius point bears South 65°57'11" West; thence along the arc of said curve 229.98 feet through a central angle of 22°06'32" to a point of compound curve to the right having a radius of 460.00 feet, of which the radius point bears South 88°03'42" West; thence southerly along the arc of said curve 4.79 feet through a central angle of 00°35'48"; thence South 36°44'43" West 144.31 feet; thence North 47°13'14" West 486.28 feet; thence North 61°52'36" West 311.67 feet; thence North 35°40'02" West 47.30 feet; thence North 34°38'59" East 143.26 feet to the point of beginning.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 16°47'11" E	56.03
L2	N 35°40'02" W	47.30
L3	S 34°23'43" W	51.60
L4	N 34°23'43" E	57.97
L5	N 05°24'18" W	76.97
L6	N 05°24'18" W	35.05
L7	N 55°40'00" W	27.85
L8	S 74°04'19" W	59.21
L9	S 47°13'33" W	105.51
L10	S 39°40'02" W	52.45
L11	S 39°40'02" W	21.24
L12	S 53°15'03" E	51.54
L13	S 36°44'57" W	20.00
L14	N 53°15'03" W	50.42

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	80.00	147.00	105°16'44"
C2	15.00	16.15	61°42'18"
C3	100.00	112.21	64°17'22"
C4	525.00	44.31	4°50'10"
C5	30.00	35.43	67°39'38"
C6	85.00	139.33	93°54'58"
C7	460.00	4.79	0°35'48"
C8	596.00	84.66	8°08'19"
C9	315.00	67.03	121°1'33"
C10	285.00	99.00	19°54'12"
C11	80.00	20.08	142°3'02"

LEGEND

- Set 5/8" rebar w/cap "ALLIANCE ENGR/LS 154491" (Unless noted otherwise)

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that REDUS Park City LLC, a Delaware limited liability company, the undersigned owner of the herein described tract of land to be known hereafter as B2 EAST SUBDIVISION, does hereby certify that it has caused this Plat to be prepared and does hereby consent to the recordation of this Plat.

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

In witness whereof, the undersigned set his hand this 26 day of Feb. 2018.

REDUS Park City LLC,
a Delaware limited liability company

By: REDUS Properties, Inc.
a Delaware corporation, its Manager

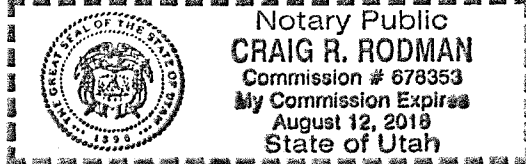
By: David Ash, Sr. Vice President

ACKNOWLEDGMENT

State of Utah ss:
County of Summit

On this 26 day of Feb. 2018, David Ash 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 he is the Sr. Vice President of Redus Properties, Inc., a Delaware corporation, and that said document was signed by him on behalf of said corporation by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the Subdivision Plat.

G. R. Rodman
A Notary Public commissioned in Utah

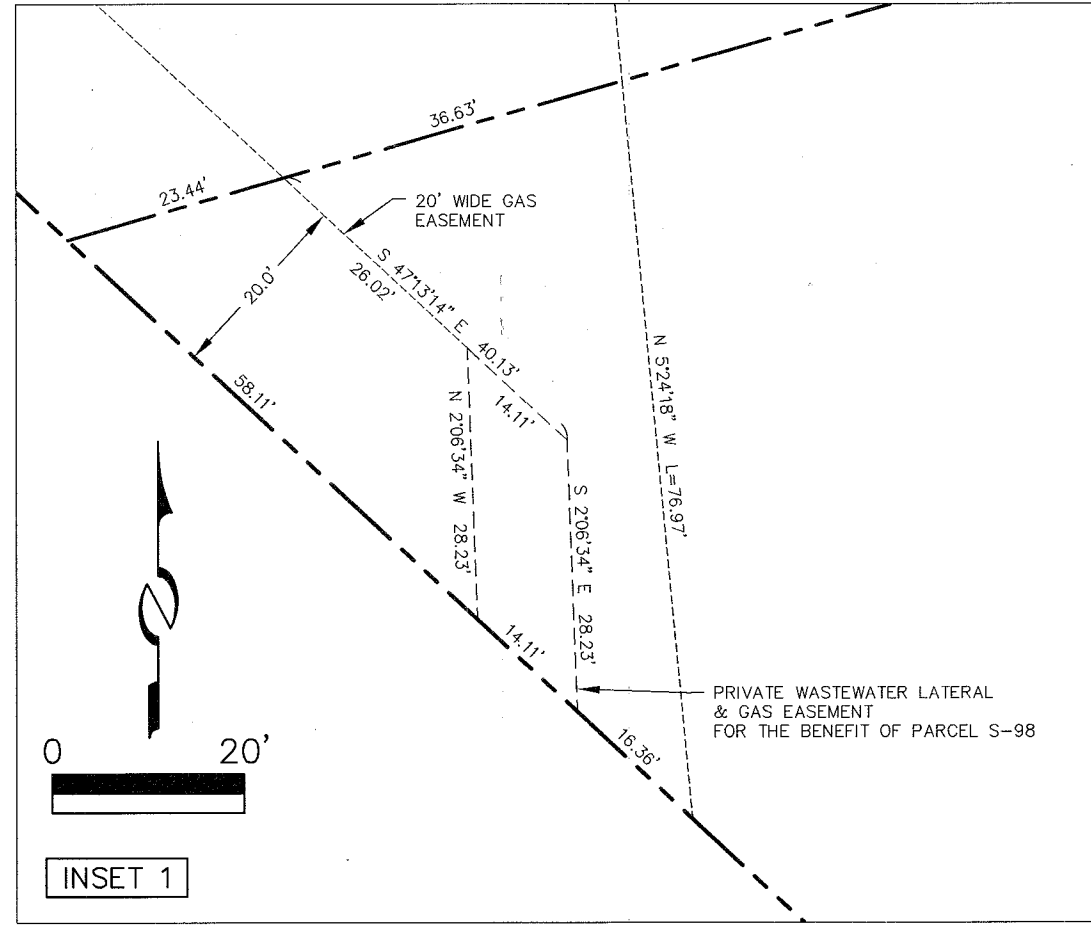


Craig R. Rodman
Printed Name

Residing in: Park City, UT

My commission expires: 8/1/2018

Commission No. 678353



B2 EAST SUBDIVISION

LOCATED IN THE WEST HALF OF SECTION 28 & THE SOUTHEAST QUARTER OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664
(435) 649-9467

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 26th DAY OF February, 2018
BY B. W. R. D.
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8TH DAY OF February, 2017
BY vice - CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 2nd DAY OF March, 2018
BY Park City Engineer

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 2nd DAY OF March, 2018
BY Park City Attorney

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 9TH OF MARCH, 2017
BY Andy B. MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS 9TH DAY OF MARCH, 2017
BY Michelle Kelly PARK CITY RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF REDUS PARK CITY LLC
FEE \$32.00
DATE 3/1/2018 TIME 8:19 AM ENTRY NO. 1081638
RECORDED BY Shonda Francis Deputy

15-6-5 Master Planned Development Requirements

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

- A. **DENSITY.** The Planning Commission shall approve the type of Development, number of units, and Density permitted on a given Master Planned Development Site based on a Site Suitability Analysis. The Master Planned Development shall not exceed the maximum Density in the Zoning District, except as otherwise provided in this Section. The Site shall be looked at in its entirety, including all adjacent Property under the same ownership, and the Density shall be located in the locations that support the goals set forth in Section 15-6-1.
1. Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved Master Planned Development.
 2. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that shift results in a project that better meets the goals set forth in Section 15-6-1.
 - a. **Exception.** Residential Density shifts between the HCB and HR-2 Zoning Districts are not permitted. A portion of the gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zoning District, may be located in the HR-2 Zoning District as allowed by Section 15-2.3-8.
 3. Density for Master Planned Developments is based on the Unit Equivalent formula, defined in Section 15-6-8.
 - a. **Exceptions.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:
 - i. Donates Open Space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or
 - ii. Proposes a Master Planned Development in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City's adopted employee/ Affordable Housing guidelines and requirements; or
 - iii. Proposes a Master Planned Development in which more than eighty percent (80%) of the project is Open Space as defined in this Code and prioritized by the Planning Commission.

B. MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 AND HR-2 ZONING DISTRICTS.

1. The Land Management Code sets forth a maximum Building Footprint for all Structures in the HR-1 and HR-2 Zoning Districts based on Lot Area. For purposes of establishing the

maximum Building Footprint for Master Planned Developments that include Development in the HR-1 and HR-2 Zoning Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat or the Lots of record prior to a plat amendment combining the Lots as stated in Section 15-2.3-4.

- a. The Area of below Grade Parking in the HR-1 and HR-2 Zoning Districts shall not count against the maximum Building Footprint of the HR-1 or HR-2 Lots.
- b. The Area of below Grade Commercial Use extending from a Main Street business into the HR-2 Subzone A shall not count against the maximum Building Footprint of the HR-2 Lots.
- c. The Floor Area Ratio (FAR) of the HCB Zoning District applies only to the HCB Lot Area and may be reduced as part of a Master Planned Development. The FAR may not be applied to the HR-1 or HR-2 Lot Area.
- d. The Floor Area for a detached, single car Garage, not to exceed two-hundred and twenty square feet (220 square feet) of Floor Area, shall not count against the maximum Building Footprint of the HR-2 Lot.

C. SETBACKS.

1. The minimum Setback around the exterior boundary of a Master Planned Development shall be twenty-five feet (25') for Parcels greater than two (2) acres. The Planning Commission may decrease the required perimeter Setback from twenty-five feet (25') for Master Planned Development Applications greater than two (2) acres to the zone-required Setback if it is necessary to provide desired architectural interest and variation.
2. For parcels greater than two (2) acres and located inside the HRM, HR-1, HR-2, HRC, and HCB Zoning Districts, the minimum Setback around the exterior boundary of a Master Planned Development shall be determined by the Planning Commission in order to remain consistent with the contextual streetscape of adjacent Structures.
3. For parcels two (2) acres or less, the minimum exterior boundary Setbacks shall be the zone-required Setbacks.
4. In all Master Planned Developments, for either the perimeter Setbacks or the Setbacks within the project, 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.
5. 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, does not increase project Density, maintains the general character of the surrounding neighborhood in terms of mass, scale, and spacing between Structures, and meets Open Space criteria set forth in Section 15-6-5(D).
6. Final Setback approvals shall be specified as a Finding of Fact in the Master Planned Development Approval, in the Development Agreement, and on each plat within the Master Planned Development.

D. OPEN SPACE.

1. **MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) Open Space as defined in Chapter 15-15, with the exception of the

General Commercial (GC), Historic Residential Commercial (HRC), Historic Commercial Business (HCB), and the Historic Residential (HR-1 and HR-2) Zoning Districts.

2. The minimum Open Space requirement for redevelopment of existing Developments shall be thirty percent (30%).
 - a. For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required Open Space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater Landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, Public Art, and rehabilitation of Historic Structures.
3. **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of Open Space for each Master Planned Development. The Commission's determination shall be based on the guidance given in the General Plan. Landscaped Open Space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open Space may not be utilized for Streets, roads, driveways, Parking Areas, Commercial Uses, or Buildings requiring a Building Permit.

E. OFF-STREET PARKING.

1. The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of the Land Management Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a Parking analysis submitted by the Applicant at the time of Master Planned Development submittal. The Parking analysis shall contain, at a minimum, the following information:
 - a. The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
 - b. A Parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy Parking.
 - c. Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.
 - d. An analysis of time periods of Use for each of the Uses in the project and opportunities for shared parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.
 - e. A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.
 - f. Provisions for overflow Parking during peak periods.
 - g. An evaluation of potential adverse impacts of the proposed Parking reduction and Density increase, if any, upon the surrounding neighborhood and conditions of approval to mitigate such impacts.

The Planning Department shall review the Parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review

of the Master Planned Development as to whether or not the Parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

2. The Planning Commission may permit an Applicant to pay an in-lieu Parking fee in consideration for required on-Site Parking provided that the Planning Commission determines that:
 - a. Payment in-lieu of the on-Site Parking requirement will prevent a loss of significant Open Space, Yard Area, and/or public amenities and gathering Areas;
 - b. Payment in-lieu of the on-Site Parking requirement will result in Preservation and Rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;
 - c. Payment in-lieu of the on-Site Parking requirement will not result in an increase project Density or intensity of Use; and
 - d. The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required Parking shall be subject to the provisions in the Municipal Code of Park City Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

F. BUILDING HEIGHT. The Building Height requirements of the Zoning District in which a Master Planned Development is located shall apply, except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts. The Applicant must request a Site-specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings for an increase in Building Height can be made, according to Subsections (1) through (5) below. In order to grant Building Height in addition to that which is allowed in the underlying Zoning District, the Planning Commission must find that:

1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;
2. Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site specific analysis;
3. There is adequate Landscaping and buffering from adjacent Properties and Uses;
4. Increased Setbacks and separations from adjacent projects are proposed;
5. The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible;
6. The additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, or the Design Guidelines for Park City's Historic Districts and Historic Sites if the Building is located within the Historic District.

If and when the Planning Commission grants additional Building Height based on a Site specific analysis, the approved additional Building Height shall only apply to the specific

plans reviewed and approved by the Planning Commission. Additional Building Height shall be specified as a Finding of Fact in the Master Planned Development Approval, in the Development Agreement, and on each plat within the Master Planned Development that includes a Building with an additional Height allowance.

G. SITE PLANNING. A Master Planned Development shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project 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 for a Master Planned Development:

1. 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.
2. Projects shall be designed to minimize Grading and the need for large retaining Structures.
3. Roads, utility lines, and Structures should be designed to work with the Existing Grade. Cuts and fills shall be minimized.
4. 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.
5. 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 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.
6. 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.
7. 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 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 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.

8. The Site plan for a Master Planned Development shall include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.
9. 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.

- H. **LANDSCAPE AND LIGHTING**. A preliminary Landscaping plan must be submitted with the Master Planned Development Application. The Landscaping plan shall comply with all criteria and requirements of Section 15-5-5(N) LANDSCAPING. All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy. Lighting must meet the requirements of Section 15-5-5(J).
- I. **SENSITIVE LANDS COMPLIANCE**. Applicants for a Master Planned Development that contains any Area within the Sensitive Land Overlay Zone shall conduct a Sensitive Lands Analysis and shall conform to the Sensitive Lands Chapter 15-2.21.
- J. **EMPLOYEE/AFFORDABLE HOUSING**. Master Planned Developments Applicants shall submit a housing mitigation plan that addresses employee Affordable Housing required by the adopted housing resolution in effect at the time of a complete Application.
- K. **CHILD CARE**. A Site designated and planned for a Child Care Center may be required for all new Single Family Dwellings and Multi-Family Dwellings within a Master Planned Development if the Planning Commission determines that the project will create additional demands for Child Care.
- L. **MINE HAZARDS**. All Master Planned Development Applications shall include a map and list of all known Physical Mine Hazards on the Property and a Physical Mine Hazard mitigation plan.
- M. **HISTORIC MINE WASTE MITIGATION**. An Applicant for a Master Planned Development with Property that is located within the Park City Soils Ordinance Boundary shall submit a soil remediation mitigation plan and shall indicate areas of hazardous soils and proposed methods of remediation and/or removal subject to the requirements and regulations of the Municipal Code of Park City Chapter 11-15.
- N. **GENERAL PLAN REVIEW**. The Planning Commission shall review 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**. All Master Planned Development 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.
- P. **LAND MANAGEMENT CODE REVIEW**. All Master Planned Development Applications shall be reviewed in accordance with the Land Management Code, including:
1. the underlying Zoning District requirements in Chapter 15-2;
 2. relevant Overlay Zoning requirements in Chapter 15-2;
 3. Chapter 15-3, Off-Street Parking;
 4. Chapter 15-4, Supplementary Regulations;
 5. Chapter 15-5, Architectural Review;
 6. Chapters 15-7.1, 15-7.2, 15-7.3, and 15-7.4, Subdivision Provisions;
 7. Chapters 15-11 and 15-13 for Master Planned Developments located in a Historic Zoning District;

8. any other relevant provisions of the Land Management Code.

HISTORY

Adopted by Ord. [02-07](#) on 5/23/2002

Amended by Ord. [04-08](#) on 3/4/2004

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [10-14](#) on 4/15/2010

Amended by Ord. [11-05](#) on 1/27/2011

Amended by Ord. [11-12](#) on 3/31/2011

Amended by Ord. [13-23](#) on 7/11/2013

Amended by Ord. [15-36](#) on 6/25/2015

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2017-46](#) on 8/17/2017

Amended by Ord. [2020-09](#) on 1/30/2020

Amended by Ord. [2020-45](#) on 10/1/2020

Planning Commission Staff Report



Subject: The Washington School Inn
Application: PL-20-04477
Author: Browne Sebright
Date: September 8, 2021
Type of Item: Hotel, Minor Conditional Use Permit

Recommendation

Open a public hearing and continue the item to October 13, 2021.

Description

Applicant:	Washington School House LLC, represented by Graham Gilbert
Location:	543 Park Avenue
Zoning District:	Historic Residential – 1
Adjacent Land Uses:	Residential; Parking Structure; Offices
Reason for Review:	The Planning Commission reviews and takes final action on Conditional Use Permits ¹

Summary

On April 28, 2021, the Planning Commission conducted a work session on the proposed Conditional Use Permit ([Staff Report and Exhibits](#); [Minutes](#), p. 3). The Applicant proposes to convert the Washington School Inn from a Bed & Breakfast to a Minor Hotel and is working with Staff on updating the proposed Management Plan.

This item was brought to the Neighborhood Traffic Management Program (NTMP) committee on August 26 to evaluate portions of the Parking Management sections of the proposed Management Plan. A follow up meeting with the Applicant and members of the NTMP committee will be held no later than September 17 to further refine the proposed Management Plan and to incorporate any feedback into the draft Conditions of Approval.

¹ LMC [§ 15-1-8\(G\)](#).

Planning Commission Staff Report



Subject: 91 & 95 King Road Plat Amendment
Application: PL-21-04775
Author: Browne Sebright
Date: September 8, 2021
Type of Item: Administrative – Plat Amendment

Recommendation

Staff recommends the Planning Commission review the 91 & 95 King Road Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on October 7, 2021.

Description

Applicant:	Dean and Roma Polce (91 King Rd), Jeffery Love (95 King Rd), represented by Marshall King, Alliance Engineering
Location:	91 King Road & 95 King Road
Zoning District:	Historic Residential - Low Density (HRL)
Adjacent Land Uses:	Single-Family Residential Dwellings
Reason for Review:	Plat amendments require Planning Commission recommendation and City Council action ¹

Acronyms

HRL Historic Residential - Low Density
LMC Land Management Code
ROW Right-of-Way

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

Summary

91 King Road and 95 King Road are non-historic Single-Family Dwellings in the Historic Residential - Low Density (HRL) Zoning District that occupy Lots 23, 24, and 25 in Block 76 of the Park City Survey, shown in the photo below. The properties front King Road and slope steeply up to Ridge Avenue. According to Summit County Assessor information, 91 King Road was constructed in 1970, and 95 King Road was constructed in 1996. The Applicant proposes a two-lot subdivision to remove internal Lot lines and to dedicate a portion of the property to the Ridge Avenue Right-of-Way to begin the process for future renovation and redevelopment.

¹ LMC [§ 15-7.1-2\(B\)](#).



Figure 1. Image of 91 King Road (left) and 95 King Road (right), from Google Maps.

Analysis

The Planning Commission holds a public hearing and makes a recommendation to City Council; the City Council reviews and takes action on a Subdivision Plat.²

(I) The proposed plat amendment complies with the Historic Residential – Low Density Zoning District requirements.

One of the purposes of the Historic Residential – Low Density (HRL) Zoning Districts is to “provide an area of lower density Residential Use within the old portion of Park City”³ and Single-Family Dwellings are an Allowed Use within the HRL Zoning District.⁴

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

1. reduce density that is accessible only by substandard Streets, so these Streets are not impacted beyond their reasonable carrying capacity,
2. provide an Area of lower density Residential Use within the old portion of Park City,
3. preserve the character of Historic residential Development in Park City,
4. encourage the preservation of Historic Buildings and/or Structures,
5. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.
6. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and

² LMC [§ 15-7.1-2](#).

³ LMC [§ 15-2.1-1\(B\)](#).

⁴ LMC [§ 15-2.1-2\(A\)\(1\)](#).

7. define Development parameters that are consistent with the General Plan policies for the Historic core.

The table below outlines the HRL Zoning District Lot requirements:⁵

Requirement	Analysis of 91 King Road	Analysis of 95 King Road
Minimum Lot Size is 3,750 square feet	Variance Granted Proposed Lot Size is 2,298.04 SF.	Variance Granted Proposed Lot Size is 3,135.14 SF.
Minimum Lot Width: 35 feet, measured 15 feet from the front Lot line	Variance Granted Lot Width is 32 feet.	Complies Lot Width is 43.5 feet.
The maximum Building Footprint is calculated based on the following formula: $\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$	Condition of Approval 14 Please see the analysis below for the recommended Maximum Building Footprint.	Condition of Approval 15 Please see the analysis below for the recommended Maximum Building Footprint.
Minimum Front Setback for Lots up to 75 feet in depth: 10 feet	Variance Granted Front Setback is 4-5 feet. Any additions to the existing Structure and all new Structures must comply with the required Setbacks.	Variance Granted Front Setback is 6-7 feet. Any additions to the existing Structure and all new Structures must comply with the required Setbacks.
Minimum Rear Setback for Lots up to 75 feet in depth: 10 feet	Complies Rear Setback is 33 feet to proposed Rear Lot Line. Any additions to the existing Structure and all new Structures must comply with the required Setbacks.	Complies Rear Setback is 27.5 feet to proposed Rear Lot Line. Any additions to the existing Structure and all new Structures must comply with the required Setbacks.
Minimum Side Setback for Lot width up to 37.5 feet: three feet	Variance Granted Side Setback is 0.3-1.5 feet. Any additions to the existing Structure and all new Structures must comply with the required Setbacks.	Variance Granted Side Setback is 3.5-6 feet. Any additions to the existing Structure and all new Structures must comply with the required Setbacks.
Building Height shall not exceed 27 feet from Existing Grade	Complies Existing building is less than 27 feet from Existing Grade. Any additions to the existing Structure and all new Structures must comply with	Complies Existing building is less than 27 feet from Existing Grade. Any additions to the existing Structure and all new Structures must comply with

⁵ LMC [§ 15-2.1-3](#).

	the required Building Height.	the required Building Height.
Snow Release	Condition of Approval 10 Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.	Condition of Approval 10 Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

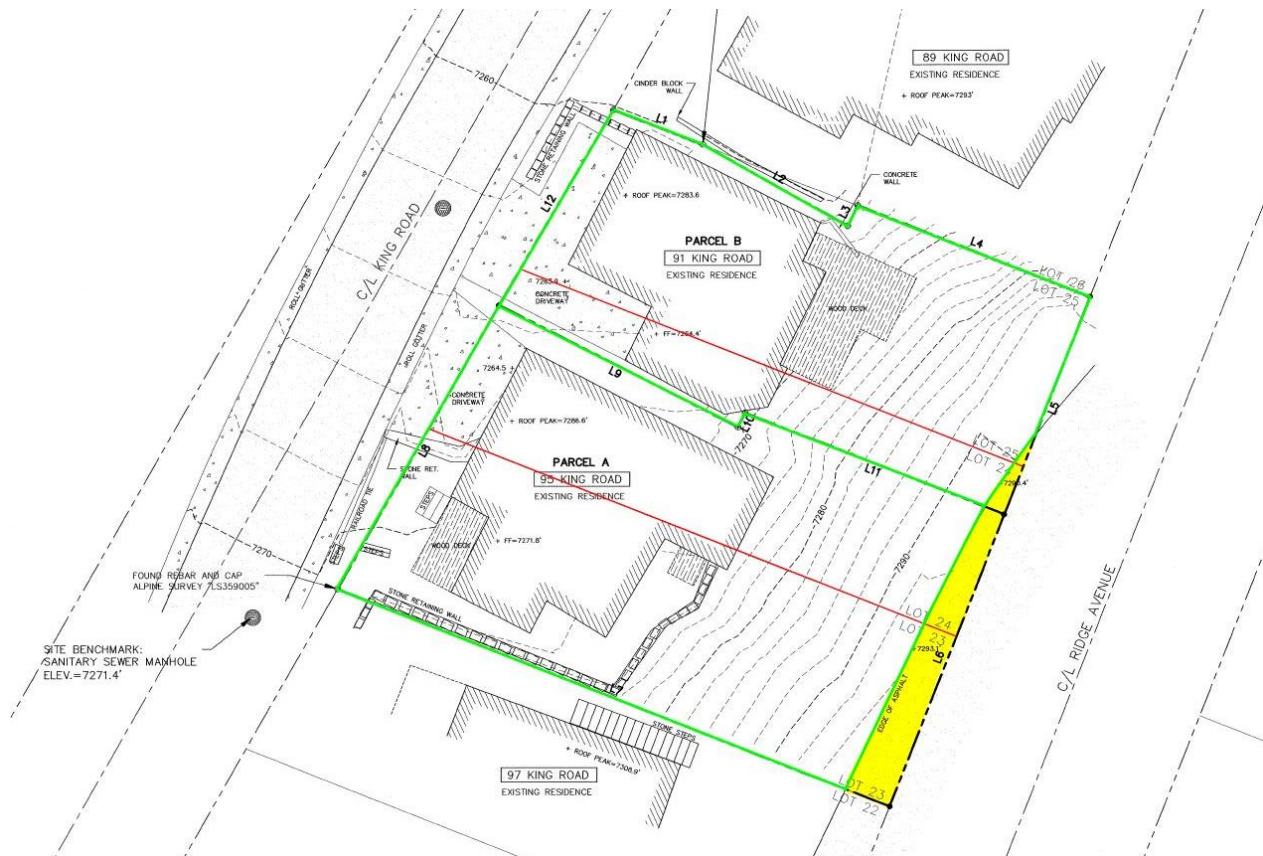


Figure 2. Survey of 91 & 95 King Road depicting the internal lines that divide the two properties (in red), the proposed Lot Lines (in green), and the area to be dedicated for the Ridge Avenue ROW (in yellow).

Both 91 King Road and 95 King Road have received Variances from the Board of Adjustments for the non-complying characteristics of the properties.

On September 19, 1995, the Board of Adjustments granted 95 King Road Variances for minimum Lot size, Front Setback, and Side Setbacks. The Board of Adjustments granted Variances based on Findings of Facts that included the history of the structure having been severely damaged by fire in March of 1995, that strict enforcement of the minimum lot size and setbacks would create an unreasonable hardship give the history of the piece of property, and that the granting of the Variances would reduce the degree of incompatibility with the Historic District and non-conformity with the Land Management Code. For 95 King Road, this allowed the Owners to rebuild a Single-

Family Dwelling on the property that was Non-Complying with Setbacks of the 1995 Land Management Code, but that was less Non-Complying than the original building that was damaged by fire (Exhibit F).

On August 24, 2021, the Board of Adjustments granted Variances to 91 King Road for minimum Lot size, Lot width, and Front and Side Setbacks. These Variances were granted based on Findings of Fact, including how strict enforcement of the minimum lot size and setbacks would create an unreasonable hardship give the history of the piece of property, and that the granting of the Variances would reduce the degree of incompatibility with the Historic District and non-conformity with the Land Management Code. Conditions of Approval 1 through 5 outline that the Variances for Setbacks are only applicable to the existing Non-Complying Structure, and that future construction on the Lot will be required to comply with the Setback regulations of the Zoning District in which it is located (Exhibit G).

For both Properties, Staff recommends that any additions to the existing Structure and all new Structures must comply with the required Setbacks of the Zoning District (Conditions of Approval 14 and 15).

(II) Staff recommends Conditions of Approval to comply with LMC § 15-7.3-2, General Subdivision Requirements.

The Planning Commission and City Council have the authority to regulate the Subdivision of land and to attach reasonable conditions to the Subdivision.⁶ The Planning Commission also must take into consideration requirements of the Land Management Code, the General Plan, and Sensitive Lands Analysis, including the topography and natural features of the Property. Please see Exhibit C to view the existing conditions for the area.⁷

Land Management Code [§ 15-7.3-2](#) requires the following for Subdivisions:

Requirement	Proposal
The Subdivision name must not duplicate the name of any other Subdivision in Summit County	Complies Staff confirmed with Summit County that 91 & 95 King Road Plat Amendment does not duplicate an existing Subdivision.
Limits of Disturbance	Condition of Approval 8 Limits of Disturbance must be shown on the Final Plat, subject to Planning Director approval. A separate plan, which addresses Limits of Disturbance and vegetation protection will be required prior to submitting a building permit.
Driveway and Utility Lines shall work with Existing Grade	Condition of Approval 10 The driveway and utility lines should be

⁶ LMC [§ 15-7-6](#).

⁷ LMC [§ 15-7.1-6\(C\)](#).

	designed to work with Existing Grade and cut and fill Slopes should be minimized.
Existing natural drainage shall be maintained	Condition of Approval 11
Soil conditions and ground water existence shall be considered	Condition of Approval 5 The property is not within the Soils Ordinance. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
Fire Sprinkling	Condition of Approval 12 Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.

(III) Staff recommends Conditions of Approval to comply with LMC Section 15-7.3-3, General Lot Design Requirements.

Land Management Code [§ 15-7.3-3](#) requires the following for Subdivisions:

Requirement	Proposal
The Lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions and in providing reasonable driveway access	Complies The proposed Plat Amendment accommodates the existing building footprints and allows for future renovation or redevelopment that complies with the Land Management Code.
The building envelope shall minimize disturbance of existing vegetation	Condition of Approval 7 All Significant Vegetation that is removed shall be replaced in kind.
Square Footage	Conditions of Approval 14 and 15 Please see the analysis below for the recommended Maximum Building Footprint.
In general, lot lines shall be radial to curving street lines	Complies The proposed Lot Lines are generally radial from King Road, with exceptions to accommodate the existing building footprints.
Lot drainage shall be laid out to provide positive drainage away from the Single-Family Dwellings in accordance with the International Building Code	Condition of Approval 15
Limits of Disturbance and Vegetation	Condition of Approval 8

Protection	Limits of Disturbance must be shown on the Final Plat, subject to Planning Director approval. A separate plan, which addresses Limits of Disturbance and vegetation protection will be required prior to submitting a building permit.
Revegetation, Seed, and Sod	Condition of Approval 17 All disturbed areas on the Lot shall be covered with topsoil and revegetated.
Debris and Waste	Condition of Approval 18 No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on the Lot at the time of a Certificate of Occupancy.

(IV) Staff Recommends that the Planning Commission establish Maximum Building Footprints in a manner that is consistent with the requirements of the HRL Zoning District and similar Plat Amendment applications, to be shown on the final Plat.

Because of the unique history of development in Old Town Park City, there are instances where Public Roads are constructed outside of Dedicated Rights-of-Ways, but where years of continued demonstrated use establishes a Prescriptive Easement. To encourage the dedication of roads and to clean up irregularities where Public Roads cross through existing Lots, Staff have previously recommended establishing Maximum Building Footprints that are calculated from the pre-dedication configuration of Lots (Exhibit H).

Staff recommends that Planning Commission establish Maximum Building Footprints for 91 King Road and 95 King Road using the Maximum Footprint formula established in LMC [§ 15-2.1-3\(E\)](#) ($\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$), that is based on the original configuration of the Parcels prior to the proposed Plat Amendment. These Maximum Building Footprints will be indicated on the final Plat (COA #14 & #15). The table below summarizes the proposed Maximum Building Footprints.

	91 King Road – Existing Parcel	91 King Road – Proposed Lot	95 King Road – Existing Parcel	95 King Road – Proposed Lot
Total Property Size	2,314 Square Feet	2,298 Square Feet	3,340 Square Feet	3,135 Square Feet
Maximum Building Footprint	1,015 Square Feet	1,009 Square Feet	1,384 Square Feet	1,314 Square Feet
Existing Building Footprint	1,006 Square Feet		1,099 Square Feet	

(V) There is Good Cause for the 91 & 95 King Road Plat Amendment because (A) removal of the Lot lines resolves existing issues, (B) portions of the property that include Ridge Avenue, a Public Street, are dedicated, and (C) snow easements are dedicated on both King Road and Ridge Avenue.

The Planning Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council.⁸ Land Management Code [§ 15-15-1](#) defines *Good Cause* as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include 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.”

Staff finds Good Cause for this Plat Amendment as the removal of the Lot Lines removes lot lines under the existing houses; dedicates portions of the property that include Ridge Avenue, a Public Right-of-Way, to the City; and dedicates snow easements on both King Road and Ridge Avenue.

The Land Management Code 15-7.3-1(A) establishes that all Subdivision Plats will comply with the Official Streets Master Plan, General Plan, Official Zone Map, Trails Master Plan, and public utilities plans as adopted by City Council. The Streets Master Plan (Exhibit I) establishes that in Old Town, many roads were built to conform to the topography and are often outside of the dedicated Rights-of-Way. Because they have been used by the public for a long time, these streets exist on prescriptive easements. The Streets Master Plan states that Rights-of-Ways should be acquired so that the roadways can be upgraded to the recommended minimum standards.

This Plat Amendment encourages orderly and beneficial Development and complies with Historic Residential – Low Density Zoning District Lot and Site Requirements and enables future renovations and redevelopment of the properties to comply with the Land Management Code.

(VI) The Development Review Committee identified future Right-of-Way issues and requires Conditions of Approval.

This project has gone through an interdepartmental review. The Engineering Division noted that the applicant will have to agree to a Condition of Approval that if at some point in the future King Road is re-aligned or at the time of redevelopment of the property, the applicant will be responsible for the removal of retaining walls and other structures in the Right-of-Way at their sole expense and in an expeditious manner (within 90 days of written notice) (Conditions of Approval 16 and 17). Additionally, to provide for roads that can accommodate snow removal, the Applicant will need to enter into a Snow Storage Easement Agreement for King Road and Ridge Avenue that will be

⁸ LMC [§ 15-7.1-6\(C\)](#)

recorded with the Summit County Recorder's Office. Condition of Approval 4 requires the Snow Storage Easement to be shown on the final plat.

The current width of Ridge Avenue behind 91 King Road and 95 King Road ranges from fourteen feet (14') to twenty feet (20').

The Streets Master Plan indicates that the "Ultimate Recommended Pavement Width" for this section of Ridge Avenue is twenty-five feet (25'). Upon review by the Development Review Committee, the Park City Fire District indicated that the minimum requirement for a fire vehicle access road is 20 feet. If parking is to be allowed on either side of the road, the minimum is 26 feet. If parking is allowed on both sides of the road, the width should be at least 32 feet. The Fire District indicated that the narrowness of Ridge Avenue is a problem, and that any widening would be an improvement.

The Applicant proposes dedicating up to the edge of asphalt, which would maintain a Right of Way for Ridge Avenue that ranges from fourteen feet (14') to twenty feet (20'). Staff recommends that the Final Plat show a road dedication for Ridge Avenue that accommodates a twenty-foot (20') pavement width of the road, subject to review and approval of the City Engineer for compliance with City Standards (Condition of Approval 18). The Park City Engineering Department has produced an exhibit that shows a configuration of the Lot Lines that would allow for a twenty-foot (20') pavement width of Ridge Avenue (Exhibit J).

Department Review

The Development Review Committee reviewed this application on May 25, 2021. No issues were raised other than those noted above.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 25, 2021. Staff mailed courtesy notice to property owners within 300 feet on August 25, 2021. The *Park Record* published notice on August 25, 2021. LMC [§ 15-1-21](#).

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 91 & 95 King Road Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 91 & 95 King Road Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 91 & 95 King Road Plat Amendment to a date certain.

Exhibits

Exhibit A: Draft Ordinance

Exhibit B: Block 76 Plat, Park City Survey

Exhibit C: Existing Conditions

Exhibit D: 91 and 95 King Road Proposed Plat Amendment

Exhibit E: Applicant's Statement

Exhibit F: Board of Adjustment Approval of 95 King Road Variance (1995)

Exhibit G: Board of Adjustment Approval of 91 King Road Variance (2021)

Exhibit H: Baer Subdivision (2001)

Exhibit I: Streets Master Plan (1984) – Old Town Area Excerpt

Exhibit J: Ridge Avenue Right-of-Way Preservation (Engineering Department)

Ordinance No. 2020-XX

AN ORDINANCE APPROVING THE 91 & 95 KING ROAD PLAT AMENDMENT, LOCATED AT 91 KING ROAD AND 95 KING ROAD, PARK CITY, UTAH

WHEREAS, the owners of the property located at 91 King Road and 95 King Road petitioned the City Council for approval of the 91 & 95 King Road Plat Amendment to create two Lots of Record; and

WHEREAS, on August 25, 2021, the *Park Record* published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on August 25, 2021, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on September 8, 2021, the Planning Commission reviewed the proposed 91 & 95 King Road Plat Amendment and held a public hearing; and

WHEREAS, on September 8, 2021, the Planning Commission forwarded a positive recommendation for City Council's consideration on October 7, 2021; and

WHEREAS, on October 7, 2021, the City Council reviewed 91 & 95 King Road Plat Amendment and held a public hearing; and

WHEREAS, the 91 & 95 King Road Plat Amendment is consistent with the Park City Land Management Code, including Chapters 15-2.1, and Sections 15-7.3-2 and 15-7.3-3.

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

SECTION 1. APPROVAL. The 91 & 95 King Road Plat Amendment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. Zoning History
2. The current configuration of these lots has been in place since 1992.
3. On September 19, 1995, the Board of Adjustments granted 95 King Road Variances for minimum Lot size, Front Setback, and Side Setbacks.
4. On August 24, 2021, the Board of Adjustments granted Variances to 91 King Road for minimum Lot size, Lot width, and Front and Side Setbacks.
5. The Applicant proposes the 91 & 95 King Road Plat Amendment to create an 2,298 square foot Lot and a 3,135 square foot Lot in the Historic Residential -

Low Density Zoning District for Single-Family Dwellings.

6. The proposed Plat Amendment complies with the purposes of the Historic Residential - Low Density Zoning District.
7. The proposed Subdivision complies with the Lot and Site requirements for the Historic Residential - Low Density Zoning District.
8. The proposed Subdivision complies with Land Management Code Section 15-7.3-2, as outlined in the staff report, and conditioned below.
9. The proposed Subdivision complies with Land Management Code Section 15-7.3-3, as outlined in the staff report, and conditioned below.

Conclusions of Law

1. There is Good Cause for this Subdivision because the removal of the Lot lines resolves existing issues, portions of the property that include Ridge Avenue, a Public Street, are dedicated, and snow easements are dedicated on both King Road and Ridge Avenue.
2. The Subdivision complies with Land Management Code Chapters 15-2.1, as well as Sections 15-7.3-2 and 15-7.3-3.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Subdivision, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one years, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction, to be approved by the Chief Building Official. Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.
4. A non-exclusive ten-foot public snow storage easement on King Road and Ridge Avenue shall be dedicated on the plat.
5. The property is not located within the Soils Ordinance and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
6. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
7. All Significant Vegetation that is removed shall be replaced in kind.
8. Limits of Disturbance that protect Significant Vegetation shall be approved by the Planning Director and shown on the final plat.
9. Existing natural drainage shall be maintained.

10. Site plans and Building designs shall resolve snow release issues to the satisfaction of the Chief Building Official.
11. Lot drainage shall be laid out to provide positive drainage away from the Single-Family Dwelling in accordance with the International Building Code.
12. All disturbed areas on the Lot shall be covered with topsoil and revegetated.
13. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on the Lot at the time of a Certificate of Occupancy.
14. The plat notes shall state that the Maximum Building Footprint for 91 King Road is 1,015 square feet.
15. The plat notes shall state that the Maximum Building Footprint for 95 King Road is 1,384 square feet.
16. Prior to Plat recordation, the Applicant shall either remove the existing retaining wall encroachments from the City Right-of-Way or enter into an Encroachment Agreement with the City that includes these encroachments conditioned by the City Engineer.
17. If at some point in the future King Road is re-aligned or at the time of redevelopment of the property, the applicant shall be responsible for the removal of retaining walls and other structures in the Right-of-Way at their sole expense and in an expeditious manner (within 90 days of written notice). The Applicant is responsible of securing appropriate City approvals and permits before any work on the encroachments can begin.
18. The Final Plat shall show a road dedication that accommodates a twenty foot (20') pavement width for Ridge Avenue for the road, subject to review and approval of the City Engineer for compliance with City Standards.

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

PASSED AND ADOPTED this 7th Day of October, 2021.

PARK CITY MUNICIPAL CORPORATION

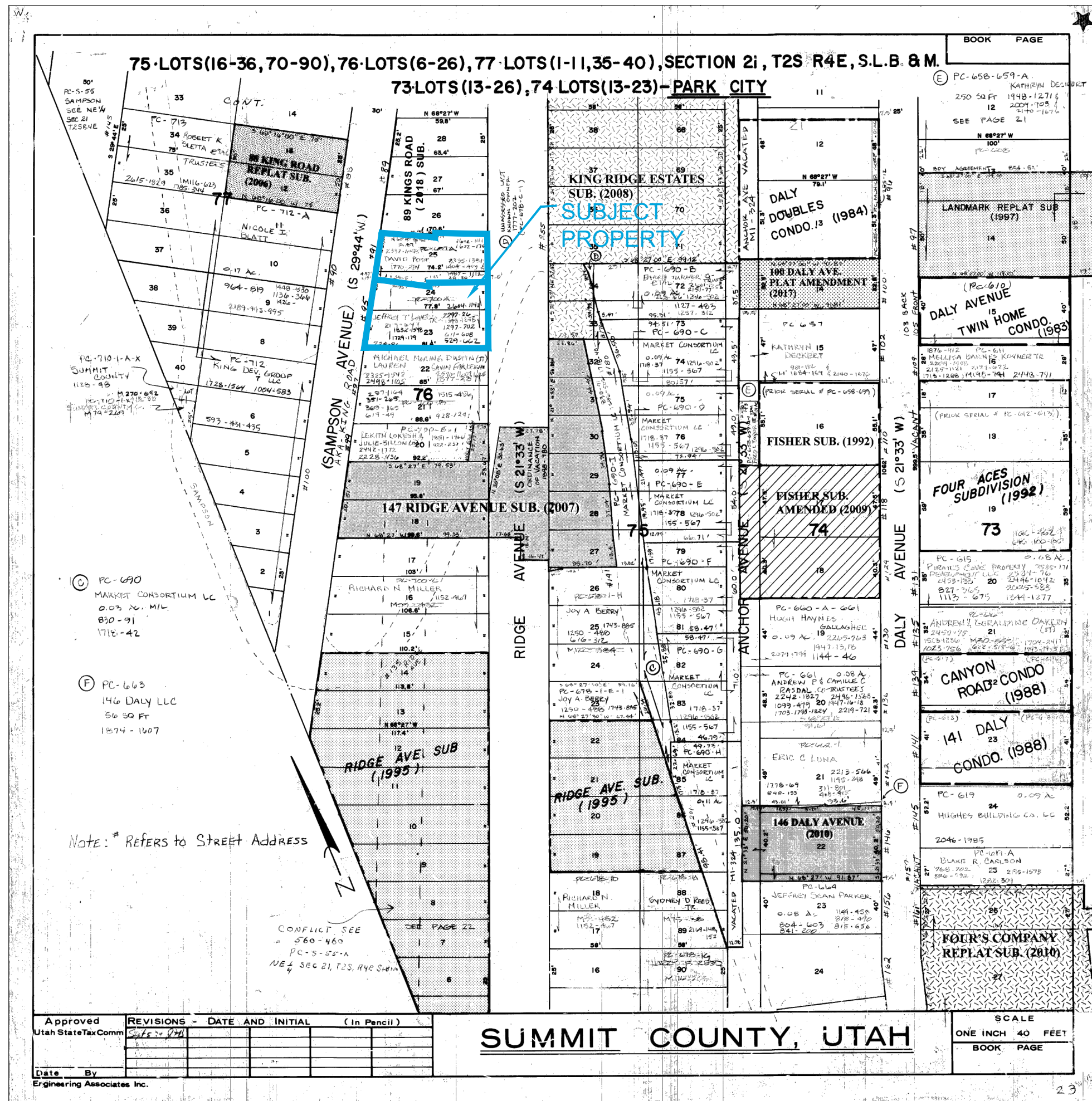
Andy Beerman, MAYOR

ATTEST:

City Recorder

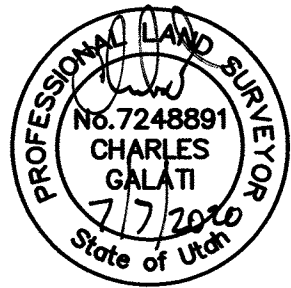
APPROVED AS TO FORM:

Margaret Plane, City Attorney



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S 69°01'30" E (S 68°27' E)	13.16' (13.62')
L2	S 60°31'06" E (S 60°00'40" E)	22.76' (22.08')
L3	N 25°21'24" E (N 32°18'35" E)	3.13' (3.30')
L4	S 68°24'34" E (S 68°27'00" E)	34.31' (34.53')
L5	S 21°31'22" W (S 21°33' W)	32.00'
L6	N 21°31'22" E (N 21°33' W)	43.00'
L7	S 68°27'52" E (S 66°27'00" E)	81.35' (81.39')
L8	S 29°42'19" W (S 29°44' E)	44.78' (44.78')
L9	N 62°56'58" W (N 62°36' W)	36.75' (36.55')
L10	S 26°47'56" W (S 27°24' W)	2.19' (2.44')
L11	N 68°30'54" W (N 68°27' W)	38.20' (38.42')
L12	N 30°21'22" E (N 29°44' E)	30.97' (31.02')

91 & 95 KING ROAD
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

LEGAL DESCRIPTION

PARCEL A

LOT 23, AND THE SOUTHERLY 18 FEET OF LOT 24, BLOCK 76, MILLSITE RESERVATION TO THE PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE, STATE OF UTAH.

ALSO BEGINNING AT A POINT WHICH IS NORTH 29°44' EAST 18.00 FEET FROM THE SOUTHWEST CORNER OF LOT 24, BLOCK 76, MILLSITE RESERVATION, PARK CITY, UTAH, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 29°44' EAST 2.5 FEET; THENCE SOUTH 62°36' EAST 24.28 FEET BETWEEN TWO EXISTING HOUSES; THENCE NORTH 68°27' WEST 24.51 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:
BEGINNING AT A POINT WHICH IS NORTH 29°44' EAST 20.5 FEET AND SOUTH 62°36' EAST 24.48 FEET FROM THE SOUTHWEST CORNER OF LOT 24, BLOCK 76, MILLSITE RESERVATION, PARK CITY, UTAH, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 62°36' EAST 12.22 FEET BETWEEN TWO EXISTING HOUSES; THENCE NORTH 27°24' EAST 1.25 FEET ALONG AN EXISTING HOUSE; THENCE NORTH 68°27' WEST 12.28 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 25, BLOCK 76, MILLSITE RESERVATION TO PARK CITY; AND RUNNING THENCE SOUTH 29°44'00" WEST 4.57 FEET ALONG THE WESTERLY LINE OF SAID BLOCK 76 TO THE POINT OF BEGINNING; THENCE LEAVING SAID WESTERLY LINE SOUTH 62°36'00" EAST 36.50 FEET; THENCE SOUTH 27°24'00" WEST 1.19 FEET; THENCE NORTH 62°36' WEST 36.55 FEET TO THE WESTERLY LINE OF SAID BLOCK 76; THENCE ALONG SAID WESTERLY LINE NORTH 29°44'00" EAST 1.19 FEET TO THE POINT OF BEGINNING.

PARCEL B

PARCEL 1:
BEGINNING AT THE NORTHEAST CORNER OF LOT 25, BLOCK 76, MILLSITE RESERVATION TO PARK CITY; ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE; AND RUNNING THENCE SOUTH 21°33' WEST 32.0 FEET; THENCE NORTH 68°27' WEST 38.38 FEET; THENCE SOUTH 27°24' WEST 1.25 FEET; THENCE NORTH 62°36' WEST BETWEEN TWO EXISTING HOUSES 36.50 FEET; THENCE NORTH 29°44' EAST 29.83 FEET; THENCE SOUTH 68°27' EAST 13.62 FEET; THENCE SOUTH 60°00'40" EAST 15.87 FEET; THENCE NORTH 29°59'20" EAST 2.35 FEET; THENCE SOUTH 68°27' EAST 40.90 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM:
BEGINNING AT A POINT THAT IS NORTH 68°27'00" WEST 34.53 FEET FROM THE NORTHEAST PROPERTY CORNER OF LOT 25, BLOCK 76 OF THE MILLSITE RESERVATION TO PARK CITY; ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE; THENCE NORTH 68°27'00" WEST, A DISTANCE OF 6.20 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE PROPERTY DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 415 AT PAGE 23 OF OFFICIAL RECORDS; THENCE SOUTH 29°59'20" WEST, A DISTANCE OF 1.30 FEET; THENCE SOUTH 58°28'52" EAST, A DISTANCE OF 6.07 FEET; THENCE NORTH 31°31'08" EAST, A DISTANCE OF 2.37 FEET TO THE POINT OF BEGINNING.

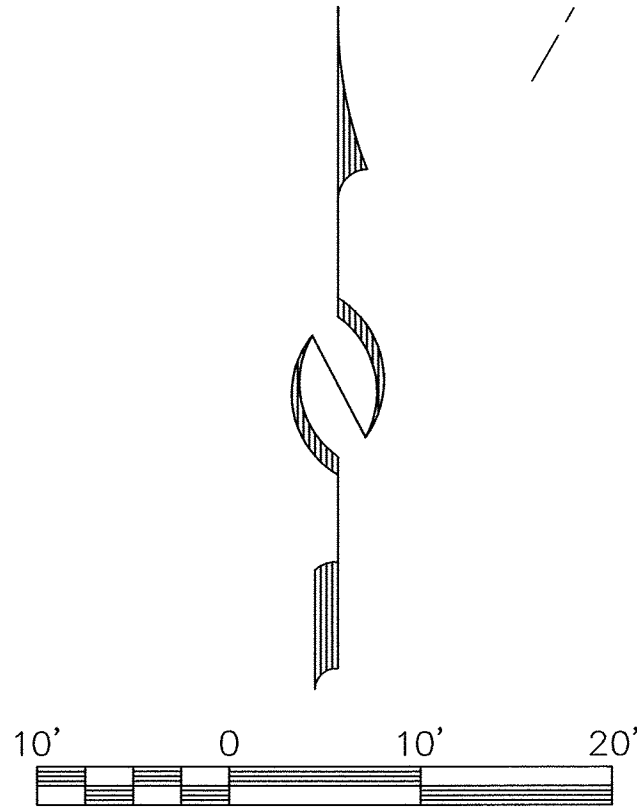
PARCEL 2:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 25, BLOCK 76, MILLSITE RESERVATION TO PARK CITY; ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE; AND RUNNING THENCE SOUTH 29°44'00" WEST 4.57 FEET ALONG THE WESTERLY LINE OF SAID BLOCK 76 TO THE POINT OF BEGINNING; THENCE LEAVING SAID WESTERLY LINE SOUTH 62°36'00" EAST 36.50 FEET; THENCE SOUTH 27°24'00" WEST 1.19 FEET; THENCE NORTH 62°36'00" WEST 36.55 FEET TO THE WESTERLY LINE OF SAID BLOCK 76; THENCE ALONG SAID WESTERLY LINE NORTH 29°44'00" EAST 1.19 FEET TO THE POINT OF BEGINNING.

NARRATIVE/NOTES

1. Basis of Bearing for this survey is between the found street monuments as shown on this plat.
2. Field work for this survey was performed June 10, 2020, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform a Boundary, Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A Title Report was not provided to the surveyor and no easements were located as part of this survey. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown herein.
5. County tax maps, recorded deeds, 89 King Road Plat Amendment Entry No. 1096582, King Ridge Estates Subdivision Plat Entry No. 847041, 147 Ridge Avenue Subdivision Plat Entry No. 830117, Record's of Survey S-1972, S-2589, S-6035, S-6384, S-9225, (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were all considered when determining the boundary as shown on this plat.
6. Site Benchmark: Sewer Manhole, Elevation=7271.4' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were found or set as shown.
9. Record bearings and distances, when different than measured, are in parenthesis. ()

LEGEND

- Set 5/8" rebar w/cap. "ALLIANCE ENGINEERING" or Nail and Washer (Unless noted otherwise)
- Found Monument (As-Noted)
- Found Street Monument (As-Noted)
- ⊕ Found Rebar and Cap Stamped "R. POHL LS173736"



Alliance Engineering Inc.

(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
CHARLES GALATI
JASON WYNNE
TOM LUND
CHIP TOMSDEN

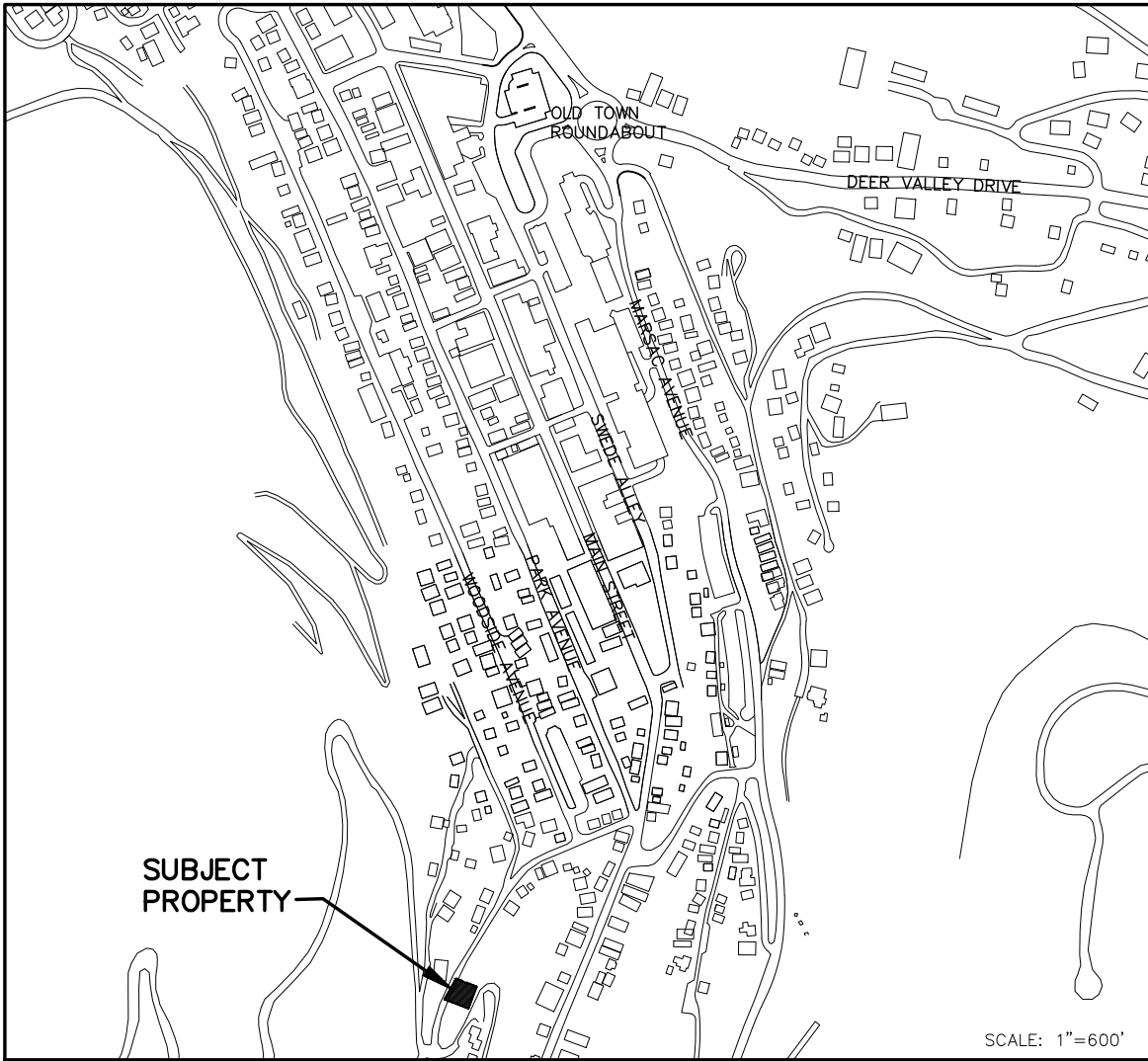
DATE: 7/7/20

EXISTING CONDITIONS & TOPOGRAPHIC MAP
91 & 95 KING ROAD, PARK CITY, UTAH

FOR: DAVID POST
JOB NO.: 2-6-20

FILE: X:\ParkCitySurvey\dwg\srvt\srvt2020\020620-91 and 95 King Rd\020620-91 95 king rd.dwg

SHEET
1
OF
1



VICINITY MAP

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be divided into lots and streets, together with easements as set forth to be hereafter known as 91 & 95 KING ROAD PLAT AMENDMENT and hereby dedicates for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2021.

By: _____
David Post

ACKNOWLEDGMENT

STATE OF _____
: ss.
COUNTY OF _____

On this _____ day of _____, 2021, David Post 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, that he acknowledged to me that he executed 91 & 95 KING ROAD PLAT AMENDMENT.

By: _____
Notary Public
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that Jeffrey T. Love, or successor, as Trustee of the Jeffrey T. Love Living Trust dated May 25, 2010, hereby certifies that they have caused this plat amendment to be made, together with easements as set forth to be hereafter known as 91 & 95 KING ROAD PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2021.

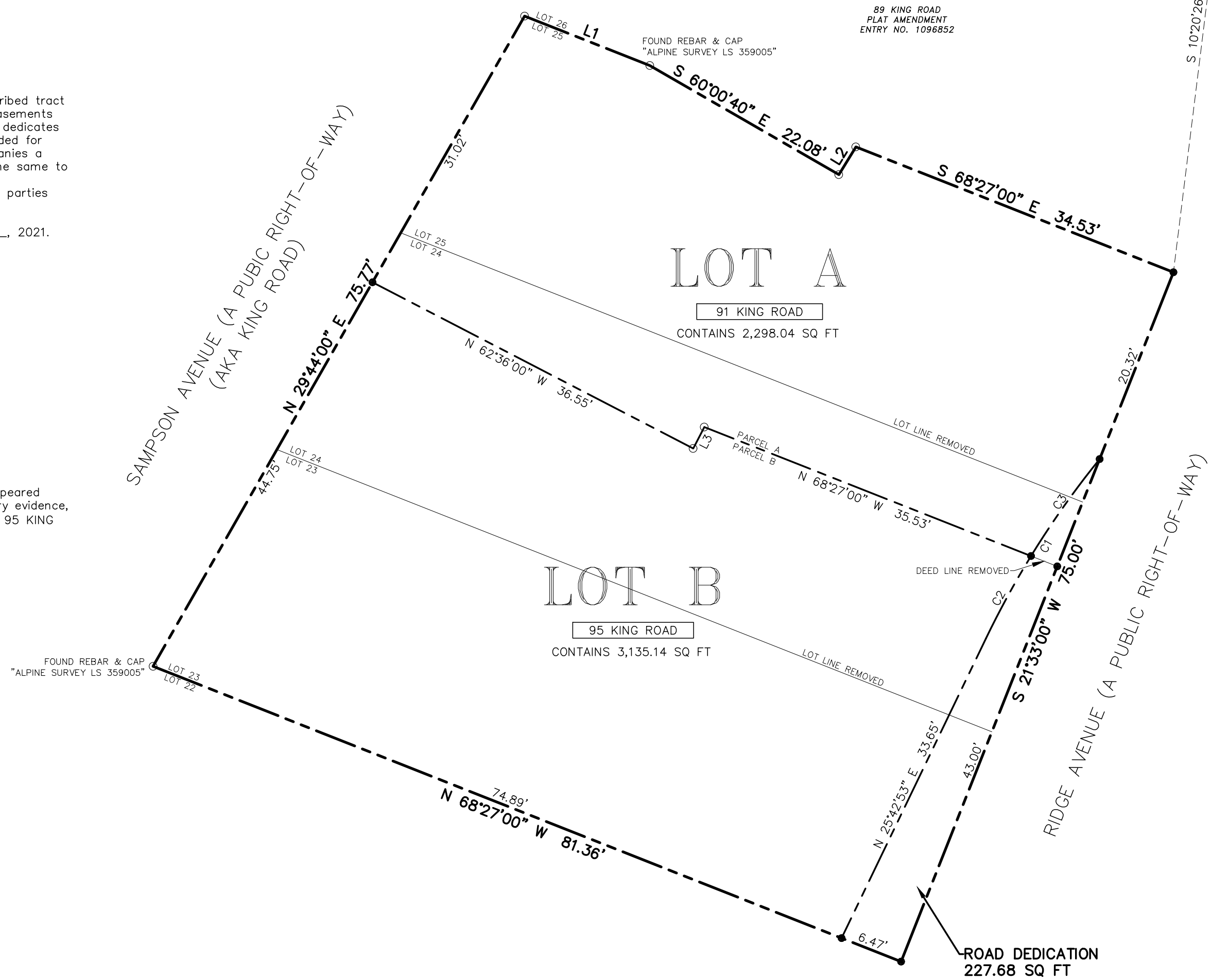
By: _____
Jeffrey T. Love, Trustee

ACKNOWLEDGMENT

State of _____
: ss.
County of _____

On this _____ day of _____, 2021, Jeffrey T. Love 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 Trustee of the Jeffrey T. Love Living Trust dated May 25, 2010, and that said document was signed by him on behalf of said Trust by authority of the Trust, and he acknowledged to me that he executed 91 & 95 King Road Plat Amendment.

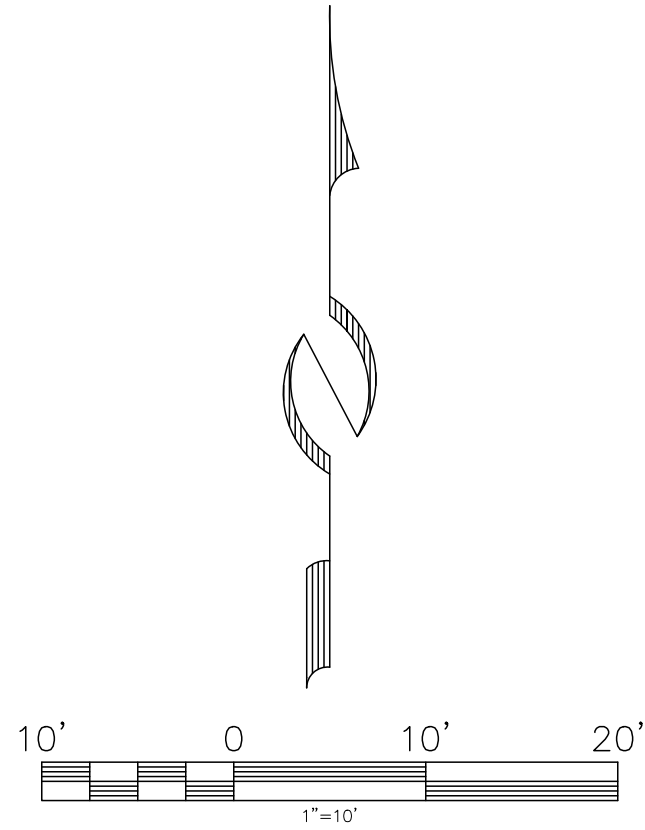
A Notary Public commissioned in _____
Printed Name _____
Residing in: _____
My commission expires: _____
Commission No: _____



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S 68°27'00" E	13.62'
L2	N 31°31'08" E	3.29'
L3	S 27°24'00" W	2.44'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	93.00'	21.55'	13°16'27"
C2	93.00'	9.52'	05°51'52"
C3	93.00'	12.03'	07°24'35"

- LEGEND
- Set 5/8" Rebar w/cap "ALLIANCE ENGINEERING" or Nail and Washer
 - Found Rebar and Cap Stamped "R. POHL LS173736" (unless otherwise noted)



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891 as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat, and described hereon, and have subdivided said tract of land into two lots, together with easements, hereafter to be known as 91 & 95 KING ROAD PLAT AMENDMENT, and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

LOT A

Parcel 1:

Beginning at the Northeast corner of Lot 25, Block 76, Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office; and running thence South 21°33' West 32.0 feet; thence North 68°27' West 38.38 feet; thence South 27°24' West 1.25 feet; thence North 62°36' West between two existing houses 36.50 feet; thence North 29°44' East 29.83 feet; thence South 68°27' East 13.62 feet; thence South 60°00'40" East 15.87 feet; thence North 29°59'20" East 2.35 feet; thence South 68°27' East 40.90 feet to the point of beginning.

Less and Excepting therefrom:

Beginning at a point that is North 68°27'00" West 34.53 feet from the Northeast property corner of Lot 25, Block 76 of The Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office; thence North 68°27'00" West, a distance of 6.20 feet, more or less, to a point on the North line property described in the Warranty Deed recorded in Book 415 at Page 23 of Official Records; thence South 29°59'20" West, a distance of 1.30 feet; thence South 58°28'52" East, a distance of 6.07 feet; thence North 31°31'08" East, a distance of 2.37 feet to the point of beginning.

Parcel 2:

Beginning at the Southwest corner of Lot 25, Block 76, Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office; and running thence South 29°44'00" West 4.57 feet along the Westerly line of said Block 76 to the point of beginning; thence leaving said Westerly line South 62°36'00" East 36.50 feet; thence South 27°24'00" West 1.19 feet; thence North 62°36'00" West 36.55 feet to the Westerly line of said Block 76; thence along said Westerly line North 29°44'00" East 1.19 feet to the point of beginning.

LOT B

Lot 23, and the Southerly 18 feet of Lot 24, Block 76, Millsite Reservation to the Park City Survey, according to the Official Plat thereof on file and of record in the Summit County Recorder's Office, State of Utah.

Also Beginning at a point which is North 29°44' East 18.00 feet from the Southwest corner of Lot 24, Block 76, Millsite Reservation, Park City, Utah, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 29°44' East 2.5 feet; thence South 62°36' East 24.28 feet between two existing houses; thence North 68°27' West 24.51 feet to the Point of Beginning.

Excepting therefrom the following:

Beginning at a point which is North 29°44' East 20.5 feet and South 62°36' East 24.48 feet from the Southwest corner of Lot 24, Block 76, Millsite Reservation, Park City, Utah, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 62°36' East 12.22 feet between two existing houses; thence North 27°24' East 1.25 feet along an existing house; thence North 68°27' West 12.28 feet to the Point of Beginning.

Also excepting therefrom the following:

Beginning at the Southwest corner of Lot 25, Block 76, Millsite Reservation to Park City; and running thence South 29°44'00" West 4.57 feet along the Westerly line of said Block 76 to the Point of Beginning; thence leaving said Westerly line South 62°36'00" East 36.50 feet; thence South 27°24'00" West 1.19 feet; thence North 62°36' West 36.55 feet to the Westerly line of said Block 76; thence along said Westerly line North 29°44'00" East 1.19 feet to the Point of Beginning.

AS-SURVEYED DESCRIPTION

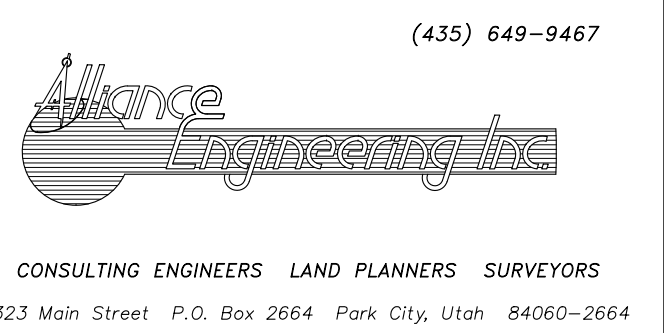
A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at the easternmost corner of Lot 25, Block 76, Millsite Reservation to the Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being on the easterly boundary of Block 76 and also being South 10°20'26" West 812.31 feet from a brass cap in a metal casting at the intersection of Second Street and Woodside Avenue of said Park City Survey, and running thence coincident with the easterly boundary of Block 76 South 21°33'00" West 75.00 feet to the southernmost corner of Lot 23, Block 76; thence coincident with the southerly boundary of Lot 23 North 68°27'00" West 81.36 feet to the westerly boundary of Block 76; thence coincident with the westerly boundary of Block 76 North 29°44'00" East 75.77 feet to the northernmost corner of Lot 25; thence coincident with the northerly boundary of Lot 25 South 68°27'00" East 13.62 feet; thence South 60°00'40" East 22.08 feet; thence North 31°31'08" East 3.29 feet to the northerly boundary of Lot 25; thence coincident with the northerly boundary of Lot 25 South 68°27'00" East 34.53 feet to the point of beginning.

The basis of bearing for the above description is North 66°34'00" East 198.49 feet between the survey monument at the point of intersection of Second Street and Woodside Avenue and the survey monument at the intersection of Second Street and Park Avenue, Park City Survey.

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2021-_____.
- See recorded survey S-10200 in the Office of the Recorder, Summit County, Utah.



91 & 95 KING ROAD PLAT AMENDMENT

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

SHEET 1 OF 1

3/2/21 JOB NO.: 5-1-21 FILE: X:\ParkCitySurvey\dwg\srv\plat2021\050121.dwg

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2021 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2021 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2021 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2021 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2021 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2021 BY _____ PARK CITY RECORDER	PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2021 BY _____ SUMMIT COUNTY GIS COORDINATOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER TIME _____ DATE _____ ENTRY NO. _____
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PARK CITY SURVEY, BLOCK 76,
LOTS 23, 24 and 25

(91 & 95 King Road)

February 22, 2021

PROJECT INTENT

The properties at 91 King Road and 95 King Road are adjoining properties with two different owners and occupy Lots 23, 24 and 25 in Block 76, Park City Survey. 91 King road is on Lot 25 and approximately the north 7 feet of Lot 24. 95 King Road is on Lot 23 and approximately the south 18 feet of Lot 24, and each property is occupied by a single family residence. The owners are submitting this plat amendment application with the goal of creating a two-lot subdivision. There are no plans for construction or remodeling at this time, but due to the lengthy process of completing a plat amendment to recordation, they would like to have the process complete without being pushed for time before construction commences at a later and undetermined date.

THE BOARD OF ADJUSTMENT
PARK CITY, SUMMIT COUNTY, UTAH

IN RE: Variance to minimum lot size requirement in the HRL District; and variances to the rear and side yard setback requirements at 95 King Road.

Petition #V95-VAR209A

) Findings of Fact
) and Conclusions of Law

The Board of Adjustment of Park City, Utah met on Tuesday, September 5, 1995 for a regularly scheduled and noticed meeting. After determining that a quorum of members of the Board were present, the Board conducted its scheduled business. Among the petitions heard by the Board was the above entitled petition which was filed on August 18, 1995.

After hearing all interested parties, the Board made the following findings of fact:

1. The original building was severely damaged during a fire and the applicant has the right to rebuild.
2. The staff has reviewed the applicant's submittal and determined the strict enforcement of the minimum lot size requirement would create an unreasonable hardship by limiting the scope of new construction to the original pad and design. The variance is reasonable in light of the general history of this particular piece of property wherein the original structure did not comply with current setback requirements nor the Historic District Design Guidelines.
3. The staff supports the proposed variances because the applicant will improve the appearance and safety of their property thereby reducing the degree of incompatibility with the Historic District and non-conformity with the Land Management Code.
4. Approval of the side and front yard setback variance requests would result in a net setback gain from previous conditions, thereby reducing the adverse impacts to abutting properties and the public interest.
5. The proposal provides off-street parking in the Historic District where adequate parking is a problem.
6. The proposed relocation of the structure provides a front yard setback which does not currently exist and creates a safer condition which maintains the spirit of the zoning ordinance.

Considering all relevant facts, the Board of Adjustment concluded that a variance to the minimum lot size requirement should be **GRANTED**; and, variances to allow a front setback ranging from six feet on the north and seven feet on the south in lieu of the required 15 feet front yard setback, and to allow a sideyard ranging from 6 foot 2 inches at the southwest corner of the structure to three and one-half feet at the rear of the structure along the south side of the property, should be **GRANTED** under the provisions of the Land Management Code because:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property owners in the same district.
4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
5. The spirit of the zoning ordinance is observed and substantial justice done.

The following conditions were placed on the approval of said variance request:

Conditions:

1. The Planning Staff shall review and approve the design of the new structure

Dated this 19 day of Sept, 1995



Chairperson, Board of Adjustment



August 24, 2021

Marshall King, Alliance Engineering
323 Main Street
P.O Box 2664
Park City, UT 84060
marshall@alliance-engr.com
435-649-9467

CC: Dean and Roma Polce

NOTICE OF BOARD OF ADJUSTMENTS ACTION

Description

Address:	91 King Road
Zoning District:	Historic Residential – Low Density (HRL)
Application:	Variance
Project Number:	PL-21-04829
Action:	Approved with Conditions
Date of Final Action:	August 24, 2021
Project Summary:	A request for a Variance from the minimum Lot size, Lot width, and Setbacks

Action Taken

On August 24, 2021, the Board of Adjustments conducted a public hearing and approved the Variance from the minimum Lot size and Setbacks according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The property is located 91 King Road in the Historic Residential – Low Density (HRL) Zoning District.

2. HRL Zoning District is characterized by historic and contemporary homes on one (1) and two (2) lot combinations.
3. The property consists of 2,298 square feet.
4. There is an existing 812 square foot Single Family Dwelling on the property. It is a non-historic site.
5. The existing house is setback from the front property line by approximately five (5) feet. The house is set back from the edge of asphalt on Ridge Avenue by approximately thirty-three (33) feet.
6. The Applicant is requesting a Variance to LMC Sections 15-2.1-3 for minimum Lot size, Lot Width, and Setbacks in the Historic Residential Low – Density Zoning District.
7. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC as there are circumstances specific to this property that are unique and are not conditions general to the neighborhood such as the substandard Lot size of 2,298 square feet. Literal enforcement would not enable the owner to make substantial improvements to the Property.
8. There are special circumstances attached to this property that do not generally apply to other Properties in the same zone. The Property does not meet the minimum lot size and width requirement for the HRL zone.
9. Granting the Variances are essential to the enjoyment of a substantial property right possessed by other property in the same zone. Granting the Variances allows the property owner to redevelop their property in a way other Properties in the same zone can.
10. The Variances will not substantially affect the General Plan and will not be contrary to public interest. It is within the public interest to mitigate development of an unusually small Lot by enabling future development on the Lot to adhere to Setback requirements.
11. The spirit of the Land Management Code is observed, and substantial justice is done. Granting the Variances will allow the applicant to redevelop the property so that it can become more compliant with the current requirements of the Land Management Code, while also reducing the impact of the non-historic existing structure that does not meet Setback requirements.
12. All other LMC related site and lot criteria, including the other setbacks, height, footprint, parking, uses, etc. will be met.

Conclusions of Law

1. Literal enforcement of the HRL District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.

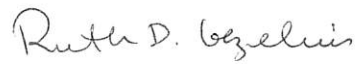
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the Variances is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.

Condition of Approval

1. The Variances are limited to the current dimensions and configuration of the Lot and the existing Structure, as indicated on the plans submitted with this application dated April 8, 2021, unless otherwise approved with an HDDR approval.
2. If the Property Owner has voluntarily demolished, or is required by law to demolish, more than 50% of the Gross Floor Area of the existing Non-Complying Structure, the Structure shall not be restored unless it is restored to comply with the Setback regulations of the Zoning District in which it is located.
3. No future additions to the existing Structure may encroach into the required Setbacks.
4. No other structures including decks are allowed in the front, rear, or side Setbacks.
5. All future development on the Lot shall comply with the requirements of the Historic Residential Low – Density (HRL) Zoning District.
6. The applicant shall require a Conditional Use Permit for Development on Steep Slopes prior to the issuance of a building permit for future development on the rear portion of the Lot.
7. The applicant will need to submit an HDDR application for the proposed design of a new structure or additions to the existing structure to the Planning Department for review for compliance with the Design Guidelines for Historic Districts and Historic Sites prior to the issuance of a building permit for the new construction.
8. If at some point in the future King Road is re-aligned or at the time of redevelopment of the property, the applicant will be responsible for the removal of retaining walls and other structure at their sole expense and in an expeditious manner (within 90 days of written notice).
9. The applicant will need to enter into an Encroachment Agreement with Park City Engineering Department for the retaining walls located within the Public Right-of-Way.
10. City Engineer review and approval of all appropriate grading, utility installation, public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
11. Prior to the issuance of a building permit a Construction Mitigation Plan that includes careful consideration of how construction related parking will be managed shall be submitted to the Building, Engineering and Planning Departments for review and approval.
12. Development must commence within two (2) years in order for the Side and Front Setback Variance to be effective.

If you have questions or concerns regarding this Final Action Letter, please call 435-615-5063 or email browne.sebright@parkcity.org.

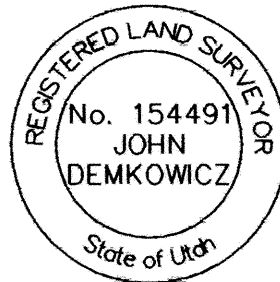
Sincerely,

A handwritten signature in cursive script that reads "Ruth D. Gezelius".

Ruth Gezelius
Board of Adjustments, Chair

CC: Browne Sebright, Planner II

SURVEYOR'S CERTIFICATE



I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey map of the BAER SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat.

John Demkowicz
John Demkowicz

7-19-01
Date

BOUNDARY DESCRIPTION

The North 23.00 feet of Lot 9, all of Lot 10 and the southerly 12.50 feet of Lot 11, Block 60, Park City Survey, according to the Official Plat thereof on file and of record in the office of the recorder, Summit County Utah.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that David C. Baer, M.D. FBO David C. Baer, M.D. Profit Sharing Plan is the owner of the herein described tract of land, to be known hereafter as the BAER SUBDIVISION, having caused this Subdivision Plat to be prepared, does hereby consent to the recordation of this Subdivision Plat in accordance with Utah law.

ALSO, the owner, or its representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this 20th day of July, 2001.

David C. Baer, M.D. FBO
David C. Baer, M.D. Profit Sharing Plan

By: *David C. Baer*
David C. Baer

Its: President

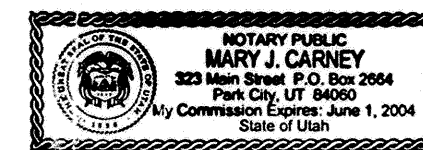
CORPORATE ACKNOWLEDGMENT

State of Utah:
County of Summit:

On this 20th day of July, 2001, David C. Baer personally appeared before me, the undersigned Notary Public, in and for said state and county. Having being duly sworn, David C. Baer acknowledged to me that he is the President of David C. Baer, M.D. FBO David C. Baer, M.D. Profit Sharing Plan for and in behalf of said entity for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily with full authorization and power for and in behalf of said entity.

Mary J. Carney
Notary Public

My commission expires: June 1, 2004



LEGEND

- Found survey monument
- Properly corner to be set



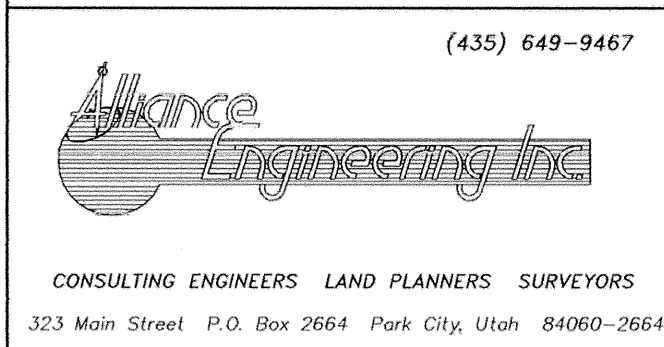
NOTES

- 5' wide easement for the benefit of Park City for the purpose of road widening, and for the purpose of Non-Exclusive Utility Easement.
- 10' wide Snow Storage Easement.
- Maximum building footprint on Lot 1 is 2,256 square feet.
- For purposes of determining the house footprint and minimum lot size standards per the Land Management Code, the portion of land being dedicated as a Right-of-Way and the easements created by this plat shall be included in the lot area calculation.

A RESUBDIVISION OF LOTS 9-11 IN BLOCK 60, PARK CITY SURVEY

BAER SUBDIVISION

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



SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 30th DAY OF July, 2001 A.D.
BY *John Baer*
S.B.S.I.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 2nd DAY OF August, 2001 A.D.
BY *John Baer*
CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 30th DAY OF JULY, 2001 A.D.
BY *John W. DeShane*
PARK CITY ENGINEER

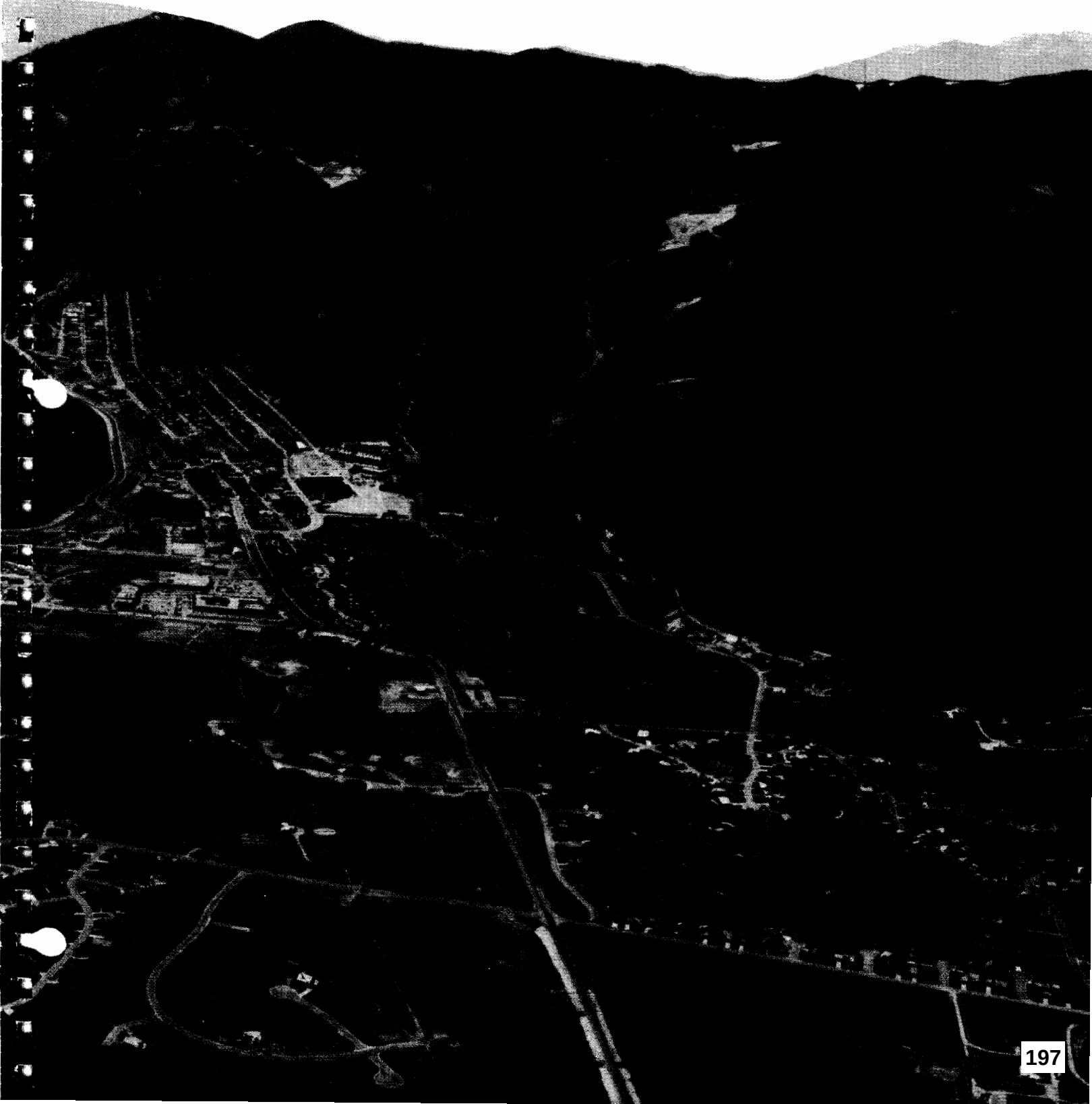
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 1st DAY OF AUGUST, 2001 A.D.
BY *David C. Baer*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 26th DAY OF APRIL, 2001 A.D.
BY *Paul M. Scott*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 26th DAY OF APRIL, 2001 A.D.
BY *Paul M. Scott*
MAYOR

JOB NO.: 4-4-00 FILE: Y:\Pcs\dwg\sr\plat00\040400.dwg
595642 RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City Title
DATE 08-13-2001 TIME 16:37 PM BOOK --- PAGE ---
FEE 3.12 RECORDER *Doreen M. Dwyer*
Deputy

STREETS MASTER PLAN PARK CITY UTAH



intersection with Park Avenue will provide two through lanes in each direction as well as specified turn lanes. This modification and the proposal that Empire and Lowell Avenues north of Manor Road form a one-way couplet have been incorporated into master planning for the area. Efforts to route skier traffic through the Thaynes Canyon residential area should be discouraged in order to protect the safety and character of the subdivisions.

Deer Valley Area

The Deer Valley area in the southeast section of the City offers recreation opportunities and has been master planned for extensive residential development. Deer Valley Drive will connect to the realigned U.224 and be maintained as a major collector. The minimum recommended section for this roadway is thirty-six (36) feet of pavement within the present fifty (50) foot right-of-way. This would provide sufficient latitude to include a reversible center lane if traffic warrants. The capacity assumptions made in the Transportation Master Plan were based on the implementation of this reversible center lane since acquisition of additional right-of-way is complicated by existing buildings. As traffic increases to Deer Valley, it is also anticipated that parking along the roadside will have to be restricted to insure efficient traffic movement. Since the link presents a potential bottleneck, traffic should be carefully monitored. Acquisition of additional right-of-way may warrant consideration.

A direct connection to U.248 east of Prospector Square from Deer Valley was also recommended in order to alleviate some of the pressure from the existing entrance and to provide a secondary access to the area. This new collector road is planned to have a 36' pavement width in a 50' right-of-way. The present Solamere Drive right-of-way varies from 50-66' in width. Although not designed, the probable alignment would connect through Solamere Subdivision to the Richardson Flat Area, east of Prospector Park. The design, capacity and functional characteristic of this roadway, outside the present city limits, must be carefully planned in order to respect the character of the existing subdivision while at the same time taking some pressure off the Deer Valley Entrance Road.

Old Town Area

The existing rights-of-way owned by the City were laid out in a grid system that frequently did not reflect the topography of the area. Where roads were built to conform to the topography, they are often outside of the dedicated rights-of-way.

Many of the platted rights-of-way are on ground too steep to allow the construction of safe roadways. Park City's long and sometime harsh winters require that streets be passable when snow-covered or icy. In many areas the cost of construction would be very expensive because of the need for extensive regrading and retaining walls. In these instances, the platted right-of-way should be deemed unbuildable and should be retained as pedestrian corridors, fire breaks, open spaces or pocket parks, or utility easements. In limited cases the rights-of-way should be sold or traded to provide formal rights-of-way on existing prescriptive easements.

A total of thirty-eight sections of right-of-way were identified that do not appear to be needed for roadways. The table on the following page identifies these sections and provides specific recommendations for the long-term disposition of each segment.

Old Town Area (continued)

Numerous sections of roadways are also located outside of existing, platted rights-of-way owned by the City. These sections are primarily within the older sections of the City and have been used by the public for a long time. Consequently, these streets exist on prescriptive easements. A defined right-of-way for these streets should be secured and the roadways upgraded to the recommended minimum standards. Alternatives for acquiring needed rights-of-way would include trading, requiring dedication prior to development, and the possible purchase of critical sections. The following table identifies those public roadways located outside of existing rights-of-way.

TABLE II

STREETS LOCATED OUTSIDE OF EXISTING RIGHT-OF-WAY

	<u>R.O.W. Required</u>	<u>Existing Pavement Width</u>	<u>Ultimate Recommended Pavement Width</u>
Chambers Avenue South of Plat	60.0'	23.0'	36.0'
Crescent Tram, Empire to Norfolk	30.0'	24.5'	20.0'
Deer Valley Loop, Deer Valley Drive to Rossie Hill Drive	50.0'	12.0'	25.0'
Empire-Lowell Turn at 8th.	50.0'	24.0'	25.0'
Hillside at intersection with Main St.	50.0'	17.0'	25.0'
King Rd., Norfolk to Main Street	50.0'	15.5'	25.0'
Lowell, 14th. to Silver King Drive	55.0'	23.5'	40.0'
Marsac, 2nd. plus to Hillside	60.0'	21.0'	36.0'
Marsac, 50' plus North of 3rd. St.	60.0'	21.0'	36.0'
Marsac, 5th. to Deer Valley Drive	60.0'	21.0'	36.0'
McHenry, South of Coalition View Court	50.0'	15.0'	25.0'
Norfolk between 2nd. and 3rd.	30.0'	16.5'	20.0'

TABLE II (Continued)

	<u>R.O.W.</u> <u>Required</u>	<u>Existing</u> <u>Pavement</u> <u>Width</u>	<u>Ultimate</u> <u>Recommended</u> <u>Pavement</u> <u>Width</u>
Ontario Avenue, 5th. to Deer Valley Drive	30.0'	13.0'	20.0'
Ontario Canyon (U.224)	60.0'	23.0'	36.0'
Ontario Avenue, 3rd. to Marsac Ave.	50.0'	13.0'	25.0'
Ridge Avenue, King Rd. to Daly Ave.	50.0'	14.0'	25.0'
Prospect Avenue South of Plat	30.0'	11.5'	20.0'
Rossie Hill, Provo Avenue to McHenry	50.0' (plus turn around)	12.0'	25.0'
Sampson Avenue, King Road to Norfolk at 2nd.	50.0'	10.0'	25.0'
Silver King Drive, Park Avenue to Empire	50.0'	23.5'	25.0'
Woodside, 8th. to 6th.	50.0'	23.5'	25.0'
Woodside, 13th. to 15th.	50.0'	23.0'	25.0'

Old Town Area (continued)

The Transportation Master Plan identified specific improvements which need to be made in order for the system to function better now and accommodate anticipated growth. Included in Wayne Van Wagoner and Associates recommendations was the provision of more parking in Swede Alley, the striping of parallel parking spaces along Main Street, the provision of bus loading zones and pedestrian plazas, and the implementation of a vigorous night-time snow removal program. The capacities along existing roadways in the old part of town could be enhanced, especially in the winter, by installing curb and gutter. The placement of curb and gutter along the existing streets would also define snow plowing limits and on-street parking areas. The Plan recommended that key Old Town intersections be redesigned. Included were: 1) the Main Street/ Hillside Avenue/Daly Avenue turnaround; 2) the Swede Alley/Main Street intersection, 3) the Swede Alley/Heber Avenue intersection; and, 4) the Park Avenue/Heber Avenue obstructed intersection. Also, the Plan encouraged the upgrading of Swede Alley and the eventual combination with Main Street into a one-way couplet. Other changes proposed include the location of bus drop-off areas and loading zones along Main Street.

At some time in the future, it may be appropriate to close Main Street to general traffic. Development along the street and associated circulation requirements must be accomplished in a manner that preserves this option. Presently no sole access to parking areas exists between the Treasure Mountain Inn and Heber Avenue. No new development should be approved on Main Street which would compromise the possibility of Main Street becoming an auto-free pedestrian area.

The Streets Master Plan not only inventoried existing roadways and identified current deficiencies, but also recommends the upgrading of required segments to provide the necessary flexibility to accommodate future traffic. In the Old Town area, this becomes especially critical because of the topographic constraints and density of development. Intersection redesign to separate residential streets from higher volume streets should be considered; for example, directing traffic east on Deer Valley Drive (U.224 Belt Route) rather than south along Park Avenue. Recent interest in the Historic District as a primary residence area has been demonstrated by recent requests for more restrictive zoning and by increasing single family home construction. Street improvement to provide more convenient access and development of unusable rights-of-way as open space or pocket parks should be considered and discussed with neighborhood groups. The Streets Plan has recommended the considerable upgrading of roadways which will bear the burden of traffic generated by future development areas.

Marsac and Daly Avenues, and to a lesser degree King Road, will eventually provide the primary link to the developable areas south of town.

Marsac Avenue currently provides the only access to the Ontario Mine and is utilized by construction traffic to access Deer Valley and by the general public to Guardsman Pass. Given both the development potential of the area and the possibility that the road to Brighton may be maintained to provide year-round access, Marsac Avenue will be relied upon as a major link. Given the long steep down hill of this road, a run-away vehicle escape lane should be considered. The recent annexation of a portion of Ontario Canyon provided sufficient right-of-way and adjoining land to permit the improvement of the roadway and allow for construction of a truck escape lane.

As Park City Ski Resort and Deer Valley Ski Area expand toward each other, the development potential will focus attention on the need for additional access to this area. The proposed "Interconnect" ski lifts which may join Park City with ski areas in Big and Little Cottonwood Canyons will also generate interest in this part of the City. It is therefore incumbent on the City to begin to secure the necessary right-of-way to provide for the eventual enlargement of Marsac Avenue. A cross-section providing for thirty-six (36) feet of road within a sixty (60) foot right-of-way is recommended as a minimum.

Daly Avenue, to a lesser extent than Marsac, will also need to anticipate future growth activities. A recommended cross-section with twenty-six (26) feet of pavement within a fifty foot (50) right-of-way is recommended. Existing development along Daly Avenue will make acquisition of the full 50' right-of-way very difficult. It may be advisable, at the time engineering drawings are prepared, to define a varying right-of-way in tightly constrained areas, but obtain the full right-of-way in newly developing areas. Construction with less than the 50' right-of-way will force less desirable locations for utilities and sidewalks. As this area develops, connections between Ontario and Empire canyons should be encouraged wherever appropriate to ensure proper circulation.

